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HOUSE OF REPRESENTATIVES—*Thursday, July 30, 1970*

The House met at 12 o'clock noon.

Rev. Luke Fuqua, Dalewood Methodist Church, Nashville, Tenn., offered the following prayer:

Let us pray. Almighty God, who moves in love unceasing, and gives to each man his appointed work, help us to be steadfast, to fulfill the duties of our calling. And as the Members of this Congress set their faces once more toward the task which has been entrusted to them, we pray they may look to Thee for strength and wisdom sufficient for the task. May that spirit of duty which filled the life of our Lord be manifested in the mind and heart of this Congress. When the work of the day is completed may there be a clearness of conscience because a useful work shall have been accomplished and may it be a blessing to all who are affected by it.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 914. An act for the relief of Hood River County, Oreg.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15733) entitled "An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes."

INCREASING RATES OF COMPENSATION FOR DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, can we determine what the Senate amendments are? The Clerk did not complete the reading of them.

The **SPEAKER**. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 9, of the House engrossed amendment, strike out lines 6 to 12, inclusive.

Page 9, line 13, of the House engrossed amendment, strike out "10." and insert "9.".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, further reserving the right to object, may I ask the distinguished gentleman from Texas, the chairman of the Committee on Veterans' Affairs of the House, if these amendments are germane, and if they add to the cost of the bill as passed by the House?

Mr. TEAGUE of Texas. Mr. Speaker, if the gentleman will yield, the amendments are germane, and they take from the cost of the House bill.

Mr. Speaker, the bill—S. 3348—which was passed on June 15, 1970, by a vote of 313 yeas and 0 nays, contained in its final form the language of H.R. 17958 reported unanimously by the Committee on Veterans' Affairs, and the bill as passed provided an approximate 10-percent increase in the rates of service-connected compensation, effective July 1, 1970. The Senate bill provided rates which were comparable but in some instances less than the House version which would have been effective January 1, 1971. The House version also provided a liberalization in the remarriage regulations affecting both compensation and pension which were not included in the Senate version. The House version also provided for the redemption of $25,000 in bonds which were purchased by the United Spanish-American War Veterans in 1954.

The Senate has accepted all of the provisions of the bill as passed by the House with the exception of that relating to bonds held by the United Spanish-American War Veterans. I regret that the Senate has not seen fit to accept this worthwhile amendment particularly in view of the fact that the finances of this patriotic organization composed of veterans who volunteered entirely for service in the Armed Forces have been depleted to such an extent that it has had to sell one of the bonds in question. This $5,000 bond dated May 1, 1953, for which $5,000 was paid by this organization has now been sold on the open market for $3,309.50. The organization thus sustained a loss of nearly $1,700.

Despite the fact that the House passed this provision twice and I have addressed several letters to the Secretary of the Treasury urging him to take appropriate action to redeem these bonds, he is unwilling to do so despite the fact that all of the veterans of this organization are likely to be dead when the bonds mature in June of 1983, since their average age now is 94. This seems to me a callous viewpoint on the part of the Department of the Treasury. We shall try again; this group deserves better from the Government of the United States than it has thus far received in this transaction.

Mr. Speaker, section 8 of the bill which we have under consideration in effect reiterates the longstanding policy and requirement found in VA laws, namely, that in any question of law or fact concerning a claim for benefits under any law administered by the Veterans' Administration the judgment of the Administrator of Veterans' Affairs shall be final and conclusive, and no court of the United States shall have power to review any such decision.

Regardless of the merits of this requirement of law which has been in effect for many, many years, there is no parliamentary question on this section. Both Houses have passed this language without any change and thus it is not in disagreement between the two Houses.

There is only one item of disagreement here and that relates, as I have indicated, to the redemption of certain bonds held by the United Spanish-American War Veterans.

It should be said that the Committee on Veterans' Affairs has shown considerable interest over the years in the question of judicial review. I have appointed a special subcommittee on two different occasions to look into this matter, and I think it is a safe statement that no general subject has been explored in greater detail by our committee than this general question. Both of the subcommittees made complete reviews of the situation and I am hopeful that at some future appropriate time action can be taken in this field. I am in favor of action which is equitable and which applies to all people.

The reason for the inclusion of section 8 in this bill is because a recent court decision gave preferential treatment to a limited group of beneficiaries. If we are going to have court review it must apply to all beneficiaries with equal force. This the court is unable to do under existing law and sought to do in piecemeal fashion and, in my opinion, erroneously.

This provision in section 8 was supported unanimously in our committee. As far as I know, the same can be said for the committee in the other body.

I am opposed to a windfall going to a particular class of beneficiaries or a particular group of lawyers who have interested themselves in the type of cases which are involved in this question and which are set forth in detail in the report on this bill which is House Report No. 91-1166 on H.R. 17958, the contents of which were substituted for S. 3348.

Mr. HALL. Mr. Speaker, I appreciate the statement made by the gentleman from Texas. I am sorry for the action of the other body, particularly in the case of these veterans.

Were there any other substantive changes in the bill?

Mr. TEAGUE of Texas. That is the only change from the bill that we passed over here by vote of 313 to 0.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

TRIP TO CUBA BY ABBIE HOFFMAN IS APPROVED BY FEDERAL JUDGE

(Mr. GROSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I was shocked to the point of disbelief by the action of a Federal court judge in Chicago, Roger J. Kiley, in granting Abbie Hoffman, convicted for having incited the riots in Chicago in 1968 during the Democratic National Convention, permission to go to Cuba for a month.

The Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee has been holding a series of hearings with respect to communism in the Caribbean area, including the bringing of refugees to this country from Cuba, and the torturous procedures that are imposed by the Castro government upon these people who seek freedom—how they are put in what amounts to concentration camps. Families are split—they may see little or nothing of each other for a period of 2 years. They are divested of all their worldly holdings. Eventually, and hopefully they may be permitted to come to this country.

A Federal judge in this country who would give to this character, Hoffman, permission to go to Cuba to learn the latest techniques of sabotage and revolutionary tactics for the overthrow of this Government—a Federal judge who would do this, in my opinion, ought to be given serious consideration for impeachment proceedings.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am pleased to yield to the gentleman from Ohio.

Mr. HAYS. The gentleman just said what I was going to suggest—that the way to handle these judges who apparently have no judgment is to file a bill of impeachment—and maybe some of them would be straightened out.

I think some of these Federal judges are getting away with murder.

Cassius Clay—and I hold no brief for him—was not even allowed to go to Canada, but this character, as you say, probably is going down there to learn how to make bombs, and is allowed to go to a country with which we do not have relations. I just cannot understand this kind of justice.

Mr. GROSS. I agree completely with the gentleman from Ohio and I thank him for his comments.

This man, if I remember correctly, is under a 5-year sentence for inciting riots in Chicago, yet while appealing that sentence he is authorized by a Federal judge to leave this country and fraternize with his revolutionaries in Cuba, a country with which, as the gentleman from Ohio well points out, the United States has severed all relations.

The U.S. Justice Department filed objections to request of this convicted felon to leave the country. The objections of the Justice Department were brushed aside by the Federal judge. This is an unconscionable decision and I bitterly protest it.

TO EXTEND EFFECTIVENESS OF DEFENSE PRODUCTION ACT OF 1950 TO AUGUST 15, 1970

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the joint resolution (H.J. Res. 1336) to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1336

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 717(a) of the Defense Production Act of 1950 is amended by striking out "July 30, 1970" in the first sentence and inserting in lieu thereof "August 15, 1970".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUR OF MEETING FRIDAY, JULY 31, 1970

Mr. HAYS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13100, EXTENSION OF PROGRAMS FOR TRAINING IN THE ALLIED HEALTH PROFESSIONS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1130 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1130

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13100) to amend the Public Health Service Act to extend for three years the programs of assistance for training in the allied health professions, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1130 provides an open rule with 1 hour of general debate for consideration of H.R. 13100 to extend the programs for training in the allied health professions. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 13100 is to amend the Public Health Service Act to extend for 3 years the programs of assistance for training in the allied health professions, and for other purposes.

The Allied Health Professions Personnel Training Act was initially enacted in November 1966 and authorized four types of assistance to training centers of the allied health professions: First, grants for construction of teaching facilities; second, grants for improvement of educational programs; third, grants for advanced traineeships for preparation of teachers, supervisors, administrators, or allied health specialists; and fourth, grants for development of new methods. Thereafter, authority for the developmental grants was broadened and the Secretary of Health, Education, and Welfare was required to report on the administration of the act and make an appraisal of the programs thereunder. His report was submitted in April 1969.

H.R. 13100 extends the act for 3 years—fiscal years 1971, 1972, and 1973. Also, the bill would separate the special improvements grants from their present dependence on the basic improvement grants and would significantly broaden the purposes for which special project grants could be made.

The institutional eligibility for participation in the advanced traineeship program would be extended to include not only training centers for the allied health professions but also other agencies, organizations, and institutions with the capability of accomplishing the purposes of those programs. The bill would also authorize special project grants to such agencies, organizations, and so forth.

Appropriations are authorized for fiscal year 1971 in the amount of $68 million, for fiscal year 1972 in the amount of $95 million and for fiscal year 1973 in the amount of $127 million.

Mr. Speaker, I urge the adoption of House Resolution 1130 in order that the bill may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to extend for 3 years—through fiscal 1973—the allied health services training programs now contained in title IV of the Public Health Service Act.

The bill also broadens and extends a number of grant programs as experience has shown the need to do so. While the number of personnel trained and qualified in the health professions has increased greatly in recent years, demands for such personnel have increased at an even greater rate. The programs extended by the bill provide funds for both schools and students to make possible the training of additional personnel in various health professions. These include vocational workers, therapists and technicians, and laboratory assistants of all types.

Authorizations contained in the bill total $290,000,000 over the 3-year period, and are broken down as follows:

1971	$68,000,000
1972	95,000,000
1973	127,000,000

Five separate programs are funded from funds authorized by the bill. These include: First, grants for construction of teaching facilities; second, grants for the improvement of curriculum and training of new types of health personnel; third, grants for advanced students to encourage them to continue and further their professional education, fourth, basic improvement grants made to all health professions training centers and schools to enable them to improve their programs, and fifth, special grants which are made to selected training centers to enable them to develop innovative programs and projects to improve the quality of instruction.

All these grant programs are continued by the bill.

Mr. Speaker, I approve of the rule, and I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 14237, DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1131 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1131

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14237) to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 104 of said substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 14237, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 2846, and it shall then be in order in the House to move to strike out all after the enacting clause of S 2846 and insert in lieu thereof the provisions contained in H.R. 14237 as passed by the House.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1131 provides an open rule with 1 hour of general debate for consideration of H.R. 14237 to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act. The resolution makes it in order to consider the committee substitute as an original bill for the purpose of amendment and, after passage of the House bill, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 2846 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language. Due to a transfer of funds, all points of order are waived against section 104 of the bill.

The purpose of H.R. 14237 is to extend for 3 years the program of grants for construction and staffing of facilities for the mentally retarded. Coverage would be expanded to include persons suffering from cerebral palsy, epilepsy, and other neurological handicapping conditions determined by the Secretary of Health, Education, and Welfare to be closely related to mental retardation or to require similar treatment, where such disability originates with a person under 18 years of age and can be expected to continue indefinitely.

Matching grants would be authorized for the construction of university affiliated facilities where activities may be conducted in the field of research and developmental disabilities.

Appropriations are authorized for fiscal year 1971 in the amount of $85 million, for fiscal year 1972 in the amount of $122 million, for fiscal year 1973 in the amount of $145 million.

There are approximately 6 million adults and children in the United States today suffering from mental retardation, approximately 1 million suffering from epilepsy and related disorders, and 550,000 suffering from cerebral palsy.

Mr. Speaker, I move the adoption of the rule in order that the bill may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. GROSS. I do not believe the gentleman stated why points of order are waived against section 104 of the bill.

Mr. MADDEN. On account of the transfer of funds.

Mr. GROSS. Now let me ask the gentleman, if he will yield further, the reason for the language which states, "and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute." Is it not possible under the rules of the House to obtain a vote, without having it stated in the rule, on an amendment adopted in the Committee of the Whole?

Mr. MADDEN. I yield to the chairman of the committee to answer that.

Mr. GROSS. I am only curious as to why it is stated in this resolution.

Mr. STAGGERS. That is the way the rules are, anyhow, but this was requested by the Parliamentarian in the rule he recommended.

Mr. GROSS. A separate vote may be

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demanded on any amendment in the Committee of the Whole?

Mr. STAGGERS. Yes.

Mr. GROSS. I thank the gentleman.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to extend for 3 years—through fiscal 1973—existing programs of assistance for the mentally ill, and to expand those programs to assist persons suffering similar disabilities.

Total authorizations for the 3 years are $262 million. For fiscal 1971, $95 million is authorized; for 1972, $122 million; for 1973, $145 million.

Three programs are funded: First, construction and staffing grants for community facilities; second, construction grants for university-affiliated facilities, and, third, demonstration and training project grants.

Current law limits assistance to those projects directly concerned with assisting those who are mentally ill. The bill broadens the scope of the law to provide grant assistance to those who are providing facilities and personnel to care for persons suffering from disabilities similar to mental illness. Specifically included by the bill are cerebral palsy and epilepsy. Additionally, the Secretary of Health, Education, and Welfare is authorized to further broaden the grant-in-aid programs to assist other disabled persons suffering from other neurological handicaps which require care similar to the care required for persons suffering from mental retardation.

It is estimated that in addition to the 6 million Americans who suffer from mental retardation and who are eligible for assistance under the act, that the broadening of the assistance categories will enable some 1 million persons suffering from epilepsy and some 550,000 persons suffering from cerebral palsy to receive assistance. Further numbers of persons suffering from similar disorders will also become eligible as the Secretary of Health, Education, and Welfare certifies such disabilities to be eligible for assistance grants.

Institutions receiving grant-in-aid assistance under the bill include community and nonprofit hospital and institutions as well as university-related hospitals and treatment centers. Grants are available for staffing of such facilities as well as construction and modernization. Funds can also be made available for demonstration projects and grants for the training of skilled personnel.

The bill is a committee substitute; the rule will have to reflect this.

I would like to ask the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia, one question. In the report which is dated July 6 there are no agency reports printed. The report states that none were received up to that time. Has the gentleman received any agency reports since that time?

Mr. STAGGERS. Will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Not to my knowledge.

Mr. MARTIN. You have not received any?

Mr. STAGGERS. No, sir.

Mr. MARTIN. So the gentleman does not know whether or not the agencies are favorable toward this legislation?

Mr. STAGGERS. They all testified in favor of extending the program, so I am sure they are favorable to its objectives.

Mr. MARTIN. I thank the gentleman.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 18104, INCREASING THE AMOUNT OF BONDS ISSUED BY THE TVA

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1150 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1150

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18104) to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1150 provides an open rule with 1 hour of general debate for consideration of H.R. 18104 to increase the amount of bonds issued by the Tennessee Valley Authority.

The purpose of H.R. 18104 is to increase from $1.75 billion to $5 billion the amount of revenue bonds which TVA may have outstanding to finance additions to its power system.

Electric power requirements for the Nation have been growing on an average of 7 percent per year. In the Tennessee Valley region, power requirements have been increasing in recent years at an average annual rate of 8 percent.

TVA is now constructing 10.3 million kilowatts of additional generating capacity to be in service by the end of 1975. Of its present $1.75 billion revenue bond authorization, it has utilized $1.155 billion. The remainder will be required for completion of the capacity now being constructed.

Construction of additional capacity which will be required after 1975 must be begun in order to meet the region's needs. Leadtime for new generating units are now about 6 years and firm contracts for new units should be awarded and construction should be begun without delay.

Enactment of H.R. 18104 will not change in any way any other provisions of the TVA Act. It merely increases the amount of revenue bonds.

Mr. Speaker, I move the adoption of the rule, House Resolution 1150.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1150 makes in order for consideration of H.R. 18104 under an open rule with 1 hour of general debate.

I support H.R. 18104 which permits an increase from $1.75 to $5 billion the amount of revenue bonds which TVA may have outstanding at any one time to finance additions to its power system.

In recent years the power requirements in the TVA service area have been growing at about 8 percent a year. It is estimated that the power requirements will double in the area in the next 10 years. TVA currently has most of its bonding authority committed to current construction projects. It cannot award any further contracts until its bonding authority ceiling is raised.

The initial bonding authority granted TVA in 1959 was for $750 million. In 1966 this figure was raised to the present $1.75 billion. TVA bonds have always received the highest rating and sell at interest rates comparable to those on the highest grade private utility issues.

During fiscal 1970 TVA will pay to the Treasury $72,650,000 as a repayment on investment. Since 1959, when the bonding authority was granted, TVA has returned to the Treasury $573,000,000.

The increase is as large as it is—$3,250,000,000—because of the number of construction projects which are necessary. If less of any increase were authorized, TVA would have to request a further increase in another few years to insure its meeting the projected demands of its customers.

As a stanch supporter of TVA, I urge the adoption of the resolution and the passage of the bill.

Mr. Speaker, I have no request for time but I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR INVESTIGATING SUBCOMMITTEE, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT TOMORROW

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Investigating Subcommittee of the Committee on Interstate and Foreign Commerce be permitted to sit at 2 o'clock tomorrow afternoon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, this request is made only on the assumption that the House will be in session?

Mr. STAGGERS. Mr. Speaker, if the distinguished gentleman will yield, that is right.

Mr. SPRINGER. Mr. Speaker. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 15733, RAILROAD RETIREMENT ACT AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 28, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, it is my understanding that an agreement was reached yesterday that there should be no rollcall votes on final passage, or on conference reports, until 4 o'clock p.m., this afternoon. If that is true, at what point do we make the request to put such votes over until 4 o'clock this afternoon, if such a demand is made?

The SPEAKER. The Chair will state to the gentleman from Michigan that the understanding of the gentleman is correct about the agreement, and the Chair would state that the proper time to raise such a question would be when it comes to the question of agreeing to the conference report, or on the passage of a bill.

The gentleman from West Virginia (Mr. STAGGERS) is recognized for 1 hour.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, would the gentleman from West Virginia, the chairman of the committee, give a brief explanation of the conference report?

Mr. STAGGERS. Mr. Speaker, I will be more than happy to.

Mr. Speaker, the conference report before the House today will provide a 15-percent increase in all retirement benefits, subject to certain offsets, for all persons on the railroad retirement rolls retroactive to January 1, 1970.

This bill was originally passed by the House on April 7 of this year, passed the Senate on June 30, 1970, and was immediately sent to conference.

In conference there were four major items of disagreement.

The House bill provided benefit increase for a total of 2½ years, that is until June 30, 1972, whereas the Senate increases would have terminated December 31, 1971. The conferees substitute is the same as the House bill in this regard.

The Senate amendment provided for an independent study to be conducted of the railroad retirement system by a five-man commission, one representing management, one labor, and one the public with two additional public members to be appointed, one by the Speaker of the House and one by the President pro tempore of the Senate. The House bill provided that the study should be conducted by the Railroad Retirement Board.

The conference substitute is the same as the Senate amendment in this regard.

A floor amendment was added in the Senate providing that benefit increases under this legislation would be disregarded in determining eligibility for certain Veterans' Administration benefits. The Senate conferees agreed to delete this amendment, because general legislation applicable to all persons on the Veterans' Administration rolls is currently in the process of consideration by the appropriate legislative committees in the House and Senate.

The fourth major difference between the two bills proved to be the most difficult of all to resolve. Under existing law, all funds in the railroad retirement account are invested in obligations of the United States, or obligations guaranteed as to principal and interest by the United States, or in special obligations of the United States which bear interest at a rate equal to the average rate of interest on all marketable securities constituting a part of the public debt of the United States, having a maturity in excess of 3 years.

The House bill provided that these funds would be immediately reinvested in special obligations bearing interest at a rate equal to the highest rate payable on U.S. Government obligations having 3 or more years' maturities.

The Senate amendment deleted this provision entirely.

It was estimated that this change in investment provided by the House bill would, during the 2½-year period covered by the House bill, provide income to the railroad retirement account of approximately $200 million. The Treasury Department was opposed to this feature, because of the effect it would have as a precedent on other trust funds held by the U.S. Treasury.

A compromise was reached with the Treasury Department, and we have received a commitment from the Treasury Department that, in view of the special nature of the railroad retirement fund and its financing, the method of investment and reinvestment of the fund will be modified. Under the modification, the Secretary will cash in securities bearing lower interest rates earlier than otherwise would be the case. This will accelerate the rate at which certain obligations are reinvested at the current higher rates of interest. This provides a one-time benefit to the railroad retirement fund, and will provide increased payments to that fund over the next 8 years of approximately $168 million.

In addition, a recommendation has been made with respect to the social security trust fund, which is expected to be adopted, to provide that in determining the rate of interest payable on obligations issued to that fund, that rate of interest will be determined on the basis of treasury notes, rather than including bonds, having a maturity in excess of 3 years. The conference substitute adopts this modification for the railroad retirement fund. It is estimated that this new method of computing interest will provide an additional $27.5 million to the fund over the next 8 years.

Mr. Speaker, we all agree that a study of the railroad retirement system is necessary in order to determine the proper level of benefits under that act and the means of financing those benefits. This bill will provide for such a study, with recommendations made to the Congress in ample time for the Congress to act on the recommendation.

The members on the part of the House were unanimous in agreeing to the report, as were the conferees on the part of the Senate, and we recommend the adoption of the report by the House.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, the basic purpose of this bill is to pay retirees a 15-percent increase in railroad retirement benefits to bring them up proportionately with social security on a temporary basis. The fund cannot remain actuarially sound without major modifications and a commission is established to accomplish this within 2 years.

There was no difference between the two bodies on the payment of the 15-percent increase retroactive to January 1, 1970.

The only real difference lay in the

provisions for temporarily financing the increase. The House version would have required Treasury to make a radical change in the way it handled interest on the fund. The executive branch found this totally unacceptable and it still did not provide enough additional money to cover all of the increase in benefits.

The Senate version made no provision for changing the way the fund was handled. It contemplated a direct draw-down on the fund while the study and necessary revisions were being made.

The conference version embodies a complicated compromise which was agreed to by the Treasury and the conferees. It provides some additional interest, specifically $195.5 million over the next 8 years. This still cannot make the fund actuarially sound and the overhaul must take place.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. GERALD R. FORD. May I ask either the chairman or the ranking Republican Member a question?

Do I understand that the Secretary of the Treasury or his representatives have approved this interim financing version?

Mr. STAGGERS. I might say that agreement was reached with the Treasury officials. That was signed by the Secretary of the Treasury, and is set out in our statement of the managers.

Mr. GERALD R. FORD. If I might ask the gentleman one further question. Does this agreement mean that either during this session of the Congress or some subsequent session that there has to be legislation to find a way to handle the subsequent financing of the railroad retirement program?

Mr. STAGGERS. This is what we set up the commission to study. The study is to cover whether legislation is needed, and if it is needed, how to go about it.

This recommendation will come back to us before July 1971, so that we will have time enough to work out necessary legislation.

Mr. GERALD R. FORD. In other words, the present arrangement automatically expires after 2½ years.

Mr. STAGGERS. That is right.

Mr. GERALD R. FORD. So there is pressure then to find some other solution prior to the expiration of the present arrangement; is that correct?

Mr. STAGGERS. If it is needed; that is correct.

Mr. GERALD R. FORD. I thank the chairman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I want to compliment the managers on the part of the House for this conference report.

It seems to me it is forthright and that it does meet a deficit situation in the railroad retirement fund.

I do not know about the rest of the Members of the House, but there has been no one subject, even including the veterans, inquiring of the inequity or imbalance shall we say, between the new social security increases and their right to receive same in view of the social security and cost-of-living increases and other increases, that there have been queries by the railroad retirement people, who have had a just case, but whose trust fund is in arrears or in a deficit situation.

If indeed, as has just been brought out by both the distinguished gentleman from West Virginia and the ranking minority Member, the distinguished gentlemen from Illinois, and our minority leader; an interim phase for reconstituting this deficit, by reinvesting bonds of low yield, this is going on today, of Government funding to colleges and all forward thinking people who may reinvest their funds.

There is no reason why this modern handling of entrusted funds should not happen in railroad retirement. Of course, we must take care of our deserving retirees who sought to and did secure their own futures. If we are going to interpose third-party or big Government trust funds and hold them over their heads we must manage them with the same alacrity and the same dexterity that we do any other trust funds. It seems to me as though this is the first long step in that direction. I believe the conference report should be accepted without any further adieu. I commend the committee on its action.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in support of this measure. I would also like to pay my respects to the chairman of the subcommittee, our colleague from Maryland (Mr. FRIEDEL), for the diligent work which he has rendered in bringing this bill to the floor, which deals with the problem of financing, and with its legislative form. Our chairman of the subcommittee has rendered an outstanding job, and I would like to pay my respects to him.

Mr. STAGGERS. I join the gentleman from Texas in his tribute to the gentleman and to all members on the committee. They have been diligent and not only in connection with this piece of legislation but on other measures.

Mr. Speaker, the conference report is deserving, and I ask that all Members support it.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. In accordance with the unanimous-consent agreement, further consideration of the conference report will be postponed to not earlier than 4 o'clock this afternoon. Does the gentleman withdraw his point of order?

Mr. SPRINGER. I do, Mr. Speaker.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENSION OF PROGRAMS FOR TRAINING IN THE ALLIED HEALTH PROFESSIONS

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13100) to amend the Public Health Service Act to extend for 3 years the programs of assistance for training in the allied health professions, and for other purposes.

The SPEAKER. The question is on the motion offered by the gnetleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13100, with Mr. GRAY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, this bill is a 3-year continuation, with modifications, of the existing program of grants to increase the supply of manpower in the allied health professions.

The program was initially established in 1966 and was extended for 1 additional year through amendments in 1968. The authorization for appropriations expired June 1970, and this bill would extend those authorizations through June 30, 1973. The Subcommittee on Public Health and Welfare considered the bill in both hearings and executive sessions and unanimously recommended the bill to the full committee. The full committee considered the bill in executive session and unanimously ordered it reported to the House, and we recommend its passage with the amendments set forth in the reported bill.

Mr Chairman, this act currently authorized four types of assistance to facilities training persons in the allied health professions. The legislation authorizes matching grants for construction of new teaching facilities, grants for improvements of educational programs, grants for advanced traineeships to prepare teachers and supervisors, and grants to institutions for development of new methods for training health technologists.

The reported bill would extend these programs for 3 additional years, and would expand the program for develop-

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ment of new methods to provide authority for special projects for experimentation, demonstrations, and improvement of programs designed to increase the efficiency of training programs, and provide for increased recruitment of manpower in this area.

This program is designed to increase the supplies of people who make our existing scarce physician manpower more efficient. As our knowledge of medicine increases, and new technologies are developed to deal with complex medical problems, additional types of trained manpower are necessary. Currently, support is provided for programs training at the baccalaureate level, covering dental hygienists, dieticians, medical record librarians, medical technologists, occupational therapists, optometric technologists, physical therapists, radiological technologists, and sanitarians. In addition, there are 12 associate degree level programs at the junior college level for which support is provided. The authority in the law is adequate to cover a substantial number of additional categories of allied health professions personnel, but due to the limited funding available, the Department has given priority to those allied health occupations which are most directly related to patient care and for which shortages are most fully documented.

Under the construction program, six projects have been funded, providing nearly 1,000 new first-year places. Although the full amount of increases in students receiving training in the allied health professions is not entirely attributable to Federal assistance, programs under this act have contributed to the growth of enrollment in existing schools from 11,400 students enrolled in fiscal year 1967 to a present level of almost 23,000 students, or more than twice as many as were enrolled in 1967.

Unfortunately, it is still estimated that we were more than 220,000 workers short in these fields in 1967, and by 1975, even at current rates of training, this deficiency will grow to more than 300,000.

One of the major contributing factors to the rapid increases in costs of medical care in recent years has been the shortages of personnel to provide needed services. It seems unlikely that we will be able to do a great deal about these increases in costs unless we can both increase the supply and the efficiency of manpower in the health field. This bill is intended to aid in accomplishing both of these objectives. It is intended to increase the supply of allied health professions personnel, thereby making health services which they can furnish more readily available, and in addition these persons will make more efficient the services of practicing physicians by reason of the skills they have acquired.

Mr. Chairman, as I mentioned, our committee was unanimous in ordering the bill reported to the House, and we urge its adoption by the House.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Allied Health Professions Personnel Training Act has now been with us since 1966. It has not exactly taken off so far. Support received for it has been minimal although both the prior administration and the present one support the program and fund it to a certain extent.

The allied health professions are those associated with the practice for medicine and health care of the population other than the direct professionals such as doctors, dentists, and nurses. There are, for instance, medical technologists, physical therapists, and dieticians, and in many cases subcategories of these professions.

In recent years there has been an expansion of the kinds of professions required in the health manpower field and in the courses offered for their education. With the expansion of community colleges and junior colleges associate degrees are being offered to train technicians such as dental hygienists, medical laboratory technicians, and X-ray technicians. These degrees in most instances can be used as the basis for further training to obtain baccalaureate degrees in the same fields.

The delivery of health services to the American people is going to depend to a great degree upon the development of new specialities and the training of far more people to pursue these specialties. I do not think that we have scratched the surface in the development of new professional skills in the health fields, and the allied health professions program is the key. That the program has started slowly is understandable, but it should be accelerated.

The bill before us today provides funds for five different categories of financial assistance. Some of these categories such as construction are not presently being funded, and the 1971 budget requests do not include construction funds. The bill provides $20 million in authorizations for the year 1971 in this area. It then includes authorizations for 1972 and 1973 in the amounts of $30 million and $40 million. If it is the decision of the executive branch not to fund construction grants in fiscal year 1971, we must of course bow to that decision as one to be made in sorting out the overall priorities in the health field. It is still proper in my view to include in the legislation authorizations for this purpose. In the event that construction grants are approved in the next 2 years, there need to be some comparative figures to show the relative weight given to this part of the program by the Congress. For this purpose alone the figures are meaningful, and I would hope that construction grants will become possible before the expiration of this act.

The program in the past has included improvement grants both of a general nature and more specialized ones where unusual progress might be made by following up to an idea. The special improvement grants have only been available to institutions if they were receiving a basic improvement grant. The committee felt that in some situations a special improvement grant might well be justified in a circumstance where the applicant was not receiving a basic improvement grant and perhaps would have no particular desire to do so. For that reason the improvement grants were broken into two categories and separately funded at $15 million per year each. The present budget, of course, combines these as the present law requires, and the request in this area is in the amount of $9,750,000 for 1971.

Also included in the program are grants to develop and demonstrate new methods of training. The bill provides an authorization of $10 million for 1971 and $20 million and $30 million respectively for the next 2 fiscal years. The 1971 budget requests $4,495,000 in this area.

The committee bill expands somewhat the authority for the use of these development funds. In particular it includes projects to assist in retraining, recruitment, and retention of personnel. In the nursing and allied health professions the turnover is rather rapid and skills are lost. The so-called retreading program has been fairly successful with nurses and could be most valuable in the other professions. Some effort could very well be put in this new area and room is left in the authorization for funds to accomplish it.

The remaining portion of this program which has been in existence since the beginning deals with traineeships. In order to develop teachers and supervisors in the various professions it is necessary to make additional training attractive. Traineeships provide support for the individuals willing to accept and use such advanced training. This device has been used in several of the health manpower programs, and, if I remember correctly, was first used in nursing. The bill as reported by the committee provides $8 million for the fiscal year 1971 and $10 million and $12 million for the next 2 fiscal years. The 1971 budget provides $3,750,000 for this portion of the program.

The allied health professions personnel training program has actually expired, and what we are doing today speaks as of the beginning of the fiscal year. Of the programs to increase health manpower this is the newest. It is not more important that the creation of doctors, dentists, nurses, and the other major health professionals, but with the present trends in health care and the obvious necessity of streamlining health care, the allied professions will become increasingly important, and it is imperative that progress be made now by providing that manpower and developing categories of skills which will be needed very quickly.

I recommend the bill to my colleagues.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I would like to congratulate our distinguished Chairman and the distinguished Chairman of the Subcommittee, the gentleman from Oklahoma (Mr. JARMAN), for the excellent job they have done on this legislation.

I support the measure wholeheartedly and I think it will be of great help in meeting the tremendous shortage of medical and paramedical personnel that faces us today.

At the appropriate time I propose to offer an amendment to this legislation which I think will help to make it even more effective by providing new mechanisms through which we can make use of a large untapped manpower potential while at the same time creating—with very little expense—the new community health services that are so urgently needed.

The most serious aspect of the health crisis facing this country today is the growing inadequacy of our system for delivering health care to the people. In part this is due to an apparent shortage of health manpower; in part, it is due to the general unavailability of health facilities adequate to meet community needs.

There is no question that we do not have all of the health manpower that we need. But a part of the shortage that we are now experiencing results from the failure to utilize our health manpower potential fully. For example, there are approximately 12,000 trained medical personnel returning from Vietnam every 16 months. These could be a valuable resource for developing health manpower, but under our existing system we have no way of making use of them. It is also estimated that there are more than 14,000 inactive registered nurses in the southern New York region. Some of these nurses are not working simply because they don't want to, but surveys show that a substantial number are not working because there are no readily available facilities where they can apply their skills.

The problem regarding distribution of facilities is illustrated by the situation in Brooklyn, N.Y., where 80 percent of the hospital facilities are concentrated in the northern section of the borough which contains less than half the population. People who live in the southern section of Brooklyn are effectively denied adequate health care.

We have the same problem in the distribution of personnel. For example, there are 325 physicians for each 100,000 population in the lower west side of Manhattan compared with 37 physicians per 100,000 population in the Brownsville section of Brooklyn.

In rural areas the problem is equally acute. In Tioga County, N.Y., with a population of almost 44,000 people spread over an area of 524 square miles, there is only one general hospital.

Today more middle- and low-income families in America depend for health care on emergency and outpatient facilities at existing voluntary and municipal hospitals and the burden is growing rapidly. On a nationwide basis over the past 5 years the voluntary and municipal hospitals increased by one-third while the facilities increased by less than 3 percent.

In New York City the municipal and voluntary hospitals handle considerably more than 9 million outpatient visits each year according to the most recent figures available. As the urban area spreads people find themselves living a greater and greater distance from the hospitals. This results in delays and inferior medical care.

Today, for example, one-fourth of all the expectant mothers in the New York area either get little or no prenatal care and the figure is as high as one-third for mothers in the Harlem-Bedford-Stuyvesant area.

It also results in serious misuse of facilities and increased costs. Medical surveys indicate that 15 percent of patients utilizing general medical and surgical facilities need not be there for medical reasons. They are using the facilities because there are no adequate alternative outpatient facilities to meet their needs.

As a result of the inadequacy of the delivery of our health care, the AMA has estimated that 20 million people in this country had never seen a doctor and never had medical care. The grim significance of our failure in this area can be seen in one set of simple statistics. Men in 22 foreign nations have a longer life expectancy than the American male. Women in 11 foreign nations live longer than American women and 14 nations have lower infant mortality rates.

The facts leave no other alternative. There must be a radical change for our system in delivering health care.

Most experts agree that the first step in meeting the urban health needs of low- and middle-income families is the establishment of community health facilities convenient to their neighborhoods and responsive to their needs.

Under normal circumstances this would be an expensive, long-range program. Fortunately, however, there is an inexpensive and readily available resource at hand which can be used to meet the health needs of the local community and to start the radical reorganization of our health delivery system that is so urgently needed.

The Federal Government, at this very moment, has in storage over 2,500 prepackaged hospitals consisting of complete modern general medical, clinical, dental, and surgical units designed to convert existing buildings into effective community health facilities. These prepackaged hospitals, which were designed as a part of the civil defense effort, are now held in dead storage in various locations throughout the United States. Each contains all of the equipment and supplies necessary to establish and support a 200-bed community health facility. Where suitable buildings exist, they can be installed within 48 hours.

In light of the desperate need, it is nothing less than criminal to keep these units in dead storage instead of putting them to work to start the job of improving the health care for people.

One such unit valued at $45,000 can convert an existing structure into a modern and efficient community health care facility within 48 hours. The units can be used to create community centers in brownstones, storefronts, office buildings, or any other structure of sufficient size. Since the expensive equipment has already been acquired and paid for by the taxpayers, these units can be installed at a fraction of the cost of other health facilities.

In addition to a complete range of drugs, medicines, and hospital supplies, the units include up-to-date X-ray, surgical, dental, and laboratory equipment and supplies. They even have their own generating equipment to permit them to operate in the event of a power crisis such as that which threatens us this summer.

Over the past 8 years, the American taxpayers have invested over $140 million in creating, storing, maintaining, and updating these prepackaged hospitals. Yet with the exception of an occasional disaster, such as Hurricane Camille in 1969, these facilities are never used in the United States.

Recently two of the units were flown to provide hospital facilities to deal with the earthquake disaster in Peru and a number of units were earlier made available to war-torn Biafra. Yet despite the critical and well-known shortage of medical facilities available to middle- and low-income families in the United States today—especially in urban areas—the vast resources available in these 2,500 prepackaged hospitals have not been made available to the American people.

The amendment that I will propose to H.R. 13100 would release these prepackaged hospitals to be set up as community health services. They would not supplant hospitals but augment them. They could provide emergency services for patients in critical condition, outpatient care, and badly needed preventive medicine as well. By setting these units up in the local communities we will improve services, reduce costs, and ease the demand on our overburdened hospitals. Furthermore, we will be creating a valuable training ground for developing community manpower resources, for demonstrating how the other untapped health manpower potential can be employed.

I would hope that this effective and inexpensive program would have nonpartisan support.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the gentleman from Illinois yielding to me.

I am vitally interested in the extension of the program for training in the allied health professions, as would be any other physician Member of the Congress. Quite aside from the question of whether or not there should be third-party intervention, quite aside from the question of whether or not this is the only approach for staffing and for construction and for meeting the demands of an improved service, and without any reflection whatsoever on whether or not different acts of centralized Federal Government have brought on increased abuse and increased demands for services; or whether, indeed, Mr. Chairman, years of regimentation, too many wars, and too many exposures to benefits have led to greater and greater experienced demands for services. All concerned now realize, appreciate, and admit forthrightly that if we are to continue these types of services and maintain the quality of medical care that we have, should enhance, and certainly are accustomed to, then there must be aiding and abetting in some manner such as this, particularly if the Federal Government is to continue to

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skim the tax cream off of the total crock of milk and leave a lesser tax base for those in the local areas to develop their own personnel and training. So I take a rather dim view of the fact in general that by the year 1980 we may not have enough trained personnel or staff or adequate facilities unless the Federal Government intervenes and takes a heavy hand in this.

The communities and States historically do these things if we do not. I well recall in 1954 a gloomy prediction by a "famed" educator of a 600,000-classroom shortage by 1960. We were less than 40,000 short by actual count. He forgot the power of the local school boards and their dedication.

However, we are doing it. The demands for services are there. It is the law of the land. And I have nothing but commendation to this distinguished committee which always handles health matters except those involving taxes in the Congress of the United States for bringing this bill and report before us.

With that preamble, Mr. Chairman, I want to say that I am in strong support of this bill even including the escalating amounts and the demands on the Federal taxpayers for the next 3 years, because I think anything less would be unworthy and insignificant for what we need in services and facilities.

Mr. Chairman, I would like to address myself particularly to one further phase of what is going on and how medicine is trying to help itself, police itself, and serve the Nation. It is a known fact that we still have the same proportion of physicians to patients in the United States in round numbers now—generally about 1 to 1,150—that we had in 1949; whereas the services and proportions of physicians to patients in other countries around the world has dropped remarkably due to emigration and the outflow of trained physicians. In fact, we use about 15 percent of foreign medical graduates in order to provide the services and continue the quality medical care to our people, as the demand for services increases. But the schools themselves are developing an educational plan throughout the Nation.

Mr. Chairman, I hold in my hand here a booklet entitled "The Open Medical School—a Community of Scholars." This is the academic plan for the new school of medicine for the University of Missouri at Kansas City. Many other schools have similar plans.

This bill which we now have under consideration, Mr. Chairman, will aid and abet not only teaching hospitals but medical schools and the increase of same where they are qualified and as rapidly as new ones qualify. It is a very forward-looking document.

In addition to all of that, there was consideration given today—and I consulted with the chairman and the author of the bill and certainly the ranking minority member and Dr. Tim Lee Carter, my colleague on this great Committee on Interstate and Foreign Commerce—about perhaps adding on as an amendment the revised views of S. 3418 which would establish a program for assistance to public and private nonprofit medical schools and hospitals to expend existing programs and particularly to expand that portion, along with the brick and mortar needed to produce more "specialists"—if I may use that term—in the practice of family medicine. I think most of the Members know that I am a specialist, vintage post-World War II, a rather out-of-practice, highly trained surgeon, who limited his practice to a surgical specialty, but I am one of those who believes that to be a good specialist you have to be a good general practitioner first.

I certainly believe that we should at this time consider, as indeed the chairman, the ranking minority member, and the author of this bill have agreed to do, the inclusion of family practice which, of course, medicine as a whole has itself agreed to do.

Mr. Chairman, I am very proud to be the 1968 recipient of the Missouri Academy of Family Practice Award for outstanding service of the year.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HALL. I appreciate the gentleman yielding this additional time to me.

Mr. Chairman, what I am trying to say is that if the average and general patient of the United States of America is to continue to receive quality medical care and maximum benefits from all of medical science, his total health must be evaluated and managed efficiently if, indeed, we are to use paramedical personnel as included in this bill.

Mr. Chairman, we must have a new type of "generalist" training to evaluate the patients' problems in their totality and the ability and willingness to call on the specialists. This is the greatest and most maximum and efficacious use of the people we have who are admittedly a rare and critical commodity, who have studied or trained to sell as a service vendor—I do not like that term, but I guess that is actually what it is—to contract for and sell their trained skills in rendering quality service to the patients of America.

Mr. Chairman, this concern led, back in 1964, to a family practice committee and I was privileged to serve and advise with this group with the idea of increasing the supply of those who are specialists in family practice. Since that time there has been a board of certification established with the requisite number of checks including self-policing, if you please, by the profession, reeducation and continuing education on the part of those engaged in family practice.

So, Mr. Chairman, we must not let a lack of effective, attractive educational and training programs in bills such as these be devoted to all others including the great specialities to the exclusion of family practice.

At the present time, Mr. Chairman, most medical schools and teaching hospitals do not have organized units for teaching family medicine. But as I stated in quoting this book, the new University of Missouri Schools of Medicine concept, they are rapidly doing this in school after school that now has a curriculum in family practice. There are few family physicians who teach on the clinical faculties of medical schools. I know it is most apropos that this bill devote itself to training and to personnel development and to staffing. However, teaching by example is more effective than teaching by exhortation, and thus we must have experts in family practice teaching in these medical schools within the curriculum for family practice.

Mr. Chairman, family practice has not in the past been a recognized specialty, but it is now. The American Academy of General Practice, recently renamed the American Academy of Family Practice, with headquarters in Kansas City, Mo., has done a remarkable job in getting hospital privileges that are not restricted to specialists but are open to general practitioners in the art and science of family practice.

Mr. Chairman, third parties who are paying for physician service, including the U.S. Government, must not continue to pay the specialist more than the general practitioner for equivalent services.

So I repeat that much has happened since the report of these ad hoc committees to solve the family practice problem, and to provide incentives for the generalist or the "specialist in family practice," to go into the rural areas. I would certainly have hope that inasmuch as it is now a recognized specialty and that some medical schools and hospitals have developed training programs for family practice, and that the interest in the field has grown substantially, may I say, as the result in part of a stimulus of this committee, its reports and previous actions by the House of Representatives; that we would in the very near future take up and consider something very similar to the revised edition of S. 3418 which has been perfected as an amendment to the Public Health Service Act to do just these things, insofar as medical and paramedical personnel are concerned.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am happy to yield to the distinguished gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I personally wish to express extreme thanks to the gentleman in the well for his contribution, and also to say that we are fortunate indeed to have a man of his competence in this field as a member of our committee, or as a Member of the House of Representatives.

I might also add that on our subcommittee the gentleman from Kentucky, Mr. TIM LEE CARTER, is also a medical professional, and is a great addition to our committee.

I also wish to call to the attention of the gentleman something that has come to my attention in recent weeks, and that is that the Mayo Clinic has indicated the possibility of a medical school there, and they feel that with a limited amount of bricks and mortar they can turn out in the first year about 40 doctors, and perhaps 100 doctors a year thereafter.

All of their training would be with doctors who are presently in the clinic. I am sure the gentleman in the well would agree with me that this would be a very expertise approach to this medical problem.

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Mr. HALL. Mr. Chairman, I certainly do agree, and I would call your attention to the fact that this is going on all across the country. The veterans hospital facilities are being used as teaching-related institutions in order to assist in this. We are moving into greater and greater acceleration, even to the point of going back to the World War II 9-9-9 intern—resident training programs, following after the 3-year specialized training programs in medical schools, in order to increase the output of physicians.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPRINGER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding me this further time.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the distinguished gentleman from New York.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman for yielding, and wish to join in extending the appreciation of the House for his observations on this field in which he has such a remarkable background. We look to him for guidance.

The gentleman stresses the importance of the general practice not only from the standpoint of the profession, but also from the needs of the public, and I hope that appropriate emphasis within the medical profession is going to be given to this type of practice so that people rendering this very valuable service will have the stature in this country, which they so richly deserve.

Again I thank the gentleman very much for his contribution.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am delighted to yield to the gentleman from Illinois, the ranking minority member of this distinguished committee.

Mr. SPRINGER. Mr. Chairman, I too wish to extend my congratulations to the distinguished gentleman from Missouri on the high award which he has received this last year in recognition of the long service he has had in this particular field.

His has been a distinguished record in the medical field, where he is a specialist as a surgeon. In the House of Representatives the gentleman has an equally distinguished record, may I say, in attending to and looking after the public interest, and its position on the floor of this House. I know of no more dedicated Member than the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I certainly thank the gentleman.

Mr. Chairman, in conclusion I simply want to say that the family practice movement within and without the profession, aided and abetted or not aided and abetted by the Federal Government, must be supported with the same commitment that we know happened historically and analagous to research or specialists in the post-World-War-II period.

At the proper time I shall appear before this distinguished committee in hearings to suggest certain modifications as to an advisory council on family practice under the Secretary of Health, Education, and Welfare.

I simply want to say this is an important bill. I approve of it. I recommend its enactment. I hope some day it will be modified further, so we can include a strong family practice section and the provisions for para-medical personnel, although they might well be treated separately.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. STAGGERS. Mr. Chairman, first I want to commend the gentleman from Missouri for his remarks and say that we appreciate them as coming from a member of the medical profession.

Mr. Chairman, at this time I would like to recognize the chairman of the subcommittee which handled this legislation and say to him, and to all of the members of that subcommittee who have been holding hearings on this bill and many other bills, that I and I am sure the rest of the Members of this House appreciate very much the job that they have done.

Mr. Chairman, at this time I yield to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee, such time as he may require.

Mr. JARMAN. Mr. Chairman, I thank the chairman of our full committee for the words that he has just spoken and for his leadership on this and on all other legislation that our subcommittee considers.

Mr. Chairman, I rise in support of H.R. 13100 that would significantly strengthen and extend for three years the Allied Health Professions Personnel Training Act of 1966.

The health crisis in our Nation has been felt for many years. Task forces have studied it, reports have been written about it, and citizens have experienced it. Waiting lines in doctors' offices and delays in obtaining results from laboratory tests, X-rays, and other diagnostic techniques attest to a health manpower shortage, which is the primary contributor to the crisis.

In April of 1969, a report on the Allied Health Professions Personnel Training Act of 1966 was submitted to the Congress by the Secretary of the Department of Health, Education, and Welfare. That report clearly revealed the need for significant national attention to the production of allied health personnel to provide health services to people who need them.

Allied health personnel perform many essential tasks in a wide variety of settings where health services are delivered. These include conducting tests in medical laboratories, taking X-rays, and assisting patients with rehabilitative activities. Allied health personnel are trained for these jobs in far shorter periods of time than are required for the training of physicians or dentists, for example.

We have talked about the need long enough. We must now take action to ensure the production of the allied health manpower that is needed to deliver needed health services.

The subcommittee of which I am chairman held hearings on the allied health legislation. The committee was impressed with the magnitude of the task that is ahead and was concerned that, since the initiation of the Allied Health Professions Training Act of 1966, funds available to implement the programs have been far below the conservative levels for appropriations that the Congress authorized. Consequently, the achievements under this legislation have been modest. The critical shortages that exist cannot be alleviated unless we make a substantial national commitment to the training of allied health manpower.

The bill we are reporting today, H.R. 13100, provides the legislative vehicle necessary to continue and, more importantly, to accelerate efforts to cope with this health manpower crisis. It would extend for 3 years the Allied Health Professional Personnel Training Act of 1966.

H.R. 13100 would extend the authority for grants for construction of teaching facilities for training centers for allied health professions to assist in providing the classrooms, laboratories, and clinical teaching space for an enhanced training effort. It would extend the basic improvement—formula—grants to training centers for allied health professions and would provide special improvement grants to such centers to assist them in maintaining and improving their programs and in providing specialized functions which the center serves.

The bill provides authority for a variety of new special project purposes related to the training or retraining of allied health personnel. Under the new authority, support could be given to projects—

To plan, develop, or establish new training programs or modifications of existing programs;

To effect significant improvements in curriculums:

To expand training capacity;

To establish curriculums and special programs to reach special groups such as the economically or culturally deprived, returning veterans with training or experience in a health field, or persons reentering the allied health fields.

The committee was persuaded that the capabilities of a variety of agencies, organizations, and institutions must be enlisted if the new and broadened special project purposes are to be implemented rapidly and effectively. The bill, therefore, authorizes participation in the special project program not only of "training centers for the allied health professions" but also of other agencies, organizations, and institutions with the capability of accomplishing such purposes.

The bill would continue the project authority for the development and evaluation of new types of health personnel. Projects such as these have a significant potential for alleviating manpower shortages and contributing to the improvement of health services. This is the program under which support has been given to the development of such new types of health personnel as child health associate, hospital pharmacy technician, orthopedic assistant, and physical therapy assistant.

The bill would add a new authority for projects to develop, demonstrate, or evaluate techniques for appropriate recognition—including equivalency and proficiency testing mechanisms—of previously acquired experience. Equivalency and proficiency mechanisms can be used to accelerate formal academic preparation for allied health personnel by advanced placement. They can also serve as a sound basis for occupational mobility, where employment recognition can be given for principles and techniques that have been mastered.

The bill would also authorize projects to develop, demonstrate, or evaluate new or improved methods of recruitment, retraining, or retention of allied health manpower. Significant increases in the number of allied health personnel available for employment is dependent on recruitment efforts directed toward a variety of potential manpower pools. Young people constitute a primary source, but other important sources include women with minimum or limited family responsibilities and health personnel trained in the Armed Forces who are returning to civilian life. Rapidly expanding knowledge in the health field and changing practices and technologies require that retraining and refresher courses be developed and made available to persons practicing in the field and to former practitioners who have left the field but who could return if they were given opportunities to renew and update their skills.

Mr. Chairman, the effectiveness of allied health personnel has been clearly demonstrated in many settings where health care is provided. However, the shortage of manpower remains critical. A positive step must be taken now to continue to support the education and training of allied health personnel who can help us meet the health needs of the people of this Nation. H.R. 13100 will ensure that a program of great benefit to the Nation will be sustained.

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Mr. JARMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I also rise in support of this legislation, the Allied Health Professions Training Act of 1970.

We have all known, and it has been stated many times, that this Nation is facing a crisis in health. This bill is designed to help to meet that crisis by providing more allied health personnel.

Not only is the present health care delivery system expensive and inadequate, but a tremendous health manpower shortage is mounting with no visible end in sight, unless Congress acts to give financial support to the allied health program.

The total allied health manpower shortage is estimated today at 26,000. This deficit will increase to 340,000 or more in 1975, unless we act now to enlarge our manpower training programs. To emphasize our critical manpower need further, I would like to point out that we are presently short approximately 30,000 radiological technicians, 5,000 dental hygienists, 40,000 dental assistants, 100,000 environmental health personnel, and 45,000 medical laboratory technicians.

Unless we put emphasis on programs such as this, we are not only going to continue the existing crisis, but we are going to be in chaos in this country in the health field.

Despite this critical need for allied health manpower, appropriations for the allied health program have been at levels substantially below the authorization levels. Total authorizations for the years 1967 through 1970 have amounted to $117.5 million. The total appropriations for those years have only amounted to $46.5 million, or 39.5 percent of the authorizations.

Total authorizations in the bill reported by the committee for a 3-year extension of the allied health program amount to $290 million or $68 million for fiscal 1971, $95 million for fiscal 1972, and $127 million for fiscal 1973.

A total of $90 million has been authorized by the bill for construction, renovation and expansion matching grants to be made to public and other nonprofit allied health teaching facilities. For fiscal year 1970 there was no money appropriated for construction. Not one dollar. We cannot again allow this to happen if we expect to narrow the gap in the manpower shortage.

A total of $45 million is authorized in the bill now on the floor for basic, formula improvement grants for the three year extension of the program. The shortage of allied health manpower dictates that every effort must be made to assure the maintenance and expansion of on-going allied health educational programs. Furthermore, H.R. 13100 provides for a separate appropriation authorization for special improvement grants of $65 million. This should correct the existing situation under the law which has caused the special improvement grant program not to be funded for the past 3 years.

With the implementation of the separation of special and basic improvement grants, we can now move forward to provide, maintain, and improve the specialized functional programs of certain types of training centers.

A total of $60 million for the 3 fiscal years is included in the bill's authorizations for special projects related to training or retraining of allied health personnel through curriculum development, interinstitutional relation development, studies and evaluations in development of new types of health manpower, development of new means of recruitment and retraining, development of proficiency testing mechanisms, and development of special programs to reach special groups such as returning veterans with military health training. Medical services personnel in our Armed Forces, numbering over 120,000 presently, have great potential as a source of allied medical manpower in civilian life. Presently, between 30,000 and 35,000 persons are annually released from the Armed Forces, of which some 6,500 enter directly into health jobs and 7,700 continue their health education. It is possible that many of these individuals could be certified for allied health professions without further training if licensing boards were more familiar with military training programs and if the military medical training programs could be expanded or supplemented.

I believe that encouragement of such programs as "medic" for allied health personnel in the armed services returning to civilian life is essential if we are to close the gap of our medical manpower shortage, and this bill provides for such projects.

H.R. 13100 also authorizes a total of $30 million for continuing the program for advanced traineeship grants awarded to public and nonprofit allied health training centers that in turn make awards to students who have completed the basic professional preparations required for employment in one of the designated eligible disciplines and who are pursuing advanced training to qualify them for positions as teachers, supervisors, administrators, or specialists in the health field. More than 700 individuals have received traineeships under this program since 1967 and about 600 of these, as it is pointed out in the committee's report, are already working in the field—and mostly as teachers, which we drastically need if we are to increase our training of allied health manpower.

My fellow colleagues, we know that the health of the people of our Nation is and should be one of highest priorities for necessary legislative action by Congress. It is essential that we assist States and institutions in the development of programs of allied health training, if we are to keep pace with our Nation's ever-increasing demands for quality health care. Therefore, I urge adoption of this vital piece of legislation.

This is an important bill and we hope that the Congress will fully fund these bills and increase the funding as called for in the authorization. I urge strong support of this legislation.

Mr. ROTH. Mr. Chairman, the legislation before us today must be passed if we are to respond to the serious problems which currently face our Nation's health care system. H.R. 13100, the Allied Health Professions Personnel Training Act of 1970, as approved by the Committee on Interstate and Foreign Commerce, proposes a 3-year extension of the allied health training authorities contained in the Public Health Services Act. The programs to be extended by the provisions of H.R. 13100 are essential to the development of a highly skilled force of auxiliary health personnel in this country. It is important and necessary, therefore, that this legislation be approved.

Serious shortages of health manpower exist throughout our health care system. In some cases these shortages have reached critical proportions—right now, we need 48,000 more physicians, 150,000 nurses, and almost 18,000 dentists. Equally significant shortages exists in the allied health sector of our Nation's health industry.

President Nixon's 1970 manpower report put it this way:

> The demand for medical care has outstripped the Nation's health manpower resources throughout the 1960's. Shortages of physicians and nurses, the subject of wide public concern, have led to rapidly increased utilization of auxiliary health workers and thus to intensified labor shortages in the

> supporting health occupations. Personnel shortages are acute in virtually all segments of the "health services industry"—hospitals, nursing homes, offices of medical practitioners, and medical laboratories.

These shortages are expected to continue and to increase—by 1975 we will need 43,000 more medical laboratory personnel, 30,000 additional radiologic technology personnel, 7,000 more dental hygienists, and an added 28,000 dental assistants. In the developing environmental health field we can anticipate shortages of 55,000 environmental engineers, scientists, and technologists by 1975; 28,000 environmental technicians and assistants; and 31,000 environmental aides.

The programs authorized by H.R. 13100 will help to combat these growing shortages. By extending and broadening the existing law, the bill seeks to produce the numbers and variety of allied health personnel needed to provide the people of this Nation with the highest levels of health care.

The bill would make several major changes in the existing law. Briefly, it would provide separate appropriations for basic improvement grants and special project grants and would broaden the special project authority to provide support for a wide variety of projects to train or retrain allied health personnel. In addition, the bill, as amended by the committee, seeks to broaden the definition of an institution eligible to participate in the special project grant program and the advanced traineeship program.

The provisions I have mentioned are only part of the program included in H.R. 13100. Each is valuable and necessary. If we increase and improve the programs which educate and train allied health personnel we are bound to make inroads into the growing shortages. The legislation we vote on today seeks to do this.

We in Delaware are well aware of the importance of training programs in supportive health fields. We have accredited allied medical educational programs in such critical shortage areas as medical technology and radiologic technology. We feel we are making an important contribution to the health industry in Delaware and to the health care system throughout the Nation as we provide a variety of programs to train and educate highly skilled auxiliary health personnel. We hope, with the aid of legislation such as H.R. 13100, to be able to establish other allied health training programs.

Mr. Chairman, we need more people in the allied health professions. We need to increase the number of training programs and to improve them. We need to expand and improve the teaching facilities in allied health training centers. We need to improve existing curriculum and develop new curriculum.

To help fulfill these needs, I urge passage today of H.R. 13100. We cannot do otherwise.

Mr. FASCELL. Mr. Chairman, I rise today in support of H.R. 13100, a bill that would extend for 3 years the funding of the Allied Health Professions as authorized under title VII of the Public Health Service Act. The program funds construction of teaching facilities, improvement of educational programs, advanced training of allied health personnel, and development of new training methods.

The need for health manpower has been rising alarmingly. The growth of the number of those employed in health occupations has been rapid, but not nearly so great as to keep up with mounting demands in this area. By 1975 the number of workers in health professions will be 4 million; two-thirds of these workers will be in allied health professions. Even so, it is estimated that there will be a 300,000 deficit in the number of trained workers available in these crucial fields.

The need for this bill, I feel, is obvious. The growth in population would seem to demand a commensurate increase in health services at the very least. If these needs are to be met, they must be met with a realistically funded long-range program. This bill provides us with such a program. The 3-year program could help significantly in meeting allied health manpower needs by providing longer training periods and incentives for training institutions to accelerate their program.

Mr. PICKLE. Mr. Chairman, the thrust of the Allied Health Professions Act is clearly aimed at the critical manpower shortage in the health field. It is not enough that we have saved the Hill-Burton construction program; we must supplement this action with a direct attempt to secure more and more trained personnel to man the hospitals now in existence and the new ones to come.

This legislation bears the stamp of the Commerce Committee, of which I am a member. Although the debate has clearly shown the mechanics of this program, I would point to our committee's involvement in the program funds construction of teaching facilities, improvement of educational programs, advanced traineeships for allied health personnel and development of new training methods.

Mr. Chairman, I can point specifically to the need of this legislation. Recently, the Advisory Council for Technical-Vocational Education in Texas made a tour of Houston, Tex., hospitals and health care facilities where they saw firsthand the work of these institutions and reviewed the pressing needs in the health care field. The Houston area has a large medical center and is therefore perhaps better equipped than are the less highly specialized areas. However, the problems which Houston face are indicative of the shortages in all parts of the country. Their findings, therefore, are of interest nationwide.

The most crying need in all cases was for more personnel and more funds for facilities and training. The philosophy of health care today is that the public has a right to good health care, just as they do to a good education. Because of this, the employee need per patient in hospitals has increased in the last quarter century from 2 to 3.2 and patients now utilize some 125 laboratory tests per patient rather than the 3 or 4 of former years.

To partially alleviate the personnel problem, the use of paramedical personnel to free the doctors and nurses for more skilled work seems a logical solution. Technical-vocational schools could provide this type of training. The fact is that everywhere in the Nation, the need for trained personnel has not kept up with the growing number of patients seeking care. Although Texas has pioneered the licensed vocational nursing field, twice as many LVN's are needed now as are being produced. The VA hospitals have had to resort to their own training programs to supply needed skills. Another innovative idea is the use of satellite health care clinics. Health care teams working in communities can provide lower cost care than patronizing central outpatient and hospital facilities. Utilization of small downtown colleges which in the past have offered mainly 2-year business courses, are another possibility. More junior colleges and 4-year colleges are including nursing and medical technology courses and associate degrees in the medical field.

A special challenge to organizations responsible for training in health career fields was "to build in a motivation to serve people and emphasize the necessity to build in career paths for advancement. Those to be trained in the health career fields should have their qualifications examined carefully—both their motor skills and cognitive skills, and to lead the person into appropriate careers to utilize their ability. We cannot work after the fact as we have the last 50 years, but must do planning and provide sufficient funding to realize the objectives established in the planning process."

Mr. Chairman, this bill would extend for 3 years the allied health training authorities under title VII of the Public Health Service Act. The bill authorizes $68 million for fiscal year 1971, $95 million for fiscal year 1972, and $127 million for fiscal year 1973. The program funds construction of teaching facilities, improvement of educational programs, advanced traineeships for allied health personnel, and development of new training methods.

The bill would also separate special improvement grants from their dependence on basic grants and broaden special grant authority to include training programs for allied health personnel such as veterans, the disadvantaged, and persons reentering the health field. Institutional eligibility for advanced training programs and special project grants would be extended to include all agencies and organizations capable of accomplishing the purposes of the program.

Mr. Chairman, I strongly favor passage of this measure.

Mr. MINISH. Mr. Chairman, H.R. 13100 would extend for 3 years the allied health training authorities of specified portions of the Public Health Service Act.

Moreover, the bill broadens the qualifications for special project grants and includes institutional eligibility to participate in the advanced traineeship program to include those with the capability to accomplish the training of allied health personnel. Now, only specific training centers are eligible.

We all recognize the need for health manpower. I hope, moreover, that we in

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the Congress can come anywhere near success in providing the necessary health personnel and facilities we presently lack. I can think of no better investment than one insuring adequate health care.

I should also like to mention my support for the amendment that was proposed to make available existing prepackaged medical, central, clinical and surgical hospitals that are presently held in dead storage. In view of the increasing health care crisis we are experiencing throughout the Nation, it would certainly be helpful to have completely equipped hospital units remain inactive. These units, first developed as a civil defense measure in the 1950's, have almost $150,000,000 invested in them already.

As hospital costs escalate and emergency treatment and outpatient clinical services may cost a day's wages for many persons, it is obvious that we cannot allow facilities already existent to remain unutilized. Moreover, the facilities that would be made available by this amendment are convertible within 48 hours into a 200-bed hospital within any existing building, thus providing a complete community health facility at small cost in terms of time or money.

Health care must be a right, and not a privilege.

Mr. PRICE of Illinois. Mr. Chairman, health care is one of the priorities of this Nation. Because of the present critical shortage of physicians and dentists, it is of utmost importance that authorizations be continued for the allied health professions.

In 1966, when the Allied Health Professions Personnel Training Act was enacted, there were expectations of great advancements in the areas of personnel education and construction of teaching facilities. Unfortunately, these expectations have not fully been realized. Appropriations throughout this time have been at levels far less than the authorizations. Despite the disappointments, the years since 1966 have shown the merit of the program. The appropriations that were allocated have clearly aided the development of allied health training. Curriculums have been improved and the number of those participating in the field has increased.

Even with these improvements, the requirements for allied health personnel and facilities have not even begun to be met and these requirements are constantly increasing. Without a continuance of this program, the health care status, inadequate now for the needs of this country, cannot be maintained. There is now a shortage of grants for the training of nurses, dental schools are facing critical financial losses, and hospitals are extremely understaffed.

We cannot lessen our efforts to provide adequate health care for the people of this country. To this time, the failures of this program have been due to limited appropriations and not to the concepts advanced by the act. Allied health professions are vital to this Nation. We must be willing to make the commitment that will provide a firm basis for adequate funding. We must act now to extend the authorizations for this program of assistance by adopting H.R. 13100.

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Mr. HALPERN. Mr. Chairman, I rise today in support of H.R. 13100, the Allied Health Professions Personnel Training Act of 1970. This necessary legislation proposes to extend for 3 years and expand urgently needed allied health training authorizations and programs.

All of us are aware of the problems faced by our Nation's health industry. In recent years these problems have reached critical proportions. The most chronic and certainly the most serious problem concerns the shortage of highly qualified and trained health personnel. Manpower shortages in the health professions exist at all levels of health care. We need more doctors—48,000 more to quote current estimates. We need dentists—18,000 now and according to recent projections—55,000 by 1980. Our Nation faces a severe shortage of nurses—right now the health industry needs 150,000 nurses and anticipates a shortage of 200,000 by 1980.

As demands for physicians, dentists, and nurses intensify, so do demands for auxiliary health personnel. These highly skilled auxiliaries are found in all sectors of our health care system—assisting physicians and dentists, in hospitals, in homes, in extended care facilities, in public health, and in research facilities. In the future, we can expect increasing demands for the services of such individuals in the developing areas of environmental health, preventive medicine, and in new and expanding comprehensive health care programs.

We will need these qualified people to counteract physician and dentist shortages across our Nation—in rural communities and in the inner city.

We must, therefore, give our full support to the legislation before us today. If passed, H.R. 13100, as amended by the Committee on Interstate and Foreign Commerce, will extend the program of assistance to training centers for allied health professions for the construction of teaching facilities. These centers desperately need more classrooms and clinical teaching space, and better equipped laboratories if they are to continue to provide programs to increasing numbers of students. The legislation provides separate authorizations for basic and special improvement grant programs. It proposes to broaden significantly the purposes of the special improvement grant program. This program, if approved, will authorize support for a wide variety of needed projects—projects affecting new and already existing training programs; projects to improve curriculum and program capacity; and projects to develop and expand training programs for returning veterans, the disadvantaged, and for those who wish to re-enter allied health fields. The legislation will also authorize projects whose purpose will be to find new ways to recruit, retrain, and retain badly needed manpower.

The bill, if passed as reported, will permit agencies, institutions, and organizations other than accredited junior colleges, colleges, and universities to receive special improvement grants.

Such a proposal will effectively increase the availability of needed allied health training programs and make them accessible to greater numbers of students.

Mr. Chairman, at this moment, manpower shortages exist in most allied health fields—and at almost all levels. Individuals both with and without college degrees are needed. The Public Health Service estimates manpower shortages in those allied health professions which require at least a baccalaureate degree to be almost 120,000. In allied health professions which do not require such a degree, manpower shortages are estimated to be approximately 145,000. These shortages are not expected to recede.

We cannot allow this critical situation to continue. I, therefore, support the provisions of the Allied Health Professions Personnel Training Act of 1970, as amended by the Committee on Interstate and Foreign Commerce, and strongly urge its approval.

Mr. JARMAN. Mr. Chairman, we have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 13100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Paragraph (1) of subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 295h(a)(1)) is amended (1) by striking out "and" after "June 30, 1969;", and (2) by striking out the period and inserting in lieu thereof a semicolon and the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973."

(b) Paragraph (1) of subsection (b) of such section is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1972".

SEC. 2. (a) Effective with respect to appropriations for the fiscal year beginning July 1, 1970, section 792 of the Public Health Service Act (42 U.S.C. 295h–1(a)) is amended as follows:

(1) Subsection (a) of such section is amended to read as follows:

"BASIC IMPROVEMENT GRANTS

"SEC. 792. (a)(1) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for basic improvement grants under this subsection."

(2) Subsection (b) of such section is amended—

(A) by striking out the subsection heading.

(B) by striking out "(b)(1)" and inserting in lieu thereof "(2)",

(C) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(D) by striking out "June 30, 1973", and

(E) by striking out "(2)" in paragraph (2) and inserting in lieu thereof "(3)".

(3) Subsection (c) is repealed and the following new subsections are inserted immediately before subsection (d):

"SPECIAL IMPROVEMENT GRANTS

"(b) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for special improvement grants to assist training centers for allied health professions in projects for the provision, maintenance, or improvement of the specialized function which the center serves.

"SPECIAL PROJECTS FOR EXPERIMENTATION, DEMONSTRATION, AND INSTITUTIONAL IMPROVEMENT

"(c)(1) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for grants and contracts for special projects under this subsection.

"(2) The Secretary is authorized, from sums available therefor from appropriations made under this subsection and subsection (b), to make grants to public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions, for special projects related to training or retraining of allied health personnel, including—

"(A) planning, establishing, or developing new programs, or modifying or expanding existing programs, including interdisciplinary training programs;

"(B) developing or establishing special programs, or adapting existing programs, to reach special groups such as returning veterans with experience in a health field, the economically or culturally deprived, or persons reentering any of the allied health fields;

"(C) developing, demonstrating, or evaluating new or improved teaching methods or curriculums;

"(D) developing, demonstrating, or establishing interrelationships among institutions which will facilitate the training, retraining, or utilization of allied health manpower;

"(E) developing, demonstrating, or evaluating new types of health manpower;

"(F) developing, demonstrating, or evaluating techniques for appropriate recognition (including equivalency and proficiency testing mechanisms) of previously acquired training or experience; and

"(G) developing, demonstrating, or evaluating new or improved means of recruitment, retraining, or retention of allied health manpower."

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, subsection (d) of section 792 is amended—

(A) by striking out "basic or special improvement" in paragraph (1);

(B) by inserting "in the case of a basic or special improvement grant," immediately after "(A)" in paragraph (2)(A); and

(C) by striking out "for grants under subsection (c)" in paragraph (3) and inserting in lieu thereof "for special improvement grants under subsection (b) and for special project grants under subsection (c)".

(c) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, section 795(3) of such Act (42 U.S.C. 295h-4) is amended by striking out "as applied to any training center for allied health professions" and inserting in lieu thereof ", as applied to any training center for allied health professions or to any private agency, organization, or institution applying for a grant under section 792(c) or 793,".

(d)(1) Effective with respect to the fiscal year beginning July 1, 1970, sections 794 and 798 of such Act (42 U.S.C. 295h-3, 295h-7) are repealed.

(2) Effective with respect to the fiscal year beginning July 1, 1970, section 797 of such Act (42 U.S.C. 295h-6) is amended by striking out "793, or 794" and inserting in lieu thereof "or 793".

SEC. 3. (a) Subsection (a) of section 793 of the Public Health Service Act (42 U.S.C. 295h-2(a)) is amended (1) by striking out "and" after "June 30, 1969;", and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; and $12,000,000 for the fiscal year ending June 30, 1973;".

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970—

(1) Subsection (b) of such section is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, organizations, and institutions".

(2) Subsection (c) of such section is amended by striking out "centers" and inserting in lieu thereof "public or nonprofit private agencies, organizations, and institutions".

Mr. JARMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: On page 7, line 7, strike out the quotation mark and after line 7 insert the following:

"(3) For the purpose of—

"(A) developing new community health facilities for the training of allied health manpower in patient care;

"(B) demonstrating new methods of developing, training, and utilizing allied health manpower for community health facilities from within the community served;

"(C) developing, demonstrating, or evaluating new or improved methods of training and utilization of allied health manpower in community health facilities; and

"(D) developing, demonstrating, or establishing new types of relationships among community health institutions which will facilitate training or utilization of allied health manpower in community health facilities;

the Secretary is authorized to make available to public and nonprofit private agencies, organizations, and institutions medical, dental, surgical, and related equipment, supplies, facilities, and other material under his jurisdiction in the Division of Emergency Health Services of the Federal Health Program Service of the Health Services and Mental Health Administration."

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. OTTINGER. Mr. Chairman, this is the amendment that I explained during general debate. It would permit the Secretary of Health, Education, and Welfare to utilize the more than 2,500 complete prepackaged hospital units that are now held in dead storage throughout the Nation under the jurisdiction of the Emergency Health Services Division of the Department of Health, Education, and Welfare. It is hard to understand why these potentially valuable units have been allowed to sit in storage these past 8 years—especially in view of the urgent need for health facilities. I think the only reason that they have not been utilized in the past is bureaucratic oversight—the left hand not knowing what the right hand was doing.

In terms of actually meeting emergencies for which these hospital units were designed, they would be much more readily available if they were put to use in local communities rather than stored, as they presently are, in basements and warehouses. In the event of a nuclear attack in a particular community, they would be no more vulnerable out in the community than in the storage places where they presently exist.

The units are now stored in ordinary buildings in the middle of cities. There is one in New York in the Metropolitan Life Insurance Building and they are in school basements in Syracuse and Albany. There are some 63 around the State of New York. I do think some of the units ought to be kept so that they can be readily transportable to areas of disaster, but to store 2,500 seems very wasteful, particularly in light of the need for these kinds of facilities within our communities.

As I pointed out in my original statement, I think these units would enable us to use medical manpower available which is not adequately taken advantage of today, because of the lack of convenient facilities.

I can see no reason not to use these facilities. We have reviewed the program informally with the HEW officials, and we have found no substantive objection to it. Actually there is no reason why they could not be put to work right now. The President could do it by Executive order. Unfortunately no such order has been forthcoming despite the fact that we have communicated with the President asking him to act.

The Secretary under this legislation would not be required to use these units. He would be able to maintain as many as he felt were really needed in their present form for defense purposes, but the amendment would authorize him to put these facilities to work where they could be put into effective use.

So I urgently hope that Members on both sides of the aisle and the chief members of my committee on this side of the aisle will accept this amendment.

I think it will be very helpful and one of the most useful things we could do to help establish community medical facilities so much needed all over our country.

Mr. NELSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I serve on the Subcommittee on Health and Welfare. The author of the amendment is a member of our full committee, and I have never seen this amendment, nor has our committee. It seems to me we ought to have some word from HEW if they feel this is a workable provision.

May I also say obviously from the explanation of the author, the units he refers to are set up for the purpose of meeting disasters. If they are going to be deployed now and scattered around the country, then what will we have for disaster if we have a disaster?

Without question, it is an attractive sounding package, and I would hate to see it knocked out just with the idea that

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it has not been before the committee, but I would hope the author would give our committee a chance to look it over and review it and discuss it with HEW to be sure of our ground before we move.

Mr. Chairman, I even question the germaneness of the amendment because we are trying to amend an act other than the Public Health Service Act. I also wonder how much is one of the units worth. There are a few other questions which, it seems to me, we should look into before we proceed with this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I apologize for not having submitted this before the subcommittee and the full committee. The existence of the prepackaged hospitals came to my attention too late to make such a proposal in committee.

As I see it, there is no real reason why these things could not be used. This legislation would not impair our emergency supply, it would only permit the Secretary to use those units he deems necessary. After all, there are 2,500 in dead storage right now. We could always keep enough in storage to make sure the emergency needs are adequately met.

In terms of the emergency needs, it seems to me these things are a great deal better off being in the communities and already being used, with personnel trained to use them, than as they are, sitting in warehouses.

Mr. NELSEN. But so many times we have found that what is declared to be Government surplus is disposed of and then needed. I have in mind the granaries which were sold in 1948, and pretty soon thereafter the Government was building them back again.

It seems to me if there is a purpose for these units stored as they are, and there must be a purpose, we do not know much about it, and I would think we ought to know what we are doing before we proceed with this amendment.

Mr. OTTINGER. If the gentleman will yield further, I should like to point out there is no requirement that they be used. The Secretary would be authorized to use them.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman from Florida.

Mr. ROGERS of Florida. I want to say I believe the gentleman's idea has a very good basis in fact, and we should check into it. Possibly they could be very helpful in many areas.

I do believe the subcommittee would want to check into it and check the facts a little on it. The fact that the gentleman has presented the idea will be very helpful in having the committee go into this, to see if something can be worked out.

Mr. OTTINGER. If the committee feels it cannot support us at this time, we would certainly appreciate consideration in connection with future legislation.

Mr. ROGERS of Florida. Perhaps on one of the other bills that will be coming up we will have the necessary facts to consider it at that time.

Mr. OTTINGER. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I had hoped the author would withdraw the amendment and not leave the history of defeat of an amendment, because I do believe we could look into this, with the possibility of making some use of this equipment. I also say thank you for bringing it to our attention. I hope the committee will have an opportunity to look it over.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman from New Mexico.

Mr. LUJAN. I rise to commend the gentleman from New York for his amendment. I know that in New Mexico there are 22 of these units. There are areas where there is no hospital or even any kind of a facility for medical care within 150 miles. It certainly would be very nice if HEW could use these and be able to give our people in New Mexico the medical care they need.

I thank the gentleman very much.

Mr. HALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly had not intended to rise twice on this bill, which I favor, but this amendment, as stated by the members of the committee, is very interesting. However, it is late in its borning, because the fact of the matter is that in all the civil defense storage which has been dispersed to the various States there has been a rotational principle of the expendable items placed in effect, with all existing and modern civilian hospitals that wish to cooperate.

Specifically by that I mean the civil defense hospital storage, much of which is underground, much of which is stored in the overhead hardened limestone excavations and caves with at least 80-foot of overburden, in southwest Missouri, where all of them used to be stored before they were dispersed to the packaging and assembling station in Kentucky and other areas anent manmade or national disasters. It was learned years ago (shortly after World War II), when they were all stored at O'Reiley General Hospital warehouses, which is no longer in being, and before they were moved to the underground and protected or overburdened areas, that they would be dispersed to the use of the various States where there was personnel available to use them and, secondly, that all expendable items, such as glucose, saline solution, ether, and drugs, which might deteriorate or become old and unusable with age, would be used by the modern existing civil hospitals on a rotational basis, and with replacement by the latter.

This is an ongoing concern. I say to the gentleman from New Mexico that former Assistant Surgeon General of the Army and Air Force, Dr. Al Schwichtenberg, M.D., who is now the head of the biological research laboratory of the University of New Mexico, has been an outstanding leader in the utilization of these civil defense projects. I know he has consulted with the Federal (USPHS) authorities on this, and personnel required.

Furthermore, the U.S. Public Health Service is in charge of this civil defense reserve capability, as stated by the distinguished gentleman from Minnesota. They do an excellent job under diminishing circumstances.

It is because of their desire to utilize these in just exactly the way the gentleman from New York suggests, that we have from time to time endorsed the fact that there should be a reserve personnel corps for the U.S. Public Health Service with active duty credits for inspection and determination and for employing the utilization of these civil defense units in civilian hospitals. They are just not available. The egg has to come before the chicken, if we are going to have personnel staffing and adequate utilization of these facilities. I think within the U.S. Public Health Service commissioned corps, which has been marked by the Department of Health, Education, and Welfare in the last two or three administrations for demise rather than expansion, and in view of the cost reductions and the cutbacks, we must recognize the professional capability of these corps and bring them on and utilize their capability, including the reserve capacity, if we are going properly to utilize this technical and expensive equipment. It is true that there are X-rays there that can lie immobile, which are being used now in civilian hospitals. I am amazed if on simple request of Dr. Huntley and other authorities and officers of the U.S. Public Health Service, and certainly of the Surgeon General of the U.S. Public Health Service, if any number of these units in the civil defense reserve cannot be immediately employed. They are packaged and capable of being immediately repackaged. One 200-bed unit is capable of being assembled at one time and dispatched anywhere in the United States of America within 2 hours.

They have been used all over the United States and in barebones bases and places around the world. Biafra is an excellent example where the plastic plumbing above was a savior.

So, I strongly concur with the recommendation of the gentleman from Minnesota that work can be done within the existing framework for the purpose of this amendment, and I would recommend, rather than have the odium of a defeated amendment, that perhaps the gentleman would prefer asking unanimous consent to withdraw his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GRAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill

H.R. 13100 to amend the Public Health Services Act to extend for 3 years the programs of assistance for training in the allied health professions, and for other purposes, pursuant to House Resolution 1130, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the unanimous-consent agreement entered into yesterday, further consideration of the bill is postponed until not earlier than 4 o'clock this afternoon. Does the gentleman from Illinois withdraw his point of order?

Mr. SPRINGER. I do, Mr. Speaker.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

Mr. JARMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14237) to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14237, with Mr. WAGGONNER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. JARMAN) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 14237, the Developmental Disabilities Services and Facilities Construction Act. As chairman of the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce, I have followed with interest the progress made under the Mental Retardation Facilities Construction Act which this legislation expands and extends.

The Mental Retardation Facilities Construction Act was initiated in 1963, with the objectives of first stimulating the development of a network of facilities for the delivery of services to the mentally retarded; second, developing needed manpower; and third, encouraging research into the problems of mental retardation.

Under the community mental retardation facilities program of the act, modern and efficient facilities are being constructed to provide services to people who have not been served previously and to improve services for others. Under this program 310 projects have already been approved and, by the end of the month, another 75 will have been funded.

Under the program of initial staffing grants for community mental retardation facilities which was added to the act by the mental retardation amendments of 1967, grants are available to assist in the initial staffing of both new facilities and new services in existing facilities. To date, 388 projects have been funded, providing support for staff to serve over 110,000 retarded persons. It is expected that by the end of June, 476 projects will have been funded, providing staff to serve more than 136,000 retarded individuals in their home communities.

Also financed under this act is the university-affiliated facilities program (part B), which provides grants to assist in the construction of facilities to offer interdisciplinary training based on exemplary models of comprehensive services to the mentally retarded. These facilities are a major resource for training professional and technical personnel needed to work with the mentally retarded, such as physicians, social workers, nurses, psychologists, special educators, therapists, and rehabilitation specialists.

Through 1969, 18 grants for university-affiliated facilities had been approved and funded, seven have been completed and eight more should be completed within the next 12 to 18 months. The facilities are coordinating their activities with other community programs, and with State residential programs for the retarded. As a broad resource for specialized training, continuing education, and the provision of exemplary service in complex cases, they fill a role in the systems of mental retardation services similar to that filled by teaching hospitals in the health field or research and training centers in the field of vocational rehabilitation.

The effect of the university-affiliated facilities interdisciplinary training program on manpower problems, together with the provision of improved services through Federal participation in the construction of modern facilities and the employment of trained manpower have resulted in a reduction in dependency of persons traditionally considered to be in need of total care. Increased numbers of severely retarded persons have been aided to achieve levels of functioning that have permitted them to participate in educational, vocational rehabilitation and employment opportunities through these programs.

In my home State of Oklahoma several programs funded through the expiring legislation have made a large impact on the development of modern services to aid the retarded. For example six facilities serving the day and residential needs of 488 additional retarded persons in both urban and rural areas of Oklahoma have been constructed. Several facilities have also hired critically needed staff through initial staffing grants. In my own district, the Cassady School in Oklahoma City has been able to add diagnostic and treatment services in speech and hearing problems to its education and training program which already had a leading reputation in our State. There is no tuition charge at Cassady and many of the children come from economically, culturally and socially deprived circumstances.

A complementary piece of legislation was Public Law 88–156 which provided assistance to the States in planning for and taking other steps leading to comprehensive State and community action to combat mental retardation. Under this legislation every State participated in a cross-disciplinary, interagency effort that focused broad attention on the full range of needs of the mentally retarded, including the areas of health, education, welfare, rehabilitation, employment, and recreation.

State legislatures responded positively to these efforts to plan and develop services in an orderly and balanced fashion. Of 39 State reports analyzed, 34 contained recommendations for legislative action. Based on these recommendations, 258 bills were introduced in the State legislatures and 169, or two-thirds, had passed. Thus, State legislation has fostered major improvements in State and community efforts to provide effective and efficient services to the retarded.

Although the expiring legislation had a major impact on the lives of the retarded and their facilities, there are still many unmet needs. For instance, the President's Committee on Mental Retardation has pointed to several areas in which action should be taken now. These include:

Increasing the availability of mental retardation services, particularly in the urban and rural low income, disadvantaged neighborhoods in which some three-fourths of the Nation's mental retardation is found;

Development of better manpower recruitment and training programs for work with the retarded;

Better, more imaginative use of existing resources, as well as broader realization and use of the resources that the retarded themselves represent;

Development of more public-private

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partnerships in mental retardation programs, services, and research.

The Developmental Disabilities Services and Facilities Construction Act being considered today will help provide the structure necessary for additional action to be taken in these important areas.

The expansion of the present formula grant program for construction of community mental retardation facilities into a formula grant program covering construction, services, and planning would permit States to continue to develop services in an orderly and balanced fashion as local need and statewide priorities dictate. Additionally, the bill provides for an increased Federal share of the costs of projects in poverty areas. This provision will have considerable impact in the reduction of dependency of the large number of citizens handicapped not only by physical and mental disability, but by their environmental circumstances. As State capacity increases the scope could be broadened to include not only the mentally retarded, but also persons suffering from certain other closely related developmental disabilities, such as cerebral palsy, epilepsy, and related neurological handicaps for whom similar service needs exist. It is anticipated, however, that at least in the beginning, the State plan will be an updated version of the present mental retardation plan.

Services provided under the broadened legislation could include diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

This legislation would help meet the needs of the retarded and other disabled in many areas. The key impact of the broadened service spectrum and the inclusion of other groups of handicaps with similar service needs would be the development of more effective and efficient patterns of services for the developmentally disabled and their families in or near their own communities.

In addition, part B of the act which now authorizes project grants for the construction of university-affiliated facilities for the mentally retarded would be extended for 3 years, and a provision would be added authorizing the expenditure of funds for operational support. This is essential to assure manpower with the adequate interdisciplinary training necessary to provide for effective implementation of this broad spectrum of services to developmentally disabled persons.

In summary, the bill before us today would make it possible to continue and expand the development of specialized services for the retarded and other developmentally disabled persons. It promotes the development of such services in a planned and coordinated manner and gives each State the opportunity to use Federal funds in the most effective and efficient manner to the benefit of their retarded citizens. I, therefore, urge the passage of H.R. 14237.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I just want to express my thanks to the chairman of the subcommittee for his hard work and leadership in directing the destinies of this bill. I am sure the gentleman would agree with me and other good Americans that in this field our most serious attention is something that should be forthcoming, and it has been the objective of this committee to try to meet this great need in our country.

Mr. Chairman, I thank the gentleman for yielding.

Mr. JARMAN. I thank the gentleman for his comments.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the mental retardation facilities program which was started in 1963 and herein is renewed for an additional 3 years has never, up to this point, been able to reach its potential. There is convincing evidence that such a program if carried out to the fullest would make it possible to give the greatest possible assistance to the mentally retarded members of our population and to help them become self-sustaining citizens.

The program was a companion to the Community Mental Health Centers Act, and it was aimed at creating facilities at the local level to train and treat the mentally retarded. The community mental health centers program, unlike the mental retardation program, has proceeded with some vigor and has proved to be most beneficial in reducing the amount of care necessary for those afflicted with mental diseases. The details of each program have been very much the same at least from the legislative point of view. Each has provided money for construction of facilities and for assistance in the initial staffing.

This staffing support was first planned to run for a period of 4 years and 3 months. The bill before us today would extend that in much the same way it has now been extended in the mental health program to provide 8 years' assistance and to vary the level of that support depending upon the area in which the facility is located. Facilities in urban or rural poverty areas could qualify for 90 percent assistance for the first 2 years, after which the support would gradually diminish to 70 percent. In other areas this staffing assistance would begin at 75 percent and gradually diminish to 30 percent. Over the years the items eligible for such assistance have been expanded to some extent so that some costs other than salaries of purely professional personnel are eligible.

To finance grants for planning purposes, for construction, and for services, the bill authorizes the sum of $60 million for the fiscal year of 1971 and $85 million and $105 million for the next 2 fiscal years respectively.

Experience has indicated that there are disabilities which are not technically to be classified as mental retardation which still resemble that condition to the extent that the same care and treatment are appropriate. This bill expands the definition to include such cases. The language of the bill is as follows:

> (1) The term "developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

There is provision in the bill for grants to construct university-affiliated facilities in the sum of $20 million per year for 3 years. This provision has been in the law right along, and at the present time some 18 projects have been funded. There are many more awaiting funds, and while the 1971 budget does not contain provision for construction funds in this category it is felt that authorizations should be available should such funding become feasible. It would appear when that time comes there are at least 20 additional universities having an interest in participating in this portion of the program.

The provisions of the bill relating to university facilities include a new type of grant for training and demonstrations. It was the feeling of the committee that once established, the needs of university facilities will vary according to the kind of activity which is found to be appropriate therein. By their very nature university facilities will conduct training and will experiment and demonstrate methods of care. As in other programs, particularly other university programs, these activities are funded separately, and therefore this bill adds such grants in addition to those for construction.

There is reason to believe that more State and local funds will become available for construction of local units. It is hoped that Federal matching funds can also become available as time goes on and that the objectives of this program can at least begin to be realized.

The objectives of this bill are to set forth what the committee finds to be the desirable programs to combat mental retardation. If they cannot all be funded or if they cannot be funded at the levels thought to be appropriate here, so be it. It is desirable nonetheless to have on our statute books the kind of program that is really needed, and it can then be implemented as rapidly as conditions permit.

I therefore recommend the passage of H.R. 14237.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield such time as he may require to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in support of H.R. 14237, the Developmental Disabilities Services and Facilities Act of 1970. I believe that this is a needed expenditure that will improve the facilities and treatment of the approximately 6 million mentally retarded persons in the United States. I, therefore, give it my full endorsement.

I would like to cite the mental retardation training program at Ohio State University as an outstanding example of the usefulness of this act. This program was made possible by part B of the 1963 version of this act, Public Law 88-164, passed in the 88th Congress. I feel this facility demonstrates what can be accomplished by approving moneys such as provided for in this bill.

In Ohio, as in most parts of the Nation, there exists a critical shortage of qualified personnel to deal with the mentally retarded and the developmentally disabled persons. To alleviate this shortage, an interdisciplinary program for the training of personnel to treat the mentally retarded has been established at Ohio State University by the Colleges of Medicine, Social and Behavioral Sciences, Administrative Science, and Education. The objective of this program is to provide expertly trained personnel in the prevention, diagnosis, and treatment of mental retardation. A program such as this is unique, in part because of its interdisciplinary character, which allows for the cross-fertilization of ideas of different professions leading to a better understanding of the problems of mental retardation. During the winter quarter of 1969-70, 30 students were enrolled in this program. The construction of new facilities was made possible through Federal funds begun in February of this year. With the completion of these new facilities over 2,000 students per year will receive varying amounts of training in the treatment of the mentally retarded. Many of these students will be undergraduates receiving only a few hours training in the program as a part of their undergraduate curriculum. Many others will be graduate students and physicians receiving training related to their own specialties—such as social work, pediatrics, or psychiatry—in the treatment of the mentally retarded. This program will, in other words, produce personnel with many different levels of training and expertise in several different aspects of the problem of mental retardation.

A project such as this has gotten under way only because of the dedication of many civic-minded professionals and laymen such as Dr. William Gibson, director of the mental retardation program at Ohio State University, who are interested in the welfare of developmentally disabled persons. But physical facilities and initial operating funds frequently cannot be obtained without Federal assistance. Ohio State, located in my district, has already been funded, but there are many others awaiting funds. We cannot let these worthwhile projects die for lack of our support.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman.

Mr. SPRINGER. May I say that the distinguished gentleman who has Ohio State University in his district has a very fine program there. It is one that is distinguished and well known in this entire field throughout the country. It compares very favorably, may I say, with my hometown of Champaign-Urbana, which is also one of the best in the country.

Mr. WYLIE. That is true. I appreciate the remarks of the gentleman. The person who is the director of the mental retardation facility at Ohio State University, Dr. William Gibson, is one of the outstanding experts in this field in the United States, as you know, and much of the credit for the success of the program at Ohio State and indeed the program across the United States is attributable to his persistent conscientious efforts.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the distinguished ranking minority member of this committee yielding. I am in support of this bill and commend the committee on its action. I particularly appreciated his section-by-section or title-by-title analysis of the bill. I simply rise for information.

Is it my understanding that within the broad consensus of the bill, having to do with developmental disabilities and/or neurological diseases, including mental retardation, be it organic or acquired, that the title having to do here with the further training of personnel and staffing as well as the university and hospital affiliated facilities, that the construction of those facilities deal with developmental disabilities and/or mental retardation? Or does this bill go into brick and mortar construction, if they are just university affiliated or if they are teaching hospital institutions?

I ask this question because, as I said during the consideration of the resolution, House Resolution 13100, if we are going to have these services, quite outside the question of whether the Federal Government should be involved or not—we are going to have to provide staffing and training personnel and we are going to have to provide university and hospital teaching facilities and affiliations if we are going to do a good job, and if we are going to have the requisite personnel for the increasingly demanded services.

So I am not sure whether this increase in funds, that go up to $125 million in 3 years, are restricted only to developmental disabilities and/or mental retardation or not.

Mr. SPRINGER. May I say, as I mentioned the five points a moment ago, there is $20 million for university facilities which can be brick and mortar.

Mr. HALL. My question is, Must that be related to a developmental disabilities and/or mental retardation program within that university?

Mr. SPRINGER. Yes; it must be. Under this language it must.

Mr. HALL. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise today in support of H.R. 14237, the Developmental Disabilities Services and Facilities Construction Act of 1970. This legislation will extend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 an additional 3 years. Further, it will broaden the scope of the program to include not only the mentally retarded, but also individuals suffering from other neurological handicapping conditions which require care and treatment similar to that required by the retarded. Such conditions covered under these new amendments will be cerebral palsy, epilepsy, and other neurological impairments to be specified by the Secretary of the Department of Health, Education, and Welfare.

The hearings on the bill and the report to the House clearly point out the importance of including these additional impairments under a program that has in the past concentrated only on the mentally retarded. This is due to the fact that a substantial number of those suffering from such afflictions have over the years failed to receive sufficient aid from Federal, State, and/or local programs simply because their handicaps, serious as they are, do not fit any of the precise criteria specified under existing program authorities. The pending legislation will correct this deficiency and provide services to those developmentally disabled who have failed to receive them.

H.R. 14237 expands the existing program of formula grants to the States for construction of facilities to include comprehensive planning and services. Under this expanded approach, States will be able to use the formula to develop and maintain new or improved resources and services for the mentally retarded and other developmentally disabled persons. States will have the authority to use Federal funds to construct facilities and to plan, administer, develop, and staff the programs that are needed.

The legislation extends the authority for staffing of mental retardation facilities that was first enacted in 1967, but was not actually put into effect until last year. Also extended is the provision of grants for the establishment of university-affiliated facilities. These grants were first authorized in 1963 for the interdisciplinary training of personnel to expand the resources for service to the retarded and persons with related neurological disorders. So far, 18 of these projects have received assistance under this provision and are having an important impact on programs for the retarded in the surrounding communities. The facilities are needed, and the bill we are considering today will extend such grants another 3 years and will also expand the types of facilities eligible for aid.

H.R. 14237 is an important piece of legislation for the approximately 6 million retarded persons, the approximately 1 million persons suffering from epilepsy, the approximately 550,000 persons with cerebral palsy, and the approximately 1 million other persons in the United States with other neurological handicaps originating in childhood. Many of these individuals have been neglected by our society too long, and this bill will insure the care, treatment, education, and training they need and deserve—in order to live the kinds of lives of which they are capable.

Mr. SPRINGER. Mr. Chairman, I yield

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to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of this legislation to amend the Mental Retardation Facilities and Community Health Centers Construction Act of 1963. I have received numerous letters from individuals and mental institutions asking for my support of this program.

The primary purpose and main thrust of the bill before us is to extend for 3 years the existing program for the mentally retarded and to expand coverage of the program to include millions suffering from other neurological conditions who would not otherwise receive adequate help.

This legislation, in my judgment, is a responsible and necessary approach to help meet the critical need of America's mentally retarded. By continuing to assist State treatment facilities and programs, and by enlarging their scope, more than 6 million mentally retarded children and adults, plus those suffering from palsy and epilepsy, will be aided. Improvements can be made to facilities which, for lack of sufficient funds, are often overcrowded and/or understaffed. In addition, by including funds for university-affiliated centers, far more skilled technicians can be trained and sent into the field.

Mental retardation is a major social, educational, and economic problem. Recognition of the needs of mentally retarded and the research and treatment provided through this legislation, will ultimately result in a reduction of the hundreds of millions of dollars spent annually in the United States on welfare and maintenance services associated with mental retardation.

It is for these reasons, Mr. Chairman, and many more, that I wholeheartedly support passage of H.R. 14237 and urge my fellow colleagues to join me in supporting this worthy and vital legislative measure.

Mr. SPRINGER. Mr. Chairman, I yield to the distinguished gentleman from Minnesota, the ranking minority member of the Subcommittee on Health and Welfare (Mr. Nelsen).

Mr. NELSEN. Mr. Chairman, the gentleman from Arizona (Mr. Rhodes) is attending the funeral this afternoon of our late colleague, the gentleman from Ohio, Mr. Kirwan, and I know he would wish to insert some remarks in the Record. At the proper time I would like to suggest that his remarks be inserted in the body of the Record along with other members of the committee.

Mr. Chairman, do I correctly understand that we have to go into the House before the request can be made?

The CHAIRMAN. The gentleman is correct. That permission will have to be requested in the House.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. JARMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Florida (Mr. Rogers), a member of the Health Subcommittee, and one of the real leaders in the House in the field of public health.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. ROGERS of Florida. I thank my subcommittee chairman for those kind words, and certainly reciprocate them to him and to all members of the subcommittee.

The committee has spent a great deal of time going into this problem. The need is firmly established. About 8½ million Americans will be affected and will benefit from H.R. 14237, a bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by developmental disabilities originating in childhood. This bill not only extends the authorizations of this very important program for an additional 3 years, but it also makes significant and progressive changes in the present law in an effort to broaden the scope of coverage of that program to include individuals suffering from other neurologically handicapping conditions which require care similar to that required for persons suffering from mental retardation.

It is absolutely necessary that Congress take steps to provide for an effective program to deal with a problem which affects so many people in our Nation. It is estimated that approximately 6 million children and adults in the United States are mentally retarded, 1 million persons are estimated to be suffering from epilepsy and related disorders, 550,000 persons are suffering from cerebral palsy, and another 1 million persons have other neurological impairments other than blindness and deafness and which had originated prior to the age of 18. In all, approximately 8½ million, or one out of every 25 persons in the United States personally are suffering from these disorders.

The existing Federal program for mental retardation is grossly inadequate to meet the needs. Since developmental disabilities originate during childhood, a more comprehensive program is necessary to assist the afflicted individual during his entire life. This bill will broaden the scope of services to include improvement and diversification of nonresidential and residential services, diagnostic services, day care, sheltered employment, transportation, follow-along services, counseling of the individual and of his family, recreation, information and referral services, and other social and sociolegal services. A comprehensive program of this nature will go a long way to reduce the millions of dollars annually expended in the United States on welfare and maintenance services.

Despite this critical need for more comprehensive programs for the developmentally disabled, appropriations for the program have been at levels substantially below the authorization levels. Total authorization for the years 1968, 1969, and 1970 have been $191 million. Total appropriations expended for those years have only amounted to $59.126 million, or about 30 percent of the authorizations.

Title I of the bill would combine parts C and D of the existing act which authorizes funding of construction grants and grants for staffing of community mental retardation facilities. Authorizations under this new section have been established at $60 million for fiscal 1971, $85 million for fiscal 1972, and $105 million for fiscal 1973. The combination of these separate parts into a single part which would authorize grants for planning provision of services, and construction of facilities will enable us to reach more of the developmentally disabled through a more effective coordination of effort at the State level. Through the use of State formula grants, this bill would also enable State agencies to combine grant funds with other State program funds where proportionate benefit to the developmentally disabled will result.

Title I of the bill would also establish a National Advisory Council on Services and Facilities for the Developmentally Disabled which would consist of 20 members to be appointed by the Secretary of Health, Education, and Welfare. The Council would advise the Secretary on regulations promulgated by him under the provisions of this act and would study and evaluate programs authorized by this act to determine their effectiveness in carrying out the purposes for which they were established.

Title II of the bill would extend part B of the act for 3 additional fiscal years, through 1973, and would expand the area of impact to provide construction, demonstration and training grants for university-affiliated facilities. The authorizations for construction would be continued at the programs' present level, $20 million for each of the next 3 years, for a total of $60 million. The authorizations for demonstration and training grants of the bill have been established at $15 million for fiscal 1971, $17 million for fiscal 1972, and $20 million for fiscal 1973, for a total of $52 million. The total authorizations for all university-affiliated mental retardation provisions of the bill is $112 million.

The committee bill gives a special priority in the development of university-affiliated facilities in junior colleges which are not now covered in the law. The Secretary will be instructed to give priority to any application for a demonstration or training grant when such applicant shows that he has made arrangements for a junior college to participate in the program proposed.

There is an urgent need for training new types of personnel to meet the critical shortage in our existing system of care for the mentally retarded. The key lies in the area of paramedical personnel, and the junior college has the potential to develop this type of manpower.

The university-affiliated program for mental retardation has a tremendous potential, however to date only $9.1 million has been expended in this area and only during the year 1969. To date only 18 such projects have been funded under this vitally needed program, while many more such planned projects are waiting to get off the ground and probably never will unless Congress acts to correct this situation.

Mr. Chairman, we are making significant progress in helping the mentally retarded to realize self-sustaining and productive lives in society, but this progress

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is far behind the need. According to the report "MR 69," the report of the President's Committee on Mental Retardation, some three-quarters of this Nation's retarded people could become self-supporting if given the right kind of treatment and training at an early age, another 10 to 15 percent could become partially self-supporting. We have an obligation as Congressmen who represent these people to revitalize this program in our Government. We must remember that the health and physical well-being of our people should come first in our legislative considerations. I again urge that we join together in support of this important bill.

I think every Member of Congress can take great satisfaction in supporting this legislation, which will help meet the problems of the mentally retarded and those who are suffering developmental disabilities in this Nation.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. STAGGERS. I, too, want to say that this bill has had great consideration by one of the fine committees of this House, the subcommittee under the leadership of the gentleman from Oklahoma (Mr. JARMAN), the gentleman from Florida (Mr. ROGERS), and those on the minority side, the gentleman from Kentucky (Dr. CARTER), the gentleman from Minnesota (Mr. NELSEN), and all the rest of them. They gave the bill considerable thought, as we know. It is a humanitarian bill that will affect one out of every 25 Americans in the land. This is a program that has been desperately needed for years. We are just trying to implement the bill. We started some time ago.

I recommend it to the Committee and to the Congress for passage as a bill that is needed in the land.

At this time I yield to the gentleman from North Carolina (Mr. PREYER), a member of the committee.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the bill.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. DEVINE), the second ranking minority member on this committee.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. DEVINE. Mr. Chairman, due to a longstanding commitment, I shall find it necessary to leave Washington at 3:30 p.m. today. By the agreement entered into yesterday that all votes go over until 4 o'clock, I shall not be in a position to vote. However, I would like to record the fact that in the event I could have stayed and could have cast my vote, I would have voted "yea" on H.R. 13100, the Allied Health Professions Act, and H.R. 14237, the Mental Retardation Act. As I understand it, the conference report on the Railroad Retirement Act, on which I was a conferee, will also come up, and I would vote in favor of that conference report.

Mr. HOGAN. Mr. Chairman, one measure of a society's worth is what it does for its less fortunate members. Our attitude, as a society, toward the mentally retarded and the treatment of the mentally retarded has changed drastically since the turn of the century, when men, women, and children were institutionalized under conditions no better than those afforded animals.

The turn-of-the-century attitude toward the mentally retarded was all too often reflected by the caliber of "professionals" assigned to care for them.

These attitudes have changed, but not enough.

In many areas of our Nation there is an enlightened attitude toward the mentally retarded, but somehow our commitment as a nation and as a society to provide for them has not kept pace with that enlightened attitude. There are too many States where residential care for the mentally retarded exists on a level equal to custodial services of our worst prisons.

A recent report by the President's Committee on Mental Retardation charged that many of the 200,000 citizens of this Nation living in public institutions for the mentally retarded are subjected to conditions no better than those of the turn of the century.

According to that committee:

> Far too many of these facilities consist of an impoverished living environment that is not distinctly different from the environment experienced by prisoners of war during the past three decades.

The committee suggests that a public, incensed by inhumane treatment of prisoners of war, should be equally incensed about the treatment provided by institutions for the mentally retarded. Unfortunately and shockingly, the public has not risen to express such a great concern.

We in the Congress, and all others in a position of public view, must do everything possible to mobilize the citizens of this Nation to a commitment of direct action to remove all vestiges of the kind of care for the mentally retarded that properly belongs on a dark page of social history.

Some States are provided as little as $3 a day per individual to maintain residential care for the mentally retarded. In some States, the ratio of mentally retarded patients to physicians has been 600 to 1.

Even in areas where the best care available today exists, there is overcrowding, and the individual in an institution is often given only a minimum of attention.

We must dedicate ourselves, not only to an all-out effort to close the gap between opposing attitudes, but to close the gap between what we know is right and what we are actually doing.

This measure before the House today is a keystone to the task ahead. In providing a total of $230 million over the next 3 years for assistance to the States for construction of facilities and planning and services for the mentally retarded, the Congress will have continued its commitment and will provide additional impetus to move the public toward direct action.

In providing $37 million in grants for assisting our colleges and universities to train the new personnel needed to staff facilities for the mentally retarded, the Congress commits itself to more than a bricks-and-mortar program.

The fact that this bill gives the States a strong role in setting priorities and requires that the States give special consideration to the needs of urban and rural poverty areas, will assure that new facilities will be located in what are now high-priority areas.

In voting for this measure, and in urging my colleagues to do the same, I urge that this commitment be carried beyond the Congress to the collective conscience of the American people so that this neglected area of need receive the priority attention which it deserves.

Mr. Chairman, I rise in support of the developmental disabilities services and facilities construction bill and am proud to have joined with 16 other colleagues in having introduced it.

The bill before us would authorize $60 million in 1971, $85 million in 1972, and $105 million in 1973 for grants to the States for comprehensive planning, construction and staffing of personnel for delivery of services to developmentally disabled individuals.

The basic wording of both the bill and its title were changed from that of previous legislation to bring cerebral palsy, epilepsy, and other neurological disorders often requiring similar treatment under the same act as mental retardation.

The act provides needed services for individuals with developmental disabilities, listed as mental retardation, epilepsy, cerebral palsy, and related neurological impairments specified by the Secretary of Health, Education, and Welfare, if the disability originates before the person reaches 18 years of age, if it constitutes a substantial handicap to him, and if it can be expected to continue indefinitely.

Despite the vast growth and improvement of available services in recent years, many developmentally disabled individuals still fall between the "service cracks" by not fitting into any of the diagnostic labels or admission criteria for existing programs. Others, such as non-ambulatory retardates, are often excluded for practical reasons from services for which they are legally eligible. Agencies working to help persons whose disabilities place them in these gaps have in the past often been forced to set up costly duplicate facilities or programs.

This new legislation avoids the past mistakes of treating labels, such a mental retardation, cerebral palsy, or epilepsy, and instead aims at helping entire groups of people who have similar or related needs, whatever their diagnostic category.

The impact of this new approach spreads far beyond the approximately 8½ million person believed to be suffering from mental retardation, epilepsy, cerebral palsy and other neurological impairments. Chronic developmental disabilities affect not only the individual, but also his family, friends, relatives, and neighbors. Effective treatment and services, or the lack of them, may alter the direction of the lives of the entire family unit.

The legislation also provides funds for construction and operation of university-affiliated facilities for interdisciplinary training in the field of developmental disabilities.

Participants in these training programs will become part of a "mission-oriented approach" toward the problems of the developmentally disabled. Cooperation in this field among therapists, nurses, lawyers, psychologists, sociologists, and teachers can lead to a team effort coordinated in the best interests of the individual. At present, the mentally retarded or cerebral palsied and their families are too often sent from one person or agency to another through a seemingly endless line of duplicated procedures.

I believe that it is particularly important that we get the junior college students interested in working with the developmentally disabled, and I strongly urge support of the section in this legislation providing that priority shall be given to those facilities which provide for participation of junior colleges in the training programs.

Funds in this bill can help provide services which will enable the developmentally disabled to be more self-reliant and live fuller lives. Individuals whose handicaps prevent them from ever being totally self-sufficient may benefit from new patterns of care such as nonmedical day care and residential care facilities to live in the "outside world" instead of in institutions. For example, case management services in California helped severely disabled adults of normal intelligence to remain in special living arrangements at a cost of $1,700 per person annually. Without such services, most of these people would have been institutionalized at a cost of $8,000 per year.

The old law, in providing for formula grants, frequently omitted both urban and rural poverty areas which were unable to raise even the percentage required of the locality. To prevent facilities being concentrated in more privileged geographic areas as in the past, rather than switching to a project grant formula, we have provided that the Federal share, normally 66⅔ percent, may amount to 90 percent of the total cost in any poverty area. States are required to give special consideration to the needs of poverty areas, both urban and rural.

Mr. Chairman, I include with my remarks a letter from Dr. Conrad Seipp, associate director of the Health Services Research Center at the University of North Carolina at Chapel Hill.

June 9, 1970.

Hon. Paul Rogers,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Congressman Rogers: I wish to register my support for the enactment of the Developmental Disabilities Services and Facilities Construction Act of 1970 which is currently under the consideration of your subcommittee. Others, I am certain, have provided testimony before your subcommittee in regard to the importance of creating a continuing partnership between the states and the federal government in the field of mental retardation and other developmental disabilities. There is no need for me to add to what they have said in regard to the provisions of his legislative proposals for the construction of facilities and services for persons with developmental disabilities. I do not command any special professional competence in this field nor am I directly involved in it. Nonetheless, I share a widespread concern to see a renewal and an extension the momentum which has been generated in recent years at the state and local levels within this area of concern. I would particularly like to register the importance which I attach to the provisions of Section 134 of part C in regard to the preparation of state plans.

Some years back, I was principal investigator of a research project in the course of which I and a group of colleagues had the opportunity to familiarize ourselves with the response of the states to those provisions of Public Law 88–156 which enable them to secure planning grants from the federal government to develop "comprehensive programs to combat the problem of mental retardation." The Senate report on the legislative proposal now before you (Calendar No. 760, Report No. 91–757) characterizes the resulting planning undertaken from the state level on the following terms: "Seldom has the federal government engendered so much productive activity for so small an investment." I concur with this judgment.

The legislative proposal under review is necessary to capitalize upon past accomplishments. Its provisions in regard to state level planning have become increasingly important to assure orderly and meaningful development in this field. It is necessary to keep in mind the great diversity among the states in regard to their stage of development in this field as well as the differences in the priorities and approaches they have elected through their previous planning activity. These differences should not obscure the need which they all have for devoting continuing attention to planning in this field. The framework of planning, by promoting a more comprehensive point of view and by fostering a more long range time perspective, is essential to insure the maximum effectiveness of the various strands of separate endeavor which are called for in this field. A small investment in planning, appropriately pursued, is certain to enhance the returns which will accrue from the mounting expenditures being made at all levels of government for different types of service programs for those with developmental disabilities.

Why, if the value of the continuing operation of state level mechanisms for planning and coordination in this field seems so obvious, should it be necessary for the federal government to make funds available for the discharge of this function? It is necessary to appreciate the acute pressures and demands which the states all face in this field, in part as a result of the failure of the federal government to make financial assistance for the provision of services and the construction of facilities available to them at a level consistent with earlier indications, for providing more in terms of services. As long as the states feel as underfinanced in this field as they do at present, it seems likely that they will need help to insure that the planning function is adequately discharged.

There are several innovative features of the proposals of Section 134 in regard to state level planning which warrant underscoring. It is most encouraging that explicit attention is given to evaluation. It is clearly not possible "to plan" without also simultaneously engaging in evaluation; both are aspects of a single function. However, there are various levels of vigor and sophistication that are embodied in the process of evaluation. The stipulations in regard to the state planning and advisory council undertaking periodic review and evaluation of its state plan and the provision of description of "the methods to be used to assess the effectiveness and accomplishments of the state" represent a substantial step forward. Similarly, the unification of planning for the provision of services and the construction of facilities under a single authority corrects a serious deficiency of the previous planning endeavor.

The provisions of Section 134 do not guarantee success for each state in its future programming in this field. However, the absence of those provisions seems a clear prescription for failure. Much has been accomplished, much more needs to be done, and planning must be relied upon to chart the way.

Sincerely yours,

Conrad Seipp, Ph.D.,
Associate Director and Professor of City and Regional Planning.

Mr. MINISH. Mr. Chairman, as the House considers H.R. 14237, the Developmental Disabilities Services and Facilities Construction Act of 1970, I think it important to bring to the attention of my colleagues that 6 million persons in the United States are estimated to be mentally retarded. Three percent of the population is thus estimated to be afflicted with this handicap. Moreover, an approximate 1 million persons are estimated to be suffering from epilepsy and related disorders, while 550,000 persons are estimated to be suffering from cerebral palsy. Additionally, 1 million persons in the United States are estimated to have other neurological impairments, exclusive of blindness and deafness, that began before they reached 18 years of age.

These are grim statistics, indeed. Especially in light of the fact that many of these handicapped persons are not aided by Federal, State, or local programs.

The bill under consideration today would provide for an expansion of the coverage of the existing programs of aid for the mentally retarded to include coverage for those suffering from disabilities such as cerebral palsy, epilepsy and other neurological conditions requiring treatment similar to that of mental retardation; conditions which originated before the individual reached the age of 18, and which are considered permanent and which substantially handicap the individual.

H.R. 14237 not only expands the present program to include these additional persons, but the presently enacted construction-only authorization for formula grants would also be expanded to include grants for development and administration of staff services.

H.R. 14237 is intended to begin a program to bring needed services to those who cannot hope to be cured. It seeks to help persons with long-term handicaps by providing them with continuing services, begun early enough to provide these individuals with an improved living pattern. Many of the symptoms of neurological problems are tremendously worsened if there is a lack of training at an early state, and the resultant disability is thereby greatly exaggerated.

The formula grants approach envisioned in this measure presently seem to be the desirable approach. As the reporting committee for this measure noted, Federal assistance in the area of mental retardation and neurological

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handicaps to States and communities is "uneven, inadequate, and inequitable." That is a sad commentary. The problem deserves remedy. In the past, there was no insurance that high priority areas would receive facilities for the retarded. Too often, urgently needed facilities could not be built in poverty areas. H.R. 14237 would require the States to give special consideration to the needs of urban and rural poverty areas, an approach which I hope will prove effective. The maldistribution of new facilities in the mental health field was one of the problems the recently enacted amendments to the community mental health centers was designed to improve. H.R. 14237, like that legislation, encourages the States to use discretion in assigning favorable matching ratios to areas most in need.

I know that my colleagues recognize the personal sadness, as well as the impact upon the community, of the mentally retarded. It is my hope that with adequate funding for research and facilities in this area, that the time will come when the proportion of neurologically impaired or otherwise handicapped persons will be vastly decreased. But those who are already handicapped must not be overlooked.

I urge passage of H.R. 14237, and hope that this measure will provide a strong stimulant to improve the lot of those neurologically handicapped and/or mentally retarded. Certainly, such assistance is urgently needed.

Mr. RHODES. Mr. Chairman, it is a pleasure and an honor to rise in support of H.R. 14237, the Developmental Disabilities Services and Facilities Construction Act of 1970. I am proud to be among the sponsors of this legislation and urge my colleagues to give this bill their full support.

I would like to congratulate the chairman of the committee and of the Public Health Subcommittee for their work on this bill and in particular I would like to commend my colleague from Florida, Mr. ROGERS, for his leadership in the field of legislation for the mentally handicapped.

Certainly, Mr. Chairman, there can be no dispute in this body that a continued and expanded Federal commitment to the handicapped is vital to the well-being of those members of our community who are disabled.

Of all the disabled, those whose problems have been least understood and ministered to are the ones whose handicaps originate early in life. These are the developmentally disabled—the mentally retarded, the cerebral palsied, the epileptics, the otherwise neurologically impaired. These heartbreaking disabilities are not amenable to dramatic cure or correction; the developmentally disabled have not benefited from the great medical discoveries such as open heart surgery, organ transplantation or plastic surgery. These children and adults have handicapping conditions that will follow them throughout their lives. Their potential for personal independence and self-fulfillment within the limitations of their conditions will be critically altered—for better of for worse—by our societal concern or neglect at each step along the way.

Over 6 million people in this country today are mentally retarded—3 percent of the population. And even this, I understand, may be a conservative figure. The vast majority of these people can be helped to live as productive a life as possible, with the aid and planning envisioned in the legislation we are considering today.

The bill represents a great step forward toward meeting the needs of the developmentally disabled. It replaces the former construction and staffing program with a services and facilities program that will require each State to submit a plan for the delivery of services to the developmentally disabled and will provide a program of Federal assistance, based on a formula which takes into consideration population and need of the State.

The services which would be provided under the State plan include: diagnosis, evaluation, treatment, personal care, day-care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual affected by a disability and of his family, protective and other social and socio-legal services, information and referral services, and follow-along services, as well as transportation.

The need for these services is a staggering one, and Congress must recognize its role in providing for our citizens who are in such desperate need.

The bill also envisions improvement in residential care, and I am sure I need not remind any of my colleagues that conditions in many of our State institutions are far from ideal—in fact, many are deplorable, degrading and dehumanizing. This is a condition that cannot be permitted to continue.

And even as we recognize the needs of the developmentally disabled, we must think also of their families, especially their parents, who have not only been denied many of the satisfactions of parenthood, but have also been given a prolonged burden of care and cost. Let us think also of the hope and help we can give to these parents when we offer resources for rehabilitating both children and adults with long-term disabilities originating in childhood.

The families of these disabled citizens, interested professionals, and, in some cases, the disabled themselves, have banded together in organizations of mutual self-help. These organizations include the National Association for Retarded Children, the United Cerebral Palsy Associations and similar groups at National, State, and local levels. These groups and allied voluntary and professional associations are in full support of the concepts embodied in this legislation.

The sharing of a common sorrow and concern has transcended in many cases the issues that divide the more fortunate.

I see in the proposed legislation an instrument for a more effective State-Federal partnership in meeting the needs of a group of people whose numbers may not be vast but whose individual needs can be profound, interminable, and—without our help—unbearable.

I believe it is important at this time that we emphasize State initiative and responsibility, supported by Federal aid. This approach is the essence of H.R. 14237. There are some innovative approaches in this bill to interdepartmental collaboration around human problems that know no bounds of professional discipline and which should not become the fiefs of any management monopoly.

The problems of the developmentally disabled must be a concern of a broad range of Government agencies with primary missions in education, employment, general welfare, rehabilitation, health, and the law. Proper coordination of these Government efforts requires attention and concern in the executive branch of Government. I am pleased, therefore, to note that Arizona is one of a small number of States in which the Governor has already placed responsibility for planning for the mentally retarded within his executive office.

The amalgamation of a variety of talents and skills in a mission-oriented program is a positive and proven approach to the solution of problems. Such innovative steps would be possible in the State plans required by H.R. 14237. As an example of steps to meet local critical needs, I point out with admiration and some justified local pride a cooperative effort now underway between the Valley of the Sun School in Phoenix and the Tribal Council of the Navajos. This project will help to bring the best in professional skills now available to assist retarded Navajo children in their own community, on the reservation.

This is a promising and reassuring sign of progress and the type of project that could flourish under this legislation.

We are giving dedicated and qualified people the chance to realize their dreams for the future of the disabled through a coordinated services and construction program and through support of title II of this legislation, the university affiliated facilities centers for the training of personnel. The need for trained personnel is overwhelming and this program, operative now in 18 universities throughout the country, will be of immeasurable help in bringing qualified personnel to our communities.

Again, Mr. Chairman, I express my complete support of this legislation and my wholehearted commitment to programs which will benefit the developmentally disabled.

My good friend, Dave Udall, a young Arizona attorney, was appointed last year to the President's Committee on Mental Retardation and I am proud of the leadership he is demonstrating in this field. There are hundreds and thousands of citizens like Dave in this country—a quarter of a million in the National Association for Retarded Children alone—whose efforts are devoted to improving the quality of life for the developmentally disabled. I urge my colleagues to support these valiant, compassionate and dedicated people and help them to assure a hope for tomorrow for those who cannot hope for themselves. H.R. 14237 is positive evidence of our concern and I urge its passage.

Mr. PICKLE. Mr. Chairman, there

exists in this land of ours a growing minority that few people will speak of—the mentally retarded. On record, there are over 6 million Americans suffering from some form of retardation, comprising the largest single group of developmentally disabled.

Yet, evidence indicates still another 2½ million are victims of similar disabilities such as neurological impairments stemming from cerebral palsy and epilepsy. Although we know of these chronic and severe disesaes, few will look the problem full in the face.

Perhaps today, we are adding strength to our existing programs.

I am proud to be numbered among the cosponsors of H.R. 14327, which extends for 3 years the existing programs of grants for construction and staffing of facilities for the mentally retarded. Also, the bill extends the scope of matching grants for construction of university-affiliated research facilities.

These are the forgotten Americans, Mr. Chairman, these people who have been hit by cerebral palsy and epilepsy. Perhaps one of the best sections of the bill today is the provision which broadens our coverage to include these people.

Additionally, the bill today will insure that State governments give special consideration to the need of rural poverty areas, as well as urban. Here, the need has been the greatest; the aid the least.

I respectfully urge my colleagues in the House to join in support of this needed legislation.

Mr. Chairman, as I have said, the purpose of the bill is to assist the States in developing a plan to provide services for people suffering from mental retardation and other mental disabilities. The bill will also assist public and nonprofit agencies in the construction of facilities for the provision of the services.

Appropriations are as follows:

The sum of $60 million for 1971; $85 million for 1972; $105 million for 1973; for 1974 and each of the next 6 years such sums as are necessary.

The amount the States shall receive individually will be determined by (A) Population, (B) Need for services, (C) Financial needs of States.

The bill also contains grants for institutes of higher learning for mental health research.

There is a good bill, Mr. Chairman, and we should enact it unanimously.

Mr. HALPERN. Mr. Chairman, I wish to add my voice to the overwhelming support in favor of the legislation before us today, H.R. 14237, the Developmental Disabilities Services and Facilities Construction Act of 1970. This bill, when enacted, will help to extend and enhance the fine work begun on behalf on the Nation's mentally retarded by the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

The 1963 legislation ended many long years of almost complete neglect by our society of the problems of the retarded and of the contributions they can make if only given the chance and the right kind of attention. The effects of that legislation have been real and tangible. Research centers have been constructed and are operational, conducting research and providing opportunities for training and for service. Over 300 State and local facilities for the mentally retarded have been constructed or are in the process of being built. When fully completed, these facilities will have the capacity to serve some 82,500 retarded individuals. Grants have been awarded for the staffing of these facilities.

The enactment of H.R. 14237 will extend these highly successful and important programs. The bill also provides a broadening of the program that should make it an even more vital one. Under the new part C of the bill, the program will provide grants not only for construction of facilities, as now is the case, but also for developing comprehensive planning of services and for the actual provision of services as well. In addition, the original act will be amended to provide the various types of assistance under it not only for the mentally retarded, but for those with other developmental disabilities, such as epilepsy and cerebral palsy, as well. Individuals with these disorders often require the same kind of therapy and treatment as do the retarded and this bill will adjust the existing program so that they can readily receive it.

As a member with a special concern for the poverty areas of the country, I am pleased to see that H.R. 14237, in its intent as stated by the committee in its report, is designed to give special consideration and specific attention to the extraordinary needs of the retarded and other developmentally disabled residing in area of poverty, both urban and rural, in our Nation. The President's Committee on Mental Retardation reported 2 years ago that three-fourths of the Nation's mentally retarded are to be found in the isolated and impoverished urban and rural slums. The poverty areas, with such a high percentage of retardation, do not receive anything like a similar percentage of the available program aid for the retarded, and this bill will help to see that their needs are better met than they have been.

The bill H.R. 14237 is an important and essential piece of legislation and I hope it is passed unanimously. If the mentally retarded and the other developmentally disabled persons in our country are to have the bright futures and productive lives they deserve and are capable of, we must give them the kind of attention and assistance this bill will provide. I support it wholeheartedly.

Mr. PRICE of Illinois. Mr. Chairman, I do not know how many of my colleagues have ever visited an institution for the mentally retarded, but those that have must be aware of the most unfortunate conditions the inmates have to endure. The members of the closed institutional "community" receive little more attention than what the President's Committee on Mental Retardation has termed "dehumanizing custodial care." In this manner, the tax-supported State institutions resemble penitentiaries, only there is some sort of rehabilitory or otherwise useful activity available for the inmates of real penitentiaries.

There have been articles and semidocumentary films showing the attendants' alleged cruelty to the inmates. The reasons for this appearance originate in the need for the funds we are discussing today. Of the approximately 6 million Americans including children now in institutions, most of them do not belong there. Too often the institutions are used as "dumping grounds" for unwanted retarded children—their parents would rather leave them and try to forget the whole thing. Our institutions which operate at a cost of about $1 billion a year are overcrowded with people who should be at home in a normal family environment which is for the most part a far superior way for these handicapped citizens to become productive. But until the day people come to realize this fact, we must protect the rights of our citizens that are residents of these institutions. Overcrowding causes understaffing. Private institutions offer better care but oftentimes are too expensive for the inmate's family. The small but much needed funds provided by H.R. 14237 will help to increase and improve the staffing of institutional facilities.

For the handicapped at home, the bill provides continued funds for extended sheltered workshop employment, construction of buildings for such programs, and research—research in services development, and research in prevention of retardation.

Under the existing law, there exist certain inequities which allow the most money to go to the communities that have the most in terms of matching funds, initiative, and technical competence to implement programs. As a result, many poverty areas are without any facilities for their retarded. This is unfortunate because environmental retardation—cultural depravity of children in their critical early years that can permanently impare their developmental capabilities—is a major problem in these areas. To alleviate this situation H.R. 14237 will require the State administering agencies to give primary consideration to the poorer urban and rural area.

Mr. Chairman, I do not think there is a man in this Chamber who would deny this much needed money to help our more unfortunate citizens take their places as productive members of society. I urge my colleagues to vote for the bill.

Mr. FEIGHAN. Mr. Chairman, I rise in support of H.R. 14237, to amend the Development Disabilities Services and Facilities Construction Act.

I have long been a supporter of measures designed to rehabilitate the mentally retarded. I was very pleased that as a result of my cooperation with the Veterans' Administration and Governor Rhodes of Ohio, the Broadview Heights Veterans Hospital was in 1965 transfered to the State of Ohio without cost, for the care of the mentally retarded. This hospital is now performing an excellent service to its patients and is a great convenience to persons in the northern part of Ohio who visit the patients.

At this time we have another opportunity to act on behalf of the mentally retarded. The bill under our consideration is an important element in continuing care for our citizens so affected.

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Title I of the bill provides for assistance to States in developing plans to fulfill the task of rehabilitating those persons suffering from mental retardation and other similarly serious disabilities originating in childhood. Title II extends part B of the 1963 act through fiscal year 1973, and in addition allows construction grants to be extended to university-associated mental retardation facilities.

Nothing can be more saddening to our gaze than children stricken for life by neurological malfunctions. In this day of increased awareness of the magnitude of our Nation's problem with the disabilities of mental retardation, epilepsy and cerebral palsy, we must all feel a need to further support those institutions in our country which are researching to prevent, to cure, and to rehabilitate the stricken.

I feel certain that my colleagues will join in support of H.R. 14237, and thereby showing their continued and deep interest in the vital concern of mental retardation—an interest which was illustrated in the passage of the 1963 act, and a concern fully deserving of full House support today.

Mr. OTTINGER. Mr. Chairman, I rise in strong support of H.R. 14237, the Developmental Disabilities Services and Facilities Construction Act of 1970.

There are approximately 6 million mentally retarded individuals in this Nation, Mr. Chairman, but nobody has an accurate estimate of how many there really are because of the inadequacy of facilities for treatment and rehabilitation. Furthermore, there are another 1 million Americans suffering from epilepsy and related disorders, 550,000 from cerebral palsy, and approximately 1 million with other neurological impairments incurred before the age of 18 and constituting a substantial handicap throughout life.

And yet, to accommodate these millions of mentally retarded, there are only 180 public residential facilities through the United States, with only 189,000 residents being treated at the end of fiscal 1969. My own State of New York had an average daily resident population of 27,000 during fiscal 1969, more than double the next State. Yet this represents only 147 residents per 100,000 people, approximately 5 percent of the need. As many as half a million individuals in New York may need assistance, yet our facilities and personnel are adequate to serve only 27,000 at a time.

An old survey, but one whose comparisons undoubtedly still apply, pointed out that a retardee's earning power increased from $44 a year before rehabilitation to $1,600 after. And yet only 21,000 mentally retarded are being rehabilitated annually throughout America, only a little more than 1,000 in New York State.

Mr. Chairman, the Developmental Disabilities Act is vitally needed to expand the Federal program of assistance to the States in developing comprehensive services for the mentally retarded and those individuals suffering from other childhood developmental disabilities. The bill authorizes $95 million for fiscal 1971, $122 million in 1972, and $145 million in 1973 to help the States build and improve facilities and provide services to these disadvantaged persons. I have sponsored a bill, H.R. 18045, which is similar to H.R. 14237 but authorizes higher appropriations.

Mr. Chairman, we must pass a strong bill, for I believe that the Federal commitment in this area is real and pressing. H.R. 14237 continues and broadens the Federal effort in the mental retardation field begun under Public Law 88–164 in 1963. The bill authorizes the appropriation of funds for formula grants to the States, an approach opposed by the Nixon administration despite the fact that it has stimulated every State to upgrade its involvement with its mentally retarded citizens.

Title I provides grants for planning, provision of services, and construction of facilities, supplanting the existing program which authorizes grants solely for construction. Funds will be allotted among the States on the basis of population, financial need of the State, and the demand for facilities and services. The services provided may include diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling, protective and legal services, information and referral, follow-along, and transportation. Funds authorized in title I are $60 million in 1971, $85 million in 1972, and $105 million for 1973.

One of the truly fine features of H.R. 14237, also a provision in my bill, is the requirement that States give special consideration to urban and rural poverty areas, where existing programs are weak for lack of matching funds. The Federal Government will put up 66⅔ percent of funds for construction of facilities under title I, but the Federal share in poverty areas will be 90 percent as a stimulus to greater efforts among the poor, who hopefully will receive mental retardation services under this bill for the first time in many parts of the Nation.

Another noteworthy provision is the extension of services to sufferers from epilepsy, cerebral palsy, and related neurological disorders. Existing programs for the mentally retarded provide no assistance to those disabled in childhood from similar handicaps, and I am pleased to see this broadening of the scope of a most vital Federal effort.

Title II of H.R. 14237 authorizes $20 million a year through 1973 for continuation of the present program of assistance for construction of university-affiliated facilities for interdisciplinary training of mental retardation specialists. It also establishes a new program of demonstration and training grants, with $15 million authorized for 1971, $17 million in 1972, and $20 million in 1973, to either universities or public or nonprofit private agencies or organizations.

Mr. Chairman, the demand for services and facilities for the mentally retarded is acute throughout the Nation. Mr. Maurice G. Kott, director of the New Jersey Division of Mental Retardation, pointed out in the House hearings that his State alone needs $90 million to accommodate its waiting list of projects for mentally retarded persons who are presently unaided by Government programs.

It is simply incredible to me, Mr. Chairman, that in spite of the minimal Federal effort that has been made in this vital area, the administration is attempting to hold down the funding for mental retardation programs to current levels. Following outlays of $35.4 million in 1969 and $31.3 million in 1970, HEW Assistant Secretary Creed Black testified on the administration's request for $32,790,000 for this purpose in 1971:

> However, with present fiscal constraints, we must think in terms of funding near present levels—not at severalfold increases—for the foreseeable future.

Mr. Chairman, this callous disregard of severely handicapped children emanates from an administration which wanted to bail out an ineptly managed railroad with $200 million of the taxpayer's money and is still promoting $290 million in Federal funds for a supersonic transport whose benefits will accrue to the wealthy only.

The pattern has clearly emerged. Cutbacks in medical research, veto of HEW appropriations, veto of Hill-Burton funds—the impression is that this administration would do away altogether with Federal health programs if it thought it could get away with it. This message must and will be carried to the American people whose concern over the priorities of this Nation have deepened dramatically during recent months.

I believe we should increase the authorization in this program because of the stark need, clearly outlined in expert testimony before the Public Health and Welfare Subcommittee of the House Interstate and Foreign Commerce Committee. Mr. Harry Schnibbe, executive director of the National Association of State Mental Health Program Directors, testified:

> But we would support substantial sums in the nature of $100 million rather than the $30 million level that the administration is talking about. Of course, we cannot live with that. The sum they are talking about would reduce programs all along the line.

In a similar vein, Mr. Chairman, Mrs. Elizabeth Boggs, chairman of the Governmental Affairs Committee of the National Association for Retarded Children, testified:

> The effort thus begun will continue in some form in most States even if the Federal Government reneges on its implied commitments under the only piece of legislation (P. 88–164) in the history of the Nation which was designed to provide specialized facilities for research, training, and community service for the mentally retarded. However, such repudiation will result in loss of momentum, increasing gaps in federal credibility. The Administration bill (HR 15160) and the Administration testimony would in our opinion, constitute such an abandonment of commitment. It proposes, in effect, a return to the status quo ante 1963.

Mr. Chairman, we in the Congress must renew that commitment. The human need is clear. We owe it to those handicapped children who will never experience a normal day throughout their lives. We owe it to the citizens and pri-

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vate organizations through whose dedicated efforts the minimal programs for the mentally retarded have been kept alive. We owe it to the families of the disadvantaged children. Not least of all, we owe it to the best that is in ourselves.

Mr. VANIK. Mr. Chairman, I intend to vote in support of the bill before us this afternoon, H.R. 14237. This bill provides for a 3-year continuation of a program of grants for the construction and staffing of facilities for the mentally retarded. In addition, it expands the present programs of assistance in this area to persons who are disabled by neurological handicaps which require similar facilities to those already covered by this program which was originally started in 1963. Specifically, today's bill establishes cerebral palsy and epilepsy as illnesses eligible for treatment under the program.

In addition—and in this time of acute shortages of health personnel, this is a very important addition—provision is made for grants for the development and administration of staff services. The bill expands Federal matching grants for the construction of college and university affiliated training and research facilities. Research in this area is vital. It is an area where we know so little; it is an area where so much needs to be done. This bill is the very least we can do—and it is still inadequate.

Today's bill authorizes $95 million in fiscal year 1971, $122 million for fiscal 1972, and $145 million for fiscal 1973. Yet appropriations in this area have lagged badly behind the authorizations. For example, $75 million should have been appropriated in the fiscal year which has just ended. Yet only $21 million was provided. In addition, the administration has requested only $19 million for this program for assistance to the retarded and neurologically ill in fiscal year 1971. Again, I repeat, this is totally inadequate.

It is totally inadequate when one considers that, while accurate figures are not available, it is estimated that some 3 percent of the American population—approximately 6 million adults and children—are considered mentally retarded. In addition to the approximately 6 million citizens said to be suffering from mental retardation, there are nearly 1 million Americans suffering from epilepsy and connected disorders and nearly 600,000 afflicted with cerebral palsy.

There is a great deal that the public, through the expertise of research teams and publicly assisted health facilities can do to help in improving the lives of these tragically handicapped persons and in assisting the families of these persons in meeting the heavy burden of treatment and education caused by the disability. Yet, the most tremendous, staggering burden in time and effort and extra financial expenses is borne by the families of these disabled persons.

Some time ago, I introduced legislation which would have provided an extra tax deduction for those taxpayers who were meeting the extra burden of raising and educating such disabled children. It was my hope that that amendment could have been incorporated in the Tax Reform Act of 1969. Although, with a great deal of effort, certain tax reductions have been provided by that act to lower the tax burden on middle- and low-income taxpayers, no special relief was given to the families of those supporting these disabled dependents. I have not given up hope in this area. I intend to continue to push this legislation in the Committee on Ways and Means, of which I am a member.

Mr. Chairman, I urge the passage of this legislation.

Mr. FASCELL. Mr. Chairman, the bill to amend the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, which would authorize formula grants that would assist the States, public, and nonprofit organizations in developing and implementing a comprehensive and continuing plan for meeting the needs of people affected by developmental disabilities, is an essential program that must be maintained.

This bill, H.R. 14237, would directly service the needs of over 8½ million people. The mentally retarded, who must contend with unique educational, economic, and social problems, would benefit from this program. In addition, individuals handicapped by cerebral palsy, epilepsy, and other neurological diseases would be included and would receive the adequate care they so urgently need.

The need for the expanded coverage to those people affected by neurological disease was clearly brought to light by the Committee on Interstate and Foreign Commerce when it reported:

> A substantial number of these persons are not aided by federal, state, or local programs because their disabilities fail to fit the precise criteria specified, so that, as it were, these programs "fall between the cracks" insofar as concerns programs designed to provide aid for them.

This program would alleviate the problem of discrimination against the urban and rural poverty areas because of the new formula grant system to the States. In turn, the States would now have an incentive to strengthen and expand their activities.

Mr. Chairman, the handicapped of America need these comprehensive services and we must supply the proper agencies with adequate tools to meet these dire needs. I strongly urge the passage of H.R. 14237.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN.** Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 14237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Services and Facilities Construction Act of 1970."

TITLE I—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

AUTHORIZATION OF GRANT PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 101. Part C of the Mental Retardation Facilities Construction Act is amended to read as follows:

"PART C—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"DECLARATION OF PURPOSE

"SEC. 130. The purpose of this part is—

"(1) to authorize grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services for persons affected by developmental disabilities; and

"(2) to authorize grants to assist public or nonprofit private agencies in the construction of facilities for the provision of services for persons affected by developmental disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. (a) For the purpose of providing funds for grants under this part, there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1971, $85,000,000 for the fiscal year ending June 30, 1972, and $105,000,000 for the fiscal year ending June 30, 1973.

"(b) For the fiscal year ending June 30, 1974, and for each of the next fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make grants under section 137(a)(1)(B) with respect to services for which a grant under that section was made before July 1, 1973, and which are eligible for such a grant for the year for which sums are being appropriated under this subsection.

"STATE ALLOTMENTS

"SEC. 132. (a)(1) From the sums appropriated under section 131(a) for each fiscal year to carry out the purposes of section 130, the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall not be less than $100,000.

"(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under this part.

"(3) Sums allotted to a State for a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year; except that if the State plan of a State calls for the construction of a specific facility the Federal share of which will exceed the allotments available to the State for a fiscal year for construction, the Secretary may, on the request of the State, provide that funds allotted to the State and available for such year shall remain available for construction of that facility, to the extent necessary but not to exceed two additional years beyond the year for which the funds were initially allotted.

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"(b) Whenever the State plan developed in accordance with section 134 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

"(c) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such other States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted under this subsection to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

"NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

"SEC. 133. (a)(1) Effective July 1, 1971, there is hereby established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereafter in this part referred to as the 'Council'), which shall consist of twenty members to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

"(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(3) The members of the Council shall be selected from persons who are not officers or employees of the United States employed on a full-time basis and who are leaders in the fields of service to the mentally retarded and to other developmentally disabled persons, in State or local government, and in organizations representing consumers of such services. At least five members shall be representative of State or local agencies responsible for services to the developmentally disabled, and at least five shall be representative of the interests of consumers of such services.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twenty members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Secretary at the time of appointment.

"(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

"(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as the Council may require to carry out such functions.

"(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"STATE PLANS

"SEC. 134. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with developmental disabilities must—

"(1) designate (A) a State planning and advisory council, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary; (B) the State agency or agencies which will administer or supervise the administration of all or designated portions of the State plan; and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

"(3) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

"(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of administering the State plan;

"(5)(A) provide for the furnishing of a range of services and facilities for persons with developmental disabilities associated with mental retardation, (B) specify the other categories of developmental disabilities which will be included in the State plan, and (C) describe the quality, extent, and scope of such services as will be provided to persons with mental retardation and with other developmental disabilities;

"(6) provide that services and facilities furnished under the State plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(7) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(8) provide that (A) the State planning and advisory council shall be adequately staffed and shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned with services for persons with developmental disabilities; and (B) at least one-third of the membership of such council shall consist of representatives of consumers of such services;

"(9) provide that the State planning and advisory council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

"(10) provide that the State agencies designated in paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in securing facilities and services for persons with developmental disabilities who are residents of such areas;

"(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of developmentally disabled persons in the State;

"(13) provide for the development of a program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

"(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), and assigned priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(15) designate the portion of the State's allotment (under section 132) for any year which is to be devoted to construction of facilities, which portion shall be not more than 50 per centum of the State's allotment or such lesser per centum of the allotment as the Secretary may from time to time prescribe;

"(16) provide for affording to every appli-

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cant for a construction project an opportunity for hearing before the State agency;

"(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part; and

"(18) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPROVAL OF PROJECTS FOR CONSTRUCTION

"SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 134(b)(1)(C), an application by the State or a political subdivision thereof or by any other public or nonprofit agency. If two or more agencies join in the construction of the project, the application may be filed by one or more such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

"(b) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (1) that the application contains such reasonable assurances as to title, financial support, and payment of prevailing rates of wages and overtime pay, (2) that the plans and specifications are in accord with regulations prescribed by the Secretary, (3) that the application is in conformity with the State plan approved under this part, and (4) that the application has been approved and recommended by the State agency designated in accordance with section 134(b)(1)(C) and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

"(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

"WITHHOLDING OF PAYMENTS FOR CONSTRUCTION

"SEC. 136. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency (designated in accordance with section 134(b)(1)(C)) of any State, finds that—

"(1) the State agency is not complying substantially with the provisions required by section 134(b) to be included in the State plan, or with regulations of the Secretary,

"(2) any assurance required to be given in an application filed under section 135 is not being or cannot be carried out,

"(3) there is a substantial failure to carry out plans and specifications related to construction approved by the Secretary under section 134, or

"(4) adequate funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith withhold payments for construction from the allotment of such State in accordance with subsection (b).

"(b) If the Secretary makes a finding described in subsection (a), he may forthwith notify the State agency that—

"(1) no further payments will be made to the State for construction from allotments under this part, or

"(2) no further payments will be made from allotments under this part for any construction project or the action or inaction referred to in paragraph (1), (2), projects designated by the Secretary as being affected by (3), or (4) of subsection (a),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction projects may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"GRANTS TO THE STATE FOR PLANNING AND SERVICES

"SEC. 137. (a) (1) To carry out the purposes of section 130 (1), the Secretary shall make grants under this section to assist the States in meeting the costs of (A) developing and administering their State plans, and (B) compensation of personnel to provide, in accordance with approved State plans, services for persons with developmental disabilities. Grants under this section with respect to any such service provided under a State plan may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day.

"(2) A grant under this section may be made only to a State which (A) has a State plan approved under this part, and (B) has made an application for such grant in accordance with regulations of the Secretary. For each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973, a grant to a State under this section shall be made from the portion of the State's allotment under section 132 which is not designated in its State plan for construction purposes. For the fiscal year ending June 30, 1974, and each of the next six fiscal years, a grant to a State under clause (B) of paragraph (1) of this subsection shall be made from funds appropriated under section 131(b).

"(b)(1) A grant under this section for any fiscal year to assist a State in meeting the costs of developing and administering its State plan may not exceed 5 per centum of the State's allotment under section 132 for that fiscal year or $75,000, whichever is less.

"(2)(A) A grant under this section to assist a State in meeting the costs of compensation of personnel to provide services for persons with developmental disabilities may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in subparagraph (B), such grants with respect to any State may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(B) In the case of any State providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for the costs of a State for compensation of personnel providing services for persons in such an area may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(3) For the purpose of determining the costs of a State for compensation of such personnel, costs of a political subdivision thereof or of a nonprofit private agency for compensation of such personnel shall, subject to such limitations and conditions as may be prescribed by the Secretary by regulation, be regarded as costs of such State.

"(c) Payment of grants under this section may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and on such terms and conditions, as the Secretary may determine.

"WITHHOLDING OF PAYMENTS FOR PLANNING AND SERVICE

"SEC. 138. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council (designated in accordance with section 134(b)(1)(A)) finds that—

"(1) there is a failure to comply substantially with any of the provisions required by section 134 to be included in the State plan, or

"(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State council that further payments for planning or services will not be made to the State under section 137 (or, in his discretion, that further payments for planning or services will not be made to the State under that section for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment under that section to the State, or shall limit further payment under that section to such State to activities in which there is no such failure.

"REGULATIONS

"SEC. 139. The Secretary, as soon as practicable, by general regulations applicable uniformly to all the States, shall prescribe—

"(1) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of services for which assistance may be provided under this part, and the categories of persons for whom such services may be provided;

"(2) standards as to the scope and quality of services which must be provided for persons with developmental disabilities under a State plan approved under this part;

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"(3) the general manner in which a State, in carrying out its State plan approved under this part, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

"(4) general standards of construction and equipment for facilities of different classes and in different types of location.

After appointment of the Council, regulations and revisions therein shall be promulgated by the Secretary only after consultation with the Council.

"NONDUPLICATION

"SEC. 140. (a) In determining the amount of any payment for the construction of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"(b) In determining the amount of any grant under section 137 to assist a State in meeting the costs of planning and of compensation of personnel, there shall be disregarded (1) any portion of such costs which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

CONFORMING AMENDMENTS

SEC. 102. (a) Section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2691) is amended by—

(1) striking out ", and the District of Columbia" and all that follows in subsection (a) and inserting in lieu thereof ", the District of Columbia, and the Trust Territory of the Pacific Islands.";

(2) amending subsection (b) to read as follows:

"(b) The term 'facility for the developmentally disabled' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons affected by one or more developmental disabilities.";

(3) striking out "mentally retarded" wherever it occurs in subsection (d) and inserting "developmentally disabled" in lieu thereof;

(4) amending the first sentence of subsection (h)(2) to read as follows: "The Federal share with respect to any project in the State shall be the amount determined by the State agency described in the State plan, but, except as provided in paragraph (3) the Federal share (A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower."; and

(5) adding at the end of the section the following subsections:

"(l) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual affected by such disability and of his family, protective and other social and sociolegal services, information and referral services, and follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"(n) The term 'regulations' means (unless the text otherwise indicates) regulations promulgated by the Secretary."

(b) Sections 403 and 405 of such Act are amended by inserting "or the developmentally disabled" after "mentally retarded" wherever it occurs.

APPLICATION OF NEW PROVISIONS RELATING TO DURATION OF GRANTS AND FEDERAL SHARE TO CONTINUATION GRANTS UNDER EXISTING STAFFING GRANT PROGRAM

SEC. 103. (a) Effective with respect to costs of compensation of professional and technical personnel of any facility for the mentally retarded for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 141 of part D of the Mental Retardation Facilities Construction Act, subsection (b) of such section is amended to read as follows:

"(b)(1) Grants under this section for such costs for any facility may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs for any such facility may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any mental retardation facility for which a staffing grant was made under section 141 of the Mental Retardation Facilities Construction Act before July 1, 1970, (1) the provisions of subsection (b) of section 141 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such facility was initially made, and (2) non-Federal funds made available for costs incurred after the date such grant was initially made but before June 30, 1970, shall not, to the extent they exceed the minimum amount of non-Federal funds required under such subsection with respect to grants for costs incurred after June 30, 1970, be taken into account in applying section 142(a)(3) of such Act to such grants.

EFFECTIVE DATE

SEC. 104. The amendments made by sections 101 and 102 of this title shall apply with respect to fiscal years beginning after June 30, 1970. Funds appropriated before June 30, 1970, under part C of the Mental Retardation Facilities Construction Act shall remain available for obligation during the fiscal year ending June 30, 1971.

TITLE II—AMENDMENTS TO PART B OF THE MENTAL RETARDATION FACILITIES CONSTRUCTION ACT

CONSTRUCTION GRANTS

SEC. 201. (a) The first sentence of section 11(a) of the Mental Retardation Facilities Construction Act is amended—

(1) by striking out "clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which, for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part) and";

(2) by striking out "clinical training" and inserting in lieu thereof: "interdisciplinary training"; and

(3) by striking out "each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970" and inserting in lieu thereof: "for each of the next five fiscal years through the fiscal year ending June 30, 1973".

(b) Such section 121(a) is amended by striking out "the mentally retarded" in the second sentence and the second time and third time it appears in the first sentence and inserting in lieu thereof "persons with developmental disabilities."

(c) Sections 124 and 125 of the Mental Retardation Facilities Construction Act are each amended by striking out "the mentally retarded" each place it appears in those sections and inserting in lieu thereof "persons with developmental disabilities".

DEMONSTRATION AND TRAINING GRANTS

SEC. 202. Part B of the Mental Retardation Facilities Construction Act is amended by redesignating sections 122, 123, 124, and 125 as sections 123, 124, 125, and 126, respectively, and by adding the following new section after section 121:

"DEMONSTRATION AND TRAINING GRANTS

"SEC. 122. (a) For the purposes of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and soil problems of children and adults suffering from developmental disabilities, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, including established disciplines as well as new kinds of training to meet critical shortages in the care of persons with developmental disabilities.

"(b) For the purpose of making grants under this section, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971; $17,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973."

SEC. 203. Section 123 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "(a)" after "SEC. 122.", by inserting "the construction of" before "any facility", and by adding the following new subsection at the end thereof:

"(b) Applications for demonstration and proved by the Secretary only if the applicant is a college or university operating a facility of the type described in section 121, or is a public or nonprofit private agency or organization operating such a facility. In considering applications for such grants, the Secretary shall give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college to par-

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ticipate in the programs for which the application is made."

Sec. 204. Section 124 of such Act, as so redesignated by section 202 of this Act, is amended by striking out "for the construction of a facility" and "of construction" in subsection (a) thereof, and by striking out "in such installments consistent with construction progress," in subsection (b).

Sec. 205. Section 125 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "construction" before "funds".

MAINTENANCE OF EFFORT

Sec. 206. Part B of such Act is amended by adding at the end thereof the following new section:

"MAINTENANCE OF EFFORT

"Sec. 127. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds."

CONFORMING AMENDMENTS

Sec. 207. (a) The heading for title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by striking out "THE MENTALLY RETARDED" and inserting in lieu thereof "PERSONS WITH DEVELOPMENTAL DISABILITIES".

(b) Section 100 of such title is amended to read as follows:

"SHORT TITLE

"Sec. 100. This title may be cited as the 'Facilities for the Developmentally Disabled Construction Act'."

(c) The heading for part B of such title is amended to read as follows:

"Part B—Construction Demonstration and Training Grants for University-Affiliated Facilities for Persons With Developmental Disabilities"

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Waggonner, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14237) to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, pursuant to House Resolution 1131, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the agreement entered into yesterday, further consideration of the passage of the bill will be postponed until some time after 4 o'clock today.

Mr. SPRINGER. Mr. Speaker, I withdraw my point of order.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bills H.R. 13100 and H.R. 14237, the two bills which we have just discussed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

INCREASING THE AMOUNT OF BONDS ISSUED BY THE TVA

Mr. JONES of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18104) to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18104, with Mr. Fulton of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. Fallon) is to be recognized for 30 minutes, and the gentleman from Tennessee (Mr. Duncan) is to be recognized for 30 minutes. The Chair understands that the gentleman from Alabama (Mr. Jones) will be recognized for 30 minutes on behalf of the gentleman from Maryland (Mr. Fallon).

The Chair recognizes the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill, H.R. 18104, amends section 15d of the Tennessee Valley Authority Act of 1933, as amended, to increase the amount of bonds which may be issued by the Tennessee Valley Authority from $1.75 billion to $5 billion.

The bill was reported without objection from the House Public Works Committee following hearings held on June 18, 1970.

This bill marks the second time that we have sought to amend section 15d of the TVA Act. The first amendment was made in 1966 and raised the bond ceiling from its original level of $750 million to the present $1.75 billion figure. These periodic increases in TVA's borrowing authority were foreseen by Congress when section 15d was originally passed in 1959.

Reports of congressional committees on the 1959 self-financing legislation show that Congress expected the original $750 million to last for from 5 to 7 years. In 1966 Congress again looked at the TVA power system operation and raised the bond ceiling. The additional authority provided then was expected to enable TVA to operate for 6 years before another increase was sought.

The increase in borrowing authority for TVA is needed to enable construction of generating capacity to meet the power needs of the area it serves. At the time hearings were held on this bill TVA had $1.155 billion of bonds and notes outstanding. Virtually all of the balance of the authorized borrowing authority is committed to the completion of 10 million kilowatts of generating capacity now under construction.

The need for additional TVA borrowing authority is highlighted by the fact that without an increase the agency cannot award firm contracts for the purchase of additional units of generating capacity. In fact TVA has received and opened bids for two new generating units and this legislation is needed in order that TVA can make firm awards for these units.

Historical growth of power use in the TVA area amply demonstrates that these additional units should be ordered promptly. During 1959, the year self-financing for TVA became a reality, the TVA area used almost 36.5 billion kilowatt-hours of electricity. This figure does not include power sold to the Atomic Energy Commission. In 1969 the area use of electricity, again excluding AEC, had risen to over 80 billion kilowatt-hours. Thus the use of electricity by the farms, homes, businesses, and industries of the TVA area more than doubled between 1959 and 1969. TVA estimates that by 1976 the use of electricity by these customers will increase by an additional 48 billion kilowatt-hours a year.

In giving these figures I purposely have

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omitted the large AEC load served by TVA. This omission was made because AEC's use of electricity dropped from 18 billion kilowatt-hours a year in 1959 to about 12 billion kilowatt-hours in 1969. This reduction, however, has bottomed out and TVA estimates that by 1976 the AEC load will more than double to over 25 billion kilowatt-hours.

Thus in the next 6 years users of electricity will be utilizing about 60 billion kilowatt-hours more of electricity a year than they did in 1969. Much of this additional demand will be met with units now under construction. However, it takes at least 6 years to plan, order, and build generating units of the size now being built by TVA. Before these units can be ordered TVA must have in sight the financing to pay for them. Thus it can be seen that the additional borrowing authority is needed by TVA now if it is to place in service the generating capacity to meet the area's power needs in 1976 and later.

The requirements of AEC for electricity at its Paducah, Ky., and Oak Ridge, Tenn., plants was advanced by the Bureau of the Budget as a reason for increasing TVA's borrowing authority to only $3.5 billion. In considering this question, together with the possibilities that other power growth in the TVA area might be less than estimated, the committee could find no disadvantages in providing an authorization of $5 billion rather than $3.5 billion.

If the AEC loads should be less than estimated it would simply mean that the borrowing authority provided in H.R. 18104 would last for a longer period of time. The committee questioned TVA witnesses on the timing of construction of generating capacity to serve AEC loads. This testimony revealed that such capacity would not be started until firm contracts covering additional AEC loads have been entered into. The provision of $5 billion in borrowing authority therefore would in no way affect future decisions concerning the desirability of an increase in electric power utilization by the AEC plants.

On the other hand there is much that argues in favor of the $5 billion ceiling provided for in this legislation. The best evidence available indicates that $5 billion will enable TVA to operate for from 5 to 7 years before it needs to seek additional authority. If a ceiling of $3.5 billion is set, TVA would be required to seek a further increase in from 2 to 4½ years—thus quite possibly requiring further legislation in the 92d Congress.

In addition a ceiling of $3.5 billion would provide for a lesser period of system growth than either the original ceiling or the first increase was designed to achieve. The practicability of revenue bond financing for TVA has been demonstrated by the Authority's 11 years of operation under it. This record warrants sufficient congressional confidence to justify an increase adequate to last at least as long as the 5 to 7 years that the original 1959 authorization was designed to last.

A final argument in favor of the $5 billion ceiling is the duty of Congress to provide the homeowners and businesses of the Tennessee Valley the assurance that TVA will have the ability to meet the growing demands for power in its area for a reasonable length of time. It is not inconceivable that growth in demands for power might be at a higher rate than now estimated. In such an event, a $3.5 billion ceiling could be exhausted in less than 2 years. The power users in the TVA area are entitled to plan with confidence on a longer range basis than that.

As we are considering this increase in TVA authority to borrow money let us consider some of the other things that the 1959 self-financing legislation provided. First, the self-financing bill required the people of the TVA area to repay $1 billion of the appropriations invested in the TVA power system. In addition to repayments of principal TVA must pay to the Treasury each year a return on appropriation investment.

This return is calculated by applying to the outstanding balance of appropriations invested in the power system the Government's cost of money on its total marketable public obligations. It is important to note that this does not impose an obligation measured in the cost of money at the time the appropriation investment was made, but an obligation measured at the time the return is paid. The appropriation vestments were for the most part made in the 1930's and 1940's when the cost of money to the U.S. Government was low—often below 3 percent.

In 1961, the first year a return was paid, the interest rate used in determining the return was 3.449 percent. In fiscal year 1971 the rate will be almost 6 percent. In 1961 TVA paid as a return on the appropriation investment $41.4 million. In 1970, after repaying $125 million of principal, the return was $57.6 million. All told, since 1959 TVA has paid into the Treasurey as repayment of the appropriation investment and as a return on the appropriation investment a total of $573 million.

In authorizing TVA to sell bonds the 1959 self-financing act required TVA to go into the private money markets and compete with other borrowers for funds needed for capital investment. TVA has done this successfully. Its bonds receive the highest rating and when placed on the market sell quickly.

However, in competing for funds TVA must pay the going rate for money. In 1961 when the first bonds authorized by section 15d of the TVA Act were sold the interest cost to TVA was 4.44 percent. Since that time interest costs have risen generally and in June of this year the interest cost to TVA on a 25-year issue was almost 9.3 percent.

The rise in interest costs are not the only price increases that TVA has been faced with in the past 11 years. As we all know wages and salaries have increased sharply throughout the Nation. TVA must keep its pay scales competitive with these increases if it is to attract the skilled labor, engineers, and administrators it needs to build and operate its power system.

Besides wages the costs of other items that TVA uses has also grown. The individual homeowner pays much more today than in the past for the appliances, automobiles, and furniture he needs to maintain an adequate standard of living. In a similar vein TVA pays more today for the turbines, towers, and other items that are needed to assure an adequate supply of electric power to the region it serves.

These price rises mean that each dollar of financing authority will provide less new generating capacity than it did 11 years ago. This is one of the reasons that an increase to $5 billion in borrowing authority is not as great a rise as it may first seem.

A second reason involves the task of providing generating capacity to meet the growth in demand for power in TVA's area. Since 1959, although the rate of growth has fluctuated, the increase in demand for electricity on the TVA system has averaged about eight percent a year. In 1959 the capacity of the TVA system was about 11 million kilowatts. Today, the capacity of the system has grown to over 19 million kilowatts.

Thus in 1959 to provide an 8 percent yearly growth in generating capacity TVA would have had to put in service each year something less than 900,000 kilowatts of capacity. Today, to meet an 8 percent annual growth, TVA would have to put in service about 1.5 million kilowatts of generating capacity.

These two factors are key reasons why the increase to $5 billion in TVA's borrowing authority will last only for from 5 to 7 years. This is approximately the same period of financing Congress intended to provide when TVA self-financing legislation was passed in 1959. The needs of the TVA area together with the self-financing record of TVA fully justify the increase which will be provided by enactment of H.R. 18104.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I am happy to yield to the distinguished gentleman from Tennessee.

Mr. EVINS of Tennessee. I want to thank my friend for yielding.

I wish to say that I want to associate myself with the remarks of the distinguished gentleman on this important legislation.

Mr. Chairman, I have introduced a companion bill to that of the gentleman from Alabama. I also wish to say that I am concerned about the increasing and escalating power rates for the Tennessee Valley area which the TVA has announced in recent months. I am advised that this has been made necessary in part by higher interest rates and that the last bonds sold in the New York market at a 9-percent rate.

Mr. JONES of Alabama. That is correct.

Mr. EVINS of Tennessee. It is largely because of these high interest rates that the power rates to the consumers and industry in the area have necessarily gone up. I am told. TVA announced a large rate increase for October 1 before an earlier announced increase had become effective August 1.

Mr. Chairman, I oppose this rate in-

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crease and had intended to offer amendments to create a committee to study the reason for these rate increases and to make recommendations. I have talked to the distinguished gentleman from Alabama (Mr. JONES) and he has said that his committee will examine into these power rate increases and look at the power rate schedules of the Tennessee Valley Authority. I am advised also that the committee will look into power rates for publicly owned power utilities and private utilities as well—a full study of this matter. I understand the gentleman from Alabama is planning to do that. Is that correct?

Mr. JONES of Alabama. I will say to my distinguished friend from Tennessee no one has been a greater advocate or been stronger in his efforts to enhance and make useful the Tennessee Valley Authority than the gentleman who just addressed this inquiry to me.

I would say that the act of 1959, like every other public endeavor, needs to be reexamined from time to time. I think his suggestion is timely. It will give us an opportunity to look at the matter, because the Tennessee Valley Authority, as he knows, is clothed with many, many responsibilities. Consequently I think we ought to take into account the progress and the usefulness as well as the development of the Tennessee Valley Authority.

Mr. EVINS of Tennessee. The gentleman does plan to have this power rate increase study made by his committee?

Mr. JONES of Alabama. Yes, indeed.

Mr. EVINS of Tennessee. With that assurance and in that event, I will not offer the amendment which I had proposed to offer. I think there are several remedies that a study of this matter could bring out. A thorough study is needed to develop all the facts in this matter. We should look into the matter of rolling back the power rate increase or revising the formula of TVA repayments to the Federal Treasury which is based on escalative interest rates. I believe these rate increases are hurting the image of the Tennessee Valley Authority with its rate yardstick role and concept and the people of the TVA area do not approve of these rate increases.

Mr. Chairman, I certainly want to commend the gentleman from Alabama for his assurance that he will look into this matter. We need a thorough and complete study of this matter.

And with that assurance, I shall certainly support the additional authority which the gentleman proposes. I just hope and trust it will not mean further and additional power rate increases.

Mr. JONES of Alabama. I can reassure the gentleman from Tennessee. I want to also inform the gentleman, as well as the other members of the committee, that this bill was passed unanimously in the subcommittee, the full committee, and there was no complaint as to what is proposed.

Mr. EVINS of Tennessee. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Do I understand that there is presently outstanding by the TVA $1.1 billion in bonds?

Mr. JONES of Alabama. That is correct.

Mr. GROSS. With an authorization of $1.7 billion?

Mr. JONES of Alabama. Yes.

Mr. GROSS. What would be the reason for increasing the bonding capability by $5 billion under this situation?

Mr. JONES of Alabama. I would say to the distinguished gentleman from Iowa, and as we say upon occasion, I am glad he asked me that question, for the simple reason that what is necessary under this self-financing arrangement is that the Authority have sufficient bonding capability to place firm contracts for needed generating capacity.

So, the amount of bonding authority that TVA has remaining is not sufficient for TVA to enter into firm contracts for generating capacity that should be ordered this year.

What I am saying is this: we are talking about enormous generating units of 1,200 to 1,300 megawatts that require 6 or more years to build. So, the bonding authority to make firm commitments has to be available today so that the people that are supplying TVA have assurance of an adequate power supply for a reasonable time in the future. There has to be this assurance that the TVA can take care of its obligations to supply power and run an efficient operation in order to make its bonds merchandisable.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. JONES of Alabama. Yes, I yield further to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I wish to join with the gentleman from Alabama in the explanation that these bonds are outside the Treasury debt. They are handled entirely by the TVA outside of the national debt.

I may add further that this is also in line with the recommendation in the budget of the President.

Mr. GROSS. Mr. Chairman, if the gentleman from Alabama will yield further, the so-called full faith and credit of the United States does not back these bonds?

Mr. JONES of Alabama. No, it does not.

Mr. GROSS. It does not?

Mr. JONES of Alabama. It is an obligation of the Authority itself. It is not an obligation of the Federal Government. It is not included in the public debt operations.

Mr. GROSS. How much did Congress appropriate in the past fiscal year in direct Federal funds for support of the TVA?

Mr. JONES of Alabama. For the operation of the electrical portion of it, not a penny.

Mr. GROSS. No; I am talking about the appropriation for the TVA for any and all purposes.

Mr. JONES of Alabama. My recollection is around $52 million.

Mr. GROSS. Why do we still make this appropriation to the administrative—I assume that is what it is—for the administrative expenses of TVA? Why do we still do this?

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman from Alabama will yield further, as chairman of the subcommittee familiar with TVA operations, I can say that they are required by law to pay a stipulated amount into the Treasury every year, to liquidate the entire power indebtedness, and that the appropriation is for navigation and flood control, the normal operation carried on by the Corps of Engineers such as the Bonneville Power Administration and other public works throughout the Nation.

The power program is self-sustaining and self-liquidating, and is separate in its bookkeeping from the navigation and flood control programs. The TVA has paid into the Treasury of the United States about $1 billion. This year they have paid in about $72 million. It is more than the annual appropriations. Of course we make appropriations to TVA for its nonpower programs. The power program is self-sustaining and self-liquidating, as I stated, and pays into the Treasury each year $60, $70, or $80 million—$72 million this year. It is the only agency of the Government that I know of that is paying annually such large sums into the Treasury of the United States.

Mr. GROSS. Mr. Chairman, if my friend, the gentleman from Alabama (Mr. JONES) will yield further for one brief comment, I would appreciate it.

Mr. JONES of Alabama. Yes.

Mr. GROSS. I still do not understand why, if this is the paying proposition that it is heralded to be, why it is not picking up all of its expenses. Why should there be any recourse to the Federal Treasury?

Mr. JONES of Alabama. For the same reason as the gentleman from Tennessee explained, that the Federal Government is expending funds for the control of the lower Mississippi River, the same reason as we are appropriating large sums of money on the Arkansas River, and on the Missouri River and its tributaries. These are rather unique operations.

Mr. GROSS. I would think that the TVA is probably the most unique of all.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. JONES of Alabama. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I would like to reemphasize that the power operations of the TVA are self-sustaining and self-liquidating, and making a profit and paying annually into the Treasury of the United States, as the gentleman from Alabama has said, TVA this year is scheduled to pay in $72 million into the Treasury.

The navigation flood control and other programs are financed as are these programs in other Government services.

Mr. GROSS. I understand, but I just think they ought to take care of all their expenses.

Mr. EVINS of Tennessee. What about the Corps of Engineers and other great agencies, public works agencies?

What about the flood control programs

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on the Nation's rivers, which is of much concern to the Nation?

Mr. JONES of Alabama. Mr. Chairman, I want to thank the members of the subcommittee, and in particular the gentleman from Tennessee (Mr. Duncan) who has worked so hard and so earnestly on this proposition, along with the ranking member of the subcommittee, the gentleman from California (Mr. Don H. Clausen) and all of the other members for the thorough and exhaustive study that they have given to this matter.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman would yield further, I might add that this legislation is supported by the Bureau of the Budget, and has the unanimous support of the Committee on Public Works. I certainly support the bill, Mr. Chairman, and my concern was prompted by my hope that TVA's power operation will be continued at a lower rate to the consumers. We have taken great pride in TVA's low power rates, but I fear we are beginning to lose this good image because of escalating power rate increases.

Therefore, I hope that the gentleman's committee will look into the matter, and correct the situation.

Mr. JONES of Alabama. We hope that we can make a comparison.

Mr. DUNCAN. Mr. Chairman, I would first like to yield to the ranking Republican member of the subcommittee, the gentleman from California (Mr. Don H. Clausen), such time as he may consume.

Mr. DON H. CLAUSEN. Mr. Chairman, I believe the legislation has been adequately explained by the chairman, and has as its principal objective, increasing the revenue bond capacity and authorization for TVA from $1.75 billion to $5 billion.

Originally, consideration was given to extending it to $3.5 billion, but during the testimony that was presented, the questions asked and the answers given, we found that the $3.5 billion bonding authority would only provide for funding and acquisition of new generating capacity units to cover approximately 2 years, and TVA's lead time requirements revealed that it would be more realistic to extend this to the $5 billion figure. Thus permitting them the 6-year leadtime that most of the witnesses under questioning indicated would be necessary. Therefore, Mr. Chairman, I join in supporting the distinguished chairman of the Subcommittee on Flood Control in endorsing H.R. 18104. The purpose of the bill, that is to increase the amount of revenue bonds which TVA may have outstanding to finance additions to its power system from $1.75 billion to $5 billion is necessary to assure that the Tennessee Valley region meets its anticipated power requirements in the future. Bond authorizations, which are limited, prevent the issuance of firm contracts for future units to provide additional capacity. The leadtime normally is approximately 6 years. Consequently, we should, in order to assure the continued availability of power, increase these revenue bonds now.

I should like also to point out that the cost of this legislation to the Federal Government is nil. This is an unusual enough situation to invite to your attention where we have the opportunity to plan ahead, anticipate benefits, and have no direct cost to the United States.

Although the generating capacity to be financed by the increased authority provided by H.R. 18104 will not affect California, it will have a beneficial effect on power reliability far beyond the area directly served by TVA. Through interconnections with other systems TVA generating capacity is a factor in power service in all or part of 32 States.

The value of TVA's generating capacity to other areas of the country was demonstrated in the last couple of weeks when power generated by TVA was used to help meet an emergency in New York City caused by the accidential loss of Consolidated Edison Co. largest generating unit. This emergency assistance was possible because TVA had sufficient capacity to meet its own needs and was interconnected with other utilities in the eastern part of the Nation.

For a better understanding of the scope of these interconnections it might be well to point out just which States can be affected by TVA's ability to generate power. These 32 States include the seven States in which TVA operates. Portions of these seven States not supplied by TVA are closely interconnected with the TVA system.

In another 13 States electric service is provided by utilities which are members of groups having interchange facilities and contracts with TVA. These include Arkansas, Kansas, Louisiana, Oklahoma, and Texas to the south and west of the TVA area, the Midwestern States of Illinois, Indiana, Michigan, Missouri, and Ohio, as well as Florida, South Carolina, and West Virginia.

Another 12 States have electric service provided by utilities which receive a part of their power requirements from pools into which TVA power is placed through the groups I have just referred to. These include the six New England States, Wisconsin, and the Middle Atlantic States of New York, New Jersey, Pennsylvania, Delaware, and Maryland.

A perusal of this list clearly shows that additional borrowing authority provided to TVA by H.R. 18104 will have a definite effect on the power supply situation of a broad area of the country. This authority will enable TVA to build sufficient generating capacity to meet the needs of its own area, and only if TVA has such capacity can it continue to be an effective factor in the interconnected systems which provide service in these 32 States.

As was stated, the legislation that is now before the committee was unanimously endorsed not only by all of the members of the Tennessee delegation but also by the Committee on Public Works.

There is one significant point that I think should be made because this may be of concern to others, the point being that the legislation does not affect or expand the service area now covered by TVA and through the previously stated interchange facilities and contractural agreements now in existence with TVA

Mr. DUNCAN. Mr. Chairman, I rise in support of the bill now before us to increase the revenue bond authority of the Tennessee Valley Authority to $5 billion. Having cosponsored this legislation which would authorize such, I urge my colleagues to vote for this measure.

The Tennessee Valley Authority is a success story in itself. Through its self-financing program it provides reasonably priced electricity for thousands of homes and businesses in the area and yet has money left over each year to return to the U.S. Treasury.

In order to continue its work and to plan its future power supply far enough in advance to take care of increasing demands for power we must raise its bonding ceiling now. Not only is this vital to the immediate area served by TVA, but it is important to all sections of the country with which the Tennessee Valley is linked electrically.

As you know in many areas this summer we are faced with power shortages and failures. This only points to the need to prepare ahead for future demands. In fact, the Federal Power Commission is now urging the Nation's electric utilities to plan ahead for at least 10 years.

Electric generating equipment and facilities cannot be produced and installed overnight. Much time must be spent in planning and constructing, and it often takes years from purchase order to installation of the generating equipment.

The Tennessee Valley Authority for over 37 years has played a significant role in development of the Tennessee Valley region. H.R. 18104, by providing additional borrowing authority for power purposes, will enable TVA to continue one aspect of this role—the provision of adequate electric power.

In considering the merits of this bill we should look at the changes that TVA has helped to bring about in this region. In 1933, when TVA was formed, the Tennessee Valley area was in the throes of an even deeper depression than was the country as a whole. A measure of the depressed conditions was per capita personal income which stood at $168 a year—down from $317 in 1929. This was only 45 percent of national per capita income.

By 1968 annual per capita income had risen to $2,416 which was around 71 percent of the national figure. This dramatic increase, whether measured in dollars or as a gain on national income levels, was accomplished through a shift from an agricultural based economy to a highly industrialized one.

In 1933 agriculture accounted for 62 percent of employment in the Tennessee Valley region while manufacturing industries accounted for only 12 percent of the area's workers. By 1968 the farm sector provided jobs for slightly more than 11 percent of the work force. Manufacturing employment, on the other hand, accounted for more than 33 percent of the jobs in the region.

New sources of electricity provided through the TVA program was one of the important elements in the shift to manufacturing. When the TVA program was started the producers of electricity in the area had only 855,000 kilowatts of electrical generating capacity. By 1969 TVA had increased this capacity by more than 18 times to 18,239,000 kilowatts.

Over 8 million kilowatts of this capacity have been installed since the self-financing legislation was passed in 1959, and currently over 10 million kilowatts of capacity are under construction. This accelerating growth in installation of generating facilities is eloquent testimony to the effectiveness and validity of the self-financing principle as applied to TVA.

Furthermore this accelerating growth provides ample justification for passage of H.R. 18104. The new $5 billion ceiling on TVA's borrowing authority will provide the financing for additional generating capacity that is needed in the next 5 years. Without the electricity produced by this new capacity the TVA region will not be able to maintain the gains in personal income and standard of living that the people of the region have achieved over the last 37 years.

There might be some question about the wisdom of providing this authority if it were to come from appropriations or would be a burden on the U.S. Treasury. But the self-financing aspect of the TVA Act, including this amendment, does not do that. The bonds to be sold under H.R. 18104 are payable solely by revenues from the TVA power system and they are not obligations of or guaranteed by the United States.

By passing H.R. 18104 we are saying to the people of the Tennessee Valley that we will let TVA borrow money for new generating capacity—but that that money is to be repaid by the residents of the area when they pay their power bills.

Mr. FULTON of Tennessee. Mr. Chairman, as a cosponser of the legislation before us, the proposal to increase the Tennessee Valley Authority's self-financing authority, I have mixed emotions as I urge the Members of this body to give the bill their favorable consideration.

On the one hand I have a great deal of pride in the growth and economic development which the TVA has brought to the Tennessee Valley Region over four decades. It has helped create a land of growing prosperity out of a flood-ravaged wilderness. For this the Tennessee Valley Authority and the TVA Act is to be praised.

On the other hand, while the past history of the Tennessee Valley Authority has been one of partnership in growth and economic development the recent July 17, 1970 announcement of an opproximate 23 percent increase in consumer rates has left me with a deep feeling of disappointment bordering on disillusionment.

On Tuesday of this week I expressed my concern over this rate increase in a press release issued from my Washington office and I include the release in the RECORD at this point:

NEWS RELEASE

WASHINGTON.—Charging that the Tennessee Valley Authority's recently announced rate increase has "sent an economic shock wave reverberating through the Tennessee Valley region, Congressman Richard Fulton today called for a Congressional probe of the rate hike.

"If this unprecedented increase in power rates is allowed to stand, Tennessee and other TVA-served States are threatened with the loss of millions of dollars in revenue and thousands of jobs because of industrial shutdowns. A 23 percent increase in industrial power will delay planned expansion in some plants and simply force others to go under," Fulton said.

"It is inconceivable that any government-owned utility or private enterprise would at a time of tremendous inflationary pressure add to that pressure with such an exorbitant demand. If TVA gets its increase every power company in the country is going to follow suit."

"The Tennessee Valley Authority has cited a shortage of coal as a primary factor in raising its prices. But the Tennessee Valley Authority has for years been accused of driving small coal operators out of business by its buying policies."

The Tennessee Valley Authority has done a magnificent job of providing power for the development and industrialization of the Tennessee Valley Region. But it has, in the process, become seemingly myopic in that it is out to produce power and only power at any expense.

"In fact, a measurable percentage of the power now produced by the TVA is actually being transmitted out of the TVA area to other power companies. Thus, TVA power users within the TVA region are being asked by this rate increase to subsidize power which they will never use and which, if it were not being exported, might ease any legitimate need for a rate increase at this time.

"All this leads me to fear that the TVA authorities may be losing sight of the fact they are to serve the public in general and not just the TVA as some sort of insulated institution."

This latest rate increase should be thoroughly investigated by the Congress and I have written my Tennessee colleague, Hon. Joe L. Evins, urging that, as Acting Chairman of the Public Works Subcommittee of the House Appropriations Committee, he initiate such an investigation. I am also suggesting to Mr. Evins that such an investigation be particularly sensitive to the possibility of a full inquiry into the policies and procedures of the Tennessee Valley Authority in view of its seeming concentration on power production at the expense of continued and future economic viability within the TVA region, disregard of the public interest through ultra high inflationary rate increases, and actual and potential danger to the environment posed by its power producing methods and procedures.

"I know of no man in the Congress more able and qualified to conduct such an investigation and I am certain Mr. Evins will undertake appropriate and responsible action. He will have my full support."

Mr. Chairman, the morning following this statement I received a letter from the Honorable Frank E. Smith, Member of the Board of Directors of the Tennessee Valley authority. I must say that this too, was a disappointment because in essence, Mr. Smith stated simply that the TVA authorities were "required by our oath of office to fulfill the terms of the law."

Mr. Chairman, Mr. Smith's letter exhibited a near callous indifference to the public interest in general and to the U.S. Congress in particular and I place it in the body of the RECORD at this point:

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., July 29, 1970.

Hon. RICHARD FULTON,
House of Representatives,
Washington, D.C.

DEAR DICK: I have read in this morning's *Knoxville Journal* your statement protesting the TVA rate increase.

Let me suggest that you read the TVA Act, as amended by the self-financing bill of 1959. The law directly requires us to charge rates sufficient to meet our costs. If the Congress can subsidize any difference between costs and income, we will be happy to reduce the rates by the equivalent of the subsidy. We are required by our oath of office to fulfill the terms of the law, however, as I am sure you understand.

Our books are open now, as they always have been, for study or investigation by any Congressional committee. Let me remind you, however, that an inquiry of the nature which you suggest can only lead to pressures which will likely result in even higher TVA rates.

In the eight years I have been with TVA we have been involved in a constant struggle to keep our power rates down. Part of that struggle has made it necessary to reject many requests from good friends in Congress that would have occasioned greater costs for the TVA power system.

We are hopeful that no further rate raises of this amount will be necessary in the future, but there can be no guarantee as long as fuel and money costs continue to rise. I am confident, however, that when the current round of power rate increases going on all over the country is concluded that TVA rates will be in approximately the same proportion to those of private power companies as they have in the past.

I am puzzled by the statement attributed to you that TVA authorities "may be losing sight of the fact they are to serve the public in general and not just the TVA as some sort of insulated institution." We are fulfilling our responsibility to the public by fulfilling the law and refusing to heed advice which would invite financial disaster. The choice here is between continuation of TVA and its destruction.

Cordially,

FRANK E. SMITH,
Director.

Mr. Chairman, in my part of the country the Tennessee Valley Authority has done so much for us and become so important to us that it apparently has assumed the attitude that it should be immune to criticism and that any one who implies criticism either has not read the TVA Act as amended by the 1959 self-financing bill or is in conspiracy with those who would destroy TVA.

However, I felt compelled to respond immediately to Mr. Smith's letter and include a copy of that response in the RECORD at this point:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 30, 1970.

Hon. FRANK E. SMITH,
Director Office of the Board of Directors,
Tennessee Valley Authority,
Knoxville, Tenn.

DEAR MR. SMITH: Thank you for your rapid response to my statement protesting the TVA rate increase which was carried in the July 29th edition of the *Knoxville Journal.*

Appreciate your suggestion that I read the TVA Act, as amended by the self-financing bill of 1959. I have. And certainly I am aware of the fact that you are required by your oath of office to fulfill the terms of the law. However, fulfilling the terms of the law and blindly tracking it are two different matters.

Frank, as a former Member of Congress, I am sure you are conscious of the public impact that a 20 to 25 percent increase in rates would have had during your service in the United States House of Representatives. Thus, in this highly inflationary period, you certainly must have anticipated the public anguish which this latest rate increase has created.

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But to pass it off by simply saying "we are required by our oath of office to fulfill the terms of the law," is to take almost a "public be darned" attitude.

I say this because the Tennessee Valley Authority has made no attempt, to my knowledge, to inform the Congress or appropriate Committee members within the Congress that such a drastic rate increase was forthcoming. Had this been done discussion might have led to some alternative and the impact of increase reduced, not only in terms of public outrage but also in terms of percentage of rate increase.

Chairman Wagner discussed the possibility of rate increase with Rep. Joe L. Evins when Chairman Wagner testified before Mr. Evins' Public Works Subcommittee of the House Appropriations Committee. Certainly at that time you must have had certain knowledge that a big rate increase was forthcoming. The question was not "if" but "how much" and "when." TVA has had ample time to inform the Congress of its plight. It certainly was not hesitant to do so when it came to us requesting in detail an increase of $5 billion in its bonding authority.

You also express confidence ". . . that when the current round of power rate increases going on all over the country is concluded that TVA rates will be in approximately the same proportion to those of private power companies as they have in the past." Are you saying that TVA now proposes to engage in a game of price increase leapfrog with private power producers? Your job is to hold back rates not set the pace for private power concerns so they can increase consumer costs and justify an increase in profit by saying: "See, TVA increased their rates so we must increase ours."

You express the hope no further "rate increases of this amount will be necessary in the future, but there can be no guarantee as long as fuel and money costs continue to rise." Chairman Wagner, in his letter to me of July 17 announcing the rate increases also cited fuel costs as a primary factor in the rate increase. Quoting from the announcement attached to his letter: "TVA said factors in this increase include the rising demand for coal and 'seller's market' price trends, the coal industry's costs of meeting mine safety and strip mine reclamation requirements, increased transportation costs and coal car shortages. . . ." Does not the TVA have long-term multi-year contracts with its coal suppliers? Have they all run out at one given point in time and must now be renewed or are your suppliers failing to honor their contracts? I would very much like to have an answer to these questions.

Frank, you are well aware of my strong support of the TVA and my effort to expose to the public the scheme to sell it to private power interests in October of 1963. I have always supported the TVA but my support has in the past been based on the belief that the TVA was a positive instrument of economic progress. This latest rate increase, as high as it is and with as little public justification as it has been given, just does not seem to fit the configuration of economic progress because it threatens to close down plants, curtail expansion in others, increase unemployment and create additional inflationary pressure.

Finally you state, "I am puzzled by the statement attributed to you that TVA authorities 'may be losing sight of the fact they are to serve the public in general and not just the TVA as some sort of insulated institution'." Let me clarify that point for you. When any utility, public or private, increases consumer costs by an inflationary 20 to 25 percent without sensitivity to public opinion or to its authorizing body, in this case the United States Congress, then I cannot but conclude that it is certainly an "insulated institution."

Sincerely,

RICHARD FULTON,
Member of Congress.

Mr. Chairman, once again I urge passage of this legislation before us today. Our chairman has stated the case of need for this legislation in clear and precise terms and I wish to be associated with his remarks in this regard.

However, I do not intend to permit the matter of this unprecedented rate increase by the Tennessee Valley Authority to pass without careful examination. I want to know the reasons behind the explanations given in justification of the increase and I intend to learn them.

Mr. KUYKENDALL. Mr. Chairman, it is a privilege to join my Tennessee colleagues in support of the measure before this body to increase the revenue bond authority of the Tennessee Valley Authority to $5 billion. I urge a yea vote from the House.

It is difficult, Mr. Chairman, to pick up a newspaper this summer without dire warnings of power shortages that our Nation may face. Many of these problems stem from the failure of someone to look ahead, to smell the emergency on its way, and to be prepared for it. The Federal Power Commission is now urging the utility companies to restructure their plans for the next decade.

TVA is anticipating all of this, by asking for this increase. Mr. Chairman, this is not just another request for Federal money. Look at TVA's record. This is one Government agency that pays its bills, that renders an invaluable public service and stays in the black while it is doing so. Sound management is its watchword, and this bill before you is an example of that management.

I need not dwell on the success story of TVA. You have all heard it before, and you know that less than 3 percent of my State's farmhouses had electricity before TVA came into being, and that less than 1 percent of them today do not have it.

TVA has weathered depressions and detractors, and its example has been copied around the world. Its critics, whose voices have dimmed to a whisper over the years, are unhappiest because they do not have it. It has served my region well, and it has served the rest of the country, too, in many ways.

Mr. Chairman this legislation is vital to the continued growth and prosperity of the Tennessee Valley. I urge its passage.

Mr. JONES of Alabama. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 15d of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n–4, Supplement IV), is amended by striking out "$1,750,000,000" and inserting in lieu thereof "$5,000,000,000".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FULTON of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18104) to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley authority, pursuant to House Resolution 1150, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just considered and include therein extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON S. 1076, YOUTH CONSERVATION CORPS

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 28, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Kentucky give the benefit of his observations and comments on the conference report to the Members?

Mr. PERKINS. I shall be delighted to do so. First, let me state that there was no difference between the Senate and the House with regard to the authorization.

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A total of $10,500,000 is authorized over a 3-year period—in other words, $3.5 million annually.

I am pleased to advise the House that the conference report before us which authorizes a conservation program involving our young people has been signed by 16 of the 17 House conferees and by all of the Senate conferees. There were very few differences between the House and Senate versions of this legislation and most of these were of a minor or technical nature.

The major difference between the two bills related to the minimum age for participation in the corps. The Senate bill set the minimum age at 14, whereas in the House bill it was 16. The conference report limits participation to youth who are 15 years of age or above.

Under the Senate bill the corps program could only by conducted on public lands and waters under the jurisdictions of the Department of the Interior and the Department of Agriculture. Under the House bill a program could be conducted on any Federal property. Since this is a pilot program the conference report follows the more limited provision of the Senate bill.

Both bills authorized contracting for lodging and subsistence and other services by components or as a package. The House amendment required that any organization contracted with must have been nonprofit and in existence for at least 5 years. Under the conference report the two House limitations are retained when a contract is entered into with a local educational agency or other public or private agency for the entire operation of a corps program. The limitations will not apply when the Departments contract for individual or component services for a program.

Finally, the Senate bill required preference be given to disadvantaged youth to become corpsmen and that preference be accorded in the selection of supervisory personnel for the corps to elementary and secondary and college teachers and college students pursuing studies in the education and natural resources disciplines. The conference report follows the House and does not contain these preferences. It was the theory of the House that, inasmuch as the bill was patterned after the original Civilian Conservation Corps, we should permit all segments of society to participate. This concept was protected. I wish to point out, however, that it was the feeling of the conferees that teachers and students in the conservation fields are extremely well qualified for supervisory positions in the corps and thus it is expected that very many of the supervisory positions will be filled by such personnel. It is our view, also, that the corps, through the provision of gainful summer employment, can make a significant contribution toward meeting the needs of disadvantaged youth. I urge the conference report be adopted.

Mr. GERALD R. FORD. Mr. Chairman, will the chairman of the committee, the gentleman from Kentucky, yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. In the conference report are there any mandatory spending provisions?

Mr. PERKINS. There are no mandatory spending provisions in the conference report. I have always been a great believer in programs of this type. I personally feel that we are not doing enough in this area. I am hopeful that, after we give the pilot program a trial, we will be able to greatly expand this conservation program.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 17880, AMENDING DEFENSE PRODUCTION ACT OF 1950

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1168, Report No. 91–1355) which was referred to the House Calendar and ordered to be printed:

H. Res. 1168

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17880) to amend the Defense Production Act of 1950, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 17880, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3302, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 17880 as passed by the House.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1168 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is: Will the House now consider House Resolution 1168?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 1168.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority side to the very able and distinguished gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, I recognize this is a little unusual procedure to take up a rule and consider it on the same day that it is reported, but I think, under the circumstances, that procedure is thoroughly justified because of the time element that is involved and certainly further because it is my understanding that the bill itself will not be considered, nor will any vote be taken on it today. In other words, the purpose is to expedite the business of the House.

Mr. Speaker, if I may have the attention of the House, I would like to make a few comments on this bill. The bill that the rule makes in order is a continuation of the Defense Production Act. The testimony before the Rules Committee indicated that there was no opposition in the Committee on Banking and Currency or in the Rules Committee to the extension of the act.

The testimony further disclosed that there was considerable controversy in the Committee on Banking and Currency as well as in the Committee on Rules with respect to title II of the bill, which in brief would authorize the President to have certain standby controls in the fight against inflation.

There developed considerable conflict of opinion, about this question of giving the President these controls.

Before I develop that further, permit me to say there will be 2 hours of general debate, under an open rule, whereby amendments can be offered.

Mr. Speaker, what I really wanted to address myself to here, and the reason for my taking this time of the House, is to emphasize my own feeling on this matter and particularly with reference to inflation.

Mr. Speaker, for the past 15 or possibly for 20 years I have said, if I may be pardoned a personal reference, from the well of this House, that in my judgment the greatest enemy facing this Nation is inflation. This thing of spending and spending and spending, with credit and credit and credit being extended, with deficit spending on the part of the Government itself, has resulted—it is not going to result; it has resulted—in ruinous inflation. In my judgment if this young Republic falls within the next few years it is going to fall as the result of inflation rather than some foreign enemy that we are worrying about here on the floor practically every day.

The 1939 dollar is now worth approximately 35 cents. Does that register with the Members? If it does not register with the Members of this House, it registers with the housewives and with the people whom we have the honor of representing when they go to the grocery store or anywhere else to make a purchase.

A suit of clothes which, in 1939, cost $40 or $50 now cost $100 to $150; and the prices of all other commodities have soared proportionately.

Inflation is the order of the day. Now, I have come to the conclusion, rather reluctantly, that this Congress is not going to do anything about stopping this deficit spending and therefore apply the brakes to inflation. Oh, we talk about it all the time, but we do not do anything about it. When this administration came into power we were told that we were going to have a surplus. Well, I think

XUM

everybody agrees now, including the administration, that we are going to have a deficit and a substantial deficit. I am certainly not going to try to put this on the back of the President of the United States. As I said before in this House, the administration, the President, cannot spend money that the Congress does not give him to spend. He sends down a budget recommendation here which the Congress proceeds to violate. The net result is between the combination of the administration and the Congress that we will possibly have from a $15 billion to a $25 billion deficit for this fiscal year rather than the surplus we have been told we were going to get.

Now, who is responsible for this situation I think both parties are responsible for it. The question was asked before the Committee on Rules this morning, who is going to get the blame, come the fall elections, for this inflation? Some people thought the administration was going to get it, but my thought was and is that the blame for the continuation of this great threat to this republic is going to result in both parties getting the blame. I do not think the people are going to be as partisan as some people think they are. When the fall elections come they are going to hold the people in power—and that goes for the Congress as well as the President—responsible for this situation. I think it behooves us and we ought to take note of this situation and try to do something about not only for our own political welfare but for benefit of our people and the preservation of the Republic.

Mr. Speaker, this bill authorizes standby controls, but it says that it is at the option of the President. I do not know whether the President wants it or not.

I am told that he possibly does not. So, there seems to be a little political stuff going on around here about this matter. I want to repeat that again—the politics of this situation should not be of prime consideration.

Mr. Speaker, I am interested in the results. The only criticism that I have of these standby controls is that they ought to be mandatory. I do not think that the Congress is meeting its responsibility when it says, "All right; we will just pass this on to the executive department."

Mr. Speaker, the people are being ruined by inflation. I am not interested, I repeat, in the partisanship of this thing. The people of this country are not interested in the partisanship of this. They are interested in getting some relief.

So, I would feel much better about the situation if the controls authorized here were mandatory rather than discretionary or optional. I am just that realistic about it.

Mr. Speaker, I have previously said this, but I want to repeat it and emphasize again that the greatest enemy facing this Republic is inflation. I say this because if that dollar continues to reduce in value, if it continues to be debased, we are finally going to reach the point that the people of Germany, of Italy, and of other countries reached in recent history when their currency, their medium of purchasing power, lost its value, and then they lost their form of government.

So, once we reach that point to which we are headed now—oh, we are having a great time now; we are enjoying it; that is, the people who earn more than their daily wage—then we are indeed in deep trouble. When that time comes that our currency has lost its value, then the wheels of industry stop and then everything stops and then you will be taking that wheelbarrow load of money to the grocery store to bring back an armful of groceries, just as they did in those countries. Then is when the dreaded Communists or the "man on the horse" moves in and takes over your splendid form of government and we lose all of our cherished institutions of freedom and of self government.

No; I do not like price and wage controls. I was in Congress when we had them during the war. No one likes them, but we at least controlled runaway inflation then. Now, this is nothing new with me. I have talked about this for years. I think we are going to have to come to it and the day is going to arrive when we can no longer pass the buck from one side to the other, from one party to the other party, from the Congress to the administration or the administration to the Congress. So I think the time has come to stand up and meet the situation.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a highly unusual situation confronting us today in that the Committee on Rules only reported out this resolution at about 12 o'clock today. Three hours later we are now giving consideration to the rule on this legislation, and I understand the bill is programed for consideration today. This is perhaps one of the most important pieces of legislation that the House will consider in the entire year, because it involves price and wage controls.

Let me digress for a moment in regard to the rule which the able gentleman, the chairman of the Committee on Rules (Mr. COLMER) explained a few moments ago, and then I will get back to the bill itself.

House Resolution 1168 provides for 2 hours of debate, and an open rule for consideration of the bill H.R. 17880, to be read by titles.

The purpose of the bill is first to extend for 2 years, through June 30, 1972, the Defense Production Act. Second, to establish a Cost Accounting Standards Board appointed by the Comptroller General to recommend to Congress a set of uniform accounting standards to be used by industry in connection with its Government contract work, and third, to provide the President with authority to order a freeze on wages, prices, rents, and salaries.

Mr. Speaker, let me address myself first of all to the committee to be appointed by the Comptroller General to which there has been some objection by setting up this committee in this manner to study further cost accounting methods of the Department of Defense, and setting cost accounting standards. Over the years, Mr. Speaker, we have had many such committees study this subject, not only in the Congress, but in the Department of Defense. I am told that the bill passed by the other body would set up standard cost accounting methods to be used by the Department of Defense. I am further told, according to the testimony of the chairman of the Committee on Banking and Currency, that they received testimony that if standard procedures are adopted by the Defense Department that savings ranging up to as high as $2 billion could be accomplished. But yet the bill that we will have before us, which we will be considering under this rule, simply sets up another committee to make another study and make a report back to the Congress a year from now.

I think it is time for action. I am hopeful that when we get into the 5-minute rule and the consideration of this legislation that the section included in the other body's bill, will be adopted in preference to the one included in the House bill.

Let me address myself now for a few moments to this provision in title II in which the President is given discretionary powers until next February 28 to establish a freeze on prices, wages, and rents—and that is 7 months from now.

I have done some studying, Mr. Speaker, in regard to the experiences which we accumulated during World War II in regard to legislation of this nature. If we go back to 1942, shortly after we became involved in World War II, you will find that the rate of inflation in this country was at the highest point in the history of our Nation. You will also find that it far outdistanced the rate of inflation which we have experienced in the United States over the last 18 to 24 months.

Now what was the situation in 1942? We were engaged in an allout war effort. All of our industry in this country was transformed from producing materials for the domestic economy to a war economy. Our factories and our industries were prohibited from further production of automobiles for use by our citizens in this country. The production of electric refrigerators, washing machines, and many hundreds and thousands of other items were also discontinued during that period.

So we immediately and quickly transformed from a peacetime economy to a wartime economy and stopped the production of consumer goods.

Now when we did this, the net result, of course, what that there was a great shortage of consumer goods in the United States. When you have a shortage, according to the law of supply and demand, prices go up, and that is exactly what happened.

So it was of tremendous importance that wage and price controls be enacted in that period.

The first method used was what is called selective controls or a selected type of wage and price controls of certain basic industries. It was felt that this might be successful. That went on for a few months, for a period of about 6 months, but prices continued to rise. It was not effective.

XUM

Then mandatory wage and price controls were put into effect. Then what happened? Well, it takes an army of men and women to enforce this sort of legislation. These controls take some time to get into operation. It takes weeks and even months to get this thing into operation.

If you go back and look at the economic statistics for that period, you will find it took from 9 to 12 months to get this price acceleration under control even after we went into a mandatory wage and price control economy.

This legislation in title II provides these powers to the President—from now until February 28—7 months from now.

If we go back to the experience of World War II, and I think you will agree with me, even if they were placed into effect by the President, that there would be little or no chance of any effective action resulting.

There is another point to which I wish to call attention. The legislative body of our Government has the responsibility to make the laws. The executive branch of our Government has the responsibility to carry out those laws.

Title II of the bill, in which the Congress would give to the President authority to set up wage and price controls, and which would put the responsibility into his hand is action which would abrogate the responsibilities and the duties of the legislative branch of our Government. I think it is time that the Congress took cognizance of this, and that we stood up on our hind feet and performed our duties as we should.

XUM

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to associate myself with the very excellent remarks that have been made this afternoon by my colleague on the Rules Committee. Because of my appearance in testimony before another subcommittee of this body, I could not be in the Rules Committee this morning and listen to the testimony that was offered in support of the resolution which would make this legislation in order. But I have had an opportunity to go over the hearings that were conducted before the Banking and Currency Committee.

I, for one, am absolutely convinced—and I do not say this to impugn the sincerity of the gentleman from Mississippi, who spoke earlier under the rule, because I know among all the Members of this body there is probably no one who is more concerned about the fiscal situation in the country than he. But I am convinced that there are some in this body who are putting forth this legislation as nothing other than a patently political gambit to embarrass the President of the United States, because when you look at the testimony of a reputable economist—even the Robert Roosas and the John Kenneth Galbraiths, they are not talking about a 7-months temporary freeze on wages and prices—which, as the gentleman has pointed out, could not possibly be effectively administered, given the thousands of people who would probably have to be recruited to enforce that kind of program. They are talking about a policy that would be foisted on this country for years and years to come, not the kind of temporary palliative that is prescribed in this legislation.

So I make the charge this afternoon that this is politically inspired. If the Congress wants to enact wage and price control legislation, then let it have the courage to put it in language that would make it clear to the country that we have made that decision, not that we are giving the President something he does not want, that he has not asked for, and that he clearly will not use.

Mr. MARTIN. I thank the gentleman for his remarks. That was the point I was going to get to in a moment.

As I pointed out, and as the gentleman from Illinois just pointed out, this authority extends for only 7 months. Perhaps this is a subtle bit of political play, but I do not consider it too subtle because it just happens that the election is going to come next November 3, which is approximately halfway between now and when the President's power would expire under this legislation. So it does make quite an issue, I assume and presume, for some Members of the Congress in the campaign this fall.

The Congress, I feel, should have the courage, if it wants to enact legislation setting up mandatory wage and price controls, to come out and set them up as the law of the land, if the majority in this body and in the other body feel that way, and then send the bill down to the President for his signature or his veto. But, Mr. Speaker, I do not approve of the kind of action as exemplified in title II of this legislation in which we simply pass the buck over to the President and fail to show the courage and the responsibility that is expected of us in the Congress in this matter.

I want also to mention this afternoon that we were told in our hearings this morning that an amendment will be offered on the floor of the House tomorrow afternoon providing for mandatory wage and price controls. This is of tremendous significance and of great importance. I hope every Member of the House will be here tomorrow to consider this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I have no further requests for time.

Mr. MARTIN. Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; and

H.J. Res. 1336. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

DEFENSE PRODUCTION ACT EXTENSION AND ECONOMIC STABILIZATION ACT

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17880 to amend the Defense Production Act of 1950, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, in the opinion of the Chair, is the unanimous consent restriction on quorum calls and on votes put over until after 4 p.m. today, anent the return of those who would honor our departed colleague still in effect inasmuch as they have returned, and many of them are now on the floor?

The SPEAKER. The gentleman will restate his parliamentary inquiry.

Mr. HALL. Mr. Speaker, may I inquire, in view of the fact that there was an agreement as to quorum calls and rollcalls, whether or not we may see by a quorum call whether we have a quorum on the floor, in view of the importance of this bill, and in view of the fact that it was not scheduled, and in view of the fact that we were deferring until our colleagues returned from Ohio and the services for our departed colleague, Mike Kirwan.

The SPEAKER. The Chair will state there is no agreement that would prevent a point of order that a quorum is not present.

The Chair will further state that the action taken has been with the understanding of the leadership on both sides and with the further understanding that general debate on the bill will terminate at 4 o'clock.

Mr. HALL. Mr. Speaker, I appreciate the statement of the Chair. The Chair has answered my question. I thoroughly understand the problem, and I am interested in expediting the business of this House, but because of the importance of this bill and the national interest, I make the point of order that a quorum is not present.

Mr. PATMAN. Mr. Speaker, will the gentleman withhold his point of order so I may ask a question?

Mr. HALL. I will withhold my point of order.

Mr. PATMAN. Mr. Speaker, the understanding is that we will go ahead and at 4 o'clock we will stop, and then we will have the rollcalls, and then the question of proceeding will take place after that.

Mr. HALL. Mr. Speaker, I appreciate

that, but the importance as brought out during the discussion of the rule far transcends the importance of a lapsed agreement, or stopping at any time certain to resume the other rollcalls. I believe Members should be here and hear whether we should have a teller vote on whether we go into session, so I let my point of order stand.

The SPEAKER. The gentleman insists on his point of order?

Mr. HALL. I do, Mr. Speaker.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. REUSS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 241]

Addabbo
Alexander
Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Biaggi
Bow
Brock
Bush
Button
Carey
Celler
Clay
Conyers
Cunningham
Daddario
Dawson
Dennis
Dent
Diggs
Donohue
Dowdy
Dulski
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fallon
Fish
Flynt
Foley
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Griffiths
Gude
Hathaway
Hays
Hébert
Helstoski
Horton
Ichord
Johnson, Pa.
Karth
Kee
King
Kluczynski
Leggett
Lloyd
Long, La.
Lowenstein
Lukens
McEwen
MacGregor
Mann
Matsunaga
Meskill
Mikva
Montgomery
Nix
Ottinger
Pelly
Pollock
Powell
Price, Tex.
Purcell
Railsback
Rarick
Rees
Reid, N.Y.
Rogers, Colo.
Rooney, N.Y.
Roudebush
Ryan
Sebelius
Skubitz
Stanton
Steiger, Ariz.
Stuckey
Teague, Calif.
Tunney
Van Deerlin
Weicker
Wilson, Charles H.
Wyatt
Wydler
Wyman
Young
Zwach

The SPEAKER. On this rollcall 335 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION FROM A SELECT COMMITTEE

The SPEAKER laid before the House the following resignation from the Select Committee To Conduct an Investigation and Study of All Aspects of Crime in the United States:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 28, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Capitol Building,
Washington, D.C.

SIR: I beg respectfully to hereby resign from the House of Representatives Select Committee on Crime.

Respectfully,
ROBERT V. DENNEY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF A SELECT COMMITTEE

The SPEAKER. Pursuant to the provisions of House Resolution 17, 91st Congress, the Chair appoints as a member of the Select Committee To Conduct an Investigation and Study of all Aspects of Crime in the United States. The gentleman from Arizona (Mr. STEIGER), to fill the existing vacancy thereon.

CONFERENCE REPORT ON H.R. 15733, RAILROAD RETIREMENT ACT AMENDMENTS

The SPEAKER. The unfinished business is the question of the adoption of the conference report on the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

The question is on the conference report.

The question was taken; and on a division (demanded by Mr. SPRINGER) there were—ayes 177, noes 0.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 346, nays 0, not voting 84, as follows:

[Roll No. 242]

YEAS—346

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Reid, Ill.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—84

Anderson, Tenn.
Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Biaggi
Brock
Bush
Button
Carey
Clay
Cohelan
Conyers
Cunningham
Daddario
Dawson
Dennis
Dent
Devine
Donohue
Dowdy
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Frelinghuysen
Gallagher
Giaimo
Griffiths
Harvey
Hays
Helstoski
Howard
Hull
Ichord
Johnson, Calif.
Johnson, Pa.
Karth
Kee
King
Kluczynski
Lloyd
Long, La.
Lukens
McClure
McCulloch
McEwen
MacGregor
Mann
Matsunaga
Meskill
Montgomery
Nix
Pelly
Pollock
Powell
Purcell
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rogers, Colo.
Roudebush
Ryan
Sebelius
Smith, Calif.
Stanton
Taft
Teague, Calif.

XUM

Tunney
Van Deerlin
Weicker
Wilson, Charles H.
Wyatt
Wydler
Wyman

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Ayres.
Mr. Rogers of Colorado with Mr. McCulloch.
Mr. Biaggi with Mr. Button.
Mr. Kluczynski with Mr. Pelly.
Mr. Carey with Mr. Fish.
Mr. Edwards of Louisiana with Mr. McClure.
Mr. Long of Louisiana with Mr. Lukens.
Mr. Evins of Tennessee with Mr. Lloyd.
Mr. Fallon with Mr. Frelinghuysen.
Mr. Donohue with Mr. Cunningham.
Mr. Matsunaga with Mr. McEwen.
Mr. Charles H. Wilson with Mr. Pollock.
Mr. Aspinall with Mr. Harvey.
Mr. Hall with Mr. Ashbrook.
Mr. Johnson of California with Mr. Sebelius.
Mr. Daddario with Mr. Meskill.
Mr. Hays with Mr. Smith of California.
Mr. Purcell with Mr. Dennis.
Mr. Montgomery with Mr. Devine.
Mr. Barrett with Mr. Johnson of Pennsylvania.
Mr. Anderson of Tennessee with Mr. Esch.
Mr. Howard with Mr. King.
Mr. Helstoski with Mr. Nix.
Mr. Tunney with Mr. Conyers.
Mr. Karth with Mr. Powell.
Mr. Mann with Mr. Reifel.
Mr. Rarick with Mr. Bush.
Mr. Gallagher with Mr. Railsback.
Mrs. Griffiths with Mr. Reid of New York.
Mr. Flynt with Mr. MacGregor.
Mr. Farbstein with Mr. Clay.
Mr. Ichord with Mr. Brock.
Mr. Baring with Mr. Roudebush.
Mr. Van Deerlin with Mr. Berry.
Mr. Kee with Mr. Stanton.
Mr. Dowdy with Mr. Taft.
Mr. Edwards of California with Mr. Teague of California.
Mr. Wyman with Mr. Weicker.
Mr. Rees with Mr. Wyatt.
Mr. Ryan with Mr. Wydler.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF PROGRAMS FOR TRAINING IN THE ALLIED HEALTH PROFESSIONS

The SPEAKER. The further unfinished business is on the question of the passage of the bill H.R. 13100, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 343, nays 1, not voting 86, as follows:

[Roll No. 243]

YEAS—343

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Reid, Ill.
Reuss
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—1

Schmitz

NOT VOTING—86

Alexander
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Berry
Biaggi
Brock
Bush
Button
Carey
Clay
Conyers
Cunningham
Daddario
Dawson
Dennis
Dent
Devine
Donohue
Dowdy
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Frelinghuysen
Gallagher
Griffiths
Harvey
Hastings
Hays
Hull
Ichord
Johnson, Calif.
Johnson, Pa.
Karth
Kee
King
Kluczynski
Leggett
Lloyd
Long, La.
Lukens
McCulloch
McEwen
MacGregor
Mann
Mathias
Matsunaga
Meskill
Montgomery
Nix
Pelly
Pollock
Powell
Purcell
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Rogers, Colo.
Roudebush
Ryan
Sebelius
Smith, Calif.
Stanton
Taft
Teague, Calif.
Tunney
Van Deerlin
Weicker
Wilson, Charles H.
Wyatt
Wydler
Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Ayres.
Mr. Rogers of Colorado with Mr. McCulloch.
Mr. Biaggi with Mr. Button.
Mr. Kluczynski with Mr. Pelly.
Mr. Carey with Mr. Fish.
Mr. Edwards of Louisiana with Mr Beall of Maryland.
Mr. Long of Louisiana with Mr. Lukens.
Mr. Evins of Tennessee with Mr. Lloyd.
Mr. Alexander with Mr. Eshleman.
Mr. Fallon with Mr. Frelinghuysen.
Mr. Donohue with Mr. Cunningham.
Mr. Matsunaga with Mr. McEwen.
Mr. Charles H. Wilson with Mr. Pollock.
Mr. Aspinall with Mr. Harvey.
Mr. Hull with Mr. Ashbrook.
Mr. Johnson of California with Mr. Sebelius.
Mr. Daddario with Mr. Meskill.
Mr. Edmondson with Mr. Rhodes.
Mr. Hays with Mr. Smith of California.
Mr. Purcell with Mr. Dennis.
Mr. Montgomery with Mr. Devine.
Mr. Barrett with Mr. Johnson of Pennsylvania.
Mr. Leggett with Mr. Esch.
Mr. Hastings with Mr. King.
Mr. Dawson with Mr. Nix.
Mr. Tunney with Mr. Conyers.
Mr. Karth with Mr. Powell.
Mr. Mann with Mr. Reifel.
Mr. Rarick with Mr. Bush.
Mr. Gallagher with Mr. Railsback.
Mrs. Griffiths with Mr. Reid of New York.
Mr. Flynn with Mr. MacGregor.
Mr. Farbstein with Mr. Clay.
Mr. Ichord with Mr. Brock.
Mr. Baring with Mr. Roudebush.
Mr. Van Deerlin with Mr. Berry.
Mr. Kee with Mr. Stanton.
Mr. Dowdy with Mr. Taft.
Mr. Edwards of California with Mr. Teague of California.
Mr. Wyman with Mr. Weicker.
Mr. Rees with Mr. Wyatt.
Mr. Ryan with Mr. Wydler.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3586) to amend title VII of the Public

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Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Training Improvement Act of 1970".

DECLARATION OF POLICY

SEC. 2. It is the policy of the Congress to advance the public welfare by promoting the expansion and improvement of the health professions in order to meet the growing and critical health needs of our expanding population.

TITLE I—SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, PHARMACY, OPTOMETRY, VETERINARY MEDICINE, AND PODIATRY

INSTITUTIONAL GRANTS

SEC. 101. (a) Section 771 of the Public Health Service Act (42 U.S.C. 295f–1) is amended by adding at the end thereof the following new subsection:

"(d) In the case of an application for a grant under this section for a new school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, or podiatry, the provisions of subsection (b)(1) and subparagraphs (A) and (B) of subsection (a)(1) of this section shall not apply. In lieu of such provisions, the Secretary shall by regulations prescribe criteria (1) for enrollment increases to be met by the applicants for such grants, and (2) for determining the amounts of each such grant in excess of the $25,000 authorized by subsection (a)(1) of this section."

(b) The amendment made by subsection (a) of this section shall be effective only with respect to sums available for grants under section 771 of the Public Health Service Act from appropriations under section 770 of such Act for the fiscal years ending after June 30, 1970.

GRANTS TO MEDICAL AND DENTAL SCHOOLS IN FINANCIAL DISTRESS

SEC. 102. Title VII of the Public Health Service Act is amended by adding after section 799a thereof (as added by section 209 of this Act) the following new part:

"PART H—GRANTS TO MEDICAL AND DENTAL SCHOOLS IN FINANCIAL DISTRESS

"FINDNGS OF FACT AND DECLARATON OF POLICY

"SEC. 799k. (a) The Congress hereby finds and declares that—

"(1) the Nation's economy, welfare, and security are adversely affected by the acute financial crisis which threatens the survival of medical and dental schools which provide the highest quality of teaching, medical and dental research and the delivery of health care for the Nation; and

"(2) the financial straits of these institutions, placing many on the brink of disaster, are in substantial measure the result of their affirmative response to national health policy (as established or approved by the Congress) that such institutions (A) extend their enrollment through major expansion of training capacity to increase the supply of adequately trained health professions personnel or to improve facilities for the conduct of research in the sciences related to health, (B) establish special facilities for, extend, or improve the quality and delivery of, health care and services to disadvantaged persons in urban or rural areas, (C) provide high quality health care and services to the massive number of individuals who are beneficiaries of programs established by or pursuant to titles XVIII and XIX of the Social Security Act, or (D) maintain present enrollments, and maintain or enhance the quality of training provided, despite costs that are increasing more rapidly than school income from all sources.

"(b) It is therefore the purpose of this part to provide these medical and dental schools with emergency financial assistance to enable them to continue and expand the services, programs, and activities which are in response to national health policy (as described in subsection (a)(2)).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 799l. For the purpose of enabling the Secretary to make grants under this part, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended.

"GRANTS BY SECRETARY

"SEC. 799m. (a) From the sums appropriated pursuant to section 799l, the Secretary is authorized to make grants, in accordance with the provisions of this part.

"(b) In order to be eligible for a grant under this part, an institution must be a public or nonprofit school of medicine or dentistry (as defined in section 724(4) and which is accredited as provided in section 721(2)(1)(B) or section 773(b)(2)).

"(c) No grant shall be made to any institution under this part except pursuant to application therefor which is approved by the Secretary.

"APPLICATION FOR GRANTS

"SEC. 799n. (a) The Secretary shall not approve any application for a grant unless the application is submitted by or on behalf of a public or nonprofit institution which is eligible (as prescribed by section 799m(b)) for a grant under this part, and the Secretary finds that—

"(1) such institution has made an affirmative response to one or more of the elements of national health policy (as described by section 799k(a)(2));

"(2) such institution is in financial distress;

"(3) the financial distress of such institution is attributable, in substantial degree, to such institution's having performed, engaged in, or undertaken, one or more of the functions, policies, programs, or activities referred to in paragraph (1);

"(4) the financial distress of such institution (if not relieved by a grant under this part) will oblige such institution either to discontinue or curtail its performance of, engagement in, or undertaking with respect to, one or more of the functions, policies, or activities referred to in paragraph (1); and

"(5) such institution has a plan (and submits such plan with or as a part of its application for grants) which provides a reasonable assurance that, if such grant is made, such institution will be able, during and after the period with respect to which the grant is made, to continue or expand its performance of, engagement in, or undertaking with respect to, any of the functions, policies, or activities (referred to in paragraph (1)) with respect to which a grant is sought in such application.

"(b) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(c) Amounts paid by the Secretary to an institution under this part shall be used only for the purpose for which paid, may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(d) In the case of any medical school or dental school which owns or is affiliated with a hospital or dental clinic and such hospital or dental clinic is utilized by such school in connection with its major teaching programs, the facilities, activities, and programs of such hospital or dental clinic shall, insofar as they are a part of or are used in connection with such teaching programs, be deemed for purposes of this part to be facilities, activities, or programs of such school."

TITLE II—ALLIED HEALTH PROFESSIONS

GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES FOR ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 201. (a) Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295h(a)(1) is amended (1) by striking out the "and", and (2) inserting immediately before the period at the end thereof the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975".

(b) Section 791(b)(1) of such Act (42 U.S.C. 295(b)(1) is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1974".

GRANTS TO IMPROVE THE QUALITY OF TRAINING FOR ALLIED HEALTH PROFESSIONS

SEC. 202. (a) Section 792(a) of the Public Health Service Act (42 U.S.C. 295h–1(a)) is amended by striking out "and $20,000,000" and all that follows down to but not including the period at the end thereof and inserting in lieu thereof the following: "$20,000,000 for the fiscal year ending June 30, 1970; and $15,000,000 for each of the next five fiscal years; for basic improvement grants under this section to assist training centers for the allied health professions to improve the quality of their educational programs".

(b) Section 792(a) of such Act is further amended (1) by inserting "(1)" immediately after "(a)", and (2) by adding at the end thereof a new paragraph (2) as folows:

"(2) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1373; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975; for special project grants under this section to assist public or nonprofit private agencies, institutions, and organizations in providing or maintaining existing programs or planning or establishing new programs for training or retraining of allied health personnel."

(c) Section 792(b) of such Act (42 U.S.C. 295h–1(b)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

(d)(1) Section 792(c) of such Act (42 U.S.C. 295h–1(c)) is amended to read as follows:

"(c) From the sums appropriated under subsection (a)(2) of this section for any fiscal year, the Secretary is authorized to

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make special project grants under this section to public or nonprofit private agencies, institutions, and organizations to (A) plan, develop, or establish new programs for the training or retraining of allied health personnel, (B) effect significant improvements in the curriculums of programs for the training or retraining of such personnel, (C) expand training capacity in programs for the training or retraining of such personnel, or (D) establish special curriculums, in programs for the training or retraining of allied health personnel, designed to meet the needs of, and encourage and facilitate participation in such programs by individuals who are economically or culturally deprived, are returning veterans of the Armed Forces of the United States with training or experience in or related to the allied health fields, or are reentering or interested in reentering the allied health fields."

(2) The heading to such section 792 (c) is amended by striking out "IMPROVEMENT" and inserting in lieu thereof "PROJECT".

(e) Section 792 (d) (2) (A) of such Act (42 U.S.C. 295h–1 (d) (2) (A)) is amended by inserting "in the case of an application for a basic improvement grant," immediately after "(A)".

(f) The amendments made by this section shall be effective only with respect to grants made under section 792 of the Public Health Service Act from sums appropriated under such section for fiscal years ending June 30, 1970.

TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 203. (a) Section 793(a) of the Public Health Service Act (42 U.S.C. 295h–2(a)) is amended (1) by striking out "and" after "June 30, 1969" and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971; $9,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $11,000,000 for the fiscal year ending June 30, 1974; and $12,000,000 for the fiscal year ending June 30, 1975;".

(b) Section 793 (b) of such Act (42 U.S.C. 295h–2 (b)) is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, institutions, and organizations".

(c) Section 793 (c) of such Act (42 U.S.C. 285h–2 (c)) is amended by striking out "centers" and inserting in lieu thereof "public and nonprofit agencies, institutions, and organizations".

DEVELOPMENT OF NEW METHODS

SEC. 204. (a) Section 794 of the Public Health Service Act (42 U.S.C. 295h–3) is amended (1) by striking out "and" after "June 30, 1969;", (2) by inserting after "June 30, 1970;" the following: "$6,000,000 for the fiscal year ending June 30, 1971; $8,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $12,000,000 for the fiscal year ending June 30, 1974; and $14,000,000 for the fiscal year ending June 30, 1975;" and (3) by inserting "or contracts with" immediately after "grants to".

(b) Such section 794 is further amended (1) by inserting "(1)" after "projects", and (2) by inserting immediately before the period at the end thereof the following: ", (2) to study and develop mechanisms for determining the equivalency and proficiency of previously acquired knowledge and skills related to the allied health professions, (3) to develop, experiment with, and demonstrate new teaching methods and curriculums relating to the allied health professions, and (4) to develop, demonstrate, and evaluate new means of recruitment, retraining, or retention of allied health personnel".

ENCOURAGEMENT OF FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE ALLIED HEALTH PROFESSIONS

SEC. 205. Part G of title VII of the Public Health Service Act is amended by adding immediately after section 794 thereof the following new sections:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR ALLIED HEALTH PROFESSIONS

"SEC. 794a. (a) To assist in meeting the need for additional trained personnel in the allied health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)), for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions, including returning veterans of the Armed Forces of the United States with training or experience in the health field, and encouraging and assisting them, whenever appropriate, to (A) complete secondary school, (B) undertake such postsecondary training as may be required to qualify them for training in the allied health professions, and (C) undertake postsecondary educational training in the allied health professions, or

"(2) publicizing existing sources of financial aid available to persons undertaking training or education in the allied health professions.

"(b) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $1,500,000 for the fiscal year ending June 30, 1974; and $1,750,000 for the fiscal year ending June 30, 1975.

"SCHOLARSHIP GRANTS

"SEC. 794b. (a) The Secretary is authorized to make (in accordance with such regulations as he may prescribe) grants to public or nonprofit private agencies, institutions, and organizations with an established program for training or retraining of personnel in the allied health professions or occupations for (1) scholarships to be awarded by such agency, institution, or organization to students thereof, and (2) scholarships in retraining programs of such agency, institution, or organization to be awarded to allied health professions personnel in occupations for which such agency, institution, organization determines that there is a need for the development of, or the expansion of, training.

"(b) Scholarships awarded by an agency, institution, or organization from grants under subsection (a) shall be awarded for any year only to individuals of exceptional financial need who require such assistance for such year in order to pursue a course of study by such agency, institution, or organization.

"(c) Grants under subsection (a) may be paid in advance or by way of reimbursement and at such intervals as the Secretary may deem appropriate and with appropriate adjustments on account of overpayments or underpayments previously made.

"(d) Any scholarship awarded from grants under subsection (a) to any individual for any year shall cover such portion of the individual's tuition, fees, books, equipment, and living expenses as the agency, institution, or organization awarding the scholarship may determine to be needed by such individual for such year on the basis of his requirements and financial resources; except that the amount of any such scholarship shall not exceed $2,000, plus $600 for each dependent (not in excess of three) in the case of any individual who is awarded such a scholarship.

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1971; $7,000,000 for the fiscal year ending June 30, 1972; $8,000,000 for the fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

"WORK-STUDY PROGRAMS

"SEC. 794c. (a) The Secretary is authorized to enter into agreements with public or nonprofit private agencies, institutions, and organizations with established programs for the training or retraining of personnel in the allied health professions under which the Secretary will make grants to such agencies, institutions, and organizations to assist them in the operation of work-study programs for individuals undergoing training or retraining provided by such programs.

"(b) Any agreement entered into pursuant to this section with a public or nonprofit private agency, institution, or organization shall—

"(1) provide that such agency, institution, or organization, will operate a work-study program for the part-time employment of its students or trainees either (A) in work for such agency, institution, or organization or (B) pursuant to arrangements between such agency, institution, or organization and another public or private nonprofit agency, institution, or organization, in work which is in the public interest for such other agency, institution, or organization;

"(2) provide that any such work-study program shall be operated in such manner that its operation will not result in the displacement of employed workers or impair existing contracts for employment:

"(3) provide that any such work-study program will provide conditions of employment, for the students or trainees participating therein, which are appropriate and reasonable in light of such factors as type of work performed, prevailing wages in the area for similar work, and proficiency of the individual in the performance of the work involved;

"(4) provide that no Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used for the construction, operation, or maintenance of any facility or part thereof which is used or is to be used for sectarian instruction or as a place for religious worship;

"(5) provide that Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used only to make payments to its students or trainees performing work in the work-study program operated by such agency, institution, or organization; except that such agency, institution, or organization may use a portion of such funds to meet administrative expenses connected with the operation of such program, but the portion which may be so used shall not exceed 5 per centum of that part of such funds which is used for the purpose of making payments, to such students or trainees, for work performed for a public or private nonprofit agency, institution, or organization other than the agency, institution, or organization receiving such Federal funds pursuant to such agreement;

"(6) provide that such agency, institution, or organization, in selecting students or trainees for employment in such work-study program, will give preference to individuals from low-income families, and that

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no individual will be selected for employment in such program unless he (A) is in need of the earnings from such employment in order to pursue a course of study (whether on a full-time or part-time basis) for training or retraining of personnel in the allied health professions provided by such agency, institution, or organization, (B) is capable, in the opinion of such agency, institution, or organization, of maintaining good standing in such course of study while employed under such work-study program, and (C) in the case of any individual who at the time he applies for such employment is a new student or trainee, has been accepted for enrollment in such course of study on a full-time basis or part-time and. in the case of any other individual, is enrolled in such course of study on such a basis and is maintaining good standing in such course of study;

"(7) provide that such agency, institution, or organization shall, in the operation of such work-study program, provide all individuals desiring employment therein an opportunity to make application for such employment and that, to the extent that necessary funds are available, all eligible applicants will be employed in such program; and

"(8) include such other provisions as the Secretary may deem necessary or appropriate to carry out the purposes of this section.

"(c) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"(d)(1) Funds provided through any grant made under this section shall not be used to pay more than—

"(A) 90 per centum, in the case of the three-year period commencing on the date of the enactment of this section,

"(B) 85 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (A),

"(C) 80 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (B), nor

"(D) 75 per centum, in the case of any period after the period referred to in clause (C),

of the costs attributable to the payment of compensation to students or trainees for employment in the work-study program with respect to which such grant is made.

"(2)(A) In determining (for purposes of paragraph (1)) the amounts attributable to the payment of compensation to students or trainees for employment in any work-study program, there shall be disregarded any Federal funds (other than such funds derived from a grant under this section) used for the payment of such compensation.

"(B) In determining (for purposes of paragraph (1)) the total amounts expended for the payment of compensation to students or trainees for employment in any work-study program operated by any agency, institution, or organization receiving a grant under this section, there shall be included the reasonable value of compensation provided by such agency, institution, or organization to such students or trainees in the form of services and supplies (including tuition, board, and books).

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, $6,000,000 for the fiscal year ending June 30, 1973, $8,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"LOANS FOR STUDENTS OF THE ALLIED HEALTH PROFESSIONS

"SEC. 794d. (a) (1) The Secretary is authorized (in accordance with such regulations as he may prescribe) to enter into an agreement for the establishment and operation of a student loan fund in accordance with this section with any public or private nonprofit agency, institution, or organization which has an establshed program for the training or retraining of personnel in the allied health professions.

"(2) Each agreement entered into under this subsection shall—

"(A) provide for establishment of a student loan fund by such agency, institution, or organization for students or trainees enrolled in such program;

"(B) provide for deposit in the fund of (i) the Federal capital contributions paid under this section to the agency, institution, or organization by the Secretary, (ii) and additional amount from other sources equal to not less than one-ninth of such Federal capital contributions, (iii) collections of principal and interest on loans made from the fund, (iv) collections pursuant to subsection (b) (6), and (v) any other earnings of the fund;

"(C) provide that the fund shall be used only for loans to students or trainees enrolled in such program of the agency, institution, or organization in accordance with the agreement and for costs of collection of such loans and interest thereon;

"(D) provide that loans may be made from such fund to students pursuing a course of study (whether full time or part time) in such program of such agency, institution, or organization and that while the agreement remains in effect no such student who has attended such program of such agency, institution, or organization before July 1, 1971, shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958; and

"(E) contain such other provisions as are necessary to protect the financed interests of the United States.

"(b)(1) The total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by agencies, institutions or organizations from loan funds established pursuant to agreements under this section may not exceed $1,500 in the case of any student. The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.

"(2) Loans from any such student loan fund by any agency, institution or organization shall be made on such terms and conditions as it may determine; subject, however, to such conditions, limitations, and requirements as the Secretary may prescribe (by regulation or in the agreement with the agency, institution, or organization) with a view to preventing impairment of the capital of such fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

"(A) such loan may be made only to a student who (i) is in need of the amount of the loan to pursue a part-time or full-time course of study at the agency, institution, or organization, and (ii) is capable, in the opinion of the agency, institution, or organization, of maintaining good standing in such course of study;

"(B) such loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins nine months after the student ceases to pursue a part-time or full-time course of study in a program for the training or retraining of personnel in the allied health professions at an agency, institution, or organization approved by the Secretary, excluding from such ten-year period all (i) periods (up to three years) of (I) active duty performed by the borrower as a member of a uniformed service, or (II) service as a volunteer under the Peace Corps Act, and (ii) periods (up to five years) during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate or associate degree or the equivalent of either or to a higher degree in one of the allied health professions;

"(C) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for full-time employment in any of the allied health professions (including teaching any such profession or service as an administrator, supervisor, or specialist in any such profession) in any public or private nonprofit agency, institution, or organization, or in a rural area with an individual practitioner of medicine or dentistry if such service is approved by a local county health department or its equivalent at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 15 per centum for each complete year of service in such a profession in a public or other nonprofit hospital, other health service facility or health agency which is determined, in accordance with regulations of the Secretary, to have a substantial shortage of persons rendering service in such profession, and for purposes of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled;

"(D) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled;

"(E) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum;

"(F) such a loan shall be made without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required; and

"(G) no note or other evidence of any such loan may be transferred or assigned by the agency, institution, or organization making the loan except that, if the borrower transfers to another agency, institution, or organization participating in the program under this section, such note or other evidence of a loan may be transferred to such other agency, institution, or organization.

"(3) When all or any part of a loan, or interest, is canceled under this subsection, the Secretary shall pay to the agency, institution, or organization an amount equal to its proportionate share of the canceled portion, as determined by the Secretary.

"(4) Any loan for any year by an agency, institution, or organization from a student loan fund established pursuant to an agreement under this section shall be made in such installments as may be provided in regulations of the Secretary or such agreement and, upon notice to the Secretary by the agency, institution, or organization that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate.

"(5) An agreement under this section with any agency, institution, or organization shall include provisions designed to make loans from the student loan fund established thereunder reasonably available (to the extent of the available funds in such fund) to all eligible students in the agency, institution, or organization in need thereof.

"(6) Subject to regulations of the Secretary, an agency, institution, or organization may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this section for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under paragraph (2)(B) or cancellation of part or all of the loan under paragraph (2)(C), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The agency, institution, or organization may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the agency, institution, or organization not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(7) An agency, institution, or organization may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this section payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to student loan funds pursuant to subsection (a)(2)(B)(i) $1,500,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, $8,000,000 for the fiscal year ending June 30, 1973, $12,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975, and there are also authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan from any academic year ending before July 1, 1975, to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the funds established by subsection (f)(4), and (2) in accordance with agreements under this section, for Federal capital contributions to schools with which such agreements have been made, to be used together with deposits in such funds pursuant to subsection (a)(2)(B)(ii), for establishment and maintenance of student loan funds.

"(d)(1) From the sums appropriated pursuant to subsection (c) for any fiscal year, the Secretary shall allot to each agency, institution, or organization, which has an established program or programs for the training or retraining of personnel in the allied health professions approved by the Secretary, an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such program or programs in such agency, institution, or organization approved by the Secretary bears to the total number of persons enrolled on a full-time basis in such programs in all such agencies, institutions, or organizations in all the States. The number of persons enrolled, in such a program, on a full-time basis in such agencies, institutions, or organizations for purposes of the subsection shall be determined by the Secretary for the most recent year for which satisfactory data are available to him. Funds available in any fiscal year for payment to agencies, institutions, or organizations under this section (whether as Federal capital contributions or as loans under subsection (f)) which are in excess of the amount appropriated pursuant to subsection (c) for that year shall be allotted among agencies, institutions, or organizations approved by the Secretary in such manner as the Secretary determines will best carry out the purposes of this section.

"(2) The Secretary shall from time to time set dates by which agencies, institutions, or organizations must file applications for Federal capital contributions and for loans pursuant to subsection (f).

"(3) The Federal capital contributions to a loan fund of an agency, institution, or organization approved by the Secretary under this section shall be paid from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in its loan fund.

"(e) (1) After June 30, 1979, and not later than September 30, 1979, there shall be a capital distribution of the balance of the loan fund established under an agreement pursuant to subsection (a)(2) by each agency, institution or organization approved by the Secretary as follows:

"(A) The Secretary shall first be paid an amount which bears the same ratio to such balance in such fund at the close of June 30, 1979, as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to subsection (a)(2)(B)(i) bears to the total amount in such fund derived from such Federal capital contributions from funds deposited therein pursuant to subsection (a)(2)(B)(ii).

"(B) The remainder of such balance shall be paid to the agency, institution, or organization approved by the Secretary.

"(2) After September 30, 1979, each agency, institution or organization approved by the Secretary with which the Secretary has made an agreement under this section shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by it after June 30, 1979, in payment of principal and interest on loans made from the loan fund established pursuant to such agreement (other than so much of such fund as relates to payments from the revolving fund established by subsection (f)(4)) as was determined for the Secretary under paragraph (1).

"(f)(1)(A) During the fiscal year ending June 30, 1971, and each of the next four fiscal years, the Secretary may make loans, from the revolving fund established by paragraph (4), to any public or private nonprofit agency, institution or organization approved by him, to provide all or part of the capital needed by any such agency, institution or organization for making loans to students under this subsection (other than capital needed to make the institutional contributions required of agencies, institutions or organizations by subsection (a)(2)(B)(ii)). Loans to students from such borrowed sums shall be subject to the terms, conditions, and limitations set forth in subsection (b). The requirements in subsection (a)(2)(B)(ii) with respect to institutional contributions by agencies, institutions, or organizations to student loan funds shall not apply to loans made to agencies, institutions, or organizations under this subsection.

"(B) A loan to an agency, institution, or organization approved by the Secretary under this subsection may be made upon such terms and conditions, consistent with applicable provisions of subsection (a), as the Secretary deems appropriate. If the Secretary deems it to be necessary to assure that the purposes of this subsection will be achieved, these terms and conditions may include provisions making the obligation of the agency, institution, or organization to the Secretary on such a loan payable solely from such revenues or other assets or security (including collections on loans to students) as the Secretary may approve. Such a loan shall bear interest at a rate which the Secretary determines to be adequate to cover (i) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this subsection, and (ii) probable losses.

"(2) If an agency, institution, or organization approved by the Secretary borrows any sums under this subsection, the Secretary shall agree to pay to it (A) an amount equal to 90 per centum of the loss to it from defaults on student loans made from such sums, (B) the amount by which the interest payable by it on such sums exceeds the interest received by it on student loans made from such sums, (C) an amount equal to the amount of collection expenses authorized by subsection (a)(2)(C) to be paid out of a student loan fund with respect to such sums, and (D) the amount of the principal which is canceled pursuant to subsection (b)(2)(C) or (D) with respect to student loans made from such sums. There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the purposes of this paragraph.

"(3) The total of the loans made in any fiscal year under this subsection shall not exceed the lesser of (1) such limitations as may be specified in appropriation Acts, and the difference between $35,000,000 and the amount of Federal capital contributions paid under this section for that year.

"(4)(A) There is hereby created within the Treasury an allied professions training fund (hereinafter in this paragraph referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of this subsection. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act, 31 U.S.C. 847–849) for wholly owned Government corporations.

"(B) The fund shall consist of appropriations paid into the fund pursuant to subsection (c), appropriations made pursuant to this paragraph, all amounts received by the Secretary as interest payments or repayments of principal on loans under this subsection, and any other moneys, property, or assets derived by him from his operations in connection with this subsection (other than paragraph (2)), including any moneys derived directly or indirectly from the sale of assets, or beneficial interest or participations in assets, of the fund.

"(C) All loans, expenses (other than normal administrative expenses), and payments pursuant to operations of the Secretary under this subsection (other than paragraph (s)) shall be paid from the fund, including (but not limited to) expenses and payments of the Secretary in connection with the sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participation in obligations acquired under this subsection. From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this subsection, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be

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determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonable prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"(g) The Secretary may agree to modifications of agreements or loans made under this section, and may compromise, waive, or release right, title, claim, or demand of the United States arising or acquired under this section."

DEFINITION OF NONPROFIT AGENCY, INSTITUTION, OR ORGANIZATION

SEC. 206. Section 795 of the Public Health Service Act is amended by inserting after "professions", in paragraph (3) thereof, the following: ", or any agency, institution, or organization,".

SEC. 207. Section 798 of the Public Health Service Act is amended to read as follows:

STUDY

"SEC. 798. (a) The Secretary shall conduct a study of the administration of—

"(1) the provision of this part,

"(2) other provisions of this Act which relate to the allied health professions or the training of individuals to prepare them to engage in any of such professions; and

"(3) provisions of law which are administered by the Commissioner of Education and which relate to the allied health professions or the training of individuals to prepare them to engage in any of such professions; with a view to determining the adequacy of such provisions and the programs established pursuant thereto to meet the needs of the Nation for allied health professions personnel."

ADVANCE FUNDING

SEC. 208. Part G of title VII of the Public Health Service Act is further amended by adding after section 798 thereof the following new section:

"ADVANCE FUNDING

"SEC. 799. Sums authorized to be appropriated for any fiscal year for grants, contracts, or other payments, under this part are hereby authorized to be included in the appropriation Act for the fiscal year preceding such fiscal year."

LICENSURE REPORT

SEC. 209. Part G of title VII of the Public Health Service Act is further amended by adding after section 799 (as added by section 208 of this Act) the following new section:

"LICENSURE REPORT

"SEC. 799a. The Secretary shall prepare and submit to the Congress, prior to July 1, 1971, a report identifying the major problems associated with licensure, certification, and other qualifications for practice or employment of health personnel (including group practice of health personnel), together with summaries of the activities (if any) of Federal agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems and toward maximizing the proper and efficient utilization of health personnel in meeting the health needs of the Nation. Such report shall include specific recommendations by the Secretary for steps to be taken toward the solution of the problems so identified in such report."

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 3586 and insert in lieu thereof the provisions of H.R. 13100, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Public Health Service Act to extend for three years the programs of assistance for training in the allied health professions, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13100) was laid on the table.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

The SPEAKER. The further unfinished business is the question of the passage of H.R. 14237, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 339, nays 0, not voting 91, as follows:

[Roll No. 244]

YEAS—339

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McClure
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Reid, Ill.
Reuss
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—91

Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Biaggi
Blanton
Brock
Bush
Button
Carey
Carter
Celler
Clay
Conyers
Cunningham
Daddario
Dawson
Dennis
Dent
Devine
Donohue
Dowdy
Eckhardt
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Fallon
Farbstein
Fish
Flynt
Fraser
Frelinghuysen
Galifianakis
Gallagher
Griffiths
Harvey
Hays
Hull
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kee
King
Kluczynski
Leggett
Lloyd
Long, La.
Lukens
McCloskey
McCulloch
McEwen
MacGregor
Mann
Mathias
Matsunaga
Meskill
Montgomery
Nix
Pelly
Pollock
Powell
Purcell
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Rogers, Colo.
Roudebush
Ruppe
Ryan
Sebelius
Smith, Calif.
Stanton
Taft
Talcott
Teague, Calif.
Tunney
Van Deerlin
Weicker
Wilson, Charles H.
Wyatt
Wydler
Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Ayres.

Mr. Rogers of Colorado with Mr. McCulloch.

Mr. Biaggi with Mr. Button.

Mr. Kluczynski with Mr. Pelly.
Mr. Carey with Mr. Fish.
Mr. Edwards of Louisiana with Mr. Mathias.
Mr. Long of Louisiana with Mr. Lukens.
Mr. Blanton with Mr. Lloyd.
Mr. Eckhardt with Mr. Eshleman.
Mr. Fallon with Mr. Frelinghuysen.
Mr. Donohue with Mr. Cunningham.
Mr. Matsunaga with Mr. McEwen.
Mr. Charles H. Wilson with Mr. Pollock.
Mr. Aspinall with Mr. Harvey.
Mr. Hull with Mr. Ashbrook.
Mr. Johnson of California with Mr. Sebelius.
Mr. Daddario with Mr. Meskill.
Mr. Celler with Mr. Rhodes.
Mr. Hays with Mr. Smith of California.
Mr. Purcell with Mr. Dennis.
Mr. Montgomery with Mr. Devine.
Mr. Barrett with Mr. Johnson of Pennsylvania.
Mr. Leggett with Mr. Esch.
Mr. Rees with Mr. King.
Mr. Dawson with Mr. Nix.
Mr. Tunney with Mr. Conyers.
Mr. Karth with Mr. Powell.
Mr. Mann with Mr. Reifel.
Mr. Rarick with Mr. Bush.
Mr. Gallagher with Mr. Railsback.
Mrs. Griffiths with Mr. Reid of New York.
Mr. Flynt with Mr. MacGregor.
Mr. Farbstein with Mr. Clay.
Mr. Ichord with Mr. Brock.
Mr. Baring with Mr. Roudebush.
Mr. Van Deerlin with Mr. Berry.
Mr. Kee with Mr. Stanton.
Mr. Dowdy with Mr. Taft.
Mr. Edwards of California with Mr. Teague of California.
Mr. Wyman with Mr. Weicker.
Mr. Fraser with Mr. Wyatt.
Mr. Ryan with Mr. Wydler.
Mr. Galifianakis with Mr. Coates.
Mr. Jones of Alabama with Mr. Ruppe.
Mr. Talcott with Mr. McCloskey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1131, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 2846.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2846 and to insert in lieu thereof the provisions of H.R. 14237, as passed.

The motion was agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read:

To amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14237) was laid on the table.

LEGISLATIVE PROGRAM

The SPEAKER. The Chair desires to inform the Members that a conference report on the legislative appropriation bill will be offered for consideration.

PERSONAL ANNOUNCEMENT

Mr. EDMONDSON. Mr. Speaker, on rollcall No. 243, on the bill H.R. 13100, to amend the Public Health Service Act to extend for three years the programs of assistance for training in the allied health professions, and for other purposes, I was unavoidably absent from the House when the roll was called. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GALIFIANAKIS. Mr. Speaker, on rollcall No. 244, I was unavoidably detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 16915, LEGISLATIVE BRANCH APPROPRIATIONS, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, I call up the conference report on the bill (H.R. 16915) making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 29, 1970.)

The SPEAKER. The gentleman from Alabama is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I thought perhaps the gentleman would make a brief explanation.

Mr. ANDREWS of Alabama. If the gentleman will permit me, I will.

Mr. GROSS. I will be glad to.

Mr. ANDREWS of Alabama. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the conference report on this bill is printed in this morning's CONGRESSIONAL RECORD and is available in leaflet form at the Clerk's desk. You have just heard the Clerk read the statement of the managers explaining conference action on each of the Senate amendments.

There were 45 Senate amendments and 36 of those amendments relate solely to Senate housekeeping matters. Of the remaining 9, one relates to the House, one to the Joint Economic Committee, two to the Joint Committee on Printing, four to the Library of Congress, and one to the General Accounting Office.

One of the amendments, No. 39 is for the extension of an additional Senate office building site and involves an appropriation of $510,000 to purchase the Plaza Hotel and adjoining parking lot. This is a Senate housekeeping matter and the Senate conferees stated that the property can be purchased at a lower price now than would be possible if private interests purchased the hotel and renovated it.

The conference report contains two joint items—the Joint Economic Committee and the Joint Committee on Printing. The Senate has added $50,000 for the Joint Economic Committee. The conference agreement provides $30,000 additional or a total of $572,900. The Senate added $36,133 to the House bill for the Joint Committee on Printing. The conference agreement provides an increase of $17,000 which is to cover expenses of compiling the revised edition of the "Biographical Directory of the American Congress," and the total for the Joint Committee on Printing is $253,110.

The conference agreement allows a number of additional positions for the Library of Congress—50 for the main expense appropriation, including 25 added by the Senate; five for the Copyright Office, also added by the Senate; and 40 for the Legislative Reference Service. The Senate proposed 50, an increase of 25 over the House allowance.

The General Accounting Office will have 200 new average positions under the terms of the conference agreement. The House had allowed 175 and the Senate proposed 260.

SUMMARY OF CONFERENCE TOTALS

The conference agreement provides a total of $413,054,220 for the operation of the Congress and related activities during fiscal year 1971. As with all other appropriation bills for 1971, funds for pay increases effective January 1, 1970, are not included. The additional money necessary to meet these costs will be considered with similar requests from all other agencies in a supplemental bill next year.

The conference agreement is $835,433 under the Senate bill.

The conference agreement is $66,404,990 over the House bill, as, of course, the House bill did not include any of the Senate housekeeping items.

The conference agreement is $8,360,679 below the budget estimates.

The conference agreement is $52,029,893 above the 1970 appropriations including those in the Second Supplemental, 1970.

I will insert in the RECORD, when I revise my remarks, a tabulation summarizing these figures by major activities in the bill:

LEGISLATIVE BRANCH APPROPRIATION BILL, FISCAL YEAR 1971 (H.R. 16915)

CONFERENCE SUMMARY

						Conference action compared with—			
Item (1)	New budget (obligational) authority, fiscal year 1970 (2)	Budget estimates of new budget (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1970 (7)	Budget estimates of new budget (obligational) authority, fiscal year 1971 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Senate	$59,358,500	$60,929,114	....	$60,929,464	$60,929,464	+$1,570,964	+$350	+$60,929,464	....
House of Representatives	108,156,980	110,413,210	$110,441,455	110,483,955	110,526,455	+2,369,475	+113,245	+85,000	+$42,500
Joint items	13,345,347	15,339,575	14,511,775	14,597,908	14,558,775	+1,213,428	−780,800	+47,000	−39,133
Architect of the Capitol	24,476,300	36,425,200	31,987,200	36,568,126	36,568,126	+12,091,826	+142,926	+4,580,926	....
Botanic Garden	623,800	672,800	672,800	672,800	672,800	+49,000	....	....	....
Library of Congress	46,077,000	51,846,000	49,942,000	50,505,400	50,396,600	+4,319,600	−1,449,400	+454,600	−108,800
Government Printing Office	40,345,400	71,039,000	65,382,000	65,382,000	65,382,000	+25,036,600	−5,657,000	....	....
General Accounting Office	68,641,000	74,750,000	73,712,000	74,750,000	74,020,000	+5,379,000	−730,000	+308,000	−730,000
Grand total, new budget (obligational) authority	361,024,327	421,414,899	346,649,230	413,889,653	413,054,220	+52,029,893	−8,360,679	+66,404,990	−835,433
Consisting of—									
1. Appropriations	360,964,327	421,414,899	346,559,730	413,675,153	412,839,720	+51,774,393	−8,575,179	+66,279,990	−835,433
2. Reappropriations	60,000	....	89,500	214,500	214,500	+254,500	+214,500	+125,000	....
Appropriations to liquidate contract authorization	(407,000)	(50,000)	(50,000)	(50,000)	(50,000)	(−357,000)	....	....	....
Memorandum: 1. Appropriations and reappropriations including appropriations for liquidation of contract authorizations	361,431,327	421,464,899	346,699,230	413,939,653	413,104,220	+51,672,893	−8,360,679	+66,404,990	−835,433

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The gentleman has referred to a figure to which I should like particularly to call attention; that is, $52 million above the appropriation for the same purposes last year. To me, this is a startling increase in the housekeeping costs of running the Congress. I wonder what constitutes the bulk of, or at least some part of, this $52 million increase over last year.

Mr. ANDREWS of Alabama. I would say that almost half of the increase is for the Government Printing Office; $22,000,000 is to provide additional reimbursable working capital in the revolving fund to finance increases in the volume of business and to replenish existing cash revenues to meet current operating expenses. All of it is reimbursable, but sometimes the Government agencies are a little slow in paying their bills. We hope that situation will be corrected.

Mr. GROSS. The gentleman says that is almost half of it. Then there is another $25 million, let us say, to be accounted for.

Mr. ANDREWS of Alabama. I will give the gentleman the increases. The Senate has a increase of $1.5 million-plus. The House has $2.3 million. Joint items are $1.2 million. The Architect of the Capitol has $12,091,826. That includes $15,610,000 to begin construction of the James Madison Memorial Library Building.

Mr. GROSS. The library construction over here on the vacant lot?

Mr. ANDREWS of Alabama. For the so-called long-lead items, such as stone, excavation and construction up to the first floor.

Mr. GROSS. What is the salary increase in this bill?

Mr. ANDREWS of Alabama. The salary increase?

Mr. GROSS. Yes. This is the first full year, is it not, for the last substantial salary increase?

Mr. ANDREWS of Alabama. It is the same as it was last year, and the same as for all agencies downtown.

Mr. GROSS. But we did not have a full year of the salary increase last year.

Mr. ANDREWS of Alabama. Yes, the bill includes funds to annualize the increased salaries for officers and employees effective July 1, 1969. The funds for the last increase will be considered in a supplemental. And perhaps there will be some more requests if the Congress increases salaries again.

Mr. GROSS. Would the gentleman anticipate that such a fate is about to befall the taxpayers of this country?

Mr. ANDREWS of Alabama. I have reached the point that I anticipate nothing around here.

Mr. GROSS. I take it the statement should be that the gentleman from Iowa hopes for the best and fears for the worst?

Mr. ANDREWS of Alabama. The gentleman from Alabama shares his hope.

Mr. GROSS. Not my hope; my fear.

Mr. ANDREWS of Alabama. I also share the fear.

Mr. GROSS. I thank the gentleman.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. GROSS. The next question will involve the subject called comity.

Mr. ANDREWS of Alabama. That has been with us for years.

Mr. GROSS. I know.

Mr. ANDREWS of Alabama. There is nothing this committee can do about it.

Mr. GROSS. I understand. Do I correctly understand there is a substantial amount of money in this bill for the purchase of some more property for a new Senate office building?

Mr. ANDREWS of Alabama. I do not know that it will be for a new building. It could be a parking lot. But there is $510,000 in the conference agreement to buy a piece of property over on the Senate side.

Mr. GROSS. Is that the foot in the door, or may we say that that is the total?

Mr. ANDREWS of Alabama. The gentleman's guess about that is as good as mine. When we offered objection in conference to that amount of money for that type of project, they immediately reminded us of the Rayburn Building, and said that they raised no objection and let us build that building on our side. How could we answer an objection like that?

Mr. GROSS. Of course, I am reminded that there are 435 of us and 100 of them. I wonder if we cannot say something, just a little bit, about the disparity, if there be a disparity?

Mr. ANDREWS of Alabama. That is under the Constitution, and so far it has not been changed.

Mr. GROSS. I will say to the gentleman that if we are going to continue to increase the housekeeping bills of Congress by $52 million a year, there is not much hope for the taxpayers of this country. I just do not see how it can be done. I got a letter the other day that the dining room facilities were being closed on Saturdays and perhaps Fridays regardless of whether Congress is in session or not. Perhaps that is a good thing. I do not know.

Mr. ANDREWS of Alabama. I will say, if the gentleman will yield to me further, the sole purpose of closing that dining room is to save money. Does the gentleman object to that?

Mr. GROSS. Not at all. If the costs are out of hand or out of reach, of course I do not. But I say we are cutting down, yet the bill goes up by $52 million this year.

Mr. ANDREWS of Alabama. Well, we are trying to keep up with the unprecedented rate of inflation.

Mr. GROSS. The way we ought to keep up with that, it seems to me, is to cut spending and to cease buying property for more new buildings around here. As long as we keep buying the property such as these hotels, tear them down, take them off the tax rolls of the District of Columbia, and then put up new Government buildings on the sites, I do not see how we are doing very much about inflation, I will say to my friend from Alabama.

Mr. ANDREWS of Alabama. I thank the gentleman for his contribution.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield to me?

Mr. ANDREWS of Alabama. I yield to the gentleman from California.

Mr. HOLIFIELD. I have been listening to this colloquy for some time and enjoying it as usual, but I believe the increase in the cost of the operation of the legislative branch of the Government in both Houses, as you said, was based pretty much on the increase in salaries. Was it not?

Mr. ANDREWS of Alabama. That is right plus the two large one-time items for the Printing Office and the Library Building.

Mr. HOLIFIELD. And that legislation was passed by this House to increase their salaries.

Mr. ANDREWS of Alabama. The gentleman is correct. And a large portion of the increase is for the Government Printing Office. The cost of printing has gone up.

Mr. HOLIFIELD. And the increase in wages is reflected in that.

Mr. ANDREWS of Alabama. Yes.

Mr. HOLIFIELD. And, of course, that includes all of the quorum calls that some Members are prone to make around here. How much a page does the RECORD cost?

Mr. ANDREWS of Alabama. If I remember correctly, about $125. That is a page. We put it in the RECORD every year.

Mr. HOLIFIELD. So every time we have an unnecessary quorum call we are spending $125 of the public money for printing it, or engage in colloquy such as we are dealing in now.

Mr. ANDREWS of Alabama. It is $125 a page. We put it in the RECORD every year, but it does not seem to have any effect.

Mr. SAYLOR. Mr. Speaker, maybe I ought to make a point of order that a quorum is not present. All of this great colloquy should be heard by the remainder of our colleagues.

Mr. HOLIFIELD. Mr. Speaker, if we have a quorum call, will that cost another $125 to have that printed in the RECORD?

If the gentleman will yield further, I wanted to go into the increase in the price of operating the executive branch of the Government. This House voted for Reorganization Plan No. 2 to give the President the power to make political appointees in a high bracket to supersede all of the Cabinet levels.

Mr. ANDREWS of Alabama. I cannot answer the gentleman's question on this because the Legislative Branch Subcommittee does not handle appropriations for the executive departments.

Mr. HOLIFIELD. Where do they get the money?

Mr. ANDREWS of Alabama. The other subcommittee of the Appropriations Committee handles those budgets.

Mr. HOLIFIELD. We will have to ask them, then, next year.

Mr. Speaker, I yield now to the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I am in agreement with this conference report, I signed it.

As we know, our expenses in the House have gone up and primarily because of salary increases for our employees. Consequently, our budget is now at a higher figure than last year.

I might also say that—point out that this bill is $8,360,679 under the budget.

Mr. Speaker, I believe this is a good report and I hope it will be adopted.

Mr. ANDREWS of Alabama. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. ANDREWS of Alabama. Mr. Speaker, inasmuch as amendments Nos. 1 through 31 pertain solely to housekeeping operations of the other body and amendments 36 through 40 also pertain to the other body, under the Architect of the Capitol, the longstanding practice has been that we leave those matters to the other body.

Therefore, in order to save time, I ask unanimous consent that amendments Nos. 1 through 22, and Nos. 24 through 31, and Nos. 37 and 38 and No. 40 be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. The Clerk will report the amendments referred to under the unanimous-consent request.

The Clerk read as follows:

(Senate amendments:)

SENATE

Compensation of the Vice President and Senators, Mileage of the President of the Senate and Senators, and Expense Allowance of the Vice President and Leaders of the Senate

COMPENSATION OF THE VICE PRESIDENT AND SENATORS

For compensation of the Vice President and Senators of the United States, $4,707,200.

MILEAGE OF THE PRESIDENT OF THE SENATE AND OF SENATORS

For mileage of the President of the Senate and of Senators, $58,370.

EXPENSES ALLOWANCE OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

Salaries, Officers and Employees

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $367,263.

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President Pro Tempore, $44,165: *Provided*, That, effective August 1, 1970, the President Pro Tempore is authorized to appoint a Comptroller of the Senate at a salary of $36,000 per annum, and the Comptroller may appoint a Secretary to the Comptroller at a salary of not to exceed $13,688 per annum, which appointments shall be in lieu of the two appointments authorized by the second proviso contained in the paragraph "Office of the Secretary" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1970: *Provided further*, That the Comptroller of the Senate shall prepare budgets and amendments to the budgets of the Senate and shall audit all financial records of the Senate relating to the expenditure of appropriated funds. The Comptroller shall have complete access to all information as may be necessary to carry out his budget and auditing duties.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $176,514.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $90,228.

OFFICE OF THE CHAPLAIN

For office of the Chapain, $18,615: *Provided*, That effective July 1, 1970, the compensation of the Chaplain shall be $10,208 per annum and the compensation of the secretary to the Chaplain may be fixed at not to exceed $8,584 per annum.

OFFICE OF THE SECRETARY

For Office of the Secretary, $1,816,240, including $68,145 required for the purpose specified and authorized by section 74b of title 2 United States Code: *Provided*, That effective August 1, 1970, the Secretary may employ and fix the compensation of an administrative assistant at not to exceed $22,040 per annum, an assistant legislative clerk at not to exceed $27,376 per annum a second assistant legislative clerk at not to exceed $20,648 per annum, a special assistant at not to exceed $16,704 per annum, a receptionist at not to exceed $12,528 per annum in lieu of an assistant secretary at not to exceed $12,528 per annum, and an assistant legislative analyst in the library at not to exceed $11,832 per annum in lieu of a custodian of records at $11,832 per annum: *Provided further*, That any specific rate of compensation established by law, as such rate has been increased or may hereafter be increased by or pursuant to law, for any position under the jurisdiction of the Secretary shall be considered as the maximum rate of compensation for that position, and the Secretary is authorized to adjust the rate of compensation of an individual occupying any such position to a rate not exceeding such maximum rate.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $4,420,734.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $127,239.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $127,239.

ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS

For administrative and clerical assistants to Senators, $27,909,141.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For Office of Sergeant at Arms and Doorkeeper, $5,713,520: *Provided*, That effective July 1, 1970, the Sergeant at Arms may employ a video engineer at $20,880 per annum, an assistant video engineer at $17,632 per annum, three automatic typewriter repairmen at $10,672 per annum each in lieu of one automatic typing repairman at $10,672 per annum, a driver-messenger for attending physician at $10,672 per annum, eight laborers in the service department, at $6,728 per annum each, five additional sergeants, police force at $10,904 per annum each if not qualified as provided by section 105 of the Legislative Branch Appropriation Act, 1969 or $11,600 per annum each if qualified as provided therein, four additional pages at $6,960 per annum each, a night foreman, duplicating department at $10,904 per annum, three additional offset press operators at $9,976 per annum each, one additional mimeograph operator at $7,424 per annum, one additional inserting machine operator at $7,656 per annum, and the per annum compensation of the following positions shall be increased as indicated: superintendent of press gallery $21,576 in lieu of $19,256; first assistant superintendent of press gallery $19,256 in lieu of $17,400; second assistant superintendent of press gallery $15,080 in lieu of $13,920; third assistant superintendent of press gallery $13,456 in lieu of $12,064; fourth assistant superintendent of press gallery $10,672 in lieu of $9,744; secretary, press gallery $9,744 in lieu of $8,120; superintendent of radio press gallery $21,576 in lieu of $19,024; first assistant superintendent in radio press gallery $19,256 in lieu of $14,848; second assistant superintendent in radio press gallery $15,080 in lieu of $12,992; third assistant superintendent in radio press gallery $13,456, in lieu of $11,136; superintendent, periodical press gallery $19,256 in lieu of $17,400; assistant superintendent, periodical press gallery $13,456 in lieu of $11,136; superintendent, press photographers gallery $19,256 in lieu of $14,848; and assistant superintendent, press photographers gallery $13,456 in lieu of $10,440.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $216,372.

Office of the Legislative Counsel of the Senate

For salaries and expenses of the office of the Legislative Counsel of the Senate, $415,130.

Contingent Expenses of the Senate

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $261,430 for each such Committee; in all, $522,860.

AUTOMOBILES AND MAINTENANCE

For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, $55,220.

FURNITURE

For service and materials in cleaning and repairing furniture, and for the purchase of furniture, $31,190:

Provided, That the furniture purchased is not available from other agencies of the Government.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $2.99 per hour per person, $51,015.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, $16,560.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of labor, $6,188,736, including $497,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87–82, approved July 6, 1961.

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, $240; Comptroller, $100; and for air mail and special delivery stamps for the office of the Secretary, $350; office of the Sergeant at Arms, $215; Senators and the President of the Senate, as authorized by law, $119,328; in all, $120,233.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, $363,600; and for stationery for committees and officers of the Senate, $14,500; in all, $378,100.

ADMINISTRATIVE PROVISIONS

Effective August 1, 1970, the last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (2 U.S.C. 64a) is amended to read as follows:

"In the event of the death, resignation, or disability of the Secretary of the Senate, the Financial Clerk of the Senate shall be deemed his successor as a disbursing officer, under his bond as Financial Clerk, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended."

Effective July 1, 1970, and thereafter, the contingent fund of the Senate is made available, in accordance with rules and regulations prescribed by the Committee on Rules and Administration of the Senate, for the reimbursement to Senators and the President of the Senate of strictly official telephone and telegraph communications charges incurred by them or on their behalf, not exceeding $150 per annum each, to be in addition to reimbursement or payment authority contained in any other law.

Not to exceed $125,000 of the unobligated balance of the appropriation under this head for the fiscal year 1970 is hereby continued available until June 30, 1971.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at $1,800 each; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $3,855,000, of which $250,000 shall remain available until expended and of which $60,000 shall remain available until June 30, 1972.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $80,000.

Mr. ANDREWS of Alabama (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the Record.

The **SPEAKER**. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House recede from its disagreement to the amendments of the Senate numbered 1 through 22, and nos. 24 through 31, and nos. 37 and 38, and no. 40, and concur therein.

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 8, line 3, insert the following:

"INQUIRIES AND INVESTIGATIONS

"For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $456,625 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $7,341,580."

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"INQUIRIES AND INVESTIGATIONS

"For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $456,625 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $7,341,580, including $200,000, to be available for obligations incurred in fiscal year 1970."

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: On page 10, line 12, insert the following:

"For payment to Dorothy H. St. Onge, widow of William L. St. Onge, late a Representative from the State of Connecticut, $42,500, to be immediately available."

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Andrews of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: At the end of said amendment, add a new paragraph as follows: "For payment to Alice C. Kirwan, widow of Michael J. Kirwan, late a Representative from the State of Ohio, $42,500, to be immediately available."

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

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Senate amendment numbered 35: Page 17, line 23, insert: "; and for salaries and expenses of compiling, preparing, and indexing material for the 1970 edition of the Biographical Congressional Directory $17,000; in all, $272,243;".

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum of $272,243 proposed by said amendment insert: "$253,110".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 39: Page 25, line 22, insert:

"EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

"To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, in addition to the real property heretofore acquired under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), as a site for an additional office building for the United States Senate, and under Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496) and Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), for purposes of extension of such site or for additions to the United States Capitol Grounds, and authorized to be acquired for such purposes by Public Law 91–145, approved December 12, 1969 (83 Stat. 352–353), by purchase, condemnation, transfer, or otherwise, for purposes of further extension of such site or for additions to the United States Capitol Grounds, all privately owned property contained in lots 845 and 832 in square 724 in the District of Columbia, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: Provided, That any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): Provided further, That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: Provided further, That, notwithstanding any other provision of law, any parts of streets contained within the curblines surrounding square 724 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol: Provided further, That, upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: Provided further, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds; and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this appropriation; $510,000, to remain available until expended."

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 41: Page 29, line 22, insert:

"*Provided*, That these funds shall be transferred by the Architect of the Capitol to the Librarian of Congress for expenditure in accord with Public Law 91–280, approved June 12, 1970."

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of Alabama moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the legislative branch appropriations conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERSONAL EXPLANATION

Mr. COHELAN. Mr. Speaker, on rollcall No. 242 on this afternoon I was temporarily absent from the Chamber. Had I been present I would have voted "aye."

FABULOUS FARM SUBSIDIES

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the Members of the House next week will have an opportunity to again limit the fabulous payments which large corporation farms have been receiving from the American taxpayer during the last few years for idle acres on their farms.

One year ago the House of Representatives wisely placed a $20,000 limit to any one-farm operation for participating in the so-called idle land subsidy under the farm bill. When the legislation was considered by the other body the $20,000 annual limitation was defeated. Two weeks ago the other body evidently had heard from many farmers in their various States and they placed a $20,000 a year limitation for any one-farm operation under the farm bill which is up for debate during the coming week.

Members should consult the folks back home and tell them that this is a great opportunity to support the President in his effort to save many millions of dollars for the American taxpayer by upholding the Senate's $20,000 limitation and also to reenact their decision of a year ago when this body placed a $20,000 limitation on all farm subsidy grants.

The following two editorials—one from the Washington Daily News of last Thursday and the other from the New York Times—amply extends to the membership some facts and suggestions for the House of Representatives to consider next week when they debate the annual farm legislation:

[From the Washington (D.C.) Daily News, July 23, 1970]

FARM BILL SHENANIGANS

Two weeks ago the Senate decided to clamp a $20,000-a-year lid on the amount any farmer could get from the government for taking part in the federal crop control program. It was a good idea, calculated to save the taxpayers $300 million to $400 million a year.

But now the bill is in the House of Representatives—and some rather strange (if predictable) things are happening.

Instead of a $20,000 lid, the House Agriculture Committee has recommended a $55,000 lid of the next three years. And instead of $20,000 per farmer, the lid would be $55,000 per crop.

Thus, a farmer—theoretically at least—could get $55,000 for not raising wheat, $55,000 for not raising feed grains.

Save $300 million? The latest estimate is $58 million, and even that is doubtful if the big corporate farmers find ways to divide their land and collect separate subsidies for each parcel.

Already exempted from the proposed lid by the House committee are the farms owned by states and municipalities. This means, for example, that Montana could continue to get $640,000 a year from Uncle Sam for not planting crops on state-owned land.

There is always the chance, of course that the $20,000 subsidy limit approved by the Senate will be accepted by the House, as it should be. In fact, the House has accepted (and the Senate rejected) a $20,000 limit twice before.

But the chairman of the House Agriculture Committee, Rep. W. R. Poage, D-Tex., says the big guns of both parties favor the higher figure.

And Agriculture Secretary Clifford M. Hardin, who apparently speaks for the Administration, says he'll oppose any lid lower than $55,000 per crop.

Even a $55,000 ceiling is better than the present unlimited subsidy program, which permitted seven corporate farms to collect more than $1 million apiece (one collected more than $4 million) from the taxpayers last year.

But the shenanigans will continue as long as the federal government spends billions ($3.7 billion last year) to jack up farm prices by keeping crops out of production.

At some point, Congress is going to have to phase out the subsidy program and let the farm markets find its own level. There

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won't be any need to build loopholes into the law.

[From the New York Times, July 22, 1970]

CURBING FARM SUBSIDIES

The Senate has voted to set a $20,000 limit on the subsidy payments that the Federal Government can make next year to an individual farmer or farm-operating corporation. While that limit is still too high—and may be circumvented by farm splitting—the Senate's move is important in demonstrating that the influence of wealthy farm proprietors in Congress may be running out.

The farm-subsidy program has for years been a national disgrace; on the whole it makes the rich richer while the rural poor get relatively little. A few farm operators have received Federal handouts running as high as $4 million in a single year. In Mississippi, where Senator Eastland is the most famous of the cotton growers, 817 large farms got $38.3 million in direct Federal farm subsidies in one recent year, while Federal payments to the state for aid to all dependent children was only $10 million.

The $20,000 limit voted by the Senate will certainly not right all that is wrong with the farm program. At most it will save $200 million a year, while total farm subsidies still run close to $3.5 billion. But the limit may be important as the start of much-needed reform of farm legislation.

A spokesman for the Department of Agriculture, which has become closely identified with the interests of well-to-do farmers, contends that while the $20,000 limit may save $200 million "on paper," the actual savings may amount to no more than $30 to $60 million, because large farm owners would divide their farms and change their leasing practices.

Farm splitting to collect bigger subsidies can be reduced in several ways. One is simply to police it carefully, as the Internal Revenue Service does the splitting of corporations into separate operating units to avoid taxes.

The wisest course would be to reduce the subsidy figure to a much lower level than $20,000. But if the $20,000 limit is accepted by the House of Representatives—as appears likely—there is no reason why in succeeding years the limit should not be pushed lower.

Farm subsidies as they are carried on today are in no sense a welfare program for the poor but a bonanza for the rich. Apart from the $3.5 billion that farm subsidies are costing taxpayers, they are raising food bills of American consumers by $4 billion or more each year. Nevertheless, the Administration apparently means to resist the reduction in the subsidy limit voted by the Senate. Congressman Poage of Texas quotes Secretary of Agriculture Hardin as saying that the Administration might support a $55,000 ceiling on subsidies to any individual farm. This would leave the subsidy payout unchanged for all but about 1,500 of the very largest farms.

Expenditures intended to help rural America in the years ahead would be better channeled away from the various subsidy programs, which ought to be gradually reduced, and toward greater emphasis on food stamps, rural housing, job training, industrial relocation and direct payments to those at the bottom of the income ladder, not those at the top.

CONGRESS MUST ACT ON FURTHER CRIME LEGISLATION

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, yesterday while signing the District of Columbia crime bill, President Nixon emphasized again that he submitted 12 additional pieces of law-enforcement legislation to Congress more than a year ago and that Congress has not taken action on them. The legislation referred to deals with organized crime, narcotics, dangerous drugs, and pornography. This is a serious charge. It leaves Congress with the image of dragging its feet on important crime control legislation and of being insensitive to the crime crisis facing our Nation. We do have a crime crisis, because we cannot go on with crime increasing 11 times as fast as our population is growing.

The people whom I represent are demanding action on crime control measures. On this issue, they are on the President's side, and I believe that applies to most of the people whom other Congressmen represent.

In a questionnaire mailed to all boxholders of North Carolina's 11th Congressional District 6 weeks ago, the question was asked:

> Do you favor legislation authorizing preventive detention pending trial of dangerous criminals, police officers entering homes, and tapping telephones (with court approval) as a means of curbing crime?

Of those responding, 73.3 percent said "Yes."

Another question was:

> Should we spend more, the same, or less money for crime control?

Eighty-five and six-tenths percent said spend more. In contrast, 64 percent said spend less on space, and 88 percent said spend less on foreign aid.

Now Congress is being justly criticized for inaction on the President's recommended crime control legislation. We Democrats constitute the majority party, and we are getting and will continue to get the majority of the criticism. I have written a letter to Congressman EMANUEL CELLER, chairman of the House Judiciary Committee, requesting that the committee take action without more delay on these bills, and thereby permit them to come to the floor of the House. I urge other concerned Congressmen to do likewise. These bills should reach the House floor soon and be voted up or down. We cannot defend inaction on this legislation.

ADMINISTRATION ATTACK ON THE MERIT SYSTEM

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, recently, I have become aware of a growing number of complaints that politics is playing a heavy role in the appointment and promotion procedures of the Federal civil service system.

Evidence is growing every day that political background checks are being made on thousands of middle-level career employees. The political checks are not being made for policy, or schedule C jobs, but for positions which have heretofore been firmly embedded in the merit system. In some cases, I am told that the long arm of politics is reaching as low as the GS–11 and GS–12 levels.

This attack on the merit system is reaching unprecedented proportions. Not content with thousands of jobs in which political considerations are legitimately involved, the Nixon administration is now casting a covetous eye on the jobs of loyal civil servants who have served all administrations impartially.

This is an extremely dangerous precedent to set. An impartial career civil service is essential to the stability of government. Any overt or covert steps to weaken the merit system can have no other result than to ultimately weaken the fabric of government itself. The cost through loss of morale—which is already creeping through the civil service because of these machinations—would in itself be staggering.

Mr. Joseph Young, author of the Federal Spotlight column in the Washington Evening Star, highlighted another administration proposal which would further weaken the merit system. The column, which appeared on July 16, is reprinted below. All of us who respect the merit principle should read it with alarm. It follows:

CUTTING MIDDLE-LEVEL JOBS FROM CIVIL SERVICE STUDIED

(By Joseph Young)

The Civil Service Commission's professional staff has proposed that thousands of federal middle-management career jobs be taken out of civil service and be made available for political appointments.

The recommendation, now under study by the three civil service commissioners, could—if adopted—revolutionize the government's personnel system.

The proposal involves GS–13 through 15 jobs that pay salaries of $16,760 to $29,752 a year.

The staff report contends that any national administration is hampered in carrying out its policies by the fact that some key career jobs are staffed by people unsympathetic or antagonistic to a president and his administration.

It proposes that in middle-grade jobs where an administration feels that it needs people of its own choice to carry out its policies, these positions would be removed from Civil Service.

Appointees to these jobs would have to meet CSC job standards of competence and experience, but they would not have to compete with others for the positions.

Such employes would not have career status. When a particular administration went out of power, their tenure of employment would end. A new administration then would have similar authority to appoint its own people in these jobs.

The proposal is certain to stir great controversy.

Those advocating it contend that by making a clean demarcation between civil service career jobs and political positions it will save the merit system from vast political raids in the future. Also, they assert that it will result in more responsive government by giving any President the key people he needs to carry out his policies.

Those opposed to the plan feel it would be the beginning of the end for the merit system. They feel that eventually most middle-grade jobs would be placed under political patronage. And they argue that it would destroy incentive and initiative among younger employes who aspire to key jobs in the federal career service.

They also see something ominous in the fact that the new Office of Management and Budget created by President Nixon's reorganization plan will now have the authority for the selection, training, evaluation and assignment of key government career jobs.

Meanwhile, the CSC staff recently proposed a new system of dealing with government supergrade jobs—those in grades GS–16 through 18 which pay $26,547 to $35,505 a year. It was proposed that employes in these jobs sign five-year contracts, at the end of which time their contracts would either be renewed or they would be demoted to GS–15 positions. This, too, would give the administration in power much greater freedom to choose its own people.

This proposal is also under study by the commission.

A PROBLEM IN THE FEDERAL SERVICE

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, Mr. Joe Young, an excellent reporter who writes the column "Federal Spotlight" in the Evening Star, has pointed up what I consider a real problem in the Federal service.

In recent years, we have had a large number of young people working as interns in Government offices during the summer months, both in the executive and the legislative branches. Many of these young people are political activists and I suppose few of us were really surprised when some of them became engaged in such activities as inviting in leftwing speakers to address their seminars and putting out underground-type newspapers and bulletins. In the House, at least, we took some steps to stop this sort of thing when the Speaker denied the use of a caucus room to a group which had a militant speaker.

But the actions of temporary student interns is one thing, and the activities of regular Federal employees is something else.

Last year, a number of young attorneys in the Justice Department were openly critical of the administration's policies.

This year, a group of employees in HEW is not only critical of the administration's policies, but in an unofficial publication called the Advocate, is very personally critical of the President.

I am inserting in the RECORD a copy of the Young column. I am likewise inserting the entire contents of the July 1970 Advocate.

Certainly we do not want to make second-class citizens of Federal employees, to stifle their freedom of speech or their right of dissent.

At the same time, when people are employed by the executive branch of the Government to help implement and carry out its policies and the programs enacted by Congress, it strikes me that for these same people to be engaged in activities designed to oppose these policies; and when they engage in personal and sarcastic criticism of the President, they have overstepped the limits of reasonable dissent and have entered into an area of open conflict of interest.

We have considered amendments to the Hatch Act to broaden the permitted political activities by Federal employees, and I favor such action.

But we must have limits. Maybe I am a bit narrow in my viewpoint since on Capitol Hill, our employees must have complete loyalty to do an effective job. Somehow, for lower echelon departmental employees to put out publications ridiculing the President of the United States strikes me as very wrong.

If this trend continues, it may be necessary for the House Post Office and Civil Service Committee to give consideration to establish some legislative guidelines in this area.

The referred to material follows:

[From the Washington Star, July 20, 1970]

THE FEDERAL SPOTLIGHT: EMPLOYEE GROUP AT NIH CRITICIZES NIXON'S WORK

(By Joseph Young)

Not only are groups of federal employes openly criticizing President Nixon's policies, they are starting to make personal attacks on him.

For example, the Vietnam Moratorium Committee at National Institutes of Health, in the latest issue of its publication, satirizes and ridicules Nixon's performance as President in a mock performance appraisal identical to that to which all Health, Education and Welfare employes are subjected. NIH is a part of HEW.

Under Nixon's performance appraisal is a caricature of him as a little boy, sucking his thumb and holding the American flag in his other hand.

The performance appraisal consists of a number of evaluation standards on which an employe is judged by his supervisor, who checks off one of a multiple series of answers to each question.

Nixon's performance as President was judged as the following:

Quality of work—"His work frequently contains an unacceptable percentage of error or shows poor judgment."

Interest in work—"Appears bored with his work."

Attendance and punctuality—"Takes longer or more frequent breaks than most; tends to take advantage of leave privileges."

Subordination of personal interests—"Puts his own interests first, frequently to the detriment of his work."

Flexibility—"Very rigid and opinionated; once he gets an idea, it's almost impossible to change him."

Resourcefulness—"Has considerable difficulty in dealing with anything out of the ordinary routine."

Judgment—"Very erratic in his ability to reach logical conclusions."

Knowledge required by the job—"Handicapped quite often in his work because of his lack of knowledge, understanding or information."

Degree of supervision required—"Requires constant supervision or direction."

Initiative—"Seems to aspire to nothing higher; frequently shirks responsibility."

Productivity—"Tends to be a bottleneck in getting the work out."

Persistence—"Frequently fails to finish work he has started."

Attempts to improve—"Content to drift; generally unresponsive to efforts to help him develop."

The last part of the "performance appraisal" contains the "reviewing officers" comments, including:

"He has had no new idea in 22 years . . . Talks in cliches . . . Progress on many national problems (e.g., hunger, poverty, racism, pollution, health, etc.) is being held up . . . Requires, but, unfortunately, does not get good supervision or direction . . .

"He has always put Richard Nixon first. His 'Southern strategy' means that he puts his re-election ahead of racial justice . . . His Cambodia speech was very illogical, clutching at every rationale and excuse in sight to justify his intervention . . . In particular, his having Spiro Agnew smear opponents shows that he has learned nothing in the past 22 years."

* * * * *

The lampooning of Nixon raises the question as to how far goverment employees can go in expressing opposition to administration policies on Vietnam, desegregation, health, etc., and whether as government workers they have the right to criticize the President personally.

It is not an easy problem to solve. The question of freedom of speech and expression is involved, and federal employes as American citizens seek to exercise these rights.

On the other hand, as federal employes do they have an obligation to their government to refrain from criticizing it publicly by identifying themselves as government workers? And should they be allowed to make personal attacks on the President, who is their boss and the man elected by the people of the United States to run the government?

It raises still another question. Just how much leeway does civil service status give employes to criticize publicly the President and the administration they serve?

Civil Service Commission and administration officials are conferring about the situation, hoping to find a solution that will not be oppressive to free speech but at the same time minimize public dissent by federal workers.

[Independently Printed by a Group of HEW Employees, Vol. 3, No. 5, July 1970]

THE ADVOCATE

THE HOUSING CRISIS VS. POLITICAL THOUGHT

President Nixon blasted the Congress in June for its failure to pass the Emergency Home Financing Act which he insisted was introduced on February 2, 1970. He also claimed authorship.

"On February 2, I sent to the Congress a message asking for enactment of the Emergency Home Finance Act of 1970. You will note that I described this as the 'Emergency' Home Finance Act of 1970. Four months have passed and the Congress has yet failed to act."

The facts are: to date, the President has not delivered a single message to Congress on the subject of housing legislation.

Rep. Wright Patman maintains that "the only thing that happened on housing on Feb. 2 was the opening of hearings in the House Banking and Currency Committee."

Press Secretary Ron Ziegler contends that the President sent his budget message to Congress on February 2 and this "contained references" to housing.

It was not until late February that Administration officials appeared before Patman's Committee, merely endorsing parts of a bill before the Committee and reiterating the Administration's desire to persuade lenders to put more money into housing voluntarily.

Patman claims that it is the President who has "blocked—not just delayed—legislation which would put new sources of funds into home-building." The President and the Budget Director have "insisted on various gimmicks to provide subsidies, not to home buyers, but to lenders." Patman stated.

Finally, as for authorship of the Emergency Home Finance Act of 1970 it was Senate Banking Committee Chairman John Sparkman who named and piloted the legislation through the Senate, and won it Senate approval (72–0) on April 16.

Thus, the President was wrong on both

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accounts. For a man who preens for photos in which he is studiously doing his homework in the rose garden or by the Lincoln fireplace, this must have brought a slow burn over the incompetent staff work. For the Secretary of Housing and Urban Development (who was at the President's side before and after the press conference) to permit such an erroneous public statement to go uncorrected, makes one wonder just what kind of tobacco he is using in his zig-zag papers these days.

A more likely explanation for such ineptitude is political expediency. The facts of the statement were wrong, but it and the Republicans made the right primetime newscasts that night. The Nixon administration has once again side-stepped the big issues and forsaken principle for "southern strategy". (The President's most tangible solution to the housing crisis is apparently to provide business for Harry Dent's brother, Billy in South Carolina, by making loans readily available to his construction company which is building housing for Negroes . . . and picking up a few Black votes on the side.)

The issue of housing is too critical to be treated as a pawn in a politician's media game.

HUD's programs to meet the minimum shelter needs of poor people continues to be short 6 million units. Ninety percent of the welfare recipients must depend on a rapidly deteriorating supply of private rental housing.

Steps to foster improved housing have been proposed—proposed by our own Department. In 1969 at the request of Chairman Wilbur Mills of the House Ways and Means Committee, HEW made a major report to Congress entitled "The Role of Public Welfare in Housing." The housing needs of recipients in all 50 states were surveyed and analyzed in the report.

A major finding of the Report revealed that over $1.1 billion in public funds is spent each year by welfare recipients for shelter, most of it substandard. More bluntly put, the Government is spending over a billion a year to subsidize slums. This is considerably more than what the Government through HUD spends to clear slums and build new housing for low income families.

Right after the Report was made to Congress, an Office for Housing and Community Improvement was established to implement the Report's recommendations. The Office was located in the immediate office of the SRS administrator. Recently as a result of one of those infamous SRS reorganizations, the Office was transferred and nearly buried under the bureaucratic rag heap, i.e., HEW, SRS, Community Services Administration, Office for Service Development, Community Development Group, Office for Housing and Community Improvement.

8,715,969 welfare recipients and this is the priority we give to their housing! We bury our only people-focused housing program 5 layers deep in the bureaucracy and tell them they have no funds, but nevertheless, be Activisits in what you advocate!

While Sec. Richardson was participating in a very lovely installation ceremony in the East Garden of the White House, welfare rights advocates were tearing down the local D.C. Welfare doors and demanding such basics as furniture for their federally-subsidized slums.

The question arises as to how long we can continue to ignore the really difficult areas of concern which require radically different approaches—approaches which must necessarily alter some of our most sacred institutions if they are to succeed.

Specifically, the Report points out that under existing authority HEW can stimulate and encourage the following changes and restructuring of our bureaucracy:

a. Provide adequate funds so that public assistance recipients and other low-income families can afford decent shelter.

b. Coordinate welfare services more effectively with those of local housing authorities and take active part in developing suitable housing codes and enforcement measures.

c. Use purchase of services authority to provide recipients with consultation and counseling, legal aid, relocation services, and other self-help, home management services.

d. Increase Federal aid to repair recipient's homes.

e. Develop and fully use community experience in low-cost housing programs.

These points demand advocacy at the highest level, the advocacy of the Secretary. Four minutes away from the downtown HEW buildings are public housing units (the residue of the S.W. urban renewal showcase which expose a degree of human misery which of us will never experience. The Secretary is challenged to drive through these slums and not come away with the conviction that housing and related social services should be his top priority.

The challenge is to redress and restructure—which means more than R & D projects of mini progress for people and maxi reputation for R & D professionals. This is Mr. Richardson's challenge within the housing authority of the Department.

Within the federal establishment, the problem lies with the error of expediency. What is needed is more than the correction of erroneous publicity as to who authors and introduces what bill. It is even more than the exposure of the political gimmick of "a lender be", which to date has been the Administration's bill of goods for housing.

What is needed is leadership willing and able to hold out at the White House for what is right. Finching on housing decisions under the Dent of pressure from the White House won't do.
—Linda Newhall.

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Help print the Advocate. Make checks payable to E. Erb.

JUNE 24—HEW EMPLOYEES' ACTION FOR PEACE AND SOCIAL PRIORITIES

On Wednesday, June 24, about 300 HEW employees participated in a rally in the main HEW auditorium to protest the interminable war in Indochina and the misallocation of priorities. A smaller group carried its protest before the White House and participated in workshops in Lafayette Park on the repercussions of the war on HEW.

For us June 24 was a pilot demonstration. Certain positive results were achieved: (1) The auditorium of HEW headquarters was used for an antiwar rally. (2) New people were involved in the action, thus increasing the base of the peace movement within HEW. (3) Contacts were strengthened with other Federal peace groups; the cooperation especially between HEW downtown and NIH should lay the groundwork for future coordinated action. (4) Plans were initiated to sustain a full-time organizer and coordinator of HEW employees for social action. (5) The opposition of Government workers to the war received nation-wide attention. Between 20 and 30 newsmen were present, and many stayed with us throughout the day. Federal employees demonstrating against the war apparently have more impact than almost any other population group. (6) The fact that no reprisals have been taken against any participants is an especially encouraging result of the activity.

It would be a pity to waste the momentum generated by the June 24 action by failing to follow it up in the near future with a larger-scale, coordinated mobilization of various Federal agencies. We think that part and parcel of such a coordinated peace action against the repression of minority people at home, since the war itself is part and parcel of such repression. Concrete goals of practical concern to HEW workers can also be tied to such actions. To effectively organize and coordinate the efforts of HEW employees for such purposes requires an individual who can devote his or her time exclusively to them. Plans are now being made to sustain such a full-time coordinator and organizer through regular tithing of concerned HEW employees.
—Gary Grassl.

FILMS ON BLACK HISTORY

The CBS film series, "Of Black America" will be shown several times a week through the end of July. For more information contact Les Hausrath, X35085.

LETTER TO THE EDITOR

DEAR ADVOCATE STAFF: As a former contributor to The Advocate and an HEW employee at the time when a small group of us were referred to as "young" [turks] (the term "radical" would have meant that they took us seriously). I have followed activities of HEW employees through your letter with great interest since I left Washington two years ago. Your persistent efforts to make an unwilling bureaucracy respond to the needs of those it is paid serve as well as those it employs has not gone unnoted, even here in the wilds of Ithaca at Cornell University.

It was with a particular sense of satisfaction that I joined with the 4,000 person Cornell contingent on the Ellipse in May in applauding the arrival of the Federal Employees for Peace. Right on!

Sincerely,

NANCY K. BEREANO.

HEW AND CRY

California non-union grapes are, once again in the cafeteria. They were removed by order of Secretary Finch over a year ago after effective brown-bag boycott which was preceded by leafletting, picketing and general turmoil on the part of angry HEW employees. It is rumored that if the scab grapes continue to be sold the activist AFGE Local will set up a picket line outside the cafeteria. Will Richardson take any action [before] the issue comes to a head.

On June 30th, Richardson called John Ehrlichman, Special Counsel to the President and demanded "Don't ever do that to me again." The White House, continuing in its tradition of keeping HEW in the dark failed to inform the new Secretary of White House deliberation over vetoing the Hill-Burton appropriation bill. Richardson read about it over the press wire service.

No bureaucratic resistance was offered the wide distribution of the "Honor America Day" posters. In fact "safety-minded" General Service chiefs Dale Thompson and G. Huddleston, Jr. didn't seem to mind that posters were officially stuck on doors (blocking vision) and placed on un-manned tables directly in front of entrances and exits. The posters, only an eyebrow away from being partisan political advertisement were given different treatment than unions, anti-war, NWRO, or environmental material of those things put up merely on bulletin boards and never near doorways or on tables.

Any of those few HEW professionals who ventured forth to see the special light * * * on July 2nd should know that they got these pictures taken by internal and external security freaks who, from the auditorium call booth, carefully photographed everything and everybody that appeared. The light show people, paid $500 to do their uncensored political thing for the OE summer folks, thought it was the normal course of events for the agents to appear and did not protest.

The college students here for the summer appear to be a bit more subdued than those who came the previous couple of years. It's a question of whether they're purposely screening-out the radicals or just that politically-minded young people aren't as willing to work for the Feds.

OPEN LETTER TO HEW EMPLOYEES, JULY 1970

DEAR COLLEAGUE: During the past few months we have seen too many friends and fellow HEW employees leave the federal government. Those of us who have chosen to remain must find new, concerted and constructive ways of pooling our energies and our concerns. In the past we have seen small victories won, some concessions made, but all too often the momentum of our efforts dies and there is no "follow-through."

A number of HEW employees have decided that one-shot, sporadic duplication of effort-type programs are simply not the way to achieve much-needed Departmental and societal changes. Thus, we have outlined a number of objectives we would like to see accomplished and have decided to establish a permanent organization to work toward achieving them. Some of the objectives we've considered include:

Setting up an HEW Day Care Center.

Creating an HEW Ombudsman.

Democratizing the credit union.

Creating better opportunities for women employees.

Mobilizing HEW employees to end the war in Viet Nam.

Supporting the efforts of custodial and other low paid employees.

Setting up a loan fund to assist employees who are fired because of their controversial or political beliefs.

To accomplish these and other ends, we need a full-time organizer(s) and a group of committed HEW employees to help plan strategies for implementing these goals.

A number of us have already agreed to contribute a minimum of $1.00 per pay period to help support the staff for this kind of endeavor. We have suggested the following guidelines for contributions:

GS 1–5: $1.00 per pay period.

GS 6–8: $3.00 per pay period.

GS 9–above: $5.00 per pay period.

In order for what we are tentatively calling the HEW Action Project to be a success, we need *your* support. Please contribute whatever you can afford. If you are interested, we can arrange to have contributions deducted from your paycheck. Contact Jeff Schwartz (546–9533). Thank you.

Jeff Starkweather, Michael Tabor, Linda Newhall, Madeleine Golde, Gary Grassl, Roy Morgan.

Barry Katz, Stephen Long, Bruce Miller, John Martin, Jeff Schwartz.

The following items are not true:

The new HEW building now being constructed on Independence and Third Streets, S.W. will have adequate spaces for everyone.

Secretary Richardson has announced the dismemberment of the HEW Office of Internal Security. In a TV interview, the Secretary announced that the Office, a vestige of the Joe McCarthy error and composed of ex-FBI agents, has long outlived its usefulness and has no place in an "open administration."

A number of day care facilities are being readied for occupancy by August 1st. The Department announced that it can no longer ignore the needs of its secretaries, custodial workers and working women.

THURSDAY DISCUSSION GROUP

Every Thursday at 11:45 am in the HEW North Building, Room G–751. Bring your own brown bag lunch. The press is encouraged not to come, as the meetings are off-the-record.

***July 9*—A number of architects who are attempting to "humanize" the new HEW building will come with plans in hand for the purpose of getting our reactions and inputs.**

***July 16*—Toby Moffett, our friend and former colleague will return to HEW to reminisce about his job with the Nixon administration.**

***July 23*—Ron Israel, former AID and HUD employee, now known as SAKI, will also return to provide us with a lunchtime of [song] and cheer related to his govt. experience.**

***July 30*—Rennie Davis of the Conspiracy will appear.**

***August 6*—Sammy Abbott & Lew Robinson.**

* * * * *

LET US SAVE THE "DELTA QUEEN"

(Mr. MOLLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLAHAN. Mr. Speaker, on November 2, about 3 months from today, a small part of American heritage will disappear—disappear, that is, unless the Congress can act now to preserve it.

I am speaking of the only overnight paddlewheel steamboat now plying the waters of the Mississippi and the Ohio Rivers; It is called the *Delta Queen* and, as its name indicates, it is well worth our attention.

According to Coast Guard interpretation of the "safety-at-sea" law passed in 1966, the mighty *Delta Queen,* which would not know sea water if it splashed against her bow, is categorized with ocean-going vessels and is considered a fire hazard.

The average citizen who knows the splendor and the beauty of the *Queen* is aghast at the Government's overly strict interpretation of the 1966 law. I include myself in that group.

They point out that the boat hugs the shoreline most of the time and its river pilot claims his ship is not further than 4 minutes from shore during any part of the trip.

Mr. Speaker, in this age of our fast-changing society, we must not allow the *Delta Queen* to slip away into mere memory.

Our distinguished colleague from Missouri (Mrs. SULLIVAN) has a bill now before the House Merchant Marine and Fisheries Committee which would exempt the *Queen* from the 1966 safety law which was meant to apply only to ocean-going ships.

The Senate also is considering action and has attached a similar amendment to its pending martime bill.

If no action is taken before November 2, the *Delta Queen* will cease to exist as a living tradition. She will be permanently retired.

In our rush to advance ourselves technologically as a nation we have lost or destroyed much along the way.

We now have a new way-of-life and a new standard-of-living. We no longer have with us enough of the symbols of the traditions which made this country the strong and independent Nation that it is today.

This strength and independence is exemplified in the *Delta Queen* and in the hearts of the men who pilot her up and down the Mississippi and Ohio Rivers. She is a part of our heritage that should be preserved.

HAMBURGER, UTILITY BEEF AND IMPORTS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Special Studies Subcommittee of the Committee on Government Operations, of which I am chairman, because of complaints it had received, examined the behavior of retail beef prices last year in an effort to ascertain the reasons for the sharp rise in such prices. In the early part of this year, this subcommittee approved a draft report on the subject, which the full committee this spring referred back "for further study."

I am sure that other Members have received letters on the subject of retail beef prices, our meat supply and imports from cattle growers, public officers, housewives, and business consumers. As we all know, the fast foods franchise industry has grown in recent years and its increased utility of the lean grades of beef has increased the demand for such beef.

Interestingly enough, the price of hamburger, according to the Bureau of Labor Statistics, did no decline last fall until 2 months after the higher priced beef cuts began to decline. This year the BLS figures show, as of the end of May, that the retail prices of hamburger at 66.7 cents per pound is higher by 1.1 cents than the high point of September 1969. The June price is practically the same as that in May.

The Department of Agriculture reports show that utility cows were and have been higher in 1970 than for the comparable 1969 period, through the middle of July. The price of boning utility cow beef has far exceeded any 1969 prices through the middle of July.

I believe that the above figures have some bearing on whether the supply of lean beef necessary for hamburger and manufacturing is in fact adequate to meet the demand. We are all cognizant of the recent action of the President by which the quota import figure for 1970 was set at 1.14 billion pounds. This was done at a time when imports for the first half of 1970 were approximately 600 million pounds. This quota figure leaves only 540 million pounds which can be imported for the second half of 1970, a reduction of 10 percent from the rate of the first half.

My position with respect to imports is one of supporting variable import limitations. I have not, contrary to published reports, asked for the repeal of restrictions on meat imports. These imports are basically the "hamburger" or "processing" grade of beef. I have tried to suggest that consideration be given to adjusting meat imports to meet the gap, if any, between the demand for lean beef and the domestic production of such beef.

The Ways and Means Committee is now working on a draft bill which would impose quotas on the manufactured products to be covered by that bill. It is reported that the pending proposal would impose a quota on a particular product when imports of that product exceed 15 percent of its domestic consumption.

This percentage is to be compared with the present import restriction on beef of 6.7 percent of domestic production. Certainly if the 1964 Meat Import Quota Law were amended to allow imports to meet the gap between the demand for lean beef and the domestic production of such beef, it would still be more restrictive than the Ways and Means Committee's tentative formula for manufactured products.

I have given expression to this in a letter to a constituent of mine, a businessman, who as a consumer, is strongly exercised about retail beef prices. I include my letter to him as part of my remarks at this point in the Record.

July 20, 1970.

Mr. A. R. Martino,
Waterbury, Conn.

Dear Tony: Your letter of July 10, 1970 and the copy of your note of June 26, 1970 to the Department of Agriculture, have been read by me with much interest.

The hearings held by me last fall with respect to the sharp rise in the retail price of beef, to which your letter refers, show the problems facing the consumer. The adequacy of the supply of beef, including the relationship of import quotas and the consequent effect on prices to the consumer were one of the major phases of that hearing. Since then there have been, as you mentioned, revelations as to the inadequacy of domestic meat inspection and the unguarded use of antibiotics in feeding cattle, presenting dangers to consumers.

While the cattle growers trumpet their claim that they can provide enough beef to meet the demand of the American consumer, I am somewhat dubious insofar as lean beef is concerned. This is the beef that is used in combination with the fatty parts of the choice carcass for making hamburger and other manufactured meat products. The figures show that the wholesale price of beef used for manufacturing purposes is higher than it was last year. In addition, the retail price of hamburger for May, according to the Bureau of Labor Statistics, was higher than it was last year at its highest point. All the statistics available to me with respect to prices for beef animals slaughtered for manufacturing purposes, mostly cows, lead me to believe that it is a strong reflection of an inadequate domestic supply of such beef as against the increasing demand for it. Without going into the complexities of the cow-calf and feeding industry and its time-cycle of over 2½ years, the supply of domestic lean beef cannot be accelerated without adverse effects on the production of choice beef.

The President, on June 30, 1970, performed the miraculous feat of increasing the amount of beef, mostly used for processing, which could be imported, while actually cutting back the rate of such imports. Under the 1964 Meat Imports Quota Law, the amount of meat which could be imported in 1970 without imposing a quota was 1098 million pounds, 110% of the quota. Imports for the first half of 1970 were approximately 600 million pounds, strongly indicating that the 110% figure would be exceeded long before the end of the year.

As required by law, the President imposed a quota of 998 million pounds, and in the same document, suspended it, allowing imports to equal 1140 million pounds. As 600 million pounds were already imported, the second half imports can total only 540 million pounds or a reduction of 10% over the first half of the year.

I intend to watch closely the effect of this governmental action on the retail price of beef. It may be doubted that it will prove highly beneficial to the consumer.

My reason for all this detail on the most recent happenings in the beef picture is because of your interest in the matter. I fully appreciate your support of my work as your representative in Congress.

Sincerely,

John S. Monagan,
Chairman.

THE FARMER AND THE AMERICAN HOUSEWIFE

(Mr. POAGE asked and was given permission to address the House for 1 minute.)

Mr. POAGE. Mr. Speaker, the interesting comments of the gentleman from Connecticut suggested to me that the House should give a little more consideration to the bargain the housewife is now getting in the way of food, and the extent to which the farm program reduces her cost of food.

As the gentleman pointed out, it is perfectly true that the cost of food, like all other costs, is going up due to inflation. But it is also true that the American housewife is today buying food for her family with a far smaller percentage of her disposable income—actually 16½ percent—than have the people of any other nation in the world, at any time in the history of the world. That, as I see it, is the greatest compliment that could ever be paid to the American farmer and to our farm program which will come up for renewal next week.

If you take $3.5 billion out of the farmers' income—the $3.5 billion which he is now getting as a result of the farm program—you will add, not $3.5 billion to the cost of the American housewife, but approximately $10.5 billion, because every time you run an item of food through the grocery store, the cost multiplies by at least three times.

To the extent that we reduce the Government supplements to the income of the farmer we must increase the marketplace costs by at least three times that amount, because there is no way of putting the needed food on the grocery shelf without putting enough money into farm income to pay all the costs of production. If the Government subsidy is withdrawn, you can anticipate paying, not $3.5 billion more, but some $10.5 billion more for food next year.

ANNOUNCEMENT BY ARMY OF DUMPING OF NERVE GAS OFF CAPE CANAVERAL

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I impose upon the House at this time because of an announcement that has been issued today by the Department of the Army concerning the dumping of nerve gas some 250 miles east of Cape Canaveral, Fla.

Mr. Speaker, I am distressed to hear this news. I am very much concerned about it, and I am contacting the Secretary of Defense to ask that no action be taken to dump this gas, which is now scheduled to be dumped on the 10th of August, until the Subcommittee on Oceanography as well as other committees have an opportunity to look into it.

I have been assured by Chairman Lennon of the Subcommittee on Oceanography that hearings will be held this next week. I would urge the Secretary to withhold any action until this has been done.

TRIBUTE TO THE HONORABLE AUGUSTUS HAWKINS

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, everyone who knows him knows that when the word "Honorable" is appended to the name Augustus Hawkins it is not merely a customary title, a politeness, an act of protocol. It is a description, a statement of fact, almost a synonym for the name itself. He is in fact one of the best men here, honest, able, compassionate, intelligent—in short, what all of us ought to strive to be. Anyone who seeks to impugn the integrity of Gus Hawkins simply calls his own integrity into question. I am sure the gentleman from Illinois was misinformed or misquoted and will want to set the record straight on this matter.

Many of us have remarked over the past few weeks that we are especially indebted to Congressmen Hawkins and William Anderson and to Mr. Tom Harkin for their diligence and courage in bringing the situation at Con Son to the attention of the Nation. I rise today simply to reiterate my thanks to these remarkable men for bringing credit to this House and adding to the honor of their country.

HEARINGS CONDUCTED BY SENATE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY WERE A CHARADE AND A SHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. Watson) is recognized for 15 minutes.

Mr. WATSON. Mr. Speaker, I believe all of you will agree that the gentleman in the well prides himself in trying to keep his patience, and that likewise he recognizes that we have some difficulties and everything is not perfect in the Southland. But at the same time I believe there is a point beyond which a person's patience begins to break. Further, that there is a point when a person will stand up and speak out against those who would maliciously malign the great Southland.

Mr. Speaker, in a statement this past Thursday I said that the hearings conducted by the Senate Select Committee on Equal Educational Opportunity under the chairmanship of the junior Senator from Minnesota were a charade and a sham. As further proof of the ridiculous and misleading nature of these hearings, the chairman just made a brief visit to four Southern communities in three States and returned with a scathing denunciation of the entire South and its education system.

Mr. Speaker, this is comparable to

someone from the South going to the Senator's home State for a few days, and not finding any Negroes in four randomly selected communities of that State, deciding that Minnesota has outlawed integration.

Now, the Senator's report upon completion of his fact-finding tour represents a personal insult to the people of the South, and it is an insult to the intelligence of every thinking American, regardless of region. It is an insult that must be challenged, and I challenge it here and now.

Mr. Speaker, I call upon the Senator from Minnesota to explain the real reason why he has singled out the Southern part of this country for a much-publicized tour, especially in view of his well-known record of anti-Southern prejudices. Are there not serious problems crying for solution in other areas, even the District of Columbia? Why does the Senator direct attention away from these areas as well as his own State's problems?

Mr. Speaker, there are few, if any, people in this country less qualified than the Senator from Minnesota to speak on the subject of Southern education, or anything else down our way for that matter. The South is not obligated to listen to such rank insults and distorted, prejudged views of our section of the country. His voice is that of a totally discredited and outdated philosophy, and this Nation should no more heed his advice than physicists should listen to the advice of the president of the "Flat Earth Society."

It is obvious to me that the Senator is attempting to capitalize on the frustrations of people for his own political gain. Since an extended visit to the South would not enlighten the Senator because of biased views already held, it is certain that a few days tour would leave him appallingly short of information. Therefore, his brief visit was totally without probative value and can only be interpreted as a grandstand play. But in all fairness I do understand he sent a few of his staff underlings into the South, even South Carolina, to "survey" the situation—yet these people could not tell the difference between a school house and a filling station.

For generations the South has had to bear the cross of gratuitous criticism from uninformed outsiders. These breastbeaters strike holier-than-thou poses and lament conditions in the South in words revealing their paucity of knowledge on the subject. They add to their scarce knowledge certain wrong-headed notions supplied by their prejudices and go forth to propagandize another generation of their constituents in the age-old obsession of South-hating.

At a time when divisiveness is deplored by liberals and blamed on conservative attitudes and actions, professional South-haters foster and cultivate the rankest and most blatant divisiveness in this country. The Senator's tirade against our section of the country is the same old political demagoguery reminiscent of Thaddeus Stevens days over a century ago.

What the Senator called an investigation of three Southern States was in fact the typical whirlwind tour which is a requirement for anti-South propagandists prior to the periodic unleasing of their prejudices. The investigation is designed to lend credence to whatever the objective is. The southern evils which such investigations reveal and the repressions which are typically discovered are in fact attitudes and beliefs long-harbored in the mind of the South-hater currently holding forth in the other body.

The question begs: Why must we of the South endure any longer charades unethically described as investigations and political attacks piously couched in moralistic tones?

If honesty will not silence the likes of the Senator from Minnesota in their criticism of the South, it would seem that the plight of their own citizens would.

I direct his attention to rampant crime which is largely a Northern problem. I direct his attention to epidemic drug addiction which is almost exclusively a problem of States outside the South. I direct his attention to the proliferation of pornography which originates outside the South and which threatens to contaminate our area. I direct his attention to large-scale race riots which are predominantly a northern and western problem and not one of the South. I direct his attention to organized crime which is strangling life from his and many other sections of the country.

Senator, your people need help. Get to work on your own problems!

Senator, it is easy to see now what motivates you. Is it that you direct attention elsewhere, so your people will not become too alarmed about their lives and conditions? That will not "wash" any longer. Senator, I advise you to get on your not-so-white charger and return to face the very real problems of your own area. Certainly your political fortunes are not contingent upon your vilification of the South.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I yield to my distinguished friend and leader, the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Speaker, I wholeheartedly associate myself with the remarks of the gentleman from South Carolina.

I want to add this. I read this so-called report by the junior Senator from Minnesota. It emanated only from a politically sick mind, a frustrated mind, an ambitious mind, who would stop at nothing to fan the seeds of sectionalism and racism to further his own political gain. He is one of those whom Vice President AGNEW aptly referred to as playing Russian roulette with the safety and security of this country.

I would say as Roosevelt once said: Plague on his house and plague on him. That is not fitting to be said of one who calls himself a Senator of the United States.

Mr. WATSON. Mr. Speaker, I thank the gentleman for his contribution.

As usual, the gentleman has said it more directly and eloquently than I.

NAFEC FACILITY ONE OF WORLD'S FINEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN) is recognized for 10 minutes.

Mr. SANDMAN. Mr. Speaker, I should like to call the attention of the House to several glaring inaccuracies in a report filed with the House by the Government Operations Committee. This report, dated July 16, 1970, contains findings affecting the Federal Aviation Administration in its development of an air traffic control system. These deficiencies exist on page 30 and page 56 of the report. The erroneous findings are used in an attempt to justify the recommendation of a phaseout of the research and development work presently performed at the National Aeronautics Facilities Experimental Center near Atlantic City, N.J., and the transfer of these functions to the former NASA facilities at Cambridge, Mass.

Whoever gave the committee this information is grossly in error. It could be that he is trying to revitalize the white elephant at Cambridge rather than make an improvement in the whole system itself. At any rate, let me point out some of the inadequacies. The facility at NAFEC to start with is one of the finest of its kind in the world. The physical plant at the air field is capable of testing all kinds of aircraft regardless of size. No such facility as this exists at Cambridge, Mass. The electronics equipment installed at the field is in tiptop condition, the result of millions of dollars already expended by the Federal Government. The hangers at this installation rank with the very best we have. In fact, improvements to these facilities have been constant and have kept them up to date.

When a report says that the research and development facility at Atlantic City is woefully inadequate, it would be a good idea to point out exactly what the inadequacies are. The report does not point to these at all. It is only in the third paragraph on page 30 that a feeble attempt is made to disqualify what exists at the Atlantic City facility. It points out that the barracks are of World War II vintage. This may be so, but the barracks referred to are a tiny part of the entire installation and have very little to do with the overall efficiency of the operation. The report goes on and says:

> The rural location deprives young engineers and technicians of the opportunity to attend colleges and universities to advance their technical capabilities. Philadelphia, the closest metropolitan area, is too far away for day-after-day commuting.

This assertion leads me to believe that whoever supplied this information to the committee did not even visit NAFEC to start with. For the committee's information, the Atlantic City Expressway that connects this area with Philadelphia facilitates 70 miles per hour traffic. The Atlantic City Expressway Authority invested some $60 million in this excellent highway, none of which was Federal money. It takes exactly 40 minutes to travel from NAFEC to the heart of Philadelphia. If you do not want to go by car, we have 10 flights a day from Atlantic City to Philadelphia. Traveling time for this trip is 20 minutes. If you do not like to fly, there are commuter trains that make the same trip. Philadelphia has some of the finest institutions of higher learning of any city in the world. There are 14 major institutions of higher learning in the Philadelphia area. I do not think any city in the United States can boast of a higher number. To mention only a few: Drexel Institute of Technology, the University of Pennsylvania, Temple University, Villanova University, and I can go on and on.

The worst inaccuracy is the last sentence of paragraph three:

> FAA contractors have also experienced difficulty in recruitment of employees to work at Atlantic City.

This statement is completely inaccurate. I can show the committee lists of people with all kinds of technical skills that are on waiting lists waiting to get a job at NAFEC. A similar list can be produced for any FAA contractor who wants one, for any trade in which the FAA contractor may be interested.

In summary, the investment at NAFEC referred to in the committee report runs into the many millions of dollars. There is absolutely nothing wrong with the facility, whether it be for testing or research and development. If there is something wrong with the output at the installation it certainly is not related to physical facilities or location. It would have to be related to those in charge of the operation. If we are going to make an improvement in the FAA's operation along this line, replacements of personnel can be made just as easily at NAFEC as at Cambridge, Mass. There is a question whether the white elephant at Cambridge, Mass., should ever have been built in the first place. I wonder why NASA abandoned it. If it is going to be activated for some governmental purpose, then I would suggest that we find another field of endeavor, rather than disrupt or phase out the installation at NAFEC at Atlantic City, which has performed many invaluable services to aviation and the people of the country.

SUPERMARKET AND FOOD MANUFACTURER PRESSURE ON NEWSPAPERS AND THE BROADCAST MEDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, the news media represents the main source through which the public can secure information on consumer and other questions. Such information influences the manner in which the individual spends his money, on what he spends it, his degree of satisfaction with the prices, and the quality and safety of the items he buys.

In looking to the news media to perform this function, there has always been the assumption that the media operated more or less independently and under the guise of objectivity; it was able to tell it like it is. I fear that this premise may no longer hold.

According to Statistical Abstract and Advertising Age figures, in the neighborhood of $2 billion in news media revenue comes from food industry advertising. The import of this advertising figure is dramatized by the fact that over 65 percent of television advertising revenue comes from the food industry.

I have uncovered more than 20 case histories of supermarkets and food manufacturers attempting to use their advertising to eliminate unfavorable coverage, and to secure favorable publicity under the guise of news. Some examples involve withdrawal of advertising; others, boycotting of subject areas to which food advertisers may object; still others, the killing of stories as a result of food advertiser objection.

There are instances of pressure to see that something is not reported. Food advertiser pressure appears to be applied as well in the other direction: to see that items not intrinsically newsworthy are reported. These include use of recipes utilizing certain products, free promotional coverage; that is, the opening of new supermarkets, the home life of the meat market manager, how XYZ store sells quality food and why, canned editorials, and so forth.

The result of this type of pressure is that the public cannot look to the news media for full and balanced coverage of consumer questions.

I believe this situation will continue unless the Federal Communications Commission investigates the pressure, exposes it, and takes steps to neutralize it. I have, therefore, requested the Chairman of the Federal Communications Commission, Dean Burch, to look into this situation as it falls within his agency's jurisdiction.

The situation which first led me to investigate this question was that of the Miami News. The News is a financially weak paper, facing competition from the strong and larger Herald. It is in young hands and has been attempting to try new and exciting things. It ran a three-part series on food dating on June 30, July 1, and July 2. Unlike many other newspapers which have written on the subject, it neither came out editorially for my legislation to require the open dating of food nor was it overly critical of local practices. The day following the conclusion of the series, Publix supermarkets called up to announce that without explanation it was withdrawing its advertising beginning the following Monday. The following Tuesday, Winn Dixie—the president of Winn Dixie, B. L. Thomas, is chairman of the board of National Association of Food Chains, which is the main opponent of my food dating bill—called to say it would stop advertising after July 16 "because of a reallocation of resources." A third supermarket chain, Lucky, which had never advertised nor cooperated with the paper's reporters in the past, called to reiterate that it would not cooperate with the paper's reporters in the future. A fourth chain, A. & P., it was learned later, had reversed a decision to begin advertising in the News. The advertising department of the News hopes the Publix and Winn Dixie decisions are not final and that the paper will be able to get back these two advertisers. But in any event, the News intends to stand behind its series.

Small and economically unstable stations or papers, such as the Miami News, are more vulnerable than large papers which are needed by advertisers. An action against a major paper, such as that taken by GM in 1957 in temporarily dropping advertising in the Wall Street Journal because the paper carried a sneak preview of its new models, is extremely rare. But so are actions by the major papers and radio and television stations in standing up to an advertiser, such as that of the managing editor of the Milwaukee Journal before World War II in dropping a department store advertiser for 6 months because it attempted to suppress an unfavorable story.

Other case histories range from securing the boycotting of particular issues or major surgery on stories to getting recipes and promotional stories printed under the guise of objective news.

Five California dailies: the Bakersfield Californian, Los Angeles Herald Examiner, Oakland Tribune, San Pedro News Pilot, and the South Bay Breeze, which had advertising from Safeway Supermarkets boycotted grape boycott news. Safeway is the largest retailer of grapes in California.

A number of stories on food coding surveys in Chicago newspapers have been killed or greatly modified as a result of food chain pressure. A recent Chicago Sun Times article exposing conditions on one particular store was substantially rewritten after complaints from executives of Jewel Food Stores. Another story written for the Chicago Daily News was scrapped altogether. Chainstore advertising accounts for about 10 percent of all advertising lineage sold by afternoon Chicago papers.

Following a morning meeting with Coca-Cola, NBC made deletions and additions to its documentary on the migrant farm worker, which were favorable to Coke. The NBC program showed conditions in Florida, where Coca-Cola—which owns Minute Maid—is the major citrus grower and employer of migrant labor. The vice president of NBC admitted to my office that the network met with representatives of Coke the morning before the film was to be shown. He said that Coke was unhappy with the documentary for two reasons: First, the documentary unfairly projected Coke as the pace setter for industry treatment of farm workers; and, second, the documentary ignored things Coke planned to do to correct the situation. The network vice president admitted that before the film was shown that evening a sentence saying that Coke set the pace for the industry was deleted and one added to the effect that Coke had a plan for improving conditions.

Food and cooking editors, many of whose offices are located in the advertising departments of newspapers, get tons of trade and advertiser releases each week and are under great pressure to use them. Also, trade associations run all expense paid forums at which food editors are fed the industry line.

Advertisers will rarely admit that they are applying pressure or have withdrawn advertising because of unfavorable press although they are usually able to get their message across.

A not too subtle example of pressure was a call from a National Food Store's representative to a WBBM–FM Chicago radio commentator that his consumer program was being monitored by them. On another occasion someone from the same food chain called the publisher of a suburban Chicago newspaper, the Des Plaines Suburban Times, to criticize him for carrying an article on their store. Oddly enough, that paper had no National advertising and was the only one of four to send a reporter to a demonstration in front of a National store, which gave more than perfunctory coverage to the event.

A not too subtle example of withdrawal of advertising in the case of a New York City television station where, in May 1969 an advertising agency complained about a news slip which mentioned their product, pulled, without explanation, prime-time sponsorship of a program 2 days later, and then called the day after to say there was no relationship between the two incidents.

The objective of the food industry's pressure is to keep the consumer in the dark as to existing abuses and the need for legislative remedies. The classic example of this came during the fight over the Fair Packaging and Labeling Act. In 1963, the president of the Grocery Manufacturers Association demanded before the annual convention of the Television Bureau of Advertising that TV and radio stations, benefiting from food industry advertising, blackout coverage of and oppose the then pending legislation.

The magazine people, he said, had understood. They had begun to run articles to create "a favorable public attitude" toward food advertisers. He regretted, however, that he could not say "similar nice things about the relations of advertisers with television." Television stations received, he pointed out, "about 65 percent of their advertising revenue from GMA members." He said, further:

> These advertisers have seen some television newscasts where they seemingly took great delight in bellowing out stories that were critical of this industry.

The broadcasters, it appeared, responded, for except for a mention on NBC's "Huntley-Brinkley Report" and a reference on that network's program "Calendar," television apparently paid no attention to the subsequent Senate hearings on the legislation. On radio only the labor-sponsored commentator, Edward P. Morgan—ABC—gave news about them.

Look responded by printing a four-page article under the byline of an advertiser, Charles G. Mortimer, chairman of General Food Corp., as the author of an article, "Let's Keep Politics Out of the Pantry." The article followed the industry theme that the American housewife was satisfied with the food industry and saw little need for fair packaging and labeling legislation. Look refused to grant Senator PHILIP HART or Esther Peterson, who were specifically named in the article, equal time to reply or even to have letters to the editor appear in the magazine.

The editors of several of the women's magazines even asked to testify before the National Commission on Food Marketing in opposition to the Fair Packaging and Labeling Act.

Many of the Nation's women's magazines which operate under the guise of consumer objectivity are little more than pawns of food chains, which once owned Woman's Day and represent the major source of revenue and sales outlets.

The success of the food industry's pressure in large part accounts for the ineffectiveness of the law enacted. The same kind of pressure appears to be building with respect to my food dating bill. I am asking the FCC to look into this situation in the hope of reestablishing the balance between the economic needs of the media and the interest of the consumer. I hope that this will let the media know that there is a public willing to back it up when it has the guts to print or broadcast items which may step on food advertisers' toes.

I insert at this point in the RECORD the text of my letter to the Federal Communication Commission, the Miami News series on food coding and related material on food advertising pressure:

JULY 30, 1970.

Hon. DEAN BURCH,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: The news media represents the main source through which the public can secure information on consumer and other questions. Such information influences the manner in which the individual spends his money, on what he spends it, his degree of satisfaction with the prices, quality and safety of the items he buys.

In looking to the news media to perform this function, there has always been the assumption that the media operated more or less independently and under the guise of objectivity, it was able to "tell it like it is." I fear that this premise may no longer hold.

According to *Statistical Abstract* and *Advertising Age* figures, in the neighborhood of $2 billion in news media revenue comes from food industry advertising. By far the largest share of this goes to the broadcast media. Although I appreciate the fact that your jurisdiction does not extend to newspapers and magazines, I believe that you could do much to remedy the abuse of which I speak in this letter by examining into food advertising pressure as it applies to television and radio.

Some supermarkets and food manufacturers are using their advertising in an attempt to eliminate unfavorable coverage and to secure favorable publicity under the guise of news. I have collected over 20 case histories of this pressure from all parts of the country, which I will be happy to make available to you. Some examples involve withdrawal of advertising; others, boycotting of subject areas which food advertisers may object to; still others the killing of stories as a result of food advertiser objection.

These are instances of pressure to see that something is not reported. Food advertiser pressure appears to be applied as well in the other direction; to see that items not intrinsically newsworthy are reported. These include use of recipes utilizing certain products, free promotional coverage (i.e. the opening of new supermarkets, the home life of the meat market manager, how XYZ store sells quality food and why), canned editorials, etc.

The result of what appears to be a generally successful application of this type of pressure is that the public cannot look to the news media for full and balanced coverage of consumer questions.

I believe this situation will continue unless the Federal Communications Commission investigates the pressure, exposes it, and takes steps to neutralize it.

Two leading food chains in Miami, Florida, Winn Dixie and Publix, stopped advertising in the Miami *News* immediately after that paper ran a three-part series on local food coding practices in early July. The loss to the paper is $22,000 monthly. A third chain, A & P, reversed its decision to begin advertising in the paper, and a fourth indicated it would not cooperate with the paper's reporters.

Small and economically unstable stations or papers, such as the Miami *News*, are more vulnerable than large papers which are needed by advertisers. An action against a major paper, such as that taken by GM in 1957 in temporarily dropping advertising in the *Wall Street Journal* because the paper carried a sneak preview of its new models, is extremely rare. But so are actions by the major papers in standing up to an advertiser such as that of the managing editor of the Milwaukee *Journal* before World War II in dropping a department store advertiser for six months because it attempted to suppress an unfavorable story.

Other case histories range from securing the boycotting of particular issues or major surgery on stories on the subject to getting recipes and promotional stories printed under the guise of objective news.

Five California newspapers which had advertising from one supermarket chain boycotted grape boycott news.

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Following a morning meeting with Coca-Cola, NBC made deletions and additions to its documentary on the migrant farm worker, which were favorable to Coke.

Food and cooking editors, many of whose offices are located in the advertising departments of newspapers, get tons of trade and advertiser releases each week and many are under great pressure to use them. Also, trade associations run all expense paid forums at which food editors are fed the industry line.

Advertisers will rarely admit that they are applying pressure or have withdrawn advertising because of unfavorable press although they are usually able to get their message across.

A not too subtle example of pressure was a call from a national food store's representative to a Chicago radio commentator that his consumer program was being monitored by them. On another occasion someone from the same food chain called the publisher of a suburban Chicago newspaper to criticize him for carrying an article on their store.

A not too subtle example of withdrawal of advertising is the case of a New York City television station where in May 1969 an advertising agency complained about a news slip which mentioned their product, pulled without explanation prime time sponsorship of a program two days later, and then called the day after to say there was no relationship between the two incidents.

The objective of the food industry's pressure is to keep the consumer in the dark as to existing abuses and the need for legislative remedies. In 1963, the President of the Grocery Manufacturers Association, Paul Willis, demanded the magazine and TV and radio stations, benefitting from food industry advertising, blackout coverage of and oppose the then pending Fair Packaging and Labeling Act. Television coverage of subsequent Senate hearings on the subject fell to the level of an almost total blackout. The success of his efforts in large part accounts for the ineffectiveness of the law enacted.

I am asking you to look into this situation as it falls in your jurisdiction with the hope of reestablishing the balance between the economic needs of the media and the interest of the consumer. I hope that this will let the media know that there is someone willing to back it up when it has the guts to print items which may step on food advertisers' toes.

With kind regards, I am,

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

[From the Miami News, June 30, 1970]

Date Codes: Strange-Looking Anagrams Little Help to Consumer

Most food products in Dade County grocery stores are fresh but the shopper can't be sure of this by reading the packages.

Those mysterious combinations of numbers and letters stamped or embossed on the packages of most perishable and semi-perishable foods are significant.

But the consumer would need a college course in cryptography to figure them out. Most store personnel were either unwilling or unable to decode them for us when we visited them and asked questions.

Food manufacturer representatives were more helpful, for the most part, with a few notable exceptions. We also found that we were more likely to get information when we identified ourselves as reporters.

Date codes indicate either the date the product was manufactured or the date it should be pulled off the shelf. They may be printed clearly on the top label of the package or embossed on some small corner, hidden from the eye of the consumer.

We toured Dade County stores—supermarkets and corner groceries—for three days. We visited more than 50 stores in all parts of the county, and it became apparent to us that store personnel, from managers to stock boys, generally have the idea that the consumer either doesn't care or isn't intelligent enough to worry about date codes.

While shopping in the K-Mart on Biscayne Blvd. and NE 107th St., one of the store personnel informed us that there was no date code on Kraft cheeses. We, of course, knew that there was a date code printed on the form of each package of cheese. The day before, a Kraft representative had explained the code to us while he was checking the shelf in the Grand Union on Palm Springs Mile.

At Kosher Meats on Washington Ave. at 10th St., Miami Beach, we asked the store manager if the eggs had date codes. "Yes, most eggs have the expiration date," he said.

"I can't find it," one of us said.

"Well, I can't find it either, young lady," he said, as he turned back to his inventory.

"Sure there are codes," said a stock boy at one Northeast section store. "But we don't want the people figuring them out. We sell the oldest things we can first."

Some of the personnel in the stores tried to be helpful, but often they said they weren't sure of the codes themselves.

The only explanation we were given regarding fresh meat codes came from a woman behind the meat counter at the Food Fair in the Dadeland shopping center. But she said she wasn't too sure of it.

Stockboys in a few of the stores explained the codes on the dairy products, such as yogurt and cottage cheese, if we asked them.

Reactions of the food manufacturer representatives varied. Some were helpful; others were not.

"We get calls from people who want to know what the codes are or what the numbers mean," Lloyd Shabel, the routing supervisor for Dannon Milk Products said when we called him in New York.

"We certainly don't want to keep it a secret. We want people to know because it's to their advantage to know they're getting a fresh cup of yogurt." The code for Dannon, however, is simple only if you know it.

An August Brothers Bread spokesman said his company was interested in making sure that the consumer knows he is getting a fresh product. They were one of the few bread companies to explain the codes to us. Arnold was another.

Breakstone sent us a copy of a form letter sent to customers who request it, explaining in detail the codes on its dairy products.

Some of the companies we called said they did not want to divulge codes to the public.

"We would rather not publish what our code means," said a representative of the Kellogg company, who asked not to have his name mentioned." If you knew which was the freshest box, you'd pick that one."

Don Lewis, director of sales at the Tampa branch of Borden Dairy Products, said he did not wish to disclose his company's code. "We have date codes on all our products," he said, "but they are intended for us, not the customers. Any dairy will tell you that it is in the consumer's interest not to reveal the code on dairy products.

"There is no intent to fool the customer," he said, "but when you code products that legibly, the consumer picks out the freshest goods and the ones that are left get older and older. As a result, the cost of the goods must go up in order to pay for the products not sold."

Spokesmen for two packaged meat firms, Hebrew National and Dirrs, said they would not answer our questions until they had received written requests for information from us. The Miami News sent letters to Hebrew National June 17 and to Dirrs June 22. Replies have not been received.

We got more information from manufacturer representatives than from stores, but how many consumers would make a long distance call to have a date code explained to them? The consumer will normally turn to the people in the neighborhood store.

In the Minit Shop at NW 27th Ave. and NW 105th St., we asked the man behind the counter about the dairy products, many of which were outdated, according to information we had. He said he didn't know about the codes.

"The companies come in and stock the goods," he said. One of the Dannon yogurts had expired two weeks before, on May 29.

At the Horn o'Plenty Food Market, 19116 Collins Ave., the cashier knew there were codes on the dairy products, but said he didn't know what they meant. "Oh, that's for the guys who come in here and change shelves around," he said, when we showed him the code on the top of a yogurt container.

We found very few outdated products at the larger chain stores. In many stores we passed stockboys checking the codes on cottage cheese, yogurt and cheese.

In quite a few stores, when we asked about the date codes on breads, crackers and cookies, we were told, "The company representative takes care of that."

"I don't believe all the managers know the codes," said Ray Gannon, sales administration manager for Frito-Lay. "But a number of the large chains have been informed of what the codes mean. It's up to them to inform their individual stores."

Art Calvert, South Florida regional director for the Florida Department of Agriculture and Consumer Services, said, "Manufacturers ride herd on their own goods. In this way, they are protecting the consumer as well as themselves."

In the Grand Union at the Northside Shopping Center, we asked a butcher at the meat counter about date codes on the fresh meats.

"What do you want to know for?" he asked. When we told him that we were new at this sort of thing (shopping) and we wanted to make sure we were getting the freshest meats, he explained that the meats are packaged every morning.

At the Thrifty supermarket on Washington Ave., Miami Beach, there was Holsum bread with four different colored plastic twist seals—red, green, yellow and blue. We knew each color twist stood for a different day, but we didn't know what color was which day.

We asked which loaf of bread was the freshest.

"They're all fresh. They all came in this morning," we were told by a store clerk.

At the Grand Union on Opa-locka Blvd., Freshbake bread had blue, white and yellow twists, marked B, C, and D. "They're all the same freshness," a cashier said. "They all came in this morning."

The story was the same at the Pic 'n Pay on NE 19th Ave. and 183rd St., where there were blue and yellow twists on the Sweetheart bread.

[From the Miami News, June 30, 1970]

Reactions of Food Chain Executives Vary

"I like to see products coded," said Richard Lencer, general merchandising manager for Grand Union stores, when we called him in reference to date coding.

"The 'expiration date' on many foods, however, is only a guide," he said. "It is not an absolute expiration date." But Lencer said he believes that he is more interested in date codes than the consumer is.

"Most shoppers want to get their shopping over as soon as possible and get back to their card games," he said. "It's a waste when dollars are spent to print something that the consumer doesn't use."

He said that Grand Union meats and eggs have expiration dates on the package.

Executives of other local food store chains were, for the most part, unavailable or uncooperative when we called them.

Bob Jacobs, local sales manager for A&P supermarkets, said that A&P does have a code on its meats, but "that is only for our personnel. It (the code) wouldn't mean anything to anyone else," he explained. Each store manager knows his own code so that he can properly rotate his goods, he said.

"There is no way for the consumer to know the date the meat was packaged," he said.

Jacobs explained that, from a retailer's standpoint, it would not be good to mark clearly the expiration date on any goods. "The consumer would buy only the freshest goods," he said.

"It would work against the retailer," he said. "There would be much damage (merchandise thrown out) and extra expense, which would run our prices up."

We contacted Bert Thomas, president of Winn-Dixie in Jacksonville and he said that in his chain fresh meats do have date codes. He referred us to Clarence Waldorf, divisional manager in Miami, who confirmed that the meats had codes but he didn't know them offhand. He did offer to mail us the information however.

Earlier we spoke to Warren Call, personnel director of Winn-Dixie, who told us there were no codes on the fresh meats. "The meats are judged by their appearance," he said.

When one of us called the district headquarters of Food Fair in Miami, and didn't identify herself as a reporter, she was told that all the executives were in a meeting and she couldn't possibly speak to anyone that day.

When the other one called, identifying herself as a Miami News reporter, she got through to an executive office.

The executive she spoke to, however, said that he would not divulge the date coding on Food Fair meats.

"That is a company piece of information which is top secret," he said. "For security precautions, we don't want to let our competitors know."

He said he didn't want his name used and that he would deny any statements that were attributed to him.

We attempted to clarify a situation at Thrifty, 527 Washington Ave., Miami Beach, where we had been told that all loaves of bread, even though they had different color plastic seal twists, were of the same freshness. A different person answered the phone each time we called the store and each said that all the bread was fresh, although bakery representatives had told us otherwise.

George Jenkins, president of Publix, said from the chain's Lakeland headquarters that all the perishable goods in his stores are date coded. He said he did not wish to give out the key to the codes.

"If people knew what the codes meant, they would go through all the merchandise, down to the bottom where the freshest goods are, in order to find the package which is the freshest. They would raise bedlam in the supermarket," he said.

"In the long run, the housewife would pay for it.

"We date code our products better than if we had a law. We will take merchandise out of the case because it doesn't please us long before the date code expires," he said.

Referring to current consumer movements demanding the plan date coding of perishable and semi-perishable products, he said, "I don't see why people who don't know the business want to have legislation passed on something they don't know anything about."

[From the Miami News, June 30, 1970]

Chicago Woman Fights for Coding Legislation

Lynne Heidt of Chicago, organizer of the new National Consumer Union (NCU), says she wants to show the food industry the power of the consumer.

The consumer should unionize and force the companies to be responsible, she said in a telephone interview with The Miami News.

But first, she says, the consumers must be informed. They must be made aware of date codes, which are "not only ambiguous, but also not meant for the consumer to understand."

The NCU began with three housewives and now has 200 paying members and a mailing list of 1,000.

In the fight for an end to date-code secrecy, Mrs. Heidt and NCU members have used television shows with large viewing audiences as sounding boards.

"We wouldn't have an issue if the food wasn't outdated here," Mrs. Heidt said. "With the few codes that we have been able to decipher by contacting the large companies, we've learned that people are being sold outdated foods."

This is true of the affluent suburbs as well as downtown Chicago, she said.

In one store, she said, peanut butter date-coded 1968 was being sold in 1970, at 1970 prices.

"Many times we go into stores and ask the managers to explain the codes to us, but they don't know them," she said. "They say they rotate the food, but who knows what that means?"

"We've heard grocery store personnel say that they could lose their jobs if it were discovered that they were providing such information, so they are reluctant to answer the consumer's questions," Mrs. Heidt added.

The NCU is in favor of Rep. Leonard K. Farbstein's (D-N.Y.) bill currently working in Congress. The legislation, if passed, would outlaw the secret dating codes stamped on supermarket products and replace the codes with clearly marked deadlines for removing products from the shelf.

Translations of the codes should be posted in every store, Mrs. Heidt says. But until this is achieved she and other members are going into stores and trying to teach the consumers the codes which they have discovered. Sometimes they campaign through picketing. Many have tried to stop her actions, she said. "I have been called a Communist and have even been under investigation by a large food chain for what I am trying to do," she said.

[From the Miami News, July 1, 1970]

Meat Expiration Codes Are Varied, Confusing

We found that, within the individual supermarket chains, the interpretation of fresh meat codes and even the code itself differed.

The only stores we found (in our tour of more than 50) that clearly marked the expiration date (Example, June 13) on the package were a Grand Union in the Carol City shopping center, and another on Palm Springs Mile, Hialeah.

Other Grand Unions we visited did not have the date marked on the package.

At a Grand Union on North Miami Beach Blvd., and NE Fifth Ave., we asked one of the butchers about the date codes on the fresh meat.

"Is there any date code on the meat?"

"Yeah," he said.

"Could you tell us what it is?"

"I put it out today," he replied.

Repeatedly we were given the same answer: "We put it out today." Few store personnel would give us a straight answer to a question about date codes.

The only attempted explanation of the meat codes came from a woman behind the counter at the Food Fair in the Dadeland shopping center. She said she wasn't too sure of it, though. In the two-letter code, she said the first letter stood for the week (A, B, C, D) and the second letter stood for the day. (Example, AC means Wednesday of A week).

At another Food Fair on Collins Ave. and Fifth St., Miami Beach, we were told by a man behind the meat counter that those letters weren't codes. They were the initials of the person who packaged it.

Despite what the man in the Collins Ave. store told us, we decided to try to decipher the lettering on the meat by using the A, B, C, D markings as dates. We found some pork and sausage products with C and D markings. Since we were there the second week of the month, these meats would have been two to three weeks old.

When we called Food Fair Officials to ask for an explanation, we were told that Food Fair date code information was top secret.

The butcher at Winn-Dixie, NE 59th St. and Second Ave., said that beef lasts longer than other meats. "It has a shelf life of seven days," he said.

At the Shores Super Market, NE 97th St. and Second Ave., when asked for a code, a woman behind the meat counter said, "The meat is coded, but I'm not allowed to tell the public. You wouldn't remember it anyway. They change every day."

John Eckhoff of the Dade County Health Department said it is not essential to have date coding on meat, because "time is not a factor . . . refrigeration is the big thing."

"Bacteria," he said, "are not likely to cause food poisoning on meat until after it is cooked.

"Meat is all right as long as there is no disagreeable odor, it is not slick or slimy, and it is solid, not easily torn apart," Eckhoff explained.

The consumer buying meat in most stores, of course, cannot smell, feel or tear apart meat until he gets it home because it is packaged in a container and wrapped in plastic.

Eckhoff said his department usually waits for a complaint from a consumer before checking out a store. In this way, the Health Department differs from the Florida Department of Agriculture and Consumer Services, which periodically inspects every food store for sanitation and wholesomeness, in addition to reacting to consumer complaints.

But neither office has the authority to force stores or manufacturers to reveal date codes.

We checked packaged meats as well as fresh meats and found some that appeared to be out of date. Using limited information, we tried to decipher codes on such things as packaged sausage and salami.

We inquired about the date codes and usually came up with an answer like. "They're vacuum packed; they'll last for months." Yet we knew that some had an expiration date clearly stamped on the packages and the others had a code that represented an expiration date.

Hebrew National products at the Food Fair on 41st St., Miami Beach, and the one at Alton Rd. and 10th St., Miami Beach, were stamped with such figures 4-30 and 5-19 when we visited them in mid-June. Neither Food Fair nor Hebrew National executive would explain the meaning of the numbers.

Checking packaged meats whose date codes we knew, we found that the smaller stores had more out-of-date packages than the large chain stores.

It was not unusual to find a large supermarket with no past-date goods on its shelves (of those products whose codes we knew.) It was rare to find a small store with the same record.

If we called a package of meat, that appeared to be past-dated, to a manager's attention, we were usually told that we shouldn't worry; the meat was perfectly all right.

"Don't worry," said one man behind a counter. "The meat can be there for 10 years and it will still be good."

After going through more than 50 grocery stores from South Dade to 183rd St. in North Miami, the main question that occurred to us was, why, if the companies go to the trouble of putting a date code on merchandise, don't they make it an easily understood code, such as EXP. 6–10?

"Well, for people who don't know much about machinery, it's hard to code a small end seal" said George W. Sherlock, vice president in charge of sales for C. F. Mueller, noodle manufacturers.

"By the time you spell out the month, the year, the day and the shift, you run off the end seal," he said.

Lloyd Shabel, routing supervisor for Dannon Milk Products, said, "The machines are already set up. It's easier to keep the code the way it is, rather than fooling around with the months and the dates. Then we would need a different machine set up."

The Oscar Mayer sausage company uses an automatic date coding device, which is hooked up to its machines. "It's very easy to apply the codes this way," said Charles Fensky of the firm's Wisconsin office.

"We might be able to change our codes to print out the month and the day, but we found that what we're using already is very workable," he said.

Sealtest is considering changing its code to one more easily discernible, according to Allan Molnar, who works with the manager of Sealest marketing services in New York. "Nobody there knows what it will be, however," he said.

"If we coded our products more clearly, the shelf would become a hodge podge of women rummaging through to find the freshest goods," said Don Lewis, regional director of sales for Borden Dairy Products.

Ray Gannon of Frito-Lay said, "I think clear date coding of merchandise is something that the industry's going to have to take a uniform approach to. We've thought about it, but our competitors don't want to put a date code on their merchandise voluntarily."

[From the Miami News, July 1, 1970]

Listing by Types of Food

(NOTE.—Below is a more detailed summary of the findings of Miami News reporters Barbara Micale and Linda Kleindienst during their tour of more than 50 Dade grocery stores. The listing is subdivided by types of food.)

EGGS

Chain stores apparently have different systems for date-coding eggs. Grand Union, Winn Dixie and A & P have most of their eggs marked with expiration dates. Publix does not. We were unable to figure out Food Fair's system.

Most cartons of eggs in Food Fair stores have a number on them but we got different answers in different Food Fairs as to what the numbers mean.

At the Food Fair in the 163rd St. shopping center, a clerk told us that the number was a code but he couldn't tell us about it because of store policy.

He said, "The other day some old lady who had apparently figured out the code was going through all the dairy products looking for the latest date."

At the Food Fair on NE 84th St. and Second Ave., a stock boy said that there is no expiration date on the eggs. Numbers, such as 6–3 and 6–4, are "package dates" put on by the company and the eggs have a shelf life of about 10 days, he said.

A manager at the Food Fair on Alton Rd. and 19th St., Miami Beach, said that the number represents the day the eggs are brought into the store.

We found no dates on eggs at the Thrifty Store on Washington Ave., Miami Beach. At the Publix on NW 103rd St. and Sixth Ave., we were told that only the cases of eggs—not the individual cartons—have dates. A store clerk said the eggs were put out fresh daily.

Art Calvert, South Florida regional director for the state Department of Agriculture and Consumer Services, discussed the Florida egg law with a Miami News reporter several months ago. He said the laws were ambiguous. "One part of the law says the expiration date must be on the individual cartons," he said, "but another section says it only has to be on the cases that come into the stores."

MILK

"There are no federal regulations regarding the date coding of milk," said Nancy Shaw, executive director of the Dairy Council of South Florida. "It is up to the individual companies to code their own products."

But the state of Florida has a stringent milk law, said Art Calvert, South Florida regional director for the Department of Agriculture and Consumer Services. "All milk and milk products must be Grade A. We are the only state in the country which requires this. We don't get milk from other states because it doesn't meet our bacteria count standards."

Milk should be kept at about 40 degrees, or else the bacteria will multiply much faster, Miss Shaw said. At this temperature it should keep four to five days, she said.

Milk stacked on top of other milk in grocery store cases should still be cold enough because of the air circulation within the cooler, Miss Shaw said.

However, John Eckhoff of the Dade County Health Department said that stacked milk will not always get the refrigeration it needs to stay fresh. He said his department is constantly citing local markets for this practice.

"Stores are instructed not to stack the milk. Managers usually say they do it only on busy days," Eckhoff said.

The majority of store personnel whom we questioned about milk date codes said they were unable to provide the information. Only through contacting the main office of the company were we successful in having the codes explained. For example, a Sealtest representative in Miami would only say that the milk was coded "according to lot." But by calling Sealtest in New York, we were able to find out the code.

OTHER DAIRY

Refrigeration, shipping and how long the consumer leaves the product in the sun, all contribute to the life span of dairy products, says Bert Hefner, Sealtest news bureau manager.

"People shouldn't get hung up on codes being a quality thing," he said. "They really have a very limited use.

"Sometime a woman will call up and say, 'I bought a package of cottage cheese that didn't have to be taken off the shelf until five days from now and it was spoiled.' So I ask her how long she had it out of refrigeration and she'll answer, 'Well, I stopped to talk to Aunt Tillie for a while.' "

Dammon and Sealtest explained their coding system to us when we made long-distance telephone calls and identified ourselves as reporters. Breakstone sent us a form letter it sends in response to all customer letters on the subject.

Borden refused to divulge its coding system. Don Lewis, regional director of sales for Borden, said "There is no intent to fool the customer." But he wouldn't tell us what the codes meant. "They are intended for us, not the customer," he said. "Any dairy will tell you it is in the customer's interest not to reveal the date code on dairy products."

PACKAGED MEATS

Copeland Sausage products have the expiration date stamped on the package. Other packaged meat products are not so easily deciphered, but one company, Oscar Mayer, did explain the coding system to us when we called.

Spokesmen for other packaged meat concerns were reluctant to discuss date coding.

David Datz, spokesman for Hebrew National, refused to answer questions and asked for a letter from The Miami News requesting the information. A letter was mailed two weeks ago and no reply has been received.

Two stores had Hebrew National products with numbers such as 4–30 and 5–19 when we visited in mid-June but we were unable to get explanations of these numbers from store personnel or Hebrew National.

Ernest Hinterkopf, a spokesman for Dirrs, would not answer telephone questions about date-coding of Dirrs products. He asked for a letter, which was mailed to him June 22. We have not received a reply.

Arlene Christiansen, director of consumer and customer relations for Armour, said she could not explain the Code on Armour meats because she wasn't sure of it herself. "Codes on canned meats are regulated by the federal government," she said. "It's something we have to live with."

BREAD

Reactions varied when we contacted bread companies to ask them to divulge their date codes. With certain exceptions, we found that we got more information if we identified ourselves as reporters.

From Peter Weaver, consumer columnist for The Miami News, we had learned that in most instances bread codes are in the form of twists or plastic locks which seal the ends of the package. Each color stands for a different day.

Holsum informed us that even if they told us the code we'd never remember it because the colors change each week. A red twist may be Tuesday one week and Saturday the next.

A spokesman for Merita Bakeries said, "The color code is only for the drivers on the pick-up trucks. It's no great secret, really, but we don't give out the information."

When asked for the code, a Dandee bread spokesman said, "I'm sorry but we don't give out that information."

A spokesman at August Brothers willingly explained the code and added: "Now you'll be sure to get a fresh loaf."

We called national headquarters for Pepperidge Farm and Arnold bakeries. Both explained the codes to us when we identified ourselves as reporters.

CEREAL

"Cereal is not like bread, where in two or three days it goes stale," said a Kellogg representative when contacted in Battle Creek, Michigan. "It is a long time before it goes stale and becomes unsafe."

He said that the date code consisted of a number for each month but refused to explain it further.

"All of the cereals have a different expiration date," he said. "Bran flakes keep longer than puffed cereal. The sales personnel rotate the stock and make sure it's fresh. We will continue to make sure that our customers get nothing but the best merchandise."

When we called Nabisco, we were told there was only one man in the entire organization who could explain the coding system and that he was out of town. A subsequent letter from Nabisco's legal department refused to divulge the codes.

[From the Maine News, July 2, 1970]

A Quick Course in Cryptography

While most companies don't go out of their way to inform the consumer about date coding, not all of them are reluctant to disclose the information. Through investigation we were able to break the following codes:

DAIRY

Breakstone—Temp-Tee whipped cream cheese, cottage cheese (all styles), sour cream, midget farmer cheese, all yogurts and Swiss parfait:

The first four numbers printed on top of each package indicates the month and day after which the product should not be sold.

Of the four numbers, the first two represent the month; the last two numbers indicate the day. For example, the number 1003 means the 10th month, third day, or Oct. 3.

Three, four and eight-ounce packages of cream cheese (foil wrapped): The numbers stamped on either of the end flaps indicate the month and the day after which the cream cheese should not be sold. The numbers 3–31 would mean that the cheese should not be osld after the third month, 31st day, or March 31.

If the products are handled properly, they should stand up in good condition for about a week beyond the expiration date shown on the outside of the package.

Source: customer letter from Breakstone-Sugar Creek Foods.

Kraft—Cheese: There is a number code on the front of the package. For example 105AO. The 105 is the day of the year on which the cheese was packaged, the A is a code letter for where the cheese was packaged and the O means that it was packaged in 1970. (For last year, 1969, the end number would have been 9.)

Kraft cheeses have a shelf life of 150 days from the date of packaging.

Source: a Kraft representative.

Sealtest—Cottage cheese. Light 'n Lively ice cream and sour cream: these have a four-number code. Example, 0710. The first two numbers are the month and the last two represent the day. So a product with this code should be removed from the shelf by July 10.

Source: Allan Molnar, marketing services, New York office, and Bert Hefner of Sealtest's news bureau, New York.

Velda Farms—Milk: There is a date embossed at the top of the carton showing when the milk must be removed from the shelf. For example, 28 would mean that the milk expired on the 28th day of the present month. The expiration date is five days from the manufacture date, although the shelf life of milk may be longer if properly refrigerated.

Source: Stan Hartman, Velda quality control director.

Farmbest Foods—Milk: A number and a letter are embossed on the top of the carton. The weeks are shown by letters, A, B, C, D. If there are one or two extra days in the month, they use the letter E. The day is coded in this way: Saturday 1, Monday 2, Tuesday 4, Thursday 5, Friday 0. If the milk carton had A5 embossed at the top it would mean that the milk was produced on Thursday of the first week in that particular month. There is no delivery on Wednesday.

Source: William E. Matthews, quality control.

Dannon—Yogurt: The first number of the code is from 1 to 6, which stands for January to June or July to December. The second and third are for the day of expiration and the fourth is a company symbol. For example, if the first three numbers are 110, the product should be removed from the shelf on July 10. (If you saw this in winter, it would probably mean Jan. 10.)

Source: Lloyd Shabel, routing supervisor.

Home Milk—There is a letter representing the week—A, B, C, D—and a number for the day. Milk produced on Tuesday of the second week of the month would have B2 embossed on the carton. There is no delivery on Saturday.

Source: a Home milk representative.

June Dairy—Eggs: They are numbered by consecutive days of the year and the number is the date that the eggs were packaged. For example, if the eggs were packaged on Jan. 1, the number found on the packages would be 1; if packaged on Feb. 1, the number would be 32.

The shelf life of eggs varies. If kept in 40–45 degree temperature, it could be two weeks before they suffer a quality drop from Grade A to Grade B.

Source: Harry Kiel, poultry division manager.

Grand Union and Winn Dixie Eggs—All marked clearly with expiration date.

BREAD

Pepperidge Farm—On certain bread and rolls, the calendar date is expressed as a fraction. For example ¼ is actually the 14th day of the month, the day it should be removed.

In Miami Pepperidge Farm bread goods are baked at Royal bakeries.

Source: James Laird, sales administration manager.

Holsum—The code is deciphered by the color of the twists on the bread. Each color stands for a different day. But the colors change every week. For example, a red twist could mean Tuesday one week and another week it could mean Saturday.

Source: A Holsum representative.

Arnold—It is tied with a plastic lock with a letter stamped on it. The code is derived through the word ARNOLD in reverse: Monday-D; Tuesday-L; Wednesday-O; Thursday-N; Friday-R; Saturday-A.

Source: written reply to reporter's inquiry.

Jane Parker—The day of the week is printed in large letters on the end seal.

Dixie Darling—The day of the week is printed on the colored twists.

August Brothers—This code is the color of the twists. Monday, blue; Tuesday, red or pink; Thursday, yellow; Friday, green; Saturday, white. There is no delivery Wednesday.

Source: August Brothers representative.

PACKAGED MEATS

Copeland—The expiration date is put on the package.

Oscar Mayer—This company uses a four number date code. To decipher 3253, add the first and fourth numbers which will give you the month. The second and third numbers are the day. The date for this example is June 25.

Source: Charles Fensky, Oscar Mayer spokesman.

Plumrose Ham—Example, 2303448. Add the first and fourth letter to arrive at the month. The second and third numbers added together give the day. This example is May 30. The remaining numbers are production information. The date is when the product was manufactured and the ham is guaranteed for eight weeks past that date.

Source: Martin Jensen, sales department supervisor.

POTATO CHIPS

Frito-Lay: This code is expressed in three numbers, the first is the month, the second is the day and the third, a letter, is the plant in which the product was manufactured. For example, if the code is 6 23 F, it must be removed from the shelf by June 23.

The date when it must be removed is determined by the date of manufacture and the size of merchandise:

Ten-cent bags of chips, etc.—25 days after date of manufacture.

Twenty-nine-cent bags of potato chips, Fritos, etc.—30 days.

Large size bags of Doritos, etc.—35 days.

Pretzels and crackers have a longer shelf life.

Source: Ray Gannon, sales administration manager.

REFRIGERATED ROLLS

Pillsbury, Borden and Ballard—all have the expiration date stamped on the bottom of the cans.

MACARONI

Muellers—Upright packages have the code embossed at the bottom. Long goods (for example, spaghetti) have it on either of the end seals. The code consists of the week of the year, the year and the shift during which it was packaged. For example, 230 would mean the 23rd week of 1970. The products last from four to nine months, depending on temperature and humidity.

Source: George W. Sherlock, vice president in charge of sales.

Mr. Speaker, I include an editorial from the Cleveland, Ohio, Plain Dealer, April 24, 1970, which reportedly led Lipton's regional representative to call upon the company's Boston office to terminate advertising with the Dealer. Lipton has placed no advertising with the Dealer since the editorial and does not have the paper on its current advertising schedule.

The editorial follows:

Consumer Is Last To Know

The number of persons who purchased and ate possibly contaminated soup mixes and frozen pizzas before the government publicly warned consumers of food poisoning dangers this week may never be known unless they become very ill or die.

Lipton Soup Co. began recalling five types of its soup mixes on March 25, when it wired its distributors that the packages could contain dangerous salmonella bacteria. The company failed to warn the buying public and the government did not bother telling consumers until its routine weekly recall list was distributed this week, then the soup items was 29th on a list of 32 recalls.

The threat of fatal botulism contamination of mushrooms on a brand of frozen pizza was discovered April 15 by the mushroom packager, who notified the pizza maker and the U.S. Food and Drug Administration that day. No one bothered warning consumers of the danger until the FDA announced it April 22, a week later, and only then because distribution had been so extensive.

The FDA quietly, and in the smallest type it has, prints a weekly list of foods, drugs and cosmetics recalled from sale for reasons ranging from labeling mixup to lethal contamination. Rarely is additional warning given.

This latest example of FDA delay in warning the public of food poisoning dangers is typical. The agency admits recalls are never totally successful because an unknown amount of the products is purchased and consumed before the public is warned—if it is warned at all.

A recent study by investigators under consumer advocate Ralph Nader accused FDA of being more servant than master of the food industry it is supposed to regulate. The soup and pizza episode appears to support that conclusion. The consumer, who should have been warned at once, was in actuality the last to know of the danger to him.

Nader has said government recalls of food and drugs should not be hidden in fine type but announced at once by the Secretary of Health, Education and Welfare for widest possible news coverage and exposure. We agree. The public good demands no less.

Mr. Speaker, following is an article from the Des Plaines Suburban Times which prompted Mr. Villips of the National Food Stores' advertising department to call Mr. Herzog, the paper's publisher to complain about the paper's "irresponsible story about an irresponsible woman":

National Picketed by NCU

Members of the National Consumers Union, a group of northwest suburban housewives, presented a list of demands to the National Tea Co. Friday while picketing the National food store at Wolf and Camp McDonald rds. in Prospect Heights. Several Des Plaines women were in the group.

An NCU spokesman said the group is not singling out the Wolf rd. store but that it is "symbolic" of problems prevalent in the National chain.

She explained that many NCU members boycott the Jewel stores because they sell grapes and so have aimed their demands at National as the other major grocery chain in the northwest suburbs.

While pickets carried signs saying "unfair business practices," "false advertising," "price mark-up" and "outdated foods," NCU officers presented their list of demands to the manager, Art Savage.

The demands: a retail price list be posted in a prominent place in all stores; all products advertised in the newspapers be prices in the stores as advertised; that scales be furnished for shoppers' use; all canned goods, produce, meats and other products be coded in such a way the consumer will know if it is fresh or outdated; established unit prices (price per pound); that meat and fowl that has been frozen be marked accordingly; soaps, household cleaners and detergents be marked for pollution content; enforced health regulations, and restroom facilities for shoppers.

Pickets showed reporters food items they said had been purchased in National stores the day before, including a jar of pineapple preserves code-dated December, 1968; rancid balogna sausage outdated for two months; a jar of honey code-dated 1–2–69.

They also complained the Wolf rd. store was marking up unadvertised meat prices and cited these comparisons between that store and one a short distance away in Wheeling:

Porterhouse steak, $1.89 a pound on Wolf rd., $1.39 in Wheeling; chuck roast, $1.09, Wolf rd., 99 cents, Wheeling; ham slice, $1.39, Wolf rd., 99 cents, Wheeling; boneless pork roast, $1.29 Wolf rd., $1.09 Wheeling.

The NCU picketed the Wolf rd store two weeks ago and demanded that prices be the same as at a new National discount food store, the Elm Farm store, in Buffalo Grove.

Mrs. Heidt said that all products in chain stores are coded for dates, but "the system is so complex and so often changed, the average shopper cannot determine the freshness of the product by the present coding system."

She said NCU wants to see these codes translated into dates and the price determined by the freshness of the product. She said the NCU supports legislation introduced in Congress last fall requiring a final date food can be kept on grocers' shelves and that such date appear on all perishable and semi-perishable foods.

NCU officers said the demands are based on six months of research. Savage said the list was forwarded to National's Chicago division office and referred all reporters' questions to that office.

Mrs. Lynne Heidt, NCU president, said the organization has been communicating with National Tea Co. officials through their general counsel. "The offer to consider and discuss questions dealing with policies and operations of National food stores was initiated by the company," Mrs. Heidt said, "but NCU feels they have ignored reasonable requests, specifically in regard to the sale of outdated perishable food and the excessive marking up of unadvertised products over the retail price."

[From Straus Editor's Report, August 9, 1969]

Equal Time—Equal Space?

In California next year a bill patterned after the FCC's Fairness Doctrine will be introduced in the legislature. Assembly Minority Leader Jesse Unruh is expected to push the move to make newspapers give equal space in reporting both sides of a controversy.

Spokesmen for Cesar Chavez' United Farm Workers' Organizing Committee say the action is prompted by "a news blackout" on the three year old grape boycott by five California dailies: the Bakersfield Californian, Los Angeles Herald Examiner, Oakland Tribune, San Pedro News Pilot and South Bay Breeze.

The Grapeworkers' Union says the papers won't run advance publicity of boycott activities, including the picketing of Safeway stores and parades, for fear of losing Safeway advertising revenue. Safety is the largest retailer of grapes in California. The union says the chain is pressuring newspapers to ignore its activities—a charge that Safeway denies.

"Typical of the blackout," says L.A. boycott leader Richard Chenowith, "was a recent parade through the suburb of San Pedro which ended in picketing of a Safeway store. The News Pilot refused to run any advance publicity, then didn't cover the parade although more than 300 people marched right by its office and saw reporters working inside."

Praised by grape boycotters for "fair" coverage were: the Fresno Bee, Los Angeles Times, Sacramento Bee and KNXT-TV in L.A.

[From the Chicago Journalism Review, June 1970]

Newspapers See No Evil in Supermarts

(By Ken Pierce)

At the food section of the *Chicago Sun-Times*, hot news means baked lasagna or veal roast. Only once have male editors at the paper carefully examined the section which food editor Camille Jilke prepares each week. That was the time Miss Jilke and her staff attempted to criticize the newspaper's second largest advertisers: the supermarkets. The criticism was re-written—after screams from executives at Jewel Food Stores, objections from editors, and tears from reporter Beverly Bennett. The spiciest thing in the final version was a recipe for "feminine chili"—a chili that is more bland than usual, because it includes chunks of mushy avocado.

The idea of a critical feature on supermarkets grew last fall, when both Miss Jilke and Miss Bennett moved to the near north side. "That's when we started shopping at those atrocious stores," says Miss Jilke. "They were dirty, they displayed rotten produce, and they weren't as willing to refund money as the stores I used to shop at in the suburbs.

"Inflation was affecting prices too, so we thought it would be a good idea to tell readers about some of the shopping devices that would make their money go farther."

In their investigations of neighborhood stores owned by major chains, the reporters found:

Rotten produce. Old fruits and vegetables were sold for the same prices as fresh produce at the Kroger store on Barry and Broadway. They also discovered wormy broccoli at the Jewel on Broadway and Belmont. This contradicted the official policy of the chains, which is to sell fresh produce, and to mark down the price of deteriorating produce, when it is salable.

Fraudulent meat labels. At the National store at 2500 N. Clark, ground veal patties were labeled "veal cutlets." A cut slightly better than chuck steak was dubbed "beauty steak" (and sold at $1.49 per pound) at the Treasure Island Food Store, 3450 N. Broadway.

Unwrapped margarine, which was smearing a dairy case and attracting flies, was discovered at the Jewel.

The reporters also found dirty stores, and the absence of advertised sale items.

"The original stories were rather strong," says one *Sun-Times* staffer who saw them. They were written as exposes, and conveyed the reporters' conclusions that they had uncovered offenses and malpractices.

Even so, the reporters did not name the offending stores. "The only time we use brand names," says Miss Jilke, "is to announce a new product or feature special recipes. Perhaps we ought to, but—" (the words left unsaid are clear enough to most local journalists: "but why try to get the newspaper to stick its neck out" is a possible emendation.)

Jewel found out about the section a week before it was to be printed in early February. A *Sun-Times* photographer, Carmen Reporto, was seen taking pictures of old produce in a Jewel store at Broadway and Belmont. The manager ordered him to stop. He didn't. Two clerks were assigned to block his photos while the manager called police and Jewel's executive offices. An executive phoned Miss Jilke and irately informed her that Jewel policy prohibits picture-taking in the store. Miss Jilke said she didn't know of the policy; she thought that, since the store was open to the public, photographs would be appropriate. The Jewel executive (public relations man William Newby) asked what sort of story Camille was planning to run, and she told him. He was very unhappy—especially because the store in which the photographer was discovered is not exactly one of Jewel's jewels.

Then Jewel called the advertising department of the *Sun-Times*. Jewel was assured that the paper was not going to name names. Jewel remained upset, and threatened to withdraw its advertising. (Jewel bought 1,100,000 lines of advertising in 1969 in the Field-owned *Sun-Times and Daily News*). Jewel's advertising vice president called and invited Miss Jilke to lunch—with several other vice presidents. But he did not confirm the lunch date; instead, Jewel arranged a top-level meeting with *Sun-Times* Editor James Hoge.

According to Hoge, the meeting was called to discuss the presence of an un-authorized photographer on Jewel premises. The manager had accused the photographer of throwing catsup and uttering obscenities (apparently, these are standard canards in the arsenal of supermarket managers; the same offenses are often ascribed to militant consumer advocates), but *Sun-Times* editors stuck by their man. Hoge says that Jewel executives did ask what the paper was planning to print, and he described the section, responding to Jewel's anxiety by stating that the paper was still engaged in its research. Thereafter, says Hoge, he was not involved in editing the section.

However, Feature Editor Bob Zonka found himself slaving for the first time over the food section, and he asked the reporters to re-write it. After one re-write, the section was postponed, because there wasn't enough time for Zonka to scrutinize it.

Zonka told CJR:

"There was no pressure on me to edit a puff piece—no pressure from anyone. There was pressure on Camille, but it was from me—to do it right as I saw fit."

There was another re-write before the section finally ran on February 27, headlined: "Shopper, pick up groceries and unite."

That headline did not reflect the tone or the content of the final version, which now looked generally like the standard advice to housewives (A sample: remember that bone and fat are included in the weight of meat.) Most of what the reporters had found was still vaguely present in the section, but the "malpractices" and "offenses" were buried at the end of long stories, and they were stated hypothetically, to make it clear that the paper was not saying they exist. (Sample: "If shoppers feel their stores keep their produce on the shelves too long, they should point it out to the managers, say consumer experts.")

This is known as "watering" a story. It allows the paper to claim the key ingredients were used, something like the invisible traces of chicken in chicken noodle soup. There was no hint in the 12-page section that reporters—or the newspaper—had discovered anything wrong anywhere. The ground veal patties and the "beauty steak" were buried way down in a friendly story called "A Meaty Subject," and the produce story—opaquely titled "A Fresh View of Produce"—rapidly (and properly) quoted chain policy: sell fresh produce, reduce the price when it's old. Chain stores were caught violating this policy by the *Sun-Times'* own reporters—but you'd never learn that by reading the *Sun-Times*.

Omitted entirely were the dribbling margerine, the wormy broccoli, and the Jewel manager who called police to bar photographs of his merchandise.

Included was a picture of pears. You think they are nice pears if you just glance at them; if you look closely, you wonder if those shadows on the pears may be spots on the fruit. The only explanation is this brief caption:

" 'There is a great pear crop this year so if pears are bruised or in poor shape, it is the store's fault,' says William Lomasney, produce expert for the University of Illinois Agricultural Extension Service."

Beverley Bennett pulled her byline from the final version of her produce article. Asked why she removed her byline, she said: "I could not stand behind the story as it ran. I do not feel it represented the facts. We might as well have said, 'If you happen to find a blue man from Mars in the grocery section, report it to the manager.' "

Diluted as the section was, Miss Jilke told CJR that she was not entirely unhappy about the re-writes. She said that it was the first food section in a Chicago newspaper to attempt food reporting from a critical consumer standpoint, and she feels that the rewrites also resulted in improvements in the stories; she and Miss Bennett contacted and quoted more experts and store policies while making the revisions. She praises feature editor Bob Zonka for urging her to do this. About editor Jim Hoge, she says:

"I think Jim Hoge did a great thing. I knew after I had discussed the stories with him that we could go ahead with this."

Miss Jilke also points out that the incident marked "the only time that advertisers have tried to influence editorial copy" in the five years she has been food editor.

Prodded by CJR, she continued:

"It's also the only time in five years that I've tried to be that critical."

It's not surprising that advertisers try to throw their weight around with the newspapers—and the supermarkets have a lot of weight to throw. One supermarket advertiser estimates that the chains spend about 15 million dollars per year in the Chicago metropolitan advertising market. Chain store advertising accounts for about 10 per cent of all advertising linage sold by the afternoon papers, the *Chicago Daily News* and *Chicago Today*.

"The supermarkets don't try to pressure us any more than any other advertiser," explained one newspaper advertising executive who asked not to be identified. "Sometimes we will call the editorial department and make sure they've considered all sides," he continued, "but the decisions about the news are made solely by the editorial department." Sometimes, it's worse than that, of course. But usually, the advertisers do not pull the strings directly, or dictate policy to the papers. They don't have to.

All by themselves, journalists worry about damaging reputations (of advertisers as well as other respectable newsmakers).

And they worry about libel suits, so they don't like to print too many negative things about private or commercial activities; these may result in court cases. Editors have to choose which critical news stories are worth the trouble and expense of developing legal proof.

The limited budgets, libel laws, and something that might be called a gentleman's code of honor all lead editors to give every break to established businesses, advertisers or not, and to agonize more about offending business than about leaving the consumer in the lurch.

Lloyd Wendt, editor of *Chicago Today*, told CJR that "We have no special sensitivity about the supermarkets. I've never been confronted with the problem." Yet he also said, "If just anybody said there was old food at the Jewel, I don't think we would run it. It depends on whether the newspaper feels it can prove it, or whether the statements are privileged matters of record so we won't have to defend for libel."

Don Michel, an assistant managing editor at the *Chicago Daily News*, added:

"Whenever you do a consumer story, you always have to worry about any harm you may do."

Perhaps—but, as Michel also believes, journalists ought to print true stories whether or not they will produce disturbing results.

Michel killed a story which *Daily News* reporter Diane Monk wrote about a group of housewives who criticized supermarkets and organized the National Consumers Union. He told CJR he was worried that the group which claimed only 50 members, might be primarily interested in seeking publicity.

Miss Monk asked for time to check the group's charges, and to evaluate the group's activities. Michel refused to allow her staff time for the story.

CJR has not discovered any direct advertiser influence in Michel's decision to scrap Miss Monk's story. It was not printed in the *Daily News* apparently because Michel did not feel the group was big enough, reliable enough, or important enough to warrant a story—and because he felt that the *News* could not afford to take the time to check further.

Miss Monk's story was informative and rather tame, certainy it was suggestive.

Decisions like Michel's explain why Chicago's newspapers seem to speak in two voices on consumer issues: the twang of Ralph Nader, and the ooze of Betty Crocker.

[From the Chicago Journalism Review, June 1970]

A Story That Didn't Fit in Print

(Note.—Following is an article on the National Consumer Union by Diane Monk of the Chicago Daily News. The article did not run because editors thought the NCU might be seeking publicity.)

"If you look at the faces of women entering a supermarket," said Mrs. Marian Skinner of Wheeling, "you see that most of them are angry."

Mrs. Skinner certainly is angry—about the prices she pays and the "appalling conditions" she says exist in her local supermarkets.

That's why she founded the National Consumers' Union (NCU) last September.

The union's numbers are small (about 50 dues paying members) but its goal is massive: Organization of consumers on the local level for collective bargaining with retailers.

And for its first target, NCU picked a giant: the grocery stores. Specifically, this means the six large companies that sell approximately 90 per cent of the food purchased in the Chicago metropolitan area.

"Suburban women could become just as aroused as ghetto women are about what goes on in their supermarkets—if they could be educated to think about their rights as consumers," said Mrs. Skinner, who has worked with Operation Breadbasket on ghetto grocery store inspections.

"If she knew the facts, every suburban housewife would be on the picket line in front of her supermarket," added Mrs. Lynne Heidt of Prospect Heights, another of NCU's founders.

Borrowing a technique from Operation Breadbasket, NCU uses store inspections to educate, and hopefully, to recruit prospective members.

The union's major complaint about all supermarkets and major food manufacturers is that generally secret codes are used to indicate the "shelf-life" of perishable products.

"And all products are perishable," noted Mrs. Heidt. "Some things, like canned goods, last longer than others, but nothing lasts forever."

Mrs. Skinner and Mrs. Heidt charge that both supermarket managers and food manufacturers refuse to explain their code-dating systems to the public, and that it is therefore possible to sell out-dated merchandise for its full price—in the affluent suburbs as well as in the ghettos.

On their inspection tours of northwest suburban supermarkets, NCU members also claim to have discovered short-weighting of meats by butchers, freezers with temperatures many degrees above the level required to keep frozen foods fresh and generally dirty and unsanitary conditions in many stores.

NCU charges, too, that many advertised sale or budget prices are not reduced prices at all.

"Just ask any woman to show you how her food budget has decreased because of advertised cuts in prices," suggested Mrs. Skinner. "You'll probably get the answer we're trying to document: That the prices haven't really gone down."

NCU members currently are comparing one large chain's special prices with previous prices charged for the same items in the same stores.

After checking several hundred items advertised as reduced, Mrs. Skinner reported she has found only nine price changes—and four of the items were marked up, not down.

NCU (which is not affiliated with the Consumers' Union, publisher of Consumer Reports) belongs to the Illinois Federation of Consumers, a 2-year-old, statewide group with 150 organizations and 300 families on its membership rolls.

The federation has one paid employee, Mrs. Helen Nelson, an economist who serves as executive secretary.

And Mrs. Nelson, who also is associate director for research and development of the Center for Consumer Affairs of the University of Wisconsin at Milwaukee, is a firm believer in consumer unionism of the type NCU hopes to achieve.

"Manufacturers have insulated the market from the consumer's traditional function, which is to enforce competition," said Mrs. Nelson.

"Jazzed up packaging and massive advertising campaigns make it very difficult for the individual shopper to compare prices."

Mrs. Nelson blames advertising costs for many high prices. As an example, she cited figures on one breakfast cereal. The figures, compiled by former President Johnson's National Commission of Food Marketing, showed that 22 percent of the money spent in bringing the cereal from the farmer to the consumer went into advertising and promotion. Another 13 percent was spent on containers and supplies.

"The farmer is getting less than he did 10 years ago," she said, "although the consumer is paying far more."

"There isn't much an individual consumer can do," admitted Mrs. Nelson.

"An organized group effort is necessary to give the consumer the power to bargain before he gets to the checkout counter."

Marian Skinner and Lynne Heidt say that such an organized group effort is what they hope NCU can become.

"So many women tell us, 'I'm sympathetic, but I'm dependent on this store.'

"Well, we've got to show each woman like that that the store is dependent on HER, and that self-interest is the issue that concerns her, even if poverty and hunger do not."

[From Consumer Reports, March, 1965]

A Story for Our Time—Or, What Is the Chairman of General Foods Really Trying to Say to Mary Jones?

It will soon be four years since Senator Philip A. Hart began the exhaustive inquiry that led to the proposed Truth-in-Packaging bill. With five volumes of hearings and a favorable Subcommittee Report behind it, that legislation is to have another chance in this session of Congress. But something has been added to the legislative outlook. This year the food industry has succeeded in pulling its pressure groups together for an all-out, no-holds-barred drive to defeat Truth-in-Packaging.

It has taken time to orient fully such a behemoth as this $80,000,000,000 industry can command. There are over a hundred separate national trade associations in the food processing business alone, among them such giants in their own right as the National Canners Association. Then there are the organizations of the industries selling packaging supplies and equipment to food processors—the bottlers, box makers, glass manufacturers, paperboard suppliers, packaging machinery manufacturers, and the like. There are also the many trade associations of food brokers, wholesalers, retailers, and supermarket chains. And there are those in the allied industries selling in food outlets—branders of soft drinks, paper products, household supplies, etc. Beneath this array of national groups are thousands of state and local replicas. At the peak of the pyramid is the Grocery Manufacturers Association, known in the trade as GMA. And finally, there are the two super-peaks—the Chamber of Commerce of the United States and the National Association of Manufacturers.

DESIGN FOR POWER

Despite its proportions, communication throughout this commercial network is fairly effective. A trade press serves each particular group. National, regional, and state conferences are held annually, and between times trade association secretaries at all levels can keep in close touch with their members. Thus any one of the organizations at any time, or all of them at once, can be deployed in a legislative drive. Local bottler association, for example, can take over the job of talking to Congressmen in their home areas while Chambers of Commerce whip up a letter-and-telegram campaign to Washington, D.C., where the big-time GMA lobbyists pinpoint the pressure on the leaders of both the House and the Senate.

There is nothing new or unknown about all this, of course. The struggle for consumer legislation usually encounters opposition in depth. The novel thing about Truth-in-Packaging is that a fortuitous set of circumstances gave the consumer an early edge, which so alarmed the industry that it has come right out into the open with one of the most shameless power plays in some time. The story of how it happened is a most instructive tale of our times.

A DIVIDED BEGINNING

The consumer's initial advantage derived from the division that deceptive packaging had wrought in the ranks of the food giants. As self-service in supermarkets came to dominate food retailing, the package became an important brand-switching device—that is, a means for diverting customers, at the point of sale, from Brand A to Brand B. In this respect, packaging functioned as brand advertising always has; but unlike advertising, over which some controls exist, the use of packaging as a promotional weapon was practically uncontrolled. In any hard-sell game lacking rules and a referee, the play is bound to get rough. And so it did in packaging. As the pace of sharp practices succeeding sharp practices speeded up, the packagers themselves were harried by the rat race. Thus when Senator Hart launched his inquiry into deceptive packaging, some elements of the food industry were not too unhappy.

The consumer testimony at those hearings, however, came as a dreadful surprise to the industry. Sellers, preoccupied with their own aggravations had ignored the effect of their conduct on consumers. However, as one witness after another cited packaging malpractices in baby foods, cereals, cooking oils, canned goods, cake mixes, detergents, frozen foods, cookies, candy, crackers, scouring pads, paper napkins, soft drinks, fruit juices, bread, toothpaste, bacon, et al., the point got across. *Advertising Age* was moved to comment:

"There are a good many things about governmental probes that we don't like, and we have the continuing feeling that the investigators can do better with their time and energies in most instances, than by fooling around with relatively minor points in marketing or advertising.

"Yet we must confess that, as consumers, our sympathy lies with the statements of Senator Hart's subcommittee which concern deception, and particularly deceptive packaging. It would be nicer, we think, to live in a simple world in which 'pound' packages contained 16 oz., and not 15 or 14½; in which "quart" bottles were actually quarts, not fifths, or even maybe 25 oz.; in which packages containing the same weight or volume didn't look as though one were twice as big as another . . . and so on.

"Individual sizes and shapes, we suspect, have been created to the point where they no longer serve any useful purpose, even as merchandising devices. A little standardization might help everyone."

Other trade papers were also impressed. *Food & Drug Packaging*, for example, described the testimony as the "rumblings of consumer discontent" erupting "into a full-blown packaging controversy." But it was not the trade comment that jolted the food industry. It was what occurred in the public press, and on radio and television.

Consumer issues, especially those dealing with such economic cheats as deceptive packaging, seldom receive much attention from the mass media. This time it was different. Although no one could say that the nation's news services were swept off their feet, they did report the issue. Moreover, deceptive packaging made good pictures. So deceptive packages were shown before a few television cameras to illustrate what consumers were complaining about, and headlines like "The grocery cart is being used to take shoppers for a ride" topped news stories. Columnists took up the theme to produce copy like this, from "Our Man Hoppe," in the *San Francisco Chronicle:*

"My trouble is I'm a Good Shopper. And I demand the Best Buys. Which is really very simple. Because the law says the net contents must be labeled on every package of edibles. . . . So all you do is divide contents into price. . . . So I look at my list and it says '1 lb. rice.' Fine. Did you know you can't buy 1 lb. rice? Not in my supermarket, you can't. You can buy 14 oz. for 29¢, 12 oz. for 25¢, 1 lb. 12 oz. for 35¢, 1 lb. 8 oz. for 47¢ or 2 lbs. 10 oz. for 59¢.

"The rational way to approach this is to figure the cost of each per pound. Simple. A pound is 16 oz. Thus our formula in the first example is: 14 is to 16 as 29 is to x. So 14x equals 16x29, which is . . . Well, you know. And so forth."

It hardly needs saying that many newspaper editorials called Senator Hart silly ("our housewives are too smart to be fooled") or sinister ("regulation will curb the freedom of enterprising packagers"). But the food industry, so long accustomed to a docile press, was not looking for a dialogue. The trade paper *Packaging* pointed to the industry's objective when it wrote in the August 1962 issue, "If we don't smother all this talk about how the consumer is being deceived and cheated, our whole economy will emerge sell shocked."

By that time, more than a year after the first hearings, a second set of hearings was in the offing, this time on the legislation that had developed out of the investigation. The food industry had meanwhile pulled itself together. It was opposed to *any* packaging law. And it was even more opposed to any further exposure of its misdoings.

It fell to the lot of the president of the Grocery Manufacturers Association to make the food industry's position unmistakably clear to the nation's news media. So a few months before the second set of hearings began in March 1963, GMA's President Paul Willis laid it on the line in a speech at the Television Bureau of Advertising's annual convention. He told his audience that he had met with 16 top management people from national magazines. "We wanted to discuss with them the facts of life covering advertising-media relationships," he said. He reported that he had suggested to the publishers "that the day was here when their editorial department and business department might better understand their interdependency relationships as they affect the operating results of their company; and as their operations affect the advertiser—their bread and butter."

The magazine people, he continued, had understood. They had begun to run articles to create "a favorable public attitude" toward food advertisers. He regretted, however, that he could not say "similar nice things about the relationship of our advertisers with television." Television stations received, he pointed out, "about 65% of their advertising revenue from GMA members." These advertisers, he said, "have seen some television newscasts where they seemingly took great delight in bellowing out stories that were critical of this industry." He referred to Senator Hart's hearings specifically in complaining of critics who "used isolated cases as examples of wrongdoings and smudged the entire food industry." And he closed his remarks with a question: "What can you do additionally that will influence your advertiser to spend more of his advertising dollar with you?"

The broadcasters, it appeared, knew the answer. Except for a mention on NBC's *Huntley-Brinkley Report* and a reference on that network's program *Calendar*, television, so far as CU has been able to find, paid no attention to the 1963 packaging hearings. On radio, only the labor-sponsored commentator, Edward P. Morgan (ABC) gave news about them. And since then, several scheduled television appearances of Senator Hart have been cancelled. "Off the record, I was told advertisers had objected," he said.

THE NEW PHASE

So the food industry enters the 1965 legislative year with its trade groups coordinated and the news media under control. A new phase begins in the campaign against a deceptive packaging law. An article in a recent issue of *Look* may suggest what this new phase is.

Look was named by GMA's Paul Willis, along with *Reader's Digest, Life, Saturday Evening Post, Ladies' Home Journal, Good Housekeeping,* and others, as being among the magazines whose editorial departments had agreed to cooperate with food advertisers. In the January 26, 1965, issue, *Look's* editorial pages displayed the by-line of an advertiser, Charles G. Mortimer, Chairman of General Foods Corp., as the author of an article, "Let's Keep Politics Out of the Pantry."

Mr. Mortimer's essay elaborates familiar themes. He salutes the American housewife, whom he calls Mary Jones. He finds her a shrewd and happy woman—shrewd because "when it comes to clever buying" she "can give lessons to a Yankee horse trader" and happy because "she takes it for granted that what she has bought is the purest, most nutritious, easiest-to-prepare food the world has ever seen." He pays handsome tribute to the laws safeguarding our food in making his point about how confident Mary Jones can be when she shops, evidently assuming her (and the reader's) unawareness of the fight the food industry waged against the passage of the very laws he praises. (Recorded against his own company, incidentally, are 28 violations in the last 25 years against one of those laws, the Federal Food, Drug and Cosmetic Act.)

What disturbs him deeply, Mr. Mortimer writes, is that "Mary Jones probably does *not* know" that her great good fortune as a food shopper results from "the machinery of free competition"—a free competition that is "the heart of our free-enterprise system." The sophisticated reader will find Mr. Mortimer's eulogies to competition even more intriguing than his found protestations on behalf of existing governmental regulations over food. For he is, after all, the chairman of a food combine that is the nation's largest and a prime example of what the Federal Trade Commission has called "economic power and market concentration created by the great merger movement." General Foods was created in the 1920s by mergers; it grew into a huge empire by still other mergers (it markets 250 products); it is currently challenging an FTC order, issued under the anti-monopoly law, to dissolve a more recent merger; and the earnings from its many merger-acquired companies are such that it commands over $100,000,000 worth of market-manipulative advertising power a year.

Yet the chairman of the General Foods Corp. finds competition endangered by, you guessed it, Senator Hart. The sequence of his thought gets a bit fuzzy as he develops that idea. It seems to go like this: Competition is good. The food industry has made Mary Jones happy and that is a good thing. So the food industry is good. Therefore the food industry is competitive. Ergo anything that might upset Mary Jones is an attack on competition. And that is what "some Government officials . . . 'playing politics in the pantry' " are up to. They are causing "consumers to question the very system the Mary Joneses of this country find so satisfactory." Esther Peterson, the President's Special Assistant for Consumer Affairs, is the only government official named, aside from Senator Hart. When she urged housewives to send in complaints to her, she "created doubts in the minds of consumers where none had existed," thereby threatening the happy, but apparently fragile, confidence of Mary Jones. Senator Hart's threat is, of course, Truth-in-Packaging.

IF INTEREST SHOULD PROVE HIGH

After the article appeared, Senator Hart wrote to *Look's* publisher and editor-in-chief, Gardner Cowles, pointing out that the legislation had been inaccurately described, suggesting that there was another side to the packaging issue, and asking whether he (Senator Hart) might not be given the opportunity to clarify some of these matters for the reader of *Look*. Mr. Cowles replied, saying: "I will be interested to see how much attention the general public pays to this subject in the next several months." If interest should prove high, he might consider asking the Senator to do something on the subject, he indicated. He went on to say, however: "It is my present guess that the public does not feel any strong need for reform in the area Mr. Mortimer was discussing; but I could be wrong."

Look added a final fillip to its latest venture into cooperative publishing by taking full-page ads in other magazines, including a number of the trade journals read by GMA members, to publicize its sponsorship of "this compelling article." And very likely *Look* will pull out the plums that go with being such a good boy. The comic opera aspects of Mr. Mortimer's overtures to Mary Jones and *Look's* unabashed exploitation of them, however, cannot lighten the somber implication of this story for our times.

Mr. Speaker, following is a section from an article by Senator PHILIP HART, "Can Federal Legislation Affecting Consumers Be Enacted?", which appeared in the Michigan Law Review, May 1966:

D. THE IMPACT OF THE PRESS

It is true that the National Council of Senior Citizens recently devoted two full pages of its monthly tabloid to an article on the bill and urged its enactment.[18] However, such a presentation does not have the impact of the multi-page article, "Let's Keep Politics Out of the Pantry," by Charles G. Mortimer, Chairman of General Foods Corporation, which appeared in the January 26, 1965, issue of *Look Magazine*.[19] The author of the latter article presented a broad attack on the Truth-in-Packaging Bill and various other consumer programs of the federal government. In denying my request to present the consumers' side of the argument, the publishers of *Look* stated that they did not think another article was warranted, since it was their impression that the public did not feel any strong need for reform in the area of packaging and labeling. However, my files contain about ten thousand letters from consumers which give some indication of the public's interest in reform in the area. In fact, I also have numerous copies of letters that consumers sent to *Look*, but which were never published.

This experience with *Look Magazine* is particularly interesting in light of a speech before the Television Bureau of Advertising's annual convention in November 1962.[20] The speaker was Paul Willis, who was at that time president of GMA. He commented on a meeting he had conducted with sixteen top management people from national magazines "to discuss with them the facts of life covering advertising-media relationships."[21] He reported that he had suggested to the publishers that "the day was here when their editorial department and business department might better understand their interdependency relationships as they affect the operating results of their company; and as their operations affect the advertiser—their bread and butter."[22] Mr. Willis noted that apparently the publishers had understood, since they had begun to run articles to create "a favorable public attitude" toward food advertisers.[23]

Apparently his meeting was effective in other ways as well. Two of the magazines whose publishers met with Mr. Willis—*Reader's Digest* and *The Saturday Evening Post*—commissioned writers to produce articles on my Truth-in-Packaging Bill but never printed the stories.

In 1963 my office sent background materials on Truth-in-Packaging to the leading women's and home magazines on the theory they might be interested in writing something—pro or con—on the bill. However, none of the magazines was interested in discussing the bill, and Jose Wilson, food and features editor for *House & Garden*, was quite frank in his reply: "I think the bill is certainly needed but I doubt whether we can mention it editorially."[24] In fact, there was a total blackout on Truth-in-Packaging by mass circulation magazines until a *Coronet*[25] article last year and one by *Pageant*[26] this year. These two magazines were not mentioned by Mr. Willis as being among those with whom he had met. It also should be noted that *Pageant* carries no advertising and *Coronet* carries no food advertising.

Opponents of Truth-in-Packaging also have made use of canned editorials, such as those circulated by the United States Press Association, which has access to 1,199 weeklies and 150 dailies.[27] A congressman reading his mail will recognize these as canned editorials because they are sent to him from several different papers at the same time. However, the typical reader of a local newspaper has no way of knowing that such an editorial represents industry's view of pending legislation and not that of his local editor. In an article on these editorial services, *Harper's Magazine* reported that the National Association of Manufacturers has sent out editorials for three years which have been picked up, usually verbatim, by six hundred daily newspapers.[28]

Numerous other journalistic resources, such as the internal publications of industry-sponsored organizations, also have been utilized in the effort to defeat the bill. For example, a recent *Federal Legislation Report* of the Michigan State Chamber of Commerce was devoted entirely to Truth-in-Packaging. The position of the National Chamber of Commerce was reflected quite clearly in this report, the first sentence of which began: "The Hart packaging bill (S. 985) whose false front of 'consumer protection' masks an extreme degree of federal regulation of business. . . ."[29] Two paragraphs were devoted to comments in support of the bill, but the bulk of the report (thirty-one paragraphs) expressed arguments against it. These opposing arguments ended with the statement:

"Inescapably, one concludes the Hart bill is not really aimed at consumer protection, for that's already available in existing law. The measure is little more than a federal grab for power to make decisions that heretofore have been made by consumers and by business—a power grab based on the fallacious concepts that the consumer is Casper Milquetoast, Business is Al Capone, and government is Superman."[30]

Readers were urged to inform the Senate Commerce Committee of their opposition to the bill, and the pamphlet suggested that "similar communications from any of your suppliers and business associates would be useful."[31]

Actually the Michigan Chamber of Commerce was more reserved in its evaluation of the bill than many of the other industry spokesmen. One representative of the National Association of Manufacturers, Mr. D. Beryl Manischewitz, testified:

> The effect of this bill, if enacted, will flow into hundreds of communities in every State, influencing the commerce and industry, the payrolls, and the economies of those places.
>
> The jobs of designers, artists, engineers, molders of glass and plastic, steel and tinplate workers, machinery workers, and employees in paper mills, printing plants, advertising agencies, and many others will be regulated or jeopardized by this bill.
>
> In one way or another you may expect a disruption of these enterprises, their employees, their suppliers, their investors, and the smaller services which surround them. . . .
>
> The inevitable effect of the bill will be to roll back the packaging and marketing revolution of this generation. Had we lived in recent years under such a law, we would not buy our products as fresh, as clean, as unbroken or unspoiled, as accurately measured, as easily handled or as cheaply as we do today.[32]

Mr. Albert W. Wilson, editor of the trade magazine *Pulp & Paper*, expressed the industry's position succinctly in the headline of his editorial against the bill: "That phony Hart bill is back again—threat to mills, labor, whole economy."[33] While the editorial undoubtedly represented the industry's view of Truth-in-Packaging, it apparently did not reflect the sentiments of some of the employees. One industry secretary tore the editorial out of the magazine and sent it to me with the note, "I'm all for you."

FOOTNOTES

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[18] Senior Citizens News, Jan. 1966, p. 4.

[19] Look Magazine, Jan. 26, 1965, p. 80.

[20] For a complete transcript of the speech, see *Hearings, supra* note 12, pt. 1, at 479.

[21] *Id.* at 481.

[22] *Id.* at 481–82.

[23] *Id.* at 482.

[24] Letter to Author From Jose Wilson, Food and Features Editor, House & Garden, June 17, 1963.

[25] Hart, *Don't Be Fooled by Deceptive Packaging*, Coronet, April 1965, p. 10.

[26] Hart, *The Great Food Packaging Deception, Pageant*, Jan. 1966, p. 94.

[27] See Bagdikian, *Behold the Grass-Roots Press, Alas!*, Harper's, Dec. 1964, p. 102.

[28] *Id.* at 103.

[29] MICHIGAN CHAMBER OF COMMERCE, FEDERAL LEGISLATION REPORT (1965).

[30] *Id.* at 2.

[31] *Ibid.*

[32] *Hearings, supra* note 12, pt. 2, at 552, 565.

[33] Pulp & Paper, April 19, 1965.

AN ADDRESS BY PAUL S. WILLIS, PRESIDENT, GROCERY MANUFACTURERS OF AMERICA, INC., BEFORE THE EIGHTH ANNUAL MEETING OF TELEVISION BUREAU OF ADVERTISING, INC., NOVEMBER 16, 1962, WALDORF-ASTORIA, 12:30 P.M., STARLIGHT ROOF

IN 1962 GMA MEMBERS WILL INVEST $1.2 BILLION IN ADVERTISING

In your publicity covering your annual meeting, you say that industry is learning that it cannot increase sales just by increasing production and pushing more products through the distribution pipeline. It is the customer's pull that determines sales today, a pull transmitted through the chain of demand.

Our manufacturers as well as the distributors—wholesalers and retailers—have been keenly aware of this for a long time. That is why they are annually investing so many millions of dollars in advertising and promotions. The theme of your meeting. "The Chain of Demand," is right down our alley.

GMA—WHAT DOES IT DO?

Before discussing your theme, I want to tell you a little bit about GMA—who we are and what we do. Our membership includes the leading manufacturers of this country that produce most of the food and grocery items sold in supermarkets throughout the United States. In addition to the regularly accepted items that make up the grocery basket, our manufacturers produce soft drinks, beer, cigarettes, beauty aids, general merchandise items—most of the branded products available in supermarkets. In recent years many manufacturers who heretofore sold their products primarily through other channels, and who are now marketing them through supermarkets, have joined GMA, and we have been very helpful to them.

GMA provides many services.—We have 20 working committees on which some 800 people serve actively. This includes committees on marketing, advertising, public relations, trade relations, employee relations, traffic, agricultural relations, broker relations, legislative, consumer services and so on. Our members look upon GMA as their organization to provide leadership with the trade, the public, the Government, communications, press, and so on.

INDUSTRY GROWTH

Our industry has had a fabulous growth, especially within the last two decades. It grew from a $16 billion annual business to an estimated $80 billion in 1962. This growth did not just happen because people have to eat, or because of population increases. Had we depended on these two factors only, our total annual food consumption bill would probably now be $40 billion instead of $80 billion. This extra growth resulted from many things * * * good management at all levels, fine teamwork among all segments of the industry, heavy investment in research, new and improved products, modernization of plants, new equipment, automation, and very importantly, advertising and promotions. It was the combination of these many factors that helped to promote this extra growth, and the industry is moving right ahead—spending more dollars for advertising, etc.

CONSUMER BENEFITS

This industry has made great contributions to the American people and to our total economy. Today's homemaker has the distinct privilege of selecting her groceries from an assortment of some 8,000 items instead of a limited selection of 1,000 items as before. Two-thirds of today's items are either new or were materially improved within the past 10 years. She prepares her three daily meals of nutritious, tasty foods for a family of four, in 1½ hours compared with an earlier time requirement of 5½ hours.

Today's food products, in many instances, are far superior in nutrition, tastiness, safety, variety, and reliability of quality.

Today's new household items with their built-in maid service provide many timesaving devices which have materially lightened the homemaker's chores. Largely because of the availability of safe, tasty, nutritious foods, and the public's greater understanding and appreciation of the value of good eating, the American people, as a nation, are healthier now than ever before. Children are taller. Sports records are continuously broken and the lifespan is constantly increasing. The American consumer never had it so good. The press apparently likes this way of stating the point and picked it up.

COST-OF-LIVING INDEX

While our Government's overall cost-of-living index shows an increase of 17 percent within the last 10 years, exclusive of food, we are highly pleased to say that the cost of our Government's standard "grocery basket" costs no more today at the supermarket than it did 10 years ago. This standard grocery basket set up by the Government contains some 80 selected basic grocery items carefully weighted as to consumer usage. It is the composite cost of this grocery basket that the Government uses as a monthly measurement of food prices at the grocery store. Whenever we make the statement that today's grocery basket costs no more than it did 10 years ago, it naturally raises eyebrows for some people spend more dollars now at the supermarket than before.

There usually is a practical explanation for this. The family may be larger today, and growing children require more food. People are also buying different and better foods. Additionally, they buy many other items at the supermarket: Magazines, cigarettes, stockings, kitchen utensils, etc. * * * all are paid for out of the grocery budget.

Recently, you have seen several magazine and newspaper articles on "Why Our Food Is a Bargain." That is a correct statement, as it relates to the overall cost-of-living items, and especially when measured in terms of hourly wages related to purchasing power. Ten years ago, in 1952, the American factory employee worked 51 hours to earn enough money with which to buy the Government's monthly market basket of farm foods. This year, in 1962, 10 years later, he earns enough money from 37 hours of work to buy the same standard "market basket." He has the income of 14 hours work for spending for other things * * * a real contribution to our total economy. In this country, we spend about 20 cents of our dollar income, after taxes, for food. This leaves 80 cents available for buying other things. In Russia they need about 50 cents of their dollar to buy foods.

PROMOTION-MINDED INDUSTRY

Our manufacturers are highly promotion-minded. In 1962, they will be investing $1.2 billion in advertising. A 1961 listing of the top 100 advertisers in 7 media showed that 30 of the first 50 manufacturers belong to GMA, and 57 out of the top 100. In addition to media advertising, our GMA members spent many millions of dollars in promotional material and in the marketing of their products.

This year they will invest $120 million in research for the creation of new products and the improvement of their old ones, and new uses for them.

We are very promotion-minded.

INDUSTRYWIDE TEAMWORK

Our industry has a splendid record of teamwork cooperation of all the segments which make up the lifeline from farm to table. Our manufacturers enjoy a fine relationship with each other, and we work in fine harmony with the six national distributor associations and their members. This fine teamwork cooperation has contributed greatly to improving the facilities of distributing our products to the American people.

CONSTANTLY CHANGING INDUSTRY

Today's success of a company's business carries no survival guarantee for tomorrow. Many products which were considered old standbys yesterday have been replaced with improved models or with different products serving the purposes more efficiently and economically. Examples: Cake mixes have reduced the needs for baking powders and other ingredients. Detergents have taken the place of soap in many instances. Instant and frozen products have become regular household items. Any concern that does not invest heavily in research, in advertising, in new and improved products will find it increasingly difficult to keep pace with progress.

COST OF ADVERTISING

For this audience, it is not necessary to comment upon the rising cost of advertising, whether it is per page or per broadcast. You know the story, and GMA members know it. Our manufacturers are great users of advertising. Naturally, they are concerned about the rising costs, not only covering advertising, but all costs. While costs are increasing, competition is growing constantly more severe, and the rate of profit per dollar sales is heavily squeezed. What I want to say is that manufacturers must constantly realize a greater sales return from their advertising dollar. How can we bring this about?

Last year we met with 16 top management people of national magazines. We wanted to discuss with them the facts of life covering advertiser-media relationships. We pointed out that many years ago the advertising department of the manufacturer and the sales department operated independently of each other, even though both had the same purpose, namely, to increase sales. Management did something about it. Now manufacturers are coordinating the work of both departments, and they key into the director of marketing. Both departments supplement each other. Taking a page out of that book of experience, we suggested to the publishers that the day was here when their editorial department and business department might better understand their interdependency relationships as they affect the operating results of their company; and as their operations may affect the advertiser—their bread and butter. While emphasizing that we would fight to the hilt to preserve their freedom to publish material of their own choice, at the same time, we invited them to consider publishing some favorable articles about the food industry instead of only singling out isolated cases of criticism. Certainly there are many fine things to say about this industry of interest to their readers: and as the readers turn the pages and come across an interesting article, they will react more favorably to the advertisement, and be more inclined to purchase the product.

We can point with pride to some of the things which have happened since our visit.

Look magazine ran an article explaining the cost-of-living index published monthly by the Government.

Reader's Digest, an article on "Why Our Food Is A Bargain."

American Weekly, an article on "Are Food Prices Too High?"

This Week magazine, "The Greatest Food Show On Earth."

Saturday Evening Post, an article exposing the food faddists.

Good Housekeeping magazine, on labeling.

Ladies' Home Journal, a series of articles on food.

Life magazine, several institutional ads, and is devoting its total November 23 Thanksgiving issue to food.

We could mention many other consumer

and business magazines that carry frequent favorable articles about this industry, like Family Circle, Women's Day, Food Field Reporter, and so on.

These articles will surely help to create a better understanding of this industry and a favorable public attitude toward it. And our manufacturers—your advertisers feel more friendly to the management people.

ADVERTISER AND TELEVISION RELATIONS

I wish that I could say similar nice things about the relationship of our advertisers with television. Even though the networks receive about 65 percent of their advertising revenue from GMA members, there is lots to be desired as it applies to our relationship with their top management. We are not aware of any great amount of cooperation which television has extended to us in passing along interesting, favorable information to the public, information such as appeared in the magazine articles. The newspapers throughout the United States publish a great deal of information relating to food prices, food supplies, nutrition, and so on.

I have before me an article appearing in the Hammond (La.) Sun with boxcar headlines: "How about a great big hand for our food enterprises?" We have stacks of such clippings from hundreds of newspapers. In contrast with these favorable items, we have seen some television newscasts where they seemingly took great delight in bellowing out stories that were critical of this industry. And they told only the critical side. It seems to us that television stations, which have a great influence and responsibility for forming public opinion, would want to report both sides of the story—the whole story. We are not aware of any attempts by television stations to verify the accuracy of critical statements, or to obtain the other side of the story. The press communicates with us freely when statements of doubtful accuracy are received.

Another comment: When our Government's monthly cost-of-living index shows an increase, commentators make a big deal out of it, even though the increase as it applies to food might be one-tenth of 1 percent—the equivalent of about 3 cents a week added to the cost of the family grocery bill. Usually such increases apply to seasonal items which are certainly not a necessity for the consumer when she can select from some 8,000 other items.

There is plenty of interesting material available about this industry for radio/TV use, and broadcasting such information should create a better public attitude, the advertising would be more effective, and the advertiser would get more for his advertising dollar. It is something to think over.

GMA ANNUAL MEETING

We just finished our 54th annual meeting—a 5-day meeting, including five luncheons and three dinners. It began with the GMA Food Forum on Friday. We had our regular meeting on Monday, Tuesday, and Wednesday; and on Thursday an all-day meeting devoted to "General Merchandise."

We dedicated our meeting to the consumer—our boss. Our theme: The Food Industry Salutes the Consumer.

We considered it appropriate to present a public story about this industry's accomplishments so that people will have a better understanding of what we do and how they benefit; and therefore they will not be as easily misled by the misinformation fed them by the propagandists.

Media was well represented. Participating in the program we had six people from the national magazines, two from the daily press, and two women from radio, and, of course, our Thursday luncheon speaker was your own Pete Cash.

The need of expanding our communications was stressed throughout. We all recognize that we are moving into an era when we must do a much better job of communicating with the American people, with our employees, with Government—with everybody.

Doing a good production and distribution job, and supplying great varieties of tasty, nutritious foods at reasonable prices seemingly is no longer enough. This may appear strange but it is nonetheless so. Why is it necessary to move communications up to the top for priority attention? Because in this country we have people who make a living out of faultfinding and harassing industry. And the fine communication facilities and free speech make it possible for them to get their story told.

At last year's hearings conducted by Senator Hart's committee on packaging, labeling, etc., the professionals had a field day. Using clever phrases and isolated cases as examples, they charged this industry with offering deceptive packages, slack-filled packages, mislabeling, insufficient labeling, and misleading promotions. In our industry we have some 300,000 retailers, some 20,000 manufacturers who produce the 8,000 items available in supermarkets, and a total business volume of about $80 billion. In any industry as large as this one and so involved, it is normal that some things will go wrong. By clever wording they used isolated cases as examples of wrongdoing and smudged the entire food industry.

Even though we deplore some of their tactics, the professional voices of the consumer serve a useful purpose. By pointing out any shortcomings, they alert management to reexamine its own operations and make whatever corrections are indicated. So, while we welcome constructive criticism, at the same time we must be sufficiently capable to get our story across to the American people to retain their confidence in us so that they will continue buying our advertised products.

THE CHAIN OF DEMAND

I want to come back to the theme of your meeting and to your statement that today it is pull that determines sales rather than push. As stated earlier, we fully agree with that. Our manufacturers and distributors are convinced of this and, therefore back up their conviction by investing more and more advertising dollars every year.

Spending the advertising dollar has become a science in selecting where to spend his dollar—the advertiser must assure himself of getting the best sales results. He will place increased dependence on specific information as to the net effectiveness of media, as opposed to information now available on gross exposure of readers, viewers or listeners. So, it makes good sense that the advertiser and media cooperate to the fullest in working for the greatest sales results.

I close my remarks with a very pertinent question: What can you do additionally that will influence your advertiser to spend more of his advertising dollars with you?

[From Life magazine, January 26, 1965]

LET US KEEP POLITICS OUT OF THE PANTRY

(By Charles G. Mortimer)

The typical American housewife is intelligent, experienced and better informed about running a home than her counterpart in any preceding generation. Let's call her Mary Jones. Right now, she's shopping at her favorite supermarket. Because it, too, is typical, its shelves are lined with some 8,000 different items. Yet Mary Jones knows just what she wants, and she gets it. Into her cart go the prepackaged meats, quick-frozen vegetables, canned soups, frozen juice concentrates, prepared cake mixes, heat-and-serve rolls and all the other good things the Jones family will have served up to them at their dining-room table in the week to come.

As she leaves the supermarket, Mary Jones takes it for granted that what she has bought is the purest, most nutritious, easiest-to-prepare food the world has ever seen. Having spent 40 years in the food business, I can attest to the fact that her assumption is correct and, what's more, that the prices she has paid are the most reasonable to be found anywhere on earth.

But what Mary Jones probably does *not* know—and what disturbs me deeply—is that the machinery of free competition which has made ours the best-fed nation on earth is in danger of being tampered with. It is being attacked by certain people in Government who have the perverse notion that the Mary Jonses of America need more Government protection than the ample safeguards they already have.

The danger is substantial, but before I describe what I call "politics in the pantry," I would like to cite a few facts that show just how great a value food is in today's America. Since her family is average in size and income, we'll use Mary Jones as our example.

Back in 1948, out of every after-tax dollar earned by the Joneses, about 26 cents went to buy food. Today, because food prices have gone up less than other prices, and because incomes have soared, food purchases take only 19 cents of each take-home dollar. So the Joneses now have 81 percent instead of 74 percent of their net income left over to spend on everything else, from clothes and household furnishings to insurance and their children's education.

Compare this with conditions in other countries. In England, the average family spends 29 percent of its income on food. In France, 31 percent. In Japan, 47 percent. And in that so-called workers' paradise, Communist Russia, food takes fully half of each family's after-tax earnings.

But even this isn't the whole story. The Joneses are eating far *better* than the families in these other nations—and better, in fact, than the Joneses themselves used to eat, just a few years ago. They are eating more and choicer cuts of meat. They are eating foods never before matched in purity or nutrition. And they are eating delicious *new* foods—many of them "convenience" products that sharply reduce the amount of time Mary Jones must spend in her kitchen.

Thanks to these new products, Mary's daily cooking chores take only 90 minutes. (Not many years ago, women used to spend more than five hours preparing a day's meals.) With this extra free time, many Marys—14 million of our American housewives—are able to hold outside jobs as well as run their homes, thus contributing in a very material way to a better standard of living for their families.

What makes it possible for Americans to eat so well and so conveniently for so little? The answer lies in two potent forces that protect the housewife as she pushes her shopping cart down the supermarket aisle.

The first of these forces is the necessary and comprehensive Government regulation that is respected and adhered to by the various segments of the vast food industry. Through laws *now on the books,* Government agencies effectively safeguard the purity of food products and control of the information printed on food-container labels.

The second protective force is competition—the heart of our free-enterprise system. This force has been a mighty factor in making America's abundant food supply the finest to be found anywhere in the world. It is a major reason for all those new food products, since each processor is constantly seeking ways to gain new customers.

The wooing of consumers through new and improved products has wrought a tremendous change in the nation's eating and food-preparation habits, a change more sweeping than many people realize. A friend of mine told me recently that he was in his kitchen one afternoon when his wife returned from a food-shopping trip.

"I looked at what she had bought—things like precooked rice and a prepared cheese-and-noodle dish—and I realized that more than half the items weren't even on the market when we were first married. Why, I'll bet," he said, "that there have been over a thousand new food products in the past 20 years."

His estimate was low. My own company alone introduced some 50 new food items in just the past year. The entire industry spends over $100 million annually on research and development of new grocery items.

With America's thousands of food processors competing for consumer patronage in a free economy, and with our Government enforcing essential health and labeling regulations, the food shopper is in an enviable position indeed.

Recently, however, some Government officials have started playing "politics in the pantry." Belatedly, they have "discovered" the consumer as a politically potent entity. That's quite an audience because, of course, everybody is a consumer. So they are pitching emotion-charged appeals to that audience. Through headlinemaking innuendos, they imply that America's food-marketing system needs to be watched and regulated even more closely than it is.

Here are a few of their actions that are causing consumers to question the very system the Mary Joneses of this country find so satisfactory:

Sen. Philip Hart (D., Mich.) has introduced what he calls a "truth in packaging" bill. It implies that food manufacturers are taking advantage of consumers through deception in the sizes and weights of packages and the information printed on labels. Among other things, this bill with the politically appealing name would give the Government the right to dictate weights and other standards for food-product containers.

Mrs. Esther Peterson, Special Assistant to the President for Consumer Affairs, has held four consumer conferences at which housewives were not only invited but *urged* to submit complaints about the products they buy in their chosen supermarkets or other retail stores.

A National Commission on Food Marketing has been launched amid speculation that it would result in an expose of what some members of Congress have called "profiteering by middlemen" at the expense of both farmer and consumer.

Ostensibly, these actions were taken to help the consumer. Actually, they could, if implemented, hurt him. At the very least, they represent an unwarranted and unecessary intrusion by Government into the American marketplace.

Take Senator Hart's bill, for example. It ignores completely the fact that price competition is by no means the only competition which benefits the consumer. By making all packages "look-alikes" on the shelf, restrictive legislation would stifle innovation and put a halter on an indispensable form of competition: the freedom to bring out packages which are easy to open, easy to close, easy to handle, easy to store. Each of these represents an added value passed on to the consumer. My own company, for example, wouldn't have introduced instant coffee in a carafe or table syrup in a reusable pitcher if consumers didn't prize these containers as added values.

Advocates of more Government controls insist that food shoppers are often misled by nonstandard package shapes and deceptive labels. This is just not true. Any manufacturer who tries to trick the housewife into buying his product by packaging or labeling it deceptively will soon go out of business. She may buy it once, but she'll never buy it again. And since marketing a food product involves heavy costs, no processor can remain solvent on one-time sales. He depends on repeat volume.

Another contention of those who advocate still more governmental control is that labels are "hard to understand" and that the consumer is "confused" by odd-ounce weights on packages. Their assumption, apparently, is that package sizes and weights are produced willy-nilly. Again, my own company offers an example of the absurdity of that kind of thinking. We pack vanilla pudding and chocolate pudding in the same size box. As rightfully required by law, the label on every package shows the weight of the contents. The vanilla-pudding weight is three and one-quarter ounces, while the chocolate-pudding weight is four ounces. The reason is that this is the quantity of pudding mix which, in the case of each flavor (as stated on the label), will yield exactly four *servings* of one-half cup each when blended with two cups of milk.

Because of the difference in the density of the two flavors, to pack the vanilla in a four-ounce size would necessitate giving America's housewives recipe directions with an odd measure of milk to be added—and more servings than she has planned on.

Is this what the consumer wants? Is this a Federal case—a matter calling for enactment of legislation by the Congress of the United States?

While Congress considers the demands for unnecessary new limiting controls, Mrs. Peterson has been holding public meetings and frequent press conferences inviting homemakers to register complaints.

I want to make it clear that I regard and respect Mrs. Peterson as a conscientious and dedicated public servant. But she *is* part of a political party and subject to pressures aimed at currying favor by offering the consumer "more protection," whether it is really needed or not.

The fact is that despite the best of motives, her consumer conferences—with their emphasis on complaints—have, in my opinion, resulted in more harm than good. For one thing, they have unnecessarily created doubts in the minds of consumers where none had existed, and indeed where none are warranted. For another, they represent just one more intrusion by Government into an area where, in our free society, Government does not belong.

But even more ludicrous than the politically slanted campaign to prod complaints from consumers is the image drawn of the typical American housewife. In their attempt to show why the housewife needs more Government protection, proponents of additional controls have created the impression that she is a timid, naive, confused little woman, hopelessly gullible, bewildered by the endless variety of products on the grocery shelves and exposed, as she shops, to the machinations of lurking, profit-hungry figures who dominate the food business.

This, of course, is utter nonsense. I can testify from experience that when it comes to clever buying, the American housewife can give lessons to a Yankee horse trader. She knows exactly what she wants, and she knows precisely what it's worth to her. And if you don't provide her with what she wants at what she considers fair price, you won't get her as a customer.

What politicians don't seem to understand is that no manufacturer can "force" a consumer to select *his* product, out of all those displayed, any more than a politician can "force" a voter to pull the lever by *his* name in a voting booth. Politicians need to be reminded also that we in the food business are up for election all the time.

Where a politician has to run for office once every two, four or six years, every shopping day is election day for us. The homemaker casts her ballot—for or against—by taking our product off the shelf or leaving it there. She can make or break a product and can even "vote" a company right out of business. Every major food processor has in its files the stories of products that were developed at great expense only to languish on supermarket shelves because they failed to win a sufficient number of purchases by the only person qualified to control the American food industry: the American housewife. So my image of the American conusumer is quite different from the one shared by the proponents of more and more Government regulations. The consumer is smart. She is alert. And she *very effectively does everything* that is necessary to keep the food processor in line.

All this is not to say that Government involvement in business is all, or per se, bad. The National Commission on Food Marketing, for example, could be a very good thing. The study the Commission will complete by next July 1 could help bring to Americans much-needed understanding of how our advanced society gets food from farm to table. It could, for example, clarify just who is really a farmer, by distinguishing between those rural dwellers who raise crops for a living and those whose main income is from industrial employment, even though they do "farm" some very small acreage as a sideline.

Most importantly, the Commission's study could clear up, once and for all, the question of just what a "middleman" is. For centuries, this word has carried a connotation of "all take and no give." Since earliest civilization, a middleman has been pictured as one who buys cheap and sells dear, contributing nothing to the value of the goods in the process.

That probably *was* true, way back. But today, the villain the politicians are chasing is no villain at all. Far from it. In our urbanized, industrialized society, the middleman is the one who takes raw food from the farm and then makes it possible for people to eat it.

Milk in a pail at a farmer's gate is worth nothing to the nine out of ten Americans who live off the farm. As a weekend dairy farmer, I am only too painfully aware of that. Consumers can't possibly all drive out and get their daily quart. The only way milk takes on value is through its availability when and where the consumer can conveniently get it. In other words, consumers simply won't pay for wheat in the barn, peas on the vine or hamburger on the hoof.

The food marketing chain of events encompasses all the vast activity that goes on from farm gate to checkout counter. This has created and sustained the nation's market for processed farm products. And this adds value after value—at a reasonable cost—every step of the way.

I said the cost is reasonable. It is, in fact, surprisingly low. For example, the U.S. Department of Agriculture reports that the homemaker gets frozen orange-juice concentrate for less money per glass than she pays for juice she squeezes from fresh oranges. Similarly, a cup of excellent instant coffee costs her less than one she brews herself. She also saves money, as well as work by buying processed frozen or canned peas and corn, frozen lima beans and spinach, canned spaghetti and chicken chow mein, among a great many others listed as bargains by the U.S. Department of Agriculture. Yet politicans prattle about consumers being "forced" to buy processed, packaged foods at premium prices.

Instead of hurting the farmer, the food-marketing complex actually helps him. It helps him just as it does the consumer. For at the same time that it makes it possible for people to eat, it creates sales for the farmer's crops.

We hear much about how small a share of each dollar spent for food goes to the farmer. Yet, the fact is this: If every single dollar of corporate profits made by the food marketing industry were eliminated—that is, all the profit of processors, wholesalers, food chains and independent food retailing corporations—the total marketing bill would be reduced only enough to add a single percentage point to the farmer's share of the retail food dollar.

So the farmer certainly is not victimized by the food marketing system. Neither is the homemaker. Yet the politicians say both are, and demand stricter controls.

Actually, my great concern in all this is not alone for the food industry, but for the free society of which the food industry is such a vital part. What disturbs me most is the destructive impact a heavier hand of Government is bound to have on the free choice we Americans now enjoy. For we are faced with the grim prospect of having Government officials tell the consumer what products she can buy and what kind of package she can buy them in. We see vote-conscious politicians informing the housewife that she doesn't really *need* all those things she's been purchasing; she has merely been gulled into wanting them.

The point really at issue—the point involving one of our cherished freedoms—is simply this: Who is to say what is a need and what is a want? Shall we, as individuals, continue to determine the answer, or shall we leave it to an all-wise, paternalistic Government to decide?

I feel the danger is most acute in the area of food distribution. For in any standard of living, food is the number one requirement. Before he can do anything else, man must satisfy his hunger and be nourished in the process.

As certain people in Government with political motives champion the case for more and more controls, there are others, fortunately, who speak out for freer free enterprise. Rep. Catherine May (R., Wash.) made this statement, lauding the American homemaker for her competence and discrimination:

"She [the homemaker] has done and is doing a wonderful job in needling, inspiring and in regulating American business enterprise. And to reward her, I want to protect her. Not with more Government regulations and laws. I want to protect her freedom of choice. I want to protect her right to reward or punish the businessman. I want her to stay the boss of the marketplace. As long as she is, there's no danger to our free-enterprise system."

Look Magazine,
New York, N.Y., February 2, 1965.

Mrs. Esther Peterson,
Special Assistant to the President for Consumer Affairs, Executive Office of the President, Washington, D.C.

Dear Mrs. Peterson: Thank you for your recent letter regarding the LOOK article "Keep Politics Out of the Pantry."

We do not plan to hold a "debate" on this subject, but we do appreciate your offering to engage in one.

Sincerely yours,

Robert Meskill,
Assistant Managing Editor.

[From Life Magazine]

(Note.—These are the only letters to the editor printed following the Mortimer article.)

PANTRY POLITICS

Thank goodness someone has finally exploded the myth that the American housewife is a starry-eyed knucklehead whose virtue may at any moment be compromised by a sequined can of tomato paste [*Let's Keep Politics Out of the Pantry,* Look, January 26]. . . . Senators and congressmen, please note: With millions of others, this little housewife . . . enjoys the color and variety competition lends to an otherwise dull chore. . . .

Helene Silverberg,
Brooklyn, N.Y.

Your article . . . was most interesting and timely. Free enterprise cannot withstand abuse from either side, be it private or governmental. . . . As a farmer, I am in the production side of the food industry, and we are having the same kind of troubles. . . . I feel that these [farm] problems are brought about by the vast changes in science and technology and the failure of some of us to adjust to these changes. I say some of us, for many farmers not only adjust to these changes, but in many cases help to bring them about, to the benefit of all of our people. Ill-conceived, short-sighted, political farm programs have greatly aggravated this condition. Less than half of us are producing over 90 percent of all agricultural products and could get along very well without handouts and interference. The larger half of us producing less than 10 percent are not a farm problem, but a social-welfare problem. Yet our Government insists on lumping us together as one set of statistics to suit political aims. America is the best and cheapest fed nation in the world. I hope that [those] in processing and distribution can work with us in production to lessen the burden of needless Government interference.

H. Swart,
Wilmington, N.C.

House and Garden,
New York, N.Y., June 17, 1963.

Mr. Jerry Kabel,
Press Secretary to Senator Hart, Commerce Judiciary Committee, U.S. Senate, Washington, D.C.

Dear Mr. Kabel: As Living for Young Homemakers was merged with House & Garden in January 1962, your letter and information on Senator Hart's bill, addressed to Mrs. Evans, was passed to my department.

I think the bill is certainly needed but I doubt whether we can mention it editorially. However, I have passed the material on to our Managing Editor, Mrs. Roche, and if she feels there is any possibility of an article or editorial comment I am sure she will get in touch with you regarding further developments.

Sincerely,

José Wilson,
Food and Features Editor.

VIETNAM: ONE MEMBER'S VIEW

The SPEAKER pro tempore (Mr. Gray). Under a previous order of the House the gentleman from Indiana (Mr. Hamilton) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, though the report of the Select Committee on U.S. Involvement in Southeast Asia is now available, I want to give to my colleagues my individual views on our continuing involvement in Vietnam and the other countries of Indochina.

Supplemental Views to the Report by the Select Committee on United States Involvement in Southeast Asia, July 9, 1970, Lee H. Hamilton

You find in Vietnam evidence to support the point of view you had when you arrived. The complexity and the variety of the scene is such that the "hawk" and the "dove" will each observe, investigate and leave, assured of the wisdom of the view he had when he arrived.

Thus, I make no claim to an objective repoport. I add this supplemental view to the report filed by the Select Committee Chairman simply to pass on to my colleagues several of my observations about this unhappy land which has in recent years been too much with us.

CAMBODIA

The Cambodian venture has relieved the enemy pressure in the III and IV Corps areas. In each of these areas, the number of enemy-initiated incidents is sharply down. So far as I could determine, there has been little impact from Cambodia felt in I and II Corps.

Almost everyone with whom we talked in Vietnam, including critics of the war, readily admitted that the enemy caches discovered have been significant. The Cambodian venture disrupted the supply and communication lines of the enemy, caused much equipment to be captured, relieved the pressure in the South, increased the confidence of the South Vietnamese, and provided a breathing space of uncertain duration for many provinces.

It did not, however, accomplish all its objectives. The Communist headquarters was not found and negotiations were not advanced.

The final judgment on the crucial question of whether the Cambodian venture will speed U.S. disengagement must await political developments.

Apart from the rapid progress the enemy has made in extending control over large areas of Cambodia since the United States incursion into Cambodia, serious questions remain in my mind about the impact of the U.S. move, among them, these:

Has it hindered a negotiated settlement because Hanoi's suspicion is deepened that the U.S. does not intend to leave, and Saigon, in its new found military confidence, is more resistant to negotiation?

If it has been such an outstanding success, why cannot the schedule of troop withdrawals announced before the venture be accelerated?

If South Vietnamese troops have difficulty making their homeland secure, will they be spread too thin to take on the burden of defending Cambodia? The more area there is to defend, the more advantage to the practitioners of guerrilla warfare.

To what extent is the United States now "committed" to Cambodia? As small weapons are supplied, air strikes continued, and economic assistance planned, the risk is that the United States is being drawn into another unpromising commitment and caught in a whole new set of problems.

What is the danger of an outbreak between the South Vietnamese and the Cambodians, long-standing enemies?

Has the United States, by going into Cambodia, proved itself unpredictable and able to strike at the enemy, or has the U.S. domestic upheaval over Cambodia signaled to Hanoi that the President's options in Southeast Asia do not permit escalation?

Could the undoubted beneficial results of the Cambodian venture have been achieved without the high political cost at home, if South Vietnamese troops had been exclusively used to search the sanctuaries?

These questions will be debated endlessly. Suffice it to say they cause me serious enough doubt to discount the euphoric rhetoric of success that has come from high places.

At every turn we were told that the enemy can take all of Cambodia, if he wants it, and nothing short of massive United States intervention could stop him. If he does not want it, and the weight of opinion, at least for the moment, apparently is that he does not, current levels of American and South Vietnamese assistance are sufficient to enable a non-Communist government to survive. The fragility of the Lon Nol government confronts the United States with some very hard options. My own view is that the United States should not introduce troops into Cambodia, and should avoid massive aid or other steps leading to a new and continuing involvement. The vital interests of the United States are not directly threatened in Cambodia.

SOUTH VIETNAMESE GOVERNMENT

The Thieu government is in firm control politically. However, I saw little evidence that he is popular and little indication of a serious challenge to him.

Politics in South Vietnam is controlled by a military oligarchy. President Thieu appoints the province chiefs and the district chiefs, and almost all of them are military personnel. President Thieu controls the military, or vice versa, and it is difficult to determine which is the case.

We should not deceive ourselves about the nature of the South Vietnamese government. It is not a democracy, and we should not pretend that it is. There has been much arbitrary use of power.

Truong Dinh Dzu, who finished second to Thieu in the Presidential race, was sentenced to five years in prison for advocating a coalition government. A military court has sentenced Thich Thien Minh, a leader of a Buddhist faction, to ten years at hard labor for concealing weapons and illegal documents. Thieu has demanded that the parliamentary immunity of two deputies be revoked because of Communist activities, and his handling of these cases has been severely criticized. Newspapers are frequently suspended for publishing offensive material.

My suspicion is that this arbitrariness will probably not abate, and might even get worse as the economic and political pressures become more acute.

Corruption has not been eliminated from the South Vietnamese government and there is very little prospect that it will be. Several American province and district advisers pointed out to me that a district chief, for example, simply cannot live on his salary and it is expected that he will "cheat" here and there.

The political and economic problems of the Thieu government are very severe and the prospect is for no relief. At the moment inflation is severe and the people of Saigon are as much concerned about it as about anything else.

In recent months the opposition to the government from militant Buddhists, students who feel they have no future, veterans who feel they have been shabbily treated, numerous politicians and several newspaper editors has become much more vociferous. However, none of these groups has been able to develop a formidable, united challenge to the present government.

One of the political pressures building up on the South Vietnamese government is the density of population. Saigon, for example, now has an estimated 2.2 million people and the resulting density is approximately twice that of Tokyo. The urban problems that result create enormous political and social unrest.

All these matters create an explosive political situation.

There are some encouraging signs that a representative government can be developed. One official spoke to me about the astonishing interest in the provincial elections. I visited several political meetings occurring in the provinces and they are not dissimilar to those I attend in the United States. Candidates spoke and urged the local populace to vote for them in the election. The high percentage of voter turnout in local elections should be appraised carefully. Pressure is exerted to turn out, and the elections tend only to ratify existing authority. It might even be a sign of maturity in the democratic process if the percentage of voters dropped.

But this democracy, rudimentary although it may be, has in it the seeds of promise.

The political developments, then, are a mixed bag. Democracy is struggling to be born and I would like to believe it will prevail, but no one can make that assurance.

ARMY OF THE REPUBLIC OF VIETNAM (ARVN)

I was continually impressed with the importance of the role, actual and potential, of the ARVN. They must bear the burden of local defense and security, but beyond that they are the primary available instrument of political, economic, and social reconstruction.

There has been improvement in the ARVN forces. Their confidence after Cambodia almost approaches a state of euphoria.

Although American military officials generally are pleased with their progress and have high praise for the performance of several units, they observe that in certain critical areas—for example, in helicopter capability—the ARVN is far short of proficiency.

PACIFICATION

Pacification has had its ups and downs, but in 1969 rapid progress was made.

Although there has been some slowing in the rate of progress in recent months, the general feeling, especially in the III and IV Corps areas, is that pacification will continue to improve. Virtually everyone with whom I talked, American and Vietnamese alike, felt the program is better organized and is generating real progress. My own travels in three of the four Corps areas by jeep and helicopter, often without the presence of security guards, is evidence of this progress.

The Hamlet Evaluation System (HES) has measured progress in pacification since 1967. It was frequently criticized for presenting an overly optimistic view, and in early 1970 was revised to reduce the optimistic bias.

Most officials think it is a useful device. President Thieu, for example, uses it to put pressure on his province chiefs, because he regards it as a definite measure of their performance.

Several key American officials suggested that one of the most heartening signs in Vietnam is the continual improvement in the quality of the province chiefs. The province chief is, of course, an absolutely crucial local figure. I met with several province chiefs and discussed their problems at some length. I was impressed with their grasp of local problems, their sense of urgency for development and nation-building. My impressions tend to confirm the observations of the American officials.

I found among the Vietnamese people both respect and fear for the Viet Cong. They respect their discipline, but they fear their brutality, their heavy taxes and the fact that they draft their sons, who are often never heard from again. More and more, the indication is that the South Vietnamese dislike the Viet Cong and see that they do not tell the truth about the government of South Vietnam or the United States. More and more, South Vietnamese believe that if the Viet Cong would go away they could lead better lives. This is a healthy and an encouraging development.

We must continue to push South Vietnam hard in the area of land reform, local self-government and the protection of basic human rights. We cannot expect too much. Vietnam just is not the kind of a country where democracy is going to operate without problems.

It is critical that the government's land reform program, now announced, be implemented successfully. It would transfer ownership of 2.5 to 3 million acres of land to peasants who now cultivate it, and would affect 800,000 families. It could do more than any single thing to stabilize government control in the countryside. The land reform program constitutes a basic factor in the peasant's attitude toward the war.

THE UNITED STATES ROLE IN VIETNAM AND IN ASIA

The United States must consider Vietnam in the context of Asian policy. I believe we should downgrade United States interest in Southeast Asia, and certainly subordinate it to our interest in Japan. We should be interested in the long range development of the nations of Southeast Asia, but our immediate, vital interests are limited.

I came away from Vietnam with a keen appreciation of what we cannot do. In a word, we cannot build a nation for the South Vietnamese. By the expenditure of enormous resources, we have given South Vietnam a chance to survive, and that's probably the best we can do. Their severe political and economic problems can only be solved by them. We can do our best to assist them through economic and technological aid, but as much as we would like to, we cannot assure their security, their prosperity or their democracy.

A key to our future Asian policy is to recognize our limitations in bringing about development in Asia. I was impressed by the amazing visibility of the American presence in Vietnam, Thailand, Okinawa and Japan. It is bound to be, and is, a point of friction. Our policy should be to adopt a lower profile or posture than has been the case in the past.

The United States should do all it can to encourage and support an Asian collective security system, and supply economic and technical assistance, but we should be most reluctant to commit American troops. We must look to the nations that are threatened to provide the manpower.

An important step in the future of the United States in Asia is to end in an orderly way our involvement in Vietnam. This will be a task calling for the utmost skill. The nervousness of friendly Asian leaders about the U.S. role in Asia is apparent. They genuinely fear that the United States will desert them. They accept the fact of U.S. disengagement reluctantly. One of the things I tried to do in my conversations with South Vietnamese citizens was to persuade them that the United States is withdrawing and moving out. Although they invariably nodded their heads in assent, I wondered whether they actually believed it with the still-massive American presence all around them.

We are in better shape in Vietnam than we have ever been before, and after five years of major combat, we have done about all we can do. We ought to accelerate withdrawal if at all possible, being careful to protect the United States position in world affairs, to insure the safety of United States forces and to encourage the safe return of American prisoners of war.

CON SON PRISON

I commend my two colleagues for their investigation of Con Son Island prison, and I share their shock at the inhumane conditions they found. American officials should take immediate steps to advise the Saigon government that we will not support a system which tolerates that kind of treatment of persons.

The gravity of their disclosure extends beyond humanitarian considerations. United States policy in Vietnam depends upon the stability of the South Vietnamese government. The conditions at Con Son raise fundamental questions about the nature of that government and its capacity to deal with dissent and opposition, and to make the kind of political adjustments necessary to keep the country from exploding.

MISCELLANEOUS

(1) *Appreciation for United States Personnel.*—My observations would be incomplete without a word of appreciation to United States military and civilian personnel. They are not the policymakers, and should not be held responsible for the errors of policy. I was impressed again and again with their competence and dedication. Many of them serve voluntarily at great personal sacrifice and all of us owe them a debt of gratitude.

(2) *Negotiations.*—Vietnamization, despite its success in several respects, has clearly

failed thus far to spur serious negotiations in Paris. I didn't speak to any American or South Vietnamese official who brought up the subject of negotiations.

(3) *Prisoners of War.*—The American prisoners of war create a special problem. Pressure should be kept up by the Congress to push at every conceivable opportunity for the identification of all prisoners, the establishment of regular communication between them and their families, the prompt repatriation of the seriously sick and wounded, the observation and inspection of prisoner of war camps by impartial observers, and their eventual release.

(4) *Physical Appearance.*—I was impressed by the relatively untouched physical appearance of South Vietnam. There were, in places, many craters left from bombings. There also was evidence of Rome plows which had cut through the jungle, clearing it. (One American general commented that the Rome plow was, next to the helicopter, the most important piece of equipment in Vietnam.) In several instances, cattle were grazing where the plows had been through. In some few areas there was defoliation, but it was quickly coming back. Some instances of defoliation have undoubtedly been unwise and I would strongly oppose it in certain areas, for example, near the rubber plantations. But over all, the impression is one of the fertility of the land, which is everywhere apparent, and heightens the tragedy of the country because of the loss of potential productivity.

(5) *Reconciliation.*—I was often struck with the thought that someone must get on with the task of reconciliation of the North and South. This war will end some day, if only because the people wear out. These people have suffered so greatly. Private groups and governments must begin now to work at the immensely difficult task of reconciliation. These efforts must concentrate on the overwhelming human problems. If progress can be made with them, the larger political and social problems may become more manageable.

(6) *People of South Vietnam.*—I was greatly moved by the incredible hardships the people of South Vietnam have endured. They have had staggering casualties, and many of them lead sub-human lives today.

I admire the very special strengths of the South Vietnamese which have made them remarkably resilient to tragedy.

I could not help but reflect on their future, and I cannot see any real relief. It seems to me they are set for an unrelenting struggle for long years ahead.

OUTLOOK

I return less optimistic than many of our officials. North Vietnam is a highly organized, patient, disciplined society and South Vietnam is a highly inefficient, fragmented society. The United States can, and indeed has, given the South Vietnamese a chance to survive. As the United States withdraws from South Vietnam, we must be very firm—even tough—with the South Vietnamese in order to give them an opportunity to survive.—LEE H. HAMILTON.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Americans spend over $5 billion a year supporting the fine arts and nearly $3 billion on books.

AIRBORNE HEAVY METAL—MERCURY AND LEAD—CONTAMINATION

Mr. MONAGAN. Mr. Speaker, again I urge the President to require the departments and agencies of the Government to carry out their responsibilities under existing law in order to protect the public health; to assure the safety of our food; to prevent contamination of the environment and to remove hazards to life and health. Again, I urge the administration to seek actual achievement, not paper results.

The present hazards of heavy metals are contamination of food, water, and air. The results are unintentional animal and human poisoning, or even death. Chronic and acute lead or mercury poisoning can cause headache; fatigue; irritability; gingivitis; liver, kidney and enzyme malfunctions; visual problems; senility; irreversible central nervous system damage and death.

I believe we all desire to leave this Nation a far better place than it has been. To do so we must protect the public health by preventing unnecessary contamination of our environment and our food. We must remove poisons that may impair and destroy humans. In many instances due to the unexpected and increased use of our resources our technology has exceeded itself and created problems of such magnitude that the risks may now exceed the benefits. Therefore, we must take stock of the present situation.

The use of heavy metal compounds such as lead and mercury must be studied in this context because taken within the human organism in sufficient quantity they are killers. The original source of the contaminant may be industrial waste, paints, pesticides, slimicides, and other materials.

In recent years epidemics of chronic and acute mercury, as well as lead poisonings have been diagnosed. Acute mercury poisoning epidemics have been reported in recent years from Iraq, West Pakistan, Guatemala, and Japan. Chronic mercury poisoning epidemics have been reported from Turkey, Sweden, Italy, Denmark, Russia, and other countries. Epidemics have been associated with lead paint poisonings.

Today we are vitally concerned that too much mercury is getting into our food chain. Also, we are finding that many of the lakes, ponds, bayous, reservoirs, rivers, and streams of the United States and Canada are mercury contaminated. The Federal Water Quality Administration admits, at present, to fish and water in, at least, 20 States being contaminated. Activity by States and provincial governments continue to disclose additional water bodies to be mercury contaminated. Local Canadian and U.S. Governments have undertaken to cut back on industrial sources of mercury pollution. New attention is being focused on other metals such as lead, arsenic, and zinc that are showing up in water and fish in increasing concentrations. Yet lakes and waterways that do not possess an apparent source of mercury are turning up with mercury contamination. Such bodies include freshwater lakes in northern Canada and the United States. Canada seized contaminated whale meat in a northern area of Hudson Bay, some 2,000 miles from the nearest known source of waste mercury. Mercury appears to be pervasive in our environment. It appears that lead may be equally so or even greater in this respect.

There are many questions. How pervasive is mercury or lead in the environment, water, air, and soil: Does the air, in fact, carry large amounts of mercury or lead particulates in the area we live in or elsewhere in the United States? Have we done the work in order to know? Do these airborne particulates, in turn, contaminate water? Do these airborne lead or mercury particulates constitute an immediate or long-term danger or both to the public's health and safety? Have we performed sufficient studies in order to make such determinations? Have we attempted to determine the number of deaths or illnesses due to heavy metal poisonings? We do not have the answers as we have failed to do the basic work.

AIRBORNE MERCURY

Continuous exposure to mercury vapor above a certain concentration in air presents an immediate health hazard. Some forms of mercury compounds are much more toxic than others. A 1969 National Air Pollution Control Administration (NAPCA) – DHEW publication — APTD 69–40—states that:

> Recent air measurements of particulates in New York indicate that the mercury concentration of indoor samples is as high as 40 micrograms/M^3 or several times higher than that found safe in animal experiments using mercury vapor.

The several times is in excess of 100 times. The statement is from work done in 1960. The data pose the important question: How hazardous is the mercury contained in the particulates? The studies concerning the inhalation of either mercury vapor or its compounds do not deal with mercury-containing particulates but with the pure compound. This study is a warning. Yet we have not followed up. The questions are unanswered. There is little data available on concentrations of mercury in the air. What data exists is an inadequate sampling of specific areas as well as of the United States. There is little or no data as to current concentrations or to disclose trends for the future. Methods for the control of mercury air pollution are available if NAPCA were to decide they are needed. NAPCA has the legislative authority to set mercury emissions standards or controls on significant sources of mercury air pollution. Yet NAPCA has hardly bothered to act despite the warning carried in its own publication.

Mercury fallout from air contamination, in turn, may create or add to soil, food and water—lakes and waterways—contamination, as well as cause direct and indirect poisoning of humans through inhalation.

The significant sources of mercury air pollution appear to be the mining and refining of mercury, the use and metabolic breakdown of mercury compounds used in agricultural, industrial, and scientific laboratory applications. NAPCA, if it desired to be truly useful, could join with the Federal Water Quality Administration, when the latter agency acts to prevent mercury industrial waste from polluting water, to insure that the plant is also cutting back on effluent mercury vapor passing into the air. In any metallurgical, or chemical process when mercury is used at elevated temperatures, a certain amount will pass off as vapor as well as liquid waste. NAPCA could provide know-how to States when they have undertaken action and, in turn, NAPCA might be useful with know-how to the affected source.

There must be a determination of the facts. In turn, prior to acting, there must be a considered rational balancing of benefits and risks. Emergency reaction tends to be overaction. Emergency banning which restricts the manufacture, sale, and use of established market products may cause economic, industrial, and agricultural disruptions which would not occur if proper and necessary consideration, initially or presently, is given to the problems by the administration and the agencies with the responsibility.

AIRBORNE LEAD

Lead, as well as mercury vapors, are poisonous to man if inhaled in certain concentrations. Lead can be dangerous to the human organism if ingested through the food chain and/or water.

Lead is spewed into the atmosphere in continuously increasing amounts through the automobile's utilization of leaded gas for power. The amount of lead and lead particulates in the air in various areas of the country is not known to the degree it should, as the administration and the National Air Pollution Control Administration—NAPCA—of DHEW have not attempted to adequately carry out its monitoring responsibilities, to determine the resultant consequences and to take the necessary steps to protect the people.

Authority exists in NAPCA to set standards for automobile emissions. However, NAPCA has no intention to promulgate lead emission standards before 1975, even though it is known that each day the dangers increase whatever the parameters may be today. We need to know the present parameters of lead concentrations in the air throughout the country, the approximate amounts of lead particulates that can either affect or impair human health, and if warranted, action must be taken immediately. What does the administration propose to do?

Instead of utilizing an authorized operating and funded program to do the job through the control of lead emissions, the administration has opted for a paper proposal—a request for legislation authorizing the Secretary of HEW to regulate fuel composition and additives. Fuel additive and composition know-how and personnel exist in the Bureau of Standards, the Department of Commerce, and within the Department of Defense to do the job requested rather than DHEW. So, in place of constructive leadership, the administration is seeking supposedly new legislation, new programs, duplication, additional funds, industry controls, and making self-serving statements, that by 1972 industry will only place automobiles on the market which will not require or use leaded gasoline. Meanwhile, the potential danger may increase to an irreversible danger.

The question posed is: Will numerous cases of documented lethal poisoning by heavy metal compounds—mercury and lead—in this country be the only stimulus that can make the administration undertake steps to determine the scope, if any, of the sublethal poisoning that is occurring? The warnings exist. Constructive leadership, education, and rational justified steps are called for. For our benefit and that of our progeny, we must determine the scope of the problem and its resolution.

CHET HUNTLEY TAKEN TO TASK

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, one of Washington's most respected senior reporters, Walter Trohan of the Chicago Tribune, has recently commented on the valedictory remarks of commentator Chet Huntley, as quoted by Life magazine.

Mr. Trohan's column, published July 27, 1970, follows:

CHET HUNTLEY TAKEN TO TASK

(By Walter Trohan)

SAN FRANCISCO.—Bad taste, like bad manners, is frequently due to arrogance in power as well as ignorance. At least, so it appears to have been with Chet Huntley, one of the more prominent gurus of news on television, in his criticism of President Nixon and his slur of former President Lyndon B. Johnson.

In an interview in Life magazine on the eve of his retirement after 15 years of high priesting the news for NBC, Huntley said: "I've been with Nixon socially. I've traveled with him in his private plane. I've seen him under many conditions. The shallowness of the man overwhelms me. The fact that he is President frightens me."

If that isn't the worst of taste from a man who assumes postures of outraged innocence when Vice President Spiro T. Agnew charges sectors of the news media with bias, it is entitled to a nomination at least.

This commentator knows Mr. Nixon far more intimately and has seen him under even more conditions. In fact, we have lived together in fellowship in a small camp in a nearby grove of redwoods.

I wouldn't go so far as to say I sleep easier because Mr. Nixon is President, but I will say that I sleep easier because many another hopeful isn't. No man is ever the same after a bite of the Presidential bee and he is even less the same when he wins the White House.

I have talked long and often with Mr. Nixon on a wide range of subjects. He is highly articulate and quite knowledgeable. Of course, one can frequently detect personal advantage, but that is common to most politicians and most men.

In fellowship, his humor may be a bit forced, but that is true of the men of his trade. But he is temperate and clean in mind and body. He is a good husband and a fine father, as two organized and charming daughters attest.

No. Mr. Nixon doesn't frighten me, but after knowing seven Presidents with varying degrees of intimacy I am not easily scared.

The air waves pundit also said: "Of the Presidents I've been around, I think I like LBJ best. He was kind to me. As insufferable as he could be, he was a gracious and funny man. At least I never tried to argue with him. I just kept filling his glass with scotch and we talked about breeding Herefords. I'm going to his ranch some day and sell him a bull."

Huntley has had a lot of experience in that kind of selling on the air, but he will have to get up very early in the morning to best LBJ in a deal and he had better watch his own glass.

I have known LBJ since 1937. I knew him when he drank and held it very well indeed. But in the White House he was abstemious, drinking a noncaloric soft drink which shall be nameless, but he has always revered James A. Farley, the man who put Franklin D. Roosevelt in the White House and who now sells Coca-Cola and allied products.

If LBJ was kind to Huntley, and there is no reason to doubt this statement, Chet was hardly kind to LBJ. Certainly he was not accurate. I can say this as one who shared more hours and more intimacies. I never feared to argue with him in or out of the White House. I don't claim that I influenced him in the slightest, but he has written from the White House to thank me for my advice and counsel over the years.

It is not a pleasant operation to take a worker in an allied media to task. Doubtless I have erred more often and perhaps more stupidly, but never by shooting from the lip with malice and egotism. But I am impelled to speak out when critical heat brings him to claiming he was misquoted.

PRESIDENT NIXON IS EARNING THE GROWING TRUST AND RESPECT OF THE AMERICAN PEOPLE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon is earning the growing trust and respect of the American people.

That is clear from the results of the newest Gallup poll which shows that 61 percent of the people approve of the way he is doing his job.

Mr. Speaker, that is a remarkable 6-percent increase over the last month.

Mr. Gallup believes that a key factor in this increase is the withdrawal of American troops from Cambodia as he promised.

I believe this is one reason.

But I also believe that the American people have perceived that President Nixon is a man of his word, a man who does what he says he will do, a man who will neither create nor tolerate a credibility gap.

I believe that the American people see that President Nixon is a bold leader, one who can make the tough, unpopular decisions that need to be made.

I believe also that they have a growing confidence in his ability to cope with the problems that face us both here and abroad.

Mr. Speaker, I agree with their assessment. Mr. Gallup can count me among his 61 percent.

The text of the Gallup report follows:

PUBLIC CONFIDENCE IN NIXON AT HIGHEST LEVEL IN 5 MONTHS—61 PERCENT "APPROVE"

(By George Gallup)

PRINCETON, N.J.—Public confidence in President Nixon is at its highest level in five months, as determined by a nationwide survey in mid-July.

A majority of 61 per cent in the latest survey say they approve of the way Nixon is handling his job as President—a 6-point increase over his rating in the previous survey conducted June 19 through 21.

The President's gain in popularity between the two surveys has occurred in all four major regions of the nation, with the greatest gain (11 percentage points) being recorded in the South. Apparently Nixon has been little hurt in the South by the Administration's tougher stance on school desegregation in this region in recent weeks.

Nearly 7 in every 10 Southerners currently say they approve of the President's performance, a survey result which will come as welcome news to GOP strategists who seek to build a stronger Southern power base.

A key factor in the President's popularity gain is likely to have been the withdrawal of all U.S. forces from Cambodia by the June 30 deadline. On the following day, July 1, President Nixon appeared on nationwide TV and stated his case regarding Cambodia, fielding question from newscasters from three major TV networks.

The following question was asked of a representative sample of 1523 adults, interviewed in person in a survey conducted July 10–12 in more than 300 scientifically-selected localities across the nation:

Do you approve or disapprove of the way Nixon is handling his job as President?

Following are the national results and trend since the beginning of this year:

NIXON TREND LINE

[Answers in percent]

July 10–12, approve 61, disapprove 28, no opinion 11.

June 30: All U.S. Forces Withdrawn from Cambodia

June 19–21, approve 55, disapprove 31, no opinion 14.

May 22–25, approve 59, disapprove 29, no opinion 12.

May 2–5, approve 57, disapprove 31, no opinion 12.

April 30: Decision to Send U.S. Forces to Cambodia

April 17–19, approve 56, disapprove 31, no opinion 13.

March 20–22, approve 53, disapprove 30, no opinion 17.

Feb. 28–Mar. 2, approve 56, disapprove 27, no opinion 17.

Jan. 16–19, approve 63, disapprove 23, no opinion 14.

Jan. 2–5, approve 61, disapprove 22, no opinion 17.

The following tables show a comparison of the latest regional results with those from the earlier survey:

East

[Answers in percent]

Approve, late June 53, latest 57.
Disapprove, late June 34, latest 31.
No Opinion, late June 13, latest 12.

Midwest

Approve, late June 53, latest 58.
Disapprove, late June 33, latest 33.
No Opinion, 14, latest 9.

South

Approve, late June 57, latest 68.
Disapprove, late June 24, latest 20.

West

Approve, late June 56, latest 63.
Disapprove, late June 35, latest 29.
No Opinion, late June 9, latest 8.

NAFEC FACILITY ONE OF WORLD'S FINEST

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SANDMAN. Mr. Speaker, I should like to call the attention of the House to several glaring inaccuracies in a report filed Tuesday with you by the Government Operations Committee. This report, dated July 16, 1970, contains findings affecting the Federal Aviation Administration in its development of an air traffic control system. These deficiencies exist on page 30 and page 56 of the report. The erroneous findings are used in an attempt to justify the recommendation of a phaseout of the research and development work presently performed at the National Aeronautics Facilities Experimental Center near Atlantic City, N.J., and the transfer of these functions to the former NASA facilities at Cambridge, Mass.

Whoever gave the committee this information is grossly in error. It could be that he is trying to revitalize the white elephant at Cambridge rather than make an improvement in the whole system itself. At any rate, let me point out some of the inadequacies. The facility at NAFEC to start with is one of the finest of its kind in the world. The physical plant at the airfield is capable of testing all kinds of aircraft regardless of size. No such facility as this exists of Cambridge, Mass. The electronics equipment installed at the field is in tiptop condition, the results of millions of dollars already expended by the Federal Government. The hangars at this installation rank with the very best we have. In fact, improvements to these facilities have been constant and have kept them up to date.

When a report says that the research and development facility at Atlantic City is woefully inadequate, it would be a good idea to point out exactly what the inadequacies are. The report does not point to these at all. It is only in the third paragraph on page 30 that a feeble attempt is made to disqualify what exists at the Atlantic City facility. It points out that the barracks are of World War II vintage. This may be so, but the barracks referred to are a tiny part of the entire installation and have very little to do with the overall efficiency of the operation. The report goes on and says "the rural location deprives young engineers and technicians of the opportunity to attend colleges and universities to advance their technical capabilities. Philadelphia, the closest metropolitan area, is too far away for day-after-day commuting." This assertion leads me to believe that whoever supplied this information to the committee did not even visit NAFEC to start out with. For the committee's information, the Atlantic City expressway that connects this area with Philadelphia facilitates 70 miles per hour traffic. The Atlantic City Expressway Authority invested some $60 million in this excellent highway, none of which was Federal money. It takes exactly 40 minutes to travel from NAFEC to the heart of Philadelphia. If you do not want to go by car, we have 10 flights a day from Atlantic City to Philadelphia. Traveling time for this trip is 20 minutes. If you do not like to fly, there are commuter trains that make the same trip. Philadelphia has some of the finest institutions of higher learning of any city in the world. There are 14 major institutions of higher learning in the Philadelphia area. I do not think any city in the United States can boast of a higher number. To mention only a few: Drexel Institute of Technology, the University of Pennsylvania, Temple University, Villanova University, and I can go on and on.

The worst inaccuracy is the last sentence of paragraph three: "FAA contractors have also experienced difficulty in recruitment of employees to work at Atlantic City." This statement is completely inaccurate. I can show the committee lists of people with all kinds of technical skills that are on waiting lists waiting to get a job at NAFEC. A similar list can be produced for any FAA contractor who wants one, for any trade in which the FAA contractor may be interested.

In summary, the investment at NAFEC referred to in the committee report runs into the many millions of dollars. There is absolutely nothing wrong with the facility, whether it be for testing or research and development. If there is something wrong with the output at the installation it certainly is not related to physical facilities or location. It would have to be related to those in charge of the operation. If we are going to make an improvement in the FAA's operation along this line, replacements of personnel can be made just as easily at NAFEC as at Cambridge, Mass. There is a question whether the white elephant at Cambridge, Mass., should never have been built in the first place. I wonder why NASA ever abandoned it. If it is going to be activated for some governmental purpose, then I would suggest that we find another field of endeavor, rather than disrupt or phase out the installation at NAFEC at Atlantic City, which has performed many invaluable services to aviation and the people of the country.

ILLEGAL FISHING IN TERRITORIAL WATERS

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, I have today introduced a bill to increase the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States.

This legislation raises the maximum fine which may be levied against foreign fishing vessels from $10,000 to $100,000.

The current maximum penalty is totally inadequate as a deterrent. This is borne out by the number of vessels which have been apprehended two, three, or more times. Obviously the masters of these foreign flag ships believe the risk of being caught in U.S. waters is far outweighed by the prospects of a good catch, and payment of an occasional fine does not substantially diminish the profitability of these incursions.

Foreign fishing vessels are also encouraged to violate our contiguous fishery zone because of inadequate surveillance, particularly in Alaskan waters. The State of Alaska has over 20,000 miles of shoreline, while on an average only four Coast Guard aircraft are available for patrol duty.

The Coast Guard has done a tremendous job with the resources available, but this is simply not enough. Its ships and aircraft must perform a multitude of tasks from Maine to Florida, through the gulf coast area, along the Pacific coast, and Alaska.

Fishing is a seasonal business and at various times of the year large fleets of foreign vessels may appear off Alaska, then along the coast of Oregon and California, and again off the Chesapeake Bay. These seasonal shifts in foreign fishing activity demand a flexible response which the Coast Guard cannot provide since its facilities must remain widely dispersed to cover search and rescue missions, buoy tending, and other missions which continue throughout the year.

Accordingly, Mr. Speaker, the legislation which I have introduced provides that the Coast Guard may enter into agreements with other Federal agencies to utilize their aircraft and vessels for fishery patrol duties. This should prove particularly useful in Alaska where military aircraft can be employed during peak fishing seasons. I expect that the Department of Defense will cooperate fully with the Coast Guard in this effort.

The final provision of my bill authorizes the Secretary of the Treasury to pay a reward of up to $5,000 to private individuals for information which leads to a conviction for violation of our fisheries zone or territorial waters.

Evidence received by the Committee on Merchant Marine and Fisheries indicates that American fishermen frequently discover foreign vessels operating in U.S. waters, but due to the economic necessity of pursuing their own catch cannot stop and keep track of the foreign vessel while awaiting the arrival of a Coast Guard ship or plane. Although our fishermen are prompt in reporting such sightings, by the time the Coast Guard arrives on the scene, the foreign vessel has usually retreated beyond the 12-mile limit, or moved elsewhere along the coast.

This provision will therefore give the Secretary the power to compensate our fishermen for economic loss resulting from their effort to assist the Coast Guard.

At the present time, Mr. Speaker, probably no more than 2 percent of the foreign fishing vessels violating our fisheries laws are being apprehended. The number of violations is steadily mounting. Our enforcement resources are woefully short. Positive steps must be taken to stop these flagrant abuses. I believe the legislation which I have introduced today will be a significant step forward in this effort.

HOUSING RIGHTS ACT OF 1970

(Mr. BOB WILSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOB WILSON. Mr. Speaker, I am today reintroducing the "Housing Rights Act of 1970" which is designed to update Federal guidelines for construction of housing backed by the dollars of taxpayers. It would extend a uniform code across the Nation, aimed at preventing antiquated building codes, or restrictive labor agreements, from blocking the use of modern construction techniques.

I am pleased that 14 of my colleagues have joined me in submitting this much-needed legislation to Congress. This is a nonpartisan effort, with Members from both sides of the aisle cosponsoring the bill.

The United States stands today on the threshold of a great breakthrough in housing concepts. We are phasing out of the traditional house and lot concept for mass housing, and phasing into the multiple-dwelling unit, carefully designed to give maximum living space and modern conveniences. New building techniques have been developed, and this new, now-type housing can be within the financial reach of young families just getting started, families moving to new jobs, and the aged, whose finances are limited.

To build these houses we must use modern methods. Modular housing, prefabrication of sections and fixtures, and preassembly at modern plants will be needed. My bill simply provides that no local codes or locally made labor agreements will be used to block the construction of federally financed housing. It provides recourse in the courts by the Attorney General.

The housing of the 1970's will differ in form and concept from that of decades past. We now need to bring our laws up to date to pave the way for the massive housing program our country must have during this decade if we are to meet our national needs. The Federal role in housing has been well established over the past 30 years through the public housing and loan guarantee programs. Now it is up to Uncle Sam to clear away the underbrush of complex local laws that no longer apply to today's home building market.

I am hopeful that this Congress will move quickly to pass this legislation, to clear the way for the housing boom that lies ahead.

LEGISLATION TO LEVY AN EXCESS WAR PROFITS TAX JULY 30, 1970

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am today introducing legislation designed to levy an excess profits tax to be in effect for the duration of our involvement in Southeast Asia.

It is patently unjust for a nation to conscript its young men into its service to fight a war, while allowing its corporations to amass extraordinary profits attributable to the distortions of a wartime economy. In order to eliminate such injustice it is proposed that the Congress enact legislation to tax excess profits. Thus, the aim of this bill is to impose an additional levy on corporate profits that result directly from the effects of the Indochinese war on the American economy.

There is substantial precedent for enacting this legislation. In both World Wars, excess profits taxes were enacted to enable a more complete mobilization of the Nation's productive capacity into the national defense effort. However, there is also precedent for taxing excess profits during an undeclared war of limited objectives. In 1950, Congress passed an equally strong excess profits tax within 6 months of the beginning of the hostilities in Korea.

The proposed bill imposes on all corporations a tax of 37 percent on the amount of their taxable income which exceeds their "normal nonwartime" taxable income. This 37-percent tax will be added to the normal 48 percent corporate tax rate, thus creating an effective rate of 85 percent on all excess war profits.

As it is the aim of this bill to conscript the productive capacities of our Nation's corporations during the period of military operations in Indochina, as the nation conscripts its young men for the same purpose, this bill is designed to take effect as of January 1, 1970, and to continue until our military operations in Indochina are effectively concluded. Thus the bill provides that the tax will be applied during the "present emergency period." That emergency period includes all taxable years beginning after December 31, 1969, and it shall continue until such time as the actual American troop commitment in Vietnam, Laos, Cambodia, and Thailand is less than 50,000, including offshore naval operations.

In order that only those corporate profits be taxed which bear a reasonable relation to our present military operations, the bill allows a special deduction from a corporation's "taxable income" to determine its "excess profits table income." Thus, the excess profits deduction is designed to except from the excess profit tax "normal" profits for the particular corporation. This deduction may be calculated in either of two ways:

First. Base period method. The first method of determining the excess profits deduction is to deem profits earned during a period immediately preceding the period of increased military activity as "normal." This method determines the taxable income during a nonemergency base period, and adjusts that income to eliminate any particular abnormalities that occurred during the "base period." The average adjusted taxable income for the base period then becomes the excess profits deduction. The bill sets the base period as beginning January 1, 1961, and ending December 31, 1964. It is planned that this method of determining the excess profits deduction shall be the predominant one used, as it was in past acts.

Second. Return on invested capital method. In order to assure that no corporation is forced to do business without the potential of receiving a reasonable return on its invested capital, an alternative method of calculating the excess profits deduction is provided. The corporation may choose such method if it allows a greater deduction. Under the return-on-capital method, a corporation is allowed to receive a minimum return on its invested capital without excess profits taxation. This alternative guarantees that corporations whose taxable incomes during the base period 1961–64 was quite low will not be forced to pay taxes which may appear to be confiscatory. Furthermore this alternative will also make it possible to tax those corporations that were not in existence during part or all of the base period. The bill allows the following return:

Eight percent on the first $5 million of invested capital;

Seven percent on the next $5 million of invested capital;

Six percent on the next $190 million of invested capital; and

Five percent on invested capital exceeding $200 million.

In addition, the bill also fixes the minimum excess profits deduction, regardless of the method of calculation, at $25,000, thus excepting from the levy small or marginally profitable corporations.

In a major shift from historical precedent, this bill provides that all moneys collected from the imposition of the excess profits tax must be spent to fulfill the stated national commitment to build a vast number of new housing units. As this goal has never been approached in the past due to lack of available resources, this bill may begin to enact a more sensible set of national priorities. Housing has been chosen as it is a universal domestic need which has long suffered from a lack of adequate funding. Furthermore, this earmarking is necessary to distinguish this bill from an attempt at complete mobilization of the economy for war production.

A further dividend of this bill is that the additional tax imposed should begin to alleviate oppressive inflation. Historically, excess profits taxes have not been passed on to consumers, probably due to the high rate of taxation imposed which makes it impracticable for a corporation to recover newly taxed profits by raising its prices. The earmarking of the funds collected for domestic use protects against an increase in unemployment. Thus, this bill will not only spread the burden of waging war more evenly throughout our society, but it will also help stabilize our economy in this most difficult time.

BILL TO REIMBURSE LOCAL GOVERNMENTS FOR TAX LOSSES ON PROPERTY OWNED BY FOREIGN GOVERNMENTS JULY 30, 1970

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am today introducing legislation to require the U.S. Government to reimburse States and their political subdivisions for tax losses on property owned by foreign governments.

Mr. Speaker, this has been a problem of long standing, particularly in the New York area with its United Nations-based corps of resident foreign diplomats, and has recently come to a head with the attempt by the mayor of Glen Cove, Mr. Andrew J. DiPaola, to collect tax liens on an estate used by the Russian mission to the U.N. Mayor DiPaola points out that this property is assessed at $1.5 million and was a source of revenue for Glen Cove and Nassau County until 1966 when it was taken off the tax rolls under an agreement in which local officials were not consulted. Almost $50,000 in taxes has been lost to local government since that time, and the burden, of course, has been borne by local property owners. This is a manifestly unfair situation, Mr. Speaker, and if it is in the interest of our foreign policy to allow such properties to be occupied tax-free, then it becomes the Federal Government's responsibility to relieve the burden imposed on already heavily taxed local property owners.

I introduced this legislation in the 89th Congress, as H.R. 3401 on January 25, 1965, because of the application of this problem in my own district of Westchester County. At that time, I discovered that tax revenues were being lost in the towns of Pelham, Eastchester, New Rochelle, and Greenburgh through foreign residency, with the town of Eastchester alone losing more than $10,000 annually in badly needed income. A suit brought by New Rochelle officials to foreclose tax liens of $24,000 each on residences of the ambassadors to the U.N. of Ghana, Indonesia, and Liberia in late 1964 was turned down in court with the advice of the U.S. attorney that local governments should seek relief through diplomatic channels. This is patently absurd, and constituted a denial of local government's basic right to home rule and self-sufficiency. This inequity affects a wide range of communities in the New York-New Jersey-Connecticut area with their proximity to the U.N., but may also be applicable to communities in Maryland and Virginia where foreign diplomats maintain residences or estates for recreation purposes.

In a time of mounting tax demands on property owners to maintain adequate schools, fire protection, law enforcement, and other municipal services, Mr. Speaker, it would be a matter of simple justice to enact legislation to recognize that a Federal interest, not a local one, is involved in the tax-exempt status of foreign-owned property and that therefore the expense of same must be borne by the general public. The people of Glen Cove derive no specific benefit from the presence of the Soviet property in their community, and while they have made no effort to have this estate removed, I believe that they have every right to Federal reimbursement for the losses they are suffering. I urge early action on this legislation to relieve this inequitable deficit.

UNDELIVERED MESSAGE OF JOHN GARDNER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the great men of our time is the Honorable John W. Gardner. His understanding of the present and his vision of the future distinguishes him as one of the exceptional men among us. So when he speaks he is worth listening to, I think. So that Members and those who read this RECORD may have the benefit of the remarks prepared by Mr. Gardner for delivery recently before the Illinois Constitutional Convention, an address he was not permitted to deliver. I include, Mr. Speaker, this prepared address following my remarks:

THE UNDELIVERED MESSAGE OF JOHN GARDNER

The President has two and three quarter years remaining before the end of his term. It is essential that in those years the nation be governed by a man who is in touch with all segments of American opinion, a man who does not feel trapped and beleaguered, a man who easily hears and listens to conflicting views, a man who understands that people in power usually have deep complicity in their own isolation.

But I am not interested in indicting the President, because I believe that virtually all of us have failed in our duty as Americans. The failure goes to every level and phase of American life: drug addiction in the slums and corruption in high places; crime in the streets and corporate fraud; personal immorality and betrayals of public trust.

And while each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates. I use the phrase soberly: the nation disintegrates.

It is very, very easy for leaders to appeal to the prejudice and fear and anger that is in us. It is easy for leaders to speak to the selfishness that is in us, to tell us that nothing in this country need be changed, and to find villians who may be blamed for our troubles.

But there is in us as Americans something better than selfishness, something better than the lazy, comfortable inclination to blame others.

There is in us, if our leaders will ask for it, the courage and stamina to face our problems honestly, to admit that we ourselves are partly to blame for them, and to identify paths of constructive action.

We face two overriding tasks. We must move vigorously to solve our most critical problems. And we must heal the spirit of the nation. The two tasks are inseparable. If either is neglected, the other becomes impossible . . .

Today's divisiveness is not confined to one issue or one set of antagonists. There are multiple points of conflict—the war, race, the economy, political ideology. There are multiple rifts—between young and old, between regions, between social classes. Around these rifts we have seen hatred and rage, violence and coercion at both ends of the political spectrum. And matching the violent deeds we have had provocative and ill-considered statements from those in high places. Official statements and policies which feed the fires of regional suspicion or racial antagonism or the tensions between young and old may be as destructive as a bomb tossed through an open window.

If one considers the whole range of conflict—ghetto riots and shootouts, campus violence, widespread bombing and arson, school buses overturned by raging adults, and the chilling recent clash between construction workers and radical youth—if one reflects on that full range, one must conclude that we are dealing with disintegrative forces that threaten our survival as a society.

One might suppose that as extremists become increasingly inflammatory, moderates would close ranks and oppose them. But just the opposite is occurring. The moderates begin to take sides against one another. We all become a little readier to grow angry, a little readier to identify villains, a little readier to resort to violence ourselves.

Lest this give the impression that moderates are victimized, let it be said at once that most of them have a secret complicity in the activities of the extremist. The moderate conservative does not explicitly approve of police brutality, but something in him is not unpleased when the billy club comes down on the head of a long-haired student. The liberal does not endorse violence by the extreme left; but he may take extreme pleasure in such action when it discomfits those in authority.

In short, extremists often enjoy tacit support from the moderates nearest to them. Thus does a society tear iself apart.

The notable fact about civil tumult today is not that a few fanatics start it but that larger numbers of peaceable people tolerate it and lend themselves to it. Behind that sympathy with disorder is usually frustration and a sense of impotence. It stems, at least in part, from people who want to have their say and feel that they have not been listened to, who feel that they have suffered injustice and have been denied redress, and who feel that in matters of self-government they have been lulled with rhetoric and denied effective power.

The solution lies in giving them outlets *within the system*, that is, in providing them constructive paths of action.

Such paths are available. I want to talk chiefly about one such path—the political process. Many dissidents who resort to disruptive tactics say, "We *tried* working within the system," but most have not in fact tried very hard, certainly not within the political system. And in this they reflect a failing of the American people generally. We have typically scorned politics and neglected the political process. And by that neglect we have not only denied ourselves the most significant path for effective action, we have allowed the public process to decay.

We can't understand our current frustration if we look only at specific substantive goals in education, housing, employment and the like. What is not working is the process and the mechanisms which should serve us in achieving all of our goals.

Call it the public process. Out of thousands of years of experience in domesticating the savagery of human conflict, man has distilled law and government and politics. As citizens, we honor law—or at least we have until recently. We neglect government. And we scorn politics. No wonder we're in trouble.

It is precisely in the political forum that free citizens can have their say, trade out their differences, and identify their shared goals. Where else, how else can a free people orchestrate their inevitable conflicting purposes?

It is essential that we bring about a renaissance of politics in this country. We must open up clogged channels. We must bring a vitality to political life that will attract good men and women. We must repair rusty and outworn machinery. We must renew the system.

The list of our domestic problems is depressingly long—and some items on the list are frightening. But it cannot be said too often that most of the problems are solvable. They are not essentially more puzzling or demanding than many problems we have faced in our history. The question is whether we have the will to solve them.

Our unwillingness, nationally and locally, to provide adequate resources for such things as education is symptomatic of our attitude toward virtually all of our common purposes except war and the exploration of space. No other nation in the world has enabled more of its citizens to fulfill their individual purposes—even their whims. But we're not doing at all well with the purposes—the problems—that we all share and must tackle together, the problems of creating excellent public schools, protecting the environment, preserving livable communities, enforcing the law, administering justice.

We are neglecting those shared purposes. It goes even deeper. We are forgetting that we are interdependent.

In the long perspective of history, great nations come and go and historians write their epitaphs. If Americans continue on their present path, their epitaph might well be that they were a potentially great people —a marvelously dynamic people—who forgot their obligations to one another, who forgot how much they owed one another.

BADGES TO BILL COLLECTORS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, some time ago, Judge Morton L. Perry, one of the able small claims court judges in the Miami area testified before the National Commission on Consumer Finance here in Washington. In his statement, reported in the Miami Herald of June 23, he criticized the constables of Dade County for issuing honorary constables' badges to bill collectors who allegedly repossessed appliances and other consumer goods.

Constable Ray B. Bradley of the second district has written me to bring to light the facts relating to this matter. In order to put the record in order, I am acceding to the constable's request by inserting in the Record his letter to me stating certain facts which explain the situation in greater detail:

Miami, Fla., *June 23, 1970.*

Hon. Claude Pepper,
Cannon House Office Building,
Washington, D.C.

Dear Mr. Pepper: I am enclosing an article from the Miami Herald of Tuesday, June 23, 1970 which outlines the testimony given in Washington by Small Claims Court Judge Morton L. Perry of Miami to the National Commission on Consumer Finance, in which he states, "so-called honorary constables" Perry said, "get into low-income homes during the day when only children are at home to haul away appliances when monthly payments are overdue," and that as a prosecutor, "Perry subpoenaed Constable John Gilbert's records on honorary constable credentials issued by his office. A large number of those holding badges and cards worked for finance companies and collection agencies . . .", and also that the issuing of deputy constable cards is now under investigation by the Dade County Grand Jury.

I earnestly solicit your assistance in having entered into the record a statement concerning the enclosed article. The information I would like to have considered is that there are five Constables in Dade County and that four of the five Constables do not have in existence any special, honorary or other regular deputy cards besides those that have been authorized by the Dade County Commission as County employees and bonded as such. Also, that the Constables in District Two, Three, Four and Five of Dade County consider the issuance of these cards and the purposes for which they have been utilized as being highly improper and illegal and we feel that we should not be included in the criticism concerning this matter.

I would like to call to your attention that the four Constables mentioned are elected Democratic public office holders who have sworn to uphold the law and to protect the innocent. Also, that our duties as specified, in regard to repossessions or seizure of property are not exercised until such time as an order has been issued by the court prior to which the defendant or the debtor as mentioned, has adequate time to appear, be advised and given an opportunity to defend his position. Also, in regard to these duties, you may rest assured that these four offices do not take any action until such time as the court order or a warrant has been issued.

The purpose in my bringing this matter to your attention is that I consider that a general assessment of responsibility is unfair to those people who conscientiously try to perform their duties in a manner which would reflect credit upon the democratic processes of our Government and I am certain that when you are in possession of all the facts, that you will exert every effort to see that the responsibility for these reprehensible actions is placed upon the individual who is deserving of the same.

Any additional information that I may be able to furnish or any other effort that I may exercise in your behalf, do not hesitate to call upon me at your convenience.

I trust you will give this matter your prompt attention.

Yours very truly,
Ray B. Bradley,
Constable, District Two, Dade County, Fla.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Helstoski (at the request of Mr. Daniels of New Jersey) for Thursday, July 30, 1970, on account of official business.

Mr. Snyder (at the request of Mr. Gerald R. Ford) for tomorrow, July 31, 1970, on account of official business.

Mr. Wampler (at the request of Mr. Gerald R. Ford) for tomorrow, July 31, 1970, on account of a death in his family.

Mr. Matsunaga (at the request of Mr. Albert) for Thursday, July 30, Friday, July 31, and Monday, August 3, on account of official business.

Mr. Wydler (at the request of Mr. Gerald R. Ford) for the week of July 27 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Watson for 15 minutes, today.

The following Members (at the request of Mr. Goldwater) to address the House and to revise and extend their remarks and include extraneous matter:

Mr. Gubser, for 30 minutes, on August 3.

Mr. Sandman, for 10 minutes, today.

Mr. Robison, for 60 minutes, on August 3.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Price of Texas, for 15 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

The following Members (at the request of Mr. Anderson of California) to address the House and to revise and extend their remarks:

Mr. Farbstein, for 30 minutes, today.

Mr. Lowenstein, for 60 minutes, today.

Mr. Hamilton, for 30 minutes, today.

Mr. Farbstein, for 30 minutes, on July 31.

Mr. Gray, for 60 minutes, on August 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RHODES (at the request of Mr. NELSEN) to extend his remarks following remarks of Mr. NELSEN in Committee of the Whole.

Mr. PERKINS to revise and extend remarks made on the conference report on S. 1076.

Mr. MEEDS (at the request of Mr. PERKINS) to extend his remarks before the vote on the conference report on S. 1076.

Mr. EDMONDSON in two instances and to include extraneous matter.

Mr. GRAY and to include extraneous matter in one instance.

Mr. ANDREWS of Alabama, and to include extraneous material, on the legislative branch appropriation conference report, today.

Mr. OTTINGER in two instances.

(The following Members (at the request of Mr. GOLDWATER) and to include extraneous material:)

Mr. RHODES in five instances.
Mr. WEICKER.
Mr. DON H. CLAUSEN.
Mr. HASTINGS.
Mr. ZWACH.
Mr. HARVEY.
Mr. ANDERSON of Illinois in two instances.
Mr. ARENDS.
Mr. FINDLEY.
Mr. FISH in two instances.
Mr. WHITEHURST.
Mr. HOGAN.
Mr. TALCOTT.
Mr. CRANE.
Mr. BROWN of Michigan.
Mr. MARTIN.
Mr. MORSE.
Mr. SCHMITZ in three instances.
Mr. TAFT.
Mr. DERWINSKI in two instances.
Mr. SCHNEEBELI.
Mr. BEALL of Maryland.
Mr. CARTER in two instances.
Mr. SNYDER.
Mr. FREY in two instances.
Mr. CRAMER in five instances.
Mr. CONTE in two instances.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. PURCELL in two instances.
Mr. DULSKI in eight instances.
Mr. BURTON of California.
Mr. RODINO.
Mr. EDWARDS of California.
Mr. PATTEN.
Mr. GONZALEZ in two instances.
Mr. DINGELL in two instances.
Mr. MOSS in two instances.
Mr. GRAY in three instances.
Mr. MORGAN in two instances.
Mr. PIKE in two instances.
Mr. SMITH of Iowa in two instances.
Mr. HAWKINS in six instances.
Mr. VAN DEERLIN in two instances.
Mr. LOWENSTEIN in six instances.
Mr. FASCELL in two instances.
Mr. CHARLES H. WILSON.
Mr. BINGHAM in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in three instances.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 914. An act for the relief of Hood River County, Oreg.

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

H.J. Res. 1336. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 29 minutes p.m.) under its previous order, the House adjourned until tomorrow, Friday, July 31, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2260. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed transportation of certain lethal chemical agents to a point of disposal, pursuant to Public Law 91-121; to the Committee on Armed Services.

2261. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

2262. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes; to the Committee on Interior and Insular Affairs.

2263. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes"; to the Committee on Interior and Insular Affairs.

2264. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

2265. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to extend excise taxes on communication services and automobiles; a draft of proposed legislation to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, and for other purposes; and a draft of proposed legislation to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of lead additives used in the manufacture or production of gasoline, providing for payments to producers of gasoline for lead additives used during a transitional period, and for other purposes; to the Committee on Ways and Means.

2266. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex.; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 1168. Resolution for consideration of H.R. 17880, a bill to amend the Defense Production Act of 1950, and for other purposes (Rept. No. 91-1355). Referred to the House Calendar.

Mr. JACOBS: Committee on the Judiciary. S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes (Rept. No. 91-1356). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes (Rept. No. 91-1357). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. S. 2763. An act to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation (Rept. No. 91-1358). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 17455. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes (Rept. No. 91-1359). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp. (Rept. No. 91-1360). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 18214. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes (Rept. No. 91-1361). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 18716. A bill to amend the Public Health Service Act to provide grants to develop training in family medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 18717. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself and Mr. Powell):

H.R. 18718. A bill to regulate rents in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROWN of Michigan (for himself, Mr. Vander Jagt, Mr. McDonald of Michigan, Mr. Cordova, and Mr. Don H. Clausen):

H.R. 18719. A bill to prevent the assignment of draftees to active duty in combat areas without their consent; to the Committee on Armed Services.

By Mr. BROWN of Michigan (for himself, Mr. Teague of California, and Mr. Don H. Clausen):

H.R. 18720. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of Alabama:

H.R. 18721. A bill to repeal certain provisions of the Airport and Airway Development Act of 1970; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 18722. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 18723. A bill to prohibit the furnishing of mailing lists and other lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. Addabbo, Mr. Ottinger, Mr. Powell, Mr. McKneally, Mr. Gilbert, Mr. Podell, Mr. Meskill, Mr. Howard, and Mr. Halpern):

H.R. 18724. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and local programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

Mr. NELSEN (for himself, Mr. O'Konski, Mr. Diggs, Mr. Fraser, Mr. Winn, Mr. Adams, Mr. Gude, Mr. Jacobs, Mr. Hogan, Mr. Kyros, Mr. Thomson of Wisconsin, Mr. Smith of New York, Mr. Hungate, and Mr. Landgrebe):

H.R. 18725. A bill to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia; to the Committee on the District of Columbia.

By Mr. RODINO:

H.R. 18726. A bill to require Federal contractors, and persons contracting for federally supported activities, to observe practices which will preserve and enhance the environment; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Berry, Mr. Burton of Utah, Mr. Pollock, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Wold, Mr. Camp, Mr. Lujan, Mr. Aspinall, and Mr. Haley):

H.R. 18727. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Berry, Mr. Burton of Utah, Mr. Kyl, Mr. Steiger of Arizona, Mr. Pollock, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Wold, Mr. Camp, Mr. Lujan, Mr. Aspinall, and Mr. Haley):

H.R. 18728. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Berry, Mr. Burton of Utah, Mr. Pollock, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Wold, Mr. Camp, Mr. Lujan, Mr. Aspinall, and Mr. Haley):

H.R. 18729. A bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SNYDER:

H.R. 18730. A bill to authorize appropriations for the construction of economic growth center development highways and for other purposes; to the Committee on Public Works.

By Mr. TEAGUE of Texas (for himself and Mr. Rivers):

H.R. 18731. A bill to amend the act of July 25, 1956, relating to the American Battle Monuments Commission; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 18732. A bill to amend section 700 of chapter 33 of title 18 of the United States Code to provide penalties for showing disrespect for the flag of the United States; the Committee on the Judiciary.

By Mr. DON H. CLAUSEN (for himself, Mr. Dellenback, Mr. Gerald R. Ford, Mr. Harsha, Mr. Steiger of Arizona, Mr. Thomson of Wisconsin, Mr. Talcott, Mr. McClure, Mr. Lujan, Mrs. May, Mr. Burton of Utah, Mr. Miller of Ohio, Mr. Denney, Mr. Pelly, Mr. Hammerschmidt, and Mr. Pirnie):

H.R. 18733. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 18734. A bill to establish an improved dairy program; to the Committee on Agriculture.

By Mr. SAYLOR (for himself, Mr. Berry, Mr. Burton of Utah, Mr. Kyl, Mr. Steiger of Arizona, Mr. Pollock, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Wold, Mr. Camp, Mr. Lujan, Mr. Aspinall, and Mr. Haley):

H.R. 18735. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself, Mr. Bray, Mr. Meeds, Mr. Stubblefield, Mr. Pollock, Mr. Murphy of New York, Mr. McCarthy, and Mr. Friedel):

H.R. 18736. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the United States requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON (for himself, Mr. Byrne of Pennsylvania, Mr. Meskill, Mr. Button, Mr. Jarman, Mr. Carter, Mr. Fisher, Mr. Lukens, Mr. Powell, Mr. Hosmer, Mrs. May, Mr. Goldwater, Mr. Ruth, Mr. Scott and Mr. Harrington):

H.R. 18737. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 18738. A bill to impose excess profits tax on the income of corporations during the present emergency, in order to establish a fund to provide for the improvement of residential housing in the United States; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 18739. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. FREY:

H.R. 18740. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McFALL (for himself, Mr. Fallon, Mr. Blatnik, Mr. Gray, Mr. Johnson of California, Mr. Olsen, Mr. McCarthy, Mr. Kee, Mr. Howard, Mr. Anderson of California, Mr. Don H. Clausen, Mr. Denney, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Staggers, Mr. Perkins, Mr. Albert, Mr. Gerald R. Ford, Mr. Adams, Mr. Pelly, Mr. Leggett, Mr. Sisk, Mr. Sikes, Mr. Dingell, and Mr. Vander Jagt):

H.R. 18741. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Dulski, Mr. Keith, Mr. Thompson of New Jersey, Mr. Dent, Mr. Daniels of New Jersey, Mr. Brademas, Mr. HAWKINS, Mr. HATHAWAY, Mrs. MINK, Mr. MEEDS, Mr. STOKES, Mr. DELLENBACK, Mr. TIERNAN, Mr. BROWN of California, Mr. BURTON of California, Mr. CORMAN, Mr. GUBSER, Mr. HOSMER, Mr. ROYBAL, Mr. TALCOTT, Mr. TUNNEY, Mr. HICKS, and Mr. COHELAN):

H.R. 18742. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. MILLER of California, Mr. ALEXANDER, Mr. BURKE of Massachusetts, Mr. BURTON of Utah, Mr. FLOOD, Mr. FOLEY, Mr. FULTON of Tennessee, Mr. FUQUA, Mr. GONZALEZ, Mrs. HANSEN of Washington, Mr. HECHLER of West Virginia, Mr. LUJAN, and Mr. McCLURE):

H.R. 18743. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. MADDEN, Mr. MIKVA, Mr. O'KONSKI, Mr. O'NEAL of Georgia, Mr. PEPPER, Mr. PIRNIE, Mr. POLLOCK, Mr. PRICE of Illinois, Mr. PRYOR of Arkansas, Mr. RODINO, Mr. ST GERMAIN, Mr. STEIGER of Arizona, and Mrs. SULLIVAN):

H.R. 18744. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high employment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 18745. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.R. 18746. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933, as amended; to the Committee on Public Works.

By Mr. OTTINGER:

H.R. 18747. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

H.R. 18748. A bill to impose an excess profits tax on the income of corporations during the period of military involvement in Southeast Asia, in order to establish a fund to provide for the improvement of residential housing in the United States; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 1338. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PURCELL:

H. Con. Res. 696. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and authorizing a special joint meeting of the Congress for the purpose of receiving in joint session a representative delegation of the wives and families of American prisoners of war; to the Committee on the Judiciary.

By Mr. RANDALL:

H. Res. 1169. Resolution providing for the consideration of the bill (H.R. 18279) the Organized Crime Control Act of 1970; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COUGHLIN:

H.R. 18749. A bill for the relief of Albert George Holder; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.R. 18750. A bill for the relief of Gregorio Teti; to the Committee on the Judiciary.

SENATE—*Thursday, July 30, 1970*

The Senate met at 11 a.m. and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, above all, yet in all, separate us for this moment from the world without to that deeper world within, which Thou hast made the home of Thy spirit. We thank Thee for the great kingdom of the mind and the silent spaces of the soul. Help us not to be afraid of ourselves, since we were made in Thy image, loved by Thee before the world began, and fashioned for Thy eternal habitation. Take possession of the very center of our being, point us in the right direction, light up our pathway, sharpen our insights, and command all our energies. May conscience monitor every thought, word, and deed according to Thy holy laws. Help us to serve Thee in the quiet discharge of the day's duty. Bestow on us the role of the servant and carry on through us the work Thou didst commence in the Man of Nazareth.

In His name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 29, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from West Virginia (Mr. BYRD) is now recognized for 1 hour.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately upon disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

TREATMENT OF AMERICAN PRISONERS OF WAR BY NORTH VIETNAM

Mr. BYRD of West Virginia. Mr. President, recently there was a great flurry of excitement and indignation in this country as a result of the disclosures regarding mistreatment of prisoners held by the Government of South Vietnam in its Con Son Island prison.

Subsequently, the government at Saigon announced that it would discontinue use of the so-called tiger cages which stirred up the controversy. The cells in which prisoners were held will be remodeled, and henceforth more humane conditons will prevail, Saigon said.

The outcry which was raised over the reported conditions at Con Son was right and proper, in my judgment. It is encouraging to know that, as a result of the indignation expressed, the conditions have reportedly been improved and will continue to be improved.

There is a lesson to be learned from this, I believe. The United States should now intensify its efforts to bring about similar results in North Vietnam with respect to the members of the Armed Forces of our country who are held captive by the government in Hanoi.

Mr. President, nearly 800 American airmen are known to have been shot down over North Vietnam. In all, there are now more than 1,400 Americans—military personnel and civilians—missing or captured in Southeast Asia. Of this total, some 300 have been missing or captured for 4 years or more—longer than any Americans have ever been held as prisoners of war at any previous time in the history of our country. In World War II, no Americans were held prisoners for longer than 3½ years.

The actual number of Americans held prisoner by Hanoi is not known, because North Vietnam has thus far refused to release any information concerning them—this in gross violation of the Geneva Convention of 1949 relative to the treatment of prisoners of war, to which

North Vietnam subsequently became a signatory nation.

The magnitude of Hanoi's infamy in this regard can only be put into its proper context when it is realized that for each of these men languishing in some unknown Asian prison, there are wives, children, parents, loved ones, and friends, grieving for them here at home, not knowing whether they are dead or alive, starving or ill—and wondering, in their frustration and grief, why our country does not do more to gain information about these men and to bring about their release.

Much effort has been put forth by our Government and by private agencies, of course. But, until the men are returned, or until we know positively that they are being properly treated, all that has been done will not have been enough.

The Geneva Convention—to which North Vietnam is a party—provides a special status for members of the Armed Forces taken prisoner. Because these men have no means of protecting themselves, international law stipulates that they must be protected from physical and mental abuse and that their persons and their honor must be respected. There can be no justification for mistreatment or injury of those who have fallen into the hands of the enemy and who no longer present any military threat.

The safeguards which protect—or should protect—prisoners of war are spelled out in detail in the Geneva Convention, which requires that "prisoners of war must at all times be humanely treated." It establishes standards for POW camps and for the food, clothing, and medical care of prisoners. The convention guarantees prisoners the services of a "protecting power" and the right of communication with their families. It guarantees the right of repatriation. Seriously sick and wounded POW's must be allowed, under the convention, to return home as soon as they are fit to travel, even if hostilities continue. All others who are not released during hostilities must be repatriated as soon as hostilities end.

It is important to note, in this connection, that South Vietnam, and the United States and other countries assisting South Vietnam recognize the Geneva Convention and abide by its provisions. But North Vietnam, the Vietcong, and the Communist Lao Patriotic Front have thus far refused to do so, and the National Liberation Front has taken the position that it is not bound by the convention. The International Committee of the Red Cross—ICRC—however, affirms that the Vietcong are bound by the provisions of the convention because of the adherence of both North Vietnam and South Vietnam to the convention.

North Vietnam has attempted to justify its repudiation of the convention in the case of the American prisoners by contending that it does not apply in a situation in which no war has been declared. Hanoi also has denied having troops in South Vietnam, and, from time to time, has charged that the Americans who have been shot down are "war criminals" and thus are not to be covered by the protective provisions of the convention.

Hanoi, however, is on shaky ground here, because the Geneva Convention specifically states in article 2 that it shall:

> Apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

Mr. President, North Vietnam ratified the prisoner-of-war agreement on June 28, 1957. The United States ratified it on August 2, 1955. And South Vietnam acceded to the accord on November 14, 1953.

Australia, Thailand, the Philippines, Korea, and New Zealand—the other countries supplying troops to aid the South Vietnamese—all are signatories to the convention, and all have honored it.

The International Committee of the Red Cross has repeatedly confirmed that all prisoners of war held by North Vietnam come under the Geneva Convention, or should come under it. But Hanoi has declined to allow the ICRC—or any other impartial agency, for that matter—to gain any information about the American airmen and other prisoners it holds.

Furthermore, the North Vietnamese have spurned a U.S. Government proposal made in July 1966 that a conference be held under ICRC auspices to consider the application of the Geneva agreement to the Vietnam conflict.

One of the requirements of the convention is that the parties to a conflict must establish an information bureau to collect the names and vital information concerning prisoners of war, and that they must forward such information to the countries concerned, through the intermediary of a protecting power and a Central Information Agency to be created in a neutral country.

The ICRC has performed the functions of a central information agency by calling on all countries involved in the Vietnam war to respond with lists of prisoners of war for its Central Tracing Agency. This has been done by the United States and South Vietnam. The government at Saigon supplies the ICRC with the names of all prisoners taken by the U.S. forces in South Vietnam or by the armed forces of that country.

North Vietnam and the Vietcong have refused to do likewise.

Hanoi has allowed some prisoners it holds to write to their families, but such communications have been very irregular and infrequent. In some cases, the letters have gone through such irregular channels as U.S. antiwar groups.

No letters have been received from U.S. prisoners held by the Communist aggressors in South Vietnam or Laos. The families of the men who are missing or thought to be prisoners write to them, but there is no assurance of any kind that the North Vietnamese allow the letters to be delivered to the men.

Hanoi has also announced that packages could be sent to prisoners, and hundreds of such parcels have been dispatched by families and friends to the men listed as missing. But, as callous and as indifferent as it may seem in what is supposed to be a civilized world, in most instances Hanoi has not allowed any acknowledgment to be made of the receipt or nonreceipt of the parcels. The families of the men are left to guess at what may have happened to what they have mailed.

One can only surmise the pain and anguish caused the next-of-kin by such utterly reprehensible tactics. Mothers and fathers and wives and children are made to endure the continuing agony of writing letters and sending parcels to their loved ones, only to see the letters and parcels disappear into a void.

A number of wives and other relatives of the missing Americans have traveled to Paris and elsewhere to ask North Vietnamese and NLF representatives to tell them whether their men are alive or dead. These pitiful, suffering persons have been told by the representatives of the North Vietnamese and the NLF that their requests for information would be forwarded to Hanoi for consideration and that families of other missing or captured personnel could write to them in Paris for information. Hundreds of next-of-kin have written requesting such information, but no replies have been received.

The Communists, instead of replying to the letters as promised, have accused the United States of "exploiting family sentiment." It should be clear to all, Mr. President, that it is the Communists who are "exploiting family sentiment," and that they are doing it with cynical and callous deliberation.

Article 8 of the Geneva Convention requires that a protecting power be named to safeguard the interests of the prisoners and to establish the fact that they are being treated in accord with the provisions of the convention. The protecting power is usually a neutral government, such as Switzerland, which served in this role in World War II.

The protecting power has the duty of verifying conditions under which prisoners are detained. It is entitled to visit privately with prisoners, to hear their complaints, to advise them of their rights, and to help resolve disputes between the parties to the conflict over the application of the provisions of the convention. If formal protection cannot be arranged, a substitute organization or agency such as the ICRC must be appointed to assume the humanitarian functions performed by the protecting power. No party holding prisoners has the right to deny those prisoners this fundamental protection.

Notwithstanding this clear requirement of the convention of 1949, Mr. President, North Vietnam has refused to allow the Americans it holds to have the benefit of a protecting power, and it has not permitted the ICRC to perform the humanitarian functions of a protecting power.

South Vietnam, on the other hand, together with its allies, has cooperated fully with the ICRC, enabling that organization to perform the functions of a protecting power for prisoners of war held in South Vietnam.

Some abuses with respect to prisoners of war held in South Vietnam may have made clear for all to understand the United States and its allies have made every effort to see that the provisions of the Geneva Convention are carried out. Every prisoner of war camp in South Vietnam has posted on its premises, in language the prisoners can easily understand, the requirements of the convention. Every member of the American Armed Forces is given an instruction card on the treatment of captives, as are the South Vietnamese and other allied forces.

But it is known that in South Vietnam, in the prison camps operated by the invaders, there have been repeated instances of the murder of prisoners held by the enemy and of the death of prisoners from neglect and mistreatment. Often, the evidence of such brutality has not emerged until long afterward.

For example—and here, Mr. President, I quote the following directly from the Department of State's Vietnam Information Notes No. 9, as revised in April of this year:

> The brutal murders of two U.S. Army personnel, Capt. David R. Devers and M/Sgt. John J. O'Neill, did not come to light until December 1969, more than three years after their capture and execution by Communist forces. Others have met similar fates: Capt. Humbert R. Versace was murdered after 32 months of captivity; Sfc. Kenneth M. Roraback was killed after 31 months as a prisoner; Sgt. Harold G. Bennett was executed after 30 months of captivity. The last three were killed as announced acts of reprisal—a grave breach of the Geneva Convention. The United States protested these and other killings of prisoners to the ICRC.
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> Other prisoners have died of disease and maltreatment, aggravated by inadequate food and medical care. Efforts to send relief parcels and medical supplies to prisoners in South Viet-Nam have been consistently rejected by the Viet Cong, despite repeated efforts by wives of prisoners and humanitarian organizations to arrange this.
>
> In North Viet-Nam prisoners have been publicly humiliated, mistreated and exploited. Widely publicized photographs have shown American pilots being paraded before jeering mobs in Hanoi and displayed at press conferences. The United States has vigorously protested such treatment and in January formally conveyed our objections to the Soviet government for broadcasting messages purportedly recorded by U.S. pilots in North Viet-Nam. Such broadcasts violate the Geneva Convention prohibition against public exploitation of prisoners of war.
>
> The other side's disregard of humane considerations in the treatment of prisoners is exemplified in its rejection of offers by the Government of the Republic of Viet-Nam to release North Vietnamese sick and wounded prisoners. Rather than agree to this repatriation of its own men, the other side demanded the release of all prisoners held by the Government of the Republic of Viet-Nam. At the same time, it has refused to discuss the release of all prisoners of war on both sides.
>
> Article 17 of the Geneva Convention states that: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."
>
> Despite the other side's public claims of "humane treatment" for prisoners the evidence is clear that U.S. prisoners in Southeast Asia have been gravely mistreated, in violation of this Geneva Convention rule. Films and photographs from North Viet-Nam, reports from travelers, and the testimony of released prisoners all confirm this conclusion. North Viet-Nam has refused all efforts by the ICRC and other respected humanitarian bodies to examine the conditions of U.S. prisoners. In the absence of such impartial inspection the other side's claims of "humane treatment" cannot be accepted.
>
> Pictures and films released or approved by North Viet-Nam have shown U.S. prisoners in what appears to be solitary confinement. Such films also raise serious questions as to whether prisoners are receiving proper medical care and diet, since they show prisoners continuing to suffer from injuries incurred at the time they were captured, and in some cases having lost much weight. Several prisoners have been shown still using crutches after many months of captivity.
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> In August 1969 North Viet-Nam released 3 U.S. servicemen, two of whom subsequently described their treatment at a press conference at the U.S. Naval Hospital, Bethesda, Maryland, September 2, 1969.
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> Lt. Robert Frishman, USNR, wounded and captured when his aircraft was shot down on October 24, 1967, gave the following account of the mistreatment of U.S. prisoners by North Viet-Nam:
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> Lt. Cmdr. John McCain, who has many broken bones, has been in solitary confinement since April 1968. He will require further medical treatment as soon as he returns to the United States.
>
> Lt. Cmdr. Richard Stratton, who refused to say before the press that he had received humane and lenient treatment, was tied up with ropes to such a degree that burns resulted which became infected, leaving large scars on his arms. He was deprived of sleep, beaten, had his fingernails removed, and was put in solitary confinement for 38 days. Facing future torture, Stratton was forced to make appearances before the press and cameras saying he wasn't tortured or brainwashed. He "intentionally walked around glassy-eyed, bowing as we are forced to do in camp, trying to give the impression he is brainwashed and hoping Americans would get the message," said Lt. Frishman. They did and the rebound hit Hanoi right between the eyes.
>
> I don't think solitary confinement, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane, Lt. Frishman told the newsmen.
>
> Seaman Douglas Hegdahl, who was lost at sea and was picked up by North Vietnamese fishermen, was kept in solitary confinement for over 7 months. He was made to stand with his hands over his head for long periods for trying to talk with other prisoners. He reported that many prisoners are not allowed to send or receive mail, and many have been in solitary confinement for years.

These are indefensible, despicable, and contemptible actions by a country considered to be among the civilized nations of the world, and it is not possible, in my judgment, to condemn North Vietnam too strongly for the course it has followed.

It continues to amaze me that so very little has been said in condemnation of these unspeakably atrocious actions of the Viet Cong and North Vietnamese by some of the groups that talk the loudest in condemnation of our country's efforts to help the South Vietnamese maintain the viability and the integrity of their country against aggression.

All Americans are eager to see the earliest possible conclusion to the hostilities in Vietnam. No one wants to see U.S. troops remain in South Vietnam a day longer than is necessary. Yet, as U.S. forces are withdrawn, there is a growing apprehension about the unknown fate of our men held by the enemy.

In my judgment, Mr. President, those Americans who most strongly favor early and complete U.S. withdrawal also have the strong obligation to join in pressing Hanoi for a satisfactory resolution of the prisoner-of-war issue. Surely, our people—divided as they are on the war itself—can unite on the prisoner problem and raise their voices as one in a demand that North Vietnam abide by the rules to which it has agreed and that it treat the Americans whom it holds captive humanely and decently, and that it identify them and allow them to correspond with their families.

If only a portion of the effort that some Americans have devoted to demonstrating against and protesting the war had been devoted to protesting Hanoi's treatment of prisoners, some progress by now might have been made toward helping these men. But, I have yet to hear demonstrators express concern—in any degree comparable to their condemnation of America's actions—for the American men who have fallen into enemy hands while serving their country.

Mr. President, the improvements which reportedly have been made at the Con Son prison in South Vietnam lead me to believe that there may at least be some possibility that increased American public pressure on Hanoi may bring some results.

The Government of North Vietnam, of course, does not respond to American public opinion as does the government at Saigon. But there is no reason to believe that Hanoi is wholly oblivious to what Americans think and to the general trend of public opinion in the United States.

On the contrary, there is considerable evidence that the North Vietnamese Government counts rather heavily on the sentiment in this country to help it gain its objectives in Southeast Asia. It is possible that the government leaders in Hanoi might also be responsive to U.S. public opinion on the prisoner-of-war—just as was Saigon—issue if they became convinced that Americans in general are becoming increasingly outraged by the callous and inhuman treatment of our servicemen and that we will remember the attitude of Hanoi far into the future.

The unfeeling inhumanity of Hanoi thus far deserves not only the strongest American protest, but it deserves worldwide contempt and condemnation as well. North Vietnam, by its brutal treatment of American prisoners of war, has made itself a pharaoh among the nations of the world, and this fact, Mr. President, ought to be driven home to Hanoi in unmistakable terms by the American people and by every civilized nation in the world. Measured by any civilized concept, Hanoi's shameful treatment of American prisoners should produce a worldwide reaction of censure and revulsion and horror.

These are by no means the sentiments of one U.S. Senator only. Many Members of this body have spoken in a similar vein, as have Members of the other body and the executive branch.

President Nixon, in his foreign policy report to the Congress on February 18, 1970, said:

> This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war.

Many others in the Government have also spoken strongly on this subject. In testimony before the House Committee on Foreign Affairs last July, Secretary Rogers said:

> I think the position of the other side, certainly in terms of prisoners, is inhumane. It violates the Geneva Convention. By any human standard, it is totally inexcusable.
>
> Ambassador Henry Cabot Lodge, who headed the U.S. delegation at the Paris peace talks in 1969, pressed the other side on this issue at virtually every plenary session of the talks.
>
> International custom, the Geneva Convention, and humanitarian considerations all require that there be impartial inspection of the prisoner of war camps, a guarantee of a regular flow of mail to and from the prisoners, and a release of the sick and wounded on both sides. In addition, a minimum regard for the peace of mind of the prisoners' next of kin requires that a list of names of the prisoners be made available so that the next of kin at least know whether their relative is alive or dead.
>
> Ambassador Philip C. Habib, present head of the U.S. delegation, has returned to this subject repeatedly. On December 30, 1969, he called attention to the other side's refusal to provide the information on all prisoners by handing them a list of the names of over 1,400 U.S. military personnel who are missing and possibly captured in Southeast Asia. In another statement devoted entirely to prisoners of war on February 5, 1970, Ambassador Habib said:
>
> The question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less. We desire to engage in meaningful discussion of all prisoner-of-war questions with your side now. We await your serious response.
>
> "If Hanoi wants to demonstrate to the world that these men are being treated humanely and are receiving proper medical treatment," Secretary of Defense Laird stated on June 6, 1969, "it must permit inspection of prisoner-of-war camps by impartial groups. It must release the names of all the men whom it holds, and it must permit a regular flow of mail to and from all these men."
>
> Secretary of Defense Laird noted recently the special effort the U.S. has made to "lay the facts about these men before the tribunal of world opinion" in order to persuade Hanoi to observe the rules of the Geneva Convention, and to ease the ordeal of the wives and parents of missing servicemen.
>
> Under Secretary of State Richardson has added: "It is hard to see what Hanoi hopes to gain by denying the prisoners the basic right to communicate with their families."

Newspapers in major cities of the world have also condemned North Vietnam's disregard of the Geneva Convention, and again I quote from the Department of State's Vietnam Information Notes No. 9, of April 1970:

> Hanoi, which only too often talks about war crimes, is not willing to talk about war prisoners, the *Dusseldorf Handelsblatt* commented on June 16. "It is playing a cynical game with human misery. The North Vietnamese are obviously counting on extorting political concessions in this way from the United States."
>
> Geneva's *Tribune de Genève stated*: "The blackmail is evident. Hanoi is speculating on the anguish of the prisoner's families, and on their country's humanitarian, sentiments, to extort a capitulation from President Nixon. This fashion of linking the fate of prisoners with the pursuit of war aims is not new, but it is nonetheless revolting and in flagrat contradiction of the spirit of the Geneva Convention.
>
> The Paris *Le Figaro* observed: "This state of affairs is completely abnormal. The Government of North Vietnam in 1957 signed the Geneva Convention which defines the treatment that must be accorded to prisoners of war and combatants . . . It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for the well-being of those who have ceased being combatants."
>
> *Svenska Dagbladet*, Stockholm, said on November 30, 1969: "There still might be hope to persuade North Vietnam to change its attitude (about the prisoners) . . . What would be more humanitarian than for North Vietnam to meet the wishes for some basic information about human lives? It is difficult to see what Hanoi would have to lose from such a gesture."
>
> The *Japan Times* accused Hanoi of engaging in "a cruel sport with the feelings" of the famillities and loved ones of Americans who know only that their men are "missing." Adding that "It would seem to us that the listing of the names of their prisoners would in no way affect the North Vietnamese war efforts," the Times concluded: "Their primary interest is to use not only the prisoners, but also their wives and families, for political purposes.
>
> Oslo's *Morgenbladet* stated: "We consider the methods of North Vietnam utterly reprehensible. A nation which does not respect international agreements to which it is a party cannot be recognized as a worthy member of international society."
>
> The International Conference of the Red Cross, the highest governing body of the Red Cross which meets every four years, has expressed its concern about the treatment of prisoners of war at its last two meetings. The 20th International Conference at Vienna in 1965 deplored the conduct of governments which, although parties to the Geneva Convention, have failed to honor the obligations they incurred when they acceded to the treaty. The conference adopted a resolution which called upon "all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949."
>
> At its 21st International Conference at Istanbul in September 1969, attended by representatives of 77 governments and 91 Red Cross Societies, a resolution was adopted without dissent (114–0) appealing for humane treatment of prisoners of war in accordance with the Geneva Convention. Neither North Viet-Nam nor its Red Cross Society attended the conference, and the solemn appeals of the International Red Cross Conference appear to have fallen on deaf ears.
>
> Thus far, North Viet-Nam and the NLF have failed to observe internationally recognized standards of humanitarian treatment for prisoners they hold. Hanoi's representative at Paris has said: "The question of captured American military personnel will be settled at the same time as all the other elements of the overall . . . solution. It cannot be separated." North Viet-Nam has repeatedly refused even to discuss the humanitarian aspects of prisoner treatment prior to the "complete and total withdrawal" of U.S. forces.
>
> In these circumstances, it is important to set the record straight on the rights of prisoners of war and the policies of the parties to the conflict.

Mr. President, the United States has tried literally almost every avenue of approach to the POW problem.

One of the principal channels of approach has been the Paris talks.

The Paris negotiators are meeting again today, and the POW issue is almost sure to come up.

The last meeting in Paris was July 23, last Thursday. At that time Ambassador Habib called on the Communists to agree to an impartial outside inspection of POW camps and to supply a complete list of the prisoners held. He said "We want to discuss seriously the proper treatment and early release of POW's held by both sides."

The United States previously has made contacts with Hanoi through such countries as Cambodia, Sweden, the United Arab Republic—this was in the early part of the war—and others.

We have tried secret negotiations through other neutral countries—and these efforts are probably going on now.

At virtually every meeting in Paris the POW question is brought up by the United States.

On July 16 in Paris Habib said—this is almost an exact quote:

> The U.S. has made its position clear on this issue . . . "we have offered to discuss with you (the Hanoi representatives) these issues on a flexible basis without precondition." . . . That seems clear enough as to the attitude of our government.

And just a few days ago virtually the entire U.S. Senate sent a letter to Premier Pham Van Dong protesting "your side's refusal to adhere to basic humanitarian obligations concerning POW's."

That letter noted that while Senators have differed over certain policies of their Government on Southeast Asia, they are united on insisting that proper treatment be accorded POW's—and yet Hanoi continues to ignore such legitimate and reasonable demands, giving further doubt as to the seriousness of North Vietnam's intent in the Paris talks.

L. B. J. asked the Pope to intercede when L. B. J. visited him in 1967.

Diplomatic appeals have been made by our country through a number of international organizations such as the Red Cross, which has sought to deal with Hanoi on the question without success.

And many Members of Congress and individual U.S. citizens have sought to gain some response fom Hanoi.

We and the Republic of Vietnam—South Vietnam—have made clear to North Vietnam that we stand ready to negotiate this issue in good faith.

Mr. President, what is needed now is a renewed and concerted outpouring of rage at Hanoi's recalcitrance and intransigence, and its obstinate unwillingness to negotiate, to release information, or to abide by international agreements.

Every voice that can be raised in this country—by individuals and by organizations—should be raised. A mounting drumfire of criticism ought to be directed at Hanoi. Our Government ought to urge the government of every civilized nation on the globe to demand that North Vietnam act on this matter.

Hanoi, of course, does not want such action by us, since it apparently hopes to use the Americans it holds prisoner to wring concessions from our country. American opinion and world opinion should be thoroughly aroused against such diabolical inhumanity and cruelty.

South Vietnam has made releases of prisoners it holds on four occasions, the latest on July 11. On that date, 62 sick and injured North Vietnamese prisoners of war were released along with 24 North Vietnamese fishermen. Since Hanoi declines to accept repatriation of its nationals directly—apparently in a stubborn effort to perpetuate the fiction that it has no men fighting in the South—the prisoners were released in boats six miles offshore.

In all, nearly 200 prisoners have been released to North Vietnam by South Vietnam, and South Vietnam has released hundreds of Vietcong. In addition, the United States has repatriated 40 North Vietnamese in two groups by boat. By contrast, only nine Americans have been released to date by North Vietnam.

Mr. President, we should not give up in our efforts to get North Vietnam and the National Liberation Front to enter direct negotiations with the South Vietnamese for a mutual exchange of prisoners. On the contrary, we should redouble our efforts. South Vietnam holds more than 35,000 of the enemy, and surely a ratio of exchange between this number and the much smaller number of allied prisoners Hanoi holds could be worked out to the advantage of both sides.

The effort must be made. The Americans held in North Vietnam cannot be allowed to become the forgotten men of the war in Southeast Asia.

Constructive response by Hanoi in this respect could be a substantial step toward a restoration of peace.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. MONTOYA. Mr. President, I commend my distinguished friend, the Senator from West Virginia, for again reasserting the concern of the American people. He is a very able spokesman in this respect. The distinguished Senator from West Virginia is one of the leaders of the U.S. Senate. The statement that he has made to the Senate indeed expresses the overwhelming sentiment and concern of the American people.

I certainly commend him for the completeness of his statement and the manner in which he has covered the vast landscape of concern on the part of the American people with respect to the treatment of our prisoners by the North Vietnamese.

Mr. President, upward of 1,500 Americans have fallen into the hands of the Communists in the course of our involvement in Vietnam. As of today we know almost nothing of their fate. A few names leak out. A few letters are delivered. A tantalizing glimpse or two is obtained. A picture is released to the press.

Yet, when we take a look at the entire picture, these 1,500 Americans have vanished from our sight, but never from our minds and hearts.

The treatment accorded these men is known to be more often than not painful, cruel, and inhumane. We hear of Americans confined to cages without decent diets or proper medical care. This violates all international agreements governing the treatment of prisoners of war, including the Geneva convention.

Further, by withholding minimum, pertinent information about them, which anxious families are desperate for, the Hanoi government is again in violation of all the aforementioned international agreements governing prisoner treatment.

There are children who have never seen their fathers. There are devoted wives who have roamed the world at their own expense, seeking out any representative of the Hanoi government for word of their loved ones. These gallant women have approached every known or identified intermediary, seeking information or an avenue for the release of their husbands. This is the overall picture which we have been forced to watch over past months.

It is heartrending and insufferable. Something can and must be done. It is unthinkable to let these men or their families even think for a moment that their country has forgotten them.

Mr. President, I believe that ill treatment of helpless human beings is inexcusable under any circumstances. I have opposed brutality toward prisoners of any kind, no matter where incarcerated. I have signed one letter of protest after another to the Government of North Vietnam protesting the obvious inhumane treatment of American prisoners. I denounce such treatment again today.

The indignation felt in this country crosses all party and ideological boundaries. Failure to release the names of prisoners is needless vindictiveness. Preventing wounded men from obtaining decent medical care is barbaric. Starving helpless men is inexcusable.

I call upon the Government of North Vietnam to forthwith release the names of all Americans held prisoner. I call upon that same Government to make available decent, humane treatment to all such prisoners. I call upon that Government to take advantage of any of the many offers we have made to negotiate the release of all or part of their number.

America will not abandon her sons. We never have. We never will. We are not going to make an exception in this case. The end of this war and our role in it will be considerably hastened by an understanding of our determination to obtain the release of all these young men.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from New Mexico. I appreciate his kind remarks and his contribution.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the Senator from West Virginia. I certainly commend him for bringing this very important matter to the attention of the Senate and of the country.

The Senator has very correctly said that the more than 1,400 American prisoners of war presently being held in Southeast Asia are truly beginning to be the forgotten men of this war.

I think also that the Senator has pointed out that to date North Vietnam has released only nine of the American prisoners of war. I believe that we have released nearly 250 prisoners. Are those figures correct?

Mr. BYRD of West Virginia. They are generally correct. I think the figure I have in my statement is about 200.

Mr. BROOKE. At any rate, the North Vietnamese have not released any sizable number of American prisoners of war. Some of these men have been held as prisoners of war for more than 4 years. That is perhaps longer than any prisoners have been held in any other war in the history of the Nation.

All of the suffering that is endured by the mothers and wives and children of these men—many of whom have never been heard from—is one of the great tragedies of the war. And I regret that this matter has not fully and truthfully come to the attention of the American people. It has not been presented as dramatically as it should. I think that all ought to know more about it. There ought to be far more concern about this matter.

The Senator from West Virginia has certainly done all he could and has kept the matter constantly before the Senate and the American people. I commend him for this effort.

Mr. President, I have been disturbed at the lack of coverage in the press. I think there was an article in Life magazine back sometime in 1966 on American prisoners in the Southeast Asian war. I also think that last Christmas there was some coverage regarding attempts to fly some gifts to the prisoners. But other than that, there has been no real discussion or documentary that I know of on any of the major networks about this tragic and deplorable conditions in which American prisoners are living in Southeast Asia.

I think that North Vietnam ought to be made constantly aware that we want those men returned, that they should not be held under the conditions in which they are held now.

We see people marching up and down the streets in the United States demonstrating over what is happening in South Vietnam. However, we do not see anyone marching in protest over what is happening to our men in North Vietnam.

I ask the distinguished Senator from West Virginia, who has certainly been here longer that I, if to his knowledge there has ever been any congressional investigation or hearing on the deplorable conditions of the prisoners in North Vietnam. We might have representatives from the various services come before a congressional committee which would conduct hearings on this whole subject of American prisoners of war.

Mr. BYRD of West Virginia. I must say I do not know of any such hearings that have been conducted directly by this body on the subject of American prisoners of war.

Mr. BROOKE. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. Yes; I am glad to yield to the able Senator from Massachusetts.

Mr. BROOKE. Does the Senator think it would be a good idea that we might have a congressional hearing on the subject of American prisoners of war in Southeast Asia?

Mr. BYRD of West Virginia. I think it would be. I am not prepared to suggest what committee would conduct such a hearing. Conceivably, it could be the Committee on Foreign Relations. I would presume that some among the nine American prisoners of war who have been relased in the past could be heard. I think this would emphasize, highlight, and provide dramatic exposure to this question to which the Senator has alluded. I think it would perform a very necessary and important service because I believe Hanoi will listen to public opinion in the United States. I think it does listen to public opinion. I think it has hope that public opinion in the United States will bring about a cessation of the war to its own liking.

But entirely aside from that aspect of its listening to American public opinion, I think public opinion in the United States, if it were sharp and perpetual, could bring about a galvanizing of world opinion to the extent that world censure and condemnation would be brought down upon Hanoi; and I do not believe Hanoi would be entirely impervious to this kind of public censure and condemnation.

I think it would help to emphasize the plight of American POW's, create the kind of interest that is necessary, and help to remind the American people and other peoples of the world regarding those forgotten POW's who are languishing in North Vietnamese prisons in Southeast Asia.

Mr. BROOKE. I wholeheartedly agree with the Senator. It has often been said in this Chamber that Hanoi listens to every word that is said in the Senate, and the House of Representatives, as well. Certainly, if we had an aroused Congress that was constantly and, as the Senator said, perpetually letting Hanoi know how strong we feel about the return of these 1,400 American prisoners it would be bound to have some impact and expedite the return of these men to their families. I have talked to many of the members of the families of prisoners of war, as has the distinguished Senator from West Virginia. They are truly living tragic lives. In most instances they do not hear from them at all; in some instances where they do hear they obviously are just getting a form letter which means very little to them. They do not know what conditions the prisoners are living under, what they are exposed to, the conditions of health of the prisoners, or even of their sanity at the present time. They do not know whether their letters are getting to them, and it has been very tragic.

Some of these wives have had to go to Paris and to other places to see if they could talk to diplomats of the North Vietnamese Government in an effort to get prisoners returned to the United States.

It seems to me that it would be a good idea to have a congressional hearing, at which time we could have some of the wives, children, and members of the families appear. I think the military services of our Government, the Army, the Navy, and the Air Force have unique knowledge to which they could testify before such a committee. I think it would not only dramatize the situation but also make the American people well aware so that Hanoi would feel the pressure of this Government and its people and return these prisoners to their families in the United States.

I do not know what procedure we might go through, but I do think the Senator certainly has made a very great contribution by bringing up this matter. Perhaps hearings might be held before the Committee on Foreign Relations, or perhaps it might be the Committee on Armed Services, the committee of which I am a member. I do not know what other committee it might be. Our distinguished majority leader is in the Chamber. Perhaps he could give us some direction. But I am sure some committee would have jurisdiction over such a hearing in the Senate so that we could begin to really apply all the power and pressure at our command to alleviate this very tragic situation which has existed far too long, and help to return these men to their families.

Mr. BYRD of West Virginia. I thank the able Senator. For that matter, with respect to committee hearings, a special committee could be established for this purpose only.

I particularly like the suggestion offered by the able Senator with respect to television documentaries. These documentaries have performed great services to the Nation in the past. We have seen hour-long documentaries on many subjects. It would seem to me that this would be an excellent way of reminding our own people of these men who, while they are out of sight, regrettably are also, all too often, out of mind.

I would hope that out of this discussion today perhaps there would come some action on the part of the media to present such a documentary to the people in the near future.

Mr. BROOKE. I think the able Senator would join me in publicly calling upon NBC, CBS, and ABC to produce a television documentary on prisoners of war. It has not been done, at least to our knowledge. If we are wrong, certainly the networks will correct us.

I agree with the Senator from West Virginia that the news media has performed a great service in the past on a variety of subjects. I know whenever there is a riot there are always documentaries. I know they try to provide the news equitably and fairly, and that they try to use great pressure of the media to alleviate any horrible conditions within the country and around the world.

But I believe that there are no more deplorable conditions than the conditions in which these men and their families are required to live. Perhaps 1,400 men is not many when one is talking about millions and millions of people. But if one's family were involved, it would not be thought of as a minority problem but rather a great majority problem. In many ways it is worse than death to be a prisoner of war.

Mr. BYRD of West Virginia. Yes.

Mr. BROOKE. Let us hope the media will respond to the call, that we might have such a documentary. In addition, I encourage the proper committee of the Senate to conduct hearings on this whole question of prisoners of war.

I thank the Senator for yielding.

Mr. BYRD of West Virginia. I thank the Senator, and I join with him in the expression of the hope that the media will pursue this matter as suggested.

Mr. GRAVEL. Mr. President, will the Senator yield so that I might pursue a thought along this same line?

Mr. BYRD of West Virginia. I yield.

Mr. GRAVEL. Would it be possible—and I think this goes along with the point the Senator enunciated so well about galvanizing public opinion in this country and public opinion throughout the world—to have a resolution from this body requesting the administration to seek a hearing before a committee of the United Nations to make an investigation of the treatment of prisoners of war in North and South Vietnam? There is no question in my mind that North Vietnam has used the prisoner of war issue as a tool of war and this, of course, has enured to the hardship of the individuals in question. What would be the Senator's thought as to the possibility of requesting something from the United Nations which would give us a larger audience and platform to galvanize attention?

Mr. BYRD of West Virginia. I think the suggestion merits consideration on our part with respect to any such resolution. I believe that the administration is making every effort it can to get through to Hanoi and to bring about some way whereby these prisoners may be heard from, identified, and those sick and wounded repatriated. But I think the Senator has made a good suggestion, and we should give it study.

Mr. GRAVEL. The Geneva accord on prisoners of war recognizes that identification is the minimal amount of treatment to be accomplished and, of course, North Vietnam has not done this.

Mr. BYRD of West Virginia. That is correct.

Mr. GRAVEL. I think the Senator is performing a valuable service, because many times the advocates or the people who are foremost in the effort to end the war, in a somewhat unilateral fashion, with which I occasionally associate myself, lose sight of the fact that, indirectly emphasize what they think we are doing which is wrong, but oftentimes, overlook the other side of the argument, that which is wrong being done on the other side. I think the American press has glorified or "spectacularized" the activities of treatment of prisoners of war in South Vietnam and has avoided information on the more subtle and diabolical treatment of prisoners by North Vietnam in the perpetration of the war.

Mr. BYRD of West Virginia. If the Senator will permit an interruption, I feel that the fault is not in our stars, but in ourselves, because both Houses of Congress have expressed themselves, and rightly so, on the treatment of prisoners by South Vietnam. I think now we should try to balance the picture and express our own equally indignant feeling with respect to the treatment of our men who have been held in North Vietnam, as well as prisoners held in South Vietnam by the South Vietnamese.

Mr. GRAVEL. I thank the Senator for his noble service in this effort, and I thank him for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. FANNIN. Mr. President, the distinguished Senator from West Virginia is to be highly commended for his statement of great concern over what is happening to our men who are prisoners in North Vietnam. He has been working on this matter for some time, and I commend him for the actions he has taken. I certainly agree with what he is doing to bring the matter before the American people, and am very pleased to concur with his statement, which illustrates just what is involved.

Mr. President, almost daily we receive disgraceful illustrations of the tragedies involved in the treatment of our war prisoners in North Vietnam.

I would like to read an excerpt from a letter from Lt. Peter C. Kirn of La Jolla, Calif.:

> In the winter of 1969-1970 an Air Force two-place aircraft, Call sign Boxer 22, was shot down in Laos. After an extensive rescue effort, one crewman was recovered, and related to us his adventure.
>
> He stated that the North Vietnamese found his pilot hanging in a tree, gathered around him, and shot him as he hung in his chute. Other material could be obtained from the Air Force Rescue units who have seen American aviators nailed to trees with Geneva Convention cards nailed to their foreheads.
>
> Other aviators have been found skinned alive and left to die. These more vivid examples of POW treatment are found in Laos, where even less is heard of prisoners than from North Vietnam.

I think this illustrates again what the distinguished Senator from West Virginia has been talking about.

Mr. President, no greater example could be given of the flagrant disregard the Communists have shown the Geneva accords. Their cruel and inhuman treatment of prisoners continues.

There is no international inspection of their treatment of American prisoners of war, virtually no mail, and no response in most instances to sorrowful inquiries.

Wives of missing servicemen have knocked at the doors of their emissaries in various foreign capitals and for the most part draw only stony silence.

Few of the approximately 1,500 Americans believed to be held as prisoners have been released, and maximum propaganda efforts are made of those few released.

If the North Vietnamese and Vietcong are as full of the milk of human kindness as they would have the world believe, I am sure, Mr. President, they would want the full proof before the world.

Incredibly, there are those in this Nation who are willing sources to harrass the families of our missing servicemen, or further the propaganda barrage from Hanoi.

Radio tapes have been utilized to hurt the morale of our fighting men and the families of prisoners. Word that is received comes from and through the propaganda sources.

The flow of mail from American prisoners is virtually nonexistent.

Some of our Americans have been held in such inhuman captivity for as long as 5 years.

On the floor under the rotunda of our Capitol there are two dramatic exhibits of this treatment.

One exhibit shows the narrow confinement to which prisoners are subjected in tiny bamboo cages, where they are forced to remain in cramped positions and subject to the elements. Prisoners also may be subjected to earthen pit imprisonment without sanitary facilities. They are living an animal existence.

We can be proud of the fact, Mr. President, that a letter was signed by nearly all Members of the Senate addressed to the leaders in Hanoi, urging honest concern in the treatment of prisoners of war and observance of international rules.

Such concern should be shown by a united Senate and by a united America, and an aroused world opinion.

There is no excuse for any nation in this world for conducting itself other than as a member of the human race.

Mr. President, no stone should be left unturned to stop this inhuman treatment of our courageous men who are fighting for the freedom of the people of the small nation of South Vietnam being subjected to the tyranny of this terrible aggressor.

So I again commend the distinguished Senator for his statement and for what he has been doing. I am sure that he will receive the support of this body and the other body, and that we will have a greater recognition, because of his efforts, of just what is involved in this inhuman treatment of American prisoners.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his statement. I am glad that he called attention to the very stark and impressive display in the Capitol, on the first floor beneath the rotunda. I would hope that every American visiting the Capitol could stop, if but just for a moment, and see that display. It should remind every tourist—every man, woman, and child—of the cruelty daily visited upon American prisoners of war in some faraway part of Southeast Asia.

Mr. STENNIS. Mr. Prsident, I shall be very brief, but I want to commend heartily the Senator from West Virginia as well as other Senators who have been so concerned and have done so much work with reference to this highly important matter—which I say is highly important even apart from the welfare of the individuals concerned, because I believe that the treatment of these prisoners has done more than any other one thing to bring this war to the attention, and the favorable attention, of civilized mankind everywhere. I appreciate very much the substance of what the Senator has said, and his genuine interest.

I wish to make two points, quite briefly. Hanoi can argue about the war from their viewpoint; they can argue their side of it, and that is only natural. But they cannot explain away nor give any reason or excuse for the mistreatment of prisoners of war. That is a message that neither they nor any other nation can get across. The facts that are true here with reference to the treatment of these prisoners no nation could convince others in civilized countries are justified or excusable, or to be overlooked or excused in any way—especially when perpetrated by a nation which has signed the Geneva Convention, as North Vietnam did in June of 1957.

That is fairly recently. They cannot excuse themselves by saying that this is not a declared war. Everyone knows it is a war. I think that long after the reasons for this war have passed from human memory, there will still be remembered here, against North Vietnam, the way that they treated men who were helpless, in a helpless condition so far as resisting doing anything about it.

Mr. BYRD of West Virginia. And it should always be remembered.

Mr. STENNIS. Yes; it will be. We have ideas in our memory that will never be erased, implanted not only by this occasion, but implanted in our memory before with reference to other nations.

The other point I want to make is that these men in captivity nevertheless, helpless as they are, are serving their Nation in this war.

Mr. BYRD of West Virginia. And all they have from day to day upon which to live is hope and faith that the American people are not going to forget them and let them down.

Mr. STENNIS. Very well said, indeed. Although they are prisoners and are physically helpless, as they generate willpower and keep up their courage, they stand before the world as a symbol of sacrifice and dedication; and that is a tremendous contribution to our cause and to our side of the war.

Although their situation is not desirable at all, I think that in many ways many of them are undoubtedly contributing more in the way they are carrying on as prisoners against these conditions than they could have in other ways which were more active.

So I commend them and their wonderful families—I know that we have them in Mississippi—for the way they have stood up and the way they have responded.

Secretary Laird was there, and we met with someone representing every one of these prisoners. I have never been more elevated or encouraged than by that experience.

Again, I thank the Senator and commend him highly.

Mr. BYRD of West Virginia. I thank the able chairman of the Committee on Armed Services.

I yield to the Senator from Kansas.

Mr. DOLE. I thank the Senator for yielding.

In ancient Greece, a philosopher was once asked:

> When will justice come to Athens?

He replied:

> Justice will never come to Athens until those who are not injured start to become as indignant as those who are injured.

I believe this is the story of the American prisoner of war and the American missing in action.

Mr. President, the plight of American servicemen being held captive by the North Vietnamese and the Vietcong and of those who are missing in action in Southeast Asia has received widespread attention in recent months. Publicity for these men has generated by numerous individuals and organizations. The chief goals have been that these brave men shall not be forgotten at home and that increased public awareness of their situation will increase the pressure on their captors to provide evidence of humane treatment under standards of international law.

I am proud to note that the Senate has been one of the most important sources of publicity and pressure on behalf of POW's and MIA's. On a collective basis and through the efforts of individual Senators, a continuing flow of information has come from this body through statements, debates, and projects undertaken by Members.

I wish to take this occasion to report on the status of one attempt to stimulate a response by the North Vietnamese to American concern for captive and missing servicemen. On July 13, a letter signed by 89 Senators was sent to the Premier of North Vietnam, Pham Van Dong. It expressed the vigorous and deeply felt conviction that Americans must be accorded the humanitarian treatment to which they are entitled. The letter was sent by registered mail, and a notifying telegram preceded it. To date no reply of any sort has been received.

This absence of any response is unfortunate. It was hoped that a letter from so many Members of this body and representing such a broad spectrum of political philosophies might stimulate some meaningful response from North Vietnam.

While a response has not been forthcoming, we are still hopeful that the North Vietnamese, either through their government in Hanoi or their delegation to the Paris peace negotiations, will at least acknowledge receipt of the letter.

It may be that the resumption of the Paris talks, with Ambassador Bruce at the head of our delegation, will bring this response. We all earnestly hope that Ambassador Bruce will be able to achieve a complete agreement on the end of hostilities and restoration of peace. Of course, such a settlement would include as a major element the release of all Americans being held, whether their status is officially acknowledged or not.

For the time being, however, we in the Senate, as well as concerned Americans everywhere, must continue to press North Vietnam and the Vietcong both for information detained and missing American servicemen and for assurances that they are being treated in accordance with the standards of international law and basic humanitarian principles.

On May 1 of this year, in historic Constitution Hall, we had a gathering of some 4,000 Americans. The event was designated "Appeal for International Justice." Many outstanding Americans were there, including the present occupant of the chair, the Vice President of the United States. On that evening, the Vice President made the following statement:

> Let me say here tonight—we shall never forget those men and we shall never forget how they have been treated.

The Vice President meant those words. And on July 16 of this year, the Vice President made a very generous contribution to the National League of Families of American Prisoners and Americans Missing in Action in Southeast Asia.

So there is a commitment by the leaders of this great country. There is a commitment by Members of the Senate, regardless of views on the war in Vietnam. There is a commitment and there is unanimity with reference to the American prisoners of war and Americans missing in action.

Also on the program on May 1 at Constitution Hall was Mrs. James Mulligan, the wife of an American prisoner of war, who made perhaps the most moving appeal I have heard with reference to American prisoners of war and Americans missing in action. In her closing remarks, she said:

> Do not turn your back on the hundreds of mothers who want their sons returned. Do not ignore the children who cry out for the love and guidance of their fathers and the hundreds of wives who have grieved for years, some for husbands who will never return! Hear our call of distress and the cry from within the walls of the prison camps—May Day, May Day!!! Help. Please Help!

We also heard from a man who had been a prisoner of war, Lt. Robert E. Frishman, who made an eloquent plea when he said:

> No matter what your political conviction, whether you think we should pull out of Vietnam today or bomb Hanoi tomorrow, we can all support humane treatment for prisoners of war. For these men were given a job to do by their country, and did it to the best of their ability.

Mr. President, I commend the distinguished Senator from West Virginia, who has had a long and continuing interest in the fate of American prisoners of war and Americans missing in action.

It was suggested earlier today that perhaps we should have a special committee hearing or a special investigation. I know the wives and mothers and children are suggesting to the leaders in both parties that perhaps there should be a joint session of Congress. This would dramatize the problem to many Americans who fail to understand the plight of American prisoners and Americans missing in action.

I share the view expressed by the Senator from West Virginia. It is unfortunate, it is tragic, that some who demonstrate and criticize our country, and our allies, cannot find it in their hearts to concern themselves with the Americans who have been prisoners of war or have been missing in action for 1 year, 2 years, 3 years, and in some cases 5 years.

Let me say that the undaunted spirit of the mothers, the wives, and the children continues. Just recently, within a stone's throw of the New Senate Office Building, the National League of Families of American Prisoners and Americans Missing in Action in Southeast Asia opened an office in the Reserve Officers Association Building. It is staffed by volunteers, by mothers, young wives, and children of these brave Americans, rich and poor, black and white, who serve their country.

We have a continuing obligation, a daily obligation, to demand humane treatment for American prisoners of war and Americans missing in action. It has been pointed out that they are a small group, less than 1,600. But, as the Senator from West Virginia has so clearly illustrated, they have been mistreated, they have been murdered, they have been tortured, they have been treated like animals; and I do not believe we can condemn the Government of North Vietnam or the Vietcong too harshly for the treatment of American prisoners of war and Americans missing in action.

Again, I find it hard to understand that the American conscience can be triggered by alleged mistreatment by the South Vietnamese of some prisoners—and I do not condone this. We should observe humane standards, and our allies should observe humane standards. But I sometimes wonder what it takes to trigger the American conscience on behalf of our own American prisoners of war and Americans missing in action. What does it take to demonstrate to Americans that we all have a stake in their return, and their freedom, and their rehabilitation? Regardless of our views on Southeast Asia, regardless of our views on South Vietnam or Cambodia or Laos or Thailand, we can have no difference of opinion on this vital issue.

I commend the Vice President of the United States for his efforts on behalf of American prisoners of war and their families and Americans missing in action and their families. I commend the Senator from West Virginia for his continuing leadership. I commend the President of the United States and Secretary Laird, Members of Congress of both parties, the leadership in both parties, because it is a firm indication that we understand our obligation and are attempting, in the best way we can, to bring about some justice for these brave Americans. I thank the Senator from West Virginia for yielding.

Mr. BYRD of West Virginia. I thank the Senator from Kansas for his excellent statement. He has expressed concern prior to this date on many occasions and I know that he will continue in his expressions of concern with regard to our brave American prisoners of war.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I am happy to yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, first, I commend the distinguished Senator from West Virginia for the vast amount of work which he has done on this subject prior to his speech on the Senate floor today, and for presenting it so ably. I associate myself with all the things he has presented and said, along with all my other colleagues who have expressed themselves on the subject.

Mr. President, the subject of our American prisoners of war and Americans missing in action is one that is sickening and distressing to every human being, to know of the treatment they are receiving from a nation which cannot be classified, in my opinion, as being civilized, because civilized people do not treat prisoners of war, or anyone else, the way they are being treated.

As chairman of the Committee on Rules and Administration, of which the distinguished Senator from West Virginia is a member, I joined the Speaker of the House of Representatives in placing the exhibit in the Capitol depicting prisoner-of-war treatment, which we believe to be authentic. This exhibit was placed there solely for the purpose of letting the American people see for themselves the terrible conditions under which our prisoners are being kept and tortured.

Mr. BYRD of West Virginia. And, if I may interject there, the distinguished Senator from North Carolina performed a great service, may I say.

Mr. JORDAN of North Carolina. I thank the Senator very much.

We hope the exhibit will arouse public opinion to the extent that the whole world will know what is going on.

I hope very much that the press will carry in its entirety this discussion on the Senate floor today, and will send it out to all the world, so that it will arouse the indignation of every civilized country to the point where the people in Hanoi will not be able to hold up their heads and claim that they are civilized when they have so patently departed from the Geneva convention—in fact, they have never adopted it or done anything about it except merely to sign it.

In my opinion, no human being can hold up his head and declare that he is a citizen of any country when he knows his country is mistreating and torturing prisoners of war.

Mr. President, the distinguished Senator from Kansas (Mr. DOLE) spoke about the National League of Families of American Prisoners and Americans Missing in Action in Southeast Asia. I was there the night the league was opened. They are doing a great service in bringing this to the attention of the American people and the world.

I want the Senator from West Virginia to know that I am exceedingly grateful for the fine job he is doing, and associate myself with any movement which can help to bring those boys back home as early as possible. We all want to get the war over with, of course, but we want those boys home just as quickly as possible, and I want to do my part.

Mr. BYRD of West Virginia. I thank the Senator from North Carolina very much for his earnest statement.

Mr. President, there are other Senators who wish to speak on this subject and I ask unanimous consent that I may be permitted to proceed for an additional 30 minutes.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I now yield to the Senator from Florida (Mr. GURNEY).

Mr. GURNEY. Mr. President, I join others of my colleagues here this morning in commending and congratulating the distinguished Senator from West Virginia (Mr. BYRD) for bringing this prisoner of war situation to the attention of the Senate once more and, hopefully, to the attention of the country and the world.

Let me say that there is no language strong enough with which to censure or condemn the North Vietnamese Government, the masters of Hanoi, for the cruel and inhuman treatment they have given our American prisoners of war. I doubt whether there is a parallel incident, certainly in modern history, where nations have been engaged in warfare, where prisoners of war have received the treatment that our soldiers, sailors, and airmen have received at the hands of the North Vietnamese Government.

Apart from the individual servicemen themselves, the families here at home in many cases do not even know whether their loved ones are indeed prisoners of war at all or alive at all, much less hearing from them or knowing what sort of treatment they are receiving.

The thought occurred to me there is a strange and ironic contrast between the coverage accorded by the media to two recent prison stories: I am thinking of the Con Son prison story which has preoccupied television commentators and newspaper editorialists for the last 3 weeks and the coverage—or should I say the lack of coverage—of American prisoners of war held by Hanoi.

By American standards, the conditions in South Vietnam's Con Son prison were abominable. By Asian standards, I suppose they were not uncommon. What is significant about the Con Son story is that after attention was focused on the offending conditions, the Government of South Vietnam took steps to correct them. To put Con Son in perspective, I think it is well to remember that even before the visit of the House subcommittee to Con Son, inspection teams from the International Red Cross visited and inspected that prison twice last year. Their reports, while not glowing, certainly did not paint as gruesome a picture as we received from our television networks here at home. Their reports noted that the prisoners were not political prisoners, but were, in fact, persons found guilty of crimes of violence and other criminal acts.

Americans were nevertheless outraged by the stories of men in cages and men forced to exist in cramped and apparently disgusting quarters. This outrage, on the part of Americans, even if we presume that it was artifically generated, speaks well of the compassion and decency and concern of Americans for suffering humanity anywhere.

But where, we should properly ask, is concern as intense or as fervent, demonstrated for American servicemen held captive by Hanoi? In the press? I do not think so. On television? Certainly not.

Do we hear expressions of outrage from network television commentators for American men imprisoned by Hanoi? I have not heard any.

Earlier this year, H. Ross Perot brought to Washington and exhibited here, cages similar to those in which American servicemen have been and are being kept in North Vietnam. Do we hear voices raised to protest this outrage? We do not. As a matter of fact, for his trouble, this good and decent man, Perot, was caricatured in some of the press as some sort of sensation seeker, some officious intermeddler. Instead of praise for his efforts, he was dismissed as some sort of crank or busybody.

On May 1, several of our distinguished colleagues gathered in Constitution Hall with the families of some of our POW's—Senator DOLE, Senator STENNIS, Congressman TEAGUE, and many others. The purpose was to focus public attention on the POW problem, the plight of our young men in North Vietnamese hands. I regret to tell the Senate what we already know—that the press coverage of this event was perfunctory and minimal. Some hippie rallies in support of legalized marihuana or to protest the erection of a bridge across the Potomac, have received more coverage in the pages of the Washington Post, that incredibly self-righteous journal, than this deplorable situation involving our prisoners of war.

Last year the League of Families of American Prisoners Southeast Asia was formed to mobilize public sentiment and to beg for public help. It has not gotten the public help it deserves, or the recognition, or coverage, or publicity it needs to carry on its work.

This organization which is made up of splendid people—good, decent people who only want to get their men back—has not received—in its year of existence—1 percent of the coverage or attention Con Son has received in the last 3 weeks.

The logical question is why? Why is the public seemingly so unconcerned about our prisoners in Hanoi? It is not, I suggest, because Americans are callous or indifferent or unsympathetic. It is because they are uninformed about the problem. Candidly, some of the responsibility for this sorry state of affairs is ours. We in public life perhaps have not pointed out sufficiently this terrible thing that is going on in the prisoner-of-war camps in Hanoi. That is why I think the Senator from West Virginia is to be commended again for bringing this matter to our attention once more in the Senate. I think it is our duty to delineate the public issues, to give them priority and say: "This set of facts is important, and that set of facts is trivial." Too often, we have emphasized the accidental issues—to the neglect and to the exclusion of the essential considerations.

The question of the treatment of, and the ultimate fate of, American military personnel in the hands of the enemy is an essential question; it demands public attention. That demand is pressing and immediate.

At this point, Mr. President, I ask unanimous consent to include in the RECORD an article on the American prisoners of war by Priscilla L. Buckley, which appeared in the National Review for July 28, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRISONERS OF WAR: THEY ALSO SERVE

(By Priscilla L. Buckley)

I'm Mrs. William Schuddy, she said over the phone. She and two friends were in town for a couple of days making the rounds and they'd like to see my brother, or me, or anyone I'd designate on the staff. "My husband's been a prisoner in North Vietnam for five years," she explained, "and we're organizing to do something about it," because, she didn't add, it doesn't look as is any one else will.

I don't know what I expected. Middle-aged women, I suppose, emotional, pent-up, driven. But the three who came in the door were, well, kids. Bright, attractive, with that clean tanned outdoor look of so many young American women. Attractive, and determined.

Jane Schuddy made the introductions. Kathy Plowman, a pretty dark intense girl, very thin, "her husband's been missing in action three years." The blonde on the other side, with a gamin haircut and the big smile is Candy Parish. "Her husband's been missing in action for two years." MIA—Missing In Action. That means that there has been no official word since their planes went down. Candy has this to go on. The backup flier in her husband's plane *is* in a North Vietnamese prison camp; his wife has heard from him. But he hasn't mentioned Chuck Parish. Candy smiles, all but apologizes. "I've built a lot on a little," she says. The other flier has occasionally used "we'all" in his letters—"but then he's a Southerner." Could that "we'all," so casually dropped in a letter, mean that Chuck Parish is alive? Candy doesn't know. Kathy Plowman's straw is this. A couple of weeks after her Navy husband's plane disappeared, two Americans were spotted and their descriptions tally pretty well with the description of James Plowman and his pilot. Two of the nine prisoners who have been released have mentioned Buzz Ellison. Buzz Ellison was James Plowman's pilot. She wants to explain a little more fully why she, too, continues to hope. There was this other woman. Just a few weeks ago she heard from her husband: He'd been missing four and a half years. All that time she's been writing him—writing into the void. In that first letter to her, he asks how the child is. Kathy wants to make sure I get it. *Child*, not *son* or *daughter*. The wife was pregnant when he was shot down. He assumes a child was born. But when he doesn't say boy or girl, mention a name, she knows that all those letters, over all those years, addressed to Central Post Office, Hanoi, have been held up or destroyed. Why did they decide to let him write at all? And why now?

The women have an answer. Because of the pressure they and other men and women like them have brought to bear. Because of the publicity they're giving to the issue. And they trot out the figures. There are 1,586 men missing in action in North and South Vietnam and Laos (no one has heard anything from any man missing in the South or in Laos so for the moment we won't count them). About eight hundred of the missing men are fliers, shot down over the North. In the five years from 1965 to 1969, six hundred letters had come out from 115 men; in the six months between December 1969 and June 1970—after the families started agitating—1,200 letters have been received from 320 men. And they mention something else. A year or more ago, in November 1968, Hanoi announced that it would, as a humanitarian gesture, release three prisoners to a delegation of peaceniks headed by Rennie Davis and Dave Dellinger. And they did. They set free three Americans, none of whom had been in their hands more than six months, all of whom were in good shape. When Secretary Laird, last May, devoted an entire speech to the prisoner issue, Hanoi's response was to allow six Americans (one of them Admiral McCain's son—it was the first word he received that his son was alive) to broadcast messages that they were alive and well. In addition, Hanoi freed another three prisoners. This time, because Hanoi wanted to wring the greatest possible credit internationally from the gesture, it freed men who had been in prison two or more years, men in need of medical care. They, too, were released to a peace delegation.

What about the peaceniks and their efforts on behalf of the prisoners? I asked. I had read that some women had refused to accept mail from their husbands which the peaceniks had brought out rather than go along with demands that they join the end-the-war propaganda campaign.

Kathy doesn't buy it. We can't, she says. "We'll grab at any straw." If they have to work through the Dellingers & Haydens & Weisses they will. Candy, who was one of the wives who went to Paris last year to plead with the Vietnamese delegation for news of their husbands, comments that when they asked North Vietnamese delegate Xuan Oanh what they could do to help, he told them to work with Dr. Spock and Women Strike for Peace. "We dropped that right there," she says. She adds that Xuan Oanh was the only delegate who would see them at all and that he was very kind, very sympathetic. He hasn't been heard from since. He's not in Paris. Candy muses, "You don't suppose they've sent him down the Ho Chi Minh Trail?" The others are amused. They've heard it before but still it's fun. Anyway, they tell me, Hanoi's position is that all American prisoners in its camps *are* allowed to write one letter a month to their families and the reason the wives and parents aren't getting the letters is that, what else, the Central Intelligence Agency doesn't want the letters delivered and intercepts them. Jane explains further. "We address our mail to the prisoners care of Central Post Office, Hanoi. They obviously think that all mail to the States goes through a Central Post Office, Washington, D.C."

Hanoi, they say, is big on gestures and pronouncements. But, all told over the years, it has released only nine Americans, in groups of three and always to the custody of American peaceniks. It has never given out anything like a complete list of its prisoners. It gives out the news in dribs and drabs to suit its own purposes. Examples: Hanoi did respond to an appeal by Swedish Prime Minister Palme. It gave him a list—the first and only official list incidentally. And it contained fourteen names—only two of which are new. A list published by Chicago Veterans for Peace last November had "dated" information according to the Pentagon. Two of the seven photographs were of men who had been released a year earlier. A second list released that same week had only one new name. Last Christmas, Women Strike for Peace, with great fanfare, published a list of 141 names it had brought back from Hanoi. Most of them were repeats, very few were new. Jane interjects: "Bill's name is on all those lists. I wish it weren't. I wish some other women could know what happened to her husband." A fortnight ago there was a big flurry. Cora Weiss, of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, brought out a list of 334 names. Hanoi radio announced that this was the list of all the men it had in its prison camps—complete and final. But the United States knows of 376 men that North Vietnam holds or has held. This latest list like so many in the past was, according to a Pentagon spokesman, "inaccurate, incomplete, from unofficial sources." He added: "There are no names on the list that are new to us."

The prisoners are an asset to Hanoi, says Kathy. North Vietnam can dole out the names, allow more letters out, let parcels and letters in, for its own propagandistic purposes, when it wants to and how it wants to. "We've got to change that. We've got to put so much pressure on them that these prisoners will become a liability to the North." That's what the National League of Families of American Prisoners is all about.

What about H. Ross Perot? He's the Texas multimillionaire who flew a planeload of food parcels, Christmas gifts, medical supplies and letters to Laos last Christmas hoping to be allowed to deliver them to American prisoners of war in North Vietnam. Which he never got to do. Candy and Kathy and Jane think Perot is great. He's got no personal axe to grind. But he did something that dramatized the situation. They tell this story about that abortive mission of his.

In Vientiane, the Laotian capital, North Vietnamese delegates threw back at Perot the charge that prisoners of the "army of national liberation"—technically Hanoi continues not to acknowledge that Northerners are fighting in the South—were being mistreated in South Vietnamese POW camps. Perot flew to Saigon. He enlisted the cooperation of newsmen, of photographers, of TV camera crews and of the U.S. and South Vietnamese authorities. His group toured the POW camps. They took pictures, stills and movies. They talked to the prisoners. They collected thousands of letters from them for their families back North. Back to Vientiane. The North Vietnamese refused to look at evidence. They wouldn't accept the pictures. And Perot wouldn't hand over the letters. The prisoners had told him to deliver them to their families if he could but by no means entrust them to North Vietnamese authorities or even to Central Post Office Hanoi. They feared reprisals against their families.

Once a man sets forth down the Ho Chi Minh Trail he is gone, finished—he might as well be vaporized—so far as his family in the North is concerned. It is a one-way street. Nothing comes back up the trail by way of news. No R&Rs for Hanoi's soldiers; no one-year tours in the war zone. The soldier, if he survives, will not return home until the battle has been won and South Vietnam conquered.

Every week American and South Vietnamese authorities file a report, as required by the Geneva Convention, with the International Red Cross in Geneva giving in all the required detail the names, condition and place of incarceration of captured North Vietnamese troops. That list is there in Geneva and available. Hanoi has never consulted it. North Vietnam's Candys and Kathys and Janes could know what has happened to their husbands and brothers and sons; could know if they are in prison, if they have been wounded, how they are now, whether or not they are dead. But that might get in the way of the Communist wave of the future Ho and his successors are planning for Indochina it might indicate the dimensions of the losses suffered by North Vietnam in the South. So there will be no letters home, no lists of dead and wounded, no information. Just the memory of the heroic soldier in the army of national liberation fighting to the death against the yankee imperialists and their corrupt lackeys in Saigon.

Most of the letters by those abandoned North Vietnamese POWs lie in sacks in warehouses today; the pictures are going brown around the edges. A few can be seen right now in an exhibit mounted and paid for by Perot in the crypt of the Capitol in Washington. They show Northern prisoners in the Southern camps; they also show a few pictures of American prisoners in the North.

A man in a cage.

"I know they kept them in cages, and about the cockroaches and the rats," Candy says. "But I didn't know, before I saw those pictures, that they were fastened down. Lying on their backs, with their legs and arms fettered. . . . Lots of them have dysentery. . . ."

Janie adds: "In some places they just dig holes in the ground and drop them in. They throw food down to them, and let them live there in their own waste."

They mention these facts with very little emotion. But then these are the kind of facts they've been living with for five, three, two years.

What worries them now is Vietnamization. American troop withdrawals continue, South Vietnam takes over more and more of the actual fighting. Eventually our troop presence is skeletal. The fighting continues in desultory fashion, on a hit-and-run raid level. There's no formal armistice or peace treaty. Just the de-escalation. That's what everyone is hoping for from Richard Nixon on down. That's the way everyone would like to see the scenario run out. But Hanoi has said it won't release its American prisoners until every last American soldier is out of the country. No strategic projection as of now calls for that. So will their husbands—at any rate Janie's—have their misery prolonged?

The senators—they've talked to lots of them, too—tell the wives that of course the Americans will be released when the withdrawal is completed. Why would Hanoi want to keep the prisoners at that time?

But the families don't believe in Hanoi's goodwill. They know that even though an armistice was signed at Panmunjom, North Korea failed to account for 389 Americans who had had one time or another been known to be prisoners. The families of those prisoners of an earlier war against a Communist foe in Asia—nearly twenty years later—still have heard nothing.

But back to Hanoi. Will a government that, as a matter of politics, withholds information from its own people about their own men, its soldiers, will such a government suddenly throw wide its prison gates unless it is forced to do so? They don't believe it. There's no reason they should from their very own, very personal, very bitter experiences with the Reds.

"The prisoners will never be released until we can make them a liability to Hanoi," Candy insists.

They get up to leave. Janie mentions that she expects there'll be a letter from Bill in her mailbox when she gets home to Virginia Beach. Nancy Rubin, Jerry's wife, is just back from Hanoi and Moscow, and she brought out 143 letters. She posted them yesterday, according to a newspaper story Janie read. One could be from Bill.

They walk out, three slim, determined fighting wives whose husbands, dead or alive, have cause to be proud of them. The door swings shut. You stand there a moment just thinking about them. And suddenly you realize with a start that they, too, are members of the Now Generation.

Mr. GURNEY. Mr. President, one of the significant points raised by Miss Buckley in this thoughtful article should be of concern to all of us, for she asserts, with what appears to me to be ample justification, that one of the greatest fears of the families of American POW's is the fear that the success of the Vietnamization program will operate to the disadvantage of our POW's. Let me read what she says:

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That point, I suggest, is food for thought. Again, Mr. President, I commend my distinguished friend from West Virginia for his sensitivity and for his probing analysis of this vital issue. I thank the Senator for bringing this matter to the attention of the Senate and the Nation again.

It reminds us that the North Vietnamese, the Vietcong, and the Communists were the aggressors over there in Southeast Asia. They were the ones that attacked a free nation, South Vietnam.

They were the ones that carried the war to the south. They were the ones that started the fighting. They were the ones that tried to put this new nation out of business and not in an open way but, as we know, in guerrilla warfare which recognized no uniform, which had as its target civilians, government employees, teachers, and people in charge of the villages and provinces in the government by murder, kidnaping, and torture. This is the sort of thing they have practiced year in and year out in Southeast Asia.

What their treatment of prisoners of war has shown, and it is the most inhumane treatment certainly in our time, is simply an extension of what they have always done in Southeast Asia and what we have come to know communism for ever since that idea of government was spawned many decades ago.

I would hope that finally, through the efforts of the distinguished Senator from West Virginia, and the efforts of other Senators, that the world will direct its attention to the kind of government, leaders, and people that are making trouble in Southeast Asia, so that we can recognize them for what they are.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator, and I commend him for his well-prepared statement.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. I thank my friend the Senator from West Virginia. I have been fascinated in listening to the colloquy on both sides of the aisle, which has been participated in by the Senator from West Virginia, the Senator from Florida, the Senator from Kansas, the Senator from North Carolina, and other Senators from all over this vast country of ours.

When one talks with the wives, children, and families of the prisoners of war, as I have talked with groups of these people from my State, the constant question from them is, what more can we do? What more can the Senate or House of Representatives do to be of assistance in trying to get the North Vietnamese to practice simple humanity as far as prisoners of war are concerned? Those are very hard questions to answer.

This colloquy today will be another portion of the public pressure we are trying to keep on Hanoi. All of us, regardless of our feelings about the war, consider this a vital issue.

I have brought up the question from time to time as to whether Congress could not try to put economic pressures on North Vietnam by threatening to cut off trade from those countries which trade with North Vietnam until we have had a resolution of this problem. I have explored this approach in some detail with my colleagues. I urged the same course of action when Americans were held prisoner by the North Koreans in connection with the *Pueblo* incident, and I found it was difficult with the makeup of Congress at that point to do it successfully. If the efforts were not successful, of course, it could backfire, so this should be very carefully worked out ahead of time.

Another thought that occurred to me during this presentation is that many of the people who have spoken out against the war and the inhumanity of Americans in bombing the North Vietnamese and the Vietcong never mention what happens to American prisoners of war in the hands of the North Vietnamese. This was brought home to me specifically during my meetings with many of the young people who came here earlier this year in connection with the peace demonstrations. One young man looked at me and said, "I do not think the North Vietnamese have been rough on the prisoners. I have been informed by peace groups that they have been treating them well and that they are receiving medical attention and not receiving any worse treatment than prisoners held by the United States." I told him no matter how one looked at it, there was no justifiable evidence to support his opinion when he said all the problems were on us and not attributable to the other side. I asked if he had talked to Lieutenant Frishman, Petty Officer Hegdahl, or others. He said, "No," that he had only talked to different peace groups that had gone to Hanoi and told him that prisoners were being well treated.

It is discouraging when U.S. citizens themselves, people who are intelligent and educated, become hypnotized by their version of whether we should be in or out of the war, and then lose sight of the plight of prisoners held by North Vietnam.

I am very pleased the Senator has brought up this matter. I believe it will demonstrate how unanimously we are united on the fact that Hanoi must come to some civilized method of treating these prisoners and letting their families know where they are held prisoner and their condition, because the families have an immense problem.

I introduced a bill on April 30, 1970, which was a very simple bill to provide that families of those men who are missing in action or held as prisoners of war would be able to get VA loans on homes and have educational benefits for their children. The bill went to the subcommittee of the committee on which I serve, the Committee on Labor and Public Welfare and we asked for a report. Three months later there was no report. There has been nothing from the Veterans' Administration and nothing from the budget bureau or any other source. All I can say is that while they are sitting down, twirling their thumbs, and deciding what they are going to do about it, the families of these people have been placed in a position of jeopardy by virtue of the problem that exists which could at least partly be solved by this bill and others.

Once again, I am happy to participate in this colloquy. I had the privilege of appearing at Constitution Hall on May 1, and to participate in the prayer program for prisoners on May 3, and to participate in previous colloquies in the Senate.

I hope the people of Hanoi will listen. Whether they do, we will not know for some time. It would seem to me that in addition to Hanoi, the civilized countries of this world which still have contact with North Vietnam should be listening with great care to this colloquy and exerting their influence to do what they can to be of assistance in connection with this vast problem.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Kept in the Dark," which was published in the Washington Post on August 4, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEPT IN THE DARK

The letters come in every day, in big and little batches from Santa Fe and Monterey, from Aberdeen, South Dakota, and Purdy, Missouri, from Richmond, Virginia and Lake Lure, North Carolina, from Downers Grove, Illinois and Finnville, Michigan. Some are hand-scrawled and some typewritten and they all speak poignantly of the suffering of mothers and fathers and wives and sons and daughters of the over 800 men who are missing and presumed to be prisoners of the North Vietnamese. They ask about the treatment the men are getting. But because the Hanoi Government won't even confirm the names of the men it is holding, their first concern is with the cruelest question—whether a husband or a brother or a son or a friend is even still alive, let alone well. Somebody has told them that just maybe a newspaper editorial would help persuade the North Vietnamese to say at least that much, to show at least that much human decency, and so the letters keep coming in.

And about all we can say in reply is that we have tried before and that we do not have any illusions—not even when it comes to counselling our own Government, which by the nature of the system it lives by is not insensitive to public pressure. But the case against Hanoi in the matter of our prisoners of war is so persuasive, and the anguish of their friends and relatives is so acute, that one wouldn't want not to keep trying.

The case against North Vietnamese treatment not only of war prisoners, but of their next of kin, rests very largely on Western values—compassion, humanity, a natural aversion to cruel and unusual punishment. And while this is the strength of the case in Western eyes, it is also of course its weakness, because the same values are not universally prized in the same war everywhere, and particularly are they not prized by Asian Communist Governments; we have the treatment of our Korean War POW's and more recently the crew of the Pueblo to vouch for that, as well as the treatment of our prisoners in North Vietnam.

The techniques are as subtle as they are vicious, as psychological as they are physical, and the results have nowhere been more affecting recorded than in interviews with two of our captured pilots conducted by Oriana Fallici and published in *L'Europeo* a few months ago. Of U.S. Navy Lieutenant Robert Frishman, she wrote:

"He was very young, very tall and terribly thin. Of a sickly, consumed thinness . . . He wore Chinese wool slippers and walked bent like an old man . . . With his left hand he held up the right arm, shorter and shrunken . . . He looked around with a lost expression and blinked his eyes . . . Obviously he had been kept in the dark for a long time . . . 'It has been almost a year and a half since I last spoke to someone, Madam.' "

There are probably places in the world where this sort of thing is effective, the use of God knows what sort of inhuman pressures to reduce men to parroting banal, fawning propaganda in a crude and almost ludicrously primitive effort to influence public opinion. But there are not many, not where men are free to judge for themselves. And the tragedy of it is the pointlessness of it, leaving wholly aside the morality; it isn't working the way the North Vietnamese must think it will work. The sympathy of the world is not going to be swung toward the North Vietnamese side of the argument by barbarism, as the press comment in large parts of the world, including countries by no means sympathetic to *our* side of the argument, amply testifies. And still less is world opinion likely to be swung by the even more mindless cruelty of preying on the grief of the next of kin, by teasing them with invitations to send gifts, by releasing a handful of prisoners now and again, but never releasing the names of those still held in captivity.

Many important, perhaps, the North Vietnamese have it all wrong if they think that this refusal to release the list of POW's will significantly influence American public opinion against the war or serve some purpose as a negotiating counter, as Hanoi's Paris negotiator Xuan Thuy has implied.

There are things about this war that have, and will continue to have a profound and disquieting effect on American public opinion; merely by dragging on, the war has that effect; so do continued American casualties in battle; so does the absence of any believable end in sight. These things may sap the will and encourage the belief that the effort is not worth the price, that conciliation and a rapid transfer of the burden to the South Vietnamese is the proper course. There are countless ways that the enemy might try to encourage these tendencies by promoting the belief that an honorable accommodation is possible with the North—an accommodation within which our South Vietnamese allies and their followers and the people of South Vietnam could survive. But a continuing demonstration of relentless cruelty, of an incapacity for showing even the most elementary evidence of decency and humanity, is not one of these ways.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his cogent expressions of concern.

I yield to the able majority leader.

Mr. MANSFIELD. Mr. President, I have listened with interest to the colloquy relative to the plight of U.S. prisoners of war in North Vietnam. I agree completely with the distinguished Senator from West Virginia (Mr. BYRD) that regardless of our feelings about this war in which we are engaged, as far as the prisoners of war are concerned there can be and there must be no differences of opinion.

I dare say there are differences in the minds of some of our prisoners about this war, too; but as good citizens they have carried out their duties and obligations, and the least we can do is not to forget them but to remember them as often as we can and do what we can to be of assistance in achieving their release.

It has been stated that the number of POW's in North Vietnam and Laos is approximately 1,400. We do not know whether that number is correct. We think it is about the best figure we can arrive at on an estimation of the facts at our disposal.

In addition, we do not know whether they are all alive or if some of them are dead. I would think that the least the Government of North Vietnam could do would be to give us a list of the prisoners they hold and give us some assurance that those they hold are alive, and to tell us which of the prisoners have died, or to tell us what happened to them. I think that is the minimum that could be stated as far as human decency is concerned.

It is my belief that the Government of North Vietnam is a party to the Geneva accords covering prisoners of war, and I would hope that they would consider their position, consider the plight of those people and their families, who are worrying day in and day out, and do what could be done to alleviate the suffering and the heartbreak which has been caused by the capture of these Americans.

So I want to commend the distinguished Senator from West Virginia, who once again has taken the lead in this important matter and significant field, and I want to commend my colleagues, also, for expressing their concern and their care on the basis of the remarks which they have made in this Chamber this morning and this afternoon.

I would hope that this message would reach Hanoi. I hope that the letter which has been dispatched has reached Hanoi. I dare say Hanoi is smart enough to know that this is a matter of public record and that in some way, in some shape, in some form they will have access to the RECORD of today and will be aware of what the

Senate thinks about this most distressing, dangerous, and difficult problem.

We hope that, in return, some action would be forthcoming which would bring some degree of succor, some degree of relief, some degree of alleviation to those men who are prisoners of war now but who became prisoners of war in carrying out their bounden obligation to their country.

Mr. BYRD of West Virginia. I am grateful for the remarks just made by my friend and majority leader.

I yield now to the Senator from Delaware (Mr. BOGGS).

The PRESIDING OFFICER. The additional time granted to the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be allowed an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I thank the Senator from West Virginia for yielding. I wish to commend and congratulate him on his remarks this morning and on his continuing interest in this most pressing problem. I wish also to commend the distinguished Members of this body for their participation in the colloquy, which brings attention to this most important concern of all Americans, and, I believe, of people all over the world. I want to associate myself with the remarks that have been made this morning, especially those by the distinguished Senator from West Virginia (Mr. BYRD).

The torment and the tragedy endured by the American prisoners of war held in North Vietnam are of the greatest concern to all Americans. I do not think there is anything of any greater concern. North Vietnam's repeated refusal to provide the United States with complete information on the names and the health of American prisoners places a constant burden of anxiety and strain upon the brave families of these men.

Mr. President, it has been my privilege and honor to join with other Senators in cosponsoring two Senate resolutions intended to encourage North Vietnam to meet its obligations under the Geneva Convention on the Treatment of Prisoners of War. It is my hope that they will begin to act with humanity toward these prisoners.

One of the most effective ways North Vietnam could demonstrate its good will would be to begin serious negotiations in Paris. Such negotiating could lead to a settlement of the sad conflict in South Vietnam and lead to freedom for the prisoners held in the north.

In its August 1970 issue, Air Force and Space Digest magazine, published by the Air Force Association, inaugurated a column on developments regarding men who are prisoners of war or missing in action. The magazine, I believe, is to be commended for focusing attention on this issue. I ask unanimous consent that the column be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POW-MIA ACTION REPORT

(By Maurice L. Lien)

HOW LONG?

"A child asks: 'Where is my daddy?' A mother asks: 'How is my son?' A wife asks: 'Is my husband alive or dead?'

"Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

"How long?"

This quotation has been entered in the *Congressional Record* every day since January 26, 1970, by Rep. William J. Scherle (R–Iowa), as a continuing reminder to all members of Congress, and the world, that more than 1,500 American servicemen are prisoners of war or are missing in action in Southeast Asia.

Congressman Scherle, long active in support of the cause of MIA/POWs, says he will keep on entering his statement in the *Record* every day "until all the American prisoners of war are released." He, along with scores of other members of Congress, is determined to "keep the pressure on" until the Communists give a complete accounting of the men they hold prisoner and until humane treatment of these Americans is assured.

"THE COMMITTEE OF LIAISON"

On June 26, a group calling itself the "Committee of Liaison with Families of Servicemen Detained in North Vietnam" released the names of 335 Americans it claimed are being held prisoners in North Vietnam. The list, it turns out, is a compilation of the same names released by the same group on three previous dates—January 15, March 11, and March 27, 1970.

The Committee of Liaison, a group of private individuals, is an offshoot of the New Mobilization Committee to End the War in Vietnam ("The New Mobe"), and was formed in January of this year. Its purpose is to receive the names of prisoners of war from the North Vietnamese government, and to pass on to relatives information concerning these men. The organization, according to its own information sheet, was formed at the request of the government of North Vietnam.

According to a New York *Times* story on June 26, North Vietnam has reportedly declared that the list of names released by the Committee of Liaison on that date was complete and that North Vietnam does not hold any men who are not listed on it.

The Department of Defense, however, calls the list "incomplete and unacceptable," and has said that the names of *at least* forty men believed to be in the hands of the North Vietnamese are missing from the list. In support of its contention, DoD released photos that have been published in North Vietnamese newspapers of two Americans identified as prisoners, whose names are not on the list.

In a statement on June 26, Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, said, "It should be noted [that] this privately compiled and unofficially released list makes no reference to our men held prisoner by Hanoi and its agents in South Vietnam, Laos, and Cambodia. The unofficial release of an inaccurate and incomplete list of names from unofficial sources," he said, "can only add to the great anguish of the hundreds of wives, children, and parents of the more than 1,500 servicemen who are listed missing or captured."

NATIONAL LEAGUE OF FAMILIES

On June 30, a newly incorporated organization officially opened its Washington, D.C., headquarters with the expressed hope and prayer that it could "go out of business tomorrow." The National League of Families of American Prisoners and Missing in Southeast Asia, formed in late May, is a direct result of the meeting of families held on May 2, reported on in these pages in the June issue.

Membership in the League is confined to families of U.S. servicemen and civilians who are prisoners of war or missing in action. Membership at this writing totals about 3,000 families.

Mrs. James B. Stockdale, wife of a Navy captain who has been a prisoner in North Vietnam since September 1965, is Chairman of the Board of the new organization. She was formerly National Coordinator for the original League of Families, which she founded and which became the nucleus for the present League.

Vice Chairman of the League is Mrs. Kenneth W. North, of Wellfleet, Mass., wife of an Air Force major identified by the League as a POW. Thirteen other family members, including nine wives, three mothers, and one father, serve on the Board of Directors. Six of these, the father and five wives, are from Air Force families. They are: Col. Edwin Brinckmann, USA (Ret.), of Shalimar, Fla., father of Air Force Lt. Col. Robert E. Brinckmann (MIA); Mrs. Arthur J. Cormier (TSgt.-POW), Bay Shore, N.Y.; Mrs. Robert C. Davis (Capt.-MIA), Burlington, N.J.; Mrs. Arthur S. Mearns (Lt. Col.-MIA), Los Angeles, Calif.; Mrs. Samuel R. Johnson (Lt. Col.-POW), Plano, Tex.; and Mrs. Bobby G. Vinson (Col.-MIA), of Alexandria, Va. Mrs. Vinson also serves as Assistant National Coordinator for the national office.

Mrs. Iris Powers, of Lutz, Fla., the mother of an Army warrant officer who is missing in action, is the National Coordinator. Another member of the permanent staff, all unpaid volunteers, is Office Manager Mrs. Kevin J. McManus, from Brightwaters, N.Y., wife of an Air Force captain imprisoned in North Vietnam. The all-woman staff will be assisted by volunteer workers recruited from local MIA/POW families.

The offices of the National League of Families are at 1 Constitution Ave., N.W., Washington, D.C. 20002. The space is being provided at no charge by the Reserve Officers Association, which owns the building. It is within easy walking distance of the Capitol and the offices of all members of Congress.

The Air Force Association will make its facilities and staff personnel available to support the League in any way it can be of assistance. We are confident that in this, we speak for every member of AFA.

The nonprofit, nonpartisan organization is being financed by the families themselves and through contributions from concerned individuals and organizations.

THE FAIRCHILD HILLER CORP.

Fairchild Hiller Corp. continues to lead industry in publicizing the plight of the American MIA/POWs, with creation of special display units to distribute information about the prisoners at trade shows and public gatherings. This is the latest of many actions taken by that company.

A year ago, in August 1969, Fairchild Hiller initiated a company-wide letter-writing campaign. More than 10,000 employees—nearly ninety percent—wrote to the government in North Vietnam. Thousands more letters were sent to other governments, and to UN representatives, urging them to use their influence in Hanoi. Fairchild Hiller President Edward Uhl personally wrote to the heads of 100 other companies, inviting them to join in the campaign. And, at Mr. Uhl's urging, the National Association of Manufacturers sent a circular to all its members suggesting they encourage their employees to write letters.

Fairchild Hiller followed up its letter-writing campaign with public-service messages in leading newspapers across the country, and in magazines. In response to requests, to date they have distributed more than 100,000 poster reprints of these messages. In late

April, Fairchild Hiller took out full-page ads in two Washington D.C., newspapers, publicizing the May 1 rally for MIA/POWs, held in Constitution Hall.

Late last year, Fairchild Hiller made available to families of prisoners and missing servicemen, and to others, a special Christmas card that carried a message telling the receiver how he could help. They filled requests for more than 50,000 cards.

Our thanks, and that of the MIA/POW families, to Fairchild Hiller employees, to their President, Edward Uhl, and to Maston M. Jacks, a former USAF information officer and now Fairchild Hiller's Manager of Information Service.

Mr. BOGGS. Mr. President, I again commend the distinguished Senator from West Virginia for his leadership and his effort in this important matter. I am honored and happy to associate myself with him, and I thank him for his effort.

Mr. BYRD of West Virginia. I thank the able Senator for his cogent statement, and I am indebted to him.

Mr. ALLEN. Mr. President, today the distinguished Senator from West Virginia has made an eloquent and timely and outstanding speech demanding that the North Vietnamese give humane treatment to the American prisoners of war under their control.

Mr. President, no issue that has come before the Senate has attracted the unanimity of opinion that this issue of demanding humane treatment for American prisoners of war in the hands of Hanoi has. No colloquy has attracted more participation than the colloquy taking place earlier today.

I wish to associate myself with the eloquent remarks of the distinguished Senator from West Virginia (Mr. BYRD), and with all Senators who participated in that colloquy.

Among them were the distinguished majority leader, the able Senator from Montana (Mr. MANSFIELD), the distinguished Senator from Kansas (Mr. DOLE), the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished Senator from Alaska (Mr. GRAVEL), the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Arizona (Mr. FANNIN), the distinguished Senator from Florida (Mr. GURNEY), the distinguished Senator from Massachusetts (Mr. BROOKE), the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from North Carolina (Mr. JORDAN), and perhaps others.

Mr. President, while the Senate of the United States might be divided on some issues, it speaks with one voice on the matter of demanding humane treatment for American prisoners of war in the hands of the North Vietnamese and the Vietcong.

Mr. President, every Member of this Senate is deeply distressed and concerned over the continuing callous and inhumane treatment of American servicemen who are being held prisoners of war by Communist forces in Southeast Asia.

Not only has Hanoi refused to provide proper food and care for these men, but it also has refused to fully identify them and permit them the right to send letters to their families or to receive mail and packages in return. And the enemy continues to hold men who are seriously ill and wounded and in need of medical treatment.

Failure has marked every effort to obtain the release of American servicemen who have fallen into North Vietnamese hands during the past 6 years.

Wives, children and parents of more than 56 of these men live in the State of Alabama. Twenty-seven of these men are soldiers, 17 from the Air Force, nine are sailors, and three are marines. Their families, along with the families of other U.S. servicemen listed as missing, have shown great spirit and hope despite their sorrow and worry about the safety of their loved ones.

Mr. President, the first U.S. Army adviser was captured by the Vietcong in March 1964, 6 long years ago. Since that time, the number of U.S. servicemen listed as missing in action or believed captured has grown to more than 1,500. About 150 of these men have been missing or captured for more than 4 years, and more than 300 of them have been missing for more than three and a half years. This is longer than any U.S. serviceman was held prisoner during World War II.

The treatment of American prisoners of war in Vietnam has been the subject of increased public attention over the past year, largely because of the continued refusal of North Vietnam and the Vietcong to abide by the 1949 Geneva Convention on Prisoners of War. American efforts on behalf of prisoners have shifted from the diplomatic arena to a campaign designed to force the Communists to moderate their stand through the pressure of world public opinion. American policy on the issue of prisoners has from the first been based on the principles of the Geneva Convention; but as the number of prisoners has increased, American diplomats have concentrated on four specific goals, while continuing to push for discussions on the subject of the prisoners: First, identification and accounting of all prisoners held; second, establishment of regular communication between all prisoners and their families; third, prompt repatriation of the seriously sick and wounded; and, fourth, observation and inspection of POW camps by impartial observers.

As of July 25, 1970, Pentagon records showed 1,567 American servicemen missing or captured in Southeast Asia. Of these, 376 were believed captured in North Vietnam, 78 in South Vietnam, and three in Laos. Of the 1,110 men about whom no information had been received, 404 were considered missing in North Vietnam, 482 in South Vietnam, and 224 in Laos.

Mr. President, the United States customarily turns all enemy prisoners over to the South Vietnamese Government for internment, a move provided for in the Geneva convention. The South Vietnamese Government has on several occasions freed North Vietnamese prisoners or offered to exchange them for Americans, particularly the sick and wounded, but the North Vietnamese, refusing to acknowledge that they have troops in the South, have ignored such offers.

In 1965, the International Committee of the Red Cross invoked the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, and it reminded the nations fighting in South Vietnam of their responsibilities under the convention and asked that they respond by listing the steps they planned to take to abide by it. The Convention, which was ratified by the U.S. Senate in 1956, and signed by the North Vietnamese in 1957, sets standards for the treatment of prisoners in any armed conflict, whether or not there has been a declaration of war. The North Vietnamese claim that their holding of prisoners is on a different basis than that provided for by the Geneva convention because there has been no state of war declared. But the Geneva convention does not provide that. The rights it guarantees are inviolable. It includes provisions for adequate food, clothing and medical care, prohibitions against excessive, dangerous or brutal work and discipline, and the designation of a protecting power to inspect conditions within the camps. Further, all prisoners are to be registered, with the sick and wounded being repatriated and the others allowed to write to their families twice a month as well as to receive letters and packages. The convention also prohibits exploitation of prisoners for political purposes and interviews by members of the press.

Mr. President, as the entire world knows, the North Vietnamese and Vietcong have refused to release a full list of the names of prisoners held or to give full information about their conditions of imprisonment, maintaining that captured prisoners are war criminals not entitled to the protection of the Geneva Convention. At the beginning of 1970, families of only about 175 of the total missing, and believed held in North Vietnam had received letters at all, and the average frequency of letters was less than two per year. A handful of these men had been interviewed by foreign journalists, and a few others had been featured in Communist radio broadcasts. Virtually no information was available about the location of the camps; and the little that was known about the inhumane conditions in them came from released or escaped prisoners.

In terms of the Geneva Convention alone, the United States considers North Vietnamese treatment of prisoners to be inhumane, and political in motivation. An American Embassy official in Vietnam was quoted as saying that—

> So far as the North Vietnamese are concerned, prisoners are an asset in war, an asset to be exploited just like a tank or gun.

North Vietnamese treatment of prisoners and the releases of men and information have been used as much as possible for propaganda purposes, rather than resulting from American diplomatic efforts on behalf of the prisoners. But, although the North Vietnamese have publicly criticized the current American policy of alerting world opinion regarding abuses of the Geneva Convention, they have increased the amount of information about prisoners in the last 2 months. This is a slim glimmer of light in a otherwise dark picture.

In recent weeks, some families received letters from prisoners indicating that the prisoner would be allowed to receive packages and that they would be allowed to write regularly each month. Under these circumstances, the families of prisoners are acting on this information although there has been no official announcement by Hanoi.

This is a hopeful sign that the great effort to arouse world opinion against the Communists is bearing some fruits. But even in their efforts to cleanse themselves before the eyes of the world, the North Vietnamese and their allies show their true nature.

For example, following a great publicity ploy, a purported list of prisoners of war held by Hanoi was released unofficially some weeks ago by a group of private American citizens whose past indicates close ties to Hanoi. But this list has been a cruel blow to many of the wives and children and parents of the prisoners not listed, but known to be held, like animals, in Communist pens. The Department of Defense has announced that the list does not include the names of at least 40 men officially known to be prisoners of war based on previous information, including Communist propaganda films and photographs released by Hanoi, by radio broadcasts, through identification by former POW's who have been released, and from other sound intelligence sources.

Neither does this list make reference to our men held prisoners by Hanoi in South Vietnam, Laos, or in Cambodia.

Even before the beginning of the so-called Paris peace talks, the American Government pressed for North Vietnamese adherence to the Geneva Convention through various intermediaries. Contacts were made through interested third governments, such as Cambodia, Sweden, the Soviet Union, and the United Arab Republic, and President Johnson said on Christmas, 1967, that he had asked the Pope to intercede on behalf of our men. Diplomatic appeals were also made through international organizations, and private appeals were made by American Congressmen and others. Finally, prisoner exchanges and releases were tried in the hope of encouraging reciprocity by Hanoi.

But the enemy's only response has been that American withdrawal from Vietnam must be completed first.

The **PRESIDING OFFICER**. The Senator's 15 minutes have expired.

Mr. **ALLEN**. Mr. President, may I have 6 more minutes?

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senator from Alabama have 10 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ALLEN**. Mr. President, this effort to make propaganda gains from the misery and heartbreak of our servicemen and their families is a cruel effort to extract political gains. I have nothing but overwhelming contempt for those groups of American citizens who stamp upon and burn the American flag, and who display the banner of the Vietcong and call for a North Vietnamese victory over our forces and who so willingly lend themselves to the diabolical and Machiavellian maneuvers of the Communists. These people and these groups seem to show far more sympathy for the enemy than they do for their fellow Americans rotting away in the pigsty POW camps of the enemy.

Mr. President, the Congress has granted permission for an exhibit directly under the Capitol Rotunda providing a grim reminder of the plight of Americans held prisoner by the enemy in Southeast Asia.

This exhibit is an accurate though understated protrayal of the indignities forced on American prisoners of war at the hands of the enemy. It shows the cages and the primitive conditions in which sick and half-starved captives must exist—for existence is all that is allowed them.

I believe, as so many other Members of this body believe, that once the thousands upon thousands of visitors to the Capitol see this sight, they will throw their voices and their influence behind this aroused and angered Nation's efforts to force Hanoi to abide by its commitment to the humanitarian standards of the Geneva Treaty.

If we must live in a world of realities, let us make sure that the enemy also knows the realities that face him. And if it is true, as I so firmly believe it to be, that the enemy will reap what he has sown, he faces a dire future.

We must continue to plague the enemy and keep his miserable record before the world.

He shows a complete lack of humane consideration, not only for the prisoners or their families, but also for his own soldiers who have been wounded and captured.

The record clearly shows how he has refused to identify all the prisoners of war he holds, or to provide what information he may have to the families of these men. He denies the right of every prisoner at least to write a note to his loved ones, and he refuses to give impartial observers access to his prisoner camps.

Although claiming to come from an Asian civilization predating the Western World, the enemy shows an animal-like beastiality in treatment of his fellow man.

Mr. President, the enemy uses the Paris peace talks for his own propaganda advantages, neither wanting to talk peace nor discuss the prisoners of war.

But he should know that we will not let him forget the plight of these prisoners or their families. He is responsible for them, both under the 1949 Geneva treaty and under the principles of humanity which go far beyond legal requirements. We must let him know that he cannot and will not escape these responsibilities.

At this very moment, while we speak in this historic Chamber, it is the midnight hour in the jungles of Southeast Asia, and darkness has closed around American prisoners of war as they huddle in their bamboo prisons.

Worldwide public opinion must be alerted and brought to bear in behalf of our prisoners of war.

America owes them a debt so great it can never be fully repaid. But let them know that a grateful nation is exerting its best efforts to repay them to the extent that we can.

Let all nations hear our pledge, Mr. President, that we will not forget the plight of these men, or their families, and we will not let the rest of the world forget.

Mr. **BYRD** of West Virginia. Mr. President, will the Senator yield?

Mr. **ALLEN**. I am delighted to yield.

Mr. **BYRD** of West Virginia. The Senator has cast bread upon the waters which will return after many days. I want to congratulate him for the persuasive and well prepared statement he has made. I know the hearts of the wives and children, fathers and mothers, and other relatives and friends of American servicemen who are held prisoners of war in North Vietnam and in South Vietnam by the North Vietnamese and the Vietcong are going to be comforted and warmed by the statement of the Senator from Alabama. They will be indebted to him. I am indebted to him. All Americans are indebted to him and to the other Senators who have participated in the colloquy this morning.

I wish to thank the Senator for his excellent contribution.

Mr. **ALLEN**. I thank the Senator for his kind remarks and have heretofore expressed my appreciation to him for his leadership in this most important matter. I have asked to be associated with the excellent and eloquent remarks that he made earlier today. I do wish to congratulate him and to express the thanks of a grateful nation and the thanks of the families of the prisoners of war for the leadership the Senator from West Virginia has exerted and for the efforts he has made, and to extend the observation of the junior Senator from Alabama that when the Senator from West Virginia sets his hand to the plow he does not look back and he does not stop until results are achieved.

The work of the distinguished Senator from West Virginia, I feel confident, will bear much fruit and that it will help alert, first, national opinion in this matter, and then world opinion, to our demand that humane treatment be accorded to American prisoners of war held by Hanoi.

Again my sincere thanks to the distinguished Senator from West Virginia.

Mr. **BYRD** of West Virginia. The Senator is very generous. I hope our efforts today will redound to the benefit of those pitiable prisoners of war and that our efforts will help, somehow, to remind the American people and the people of the world so that those men will not become the forgotten men of this war.

Mr. **ALLEN**. I thank the Senator.

AMERICAN PRISONERS OF WAR MUST NOT BE FORGOTTEN

Mr. **McINTYRE**. Mr. President, I want to commend, in the highest possible terms, the efforts by my friend, the distinguished Senator from West Virginia (Mr. BYRD) for the leadership he is once again displaying in keeping Hanoi's feet to the fire on American prisoners of war in North Vietnam.

We must not relax for 1 second in our efforts to assure the safety of the several hundred American prisoners held by Hanoi. The North Vietnamese leaders have violated the Geneva Convention, the rules of decency, and the compassion that decent humans feel for others in their complete refusal to deal with our Nation, with international bodies, with the Red Cross, or with anyone in releasing information about these prisoners.

Our heart goes out to the thousands of parents, wives, children, family, and friends who do not know whether their sons, fathers, and husbands are safe, well, or even as horrifying as it may be, whether they are alive.

Each of us has been horrified by the recent revelations concerning the "tiger cages" of Con Son where prisoners of the South Vietnamese are subjected to seemingly inhuman treatment. We have been heartened by reports that considerable improvements are being made in the conditions in these prisons.

Let Hanoi take a page from the South Vietnamese. Let some decency, humaneness, and respect for people begin to pervade their thinking in some even minor way. Maybe this is too much to ask.

But, we must keep ever-increasing pressures on them. The Members of Congress have many views on the war in Southeast Asia. I know, however, that I speak for everyone of my colleagues when I say that we can achieve unanimity in our view that we will never forget our prisoners of war, and that we support the efforts of the administration and all others in arriving at an honorable and just solution to this most contemptuous problem.

Once again, I commend the Senator from West Virginia (Mr. BYRD) for his action here today.

Mr. HANSEN. Mr. President, the distinguished Senator from West Virginia pointed out that of the 1,400 Americans missing or captured in Southeast Asia, some 300 have been held as prisoners of war for 4 years or more. The able minority leader has also taken note of this situation and the deplorable conditions these brave men have endured and continue to endure because of the cruel philosophies of the enemy. Some of these Americans have been held for more than 6 years—in bamboo cages and similar contrivances of torture. Captivity for some of these men is now approaching completion of the seventh year.

The minority leader also explained that these men are in the peak years of their productive adult life, which for the average American is about 40 years—and that 7 years is about one-sixth of the productive life these men could otherwise expect to have. In addition to the actual years of productive life these men lose, it should be observed that because of the deplorable conditions under which the enemy keeps its prisoners, that several more years are required for these men to regain their health. And even that is assuming that these heroic men will be recovered by the United States and by their loved ones in good enough condition that they can be returned to normal health. For most, they will bear the scars of this captivity for the remainder of their lives. Many can perhaps be expected to be in ill-health all their lives even when released.

This policy—the policy of Hanoi—is in keeping with the Communist philosophy. That is—the utter disregard for human life and human happiness and human endurance. What the Communists are doing to these heroic Americans in North Vietnam and in the Vietcong camps within South Vietnam is nothing new for the Communists. It was not many years ago that the Communists invaded South Korea. None of us here have forgotten that conflict and the atrocities committed by the enemy. None of us have forgotten the broken condition, both physically and mentally, in which many brave Americans were returned from the prison camps of North Korea.

We must not forget nor condone the routine viciousness of the leaders of communism. This enemy has no virtues in the area of humaneness, it is dedicated to crippling the minds and bodies of Americans who have fallen into its hands. We will not forget.

The distinguished Senator from West Virginia has pointed out that Hanoi does respond to American sentiment—not just to the sentiment of elected representatives, but to the sentiment of Americans who raise their voices in protest.

The Senator has pointed out what a source of power is available if Americans raise their voices in protest against the inhumane treatment of fellow Americans who have served freedom's cause and who are held captive. I join the Senator in calling for millions of Americans to make known to the enemy that they damn his actions, his torture chambers, his bamboo cages, and his cruel disregard of the Geneva accords relative to treatment of prisoners.

Hanoi may choose to ignore the outcry of 200 million Americans. But the world must know of our great concern that all Americans have for fellow Americans held by the Communists. They must know that Americans will not kindly consider any nation that will not join in bringing world pressure against the Communists to observe the Geneva accords. And they must know that Americans will not soon forgive those nations that fail to respond to our plea. I direct these remarks to nations that have in the past looked to the United States for rescue in time of war, and may in the future need a strong ally when their freedoms are in turn threatened as are those of South Vietnam currently—and I direct these remarks to those nations that have received economic aid from the United States in the past, and that may again seek such assistance.

I certainly endorse the excellent remarks of the Senator from West Virginia, and I share his great and heartfelt concern for Americans everywhere who are following this Nation's flag, and for their families here at home who also exhibit wonderful courage and perseverance.

The Senator has taken note of the efforts of our Government to obtain reasonable treatment for American prisoners. These efforts will continue. To my knowledge, to date, there has been no sign of a satisfactory response from the enemy. I would hope that the wrath of every American—directed at the enemy—would have some effect on his future course.

Mr. President, the U.S. delegation to the 73d plenary session of the meeting on Vietnam at Paris proved that the alleged list of prisoners presented by the enemy was inaccurate and incomplete. I ask unanimous consent that the opening remarks and additional remarks of Ambassador Philip C. Habib, acting head of the U.S. delegation, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS MADE BY AMBASSADOR PHILIP C. HABIB, ACTING HEAD OF THE U.S. DELEGATION, AT THE 73D PLENARY SESSION OF THE MEETINGS ON VIETNAM AT PARIS ON JULY 2

OPENING REMARKS

Ladies and gentlemen: You have again today made wildly inaccurate charges about the limited American and South Vietnamese military operations in Cambodia and what their results have been.

President Nixon stated in his report of June 30 that our action in Cambodia was "a limited operation for a limited period of time with limited objectives." The military objectives were, as he put it, to capture or destroy the arms, ammunition, and supplies that had been built up in those sanctuaries over a period of years and to disrupt your communication network.

It is obvious, despite your frantic claims to the contrary, that these objectives have been met. Your forces have suffered extensive casualties and very heavy losses in material as a result of these operations. Your supply lines have been dislocated. You can no longer count on Cambodian border areas as privileged sanctuaries as you have been doing for the past 5 years.

In his report of June 30 on operations in Cambodia, the President said that all American troops have withdrawn from Cambodia according to the schedule previously announced. He also made known what our future policy for Cambodia will be. It is there, on the public record, for you to read.

Looking beyond the question of Cambodia toward the peaceful settlement of the war, the President in his report of June 30 and in his television interview of last evening has made United States policy clear. He said that America's purpose in Viet-Nam and Indochina remains what it has been—a peace in which the peoples of the region can devote themselves to development of their own societies, a peace in which all the peoples of Southeast Asia can determine their own political future without outside interference.

The President has also expressed the hope that you will ponder seriously your choice, considering both the promises of an honorable peace and the costs of continued war. He has appointed a distinguished American to be the chief of the United States delegation to the Paris meetings on Viet-Nam. As the President said, we shall renew our efforts to bring about genuine negotiations which can lead to a peaceful settlement. In his words, "The lesson of the last 2 months has reinforced the lessons of the last 2 years—the time has come to negotiate a just peace."

Your side cannot impose its will through military means. We have no intention of imposing ours. We have not raised the terms of a settlement as a result of our recent military successes. We will not lower the minimum terms in response to your side's pressure. Our objective remains a negotiated peace with justice for both sides and which gives the people of South Viet-Nam the opportunity to shape their own future.

Ladies and gentlemen, I turn now to an issue of particular and immediate concern, an issue which we have repeatedly and unsuccessfully tried to discuss seriously with you since these talks began. I refer to the question of the treatment and release of prisoners of war and, specifically, to your continued refusal to identify all prisoners of war you hold or to provide what information you have to families about the fate of other men who are missing.

This past week newspaper accounts have described a list of prisoners held by your side. According to these accounts, you have stated that this list of 335 men comprises the complete list of all American prisoners of war being held in North Viet-Nam.

If this list represents your attempt to discharge your obligation to make known information on prisoners you are holding, I must make my Government's attitude perfectly clear. We find this list incomplete and therefore unacceptable. It does not include the names of many other men who we know are in your custody, based on photographs in your own newspapers, broadcasts over your own radio stations, and other sources.

This incomplete and unofficial list fulfills neither your side's obligation under the Geneva Convention of 1949 nor the simple humanitarian obligation to relieve the anguish of hundreds of families who do not know if their missing men are alive or dead.

The American people and world opinion continue to be deeply disturbed at your disregard of these obligation. This is not a matter which can be held in abeyance. We have asked for full adherence by your side to internationally accepted standards of behavior. This means a complete and official identification of all men who have been captured by your side in North and South Viet-Nam, Laos, and Cambodia. It also means full disclosure of all information you hold on military personnel and civilians who are missing in these areas. As we have stated previously, we also seek impartial inspection of prisoner of war camps, a regular flow of mail, and the prompt repatriation of sick and wounded and of those who have been held prisoner for a long time. Finally, we have said before, and repeat now, that we are ready to begin immediate discussion of arrangements for the early release of all prisoners of war held on both sides.

ADDITIONAL REMARKS

Ladies and gentlemen: Your reaction to our statement concerning the prisoners of war you hold is neither responsive nor consistent.

On the one hand you have through your unofficial channel, the Committee of Liaison, reportedly declared that you hold in North Viet-Nam only 335 prisoners. However, on the other hand, your own media have offered tangible evidence that you in fact hold a number of additional U.S. prisoners.

Let me cite several examples:

Col. Edward B. Burdett, USAF—date of capture: 18 November 1967. The Quan Doi Nhan Dan newspaper published a photograph of his military identification card on 21 November 1967. In an English broadcast to South Viet-Nam on 26 November 1967, Hanoi radio stated that: "These days American pilots have been captured at a record tempo. Of these captured pilots, there were well experienced or very important pilots such as two colonels, Edward B. Burdett and . . ."

Capt. Edwin L. Atterberry, USAF—date of capture: 12 August 1967. On 14 August 1967 the Quan Doi Nhan Dan newspaper published a picture of Captain Atterberry that was taken shortly after his capture. The same picture was published on 21 August 1967 in the Vietnam Courier.

Lt. James J. Connell, USN—date of capture: 15 July 1966. The Vietnamese News Agency released a postcapture photograph of Lt. Connell on 21 July 1966. This photograph also appeared in the 21 July 1966 issue of the Quan Doi Nhan Dan newspaper. On 21 July 1966 the Vietnamese News Agency issued a statement in English attesting to the capture of Lt. Connell. The statement included remarks attributed directly to Lt. Connell.

Lt. Comdr. James L. Griffin, USN—date of capture: 19 May 1967. On 21 May 1967 the Quan Doi Nhan Dan newspaper printed a photograph of his military identification card. On 20 May 1967 Hanoi issued a statement on a press conference that was held in Hanoi that date. The following is quoted from that statement: "A list of five among the U.S. air pirates captured yesterday, 19 May 1967, in Hanoi was made public at the conference. They are: James L. Griffin . . ." In addition, a reported statement by Lt. Comdr. Griffin was presented at this same press conference. The recorded statement was broadcast over Radio Hanoi on 20 May 1967.

I ask you now can you really claim a record of full disclosure on the prisoners you hold in North Viet-Nam? And what of those you hold in Laos and South Viet-Nam?

Mr. BYRD of Virginia. Mr. President, I concur wholeheartedly in the remarks of the Senator from West Virginia (Mr. BYRD) on the subject of prisoners of war.

It is important that we continue to focus public attention on the plight of the American servicemen held captive by North Vietnam. We must not permit these prisoners to become the forgotten men of the Vietnam war.

No one can be entirely sure how many Americans are held by Hanoi. Estimates indicate more than 400 are in prisons, but nearly 1,000 are listed as missing.

Those of us who seek humane treatment for the prisoners of war ask only that North Vietnam adhere to the Geneva Convention. Specifically, we want to see immediate release of a list of prisoners, inspection of POW facilities by an international body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

Nothing is more inhumane than the cruel treatment which Hanoi has given to those Americans it holds prisoner—and to the families of these men, who do not even know, in many cases, whether their loved ones are alive or dead.

Hanoi's cruel policy should be held up before all the world. We must try to bring maximum pressure upon the North Vietnamese regime to change this policy and abide by the rules of civilized nations.

Mr. BYRD of West Virginia. Mr. President, I am indebted to my colleagues, and extend my thanks to those who have engaged in colloquy and to all who have participated in the discussion of this subject today.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Mississippi (Mr. STENNIS) for a period of one-half hour.

Mr. STENNIS. Mr. President, are we in the morning hour?

The PRESIDING OFFICER. The period for the transaction of routine morning business will extend until 1 o'clock.

Mr. STENNIS. Unless otherwise ordered by the Senate, what would be the pending business before the Senate when the morning hour is concluded?

The PRESIDING OFFICER. At 1 o'clock, the Chair will have to lay before the Senate the unfinished business, unless the Senate agrees otherwise.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the ordered expiration of the period for the transaction of routine morning business at 1 p.m. today, the previous orders for recognition may be permitted to continue, and that a period for the transaction of routine morning business may be extended thereafter, at the close of which the unfinished business will be laid before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Chair have the clerk state for the RECORD the pending business before the Senate at the close of debate yesterday?

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will state the unfinished business, which will be laid before the Senate at the conclusion of morning business.

The Legislative clerk read as follows:

> The bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I thank the Chair. My remarks will be directed toward the measure that has just been stated by the clerk—that is, H.R. 17123—and particularly that part of the bill, as reported to the Senate, that deals with what is called the ABM.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT

NATIONAL SECURITY REQUIRES SAFEGUARD ABM SYSTEM

Mr. STENNIS. Mr. President, I will commence my discussion of the Safeguard ABM system by describing its current status and what is before the Senate for consideration.

We are now proceeding with the initial congressionally approved increment—phase I—of the two site complexes at the Minuteman fields near Grand Forks Air Force Base, N. Dak., and Malstrom Air Force Base, Mont. The purposes of this phase I deployment are first, to preserve the President's future options by establishing a minimum base for expansion if the threat requires it, and second, to provide a beginning for protecting the

Minuteman force against the estimated U.S.S.R. mid-1970's threat.

It is well for us to remember, Mr. President, that what we are talking about with respect to this weapon, and it is purely a defensive weapon, is not in terms of the present, but in terms of what the situation may be in 1975 and beyond.

For fiscal year 1971, the administration has recommended authorization to deploy one additional Safeguard site to defend the Minuteman field at Whiteman Air Force Base, Mo.; to continue the deployment at Grand Forks and Malstrom, and to add additional Sprint missiles at these sites to bring them to the phase II level, thus further increasing the total number of missiles capable of defending Minuteman; to commence the long lead time task of advanced preparation for five additional sites, four of which would be for area defenses as distinguished from defense of our Minuteman missiles. The total budget request for fiscal year 1971—including military construction—was $1.459 billion, of which $1.359 billion would require authorization.

What I have just described was the budget request. The committee decided, after extensive consideration, to restrict the Safeguard deployment for fiscal year 1971 to defense of our land-based strategic deterrent—our key ICBM bases, or some of them; that is, our Minuteman bases. Therefore, the committee has recommended the continuation of the phase I sites at Malstrom and Grand Forks, plus approval of deployment at Whiteman Air Force Base and advance site preparation at Warren Air Force Base. It was the committee's considered judgment that this proposed deployment was necessary for our national security requirements and that it is conducive to strategic arms control and, therefore, it deserves the full support of the Senate. The committee's limitation is set forth as a matter of law in the bill before us, since the recommended bill precludes expenditures at any site other than the four covering our Minuteman forces.

To state it in other words, Mr. President, we struck out the provisions in the bill that would have authorized the additional four sites which would have been exclusively for area defense. There was not a great sum of money involved in the change we made in the bill in this respect, but the mission was affected, and the change leaves the part that remains in the bill directly in line with and a continuation of what was debated and approved on this floor about a year ago.

Let me say, Mr. President, that I yield to no one who is in favor of a dedicated search for lasting peace in the world, but, in the ranks of those who desire this, there is room for difference of opinion as to how that peace can be achieved. I am convinced that in today's international climate we do not improve the changes for peace by taking the risk of relegating our strategic forces to a position of inferiority to those of the Soviet Union. I am thinking now in terms of the years ahead.

Our chances of achieving a just and lasting peace, I believe, rest upon the basic premise of mutual deterrence—that is, the ability of both great powers to ride out a massive attack and still retain the capability to inflict unacceptable damage on the attacker in retaliation. It follows that actions which affect this retaliatory capability—such as failing to deploy an ABM system—in turn affect the credibility and stability of mutual deterrence. This is therefore a matter we must consider very carefully.

As Senators know, the United States has maintained a relatively constant force of 1,710 ballistic missile launchers, including our Polaris/Poseidon force, since 1965. There has, however, been a reduction of about 30 percent in our strategic bomber force in the last 5 years. On the other hand, during the same period, there has been a major and dramatic growth in the Soviet strategic arsenal.

For example, the U.S.S.R. is continuing to deploy its extremely large ICBM, called the SS–9, which has sufficient throw weight or boost power to carry a single warhead with a yield of 25 megatons—the equivalent of 25 million tons of TNT—or three multiple reentry vehicles with a yield of about 5 megatons each—the equivalent of 5 million tons of TNT—to intercontinental ranges, which means to carry them to our shores or even to our heartland. Thus, whether with single nuclear warheads or multiple reentry vehicles, the SS–9 could deliver a large enough yield to have a "hard target" kill capability. Five megatons, as you know, is quite a bang, as will be realized by comparing it to the approximately 20 kiloton yield of the nuclear bomb that was dropped on Hiroshima.

The relative size is that the SS–9 missile has 1,250 times as much power as the bomb dropped over Hiroshima in 1945. Mr. President, if the human mind can conceive of such massive relative strength, we might pause just a moment to think of the broadside devastation in that dropping of a relatively small, single bomb over Hiroshima in 1945. That bomb had the equivalent of 20,000 tons of TNT. The SS–9 to which I refer has the equivalent of 25 million tons of TNT—1,250 times as great as the bomb of 1945.

Incidentally, some of the scientists very honestly say that the ABM will not work. I understand that when the first atomic bomb was tested in New Mexico in 1945—I am told this by reliable authority—among the onlookers were some very reputable scientists, honest as the days are long, who said, until the actual explosion that it would not work. It is just commonsense that if we wait until we are certain that things will work in this field, we will never have an ABM system.

It has been estimated that 300 to 500 MIRVed SS–9's could very well give the Soviets a capability for neutralizing virtually all of our Minuteman force if we do not deploy an effective ABM system. The latest estimate is that the Soviets have deployed or have under construction at this time about 300 SS–9's, which is considerably more than they had at the same time last year.

Almost a year ago, we were debating the same subject matter here, Mr. President, and predictions were made then as to what the picture would be as to the Soviet capability, what their plans for deployment and construction was. We stand here now a year later, and the proof is fairly clear—in fact, it is virtually conclusive on this point—that this construction and increased strength by them has now progressed even beyond the predictions of a year ago.

Now let me make a point. Many experts believe that the Soviets reentry vehicles are not independently targetable; that they are MRV's rather than MIRV's. The same experts will admit, however, that without onsite inspection it is just about impossible to know whether these multiple warheads are independently targetable. If they are not MIRV's now, they can be made into MIRV's at some later date and we would never know the difference.

In addition, it is estimated that the number of SS–11's—which is a smaller missile than the SS–9—in operation or under construction by the Soviets is now more than 800. The Soviets have been flight testing this missile, and it now appears possible that a more accurate SS–11 reentry vehicle and an improved guidance system will be developed by the mid–1970's. No one knows, but that is the indication we have now. If this comes about, the SS–11 could also have a kill capability against our Minuteman silos.

Put simply, Mr. President, the Soviet Union now has enough ICBM ballistic missile launchers, either deployed or under construction, which, with qualitative improvements, could pose a serious and perhaps deadly threat to our Minuteman deterrent in the mid–1970's and beyond. These qualitative improvements, including improved accuracy for the SS–11 and an accurate MIRV for the SS–9, are well within the Soviet capabilities, and the Department of Defense advises that these qualitative improvements can be made much faster than we can develop and deploy a system to counter them. In other words, it appears to me that it is vital that we take appropriate steps now so that, in the not-too-distant future, we will not be in the position of having a vulnerable land-based Minuteman force.

Mr. President, this is not a new subject matter to me. Every year, for many years, I have followed the progress and development by us in trying to perfect an effective ABM. For a number of years I opposed the deployment of an ABM system or taking the step beyond research and development. Last year, however, two things combined to make me willing to move forward with deployment of the system. One was the realization of the pickup and tremendous spread of development and the increased strategic nuclear power of the Soviet Union that I have outlined, which has been confirmed further by the experiences of the last 12 months, and the indications of what their capacity probably would be by the mid-1970's and beyond.

Further, very fine advancements—not conclusive altogether, but very fine advancements—have continued to be made in the possible effectiveness of our ABM system.

Now, as I understand the testimony—and I have heard much of it this year, last year, and in years previous, but now I really carry more responsibility in this field than last year—almost all the witnesses agree that if the SS-9 threat—and it continues to grow—persists, we must have some kind of ABM system. Virtually all of these fine scientists admit that if it is within our possibility, and that we must have one, if things continue as they are going.

Mr. President, that is the starting point of my thinking.

Mr. President, when we get into the question of how far the system that we have has advanced, there is a difference of opinion as to whether it has gone far enough to deploy. Some say it is not worth a continental. But we cannot stop our thinking there, when a substantial number of eminent scientists agree that it has practical value and is coming along all right.

There is a difference of opinion among the scientists, and rather sharp, as to when an ABM system should be deployed. We have had a history of such skepticism. I shall refer to it in other instances in a few minutes, but the point is we cannot stop in discharging our duties merely because there is disagreement among this very fine group of scientists. We must move on beyond that, if it is reasonably possible.

Now, who has the responsibility in this field? It is all right to talk; it is all right to debate; it is all right to write; and it is all right for everyone to have an opinion about these things; but when we start out and go to looking to see where the minds are which have the truly great responsibility, we naturally look first to the man chosen as our Chief Executive who, under the Constitution, heads up and has the executive power and, furthermore, he has the great responsibility of being the Commander in Chief. He has put his opinion on the line, after having considered it, as well as from a great segment of his advisers, that he thinks this more probably fits in. That also includes those in the military and scientific field.

We can move in from any direction of responsibility we want to, and we will find some difference of opinion; but in the legislative branch, all of whom are equally sincere, we find the majority, after due consideration, have repeatedly thought we were going to have to contend with the problem; that there should be research and development on it; and that we would finally have to have one, if our weapons are going to survive, and survive for our protection.

The point is that the majority thought it was time to move forward. That is exactly where we are today. I respect greatly the opinions of those on the other side, but I am convinced—and I am a little slow to be convinced—that our duty, whatever doubt there may be, is to move forward. That this is what the bill proposes to do, in a relatively small way. But if we do not take those steps, conditions could be brought about where we would have only a vulnerable, land-based Minuteman force.

As I said a minute ago, these things have been before us, as well as before our predecessors. But this time it would really upset the balance of power if we fail to proceed. It could destroy our deterrent and confront us with a situation we could not tolerate. Our very survival may hinge on the decision we make this year—I repeat, this year—on Safeguard.

As I say, there is no such thing as certainty, but we have to move forward on the best judgment we have. Whether any of these missiles are fired or not, if we wake up 5 years from now and realize that we are on the short end of the stick and our adversaries have the power to overwhelm us, and we have not used this time to get ready for that, then the blackmail value of that situation, I guess, would be almost overwhelming.

In the family of nations, friendly or hostile, as is true with individuals, the person who knows he is outnumbered, who knows that he is overwhelmed by someone else's power, and who knows he does not have a chance, certainly has to knuckle under the very best way he can for the survival of his skin.

America has never been in that position. I pray that it never will be.

Mr. President, the impact of Safeguard deployment on the SALT talks has also been a matter of great discussion. These talks are now going on with the Soviet Union in Austria. I am not expecting any great things to come out of those talks even within the next year, although I may be wrong. But I do believe that some headway is being made in the way of attitude. When I talk about headway, I do not mean speaking in terms of disarmament because I do not believe there is any such thing in our time as disarmament. I am talking about headway towards arms limitation. It is my firm opinion—and this is not an overnight thought—that to defeat Safeguard in the Senate this year would be the worst possible setback that we could hand to the Strategic Arms Limitation Talks in Vienna. Defeat in this body would set off a fuse that would quickly alert the world, within less than a minute, that the word has gone out that after all, the United States of America has taken away from the President of the United States his main bargaining point—we might as well be frank about it. I believe that it will defeat all chances for success at this meeting, because it would clearly jerk the rug out from under our President just when some kind of strategic arms limitation agreement seems possibly on its way.

On the other hand, proceeding with the Safeguard defense would enhance the prospects of meaningful negotiations—and of success at the SALT talks—by permitting us to postpone hard deployment decisions on additional strategic offensive weapon systems this year. Deploying Safeguard would permit this restraint while providing a prudent hedge against moderate threats; and, at the same time, it preserves the option, if necessary, to meet a heavier threat. The committee's recommendations, I believe, enable us to purchase this needed insurance at a relatively modest expenditure in fiscal year 1971.

Mr. President, I realize that some knowledgeable scientists assert that the Safeguard will not work or will not be effective, as I mentioned a moment ago. Others assert that it must undergo a period of further development. However, a great many of the scientists who are familiar with the system agree that it is the most advanced anti-ballistic-missile system we presently have. That is what we have to work with—the most advanced system that we presently have—with the hope, of course, that, as we make progress in this field, something even better may be found. And the best prospect of that being done is to continue these efforts.

In the meantime, precious years would be burnt up. Precious years would be consumed by inaction. And that time could not be recalled.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I respect the scientific judgment of these men, whether I agree or disagree with them. However, this is not a scientific judgment before us as to the ABM. It is a policy decision as to whether we should pursue the weapon which offers the greatest prospect of protecting our land-based ICBM deterrent force. We have had to move forward under similar circumstances in the past.

I do not suppose there is any Senator that ever came here equipped to make scientific judgments. The Congress was responsible for pushing and providing the impetus that led to the development and the production of the Polaris missile system. I will not go into the details on that, but it is a hard legislative fact of life that the legislative branch of the Government was the one that pushed the development and then the production. Now it is agreed that it is one of the great systems in the whole world.

Many thought that the hydrogen bomb could never be developed. Others even doubted the feasibility of the atomic bomb of World War II. Some thought and advised, including the top scientific adviser to President Truman, that the nuclear bomb could never be packaged small enough so that an ICBM could be developed to carry it to intercontinental ranges.

I remember when I first came here in 1947 that a very fine man, a distinguished scientist, pointed out to me that he perhaps had more information in the Government at the time in the field of weaponry than any man here. He was the one that advised that this nuclear bomb could never be packaged small enough or developed so that we could build an ICBM to carry to intercontinental ranges. However, these problems were overcome by continued and dedicated application of our technical know-how. I believe that that is what will happen with respect to Safeguard if we persevere.

In view of the threat to our Minuteman forces, and in the absence of a concrete agreement at SALT, I certainly believe that we must this year continue to press for the deployment of Safeguard to assure the survival of our Minuteman deterrent. The limited deployment which the committee has recommended does not preclude agreement on a wide range of ABM levels. It can be modified as required by changes in the threat which might result from a SALT agreement. Further, many possible agreements could include some form of missile defense for purposes consistent with the objectives of both countries.

In the meantime, I feel very strongly that we should continue this defensive strategic program in the clear interest of national security.

Mr. President, at the risk of some repetition, I warn again, as strongly as I can, that a vote in the Senate against the ABM means sudden death at this sitting, at least, of the SALT talks in Vienna.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The message also announced that the House had passed a joint resolution (H.J. Res. 1336) to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 914. An act for the relief of Hood River County, Oreg.; and

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

CONTINUING APPROPRIATIONS, 1971

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 1048, House Joint Resolution 1328.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 1328) making further continuing appropriations for fiscal year 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, the Committee on Appropriations, at its meeting today approved the resolution, which merely extends the expiration date of the current resolution from July 31—this Friday—until October 15, 1970. Since only two of the annual appropriation bills have been enacted—the District of Columbia appropriation bill and the Department of the Interior and related agencies appropriation bill—it is essential that this resolution be approved in order to assure the continued functioning of those agencies of Government whose annual bills have not been processed to completion.

As I have mentioned, two of the bills have been enacted. One other, the Office of Education appropriation bill cleared the Congress earlier this week, and, in addition, the conferees on the Independent Offices-HUD appropriation have agreed to the filing of a conference report. The legislative branch appropriation bill is currently in conference, and all other bills, with the exception of the Department of Defense bill which is in the House committee awaiting authorization and the Department of Agriculture bill which is awaiting conference with the House, are in the Senate committee. Further details on the status of these bills are contained in the report which is before us.

Mr. President, yesterday, when we filed the report, I outlined in detail the situation as to all appropriation bills. Since this report was filed, I understand that the conferees have agreed on the legislative bill. Next week, I am hoping that two or three other bills will be presented to the Senate for consideration.

Mr. HART. Mr. President, concern has been expressed that in agreeing to House Joint Resolution 1328, continuing appropriations through October 15, 1970, the Congress could be providing funds for activities which we had not intended to authorize.

As an example, last year the Congress approved funds for the Safeguard antiballistic-missile system. Although neither the law authorizing the expenditure—Public Law 91-121—nor the law appropriating the funds—Public Law 91-171—restricts the Department of Defense to phase I at Grand Forks, N. Dak., and Malmstrom, Mont., the intent of Congress was made clear by both committee reports and by the discussion on the Senate floor.

For example, the report of the Senate Armed Services Committee on the 1970 military procurement bill—Senate Representative 91-290—states on page 25:

> It should be noted that all of the above programs relate only to Phase I of the Safeguard program which include only the Minuteman sites at Grand Forks and Malmstrom.

And the report of the Senate Appropriations Committee on the Department of Defense appropriation bill—Senate Representative 91-607—similarly refers only to Grand Forks and Malmstrom.

Admittedly, Mr. President, neither the committee reports nor the floor debate legally bind the Department of Defense to confine its ABM installation work to Grand Forks and Malmstrom. But, I ask the distinguished chairman, Senator ELLENDER, whether we have any assurance from the Department of Defense that it intends to honor the intent of the Congress in this respect.

Mr. ELLENDER. Mr. President, having anticipated the question of the distinguished Senator from Michigan (Mr. HART), with respect to the use of funds for the ABM, I consulted the Comptroller of the Department of Defense, and his response to the inquiry from the Committee on Appropriations, is as follows:

> The Office of the Assistant Secretary of Defense (comptroller), in response to an inquiry from the Committee on Appropriations U.S. Senate, affirms that there is no intent to obligate funds specifically for the proposed third site for the Safeguard program (Phase II, modified) during the period of the Continuing Resolution authority prescribed in H.J. Res. 1328.

Mr. HART. I thank the Senator.

Mr. ELLENDER. Mr. President, also in anticipation of the question which was propounded to me by the Senator from Arkansas (Mr. FULBRIGHT) as to the foreign military credit sales program, let me say that there is no intention to use any of those funds in order to carry on that program unless specifically appropriated.

Mr. President, I ask unanimous consent to have printed in the RECORD that part of the report which refers to the foreign military credit sales program, which appears on pages 2 and 3.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> FOREIGN MILITARY CREDIT SALES PROGRAM
>
> In accord with the policy of many years, the emphasis in a continuing resolution is on the continuation of existing projects and activities at the lowest of one of three rates: the current rate, the budget request where no action has been taken by either House, or the more restrictive amount adopted by either of the two Houses. The thrust of a resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined upon. Historically, the term "current rate" has been the rate of the prior fiscal year. In those exceptional cases where a program has been temporarily continued under a continuing resolution under the policy described above and when, subsequently, no annual appropriation for that fiscal year, is made by the Congress in the regular bill, there is no "current rate". Although funds may have been obligated under a continuing resolution, the fact that Congress ultimately denied a specific annual appropriation precludes a "current rate".
>
> There was an appropriation for the foreign military credit sales program for fiscal year 1969. The continuing resolutions for fiscal year 1970 continued the program temporarily. However, there was no regular annual specific appropriation for fiscal year 1970 and, consequently, the program was without obligational authority at the end of the continuing resolution period, which was the end of January 1970. The program stopped as of that date. The continuing resolution for fiscal year 1971, beginning July 1, 1970, does not grant authority for the resumption of this program. The program did not have a current rate in fiscal year 1970 and it is suspended until such time as the Congress makes a specific appropriation therefor.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 1328) was ordered to a third reading, read the third time, and passed.

Mr. ELLENDER. Mr. President, I move that the vote by which the conference report was adopted be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed too.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under previous order, the Senate will now proceed to the consideration of routine morning business, with a limitation of 3 minutes on statements.

RETIREMENT OF EDWARD E. MANSUR, JR., LEGISLATIVE CLERK

Mr. GURNEY. Mr. President, as we all know, Mr. Edward E. Mansur, Jr., otherwise and better known as Ted Mansur, the legislative clerk of the Senate, is about to retire. In fact, tomorrow will be his last day on duty.

I understand there will be time for remarks tomorrow on the occasion of his retirement, but it may be likely that I shall be away, so I take this occasion to make my remarks now.

As a new Senator, I have only worked with Ted for about 18 months, but many of my distinguished senior colleagues have known him, liked him, and worked with him for a much longer period. Ted Mansur has in fact served the Senate and the country as legislative clerk for 23 years, since December of 1947. Throughout the postwar period—through this period of incredible growth and dynamism—years of turmoil and difficulty for the Republic—Ted Mansur served this Chamber and its Members with honor and distinction, with objectivity and precision.

Ted was only 30 years old when he took his job in December of 1947. He succeeded John Crockett, "Uncle" John Crockett, who had held the post for 40 years—beginning in the first decade of this century—during the administration of Theodore Roosevelt. Mr. Crockett, I am told, was one of the last gentlemen to wear frock coats into the Senate.

The combined service of Ted Mansur and his predecessor, John Crockett, reaches back 63 years in the life of our Republic—an incredible span of years.

Ted Mansur brought excellent credentials to his post in 1947. He was first in his class at the University of Missouri Law School, where he was graduated in 1941. He was a member of Coif, the editor of the Law Review in his senior year, and he served as a clerk to a judge of the Federal Circuit Court of Appeals immediately after graduation.

During World War II, Ted was a navigator with the U.S. Navy, serving on antisubmarine patrol for 3 years. After the war, he was in private practice in his native Missouri until the Senate very wisely convinced him to come to Washington in 1947.

Ted Mansur worked with the great men who served in the Senate in the postwar years. Many of these illustrious Senators who are now deceased were his personal friends and he was their friend: Senator Robert Taft; Senator Tom Connally; Senator Arthur Vandenburg; our late beloved President, who was then Senator John Kennedy; Senator Theodore Francis Green; Senator Pat McCarran; Senator Alexander Wiley, and dozens more. As a matter of fact, as a private joke, Ted and the late Arthur Vandenburg used to exchange doodles each had made during debate—Ted's were characteristically geometrical and precise; Senator Vandenburg's were more free flowing and expansive.

The best word I can use to sum up Ted Mansur is "professional." He is a pro in the sense Mickey Mantle was or Arnold Palmer is—he does all the right things all the time—instinctively.

Now Ted Mansur is leaving—for the rest he deserves. He and his charming wife, Carolyn, and their daughters, Leslie and Carter, will keep their Alexandria home as home base—a base of operations for their boating trips. I have been told that his new boat is an extraordinary craft—at least that is how Ted describes it—all superlatives.

Ted leaves the Senate rich in friends, rich in memories, and rich in the respect of his colleagues and associates. We, his friends, will miss him. I know that all of the Members of the Senate, past and present, are indebted to him for his long and honorable services in this body, and we all wish him well as he leaves.

Thank you, Mr. President, and as one Senator, thank you, Mr. Ted Mansur.

THE PRESIDENT'S POPULARITY SCORE

Mr. DOLE. Mr. President, I have a copy of the most recent Gallup poll, and I wish to call its significant and encouraging findings to the attention of the entire Senate.

Briefly, it shows that 61 percent of the American people now approve of the way President Nixon is doing his job.

Mr. President, that is a amazing figure, considering that it is a 6-percent increase over last month and puts approval of the President at a 5-month high.

The poll shows that beyond question the President has a significant reservoir of support in the country for his decisions to settle for nothing less than an honorable peace in Vietnam and a victory over inflation and unrest at home.

I think the poll also carries a message to those who have been sniping at him from both the left and the right in recent weeks. And that message is that the American people want a President who sets out to do the right thing, not the expedient thing; a President who leads, not follows; a President who can ignore the carpers and the critics in order to make the tough decisions that benefit the Nation as a whole, not any one special group.

Mr. President, the Gallup poll carries a heartening message for those who support the President in his endeavors. It carries another kind of message, I am sure, for those who seek surrender abroad and division at home.

I ask unanimous consent to have printed in the RECORD the article entitled "Nixon Popularity Increases in Poll," published in the New York Times under dateline of July 29, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON POPULARITY INCREASES IN POLL

PRINCETON, N.J., July 29—Public confidence in President Nixon is at its highest level in five months, the Gallup Poll reported today.

A majority of 61 per cent in the latest survey say it approves of the way Mr. Nixon is handling his job as President—a six-point increase over his rating in the previous survey conducted June 19 through 21.

The President's gain in popularity between the two surveys has occurred in all four major regions of the nation, with the greatest gain (11 per cent) recorded in the South. Apparently Mr. Nixon has been little hurt in the South by the Administration's tougher stance on school desegregation in that region in recent weeks.

Nearly 7 in every 10 Southerners polled said they approved of the President's performance.

The following question was asked of a representative sample of 1,523 adults, interviewed in person in a survey conducted July 10 to 12 in more than 300 scientifically selected localities across the nation:

Do you approve or disapprove of the way Mr. Nixon is handling his job as President?

Following are the national results and trend since the beginning of this year:

[In percent]

	Approve	Disapprove	No opinion
July 10–12	61	28	11
June 30: All U.S. forces withdrawn from Cambodia:			
June 19–21	55	31	14
May 22–25	59	29	12
May 2–5	57	31	12
Apr. 30: Decision to send U.S. forces to Cambodia:			
Apr. 17–19	56	31	13
Mar. 20–22	53	30	17
Feb. 28–Mar. 2	56	27	17
Jan. 16–19	63	23	14
Jan. 2–5	61	22	17

COMPARISON OF THE LATEST REGIONAL RESULTS WITH THOSE FROM THE EARLIER SURVEY

[In percent]

	Late June	Latest
East:		
Approve	53	57
Disapprove	34	31
No opinion	13	12
Midwest:		
Approve	53	58
Disapprove	33	33
No opinion	14	9
South:		
Approve	57	68
Disapprove	24	20
No opinion	19	12
West:		
Approve	56	63
Disapprove	35	29
No opinion		

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and these bills have been cleared—that the Senate proceed to the consideration of Calendar Nos. 1042, 1043, 1044, and 1045.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. SGT. LAWRENCE F. PAYNE, U.S. ARMY (RETIRED)

The bill (H.R. 14619) for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired), was considered, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA HEALTH IMPROVEMENT ACT

The Senate proceeded to consider the bill (S. 3648) to provide improvements in the administration of health services in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 5, line 16, after the word "the", to insert "Superior Court of the"; in line 17, after the word "Columbia", to strike out "Court of General Sessions"; in line 20, after the section number, to strike out "This title shall be effective ninety days after enactment." and, in lieu thereof, insert "This title shall be effective July 1, 1971."; on page 6, after line 5, to insert a new section, as follows:

Sec. 302. Nothing in this Act shall be construed to prohibit the administering of a tuberculin test by a private physician licensed to practice in the District of Columbia in lieu of a test administered by the government of the District of Columbia.

After line 10, to insert a new section, as follows:

Sec. 303. No vaccination, immunization, or tuberculin test shall be required of any child whose parent or guardian objects thereto in writing on grounds that such vaccination, immunization, or tuberculin test is contrary to his religious teaching and practices.

On page 7, after line 16, to strike out:

TITLE V EXEMPTION OF MEDICAL AND DENTAL OFFICERS OF THE DISTRICT OF COLUMBIA FROM THE DUAL PAY AND CONFLICT OF INTEREST STATUTES

Sec. 501. Subsection (d) of section 5533 of title 5, United States Code, is amended (a) by striking out "and" at the end of clause numbered (6); (b) by striking out the period at the end of clause numbered (7) and inserting in lieu thereof "; and"; and (c) by adding the following clause numbered (8): "(8) pay received by a medical or dental officer for employment in public health programs of the Government of the District of Columbia."

Sec. 502. Officers and employees engaged in rendering medical or dental services in public health programs of the government of the District of Columbia and paid in whole or in part by fees received from private practice or out of funds contributed by medical schools, or from grants contributed by private foundations and the persons, corporations, or associations paying such fees or making such contributions, shall not be subject to the provisions of section 209 of title 18, United States Code.

On page 8, at the beginning of line 1, to strike out "Title VI" and insert "Title V"; and at the beginning of line 4, to strike out "Sec. 601." and insert "Sec. 510."; so as to make the bill read:

S. 3648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Health Improvement Act".

TITLE I—AMENDMENT TO SECTION 21-501 OF THE DISTRICT OF COLUMBIA CODE

Sec. 101. Section 21–501 of the District of Columbia Code (relating to the hospitalization of the mentally ill) is amended by inserting immediately before the period at the end of the definition of "public hospital", the following: ", and any facility operated or supervised by the District of Columbia which is utilized for the care and treatment of mentally ill persons".

TITLE II—AMENDMENTS TO THE MILK ACT

Sec. 201. The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (43 Stat. 1004–1008; D.C. Code, secs. 33–301 through 319), is amended to read as follows:

"Section 1. None but pure, clean, and wholesome milk, cream milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government shall be produced in, or be shipped into, the District of Columbia.

"Sec. 2. As used in this Act—

"(a) The term 'person' includes, in addition to individuals, firms, associations, partnerships, and corporations.

"(b) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(c) The term 'District' means the District of Columbia.

"Sec. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of said permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on the 1st day of January of each calendar year thereafter. Application for said permit shall be in writing upon a form prescribed by the Commissioner.

"Sec. 4. The Commissioner is hereby authorized and empowered to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of the milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of said permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"Sec. 5. Nothing in this Act shall be construed to prohibit the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare; or to prohibit the shipment into the District of milk or cream for manufacture into frozen desserts, and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"Sec. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a customer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"Sec. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"Sec. 8. The District of Columbia Council is hereby authorized to make from to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"Sec. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"Sec. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

Sec. 202. This title shall be effective July 1, 1971.

TITLE III—TUBERCULIN TESTING OF SCHOOL CHILDREN

Sec. 301. Section 274 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 31–1102) is amended by adding at the end thereof the following: "Each child, prior to enrollment in kindergarten or admission to the first grade of the public schools, shall be given a tuberculin test by the government of the District of Columbia."

Sec. 302. Nothing in this Act shall be construed to prohibit the administering of a tuberculin test by a private physician licensed to practice in the District of Columbia in lieu of a test administered by the government of the District of Columbia.

Sec. 303. No vaccination, immunization, or tuberculin test shall be required of any child whose parent or guardian objects thereto in writing on grounds that such vaccination, immunization, or tuberculin test is contrary to his religious teachings and practices.

TITLE IV—AMENDMENT OF THE ACT RELATING TO HOSPITAL LIENS

Sec. 401. The first section of the Act entitled "An Act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens", approved June 30, 1939, as amended (D.C. Code, sec. 38–301), is amended by striking out "or the District of Columbia," where such term first appears, and by inserting immediately before the word "which" the following: "and any hospital, institution, or facility operated by the government of the District of Columbia, whether in the District of Columbia or elsewhere".

TITLE V—AMENDMENT OF THE ACT REGULATING THE PRACTICE OF THE HEALING ART

SEC. 501. Section 25 of the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929 (D.C. Code 2–121), is amended by striking out the proviso.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA FREEWAY AIRSPACE UTILIZATION ACT

The Senate proceeded to consider the bill (S. 3647) to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment, on page 6, line 8, after the word "organization", to strike out the comma and "such as a hospital, welfare agency, or the like,"; so as to make the bill read:

S. 3647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Freeway Airspace Utilization Act."

SEC. 2. When used in this Act—

"Airspace" means so much of the space above, on, and below freeway rights-of-way as is not needed for freeway purposes.

"Commissioner" means the Commissioner of the District of Columbia.

"District" means the District of Columbia.

"Freeway" means any limited access divided highway within the District.

"Right-of-way" means land, property, or interest therein acquired for or devoted to a freeway, including connecting ramps.

"United States" means the Government of the United States or any department or agency thereof, including, without limitation, any agency established or authorized to be established by Act of Congress or by interstate compact to which consent of Congress is given.

"Council" means the Council established pursuant to part II of Reorganization Plan Numbered 3 of 1967.

SEC. 3. The Commissioner is hereby authorized—

(a) to make or permit such use of airspace in the District for any municipal purpose, including, without limitation, housing for low-income families, public welfare, public works, park, recreational, and vehicle parking, as will not be detrimental to or impair the efficient use, operation, and maintenance of any freeway;

(b) to enter into contracts or agreements with the United States for the use of airspace and for the purpose of receiving, or qualifying any permittee or lessee to receive, grants or other financial assistance under available Federal programs in connection with the construction, use, or operation of buildings, structures, and other things therein;

(c) to enter into agreements with the United States for the granting to the United States of easements to use airspace for the purpose of constructing therein Federal public buildings and for such purposes as may be agreed upon. Such easements shall, for the purposes of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255), be deemed sufficient and valid title in the United States in the areas in which are to be constructed public buildings or other facilities; and

(d) to enter into leases of, or grant revocable permits for, the use of airspace in the District, including rights of or for support, access, utilities, light and air to an extent not inconsistent with the use of a freeway by the general public for the purpose of travel, and, in connection with any such lease or permit, to impose such terms and conditions including, but not limited to, the deposit of bond or other security, and to provide for the payment of such rents or fees as the Commissioner may, in his discretion, determine to be necessary or desirable, but the Commissioner may, in connection with the entry into a lease, or the granting of a permit, for the use of such airspace, provide as conditions of any such lease or permit (1) that such airspace shall not be used by the lessee or permittee in such manner as to deprive of its easements of light, air, and access any real property not owned or controlled by such lessee or permittee, and (2) that upon the expiration of the lease or permit and of any renewal thereof, any building or other structure which may have been constructed in such airspace shall, at the direction of the Commissioner, be removed therefrom by and at the expense of the lessee or permittee or his successor in interest, and the airspace shall be restored to the condition which obtained prior to the construction of such building or other structure, all to the satisfaction of the Commissioner.

SEC. 4. (a) The authority contained in section 3 shall be exercised by the Commissioner in furtherance of the Comprehensive Plan for the National Capital prepared pursuant to the National Capital Planning Act of 1952 (40 U.S.C. 71) and in the following order of priority:

(1) The Commissioner shall determine whether such space is required for a municipal purpose, as authorized by subsection (a) of section 3, and if he determines the space is so required, he is authorized to make such use of it.

(2) The Commissioner shall ascertain, through the Executive Director of the National Capital Housing Authority established by the Act approved June 12, 1934 (48 Stat. 930), whether such space is required for the construction therein of dwellings for low-income families at rents in accordance with their incomes, and if the Commissioner finds that such space is so required he is authorized, with or without charge, to make it available for such construction by granting an easement to use such space, and such easement shall constitute sufficient and valid title in the Authority or in the United States, or in any private developer under contract to convey the completed property to the Authority, as the case may be, to construct therein buildings or other facilities. The use of such space by the Authority shall be subject to such agreement as the Authority has entered into with the District respecting the making of payments in lieu of taxes.

(3) The Commissioner shall ascertain through the Administrator of General Services, whether the United States (other than the National Capital Housing Authority) requires such space for the construction therein of a building, other structure, or facility, and if such space is so required, the Commissioner is authorized to make it available without charge to the United States, or on the basis of such charge as may be agreed upon between the Commissioner and the United States.

(4) The Commissioner shall determine whether such space should be leased to a public or private developer to provide housing for low- and moderate-income individuals and families, and if the Commissioner so determines, he may include in such lease, or make such permit subject to, an agreement whereby a preference in admission to the housing will be given to low- and moderate-income individuals and families displaced by urban renewal activities or as a result of other governmental action.

(5) The Commissioner shall determine whether such space should be leased to a nonprofit organization for the construction therein of a building, other structure, or facility to be used in connection with the activities of such organization.

(6) The Commissioner shall determine whether such space should be made available for business purposes, including, without limitation, housing for individuals and families.

(b) In connection with the lease of such space either for housing for low- and moderate-income families and families displaced from urban renewal areas or as a result of governmental action, or for use by nonprofit organizations or for business purposes, the Commissioner is authorized to lease the space either on the basis of competitive bids or on a negotiated basis, as the Commissioner determines is in the best interests of the District and of the general public.

SEC. 5. For the purposes of this Act, airspace, and buildings, structures, and improvements constructed or erected within such airspace, pursuant to a lease or permit, shall be deemed to be real property and be liable to assessment and taxation as such from the beginning of the term or period of such lease or permit. For the purposes of real property assessment and taxation, the value of such airspace, other than any building, structure, or improvement constructed or erected therein, shall be deemed to be the value of the underlying land as if the same were not occupied and used for public purposes. No such tax shall be assessed with respect to any airspace and buildings, structures, and improvements therein (1) for which the United States has been granted an easement (but nothing herein contained shall be construed to abrogate such agreement as the United States may have entered into, or may enter into, with the District with respect to making payments in lieu of real property taxes) or used for the purposes specified in subsections (a), (b), and (c) of section 3 of this Act; or (2) occupied and used by one or more organizations exclusively for a purpose or for purposes which, under section 1 of the Act of December 24, 1942 (56 Stat. 1089), as amended (D.C. Code, sec. 47–801a), would entitle real property so occupied and used to be exempt from taxation. Except as otherwise provided in this section, for the purposes of this Act the provisions of law applicable to special assessments for public improvements, and the provisions of law applicable to sanitary sewer service charges and to water service charges, shall be applicable with respect to airspace and buildings, structures and improvements therein used pursuant to a lease entered into with, or permit granted to, a lessee or permittee under the authority of subsection (d) of section 3 of this Act. The leasehold or permit interest in any airspace so leased or granted, including any building, structure or improvement constructed or erected therein, shall, in cases of nonpayment of real property taxes, nonpayment of special assessments for public improvements, and nonpayment of sanitary sewer service or water service charges, be subject to private, outright sale by the District, without any right in the lessee or permittee to redeem the leasehold or permit interest so sold: *Provided,* That the proceeds from such sale in excess of such delinquent taxes, assessments, or charges, or a combination thereof, including any interest, penalties and costs relating thereto, shall be paid by the District to the lessee or permittee, or to such person as he may, in writing, designate.

SEC. 6. (a) Prior to the entry by the Commissioner into any agreement or lease, or his granting of any permit for the use of airspace, the following actions, except with respect to the construction of public buildings by the Federal or District of Columbia government, shall be taken:

(1) The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, shall have determined the use to be permitted in such airspace and shall have promulgated regulations pertaining thereto, including but not limited to, limitations and requirements respecting the height of any structure to be erected in such space, off-street parking and floor area ratio, which limitations and requirements need not be the same as those provided for properties not within airspace. The provisions of section 10 of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938 (52 Stat. 800; D.C. Code, sec. 5–422), shall be applicable to regulations made pursuant to this section and to violations of such regulations.

(2) The lessee or permittee shall have submitted to the Commissioner and the Zoning Commission for their review and approval, plans, elevations, sections, and a scale model for any structure to be erected in such airspace, and description of the texture, material, and method of construction of exterior walls.

(3) The Commissioner shall have determined that all necessary precautions will be taken to insure adequate protection from air pollution, dirt, noise, light, and glare emitted by vehicles using the freeway. In making such a determination, the Commissioner shall assume a volume of freeway traffic equal to capacity.

(b) (1) The provisions of section 16 of the Act approved June 20, 1938 (52 Stat. 802), as amended (D.C. Code, sec. 5–428), shall be applicable to the construction of Federal public buildings in like manner as if the buildings were constructed entirely on property owned by the United States, and, to the extent that such section is, by subsection 5(c) of the National Capital Planning Act of 1952, as amended (40 U.S.C. 71d(c)), made applicable thereto, such section 16 shall also be applicable to the construction by the District of Columbia of any building.

(2) Plans for construction in airspace by the Federal or District Governments shall be subject to consultation, advice, and recommendation of the National Capital Planning Commission in accordance with the National Capital Planning Act of 1952, as amended (40 U.S.C. 71 et seq.).

(3) Plans for construction in airspace shall be subject to review and recommendation of the Commission of Fine Arts to the extent required by, and in accordance with the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5–410 and 411), the Act approved September 22, 1950 (64 Stat. 903; D.C. Code, title 5, chapter 8), and Executive orders dated October 25, 1910, and November 28, 1913.

(c) Whenever the Commissioner shall find that there is any significant change in, or substantial modification of, the plans for the proposed structure after such plans have been approved in accordance with the requirements of the preceding subsections of this section and of section 3, or if, after the construction of the structure, he finds there is any significant change in, or substantial modification of, the structure or the use made of it, each such change or modification shall be subject to approval by the agencies specified in this section, as their interests may appear, in like manner as is set forth in subsections (a) and (b) of this section.

SEC. 7. The cost of removing or relocating publicly owned and privately owned facilities in a street, highway, or alley, including, without limitation, water lines and sewers, to the extent that any such removal or relocation is required in connection with the construction of a building in airspace under the authority of this Act, other than a building constructed by or on behalf of the District, shall not be borne by the District, but the cost of any such removal or relocation shall be defrayed by another or by others than the District in accordance with such arrangements as may be acceptable to the Commissioner and be approved by him in writing. The removal or relocation by the District of sewers and water mains, and the removal or relocation of any other facilities in such space, shall be in accordance with plans and schedules approved by the Commissioner.

SEC. 8. Except as provided in section 6, laws and regulations now or hereafter in effect in the District and applicable to the construction, use, and occupancy of buildings and premises, including, but not limited to, building, electrical, plumbing, housing, health, and fire regulations, shall be applicable to buildings, structures, and improvements erected in airspace under lease or agreement entered into or permit issued pursuant to this Act.

SEC. 9. (a) The Council is authorized, after public hearing, to promulgate regulations to carry out the purposes of this Act.

(b) Any regulations adopted under the authority of this section may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ninety days, or both such fine and imprisonment, for any violation of such regulations. Prosecutions for violations of regulations made pursuant to this section shall be conducted in the name of the District by the Corporation Counsel or any of his assistants.

(c) Whenever there exists any violation or failure to comply with regulations adopted under the authority of this Act, or regulations specified in section 8 of this Act, after notice of such violation or failure has been given by the Commissioner, each and every day such violation exists, or each and every day beyond a time limit set for compliance during which there is failure to comply fully with any of the said regulations or with orders issued pursuant to the authority contained therein, shall constitute a separate offense, and the penalty specified for the violation of such regulation shall be applicable to each such separate offense.

SEC. 10. All collections, including rents and fees, received by the District pursuant to this Act shall be deposited in the Treasury of the United States in a trust fund which is hereby authorized and from which may be paid, in the same manner as is provided by law for other expenditures of the District, such expenditures as are necessary to carry out the purposes of this Act, including, without limitation, necessary expenses connected with the operation, maintenance, and disposition of property coming into the possession of the District by reason of default under leases entered into or permits issued pursuant to this Act: *Provided*, That taxes (including payments in lieu of taxes), special assessments, and sanitary sewer and water service charges shall be deposited directly to the respective funds to which such revenues are normally deposited. The unobligated balance in such trust fund as of June 30 of any year which exceeds $100,000 shall be deposited in the Treasury to the credit of such special funds or the general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

SEC. 11. Nothing in this Act shall be construed so as to affect the authority vested in the Commissioner of the District by Reorganization Plan Numbered 3 of 1967 (81 Stat. 948). The performance of any function vested by this Act in the Commissioner or in any office or agency under the jurisdiction and control of said Commissioner may be delegated by the Commissioner in accordance with section 305 of such plan.

SEC. 12. Nothing in this Act shall be construed as modifying or superseding title 23, United States Code: *Provided*, That the use of public space under the authority of this Act shall not be deemed to deprive the District of its eligibility for financial assistance under any federally assisted program, regardless of the fact that the District may, in the case of a privately owned building, receive rental for the use of such public space.

SEC. 13. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provision, and to this end the provisions of this Act and the said regulations are separable.

SEC. 14. Appropriations to carry out the purposes of this Act are hereby authorized.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF THE HIGH-SPEED GROUND TRANSPORTATION ACT

The bill (S. 3730) to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 11 of the Act entitled "An Act to authorize the Secretary of Transportation to undertake research and development in high-speed ground transportation", approved September 30, 1965 (Public Law 89–220; 79 Stat. 893; 49 U.S.C. 1631–1642), as amended, is amended by striking out ", and" and the period at the end thereof and inserting a semicolon and the following: "and $21,700,000 for the fiscal year ending June 30, 1971.".

(b) The first sentence of section 12 of such Act of September 30, 1965, as amended, is further amended by striking out "1971" and inserting in lieu thereof "1972".

SENATE RESOLUTION 436—RESOLUTION TO AUTHORIZE THE APPOINTMENT OF COUNSEL TO REPRESENT THE SENATE IN AMICUS CURIAE CAPACITY IN JUDICIAL PROCEEDINGS INVOLVING THE CONSTITUTIONALITY OF PUBLIC LAW 91–285

Mr. MANSFIELD. Mr. President, at the direction of the Democratic Policy Committee and with its unanimous approval, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRANSTON). The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

S. Res. 436

Resolution for appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes

Whereas section 302 of Public Law 91–285 provides in pertinent part that "Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older"; and

Whereas by vote of 64–17 the Senate had approved section 302 of Public Law 91–285 as an amendment to the Voting Rights Act Amendments of 1970, thus overwhelmingly affirming its conclusion that this action could be taken under the Constitution by statute; and

Whereas it is in the national interest that constitutional issues inherent in section 302 of Public Law 91–285 be judicially decided expeditiously and it is anticipated that proceedings contesting these issues will soon reach the Supreme Court; Therefore, be it hereby

Resolved, That counsel be appointed by the President pro tempore to represent the United States Senate in an appropriate manner in any judicial proceedings wherein the constitutionality of Public Law 91–285 is contested.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is my understanding correct that if an objection were raised at this time, the resolution would automatically go on the calendar?

The PRESIDING OFFICER. It would go over under the rule, and would come down during the morning hour on the following legislative day, be debated until 2 o'clock, if not agreed to, and then go to the calendar.

Mr. MANSFIELD. Mr. President, it is my understanding that there was a possibility that a certain Senator would have been present in the Chamber today, had he not been detained on official business, and might have raised an objection.

Therefore, I ask unanimous consent that the pending resolution be placed on the calendar, as it would have been had an objection been raised under the stipulations stated by the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not think I shall object—I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Would it not be generally in order for such a resolution to be referred to a committee?

The PRESIDING OFFICER. If no Senator asked for its immediate consideration, and no objection were made, it would go to a committee.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The resolution will be placed on the calendar.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it is my understanding that the day before yesterday, on Tuesday, the Committee on Foreign Relations considered the Genocide Treaty which has been pending before that committee for more than 20 years. This is, in point of history, the oldest human rights treaty that has been pending before the Senate.

Every President of the United States since President Truman, including President Nixon, has pleaded with the U.S. Senate to ratify that treaty. President Nixon has made a fervent eloquent appeal to the Senate to ratify it.

The Senator from Idaho (Mr. CHURCH) was appointed by the Senator from Arkansas (Mr. FULBRIGHT), as chairman of a subcommittee to consider the Genocide Treaty. He did so and held hearings on it, and on Tuesday the Foreign Relations Committee discussed whether or not to report the treaty at that time to the floor. I regret to say that it was the decision of the Foreign Relations Committee to defer reporting the treaty. It was clear that there was majority sentiment in the committee in favor of the treaty. But, the feeling was that they should await implementing legislation from the administration and that they should wait for other reasons before the treaty actually comes to the floor.

My judgment, however, is that there is an excellent chance that the treaty will be reported. I think it will be reported later this year, and I hope that if we do not act on it this year, we may act on it early next year. It has been a long wait.

There is no question that the overwhelming majority of Americans, in my view, would enthusiastically support this treaty. Every major country in the world has already ratified the treaty. We stand alone among the great nations of the world that has not ratified the Genocide Treaty, although we were the country that secured the action by the United Nations setting the treaty ratification process in motion.

I think we are making progress, and I think there is a real chance that, at long last, the Senate will take the step for which I have pleaded on the floor of the Senate every day for three and a half years.

IS NOT PEACE, IN THE LAST ANALYSIS, BASICALLY A MATTER OF HUMAN RIGHTS?—JOHN F. KENNEDY, 1963

Mr. PROXMIRE. Mr. President, the closeness of our modern world and the interrelationship of public policy has forced all of us to see the interdependencies of our actions on this floor. As President Kennedy once said, we must be able and willing to sense the effects of our actions and reactions. World peace, at best, is a most fragile, volatile, and tenuous commodity whose preservation requires an awesome degree of perception and sensitivity from us all.

The Genocide Convention is yet another example of a stepping stone to peace for all, through an acknowledgement of the inherent worthiness and dignity in all of the world's children. Mr. President, Senate ratification of the Genocide Convention is a forward step, an initiative, a move of conscience, by a nation whose actions, as a world power, must match its all too frequent rhetoric.

We all have a stake in the quest for world peace. Insofar as we are all part of the family of man, we must share the responsibilities. Ratification of the Convention on Genocide by the Senate would take us one step further in the quest for world peace through confidence in the integrity and sense of humanity of the United States. We have a great responsibility, Mr. President, to place our power behind the words of our late President when he asked:

> Is not peace, in the last analysis, basically a matter of human rights?

THE OIL IMPORT QUOTA PROGRAM

Mr. HANSEN. Mr. President, the confirming vote by the House Ways and Means Committee on the oil import quota program is a vote in favor of the U.S. consumer in spite of opposition cries to the contrary.

It is a matter of simple arithmetic that oil product prices would be even higher than they are had the tariff plan recommended by a majority of the Oil Import Task Force been adopted.

I cannot believe that the President would ever approve such a plan, but the advocates of the tariff plan seem to be adamant in their continued insistence on trade policies that would depress and control prices without regard to costs or capital requirements of domestic industries.

The vote of 17 to 7 by the committee in nailing the quota program into the national security clause upon which the oil import program is based indicates to me that the committee members are more concerned or, at least, better informed about the effects of imports than are some administration spokesmen.

If a serious natural gas or heating oil shortage develops this winter, it will be the oil and gas companies who will get the blame rather than the Government policies that have been the real cause.

Those who say that the very reasonable quota legislation proposed by the Ways and Means Committee will result in higher prices, fewer product choices, reduced competition and a limited supply of imported products apparently have not studied the effects of quota laws or agreements that now apply to a wide range of products. These include, in addition to oil, sugar, cotton and cotton textiles, wheat and dairy products. The prices of products that are "protected" by import quotas have risen at rates below average increases and far behind prices on some products not under import quota limitation.

Mr. President, those who cry that import quotas would be costly to consumers should examine some other causes. A good example is the case of beef which is under quotas, although the limit was exceeded this year.

Beef prices have risen since the quota law was passed in 1964. But the price the farmer and rancher receives for the cattle from which this beef comes gets no more today than they did 20 years ago.

Inflation is robbing all of us and is the real cause of higher prices.

For too long we have seen what little protection American industry has had from cheap imports whittled away. It is time that Congress took a more realistic look at what our free trade advocates have done and what they propose.

They call it protectionism, although the proposed legislation would not stop or severely limit imports but merely set some reasonable levels above which imports could be controlled if found to be injuring a domestic industry or its workers.

Mr. President, if there is any doubt about the need for insurance for the American consumer of a dependable future supply of oil and gas, it is supplied by a letter I have just received from the Chairman of the Council of Economic Advisers, Paul W. McCracken, who still advocates the tariff plan for oil imports and, apparently, Federal regulation of the price of domestic crude oil.

I will quote that part of his letter and Senators can draw their own conclusions as to just what he has in mind in the way of price control.

The letter states:

> The Oil Import Task Force concluded that there was a national security justification for the crude oil price to be higher in the United States than abroad. The question is, who shall determine the level of crude oil prices appropriate for the national security? The producers together with the producing states? Or the Federal government?

I am sure some Senators will be curious, as I am, as to what authority, what law passed by the Congress or what statute he would apply to "determine the level of crude oil prices appropriate for the national security?" It is my understanding that the President has rejected wage-price controls in the inflation fight.

He asks whether the producers together with the producing States or the Federal Government should fix the price of crude oil.

This is a man who is an adviser to the President, so I believe it is well that the Ways and Means Committee has taken action, at least to head off implementation of the tariff plan designed to force the price of domestic crude oil down to some predetermined level in no way related to normal market place fluctuations or without regard to costs or capital requirements of the domestic petroleum industry.

It is questionable whether such practice, once started, could be confined to the oil industry alone. Once such a philosophy of government takes root, where will it end?

There are few items produced in America that cannot be imported cheaper. The philosophy of using foreign imports to control domestic prices should be examined from the standpoint of whether it is the kind of government we want. This deserves as much thought as the factual evidence that so-called consumer savings would, at best, be insignificant and, in the longer run, with greater dependence on foreign oil could be completely illusory—as now proved by the price of oil from North Africa and the Middle East.

Mr. President, not only is such a proposed price control policy unsound and with no legal basis that I know of, but it is completely inconsistent with the recent recognition by the Federal Power Commission of the fallacy of Federal price fixing policy.

The FPC, in the face of a critical natural gas shortage, now says it will abandon its price-fixing policies of the past decade in favor of a policy which considers such factors as rate of return for producers, as well as consideration of supply and demand factors. The new policy, according to FPC, will result in higher consumer prices as well as higher returns to producers.

Should those who advocate a reduction in crude prices through import controls succeed in implementing their plan, they would be working at cross purposes with the Federal Power Commission in attempting to stimulate exploration and development of domestic natural gas supplies through adequate returns and incentives.

The tariff plan would have the opposite effect by depressing domestic prices, reducing returns and incentives for exploration and development of new supplies and, thereby, discouraging development of gas.

A large part of our gas is developed and produced along with oil.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Dr. McCracken to which I have referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., July 24, 1970.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This is in response to your letter of June 10 regarding Mr. Houthakker's views on market-demand prorationing.

Whatever the legal status of market-demand prorationing, there can be little question that by limiting production the state prorationing authorities support oil prices. It is true that they do not set prices in the sense of deciding exactly what prices will be. That is done by the producers themselves. However, by restricting production to the quantities of crude oil demanded at producer-set prices they ratify those prices. If production were limited only by considerations of conservation, production would be greater and the producer-set prices could not be maintained.

The Oil Import Task Force concluded that there was a national security justification for the crude oil price to be higher in the United States than abroad. The question is, who shall determine the level of crude oil prices appropriate for the national security? The producers together with the producing states? Or the Federal Government?

The petroleum industry is so important to our economy that the Council of Economic Advisers cannot be indifferent to the regulation of production and prices there. If you feel that Mr. Isodore Cohen has a better answer to our problems, I can only hope that you will give the matter some further thought.

Sincerely yours,
PAUL W. MCCRACKEN, *Chairman.*

Mr. HANSEN. So, inasmuch as these Presidential advisers are unable or unwilling to understand or recognize the basic facts involved in the energy crisis now developing, I again congratulate the members of the Ways and Means Committee in taking the action they did to preclude adoption of a plan that would be disastrous to our basic energy industry.

EXTENDING THE EFFECTIVENESS OF THE DEFENSE PRODUCTION ACT OF 1950 TO AUGUST 15, 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1336.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate House Joint Resolution 1336, to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 1336) was considered, ordered to a third reading, was read the third time, and passed.

TAX SECRECY ORDER ON AIRLINE TICKETS

Mr. SPARKMAN. Mr. President, on July 21, 1970, the Mobile Register published an editorial entitled "Tax Secrecy Order Insult to Citizens." I had read a day or so before that a provision had been made that, in selling airline tickets, the airline was forbidden to include any showing as to what tax had been made on that ticket, that it would show only the gross amount. The editorial deals with that situation.

Frankly, I knew nothing of any such provision being included in the Airport and Airway Development Act of 1970. According to the editorial, this provision did not appear in either the House or Senate version of that act, but it came in somehow, by some kind of insertion in the conference report.

Mr. President, I see absolutely no justification for prohibiting the airlines from showing the tax charged on the ticket. Goodness knows, if I go anywhere and buy something, or if I send a message by Western Union, or make a telephone call, when the bills come back, they show what tax has been charged to me. I do not see why such tax should not be shown on airline tickets also. After all, such a tax is deductible. I do not see how anyone can keep his records straight, for the purpose of claiming deductions, without knowing what the tax is.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX SECRECY ORDER INSULT TO CITIZENS

Congress has become dangerously haphazard.

Without the knowledge of "most members," it has committed a superduper tax secrecy outrage against the American people.

Air travelers are the express victims in this instance, but if Congress, can perpetrate an outrage of this kind against one group, it can deal the same treatment to other groups and to the whole population.

Rep. Morris K. Udall of Arizona has exposed the "mysterious" insertion of airline ticket tax secrecy into a bill and its enactment largely in an atmosphere of congressional ignorance.

This happened in passing the "Airport and Airway Development Act of 1970," recently signed into law by President Nixon. The offending section—7255—is entitled "Penalty for offenses relating to certain airline tickets and advertising," and Congressman Udall says of it:

"This section of the new law is an outrage. It was not contained in the bill when it passed the House. It was not contained in the bill when it passed the Senate. But it somehow mysteriously found its way into the conference report and became law before most members even knew of its existence.

"According to this section . . . it is a crime to inform travelers or would-be travelers what portion of their airline fares is going to federal taxes. A ticket clerk found guilty of such a heinous act would be subject to a fine of $100.

"Similarly, this section of the new law prohibits such disclosure in airline advertising, even in the tiniest type at the bottom of the page. Any statement concerning the price of an airline ticket must show the over-all price with tax included. The amount of the tax itself must be kept secret. Presumably it is not in the public interest for the public to know the true cost of our new airport program.

"What an insult to the American people. What an embarrassment to the Congress."

An insult to the American people, indeed. An insult and an outrage. Whether an embarrassment to Congress or not, this section of the act is an indictment of Congress for becoming dangerously haphazard on legislation.

And what of President Nixon's action in signing the bill into law with this outrageous section on tax secrecy? Did he know or not know the bill contained a tax secrecy provision that "mysteriously" got into a congressional conference report and became law in alarming circumstances of congressional ignorance?

Mr. Udall is calling for repeal of the offending section. Unless it is repealed in double quick time, the indictment Congress has returned against itself for haphazardness to a dangerous extreme will loom still uglier and more ominously.

Mr. HANSEN. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. HANSEN. I have not seen the editorial to which the Senator refers, but I share his concern and dismay that, according to the editorial, neither the House nor the Senate included the language that finally wound up in the bill.

This seems to me to be most unusual. As I read the editorial, I gather that this particular provision must have been added by some staff people afterwards or came out of the conference report.

I certainly agree with the distinguished Senator from Alabama that it ought to be investigated. I share his feeling that all of us would be better advised and better apprised of what our government is doing if we were made aware of the taxes that apply to our activities. I see no reason at all to try to keep this information hidden from the American public.

I am told that one of the things which came out of the legislation was a rounding off to the nearest dollar of the cost of tickets with tax. I do not object to that. But I agree completely with my distinguished friend, the Senator from Alabama, that it makes good sense to let American people know how much of the cost of that airplane ticket is levied in the form of a tax.

Mr. President, I would hope very much that the distinguished Senator would pursue this matter and see what can be developed in the way of finding out what brought it into being in the way in which it was accomplished.

I will offer my support if my support is useful.

Mr. SPARKMAN. Mr. President, I thank the distinguished Senator from Wyoming for his contribution.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSPORTATION OF LETHAL CHEMICAL AGENTS

A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), reporting, pursuant to law, on the transportation of lethal chemical agents; to the Committee on Armed Services.

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ended June 30, 1970; to the Committee on Armed Services.

PROPOSED AMENDMENT OF THE TARIFF ACT OF 1930

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions (with accompanying papers); to the Committee on Finance.

PROPOSED TAX LEGISLATION

A letter from the Secretary of the Treasury, transmitting three drafts of proposed legislation, the first to amend the Internal Revenue Code of 1954 to extend excise taxes on communication services and on automobiles, the second to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, and for other purposes, and the third to amend the Internal Revenue code of 1954 by imposing a tax upon the sale of lead additives used in the manufacture or production of gasoline, providing for payments to producers of gasoline for lead additives used during a transitional period, and for other purposes (with accompanying papers); to the Committee on Finance.

PROPOSED INDIAN POLICY

A letter from the Secretary of the Interior, transmitting four drafts of proposed legislation, the first to amend acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief or distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," the second to provide for the creation of the Indian Trust Counsel Authority, and for other purposes, the third to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes, and the fourth to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

A petition was laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A petition, signed by sundry citizens of the State of California, praying for the return of U.S. troops home, and the cessation of further military involvement in Indochina; to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, July 30, 1970, he signed the enrolled bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

H.R. 15118. An act to provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of Ohio Northern University (Rept. No. 91-1042).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with an amendment:

H.J. Res. 589. A joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program (Rept. No. 91-1043).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye (Rept. No. 91-1044);

H.R. 1697. An act for the relief of Jack Brown (Rept. No. 91-1045);

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris (Rept. No. 91-1046);

H.R. 1728. An act for the relief of Capt. Norman W. Stanley (Rept. No. 91-1047);

H.R. 2209. An act for the relief of Carlo DeMarco (Rept. No. 91-1048);

H.R. 2241. An act for the relief of John T. Anderson (Rept. No. 91-1049);

H.R. 2407. An act for the relief of Elbert C. Moore (Rept. No. 91-1050);

H.R. 2458. An act for the relief of Frank J. Enright (Rept. No. 91-1051);

H.R. 2481. An act for the relief of Comdr. John W. McCord (Rept. No. 91-1052);

H.R. 2950. An act for the relief of Edwin E. Fulk (Rept. No. 91-1053);

H.R. 3558. An act for the relief of Thomas A. Smith (Rept. No. 91-1054);

H.R. 3723. An act for the relief of Robert G. Smith (Rept. No. 91-1055);

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr. (Rept. No. 91-1056);

H.R. 6375. An act for the relief of Amalia P. Montero (Rept. No. 91-1057);

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired), (Rept. No. 91-1058);

H.R. 6850. An act for the relief of Maj. Clyde Nicholas (retired) (Rept. No. 91-1059);

H.R. 9092. An act for the relief of Thomas J. Condon (Rept. No. 91-1060);

H.R. 9591. An act for the relief of Elgie L. Tabor (Rept. No. 91-1061);

H.R. 10662. An act for the relief of Walter L. Parker (Rept. No. 91-1062);

H.R. 11890. An act for the relief of T.Sgt. Peter Elias Gianutsos, U.S. Air Force (retired) (Rept. No. 91-1063);

H.R. 12176. An act for the relief of Bly D. Dickson, Jr. (Rept. No. 91-1064);

H.R. 12622. An act for the relief of Russell L. Chandler (Rept. No. 91-1065);

H.R. 12887. An act for the relief of John A. Avdeef (Rept. No. 91-1066); and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc. (Rept. No. 91-1067).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess (Rept. No. 91-1068).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MONTOYA:

S. 4147. A bill to declare that 3.308 acres, more or less, of federally owned land are held by the United States in trust for the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 4148. A bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; to the Committee on Armed Services.

By Mr. HOLLAND:

S. 4149. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickins in Florida and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 4150. A bill for the relief of Sergio Vergani; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 4151. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide residents thereof with greater access to consumer credit at reasonable interest rates; to amend the Federal Credit Union Act; and for other purposes; to the Committee on Banking and Currency.

By Mr. INOUYE:

S. 4152. A bill for the relief of Soledad Cabagay; to the Committee on the Judiciary.

By Mr. METCALF:

S. 4153. A bill to authorize the U.S. Office of Education to carry out certain activities concerning consumers' education; to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS of New Jersey (for himself and Mr. Moss):

S. 4154. A bill to assist in the provisions of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Williams of New Jersey when he introduced the bill appear in the Record under the appropriate heading.)

By Mr. EAGLETON (for himself, Mr. Bayh, Mr. Bennett, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Fong, Mr. Goodell, Mr. Gurney, Mr. Harris, Mr. Hollings, Mr. Hughes, Mr. Jackson, Mr. Javits, Mr. McIntyre, Mr. Mondale, Mr. Murphy, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Saxbe, Mr. Scott, Mr. Thurmond, and Mr. Williams of New Jersey):

S.J. Res. 223. A joint resolution to authorize and request the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

(The remarks of Mr. Eagleton when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. MATHIAS:

S.J. Res. 224. Joint resolution to provide for the awarding of a medal to be known as the President's Award for Exceptional Service; to the Committee on Banking and Currency.

(The remarks of Mr. Mathias when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 4154—INTRODUCTION OF THE HOUSING FOR ELDERLY ACT

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from Utah (Mr. Moss), I introduce for appropriate reference, a bill to provide for the establishment of an Assistant Secretary for Housing for the Elderly in the Department of Housing and Urban Development.

Today our Nation has a tremendous need for more suitable housing for all age groups. Particularly disadvantaged are older Americans who must spend proportionately more on housing than younger persons.

Many now live in ramshackle homes or apartments that are cold in the winter and steaming hot in the summer. Some of these substandard units are structurally unsafe for human occupancy; others are completely beyond repair.

Housing costs now represent about 34 percent of the Bureau of Labor Statistics budget for a typical elderly couple; it is no wonder that many subsist in substandard units. Moreover, their housing problems are further complicated because of substantially reduced income in retirement, chronic health problems, limited mobility, and a sense of despair.

Yet, in our youth-oriented society, the elderly have been left behind under our housing programs. For example, only a very small percentage of FHA home mortgages include principal mortgagors who are 60 or older. From 1960 to 1968 only 1.1 percent of the mortgagors were 60 or over—about 37,000 out of 3.5 million.

In some cases, there even appears to be a predisposition against the construction of housing units for the aged. At the Senate Committee on Aging's hearing on "Sources of Community Support for Federal Programs Serving Older Americans," Rev. Everett Luther of Phoenix, Ariz., told us:

> The Phoenix office of HUD-FHA in the past year has had authority for over 700 units under the FHA program 236 and not a single unit of these 700 is available as housing for the elderly.

Unfortunately, this is not an isolated incident. Other witnesses expressed similar concern about long waiting lists for housing projects for the aged. In typical cases the ratio of applicants to units available was often 5 to 1.

Today, approximately 5 percent of our senior citizens—nearly 1 million individuals—live in public or private special care facilities. But, about 95 percent—approximately 19 million persons—still live independently in their communities.

Most of these individuals want to continue to live an active life. They do not want to enter institutions prematurely. For these persons, institutionalization can be as debilitating as disease itself.

However, many are finding themselves in a "no-man's land" with regard to housing. Prohibitive property taxes and rising maintenance costs have forced large numbers to sell their homes. Yet, it is becoming increasingly difficult to locate suitable alternative housing at reasonable prices.

This emergency has now reached crisis proportions, and must be dealt with immediately.

For these reasons, I introduce this bill today to establish a new Assistant Secretary in the Department of Housing and Urban Development—an Assistant Secretary for Housing for the Elderly—to administer and coordinate housing programs and related facilities for older Americans. In addition, this office would provide a central source and clearing house of information with respect to housing for the elderly.

In the context of present HUD decisionmaking policy, the aged and sponsors of housing for older persons encounter two major problems. First, there is the difficulty of dealing with a large bureaucracy which is often not as sympathetic to their needs as with other age groups. Second, they must oftentimes cut through tangles of redtape to have their applications considered.

As a consequence, their housing needs are frequently overlooked or ignored.

To rectify this neglect, the elderly need someone in a high-level position who will be an articulate spokesman for their problems—someone who will make sure that they are part of the action.

They also need in a very special way someone who will be interested in them and in their full participation all across-the-board in existing and new programs.

We on the Senate Committee on Aging are fully aware that there is an exceptionally qualified and devoted Program Advisor for Housing for the Elderly and Handicapped in HUD at this time. However, she has only one assistant to handle about 2,000 inquiries a year as well as numerous other responsibilities. Establishment of an Assistant Secretary would help assure that more personnel would be available to zero in on the elderly's housing needs.

From an administrative standpoint, the reasons are compelling for placing these responsibilities under the authority of an Assistant Secretary. An Assistant Secretary would be in a better position to consolidate housing programs affecting the elderly and to provide a central focus for more effective administration and coordination.

Another important aspect, which should not be overlooked, is that housing programs for olders persons should be more than just bricks and mortar. Unlike younger families, many elderly persons spend most of their time in their homes or apartments.

Mere housing is not enough if the aged are to live with dignity in their homes, rather than being warehoused. Equally important is the need for consideration of the social components of their housing.

We must not only build housing units for the elderly; we must also build a liveable environment. This requires adequate planning and coordination to consider their social, recreational, medical, transportation, and other special needs. Only with such a comprehensive approach can their overall well-being, comfort and secuirty be adequately considered.

Because these crucial matters are within the authority of several agencies, an Assistant Secretary would be in a much better position to shape the essential components into a coherent housing program.

Let there be no mistake, the Federal commitment to housing for the elderly stands in serious jeopardy today. Evidence of this was provided in the recent apparent rescue of the successful section 202 housing for the elderly program.

Earlier this month, I introduced an amendment calling for $25 million for this direct loan program to prevent its total abandonment by the administration. Thanks to the capable leadership of the distinguished Senator from Rhode Island (Mr. PASTORE) and the cosponsorship of the Senators from Vermont (Mr. PROUTY) and Utah (Mr. MOSS), funding in the HUD-independent offices conference bill was maintained for 202—at $10 million.

This action signifies that the Congress has once again expressed its intent that the 202 program be continued, and not be swept aside by an unworthy substitute—the section 236 interest subsidy program.

But this last-ditch effort to save 202 is clear evidence that high-level attention must be given to the needs of the aged at HUD. This program was nearly lost, although it is probably the most effective program providing housing for older Americans.

My bill would also provide for the establishment of an intergovernmental task force—headed by the Assistant Secretary for Housing for the Elderly—to report on several possible means of helping States provide property tax relief to elderly homeowners. One possibility would be Federal income tax credits. Moreover, the task force would consider ways to make Federal assistance available to States providing full or partial exemptions from property taxes for persons whose taxes exceed a specified portion of their income.

In my own State of New Jersey, the voters will decide on November 2 whether they will raise the real property tax exemption from $80 to $160 for older homeowners with incomes under $5,000. This would certainly provide welcome relief for the aged.

However, is should be emphasized that New Jersey and other States can only go so far before their revenue sources are depleted. Other measures must also be considered—as authorized in this legislation—to provide relief for overwhelmed elderly property owners and States struggling to make financial ends meet.

Another major problem affects those older persons who must leave their homes and move into nursing homes—not because they are ill but only because failing health prevents them from shopping for food or cooking. Many potential applicants for public housing fail to qualify for this very reason.

My bill would help make it easier for these individuals to live in a home, rather than in a nursing home. It would do this by broadening public housing coverage—not only to provide suitable residential living but also services for central dining facilities for the poor elderly who cannot cook their own meals. For these needy persons, this would provide a new alternative to institutionalization.

One of the tests of a great Nation is the compassion and respect it shows to its senior citizens. Today, too many elderly live empty and neglected lives in blighted, rundown areas.

Unfortunately, the existing administrative apparatus has not responded adequately to this pressing challenge.

But, with the approach offered by this bill, we can be more confident that more urgently needed housing will be built for the elderly—not merely to store them—but to restore them to an active life in their communities.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4154) to assist in the provisions of housing for the elderly, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. MOSS), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing for Elderly Act".

ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

SEC. 2. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Subsection (b) of section 4 of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In addition the Assistant Secretary shall—

"(A) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(B) provide a central source and clearing-house of information with respect to housing for the elderly; and

"(C) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap."

CONGREGATE HOUSING FOR THE ELDERLY

SEC. 3. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"(12) The Secretary shall encourage public housing agencies, in providing housing predominantly for elderly families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing. As used in this paragraph, the term 'congregate housing' means low-rent housing (A) in which some or all of the dwelling units do not have kitchen facilities, (B) such units are reserved for elderly families whose infirmities are such that they are not readily capable of preparing their own meals, and (C) connected with which there is a central dining facility to provide wholesome and economical meals for such families under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing shall be considered one of the costs of administration of the project."

STUDY

SEC. 4. The Assistant Secretary for Housing for the Elderly, the Secretary of the Treasury (or his designee), and the Secretary of Health, Education, and Welfare (or his designee) shall undertake a joint study and investigation of (1) the feasibility of providing under the Federal income tax laws a credit for real property taxes paid by elderly persons, and (2) practicable ways of providing Federal assistance to States, or political subdivisions thereof, in reimbursement of revenue losses as a result of granting tax relief to elderly persons whose real property taxes exceed or would exceed five per centum of their incomes. A report of such study and investigation shall be made to the President and to the Congress at the earliest practicable date, in no event later than June 30, 1971.

Mr. MOSS. Mr. President, I am most pleased to cosponsor the bill introduced today by the distinguished chairman of the Senate Special Committee on Aging, Senator Harrison Williams.

The Senator and I have stood shoulder to shoulder on many occasions in an effort to improve the standard of living for our 20 million senior citizens. Our latest effort was the battle to save the FHA section 202 program which provides direct loans to nonprofit sponsors providing housing for the elderly. Yesterday's Record reflects our success in getting $10 million appropriated as well as firm language in the conference report indicating the intent of Congress that this program be continued.

There is, of course, no guarantee that the administration will reverse its direction and reinstitute the direct loan program even in the face of the strong language of congressional intent in this year's appropriation bill or in last year's Housing Act.

The unfortunate part is that 202 is the only program we have left which was specifically designed to meet the needs of the elderly. This section has its own architectural criteria which, for example, commands that housing for the elderly be built adjacent to shopping centers and close to bus stops and medical facilities.

The proposed replacement for section 202 is FHA section 236 which is an interest subsidy section of general application with no special provisions built in for the elderly. This is a source of great discontent to sponsors who would provide housing for our senior citizens.

What is also a reason for great dissatisfaction is that there is no office within HUD which coordinates housing for the elderly; there is no clearinghouse for information within HUD.

A classic example once again is provided by section 202. Nonprofit sponsors and, indeed, even Members of the Congress have been unable to find out the status of section 202 during 1969–70. Telephone calls to HUD brought a variety of answers—some telling of the demise of 202 and others telling that it was alive and well.

Another central problem in the field of housing for the elderly concerns the effect of escalating real estate taxes and their effects on senior citizens. As States continue to raise taxes in order to pay for increased Government services the pinch on seniors has become severe—so much that many States have exempted senior citizens from property taxes. This exemption of seniors has caused other homeowners to charge the State governments with discrimination. The States, too, are reluctant to part with their much-needed revenues which is the result of the senior citizen exemption.

Mr. President, these are precisely the problems this new bill seeks to solve. It seeks to provide an Assistant Secretary for Housing for the Elderly within HUD to give sponsors and the elderly a focal point and a clearinghouse within that Department. It is hoped that this Assistant Secretary will help coordinate present programs which provide for the elderly. This provision would counter the charge from seniors that their needs have been totally neglected by the new administration by providing a forum where seniors could be heard with regard to their housing needs.

The need of congregate living arrangements for the elderly has been spelled out by our recent hearings on "Home Ownership Aspects of the Economics of Elderly." Public housing agencies should develop housing predominantly for the use of the elderly. Especially should such facilities provide central dining facilities featuring wholesome and economical means under the supervision of the Public Housing Agency. Senior citizens should not have to enter a nursing home simply because they are not readily capable of preparing their own meals.

This new bill also authorizes a study to be conducted by the new Assistant Secretary to find alternatives to the rapidly increasing property taxes which are so problematic to seniors. This study, I am sure, would be welcomed by the States as well as the seniors who currently are lined up on both sides of this housing dilemma.

Mr. President, I urge prompt and favorable consideration of this bill.

SENATE JOINT RESOLUTION 223—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING THE MONTH OF JANUARY OF EACH YEAR AS NATIONAL BLOOD DONOR MONTH

Mr. EAGLETON. Mr. President, I introduce a joint resolution declaring January of each year as National Blood Donor Month.

Each year, nearly 6 million units of blood are needed for transfusion in the United States. This number increases approximately 10 percent annually. The United States has repeatedly faced critical shortages of blood in the month of January when the number of potential donors is reduced by various wintertime illnesses.

The voluntary blood donor is the chief source of human blood, but only 3 to 5 percent of those eligible to donate blood in the United States are donors. Others would become donors if they were made aware of the blood requirements, the facilities available for blood donations, and the protection against future blood needs available to donors and their families.

The Association of Blood Banks has indicated to me that the National Blood Donor Month campaign last January was very successful in reducing the critical shortage of blood during this period, and I hope that the Congress will vote to make this campaign an annual occurrence.

I am pleased to be joined in introducing this resolution by 25 of my distinguished colleagues.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 223) to authorize and request the President to issue annually a proclamation designating the month of January of each year as National Blood Donor Month, introduced by Mr. Eagleton, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

INTRODUCTION OF SENATE JOINT RESOLUTION 224 TO PROVIDE FOR THE AWARDING OF A MEDAL TO BE KNOWN AS THE PRESIDENT'S AWARD FOR EXCEPTIONAL SERVICE

Mr. MATHIAS. Mr. President, I introduce and ask for reference to the appropriate committee a joint resolution to provide for the awarding of a medal to be known as the President's Award for Exceptional Service. Let me say at the outset that we must do better by all our law enforcement officers; better training, better equipment, better pay. But in spite of all the assistance we can provide, some of these men will still be asked to give their lives in the line of duty.

Throughout history man has given special respect to those who sacrifice their lives for the safety and security of their fellow man. In the United States we pay respect to those who give their lives for the country in more rational and restrained ways. One is through our national cemeteries, the best known of which is Arlington National Cemetery where many of the Nation's heroes are buried, where the unknown dead of three wars are laid to rest and where people from throughout the world come in pilgrimage. Most of these honored dead gave their lives for society on the field of battle. Their deaths represent a high sacrifice, a kind of dedication to the Nation and her people. Their sacrifice should be an example and an inspiration for every succeeding generation.

But sadly, there are Americans who have given their lives for society, for the survival of our ideals and our way of life but whose deaths have received only passing notice. These men are the police who protect our citizens in cities and States throughout the country. More than 100 of these public servants lose their lives in the line of duty every year. They get passing notice in the cities where they serve but for the most part they are forgotten. These men are heroes in the same sense as those who die fighting a war. Men who die alone in the streets often give greater illustration of self sacrifice and dedication to service than those who go out with large marching bands and flying banners to meet foreign enemies because these men are with the enemy every day that they are on duty. Their common enemy, an enemy who sometimes appears with the face of a friend, is danger to the public safety. It is an enemy which may appear suddenly from around any corner to snatch life from these men.

I believe we should establish a system of national recognition of our heroic police who die for their country so that their sacrifice is properly recognized. The example set by these brave men should be preserved for future generations to study and follow.

Today, I am proposing legislation that would authorize the President of the

United States to conduct an annual recognition day for the fallen heroes of our city streets, the police who die while protecting the American public. I am also proposing that an appropriate medal be struck, a medal which would be presented by the President to the families of such brave men killed in the previous year. No medal can replace a lost loved one for the families of these men, but such a gesture would demonstrate the thanks of a grateful nation for the sacrifice not only of these men killed on duty but of the thousands and thousands of law enforcement officers throughout the country whose devotion to the cause of justice is so vital to the maintenance of a truly free society.

I ask unanimous consent that the text of the joint resolution be printed in the Record.

The **PRESIDING OFFICER** (Mr. Packwood). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S. J. Res. 224) to provide for the awarding of a medal to be known as the President's Award for Exceptional Service, introduced by Mr. Mathias, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S.J. Res. 224

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a medal, to be known as the President's Award for Exceptional Service, in honor of law enforcement officers of the Federal Government or any State, county or local government in the United States who give their lives in the line of duty.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to design, strike, and furnish to the President an appropriate and distinctive medal for presentation to the next of kin of such law enforcement officers.

(b) The President is authorized and requested to designate an appropriate date each year on which to honor such law enforcement officers and to present the medal to the next of kin of such officers.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

ADDITIONAL COSPONSORS OF BILLS

S. 368

Mr. **BIBLE**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. Bellmon) be added as a cosponsor of S. 368, to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources and for other purposes.

The **PRESIDING OFFICER** (Mr. Jordan of Idaho). Without objection, it is so ordered.

S. 3724

Mr. **BYRD** of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. McGee), I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. Murphy) be added as a cosponsor of S. 3724, to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The **VICE PRESIDENT**. Without objection, it is so ordered.

SENATE RESOLUTION 436—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF COUNSEL TO REPRESENT THE SENATE IN AMICUS CURIAE CAPACITY IN APPROPRIATE JUDICIAL PROCEEDINGS WHEREIN CONSTITUTIONALITY OF THE STATUTE LOWERING THE VOTING AGE TO 18 IS CONTESTED

Mr. **MANSFIELD** submitted a resolution (S. Res. 436) relative to appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes, which was ordered to be placed on the calendar.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 800, 802, 803, 804, 805, AND 806

Mr. **JAVITS** (for himself, Mr. Brooke and Mr. Case) submitted six amendments, intended to be proposed by them, jointly, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance, and ordered to be printed.

(The remarks of Mr. Javits when he submitted the amendments appear later in the Record under the appropriate heading.)

AMENDMENT NO. 801

Mr. **JAVITS** (for himself and Mr. Case) submitted an amendment, intended to be proposed by him, to House bill 16311, supra, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. Javits when he submitted the amendment appear below.)

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 800 THROUGH 806

Mr. **JAVITS**. Mr. President, I submit today a number of amendments to H.R. 16311, Administration's Family Assistance Act, now pending in the Committee on Finance. I ask that the amendments be printed and referred to the Committee on Finance.

The **PRESIDING OFFICER** (Mr. Cranston). The amendments will be received and appropriately referred.

The amendments were referred to the Committee on Finance.

Mr. **JAVITS**. The Family Assistance Act would provide, for the first time, a national minimum payment and would also call for a more substantial assumption of local welfare costs by the Federal Government.

In March of 1968—more than two years ago—the President's Advisory Commission on Civil Disorders (the Kerner Commission) strongly recommended that efforts be made to develop a system of income supplementation to provide "for those who can work or who do work, any necessary supplements in such a way as to develop incentives for fuller employment." The President and this Republican administration has advanced the first comprehensive legislative proposal to meet that objective. This legislation marks a substantial beginning in dealing with the inequities of the present system which is characterized by discrepancies in the amount of assistance and treatment of individuals between regions of the country, families headed by males and females and between the working and nonworking poor.

The administration's proposed bill deserves every support and our best efforts to refine it in every feasible way to insure that a beginning in this policy is made in this session—and that it is the best beginning possible. In that connection I am pleased to note the statement made by Senator Long, Chairman of the Committee on Finance on July 22 in resuming hearings, to the effect that the "Senate should be, and will be, given an opportunity to vote on welfare reform this year."

To accomplish that objective will take the full and sustained personal support of the President and the administration. I am pleased by recent reports that the President intends to exercise that kind of personal leadership and I hope that he will do so in the clearest of ways so that this historic proposal will become law.

This legislation constitutes a most commendable initiative, yet is only a beginning. Accordingly, I introduce today, a series of amendments to strengthen the measure in a number of ways which I think the Senate should adopt under the circumstances.

The amendments I offer today are as follows:

First, I submit an amendment to increase the $1,600 Federal eligibility and payment standard to 50 percent of the poverty level beginning in fiscal year 1974, and to revise the basis for determining the poverty level to reflect more adequately the amount which a poor family actually requires to meet food and nonfood costs. On the basis of current costs, the application of this new criteria would result in a Federal standard of $2,400 for a family of four in fiscal year 1974.

Second, I submit an amendment to increase the Federal eligibility and payment standard by an additional 10 percent of the poverty level for each year after fiscal year 1974 so as to reach the poverty level in fiscal year 1979 and in substance take over State welfare costs.

My third amendment would provide an incentive for all States to raise their levels of supplementation by providing immediately upon the effective date of the act for Federal sharing in State supplementary payments on a variable basis, ranging from 50 to 83 percent depending upon State fiscal capacity, rather than on the 30-percent basis prescribed for all States under the proposed House bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Percentage Applicable to States Under Medicaid Formula (Title IX, Social Security Act)."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Percentages applicable to States under medicaid formula

(TITLE IX, SOCIAL SECURITY ACT) *

	Title XIX percentages
Alabama	78.64
Alaska	50.00
Arkansas	79.76
California	50.00
Colorado	56.24
Connecticut	50.00
Delaware	50.00
District of Columbia	50.00
Florida	64.10
Georgia	71.48
Hawaii	50.75
Idaho	68.91
Illinois	50.00
Indiana	52.82
Iowa	55.27
Kansas	57.78
Kentucky	74.30
Louisiana	73.57
Maine	68.33
Maryland	50.00
Massachusetts	50.00
Michigan	50.00
Minnesota	56.95
Mississippi	83.00
Missouri	59.29
Montana	64.72
Nebraska	57.25
Nevada	50.00
New Hampshire	59.18
New Jersey	50.00
New Mexico	71.48
New York	50.00
North Carolina	73.96
North Dakota	70.48
Ohio	52.42
Oklahoma	68.84
Oregon	56.35
Pennsylvania	54.60
Rhode Island	51.70
South Carolina	78.68
South Dakota	69.91
Tennessee	74.62
Texas	66.66
Utah	68.23
Vermont	64.96
Virginia	65.04
Washington	50.00
West Virginia	75.73
Wisconsin	55.21
Wyoming	60.38
American Samoa	0

* Prepared by the Department of Health, Education, and Welfare.

Mr. JAVITS. Mr. President, a fourth amendment would require a level of supplementary payments in all States sufficient to provide during fiscal years 1972 and 1973—the first 2 years of operation—a net total Federal-State payment of $1,800 for a family of four which has no other income.

Mr. President, I ask unanimous consent to have printed in the RECORD a table submitted by the Department of HEW entitled "State Supplemental Payment to an Eligible Family of Four with No Other Income," so that we will have an idea as to what States supplement and by how much.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State supplemental payment to an eligible family of 4 with no other income [1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Mr. JAVITS. Mr. President, my fifth amendment would exempt mothers with school-age children from the work requirements of the bill.

The sixth amendment would insure that each child receiving child care under the administration's commendable plans also receives the educational, health, nutritional, and related services necessary to help such a child achieve his full potential.

The seventh amendment would direct the Secretary of Health, Education, and Welfare to (a) establish reporting procedures and to submit annually to the Congress a detailed report indicating child-care needs and the extent to which existing facilities are adequate to meet those needs; (b) authorize allowances for child-care costs to mothers who choose to participate in job training; (c) authorize the provision of child-care services for mothers who wish to accept or continue work on a part-time, as well as full-time, basis; and (d) directs the Secretary of HEW to establish in his department an office with a means for affording technical assistance and information sufficient to encourage American business to go into the development of child care facilities.

Mr. President, my colleague from New Jersey (Mr. CASE) joins me in each of the proposed amendments.

Mr. President, my colleague from Massachusetts (Mr. BROOKE) has joined me in proposing amendment 1 and amendments 3 through 7.

Mr. President, the Family Assistance Act's proposed $1,600 minimum payment and eligibility standard for a family of four is a significant first step, but even with the addition of food stamps, it will not provide an adequate level of support. Moreover, the Federal assumption will not be sufficient to relieve the States and localities of much of the additional heavy welfare costs in the coming years.

As the administration itself has acknowledged, a $1,600 payment, even taking into account food stamps will—

> . . . not, of course, be a sufficient amount to sustain an adequate level of life for those who have no other income; it is nevertheless a substantial improvement and can be made more adequate as budget conditions permit.

The first two amendments which I propose are designed to attain the twin goals of providing a higher level of assistance to individuals and to grant further fiscal relief for the States and localities. And both amendments would link those goals to a realistic poverty standard, with an eventual full Federal assumption of welfare costs.

Until these goals are reached, we must retain, and indeed expand the food stamp program. This program is degrading to the poor in many respects, but it cannot be sacrificed in exchange for any level of cash payment short of a truly adequate amount.

As I stated last August 12, 1969, in commenting upon the President's original message concerning welfare reform:

> An income-maintenance program at an adequate level may yet replace the food stamp program, but it would be folly to even consider initiating the transition before that level is established. Under the present circumstances, our Nation's poor require an "expansion"—not a phaseout—of food stamp and related programs until a clearly adequate family allowance plan is phased in . . .

Accordingly, I have cosponsored Senator McGOVERN's amendment to provide for distribution of food stamps with family assistance payments, and I am pleased that the administration, in its resubmitted Family Assistance Act, has taken some steps to interlock administration of the two programs.

1. AMENDMENT TO INCREASE FEDERAL PAYMENT AND ELIGIBILITY STANDARD TO 50 PERCENT OF THE POVERTY LEVEL IN FISCAL YEAR 1974

Under the proposed amendment, the Federal eligibility and payment standard would be increased to 50 percent of a redefined poverty level beginning in fiscal year 1974 (the third full year of administration). The application of the new criteria based upon current costs would result in a standard of $2,400 for a family of four in 1971.

The so-called "poverty index" was originally developed in 1964. At the core of the definition of poverty was the "Economy Food Plan" designed by the Department of Agriculture for "emergency or temporary use when funds are low." The Department of Agriculture has itself described the plan as "not a reasonable measure of basic money needs for a good diet." In determining the proportion of total family income that should be expended to meet food requirements, the Social Security Administration has determined that the percentage of income expended for such necessities reflect the relative wellbeing of both individuals and the society in which we live.

For families of three or more persons the poverty level has been set at three times the cost of the "Economy Food Plan."

Last fall, in adopting the substitute food stamp program, supported by Senator McGovern and myself, the Senate established a new schedule of benefits on the basis of the "low-cost" food plan designed by the Department of Agriculture to provide a nutritional diet. It is this plan—and not the economy food plan—which is more indicative of what it actually costs to purchase nutritional food necessities.

Currently, the "Economy Food Plan" cost has been set at $1,316 for a family of four while the "low-cost" diet has been established at $1,603.20.

In order to establish a more adequate basis for determining a standard upon which to base future increases of the Federal standard and eligibility level, my proposed amendment would define the poverty level as three times the "low-cost" food budget for a family of four, adjusted by any rises in the Consumer Price Index since the cost of the "low-cost" plan was last determined.

Under the amendment, the Secretary of Health, Education, and Welfare would be empowered to make adjustments for families of various sizes and for regional differences.

The Department of Health, Education, and Welfare estimates the net cost of the proposed amendment to be $4.5 billion in fiscal year 1974 and $4.8 billion in fiscal year 1975.

2. AN AMENDMENT TO PROVIDE FOR ADDITIONAL INCREASES IN FEDERAL PAYMENT AND ELIGIBILITY STANDARD SO AS TO REACH A POVERTY-LEVEL STANDARD IN FISCAL YEAR 1979

Under the proposed amendment, the Federal eligibility payment standard would be increased to 50 percent of the poverty level in 1974, then increased by an additional 10 percent of such level in each fiscal year. A poverty level standard (and therefore, a full Federal assumption of welfare costs), would be reached in fiscal year 1979.

The goal of an eventual full Federal assumption of welfare costs has been advanced by Governor Nelson Rockefeller and endorsed by the National Governors Conference.

Early this year, the Committee for Economic Development, composed of 200 leading businessmen and educators, conducted a comprehensive study of the welfare system, and in a report dated April 1970, entitled "Improving the Public Welfare System" concluded:

> The concept of a truly uniform national system of public assistance based on income maintenance requires that the federal government not only assume an increasing share of the necessarily increasing cost, but that it eventually undertake the entire burden. As an objective to be attained as soon as fiscally feasible, we recommend that the federal government undertake a substantially higher proportion of the financing of public assistance with a phased take-over by the federal government of state and local public assistance costs over the next five years as the goal.

Even after the proposed Federal assumption of the cost of maintaining the $1,600 level, the States and cities during the first year of operation, will have to pay more than $2 billion just to maintain supplemental payments at current levels, which are themselves inadequate to individual needs in most States.

If the Federal Government assumes welfare costs, then local governments will be able to apply their resources to those efforts in education, health, manpower, nutrition, child care, and social services that hold the promise of eliminating welfare dependency.

We need not fear a standard of assistance at the poverty level for those who are unable to provide for themselves, nor need we assume that we will be faced with astronomical costs—if we are confident that our efforts in the area of social services will bear fruit.

Under my amendment, full Federal administration of programs would be effected when the poverty level and a full Federal assumption is reached.

In order to maintain incentive at higher eligibility and payment levels, the amendment would authorize the Secretary of Health, Education, and Welfare to change the amount of earned income that could be exempted in determining the amount of family assistance payments beginning in fiscal year 1975.

3. AMENDMENT TO PROVIDE FOR GREATER FEDERAL SHARING IN STATE SUPPLEMENTAL PAYMENTS ON A VARIABLE BASIS

In addition to the fiscal relief which will arise from Federal assumption of payments up to the $1,600 standard, the administration proposes to assume 30 percent of the cost of State supplementary payments. According to the Department of Health, Education, and Welfare, those payments will exceed $2 billion by fiscal year 1972.

Under my third proposed amendment, State governments would be provided with Federal sharing of at least 50 percent of supplemental costs, while some States would receive a larger amount of Federal assistance, depending upon State fiscal ability.

I ask unanimous consent to have printed in the Record at the end of my remarks, a table prepared by the Department of Health, Education, and Welfare, indicating the percentages now applicable under medicaid.

4. AMENDMENT TO REQUIRE SUPPLEMENTATION BY LOW-PAYMENT STATES TO INSURE A TOTAL PAYMENT IN ALL STATES OF $1,800 IN FISCAL YEARS 1972 AND 1973

The third amendment should provide an incentive for many States to increase the level of payments. Under this fourth amendment, I propose that all States be required to attain a specified minimum level of supplementation.

While the Family Assistance Act has been proposed for the purpose of eliminating the "gap" between payment levels from one State to another, the combination of the Federal floor and the varying degrees of State supplementation will leave a substantial range of from more than $1,600 in Mississippi to more than $3,700 in New York State. I ask unanimous consent that a table prepared by the Department of Health, Education, and Welfare showing expected levels of supplementation in each State be printed in the Record at the conclusion of my remarks.

This amendment would require all States to maintain a supplementation sufficient, with the family assistance Federal cash payment, to provide a payment level of $1,800 for a family of four in order to achieve a higher national standard during fiscal years 1972 and 1973. The requirement would be eliminated as to fiscal year 1974 and subsequent years, when a higher Federal standard would be reached under the first amendment which I have proposed.

The Department of Health, Education, and Welfare estimates the cost of proposed amendments 3 and 4 at $800 million in fiscal year 1972 and $900 million in fiscal year 1973.

5. AMENDMENT TO EXEMPT MOTHERS OF SCHOOL AGE CHILDREN FROM THE WORK REQUIREMENTS OF THE BILL

Under the proposed Family Assistance Act, female heads of household with school age children are required to engage in work or training or forfeit their Family Assistance payments.

According to estimates of the Department of Health, Education, and Welfare there will be 1,560,000 female-headed families eligible in 1971 for the Family Assistance Plan. In those families will be more than 3 million children under 16.

Only mothers or pre-school children are exempted from the work requirements of the proposed act.

I propose that all mothers with children under 16 be exempted from the work requirement of the bill. I do so because I consider such a requirement generally undesirable as a matter of policy, unrealistic in terms of the availability of child-care facilities, and unnecessary in light of experience under existing requirements and the strong incentive provisions proposed in the administration bill.

It has been established that welfare mothers do want to work. In a study of families on welfare in New York City conducted by Dr. Lawrence Podell in 1966, it was documented that seven mothers in 10 would prefer to work and more than eight in 10 had already had some employment experience.

We can expect even a higher degree of motivation under the administration's bill since it contains incentives much stronger than those applicable under current law. Under the proposed act, the first $720 per year of earned income and one-half of the remainder would be exempted in determining the amount of the family assistance payments rather than $360 and one-third of the remainder as generally applies under existing law.

But despite these motivated factors, welfare mothers are frequently unable to participate in training or employment because of a lack of child-care facilities for their children during hours when they are away from home. The report of a joint review carried out by the Department of Health, Education, and Welfare, and the New York State Department of Social Services issued in September, 1969, documented an increased interest of mothers in training and employment, but cited the long waiting lists for child-care centers. Lack of child-care facilities was indicated throughout the report as one of the prime obstacles in the path that leads away from welfare dependency. The report concluded that:

> Additional day care facilities serving school-age children and pre-school children are urgently needed in neighborhoods where AFDC and other low-income families live to enable those women to take advantage of WIN and other training and employment programs.

The provisions for child-care set forth in the administration's bill underscore the increasing realization that lack of child-care facilities—not lack of initiative—represents for millions the primary obstacle to economic independence. But we must face the fact that even on the most ambitious of schedules, we cannot expect child-care services to become available in the near future in any significant number for millions of poor school-age children. Under the Family Assistance Act, 450,000 child-care slots would be made available initially in the Nation. New York Governor Rockefeller, in testifying before the House Ways and Means Committee, noted that in New York State alone we need 250,000 additional child care places representing a construction cost of $500 million.

Mr. President, as to school age children who are not suitable age for child care, the mother on welfare—like any other mother—is in the best position to determine whether her participation in employment or training will serve the interests of her family.

And I might add that no guidelines can be formulated that could express adequately for more than 3 million school-age children in poor households headed by women, the circumstances under which participation in employment or training will be a long-term benefit rather than a long-term liability for the child, the family, and society because of neglect or inattention.

But this does not mean that we should fail to encourage such mothers to accept work and training opportunities. Accordingly, although my amendment would eliminate the work requirement for mothers of school-age children, it would leave unchanged the requirement that they register for manpower services, training or employment. By requiring registration, the mothers will become aware of work and training opportunities, but would not be forced to accept them if she determined that they would interfere with her care for her child.

We must give welfare mothers the respect to which they are entitled. We should rely in the first instance upon their own desires to provide for their own children, and upon a thoughtfully constructed incentive system, a meaningfully developed manpower training and employment program, and expanding comprehensive child-care services, to close the gap, in time, between our efforts to help the poor and our success in eliminating the rise in welfare dependency.

6. Amendment to insure that the needs of children are met under the child-care provisions of the Family Assistance Act

I think that one of the most exciting initiatives taken by this administration—comparing even with its breakthroughs on combatting hunger in America—has been its proposals for child care with the underlying recognition that such facilities bridge the gap between welfare dependency and employment. As the author of almost the earliest legislation to encourage the development of such centers, I approve of the commitment which accompanies this bill, to provide 450,000 slots in the first year.

While the limitations on availability of child-care facilities are apparent, nevertheless it is essential, in providing child care, that we never sacrifice quality. In short, we must make clear in this legislation that we are just as concerned with the needs of the child as we are with the needs of the mother to work.

The administration has indicated, and the House report has noted, the necessity of providing each child with education, health, nutritional and related services. But I think that it is appropriate that the Senate write that intention into law since—despite all good faith and good intentions—there remains the possibility that efforts to provide more "slots" will prompt the evolution of an inferior custodial system of child care for welfare mothers.

Under the sixth amendment which I propose, the Secretary of Health, Education, and Welfare would be required to insure that all children receiving care under section 436 of the Family Assistance Act receive the education, health, nutritional, and related services, "necessary to help each child achieve his full potential."

Unless this requirement is written into this legislation we could perpetuate ironically the cycle of poverty through these very actions which seek to arrest it.

7. AMENDMENT TO IMPROVE CHILD-CARE PROVISIONS IN OTHER RESPECTS

The final amendment seeks to supplement the child-care provision of the administration's bill in a number of additional ways.

First, if we are to bridge the "child-care gap" we must have an accurate figure on the number of welfare mothers who wish to work but are precluded from doing so by lack of child-care facilities.

The proposed amendment would direct the Secretary of Health, Education, and Welfare in consultation with the Secretary of Labor, to establish reporting procedures and to submit annually to the Congress a detailed report indicating the extent of the need for child-care facilities among persons covered by the Family Assistance Act, and the extent to which existing child-care facilities are adequate to meet such needs, so that the Congress will be in a better position to respond.

Second, this amendment would make it clear that child-care services provided under the act will be made available to mothers who wish to work part, as well as, full time. From the point of view of the child's development, it may be desirable for the mother to work only part time. For the school age child, unless the work requirement is eliminated, the effect of the proposed legislation may be to increase the number of "latch key" children who, having no adequate supervision at home, are often swept up in the activities of the peer group, becoming victims of the destructive social pressures which such groups often exert on their members.

Third, the administration has shown great foresight in providing under section 443(a)(3) for an exemption of an amount of earned income for portions of the cost by a family member for child-care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment.

However, while this provision in effect will give an allowance for child-care for families with some income to enable the mother to engage in work or training, it will not benefit the family which has no income whatsoever, where the parents are engaged strictly in training.

In order to cover such circumstances, the proposed amendment would authorize the Secretary of Health, Education, and Welfare to provide, through the Secretary of Labor, allowances for child-care costs of mothers under section 432 of the act for costs "which are necessary to and directly related to his participation in training.

The administration's bill wisely provides for the financing of child-care projects conducted by private as well as by public agencies. But if we are to respond adequately to the Nation's needs, we must view the role of the private sector not only in terms of providing child-care facilities as part of a strategy to eliminate welfare dependency, but in the larger sense of encouraging business, labor, and industry to make independent efforts to establish child-care facilities for employees.

Title IV B of the Economic Opportunity Act of 1964, which I authored, was enacted with a focus on the development of child-care centers at, or in association with, places of business, but its implementation has been hindered by lack of information in the private sector. Companies represented at a conference on industry and day care, sponsored by the Urban Research Corporation and held in Chicago on March 18, 1970, repeatedly indicated an interest in child-care, but underscored the need for information and technical assistance.

Mr. President, there are now more than 24 million poor in the country—more than the entire population of Canada and one-half that of France and the United Kingdom.

A census of those on public assistance conducted by the Department of Health, Education, and Welfare in 1967, indicated that of the 7.3 million persons dependent solely on welfare, only 50,000—or less than one-tenth of 1 percent—were employable men. Of the remainder, 2.1 million were over 65—most of them women with a median age of over 72. A further 700,000 were physically incapacitated. Three and one-half million were children. Nine hundred thousand were mothers. Most of the poor were doing what they could to provide for themselves, considering their age, health, location, and employment opportunities.

Poverty is not a chosen way of life. A typical welfare family of four spends all but $9 of its average monthly income of $284 on the elemental necessities of life—generally inadequate food, clothing, and shelter.

The time has come for us to set two goals in connection with this legislation—one relating to those efforts in education, manpower training and child care that will reduce welfare dependency; and the other that will provide adequately for the poor if those efforts fail. This legislation represents a commendable beginning on the part of this administration reaching toward the expectations of those who have, for too long, suffered in poverty. I hope eventually this effort will assure that many deprived Americans will have the opportunity to rise above the level of economic despair and to achieve a standard of living commensurate with that minimum level necessary to sustain a dignified existence reflecting the economic well-being of 85 percent of all Americans—the greatest achievement of all the preceding ages.

Mr. President, I ask unanimous consent that the amendments be printed in the RECORD.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered; and the amendments will be printed in the RECORD.

The texts of the amendments are as follows:

AMENDMENT No. 800

On page 5, strike out lines 12 through 15, and insert in lieu thereof the following:

"(A) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of the family, plus

"(ii) $300 per year for each additional member, and

"(B) in the case of the fiscal year ending June 30, 1974 and any fiscal year ending thereafter, the applicable eligibility standard (as determined under subsection (f)), and".

On page 6, strike out lines 1 through 3, and insert in lieu thereof the following:

"(1) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of the family, plus

"(ii) $300 per year for each additional member, and

"(2) in the case of the fiscal year ending June 30, 1974 and any fiscal years ending thereafter, the applicable family assistance benefit amount (as determined under subsection (f)), and".

On page 7, between lines 14 and 15, insert the following new subsection:

"Applicable Eligibility Standard and Family Assistance Benefit Amount

"(f)(1) For the fiscal year beginning July 1, 1973, and for each fiscal year thereafter, the Secretary shall determine the applicable eligibility standard and family assistance benefit amount for families of different size.

"(2) The applicable eligibility standard and family assistance benefit amount for a family of any given size shall be determined on the basis of the poverty level (as determined under section 453(c)).

"(3) In the case of any fiscal year beginning after June 30, 1973, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 50 per centum of the poverty level (as determined for such year under section 453(c)) for a family of such size."

On page 98, line 22, insert "(a)" immediately after "SEC. 403.".

On page 100, between lines 9 and 10, insert the following new subsection:

"(b) Section 1108(e) of the Social Security Act (as amended by subsection (a) of this section) is further amended, effective with respect to fiscal years commencing after June 30, 1973—

"(1) by striking out 'the $500, $300, and $1,500 in such section 422(a), the $500 and $300 in such section 442(b)' and inserting in lieu thereof 'the applicable eligibility standard and family assistance benefit amount referred to in such sections 442(a) and 442(b), and the $1,500 in such section 442(a)'; and

"(2) by striking out 'such $500, $300, $1,500, $500, $300' each place it appears therein and inserting in lieu thereof 'such applicable eligibility standard and family assistance benefit amount or such $1,500'; and ".

On page 28, line 12, insert "(A)" immediately after "(1)".

On page 28, line 15, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, lines 16 and 17, strike out "each year, beginning with 1970" and insert "1970 and 1971".

On page 28, line 19, strike out "paragraph (1)" and insert in lieu thereof "subparagraph (A)".

On page 29, line 8, strike out "(3)" and insert in lieu thereof "(C)".

On page 29, between lines 11 and 12, insert the following:

"(2)(A) In the case of fiscal years after 1971, the 'poverty level', for purposes of this part and part D, for a family group of any given size shall be the amount determined with respect to such year by the Secretary pursuant to subparagraph (B).

"(B)(i) The Secretary shall determine the poverty level for families of various sizes for any fiscal year during the month of February of the preceding fiscal year. The poverty level for a family of more or less than 4 members shall be designed to enable such family to enjoy a standard of living equivalent to that enjoyed by a family of 4 members which is at the poverty level.

"(ii) The poverty level for a family of 4 members shall be a yearly amount equal (I) to the amount produced by multiplying by 3 the low-cost food budget for a year (as most recently determined by the Secretary of Agriculture for a family of 4 members), plus (II) a per centum of such amount equal to the per centum of increase, if any, which has occurred in the average cost-of-living (as determined by the price index) during the period commencing with the date that the data with respect to such budget was obtained and ending on the last day of the month preceding the February in which such poverty level is established. In determining the poverty level, the Secretary may take into account regional differences in the cost of living."

AMENDMENT No. 801

On page 5, strike out lines 12 through 15, and insert in lieu thereof the following:

"(A) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of the family, plus

"(ii) $300 per year for each additional member, and

"(B) in the case of the fiscal year ending June 30, 1974 and any fiscal year ending thereafter, the applicable eligibility standard (as determined under subsection (f)), and".

On Page 6, strike out lines 1 through 3, and insert in lieu thereof the following:

"(1) in the case of any fiscal year prior to the fiscal year ending June 30, 1974—

"(i) $500 per year for each of the first two members of family, plus

"(ii) $300 per year for each additional member, and

"(2) in the case of any fiscal year ending June 30, 1974, and any fiscal year ending thereafter, the applicable family assistance benefit amount (as determined under subsection (f)), and ".

On page 7, between lines 14 and 15, insert the following new subsection:

"Applicable Eligibility Standard and Family Assistance Benefit Amount

"(f)(1) For the fiscal year beginning July 1, 1973, and for each fiscal year thereafter, the Secretary shall determine the applicable eligibility standard and family assistance benefit amount for families of different size.

"(2) The applicable standard and family assistance benefit amount for a family of any given size shall be determined on the basis of the poverty level (as determined under Section 453(c)).

"(3) In the case of any fiscal year beginning after June 30, 1973, and prior to July 1, 1974, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 50 per centum of the poverty level (as determined for such year under Section 453(c) for a family of such size.

"(4) In the case of any fiscal year beginning after June 30, 1974, and prior to July 1, 1975, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 60 per centum of the poverty level.

"(5) In the case of any fiscal year beginning June 30, 1975, and prior to July 1, 1976, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 70 per centum of the poverty level (as determined for such year under Section 453(c) for a family of such size.

"(6) In the case of any fiscal year beginning after June 30, 1976, and prior to July 1, 1977, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 80 per centum of the poverty level (as determined for such year under Section 453(c)) for a family of such size.

"(7) In the case of any fiscal year beginning after June 30, 1977 and prior to July 1, 1978, the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 90 per centum of the poverty level (as determined for such year under Section 453(c)) for a family of such size.

"(8) In the case of any fiscal year beginning after June 30, 1978 the applicable eligibility standard and family assistance benefit amount for a family of any given size shall be 100 per centum of the poverty level (as determined for such year under Section 453(c)) for a family of such size."

On page 9, line 21, insert "(A) as to any fiscal year prior to the fiscal year 1975," immediately after "(4)".

On page 9, after line 25 insert the following: "(B) as to any fiscal year after the fiscal year beginning July 1, 1974 such amounts and percentages of the total income as the Secretary may by regulation prescribe."

On page 98, line 22, insert "(a)" immediately after "Sec. 403."

On page 100, between lines 9 and 10, insert the following new subsection:

"(b) Section 1108(e) of the Social Security Act (as amended by subsection (a) of this section) is further amended, effective with respect to fiscal years commencing after June 30, 1973—

"(1) by striking out 'the $500, $300, and $1,500 in such section 442(a), the $500 and $300 in such section 442(b)' and inserting in lieu thereof 'the applicable eligibility standard and family assistance benefit amount referred to in such sections 442(a) and 442(b), and the $1,500 in such section 442(a)'; and

"(2) by striking out 'such $500, $300, $1,500, $500, $300' each place it appears therein and inserting in lieu thereof 'such applicable eligibility standard and family assistance benefit amount or such $1,500'; and".

On page 28, line 12, insert "(A)" immediately after "(1)".

On page 28, line 15, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 28, lines 16 and 17, strike out "each year beginning with 1970" and insert "1970 and 1971".

On page 28, line 19, strike out "paragraph (1)" and insert in lieu thereof "subparagraph (A)".

On page 29, line 8, strike out "(3)" and insert in lieu thereof "(C)".

On page 29, between lines 11 and 12, insert the following:

"(2) (A) In the case of fiscal years after 1971, the 'poverty level', for purposes of this part and part D, for a family group of any given size shall be the amount determined with respect to such year by the Secretary pursuant to subparagraph (B).

"(B) (i) The Secretary shall determine the poverty level for families of various sizes for any fiscal year during the month of February of the preceding fiscal year. The poverty level for a family of more or less than 4 members shall be designed to enable such family to enjoy a standard of living equivalent to that enjoyed by a family of 4 members which is at the poverty level.

"(ii) The poverty level for a family of 4 members shall be a yearly amount equal (I) to the amount produced by multiplying by 3 the low-cost food budget for a year (as most recently determined by the Secretary of Agriculture for a family of 4 members), plus (II) a per centum of such amount equal to the per centum of increase, if any, which has occurred in the average cost-of-living (as determined by the price index) during the period commencing with the date that the data with respect to such budget was obtained and ending on the last day of the month preceding the February in which such poverty level is established. In determining the poverty level, the Secretary may take into account regional differences in the cost of living."

Amendment No. 802

On page 27, line 13, strike out "30 per centum" and insert in lieu thereof "the Federal medical assistance percentage (as defined in section 1905(b))".

Amendment No. 803

On page 23, line 21, insert "(1)" immediately after "(a)".

On Page 24, beginning on line 3, strike out "by application of the standard for determining need under the plan of such State as in effect for January 1970 (which standard complies with the requirements for approval under part A as in effect for such month) or, if lower, a standard equal to the applicable poverty level determined pursuant to section 453(c) and in effect at the time of such payments, or such higher standard of need as the State may apply," and insert in lieu thereof "by the application of a standard for determining need which meets the requirements of paragraph (2),".

On page 24, line 25, insert after the period the following: "Such regulations shall require that payments shall not be less than payments which would have been made by any State if the standard of such State met the requirements of paragraph (2)(A)(ii) and if 100 per centum of need were met under such standard."

On page 24, after line 25, insert the following:

"(2) A standard for determining need of any State meets the requirements of this paragraph if—

"(A) such standard is not less than whichever of the following is the higher—

"(i) the standard for determining need under the plan of such State as in effect for January 1970 (which standard complies with the requirements for approval under part A as in effect for such month), or

"(ii) in the case of any period prior to July 1, 1973, a standard for determining need under which a family of 4 members, having no other income or resources, will be determined to need $1,800 per year, and under which families having more or less than 4 members will be determined to have a need which will enable such families to enjoy a standard of living equivalent to that enjoyed by such a family of 4 members or

"(B) if lower than the higher of the standards referred to in subparagraph (A), which are applicable, a standard equal to the applicable poverty level determined pursuant to section 453(c) and in effect with respect to the period in question, or

"(C) if higher than the standard determined under this paragraph without regard to this subparagraph, such standard as the State may provide."

Amendment No. 804

On page 20, line 18, insert "(except a mother or other relative of a child, under the age of sixteen, who is caring for such child)" immediately after "individual".

Amendment No. 805

On page 43, beginning with the word "Such" on line 11, strike out all before the period on line 13, and insert in lieu thereof "The Secretary of Health, Education, and Welfare shall take such measures as may be necessary to assure that each child receiving care under any project receiving assistance under this section will receive such educational, health, nutritional, and related services, as may be necessary to help such child achieve his full potential".

Amendment No. 806

On page 42, line 23, after the period insert: "The terms 'training' and 'employment', as used in the preceding sentence, include training or employment on a part-time basis as well as on a full-time basis."

On page 43, line 14, insert "(1)" immediately after "(b)".

On page 43, between lines 20 and 21, insert the following:

(2) The Secretary of Health, Education, and Welfare (after consultation with the Secretary of Labor) shall collect, publish, and disseminate information, and shall (after such consultation) supply technical assistance, for the purpose of encouraging and assisting employee groups, labor organizations, joint labor-employer organizations, as well as business interests to become involved in the development and operation of child care facilities. Sums appropriated to carry out this section shall be available for the purpose of carrying out this paragraph."

On page 44, between lines 2 and 3, insert the following:

"(d) The Secretary of Health, Education, and Welfare shall, in accordance with regulations, pay to any member of a family participating in manpower training under part C, an allowance to defray the costs incurred by such member for child care which such Secretary deems necessary to enable such member to participate in such training. The Secretary of Health, Education, and Welfare is authorized to enter into an agreement with the Secretary of Labor under which the Secretary of Labor, will as agent of the Secretary of Health, Education, and Welfare, make the actual payment of allowances under this subsection in the same manner as he makes payment of the allowances authorized to be made under section 432(a)(2). Funds appropriated to carry out this section shall be available for the payment of allowances under this subsection.

"(e) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Labor, shall establish such reporting procedures as may be necessary or appropriate to enable him to furnish the information required to be provided to the Congress under this subsection. The Secretary of Health, Education, and Welfare shall submit with respect to the fiscal year ending June 30, 1972, and each fiscal year thereafter to the Congress a detailed report indicating (i) the extent of the need for child care and related services by individuals referred to in subsection (a)(1), and (ii) the extent to which existing child care and related services are adequate to meet such need."

PROPOSED IMPROVEMENT IN INCREASES IN BENEFITS UNDER THE SOCIAL SECURITY ACT—AMENDMENTS

AMENDMENT NO. 807

Mr. SPARKMAN. Mr. President, I submit an amendment to H.R. 17550, the bill which, besides increasing social security benefits makes certain changes in the medicare and medicaid programs. The amendment is proposed by me and by my colleage, Senator Allen. One of the changes proposed in the bill would seriously and adversely affect skilled nursing home care of elderly people throughout the country.

The provision to which I refer is contained in section 225 of H.R. 17550, and would reduce Federal matching funds by one-third after a patient has been in a skilled nursing home for more than 90 days in any given year.

Mr. President, this proposal is entirely unrealistic. Patients who enter skilled nursing homes are, on the average, not candidates for substantial rehabilitation. Seven out of 10 such patients in the United States are 74 years of age or older. Nearly half of them need assistance in walking, and 25 percent cannot walk at all. One-half of them are confused mentally most of the time. The average length of stay in a skilled nursing home in the United States is in excess of 2 years. It is sad, but true that, in most instances, the skilled nursing home is the last home the patient knows.

Mr. President, as I understand the purpose of section 225, it must be to encourage the removal of patients from skilled nursing homes into intermediate-care facilities or back to their homes. I think that this is highly desirable in those cases where intermediate care or home care fits the needs of the patient involved. But where a patient needs skilled care, he should be able to get it.

Under our amendment, Mr. President, the 90-day limitation would apply, except in those cases where, pursuant to the medical review provided for in other sections of the bill, it is determined that the patient needs skilled nursing home care for a period longer than 90 days.

Mr. President, if our amendment is not adopted, a few States might be able to provide the funds necessary to finance the long term care that is needed. Not many States will be able to do that, however, and the result will be that skilled nursing homes will not be able to continue operating, and skilled care will not be available to those of our citizens who need it.

I hope that the Senate Finance Committee will give its careful consideration to this matter as it considers H.R. 17550. It is our hope that the committee will see fit to write into the bill a provision such as that proposed in our amendment.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 807) was referred to the Committee on Finance.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 808

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 811

Mr. MUSKIE (for himself, Mrs. SMITH of Maine, Mr. AIKEN, Mr. HART, Mr. PELL, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. YOUNG of Ohio, and Mr. MCINTYRE) submitted an amendment, intended to be proposed by them, jointly, to House bill 17123, supra, which was ordered to lie on the table and to be printed.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENTS NOS. 809 AND 810

FULL FUNDING FOR MIGRANT HEALTH

Mr. WILLIAMS of New Jersey. Mr. President, I wish to commend Senator MONDALE for the outstanding series of hearings conducted last week by the Subcommittee on Migratory Labor. Senator MONDALE, chairman of the Migratory Labor Subcommittee, has brought to public attention another powerful reminder that our national priorities must be reordered and made to focus on human problems as they exist today in our own country.

Fortunately, we have already on the law books, an appropriate and invaluable vehicle for changing one of these priorities: the Migrant Health Act of 1962. And the shocking revelations in last week's hearings by the Field Foundation's physician team tell us in no uncertain terms that this act must be put to work—that an all-out public commitment—a new national priority—is required to respond to the enormous health needs of migrant children and the migrant family generally.

The need for a massive effort in this area is not news to me. As chairman of the Migratory Labor Subcommittee from 1959 to 1969, I traveled in more than a dozen States, visiting the migrant families in their homes, in the fields, along the roads and ditches, and thereby learned firsthand of their critical health needs.

My findings from these efforts, along with the recommendation which became the Migrant Health Act of 1962, were set forth in the 1961 report of the Migratory Labor Subcommittee. The importance of good migrant health to the public at large, aside from humane concern for migrants, was emphasized in that report, and I quote:

> Their needs for health services are far from being met even though the conditions under which they live and work are such that their need for health services is greater than normal, and even though their poor health conditions frequently pose a real health hazard to communities through which they travel * * *
>
> A recent diphtheria epidemic in Hale County, Texas, involving 72 cases of which 29 were among migratory farm families, needlessly exposed the 37,000 residents of Hale County to an expensive battle against this dreaded and highly contagious disease.

On extraordinarily high infant mortality rates among migrants, the 1961 report stated:

> The high migratory infant death rates provide further alarming evidence of the serious health problems confronting the migratory farm family. That the migratory infant death rate is about double the normal death rate can scarcely be attributed to anything other than the lack of ordinary, proper prenatal and postnatal care. Strong corroboration of this fact is found in the March 1960 report by the American Journal of Public Health, which states that the mortality rate of newborn infants whose mothers received no prenatal care (48.8) was almost 2½ times greater than the mortality rate of all newborn infants (20.8).

This kind of evidence led to the enactment of the 1962 Migrant Health Act, which, in turn, led to additional facts and information showing the great severity and scope of the migrant health problem.

In opening the hearings on the 1968 extension of the Migrant Health Act, I stated:

> It is still the exception rather than the rule, for the migrant farmworker and his family to have available even the barest minimum of medical services.

I also pointed out that 750,000 migrants live and work outside the areas served by migrant health projects existing in 1968.

Our hearing record on the 1968 extension showed that this large group of migrants, 750,000, not covered by the health projects, but who incidentally travel into 48 of the 50 States, had a most alarming health profile. The group included, by conservative estimates—

First, over 6,500 persons with diabetes who are without adequate medical care;

Second, over 5,000 migrants with tuberculosis who are traveling and working with their disease undetected and untreated;

Third, over 300 children under the age of 18 who have suffered cardiac damage as a result of rheumatic fever. These children are unlikely to receive treatment for prevention of reinfection and further cardiac damage. Such treatment is ordinarily readily available to most nonmigrant children in their communities;

Fourth, approximately 9,800 children who have undiagnosed and untreated iron deficiency anemia. This increases their susceptibility for childhood infection and interferes with their normal growth and development;

Fifth, over 250 infants who will die in the first year of life as a result of congenital malformation of disease. Early, adequate medical care will not be available for these infants;

Sixth, over 16,000 expectant mothers who will find it difficult to obtain prenatal care. Infant and maternal mortality can be expected to be significantly higher under such conditions; and

Seventh, between 20,000 to 30,000 individuals who have enteric parasitic infestations—resulting in most cases from poor sanitation. Such a problem is almost nonexistent in the general public.

The Field Foundation physicians, in last week's hearings, brought fresh and direct corroboration of the severity and the large-scale proportions of the migrant health problem. Their report of disease—much of it preventable, tuberculosis, for example, adds further to the record of neglect that has been compiled for over a decade.

Yet, despite this massive and mounting evidence of need, the migrants have been consistently shortchanged in obtaining health justice. For the current fiscal year, they are being shortchanged under the Migrant Health Act by $5 million.

The administration's proposed $15 million—$5 million less than the $20 million authorized for fiscal 1971—means that health justice for migrants amounts to $15 per man, woman, and child when the national per capita health expenditure is nearly $300.

I propose that the administration's requested $15 million for migrant health be exactly doubled, this year, to $30 million. As mentioned earlier, we have a vehicle on the law books which can be readily used to bring health justice to migrants now, this year. In fact, we have two vehicles, the Migrant Health Act of 1962 and the Migrant Assistance Provisions of the Economic Opportunity Act. Recognizing that public health resources are unevenly organized throughout the country, those of us interested in the migrant problem successfully advanced the migrant assistance provisions, including migrant health, in the 1964 Economic Opportunity Act. So presently, we have two instruments through which the Congress and the administration can extend health care to migrants.

The amendments to H.R. 18515 which I submit would increase the section 310 migrant health program of the Public Health Service Act from $15 to $20 million, the full amount authorized for fiscal 1971; and would add $10 million for migrant health to the OEO appropriation.

The increase of $15 million proposed by these amendments would yield a total migrant health program of $30 million for fiscal 1971. This would amount to only $30 per migrant man, woman, and child, compared to the national per capita health expenditure of $300, or roughly 10 percent of the cost of the average citizen's health care. While the $30 million figure is obviously lower than the national standard, the American Public Health Association believes it would establish a tolerable minimum floor with which to provide necessary services for those seasonal farmworkers who require primarily emergency and maternal care. For my part, I view the $30 million minimum as something to improve upon in the very near future.

To label the plight of the migratory workers as a "national disgrace" is, in my mind, the classic case of understatement. The English language is truly inadequate to describe the callous indifference, the criminal neglect, of which our society has been guilty in respect to this problem.

> They are the inheritors of Tobacco Road, and there is a strong flavor of slavery in their lives—

As a Sunday, July 26, Washington Star editorial put it.

The Washington Star editorial succinctly stated my view on another point, and I quote:

> There is documentation aplenty—the need now is for commitments by Congress and the White House.
>
> As a starter, the new White House Council on Rural Affairs should develop an interest in salvaging the migrants. It might begin by pushing for improved delivery of present underefficient and underfinanced health, education and antipoverty assistance which migratory workers are supposed to be receiving.

Financial help for the underfinanced health program is precisely what my amendments would provide, and I sincerely hope these amendments will be sympathetically received by the Appropriations Committee and the full Senate. I know they will be energetically supported by numerous Members of this body who share my concern for the people who labor so hard to harvest our crops and get so little in return.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendments will be received and printed, and will be appropriately referred.

The amendments (Nos. 809 and 810) were referred to the Committee on Appropriations.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 696, 697 AND 698

Mr. BYRD of West Virginia. Mr. President on behalf of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at the next printing, the names of the Senator from Pennsylvania (Mr. SCOTT), the Senator from New Hampshire (Mr. COTTON), and the Senator from Hawaii (Mr. FONG) be added as cosponsors of Amendments Nos. 696, 697, and 698, to H.R. 17550, to amend the Social Security Act to provide increased benefits.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

CORRECTION OF RECORD FOR ANNOUNCEMENT OF HEARING: SENATE COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, the July 28, 1970, CONGRESSIONAL RECORD failed to list the date of the Senate Committee on Aging's hearing—in conjunction with the 93d annual meeting of the American Bar Association—in St. Louis, Mo., on "Legal Problems Affecting Older Americans."

Testimony at the hearing will begin at 2:30 p.m. on August 11 at the Stouffers Riverfront Inn.

ADDITIONAL STATEMENTS OF SENATORS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HOLLINGS. Mr. President, on July 9, 1970, the President transmitted to Congress Reorganization Plan No. 4, which proposed a National Oceanic and Atmospheric Administration under the Department of Commerce. Last year, I introduced legislation to create an independent NOAA. Extensive hearings were held on this bill before the Oceanography Subcommittee of the Commerce Committee. As chairman of that subcommittee, I have made an in-depth review of the various proposals and, consequently, I am very familiar with the aspects of the reorganization plan. There has been, in my judgment, unjustified criticism of this reorganization plan; and on July 28, a resolution was introduced by Senator NELSON to reject Reorganization Plan No. 4—Senate Resolution 433.

Senator NELSON testified before the Subcommittee on Executive Reorganization of the Senate Government Operations Committee, regarding his opposition. I also testified before that subcommittee in support of the plan; and, to point out why I feel the objections made to it are unjustified, I ask unanimous consent that a copy of my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR ERNEST F. HOLLINGS

Mr. Chairman, I appreciate this opportunity to appear before this distinguished Subcommittee to speak about Reorganization Plan No. 4, to establish a National Oceanic and Atmospheric Administration in the Department of Commerce. I agree with the President that it is a "sound and significant beginning". And I support the proposed reorganization.

Congressional interest in strengthening our Nation's ocean programs dates back at least to 1959. At that time the distinguished chairman of the Committee on Commerce, Senator Magnuson, began attempts to strengthen our national marine programs. We went from complete disarray and lack of coordination of Federal marine programs in the late 1950's, to administrative steps within the Executive Branch to coordinate oceanographic programs through the Interagency Committee on Oceanography, beginning in 1962. When the Interagency Committee on Oceanography proved insufficient to the task, we moved to the establishment of the Cabinet-level National Council on Marine Resources and Engineering Development in 1966. But the Council was conceived as a temporary expedient until a more permanent structure could be created.

Concurrent with the creation of the Council was establishment of the Commission on Marine Science, Engineering and Resources to study our national oceanic needs, and charged with a responsibility to recommend a Federal civil marine organization. In January 1969, after two full years of study, the Marine Science Commission submitted its report, "Our Nation and the Sea" to the President and the Congress. The Commission recommended creation of an independent National Oceanic and Atmospheric Agency. That Agency, or NOAA, would be composed of most of the agencies and programs that the President now proposes to place in the Department of Commerce, plus the Coast Guard. Based on fiscal year 1970 employment and budget, the Marine Science Commission's independent agency would contain 55,000 people and have an $800 million budget. By contrast, the present proposal is for an administration consisting of 13,000 people and a budget in excess of $300 million when reimbursable expenses are taken into account.

The type of leadership we need for our marine and atmospheric programs was recommended by the Marine Science Commission and spelled out in detail in a bill I introduced earlier in this Congress, S. 2841. Essentially we need an agency with a broad range of responsibilities and capabilities in the marine and atmospheric environments. NOAA is not conceived solely as an oceanographic agency, devoted only to the science of the ocean. NOAA is conceived as a socially and scientifically relevant agency. The development of scientific and technological capabilities and services for the Nation will be important functions for the new administration. But equally important are the economic, environmental, legal, political, diplomatic, and other social activities relevant to NOAA's responsibilities. Its responsibilities would begin in the coastal zone of the United States and extend to the global seas.

Mr. Chairman, without trying to preempt the jurisdiction of this Subcommittee over Reorganization Plan No. 4, the Subcommittee on Oceanography held a closed briefing session Monday morning, July 27, at which the Under Secretary of Commerce answered many questions posed by our Subcommittee. I have a copy of the transcript of that briefing session which I would like to offer for the use of your Subcommittee. We do not plan to make this transcript public until the Subcommittee on Executive Reorganization has had an opportunity to complete its hearings and to make whatever use it wishes of the information contained in it. I think that you may find it particularly helpful for its inquiry into the organizational structure of the new NOAA, as presently contemplated by the Department of Commerce.

Yesterday, Mr. Chairman, Senator Nelson introduced a resolution to reject Reorganization Plan No. 4, and in his testimony before you stated that "Congress should thoroughly consider all of the ramifications not only of this proposal but of the numerous alternatives that have been proposed in high level reports and in legislation now pending in Congress." Senator Nelson stated that the purpose of Reorganization Plan No. 4 was not clear to him, and Senator Muskie observed in response that he feels that it is inconsistent to combine both environmental protection and development in the same agency. I want to address most of my remaining remarks to these concerns and hope to contribute to a thorough understanding of the proposal.

The NOAA concept had its genesis in the Marine Science Commission, chaired by Dr. Julius A. Stratton, the Chairman of the Ford Foundation, and formerly President of the Massachusetts Institute of Technology.

The Marine Science Commission included fifteen members from government, industry, academic institutions, and represented not only the oceanographic sciences but also legal, economic, and political interests. Mr. Chairman, I would like to insert here in the record a list of the members of the Commission. In addition to those members, close liaison was maintained with both the House and the Senate. Senators Magnuson and Cotton were advisers from the Senate, and Congressmen Lennon and Mosher were the House advisers.

The Commission approached its work by establishing seven panels to examine and assess areas of marine activity: basic science; marine engineering and technology; marine resources; environmental monitoring and the management of the coastal zone; industry and private investment; international issues; and education, manpower, and training. These panels traveled throughout the country, heard and received statements and advice from over 1000 people, and after two years of study published their report, "Our Nation and the Sea." But in addressing the matter of Federal organization assigned to them in the enabling legislation, the Commission did so only after a list of specific national objectives in the marine environment had been compiled.

The Marine Science Commission recommended creation of an independent National Oceanic and Atmospheric Agency consisting of: Coast Guard; the Environmental Science Services Administration; the Bureau of Commercial Fisheries; the powers, function, and duties of the Bureau of Sport Fisheries and Wildlife regarding marine and anadromous fisheries; the U.S. Lake Survey of the Corps of Engineers; the National Oceanographic Data Center; and the Sea Grant Program of the National Science Foundation.

Last year I introduced S. 2841 to implement the Stratton Commission recommendation and to create a National Advisory Committee for Oceans and Atmosphere. The Commerce Committee's Subcommittee on Oceanography held extensive hearings on S. 2841 this past spring, and recently published them in a 771-page volume. I would be pleased to have copies of the hearings made available to your Subcommittee, for the rationale for such an agency and the need for a strong national oceanic and atmospheric program is clearly expressed throughout the many pages of testimony.

Senator Nelson stated yesterday that the purpose of Reorganization Plan No. 4 is unclear to him. I can well understand why in light of what has appeared so far, and would like to offer nine objectives of the new NOAA, taken from S. 2841 and consistent with the recommendations of the Stratton Commission. The new NOAA should encourage, develop, and sustain a national program in the marine and atmospheric environments, conducted so as to contribute to these objectives:

1. The accelerated development and use of marine resources consistent with sound resource management practices and in knowledge of the effects of such development and use on the marine environment.
2. The expansion of human knowledge of the marine and atmospheric environments.
3. The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment, consistent with sound resources management practices.
4. The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, monitoring and prediction, surveys, the recovery of resources, and the conversion and transmission of energy in the marine and atmospheric environments.
5. The advancement of education and training in marine and atmospheric science, technology, and technical services, and social studies related to the marine and atmospheric environments.
6. The advancement of capability to observe and predict environmental changes, and ultimately to modify the environment, in order to enhance the safety and welfare of the public and to permit more efficient use of the oceans and the atmosphere.
7. The effective use of scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment in marine and atmospheric programs.
8. The preservation of the role of the United States as a leader in marine and atmospheric activities and in marine resource development and conservation.
9. The coooperation by the United States with other nations and with international organizations in marine and atmospheric activities when such cooperation is in the national interest.

Mr. Chairman, there is nothing inherent in the creation of a new NOAA in the Department of Commerce that would prevent acomplishment of these objectives. The Subcommittee on Oceanography would actively seek to have these objectives fulfilled by the new NOAA if the Congress approves Reorganization Plan No. 4. A blueprint for them was laid out by the Stratton Commission. They show a great concern for the quality of the marine environment. And that was one of the main reasons the Stratton Commission recommended creation of a NOAA. Marine programs have been in such disarray that to attempt to harvest the riches of the oceans without better Federal organization and national programs for wise resource management could only lead to environmental disaster.

Senator Muskie's concern that environmental protection and resource development not be lodged in the same agency is certainly well founded when one looks at the difficulties that the Department of the Interior has had over the years. But, Mr. Chairman, the problem of Santa Barbara, the problem of Machiasport and Hilton Head, is how are we going to provide for the needs of our people without destroying the very environment on which we rely to survive? The problem is not going to be solved by one Federal agency. Not by an Environmental Protection Agency alone. Not by a NOAA alone. And certainly not by the Corps of Engineers alone! Just as the bumper stickers say that "The population bomb is everybody's baby", environmental quality is everybody's responsibility. As we develop resources for the well-being of our people, we must all be involved in understanding what adverse impacts that development will have, and move to avoid those adverse impacts or minimize them. We must draft our laws to require that those adverse impacts will be avoided or minimized. We must insist that our laws, our Federal and national programs, be administered with environmental impacts fully in mind. All of us are involved—the Executive Branch; the Congress in its legislative and oversight functions; our courts; our State and local governments; our industry; all of us. And if we find that agencies charged both with developing and protecting resources do not adequately protect the environment, there are many ways to call them to task. Certainly Senator Muskie's Subcommittee on Air and Water Pollution has been ingenious in devising legislative checks and balances to enhance environmental quality. The Section 21(b) authority of the Water Quality Improvement Act of 1970 is an excellent example. The Subcommitee on Oceanography approves Reorganization Plan No. 4.

Shortly after the proposed reorganization was inadvertently made public, Mr. Chairman, the Subcommittee on Oceanography made a survey of reaction in key committees in the Senate and the House, and canvassed many top members of the oceanography and conservation communities. There was a surprising unanimity of response; they were pleased that the proposal is as strong as it is; disappointment that the agency is not proposed to be independent and include the Coast Guard, but favorable nonetheless. Dr. Stratton and Dr. Edward Wenk, former Executive Secretary of the National Council on Marine Resources and Engineering Development, were among those we consulted and who responded favorably to the proposal. One observer in the National Academy of Sciences summed up the responses well when he said it is a "damned good beginning." Certainly important in my own decision to support the proposal was the degree to which support for an independent NOAA disappeared in the House of Representatives when the President made his proposal. And that is the situation today.

I support a strong national oceanic and atmospheric program, Mr. Chairman. The proposal sent to the Congress by the President has been well thought out. It makes substantive sense. But I am a political pragmatist also, and this is what we can attain now. And after more than ten years of Federal disorganization, the President's proposal is an important beginning. I urge that the Senate support creation of the National Oceanic and Atmospheric Administration in the Department of Commerce.

Thank you for this opportunity to appear before you this morning, Mr. Chairman.

MEMBERS OF THE COMMISSION ON MARINE SCIENCE, ENGINEERING AND RESOURCES

Chairman: Julius A. Stratton, Chairman, The Ford Foundation.

Vice-Chairman: Richard A. Geyer, Head, Department of Oceanography, Texas A&M University.

David A. Adams, Commissioner of Fisheries, North Carolina Department of Conservation and Development.

Carl A. Auerbach, Professor of Law, University of Minnesota.

Charles F. Baird, Under Secretary of the Navy.

Jacob Blaustein, Director, Standard Oil Company (Indiana).

James A. Crutchfield, Professor of Economics, University of Washington.

Frank C. DiLuzio, Assistant Secretary, Water Pollution Control, Department of the Interior.

Leon Jaworski, Attorney, Fulbright, Crooker, Freeman, Bates & Jaworski.

John A. Knauss, Dean, Graduate School of Oceanography, University of Rhode Island.

John H. Perry, Jr., President, Perry Publications, Inc., Florida.

Taylor A. Pryor, President, The Oceanic Foundation, Hawaii.

George E. Reedy, President, Struthers Research & Development Corp., Washington, D.C.

George H. Sullivan, M.D., Consulting Scientist, General Electric Reentry Systems.

Robert M. White, Administrator, Environmental Science Services Administration, Department of Commerce.

Congressional Advisers: Norris Cotton, U.S. Senator; Warren G. Magnuson, U.S. Senator; Alton A. Lennon, U.S. Representative; Charles A. Mosher, U.S. Representative.

GREAT JOB IN RESPONSIBLY CUTTING DEFENSE WASTE BY REPRESENTATIVE MINSHALL

Mr. PROXMIRE. Mr. President, the Subcommittee on Department of Defense Appropriations of the House Appropriations Committee has saved the taxpayers more money than has any other subcommittee in Congress. I say this with full respect for the excellent work done by the Senate Defense Appropriations Subcommittee. As the top ranking Republican on the subcommittee, Representative BILL MINSHALL plays a key role in making these savings, along with the great work of the chairman, Representative GEORGE MAHON.

There is no magic in the accomplishments of the committee. Long, hard hours of study, research, analysis, and interrogation of generals, admirals, secretaries, and others from the Pentagon are required to get the job done. The 11-man subcommittee has a permanent staff of only six to assist it, but the years of experience of the members have given them sufficient experience and insight into Defense Department programs to enable them to sponsor reductions totaling billions without cutting the muscle of our Nation's military forces.

In the past 3 years alone, in acting on the annual defense appropriation bills, a total of $11.4 billion in savings has been recommended by the Defense Appropriations Subcommittee and subsequently enacted by Congress.

When the supplemental bills, of which there are one or two every year, are included, the reductions in the past 3 years made by the subcommittee total $12,437,724,000.

Representative MINSHALL became a member of the Defense subcommittee in January of 1959. Since then, he has participated in making reductions totaling almost $15.5 billion in this subcommittee alone. In addition, he has served on other subcommittees, such as Independent Offices, in which the NASA budget is included, and the Department of Transportation Subcommittee. Important savings have been made by those subcommittees.

BILL MINSHALL and the Subcommittee on Defense Appropriations have played a major role in the termination of such unneeded or unworkable military programs as the F–111B Navy fighter, the Manned Orbiting Laboratory, and the BOMARC unmanned interceptor of the Air Force and the Mauler mobile antiaircraft missile of the Army. Numerous contributions have been made in the areas of personnel utilization, logistics management, and financial procedures.

Many reductions made by the committee have been relatively small amounts but have stopped unnecessary programs which would have cost billions if allowed to continue. A recent example is the Mallard communications system which was terminated last year with a cut of only $5 million, but which would have cost $2.5 billion if continued to completion. Such savings would total several times more than the $15.5 billion in actual dollars deleted from the budget.

The hard scrutiny given by the subcommittee to requests for spending has undoubtedly deterred the Pentagon from ever requesting billions of dollars worth of low priority or uncertain programs.

The Government, under our system of checks and balances, only works well when the watchdogs of the public purse really watch and know how to bite as well as bark. Only men of experience, only men who fully understand and have put in the long hours required, can cope with the pressures for unneeded expenditures.

The caliber of the men on the Defense Appropriations Subcommittee is evidenced by the fact that one of them was chosen by President Nixon to be his Secretary of Defense. Mel Laird gained his knowledge of defense matters in the same room and in the same time period as BILL MINSHALL. This is indicative of the high regard which not only the President but official Washington generally has for the Members and the work of the Subcommittee on Defense Appropriations.

DETROIT MEETING'S RESOLUTION ON CAPTIVE NATIONS WEEK

Mr. GRIFFIN. Mr. President, it was my privilege to serve as a member of the Captive Nations Week Committee sponsored by the Captive Nations Committee of Metropolitan Detroit and American Friends of Anti-Bolshevik Bloc of Nations.

The recent observance of Captive Nations Week was concluded in Detroit with a mass meeting at which a resolution pledging continued support for the peoples of the captive nations was adopted.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas: The people of Detroit having gathered for a mass meeting on July 18, 1970, at the Veteran's Memorial Building to conclude the observance of the Captive Nations Week which included appropriate prayers, ceremonies, and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples presently enslaved in Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas: The freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about freedom and independence; and

Whereas: The majority of the peoples of Detroit are linked to these captive nations through the bands of family and who through nativity or ancestry, treasure the heritage which endowed them with the culture and industry which are theirs:

Now therefore, be it resolved: That we pledge our support to our President and his policy to contain the spread of communism in Southeast Asia and other parts of the world; and

We request the President to initiate a strong program against imperialistic policies of Russian Communists who have enslaved and subjected millions of people; and

We condemn the commemorations held under the auspices of the United Nations honoring the centennial birthday of Lenin, thus highlighting and honoring the father of terror and genocide; and

We request the United Nations De-Colonialization Committee to fulfill its duty and take up the case of Soviet Colonialism in the world; and

We request our government to increase and expand the operations of the United States Information Agency, especially increasing the number of hours of broadcast by the Voice of America to the peoples of the captive nations; and

We further request the United States Congress to create a special committee on the Captive Nations in the House of Representatives; and

We pledge to avail ourselves and our organized activities to combat communistic imperialism on all moral and legal grounds, as spokesmen for the oppressed, until the captive nations are free again; and

Be it resolved that copies of this Resolution be sent to the President, Secretary of State, United States Ambassador to the United Nations, United States Senators from Michigan, members of the United States House of Representatives from Michigan, the Governor of the State of Michigan, and the Mayor of the City of Detroit.

U.S. PATIENCE WEARS THIN AS SEATO ALLIES COP OUT

Mr. SYMINGTON. Mr. President, recently I read a wise and constructive editorial entitled "U.S. Patience Wears Thin as SEATO Allies Cop Out," written by John S. Knight.

In that Mr. Knight's column expresses much of my own thinking, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. PATIENCE WEARS THIN AS SEATO ALLIES COP OUT

Secretary William P. Rogers, the State Department's traveling man, is just discovering what the rest of us have known for a long time.

He learned at a Manila meeting of the Southeast Asia Treaty Organization from South Vietnam, South Korea, Thailand and the Philippines that the United States must not reduce its military, political or economic "commitments" in the Pacific region in any serious way.

According to Tad Szulc of the New York Times, this view is likewise shared by Australia, New Zealand and Japan although it appears to be in conflict with the Nixon Doctrine for Asia which calls for a decline in the American presence as Asian countries develop the ability to defend themselves.

SEATO, a collective defense pact devised by the late John Foster Dulles in 1954, has been used by Lyndon Johnson, Dean Rusk and now the Nixon administration as the rationalization for our involvement in Indochina.

It is this so-called "commitment" which has cost 42,919 American lives and another 282,966 wounded, to say nothing of countless billions in U.S. resources.

The treaty, despite the claims of its supporters, is not a binding legal instrument and has no force or effect upon the United States. Nevertheless and notwithstanding our failure to act "in accordance with constitutional processes," each administration from Kennedy to Nixon has upheld the fiction of SEATO while ignoring the requirement to consult with the Congress.

Members of SEATO, other than the United States, are Britain, France, Australia, New Zealand, Philippines, Pakistan and Thailand—all presumably interested in saving Southeast Asia from communism.

Since 1954, Britain and France have made no contributions in men or money; Australia, New Zealand and the Philippines provided only token forces; Pakistan is disinterested and Thailand is miffed over U.S. refusal to pay for Thai activities in Cambodia.

In 1954, I warned that any involvement in Vietnam would find the United States without significant support from its allies who had the most to lose in Indochina.

The U.S. casualty statistics and the present plight of America will attest to the accuracy of that prediction.

But now come our friends to beg us not to leave, or even to reduce the "American presence." Secretary Rogers has reiterated that the United States intends to remain a Pacific power, and that the Nixon Doctrine does not mean isolation but simply readjustment to the new realities of world and domestic politics.

Even Japan, the strongest power in Asia, would like to see us stay. Yet the Japanese have made no contribution to the war—nor are they bound to—while their cheaply produced exports are flooding American markets to the detriment of U.S. industry and labor.

So we stand virtually alone, saddled by a South Vietnamese economy in disarray and needing—according to President Thieu—at least another $200 million to achieve stability.

So the Nixon Doctrine of "Asians helping Asians" remains largely a myth. We can hire mercenaries to assist the shaky government of Cambodia but the Cooper-Church amendment recently passed by the Senate may put a stop to that, if the Senate conferees can swap it for the House's Military Sales Bill.

Of incidental interest is the intelligence that Thailand, which always has its hand out, fought with Japan against the United States in World War II.

Though our Mr. Rogers stated in Saigon that the time has come for "real negotiations—to end this war and bring to the people of South Vietnam a fair and lasting peace," there is absolutely no hard evidence to indicate that President Thieu and his government have the slightest interest in reaching an accommodation with Hanoi.

As Parade magazine says in today's issue, "The American public has not been told the full truth about the extent of the U.S. involvement in Cambodia any more than it was told the truth about our military role in Laos or how much it cost the U.S. taxpayer to get the Filipinos, the South Koreans, the Thais and the Australians to support us in Vietnam."

Although our incursion into Cambodia has been heralded "as the greatest victory of the war," we have actually widened the area of conflict and doubt.

What remains utterly incomprehensible is the large body of opinion in the United States which still prates about winning the war even as President Nixon insists that we have no such objective in mind.

Still others want to "draw a line" over which no communist may trespass. Remember the McNamara Line just below the demilitarized zone in Vietnam? Or had you forgotten about that fiasco?

A majority of the American people will side with President Nixon so long as they are convinced that he means to bring our troops home on a definite timetable.

Yet public patience and faith are wearing thin as the Asians beg for our continuing presence and an endless flow of U.S. dollars.

The tragedy of our Indochina adventure is that it will be recounted in history as an egregious blunder.

Must we destroy America in a vain effort to bring peace and brotherhood to an area of the world where dissident peoples have been warring for centuries?

Are we willing to pay the price?

Are you?

THE MASS TRANSIT MUDDLE

Mr. BROOKE. Mr. President, once again the talented columnist, James J. Kilpatrick, has entered an eloquent plea for a sensible transportation system.

There are few if any among us who have not, at some point over the last few weeks, struggled with the summer weekend traffic. Whether it be in a short trip to the airport on a Friday afternoon, or a long trip to a function somewhere on the eastern seaboard, we have encountered the tremendous traffic jams which plague millions of our countrymen in their efforts to travel from home to work, or from work to a weekend of rest. The population of our country, particularly of the "megalopolis" which covers much of the eastern half of the Nation, has increased enormously. The ownership of private automobiles has increased as well. But what has not grown is the transportation system to accommodate all of the people who want or need to travel.

Mr. Kilpatrick is performing a great public service in pursuing this problem through his widely-read column. I commend it to the attention of Senators and ask unamous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Trip to Beach Could End Transit Impasse

(By James J. Kilpatrick)

A great blow for progress might have been struck this past weekend, if only it had been possible to send the Congress, by private automobile, to the Eastern Shore beaches. Their eminences would have struggled back to their chambers on Monday and roared a mass transit bill to immediate enactment.

As it happens, members of the House and Senate have too much sense to get on the highways headed east out of Washington, especially on a Saturday morning in July. This past Saturday produced a traffic jam that was stalled bumper to bumper on Route 50, over a stretch of 12 steaming miles, for upwards of three hours.

Consider that monumental jaw: It offers a spellbinding picture of America the affluent, America the addle-headed. Here were a quarter of a million human beings, more or less, shoe-horned into their cars with inner tubes, beach umbrellas, bath towels and bathing suits. They were plunging like lemmings toward the sea.

Only they weren't plunging. They were inching along, mostly in low gear, with tempers and radiators boiling. Two-thirds of these people were little people, and they all had to go to the bathroom. They finally made it to the beach by mid-afternoon. The bulk of them stayed overnight. Then they fought their way back on Sunday afternoon. These are presumptively intelligent people, not idiots, and most of them will try it this weekend again.

But this is lunacy, and the same lunacy obtains across our land. For want of a balanced transportation policy, we have become captives of our own machines, hostages to a national obsession that sees a net 10,000 automobiles added to our clogged highways every day. In the process of building ever wider freeways, we have ravished the country and ripped up our cities. And every day it gets worse.

When do we come to our senses? On June 30, a House committee finally reported the administration's new mass transit bill, authorizing $3 billion over the next five years in loans and grants for improving public transportation systems. It is a useful sum—it is about double what the Senate has proposed—but it is only a little more than the federal government provides for highway construction every 12 months. It is only a patch on what needs to be done.

An answer has to be sought in a complete reversal of transportation policies, by which mass transit comes first and private autos come second. Such a shift in emphasis won't be easily achieved—the idea has little popular support but it has to come. Otherwise we are caught on an expressway to chaos.

The picture is not wholly bleak. Over the past five years, the Urban Mass Transportation Administration has provided $685 million in capital grants, and another $105 million for technical studies. With local matching money, this has meant a billion-dollar shot in the arm. Some interesting possibilities are taking shape. In September, the UMTA will receive the results of a 15-month intensive study of mass transit prospects in Dallas, Denver, Atlanta, Seattle and Pittsburgh. Such cities as Cincinnati, Dayton, Los Angeles, Minneapolis, New Haven and Philadelphia recently obtained grants to experiment with new ideas in their urban corridors. Here and there, in bits and dabs, a good deal is being done.

Yet the situation does not really improve. The transit industry is in deep trouble. Its profits before taxes have dropped from $313 million in 1945 to a loss of $31 million in 1968. Passenger volume this year is running nearly 6 percent below 1969 levels. Ten years ago only 48 systems were publicly owned; now there are 127. The more fares are increased, the more riders are lost.

Maybe the House bill will help. Maybe. But nothing of significant value will be achieved until we get our priorities straight, which is to say, until we decide that life has to hold more than five broiling hours on the road to Rehoboth Beach.

RESULTS OF U.S. OPERATIONS IN CAMBODIA

Mr. FULBRIGHT. Mr. President, I invite the attention of the Senate to an article concerning the results of U.S. operations in Cambodia, written by T. D. Allman, and published in the Far Eastern Economic Review of July 9. Mr. Allman sums up the results in this way:

> The fact remains that the U.S.-South Vietnamese invasion was a blunder. Like some gigantic personification of Gresham's Law, it seems to have achieved the exact reverse of what was intended.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ever Wider

(By T. D. Allman)

Phnom Penh.—Men were still dying in Cambodia last week and another nation—

Thailand—was lusting after a piece of the action.

In Peking, Prince Norodom Sihanouk, back from a trip to Pyongyang, was confidently pointing to the North Koreans as military allies if required. In the US, Richard Nixon applauded his Cambodian excursion by deftly making the successful withdrawal deadline sound more significant than the invasion. In Phnom Penh, Premier Lon Nol played politics and the red sodden soil of Cambodia, which American bombers now may bomb but which American boots may not tread, almost certainly was home once again for the Vietcong and the North Vietnamese.

The problem the US now faces in Cambodia—shoring a third front in an expanding quicksand war while following the Nixon Doctrine and keeping a "low posture"—is rather like the dilemma confronting an architect commissioned to design a short skyscraper.

The fault, to be sure, does not lie 100% in Washington, or even at American headquarters in Saigon. The CIA did not, as the communists now aver, overthrow Sihanouk on March 18. The US did not even rock the boat first. It was only after the Cambodians had ousted Sihanouk themselves and North Vietnamese and Vietcong troops had advanced to within 20 miles of Phnom Penh that US and South Vietnamese troops plunged in.

The fact remains that the US-South Vietnamese invasion was a blunder. Like some gigantic personification of Gresham's Law, it seems to have achieved the exact reverse of what was intended. It:

Inflamed antiwar seniment at home rather than reduced it, and made continued US involvement in a wider Indochina war a certainty, rather than speeding, as hoped, a withdrawal from that war

Reduced North Vietnam's interest, already minimal, in the Paris talks by driving Hanoi and Sihanouk still deeper into Peking's arms

Drove communist troops deeper into Cambodia, thus increasing pressure on the Lon Nol government rather than, as intended, reducing it.

The consequences of this latter backfire have been particularly conspicuous in the weeks surrounding the April 30 withdrawal of US ground forces from Cambodia.

The withdrawal, unlike the invasion itself, offered hawks and doves rare ground for common emotion, unhappiness. Observers tended to divide themselves, between those who thought America never should have come in, and those who felt America should never leave. The two positions, of course, are not mutually exclusive. And to the mutual unhappiness, there was added an additional element of unanimity. Except for those especially paid to deny it, it was universally obvious that Cambodia had become, some time between April 30 and June 30, America's third Indochinese client state.

The relationship originally could have been avoided with consequences only less agonising than those which probably will result from it. On April 30, it was obvious that the Vietnamese communists were on the verge of turning the Lon Nol regime into a 100-day Reich, and restoring Sihanouk with his neutralist credentials reduced to the approximate value of Confederate savings bonds.

America was faced with the choice of accepting a minor geopolitical disaster or risking a major one by trying to pull Lon Nol's chestnuts out of the fire. Nixon made the choice, and from the moment the first American soldier crossed the frontier the US was bound irrevocably to make Cambodia, if not an honest, at least a kept woman.

Nixonisation, as it currently is being practised in Cambodia, departs from the Nixon Doctrine in that the US in fact continues to pick up the tab and shoulder the responsibilities, or pay others to seem to share them. It differs from the original US commitment in Vietnam in that it is unadmitted and all the hope and moral conviction and real belief that the skin can, or should, be nailed to the wall is gone. It differs from the US commitment to Laos in that it can't be kept hidden, even for a short time.

Nixonisation, for all that, is produced by the same factors that brought Vietnam and Laos to the television screens of America: a bureaucratic and military impulse to expand rather than to contract; an unwillingness to accept small defeats even at the risk of bigger ones; and a really tragic inability to assign meaningful priorities of national interest. And a power vacuum.

There is not, for the moment, a US AID programmee or a budget subsidy, or a support fund to underwrite the increasingly worthless riel. But there is an economic attaché, whose staff will grow too. USIS now confines itself mostly to showing films for the amusement of an expanding corps of resident journalists. But the possibility of libraries and Cambodian-American associations "is under study". And won't the Cambodians need a little help in psy-war too?

And the savings. "The appropriation (for military expenditures) cannot be that big," says one important US officials. "It is coming out of the MAAG budget, which is only US $350 million for the whole world."

So the official aid total will be $20 million or $30 million or maybe even $70 million if the Nixon administration feels the senate will swallow it.

But who is paying for the South Vietnamese troops, and out of which allocations? And for the Khmer Krom? For the tactical support missions? For the Thai and South Vietnamese equipment that will come in from Saigon and Bangkok, and be replaced in the "donor" countries? It will come, all told, to about $500 million. More next year.

For the moment, however, Nixonisation, like Vietnamisation before it, is undoubtedly having its impact. The Phnom Penh rickshaw drivers are learning English; the Cambodians officers are going off for training in America; there are a lot of dead Vietcong out in the woods; and for the moment, US fire-power and South Vietnamese troops are keeping the communists from Phnom Penh's door.

All this is being done as inconspicuously as possible. For example, the US Embassy can call or veto American air strikes in Cambodia but doesn't boast about it. The military attachés don't wear uniforms.

It's a great deal to do inconspicuously. And what it really means is that Nixon administration is grasping for victory, less and less limited, as the way out. It is a tremendous gamble, because now the whole of Indochina, not just South Vietnam, is at stake.

The short skyscraper is already the biggest building in Phnom Penh, and it has just begun to grow. But we shall have to wait a time now to find out if hiding in the grass Cambodian-style is any less sterile than the older tactics of Laos and Cambodia, and was worth forsaking the genuinely "low profile" Richard Nixon promised when he took office.

SERIOUS PROBLEMS IN NORTH VIETNAM

Mr. DOLE. Mr. President, it has become obvious that the faint hearts in our Nation would quit and surrender in South Vietnam without ever considering what the situation might be like in North Vietnam.

They would have a nation of 200,000,000—a nation that is the strongest on earth—knuckle under to a few million rice farmers whose chief weapons are courage and determination—things some Americans appear to be short on.

But despite their courage and determination, all is not well with the North Vietnamese.

A Japanese newsman who recently toured that nation tells us, in fact, that it suffers from serious problems.

United Press International published a story yesterday, that I did not see in the local newspapers, that quotes the Japanese reporter.

In the hope that it may give new courage to many who have felt the United States must quit, accept defeat, surrender, and abandon the South Vietnamese, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOKYO.—A Japanese newsman who toured North Vietnam and interviewed its leaders said Monday Hanoi faces serious labor and logistical problems and might be in real trouble if the United States resumes bombing.

Shigeru Usami of the Mainichi newspapers said in a luncheon address that North Vietnam speaks hopefully of victory but, "I notice there are serious problems they have to face."

Usami, a China expert for the Mainichi, one of Japan's national newspapers, spent 40 days in North Vietnam in May and June and interviewed Premier Pham Van Dong and Prince Norodom Sihanouk, the deposed Cambodian ruler. He visited Hanoi, Haiphong, Vinh and other points.

"There is a danger of the slackening of morale of the people," he said. "North Vietnam has a very serious labor shortage in factories. Transportation is a bottleneck.

"In the agricultural area, the labor shortage is very evident. I visited North Vietnam at the busiest time of the year for farmers, and I heard that agricultural cooperatives could not handle their work.

"I saw many old men and old women, housewives and young girls in their low teens and young boys doing farm work. Judging from such manpower shortages, there must be a limit in human resources in their expanding the war beyond Vietnam."

Usami said the one-man concrete air raid shelters placed every five yards on Hanoi streets are not being maintained.

"A year ago, the Hanoi shelters were cleaned once a week or so," the Japanese newsman said. "But in my 40 days, I saw none of them cleaned. Terrible odors came from the shelters and there was a general abandonment. After rains, they are filled with water and earth."

Speaking of the shelter neglect, he said, "if America resumes bombing of the north, maybe North Vietnam will be in very serious straits."

SOURCES OF DISSENT — COMMENCEMENT ADDRESS BY ROBERT S. MICHAELS

Mr. CRANSTON. Mr. President, it is vitally important for all of us to know the thoughts of emerging leaders of the oncoming generation of Americans.

I was struck by the clear, strong views set forth in the commencement address delivered recently at the University of California at Los Angeles by a young citizen of my State.

Many will find much in his words that they will disagree with, and certainly much in his speech is controversial. I trust, however, that no one of any age, of any generation, will quarrel with his effort to relate the principles associated with the founding of our Republic to the challenges and crises of our time, nor with his expressed devotion to "the very form of government we all cherish so deeply today."

I ask unanimous consent that this commencement address by Robert S. Michaels, delivered June 18 at UCLA, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOURCES OF DISSENT

On July 4, 1776, a group of young men, with high ideals, and long hair, met together to determine the fate of this country. Their purpose was to start a revolution . . . a revolution which fostered the very form of government we all cherish so deeply today. They recognized that men are endowed by their Creator with certain inalienable rights, that all men are created equal—that these truths were self-evident. The very essence of their beliefs, the nucleus of their protest was the conviction that governments are instituted among men to secure the rights of the populace—that these governments derive their just powers from the consent of the governed, and that when ever any form of government becomes destructive of that way of life, that it is the obligation of the people to alter or abolish it, and institute a new government.

We, the youth of today, are not unlike our founding fathers, in that both groups are the idealists of their day. Our numbers are greater, our arguments more pressing, our purpose is to preserve the American way, rather than to destroy it.

We are thinkers, foremost. Our best approach to change is through reasoned argument. The fodder for this rhetoric comes from you, our parents, our teachers, and from the generations that have come before us. You have raised us, directed our thoughts and established within us the frame of reference from which we will view life. Our thoughts and actions are a direct reflection of you—of what we see in you, of what you really are. If you find us a contradiction, then the contradiction is in you!

All our lives we have been taught of the glorious heritage that is ours as Americans, and of how we must not forsake it. You have given us the privilege to think and learn in a free society, and for this we are most appreciative. However, this opportunity has made us selfish—we have been immersed in the idealism on which this country was founded, and we do not intend to give it up easily. The ideal citizen is more than an individual who pays his taxes, or is willing to sacrifice his life for the preservation of the system. For you see, a long hard battle was fought in the 1700's—a battle to establish this as a government of the people. A government controlled by the people through their elected representatives. A government in which you and I are to be consulted at every step. Our forefathers sacrificed efficiency solely to prevent one man from gaining the power to rule millions. It was not intended that the people blindly believe in the president and do as he says, but rather that the president consult all the people and do as they request. The ideal citizen must insure the preservation of our system of government as our forefathers intended it to be. Now, we reach out to embrace this idealism, this essence of America—it isn't there. We cannot forsake this idealism, we cannot accept the bastardization of our government by those who are entrusted with its preservation. Our beliefs will not be diluted by life's experiences. We shall not yield!

Thus, we protest. Protesting is an extension of our thought processes. It is a traditional method of vocalizing our ideas, of making democracy responsive, of fulfilling our duty as citizens. In fact, it has been the students protests which have brought about the rapid mobilization for a quick and lasting peace abroad and a deep concern and sensitivity to the domestic problems that plague our society.

Education has been our foundation—seeking to establish peace between man and nature, and man and man has been our goal. But the knowledge we have gained, has brought with it fear, fear and insight into what misunderstanding and lack of communication is doing to our country. We see what the public reaction is to the small amount of violence committed on the campuses, yet there is little concern shown for the blatant lack of due process exhibited every day in the ghetto by the local authorities. We do our best to peacefully convey our concern to you, yet we are branded as bums, effite snobs, and threatened with a blood bath. Our President has adopted the slogan, "Bring us together", yet he and Vice President Agnew are dividing the country, perpetrating a polarization of which they seem to have no appreciation. At a time when a united front is of the essence, the president is joining forces with the "hard hats" and refusing to speak, let alone listen, to those expressing dissatisfaction with his policies. Our president is surrounding himself with advisers who share only his view point. This has two important consequences . . . it does not insure us of the best possible leadership in a time of great need, and it prevents the president from hearing the views of all the people. Is our president a leader, or is our president a ruler? We see a purposeful attempt by our nations leaders to frustrate minority interests, to slow down our struggle for equality for all. We see our leaders capitalizing on the hatreds and prejudices of our citizens to elect a repressive government. Americans are not a hostile or hateful people . . . but if someone yells Nigger loud enough, we elect George Wallace. If someone yells student loud enough, we elect Ronald Reagan. We view with horror the attempts of our country to control dissent, to prevent free speech—to choke the most cherished right of our people.

We watch the Regents of this great University, who have chosen not to listen to those who are best qualified to judge, nor to obey the law of the land, but rather to irrationally and arbitrarily restrict the inputs which we may receive in our quest for knowledge—to fire a professor for her political beliefs. This we cannot stand for! The entire ugly mask of censorship looms over our heads threatening to envelop everything we cherish, repressing all creative intellectual activity and stifling the very brains of our country. But most we fear the changing role of our nation in world affairs from one of big brother, used in the sense of one who helps a smaller brother to become self-sufficient, to one of being big brother in the Orwellian concept, as expressed in his novel, "1984."

The heightened campus protests this Spring might have gone the way of other previous demonstrations, suffering a death due to apathy and frustration. But then came Kent State. It was no longer blacks in Augusta, students at Orangeburg or Jackson State. It was white students in Ohio. It was you and me, all of us, anyone trying to think and question in a peaceful way. We have been wounded, we have tasted blood, and we are no longer the same.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our separated petitions have been answered only by repeated injury. The present conditions are not without warning. There is still time to work with us, to make America a real democracy—to promote understanding among all men—to bring equality to all peoples. We wait no longer. Join us . . . we are America.

We seek justice, equality and the freedom which is ours as Americans.

All we ask is peace!

A LESSON IN REVERSE

Mr. BROOKE. Mr. President, during the past few months we have witnessed an amazing and heartening demonstration of political awareness and involvement on the part of many young Americans. Particularly during the month of May, many of our offices were visited by delegations of college students and other young people concerned by the course of the war in Southeast Asia. At that time, many Members of Congress praised this youthful participation in the political process and urged in the strongest terms that that activity and future endeavors remain within the system. This advice almost became a cliche—work hard for your beliefs, but work within the system. The implication, of course, is that the system will be responsive to this type of activity.

Fortunately, most of the students have followed our advice and stayed within the so-called system. But I invite attention to the type of situation which, if it persists and becomes typical, may make our advice appear fraudulent.

A controversy currently exists in northern Virginia concerning the use that will be made of a piece of land known as the Burling tract. Without discussing the details or the merits of the case, let me simply state that a development firm purchased this land, which lies on the Virginia shore of the Potomac downstream from Great Falls, from private owners last year and announced plans to erect 309 homes on the 336-acre tract. At this point, students and area residents interested in conservation began a move to involve the county government in order to preserve Burling tract. As a result of these efforts, much has happened. Secretary of the Interior Walter Hickel has pledged half of the purchase price to the county government to keep the land as a park or a recreation area. As the result of a referendum held at the time of the Virginia primary election a few weeks ago, the citizens of the district voluntarily voted to raise their taxes to contribute to the purchase of the land. The county board of supervisors, has also embraced the cause of Burling tract and has voted to make an offer to the development firm.

All of this activity, let me repeat, resulted in large part from the voluntary efforts of a group of high school and college students from Virginia. Currently, negotiations are underway but, I regret to say, bulldozers are at work at the same time. The development firm has seen fit to proceed with the bulldozing of streets through the wilderness area and, even now, are carving streetways through the trees. Of course, this action is irreversible. The wilderness, once disturbed, can never be replaced. And, while negotiations continue, the firm has stated that it will continue with its development plans.

Mr. President, what disturbs me is the negative impact, the lesson in disappointment, that this will have on the young people who have become involved in trying to save the Burling tract. They have worked within the system and they have worked well. They have presented their case in an orderly manner, and have won converts to their point of view. They have pressed for an election, and have won it. And now, those efforts seem to have been in vain. The system appears to have been unresponsive. The public welfare, the expressed wishes of the people, the best efforts of the local government, all appear to have been ineffective.

Those who have worked so hard and so well to make the system work deserve something better than frustration and disappointment. Nor is this incident unique. I fear it has been repeated too many times across the land.

I make no judgment about the merits of this particular case. I only bring it to the attention of the Senate as an example and, perhaps, as a warning to all of us. We all will have to enforce our advice to stay within the system with an equal effort to insure the sensitivity and responsiveness of that system on all levels. It is a problem that no one can afford to ignore.

TRANSITION IN AMERICAN PUBLIC OPINION

Mr. FULBRIGHT. Mr. President, Foreign Service Journal for July 1970 contains a most perceptive and interesting article entitled "An American Foreign Policy: Imperative—Responsible Restraint." The article was written by Marshall Wright, a Foreign Service officer.

Mr. Wright discusses the transition that has taken place in American public opinion in recent years from an attitude supporting an "activist foreign policy" to one that favors what Mr. Wright calls "a policy of deliberate but responsible restraint in national security matters" which, he says, does not mean "a return to isolationism of the pre-World War II variety."

I commend Mr. Wright's thoughtful article to the attention of Senators and other readers of the CONGRESSIONAL RECORD who are interested in foreign policy matters and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AMERICAN FOREIGN POLICY: IMPERATIVE—RESPONSIBLE RESTRAINT

(By Marshall Wright)

(NOTE.—FSO-2 Marshall Wright authored "An American Foreign Policy: Imperative—Responsible Restraint" during the year he just completed as the first State Department Senior Fellow at the National War College. As we go to press Mr. Wright is beginning his second assignment on the staff of the National Security Council where he had served previously in 1967–68. During his career, which Mr. Wright describes as "at best, checkered," he has served abroad in Canada, Burma and Thailand, and in the Department in a variety of slots.)

An era is at an end.

For more than two decades, the essence and the heart of our behavior as a nation has been an activist foreign policy. It is through our assertion of world leadership that we have expressed our national purpose and identity. We have judged our national leaders primarily against the standard of their performance in the international arena. Our sense of well-being and accomplishment has been, to a great extent, a measure of the apparent success or failure of our international role. Our government's best minds, and the better part of our governmental energies, have gone into creating, protecting, and applying American influence to the course of world affairs.

Our international role has dominated the intellectual climate of American life to such an extent that for several decades, the first criterion of an intelligent, responsible, and informed American citizen has been his ready acceptance of the necessity for our active assertion of world leadership. He who challenged or resisted the activist thrust of American foreign policy was—by definition—either unwise, irresponsible, or uninformed.

It is no mystery how international affairs achieved this overweening role in our national life. At the beginning of the era, our society came to believe several propositions which, in retrospect, made such dominance almost inevitable:

The era began with a world conflagration which was seen as the more or less direct result of the failure of the United States after World War I to shoulder its international responsibilities. Americans generally accepted the proposition that when the United States turned its back on the League of Nations—on collective security—on an active role in world affairs—we condemned the world and ourselves to the tragedy of World War II.

We came out of World War II with a virtual monopoly of the kind of national strength which could be used effectively to influence the nature of the world in which we live. No one else could even attempt the task of creating a world order conducive to peace and prosperity. We, alone, possessed the potential for benevolent leadership. Not to use our potential was tantamount to saying that the course of world events did not matter, that it could safely be left to blind fate. That proposition obviously was untenable in the aftermath of World War II with its 30 to 40 million dead and its introduction of the atomic bomb.

Most important of all, we became convinced that there existed an intense and urgent threat to our national well-being. A united world communist movement was working with profound determination and frightening skill to take advantage of the general instability that followed World War II. Our strength and our influence stood as the only effective barrier to the broad extension of communist power. A prime communist goal, therefore, was the destruction of our strength and influence. Simple survival demanded that we defend ourselves by contesting with the communists for the future of the world.

These three propositions, I believe, constituted the philosophical foundation for the American assertion of world leadership after World War II. They were the reasons why the United States Government decided upon, and the American people assented to, this departure from the traditional American resistance to overseas involvements.

Americans are, however, a pragmatic people. Our original commitment to an activist world policy was a matter of cool calculation. Our subsequent enthusiasm, and the resulting dominance of world affairs in our national life came later. It evolved out of our actual experience with an activist role abroad. For it worked. To our delight, our pride, and our intense sense of accomplishment, it worked.

As the United States began to assert its leadership in world affairs, we experienced one glittering success after another. The Russian assault on Iranian independence vanished in the face of American firmness. The communist attempt to take Greece foundered on the rock of the Truman Doctrine. The Marshall Plan was a brilliant success in restoring the economic viability and the political stability of Western Europe. The airlift kept Free Berlin alive. Our occupation policies toward Germany and Japan succeeded beyond all precedent and all expectation. The nations of the world demonstrated an almost eager aceptance of American leadership. The United Nations was generally responsive to American initiatives. Under our benevolent gaze, colonial empires were liquidated, and sixty-three new countries came into being.

But, at the same time, the Russian development of a nuclear arsenal created a sense of deep threat. It underlined the need for an overwhelmingly strong military force and an active world policy to circumscribe the growing communist strength. The initial Russian lead in space was seen as a setback, requiring a massive United States Government catch-up effort and a thorough overhaul of our educational and scientific/technological performance.

Our successes, then, encouraged us to do more—and our setbacks forced us to.

Moreover, the cost of our activist policy came to appear to be tolerable, if not surprisingly light. Although we initially shouldered the costs of an activist national security policy with a sense of picking up a necessary burden, we soon came to feel that the "sacrifice" had no real bite. The American economy prospered and continued to prosper as never before in our history.

Thus grew a unique phenomenon in the history of world affairs. The United States came to define its proper international role almost solely in terms of what was desirable. We could do—and should do—whatever seemed adivsable. There was no need to cut our policy to fit a pattern of available resources. There was no need to disguish sharply between the essential and the merely desirable.

This attitude became an unspoken but fundamental part of the American aproach to world affairs. (It was identified and elegantly named "the illusion of American omnipotence" by the British scholar, Dennis Brogan.)

Lest the reader, in these days of our disenchantment, question whether our commitment to world leadership was ever so all encompassing and enthusiastic as I have described it, let me offer a piece of evidence. Go back and read John F. Kennedy's Inaugural Address. You will search in vain for one word addressed to domestic affairs. Indeed, a mention of domestic affairs would have been out of place, for President Kennedy quite explicity addressed himself throughout the speech to a world constituency, rather than a domestic one.

"Let the word go forth, from this time and place, to friend and foe alike, that the torch has passed to a new generation of Americans . . . unwilling to witness or permit the slow undoing of those human rights to which . . . we are committed today at home and around the world.

"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, support any friend and oppose any foe to assure the survival and the success of liberty. . . .

"To those old allies whose cultural and spiritual values we share, we pledge the loyalty of faithful friends. . . . To those new states whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny . . . To those peoples in the huts and villages of half the globe . . . we pledge our best efforts to help them help themselves, for whatever period is required . . . To our sister republics south of the border we offer a special pledge . . . to assist . . . in casting off the chains of poverty. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this Hemisphere intends to remain the master of its own house. . . . Finally, to those nations who would make themselves our adversary . . . Let both sides unite to heed in all corners of the earth the command of Isaiah—'to undo the heavy burdens . . . and let the oppressed go free,' . . . asking His help and His blessing, but knowing that here on earth God's work must truly be our own."

It is hard to imagine any more sweeping declaration that the business of America is world leadership. And it is worth remembering that this declaration, made by a President just elected by the narrowest of margins, was generally hailed as a brilliant and inspirational expression of the national mood. I, at least, cannot remember any criticism that it was too concerned with international matters, or staked out for the United States too grandiose an international role. It is instructive of the change that ten years has brought in our national attitudes to contemplate the reception which would be given today to such a declaration of American purpose.

With the passage of time, then, we came to see an activist world policy as a moral and practical necessity, sanctified by success, and essentially unlimited by any particular level of available resources. On this national consensus rested several decades of hyperactive American assertion of world leadership. It led to alliances with 43 countries. It led to the creation in foreign lands of 143 American military bases. It led to the consistent allocation of at least 40 percent of our federal budget to national security purposes. It led to the application of American military force in Korea, Lebanon, the Dominican Republic, Laos, and Vietnam. It led to our sending economic assistance to 111 countries, and military assistance to at least 79.

It is now clear that time has overtaken this consensus. Time—and changes both in the domestic and the international scene—has eroded the philosophical foundation on which our national security policies have rested since the Second World War.

The implications for American foreign policy are profound—and must be recognized squarely. Those who manage our national affairs must either find a new basis for a continuation of our policy—or cut the policy to fit the foundation that now exists in current American attitudes.

At the simplest level of complexity, this is true because we are society with effective representative institutions. It is *not* true that no American foreign policy can be long pursued without the support of the American public. In many instances, indifference serves quite as well as active support. For non-controversial policies requiring no great expenditure of resources, the executive branch need not be much concerned with what public opinion is, for more precisely, what it would be if it existed. The ultimate control of American public opinion on government policy is dependent upon two factors. First, the issue must be a matter of public controversy. Otherwise, public opinion, if it exists at all, is dormant and ineffective. Second, the policy must be one which requires for its successful implementation the expenditure of large resources. Otherwise, the ultimate sanction of public opinion, the Congress, is not fully effective.

The rule, then, goes something like this: no American foreign policy can long be effectively pursued without public support *if* the policy is a matter of public controversy, and *if* its implementation requires the expenditure of significant resources.

And this is precisely the crux of the present crisis facing America's national security policy. It is the activist nature and the high cost of our world policy which is now a matter of public controversy.

The critics no longer accept for foreign policy the dominant role in our national life. They assert, instead, the higher priority of domestic affairs. They no longer agree that the cost of our national security policy is tolerable. To the contrary, they consider it excessive. They no longer accept the communist threat as so urgent and imminent as to require an all-out national effort to create and maintain a world order conducive to our own well-being. Instead, they assert that there is no longer a united world communist movement, and they question, in any event, whether it is still implacably and effectively dedicated to the destruction of America well-being.

The truth of these assertions is not, of course, demonstrable. Alone, they would probably not be sufficient to force a redirection of American policy. But the criticisms do not fall into a vacuum. They fall on a fertile soil of domestic opinion. For hand-in-hand with the growth of a minority severely critical of the assumption underlying our activist policy, has come a great change in the psychological attitude of the American people toward the nation's role of world leader.

A large part of our people no longer respond to the vocabulary of our foreign policy. The zest is gone. The exciting and youthful sense of purposeful leadership in decisive events has been replaced with a middle aged skepticism born of experience and weariness. We are no longer sure that the events are decisive, and we are no longer so confident that our leadership is purposeful. Would it not have been better, in retrospect, if we had never gotten into Vietnam at all? What will be the end result of all our effort there? Why with our mighty and costly defense establishment, can we not bring to a successful conclusion a conflict with a weak and small enemy whose force has never exceeded 300,000? Is the end result of our investment in national security a situation in which a minor power can with impunity seize one of our naval vessels and imprison its crew? Is the end result of the Alliance for Progress a situation in which Governor Rockefeller cannot visit South America without becoming a focal point for widespread riots? Is the end result of the Marshall Plan and NATO a situation in which we are booted out of France and in which our oldest ally, until recently, seemed determined to undermine the dollar? Why must the United States maintain a military force of 350,000 men in Europe, while not a single NATO ally meets its military commitments to the strength of NATO? Does foreign economic assistance do any good, and if so, why does the gap between the have and the have-not countries continue to widen?

It does no good to dismiss the question as unfair. As President Kennedy observed, life is unfair. These are questions which American citizens ask themselves. They find no truly satisfactory answers. And the result has been a fundamental change in their attitude toward the American role in world affairs. Somehow, we seem now to be the victim of distasteful events, rather than the purposeful leader of decisive ones. There is no longer much emotional satisfaction to be gained from our international activity—and there used to be much.

Similarly, it is pointless to dismiss the criticism of our policy as unworthy of serious consideration. That kind of Olympian rejection is merely an outmoded manifestation of the intellectual sanctity which our activist foreign policies enjoyed for several decades—but enjoy no more.

There is, in fact, considerable merit in most of the propositions of the critics of current American policy. It is true that the world communist movement is no longer united. It is true that the threat posed to the United States by communism no longer appears as urgent and heavy as it did twenty years ago. It is true that the balance of payments problem, the human and material costs of the Vietnam war, and our domestic inflation, have destroyed the once proud American assumption that world leadership could be asserted without significant sacrifice to our domestic well-being. And it is certainly true that within the past few years we have become conscious as a nation of grievous and frightening weaknesses in our domestic life which demand not only our resources, but our concentration.

In any event, for purposes of this analysis, it does not matter so much whether the criticism of American policy is right, as that it is widespread. What is true is in a sense less important than what the collective American mind thinks is true. And in the collective American mind, there is no longer a shared set of beliefs, a common philosophical foundation, to support so activist a world policy as the United States has followed in recent decades.

That policy was possible only because of a shared concept of reality—a view of what was true about the world in which we live and what was necessary for our well-being in that world. That view of reality has changed. Our policies, perforce, will change with it.

I submit that there is now in our national psyche a set of general convictions that make a de-emphasis of our international role as much a certainty in the decade ahead as was its expansion in the aftermath of World War II. Those convictions are:

At home, we face an urgent and imminent threat to our national well-being. Our domestic crisis probably transcends in seriousness and is in any event more immediate in its impact than the dangers which face us in the international arena. The first order of American business is to come to grips with our domestic problems.

The operations of the United States Government in the field of national security have got somewhat out-of-hand. Our expenditures for the defense establishment, our maintenance of military forces abroad, our commitments to the defense of other countries, all seem out of proportion either to the need for or the benefits which accrue from such operations.

Our impact on world affairs is no longer as effective and as decisive as it once was. In many instances, our operations abroad seem to exacerbate rather than mitigate problems. Our ability to control events abroad is, somehow diminished, and our general assertion of world leadership often involves us in problems not susceptible to satisfactory resolution by our efforts.

It is a mistake to consider these attitudes as the result of the Vietnam war. For that implies that the attitudes are transistory, and will change once the Vietnam trauma is behind us. Such a reversion is highly unlikely. Indeed, without some unifying event of transcendent importance, such a reversion is inconceivable.

To be sure, the Vietnam war has contributed mightly to the transformation in national atitudes. It precipitated, it accelerated, and it greatly intensified the reconsideration of America's activist world role. It gave to what otherwise might have been a reasonably cool and detached assessment of national priorities, a white-hot emotional flavor and—on both sides—more than a touch of crusading zeal. But the seeds of reassessment were already present and visibly sprouting in such phenomena as the Congressional and public skepticism toward foreign aid, the growing expressions of concern with the "military-industrial complex," the easy public acceptance of strictures regarding the American role as "world policeman," and, most of all, the rising tide of high concern with our domestic racial and urban problems.

Nor is it reasonable to believe that the current American role can be long maintained by a supreme effort of "public education," and a dogged determination by our national leaders to hold the line. Such an effort, however noble in its motivation, would be wrong-headed and futile.

The nature of international life is such that the undiminished assertion of American world leadership is—simply—impossible. It would require for its success an assured continuity which it does not now possess—and cannot now be given.

For the first requirement of the successful application of American world leadership is the willingness of foreign governments to accept that leadership. And no foreign government can commit its well-being to dependence upon the United States unless it can have confidence in the continuity and the reliability of our commitments.

In the present state of American public opinion, we are clearly in for a protracted and highly publicized struggle over the nature of our international role. Each of our biennial elections is taking on the character of a national plebiscite on our foreign policy, and an increasing number of Congressional roll-calls are billed as attempts to change the course of American policy.

Under these circumstances, few things could be a greater disservice to an effective American foreign policy than for our national leaders to hold to the fiction that all is as it has been, and that current U.S. foreign policy continues to be a rock upon which our foreign friends can build with total confidence.

Our foreign friends know better. They are acutely aware of our domestic disarray, and of the heated debate over national priorities. They follow, and they absorb the implications of the widespread charges that we are "over-committed." They will not—for they cannot—continue to shape their national policies around the assumption that American policy is a constant and dependable factor. To assure them that they "can count upon us," is to ask them to respect King Canute's judgment regarding tidal movements.

Foreign governments already know full well that changes are in store for America's international role. They already know that the Executive Branch of the United States Government is beleaguered by a rising Congressional and public demand for a cut-back in America's international operations and commitments. What they need now to know is how the Executive Branch will come to terms with this sentiment, and what the shape of American policy will be after the terms have been struck.

A renewed sense of confidence in us and our commitments is dependent upon the emergence of a restructured policy which demonstrably has continuity. That continuity can only come from a broad consensus of American public support. Until the United States has created such a policy, both our friends and our enemies will be uncertain as to our future role.

In such an atmosphere of uncertainty, *no* American policy can be truly effective. In such an atmosphere, it approaches the fatuous to insist upon an undiminished assertion of broad American world leadership.

I should, at this point, make it clear that I do not seriously contemplate the possibility that the United States is headed for a return to isolationism of the pre-World War II variety. There is, so far as I can see, no significant American sentiment calling for a crude withdrawal from the world. Outside the farther reaches of the New Left, there are none who suggest dismantling our military establishment, least of all our strategic nuclear deterrent. Few, indeed, would suggest that we scrap the concept of collective security, terminate all our alliances, and tell the rest of the world to work out their future with the Soviet Union and Communist China.

There is no support among the American people for such a policy. They are not foolish enough to permit such a policy to be foisted off upon them. But neither are they foolish enough to believe that the only alternative to the policies of the past two decades is a feckless and improvident retreat to isolationism.

Instead, it seems to me, the American mood calls for a policy of deliberate but responsible restraint in national security matters. It calls on those charged with our security to exercise this restraint without the sacrifice of fundamental national interests.

Put another way, it seems to me that the message which should be heard by our diplomatic and military professionals is something along these lines: "You have had a good long run at asserting world leadership in a very active way. We have given unstintingly of the resources you have said were necessary. Now we'd like to be able to concentrate on some problems here at home. Moreover, we think maybe we've reached the point of diminishing returns on some of this world leadership business. We know we still have to do our part, and we're willing to do it. But we want you to manage things so that our part doesn't take up so much of our attention and resources. Even God rested on the seventh day. Give us a little repose."

It seems clear that our national political leaders have absorbed this public attitude. Perhaps they share it. If not, they appear nonetheless to have accepted it as an imperative in their conduct of our affairs. That is what the Guam Doctrine means. That is what Secretary of State Rogers means by a "more modest" American approach to international problems.

It can be argued that those charged with the management of our national security should be greatly stimulated by such a challenge. It takes one level of professional competence to identify what things are desirable to do in terms of national security. It takes another—and altogether more demanding level of competence—to decide which of these desirable things can be left undone without running unacceptable risks. From the professional point of view, the whole process of fitting our national security policies to a pattern of reduced resources and restrained activity will be a matter of risks assumed. Applying restraint in our national security policy means, precisely, deciding what we can afford not to do.

We are, in all probability, in for a sustained period in which fewer resources will be provided to meet our foreign policy and national security needs. Hard, and perhaps agonizing, decisions will have to be made as to how those resources can best be used. In making those decisions, the nation will need the fullest participation of those who understand best and care most about America's international role.

They must not disqualify themselves from serious participation by adhering to views which are fast becoming irrelevant. Those who continue to insist that we should do all that we have done, can contribute little to deciding what not to do. Those who deny the necessity for making painful decisions as to our priority interests, cannot influence the decisions as to what those priority interests are. And it is those decisions that will determine the future shape of American policy.

It therefore seems to me that the first order of business for internationally-minded Americans, and above all for our military and diplomatic professionals, is to recognize and accept the inevitability of constraint in American foreign and national security policies. We need to get on with the task of restructuring our international and defense postures to something that the American people will support and the rest of the world will believe in.

As one who has spent his entire mature life in the field of foreign affairs (and profoundly believes in the general wisdom of the policies we have followed since World War II), I do not come lightheartedy to the conclusions set forth in this paper. But neither can I bring myself to view these developments as unrelieved tragedy.

It is not, after all, a bad thing for the American Government to reflect the sense of priorities of the American people. It is, after all, a truism that leadership in world affairs can only come from the vitality and strength of domestic life.

There is, perhaps, great wisdom in the instinct of the American people that the time has come for the United States to behave with more circumspection and modesty abroad, and to concentrate, for the time being, more of our attention and our resources upon the mote in our own eye. There is, both at home and abroad, a considerable resistance to and resentment of what is seen as an excessive assertion of American leadership in the world. It is in the oldest American tradition that we recognize and respect that sentiment.

It is not immoral to be more chaste with our favor. It is neither selfish nor irresponsible to believe that the greatest gift that the United States can make to the world is to keep our own society healthy and our own institutions strong. And, there is much truth in Montaigne's observation that "a man doth of times doff his doublet only to jump shorter than he did in his cape."

It is hardly likely that a more selective and discriminating American approach to international obligations and operations will result in a general collapse of the international system. It is possible that it might even lead to a strengthening of that system.

In any even, we have come as a nation to a point where it is inevitable that we shall have a change of emphasis in our national policy. For good or ill, the United States is in for a period of restraint in international affairs, and of concentration upon our domestic problems.

It is incumbent upon the internationalists among us to accept and preside over this process with the courage which Hemingway defined as grace under pressure. For it is essential to our national security and well-being that the process of restructuring our international role be performed with a delicate instrument and with a wise discrimination between the necessary and the merely desirable. Surgery is inevitable—and surely it is better that it be performed by professionals with a scalpel rather than by amateurs with a hatchet.

CLAIM OF TAOS PUEBLO INDIANS TO BLUE LAKE AREA

Mr. HARRIS. Mr. President, on July 9, 1970, the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee held hearings on the claim of the Taos Pueblo to the Blue Lake Area.

At that hearing I testified in support of H.R. 471, a bill which would remove Blue Lake and the surrounding area from the Carson National Forest and transfer title to 48,000 acres to the United States in trust for the Taos Pueblo. This bill has the support of the Taos Indians and countless Americans who are demanding that at long last past injustices visited upon the Taos Indians be corrected. I ask unanimous consent that the statement which I made to the subcommittee be printed in the Record at the conclusion of my remarks.

The significance of the claim of the Taos Indians to Blue Lake has been highlighted by editorials in newspapers throughout the United States. I ask unanimous consent that a few of these articles be printed in the Record at the conclusion of my remarks.

Mr. President, I am hopeful that H.R. 471 will soon be reported to the Senate and that the bill can become law during this session of Congress.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Senator Fred R. Harris

Mr. Chairman, I am pleased to have the opportunity to appear before the Subcommittee to express my support of H.R. 471. In light of the fact that the return of the Blue Lake Area to the Taos Indians has been consistently recommended by the Interior Department since 1912 and that the Indian Claims Commission in 1965 found that the Blue Lake Area was unjustly taken from the Taos Indians by Executive Order in 1906, we cannot act fast enough to enact this just legislation. I have in the past—and I do again today—ask that H.R. 471 be acted upon expeditiously, and that Blue Lake and the surrounding area be removed from the Carson National Forest and that title to it be transferred to the United States government as trustee for the Taos Pueblo.

Each day more people are coming to realize the magnitude of the injustices perpetrated against American Indians through the years, sometimes in the name of national interest, but all too often for the benefit of other individuals who saw the Indian lands and possessions an easy source of wealth held by those unable fully to defend their rights.

A particularly glaring example of this sad history was the seizure of the Blue Lake, an injustice which has been worsened by our failure, after more than sixty years of efforts by the Taos Pueblos, to provide an equitable settlement of the matter. Several times, as we know, bills have passed the House restoring these lands to the Taos Indians, only to languish here in the Senate for various reasons. Monetary compensation, when offered, was rightly declined by the residents of the Taos Pueblo, to whom the Blue Lake area is sacred. The area is essential for the proper conduct of many of their religious ceremonies, and at the very least it shows a lack of sensitivity for the Federal Government to take the area away and offer money instead.

The significance of H.R. 471 is not limited to the Taos Indians. It has great significance for American Indians throughout the country who are rightly resisting extinction of their cultures, religions and heritage. If enacted, H.R. 471 will be an important beginning step by Congress toward declaring to the American Indian citizens of this country that a century of repression is enough, that, henceforth, it will devote its efforts to uplifting natural Indian pride and confidence, and toward confirming the strength of Indianness. To the Taos Indians, this legislation is not economic aggrandizement, but, instead, it represents getting back what is theirs, a place of highly important cultural and religious significance.

The requirement in H.R. 471 that the entire watershed remain "forever wild," as a Wilderness defined by law, insures that no one will interfere with the natural state of the watershed, the ecology of which is an ingredient of the ancient religion of the Pueblo. The rights of others are amply protected by the bill's prescription of conservation measures, preservation of vested water rights, and recognition of outstanding grazing leases.

At a meeting of the National Council of Indian Opportunity on January 26, 1970, the Indian members of the council recognized the great national importance of the claim of the Taos Indians to Blue Lake. In a written report they said:

"Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the council."

The Indian members of the council went further specifically to endorse H.R. 471.

We have already waited too long to right the wrong which occurred in 1906 when this land was taken from the Taos Indians, a wrong recognized by the government since 1912. I urge the Subcommittee to approve this bill in its present form as rapidly as possible so that it may become law during this session of the Congress.

[From the Philadelphia (Pa.) Inquirer, July 9, 1970]

Giving Indians Their Due

We believe President Nixon's impulse toward righting the wrongs of America's Indian tribes is right and generous.

They have been swindled, brutalized, victimized and pushed around on this continent for nearly five centuries. And, as Mr. Nixon said, they are "the most deprived and most isolated minority group in our nation."

Whether the legislation he has proposed in a special message will go very far toward rectifying matters, however, is an open question.

The President seeks to empower the tribes or tribal groups to control and operate benefit programs, financed by Washington, in their own communities. This would get a lot of "paleface" government employees out of reservation affairs and, on the whole, ought to be a good thing.

It is noteworthy, though, that this move comes just at the time when the "treaty Indians" of Canada—who correspond to reservation Indians in this country—are having serious second thoughts about a similar program for them.

One common complaint is that, by years of educational deprivation, they have been effectively disabled insofar as management of their own affairs is concerned.

The same anxiety might be germane in the United States.

In one particular instance, however, Mr. Nixon cannot be faulted. He proposes restoring to the Taos-Pueblo Indians the whole 48,000 acres near Blue Lake, N. M., of which they were robbed in 1906—not just part of it, not just 1906-style payment, but all of it.

We think most Americans will agree that he is absolutely right.

[From the Washington Star, July 10, 1970]

New Era for Indians

A square deal for the American Indians seems finally to be taking shape. President Nixon deserves commendation for his substantive and forceful message of July 8, telling the Congress it is time "for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Mr. Nixon's statement on Wednesday, which was delivered at a White House meeting with Indian leaders, proclaimed a sharp departure in federal policy. He has agreed to the Indians' demands that they be given operational control of many federally financed programs which aid them, and that government assistance be continued. Mr. Nixon went beyond that, advocating an enlargement of expenditures, and he endorsed a pending House resolution that would return to a New Mexico tribe 48,000 acres of sacred land. Denouncing the "centures of injustice" endured by the Indians, he proposed some solid programs to bolster the livelihood, health, education and pride of the "first Americans." Aid is envisioned not only for tribes on reservations, but for the hundreds of thousands of Indians in poor urban areas.

Indians are heartened by this support for removal of what they perceive as the blight of paternalism—the ordering of their affairs by federal officials and field workers. They feel that lack of self-determination has eroded Indian pride. Also, they had feared a scaledown of government aid, since Interior Secretary Hickel a year ago said that they were too dependent on federal upkeep and would have to "cut the cord." With their problems of poverty, health, isolation and conflict with the dominant society, that is unthinkable to them. So the President's reassurances were a great relief.

No doubt their victory at the White House was due in large measure to a rising militancy among young Indians and a deepening grimness among older ones. Last October, Hickel was almost booed off the stage when he addressed the National Congress of American Indians at Albuquerque, and of course there are those war whoops at Alcatraz. But Vice President Agnew also spoke at the Albuquerque meeting and indicated that something new was in the wind. "It is important to remember," he said, "that federal support of Indian services is to a great extent legally due the Indian community. These are not services offered at the pleasure of the government, but solemn obligations. . . ."

Congress should adopt Mr. Nixon's proposals, giving fresh hope to these abused citizens who carry a peculiar burden of history.

[From the New York Post, July 10, 1970]

Daylight for American Indian?

The Nixon Administration, faultered with good cause for its faint-hearted response to the needs and aspirations of black Americans, has reacted with praiseworthy boldness and conviction to the long-unheeded grievances of the nation's Indians. Cynics may observe that this is safer political ground; it is nevertheless full-scale, ungrudging recognition of inhumanities too long ignored.

In a message to Congress Wednesday, Mr. Nixon deplored "centuries of injustice" toward Indians, proposed meaningful reforms of the justly resented policy of "termination" of national responsibility for the Indians' dilemma, threw his support behind legislation returning 48,000 acres of sacred land in New Mexico to the Tacos Pueblo tribe and pledged to seek more money for programs benefitting the Indian.

Sen. Harris (D-Okla.) the former Democratic National Committee chairman who is the Capital's leading spokesman on Indian affairs, hailed Nixon's message as "forward-looking and progressive." That spirit of bipartisan support should greet the President's proposals in Congress.

[From the San Francisco Examiner, July 10, 1970]

Help for Redmen

In presenting Congress with a proposed new program of help for the nation's Indians, President Nixon referred to them as "America's most neglected minority group." It was the understatement of the year.

The President's program is admittedly a minimal effort to rectify centuries of injustice. But at least it is a step in the right direction—and probably all that is practically possible in this time of crisis.

What is ironic about the $260 million program of expanded help is that it might never have been offered if the Indians had continued their long tradition of suffering in comparative silence.

Recent war whoop actions from Alcatraz to dusty reservations in New Mexico prove anew that it is the squeaking wheel that gets attention.

[From the Chicago Tribune, July 11, 1970]

Hope for Indians?

In a special message to Congress, President Nixon called for "a new era" in which "the Indian future is determined by Indian acts and Indian decisions." If only earlier Presidents like Andrew Jackson and others had thought that way, the Indians could have been spared much suffering and degradation, and the national honor some of its deepest stains.

The Indian problem is as tough as it is in part because Indian culture is far less individualistic than the culture prevalent in the United States. American Indians have strong ties to the ancestral land and a lively sense of being part of tribal life. They do not shift residence as readily as most Americans do, and the form of property ownership natural to them is collective rather than personal.

Until the 20th century, the best treatment the United States government was prepared to give the Indians was to shove them into reservations [so apparently worthless that whites did not much want them] and subject them to an oppressive and ungenerous paternalism. Generations of life under these conditions bred into most Indians a despair as profound as their distrust of the forked tongues of palefaces.

At last, the government and the Indians' few disinterested white friends and the Indians themselves share the conviction that Indians need and should have considerable autonomy without loss of tribal life. Not long ago the federal government adopted a policy of "termination"—which meant liquidating tribal assets in a one-time distribution to individuals on the tribal lists. This was hard on Indians as well as on the timber market, which was staggered when even one whole reservation went on sale at one time. Now President Nixon wisely proposes a middle course between termination and arbitrary control over reservation Indians.

Giving tangible implementation to the new policy of considering Indians' wishes and values, the President recommended restoring a tract of national forest land to the Taos Pueblo tribe for which it has great religious value. We hope that Congress will respect wise Presidential leadership in Indian affairs. It has in the past gone along only too willingly with deplorable executive policies for our Indian minority.

[From the Lynchburg (Va.) Advance, July 9, 1970]

Justice for the Indians

President Nixon delivered a special message to Congress yesterday in which he declared that it is time "for a new era in which the Indian future is determined by Indian acts and Indian decisions." He said he was proposing legislation that would empower Indian tribes or tribal groups to take over control and operation of federally financed programs for their benefit—programs now operated by government employes.

The aboriginal inhabitants of this continent have become increasingly strident in demanding social justice for themselves—and rightly so.

In related cases decided by the U.S. Indian Claims Commission on June 29, the Navajo and Hopi tribes won preliminary victories in their separate fights to prove title to vast areas of land in Arizona and New Mexico. Subsequent proceedings are expected to result in awards of substantial monetary compensation to the two tribes.

Now, a similar case is about to be aired, we're reminded by Editorial Research Reports. The Indian Affairs Subcommittee of the Senate Interior and Insular Affairs Committee is conducting hearings today on two bills concerning a claim of the Taos Indians to acreage surrounding Blue Lake in the Sangre de Cristo range of northern New Mexico. A measure already passed by the House would give the Taos tribe title to the full 48,000 acres it wants. A second bill would set aside only 1,640 acres for the Indians. The star witness today will be Juan de Jesus Romero, the 90-year-old spiritual leader of the Taos tribe. Romero says that "If our land (the full 48,000 acres demanded) is not returned to us, if it is turned over to the government for its use, then it is the end of Indian life."

Vice President Agnew said last January 26 that "Indian people are still the most poverty-stricken Americans—and it is outrageous that this should be so." He added that the Nixon administration will "attack that raw truth." To this end, Agnew instructed the heads of six cabinet-level departments and the Office of Economic Opportunity to come up with responses to Indian demands for help.

The responses tend to be inundated in bureaucratese. For example, former HEW Secretary Finch wrote: "An area of concern to me . . . is the arraying of federal, state, local and private sector resources and programs . . . this should happen because of the variety of missions, responsibilities, and authorities represented by the several departments, rather than in spite of these variations."

Little wonder that Indians complain that Washington speaks with forked tongue.

LOW-INTEREST LOANS FOR HOUSING FOR THE ELDERLY

Mr. PROUTY. Mr. President, last week the distinguished Senator from New Jersey (Mr. WILLIAMS) and I cosponsored a successful amendment to the independent agencies appropriation bill, providing $25 million to continue the section 201 program for low-interest loans for housing for the elderly. In Saturday's Washington Post an editorial appeared in support of the 201 program and which urged the conference members on the bill to support the Senate amendment. I ask unanimous consent that the Post editorial and a letter from Senator WILLIAMS to the editors of the Post with reference to the editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 25, 1970]

Housing for the Elderly

In 1959, an amendment was added to the National Housing Act that became known as section 202. An example of creative federalism at its best, 202 allowed 50-year loans to be granted by the government at 3 per cent interest to nonprofit organizations that would build and manage housing for the elderly. These organizations were sponsored by church groups, labor unions, fraternal or service groups and others. At a time when the number of old people has been increasing beyond all expectations and when low-cost housing is a critical problem, the programs under section 202 have been literally lifesavers for millions of the elderly. It provided them dignified, comfortable and reasonably-priced housing. Congress hailed the program.

Now, however, section 202 is under serious fire from the administration. Officials in the Department of Housing and Urban Development are now phasing this direct loan arrangement out in favor of an interest subsidy program known as section 236. The latter is preferred under orthodox Republican dogma which says that direct loans by the government are bad because the government should not be in competition with private lenders. Thus, HUD officials are now making the changeover from 202 to 236 mandatory; previously the switch was possible, but on a voluntary basis, with the choice left up to sponsors of the housing project.

Although the technicalities and economics involved in this issue are complex for the laymen, those close to the situation contend that the private lenders' gain can only come at the expense of the elderly. Richard Fullerton of the American Institute of Housing Consultants told the Senate Committee on Aging, among other dark things about 236, that the rents in these projects will be raised about $30 a month. He added: "202 provides benefits for the tenant and the needy," whereas "236 provides huge benefits for the opportunists, the greedy."

None of this has been lost on such champions of the elderly as Sens. Harrison Williams, Pastore, Moss and others. The prospects of seeing section 202 phased out have them and the elderly both alarmed and angered. And with good reason. Section 202 has been a successful program with not one default in payments and now the government wants to abandon it. The rescue of 202 is now up to the Senate and House appropriations committee conferees who are scheduled to meet this Monday to decide whether 202 programs should be continued or dropped. But the real question, taken out of the hidden chambers of Congress and into the daily lives of human beings, is this: are the elderly, for whom so little has been done, now going to get even less?

JULY 27, 1970.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: Your editorial of July 25, "Housing for the Elderly," is a timely and much-needed statement on a subject of considerable concern to the Senate Special Committee on Aging and to sponsors and potential sponsors of nonprofit housing for the elderly. The need for saving the 202 Housing program is readily apparent to all who see the good that this program has done. But the needs are great: we need broadening, not constriction, of effort.

I would like to report to your readers that the effort to save the Section 202 program has bipartisan support. Senator Winston Prouty, ranking minority member of the Senate Committee on Aging, is a cosponsor of my amendment to provide $25 million for the program.

In addition, the amendment has won widespread endorsement from organizations keenly interested in the well-being of older Americans. Here is a partial listing: National Jewish Welfare Board, American Association of Homes for the Aging, National Council of Senior Citizens, American Association of Retired Persons, National Council on the Aging, National Conference of Catholic Charities, United Automobile Workers, Teamsters Union, United States Catholic Conference, National Farmers Union.

The Washington Post is once again to be commended for focusing public attention on a matter which all-too-easily could have been overlooked.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman.

YOUTH IN REBELLION

Mr. HOLLINGS. Mr. President, amidst the chaos and tensions of our society, one is privileged, from time to time, to witness a unifying force in a nation where communication between parent and child and between black and white has become frightfully obscure. Such a force is human intellect and was displayed in a June 17 broadcast over radio station

WKYB in Hemingway, S.C., by the Reverend John R. Owens.

Many Americans lack a sense of history relative to the role of the rebel in society. Reverend Owens' sermon endows the uninformed with an overdue understanding of our rebelling youth. Also, American youth may discern an important spiritual element necessary for any viable innovative process.

Such insight into the plight of our American youth deserves the attention of my colleagues, and I ask unanimous consent that this sermon be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

YOUTH IN REBELLION

Scripture lesson: II Samuel 15:1–12.

Never before have youth been given the attention they have received in recent years. They have been very vocal during the turbulent 60's and the beginning of the 70's. Young people have constantly made the headlines and had their activities shown on television. Marches, protests, and demonstrations have been their "thing." This is not, however, characteristic of the majority of youth, but practically all youth go through a stage of protest or rebellion. Perhaps many do not exhibit their feelings, but they do rebel against things they consider unjust and contrary to their beliefs.

This is nothing new. Youth rebellion did not originate in twentieth century America. Chapters 13–19 of 2 Samuel tell of a rebellious youth who lived some 3,000 years ago during the eleventh century B.C. This young man was Absalom, the son of David who was the greatest King Israel was to ever know. Absalom was a typical "Berkeley" boy. He would not be out of place on the campus of the University of California. In fact, were he living today, he would probably be a ringleader in the unrest. He had the ability and the characteristics for it. According to the Bible, Absalom was a handsome youngster, the athletic type, and also very intelligent. Long hair on men is not a phenomenon which was begun by the Beetles. Absalom was very proud of his long hair which he trimmed only once a year. This young man would fit right in our scene today. Let us look at his life, considering his rebellion and the motives behind it. First, his rebellion:

He rebelled against parental authority. He was David's third son by Maacah who was the daughter of the King of Geshur, a neighboring nation to the east. Nothing is recorded of the earlier years of Absalom, however, we can safely conclude that being the son of a monarch, he had many things at his disposal, too much, in fact. He found in later years all he had meant very little. He became dissatisfied with his home life.

An Oriental man usually ruled his household with an iron hand. Absalom broke this tradition because he disagreed with certain decisions made by his father. On one occasion Absalom's half-brother, Amnon, assaulted and raped his half-sister Tamar (Absalom's sister) and put her to shame. Apparently Amnon was forgiven by David for no punishment is recorded. This upset Absalom to no end. He decided to take matters into his own hands. After waiting patiently for two years, the opportunity arose. Absalom had Amnon killed while he was shearing sheep away from home. His father's decision concerning Amnon was not pleasing, therefore, Absalom took his half-brother's life at the risk of losing his own. This incident was the spark that sent forth flames from the smoldering ashes of hatred and impulsiveness.

Youth's first rebellion is usually against parents. He has been under authority long enough. A young friend of mine who detests the hippie way of life and usually kept his hair cut very short, recently grew a beard and allowed his hair to grow to shoulder length. His mother disliked it and made her feelings known. She would not allow him to go anywhere with her. Perhaps this was his way of saying, "I'm grown now and capable of making my own decisions." At one time or another most youth will break away from the authority of parents with the hope of living their own lives. Often rebellion is directed against the ones who are closest.

Absalom rebelled against governmental authority. After having Amnon killed, Absalom fled to Geshur and lived with his grandparents for three years. Upon learning of his father's forgiveness, he returned home. Still, he was not happy. He became a reformer. The government needed overhauling. Absalom decided he had a better program and could run things better himself. He said, "O, that I were a judge of the land, that everyone who had a suit or cause might come to me and I would do him justice." He was saying there was much wrong with his father's government. Setting out to take over, he came very close. His beauty, his aristocratic bearing, and his diplomacy soon rallied around him a strong group. The Scripture says, "He stole the hearts of the men of Israel." He found an army and marched against the government. Absalom was a natural born leader who was dissatisfied with the "system."

He was like many of today's youth who are against our system. Granted, there is much wrong. But if the establishment is destroyed, if one rebels against the authority of the home and the power of the government and attempts to overpower it, he had better consider all that is involved and be sure to have something better and more meaningful to put in its place. It is one thing to dream of a perfect parent and a government without faults, but it is another thing to actually be a perfect parent or to establish a government which will please all the people. Idealism and practicality are worlds apart.

Absalom rebelled against Godly authority. He took the life of his brother who deserved to be punished but not death. Absalom was not to be his judge. He broke one of God's commandments by committing murder. He and his men marched to usurp the throne. David had been ordained as King by God. His son would have taken the Kingship by force and disposed of God's man. He was willing to kill his father to gain his desire. Absalom refused to recognize the claim of God upon his life. There is not recorded in his story any relationship to God, no seeking God's advice, no prayers. Absalom made many mistakes but his greatest was his rebellion against God. Youth cannot survive apart from God. His rebellion, although it may be worthy and needed will end in failure if it is not Godly-oriented. Like many of today's youth who refuse to recognize the authority of the police, the courts, the government, or even older persons, he refused to recognize any authority but his own ideology.

What were the reasons for his rebellion? Is this kind of reaction normal among young people? When viewing the youthful protest, many older adults come to the conclusion: "They should be jailed for life." Dr. William Young, Professor of Pastoral Care at Southeastern Baptist Theological Seminary, said, "Do not be overly critical of a person's actions until you learn something of their background. Perhaps there are some underlying causes." Absalom committed several terrible crimes but we should not be too harsh in our judgement of him. There are several reasons for his rebellion:

One of them is hypocrisy. David set a bad example for his son. He had several wives. While polygamy was the practice of the day, it has never worked. It always causes trouble, especially among the children. (Remember Jacob and Esau.) Uriah was killed because David committed adultery with his wife. Absalom saw it all. David was ordained by God, but he made many costly mistakes. Among other things, they cost him his son. Parents cannot teach one thing and live another. David later repented, but the damage had been done. Youth will not accept a double standard.

Absalom rebelled because of unconcerned parents. David had pressing court problems. The administration of the government required most of his time. He was the Secretary of Defense. There were eight foreign wars during his reign. David was a busy man. There was little time for the family, no time to really be a Father. Isn't this true today? Boys and girls need parents; they need close supervision; they need tender, loving care.

David's attitude allowed permissiveness. His children were allowed to do much as they pleased. When Amnon raped Tamar, he was in line for the throne. He probably figured he could have anything he wanted and do anything he wanted. He did, and he was not punished. Nothing at all was done. It is doubtful if David even had time to scold him, although he was angered. Amnon was drunk when he was killed. Absalom was not punished for killing Amnon. He was welcomed back home and allowed to roam the country rounding up cohorts for his conspiracy. Noted psychologists, who insist that children have their own way, have much to learn.

Coming from a wealthy home, Absalom had little or no responsibility. He had everything handed to him while David was a shepherd boy. He had to work. The prevailing attitude of parents is, "I want my children to have it easier than I had it." This is very unhealthy. California students have most of their expenses paid by the State, and that is where the majority of campus disorder is or originates. Rebellious youth mostly come from the middle class and the wealthy. Youth need responsibility. They do not need everything handed to them. It is not appreciated nor is it used wisely.

Absalom rebelled because of the world around him. The nation was constantly at war. There were revolts from within. He came up during a turbulent era, which has a great bearing on any young person. As the youth of today look at our world, although, in a sense, it is the greatest day ever, they have very little to be optimistic about. There is one war after another. Wars that we should not be in. Wars that we are not in to win, and who wants to fight to a draw or for no cause at all. Some politicians claim the Viet Nam war is to stop communism, when the communist operate openly in our own nation. Each generation of young men must face the draft and perhaps death halfway around the world. We adults leave to our youth a national debt of billions of dollars. We have allowed drugs to become popular. We have allowed pornographic literature to flood the newstands and X-rated films to be shown in the local theatres. We adults have made a mess of the racial situation—a situation which should have been corrected years ago. We leave to our youth a terrible inheritance of social unjustices, racial disturbances, hatred and prejudices. It is enough to make youth rebel, and whether we like it or not, some of today's rebellion is justified.

I would hope that our youth would rebel from many of our ways, from the patterns that we have established, but rebel aright. Jesus was a rebel; the apostle Paul was a rebel; Martin Luther was a rebel; they shook the establishment. Their rebellion was not their own, but they used the authority of God. Young people must rebel and change our Society. The adults have certainly failed. But the rebellion, if it is to be just and succeed, must be Godly-oriented.

Absalom, determined to win, went into battle against his father's force, but he lost. He fled on a mule when he saw he was defeated. The mule ran under an oak tree and his head was wedged between two limbs. There he hung and there he died. He died in vain. He was a rebel without a cause, for his cause was his own, not God's. A successful rebel must first have an encounter with Jesus Christ, then he can justly shake the establishment to its very core under the leadership of the Spirit of God.

THE ATOM: ITS DANGEROUS AFTERMATH—PART V

Mr. CHURCH. Mr. President, the Washington Evening Star has just completed running a four-part series entitled "Under the Mushroom Cloud" by Associated Press correspondent Donald M. Rothberg. The series is devoted to the growing concern about the impact and potential consequences of nuclear energy upon our environment.

As one who has for several months raised questions concerning the Atomic Energy Commission's present practices in the field of nuclear waste disposal, I recommend Don Rothberg's series to my colleagues. He has done a fair and comprehensive job of outlining the environmental problems facing the burgeoning nuclear industry.

I ask unanimous consent that the series be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Under the Mushroom Cloud—1: Controversies Are Smudging AEC's Image

(By Donald M. Rothberg)

The Atomic Energy Commission, in the dual role of promoter and regulator of atomic energy, is encountering criticism over pollution, radiation, health and safety.

The bureaucratic devices used by the agency to counter the dissent are heightening some controversies and threatening the AEC's reputation for scientific objectivity.

"The AEC has the worst public relations since the storm troopers," commented one scientist.

Many AEC officials are working to change that image. But many others provide ample evidence of how that negative image developed.

For example:

In Denver, a state public health service officer says when he asked the AEC about reports plutonium had been found in the soil outside a nearby weapons manufacturing facility, "They just said they'd rather not discuss it at that time."

Drs. John Gofman and Arthur Tamplin of the Lawrence Radiation Laboratory in Livermore, Calif., have attacked federal radiation exposure limits as far too high. Their theory has set off an emotional, name-calling debate between the AEC and the two scientists.

Federal Water Pollution Control Administration officials in Portland, Ore., hope a presidential executive order will enable them to win a long struggle with the AEC over use of Columbia River water to cool reactors at Hanford, Wash. For years water has carried back with it enough heat to endanger Columbia salmon and a small amount of radioactivity that turns up in shellfish at the mouth of the river more than 200 miles away.

In Congress, a senator finally pried loose from AEC files a three-year-old report from the National Academy of Sciences that sharply criticized AEC handling of radioactive waste.

Another report that lay hidden for a year warned that underground nuclear explosions can trigger earthquakes.

For years the AEC has had the task of selling the public the idea that there were peaceful uses for atomic energy.

Born in the shadow of the mushroom clouds that rose over Hiroshima and Nagasaki, the AEC faced a public frightened by the power science unleashed.

After adjusting to the obvious potential devastation from nuclear weapons, the public gradually became aware of another hazard—radiation, the potentially deadly rays emitted by radioactive material.

As interest grew in pollution and the environment, attention focused on the growing nuclear industry and the minute quantities of radiation going into the air and streams. Was this the first stage of a new and particularly deadly form of pollution?

Questions like these arose about activities the AEC sponsors:

Are nuclear power plants a safe answer to the nation's rapidly growing demand for electricity? Is there a chance a power plant accident could spew deadly radiation over a heavily populated area? Will small amounts of radiation that leak from such plants add to the cancer death toll?

Can millions of gallons of highly radioactive liquid waste—the garbage of the nuclear industry—be stored safely in AEC depots for a thousand years, the time needed for its radioactivity to die off? Is the AEC moving fast enough to convert it from liquid to a safer solid form?

Do underground nuclear blasts trigger earthquakes? Why did the AEC choose Amchitka, an earthquake-prone Aleutian island, for the biggest underground explosions yet?

On Sunday, May 11, 1969, the most expensive industrial fire in American history swept through the main production building at the AEC's Rocky Flats plant 25 miles northwest of Denver.

That $50 million fire touched off a series of events that tell a lot about AEC attitudes good and bad.

The Rocky Flats plant sits on a desolate stretch of flat, dry ground midway between Denver and the Rocky Mountains. Operated by Dow Chemical Co. under contract with the AEC, the 17-year-old plant's chief product is plutonium parts for nuclear weapons.

Rocky Flats produces only pieces of warheads for inclusion elsewhere in a completed weapon, so there is no danger of a nuclear explosion there.

But there is considerable debate about the danger, particularly to workers, of plutonium.

Plutonium radioactivity is not penetrating, unlike that of many other elements. One could conceivably eat plutonium without being harmed. It would simply pass through the body's digestive system.

But it is deadly if enough of it gets into the bloodstream or the lungs, as through a cut or inhalation.

The possibility that plutonium, which still has half its radioactivity after 24,400 years, was blowing around outside the Rocky Flats plant worried Dr. E. A. Martell, a member of the private Colorado Committee for Environmental Information.

Martell, a West Point graduate, had been associated with nuclear weapons testing from its earliest days until 1962.

Now senior scientist on the staff of the National Science Foundation's Center for Atmospheric Research in Boulder, Colo., Martell recalled that in 1962 he told a congressional committee that nuclear weapons tests in Nevada were an important contributing factor to radioactive iodine fallout which was showing up in milk and in the thyroid glands of children.

"When the May 11 fire was first announced, it was just a little affair," Martell said. "Later it came out it was $45 million to $50 million and involved a huge sum of plutonium."

Members of the Colorado environmental committee asked Dow officials if plutonium might have gotten into the air and carried, like fallout, beyond the plant boundaries.

"They put us off," recalls Martell.

So the committee went to Gov. John Love who wrote to AEC Chairman Glenn Seaborg. Maj. Gen. E. B. Giller, chief of the weapons division of the AEC, who has a reputation as being one of the most open and cooperative of AEC officials, told Dow officials to give the Colorado group all the information it requested within security limitations.

Dow argued that its filtering system had worked—that no plutonium had gone beyond the plant boundaries. Martell disagreed and suggested that Dow take soil samples outside the plant.

Dow did nothing. So Martell and an associate walked around the plant one day collecting little packets of top soil. They found the soil east of the plant contained unexpectedly high concentrations of plutonium.

Martell wrote a long memorandum to Seaborg describing his findings as well as other misgivings about the operation of the Rocky Flats plant.

Robert D. Siek, chief of the radiation, hygiene section of the Colorado Department of Health, heard about the Martell memo and called Michael J. Sunderland, assistant manager of the AEC's Rocky Flats office.

According to Siek, he asked to discuss the problem and the AEC "just said they'd rather not discuss it at this time."

Sunderland says he thought Siek was asking for a copy of the Martell report, and referred him to the Colorado committee.

Martell said that at a meeting Feb. 10 among people from the AEC, Dow and the Colorado committee, he learned for the first time there had been another major fire at Rocky Flats in 1957. He also was told machine oil contaminated by plutonium had been stored in barrels outdoors on the plant grounds until some of the barrels corroded and leaked.

Sources in Washington recalled that during the meeting's luncheon break, Dr. Martin B. Biles, director of the AEC division of operational safety, approached the two youngest members of the Colorado committee, both employes of the federally financed center for atmospheric research, and said he planned to complain formally because he felt it was immoral for people in one government agency to spy on another.

Examination of the contaminated soil continued and finally everyone agreed that the plutonium came from the oil spill rather than the 1969 fire. When the oil drums leaked, the plutonium stayed on top of the ground and the strong winds that blow across the flats from the Rockies carried an undetermined amount beyond the plant boundary.

To prevent further wind-blown contamination, Dow covered the oil spill area with asphalt.

A Dow spokesman said he thought that eventually the soil—which will be contaminated for 48,000 years—would be scooped up and shipped to an AEC nuclear waste burial ground.

Martell still isn't convinced that anyone knows with certainty that all plutonium stayed on the plant site during the two major fires. He also is disturbed that Dow doesn't know how much plutonium was involved in the oil spill and thus can't know how much blew off the plant grounds.

Dow counters that all its tests indicate no plutonium got out and offers a state public health service study to back its claim.

The state report said, "It is our conclusion that no public health hazard now exists from past releases from the Rocky Flats plant. It would be impossible, however, to estimate any hazard which existed in the past."

Workers handle the volatile plutonium in heavily shielded containers with lead-lined gloves at one end.

An investigation of the 1969 fire criticized the glove box system for lack of fire breaks, use of flammable material in the shielding, and placement of heat detectors outside the glove boxes where they were comfortably insulated from the heat generated by the fire inside the boxes.

Dow officials say a new production building incorporates all recommended safety features.

It could need them since company officials concede there are an average of five plutonium fires a year that breach the glove box system. Colorado committee members worry that one of those fires will breach the walls or roof of the plant.

The post-fire action of Giller's office in forcing plant officials to work with outside groups and agencies resulted, according to Siek, in his office getting full AEC cooperation. Health officials are now being cleared for access to sensitive plant areas.

President Nixon's reorganization of environmental control function chips away at one area where critics say AEC's atomic promotion and regulation duties conflict.

Under the plan to go into effect later this year, AEC's authority to set standards for the protection of the general environment from radioactive material would be transferred to the new Environmental Protection Agency.

The AEC would retain responsibility for implementing and enforcing the standards, however.

Another reorganization plan presented to Nixon by a presidential task force under direction of Roy Ash, former president of Litton Industries, reportedly would have shifted AEC weapons responsibilities to the Pentagon.

But AEC Chairman Dr. Glenn Seaborg says: "I believe those recommendations have been bypassed," as have other previous major proposed reorganizations of the agency.

One factor working in the AEC's favor is the close relationship between the agency and the congressional Joint Committee on Atomic Energy. One commissioner, James T. Ramey, is the former staff director of the Joint Committee.

In one friendly exchange during a Joint Committee session, Ramey said he had attended many hearings on proposals to build nuclear power plants and "there are some professional 'stirrer-uppers' involved in each one of the meetings."

"That is a good name, 'stirrer-uppers,'" agreed Holifield.

Ramey described them in more detail as: "Gentlemen from some 'paper' conservation organizations that you can hardly find an address for, to persons associated with the coal industry who always seem to be around these days.

"Second, there is a group of younger scientists, some of whom might be a little bit on the extremist side who seem to always be talking on matters beyond their professional competence. . . ."

Then Holifield added, "A certain number of book writers, too, of sensational books."

Yes, agreed Ramey. "They are usually journalists and public relations men."

"That is right," said the chairman, "with no scientific background or competence."

"None whatsoever," replied Ramey, whose degree is in law.

Under the Mushroom Cloud—2: Are U.S. Radiation Standards Too Low?

(By Donald M. Rothberg)

Two California scientists who say federal standards allow people too much exposure to radiation are locked in a bitter, name-calling battle with the Atomic Energy Commission while the nuclear power industry watches uneasily.

Radiation exposure limits are 10 times too high, say Drs. John Gofman and Arthur Tamplin of the AEC-financed Lawrence Radiation Laboratory in Livermore, Calif. They have more support in the scientific community than the AEC likes to admit.

Gofman and Tamplin say if every American got the maximum permissible dose of radiation, cancer deaths would increase by 32,000 a year.

Unfounded and incorrect, says the AEC. The maximum dose is so small it's impossible to single out any harmful effects it might have, contend AEC scientists.

"These people ask you to produce human corpses," Gofman says of the AEC. "No corpses, no action."

"This is the third time Gofman's taken off on a wild tangent," responds Dr. John Totter, head of the AEC's division of biology and medicine.

Totter dismisses Tamplin, who came up with the 32,000 figure, as "a biophysicist with no experimental backround in biology . . . It's very common for physical scientists to make mistakes in biology."

But Gofman and Tamplin have support from scientists including Joshua Lederberg, winner of a Nobel Prize in Medicine; Linus Pauling, only man ever to win two Nobel Prizes; Dr. E. B. Lewis, expert on the effects of low doses of radiation, and Dr. Karl Z. Morgan, director of the health physics division of Oak Ridge National Laboratory and a member of the National Council on Radiation Protection.

Watching this debate is the power industry with its 17 nuclear plants now generating electricity, 47 under construction and 48 more proposed.

What role should the AEC, as both regulator and promoter of atomic energy, play in such controversies?

Dr. Glenn T. Seaborg, AEC chairman, said in an interview he believes the AEC "should be presenting all sides of the arguments. However, when there are attacks on the AEC and on individuals. I think it is natural for the individuals involved to try to defend themselves and to answer the attacks and the arguments that have been put forth."

The Gofman and Tamplin controversy started in 1969, when Tamplin was asked by the AEC to examine claims by Dr. E. J. Sternglass, director of radiology at the University of Pittsburgh, that fallout had caused 400,000 prenatal or infant deaths.

Tamplin said he determined that Sternglass was way off in his estimate. Tamplin came up with the figure of 32,000 deaths and then wrote a rebuttal to Sternglass' findings in which he included his own calculations.

Totter telephoned Gofman and Tamplin on Aug. 13 and said he thought Tamplin's rebuttal of Sternglass' findings was just fine. But he saw no reason for including Tamplin's own calculations in the same article. Gofman and Tamplin disagreed.

From then on the debate became more heated.

Asked about Tamplin, Totter says, "We never at any time trusted Tamplin's figures since he has been there (Livermore)."

Totter says he actually protected both Tamplin and Gofman from other AEC officials who wanted to drop them long ago.

Yet Tamplin, for example, shows letters from such groups as the National Council on Radiation Protection and Measurements, the U.S. Public Health Service and the National Academy of Sciences asking him to participate in studies of the effects of radiation exposure.

Proponents of the AEC position that the radiation standards were more than adequate fanned out to give their views.

Theos J. Thompson, an AEC commissioner, told a meeting in Las Vegas that environmentalists were carrying concern with small traces of radioactivity to a ridiculous extreme.

"It is as though we decided not to get out of bed any more because we might slip on the way to the bathroom," said Thompson. "It is a sign of age—of giving up, of growing old, of decaying."

Dr. William Bibb, a biologist at AEC headquarters in Germantown, Md., and frequent pro-AEC speaker, said, "The public is scared of radiation and anyone who reinforces their fears is going to get a solid audience."

Gofman and Tamplin were getting a solid and widespread audience.

But the reins began to tighten. Early in May, Tamplin was notified he was being charged vacation time for days spent in March and April at a conference at the Center for the Study of Democratic Institutions, a session of the American Cancer Society and an environmental teach-in for members of Congress and science writers.

His appeal was denied on the grounds that "in all cases the trip and your involvement in the meeting was beyond the scope of your laboratory assignment."

Soon after the start of the new fiscal year July 1, Gofman complained he had lost two people from his 12-member staff. Tamplin's staff of 12 was cut to one research assistant.

The ABC responded that the staff reductions were part of budget cuts forcing elimination of 4,000 lab jobs.

The AEC added that the Livermore facility, operated by the University of California under contract from the AEC, "has maintained a policy of encouraging free scientific discussion. . . . Neither the AEC nor the laboratory has abridged the freedom of Drs. Gofman and Tamplin to speak out on the issues."

The AEC is locked in the radiation standards battle even though all today's nuclear plants operate well within the stricter standard proposed by Gofman and Tamplin.

Why doesn't the AEC adopt the more rigid standard which apparently would change nothing?

"We think it would be just as wrong for us to arbitrarily lower the standards that have been set by experts not only in this country but all over the world as it would be to go above the standards," says Seaborg.

According to Seaborg, the standards are under study and if the experts conclude they should be revised, "we would be happy, of course, to comply."

Some companies with nuclear plants under construction reportedly plan to announce they will voluntarily adhere to a much lower release of radiation than the standards require.

The debate over the effects of low doses of radiation centers around this question: If a given dose of radiation can be shown to cause 100 cases of cancer within a population sample, will a dose one-tenth as large result in ten cases, and will a dose one hundredth as large result in one case?

Gofman and Tamplin contend this sort of direct, straight line or linear, relationship exists.

Many researchers, such as Dr. John Storer of the Oak Ridge National Laboratory, disagree. Storer believes that evidence shows that with exposure to very small amounts of radiation, the harmful effect drops off sharply.

But Lewis, a biologist at California Institute of Technology, says he thinks the Gofman-Tamplin case "is stronger than they realize."

Lewis believes, however, their estimate of 32,000 deaths is about double what the figure would turn out to be.

Pauling, a veteran of battles with the AEC over nuclear weapons tests and radioactive fallout, says of the Gofman and Tamplin estimate: "I don't think they've exaggerated at all. My own estimate is two or three fold higher."

All the figures are estimates because no one knows.

Lederberg cited this uncertainty as reason enough for adopting a stricter standard, coupling it with intensive research.

"You don't want to deal with the health of the public on any but the most conservative terms," he said.

Another prestigious supporter of Gofman and Tamplin is Morgan, of Oak Ridge, a scientist more closely identified with the AEC.

"The more I think about your hypothesis," Morgan wrote to Gofman "the more convinced I am of its validity."

The AEC proposed recently that radiation from power plants be voluntarily kept "as far below this guide as practicable."

Prof. Thomas Pigford, a nuclear engineer at the University of California and a member of the AEC's Atomic Safety and Licensing Board, said it shouldn't be left to power companies to volunteer to keep releases far below the standard accepted by the AEC. If that standard represents too great a public health risk, then the AEC should say so and adopt a stricter standard, he said.

"I disagree with people who say if we lower standards we will force nuclear power into an uneconomical position," said Pigford. "We should evaluate safety first and then economics."

According to AEC projections of power use, nuclear plants now generate 1 percent but by the year 2000 will generate 69 percent.

Seaborg and other AEC officials predict breeder reactors will be operational in the 1980s and because they produce their own plutonium fuel might, in Seaborg's words, "lead to the production of electricity at costs that would be spectacularly low by today's standards."

The first attempt to operate a breeder reactor in a commercial power plant occurred in the Enrico Fermi plant near Detroit. Early in October 1966, the plant was started. Immediately things went wrong.

The cooling system failed and the radioactive fuel elements melted—what is considered the worst accident likely to occur in a nuclear plant. After several tense days, the situation was brought under control.

Advocates of nuclear power plants say that despite the accident none of the deadly, highly radioactive fission got out of the Fermi plant. No one was injured.

Opponents claim the plant came within a hairsbreadth of blowing up and scattering radioactivity over the city of Detroit.

The AEC does not treat power plants lightly. Surveillance is intense during construction and afterward. All safety systems are multiple so if one doesn't work there is a backup.

The AEC so far has refused to permit construction of a plant in a city.

But Dr. Edward Teller, father of the hydrogen bomb, said he believes "a big nuclear plant 700 feet underground on Manhattan Island is safer than one 70 miles away on the surface."

The AEC contends the chances of any accident that would release radioactivity are so slight as to be virtually non-existent.

So far the power industry's safety record is perfect. But there aren't many plants and few have been operating more than a year or two.

In 1957, an AEC-commissioned study estimated that if a power plant released a large amount of radiation, loss of life would be in the thousands and dollar loss would be in the billions.

One expert now with particularly strong misgivings is David E. Lilienthal, first chairman of the AEC. Says Lilienthal:

"Once a bright hope shared by all mankind, including myself, the rash proliferation of atomic power plants has become one of the ugliest clouds hanging over America."

Under the Mushroom Cloud—3: Eons of Radiation Ahead

(By Donald M. Rothberg)

A growing pile of nuclear garbage will be giving off deadly radiation 1,000 years from now.

Radioactive leftovers are an inescapable byproduct of atomic reactors that produce the radioactive elements for nuclear weapons and generate a growing share of the nation's electricity.

They include 80 million gallons of boiling hot liquid stored in 200 giant tanks, and more mundane items such as rags, clothing and machine oil that make a Geiger counter tick.

Much of the criticism of AEC handling of nuclear waste centers on these points:

Two major facilities, the Hanford Atomic Works near Richmond, Wash., and the National Reactor Test Site at Idaho Falls, Idaho, are in areas of moderate earthquake activity.

While the AEC says it now has methods for converting liquid waste to a more easily and safely handled solid form, progress has been slow.

NRTS is located directly above the Snake River Aquifer, one of the world's largest underground fresh water sources. Some low level liquid waste containing only minute quantities of radioactivity is pumped into the aquifer.

There have been 11 leaks from tanks at Hanford—one involved 50,000 gallons—in 26 years. AEC officials say the liquid moved only 15 feet and couldn't possibly reach the water table. Some scientists aren't so certain.

The rapid growth of the nuclear power industry is causing a proliferation of privately operated nuclear fuel reprocessing plants, waste storage facilities and shipment of highly radioactive material on the nation's railroads, which average more than 15 derailments a day.

AEC scientists worry as much as anybody about nuclear waste disposal. They were going about their work with little public notice or outside interference until May 1966, when a National Academy of Sciences committee handed in a report that gave the AEC more than it asked for.

The Committee on Geological Aspects of Radioactive Waste Disposal one of many outside groups that advise the AEC, concluded that "no existing AEC installation which generated either high level or intermediate level wastes appears to have a satisfactory geological location for the safe local disposal of such waste products; neither does any of the present waste disposal practices satisfy the committee's criterion for safe disposal of such wastes."

The AEC commented that the committee had gone beyond its original scope, received "relatively little information concerning AEC operations" and made recommendations that would involve spending billions of dollars.

The committee report sat in files for more than three years until Sen. Frank Church, D-Idaho, heard about it and demanded a copy.

He got one, along with the AEC comments and the agency's note that a new National Academy of Sciences committee had been formed to look into waste disposal. No member of the old committee was named to the new one.

Despite having "relatively little information" the old committee had presented the AEC with a remarkably detailed and lengthy report.

Among its observations were these:

"Although impressed by the competence and dedication of the NRTS staff in its efforts to solve many vexing disposal problems, at the conclusion of its visit the committee departed with two unrelieved major anxieties. (1) That considerations of long-range safety are in some instances subordinated to regard for economy of operation, and (2) that some disposal practices are conditioned on overconfidence in the capacity of the legal environment to contain vast quantities of radionuclides for indefinite periods without danger to the biosphere."

In discussing leaks from its Hanford tanks, the AEC notes that the liquid moved only 15 feet through the dry, hard soil, while the water table is 180 feet below the surface.

But the NAS committee described itself as dubious that radioactivity couldn't eventually be carried down to the water table "in the event of a rare calamitous flood."

About the same time it got the NAS report, the AEC was pushing for studies of the possibilities of earthquakes in the Hanford area. When Hanford was built during World War II, the primary considerations in choosing the site were its isolation and its dry climate. No particular consideration was given to the possibility of a strong earthquake.

Years later, when the first nuclear power plants were built, the AEC became earthquake conscious. Power companies were required to design plants to withstand a strong shaking and to conduct detailed surveys of sites to make sure they wouldn't build a plant right on a fault.

But the AEC's own installations didn't undergo the same review as power plants. It was suggested they ought to. In the mid-1960s a number of surveys were made of the Hanford area. All concluded that the chances of a strong earthquake were extremely slight.

Dr. G. W. Housner of California Institute of Technology did one of those early surveys and said in an interview that he concluded "it was not a region where we would expect strong shaking."

Two years ago Housner was asked to take another look at Hanford to determine whether the Hanford reactors were designed to withstand the maximum shock that might occur in the area. The U.S. Coast and Geodetic Survey rates Hanford as susceptible to moderate earthquake damage.

Housner recommended some changes but the AEC decided they weren't necessary.

The AEC says it is extremely unlikely that an earthquake could rupture one of the huge tanks at Hanford and send its radioactive contents spilling into the Columbia River seven miles away.

The Federal Water Pollution Control Administration is fighting a continuing battle with the AEC over operations at Hanford and NRTS. Officials of this Interior Department agency hope the Federal Water Pollution Control Act and Presidential Executive Order 11288 will give them the muscle to win a confrontation with the AEC.

"We're starting to go to the mat with the AEC," said one official at the water pollution agency's Portland, Ore., regional office.

The act calls for improving water quality and the executive order directs federal agencies to lead such efforts.

But in its report on NRTS, the pollution control agency said:

"The Idaho Operations Office of the Atomic Energy Commission operates on the policy that water quality can be degraded to the upper limits of the public health standards for drinking water at the point of first use below their operations."

"Chemical and radioactive wastes have degraded the ground water beneath the NRTS," the report said. It recommended that the AEC stop pumping low level radioactive waste into the aquifer and that it end the practice of burying solid waste above it.

The AEC then notified the state of Idaho that it plans to stop burying solid waste over the aquifer, though not for ten years or more. AEC plans would send solid waste to a repository it wants to establish in 1,000-foot-deep salt mines in Lyons, Kan.

Federal water pollution officials say they have yet to get permission to enter the Hanford installation and inspect the tank storage area.

They hope to eliminate Hanford's use of water from the Columbia River to cool reactors.

In 1966, federal water quality officials asked the AEC to halt this practice and install heat dissipation facilities at Hanford. Nothing was done, they said.

Officials said they are more concerned about thermal pollution than with traces of radioactivity also found in the river and in shellfish at its mouth more than 200 miles from Hanford.

Preliminary results of studies now underway have shown that salmon, the most important commercial and sport fish in the river, are extremely sensitive to increases in the water temperature.

In answer to criticism that its vast store of liquid waste is particularly dangerous, the AEC says it expects to have converted all the liquid now in storage at Hanford to solid form by 1975.

But the growth of the nuclear power industry will greatly accelerate the generation of liquid waste. Walter G. Belter of the AEC's division of reactor development predicted in a recent speech that by the year 2000, there will be 77 million gallons of high level liquid waste in storage, only 3 million gallons less than is now in tanks.

The new fuel reprocessing industry is developing as a satellite of nuclear power plants. After about two years, the radioactive fuel elements in nuclear power plants lose their efficiency and must be replaced.

The so-called spent elements are extremely hot and highly radioactive. They are stored at the plant under water for three to six months to allow the short-lived radioactive elements to decay off and also to dissipate some of the heat. Then they are loaded into huge shipping casks for transport to a fuel reprocessing plant.

The only commercial plant now in operation is at West Valley, N.Y. Another is under construction at Morris, Ill.

The reprocessing plants have far greater potential for releasing radioactivity to the atmosphere than do power plants. Their normal releases of two radioactive elements—Krypton 85 and Tritium—are far greater than from power plants.

In addition, fuel reprocessing plants will become small storage depots for liquid radioactive waste. The liquid is generated when the spent fuel elements are immersed in acid and processed to recover plutonium and uranium. High level liquid waste remains.

The new Morris plant being built by General Electric Co., is designed to process the liquid immediately into solid form, a procedure that could solve the future liquid waste problems.

Most shipping of spent fuel elements to reprocessing facilities and potentially of solid waste to salt mines is via rail. Casks for holding fuel elements weigh 75 to 100 tons and are supposed to be able to hold up after a 30-foot drop onto an unyielding surface and 30 minutes in a 1,475 degree fire.

But the thick AEC regulations governing casks say nothing about the makeup of trains. While federal regulations prohibit putting unlike hazardous materials next to each other—such as radioactive material next to a load of explosives—there is no bar to putting them in the same freight train with a few cars in between.

Most of the 5,000 or more derailments of freight trains each year are minor. But in 1969 alone, 15 communities were evacuated after derailment of trains carrying carloads of hazardous materials.

There have been no cass where radioactive material has been involved in a major derailment.

But the railroads are leery enough of the prospects that some, including the Penn Central, refuse to haul spent fuel elements.

Under the Mushroom Cloud—4: Quake Peril Stirs Fears

(By Donald M. Rothberg)

Three things might halt plans for underground nuclear weapons tests on the remote Aleutian Island of Amchitka: diplomacy, law suit or gigantic earthquake.

Earthquakes are common on Amchitka. A shake just before the test scheduled for autumn 1971 could delay it. But far more damaging to Atomic Energy Commission plans for continued use of the island as a test site would be a big quake right after the 1971 blast.

Testing could be curtailed if agreement is reached at the Strategic Arms Limitation Talks between the United States and the Soviet Union, or if a group of Alaskans who feel they are personally endangered by the tests won their contemplated law suit.

The earthquake issue was raised by a blue ribbon panel of scientists formed to report to the President's science adviser on the potential hazards of underground nuclear tests.

The panel headed by Dr. Kenneth S. Pitzer, president of Stanford University, studied data compiled primarily by the AEC from previous tests, talked to AEC scientists, then utilizing the expertise of its own members wrote:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests . . . new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks.

"The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."

The report went to the White House Nov. 27, 1968, about 11 months before the first of a series of large-yield nuclear tests was to go off on Amchitka.

The panel also gave its opinion of the earthquake potential at the three existing test sites:

"The proposed tests at the central Nevada site involve a greater risk of earthquake than those at the regular Nevada test site, since the more northerly portions of Nevada are more active seismically. Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada site."

The report disappeared into the White House. Preparations continued on Amchitka.

Pitzer called Donald F. Hornig, science adviser to President Johnson, and urged that the report be made public. But, as Pitzer recalled an interview, the White House was reluctant to do anything with the report because Johnson had less than two months remaining in office.

When Richard M. Nixon took office as President, Pitzer called his science adviser, Dr. Lee DuBridge, to urge public release of the report.

On March 29, 1969, Pitzer received a letter from DuBridge rejecting public release but saying there was no objection to individual members of the panel speaking out.

Pitzer told the American Chemical Society two weeks later, "I believe the risk that a damaging earthquake might be triggered deserves a much more substantial public hearing before large tests are held at the new sites in central Nevada and the Aleutian Islands, which are seismically active areas."

Sen. Mike Gravel, D-Alaska, asked for a copy of the report. He was turned down, he said, because "they felt that it was secret."

Actually the report contained nothing classified.

Finally on Sept. 29, three days before an underground blast in the range of about 1 million tons of high explosive was to be set off on Amchitka, the Pitzer report was released.

The release was handled, in Pitzer's words, "in a rather peculiar way."

It was included, beginning on page 49, in a 59-page pamphlet that discussed Amchitka test prepartions, safety, site selection, the environment and even a sea otter relocation program.

Despite congressional apprehension, the test went off on schedule. No earthquake followed. No radioactivity escaped. Things went better than the AEC had anticipated.

But Dr. Frank Press, head of the department of earth sciences at Massachusetts Institute of Technology and a world renowned seismologist who was a member of the Pitzer panel, said: "We all would have bet that nothing would happen. The probability of something happening is small. The risk is very great."

Press pointed out that the AEC has said it plans to set off nuclear explosives of progressively larger yields. He said scientists don't know enough about earthquakes to know whether there might be a certain size shock from a nuclear blast which would trigger a major quake.

The greatest danger from an earthquake at Amchitka would come from the tidal wave it could generate. Press estimated it would take a quake with a Richter scale reading of 7.5 or 8 to generate a tidal wave large enough to cause damage in populated areas. The 1969 Alaska earthquake, one of the largest on record, had a Richter reading of 8.5.

An earthquake that large at Amchitka could send a tidal wave across the Pacific that would devastate coastal areas as far away as Japan.

The AEC answers that there are frequent large earthquakes in the Amchitka area and none have ever triggered a large tidal wave.

Even the Pitzer panel stressed that the possibility was slight. The report added that it did exist, however, and the need for testing should be evaluated with this in mind.

Two government seismologists for the U.S. Geological Survey said this month they found in a seven-year study that as many earthquakes occurred before underground atomic explosions as afterwards.

Their report in a scientific journal had been preceded last year by another report of three different scientists who concluded that underground explosions triggered significant earthquake activity.

Robert D. Jones Jr., manager of the Aleutian Islands National Wildlife Refuge, which includes Amchitka, watches with growing frustration the coming of what he calls "the bomb people."

For years Jones has worked to make Amchitka and other islands in the chain more hospitable to the rare Aleutian Canada Goose, as well as to Bald Eagles, and other wildlife.

But the preparations for the 1971 test are eliminating the ground cover and driving off the birds, says Jones. Another factor is the noise and activity.

"I think the bomb people have lost the skill of walking," Jones said in a telephone interview from the refuge headquarters in Cold Bay. "They seem to have to go everywhere by helicopter."

Other Fish and Wildlife Service personnel are keeping a close watch on Amchitka and take a less gloomy view. They report that the eagle population actually has increased due to more plentiful food supply represented by garbage.

"That's not true," responds Jones. "The

eagles nesting there have been nesting for years. If they continue to harass those birds they will decline."

With its wildlife and susceptibility to earthquakes, why did the AEC settle on Amchitka for its test site?

AEC officials say the choice was narrowed to Amchitka and the North Slope in northern Alaska. According to Dr. Harry Reynolds of the Weapons section of Lawrence Radiation Laboratory in Livermore, Calif., the North Slope was eliminated because of the inhospitable climate, although it is seismically stable.

Maj. Gen. E. B. Giller, director of the AEC's weapons division, says another factor was ecological, particularly the presence nearby of caribou calving grounds.

But doesn't the AEC know enough already about detonating nuclear bombs—or devices, as it prefers to call them?

Is these any real need for more tests?

"You don't design a weapon and wonder if it will go bang," says Reynolds. The tests are "experiments, a series of experiments."

Not all the devices that the AEC makes go bang deep underground are weapons. Some are handled by the Plowshare program, the U.S. effort to find peaceful uses for nuclear explosives.

John S. Kelly, director of the AEC's division of Peaceful Nuclear Explosives, sees the use of nuclear explosions to release new energy sources as the most promising current Plowshare program.

Such experiments with natural gas and oil shale involve underground nuclear blasts in Colorado. They have popularized a bumper sticker among test opponents that advises: "Visit Colorado, Playground of the AEC."

There are problems, Kelly admits. The first natural gas stimulated by a nuclear explosion was radioactive to an extent that makes it unfit for use in homes. But Kelly is certain the radioactivity can be reduced in future shots.

Opponents of such programs worry that economics will dictate a relaxation of safety.

The two companies most involved in this program are CER Geonuclear Corp. of Las Vegas, Nev., and Austral Oil Co. of Houston, Tex. Three officials from these companies recently jointly wrote a paper called "Economics of Nuclear Gas Stimulation."

In it they said, "The two gas stimulation experiments performed thus far were so expensive they could not possibly be economic."

Opposition to the gas stimulation project known as Rulison in western Colorado led to the filing of a suit in U.S. District Court in Denver.

Everybody won a little bit. The project was allowed to continue with provision that proper safeguards be followed. But opponents were cheered by that part of the decision which gave them the right to sue a government agency whose activities they felt were potentially harmful.

One of the most ambitious Plowshare projects was the plan to build a new canal across Central America utilizing nuclear explosives.

The Atlantic-Pacific Interoceanic Canal Study Commission will report to the President on the feasibility of the project by Dec. 31, 1970. Its report will omit any judgment on the possible use of nuclear explosives because the AEC was unable to get the funds for the tests needed to give the commission pertinent data.

Among the AEC scientists most disappointed by the lack of progress toward the canal is Dr. Edward Teller, the physicist dubbed "Father of the H Bomb."

Teller dismissed, in an interview, reports that the commission would reject the whole idea of a sea-level canal.

Kelly also is reluctant to abandon the idea entirely. But, he said, at this time "any decision would have to be without reliance on nuclear technology."

PRESERVATION OF BURLING TRACT

Mr. HARRIS. Mr. President, I have been appalled and alarmed at the continued delay in assuring the preservation of the Burling Tract, along the Potomac in Virginia, in its natural state. Accordingly, I have today expressed my views as strongly as possible to the owners of the tract, the Board of Supervisors of Fairfax County and the Secretary of Interior. This is a matter of great national importance. Accordingly, Mr. President, I ask unanimous consent that the telegrams I have sent concerning this matter be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

JULY 30, 1970.

BOARD OF SUPERVISORS,
Fairfax Co., Va.

GENTLEMEN: I urge you to move with the utmost dispatch and immediacy to stop any further outrageous destruction of the trees and other natural beauty of the Burling Tract. The people of Fairfax County, and particularly the young people of Fairfax County, as well as the citizens of this country, are watching this important example to see whether or not government is powerless to act against the unconscionable efforts of the owners of this tract to go ahead with irreparable damage to this area, despite the vote of the people of the district in favor of purchasing it and preserving it forever for the general public. I pledge you my every cooperation and I hope you are overwhelmingly impressed with the vital importance of this conservation case in point.

FRED R. HARRIS,
U.S. Senate.

JULY 30, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.:

Your immediate action is urgently required to do everything in your power to protect the Burling Tract, an uncommonly unspoiled Potomac Park area, against the continued efforts of its owners to destroy much of its trees and natural beauty before the board of supervisors can act to condemn and purchase it.

FRED R. HARRIS,
U.S. Senate.

RETIREMENT OF W. E. O'BRIEN

Mr. METCALF. Mr. President, Friday, July 31, marks the final day of Federal service for one of the Senate's employees as he completes three decades of service in which he has held assignments not only in this body, but in the House of Representatives and in the executive branch.

W. E. O'Brien, known to his many, many friends here on Capitol Hill and in his home State of South Dakota as "Obie," has served as a member of the professional staff of the Committee on Government Operations for the past 13 years.

As a member of that committee, I know something of the splendid service brought to the functions of the committee by Mr. O'Brien. Through the years he has been typical of those unsung heroes of Capitol Hill we all know, the loyal, diligent, and dedicated staff workers who make the wheels of the legislative machinery turn.

"Obie" O'Brien's contributions to the workings of our committee are many, and as varied as his many interests. He provided valuable research and direction, for example, in the committee's evaluation and recommendation of legislation dealing with the problem of pornographic materials and their impact upon young people.

In another area, Mr. O'Brien was most helpful in the activities involving the committee's recommendations dealing with the problems of population movements, a matter of great concern in States such as his and mine, which have had difficulties with the loss of population.

This particular effort by Mr. O'Brien in an earlier session of the Congress served as a most helpful foundation to the committee's work this year in taking up proposals seeking answers to the problems of population imbalances in the next several decades.

Mr. O'Brien's talents have been utilized by our committee in many ways, but rather than attempt to catalog his accomplishments, perhaps the best illustration of "Obie's" contributions comes in the words of the man with whom he associated for a great many years, our good friend and distinguished colleague, the senior Senator from South Dakota (Mr. MUNDT).

Unfortunately, because of his illness, Senator MUNDT cannot be with us to join in the deserved tribute to Mr. O'Brien. However, his statement reflects the high esteem in which "Obie" is held, not only by KARL MUNDT but by all who have had the opportunity to know him and to work with him.

Senator MUNDT sent this message:

> I deeply regret I cannot personally be on hand to join in the salute to "Obie" O'Brien for his valiant service. "Obie" virtually came to Congress with me, joining my staff in 1940 in my first term in the House of Representatives.
>
> For some 17 years he worked with me and my staff in the responsibilities of serving the people of South Dakota, both in the House and Senate.
>
> And I am happy to say that the people of South Dakota, as well the citizens of the Nation, could not have had more dedicated service than that provided by "Obie" O'Brien who faithfully and completely met his responsibilities. I value him as both a friend and a vital counselor and his retirement from the Federal Service is truly a loss to the cause of good government.

Mr. President, before coming to Washington from his hometown of Madison, S. Dak., W. E. O'Brien taught in the public schools of South Dakota. He is a graduate of Dakota State College, which at the time he attended was known as General Beadle State College.

In 1940, he joined then-Representative KARL MUNDT'S staff, serving with our colleague until 1957, coming, of course, with Mr. MUNDT to the Senate in 1949 when Mr. MUNDT was elected to succeed the late Harlan Bushfield.

In 1957, Mr. O'Brien joined the Office of the Secretary of Agriculture, serving as an assistant to the Secretary. He returned later that year to the assignment which he presently holds and from which he is retiring.

I might also point out, Mr. President, that during his House service, Mr.

O'Brien attended American University evening courses, and was instrumental in the establishment at the university of the Sigma Delta Chi Professional Journalism Chapter there.

Mr. O'Brien subsequently served as president of the Sigma Delta Chi chapter at American University and continues to retain his interest in the affairs of this national journalistic organization.

Mr. President, in saluting W. E. O'Brien today, I would be remiss if I did not compliment his loyal helpmate over the years, his wife Marge O'Brien.

To the O'Brien's, and their five children, I am delighted to wish Godspeed and to again express appreciation to "Obie" O'Brien for his contributions to our Nation in his 30 years of Federal service.

GRAPE GROWERS CONTRACT

Mr. HARRIS. Mr. President, the signing yesterday by 26 leading grape growers of an AFL–CIO union contract has been characterized by Cesar Chavez as the "beginning of a new day." Through the outstanding efforts of Cesar Chavez and others who have contributed greatly to the work of the United Farm Workers Organizing Committee, some of the farmworkers of this Nation will be entitled to basic rights and decencies other workers take for granted.

This event, while truly being significant, is but a beginning and first step. Congress has the obligation to see that these farmworkers receive the benefits of such Government programs as the right to bargain, minimum wages, unemployment compensation, workmen's compensation, and other related programs.

The Senate has an opportunity to provide farmworkers with unemployment compensation by voting against the conference report on H.R. 14705 and by requesting that a new conference be convened and that the Senate conferees insist on the farmworker provisions adopted by the Senate. I hope the Senate takes this action.

Cesar Chavez is to be congratulated for his efforts in the signing of the contract and in calling to the attention of all Americans the plight of the farmworkers. These workers deserve better and it is our obligation to do better.

I ask unanimous consent that a letter I sent to Cesar Chavez congratulating him for his efforts be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., July 30, 1970.

Mr. Cesar E. Chavez,
Delano, Calif.

Dear Cesar: I was tremendously pleased to learn of your success in negotiating the union contract with twenty-six grape growers. As you said, this does represent a "new day" and you are certainly to be congratulated for your efforts in making this possible.

Enclosed you will find a copy of a statement which I made on the floor of the United States Senate relating to the contract. I thought you might find this of interest.

We all recognize that much remains to be done. Applicability of the right to bargain, minimum wages, unemployment insurance and workmen's compensation to farm workers is a matter which deserves immediate attention of Congress. I am hopeful that we can make some improvements in these programs this year which will be beneficial to farm workers.

If I can be of any assistance, please do not hesitate to contact me.

With warmest personal regards,
Sincerely yours,
Fred R. Harris.

POLLUTION—A WORLDWIDE PROBLEM

Mr. CHURCH. Mr. President, there has been a great outpouring of concern within the last year or two about the undeniably deteriorating condition of the environment within the United States. Stacks of testimony, learned papers and film clippings illustrate the hazardous conditions.

However, the condition is not limited to the United States. This is a fact that we need not feel relieved about, but a fact that supports the position that the world is an increasingly interdependent planet.

In support of the worldwide gravity of the pollution crisis I call attention to an article that appeared in the Washington Post of July 20, 1970, by Claire Sterling entitled "Efforts Begin to Compute the Worldwide Eco-Crisis." The article refers quite correctly to the environmental crisis as "the crisis of crises, the culmination of man's timeless errors."

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Efforts Begin to Compute the Worldwide Eco-Crisis

(By Claire Sterling)

Rome—Suddenly, in any number of disparate countries—the United States, Britain, France, Germany, Italy, Sweden, Czechoslovakia, the Soviet Union, India, Japan—influential men have sensed an impending danger unlike any in human experience. Futurologists call it the crisis of crises, the culmination of man's timeless errors. They have many and not always comprehensible ways of putting this, but what they seem to be saying is that the day may be coming when the planet can no longer support the people on it.

There will be 7 billion people by the turn of the century, twice the number now. They are not going to have enough to eat: half the world's population is starving already, and 4 or 5 of the 7 billion are expected to. They will not have enough habitable living space, even by our own generation's shrinking standards; the more affluent may live 50,000 to a skyscraper, the poor in cement warrens of "conurbations" spreading across the continents from end to end. They will not have enough parks, beaches, woods, open countryside to escape maddening urban pressures, or enough psychiatrists for any but the basket-cases. They might not have the physical room to travel freely. They may not have enough breathable air or drinkable water.

The fact that this last goes for all of us—the human race, that is—may surprise some Americans, inclining as they do to the oddly proprietary view that the United States is alone in violating nature. Actually the Lake of Zurich is as irredeemably dead as Lake Erie; the Rhine is filthier than the Hudson; Swedish forests are withering under acid rains bearing sulphur from the Ruhr; the Japanese, Finns and Dutch fall deathly ill from eating mercury-tainted shellfish; sturgeon (and so, alas, caviar) is disappearing from the Caspian Sea; the Baltic's oxygen content is dropping at an alarming rate; the lifespan of a Milanese is three years shorter than other Italians' because of smog; and in some parts of the Tiber a fish will die in 15 minutes.

There are a lot more such fright stories, and others possibly in the making as bad or worse; earthquakes caused by man-made dams, deserts spreading relentlessly across overgrazed land, a new Ice Age induced by human tinkering with the atmosphere, lifeless oceans, terrestrial floods. And all the ravages we are just beginning to notice will have doubled within 30 years, when twice as many human beings will be scrambling for food and water, excreting, piling up garbage, consuming fuels and manufactured goods, emitting noisome vapors and deafening sounds as they criss-cross the globe in cars and supersonic jets.

All this amounts to so much more than our pedestrian ideas of what a problem is that futurologists have coined a word for it—the *problematique*. Nobody really knows the size of it yet; the international conferences and elaborate computer studies are barely getting under way. But it is clearly too big for panic decisions which, with the best of intentions, might easily make matters worse. It is obviously too big for any of the currently popular back-to-nature propositions: 7 billion people are unlikely to find deliverance by banishing the technologists and growing tomatoes in window-boxes. It is evidently too big to be entrusted to an exclusive club of rich industrial nations, whose performance so far has hardly inspired bottomless trust on the part of those other nations where the starving billions live. Above all, it is certainly too big for any single country, however wealthy, powerful, civic-minded, guilt-ridden, nature-loving, or technologically ahead of the rest.

Take the Baltic. It is an inland sea shallow and sluggish, with an outlet to the Atlantic so narrow that 30 years must go by before its waters can be flushed away and renewed. And it is sick: clogged with industrial waste and human excrement emptying into it from the bordering states of Denmark, Sweden, Germany, Poland, Finland, Soviet Russia; clotted with garbage sumped by pleasure craft; poisoned by windborne mercury from all Europe and DDT from everywhere; filmy with oil from passing freighters and tankers. Furthermore; it could die overnight. One cubic meter of light fuel oil can spread over a square kilometer of sea within one to two days. A shipwrecked super-tanker spilling, say 250,000 tons of oil on these imprisoned waters might kill off all marine life, with incalculable effects on the atmosphere, not to mention the economies of six coastal states inhabited by over 300 million people. Yet the tankers will go on plying these waters unless and until the six governments agree to ban them. Even so, there would remain the slime from the six nations' rivers and the treacherous winds overhead.

Something may be done about the Baltic, the only point, last summer, on which the Swedes and visiting Soviet Premier Kosygin could unreservedly agree. But whatever else is done even by the six states could not be enough. If nothing else, the winds would defeat them—those winds that carried radioactive ash around the world from Hiroshima in a fortnight, that have carried pesticides 3,600 miles from Africa to the Caribbean and managed, in a quarter of a century, to impregnate the Antarctic ice with 2,600 tons of DDT.

There is really no getting around it. If the planet is to be reasonably livable somewhere around the year 2000, we are going to have to have planetary rules, planetarily devised, imposed and policed. This has nothing to do with internationalist sentimentality, One Worldism or the Brotherhood of Man: we can all still hate our neighbors. It is merely the recognition of an elementary survival principle comparable, at this stage in human history, to the earliest strictures against cannibalism. (Cannibalism is one way out, of course, but does not fall within our immediate purview.)

These articles will necessarily start from that premise. The reporting will cover Communist and capitalist, rich and poor, black and colored states, what they're doing or say they're doing, what's stopping them—not so much technologically as in the way of national sensibilities, bureaucratic sclerosis, power, politics, money.

There will be no particular effort to relate this reporting directly to the United States. The connection would be implicit; and too much insistence on it would merely reflect habits of thinking which, like conventional politics and diplomacy, are already becoming obsolete.

DIVERSITY OF BIG THICKET GENERATES VARIETY OF PROPOSALS

Mr. YARBOROUGH. Mr. President, a recent newspaper article on the Big Thicket gives an excellent review of the variety of proposals which have been made to preserve this beautiful part of Texas.

The article emphasizes the most important point of all the discussion about the Big Thicket—all persons who know the Big Thicket agree that it should be preserved. While the debate among the various individuals and interests involved often becomes brisk, this is to be expected when advocates present their positions with vigor. It is most encouraging that the issue being discussed is not whether there should be a Big Thicket National Park, but how large the Big Thicket National Park should be.

The proposal which I have formulated is contained in S. 4, my bill to establish a Big Thicket National Park of not less than 100,000 acres. It is my position that the amount of land is the minimum necessary to adequately protect the unique ecosystems contained in the Big Thicket.

Mr. President, I ask unanimous consent that the excellent article by Mr. Dan Martin entitled "Friends of Big Thicket Many—and in Disagreement" which appeared in the July 23, 1970, evening edition of the Fort Worth Star-Telegram on page 4–A, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRIENDS OF BIG THICKET MANY—AND IN DISAGREEMENT

(By Dan Martin)

BEAUMONT.—Everyone, it seems, is agreed: There should be a Big Thicket National Monument.

Sen. Ralph Yarborough thinks so. He authored a bill calling for creation of a national park.

Dr. Charles Wilbanks, president of the Big Thicket Association, a conservation group, and O. R. Crawford, president of the Texas Forestry Association, think so, as does U.S. Rep. John Dowdy of Athens, who also wrote a bill.

Conservationists and industrialists alike feel the area should be preserved.

So does the National Park Service.

In 1967 it made a survey of the area. A report enthused:

"The scientific and recreational values of the Big Thicket are so outstanding in quality and importance and their threatened loss to the nation so grave, that their preservation by the federal government for the enjoyment, education and inspiration of all the people is imperative."

That all sides agree on the main aim is a twist on the old "white hat-black hat" theme.

Despite the basic agreement, there is little agreement.

Conservationists want a park of at least 100,000 acres.

Timber interests—the major landholders in the thicket area—want only a "string of pearls" park of 35,500 acres.

Conservationists accuse timber interests of having ulterior motives, of being manipulators and of killing off native beauty to make a park less desirable.

Timber people treat conservationists patronizingly, seemingly as one would react to a retarded child or explain a complex point to a slightly daft, impractical dreamer.

That, then, is the polarization.

Both sides agree there is a need to preserve the natural beauty and eco-systems of the Big Thicket.

The rub comes in deciding how big, where, how it will be accomplished and other implementary details.

Conservationists generally support Sen. Yarborough's Senate Bill 4, which calls for the creation of a park "not less than 100,000 acres in Hardin, Liberty, San Jacinto, Polk and Tyler Counties."

Lumbermen generally support a bill sponsored in the House of Representatives by Rep. Dowdy, which calls for a park not to exceed 35,500 acres.

In addition to the Yarborough and Dowdy bills, two other bills have recently been dropped into the hopper.

U.S. Rep. Bob Eckhardt of Houston, a Democrat, proposed a bill for a park of 185,000 acres.

U.S. Rep. George Bush of Houston, the GOP nominee for U.S. Senator, proposed a bill to create a park of up to 150,000 acres.

Both bills call for a park in a modified "string-of-pearls" shape.

Opinions range from those of Sen. Yarborough and Orrin H. Bonney of Houston to those of Hubert Mewhinny, a retired Houston newspaperman.

Senator Yarborough has said of the Thicket:

"The Big Thicket is a beautiful and unique area of heavy rainfall and dense vegetation . . . It is one of our country's most valuable regions of biological and ecological development. Until recently this portion of the Texas gulf plains had remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket as an identifiable ecological unit."

Bonney writes of the "breathtaking loveliness of ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests, eerie cypress swamps."

He speaks of the Thicket as the "biological crossroads of North America," and of champion-sized trees, 21 varieties of wild orchids, 25 ferns, fungi, mosses, algae, the 300 species of birds which live within the thicket.

Mewhinny, who now lives in San Jacinto County says of the Thicket:

"There are not national parks in Louisiana, Mississippi, Alabama or Georgia, and for good reason.

"There is no spectacular scenery in those states and there is no primeval and inviolate wilderness.

"Mildly pretty as parts of East Texas may be, the same thing is true of here. The so-called String of Pearls might have some justification. But I would respectfully ask the Senate to think twice before setting up a full-scale National Park in East Texas.

It would be a fraud on the innocent and gullible tourist."

This aura permeates in Big Thicket discussions and the hearings.

Conservationists accuse timber interests of trying to destroy the Big Thicket.

Lumber spokesmen retort, somewhat hotly, that the charges are "outright falsehoods."

Lumber spokesman contend they are the "stewards of the land," taking good care of it.

Conservationists say timber interests "are destroying the native woodlands."

One of those who questioned the timber industry is U.S. Rep. Bob Eckhardt of Houston, who commented:

"Perhaps I may be wrong but I cannot help but wonder if there isn't a well-organized scheme afoot to destroy the aesthetic value of the Big Thicket. Then, there will be no point in trying to save any of it.

"I wonder if there aren't well-planned programs to destroy the hardwoods—the hickory, pecan and beech—and supplant them with fast growing pines for money-hungry lumber barons . . ."

Eckhardt told of a hero rookery allegedly sprayed with insecticides from an airplane, killing more than 200 water birds within a two acre site; hardwood trees felled to make room for pine, magnolias chopped down for railroad ties and native pecan trees cut to make "corduroy roads."

"There is one instance of a huge magnolia tree literally being 'murdered.' The beautiful tree—1,000 years old and judged to be the oldest and largest in North America—was found dead, drilled in nine places—and poisoned with arsenate of lead," he said.

Eckhardt added that he does "not think that lumber companies are the principal culprits in devastation of the Big Thicket at this point. As you ride through the area, you see subdivision after subdivision opening up . . ."

Others, such as Geraldine Watson, a tour guide and naturalist from Silsbee, accuse the timber industry of killing the Thicket.

"I want to say the greatest danger to the Big Thicket are plans to convert all the natural woodlands to pine plantations at the rate of 35,000 acres a year."

She called such plantations "ecological wildernesses."

Edward Fritz of Dallas, chairman of the Texas Committee on Natural Resources, said the timber industries are not taking good care of the land.

"They are, in fact, destroying the ecosystem in five ways.

"First, they are admittedly converting all feasible tracts into one species tree plantations . . . A one species plantation has no value ecologically or aesthetically . . . The timber companies are pockmarking the Big Thicket with pine plantations at the admitted rate of 35,000 acres per year.

"Second, the timber companies have almost completely abandoned single-tree selective cutting (and have started) clear cutting several acres at a time . . . Such clear cutting nowadays involves the annihilation of all plant life, to leave plenty of sunlight for the oncoming pine trees. Many species of plants and animals are disappearing as a result.

"Third, the timber companies have failed to set aside for permanent preservation any substantial samples of typical plant communities. They have recently laid out a few short nature trails, but these are inadequate in every way. They have donated two five-acre campsites in Hardin County, but they have thus far failed to donate any Big Thicket natural area for preservation . . . The timber companies have not even established an eco-system preserve of their own, and if they did, there would be nothing to stop them from cutting it in a pinch.

"Fourth, the timber companies are locking the public out of their best areas.

"Fifth, the timber companies sell or lease substantial acreages along roads and streams for commercial, residential or recreational development, particularly hunting and fishing camps. Through this practice they reveal that they are not perpetuating the forest as a source of wood products for the future use of man, but are, instead, exploiting the land for the largest available profit."

O. R. Crawford, president of the Texas Forestry Association, disagrees. He noted that "practically all of the land under consideration has been cut—several times over in the past 100 years.

"It is through the management of its present owners that the Big Thicket is what it is today. We have brought back what was destroyed in the last," he asserted.

"We support this park. I have said it before and I will say it again that we will preserve, we will protect every tree, every plant that should be protected and preserved."

The national park people chose the 35,500 acres as containing flora and fauna that is rare and unique," he said, urging its preservation while asking that other land in nearby national forests be developed for recreational use.

Conservationists urge the 100,000 acres to preserve the integrity of the 35,500 acre "unique specimen areas."

According to a plan developed by Bonney for the Sierra Club, a Big Thicket National Park would include unique specimen areas, wildlife areas, timber management areas, rivers and streams with wide corridors on both sides to preserve their beauty, a network of highways bordered with a deep corridor of natural forest and recreational facilities.

The timber industry, on the other hand, maintains that the NPS-selected areas are all that needs preserving.

The Big Thicket, which some people claim is being "murdered," now rests in the midst of controversy, awaiting a decision from the National Park Service, the Senate Parks and Recreation Subcommittee, and the myriad of other details which precede or preclude the formation of a national park.

While agreeing on the main aim—preservation of some part of the area—the sides are polarized.

Hopefully, it will be as Dempsie Henley, founding president of the Big Thicket Association, says.

"It's just a matter of compromise now."

Or, as one observer put it, "It would be tragic to see the area die because conservationists and lumbermen—who agree on the goal—can't agree on the roadmap."

VARIOUS PRESERVATION IDEAS PRESENTED IN PARK PROJECT

The controversy around creation of a Big Thicket National Park centers on the size and on what shall be designated unique and worth preserving.

The National Park service, in February of 1967, issued a report on the park, suggesting a "string of pearls" concept, embracing nine ecological islands within the area.

The nine areas are:

The Big Thicket Profile Unit, 18, 180 acres. Located in Hardin, Polk and Liberty Counties, the unit is an elongated, narrow tract spanning a full cross-section of the Thicket, typing together the upper and lower thickets.

The Beech Creek Unit, 6,100 acres. It is 13 miles east of Woodville in Tyler County, encompassing a rich expression of the upper Thicket, composed of beech-magnolia-white oak-loblolly pine association.

Neches Bottom Unit, 3,040 acres. It is on the Neches River in Jasper County, about eight miles west of Buna. It is a magnificent hardwood forest on flood-plain bottom lands.

Tanner Bayou Unit, 4,800 acres. This is on the west side of the Trinity River, in Liberty County, 12 miles north of Liberty and it appears to be a virtually untouched example of the flood plain forest community.

Hickory Creek Savannah Unit, 220 acres. It is in southern Taylor County, five miles south of Warren. It is a threshold community bordering on the Thicket community. It is a longleaf pine-grassland association.

Beaumont Unit, 1,700 acres. This is in southeastern Hardin County, at the confluence of the Pine Island Bayou and Neches River. It is a superlative representative of the flood-plain forest, stream-bank community association.

Little Cypress Creek Unit, 860 acres. This is in western Tyler County, five miles west of Woodville, representing qualities similar to the Beech Creek Unit, but having a deeper relief and therefore more varied upper Thicket vegetation.

Loblolly Unit, 550 acres. This is near the eastern boundary of Liberty County, about five miles northeast of Moss Hill. It has an exceptionally find stand of the Big Ticket's characteristic trees, the loblolly pine.

Clear Fork Bog Unit, 50 acres. This is in Tyler County seven miles east of Colmesneil. It is a botanical marvel, of sphagnum-swamp tupelo association, including some of the rarest plants in the country.

The Sierra Club proposition calls for not only preservation of these units but:

Wildlife areas of sufficient size and forest cover for restoration, habitat and protection.

Timber management areas established for timber harvest and multiple use similar to U.S. Forest Service practices in national forest.

Wide river and stream corridors on both sides to preserve their natural beauty, accessible to canoers with primitive camping available.

Highway corridors at least a half-mile on each side, providing access and sightseeing.

Recreational facilities in areas not protected as unique.

PARTNERSHIP FOR BETTER HOUSING

Mr. WILLIAMS of New Jersey. Mr. President, one of the most pressing problems facing our Nation today is that of providing livable low-income housing units for disadvantaged city residents.

There is unanimous agreement from experts in urban planning that something must be done to replace unsafe and unhealthy inner-city housing units with sanitary and appealing units priced within the range of low-income families. But, there is wide disagreement on how this should be done.

One solution has been developed by a group of concerned citizens in Camden, N.J., and the success of their efforts should prove encouraging to others concerned about this problem.

A group of businessmen saw the need to rehabilitate inner-city housing and enlisted the aid of five of the Camden area's leading corporations. Working together they formed a private, nonprofit corporation called Camden Housing Improvement Projects—CHIP—to rehabilitate dilapidated housing.

The businessmen have received help from the city, State, and Federal Governments in a fine example of how partnership between government at all levels, private citizens, and big business, can achieve positive results.

Mr. President, the work being done by CHIP is described in an article in the current issue of Challenge, a magazine published by the Department of Housing and Urban Development, and I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHIP BRINGS NEW LIFE TO RUNDOWN HOMES

Block after block of decaying row houses once gave large chunks of Camden, N.J., the appearance of a city withering away. No rebuilding was being undertaken in deteriorating areas of this industrial center of 117,000 people. Then a group of businessmen decided to do something about the desolate scene they passed each day commuting to their downtown offices.

They took the problem to top executives of five prominent Camden-based concerns: Campbell Soup Company, Radio Corporation of America (RCA), The Bank of New Jersey, The Dorrance Foundation, and South Jersey National Bank. Out of these discussions came the founding of a private, nonprofit corporation called CHIP, an acronym for Camden Housing Improvement Projects.

Since its founding, CHIP has been vigorously helping to counteract the local housing shortage and decay by buying dilapidated homes, rehabilitating them, and selling them to low-income families at prices they can afford.

HOMES FOR LOW-INCOME FAMILIES

The businessmen recognized that most of the urban renewal being undertaken in Camden was in low-income neighborhoods. They were concerned over where former residents were relocating and discovered that although much planning was underway, the proposed new homes and rental units would clearly be beyond the means of lower-income groups. The housing shortage was becoming more critical among the poor—with overcrowding, relocation problems, and accompanying evils.

Alerted to the need for quick action, the five Camden concerns launched CHIP's home-rehabilitation program with loans of $100,000 each, interest-free. With this pool of money, CHIP acquires vacant, run-down properties usually for less than $1400. Averaging $9500 in rehabilitation costs including labor, the nonprofit corporation in most cases renovates the home completely in 60 to 90 days. Out-of-pocket expenses total $10,900, but with overhead and other costs, such as financing and selling, the current sale price of the homes is about $12,700.

The houses are sold to low-income buyers under HUD-FHA's 221(h) low-interest mortgage insurance program specializing in properties rehabilitated by nonprofit groups. FHA's Section 235 interest subsidy program is also being used for some mortgage financing.

With this winning combination, by April of this year CHIP had 168 houses completed, had 20 undergoing rehabilitation, 14 awaiting FHA approval, and another 38 houses in acquisition and planning.

GETTING ORGANIZED

CHIP's founders realized during their early planning that a major commitment of professional business talent and capital from a limited number of sponsors would allow the new nonprofit, coordinating corporation to function with flexibility and dispatch. To complement their own particular expertise, the founders appointed to CHIP's executive board additional trustees drawn from Camden neighborhoods selected for rehabilitation.

The CHIP board—including experts in civil rights, real estate, mortgages, law, and Federal agency administration—chose for their executive director Jerome I. Weinstein, a 35-year-old Camden resident with experience in construction, finance, and real estate. Weinstein, who has been a contractor in rehabilitating homes, a retailer, a social worker, and a real estate broker, says that the CHIP board continually helps him with invaluable professional guidance. Besides its considerable financial backing, the board also provides such assistance as free office space and storage facilities for construction materials. An annual grant from the New Jersey Department of Community Affairs pays the salaries of a small CHIP office staff.

Washington-based HUD rehabilitation specialists helped select initial CHIP project sites. Camden FHA staffers continue to assist in the day-to-day workings of HUD's rehabilitation program for low-income homebuyers [221(h)].

TAX BREAKS AND FORECLOSURE LAWS

Executive Director Weinstein is quick to praise the city's cooperation in setting tax assessments. He explains that "to supplement the benefits of FHA's low mortgage interest rate, a realistic property tax was necessary. If the city had re-assessed each property based on our additional cash investment in the house, the increase in annual taxes would have tended to discourage further attempts to rehabilitate. The city's attitude has been very fair in establishing property assessment based on selling prices under normal market conditions, as employed in evaluating other properties in the neighborhood."

All is not utopian with CHIP's program, however. Weinstein says that his real headache is not working capital or costs but the difficulty of acquiring a continuous supply of vacant houses for rehabilitation. Yet in Camden, as in most of our major cities, many abandoned, tax delinquent properties suitable for rehabilitation are tied up in foreclosure laws that involve long legal processes and hamper acquisition.

Because of these obstaces, CHIP approached the State Attorney General's Office in the hope of acquiring an additional source of housing supply. CHIP requested that the State exercise its powers to condemn abandoned properties and thereby free them from the time-consuming foreclosure process. The Attorney General complied, and CHIP is now purchasing state-condemned houses for rehabilitation.

LOW-INCOME HOMEBUYERS

CHIP's personalized approach includes management and budgeting counseling by a staff of social workers that prepares homebuyers for their new responsibilities.

Many of the CHIP homebuyers who have been on relief and never owned a home, find jobs and then apply for a rehabilitated home. Vernon Tatem, now a construction employee of Campbell Soup Company, recently moved his family of seven into a three-bedroom CHIP home. "I am buying my own home," he says, "and paying $6.00 less than I was paying for an $80 rented home. And my heating bill is half of what it used to be." His wife especially likes "the improved layout that gives us a lot more room than we had before."

CHAIN REACTION

CHIP employs seven general contractors, four of whom are black. Rehabilitation includes all new heaters, wiring, insulation, and copper tubing as well as new kitchen appliances, flooring, windows, or steps when needed. CHIP projects in deteriorating Camden areas have the salutary effect of inspiring improvement of other houses in the same neighborhood.

CHIP keeps chipping away at the housing need in Camden by making rehabilitation settlements in packages of four to seven homes at a time. The average mortgage is for 40 years at three percent interest. Each settlement brings Camden that much farther out of decay.

With houses deteriorating faster than new construction can replace them, productive nonprofit housing corporations that specialize in rehabilitation, like CHIP, will remain indispensable for some time. The abandoned or condemned homes are waiting to be rehabilitated for families in need of housing.

HEALTH SERVICES AND MOUNTING MEDICAL COSTS

Mr. HARRIS. Mr. President, on July 8, 1970, I held an important public hearing in Tulsa, Okla., on the subject of the delivery of health services and mounting medical costs. The testimony I received at that time was thoughtful and worthwhile, and I believe that Senators and relevant committees can benefit from consideration of it. Accordingly, Mr. President, I ask unanimous consent that the final portion of that testimony be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Delivery of Health Services and Mounting Medcal Costs

COSTS OF HEALTH CARE

A great deal is being said today about the rising costs of health care.

It is true that health costs are on the increase, but to be accurately appraised, these costs should be reviewed in context with other costs of living and in terms of the rising value of health services. Also, there are extenuating factors, such as the impact of federal health programs, which have created an adverse cost picture.

In 1966, the Consumer Price Index showed the following division of the consumer dollar: Food and alcohol—23¢; shelter—30¢; clothing and jewelry—10¢; transportation—13¢; recreation—6¢; health—7¢ and all other expense—11¢.

The health portion of the consumer dollar may be broken down as follows: Hospital—31¢; physician—28¢; drugs, medicine and appliances—21¢; dentists—10¢; and all other medically related services—10¢.

In terms of percentage increase, health costs have been a part of the general inflationary trend. For example, during the ten years from 1957 through 1966, health care costs as a whole went up 34 percent. As elements of that total, physicians' fees went up 33 percent . . . drugs and prescriptions, only 1 percent . . . and the daily service charge for hospitals went up 78 percent.

For the same period, the price of all goods increased 11 percent, and the costs of all services went up 26 percent.

Tobacco products were up 30 percent, public transportation up 31 percent, food up 17 percent, and housing, the largest item in most budgets, up 13 percent.

One of the severest critics of the rise in health care costs is our federal government, whose own general revenue receipts went up 36 percent during the period of 1960–66. Despite this substantial rise in income, the public debt rose 11 percent.

No one likes the spiralling inflationary trends in the costs of living. Health services, however, which should be generally conceded to be among today's best values, are not unlike the rest of the economic picture.

What are the factors which have contributed to the rising costs of health care?

1. Public demand: Most Americans are more health conscious, and they have increased the volume of their purchase of health services. Much of the "rising cost" is simply a reflection of the volume of work being done, rather than increased charges.

2. Governmental demand: The federal and state governments—through the purchase of health services for large segments of the public—have paid billions of dollars for care, much of which was formerly furnished as charity by physicians and hospitals. Health care expenditures will naturally rise in relationship to the general cost of living when subjected to an external economic stimulus of this magnitude.

3. Price of progress: There is no more dynamic field than medical science. New drugs, techniques, equipment and facilities . . . which have contributed so dramatically to the prolongation of human life and the relief of human suffering . . . should be measured with emphasis on their value rather than their costs.

4. Operational costs: Health care is a personal service which does not lend itself to automation. As the price of labor increases, and as new medical techniques require additional sophisticated personnel, operational costs in clinics and hospitals have been passed along to the consuming public. For example, wages account for over 60 percent of a hospital's operational cost, so the influence of the labor market has a severe impact on hospital charges.

Physicians' clinics and hospitals are also affected by the costs of goods and services furnished by other segments of the economy, and in this context they are the victims rather than the perpetrators of inflation. Finally, government's impact in the health care field has created new administrative burdens for the private sector which cares for America's health, and the personnel necessary to handle non-medical governmental demands represent a new cost factor.

It is expected that the costs of health care will continue to rise in an inflationary economy. However, community planning projects may be able to reduce hospital costs to some extent by eliminating duplicated services and facilities among the local hospitals.

In addition, the federal government should relieve the pressure on the producers of health services by looking very carefully on new health care legislation until existing new programs have been perfected and old ones have been evaluated for their necessity and effectiveness. At the present time, 175 federal departments or agencies operate health programs. A mechanism for coordinating these activies, in cooperation with Congress, appears to be needed.

Increased medical manpower, as mentioned in the preceding section, can provide a better balance in the current supply and demand dilemma and perhaps reduce costs.

Meanwhile, the medical profession is effectively monitoring the fees of its members through a nationwide claims review system which is made available to patients and to private and governmental administrators of prepayment programs.

Financing health care

The medical profession believes in individual and family responsibility. Americans should be encouraged by all persuasive powers, including government, to maintain the cherished concept of financial independence, both as individuals and as family units.

In recent years, however, government's attitude has been to discourage individual initiative in health economics by purchasing benefits for large segments of society, many times without regard to the resources of the beneficaries.

This concept is wrong. Government, which should encourage self-reliance, could do so in the health field by implementing the idea expressed in the following paragraphs, an idea which would minimize government control and assure adequate health care protection for all Americans at the same time.

To encourage ample health insurance coverage for all members of the public under age 65, studies should be directed toward the use of the federal income tax system, to permit graduated subsidies to taxpayers to assist in meeting the premiums required. The proposal contemplates an income tax credit (not a deduction, but an actual remission of a portion of the tax as adjusted to the individual taxpayer's needs) for those purchasing adequate health insurance coverage.

Implementation of such a program would demonstrate many inherent advantages: The degree of federal involvement in medical care financing would actually be slight; the money involved would be the individual taxpayer's own money, withheld by him for taxes paid, rather than paid out to him or to the insurer by the federal government. It would allow the total amount to be used to maximum effectiveness of the funds, eliminating the loss in transit which would occur if first paid and subsequently returned as a grant.

Indigent and needy persons now eligible for Title XIX benefits (Medicaid), who do not have sufficient income to pay an income tax, could be included in this health insurance program by receiving vouchers for the purchase of comprehensive health insurance, financed from the federal general revenues.

Catastrophic insurance

As a companion piece to the use of income tax credits for the purchase of basic health insurance coverage, studies should be directed toward the federal-purchase of catastrophic coverage from the private insurance industry.

This coverage, designed to provide comprehensive health benefits for catastrophic illness after basic resources are exhausted, should only be offered to the American people on the basis of need.

Thus, a person with low income and few assets, could perhaps receive a catastrophic policy which would become effective after $1,000 had been spent on a single illness, whereas another person of greater means would have his benefits start at the $5,000 mark

The variable "deductibles" could be apportioned on a simple income-asset application form, and, again, the income tax credit program could be used to reimburse the approved policyholder for his coverage.

Legislation by regulation

There is a continuing, accelerating usurpation of legislative power by the administrative agencies of our federal government. The use and abuse of these unauthorized powers commonly frustrate, distort and even negate the policies laid down by Congress.

"Legislation by regulation" has been observed by physicians in the implementation of Medicare, where the expressed intent of Congress to forbid government interference with providers of services has been completely aborted by the administrative policies handed down by government agencies to the fiscal carriers.

To preserve our legislative branch, therefore, it is recommended that Congress establish within its control a "Committee on Rules and Policies of Federal Administrative Agencies" whose responsibility it will be to review regulations promulgated by such agencies to determine if they are in accord with legislative intent. If such regulations are found to be in conflict with Congress, the committee should have the power to nullify them and remand them back to the agency for proper revision.

Health planning

Congress, in approving Public Law 89–749, the Comprehensive Health Planning and Health Services Amendments Act, ordained that massive steps should be taken to improve the orderly delivery of health services, both public and private, in order to assure maximum benefits to the American people.

The medical profession supported voluntary health planning long before it caught the eye of Washington bureaucrats and was promoted by them into a legal entity. Statewide, regional and community planning efforts mandated by this federal law are now being joined by physicians (but in a minority role as provided by the language of the law) because we desire to contribute toward practical ideas for the improvement of our services and because we believe medical doctors should have some voice in the control of their own destinies.

At the same time, we believe that the greatest chaos in health care planning lies within the workshops of those bureaucrats who have decided to investigate ours. As previously stated, there are presently 175 federal departments and agencies operating health programs, and this system not only lacks coordination, but is manifest with outright competition to see which agency or department can pour the most money into the same area of chosen concern.

Many of the programs are obsolete, some duplicate the services of others, and all are wasteful.

Thus, in the matter of comprehensive health planning, we suggest that the first place to "clean house" is in the nation's capitol, and we propose that another "Hoover Commission" be created by Congress to reevaluate the functions and purposes of all federal departments and agencies engaged in health activities, with the objective of formulating corrective recommendations back to the Congress.

Senator HARRIS. I appreciate very much your well prepared statement, which will be a useful one for us. Particularly, you've added some important comments in regard to rising costs and inflation generally in the economy and rising public demand. I also think it's very important to discuss in more depth why it's difficult to get doctors in rural areas and some of the factors that are involved and some of the programs that we're pioneering here in Oklahoma that I am very interested in. I thank you very much.

Dr. Howard Keith is a physician in Shattuck, Oklahoma. We're glad you're here and we'll appreciate hearing from you.

TESTIMONY OF HOWARD KEITH, M.D., OF SHATTUCK, OKLA.

I fit the unusual pattern for the physician, I guess, in that I am Board certified in two different specialties—general surgery as well as cardiovascular surgery. I trained to go into academic medicine and I had planned on spending my life in teaching. However, after one year in this particular field political interference became of such magnitude that I no longer felt that I could care for patients in the manner that they deserved. Therefore, I left academic medicine and went into private practice. I chose a town of 1,500. So it's rather unusual to find an open heart physician in a town of 1,500 but I'm there.

This past year I had a very interesting experience. One of my associates who is also Board certified in orthopedic surgery and who does extensive traumatic hand work and I were in a foreign country which has a national health insurance. All medical care is paid for. My young child fell and sustained an injury to his hand. We took him to the hospital to obtain medical care. This was the leading medical facility of this locality. While we were there it took us 6½ hours in the emergency room before we were seen by a physician. It was not a matter of being there in the middle of the night or some other problem. Anyone who does hand work realizes that by that time we were already thirty minutes past the ideal time for repairing the injury. I had one of the best hand men in the Southwestern part of the United States with me and they refused to let him do anything. They refused to recognize our position, our training, our background, or anything else. My child was taken from us; we had no choice of physician. We knew one in the area which we requested. This was denied to us.

This particular physician was not on duty at that time, and since we found out has differences with the national health insurance association and isn't recognized by them and so he wasn't allowed to be our physician. They operated on our son and took care of him. The following day I inquired where the physician was who was going to make rounds. By late afternoon I was informed that this was Thursday. I thought well, hell, what difference does it make whether it's Thursday or Sunday. I make rounds seven days a week. I was informed he returned to the hospital Monday afternoon and that we would see the surgeon 4½ days post-operative. Who was covering during this period of time? Well it was his time off and nobody covers. So needless to say I became rather irate. I found a physician; we were discharged from the hospital; and took the child back into our care. During the period of time that we were in the hospital, I talked to one other patient whose wife had come in with a threatened abortion. She'd been in the hospital eleven days and had not seen a physician yet. They were delighted with the whole system—they didn't have to pay a penny for health care. I hadn't seen any evidence of health care yet. I think just because you have national health care insurance, just because somebody is paying the bill, doesn't necessarily mean, Senator Harris, that we're going to get good care. I think good care comes from the physician. As I mentioned, I went to a small town in Western Oklahoma prior to Medicare and Medicaid and we had good medical care there. I think we still do. But it's working the hell out of the few of us to do it.

With the implementation of Medicare and Medicaid our area, one-fourth of the land area of Oklahoma, the Northwest part of the state, has been reduced to twelve hospitals. And at my last count, 35 physicians caring for one-fourth of the state. Hospital after hospital is closed. Doctor after doctor is leaving because the hospital cannot provide under Medicare the services that are required. Therefore, they cannot receive proper compensation and they have to close. So our medical care in the area is being reduced. At the present time over 50% of my patients are coming over 200 miles to receive services. To me the federal program does not provide medical care to these people if they have to travel a distance to get it. So I don't think we can just legislate and provide insurance or some other form and suddenly provide care.

Senator HARRIS. I agree with that. You obviously have indicated some pitfalls that do not necessarily follow from national health insurance, but certainly ought to be guarded against. Let me just say that in the little town of Elgin there was a doctor, Dr. C. M. Martin, who was chosen by the American Medical Association as General Practitioner of the Year one year. He delivered our first baby. He is deceased now, but he practiced until he was over 70 years old. The fact that some other doctor like him does not still practice in Elgin is not solely a result, I think, of federal programs.

Dr. KEITH. It is not the result of federal programs but federal programs did not necessarily return the doctor. . . .

Senator HARRIS. No, that's not right and that's why we need to do more. I believe that we've said that here.

Dr. KEITH. Also, it's been advocated all day long, and I notice a good deal of our friends from labor unions have left, that physicians' costs are skyrocketing, or at least this was the statement that I heard. Yesterday, in anticipation of coming over here, I pulled a few bills from my private file. I bought the same car for the last four years. I'm on multiple state committees and so forth and the board of directors of the Boy Scouts, etc., and I drive a good many miles each year. In 1967, I paid $4,700 for this particular car. In 1970, I bought a model smaller. I left three expensive extras off. That car cost me 36,700. This is a $2,000 increase. My grocery bill in 1967 was $170 a month. In 1970, $280 a month. I had my house painted, the trim, in 1968,

$60. I got the bid yesterday to do it this year, $280. In both cases I supplied the paint. Yet I looked at my own bills that I charged. For 1963, I took the four most common procedures that I do. One of them, $275. 1970, $275. 1963, $500. 1970, $500. 1963, $10; 1970, $10. One of them, the average office call, 1963, $5; 1970, $6. But that $6 is a fallacy. I still get paid $5 because Medicare hasn't allowed it yet. (Laughter). Now, I went to a country that has national health insurance and I learned to do a procedure which at that time was not performed in the state of Oklahoma and I was the first one west of the Mississippi to do it. The cost of that procedure in that country was $3,500. That's a lot of money, I agree. I came home and did the first two of them for $3,500. It was ridiculous; it was too much money. I reduced my fee to $1,000. For the time that I spend in this I ought to quit doing it.

I could make a whole lot more money doing the $275 or something else. But I don't think a patient deserves to have to pay $3,500 to live and I don't charge it. So what I'm reflecting here is the fact that all of my costs have remained the same or decreased yet what I am having to pay for is rapidly increasing.

Senator HARRIS. I think you have dramatically illustrated one of the things that Dr. Hendren said about the general inflationary increases that have continued in our economy. So, I appreciate what you have had to say and I think it will be useful in these hearings.

I didn't mean to pass over Dick Luttrell and Jim Harvey. Since you all have written statements, we'll put them in the record. I appreciate your being here at this time, and, also, I'm grateful to Jim Harvey for furnishing me with a book, *Hospital Regulation: The Dilemma of Public Policy*.

Mrs. Ruth Avery who is an appointee of the Governor to the Oklahoma Narcotics and Drug Abuse Council, a member of the Tulsa Area Health and Hospital Planning Council and a Tulsa businesswoman is here.

TESTIMONY OF MR. RICHARD C. LUTTRELL, ADMINISTRATOR, NORMAN MUNICIPAL HOSPITAL, NORMAN, OKLA.

I am Richard C. Luttrell, Administrator of the Norman Municipal Hospital of Norman, Oklahoma. The hospital I represent is currently a 150-bed acute general hospital owned by the City of Norman and operated by a 5-member Norman Municipal Hospital Authority. The hospital has an average occupancy in excess of 85% for the year ended June 30, 1970. Its average length of stay is about 6 days and average stay of over age 65 group is 10 days.

The hospital has assets of 7.5 million and loans for capital expenditures outstanding of $3.2 million. The hospital is engaged in a major building program. Average in-patient cost per patient day is $67.00. All operating costs of Norman Municipal Hospital must be met by patient revenue. The hospital receives no operating funds from other sources.

This points up our need for equity for the purchase of our services from all purchasers of care whether it be individual, insurance, Government, or Blue Cross.

Cost reimbursement formula in general

A hospital cannot operate without some degree of profit. Profit is necessary for current debt retirement as well as the necessity of providing for replacement of plant and equipment. Elimination of the 2% allowance in lieu of specific recognition for Hospitals effective June 30, 1969, further compounded the problem. This allowance amounted to $51,944.68 for the Norman Municipal Hospital for the year ended June 30, 1969, and probably would have amounted to approximately $70,000.00 for the year ended June 30, 1970.

Many costs for providing services for Hospital patients are not allowed under the Medicare reimbursement formula. Examples are costs of operating Coffee Shops, Employee Meals, Beauty Shops, Telephone and Television charges. Certainly these costs are necessary to operate a hospital and are definitely related to patient care. The Medicare program should provide for reimbursement of its pro-rata share of these costs.

Reporting requirements and increased paper work have substantially increased as a result of the Medicare program. It would appear that increased Administrative costs necessitated by the Medicare program should be entirely reimbursed by Medicare. Such is not the case. Only the proportion of these expenses of Medicare to total patient days is chargeable to Medicare.

Cash flow problems associated with medicare

Hospitals generally experience a real cash flow problem as a result of slow processing and approval of Medicare claims. Although the Intermediary in Oklahoma has probably operated more efficiently than in some other states, there still has been a considerable time lag between the time the claims are received by the Intermediary and the time when final settlement is made. The cash flow problem has been alleviated somewhat with advance payments from the Intermediary. However, the continual adjustment of the allowance makes it most difficult to forecast cash flow. A more current processing of claims with attendant current reimbursement would be most helpful to projecting cash flow.

The cash flow problem is even more onerous because of the trend for hospitals to participate in debt retirement, principally in the form of revenue bonds. As a result of the cut-back of Hill-Burton funds, many hospitals are being required to set aside significant amounts of cash each month for debt retirement. In the Norman Muncipal Hospital, for example, it is necessary to restrict the first $19,333.00 each month for bond retirement obligations.

Because of the delicate balance between cash inflow and cash outflow in a hospital, it is most difficult to take care of cash payments that are not anticipated, or measurable, or material in amount. One such cash outflow may be a retroactive Medicare adjustment. Also, the fact that there is a considerable time lag between the initial filing of the Medicare report and the final settlement causes a hospital administrator to never quite know just where he is with respect to cash flow. If a formula could be developed which would adequately cover costs and provide for some degree of profit on a current basis, with no retroactive adjustments, it would be most helpful to the prudent administration of hospitals.

Utilization committee activity

The Medicare program requires periodic review of cases for Medicare patients by physicians other than the attending physician. Such a program is undoubtedly somewhat effective in curtailing unnecessary delays in discharging Medicare patients from the hospital. However, there appears to be very little incentive for early discharge from the viewpoint of the patient other than the 90 day rule. Since the Medicare program is a losing proposition for hospitals, any change that would curtaiil excessive Medicare patient days would undoubtedly benefit the hospitals as well as make the program less burdensome to the taxpayers who are standing the cost of the Medicare program.

Physicians serving conscientiously on Utilization Review Committees serve in a very difficult task without much praise for the work they are doing. When they are acting in the Utilization review capacity a way should be provided for them to be immune from Civil Legal action.

Hospitals have found themselves faced with rising labor costs, increased shortages of skilled personnel, and increased demand for its services and demands for improved services in the future. All of this at a time when hospitals, as institutions, are operating in a precarious financial condition.

Voluntary area wide health planning is a good thing for the hospitals of this country and the consumers of health care and it would seem that it should receive support from government and private groups to a degree greater than at present.

During the 1969 Oklahoma Legislature an attempt was made by the Oklahoma Hospital Association to tie planning to licensure by the utilization of a certification of need. Even though this attempt failed, this method or an improvement is essential in controlling speculative construction of hospital beds.

I think that on the whole the Medicare and Medicaid Programs have been a success in Oklahoma. The programs have rendered care and service for which they were intended. There is still the unmet need of the medically indigent not eligible for Medicare or Medicaid, the need for paperwork simplification of both programs, the placing of stewardship responsibility for the prudent use of facilities and services in some way to the patient and family, and the development of a prospective rate setting system rather than retroactive.

TESTIMONY OF MR. JAMES D. HARVEY, ADMINISTRATOR, HILLCREST MEDICAL CENTER, TULSA, OKLA.

My name is James D. Harvey. I am administrator of Hillcrest Medical Center, a 500 bed general hospital located near downtown Tulsa. Hillcrest also operates a 28 bed satellite hospital in Broken Arrow. It is a privilege to appear here to make a statement concerning questions of financing health care and a closely related subject, delivery of health care.

For a number of years we've heard about and talked about great changes being made in medicine and health care. Those of us who are connected with hospitals have been caught up in the middle of these changes. We exult in magnificent new ways to deal with illness and injury. The results *have* been truly amazing. For the most part in the Sixties, publicity on health care was centered more upon these kinds of accomplishments, e.g. transplants, implants, the pill—than it was on some of the more fundamental problems that hospitals face. Toward the end of the decade, as accelerated by the coming of Medicare, things began to change. The fundamental problems of cost and delivery became highly visible in the health industry. So today, it seems from my paranoiac viewpoint, that hospitals are objects of public attention, to say the least—public outrage, to say the worst.

Within this big change one of the greatest sub-changes to take place over a relatively short span of time has been the methods of financing health care costs. This is not often discussed in a public sense. It certainly is talked about a lot among the vendors of health services, however. Some of these changes have caused the greatest financial dilemma hospitals, in general, have ever faced.

Changing public attitudes towards health care have created part of this dilemma. The passage of the Medicare law marked a major shift in public policy. The law said, in effect, that every citizen has a "right" to the best medical care available and the citizens' ability to pay for such services has no relationship to this entitlement. Such a policy—although hotly debated for a number of years—is hardly opposed by anyone today.

Hospitals' concern revolves around the *method* of payment for patients in the Medicare category and its companion program, Medicaid. The Medicare program is all-inclusive in its applicability to citizens 65 years of age and over. There is no means test, nor is there pauper's declaration needed for eligibility under Medicare. Since this is true, the *entire* population in the 65 and over category is covered—that's a lot of people.

Because there were formerly many persons in this category who were wards of the government in one fashion or the other, Medicare had the effect of giving "relief" to local governments (both at the state and county levels) by taking over one of the major responsibilities which local governments had, to wit, health care for the indigent. The immediate effect was one of great relief among local public officials and among some hospitals because suddenly more payment was being made for a given group of patients, although such payment—which was to be proven later—fell far short of covering the economic cost for taking care of these patients. Indigents do not comprise the total number ot people 65 and older. Those who used to pay their hospital bills now, in Medicare, had a new guaranteed health program—this presented another loss to hospitals. As years of experience unfolded, hospitals discovered the insidiousness of the method of payment developed for Medicare and Medicaid programs.

As a matter of historic reference I call to your attention that Federal Government officials were predicting expenditures for Medicare at a level which turned out to be one-half the amount needed during the program's first year of operation. Health officials correctly predicted that the government's forecasts were too low. It really didn't take more than a pencil and a piece of paper to figure that out in advance. But the effect of this overspending caused forces in Washington to crack down hard on the reimbursement program, which only served to aggravate a bad situation. The result has been that an already bad reimbursement program was made worse by cutbacks. We yelled loud and long but to no avail. And remember, we hospital people were the ones who pointed out the financial shortcomings of the program in advance. It's ironic that we and our private paying patients are suffering the consequences.

During the first year of operation of the Medicare program, the use of hospital facilities among persons 65 years or older increased 15 to 20% more than the previous year—the increase in the second year was 14%—and hospitalization by people 65 and over is still increasing. This increasing activity is really much more than many hospitals are physically equipped to handle—both from the standpoint of their facilities and from the standpoint of available manpower.

Medicare is not the entire reason for hospitals needing to expand—but the *effect* of Medicare is what concerns us. As a result of the pressure to inaugurate construction programs, and because grants and philanthropy have diminished in proportion to hospitals' growing capital needs, hospitals are having to borrow larger amounts of capital required for construction. Local governmental hospitals have had to sell revenue bonds. In either event, this has had the effect of aggravating the financial operation of the hospital.

Pledging repayment on future earnings is a great temptation—particularly to taxpayers—the rationale is: "It won't cost anything unless you use the hospital." Unfortunately, recovery of funds can only be made through the billings hospitals generate on patients. So, the hospital bill must go up as a result. Current methods of financing hospital costs are inadequate, in my opinion, to meet these capital requirements. It gets a little 'scary' when one realizes that national capital requirements for modernization of hospital facilities amounts to fifteen billion dollars—and this is an estimate which is a year or two old. Is it no wonder that hospital administrators scratch their heads in wondering who is going to pay for this? There is no earthly way in which these improvements could be made entirely with borrowed capital under present reimbursement systems.

Ray Brown, a national hospital leader, made a statement not too long ago from which I quote, "In the decade between 1965 and 1975, the nation's voluntary hospital system will have to secure as much capital as was accumulated in all hospital history before that decade. At the same time, the hospital field is faced with an as yet largely unrecognized problem; a sharp dichotomy exists between its sources of capital financing and operating funds. In consequence, proper financial strategy is prevented as hospitals are forced to set distorted priorities in order to 'put (their) dollars where the revenue is'."

These conditions, when coupled with increases of hospital costs, paint a not-so-rosy picture. This is why so many hospitals which, when they modernize, do not embark on innovative programs for the delivery of health care but rather recreate the hospitals in the images in which they formerly existed. There is no adequate incentive whatever built into present hospital financing programs either on the capital side or on the operating side of the picture for institutions to develop new kinds of health delivery programs which might be either more comprehensive or more efficient or both.

The gist of my remarks is this: the health care delivery system as it exists today is not adequate to furnish health care to *all* of our citizens, who now claim it as a right. When people view health care as a right, something is bound to happen. What I fear is that we will develop a monolithic structure which would attempt to furnish health care to all citizens. The organizational implications of this are too horrible to imagine.

If we simply change the way we finance health care—adequately provide for and build in incentives for health institutions and professionals first to create facilities and train manpower to undertake new programs which would deliver care in different and more innovative ways; and second, adequately finance that which is offered—*then* hospitals would not be forced to recreate themselves in the style of the Fifties when they undertake capital construction or move to develop educational programs.

In a sense, public policy is contradictory. It declares on the one hand the right to health care for all citizens and on the other it preserves, through present governmental programs, old ways of doing business—when, in fact, the old way isn't adaptable to total population coverage. I think we have adequately proved that the way we used to conduct health affairs is not adequate to serve the two hundred million plus people who exist in our country today. Unfortunately, there has been a lot of talk about this—but very little action.

The place where action can really take place is in the United States Congress and the Executive Branch where sums of money could be appropriated on a large scale for programs in which the private voluntary sector of the health care field could be a cooperating partner by developing all kinds of wonderful new programs.

In the long run, this would save money in a number of ways. First, of course, is operating efficiency—causing patients to receive the kind of care they need as opposed to putting patients into an institution where everybody gets the same level of care, regardless of their need for it. In other words, develop a system whereby one pays for what he gets. But, before we do that, adequate capital has to be made available for the health care institutions, other providers, and educational institutions to develop their physical facilities to be able to do this—e.g. to take care of the horizontal bed patient, vertical patient (out-patient), the rehabilitative patient, and the home care patient. It will take a *lot* of money to do this. I would point out that representatives of the Federal Government have done a lot of talking in comparison with the *paltry* amount of appropriations allocated to such undertakings. In other words, we will have to spend money before we can expect to save any.

The second way money can be saved is through changing the reimbursement programs which are in existence (e.g. Medicare). The Federal Government must recognize that it has a broader responsibility in financing the health care of Medicare and Medicaid patients than is implied in the present method of payment. Health institutions have a monumental problem in having to discount hundreds of millions of dollars to the Federal Government at the expense, unfortunately, of the rest of the people who have to pay their hospital bills. I've said for quite a while that at Hillcrest if the Medicare and Medicaid reimbursement formulas were similar to the amounts paid by Blue Cross, commercial insurance companies, and by people who pay their bills privately—*we could decrease our charges to all hospital patients by 8% tomorrow.* This circumstance reflects badly on the Federal Government. If this reimbursement tangle could be solved, providers could then pledge themselves (and third parties could require this) to work in an integrated voluntary planning relationship so as to maximize the use of resources and eliminate wasteful practices. As it is, we have to scramble to stay alive—a situation which is a deterrent to cooperative planning.

In Oklahoma we have a good start in health planning but we've still got a long way to go. Adequate reimbursement will be a vital contribution to its success.

The third way to save money is to provide *comprehensive* financing for *comprehensive* care. During the Sixties there has been a lot more money made available for the classic hospital bed patient. I suggest that more money must be allocated to cover the costs for taking care of patients in all kinds of treatment facilities—including the home. There should be no bias connected with the place a person is treated other than that standards are being met. What difference should it make whether he is lying in bed in some hospital—or whether he is in a program which keeps him at home in order that he remains in a productive position in our society?

The old ideas about health insurance coverage have to be thrown out the window. The Federal Government and the state governments must recognize this fact as do insurance companies who are large purchasers of health care services. It's ironic that our financing system tends to cover the most expensive modes of treatment, while what proves to be better ways for many people are not covered.

It's human nature not to want to take that first step because it's into the unknown—but we've rapidly gotten ourselves into a position in this country that, in health care financing and delivery, anything is likely to be better than what we have now. I hasten to the defense of existing hospitals and professionals when I say this—they are in the cross-fire—and are still performing magnificently.

Also, I realize that many interests in our nation are competing for more money—the environmentalists—what they propose will have a long range impact on the health of the people—claim that what we are doing is just a small, insignificant gesture in addressing ourselves to the problem of purification of our environment. Transportation, space and housing, are all subjects involving proposed expenditures of large sums of money and there are others.

I feel that the cost-benefit ratio in health care dollars shows promise of being the highest of all potential spending programs simply because we already know the solutions—thanks to government-funded research—now we need the money to apply that knowledge gained so that the consumer may benefit.

Therefore, I say that our health care system requires massive doses of funds which will have to be appropriated for different uses, under different formulas than they are now. Only in this way will health care providers be able to do some of the things so many consumers are suggesting and for which so many researchers have already pointed the way.

We could sit here all day and parrot past utterances of national health leaders and governmental leaders—but there is very little we can do about it unless we have the wherewithal to follow through.

I've purposely avoided specifics because of time limitations. Be assured I'd very much like to participate in putting together new health programs which might be worthwhile. Although I speak from experience only in one hospital, in one city, from one state, the problems, I'm sure, are universal.

Thank you very much.

Testimony of Mrs. Ruth S. Avery, Trustee, Oklahoma Center for Compulsory-Addictive Disorders, Inc., Tulsa, Okla.

Oklahoma Center for Compulsory-Addictive Disorders, Inc. (Alcoholism, drug addiction, compulsive gambling etc.) a consortium of the Oklahoma departments of health, mental health, department of education, Oklahoma University school of medicine, Oklahoma State University, University of Tulsa, social agencies etc. with facilities of Tulsa involved within the two major cities would include hospitals, psychiatric foundation, Tulsa rehabilitation centers, clinics, children's medical center, Moton health center, Tulsa city-county health departments just to mention a few in Tulsa, with like institutions in Oklahoma City which would operationally be involved.

Basic clinical organization

Detoxification Center

The Central unit requiring hospital or clinical facilities. In the Tulsa situation, liaison between Hillcrest Medical Center and the Tulsa Psychiatric Foundation to receive from any source—Tulsa County, the State, the Interstate Region—depending upon whether this function will be shared by a comparable one in Oklahoma City Medical Center—which would be advisable because of the population concentration. It could, in each instance, be a part of existing clinical services. Strictly a professional organization, which would serve alcoholics, drug addictions, compulsive gamblers etc. and others in general category requiring inpatient clinical services. Twenty-four hour a day service is paramount so that no victim of a compulsive-addictive disorder will be unable to receive treatment immediately upon request. In Tulsa, the Moton Health Center functions under the Tulsa City-County Health Dept. Under the Okla. Health Planning Agency, statistics and records should be maintained in cooperation with the Health Dept. of the State: E.G.

a. How many people are suffering from a problem of this nature?

b. Who is servicing them?

c. What are the effective techniques available?

d. How many of these are being applied?

e. What is the age bracket span?

f. Are treatment facilities available for students? For working people?

g. What are the charges to the victim, or is there some place where those unable to pay can receive help free?

h. Is there some place where children under sixteen can receive help without their parents knowledge if they so desire it by applying in person at certain designated places to be dispensed under the medical supervision under the auspices of the State Health Dept. through the various County Departments?

i. Are live-in facilities indicated as a necessity?

j. How effective is the "Single System of Treatment and Care" recently inacted in California in this specific area; here there is a 72 hour involuntary detention, 14 day involuntary detention, and a 90 day involuntary detention under a conservatorship for persons who are, as a result of a mental disorder, or use of alcohol, narcotics of restricted dangerous drugs, a danger to others, or to themselves, or gravely disabled?

k. What services are available, and where can they get them? How are they treating them?

Under this basic plan, outpatient services may be shared by the coordination of the institutions participating.

Should a national health insurance plan ever be considered, treatment for all drug abuse should be one of the benefits.

Rehabilitation services

These services should be organized with respect to varying needs of the major clinical fields—alcoholics, drug addiction, compulsive gambling, etc. Today, many patients are "spree" users (multiple uses of alcohol and different drugs). Gamblers also are caught up in misuse of alcohol and drugs. Again many needs will be met by *reinforcement of existing services*. They need to be spelled out in terms of local resources in Tulsa and Okla. City.

A unifying effort to work the facilities of the two largest urban areas of the State of Oklahoma into a giant effort in this specific field would make it the only such effort in existence in the United States. The nearest one comparable is The Alcoholism and Drug Addiction Research Foundation, an agency of the Province of Ontario.

The establishment of such a "Center" here in the middle of the United States, in Tulsa, under the sponsorship of the OU Medical Center, coordinating assistance from Oklahoma State University, and functioning through Tulsa University, would be coordinating both public and private learning resources of our three largest Universities, coordinating research and having the potential cooperation of the three largest hospitals here with the greatest number of beds available in the State of Oklahoma. By Hillcrest, St. John's and Saint Francis coordinating their efforts to prevent duplication or overlapping in this specific field, it would provide a greater diversification of services with a possible reduction of costs. Since recidivism of Lexington and Fort Worth is so high, perhaps it might be worth while for the Federal government to contemplate an innovative approach utilizing but reinforcing present public and private institutions which are producing better results. The methadore blockade treatment seems to be gaining much support, and in reducing the crime rate in the areas where it is being used, as statistically stated in the news commentator's remarks, perhaps this type of treatment might be considered as a better approach than through the imprisonment of the sick victims of heroin addiction. Free treatment of this nature would of course have to be under the State Health Department, with basic funding perhaps coming from the Federal government.

Services would include in the rehabilitative sector a continuation of medical, psychiatric, psychological, social service and specific vocational testing, guidance and training, as well as work placement. Intergrading steps in study and treatment should be available throughout the entire system. Rehabilitation should include specialty opportunities such as "live-in" facilities, and the "Anonymous" organizations—A.A., D.A.A., G.A., Tops, etc. Youth oriented organizations and out-reach groups such as "The Paseo Center" in Oklahoma City, "The Pad" in Tulsa, Coffee Houses operated by volunteer organizations and churches could assist greatly in getting victims of the drug scene into the treatment and rehabilitative system.

Professional training

The existing educational and training services in the various professional fields can be utilized in the training of competent younger professionals as specialists in the general field of Compulsive-Addictive Disorders. Inservice training for public welfare, public health and public agencies could be given by professionals in the field. Training of teachers, law enforcement officers, youth leaders could be concentrated in the University credit courses in Tulsa. This has already been incorporated into the curriculum under Dr. Barry Kinsey, head of the Department of Sociology and Anthropology, and specialist in this field of drugs as well as alcoholism.

Research

Perhaps in the field of life sciences, there might be an answer if diligently pursued toward finding an answer to this problem in human behavior. In London and in the State of Oregon, success has been mentioned in the using of electric shock through the Pavlovian system in cigarette smoking in England, and in the turning off the desire of the "Needle Freaks" in Portland.

Finding out through psychiatry, psychology, sociology, or through religious experiences what can or does affect or move a human being to cause the acceptance or rejection of these various forms of "crutches" in the living experience, particularly prevalent during times of stress or when problems arise is one which will take time. Compiling in one place detailed information relative to results of the various systems and methods used of research used, the results obtained, and the prognosis for its effectiveness would be most helpful. Collecting information from the various research fields would facilitate getting started, and maintaining follow-up files on case histories would be necessary for evaluation. Providing publications in this field backed up by sufficient research is foreseeable. Through uncontradictable data through research and public education on facts can do more to prevent the building up of this "pollution of the mind" in the philosophy of living.

Prevention

Utilization of all agencies in the community, schools, churches, character-building organizations, welfare agencies, combating the "defeatist" outlook, particularly in the economically depressed addicts and abusers, can unite to coordinate their efforts in bettering the living conditions which accelerate this behavior. One doctor stated "Drugs are a people substitute." By understanding and genuine concern, perhaps people caring can help a great deal to stem the flood of drugs which are engulfing our youth. Removing victims from the criminal-justice arena, and into the socio-medical surroundings, perhaps we can heal the sick instead of punishing them for their illness. Training in the public schools from kindergarten through high school is being undertaken in the Laredo, Texas school system under a grant of HEW. The curriculum has been written by instructors at the grade level where it is being taught, and done in a matter-of-fact manner by studying Drugs, Use and Abuse, along with their other subject matter.

By working with the law enforcement agencies and the state legislature to help them in perspective relative to the over-all program would be advisable. Their cooperation and greater knowedge of the subject can be most valuable. The Oklahoma Center for Compulsive-Addictive Disorders could help reinforce their activities.

Public education

A high priority should exist for the dissemination of reliable information in the field. Even professionals can be misunderstood when they contradict each other. This done, on the part of authorities in the field, causes the lay people to become muddled, their vision obscured, and all efforts, even well-meaning ones, become fumbled.

The proper use of television is a must! Parading victims being arrested for their illness, even the law-breakers, cannot accomplish as much as parading the big dealers in drugs who are in the scene only for the big money made. Discouraging advertising which glamourises the product does not help unless this is done nationally by the government. The National Institute of Mental Health has been helping by utilizing the media most advantageously pointing out the hazards. Radio can be most helpful. Newspapers can be invaluable, plus various professional organizations such as the Mental Health Association and others. The Oklahoma Center could collect information and disseminate it to the public, serving as a clearinghouse. It would assist in coordinating services to be sure that they were adequate, and to prevent duplication and a scattering of forces in servicing the field.

Proposed strategy—Clarify the total field of service

The achievement of The Vision of Service is primary, but the total program cannot be built overnight. Therefore, a system of priority phases should be determined . . . e.g. the immediate organization in existing services of detoxification opportunities beyond present status, and as an interim program to a more replete service. What then should be goals of service as to reasonable expectation of implementation?

A down-to-earth evaluation of operations: personnel, salaries, facilities; what would be the ideal situation as to an overall program (intrastate and interstate involving federal participation), what is possible *now*, and what can be expected within two years? This involves the principles of "shared operations" and "shared budgets".

A planner would be necessary to pull this all together, to survey what is available in the State of Oklahoma in this field. What services could be translated dollar-wise as available for the "Center" from the encircled two urban areas of Oklahoma City and Tulsa, prepare it for presentation in a Balance Sheet form, presenting all the assets in the State as of right now, when implemented, and the goal sought as compared to what is required to make it a success. By being sure that what the state provides exceeds what is being requested from the Federal government, would keep Oklahoma in control. Should the Federal Government see that this could well be a pilot program, this coordination and consortium might successfully also work elsewhere, justifying that "seed" money for its conception might be federally financed.

As "One Oklahoman Dreams" of the great potential involved in uniting two young giants in our State toward a mutual goal to feed out from the urban areas, and even beyond in a foreseeable regional program, is it such an impossible idea? Such are the thoughts of a layman in the fields of medicine and education.

Senator HARRIS. Are there any others here who would like to have their presence noted or who have any additional statements they would like to make.

TESTIMONY OF MR. E. L. MALONE, JR., EXECUTIVE DIRECTOR, KIDNEY FOUNDATION OF OKLAHOMA-SOUTHERN KANSAS

I represent the Kidney Foundation of Oklahoma-Southern Kansas. We are concerned with the staggering costs of any patient who contracts a form of kidney disease which leads to failure of this vital organ to function. When this failure occurs, a patient is faced with overwhelming financial burdens which insurance, savings, and other private resources are hard-put to support.

Since it is my understanding that this hearing is called to document the high cost of medical care, I have come to introduce some data which is widely known in medical circles, but which may need to be shared with the Committee. The Subcommittee on Health of the Committee on Labor and Public Welfare of the Senate received much information of this sort in February of this year. Some of the testimony I re-submit in this context.

Dr. George E. Schreiber, President of the National Kidney Foundation, reported that 8 million Americans each year contract diseases of the urinary tract. Of these 8 million, approximately 56,000 progress to terminal uremia and die. The number is costly because they represent a loss of income to the nation amounting to an estimated $1.4 billion annually. If dialysis and transplantation were available to these people, as it is to only ten percent of the possible candidates, the nation's economy would benefit, not to mention the families of those who are lost.

The Wall Street Journal, May 7, 1970, describes the problems faced by one family with better than average income. When their daughter was stung by a bee, she developed a toxic condition in her kidneys which progressed to nephrosis. In the course of 21 months the family ran up medical and related bills totalling $57,794. Her doctors say she faces four more years of costly medical care before she can return to normal life.

Related to the experience of this family, the Johns Hopkins Hospital reported to a Wall Street Journal reporter that one 16 day stay in hospital brought costs of $1,286.45, or an average of $80.37 per day. These costs are about average for hospital care across the nation these days, said the hospital authorities. The patient did not receive surgery, but was admitted primarily for a check-up, with medication and routine services.

Facilities for treatment of kidney disease are far in advance of the ability of patients to afford them. Cost of an artificial kidney machine for dialysis of a patient at home runs about $4,700. Each of the twice-weekly treatments makes use of materials costing $25-$35. Whether treatment at home or in a dialysis center is employed, the costs are heavy. And while waiting for a donor kidney for transplantation, the candidate must be dialysed twice each week to stay alive.

These costs represent present day expenses. They are less than the costs ten years ago when the treatments were new and rare. As use increases the costs are reduced. But to make greater use of hospital facilities today requires some kind of financial support beyond the means of single family units, no matter how well off the family may be.

The Kidney Foundation of Oklahama-Southern Kansas is a new agency in the medical and health field of this area. We include a large number of physicians and lay members in Oklahoma City, Tulsa, and Wichita. We are spreading our membership slowly throughout the state hoping to provide some support for the treatment and recovery of kidney patients. We hope that we can move fast enough to save some lives of our citizens with voluntary support. But the needs are so great that we must mobilize the resources of our whole society to meet the challenge of health service which is fast moving beyond the resources of individual families.

Senator HARRIS. Thank you. This has been a particular interest of mine, as you know, among other interests. Dr. Schreiner and others who have pioneered in the field have been and are friends of mine. I recall one time several years ago I was holding hearings in Oklahoma City on the development and use of biomedical knowledge, and a lady who had heard about the hearings came down from Kansas. She was a young lady, looked to be under 25. She said that she and her husband had two young children; that he suffered from some type of kidney failure; that he would die very shortly unless he could have regular access to an artificial kidney. The nearest one available to him was in San Francisco and he was, I believe, nearly 300th on the list. Therefore, unless some other provision was made for him to have access to such a device—which we know how to build and there are some but they're in short supply because of money—he would die. Unless the Federal Government spent the money to provide additional such devices he would die. That seems to me is a rather dramatic presentation.

Senator HARRIS. Lorraine Haynes has furnished a statement consisting of a letter which Representative Roger L. Smithey received from Mr. Lloyd Rader in regard to an aspect of the problem of financing medical care—a problem not now covered, and that is the replacement of teeth, and payment for such items under the present law. It will be made part of the RECORD.

OKLAHOMA PUBLIC
WELFARE COMMISSION,
Oklahoma City, Okla., May 13, 1970.

Hon. ROGER L. SMITHEY,
State Representative,
Tulsa, Okla.

DEAR SMITHEY: This has reference to the telephone call of May 12, 1970 regarding contacts you had had from Old Age Assistance recipients who were having problems insofar as having their teeth removed and the replacement of the same. You were interested in knowing if there were any provisions under the Medical Care Program to provide for such cost.

Under Section 18.62 of Public Law 89.97 the following statement is made, "(a) Notwithstanding any other provision of this title, no payment may be made under part A or part B for any expenses incurred for items or services—

"(12) where such expenses are for services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth."

In view of the fact that Title XVIII of the Federal Social Security Act has specifically excluded the replacement of teeth, we will not be able to make payment for such items.

We appreciate your interest in this matter. With best regards, I am

Very truly yours,

L. E. RADER,
Director of Public Welfare.

JOHN T. FORSYTHE, M.D., of Tulsa, Okla. On the kidney matter, was it said that this was not available to the people in Oklahoma? Are we implying that this is not available?

Senator HARRIS. My point is this: I think it has been rather clearly shown that there are far more people who need such care than are able to get it now. I don't mean just in Oklahoma; I mean in the United States.

Dr. FORSYTHE. It is my understanding that the incidence of people that now need this is approximately one in 100,000.

Senator HARRIS. I don't know what the percentage is.

Dr. FORSYTHE. I think in Oklahoma we have this availability.

I am John Forsythe. I am a radiologist.

Senator HARRIS. I appreciate your statement, Dr. Forsythe.

Dr. DENYER. I'm Dr. Denyer of Bartlesville. We had one of those in Bartlesville. As a matter of fact, we still have one but for the moment we're without a man to operate it. We still have it and there's one in Oklahoma City. And the big problem is that the supplies to operate the thing are about $250 a time. That's just part of the problem. We hired a team of seven people for quite a long period of time to render such care.

Senator HARRIS. As I indicated awhile ago, it's a very serious kind of moral question: who lives and who dies. And all of us make decisions about that consciously and unconsciously.

Dr. COTNER. I'm Dr. Norman Cotner and I'm from Grove, Oklahoma. I'm a guest of Dr. Ed Calhoon, President of the Oklahoma State Medical Association. I made some notes and listened to people present their case very strongly and I reached two conclusions. Number one, medical men and health care people are putting out all the services that are keeping you alive. We're tired; we're worn out. We work harder; we see more people; we don't take vacations; we see our families disintegrate under these circumstances. We see patients day and night and are always interrupted by people's problems. We want you to know that we're working. If somebody wants to pay the bill and send people out there to help us, we'd be happy to have it.

We're going to be down there looking after people. We're going to be doctoring folks as long as there's a line. And we don't want some labor union here saying that we won't do it because we do it every day. And we work hard at it. Some pay us and some don't. We'll look after the treatment of the sick if someone will look after the payment of their bills and those things. Now we have poor people who come into the office and get care and don't worry about paying. The Indians have a physician who has been in Delaware County for eleven years with 16,000 to 17,000 people in that county; and there have been many times he was the only doctor in that county. But we look after them, some way or another. And the Indians don't like to go to the Indian hospital. They wait until they get too sick to reach the Indian hospital and have an emergency and come to one of the local hospitals. And we have to look after them. You talk about all these drug bills. Nearly every drug company that puts out a critical drug will give that drug free if they'll ask for it. Most drug companies have forms and you fill them out and the druggist will fill the prescription and the drug company will replace it. So you hear a lot of emotional stuff about how poor people are being treated.

Senator **Harris**. Surely, Dr. Cotner, you don't believe that for everybody who needs drugs and can't afford them, they would be provided free by those who manufacture them?

Dr. **Cotner**. I believe they would down in Delaware County. The doctor gives them to them or the hospital gives what we get in samples. There are tons and tons of samples. If they would organize the catalogues—they are more filled with trash than the people would ever use. (Laughter.)

Another thing I'd like to stress is about hospital costs. They say it's such a good deal. I tell you if it were such a great deal, Conrad Hilton would be in it. That's all I've got to say about it.

These are thoughts that were developed by my office girl who knows something about the program and the accounting and everything. Our county has eleven federal employees to tell the farmer how to fill out the forms to get his payment for the land he's letting out, for the soil bank. He has to know when to plant, when to hoe, when to plow, and when to mow. (Laughter.) But once they have to figure out how to process all of these papers relative to his retirement, and his Medicare, and his welfare, and social security, they come to the doctor's office. (Laughter.) But they have all these people for the soybeans and everything, but no one to help these poor people process their papers for their health. You'd think that you'd have some people in the field to help in some way to educate them because they just don't understand. I know that doctors have told me that there isn't any way they can explain Medicare to their patients who are on it. The explanation of benefits received from the Medicare carrier, Aetna, still confuses people. Most of them don't understand how to read them and they end up bringing their problems to the doctor's office for explanation. My secretary says, if the government is going to help people by having these health programs then why don't they pay full, reasonable charges instead of having these ridiculous deductibles and co-insurers? These insurance companies are selling supplementary insurance policies to these poor, elderly people who think these insurance policies pay everything Medicare doesn't; then much to their sorrow they find the policy is designed to help fill the gaps in Medicare and doesn't do it. If a person who has had heart trouble for twenty years goes into the hospital, these insurance companies don't pay anything. The elderly person is confused; he thinks everything is taken care of.

Mrs. **Marketic**. I'm Nadine Marketic. I noticed on television that you were going to be here. I don't have anything prepared and haven't thought too much about it because I'm a chiropractor's wife. And we have patients coming to us almost every day wanting to know if Medicare would cover their care. We have to say no. And, then again, we have them coming to us after they've been the whole medical route, and they don't have any money. But still they need some sort of help. I know many of our patients have written to you to support chiropractors inclusion under Medicare. What have you found out or what conclusion have you come to?

Senator **Harris**. We're going to have some hearings on that bill that has come over from the House. It has provision in there about a study, I believe.

Mrs. **Marketic**. May I ask you one more question? What avenue are you following to get information on this type of health care?

Senator **Harris**. Chiropractors are doing pretty well about keeping me informed with letters and so forth. Do you know what provision there is in this bill that has come from the House?

Mrs. **Marketic**. No. I really don't.

Senator **Harris**. I don't either.

Mrs. **Marketic**. I just heard you were going to be here and with such short notice . . . chiropractors being in the health field should be taken into consideration. If you really want to hear from the people I thought we should be notified. I'd like to call on one patient and let you hear what he has to say.

Mr. **George S. Richardson**, of Sapulpa, Okla. My name is George Richardson and I'm from Sapulpa. I want to talk just a minute. I don't have anything planned. I want to tell you about an accident I had in 1939. I had a car accident and broke a leg. I was in a hospital and the good doctor that I had had to leave and go to New York City for special training. He left me with an intern. Of course the intern, as soon as he came on the job, I commenced getting better. It just stopped the pain. They had a splint on and, of course, the good doctor kept it tight but this other doctor loosened it. As I went on it got better and he put a cast on and sent me home. I had this cast for six or eight weeks and the local doctor came out and took the cast off. I got over that and then I had cast after cast from the doctor. All my finances and everything were gone and I was in debt. I had a job and finally got back to work, but couldn't make very much. We got along until later. In 1946, I was retired from the oil company. I was doing carpentry work and fell from a house on to concrete. We're getting along pretty good but my income is social security only. We live on that and my wife keeps the home going and I try to keep the yard going. I fell off the house and was in the hospital. I was in two weeks and three days. The doctor discharged me and said I was ready to go home. My wife was not able to take care of me. Since then I haven't been able to do anything. But the finances for drugs and doctors are so high I can't reach them. I went to Dr. Marketic and he's got me going and you can see how I am now. In a few days I will be 89 years old. I just wanted to tell you that it is Dr. Marketic who brought me out of it. I'm getting along pretty good. But it is expensive.

Senator **Harris**. Again, I want to say I am grateful to those who have taken so much time to be here. We've had some rather sharp disagreements on some things and some rather broad agreements on some things; that's not surprising when we are talking about something as important as health. All of us as human beings have certain rather basic concerns. One is: what sort of education is my child going to have? What sort of future will he have? This is a legitimate and very basic concern for each of us. Another legitimate and very basic human concern is: what is going to happen to me when I get old? When I get to an age when I can't work any more, what's going to happen to me? The third concern is: what is going to happen to me if I get sick or hurt? Those are among the very deepest kinds of human concerns. And you and I must do our best to make those fears less fearful, one way or another.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. Jordan of Idaho). Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. Jordan of Idaho). The chair lays before the Senate the unfinished business which will be stated by title.

The **Bill Clerk**. Calendar No. 1020, H.R. 17123, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

LET US AVOID UNREALISTIC DEFENSE CUTBACKS—THE SOVIET UNION AND COMMUNIST CHINA CERTAINLY ARE AVOIDING THEM

Mr. BENNETT. Mr. President, we have now started consideration of the military procurement authorization bill. I was most interested in the recent remarks made by the distinguished chairman of the Armed Services Committee (Mr. Stennis) under whose auspices this legislation is so ably prepared for floor action. As usual he and the committee have gone to great lengths to insure efficient and adequate defense for the American people.

Mr. President, we are considering this bill at a time when every American is vitally concerned with the rapid and responsible reordering of our national priorities. One of the foremost questions we are asking is "What should be the nature and posture of the American defense structure in the 1970's?" I should like to discuss briefly some of the thoughts that have been going through my own mind concerning this question.

Our foremost priority as a nation is the security and defense of our people and the unexcelled system of values and liberties which we enjoy. We have consistently, at least until recently, spent more than 40 percent of our Federal budget in an effort to achieve and maintain those objectives.

These efforts have been primarily for our own security but also partially in response to voluntary commitments the Congress has made in response to requests that we help others to assure their security in the various parts of the world.

The defense structure we are building in this decade will necessarily be different than the one we have maintained in the past, because the threats we face as a Nation are different than they have ever been in the past, both in terms of the potential circumstances in which defense may be needed and in terms of the types of weapons systems and the optimum patterns of military organizations.

Unfortunately, our defense policies during the past 10 years have allowed the Soviet Union to achieve parity, if not superiority, in the fields of nuclear weapons and delivery systems and to expand their military presence into new areas of the earth. We must now ask ourselves what affect this has on our ability to deter a nuclear war and to defend the great cities of America from utter devastation, especially in light of current attitudes and recent actions of our professed enemies in such areas of the world as Southeast Asia and the Middle East.

In this age of potential instant destruction, we have come to rely—possibly even stake our very lives—on the phenomena of nuclear stalemate and mutual deterrence. Because there is so much at stake we must be alert and conscientious in our efforts to develop and build any capability which might avert a senseless nuclear holocaust. Every possible effort should be made to achieve a world condition where such an occurrence would be virtually an impossibility. I sincerely hope that the SALT talks can put us solidly on the road to such a happy condition. But the reality of the world situation today is such that we must maintain strategic and technological parity, if not superiority, in these fields.

We are also confronted by a highly volatile and unstable world situation. We must ask ourselves to what extent we wish to influence those processes and forces which are operating in the world around us in hopes of helping to create a society of nations in which all the peoples of the world can develop in peace, and determine their own national courses for the future with minimal foreign intervention or coercion.

For a number of years we have given security commitments in various parts of the world with the foregoing objective in mind. We have made mistakes but we have also learned a great deal. As we begin better to understand and cope with some of the major problems which confront the developing world such as: poverty, economic development, population, nationalism, security and political instability, we will be much better prepared to aid our struggling neighbors. The interesting trip I took to Seoul, Korea, in April of this year to attend the third annual meeting of the Board of Governors of the Asian Development Bank was most encouraging in this regard.

President Nixon has demonstrated his concern for a responsible reevaluation of the nature of our past worldwide defense commitments and the need for a well-designed transition to a posture more in keeping with the contemporary world situation. He has said that the practice of "permanent welfarism" on the part of some allies who selfishly rely on Uncle Sam's power must change markedly. "If the other nations of the free world want to remain free, they can no longer afford the luxury of relying—primarily—on American power." The Vietnamization of the war in Indochina, I feel, is the responsible road to achieve that objective.

War itself has become much more political in nature; and as such, the style of each war conducted in different regions of the world reflects more and more the political styles and problems of the States in those regions. If we are going to continue to aid in defense against the forces of oppression, subversion, and disorder abroad in an effective manner, our defense capabilities will have to demonstrate sufficient flexibility to meet individual challenges appropriately and efficiently.

Mr. President, in the forthcoming debate on the military authorization bill, the Senate will attempt to find answers to the questions which I have briefly raised and the many others concerning our defense requirements. Due to the rapid change going on in the world and the unsettled conditions we find in it, these solutions are not going to be simple. The importance of this task cannot be overestimated.

Much of our debate will be a question of degree and a problem of semantics steeped in political manuvering and rhetoric as we attempt to arrive at workable definitions and solutions. To do this job correctly, we must competently evaluate the situation confronting us.

What is the situation confronting us? Unfortunately, while there is a pressing demand in this country for reduced military expenditures, the Soviet Union and the Communist Chinese are going in the opposite direction. We are being challenged on the high seas by the Soviet fleet and by its ever growing submarine forces. The Russians have penetrated the Mediterranean and Middle East to a point where NATO interests are seriously threatened. The Soviet naval position is being extended into the Indian Ocean and to Southeast Asia. Moscow continues to build its SS–9 missiles at a rapid pace. They have now acquired nuclear parity with the United States, and the prospect of Soviet nuclear superiority is becoming a distinct possibility.

The security of the free world since 1945 has depended upon American military power. I believe those who are now demanding drastic, unrealistic cuts in our defense expenditures are conveniently ignoring the threat that grows almost daily. Unfortunately, Mr. President, the missile gap which President Kennedy often referred to in the 1960 election, which he later found to be erroneous, may now become a reality. If the recommended drastic cuts are made, I predict the American people will wake up one day and realize that the United States is a second-rate military power. I don't think it is necessary, however, and I urge the Senate and the Congress to stand by the President and provide the necessary defense in the years ahead. This includes the ABM system as recommended by the President. This includes necessary improvements in the American fleet and where necessary, improvements in the air defenses.

I believe we have retained our freedom because we have been willing to pay the necessary price in defense. It is clear to me that where there is a soft spot or a political or military vacuum, the Soviet Union will probe it and fill it if possible. We are at a crossroads and I hope the Congress will have the wisdom to make the necessary hard decisions.

I think the Armed Services Committee has shown that wisdom, and I will support its judgment and its program.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FITZHUGH PANEL REPORT DISAPPOINTING ON DEFENSE PROCUREMENT

Mr. PROXMIRE. Mr. President, the Presidential Blue Ribbon Defense Panel, known as the Fitzhugh Commission, made its report public yesterday. Some of its findings with respect to the organization of the Department of Defense and the role of the Joint Chiefs of Staff were widely reported in today's press. The portions dealing with military procurement and weapons acquisition, however, have not yet received very much attention. Since they relate directly to the bill now before us, I wish to provide the Members of the Senate with my impressions of this part of the Blue Ribbon Panel's work.

Before commenting on the substance of the report, I want to acknowledge as a Senator and as a citizen the effort that has gone into this project. Many dedicated people put long hours into it, and some without any monetary compensation, such as the distinguished chairman of the Board for Metropolitan Life Insurance Co., Mr. Gilbert W. Fitzhugh, who served as chairman of the Panel.

DEDICATED MEMBERS

Though I am going to be very critical of the recommendations made by the Panel, I want to say that Mr. Fitzhugh is an outstanding American. He heads the second largest corporation in the country, and has attained a splendid reputation in the insurance field. He undoubtedly made a great sacrifice in devoting a whole year in the prime of life, to this Panel. So I think we should not simply speak in criticism of men who perform such services.

Yesterday in the New York Times there was an excellent biography of Mr. Fitzhugh and the remarkable career he has had and the fine job he has done in the insurance business and the splendid personality he has. So these men should be congratulated and thanked for their work. I do not intend any personal criticism of the individuals involved in the study by the remarks that follow. Again, my special concern has been with military procurement. The portions of the report dealing with other subjects have been highly praised and from what I have been able to learn so far, this praise is well deserved.

HOW OBJECTIVE

I would first point out that I have been skeptical of the ability of the Fitzhugh Commission to do its work in the area of military procurement with complete objectivity. I have shown that the Panel was loaded with defense-oriented members and that the staff director was an employee of the Defense Department.

As a matter of fact, I pointed out on the floor the other day, when the Panel was mentioned by the distinguished chairman of the Armed Services Committee (Mr. STENNIS), that at the time the Panel was appointed a year ago, eight of the 15 members of the Panel were up to their necks in defense contracts, were either heads or top officers in defense contracting firms or firms which had enormous investments in the defense industry. Their average investment in defense industry was over $100 million. Of the remaining seven members of the Panel, there was a former professional football player, a very fine man, but a man without much experience in economics or in this area, and an attractive and fine lady was appointed to the Panel. Two members of the Panel who it seemed to me could give it objectivity and competence resigned during the course of the year.

So, altogether, the membership of the Panel would not inspire faith that they would arrive at an objective, critical view of procurement.

HEAD STAFF MAN PAID BY DEFENSE DEPARTMENT

The skepticism was especially underlined when it was announced that Mr. Buzhardt, an employee of the Defense Department, who continued to draw his pay from the Defense Department while serving on this Panel was the staff head. Mr. Buzhardt is staff assistant to Assistant Secretary of Defense Robert Froehlke, and, of course, it would be unlikely that Mr. Buzhardt would be driving for a report that would be very critical of the operations of the Defense Department under the people who were paying Mr. Buzhardt.

Given this makeup, I expressed my reservations in several speeches of the capacity of this study group to really delve into the deep-rooted problems of defense contracting and the incestuous relationship of the Pentagon with the defense industry. It is my sad duty to report that my reservations were more than justified.

The part of the Fitzhugh report dealing with defense contractors is a self-serving document designed to preserve the status quo of military-industrial relations. While it goes so far as to admit the obvious shortcomings of the present system, it glosses over the more critical issues and provides a series of recommendations which are either platitudinous, redundant, or regressive.

Let me comment specifically on some of the major procurement findings of the report.

FAILURE TO SPOT CAUSES OF OVERRUNS

While the report readily admits that "military hardware development programs continue to be plagued by the now-familiar symptoms of trouble: First, major cost growths or overruns; second, schedule slippages; and third, failures in performance," there is an almost total failure to confront the underlying causes of these problems.

For example, the Commission seems to believe that the way to solve the problem of the cost overrun is, first, by recognizing the "inherent limitations" of cost estimates. According to the Commission, technological uncertainties make it impossible to completely overcome the limitations of cost estimating techniques. Therefore, it concludes, original cost estimates should be considered only as the initial baseline and as more knowledge is gained, these estimates should be revised and the new baseline established and incorporated into the selected acquisition reports.

I find this argument an indication of the Commission's unwillingness to face the hard and unpleasant facts of life with regard to military procurement. The problem, in the opinion of the Fitzhugh Panel, is that original cost estimates tend to be lower than final costs. That is not the problem. The Subcommittee on Economy in Government of the Joint Economic Committee has heard much testimony on this point over the past 2 years. The fact is that cost estimates often are lower than they ought to be.

INITIAL COST ESTIMATES TOO LOW

In other words, there is a calculated effort on the part of procurement officials and contractors to make a cost estimate which they know they cannot deliver on, which will make the weapons system seem attractive at the cost which they estimate for the Congress. In this way they tend, of course, to insure that they will get their weapons system authorized, even though the cost may be excessive.

We have been told by several experts that management could control its costs if it wanted to, but that it either does not know how or does not want to do so.

GUESSTIMATES

To conclude that this is a problem of "the inherent limitations of cost estimates" is equivalent to the justification of cost overruns used by the distinguished Senator from Mississippi (Mr. STENNIS) the other day. My distinguished colleague, the chairman of the Armed Services Committee, remarked to me that original planning estimates cannot be any more than a guess. With all due respect, I must deplore this kind of reasoning. It merely provides an escape hatch for the Pentagon and the defense contractors to crawl out of when the costs exceed by millions and sometimes billions of dollars the original planning estimates. These estimates are presented to Congress in terms of certainty, not with doubt or hesitation, when the Defense Department comes before this body and asks us to authorize and appropriate billions of dollars to initiate new weapons programs.

WITHHOLD FUNDS FOR GUESSTIMATES

If the cost estimates are inherently defective, if they are no more than guesses, then the Congress has no business permitting the expenditure of the taxpayers' money. If the estimates are defective and are no more than guesses, then there is no way to hold the Defense Department accountable to the public except not to appropriate funds until we can be provided with reasonably accurate and reliable cost estimates.

PROPOSAL TO REWRITE HISTORY

The recommendation by the Fitzhugh Panel that original cost estimates should be revised for the purposes of the selected acquisition reports is most disturbing. This amounts to a recommendation to rewrite history. An original planning estimate is an original planning estimate, and to later revise it is to tamper with it and to reconstruct the truth. If we followed their advice, the $2 billion overrun on the C-5A would have been swept under the rug. They proposed a program to whitewash the Pentagon rather than to solve the problem.

The Commission's discussion of the industrial site of defense contracting is almost totally inadequate. It does concede that in some cases there are unwarranted buy-ins by defense contractors, but it makes no recommendation to take effective action against the buy-in, or which will have the effect of eliminating the problem in the future.

FAILURE TO MEET BUY-IN BIDDING PROBLEM

What should be done in the case where a defense contractor has intentionally bought into a program with an unreasonably low bid, or with other misrepresentation? Is there no way to take legal action against such deceptive practices?

The Commission's recommendations are that contractors should "accept a more responsible role as management members of a defense development team, and provide the Government with the benefit of greater objectivity." It also recommends that the practice of providing Members of Congress advance notice of contract awards should be discontinued.

MOTHER AND APPLE PIE

Well, contractors should be more responsible. Everyone should be more responsible. The Defense Department should be more responsible. We all know that Congress should be more responsible. But, having said that, and being in favor of motherhood and apple pie as well, how will these platitudes solve the problem of the buy-in and other deceptions?

It may be a good idea to stop giving Congress advance notice of contract awards, but that action will not have the slightest impact on the problem of political favoritism or pressure in contract awards. Here the Fitzhugh Panel offers a mild, half-hearted solution—I should say no solution—to a critical, full-blown problem.

BAD RECOMMENDATION ON INDEPENDENT RESEARCH

Perhaps the most obviously shortsighted and industrially oriented views are contained in the discussion of independent research and development. For a year, the General Accounting Office, myself, and others have been pointing out the tremendous absence of control over and irrelevance of independent research and development. These funds are spent without contractual safeguards, mostly by the giant aerospace contractors, and for purposes which are often not even remotely related to national defense. The Senate Armed Services Committee deserves great credit, because it has made recommendations in its report and in the pending military authorization bill, which recognize some of the difficulties with I.R. & D., and would place a ceiling on expenditures in this area.

Yet, the Fitzhugh Commission blandly reports that the potential benefits from I.R. & D. are inhibited by "recent attempts in Congress to limit recognition of I.R. & D. costs as recoverable overhead in Government contracts." This part of the report could easily have been written by any of the aerospace industry lobbyists, who have been saying the same thing for many months.

LACK OF COMPETITION

Congress for many years has wrestled with the absence of competition in defense procurement. Competition in defense contract awards is a public policy, incorporated into the law, but a policy that is consistently violated. Competition accounts for only 10 percent of the total dollar amount of military contract awards. The rise of the negotiated contract has brought about a loss of objectivity in making contract awards, and it certainly has resulted in higher costs. Although no one who has studied military procurement would insist that all contracts should be competitive, it is clear that much more competition could be obtained through intelligent and honest Defense Department policies and practices. We have found that the Defense Department systematically discourages competition, and actively encourages further concentration in the defense industry. If anyone is not familiar with the problems of overconcentration in negotiated contracts, one need only look at programs such as the C–5A.

Typically, the Fitzhugh Commission's approach is not to try to solve this problem. It does not squarely face the abuses of negotiation and the excesses of overconcentration. Rather, it suggests that the law be changed, and that the policy of competition be modified to accommodate those who do not adhere to it.

PROCUREMENT A MINOR SECTION

Mr. President, I urge my colleagues to obtain copies of the Fitzhugh report if they have not yet done so, and to read carefully the section dealing with military procurement. Incidentally, that is a very short section and it takes only a few minutes to read it. The report itself is a large report; as I say, it deals with many other subjects, and would take considerable time, but reading the procurement section can be done in a few minutes. And I might say about that section that under the guise of proposed reform, the blue ribbon panel has undertaken to simply legitimize much of what is wrong with defense contracting.

NEW SLOGAN—OLD POLICY

I would add one final comment. The report recommended that in the future a "fly before you buy" policy be adopted in the procurement of military hardware. Secretary Laird has already announced adoption of a policy of developing prototype weapons and making sure they work before committing the Government to production, and has given credit to the Fitzhugh panel for pushing this constructive proposal.

At the same time, it needs to be pointed out that within the past year, the Department of Defense has awarded four major multibillion-dollar aircraft contracts. These were for two fighter aircraft, the F–14 and the F–15, an antisubmarine warfare aircraft, the S–3, and a new bomber.

In all probability, these four represent the bulk of the major new aircraft programs for the remainder of this decade.

WHY NOT "FLY BEFORE YOU BUY" ON NEW PROGRAMS?

In view of the fact, Mr. President, that these represent the aircraft that the Defense Department will be purchasing for the next 10 years, and in view of the fact that they are all relatively new weapons, one would think that here would be the test as to whether or not the Secretary of Defense is really applying a "fly before you buy" policy. The question is whether the "fly before you buy" policy will apply to these four programs.

As I can point out, it is doubtful if the "fly before you buy" policy is being applied to tanks. You cannot fly a tank, but you can certainly test it before you buy it. It is doubtful whether it is being applied to ships—again, we can test our ships, surely, before we go into production. But in view of the nature of the slogan, "fly before you buy," it has a nice rhyming quality, but if it has any meaning, it certainly ought to be applied to the major procurement of planes during the next 10 years.

If it is not, one could only conclude that at best the Department of Defense and the Fitzhugh Commission are locking the barn door after the horses have been stolen. Frankly, the fact that in each of these programs we are dealing with sole source contractors, and that the Government has already committed itself to a certain amount of production on some of them, is not encouraging. It might well be asked whether fly-before-you-buy will be applied to other new programs including missile systems and the Safeguard ABM. If fly-before-you-buy has really been adopted, I fail to see how the administration could be advocating the third site expansion of ABM before gaining enough experience with the first two sites authorized last year to know that the system will work.

APPLY POLICY TO ABM

I am particularly at a loss to understand how they can say that they favor a "fly before you buy" policy with respect to the ABM—if they do—when the Secretary of Defense himself pleaded with Congress to authorize the first two sites last year on the ground that we could test them out over a 5-year period to determine whether or not it was practical, before we proceeded with further ABM deployment. "Fly before you buy" was expressly violated by the committee when it authorized site 3 deployment for ABM, without testing at sites 1 and 2 as the Defense Secretary promised.

QUESTIONS ON NEW AUTHORIZATIONS

Mr. President, before I made this speech, I notified the distinguished chairman of the Committee on Armed Services, and I told him that not only was I going to speak on this matter, but also, I have a series of questions on the application of the fine "fly before you buy" slogan which the Secretary of Defense has been promoting on television for the last couple of days, and which I think all Americans who are alert and informed are associating with the new policy of the Defense Department, as to whether that really applies in this bill. I wanted to ask specific questions along this line.

Mr. STENNIS, understandably, said he would like to have me make the questions available in the RECORD by reading them into the RECORD so that he would have a chance to study them carefully and make as responsible and accurate replies as he could. I respect Senator STENNIS' position on this, and for that reason I am going to go ahead and ask the chairman of the Committee on Armed Services these questions, although he cannot be here at the moment. He said he had to be absent, but he wanted me to proceed with this part of my speech, so that he would have a record on it.

SLOGANS ARE NOT ACTIONS

"Fly before you buy" is a fine slogan which all of us can respect.

It is the same principle which I called for in a Senate speech more than a year ago. But these slogans have a way of becoming fine public relations for a few months but then fading away like the leaves in the fall.

This can be a very beneficial, cost-saving principle if we really mean business. There is no question that one of the great reasons for the excess cost of our defense procurement for the past several years has been the fact that we have gone into production before we finished complete testing on these weapons. The result is that we have found again and again that performance has been very poor, there have been all kinds of changes and modifications that have been tremendously expensive, and in some cases we had to scrap the whole system because it did not work, because of spending hundreds of millions of dollars, and in one case over $2 billion before it was killed and all funds went down the drain. So this "fly before you buy"—or it could be "test before you buy"—principle can be very beneficial. But it can once again simply be a temporary way in which the Pentagon can ease the pressure of Congress to reduce its procurement funds during the few weeks that this debate will last.

The timing of this makes it very suspect, because it comes at exactly when we are considering this bill and when a number of Senators may be considering whether or not to vote for reductions in this bill.

MILESTONE PROGRAM NOW 1 YEAR OLD

May I point out that about a year ago, after my Subcommittee on Economy in Government had uncovered the huge overrun on the C–5A and on other weapons, the Pentagon announced that it was instituting the milestone buying concept. The point was that weapons would be produced stage by stage. Research would be completed before development began. The "Fly Before You Buy" slogan is great public relations, a bright, sharp selling point, but as announced this week it is just a more striking name for the milestone buying concept announced a year ago and which supposedly the Pentagon has had in effect since that time.

With this in mind, I want to ask the chairman of the Armed Services Committee certain questions, which are asked with complete respect for him but are designed to determine the extent to which this "Fly before you buy" principle has been put into effect in this bill by the committee.

As I read the bill and the report, it appears to me that time after time the Defense Department has failed to act on the "Fly before you buy" policy, and that the committee on numerous occasions cut out funds for production when more research and development was needed.

I commend the chairman and the committee for that action.

But it may also be true that this is not universally the case and that is why I have these questions.

SAFEGUARD

What about Safeguard? Last year it was said we needed the two sites in order to test out Safeguard. But now we are moving ahead to phase II before the first two sites are finished. How does the fly before we buy policy apply to Safeguard? If Members of the Senate are asked to support the principle enunciated by the Secretary of Defense, they would have to vote "no," if we have an opportunity to do that, on an amendment on phase 2 or the third site.

M60AI TANK

There has been a lot of trouble with tanks. What about the M60AI tank? It is in production at about 30 a month. More money is asked for—page 23, report. But improvements are needed. Should we not get a completed prototype, fully tested and workable, before we continue production?

MBT–70

What about this tank? Do we have one or two prototypes fully tested and which really work? I noted that we are asked for $41 million for "advanced production engineering" in addition to R. & D. funds—page 24.

Is it not a fundamental principle that we should build one or two of these weapons first and fully test them before moving into production? At least, is that not the fundamental meaning of "fly before you buy"? But under the tank programs, it appears that we have been moving into production while the tanks are still not fully tested and unworkable? Should we not apply fly before we buy to the tanks?

AX

What about the AX—the close air support aircraft? The report states—page 24—that $27.9 million is requested to initiate development. Has it been fully tested? How many prototypes were there?

TOW MISSILE

Report, page 25–6. Does the TOW really work? We are authorizing $113 million for production. Is it not a duplication of the Shillelagh? Why is it needed now? But, particularly, how can we go ahead and comply with the principle that the Secretary of Defense has enunciated, which Americans have been told we are putting into effect in our Defense Department, of "test before you buy" or "fly before you buy," when we are asked to authorize $113 million for production, when we are not assured that this missile works?

F–15 AIR FORCE FIGHTER

Apparently there is $370 million for R. & D. for the F–15 in this bill. But it will apparently be operational in the mid-1970's. How many planes are there under the R. & D. portion? Will we really have one or two prototypes fully tested before it becomes operational? Or are we just moving ahead with a large number of R. & D. planes in the hope that we will get the bugs out later?

Of course, that is another question. We certainly do not want to get into the position of saying that we are only going to have research and development and then find that the prototype concept has been extended to such a point that we are actually producing many planes as prototypes because this is the one way we can justify going into production before we finish testing. It is true that we have to have some prototypes, but they should be one or two or three and not an indefinite number.

If we have an indefinite number, we are then not following the fly-before-you-buy principle, but are going into production before we have tested the equipment.

F–14 NAVY FIGHTER

Here is a real question. Apparently we are building some 26 of the F–14's while we are testing. What about the fly before we buy policy here?—p. 27, report. A third of the money is for R. & D. Two-thirds is for production of 26 F–14A aircraft. Should not we produce a few prototypes, fully tested and fully workable, before rushing into production?

What about other programs?

B–1 BOMBER

Here is an example of fly before you buy, but is it not intended to build seven planes? Why are not two or three enough? The XB–70 was stopped after two were produced. Why do we need seven B–1's to test it?

S–3A CARRIER-BASED ANTISUBMARINE AIRCRAFT

How many of these are we asked to fund for production? Have they been tested? Do they work? Are we moving into production before adequate testing? Does the fly before you buy principle apply here?

MISSILES: CONNORR, MAVERICK, AND SPARROW F

I note that the committee is cutting back on funds for these programs because they need additional research and development. I commend the committee heartily on that action. But why did not the Pentagon apply the fly-before-you-buy policy here? I am pleased that the committee is doing this, even though the Pentagon recommended them.

CHAPARRAL, IMPROVED HAWK, LANCE

These three missiles are apparently new or newly developed. Has there been a fly-before-you-buy policy on these?—pages 43–4.

SPARROW AIR-TO-AIR MISSILE

I note on page 46 of the committee report that the committee recommends a reduction in funds for the AIM–7F on grounds that we need additional development before a significant buildup in production.

That looks as if the Navy asked for production funds before it had been fully tested. The committee refused to go along. I commend the committee. Did the Navy fly that one before it urged Congress to buy it?

SIDEWINDER

What about Sidewinder? The committee report—page 47—says it has an expanded acquisition mode plus new solid state electronics for greater reliability and reparability. That sounds as if it did not work very well in the past. Was it fully tested first?

PHOENIX AIR-TO-AIR

We are asked to authorize $101 million for procurement. But we are also asked for $8.5 million in R. & D. Have we had workable prototypes fully tested? From the report it looks like they are still testing.

STANDARD MISSILES

According to the report—page 47—these replace Tartar and Terrier. Is the money for procurement or for R. & D? Has Standard been fully tested? Does it meet the fly-before-you-buy principle?

SUBROC

Does it work? Is the money for procurement or for testing? Does it really work?

CONDOR (NAVY)

The committee is knocking out $28.9 million in procurement money because this weapon needs more research and development. Did the Navy ask for the procurement money before it was fully tested? What about fly before you buy for Condor? Apparently the Navy Department did not do that. I commend the committee for its action.

SHIPS

We have a vast new shipbuilding program. Many of them are under a "systems contract" with companies designing them and building them without completing prototypes.

What about the destroyers—DD 963? Do we build prototypes there? We authorize $459 million for six ships. Why not build one prototype first?

LHA (GENERAL PURPOSE ASSAULT SHIP)

We fund two and go for leadtime on two more. According to the table on page 59 of the report, it appears that eight are authorized. What about fly before we buy the LHA?

DLG

What about the DLG guided missile frigate? Last year we authorized one and go for four more this year. Has the one been fully tested? Does it work?

MSO MINESWEEPERS

What about the MSO minesweeper? We approved 10 last year and five more this year. Has prototype been built and fully tested?

I think it ought to be clear from this quick, brief review of the weapons systems that whereas the committee is applying the principle in some cases and has denied some funds for programing and production, on the good grounds that the equipment has not been adequately tested and has not met the fly-before-you-buy principle, there are a number of other expensive systems for which the committee has gone ahead and provided production funds, and as to which the principle enunciated by the Secretary of Defense, which all Americans can applaud, is not being followed, even after the committee has acted. Again and again and again, in each and every phase of the Pentagon program, this principle seems clearly to be violated.

I have placed these questions in the RECORD because I had expected to have an opportunity to ask the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) to respond to them on the floor of the Senate. The questions are complicated and require responsible and necessary checking with the Department of Defense and the staff of the committee. For that reason, the chairman asked if I would place the questions in the RECORD, saying that he would reply, presumably, very soon. I certainly respect his position.

REPLY TO SENATOR GOLDWATER

Briefly and tentatively, because I will reply in greater detail later, I want to answer the speech made yesterday by the distinguished Senator from Arizona (Mr. GOLDWATER). The Senator from Arizona made, as usual, a forthright, vigorous speech which attacked those who are contemplating reducing the defense budget.

A large part of the speech was devoted to the assumption that if we reduce the defense budget, we will reduce the ability to meet our commitments, not be able to maintain our position as the leading country in the world, and will become a second-class power. I do not know on what basis the distinguished Senator from Arizona has reached these conclusions, because the basis is not in his speech. He certainly did not analyze the amount we spend compared with the amount that the Soviet Union and other nations spend militarily. If that is done, it is clear that we spend far, far more than any other country, if we include atomic energy expenditures and military assistance expenditures, we spend about $75 billion for defense.

U.S. DEFENSE SPENDING ALMOST DOUBLE SOVIETS

The London office of Strategic Studies has indicated that in comparable terms, if we adjust rubles for dollars, and allow for a lower wage level in the Soviet Union, Russia is spending about $40 billion on defense. So we are spending about twice as much. It seems to me it is perfectly responsible for us to save $8 billion or $9 billion or $10 billion from the overall expenditure without putting us in the position of being a second-class power. We are spending not almost twice as much as the mainland Chinese; we are spending six or seven times, at least—I repeat; at least. We have a navy bigger than all the navies in the world combined. We have an air force that is more powerful than those of other countries. I pointed out in detail in a speech last Friday that in terms of strategic power it is true the Soviet Union has made greater advances compared with us and is in a position of rough parity with us, as to land-based missiles.

The point is, what are we going to do about it? We have the assured destructive capacity, or the power with 400 deliverable warheads to destroy 25 percent or 30 percent of Russia's population and 75 percent of its industry after they hit us. That has been considered to be a sufficient capability. In other words, we can do this with the second strike, or in retaliation if they launch a first strike.

ENOUGH IS ENOUGH

In the event that we were to increase our strategic capability enormously, so that we would have, say, 10 times the missile firepower we have, we would not be in a position to destroy a much greater proportion of their country. There is a point of diminishing return. By doubling the deliverable warheads, from 400 to 800, we could destroy 8 percent or 9 percent more of their people, but only 1 percent more of their industrial capacity. According to published sources we have from 4,200 to 6,000 deliverable warheads in our arsenal.

At any rate, it is hard to see, under these circumstances, why we have to proceed to increase our strategic firepower immensely and why, if the Russians have rough parity with us, in land based missiles, we have to struggle to reestablish what we had some years ago—2 to 1, 3 to 1, or 5 to 1 superiority; when the missile number ratio is meaningless.

MORE WEAPONS—LESS SECURITY

There is every indication, as the Senator from Massachusetts (Mr. BROOKE) indicated yesterday, that to the extent we are able to MIRV our missiles so that we might have a kind of first strike capability, the Russians will have to do the same thing; result: they would have less security and we would have less security.

It is very clear in terms of many of the assumptions that the Secretary of Defense has announced—of a one and one-half war—that we could reduce our general purpose force from $43 billion a year to $34 billion a year.

This estimate is based on a very careful and well documented analysis by Charles Schultze, the former Budget Director, working with the Brookings staff. He made a study which showed that this could be done and that we would be capable, if we made this kind of cut, of achieving all the strategic capabilities we are asked now to achieve including Phase II ABM, MIRV missiles, and so forth with no reduction in activity whatsoever in Vietnam, and would be able to fight a one-plus war and yet be able to do so with a $9 billion cut in our military budget.

WASTE IN PROCUREMENT

Furthermore, Mr. President, the arguments that have been made, even this early in the debate on the pending bill, have suggested how we can cut the budget very sharply and still be responsible.

We have had a series of speeches and descriptions of the terrific waste in procurement and overruns.

I am convinced, as many other Senators are, that we can cut down on our expensive procurement and that the best way would be to limit the amount available to the Defense Department to spend.

There are other ways, also, but this would seem to me to be one of the most constructive.

The distinguished Senator from Illinois (Mr. PERCY) pointed out that with much more efficient handling of our food service in the three military services, we would be able to save an estimated $1 billion. He did not claim that we would save that much. He said that we would save, however, $500 milion if we simply put into effect a commonsense reorganization of our grossly antiquated and inefficient method of handling this service. We would save this money and do it without any reduction in the quantity or quality of the food made available.

EXCESSIVE BASES AND COMMITMENTS

We had a speech by the distinguished Senator from Missouri (Mr. SYMINGTON), whose subcommittee has gone into our commitments in 23 nations and has held specific hearings on 13 of those nations and found that our commitments are very vague and indefinite and that, indeed, we are involved in Laos; although we have no treaty or agreement or executive agreement or any other understanding. Yet, we are spending hundreds of millions of dollars in Laos and losing the lives of Americans.

Here is another area of vague and indefinite commitments where funds have been made available to meet unspecified and indefinite obligations and where a reduction in funds available would have a wholesome effect on our policy because we would otherwise become militarily committed.

VIETNAM SPENDING

I am not, of course, raising the potential savings many Senators and many Americans support that we could achieve by more rapidly withdrawing from Vietnam.

I have said that would constitute an area in which we could greatly reduce military expenditures without mentioning many other areas where spending can be reduced, aside and apart from the worldwide commitments which have been so vague and indefinite.

We have many bases where we are spending billions of dollars a year, some of which are unnecessary, obsolete, and redundant.

CUT OUT FAT

At any rate, I do feel very strongly that I—and I am sure that I speak for many others who would like to reduce the military budget—cannot in any sense be characterized as opposing a strong American military force.

Some people have talked about how we ought to have a parity with the Soviet Union. I am convinced that we can sharply reduce the budget and still have a military force superior to the Soviet Union in every sense. We can do that and do it responsibly.

There are, of course, many good Americans who would want to go much further than that. But I do not know of any Senator or any Member of Congress who would want to make a precipitate or dangerous reduction in our Armed Forces. I do not know of any Member of Congress who would want to reduce our military or strategic forces or reduce our forces in any other significant sense so that we would be behind the Soviet Union. That is a red herring. We all realize that we must have a strong military force in the kind of world in which we live.

Mr. President, as I say, this does not constitute a full response to the Senator from Arizona (Mr. GOLDWATER), who spoke at some length on yesterday. But it is my off-the-cuff and offhand reaction to his speech.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT FROM TOMORROW TO MONDAY, AUGUST 3, AT 11 O'CLOCK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McINTYRE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the disposition of the reading of the Journal of proceedings on Monday morning next, the able Senator from New Hampshire (Mr. McINTYRE) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, the recess not to extend beyond 3:30 p.m. today.

The motion was agreed to, and at 3:21 p.m. the Senate took a recess subject to the call of the Chair.

At 3:29 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. PACKWOOD).

MILITARY MUST COMPLY WITH ENVIRONMENTAL POLICY ACT

AMENDMENT NO. 808

Mr. PROXMIRE. Mr. President, today I am submitting an amendment to the Military Authorization Act which would require that before funds could be spent an environmental report be submitted on all major military proposals for legislation and other major actions as required by section 102 of the Environmental Policy Act of 1969. Section 102 requires that:

> All agencies of the federal government shall . . . include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the environment, a detailed statement by the responsible official on the environmental impact of the proposed action.

Specifically, the amendment provides that no funds authorized or appropriated for specific major military programs or projects may be expended before the Department of Defense has complied with the provisions of the act.

Frankly, Mr. President, I am prepared to call it up and discuss it. I was ready to act on this amendment today. It would have been fine with me if we could have had it before the Senate for a vote today or tomorrow. But, in consultation with the staff of the Armed Services Committee they urged that a short period be allowed for the Defense Department to gives its understanding or its judgment on it.

IMPACT ON ENVIRONMENT

Mr. President, the need for this amendment is demonstrated by the wide range of projects in which the Department of Defense is involved which have a major impact on the environment. This past year the Department spent about $75 billion for its activities. According to a spokesman from the Council on Environmental Quality, the Defense Department is responsible for almost 80 percent of all the pollution caused by activities of the U.S. Government around the world. Defense installations are a major source of both air and water pollution in the United States. Collectively, they are responsible for millions of gallons of sewage, tons of garbage, and a great deal of air pollution each year.

SHIPS

Another major source of environmental damage is the day-to-day operation of our military aircraft, our naval vessels, and other defense-related equipment. Presently, the Navy owns and operates 940 ships. The Air Force, the Navy, and the Army operate a combined total of 26,000 aircraft. The pollution from these two sources alone is substantial. Naval vessels create oil pollution when they flush their fuel tanks at sea. While this is now prohibited it has been difficult to enforce compliance. Some of our naval vessels still dump their garbage overboard. While much of this goes undiscovered, some of the garbage washes up on to beaches each year and is later traced to U.S. naval vessels.

JET PLANES

Military aircraft create both air and noise pollution. Like commercial jets, they spew forth clouds of unburned kerosene and other high octane fuels. Each year military aircraft are responsible for many sonic booms across the United States which cause untold property damage.

As a matter of fact, I had a call last night from Oklahoma, in which a judge informed me that in a case that had been decided in that State yesterday damage from a sonic boom was found to be actionable and the determination was in favor of the complainant that the sonic boom had caused serious injury to him as well as to his property.

I think this may be quite a landmark decision. He is sending me the details on it. I do not have the details at the moment.

In addition, I have received many complaints concerning takeoff and landing noise of military jets—noise which is a constant source of aggravation to area residents who feel powerless to do anything about it.

MOTOR VEHICLES

Motor vehicles owned and operated by the Department of Defense are a major source of air pollution. The Army alone owns thousands of trucks, cars, and other tracked vehicles, all of which give off carbon monoxide and other air pollutants. Needless to say, the environmental damage done by this many vehicles is substantial.

Mr. President, I may say that I just talked with a Senator who is a strong supporter of the Defense Department and who said he agreed with me wholeheartedly on this amendment. Whereas he might disagree on a number of other amendments, he said that, after all, if the Government itself was not to set a good example in this respect, we could hardly expect industry to do an effective job in reducing their polluting effects.

WEAPONS SYSTEMS

A little known, but very significant source of environmental degradation is the construction of major weapons systems. Whenever one of the armed services lets a contract calling for many millions of dollars' worth of military construction, it also creates major environmental problems. It is virtually impossible to pour tens of millions of dollars into an area for a large project and not create massive environmental problems related to land use, waste disposal, and urbanization. The awarding of a major contract may encourage an influx of potential employees into an area creating pressure for new housing, additional waste disposal facilities, and other services. All of these activities create environmental problems, problems which are caused by the completion of military contracts.

CONSTRUCTION

Similar problems are encountered during the construction of any large defense facility. The construction of new military bases and other installations results in untold environmental damage. At one time, for example, the Navy was considering filling in 95 acres of San Francisco Bay to make way for new facilities. Only the bitter resistance of environmental groups prevented the Navy from destroying a large section of the remaining bay area. More recently, the Department of Defense has pushed for development of Project Sanguine, a huge communications grid to be constructed in northern Wisconsin which would have major environmental implications.

By "major environmental implications" I mean the ecology would be very seriously affected. Plant life and even human beings could be seriously affected by this very extensive project. I received a number of protests about it from my State. In spite of the fact that the State would gain considerable economic benefit from a project that would cost at least $2 billion, and which some people estimate would cost $10 billion, the attitude in our State is strongly against it because of the environmental fallout.

I might say there is also the attitude that if it is a military necessity, if it is necessary for the defense of our country, then the project would of course, be accepted—with regret, but accepted.

At any rate, these are just two examples of the many projects which the Defense Department is involved in every year which have massive environmental effects.

Unfortunately, these environmental problems rarely are considered prior to the funding of the project. Normally the question asked is, How many new jobs will the contract create; not How much damage could it do to the environment? Often, only after the work is well underway and the damage is all too apparent is consideration given to protecting the environment. By that time it may be too late to reverse the damage already done.

TESTING OF WEAPONS

A very serious threat to the environment is posed by the testing and transfer of various weapons in the United States and other parts of the world. A well-known example is the transfer of chemical and biological warfare agents across the United States. Despite the precautions taken by the Department, there is little question that the transfer of such weapons represents a serious environmental hazard. Should the protective casing rupture as a result of an accident, large numbers of people would be in real peril.

Testing of weapons also presents environmental hazards. Recently, it has been reported that radiation levels far in excess of AEC standards have been found near major underground test sites in Nevada. Several years ago over 5,000 sheep were killed as a result of exposure to VX nerve gas which had escaped accidentally from testing grounds in Utah. In a case which still has not been settled, various conservation groups have charged the Navy is destroying the wildlife on Culebra, an island off the coast of Puerto Rico, as a result of artillery practice conducted against the island. These are just a few examples of the hazards involved in the testing and transfer of weapons—hazards which cannot be dismissed as insignificant or justified on the grounds of national security.

SIZE ALONE AFFECTS ENVIRONMENT

These are just a few of the activities carried on by the Department of Defense which contribute to the degradation of the environment. It would be virtually impossible to catalog all of the projects undertaken by the Department which affect the environment in one way or another. The Department of Defense may be no more at fault than other Departments. But it is much bigger. The fact that the Defense Department alone accounts for over 35 percent of the total expenditures under the new consolidated budget should indicate the extent to which departmental programs affect the environment.

In view of the estimate that 80 percent of the pollution problem caused by the Federal Government is caused by the Defense Department, I think those two figures can be reconciled when we recognize that virtually very little pollution is caused by paying $20 billion interest on the national debt. I doubt if much pollution can be attributed to the fact that $33 billion a year is paid for social security.

There are many other programs that would not be related in any ordinary sense to pollution. But the activities of the Defense Department, as I have indicated, certainly are.

In view of this, it is essential that every major Defense proposal for legislation or actions be carefully scrutinized to determine its environmental impact. Every proposal for a major weapons system should be studied to determine what effect its development, construction, and operation will have on the environment.

NOT APPLICABLE TO EFFECTS DURING WAR

Obviously, the ultimate purpose of every weapon is to destroy lives or property. In the process, the environment will be damaged. In war this is unavoidable. This type of destruction is not what we are primarily concerned with today. Our concern centers mainly around the damage done to the environment as a result of maintaining our Military Establishment—damage caused by the careless construction, testing, and maintenance of weapons. The purpose of the amendment we are offering today is not designed to cover the destruction caused by bombs and rockets in open warfare. That would be ridiculous, and I hope that during the course of our debate on this amendment that does not become a red herring, because it certainly would be if it were charged that we were attempting to eliminate the pollution caused by war. All of us would like to do that, but that is impossible.

WHAT WILL THE AMENDMENT DO?

What programs and activities of the Defense Department does the amendment cover? Essentially six types of activities are identified in the amendment. While this list is not meant to be inclusive, it covers the major projects and activities of the Department for which a full environmental report is required under section 102(2)(c) of the National Environmental Policy Act.

The first area covered is the construction, testing and operation of any weapon system which would significantly affect the environment, except when used in warfare. This provision would require the Department of Defense when it proposes a new weapon to make a full report on such effects as air pollution caused by the weapon, excessive noise during operation, and other environmental effects. This provision would also cover testing and construction of the weapon and the effects each of these would have on the environment. What is not required by this amendment is a report on the destructive capability as such of such weapons in actual warfare situations. This destruction of the environment is an unfortunate consequence of any type of warfare, and thus can be controlled only by efforts to keep the peace.

The second major activity covered under the amendment is the transportation or disposal of dangerous substances or devices. This provision is designed to cover the transfer of deadly nerve gases, for example, across the United States or to other parts of the world if that is covered by the basic act. It would also cover the disposal of such agents. This will prevent the Department from disposing of dangerous substances before the full environmental hazards of such disposal are known.

REPORT ON HERBICIDES AND CBW AGENTS

The third activity covered is the use of herbicides or other chemical or biological warfare agents. Recently, it has been reported that widespread use of herbicides in Vietnam has resulted in massive, possibly irreparable damage to the ecology of South Vietnam. The purpose of this provision is to understand the effects of such agents and their permanent impact on an area. The damage done by some of these substances may far outweigh the damage done to the environment in actual warfare. The need for knowledge before they are authorized is only too obvious.

The fourth provision requires that a report be submitted on all projects or activities carried out under contracts amounting to more than $100 million or under other contracts which, in the judgment of the Council on Environmental Quality, will have results significantly affecting the environment. The purpose of this provision is to insure that before the Department of Defense awards a major contract for the construction of a major weapon system, for example, a consideration has been given to the effect the completion of such contract will have on such factors as increased urbanization, land use, sewage treatment and other changes brought about by the infusion of large sums of money into a particular area. Too many times, huge contracts have been awarded to areas which may have been totally unprepared to deal with the economic and social and environmental consequences of large-scale military development. This provision will insure that a report detailing such potential effects will be made before construction gets underway.

The fifth provision, which is closely related to the preceding one, requires that reports be submitted on the environmental effects of all proposals for military construction projects which will have a significant impact on the human environment. The need for this has already been examined—the cases cited show the tremendous impact which military construction can have on the environment. Certainly, construction is one of the most important activities carried on by the Department of Defense which affects the environment.

COVERS DISPOSAL OF DANGEROUS SUBSTANCES

The final provision requires that reports be submitted on the sale or disposal of dangerous substances or devices whose use could significantly affect the environment. The need for this requirement was brought sharply to public attention yesterday when the Evening Star reported that the Defense Department had offered for sale 94,000 pounds of the deadly pesticide, dieldrin, without notifying the Department of Agriculture which is responsible for control over such pesticides. Despite the fact that Interior has already banned the use of the pesticide, the Defense Department was offering for sale a quantity of the pesticide which was three times the amount the Department of Agriculture had approved for nationwide use in this year. This type of practice should be stopped. Submission of an environmental report on such major actions will allow time for Congress or the appropriate regulatory agency to head off such action.

DOD SHOULD COMPLY WITH LAW

Mr. President, we can no longer condone damage done to the environment by military activities as well as other agencies merely due to the lack of knowledge. The amendment I am offering today will not give the Council on Environmental Quality the power to get a report. It merely requires that the Defense Department comply with the law. The National Environmental Policy Act does not exempt the Department of Defense from compliance. It specifically states:

> All federal agencies shall be required to comply with the provisions of this section.

Up to this time, the Department has complied with the law only on a limited scale.

LONG PIPELINE

I recall very well, a few weeks ago when we were holding hearings before the Subcommittee on Economy in Government, the subject of the National Environmental Policy Act came up, and I asked a representative of the Defense Department whether or not they had made reports. I pointed out that the only reports available from the Defense Department seemed to be in two minor areas.

They said, "Well, they are in the pipeline."

Of course, the Defense Department has the world's longest pipeline. This act has been on the books for many months, and it would seem that, in view of the many activities by the Department of Defense, we should have reports on file, but we do not have them. This amendment is one way to make sure we will get those reports. If the Defense Department is to get the money for its projects, it will have to file the reports.

The purpose of this amendment is to make certain that there is a submission of an environmental report before we fund major projects and activities. This is all the law requires—that a report be submitted. This is the very least we can do to protect the environment. Congress has a right to know before it authorizes or funds a new project what the environmental consequences of such a project will be.

POLLUTION THREATENS SECURITY

We must accept the fact that our national security is also threatened by the pollution of our environment—from whatever source. The projects of the Department of Defense are no exception. In fact they constitute, because of their numbers alone, one of the most serious threats. Of course every other agency must comply with the law, and I intend to introduce a similar amendment to other bills if that is necessary.

There is no justification for exempting the activities of the Department of Defense and every reason to make certain it complies. The amendment I am introducing today will insure that every major military program or project is subjected to a thorough review to determine in advance its probable impact on the environment. Hopefully, such studies will enable us to avoid many of the problems which such programs have created in the past. With some careful planning many of these problems can be solved and extensive environmental damage can be avoided.

Mr. President, I send the amendment to the desk, and ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD in accordance with the Senator's request.

Mr. PROXMIRE's amendment (No. 808) is as follows:

> At the end of the bill add a new section as follows:
>
> "SEC. 507. None of the funds authorized to be appropriated by this or any other Act to or for the use of the Armed Forces of the United States may be obligated or expended for any project or activity described in this section which is carried out by or for the Armed Forces of the United States, unless and until the Department of Defense has, in the case of such project or activity, complied with the provisions of section 102 (1) and (2) (C) of the National Environmental Policy Act of 1969. Projects or activities of the Armed Forces subject to this section shall include, but not be limited to, the following:
>
> "(1) The development, contruction, testing, and operation of any weapon system which significantly affects the quality of the human environment, except when maintained and used in warfare.
>
> "(2) The transportation or transfer of dangerous substances or devices.
>
> "(3) The use of herbicides or other chemical or biological warfare agents.
>
> "(4) All projects or activities carried out under contracts amounting to more than $100,000,000 and all other contracts whose completion will have results significantly affecting the quality of the human environment.
>
> "(5) All military construction projects which will significantly affect the quality of human environment.
>
> "(6) The sale or disposal of dangerous substances or devices whose use could significantly affect the quality of the human environment."

Mr. PROXMIRE. Mr. President, I yield the floor.

HEW DESEGREGATION GUIDELINES IN TEXAS

Mr. TOWER. Mr. President, there are more than 1,300 school districts in the State of Texas. Some 48 of these are, in the opinion of the Department of Health, Education, and Welfare, not in compliance with the constitutional mandate to end dual school systems.

These 48 school districts have been unable to meet the desegregation guidelines as enunciated to them by representatives of HEW. Because of this, it appears likely that these school districts and the school boards which govern them will be forced into Federal court for a final determination of the issue.

Perhaps this is necessary. It may well be that this Federal agency has at last reached such a point of dedication to bureaucracy that it cannot respond to the needs and will of the people of this Nation or the realities of the world in which they live. I regret to concede it, Mr. President, but it appears that this is so. For no other explanation of the gap between the stated policies of the President and Congress and the acts of HEW teams in the field exists.

In his comprehensive message on school desegregation of March 24 the President said:

> If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

In addition, he stated in "Policies of This Administration":

> In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.
>
> The neighborhood school will be deemed the most appropriate base for such a system.
>
> Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Congress has repeatedly acted to adopt language to forbid the use of Federal funds to bring about a racial balance in schools through the use of busing.

In the recently passed education appropriations bill for fiscal year 1971, sections 209 and 210, read as follows:

> SEC. 209. No part of the funds contained in this Act may be used—
>
> To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students;

> To force on account of race, creed, or color the abolishment of any school so desegregated, or
>
> To force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.
>
> SEC. 210. No part of funds contained in this Act shall be used—
>
> To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;
>
> To require the abolishment of any school so desegregated; or
>
> To force on account of race, creed, or color the transfer of students so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Title IV of the Civil Rights Act of 1964 contains the following definition of desegregation:

> Desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The policy, then, is clear. Federally imposed busing is not to be used as a means to bring about a forced racial balance in public schools.

And this policy is just and proper. It is patently absurd to pretend that transporting a child away from his natural, neighborhood school to one some distance away just so that he attends classes with children of another race improves the education he receives. Busing to bring about a racial balance simply siphons funds from meaningful educational programs into the purchase and maintenance of vehicles. Instead of allowing the child as much time as possible in the classroom or in his neighborhood, it places him in a mobile, glass-enclosed box for substantial periods each day.

Furthermore, it is equally absurd to assume that busing is a useful educational tool. While some may argue that there is educational benefit to be derived from attending classes outside of one's neighborhood, this argument ignores the profound negative impact on the educational process which accompanies the destruction of the neighborhood or community school. Traditionally, the public school has been a valuable part of the local community, tying its citizens together through a common bond—the desire to educate children as well as possible. In our modern, fractured society, there is more need than in the past for a focal point of commonality in the community. I repeat, to discard this fundamental benefit for an ephemeral, unproven one is to practice absurdity.

The reasons, then, for Presidential and congressional opposition to forced busing are sound.

But somewhere between the policymakers and the policy implementers, Mr. President, there is a gap. Oh, we all know that HEW never demands that a school district adopt a desegregation plan which involves substantial busing. This is not the bureaucratic way. Instead, the field teams investigating a given school district simply refuse to accept any and all proposals submitted by the local school board on the ground that they do not bring about the desired racial balance until only a busing plan is left. The result, however—and this is critically important—is the same. The children of the school district in question are forced to attend schools other than their neighborhood school. It matters not what bureaucratic technique is used to bring this result into play. Whatever ploy is presented, the tremendous negative impact upon the local educational system is the same.

I began by regretfully conceding that it may well have become necessary for these 48 school districts in Texas to take their case to the Federal courts. I should like to comment briefly upon them, Mr. President.

Over the past years, I and my office have worked as closely as possible with the school districts in order to help them devise a plan which meets desegregation guidelines. Since these guidelines have been constantly shifting and since no one has yet determined just what a "racially identifiable" school is, our task has not been easy. Yet all but 48 out of over 1,300 have been successful—at least until the next HEW guideline is developed.

I would like to share my observations of these school districts and school boards with my colleagues. The vast majority of them have acted and are continuing to act in a good faith effort to bring about school desegregation as rapidly and reasonably as possible. The school boards which have contacted my office have been composed almost exclusively of men and women of good will, good intent and honest effort.

I repeat, their job has not been easy. In an effort to achieve the constitutional mandate of desegregation they have often advocated plans and proposals which were not popular in their school districts. And every time a third or fourth level bureaucrat devises a technicality to disprove of that plan or proposal, Mr. President, he undermines the leadership of that school board in its community. He increases rather than decreases the likelihood that disharmony and educational disruption will occur. This is the tragedy of an unresponsive Federal agency.

I want to digress briefly here to make one important point. No part of my remarks nor any of my actions on behalf of the school boards of the State of Texas are or can be taken to be in support of a school district which does not act in good faith. Desegregation is the law of the land. This, too, is just and proper. There is a positive duty on each and every school board in Texas to act affirmatively to end educational segregation. I will defend a school board acting in good faith with all of my abilities but I cannot lift one finger in support of one that does not.

Again, I quote the President in his March 24 message:

> In my discussion of the status of school desegregation law, I indicated that the Supreme Court has left a substantial degree of latitude within which specific desegregation plans can be designed. Many lower courts have left a comparable degree of latitude. This does not mean that the courts will tolerate or the Administration condone evasions or subterfuges; it does mean that if the essential element of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and through a plan designed to be responsive to the community's own local circumstances.

Because I believe the school districts of Texas to be governed by men and women of good faith, I support them. If they must take their case to Federal district court in order to escape the pervasive bureaucracy of the Department of Health, Education, and Welfare, then so be it. But I urge each and every school board, each and every parent, to continue to act in good faith. We in Texas cannot allow our educational system to be destroyed by hate and bitterness. Whatever the final outcome of the present conflict, we must make the best of it, for this is the American way of doing things. We are entitled to a hearing before those who would alter our neighborhood schools and we are entitled to our day in court. But when all is said and done we have a duty to obey what is finally construed to be the law. The importance of preserving an orderly society demands that we comply with the law, however unfair we believe it to be, until and unless we can change it.

I pledge my unremitting efforts to bring about reasonable administrative, legislative and judicial attitudes toward the problems of school desegregation in Texas and throughout the land. I urge each and every Texan to join with me in positive, constructive efforts to preserve and improve the quality of education available to all children in Texas, which, in the final analysis, must be our ultimate goal.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

SAFEGUARD ABM

Mr. KENNEDY. Mr. President, once again the Senate is about to debate the ABM. Once again the issue is not simply the necessity or effectiveness of a particular weapons system but rather the effectiveness and commitment of our Government. The ABM debate is a test of whether we can truly begin to reorder our priorities. It is a test of whether the mere incantation of the words "national security" will continue to prevent us from exercising unnecessary military expenditures.

A year ago, the senatorial critics of ABM, Democrats and Republicans alike, forcefully argued that deployment of Safeguard would not in fact enhance our national security, but could only serve to escalate the arms race. These Senators were supported by virtually every important nongovernment scientist in the Nation. Their arguments were not refuted by the administration and have not been refuted since.

Yet this year the administration is calling for an expansion of Safeguard. And it purports to have a new justification for its request. Deployment of Safeguard is required, we are told, in order to give bargaining chips to our negotiators at the SALT talks. But the United States already has ample bargaining chips in its unquestioned capacity to continue and even accelerate the arms race. It is this capacity which the Russians are concerned with, not an unbuilt ABM system of dubious efficacy. The Russians recognize that if no agreement is reached at SALT, we can eventually build far more effective ABM systems than Safeguard, and can massively increase our defensive strength. This is their incentive to negotiate meaningfully at Vienna.

Under the administration's logic the period preceding an arms control negotiation should not be one of mutual restraint. It should instead be a time of frenzied military buildup, as each side arms to parley. And, somehow, as we construct more Safeguards and MIRVs and the Russians construct more SS–9's, an atmosphere of constructive harmony will be established. It is just this kind of logic which has fueled the arms race for so long.

The administration does not rely solely on the bargaining chip argument to strengthen its case for an expanded Safeguard. It had also sought to support its position by presenting a distorted picture of the current strategic balance.

Secretary Laird has warned that we are "at a crossover point in the strategic balance," that the United States is on the verge of becoming a second-rank nuclear power. This is simply untrue. Although the Russians do have a slight lead over us in vulnerable land-based missiles, we hold a commanding lead in nuclear-armed submarines and bombers. At the most, the Russians are approaching parity with the United States as a nuclear power.

Mr. Laird has also stated that, in contrast to the Russians, we have maintained a neutral position in our strategic force level since 1965. This, too, is not true. Our budget for strategic forces has risen from $6.8 billion in 1965 to $9.1 billion in 1969 to $9.6 billion in 1970. We have carried out far more nuclear tests in the 5 years since 1965 than in the preceding 20 years, including 24 tests in the first 6 months of 1970. We have begun deployment of both ABM and MIRV systems and now plan a threefold increase in our stockpile of nuclear warheads. This is not "neutral gear."

We are in no danger of becoming a second-rank nuclear power. So we should not be panicked into accepting Safeguard. We should assess that system carefully and clinically. This I now propose to do.

The administration's contention that we must deploy Safeguard ABM to protect our second-strike capabilities from Soviet attack is specious on numerous grounds. First, our second-strike capability is protected even without Safeguard by our Polaris submarines. Secretary Laird has conceded that he is "fully confident" that our Polaris force "is invulnerable to surprise attack today and should remain so for the next 5 to 7 years and hopefully longer." In fact, the technology which would render this deterrent ineffective is not even on the drawing board yet.

It is true, as Secretary Laird has stated, that these submarines represent only 15 percent of our nuclear weapons. But what the Secretary somehow forgot to add is that this 15 percent is easily sufficient to destroy the 50 largest cities in the Soviet Union—twice.

Second, there are grave doubts that the Safeguard could protect any of our land-based Minuteman missiles under any circumstances. The ABM system has three critical components: Radars to detect and track the incoming missiles, computers to gage their speed and direction and to guide the antiballistic missile, and the defensive missile itself. If any component fails the system fails.

Many scientists believe that the Soviets already have inexpensive penetration aids which would sharply reduce the effectiveness of Safeguard's perimeter acquisition radars. Nobel laureate Hans Bethe has described the many devices which the Russians could use, ranging from simple decoys which could fool our radars to atmospheric nuclear explosions which could black out our radars. Even more important, it now appears that the Russians could almost certainly destroy the Safeguard missile site radars—MSR's—and thereby render the entire defense system completely useless. The MSR's are relatively soft targets which are difficult to protect from enemy missiles. Furthermore, they are so expensive—as much as $200 million for one radar and the associated data processing equipment—that we cannot simply employ a number of redundant radars at each Minuteman complex. In short, Safeguard's most crucial link is its weakest link.

At recent hearings, Defense Department officials conceded that the MSR's expense and vulnerability pose serious problems. They admitted the need for research into smaller and cheaper radars which would be adequate for a dedicated hard-point defense. But they insist on pressing ahead with Safeguard before the required research has been completed.

The second critical component of the Safeguard system—its computer—may also be inadequate. Many leading scientists, including members of a Department of Defense Advisory Panel on Safeguard, doubt that it will be possible to provide computer programs for the Safeguard system. They contend that it would be far easier to design and develop a computer for a dedicated hard-point system.

It is not surprising that Safeguard is an ineffective system for the protection of our land-based missiles. Safeguard was not originally designed for that task. It is an adaptation of the former Sentinel and Nike-X systems which were primarily designed as city-defense ABM systems. Its mission has been altered by Pentagon decree, but this does not make the system effective.

In the past the administration has argued that even if Safeguard is not the optimal system for missile defense it has the advantage of also providing area defense. The Senate Armed Services Committee has knocked the props out from this argument by recommending that the Safeguard now should be used only for missile defense. The committee action raises the obvious question: If it is in fact necessary to protect our land-based missiles from a first-strike attempt, why not employ a system which is specifically designed for that purpose?

The technical deficiencies of Safeguard raise another important issue. Last year the administration often referred to Safeguard phase I as a prototype system to be tested and proved out. President Nixon stated:

> We will take maximum advantage of the information gathered from the initial deployment in designing the later phases of the program.

And just last Monday, Secretary Laird announced that the Pentagon was planning to adopt a "fly before you buy" policy which would require step-by-step testing and evaluation of weapons systems before billions of dollars are spent. Apparently, however, this policy does not apply to Safeguard. For although the two phase I sites have neither been constructed nor tested, the administration is now requesting additional sites for phase II.

Third, assuming the presently planned Safeguard system can work, it is clear that the Soviets can easily overwhelm it. Secretary Laird has conceded that if the Soviets deploy MIRV, which we are already doing, if they continue to build ICBM's at their present rate and if they improve ICBM accuracy, Safeguard would be inadequate by the mid-1970's "without substantial improvement and modification."

There can be little doubt the Russians will react to our deployment of Safeguard by adding to their offensive strength. We must remember that our response to the 64 ABM launchers which the Russians built around Moscow is to plan for 6,000 more warheads in our stockpile. Thus, the Russian's ABM program, rather than increasing their security has produced a quantum leap in the arms race and thereby reduced their security. Our ABM will surely do the same. Although the Russians will doubt the efficacy of our ABM, their defense planners will engage in some "worst case" analysis that ours do. They will respond to Safeguard by building up their offensive forces in the manner Secretary Laird has described. We would then need "substantial improvement and modification" of our ABM's. In plain language, this means more ABM sites, more radars, and more missiles. In the end we will have achieved a new level of arms stockpiling without the slightest increase to our security.

Fourth, Secretary Laird's suggestion on May 12 that immediate deployment of Safeguard is desirable because it avoids the necessity of adding to our offensive potential during the SALT talks is complete doubletalk. We are adding to our offensive potential right in the middle of SALT by deploying MIRV.

Fifth, a final grisly point is that given present technology there can be no ABM defense to a Soviet missile attack which is successful in the long run. If the radar works, the missiles fire, and the warheads destroy the incoming missiles high above the atmosphere—all highly questionable suppositions—the radioactivity released would kill a large portion of our population within a generation.

As I have already noted, the Senate Armed Services Committee has recommended against funding the area defense components of Safeguard. But the administration is likely to urge the Congress to reinstate area defense as a protection against the "Chinese threat." I therefore wish to review and analyze the administration's arguments in favor of a Chinese oriented ABM system.

Secretary Laird explained in his February posture statement that an anti-Chinese ABM system is necessary because the credibility of our Asian commitments would be reduced if China had any capacity to inflict nuclear damage on this country. This argument is unpersuasive. The Soviet Union has had such a capacity for years, but since we have retained our powerful second-strike capabilities, no one seriously doubts the credibility of our vital commitments in Europe or elsewhere.

In the posture statement, Secretary Laird suggested that our deterrent might not be as effective against China as it is against Russia because China has a more rural population. This again is nonsense. Two-thirds of China's population is concentrated in only about one-eighth of its area. Furthermore, the Chinese have no effective fallout shelters or defenses against our bombers. There can be no doubt that the United States using only its bomber forces—and thereby retaining its deterrent against Russia—could completely destroy the urban and rural population of China. Even 10 percent of our SAC bomber forces can deliver more than 100,000 times as much explosive power as the Hiroshima holocaust.

It has also been suggested that the Chinese Communists are so irrational that the total destruction of their society would not serve as a deterrent. This is parochialism gone wild. Many eminent students of China have made clear that the Chinese have recently been extremely careful to avoid serious confrontations with major powers. China seems to be as influenced as any nation by the fear of nuclear destruction.

Furthermore, it is completely unrealistic to predict, as has President Nixon, that Safeguard would be "virtually infallible" against a Chinese attack. The many failures of far less complex weapons systems and the near tragedy of Apollo 13 should caution us against making any such rosy predictions. We must bear in mind that we will never be able to test Safeguard under real battle conditions and that we will never know how sophisticated the Chinese penetration aids are.

Finally, if we attempt to build an infallible defense we must be prepared to protect each one of our cities against the entire Chinese missile force. Dr. Herbert York, Director of Defense Research and Engineering under President Eisenhower, estimates that a really serious Chinese-oriented ABM system would require many thousands of U.S. ABM interceptors. Aside from the staggering cost of such a system, we must consider what the response of the Soviet Union would be. The Russians would not simply rest secure in the belief that this system was not only aimed at China. They would recognize that, as former Secretary of Defense McNamara himself stated:

> The danger in deploying [a] Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

The Russians would unquestionably become nervous about the effectiveness of their second-strike capabilities and would begin a massive buildup of offensive missiles.

Thus, whether we look at the Soviet threat or the Chinese threat, Safeguard is a destabilizing and unnecessary weapons system. It is a weapons system which should not be incorporated into any SALT agreement. It is a weapons system which should not be built even if the SALT talks fail. There are far more effective ways for us to assure our deterrent capabilities if, tragically, the arms race is permitted to continue.

This analysis of Safeguard, which relies heavily on the work of many leading scientific and arms control experts clearly demonstrates the folly of the administration's position. Yet in a way it grossly understates the case against Safeguard. For as McGeorge Bundy has pointed out, the cold calculations of even the best defense analysts are disconnected from reality. Think-tank analysts can set levels of "acceptable" damage well up in the tens of millions of lives. They can assume that the loss of dozens of great cities is somehow a real choice for sane men. They are in an unreal world. In the real world of real political leaders—whether here or in the Soviet Union—a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder, 10 bombs on 10 cities would be a disaster beyond history and a hundred bombs on a hundred cities are unthinkable. Yet this unthinkable level of incineration is the least that could be expected by either side in response to any first strike in the next 10 years, no matter what happens to weapons systems in the meantime. Even the worst case hypothesized in the ABM debate leaves at least this much room for reply. In sane politics, therefore, there is no level of superiority which will make a strategic first strike between the two great states anything but an act of utter folly.

In a sense then, the Senate will be entering an unreal world next week when it debates the ABM and begins to discuss first strikes, damage limitation and assured destruction capability. We have already poured billions of dollars into this world, and with Safeguard we are being asked to spend at least $20 billion more.

I think it is high time we began to pay greater attention to the real world, the real world of poverty, unemployment, crime, inadequate health care, overcrowded schools, nonexistent transportation facilities. Just a short time ago, the Congress was told that its expenditures on these problems were inflationary. But in truth nothing is more inflationary than military spending, since it does not provide any of the goods and services which our people desire.

We can meet the problems of the real world, including inflation, if we spend less on weapons and release our scientific and technical resources from bondage to the Pentagon. The SALT talks are a magnificent, and perhaps fleeting, opportunity to hasten the conversion to a peacetime economy. Rather than promoting and deploying the ineffective Safeguard system, the administration should be devoting all its efforts to assuring that the SALT talks are truly successful, and that we will no longer have to spend billions of dollars on an insane strategic arms race.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 1336) to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate **adjourned until tomorrow, Friday, July 31, 1970, at 11 a.m.**

EXTENSIONS OF REMARKS

TWO YOUNG TEXANS PARTICIPATE IN BOYS' NATION; AMERICAN LEGION SPONSORS YEARLY EVENT

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, July 30, 1970

Mr. YARBOROUGH. Mr. President, every year two representatives from each of the 50 States travel to Washington, D.C., to participate in Boys' Nation. These young men have generally been involved earlier in the summer in Boys' State activities in their respective home States. The 1970 delegates from Texas are Mr. Rudy F. Gonzales from Corpus Christi, and Mr. Terry D. Guthrie of Amarillo. Mr. Gonzales held the office of governor of Boys' State in Texas, while Mr. Guthrie served as party chairman at the Texas Boys' State held in Austin this June.

These two outstanding young Texans will have a rare opportunity to gain an insight into the operation of the National Government during the week of activities planned here in the Nation's Capital. The schedule of seminars, tours of national monuments, the organization of a Senate, and the deliberative process of conducting their own legislative session should prove to be of lasting benefit to these young men. Such experiences are likely to stimulate a constructive involvement in our country's democratic processes in an age when apathy and cynicism are often rampant among our citizenry. These two young men are on the verge of becoming members of the electorate as a result of the recent lowering of the voting age to 18. I feel confident that their participation in Boys' Nation will insure that these delegates return to Texas with a better foundation from which to exercise their rights as voting citizens.

I commend them for their concern and active interest in becoming involved in government as responsible citizens, and I congratulate the American Legion for sponsoring this worthwhile program.

Mr. President, I ask unanimous consent that a statement released by American Legion Headquarters on July 8, 1970, be printed in its entirety in the Extension of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN LEGION

WASHINGTON, D.C.—One hundred of the nation's outstanding high school seniors will assemble at American University on July 17th for week long activities in connection with the 25th annual Boys Nation of The American Legion.

Th young delegates, designated junior "Senators", will undertake a comprehensive exercise in high level government, designed to provide an insight into the operation of the Federal government.

For purposes of the exercise, the boys will be divided into two mock political parties, the Nationalist and the Federalist. They will hold formal party conventions to nominate candidates for President and Vice President, and an election to select the candidates who will carry the titles "Boys Nation President" and "Boys Nation Vice President" through the coming year.

Instruction in the intricacies of government is provided by a staff of volunteer American Legionnaires who are experts in legislative matters and have many years of experience in youth work.

The boys are selected for attendance at Boys Nation based on all around ability, including their scholastic and personal achievements. At their selection, they will have survived one of 50 "Boys State" elections conducted earlier by The American Legion in 49 states and the District of Columbia, in which they will have been elected to high office by other outstanding youths. All of the delegates are high school seniors or recent graduates.

A touch of realism in the training received in the nation's capital will be added by visits with the boys' home state Senators, briefings by high officials at the State Department, the Defense Department, the FBI, the Civil Service Commission and a personal welcome from Supreme Court Chief Justice Burger. They will also visit sessions of Congress, lunching with home state Senators, and will culminate the trip with a visit to the White House where they hope to meet President Nixon.

Sponsored by The American Legion's Americanism Commission, the Boys Nation program was started in 1946. The program has as its aim the fostering of a better appreciation and understanding of the American democratic form of government.

A NOVEL PLAN FOR RESTRUCTURING U.S. DEFENSE PROCUREMENT PRACTICES

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. PIKE. Mr. Speaker, the current issue of the Armed Forces Journal contains a feature article written by Frank Gard Jameson, president of Teledyne Ryan Aeronautical Co., proposing a major restructuring of our Nation's aerospace industry and its interrelation with U.S. defense procurement practices.

I believe his interesting and thought-provoking proposal, which represents a somewhat drastic departure from present industry and DOD practices, deserves the widest possible circulation, particularly among those of us in both the legislative and executive branches who bear any responsibility for the decisions on how our defense dollars shall be spent.

Jameson's approach is based on the proposition that the aerospace industry should alter its stance from what is now essentially a "contracting business," which is subject to costly wasteful stops and starts with attendant widely vacillating employment levels, to that of a "manufacturing business" where continuity of production, systematic planning and relatively stable employment levels would result in major savings to the companies and to the taxpayers.

In my own district on eastern Long Island, we have all too often experienced the feast or famine cycle in defense-related employment with all the personal tragedies which accompany sudden mass layoffs and the attendant economic shock waves which roll through the entire community.

My colleagues will certainly agree that any proposal which holds promise of relief from this all too common economic upheaval whether we agree with it or not deserves careful consideration. The full text of Mr. Jameson's article follows:

A CASE FOR CONTINUITY IN THE WEAPONS WAR

America is losing the weapons war to Russia.

Why? Why are the Russians surpassing us in weapons technology? What is paralyzing the American military industry complex while the Soviets continue to build their military might?

We are losing the weapons war with Russia because of our methods of procurement of military hardware. Time, money, talent, and technological advance are wasted because of the spasmodic, inefficient, feast-or-famine way we do business in the buying and selling of military goods.

Immediate remedial action is required. U.S. defense procurement practices must be restructured to more adequately respond to this direct Communist threat to our national security.

Some will term my solution radical. But I believe it is a direct and simple idea that merits serious consideration. I have discussed the basic outline of my proposal with our nation's leading thinkers in defense systems in the active military, in the Congress, in the Department of Defense, and in the aerospace industry. They agree in principle.

The labor of weapons manufacture should be organized something like this:

The Air Force, for example, wanted a new bomber aircraft. From among several bidders, three companies were selected and eventually the contract was awarded to North American Rockwell. I propose that a short competition should be held within the next year in which another company—one which is fully qualified to design and build a new bomber—should be awarded a new contract to design a follow-on, a second prototype Air Force bomber. This new bomber should be looking ahead at least four years in design, in technology, in threat analysis, and so forth. It should anticipate and incorporate technological advances that will be achieved in the next four years.

Likewise, another aircraft manufacturer should be selected *now* to build a follow-on to the Grumman/Navy F-14 fighter, while still another company should begin *now* to design a successor to the McDonnell-Douglas Air Force F-15 fighter.

In other words, Company A, which won the first production contract, would be going operational with its system about the time that the follow-on designs would be ready for a prototype competition. Meanwhile, Company A would be building improvements into its system. Thus, a follow-on design would always be ready to go into production while current production models would receive incremental improvements as long as they were cost effective.

In every case, the lion's share of the market would go to the best designer. And more importantly, we would have *continuity of production*. We would not be faced with a long period when our aircraft became obsolescent without suitable replacements available. And, if by chance, a production model turned out to be a lemon, we wouldn't have to continue production because there was nothing else on the horizon.

What we need, I believe, is a new program of military procurement that has continuity built into it. Technological advances should not be allowed to become a "horse race" with competing firms experiencing the costly inefficiencies of beginning from a dead start. Instead, technological advances should be allowed to come in the manner of "leap frog," with each company competing to overtake the other with a better weapons system.

Individual firms would settle into a price-output position fairly satisfactory to all from the viewpoint of profit or "new capital." DOD would administer and adjudicate to ensure that the best national interest continued to be served. Production would continue as long as demand continues to exist, which in the Nuclear Age means as long as the United States and its allies are faced with the threat of Communist aggression.

Each firm would make improvements in each model as weapons systems technologies advance. We would not wait until our inventory aircraft were completely outdated to start mission requirements. Operational forces would be serviced continuously with updated, reliable weapons systems.

Similar long-term manfacturing programs could be established for military VTOL and V/STOL aircraft; Army vehicles and tanks; missiles, rockets and bombs of all types; even major ship systems. I believe this approach can find application to any major military supplier, to any prime military contractor.

WHAT WOULD BE GAINED?

Achieved through this approach will be the following benefits:

(1) America's national security will be better defended and protected.

(2) Weapons technology will be continuously updated and improved.

(3) The defense industry will become stabilized, with steadier production flows and levels of employment. Continuity of production and employment is one of the principal goals of my proposal.

(4) The value of independent research and development—the "lifeline" of growth and productivity—will be recognized and rewarded. R&D can be pursued with the knowledge that goals are firmly established and future markets fairly well assured.

(5) Although not "pure competition" in a sense, this system retains a strong element of free competition among companies for new business and follow-on business.

(6) Most importantly, the balance of weapons strength among the world's nuclear powers will be more likely to shift to America's favor once again. The Russians and the Red Chinese will be less likely to take that final step that risks world annihilation.

How does this procurement system differ from outright nationalization of the defense industry? Nationalization means the surrender of ownership of industrial firms to the national government. It also can mean the investment of *control* of industry in the national government.

In regard to the latter definition, we already have a form of nationalization of the defense industry. The national government already tells the defense contractor what he can build, how much he can build, what cost accounting formula he can use, how much profit he will be allowed, and so forth. In effect, the national government already *controls* the defense industry. The government controls both the demand for the product, as sole customer, and the supply of the product, as creator of the requirement. In fact, it is precisely because of the depth of this control that so many defense firms are being pushed toward diversification, toward the formation of conglomerates, and even toward stepping out of the defense business altogether.

My proposal offers a means to codify the limits of existing governmental control, and places this control within a manageable, mutually responsible, mutually beneficial relationship between government and industry. In no way does my proposal indicate nationalization of the ownership of industry. Ownership of industry would remain in the hands of company stockholders.

Under my proposal, the defense industry would have to be restructured. I see the new structure along lines similar to the automobile industry. Production should be established on a continuing assembly line basis, on-going, year after year. Right now the defense industry should be manufacturing the 1970 models of defense equipment and hardware. In the back shop we should be tooling up and scheduling for the 1971 and 1972 models. We should be ready so that on Friday when the 1970 production run is completed, we can start the 1971 model production on Monday, without missing a day and without experiencing a costly layoff.

At the same time, we should have designs in work of the 1975 models. We should be talking to our customers about improvements of the 1973 models. And in our "think tanks," our advanced systems specialists should be using their computers and creative talents to dream up the weapons systems of 1980 and 1990. At the least, we ought to be working and planning five years ahead. Many auto manufacturers are drawing designs and building mockups of automobiles that will roll off the Detroit production lines ten years from now, in 1980.

CONTRACTORS, NOT MANUFACTURERS

People think of the U.S. defense business as a manufacturing business. And it was for a brief time during World War II. Several contractors built the same weapons systems to the same design during that time of national mobilization. But during peacetime, the development and procurement of weapons systems bears no similarity whatsoever to the manufacturing business.

In truth, we are not in the "manufacturing business." We do not manufacture products in the sense of an organized, systematic program of planning, designing, tooling, producing and marketing a specific weapons system for a long-term business cycle.

Instead, we are in the "contracting business." We are in a business full of costly, wasteful stops and starts, a business based more on short-term expediency than on long-term productivity. Dependent on annual budget renewals, we face a yearly battle for continued survival.

Being in the contracting business, the defense industry is really more similar to the housing industry than it is to the automobile industry.

The housing contractor hires his architect and before the first board is cut, unless he has another development down the road, the contractor has to let the architect go. The same thing follows with the carpenters, electricians, plumbers and roofers.

In the aerospace contracting business, a hard drive is made for a defense program. Some preliminary design is accomplished, some computer modeling, some independent R&D. Usually a large engineering team is amassed to demonstrate to the military buyers that the company has the capability "in being" to do the job. If contract award is delayed, as is too often the case, this high-cost team stands virtually idle for months. Costs to the company and to the government are astronomical.

The winner negotiates his schedule and costs, tools up and starts prototype assembly and production. Payments may be made incrementally, however, and rate of return on investment risk capital may be slow. Because of this, as milestones are passed, contractors cannot afford to maintain their engineering talent pools. The old program hangs fire while the new programs keep getting pushed further out of reach. Even the "winners" can lose because valuable skill strengths often must be sacrificed.

As for the losers, unless they have the resources to pursue another program, they suffer heavy layoffs. Thousands of men go home to tell their wives, "Darling, I just lost my job. We've got two weeks to relocate." Who wants to be in this kind of industry? At least in the military services, if a man pulls a less-than-desirable duty assignment, he knows he will move on in two years to another assignment that is likely to be better. Aerospace engineers shuttle around the country every few years, victims of short-sighted procurement policies. Time and dollars are wasted in retraining, travel reimbursement, dislocation allowances, recruitment and other costs associated with the hire and layoff of this so-called contract labor.

Actually, it is my estimation that with implementation of my proposal defense contractors will find they are able to conduct the same production jobs with thirty percent fewer people than they employ now. Again, continuity of production and employment is the key.

In recent years, the element of risk in military programs has increased tremendously. Traditionally, the net profit of the aerospace industry has averaged 3½ to 4 percent on sales before taxes. This was adequate when prime interest rates were low. In the past fifteen years, however, the prime rate has spiraled from 3 percent to 8½ percent. That doesn't leave the contractor much to grow on. The risks are becoming too great. Take the case of C–5A. Lockheed Aircraft with a total net worth of about $350-million, was asked to assume an effective risk exposure of around $800-million, according to Lockheed Senior Vice President Dudley E. Browne.

Aerospace firms are being forced to seek financial backing from banks and large financial institutions. This backing is needed even to make a bid on a new program. Even the largest companies among DoD contractors are forced by this system to hold tight during periods of drought, and then risk the entire corporation on winning a single new program. Many a giant has been backed to the wall; some have fallen.

TWO-HEADED PARAGON

With restriction on the Defense dollar, we see the four services compete for funding. The two-headed paragon of cost and effectiveness is applied to each weapons system desired by a service branch; contractors, in turn, are forced to offer the most optimistic estimates to propose a "responsive" bid. Coupled with the virtual elimination of prototype hardware, this approach has resulted in program stretchouts, skyrocketing costs and overruns averaging more than 200 percent in the past fifteen years. The practice of annual contract renegotiation also mitigates against the contractor, leveling off profit peaks, but ignoring profit downcycles.

Much has also been said about the need to distinguish between development contracts and production contracts—the so-called "known unknowns." Assistant Secretary of the Navy for Research and Development Dr. Robert Frosch has acknowledged that at best we can only estimate the costs of what we know and never the costs of what we do not know. Our present procurement system, however, demands that contractors put a dollar figure on development program unknowns in advance. This kind of procurement system must be changed.

My proposal will serve to rectify these imbalances. Risk will be more commensurate with return on sales. Development programs will be clearly identified. Prototype hardware will be tested and proven in an orderly fashion before production hardware is introduced into operational use. Engineering talent will be retained. Employment will be better stabilized. Continuity in production will be realized.

In conclusion, Americans are suddenly faced with the hard fact that this nation's technological edge in weapons superiority has been lost.

Corrective action is required urgently. Our recent thrust into Cambodia notwithstanding, the present trend toward unilateral disarmament by the United States is compounding the problem. The Soviet Union and Red China are continuing to increase their military capabilities. The Russians and the Red Chinese may be name-calling and bickering over national boundaries, but they are united in the goal of eventually destroying capitalism and the free democratic system. Make no mistake about it. They differ only in the method to cut us to pieces.

Representative L. Mendel Rivers, Chairman of the House Armed Services Committee, recently made a statement in which I am in complete agreement. "If we are weak and have inferior weapons, we will have war," Mr. Rivers said. "If we are strong, there will be no war." "I am for peace" he added, "and strength."

Our military strength must be maintained. Our weapons procurement practices must be restructured, or we shall surely fall into second position behind the military might of the Soviet Union.

COMBINATION UTILITIES CRITICIZED

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, July 30, 1970

Mr. METCALF. Mr. President, on June 23 I introduced S. 4013, which would require divestiture of combination electric-gas utilities. At that time I presented my arguments for this separation of two energy sources which should be competing, to the common advantage of the companies and the consuming public. I also inserted into the RECORD the statement in support of divestiture of Mr. Robert H. Willis, president of Connecticut Natural Gas Corp.

Mr. President, I believe the remarks of Mr. W. J. Crowley, executive vice president of the Northern Illinois Gas Co., to the New York Society of Security Analysts in 1968 will also be of interest to my colleagues. Mr. Crowley discusses both the pros and cons of combined management, but stresses the long-range detrimental effects of combination utilities.

I ask unanimous consent that Mr. Crowley's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMBINATION VERSUS SEPARATE OPERATION

(Remarks by W. J. Crowley)

There are undoubtedly some "built-in" advantages that combination gas and electric companies realize. First of all, there are the cost and economy advantages, which are both short term and long term. Here are some examples of the cost savings that fall into this area.

(1) Fewer administrative jobs and positions;

(2) One accounting department;

(3) One service department;

(4) Combined use of headquarters, buildings, etc.;

(5) Economies in meter reading (one man needed to read the meters);

(6) Economies in billing and collecting (one bill covers gas and electric service charges).

There is a second set of advantages of combination operation. These are short and medium term advantages and relate to the insurance and possibly even to financial safety in controlling both the gas and electric operations, and hence the degree of competition between the two. Control of the orderly development of both energy sources undoubtedly has an advantage from the viewpoint of the company and its stockholders, but very possibly not so much from the viewpoint of the customers and the public.

Many years ago (actually in the early years of the big depression when utilities faced heavy troubles), a group of combination companies under the leadership of Herman Russell of Rochester Gas and Electric Company made an in-depth study to find out "once and for all" whether they were better off as combination companies—or whether they could look for better opportunities and earnings via separate operations. These studies, when completed, showed quite conclusively that financial results would be better under combination operation. The results of these studies, in my opinion, did mold the opinions of a generation of top executives now retired.

But these studies that I have mentioned were made in a period of slow growth, or even negative growth. They were, in my opinion, heavily weighted by influences related to what might be called an analysis and division of then existing costs, facilities and revenues, with very little imaginative effect given to the future. And that future really came through with results that even a utility "Jules Verne" would not have dared to dream about in the 1930's.

You can take almost any combination company today and make a good case, cost and revenue-wise, for retaining the status quo. That is, if you think in terms of the short and medium term interests of stockholders and if you are trying to avoid shaking up or disturbing the existing employee family. And I will admit that today there are some pretty good combination companies, with good management.

But there are some factors involved in combination operation that are signalling medium and long term problems to such combination company operations, and medium term that I refer to is tending to shorten as growth patterns in the energy business continue to speed up. These factors to which I refer can, in the long run, be disadvantageous to the entire gas industry and proportionately to the captive gas units of combination companies.

This can result if the gas industry fails to unite and compete strongly with every element of the industry helping. Unfortunately, there are many units of the gas industry under the control of combination companies that are not carrying their share of the burden.

Today, there are about 53 million electric utility customers in the United States, and about 39 million gas utility customers. Of the gas utility customers, about 26½ million are served by true gas utilities, and about 12½ million are in combination companies. Hence, about one-third of the gas utility customers in the United States are served by companies that must compromise their decisions between electric and gas operations.

In our overall picture there are some cases that are glaring examples of over-domination of a relatively small captive gas business by its much larger electric partner.

Regulatory bodies are beginning to feel negative about such combinations. As one straw in the wind: in granting approval to Commonwealth Edison Company to combine with Central Illinois Electric and Gas Co., the FPC (on December 2, 1966) ordered Commonwealth Edison Co. "to show cause why it shall continue to own and operate such properties," (i.e., the gas distribution facilities of Central Illinois Electric and Gas Co.). In effect, this meant taking steps to dispose of the small gas properties within a relatively short time, or defend the retention.

Incidentally, C.E. Co. at present has 2,450,000 electric customers and only 93,000 gas customers. (This temporary commitment by no stretch of the imagination can place C.E. Co. in the category of being a friend of the gas utility business in Illinois.)

Other cases of this kind add up to a sizeable total number of customers whose companies do not actively participate in building and strengthening the future of the gas utility business.

We have some combination companies of this kind who pay dues to, and actively support the Edison Electric Institute, but do not do the same with respect to A.G.A. This unfair attitude does not help to strengthen the gas utility industry.

Even where we have a pretty good combination company with coextensive electric and gas service areas, many operate under administrative climates that are not helpful to the gas utility industry. These are the "neutral" operators. They set their gas and electric rates in effect, on a "cost plus" basis. They tend to maintain that they give the customer both sides of the picture (and in some cases try sincerely to do so), and then let him make his choice. They have the safe and secure feeling that regardless of whether the customer chooses heads or tails, the combination company will come out a winner.

But even these operators are heading for trouble in the medium and long term. As I mentioned, they tend to set electric and gas rates on a "cost plus basis" and don't care what service the customer chooses.

But where do you find *real* competitive pricing—*real* promotional pricing, and use of *real* marginal cost pricing? Only where there is real competition between electric and gas.

The "separate" utility atmosphere is the one where your sales department must learn to *sell*, rather than make dignified presentations of the merits of both services.

One example—NI-Gas sells total energy systems. We now have more than 30 on-site generation systems connected to our mains and 10 more under construction (all these in addition to the Company's installations in its own buildings). In addition, we have over 70 customers using gas engines for production of shaft horsepower.

A couple of years ago a new building was started in one of the large towns in Illinois in the service area of one of the pretty good combination companies. The builder liked the "total energy" idea and asked for gas service for his installation. The utility refused to sell gas for such a system—maintaining that it could do a better job serving the building in the conventional way, part electric and part gas, under its regular rates. The customer countered by switching his turbines to oil and the utility company lost the entire load. It now gives lip service to "total energy," but it doesn't really sell it.

Generally, only in the area of separate utility operations where real competition exists will you find groups of companies joining to take on cooperative research and promotional activities for the long term benefit of the gas energy business. I am speaking of such activities as the gas utility cooperation with Pratt and Whitney to speed up the commercial development of the fuel cell.

You might ask yourself, how many utilities in a combination set-up have intensive gas research programs? How many contribute to the Institute of Gas Technology, and so on? It's answers to questions of this kind that really tell whether a gas utility unit is working for the long term expansion and development of its business.

In conclusion, it is my feeling that while there are short term cost analysis advantages to management and stockholders in favor of retention of some existing combination operations, we should not overlook the fact that we can overcome many of these by judicious realignment of properties and economical combinations of gas properties as well as electric properties. And, in the long run, you will have better management, tougher management, more economical operations, lower prices, better service to customers and longer term profitable operations if you let your managers give up the complications and artificialities of combination operation and allow them to get down to realistic, hard-hitting, competitive, single-utility operation.

SELECT COMMITTEE REPORT AND SUPPLEMENTAL VIEWS ON U.S. INVOLVEMENT IN SOUTHEAST ASIA

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SMITH of Iowa. Mr. Speaker, a number of my constituents have requested copies of the summary report of the Select Committee on U.S. Involvement in Southeast Asia and my supplemental views. So that they may be available for them and anyone who cares to see them at the libraries or wherever the CONGRESSIONAL RECORD is kept, I ask that they be set forth in the Extensions of Remarks of the RECORD.

They are as follows:

INTRODUCTION

On June 8, the U.S. House of Representatives adopted House Resolution 976. The resolution authorized the Speaker "to appoint a select committee of the House to study first-hand the recent developments in Southeast Asia and then report its findings to the House of Representatives within forty-five days of its adoption."

Pursuant to the resolution, the Speaker on June 15th, appointed the following members to the Committee:

G. V. Montgomery, Chairman; Neal Smith, Augustus F. Hawkins, William R. Anderson, Lee H. Hamilton, Robert H. Mollohan.

E. Ross Adair, Howard W. Robison, Hastings Keith, Donald D. Clancy, Albert W. Watson, and Orval Hansen.

In preparation for its assignment, the Committee heard from persons, both in government and in private life, representing different points of view, who could from their experience and knowledge recommend subjects to be examined and people to see in Southeast Asia relative to the Committee's objectives.

On June 20th, the committee left Washington for Saigon, which served as its base of operations during the two weeks it spent in Southeast Asia. Given the broad mandate of the House and the limited time available, it was decided that more could be accomplished if the committee divided into groups which were given specific missions. By so doing, the committee was able to maximize its effectiveness and gather substantially more information than would normally be possible.

To collect the information that forms the basis for this report, the committee, either as a complete group, working in teams, or as individuals, traveled thousands of miles. They moved extensively throughout all of South Vietnam. Some went to Laos, Thailand, Cambodia, Indonesia, and Singapore.

The committee talked not only with U.S. military and civilian personnel of most ranks and specialities and Asian officials and legislators of the countries they visited, but also with South Vietnamese, Korean, and Thai military personnel, South Vietnamese civilians in all walks of life, provincial, district and village representatives, religious and student leaders, missionaries, captured enemy soldiers and defectors, American and foreign newsmen, businessmen and others who it was thought could contribute to the committee's objectives. Earlier the committee had cabled the North Vietnamese Government requesting permission to visit Hanoi to see U.S. prisoners of war being held there. Having received no response to this or another message, three members met with a Third Secretary of the North Vietnamese Embassy in Vientiane, Laos, in an effort to discuss the status of U.S. prisoners of war in North Vietnam.

This report represents a consensus of the views of the committee. In some instances where individual members may differ or may have made an individual study of a particular subject, supplemental views may be presented.

G. V. MONTGOMERY,
Chairman, Select Committee on Southeast Asia.

THE ECONOMY OF SOUTH VIETNAM

The weakest link in South Vietnam's chain is its economy. Inflation is the most serious problem facing the country. The need for effective action to stabilize the economy is urgent. Failure to solve the major problems on the economic front will seriously and perhaps fatally weaken the pacification and Vietnamization programs. It will surely undermine efforts to develop viable democratic political institutions and processes. In short, a strong and stable economy must be developed as the foundation on which the nation's future progress will be built.

Controlling inflation is highest on the list of priority economic objectives. Inflation has been steadily eroding the value of the piaster and prices continue to rise at a rate of between one and two percent a week, according to some estimates. Among the hardest hit by inflation are members of the military and civil service, whose pay is notoriously low. Sharply rising living costs are a deterrent to investment, and make any kind of meaningful long-range economic planning almost impossible.

To come to grips with the economic ills that afflict the country, the Government should begin a series of specific reforms without delay. Many of the measures needed will not be politically popular, but the consequences of failure to act could create even greater political difficulties.

The present official exchange rate is totally unrealistic. The official rate is 118 piasters to the dollar. The black market rate of 350 to 400 or more piasters to the dollar more nearly reflects the true value of the currency of South Vietnam.

Failure to devalue the piaster has helped to stimulate a flourishing black market in the currency. U.S. aid furnished at the official rate results in an indirect subsidy of the Government of South Vietnam. Likewise, it penalizes American military and civilian personnel who must exchange at the official rate and are thereby forced to subsidize the Government.

The war has greatly distorted the economy of South Vietnam, which is characterized by a huge trade imbalance. The country imports far more than it exports. This imbalance is further aggravated by the unrealistic official exchange rate, which is a powerful incentive to imports and a deterrent to exports.

Unrealistically low interest rates discourage the savings and investment that the country must develop to build a stable and expanding economy. Coupled with effective anti-inflation measures, interest rates should be raised to reasonable levels. This would help to attract the investment capital needed to provide enough jobs and productive capacity to sustain the country as it shifts from a wartime to a peacetime economy.

Tax reform is also high on the list of national priorities. Most of the taxes are not collected. This deprives the Government of needed revenue and is discriminatory in its effect on those who must pay taxes, such as government employees. The need to develop a fair system of taxation and to administer the tax laws effectively is urgent.

South Vietnam also suffers from the lack of a workable system of commercial law governing sales, credit and other commercial transactions. Attention should be given to the development of commercial law as an essential step in the creation of a healthy investment climate, and to otherwise stimulate expanded trade and commerce.

In the long run, South Vietnam must achieve near parity in its volume of exports and imports. This will require the building of a substantial export trade where virtually none exists today. The agricultural industry offers hope for the production of commodities for export. Recent progress that has been made in pacification in the Mekong Delta gives rise to prospects that the country will soon be able to produce rice in an amount surplus to the country's needs. As the goal of self-sufficiency in rice is reached, however, to the extent that there is no export market for this surplus rice, land should be shifted into the production of other products for which export markets can be developed.

The country is also blessed with vast timber resources that are one of the most promising means of earning foreign exchange.

The United States has built for South Vietnam some economic assets of substantial value. An example is the ship-repair facility at Saigon, which is now being turned over to the South Vietnamese. They are developing the skills essential to its operation. Because of relatively low labor costs, it is likely that Saigon will be able to compete effectively with Hong Kong and Singapore in repairing ships from other countries. This will produce foreign exchange that is badly needed by South Vietnam.

The United States has also provided the country with a good system of roads and bridges, mostly built by units of the U.S. Army Engineers. The roads, most of which are built to U.S. standards, have not only been a tremendous aid to the pacification program but have been a strong stimulus to economic growth in the rural areas. Improved transportation and communication links between all parts of the country have resulted in building new hamlets and in the cultivation of land which had been idle. A good system of farm-to-market roads has caused the rapid expansion of trade between the rural areas and the major population centers.

South Vietnam is rich in resources and potential for a strong and growing economy. Much of its land is fertile and highly productive. Its people are intelligent and resourceful.

To achieve its potential, however, will require a major self-help effort by the people and Government of South Vietnam and a fairly high level of outside economic assistance for several years. As long as South Vietnam must maintain a military establishment at or near the present level, it must have outside help to survive. Most of the economic assistance during the next few years will undoubtedly have to come from the United States. However, other industrial nations, particularly Japan, should be given every possible encouragement to share this burden. Japan has reaped substantial economic benefits through the sale of motorized vehicles, electronics and other goods to South Vietnam. It will be a prime beneficiary of the future economic growth of the country and of the successful efforts to stem the tide of Communist aggression in Southeast Asia. However, the level of economic assistance Japan has hitherto furnished to South Vietnam has been disappointing.

U.S. assistance should be furnished on terms that will provide effective incentives for the Government of South Vietnam to institute the reforms and to otherwise take the actions that are essential to success. Our help can be justified only if there is a clearly demonstrated willingness by the South Vietnamese to help themselves.

The road to economic health for South Vietnam is a rocky one and uphill all the way. But it can make it.

PACIFICATION

To most of the committee, especially those who have been in South Vietnam on previous occasions, significant surface gains seem to have been made in the all-important pacification program. Village and hamlet security was better than most of us had expected, as also was the security of travel by road throughout much of the countryside, at least in the daytime.

As best evidence of this, committee members traveled by highway singly and in groups—and much of the time without military escort—in nearly every area of South Vietnam, and moved at will into numerous villages and hamlets where the residents seemed to be living fairly normal lives.

The key to this capability—which is undoubtedly still restricted in too many areas at night—lies in the rapid build-up of the Regional and Popular Forces (RF and PF), as well as the People's Self Defense Force (PSDF). Regional Forces operate within a province and are roughly comparable to our National Guard. Popular Forces operate within a relatively small district and are similar to a trained local militia. Both forces are paid, armed with M–16 rifles, and fairly well-trained. Total strength of the RF and PF is 509,500. Upon the continued and vigorous promotion of this program in large part rests South Vietnam's future chances of reducing its army (ARVN) strength from some 1 million men to a size that a nation of 17.8 million people could reasonably be expected to support.

The People's Self Defense Force, on the other hand, is a people's militia—the concept of a "nation-in-arms"—composed largely of those men and women not of prime military age, partially trained and armed, but not paid. Two years or so ago it would have seemed unthinkable to give weapons to the populace for fear they would end up in the hands of the VC—or that some of them might even possibly be used against the Government itself.

Beginning in late 1968, however, the Government of South Vietnam, showing some new degree of confidence at having survived the Communists' all-out Tet offensive of February of that year, has been making a strong effort in this direction. The result now is a "combat PSDF" force of over a million persons, sharing some 350,000 miscellaneous arms among them and engaged in the defense of their communities and families. There is also an additional indefinite figure of "support PSDF"—women, children and older citizens.

U.S. military personnel have assisted in training all these paramilitary forces. On their constant vigilance and combined capacity to contain VC terrorist assaults at the village and hamlet level depends the possibility of freeing ARVN for its more appropriate role of combat with larger, regular enemy units still operating in South Vietnam and of conducting border patrol. But an even more important mission of these forces is to restore security to the countryside, thereby enabling the people to return to their homes, their rice paddies, farms, and villages from which so many have fled, either because of constant VC harrassment or the devastations of war.

Whether or not these programs can achieve lasting success is not yet clear, but representatives of the Civil Operations and Rural Development Support (CORDS) with whom we talked are optimistic that it can, and there is some reason for their optimism.

CORDS, a combined military and civilian operation that seems to be functioning smoothly, maintains a Hamlet Evaluation System (HES) administered by the Military Assistance Command Vietnam (MACV). The HES system attempts to measure progress in the pacification program by monitoring trends in security of the villages and hamlets. The HES ratings have been criticized in the past for presenting an over-optimistic picture of developments. The ratings were revised earlier this year in an effort to make HES a more realistic guide.

In the judgment of the committee, HES ratings are still by no means either foolproof or a measure of permanent improvement. A hamlet rated at 90 percent on the HES scale could drop drastically overnight if the VC successfully conducted a full-scale and concentrated terrorist attack. An example would be the VC massacre of 75 civilians on June 10, at the Ba Ren Bridge near Da Nang, the site of which was visited by committee members.

The committee feels, instead, that the best measure of pacification progress is the willingness of the people to return to the countryside. Although the statistics on this are far from firm and can be misleading as well (since some "returnees" may now work their rice paddies by day but return to refuge at night), members of the committee visited and observed numerous areas where such resettlement trends were evident.

There are several important reasons why it is essential to develop and maintain such a trend. Only in such a fashion can the costly and frustrating refugee problem be solved, and only in such a fashion can South Vietnam's urban problems be solved. Its major cities are now overwhelmed by persons displaced by the war. In addition, a successful pacification and re-settlement program is vital to South Vietnam's economy. Until the major agricultural areas, especially such populous areas as the Mekong River Delta, are secure, the nation's economy will continue to waver under the overburdening deficit in its balance of payments. Even though South Vietnam can potentially produce enough rice for its own needs, as well as a surplus for possible export purposes, it is now importing rice. Its production of rubber and other products, which its rich natural resources can also provide, has likewise dropped sharply because of the war. These economic deficiencies are a direct result of the past insecurity of the countryside.

A "returnee" who may well find his home destroyed, his fields overgrown and local essential services lacking, now receives by way of assistance to rebuild his life an allowance of 7,500 piasters ($63.56), 10 sheets of metal roofing, and a 6-month supply of rice.

Brief mention should also be made of certain other aspects of pacification. A civilian National Police Force has been built up with a strength of some 95,000 men and women located all the way from the most remote Delta hamlet to metropolitan Saigon. The true capabilities of this partly trained force have yet to be tested, but its existence is a necessary element in the hoped-for gradual shift in South Vietnam away from a military oligarchy and toward a republican form of government supported by competent civil service.

Alongside this program, and supported by it, is the so-called Chieu Hoi, or Open Arms Program aimed at first identifying and then persuading VC to "rally" to the government. This effort has shown some encouraging numerical results. The total VC thus converted were 18.171 in 1968, 47,023 in 1969, and 13.923, as of May 21, 1970. The trend shows a slight upturn of late, perhaps as a possible side benefit from the Cambodian operations. Any evaluation of these results must note the low rate of defection by officers and soldiers from the North Vietnamese Army, although there have been a few. On balance the Chieu Hoi program can be judged as showing substantial, if imperfect, success.

Next, there is the Phoenix program aimed at neutralizing the Viet Congs' carefully constructed infrastructure. This can be described as an "internal security" program. Despite some years in operation success of the program can only be described as mixed. For whatever it is worth, committee members were given to understand that the government is aware of the shortcomings of Phoenix, and of the domestic and external criticism of the program. Attempts are supposedly being made to improve its operation.

Last, but by no means least, is the "self-development" part of the pacification program—an effort substantially supported by the United States. The program is the beginning of an attempt to meet the educational, health and municipal needs, as well as encouraging local initiative.

A new approach to this was undertaken in 1969 when a fund for "village self-development" was created with 1 million piasters (about $8,500) being allocated to each village with an elected council. The use of the fund was required to be discussed in an open public meeting with the final selection of projects to be determined by the council. For 1970, allocations are being based on population, and the total funds amount to about 2.7 billion piasters ($23 million).

The range of projects being selected run the gamut from new schools to bridges, to farm machinery purchased on a cooperative basis, and to pig raising. To encourage greater local participation and initiative, the current program also requires local matching funds, except in instances where the hamlet or village is deemed too poor. With the election now of province councils, a comparable province development fund has also been cranked into the program for more regional planning purposes.

The committee has commented on this overall program at this length because, for the strong majority of the members, pacification is the key to South Vietnam's future.

As the withdrawal of the U.S. presence in the country proceeds, and as our large military effort upon which South Vietnam's economy has become so dependent is scaled down, only a secure and productive countryside can maintain in South Vietnam a society economically viable and politically stable.

VIETNAMIZATION

The committee was told that in December, 1968, President Thieu said that he believed it was time to start an orderly withdrawal of the American military presence, and that the South Vietnamese were approaching the capability to handle the requirements for military manpower. This is now the announced policy of the United States; therefore, the question to be resolved is how fast Vietnamization should take place.

The committee believes the process of Vietnamization of the war is progressing and that all levels of our military command are planning to meet withdrawal schedules. The Republic of Vietnam Armed Forces (RVNAF) are increasing in their capability, both in experience and materiel, although there are still measurable differences between units. Our military commanders have their withdrawal schedules from now until October 15, and are making assessments to be used in determining the speed of the withdrawal thereafter.

Today, one person out of 17 is in the South Vietnamese Armed Forces. This is the level they believe will be necessary for a protracted engagement as long as North Vietnam furnishes manpower and China and the U.S.S.R. furnish the weapons. Most of our American soldiers of all ranks who have experienced close cooperation with the South Vietnamese forces say they are a potent force and vastly improved compared to two years ago and are still improving. South Vietnamese operations in Cambodia have given the South Vietnamese soldier more self-confidence and poise than he has ever previously displayed.

The desertion and "absent without leave" rate is too high. However, 90 percent of the Vietnamese deserters end up back in the manpower pool by joining another military unit near their home.

Additional geographic areas and military functions will be turned over to the South Vietnamese, but not all areas and functions can be delegated simultaneously.

The committee believes an orderly withdrawal requires training of additional men for the South Vietnamese Air Force and some other special categories. As far as ground troops are concerned, America should continue its withdrawal program at least as fast as is now scheduled. The only exception would be additional time to solve logistics problems.

In recent months, the North Vietnamese and Viet Cong have avoided big-unit offensive operations indicative of a more or less limited conventional war. Instead, they have reverted to the "protracted war" approach of the guerrilla, as well as terrorist tactics. Some of their regular, or Main Force, regimental units apparently are being broken down into numerous "local force" units of company size or less. This is not to say they are ineffective. To the contrary, one must expect renewed and increased small-scale offensive actions against small outposts and hamlets and increased terrorist attacks in both cities and the countryside. This is in fact happening at the present time.

While all of the American and Vietnamese military officials agreed on the announced troop withdrawal schedule, some expressed concern over its being announced publicly. That concern is shared by the committee. The knowledge of specific details of our withdrawal may give an undue advantage to the enemy.

The South Vietnamese Air Force has continued to show improvement and the U.S. Seventh Air Force has recently accelerated considerably the plans to train Vietnamese pilots and Air Force support units.

The committee believes plans could also be accelerated for the training and phasing in of ground support forces, such as artillery units.

The U.S. Navy's primary mission in South Vietnam has been that of interdicting infiltration into South Vietnam by waterways. The Navy has been conducting one of the most effective Vietnamization programs that the committee observed. As evidence of this fact, only twenty percent of the patrol craft engaged in the recent Cambodian operations were U.S. Navy (USN) craft manned by USN crews.

The USN has adopted a Vietnamization policy that is relatively simple and may well be considered by the other services where such a policy proves feasible. A typical naval patrol normally carries a crew of five. The USN added one Vietnamese crew member, selected by the South Vietnam Navy (VNN) and when he is thought to be qualified, a VNN seaman replaced another USN seaman, and so on, until only one USN advisor was left on the craft. Eventually the patrol craft is turned over to the VNN.

In the opinion of the committee, Vietnamization should continue to improve and be one of the stronger programs we have sponsored.

LOCAL GOVERNMENTAL DEVELOPMENT AND SOUTH VIETNAM'S JUNE 28, 1970, ELECTIONS

Essential to pacification in South Vietnam is not only the ability of South Vietnam's national leaders, but also of the country's leadership at the local level—the provinces, districts, villages, and hamlets. In South Vietnam, the 44 provinces generally equate to U.S. states, the districts to U.S. counties, the "villages" to U.S. townships or supervisor beats, and the hamlets to U.S. town or village communities.

For the most part, the committee was favorably impressed with the capabilities and leadership attributes of the province and district chiefs. Because of past insecurity, these men are appointed by the central Government, and are nearly all officers of the Vietnamese Armed Forces. However, the Constitution of the Republic of Vietnam provides for popular election of these officials in 1972. Those members of the committee who had toured South Vietnam in previous years found a marked improvement in the abilities of these men.

The committee feels that as individual provinces and districts become secure and the people become more knowledgeable in a competitive political system, steps should be taken to see that province and district chiefs are elected by the people they govern. We were encouraged when President Thieu assured us that this would be the case. South Vietnam will not have a truly democratic form of government until its officials at all levels of government are chosen through a process of popular self-determination. President Thieu stated his agreement with our view, and is apparently pursuing this objective with all practicable speed.

The committee would also like to pay tribute to the American military and civilian personnel who have provided invaluable assistance to the province and district chiefs in administering to the needs of the people. These dedicated Americans live at the "rice roots" and share many of the dangers, discomforts and difficulties of the South Vietnamese. We think that nationals of both countries gain from the experience.

As to elections, the committee observed firsthand the provincial voting practices and procedures on Sunday, June 28, 1970. Seventy-two percent of the eligible citizens voted in these elections. This is commendable when one remembers that this was the first such election for Provincial Councils. There were numerous candidates and unusual interest in the campaigning, which was reflected in the presence of several hundred people at a campaign speech. The balloting was simple and secret. The South Vietnamese have adopted a simple method to assist the forgetful or less informed citizen in casting his vote. Each candidate and his party had a distinctive symbol on the ballot, so as to minimize confusion and permit the illiterate voter to cast his ballot without outside assistance. While there is always the critic who questions the validity of meaningfulness of the elections, the committee detected no justification for such criticism.

LAND REFORM

There have been several South Vietnamese land reform programs in previous years which has resulted in elimination of all non-Vietnamese ownership of rice lands and have reduced maximum holdings to about 100 acres per person. A recently enacted new land reform program is designed to reduce maximum holdings to 7.4 acres per person in the rich Delta area, and a maximum of 37 acres in other parts of the country. Present landowners would be paid 20 percent of the value of the land in cash and the balance in bonds, redeemable over a period of eight years and bearing ten percent interest.

There is not unanimous agreement that the new program will in fact be as popular as some have believed. Some of the land to be divided is held by a member of a family who supports dependent relatives or common village activities. The land may be in one family member's name, while in fact other family members own part of it. This possibility is enhanced by the fact that a substantial transfer tax has been in effect in South Vietnam. Some Vietnamese have avoided paying the tax by merely failing to transfer title. In these family situations, taking land which by the legal record may appear to belong to one person will result in either great dissatisfaction on the part of the people or in paying for land to give to a "tenant" who was the owner in the first place. An additional difficulty is the lack of sufficient land records, such as are kept in the United States. In the rural areas, family records are relied on heavily to ascertain ownership.

Since the United States pressed for the new program, the cost of $300 million to $500 million would presumably have to be borne largely, if not entirely, by American assistance.

The committee found reason to doubt that the new land reform program will be the panacea some have claimed, and there is a possibility it could have adverse effects. While not passing final judgment on the new program, the committee believes the above facts must be taken into consideration when making an appraisal of the program.

COMMUNICATIONS AND PUBLIC INFORMATION PROGRAMS

The committee became increasingly interested in and concerned about the public information programs conducted by the South Vietnamese and U.S. governments. Two members investigated the public information programs in as much detail as time and circumstances would permit.

South Vietnam, although relatively small by U.S. geographical standards, is an incredably disjointed nation. At one extreme is a sprawling and overpopulated Saigon, and as the other is remote villages and hamlets. Within South Vietnamese government officialdom, there are fairly good lines of communication extending to the chiefs of most remote and pacified hamlets. Despite considerable progress in establishing democratic forms of government, nearly all provisions, villages and hamlets have military officers as their chiefs. Thus, the country is tied together by a quasi-military communications network.

Outside of Saigon and the other municipalities, the man on the street is the Vietnamese farmer. He has little present knowledge of, or feeling about, the government of President Thieu. However, some evidence of increased interest was observed. The real interests of the farmer revolve around his extremely close knit family and its members—their security, how well they are nourished and housed, and the extent to which an education can be provided his children. The farmer's ancestors had had to contend for centuries with a Chinese presence. He himself had seen and felt the French presence. Now he sees and feels an overwhelming American presence. This situation has endured for centuries and the Vietnamese farmer can only surmise that it will go on forever. These are the Vietnamese civilians who are prime targets of VC and NVA propaganda and the most frequent targets of VC recruiters and abductors.

As in the United States in the late 1940's the most intriguing new development in South Vietnam is television. Outside the large cities and the Delta area, there is not a great deal of coverage by television. There has been a recent rapid increase in the number of privately owned television sets, with some estimates running as high as 300,000. Of these U.S. AID, and DOD have furnished 3,500 mainly "community sets." Where television can be received, it is not uncommon for scores and even hundreds to watch TV during the small time of day that programs are aired. More frequently than not, reception in the countryside is limited to the U.S. Armed Forces Network. This programing is in English, and for the most part consists of American television serials and variety shows. Beside television, there are estimates that from 10 percent to 90 percent of the families in each hamlet own transister radios.

The Joint U.S. Public Affairs Office (JUSPAO) estimates that 75 percent of South Vietnam is covered by GVN radio programs. Local citizens report, however, that Radio Hanoi was the most powerful station available on the dial, although the North Vietnamese do not broadcast television in either North or South Vietnam.

The committee is concerned over the apparent lack of effort being made by the United States and Vietnamese Governments to increase the availability and use of television messages and radio programs to help unite the nation, as has been done in Thailand, and to explain the U.S. presence as being on behalf of democracy for South Vietnam. Colonel Tran Van Doc, a defector from the North, said "The Communists are far better at telling a lie than the United States is at telling the truth." From its observations, the committee can only report that the colonel's views were not overstated.

Lt. Gen. Lee Sae Ho, Commanding General of ROK Forces, RVN, feels that civic action and psychological warfare are just as important as military action. This is a lesson in which the United States needs a cram course. One high ranking U.S. official with noticeable hesitation characterized U.S. psychological actions as "notoriously sorry." The sad fact is that our failure to learn and practice effective psychological warfare has contributed to the loss of American lives and national resources. The pitiful paradox is that we are the world's best in communications technology, but among the world's worst in using it as an instrument in helping to achieve our foreign policy goals, particularly in Southeast Asia. The committee feels it is high time for the United States and South Vietnamese to take the communications offensive.

The official policy of the Joint U.S. Public Affairs Office in Saigon appears to be "to work itself out of a job." We are furnishing some nominal technical assistance to South Vietnamese television, which is plagued with acute growing pains and a shortage of skilled manpower.

Apparently our public affairs leadership feels it is better for mass radio and television communications in South Vietnam to develop according to its own speed. One can only partially respect this point of view. The committee feels, on the contrary, that the anti-Communist stance of the South Vietnamese, the processes of pacification and Vietnamization, and thus the prospects of rapid withdrawal of American combat forces can be considerably enhanced by effective in-country communications. The committee was encouraged that President Thieu recently included stepped-up public communications as one of his high priority goals.

The committee strongly recommends that the United States should immediately re-evaluate its public information policies in Southeast Asia, and that the communications industry in America should recognize its ability to furnish invaluable assistance. One obvious suggestion would be a program similar to ETV's "Sesame Street" aired in Vietnamese and based on Vietnam's own rich cultural heritage.

AMERICAN PRISONERS OF WAR

Of primary concern to the committee and all Americans is the plight of U.S. servicemen held as prisoners of war or listed as missing in action. Before leaving for South Vietnam, the following telegram was sent by the committee on June 19, to the North Vietnamese Foreign Ministry in Hanoi, as well as its Minister in Paris, Xuan Thuy.

Sincerely request a part or all of our group be granted a visa as private citizens to come to Hanoi for the purpose of visiting with a representative group of American prisoners of war sometime between the dates of June 22 and July 2. Our request is for humanitarian purposes. Your thoughtful consideration of our request will be gratefully appreciated. We look forward to a favorable reply at your earliest convenience.

Having had no reply, the committee sent the following follow-up telegram to the Foreign Ministry in Hanoi on June 25.

On June 24, Members of this Select Committee made a visit to and inspection of the Republic of South Vietnam prisoner of war camp at Da Nang. Our inspection of conditions at the camp and of the treatment accorded both North Vietnamese and members of Viet Cong held there as prisoners of war confirms and supports the official inspection reports of the International Red Cross that all provisions of the Geneva Convention regarding treatment to be provided prisoners of war have been and are being met. Because of this visit by members of the Select Committee and as a result of their findings, we again request that we receive an early and favorable response to our telegram of June 19, 1970, regarding approval of a visit to prisoner of war camps in North Vietnam where American and South Vietnamese prisoners of war are being held.

Unfortunately, neither of the telegrams elicited a response from Hanoi.

Three members of the committee pressed the matter further during their trip to Laos. While in Vientiane, the members met with a Third Secretary of the North Vietnamese Embassy. They made a strong plea for North Vietnam to allow the sending of an international committee of Red Cross representatives to North Vietnam to investigate the condition of our servicemen being held prisoners there. An attempt was also made to leave a petition containing 50,000 names calling for humane treatment of American POWs. The Third Secretary refused to accept the petition.

The upshot of the brief meeting was a loud denial by the North Vietnamese official that North Vietnam has any American prisoners of war. Rather, he said, the men they held were war criminals. The Third Secretary ended the meeting after 15 minutes by storming out of the room.

The committee would like to point out most strongly the seriousness of the situation involving 1,500 American POWs and MIAs. It is a known fact that many POWs are being held by North Vietnam in Hanoi. What is not general knowledge is the fact that some Americans are held prisoner by the Pathet Lao in Laos and by the Viet Cong in unknown and isolated areas of the Mekong Delta in South Vietnam.

The committee knew it would probably be a futile effort to try to go to North Vietnam. But at the same time, the members felt it imperative to take every possible step in hopes of bringing us closer to a solution to this most pressing problem. The necessity of constantly pressing the government of North Vietnam concerning our American POWs and MIAs cannot be over emphasized. We must never cease working on behalf of these Americans and their families.

NARCOTICS AND CONTRABAND PROBLEMS

There are no certain statistics as to how many U.S. servicemen in South Vietnam use—or have tried—marijuana. Undoubtedly, the number of our troops in Vietnam who have done so is substantial. We have seen reports of studies claiming that at least 30 percent of such personnel use marijuana, at least on an occasional basis. Certainly, as committee members could discover for themselves although such sales are now illegal, a "stick" of marijuana can be purchased for pennies on almost every Saigon street corner.

In any event, U.S. Military Assistance Command Vietnam (U.S. MACV) has instituted a number of efforts at control, including an expanded educational program, and encouraging the judicial branch of the National Police of South Vietnam to form "narcotics teams" to cooperate with U.S. military police in cities with high concentrations of military personnel. Also, "raid teams," consisting of U.S. Army Criminal Investigation Division (CID) personnel and South Vietnamese narcotics policemen have been established to locate and apprehend distributors and "pushers" of both marijuana and the so-called hard drugs.

However, of equal seriousness has been the problem of narcotics smuggling out of Vietnam, an activity in which some U.S. servicemen have participated. Given the extremely high number of daily departures from South Vietnam of both servicemen and materiel of one kind or another, this has been an extremely difficult problem to control. At one point it reached such proportions as to cause host rest and recreation countries—particularly Australia and Hong Kong—serious concern.

Besides this principal problem with marijuana, the use of hard drugs by military personnel in South Vietnam is also of concern to MACV. Again, the problem is accentuated by easy access to such habituating and debilitating narcotics.

Another facet of all this has been the surge of contraband articles of all kinds, but particularly of weapons (other than qualified "war trophies") and ammunition for them, along with such items as "live" grenades, being sent or brought back to the United States. Several months ago, a test "operation-intercept" was conducted by the U.S. Customs Service at one of the major West Coast Army Post Offices. The number of such dangerous and illegal weapons, ammunition and other contraband, along with the quantity of marijuana and hashish seized, confirmed the existence of a problem requiring the immediate attention of military authorities.

Corrective measures have since been taken. A team of six experienced U.S. Customs agents was sent to South Vietnam to work with the Provost Marshal at Headquarters, MACV. With their help, over 800 military men have been recruited and trained as "Acting Customs Inspectors." These persons, under the direction of the Provost Marshal, in accordance with new and detailed procedures perform a preclearance inspection of military personnel and their personal possessions before they leave for the United States.

For the purpose of this report it is not necessary to detail such procedures, although such information is in the files of the committee. The important thing is that such procedures are working, a point verified both by the MACV Provost Marshal and by the U.S. Customs Service Commissioner.

CON SON ISLAND PRISON

In view of the fact that U.S. aid is given to South Vietnamese national penal institutions, some members of the committee visited one of these facilities on Con Son Island. While there, they observed some conditions which required remedial or corrective action. These matters were called to the attention of an appropriate Vietnamese official, as well as the American Ambassador. Assurances were given the committee that our authorities would thoroughly investigate this situation.

ADDITIONAL MATTERS PERTAINING TO U.S. TROOPS IN SOUTHEAST ASIA

While the committee concentrated its efforts upon the South Vietnamese capability of assuming the military burden for the defense of their country, it also investigated the morale prevailing among the American troops deployed in Vietnam and Cambodia.

Generally, morale was found to be very good with a significant boost from the operations to destroy the enemy's sanctuaries in Cambodia. Here the consensus, both among American and ARVN forces, was that the strike in the country was an outstanding military success, and would give the United States the breathing space needed to accelerate troop withdrawals. There can be little doubt that the anticipation of this acceleration contributes materially to the high morale.

Out-of-country R. & R. (rest and recreation) is also a considerable factor in the morale of our troops.

Concern was voiced by American servicemen over the dissent in the United States which obviously has been maximized in Vietnam as well as at home. Some expressed doubts about being accepted on college campuses after completion of their tour of duty. The committee shares the concern that the amount and character of dissent adds to the already heavy burden which the individual soldier bears.

The committee also visited the U.S. military stockade at Long Binh. The prison has a capacity of 500 and had 427 inmates at the time of our visit. Of these, one-third were being held in pretrial status, another third has been tried but not sentenced, and the remaining third has been tried and sentenced but not transferred to permanent prisons.

While the charges varied on which these men were being held, a significant portion of them were the result of actions taken by servicemen seeking separation from military service. Approximately 15 percent of those incarcerated were charged with some form of drug abuse. It should be noted that most of these charges, especially simple possession and usage of marijuana, were disposed of by nonjudicial punishment at the company level.

Although there have been allegations of racial discrimination, the committee found no evidence of such charges in the administration of the stockade. It is significant in light of these charges that the commanding officer, who impressed the Committee as being most capable, is a black. The Committee found the stockade to be extraordinarily well run.

AMERICAN CIVILIANS IN SOUTH VIETNAM

The Committee noted and heard of the presence of large numbers of U.S. government-associated civilians in South Vietnam. Upon inquiry, the following breakdown of civilian personnel as of April 1, 1970, was furnished the Committee:

Embassy, USAID, JUSPAO	2, 222
DOD direct hire	2, 065
Contractors	6, 738
Employees on contract to USAID and CORDS	719

American civilian personnel are not bound by the same regulations as military personnel, but any unacceptable activity by U.S. civilians damages our image just the same, if not more so.

The committee feels that the reduction of American civilians (including personnel of contractors) in South Vietnam should be continued and even accelerated wherever possible.

INTERVIEW WITH NVA DEFECTOR

(The following is a summary of an informal discussion between a high ranking North Vietnamese defector and a committee member.)

The use of propaganda directed toward the North Vietnamese by Hanoi is intensive. The people believe what they hear and read. Until the Tet offensive of 1968, there was no doubt in the minds of the people that the war was being won decisively. They tended to anticipate a complete victory over South Vietnam at an early date. After Tet they have become increasingly "puzzled."

Virtually all of the NVA and VC infrastructure have broadcast-band radios. About 30 percent of the civilian families in North Vietnam own receivers. There are strong prohibitions against listening to foreign broadcasts, but this is apparently directed toward the civilian populace. Most of the intrastructure listen. The most heard station is the BBC; VOA was the fourth station mentioned. The extent to which the public listens surreptitiously to foreign broadcasts cannot be estimated.

The officer's most recent assignment was as deputy commander of forces in a section of South Vietnam consisting of two provinces and part of a third. Therefore, he had no direct knowledge of the casualties resulting from U.S. bombing of the North, although he gathered that they were considerable. He did not believe the bombing caused either a decrease or an increase in the determination to fight. Rather, it "worried" the populace. The bombing and other factors contributed to a failure to meet North Vietnam's own in-country development timetables.

In North Vietnamese propaganda, the United States is portrayed as a war-mongering nation which is trying to dominate South Vietnam permanently. However, the defector said the North Vietnamese did not hate Americans as persons (this may have to be taken with a grain of salt because of the Oriental quality of going out of the way to avoid hurting one's personal feelings).

Victory claims as to enemy killed, territory "liberated," and aircraft destroyed have tapered off. The more enlightened North Vietnamese privately tend to question prior claims. (If all claims were true, would not victory have come soon after Tet?)

War dissent and related incidents in the United States are played up highly. America has been portrayed as on the verge of internal collapse. More recently, however, many North Vietnamese are starting to perceive that internal dissent must not be a fatal disease in the U.S. system (otherwise, would not the predicted collapse already have occurred?). The government of North Vietnam has no desire to negotiate for peace, because its unshakeable goal is to have South Vietnam.

Ideologically, North Vietnam is far more closely tied to the Soviet Union than it is to Red China. The tensions between the two latter nations "worries" the North Vietnamese very much. Direct Chinese military intervention in Southeast Asia is highly improbable, unless the war expands beyond Cambodia and Laos (presumably into Thailand and Burma).

The defector did not attach any great military significance to China's road network being built toward Thailand and Burma (he may not have been very well informed on this subject).

The officer had no direct knowledge regarding the treatment of American POW's. In his judgment he felt confident they are treated fairly well because "they want to keep them alive." When asked, "In other words, they want to milk the last ounce of propaganda and political value out of the American POWs," his answer was a firm, "Yes." The people of North Vietnam have a satisfactory amount of food, primarily due to large imports by sea.

The economy of North Vietnam has suffered because of the large percentage of personnel and other resources devoted to the war. The currency, however, is fairly stable, and inflation is not a large problem because wages and prices are rigidly controlled.

Asked what additional steps he thought the U.S. could take to help achieve peace and stability in Southeast Asia, he replied with some feeling, "Win the war."

Asked why he chose to return to Saigon (he was born near Saigon of a peasant family), he replied that he was upset over NVA war plans for this summer. He felt that the recent US–ARVN operations in Cambodia had contributed to an alteration of those plans. (This discussion was not pursued because it would have led to classified military matters, which were beyond the purpose of the meeting).

U.S. TROOP WITHDRAWAL FROM CAMBODIA

On June 29, six members of the committee went to the sanctuary areas of Cambodia to view the withdrawal of U.S. troops. Elements of the 101st Cavalry Division were the last to return to South Vietnam. There were still some U.S. military advisors with ARVN troops on June 29, but all of them were out of Cambodia by late afternoon of June 30.

Based on personal observations and talks with American, Vietnamese and Cambodian officers and servicemen, the committee concluded that all American combat troops were out of Cambodia by June 30, 1970.

CAMBODIA

Cambodia has less than seven million inhabitants. From the end of French rule in 1953, until the spring of 1970, the dominate political figure has been Norodom Sihanouk, first as King and then as Prince. Although the country has a popularly elected legislative body, its powers were progressively diminished. Prince Sihanouk claimed to be a nationalist anxious to maintain the independence of the country, but the leaders who deposed him now say he was a "traitor."

South Vietnam and Laos are contiguous to Cambodia and much of the border area is covered by jungle. Several years ago the North Vietnamese established large sanctuaries in Cambodia from which to carry on the conflict in South Vietnam. Cambodia's present leaders say that since Sihanouk approved the sanctuaries, the country really has not been "neutral". In May of 1965, Sihanouk broke relations with the United States. Relations were re-established in 1969 when we sent a charge d'affaires to Phnom Penh.

Although the Khmers (Cambodians) comprise about 85 percent of the population, there are sizable numbers of Vietnamese and Chinese in the country, along with Chams of Moslem descent and hill tribes. Although Cambodians have been traditionally suspicious of all Vietnamese and Thais, officials in Phnom Penh said they want and need South Vietnamese aid in resisting North Vietnamese and Viet Cong aggression.

The policies of Sihanouk steadily created a growing uneasiness in the country. In late 1969, as nearly as can be determined, other leaders discussed cautiously how to cope with the situation. Sihanouk's departure for Europe this January provided the opportunity to do something about it. Demonstrations started in several Cambodian border areas against the occupation by North Vietnamese. These were followed by demonstrations in Phnom Penh, resulting in the sacking of the North Vietnamese and Chinese embassies on March 11. Resentment against Sihanouk on the part of Cambodian leaders—the Army, intellectuals, and students—ended in the displacement of the Prince as Chief of State by unanimous action of the National Assembly, and the establishment of a new government under Lt. General Lon Nol, who had already been Prime Minister. Even before that action, Prime Minister Lon Nol had issued an ultimatum demanding that North Vietnamese and Viet Cong forces leave Cambodia within 72 hours. When these demands were not met, Cambodia requested and received some direct support from the the South Vietnamese Army (ARVN). Penetration of the eastern sanctuaries has continued by the ARVN. On April 30 President Nixon announced that U.S. forces would cooperate with those of South Vietnam to "clean out" enemy sanctuaries, but that such U.S. forces would be withdrawn by June 30.

About a third of the country is now the scene of conflict with forces opposed to the new Cambodian government, nearly all of them NVA. Elsewhere these forces occupy a number of cities and towns. Most of the principal highways are interdicted by antigovernment forces ranging from a few men to large units. VC, NVA and possibly some small pro-Sihanouk groups of the Communist Khmer Rouge are active in the countryside.

When military operations began, the Cambodian army numbered about 39,000. Its effectiveness was limited by inadequate training and neglected equipment. Communications, mobile equipment and air support were lacking. The present Cambodian leaders list their immediate needs as including arms and ammunition, plus communications and transportation equipment. Even if these items are made available, additional time will surely be needed to provide training of personnel. As of the date of this report, the United States has sent some 35,000 small arms, more than 10,000 other weapons, and medical supplies. Cambodia hopes that other countries will also furnish clothing, training facilities, and even perhaps volunteers. Ten thousand Cambodians have begun training in South Vietnam.

The Committee made it clear that, in its opinion, the United States would meet the pre-announced deadline for withdrawal from the Cambodian sanctuary areas, and continue a progressive reduction of U.S. combat forces in Southeast Asia. Cambodian leaders, although not happy about the prospect, are reconciled to it. They still expressed, however, the hope that the United States would continue to supply them with military hardware. Captured enemy weapons and ammunition, it is estimated, will give them a slightly greater capability for a few months. After that, additional arms and ammunition will be required. Although the army strength has increased to 180,000 through mobilization of men and women, we were told that many of these are government and office workers who do not really need arms. Estimates provided the committee were to the effect that about 70,000 or 80,000 should eventually be armed.

The conflict in Cambodia is not a civil war. Cambodians are not fighting Cambodians. Divisive internal elements are minimal in the country, although one cannot exclude the possibility that Sihanouk may be able to rally some Cambodians in the countryside. From what should be the viewpoint of other countries of Southeast Asia, this is the first opportunity for them to join together to help a beleaguered neighbor against a common enemy. The elimination of a number of key enemy sanctuaries may provide both a short breathing spell for the Cambodians to improve their own military capability and for other nations of the area to devise a common strategy.

While Cambodians understand that no U.S. troops will assist them, they remain hopeful that, if the need becomes urgent, the United States will at least provide air support. At the present time, U.S. Air Force activities in Cambodia are confined to the northeast section of the country, although the committee was told there are no restrictions upon operations by the Vietnamese Air Force in Cambodia.

Under Prince Sihanouk the defense establishment took about a third of the national budget. Presently, the military outlay has been increased five-fold. Although the war in the country has been in progress for only a few months, the economy has already been seriously affected. Little revenue is coming into the treasury and inflationary pressures have begun.

Except for the presence of pill-boxes, barbed wire and numerous soldiers, Phnom Penh and its citizens appear to be carrying on as usual. The loss of Sihanoukville (Kompong Som) formerly Cambodia's principal seaport on the Gulf of Thailand, would deny the country its major supply point and restore its availability to the North Vietnamese as a principal supply route for much of South Vietnam. It was estimated by a number of authorities that about 85 percent of the suppliers the enemy had been using against the southern part of South Vietnam have been coming through the port of Kompong Som. These were transported across Cambodia by truck to the sanctuary areas—something that has been occurring for several years.

During the committee's stay on Cambodian soil, both in the sanctuary areas bordering on South Vietnam and in the capital, members were impressed both with the evident success of the sanctuary clearing operation and with the apparent determination of the Khmer people to maintain themselves.

LAOS

The Royal Laotian Government (RLG) is perennially and seasonally menaced by Communist Pathet Lao (PL) and North Vietnamese Army (NVA) troops pushing out of mountain and jungle areas into populated Mekong River lowlands. Until recently the Laotian Government forces have been able to reclaim much of the territory so taken during the dry season.

The Communists control most of the country's terrain, but the Government most of the people. The Lao are basically a peaceful people who want to be left alone. Hundreds of thousands of them have fled either the Pathet Lao and North Vietnamese Army or U.S. Air Force and Royal Laotian Air Force (RLAF) air strikes. Fortunately, most of them have gone south toward freedom, rather than north toward Communism.

The Committee members received conflicting reports on the abilities of the Royal Laotian Army and those of the Royal Laotian Air Force. Their capabilities have improved, however.

There are relatively few U.S. governmental employees stationed in Laos—about 900 in the mission and 2,000 in all. There are very few American military men in Laos acting as advisors to the Royal Laotian Army. Other Americans work with the tribal forces, such as those led by Meo Maj. Gen. Vang Pao. Most of the other Americans in Laos are either with the Embassy or working in AID development programs.

USAF air strikes in Northern Laos are approved by the U.S. Mission. While the next year may be a difficult one militarily for Laos, United States, and RLG officials, including Prime Minister and Prince Souvanna Phouma, emphasize that they will neither make a request nor see the need for employment of U.S. ground troops in that country. However, the Prime Minister expressed the opinion that it is essential for Laos' future that the U.S. maintain some type of military support in Thailand.

The Members were told that continued American financial aid to the Laotian military is indispensable to Laos' existence. Not only does this aid provide the means for Laotian forces to deny the most heavily populated part of the country to the North Vietnamese, but their military actions also result in tying down two crack NVA divisions that could otherwise be fighting in South Vietnam.

One other important factor adding to the volatile situation in Laos is the Chinese Communists' road-building program in NVA/PL-held areas of Northern Laos. Since 1964–65 the Chinese Communists have been building roads through that area designed to connect China and North Vietnam. Recent information indicates that the road may well be aimed at the Thai border. Once constructed, the road could be used to transport supplies in one day, where it now takes 30 days.

The long-term outlook in Laos is therefore cloudy. If the Communists choose to break more openly the 1962 Geneva accords, they could overrun Laos and imperil Thailand.

THAILAND

Thai government officials are convinced that the countries of Southeast Asia should assume greater responsibility for their own security. Especially is this true with respect to manpower. However, they stress the need for U.S. military equipment, as they do not want to become dependent for defense equipment upon any country with whom they could have a territorial dispute.

The United States has approximately 32,000 Air Force personnel with equipment at six major Thai air bases in addition to several smaller facilities. Thai officials express fear that U.S. withdrawal from Vietnam and Thailand might be carried out in such a way as to be misunderstood. They fear that the people in some nations of the area might interpret U.S. withdrawal as abandoning the goal of self-determination for Southeast Asian nations rather than a belief the South Vietnamese can handle their own manpower requirements. Such misunderstanding, they feel, could have adverse consequences in a struggle which is partly psychological.

Thai officials state that the war in South Vietnam has never been simply a "Vietnamese War" but rather than North Vietnam with Chinese backing has for many years been waging a war to dominate all of Southeast Asia. If they had not been convinced of this fact, they state they would never have sent troops into South Vietnam.

They also expressed the opinion that North Vietnamese aggression against Laos and Cambodia is nothing new, because the North Vietnamese have partially occupied these countries for years.

While Thailand is prepared to furnish troops and training to assist the Cambodians, the Thais say they cannot do so without external financial assistance. Foreign Minister Thanat Koman was obviously disturbed by reports emanating from the United States that the Thai soldiers in South Vietnam were "mercenaries", when the Thai government needs financial aid for part of their expenses. Thai officials stated that their soldiers were paid far less than prevailing civilian wage rates in Thailand.

The Royal Thai Air Force (RTAF) does not have enough trained pilots and ground crews to handle fully its need for air power, but it is training 100 pilots per year, and wants to train more. The Thais believe they have enough pilots, so that with updated planes they could handle more of the air responsibility for the region. They say it would be better psychologically to have Asians flying aircraft over targets in Southeast Asia, which would afford less opportunity for the Communists to create anti-American feelings.

Thai expenditures for defense account for 23 percent of their budget, and those for economic and social development are 14 percent of the budget. Their economic position is obviously stronger than that of most of Southeast Asian nations.

Communist guerrilla activities along the border with Malaysia are being countered through close cooperation with the Malaysian armed forces and police. Thais are concerned about North Vietnamese activities on their border with Cambodia, and about the modern fortified road which is being built from China to Thailand's northern frontier.

Thailand strongly supports an Asian development program based upon Mekong River development. Extensive surveys and construction of two dams have already begun. Thailand would welcome North Vietnamese participation and sharing in the benefits of such development, if North Vietnam would turn to peaceful pursuits and abandon any plan to take control of much of Southeast Asia by force.

INDONESIA AND SINGAPORE

Members of the Committee visited Indonesia because half of the population and much of the resource potential of Southeast Asia lie within that nation. Indonesian diplomatic initiatives show promise that this young nation, which has achieved its own independence, sees itself as playing a leading role in the Southeast Asia region.

Indonesia would appear to be a prime mover in developing East Asian regionalism, not only at the present time but especially in the future. The future is emphasized because of Indonesia's continuing problem of creating a viable nation out of a vast archipelago. Not only do these island people have wide racial, linguistic, cultural and religious differences, but there is a problem of creating a rational economic system out of the chaos left by Sukarno. However, since the fall of Sukarno, Indonesia's new leaders have shown a willingness and ability to step forward and provide responsible international leadership. An example of this was the May 16, 1970, meeting in Djakarta at which eleven Asian nations, with a combined population of approximately 350 million people, met on their own initiative to discuss the Cambodian crisis.

Indonesia has taken a responsible and positive role in regional economic developments and, to some extent, in a parallel development of political organizations. Because the present day Indonesian leaders do not have the personal pretensions and ambitions of former leaders, they are better able to provide acceptable leadership for nations of the area.

The varied island nature of the nation provides more scope for developing individual leaders with differing backgrounds. This, together with the national spirit developed through its own achievement of independence, furnishes the impetus for its initiatives. The Members were impressed by the capability, and the depth and breadth of perspective of those Indonesians with whom they talked. The diplomatic initiatives of Foreign Minister Adam Malik—one of the several very competent and effective civilians in what has been thus far a military government—reflect the Indonesian potential for leadership. In the search for stability in the area, so as to be able to achieve real economic progress, Malik has adopted the approach that his country must take action to "buy more time" to achieve Indonesia's national development objectives.

Indonesia does not want to help in the present Cambodian situation, but has not yet found an appropriate alternative or means to implement her diplomatic initiatives.

Despite the heritage of debts and low per capita income from the Sukarno era, Indonesia is turning the corner economically but it is not climbing out fast enough to assume significant overseas commitments. They still feel that they cannot afford to furnish troops for external military action, specifically for Cambodia. Neither they nor the other Southeast Asian nations are psychologically prepared for a defense organization such as NATO; they feel they cannot afford it politically or economically. In their view they cannot support a combat role on the mainland of Southeast Asia.

Indonesia, which was so recently dominated by a foreign power, cannot be seen—either internally or by its neighbors—as again even being remotely subservient to a foreign government. Thus, Indonesia must not only be careful about what it does, but also as to how and when it accepts foreign aid.

A number of primarily economic regional organizations have come into being with diffused leadership. Examples are: the Economic Commission on Asia and the Far East (ESCAFE), a United Nations organization; the Asian Development Bank (ADB); the Asian Parliamentarian Union (APU); and the Southeast Asian Ministers of Education Secretariat (SEAMES). These organizations hold meetings, conferences, seminars, etc., not all of which are economically productive, but they have provided a form of cement and regional consciousness among the nations of the area. Through these meetings the leaders of the various nations of the area have come to know one another both officially and personally. Barriers still exist, but progress has been encouraging.

As the countries of Southeast Asia achieve a greater degree of economic and political cooperation, more effective regional defense relationships can and hopefully will be developed. Having been exposed to Communism in its own goverment and overcome it, the Indonesians believe their country has a bright, though difficult future, involving friendly and fruitful relationships with countries both of the East and of the West.

The city-state island of Singapore is strategically located in the heart of Southeast Asia. It can play a significant role in the region's development through its technological, banking and investment resources. Singapore is a center of commerce with an excellent educational system which contributes to its capability to play a most significant role in Southeast Asia. However, its potential is limited by its large population inhabiting a small area. This in turn may limit its significance in Southeast Asia.

After Singapore's rude awakening to the necessity of self-defense when Great Britain withdrew from its former protective role in the Far East, Singaporeans have put 30 percent of their budget into defense. Singapore does not receive U.S. military aid and prefers to buy U.S. weapons and equipment. Its efficient government uses Israeli military advisors who help produce tough, well-trained soldiers who contribute to the island-state's national development.

The leaders of Singapore rejected Communism and now pursue a policy of nonalignment. In supporting the U.S. Vietamization policy, they indicate explicitly that we must not cause a "crisis of confidence" in Thailand and the rest of Southeast Asia by a precipitate pull-out.

THE FUTURE OF SOUTHEAST ASIA

The increase of military conflict in Cambodia and the tenuous situation in Laos inject additional uncertainties into the already complex situation in Southeast Asia. With the planned reduction and ultimate withdrawal of U.S. combat forces from South Vietnam, external economic assistance will be a survival factor exceeded only by the ability and will of the people of this region to make their own accommodations on how best to cope with external aggression and internal strife. An acid test is coming of their ability to survive as independent states with self-determined governments.

Some leaders in the region view the expansion of the war into Cambodia as an opportunity to draw together more closely the countries of that part of the world. A common strategy, grants of military equipment, provisions for mutual combat training, and the use of neighboring countries' forces to repel invasion are a few cohesive steps that have been suggested. South Vietnam has military units in Cambodia, and is helping to train the Cambodian army. The Thais have expressed a willingness to play an active role. The big question is if the combined manpower and military capacity of each of the possible allies is sufficient to help its neighbors to combat Communist aggression, and at the same time to fight insurgency at home. Distances are vast and terrain is rugged. Inadequate transportation systems, communications, and airpower are common weaknesses. Progressive reduction of the U.S. military presence in South Vietnam can make available much of the needed materiel. A question arises as to the extent to which the South Vietnamese themselves need this equipment to further their Vietnamization efforts, and to maintain their lengthy supply lines if they penetrate more deeply into Cambodia.

Before one becomes intrigued by the potentials for close and continued military association of the countries of Southeast Asia, it is well to recall that hostilities that run deep into history cannot easily be erased. The past trials and tribulations of NATO, comprising nations with a common long and bitter experience in war, suggest some of the problems these less sophisticated countries now face.

Thailand excepted, all have a fragile political base. A century of colonial rule did not prepare them for survival as independent governments responsive to popular rule. While popular government may exist in all countries, the gap between the governing and the governed is often wide. The dangers of aggression and subversion understandably require a greater concentration of power in the hands of those entrusted with saving the country. The thin cadre of leadership often gravitates toward the military establishment. It is no easy problem to strike a balance between military demands and procedural and popular government.

The elements that make for a cohesive and viable nation-state, such as common language, common objectives, and a common thread of history, are in short supply in most of the countries. These shortages are a result of thousands of years of turmoil with boundaries and power structures in perpetual change. Thus a greater and more pressing burden falls upon their governments to identify the interest of all citizens with the interest of the nation. To those whose land has fallen under colonial rule, occupation, and war, government means little more than taxation and military service. If the citizens' sights are to be lifted from defense of their ancestral hamlets, something they have been doing for centuries, to defense of central and remote centers of power whose motives they suspect, the government has a responsibility to develop and make known a set of meaningful values that merit defense.

Few governments in the region have mastered the technique of reaching down to their citizens and rallying them to support a common cause. Such success as North Vietnam has had in this regard has been achieved only at heavy human cost and through massive propaganda techniques. Other governments in the area have yet to devise and implement a strategy of communications with their own citizens. This information vacuum has been filled by broadcasts from Hanoi. (See section on Communications and Public Information Programs above.)

While the economy of South Vietnam has been covered in detail above, further general remarks about Southeast Asia's economy seem in order. There the potentials for development are considerable. Traditionally, the large river basins that form the southern part of Southeast Asia are the "rice bowls of Asia." A wide variety of agricultural crops, together with livestock, form the basis for the area's economy. Even in the piedmont areas, subsistence farming has been the backbone of the economy. Mechanized farming and improved agricultural techniques could vastly increase production once "pacification" is achieved.

The long period of conflict and insecurity that dates back to World War II has made farming precarious and hazardous. Millions have become unwilling refugees divorced from their land. Manpower has been drained to fill the demands of military service. For many, exposure to the excitement and somewhat greater security of urban life has not encouraged a return to the routine of a rural society.

To meet their heavy fiscal burdens, governments have relied increasingly upon government ownership or control of business. (Thailand is the exception.) The effect has been to stifle private initiative and to multiply the problems with which government cannot cope.

The area does not lack the basic resources to embark upon industrialization. Take South Vietnam as an example. With peace and improved farming techniques, soil and climatic conditions will permit food production with a smaller percentage of the populace. There are five excellent ports. With training, many Vietnamese mechanics are as proficient as their contemporaries in the industrial nations. The Mekong Delta offers bright prospects for multi-purpose development, including power generation.

In each country, fiscal strategy more than military strategy may well be the decisive factor in national survival. Inflation is widespread and growing. Mounting military costs cannot be sustained if the economy falters. A decline in foreign exchange earnings, the import of necessary (and sometimes unnecessary) items, and a shaky tax base strain the financial resources. Our own efforts to combat inflation in the face of heavy domestic and defense expenditures are a microcosm of the problems faced by these countries. If inflation is allowed to go unchecked the governments face financial ruin.

The current instability of the area is not conducive to a major influx of private investments. Reduction of U.S. military outlays that parallel the reduction in our troop strength adds another problem.

While Communist China, either directly or through its satraps, remains a military threat to Southeast Asia, the quiet economic penetration of Japan is giving cause for some concern over the long haul. It requires no exhaustive research to become aware of Japan's role in Saigon, Bangkok, Vientaine, Djakarta, or Phnom Penh. The endless procession of wheeled vehicles, ranging from bicycles to automobiles, and a walk through the commercial centers give convincing evidence. One member expressed his concern this way, "The United States will spill the blood and spend the billions; Japan will move in and capitalize." Southeast Asians do not generally look upon Japan today as a Asian protector or mediator. Although still linked with the United States by security arrangements, they note Japan's slowly strengthening military posture and its rapidly increasing economic aggressiveness. The impending reversion of Okinawa to Japan is a further thrust southward.

What of the future role of the United States in Southeast Asia? Most officials of the various governments with whom members of the Committee spoke are reconciled to, but unhappy about, the determination to withdraw our combat forces from the area. Some seem to welcome it, provided direct economic assistance is bolstered. With varying degrees of bluntness, all urge increased military equipment, more training, the presence of advisors, and air support.

If the U.S. presence is to be low-keyed, it would be advisable to increase emphasis on international lending agencies such as the World Bank and the Asia Development Bank. Certainly, Japan is in a position to and should pick up a larger share of the burden.

Perhaps the U.S. has gone full circle in this part of the world and should direct its assistance to specific, but essential activities. Three fields that warrant immediate assistance are agricultural and industrial development and public administration.

Agriculture is the basis of the economy. If it falters, these countries face serious internal problems. Industrialization offers a needed economic balance. Public administration should fill the gap in the design and operation of essential public services and provide the glue needed to hold these countries together.

After a long and costly involvement in Vietnam, the progressive reduction of U.S. forces will have a short-term adverse effect upon the Vietnamese economy. One can only guess at the number of Vietnamese who, directly or indirectly, derive all or much of their livelihood from the sale of goods and services to the United States and its personnel in that country. While Vietnamization of the military forces continues, any sudden drop in U.S. assistance will only intensify economic strains and jeopardize the financial structure. This juncture of conditions both offer opportunity and the absolute need to exert more leverage upon the Vietnamese government to address itself more vigorously to improved military capabilities, internal reforms, and to put its economic house in order. Possibly these pressures will not be well received. But such pressures are imperative if one both reads correctly the mood of the United States and observes the reaction of the South Vietnamese to the overwhelming American presence.

Additional or Supplemental Views of Neal Smith to the Report of the Select Committee on U.S. Involvement in S.E. Asia, July 9, 1970

On Monday, the consensus or summary report of the Select Committee on our involvement in Southeast Asia was filed. Under the procedure agreed upon and in order to get a summary to the Members of the House of Representatives as fast as possible, Members of the Committee worked for about 20 hours on the way back from South Vietnam going through paragraph by paragraph and developing that summary report so that it could be filed as soon as possible. Additional material and more detailed summaries of our individual viewpoints were to be made soon and filed as additional or supplemental opinions and views. They are not necessarily inconsistent with the summary filed Monday but much more detailed and in some instances may be different. In some instances they portray in detail the part of the responsibility that the individual Member had a better opportunity to observe.

We broke up into teams each day—fanning out all directions so that we could cover the maximum amount of territory and see a greater number of people; therefore, obviously no one Member saw everything that is covered in the report. Obviously no one can become fully informed on Southeast Asia in either 2 weeks or 2 years, however, using the procedure we used and having full access to any and all information and areas gave twelve of us an opportunity to be exposed to more information and see more in two weeks and simultaneously than most people have seen after living there for years. Many people who have lived there several years, have still only seen one particular area of the country or had an opportunity to observe only one group or echelon of people; but they were helpful to me in forming an overall opinion.

On Monday, the 2 Members who were assigned to go to Con Son Island, Congressmen Hawkins and Anderson, gave an extended account of what they saw even before the summary report had been filed, and that was quite properly the way to handle it under the procedure agreed upon. I gave several interviews concerning Cambodia with which I was more intimately acquainted. Through the summary report filed on Monday and the various additional and more detailed accounts like this one filed by each Member. Members of the House should be able to secure some of the additional information we all need to vote upon matters which face this Congress this Session.

The principal information the House expected us to secure relates to withdrawal of U.S. forces from Southeast Asia. The President and Congress are agreed upon this policy but there is a dispute as to the rate of withdrawal. To my personal surprise, we found that President Thieu had in 1968 informed U.S. representatives that he wanted to start a planned withdrawal of U.S. military personnel. Since 413,000 U.S. soldiers are still in South Vietnam and an additional 40,000 in Thailand, under the resolution which sent us to Southeast Asia, our principal focus was upon questions relating to withdrawal and included questioning various military commanders why they should not withdraw at a faster rate, considering the problems raised and evaluating the answers given. We found that they had been told to answer any and all questions including the most sensitive relating to future plans and the orders under which they operate and they were also instructed to facilitate our going anywhere we requested. Thus, upon short notice or no notice, we proceeded to secure information and view the various operations.

As a result of these interviews, visiting various bases, reviewing sensitive information on enemy activity, and other information, the consensus of the committee was that the withdrawal could be faster than is now scheduled but of course, not all would necessarily arrive at the same proposed timetable.

There is great risk in going out on a limb and advancing opinions and conclusions as to a withdrawal timetable and attempting to summarize anything like the situation in South Vietnam because so much depends upon a totally unknown quantity: to wit, the extent of the input that North Vietnam and the Communist world is prepared to expend. However, with the full acknowledgment that I am no expert on Southeast Asia, and that no one can be sure such opinions will stand the test of time, I believe I should express such opinions and so, based upon what I saw and heard, for whatever they are worth, they are as follows:

(1) The security problem in the Southern half of South Vietnam, which contains 70 per cent of the people and 90 per cent of the resources of the nation, is quite different than that in the Northern mountainous part of South Vietnam and will probably remain quite different for many years in the future. It would be exceedingly difficult and costly for the North Vietnamese to try to supply troops in this area from supply lines from the North. It would take a huge number of people to do so and they could be detected and interdicted as they cross open or inhabited territory which divides the North from South. Thus almost 100 per cent of the supplies for this area have been coming through the Port of Sihanoukville and Cambodia for at least 5 years.

The fall of Sihanouk and the loss of the supply route from the Port of Sihanoukville across Cambodia together with the U.S. and the South Vietnamese capturing the arsenal located in the southern half of the sanctuary area, as it relates to the Southern half of South Vietnam resulted in at least a temporary setback for the North Vietnamese and considerably enhanced our ability to effect an orderly withdrawal of U.S. troops with safety. Whether this remains a permanent important advantage depends upon whether the North Vietnamese are able to bring down the Government of Cambodia and also reestablish a supply route from the Port of Sihanoukville across Cambodia. If they are unable to do so, it will be very difficult for them to supply a substantial offensive in the southern half of South Vietnam. This part of the country is reasonably secure. In the big Delta (IV Corps area) we have reduced troops strength to about 23,000 and the South Vietnamese have almost all of the military responsibility.

(2) Due to the large amount of North Vietnamese supplies now in Laos and the supply lines reaching to the Port of Haiphong, I doubt that the loss of supplies in the Northern portion of the sanctuaries could be considered a permanent setback of any major proportion for the North Vietnamese as it relates to their capacity to supply their troops in the Northern part of South Vietnam. Except for some populated areas on the coast, it will be difficult to ever provide security in this relatively unpopulated wooded area. The North Vietnamese supply activity in this area from the Port of Haiphong and therefore effectively cutting supplies in this area could probably not be accomplished without closing the Port of Haiphong.

(3) Prior to the action in the sanctuaries in Cambodia, our military commanders underestimated the ability of the South Vietnamese Army, and as a matter of hindsight, I believe the South Vietnamese Army could have handled the action in the sanctuaries without our ground combat troops.

(4) For psychological reasons, some think such U.S. combat troops should be withdrawn over a period of several months, even if they are in a substantially dormant posture; but I believe the necessity for using our ground combat troops in South Vietnam for other than surveillance around our camps and in emergency situations that might develop could be and should be terminated and that, barring some much increased input by the North Vietnamese, the South Vietnamese Army can handle the situation without our combat troops in the areas containing 90 percent of the people of South Vietnam.

(5) While our commanders are preparing for withdrawal of ground combat troops, I don't believe they have yet taken seriously enough or received the indication that they should replace ground support units with all reasonably diligent speed. I believe there could be a faster withdrawal and phasing out of our personnel in the ground support units such as artillery and transportation so that most, if not all, of the balance of this type of responsibility has been transferred to the South Vietnamese within a few months.

(6) Although it would represent a reduction of about one year in the schedule widely proposed, I believe the transfer of the Air Force personnel responsibilities can be completed by October 1972. This will allow for the minimum leadtime required to train additional pilots and maintenance personnel (including teaching them English first) and turning over responsibilities and vacating facilities.

(7) Although it does not involve great risk to life and limb of our soldiers, one of the most difficult problems to solve from a time standpoint is the logistics problem. We have billions of dollars worth of equipment, hardware and facilities over there and it cannot be withdrawn prior to the withdrawal of the troops that they supply without risk to those troops. Also, the supply depots obviously could not be fully transferred until the Air Force transfer, mentioned above has been completed. Supplying the last of the Air Force personnel, awaiting arrival of the supplies now in the pipeline from San Francisco to Saigon, unloading it, putting it into inventory, mothballing the repairable used items to be returned, determining where the material will go, securing shipping for that going to Okinawa, Guam, the United States or elsewhere, and making an orderly transfer of that which is to be left in Vietnam, together with removing portions of facilities and equipment from some bases and turning over the facilities we will leave, cannot be accomplished in a responsible manner (or without some kind of scandal or terrible waste occurring) in anything less than 2 years and it might require a few months longer. However, the number of people necessary for this logistics operation after next year would only be a small portion of our present total force over there.

(8) In view of the above conclusions, I don't believe it is any longer necessary to send additional draftees and short-term enlistees to combat assignments in Vietnam on an involuntary basis.

(9) Korea has 50,000 very high quality troops in Vietnam. Most of them are ground troops and unless they begin a withdrawal program (which they do not now have scheduled), they may, within a few months, have more such troops in South Vietnam than the U.S. Judging from our observation of them and their reputation, these troops are of such quality that when they do return to Korea, surely the U.S. troops strength in Korea could be reduced.

(10) The Thais want to and we should program a greater reliance upon Thai pilots and personnel to replace U.S. Air Force personnel in Thailand. As stated by Foreign Minister Thanot, it would make the allies less vulnerable to North Vietnamese propaganda if Asians were doing the flying over Asia.

(11) As stated in the summary report, I think the new land reform program which is to be financed with American funds is full of problems which are almost impossible to solve and at least will require substantial time to complete in a manner that will not result in paying the wrong people and even backfiring in some instances. I don't believe land reform is nearly as important as a program to move families to some of the millions of acres of unused rich land. A few sheets of tin and a 6-months supply of rice at a total cost of less than $100 can be a one-shot form of aid which provides permanent benefits to a family, reduces the social problems in the over-populated cities, reduces the inflationary pressure on housing costs, helps provide commodities for export and would do more good than proposals which would make a family permanently dependent for part of their cost of living.

(12) People in Vietnam who were in Japan following World War II and in Korea following that war, believe South Vietnam, with its tremendous natural resources, has a greater potential for recovery than either Japan or Korea had. The high import tax on such items as motorized bicycles, television sets and radio sets, together with the tremendous demand for them should provide an opportunity for in-country production of such articles. Foreign investment (which I understand Japanese, West German, and possible American investors are interested in) would seem to provide the best opportunity for quick employment for those who do not want to return to farming. Perhaps some of the military installations being vacated by the U.S. could be used for a combination of housing and factory facilities.

(13) Although there is surely less repression in South Vietnam than in most Asian countries, I think there is repression. Although this is a new attempt at constitutional government with individual rights in a part of the world unaccustomed to such a government, in a country where most people are not interested in any central government as long as it doesn't bother them, and the attempt to move toward less repression is being made in time of all-out war which is when most countries move toward more repression, I believe they need to give additional, immediate and constant attention to correcting repressive activities. I think this would gain more local support.

(14) With a shortage of qualified teachers and a public education system which has only been in existence a few years, educational television could aid greatly in teaching the young children the three R's. Many villages at least have one TV set at a central location, there are no programs on the TV station most of the day and people and children both regard watching TV as a prize attraction. At least this possibility for a cheap per child cost of basic educational enhancement should be fully considered and encouraged right away.

(15) I believe as many as 60 percent of the people of South Vietnam do not have much interest in a central government or any governmental activity above the village level. This 60 percent are people who have built their life around the family, the hamlet, and at most the village. They would not of their own free will engage in overt activity to oppose any government that provides security and leaves them alone and they have no interest in a United North and South Vietnam. The opponents of the present Thieu Government are divided into some 40 groups or parties, each of which would like to be in control but most of which do not want anyone to take Thieu's place unless it is them.

With a large second choice support and no opposing group with a large first choice support, the Thieu Government is heavily favored by most everyone in next year's election unless there is a substantial change.

I believe it will be a long time before the country of South Vietnam composed mostly of people whose governmental interest is at the village level will develop a two party system based on issues and a strong interest in a national central government.

NEAL SMITH.

HONORS CONFERRED UPON THE SUSQUEHANNA UNIVERSITY SYMPHONIC BAND OF SELINSGROVE, PA.

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SCHNEEBELI. Mr. Speaker, I am pleased to inform the House of Representatives of the honors recently conferred upon the Susquehanna University Symphonic Band, of Selinsgrove, Pa., during a concert tour of Europe.

On July 18, 1970, the band participated in the World Music Contest Festival in Kerkrade, the Netherlands, and was awarded the first prize in the second division category. The judges for this part of the competition were from Great Britain, the Netherlands, and Czechoslovakia.

Bands from approximately 25 nations, including six from the United States, participated in the event, which is held once every 4 years. Each band was required to play a specified composition and one of its own choosing.

This competition came as the climax of a 30-day tour of Europe which included concert engagements in England, France, Switzerland, Italy, Austria, and Germany, as well as the Netherlands. During their tour the 75 members of the Susquehanna Band and the members of the university choir, who also made the tour, received a number of other honors.

City officials in both Bexhill-on-Sea, England, and Rimini, Italy, presented medals to the band and choir directors.

The programs presented by both groups included a variety of selections with particular attention being given to the playing of the national anthems of the host country and the United States.

The tour was designed to include both studying and concert activities and was arranged by the university department of music. The tour coordinator was James Steffy, chairman of the music department and director of bands at Susquehanna. Robert Summer is choir director.

At this time, Mr. Speaker, I would like to extend my most sincere congratulations to these fine young people of Susquehanna University and their advisers on their outstanding musical accomplishments. And I am sure my colleagues share my sentiments in thanking this group for their additional meaningful services to our Nation as unofficial good will ambassadors to our European friends.

NEW COMMUNIST THREAT TO KOREA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SCHMITZ. Mr. Speaker, in July 1949, all U.S. troops were removed from South Korea, and in January 1950, then Secretary of State Dean Acheson, announced that the Korean peninsula was outside the U.S. defensive perimeter, and that South Korea would have to provide for its own defense. Six months later, North Korean Communist forces smashed into South Korea, and for the next 3 years the United States was involved in its first "limited war."

The net result was that the North Korean Communist dictatorship, under Soviet hireling Kim Il Sung, remained intact, and 50,000 Americans were dead. Renunciation of our commitment to our South Korean allies invited the attack, and renunciation of all sound military principles by our political leaders prevented victory. Now there are indications in the media and here in Washington of a new threat to South Korea.

For the past 3 years North Korea has been stepping up its infiltration and military action. In 1968 an assassination team was sent south to kill President Chung Hee Park of South Korea. The American intelligence ship *Pueblo* was captured, and its crew held in prison and "interrogated" for almost a year. In April 1969 a U.S. reconnaissance plane was shot down, to celebrate the North Korean dictator's birthday.

Since 1968 the number of Soviet surface-to-air missiles in North Korea has more than doubled and the North Korean air force has been expanded to over 500 jet fighters and bombers. The North Koreans are stockpiling food and military supplies and have dispersed and located underground many of their key industrial facilities. Kim Il Sung has vowed to "liberate" South Korea and "unify" the whole country under his rule.

But in the Twentieth Century, as the late Whittaker Chambers—one of the most deeply perceptive of American ex-Communists—pointed out, wars are no longer fought simply between nations, but also within nations. The Communists know that to win in Korea, as in Vietnam, it is first necessary to win in the United States by persuading us to withdraw our military forces.

So now we find the committee of returned volunteers—which, according to testimony by J. Edgar Hoover, is composed of former members of the Peace Corps who recently gave $15,000 to the Black Panther Party—passing a resolution calling for the withdrawal of all American forces from South Korea. A group of aging "students" including fugitive Eldridge Cleaver recently traveled to North Korea to help coordinate a propaganda campaign against our position with the current anti-Vietnam struggle. Two SNCC members, returning via Cuba from training in Moscow and North Korea, were found to be carrying notes referring to the desire of North Korea to set up an organization in the United States for this purpose. As top Soviet leader, Brezhnev said at the world Communist meeting in June 1969:

> It is natural that the fraternal parties now devote considerable attention to work among the young people.

On the "intellectual" front an effort is developing reminiscent of the campaign which persuaded us to let the Communists conquer mainland China, with such vast and terrible consequences for the whole history of the world. Books and articles glorifying North Korea and condemning South Korea are rolling off the press. Long-time fellow traveler, I. F. Stone, in reissuing his book "proving" that the United States started the Korean war. The New York Times and Foreign Affairs magazine have advertised Kim Il Sung's official three-volume biography. Articles in influential magazines present him as essentially a free agent concerned mainly with the welfare of his people, and at worst a "Titoist." In fact, Kim Il Sung was installed by the Soviet army in 1946 and was himself a major in that army. Even his name was "borrowed" from a prominent Korean guerrilla fighter.

It is vital that we see this propaganda offensive in its true light. We must not abandon Korea and Vietnam to the inevitable and proven horrors of Communist conquest. For those who think that Korea is so remote as not to matter to us, it is well to remember that Seoul is closer to San Francisco than is Paris. It is the Near West we are speaking of, not the Far East. And we are also speaking of human beings.

HON. JOHN KUNKEL

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. GOODLING. Mr. Speaker, I am deeply grieved over the passing of John Kunkel, a former Member of the House of Representatives and a very good friend of mine.

The congressional district that Mr. Kunkel represented in the Congress was right across the river from the one I represent; hence, our interests were closely related. I feel sure, however, that John Kunkel and I would have been good friends without the close district relationship, because he was the type of person who radiated friendship and drew friends to him. During his congressional service, he had a highly cordial affiliation with all of the Members of the House of Representatives.

As he had a very fine personality, so did he have an abundance of ability. All of his colleagues recognized and respected his competence, relying upon him for his wise counsel and guidance in legislative matters. He was dedicated to his congressional service, more interested in performing than talking about his performances. He did not have much to say because he felt there was so very much to do.

John Kunkel was dedicated to the best interests of the citizens of his congressional district, and he had a passion for the progress of America and her people. He is one of those rare individuals of whom it can be said that his achievements will live in the lives of those he has served.

John Kunkel's passing is a great loss to all of us who have been privileged to know him. I wish to extend my deepest sympathy and sincerest condolences to his family.

THE NEWEST GALLUP POLL FAVORS PRESIDENT NIXON

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. ARENDS. Mr. Speaker, I should like to call to my colleagues' attention the newest Gallup poll. It is quite revealing.

The poll, taken in mid-July, shows that 61 percent of the people approve of the way the President is doing his job. Only 28 percent disapprove.

This is the highest approval mark the President has received in the last 5 months.

Some of the confirmed Presidential critics may ask themselves why. After all, they have worked pretty hard to transfer the Democrat sins of the sixties onto the Republican President of the seventies.

But I don't really think there is any mystery as to why.

The President is, above all, two things—a man of his word and a man of courage. It took courage to send American troops into Cambodia. It took a man of his word to bring them out on schedule.

Mr. Speaker, Richard Nixon has closed the credibility gap and has provided tough, courageous leadership.

No wonder the American people are showing a growing confidence in their President.

PEACE

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. MORGAN. Mr. Speaker, under leave to extend my remarks in the Extensions of Remarks, I wish to include a speech made by Mr. Milton Shapp before the Pennsylvania Veterans of Foreign Wars Convention which was held in Pittsburgh from July 8 to 11. The topic of Mr. Shapp's speech is "Peace." The speech follows:

PEACE

It is indeed an honor to stand among you today as a veteran and as a candidate for Governor of the Commonwealth of Pennsylvania. My topic is close to the hearts of all veterans. My topic is peace.

May I ask—is there an ex-airman, soldier, sailor or marine in this room who, while serving the colors of this great nation, did not pray and dream of the day when war would end and when peace would be restored and he could come home to his loved ones?

I remember vividly the day in the spring of '45 when the enemy surrendered in Italy. I invested all the money I had won in the poker game the night before in Vino, danced in the street and kissed the first Italian woman I saw. She was at least 65, short, and heavyset but, oh my, was she beautiful that day.

Three or four days later, the nazis surrendered in Germany. This was the real V-E day and we went wild again in Italy. Then came the point system and the long worry about a possible trip to the C-B-I. Was there a man in Europe anxious to make that trip? I don't know. I do know there wasn't a man in my outfit who didn't want to go home. . . Home to enjoy peace. And me—with only 68 points. I kid you not—I was really sweating it out.

That's the way it was and still is with almost all GIs. I don't think there has ever been a guy or gal who has ever served this nation who hasn't griped about something or other almost every day while in the service but who hasn't gotten together with his ex-mates after returning to civilian life and laughed about those same situations.

Yes, most of us fought when we had to but all the while we yearned for the day when peace would come and we could go home and pick up the threads of our lives in a nation and world at peace.

There is great dissension in this country today about how to bring about peace in southeast Asia. But there is growing agreement in this nation that we must have peace—and soon.

The men who have fought in this current war for the United States have, perhaps, fought the most difficult war ever waged by this nation. This is so not because the jungles of Vietnam are any hotter than those in the South Pacific in World War II; or the life of the combat soldier, more difficult than in the North Africa campaign or in Italy, France or Germany: or the enemy, any tougher than the one in Korea. This war has been harder because it has been fought without the full support of the American people.

When Tojo dropped his bombs on Pearl Harbor, when Hitler enslaved or killed millions of people in Europe we new exactly why we were in World War II. But there are many in America who, for various reasons, feel the Viet Nam war should never have been . . . that it was sheer folly for us in the first place to have been sucked into a shooting war in the mainland of Asia, halfway around the world . . . particularly when the war was never sanctioned by Congress . . . that is was wrong to have become so bogged down in Asia that we cannot effectively prevent the Soviet from expanding its influence in the all-important world crossroads of the middle east . . . that the needs of our own people at home are so great that we cannot afford the $30 billion per year cost of Indo-China . . . that the inflation caused by Vietnam endangers the entire economic structure of America and threatens the livelihood of all of us.

This opposition does not detract from the courage and bravery displayed in the war by those who are in Vietnam but it does point out why many people in our Nation have voiced their opposition. And it does point out clearly the grave danger this Nation faces internally if we do not end our involvement.

For, in reality, what good would be gained if we continued in Indo-China to the point where we did help the people in Vietnam and in the other nations in South East Asia obtain a kind of stability if, in the process, we created such economic problems and other hardships for our own people and created such anger and division among our citizens that our own free society would be endangered.

Was it not for this reason—to save France itself—that DeGaulle pulled out of Algeria?

Our national VFW Commander, Raymond Gallagher, in this month's issue of VFW Magazine, puts emphasis on one very important aspect of the present plan of withdrawal from Vietnam—a point with which I am in complete agreement. The withdrawal must be conducted with maximum safety for our own men.

I am not a military expert. In fact, I stopped giving advice to my superior officers when I took off my uniform and donned civvies. But it does seem to me that our present policy of pulling out our combat troops first and leaving out support troops to be protected solely by the *ARVN* is fraught with danger because the fulfillment of such a withdrawal policy depends squarely upon the success of the present program of Vietnamization. And who knows for sure how well Vietnamization is working.

To my mind it seems that since the national policy is for withdrawal the maximum safety of our own troops demands that we pull out all our men as quickly as possible.

My concern about the politics of this war has not, however, diminished my concern for those young men who have served and who still serve in this war. They have performed well and with maturity under these most adverse of circumstances. It has been a difficult war for them and, I fear, it will be a difficult peace as well. The problem we must all face today is helping the men who return to peace. They deserve—yes—demand our understanding and our help.

As Governor of Pennsylvania I will exercise the full weight of that office to effectuate the transition of these men to civilian life. That is our responsibility. Also, I will use all of my strength and persuasion to help effectuate national policies that will maximize benefits for our Vietnam veterans. These men—particularly those from Pennsylvania—must have our understanding and aid in returning to a full and productive civilian life.

When I returned in 1946 from Europe along with millions of fellow veterans, I came back to a country made safe from the threat of destruction. I came back to a Nation prepared to take care of its veterans. Congress enacted the GI Bill of Rights that enabled all vets who desired it to have the opportunity to continue their education—academic or technical—To become engineers, doctors, lawyers, and scientists as well as machinists and technicians.

The Veterans given first crack at new housing . . . preference in Government jobs and other real aid in making the transition from war to peace.

At the end of World War II, in Pennsylvania we passed a Veteran's bonus bill that helped many vets back on their feet financially.

I spoke out in 1966 for a Vietnam bonus bill. I did not stop, even after I was defeated in the election of that year. On November 11th, 1966, I addressed the Veteran's day luncheon in this very hotel in Pittsburgh and read a telegram I had sent the previous day to the then governor-elect, Raymond Shafer, urging that he change his views and support such a bill. I am glad he did. I am glad the Vietnam bonus became law. I am glad, too, that the citizens of this State, in the May election this year, approved an additional bond issue to continue to finance such a bonus. This is the very least we can do to show our appreciation to our returning Vietnam Veterans.

But a bonus bill today is little enough payment for those who have placed their lives on the line.

To keep our commitment to our men we must do more. In Vietnam, these young men are told that they are fighting there for freedom, equality and the opportunity for a full life for all. We must assume them—by our actions at the national, State, and local level—that what they fought for in Vietnam will in fact exist at home.

As governor, I promise to put the full force of the commonwealth of Pennsylvania behind such a program. We must create the kind of climate in which our returning Vietnam veterans can make constructive contributions to our society.

Here are some of my proposals:

1. All Veterans of service anywhere in Southeast Asia, Vietnam, Thailand, Cambodia should be afforded the same benefits.

2. Education. We should insure that our State scholarship program under the Pennsylvania Higher Education Assistance Agency takes special cognizance of those men who did not have the opportunity to go to college before serving. For instance, the criterion of how much a parent earns in determining the size of a student's scholarship should not be applied in the case of the Vietnam veteran. Also, the State should be prepared to underwrite the cost of on-the-job training in industry for Vietnam veterans.

3. Jobs—The Pennsylvania Bureau of Employment Security should set up a special job bank for Vietnam veterans. Further, these young men should be given first consideration for jobs offered by State and local governments.

4. State services—There should be a coordinator to insure that all the resources of already existing state programs are made available to the returning Vietnam veterans.

As Governor, I assure you, I will do all within my power at the State level to make peace work and I will use the office of Governor in striving to influence the administration in Washington to fulfill its obligations.

Now, I turn to you, my fellow veterans, and appeal for your help in still another important program.

There are some of you in this room who have lived through four major American wars: two world wars, the Korean conflict and Vietnam. In each and every case, we talked about going to war to fight despotism, prejudice, injustice and oppression. At the end of each war we were promised an end to discrimination, hate and bitterness.

As soldiers we shared dangers and learned to respect a man for the load he carried regardless of the color of his skin or the way he worshipped God.

As veterans we must take the lead and show the way to the end of racial strife at home.

Among other things, the war in Vietnam has taken away the last excuse of the racist who tells the black man: "You must earn your rights." So many black men have fought so long in Vietnam: so many have given their lives, that there is no question about "earning rights." The burden is now on you and me to guarantee these rights.

Our responsibility is not just to black youth but to all youth. We have told them to fight this war because we needed to preserve justice, freedom and democracy. Now the burden is on all of us to see that justice, freedom and democracy are realities for all at home.

This is an area for individual action and I know of no group of persons more capable of individual action than veterans of our armed forces. You must, as individuals, practice and speak out for fair play and defend it.

And, speaking of speaking out: Let me close on this note:

None of us can condone the use of violence here at home by any segment in our country. As Governor, I won't stand for violence in this State by any group.

But my father used to advise me: "Milt, you have two ears and one mouth. Use them in the same proportion and you'll go a lot further."

We of the past war generations must use our ears and listen to what many of our young people are telling us. It takes two to tango and two to bridge the generation gap. We may object to some of their ways but I learned in the army that you can't kid the troops. Nor can you kid the young people of today. Under their long hair, many of them have good ideas . . . ideas that more often than not parallel our own.

They want a world at peace in which they can raise their families . . .

They want a world at peace in which all people are judged on their merits.

They want a world at peace which can devote its full efforts to eliminating hunger, curing disease and eradicating poverty for all people.

In short, they strive to achieve the same goals we did when we were their age.

I have outlined for you some of the burdens of peace.

With the Vietnam war winding down, our major task becomes insuring peace at home. We veterans have a major role to play in achieving this goal. I'm sure we are equal to this task.

NATIONAL WATER WELL ASSOCIATION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. WHITEHURST. Mr. Speaker, 1969 proved to be an unprecedented year for disasters. Every category last year far surpassed all previous records. The number of declared disasters was an alltime high of 29, compared to the average of 18. The number of States involved was also above the average; 23 for 1969 compared to an average of 16. The cost of relief programs set a high of an estimated $300 million compared to the average of $59.4 million. Property damage totaled $2 billion, and 300 deaths were recorded.

The Government's disaster experience during the past year has broadened and deepened the Federal disaster assistance program that is now pending before Congress. The program includes advance planning, preparedness, prevention, warning, crises assistance, relief, and recovery and long-range rebuilding. The program is increasingly concerned with the needs of individuals and groups, as well as the public sector.

The Disaster Assistance Act of 1970 includes provisions for economic development assistance, disaster loans, unemployment compensation, local government revenue maintenance, permanent repair, housing, debris removal, and planning assistance. However, legislative changes are not the only improvements required in the administration's disaster assistance program. Changes in the administrative procedures can be equally important in providing a more effective program.

To improve coordination President Nixon has established by Executive order a National Council on Federal Disaster Assistance. Stricken communities frequently lack trained personnel who can make the best possible use of the aid available to them from many sources. Federal assistance teams will help the communities coordinate the overall assistance effort.

It is in conjunction with the assistance teams, and the facility repair provision of the Disaster Assistance Act that I would like to direct attention.

An effort is currently underway by the National Water Well Association to establish a disaster committee to create a working system of communications, contractors, and equipment, ready to answer the call for water emergencies in the event of disaster. The association, operating privately and without Federal funds, is investigating how they can best lend a hand when an emergency strikes. They are compiling a complete listing in several States, of available men and equipment ready to answer a disaster call, to develop a 50-gallon per minute ground water supply in 24 hours.

The National Water Well Association's Disaster Committee has outlined its basic emergency plan: notification from the disaster area, committee on-site inspections, recommendations for rehabilitation of the water supply, deployment of equipment and personnel to the site and a committee report to the NWWA board.

The NWWA's new disaster committee has contacted and offered its services to the Red Cross, the Corps of Engineers, Civil Defense, and several Governor emergency councils.

Hurricane Camille, and the disastrous tornadoes that hit the Midwest and South last year, revealed the need to quickly establish a reliable source of clean water. The urgent need for water was great in the aftermath of Camille along the gulf coast and in Virginia. Water was everywhere, but there was none to drink. When the water receded, the established water sources had become contaminated, necessitating trucking water from distant areas. Such measures are never enough. Individual needs, even hospital requirements, are beyond the capacity of a few hastily requisitioned trucks. A community should be able to turn for help to those knowledgeable in water equipment needs and systems.

Man's most basic need is water. An organization dedicated to making its resources available for alleviating both national and local disasters affecting water supplies, and helping to insure the quick availability of water, is to be commended and encouraged in its efforts.

A BILL TO EXEMPT DRAFTEES FROM DUTY IN HOSTILE FIRE AREAS

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. BROWN of Michigan. Mr. Speaker, I am today introducing legislation under which draftees inducted after January 1, 1971, could not involuntarily be assigned to Vietnam or other areas in which the United States is engaged in armed hostilities, except as expressly authorized by the Congress.

I am satisfied that there is no necessity for requiring members of our Armed Forces involuntarily forced into service after January 1, 1971, to in turn be required to involuntarily serve in hostile fire or combat areas.

This legislative proposal should receive prompt and deliberate consideration. It is totally consistent with my advocacy of an all-volunteer military service at the earliest practical moment.

If we are to phase out the meeting of our military needs by conscription, a good way to start is to phase out the meeting of our combat military needs by draftees.

Philosophically, my proposal is right; pragmatically, it can be implemented.

Enactment of my legislation would force the Congress and all others who have criticized the draft, and conscription of those of our youth who cannot avoid it, to immediately and sincerely consider taking those steps necessary to provide incentives not only to serve in the military but to serve in combat areas.

Although I have not talked with President Nixon about my proposal, I am sure he will recognize it as an attempt to mandate the committees of the Congress into serious consideration of a phased elimination of the draft; a thing he has already advocated.

To the extent that incentives must be provided to prompt voluntary service in combat areas by both enlistees and inductees, their cost should be shared by all. It should not be borne by only those few unfortunate sons, husbands, fathers, and brothers who did not fit into one of the many categories for avoidance of service.

My mail, my constituent cases, my everyday contact with the problems of military service, have convinced me that unwillingness to serve in Vietnam or any other potential combat area is the greatest cause of distress, unrest, and apprehension today among not only our young men, but also their families and friends.

Since it appears the committees of both the House and the Senate will soon be pressured into holding hearings on revisions in the Selective Service Act, I want to make sure this proposal is before them. While these committees deliberate overall draft reform, adoption of my proposal would provide the interim relief to which the inductee is entitled. At the same time, it would permit and require limited experimentation with the effectiveness of incentives.

Although more than 80 proposals for revision of our selective service law have been introduced, ranging from repeal of the Selective Service Act to only limited reforms therein, no such proposal has attacked the real issue of conscription head-on as does my legislation.

At the same time, the thrust of my legislation is not new. Our 1940 Selective Service Act initially restricted assignment of inductees to the limits of the Western Hemisphere except in the territories or possessions of the United States, including the Philippine Islands.

Canada initially also limited the assignment of personnel drafted into military service under its National Resources Mobilization Act of 1940. Although subsequently repealed in 1942, that act originally provided:

> The powers conferred . . . may not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada and the territorial waters thereof.

I may be criticized for "forcing the issue" with the Commander in Chief and the Pentagon.

But before one criticizes my proposal, he should reflect upon the fact that under today's law, the President and the Pentagon have absolutely no justification for treating inductees and enlistees other than on a totally equal basis. Any attempt by the President or the Pentagon to show partiality or favoritism toward either in assignment of combat duty or to a combat area could be criticized as rank discrimination. My legislation would give the President and the Pentagon a lawful right to make such distinction.

And, sometimes we lose sight of the real significance of the draft in meeting our military needs. Its relative importance as a direct source of manpower is appropriately minimized when we consider the fact that fewer than 500,000 of our more than 3,000,000 military personnel are inductees; and, fewer than one out of four draftees are in Vietnam.

Especially in view of the reduction in personnel in Vietnam, I am confident the Pentagon can work within this limitation on combat service. I am sure the lead time provided and the gradual impact of my legislation will permit our military authorities to find ways and means to shift such service to volunteers attracted by the incentive of combat pay, special treatment, and benefits. And, most of all, I am sure my proposal will quicken the steps of those who have been guilty of "foot-dragging" in the Congress.

For the convenience of our colleagues the new paragraph which my bill would add at the end of section 4(a) of the Military Selective Service Act of 1967 reads as follows:

> Except as hereafter expressly authorized by the Congress no individual inducted after January 1, 1971 for training and service in the Armed Forces under this title may be assigned, without his prior written consent, to serve in any area not under the jurisdiction of the United States in which an Armed Force of the United States is engaged in armed hostilities.

COMMENTS TO UNDERSCORE THE IMPORTANCE OF ESTABLISHING NATIONAL VOLUNTEER FIREMEN'S WEEK

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. BEALL of Maryland. Mr. Speaker, on April 29, 1970, the House gave justified recognition to the thousands of volunteer firemen throughout our Nation who provide protection to hundreds of our communities and their citizens. A joint resolution introduced by my colleague, the Honorable JOHN P. SAYLOR, one of the real outstanding authorities in the Congress on community development, and cosponsored by me and 19 others, was unanimously endorsed by our membership.

By the terms of this resolution, now under consideration by the Senate, the President is authorized to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970.

I sincerely urge the Senate to pass this resolution and encourage national appreciation and awareness of the tremendous contributions being made by our volunteer firemen. Their's is in the finest traditions of good citizenship. Their willingness to serve for the public good is a part of a proud heritage that goes back to the first days of our Republic.

It is a privilege to submit for consideration by our Senate colleagues the following communications which I have received from volunteer fire companies in my own State. Maryland has long benefited from the services of such organizations. These comments from officers of our fire companies will underscore the importance of establishing National Volunteer Firemen's Week:

ABINGDON FIRE CO., INC.,
Abingdon, Md., July 25, 1970.

Congressman J. GLENN BEALL, Jr.,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BEALL: Please be advised that the Abingdon Fire Company members are in complete support of Joint Resolution 1176 authorizing the President of the United States to proclaim the week of September 19 to 26 as National Volunteer Firemen's week.

Thank you for giving recognition to the many men who give freely of their time to serve their communities.

Sincerely,

CHARLES E. SCOTT,
Secretary.

ANTIETAM FIRE CO.,
Hagerstown, Md., July 24, 1970.

Re H.J. Res. 1176, National Volunteer Firemen's Week

DEAR CONGRESSMAN BEALL, Jr.: Thank you for remembering our volunteer firemen! I firmly believe these dedicated, hard-working men, more than any other group, are representative of "Mister Average American". Their consistent, often heroic, efforts have gone unheralded for entirely too long.

As President of the Antietam Fire Company, Hagerstown, Md.—and as a citizen—I fully support your resolution as a worthwhile effort to put all volunteer firemen in the national spotlight.

Very truly yours,

C. I. EYLER, Sr.,
President.

AVALON SHORES VOLUNTEER
FIRE DEPARTMENT,
Shady Side, Md., July 22, 1970.

Hon. J. GLENN BEALL, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEALL: Please be assured that this department wholeheartedly supports H.J. Res. 1176, a Joint Resolution authorizing the President of the United States to proclaim "National Volunteer Firemen's Week" from September 19, 1970 to September 26, 1970. It is gratifying to know that someone wishes to so recognize the many hours of faithful, and unpaid, service performed by the able, skilled volunteer firemen of our country. As volunteer firemen, we feel that we are a special breed of patriotic, community conscious individuals.

Very truly yours,

WILLIAM F. BATEMAN,
Secretary.
ALBERT L. TONIOLI,
President.

FRANCIS H. BARBER FUNERAL HOME,
Laytonsville, Md., July 28, 1970.

Mr. J. GLENN BEALL, Jr.,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. BEALL: Thank you for mailing me a copy of the Resolution to designate a National Volunteer Firemen's Week.

I have read this resolution sponsored by you; and having been a member of a volunteer fire company for over fifteen years, as well as serving as its President, I feel this would be a great honor to our service organization. It would certainly give our volunteer firemen more incentive to carry on and serve others with even greater determination; many times risking their own lives for others.

Therefore, I strongly support your resolution and want to thank you for your interest and support.

Sincerely yours,

FRANCIS H. BARBER.

BEL ALTON VOLUNTEER FIRE
DEPARTMENT, INC.,
Bel Alton, Md., July 24, 1970.

Hon. J. GLENN BEALL, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: I wholeheartedly support the resolution designating a National Volunteer Firemen's Week. It is time the volunteer firemen throughout the state and nation are recognized for their untiring efforts and services rendered the people of the United States.

Recognition is something firemen think little of when there is a life to save, a home at stake or many of the jobs they are called upon to perform. Nevertheless, I believe a gesture such as the resolution you have cosponsored would be most gratifying to the firemen of our country.

Thank you for allowing me to support this resolution.

Sincerely yours,

JOHN E. FRERE,
President.

The Volunteer Fire Department,
Brandywine, Md., July 27, 1970.
Hon. J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Beall: In reference to your letter of July 17, 1970, and the enclosure the Volunteer Fire Department of Brandywine, Inc. (Company 40) Prince Georges County, Maryland, wishes to go on record as supporting the Joint Resolution H.J. Res. 1176.

We feel this is a step forward in the right direction. It will, we hope, enlighten all of our citizens to the wonderful work being accomplished by the Volunteers, as well as making it known to them that their efforts are appreciated very much.

Sincerely yours,
Francis Carroll,
President.

Chapel Oaks Volunteer Fire Department,
Washington, D.C., July 22, 1970.
Hon. J. Glenn Beall, Jr.,
Congress of the United States, House of Representatives, Washington, D.C.

Dear Mr. Beall: The Chapel Oaks Volunteer Fire Department whole-heartedly endorses Resolution No. 1176, authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970 to September 26, 1970.

It is gratifying to know we have the interest and support of you and your fellow Congressmen. Your combined efforts to honor the volunteer firemen throughout our state and nation, and to create an awareness of their diligent efforts and devotion to duty, is greatly appreciated.

This letter will serve as endorsement of the Resolution, by the Chapel Oaks Volunteer Fire Department, one-hundred per cent.

Sincerely yours,
Clarence Norton,
President.

Chillum-Adelphi Volunteer
Fire Department, Inc.,
Adelphi, Md., July 23, 1970.
J. Glenn Beall, Jr.,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

Dear Congressman Beall: We members of the Chillum Adelphi Volunteer Fire Department of Adelphi, Maryland would like to offer our support of Resolution H.J. Res. 1176 to proclaim, "National Volunteer Firemen's Week from September 19, 1970 to September 26, 1970.

This date would follow by only a few weeks the anniversary, August 9, 1969, the date two Volunteer members of the Chillum Adelphi Volunteer Fire Department, Charles R. Hobstetter and Robert J. Harmon, Jr. gave their lives in a rescue attempt in our area.

Both of these men are typical of the type of dedicated persons throughout the United States who make up the Volunteer Fire Department systems, large and small, who daily risk their lives "That Others May Live".

Very truly yours,
Vern C. Prentice,
President.

Clear Spring Volunteer Fire Co.,
Clear Spring, Md., July 23, 1970.
Hon. J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washingtoon, D.C.

Dear Congressman Beall: On behalf of the Clear Spring Volunteer Fire Department, Inc. I assure you of our endorsement of H.J. Res. 1176 authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970 to September 26, 1970.

Volunteers spend many hours of personal time training for the prevention of fires, receiving instructions in firefighting procedures, techniques, and in actual practice.

Fighting fires; protecting the property of others not only is hazardous but also involves dedication of the men and the understanding of their families. Day or night the routine pleasant and important home life may be interrupted by the alarm.

We, of the Clear Spring Fire Department, appreciate the recognition afforded us by the House of Representatives, and by you, to remind the Nation that the Volunteer Firemen are dedicated to the protection of the health and welfare of their communities.

Very truly yours,
Thomas F. Altman,
President.

Cottage City Fire Co.,
Cottage City, Md., July 27, 1970.
Hon. J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Sir: This is in response to your letter dated July 17, 1970.

This department desires to go on record as supporting H.J. Res. 1176 which is to honor the nation's volunteer firemen during the week of September 19 through September 26. We also urge the Senate of the United States to approve the joint resolution without delay.

The Cottage City Fire Company extends its appreciation and gratitude to you and others who had a hand in drafting the referenced resolution.

Sincerely,
Paul L. Bartin,
Secretary.

Damascus Volunteer
Fire Department, Inc.,
Damascus, Md., July 25, 1970.
J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

Honorable J. Glenn Beall: The members of the Damascus Volunteer Fire Department, Inc., at their regular meeting voted to endorse the resolution of a National Volunteer Firemen's Week, September 19 to September 26, 1970.

Thank you for your interest in and concern for Volunteer Firemen.

Sincerely yours,
Rodney H. Duvall,
Corresponding Secretary.

District Heights Volunteer
Fire Department, Inc.,
District Heights, Md., July 23, 1970.
J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Beall: At the regular meeting of the District Heights Volunteer Fire Department the membership has authorized me to send you our endorsement of the Resolution H.J. Res. 1176 (National Volunteer Firemen's Week).

The thought by the originators of this resolution is very much appreciated.

Sincerely,
J. J. Thorne,
Secretary.

Guardian Hose Co., Inc.,
Thurmont, Md., July 23, 1970.
Mr. J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Beall: This letter acknowledging your note endorsing copy of H.J. Res. 1176 in the House of Representatives, April 16, 1970 of the 2d Session, 91st Congress authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970.

As President of our Volunteer Fire Department I concur with this resolution and give it my support.

Sincerely,
D. S. Weybright,
President.

Independent Hose Co., Maryland
State Firemen's Association,
Frederick, Md., July 25, 1970.
Hon. J. Glenn Beall, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Beall: On behalf of the Officers, Directors and Members of the Independent Hose Company No. 1 of Frederick, Maryland, I wish to advise our sincere appreciation and support of Resolution 1176.

Our volunteers give of themselves without thought of reward or personal gain in all their assignments. Recognition of their efforts will help to encourage them in their duties and maintain the volunteer concept of fire and rescue service vital to communities throughout our nation.

Respectfully,
Willard M. Horine,
President.

Kensington Volunteer
Fire Department, Inc.,
Kensington, Md., July 23, 1970.
Hon. J. Glenn Beall, Jr.,
Congress of the United States, House of Representatives, Washington, D.C.

Sir: Thank you for your letter of July 17, 1970.

This letter, to become part of the official Congressional Record, indicates the full support of the Kensington Volunteer Fire Department, Inc. for the Joint Resolution (H.J. Res. 1176) introduced in the House of Representatives in the Second Session of the Ninety-first Congress on April 16, 1970, authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970 to September 26, 1970.

Very truly yours,
Donald M. Phillips, *President.*

La Plata Volunteer
Fire Department, Inc.,
Charles County, Md., July 24, 1970.
Hon. J. Glenn Beall, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Beall: I am writing on behalf of the La Plata Volunteer Fire Department to express our support of House Joint Resolution #116, regarding National Volunteer Firemen's Week, September 19 to 26, 1970.

Thank you for your consideration in this regard.

Very truly yours,
Edward L. Sanders, Jr.,
Secretary.

Ocean City, Md.,
July 28, 1970.
J. Glenn Beall, Jr.,
Congress of the United States, House of Representatives, Washington, D.C.

Dear Mr. Beall: Re your letter of 7–17–70 regarding H.J. Res. 1176 on behalf of the Ocean City Volunteer Fire Department. I heartily support the proposed resolution cosponsored by you. Thank you. I am,

Yours truly,
George M. Hurley, *President.*

Oxon Hill Volunteer Fire Co.
and Rescue Squad,
Oxon Hill, Md., July 22, 1970.
Hon. J. Glenn Beall, Jr.
House of Representatives,
Washington, D.C.

Dear Sir: Referring to your letter of July 17, 1970, I am pleased to support your resolution designating a National Volunteer Firemen's Week.

Thanking you for your interest in our efforts.

Respectfully,

JAMES M. BARNARD, SR.,
Vice President.

POTOMAC FIRE CO., NO. 2, INC.,
Westernport, Md., July 23, 1970.

Hon. J. GLENN BEALL, Jr.,
Member of Congress, 6th District of Maryland, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BEALL: The officers and members of the Potomac Fire Company No. 2 of Westernport, Allegany County, Maryland are very much appreciative of the efforts of yourself and other members of the 91st Congress in introducing a joint resolution to proclaim the week from September 19, 1970, to September 26, 1970, as National Volunteer Firemen's Week. We support this Resolution and feel that it is long overdue for men who give so much of their time and sometimes their life for their fellow Americans.

Again, we thank you and hope that this resolution passes the Senate.

Sincerely,

ROBERT H. SHIMER,
Chairman, Board of Directors.

ROCK HALL VOLUNTEER FIRE CO.,
Rock Hall, Md., July 23, 1970.

Hon. J. GLENN BEALL, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEALL: Due to the timely arrival of your letter of July 17 with reference to H.J. Res. 1176, it was read to the Officers and members of the Rock Hall Volunteer Fire Co. at our meeting of July 21.

The members present at this meeting (approx. 30) all expressed their thanks and appreciation to you and your colleagues for your thoughts and deeds in sponsoring this resolution.

All too often the volunteer firemen are over-looked or taken for granted in the part they have in protecting their communities and the lives of the people therein.

Therefore, the Officers and members of The Rock Hall Volunteer Fire Co. wholeheartedly approve and endorse H.J. Res. 1176, and again thank you for your consideration.

Respectfully,

P. JAY ELBOURN, *President.*

VOLUNTEER FIRE DEPARTMENT, INC.,
W. Lanham Hills, Md., July 24, 1970.

Hon. J. GLENN BEALL, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEALL: We heartily support H.J. Res. 1176, which authorizes the President to proclaim National Volunteer Firemen's Week, from September 19, 1970 to September 26, 1970.

We who serve in volunteer fire companies throughout the nation, gladly give of our time and ask for no compensation in return, except the chance to serve our communities.

In addition to our normal duties of fire suppression, we actively support fire prevention programs in our respective communities. We also require that our members complete fire fighting courses and first aid courses, usually given by a local university and the American Red Cross, as well as attendance at weekly drills. We do this in order to provide efficient and scientific fire fighting services to the communities that we serve.

We, like all human beings, feel a certain amount of gratification from a simple pat on the back and a statement of a job well done. We feel that H.J. Res. 1176 will accomplish this and give added incentive to the volunteer firemen of the nation by letting them know that they are wanted and appreciated.

The members of this fire department join with those throughout the nation, in expressing our thanks to the sponsors of this resolution.

Yours very truly,

LEROY J. KOCH,
President.

LETTERS WITH PERCEPTIVE COMMENTS ON THE PRESENT STATUS OF THE AEROSPACE INDUSTRY IN SOUTHERN CALIFORNIA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SCHMITZ. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include two letters received from Mr. Thomas Albright of Santa Ana, Calif., with some perceptive comments on the present status of the aerospace industry in southern California. The letters follow:

JULY 1, 1970.

DEAR JOHN: My wife, Katie, and I wish to express our pleasure with your election to Congress.

Since a significant number of aerospace engineers are in your district, I would like to submit some comments on the situation to you. In whatever light Aerospace or the defense industry may be considered, it is a part of the Nation's needs for survival.

I feel that the accumulated events of the past 15 years have resulted in a breach of national faith to the engineers. But more important is the future danger. There is probably less than 5% of the engineers who would presently recommend the investment of the mind of his son in the defense industry. This condition is principally due to the temporary nature of the industry as well as the national trend which is being forced by the vocal crowd. The handle of a name can seemingly do wonders or harm. F.D.R. put the same industry in a favorable light by calling it "the Arsenal of Democracy."

Notwithstanding several cases of history being on the side of the Democrats, I consider the following some irresponsible contributions by them in which they made political hay:

Post Sputnik Charge: The U.S. has a booster gap.

Fact: The U.S. had developed an "advanced" bomb of lower weight (hence, was ahead) and didn't need the huge boosters for ICBM purposes as Russia did. Space was not then a national objective. However, we quickly recouped in space.

1958 Charge: The population of our technical community is getting behind, citing Russia's educational methods and national emphasis.

Fact: In those years as many as 20 companies were fighting tooth and nail for any significant contract.

1960 Campaign Charge: A missile gap exists.

Fact: Later refuted.

Early 1961 Event: Bay of Pigs fiasco following decision not to use the military.

Counter Event: Apollo race-to-the-moon program by 1970.

Total Result—As a result of the false charges and ill-advised events, money was dumped out mostly for the spending in the Space area. Every Podunk University was set up with the latest in lab. facilities, given research contracts (many of which industry couldn't get), scholarships granted, and government and university facilities were erected throughout the country. Production of Minuteman was apparently accelerated. The sum total was a huge outpouring of college graduates (many of whom would have entered other fields) for Aerospace employment. These events, together with today's vocal objections, have created the present Aerospace employment picture—A breach of faith.

Other contributing factors by the Democrats:

1. Viet Nam War and its escalation with no intent to win
2. Inflation should have been attacked in 1968
3. A 1% productivity increase versus an inflation increase of 6% has created the focal problem in the real-world economic sense.

Yet, it appears that Russia has the Arms Race momentum and China is building a threat.

The same vocal crowd will be yelling two years from now that we are behind and the go-ahead switch will be thrown again. This off-again, on-again practice is wasteful to the national interests, is risky toward security, and is disruptive to many lives.

The Engineer—In addition to the uncertainty of work, another characteristic of the aerospace engineer in the industry is the working agreement he must fulfill as a condition of employment. This could be interpreted as the companies "owning the minds" or mental servitude—certainly enough to question the rights of the individual in an atmosphere of free enterprise.

History has recorded two phases of physical servitude in this country. First, physical bondage resulted in the Civil War. Second, physical servitude in an economic sense (sweat shops) resulted in the unions. When a company owns any idea an engineer may conceive on his own time and from prior experience, even though they are not currently in that business but might plan to be in the future; that seems to be mental servitude.

During the evening of your recent testimonial dinner, in response to your question, I mentioned that I came within 1 hour of receiving a layoff notice even though I had individually saved the government $21 million of which my employer received $4 million as net profit ($2.1 million received to date). During the first week in June, I actually received a layoff notice. However, it was cancelled a day later.

I solely bird-dogged a belief for two years until I received study funds. Then, I individually developed a solution to eliminate the need for equipment which led to the aforementioned Value Savings to the government and Corporate profit.

This Corp. net profit was many times greater than that which they would have received from future equipment deliveries. Moreover, the profit was delivered to my employer during a period of tight money.

Problems cannot be solved unless exposure is made to the right people. However, in this case, I made my own exposure and assignment to the problem. In truth, I feel that my best assets toward the achievement came from my rural heritage and resourcefulness developed from previous employment. Yet, mental servitude is at work wherein the Corp. gets all and the individual gets nothing.

I did receive an Air Force certificate award which compares favorably with three certificates my boys received from the public schools. My only reward from my employer has been the two layoff episodes although my achievement was performed two years ago. I cannot believe that any fair-minded individual in public or private life would approve these events I have just related.

Certainly these practices raise many questions as to motivation or incentives to prompt an individual to perform beyond the call of duty. Today's climate would seem to influence any engineer to save any significant idea to prove himself later in case he has to shop for a new job. These practices do not seem to be in keeping with President Nixon's correct call for increased productivity to match inflation.

It has been said that unions enter in areas only where and when significant abuses exist. Engineers do not want to belong to unions. Yet it is happening and the pace appears to be quickening. It seems a shame that this is the only solution in the American way of life. However, the layoff practices and the designation of those immune from layoff seem to be an open invitation for the unions.

Irrespective of your committee assignments in the Congress, I am sure you will work foremost in the interests of the nation including free enterprise and, while representing the people in your district, you will remember all elements including the aerospace engineer.

Respectively yours,

THOMAS B. ALBRIGHT.

JULY 23, 1970.

DEAR JOHN: Thank you for your letter of July 15th. Since writing you on July 1st, I have come across some interesting items relative to technology, the engineer, and the Aerospace industry.

I read an article "The Legal Rights of Employed Inventors" by Mr. Theodore H. Lassagne which appeared in the Sept. 1965 issue of the American Bar Association Journal. The article explains why the present system results in the U.S. ranking only 7th in the number of new inventions. The only exception to his article seems to be that employees no longer have the "security of a pay check" for their compensation.

In the correspondence section of a July technical magazine, comments were made relative to a bill, H.R. 15512 introduced by Congressman John E. Moss of Calif. This is "A bill to create a comprehensive Federal System for determining the ownership of and amount of compensation to be paid for inventions and proposals for technical improvement made by employed persons." From the scant information, this bill appears to correspond to the spirit of the trend in Mr. Lassagne's article.

An article in this publication—T.E.E.E. Spectrum—"Science in the Seventies—the policy issues" generally poses questions and says that a national policy is needed. A partial quote states: "There is general agreement that technological innovation is a component of economic growth—some economists believe it is the primary factor. Yet, there is certainly no general agreement that the assurance of technological innovation is the responsibility of the federal government. I believe it may come, however." This article was written by Hubert Heffner, Office of Science and Technology, Executive Office of the President.

Irrespective of the present-day views commonly voiced, I feel that, considering the challenges and the results, the defense effort or Department is head and shoulders above any other Dept. in the federal government. However, technology can be added to the economic sector if government will remove the shackles to innovation. From what I can tell, the passage of H.R. 15512 would be a step in the right direction. Government should not fund that which can be economically attractive.

As a means of conducting joint business, some impasse would be broken between invention ownership if the inventor got some compensation. The usual question is "who gets it—the aerospace company or the government?"

In addition, these companies usually follow a policy of "least hurt". They weigh the cost of obtaining a patent versus the possible pain or loss in not getting it. As a result, some inventions may be "tabled" and are not released to the inventor even if he asks for it. It is highly likely that, if employed inventors are given some compensation, further technology will pour out to the economic sector, rather than remaining on the company shelves.

Relative to government not funding that which is economically attractive, I think the oceanographic pursuit may be an interesting point. Much was made about all the riches in the oceans. Having worked 5 years on the Gulf of Mexico, I would tend to agree. However, I suspect that this pursuit would have been much further developed by the petroleum and mineral companies—had not the aerospace companies rushed in to wait for government funding.

Thank you for your indulgence in reading my lengthy letters.

Respectfully yours,

THOMAS B. ALBRIGHT.

OPPOSITION TO THE SECTION 235 SUBSIDY PROGRAM CONTAINED IN THE EMERGENCY HOUSING ACT

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. MARTIN. Mr. Speaker, I insert a letter received from a constituent in Grand Island, Nebr., in regard to the 235 subsidy program contained in the recently passed Emergency Housing Act.

I opposed this legislation because of this subsidy involved in sections 235 and 236 on the purchase of a home and on the rental of a home.

Programs such as 235 make for a crutch on which the housing industry leans and will result eventually in the construction of practically all homes in the country under this program, in which the taxpayers pay most of the interest on the loan for the next 4 years.

I am in complete agreement with the thoughts expressed by my constituent's letter which follows:

JULY 26, 1970.

DEAR SIR: We want to express our extreme disgust with the FHA 235 program. In our opinion it is definitely a socialistic program designed, along with our Country's extensive welfare programs, to destroy personal incentive and individualism.

As a family we worked and saved for 10 years to buy a $15,000 house. We bought our house at $140 a month, and a year later approximately 30 of the same houses were built across the street from ours for so called "low income" families which includes school teachers & similar middle class workers. They pay $100 a month for the same house as ours & then can afford their color TV's, chain link fences, YMCA memberships, etc.

It seems to me we're penalized for hustling around for a little better job and not having a house full of children. If we were a little lazy in mind & spirit, we would be better off to take a lesser job & have a few more children and live off the government as seems to be the trend these days.

As far as I'm concerned, what's good for one should be good for all. I'm all for improving the Country and if that includes providing everyone with a nice house—fine! But—for those who have a little incentive to improve themselves, they should also be given a government allowance or low interest loan instead of being penalized for their ambition, and I could go on and on.

FIGURES TO KEEP IN MIND WHEN THE FARM BILL COMES TO THE FLOOR

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. ZWACH. Mr. Speaker, because the Minnesota Sixth Congressional District is one of the most agricultural districts in the entire United States, it is not surprising that our newspapers devote a great deal of editorial space to the problems of agriculture.

Some of these editors are conducting educational campaigns, through their editorials, pointing out to their readers that the price paid for food across the supermarket counter does not reflect the price the farmer is receiving for his product.

The Canby News, a State and national award winner for newspaper excellence, printed one such editorial in its issue of July 23.

Editor Richard Olson chose a list of 20 items showing their selling price and the price the producer received for these items.

Mr. Speaker, I urge my colleagues to keep these figures in mind when the farm bill comes to the floor.

Our family farmers today are living on depression-level prices while the rest of our economy is enjoying booming affluence. I urge that this farm economy gap be closed, that our farmers be given greater equality in our economic structure.

With your permission, and for the enlightenment of my colleagues, I herewith insert Richard Olson's editorial in the CONGRESSIONAL RECORD:

COST OF FOOD

We all know that it costs money to process food, but sometimes we wonder why it has to cost so much. The grocery stores operate on the thinnest margin possible and the farmers have long said that they don't get a fair share of what they produce.

But to give you an idea of the amount the processors get after food leaves the farm, here are some figures:

Food item	Purchase price	Farmers share
10 lbs. of sugar	$1.29	$0.53
1 loaf of white bread	.35	.05
1 loaf of wheat bread	.35	.04
10 lbs. of potatoes	1.08	.34
½ gallon of milk	.47	.23
2 lbs. of American cheese	1.59	.93
1 package of corn flakes	.43	.04
5 lbs. of white flour	.59	.20
2 cans of peaches	.74	.13
2 cans of beets	.35	.02
2 cans of corn	.54	.07
2 cans of peas	.50	.08
2 cans of spaghetti	.48	.06
Jar of peanut butter	.89	.31
5 lbs. of apples	1.48	.40
1 bottle of cooking oil	1.09	.23
1 package of cookies	.49	.04
½ gallon of ice cream	.99	.34
1 choice beef roast	3.52	2.18
1 choice pork roast	2.12	1.27
Total	19.34	7.49

Note: Based on national averages as taken from USDA Marketing and Transportation Situation, November 1969.

FORMER CONGRESSMAN SCRIVNER'S REMARKS ON REVENUE SHARING AND EDUCATION

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. FREY. Mr. Speaker, in doing research for the bill I introduced on revenue sharing, H.R. 13983, I came across remarks by former Congressman Errett P. Scrivner of Kansas, delivered in the House of Representatives on Tuesday, February 22, 1955. Congressman Scrivner was an outstanding Member of Congress, and one of the first Congressmen to propose revenue sharing. I think these remarks made in 1955 are worthy of note, and I want to take this opportunity to include them in the RECORD for your review.

I am extremely proud that Congressman Scrivner is a resident of my district, the Fifth Congressional District of Florida.

The remarks follow:

SIMPLE, DIRECT, FEDERAL AID FOR EDUCATION

(By Hon. Errett P. Scrivner)

Mr. SCRIVNER. Mr. Speaker, if you are looking for a simple, direct program for aid to education, free from Government controls, without costly administration, and devoid of any "share-the-wealth" attributes, the joint resolution I am introducing today deserves your consideration and support.

Although most State treasuries are in better shape financially than is the Federal Treasury, there is no doubt but that in many States the demands, especially for education, call for more finances than the States are able to raise to provide needed buildings, maintenance, improved equipment, increases in teachers' salaries, and other items. The combined debt of the 48 States is about $20 billion. Uncle Sam owes over $275 billion.

With the enormous increase in Federal expenditures over the past 25 years the Federal Government has tapped every practical possible source of tax revenue, with little consideration for the tax needs of State and municipal governments. The States are now dependent almost entirely upon direct taxes on real estate and personal property, duplicated income tax and sales taxes which fall heavily on persons of low income. In seeking new revenue the States find available sources already drained by Federal taxation—income taxes, admission taxes, beverage taxes, luxury taxes, transportation taxes, tobacco taxes, excise taxes, to name but a few. Enormous sums, billions of dollars annually, are siphoned out of the States in individual and corporate income taxes. The remaining revenue available to the States is inadequate to meet rising local costs of government and provide adequately for growing educational needs.

It is neither economical nor efficient to withdraw huge sums from the States and then have a portion of these funds trickle back under any of the proposed bureaucratic-administered programs of aid to education. If any of the presently proposed and pending programs are adopted, a large overhead for administration is unavoidable, and in some instances the only thing offered the State is an opportunity, lured on by Federal dollars in matching funds, to go into debt, and even this is prohibited by law in some States.

Under the best-intentioned Federal administration, there remains the well-founded objection that the compulsory requirement that each State meet conditions imposed by law and regulations of the administering bureau must be complied with to qualify for benefits. Furthermore, there is a deep-seated fear—also well founded—that with Government intervention in education programs, opportunity might well be found for channeling propaganda into our schools, along with Federal controls which naturally follow Federal dollars flowing from Washington.

With a modest beginning, these programs, with almost no exception, follow a pattern of growing and growing, until it is possible that the training of our youth throughout the Nation could some day be directed from one central Federal bureau, and that bureau would be headed by someone appointed, not elected, and thus not directly responsible to the taxpayers whose funds he was spending.

The prime responsibility for education programs is in the local community and the State. Conditions now existing are not emergency short-time situations, and can be expected to continue for the long indefinite future, as more children are born.

To easily, simply, cheaply, and efficiently provide the States with some financial aid for meeting their needs for the improvement of their respective educational programs, without increasing their debt, without building up a huge Federal bureaucracy, without fear of Federal controls, dictation, or propaganda, without the slightest element of distribution of wealth, I am proposing, by a joint resolution which I am today introducing, a simple, direct, unrestricted plan for aid to the States and the Territories to help them meet the educational demands within their respective borders:

"House Joint Resolution —

"Whereas the Government of the United States, through taxes, is siphoning a great part of the wealth of our Nation out of the several States and Territories into the Federal Treasury; and

"Whereas the Government of the United States is collecting taxes from nearly all sources of revenue, including taxes on individual and corporate incomes, admissions, beverages, communications, gifts, luxuries, transportation, and from excises and other taxes, leaving to the States little but real and personal property and consumer sales as sources of tax revenue; and

"Whereas at rates approaching confiscation of property, States are still not able to raise revenue sufficient to carry the rising costs of State and local governments, and especially not to meet the demands for needed improvements and higher salaries for the training of our youth; and

"Whereas it has been proposed that the Federal Government grant aid to the States for educational purposes; and

"Whereas it is neither economical nor efficient to withdraw huge sums out of the States and Territories and redistribute funds under bureaucratic regulation from the Federal Treasury, and

"Whereas it is desirable that such aid be accomplished by a simple, easy, direct, and efficient method, not hampered with bureaucratic restrictions, directions, or dictation: Therefore be it

"*Resolved, etc.,* That 1 percent of all income taxes collected on individual and corporate incomes under Federal statutes shall be deemed to be revenue for the State or Territory within which it is collected, for use, for educational purposes only, without any Federal direction, control, or interference.

"SEC. 2. District directors of internal revenue are hereby authorized and directed to transfer to the treasurer, or corresponding official, of the State or Territory within which their respective internal revenue districts are situated, at the end of each quarter, an amount equal to 1 percent of the taxes from individual and corporate incomes collected within such State or Territory during said quarter.

"SEC. 3. For purposes of information only, district directors of internal revenue shall report the amounts transferred to State treasurers, or corresponding officials, as authorized, in section 2, to the Department of the Treasury, accompanying such report with receipts from the proper State officials verifying the amounts received by said State official."

Under this plan the handling of funds through Washington and back will be eliminated; the amounts available to each State will be determined annually by individual and corporate incomes within that State. The money will remain in the several States where it was collected. The total amount to be thus collected through Federal facilities for the States each year will be automatically geared to the national income for that year. There will be no danger or possibility of Federal control or dictation, and no opportunity for channelized propaganda. It will provide many States with a larger amount than would be available under many other plans which have been proposed. There would be no need for a growing bureaucratic horde with an insatiable hunger for power ready to consume ever-increasing amounts of taxes.

For example, in fiscal 1954 the district director for internal revenue for Kansas collected in individual and corporate income taxes approximately $407,343,360. On this basis there would have gone to the State of Kansas under this plan, for the fiscal year 1954, $4,073,433 every cent of which would be available for use within the State.

This is not a new proposal. I first presented it in 1949—H.R. 1582—at which time several various proposals were pending.

In the 80th Congress—1946—the Senate passed S. 472. Under that measure, the only direct aid to education bill to pass in either House of the Congress, the estimated initial contribution Kansas would have been required to make to the Federal Treasury would have been $2,552,000. From the benefits authorized by S. 472, Kansas could have received back as aid to education a total of $1,960,000—a net loss of $600,000. The other proposals so far advanced would operate to take out of most States more to support the proposed program than would be returned in benefits, and on the whole would provide less in effective aid than is offered by my proposal.

Certainly under the plan I propose, the States, generally, by having this 1 percent of the individual and corporate Federal income taxes paid by its citizens withheld for use within each of the respective States for educational purposes, would be much better able to cope directly, as they deemed best, with their educational problems than they would under any program directed from a Washington bureau.

This proposal will be a step toward retaining our constitutional Republic and a move away from centralized government.

Such legislation will be in keeping with suggestions made by the then Gen. Dwight D. Eisenhower, by keeping the control and responsibility local. He said:

"When financing of schools is turned over to the Federal Government you get bureaucracy, and this the approach to statism."

Every advocate of aid to education to whom I have talked insists he wants no Federal control, no bureaucracy. This resolution will meet that desire, for it need not add a single person to the Federal payroll and will certainly eliminate all possibility of Federal controls—even those found in most other proposals before the Congress.

From the table below based on tax collections for the fiscal year 1954—approximately—you can see the benefits for your own State. The logical appeal and the elimination of the danger of Federal bureaucratic controls under this plan would enable your State to provide more adequately and more efficiently for the needed enlargement of educational facilities and the necessary increase in salaries of teachers.

This direct use of income taxes is possible. It can be done. Precedent is established by Public Law 630 of the 81st Congress, where it is provided that all of the taxes of incomes earned by American citizens in Guam, while resident there, including stateside Americans, both civilians and military, should be turned over to the Government of Guam. Not just 1 percent, but all of the income tax collected from Americans there—and Guam is merely an unincorporated Territory.

TABLE I

	Income tax collections fiscal year 1954 (including tax for old-age insurance)	1 percent of tax collected
Alabama	$355, 904, 000	$3, 559, 040
Arizona	153, 119, 000	1, 531, 190
Arkansas	148, 110, 000	1, 481, 100
California	4, 671, 633, 000	46, 716, 330
Colorado	553, 265, 000	5, 532, 650
Connecticut	1, 168, 589, 000	11, 685, 890
Delaware	869, 525, 000	8, 695, 250
Florida	599, 990, 000	5, 999, 900
Georgia	581, 573, 000	5, 815, 730
Idaho	100, 902, 000	1, 009, 020
Illinois	4, 926, 633, 000	49, 266, 330
Indiana	1, 205, 079, 000	12, 050, 790
Iowa	494, 575, 000	4, 945, 750
Kansas	437, 870, 000	4, 378, 700
Kentucky	441, 333, 000	4, 413, 330
Louisiana	459, 357, 000	4, 593, 570
Maine	159, 030, 000	1, 590, 300
Maryland	851, 777, 000	8, 517, 770
Massachusetts	1, 708, 884, 000	17, 088, 840
Michigan	4, 857, 146, 000	48, 571, 460
Minnesota	917, 256, 000	9, 172, 560
Mississippi	129, 336, 000	1, 293, 360
Missouri	1, 472, 722, 000	14, 727, 220
Montana	109, 285, 000	1, 092, 850
Nebraska	320, 620, 000	3, 206, 200
Nevada	70, 308, 000	703, 080
New Hampshire	118, 150, 000	1, 181, 500
New Jersey	1, 745, 232, 000	17, 452, 320
New Mexico	99, 351, 000	993, 510
New York	11, 626, 091, 000	116, 260, 910
North Carolina	673, 436, 000	6, 734, 360
North Dakota	60, 929, 000	609, 290
Ohio	4, 147, 301, 000	41, 473, 010
Oklahoma	504, 416, 000	5, 044, 160
Oregon	403, 821, 000	4, 038, 210
Pennsylvania	4, 531, 795, 000	45, 317, 950
Rhode Island	271, 663, 000	2, 716, 630
South Carolina	239, 806, 000	2, 398, 060
South Dakota	67, 056, 000	670, 560
Tennessee	463, 856, 000	4, 638, 560
Texas	1, 969, 318, 000	19, 693, 180
Utah	135, 924, 000	1, 359, 240
Vermont	70, 790, 000	707, 900
Virginia	641, 430, 000	6, 414, 300
Washington	711, 456, 000	7, 114, 560
West Virginia	270, 198, 000	2, 701, 980
Wisconsin	1, 121, 973, 000	11, 219, 730
Wyoming	51, 764, 000	517, 640
Alaska	45, 843, 000	458, 430
District of Columbia	707, 455, 000	7, 074, 550
Hawaii	126, 170, 000	1, 261, 700
Puerto Rico	(9, 571, 000)	(95, 710)
Total	58, 578, 533, 000	585, 785, 330

Note: Because collections for old-age insurance are not shown separately in internal revenue reports, actual benefits would be somewhat less than shown here when adjustment made for that factor—an average of about 7.2 percent.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CON SON—SMALL ASPECT OF SOUTHEAST ASIA CONFLICT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

July 7, 13, 14, and 30, 1970

Mr. HAWKINS. Mr. Speaker, much publicity has resulted from our recent exposure of the horrible conditions at Con Son Prison in South Vietnam. But Con Son constituted only one small aspect of the many findings we reported which while less dramatic were even more significant.

Some forces, more concerned with continuing the war than achieving peace, have used the wide publicity given Con Son to imply that we were interested in humiliating America and conversely not concerned with barbaric actions of other countries.

In order to lay to rest such baseless "mongering," I have compiled a few of the various statements and articles on this subject inserted in the CONGRESSIONAL RECORD. Let me, however, at this time make even more clear, if necessary, these points:

I condemn torture and atrocities committed by either side of the present conflict in Southeast Asia. In demanding better treatment for American prisoners in Communist hands, we cannot, at the same time, make the mistake of covering up and excusing torture committed by our own allies in Southeast Asia. Humanitarianism, not revenge, should govern both sides.

Likewise, our criticism of the Government of South Vietnam has apparently irritated certain persons who claim we are embarrassing our country by telling the truth. The embarrassment results not from what I have said but from the United States' association as an ally with the corrupt and unpopular regime in South Vietnam, a government which is in power only because of United States dollars and military power.

Apparently there are some people who do not want the truth to be told. They are willing to condemn our enemy—and justly—for many faults, but then, with hypocrisy, they want us to whitewash our own sins.

Lastly, it should be reported those who would suppress the facts and continue an absurd war have resorted to personal attacks as their means of defense. To these misguided souls I can only say in the words of a black artist, Bernie Casey:

In little ways,
On certain days,
They will ask you
To be a man.
In bigger ways,
On other days,
They will stop you
If they can.

MIDEAST TENSION AND ARMS FOR ISRAEL

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. PURCELL. Mr. Speaker, recently the Texas Department of the American Legion held its 52d annual State Legion convention in the city of Fort Worth, Tex. I am certain that virtually every American is aware of the outstanding work which Legion posts throughout the county have done. This organization has made unparalleled contributions to the cause of Americanism for several decades.

There are many of us in this Chamber and in the Senate, Mr. Speaker, who are members of the American Legion and who support the principles and philosophy for which this organization stands. The American Legion represents a wide range of men from every segment of our society. The members share only two common characteristics: they have served the United States in the Armed Forces and they have a deep felt desire to make this a better world in which to live and work.

It is the custom of the Texas department to study carefully at its annual convention the important problems of American foreign policy and to recommend to the Congress, the President, and the people the most rational course of action possible. The recent convention was, of course, no exception. I think that we should all listen very closely when this group, after serious study and reasoned debate, suggests a course of national action. In this spirit, the Texas Department has spoken out on the impending crisis in the Middle East. I therefore insert Resolution No. 87 of the National Security Committee of the annual convention in the RECORD. Their suggestions I feel deserve our immediate and close examination.

The resolution follows:

RESOLUTION NO. 87 OF THE AMERICAN LEGION, DEPARTMENT OF TEXAS

Whereas, While world attention is focused on the struggle for freedom in Southeast Asia, the threat to peace, freedom, and representative government in the Middle East is growing into alarming proportions; and

Whereas, The United States is firmly committed to the maintenance of a balance of military power in that region, so necessary in the absence of a negotiated peace settlement, to insure the existence of Israel as an independent and viable nation; and

Whereas, The State of Israel is a bastion of democracy in the Middle East and has purchased and fully paid for military material procured from the United States; and

Whereas, The continued existence of a free and democratic Israel is in the national interests of the United States; and

Whereas, The Soviet Union has recently acted to deepen and broaden the Middle East crisis and jeopardize Israel's existence by introducng very large amounts of new war-making material, including sophisticated surface to air missiles, and military personnel into the United Arab Republic in support of the latter's express purpose of destroying the Israeli nation; and

Whereas, The Soviet Union has further inflamed the existing tension there by employing Soviet pilots in U.A.R. military aircraft thereby introducing a dangerous new dimension—highly trained manpower—into the conflict; now, therefore, be it

Resolved, by the American Legion, Department of Texas, in regular annual convention assembled at Ft. Worth, Texas, July 24–26, 1970, that it condemn the Soviet Union for increasing tension in the Middle East by its most recent actions and reiterates its firm support for Israel, for a peace negotiated by face-to-face discussions between Israel and its enemies; and be it further

Resolved, that The American Legion reaffirm the intent of Resolution 427, adopted at the National Convention in Atlanta on August 27–28, 1969, calling for the supply to Israel of sufficient arms and other material to permit it to maintain a balance of power in the Middle East against its enemies, by urging the Government of the United States to allow Israel to obtain F–4 Phantom jet fighter aircraft, Skyhawk fighter-bombers, and other sophisticated equipment it has requested or may need in order to insure its own defense.

AN END TO SMUT MAILING

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. FISH. Mr. Speaker, I know that many Members of Congress share my belief that strong action is needed to curb smut mailing in our country. I am pleased that a bill, H.R. 11032, has recently been reported out favorably by the full Judiciary Committee.

As amended in committee, this bill prohibits the use of the mail or the transport in interstate commerce of "an unsolicited advertisement that is salacious." A salacious advertisement is objectively defined, enumerating with specificity that which is proscribed. The penalties proposed would amend existing law and provide for a maximum fine of $50,000 or 5 years imprisonment, or both, for the first offense. For each subsequent offense, the measure proposes fines up to $100,000 and 10 years imprisonment.

As a member of the Judiciary Committee, I strongly support this effort to halt unsolicited, salacious advertising entering the American home.

Enactment of this legislation would substantially cut down the flood of unwanted pornography being mailed or otherwise transported.

The text of the bill, as amended, follows:

A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended by adding a new section 1466 as follows:

"§ 1466. Transportation of Salacious advertising

"No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, an unsolicited advertisement that is salacious. An advertisement is salacious within the meaning of this section if it depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse or masturbation or any act of sadism or masochism. An advertisement otherwise within the definition of this section shall be deemed not to constitute a salacious advertisement if it constitutes only a small and insignificant part of the whole of a single catalogue, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"Whoever violates this section shall be fined not more than $50,000, or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned for not more than ten years, or both, for a subsequent offense.

"When any person is convicted of a violation of this section, the court may, in addition to the penalty prescribed, order the destruction of all copies of the salacious advertisement seized from the possession or custody of such person or anyone acting on his behalf, at the time of his arrest."

SEC. 2. The table of contents preceding chapter 71 of title 18 of the United States Code is amended by adding at the end thereof of the following:

"1466. Transportation of salacious advertising."

SOUTH FLORIDA ESSAY WINNERS "SPEAK UP FOR AMERICA"

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. FASCELL. Mr. Speaker, this afternoon it was my pleasure to meet in my office Gloria Davis and Debbie Renuart, two of the five winners in the "Speak Up for America" essay contest sponsored by the Certified Plumbers of South Florida. I was deeply impressed by their sincerity, intelligence, and the high regard for the institutions of this country that perpetuate the democracy they cherish.

I would like for them to speak for themselves, as I am sure they speak for the majority of our Nation's youth. Their winning essays, along with those of Richard Lee Grimm, Joan Ziegler, and Paul Bockting, the other three winners, are a fitting testimony to the great majority of our young people who are still willing to "Speak up for America."

I take this opportunity to bring their prize-winning essays to the attention of my colleagues:

SPEAK UP FOR AMERICA

(By Gloria Davis)

I adopted this marvelous Uncle called America when I was only seven, but I knew exactly what I was doing. My decision was made with the raw logic of a child who learns too soon how to bargain for life.

In a hungry place, where no one had taught me to read, I had learned the essential values. I didn't know how to count my fingers, but I learned to know the laugh of a child who has eaten well and has nothing to fear. I knew how it was to be unclaimed, and then to sense that someone wanted me, that I might have a worth of my own.

Of course, it didn't take much intellect to enjoy the hamburgers and a crunchy new delight called potato chips! I sat on a carpet, softer than any bed I had known, and stuffed my mouth while I stared at television. It was natural that I would decide to make this a permanent arrangement.

Every moment of the naturalization ceremony was real and meaningful to me. I was proud that I could do the flag salute (almost) in English; and it was far from a shameful thing to stand in the bright sunshine on the Post Office steps, waving my own small flag.

Few Americans of my age have had a better opportunity than I to get acquainted with this land. It was indeed a charming giant Uncle to me in the early days. Out West, I stood transfixed before Nature: The Grand Canyon, Yellowstone, the Grand Tetons, Glacier, Zion, Yosemite. The majestic Redwood Forests. In the East, I worshipped at the shrines of history. I took off my shoes at Valley Forge, wept at the Tomb of the Unknown Soldier and made a vow in the awesome presence of Abraham Lincoln.

Then, even as I suppose my new parents had discovered flaws in me, I began to notice weaknesses in the character of my adopted land. I saw bitter poverty in the shadow of affluent waste. I cringed with Blacks, Indians, Puerto Ricans and Mexican-Americans before cruel bigotry and injustice. I heard empty, sentimental words when I longed to see action. I was angry in the knowledge of futile, bloody war. I saw the nature I loved abused and mocked by greedy exploitation and heedless pollution of the environment.

I began to feel cheated and to blame others. I would protest against hypocrisy! I would submit a list of grievances. I would demand action. Perhaps the "American" idea was merely a set of sentimental words, after all: A deceitful, rosy shadow, like a little girl waving a flag.

Suddenly I comprehended the real glory of America. Laugh and cry for the irony and the beauty of it!

Who am I to make demands? Small refugee on the Post Office steps. Yet only a little later, with barely a tentative beginning in experience and judgment, I make demands. I feel free to express my opinions, and even suggest them to others.

An unclaimed wisp of starving humanity 10 years ago, now I am a person, and I dare to criticize the people who gave me life and identity! Instead, I should do my share to correct the wrongs.

Perhaps the most pervading and consistent trait of America is this: It tends to believe more in people than in systems. Somehow, inevitably, it also gives its people confidence to believe in themselves. This is a place where nobody accepts for very long the idea that he is worthless or that his cause is futile.

Every generation has believed that it could do something those before it had not done, or set right the wrongs or neglects of others. Some dared to believe that a new and different nation could be built from almost nothing against all opposition. Some dared to think that they could cross vast unknown deserts and mountains, with no promise of trails, food or water. Some dared to believe that all children are capable of learning, and that communities should create better citizens through a unique system of public schools.

In their headlong, and not always wise, rush for material gains and to accomplish untried feats, every generation has also created new problems and sometimes left old ones unsolved. I cannot expect that there would be no challenge left for *me*.

This nation has given me some burdens but it has also given me important assets with which to face the future and accomplish the tasks which have been thrust upon me. I feel that I am myself, a person with definite rights and abilities. I am not afraid to ask questions, make suggestions, take action.

These assets I am contrained to use in the interest of the American people for I never would have had them if I had not adopted Uncle Sam.

AMERICA

(By Debbie Renaurt)

What does the word "America" really mean? I tried to find the answer in books but there was no definition that satisfied me, so I decided to write my own.

"A" stands for allegiance. It symbolizes the unity between the states. An allegiance is made and adhered to only with great determination and courage. When we find it so hard to form even a simple bond between two countries today, just imagine all the trials endured by the early Americans who brought the states together. But we accomplished it, and this is something of which we can be proud.

"M" signifies merit. In our country a man almost always can get a position on his merit and skills rather than his prestige, race or creed. There still are, of course, prejudices to be overcome but we are continuing to work to overcome them.

The letter "E" definitely stands for equality. It's true that all men are not completely equal, but things are getting better. Little more than 100 years ago, Negroes were still slaves. Fifteen years ago the Negro in some areas couldn't even ride the city bus. Now he's driving it. Ten years ago a Negro couldn't get certain jobs. Now Negroes hold some of the highest positions in our country.

It's true that Negroes and the underprivileged are not yet completely free, but with God's help and a little understanding on everyone's part, they soon will be.

The letter "R" symbolizes all the red blood shed to keep our country free. All through our history, courageous men have fought for the independence and freedom of the people in this great land. Starting with the Revolutionary war and going through much bloodshed all the way to the Vietnam war of the present day, there have been patriotic men willing to fight to save our freedom, our country, and our heritage. Even today, while there are many draft-evaders, we still have men who are ready to stand up and defend their country to the death.

The letter "I" stands for America's initiative. It takes a really great country like America to come up with the scientific breakthrough of the century—putting a man on the moon. America also sponsors such worthwhile projects as trying to convert salt water into fresh, to find a cure for cancer and to solve the ever-growing problems of air pollution. All these examples point to the great initiative of our country and the huge amount of spirit and determination that is America.

The "C" stands for courage. Whether I look back into history or at the American people today, the first thing I note is their great bravery. We have withstood many things—war, depression, poverty and starvation. Looking around now, I see the misery of families living in poverty, the sorrow of wives and children who have lost husbands and fathers in Vietnam and the depression of the suppressed Negro. Through it all, one thing sticks out: Courage.

The final letter in America, "A" stands for ability. America is the land of the free and the bountiful and we have the ability to do many things. We help other peoples acquire the freedom and independence to which we are so accustomed as well as some of the economic advancements that rise from our abilities.

Now, let's put all the letters together and spell A-M-E-R-I-C-A, a great, wonderful and free land!

AMERICA

(By Paul Bockting)

Legend has it that Fisher Ames, soon to be a congressman from Massachusetts in the 1700's, provided a popular description of America when it was a new democracy.

"Monarchy," he said, "is like a full rigged ship, trim and beautiful, with all hands at their stations and the captain at the helm. It executes its maneuvers sharply and operates with the greatest efficiency. But if it hits a rock, the frail hull is crushed and the vessel sinks.

"Democracy, on the other hand, is like a raft—hard to navigate, impossible to keep on course and distressingly slow. But if it runs onto a rock, it simply careens off and takes a new course."

Ames added that, with the virtue of always staying afloat, America had disadvantages, too. "Damn it," he said, your feet are wet all the time."

I feel America is more right today because she is facing up to what is wrong and doing something about it. People are more open-minded. We have free enterprise in industry. We are free to do or say what we want unless it infringes on the rights of others. If you say something against the government, you don't have to worry about waking up the next morning on your way to prison, sentenced without a trial. This is what they do in Russia and China.

One of the most important wrongs that we are trying to right is the plight of the Negro. His whole history is one of man's inhumanity to man. He never did get a fair deal as he went from slavery to segregation, and the majority of Negroes found they could not choose a decent place to live or get a good job.

When that tired Negro woman on the Atlanta bus refused to give up her seat and move to the rear, she started a whole new outlook for America—on the move in the 20th century with the Supreme Court back of her. Even though the raft of Democracy is moving distressingly slow, we are trying to right a wrong where the Negro is concerned.

One of the things that is right with America is our balance of power. Because we took in "the tired, the poor and the huddled masses yearning to breathe free," we have developed a remarkable balance of power. There are so many different races and natonalities with different outlooks, customs and opinions that no group ever seems to get large enough or violent enough to become a danger to democracy. Still, it could happen.

One of the things I like about America is its history. We do try to learn from our mistakes. A good example of this was the 18th Amendment — prohibition — which turned out to be an utter failure as a social experiment.

Another "right" with America is that we are living up to our ideals as Americans more today than ever before. The Cuban refugees are good examples. In colonial days immigrants were needed. Today we are overpopulated but we still live up to the lines on the Statue of Liberty—"Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!"

America is doing right for her youth in giving them the best in education. She has always believed in educating the masses. Now we are trying to give everyone who graduates from high school a college education as well, if he wants it. Our government feels that we must find the best minds in this country, and God was not a snob when he handed out the brains. They are found in the most unexpected places.

I am glad we have a court system that gives us the right of trial by jury. In many countries they don't do this. People are guilty until proven innocent.

Now I want to discuss the slums of America and what we could do about them. Because of the housing shortage many people still live in slums, and urban renewal will be very slow. With no relief in sight, the first thing slum-dwellers could do is make their surroundings more interesting or picturesque. The slums would be a good challenge for the interior decorators of America. How do you make a place habitable when you have four children, three rooms and no money?

Perhaps the Japanese could help us on that score. After all they are crowded too, but they have privacy with their screens, space with their mats that can be rolled up and put away, and beauty with their rock gardens that can be created in a little space. Also, there should be some form of protection for the young in the slums so they won't be hurt by those who are bad. So many mothers are gone at work so much of the time.

Our greatest problem today is our role as a world power in the struggle for the cause of freedom. We are up against a smart enemy. In trying to help countries that want to keep their freedom, we are in a bind. We know if we move out too soon, the Communists will take over. We also know that once a country is lost to the Communists, it is very seldom free again.

Americans should have a healthy suspicion about many of the radical groups pressing for change. We should ask: Is this a Communistic front? We must not be carried away by their clever tactics to break down the structure of the American way of life. Remember what Khrushchev said: "We will bury you."

As high school students, our responsibilities as future voters of America as many. Pollution of the water and air by free enterprise is one of our main worries in America. Every man, woman and child, as well as business should be made conscious of tidying up their environment.

As a student who enjoys history, I doubt if we can ever have total peace. All we can do is try, for there always will be somebody crazy enough to start another war. We've had wars from the beginning of time and we always will have them. Some politicians say "disarm" but I say "No." We must be able to protect ourselves.

With all of America's problems today—more so than ever before—I hope she will always be a strong raft of Democracy and will always stay afloat.

SPEAK UP FOR AMERICA

(By Joan Ziegler)

Among my earliest recollections of school life are learning the Pledge of Allegiance and singing songs such as "The Star Spangled Banner," "God Bless America," "America the Beautiful," Nurtured by so much spoon-fed patriotism, I sped through elementary and junior high grades a typically "good" American, properly indoctrinated with the belief that ours was the only fair, just, workable system of government in the world.

It wasn't until my entrance into senior high that I began to question many things I had previously accepted as fact. While not a voracious reader, I did begin researching not only for assigned classwork but to satisfy my own inquisitiveness. I read books, newspapers and magazines. In particular, I was fascinated by the history of the USSR and the development of communism in Russia.

Because of my studies and research, I feel qualified to make an adult-type judgment of our country and its institutions—concentrating mainly on our system of democratic government. I'm going to use the device of comparing American Democracy with Russian Communism.

Being of Jewish parentage, I feel impelled to make my first comparison in the area of freedom of religion. In America, I am free to attend any synagogue and observe religious holidays to the fullest without fear of persecution. My Soviet counterparts are severely restricted in the practice of their religious rites. For example, last April, during the Passover holiday, they were not permitted to buy or prepare the special bread (Matzoth) which is used exclusively on that holiday. A small thing? Perhaps. But to one personally involved, this can represent a major calamity.

The opportunities presented by our Capitalistic structure offer the average American a future consistent with his desire to succeed, the degree of his preparation and his willingness to pay the price of success. "Rags to riches" stories abound in our society. The Soviet child, surrounded by attitudes which do not tend to encourage individualism, cannot aspire to the same goals as readily.

Our American heritage is rich with tales of pioneers who forged new frontiers, despite unbelievable difficulties which would have discouraged less hardy individuals. This trait is evidenced today by our eagerness to explore the Universe. We have already sent men to the moon and are planning on a Mars landing by 1980. True, the Russians are scientifically-inclined and did place the first Sputnik into orbit. Nevertheless I find it significant that America has surpassed them despite their initial advantage. This is a tribute to American ingenuity and determination.

On the global scale, American intentions have been exhibited by the tremendous outpouring of foreign aid to underprivileged nations. Significantly, although we are the most powerful nation in the world, we have never maintained, on a permanent basis, any territory acquired through war. The Soviets invest their funds only where they feel they can make immediate or short-term gains. Further, the Soviet record of territorial acquisition through wars or through political manipulation is an unenviable one.

Americans are an enigma, in one respect. A mixture of many different races, religions and philosophies, they have managed to live together in relative peace. This instinctive feeling for their fellow countryman is doubtless the reason for their concern for the dignity of all people of the world. We have fought in two World Wars, the Spanish-American War, the Korean conflict and are presently embroiled in the Vietnam war. Criticisms flow at us from all directions because of our involvement in Vietnam, but I believe any clear-thinking student of history will know that our concern for these people is heartfelt. It can be argued that our entrance into Vietnam was ill-advised. It can be further argued that our presence there is extremely costly to our country's economy and painful when viewed from the standpoint of our loss of young men. I do not believe it can be argued that our continued presence is anything less than humanitarian, considering the tremendous blood-bath that is anticipated if we should make an abrupt departure.

The world must be aware of the mounting anti-war feelings in the United States and the pressures which have been placed on our elected leaders to bring our forces home. Can the world be blind to the unselfish manner in which we are Vietnamizing the conflict and slowly withdrawing our troops?

I have touched briefly on many facets of the American profile, highlighting our democratic concepts of freedom, opportunity, self-reliance and sense of responsibility not only here but around the world. An essay which neglected to display an awareness of a weak point would be unrealistic. I am referring, of course, to our problems stemming from the struggle to provide equal treatment for the Black community in our country.

At this writing, school systems throughout the nation are working late to meet the Supreme Court's deadline for total integration. Civil rights legislation over the past 15 years has caused a tremendous difference in the life of the Black man in America. Today, he is on the threshold of realizing equality for the first time since he was brought here from Africa centuries ago. There is still much more to be done but no intelligent observer can deny that progress has been made and that total equality is predictable in the near future.

"America the Beautiful" is getting a facelift. She will be that much more beautiful when the job is done.

Speak Up for America

(By Richard Grimm)

America has many voices. This is guaranteed in the first amendment to the Constitution. There are the voices of the stout-hearted men from Patrick Henry to Martin Luther King. There are the voices of tyranny from Benedict Arnold to Rap Brown. There are small voices crying in the wilderness from the starving colonists at Jamestown to the starving thousands in our ghettos. There are the great masses of apathetic people who have no voices and we label them "The Silent Majority." They speak only when their own economic toes are stepped on; otherwise they are self-involved and uncaring. The administration has been appealing to this great sleeping giant who has the potential to fulfill our national ideal. The pursuit of happiness. All these voices know that this happiness can never be obtained until we break down some class and income barriers and unite in a greater fulfillment of brotherhood.

Voices lose their meaning if there are no ears to hear. This past decade, despite the infamous labels that have been put upon it, gave us the opportunity to communicate. Voices of students on campus rose to a shout and the administrators heard. Voices of the black man became angry and politicians were forced to listen. There were those who called this tyranny, but history will reveal that a new birth of social justice began developing when the voices began to be heard. At last the "Silent majority" is listening because the air waves and the press give us the news as it really is. Freedom of the press has also been a part of our national heritage. From Peter Zenger to Spiro Agnew, our communications have been open so that all men may listen to the good, the bad, and the ugly. As a result, the stout-hearted men are hearing the cries in the wilderness; the voices of tyranny are cooling down; and there is an awareness we have never seen in this country before.

Involvement does not mean putting a bumper sticker on one's car: America—love it or leave it. Such a slogan builds a wall; not a democracy. The man who says, "My country—right or wrong" will never help correct the ills that keep festering into boiling pots of discontent. To keep still; to mind our own business; to become an isolationist in the center of tatters and tumult, is to do an injustice to our generation and to those who come after us. Let us never forget that American tradition means something that points forward as well as backward.

As yet, we do not have all the answers; but we do know the causes and we recognize them. Silence, in the face of the black man's unrest has caused a polarization that has dug deeper and deeper into those hollow pits of misunderstanding. Each little group has been pushing its own fragmented, separated truth, each so certain that its truth is absolutely right. As a result we tremble when we hear words like "Black power" or "White supremacy." Revolution is not the answer. The American people both black and white, are beginning to realize this.

The black man is tired of seeing his home and business burned; the looting; the killing among his own people. We need some "cement" to hold these fragile pieces together. We can find it in social justice and brotherhood: the traditional ideals of democracy. Small, faltering footsteps are being made. Despite the blundering, slow pace of indecision, the black man is on a march never even dreamed of twenty years ago. He has gained recognition through the ballot with a negro sitting on the Supreme Court; another in the President's Cabinet; and black sheriffs and mayors in southern cities. Several areas, where tensions have been the greatest, have experimented with retreats where the bigots of both races met with a leader Through talking and listening, through healthy arguments, swapping identities, and closer human relationships, these people came to a better understanding of each other's problems. Let us hope that the red blood, the red fires, the red shots in the night that identified the sixties will resolve into the red, white and blue of a United America in the next decade.

The "silent majority" sat bolt upright when they saw the college students protest a system they called antiquated. "Tyranny", they called it. Some of it was; but some of it was a cry from the heart for more identity, more equality, and less hypocrisy. The students have gone back to classes now and education is taking a long view of itself. There is still much to be done. We are beginning to realize that we must first know the student; then we can teach him. Human dignity is the term. We can be proud that we are a nation whose college attendance is at least double that of any other nation. Another good sign of progress is the decreasing number of school drop-outs. Educational leaders are revamping a system where vocational training will be supplemented for academic subjects for those students whose talents lie in that direction. When we change our educational policies to meet the needs of all the people, we will cease to worry so much about crime, drug-addiction or poverty.

At last our ears are open to the voices of the poor. They have been crying in the wilderness too long. Recent history is the first time we have reached the consciousness of the American people so that we feel we can eliminate poverty from our midst. Much of this trend can be credited to the intellectuals on campus, many of them that same longhaired group we called "tyrants" such a short time ago. We watch them become the "Good Samaritan" who helps the injured traveler in a society that is too big and too busy to offer aid on a personal basis. Whereas poverty was "No man's Land" for such a long time, it is now becoming a camping ground for VISTA workers; for followers of the Economic Opportunity Program; for lawyers of the Legal Assistance Foundation; for concerned counselors and for Seminary students who teach love of God through love for man.

Scientific achievement alone should make us stand up and recognize this great American capacity for creativeness. The space program and the breakthroughs have been tremendous. Yet, with man's ever-expanding intellectual and scientific data—there comes a problem attached to it like an ugly parasite.

Insecticides have been a boon to farmers and growers; yet, by ridding the great outdoors of injurious insects, we find that we have been subjecting ourselves to poisons that create problems in the human anatomy. Whereas, oral contraceptives have been good news to the American housewife, it has ricocheted into a festering debate. Cigarettes and cyclamates have also been a controversial issue to protect man from himself. We, as Americans, should be proud that we have national standards set for the health and welfare of our citizens. Freedom of the press and freedom of speech have also made this possible.

Fastened to the affluency of our society is the thorn of drug addiction. Statistics prove that drugs are the main cause of crime in our country. We shall never completely wipe out alcoholism or drug addiction, but we can take steps to stop its growth. It will take money, but all the policing in the world will not be effective if we accept man's inhumanity to man. We need more rehabilitation centers; more clinics; more counseling; more drug assemblies at grammar school level; more literature sent into the homes; and more direct communication between the addict and one who has been rehabilitated. Concerned communities; big business and voices of the stout-hearted men can accomplish this. There is a great majority of people who look upon the addicts or the hippies as a symbol of the prodigal son who squandered his inheritance. Yet, these people are like the snobbish older brother. Their attitude toward the outcasts of society show that they fail to see man's need for love and help. It is the man who pads his fat pockets with money from the sale of narcotics who needs to be punished. Faster trials, more judges and elimination of bail bonds could be a step in the right direction.

America the beautiful! America the land of God-given abundance! Yet, the abundance of people is leaving an abundance of garbage. We call it pollution. The administration is making ecology its prime objective for the betterment of society as a whole. Man's indifference to his environment in the past should tell us how important it is to face today's problems today. A silent majority dumping garbage into the streets; spraying poisons over the fields; government spilling sewage into streams; people polluting the air with exhaust from millions of automobiles; big business poisoning the seas with sludge and oil from heat; politicians and pompous people lobbying for the almighty dollar—has put a mirror up for all of us to see the awful truth. It must boil down to this; we are in this together. If we don't produce a good life for all, we'll end up with a good life for none. Big business can look to left and right and conclude that without people who can breathe fresh air as well as free air, their efforts are in vain. If it means more money in the bank, but poison in the people; if it means beautiful buildings, but sewage in the drinking water—then big business, too, must take a stand. The little voices in the wilderness must be heard too: the fisherman, the farmer, the coal miner and the conservationist. To save man from himself, government will need to put up restrictions. Scientific endeavor can come to our rescue before it is too late: packaging that will disintegrate; machines to compact piles of waste into small packages; by-products from sewage; engines that will not spew poison exhausts: creating useful means of utilizing old machinery and automobiles. Some of these discoveries are already on the market. The voices of the stout-hearted men can ask for grants and challenges and offer them to those who are willing to give their time and efforts to secure this for the human race.

America has many voices. Each of these voices deserves to be heard. If we listen carefully enough we will hear a change of life-style creeping over a country that has lived through a decade of dissent and discontent. This life-style is swinging from a product-oriented society to a service-oriented one. Neither is it too much to expect that in the near future we may have international law and order based more on consent and less on guns.

"My country—right or wrong," says the slogan. There are so many things right about it; and the wrongs can be corrected if we reach out for a faith we once had as a nation: Faith in God. "In God we trust" is written upon the coin. Let us indeed trust Him and make this a God-centered country instead of a man-centered one. Freedom of religion does not mean freedom from religion. We need to get this silent majority down on its knees in thankfulness; we need to get the voices in the wilderness on the road to the Promised Land where equality means equality in housing; in schools; and in business. We need those dedicated stout-hearted men to lend their voices to the great chorus of Freedom's Challenge. We need to listen to the problems of those who cry out in tyranny. We are looking forward to the greatest decade of humanitarian effort this country has ever known. It won't all be perfect; there will be hills to climb and currents to be challenged; but from this social upheaval will come a new national commitment. To love America is to love all its people; to think otherwise is hypocrisy. To love America is to see its faults as well as its goodness. to think otherwise is a Pollyanna fallacy. To love America is to believe in the worth of the individual so that all men may some day stand tall and say, "I speak up for America."

LUCY'S LETTER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. CARTER. Mr. Speaker, a news article by Mrs. Lucy Albright of Fountain Run, Ky., in the Glasgow Republican truly portrays the manner in which the vast majority of people of the fifth congressional district celebrated the Fourth of July.

In this district, the citizens are God-fearing, church-going, patriotic citizens and would not permit the flag of the United States of America to be despoiled or desecrated in their presence.

I enclose this article for the persual of the Members:

Lucy's Letter

(By Lucy Albright)

July 4, 1970 has come and gone, but it has left a most indelible imprint on the American people. Patriotism in truth, spirit, and demonstration reached its peak. And as Independence Day was observed in flag waving, speech making, parade showing, in some type of demonstration or praise and honor, from hamlet to metropolis, from the individual to the Honor America program at the capital, hearts were lifted, faith was strengthened, and there was a revaluation of all this great country stands for and has stood for during these almost two hundred years. I do not recall ever having seen so many flags being displayed. Ours was flying at our home, and as it rippled in the breeze, it seemed to reflect the words, "God Bless America."

In the strictest sense I am neither a leftist nor a rightest, in the strictest sense I am neither a conservative nor a liberal. But in the strictest sense I am an American, proud to be called an American, and proud to be a citizen of this great and wonderful country. And I love the flag for to me it symbolizes the great principles of democracy of our nation which were founded on the principles of the Bible. I love to look on the red stripes of the flag, with humble gratitude, and meditate on the blood that has been shed through the years, that the privileges of freedom might be mine. Not only the shed blood of battles, but intermingled with this was the blood from the shoeless feet of George Washington's army during the winter at Valley Forge, when they would not give up but endured hunger and pain that this nation might be born. The white of the flag is for purity. May we never be reticent to say the word pure, for it is the basis of all that is good whether in the virtue of the soul, the food of the mind or body. When anything is impure, it desecrates, it pollutes, it poisons. The blue of the field for the stars stands for true—true to our God, true to our own self—true to our fellow man, true to our country, without deceit, without trickery, without shame, straight forward in our relationship both at home and with others, for upon these principles of integrity, there is no law.

If our founding fathers, who had a vision of a great nation, and established it thusly, could have looked down from above, upon the hundreds of Honor America manifestations as demonstrated on Independence Day, would they not have said, "You've come a long way, Americans. Continue to hold fast to that which is good, and press on in faith in your country, under God, indivisible with liberty and justice for all. And never, never, never give up.

BISHOP JOSEPH F. DONNELLY

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. DADDARIO. Mr. Speaker, I am sure that the House is pleased that 26 grape growers representing 35 percent of the industry in California have signed contracts with the United Farm Workers Organizing Committee, to settle a nagging and persistent dispute which has damaged the economy of the west coast and wrought hardship on people and families who depend on this occupation.

My comments today wish to single out the efforts of Bishop Joseph F. Donnelly of Hartford, Conn., chairman of the Bishops' Committee on Farm Labor, in seeking to mediate the argument. Bishop Donnelly, for many years active on the Connecticut Board of Mediation and Arbitration and the Diocesan Labor Institute, following the initiative of Most Rev. Maurice McAuliffe in setting up this means of ameliorating frictions in social areas, has been a prime mover in the national Catholic Welfare Conference effort to seek labor peace. As such, he has been travelling frequently between New Haven and California since November, when he became chairman of the Bishops Committee, logging in eight trips since February.

I think Bishop Donnelly should be commended for the part he has played in helping to seek a solution of this difficult situation and I offer for the Record a brief biography of his career.

Few clergymen in the United States and none in his home State of Connecticut have been longer or more closely involved in the resolution of labor-management problems than Hartford's Auxiliary Bishop Joseph F. Donnelly.

He has been involved in this work virtually from his ordination to the priesthood 36 years ago. As a young curate in 1942 at St. Thomas parish in Waterbury, one of Connecticut's leading industrial centers, he was chosen by the Most Reverend Maurice F. McAuliffe, then Bishop of Hartford, as first director of the newly established Diocesan Labor Institute. One of his first tasks was to establish schools to teach industrial workers the principles of social justice, parliamentary procedure, and public speaking to make them more active and effective in union affairs. Within a year of his appointment, Father Donnelly had established the schools in a dozen of the State's principal cities. With the subsequent expansion of labor-management courses in the State's colleges and other educational facilities, the schools were discontinued.

Bishop Donnelly headed the Diocesan Labor Institute in its task of promoting labor-management understanding until 1964. Under his direction, the institute established the annual McAuliffe Medal Awards, given each year to representatives of labor and management for promoting industrial harmony.

He was a member of the Connecticut State Board of Mediation and Arbitration for 21 years. Originally named to the board by Gov. Raymond E. Baldwin in 1943, he was reappointed by succeeding Governors. He was named chairman of the board in 1949 and served in this capacity until he resigned in 1964, when he was made a bishop.

He participated in efforts to resolve more than 2,000 labor-management disputes as mediator or arbitrator. When he was reappointed chairman of the board by Governor (now U.S. Senator) ABRAHAM RIBICOFF, the latter said of him:

> I doubt that any other State in the Nation is blessed with so capable and understanding a man in a post of this importance.

He was a hearing officer for the National War Labor Board, Region 1, in World War II and has been an arbitrator of the American Arbitration Association and a member of the National Academy of Arbitrators.

Throughout his busy career, Bishop Donnelly has found the time to serve in a number of other State, national and diocesan posts. He was pastor of St. John the Baptist Parish, New Haven, for 10 years and has served as chairman of the Archdiocesan Commission on Ecumenical Affairs, archdiocesan director of cemeteries, diocesan consultor, member of the archdiocesan board of education, and member of the executive committee of the archbishop's Committee on Human Rights. He is also vicar general of the Hartford archdiocese.

He was a member of the original board of directors of the National Catholic Social Action Conference and is a past president of the National Catholic Cemetery Conference. He is Episcopal moderator of the cemetery conference and chairman of the Subcommittee on Urban Life of the Department of Social Development, U.S. Catholic Conference.

Among the honors he has received are: the Peter McGuire Memorial Award of the American Federation of Labor, the distinguished service award of the Connecticut Federation of Teachers, the Outstanding Citizen Award of the Connecticut Grand Lodge, Sons of Italy, and an honorary doctor of laws degree from Fairfield University.

A native of Norwich, Conn., the 61-year-old bishop was ordained June 29, 1934. Pope Pius XII named him a papal chamberlain in 1954 and a domestic prelate in 1957.

He was appointed titular bishop of Nabala and auxiliary to the archbishop of Hartford on November 9, 1964. He was consecrated in St. Joseph Cathedral, Hartford, January 28, 1965.

"AMERICA THE BEAUTIFUL—LOVE IT, OR LEAVE IT!"

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. TALCOTT. Mr. Speaker, Steve Doolittle, the valedictorian of the 1970 graduating class of Washington Union School, Corral de Tierra, in Monterey County, Calif., expressed the views and attitudes of many American young persons in his valedictory speech.

Although only 14 years of age, he has obviously done considerable listening, thinking, and evaluating. I believe he speaks for most boys and girls of his age. He is sensitive and concerned; he is proud of his family, his community and his Nation; he is grateful for the opportunities he has had; he is willing to stand up and to contribute to the preservation and improvement of his country.

Too often we must listen to the whining, ungrateful, ill-mannered selfish adolescent. Steve Doolittle expresses the views of the grateful, proud, selfless, yet determined majority of young people who will contribute to the steady betterment of life on this planet.

Because Steve's remarks were so moving and meaningful, I ask unanimous consent that his valedictory address be included in the RECORD at this point:

"AMERICA THE BEAUTIFUL—LOVE IT OR LEAVE IT!"

(By Steve Doolittle)

"Oh beautiful for spacious skies, for amber waves of grain, for purple mountain majesties, above the fruited plain."

This is my America. My own private piece of America. My school, my home, my family, and my friends. A beautiful little place called San Benancio Canyon where blue skies and oak studded hills have been a part of my life since I was 8 months old. I was lucky enough to start my first day of kindergarten here at Washington Union School, and tomorrow on June 3rd, in the year 1970, at 3:30 in the afternoon, I will sadly bid "Goodbye" to my principal, and my teachers, and my school. A school that I have loved for nine happy years.

Yes—I will bid "Goodbye" to nine years filled with memories: of bus rides with my friends, of homework filled with challenge, music lessons with Mr. Brown, concerts and playdays, and winning football teams. These memories, I know, I shall carry in my heart through a life that should be better because of the wonderful start I was given here in this beautiful, peaceful spot—far away from the turmoils of the world. For all this happiness, and for all these memories, I thank you.

For here in our sunshine canyon, we do lead a life of contentment. We don't see the hunger and poverty and filth of the ghetto. But we know that it exists. We see it in the newspapers and through the television screen, and we know that it is there. And sometimes we wonder how this great country of ours can spend billions of dollars going to the moon and leave our own underprivileged "earth people" here to suffer and to starve. Sometimes the thinking of our leaders is hard for us to understand, and we wonder why they don't use their money to buy a new pair of shoes, or a fresh clean bed for a miserable little boy who lives in a hovel on the wrong side of town.

So, of course, there are things we might criticize about the United States of America, but it is still the greatest, most wonderful, most peaceful country in all the world. And the great leadership of our fine Presidents has kept it this way. Kept it peaceful and strong and secure. So peaceful and secure that when I fall asleep at night while talking to my brother, I know in my heart that when I wake up in the morning, my brother will still be there, my room will still be there, my home and my family will still be there—and my heart fills with sadness when I think of other boys in other lands. Lands which have been invaded and overrun by Communist War Lords. Boys who fall asleep at night wondering if when they wake up in the morning their brothers and their families and their homes will still be there.

There was a time not too long ago, when all the other countries—far and near—looked up to us with hope. Looked up to us as their great salvation. But now—though we still try to do what we feel is right—because of Communistic propaganda and hate, the people of other lands are burning our flag and denouncing us as imperialistic aggressors.

The pictures they see of violence and rioting—such as the killings at Kent State—do nothing to help the image of our great land. How horrible to see pictures of rioting students being beaten down by officers in gas masks—or being shot down by National Guardsmen with rifles. We know that it is only a small minority of students and citizens who so violently disrupt the peace, but a shocking picture on the front page of a newspaper in Russia makes it look to the world as if our whole country has degenerated into the evil hands of hatred and violence.

This is all the more reason to love and protect and to praise the good in America which so much overshadows the bad.

How does one learn to love and protect America? How does one develop a feeling of patriotism, loyalty, and national pride? Dwight David Eisenhower once said, "It is probably a pity that every citizen of each state cannot visit all the others, to see the differences, to learn what we have in common, and to come back with a richer, fuller understanding of America—in all its beauty, in all its dignity, in all its strength."

I believe that Dwight David Eisenhower was right. For how can we fully appreciate this wonderful country of ours if we have never seen it?

I realize that I have been extremely fortunate, for I have traveled across the United States by car from coast to coast. I have seen its ntaural wonders: Niagara Falls, the Grand Canyon, Yellowstone, Old Faithful, Yosemite, Mt. Rushmore and its great stone faces, the Rockies. From "sea to shining sea" I have absorbed the beauty of America. I have stood on the steps of the Capitol in Washington, D.C. and toured its hallowed halls, where all the great leaders down through the ages have met and decided the fate of our great land. I have seen the Memorials to the greatest leaders of all time, Washington, Jefferson, Lincoln. How very small and humble one feels standing at Lincoln's feet in the giant Lincoln Memorial as his eyes look down in kindness from that great stone face.

I have boarded a Ferry on New York's Hudson River and felt a thrill as I saw Miss Liberty's torch rise out of the fog. The Statue of Liberty—and all she has meant down through the ages to thousands of homeless immigrants who have stood at the ship's rail and strained their eyes for the very first glimpse of freedom and hope and opportunity. I have read the inscription on a tablet at her feet. "Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shores. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door."

"America the Beautiful."
The greatest country in all the world.
The golden door of opportunity.
The golden door of peace.

And yet it seems so fashionable to criticize these days. To criticize our President, to criticize our schools, to criticize our government, to criticize our youth.

Let those who find it so easy to criticize, look elsewhere to find something better. And if they can't find something to love about our country, then let them leave. We don't need those who criticize. We do need those who praise.

Surely someone can find something nice to say about America! Doesn't anyone ever notice that the vast majority of us live peacefully together? That the vast majority of us have most everything we need? Good homes, good food, good clothes, good education, good jobs, good churches—good friends. Doesn't anyone ever notice?

"Oh beautiful for patriot dream that sees beyond the years, thine alabaster cities gleam, undimmed by human tears."

America the beautiful.
Love it?—Forever!
America—My homeland.
Leave it?—Never.

"REMEMBER OLD GLORY"

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an article entitled "Hello, Remember Me?" written by Mr. A. B. J. Hammett, publisher of the Victoria Mirror, Victoria, Tex. The Victoria Mirror in which this article appeared on July 16, 1970, is one of the oldest weekly newspapers in the State of Texas, and has been carrying on for some time promotion of our American flag and endeavoring to instill a feeling of patriotism in our people. I am proud to be able to insert the article in the RECORD and commend its reading to all in this Chamber:

HELLO, REMEMBER ME?

Some people call me Old Glory, others call me The Star Spangled Banner, but whatever they call me, I am your flag, the flag of the United States of America . . . something has been bothering me, so I thought I might talk it over with you . . . because you see it is about you and me.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally I was leading every parade, proudly waving in the breeze. When your Daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart . . . remember?

And you, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart . . . remember?

What happened? I'm still the same old flag. Oh, I have a few more stars since you were a boy. A lot more blood has been shed since those parades of long ago.

But now I don't feel as proud as I used to. When I come down your street you just stand there with your hands in your pockets and I may get a small glance and then you look away. Then I see the children running around and shouting . . . they don't seem to know who I am . . . I saw one man take his hat off then look around. He didn't see anybody else with theirs off so he quickly put his back on.

And what about that night at the baseball game. When they played the Star Spangled Banner and I waved so proudly in the breeze. Nobody bothered to sing. They stood up all right as a sort of mild patriotic gesture but then they talked among themselves about the game, about the weather. But they didn't sing. I felt hurt.

Is it a sin to be patriotic anymore? Have you forgotten what I stand for and where I've been? . . . Anzio, Guadalcanal, Korea and now Viet Nam. Take a look at the memorial honor rolls sometime, of those who never came back to keep this Republic free . . . One Nation Under God . . . When you salute me, you are actually saluting them.

I may not be coming down your street for a long time. It seems that patriotic parades are a thing of the past. But when I do . . . won't you do me a favor? Stand up straight, place your right hand over your heart . . . and if they play the Star Spangled Banner, sing out loud and clear . . . and I'll salute you by waving back . . . Show me that you remember.

EDWARD C. MASSA

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. MILLER of California. Mr. Speaker, Mr. Edward C. Massa, a realtor-insuror and civic leader in my district, has recently been appointed to the board of regents of Saint Mary's College, our mutual alma mater. This distinction follows many years of service to the college and the community.

In addition to founding and developing Edward C. Massa, Inc. and Massa Properties, Inc., Ed takes an active role in Hayward area business organizations, most notably the Hayward Chamber of Commerce, which he served as vice president. He has chaired local drives of the United Crusade and other worthwhile programs; is at the helm of various Portuguese organizations in the area; and is a director of the Hanna Center—Boys Town of the West—and a member of the executive committee of Serra Center for Girls.

A native and long-time resident of Mayward, Mr. Massa went on to earn a law degree from Notre Dame University after graduating from Saint Mary's. He has held the national presidency of the Saint Mary's College Alumni Association, and the Northern California Director's post of the Notre Dame Alumni group.

I wish to congratulate Mr. Massa on his appointment to the board of regents at Saint Mary's, and to commend him on his outstanding record of civic achievement in my area.

MASS TRANSIT: A LITTLE LATE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. COHELAN. Mr. Speaker, as this Congress moves to adequately fund necessary programs in health, education, and urban renewal, we must also turn our urgent attention to the problems of mass transit.

We have read of the dangerous levels of air pollution over New York City and in the District of Columbia. The high levels of pollution result from a combination of automobile emission, and industrial production, and the lack of air movement.

The primary cause of air pollution is auto emissions. The problem is further complicated by the number of cars being used and the fact that they only transport one or two people. Any rational assessment of this situation dictates a renewed commitment to funding for mass transit.

A recent article discusses some recent developments on this issue. I recommend it to my colleagues:

MASS TRANSIT: A LITTLE LATE IN ARRIVING

(By Albert R. Karr)

WASHINGTON.—"Urban mass transportation in the United States is in the early stages of a vast transformation, a transformation that will rival the rags-to-riches changes visited upon a fairy tale Cinderella."

That's the optimistic assessment of Thomas E. Lisco, chief economist for the Chicago Area Transportation Study, a planning group for highway and mass transit agencies in the Chicago region. And there are some good reasons for seeing things Mr. Lisco's way.

More and more drivers seem to be convinced that mass transit is the only rational alternative to mounting highway congestion. The Nixon Administration wants to spend more for transit; Congress wants to spend more; some states and many cities want to spend more. Mass transit, then, appears to be one of those ideas whose time has come.

Except . . .

Except that voters in some cities have rejected transit bond issues lately. Except that highway supporters are still very powerful in Congress, the highway bureaucracy is big and entrenched and the highway program itself has generated a momentum of its own. Except, in short, that the problems of transforming transit into a modern, popular mode of travel from a decrepit, fading mode remain immense.

A DRAMATIC TRANSFORMATION

If the transformation that Mr. Lisco and others expect actually materializes, it would be dramatic. For patronage of most transit systems has plunged over the years. (Public transportation now accounts for only 4% of all individual trips in the Minneapolis-St. Paul area, for example.) Few large cities have rail transit systems, and smaller cities' bus companies regularly fold. Even where transit service is available, its quality and quantity are often declining.

Mr. Lisco and other transit supporters list a variety of reasons why transit should soon be making a dramatic turnabout. Their main argument: Transit will succeed because it has to succeed. Declares Mr. Lisco: "Because mass transportation performs a vital function, not only for the individuals who use it, but also for the very form and efficiency of the city, it must be made to succeed."

It now seems clear to most city officials—if not necessarily to a majority of city voters—that heavy reliance upon the car and the highway has meant air pollution, disruption of homes and jobs, and roads that often detract from business growth, rather than enhance it. Even in car-conscious Los Angeles—whose voters rejected a $2.5 billion rapid-transit bond system in 1968—Mayor Sam Yorty declares: "Our need still exists and becomes more urgent as congestion mounts." Cleveland Mayor Carl B. Stokes calls the transit need an "overwhelming problem." Alderman Richard T. Curtin talks of Minneapolis freeways filled to capacity at peak hours. "Obviously," he says, "we have only one alternative, and that is to develop mass transit systems. . . ."

There are many signs that this development is on its way. Some rail commuter lines, as they become the only outlet for congested roads, have begun to show an increase in passengers. New transit systems in Cleveland and New Jersey have attracted generous patronage. The new 75-mile Bay Area Rapid Transit district (BART) system in San Francisco, scheduled for operation in 1972, raises the hopes of transitmen for a showcase to spur other major projects.

Everyone agrees the Federal Government is the only source of the kind of money public transportation requires. And in Washington, support is building for increased spending, both to improve old systems and build new ones.

The Senate already has approved, in a smashing 84–4 vote, an Administration proposal to make available $3.1 billion for new transit equipment over the next five years; the House seems well on its way to increasing this to $5 billion. Either sum would be a dramatic increase over past levels. Since the Government started doling out money for transit assistance in 1962, it has spent an average of only $104 million annually.

One sign of growing fervor for transit was the ability of Rep. Edward Koch (D., N.Y.) to line up more than 100 House co-sponsors for his bill proposing to spend $10 billion in four years. The bill called for a transit trust fund, fueled by existing auto excise taxes—a proposition that foundered (because it was viewed as fiscally and politically unwise) when separately proposed to the White House by Transportation Secretary John Volpe. Rep. Koch's bill wasn't enacted, but it did generate support outside Congress. David I. Margolis, president of Colt Industries, a diversified New York concern, wrote executives of 600 large corporations seeking support for the bill; 225 executives replied, and most of these favored it.

An impressive lobbying effort for transit has been mounted by the Transportation Department, the National League of Cities, State and Local Officials, other transit-interested groups, and some members of Congress like Mr. Koch. Transit operators, union officials, industry men from transit equipment-makers to road builders, and others are bending the ears of Senators and Congressmen.

"This is the first time we've even encountered one force moving in one direction," says a House transit expert. "It even had conservative Republicans who never thought much of mass transit before scratching their heads and saying there must be something to this."

The urban transportation program, says Donald E. Weeden, chairman of Weeden & Co., New York investment bankers, is "visible and noncontroversial." He says bankers around the country, for example, are concerned that deterioration of transit systems threatens "the life blood of the urban economy."

USE THE TRUST FUND?

Highway advocates in Congress, long given to fighting transit proposals as a possible threat to road funds, are now proposing that the mammoth highway trust fund be used in part to help bus transit programs. The House Public Works Committee even wants to take over jurisdiction of bus transit from the House Banking Committee, which handles all transit matters now.

Rep. Joe D. Waggonner Jr. (D., La.), a leader of Southern conservatives in the House, says he favors the transit legislation partly out of recognition of transit-company needs in cities like his district's Shreveport. He adds that if small-city people back transit aid, they may be able to count on a quid pro quo for small-town highways from "(big) city boys."

Mr. Volpe and others at the Federal level are beginning to suggest a broad transportation trust fund that would make some money, earmarked so far only for highways, available for transit systems. More states are urging that Federal highway funds be cut loose for transit or other purposes, as the states see fit.

Meanwhile, Maryland, Virginia and Illinois have authorized use of some state highway user taxes to support transit, and similar moves are being considered by Massachusetts, California, Colorado, Hawaii and Ohio. In May, holders of New York's Triborough Bridge and Tunnel Authority approved use of surplus bridge and tunnel tolls for subsidizing the city transit authority, clearing the way for payment of the first check for $74 million.

But despite all these favorable signs, it's still a long haul for transit. Powerful highway supporters adamantly oppose giving up much of their trust fund monies. Rail transit, at least, ought to find its own support, they say. Even $1 billion a year in Federal money would be paltry against the $5 billion annual Federal outlay for roads (buttressed by earmarked gas taxes). The Government finances 90% of the interstate highway program, while it pays for only two-thirds of transit equipment. The Federal Highway Administration employs more than 5,000; the Urban Mass Transportation Administration 55.

Because of the lucrative Federal aid for interstate roads, cities and states have been lured—if not forced—into emphasizing highways over transit. Availability of "90–10" money "has led many states to a complete loss of perspective in the development and preservation of our cities," says Michael S. Dukakis, Massachusetts state representative.

Too, the Nixon measure falls far short of the needs of cities over the next decade, transit advocates insist. They estimate those requirements at $20 billion to $35 billion. Many transit operators say Federal financing of new equipment isn't enough—that eventually the Government will have to subsidize transit operating costs, too, because local authorities can't afford to do so.

Despite the unhappiness of the populace over choked roads and poor transit, voters generally have been unwilling to help pay for better transit—at least without a sizable Federal funding program. Transit bond issues have been rejected in recent elections in Atlanta, Los Angeles, Kansas City and Seattle—a second turndown coming in Seattle just a few weeks ago.

CONGRESS HOLDING BACK

To some extent Congress is holding back until it sees how imminent projects work out. If the BART system falls well short of predicted patronage, revenues and earnings, as some pessimists fear it might, the commitment of Congress to mass transit will undoubtedly shrink, some transit promoters say. And they worry that the still-undernourished transit operation suffers from lack of good management—from local companies and public authorities to, some members of Congress say, the Federal Government's mass transit program itself.

Nevertheless, transit backers are still convinced that things are looking up. Mr. Lisco of the Chicago-area study says that commuters can be enticed from their cars by well-managed transit operations. Transit riding is usually cheaper than driving, he says, and it can offer the commuter more comfort and more speed as well.

Opportunities for promoting and improving mass transit are substantial. In Montreal and Toronto—and already in San Francisco—the potential of the transit line as a focus for revenue-producing residential and commercial complexes has become obvious. Automatic operation of rail transit vehicles is a little-developed field, automation of ticket sales and processing holds great promise, more sophisticated crime-combatting surveillance is possible, and transit stations and equipment can be made aesthetically attractive, Mr. Lisco argues.

And he fully expects all this to happen. "As transit puts on her fancy clothes, she will become a princess," he declares.

SOVIET IMPERIALISM AND ANTI-SEMITISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. DERWINSKI. Mr. Speaker, as we note continuing diplomatic activity in the Middle East and hope for a long term solution to the problems there, we must of necessity recognize the motivation of the Soviet Union in its Middle East aggression.

A very effective and timely commentary which I believe merits wide spread attention appeared in the American Zionist of June 1970 written by Eugen Loebl and I include the article at this point:

SOVIET IMPERIALISM AND ANTI-SEMITISM

(By Eugen Loebl)

Some time ago I received a polemical letter without address and with an unreadable signature posted in Washington, D.C. Parts of it are worth quoting as an illustration of a fairly common misconception concerning the origin of Soviet involvement in the Middle East:

> It was well-known that Nasser's threats were vapid as he did not have any equipment. But Israel attacked the Arab states in June anyway, and this gave the Soviet Union the exact excuse it wanted for moving into the Middle East. Had Israel not been so impetuous and so stubborn, Russia would not today have the influence she has in the Middle East.
>
> Therefore, it was Israel that brought about the contradictions that now exist in that part of the world. Were Israel not there at all, would Russia have extended her power? Of course not. Does our security depend on whether Israel is there or not? Isn't Israel in fact more a threat to the United States than a help? All the fighting she can possibly do could not deter the Soviet power. Only the USA can do that.
>
> Israel will not be content until she draws our country into that war regardless of total

annihilation to the world. She has become a monster—killing and bombing, while pointing a finger of shame at Germany—and indeed at the world—25 years ago. You can readily see from their actions today what would have happened had they been the majority in Germany instead of a minority.

Naturally, it makes no sense to speculate over what the situation in the Middle East would be if there were no Israel. But we do know that the Soviet Union has extended its power in many parts of the world where no Israel exists.

What is going on in the Middle East and all the dangers involved there cannot be understood without taking into account Soviet policy as a whole. To blame Israel or even to blame Nasser is in any case a dangerous oversimplification. A situation has been created where even Nasser has no freedom of action because he became the victim of his own policy, which is tied to the success of Soviet imperialism.

In any attempt at interpreting this Soviet policy, one must differentiate between the ideal and the reality. The ideal of socialism creating a just society that would by its example alone exert an ideological influence on the rest of the world never had a mass basis and was accepted only by the Soviet intelligentsia. What became typical for Soviet political life was the policy based on power as introduced by Stalin.

Soviet power politics was from the beginning rooted in the interests of the Communist party apparatus. Theoretically, the party, being the vanguard of the proletariat, had to carry out the policy of the dictatorship of the proletariat. The party was led by its Ceneral Committee, and the Central Committee by its Politburo. Thus, for all practical purposes all power was concentrated in the hands of a few leading figures, and mainly in the hands of Stalin. The interest of the party was always predominant. The interest of the party was simply identified with the interests of the proletariat, the nation, and socialism. But the interest of the party was in fact identified with the interest of the Politburo and its apparatus.

The consequence of this development was that the creation of a new and better society was not emphasized. It was sufficient to embody some ideas of socialism in the constitution, to speak of socialism, to declare socialism to have been achieved, but to care only for the power of the party. The Soviet Union is not a socialist state—as a matter of fact, it has not had anything in common with socialism for decades. The absolute concentration of power by the party leadership in all fields of activity has no parallel in history. Even Hitler's power was limited when compared with the power of Stalin, since Stalin was also in full control of the economy.

If we speak therefore of the Soviet government and Soviet policy, if we try to find out what state interest is expressed by its policy, or if we try to deduce from the interest of the state and socialism the probable trend of Soviet policy, we must fail. Policy is formulated in the Politburo; it represents the inner logic of the party mechanism, the factions, the inner conflicts between members of the leadership and groupings, different views on how to achieve the same or similar aims. That is why practically all the predictions even of highly sophisticated experts in the West were and are usually wrong.

Despite the fact that there seems always to be a monolithic Soviet party leadership, the monolithic image is an illusion. Apart from many different smaller issues there is a basic issue which is always latent and came into the open at the 20th Party Congress in 1956. This conflict is between those who would have the party concentrate on the problems of creating a real socialist system and those who want the party to continue to base its existence on power.

Under Stalin there was no question that power and expansion of power should be the only leading principle. In order to have this principle work, all opposition had to be liquidated. This opposition was a socialist opposition in the sense that it was interested in creating a socialist country. Naturally this opposition was represented by the intelligentsia of the party. And it is well known that a great number of the leading intellectuals were Jews. Thus, anti-Semitism became a political issue in the Soviet Union. Although the Bolshevik party fought against Czarist anti-Semitism, and the Jews in the Soviet Union did not represent a class opposed to socialism, although the founder of Socialism was a Jew, anti-Semitism became a state policy in the Soviet Union. It was a new type of anti-Semitism not based on religious prejudice, racist theory, social conflicts, or national motives such as had characterized classical anti-Semitism. The main and decisive motive was anti-intellectualism. The purges in the thirties were not directed only against Jews, but through anti-Semitic persecution a great number of extremely able and influential intellectuals were liquidated and it became at the same time an instrument for discrediting all intellectuals by making them fearful lest their cooperation with Jewish intellectuals bring their ruin. An anti-intellectual tendency became typical of Soviet political life in the thirties.

We cannot neglect the parallel with the development in Germany. Hitler saw in the German intelligentsia his main danger. He had to liquidate this social stratum. His first blow was against the Jews, who played a great role in German intellectual life. He had to go so far as to declare a Jew everybody whose grandmother was Jewish in order to persecute a really great part of German intelligentsia. In the process of liquidating German Jewry and its intelligentsia, Hitler was able to break the resistance of the German intelligentsia.

I think it is important to see and emphasize this point. In modern history, antihumanistic, anti-democratic movements both in the East and West were based on anti-intellectualism, as it is the intelligentsia that is the only social stratum which basically objects to dictatorship since dictatorship limits intellectual activities (I am speaking of the intelligentsia as a social stratum and not of all the intellectuals, as some of them will be always willing to serve any dictatorship). The events in Hungary, Poland, Czechoslovakia and also in the Soviet Union are ample proof of this. Stalin was right to see in the intelligentsia the great danger for his dictatorship. Anti-intellectualism is very much related to any reactionary movement which always has a tendency to express its anti-intellectualism in anti-Semitic terminology and actions.

The final step of Stalin's drive for party power was the Stalin-Hitler pact. It would lead us too far afield to explain all relevant elements of the background of this pact. I spoke with the wartime Soviet ambassador (Majsky) to Britain. He insisted that the Stalin-Hitler pact was just a defensive pact and that occupied territories would be freed. He declared that the occupation of the Baltic states, of Poland, the war against Finland were all directed against Hitler. The nations of the Baltic states and that part of Poland the Soviets had occupied (it was half of Poland) had been saved from the fate of German-occupied countries. As a matter of fact, these nations had to suffer under Nazi occupation because of the retreat of the Red Army, but this discussion took place after the Nazis had been driven out of these countries. Majsky declared with absolute certainty that after Hitler's defeat these nations would have absolute freedom of action. As we see, not only did all territories remain occupied, but immediately after the war the Soviet Union also occupied Bessarabia, a part of Finland, and the eastern part of Czechoslovakia. At this moment Soviet troops are occupying Hungary, Poland, Eastern Germany and Czechoslovakia, and they are threatening Rumania. The expansive, imperialist policy became a characteristic feature of Soviet policy and the author of this policy was Stalin. The Stalin-Hitler pact in 1939 should be seen in this context: a policy of dividing the world between the great powers, thus fulfilling the dream of imperialistic Russian Czars.

The turning point in Soviet policy came in 1956 some years after Stalin's death. Stalin and his policy was condemned; a solemn promise to respect the sovereign rights of all socialist countries was made along with the announcement of a policy of friendly coexistence. Of equal significance was the promise of a rising standard of living.

It seemed in 1956 that the emphasis would not be put on power politics but on creating a successful society and an effective economy able to eliminate the poverty of the great majority of the Soviet people. Then, two elements brought about a change in this policy. The upheaval in Hungary and Poland showed that the Soviet Union had lost its ideological influence even in the socialist countries. It could not rely on its economic influence either, and the only way to maintain any influence was through power exercised by direct intervention of the Red Army. Thus a very peculiar situation arose. Socialist countries had to be militarily occupied in order to follow Soviet policy. After liquidating colonialism in Africa and Asia, we got colonialism in Europe.

But there was an even more important reason for re-Stalinization. To create a modern, effective economy and to overcome the great economic problems some very drastic changes had to be accepted. The economy had to run on economic principles and not on party lines; the market had to decide and not the plan; enterprises had to become economically independent. This meant practically an "expropriation of the expropriators," which is to say, an expropriation of the party. It meant a basic change in the role of the party, and in this sense a real revolution; a revolution because the leading power would be replaced by some form of a democratic mechanism. It would have been a socialist revolution in the sense that at least some of the aims and ideals which were the ideological moving forces for the Russian Revolution would have come to realization.

Khrushchev was too smooth an "aparatschnik," too deeply influenced by the idea of the leading role of the party, and not a big enough personality to bring about all the measures that would have made impossible a re-Stalinization. His half-way measures and compromises undermined his own policy and he had to disappear from the political scene.

Thus we are in a phase of Soviet policy in which Stalin's imperialism became again typical: the military occupation of Czechoslovakia and the so-called Brezhnev Doctrine, according to which the Soviet Union claims to have the right to occupy any socialist country (why only socialist?) acting against the interest of the Kremlin.

With this background let us try to understand the Israeli policy of the Soviet Union. Soviet global policy was after the Second World War seemingly ambiguous. The Soviet Union was the only big power that increased its territory in the wake of the war. But at the same time a great number of nations in Africa and Asia became free. The end of the epoch of colonialism began with the anti-imperialistic feelings, which became an important political force. In this part of the world, Soviet policy was aimed at the support of this feeling in the hope that a political base for Soviet influence would be created. This was more than a political interest that the Soviet Union had, as the evolution of her Middle Eastern policy proves.

It is known that in 1948 Israel had an ardent supporter in USSR. The USSR was interested in giving military support to Israel. I remember the discussion that Mr. Clementis, Secretary of State in the Czechoslovak Ministry of Foreign Affairs, had with Mr. Vishinsky, who was representing the Soviet Ministry of Foreign Affairs in 1947. Vishinsky turned down an offer by an Egyptian trade delegation that had negotiated with Czechoslovakia the purchase of a munitions factory. Vishinsky declared that it is a definite Soviet policy to give all military and economic support to Israel and under no conditions should "fascist" Egypt be strengthened. Vishinsky spoke very openly of Israel being a potential bridgehead in the Middle East and that all socialist countries should feel it a political duty to support Israel.

This attitude was based on the assumption that Israel would become an industrial power, and consequently have a strong labor movement. This labor movement, combined with a strong pro-Soviet attitude due to the heroic fight against Hitlerism, was supposed to be the basis of Israel's attitude towards the Soviet Union. Israel had to become the first "people's democracy" in the Middle East.

Egypt was declared to be a fascist country. The Communist Party was persecuted then as it is now under Nasser's regime. There was no Soviet interest in the fate and existence of Israel, but only in Israel as a bridgehead that would enable the Soviet Union to have a firm foothold in this part of the world. Only when Israel was not willing to be a tool of Soviet expansionist policy did Soviet hostility get roused to the point that Israel was denounced as an agent of Western imperialism. At the same time a change toward Egypt and the Arab states became obvious. In order to get a foothold in the Middle East, it seemed to be necessary to build on anti-Israel feelings in the Arab world and to try to persuade the Arab world that the Soviet Union and not the USA is willing and able to fulfill Arab ambitions. Apart from the economic aid (especially the Aswan High Dam) the Soviet Union helped with the reorganization of the Egyptian Army, and provided it with all necessary weapons. The Soviets not only accepted the anti-Israel policy, but picked up the Nazi theory of a Jewish plutocracy. Both in official statements and within the party organization a powerful anti-Zionist propaganda was launched.

At this stage, Soviet anti-Semitism, while maintaining its anti-intellectual character, developed new features. It had to prove that Israel is an imperialist agent, that Zionism is a movement which intends to create world power for the Jews in alliance with the West, especially with the USA. The State of Israel had its imperialistic mission in the Middle East, and consequently the aim to annihilate this state was a most legitimate and progressive policy. This anti-Zionist policy had to prove at the same time that Soviet Russia was an honest friend of the Arabs and that the United States is their enemy.

Unhappily, my information on these matters is derived from first-hand experience. As far back as 1949 I had been imprisoned in Prague and interrogated by Soviet interrogation officers. The two interrogators who were in charge of the Czechoslovak State Security Ministry were very high officials and close aides to the powerful Soviet Minister of Interior and member of the Politburo of the Soviet Communist Party, Lavrenti P. Beria. After Stalin's death, these interrogation officers were sentenced to death and executed together with Beria.

It was more than a shock for me to hear a terminology from the highest Soviet officials that was to me very well known from the Nazi era. They accused me of being an agent of Israel, a supporter of world Zionism, which aims at world domination by first ruining the socialist part of the world. "Jew" was just a synonym for traitor and imperialist agent. The official accusation was "Zionist," but during the interrogation only the word "Jew" was used.

My "discussion" with the Soviet interrogators lasted many hours, and I also discussed this problem with their Czechoslovak aides. I denied having been connected with the Zionist movement—as I have as a matter of fact never been—and I tried to disprove their accusation of Zionism as absolutely not valid. At that time I was convinced that my imprisonment was based on an error and that this would be found out any day. Consequently, I thought that arguments might have some value. The Soviet interrogators knew better. They were at that time convinced that I would be sentenced to death and had no reason not to speak to me very openly, aiming to break my resistance.

Already in November, 1949, when all this took place, they spoke to me of an annihilation of Israel, of Arab states becoming socialist, of the USA being driven out of this sphere and of breaking once and for all the Jewish power: They blamed Hitler for not having exterminated all the Jews, and declared that the Soviet Union won't tolerate this backbone of world imperialism.

In 1952 among 14 defendants in the so-called Slanscky trial, there were 11 Jews. None of us was a Zionist, but all of us were accused of being Zionists. We were accused of aiming at world domination by the Jews, of having tried to destroy socialism and developing political and economic ties to the West in order to make of Czechoslovakia an American colony. All defendants in this trial, as in trials in Moscow, confessed. None of them was able to withstand the endless tortures, and finally all gave in. All that the interrogators were interested in was confession. They did not even bother checking whether any verifiable basic facts of the confession were right. The whole thing was part of a propaganda campaign, and they needed only words.

For instance, I confessed that in my capacity as the First Deputy Minister of Foreign Trade I made an agreement with Israel that was detrimental to the Czechoslovak economy. As a matter of fact, I learned of the existence of this treaty only after more than a year of my imprisonment. The treaty was signed some months after I had been imprisoned. The treaty had been arranged by the non-Jewish Minister of Foreign Trade, Mr. Gregor, who signed it, and it was approved by the government on his recommendation. I also confessed to having approved for export to Israel certain machines that were vital to the Czechoslovak economy, whereas I had given written instructions that this export not take place and it actually did not take place. That was the only way that a defendant could let at least the informed people know to what extent his trial was based on fabrications and vicious lies.

This was the biggest anti-Semitic trial in modern history. The anti-Semitic tone was to serve several functions: create a scapegoat for the ineffectiveness of the planned economy; appeal to anti-Semitic feelings; discredit Zionist and prove that the USSR was the real friend of the Arabs and the enemy of Israel.

Although Beria was executed and all of us were rehabilitated (eleven posthumously) the policy toward Israel did not change nor did anti-Semitism disappear. In the first hours of Czechoslovakia's occupation in 1968, Dubcek, the First Secretary of the Party, Cernik the Prime Minister, Sarkovsky, the head of the Parliament, and Kriegel, the representative of the National Front, were beaten up, handcuffed and brought to prisons in the Soviet Union.

As the Soviet expectation to create a pro-Soviet government proved illusory, the Soviet leadership had to negotiate with these prisoners. When, in the course of these negotiations, Kriegel made the remark that the Czechoslovak representatives must take into consideration the interests of the Czechoslovak people, Kosygin, who is regarded in America as a relative liberal, shouted at Kriegel: "You are not supposed to speak in the name of the Czechoslovak people, you are a bloody Galician Jew." The Soviet leadership was finally willing to free Dubcek, Cernik and Sarkovsky, but insisted that Kriegel should remain in a Soviet prison. Only the solidarity of Dubcek and the others saved Kriegel—at least temporarily.

Even so, re-Stalinization became a reality.

I would like to add some remarks on the Israel-Arab war of 1967. In the Soviet bloc there is a rather poor health service and there are no private physicians. The party apparatus therefore has a special structure for medical care. There is also a state sanatorium for the party officials. After the rehabilitation of the innocent victims, it was decided that all whose health suffered in prison should be treated in the state sanatorium. This decision also applied to me, owing to my heart attack. Thus, in this sanatorium were treated party officials and some of their victims. As it happened, I was hospitalized for some weeks and during this time the Six-Day War took place. Thus, I had ample opportunity to speak with leading party officials and their visitors. There were basically two views expressed by them.

Some of those who later joined Dubcek thought that the Soviet Union had an opportunity to win the sympathy of the whole world by launching a progressive policy, because its influence was strong enough to bring about a peaceful solution of the Egyptian-Israeli confrontation. If the USSR were to guarantee Israel's frontiers, Egypt would have to accept this guarantee and Israel would in turn have to recognize Egyptian interests. A settlement would be in the interests of both the Arab states and Israel. It was argued that Israel as a highly developed country could contribute to the development of the underdeveloped Arab countries and since there was enough living space for all concerned there was no reason to foster hostilities. But most of my fellow patients were "realists." They spoke of spheres of influence. They openly declared that according to their information the Israeli army could not check the superiority of the Arab states, that nothing can save Israel. The threat to annihilate Israel so openly expressed by all Arab leaders including Nasser was regarded as a most realistic threat.

I spoke with one of these "realists" a few weeks later. I reminded him of his prognosis, and asked him how he could explain that the USSR was so poorly informed and permitted such a defeat of Egypt and indirectly of the Soviet Union. My informant, who must remain unnamed, confided what he was given to understand by Bilak, a party Secretary who in 1968 succeeded Dubcek as First Secretary of the Slovak Communist Party. Bilak is the most intimate friend of the Soviet Consul General in Bratislava, has permanent contact with Soviet political circles, and is the main promoter of Soviet policy in Czechoslovakia. Bilak was invited to the office of the Soviet Consul General for a most official discussion, in which he got an authoritative explanation of Soviet policy with regard to Israel. The Soviet representative declared that the Soviet government desired party officials to have a clear picture of the events in the Middle East. Soviet strategy, he pointed out, is to dominate the Middle East and the whole Mediterranean area. This requires that the whole Arab world be convinced that the Soviet Union is their only friend, and that they consequently ask the Soviets to intervene massively and provide military aid, including army advisers. Thus the Soviets will develop direct contact with Arab military groups and win a real stronghold. It is necessary that the Arab armies recognize that without Soviet help they could not be powerful. Soviet intelligence had very good information concerning Israel's military potential. They were unpleasantly surprised when Egypt lost the war within a few days instead of a few weeks, but Egypt's defeat was no surprise. It was, on the contrary, an important part of the Soviet plans. Only an Arab defeat could create conditions for stronger Soviet influence. The Soviets were not at all interested in Israel's defeat. The Egyptian army is not too happy to be bossed around by the Soviet military. If Israel would have been defeated and practically eliminated, the Arab states would not need Soviet assistance; they would have freedom of action and might be tempted to develop closer relations with the West, which is in a position to offer them far greater economic aid than the Soviet Union. As long as the Soviets have no decisive control of the Arab policy, the existence of Israel is in the interest of the Soviet Union

If ever it is no longer in their interest to make use of Israel's existence, the Soviets will not hesitate to contribute to its annihilation, or they may hope to force Israel to capitulate, give up those territories occupied after the Six-Day War and be at the mercy of the Soviet Union. This would be the second alternative. According to the information of the Soviet Consul General, the Soviets want to avoid a direct conflict with USA and consequently will maneuver in order to achieve their aim without risking a direct confrontation with the United States.

All that has happened since 1967 proves that the information of the Soviet Consul General was correct. We must view the policy of the Soviet Union as a typical imperialist policy, in which the fate of nations, be it Czechoslovakia, Egypt or Israel is just the fate of a figure in a chess game.

However endangered the existence of Israel is, I think it is important to see that in the Middle East it is not only the fate of Israel that is at stake. The Middle East is one of the most important strategic aims of the Soviet Union, because from there it could command the whole African continent and basically change any balance of power. A Soviet victory in the Middle East would weaken the political influence of the USA all over the world to such a degree that the Soviet Union would be in a position to play the primary role throughout the world.

TENTH ANNUAL QUESTIONNAIRE RESULTS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. HARVEY. Mr. Speaker, it is a pleasure for me to bring to the attention of our colleagues the results of the 10th annual questionnaire which I have conducted in Michigan's eighth congressional district. I am certain that many Members will be surprised by a few of the tabulated results of the nearly 20,000 people who responded.

I would also like to publicly express my appreciation for the fine cooperation of most of our district newspapers who published the questionnaire ballot as a public service. This helped tremendously in stirring greater interest and in assuring that all families had more than just one means of participating.

I would mention that some 140,000 questionnaires were mailed to each mail patron in the five-county eighth district. Results continue to come in. The questionnaire results follow:

JIM HARVEY'S 10TH ANNUAL QUESTIONNAIRE

	Yes		No	
	Number	Percent	Number	Percent
Do you favor:				
1. President Nixon's policy of troop withdrawal from Vietnam and the Vietnamization of the war?	14,676	82.1	3,202	17.9
2. The United States gradually expanding its diplomatic and trade relations with Red China?	7,873	44.1	10,005	55.9
3. The use of wage and price controls to fight inflation?	11,693	65.4	6,185	34.6
4. A volunteer Army in place of the draft although it would cost more?	9,249	52.3	8,629	47.7
5. Undergraduate college students being given temporary draft deferments?	8,993	50.1	8,885	49.9
6. Enlargement of the Safeguard anti-ballistic missile system which was authorized in 1969?	9,078	50.8	8,800	49.2
7. The administration's multi-billion-dollar program to combat pollution of our environment?	14,482	81.0	3,396	19.0
8. A farm program that provided for less Government participation and subsidies than at the present?	12,550	79.2	3,880	20.8
Please check if you are in farming	1,055	72.8	393	27.2
9. Lowering the voting age?	6,580	36.8	11,298	63.2
What is the single most important problem in the country today? Pick one:				
(a) Air and water pollution	2,326	13.0		
(b) Crime and violence	7,536	42.1		
(c) The Vietnam war	3,374	18.9		
(d) Inflation (rise in the cost of living)	3,301	18.5		
No response	1,341	7.5		

RESTRICTIVE TRADE BILL

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. BURTON of California. Mr. Speaker, on July 28 Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, issued the following statement which I would like to call to the attention of the House:

STATEMENT BY VIRGINIA H. KNAUER

I am alarmed over the disregard of the American consumer evidenced by the restrictive trade bill presently before the House Ways & Means Committee. The President has registered strong objections to the measure, and I would hope his reservations will be taken into consideration by the Committee.

In many ways, this bill is the most significant "anti-consumer" legislation now in the Congress. The imposition of import quotas will hurt virtually every consumer in the United States, particularly lower income consumers.

Higher prices, fewer product choices, reduced competition, and a limited supply of imported products are the probable result of the proposed import quota legislation. Quotas of the type provided for by the bill will also raise the prices of imported commodities.

It is possible under the bill that some inexpensive foreign imported goods might not be available at all, and our lower income consumers may well find themselves unable to afford certain products.

The interests of consumers can best be protected by moving toward freer trade. The bill in the House of Representatives does the reverse: it reduces the flexibility of the President to lessen trade barriers, it preserves by law oil quotas which prevents the President from shifting to a tariff system, it mandates new quotas in certain industries, and it encourages other special interest groups to obtain quotas on their products—all of this at the expense of the American consumer.

I do appreciate that certain industries now face serious competition from imported goods, and I suggest that the appropriate relief for these manufacturers is through liberalization of adjustment assistance procedures.

If, as many economic experts believe, a trade war results and other nations do retaliate, there will be an even greater reduction in the supply of goods and price competition, and the effect on the consumer will be devastating.

Congress should put the welfare of the nation's consumers before the welfare of a few individual industries.

WHAT ROLE FOR THE LEGISLATOR?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. CRANE. Mr. Speaker, in the June 1970 newsletter which I mailed to my constituents, I included my thoughts on the role of the elected official in representing the views of his constituents:

As your representative in Congress, let me assure you that I do listen to your opinions. And I fully recognize that those who disapprove of my positions have the right—indeed the obligation—to work to defeat me. That is the basis of our system of government. But to ask me to alter a position based on principle or conviction in order to suit one group of my constituents is to ask me to betray not only my own conscience, but the trust of those who support me because of the positions I have taken. No elected representative can be all things to all people; and I do not believe it is the proper function of a Congressman to violate his own convictions in an attempt to do so.

Abraham Lincoln once said, and I take the same position:

"I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

In the July 30 issue of Roll Call, the distinguished young columnist, Allan C. Brownfeld, addresses himself to the same question. I believe that Mr. Brownfeld's comments are worthy of the thoughtful attention of my colleagues, and of all readers of the CONGRESSIONAL RECORD. Therefore, I include his column in the RECORD at this point:

WHAT ROLE FOR THE LEGISLATOR?

(By Allan C. Brownfeld)

One of the dilemmas of democracy in an egalitarian age is the question of what our representatives are to do, and what their role is to be. The way we answer such a question determines the quality of government, the extent of freedom, and the existence of virtue in our public life.

One view is that a Senator or Congressman should at all times express views which are harmonious with those of the majority of his constituents. An extension of this approach holds that a representative should vote only for the interests of those who helped him to get elected.

The late Senator Kerr of Oklahoma, for example, was an advocate of this view. He stated: "I represent the financial institutions of Oklahoma, I am interested in them, and that is the reason they elect me. They wouldn't want to send a man here who has no community of interest with them, because he wouldn't be worth a nickel to them."

The more traditional view of the Anglo-Saxon legal tradition was that held by Edmund Burke who noted that "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion."

Commenting upon the view that a representative's opinion should always be consistent with the views held by 51% of those registered and voting in his district, columnist William F. Buckley, Jr., said that "If the latter were truly desirable, we could have running democracy without any difficulty at all by simply plugging in Dr. Gallup to a big IBM machine and turning the dial. Do you prefer Johnson or Nixon? If the answer on Monday is Nixon 51, Johnson 49, we could simply flash the helicopter to jettison Lyndon and pop up to New York to fetch Nixon . . . and so for all the Senators. . . . Why have any elected officials at all? Why not just constantly submit questions about everything to the voters, and let them decide directly?"

This, of course, is the age-old question faced by political representatives. Is their function to represent the transitory opinions of their constituents, or their interests as determined by the best judgment of the man chosen to assume a position of leadership?

In the 1830s, for example, a citizen of Massachusetts suggested to John Quincy Adams that his job as Congressman was to register exactly their views on public matters. The ex-President replied that for such a job clerks were available, and that his idea of representative government was that the man sent to Washington was to represent not the transitory views of his constituents but was to exercise the judgment in which such constituents had shown confidence by electing him. If the constituents disagreed, he argued, they could turn him out of office at the next election.

And what of the broader view of representatives? Is a representative merely the spokesman for those registered and above the minimum age in his district, or is he representative of a broader constituency?

In his important volume, Orthodoxy, G. K. Chesterton discussed what he called "the democracy of the dead:" "If we attach great importance to the opinion of the ordinary men in great unanimity when we are dealing with daily matters, there is no reason why we should disregard it when we are dealing with history. . . . Tradition may be defined as an extension of the franchise. Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking around."

Americans have traditionally believed in the kind of representative government in which legislators sought to be statesmen, and not mere reflectors of the popular will. It was Edmund Burke who noted that in making a decision such a statesman must take into consideration not only the views of the current majority, but the views of all those who have come before and all those who are yet to come. To do otherwise would be to enshrine neither democracy nor freedom, but the rule of the mob and the passions of the moment.

It appears that the "Age of Heroes" discussed by Thomas Carlyle is rapidly dying. We no longer revere our leaders, and part of the reason is that we no longer think of ourselves as being a little lower than the angels. We conceive of man more in terms of the behavioralists, and if his creature comforts somhow can be provided for, then happiness will ensue.

The men who wrote our Constitution in 1789 believed that truth was a discoverable phenomenon, and not simply a relative value judgment. Jefferson would hardly have accepted the idea that certain men would prosper under tyranny, while others' needs would best be served by liberty. Today it is often said that the men and women of the underdeveloped nations of Asia, Africa, and Latin America need totalitarian forms of government to help them to enter the modern world. According to this view, man is not a being endowed with certain inalienable rights, the view enunciated in our Declaration of Independence, but is simply a creature of time and circumstances. Some are meant to be free, and some slaves.

Many today believe that all truth is of modern vintage, and that we have little to learn from the life of Jesus, the orations of Pericles, the musings of Plato. In fact, all truth may be determined at the next election by majority vote. What all of this means, says Dr. Elton Trueblood, the distinguished Quaker philosopher, is "that we cut ourselves off from the wisdom of the ages, including that of the Bible. It means that, if this is taken seriously, we are really an orphan generation . . . that takes itself far too seriously, that is too much impressed with changes that may be only superficial." And of course, if this is true of our generation, there is no reason why it will not be true of another generation. Therefore, whatever we gain would naturally be rejected by our descendants. No civilization is possible this way. Contemporanity, when it is a disease, is a very damaging disease, because it detroys the continuity of culture.

It is our modern concept of man, of truth, and of the nature of society which leads us to our current conclusion about the function of our representatives. If truth is whatever 51% of us decide it is at any given moment, we obviously do not want any representative of ours to support its opposite, which would be falsehood. Our belief in equality, of course, eliminates the possibility that some men know more about some things than other men. "Leadership," if such a term may be used any longer, simply means giving expression to the majority will.

This is by no means the concept of equality which was written into our life and our law in an age when equality meant not that all men were the same but that all men, despite their diversity in talents and abilities, were equal in the sight of God and before the bar of justice. Such a view permitted for leadership, for it accepted the truth that men do differ, and that all of us cannot be Lincolns, Washingtons, and Jeffersons. It also permitted such leaders to exercise authority and not be mere handmaidens of the passions of the moment.

When we ask ourselves why the level of political leadership has declined, the answer is clear. We no longer seek leadership; we seek men who are so devoid of judgments and opinions of their own that merely expressing what we tell them to express will be no hardship.

We seem to think so little of ourselves that we reject the idea that man is capable of visions and dreams. Some, however, maintain a view of man much more ennobling than the one which predominates today, and it is this vision which must be restored before leadership will once again be exercised in the interest of freedom and justice rather than of popularity and praise.

A time such as ours cannot survive pedestrian representation. The problems of crime and violence, of war and domestic disorders, of the generation gap and the need to accommodate to a rapidly changing technology all point to the need for the best men to exercise the most superior judgment we can call upon. Those who conceive of their function as personal enrichment and serving the interests of the conflicting lobbies and pressure groups must spend at least a portion of their time re-thinking their role. What does it profit a man, after all, if he gain the whole world and lose his own soul?

SMOG

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. VAN DEERLIN. Mr. Speaker, one can hope that this afternoon's heavy rainfall will wash away the blanket of smog that has enveloped the Nation's capital for the past few days.

But the rain, at best, will bring only temporary relief. It will not solve the problem, or eliminate its primary cause—the more than 105 million cars, trucks, and buses that now clog our highways.

Last month, the House made what appears in retrospect a desultory attempt to do something about air pollution, through approval of H.R. 17255, the Clean Air Amendments of 1970.

Several amendments were offered, to strengthen the sections of the bill for dealing with motor vehicle emissions. These proposals would have forced auto manufacturers to improve the shaky performance of their emission control devices, and one of the amendments even contemplated the phasing out of that primary scourge of pure air enthusiasts, the internal combustion engine.

But the amendments were all shouted down, perhaps because the air over Washington was relatively clean that day. The California State Senate, a legislative body not noted for its radicalism, of course felt differently last year, when it voted 26 to 5 to bar these engines beginning with 1975 models.

Maybe it was because our California Senators have had longer and more lugubrious experience with smog than most national legislators.

In any event, now that we are all getting a chance to sense this problem firsthand, as it were, our national Senate may be emboldened to take the decisive and bold steps necessary to really come to grips with this menace.

Under unanimous consent, I will include at this point a relevant editorial from this morning's Washington Post:

A CLOUD NO BIGGER THAN THE EASTERN SEABOARD

The dangerous cesspool of air that now hangs over this city and the eastern seaboard is a shock but not really a surprise. The bread we threw out on the water now returns to us. It is true that abnormal weather in the form of a mess of warm air that won't move on is a major weave in the blanket of pollution now covering us. But we cannot blame the fickleness of nature for this mess; it is manmade, largely by the exhaust fumes from automobiles and buses, according to local officials.

This raises the immediate question of

whether the public can wait the 10 years the automobile industry has said it needs to produce clean cars. Has an independent group thoroughly looked into this time-table to see if 10 years really is needed? Or is it a comfortable pace the industry has set for itself? These are honest questions and there is an urgent need for answers; the air around us argues that anything less than a crash program to get clean air is basically a no-win effort.

A world-wide survey by the UPI reveals that we are not alone in our filth. Wallowing also in smog are places like Japan, Mexico City and Singapore. The ongoing series of articles on world pollution by Claire Sterling on this page has been detailing the theme that we are all in this problem together; action by one country and not by another will not do. And neither will it do to wait until things get worse.

A recent book called "The Vanishing Air" by John Esposito ends with a chapter called "Pollution and Palliatives." What he and his researchers tried to do, says Mr. Esposito, and in many people's opinion *did*, was "illustrate how the public's hope for clean air has been frustrated by corporate deceit and collusion, by the exercise of undue influence with government officials, by secrecy and the suppression of technology, by the use of dilatory legal maneuvers, by special government concessions, by high-powered lobbying in Congress and administrative agencies . . ."

In saying where the blame lies, Mr. Esposito also implies where the remedy lies: in positive and immediate action by corporations, governments and citizens, not just in Washington or in the United States, but in every part of this blanketed planet.

The trouble is that as long as the menace remains invisible, by and large, we may fool ourselves into thinking that there is no urgency in the developing crisis of our environment, which suggests a silver lining in the great dirty cloud that has enveloped, not just a city, but an entire area of the United States the past few days. For what this has done has been to make the menace all too frighteningly visible, as a regional thing, which is only a step away from a continental, and ultimately, a planetary thing.

It is often said that the crisis of pollution and environment will fade away, like other fads, a victim of our short attention span, as the media turn to new trinkets or inserts to play with. But it won't, in our view, because it won't remain invisible. When the old and sick are in danger of dying along a whole seaboard, when officials in Washington and New York are ready to block roads to keep cars from being used, when the menace is inescapably there for all to see and breathe, it is not a fad which can fade away. A blind eye can be turned on the ghettos or the war but no one who ventured outdoors the last few days could avoid seeing what we are doing to ourselves. It would be nice to think that we could take sensible warning from a cloud no bigger than the eastern seaboard.

FISCAL RESPONSIBILITY

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. TAFT. Mr. Speaker, this week the budget deficit for fiscal 1970 was announced officially at $2.9 billion.

Our friends, the Democrats, I am sure, will again ignore their own lack of fiscal responsibility to chide the administration for the deficit.

But I believe we should look at the facts.

First, this administration lived within its budget. The deficit came not from overspending, but from an income shortfall.

The reason for that is simple.

When you set out to control a galloping inflation, brought on by 8 years of Democratic fiscal mismanagement, you have to take stringent measures.

Mr. Speaker, the President has taken those measures. In doing so he has kept the deficit minuscule and is bringing about a return to fiscal sanity and economic stability.

The entire Nation is the beneficiary.

LETTER TO THE PRESIDENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. DINGELL. Mr. Speaker, the August-September 1970 National Wildlife magazine contains an open letter to President Nixon criticizing our national priorities and pointing out that although the proposed budget for fiscal year 1972 calls for $73.5 billion for national defense, only $1 billion is earmarked for improving the quality of our environment. This thought-provoking letter follows:

AN OPEN LETTER TO PRESIDENT NIXON

DEAR MR. PRESIDENT: What awesome responsibility! You, the most powerful man by far, in the most powerful nation on earth—you alone, must finally recommend how to spend $200 billion. One thousand dollars for each man, woman and child in the United States—of our money.

A stroke of your pen decides whether it is spent for guns or butter. . . . for supersonic jets or to clean up our environment. Your decision can send a man to the moon or rebuild our cities. (See our lead article, page 4). You decide whether we build big dams, fight air pollution, or rescue starving kids abroad.

These are all agonizing decisions, because few of them are black-or-white, yes-or-no, right-or-wrong decisions. They are a matter of goals, conscience and priority.

But, Mr. President, now that you are putting together your budget for fiscal 1972, we respectfully ask:

"Are you spending enough to repair the damage done to the environment—to safeguard our natural resources?"

Our first EQ Index of Environmental Quality was dismal, and our 1970 EQ Index, to be published in the October-November issue of NATIONAL WILDLIFE, may look worse.

You have said:

"I have become convinced that the 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its water, and our living environment. It is literally now or never."

The people also recognize this urgency. In a recent NBC poll, "Pollution" ranked alongside "Vietnam War" as of "most concern" to the American people. This confirms the results of two polls sponsored by our National Wildlife Federation: Our Gallup survey showed 85 percent of all Americans are "concerned about the environment." A national follow-up study showed 97 percent favoring reallocation of Federal spending to provide more money for environmental cleanup and protection.

A careful reevaluation of our national priorities is in order. After all, only a handful of our 210 million citizens will ever ride on a supersonic jet but everyone must *breathe*. What does it matter if there is life on Mars but none on Earth?

If *you* are right, if the *people* are right, and if *we* are right in saying that a healthful environment is the key to our survival, then we must conclude the present budget, dramatized in these drawings, is somewhat preposterous.

Natural Resources ranks 13th and dead last on your ladder of spending priorities, getting only $2.5 billion of our tax revenues. We will spend 30 times more for military . . . 20 times more for income security . . . nearly twice as much for highways. And to what avail if the freedoms we seek to defend, the income insurance we purchase, and the homes we build all turn to ashes because our environment fails us?

The $2.5 billion of tax money set aside in your current budget for "Natural Resources" is pitifully inadequate, even when you add another $2 billion which comes from such things as leasing mineral rights and timber sales. Because, ironically, a major share of this money will be spent for dams, levees and utility company projects—a far cry from environmental improvement programs which really gets only a little over $1 billion.

Do we need the additional noise pollution from a supersonic jet transport which will cost over $4 billion to develop—when noise pollution now costs U.S. industry over $4 billion annually in damages?

Is it wise to spend $375 million one one moon shot, but only $104 million per year for air pollution control?

Which is more important—the $7.4 billion spent on military research, or the $6 billion it would take to build and repair sewers in all American cities?

Is it in the public interest to spend $220 million to refurbish an outmoded aircraft carrier but only $300 million for the nation's entire outdoor recreation program?

Should we give away $3.6 billion in foreign aid? Or use it to build industrial waste treatment facilities to meet existing water standards?

You said in your budget message: "Primary responsibility to reduce pollution appropriately rests with state and local governments and the private sector. However, the Federal government must exert leadership and provide assistance to attack these problems now!"

We heartily agree! For, if we fail to respond to the EQ challenge of the '70s, we may belatedly discover that we have been our own worst enemy. We may have ignored our internal defense and weakened ourselves in the real fight for survival because we were overly concerned with enemies from outside.

You said, Mr. President, in your telegram to the delegates of the 34th National Wildlife Federation Annual Meeting this year that "This is a battle which involves all of us. Working together, I know we can conserve and restore the quality of our total environment."

We're ready to work with you, Mr. President. Isn't it time we really got started?

THOMAS L. KIMBALL,
Executive Director,
National Wildlife Federation.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black representatives or consideration to the problems of black Americans.

Nowhere has this administration's attitude toward black Americans been more apparently calloused than in their vacillation over school desegregation policy. Determining what the policy is at the moment has been a matter of "who do you believe"—a game of trying to keep up with the various administration spokesmen and their varying and conflicting remarks on school desegregation policy.

Since Nixon assumed office, school desegregation has been the orphan for whom no one wanted responsibility. The Supreme Court has been made out to be the "illegitimate father" of a law to which this administration has yet only given lipservice.

The responsibility and opportunity for leading the country, for inspiring the citizenry to work for a policy which is recognized as both morally and legally right—has been overlooked. President Nixon has instead, sent emissaries forth with statements to placate all interests and groups while he sits back and watches the confusion and controversy. School desegregation policy under Nixon has been subject to a supreme exercise in "buck-passing" and a prime contributor to the alienation of many black citizens.

For the interest of my colleagues, I am submitting the following material which is indicative of the backsliding and sidestepping which now accompanies the feeble movement of this Nation toward a realization of desegregated schools.

It is important to point out that the words and deeds related in the following articles, reports, and comments—have occurred 16 years after the Supreme Court first set school desegregation as the "law of the land."

The material follows:

[From the Chicago Tribune, Mar. 19, 1970]

Desegregation

(By Louis Harris)

An examination of public attitudes toward the United States Supreme court order to end school segregation without further delays reveals that most persons support the ruling.

The latest findings on the court order show:

By 58 to 28 percent, a majority of the American people agree that "integration of schools has been the law since 1954 and it was about time to enforce the law."

By an almost identical 57 to 27 percent, a majority also agree that "desegregation of schools just will not take place until some higher authorities order it."

"The United States Supreme Court decision was a great step forward for racial justice in the United States" is a view shared by a majority of 54 to 29 percent of the public.

These results add up to a substantial majority opinion in the country which senses that integration of schools is an "inevitability" and that failure to abolish education systems which provide for dual, segregated schools not only is "moral hypocrisy" but a "violation of the law" as well.

To be sure, there are strong demurs to the Supreme court order. These center on a reluctance to "force" the issue:

By 50 to 42 percent people agree that "the Supreme Court was pushing things too fast, before people were ready for it."

At first glance, the two sets of results would appear to be contradictory. How can rather convincing majorities hold to the view that enforcement of the 1954 court decision on school segregation is "overdue" and at the same time 50 percent feel that the court is now "pushing too fast"?

One answer is that these latest findings point up once again the basic ambivalence of white America in facing the dilemma of race: As a people we know that segregation and discrimination are wrong, but at the same time we are reluctant and even unwilling to support compulsory measures, such as busing, which would eliminate segregation in the schools.

[From the Baltimore Afro-America, Mar. 17, 1970]

HEW Shows Southern Pupils Bused Many Miles To Maintain Segregation

WASHINGTON.—Many southern school districts have been busing children long distances for many years simply to maintain segregated school systems, according to figures compiled by the Department of Health, Education, and Welfare.

The figures were compiled at the request of Sen. Clifford P. Case, R-N.J., who said in a speech on the Senate floor last week:

"The facts show that there has been more busing of pupils in the South to maintain segregated schools than there has been to desegregate them."

Southerners have been complaining in recent months that it is unfair to bus children away from their neighborhoods to end segregation.

Recently, Louisiana Gov. John J. McKeithen has placed full-page advs. in several northern newspapers decrying the fact that "court-approved plans have required the busing of children 20 to 30 miles from their homes, when neighborhood schools are within walking distance."

However, the HEW statistics reveal that in many parishes of McKeithen's state, large percentages of students were bused. For example, in Ascension Parish, about 92 per cent are bused; in West Baton Rouge, 99 per cent; in West Feliciana, 98 per cent, and so on.

The HEW figures were compiled for 300 areas in the Deep South for which the department has helped draft desegregation plans in the last year.

The report shows that in the 1968–69 school year, when these counties were still running segregated schools, up to 100 per cent of the children were bused daily in some areas.

In one suburb of Atlanta, black children were bused 75 miles round trip every day to attend segregated schools.

Black children in Oktibbeha County, Miss., were bused from their home town of Sturges—where there was an all-white school—some 46 miles every morning to attend a segregated school. They had to ride the buses the same 46 miles to get home again in the evening.

"In order to maintain its segregated schools," Case said, "Neshoba County, Miss., bused all of its pupils to their classrooms."

Case noted that many other rural Mississippi counties bused almost all of their children—Franklin County, 97 per cent; Marion, 96; North Pike, 94; Lauderdale, 99; and Kemper, 95.

According to HEW, busing is still being used to maintain segregated schools in at least a dozen rural Mississippi counties.

In Newport News, Va., students are bused some 25 miles daily to maintain its so-called "freedom-of-choice" plan.

Expanding on the figures, Lloyd Henderson, education chief in HEW's Office of Civil Rights, told newsmen last week that of 300 areas, many bused solely to maintain segregation, while others bused children longer distances than necessary in order to preserve segregated schools.

Henderson added that only seven of the 300 areas would have to increase their busing if they desegregated. The others would have the same or less busing after desegregation.

He said that "in many cases the neighborhood school will become a reality for the first time" as a result of desegregation because it would no longer be necessary to bus children great distances to segregated schools.

A similar statement was made by Case, who said, "I think it is obvious and logical that if we bus children on the basis of geography rather than on the basis of color we will have less busing."

Weekly Column of Congressman William L. Clay

Last week, the President made a special statement on school desegregation. History will note that it was an unprecedented happening, that the President of the United States should have to write a special statement to tell the Nation he will obey the law.

Nixon said he had to make the statement on school desegregation to clarify confusion—confusion which began when this country saw the President behaving as though the law of the land could be ignored.

The President's message reminded me of a tax lawyer explaining all the technicalities and loopholes that his client might use to circumvent the law. In detail, the President explained just how much of the law he could bend. To the extent that he can relax the impact of school desegregation law and mandate, he will do so. To the extent that by his own office he could expedite the law, he has and he will continue to refuse action.

It is a national disgrace to hear a President go before the public and try to convince himself that black citizens shall have certain rights. But it is a national tragedy to hear a President go before the public to rationalize the limits of those rights.

The President stated, "On the one hand . . . we are not backing away. On the other hand . . . certain changes are needed in the nation's approach to school desegregation." In this way and with a dozen significant "buts" and "howevers"—the President went characteristically about the task of making himself "perfectly clear."

The President proclaimed that "environment"—not race, not teachers, not school facilities nor equipment—is the most important educational factor. If this comes as a revelation to the President, why does he refuse to fund programs such as OEO which seeks to improve the "environment" which traps the poor and the uneducated into poverty.

The emphasis on the "environment" factor is also a key to understanding the President. We need only turn it around and point it at the President to understand why he has no sense of equal rights or equal opportunity. He has controlled his own environment in a way which insulates him from any learning experiences which might contribute to his racial I.Q. By surrounding himself with Mitchell, Thurmond, and Agnew, he has guaranteed that his environment will not adversely affect the racist atmosphere within which he functions.

[From the Wall Street Journal, Apr. 8, 1970]

School Desegregation

(By Jonathan Spivak)

The Nixon Administration's latest attempt to clarify its school desegregation policies leaves most of the key issues as fuzzy as ever.

In yesterday's clarification effort, Secretary of Health, Education and Welfare Finch insisted that President Nixon's civil rights statement of last month, which seemed clearly to signal a go-slow approach, hadn't changed anything as far as the HEW department is concerned. HEW, which has the legal authority to cut off Federal funds from school districts that discriminate racially, is still seeking to accelerate school integration dramatically, Mr. Finch maintained. Next fall, he predicted, there will be at least another doubling of the number of Negro students in integrated schools in the South.

And HEW's new civil rights director, J.

Stanley Pottinger, a 31-year-old San Francisco lawyer, echoed the Secretary's stand. "No change," insisted Mr. Pottinger, who replaced another liberal, young California lawyer, Leon Panetta, in one of HEW's hottest spots. Mr. Panetta was forced to resign by Congressional opposition—mainly from Southerners—to HEW's handling of school integration.

Messrs. Finch and Pottinger and other HEW education experts held their first full-dress news conference on civil rights but provided little new insight as to where the department is really heading in school desegregation, at what speed and why.

On the plus side for those who favor more aggressive action, particularly in the South, was the announcement that HEW would monitor the progress of court-ordered desegregation plans. These plans cover most of the major Southern cities, such as Atlanta, Houston, Dallas and New Orleans, and involve large numbers of pupils.

Three previous HEW civil rights directors had tried without success to negotiate such an agreement with the Justice Department, which has the basic Federal responsibility in such cases. Now, HEW officials say the Justice department wants their help in identifying slow-to-desegregate districts, so court decrees can be tightened up. If this is done, substantial integration gains would result.

But much of what Secretary Finch said was either obscure or ambiguous, and the tenor of his remarks suggested, as did the President's, that there were limits to how much controversy the country could stand over desegregating its schools. "If we are going to preserve public education in this country, you have got to have community support," Mr. Finch insisted.

HEW's civil rights enforcement efforts in Southern cities will distinguish between legally enforced school segregation (de jure) and school segregation arising from residential living patterns (de facto), its officials said. But Mr. Finch didn't give any indication of the standards for drawing this line or how tough his department would be in resisting Southern appeals to permit the continued existence of all-Negro schools in all-Negro neighborhoods. In the past, HEW enforcers have taken the line that all school districts that once had legally separate white and Negro systems must be eradicated. How much of a departure Mr. Pottinger will permit remains to be seen.

The big unsettled issue in HEW's Southern school picture remains the extent to which the department will be able to compel desegregation in such cities as Columbia, S.C.; Raleigh, N.C.; Palm Beach, Fla., and Austn, Texas, which aren't currently under court orders. HEW is negotiating plans or proposing fund cutoffs in about 200 districts with a final desegregation deadline.

But at the same time the Justice Department is talking about bringing statewide school suits in Arkansas, Florida, Mississippi, North Carolina and South Carolina that would cover most of these 200 districts and have the effect of insulating them from HEW's cutoff authority. Whether the Justice agency actually will bring such suits and particularly how stringent its proposed desegregation remedies will be wasn't discussed at the Finch press conference and remains a major unknown. A statewide suit the Justice Department won in Georgia has left considerable leeway for perpetuating all Negro schools, some civil rights experts contend.

As far as Northern school desegregation is concerned, the HEW press conference gave little guidance. The President's stress on remedying only legally enforced school segregation suggested that HEW will soft-pedal its efforts outside the South. But the department had been gearing up for a significant effort to apply its fund-cutoff powers under the 1964 Civil Rights Act to segregated Northern schools, which stem mainly from living patterns. Its approach was that deliberate discrimination in housing that produces segregated neighborhoods is sufficient legal justification to seek the segregation of schools serving these areas.

Secretary Finch seemed to lean more heavily on the carrot of the additional $1.5 billion in Federal funds to handle the Northern school problem. He also emphasized the educational virtues of the neighborhood school and the evils—hardships on students and waste of financial resources—of forced school busing, as in the plan ordered by the courts in Los Angeles. But whether HEW's Northern strategy will be pursued or simply go by the boards—as seems more likely—was left uncertain.

Gov. Claude Kirk of Florida has placed himself in danger of a contempt citation by following a path blazed earlier by other Southern governors, notably George Wallace of Alabama. Kirk has personally assumed the management of a county school system and ordered its pupils to ignore an integration plan approved by the U.S. Supreme Court.

The school system's problems are real and difficult. The transfers involve 2,600 pupils, and it's only nine weeks to the end of the present term. School officials, unable to obtain enough additional buses, had scheduled staggered starting times at the elementary schools. Perhaps the courts could better have postponed the transfers.

But it has been 16 years since the Supreme Court declared segregated schooling unconstitutional—long enough, it would seem for desegregation to have been accomplished. Yet Florida, like other states, is still struggling and resisting. And a court order remains a court order—the law of the land.

The present Florida brand of defiance, like its predecessors, is likely to fail, and it makes a mockery of pleas for law and order among the generality of the people. If elected leaders defy the courts, what is the ordinary citizen, or the school child, to do or believe?

The governor's attitude also makes the task of the school officials more difficult. They had made their plans for compliance but his order has now added chaos to difficulty. The school superintendent said "the confusion caused by this is going to be tremendous," and he was resisting Kirk's maneuver.

And so the children suffer, as usual, while their elders play their childish games.

[From the Washington Post, July 17, 1970]

U.S. Will Send 100 to South To Enforce Desegregation

(By Ken W. Clawson)

Attorney General John N. Mitchell disclosed yesterday that a federal task force of more than 100 will be assigned to the South next month to assure complete desegregation of public schools.

"The Supreme Court has ruled that schools must be desegregated now," Mitchell said in an interview. "Without fervor, without passion, we will enforce the law."

Mitchell said he did not anticipate trouble, "but you never can tell. Much depends on how firmly state and local officials uphold the law."

To protect Justice Department lawyers working in the field, a deputy U.S. Marshall will be assigned to each as a personal escort.

Southern schools, many of which are under voluntary or compulsory orders to desegregate, start opening Aug. 17 and continue through the day after Labor Day.

Before the first school opens, a force of more than 100 federal officials, equally divided between the Departments of Justice and Health, Education and Welfare, will have set up five temporary regional offices.

One office will serve North and South Carolina; others Georgia and Florida; Alabama; Mississippi-Louisiana-Arkansas, and Texas. The three-state regional center will be in Jackson, Miss., with the others to be chosen later.

Jerris Leonard, assistant attorney general for civil rights said Justice Department lawyers, accompanied by deputy marshals, will be scattered throughout each region.

"We are going to publicize the telephone numbers and addresses of each regional center," Leonard said, "A person with a complaint will contact the regional center and it will be assigned to the nearest field lawyer to make a personal investigation."

Leonard said that if the Justice Department lawyer felt the complaint was justified he would call for an immediate FBI investigation, the results of which would be presented in a U.S. District Court for a remedy.

Nearly 100 hardcore Southern school districts were recently sued by the Justice Department to desegregate this fall. Another 500 of the 2,700 districts are under voluntary or court-ordered plans to desegregate.

Mitchell said that desegregation of the Southern schools will be completed this fall. "This will show even our critics on the Mondale committee that we mean what we say," he said.

Earlier this week, Sen. Walter F. Mondale (D-Minn.) accused the Nixon administration of turning its back on "integrated quality education" and settling instead for "the narrow legal question of compliance with what the courts require."

Leonard, who was the object of Mondale's criticism, said the courts have rejected racial balance that requires increased busing.

Yesterday, Leonard said of the desegregation effort, "When this job is done, there will be a smaller percentage of black children in all-black schools in Mobile, Ala., than in Minneapolis-St. Paul or Indianapolis, Ind."

Mitchell said there would continue to be criticism from civil rights groups because "some have Democratic constituencies and just can't admit that what we're doing is right."

The Attorney General acknowledged that vigorous federal desegregation action this fall might damage Southern Republican efforts in the November elections but he added that the "climate is right for desegregation under the law" and he predicted it would have no lasting political effect.

Mitchell said the gubernatorial primary victory in George Wallace in Alabama was not a factor in modernating the administration's stance on civil rights.

"I believe Wallace's popularity will tail off more and more as time goes on," Mitchell said. "His win in Alabama was so close, I doubt if he can get many votes outside the state now."

He denied that he has been under intense pressure from Southern senators and congressmen over the pending desegregation action. Some politicians, as well as Southern school officials, have been covertly aiding Justice and HEW in formulating desegregation plans, he added.

Mitchell said he did not witness a contrary performance Tuesday night when Sen. Strom Thurmond (R-S.C.) upbraided White House aide William Timmons at a reception for Southern Republican State Chairmen.

Thurmond reportedly took Timmons to task over the recent Nixon administration policy to end tax exemptions for segregated private schools. One person who witnessed the argument said that Thurmond was cooling off in a seat later when he spotted Mitchell, jumped to his feet, and started the debate all over again.

[From Christian Science Monitor, July 24, 1970]

School Issue Could Split Thurmond and Nixon

(By Richard L. Strout)

Washington.—Some think Sen. Strom Thurmond (R) of South Carolina made

Richard M. Nixon President. Certainly he helped at the Miami convention and he kept Southern states away from George C. Wallace in the election—both actions which were of critical importance.

Now, however, the big push to get school desegregation this September in the South threatens to divide the two. It is part of the fallout from a momentous educational battle.

On the Senate floor Mr. Thurmond flatly asserted July 17 that Mr. Nixon had promised to give tax exemption to the new so-called segregation academies springing up over the South.

The Senator condemned the Internal Revenue Service for its decision to remove the private schools' tax-exempt status. And he attacked the Justice Department for its plans to send what he called 100 "carpetbagging" lawyers to the South to assist in desegregation of schools.

Mr. Nixon replied in soothing words at his July 20 press conference.

WARNING GIVEN ON '72

Senator Thurmond said later that he has not broken with Mr. Nixon, but warned again that the President may lose the South in 1972. He declined to name so-called "liberal and ultraliberal advisers" allegedly close to Mr. Nixon but said he was "not happy that Finch [Robert H. Finch, White House aide] has the President's ear."

Speculation grows that school segregation is the watershed issue for relations between Mr. Nixon and the South, and that it may decide the 1972 election.

Another man in the drama has given hints, but has not yet spoken plainly. This is Randolph Thrower, Commissioner of Internal Revenue. Some feel a compromise formula may be found that will let the new private academies operate.

And Sen. Walter F. Mondale (D) of Minnesota is watching closely. He has been holding hearings on the new segregation issue. He may summon Mr. Thrower as witness.

WALLACE VICTORY NOTED

It all seems to stem from the run-off election victory of Wallace in Alabama. To some this indicated that Mr. Nixon couldn't write Mr. Wallace off in 1972.

By coincidence or design the Nixon administration moved a bit to the left after the Wallace victory on desegregation matters: Suits were brought against recalcitrant school districts and the Treasury decided that private academies that practiced segregation would lose tax exemption.

On the Senate floor Mr. Thurmond declared:

"As recently as Feb. 19, 1970, the President assured me positively that he supported the continuance of the tax-exempt status of private schools. The people of the South were counting upon the President's word."

At his press conference here Monday Mr. Nixon spoke conciliatingly: "We finally have in this country what the South has always wanted and what the South deserves, a one-nation policy—not a Southern strategy and not a Northern strategy but a one-nation strategy."

He said Supreme Court rulings on school desegregation would be enforced.

The question is what formula will be applied.

The Southern Association of Republican State Chairmen has just held a conference here. Senator Thurmond first showed angry signs of denouncing the administration. Kevin Phillips, former Justice Department aide and author of "The Emerging Republican Majority," who is now writing a syndicated column, was on hand to advise them.

SOUTH WARNED

Clark Reed, chairman of the Mississippi Republican Party and chairman of the State Party Executives in the South, went home to warn the state of the forthcoming school suits. But he was quoted as saying that the suits should not cause alarm because they were "strictly administrative in nature."

He hinted that the suits would take desegregation out of the control of the Health, Education, and Welfare Department and place it with the Justice Department, under the more sympathetic John Mitchell.

Not long after Commissioner Thrower had announced the end of tax exemptions Mr. Reed told the Florida Republican State Committee in Orlando that Mr. Thrower's announcement had a loophole. Mr. Thrower would accept as evidence of nondiscrimination "published statements of policy" that the schools would be desegregated, he said. According to Mr. Reed, Mr. Thrower stated that the Internal Revenue Service would not go beyond that requirement.

TAX STATUS DEBATED

"If Thrower sticks to his word," he is quoted as saying, "and is sincere in taking action only to offset more extreme court action, no private school in Mississippi—or anywhere else I know of—will be without tax-exempt status for a single day."

Mr. Thrower gives a reply that does not seem to settle the issue.

"We, of course, expect the institution to adhere in good faith to an announced admissions policy, and through our regular examination procedures we expect to verify this . . ." he said.

This leaves Mr. Nixon's relations with Senator Thurmond, and the administration's policy to the private schools, still unsettled. Much will depend on the vigor with which enforcement is carried out.

Senator Mondale is also watching closely and may ask Mr. Thrower to come before his committee to be interrogated.

[From the Washington Post, July 20, 1970]

FINCH ANSWERS THURMOND BLAST

(By A. D. Horne)

Sen. Strom Thurmond's attack on Nixon administration school desegregation policies Friday was based on "erroneous" information, White House counselor Robert H. Finch said yesterday.

"We are not sending any large augmentation of people into the South" to enforce desegregation, the former Secretary of Health, Education and Welfare said on "Issues and Answers" (ABC–WMAL).

Thurmond (R-S.C.), in his Senate speech decrying "arbitrary and discriminatory actions by the executive branch," cited "the action of the Internal Revenue Service in threatening the tax exemption of private schools" and "the proposed invasion by 100 carpetbagging Justice Department lawyers for the purpose of assuring forced integration of the public schools."

The latter was a reference to articles Friday in The Washington Post and The New York Times which attributed the figure of 100 lawyers to separate interviews with Attorney General John N. Mitchell and Assistant Attorney General for Civil Rights Jerris Leonard. The Justice Department on Friday issued a statement in Mitchell's name declaring that the information was "premature" and that no decision had yet been made on the number of lawyers to be used.

Finch said yesterday that he foresaw "almost a total breakup" of dual school systems this fall, "but we are trying to do it in a spirit of cooperation rather than forcing it with cadres of people as was suggested in that story."

Mitchell's position, Finch said, is that "we are going to do what has to be done in order to enforce the law with these court-ordered decisions . . . (but) that does not necessarily mean that you are going to save to send cordons of attorneys or troops or anything else."

On other topics, Finch said:

The possibility of Thurmond bolting the GOP to join George Wallace on a third-party ticket in 1972 is "totally out of the question," and Wallace's party is going to "go downhill" as past third-party movements did.

He had decided to leave the Cabinet because at HEW he couldn't find time to "sit down to talk to the President," and "that is where the decisions are made."

The House-passed education appropriations bill, boosted about $450 million above administration requests, "could" be vetoed by President Nixon or allowed to become law without his signature.

"Obviously there will be some disturbances" on college campuses this fall but "the students have gotten far more sophisticated about this and we are not going to see a repetition of the same kind of thing that went on last fall."

POLICY ON SCHOOLS

Q. Mr. President, are you concerned about Southern reaction to the administration's school desegregation policy, particularly since Senator Thurmond's speech the other day?

A. I am not surprised at the reaction, but I believe that as thoughtful people in the South consider not only what we have done in the past but what we do in the future they will recognize that we finally have in this country what the South has wanted and what the South deserves, a one-nation policy—not a Southern strategy and not a Northern strategy, but a one-nation strategy.

As far as the South is concerned, the statement that Senator Thurmond made partially objected to an action we have not taken and have no intention of taking, and that is of sending vigilante squads, in effect from the Justice Department, lawyers, in to coerce the Southern school districts to integrate. We have not done that; we are not going to do that.

Our approach is one of recognizing this terribly difficult problem of cooperating with the educational leaders and other leaders in the South in bringing them into compliance with the law of the land as it has been interpreted by the Supreme Court. Our policy, in other words, is cooperation rather than coercion.

Now I would say finally that I know that some people in the South would prefer a policy that was perhaps not as even-handed as this, but I believe this is the right policy insofar as carrying out the constitutional mandates are concerned. I think it also is the fair policy. I think in the long run, too, it is in the interest of the South, because when we look at this difficult school problem there cannot be instant integration, but segregation must be ended. That is the law of the land, and it is necessary for us to go forward and to end it with a transition period which will be as least difficult as possible.

That is what we are trying to work out. That is one of the reasons we are trying to, as you know, obtain $1½ billion out of the budget for this year and next year to cushion that transition period from segregated to non-segregated education.

MITCHELL SEES RIGHTS GAINS

Attorney General John N. Mitchell said yesterday that Southern desegregation problems will be out of the way by 1972.

Mitchell made the remark to newsmen who sought his comment on a speech Friday by Sen. Strom Thurmond (R-S.C.) considered one of President Nixon's leading Southern backers—scoring administration policy in the South on the school issue.

Mitchell said he would not comment on the Thurmond speech, but went on to say that the desegregation program in the South is going on "in cooperation with responsible local people, including school officials."

Asked whether the dispute would hurt Mr. Nixon politically, Mitchell replied "as Attorney General of the United States the political repercussions are beyond my concern. . . ."

[From the St. Louis Post-Dispatch]

INTEGRATIONISTS WARY OF U.S. SCHOOL SUITS

(By Roy Reed)

JACKSON, Miss., July 17—The Nixon administration's latest actions on school desegregation in the South have aroused anger on one side and suspicion on the other.

Neither segregationists nor integrationists are pleased by the Department of Justice's law suits against the holdout segregated school districts or by the Internal Revenue Service's announcement that it would evoke the tax-exempt status of segregated private schools. The actions were announced last week in Washington.

The segregationist reaction was expressed by William J. Simmons of Jackson, administrator of the Citizens Councils of America. He condemned the tax ruling as "politics at its wickedest at the expense of school children."

"If the principle of race or religion is to become a factor in tax exemption, then every private school or church is in similar jeopardy," he said.

Black leaders and civil rights workers, who might have been expected to applaud the actions, reacted with a combination of strained optimism and skepticism as to the Government's intentions.

Some Southern black leaders suspect that the Administration plans one last well-publicized assault on school segregation and then will announce this fall that the fight is over and the job finished.

Their suspicions were heightened by a marked difference between what the Administration said in Washington and the way the words were interpreted for the south by Southern Republican spokesmen.

For example, three days before the Justice Department filed its scatterload of lawsuits to end segregation in the last recalcitrant Southern school districts, Clarke Reed, chairman of the Mississippi Republican Party and chairman of the state party executives in the South, called a press conference to warn Mississippians of the suits. He assured them that the suits should not alarm them because they were "strictly administrative in nature."

Besides, he hinted, the lawsuits would take desegregation out of the hands of the unfriendly Department of Health, Education and Welfare and place it in the more sympathetic hands of the Justice Department.

Then, within hours after Randolph Thrower, Revenue Service commissioner, had announced the end of tax exemptions for discriminatory private schools, Reed assured the Florida Republican State Committee in Orlando that Thrower's announcement was not so far-reaching as it sounded.

He noted that Thrower had said the Revenue Service would accept as evidence of nondiscrimination "published statements of policy" that the schools did not discriminate.

He said Thrower had taken it on himself to see that the Revenue Service did not go beyond that requirement.

"If Thrower sticks to his word," Reed told the Florida Republicans, "and is sincere in taking action only to offset more extreme court action, no private school in Mississippi—or anywhere else I know of—will be without tax-exempt status for a single day."

Thrower, when asked to clarify his position and to comment on Reed's reassuring statement to the Florida Republicans said: "Our statement of position of July 10 makes it clear that we will continue recognition of the tax-exempt status of a private school, or rule favorably on an application for tax exemption from a new school, only if that school is shown to have announced publicly a racially nondiscriminatory admissions policy.

"We, of course, expect the institution to adhere in good faith to an announced admissions policy, and through our regular examination procedures, we expect to verify this and withdraw the recognition where the announced policy is not followed."

Meanwhile, both of Reed's statements were publicized across the South. If they reassured segregationists, they put integrationists on guard.

The most common complaint of Southern integrationists now is that the Government is doing nothing to stop such abuses as segregated classrooms within supposedly integrated schools, the transfer of public school equipment and property to private schools, the dismissal and demotion of black teachers and administrators, the closing of black schools, destruction of black students' traditians and continued segregation of buses and cafeterias.

Melvin R. Leventhal, a white attorney here for the NAACP Legal Defense and Educational Fund, Inc., said this week that he would have preferred no new lawsuits by the Justice Department. The department no longer polices the integration decisions it wins in court, he said, "and thus in many ways worsens the situation."

"The Government is integrating schools, but it is not eliminating discrimination," he said.

Leventhal's organization, which handles many private school desegregation cases for black clients, recently sifted through reports to the federal courts in Mississippi after 33 school districts were ordered integrated in February.

They found that 14 of 28 districts that reported had significant numbers of totally segregated classrooms within school systems that were, on paper, desegregated.

Leventhal's staff found that 26 per cent of the white students in the 28 districts had left public schools after the integration order. Half a dozen districts lost almost all of their white students.

Civil rights lawyers believe that if the Internal Revenue Service enforces its tax ruling, the private schools could be severely hampered in raising money to build and operate schools.

The ruling would require not only that the discriminatory schools pay Social Security and federal excise taxes, but also that contributors to the schools pay federal income taxes on the money they contribute.

VIETNAM WAR VETERANS HONORED

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. MARSH. Mr. Speaker, this past Fourth of July was observed in many different ways by Americans in communities across our Nation.

I should like to call to your attention and to the attention of my colleagues what one county in my congressional district did during the Fourth of July observances. Under a program which was sponsored by the Culpeper Jaycee Chapter in cooperation with the local post of the Veterans of Foreign Wars, Culpeper County and the town of Culpeper paid tribute to its young men who have served in Vietnam by presenting them with certificates of gratitude. To honor those men who gave their lives in Vietnam, memorium certificates were presented to their families.

I commend both the Jaycees and the Veterans of Foreign Wars, as well as the citizens of Culpeper, and I would like to honor these men by placing their names in the CONGRESSIONAL RECORD. Since there is no official list that specifically sets out those American servicemen who have served in Vietnam, the following names have had to be compiled from several different public sources and, therefore, it may not be complete:

THOSE WHO GAVE THEIR LIVES IN VIETNAM

Floyd B. Coates, Henry Thomas Curtis, William Edward Fincham, Calvin M. Minor, Edward Odell Spencer, Thomas Leake Stanley, Michael Edward Stewart, and John Vrabel.

RETURNING VETERANS FROM SOUTH VIETNAM

Jerry W. Alexander, Marshall W. Baber, George E. Bailey, Jr., James R. Bailey, James H. Banks, George A. Bannar, George R. Beard, Don Allen Berry, Jerry Howard Brown, and Richard C. Burke.

Jesse M. Christensen, Carroll C. Chumley, Jerry Clatterbuck, Carroll T. Coffey, Granville W. Colvin, Alan Bernard Cropp, Jr., Charles Penton Cropp, Otis Cyde Deal, Jr., Terry F. Dillon, and Douglas D. Dodson.

William N. Dodson, Teddy L. Elliott, John R. Franklin, David C. Ganskopp, Homer Lee Garrison, Jr., James E. Gaskins, William E. Gillison, John William Glascoe, Taylor Roberts Griffin, Ill, and Paul Allen Harry.

Jacob Reason Haught, Robert Lynn Hawkins, William Edgar Huff, George Thomas Hoffman, Richard Lee Hoffman, Velton Lawrence Hunt, Harrison Randolph Hunter, William Edward Jameson, John Kyle Jasper, and Daniel R. Jenkins.

Douglas William Jenkins, Henry Lee Jenkins, George Anthony Johnson, Jack Way Jones, Leroy Jones, Robert Lee Keyser, Joseph Nokely Korte, Robert Frank Lutz, James Herbert McFarland, and Lee Roy McPeak.

James Henry Mack, James Thomas Martin, Robert Alton Martin, Albert William Mills, Gary Douglas Nair, Thomas Alvin O'Halloran, Jr., Floyd Ruben Orange, Charles William Osborne, Henry Apperson Pollard, George Eugene Poulson, Jr., and Russell W. Price.

Arthur Benjamin Puller, George Raymond Puller, George Howard Raub, Frederick Gordon Rixey, Norman Presley Rixey, John Meade Rutherford, Charles Carroll Sanders, Jr., Gary Wayne Sarkozi, Eugene Carl Scroggins, and Charles Ashby Settle.

Alan James Shotwell, Benjamin Franklin Smith, Jr., Isiah Eugene Smoot, James Russell Smoot, Robert F. Stanley, John Alin Stein, Stuart Langdon Strickland, Garrett Matthews Taliaferro, O'Neil Barry Taylor, and Thomas Westley Terrell.

John Charles Thomas, Irving Andrew Walker, Jr., William Henry Washington, Jr., Floyd Edward Weakley, Floyd Edwin Whetzel, Roy Clarence Whitlock, Norborne Randolph Winn, Frank Wayne Wood, Robert Dudley Wood, Wallace Mawger Woodward, and Benny Lester Yowell, Jr.

THE WINES ARE FINE IN NEW YORK STATE

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. HASTINGS. Mr. Speaker, with all due respect for my colleagues from the State of California, which I have heard claim credit from time to time as a wine-producing region, I should like to call attention to a recent article in the Washington Post.

The article, written by Ruth Ellen Church, quite correctly points to New York State's Finger Lakes district as one of the finest wine-making areas in the Nation.

I am both pleased and proud to note that this area is part of my district. As the article states, "business is booming" in New York's grape country, attesting not only to the good taste of the people but to the product as well. I should like to share this vintage information with my colleagues and include the article in the RECORD at this point:

[From the Washington Post, July 23, 1970]

THE FINGER LAKES: NEW YORK'S GRAPE COUNTRY

(By Ruth Ellen Church)

According to the legends of the Iroquois Indians, the 4,000 square miles of New York's Finger Lakes district are an enormous turtle, the lakes being pools between the ridges of the turtle's mammoth shell.

Early white settlers said that the Creator laid His hand in benediction upon this beautiful land, thus shaping the long, finger-like lakes.

In truth, the formation of these lovely valleys, hills, lakes, trees and vineyards has more to do with drumlins and eskers than turtles and benedictions. During the ice age glaciers scooped out deep long valleys that became the lakes—six big ones, and numerous small ones. Canadagua and Keuka Lakes are the important vineyard areas, but Gold Seal Vineyards has just purchased 250 acres along the shores of Seneca Lake, which will be planted next spring, extending the wine-growing district of the Finger Lakes.

Drumlins and eskers? Drumlins are oval-shaped hills left by glacial drift. Eskers, according to my desk dictionary, are winding ridges of sand or gravel "probably deposited by a stream flowing in or under glacial ice." This kind of geographical formation is favorable for grape growing, and the vines don't have to push their roots too deeply to find water. Therefore, long dry spells are not particularly damaging to the vines.

Sturdy American roots are growing more than labrusca and hybrid grapes nowadays. Most New York state wineries now are growing some vinifera vines, grafted on sturdy, pest resistant lubrusca roots, and making wines from these, if only to modify and improve the taste of their regular wines. It still is expensive and tedious work to grow the fine wine varieties such as pinot chardonnay, Johannisberg riesling, cabernet sauvignon and pinot noir in the east. Yet, more and more, it is being done.

I have just concluded a 10-day tour of eastern vineyards, and I want to say that anybody who puts down New York State wines these days doesn't know what is happening—it is happening in scattered areas all over the east, but especially in the Finger Lakes region. Fine wines are being made where once it was said to be impossible. Most of the action is in French-American hybrids, the vines that adapt particularly well to the soil and climate of New York state.

Business is booming. All of the wineries have building programs, and none of them can keep up with the need for more space, especially for aging and storing wines. Widmer's Wine Cellars at Naples, N.Y., has a new warehouse that holds 100,000 cases of wine. But it is not enough.

At the Taylor Wine Co., the public relations department complains that every time spacious new quarters are planned for them and for a hospitality center, that space is preempted for warehouse space or a new bottling line. Taylor and the Pleasant Valley Wine Co. (Great Western) keep building new buildings and quickly outgrowing them.

The almost explosive demand for wines comes largely from young people. The hard liquor industry and even brewers are worried enough to point their advertising toward this new and growing market.

Garry Miller, the young advertising manager of Pleasant Valley, told me that young people like wines first because they are a natural beverage. He also mentioned another reason for wine's favor among the young—a sizable portion of today's youth believes that pot and wine are perfect companions.

I would rather they'd believe that cheese and wine are the most congenial partners. I do think that one big appeal to youth is the same appeal that wine has for all of us; It is ever changing, it has nuances of flavor and character, it is a living thing! And it is all tied up with history and people.

Speaking of people, the crowds that tour wineries every summer (and to some extent the year around) have forced most wineries to plan special programs and often to construct attractive tasting rooms. This is good business.

Finger Lakes wineries now have wine shops for tourists to buy the wines they have seen made and tasted. This development is the result of public demand. People want to be able to put a few bottles in the back of the car after a tasting.

At Taylor and Great Western tourists get to sample hors d'oeuvers with their wines. Taylor offers a mini-tour—movie and a quick look at some of the processes—for those who haven't time to take an extended trip through the winery. At Gold Seal, a tasting of five different wines is offered.

Entire families visit the wineries. Youngsters may drink grape juice when tasting time comes. Great Western's expanded facilities (there are seven tour guides) can take care of 1700 people a day in August, the big month for tours.

The last two weeks in July are commonly vacation time for wineries, but otherwise tour groups are welcomed at most Finger Lakes establishments between 9 and 4 o'clock, except on Sundays. It is illegal in New York to serve or sell wines on Sunday before 1 p.m., so Sunday tours are not scheduled.

Because of the difficulty of obtaining root stock needed, Greyton Taylor, chief of Pleasant Valley Wine Co. and a director of the corporation that owns both Taylor and Pleasant Valley (Great Western), and Walter Taylor, his son, are growing their own nursery stock. Certain varieties of vines will get a head start in the spring by being planted at Hilton Head, N.C., where the Greyton Taylors live in the winter and own property. From there the vines will be transplanted to the shores of Lake Keuka, where the Taylors have purchased more acreage. The new property is adjacent to the famous vineyards of Dr. Konstantin Frank, who has been successfully growing vinifera vines and making remarkable wines from them for a number of years. The Taylors also will go into vinifera plantings.

The Taylors, father and son, are estate bottling red and white wines at Bully Hill Vineyards, where Walter Taylor's great-grandfather's home still stands.

FOR SOUTHFIELD VILLAGE, A SECOND CHANCE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. WEICKER. Mr. Speaker, the following is an article taken from the July–August edition of IBM's Think magazine. It is the story of a business professional who was concerned with the social problems facing Southfield Village, a black community in Stamford. Dr. Goldmark not only spoke of his concern, but physically rolled up his sleeves to see that a second chance was given to the people in this ghetto:

FOR SOUTHFIELD VILLAGE, A SECOND CHANCE

When it was built, Connecticut's Southfield Village was an asset to Stamford—a cluster of pleasant apartment buildings, complete with open balconies. Three years later, Southfield was a festering slum—and remained so until one businessman galvanized into action a community that cared, with dramatic results.

Two years ago Peter Goldmark, president of CBS Laboratories, attended an unforgettable meeting. It was a community gripe session—the first of its kind—of the poorest of the poor living in Stamford, Connecticut, a patch of suburbia 40 miles north of Manhattan.

One by one, the poor—mostly blacks—stood and told Goldmark, and members of the Urban Coalition, what life was like in their ghetto. It was an ugly portrait they painted, and it shocked many of the middle class whites there. But none was as deeply affected as Peter Goldmark. He came away determined to do something important about poverty.

Fifteen years before, leading Stamford citizens had caravaned to Southfield Village in the city's southern sector to celebrate the cornerstone-laying for a quartet of 8-story low-income apartment buildings. The mayor and his aides felt good about the project, and why not? The bill, more than $1,000,000, was to be paid by the Federal Government. The poor, especially the numerous blacks and Puerto Ricans filtering into the city, would finally have a decent place to live. In fact, the architect proudly proclaimed that these were to be the first multistory dwellings in New England with open balconies running the entire length of the building.

A year later the buildings were ready for occupancy, and three years later, in keeping with the dismal federal housing pictures throughout urban America, the "decent place to live" had festered into a snakepit of crime, deterioration and hopelessness. Rats and vermin infested the apartments; muggings were a frequent occurrence in the streets; filth littered the hallways and sidewalks, and the stench and noise often grew to intolerable proportions. Except for contributing the screaming siren of an ambulance or an occasional police car, the city of Stamford and its services to public housing seemed invisible to the 2,000 inhabitants. Plumbing was seldom fixed; removal of snow was not heard of; and according to residents, a street cleaner had not been seen in years. After all, many a tenant complained bitterly, the ghetto was far removed from the city's major interest, which lay in the affluent taxpaying citizenry along the edge of the Sound or north of the Merritt Parkway. As for the Washington solons, who keep an eye on what their money hath wrought, the Village was another tired statistic in a long list of the nation's deteriorating housing projects.

For over a decade this situation hardly changed—despite investigations, charitable intervention and ugly publicity. And then a year and a half ago the unexpected happened—a metamorphosis occurred in the life of Southfield Village that has had a number of people from Hartford to Washington taking notice. On the physical front, the unsightly rubble and beer cans began to disappear from the streets; the hulks of stripped and abandoned cars in the parking lot behind the high-risers gave way to playground equipment and basketball hoops; numerous buildings wore fresh coats of paint, window screens really screened out bugs, and symbolically the old seldom-used garbage cans in the yards were cleaned up, painted yellow, and converted into containers for basketballs. More importantly, the crime rate suddenly dipped, and many Villagers started to greet one another in the streets and in the basement laundry rooms with a new feeling of community pride. Last year, Washington ordered a committee of experts to investigate what some journalists call the "second-chance miracle" of Southfield, and an official of George Romney's Housing and Urban Development department suggests that the Southfield experience might make a model of what can be accomplished through internal dynamics in other depressed areas of the country.

What makes this transformation of one ghetto area in one part of New York's suburbia uniquely exciting today is that is was accomplished at little cost not by an expensive delegation from a do-good country or by great federal funding (in fact, these approaches have failed when tried) but by the inspiration of a single businessman. In the electronic phase of his colorful career the 63-year-old electronics expert Goldmark is noted for having devised such cultural blessings as the long-playing record, the first practical color TV, and home electronic video recording. Less well known are his personal efforts to bring technology and the rigorous thinking of science to bear directly on the needs and problems of the people.

"In the case of Southfield Village," Goldmark says thoughtfully, "it was a mix of systems engineering, good business practice, the right communications with the people and, of course, the efforts of individual tenants who wanted to pitch in and help."

Goldmark admits that it wasn't easy to put this mixture together. He had to battle private and public apathy, mismanagement and misdirection. Fellow businessmen offered lip service—"of course," they insisted, "we want to fight poverty"—but they failed to come through with help at critical moments. City officialdom often threw up its collective hands at the complexity of the problem of the black poor. Even the tenants were hostile at first—they didn't believe a white businessman from the Establishment on the other side of the thruway would do anything meaningful and long-lasting for them. And the more philosophic objectors pointed out that the culture or subculture of poverty was so encrusted in community life no technique or dedication could root it out.

The story of how Goldmark overcame these obstacles and put together his mix began in 1967 at the time when government and business set up the Urban Coalition because they were shocked and fearful at what the explosive race riots had done in Watts, Harlem and in other urban areas. As a prominent community figure, Goldmark was invited to join the Stamford arm of the Coalition.

Goldmark had already joined the antipoverty fight by serving as chairman of the board of CTE—the Committee for Training and Employment of the Office of Economic Opportunity—and he had helped develop programs for training the hard-core unemployed and for finding them jobs. He wasn't sure what else was expected of him, but one thing he knew—if he was to become more deeply involved, he had to see what it was all about firsthand. An energetic Hungarian, used to quick action, he got hold of a Negro policeman named Henry Crawford, who was a fellow member of CTE, and asked him to show him around the poor sections of Stamford.

"That Saturday afternoon I couldn't believe my eyes," Goldmark recalls. "Here I was in the second wealthiest county in the United States and I saw for the first time that many of our black citizens were living in a virtual hell—crowded together in small apartments, wallowing in filth and despair. I was appalled."

Goldmark buttonholed people standing on street corners, lolling in doorways, and playing pool in dark poolrooms. He talked to adults and youth, to men and women. He poked everywhere. The sight that really stirred him into activity was the community recreation center. "It was called Sunrise Center," he remembers, "but there was little sun in it. No equipment, no means for organized play. The two floors in the dilapidated building where the youngsters played were actually in danger of collapsing. I almost fell through a hole in the floor."

But Goldmark saw some good things, too. He discovered that one teenager was supplying sodas for the small fry out of the pennies he was earning as a delivery boy. He taught the smaller boys how to play billiards on an old makeshift table with wobbly legs. "If this kind of spirit could exist in such surroundings," Goldmark said, "I had to do something to fan it and keep it alive."

What Goldmark did was to phone business friends about the center. From one he teased a new table; another contributed chairs; still another gave some money toward purchase of sporting equipment. CBS Laboratories contributed a PA system. "In no time at all, we had a kitty of $2,400. It was amazing how much could be done with so little money and so little involvement. I compared it with the way the Federal Government was dropping billions through a bottomless pit and realized that what was wrong with Washington was that they did not have the proper approach to the real needs of the poor people."

For Goldmark this was the beginning of a new dimension in his life. But his chance to do something of wider scope—beyond saving a recreation center—didn't arise until a later meeting with the Urban Coalition when the members were perplexed as to what direction to pursue. Perhaps, one member said finally, the missing ingredient needed to spark a program was the residents themselves. Why not hold a giant community gripe session and invite all the poor people of Stamford to tell it as it really is?

Everyone agreed. That was why, on April 25, 1968, several hundred people showed up at CTE headquarters on Main Street. From the dais the members of the Urban Coalition made their statements. Chairman Bruno Giordano, so proud of those washing machines, we almost had a christening party for them," a tenant recalls.

Youngsters earn from $1.25 to $2.00 an hour, depending on age. When they're not learning a trade, they're improving their education in such subjects as elementary math and reading. Three nuns, themselves graduate teachers and guidance counselors, have come from Notre Dame congregation in nearby Ridgefield to live in the Village and spend full time tutoring anyone who wants special education. The nuns have been at it over a year now, and report that some 250 youngsters and 25 adults, mostly women, have attended classes. "Our first pupil," says Sister Geraldine Hacker, "was a 60-year-old woman who wanted to learn geometry. What she'll do with it she doesn't know, but she feels it's important."

On occasion, Goldmark has had to exercise ingenuity when it comes to obtaining even elementary services for Southfield. "One job I thought was important was to blacktop the playground areas, which looked like a dustbowl. It was the city's responsibility to do it, but I got no action from the officials. So when the United Fund came around for their usual contribution, I said I would withhold $6,000, the cost of the blacktop, from the total donation unless the city did something about the playground."

The United Fund representative argued that the Fund had no control over the city. The Mayor himself phoned and promised to take care of the blacktop. One day, several weeks later, Len Rivers telephoned Goldmark in great excitement.

* * * * *

Another tenant—Ray Monaco—adds that Southfield is teaching some youngsters the value of a dollar, but that a lot remains to be done. "You have to get to the parents," he says, "to see they have better income."

Everyone instinctively knows that the Southfield renaissance has only scratched the surface of the problem of the poor. "Poverty is still a way of life here," says Len Rivers. "People feel trapped. Even if they come up in the world financially, there is no place for Negroes to go. There is just no housing. They have to pay higher rent to the Housing Authority whenever they make more money—rent is pegged at 25 percent of income—so many of them feel like they're in a prison with no hope of parole."

The biggest obstacle to progress is still the structure of American society, which limits opportunity for blacks, even for skilled blacks. As one youngster put it in one of the basement classes: "It's fun to study this plumbing. But, man, what do you do with it when you finish the course?" Goldmark, anticipating this question, has made promising strides with the unions of Stamford, one of which—the Carpenters Union—has set a precedent in absorbing blacks into the trade.

Goldmark too has deeper visions for the future of the black community than merely making poverty more tolerable. He is fundamentally opposed to low cost housing as now handled—"it becomes a slum," he says—and he has taken a firm position against the so-called urban renewal projects, a form of residential genocide, he believes, which demolishes homes without providing suitable interim housing for the displaced tenants. "Rehabilitation is more important," Goldmark says. "I remember seeing a Swiss village near Lucerne. It, too, was impoverished, but the residents lived there in cleanliness and dignity. Of course," he adds, "the people there do have opportunity, and that is what we have to provide here in carving out a new community. Bring in private enterprise for the blacks. Give them more opportunity to build their own town.

"And hopefully start with the kids, so the gains can be transmitted to the next generation. Businessmen and other civic leaders could do this in every community where it is needed. Transfer the hope. That, I think, is the best way to break the chain of hopelessness that created Southfield and every public housing ghetto in America."

EXCESS WAR PROFITS TAXES FOR HOUSING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. BINGHAM. Mr. Speaker, I am today introducing an excess war profits tax bill. I do so in the belief that the extreme burdens of the war in Indochina should be borne by the corporations of America as well as the youth of America. Further, I believe that such a tax would help curb inflation without increasing unemployment and would thereby stabilize our economy without placing an undue burden on the poor.

The proceeds from such a tax should not be permitted to be used simply for increased military expenditures. My bill prevents this contingency by earmarking all extra revenues received for housing—our most critical domestic need. In this regard, my bill draws upon a measure drafted by faculty and students of the Tax Department of New York University Law School, who deserve particular credit for their work.

The aim of this bill is to impose an additional levy on corporate profits that result directly from the effects of the Indochinese war on the American economy. The proposed bill imposes on all corporations a tax of 37 percent on the amount of their taxable income which exceeds their normal nonwartime taxable income. This 37 percent tax will be added to the normal 48 percent corporate tax rate.

There is precedent for enacting this legislation, both in declared and undeclared wars. In both World Wars, excess profits taxes were enacted to make possible a more complete mobilization of the Nation's productive capacity. In 1950, Congress passed an equally strong excess profits tax within 6 months of the beginning of hostilities in Korea. The same step should have been taken long ago in the Vietnam war.

My bill differs from excess profits measures passed by previous Congresses or introduced in this Congress in two main respects: First, the emergency period—the period during which the tax would be in effect—is defined to begin on January 1, 1970, and to continue so long as the American troop commitment in Vietnam, Laos, and Cambodia totals 50,000 or more, including offshore naval operations. A second novel feature of the bill is the earmarking of all moneys collected from the imposition of the excess war profits tax for housing, a critical domestic need which has long suffered from a lock of adequate funding. This represents a step in the direction of a more rational ordering of national priorities.

BOSTON UNIVERSITY LAW REVIEW REVIEWS KENT STATE AND CAMBODIAN ISSUES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. MORSE. Mr. Speaker, as one who has consistently urged and endeavored to stimulate responsible and creative public dialog on the Indochina question, I have been greatly encouraged by the conscientious efforts, such as that undertaken by the Boston University Law Review, to contribute to meaningful public discussion.

Their statement announcing the publication of a special supplementary issue, including the works of a number of noted legal scholars, which is devoted wholly to the various legal issues which have arisen in response to the U.S. involvement in Cambodia and the tragedy that occurred recently at Kent State University, portends an outstanding document. In terms of the contribution it can make in bringing rational thought and scholarly analysis to bear on these issues, it will, I am sure, bear careful reading.

I include the statement here for the attention of my colleagues, and look forward to its publication:

JULY 29, 1970.

In response to American entrance into Cambodia and the recent incident at Kent State, the Boston University Law Review has undertaken the publication of a special supplementary issue devoted to some of the legal issues arising from these events. We are publishing articles by legal scholars as well as a number of student works. Included in the volume are articles by the following authors: Professor Henry Monaghan of Boston University School of Law, Professor William Barnes of the Fletcher School of Law and Diplomacy at Tufts University, Professor Joseph Goldstein of the Yale Law School, Mr. John Bender of New York University Center for International Studies, Professor Banks McDowell of Boston University School of Law, Mr. Albert Brien formerly of the Rhode Island National Guard, and Mr. Fred P. Graham of The New York Times.

It is the hope of all connected with this project that hard, scholarly analysis will surface above the emotional harangues, and that this volume will make a meaningful contribution toward that end.

BARTLEY F. FISHER,

Editor in Chief, Boston University Law Review.

CHANGE IN OUTLOOK TOWARD CRIME CONTROL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. HOGAN. Mr. Speaker, when the second session of the 91st Congress finally adjourns, there is no question in my mind that passage of the District of Columbia crime bill will be adjudged one of its most creditable achievements. Even more important than the changes it will bring in dealing with the criminal, is the change in outlook toward control of crime. I would hope that the passage of this bill indicates the beginning of the end of the old era of permissiveness which characterized the previous administration, and which led America into the worst crime wave in its history.

The symbol of this permissiveness was, of course, the previous U.S. Attorney General Ramsey Clark who continues to demonstrate on television that he has learned nothing since he left office. The subject is dealt with fairly and honestly in an editorial in the current issue of the Republican Congressional Committee's weekly Newsletter, which I submit for publication in the RECORD:

RAMSEY GO HOME?

Ramsey Clark, former U.S. Attorney General, has the true "Texas look" about him. He is tall, lean and rangy. Also, his drawl is authentic Texan.

If one went by how he said something—rather than the import of his words—it would not be difficult to visualize him as a tough marshal of the Frontier West—spurring Old Faithful to full gallop and unlimbering the trusty Winchester while chasing the bad guys into the sunset.

Such an image would be sadly inaccurate.

To his credit, Clark is passionately dedicated to civil rights. Also to his credit is the good work he has done toward racial peace through the Urban League. We wish he could have exhibited similar zeal toward plain, common-sense enforcement of Federal law, to the benefit of all races.

Crime soared throughout the Nation during his tenure as Attorney General. Ramsey Clark certainly did not cause the crime wave. But his approach toward coping with it was so negative and inconsistent that we wonder how much the rate might have been abated by a tougher stance on his part.

Amazingly, now in July, 1970, he appears again on TV news shows, selling the same old line: The D.C. crime bill that is finally clearing Congress—a bill aimed mostly at repeat offenders and loaded with safeguards for them—will increase crime rather than reduce it, in his opinion.

As Attorney General, Clark particularly disliked wiretapping. His strong views against it were unusual in that his predecessor, Robert F. Kennedy, used it extensively. And the spelled-out, strictly circumscribed authority Congress provided in the big crime act of 1968, over his objections, went unused.

Asked on "Meet the Press" earlier this year to explain his refusal to use wiretaps, Clark replied: "Because crime can't be controlled by wiretapping. It undermines the confidence of the people in their Government. It demeans human dignity in the long run. It escalates the levels of violence in America. . . ."

Purer poppycock than that statement would be difficult to imagine.

In the first place, the syndicate gamblers and narcotics peddlers who rely on the telephone are not violence-prone where violence can be avoided. What they like is to have things nice and quiet. In the second place, a virtual guarantee of clear, unmonitored communication is generally regarded as a major contributor to the expansion of organized crime in recent years.

Thankfully, that attitude was cleared out of the Justice Department in January, 1969.

Ramsey Clark also has pooh-poohed the importance of the Attorney General's office in the war against crime. Crime, he emphasizes, is essentially a local problem, to be solved by local resources.

Crime is, indeed, a local problem. Where his reasoning falls apart is in his indicated belief that it is only a local porblem. If it were merely local, and not national, why did Congress find it necessary, even before he left office, to subsidize State and local law enforcement to the tune of hundreds of millions of dollars? Why does Pennsylvania Avenue have a gaping block-square excavation where enlarged facilities for the FBI will soon rise? When crime is both national and rampant, it must be met by power and resources such as only the Federal Government can command.

Although it is tempting to suggest, "Ramsey go home," on second thought, should we?

Clark was and is a Democrat—one who held a major Cabinet office. And he was, and remains to a large extent, the symbol of the era of permissiveness that characterized law enforcement in this Nation before the Nixon Administration came to power.

Ramsey go home? No! He should stay in Washington and keep talking. He could be the GOP's secret weapon of 1970 and '72.

BRYAN H. JACQUES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. CONTE. Mr. Speaker, the able staff director of the House Select Committee on Small Business, Bryan H. Jacques, has retired after many years of dedicated and outstanding public service.

I can personally attest to the fine work Bryan has done. Sitting in the ranking minority spot on the committee, I have witnessed Bryan in action. I think his record is something that all of us on the committee, and in this body, can look upon with pride.

Bryan graduated from the University of Kansas and the University of Chicago School of Law. He served as counsel with the Federal Trade Commission and when appointed staff director of the Small Business Committee was serving as Director of the Bureau of Industry Guidance at the FTC.

Bryan's service to the Nation's 5 million businessmen will not be forgotten. The spirit with which he tackled his job on the committee will be remembered by all of us.

Mr. Speaker, I think we all owe a debt of gratitude to this outstanding public servant—Bryan H. Jacques.

SGT. GARY LEE SCHNEIDER

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SNYDER. Mr. Speaker, on Tuesday, July 14, Sgt. Gary Lee Schneider, 20, was killed in action in Vietnam.

There is very little a man can say to a family that has given its son in a war. I rise here today to pay tribute to Gary Schneider. I rise on behalf of the Aemrican people for whom Gary made the highest sacrifice.

He gave his life upholding his patriotic beliefs and it must be our hope and prayer that Gary Lee Schneider died so that others could live—and remain free. I know I speak for the people of the Fourth District of Kentucky—and for all Americans—when I convey my deep sense of loss and sympathy to the Schneider family.

The front-page story reporting the loss of Sergeant Schneider, which appeared in the Kentucky Post follows:

[From the Kentucky Post, July 21, 1970]

KILLED IN PATROL ACTION IN VIETNAM

(By Donna McKeown)

Army Sgt. Gary Lee Schneider, 20, a handsome Newport Catholic High School graduate, was killed in action July 14 in Vietnam.

The Defense Department notified his parents, Mr. and Mrs. Edward Schneider, 432 W. 10th street, Newport, he died under hostile fire during night patrol action.

No further information was available, said his mother.

Sgt. Schneider is the 145th northern Kentucky son to lose his life in the Indochina War; 30th from Campbell County.

Mrs. Schneider said her son "never complained."

"He always wrote nice letters.

"He was contented as anyone could be over there," she said.

Sgt. Schneider graduated from NCHS in 1967 and entered the Army in April, 1969.

In Vietnam since last September, he was due home September of this year.

In addition to his parents, Sgt. Schneider is survived by three brothers, Edward Jr., who has just returned from Army service in Germany; David and Kenneth, and a sister, Robin, all at home.

Radel Funeral Home, Newport, is in charge of arrangements.

THE CIVIL AERONAUTICS BOARD AND AIR FARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. MOSS. Mr. Speaker, on July 29, 1970, 31 of my colleagues and I filed in the U.S. Court of Appeals for the District of Columbia Circuit a response to a motion by the Civil Aeronautics Board asking the court to issue a partial stay of its mandate in a case which we have brought against the Board.

Our response follows:

[In the United States Court of Appeals for the District of Columbia Circuit, No. 23,627]

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph McDade, John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson, Petitioners, *v.* Civil Aeronautics Board, Respondent

RESPONSE OF PETITIONS TO MOTION FOR PARTIAL STAY OF MANDATE

Petitioners object to the partial stay of mandate requested by the Civil Aeronautics Board. However, if such a stay is granted, it should be conditioned upon appropriate measures designed for the protection of the traveling public. Today's CAB order, No. 70-7-128, appears adequately to protect the interests of carriers. Yet, if the decision of this Court in the present case means anything at all, it means that the time has come to pay some heed to the interests of fare-payers.

I

The fares now in effect are unlawful for several different reasons:

First, as the Board admits, they are based on the Board's illegal order of September 12 and therefore unlawful under the decision of this Court.

Second, they are excessive, unjust, and unreasonable for all of the reasons stated by petitioners in previous submissions to the Board and this Court. There is still not a scintilla of evidence that they meet the substantive standards of sections 1002(e) and 102 of the Federal Aviation Act.

Third, as petitioners made clear in a filing with the Board on July 28, 1970, (which filing is attached to this response), the Board's decision of June 19, 1970, to permit a "rounding up" of fares—which decision resulted in the specific tariffs now on file—was illegal for the same reasons stated in the decision of this Court with respect to the Board's order of September 12, 1969. Indeed, the Board's decision of June 19 was even more objectionable, because the Board acted on the basis of private communications from the carriers, never issued an order but only a press release, and admittedly gave the public no opportunity to lodge objections.

It is thus a highly tainted group of fares that the Board now proposes to maintain in effect for a further 90 days pursuant to an order of this Court.

II

Petitioners are doubtful that under present circumstances there can be carrier-made rates which meet the requirements of the Federal Aviation Act. The Board's attempt to cure its prior illegal ratemaking activities by simply declaring that the carriers are now "free" to file tariffs does not deal with the realities of the situation.

In the first place, the effect of the procedure ordered by the Board is to preserve the existing tainted fares for an additional 90 days. It is extremely unclear why the status quo which the Court has already declared to be unlawful should be maintained for that period. Secondly, the influence of the Board's detailed September 12 order is so pervasive as to raise serious questions about the notion that the carriers are "free" to make rates.

Petitioners do not believe that the Court should force the representatives of the public or the carriers to play the Board's game of charade. We believe that the Court should issue its mandate along with an order to the Board to determine rates according to the substantive criteria of sections 1002(e) and 102 of the Federal Aviation Act.

The Court's opinion gave the Board ample notice that it is prepared to interpret the Act flexibly to allow the most summary type of hearing on an emergency basis to allow the Board to act legally under section 1002(d).[1] We think it is high time that the Board act as the responsible regulator of the airline industry which the statute requires it to be.

III

In the event that the Court determines to stay its mandate, petitioners request that the Court condition such stay upon appropriate measures to protect the traveling public during the interim between the date on which the Court's mandate was to issue (July 30, 1970) and the date on which lawful fares are re-established. Petitioners believe that such conditions are imperative to mitigate the unfairness of calling upon the public to pay the present unlawful fares for any further length of time.

Petitioners would suggest that the following conditions may be appropriate:

1. The Board should conduct proceedings to determine the amount by which the present unlawful fares exceed lawful fares. It may well be that this amount is equal to the 6.35 per cent fare increase granted on September 12, plus the additional fare increase attributable to "rounding up" each fare to the nearest full dollar.

2. An equitable means should be determined during those proceedings for refunding the unlawful overcharge to members of the public. The carriers should be ordered either to collect sufficient information from passengers to permit eventual refunding or to post appropriate notices in sales offices and ticket counters informing members of the public that the fares they are paying are of disputed lawfulness and that ticket stubs should be retained for the purpose of securing refunds. Alternatively, a fund or reserve should be established for the purpose of being subsequently applied against future rate determinations.[2]

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[1] In a filing with the Board on July 24, 1970, (attached to this response), petitioners suggested that the Board itself should determine lawful fares for the future and that pending such a rate determination the fares prevailing prior to October 1, 1969—which had never been challenged and therefore may be presumed to establish a lawful structure—could be instituted after the most summary 1002(d) proceedings.

[2] *Compare Bebchick* v. *Public Utilities Comm'n*, 115 App. D.C. 216, 232–33, 318 F.2d 187, 203–04 (*en banc*), *cert. denied*, 373 U.S. 913 (1963). The legal authorities for such

Respectfully submitted,
STANFORD G. ROSS,
RONALD B. LEWIS,
Of Counsel.
H. DAVID ROSENBLOOM,
CAPLIN & DRYSDALE,
Attorneys for Petitioners.

July 29, 1970.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Response of Petitioners to Motion for Partial Stay of Mandate by causing a copy thereof to be mailed, first class postage prepaid, to the following persons:

Honorable Richard W. McLaren, Assistant Attorney General, and Howard E. Shapiro, Esq., Attorney, United States Department of Justice, Washington, D.C., and

Warren L. Sharfman, Esq., Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

I have also served copies of the foregoing document by causing copies thereof to be mailed, first class postage prepaid, to counsel for: Continental Air Lines, Inc.; American Airlines, Inc.; Eastern Air Lines, Inc.; Trans World Airlines, Inc.; North Central Airlines, Inc.; Mohawk Airlines, Inc.; Braniff Airways, Inc.; and Northwest Airlines, Inc.

H. DAVID ROSENBLOOM,
Attorney for Petitioners.

July 29, 1970.

SHAW PREPARATORY SCHOOL

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. PHILBIN. Mr. Speaker, I was honored to participate in and deliver the principal address at the impressive graduation exercises conducted by the Shaw Preparatory School of Boston, Mass., at the Sheraton Plaza Hotel on June 13, 1970.

The affair was well attended by the families and friends of the young graduates, and it was a great pleasure for me to have the chance to talk, not only with these boys and girls, but also with the outstanding Shaw faculty and some of the families attending the exercises.

I was particularly impressed, Mr. Speaker, that the graduates of Shaw Preparatory School represent every economic level in our society and come from local and distant communities.

The school is fulfilling a most important educational role in these times of student unrest in that it is primarily geared to meet the educational needs of young men and women whose secondary education has been interrupted for one reason or another, or who are in need of specialized individual help in meeting the college entrance requirements.

I include in the RECORD the text of my address at the graduation exercises:

ADDRESS OF HON. PHILIP J. PHILBIN

Distinguished guests, members of the Faculty, Mr. Avery, members of the Graduating Class, Parents and Friends:

This is a memorable day of fulfillment, of vital tasks successfully finished, a day mingled with the joys of achievement and the sorrow of parting and I am greatly honored to be with you.

First, let me congratulate each and every one of you upon your graduation.

It marks a long important step in your personal advancement—an accomplishment of which you can justly be proud.

If you had not worked sincerely and intelligently you would not have been able to reach the cherished goal which we so joyously celebrate in these impressive exercises and which bring to this happy ending your preparatory school careers.

But actually it is just the beginning.

The wide world opens before you.

Boundless opportunities of a promising, succesful future await the impact of your aspiration, energy, ability and courage.

You are the beneficiaries of a noble transition, blessed by Providence with the favored destiny of being raised and educated in this great, free country of ours—the most powerful, the freest, the richest, the most advanced, most prosperous, and most successful democracy the sun has ever shone upon.

You have been fortunate enough to live in an atmosphere of tolerance, where men and women are judged for what they are, what they achieve, what they strive for, and not for the circumstances of their birth, their religion or their national origin.

Time forbids that I should recite in full the merits, the virtues, and the brilliant achievements of this noted school and its dedicated teachers.

The vital thing to recall today is the wonderful atmosphere of freedom, opportunity, tolerance, pride in accomplishment, incentive and inspiration which has been engendered here, and in which you have been so fortunate to work under the guidance and direction of these gifted, educational leaders and advisers.

Let me repeat:

You have been fortunate in the extreme in having this fine school and its teachers, and I know that as you meet with them officially for the last time your hearts are filled with regret of parting but with deepest gratitude for what they have done for you. You will miss them and your class-mates. Future years, let me assure you will serve to bring into clearer focus as an inspiring force in your lives the many advantages and benefits you have enjoyed under the leadership of your teachers, and which will inspire you throughout your lives.

There is another group today to whom you owe an indefinable debt for your present success, and that is your loving parents. As a parent myself, I know full well the immeasurable quality of the love, devotion and loyal support they have given you so gladly, so proudly, so eagerly, seeking no reward or commendation save your continued goodness of character, renewed devotion to duty, and future contributions on your part in the form of constructive interest by the graduates in behalf of your families, communities, the nation, and compassionate regard, concern and assistance for those in our society, who may need your help in so many different ways.

Parents do not expect miracles, but they like to think that in whatever you undertake, you will give your best, recognize your responsibilities to yourselves, your families, to the people as a whole, and to the country, which has given you the freedoms and the opportunity to advance yourselves to an extent not possible in any other country.

They ask only that you strive as good, industrious, self-respecting Americans contributing in every way you can to the building of good citizenship, wholesome family life, loyal friendships and the building of a better, modernized, up-to-date, and socially, economically and spiritually just and righteous nation that will be adapted and functionalized to serve, pray God, the jet-space-nuclear age of peace, prosperity and social justice, into which we are already entered.

For parents today there is very special pride in you and happiness for your success.

After all—parents are long-suffering. Parents know the joys and sorrows of life—the trials, adversities and problems, because they have come your way some time ago.

They have experienced the obstacles, the pit-falls, the difficulties you will have to face, indeed you may have already experienced some of them.

If parents were to close their eyes today, they would see the bright, flower-decked fields of other years. They would see before them the smiling faces of dear loved ones, no longer here, who made their own progress possible. They would perhaps feel again the affectionate touch of their hand upon their shoulder, the wise words of counsel, advice and encouragement in their own golden days.

But this is the world of the present. It will not wait. It will move on. Opportunity is beckoning you, each and every one. It knocks on your door. It may knock often, or it may knock only once. It is up to you to remember your fine heritage, to treasure your own high ideals, and let nothing swerve you from them.

The generation gap is somewhat of an illusion. A generation moves faster than you think. Today is yours. Make the most of it. Do not let it pass you by.

You have recorded a significant accomplishment in preparatory school work. By training and character, you are well equipped for future advancement. If you have the will, ambition and determination you will go on to finer achievements, and that is what I proudly wish for every one of you.

Be interested in the civic and political affairs of community, state and nation. Do your part to make the community and country a better place for all our citizens with peace and real happiness.

Remember this—that Democracy and freedom can be destroyed by the indifference and non-participation of the ordinary citizen, and the unbridled activities of minority pressure groups seeking to take over, and to recast this nation into a monolithic, totalitarian, police state that would convert citizens into subjects and slaves, and steal away their liberties.

The nation and the world are faced by many grave problems. Peace in our time is

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interim action have already been presented to this Court in the present case, particularly in the papers filed in the response to the Court's order of January 9, 1970.

As the Board notes in today's order, No. 70-7-128, petitioners have filed with the Board a request that the Board institute a hearing to determine the amount of the overcharge during the period beginning October 1, 1969, and to decide on the relief to be afforded the public. (See petitioners' filing of July 24 with the Board.) Since this question is before the Board, we are asking the Court only, by way of condition to a stay of its mandate, to accord similar relief for the period beginning with July 30, 1970. We note that statements appearing on the first page of the Board's order appear to prejudge the question of whether such relief is appropriate for the period beginning October 1, 1969. Petitioners recognize, however, that that question is still before the Board and that they retain the opportunity, upon issuance of a final Board decision on this point, to seek from this Court a ruling as to whether such a decision would be in accordance with its mandate.

the greatest, and there are others of major priority to serve and help the people. All these challenging problems, the outcome of which could well determine the destiny of free men and women here and everywhere, cannot be solved in their entirety without your active, dedicated help.

You and those who work with you are the brighest and most promising generation this nation has ever known. You will have to solve these great problems as they come before the country in your day and that is near at hand, in fact, it is tomorrow.

I will not elaborate the acute problems we face, but who does not see the hand of subversion in the events transpiring in this country must be uninformed, living in a world of his own, or sympathetic with those who are pledged to cripple, destroy and take over this government.

Ours is the duty in these perilous days to lead the national effort to insure and promote stability, self-respect, sense of identification of those, young and old, who are alienated and frustrated by things in our society. The overwhelming majority in this country, who believe in the free principles of the Constitution and the country, are determined to protect and preserve this nation at all costs.

Everyone must come to understand that the democratic process, under the rule of law, not force and violence, is the way by which necessary changes in the government and the economy can and will be made under our system of government.

Some people are sadly deluding themselves if they think they can start a revolution by violence in this country, or intimidate the American people and their elected representatives.

Lawful dissent and full individual rights are recognized by law in this country.

But the only lawful revolution recognized by our Constitution and laws is the revolution of the ballot. The overthrow of this government by force and violence, or advocating such overthrow, is against the law of this country, and will never be tolerated by the people.

I have unbounded confidence in this country, the flexibility of our government, pursuant to the popular will, to make any and all necessary changes in our system.

I also have great confidence in the future greatness, growth, progress, prosperity and well-being of the nation and the American people in this generation, and in countless others to follow.

This is in truth the greatest country ever conceived and developed in this world. Like all governments from time to time, it must be adapted to modern conditions.

I repeat:

This government can and will be adapted by the will of the people to meet every need. No one can ever destroy this country by force and violence, so long as we remain strong, the people remain concerned, loyal, and intent upon protecting and preserving it as they are bound to do, and will do.

Let all of us regardless of race, class or creed unite to solve all our problems, and to bring understanding, social justice, full civil rights, and enduring peace and the rule of law for this country and the world and withdrawal from Vietnam at the earliest possible time.

And now let me thank you for the high privilege of being with you on your great day, and let you in on a little, advance information from Washington.

Next week in the House, it will be my great pleasure to vote for the bill granting the vote to 18 years olds. You deserve it.

Good luck and God love you. And let me warmly thank your great Mr. Avery, your gifted leader for his kindness in inviting me to this truly memorable graduation.

THE CONSUMER AND THE TRADE BILL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. VANIK. Mr. Speaker, the Ways and Means Committee is currently considering far-reaching amendments to the laws governing America's trade policies.

I have objected strongly to the anticonsumer turn which this legislation has taken in the Ways and Means Committee, of which I am a member.

Because of the importance of this legislation, the implications it has for American consumers, our relations with our trading partners, and the health of the world economy, I would like to include in the RECORD at this point the comments which Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, made July 28. Her statement summarizes some of the major deficiencies in the legislation as it presently stands.

The statement follows:

STATEMENT OF MRS. VIRGINIA KNAUER

I am alarmed over the disregard of the American consumer evidenced by the restrictive trade bill presently before the House Ways and Means Committee. The President has registered strong objections to the measure, and I would hope his reservations will be taken into consideration by the Committee.

In many ways, this bill is the most significant "anti-consumer" legislation now in the Congress. The imposition of import quotas will hurt virtually every consumer in the United States, particularly lower income consumers.

Higher prices, fewer product choices, reduced competition, and a limited supply of imported products are the probable result of the proposed import quota legislation. Quotas of the type provided for by the bill will also raise the prices of imported commodities.

It is possible under the bill that some inexpensive foreign imported goods might not be available at all, and our lower income consumers may well find themselves unable to afford certain products.

The interests of consumers can best be protected by moving toward freer trade. The bill in the House of Representatives does the reverse: it reduces the flexibility of the President to lessen trade barriers, it preserves by law oil quotas which prevents the President from shifting to a tariff system, it mandates new quotas in certain industries, and it encourages other special interest groups to obtain quotas on their products—all of this at the expense of the American consumer.

I do appreciate that certain industries now face serious competition from imported goods, and I suggest that the appropriate relief for these manufacturers is through liberalization of adjustment assistance procedures.

If, as many economic experts believe, a trade war results and other nations do retaliate, there will be an even greater reduction in the supply of goods and price competition, and the effect on the consumer will be devastating.

Congress should put the welfare of the nation's consumers before the welfare of a few individual industries.

RESTRICTIVE TRADE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. FINDLEY. Mr. Speaker, President Nixon acted wisely in announcing his intention to veto any trade measure which went beyond the very limited relief he proposed for the textile industry. The blanket quotas which the House Ways and Means Committee has proposed for textiles, shoes, and other imports, as well as other restrictive trade measures, promise little relief, much domestic inflation, and hold the potential for disaster to international trade and the monetary system.

Clarence K. Streit, who reported for the New York Times during the period when Smoot-Hawley tariffs led to the monetary crash of 1929 and the Great Depression of the 1930's, has commented wisely on this new trend toward protectionism and isolationism. In the June 1970 issue of Freedom and Union, Mr. Streit draws the parallel between these times and those of 40 years ago, and expresses his hope—a hope we all should share—that Congress will not make the same mistake and permit history once again to repeat itself.

I also want to include in the RECORD a piece by the French economist Frederick Bastiat, satirizing arguments which still, strangely, find some acceptance by those who favor restrictive trade practices today.

WHY QUOTAS AGAIN—THE LSD THAT BROUGHT HITLER AND WAR?

(By Clarence K. Streit)

History, someone said, repeats itself only when its lessons are ignored. That has dire implications now for the already failing U.S. and world markets and economies. All too clearly the many leaders in American industry and in Congress who are seeking import quotas as protection against the current recession deepening into another world depression ignore the lesson given when that remedy got a full trial 40 years ago. And now the Administration has reluctantly given in as regards textile quotas—deemed to bring the quickest political rewards.

I would not question the sincerity of its reluctance to approve them—but this indicates it has some awareness that the quota drug does not cure but, like heroin or LSD, gives delusions—as Herblock brings out so vividly on our cover—that cost dearly. The reluctance of the Administration's consent will not, in the circumstances, mitigate its responsibility when the consequences of its having opened the door to the waiting horde of other quota-seekers come home to plague it.

The reasoning that leads to import quotas resembles that which leads to currency devaluation: The expected benefits depend on the example not being followed by others. That expectation, experience shows, is naive indeed. It is the more so now, because 1970 is an election year. The only hope that quotas will not spread to "protect" other producers in the United States—and therefore abroad—is that reconsideration will bring the Administration and Congress to a much higher level of courage, with the help of those who eye-witnessed what quotas did to deepen the 1929 Wall Street crash into the World Depression in 1931. As one who covered the international monetary-economic chain reactions in that period as *N.Y. Times* correspondent assigned to the League of Nations, International Labor Office and World Bank, perhaps I can help.

WHAT, WHY AND WHEN OF QUOTAS

Quotas let in only a fixed amount of a commodity, usually small. They curb trade more than tariff duties, because exporters may get past the latter by cutting costs, getting subsidies, etc., but when a quota is filled, nothing more can get in. Quotas were rarely used before the world monetary crash in September 1931. The protectionist device that led trade toward that disaster was the tariff. Nine months after the 1929 Wall Street crash, the U.S. passed the Smoot-Hawley tariff. To cite Geneva's *World Economic Survey, 1931:*

"The great tariff event of 1930 was the Hawley-Smoot tariff . . . additional duties were imposed on more than 900 items. The heavier duties were upon manufactured articles . . . exports of European countries, particularly Germany . . . were most affected. The U.S. tariff was the precursor of many others, and by the end of 1930 there was serious restriction of international trade."

When this led to the world monetary crash, many nations took more and more tariff "marijuana" and began adding the LSD of quotas. The 1932–33 *Survey* noted:

"Prohibitions, quotas, licensing systems and clearing agreements" had "never been used before as a general method of trade regulation, except in the altogether abnormal circumstances of war and immediate postwar years." This "new protectionism," it said, "effectively completed" the "restrictive effects" of the older way.

QUOTAS SPED DEPRESSION

"Speed' is a nickname of LSD—a further reason to liken quotas to that drug. They speed not the escape from trouble the users expect, but ever worse depression. Here are figures from the 1932–33 *Survey* on what happened to the imports and exports of 45 nations doing 90 percent of world trade:

In January 1929, their total imports and exports were, respectively, $2,836 and $2,516-million. The Wall Street crash left these at $2,605 and $2,252-million in January 1930. Then came the higher tariffs the U.S. spawned in many nations; the totals fell more than four times the 1929 decline—to $1,743 and $1,516-million by January 1931. That year quotas were added. Whereas high tariffs had cut world trade 34 percent in 1930, quotas cut the remainder by 47 percent in 1931; imports shrinking to $1,141 and exports to $994-million.

QUOTAS HELPED SPEED HITLER TO POWER

In the 1928 German election, Hitler won but 12 seats. A year after Wall Street's crash he got 107. On July 31, 1932—10 months after the monetary crash and resort to quotas—he got 230. Five months later he was in power, hellbent for World War II. As for the U.S., 17 months after quotas, the one nation without a bank open inaugurated FDR.

OUTLOOK MUCH DARKER NOW

What does all this add up to now? Consider three contrasts with 1930 when the U.S. led the world the protectionist way: 1) That came after Wall Street's crash; now only a slump brings it. 2) The quota remedy spread then after the world monetary crash; now the quota clamor comes before such disaster, and is strongest in the U.S., which shunned this LSD even after the 1931 crash. Hobart Rowan, *The Washington Post's* astute business editor, reports that "some 70 industries are already lined up, hat in hand, trying to get on the quota bandwagon" started by Administration approval of the Mills textile quota bill. 3) Whereas it took a long depression to bring on Hitler, we already face a more formidable dictatorship, whose dogma thrives almost everywhere on economic misery. The basic Soviet strategy is, I believe—for reasons often given here—to increase strain on the dollar wherever it can (as in Southeast Asia and the Mideast now) so as to wreck this world currency and by the ensuing depression win without nuclear war.

This may suffice to show how much worse than 40 years ago is the folly and the danger now.

THE LAST BEST HOPE

Disaster can still be averted, I believe, by President Nixon promptly bringing about the proposed convention to explore the Atlantic Union answer, which he urged Congress to approve in 1966. He has let secondary things divert him from it since he entered the White House. The perils facing him and us all have grown only worse. May he remember that time is slipping by far faster now than 40 years ago.

THE LITTLE DOG LAUGHED

(By Frederick Bastiat)

(Petition of the Manufacturers of Candles, Wax Lights, Lamps, Candlesticks, Street Lamps, Snuffers, Extinguishers, and of the Producers of Oil, Tallow, Resin, Alcohol, and Generally, of Everything Connected with Lighting, to Messieurs the Members of the Chamber of Deputies.)

Gentlemen, you are on the right road. You reject abstract theories, and have little consideration for cheapness and plenty. Your chief care is the interest of the producer. You desire to protect him from foreign competition, and reserve the *national market* for *national industry*.

We are suffering from the intolerable competition of a foreign rival, placed, it would seem, in a condition so far superior to ours for the production of light that he absolutely *inundates* our *national market* with it at a price fabulously reduced. This rival is no other than the sun.

What we pray for is, that it may please you to pass a law ordering the shutting up of all windows, sky-lights, dormer-windows, outside and inside shutters, curtains, blinds, bull's eyes; in a word, of all openings, holes, chinks, clefts, and fissures, by or through which the light of the sun has been in use to enter houses, to the prejudice of the meritorious manufactures with which we have accommodated our country.

We trust, Gentlemen, that you will not regard this our request as a satire, or refuse it without at least previously hearing the reasons which we have to urge in its support.

And, first, if you shut up as much as possible all access to natural light, and create a demand for artificial light, which of our French manufactures will not be encouraged by it?

If more tallow is consumed, then there must be more oxen and sheep; and, consequently, we shall behold the multiplication of meadows, meat, wool, hides, and, above all, manure, which is the basis and foundation of all agricultural wealth.

If more oil is consumed, then we shall have an extended cultivation of the poppy, of the olive, and of grape. These rich and exhausting plants will come at the right time to enable us to avail ourselves of the increased fertility which the rearing of additional cattle will impart to our lands. No branch of agriculture but will then exhibit a cheering development.

The same remark applies to navigation. Thousands of vessels will proceed to the whale fishery; and, in a short time, we shall possess a navy able to maintain France's honor.

Only have the goodness to reflect, Gentlemen, and you will be convinced that there is, perhaps, no Frenchman, from the wealthy coalmaster to the humblest vendor of matches, whose lot will not be ameliorated by the success of this petition.

You will tell us that, if we gain by the protection which we seek, the country will lose by it, because the consumer must bear the loss. We answer:

You have ceased to have any right to invoke the interest of the consumer; for, whenever his interest is found opposed to that of the producer, you sacrifice the former. You have done so for the purpose of *encouraging labor and increasing employment*. For the same reason you should do so again.

You have yourselves obviated this objection. When you are told that the consumer is interested in the free importation of iron, coal, corn, textile fabrics—yes, you reply, but the producer is interested in their exclusion. Well, be it so; if consumers are interested in the free admission of natural light, the producers of artificial light are equally interested in its prohibition.

But, again, you may say that the producer and consumer are identical. If the manufacturer gain by protection, he will make the agriculturist also a gainer; and if agriculture prospers, it will open a vent to manufactures. Very well; if you confer upon us the monopoly of furnishing light during the day, first of all we shall purchase quantities of tallow, coals, oils, resinous substances, wax, alcohol—besides silver, iron, bronze, crystal—to carry on our manufactures; and then we, and those who furnish us with such commodities, having become rich, will consume a great deal, and impart prosperity to all the other branches of our national industry.

If you urge that the light of the sun is a gratuitous gift of nature, and that to reject such gifts is to reject wealth itself under pretence of encouraging the means of acquiring it, we would caution you against giving a death-blow to your own policy. Remember that hitherto you have always repelled foreign products, *because* they approximate more nearly than home products to the character of gratuitous gifts.

If a Lisbon orange sells for half the price of a Paris orange, it is because natural, and consequently gratuitous, heat does for the one what artificial, and therefore expensive, heat must do for the other.

When an orange comes to us from Portugal, we may conclude that it is furnished in part gratuitously, in part for an onerous consideration; in other words, it comes to us at *half-price* as compared with those of Paris.

Now, it is precisely the *gratuitous* half which we contend should be excluded. If this *half*, being *gratuitous*, determines you to exclude competition, how should the *whole*, being *gratuitous*, induce you to admit competition? If you were consistent, you would, while excluding as hurtful to native industry what is half gratuitous, exclude *a fortiori* and with double zeal, that which is altogether gratuitous.

Once more, when products such as coal, iron, corn, or textile fabrics are sent us from abroad, and we can acquire them with less labor than if we made them ourselves, the difference is a free gift conferred upon us. It is as perfect and complete as it can be, when the donor (like the sun in furnishing us with light) asks us for nothing.

The question, and we ask it formally, is this: Do you desire for our country the benefit of gratuitous consumption, or the pretended advantages of onerous production? Make your choice, but be logical; for as long as you exclude, as you do, coal, iron, corn, foreign fabrics, *in proportion* as their price approximates to *zero*, what inconsistency it would be to admit the light of the sun, the price of which is already at *zero* during the entire day!

POSTAL REFORM AGREEMENT REACHED BY CONFEREES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. **DULSKI**. Mr. Speaker, today is a landmark occasion in the history of our committee and the time-honored U.S. mail service.

As chairman of the House-Senate conference committee on postal reform, I am proud to announce completion of action on shaping historic postal reform legislation.

This has been a long, hard route for me personally. I look back to November 1968 when I first asked my staff to begin drafting reform legislation that would give postal management the authority and finances to do the job it has been assigned.

This meant giving the postal management fiscal flexibility, transportation options, and practical leeway on new postal facilities and equipment. In seven words: Cutting the Gordian knot with the past.

STARTED WITH H.R. 4

My staff—and it is a good staff—worked hard with me and came up with H.R. 4 which I introduced on the opening day of the 91st Congress last year.

Now, nearly 21 months later, a House-Senate conference committee has signed a report which wraps up one of the most important legislative packages of this Congress: Comprehensive postal reform.

Over the past 21 months—particularly the past 18 months since the new administration took over the executive branch—there have been doubts whether we ever could come up with reform legislation. The controversies were often bitter and usually frustrating.

But today we have a postal reform bill.

I am proud to be the father of this legislation. It differs from my original concept, but that is the legislative process.

THIS IS POSTAL REFORM

My aim from the outset has been to accomplish postal reform. This bill is postal reform.

I think it can be said reasonably that while the bill will not make any one completely happy, it does satisfy everyone.

It has been a long row. I met objections when I sought to start hearings in April last year. But I persisted even to the extent of being my own first witness.

I met constant frustrations in our almost endless executive sessions to shape up a bill. The record will show that I held the line—I kept the committee plodding. Finally we produced a bill, only to have rightfully impatient postal workers stage a partial strike last March which opened up a whole new set of circumstances.

In all these 18 months—including these past 3 weeks of conference sessions over which I have presided—the one thing I have tried to display is patience. I let everyone have his say and if he had the votes that was that.

ALL HAD THEIR SAY

I exercised this patience when the bill came to the House floor. No one was cut off. Some wanted me to postpone final action over the weekend, but I insisted that we stay in session because I knew we could finish the job—even if we missed supper. I am indebted to the House leadership for respecting my conviction.

The last 3 weeks of conferences have been time-consuming—some of my colleagues were irritated at the protracted debate—but we stayed on the job.

I want to pay high tribute at this time to my loyal and devoted staff which has labored with us through these trying months.

Their patience and conscientious attention to the many technical and administrative details have been of the highest order.

And I want to recognize, too, the sincere cooperation of the Senate committee staff.

WORK OF CHARLES JOHNSON

As for my own committee staff, my right-hand man in this long legislative drive is the committee's staff director and the chief counsel, Charles Johnson.

As many of you know, Charlie has decided to retire from Government service at the end of this year. To my mind, he could leave behind no finer monument in law than H.R. 17070, the postal reform bill before us today.

Charlie put together the language of H.R. 4 for me and it is a good bill. It is true that H.R. 4, as such, has fallen by the wayside, but it is not forgotten. It was the forerunner of all postal reform legislation, and I am proud to be its father, just as I am proud to be the father of H.R. 17070.

As I said earlier, the bill that results from this conference report will not make anyone happy, but it will satisfy everyone.

My policy from the outset of the conference, when I was named chairman, was to withhold any official announcements of action until all were final. Of course, the decisions along the way have been no secret, as the telephone calls to me and my staff have made clear.

RESULTS OF CONFERENCE

Now, as to the result of the conference:

As with all legislation sent to conference, the only issues which are considered are those on which there are specific differences between the respective bills passed by the House and the Senate.

Therefore, many important parts of H.R. 17070 already are locked into the legislation. I would point particularly to the sections dealing with the postal pay increase and the provision for compression of pay schedules, also the most important section on finances which will give the new postal service the financial flexibility which it has needed for so long.

As a result of the conference on the House and Senate versions, a compromise measure is now ready to be sent to the House and Senate for final congressional action. Since the House asked for the conference, the Senate will act first on the conference report.

HEADED BY 11-MAN BOARD

As for organization of the new U.S. postal service, it will be headed by an 11-man Board of Governors. This includes nine Presidential appointees who will name a Postmaster General. The 10 then will name a Deputy Postmaster General.

The Senate provisions for appointment and function of the Advisory Council were adopted.

An important feature of the new postal system is the creation of a completely independent Postal Rate Commission composed of five Presidential appointees for 6-year terms. Their appointments will not be subject to Senate confirmation.

The conference agreed that only the Postal Service should initiate changes in postage rates, but the Rate Commission may recommend new mail classifications either on its own initiative or at the request of the Postal Service.

CHANGES IN RATES, CLASSES

Commission decisions on rates and classifications are subject to judicial review and to return by the Governors for reconsideration. But when the Commission submits its new decision, it may be modified only by unanimous written action of the Governors.

When the Commission fails to act on rate or classification changes within 90 days, the postal service can initiate temporary rates, and so forth. No temporary increase may exceed one-third of the present rate.

The House had instructed the House conferees to insist on its ban on a union shop and it was adopted.

Also adopted were the strict House prohibitions on political and other undue influence in appointments and promotions. An amendment clarifies that statements may be submitted with respect to character and residence of applicants.

COLLECTIVE BARGAINING

The conference adopted the House language on collective bargaining units, leaving determination of appropriate units to the National Labor Relations Board when the postal service is organized. During the transitional period bargaining will be only with labor organizations holding "national exclusive" recognition.

House provisions on "dues checkoff" were adopted.

As for supervisors, the conference-approved compromise language gives supervisory organizations the right to consult directly in planning and development of policies and programs. However, these organizations will have neither collective bargaining rights nor the right of veto.

Compromise language was adopted on free and reduced rate mail, with the rates to be fixed by the Rate Commission. However, at the end of 10 years, the special rates may not exceed the actual cost of handling.

Public service appropriations are continued for 8 years at 10 percent, then reduced annually by 1 percent for 5 years when the postal service shall decide about future need.

MAIL TRANSPORT FLEXIBILITY

The new postal service is given greater flexibility in selection of modes of mail transportation than the Department now has. This is a vital improvement in the light of the changes in surface transportation which have occurred in recent years.

The conference adopted the Senate amendment on "sexually oriented advertisements." The section is part of a separate bill previously passed by the House. It permits any postal patron to advise the postal service of his desire not to receive such advertisements and requires the mailer of any such advertisement to place on the envelope his name and address and such mark as the postal service prescribes.

The foregoing, of course, is only a brief summary of this most comprehensive legislation, but I believe that it deals with the items of principal interest.

AIR POLLUTION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. WYMAN. Mr. Speaker, the eastern seaboard has been threatened for the past several days by unusually high air pollution levels. The problem has been caused by atmospheric conditions which have trapped warm air over the East, preventing the polluted mass from being swept away. This is not a permanent problem and we should be able to breathe comfortably in a few days.

The reassurance that this discomfort is not permanent is in itself a danger, however. If we were faced with a choice of taking steps to clean up our air or not being able to breathe, I think all would choose a healthier life-giving atmosphere. As it is, we too often tend to shrug our shoulders and endure a few days of unpleasant weather with the attitude that the problem is temporary and will soon go away.

We can no longer ignore the evidence, however, that if we continue to live as we do without working to develop a nonpolluting internal combustion engine, or implementing workable plans for a usable mass system of transportation in populous corridors along our east and west coasts, then we will not be able to live in a very comfortable manner on this planet for much longer. We should all work now for better air to breathe, because the fact is that a failure to do less will, according to the experts, allow the destruction of the atmosphere to the extent that we will not have breathable air.

In New Hampshire, there is some of the cleanest air in the Nation. It is my fervent hope that we can take the necessary steps to see that the atmosphere over the rest of the Nation may be as clean and fresh. With this goal in mind, I would like to bring to the attention of my colleagues an editorial appearing in the Washington Evening Star of Wednesday, July 29.

The editorial follows:

REHEARSAL FOR DISASTER

The stagnant bubble of pollution that hangs over the Eastern United States from New York to Atlanta is, we are assured, no cause for alarm in the Washington area. The problem will end when a tide of cool air arrives to shoulder the polluted air mass out over the Atlantic. In the meantime, it will sting the eyes and irritate the lungs. But it is, according to the official assessment, just a bother and nothing more.

It is—or it should be—a great deal more.

It should be taken as a reminder that nature cannot always be counted on to cart away man's airborne garbage. It should be accepted as persuasive evidence that mankind is indeed charting a course to environmental disaster. It should be seized upon as an opportunity to develop and to test the escape mechanisms before that disaster materializes.

The weather phenomenon that laid the damp blanket over Atlanta, Washington, Baltimore, Philadelphia and New York is nothing really new. Every now and again, infinitely complex mechanism that produces the weather creates a vast dome of stable air, massive enough to resist the pressures that normally move weather patterns in a west-east parabola. The mast comes to rest. Winds, both lateral and vertical are at a virtual standstill.

When this mass settles down over an industrial area, the pollutant byproducts of civilization are pumped into the stagnant pond of air. There they are altered and strengthened by the photochemical actions of the sun on the tainted air trapped beneath the dome of the atmospheric greenhouse. It has happened before. It will happen again. And every time it happens, man's industrial progress has moved the threat of areawide disaster several steps closer to fulfillment.

Washington will, assuming the predictions of relief are accurate, escape a killer smog such as those that have, in the recent past, claimed hundreds of lives in London. Washington will be spared the white horror that, until today, enveloped the major cities of Japan, and produced 9,000 serious illnesses. The most that is anticipated is an area alert that will trigger some voluntary antipollution steps.

But there must be no assumption that an emergency can't happen here. It can, and it will. And the present minor emergency could have been utilized for a full-dress rehearsal for disaster. It would have been possible to put the contingency plans for a real emergency to the test, curtailing the area's limited industry and halting all non-essential auto and bus travel. Then it could have been seen if the limited measures that have been planned are really enough to reduce the levels of poison in a body of stagnant air.

The Washington Council of Governments should determine now that such a test will be made the next time nature sets the stage for a disaster drill. And the rest of us should hope that the next time is not the real thing.

A CLOUD OF WARNING

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. FISH. Mr. Speaker, for 7 days a pool of stagnant air has covered our eastern seaboard. This bubble of trapped, still air has caught and held the filth generated by our great cities, to a point that warnings have been issued in some areas for residents, if possible, to remain indoors, and serious thought given to the banning of automotive traffic from the streets of the major cities caught under this blanket should conditions worsen.

Fortunately, this polluted air, although disagreeable, so far has not proven disastrous. But this is through no fault of our own. Rather it was due to our not yet quite possessing the ability to fully contaminate such a large mass of air.

But what of the future? Inversion systems have happened before. They are bound to happen again. The only difference between such a stable mass of air today and 50 years ago is our ability to inject poison into it. So although we escaped disaster this time, what of the next inversion mass, or the next, or the one after that: as our ability to spew poisons increases, and few steps are taken to control these poison emissions? This past week's mass of stagnant air should point a warning for us all of what can, and surely will happen if we do not act, and act quickly.

Mr. Speaker, I feel this danger is well and forcefully covered in an editorial appearing in today's Washington Post. I include the entire editorial in the RECORD, for its timeliness and for my colleagues who may have missed it:

[From the Washington Post, July 30, 1970]

A CLOUD NO BIGGER THAN THE EASTERN SEABOARD

The dangerous cesspool of air that now hangs over this city and the eastern seaboard is a shock but not really a surprise. The bread we threw out on the water now returns to us. It is true that abnormal weather in the form of a mess of warm air that won't move on is a major weave in the blanket of pollution now covering us. But we cannot blame the fickleness of nature for this mess; it is manmade, largely by the exhaust fumes from automobiles and buses, according to local officials.

This raises the immediate question of whether the public can wait the 10 years the automobile industry has said it needs to produce clean cars. Has an independent group thoroughly looked into this time-table to see if 10 years really is needed? Or is it a comfortable pace the industry has set for itself? These are honest questions and there is an urgent need for answers; the air around us argues that anything less than a crash program to get clean air is basically a no-win effort.

A world-wide survey by the UPI reveals that we are not alone in our filth. Wallowing also in smog are places like Japan, Mexico City and Singapore. The ongoing series of articles on world pollution by Claire Sterling on this page has been detailing the theme that we are all in this problem together; action by one country and not by another will not do. And neither will it do to wait until things get worse.

A recent book called "The Vanishing Air" by John Esposito ends with a chapter called "Pollution and Palliatives." What he and his researchers tried to do, says Mr. Esposito, and in many people's opinion *did*, was "illustrate how the public's hope for clean air has been frustrated by corporate deceit and collusion, by the exercise of undue influence with government officials, by secrecy and the suppression of technology, by the use of dilatory legal maneuvers, by special government concessions, by high-powered lobbying in Congress and administrative agencies . . ."

In saying where the blame lies, Mr. Esposito also implies where the remedy lies: in positive and immediate action by corporations, governments and citizens, not just in Washington or in the United States, but in every part of this blanketed planet.

The trouble is that as long as the menace remains invisible, by and large, we may fool ourselves into thinking that there is no urgency in the developing crisis of our environment, which suggests a silver lining in the great dirty cloud that has enveloped, not just a city, but an entire area of the United States the past few days. For what this has done has been to make the menace all too frighteningly visible, as a regional thing, which is only a step away from a continental, and ultimately, a planetary thing.

It is often said that the crises of pollution and environment will fade away, like other fads, a victim of our short attention span, as the media turn to new trinkets or interest to play with. But it won't, in our view, because it won't remain invisible. When the old and sick are in danger of dying along a whole seaboard, when officials in Washington and New York are ready to block roads to keep cars from being used, when the menace is inescapable there for all to see and breathe, it is not a fad which can fade away. A blind eye can be turned on the ghettos or the war but no one who ventured outdoors the last few days could avoid seeing what we are doing to ourselves. It would be nice to think that we could take sensible warning from a cloud no bigger than the eastern seaboard.

THE CONTINENTAL LINE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on March 13, 1970, the West Point Society of the District of Columbia held their Founders Day Dinner at Fort Myer, Va., marking the 168th anniversary of the birth of the U.S. Military Academy. The principal speaker was the Honorable JOHN O. MARSH, JR., whose address was entitled "The Continental Line." The remarks are most appropriate to a very current subject and I commend them to this body:

THE CONTINENTAL LINE

First, I would like to thank you for having invited me to participate in this annual dinner marking the 168th year of the birth of the United States Military Academy.

I am particularly pleased to have this opportunity because it gives me a chance to thank each of you for the many years of service that you have given to the security of our nation. Our country is indebted to the Military Academy and to its graduates. Rather than criticize your association with the military, I would like to assure you of my support of your service to your country in the prosecution of its wars.

In reference to the Cadet First Captain who is here tonight representing the Corps, I might say that the student body at the United States Military Academy stands for and represents a number of things that are needed today on many campuses of America.

My topic tonight is taken from the Revolutionary War and relates to the subject of national will. National will is an intangible. It is the morale of a nation—the esprit de corps of a great people. It is a vital ingredient in national success. It is indispensable to national survival.

In just a few years, our country will observe the 200th anniversary of its birth. Born of revolution, America is the first of the emerging nations of the modern world. Ours has been the product of a determined national will. I would like to mention to you just three evidences of that will. Please do not think of them as geographic places, nor just the scenes of great historical events, but rather, think of them as elements of the national character, as parts of our heritage—as pieces from the mosaic of American life.

Each of the three places are drawn from the American Revolution. They are tributes to the Continental Line, the first Regular Army of the United States, the Army that redeemed the pledge the signers of the Declaration made when they pledged their lives and fortunes.

The first place was in the rolling hills of Pennsylvania, a short distance west of Philadelphia, not too far from the fringes of the frontier. Its name was not well known, then, even to the American settlers, but it shall forever be known in American history—Valley Forge. Let me read to you an historical description of the Continental Army moving into Valley Forge on December 19, 1777. It was an army of about 11,000 men.

"Toward this plateau the main army of the United States headed in December, as the air sharpened and powdery snow began to sift through pine and oak limbs . . . Snow thickened, became stinging sleet, softened into pelting rain. The freeze came swiftly and the wretched, boggy roads stiffened into knife-ruts that slashed at rag-bound feet. Washington said 'you might have tracked the army . . . to Valley Forge by the blood of their feet.'

"The main column reached the plateau on the afternoon of December 19, and exhausted, chilled men lurched to their camp sites and lighted fires. For rations they had only what they might scrape out of their haversacks; and soon even the fires became a menace, for all their cheerful glow. Broken boots dried too quickly, cracked and split. Foot-wrapping charred and fell away from bruised, bleeding soles. Nothing very much happened in the Valley Forge lines. Men simply set their teeth and stayed alive, and thus kept alive the army that was the active expression of their cause, quite unaware of the deep glory of what they did."

When the warmth of spring would come to the Pennsylvania countryside and the winter snows give way to the greenery of spring, 4,000 men of Washington's Army had found their home in the grassy slopes of Valley Forge. Among the men who endured the hardships of that winter and survived was a young Company grade officer in the Continental Line by the name of John Marshall, later to become Chief Justice of the United States.

The Continental Line left Valley Forge a better Army.

Valley Forge was sacrifice and suffering. It was the story of an untrained army.

The next place is a peninsula on the Chesapeake Bay—Yorktown, October, 1781.

The Continentals by now had behind them six bitter years of war. Man for man, theirs was the finest Army in the world.

Cornwallis had moved into a cul-de-sac which the Americans, together with the French, had closed. Escape by sea had been sealed by the French Fleet.

The Revolution was a war of the bayonet. On the night of October 14, a unit of the Continental Line, under cover of darkness, quietly moved into position for an assault on Redoubt Ten. In order to achieve surprise, the commanding officer of the assault force had ordered that no muskets be loaded and that the force storm the Redoubt in a coordinated and carefully timed night bayonet assault. After a fiercely-fought night attack, Redoubt Ten fell and Cornwallis had no choice but to surrender. The commander of the assault force was a Lieutenant Colonel. His name was Alexander Hamilton who later helped write the Constitution and would become the first Secretary of the Treasury.

Yorktown was the vindication of leadership and training. Yorktown means courage and victory.

The third place I would like to mention was one of great strategic importance during the Revolution. Its retention was essential to frustrate British plans to separate the colonies by penetrating the country using the Hudson River. Each of you are far more familiar than I with the scenic beauty and geography of West Point.

West Point today is the legacy of Valley Forge and Yorktown. It is a product of the Revolution. The heritage of the Continental Line which secured the blessings of liberty at such places as Saratoga, Trenton, Monmouth, Cowpens, Brandywine and Guilford's Court House is vested today in the "Long Gray Line" of the United States Military Academy.

West Point is trained leadership for the nation. It was the hope and dream of men who fought and led the Continental Army. Its patrons were Washington, Hamilton and Knox.

A protector would be President Monroe. Monroe was an officer of the Continental Line. He fought at Harlem Heights, White Plains and Trenton. Badly wounded at Trenton, he had to leave the Army. He later rejoined and fought at Brandywine, Germantown and Monmouth.

One of the reasons I have mentioned some of these officers in the Continental Army such as Marshall, Hamilton, Monroe and others is to point out that men who would later help build the infant Republic in a political sense had previously rendered a great service in positions of military leadership. However, they retained their basic belief that the power of government should be vested in civilian leaders. Still they remembered from their days of military conflict how vital it was for the nation to have a Corps of well-trained military leaders.

To them West Point would spare the young nation the agonies of the early years of the Revolution when there had been no trained leaders to build an army.

West Point had a unique mission for the infant Republic. Its far-sighted patrons saw for it a means to provide a resource of talent and military leadership as America faced west. The Mexican War would be its watershed and prove its national worth.

Its graduates would chart and explore the West. It gave the nation a resource and reputation for civil engineering. It not only helped develop our west, but would earn for American arms respect as a key part of an enlightened national policy when lessons of territorial government learned in our West were carried across the Pacific.

The very term "Long Gray Line" connotes continuity and succession. It does not say ranks or formation; it conveys the meaning of the power of one individual—of determination of one in the forefront, a leader—of a man against odds—the razor's edge. For the graduates of the Academy, there have been their Trentons and their Valley Forges. Brandywines as well as Yorktowns. Men of the Academy made the difference at Buena Vista, and rode with both armies from Bullrun to Gettysburg and Antietam to Appomattox.

They stormed San Juan Hill and pacified the Philippines.

Men of the "Long Gray Line" led the A.E.F. through the agony of the gnarled forests of the Meuse-Argonne.

They were at Corregidor and made the death march at Bataan—led America's sons as they clawed their way across the beaches of Normandy or jumped from C-47's in the pre-dawn skies over France in an assault on fortress Europe. They flew with the squadrons that struck at Ploesti and fought through the jungles of Guadalcanal. Succeeding classes stepped forward to endure the bitter winters of Korea.

Today and yesterday, and in the tomorrows to come, the muffled tramp of the Corps continues as each succeeding June week sees more of the Academy's own leave to serve the nation's cause. The sons of West Point say farewell to Cadet Gray to take their place with the United States Army in Vietnam.

The banks of the Mekong River are half a world away from the highlands of the Hudson, but the lessons of leadership learned in the "Long Gray Line" go with them to the ranks of the American army, whether in the frozen wastes of Alaska or the foothills of the Amanite Mountains.

In each of the nation's wars, sons of West Point sleep forever on the battlefields where the men they led have fought.

Today national will is being undermined. Today there is an attack on many of the things the Academy stands for. I suspect those of you associated with West Point sometimes wonder whether that institution must also bear the brunt of conflict on the battleground of public opinion as well as the battleground of combat.

Today there are those who would again have us turn to the old paths of isolation, who believe a new road to peace and world security can be found by non-involvement. This view is surprisingly like that of a "fortress America", urged upon us in the 1930's, which availed us naught when World War II crashed upon us.

It is one of the ironies of history that the times exact from each generation a special measure. As some men pay a greater price, so some nations bear a heavier burden. The "times that try men's souls" of which Thomas Paine would write in the Revolution continue to challenge us in the evolution of the American Experiment.

Each President has had to wage his own battle for the hearts and minds of his people. That battle is now joined. The terrain of public opinion is not just the rice paddies of the Mekong delta. Today the major battleground for the hearts and minds of the people is here at home. It is along our own coasts, and in the rolling foothills of the Blue Ridge, and the mountain towns of Appalachia as well as the heartland of our Midwest.

In my opinion, it is essential that the President mobilize public opinion. It is important that our people understand the geopolitical significance of Southeast Asia and the vital part it plays not only to American interests, but the cause of a free and stable world. We must build National Will. As in crises in the past, the American people are not interested in Party or politics but in principle.

To those of you who are not on the active list, I believe you have a unique opportunity to render a national service. By virtue of your distinguished careers, your experience and your training, you enjoy a special status as a spokesman on matters that relate to national security affairs. This is recognized and respected by your fellow citizens. In your communities and through organizations and associations of which you are a member, I think you can furnish leadership in programs and projects that help mold public opinion on matters that relate to national defense. Better than most, I believe you can explain to a local civic club the geo-political significance of Southeast Asia and the nature of the American commitment in South Vietnam.

There is great dissent and unrest in the land about the war in Vietnam. That men should have differences of opinion and speak out when they favor different courses of action is the history of our Republic. But in our pursuit of dissent, let us not neglect our duty to those who serve our country in the field, nor abandon those who have fallen into enemy hands.

Let us not blind ourselves to reason, nor close our eyes to fact. We must be ever mindful there are nations who believe that might does make right; nations whose weapons include assassination, kidnapping and terror; nations that have tried to mute the voices of dissent by the gas chambers of Buchenwald, by the use of armor in Czechoslovakia or by mass graves in Hue.

In the final analysis, the threat we face is the challenge the police state poses to the legacy of Philadelphia. Lenin, Mao, Che Guevara and Giap have in the 20th Century developed a doctrine of conflict for the monolithic police state not just on the military battlefield but in the other areas of human life including politics, economics and psychology.

These architects of aggression wage limited wars on unlimited battlefields. Yet, there is a paradox in warfare—the paradox of conflict which finds the sophistication and totality of weapons systems actually de-escalating conflict to more classical concepts that draw on skills of the individual soldier.

To meet this threat, West Point must give to the nation the leaders who develop the doctrine and tactics on behalf of the Free World to fight on these multi-dimension battlefields.

Vietnam has given us tremendous resources of leadership and experience in new dimensions of conflict. I do not share the view that we have lost the struggle there. On the contrary, I think that we stand at the threshold of success. The American soldier coming home from South Vietnam does not come home the vanquished—rather, he comes home the victor.

I am convinced a resource of talent exists in the ranks of the American Army drawn from years of bitter lessons in South Vietnam. It is a valuable national resource which must be retained for it must continue to be a vital part of our national defense. What we have done in South Vietnam has not been lost on Moscow and Peking.

The trained leadership that exists in the American Army is a deterrent to aggression and, therefore, vital to the United States in achieving a secure peace and a free world.

As America needs today the lessons of Valley Forge and Yorktown, so we need the example of West Point. The words, Duty—Honor—Country, must become again key words in every American's vocabulary.

As a part of our legacy from Philadelphia, we frequently quote the lines from the Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."

This is the part of the Declaration we like—"pursuit of Happiness." However, we often overlook the last line of that same Declaration:

"And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our Sacred Honor."

That pledge signed at Philadelphia was redeemed by the Continental Line. The "Long Gray Line" stands ready to redeem it today because to the sons of West Point, Emerson's poem on duty has a special meaning.

> "So nigh is grandeur to our dust;
> So near is God to man,
> When Duty whispers low, Thou must,
> The Youth replies, I can."

Today, as it is always done through our nation's history, the Corps responds to Duty's low whisper as with one clear voice—"I Can!"

RESOLUTION BY MICHIGAN UNITED CONSERVATION CLUBS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. DINGELL. Mr. Speaker, the Michigan United Conservation Clubs held its annual convention in Traverse City, Mich., June 18–20, and adopted a number of important resolutions dealing with conservation and environmental issues. I wish to insert them in the RECORD at this point so they may be brought to the attention of my colleagues:

RESOLUTIONS ADOPTED BY MICHIGAN UNITED CONSERVATION CLUBS AT 1970 CONVENTION

9(L). Whereas, all the Michigan Congressional delegation have joined in sponsoring legislation to provide for establishment of the Sleep Bar Dunes National Lakeshore; and whereas, the administration has indicated that money would be available for national recreation areas; and whereas, MUCC has consistently supported the Sleeping Bear Dunes proposal: Therefore be it resolved that MUCC reaffirm its stand and request that Congress approve and provide the necessary funding for establishment of a Sleeping Bear Dunes National Lakeshore in Michigan.

12(L). Whereas, the proposed Timber Supply Act has been amended extensively by the House Committee on Agriculture of the U.S. Congress and this version is known as the "National Forest Timber Conservation and Management Act"; and whereas, provisions in this proposal (H.R. 12025) would give stress and emphasis to the commercial logging aspects; and whereas, provisions in the "National Forest Timber Conservation and Management Act" would direct the U.S. Forest Service to increase allowable cuts for commercial purposes before an accelerated growth program has produced additional timber; and whereas, the Multiple Use—Sustained Yield Act of 1960 directs that all legitimate use of national forests shall be given equal consideration; and whereas, the U.S. Forest Service already has sufficient authority to carry out provisions in the proposed Act if given adequate funds: Therefore be it resolved that MUCC hereby register its opposition to the principles enumerated in the "National Forest Timber Conservation and Management Act," and invite conservationists throughout the State to join in expressing their opinions to their elected officials.

13(L). Whereas, insufficiently severe penalties have been imposed upon those involved in the criminal use of fire arms; and whereas, there is failure to strengthen local law enforcement agencies throughout the country to effect higher rates of apprehension and conviction of criminals: Therefore be it resolved that MUCC go on record as opposing any type of legislation that will cause registration and licensing of shotguns and rifles; and be it further resolved that MUCC support legislation to impose mandatory jail sentences upon individuals convicted of crimes involving firearms.

15(L). Whereas, an existing ten per cent Federal excise tax on the sale of pistols and revolvers is credited to the general fund of the U.S. Treasury; and whereas, legislative proposals currently before the Congress would credit these tax monies to the Secretary of the Interior for distribution to the States for cost-sharing of wildlife restoration programs, hunter safety training, and the construction and maintenance of public outdoor target ranges; and whereas, such a procedure would closely parallel the successful Federal Aid in Wildlife Restoration program made possible through the Pittman-Robertson Act: Therefore be it resolved that MUCC hereby endorse the principle that funds accruing from Federal excise taxes on handguns should be earmarked for wildlife restoration work, for hunter safety programs, and for public target ranges.

15(L). Whereas, there are thousands of registered handguns legally owned by citizens of our State; and whereas, there are very few places such handguns may be practice fired: Therefore be it resolved that MUCC support H.R. 12475 introduced by Congressman John D. Dingell, that would apportion among the States for wildlife programs one-half of the revenues resulting from the tax on pistols and revolvers, and which permits the States to use wildlife funds apportioned to them under this Act to pay up to 50% of the costs of a hunter safety program and the construction, operation and maintenance of public outdoor target ranges, as a part of such programs; and be it further resolved to send copies of this Resolution to the Michigan Congressional delegation as an indication of MUCC's support of this proposed legislation.

19. Whereas, several catastrophic oil and chemical spills or leaks in navigable waters have occurred in recent months; and whereas, catastrophic oil and chemical spills or leaks may occur in waters beyond the jurisdiction of a coastal state; and whereas, spills may be harmful to the resources of that State or adjacent States or to those in other countries; and whereas, spills inside a State's jurisdiction may be of such magnitude and scope that they may be beyond the capabilities of a State to control; and whereas, the States have the primary responsibility and authority to prevent pollution of their waters; and whereas, one Federal agency can work more closely than several with State agencies in controlling oil and chemical spills inside territorial waters: Therefore be it resolved that MUCC urge that one Federal agency be vested with the primary authority to take command in the direction of operations to control a spill of oil, petroleum products or chemicals in international waters or to cooperate with appropriate state agencies in appropriate actions to prevent or minimize damage to fish, shellfish, wildlife, and outdoor recreational resources in State waters; and be it further resolved that the designated Federal agency should be authorized to prevent the application of oil dispersants and other chemical substances on navigable waters or adjacent beach areas until appropriate state or federal wildlife agencies have been consulted with respect to the possible effects on fish and wildlife.

25(L). Whereas, eminently qualified scientists have determined that the present world population is using oxygen faster than it is being reconverted from carbon dioxide; and whereas, this population is using natural resources faster than new resources are being discovered or recreated; and whereas, the current birth rate is exceeding the death rate by such an extent that the world's population will increase from 3½ billion to 7 billion by the year 2005; and whereas, the uncontrolled increase in population will eventually make air, land and water pollution impossible to control: Therefore be it resolved that our state and national elected legislative and executive officials form study committees to study the state, national and world population explosion and make their conclusions to these studies in the form of proposed legislation to effect the best possible corrections to these conditions to their respective legislative bodies.

30(L). Whereas, the President of the United States has announced a "now or never" top priority program for attacking the pollution of our environment; and whereas, he has signed a bill to create the Council of Environmental Quality; and whereas, a report of a House Study group states, "Few national problems are handled with such a diffusion of administrative attention and responsibility"; and since present anti-pollution law enforcement is scattered through nine cabinet level agencies, some Congressmen fear the Council could be just another complication in trying to solve environmental problems: Therefore be it resolved that MUCC request the President of the United States to establish a new cabinet level position as a Department of Environment with a well-qualified director, and that all problems pertaining to pollution and the environment, now assigned to other departments, be reassigned to the new Department of Environment.

36(L). Whereas, the Great Lakes shorelines along Lakes Huron and Michigan were severely damaged by erosion in 1969; and whereas, the Federal government is controlling the level of Lake Superior by allowing excess water to flow into Lake Huron, thereby raising the water level of Lake Huron; and whereas, said damage by the high water level causes actual loss of valuable shorelines property, in some cases as much as fifty percent, fallen trees and cottage septic tanks; and whereas, property owners literally dumped anything into the water to retain their property, such as brush, stumps, rocks, cement blocks and concrete; and whereas, every foot of soil lost, and the aforementioned items, cause further pollution of the Great Lakes: Therefore be it resolved that MUCC seek and support legislation, both State and Federal, to control erosion and pollution of the Great Lakes.

40(L). Whereas MUCC believes it essential that the Federal government meet its obligations to State and local governments for cost-sharing of waste treatment plant construction for control of water pollution: Therefore be it resolved that MUCC support the full authorization of $1¼ billion to be appropriated for fiscal 1971 and used by the Federal Water Pollution Control Administration pending approval of alternate methods of financing a massive nation-wide drive for clean water.

41(L). Whereas, the Congress of the United States has enacted legislation creating a cooperative State-Federal water quality standard and providing for a clearly defined level of Federal financial assistance to States that comply with the act; and whereas, Michigan has met the water quality standards proposals, thereby qualifying for Federally financed assistance; and whereas, Michigan voters approved a $335 million bond issue to initiate the pollution abatement of Michigan waters; and whereas, Congress and the Federal administration have repeatedly failed to keep the financial assistance pledge in the Federal act: Therefore be it resolved that the Legislature and the Governor of the State of Michigan take all appropriate and effective action to urge all Michigan Congressmen, Senators and the President of the United States to fully fund the Clean Waters Act of 1965.

60(L). Whereas, wild geese are in relatively abundant supply on the North American continent; and whereas, Michigan hunters have limited goose hunting opportunities; and whereas, a goose refuge in the Hayward Lake area of Menominee County would do much to improve goose hunting opportunities for sportsmen; and whereas, the Michigan Department of Natural Resources and the U.S. Fish and Wildlife Service indicate that the Hayward Lake area seems ideal for a goose refuge: Therefore be it resolved that MUCC urge that a a comprehensive study be made and a tentative plan adopted by the Michigan Department of Natural Resources and the U.S. Fish and Wildlife Service; and be it further resolved that the Michigan Legislature and the Congress be contacted and encouraged to support this proposed study.

67. Whereas, it is evident that the sharptail grouse populations in the Upper Peninsula are at a critically low level; and whereas, this low population level is largely due to lack of suitable habitat for this popular game bird; and whereas, the habitat will continue to decline as civilization makes more demands on wild lands: Therefore be it resolved that MUCC urge the public land management agencies, namely, the Michigan Department of Natural Resources and the U.S. Forest Service, to increase their efforts to develop and maintain suitable habitat for sharptail grouse and to initiate management plans which will insure increased populations of these upland game birds; and be it further resolved that MUCC send copies of this resolution to the Michigan Department of Natural Resources; Regional Forester, U.S. Forest Service, Milwaukee, Wisconsin; and to appropriate State and Federal Congressional representatives for the Upper Peninsula.

74(L). Whereas, Congressman John D. Dingell on January 3, 1969 introduced in Congress H.R. 1049 to amend the Anadromous Fish Conservation Act; and whereas, the purpose of this legislation is to extend and expand the program for conservation, development and enhancement of our nation's anadromous fish and fish in the Great Lakes that ascend streams to spawn; and whereas, H.R. 1049 would amend the Anadromous Fish Conservation Act to extend the program until 1974 with appropriations over these four years of $32 million; and whereas, the program would be broadened to authorize the Federal share of an approved program to be increased to a maximum of 60% whenever two or more states having a common interest in a basin jointly enter into a cooperative agreement with the Secretary of the Interior: Therefore be it resolved that MUCC lend its wholehearted support to H.R. 1049 as being the best means to further the interests of the anadromous fishery in Michigan.

(Item #4 New Business). Whereas, the constantly increasing population of the United States and Michigan is a major factor in the creation and worsening of many of our most pressing environmental and conservation problems; and whereas, this population growth will ultimatey ease, either by operation of the basic natural laws governing all living things, or through man's conscious actions in anticipation of these laws; and whereas, many of the values cherished by members of this organization—clean water and air, abundant game, individual freedom—are constantly being eroded by expanding populations: Therefore be it resolved that MUCC urge the people of the United States and Michigan to abandon population growth as a pattern and goal, and call upon the President and Congress of the United States to provide the leadership for establishing a national population policy, with the emphasis on the quality of our lives rather than the maximum numbers we can support.

LOOK AT AMERICANS: LIFE IN A GOLDFISH BOWL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. DERWINSKI. Mr. Speaker, as debate continues in the Congress over foreign policy matters, I believe that cognizance must be taken of the affect that statements made by American officials have on thinking in foreign lands.

This point is well made in a July 6 article in the Elgin, Ill., Daily Courier-News by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, who has just returned from a factfinding tour of Europe.

The article follows:

Look at Americans: Life in a Goldfish Bowl

(By Dumitru Danielopol)

Paris.—An American traveling in Europe finds himself trying to look back at America in the European perspective.

Perhaps it is easier for me, since I was born and educated in Europe.

How oblivious are so many American public figures to the impact abroad of their words!

They forget, or perhaps they do not care that the United States literally lives in a goldfish bowl, subject to the closest scrutiny of hundreds of millions of people a big percentage of whom have little direct knowledge of the U.S.A. and no experience with our free-wheeling brand of democracy.

Europeans are often baffled and confused by the negative attitude toward the war in Vietnam of senators like Fulbright, Mansfield, Church and Kennedy. And they are even more confused by the attention they receive.

Even Europeans in high places simply cannot understand how "liberals," in Congress can ally themselves with hippies and college students against two Presidents.

Rationalizations and explanations are swept aside.

"Win the war first, then argue," they insist.

Another case in point.

President Nixon's move into Cambodia was received as a logical, intelligent and long overdue move by the majority of knowledgeable Europeans, even those who do not approve of the U.S. commitment in Vietnam. They accepted it as a strategic operation designed to save lives and permit the orderly withdrawal of American ground troops.

Even neutral Austria approved 9 to 1 in a public opinion poll.

Here it was obvious that the Cambodian operation struck a harsh psychological blow to Hanoi and the Viet Cong. Even the Red delegations at the so-called peace talks couldn't hide their dismay. They had ignored Mr. Nixon's threats. Now they had to ponder other warnings.

So imagine the surprise and shock of western Europeans to hear and read of the vitriolic attacks on the President in elements of the American press and from dove wing in Congress. What appeared to be an obvious American victory was suddenly placed in doubt not by Hanoi, but by voices in Washington.

"Why do they do it?" asks one after another.

A good question.

SPESSARD HOLLAND—A MAN OF QUALITY—STATESMAN, U.S. SENATOR

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. FASCELL. Mr. Speaker, the Honorable Spessard L. Holland, of Florida, a man whose every fiber and action denotes quality and integrity, will be leaving the Senate after 50 years of dedicated and consecrated service to his State and Nation at the end of this Congress. His distinguished reputation will always remain to inspire all Members of Congress to continue with a sincere and courageous approach to solve the problems that confront us.

Pete Laine of the Miami Herald has captured the essence of the Senator's strength of character in his article, "Spessard Holland—A Man of Quality."

Spessard Holland—A Man of Quality

(By Pete Laine)

Washington.—The day after the filing deadline for candidates in Florida, the United States Senate was in a drowsy session on a summer afternoon.

Only a handful of members were on the floor handling its business. The talk droned on about a complex appropriations bill.

Spessard Lindsay Holland, 78, who is hardly ever off the floor in session, sat at his front row desk, hands clasped across his chest, his white head almost nodding.

Fifty years ago, Holland put his name on a list of Florida candidates for the office of county judge in Polk County. He never did lose an election in Florida. Now the books had shut without him and an era had been ended.

The last son of a Confederate veteran left in Congress, Holland is winding up 24 years in the Senate as a widely respected leader of the old guard. He built his reputation for integrity, moreover, at a time when many, if not most, Southern politicians were compromised by sectionalism.

He peered round the Senate chamber through his heavy glasses, pulled a thick book out of the small desk, stood up and fingered the knot of the red tie he often wears with the dark suit and white shirt. He put his hands in his pocket.

Then—how many times has he said it?—"Mr. President, will the senator yield?"

Holland, with his remarkable memory, misses nothing in debate. He can be a formidable adversary. This bill pleased him as "conservative . . . and constructive" and he wanted to say so.

He liked it especially because it included funds to maintain a wildlife refuge on Sanibel Island, something he recalled helping start many years ago. In passing, he gave the Senate a little word picture of the sea and the wind and the birds and the shells there.

He gave back the floor, took off his glasses to wipe one eye, then cross the aisle and whispered something to Caleb Boggs that made the Republican stand, flushed with appreciation.

He chatted a moment with Mansfield and Scott, then walked out slowly through a side door. Only now are the years beginning to make their mark.

No, he said in his office, he'd never once thought of changing his mind and filing again because he'd be 84 "and a half" at the end of the next term. The thought of not being able to serve the state properly had worried him.

A pretty young woman came in and was introduced as his granddaughter. He said she was helping him get ready to go back to Bartow in January and they'd done nine packages already. Not at U.S. expense, he added. He had never hired a relative and isn't about to now.

There is a lot to pack. A half-century or more of U.S. history parades through 3,000 pictures. One shows a trim young man in World War I uniform in France, wearing a mustache and the single wing of an aerial observer. The old man, popping his feet on the desk, said the young man didn't keep the "little whisker" long. The record says he did bring back a Distinguished Flying Cross.

Liberals long ago despaired of Holland, but no one ever said he gave them a fast shuffle. In changing times, he has fought a rearguard action for conservatism and taken his many defeats without rancor.

Unlike many of his juniors in Congress, he works very hard, lives unpretentiously, shuns junkets, refuses to profit from his position, is open about his finances, and answers questions fairly and squarely.

Conservative or liberal, any man who possesses these vanishing qualities is going to be missed around here.

THE SST FOR THE SST'S SAKE?

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, from time to time I include portions of the "TVASNAC 'Quotes'" publication of the Town-Village Aircraft Safety and Noise Abatement Committee of Hempstead, N.Y., in the Record because the editors of this worthwhile publication continually include the best and most useful articles concerning the intolerable jet noise levels in many areas of this country—including my own 31st Congressional District of California, which contains the Los Angeles International Airport.

I have long been an adversary of those who believe that the Government-subsidized development of the SST plane is in the best interests of our Nation.

It has been and continues to be incredible to me that a publicly financed project such as this, which will ultimately benefit only a very few of our Nation's jet-set, globe-hopping minority, is deemed worthy by the current administration to receive taxpayers' funds. Perhaps my colleagues will recall that such handouts were not offered to the developers of the first passenger jet planes which were, like the SST, intended for private profit and private use. Apparently, our Nation's relief rolls have since been expanded.

At any rate, perhaps a plausible rationale has now been offered by a British scientists whose remarks on the blatant boondoggle were recently excerpted for use in the aforementioned "TVASNAC 'Quotes.'" I call these excerpts to my colleagues' attention at this point in the Record:

SST Built as Useless Trick Toy?

Washington.—Is the supersonic transport airplane just a slick technological trick that should be built more or less for the hell of it, flown a few times and then shelved?

A British scientist says that it is, but that Americans probably won't be "civilized" enough to quit while they are ahead, as the British and French builders of the rival Concorde may do. The records of European and American ventures in "pure technology" set the pattern for the ultra-high speed airplane, he says.

The Englishman's views are contained in an article in Technology Review, the monthly magazine of the Massachusetts Institute of Technology.

"Pure Technology," Daedalus says, "is the building of machines for their own sake and for the pride or pleasure of accomplishment. It is a creative art form and somewhere between art and science."

The SST, Daedalus argues, is "an indubitable masterpiece of thinly disguised pure technology." He explains:

"I need not detail here the ample demonstrations which have been given of the pointlessness and social drawbacks of this project. But given a journey of say seven hours at an average of 10 miles an hour and another six at 600 miles an hour (a fair profile of a typical trans-Atlantic air excursion) the expenditure of millions of dollars to clip a few hours off the highspeed section seems misguided to say the least."

"Balancing the insignificant gain and the tiny minority who gain it against the solid debit in expense and noise pollution inflicted on the majority, we can see how unexpectedly powerful is the drive to pure technology in our supposedly cost-conscious society—for the only really compelling reason for building the SST (and of course its rival, the Concorde) is the sheer entertainment of overcoming all the technical problems and finally flying such a thrilling machine."

"Consider the noble record of the British aerospace industry. A long series of pure-technological triumphs—among them the Princess flying boat, the Brabason super-airliner, the Blue Streak ICBM and the TSR-2 supersonic fighter bomber—were developed just to the point where the prototype was successfully flown, and were then canceled (though Blue Streak was kept on in a pure-technological capacity as a space-launcher).

"There is every reason to hope that the pattern will be repeated with Concorde. Once the prototype has been exhaustively tested, the program will be canceled to save money, and peace-loving citizens will be able to breathe freely again."

Excerpts from article Long Island Press—July 1, 1970.

REV. JOSEPH G. NOVOROLSKY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. CONTE. Mr. Speaker, on July 16, St. Peter's Church of Westfield, Mass., lost its pastor of 37 years, Rev. Joseph G. Novorolsky.

Father Novorolsky served the people of St. Peter's Church and of the community with great distinction. He will long be remembered.

I would like to include in the RECORD at this time some articles on Father Novorolsky:

[From the Westfield (Mass.) News Advertiser, July 22, 1970]

FAREWELL "FATHER JOE"

The untimely death of Rev. Joseph G. Novorolsky, pastor of St. Peter's Church for the past 37 years, leaves a void which cannot be filled.

Known affectionately as "Father Joe," he was a man of great compassion, beloved by all.

Persons of all faiths and from all walks of life mourn his passing.

Farewell "Father Joe," you served God and your fellow-man well.

ST. PETER'S PASTOR: FUNERAL SERVICES HELD MONDAY FOR REV. JOSEPH G. NOVOROLSKY

The funeral of the Rev. Joseph G. Novorolsky, 63, pastor of St. Peter's Church, Westfield, for 37 years, who died Thursday, July 16, in Bridgeport, Conn., was held Monday, July 20, with a Concelebrated High Mass of Resurrection in St. Peter's Church with the Most Rev. Christopher J. Weldon, Bishop of the Springfield Roman Catholic Diocese, as celebrant.

Concelebrants were the Rev. Jerome Pavlik, OFM, Franciscan Friary, Easton, Pa.; the Rev. Andrew Cokovsky, St. Anthony's Church, Johnstown, N.Y.; the Rev. Joseph D. Ferenz, St. Anthony's Church, Webster; and Rev. Edmund Mochak, St. Dennis Church, East Douglas.

Also, the Rev. Paul O'Day, St. Thomas Church, West Springfield; the Rev. Vincent Puidohas, St. Casimir's Church, Westfield; the Rev. John Blazewicz, MS, Holy Trinity Church, Westfield; and the Rev. Joseph Massaro, CSS, Holy Family Church, Lynn.

The Deacon was the Rev. David Joyce, St. Mary's Church, Westfield. The Rev. Francis X. Sullivan, Blessed Sacrament Church, Westfield, was the Thurifer.

Acolytes were the Rev. Michael Develin, Blessed Sacrament Church, Westfield, and the Rev. John O'Donnell, St. Thomas Church, West Springfield.

The Homilist for the Bible service Sunday, July 19, was the Rev. Edmund Mochak.

The Eulogy was delivered by the Rev. Richard Portasik, OFM, the Franciscan Friary, Pittsburgh, Pa.

There was a delegation in attendance representing the City of Westfield, including Westfield Mayor John J. Palczynski, State Senator George D. Hammond, City Auditor J. Vincent Kane, City Clerk Ethel Oleksak, State Representatives Robert McGinn and James Adams.

Also Councilman Edward Andreski and former Mayors Harold Martin and Alice Burke.

Bearers were Robert Vittengl, John Kleis, Albert Bachleda, Paul Peregrin, Robert Monko, Joseph Oleksak, John Malcovsky and Frank Grysziewicz

Fr. Novorolsky, affectionately known as "Father Joe," was a native of Reading, Pa., where he attended Saints Cyril and Methodius Parochial School. He also attended St. Charles Preparatory School, Overbrook, Pa., and graduated from St. Francis College, Loretto, Pa., in 1928.

He was ordained in 1932 in Harrisburg, Pa., and was assigned by the late Bishop O'Leary to the post of assistant priest at St. Michael's Cathedral.

On Jan. 29, 1933, he was transferred to St. Peter's Church and has been pastor for 37 years. St. Peter's is the only Slovak parish in the Springfield Diocese.

He was Whip City Knights of Columbus chaplain for many years and was recently feted by the organization.

He leaves a brother, John, of Reading.

In lieu of flowers friends were asked to make contributions to the memorial fund at Noble Hospital in Father Novorolsky's memory.

The Robert E. Cusack Funeral Home was in charge of arrangements.

[From the Catholic Observer, July 24, 1970]

TRIBUTE

In grateful memory of Father Joseph G. Novorolsky, pastor of St. Peter's, Westfield, who died July 16, 1970.

"He gave
Not counting cost
To all who looked to him
As Pastor, Counsellor and Friend . . .
Father J. G. N."

(Sister Mary Vittengl, O.Carm., Carmelite Monastery, Hudson, Wis.)

[From the Catholic Observer, July 24, 1970]

HOMILY GIVEN AT FATHER NOVOROLSKY'S FUNERAL

(NOTE.—The following homily was preached at the funeral of Father Joseph G. Novorolsky, pastor of St. Peter's Parish, Westfield. The preacher was Father Richard Portasik, O.F.M., of Holy Family Friary, Pittsburgh, Pa.)

This morning we have gathered here at St. Peter's in Westfield to pay our final respect to Father Joe, as he was widely called, our brother priest and our spiritual father.

Of his 38 years in the priesthood, he spent 37 as pastor of St. Peter's.

Without question, he has throughout these years affected the lives of the young and the old. He will be missed.

If we would characterize the life of Father Joe in one word, we would have to say that it was one of service to the Church, the community and the People of God.

Recognizing his human deficiencies, he nevertheless conducted himself after the example of Christ, who came "not . . . to be served, but to serve" (Matt. 20:28)

Father Joe served by conscientiously administering the parish temporalities. He maintained all the parish buildings in excellent order.

The church, the house of God, was always clean and properly kept.

He served by his especial love for the sick, the poor and the elderly.

He was a very familiar sight at the local hospital, the surrounding nursing homes, the home for the blind.

Here he absolved the sinner and strengthened him with the Body and Blood of Christ.

One of his most familiar greetings was: Pochvalen Pan Jezis Kristus (Praised be Jesus Christ).

He served by preaching the Word, by announcing the good news of the Gospel in both English and Slovak.

Because of his facility in speaking and his wit, he was called upon frequently to be a toastmaster.

In his age of ecumenism, he served by openly and freely engaging in most of the ecumenical activities in the community.

I am sure that his friendliness and warmth drew Catholics and non-Catholics closer to one another.

We will all miss Father Joe, especially we, his brother priests, who have experienced his kindness, his sociableness and his friendship.

When the mother of St. Augustine was dying, she said to her son: "Son, lay this body anywhere; do not worry about the care of the body when I die; this only I ask, that you remember me at the Lord's altar wherever you may be."

Let us all remember Father Joe in our prayers not only during today's Mass, but in the future Masses we offer and attend.

May he rest in peace and attain his eternal reward for his priestly life of service.

[From the Springfield (Mass.) Union, July 18, 1970]

ST. PETER'S CHURCH PASTOR DIES

WESTFIELD.—The Rev. Joseph G. Novorolsky, 63, pastor of St. Peter's Church 37 years and former assistant pastor of St. Michael's Cathedral, Sprinfield, died Thursday in Bridgeport, Conn.

ORDAINED IN 1928

A native of Reading, Pa., he attended Saints Cyril and Methodius Parochial School in Reading, and St. Charles Preparatory School, Overbrook, Pa., and was graduated from St. Francis College, Loretto, Pa., in 1928.

Fr. Novorolsky was ordained to the priesthood in 1932 in Harrisburg, Pa. Soon after ordination, he was assigned by the late Bishop O'Leary as assistant priest at St. Michael's Cathedral and in January 29, 1933, was assigned to St. Peter's Church.

During his 37 years as pastor, St. Peter's, the only Slovak parish in the Springfield diocese, grew steadily.

He was Whip City Knights of Columbus chaplain many years. He leaves a brother, John of Reading. Robert E. Cusak funeral home is in charge. Burial will be in St. Mary's Cemetery.

NOVOROLSKY

Westfield, July 16. Rev. Joseph G. Novorolsky, pastor of St. Peter's Church, Westfield. Concelebrated high Mass of Resurrection Monday 10 a.m. St. Peter's Church, Most Rev. Christopher J. Weldon will be the celebrant. Calling hours at the rectory, 22 State St., Westfield will be Saturday 7 to 9 p.m., Sunday 2 to 4. The body will be transferred to the church Sunday at 7:30 p.m. where it will lie in state until Monday at 10 a.m. In lieu of flowers friends may make their contribtuions to the Memorial fund at Noble Hospital in Fr. Novorolsky's memory. Worcester, Mass papers and Reading, Pa. papers please copy.

[From the Springfield (Mass.) Daily News, July 18, 1970]

ST. PETER'S CHURCH PASTOR DIES

WESTFIELD.—The funeral of the Rev. Joseph G. Novorolsky, 63, pastor for 37 years of St. Peter's Church, who died Thursday in Bridgeport, Conn., will be held Monday in St. Peter's Church.

The Most Rev. Christopher J. Weldon, Bishop of the Springfield Roman Catholic Diocese, will be the celebrant.

Concelebrants will be the Rev. Jerome Pavlik, OFM, Franciscan Friary, Easton, Pa.; the Rev. Andrew Cekovsky, St. Anthony's Church, Johnstown, N.Y.; the Rev. Joseph D. Ferenz, St. Anthony's Church, Webster; the Rev. Edmund Mochak, St. Dennis Church, East Douglas; the Rev. Paul O'Day, St. Thomas Church, West Springfield; the Rev. Vincent Puidokas, St. Casimir's Church, Westfield; the Rev. John Blazewicz, MS, Holy Trinity Church, Westfield, and the Rev. Joseph Massaro, CSS, Holy Family Church, Lynn.

The Deacon will be the Rev. David Joyce, St. Mary's Church, Westfield. The Thurifer will be the Rev. Francis X. Sullivan, Blessed Sacrament Church, Westfield.

Acolytes will be the Rev. Michael Develin, Blessed Sacrament Church, Westfield, and the Rev. John O'Donnell, St. Thomas Church, West Springfield.

The Homilist for the Bible service Sunday will be the Rev. Edmund Mochak. The Eulogy Monday will be delievered by the Rev. Richard Portasik, OFM, the Franciscan Friary, Pittsburgh, Pa.

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A native of Reading, Pa., he attended Saints Cyril and Methodius Parochial School in Reading, and St. Charles Preparatory School, Overbrook, Pa., and was graduated from St. Francis College, Loretto, Pa., in 1928.

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During his 37 years as pastor, St. Peter's, the only Slovak parish in the Springfield diocese, grew steadily.

He was Whip City Knights of Columbus chaplain many years. He leaves a brother, John of Reading. Robert E. Cusak funeral is in charge. Burial will be in St. Mary's Cemetary.

[From the Springfield (Mass.) Daily News, July 18, 1970]

NOVOROLSKY

Westfield, July 16, Rev. Joseph G. Novorolsky, pastor of St. Peter's Church, Westfield. Concelebrated high Mass at resurrection Monday 10 a.m., St. Peter's Church, Most Rev. Christopher J. Weldon will be the celebrant. Calling hours at the rectory, 22 State St., Westfield will be Saturday 7 to 9 p.m., Sunday 2 to 4. The body will be transferred to the church Sunday at 7:30 p.m., where it will lie in state until Monday at 10 a.m. In lieu of flowers friends may make their contributions to the memorial fund at Noble Hospital in Fr. Novorolsky's memory. Worcester, Mass. papers and Reading, Pa. papers please copy.

[From the Catholic Observer, July 24, 1970]

FATHER NOVOROLSKY'S FUNERAL HELD—WESTFIELD PASTOR FOR 37 YEARS

WESTFIELD.—The funeral of Father Joseph G. Novorolsky, pastor of St. Peter's Parish for the past 37 years, was held on Monday, July 20, in the parish church.

Father Novorolsky died suddenly in Bridgeport, Conn., on July 16. He was 63 years of age and had been a priest for 38 years.

Bishop Christopher J. Weldon was the principal concelebrant of the funeral Mass. He also officiated at the interment in St. Mary's Cemetery.

Offering the Mass with Bishop Weldon were Father Joseph A. Ferenz of Webster; Father Andrew B. Cechovsky of Johnstown, N.Y.; Father Edmund G. Mochak of East Douglas; Father Vincent Puidokas of Westfield, Father Joseph Massaro, C.S.S., of Lynn; and Father Jerome Pavlik, O.F.M., of Philadelphia. Father Richard Portasik, O.F.M., of Pitsburg gave the homily.

Father David J. Joyce of Westfield was deacon of the Mass.

Fathers Michael H. Devlin of Westfield and John J. O'Donnell of West Springfield served as acolytes. Father Thomas F. McCarthy of Westfield was crucifer and thurifer.

Father John Blazewicz, M.S., of Westfield assisted the master of ceremonies, Father Daniel A. Doyle of the Chancery staff.

Father James P. Sears of Wilbraham, diocesan director of music, led the Priests' Choir and the congregation in the music of the Mass.

Father Novorolsky was a native of Reading, Pa. He prepared for the priesthood at St. Charles Preparatory School in Overbrook, Pa., and at St. Francis College, Loretto, Pa. He was ordained in Harrisburg, Pa., in 1932.

For a brief period after his ordination he served as an assistant in St. Michael's Cathedral Parish, Springfield. He was named pastor of St. Peter's on Jan. 29, 1933.

THE LOW COST OF FREEDOM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. SCHMITZ. Mr. Speaker, on December 8, 1969, Lt. Gen. Victor H. Krulak, USMC, gave an address at the U.S. Naval Academy, which was reprinted in condensed form in the July 1970 issue of the U.S. Naval Institute Proceedings, with the title "The Low Cost of Freedom."

General Krulak has made 54 trips to the Vietnam theater of combat, and his last command embraced all Marines serving in the Pacific Ocean area. I believe his words deserve wide attention, and I would like to include the speech at this point in the RECORD.

THE LOW COST OF FREEDOM

(Condensation of address by Lt. Gen. Victor H. Krulak)

There is in our land a growing dissatisfaction with that group of our citizens who feel that there is some short cut or bargain basement route to national security, who somehow find strength in weakness, who condemn and demean those dedicated to our defense, who indict what they call the "military/industrial complex" as being dishonorable or capricious.

Before condemning those who criticize our security efforts, it will be well to clarify the general state of our defenses—how big they are and what they cost.

First, as to people. There are 3.5 million assorted people serving within the Department of Defense today. A half-million are deployed overseas in Vietnam, another quarter-million are deployed overseas in other critical places around the world.

To support the varied activities of these 3.5 million men—to supply, train and sustain them—the current defense budget aggregates 79 billion dollars. That is 79 stacks of thousand dollar bills, each stack as high as the Washington Monument.

About a third of this total—perhaps 26 billion—is intended to support our overseas operations.

Here is the key point right at the outset. If those who clamor for our abandonment of Vietnam were successful in causing us completely to turn our backs and quit, perhaps a third of this large sum might be diverted to other purposes. But the bulk of it—fully two-thirds—would still be needed to sustain the same forces deployed in the United States or to replenish the material reserves—ammunition, aircraft and weapons—that have been so depleted by our war in Southeast Asia.

If experience is worth anything, it must tell us also that our summary withdrawal from Southeast Asia would just fertilize trouble elsewhere; trouble that could well demand a far greater expenditure. And no matter how courageous or pusillanimous we are in Vietnam, we still have no license to repeat the post-World War II Louis Johnson era where we so weakened ourselves as to invite the Communists to launch the Korean invasion.

Another eight billion of the 79-billion-dollar budget request is intended to support our minimum essential defense against nuclear attack—our nuclear submarines, our strategic bombers, nuclear weapons, detection systems, missiles. Ultimately, the ABM will be part of this, too.

In light of what our potential enemies are doing, there is doubt as to the adequacy of this sum. A good case could be made to increase it. In today's world there can be little question as to what would result if the Soviet Union ever found us in a position where we could not retaliate decisively to their first strike nuclear attack.

Our enemies know what nuclear backmail means. And the very day we make ourselves vulnerable to nuclear blackmail, we can expect to feel it. That was the guts of the ABM issue.

But, let's get back to our 79 billion dollars. When we take away the cost of Vietnam and nuclear defense, we still have something over $43 billion left.

Of this we have to take three billion for obligatory payments to retired military personnel; pensions to the disabled, to the widows, to the soldiers going all the way back to the Spanish-American War. This is a legal obligation. It cannot be escaped.

Six billion more are committed to military research and development. Here is an area that is under tremendous pressure—even attack, by those grown-up flower children who contend that, if you don't develop the means to make war, you won't be found making war. It's all so simple. We hear this frequently now, from a vocal few in the Congress, from the anarchistic Students for a Democratic Society, and from an array of Marxist professors whose object seems to be the erosion of the minds of our young people.

Second to the attack on our expenditures for nuclear retaliatory power, I believe that the attack on this sum of money could be the most deadly of all.

Military research *is* costly. Some of it *has* been inefficient. Poor planning and cost overruns *have* eroded people's confidence—mine included.

But these inefficiencies don't diminish at all the need for aggressive technologic research to evolve better and more efficient weapons.

Moreover, our own research is pretty much open. We know—indeed, the world knows—what we are doing.

Not so with the Soviet Union. Their research is done—to the extent that they can do it—in secret. Nobody knows what they are achieving.

We simply don't dare to underestimate them. Our survival is at stake and we need to go forward at top speed, just to be safe.

We all remember Sputnik. The Russians beat us into space by a large margin because of the secret Soviet program of research in one limited area—large rocket motors. Their superiority has since been overcome by our own successful research in other areas of space technology. But, it took us eight years to do it.

Just suppose that their secret research had not been related just to getting a peaceful object into space, but had been devoted to developing a means to detect and destroy America's nuclear weapons. And suppose they had succeeded, and were able to catch us unawares, just as they did with Sputnik.

What might have happened if research had put us at the nuclear mercy of the Soviets for eight long years? This is something we simply cannot risk. We need to maintain a clear superiority in technology for our own survival. And, that kind of superiority does not come cheap.

The Russians know the stakes involved, and they are prepared to pay for it. For the past few years the Soviets have increased their research and development spending continually while ours has grown only very slowly. In 1970, if these trends continue, the Soviet Union will for the first time be putting more money into research and development than we are.

This is no time to lag behind. But, unless there is some dramatic change in the attitudes in Congress, we are headed for second place in a scientific race where nothing but first place counts.

But, back to our arithmetic and our 79 billion. We still have something on the order of 35 billion dollars left.

Out of this we take some 15 billion for support functions—supply, maintenance, repair and modernization of valuable equipment, training of hundreds of thousands of men in the whole gamut of technical skills, military travel, hospitalization—in short, everything involved in making this whole complex mechanism work, day in and day out.

There can be some improved efficiency in this. But, basically, these support functions are going to have to be accomplished at 1970 prices. This 15 billion dollars is not just all mysterious military outgo. What price tag, for example is reasonable for all the young men to whom the military teaches a useful skill that will make them better citizens? What price tag is reasonable for the medical care given to 10 million Americans of all types and ages—the active and retired and their dependents—in some 250 hospitals? Where would they go otherwise? And how much would it cost?

What price tag is reasonable for the benefits realized by all sectors of business and industry from the day-to-day military purchases—whether it be socks or beans or tenpenny nails? There probably can be something wrung out of the budget in this area, but it just can't be much, or the basic machinery won't work.

The only area remaining is our conventional fighting forces—the fleets with their carriers, amphibious forces, ASW forces, Air Force tactical units, the Army and Marine combat forces—all of which put together, form the basis of our capability to go where American strength is needed. This sum also provides for our Reserves and the National Guard and the other elements of our military staying power.

All told, this package is something on the order of 22 billion dollars worth, and, together, we may all simultaneously shudder to think what would happen to us if these bread-and-butter elements of our national security were to be eroded.

If this erosion were to occur, our enemies would present us with choice after bitter choice where our use of nuclear weapons would not appear justified but where some important political, military, or economic position would have to be sacrificed because we simply did not have the alternative conventional tools to do anything about it. If we want to see Western Europe or Southeast Asia or both go down the drain, weakening our conventional forces is the surest way to accomplish it.

Nevertheless, unless some Congressmen are obliged to face up to the problem, there is a major budget cut coming in this critical area because, along with all the military, large and small, it's under drumfire attack today.

This discussion has outlined what our country would do with the money originally requested to underwrite our security for next year. But really, it doesn't mean much to talk about military budgets if they exceed our ability to pay. This question has to be faced up squarely.

In this case, and in spite of the very large sums involved, there is no question whatever but that we can foot the bill. No responsible person in this country has ever declared that the United States cannot afford to defend itself. And 1970 is no exception.

This 79-billion-dollar expenditure, for example, would only be seven per cent of our gross national product. The Soviet Union, is now expending about twice as much on defense forces as we are.

We can afford it.

Last year, our Federal spending went up about six billion dollars. But only half a billion went for the military.

No, we're not over-balanced in our defense spending.

In the past five years, the Federal Government alone has put 30 billion dollars into welfare. And this is on top of all the state and county and city and private funds that have been piped into the welfare sector. The total welfare expenditure has probably exceeded 10 billion dollars a year—this is far more than we are investing in protection against the doomsday weapon in the hands of our potential enemies, the Russians and the Chinese.

Last year, we spent over four billion dollars in this country to collect garbage. We spent over three-and-a-half billion dollars on our pets.

No, we are not over-spending on defense.

Last year we spent 24 billion dollars to fix our automobiles. That's about what Vietnam costs. And then we spent 26 billion more to buy new ones. That's more than Vietnam costs.

There is no evidence to suggest that we have ever over-spent on defense. In war, it's results that count and our military forces have won every war we've ever entered—at least up to the time that the politicians took charge.

Our military forces have defended our country, they have protected our shores, they have enhanced our overseas commerce, they have fulfilled our international obligations and have earned for us vastly more respect than some of the aimless and disorganized giveaway programs that have bruised our treasury to the tune of over a third of a trillion dollars since 1945.

Critics of our national security mechanism say that our military power, on occasion, has been excessive; that we actually have been too strong. Maybe so, but these critics' free-time might be spent more profitably contemplating what might have happened if ever our strength had been just not quite enough.

The same critics, and others, say that our military power has been used for the wrong things. And this may also be true. But if it is true, we cannot, in all fairness, overlook the fact that the military does nothing on its own.

Wherever we go, whatever we do, military acts are invariably products of political decisions.

Our soldiers went to France in 1917 to carry out a political decision. We entered World War II only after a careful political appraisal by the Federal administration. We went to Korea as a direct result of President Truman's own political judgment.

And—let there be no doubt in anyone's mind—we sent our forces to Vietnam not because of any capricious chicanery that had to do with Tonkin Gulf, but as a result of 12 months of painful deliberation by the Federal administration.

Heaven knows, we have fought that war not as soldiers would fight it, but as political leadership of our nation has directed—even to the extent of the selection of bombing targets and the prescription of military tactics by the politicians.

Whatever they do, wherever they go in the future, their countrymen may be sure of this—our military forces will be following the dictates of our civilian leaders. This is the way it always has been. This is the way it has to be.

The current condemnation, then, of our military for being off the reservation, or irresponsible, or unjustifiably costly, is just dead wrong.

But, in a broader sense, we have to acknowledge that the condemnation is understandable in today's world climate. It's almost to be expected. Because it is just a symptom of what is wrong with America as a whole.

What *is* wrong with the United States of America?

It has to do with that region of out body down around the midsection—we are suffering a shortage of that four letter commodity called "guts." There is a passive unwillingness on the part of the vast bulk of our people to stand up and be counted; to fight what is wrong.

Walter Lippmann expressed this thought more elegantly when he said, "The critical weakness of our society is that, for the time being, our people do not have great purposes which they are united in wanting to achieve."

I agree. Today we see an extraordinary lack of purpose and an even greater lack of resolution in our people. While the majority of Americans remain silent, we find vocal minorities of our people exerting inordinate—and often dangerous—influence on our country's affairs.

With no visible frontiers to conquer, they grope about for emotional causes. They find satisfaction in deprecating America's progress, ignoring America's strength, attacking America's institutions, while giving undeserved respect to the philosophy and the conduct of our potential enemies. And they are being allowed to get away with it by a passive majority.

The fact is this is a great country. Our system is a good system. It's the success story of the modern age. Nowhere, in all the nooks and crannies of history, is there a record of anything better.

Certainly the system with which we are in competition around the world can't even compare with it. Karl Marx designed what he reckoned was a foolproof scheme for defeating capitalism.

It's been tried in a score of places, in a hundred ways around the world for the better part of a century. But, it has never been able to meet the challenge of freedom, where man has the opportunity to succeed and the right to fail, where there is equity in government, participation by little people in important affairs, and where the evens of the market place govern the economy.

Marxism and its totalitarian trappings have failed. Certainly the cold aggression in Budapest, where Soviet tanks confronted Hungarian flesh and blood, was not a manifestation of success.

The brutal aggression by the Soviet Army in Czechoslovakia—seen on millions of television screens—was by no means a mark of triumph.

The erection of the Berlin wall—living monument to frustration—was not an example of Communist progress.

The cold murder of thousands, perhaps millions, of Chinese, the raging of the Red Guards, the forcible seizure of peasants' crops by the People's Liberation Army are no evidence that Marxism is succeeding in China.

The ejection of the Communists from Indonesia, the largest Moslem nation in the world, was a major setback.

Nor is the propaganda drumfire regarding Vietnam that we hear coming from every Communist source around the world—a drumfire that seeks to shake our own convictions in the ability of our nation to solve its problems—a manifestation of strength.

All of these symptoms, plain for every one of us to see and analyze on his own, sound a note which should resound from one end of our country to the other.

It is this: While the American system has made tremendous strides, our enemy is in trouble all over the world and what he is doing, by every means possible, is to try and divert our attention from his plight, to create doubts, apprehensions and cynicism in our minds so that we will not make capital of his weakness.

What is needed desperately today is for the great mass of silent America to come out of their shells—to acknowledge publicly and openly what they already know—that ours is a great, a dynamic, and successful country, that the ragings of those who condemn our system are false.

Now, above all, is no time for people whose work has brought our country to greatness to be silent or uncertain.

Over a generation ago, Calvin Coolidge said, "Doubters do not achieve, skeptics do not contribute, cynics do not create."

The 20th century is certainly a battlefield. Of this, there can be no doubt. And, to win the battle of the 20th century, our country can afford no doubters, no skeptics and no cynics.

If the American people will show the guts to face the issues as they really are and to make themselves heard over the din of those who would destroy our society, the future has to be bright. This particularly has to do with the military, with the preservation of its image, with the damping of the downward tilt of the curve of our popularity with the protection of our strength, of our right to fight, of our opportunity to defend our land.

Each of you midshipmen with the broad education that is coming your way here, certainly see the magnitude of the stakes involved in today's battle for military survival. We face shortages—shortages, of course, of money, of men, of information, of organization, of leadership, of time.

And the shortest of all is time.

SENATE—*Friday, July 31, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers, our God, and our children's God, before Thee the generations pass. We thank Thee for the work of hand and speech and pen in every age by which life has been enriched and Thy kingdom advanced. We bless Thee for our place in the making of history, for the sturdy warriors of the spirit who have moved ahead, and for the vital youths in the ranks which follow. However few or many our days, we thank Thee for life, and that it is lived now when new vistas are opened, new wonders of creation revealed, and new disciplines demanded. O Lord, make us adequate for our time.

To the President, to the Congress, and to all our leaders give that higher wisdom and that nobler courage which belongs to free men under Thy protection and rulership.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 31, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16915) making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 through 22, 24 through 31, and 37 through 41 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 23, 32, and 35 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 18104) to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; and

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

HOUSE BILL REPORTED

The bill (H.R. 18104) to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority, was read twice by its title and referred to the Committee on Public Works.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 30, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished senior Senator from Ohio (Mr. YOUNG), there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Ohio, who is to be recognized at this time, and taking no time away from him, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1041 and 1046.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will state the first measure.

RESOURCE RECOVERY ACT OF 1970

The Senate proceeded to consider the bill (S. 2005) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, which had been reported from the Committee on Public Works, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Resource Recovery Act of 1970".

TITLE I—RESOURCE RECOVERY

SEC. 101. Section 202(b) of the Solid Waste Disposal Act is amended to read as follows:

"(b) The purposes of this Act therefore are—

"(1) to promote the demonstration and application of solid waste management systems which preserve and enhance the quality of air, water, and land resources;

"(2) to demonstrate on an areawide systematic basis techniques for resources recovery and the management of solid wastes, including systems for collection, separation, recovery, and recycling of solid wastes, and the environmentally safe disposal of nonrecoverable residues;

"(3) to provide technical and financial assistance to States and local governments and interstate agencies in the planning and development of resource recovery and solid waste disposal programs;

"(4) to promote a national research, development, and demonstration program for improved management techniques, more effective organizational arrangements, and new and improved methods of solid waste collection, transport, and disposal including studies with emphasis on conserving and reducing wastes by separation, recovery, and utilization of potential resources in solid wastes; and

"(5) to provide for the promulgation of guidelines for solid waste collection, transport, separation, recovery, and disposal systems, and for training grants in occupations involving the design, operation, and maintenance of solid waste disposal systems."

SEC. 102. (a) Section 203(1) of the Solid Waste Disposal Act is amended to read as follows:

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare."

(b) Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

"(7) The term 'municipality' means a city, town, borough, county, parish, district, Indian tribe, or other public body created by or pursuant to State law and having jurisdiction over the disposal of solid wastes.

"(8) The term 'intermunicipal agency' means an agency established by two or more municipalities with responsibility for planning or administration of solid waste disposal or regional environmental protection systems.

"(9) The term 'recovered resources' means materials or energy recovered from solid wastes.

"(10) The term 'resource recovery system' means any solid waste management system which improves the application of technology for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues."

SEC. 103. (a) Section 204(a) of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to—

"(1) the health and welfare effects of the environmental release of material present in solid waste and methods to eliminate any adverse effects;

"(2 the operation and financing of solid waste disposal programs;

"(3) the reduction of the amount of such waste and unsalvageable waste materials;

"(4) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes; and

"(5) the identification of solid waste components and potential materials and energy recoverable from such waste components."

(b) Section 204(d) of the Solid Waste Disposal Act is amended to read as follows:

"(d) There is hereby authorized to be appropriated to carry out this section, not to exceed $31,500,000 for the fiscal year ending June 30, 1971, not to exceed $40,500,000 for the fiscal year ending June 30, 1972, not to exceed $40,000,000 for the fiscal year ending June 30, 1973, and not to exceed $38,500,000 for the fiscal year ending June 30, 1974. Such sums as are appropriated shall remain available until expended."

SEC. 104. The Solid Waste Disposal Act is amended by redesignating sections 205 and 206 as sections 206 and 207, respectively, and by inserting after section 204 a new section as follows:

"LIMITITION ON GRANTS

"SEC. 205. No grant-in-aid shall be made under this Act to any private profitmaking organization."

SEC. 105. Section 207 of the Solid Waste Disposal Act, as redesignated by the previous section of this Act, is amended to read as follows:

"GRANTS FOR STATE, REGIONAL, AND LOCAL PLANNING

"SEC. 207. (a) The Secretary may from time to time, upon such terms and conditions as he finds appropriate make grants to State, interstate, municipal, and intermunicipal agencies, and organizations composed of public officials which are eligible for assistance under section 701(g) of the Housing Act of 1954, of not to exceed 66⅔ per centum of the cost in the case of any single State or municipality, and not to exceed 75 per centum of the cost in the case of an area including more than one State or municipality (but less than an entire State), for the purpose of (1) making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies, (2) developing and revising solid waste disposal plans as part of regional environmental protection systems for such areas, providing for recycling or recovery of materials from wastes whenever possible and including planning for the reuse of solid waste disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal sites, (3) developing proposals for demonstration of resource recovery systems to be carried out pursuant to section 208 of this Act, or (4) planning programs for its removal and processing of abandoned motor vehicle hulks.

"(b) Grants pursuant to this section shall be made upon application therefor which—

"(1) designates or establishes a single agency (which may be an interdepartmental agency) as the sole agency for carying out the purposes of this section for the area involved;

"(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to areawide planning for proper and effective solid waste disposal consistent with the protection of the public health and welfare, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, technological change, and the feasibility of regional disposal and resource recovery programs;

"(3) sets forth plans and budget for expenditure of such grant, indicating the compatibility of budget items with the purposes of this section;

"(4) provides for submission of such reports of the activities of the agency in carrying out the purposes of this section, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the substantial accuracy of such reports; and

"(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the agency under this section.

"(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that so far as practicable, the planning of solid waste disposal will be coordinated with and not duplicate other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954."

SEC. 106. The Solid Waste Disposal Act is further amended by redesignating the last four sections in such Act as sections 213 through 216, respectively, and by inserting after section 207, as redesignated by this Act, the following new sections:

"DEMONSTRATION OF RESOURCE RECOVERY SYSTEMS

"SEC. 208. (a) The Secretary is authorized to make grants pursuant to this section to any State, municipal, or interstate or intermunicipal agency for the demonstration of resource recovery systems (including the improvement of existing systems).

"(b) Any such grant shall be made only if it (1) is consistent with any plans for resource recovery systems developed in accordance with the requirements of section 207(b)(2) of this Act; (2) is consistent with any guidelines developed pursuant to section

209 of this Act; (3) is designed to provide areawide resource recovery systems consistent with the purposes of this Act, as determined by the Secretary, pursuant to regulations promulgated under subsection (c) of this section; and (4) provides an equitable system for distributing the costs associated with construction, operation, and maintenance of any resource recovery system among the users of such system.

"(c) The Secretary, within ninety days after the effective date of this section, shall promulgate regulations establishing a procedure for awarding resource recovery system demonstration grants, which—

"(1) provides that projects will be carried out in communities of varying sizes, under such conditions and in such localities as will assist in solving the community waste problems of urban-industrial centers, metropolitan regions and rural areas, under representative geographic and environmental conditions; and

"(2) provides a timetable for submission of plans and grant requests, and a timetable for approval of such plans and awarding of such grants.

"(d) In determining the eligibility of demonstration systems for grants under this section, consideration shall be given by the Secretary to (1) the public benefits to be derived by the construction and the propriety of Federal aid in such construction; (2) the economic and commercial viability of the project including contractural arrangements with the private sector to market any resources recovered; and (3) the potential of such project for general application to community solid waste disposal problems.

"(e) No grant for any demonstration system under this section shall exceed 75 per centum of the estimated total design, construction, and first-year operation and maintenance costs. No assistance under this section may be provided for operating or maintenance costs after the first year, nor shall any assistance be provided for land acquisition. The non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be determined by the Secretary.

"(f) There is hereby authorized to be appropriated to carry out this section, not to exceed $20,000,000 for the fiscal year ending June 30, 1971, not to exceed $30,000,000 for the fiscal year ending June 30, 1972, not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and not to exceed $55,000,000 for the fiscal year ending June 30, 1974. Such sums as are appropriated shall remain available until expended.

"RECOMMENDED GUIDELINES

"SEC. 209. (a) The Secretary shall, in cooperation with appropriate State, Federal, interstate, regional, and local agencies, allowing for public comment by other interested parties, as soon as practicable after enactment of this section, recommend to appropriate agencies and publish in the Federal Register guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use), which shall be consistent with public health and welfare, and air and water quality standards and adaptable to appropriate land-use plans. Such guidelines shall apply to such systems whether on land or water and shall be revised from time to time.

"(b) The Secretary shall, as soon as practicable, recommend model codes, ordinances, and statutes which are designed to implement this section and the purposes of this Act.

"(c) (1) The Secretary shall issue to appropriate Federal, interstate, regional, and local agencies information on technically feasible solid waste collection, separation, disposal, recycling, and recovery methods, including data on the cost of construction, operation, and maintenance of such methods.

"(2) In disseminating such information, the Secretary shall employ models and visual demonstrations which can be transported to communities where such demonstrations would be a useful addition to ordinary sources of technological information, and provide funds to representatives of public and private solid waste disposal agencies or corporations for useful on-site review of solid waste disposal and resource recovery facilities and methods.

"TRAINING GRANTS

"SEC. 210. (a) The Secretary is authorized to make grants to, and contracts with State and interstate agencies, municipalities, educational institutions, and to any other organization which is capable of effectively carrying out a project which may be funded by grant under subsection (b) of this section.

"(b) (1) Subject to the provisions of paragraph (2), grants may be made to pay all or a part of the costs, as may be determined by the Secretary, of any project operated or to be operated by an eligible institution or organization, which is designed—

"(A) to develop, expand, or carry out a program of training persons for occupations involving the management, supervision, design, operation, or maintenance of solid waste disposal and resource recovery equipment and facilities;

"(B) to train persons, including teachers, adult basic education personnel, and supervisory personnel, to train or supervise persons in occupations involving the design, operation, and maintenance of solid waste disposal and resource recovery equipment and facilities; or

"(C) to carry out occupational training projects which involve a combination of training, education, and employment in the design, operation, and maintenance of resource recovery systems.

"(2) A grant or control authorized by paragraph (1) of this subsection may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section, and provides for making available to the Secretary or his designate, for purposes of audit and examination, such books, documents, papers, and records as relate to any funds received under this section;

"(B) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, for keeping such records, and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

"(C) provides for (i) a periodic examination of the effectiveness with which the goals set forth in the application are being met while the project is in operation; (ii) the conducting of such examination by an organization not affiliated with the institution or organization whose project is being examined; and (iii) furnishing a report of the results of such examination to the Secretary within thirty days after such examination is completed.

"(c) The Secretary shall—

"(1) encourage business with operations or products in the solid waste disposal and resource recovery field to participate in and cooperate with occupational training programs established with the assistance of grants or contracts made under subsection (b) (1) (C) of this section; and

"(2) disseminate information which relates to teaching and training methods, materials, and curriculums developed by projects assisted under subsection (b) of this section.

"(d) The Secretary shall make a complete investigation and study to determine—

"(1) the need for additional trained State and local personnel to carry out plans assisted under this Act and other solid waste and resource recovery programs;

"(2) means of using existing training programs to train such personnel; and

"(3) the extent and nature of obstacles to employment and occupational advancement in the solid waste disposal and resource recovery field which may limit either available manpower or the advancement of personnel in such field.

He shall report the results of such investigation and study, including his recommendations to the President and the Congress not later than one year after enactment of this Act.

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF SOLID WASTE POLLUTION

"SEC. 211. (a) Each Federal agency having jurisdiction over any real property, facility or activity of any kind, shall insure compliance with guidelines developed under section 209 and the purposes of this Act in the administration of such property, facility, or activity.

"(b) Each Federal agency which leases any Federal property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, or which permits or licenses the use of any Federal property shall insure compliance with guidelines developed under section 209 and the purposes of this Act in the administration of such lease, contract, license, or permit.

"(c) Each Federal agency which issues any license or permit for disposal of solid waste, shall prior to the issuance of such license or permit consult with the Secretary to insure compliance with guidelines developed under section 209 and the purposes of this Act.

"NATIONAL DISPOSAL SITES STUDY

"SEC. 212. The Secretary shall submit to the Congress no later than two years after the effective date of this section, a comprehensive report and plan for the creation of a system of national disposal sites for the storage and disposal of hazardous wastes, including radioactive, toxic chemical, biological, and other wastes which may endanger public health or welfare. Such report shall include: (a) a list of materials which should be subject to disposal in any such site; (b) current methods of disposal of such materials; (c) recommended methods of reduction, neutralization, recovery, or disposal of such materials; (d) an inventory of possible sites, including existing land or water disposal sites operated or licensed by Federal agencies; (e) an estimate of the cost of developing and maintaining sites including consideration of means for distributing the short- and long-term costs of operating such sites among the users thereof; and (f) such other information as may be appropriate."

SEC. 107. Section 216 of the Solid Waste Disposal Act, as redesignated by this Act, is amended to read as follows:

"APPROPRIATIONS

"SEC. 216. (a) There is authorized to be appropriated for carrying out the provisions of this Act, other than those for which specific authorizations are made, such sums as may be necessary for the period ending June 30, 1974.

"(b) Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants, or contracts) of any program authorized by this title."

SEC. 108. The amendments made by this title shall be effective for fiscal years beginning after June 30, 1970.

TITLE II—NATIONAL MATERIALS POLICY

SEC. 201. This title may be cited as the "National Materials Policy Act of 1970".

DECLARATION OF PURPOSE

SEC. 202. It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

ESTABLISHMENT OF COMMISSION

SEC. 203. (a) There is hereby created the National Commission on Materials Policy (hereafter referred to as the "Commission") which shall be composed of seven members chosen from Government service and the private sector for their outstanding qualifications and demonstrated competence with regard to matters related to materials policy, to be appointed by the President with the advice and consent of the Senate, one of whom shall be designated as Chairman.

(b) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

DUTIES OF THE COMMISSION

SEC. 204. (a) The Commission shall make a full and complete investigation and study for the purpose of developing a national materials policy which shall include, without being limited to, a determination of—

(1) national and international materials requirements, priorities, and objectives, both current and future, including economic projections;

(2) the relationship of materials policy to (a) national and international population size and (b) the enhancement of environmental quality;

(3) recommended means for the extraction, development, and use of materials which are susceptible to recycling, reuse, or self-destruction, in order to enhance environmental quality and conserve materials;

(4) means of exploiting existing scientific knowledge in the supply, use, recovery, and disposal of materials and encouraging further research and education in this field;

(5) means to enhance coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy; and

(6) the feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies, and alternatives.

(b) In order to carry out the purposes of this title, the Commission is authorized—

(1) to request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(2) to appoint and fix the compensation of such staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates; and

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations no later than June 30, 1973, and shall terminate not later than ninety days after submission of such report.

(d) Upon request by the Commission, each Federal department and agency is authorized and directed to furnish, to the greatest extent practicable, such information and assistance as the Commission may request.

SEC. 205. When used in this title, the term "materials" means natural resources intended to be utilized by industry for the production of goods, with the exclusion of food.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There is hereby authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this title.

TITLE III—RESOURCE RECOVERY INVESTIGATIONS

SEC. 301. (a) The Secretary of Health, Education, and Welfare shall as soon as practicable carry out an investigation and study to determine—

(1) means of recovering materials and energy from solid waste, recommended uses of such materials and energy for national or international welfare, including identification of potential markets for such recovered resources, and the impact of distribution of such resources on existing markets;

(2) changes in current product characteristics and production and packaging practices which would reduce the amount of solid waste;

(3) methods of collection, separation, and containerization which will encourage efficient utilization of facilities and contribute to more effective programs of reduction, reuse, or disposal of wastes;

(4) the use of Federal procurement to develop market demand for recovered resources;

(5) recommended incentives and disincentives (including Federal grants, loans, and other assistance) to accelerate the reclamation or recycling of materials from solid wastes, with special emphasis on motor vehicle hulks;

(6) the effect of existing public policies, including subsidies and economic incentives and disincentives, percentage depletion allowances, capital gains treatment and other tax incentives and disincentives, upon the recycling and reuse of materials, and the likely effect of the modification or elimination of such incentives and disincentives upon the reuse, recycling, and conservation of such materials; and

(7) the necessity and method of imposing disposal charges on packaging, containers, vehicles, and other manufactured goods, which charges would reflect the cost of final disposal, the value of recoverable components of the item, and any social costs associated with nonrecycling or uncontrolled disposal of such items.

The Secretary shall report the results of such investigation and study to the President and the Congress no later than two years after the enactment of this Act.

(b) There is hereby authorized to be appropriated to carry out this section, not to exceed $2,000,000 for the period ending June 30, 1972.

TRIBUTE TO SENATOR MUSKIE AND SENATOR RANDOLPH FOR RESOURCE RECOVERY ACT OF 1970

Mr. MANSFIELD. Mr. President, as the Senate considers this highly important measure it should have the benefit of the thoughts and remarks of the two Members of this body who have provided the outstanding leadership that has been vital to this aspect of our environmental campaign. I refer, of course, to Senators ED MUSKIE of Maine and JENNINGS RANDOLPH of West Virginia.

By necessity, both Senators are occupied on business away from the Chamber this morning. They have prepared statements, however, which address every feature of the Resource Recovery Act with great depth and understanding. In summing it up, I note that Senator MUSKIE says:

> The intent of this bill is to stimulate the development of resource recovery methods which will provide for the more economic use of wastes.

That is truly a worthy goal, and, it must be said, that when achieved—when we solve the problems created by residue, by unusable byproducts, by litter and by all the useless materials that clutter our lives—it will have been because of the efforts of men like ED MUSKIE and JENNINGS RANDOLPH. The Senate is deeply grateful.

I ask unanimous consent, Mr. President, that these excellent statements of Senator MUSKIE and Senator RANDOLPH on this measure, along with certain attachments be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDMUND S. MUSKIE, CHAIRMAN, SUBCOMMITTEE ON AIR AND WATER POLLUTION

Mr. MUSKIE. Mr. President, today the Senate considers the Resource Recovery Act of 1970, S. 2005. This bill marks a major new Federal commitment to recycling of materials and energy as an alternative to the wasteful and often environmentally damaging solid waste disposal practices of the past.

Solid waste is the residue of production and consumption—a by-product of air and water pollution control—the litter that people promiscuously discard on the countryside—the "unusable" over-burden of mining operations and the inedible remainder of agricultural production.

Solid waste falls into two categories: (1) planned disposal materials which are part of the Nation's production and consumption patterns, and (2) resources which have no known or economic use. In both instances solid waste is almost always a resource which, with ingenuity, can be used and re-used.

This Nation has always enjoyed resource abundance and has acted as though that abundance would last forever. Studies prepared for the Senate Committee on Public Works, testimony before the Subcommittee on Air and Water Pollution, and information generally available suggest that anticipation of continued resource abundance is not only unwise—it is folly.

Our resources fall in three categories—renewable, nonrenewable, and recoverable. Many, including forest and agricultural resources, and renewable resources. Nonrenewable (energy) resources produce only small amounts of solid waste while contributing substantially to air and water pollution problems if uncontrolled. Recoverable resources are those which maintain useful physical or chemical properties throughout their process of use and therefore can be continuously recycled in the production-consumption process.

And the nation has no choice. Consumption increases at a greater rate than population growth. Exhaustion of the Nation's resource base is a very real possibility. Already some industries see recycled waste as a more economic source of materials than primary sources.

But this recognition has neither reversed the trend toward greater waste generation nor reduced the burden on communities and other units of government which have assumed, albeit unwillingly, in the some cases, the task of waste disposal.

Community waste disposal has, for centuries, been solved by a simple method—combustion. Open burning dumps in less urban areas and huge incinerators in major communities have provided major sources of stench and air pollution.

Today few communities are allowed the luxury of simple waste combustion. Most areas of the nation have turned to sanitary landfills (most of which are not at all sanitary) and "clean" incinerators (many of which are not at all clean). In both cases a solid waste problem is solved, but often air and water pollution problems result, and resources are always wasted.

This legislation is designed to develop systems which will change the present method of dealing with solid waste problems of communities, of farms, and of industries. The intent of this bill is to stimulate the development of resource recovery methods which will provide for more economic use of wastes.

The bill would authorize intensified research and demonstration of methods to improve collection and transportation of wastes, and development of environmentally safe methods to dispose of non-reusable waste residues. In those cases where wastes are too toxic for traditional disposal methods, the bill would authorize a study of the development of national toxic waste disposal sites. And, for those wastes which can be converted to energy, the bill would authorize development of efficiency energy conversion units.

The Committee carefully evaluated the desirability of legislation to provide direct financial assistance to communities to construct solid waste disposal facilities. This provision, included in S. 2005 as originally introduced, was rejected for three reasons: (1) construction grants at this time could lock in existing conventional technology, (2) even clean incinerators and sanitary landfills would not conserve resources, and (3) a large Federal grant authorization program at this time might retard present community efforts unless appropriations kept pace with authorizations, which is not likely.

As the reported bill clearly reflects, there is an urgent need to redirect the thrust of waste management from disposal to the maximum recovery of reusable materials and energy. The authorization of a construction grant program at this time could result in a massive commitment to presently available technology oriented towards disposal. To avoid stimulating investment in inadequate technology the Committee has substituted a systems demonstration provision for the proposed construction grant provision.

Consistent with the judgment that the National cannot afford merely to dispose of the tremendous volume of material that is generated by an industrial and consuming society, especially in urban concentrations, and recognizing further that a great deal of research has been done on resources recovery, the Committee has substituted for the construction grant proposal a new program of grants to municipalities to achieve demonstration of resources recovery systems on an areawide basis. This program is designed to stimulate, in the shortest time, the development of systems designed to manage growing volumes of community wastes and achieve maximum recovery of materials and energy from such wastes.

Throughout the hearings on resources recovery, testimony was received describing various technologies and systems to achieve resources recovery. The Committee believes it is urgent national policy to move these proposals into actual application and operation in as many different areas, from large metropolitan complexes to smaller communities, as necessary to demonstrate demonstrative innovation and responsive resources recovery systems. Such systems can then be applied, as appropriate, to all areas of the country in which similar problems exist.

The program would provide 75 percent Federal assistance to develop and construct advanced systems of resources recovery in various categories of communities established by the Secretary in order to demonstrate systems applicable in different urban and rural conditions.

It is the Committee's intent that the program authorized shall be one which will, in many respects, parallel the type of research and development procurement conducted by the Department of Defense and the National Aeronautics and Space Administration in the sense that the Secretary is authorized to promulgate regulations describing the categories of systems for which applications will be received, specifying that such applications are to be received by a certain date and further establishing guidelines for review of such applications.

Grants are to be awarded only to those applications which the Secretary finds to be clearly superior with respect to the system of resource recovery proposed, the economics of the system, and the potential for general application for solution of the myriad of waste problems. It should be emphasized that the selection procedure thereby established is not competition based strictly upon low cost, but rather is competition to stimulate innovative systems, which recover the maximum amount of materials and energy.

The Committee looks upon the proposed demonstration grant program as a method of stimulating not just the development of technology, and its areawide application, but it will also cause communities to study their own circumstances with respect to waste management. Through such studies, communities will be able to provide better public service to their citizens in the future and be in a position to apply systems that are developed pursuant to these demonstration grants, as they become available. The Committee hopes that communities will take immediate advantage of this program, and seeks to encourage that result by Section 207(a)(3) of the reported bill, which would authorize Federal assistance to develop proposals for resource recovery demonstration grants for submission to the Secretary.

The Committee believes that future Federal financial assistance to communities for construction of facilities may be necessary. Demonstration systems developed pursuant to this act will provide guidance as to what kinds of construction should be assisted, what recovery techniques will be most economical, and what collection innovations will most effectively reduce the cost of waste handling.

Further, other studies authorized by this bill will provide insights into methods to reduce the production of waste in packaging in manufacturing of goods, design of vehicles and other consumer goods which are discarded after use.

This provision, in Title III of the bill would require a study of recommended incentives and disincentives (including grant programs) to accelerate recycling, with special emphasis in motor vehicle hulks, and on examination of the necessity and method of imposing disposal charges on vehicles, was well as on packaging, containers, and other manufactured goods. The latter concept, proposed by Senator Nelson, would require the imposition of disposal charges on products reflecting the cost of final disposal, the value of recoverable components of the item, and any social costs associated with noncycling or uncontrolled disposal of such goods.

Senator Nelson's proposal, as well as Senator Javits' amendment which would have imposed a fee on motor vehicles sufficient to cover the cost of disposal of vehicle hulks, were of great interest to the Committee. However, both the Nelson and Javits legislation would require consideration by the Senate Committees on Finance and Commerce prior to enactment. It was the conclusion of the Committee that these two proposals should be referred to these Committees for comment and later action. This action of the Committee on Public Works should not be interpreted as rejection of the concepts included in S. 3665 and amendment 705. Evidence presented at the hearings suggests that some products will require disposal charges in order to assure orderly marketing and recovery. Identification of the specific amount of any charge and the manner in which it might be levied is, however, beyond the jurisdiction of the Senate Committee on Public Works.

The study required by this section should include a discussion of the above question in order that the appropriate congressional committees can carry out their responsibilities.

Also, the study of disposal charges and other incentives to accelerate recycling of motor vehicles and other products should include careful examination of the system recommended by Leonard S. Wegman which would require the imposition of a flat fee on all waste produced, with the revenue to be used to finance waste disposal and recovery facilities. This is a concept which might subsequently be demonstrated under section 204 of the Solid Waste Disposal Act.

Legislation offered by Senator Gurney in Committee to establish a program of financial assistance to dispose of motor vehicles was not included in this bill because little evidence was available in the hearing record to substantiate the need for direct grants to the States to dispose of abandoned cars. Approximately 1 million motor vehicles are abandoned each year, amounting to 1 to 2 million tons of waste. Since urban waste amounts to approximately 180 million tons annually, abandoned motor vehicles comprise only 0.6 to 1.1 percent of the Nation's urban solid waste problem. The Committee was concerned that the Federal costs of a grant program would be borne by the general taxpayers, without transferring the costs of disposal to the vehicle owners who are responsible for creating this form of waste.

The Committee on Public Works sees merit in the proposals by Senators Javits and Gurney on solutions to the growing problem of abandoned motor vehicle hulks. Therefore, in order to more fully explore this particular aspect of solid waste, the Subcommittee will hold hearings, August 18 and 19 on Senator Javits' and Senator Gurney's legislation.

At these hearings, the Subcommittee will invite the views of the Administration, the Council of State Governments, the Automobile Manufacturer's Association, and the Institute of Scrap Iron and Steel, as well as other interested parties. This will allow the Subcommittee to examine in greater detail the questions raised above.

A study under title III of the bill, proposed by Senator Eagleton will examine the interrelationship between efforts to encourage recycling and a broad range of public policies, including subsidies, percentage depletion allowances, capital gains treatment, and other inducements to the exploitation of raw materials. The study will indicate how such policies might be altered to encourage, rather than discourage, the recycling of materials and recovery of energy.

This bill expands the planning grant programs presently contained in the Solid Waste Disposal Act, including an eligible recipients municipalities, intermunicipal agencies, and metropolitan councils of governments. Also it increases the Federal share from 50 percent to 66⅔ percent for single State or municipality planning units and 75 percent for multi-jurisdictional interstate or intermunicipal planning areas.

New planning activities are embraced in this bill: developing proposals for demonstration resource recovery systems to be funded under this Act, and planning programs for the removal and processing of abandoned motor vehicle hulks.

The bill contains an amended form of the training grant program proposed by Senator Javits in Amendment Number 652. This provides grants for training personnel in the design, operation, and maintenance or resource recovery and solid waste disposal facilities. It also authorizes a study of the need for additional trained personnel and obstacles to employment or occupational advancement in the solid waste field.

Title II of the bill is the National Materials Policy Act, which Senator Boggs proposed in Amendment Number 153. This title creates a National Commission on Materials Policy, which would report within two years on future materials requirements and means for the extraction, development and use of materials susceptible to recycling or nonpolluting disposal.

S. 2005, as reported, would authorize $309.5 million over four years in specific program authorizations and such additional sums as may be necessary for administrative expenses and the other programs in the Act. This open-ended authorization is estimated to require about $114 million total over the four fiscal years.

Of the $309.5 million in specified authorizations, $2 million is authorized for the National Commission on Materials Policy under title II and $2 million for the two year resource recovery investigations carried out under title III.

Out of the balance, demonstration grants for resource recovery systems would receive $20 million in fiscal year 1971, $30 million in fiscal year 1972, $50 million in fiscal year 1973, and $55 million in fiscal year 1974, for a total of $155 million.

The research program under the Act, expanded to emphasize recycling, would receive $31.5 million in fiscal year 1971, $40.5 million in fiscal year 1972, $40 million in fiscal year 1973, and $38.5 million in fiscal year 1974, for a total of $150.5 million.

This compares to an authorization in existing law of $32 million for fiscal year 1970, primarily for research, planning grants, and administrative expenses. The House-passed bill, H.R. 11833, authorizes for all programs $100.5 million in fiscal year 1971, $172 million in fiscal year 1972, and $238.5 million in fiscal year 1973, a total of $511 million for the three year authorization period.

SECTION-BY-SECTION ANALYSIS

TITLE I. RESOURCES RECOVERY

Section 202 (findings and purpose).

New language is added describing the purposes of the Act, to emphasize recycling, local planning, and training functions.

Section 203 (definitions).

The Department of Interior's responsibility under existing law for disposal of mineral solid waste is eliminated, and HEW assumes complete authority. Several new definitions are added, including municipality, intermunicipal agency, recovered resources and resource recovery systems, to which other provisions of this Act are keyed.

Section 204 (research).

This section adds new language to the ongoing research program, shifting the emphasis from disposal to recycling and adding instructions to investigate the public health and welfare effects of solid waste.

Section 204(d) authorizes annual research appropriations of $31.5 million, $40.5 million, $40 million, and $38.5 million through fiscal 1974.

Section 205 (new-grant limitations).

This section provides that no grant under any program of the Solid Waste Act can be made to a profit-making organization. Note that Section 204(b) presently allows research contracts with such an organization.

Section 206 (interstate cooperation).

Unchanged (renumbered).

Section 207 (regional and local planning grants).

This replaces 50 percent State grants for planning activities with 66⅔ percent grants for single municipalities and States, and 75 percent grants for planning solid waste programs in an area of more than one municipality or State.

The grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans for the area (especially those emphasizing recycling), (3) developing proposals for Section 208 demonstration system grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks.

Section 208 (new-demonstration grants for resource recovery systems).

This section provides for grants to varying sizes of communities to demonstrate resource recovery systems. These systems have to be area-wide, reflecting a variety of solid waste problems (including those of smaller towns and rural areas). A system must be consistent with plans developed in accordance with Section 207(b)(2) and with Section 209 guidelines. A proposal for a system grant must also provide assurance than an equitable means exists for distributing the costs amount the users of the system.

The bill authorizes annual appropriations of $20 million, $30 million, $50 million and $55 million through Fiscal Year 1974.

Section 209 (new—recommended guidelines)

This section directs the Secretary to prepare guidelines on solid waste management practices for circulation to State and local governments. These guidelines are advisory except when such State of locality applies for a demonstration grant under Section 208. This Section also requires the Secretary to recommend model codes and ordinances, and to issue technical information on solid waste and resource recovery methods to solid waste agencies, and includes authority to transport models to various communities and funding of on-site review of solid waste disposal and resource recovery facilities by solid waste personnel.

Section 210 (new—training grants).

This section provides training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems.

Section 210(d) directs a study within one year on the need for additional trained personnel and obstacles to employment or occupational advancement.

The Bureau of Solid Waste Management estimates the cost of this section to be about $8 million a year, but the bill provides no specific authorization.

Section 211 (new—cooperation by all Federal agencies in the control of solid waste pollution).

This section requires Federal installations and federally licensed activities to meet solid waste guidelines of Section 209. This would include ocean dumping activities licensed by the Corps of Engineers.

Section 212 (new-national disposal sites study).

This section authorizes a two-year study to create a system of national disposal sites for hazardous materials.

Section 213–215. Unchanged (renumbered).

Section 216 (appropriations).

This section authorizes "such sums as may be necessary", excluding the funds specifically provided for (1) research, and (2) resource recovery system demonstration grants. These two specific authorizations provide for fiscal 1971 a $51.5 million authorization, fiscal 1972 a $70.5 million authorization, fiscal 1973 a $90 million authorization, and fiscal 1974 a $93.5 million authorization.

TITLE II (NATIONAL COMMISSION ON MATERIALS POLICY)

This title creates a Commission to develop a national materials policy. In developing this policy the Commission would study materials requirements (national and international), the relationship of materials policy to population and environmental quality; means for utilizing more materials "which are susceptible to recycling, reuse, or self-destruction"; and general ways to improve or coordinate knowledge of materials usage. The commission would be required to report by June 30, 1973, with an authorization of $2,000,000.

TITLE III (RESOURCE RECOVERY STUDY)

This title places special emphasis on the policy implications of a change from disposal to resource recovery. It authorizes a two-year study of issues in resource recovery, including means of recovering materials and energy; examination of the economic impact of recovered resources; changes in production and packaging practices (including disposal charges) to reduce wastes; efficient solid waste facilities utilization; the use of Federal procurement to develop market demand for recovered resources; and incentives and disincentives to recycling (including tax policies).

S. 2005 AUTHORIZATIONS.

[In millions]

Program	Fiscal year 1971	1972	1973	1974	Total
Sec. 204: (Research pilot programs, component demonstrations)	31.5	40.5	40.0	38.5	150.5
Sec. 208: (Resource recovery system demonstrations)	20.0	30.0	50.0	55.0	155.0
Title I, total	51.5	70.5	90.0	93.5	305.5
Title II: (National Commission on Materials Policy)		2.0			2.0
Title III: (Resource recovery investigations)		2.0			2.0
Total: (Specific authorizations)	51.5	74.5	90.0	93.5	309.5
General authorizations (such sums as may be necessary, estimated by program):					
Training (sec. 210)	8.0	8.0	8.0	8.0	32.0
Planning (sec. 207)	8.6	14.9	12.9	10.8	47.2
Other activities	7.9	8.5	8.6	9.7	34.7
Total	24.5	31.4	29.5	28.5	113.9
House bill	100.5	172.0	238.5		511.0

STATEMENT BY SENATOR JENNINGS RANDOLPH, CHAIRMAN, COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, the Solid Waste Disposal Act of 1965 launched a new program to develop efficient means of collecting and disposing of the millions of tons of solid wastes generated by our society each year. Although considerable progress was made in State and local planning under the 1965 act toward solutions of the solid wastes problems facing our country, it was apparent as early as 1967 that additional efforts were needed.

President Johnson, in his conservation message of March 11, 1968, called for a comprehensive review of current solid waste disposal technology by the Director of the Office of Science and Technology working with the appropriate Cabinet officers. This review was to consider two key problems: first, how to lower the present high costs of solid waste disposal, and second, how to improve and strengthen Government-wide research and development in this field.

In order to facilitate this study and to further action on the problem, the Congress provided a 1-year extension of the Solid Waste Disposal Act.

The Office of Science and Technology Task Force was chaired by Professor Rolf Eliassen of Stanford University. The Task Force report was entitled, "Solid Waste Management," and was released by the Office of Science and Technology on October 1, 1969.

Concurrently, a study was undertaken by the Ad Hoc Committee on Solid Waste Management for the National Academy of Engineering. The Committee's chairman was Donald N. Frey, president of the General Cable Corporation and its report was entitled, "Policies for Solid Waste Management."

Both of these reports stress the magnitude and crisis proportions of solid waste disposal problem facing the United States.

The average amount of solid waste actually collected in this country is over 5.3 pounds per person per day, or more than 190 millions tons per year. There are estimates that this will increase to 8 pounds per person per day of 1980. And this doesn't include industrial wastes amounting to another 3 pounds per person per day.

Presently, the Nation spends an estimated $4.5 billion a year to handle and dispose of this material from which, practically speaking, we do not recover anything of useful value.

As a matter of fact, in almost every area, the present methods of handling and disposing of solid waste are polluting our environment.

The problem in the District of Columbia is not greatly different from that which is being experienced in cities and urban areas throughout the Nation. Here, for instance, we are producing 875,000 tons of solid waste per year—an increase from 650,000 tons in 1965.

The problem, however, involves more than just dealing with large quantities of solid wastes. There is a long association between health hazards and inadequate collection and disposal of solid wastes.

For example, studies have demonstrated the relationship between poorly managed solid waste during collection, transport, and disposal operations and more than 22 diseases transmitted by cockroaches, rats, and flies. In the last 15 years in the District of Columbia alone the number of reported rat bites has been approximately 750, and 290 of these occurred in infants less than 2 years of age, and 151 in infants under 1 year of age.

In testimony, Dr. Paul Cornely, President of the American Public Health Association, discussed the adequacy of collection in the inner city and the implication of accumulating trash and garbage:

"It appears to me that in this country we have a great deal more concern about animals than we do about human beings.

"For instance, the standards for milk in this country, throughout the States, have requirements about the barns in which the milk cows shall live. They have standards as to the surroundings of these barns, and if one goes to any of these places, one never sees garbage and trash around these barns.

"Now if this is good for cattle it is good for the inner city person. It is interesting also that we have a Society for the Prevention of Cruelty to Animals in this country on a volunteer basis. But I would like to suggest that we should have a society for the prevention of cruelty to infants and children; let us be humane to human beings, and why should children be bitten by rats?"

The health of all our people is intimately connected with the home and its surroundings. External improvement around the home and neighborhood are more important in improving the quality of our lives than any other single factor.

Solutions to the solid wastes problems facing this Nation will require the full application of all knowedge and expertise of the public, private, and academic sectors of our economy. The Solid Waste Disposal Act of 1965 provided for research and demonstration of new and improved methods for solid waste collection, transport, recovery and reuse, and disposal.

Additional research is needed on methods for financing solid waste management systems and operating such systems efficiently and economically. Data are needed regarding the interrelationships of regional economics and amounts of solid wastes generated, the economics of large scale solid waste management systems, and the economics of those technologies now available or under development.

Methods must also be developed to reduce these growing volumes of wastes. Today, it is a staggering 5.3 pounds for each American every day of the year, and by 1980 it will be 8 pounds of waste a day. Studies indicate that the cost of removing these wastes are growing even faster.

The packaging and other container industries are accelerating the problem. In 1966, discarded packaging materials represented 13.3 percent of the 350 million tons of residential, commercial, and industrial waste generated in the United States.

Glass and metal package containers amount to 90 percent of typical municipal incinerator residues.

The American consumer and taxpayer could not only help relieve the problem, but could save himself money in the process. It is estimated that in 1970 if all soft drinks were purchased in returnable, money-back containers, American consumers could have saved an estimated $650,000,000. This was the cost for the convenience of using throw-away containers.

There is considerable potential for metal and mineral recovery and reuse from incinerator residues. Significant progress has been made in this regard by the College Park Metallurgy Research Center of the University of Maryland at College Park. Residue samples can be processed at a rate of approximately 1,000 pounds per hour. The process involves a series of mechanical operations including shredding, screening, grinding, and magnetic separation. The products are a metallic iron concentrate, a clean non-ferrous metal composite, clean fine glass fractions, and a fine carbonaceous ash tailing. Processes of this type hold significant potential for resource recovery and reuse and should be demonstrated as full scale operations.

Long-term solutions must rely on recycling; immediate improvements can be made in such subsystems as collection, transportation, processing (including separation and incineration), and salvage or disposal. The hearing record of our Public Works Committee reflects a significant potential. Solid Wastes management must be approached systematically while increasing the options available to local and regional governments in planning, designing, and operating solid waste management systems.

The Resource Recovery Act of 1970, reported by the Committee on Public Works, provides a mechanism for the expeditious development of these options. The bill represents extensive deliberations by the members of the Subcommittee on Air and Water Pollution chaired by Senator Edmund S. Muskie and by the full Committee on Public Works. The bill reflects our understanding of the solid waste management problem facing us today, and in the future. I am pleased to have had an opportunity to contribute to its formulation.

Mr. COOPER. Mr. President, the Resource Recovery Act of 1970, S. 2005, which extends for 4 years and amends the Solid Waste Disposal Act of 1965, represents a significant step in the continuing effort to improve the quality of our environment. I am glad to support the bill, and urge its adoption by the Senate.

The Subcommittee on Air and Water Pollution of the Public Works Committee, on which I serve, became aware very early in its consideration of air and water pollution problems that both were closely related to the problems of solid waste disposal. For example, open dump burning and inadequate incineration increase air pollution. Similarly, the filling of wetlands and dumping of solid waste in open water causes water pollution. Moreover, it has become increasingly clear that the concept of waste is environmentally unsound. We recognize now that wastes might better be considered as resources, diffuse and diverse though they may be—resources for which recovery techniques must be developed so that they may be returned to the flow of materials.

Automobile hulks, one-way glass bottles, aluminum cans, paper, and discarded packaging—all have received much attention, by the public and during the hearings of the committee. The quantities of material that we are wasting, literally, is a concern not only in terms of air, water and land pollution, and degradation of the environment, but also in terms of resource depletion. When we consider also our growing population and capacity for consumption, it becomes clear that our policy for the future must be to move from disposal of waste to the recovery and re-cycling of materials and energy. The Resource Recovery Act of 1970 has as its objective the establishment procedures which will encourage such a shift from disposal to recovery, necessary to an environmentally sound society.

In extending the research section, section 204 of the Solid Waste Disposal Act, S. 2005 gives new emphasis to the development of resource recovery techniques. Much work has already been done, and we hope that with the funds and authority provided by this act fully integrated recovery systems will be developed. Section 204 is provided with a specific authorization for appropriations of $31.5 million this fiscal year, and a total of $119 million during the following 3 fiscal years.

In a new section 208, specifically designed to speed the development of and put into operation new resource recovery systems, the committee bill provides a demonstration program to be carried out through grants to State, interstate, municipal or intermunicipal agencies for up to 75 percent of the design, construction, and first-year operation cost of integrated recovery systems. It authorizes $20 million for such grants during this fiscal year, increasing to $55 million by fiscal 1974.

In addition to these two major sections, the measure we have recommended to the Senate addresses several other problems of waste materials management and recovery. It would continue, as section 207, the authorization of planning grants to State, interstate, municipal, and intermunicipal agencies increasing the Federal share from a 50 percent to 66⅔ percent, or to 75 percent in the case of interstate and intermunicipal grants.

The committee had before it, in S. 2005 as originally introduced, a full construction grant program for solid waste treatment and disposal. The administration testified in opposition to the construction grant provision, giving two principal reasons, both of which were recognized by the committee. First, a construction grant program at this time could result in investment in inadequate or outmoded systems, particularly in view of the fact that this act intends to redirect efforts in materials use management from disposal to recovery. Second, authorization of a massive Federal construction grant program would be inappropriate at this time of fiscal constraint.

Following generally the pattern of air and water pollution legislation, the committee bill, while recognizing fundamental differences between those programs and the problems of materials management, has proposed in section 209 the development of guidelines for solid waste recovery, collection, separation, and disposal systems. We believe the application of Federal research and experience in establishing such guidelines will help to develop better management systems in communities and States, and to assure that their systems meet public health and environmental requirements.

The bill, in new section 212 of the act, requires a study of the need for establishment of a national system for the disposal of hazardous wastes. A report is to be made to the Congress within 2 years. We would hope that the study may show how radioactive, biological, and highly toxic chemical wastes can be handled with minimum environmental damage and maximum protection of public health and safety.

The committee adopted an amendment offered by Senator Javits and others, providing training grant assistance to State and municipal agencies, educational institutions, and other private organizations to meet the growing manpower demands in the field of materials management and recovery. The provision, which will become section 210 of the act, is similar to that offered by Senator Scott and adopted earlier this year as part of the Water Quality Improvement Act of 1970.

Based again on the experience gained in the air and water pollution control areas, the subcommittee concluded that the activities of the Federal Government often contribute to solid waste problems. Consistent with the air and water legislation and the President's executive order in March, new section 211 requires Federal agencies to comply with the guidelines to be developed under section 209. This mandate is applied also to activities for which the Federal Government issues any license or permit for the disposal of solid waste, as well as to activities conducted on Federal property under contract or lease to private organizations.

Title II of the bill incorporates an amendment, introduced last year by Senator Boggs, to establish a Commission on National Materials Policy. He had earlier asked the Library of Congress to examine materials policy as it relates to solid waste disposal and environmental quality. Senator Boggs' request was met by an ad hoc committee in which the Library of Congress joined with the National Academy of Sciences, and which issued two reports, both of which have been printed as documents of the Senate Committee on Public Works. The principal recommendation was that a Commission on National Materials Policy be established to carry forward the work begun earlier by the Paley Commission during the Eisenhower administration. The committee received favorable testimony on this proposal, and we look forward to the results of the study of the Commission and its recommendations.

Mr. President, the Committee on Public Works has been engaged for a number of years in the effort to control the wasteful and discarded by-products of our industrial, largely urban, consuming society—which have been too long ignored and which are now the subject of widespread interest and intense concern. The committee is continuing its intensive work in the field, and will soon report to the Senate major proposals in the areas of air pollution, water pollution, and other environmental concerns. Our interest in improving the quality of life is constantly before us also in our consideration of highway, economic development, water resource, and nearly all other legislation that comes before the committee. We work together on these matters. As I have often done before, I call attention to the devotion of the chairman of the full committee, Senator Randolph, and to the leadership and informed labor of the subcommittee chairman, Senator Muskie, in this important and challenging field. The ranking minority member of the Air and Water Pollution Subcommittee, Senator Boggs, who gives this work such faithful attention, continues to contribute to every measure developed by the subcommittee, as does Senator Baker in the most creative way. I can think of no member of the committee who has not had a part in this work, and we hope it will be productive and help meet the pressing problems of our time.

The bill before the Senate, the Resources Recovery Act of 1970, is important legislation. I strongly endorse it. It proposes to improve significantly the means available to address the problems of materials use, recovery and disposal. I urge its adoption by the Senate.

Mr. BOGGS. Mr. President, I wish to express my full support for S. 2005. The distinguished chairman of the Subcommittee on Air and Water Pollution (Mr. Muskie), the chairman of the Committee on Public Works (Mr. Randolph), and the ranking Republican member of the committee (Mr. Cooper) have stated clearly the great need for this legislation. I associate myself with their views.

This legislation accelerates our national effort to recycle wastes—to utilize our dumps and our garbage cans productively, so that we can reuse our material wealth, not discard it. The finite supply of materials necessitates that the United States move aggressively to increase the reuse of our wastes. Recycling will lessen the pollution of the environment and help to sustain our economic growth.

President Nixon, in his environmental message earlier this year, made this observation:

> As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources.

The President's words are ones that chart a wise course for the future.

Several sections of this legislation that will prove effective as stimulants to the recycling of wastes. Section 207, dealing with planning grants, will encourage the States and communities to look to recycling. Many States have already received grants to make general planning surveys for that State. Planning should also be encouraged on a local and regional basis, whether intrastate or interstate. This legislation gives that encouragement.

It should be noted, Mr. President, that my own State of Delaware has moved aggressively toward recycling. Governor Peterson recently signed legislation that will lead to the construction of a plant that will daily recover from 500 tons of solid wastes and 70 tons of sewage sludge reusable steel, copper, chemicals, and other materials and convert the residue into productive compost. That tonnage represents about half the wastes generated daily in our State's most populated county, New Castle County. To give my colleagues a further look at this important proposal, I ask unanimous consent that a newspaper article about the plant be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOGGS. Mr. President, programs such as the Delaware project would be eligible for support under this bill's demonstration grant proposals of section 208. It authorizes funds for the construction of facilities that will convert solid wastes into reusable material. The legislation authorizes 75-percent grants for such projects as a method for demonstrating their feasibility and economy. Such demonstrations must be encouraged. This legislation gives that encouragement.

Numerous other important proposals are incorporated within this legislation. It authorizes the preparation of solid waste disposal guidelines, on an advisory basis. The legislation, however, requires that Federal facilities comply with these guidelines, a provision that is essential. The Government must set a positive example in solid waste control and pollution abatement.

Training grants will be available under this bill to insure that we have the personnel available to design, operate, and maintain facilities that will process solid wastes. The bill authorizes a study of national disposal sites for hazardous materials, and another study, under title III, of the question of resource recovery and new methods to encourage recycling of materials.

My colleagues on the committee have evaluated in detail these aspects of the legislation. I support their views. Rather than go over these points again, I would like to direct attention of my colleagues to title II, as I submitted the amendment that led to the inclusion of title II. The amendment, No. 153, was offered with the consponsorship of several of our distinguished colleagues. Mr. BAKER, Mr. BAYH, Mr. COOPER, Mr. EAGLETON, Mr. INOUYE, Mr. MONTOYA, Mr. MUSKIE, Mr. PEARSON, Mr. RANDOLPH, and Mr. SPONG.

The title authorizes creation of a seven-member National Commission on Materials Policy to undertake a full study of the materials process: selection, extraction, processing, use, disposal, and reuse.

By mid-1973, the Commission will report to the President and the Congress on its conclusions and recommendations for creation of a national materials policy, as well as proposals for implementing such a policy.

This is a subject of great significance. Materials and the processing of materials are the basic source of the pollution to our environment. If we are to enhance our environment, a policy on the utilization of materials must be considered.

Our concept appoved by the committee foresees an examination by the Commission of several key points. One would be an evaluation of current and projected domestic demands for materials. Economic factors affecting materials selection would be an aspect of this study.

The Commission would also study the relationship between demand for materials and questions of population growth, seeking to identify how this relationship affects foreseeable supplies and the enhancement of the environment.

An important area of enquiry would be methods for enhancing the coordination and cooperation among Federal departments and agencies in relation to materials demand, use, and study. This should be a major topic for study, as nearly every agency of Government has a materials-related function, either in research, planning, pollution control, standards, or supply.

Another point should be an examination of the feasibility and desirability of creating—or fostering the creation of—computer inventories of national and international materials supplies and requirements.

The involvement of our subcommittee with this subject dates to 1965, when the first Federal solid waste legislation was adopted. Since that date, the Committee on Public Works has been the recipient of two informative studies on the subject of materials policy. One was titled, "Availability, Utilization, and Salvage of Industrial Materials." The other was called "Toward a National Materials Policy."

This second study, released last year, came to this conclusion:

> It is of the utmost importance that, from the initial stages of production of materials through their ultimate use and disposal, we conduct our operations and activities in such a way as to minimize pollution of air and water to avoid despoliation of the environment, both physical and biological.

It was suggested in this study that we can catch a lot of problems of environmental degradation before they occur if our Nation takes a hard look at our materials requirements and use. That is what the Committee on Public Works envisions in supporting the amendment to create a National Commission on Materials Policy. A Commission study and report seeking to identify and analyze the factors affecting the materials flow would include a suggested path for the United States to follow toward a national policy on materials, and how that policy might be implemented.

The committee also evaluated the question of what type of governmental unit should conduct such a study on the need for a national materials policy. After careful evaluation, we rejected the view that the study should be undertaken by an existing unit of Government. Among their tasks, the members of the Commission will be looking critically at existing organizational arrangements in matters related to materials policy. Therefore, we believe it appropriate that the evaluation and study should not become a function of an existing agency. An independent commission, we found, would be best able to examine effectively the full breadth of materials policy questions, then to chart a policy on materials that would be implemented on a continuing basis by an existing agency of Government.

In addition, an evaluation of materials policy should properly be undertaken by experts from inside and outside the Federal Government. This would guarantee the broadest possible scope and study, which is vital if this study is to prove meaningful.

The Commission would, in effect, serve as the foundation upon which to raise the structure of a coordinated materials policy for our Nation.

The Director of the U.S. Geological Survey recently expressed a sentiment that I believe serves as an excellent summation of the need for a national policy for materials—not just minerals or energy or timber. I would like to share Dr. Pecora's words with my colleagues. He said:

> If we must, therefore, take from the earth to provide for ourselves, we must employ value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave it in the taking and using.

That is a persuasive argument for title II, as indeed it is for this entire legislation. I urge its adoption by the Senate.

Mr. President, I wish to commend all the members of the committee for their work in connection with this legislation. Also, I wish to thank the members of the committee staff for their efforts over many months during hearings and the markup of this legislation.

EXHIBIT 1

[From the Wilmington (Del.) Evening Journal, June 23, 1970]

STATE SELECTS HERCULES WASTE RECYCLING DESIGN

Hercules, Inc., will design and probably build and operate a solid-waste recycling plant in New Castle County which, the company claims, will pay for its operation through sale of reclaimed materials.

Gov. Russell W. Peterson announced he had selected Hercules' proposal as he signed House Bill 822 yesterday appropritating $1 million for design and engineering of the plant.

The plant, billed as the first in the world to reclaim all waste materials fed into it, would handle 500 tons of domestic and industrial waste and 70 tons of wet sewage sludge a day, or nearly half the solid waste generated in New Castle County.

The next step will be contract negotiations between Hercules and the state to iron out details concerning what exactly the state wants from Hercules in the way of design work. A Hercules official said these negotiations would probably be completed in from three to six weeks.

Construction and operation of the plant would require more negotiations—as well as more money. These negotiations would involve New Castle County government and, if hoped-for federal funds are available, the federal government.

Cost of the plant from initial design to start of operations would be about $10 million, according to John N. Sherman, director of advanced programs for Hercules' chemical propulsion division, which submitted the proposal.

Design of the plant allows for eventual doubling of capacity through expansion. After an initial shakedown phase, money realized from the sale of recycled waste products would pay the operating expenses of the plant, according to the Hercules proposal.

Members of the Governor's Committee on Solid Waste said that similar plants may be built in the Dover and Georgetown areas at a later date.

A bill to provide federal aid for pilot waste recycling projects is now being prepared by the U.S. Senate Committee on Public Works, of which Sen. J. Caleb Boggs, R-Del., is the ranking minority member.

The committee hopes to have the bill on the Senate floor for action next month. Delaware hopes to get some of that money to help finance the plant.

State Rep. Robert J. Berndt, R-Hillcrest, who sponsored the bill to fund design work and chaired the governor's committee, said a site for the plant must be chosen soon because Hercules designs will depend on the nature of the site.

The Hercules proposal included a completion schedule for the plant of 22 months from the date of site selection, barring unforeseen obstacles and assuming full financing of the project.

Committee members present when Peterson signed H.B. 822 were Berndt, George Dutcher, New Castle County public works director; Richard Weldon of Bear; Arthur W. Dobberstein of Dover; State Sen. J. Donald

Isaacs, R-Townsend; and Rep. R. Glen Mears Sr., D-Seaford.

Berndt said the selection narrowed to Hercules from nine firms which filed proposals. Some withdrew their plans, he said.

Berndt said Hercules was chosen because "They have the talent to do it; they're way out in front of everybody else." He said the firm also has markets for the byproducts.

The proposed plant, designed to be operated by about 50 employes, is to have three major elements.

The first is a digester system for converting organic waste materials to a high quality humus product free from disease-producing organisms. A similar plant in San Juan, Puerto Rico, is currently processing 300 tons a day.

The second is the application of pyrolysis techniques—subjecting organic materials in a contained-pressure vessel to high temperatures—for the controlled decomposition of organic solid wastes such as rubber and plastics.

The third is a residue separation system for the inorganic residue separated from the digester discharge. The separation of metals, glass and grit will be accomplished through a series of screeners, gravity tables and other equipment.

Hercules adapted the systems design knowledge of its chemical propulsion division to come up with its plan. Parts of the system designed by Hercules were the result of Hercules research, while other parts are patented products of other companies.

Mr. DOLE. Mr. President, I rise in support of S. 2005, the Resource Recovery Act of 1970. In his message on the environment, President Nixon stated:

> If we are ever truly to gain control of the problem (solid wastes) our goal must be . . . to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use.

S. 2005, a product of the joint efforts of the administration and the Air and Water Pollution Subcommittee of the Senate Public Works Committee, was written to achieve that goal. This legislation will effectively improve our national effort to reduce land pollution by recovering the enormous quantity of trash that is littering the landscape and straining the facilities of municipal governments.

There is one section of the bill that is particularly significant. That is section 207, which provides planning grants to governmental agencies at the State, local, and regional levels. Existing planning grants, on a 50–50 matching basis, provides States with financial assistance for surveys of local practices and problems, as well as funds for developing programs to solve solid waste management problems.

The new language approved by the committee would increase the Federal share of planning costs to 66⅔ percent for a State or a single municipality, and provide 75 percent support when two or more jurisdictions join to attack their mutual solid waste problems.

Economies can be achieved by increasing the size of resource recovery programs. Thus, a multiple-jurisdiction incentive should encourage communities to join with neighboring communities to meet the problem on a regional basis, and thus over the long run reduce costs.

The grants, I might add, would be available for any of four activities. One involves surveys of solid waste management practices and programs in an area, similar to existing law. A second authorizes grants for developing and revising plans for recycling and recovery of wastes. This emphasis is new and essential. The third provision would help to finance the development of proposals for resource recovery systems. The fourth area for which grants would be made available to State and local jurisdictions would be for planning programs for the removal and processing of abandoned motor vehicle hulks.

Section 207 planning grants for State, local, and regional agencies are of particular importance to Kansas. The 1970 Kansas Legislature passed the "Solid Waste Control Act" which makes it imperative that every city and county in Kansas begin at once to develop a workable plan for the regulation of solid waste collection, storage, transportation, processing, and disposal. Unfortunately, the Kansas Legislature did not provide the funds necessary to assist local government in developing their master plan. Section 207 provides authority for the Congress to appropriate funds which will allow local governments in Kansas and throughout the Nation to develop an organized and comprehensive approach to solid waste management.

I strongly recommend passage of S. 2005.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read:

> A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, to establish a National Committee on Materials Policy, and for other purposes.

Mr. BOGGS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS subsequently said: Mr. President, I call the attention of the Senate to the adoption on the Consent Calendar of the solid waste disposal bill.

I had recently introduced a bill, Mr. President, which I proposed to make an amendment to the solid waste disposal bill, which dealt with the disposal of motor vehicles, and which was considered a rather ingenious plan toward that end. But I have agreed to let the bill go through on the Consent Calendar with a hearing on my plan, and also on another plan of the Senator from Florida (Mr. Gurney) on the same subject.

But I ask unanimous consent, Mr. President, that a copy of the amendment which I would have proposed had I been aware of the opportunity be made a part of my remarks, and that my remarks appear in connection with the approval of the bill on the Consent Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The amendment I would have sponsored would have been for myself and Senators Cannon, Goodell, Hatfield, Moss, Pell, Percy, Saxbe, and Tydings. I shall be pressing the measure through the hearing stage.

The amendment is as follows:

On page 31, line 10, add the following new title:

"TITLE IV—MOTOR VEHICLE DISPOSAL ACT

"Sec. 401. This title may be cited as the 'Motor Vehicle Disposal Act.'

"DISPOSAL FEE REQUIRED

"Sec. 402. (a) Each person within any State who owns a motor vehicle on the effective date of this title shall, within three months after the effective date of this title, pay to the Secretary the motor vehicle disposal fee required by the provisions of this title, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

"(b) Every motor vehicles manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this title the motor vehicle disposal fee required by the provisions of this title, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

"EVIDENCE OF PAYMENT OF DISPOSAL FEE

"Sec. 403. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation in a conspicuous place on a motor vehicle on which the disposal fee required by this title has been paid.

"(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 402 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

"(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 402 to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturers sufficient numbers of plates or other devices evidencing such payment.

"AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

"Sec. 404. (a) The Secretary shall prescribe the amount of the disposal fee required under this title in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of removing motor vehicles. Any fee or fee schedule established under this sction may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provisions of judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

"(b) Any sums appropriated pursuant to section 412 of this title and any disposal fees collected pursuant to this title shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this title. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

"MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

"SEC. 405. (a) After the effective date of this title, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

"(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this title.

"(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States court of appeals in accordance with chapter 7 of such title.

"(d) The Secretary shall issue a license to any applicant if he determines that—

"(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

"(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this title.

"(e) (1) The Secretary is authorized to enter the facility of any person authorized under this title or any person applying for a license under this title and to inspect the premises and facilities on such premises at reasonable times, within reasonable limits, and in a reasonable manner.

"(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this title. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

(f) Persons licensed under this section shall receive from the Secretary a fee, in the amount subject to such terms and conditions as the Secretary may by regulations prescribe, for each car processed, to cover the cost of removal of the plate or device required by this title and the keeping of necessary records as required by this title: *Provided*, That such fee shall be not less than $1 nor more than $5 per automobile.

"REVOCATION OF LICENSES

"SEC. 406. (a) Any license issued pursuant to this title may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license, or (2) the licensee fails or refuses to make the certifications required by this title.

"(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If, after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this title or any other provision of law.

"MOTOR VEHICLE DISPOSAL PAYMENTS

"SEC. 407. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this title.

"(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a concern licensed under the provisions of this title by a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

"(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraph (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this title and that such person or agency is entitled to receive the disposal payment.

"(d) The Secretary shall redeem, by payment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

"UNLAWFUL ACTIVITIES

"SEC. 408. It shall be unlawful for any person—

"(1) to fail or refuse to pay the motor vehicle disposal fee required by section 402 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this title;

"(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this title without the payment of the disposal fee for such vehicle under section 402 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this title;

"(3) who is licensed under the provisions of this title, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 405; or

"(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this title unless such person is authorized by the Secretary to do so.

"(5) to remove, destroy, or otherwise dispose of the plate or device evidencing payment of the disposal fee provided in section 402, except as authorized by this title or by regulations promulgated by the Secretary pursuant to this title.

"PENALTIES

"SEC. 409. (a) Any person who is required to pay the disposal fee pursuant to section 402 of this title and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

"(b) Any person who violates the provisions of section 403 or paragraph (3), (4), or (5) of section 408, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

"(c) Any person who willfully and knowingly makes a false statement of any information required under this title shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

"(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides or is doing business.

"(e) In addition to the civil penalties provided hereunder, any person who willfully violates the provisions of paragraphs (4) or (5) of section 408 shall be subject to imprisonment of not more than six months for each such violation.

"ADMINISTRATION

"SEC. 410. (a) In order to carry out the objectives of this title, the Secretary is authorized to—

"(1) promulgate such rules and regulations as may be necessary;

"(2) appoint such advisory committees as he may deem advisable;

"(3) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

"(5) manufacture the plates or devices designed by him for the purposes of this title at the expense of the United States.

"(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this title.

"(c) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

"(d) The Secretary shall have discretion, based on market or other conditions in any locality or area of the country causing an inability or unwillingness of a licensed disposal concern or concerns to accept vehicles for disposal, to license an automobile wrecker or wreckers, including a public agency of a State or political subdivision thereof acting as an automobile wrecker, to accept vehicles for disposal and issue receipts under Section 407, on condition that such wrecker undertakes to deposit such vehicles with an authorized disposal concern within 12 months after the Secretary determines that such market or other local conditions have abated.

"(e) The Secretary shall have discretion, if business practices make it advisable in a particular locality or area of the country, to authorize any person engaged in the business of hauling scrapped motor vehicles, after crushing, to authorized disposal concerns, to issue receipts under Section 407, provided that such persons satisfy the Secretary of their undertaking to deposit such vehicles as required by this Act and applicable regulations issued by the Secretary.

"DEFINITIONS

"SEC. 11. As used in this title—

"(1) The term 'person' includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

"(2) The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this title upon a finding that to do so is in the public interest.

"(3) The term 'manufacturer' means any person engaged in the manufacturing or assembly of motor vehicles including any person importing motor vehicles for resale.

"(4) The term 'State' includes each of the several States, the District of Columbia, the Comonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(5) The term 'interstate commerce' means commerce between any place in a State and any place in another State, or between places in the same State through another State.

"(6) The term 'Secretary' means the Secretary of Transportation.

"AUTHORIZATION AND APPROPRIATIONS

"SEC. 412. Their is hereby authorized to be appropriated to the Secretary to carry out the provisions of this title not to exceed $500,000 for the fiscal year ending June 30, 1971.

NATIONAL MOTOR VEHICLE DISPOSAL COUNCIL

SEC. 413. (a) The Secretary shall establish a National Motor Vehicle Disposal Council which shall consist of seven members, including three members who shall be representatives of businesses engaged in processing junked motor vehicles into established grades of scrap for remelting purposes, three members representing the general public, and one member representing automobile wreckers; provided, that the representatives of the general public may include representatives of Federal, State or Municipal agencies working in the fields of environmental protection and control.

(b) The Secretary shall consult with the National Motor Vehicle Disposal Council with respect to all matters subject to regulation which may be promulgated under this title.

(c) Members of the National Motor Vehicle Disposal Council may be compensated at a rate not to exceed $100 per diem (including travel time) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

"EFFECTIVE DATE

"SEC. 414. The provisions of this title shall take effect on September 1, 1971, except that sections 403, 410, 411, 412, and 413 shall become effective on the date of enactment of this title."

FIRE RESEARCH AND SAFETY ACT AUTHORIZATION

The bill (S. 3766) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for the fiscal years of 1971 and 1972, but not to exceed a total of $5,000,000, and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968 (Public Law 90-259; 82 Stat. 34).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1040), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

S. 3766 would authorize to be appropriated to the Department of Commerce such sums as may be necessary for fiscal years 1971 and 1972 (not to exceed a total of $5 million) and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. That act authorizes the Secretary of Commerce to conduct directly and through contractor grants a comprehensive fire research and safety program; it also creates a national commission on fire prevention and control to undertake a comprehensive study and investigation to determine practicable and effective measures for reducing the destructive effects of fire throughout the country.

BACKGROUND

In 1968 Congress passed a Fire Research and Safety Act which authorized the Secretary of Commerce to provide support for—investigations on the incidence of fires; research into the cause of the nature of fires and the development of improved methods and techniques through fire prevention and control; public education on fire hazards; education and training programs for fire service personnel; formal education curriculum and fire safety up to and including graduate levels; fire information reference services; and demonstration projects on fire prevention control and the reduction of personal injury and property damage. To facilitate these activities the Department of Commerce was to establish a Fire Research and Safety Center which could undertake important innovative full-scale research on such things as spread of fire within multistory buildings and provide a central focus for management of the national fire safety program by developing necessary staff competence for both technical support of nonfederal activities and scientific management of grants and contracts.

Title II of the Fire and Research Safety Act of 1968 provides for the establishment of a National Commission on Fire Prevention and Control. This Commission was directed to undertake a comprehensive study and investigation to determine practicable and effective measures for reducing the effects of fires by considering ways in which fires can be more effectively prevented through technological advances, construction techniques, and improved inspection procedures; by analyzing existing programs administered and supported by the departments and agencies of the Federal Government; by evaluating existing fire suppression methods and ways for improving the same, including procedures for recruiting and soliciting the necessary personnel; by evaluating the present and future needs of training and education of fire service personnel; by considering the adequacy of current fire communication techniques and suggesting standardization and improvement of the apparatus and equipment used in controlling fires; by analyzing the administrative problems affecting the efficiency or capabilities of local fire departments or organizations; and by assessing local, State, and Federal responsibilities in the development of practicable and effective solutions for reducing fire losses.

Unfortunately, the Fire Research and Safety Act has not been implemented because of a lack of funds. To date the President has not appointed the members of the Commission, and therefore no action by the Commission has been undertaken. When the Fire Research and Safety Act is funded, the committee is hopeful that the President will appoint the members of the Commission so that their important work can begin.

For 3 years funding of the Fire Research and Safety Act has been unintentionally frustrated. In March 1968 the Fire Research and Safety Act was enacted too late for its funding to be included in the regular appropriation request for 1969. A revised request was submitted in time for consideration by the Senate which recommended an increase of $500,000 "to finance the Fire Research and Safety Act of 1968." But this increase was not included in the appropriation that was finally approved in conference. Funds to implement the program were again requested in fiscal year 1970. The appropriation that was finally approved provided only $500,500 for all the bureau programs including the Flammable Fabrics Act program to which the Department of Commerce has assigned first priority.

The committee believes that top priority should be given to the implementation of this act for the following reasons:

(1) Annually there are about 12,000 deaths due to fire compared with about 13,000 murders.

(2) The $2.5 billion reported property losses from fires is greater than the $1.5 billion for crime.

(3) The $3 billion cost of operating police departments is only 15 percent greater than the cost of operating fire departments.

(4) The fireman's job is as dangerous as the policeman's.

(5) The risk of death from fire strikes cruelly at the very young and the very old since children under 3 and men and women over 70 are 3½ times as likely to die in a fire as a person of 20.

(6) The poor are more vulnerable to fire than those of adequate means.

(7) Our black citizens are three to four times more likely to perish in fire than our white citizens.

By any economic or social measure the Fire Research and Safety Act deserves immediate and extensive funding.

S. 3766

The bill which the committee favorably reports authorizes to be appropriated for fiscal years 1971 and 1972 up to $5 million. The committee is hopeful that there will be full appropriation up to the level of authorization.

In testimony on S. 3766, the committee was informed that the complete program for fire research and safety would cost approximately $10 million per year. The open-ended authorization contained in S. 3766 for fiscal years after 1972 provides authorization for appropriations at such a level.

COSTS

S. 3766 authorizes to be appropriated up to $5 million beginning June 30, 1970 and ending June 30, 1972. In addition the bill authorizes to be appropriated such sums as are necessary in each succeeding fiscal year.

PROGRAM

Mr. HATFIELD. Mr. President, will the majority leader yield to me for a question?

Mr. MANSFIELD. Yes, indeed; I am happy to yield to the distinguished acting minority leader.

Mr. HATFIELD. Will the majority

leader kindly indicate what his plan for the program on Monday will be?

Mr. MANSFIELD. The Senate will continue consideration of the unfinished business, the military procurement bill. Hopefully, at least one amendment will be offered today and amendments may be offered on Monday as well. I believe that we have spent enough introductory time on the bill up to the moment and that it is long past time when amendments should have been offered. All Members have had an opportunity to study reports, the hearings, and to go over the bill, and all Members, I am certain, know what they intend to do at this time.

I would hope there would be no jockeying for position in an effort to have one amendment considered before or after a particular amendment. It is my understanding that there is a possibility—but only a possibility—that the ABM amendment may be laid down today and, if not today, very likely on Monday next. Hopefully, when we get started on that amendment, the ice jam will be broken and we will be able to go ahead with the business of the Senate.

In the meantime, may I say to the acting minority leader, conference reports will be in order at all times. The latest information I have is that the independent offices-HUD conference report will come up on Tuesday next, rather than on Monday, as I had anticipated.

There is some possibility that today we may take up the legislative appropriation conference report and the Youth Conservation Corps conference report.

Mr. HATFIELD. I thank the distinguished majority leader.

Mr. MANSFIELD. That is about it, so far as I can tell at the moment.

ORDER FOR RECOGNITION OF SENATOR HANSEN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Ohio (Mr. YOUNG) the able Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is now recognized for 20 minutes.

WHO WILL PROTECT OUR CITIZENS FROM THE CIVIL AERONAUTICS BOARD

Mr. YOUNG of Ohio. Mr. President, at no time since the great Hoover depression has economic restraint been so important as it is today. Inflation has already reached alarming levels, and the most recent figures released by the Labor Department indicate the prices are continuing to rise. Last month President Nixon spoke out on the need for all groups to show restraint in actions involving wages and prices.

In view of the severe crisis now threatening our economy it is absolutely outrageous that the Nation's airlines, aided and abetted by the Civil Aeronautics Board, should undertake new increases in the cost of airplane tickets. Earlier this month the Federal tax on airplane fares went up from 5 percent to 8 percent. In addition to the new tax, airlines are also now authorized to round off all fares to even dollar amounts. For example, if an airline fare has been $27.12, the airline can now charge $28. The passenger will be out anywhere from 1 cent to 99 cents.

Mr. President, officials of the airlines call this rounding off. They can give it any fancy name they choose, but they cannot disguise the fact that it is a fare increase—and, Mr. President, I spell that "fare" and not "fair."

It is an obnoxious hidden tax or penalty, arbitrarily imposed by the Civil Aeronautics Board. Allowing the airlines to round fares upward to the next even dollar amount will provide about $50 million per year in additional revenues for the airlines. This figure is based on 1969 air traffic reports on the basis of air travel that year.

The Civil Aeronautics Board acted at the request of American Airlines and other trunkline and local service carriers. The airlines argued that they needed the additional revenue to offset a new basic annual aircraft registration tax of $25 plus an added charge of 3½ cents a pound for jets and 2 cents a pound for piston aircraft. Yet by its own estimate and even after deducting the new taxes American Airlines would show a net increase in revenue of more than $3 million in 1970 because of the rounding off procedure.

Mr. President, this is the second time in recent months that the Civil Aeronautics Board has teamed up with the airlines against the public interest. This new example of selfish irresponsibility follows by only 9 months a fare increase authorized by the Civil Aeronautics Board of more than 6 percent, and by only 16 months a fare increase of nearly 4 percent.

The patriots who wrote our Constitution, sensitive to the abuses that accompany taxation without representation, provided that all tax bills and all measures to raise revenues "shall originate in the House of Representatives," and granted to the Senate the right to concur "to propose or concur with amendments as on other bills." No members of the Civil Aeronautics Board or of any other governmental agency have the right to impose taxes, hidden or otherwise. Yet that is exactly what they are doing with the new policy of rounding off airline fares.

The Civil Aeronautics Board was created to control the airline industry and to protect the general public. Instead, it has become another governmental agency which has subverted the interests of the general public it is supposed to protect and taken steps to protect the industry it was organized to monitor. This insidious and deceptive new policy was approved by a 3-to-1 vote of the members of the Civil Aeronautics Board. Those members voting for it claimed that they were helping air travelers because they would no longer have to fuss with odd dollars and cents. Where, Mr. President, is the ordinary citizen who considers it a waste of time to fuss over saving 99 cents?

We average citizens abhor hidden or concealed taxes, and we regret the deceptive and dishonest reasoning of the Civil Aeronautics Board. Those odd dollars will amount to an additional $50 million annually filched from the pockets of those who travel on America's airlines. It is indeed distorted logic that allows officials of the Civil Aeronautics Board to argue that its action taken without the passengers' consent and at the passengers' expense will benefit passengers.

Mr. President, I denounce the action of the Civil Aeronautics Board in imposing this hidden tax on the American public at a time when the economy faces such a serious challenge. It is now time for the Government agencies created to protect the rights of the public to begin doing their job. The latest action by the Civil Aeronautics Board in making travel more expensive by imposing hidden taxes and in adding to the receipts of airline companies at public expense should be repealed at the earliest possible opportunity.

FBI REPORTS GUARDSMEN COMMITTED MURDER

Mr. YOUNG of Ohio. Mr. President, following the tragedy on the commons of Kent State University at about 22 minutes after high noon on May 4, a beautiful sunshiny day, more than 100 FBI agents made a thorough investigation of the facts. They interviewed members of the National Guard and the officers, State officials who had direct knowledge of the facts, professors, students, members of the Ohio State Patrol, many of whom were eyewitnesses and some of whom were in seven or more helicopters flying over the campus and university buildings from the morning of that day until after 12:22 in the afternoon. Their investigation, in fact, was not completed until about 6 weeks after the tragedy.

Then this month the FBI reconstructed what really took place, and their report was carefully reviewed and approved by the top officials in the Department of Justice. One purpose of this report was to present it to the county prosecutor of Portage County who had summoned a grand jury to make an investigation. The FBI investigation proved that the hysterical claims made by Adjutant General Del Corso commanding the Ohio National Guard that guardsmen fired in frantic self-defense against snipers and against a threatening noose of students throwing rocks and bottles were utterly false and with no foundation whatever. The FBI reported that the National Guardsmen were not surrounded by demonstrators, that they had not run out of tear gas, and that they could have kept the situation under control without firing a single shot into the crowd.

They reported, as did the members of

the Ohio State Patrol who had flown back and forth above the buildings and the university commons constantly that morning and throughout the noon hour, that there was never any sniper firing from the roof of any building. Even Del Corso backed off from his false allegations and said that he was mistaken and had made an error.

The conclusions of the FBI were that six of the Ohio National Guardsmen could be criminally charged. The shootings, they reported, "were not necessary and not in order." According to the FBI not one guardsman had been injured at any time throughout that morning and noon hour. Not one guardsman was even bruised to the extent that he required first-aid treatment. The FBI reports that none of the National Guardsmen were in any danger of their lives or of sustaining bodily harm.

Mr. President, the shooting occurred at about 12:22 p.m. on this lovely warm clear day. The volley of shots fired from rifles of National Guardsmen lasted but 11 seconds. One guardsman shot at a student who was merely making an obscene gesture. Nine of the students, boys and girls, killed or wounded by rifle fire from the guardsmen, were struck either in the side or in the back. The FBI concludes from this that they were not challenging the guardsmen frontally when shot.

The facts are, Mr. President, that Robert Stamps of Cleveland who was seriously wounded by a rifle bullet was 610 feet away from the front line of the National Guard. He was struck by a bullet that entered below his belt downward, entered the buttocks, and missed his spinal column by approximately an inch or an inch and a half and emerged from the front part of his body. He is still disabled as of July 30.

One National Guardsman immediately following the shooting hysterically shouted:

> I shot 2 teenagers! I shot 2 teenagers!

SOUTH VIETNAMESE PEOPLE SAY YANKEE GO HOME

Mr. YOUNG of Ohio. Mr. President, recently I received at my home in Washington, a letter from Prof. Ho Dac Hong of the Vietnam Socialist party. That letter was mailed from Saigon on July 4 of this year. This appears to be a copy of a letter that was sent to a number of people. Perhaps some of my Senate colleagues received copies of this correspondence.

The letter states:

> On the occasion of your Independence Day, we have the honor to express our best wishes for the future of America.
>
> We pray God that Peace will be in the mind of all U.S. citizens forever as Peace will come soon to our long war devastated homeland.

Mr. President, this is an example of the overwhelming sentiment among the people of Vietnam that the most important thing we can hope for is peace. The people of Vietnam are tired of fighting. Their most fervent hope is for the removal of all outside forces so that they may once again at long last live their own lives without the constant terrors of war.

A recent survey conducted by the U.S. Military Command in South Vietnam, shows that 65 percent of the people in the South Vietnamese countryside want all Americans out of their country. This survey has been suppressed allegedly on order from Ambassador Ellsworth Bunker and top Army officials enjoying the good life in Saigon. The American Broadcasting Co. reported that 30 percent of those surveyed had no opinion and only 5 percent, mostly in Saigon, wanted Americans to stay.

Mr. President, the greatest contribution we could make to the people of Vietnam would be to bring all our troops home before the end of this year.

They could be brought home in the same manner they were sent to Vietnam—by our ships and planes.

ABM: ANOTHER BOONDOGGLE

Mr. YOUNG of Ohio. Mr. President, within a few days the U.S. Senate will be called upon to decide whether or not this country should continue its costly investment in the so-called Safeguard anti-ballistic-missile system. It should by now be clear that the Safeguard system which is so highly regarded by the Nixon administration is in reality nothing more than the old, outmoded Nike Zeus, Nike-X, and Sentinel programs under a new name invented by some clever public relations pipsqueak in the Pentagon. They have a galaxy of public relations men. If the Defense Department and the administration are so interested in thinking up new names for an old system perhaps they would consider calling it civil servant since it will not work and no one knows how to fire it.

I think that statement could apply to many of our civil service workers in Washington. As the Senator from Alabama (Mr. ALLEN), who is presently presiding over the Senate will readily observe, automobile traffic from 4 o'clock until 6 o'clock on every Friday evening is very, very light, indeed, and that is because these lazy, overpaid civil service workers take long weekends starting on Thursday night and stay away. So I think "civil servant" would be a good name for this Safeguard "antiballistic" missile system because it will not work and no one really knows how to fire it.

In examining the case against the Safeguard ABM system the Senate would do well to remember something of the history of the program. In 1967, then Secretary of Defense McNamara proposed the Nike-X ABM system, itself an adaptation from the Nike-Zeus system, as an area defense of populations and cities against possible Chinese attack.

The debate at that time was over whether it should be a "thick" or a "thin" system. The administration settled for a thin system, to cost approximately $4 billion—instead of the $20 to $40 billion for a "thick" system—but even then many scientists and Defense Department officials knew the program would not do an adequate job even if it were completed.

In 1968, the system was renamed the Sentinel, but it remained essentially the same program. In 1969 Congress, which had gone along with earlier Johnson administration proposals, asked the Defense Department to halt the Sentinel program because of the grassroots opposition against it in areas such as Los Angeles, Chicago, and Boston. When there was a proposal to place one in Seattle, even the distinguished Senator from Washington (Mr. JACKSON), our colleague from that area, who is considered a war hawk by many Senators, let out an uproar and protest.

So those plans were abandoned because of local opposition, and this action set the stage for the latest reincarnation of the old system.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. In early 1969 President Nixon announced his proposal for an antiballistic missile system to be named Safeguard. In a press conference on March 14, 1969, he gave three reasons for seeking the development of this system: the need to protect our Minuteman missile and SAC bombers as an adequate retaliatory deterrent against the growing Soviet ICBM threat, the need to protect our cities and populations against a possible Chinese ICBM attack, and the need to guard our deterrent against a possible accidental launching or attack from abroad. It was clear at the time that it was a different name, but the same game. Indeed, in the extended debate in the Senate last year over the Safeguard proposal, much criticism was leveled at the shifting rationales given for the system.

This year the debate has grown more perplexing. In the 1970 defense posture statement the Nixon administration again based its Safeguard proposals on the same three rationales used in 1969. However, in calling for an extension of the program to 12 sites and the beginning of a "thin," area defense to protect the cities against a light Chinese missile attack, President Nixon seemed to be placing special emphasis on the Chinese threat. Indeed, in January 1970 he called extension of Safeguard "absolutely essential for protection against the Chinese and to maintain a credible foreign policy in the Pacific."

Criticism of the planned role of Safeguard as a defense against a potential Chinese threat grew, and suddenly the administration began to change course. In February Secretary of Defense Laird began emphasizing the role of Safeguard in protecting our deterrent force from a growing Russian threat. After long and exhaustive study the Senate Armed Services Committee rejected the administration's arguments that an extension of Safeguard was absolutely essential as a defense against China. More and more leading scientists appeared to voice their doubts as to Safeguard's efficacy as a protection of our deterrent force, and suddenly the administration had a new justification, the need to continue with

Safeguard so that our negotiators at the SALT talks in Vienna would have it as a bargaining chip. At the same time Secretary of Defense Laird was sending a secret memorandum around to Pentagon officials warning them against any talk that might imply that a Safeguard or MIRV moratarium would be desirable. Just last week in a special briefing Presidential Adviser Henry Kissinger again played up the need for Safeguard to guard against the growing Soviet SS–9 missile threat. Thus the justifications for the Safeguard ABM system have continued to shift faster than the sands of the mighty Sahara Desert.

Mr. President, it should by now be clear to the Members of the Senate, as it is to the rest of the world, that the Safeguard system is truly, in Senator Gore's words, "a weapons system in search of a mission." The Nixon administration and the Department of Defense want this warmed-over version of the old Nike-Sentinel system, and they are willing to say whatever they have to get it. I warned last year that if the Senate agreed to the so-called phase I deployment we would be allowing the camel to get his nose inside the tent. Sure enough, this year the administration came back and asked for a full 12-site system. We all realize that the so-called phases are really nothing more than stages, installments toward the full system. A majority of the Senators last year rejected the full system—they should realize that accepting Safeguard a phase at a time will soon result in the whole camel being inside the tent.

Mr. President, it is well known that Dr. John S. Foster, Pentagon Director of Defense Research and Engineering, and others in the Department of Defense want Safeguard in order to preserve the option of a city defense. This year President Nixon admitted that a "thick," city defense system should be avoided because it could lead to a dangerous escalation of the arms race. Yet, Dr. Foster and his Defense Department cronies want to keep the doors open for such a system. They have no intention of turning back. The Senate Armed Services Committee rejected most of the proposed expansion, but this is no guarantee that the administration will not be back again next year with the same request.

The Senate should realize the nature of the game the administration and the Department of Defense are playing. We are asked to approve of a system bit by bit so that before we know it we have the whole thing which we had rejected in the first place. The past history of Safeguard ABM and the shifting rationales given for it by the Nixon administration should be evidence enough that the Defense Department and the administration are simply seeking to hold onto a program for which there is no real justification. There is no better definition of a boondoggle in any man's dictionary than the proposed ABM boondoggle. It should be rejected. I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In conformance with the previous order, the Chair recognizes the Senator from Wyoming (Mr. HANSEN) for not to exceed 30 minutes.

MIDDLE EAST OIL

Mr. HANSEN. Mr. President, the New York Times, a newspaper often critical of the oil industry, carried an article last Sunday that may lend some credence to what oil company spokesmen and several of us here in the Senate have been saying for some time.

The heading of the article was "U.S. Oil Industry Regrets It Was Right." The article begins:

> If an industry could have a facial expression, the United States oil industry would be wearing a bitter-sweet smile.
>
> The smile would be the result of having seen recent events prove some of its serious forecasts and earnest warnings for corrections.
>
> The pleasure, however, is mitigated by the pain that the industry is nonetheless suffering from having seen its predictions come true.
>
> Throughout the long and heated political controversy over oil imports, the industry has maintained that foreign sources of petroleum were relatively undependable and that their lower-than-domestic price levels could be quite ephemeral. For this thesis oilmen were raked over the political coals. The price of Middle East oil is now at least 75 cents a barrel more than domestic.

Mr. President, several of us here in the Senate have for the last year been attempting to get this message across. We have tried to answer those who would shut down our so-called high-cost producing wells and import "cheap" foreign oil and save our own. We have pointed out that this was actually not feasible nor was it sound from an economic or national security standpoint.

But the critics of the oil industry have continued to hammer away and were finally successful in their efforts to cut the oil depletion allowance which had provided the incentive for oil and gas exploration and development for some 44 years. They succeed at a time when the Nation was facing a serious and, perhaps, critical shortage of natural gas because of Government pricing policies that discouraged new discoveries of this most convenient and cleanest of all our fuels.

The Federal Power Commission is now facing up to the problem of adequate pricing to encourage new production but these things take time and it may be several years before the industry is able, even with adequate returns, to make up the deficit.

After being assessed with an added tax bill of more than $600 million a year, the oil industry was again threatened with a further burden—a proposal to open up imports of this cheap foreign oil to the extent of forcing domestic crude prices down by some 30 cents per barrel.

Several of us from the oil-producing States objected vigorously to such a proposal, but the question is not yet resolved.

In an effort to convince some of those who still advocate the illusory benefits of more oil from its most abundant source, North Africa and the Middle East, I arranged for Dr. Wilson Laird, Director of the Office of Oil and Gas, to brief Members of the House and Senate on the Middle East situation and the vital importance of oil from that area in the Arab-Israel dispute.

Western Europe and Japan are largely dependent on this source for their energy demands. So is NATO. And the Soviet Union has assumed a growing role in the politics of that area.

Dr. Laird warned that events in the Middle East and North African oil-producing states require our consideration on three major points.

He said:

> (1) Commercial confrontation in Libya and Iraq, which could lead to nationalization and eventual "freeze out" of American oil interests in these areas.
>
> (2) Political disturbances arising out of the Arab-Israeli conflict, which could lead to a denial of oil to Western powers and to Japan with devastating effects on their economies.
>
> (3) A combination of these forces which could seriously affect the national security of the United States and other Free World nations.

In order to realize just how serious these current oil problems are, one has but to look at only a few pertinent statistics.

Mr. President, because of the vital and critical importance of oil to the rest of the free world and the present dependence of free world countries on these potentially explosive sources, I wish to read the rest of Dr. Laird's excellent statement into the RECORD for the benefit of my colleagues who were not able to attend the briefing. His remarks continued:

> Of the known oil reserves of the non-Communist world today, more than 80 percent are contained in the North Africa/Middle East area. Nearly every country of the Free World is dependent to some degree on oil from the Middle East and North Africa. In particular, Western Europe relies on oil from these areas to the extent of 85 percent of its total oil supply and more than half of its total energy supply; Japan relies on the Middle East for nearly 90 percent of its oil supply and 60 percent of its total energy. The United States relies on Middle East/North Africa sources to meet only about *three* percent of its oil needs. However, about one-fifth of the oil supply of our East Coast refineries originates in the Middle East or North Africa. These sources also supply a substantial portion of our overseas military oil needs. Oil produced in the Middle East and North Africa is currently supplying more than 45 percent of the oil requirements of the non-Communist world.
>
> A look at a world map will give you an idea of how oil from the Middle East and North Africa dominates the world oil supply system. In 1967 just prior to the 6-day Arab-Israeli conflict, about 3½ million barrels a day were moving through the Suez Canal.
>
> Now, let's look at the situation after the 6-day Arab-Israeli conflict. The Suez Canal was blocked, and remains so to this day, forcing a tremendous increase in movements of oil around the Cape of Good Hope to European destinations. The Middle East pipelines to the Eastern Mediterranean were also closed initially, but later reopened and were utilized to the maximum in order to save tanker tonnage. To give you an idea of the added strain on tanker tonnage capability, bear in mind that for every tanker going to Europe out of the Persian Gulf through the Suez Canal, it takes roughly two tankers to move the same volume of oil around the Cape of Good Hope to Europe. It takes a ratio of 6 to 1 to move

oil from the Persian Gulf around the Cape, versus lifting it from pipeline terminals at Mediterranean ports. Thus, the main oil problems in the aftermath of the 6-day war revolved around the availability and utilization of tankers. They were overcome by rescheduling, use of existing spare tanker capacity, and acceleration of new tanker construction, so that by the end of 1967 and up until recently, the international oil industry has been able to cope with the problems of the Suez Canal being out of service.

Recently, difficulties between Syria and Saudi Arabia over repairs to a rupture in the Trans-Arabian pipeline—complicated by pressures from the Syrian government for increased intransit revenues from the pipeline operating company—have resulted in the shutdown of the pipeline since May 3, forcing an additional 475,000 barrels a day of oil to move around the Cape of Good Hope to Western Europe.

Since May, developments in Libya have resulted in curtailment of production from this area by 570,000 B/D, further increasing the burden on tanker carrying capacity which right now is extremely tight.

Thus, in addition to the continued denial of the Suez Canal, over 1.0 million barrels per day of relatively "short-haul" oil has been interrupted. This translates into additional shipping requirements of 600–650 T-2 * tanker equivalents if the same volume of oil is moved from the Persian Gulf around the Cape of Good Hope. Tankers not normally in oil trade which might be used, plus scheduled new tanker deliveries, cannot be expected to exceed 650 T-2's in the next four months. Meanwhile, normal increase in demand will require at least 235 T-2 equivalents, and to this must be added the peak heating season demand. Consequently, there is every likelihood that the tanker shortage will become more critical, and the tanker rates will remain exceptionally high.

The results of the tanker shortage have already expressed themselves in higher delivered prices for oil around the world. Persian Gulf crude oil import "tickets" in the United States have dropped in value from $1.00–$1.50 to practically zero. The prices of residual and distillate fuel imports delivered to the East Coast have increased sharply, and are approaching parity with domestically produced fuels. Requests for substantially increased crude oil production from Texas and Louisiana in August have already been made.

Now, let us examine in more detail the three major points that were mentioned at the outset.

First, some of the implications arising out of the commercial problems in Libya. Shortly after the overthrow of the monarchy in Libya, the present government of Libya began pressing the operators of the oil concessions for sharp increases in the posted price of Libyan crude, which is the basis upon which royalties and taxes are paid to the Libyan government. The present regime takes the position that Libyan oil is underpriced in relation to crudes emanating from the Persian Gulf, and in relation to the nearby market in Europe; and the Libyan government is thereby being deprived of revenue to which it feels it is rightfully entitled. The oil companies on the other hand maintain that the real market value of Libyan oil is determined at its destination, in direct competition with oils emanating from the Middle East. While the real price is considerably below the posted price established for Libyan oil, it is nonetheless at competitive parity with oils delivered from the Persian Gulf to the same destinations. Therefore, the increased revenue to Libya resulting from taxes and royalties paid on a higher posted price base means that either Libyan oil would be priced out of competition with Middle East oil, or the oil companies would have to absorb the difference.

Negotiations have been in progress for many months, but seem to be at a stalemate. Behind these negotiations, there is believed to be the threat of further nationalization and there is considerable outspoken antagonism toward American interests operating in Libya. In fact, nationalization of distribution and marketing operations in Libya is already an accomplished fact. On July 23, the Libyan government announced it would seize all "immovable" assets in the country owned by Italian citizens, including the holdings of the Italian State-owned oil company.

Reliable sources indicate that there may be additional curtailment of Libyan oil production, involving more American companies. If nationalization of production takes place, the American companies will be faced with two choices: either to get out of Libya entirely; or to perform as service contractors for the Libyan government in marketing Libyan oil in volumes to be decided by the Libyan government, and in direct competition with oil produced by many of the same companies in the major producing areas of the Middle East.

In Iraq, there has been a running feud between the government and the American, British/Dutch, and French interests with respect to relinquishment of concession areas, and constant pressures for posted price increases; and there is a constant fear of Iraqi nationalization of its oil resources. The only counter-balancing influence at the moment is the fact that the Iraq government has neither the market outlets for this oil nor the means to move it.

In Syria, which nationalized oil some time ago, the Syrian government has seized upon the pretext of the ruptured TAPLINE to increase its pressures on the pipeline operating company for increased intransit revenues before allowing the repair of the pipeline break. The return of this pipeline to operation would substantially lessen the pressures on tanker availability. When tanker availability is adequate, the economics of moving oil around the Cape are relatively at a standoff vis-a-vis its movement through the TAPLINE to market. It is really only when there is a shortage of tankers that the lack of this pipeline capacity to move crude oil from the Persian Gulf to the Eastern Mediterranean becomes of importance, and that is why it is of such importance right now.

These are purely commercial problems, and under normal circumstances could probably be resolved by the give and take of arm's length bargaining between the concessionaires and the various governments. Now, however, the bargaining atmosphere is anything but normal, because of the current Arab-Israeli conflict.

It is at this point that the second major problem manifests itself. Political decisions could generate major oil problems. Libya could be one of the first to make a move—in fact, during the 1967 crisis, Libya was one of the first to deny oil to three Western powers, including the United States.

In 1967, the Libyan denial hurt, but was not significant. Today, however, Europe gets nearly 30 percent of its oil from Libya and other North African sources. The complete denial of more than 3.6 million barrels a day of Libyan oil, on top of the continued shutdown of the Suez Canal, and the continued loss of the 475,000 barrel per day capacity of the Trans-Arabian pipeline, would have a serious impact on Western Europe. Even assuming that the lost Libyan volume could be made up from other Free World sources (a doubtful assumption), the time taken to rearrange the world tanker fleet to accommodate this disruption would force a severe drawdown on European stocks.

This brings us to the third major issue—namely, the threat to the security of the United States and other Free World nations. With a sustained loss of this magnitude of more than a few weeks, the ability of the Free World nations to fuel their domestic economies would be so reduced as to jeopardize their national security. Continued denial of oil in this volume, therefore, would require some actions of major political and commercial importance.

Returning for a moment to commercial considerations, the side effects of progressive nationalization measures by producing countries directed toward forcing out American companies would have severe repercussions upon our domestic economy. Refining, transporting, and marketing facilities developed by American companies in Western Europe and elsewhere around the world probably might even be taken over by local governments. American capital investment of billions of dollars would be wiped out, together with profit remittances and tax payments to the United States, which would add to unfavorable balance in payments and trade.

What are the alternatives?

In the case of total denial of Libyan oil, as indicated previously, expansion of production activities in other areas of the Free World probably could—given sufficient time—make up this loss. But it could not be done without serious disruption of supply to Europe during the time it would take to re-route tankers to new (and longer haul) supply sources. On the other hand, once Libyan production is nationalized, there could be pressures by the Libyan government on governments of consuming nations now receiving Libyan oil. These pressures conceivably could force some accommodation by American companies operating in these countries to accept this situation, by refining and marketing government-imposed quotas of Libyan oil. There are current indications that some governments may go this route. Nonacceptance of this situation by American companies would probably lead to their being forced out of the oil business in these countries.

If the nationalization move should spread to Iraq, the supply situation would worsen by another 1.5 million barrels per day, and would involve not only American companies, but those of Britain, the Netherlands, and France. It is unlikely that the oil deficit resulting from the added denial of Iraq could be offset from remaining supply sources without resorting to rationing by the consuming countries. It is, therefore, likely that some accommodation between the Iraq government and the governments of countries now taking Iraqi oil would be faced with the same requirements I just mentioned with respect to Libyan oil.

What I have just said relates to commercial considerations arising out of actions which may be taken by producing governments, apart from the reactions likely to result if the present Arab-Israeli conflict should suddenly escalate into a large-scale shooting war. In this case, the denial of oil (15 million barrels daily) is of such a magnitude that it would be physically impossible to replace from other known sources of the Free World. This is the situation which is most alarming.

When an oil emergency takes place, it is the responsibility of the Office of Oil and Gas to do something, and more importantly, to try to anticipate the problem and be better prepared to cope with it when it takes place. In this context, on June 25, we called in the Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee, an industry advisory group of technical experts of which I am the Government Chairman, to review the situation. This is authorized if and when the Department of Defense or the Office of Emergency Preparedness considers it serious enough to do so, and we had a letter from Defense asking us to do it. The review by this Subcommittee generally established

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*A T-2 is defined as 16,765 d.w.t. at 14.5 knot speed.

the seriousness of the situation. If further deterioration takes place, we can reactivate our Emergency Petroleum Supply Committee which has been on standby since the 1967 emergency. This is an action Committee, and through it, Government can implement action plans to try to accommodate any further serious disruption.

In closing, I would like to say a few words about U.S. capability to help out on oil shortages. We can take care of our own military needs by re-adjustments (not without problems), but spare crude oil capacity is considerably below 1967.

The existence of producing capacity in excess of normal requirements has on several occasions been of great importance to the United States. The United States entered World War II with productive capacity more than a million barrels in excess of normal requirements. During the war, after sea lanes were reopened, the petroleum industry produced at capacity. Largely for this reason, post-war operations continued at near capacity rates through 1948.

In 1949 and 1950, lagging requirements and accelerated development of capacity restored some surplus capacity. This was quickly drawn upon during the Korean War and the concurrent nationalization of the Iranian oil industry.

In the late 1950's and early 1960's, spare capacity continued to increase and the ability readily to increase domestic production of crude oil proved fortunate in meeting unusual requirements imposed on the domestic industry by the interruption of supplies from the Middle East in the Suez Crisis of 1956–1957, and again in 1967.

By the end of the 1960's, the amount of unused capacity began to decline with rising petroleum requirements accompanied by low levels of exploration and development.

The prospects for retaining significant unused capacity in the future are not encouraging. With a continuation of last year's performance, unused capacity would be completely obliterated by the end of 1973, and even at the higher 1967–1969 rate of additions, capacity would be fully utilized only a year later.

It should be noted that none of the data reflects production or capacity on the Alaskan North Slope.

This emphasizes the need for Alaskan oil as well as the need for the development of new capacity in the lower 48.

No longer is the United States self-sufficient in oil. Net imports now exceed our spare producing capacity. Our ability to replace interrupted foreign supplies with readily available domestic capacity is being seriously eroded.

Without renewed efforts to add to our productive capacity, our dependence on foreign oil sources will rise to a precarious level.

According to present estimates, even if 1.0 million B/D of North Slope oil should be available by 1975, we will need to import 4.0 million B/D of oil—equivalent to 24 percent of our demand. The greater portion of this will probably come from Western Hemisphere sources, but we will still be depending upon Eastern Hemisphere sources to supply 7 percent of our demand. Without North Slope oil, this dependency will rise to 13 percent.

By 1980, with 2.0 million B/D of North Slope oil assumed available, Eastern Hemisphere dependence is still 6 percent—but would rise to 17 percent without North Slope oil or its equivalent from increases in Western Hemisphere imports, or from increased production in the lower 48 States.

Mr. President, in addition to an impending natural gas shortage, there is a very real possibility of a shortage in residual oil for industrial and electric generation use. Because of antipollution laws—local, State, and Federal—there has been a rush to convert from coal to gas or residual. Gas, the cleanest of all fuels, will not be available for such uses and residual is in short supply and the price has zoomed. Most residual is imported.

Similarly, a shortage exists in asphalt which comes from the same sources.

Mr. President, today's issue of the Wall Street Journal carries an article which goes into some detail on the growing shortage of heavy industrial grade fuel oils and asphalt. I ask unanimous consent that the article which develops the history and backgound of this situation be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Inasmuch as the American consumer will end up paying for the price increases that will undoubtedly result from these shortages, I believe it is important that Senators understand the underlying causes. The oil industry which is the usual whipping post for anything connected with oil, gas, or gasoline prices is not to blame.

The Wall Street Journal article clearly explains the whys and wherefores and I commend it to Senators for a better understanding of the problem.

Mr. President, more than anything else, the petroleum industry needs to know what to expect in the way of Federal taxing and import policies and it needs to know now—not at some future date after the 1970 elections or after the Oil Policy Committee has determined whether the Cabinet Task Force on Oil Imports was right or not in recommending a tariff plan to push down the price of crude oil to world price levels. The report of the majority of that task force is now thoroughly discredited by events of the last few months. Had the tariff plan been in effect, it is not hard to imagine what a horrible mess administration of the program would now be.

I hope the Presidential advisers who have maintained their support of the tariff plan can now, at last, understand what a few of us have been saying about the risks involved in such a plan and the need to get on with development of our own energy resources—oil, gas, shale oil, coal gas, and nuclear energy—as fast as possible.

We have already tarried too long and I hope those who have cried for more cheap imported oil will now be convinced that this oil will remain cheap only so long as we are not substantially dependent on it as are Western Europe and Japan.

A recent column in the Independent Petroleum Monthly pointed out the history of oil supply in this country and the urgent need for resolving the oil import question so that the industry, particularly independents, may get on with the job of finding and developing the oil and gas that we know we have and making it available for use.

I ask unanimous consent that the article by Young O. Mitchell be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

[From the Wall Street Journal, July 31, 1970]

SCRAMBLING FOR OIL: SUPPLY OF INDUSTRIAL FUELS GROWS TIGHTER, ADDING TO FEAR OF ENERGY WOES THIS WINTER

A growing shortage of heavy industrial-grade fuel oils east of the Rockies has sent prices soaring to highs and could contribute to the possibility of energy problems in many parts of the nation this winter.

Power companies, factories, office buildings, hospitals, colleges and other users of the boiler fuel are encountering increasing difficulty securing sufficient supplies. In addition, they're paying prices as much as $1.50 a barrel higher than a year ago, or as much as double the year-earlier levels. Many oil companies are turning down prospective customers, and some are even allocating shipments to present customers.

The higher fuel costs in many cases will be passed on to consumers in the form of higher electric bills, under so-called "automatic fuel adjustment clauses" in utility rates, and the form of higher prices for manufactured products. Some factories were forced to close for short periods last winter due to fuel shortages, and the pinch is likely to be more severe this year.

The fuel oil shortage also is contributing to a tightening supply of asphalt, the nation's chief road-building material. Some road projects have been slowed this summer, and the combination of short supplies and rising prices could cut into next summer's state and Federal highway programs.

The causes of the fuel oil shortage are complex and include such diverse factors as new air pollution control laws, a world-wide tanker shortage resulting from events in the Arab world, new Federal coal mine safety rules and a growing nationwide shortage of natural gas.

IMPACT OF SMOG CONTROLS

A major trigger for the shortage is the fact that many local air pollution control authorities are placing into effect much sooner than anticipated tight restrictions on the sulphur content of fuels. Burning of such fuels produces sulphur dioxide, a gas that when precipitated out on soot and dirt in the air and then breathed in can be damaging to the human bronchial tubes and lungs.

The laws are forcing many burners of coal, the lowest-cost boiler fuel for many parts of the country, to seek fuel oil as a substitute. Most boiler coal is high in sulphur content, and methods of removing it economically are still in the research stage. Pipeline-grade natural gas doesn't contain any sulphur but is nationally in short supply, and several major gas utilities also are rejecting new customers.

About two-thirds of the nation's heavy fuel oils are imported from Venezuela and Caribbean area refineries. At present these fuel oils, too, are high in sulphur, and most of the oil industry's new desulphurization plants in these areas, representing about a $500 million investment, haven't gone into production. What's more, the tanker crisis has as much as tripled oil transportation costs from the Caribbean and has resulted in uncertain delivery schedules at East Coast ports. The tanker shortage results from the prolonged closedown by Syria of a key Middle East oil pipeline and Libya's forced cutbacks in oil production there.

Domestic capacity to make heavy fuel oils has declined steadily because of rising imports and the previously low price of imported fuels in relation to high cost U.S. crude oil—such fuels frequently sold for less than half the cost of the crude from which they're made. This also discouraged the building of desulphurization plants in the U.S. Most new U.S. refineries have been designed without facilities to make heavy fuel oil in order to squeeze more gasoline and other higher-value products from each barrel of crude.

NEEDS GO UNFILLED

There are other factors contributing to the fuel oil shortage. A number of coal mines have been forced to close, at least temporarily, because they're unable to meet new Federal mine safety laws. Several electric power plants have been built to run on heavy fuel oil because of delays in getting approval and equipment for nuclear plants. Industrial plants that use so-called "interruptible" supplies of natural gas as their chief fuel, will need bigger stocks of alternate fuel oil this winter due to the greater likelihood that utilities will have to cut them off during periods of peak homeowner gas use.

Meanwhile the scramble for fuel oil is on. The University of Illinois Medical Center in Chicago is preparing to ask for bids for the fourth time in three months to secure a needed eight-million-gallon heavy fuel oil supply for this winter. The first three tries brought only one qualified bid, which will fill only half the center's fuel requirements.

William Graban, general manager of the municipally owned power plant in Taunton, Mass., says his invitations to 12 oil companies to bid on the plant's 700,000-barrel needs over the next year drew only one bid to supply 250,000 barrels. That bid, from Shell Oil Co., is at $2.90 a barrel for relatively high sulphur (2.5%) oil, compared with a year-earlier price of $1.98 from another supplier. The Taunton plant, about 25 miles south of Boston, serves about 18,000 electricity customers, and Mr. Graban says the town could be in a bad fix before long.

A marketing official of one of the largest international suppliers of heavy fuel oils says bluntly, "We are turning down prospective new customers, and from time to time have had to allocate deliveries in some areas to present customers, due to uncertain tanker schedules. We're even trying to buy fuel oil ourselves in the open market."

HEAVY DEMAND FOR LOW SULPHUR

The crunch is even more severe for heavy fuel oil with low sulphur content.

Public Service Electric & Gas Co., New Jersey's biggest utility, has converted about half of its electric generating capacity from coal to heavy fuel oil with a maximum of 1% sulphur to meet the state's present air pollution control rules, but in October, it must start using oil containing no more than 0.5% sulphur, which it estimates will cost about $1 a barrel more, and it anticipates this will be harder to buy, even though the company is close to two big low-sulphur fuel oil terminals. The utility burns about two million barrels of oil a month.

Virginia Electric & Power Co. says such fuel is "exorbitant (in price), and it's just not available." Philadelphia Electric Co., which switched entirely to low-sulphur fuel oil at its power plants last year to meet new air pollution control laws, estimates that the $6 million that the switch added to its first year's fuel bills will be doubled over the next year by recent price increases. Low-sulphur oil costs up to $3.50 a barrel in some markets.

Byron S. Weil, president of Oils Inc., a Chicago heavy fuel oil distributor, predicts that city's new air pollution control laws on sulphur dioxide will result in a severe fuel oil shortage for large institutions, hospitals and factories.

He asserts that greater access to foreign fuel oil in the Midwest is needed. Up to now about 90% of the nation's heavy fuel oil consumption has been on the East Coast, where there is almost unrestricted access to imported supplies. But imports of heavy fuel oil to the inland areas of the nation have been tightly restricted. Last March, the government granted the first import quota for this area, permitting Commonwealth Edison Co. of Chicago to bring in 4.5 million barrels of low-sulphur, heavy fuel oil. Oils Inc. then asked for a two-million-barrel quota but has been granted only 480,000 barrels.

But one oil marketer says, "Getting quotas may not help inland users much. You just can't find much heavy fuel oil available in the Caribbean right now, and when you can, it's almost impossible to charter a tanker to haul it for you."

MORE CLEANUP FACILITIES

Several major new desulphurization plants will be placed in operation in the Caribbean and Venezuela over the next six months, but oil marketers generally don't believe the facilities will solve the shortage.

For example, by the middle of August Standard Oil Co. of California and closely held New England Petroleum Corp. will begin shipments from a 250,000-barrel-a-day facility they share on a 35%-65% basis at Freeport in the Bahama Islands that can make 130,000 barrels of low-sulphur, heavy fuel oil daily. But, a spokesman says, "It's all sold under firm contracts."

In October Creole Petroleum Corp., 95%-owned by Standard Oil Co. (New Jersey), the largest supplier of heavy fuel oils to the U.S., will begin production at a facility at Amuay, Venezuela, capable of making 166,000 barrels of low-sulphur, heavy fuel oils daily, and Jersey Standard's wholly owned Lago Oil & Transport Ltd. will start up an 88,000-barrel-a-day unit on the island of Aruba about next Jan. 1. Yet a U.S. marketing official for the company predicts the short supply of heavy fuel oils could last as long as two years.

The Royal Dutch-Shell Group started a 50,000-barrel-a-day desulphurization unit at Cardon, Venezuela, this year, nearly tripling its low-sulphur, heavy fuel oil capacity in the Caribbean. Amerada Hess Corp. has about 86,000 barrels a day of low-sulphur fuel oil capacity at St. Croix in the Virgin Islands. Texaco Inc. has announced plans for a giant desulphurization unit on Trinidad.

The current high prices for heavy fuel oil even have some oil companies pondering a boost in domestic output. "But by the time desulphurization units could be built, the shortage may have ended or prices may have come back down, so it looks like a big gamble," says one oil executive.

DROPPING ASPHALT FOR OIL

An Arab-Israeli armistice also might bring an easing of the conditions causing the worldwide tanker crisis, but oilmen aren't counting on it.

A spokesman for the American Oil Co. division of Standard Oil Co. (Indiana) says some refineries are switching some asphalt production into making heavy fuel oil, and this is contributing to a growing shortage of asphalt.

The tanker shortage also is a big factor, since U.S. asphalt plants generally run on Venezuelan crude oil.

Frank O'Donnell, president of Trimount Bituminous Products Co., Everett, Mass., which mixes asphalt with other materials and supplies contractors, says he's been forced to ration deliveries to customers, delaying "completion of all sorts of jobs." The reason, he says, is that his asphalt supplier, Humble Oil & Refining Co., Jersey Standard's chief subsidiary, will sell him only 75% as much as he bought last year. Some of Trimount's truck drivers are working only three days a week due to the shortage, Mr. O'Donnell says.

R. L. Peyton, assistant state highway director for the Kansas Highway Commission, says some projects in that state have been delayed by the need to seek bids on asphalt a second time. He says availability of asphalt has been "touch and go so far this year, and it may be worse next year."

Adolph Zulian, assistant chief engineer of the Colorado Highway Department, says prices of liquid asphalt have risen 20% to 30% from a year ago, and he says that one of the state's major suppliers, Texaco, won't accept any new orders for this year.

Millard Stewart, executive director of the Asphalt Association of Western Pennsylvania, which represents the area's road materials producers, says, "We will probably make it through the year and get most of the jobs done, but it will be tight." He called the supply "critical" and predicted the present $24 a ton price, unchanged from a year ago, may soar to $29 a ton by next spring.

EXHIBIT 2

The Independent Petroleum Association of America was formed at a time when pessimists about the future of U.S. oil supply were in command of policy-making functions in the Federal Government.

Forty years ago, the Secretary of Interior and the head of the U.S. Geological Survey warned the nation that domestic oil production had reached its peak and from then on it would all be down hill.

President Hoover proclaimed public lands off limits for exploration.

And in the oil industry, itself, top men were urging a halt to drilling within U.S. borders.

Their aim was to preserve potential petroleum reserves for future emergencies. They were pioneers of the "mothballs" theory of oil supply.

They were intelligent, highly educated men, acting with the best of intentions. But their view of reality was clouded by negative thinking about what the domestic oil industry, and independent producers in particular, could do when it came to finding oil and gas. Worse yet, their visibility on future reserves was zero when they looked into their crystal balls.

One of the major chores facing IPAA in those early years was to inform those in Government that the nation was not running out of oil. Eventually, optimism about domestic oil availability was accepted as a prime basis in formulating U.S. energy policies.

Now, IPAA is confronted by a new set of pessimists. Men highly placed in Government and in industry, are saying with great authority that the U.S. is moving along a road that leads to greater dependence on foreign oil.

Hearings last month by the House Ways and Means Committee gave IPAA the opportunity to dispel the gloom being spread by these modern-day alarmists.

Bob Burch, president of RMOGA, and vice-chairman of IPAA's Import Policy Committee, put on the record estimates by leading private and public agencies of the hundreds of billions of barrels of oil and hundreds of trillions of cubic feet of gas that are yet to be discovered in the Lower 48 states.

And Tom Medders, Jr., chairman of the Import Policy Committee, told the prestigious House group, that independents are ready and willing to put new fire into their historic role of oil-finding. But import levels must be established that will permit them to plan their exploration and development programs with confidence. (Young O. Mitchell.)

Mr. BELLMON. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I am happy to yield to the Senator from Oklahoma.

Mr. BELLMON. I wish to thank the distinguished Senator from Wyoming for the thoughtful and important statement he has just made this morning. He has effectively and factually pointed out the oil crisis this Nation faces. He has given the Senate some reasons why this industry faces such a crisis. I hope it will cause not only the Senate but also Federal agencies to begin to consider the problem urgently, and to take steps to alleviate it.

I was present when Director Laird presented remarks that the Senator from Wyoming has mentioned and placed in the RECORD and I should like to ask the Senator if, after pointing out what the problem was, and stating the case and the need for more domestic energy sources, whether Mr. Laird had any plans to alleviate the situation.

Mr. HANSEN. Yes; he does have some plans and I shall be happy to detail specifically just what he recommended.

For one thing, he stresses the urgency of an overall energy policy which will focus attention upon the need that we have in this country for fuel in the future, in order to satisfy all the energy needs we have, as well as the need for exploration and development of our resources in order to develop the potential we have.

Insofar as our allies' interests go, the NATO countries and Japan would likely have to make accommodations with Libya, Iraq, and other important oil-supplying countries, if there should be a disruption in the delivery of oil from those areas.

Obviously, the alternative would be the development of other sources of supply in other free world areas. But this could take considerable time.

There are no quick, easy answers for these energy deficient countries. But, with respect to our domestic needs, I think all agree, certainly those of us who have taken the time to investigate the problem, that the most competent authorities estimate we have just barely scratched the surface, insofar as the development of our resources here in this country go.

Further, in specific response to the question raised by the Senator from Oklahoma, let me say that as chairman of the Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee, it was the duty and the responsibility of Dr. Wilson Laird, the Director of the Office of Oil and Gas, to make recommendations and to review the situation. He has done that, and they can further reactivate, if necessary, the Emergency Petroleum Supply Committee which has been on a standby basis since 1967.

Generally speaking, I think that the need is to take advantage of every resource we have in this country. There have been some who have said, "Let us forget about the 15 percent of the reserves we have in the so-called stripper wells." I know that many of these wells are in the home State of the distinguished Senator from Oklahoma. They are also in Wyoming, representing rather significant reserves.

Some have said, "Let us forget about that, because this oil is too high priced. Let us forget about that 15 percent of our known reserves, and let us shut off the wells." A lot of things happen, so that they could not be brought back into production, as the Senator knows, but, with reckless abandon for the long-range, even the short-range welfare of this country, there have been some, within the last year, who have said, "Let us forget about that."

I think now, that the lack of wisdom and foresight on the part of those making such recommendations is obvious to all of us.

Thank heavens, we have the reserves. Thank heavens, we can still produce them.

For those who thought we could continue to import foreign oil, as the Senator from Oklahoma knows, we can import it, but no one wants to buy it because it is so high priced—higher than our domestically produced oils.

I think these are some of the things that Dr. Laird was saying to us.

Mr. BELLMON. If the Senator will yield on that point, a year ago, when the Oil Import Study Commission was conducting its investigation and study, a great point was made about how, if this country would virtually stop domestic production of oil and import all the oil it needed from foreign sources—largely from the Middle East—the consumers of this country could save about $5 billion a year.

The implication was made that the oil industry in the United States was overcharging our citizens and its customers by about $5 billion a year.

At the present time, however, if my information is correct, the cost of crude from domestic sources is something barely over $3 a barrel—$3.06 a barrel. Since this country uses about 4.4 billion barrels of oil a year, it would cost us about $13.4 billion to supply the domestic demand with U.S. crude. Using the same figures and paying the current price for imported crude, which is about $4.25, it would cost $18.6 billion to supply that demand.

So that, right now, the domestic industry is saving the American oil consumer about $5 billion.

In other words, the situation is reversed.

Yet, I have not heard any of the critics of the oil industry making that point.

Mr. President, I believe it is high time that we should make that very point.

At the same time, as the Senator from Wyoming knows, we do have a definite crisis in natural gas, as he has mentioned this morning.

Gas from domestic sources costs the consumer, at the wholesale level, 30 cents per million cubic feet, so that the total cost is about $6 billion a year. This country used approximately 20 billion million cubic feet of natural gas in 1969. If we imported natural gas to totally meet that demand, at the present cost of approximately 60 cents per million cubic feet, this would cost the consumer about $12 billion.

In fact, that we are able to get gas from domestic sources saves the consumer about $6 billion. The saving by having available domestic crude oil is $5.4 billion. The saving from natural gas is $6 billion. So that the oil industry in the United States, at the present moment, is saving the American consumer about $11 billion a year over what he would have to pay for the same product if it was imported.

To me, that is a significant accomplishment, something that the Senate should be aware of, and something that those who administer our oil policy should recognize. Because, if we ever get into the position where we must have the products from foreign sources, then we will pay through the nose continually and this country would be terribly hurt economically, and in all other aspects, if the cost of energy goes up.

Mr. HANSEN. If I could interrupt the Senator at that point, a former distinguished Chairman of the Interstate Oil Compact Commission, let me observe that the charge has been made, among others that have been bandied about, that the Interstate Oil Compact Commission has been used as a price-fixing mechanism, a charge which is completely false, that has no substantiation at all, a charge which overlooks the truly important contribution the Interstate Oil Compact Commission makes, in that, by pacing the oil wells as oil is produced from them, we get far more nearly complete recovery of the oil and natural gas that is underground, than would result if we were to run the wells wide open.

So that actually, instead of trying to operate the Interstate Compact as a price-fixing mechanism, which it has never been, and is not now, actually it has served the people of this country very well.

It has resulted in far greater recoveries of oil and natural gas than could ever have been accomplished otherwise and has done so with less cost consistent with good management. Is that not true?

Mr. BELLMON. The Senator from Wyoming is entirely correct. The whole purpose of the Interstate Oil Compact Commission is to develop and promulgate a body for the conservation of oil that enables it to be able to recover the maximum amount of our petroleum reserves at the lowest possible cost for development.

Mr. HANSEN. And to prevent the physical waste of oil and gas as well as to protect correlative rights of the various owners.

Mr. BELLMON. The Senator is correct. And the IOCC has done a great service to the consumer of oil products.

The IOCC is not in league with the companies but works for the interests of the consumers of the products. It makes certain that products are not wasted or produced at high cost.

I would like to mention one other point to the Senator from Wyoming. I have menioned already the vast savings the American consumers are now getting because we have available domestic sources of oil and natural gas.

According to figures of the Oil Import Administration, in June 1969, the import of residual fuel oil used primarily for industrial power generation was 970,000 barrels per day. The spot price on the east coast was $1.80 per barrel.

A year later, June 1970—and this was before the most recent crunch for tankers developed—the importation of fuel oil had increased to approximately 1.4 million barrels a day of residual fuel oil. But the price was more than double the price of a year ago. The price now averages $4 a barrel. This shows how fast prices increase when a shortage develops or when there is high demand.

The PRESIDING OFFICER (Mr. McIntyre). The time of the Senator has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I do not object, but could we have an idea that that is pretty much the time that will be required?

Mr. HANSEN. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, the average U.S. production of residual fuel oil is only 160,000 barrels a day, while the demand is more than 1.5 million barrels a day.

The reason that production is so low is that the overall cost of this product has been kept at an artificially low price. It has therefore not been economic for our companies to produce residual fuel oil when they know they cannot produce it and obtain fair prices for it.

This is a clear indication of what would happen if our country allows this situation to continue. We could not meet the demand.

It bothers me, and I know that it bothers the Senator from Wyoming, that when anyone speaks out to set the record straight concerning the energy situation in this country, many people feel that we are really doing it for the oil companies. Nevertheless, we are trying to do something for the consumers of the oil products. The oil companies make only a very modest profit on their products, as they must. It is the public who will be hurt if the oil companies cannot meet the demand for the products without pollution.

In this way the consumers' interests are at stake. It causes us great concern when this Nation, through shortsighted policies, allows our energy supply to diminish.

I compliment the Senator from Wyoming for bringing the subject before the Senate in the very thorough manner he has done this morning.

Mr. HANSEN. Mr. President, I thank the Senator from Oklahoma for his contribution this morning. He has made a very important contribution toward a full and more thorough understanding of a very deep and growing and important problem.

I suspect that some of those Senators and people throughout the country who have been critical of the oil companies and have claimed that they have gouged them, as they have chosen to characterize their activities, will display surprisingly short memories. Despite the fact that oil has not gone up in price as have other products, but has been far lower—there has been no escalation in the price of oil comparable at all with the overall price rise of products generally—they will continue to criticize the industry and will not face up to the fact that the policies they were advocating earlier are contributory to the very conditions that they will complain of this coming winter when we do not have enough fuel to keep all of the homes warm or all of the factories going full blast.

I make that observation because it is a popular practice these days to pick out a whipping boy and, no matter which way it goes, to find fault.

I thank the distinguished Senator from Oklahoma.

Mr. President, I yield the floor.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. McIntyre). There will be a brief period for the transaction of routine morning business, with a time limitation of 3 minutes.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EULOGY FOR DAN A. KIMBALL

Mr. FULBRIGHT. Mr. President, on yesterday the Honorable Dan A. Kimball departed this life.

Dan Kimball was a courageous and efficient pilot during World War I. He was a successful businessman and a distinguished public servant as Secretary of the Navy. But above all he was a fine citizen and a great human being.

I am proud to be counted among his friends.

Dan Kimball was successful in all of his endeavors, but it was as a warm, kindly, and tolerant and understanding human that I remember him best.

I have known many successful men, but I have known few men who equaled him in his compassion and understanding of other people.

He was deeply interested in public affairs and in people. But I have never known him to be bitter toward anyone, nor to exhibit hatred toward any man.

He recognized the right of every other human being to live his own life and to have his own views. Although he had positive views of his own about our society, never did he arrogate to himself the right of ultimate judgment or an attitude of infallibility.

In short, Dan Kimball was a civilized man, possessing to a high degree the qualities which our country and the world are so desperately in need of today.

He led a full life. He enjoyed it and he brought much pleasure to many people and contributed much to his fellow men. I shall certainly miss him.

To his widow, whom many of us knew as Doris Fleeson the columnist, I extend my deepest sympathy. Together, she and Dan enjoyed many years of lively and interesting experiences and gave much to their friends.

I ask unanimous consent to have an article containing an obituary for Dan A. Kimball, from the New York Times of this morning, printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

DAN A. KIMBALL IS DEAD AT 74; NAVY SECRETARY UNDER TRUMAN

Washington, July 30.—Dan A. Kimball, a World War I pilot with Jimmy Doolittle, who went on to become Secretary of the Navy in the Truman Administration, died today at the age of 74.

A spokesman said Mr. Kimball, recently retired head of the Aerojet General Corporation, had entered Georgetown University Hospital Sunday with internal bleeding of the gastrointestinal tract. The cause of death is still to be determined.

Mr. Kimball, who married Doris Fleeson, the former syndicated columnist, had homes both here and at Palm Springs, Calif. His first marriage to Dorothy Ames ended in divorce in 1957.

POLITICS AND FLYING

Mr. Kimball who was named Secretary of the Navy by President Truman on June 28, 1951, rose to that post through a career that encompassed flying, business and politics.

As a second lieutenant in the Army Air Corps in 1918, he piloted pursuit planes and was mustered out as a first lieutenant at the end of the war.

Moving to California in 1920 he began a long career with the General Tire and Rubber Company of Akron, Ohio, when he joined its sales department in Los Angeles. Eventually he became the company's manager for 11 Western states, vice president and director. He also became executive vice president and general manager of the Aerojet Corporation.

In politics, Mr. Kimball was a middle-of-the-road Democrat who solicited funds from friends for President Truman in 1948, when Mr. Truman won his upset victory over Gov. Thomas E. Dewey of New York.

In 1950 he toyed with the idea of opposing James Roosevelt for the Democratic nomination for Governor of California, but dropped out when he concluded that no Democrat could beat the Republican candidate, Earl Warren.

LED TOKYO AIR RAID

Mr. Kimball was one of the country's few industrialists to support President Truman in the 1948 bid for re-election. His support of the Democratic party led to his appointment, in February of 1949, as Assistant Secretary of the Navy for Air. Mr. Kimball, who held a private pilot's license and flew his own plane, was the first former Air Corps pilot to head aviation in the Navy.

Dan Able Kimball was born in St. Louis on March 1, 1896. After attending public schools there and taking several correspondence courses, he joined the aviation section of the Signal Corps in 1917.

As an air cadet at ground school in Berkeley, Calif., he was a classmate of James H. Doolittle, who in 1942 was to lead a carrier-based air raid over Tokyo and who later became an Air Force General. The two young aviators also went through flight school together at Rockwell Field, San Diego.

As director of Aerojet at Azusa, Calif., a General Tire subsidiary that manufactured jet-assisted take-off equipment, Mr. Kimball was in charge of the development program. Under his direction Aerojet cooperated with the Douglas Aircraft Company and other manufacturers to develop high-altitude research rockets for the purpose of obtaining data 100 miles or more in space.

In stressing the importance of such data, Mr. Kimball once observed: "We now need facts to prove or disprove the assumptions scientists have made regarding this unexplored region."

Mr. Kimball went on leave from his industrial activities in 1949 after President Truman named him Assistant Secretary of the Navy for Air. He began his career in the Navy

Department in the midst of a controversy in which the Navy opposed the restricted role assigned it as a result of the armed forces unification plan.

One of Mr. Kimball's first public statements was an affirmation of the important future that lay ahead for Navy aircraft carriers.

Before he became Secretary of the Navy, Mr. Kimball had served as Under Secretary, and in both roles was responsible for directing the large expansion of the Navy after the outbreak of the Korean war.

Mr. JAVITS. Mr. President, I would like to join with the Senator from Arkansas in paying tribute to Dan Kimball.

I knew Dan Kimball very well and also his wife Doris who was an outstanding columnist. Dan was very kind and a very interested and spirited human being.

I join with the Senator from Arkansas in expressing the sympathy of Mrs. Javits and myself to Doris.

We shall miss him very much.

Mr. FULBRIGHT. We will. I appreciate the comments of the Senator from New York.

DISASTROUS EFFECT OF THE VIETNAM WAR ON THE MORALE OF THE ARMED FORCES

Mr. FULBRIGHT. Mr. President, one of the most disastrous effects of the war in Vietnam is upon the morale of the men in our Armed Forces.

As I have said on many occasions, my criticisms of our involvement in Vietnam are not directed at our GI's or their officers. My criticisms have been directed at the civilian officials who, even with the best of intentions, got this nation into an impossible war and who either persist in their erroneous judgments, or do not know what to do to get us out.

In the meantime, it is only our American society that disintegrates by polarization, pollution, and poverty, but the effects are felt within the Pentagon itself.

When war tears not only the fabric of domestic society, but rips apart the morale of the men in our fighting forces, it is time for the Commander in Chief to take note.

I ask unanimous consent to insert at this point in the Record significant communications—from a GI now in Vietnam, and from the Secretary to the Concerned Academy Graduates, an organization of graduates of the Military, Naval, Air Force, and Merchant Marine Academies.

There being no objection, the material was ordered to be printed in the Record, as follows:

July 18, 1970.

Senator J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: Since this is a letter of support, I needn't elaborate my position. I plan to do so in letters to your critics.

Myself and many many GI's I work with are very much opposed to the continuation of this war. As a combat engineer squad leader, I have worked very closely with the infantry on countless occasions. It is my opinion that opposition to the war runs deepest in these over-worked, mal-treated, deeply respected individuals.

I simply want you to have this letter and others like it to temper the glowing words so many Congressmen have for the dedication to victory of our GI's. It is your words not those of blind flagwavers which keep up the morale of so many over here.

I had the privilege of hearing a speech you delivered to a group of summer interns in 1967. I never dreamed I'd be here three years later. You and your colleagues' relentless pressure will hopefully force the country out of this entanglement and encourage more discrete policy-making in the future.

Thank you for all your efforts.

Sincerely yours,

———— ————.

June 27, 1970.

Senator J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Sir: As graduates of the United States Military, Naval, and Air Force Academies, we condemn the waging of war in Indo-China by American forces. We urge immediate and total withdrawal of American troops from Viet Nam, Laos, and Cambodia.

As soldiers trained in the art of war, we know that this war cannot be won.

As ex-officers dedicated to this nation's defense, we know that this war is unrelated to our security.

As men for whom the ideas of human dignity and personal honor still have meaning, we know that this war is inhuman and dishonorable.

We are neither "effete snobs" nor "sincere but uninformed" students. We are professional and experienced military men. We have been to Viet Nam—not on VIP tours, but on combat assignments. Our knowledge of the war does not derive from briefings in Washington or Saigon, but from experience in the field. We have given those briefings, and we know what those briefings do not tell. We have not shaken hands with the troops; we have led them.

Nor are we "anarchists" or "tired radicals". We have marched in many more military parades than in demonstrations. But we have discovered reluctantly, painfully, belatedly, that we have been marching to the wrong drum.

We are through marching.

We call upon the American people to put aside the emotional catch-words "humiliation" and "defeat" urged upon them by those who would waste more lives to justify the lives already wasted.

We call upon the Congress to act with speed and determination to end this war.

We call upon all members of the military to discipline themselves against wishful thinking, against the belief that "one more escalation will end the war," against the recurrence of the My Lai massacre, and above all against the dangerous rationalization that they are "only obeying orders."

We call upon our fellow academy graduates to find the courage in speaking out against this war that they have already displayed upon the battlefield.

Dan Embree,
Secretary, Concerned Graduates of the United States Military, Naval, and Air Force Academies.

Concerned Academy Graduates

At West Point, at Annapolis, at the Air Force, Coast Guard, and Merchant Marine Academies, we learned to tell the truth—even when that truth was painful. We will not depart now from the code we lived by then. Accordingly, we must speak out now about the war in Southeast Asia:

1. The truth is that this war cannot be won. Even with massive bombing or invasion of North Viet Nam, even with the occupation of Laos and Cambodia, even with ten times our highest troop levels, even with nuclear weapons, we cannot win because there are no *military* objectives in this war. There are no pieces of ground—no hills, no sanctuaries—which if captured would mean the end of the war. We *can* eradicate the people of Viet Nam. We *can* make the land uninhabitable. But destruction is not victory. The South Vietnamese government and the Viet Cong are fighting a civil war for the minds of the Vietnamese people. Because minds are never really changed by guns, we can be of little help in this struggle. Because *we* are the foreigners to the Vietnamese, we cannot force them to accept our choice. We can only prolong the agony of their decision.

2. The truth is that withdrawal from Southeast Asia will mean neither defeat nor dishonor for the United States. Had the problems of Southeast Asia been military, we would have solved them long ago. But the military cannot be expected to solve political, social, and economic problems. The only dishonor we face is in continuing our disastrous policies in the belief that we can justify them by more destruction.

3. The truth is that this war is not being fought for freedom. It is being fought to keep one faction of Vietnamese militarists in power and another faction of Vietnamese militarists out of power. The regime we support is intolerant of dissent and commits atrocities against its own people. The Viet Cong do these things too. How are we to choose between them?

4. The truth is that this war is not vital to American interests, or to American security, or to American prestige. We do not need Vietnamese rice or Vietnamese rubber; even if we did, it would be cynical to buy them with Vietnamese blood. We are not threatened at home by the Vietnamese or even by the Chinese. We cannot risk a prestige that is all but lost in the aftermath of the massacre at My Lai and the invasion of Cambodia. We *can* regain the confidence of our own people and of the entire world by stopping this war now.

5. The truth is that an orderly and safe withdrawal from Viet Nam is militarily possible at a much faster rate than at present. The American Armed Forces have great resources for moving men and materiel efficiently over long distances on short notice, and for protecting themselves as they do it. The same efficiency that we have demonstrated in *deploying* to Lebanon, to Santo Domingo, to Viet Nam, to Cambodia, can be demonstrated in *disengaging*.

6. The truth is that whatever good our entry into Viet Nam might possibly have accomplished *has* been accomplished. We have bought five years for the Vietnamese to construct a stable and popular government. If they have not done so, it is unlikely that they will begin now.

7. The truth is that our withdrawal will not mean an immediate military victory for the Viet Cong. The South Vietnamese Army is strong enough to hold the country *if* it has the support of its people. Our departure will only mean that it will have to begin to win that support in earnest.

8. The truth is that we have no right to fear a possible bloodbath if the Saigon regime should collapse, while we are presently engaged in a real bloodbath of massive proportions. Random artillery fire, free fire zones, saturation bombing, and political assassination, all carried out among the civilian population and under American direction, account for a tremendous loss of Vetnamese lives. And unlike the My Lai massacre, these things happen every day.

9. The truth is that this is becoming a racial war. American soldiers often find it difficult to respect or understand a people whose physical characteristics, language, and culture are so different from their own. American troops often refer to the Vietnamese as "gooks" or "dinks" or "slopes," and they often characterize them

as lazy or sneaky or inferior. These attitudes make it easier to kill.

10. The truth is that the United States has violated its own military doctrine at every step of its increasing involvement in Viet Nam. Before 1965 our academies taught that the United States must not fight a land war in Asia, that insurgencies in any country must be resolved by the people of that country themselves, that conventional air power must be used as an adjunct to ground combat operations and not as an end in itself, and above all that military operations are an extension of political policy and not the other way around.

11. The truth is that unless we stop this war now, the division in our own country may soon be irreparable. Already Americans have been killed by other Americans on our own streets and campuses over a war on the other side of the world.

12. The truth is that the Constitution we have all sworn to defend is in grave jeopardy. It is by no means clear that the continued conduct of the war in Viet Nam and particularly the invasion of Cambodia *without the specific approval of Congress* are Constitutional acts. Several legal challenges to this war are underway, both in Congress and in the courts. But while this issue remains unresolved, our troops continue to die.

13. The truth is that it is not each citizen's duty to leave all decisions of military and foreign policy to the President in the belief that "he has all the facts." If the people do not have all the facts, they must demand them, for it is they who pay the price for mistaken decisions. Leaders who had all the facts sent our troops into Viet Nam in the first place, and they told us that we had "turned the corner" there, that we could see "the light at the end of the tunnel," that we could begin to withdraw our troops by the end of 1965. The President thought he had all the facts when he sent our troops into Cambodia in search of a secret headquarters. But the headquarters was not there.

14. The truth is that dissent is not unpatriotic. We are not "criminal misfits" or "effete snobs." We are patriotic military men acting in the traditions of duty and courage instilled by our academies.

SPANISH BASES

Mr. FULBRIGHT. Mr. President, this morning's New York Times published a news dispatch by Richard Eder datelined Madrid. This account reports that the Spanish base agreement was submitted to the Foreign Relations Commission of the Spanish Cortes.

I do not believe it has been finally signed by our Government, but the substance of it has been agreed upon. A copy of the agreement was discussed informally before an executive meeting of the Committee on Foreign Relations last week relating to a renewal and extension of the Spanish bases agreement.

The lease for these bases was originally made in 1953, and extended in 1963. Now, we come to an extension of 5 years, involving a great many new undertakings.

There are two or three things about this news account I wish to call to the attention of Senators. The news account reports the agreement has been submitted to the Foreign Relations Commission of the Spanish Cortes. As Senators know, the Cortes is something less than independent; and it certainly is not as independent as the Senate and Congress. Yet the agreement has been submitted to them for their approval. As far as I know they do not have the same constitutional provision we have with regard to consent of the Senate to a treaty.

The point I make is that this is a very important treaty. The news account outlines some of its provisions. There is reference to credits of $125 million, plus an outright grant of $20 million. I thought it was $25 million but the article states $20 million in cash, I believe each year. There is also reference to the sale of a number of F-4 phantom jets. This account does not purport to give all the details but apparently they have the right to buy 36 phantom jets for many millions of dollars. Their worth is estimated at more than $100 million.

The article states that "a squadron of 25 new F-4-E's, the only model still in production, would be about $110 million to $120 million. The ones being sold and offered to Spain are used F-4 jets and are certainly operable.

The point I make is that this type of agreement should be submitted to the Senate in the form of a treaty. I have asked our State Department to submit it as a treaty. They have not finally decided one way or the other, although the reluctance to make a decision would indicate that they do not intend to submit it as a treaty. Among other reasons they allege they are afraid it might be delayed in the Senate. I could not guarantee it will not be, but I can guarantee it will receive the immediate attention of the committee; and the committee will be given the opportunity to vote on it, and I see no occasion for any delay.

This is not the kind of matter that is normally subjected to delaying tactics, and on this occasion I again urge the administration to submit this agreement to the Senate for its approval. It is not only the material things which are involved such as the money and the planes; it is the significance of the treaty as a security undertaking. In other words, are we to understand from this treaty that the United States obligates itself to come to the assistance of Spain in case of difficulty? This is tied in precisely with the commitments resolution which this body adopted last year. It is relevant to much of the debate with regard to the current bill for military procurement.

The Senator from Mississippi, the Senator from Arizona (Mr. GOLDWATER) and others have said that if we are ever to make any reduction in our military establishment we must tailor our agreements and our obligations to fit those reductions. With that principle I agree. Here is an example where there is an opportunity for the Senate to tailor these obligations, but it is denied by the procedure followed by the Executive. The Senate is to be denied the opportunity to pass on the nature of this agreement and whether or not it is in our interest to make it.

Even in Spain there is a difference of opinion as to the full effect of the language of the agreement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I will read a part of the language in the article:

> Although much of the Spanish press has commented on what it terms the meager amount of aid being offered by the United States, most have reported that the American commitment to defend Spain . . .

I emphasize those words "to defend Spain."

> . . . has been increased from the terms of the 1963 joint statement, which declared that "a threat to either country would be a matter of common concern."
>
> Some sources familiar with negotiations take the opposite view. A phrase referring to United States agreement to "support the defense system of Spain" does not necessarily involve anything more, they say, than the furnishing of equipment and technical assistance.

Mr. President, that illustrates clearly the differences of view here. What is the purpose of hearings before the committee and debate on the floor of the Senate but to determine what it does mean? One of the secretaries or assistant secretaries could come before the committee and say, "In our opinion this is not a security agreement," or "In our opinion it does not mean we go to their assistance, and send arms in support." On the other hand some people will say, "Look at the language." Here is what it states: "We have to go to their assistance."

We were confronted with the same type thing in connection with the Gulf of Tonkin. Secretary of State Rusk said, in effect, "The purpose of this is to prevent a wider war or any war." The President himself in the White House said, in effect, "If you do this it will show unity. There will never be a war. The North Vietnamese will never challenge this great country. All we have to do is to show unity, get behind the President, and there will not be any war." That is the purport of what he said. Look at the hearings and look at what the Secretary of State said before the Committee on Foreign Relations:

> If you quickly pass this and show unity the North Vietnamese will not challenge the United States. We are too powerful. This is the way to bring this unfortunate conflict to a close.

In this case the likely development would be that in case of trouble in the future we will be confronted with the statement that we agreed to support the defense system of Spain, and that it is clear what the language means. It would be said that we have the commitment and it is our duty to send the men and the money.

This Spanish agreement is a classic example of how to enlarge the commitments of this country by secret agreements and executive agreements without the approval of Congress.

I close with this thought. It is the responsibility of the Senate, and I think it is the duty of the Senate under the Constitution, to insist that agreements of this kind which may result in the creation of an obligation to go to the defense of a foreign country with men, money, and arms, be passed upon by the Senate. I do not assert that this agreement should be turned down or that it is improvident; I have my reservations about it but I say without question it is the responsibility of the Senate to exercise its duty and its responsibility in examining it and to come to an understanding, at least the majority of this body, as to what it means, the significance of the kind of undertaking that is being negotiated in the agreement and whether to approve it or disapprove it.

I do not see how any other course could be acceptable to the Senate. To proceed to this kind of commitment on the basis of an executive agreement, in secret, without any approval of the Congress, would I think be unconstitutional. I grant that the decision as to where one draws the line between executive agreements and treaties is not a clear one, but I think this is so far on the side of an important engagement that there is no question about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I hope the administration will send it up as a treaty.

Mr. JAVITS. Mr. President, if the Senator from Arkansas would bear with me a moment, I wanted to ask him to yield, and I wanted the floor in my own right also. I would like to make a comment on what he has said now.

As a member of the Foreign Relations Committee, I believe the Senator from Arkansas is right about the fact that because it might be uncomfortable to a dictatorship, to wit, Franco Spain, is no reason why we should not bring this up rather than make a deal with a dictatorship relating to bases. The Senator is right when he says that if our society is to mean what it says, we have to be straight and honorable and courageous enough to face whether the people have confidence in the executive and support him or not.

Personally, much as I disapprove of the Franco dictatorship, I would like to take a look at such an executive agreement or treaty objectively, and would vote for it, even if I had to hold my breath, if I were convinced that it was in the interest of the security of the world and of the United States.

The difficulty is that officials of the administration have been in to see me—and I am sure others—to challenge the assertion that this is a commitment. However, we would have to look at the front and the back of the agreement to determine whether this is the same, more or less, in order to make a determination whether or not this does represent a commitment. If it did, there is no question of the fact that it ought to be a treaty.

I have two suggestions to make. The first is that I think the Secretary of State himself, in the name of the President, ought to state authoritatively what view the United States will take if there is trouble, because we have the protection that, if it is not a commitment, they still have to come back to us. If it is a commitment, then there should be a treaty.

The other suggestion is that if we are going to get into an area something like an undeclared war—because it is unwise to make a declaration of war because the way of the world indicates it would bring many obligations and responsibilities into it that we may not like or want—therefore, others, like myself, are trying to determine how to handle the question of the powers of the President and the war powers of Congress.

Perhaps a new technique would be that if we should have only the advise and consent role, without the treaty, it is not enough for us and the Foreign Relations Committee to be consulted; perhaps it may be necessary to invoke——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Perhaps we ought to invoke a closed door meeting of the Senate so that at least, if the administration chooses not to submit this matter as a treaty, the Senate knows everything we know and the Senate is acquainted with the commitment the administration has undertaken, in the way it will interpret the words of the bond, and what interpretation we have made, and what we know, and the text of the agreement. Then, it seems to me, the function of the Senate will have been served notwithstanding the choice of the administration not to submit to the Senate a treaty.

In short, to summarize, I think we are entitled to assurance from the highest levels of government that our Government will in no way construe this as a commitment, no matter what we may think about it, if it chooses not to submit it as a treaty. Otherwise we should insist it should be so submitted.

This is a major matter. It is not a little base in some small place or some interim arrangement that could be taken care of by some small agreement. At least Senators ought to know what is in it and what the agreement is. It should be submitted as a treaty so we know what it means as a commitment by the United States.

Mr. FULBRIGHT. May I repeat it—I do not think there is any excuse not to submit it for approval as a treaty. May I also point out that I have no serious misgiving about Mr. Franco. When we look at all the countries we are doing business with, to me Spain is a more civilized and liberal dictatorship than the one in South Vietnam, if we want to make comparisons. We are making great sacrifices to help South Vietnam. I have never heard of anything like the Con Son Prison in Spain. As a matter of fact, I think the Spanish people have made great progress. They do not have a democracy such as we have and prefer. It is a dictatorship, but it is a relatively progressive one and has brought substantial benefits to the Spanish people. It is more humane and considerate of people than the Greek dictatorship.

I am sympathetic to the Spanish people, and I do not feel any animosity at all toward the Franco government although I do not advocate or approve of that system for others. I think, in light of their circumstances of the dreadful civil war they have done rather well, in recent years. In any case it is their affair how they run their country. It is our affair how we treat them and whether or not we have a security treaty with them.

But coming back to the matter of the treaty, I do not think it is satisfactory to simply leave it without any publicity without the American people knowing what is in the agreement officially. This agreement is made by men temporarily in the executive branch. They all are temporary, and Secretaries will succeed other Secretaries, just as Secretary Rusk succeeded Secretary Dulles. Secretary Rusk took quite a different view of the SEATO Treaty than Secretary Dulles did, but at the critical time Secretary Rusk and his administration were in control.

However, to follow the Senator's suggestion, that would be better than nothing. I would also like to have it very clearly on the record what the Spanish Government thinks about it, because it is quite clear that in Spain there is a division as to whether or not this is a commitment for us to come to their defense. If they will make it very clear and public that "we think there is nothing in the agreement that would require us to go to their defense," that would fortify our own understanding and then there would be no excuse for them or any one to come back and say, "Look, we are in trouble. Send us 100,000 men."

I think there are well over 10,000 U.S. Military people in Spain now, and it is a very expensive operation. There are many things not mentioned in the article that are involved in the overall agreement. It is a very important one. I hope the Senator from New York will use his influence on this administration to persuade them that, in their interest, in the Senate's interest, and in the interest of the country, they ought to have an aboveboard treaty agreement, with full debate and understanding as to what we are getting into.

It has much to do with the bill we are debating, and the extent of our Military Establishment. If we keep on accumulating commitments around the world of this kind, there is utterly no hope of bringing the military appropriation under control.

Mr. JAVITS. Mr. President, I thank my chairman very much for this expression, which I think in itself will be a very helpful contribution to what he and I are both trying to accomplish.

ELLIOTT RICHARDSON AND THE FAMILY ASSISTANCE BILL

Mr. JAVITS. Mr. President, I call the attention of the Senate to the great significance of the testimony of Elliott Richardson, the new Secretary of HEW, with respect to the administration's proposed Family Assistance Act, and ask unanimous consent that an editorial from the New York Times on the same subject be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Priority for Mr. Richardson

The most urgent task for Elliott L. Richardson in his new job as Secretary of Health, Education, and Welfare is to pilot through Congress the Nixon Administration's complex welfare reform bill. When he became Secretary, the House had already acted favorably but the bill was in deep trouble in the Senate Finance Committee.

The troubles are not yet over, but in his lengthy appearances as a witness before the Finance Committee, Mr. Richardson has made an encouraging debut. He has impressed even committee critics of the bill by his evident mastery of the many details of this complicated measure. He has been patient and resilient under prolonged and frequently repetitious questioning.

Passage of this plan is critically important. This bill is an effort, the first since Congress approved the Social Security Act in 1935, to take a comprehensive view of the welfare problem and to relate in a meaningful way Aid to Families with Dependent Children, food stamps, public housing, and medical insurance. It would provide a base income of $1600 in cash plus $894 in food stamps for a family of four.

The working poor as well as the unemployed would benefit. Of the 3,700,000 families who would receive assistance, two-thirds are headed by a man or woman who is employed but whose earnings are extremely low. Except for a mother with children under the age of six, every adult benefiting from the plan would have to register for work or training for a job. Since benefits are graduated, incentives are built into the plan to encourage most individuals to raise their earnings and work themselves out of welfare.

Underneath the many specific questions propounded by conservative Senators, there is the fear that the bill would encourage the poor to malinger and avoid work. Yet experience during World War II and other periods of full employment has shown that almost all people would rather work than subsist on welfare. The number of deliberate welfare cheaters is negligible.

We believe the bill could be improved but our concerns are the opposite of those of the doubtful Senators. The base income of $1600 is too low. The bill tends to be unfair to New York and other northern states which are more generous in their welfare payments than states in the South. But these and other objections do not add up to an argument for killing the plan. In dealing with a problem which is so many-sided, Congress and outside critics alike have to expect that in any plan there will be some anomalies and weaknesses which only experience can correct.

In its progress through Congress thus far, the bill has benefited from the intelligent cooperation of Administration officials and members of Congress. If Senator Long and his colleagues in both parties on the Finance Committee continue this pattern of constructive collaboration with Secretary Richardson, this necessary and far-reaching reform can become law, thereby reflecting credit on all participants and bringing genuine help to millions who desperately need it.

ISRAEL ACCEPTS THE CEASE-FIRE

Mr. JAVITS. Mr. President, I wish to make a statement on what I consider to be a portentous and historic event today, which is Israel's acceptance of the U.S. cease-fire proposal in the Mideast.

Mr. President, this acceptance should be widely welcomed. Following that of the United Arab Republic and Jordan, it opens the door to Mideast peace. President Nixon's assurances against using the cease-fire as a cover to breach Israel's security by a United Arab Republic military buildup must be considered to have been an indisputable condition of Israel's acceptance of the cease-fire.

I respectfully feel that the backing given to President Nixon in his declaration as to basic Mideast policy on July 1 by 71 Senators, announced yesterday, was a vital element in enabling the President to give the assurances which, I am convinced, have at long last opened at least a small door to peace.

Mr. President, we must guard against euphoria in this matter. There is still an enormous amount to be done, and peace cannot be taken for granted. This is just the beginning, but it is certainly a great success for American diplomacy; and if we continue with the vigor and fortitude which we have already shown in this matter, especially with clear delineation, so that the Soviet Union can make no mistake about it, that we intend to defend our interests in the Middle East, then this ought to be an auspicious beginning for the long and tortuous search for peace in this sensitive area of the world.

TREATMENT OF PRISONERS OF WAR

Mr. HATFIELD. Mr. President, several hundred years ago the nations of the world began to recognize that the men who fight their country's battles are upright, courageous specimens of manhood. By and large, the soldiers who risk their lives in war are not responsible for the war. They are, however, the best people their country can produce.

It was in recognition of this fact that civilized nations the world over, by both tacit and written agreements, bound themselves to humane treatment of prisoners of war who might happen to fall into their hands. History is full of instances of chivalrous treatment and courtesies rendered in such cases.

In our war with Spain in 1898, for example, a lieutenant in the Navy named Richmond P. Hobson, who later became a Member of Congress from the State of Alabama, tried to block the harbor of Santiago de Cuba by sinking an old ship across the entrance. The attempt failed, and Hobson and his men were taken prisoners by the Spanish. A few days later a boat with a flag of truce came from the Spanish admiral to announce to the American admiral that the prisoners were safe and uninjured. The Spanish admiral had sent his own personal aide to arrange for mail and to offer to bring back a few articles of personal clothing for the comfort of the prisoners.

A few weeks later the flagship of the Spanish admiral was sunk in the Battle of Santiago. He was picked up by a boat from an American battleship. When he came on board their ship, dripping wet and minus his uniform, the American sailors, still flushed from their battle exertions, spontaneously gave him full military honors as though he were making an official visit. Thereafter, though prisoners, all the Spanish officers and men were treated as a respected foe.

While no citizen today expects any North Vietnamese to conduct himself with the chivalry of the 19th century hidalgo, it might be noted that America responded in kind to this sort of courtesy. Is it really too much to ask that Hanoi abide at least by the conventions adopted at Geneva?

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF EDWARD E. MANSUR, JR.

Mr. MANSFIELD. Mr. President, it is with regret that I note that today marks the termination of the service of one of the most distinguished officials of the Senate. I refer to Ted Mansur, who has served so many years so capably, so effectively, so efficiently as legislative clerk of this body.

I personally am sorry to see him go, because I have found him most fair and impartial. I have found his counsel good and his impartiality outstanding.

However, there does come a time when some of us leave involuntarily, others of us leave voluntarily, and the nicest way to go is, of course, to go of your own accord.

This is Ted Mansur's own choice. It was a decision made by him alone, and I can understand the wear and tear of the position which he holds, and the strain under which he labors each day. I could not let pass this occasion to say to Ted Mansur personally how much I have appreciated all he has done for all of us, and to wish him good luck and Godspeed in the years ahead. May they be long, may they be happy—and I know his family will appreciate the fact that, for the first time in many years, he will be with them more than usual.

Mr. FULBRIGHT. I associate myself with the majority leader's remarks. I was not aware, until he rose, that Ted Mansur had made up his mind to depart for greener fields.

I congratulate him for having done such a fine job, and I wish him well.

Mr. BYRD of West Virginia. Mr. President, I wish to join with my able majority leader (Mr. MANSFIELD) and the able chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) in expressing regret at the voluntary retirement of the able legislative clerk, Mr. Ted Mansur.

He has been here for 23 years as our legislative clerk. He has been a dutiful, diligent, dedicated servant, and I am very sorry to see him go. I join with my majority leader in saying that it is best, if one does go, for one to go voluntarily and of his own choice.

I certainly know that Ted Mansur is going to be missed. We are all going to miss him. He has done an excellent job, and has been most cooperative and helpful to all of us. In sharing these regrets, I extend to him and his wife every good wish in the years to come.

If I might attempt to recall a few words written by a poet, whose name I do not recall, I would like to do so and dedicate them to Ted Mansur:

> The hours are like a string of pearls,
> The days like diamonds rare.
> The moments are the threads of gold
> That bind them for our wear.
>
> So may the years that come to you
> Such wealth and good contain
> That every moment, hour and day
> Be like a golden chain.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PROXMIRE. Mr. President, I should like to join in the general expressions of regret that Mr. Ted Mansur, who has served the Senate so well in all the years I have been here, has decided to retire.

Unfortunately, I do not have a poem at the tip of my tongue, as does the distinguished Senator from West Virginia; but I have noted that Mr. Mansur has had the enormous patience to sit through endless discussions on the floor of the Senate for many, many years, and to do so with a sense of humor and with remarkable alertness. Time and again, when discussion has been going on, I have come into the Chamber and asked him what the situation was, and he has been able to tell me quickly and accurately. It does take an unusual and a fine human quality to be able to serve in this capacity and listen to Senators for so long and so patiently and to do such a competent job.

We are all going to miss Ted Mansur. Certainly I am going to miss him.

Mr. SCOTT. Mr. President, Edward Mansur, Jr., better known as Ted, retires today as Legislative Clerk of the Senate after 23 years of outstanding service.

Ted came to Washington from Missouri in 1947, to be selected by the Republican Personnel Committee as Legislative Clerk to the Senate.

Prior to his coming to Washington, he saw service during World War II as a navigator and was a graduate of the University of Missouri Law School.

We in the Senate shall miss his competence and his help, and we wish him and his lovely family all the best in the years ahead.

Mr. METCALF. Mr. President, every day the Senate Calendar is delivered to our doors. The signature at the bottom is Edward E. Mansur, Jr. For as long as I have been in the Senate, Ted has signed these daily calendars. Beginning tomorrow another name will be there because Ted is retiring.

As has every other Senator, I have spent considerable time as Presiding Officer. Ted has been a wise and helpful guide in the conduct of that duty. His experience, his knowledge of senatorial procedure, and his thoughtful help for all Members of the Senate have been appreciated.

When rollcalls are intoned and calendars are published and Presiding Officers are in the Chair and you are not there, Ted, you will be missed.

All good wishes for a happy retirement experience for you and Mrs. Mansur. And keep in touch.

Mr. MURPHY. Mr. President, I note with regret the retirement of Mr. Edward E. Mansur, Jr., who is leaving us after more than 20 years of able and faithful service as Legislative Clerk to the Senate. Mr. Mansur was born in Jefferson City, Mo., on September 24, 1917, the son of Edward and Katheryn Mansur. He attended the local public schools and eventually studied at the college and the law school of the University of Missouri in Columbia, from which he graduated as a member of Order of the Coif and as editor of the Missouri Law Review. His studious character won him the Rollins Scholarship Award in his last year at law school, and he became a member of such fraternal organizations as Phi Delta Phi, Alpha Pi Zeta, and Sigma Chi. He served as law clerk to Judge Kimbrough Stone, of the U.S. Court of Appeals for the Eighth Circuit, from 1941 to 1942, and as an OPA enforcement attorney in Kansas City the next year. He then saw active service with the Navy, being released in 1946 with the rank of lieutenant.

In 1947 he came to the Senate, and in 1949 he was promoted to Legislative Clerk, the post from which he will retire. In this capacity, it has been his duty to keep track of the yea-and-nay votes; to oversee the preparation of the daily legislative calendar and its publication; and to maintain on Senators' desks copies of bills and resolutions as they will be debated and voted on. These are large responsibilities, and no one in the long history of the Senate's distinguished employees has done a better job in fulfilling those responsibilities than has Mr. Edward E. Mansur, Jr.

Besides being a fine lawyer and man of practical affairs throughout his professional life, Ed Mansur has also been a good parent and a wonderful husband. His wife and he, the former Caroline E. Epperson, were married on October 3, 1947, and they have two children, E. Lesley and Marcy Carter.

Senators and his fellow Senate employees are very sorry that he is leaving us, and all wish him Godspeed.

Mr. JAVITS. Mr. President, Edward E. Mansur, Jr. retired today from the employ of the Senate, after many valuable years in the service of the Senate and the Nation.

Ted Mansur, a lawyer by profession, left the Navy after World War II and served successively as Chief Clerk and Legislative Clerk of the Senate, and more recently as Republican Reading Clerk.

Mr. President, skilled professionals like Ted Mansur have always been the critically needed men to make the Senate work and keep its work on a high level of technical competence.

We shall miss him sorely, but we wish him well in everything that he undertakes in the days ahead, and signalize our regret at his departure from the Senate's employ.

Mr. DOLE. Mr. President, I am pleased to join in saluting a man who has been an integral part of the Senate for 23 years. Ted Mansur, both as Chief Clerk and legislative clerk of the Senate, has made an invaluable contribution to the functioning of this body.

During my brief tenure in this body, I have found my fellow midwesterner to be most genial, cooperative, and capable. It is indeed fitting that we should pause today to pay tribute to Ted as he takes his leave of us. I am sure that he carries with him many memories of events and individuals in the Senate and also the satisfaction of a job well done. In addition he takes our sincere gratitude and appreciation for his work.

Mr. President, I wish to add my voice to those of my colleagues in extending warm thanks and sincere best wishes to Ted Mansur.

Mr. THURMOND. Mr. President, the Senate today is losing one of its most devoted officials. After 23 years of conscientious service to the U.S. Senate, Edward E. Hansur, Jr., is leaving for a well-deserved retirement.

Ted Mansur has served this body with distinction in the capacity of legislative clerk since 1947 and I have always found him to be an intelligent and capable gentleman. He has been most courteous in his dealings with the Senators; he has carried out his duties in a highly efficient manner; and his thorough dedication to his job has been exemplary.

Mr. President, Ted will be sorely missed by all who have come in contact with him. I wish for him and his fine family good health and enduring happiness in the years ahead.

Mr. HANSEN. Mr. President, today is Ted Mansur's last appearance at the desk as legislative clerk of the Senate.

He is retiring after more than two decades of dedicated loyal service.

His absence will definitely be felt by all.

So, to Ted and his lovely wife Caroline, smooth sailing.

Mr. President, the distinguished senior Senator from Utah (Mr. BENNETT) is necessarily absent today. On his behalf, I ask unanimous consent to have printed in the RECORD a statement by him relating to the retirement today of Ted Mansur, the legislative clerk of the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. BENNETT. Mr. President, the retirement today of Ted Mansur will leave a certain void in the Senator Chamber. His familiar voice calling the "yeas and nays" and the quorum calls has given a permanency to this body through the years as Senators have come and gone.

In point of service, Mr. Mansur began his work on behalf of the Senate on December 3, 1947. This long term of unsung but vital work in this chamber certainly surpasses in tenure the years most of us have served in the Senate. When I first came to this august body in 1951, Ted Mansur had already worked here some three years.

As Legislative Clerk, Mr. Mansur has conducted himself with a quiet dignity that has been a great credit to the Senate. His composed competence has belied the demanding responsibilities that have been on his shoulders for these many years. Although Mr. Mansur has been most visible as he has called the roll, each of us has benefited from his broad knowledge of parliamentary procedure that has done much to maintain Senate decorum. In addition, he has been responsible for preparation of the daily legislative calendar and for the preparation of desk copies of all legislation pending before the Senate.

I know that I echo the sentiments of all the Members of the Senate and all of those associated with this body's work in wishing Ted Mansur Godspeed in his retirement, and in expressing the hope that he will come often to visit us and to reminisce.

PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, I should like to say a word about Senate Concurrent Resolution 74. My remarks have been inspired by the comments of the Senator from Oregon about prisoners of war.

Yesterday, the wife of one of the prisoners of war came to see me, as others have done in the past. Of course, it is a heart-rending experience to hear their pleas, and we all would like to do something about it.

What I particularly like about Senate Concurrent Resolution 74 is that it acknowledges that the war in Vietnam has created conditions, both in North Vietnam and in South Vietnam, which have led to grossly inhumane treatment of prisoners of war, and we all would like to do something about it. I think the approach of Senate Concurrent Resolution 74 is a proper one, because it balances the picture. To pretend that our allies, the South Vietnamese, are humane and treat the prisoners they have in a fashion that is any different from that of the North, I think, is unrealistic. I think it prejudices the appeal to the North Vietnamese to be more humane to our prisoners.

A resolution or a letter directed solely to them, with the implication that they alone are guilty of inhumanity and brutality to prisoners, is not very appealing to them. If we acknowledge, as this resolution does, that in the nature of this war—which in my view really is essentially a civil war—it results in this kind of inhumanity, then we should, if we have any feeling left for humanity, do something about it—both sides should. I think that is the only way calculated to get any results.

In this connection, there is an exhibit—apparently, some Senators do not know about it—on the floor below this floor, in the rotunda area. I am not sure who put it there or why. But it is a very gruesome, horrible exhibition of two artificial dummies, purporting to represent prisoners of war—our prisoners in the hands of the enemy—demonstrating profound, horrible inhumanity, inhumane treatment to these prisoners, which I do not question is probably accurate. I think the effect of it upon the hundreds of thousands of visitors—I go by there quite often, and I see many, many people looking at it—is to create an attitude on the part of our citizens of hatred and disgust which makes more difficult any settlement of the war or makes more difficult any reconciliation with people who are guilty of such brutality. I think it tends to defeat the avowed purposes of our own Government to bring about a settlement of this war, to stop the inhumane treatment on both sides, and of course to release the prisoners of war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I think there ought to be an exhibit of both sides. I think the way to present this matter in proper perspective is to have these exhibits and alongside them a replica of the tiger cages on Con Son Island, which our own representatives from Congress have reported upon, and which have been in all the newspapers. Then I think the proper reaction of people would be revulsion at the war itself, not only this war—but any war of this character, especially a civil war. I think it would promote an attitude of acceptance of a negotiated settlement of this horrible war, might possibly lead to more humane treatment of all prisoners, and make a settlement more palatable to our people.

I am sure that the President of the United States, in his desire to end the war, has to take into consideration whether or not an agreement he makes would be acceptable to the people.

If everyone in the United States is exposed to this kind of exhibit and does not realize that the same sort of thing is going on under the direction of our own allies, I think the normal reaction will be that our enemies are so horrible that they are worthy of only one fate, and that is complete eradication. That does not make for any kind of civilized settlement of the kind of war we are in.

I think Senate Concurrent Resolution 74 has the great merit of approaching this most difficult subject in a wise, intelligent, and balanced manner. If we pursue this approach, it may be possible to ameliorate the conditions of the prisoners of war—our own prisoners of war in North Vietnam as well as the prisoners in the hands of the South Vietnamese.

THE FAMILY ASSISTANCE PLAN

Mr. TALMADGE. Mr. President, all this week, the Committee on Finance has been holding hearings on the revised family assistance plan submitted by the administration. The Secretary of Health, Education, and Welfare, Mr. Richardson, and his associates have been the witnesses.

We have found many disincentives to work in this bill, despite the fact that the bill is labeled a workfare bill rather than a welfare bill.

The chief characteristic of the bill is to add 15 million Americans to the welfare rolls over and above the present 10 million who now receive public welfare in the United States.

Among the things that the bill would authorize, we have found that if a family of four that performed no work drew the benefits authorized by the act, the State supplements, food stamps, the housing subsidies, and the medicaid subsidy, it would have an income equivalent in cash or kind, of $6,210. That is for doing no work at all.

We found that if a member of that family went to work and earned $7,000, his income would be $1 less than if he were doing nothing at all—that is, $6,209.

Mr. President, I certainly do not believe that constitutes an incentive to people to try to get off welfare and go to work, if they can earn more for doing nothing than they can by working and earning $7,000 a year.

That is one of many disincentives that the Finance Committee has discovered to date.

Mr. President, today's Wall Street Journal published an article under "Review and Outlook," dealing with some of the provisions of the bill, under the heading "Disappointing Improvements." I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISAPPOINTING IMPROVEMENTS

Congressional scrutiny of the Nixon Administration's family assistance plan has resulted in a number of improvements that are real enough but profoundly disappointing. We only hope that if Congress does pass the bill, it will do so for actual considerations rather than imaginary ones.

The Senate Finance Committee's questioning, in particular, pushed the Administration into a sincere effort to write some hard meaning into the bill's work-incentive features. The result of this effort seems to have been a discovery that it cannot be done, at least not within the present financial and political constraints.

The rate of incentive is determined by a complex interaction among the bill's many features. The basic Federal grant, the state supplementary grant and food stamp offerings are all cut as a recipient's own earnings grow. At the same time, he must start to pay Social Seurity taxes, and Federal and state income taxes above certain levels, and he would be expected to make increasing contributions to a proposed medical insurance plan that would replace Medicaid. All this takes place at different rates at different income levels in different states, but as a rough rule it seems that most of the time recipients' total income will increase about 20 cents on a dollar they earn.

In Delaware, according to the Administration's own figures, a family of four earning $4,000 would bring home only $221 more than one earning $3,000. In New York, a family of four earning $5,000 would bring home $198 more than one earning $4,000. To look at it another way, the New York family would have a net income of $4,264 if it had no earnings at all, of $4,721 if it earned $720 during the year, or $5,756 if it earned $6,000.

Allowing that small sums are far more meaningful to the poor than to most Americans, it's still nearly impossible to believe such rates would produce any decisive incentive. No doubt many recipients would work, as some welfare recipients do now. But the decision of whether to accept a full-time job would probably depend far more on internal motivation than on anything the Administration has proposed.

To be fair, the bill might still promote work in other ways—through the requirement that many recipients accept work when offered, through its work-training and day-care features, through its heavy rhetorical emphasis on work. Yet we doubt that this rhetoric will diffuse very far into the relevant bureaucracies, and past experience with all these devices has been almost entirely disappointing.

Now, as weak as the bill's incentives are, the Administration is probably right in arguing they are better than those in the current law, where a negative incentive—a reduction in income from an increase in earnings—is not terribly unusual. Much of the improvement, we must note, depends on the medical insurance plan not yet offered for detailed scrutiny. And even under the new proposals, a negative incentive would exist in certain circumstances.

For all this, the theory is right, and no bill is perfect. It's possible to build a case for the measure as taking the important step of firmly establishing the principle of incentive. In other words, the bill may lead at least to a more logical welfare law, if not to one where the logic is carried far enough to be effective.

There is also the matter of what Presidential Counsellor Moynihan calls "ending the agony of the South." Perhaps the most important effect of the family assistance plan would be to raise the pitifully low welfare grants in the poorest Southern states. This is manifestly to be desired, and probably is the bill's best selling point. Yet there are more direct and less expensive ways to deal with the grinding rural poverty that is one side of the current welfare mess.

The other side of the mess, though, is the huge increase in welfare dependency in the largest and most generous states. In talking of work incentives, the Administration started toward the answer to this problem. In putting this talk into practice, it finds itself trapped by financial and political reality: Even with the proposed $4.1 billion increase in welfare spending there is only so much money to spend, high incentives and high minimums compete for any funds available, and the generous states are not about to allow their minimums to fall to a level financially compatible with a meaningful incentive rate.

With the mathematics these contraints forced on the authors of the family assistance plan, any incentive effect would be highly speculative at best. The plan has its merits, but they remain chiefly the merits of expanded welfare. If Congress passes the bill hoping to reduce welfare, it will be legislating with stars in its eyes.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. McIntyre). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business—

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the expiration of the period for the transaction of routine morning business, this period for the transaction of routine morning business may be continued for a little while, with statements therein limited to 3 minutes; and that upon conclusion of such period, the unfinished business then be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitons of emergency supplies and equipment by the Office of Civil Defense, for the quarter ended June 30, 1970; to the Committee on Armed Services.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the questionable basis for approving certain auxiliary route segments of the Interstate Highway System, Federal Highway Administration, Department of Transportation, dated July 31, 1971 (with an accompanying report); to the Committee on Government Operations.

Report of the National Society of the Daughters of the American Revolution

A letter from the Secretary, Smithsonian Institution, Washington, D.C., transmitting, pursuant to law, a report of the National Society of the Daughters of the American Revolution, for the fiscal year ended March 1, 1968 (with an accompanying report); to the Committee on Rules and Administration.

Proposed Transfer of Certain Property at Los Alamos, N. Mex.

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex. (with accompanying papers); to the Joint Committee on Atomic Energy.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Allen) announced that on today, July 31, 1970, he signed the following enrolled bill and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H.R. 914. An act for the relief of Hood River County, Oreg.;

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; and

H.J. Res. 1336. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 4155. A bill to amend title 13 of the United States Code to provide for a partial or complete check or recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the partial or complete check or recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S. 4156. A bill for the relief of Miss Mercedes Rubenia Alfonso, A19700702; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 4157. A bill relating to crime in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TYDINGS:

S. 4158. A bill to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c) shall not be "unrelated trade or business" income and shall not affect the tax exemption of the organization; to the Committee on Finance.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MATHIAS:

S. 4159. A bill for the relief of Herma Treskatsch; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4160. A bill for the relief of Mrs. Hang Kiu Wah; to the Committee on the Judiciary.

S. 4155—INTRODUCTION OF A BILL RELATING TO A RECOUNT OF THE POPULATION WHEN QUESTIONED BY ANY LOCALITY

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to provide a recourse which does not now exist for States, cities, counties, and other units of government who feel their interests are in jeopardy from what they believe to be substantial understatements of their populations in the 1970 decennial census. Joining me in the introduction of the bill is my distinguished colleague, Senator Allen.

Senators are aware of the dissatisfaction and alarm being sounded from coast to coast over what State and local authorities regard as undercounts of population. My own State of Alabama is no exception. The preliminary figures announced by the Census Bureau purport to show over half of Alabama's counties as having less population than 10 years ago. Our three largest cities, Birmingham, Mobile, and Montgomery, along with many smaller cities and towns, are shown as having slipped substantially below the 1960 census totals despite the most dynamic decade of growth and development in the history of our State. Many other localities, while not among the losers, are recorded with population gains so slight as to place other standard indices of their growth, including prior local counts and estimates, at sharp variance with the census totals. Local authorities in Alabama and elsewhere, seeking to challenge low counts, are being told that time-honored gages of growth such as tax records and light, water, gas, telephone, and other utility subscriber records and others like them are no longer to be accorded much weight for population-measuring purposes.

States and localities all over the United States are suddenly finding themselves with a seriously reduced factor of population, the factor so vital in determining the extent of representation in the highest councils of our democratic system, the extent of a State's influence in choosing a President and Vice President and in determining financial entitlements of States under many Federal programs and of local governments under an ever-increasing number of Federal and State financing and other programs. Little wonder that a local official in suburban Detroit, Mich., called the reduced population in his area "a potential $50 million error." I could recite at length similar situations and concerns in many parts of the Nation. I ask unanimous consent that at the conclusion of these remarks, a newspaper account of difficulties with the census in a number of metropolitan areas in New York, be printed in the Record.

The tragedy of this kind of potential damage from questionable totals is that it is often damage without adequate remedy—for all practical purposes. I mean that State and local authorities are pretty much without methods or financial means to successfully challenge the threatening figures. The Census officials seem so confident—even defensive—of their methods, including the novel, first-time-used census-by-mail, that there appears to be little provision for substantial rechecking or resurveying and less still at the expense of the Federal Government. Under existing arrangements, it appears that the lion's share of any costs incident to discovering deficiencies, or otherwise challenging totals, are made to be borne by the aggrieved non-Federal units of government which are almost universally in serious financial straits. They are in no position to finance on their own a strictly Federal responsibility. As matters now stand, however, even if local units of government could arrange somehow to finance challenges and resurveys that might prove successful to the extent of disapproving the census totals, there is still no assurance that the locally produced totals would find acceptance as a part of the official 1970 decennial census.

The bill which we have introduced today will help relieve the unjust situation I have just described by providing local units of government incentive to challenge totals which they earnestly believe to be deficient.

Under provisions set forth in the bill they can: First, conduct their own checks and recounts using standards and criteria used by the Secretary of Commerce; and, second, have the checks, recounts, and findings verified by the Secretary; and, third, gain reimbursements for the expense of checks or recounts if the verified checks or recounts are higher by 1 percent or more than the census totals; and, fourth, have the verified recounts considered for all purposes to be the population of such States, counties, cities, or other units of government as shown in the 1970 decennial census.

The PRESIDING OFFICER (Mr. TALMADGE). The bill will be received and appropriately referred; and, without objection, the article will be printed in the RECORD.

The bill (S. 4155) to amend title 13 of the United States Code to provide for a partial or complete check or recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the partial or complete check or recount if such understatement is confirmed; introduced by Mr. SPARKMAN (for himself and Mr. ALLEN), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The article, presented by Mr. SPARKMAN, is as follows:

[From the Chicago Tribune, June 24, 1970]

BLAME APATHY, "GAP" IN N.Y. CENSUS SNUB

(By Joseph Zullo)

NEW YORK, June 23.—Apathy and a communications gap are chiefly responsible for the failure of 40 per cent of New York residents to return their census questionnaires, John C. Cullinane, regional director of the federal bureau of the census, said today.

The situation came to light after Cullinane and Dr. Conrad Taeuber, associate director, asked the city to help recruit 750 to 1,000 census canvassers to work in six slum areas where response to mailed census forms has been slow.

ABOUT 200,000 UNANSWERED

"We can't pinpoint the exact reason for the slow response, but it might be due to the failure of the individual to understand his importance to the census count," Cullinane said.

Two million census forms were mailed thruout the city before last April 1, and 55 to 60 per cent were returned within several weeks. Since then census workers have made door-to-door checks, and have reduced the number of unanswered questionnaires to 200,000.

In addition, Cullinane said, special attempts have been made to count the "floater population" by checking flop houses, late-night movie theaters, and institutions for the destitute and drifters.

In requesting city aid, Taeuber told Deputy Mayor Richard Aurelio that the city, "by reason of its size, its large black and ethnic sections, and awesome conditions prevailing in the cores of the boroughs of Manhattan, Bronx, and Brooklyn, has posed the biggest problem for the census bureau."

BONUS OFFERED

For work in districts where response has been slow—Harlem in Manhattan, the Bedford-Stuyvesant, Brownsville, East New York and Williamsburg sections of Brooklyn, and the southeast Bronx—the census bureau is offering to pay a bonus of 30 cents for each person counted.

So far census workers have been paid $1.30 for each short form returned. Now they will be paid $1.30 plus 30 cents for each name in the household on the same form. The form lists up to eight names, so a maximum of $3.70 a form is possible.

In 20 per cent of the cases, a longer form with more detailed information is used, and remuneration for this is $2.50 plus 30 cents a name.

Aurelio's office said an attempt would be made to get anti-poverty agencies to help recruit census takers. The age requirement for this drive has been lowered from 18 to 17.

S. 4158—INTRODUCTION OF A BILL RELATING TO TAXATION OF STATE FAIRS

SAVING THE NATION'S STATE FAIRS

Mr. TYDINGS. Mr. President, I rise today to introduce legislation designed to preserve one of the Nation's historic institutions: the State fair. Owing to the revocation of the tax-exempt status of the Maryland State Fair and Agricultural Society and other fairs across the country by the Internal Revenue Service, most of the Nation's fairs find themselves faced with financial disaster. Unless the tax-exempt status of these fairs is restored, they will not be able to operate without very substantial State subsidies—subsidies that will not be forthcoming given the difficult fiscal position of most of our States.

BRIEF LEGISLATIVE HISTORY

Exemption from taxation of labor, agriculture, and horticultural organizations was provided by the Revenue Act of 1913.

Regulations 45, article 512, issued in 1921 under the Revenue Act of 1918, provided as follows:

> Agricultural and horticultural organizations.—Agricultural or horticultural organizations exempt from tax do not include corporations engaged in growing agricultural or horticultural products or raising live stock or similar products for profit, but include only those organizations which, having no net income inuring to the benefit of their members, are educational or instructive in character and have for their purpose the betterment of the conditions of those engaged in these pursuits, the improvement of the grade of their products, and the encouragement and promotion of these industries to a higher degree of efficiency. Included in this class as exempt are organizations such as county fairs and like associations of a quasi-public character, which through a system of awards, prizes, or premiums are designed to encourage the production of better live stock, better agricultural and horticultural products, and whose income, derived from gate receipts, entry fees, donations, etc., is used exclusively to meet the necessary expenses of upkeep and operation. Societies or associations which have for their purpose the holding of annual or periodical race meets, from which profits inure or may inure to the benefit of the members or stockholders, do not come within the terms of this exemption. A corporation engaged in the business of raising stock or poultry, or growing grain, fruits, or other products of this character, as a means of livelihood and for the purpose of gain, is an agricultural or horticultural society only in the sense that its name indicates the kind of business in which it is engaged, and it is not exempt from tax.

These regulations were basically unchanged until 1958, when the Internal Revenue Service adopted regulations under the corresponding provision of the 1954 code which dropped all references to racing.

In 1950, an unrelated business income tax on exempt organizations was enacted. Section 511(a) imposes a tax on the "unrelated business income" of most exempt organizations, including those described in section 501(c); that is, income derived from a trade or business "regularly carried on" by a tax-exempt organization is taxed if the business is not "substantially related" to the performance of the functions upon which the organization's exemption is based.

RACING SUBSTANTIALLY RELATED TO MARYLAND FAIR'S FUNCTION

The Maryland State Fair is nearly 100 years old. And its fundamental objectives and activities have remained substantially the same since it first opened in Baltimore County in 1878.

The fair was established and continues to be operated primarily to improve and stimulate interest in the area's agricultural products. In addition, the fair offers grandstand shows, rides, and horse racing on a half-mile track—all of which have been offered since the fair's inception.

That the horse racing is an intimately related and secondary part of the fair is clear. Far more people attend the fair each day than attend the races. Indeed, all persons attending the racing events must purchase a ticket to the fair, and many of them visit the fair as well.

Thoroughbred horse racing has been conducted at the fair for nearly a century for two reasons: as an attraction to encourage greater attendance at the fair, and as a part of the State's horse-breeding industry. At a trial concerning a local real property tax assessment on the track area—which was held to be improper by the highest court of the State of Maryland because the racing area was found to be an integral part of the fair—Dr. Gordon M. Cairns, dean of the school of agriculture at the University of Maryland, descirbed racing's integral role:

> Any fair exists primarily for an educational function and purpose. This is to acquaint the people of the area through demonstrations, through exhibits, displays and the like. Secondly, the competitions that are held there are the basis for the development of the various aspects of our livestock and agricultural industry.
>
> * * * * *
>
> Basically all fairs are created with the objective—with two objectives. The one is education and the other is how to get the people there to show them what is educational and they have to have the traditional, shall we say, entertainment features associated therewith to help draw the crowds to those attractions.

Imposition of the unrelated business income tax specifically was to prevent unfair competition by exempt organizations with profitmaking organizations. However, the operation of the race track during the fair by the Maryland State Fair is not competitive with any tracks in the State.

Furthermore, the fair's racing license always has been conditional upon the maintenance of a bona fide fair with agricultural exhibits.

In 1924, the Racing Commission reported that:

> The County Fairs, which have become a valuable asset to the State, enjoyed a successful season, and each year *are doing more and more to benefit and promote* the agriculture and *breeding industries of the State. Racing constitutes an important event at each of the fairs,* and the Commission is constantly seeking to improve the conditions under which it is conducted. (Emphasis added.)

The 1939 report of the Racing Commission sums up the role which county fair racing plays in the Maryland breeding industry:

> County fair racing . . . furnish(es) an arena in which the breeders with horses that have not developed the class necessary for the big tracks can acquire purse money to reduce the losses they sustain in their breeding ventures.

Finally, though it should be obvious, it is worth pointing out that no part of the net profits of the Maryland State Fair are received by an individual. All funds go to support and improve the fair.

Nor, it should be added, is Maryland's the only State fair which finds its existence threatened by the revocation of tax-exempt status because of entertainment conducted as part of the fair. States with similar problems include California, Colorado, Illinois, Indiana, Iowa, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Vermont, Virginia, and Washington.

UNREASONABLE IRS POSITION

In 1955, the Internal Revenue Service forced the Maryland State Fair to go to court to obtain a decision that income from its horse racing is an integral part of the fair and, therefore, not subject to the unrelated business income tax. The U.S. District Court for the District of Maryland ruled in the fair's favor.

But even the court ruling apparently has not satisfied the IRS. It has attempted to tax this income in subsequent years and even has proposed revoking the tax exemption of the entire fair.

Then in 1968, the IRS issued regulations intended to clarify the meaning of "related" activities of an exempt organization. These regulations state that a business is judged "related" if its conduct "has causal relationship to the achievement of exempt purposes; and is 'substantially related,' for purposes of section 513, only if the causal relationship is a substantial one."

Given the integral relationship between the fair's racing activity and its other activities, one would have assumed that this IRS regulation had settled the matter once and for all; that racing would clearly be regarded as a related business activity.

But later that same year, much to everyone's surprise, the IRS issued a ruling claiming that income from the operation of racing run by a fair is unrelated business income subject to Federal income tax. And the reasons given for the ruling hardly were compelling: First, that the races are carried on in a manner similar to commercial race tracks; second, that the conduct of the races is not related to the organization's exempt purpose because it does not contribute importantly to the educational objectives of the fair; and, third, the races are not a type of recreational activity that is intended to attract the public to the fair's educational features.

NEED FOR CONGRESSIONAL ACTION

Mr. President, if the State fairs of this Nation are held liable for Federal income taxes, they surely will be forced to close. An important part of our agricultural economy and of the American heritage will perish. I do not believe the Senate can afford to stand by idly while this happens.

Therefore, I am offering legislation today to amend the Internal Revenue Code of 1954 to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization in section 501(c) shall not be "unrelated business" and shall not affect the tax exemption of the organization. It is my belief that much support for such legislation exists in the Congress and I intend to begin soliciting cosponsors.

In my opinion, a new ruling by the IRS on this matter would be preferable to additional legislation. But if no such ruling is forthcoming, I believe it is incumbent upon the Congress to act. For no less is at stake than the survival of the State fair as an American institution.

I ask unanimous consent that the text of this bill be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. Talmadge). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4158) to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c) shall not be "unrelated trade or business" income and shall not affect the tax exemption of the organization, introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 4158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 513 of the Internal Revenue Code of 1954 (relating to the definition of an unrelated trade or business) is amended by adding the following subsection 513(d):

"(d) Special Rule for Fairs and Expositions.—The term 'unrelated trade or business' shall not include the operation of a public entertainment activity in conjunction with a National, State, local, regional or international fair or exposition conducted by an organization described in section 501(c); nor shall the operation of any such public entertainment activity prevent, or cause the denial of, the exemption of such organization otherwise exempt under section 501(c)."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1959.

ADDITIONAL COSPONSORS OF BILLS

S. 1851

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of S. 1851, the Honey Promotion and Research Act.

The **PRESIDING OFFICER** (Mr. McIntyre). Without objection, it is so ordered.

S. 2461

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. Randolph), I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. Prouty) be added as a cosponsor of S. 2461, to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes.

The **PRESIDING OFFICER** (Mr. Cook). Without objection, it is so ordered.

S. 3835

Mr. HUGHES. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Texas (Mr. Tower) be added as a cosponsor of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The **ACTING PRESIDENT** pro tempore (Mr. Allen). Without objection, it is so ordered.

S. 4083

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. Yarborough), I ask unanimous consent that at its next printing the name of the Senator from California

(Mr. Murphy) be added as a cosponsor of S. 4083, to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 113

Mr. MOSS. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from New Jersey (Mr. Williams) be added as a cosponsor of Senate Joint Resolution 113, to authorize and direct the Federal Trade Commission to conduct a comprehensive investigation of unfair methods of competition and unfair or deceptive acts or practices in the home improvement industry, to expand its enforcement activities in this area, and for other purposes.

The PRESIDING OFFICER (Mr. Talmadge). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 207

Mr. JAVITS. Mr. President, I ask unanimous consent that I be made a cosponsor of Senate Joint Resolution 207, a joint resolution offered by the Senator from Maine (Mr. Muskie) to establish a joint committee on the environment.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 74

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Concurrent Resolution 74, introduced on July 14 by the Senator from Maine (Mr. Muskie) and a number of other Senators, to affect the treatment of prisoners in Vietnam.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

AMENDMENTS NOS. 812, 813, AND 814

Mr. FULBRIGHT submitted three amendments, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Fulbright when he submitted the amendments appear later in the Record under the appropriate heading.)

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

AMENDMENTS NOS. 812, 813, AND 814

Mr. FULBRIGHT. Mr. President, I am submitting three amendments to H.R. 17123, the Defense Department authorization bill. A brief explanation of each follows:

First. The first amendment would, in part, carry out the intent of the Armed Services Committee as stated in the report on the bill, that Department of Defense funds shall not be used to support Vietnamese, or Thai forces in actions designed to give military support or assistance to the Cambodian Government. The actual changes in the language in existing law, proposed by the committee, however, do not specifically state that purpose. And, in fact, the new language could be used by the executive branch to do just the opposite of what the committee intended—to finance the Vietnamese in fighting a war in Cambodia to save the Lon Nol government.

My amendment goes one step beyond the committee's position and applies the prohibition relating to Cambodia to Laos as well. The purpose is to prevent the United States from being sucked into a wider war in Laos through actions by the Vietnamese.

Second. The second amendment would prohibit U.S. payment of overseas or similar special allowances to Thai and Korean troops in Vietnam at a rate greater than the combat pay allowed American soldiers fighting there.

Third. The third amendment has two purposes. It would limit the amount of money available to the Defense Department for outside research on foreign affairs matters to the amount available to the State Department in the previous year for such research. And it would insure that congressional committees are given access to federally financed research reports by nongovernmental organizations, unless the President invokes a claim of executive privilege.

I will, of course, make a more detailed statement on each amendment when I call it up.

I ask unanimous consent to have the text of the amendments printed in the Record at this point.

The PRESIDING OFFICER (Mr. Talmadge). The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

Amendment No. 812

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

Amendment No. 813

On page 19, after the period in line 8, insert the following: "None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area."

Amendment No. 814

On page 14, between lines 18 and 19, insert the following:

Sec. 206. (a) Notwithstanding any other provision of law, beginning with the fiscal year beginning July 1, 1971, no funds appropriated to or for the use of the Department of Defense for any fiscal year may be expended for carrying out research or study projects involving foreign affairs, foreign areas, or related matters except to the extent that the total amount expended for such purposes in such fiscal year does not exceed an amount equal to the total amount expended by the Department of State in the immediately preceding fiscal year for research and study projects (involving foreign affairs, foreign areas, or related matters) which were conducted for the Department of State by persons or organizations outside such Department. The total amount expended by the Department of State in any fiscal year for such projects shall include amounts transferred to the Department of State from other departments and agencies for the purpose of having such projects carried out under the direction of the Department of State.

(b) The head of any department or agency of the Federal Government shall, in response to any request made to him in writing by a committee of the Congress, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was made by a person outside the Federal Government, except that this requirement shall not apply in the case of any report, study, or investigation with respect to which the President exercises the right of executive privilege.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 774

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. Yarborough), I ask unanimous consent that the name of the Senator from Rhode Island (Mr. Pell) be added as a cosponsor to amendment 774 to S. 3619, to create within the Office of the President an Office of Disaster Assistance, which would authorize the Small Business Administration to make loans to disaster victims to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written of the property which is such person's residence.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Connecticut (Mr. Ribicoff), I wish to announce that the Subcommittee on Executive Reorganization will hold hearings on August 5 and 6 on the food inspection and related activities of the Agriculture Department. The hearings will be held in room 1318, New Senate Office Building at 10 a.m., on the fifth, and in room 3302, New Senate Office Building at 10 on the sixth.

ADDITIONAL STATEMENTS OF SENATORS

JOHN J. WILLIAMS: "CONSCIENCE OF THE SENATE"

Mr. PERCY. Mr. President, at the end of this session of Congress, one of the most respected Members of the Senate will return to private life after 24 years of exemplary service to his country.

I have been privileged to serve with the distinguished senior Senator from Delaware (Mr. Williams) for 4 of those 24 years, but in this comparatively brief period I have come to understand clearly why his name is synonymous with integrity in public life.

Senator Williams' relentless efforts to expose unscrupulous individuals and unjustifiable practices in government have rightfully brought him the title of "Conscience of the Senate." He has won a well-deserved national reputation for his continuing campaign to elevate the ethical standards of public officials. Less well know, perhaps, but equally important, have been his contributions to the legislative process. Few men are as well informed on questions involving national fiscal policy as the ranking Republican on the Senate Finance Committee.

Mr. President, in an article published recently in the Wall Street Journal, Alan L. Otten reviewed the many accomplishments of the Senator from Delaware. The article is a fine tribute to a man we all hold in high esteem. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Department Conscience

Washington.—When a new Senate meets in January, several present members will be missing—a few having quit, a few retired by the voters. None will leave a hole more uniquely difficult to fill than Republican John Williams of Delaware, who for almost 24 years has battled, often alone, for honesty and high ethical standards in Congress and the rest of Government.

Mr. Williams is leaving voluntarily—and in a way that demonstrates anew his claim to the title of "the conscience of the Senate." He is retiring at the end of this session not because of ill health or imminent defeat but as a matter of principle. Just turned 66, he would be 72 by the end of another term, and simply does not believe that he—or any Senator, judge, or other public official—should hold public office at that age.

"After 70, you just don't carry your share of the load," he argues earnestly. "You have to rely more and more on staff aides, and they become the ones who make the decisions, and there's a situation where the person making the decisions is not accountable to the people."

Retirement wasn't an easy choice. Though Mr. Williams avoids cocktail parties and other social functions, he loves the Senate, where he is now the third-ranking Republican behind George Aiken of Vermont and Milton Young of North Dakota. "If the Republicans won control of the Senate, I would be chairman of the Finance Committee, and I would have liked that very much," he concedes. "But above all, I would have liked to be chairman at an age when I could handle the job without question. It was tempting, but you just can't make exceptions to your principles."

Mr. Williams has always been a Senate anomaly. In a body of lettered men, he's a mere high-school graduate. Other Senators are handsome, articulate, extroverted; he is shy and gangling, the perfect country rube, a dreadful speaker whose almost-inaudible nasal sing-song has earned him another nickname, "Whispering Willie."

Most Senators held a series of lower offices; Mr. Williams, a small-town (but very successful, self-made) feed merchant and chicken farmer, was only briefly a member of the Millsboro town council before running for the Senate in 1946. (No other Republican wanted to take on the top popular Democratic incumbent; then, to everyone's surprise, the national tide against post-war controls carried Mr. Williams to victory.)

And where most Senators pursue from the start some favorite field such as foreign affairs or urban problems, the Senator from Delaware slipped by accident into his career as the nemesis of evil-doers. Constituents began complaining about undeserved delinquency notices from the Federal tax office in Wilmington; following up, he found his own name on the delinquent lists, and had canceled checks to prove that was an error. Closer investigation revealed the cashier had been systematically embezzling for almost seven years—and what really violated the Senator's strict Methodist morality was the way top officials seemed unconcerned and reluctant to act. "It planted in my mind the idea that things could be wrong, with little being done to correct them," he says, his thin lips drawing even tighter in disapproval.

This success started other leads coming his way, and he gradually built voluminous files and a network of tipsters. He exposed a mammoth tax-fixing ring in the Internal Revenue Service, excessive grain storage payments by the Commodity Credit Corp., shoddy practices in defense contracting. It was his disclosures that helped indict Billie Sol Estes and Bobby Baker. He battled—sometimes successfully, sometimes not—to reduce tax depletion allowances on oil, cut merchant marine subsidies, limit soil bank and other farm payments.

He managed it all, too, without the large staff, wide-open subpoenas and dramatic TV hearings that characterize most Congressional investigations. A confirmed loner, he checked out his leads himself or with the aid of his long-time secretary, and then, when he was sure he had the facts, he laid it all out in a thoroughly documented speech on the Senate floor.

Practicing what he preached, he refused all Government subsidies on his Delaware farms, and once embarrassed Senate colleagues by turning back unspent stationery funds. Repeatedly he has blocked proposals for Congressional pensions he considered extravagant.

A loyal Republican and consistent conservative on most domestic matters, he hasn't hesitated to hit GOP wrong-doing as hard as Democratic. He early called for Sherman Adams to quit as assistant to President Eisenhower, and last year opposed Clement Haynesworth for the Supreme Court as a man "insensitive to the expected requirements of judicial ethics." (He did, however, suport the Carswell nomination.) When the Nixon Administration budget followed the previous practice of including trust fund income with other Government tax receipts, he blasted "sleight-of-hand bookkeeping."

This fall he will take his files back home to Millsboro, and spend a good amount of time weeding out references that might compromise any of his sources—men and women he has always scrupulously shielded. Then he hopes to make the files available for public inspection.

Beyond that, he won't discuss his post-Senate plans except to promise he will not take any other public post, elective or appointive. "If I were going to be in public service at that age, I'd rather stay here." He sold out his feed business some years back, but another business venture is certainly possible; "I come from a family," the Senator notes, "that believes there are a lot of ways to live without being on the public payroll." He will not, however, write a book; "I can't sit still that long."

He thinks well of his Senate colleagues—"human beings with the same frustrations and frailties as men in private life," but also "dedicated men, trying to do the best possible job." Perhaps most surprisingly, after 24 years of exposing misdeeds, "I am leaving with greater confidence in the overall integrity of mankind, and particularly the integrity of Government workers, than when I came in. I have seen so many men willing to gamble their own security, their family's security, with no possible gain, no possible recognition, just to correct a situation they considered wrong. It's been a tremendously reassuring experience."

SPACE APPLICATIONS OF NUCLEAR ENERGY

Mr. ANDERSON. Mr. President, last week the Chairman of the Atomic Energy Commisison, Dr. Glenn T. Seaborg, made a speech on the space applications of nuclear energy. In the course of his speech Dr. Seaborg explains why the atom will be the major energy source in space and he explains the basic principle for using nuclear energy for both rocket propulsion and electric power. His remarks discuss such space odysseys as: a 9-year grand tour of the outer planets using automated spacecraft powered by nuclear energy; a trip to the moon and back using a nuclear rocket; lunar colonies; and, a 100 million mile round trip to Mars carrying 12 people using nuclear propulsion and auxiliary power supplied by nuclear systems. Round trips to Mars by men are not going to take place for several decades, but the technology for the grand tour and trips to the Moon using a nuclear shuttle are now at hand. We can expect such missions to be initiated within the next decade.

Dr. Seaborg reminds his audience that one of the prime benefits derived from the space program is the realization that our planet earth is precious and that men must work together to preserve it. Mr. President, I recommend this speech to my colleagues and to all those who would like a better understanding of the application of nuclear energy to space.

Mr. President, I ask unanimous consent that the speech by Dr. Seaborg be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission to the Commonwealth Club of California, San Francisco, Calif.

A NUCLEAR SPACE ODYSSEY

During the next 27 minutes—which I am told is the time allotted me to speak—I plan to cover a lot of ground or, more accurately, a great deal of time and space. Included in that time and space will be a two-year, 100-million-mile-round-trip to Mars with a three-month stopover there for the 12 astronauts involved; a nine-year unmanned Grand Tour of the outer planets; numerous shuttle trips from the Earth to the Moon with men and supplies, and even more numerous orbits of the Earth by a variety of satellites and a space station that may eventually house as many as 50 spacemen (including, I'm sure, some "liberated" spacewomen).

What I will be emphasizing in discussing these space spectaculars is in that they will be made possible by the use of nuclear energy in space. And the use of nuclear energy in space is not merely something on the drawing boards. As you will see by what I have to say today, we are well into the Nuclear Space Age and well along with the development and application of those nuclear technologies that will see us using the atom as our major energy source in space. To be precise, we might date the birth of that Nuclear Spage Age back to June 29, 1961, when the Navy's Transit Satellite carrying a small nuclear-electric power source achieved earth orbit. Because of the reliability of that nuclear system, today, more than nine years later and after its more than a billion miles of travel, we can still monitor signals from that navigational satellite.

Today we also have other, much larger, nuclear-electric sources powering satellites in orbit and two nuclear units on the moon providing heat and electric power for the scientific packages left by the Apollo 11 and Apollo 12 astronauts. But rather than review the history of the Nuclear Space Age to date I want to focus on its future.

Before discussing specific plans and ideas for that future let me briefly explain the basic principles on which they are based. We are going to use nuclear energy in space for two major purposes, for propulsive power—to help take us where we want to go over the millions, perhaps billions, of miles of cosmic space—and to supply the auxiliary energy needed to power spacecraft instruments, communications and a variety of life-sustaining equipment for manned voyages, orbiting space stations or colonies on the moon or planets. This auxiliary power can be generated fundamentally in two ways—by tapping the heat of decaying radioisotopes such as plutonium–238, or by the use of small compact reactors. Both systems are referred to as SNAP systems—Systems for Nuclear Auxiliary Power. Power for nuclear rocket propulsion is also produced by compact reactors, but by reactors much larger than those used to generate auxiliary power. I will have more to say about the nuclear rocket in a moment.

The rationale for using nuclear energy in space—for the confidence with which we are developing and testing nuclear space systems—is literally that nuclear fuel is the only source of energy that is compact and long-lived enough to make feasible *extended* trips into the incredibly vast environment of cosmic space or provide power for extended and large-scale operations in deep space, on the moon, the planets or in orbit. It must also be noted that in addition to its compactness—illustrated by the fact that the fission of one pound of uranium will produce the heat energy of the burning of 1500 tons of coal—nuclear fuel does not create its energy by combustion and hence requires no oxygen.

In the past we have used chemical batteries or fuel cells for auxiliary power for our short-lived missions and these will probably continue to be used for that purpose. For longer missions the main competitors of our SNAP systems have been solar power systems. But even these reliable systems cannot compete with nuclear energy under certain conditions—conditions that will be increasingly prevalent in future space exploits. For example, solar cells are useless on that side of the moon experiencing the long lunar night and of limited use on planets with dense atmospheres or subjected to long nighttimes. Another consideration is that the density of solar energy decreases as the square of the distance from the sun. Therefore, on Mars, which is one-and-a-half times as far from the Sun as the Earth, we would need solar energy collectors over twice as large as those we might use here to capture an equivalent amount of energy.

To illustrate then the improbability of using solar power units in deep space we have only to point out that at the outer edge of our solar system—on the planet Pluto, for example—we would need solar energy collectors covering an area almost as large as an entire football field just to generate 500 watts of electricity, and this is assuming that such a football field of solar cells could be constantly aimed directly toward the sun. By a strange coincidence we already have developed, and used in space, a 500-watt SNAP reactor system which is a cone-shaped unit only 12 feet high and 5 feet wide at its base. As a matter of fact, it is a ground-based twin of the SNAP-10A unit that holds the world's record for continuous generation of electricity by a nuclear reactor, having logged more than 10,000 hours of uninterrupted operation before it was deliberately shutdown, after having operated some some seven weeks beyond its design lifetime of one year. It is this kind of reliable power, capable of operating anywhere, under all types of environmental conditions, that we will need in future space missions.

Among the many unmanned missions that will be taking advantage of the reliability of nuclear power in space will be a variety of programs using SNAP isotopic power systems. These will include a new Transit navigational satellite for submarine and surface ship guidance, the Pioneer probe for a Jupiter flyby for scientific exploration, and the Viking probe for the Mars Soft Lander I for scientific exploration. These last two programs will carry SNAP–19 generators, modified versions of those now powering NASA's Nimbus III weather satellite which has been in operation since April 14, 1969.

In the late 1970s a much larger SNAP isotopic generator, one in the multi-hundred watt range, will be launched on a trip that will cover hundreds of millions of miles. This will be aboard the Grand Tour Spacecraft that will make a nine-year unmanned exploration of the outer planets and hopefully send us back valuable new information about Saturn, Jupiter, Uranus and Pluto.

Coming back to Earth—or at least to earth orbit where a manned space station, or "Skylab" as NASA has recently named it, is planned for future operations—we can see another important advantage of using SNAP nuclear-electric power. In order to reduce the logistics costs of operating at higher altitudes, and to minimize the natural radiation to which manned space stations at higher altitudes would be exposed, it is desirable to operate these stations at the relatively low altitudes of between 100 and 200 nautical miles. For these low orbits the smaller exposed area of nuclear power systems results in great reductions in the atmospheric drag—and in the pounds of propellant required to keep the station in its assigned orbit. An unmanned scientific or defense system which has to operate close to the Earth will similarly have the advantage of low atmospheric drag if nuclear power systems are used.

Manned orbiting space stations will have huge energy requirements. A listing of electrical power requirements for the long-lived manned space station now being studied by NASA indicates that at least one to one-and-one-half kilowatts per man will be required in orbit. Initially the Skylab will house only a few astronauts for a period of two to three months at a time. But eventually we will see huge space stations in operation supporting perhaps up to 50 spacemen and spacewomen for even longer stays in orbit. For such missions we are now developing SNAP reactors in the 25 to 50 kilowatt range.

Of course on deep space manned missions nuclear-electric systems take on even more significance because of the greater variety of energy requirements of the trip. In order to survive in the hostile environment of space, man must take along, or generate within his spacecraft, food to eat, water to drink, and oxygen to breathe. He needs electric power to preserve, prepare and purify these, to light his cabin and maintain it at a temperature and pressure he can tolerate, to provide the energy needed for communication and for the hundreds of other mechanical operations required during the mission.

Because of the possible duration of future space missions—trips that may extend to years away from any source of supply—considerable thought is being given to the recycling of materials in the spacecraft. In fact, an interesting experiment is going on right now in Huntington Beach, California, which may hold great significance for future manned space flights. A four-man crew is living for 90 days in a simulated spacecraft in which their only supply of water is that being recycled from their own waste fluids. For this experiment the AEC has provided NASA with a plutonium-fueled heat source to operate a distillation and vapor filter system that can produce about one pound of bacteria-free drinking water per hour from perspiration, respiration and urine. Such water has already been tested to be more potable than ordinary tap water, with no taste problem and no need of chemical treatment. This water recycling system will operate anywhere in space on a nuclear power system separate from that supplying power to the other spacecraft's functions.

Before moving on to the nuclear rocket let me touch on one more use of SNAP power in space—this one on the surface of the moon where two nuclear energy sources are already at work. Future Apollo missions will see the astronauts carrying out more extensive explorations on the lunar surface. To cover the ground necessary for their wide-ranging sorties from their landing craft, and to haul equipment and materials with them, they will need to use the Lunar Roving Vehicle now being developed by NASA. At first, for short trips, this vehicle will be able to operate on chemical batteries. But if its range and operating time is to be increased, say to the 25 to 50 mile range or more, nuclear-electric power supplies will be needed to move this golf-cart type vehicle across that much of the rough lunar terrain. Of course, NASA has one misgiving about these vehicles. If they prove too successful future astronauts may be tempted to bring a set of clubs on a future mission to attempt a little "weightless golf." One astronaut has already been suspected of mapping out a nine-hole course or the Sea of Tranquility. The nine holes are already there, but putting into those craters might prove to be the toughest part of a game of moon golf.

But before getting carried away by the potential of nuclear-electric power in space, let's take a look at the other basic use of nuclear energy in space—the nuclear rocket propulsion that is going to allow us to cover great distances with a heavy payload, both men and supplies, more economically and efficiently.

The nuclear rocket operates on the same principle as the chemical rocket. However, unlike the huge chemical rockets which must burn tons of fuel and liquid oxygen per second to produce its thrust, the nuclear system uses the heat of a reactor to expand liquid hydrogen into the escaping hydrogen gas that produces the rocket's propulsive force. A rocket's efficiency is measured in terms of what engineers call "specific impulse"; that is, the pounds of thrust per pound of propellant flow per second through the rocket's exhaust nozzle. And the nuclear rocket we are developing will have a specific impulse value at least twice those of the best chemical rockets today.

Lest you get the impression that the development of such a nuclear rocket is as simple as its principle sounds, let me point out what is involved in it. What we must do is build a flyable reactor, little larger than an office desk, that will produce the 1500 megawatt power level of Hoover Dam and achieve this power in a matter of minutes from a cold start. During every minute of its operation, high-speed pumps must force nearly three tons of hydrogen, which has been stored in liquid form at 420° F. below zero, past the reactor's white-hot fuel elements which reach a temperature of 4,000° F. And this entire system must be capable of operating for hours and of being turned off and restarted with great reliability.

This has been the goal of the AEC–NASA nuclear rocket program, called NERVA (for "Nuclear Engine for Rocket Vehicle Application"), and I am pleased to say that we have made significant progress toward that goal. Last year we completed a series of ground-experimental tests of the NERVA system that included 12 series of power tests. The last test included 28 starts, almost four hours of operation at significant power levels and controllability demonstrations over a wide operating map. All NERVA effort is now being applied to the development of this 1500 megawatt engine with its 75,000 pounds of thrust for flight testing in the late 1970s or early 1980s.

Now, how are we going to use this efficient nuclear rocket when it is available for space flight? The nuclear rocket will become the workhorse of the next phase in our space activities. According to a report of the President's Space Task Gorup, it will be used "for transporting men, spacecraft and supplies between low Earth orbit and geosynchronous orbit and for other deep space activities." Let me give you some idea of what this means and some of the missions that will be possible with the help of nuclear rockets.

To begin with I should make clear that nuclear rockets will be second and third stage rocket vehicles that will be boosted into space by chemical rockets. Once in space they can be "parked" in orbit, started up and shut down there, serviced there, and from that orbit used individually or assembled in a variety of clusters depending on the mission mapped out for them.

One of these missions might be to operate a shuttle service moving large payloads between low Earth orbit and a more distant synchronous orbit. Another might be to operate spacecraft used as a space rescue squad. Still another might be to transport a repair and supply service to space stations and various satellite networks. One of these would no doubt be a global communications satellite system in which three TV satellites 22,000 miles from the Earth could transmit programs directly to TV receivers anywhere on Earth without the necessity of ground-based relay stations. Such synchronous TV satellites, by the way, would need high-power nuclear-electric sources to operate.

The nuclear rocket shuttle would also be used for a Lunar Ferry Service to carry men and supplies back and forth between Earth orbit and Lunar orbit. This efficient service, possibly combined with the use of recoverable, refuelable chemical boosters, would make it far more economical to maintain manned bases on the moon, and eventually a larger Lunar Colony.

The day may come—and I will not try to predict when it will be—when a substantial Lunar Colony will be open to a limited number of tourists from Earth. What might such a trip be like? You would board your "Lunar Limited" at an international space center for the brief trip into Earth orbit and perhaps an Orbiting Space Terminal at which your Nuclear Shuttle would be waiting. There would be a short stay in orbit to allow you to do some "earth-watching" and snap a few pictures of your favorite continent to show the folks back home. (Of course, if you forgot your camera, there would be plenty of postcards or slides for sale at the terminal newsstand or souvenir shop.) After an orbit or two you would board the Nuclear Shuttle and leave for the three-day trip to Lunar Orbit. Here you would disembark and enjoy a short stopover at the Lunar Orbit Terminal for some spectacular views of the Earth and the Moon—then into your descent craft for a gentle touchdown at the Moonport just a short distance from the famous Lunar Hilton. Transportation for you and your luggage (which you notice seems to weigh hardly anything even though your wife, as usual, brought far too much) would be provided by the hotel. There is no need to go to the Hertz or Avis Rent-A-Roving Vehicle desk. But you might want to try one of these vehicles later in your stay to do some crater hopping.

Once in the Lunar Hilton you would be able to change from your spacesuit to more casual clothes. Here you would enjoy many of the comforts of home because the energy of a nuclear power station is available to provide the controlled climate, light and electricity needed by the colony. Much of your food would be that grown in lunar hothouses or synthesized in lunar food labs. And your water supply would be esesntially the same water your cousin Albert used on his moon trip a few years ago—something which you try not to think about and certainly don't complain about in front of your children because this would label you as embarrassingly "old-fashioned."

One of the highlights of the stay would be, of course, that unforgettable moment in the domed dining room and cocktail lounge when you enjoyed your Moon Martini while watching a spectacular Earth-set.

The trip home, after a few days of lunar surface excursions, would provide many additional sights worth seeing, the greatest one, no doubt, being the growing Earthscape as the home planet seemed to rise to greet you upon your descent in the final hours of your trip. The whole experience would be incredible and even cousin Albert's reminder that he was there first wouldn't make it less so.

But now let me conclude with an even more spectacular space trip to be made possible by nuclear power—and one that will probably take place long before the slightly fantasized trip I just described. What I am speaking of is a manned mission to Mars which may be possible sometime in the 1980's, and to which considerable thought is already being devoted by space scientists and engineers. How would such a trip be carried out, and particularly what would be the role of the nuclear rocket in making it possible?

There are various ways in which a manned mission to Mars could be conducted. One concept under consideration would employ two spacecraft traveling separately. Both would be boosted into Earth orbit by huge chemical rockets where their nuclear stages would then take over for the two year round-trip to the distant planet. One of these spacecraft, however, would be an unmanned supply ship which would leave a few days prior to its manned mate. The manned craft would rendezvous with the supply ship in Mars orbit where the nuclear stages would be "parked" while men and supplies made the descent to the planet's surface in chemically powered craft. When the astronauts' explorations and work had been completed they would ascend to their "parked"' nuclear vehicles for the return back to Earth orbit.

Another concept for the mission to Mars involves two manned spaceships, each propelled by a side-by-side configuration of three nuclear rocket stages, and each carrying a six-man crew with their own supplies. As in the other mission I described, these would be boosted by chemical rockets into Earth orbit, in which they would rendezvous and be assembled, and from which they would all depart for the trip to Mars. In this concept the two outer nuclear rockets on each configuration would propel the manned spacecraft on its course to Mars, then separate and return to Earth orbit for reuse. The middle rocket "parked" in Mars orbit would be used for the return flights after the astronauts had completed their work on the surface of Mars. Both of these concepts, by the way, consider about a 90-day layover in Mars orbit with six men of the total crew descending to the planet for about a month of exploration and surface experiments.

When we have been successful in exploring Mars we may attempt manned missions to more distant planets. For these trips we will probably use ion propulsion systems using large thermionic reactor systems capable of generating megawatts of electricity. This electricity would be used to produce the heavy ions that, directed through a thruster, would give this type of rocket system its propulsive force. Ion rockets with their high specific impulse can, over great distances, build up tremendous velocities on a relatively very weak force operating continuously. Therefore trips to outer planets may be reduced in time from decades to years. And if we should ever venture out of our solar system ion rockets would probably take us on such a journey.

All this may seem fantastic, far beyond what mortal man should consider—but then so did a landing on the moon not too many years ago. In speaking to the National Press Club in Washington, D.C., shortly after that moon landing, Dr. Thomas O. Paine, Administrator of NASA, answered the question raised about our going to Mars this way:

"The Mars voyage would be less demanding than those our ancestors took in sailing ship days under conditions that were a good deal worse than we will build into this nuclear ship. The big question is not the technology and not the crew; it is whether the national (or international) desire to go to Mars will exist."

I believe that desire will exist. Furthermore, I believe that with the will and the desire to work and make the necessary sacrifice we can both raise the level of our life on this Earth and continue to raise our eyes to the stars. The desire for a better Earth and a higher life for all men on it is not necessarily incompatible with the quest for more knowledge—even knowledge of the tiniest particle of the atom or the most distant star. We must venture, we must dare, and we must grow mentally and spiritually to survive. An editorial in the Washington Star during the reaction to the near tragedy of Apollo 13 stated this thought most eloquently and succinctly when it said:

"The danger to the human species and to life itself will come if man finally decides that he has learned all that is worth knowing and gone as far as he needs to go. When life stops hoping, wondering and reaching, the retreat to the safety of the primordial ooze will begin."

There are some who say that the greatest lesson all our space activities have taught us is just how precious our own Earth is. If this is true, what a great and important lesson it is—one to appreciate and urgently act upon. But there will be many more lessons to be learned in space and through the important cooperative efforts that space exploration demands. I am pleased that nuclear energy will play such an important role in space. It is one more way in which the atom, used in peace and by men of good will, can advance the human race. I hope we will use it wisely in this way and in all ways that will serve the best interests of men who share this precious Earth and all it has to offer.

ANNIVERSARY OF WARSAW UPRISING AGAINST THE NAZIS

Mr. SCOTT. Mr. President, tomorrow we commemorate the anniversary of the Warsaw uprising against the Nazis, August 1, 1944. The courageous Armiia Ludowa, the home army, which had for years been seriously hampering the German war machine, now mobilized the entire city of Warsaw.

A revolt that was intended to liberate Warsaw in 1 week with Russian aid became a nightmare of terror to the Poles. Forsaken by the Russians, the Poles fought on valiantly with small arms, rocks, and bottles of petrol. Over 250,000 Poles were casualties in Warsaw. After 63 days of privation, the valiant citizens were forced to surrender on October 2.

Their uprising, although a military failure, lives on as a symbol for all freedom-loving people. Their efforts exemplify the soul of Poland—an intense, undying desire for freedom. Poles everywhere dream of the day when Poland will once again be unharnessed from the reins of oppression. I think the most eloquent tribute that can be offered to these courageous people is the text of one of the last radio messages to come out of Warsaw before the surrender:

> Your heroes are the soldiers whose only weapons against tanks, planes and guns were their revolvers and bottles filled with petrol. Your heroes are the women who tended the wounded and carried messages under fire, who cooked in bombed and ruined cellars to feed children and adults, and who soothed and comforted the dying. Your heroes are the children who went on quietly playing among smoldering ruins. These are the people of Warsaw.
>
> Immortal is the nation that can master such universal heroism. For those who have died have conquered and those who live on will fight on, will conquer, and again bear witness that Poland lives when the Poles live.

To this I can only add: These are the people of Poland. I salute you.

THE APPROPRIATIONS FOR THE OFFICE OF EDUCATION

Mr. MOSS. Mr. President, in general, I support the conference committee report on the appropriations bill for the U.S. Office of Education and commend the distinguished chairman of the Senate Appropriations Subcommittee (Mr. Magnuson) and his colleagues on the conference committee for their vigorous support for the Senate position on this bill.

I must, however, express disappointment that the conference committee did not allow the full authorized amount—approved by the Senate—for the Bankhead-Jones land-grant teaching funds. This program represents the oldest and by all measures the soundest partnership between the Federal Government and the States in providing educational opportunities for American youth. This principal should be expanded and extended, not curtailed and weakened. This is why I sponsored the bill that would, if approved in the House, provide land-grant status for the College of the Virgin Islands and the University of Guam. The bill, if enacted, would end a longstanding inequity of these areas as the only remaining ones in the United States that do not have the advantages of a land-grant college.

This is why I would hope it would be clearly understood that the $2 million cut in the Bankhead-Jones funds proposed in the conference committee report is occasioned by the difficult fiscal situation, rather than as an opening step in the phasing out of this historic and fundamentally important program.

These funds have long been the cement that helps to hold together the land-grant colleges and universities as a unique national system of higher education in this country, unmatched in the world for its philosophy of service to society or its contributions to the welfare of those it serves. The land-grant system has been termed America's greatest contribution to the history of higher education in the world, and is presently one of our most significant export items.

I agree with the distinguished chairman of the Senate Appropriations Committee that to adopt a method of repeal of existing law by lack of appropriations is "unconscionable," and I would note that the last full-scale review of this program by the appropriate legislative committee was carried out 10 years ago—in 1960. Distribution of these funds is based, in part, on population, and, of course, our population has increased during those 10 years. It is clear, therefore, that funds for the program, by virtue of this increase, have already been reduced.

I therefore urge that before this body is again called upon to act upon an appropriation measure for this vitally important program a detailed reassessment is made of it by the legislative committee with jurisdiction, so that my colleagues and I might have before us at that time recommendations based upon a full and open study of a program I consider to be of unique importance to the past and future development of this country.

THE ROLE OF YOUTH IN THE POLITICAL PROCESS

Mr. MANSFIELD. Mr. President, on Wednesday, the Senator from Massachusetts (Mr. Kennedy) testified before the Youth Participation Subcommittee of the McGovern Commission on Party Structure and Delegate Selection, which was chartered by the 1968 Democratic National Convention. His testimony was very thoughtful and most relevant. I ask unanimous consent that it be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Senator Edward M. Kennedy

I am honored to appear before this distinguished Subcommittee on Youth Participation and to have the opportunity to participate in these important hearings on the role of youth in the political process.

Already, the Commission on Party Structure and Delegate Selection has made a major contribution to the Democratic Party and American democracy. If the Commission perseveres, the guidelines established by the Commission in its report "Mandate for Reform," issued last April, will eliminate many of the inequities and injustices that for too long have marred the delegation selection process for our National Convention. Equally important, the guidelines will insure far more effective participation in the life of the Democratic Party by all its members, young and old alike.

In light of recent events, it is entirely appropriate that the Commission today is placing special emphasis on the role of youth in the life of our political system. Next January 1, the Supreme Court willing, close to eleven million young Americans between the ages of 18 and 21 will become eligible to vote. Thanks to the historic legislation passed enthusiastically by a Democratic Congress, and reluctantly signed into law by a Republican President, millions of young citizens will begin to enjoy the most basic right of all in a democratic society, the right to vote.

By lowering the voting age to 18, the United States as a nation has passed another major milestone in our long march toward fulfilling the promise of democracy for all our people. We have taken an effective step toward bringing young Americans into the mainstream of the political process and institutions of the nation. Not for fifty years—not since 1920, when the right to vote was granted to women—have we taken a comparable step to broaden the base of our democracy and increase the responsiveness of our government.

We need young Americans in the Democratic Party. We need their ideas and their ideals, their spirit and their dedication. Already, through their historic role on issues like Vietnam, Civil Rights, and the environment, they have taken the lead on our most crucial social problems at home and abroad. The Silent Generation of the Fifties has given way to the Restless Generation of the Sixties and the Seventies. Our youth have been eager to take the high road of change and progress, when too many others have been content to take the low road of expediency and the status quo. More than any others among us, our youth are willing to hold up a mirror to society, and probe the sores that others would ignore.

In short, America's youth have become the conscience of the country. H. L. Mencken put it wisely when he said, "Youth, though it may lack knowledge, is certainly not devoid of intelligence; it sees through shams with sharp and terrible eyes."

At the same time, we must admit the disturbing truth that there has been a severe erosion of loyalty to the traditional party structure among young citizens in recent years, especially college youth. Five years ago, Republicans and Democrats enjoyed a substantial campus following among our nation's youth. All around us now, we see skepticism and cynicism emerging on every college green. We must recognize the massive defections we have suffered in recent years, especially among the idealistic young Americans who should become our leaders of tomorrow. If as leaders of today we do not—or cannot—respond to the challenge, school children a hundred years from now will be reading of Republicans and Democrats, like Whigs, as parties whose star rose and shone brightly for a period in our history, but whose only relevance now is as fossils of the past.

It is no comfort to know that both our large political parties are suffering the same sort of campus casualties. Whenever I travel to colleges today, I see the small craft warnings that the two-party system is in trouble, and that the trouble is getting worse. The shift of American youth way from the existing parties and toward an independent splintered status is a challenge that threatens not only the future of both our Parties, but also the future of our nation.

By history, affection, and present momentum, I believe that the natural home of most of these new young voters lies in the Democratic Party. No amount of controversy between Old Politics and New Politics, no amount of controversy about the generation gap, can obscure the fact that the Democratic Party is the party of action and ideals, the party of change and progress, the party that most consistently looks to the only future America has—our youth.

To be sure, the 18 year old vote is not a panacea. It is not a panacea for the generation gap, or for the alienation and disaffection of our youth. Nevertheless, it is a significant first step toward meeting the demands of youth for a change and for a greater voice in our political system. Just as the extension of the franchise to black Americans by the Fifteenth Amendment and the Voting Rights Acts of the Sixties, and the extension of the franchise to women by the Nineteenth Amendment, was a partial response to legitimate demands for a greater voice in the political process, so the vote for 18 years olds is an overdue response to the legitimate demands of young people to influence the decisions by which their lives are governed.

If one thing is clear, however, it is that young voters will not come to the Democratic Party unless the Party reaches out to them. That is why our efforts over the next few months and years are so critical. That is why I am so pleased that Senator McGovern and this Commission are already blazing the trail toward greater participation of future generations of young Americans in the life and spirit of the Party.

In essence, the message the Democratic Party needs to get across to young American voters is not so much that the 18 year old vote was a Democratic triumph—although it surely was—as that the Democratic Party has the responsiveness and capacity for growth and change that makes us the party that deserves their support.

The political impact of the new American voters is most usefully analyzed by trying to answer two questions—will eligible young voters actually go to the polls? And, how will they vote? Neither of these questions is easy to answer. Already, they have received widely divergent answers from various election experts.

With respect to the question whether eligible young voters will actually go to the polls, the most convenient base line is the 1968 election. At first glance, the figures are ominous in their indication that large numbers of young Americans will not participate. In the four states where persons under 21 are already eligible to vote—Georgia, 18; Kentucky, 18; Alaska, 19; Hawaii, 20—about 500,000 persons under 21 were eligible to vote in the 1968 Presidential election, but only one in three actually voted. For the nation as a whole in 1968, a dismal pattern of voting participation according to age was established:

Percent of eligible voters who actually voted

Age:	
18–21	33
21–24	51
25–29	60
30–64	72
65 and over	66
All ages	61

The overwhelming fact behind these figures is the shocking lack of voter participation in our population as a whole. Only 61% of our eligible voters actually went to the polls in 1968. 120 million Americans were eligible to vote, but only 73 million actually voted. 47 million stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

Indeed, it is fair to say that of all the great democracies of the Western World, the voting record of America is probably the worst. In Britain last June, 72% of the voters went to the polls, and they called it one of the lowest turn-outs in history, the lowest since 1935, the cause of the Labor Party defeat. In the most recent elections in other democratic nations, the turnout has been even higher—75% in Canada, 80% in France, 87% in Germany, 89% in Sweden and Denmark.

The tragedy of our election apathy is compounded by the fact that the highest proportion of America's non-voters are in the under-30 age group. They have never voted in proportion to their number. They are the worst drop-outs in America today—dropouts from the political process, dropouts from our democracy.

In 1963, President Kennedy's Commission on Registration and Voting Participation expressed its deep concern over the low voter turnout in the 21–30 year old age bracket. The Commission attributed the low participation to the fact that "By the time they have turned 21 . . . many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives."

Because of the consistently low turn-out of young voters in the past, many election experts take the view that lowering the voting age to 18 will have a negligible effect in the United States. They say the vast majority of newly enfranchised young Americans will not vote anyway. There are several reasons why I do not share this view.

In the first place, the extraordinarily low electoral participation in the 18–21 age bracket is not necessarily an accurate reflection of the pattern that will prevail in 1972. The vast majority of 18–21 year old voters in 1968 was in Georgia and Kentucky, where voter turn-out among all age groups was substantially lower than in the nation as a whole. Thus, as a starting point, it is not unreasonable to assume that voter participation in the 18–21 age group will be equal to the national participation of the 21–24 age group, or even the 25–29 age group. At the very least, 50–60% of the eligible new citizens—5–7 million new voters—are likely to cast their votes in 1972.

In the second place, as the 1963 Commission recognized, many young citizens eligible to vote at 18 will have the opportunity to participate in elections before they leave the educational process. They will receive their stake in the system at the time when they are most receptive.

Both the exercise of the franchise and the expectation of the franchise provide a strong incentive for greater political involvement and understanding. By lowering the voting age to 18, we encourage greater political activity by all the nation's youth, not just those in the 18–21 age group. By lowering the voting age, we give a new incentive for political activity in both the pre-18 age group and the post-21 age group. We extend the franchise downward and upward. We enlarge the meaning of participatory democracy in our society. We give our youth a new arena for their idealism, their activism, and their energy.

We would have a different country today if 18 year olds had voted in the past. We will have a different country tomorrow when 18 year olds begin to vote, because they will not be drop-outs from the political process. They will learn the voting habit in school, and they will keep it all their lives.

In the third place, we are slowly eliminating many of the artificial obstacles to the participation of the under-30 age group in politics. In the past, barriers to voting like excessive residency laws, arbitrary registration requirements, and inadequate absentee ballot procedures fell especially heavily on younger members of the electorate, because of their relatively higher mobility.

The same Federal statute that has just lowered the voting age to 18 also eliminates residence requirements longer than 30 days for voting in presidential elections, and provides greater access to absentee ballots. For every barrier of this kind that we tear down today, we open up a new route to political participation by young voters tomorrow.

In the fourth place, and perhaps most important, any extrapolation for the future from low voter turnout by young Americans in past elections is suspect. The primaries with Senator McCarthy and Senator Robert Kennedy in 1968 launched a revolution in the role of youth in politics. They gave new meaning to participatory democracy and revitalized the techniques of mass participation in politics. The events of 1970 have shown us that the change is here to stay. Out of the ashes of Cambodia and Kent State have arisen hundreds of organizations, on thousands of campuses, involving tens of thousands of students eager to establish new priorities by changing the system from within. Groups like Project Pursestrings, and the Bipartisan Congressional Clearinghouse in Washington, and the Movement for a New Congress in Princeton, are providing expert coordination, research and media materials for political candidates, antiwar organizations, volunteers and voter registration activities. The American Council on Education has negotiated effective guidelines with the Internal Revenue Service for universities to participate in the Princeton Plan so that students may join the homestretch of this year's election campaigns. The two week recess before elections promises to become a permanent part of the American university calendar.

Already, young political workers have fulfilled the promise of 1968 by demonstrating that their interest is not limited to presidential campaigns, but applies to other elections as well. Experts have predicted that if the peace forces in both parties can mobilize the kind of volunteer support they had in New Hampshire and California, Oregon and Wisconsin in 1968, they can turn Congress around at the grass roots in 1970.

In September 1969, Michael Harrington, with the help of college students, young married couples, teenagers and suburbanites, won for the Democrats a 93 year old Republican seat in Massachusetts. In 1970, student volunteers, coordinated by the Movement for a New Congress, have already produced a surprising showing for their candidates in several primaries in New York. Analysis of the New Jersey primary shows that the Movement's effort in a losing cause still generated a substantial swing in favor of its candidate, and that the initial claims of a "Kiddielash" against the students are largely myth.

Indeed, a survey in the aftermath of the New Jersey primary suggests four significant facts about the growing role of youth in politics:

By an overwhelming 6-1 majority, the voters in the district welcomed student canvassers.

A truly infinitesimal minority—less than 1% of the voters—said they would be influenced by student canvassers to vote against the students' candidate.

The best areas for student canvassing are areas that are marginally opposed to the students' candidate.

Most important, student canvassers do increase their candidate's chance of winning. The survey showed the students in New Jersey developed a 2-6% gain for their candidate, and indicated that in a well-organized campaign with carefully selected canvassing, the gain from student participation might rise as high as 8-10%.

Thus, the results of the last three years are beginning to reveal the emerging political truth that the right candidate with a small budget and thousands of volunteers can aspire to beat the wrong candidate, even with a big budget.

The greatest tragedy that could happen

now would be for us to allow this enormous surge of energy, interest and participation in political process to subside after the November election. "All dressed up and nowhere to go" cannot be the epitaph of the youth movement of 1970. There is too much at stake, too much to be fulfilled, too many goals within our grasp for us to allow the momentum to fade.

I am confident that the answer to the question—Will young Americans vote?—is a clear yes. They will go to the polls in extremely significant numbers, and the Democratic Party cannot afford to ignore them.

The much more difficult question is, How will they vote?

The figures are in conflict. They point in opposite directions.

The greatest problem in predicting how young Americans will vote is the confusion that exists in conventional thought about the meaning of the word "youth"—our tendency to assume that young citizens will vote in a monolithic pattern.

Nothing could be further from the truth than the image of young voters created by the film of a few years ago, "Wild in the Streets," in which the voting age was lowered to 14, a pop singer in his early twenties was elected President, and citizens over 35 were led away to compulsory LSD centers.

The source of the confusion is that when people say "youth," they see a certain kind of student, not a workingman. Yet, nearly half of all the newly enfranchised voters in the 18–21 year old age bracket will be workingmen, not students.

According to projections from recent census data, the profile of the 11.5 million potential voters between the ages of 18 and 21 in 1972 will be as follows:

4.9 million will be in school or college: 900,000 in high school; 1.7 million in college and living at home or with relatives; and 2.3 million living in college communities.

4.1 million will be working.

1 million will be housewives.

800,000 will be in the armed forces.

These are figures that the Democratic Party cannot afford to ignore. We simply cannot allow a love affair with campus youth on the issue of the war to weaken or obscure the close tie the party has always had with the labor movement and the working man. The umbrella of the Democratic Party is broad enough to cover every type of young American—the young hard hat as well as the young dove, the worker as well as the student. We are the party of the poor, the black, the young, and the college, but that is not all we are or ought to be. We must also reach out to the unpoor, the unblack, the unyoung, and the uncollege. We must be a party for all seasons, capable of adapting to all the constructive tensions in our society, capable of building the newer world we seek for all our citizens.

The growing gulf between our students and our workingmen—symbolized by the violence on Wall Street and St. Louis in recent weeks—may well be the worst division that now exists in our party and our society. In 1969, a Yankelovich survey showed there is a greater gulf between young college persons and their non-college contemporaries, in terms of basic attitudes and beliefs, than there is between young persons and their parents. We have become so pre-occupied with the generation gap that we have failed to see the class gap that is opening under us and that threatens us far more seriously.

The point is stated well in a report by the University of Michigan Survey Research Center to the American Political Science Association in the fall of 1969:

"Although privileged young college students, angry at Vietnam and the shabby treatment of the Negro, saw themselves as sallying forth to do battle against a corrupted and cynical older generation, a more head-on confrontation at the polls, if a less apparent one, was with their own age-mates, who had gone from high school off to the factory instead of college, and were appalled by the collapse of patriotism and respect for the law that they saw around them."

No alliance between the Democratic Party and young students on the war or any other issue need or should preclude the close ties we have always had with young workers and all the other groups that helped to build the party's greatness in the past. With all the emphasis we place on youth, we must still remember that the age of the median voter in 1968 was 47, and that even with the reduction of the voting age to 18, the median age throughout the Seventies will still be well over 40.

The problems and issues facing our country demand the interest of all our people. Without the support of a broader range of citizens, we will never find the solutions for which we are searching. Only through an open exchange of views can we heal the divisions in our society and our youth. In sum, I believe the Democratic Party is a better forum for resolving these differences than the public streets of New York, Chicago, or St. Louis.

As Democrats concerned with improving the political process in America, and strengthening the procedures of our Party, we can take many steps through this Commission to encourage the participation of youth and to close the gaps that exist:

First, consistent with its mandate, the Commission should treat the federal law lowering the voting age to 18 as a pledge of immediate party reform and as a catalyst for accomplishing all the changes that are needed. Specifically, the Commission must insure that young voters are given an effective opportunity to participate in the delegate selection process for the 1972 Democratic National Convention. The Commission has already adopted three significant guidelines to bring young Democrats into the selection process:

State parties are required to take affirmative steps to encourage representation of persons in the 18–30 age group in the delegation to the National Convention. The guideline requires that the representation be in reasonable proporiton to the number of these young persons in the population of the state.

State Parties are required to amend their Party rules to allow and encourage any Democrat 18 years of age or over to participate in all Party affairs.

State Parties are required to make every feasible effort to repeal or modify state laws that interfere with the two preceding requirements.

Enactment of the statute lowering the voting age to 18 puts strong teeth into these guidelines, and will surely facilitate their implementation, if only the Commission continues the strong pressure it has now begun. The language of the statute makes clear that its provisions apply to all primaries and elections, Federal, State, and local. The statute is broad enough to cover the delegate selection process as well. It will apply to primaries, party conventions, presidential preference primaries, caucuses and all the other elections held as part of the delegate selection process for the 1972 National Convention. Wherever rank and file party members participate directly in the selection of delegates, the new Federal law requires that 18 year olds be eligible to participate. The Commission should begin now to guarantee that the law is implemented by every State party in every state.

As the campaign of 1960 and the spring of 1968 made clear, a sizable percentage of the young can be attracted to the Democratic Party. We know how deeply disappointed and disillusioned they became at our 1968 Convention. We know we must correct the mistakes of that Convention, especially in the delegate selection process. Most important, in 1972, we must give serious consideration to taking action, even to the point of a credentials challenge, against state delegations that refuse to comply with all the great guidelines of the Commission's Mandate for Reform. It is not a time for lip service. It is a time to rescue our ideals with action.

Second, the Youth Participation Subcommittee should maintain the closest possible liaison with the nationwide political movement now under way in connection with the 1970 elections. Throughout America, young citizens are working to elect anti-war candidates this fall, and the overwhelming majority of these candidates are Democrats.

As perhaps never before in our history, we are conducting a great national experiment in mass participation in the political process. The nation is our laboratory. In hundreds of campaigns across the country, away from the glare of presidential politics, hundreds of thousands of young men and women are learning the techniques of organization, voter registration, door-to-door canvassing, issue research, mass mailings, fund raising, citizens' committees, radio, TV, and billboard advertising, and all the other functions, great and small, of the art and science of politics. The data we collect from Federal, state and local contests around the country will be the raw material for the role of youth in every future election, especially the 1972 presidential campaign. As Democrats, we can profit from the experiment of 1970, but only if we participate as much as possible in what is already going on.

Third, the Subcommittee should make a detailed study of the impact of 18 year old voting this year in the British elections, as well as the ways in which both the Labor and Conservative Parties prepared for the election and appealed for the support of youth. Just as the American experience in this year's Congressional elections can tell us much about the effect of youth in influencing the way others vote, so the British experience can teach us about the direct political impact of young voters in national elections.

Similarly, the voting age has just been reduced to 18 in West Germany. Since no national elections have yet been held in which young voters could participate, the situation in Germany is much like that in the United States, and we might well learn a great deal of useful information from the German experience and preparations.

Fourth, the Commission and the National Committee should encourage young Americans to broaden their horizons this year to encompass state and local elections. We cannot place our emphasis in 1970 solely on electing the 92nd Congress. Throughout the decade of the Seventies, vital decisions for the future of the nation will be made in the state and local legislatures and the city and county councils of America. Legislation to redistrict Congress and state legislatures will be enacted in every State to implement the changes of the 1970 census. State legislatures will have the task of voting on Constitutional amendments that may in large part determine the direction of our society for the rest of the century and beyond. We cannot leave the job half done, by focusing too closely on Congress alone. We need to get to work now, to insure that these and other decisions are made in the highest traditions of our democracy, by institutions that are truly responsive to our people.

The Democratic Party should also take the initiative in seeking out new political candidates. The party must take the lead in bringing new faces and new ideas into our society. Intelligent and energetic young candidates will give the party the capacity it needs to grow and respond to changing times. Far more often than not, the allegiance of youth goes to issues and ideas rather than to personalities. New candidates and fresh ideas can help to end the disillusionment and disaffection of the young, and help us capture the imagination of the nation.

Fifth, once the Congressional elections are over this fall, I hope the Subcommittee will preserve the momentum of 1970 by planning a program for the Democratic Party of continuing political education for American youth. We must build on the start we have made. Above and beyond the requirements of law, our State parties must be encouraged to bring young members into the fold. State and local elections in 1971 will be the testing ground for the presidential elections in 1972. We should begin now to implement the proposals of the Democratic National Committee's Freedom to Vote Task Force. We will need guides to registration and voting for distribution to every new voter. We will need voter registration days in the high schools, and over demonstration days in the community. We will need handbooks and proposals for young political activists. We will need more effective registration and absentee ballot procedures, and more extensive citizen participation and teacher training programs in the schools and in the communities.

Sixth, the Commission and the Democratic Party should take the lead in the movement to reform our election laws, especially those dealing with the financing of political campaigns. Hundreds of thousands of young citizens working in primary campaigns and election campaigns throughout the country are learning about our election laws and their shortcomings. They see the glaring flaws. They are appalled by the gaping loopholes. As many experts have observed, our existing election laws are more loophole than law. Their limits do not limit, and their penalties are empty threats.

Perhaps the most serious problem in the American political system in 1970 is the problem of campaign financing. The skyrocketing cost of running for public office—especially the cost of television—has produced a situation in which the potential candidate of modest means is being driven from the field. Without a source of independent wealth, he faces the Hobson's choice of a shoestring route, he faces almost certain defeat. If he goes the route of the large contributor, he inevitably creates the sort of ambiguous relationship in which he is obligated—or appears to be obligated—to forces of wealth and influence.

Another major problem in our election laws is the reporting, disclosure and limitation of campaign contributions and expenditures. We need a thorough overhaul of these laws, in order to halt the endless proliferation of political committees and the cynical exploitation of existing loopholes.

In addition, we need new incentives to broaden the political base by encouraging campaign contributions from small donors. Through reforms like a tax credit for political contributions, we can bring millions of new participants, especially the young, into the political process by giving them a better stake in the system they are building.

In an era where the name of the game is reform and where the voice of youth is frequently the voice of disillusionment with the "system," the call for reform in this aspect of the political process is strangely muted. The issue will not stay silent for long. Youth is already beginning to prod the monster into public light.

To me, this is one of the major areas that is ripe for reform, an area where we ought to begin. If we can't keep our democracy running and responsive, no amount of reform in other areas can succeed.

Seventh, and perhaps most important, although the Democratic Party must make room for the young, it must make room for them not as youth, but as fellow citizens who have the talent to help the Party reach the goals we seek. For too long, the party has tended to put youth in a separate pigeonhole. There can be no Youth Division in the Democratic Party. Instead, young voters belong part and parcel of our same great organization with everybody else. The only tests for real participation are ability, leadership, and the priceless quality of judgment.

These are the goals I think this commission must hold before it. These are the reforms I believe the Democratic Party must adopt.

For, in hundreds of respects, our youth have set a far-reaching example of insight and commitment for us to emulate. They deserve the respect and support of the Democratic Party. They deserve to serve with us as partners toward our future. Let us see what they do.

PRURIENT ADVERTISEMENTS AND PORNOGRAPHY

Mr. SCOTT. Mr. President, if we let this summer pass without taking action on legislation to curb the distribution of prurient advertisements and the mailing of pornography to children, we will have been remiss in our responsibilities to the hundreds of thousands of citizens across the country who have continued to ask for action in this area. In spite of the many bills which have been introduced in this Congress to protect the privacy of the home and to protect our children from salacious materials, no committee in the Senate has yet taken action in this area.

More than a year ago, the President called upon the Congress to enact legislation which would go far toward restoring to us our rights to be free from offensive materials. S. 2073 and S. 2074 are two of the measures called for by the President. S. 2073 would prohibit the use of interstate facilities for the delivery to anyone under 18 of materials which may be harmful to young people. S. 2074 would prohibit the use of interstate facilities for the distribution of commercial advertising which is designed and intended to appeal to a prurient interest in sex.

Neither of these bills encroaches upon constitutional rights. In the well-publicized case of *Ginsberg* v. *New York,* 390 U.S. 629, the Supreme Court upheld a New York statute which prohibits the sale of materials to minors when these materials could not be denied to adults. The Court found that the legislature may enact a more inclusive definition of obscenity when the statute deals with the protection of children.

Also, the Court has indicated, in several decisions, that regulation of a method of advertising is an acceptable means of legislating in this area. In *Rowan* v. *U.S. Post Office,* 397 U.S. 728, the Court upheld a Federal statute which permits postal patrons to reject advertisements they find offensive and stated that none of the recognized exceptions to the concept that—

> A man's home is his castle includes . . . any right to communicate offensively with another . . .
>
> The asserted right of a mailer . . . stops at the outer boundary of every person's domain.

Also, S. 2074 deals only with advertising and in *Valentine* v. *Chrestensen,* 316 U.S. 52 (1942), it was decided that commercial advertising is not afforded first amendment protection.

These bills, S. 2073 and S. 2074, are carefully designed and drafted to give families the protection they need against the smut peddler and yet they do not intrude upon the rights which our forefathers so wisely protected for us. As the President stated:

> American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it.

I urge the Committee on the Judiciary to report these unduly delayed measures to the Senate so that we may respond to a need which has long been recognized, long been discussed, long been of concern to millions of Americans—too long without effective action. It is time to act.

VOLUNTARISM AND THE MILITARY

Mr. HATFIELD. Mr. President, within the next month there will be a debate and vote on Senate amendment 765, an amendment which will implement the recommendations of the President's Commission on an All-Volunteer Armed Force, creating an all-volunteer military within the next year. Between now and the time of the vote, I and possibly other Senators will be introducing into the Record for the attention of Senators various statements by individuals noted for their specific knowledge of the draft and an all-volunteer military. Many of these statements were to have been given as testimony before the Committee on Armed Services in hearings on this subject, but those hearings have unfortunately been postponed. Therefore, I ask unanimous consent that a statement by Adm. Arnold E. True be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony of Adm. Arnold E. True

My name is Arnold E. True. I am a retired Rear Admiral, U.S. Navy, an Emeritus Professor of Meteorology, a graduate of the U.S. Naval Academy, Massachusetts Institute of Technology, and the Naval War College. I served on active duty in the Navy from 1917 to 1946 and was employed as a college professor from 1947 to 1968. I have had opportunity to observe functioning of the draft from the point of view of the military and also from the point of view of civilians, professors and students.

I believe that the draft should be repealed immediately. I endorse the report of the Gates Commission and recommend that it be implemented at this time. My experience, both military and civilian, supports the arguments and conclusions of this report.

I wish especially to emphasize the point that a peacetime draft is not consistent with a free and democratic society. Our Constitution places the responsibility for war and peace directly on the Congress which is responsive to the people. If the Congress provides the President with unlimited manpower, unlimited funds, and unlimited power of decision in their use, it is violating the spirit of the Constitution, abdicating its responsibility, and inviting a trend toward dictatorship.

A military juggernaut must be active in order to justify and perpetuate its existence.

If good reasons for activity do not exist, they will be invented. Military adventures such as those in Vietnam, Laos, Cambodia, and Thailand will naturally result. History is replete with examples: Alexander the Great, Napoleon, Stalin and Hitler. They usually end in disaster.

The richest and most powerful nation in the world should not have to depend upon a conscripted army in peacetime. When the Congress, representing the people, decides that the country is really threatened from external sources, it should conscript not only men for military duty but also labor and capital with the burden falling equally on all citizens.

In his address on May 30, President Nixon said that there was increasing anarchy at home and abroad. The reasons for this anarchy lie principally in the preoccupation of the U.S. and the world with military solutions to political problems to the detriment of interest in human welfare. Conscripted armies do not solve the problems of pollution, poverty, population, crime, and racial tensions.

The United States does not need a military force of 3½ million men. The external threat is largely of our own making and a response through fear to our own military build-up. In this nuclear age, there is no such thing as *national* security. The only security is *world* security. The true mission of the richest and most powerful country in the world is to lead the way to world peace through political arrangements, not wars.

The young people in our universities see the world and national problems more clearly than the older generation. When they see their Congress abdicating its powers and responsibilities and themselves conscripted into futile and unnecessary wars, they feel helpless and frustrated. A few break windows and throw rocks. More police repression only aggravates their frustration. What they demand and deserve is intelligent and reasonable leadership toward a better world.

The current Strategic Arms Limitation talks in Vienna offer an opportunity for a first step toward a better world. Continuation of conscription, activation of ABMs and MIRVs, and escalation of the wars in Asia will inspire more fear in Russia and China. Fear is not conducive to political settlements. Fear inspires counter military measures and speeds the race towards global suicide.

I urge an end to conscription now.

DIRECT ELECTION OF THE PRESIDENT

Mr. TYDINGS. Mr. President, the constitutional amendment providing for the direct election of the President—Senate Joint Resolution 1—is designed to remedy a number of specific problems found in the present electoral college system. These difficulties, when added together, have lead to a questioning of the rationality and legitimacy of our method of electing Presidents and, in 1968, raised the threat of a major constitutional crisis.

By providing for a direct popular election, Senate Joint Resolution 1 eliminated the following faults of our present system:

First. The lack of legitimacy of a system in which a candidate with a plurality or majority could lose an election to a rival with an electoral majority.

Second. The alleged bias toward very big States because of the unit rule of State electors, and toward very small States because of the three elector minimum per State.

Third. The exaggerated majority in the electoral college, as compared to popular vote totals, giving a close winner an inflated victory.

Fourth. The problem of the faithless elector.

Fifth. The unequal weight accorded to voters in different size States.

Sixth. The general irrationality and antimajoritarian aspects of this archaic institution which are difficult to justify in reasoned debate.

However, Senate Joint Resolution 1 does not eliminate the electoral college's most glaring and threatening weakness—the possibility of crisis due to a third-party candidacy. Under the electoral college, third-party candidates are generally discouraged from running for the Presidency because of the unit rule; unless a splinter party leader can receive a majority of votes in a State, he will not receive any electoral college votes. This unit rule has thus successfully discouraged ideological third-parties. Regional candidates, also, are presented with significant barriers, although these barriers are only of national scope. At the regional level, candidates such as Wallace can attract State majorities and break into the electoral college; yet chances of obtaining an ultimate majority in the electoral college from such a base remain slim. The prospect of eventual failure serves to channel votes away from this type of candidate to "second choice" candidates because it becomes clear to the average third-party voter that his vote will be "wasted" if he votes for his first preference.

Yet in spite of the existing institutional barriers to third-parties, the prospect of continued third and fourth-party candidacies continues. This is a function of the "spoiler" role that a third-party candidate can play. Under our electoral college, a third-party candidate has no effect upon the election outcome unless he can deny an electoral college majority to the election winners. Because of the peculiarities of the electoral college, this is a real possibility for sectional candidates. The possibility of triggering the unknown and awkward procedures of selecting the President in the House of Representatives is enough of a threat to any regular candidate's chance of victory and to the legitimacy of the entire election process, that the third-party candidate has extraordinary bargaining leverage. A refusal to deal with the outsider can mean defeat and/or crisis for the regular party candidates and the certainty of more wholesale political bargaining in the House.

Thus under the present electoral college system, the mechanism of resorting to a House election, when the electoral college fails to produce a majority, is enough of an incentive to create meaningful third-party challenges and the threat of a constitutional crisis, in spite of the inhibiting unit rule of the states.

The provisions of Senate Joint Resolution 1, although otherwise laudatory, create the very same problem of an incentive for third-party candidacies. In this case the trigger device is the 40 percent plurality required for direct election. A candidate outside the two regular parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. This incentive would apply to ideological as well as to regional candidates because there is no unit rule under the direct election scheme. The 20 percent figure becomes very much in reach of splinter parties when more than one outsider is running. The prospect of two candidates, one regional and one ideological, amassing 20 percent of the vote amongst them is quite realistic in the near future of American politics.

Under the direct election plan, the opportunity for crude political bargaining and threats are as available as under the electoral college. In both, an outsider can offer to withdraw immediately preceding the election and attempt to swing his followers toward a would-be victor in return for a significant political concession. While the haunting threat of a debacle in the House does not offer itself under Senate Joint Resolution 1, the maneuvering and dealing in a run-off race of the two surviving candidates would certainly be intense as they desperately wooed the disappointed followers of the third-party candidates. If experience under the French electoral system is any guide, the run-off makes the first election a test of bargaining strength leads to a further ideological hardening, and creates an atmosphere of shameless deals preceding the run-off. Given the fact that this kind of bargaining would take place under conditions of division and disappointment—it would be used only if no candidate has amassed 40 percent of the vote—cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President.

It would appear that this incentive to use the 40 percent trigger and run-off is just as great as is the present temptation to deny an electoral college majority and to the House. However, under Senate Joint Resolution 1, the initial restraint of the States' unit rule is absent. Thus, the direct election amendment will increase the attractiveness of third-party Presidential candidacies. If present political trends continue, Senate Joint Resolution 1 will bring a constitutional crisis closer to reality.

Presidential election systems do not cause splinter parties, they merely encourage or discourage them. It is the underlying problems and conflicts in our society which create new parties and political movements. As our Nation continues to feel the effects of both major domestic and foreign crises, it will no doubt experience greater pressure for splinter party groups. This is a function of the deep divisions in our society that have finally emerged and burst into the political area.

In part, this trend of political fragmentation reflects the increase in ideological and rigid political doctrines that threaten to drive the traditional American pragmatism and compromise into the past. No doubt the general politicization of issues in our society draws into the political fray fringe groups that previously suffered silently or remained dormant without hope of change. Perhaps the widespread frustration and malaise in the Nation plus a feeling of inability to influence the events that shape our destiny, drives concerned groups into strong political movements. Certainly there is little hope in the next few decades that the major schisms and problems that confront our society will disappear; it is more likely that our political parties will be the ones to vanish.

For many, substantial weakening of the two-party system would be a serious, if not crippling blow to the functioning of the American political process. A stable dual party structure serves many vital tasks of our democracy. Two strong parties are essential to maintain the competition for office amongst leaders that provides the honesty and innovation in American politics. Two stable parties provide the continuity of program needed to accomplish major change in a relatively slow moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Thus in a two party system, the parties are forced to create programs that satisfy a broad range of groups and interests. In the United States, the two major political parties have become the central institutions for moderating and resolving conflicts in our society. Our conventions, faultridden as they may be, and party machinery serve to mitigate and lessen the divisions of the Nation. Without these institutions, the whole burden of resolving conflicts would be thrust into the legislature. Under a multiparty system dogmatic ideology would flourish and compromise disappear. Executive leadership would be difficult because there would be no institution to aggregate enough political support to form a majority President. If the example of modern European parliamentary systems is of any relevance, multiparty governments means bitter conflict and governmental immobility.

Of course, ours is a society that is in desperate need of change and innovation of its policies and institutions. Many believe that the two-party system and barriers to third-parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed within a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform in order to allow change and challenge from within.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion will be stagnation.

In short, our political system desperately needs all its institutions that moderate conflict and provide for the means to change. The enactment of Senate Joint Resolution 1 would alter the presidential elections to encourage third parties and undermine one of the key institutions of conflict resolution and change in our system. We should change our electoral system, but in a way that avoids crisis and supports our two-party system.

Under the Tydings-Griffin amendment, the direct election system would continue unmodified in 99 percent of all presidential elections since it is an historical rarity for the winning presidential candidate to receive less than 40 percent of the popular vote.

In that rare case when no one received 40 percent of the popular vote, our amendment would first turn to the time honored electoral college system. If the front runner receives a majority of votes in States which have a majority of electoral votes, he becomes President. In no case can the second place candidate in the popular vote win the Presidency. The reasons for this option are clear: If no one garners 40 percent of the popular vote, there will be no majority President. The question is one of selecting a minority President who has widespread support in a manner that has respect and legitimacy. The electoral system has such legitimacy, and it is a means of demonstrating great support in our States, which are important political units in our system.

Some have pointed out that any use of the discredited electoral college system would raise questions of legitimacy. This does not seem to bear out analysis.

First, there is no possibility of either a faithless elector or the wholesale bargaining in the House—which would vote by state amongst all the candidates—two of the major objections to the present electoral college.

Second, the electoral college, in spite of its faults, retains a tremendous amount of political legitimacy. Its use as an emergency provision would not seem to draw too deeply on the reservoir of legitimacy now available.

Third, this contingency would be employed rarely; and if it were used, it would be under conditions of division and dissent which would raise questions of legitimacy under any contingency plan. Under either the amended or unamended Senate Joint Resolution 1, the contingency provisions only operate if the leading candidate has less than 40 percent of the vote. Thus large groups in the society will already have registered dissatisfaction with both regular parties.

Under a run-off, these splinter party voters are forced to vote for second choices or register their protest by abstentions. Further, the political bargaining inherent in this situation will further add to the mood of dissatisfaction and discontent. It must be conceded that this route of choosing a candidate who is the first choice of only a minority of voters will raise at least as much dissatisfaction with the method of selection as the Tydings-Griffin proposed alternative.

Fourth, only the popular vote winner could be elected under this modified electoral system.

If the leading candidate failed to receive 40 percent of the popular votes and failed to receive a majority of the electoral college, it would be clear that popular election mechanism is not enough, in itself, to select a minority President. For this reason, the Tydings-Griffin amendment would then turn to a special joint session of the newly elected Congress to select a President from the two front runners in the popular vote. Each Congressman would have one vote. No third- or fourth-place candidate would be eligible to become President.

The new Congress, reflecting the most recent manifestation of the popular will, would choose amongst the two leading minority Presidential candidates. The winner would have to receive the majority support of the representative branch of government. The winner would be assured of having the support of Congress.

Again, this provides a means of selecting a minority President with widespread support and by a legitimate institution.

The whole point of the change is that the Tydings-Griffin contingency, unlike the run-off in Senate Joint Resolution 1 discourages its own use. Its success will be its preventative effect. Under this plan, no third-party candidate, ideological or sectional, has a chance of winning the Presidential election, unless he can amass an electoral college majority and be front runner or unless he could receive a majority of votes in the new Congress. There is no incentive for the two front-runners to bargain with minor party candidates. The incentives for third-parties under this amendment to Senate Joint Resolution 1 will be similar to those of an ideological party under our present system; there is little encouragement to run unless a third-party candidate can attract more votes than the two leading parties and an electoral college majority or if the third-party candidate can take second place in the popular vote to be eligible for election by the Joint Session of Congress. If third-party candidates come close to attracting 20 percent of the vote, the two leading candidates would merely switch to an election strategy aimed at an electoral college majority—the same strategy used today. This allows a genuine, national third-party movement such as the Bull Moose Party, to succeed, but discourages small sectional and ideological parties.

Thus under the Tydings-Griffin amendment, the loss of the unit rule in the states as a barrier to splinter parties is replaced with another support of the two-party system without the undesirable effects of the winner-take-all method except in rare cases.

The whole issue of the run-off vs. our plan revolves around the question of selecting a minority President. Neither of these alternatives will be used unless there is such division in our Nation that no candidate can approach majority support. In this situation, we should seek a mechanism that will select a minority President who has enough widespread support so he can govern effectively. Such a selection mechanism should be legitimate in the eyes of our people. And such a mechanism should discourage its own use, thus bolstering a stable two-party system. I believe that only the

Tydings-Griffin plan fulfills all three of these requirements.

SUMMARY ANALYSIS

The amendment retains the basic requirement in Senate Joint Resolution 1 that a presidential candidate must receive 40 percent of the popular vote in order to be elected. However, instead of having a popular runoff if no candidate gets the necessary 40 percent, the popular vote winner will be elected automatically if he wins a majority of the electoral vote.

If the popular vote winner does not receive 40 percent of the popular vote or a majority of the electoral vote then the newly elected Congress sitting in a Special Joint Session shall elect the President from among the two highest popular vote recipients. The Special Session will be held on the first Monday in December in the manner provided for by Congress. The election shall take place immediately after the assembling of Congress in Joint Session and after a quorum, consisting of three-fourths of the Members of Congress, has been attained. By a record vote the candidate receiving the most votes shall be elected President.

The special session shall be convened only for the purpose of electing the President and will not cut short any pending regular session or affect the powers or term of office of Members of Congress assembled for such a regular session.

An additional provision is included which allows Congress to set a presidential election earlier, but not later, than the present date for such elections. In addition, the results of the popular election must be declared by the third Tuesday after the first Monday in November. Since section 5 provides that a runoff election in Congress shall be held on the first Monday of December, at least a week will elapse between the formal declaration of the results and the second election. In the event that Congress determines there is not adequate time for recounts between the present November election date and the deadline for declaring the results an earlier date may be set for the initial election.

I ask unanimous consent that the text of my amendment No. 711 be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 711

Beginning with line 20, page 2, strike out all to and including line 4, page 3, and insert in lieu thereof the following:

SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress; such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die.

HEALTH CARE FOR VETERANS

Mr. HANSEN. Mr. President, over the past several months the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare has studied the problems of insuring quality health care for veterans which have resulted from budgetary restrictions over the past several years. Unfortunately, much of the criticism over this problem has been interpreted as reflecting directly upon the abilities of the present Veterans' Administration Administrator, Donald Johnson.

An article published recently in the Washington Evening Star reports that Administrator Johnson is regarded by leaders of veterans organizations and key Members of Congress involved in veterans affairs as one of the best administrators the VA has ever had.

I ask unanimous consent that the Federal Spotlight article entitled "VA Resurgence" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VA RESURGENCE

One of the best jobs in town is being done by Veterans' Administration Administrator, Donald Johnson.

Hard-driving and loaded with talent, Johnson has put new life and vigor in the VA as it faces the increased challenges resulting from the Vietnam war.

The VA recently has had some criticism regarding its hospital operations, but this criticism is regarded as unjust and unfair by most veterans organizations and key members of Congress. Of course, there always is room for improvement, but VA does a generally excellent job with the resources it has.

Leaders of the various veterans organizations and key members of Congress involved in veterans affairs say Johnson is one of the best Administrators the VA has ever had.

NINTH ANNUAL CONVENTION NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. MOSS. Mr. President, from June 11 through 13 the National Council of Senior Citizens held its ninth annual convention. I have long followed the admirable work of this organization in advancing the needs of our elderly. I am especially grateful for all the assistance I have received from this organization during 12 years in the Senate.

I was a guest at this recent convention and had the opportunity of discussing important questions with President Nelson H. Cruikshank, Executive Director William R. Hutton, and many other members of the council.

At this convention the council adopted a number of resolutions. As chairman of the Subcommittee on Long-Term Care I have great interest in the thoughtful resolutions which relate to the institutional care of the aged. These resolutions represent thoughtful consideration of some of the most perplexing problems in current society. Accordingly, I commend these resolutions from the National Council of Senior Citizens to all Members of Congress and ask unanimous consent that they be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 2: MEDICAID

Whereas, Medicaid was designed to serve the millions of Americans, particularly those under 65 whose income was so low they could not afford the costs of medical care,

Whereas, the original legislation obligated all States to develop a program of comprehensive services by 1975—later extended to 1977, and now completely abolished in the pending Social Security bill, H.R. 17550, on the argument that costs were skyrocketing and the program was being exploited by practitioners—a product in part of inadequate medical surveillance.

Whereas, various restrictions are being place on Medicaid, including granting the States the right to impose deductibles, thus still further cutting back on the intent of the original legislation.

Now therefore, be it resolved, that this Convention reaffirm its support of Medicaid as an essential program to meet the costs of health care of persons with low income, and urge that the provision requiring States to develop a comprehensive program not be striken,

Be it further resolved, that until a program of National health insurance is established and adequately financed, the Medicaid program is essential to the well-being of millions of Americans living on the borderline of income adequacy.

Be it further resolved that the Federal Government establish firmer controls over medical charges and utilization to stop exploitation of the program.

COMBINING RESOLUTIONS NOS. 3 AND 9: INTERMEDIATE CARE FACILITIES

Whereas, the provision of services to ailing elderly persons in intermediate care facilities was a major accomplishment of the Social Security Amendments of 1967; and

Whereas, this program was designed to meet a need not covered by Medicare, the Federal program of health insurance for the elderly, nor Medicaid, the Federal-State program of health care for the needy; and

Whereas, many hospitalized individuals reach a condition unlikely to benefit from further hospitalization or care in a skilled nursing home but still requiring services not available in their own homes; and

Whereas, Medicare now makes no provision for this contingency and there is little indication the program will be adequately developed under Medicaid;

Now, therefore, be it resolved, that Congress make intermediate care facilities eligible for reimbursement under Medicare, that the Social Security Administration establish conditions of participation for intermediate care service under Medicare including transfer agreements with hospitals and extended care facilities on a basis of reasonable cost of the care provided, and

Be it further resolved, that the National Council of Senior Citizens join with Congressman David Pryor (D., Ark.) in protesting the recent action of the Secretary of Health, Education, and Welfare in eliminating all Federal requirements governing intermediate care and intermediate care facilities under Medicaid. (Federal Register June 10, 1970)

Be it further resolved, that removal of any and all Federal requirements governing intermediate care and intermediate care facilities under Medicaid endangers the program by making it possible as a money saving device for States to substitute intermediate care for patients in need of skilled nursing care; and

Be it further resolved, that the National Council of Senior Citizens insist upon the Department of Health, Education, and Welfare recalling its action of June 10, 1970, and proceeding instead with development of an intermediate care program as the law requires.

RESOLUTION 4: MEDICARE

Whereas, the National Council of Senior Citizens views with pride and satisfaction the significant role it played in the enactment of Medicare,

Whereas, a series of financial barriers, co-insurance, deductibles, premium payments for Medicare Part B (Doctor insurance—scheduled on July 1st to go from $4.00 a month to $5.30), and non-coverage of out-of-hospital drugs, continue to limit and deny adequate health protection to the elderly,

Whereas, escalating costs and evidence of overcharging and abuses of the program call for effective cost controls and penalties that do not, however, limit the services or penalize the patient,

Whereas, the option provided under the House passed Social Security bill, H.R. 17550, would enable Medicare recipients to participate in pre-payment health plans which provide both preventive as well as maintenance health care services at lower cost than the present disorganized health system,

Now therefore, be it resolved, that this Convention holds that the co-insurance and deductible features of Medicare and the monthly payment for Part B must be eliminated, and that the added cost be met by contributions from general revenues, *and further, this Convention supports the elimination of the three year enrollment period for Part B of Medicare and Congressional action to limit physicians' charges to a reasonable amount,*

Be it further resolved, that the cost of prescription drugs, eye care, eyeglasses, dental care, dentures, hearing aids, and routine foot care, be included in Medicare, and that hospital coverage be extended to 365 days,

Be it further resolved, that the National Council support and promote the enrollment of seniors in pre-payment health care plans and the further and substantial development of such plans,

Be it further resolved, that all persons receiving Social Security benefits be included under the Medicare program.

RESOLUTION 7: SAFETY IN NURSING HOMES

Because of the terrible loss of life which results when fires occur in institutions where patients are confined without ability to ambulate.

Be it resolved that the National Council of Senior Citizens call on the Federal Government to institute the following minimum fire safety standards:

(1) Medicare's conditions of participation in Extended Care Facilities and Medicaid's standards for skilled nursing homes must be revised to include compliance with the Life Safety Code of the National Fire Protection Association.

(2) The U.S. Department of Commerce should promptly implement the Flammable Fabrics Act and should replace its recommended "pill test" as it relates to carpet and rugs with the UL 723 tunnel test.

(3) Carpeting manufacturers should be ordered to label their products in such a manner as would inform the public of their flammable properties under this tunnel test and should sell only Class A or Class B carpet to nursing homes, hospitals, and schools.

(4) The U.S. Congress must also insist on licensed institutions prohibiting all smoking except in specified areas in hospitals and nursing homes where patients are confined without the ability to ambulate.

RESOLUTION 8: EXPLOITATION AND ABUSE OF THE ELDERLY SICK

Whereas, the National Council of Senior Citizens is deeply committed to assuring that the highest standard of care shall be afforded to the one million of our fellow seniors who are in nursing homes, financed under the Medicare, Medicaid, and other programs,

Whereas, there is mounting and deeply distressing evidence that in too many nursing homes, elderly people are neglected, treated with indignity, receiving minimal, if any, health care,

Whereas, the many State and Federal agencies, including the Department of Health, Education, and Welfare, and State Health & Welfare departments have failed to secure the appropriations required, or to exercise the aggressive leadership required to enforce standards of safety, health, and general welfare of residents, with the result that too many elderly persons have been neglected, and the payments for their care misused.

Whereas, as a result in part of the failure of governmental authorities to enforce standards, commercial operators, looking for quick returns on their investments, have invaded the nursing home field by establishing what amounts to chains of motels in which little concern for the health and welfare of the residents has been exercised, and have succeeded in converting the nursing home program into housing programs instead of health programs, and have imposed upon elderly people who are sick a "buyer must beware" philosophy, therefore,

Be it resolved, the National Council of Senior Citizens Hereby salutes Congressman David Pryor of Arkansas, who, by working as a volunteer in the Washington area nursing homes, exposed the extent to which many older people are dehumanized in many nursing homes in the "thirsty quest for big profits," and further, the lack of leadership and cooperation of the governmental bodies with respect to protecting the sick elderly, be it further

Resolved, that the National Council of Senior Citizens endorses the resolution introduced by Congressman Pryor, calling for the establishment of a select committee on nursing homes and homes for the aged, charged with a wide range of Federal programs concerned with nursing care, viz HEW, through Medicaid, Medicare, and the Public Health Services, the Mortgage Insurance Program of the Housing Urban Development Agency, the Loan Program of the Small Business Administration, and the responsibilities of the Securities and Exchange Commission for the supervision of corporations issuing stock for nursing home operations, be it further

Resolved, that a substantial increase in direct grants and loans be made to non-profit and governmentally operated nursing homes, with a five-year goal of 50% of the homes under non-profit auspices.

Be it further resolved, that substantial funds be provided for alternative methods of care—foster homes, sheltered low-cost supervised housing, and day care centers.

RESOLUTION 8: EXPLOITATION AND ABUSE OF THE ELDERLY SICK

Resolved, that the National Council of Senior Citizens, through its affiliated clubs, develop a program of citizen review teams in which responsibility for periodic inspection and visiting of nursing homes in the clubs' areas would be vested.

RESOLUTION 10: PUBLIC FUNDS TO CONSTRUCT NON-PROFIT AND PUBLIC NURSING HOMES

Whereas, the State and Federal governments now provide an excess of 70% of the monies for the care of the elderly in nursing homes, and

Whereas, such public expenditures should not be made for the purpose of increasing the personal profits of nursing home operators, but should be provided solely to secure the public health at least cost to the taxpayers; and

Whereas, only a relatively small number of nursing homes in this country are operated for non-profit purposes; and

Whereas, the threat exists that the entire field of nursing homes may become a field totally operated for profit; and

Whereas, such a development would be harmful to the health and welfare of our elderly population, and

Whereas, nursing homes are not always located where the need for them exists if their location is determined solely by the promise of profit;

Now therefore, be it resolved that the NCSC call upon State and Federal governments to provide substantial funds to non-profit organizations to construct and operate nursing homes, and, where necessary, to have constructed, under government auspices, nursing homes to be operated by government agencies.

ADMINISTRATION'S FAMILY ASSISTANCE ACT

Mr. JAVITS. Mr. President, yesterday I introduced a series of amendments to expand and strengthen the administration's Family Assistance Act. As I indicated in my statement, the act represents a long overdue and commendable effort at meaningful reform of the inequities in the present aid to families with dependent children (AFDC) program.

Secretary Richardson's impressive testimony before the Committee on Finance this week indicates the administration's deep commitment to enactment of meaningful welfare reform in this Congress.

Mr. President, the act is a straightforward attempt to deal with the various public assistance programs—AFDC, food stamps, public housing subsidies, and medical insurance—in a comprehensive manner. To this end, I am pleased to note recent reports that the President intends to exercise the personal leadership in this regard commensurate with the realization that this bill represents the first effort since Congress enacted the Social Security Act in 1935, to view the public assistance program in such a comprehensive manner.

There are now more than 24 million poor in the country yet poverty is not a chosen way of life. A typical welfare family of four spends all but $9 of its average monthly income of $284 on the elementary necessities of life—generally inadequate food, clothing, and shelter. While this act may be improved, I believe the Senate must be given the opportunity to vote on this historic measure and I note with great approval that the distinguished chairman of the Committee on Finance (Mr. LONG) has indicated his intention to report out to the full Senate, this legislative milestone.

Mr. President, I ask unanimous consent that an editorial published in this morning's New York Times, urging passage of the Family Assistance Act, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRIORITY FOR MR. RICHARDSON

The most urgent task for Elliot L. Richardson in his new job as Secretary of Health, Education and Welfare is to pilot through Congress the Nixon Administration's complex welfare reform bill. When he became Secretary, the House had already acted favorably but the bill was in deep trouble in the Senate Finance Committee.

The troubles are not yet over, but in his lengthy appearances as a witness before the Finance Committee, Mr. Richardson has made an encouraging debut. He has impressed even committee critics of the bill by his evident mastery of the many details of this complicated measure. He has been patient and resilient under prolonged and frequently repetitious questioning.

Passage of this plan is critically important. The bill is an effort, the first since Congress approved the Social Security Act in 1935, to take a comprehensive view of the welfare problem and to relate in a meaningful way Aid to Families with Dependent Children, food stamps, public housing, and medical insurance. It would provide a basic income of $1,600 in cash plus $894 in food stamps for a family of four.

The working poor as well as the unemployed would benefit. Of the 3,700,000 families who would receive assistance, two-thirds are headed by a man or woman who is employed but whose earnings are extremely low. Except for a mother with children under the age of six, every adult benefiting from the plan would have to register for work or training for a job. Since benefits are graduated, incentives are built into the plan to encourage most individuals to raise their earnings and work themselves out of welfare.

Underneath the many specific questions propounded by conservative Senators, there is the fear that the bill will encourage the poor to malinger and avoid work. Yet experience during World War II and other periods of full employment has shown that almost all people would rather work than subsist on welfare. The number of deliberate welfare cheaters is negligible.

We believe the bill could be improved but our concerns are the opposite of those of the doubtful Senators. The base income of $1,600 is too low. The bill tends to be unfair to New York and other Northern states which are more generous in their welfare payments than states in the South. But these and other objections do not add up to an argument for killing the plan. In dealing with a problem which is so many-sided, Congress and outside critics alike have to expect that in any plan there will be some anomalies and weaknesses which only experience can correct.

In its progress through Congress thus far, the bill has benefited from the intelligent cooperation of Administration officials and members of Congress. If Senator Long and his colleagues in both parties on the Finance Committee continue the pattern of constructive collaboration with Secretary Richardson, this necessary and far-reaching reform can become law, thereby reflecting credit on all participants and bringing genuine help to millions who desperately need it.

THE F-111 DEBACLE

Mr. PERCY. Mr. President, the Senate, over the course of the last eight years, has spent an abundance of time and energy investigating the F-111 debacle. It has become a source of national embarrassment as we have uncovered evidence of waste, negligence, mismanagement and official irresponsibility surrounding the negotiation and implementation of this contract. At the same time, it has become a source of deep concern, especially to those of us who have participated in the prolonged investigations and hearings.

In this sort of situation, it is always the taxpayer who loses the most: he loses his tax dollar, he loses his military defense security and, worst of all, he loses confidence in his government. These are losses our society can ill afford; they are sacrifices no citizen should be required to make.

The vigilance of private citizens, particularly in matters of military spending, is rare. It takes a special perseverence and special understanding for persons outside the clandestine circles of defense policymaking to penetrate its technical and political intricacies. When such a private citizen succeeds in mastering these intricacies, it deserves more than passing notice.

Mrs. Phyllis Schlafly, one of my Illinois constituents and a candidate for Congress from the 23d District, has proven her mastery of the TFX affair by preparing a detailed report of the incredible facts surrounding it. And in preparing her report, she has brought with her the personal credentials necessary to make her equal to her undertaking.

Mrs. Shlafly is a graduate of Washington University, in St. Louis, and received her master's degree in government from Radcliffe College in Cambridge, Mass. She is a member of Phi Beta Kappa and of Pi Sigma Alpha, the political science honorary society.

During World War II, Phyllis Shlafly was a gunner and ballistics technician at the largest ammunition plant in the world, the St. Louis Ordnance Plant. She has been doing research and writing on national defense ever since. She testified in 1963 before the Senate Foreign Relations Committee on the nuclear test ban treaty, and in 1969 before the Senate Armed Services Committee on the ABM. She is a coauthor of three books on nuclear strategy and weaponry written in collaboration with Rear Adm. Chester Waro, USN (retired). "The Gravediggers," "Strike From Space," and "The Betrayers."

In my judgment, Mr. President, the health of our democracy is predicated on informed and active citizenry. It recognizes that our national survival and success ultimately rest upon each person assuming his full share of responsibility for governmental policies. I commend Mrs. Schlafly's report to the Congress. Though there are those who would disagree with its contents, it should be read and considered by each Member both for its substantive merit and for the quality of hope it injects in the struggle to maintain and advance the promise of our democracy. I ask unanimous consent that Mrs. Schlafly's report on the F-111 aircraft be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PHYLLIS SCHLAFLY

The Senate Permanent Subcommittee on Investigations has heard volumes of testimony from men who are expert on various aspects of the F-111 plane—formerly the TFX—including the contract award, production, and performance. For the benefit of the American public, I believe it is necessary to include testimony in three additional areas: (1) comment on the lack of coverage given by television and newspapers to the truly startling testimony heard by this Subcommittee during 1970; (2) a summary of the salient points in the TFX case in language the layman can understand because the evidence is so extensive and detailed that it is difficult for the American public to see the forest for the trees; and (3) comment on the consequences of what Senator John L. McClellan has called a "multi-billion dollar blunder."

I.

In the last few weeks, this Subcommittee has produced amazing testimony. Tristan J. Keating, the Air Force's chief systems engineer for the F-111 program, testified that wind-tunnel tests conducted in 1962—before the TFX contract was signed—showed the General Dynamics plane would not have the necessary supersonic dash range.

Brigadier General Alfred L. Esposito, director of the F-111 program, testified that these design inadequacies were known by Secretary McNamara before the TFX contract was awarded.

There has been a virtual news blackout on this sensational testimony. Millions of television viewers and newspaper readers are unaware of the hearings and of their great significance. Yet, the truth about the TFX plane is of vast importance to the security of America and to the pocketbooks of our citizens.

II.

For the privilege of building 1,700 TFX fighter planes, bids were submitted in January 1962 by two manufacturers: the Boeing Company and General Dynamics Corporation. Much suspense and anticipation built up during the many months the decision was pending, because whoever won the contract would get the choicest plum in the history of U.S. Federal spending.

Several hundred top technical Air Force and Navy experts spent 275,000 man-hours studying the competing designs. As a result, the Pentagon Source Selection Board, composed of the most experienced military experts, unanimously recommended the Boeing plane as better and cheaper. No evaluation group at any level ever recommended the General Dynamics plane. The Boeing plane was superior in almost every way; it had longer range and greater firepower, it could take off and land in shorter distances. The Boeing bid was $415 million lower than the General Dynamics bid.

Yet, Deputy Secretary of Defense Roswell Leavitt Gilpatric, with the approval of Secretary of Defense Robert Strange McNamara, overruled the Source Selection Board, and on November 24, 1962 awarded the contract to General Dynamics.

In order to answer the criticism which resulted from this announcement, Secretary McNamara, Secretary of the Navy Fred Korth, and Secretary of the Air Force Eugene Zuckert released a "Memorandum for the Record" attempting to explain why they overruled the Source Selection Board and all technical experts.[1] Here are the principal reasons they presented:

1. "Commonality." This was a McNamara-manufactured expression by which he claimed that "85% of the parts in the General Dynamics version are identical, contrasted with 60% in the Boeing proposal."

2. The General Dynamics proposal "offers the better possibility of obtaining the aircraft desired on schedule and within the dollars programmed."

3. "Excessive optimism in the Boeing proposal—the apparent belief that thrust reversers can be developed . . .; the view that the variable sweep wing can be quite easily applied to the TFX concept; the use of titanium in structural members; and the unique design for the propulsion installation."

4. "In the raw score comparison, General Dynamics received 175.6 points and Boeing 172.1."

These four arguments were all refuted by aircraft experts.

1. The Navy's top civilian aeronautical engineer, George Spangenberg, testified concerning the "commonality" argument:

"It's all poppycock. We think Boeing gave us a better proposal at a better price. You certainly don't want to pay more money to get an inferior product just because it meets some word—commonality—better."[2]

The Chairman of the Source Selection Board, General Robert Ruegg, testified that "commonality" was a liability, not an asset. He said that too much "commonality" made the Navy version too heavy to operate off a carrier.[3] Years later, after this prediction had proved absolutely accurate, McNamara retorted that the Navy would just have to build stronger decks on the carriers.

2. McNamara's argument that General Dynamics would be "on schedule and within the dollars programmed" could not be supported by the record. On the basis of past performance, Boeing had a better record of producing military planes within its bids than General Dynamics. Boeing had built the C–97, B–47, KC–135, and B–52 at an average of 1.1% under its bids. General Dynamics had built the F–102, F–106, and B–58 at an average of 4.8% over its bids.[4] Since the TFX contract was awarded, McNamara's argument has been proved completely false. General Dynamics is years behind schedule. The cost was supposed to be $2.9 million per plane. On July 10, 1968 The New York Times reported that the cost had risen to $8 million each. On March 23, 1970 Senator McClellan announced that the cost was up to $16 million per plane, a more than 400 per cent increase.

3. Technical experts at the time demolished all McNamara's arguments about Boeing's "excessive optimism," and technological progress since then has proved that Boeing's "optimism" was completely valid. The Air Force Vice Chief of Staff, General William McKee, testified that the Boeing "thrust reverser" was an advantage because it "provides far better deceleration" in combat maneuvering.[5] The Boeing variable sweep-wing concept was copied by General Dynamics, and also by the Russians.[6] and metallurgists testified that titanium had already been used successfully in aircraft structural members. On March 25, 1970, the Senate Permanent Investigations Subcommittee heard testimony that the steel wing boxes on the General Dynamics F–111 developed large cracks, and it was necessary to replace them with titanium boxes—the same metal McNamara had rejected in the Boeing bid.

4. It finally came out that the McNamara "Memorandum for the Record" had arithmetic errors of $32 million and $29 million.[7] Secretary Zuckert admitted that the "Memorandum" had falsely taken the superior Boeing peformance figures and assigned them to General Dynamics. Colonel Gayle of the Air Force said that all errors in the "Memorandum" favored General Dynamics.[8]

This Subcommittee began its investigation on February 26, 1963 under the chairmanship of Senator John L. McClellan. As witness after witness was called, it became clear that everyone with any technical credentials favored the Boeing plane, and practically no one wanted the General Dynamics plane except McNamara, Gilpatric and Korth. General LeMay testified that he could not recall a single instance where the Source Selection Board had ever before been overruled and he added:

"I thought we had such a clear cut and unanimous opinion all up and down the line that I was completely surprised at the decision."[9]

Admiral Anderson testified that McNamara's decision was a "surprise," and predicted that the Navy would end up with a plane too heavy to operate from the majority of aircraft carriers.[10] Admiral Anderson summed up his opinion of the TFX this way:

"The justification for the contract given [by McNamara] was intellectually dishonest."[11]

The best informed man on the technical merits of the competing General Dynamics and Boeing designs was Albert W. Blackburn of the Office of Defense Research and Engineering. He had been a Marine combat pilot, a North American Aviation test pilot, and held a Master's Degree in aeronautical engineering from M.I.T. He had been assigned to the TFX project for two years. Blackburn wrote his own "Memorandum for the Record" on March 1, 1963 in which he stated emphatically:[12]

"[The award to General Dynamics] could not in any way be associated with the merits of the two proposals on either an operational, technical, management, or cost basis. The operational commanders were the strongest in their support of the Boeing design; however, the depth of technical development of the Boeing design and its imaginative innovations such as thrust reversers, highlift devices (later adapted by General Dynamics) and top-mounted engine inlets clearly pointed in favor of their proposal. . . . From the management point of view, the handling of such major Air Force weapon systems as the B–47, B–52, and the Minuteman, as well as the KC–135/707 development, must be considered superior to the management given the F–102, F–106, and the B–58 series and the notoriously poor management exercised in the General Dynamics jet transport program."

The Pentagon had asked for four separate design submissions from the two companies. Blackburn proved that, after each of the four design submissions (January, May, June and September, 1962), Boeing was unanimously rated both better and cheaper. He made clear that the Pentagon request for the fourth submission was to give General Dynamics additional time to try to match the superior Boeing design. Blackburn wrote:

"All the imaginative aerodynamic fixes devised by Boeing in their third submission to satisfy the very difficult Navy maneuver requirements somehow found their way into the final General Dynamics design to a degree of similarity that would hardly be coincidence."

After the Blackburn "Memorandum" had demolished all McNamara's technical arguments in favor of General Dynamics, Secretary McNamara appeared before the American Society of Newspaper Editors on April 20, 1963 and said that his TFX award:

"Will yield a saving of approximately $1 billion."

Senator McClellan asked the General Accounting Office to check this strange new cost figure just revealed by McNamara. The Comptroller General testified that his office could not find any cost records to substantiate McNamara's statement. The Director of Defense Accounting for the GAO, William A. Newman, quoted McNamara as saying "he had the figures in his head, indicating he did not have them on paper." Newman said he could not "audit figures in somebody's head."[13]

A knowledgeable reporter then asked McNamara how he could reject the Boeing bid and say it lacked "cost realism" when he admittedly had no cost studies on paper. McNamara replied:

"I'm a $500,000 a year executive. I was the second-highest paid accountant in the United States."[14]

On December 10, 1965 at the LBJ Ranch in Texas, McNamara announced he planned to scrap 345 B–52 bombers and 80 B–58 bombers and replace them with 210 TFX bombers, which he called the FB–111. McNamara emphasized:

"The FB–111 will have twice the speed of those aircraft, approximately, with approximately the same range. . . . It will carry fifty 750-pound high-explosive bombs."

This was a triple lie. When it is carrying bombs, the FB–111 cannot fly any faster than the B–52. This is because the FB–111 is so small that its bombs must be hung from its wings. This creates enough "drag" to prevent the plane from flying any faster than the B–52.

Second, the FB–111 has only half the range of the B–52. The authoritative Air Force/Space Digest stated:

"Even the early B–52s . . . will fly more than 6,000 miles fully loaded. . . . With 48 bombs under its wings and carrying only internal fuel [the FB–111] couldn't exceed 2,500 miles . . ."

McNamara's third lie is his statement that the FB–111 will carry fifty 750-pound bombs. The FB–111 can carry six bombs from each of eight wing stations for a total of 48, provided its wings are fully extended. When the "sweep wing" is swept back for supersonic flight, the pilot must dump half his bomb load.

On April 4, 1966 the House Armed Services Committee issued a report which concluded:

"Regrettably, the statistics used by the Secretary of Defense to illustrate the claimed superiority of the FB–111 over the B–52 . . . and B–58 aircraft . . . had the net effect of significantly misrepresenting the comparative capability of these aircraft. . . ." (emphasis added)

By 1967 the Pentagon conceded that the cost of the TFX program had doubled from $6.5 billion to $13 billion. Furthermore, the price tag covered 400 fewer planes (1,300 instead of 1,700). The cost and delay of the TFX were exceeded only by its poor performance record.

Senator McClellan reported to the Senate on August 22, 1967 that the Navy F–111 had 257 deficiencies and "remains unfit for service use" and "incapable of carrier-based operations." The Navy F–111 was nearly 10,000 pounds overweight, and 11,000 feet below its planned combat ceiling. On July 10, 1968, the Defense Department completely cancelled the Navy F–111 because of failure to meet specifications, and Secretary of Defense Laird has

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Footnotes at end of article.

since awarded a contract for an entirely new Navy fighter plane, F-14A.

Hanson W. Baldwin, military editor of *The New York Times*, on August 11, 1967 set forth numerous technical troubles of the TFX. He said that, when testing the F-111 with half bomb loads, the vibrations were so severe that the pilot had difficulty in reading his instruments and "they were shaking the shackle pins off the bombs." Baldwin added, "One problem that has plagued the plane since it first flew—a sharp stalling or surging of the engine during flight—still persists." [15] The Pentagon acknowledged that Baldwin's article was accurate.[16]

Meanwhile the Air Force version, the F-111A, has suffered 15 crashes and has been indefinitely grounded since December 22, 1969. One fatal crash on April 21, 1967 killed veteran test pilot Ralph Donnell, who earlier had been quoted or misquoted as saying that TFX critics "are going to eat their words." [17] The last fatal crash in December of 1969 killed two highly experienced Air Force combat veterans—after the wing broke off.

The record proves beyond a shadow of a doubt that there was no sound technical reason for McNamara's decision to grant the TFX contract to General Dynamics. The largest single contract in the history of the United States was awarded—not to the low bidder, but to the high bidder—not for the better design, but for the poorer design.

The Pentagon official who actually signed the TFX contract was the No. 2 man in the Pentagon, Deputy Secretary of Defense Roswell Leavitt Gilpatric. From 1958 to January 1961, Gilpatric was a partner in the New York law firm of Cravath, Swaine & Moore.

Officials of General Dynamics testified that they had paid this law firm more than $300,000 from 1959 through March 1963.[18]

Gilpatric claimed he resigned from the firm when he went in the Defense Department in January 1961, but Senate investigators proved that while he was Deputy Secretary of Defense, Gilpatric received $20,000 per year from the firm, and that the insurance for him and his secretary was continued pending his return.

Immediately after the TFX contract was signed by Gilpatric on behalf of the Defense Department, Gilpatric's law firm was named the general counsel for General Dynamics, and Gilpatric's partner, Maurice T. Moore, was named a director. On January 9, 1964, Gilpatric resigned as Deputy Secretary of Defense and returned to his New York law firm, which was still representing General Dynamics for a fee of more than $100,000 a year.

The other Pentagon official who participated with McNamara and Gilpatric in overruling the Pentagon Source Selection Board in awarding the contract to General Dynamics was Secretary of the Navy Fred Korth. When he became Secretary of the Navy in January 1962, he resigned as president of the Continental Bank in Fort Worth, Texas, but kept $160,000 in bank stock, and told the Senate Committee that he intended to return to the Bank at the end of his Government service.[19]

In the fall of 1961, Korth arranged a $400,000 loan to General Dynamics—a very large loan, indeed, for a bank with a loan limit of $600,000.[20] After becoming Navy Secretary, Korth had 21 conferences and telephone contacts with General Dynamics officials. As Secretary of the Navy, Korth continued his enthusiastic assistance to the Continental Bank. Senate investigators produced letters promoting business for the Bank which Korth had written on official Navy stationery. The investigation also turned up correspondence from the Continental Bank thanking Korth for bringing in $20,000 and $30,000 accounts.

After General Dynamics received the TFX award, the $400,000 loan was repaid to the Continental Bank of Fort Worth.

III.

The consequences of the TFX "multi-billion dollar blunder" are tragic to behold.

The American taxpayers have footed the bill for the most costly single mistake in the history of Federal spending. From Teapot Dome to Dixon-Yates, all other scandals were minuscule by comparison.

Far more disastrous than the money lost, is the seven years of precious time lost—time which can never be regained. While the civilian Defense Secretaries were spending billions on the TFX, and devoting enormous time and manpower to covering up its defects, the fighter planes we need for the protection of America were not built. During these seven years, the Soviets produced superior fighter planes, one of which, the Foxbat, set a new fighter speed record of 1,804 miles per hour.[21]

Because McNamara thought the TFX could also be used as a strategic bomber, he phased out our only supersonic bombers, the B-58s, and refused to approve the Air Force plans for an advanced manned strategic bomber.

On February 2, 1970, Secretary of Defense Laird stated that, by the time the U.S. can build a replacement for the B-52s, all of them will be at least 18 years old and many of them 25 years old.

During these seven lost years, the strategic military balance of the world has shifted. When the TFX contract was awarded, the United States had overwhelming nuclear superiority over the Soviet Union in the proportion of at least five to one. Today, our superiority is completely gone.

On February 13, the great nuclear physicist, Dr. Edward Teller, the "father of the H-bomb" and presently assistant director of the Nuclear Weapons Laboratory at Livermore, California, said that the United States fell behind Russia when Robert S. McNamara was Secretary of Defense from 1961 to 1967, and that McNamara had "told a fairy tale about continued American superiority.

The possibility arises that the Russians will be so superior to us that they might deliver a first strike so powerful we may not be able to retaliate." [22]

On February 18, President Nixon told Congress that the more than 4-to-1 lead in land-based intercontinental ballistic missiles the United States had in 1965 is gone, and by the end of this year the Soviets would have 1,290 ICBMs to our 1,054.

On April 20, 1970, Secretary Laird said that from 1965 to 1970, the Soviet Union has more than tripled its arsenal of long-range nuclear weapon launchers and quadrupled the nuclear megatonnage of its strategic forces. During this same period, the United States did not add a single long-range nuclear missile launcher and cut our nuclear megatonnage by 40 per cent.

As we face a perilous future in which our enemy has superiority over us in the only weapons which count, let us reflect on the words of the poet:

> "Of all sad words of tongue or pen,
> The saddest are these: 'It might have been!' "

France fell in six weeks because its armies were equipped with obsolete tanks and aircraft. England won the Battle of Britain—despite the disarmament policies of its Baldwin-Chamberlain government—because the Royal Air Force developed a superior fighter, the Spitfire.

The United States can keep the peace in the seventies if our military and civilian experts are given the new weapons considered necessary to defend us.

> "When a strong man armed keepeth his palace,
> His goods are in peace:
> But when a man stronger than he shall come upon him,
> And overcome him, he taketh from him all his armour
> Wherein he trusted, and divideth his spoils." [23]

FOOTNOTES

[1] Reprinted in Clark R. Mollenhoff, *Despoilers of Democracy*, 1965, pp. 399-402.

[2] U.S. Senate Government Operations Committee, Permanent Subcommittee on Investigations, Hearings on the TFX Contract, 1963, Part 3, p. 726.

[3] TFX Hearings, Part 2, p. 523.

[4] *Congressional Record*, July 2, 1964, p. 15383.

[5] TFX Hearings, Part 3, p. 768.

[6] The Soviet air show at Domodedovo Airport in July 1967 featured new Mikoyan variable sweep-wing fighters and new Sukhoi variable sweep-wing attack planes.

[7] Statement of Senator John McClellan, March 13, 1963.

[8] *Congressional Record*, July 2, 1964, p. 15383.

[9] TFX Hearings, Part 3, p. 699.

[10] TFX Hearings, Part 3, p. 792, 799.

[11] *Saturday Evening Post*, June 17, 1967, p. 39.

[12] Reprinted in *Despoilers of Democracy*, pp. 405-411.

[13] TFX Hearings, Part 3, p. 883.

[14] *Despoilers of Democracy*, p. 191.

[15] This problem is due in part to the air inlet ducts under the wing roots. General Dynamics had copied the Boeing swing wing and highlift devices but neglected to copy the Boeing top-mounted engine air inlet ducts. See Blackburn "Memorandum" cited above.

[16] AP Dispatch, Aug. 12, 1967.

[17] *Saturday Evening Post*, June 17, 1966, p. 40.

[18] TFX Hearings, Part 4, pp. 1092-1093.

[19] U.S. Senate Armed Services Committee, Hearings on the Korth Nomination, Jan. 18, 1962, p. 4.

[20] TFX Hearings, Part 7, p. 1883.

[21] *Aviation Week & Space Technology*, Nov. 13, 1967, p. 35.

[22] Speech in Las Vegas, Feb. 13, 1970.

[23] Luke 11:21-22.

SCHOOL BUSING

Mr. TALMADGE. Mr. President, with the opening of the 1970-71 school term this fall, many school systems will be faced with Federal court orders and executive decrees that require busing of schoolchildren in order to achieve somebody's notion of racial balance.

Schoolchildren and teachers, black and white, will be bused far from their homes and out of their neighborhoods. Courts have ordered steps taken to establish "unitary" school systems, although what is "unitary" to one Federal judge does not mean the same thing to another Federal judge. In fact, the U.S. Supreme Court itself has never adequately defined the term. Of course, harsh standards are being applied against many cities in the South, while cities in every other part of the Nation—which actually have larger degrees of racial separation in the schools—are allowed to do business as usual. The Washington Evening Star of July 30 contains a splendid editorial column written by James J. Kilpatrick, urging the Supreme Court to clearly define its desegregation terms and, I would hope, to apply them nationwide. This was a very fine column, forcefully setting forth the problem.

I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A QUESTION FOR THE COURT: HOW SOON IS POSSIBLE?

(By James J. Kilpatrick)

Back in March, Chief Justice Warren Burger filed an unhappy memorandum in the Memphis school desegregation case. His colleagues had summarily reversed the 6th Circuit, and then had ordered the district judge to get on with his job of promptly decreeing a "unitary" system.

Burger wanted to hear argument in the case. So did Justice Potter Stewart. But Justice Thurgood Marshall was then in the hospital with pneumonia. Justice Harry A. Blackmun had not been confirmed. The Court was limping along with seven members, and it seemed no time to tackle the whole knotty problem of school segregation again.

But Burger didn't like it. "As soon as possible," he said, the court ought to resolve the "basic, practical problems" of desegregation decrees.

It is time to ask the chief justice and his colleagues, bluntly but with no disrespect: How soon is possible?

The high court adjourned on June 29 for a vacation of more than three months. Granted this is not pure holiday. Members of the court do some loafing, of course, as other men do, but they also work on petitions for appeal and spend hours in research and reading. Nevertheless, the effective work of the court—the hearing and deciding of cases—has ground to a halt, not to be resumed until October.

Meanwhile, in the schools, chaos. Burger himself may believe that "the suggestion that the court has not defined a unitary school system is not supportable." Bosh! He would be hard put to find two federal judges in the country who agree on the term. The court also has demanded that school systems must be "nonracial." But from Norfolk to Los Angeles, trial courts—often reluctantly—are applying racial criteria.

The court has further demanded that all traces of discrimination be eliminated "root and branch." It is a fine phrase, but who knows what it means? As Virginia's District Judge Walter Hoffman recently made clear, all but five of the 50 states have some "roots" of racial discrimination in their law. In such states as Indiana, these roots manifestly have contributed to the location of existing school buildings. The black pupils of Gary are far more segregated than the black pupils of Norfolk or Richmond.

Yet such is the confusion in this field of the law that Gary's segregation is regarded as "de facto," and thus to be accepted, while Virginia's lesser segregation is residually "de jure," and hence to be condemned. Both Norfolk and Richmond face Draconian orders to destroy their neighborhood schools through the madness of compulsory busing. Gary is immune.

Such a dual standard of justice, as Virginia's Senator William B. Spong, remarked the other day, is morally and constitutionally indefensible. Whatever the Constitution requires of our public schools—and no one knows, for the Supreme Court offers little but ringing gibberish—the Constitution presumably requires the same thing of all states.

Is gibberish too strong a word? Consider. The court's definition of a unitary school system is one "within which no person is to be effectively excluded from any school because of race or color." All clear? Yet in Norfolk alone, 16,000 pupils would be effectively excluded from the schools they normally would attend because of their race or color.

The court has insisted there be no black schools and no white schools, but "just schools." Great. What are "just schools?" Why, says the court, they are schools in which race is not a factor. But race has become the sole factor in recent lower court decrees.

This intolerable mess was created by the Supreme Court. It can be resolved only by the Supreme Court. Marshall has now recovered. Blackmun is seated. If Burger will roust his idle brothers out of their hammocks, any one of a dozen pending cases could be swiftly scheduled for argument at a special sitting of the court. It seems little enough to ask of nine men who collectively are paid $542,500 a year to function as the highest tribunal in the land.

SEABED TREATY

Mr. TOWER. Mr. President, I am concerned about the contents of a proposed treaty which is presently being circulated in the executive branch of the Government. The treaty proposal is to be taken to Geneva, Switzerland, where it is to be presented on August 3 to the United Nations Seabeds Committee which is meeting there. This proposal was drafted pursuant to President Nixon's statement on U.S. oceans policy dated May 23, 1970.

In that statement, the President proposed that by appropriate treaty, the United States and all other coastal nations renounce their sovereign rights to the minerals lying on and under the seabed of the high seas beyond a distance further from shore than the 200-meter isobath. The 200-meter isobath is a contour line showing where the seabed is 200-meters below the ocean's surface. Portions of the revenue from the mining of these minerals would be given to an international organization composed of representatives of parties to the treaty. This revenue would be used to aid developing nations. The statement also noted a need to establish international safety codes for prevention of pollution of the oceans as a result of mining operations. The coastal nations, however, would retain a degree of control over minerals on the seabed beyond the 200-meter depth limit. This control was intended by the President to extend to the seaward edge of the submerged land continent.

The draft of this treaty proposal has not yet been made public. There seems to exist a strange and unexplained sense of urgency about this treaty. I understand that portions of this treaty are of serious concern to many Americans.

Therefore, I should like to discuss this matter before the draft of the treaty is whisked over to Geneva by August 3.

First, I have not been convinced that it is in the best interest of the American people to irrevocably surrender their present sovereign rights to these resources without ample assurance that they will get something in return. What that "something" is, or could be, I do not know.

It has been estimated that the quantities of minerals which exist on and under the seabed are equal to the quantities of minerals presently discovered and yet to be discovered onshore. If these reserve estimates are correct, and if the treaty is ratified in its present form, the American people will have made one of the largest single gifts to "mankind" in the history of the world. The gift could involve billions and billions of dollars resulting from payments otherwise accruing to the U.S. Treasury and the American people. While I admire the good intentions of the treaty, and while we can all be justifiably proud of the historic generosity of the American people, I am not convinced that the Americans ought to relinquish their rights to these resources without further study and the certain knowledge that doing so would be in the public interest.

The Nation needs its energy resources in order to maintain its high standard of living, its position of world leadership, and its military strength.

Second, I am unconvinced of the need to hurry the international dissemination of this complicated document. I fear that the treaty may not have received the proper amount of consideration. A single instrument of this importance which may affect the mineral resources of the Nation for decades to come must not be entered into unless and until the terms are known, understood, and approved by all interested parties.

Third, even though I have recently learned that the draft treaty will be circulated with a disclaimer that it does not necessarily represent the final views of the U.S. Government, I am, nevertheless, concerned that it will unnecessarily expose a position which the United States may not gracefully be able to reject or substantially modify in the future.

Yet, I intend to take the disclaimer at face value, and after the draft treaty is made public, I will carefully review it. If I am persuaded that substantial revisions are necessary, I will insist they be made and ask my colleagues and the President of the United States to join me in efforts to insure their inclusion in subsequent drafts of the treaty which are offered at international negotiating conferences.

Mr. President, I do not understand the need for rapid and precipitate action on this treaty.

I strongly urge that no binding agreement be made at the coming Geneva meeting until such time as the whole question of the treaty can be examined with calm reflection, without haste and full disclosure of the terms and conditions of the treaty.

CONSUMER PROTECTION ACT OF 1970 — SAFEGUARDING CONSUMERS' RIGHTS

Mr. TYDINGS. Mr. President, last week the Committee on Commerce approved the Consumer Protection Act of 1970 which is, in my opinion, the most important consumer bill presently before Congress. The bill approved by the committee includes a consumer class action procedure that will give the defrauded buyer, for the first time, an effective remedy, while fully protecting the overwhelming majority of businessmen who are honest. If this bill is enacted, as it should be, it will be a legislative milestone—the first major across-the-board legislation that will allow consumers to fight for and vindicate their own rights in court. This one bill is a major step toward redressing the vast imbalance of power that now exists between the buyer and the dishonest seller.

BUYER BEWARE

For too long, our legal system has unfairly commanded "the buyer beware." This was all very well when one was selling a cow to his neighbor and the man had a chance to look the animal over.

But in today's complicated marketplace, whatever reason there may have been for such a policy in the early stages of the development of our economy, it no longer exists. The doctrine's chief effect today is to place an undue burden on the party least capable of carrying it—the consumer. Too often the modern consumer is unable to judge the technical qualities of the product he purchases, to resist sophisticated Madison Avenue sales campaigns, or to comprehend the multitude of credit plans and financial deals that he may be offered. Although most businessmen are highly principled, every year the unscrupulous few steal billions of dollars from consumers through the sale of misrepresented merchandise. The least educated and the poorer segment of our society, those who can least afford it, suffer the most, but everyone is affected. Commissioner Mary Gardiner Jones of the Federal Trade Commission put it this way:

> No matter how informed and sophisticated the consumer, deception will take its toll and the very morality of the community is at stake when there is no effective legal action to be taken against such dishonest merchants.

In recent years Ralph Nader and other consumer advocates have focused public attention upon fraud in the marketplace. Despite their efforts, however, and despite the development of consumer protection laws and agencies, our society continues to require that the buyer beware. Ralph Nader estimates that—

> At least 95 percent of illegal consumer abuses are never adjudged to be such by our legal system. The arm of the law never reaches these abuses, thereby permitting an "overworld" of corporate crime which reaps billions yearly from the defenseless consumer.

AGENCIES TOO SLOW

The past history of the Federal Trade Commission indicates the weaknesses of the present agency approach to the prevention of consumer frauds. Even Commissioner Philip Elman of the Federal Trade Commission has charged that his agency is marked by "waste, inefficiency, and indifference to public interest."

In an effort to meet some of these problems, the Consumer Protection Act of 1970 contains provisions that would measurably increase the effectiveness of the Federal Trade Commission. But no administrative agency can possibly guard the consumer rights of millions of individuals or process the tens of thousands of complaints received each year. By their very nature consumer protection agencies must select only the most blatant forms of fraud and only those operating on a large enough scale and sufficiently affecting the public interest to justify the expenditure of valuable agency time and money. Delay is always present in a bureaucracy, and administrative budgets and personnel are limited. We should not rely upon the massive and slow Federal bureaucracy to solve local problems.

Clearly, we must provide a legal remedy that will enable the individual to act immediately and effectively on his own initiative. The injured party can be the best guardian of his own interest, if we give him the means to protect himself. In my opinion there is no better means than the traditional American tool: the private lawsuit.

Today, of course, the victim of consumer fraud may file a private action for fraud or for rescission of a sale contract on the basis of misrepresentation. At present, this ability is more theoretical than real. Lawsuits are costly; the financial loss to a single consumer is not usually large enough to make it practical for him to go to court. His court costs and attorney's fees may far exceed the money he is likely to recover if he wins his suit; in most cases, losses of $50, $100, or even $200 cannot be recovered without spending hundreds of dollars for legal fees.

If we could provide consumers with a means whereby the claims of dozens of them could join together in one court action, we would have enabled them to share the court expenses and to obtain a qualified attorney on reasonable terms.

THE CONSUMER CLASS ACTION

I am talking, of course, about the consumer class action or the "Get your money back" action as the Consumer Federation of America calls it. If such a procedure were available, a housewife defrauded of $25 would no longer have to grin and bear it. She and others who have been similarly defrauded of their money could join together at minimum individual cost, and sue not only for their own damages but for the damages of tens or hundreds of other victims as well.

In addition to being economically impractical, even successful individual suits are unlikely to prove an effective deterrent to the dishonest company. In fact, many irresponsible companies probably treat the loss of an occasional small judgment as one of the risks of the trade; a risk made worthwhile by their continued high profits through misrepresentation and deceit.

The consumer class action, on the other hand, has valuable effects that extend beyond the recovery of individual damages by injured consumers. The mere possibility of such a remedy would deter improper conduct. Although the dishonest merchant may be able to safely ignore the separate complaints of many individuals, he cannot afford to disregard the public criticism of many voices raised in unison.

For years class actions have had the potential of being an invaluable weapon in the consumer's arsenal, but the class action procedures available in most cases are, unfortunately, outmoded and archaic. While the vast majority of States provide some form of class actions, the manner in which they define the procedure usually makes it unavailable in a consumer-fraud situation. And, most important, jurisdictional limitations make the Federal courts even less available for consumer class actions than State courts.

THE ADMINISTRATION'S SUPPORT

Because of these problems and the obvious need for vigorous action in the consumer field, in the spring of 1969 I introduced the Consumer Class Action Act. That bill, S. 1980, was designed to open the Federal courts to consumer class actions based on the violation of State consumer protection laws. In July, the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, held hearings on the legislation.

Among the witnesses were Ralph Nader; Virginia Knauer, the President's Consumer spokeswomen; and Bess Myerson Grant, who is in charge of consumer affairs for the city of New York. These witnesses and others, supported the basic concept of the bill—opening the Federal courts to consumer class actions.

Mrs. Knauer, however, recommended a somewhat different approach than S. 1980. She suggested instead legislation to permit consumer class actions in Federal court for the broad range of practices condemned as unfair or deceptive under the Federal Trade Commission Act. I felt that this was a valuable suggestion, and I introduced a new bill, S. 3092, in October, combining Mrs. Knauer's proposal with my own. I am pleased that the Senator from Utah (Mr. Moss), chairman of the Consumer Subcommittee of the Commerce Committee, the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. MONTOYA), cosponsored this legislation.

Basically S. 3092 broadened the provisions of S. 1980 to include the body of Federal law proposed by Mrs. Knauer. Subsequently, despite Mrs. Knauer's testimony, the administration proposed a much watered down version of a class action bill that would forbid any consumer suit unless the bureaucracy of the national administration approved it. This approach would destroy the whole class action idea—that private lawsuits over local issues should be decided without the intervention of the massive and slow moving Federal bureaucracy.

Fortunately, the Commerce Committee, to which the administration's bill and my own were assigned, rejected the administration's approach. The proposal approved last week by the Commerce Committee guarantees a major increase in legal muscle for the consumer.

SAFEGUARDING THE BUSINESSMAN

Equally important, this bill contains stringent safeguards that will fully protect the Nation's honest businessmen, who after all are in the great majority. The overwhelming vote by which the committee approved the bill testifies to the protections that have been written into it.

First, I would like to emphasize that class actions are controlled by rule 23 of the Federal Rules of Civil Procedures, a rule that gives the judge great discretion in controlling the suit and protecting the parties. For example, a judge can reject a class suit if he feels it is inappropriate, too cumbersome, or inefficient. In fact, he can require the plaintiff to demonstrate a substantial probability that he will succeed on the merits before the case moves forward even to the pretrial stages of pleading and discovery.

Rule 23 gives the judge broad powers to insure that the action is not unduly delayed and does not cause unnecessary expense. It requires that he explicitly approve and supervise proposed settlements, thus preventing the so-called strike suit where a few claimants, in effect, blackmail the defendant into a large settlement for themselves. It enables him to impose appropriate conditions upon the plaintiff before accepting the class suit. Indeed, in an appropriate case the judge can even appoint public counsel rather than allow private counsel to represent the class.

These and other safeguards exist in rule 23 itself. In the committee, however, we were not content to rely upon these protections alone. We adopted a number of important amendments tc the legislation that make certain that the principled businessman is protected:

First. We eliminated the broad body of State consumer law originally proposed and substituted defined lists of prohibited practices so that businessmen are clearly warned of the improper conduct that might subject them to class action under the bill. The list of practices can only be expanded by the promulgation of rules by the Federal Trade Commission in accordance with established rulemaking procedures and after hearings.

Second. We limited the scope of the bill to knowing intentional behavior. The bill deals with fraud, not with mere negligence or sloppy workmanship.

Third. We added a provision enabling the court to review agreed upon legal fees and to assure that those fees bear a reasonable relationship to the work actually performed.

Fourth. We provided that no individual can join a suit unless he has a purchase of $10 or more involved.

Fifth. We included specific provisions designed to encourage the settlement process and granting the judge additional controls over that process.

Sixth. We provided that the private action could not proceed until the Federal Trade Commission and the Justice Department had notification of the complaint and a reasonable opportunity to handle the problem themselves. This provision is also designed to eliminate the filing of multiple suits.

Finally, and perhaps most important, we provided that any plaintiff who brings a frivolous consumer class action suit to harass or intimidate a defendant will be held liable for the full costs of the action, including the defendant's attorneys' fees.

All of these add up to the full protection that the honest businessman deserves. At the same time they do not lessen the value of the bill as a weapon against those few unscrupulous merchants who give the entire business community a bad reputation. Their elimination should lead to an improved relationship between the businessman and his customer as fraud is driven from the marketplace.

The whole thrust of the bill is to provide the defrauded with a remedy that works; to replace old legal procedures which only provide roadblocks. With the bill, our traditional laws of fraud can be used by the average American, so that every buyer can have his day in court.

REPORT ON CAMPUS UNREST

Mr. FANNIN. Mr. President, some disappointment has been expressed in the special report made to the White House on campus unrest.

The problem is a deep one and complex. And those who have been studying the issue have been devoted, but I am disappointed in the tendency to lay the answers to so many of our social and educational problems to the National Government and national leaders.

Our universities and colleges cannot lay their course and their future in the policies along of the National Government and national leaders. The campus itself is our greatest emblem of independent and free expression, the guardian of knowledge, and the inspiration of our new leaders of tomorrow.

If campus unrest is the fault of communication between our national leadership and our college leaders, we must remember that communication is a two-way street.

The citadels of our intellect must bear part of the responsibility for the course of national events. National courses and policies are not laid down or evolved overnight. Nor can they be changed overnight. Change must be made in an orderly manner.

Positive, constructive criticism that answers the needs of today for the national leaders performs a great service. Negative criticism that blames and blames alone only adds to the unrest and the greater need for guidance and unity.

I believe that the finest course that our university leaders could take would be to shoulder their full blame—whether or not blame should be shared—for campus unrest. After all, though, leaders have a responsible and responsive role in troubled times.

From this approach, I feel progress will be made—and national leaders will listen.

Certainly, in my view, the worst approach that can be taken is to place full blame—and with it full reliance—on our national leaders and National Government to resolve unrest on the campus.

I ask unanimous consent to have printed in the RECORD a perceptive and discerning article entitled "Campus unrest: Don't Blame Mr. Nixon," written by Douglas L. Hallett, editorial chairman of the Yale Daily News, and published in the Wall Street Journal of July 29, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMPUS UNREST: DON'T BLAME MR. NIXON

(By Douglas L. Hallett)

(NOTE.—Douglas L. Hallett, a senior at Yale University and editorial chairman of the Yale Daily News, is a summer employe in The Wall Street Journal's Washington bureau.)

WASHINGTON.—President Nixon has now had an opportunity to study the initial testimony of his Commission on Campus Unrest headed by William Scranton. He has also received a report from his special adviser on campus problems, Alexander Heard, chancellor of Vanderbilt University. Hopefully he will read both selectively. Although the commission and Mr. Heard have elucidated some of the problems facing universities, their basic thrust is much too one-sided and much too limited by contemporary events to be of any real value.

While the testimony before the Scranton commission and Mr. Heard's report make some reference to the need for reform on university campuses themselves, the dominant tone is somewhat different: The President is at fault. He must listen to the students, respond to their views, end the war, and if that cannot be done tomorrow, at least try to "communicate" with the nation's colleges and universities.

"It may well be that the only line in your report that will have meaning for our colleges and universities is the line that reads: 'This war must end'," said Sen. Edward M. Kennedy (D., Mass.). From Robben Flemming, president of the University of Michigan: "An end to the use of American troops in Vietnam will not still campus unrest, but it will do more than anything else to help contain it." From Charles Palmer, president of the National Student Association: "As long as there is substantial American military involvement in Indochina, students will continue to oppose it."

And the foundation of criticism of the war is always buttressed with the nation's other alleged failings. "Unless we can begin now (restoring youth's faith by doing their bidding)," testified Yale psychologist Kenneth Keniston, "ours will not only be a divided and sick society, but a society that has lost the best of its youth—a society on its deathbed." Even calm Mr. Heard recommended "that the President increase his exposure to campus representatives, including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

There is, of course, some validity in these views. Certainly the war and the threat of the draft have created consternation on campus. Certainly many able students are shocked by the disparity between their own luxury and the deprivation around them when they leave comfortable suburban high schools for the dirt and tedium of urban university neighborhoods.

IMPORTANT SOCIAL FACTORS

Even more important are other social factors the Scranton Commission and Mr. Heard have yet to discuss. Students discover in college for the first time that they will not inherit the earth, that the increasingly centralized nature of the American economy has foreclosed many of the opportunities for self-expression they thought they would have. Thousands study international relations in college, but the State Department can use only 150 each year. Only a few in any profession can rise to positions where individual initiative and creativity are truly possible.

But no amount of frustration with society justifies or explains the destructive path some student protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

It can be argued that these steps are not enough. But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Can it really be argued that students, a group possessing the luxury of time to use traditional political channels and the most potential for eventually controlling them, deserve the President's special attention?

Can it really be argued that students are doing anything more than indulging their own uncontrolled emotions when their activities polarize the society and undermine the political viability of issues with which they are supposedly concerned?

Mr. Keniston and others who have been counseling the President over the past few weeks may be optimistic about the students and their concerns, but the real radicals in this society fear them. They see many students as indulging themselves at their expense. The Black Panthers denounced the white students who took to the streets during the May weekend demonstrations as "racist exhibitionists who know black people, and not they themselves, will have to face the repercussions of their madness."

And Steven Kelman, a Socialist and recent Harvard graduate whose book, "Push Comes to Shove," is the best yet on campus unrest, blasted his fellow students before the Scranton Commission for their "snobbish, arrogant and elitist attitude." He said unrest would continue "as long as students continue to regard the American people not as potential allies in solving problems but as an enemy to be confronted."

A FUNDAMENTAL REALIZATION

Neither the Panthers nor Mr. Kelman would appreciate being coupled with Vice President Agnew, but they share with him one fundamental realization: Most so-called student radicals cannot be trusted. Students don't know what they want. They identify for periods of time with anybody from Eugene McCarthy to Bobby Seale, but their commitments are transitory. The outrage that followed the Cambodian incursion has not been followed by sustained political activity among students. As president Kingman Brewster of Yale knew when he undertook his policy of generous tolerance last spring, students get bored easily when it comes to the hard work of political organization and stop when the initial enthusiasm has passed.

Worse yet, students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them. They react strongly to rhetoric because they have nothing else on which to rely. It can be argued that President Nixon's withdrawal from Vietnam is too slow, but those who make this point should be willing to acknowledge that Mr. Nixon is doing exactly what Robert Kennedy proposed in 1968.

Similarly, it is possible to quarrel with the "new urbanology" of Daniel Patrick Moynihan and Edward Banfield, but it should also be clear that their approach is designed partially to eliminate the statism that proved so ineffective in the Johnson Administration's "Great Society" programs. Students, in their false morality, refuse to make these acknowledgements because their historical sense is too weak to breed in them the tolerance that should come with learning.

Responsibility for this situation does not, as the Scranton commission testimony and Mr. Heard's report come close to implying, lie with Mr. Nixon. Rather, as only a few brave academic souls such as former Cornell President James Perkins have partially conceded, it lies with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities. During the Fifties, Mr. Perkiins argues, universities became so distracted by the McCarthy furor that they failed to keep pace with changing historical currents. Instead of changing teaching content and academic structures, they just marked time.

On a public policy level, Mr. Perkins believes this led to the universities' advocating two premises that were "bankrupt" long before the academic community noticed. One was that the United States could intervene freely throughout the world. The other was that integration, accepted by both black and white, would be the answer to racial tensions. Mr. Perkins says these faulty ideas have "chopped up" universities. And although he does not continue his argument, presumably he means that this has taken place at least partly because the universities have refused to accept responsibility for their views. Now, in their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis.

UNCHANGED SINCE THE MIDDLE AGES

The Perkins analysis can also be extended to the internal structure of universities. Universities are the only institutions in American society that have not fundamentally changed since the Middle Ages. They still maintain highly structured tenure systems that protect incompetence and cheat the student out of the personal tutoring that he is told best universities offer. But the academic community's own rigidity does not stop it from lashing out at the political system and accusing it of the very same authoritarianism and repression academic institutions so perfectly exemplify. Learning from people who engage in this kind of self-delusion and self-projection, students naturally come away confused about their history and their place in it.

In fairness, it must be noted that the problem lies deeper than the campus. The loss of historical perspective and the diminished and unsure sense of the self that it brings have been encouraged by other institutions as well. Writes historian Daniel J. Boorstin, "In our churches the effort to see man sub specie aeternitatis has been displaced by the 'social gospel'—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and durable, but spend most of their efforts in fruitless search for ala mode 'social commentary'—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months." Nor have the news media, in this day of up-to-the minute television coverage, done much to develop in their audience a feel for the slow and deliberate character of social change.

But inevitably the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thoughts and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to more constructive paths for their emotional surges.

This does not mean President Nixon cannot take some steps to ease campus tensions. He can persuade his Vice President to soften his statement that appear to many students to be deliberate incitement to riot. He can make a far better intellectual presentation of his own views than he has so far. He can begin advocating the kinds of public and private decentralization that will create new opportunities for self-expression for students and others. But Mr. Nixon should resist, and resist vigorously, anybody who advises him to institute artificial consultation with students that cannot be followed by policy decisions the students desire. The problem goes far beyond anything symbolic gesturing could solve, and besides, students get too much of that already on their campuses.

THE FIGHT FOR A CLEAN C. & O. CANAL

Mr. MATHIAS. Mr. President, more and more Washington area residents and visitors are discovering the recreational assets of the Chesapeake & Ohio Canal. The Department of the Interior has endorsed my pending legislation to expand and improve this historic waterway as a national historical park, and many national and area organizations have joined in seeking prompt congressional action on this measure.

Too little attention has been paid, however, to the men of the National Park Service who work every day to maintain the canal, keep it as clean as possible, and secure all the improvements feasible with inadequate funds and too little acreage. One such group is the maintenance crew which fights a daily battle with litter and trash in Georgetown, along the most heavily utilized section of the canal. They deserve our thanks and our help.

In an article published in the Washington Post of July 24, William L. Claiborne summarized the work of this group of public servants. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGHT FOR CLEAN CANAL: TRASH DUMPERS, RIVER KEEP CREW BUSY

(By William L. Claiborne)

Donald Foster and his C & O Canal maintenance crew are something akin to Sisyphus of Greek mythology who was compelled to roll a huge stone up a mountain each day only to have it roll back down just before reaching the top.

Each day throughout the summer, a dozen workmen ply the waters of the historic canal, removing obstructions and skimming off truckloads of trash.

Each night, just after the workmen turn their backs to leave the job, fresh trash is swept into the canal through two feeder points from the Potomac River or is dumped in at the Georgetown portion of the waterway.

"It just keeps coming in, and we just keep taking it out," Foster observed yesterday.

Foster was born in a house alongside the canal near Potomac, Md., and he used to swim in the C & O as a boy. His affection for the old canal keeps bringing him back "to try to keep it like it used to be."

The job of the canal maintenancemen is an uphill one, occasionally fraught with frustrations. But the workers feel they are holding their own and, except for a hard-to-control segment in lower Georgetown, the evidence bears this out.

The canal intersection at Potomac Street NW is the worst place, Foster said, because each day boxes of garbage and even old furniture and mattresses are thrown into the water there by area residents.

Four times a day, canal crews clean up the debris but still fall short of keeping the water clean. "After doing this four times a day, we'll get calls that it hasn't been done in a week. And it may seem that way," Foster said.

The canal crews are attacking the trash problem several ways.

Small trash usually floats downstream until it becomes trapped in one of the 84 locks along the canal where workmen remove it. There are 24 locks in the 25-mile portion under the control of Foster, who is an acting assistant supervisor of the National Park Service.

Other crews operate out of a 15-foot boat, using grappling hooks to remove large debris and rakes to clean the canal's surface and sides.

Also, nine "blow offs"—venting locks used to drain water from the canal into the Potomac—are used to draw off and trap accumulations of debris.

But the Potomac appears to have an inexhaustible supply of floating debris to channel into the canal. On Monday, a crew completely cleared the intake at Violet's Lock, 22 miles north of Washington, but yesterday it was almost completely obstructed with trash from the Potomac.

In its heyday, between 1850 and 1880, the C & O Canal was in almost constant use, with 74 operating locks along its 184-mile length between Cumberland, Md., and Rock Creek.

If that kind of use were possible today, the pollution of the canal would cease to be a problem, according to Floyd B. Taylor, canal superintendent.

"Constant use creates a surge of current and sweeps debris down the canal into the river," said Taylor. However, the principal lock use now is for daily barge trips in Georgetown and weekend trips at Great Falls.

But the slack in water velocity, Foster noted, has its advantages. "Our idea is to keep it clean without moving the water too fast. You have to think of the canoeing, too," said Foster.

In addition to cleaning the canal waters, Foster and the other park service workers are responsible for maintaining the locks, rebuilding washed-out banks and water flues and maintaining recreation areas.

Foster views the mandate of the job as "doing the job the old way and keeping the canal as it was. After all, it's a piece of history."

It may become officially a piece of history if Congress enacts a pending bill to make the C & O a national historic park. One of the bill's backers, Rep. John P. Saylor (R-Pa.), has predicted passage of the bill "before the snow flies."

MIDDLE EAST: MYTHS AND FACT—I

Mr. TYDINGS. Mr. President, with the development of a significant Soviet military presence in the United Arab Republic in recent months, the focus of U.S. international concern has shifted suddenly to the Middle East. For in no other area of the world are the risks of a United States-Soviet confrontation so great.

As Senators know, we have seized the diplomatic initiative in offering a plan of settlement in the Middle East based on the U.N. resolution of November 22, 1967. While progress to date has been tentative and delicate in nature, no approach that might produce an end to the fighting and the foundations of a meaningful peace ought to be left unexplored. For no less than world peace, the survival of Israel, and the well-being of the Arab peoples is at stake.

Unfortunately, the administration has not yet reached a definite decision to sell Israel the aircraft she needs to maintain the balance of military power in the area. In my opinion, and that of a great majority of the Senate, the failure to sell Israel these planes is a tragic mistake. Providing Israel with the means to deter attacks has been the cornerstone of our Middle East policy. Direct Soviet intervention has tipped decisively the balance of power against Israel and thereby increased the possibility of yet a fourth round in the Arab-Israeli war. Before it is too late, it is imperative that this balance be restored.

If the Senate is to assume its full constitutional responsibilities in the conduct of American foreign policy, we must be informed. Much national debate over U.S. actions in the Middle East has been distorted by a lack of information and much misinformation.

Earlier this year, the Near East Report, edited by I. L. Kenen, issued a special report entitled "Myths and Facts—1970." This excellent compilation of prevailing myths and relevant facts on the troubled Middle East is enormously useful in determining what America's foreign policy posture ought to be.

In an effort to make this valuable compendium available to all who seek a just and lasting peace in the Middle East, I intend to place in the RECORD the entire "Myths and Facts—1970" in a series of installments.

Mr. President, I ask unanimous consent that the first installment be printed in the RECORD.

There being no objection, the installment was ordered to be printed in the RECORD as follows:

NEAR EAST REPORT

I. THE RIGHT TO EXIST

The existence of all member states of the UN is accepted and unchallenged.

Israel is a conspicuous exception.

Arab propaganda invariably begins with this polemic:

Question

What right does Israel have to exist?

Israel has a celebrated historic background. No state has such an impressive international birth certificate—the promise of the Bible; the Balfour Declaration, which recognized the connection of the Jewish people with Palestine; the League of Nations Mandate, which confirmed and incorporated the Balfour Declaration; the UN partition resolution in 1947; the formal admission of the State of Israel to the UN in 1949; and the recognition of Israel by the vast majority of the nations of the world.

Myth: Arabs claim the Jews are alien invaders.

Fact: The Jewish people had self-rule in Palestine for some 2,000 years. They ruled from Joshua's conquest until they were exiled by the Babylonians in 586 B.C. Fifty years later they returned to rebuild the homeland. For the next six and one-half centuries, until the uprising of Bar Kochba in 132 A.D., there were autonomous or independent Jewish governments.

The Roman conquest suspended Jewish sovereignty, and from that time until 1948 the country never regained independence; it became the province of many empires. The Romans were replaced by the Byzantines, and they by the Arabs. From 637 A.D. to 1701 A.D., Palestine was part of the Arab caliphate, some 434 years.

Between 1071 and 1516, Palestine was ruled by a succession of conquerors: the Seljuks, the Crusaders, the Mongols, and the Mamelukes.

From 1517 until World War I, Palestine belonged to the Turks; the liquidation of the Ottoman Empire by that war paved the way for independence for both Arabs and Jews.

The Roman sack of Jerusalem destroyed the Jewish state, but not the Jewish community. Jews continued to live in Palestine and were a majority there until the fourth century of the Christian era. They were nearly wiped out by the Crusaders and Mongols in the eleventh century. Slowly recovering under the Ottomans, the Jews reached a peak in the sixteenth century, when more than 15,000 lived in Safad alone.

Modern settlement began 100 years ago—in 1870—when French Jews established an agricultural school in Palestine, Mikvah Israel. In 1881, the Jews numbered about 25,000, and by 1922, when the British assumed the Mandate, there were some 83,000.

Comment: In an article in *Foreign Affairs*, July 1965, Israel's Foreign Minister Abba Eban wrote:

"There is no greater fallacy than to regard Israel as a 'colonial' phenomenon. No state in the world expresses the concept of nationhood more intensely than Israel. It is the only state which bears the same name, speaks the same tongue, upholds the same faith, inhabits the same land as it did 3,000 years ago."

Question

To whom did the land belong?

Jews have lived in Palestine since the days of Abraham. They began to rule the country when Moses led them from Egypt about 1200 B.C. During the 4,000 years from the Bible until World War I, the Near East was in constant turmoil and flux. Peoples came and went. States rose and fell. Boundaries changed.

Myth: But Arabs claim that Palestine was an Arab country, part of a vast legacy which includes the entire area from Casablanca to Kuwait.

Fact: Although Arabic was adopted as the language of a majority of the population after the Arab invasions of the seventh century, Palestine was never an exclusively Arab country.

There never was an Arab state in Palestine, and there never was a Palestine Arab nation.

Throughout all of Palestine's history, the Palestinian Arabs never ruled the country, nor did they create their own self-contained unit or any form of separate political or social identity. They were not autonomous at any time.

For many centuries, Palestine was a sparsely populated, largely nomadic, poorly cultivated and neglected expanse of eroded hills, sandy deserts, malarial marshes. Its ancient irrigation systems had crumbled. The Turks cut down the forests. Historians described Palestine as a "ruined and disordered country . . . a bedraggled land of contemptible villages . . . where robbery and extortion were rife." As late as 1830, John Carne found the country desolate and half barbarous.

The regeneration of Palestine, and the growth of its population, came only after Jews returned to resettle and rehabilitate the land.

Comment: T. E. Lawrence, the champion of Arab nationalism, who travelled in Palestine in 1909, was depressed by the country's decay, but deeply impressed by the Jewish settlements: "The sooner the Jews farm it all the better; their colonies are bright spots in a desert."

Question

What is Zionism?

In the late nineteenth century, the rise of religious and racist anti-Semitism led to a recrudescence of pogroms in Russia and Eastern Europe which shattered early promises of equality and tolerance. This stimulated Jewish immigration into Palestine from Europe.

At the same time, unnoticed by the European historian, there took place a parallel wave of immigration from Yemen, Morocco, Iraq and Turkey. These were Jews who were unaware of Zionism or of the European pogroms. They were motivated by the centuries-old religious dream of the "Return to Zion," and upon hearing that the gates of Palestine were open, they braved the hardships of travel at the beginning of this century and went to the "Land of Israel."

In 1897, Jewish leaders organized the Zionist movement calling for the restoration of a Jewish national home, where Jews could have sanctuary, self-determination and the renascence of their civilization and culture.

The simplest definition of a Zionist is one who advocates that objective, no matter what his religion, and many Gentiles have called themselves Zionists. There is no basis for Arab smears that Zionism is racist and exclusivist. In truth, Zionism was a revolutionary movement against racist, exclusivist any reactionary policies and regimes.

Zionist leaders appealed to the Turkish government to facilitate Jewish settlement in Palestine. But in vain. During World War I, many Jews were forced to leave Palestine because of the harsh Turkish regime. In 1917, Britain issued the Balfour Declaration:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

Myth: Arabs never accepted the Zionist program.

Fact: The Balfour Declaration had won the approval of the United States and other Western powers. At first, there was some hope that Arabs would also accept the declaration and cooperate.

Emir Faisal, son of the acknowledged leader of the Arabs, Sheriff Hussein, met with Dr. Chaim Weizmann and other Zionist leaders during the 1919 Paris Peace Conference. They signed an agreement which, "mindful of the racial kinship and racial bonds existing between the Arabs and the Jewish people" declared that "the surest means of working out the consummation of their national aspirations is through the closest possible collaboration in the development of the Arab state and Palestine."

The agreement looked to the fulfillment of the Balfour Declaration, and it also called for "all necessary measures . . . to encourage and stimulate immigration of Jews into Palestine on a large scale, and as quickly as possible to settle Jewish immigrants upon the land through closer settlement and intensive cultivation of the soil."

On Mar. 3, one day after Weizmann presented the Zionist case to the peace conference, Faisal wrote a letter to Felix Frankfurter, in which he declared:

"The Arabs, especially the educated among us, look with deepest sympathy on the Zionist movement . . . We will wish the Jews a hearty welcome home . . . We are working together for a reformed and revived Near East and our two movements complete one another. The Jewish movement is nationalist and not imperialist. Our movement is nationalist and not imperialist. And there is room in Syria for us both. [*Under Turkish rule, Syria included part of Palestine.*] Indeed, I think that neither can be a real success without the other."

Lawrence, who had arranged the meeting, prophesied in 1920 that the success of Zionist settlement "will involve inevitably the raising of the present Arab population to their own material level, only a little after themselves in point of time, and the consequences might be of the highest importance for the future of the Arab world."

Lawrence later wrote: "I must put on record my conviction that England is out of the Arab affair with clean hands."

QUESTION

Why did the Arabs renege?

Faisal had conditioned his acceptance on the fulfillment of wartime promises which the British had made to the Arabs. The Arabs had hoped for independence in a vast area in the Ottoman empire.

But these hopes were temporarily dashed when the French took over the mandate for Syria, ejecting Faisal, who had been proclaimed king of Syria. As consolation, the British named Faisal king of Iraq. And, in a further effort to please the Arabs, Colonial Secretary Winston Churchill cut away about four-fifths of Palestine, some 35,000 square miles, and created a brand new Arab state, Transjordan, installing Faisal's brother, Abdullah, as king. This—the first partition of Palestine—was a blow to the Zionists, but they reluctantly accepted it, as the British simultaneously took over the League of Nations Mandate for Palestine, in 1922.

However, it should be emphasized that Arab hopes for a vast empire have since been realized to an enormous extent. Today, according to a recent State Department bulletin, there are some 18 separate Arab states or sheikhdoms, covering an area of 4,626,000 square miles.

Myth: The Arabs contend that the British had promised that Palestine would be in the proposed Arab state.

Fact: The British have always denied that they made conflicting promises.

In a letter to the London *Times*, on July 3, 1937, Sir Henry MacMahon, the British High Commissioner in Cairo, who had been the chief British negotiator with the Arabs, wrote that no such commitment had ever been made to the Arabs.

"I feel it my duty to state, and I do so definitely and emphatically, that it was not intended by me in giving this pledge to King Hussein to include Palestine in the area in which Arab independence was promised. I also had every reason to believe at the time that the fact that Palestine was not included in my pledge was well understood by King Hussein."

Lord Balfour felt that the Arabs were indebted to the British and were lacking in appreciation.

In a 1920 address in London, he said:

"So far as the Arabs are concerned—a great, and interesting, and an attractive race . . . I hope they will remember that while we desire . . . to establish this home for the Jewish people, the Great Powers, and most especially Great Britain, have forced them, the Arab race, from the tyranny of their brutal conqueror, who has kept them under his heel for many centuries. I hope they will remember it is we who have established the independent Arab sovereignty of the Hedjaz . . . we who desire in Mesopotamia to prepare the way for the future of a self-governing, autonomous Arab State. And I hope that, remembering all that, they will not grudge that small niche, for it is not more geographically in the former Arab territories than a niche—being given to the people who for all these hundreds of years have been separated from it, but who surely have a title to develop on their own lines in the land of their forefathers."

[Hedjaz—now Saudi Arabia: Mesopotamia—now Iraq.]

Myth: The British favored establishment of a Jewish state in order to serve British imperialism, to the injury of the Arabs.

Fact: Despite their obligation under the mandate, the British adopted a pro-Arab policy which was designed to defeat the establishment of the Jewish state. Britain put her military bases in the Arab states—not in the Jewish homeland.

Arabs met Jewish immigration with terror and violence in 1920, and many Jews were killed and wounded in Jaffa, Jerusalem, and Jewish villages in the Galilee. There were waves of terrorism in 1921, again in 1929, and again in 1936.

Jews struck back, but the sporadic assaults by the Arabs against the new Jewish farmers accomplished their objective—to intimidate the British into restricting Jewish immigration and land purchases.

British administrative and military personnel in Palestine were largely unsympathetic with the objectives of the mandate. British missions, which investigated the riots, brought in reports which served Arab purposes. These were climaxed in 1939 by the infamous British White Paper, which proposed that future Jewish immigration be limited to 10,000 a year for five years and to an additional 25,000 refugees from Nazism—75,000 in all. Jews would be allowed to buy land in only five percent of the county. At the end of 10 years, there would be an independent state—an Arab state.

Thus, at a time when Jewish need was greatest, when Hitler was threatening the extermination of the Jews of Europe and doors were closing all over the world, the British government announced a policy which all but closed Palestine's doors and which would have ended any possibility of the establishment of a Jewish state.

Myth: Arabs protest that the West settled Jews in Palestine at the expense of the Arabs, in order to relieve its conscience over the failure of the democracies to stave off Hitler's bloody persecution of the Jews.

Fact: In the first place, the Balfour Declaration and other formal and informal expressions of Western support for the Jewish state long preceded Hitler.

Furthermore, it was the Arabs who terrorized Jewish settlers in Palestine in the first half of this century, and it was the Arabs who pressured the British to keep the Jews out of Palestine. And when Hitler did seize power, it was the Arab states—not the West—which supported him. The leader of the long anti-Jewish Arab campaign was the Mufti of Jerusalem, Haj el Amin Husseini, who openly collaborated with Hitler in Berlin during World War II, in the Fuehrer's "final solution."

"The Germans," Husseini had said admiringly at a November 1943 rally in Berlin, "know how to get rid of the Jews." Accordingly, the Mufti sent several letters to high Nazi officials, including one to Heinrich Himmler on July 27, 1944, urging Germany "to do all that is necessary to prohibit the emigration of Jews to Palestine."

The documents presented at the 1946 Nuremberg Trials testify to the Mufti's complicity.

Question

Who fought for freedom in World Wars I and II?

Contrary to the romantic fiction of the period, most of the Arabs did not fight with the Allies against the Turks in World War I.

David Lloyd George, the British Prime Minister, wrote that most Arabs fought for their Turkish rulers. Faisal's supporters in Arabia were the exception.

In World War II, the Arabs were very slow to enter the war against Hitler. Only Transjordan went along with the British in 1939. And Iraq was taken over by pro-Nazis in 1941 and joined the Axis powers. Most of the Arab states sat on the fence, waiting until 1945 to see who would win.

By then, Germany was doomed and, since it was necessary to join the war in order to qualify for membership in the nascent United Nations, the Arabs belatedly began to declare war against Germany in 1945: Egypt, on Feb. 25; Syria, on Feb. 27; Lebanon, on Feb. 28; and Saudi Arabia, on Mar. 2.

In sharp contrast—some 30,000 Palestinian Jews fought against Nazi Germany. As David Ben-Gurion put it, they fought the British

White Paper as if there were no war, but they fought the war as if there were no White Paper.

Testimony: *Some prominent Christian Arabs favored a Jewish state.*

UNSCOP took secret testimony from the Archbishop of Beirut, Ignatius Moubarak, in August 1947. The Maronite religious leader said:

"Major reasons of a social, humanitarian and religious nature require the creation of two homelands for minorities—a Christian home in the Lebanon as there has always been, and a Jewish home in Palestine.

"These two centers, connected with each other geographically, and supporting and assisting each other economically, will form the necessary bridge between the West and East from the viewpoint of culture and civilization.

"The neighborly relations between these two nations will contribute to the maintenance of peace in the Near East which is so divided by rivalries and will lessen the persecution of minorities, who will always find refuge in these two countries . . .

"The Lebanon demands freedom for the Jews in Palestine—as it desires its own freedom and independence."

The UN Partition Resolution

As World War II came to an end, revealing the extent of the catastrophe that had befallen the Jewish people, there were demands everywhere for swift action to rehabilitate and resettle those who had survived, and to establish the Jewish state.

The British tried but failed to work out an agreement acceptable to both Arabs and Jews. They turned the problem over to the UN early in 1947.

The UN sent an 11-nation Special Commission (UNSCOP) to Palestine to investigate. None of the Great Powers were on that body.

UNSCOP found two peoples, Arabs and Jews, both claiming all the country. The Jewish state was already in existence, in all but name. Eager for independence, the Jews of Palestine were ready to accept a compromise—partition. But the Arabs boycotted UNSCOP.

To satisfy the national aspirations of both peoples, UNSCOP unanimously proposed termination of the mandate and independence for Palestine.

Seven nations—Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay—recommended partition, the creation of two separate states, Jewish and Arab, to be joined by economic union, with a Jerusalem enclave.

Three nations—India, Iran and Yugoslavia—recommended a unitary state with Arab and Jewish provinces. Australia abstained.

The majority and minority plans were sharply debated. Arab diplomats proclaimed three "nos": no partition, no further Jewish immigration, and no Jewish state.

The *ad hoc* committee of the UN General Assembly rejected the Arab demand for a unitary Arab state, 29 to 12, with 14 abstentions and two absentees. World opinion strongly favored the UN resolution and it was adopted by a vote of 33 to 13, with 10 abstentions.

II. THE 22 YEAR WAR

1. The aggression in 1948

The Arabs have always insisted that Israel was the aggressor.

But throughout the 1947 UN debate, the Palestine Arab Higher Committee threatened war, and so did the delegates of the Arab states, while spokesmen for the Jewish Agency appealed for peace.

Jamal Husseini, the Committee's spokesman, had told the UN:

"The partition line proposed shall be nothing but a line of fire and blood."

That was on Nov. 24, 1947. Five days later the UN voted. And the Arabs began their war to prevent implemetation of the UN resolution.

Roads were mined, settlements isolated, convoys ambushed; seven Jews were killed in the first few hours. By the end of the first week, 105 Jews had been killed.

Later, apartments in Jerusalem were blown up and more than 50 men, women and children were killed. Thirty-five Hebrew University students were massacred on the road near Jersusalem. The Jewish Agency was bombed, with heavy casualties. A convoy was set afire on the road to the Hadassah Hospital on Mount Scopus; 77 Jewish doctors, nurses and scientists died.

Arab attacks were resisted, and in some areas Jewish forces took the offensive against several Arab villages where guerrilla fighters were based. These included the Deir Yassin raid near Jerusalem. Arab propaganda aways focuses on Deir Yassin—never acknowledges that many Jewish villages and towns came under Arab attack during this period.

But the tragedy at Deir Yassin was an isolated incident carried out by an independent military force before the State of Israel came into existence and while the British were still ruling the counrty. It came at a time when Arabs were besieging Jerusalem. Then, as now, Arabs were carrying on a sustained campaign of terror against Jewish civlians, a campaign which has persisted for 50 years and which today takes the lives of innocent people even in other lands.

In January 1948, the first detachments of the "Arab Liberation Army" entered Palestine from Syria and Jordon to attack Jewish villages in the Jordon Valley.

From the Record

On Feb. 6, 1948, the Arab Higher Committee cabled the UN:

"The Arabs of Palestine made a solemn declaration before the UN, before God and history, that they will never submit or yield to any power going to Palestine to enforce partition."

The UN blamed the Arabs for the war. The UN Palestine Commission was blocked both by Arab opposition and British refusal to cooperate. It never went to Palestine to implement the resolution, but reported to the UN Security Council, on Feb. 16, 1948:

"Powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein."

Trygve Lie, who was then UN Secretary General, wrote in his book, *In The Cause of Peace:*

"From the first week of December 1947, disorder in Palestine had begun to mount. The Arabs repeatedly had asserted that they would resist partition by force. They seemed to be determined to drive that point home by assaults upon the Jewish community in Palestine."

The Arabs themselves never disclaimed responsibility. They claimed credit.

Jamal Husseini told the UN Security Council, on Apr. 16, 1948:

"The representative of the Jewish Agency told us yesterday that they were not the attackers, that the Arabs had begun the fighting. We did not deny this. We told the whole world that we were going to fight."

The UN Security Council yielded to armed defiance and failed to carry out the partition resolution.

The United States came forward with a proposal for a temporary trusteeship over Palestine, pending further negotiations. The General Assembly held a special session. But the U.S. proposal for a trusteeship was not adopted. The UN decided to send a mediator.

THE INVASION OF ISRAEL

The partition resolution was never formally suspended or rescinded. It remained in effect and the State of Israel came into being on May 14, as the British finally left the country. Arab armies now invaded Israel, expecting to sweep the Israelis into the sea and liquidate the Jewish state.

On May 15, Azzam Pasha, Secretary General of the Arab League, said in Cairo:

"This will be a war of extermination and a momentous massacre which will be spoken of like the Mongolian massacres and the crusades."

The Egyptian Foreign Minister, Mohamoud Fawzi, notified the Security Council: "The Royal Egyptian Government declares, now that the British Mandate in Palestine has ended, that Egyptian armed forces have started to enter Palestine . . ."

Fighting ended after the Security Council threatened, on July 15, to cite the Arab governments for aggression under the Charter.

The Arab war to destroy Israel failed. Indeed, as a result of their aggression, the Arabs wound up with less territory than they would have had if they had accepted the partition resolution.

Myth: Arabs contend that the establishment of the Jewish state violated the right of the Palestine Arabs to self-determination.

Fact: The UN has offered self-determination to both Arabs and Jews in Palestine. Both had been offered their own separate states. But the partition boundaries were erased by the Arab invasion.

It was outside Arabs—not the Jews—who destroyed the proposed Arab Palestine.

Part of its territory was seized by Transjordan in the east (the West Bank and Old Jerusalem) and by Egypt on the southwest coast (Gaza). Israel forces captured western Galilee, which had been used as a base by Arab irregulars. The Israelis opened a new road from the Mediterranean coast to bring food and water to besieged Jerusalem.

Ironically, the only country in the Near East which actively *supported* the creation of a Palestine Arab state was *Israel,* by virtue of her support for the UN partition resolution.

"Palestine" always denoted what eventually became Israel, the West Bank and the East Bank. Palestinian Arabs could have created their own state in the portion allotted to them under partition at any time during the last 22 years.

The fact is that the Arab "struggle" was not intended to satisfy a quest for self-determination in Arab Palestine—and does not today. Rather, it is bent on depriving Israel of her right to self-determination by seeking to establish an Arab state on the ashes of Jewish Palestine.

It was clear beyond doubt to the world which witnessed the events of 1947–48 that the Arab invasion of Palestine was illegal and unjustifiable.

Both the Americans and the Russians indicted the Arabs. The United States urged a resolution charging the Arabs with a breach of the peace.

From the Record

The U.S. delegate, Sen. Warren Austin, declared on May 28, 1948 that the Arab armies had marched "to blot out an existing independent government," a matter of international concern, and "a violation of the Charter."

Soviet Delegate Tarasenko told the Security Council on May 20, 1948:

"We are concerned with the plain fact that a number of Palestine's neighbor States have sent their troops into Palestine. Our knowledge of that fact is not based on rumors, or on newspaper reports, but on official documents signed by the Governments of those States informing the Security Council that their troops have entered Palestine. I refer, in particular, to the documents signed and sent by the Governments of Egypt and Transjordan . . .

"I should like to point out in passing that none of the States whose troops have entered Palestine can claim that Palestine forms part of its territory. It is an altogether separate territory without any relationship to the territories of the States which have sent their troops into Palestine."

Delegate Gromyko, in the Security Council, May 29, 1948:

"This is not the first time that the Arab States, which organized the invasion of Palestine, have ignored a decision of the Security Council or of the General Assembly. The USSR delegation deems it essential that the Council should state its opinion more clearly and more firmly with regard to this attitude of the Arab States toward decisions of the Security Council."

Myth: Arab leaders now claim that they entered Palestine only after Israel was established, "as a fire brigade, to put out a fire."

Testimony: The Security Council debates contradicted this. And there is graphic testimony from the British Commander of the Arab Legion, Sir John Bagot Glubb. He wrote in his book, *A Soldier with the Arabs:*

"Ever since January 1948, the Arabs had been endeavoring to cut the main road from Tel Aviv to Jerusalem and thereby isolate the Jewish inhabitants of the Holy City.

"Early in January, the first detachments of the Arab Liberation Army began to infiltrate into Palestine from Syria. Some came through Jordan and even through Amman . . . They were in reality to strike the first blow in the ruin of the Arabs of Palestine . . . The Liberation Army attempted an attack on a Jewish colony in the Jordan valley (Feb. 15) . . . a frontal attack which ended in fiasco."

Later, this same army attempted an attack on Mishmar Haemek on Apr. 14. "Again the operation was a fiasco."

The attempt to starve Jewish Jerusalem was only one factor which led to conflict and ultimate Arab defeat. The other, according to Glubb, was that "the Arab League, under Egyptian leadership, decided to call upon its members to attack the Jews."

Glubb wrote that the pressure to go to war came from Egypt, seconded by Syria. Glubb himself knew that this was a blunder, that the Arab cause was hopeless because they would not face the facts. He commented:

"The Jordan government, aware of the true facts, urged a political solution. But the politicians, the demagogues, the press and the mob were in charge—not the soldiers. Warnings went unheeded. Doubters were denounced as traitors. . . .The Egyptians, led by Abdul Rahman Pasha Azzam, Secretary General of the Arab League, were the most insistent on war.

"The future of the Arabs of Palestine was sacrificed to Egyptian politics . . . I can recollect no precedent in history for such irresponsible action on the part of those in power.

"The Arab governments were largely responsible for the ruin of the Palestine Arabs. By raising the hopes of the latter, they made them intransigent."

No Self-Determination for Others

The Arabs, who have enjoyed self-determination in immense areas since World War I, are hostile to the rights and aspirations of millions of non-Arabs.

With territories a million square miles more than the size of the United States, with vast riches in oil and water, they still deny Jews self-determination in the tiny niche where Jews ruled themselves for more than twenty centuries. Arabs have no room for the Arab refugees, nor do they have space or tolerance for non-Arab minorities.

Question

But isn't it true that Arabs were the majority in Palestine and that they owned most of the land?

It is a fact that at the time of the partition resolution, the Arabs had a majority in Palestine as a whole. But the Jews were in a majority in the area allotted to them by the resolution and they were in a majority in Jerusalem throughout the last hundred years.

However, it should be stressed that a major reason for the Arab majority was that many thousands came from neighboring Arab countries to find work, opportunity and education in that country, which was undergoing a most rapid development because of Zionist settlement.

Prior to the mandate in 1922, people were leaving Palestine. After 1922, Arabs began to come from Syria, Iraq, Lebanon, Transjordan and Egypt. In addition, the population increase was partly attributable to better health conditions in Jewish Palestine.

The Moslem infant mortality rate fell from 19.6 percent in 1922 to 14 percent in 1939. During that period, the non-Jewish population in the country rose by 75.2 percent, as compared with a 25 percent increase in fecund Egypt. Between World War I and World War II, the Jewish population in Palestine rose by 375,000; the non-Jewish population rose by 380,000. Significantly, the Arab increase was largest in areas of intensive Jewish development. The Arab population increased by 216 percent in Haifa, 134 percent in Jaffa and about 90 percent in Jerusalem. In contrast, the Arab population had only small increases during that period where there was an absence of Jewish development: 42 percent in Nablus, 40 percent in Jenin, 32 percent in Bethlehem.

(The Arab immigration was undoubtedly larger than official statistics record because these do not reflect the influx of Arabs who crossed into Palestine without immigration formalities.)

The Arabs were free to come but Jewish immigration was restricted and later denied. Jews might have become a majority in all of Palestine if they had been permitted to enter the country as the League of Nations Mandate contemplated and had they not been barred by Arab and British obstruction.

Hundreds of thousands of Jews who might have found refuge in Palestine were murdered by the Nazis. Because of this catastrophe, what would have been the Jewish "majority" never arrived in Palestine; it went, instead, to the death camps.

Myth: Arabs often claim that 95 percent of the area of Israel was Arab owned.

Fact: At the end of World War I, some of Palestine's land was owned by absentee landlords who lived in Cairo, Damascus and Beirut. About 80 percent of the Palestine Arabs were debt-ridden peasants, semi-nomads and Bedouins. Much land was owned by the government.

When the British assumed the mandate, they allotted some of the governmental lands to Arabs, such as the 37,000 acres of well watered land in the Beisan Valley. None of that was allotted to Jews.

The Arabs were not able to cultivate the land because there was so much of it, and they sold the surplus to Jews at three times what they paid for it.

According to British government statistics prior to the establishment of the state, 8.6 percent of the land of the area now known as Israel was owned by Jews; 3.3 percent by Arabs who remained there; 16.5 percent by Arabs who left the country. More than 70 percent of the land was owned by the government. It passed to the ownership of Israel. The public lands included most of the Negev—half of Palestine's total area.

Myth: Arabs claim that they were displaced by Jewish settlement.

Fact: British inquiry showed that these complaints were groundless. After one such investigation, the British offered new lands to allegedly displaced Arabs. Only 43 peasants took advantage of the offer.

In fact, when the Jewish settlement began, there was a shortage of labor, and many thousands of Arabs from Transjordan, Syria and Iraq were able to get work in Palestine.

2. THE ARMISTICE AGREEMENTS

In the fall of 1948, the UN Security Council called on Israel and the Arab states to negotiate armistice agreements.

Egypt agreed, but only after the fighting had brought the Israelis to the Sinai peninsula. At that time, the British were ready to defend the Egyptians under an Anglo-Egyptian treaty, but, rather than accept the humiliation of British assistance, the Egyptians preferred to meet the Israelis at Rhodes.

UN Mediator Ralph Bunche brought them together at the conference table and later was honored with a Nobel prize. He warned that the delegation which walked out of the negotiations would be blamed for their breakdown. By the summer of 1949, armistice agreements had been negotiated between Israel and four of the Arab states—Egypt, Jordan, Lebanon and Syria.

Meanwhile, on Dec. 11, 1948, the General Assembly adopted a resolution calling on the parties to negotiate peace and creating a Palestine Conciliation Commission (PCC) which consisted of the United States, France and Turkey. All Arab delegations voted against it.

Question

Who blocked peace?

The Commission assumed its duties in Lausanne. Unfortunately, it failed to follow Bunche's procedures.

Bunche had insisted that the Arab states meet with Israel, one by one and face to face. But the PCC permitted the four Arab delegations to negotiate *en bloc,* and, in a face-saving procedure, the PCC met the two sides separately.

The Arabs then ostensibly revised their attitude toward the partition resolution. They had fought the resolution, believing that they could win all of Palestine. Having failed, they argued that the resolution should be a basis for the negotiations. The Isrel representative agreed, in what became known as the Lausanne Protocol. But the Arabs swiftly abandoned the starting point to demand large territorial changes which would have reduced Israel to a coastal strip.

After long stalemate, the unrealistic negotiations collapsed.

Myth: Arabs claim that Israel defied the UN partition resolution.

Fact: After 1949, the Arabs demanded that Israel accept the 1947 resolution before they would negotiate.

The purpose of this debating maneuver was to portray the Arabs as the defenders of the UN and its resolutions, and to cast Israel as its violator, although the opposite had been the case.

This flouted equity's requirement that petitioners must come with clean hands. The Arab states saw no incongruity in filing a claim for what they might have had if they had not elected war as their instrument of policy.

They offered a novel concept: the doctrine of the limited liability war. Under this theory, an aggressor may reject a compromise settlement and may gamble on war to win everything in the comfortable knowledge that even in defeat he will lose nothing. For, if his war fails, he may insist on reinstating the original compromise and claim rights under it. There is scant justice in this position, and less realism.

Comment: In franker moments, when they are talking to fellow Arabs back home and not to American audiences. Arab leaders have conceded that their exploitation of the Palestine resolution was propaganda shibboleth.

The former Egyptian Foreign Minister, Dr. Mohammed Salah ed-Din, declared in Cairo:

"It is neither right nor honorable for Arab statesmen to continue to hide behind those diplomatic answers that they cannot consider peace with Israel until it implements UN resolutions. The truth is that we will by no means be satisfied by the implementation of the UN resolutions. These resolutions may provide Arab statesmen with clever means of getting out of trouble at the UN or in press interviews, but the Arab peoples are not afraid to disclose that they will not be satisfied by anything less than the obliteration of Israel from the map of the Middle East." (*Al Misri*, Cairo, Apr. 11, 1954)

Maj. Salah Salem, former Minister for Sudan Affairs in the Egyptian Cabinet (quoted in the *Manchester Guardian*, Jan. 25, 1955):

"Egypt will strive to erase the shame of the Palestine war, even if Israel should fulfill the UN resolutions. It will not sign a peace with her even if Israel should consist only of Tel Aviv. We will never put up with it."

The Jordan newspaper, *Falastin*, on Feb. 19, 1956:

"Any Arab demanding the implementation of the 1947 UN partition decision is mistaken and every American who thinks modification of the border will satisfy the two conflicting sides is an idiot . . . In the eyes of every Arab patriot, whether Moslem or Christian, the problem is one of existence and not of borders. It is one of the existence of either the Jews or the Arabs."

On Aug. 24, 1964, the Egyptian weekly, *Rose El-Youssef*, interviewed Secretary General Hassouna of the Arab League about the summit conferences. He said:

"Arab states must demand implementation of UN decisions in the international arena and this reveals the degree to which the basis of the existence of Israel is spurious. Her entire basis is contrary to UN decisions. . . . The demand that she honor these decisions actually means the destruction of Israel's illegal existence."

Question

What did the armistice agreements mean?

After 1949, Arab-Israel relations were theoretically governed by the UN armistice agreements and machinery.

But attitudes toward the armistice agreements differed.

Israelis regarded them as a step toward peace.

Arabs regarded them as an intermission in hostilities; they insisted that they were in a state of war.

From the Record

The language of the agreements speaks for itself.

Article 1, paragraph 4 of the Egyptian-Israel armistice agreement said: "The establishment of an armistice between the armed forces of the two parties is accepted as an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine."

Article 12, paragraph 2 provides that the agreement "shall remain in force until a peace settlement between the parties is achieved."

On Aug. 4, 1949, the U.S. delegate, Warren Austin, told the Security Council that "the armistice agreements which we have before us today cannot be changed without the mutual consent of the parties—they will be terminated by the establishment of a permanent peace. These armistice agreements contain provisions which make them, in fact, non-aggression pacts. These agreements have a real strength and impose firm and weighty obligations on the parties."

3. THE AGGRESSION IN 1956

The Arab thesis that Arab states have a right to remain in a state of belligerence with a neighbor is the prime cause of the continuing conflict.

Because she claimed to be in a state of belligerence with Israel, Egypt closed the Suez Canal to Israel shipping.

On Aug. 9, 1949, the U.N. Mixed Armistice Commission, shortly after it was established upheld Israel's complaint that Egypt was illegally blocking the Canal.

On June 12, 1951, Gen. William Riley, the UNTSO chief-of-staff, concurred.

On Sept. 1, 1951, the Security Council ruled that Egypt could not remain in a state of belligerence and ordered Egypt to open the Canal.

But Egypt refused to comply with the UN decision—one of the major factors which led to war in 1956, and again in 1967.

In addition to closing the Canal, Egypt installed artillery at Sharm el-Sheikh, and barred Israel shipping through the Straits of Tiran.

Egypt stimulated and directed fedayeen border raids deep into the heart of Israel territory, inflicting many civilian casualties.

That was also a glaring violation of the armistice agreement.

Article III, paragraph 2 of the armistice contained a provision that no "para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other Party, or against civilians in territory under the control of that Party."

And paragraph 3 of that article stated that "no warlike act or act of hostility shall be conducted from territory controlled by one of the Parties to this Agreement against the other Party."

In 1955, Egypt began to import arms from the Soviet bloc.

Nasser stepped up propaganda against the West in Asia and Africa. He tried to undermine U.S. relations with new, friendly governments. His special targets were Jordan and Iraq.

In 1956, he nationalized the Suez Canal.

The UN was unable to curb Egypt or to enforce its decisions. In October 1956, Nasser entered into an alliance with Jordan.

Israel then moved against Egypt, capturing Gaza and Sinai and reaching the Suez Canal. She had the support of Britain and France.

The April 1969 *Near East Report* supplement on the 1956 war, reprinted the many comments of authoritative observers about Egypt's responsibility for that war. Comparing Nasser with Hitler, some likened his seizure of the Canal with Hitler's occupation of the Rhineland.

But the United States joined with the Soviet Union in a campaign to force Israel to withdraw. There was widespread criticism of the United States because we did not, at the very least, require Egypt to renounce belligerence and to enter into peace negotiations.

And Egypt again violated its undertaking to keep the Canal open for all shipping.

Testimony: This is an excerpt from Ambassador Abba Eban's statement to the UN Security Council on Oct. 30, 1956:

"During the six years during which this belligerency has operated in violation of the Armistice Agreement there have occurred 1,843 cases of armed robbery and theft, 1,339 cases of armed clashes with Egyptian armed forces, 435 cases of incursions from Egyptian controlled territory, 172 cases of sabotage perpetrated by Egyptian military units and fedayeen in Israel. As a result of these actions of Egyptian hostility within Israel, 364 Israelis were wounded and 101 killed. In 1956 alone, as a result of this aspect of Egyptian aggression, 28 Israelis were killed and 127 wounded . . ."

Comment: And two days later, the *New York Times* declared in a biting editorial:

". . . It would be ridiculous to permit Colonel Nasser to pose before the United Nations or the world as the innocent victim of aggression, or to hold a protecting hand over him. On the contrary, insofar as there is any one man guilty of aggression it is the Egyption President, for he has waged war against Israel, Britain and France by propaganda, by gunrunning, by infiltration of murderous bands, by stirring up rebellion in French North Africa, by seizing the Suez Canal by force and scrapping a treaty in the same manner in which Hitler marched into the Rhineland, by blocking the canal for Israeli shipping in defiance of United Nations order—finally by his whole loudly proclaimed program of throwing Israel into the sea in alliance with other Arab states and creating an Arab empire under his hegemony which would expand his influence in concentric circles to all Africa and the whole Moslem world . . ."

One of the many critics, Walter Lippmann, wrote:

"To ignore the Egyptian raids and to treat Israel as if it were the aggressor and Egypt as if it were the innocent victim . . . was a grave mistake in policy, indefensible in principle and in fact entirely unrealistic and impracticable."

4. THE AGGRESSION IN 1967

Israel's preemptive strike on June 5 was an inevitable and imperative response to Egypt's threatened attack.

The Arab buildup which led to the six-day war had begun in February 1966, with two menacing developments.

President Nasser had abandoned his drive for Arab unity because he wanted to organize a new coalition of radical Arab states.

Frustrated in his Yemen war, and provoked by a worsening economic situation, Nasser made a bitter speech in February 1966, lashing out at the United States, at Saudi Arabia and at Israel. He charged that Western-oriented states were forging an Islamic grouping to oppose and overthrow him.

Coincidentally, the same week, a leftist military clique affiliated with the Baath Party seized power in Syria and opened a new campaign of terrorism against Israel.

Russians encouraged and exploited these developments.

They gave new military and economic aid to the Syrians, who were in a strategic position to damage Western oil interests in Iraq, to endanger the pro-Western King Hussein of Jordan and to harass the Israelis.

At the same time, they continued to bolster Nasser with military, diplomatic and economic aid, as he sought to consolidate *his* power and *their* influence in Yemen, in Aden and in South Arabia, and to subvert the pro-Western King Faisal in Saudi Arabia.

Russians sought a rapprochement between Baathists and Nasserites while Soviet warships sailed into the Mediterranean to shadow the U.S. Seventh Fleet.

Question

What impelled the Russians to assume this new aggressive posture in 1966?

Perhaps they believed that the United States—preoccupied in Viet Nam—would be unable to counter hostility elsewhere.

Perhaps they demonstrated against the West in the Far East because passivity in the Far East had made them vulnerable to Maoist rebuke.

The overthrow of Nkrumah, Sukarno and Ben Bella seemed to indicate that leftist leaders were on the way out. Perhaps they feared that Nasser was next—a death blow to their influence in the region.

The Near East looked like an area in which the Russians, by exacerbating the Arab-Israel conflict, might recoup.

Terrorist attacks—always vicious—grew more frequent and virulent. In 1965, Israel counted 35 raids. In 1966, there were 41. In the first four months of 1967, there were 37. In addition, the Syrian army shelled Israel villages from the Golan Heights.

Israel complained to the Security Council, but the Russians protected the Syrians with their veto.

From that time on, there was no stopping the extremists. The Syrians were demanding instant, open and all-out war against Israel. They attempted to enlist Egypt and other Arab states in their campaign.

Early in April, the Syrians opened fire on Israel tractors on the shore of the Sea of Galilee, with machine guns, tanks and heavy mortars. Israel planes rose to down six Syrian MIGs. Syrians complained that the Egyptians had failed to come to their aid.

Myth: Moscow claimed that Israel was massing troops on the Syrian frontier.

Fact: In May, the Syrians sent Nasser an alarming report that Israel had concentrated 19 brigades on their frontier.

Later, in his post-war speeches, Nasser said that he had checked and had established that there were indeed 13 brigades. In truth, there were none. But Nasser insisted that he had moved his troops in order to discharge his duty to his Arab brothers.

Presumably, Nasser acted at the behest of the concerned Russians. In March, Gromyko had advised him to withdraw some troops from Yemen and deploy them in the Sinai peninsula in order to put military pressure on Israel's southern frontier.

In May, the Russians "informed" an Egyptian parliamentary delegation in Moscow that Israel was massing troops on the Syrian frontier.

The United States and the United Nations both assured Nasser that he was misinformed, that Israel was not mobilizing and that there was no need for Nasser to move. UN Secretary General U Thant so reported on May 19, 1967.

When Soviet Ambassador Dmitri Chuvakhin made a post-midnight call on Prime Minister Levi Eshkol to deliver Moscow's charge that Israel was concentrating troops near Syria, Eshkol offered to take him to the Galilee so that he could see for himself that the protest was groundless. But the Soviet diplomat replied that he was sure that Moscow knew what it was protesting about; he refused Eshkol's invitation.

Nasser himself knew that there was no legitimate excuse for the Egyptian troop buildup in the Sinai.

Testimony: In a post-war trial of 54 officers charged with conspiracy against Nasser, former War Minister Shamseddin Badran testified that Gen. Mohammed Fawzi, Egyptian chief-of-staff, had personally investigated Russian and Syrian reports that Israel was massing forces to attack Syria, but had reported back that "the Russians must have been having hallucinations."

Nasser Moves into Sinai

On May 15, the anniversary of Israel's independence, Egyptian forces rolled into Sinai.

On May 17, Cairo Radio's *Voice of the Arabs* proclaimed:

"All Egypt is now prepared to plunge into total war which will put an end to Israel."

And Ousts UNEF

Nasser's troops occupied Sharm el-Sheikh. He insisted that U Thant withdraw UNEF, and the UN Secretary General yielded to Nasser's demand, opening the way for an Egyptian military take-over of the Tiran Straits.

On May 18, the *Voice of the Arabs* announced:

"As of today, there no longer exists an international emergency force to protect Israel. We shall exercise patience no more. We shall not complain any more to the UN about Israel. The sole method we shall apply against Israel is a total war which will result in the final extermination of Zionist existence."

There was an enthusiastic echo in Syria:

"Our forces are now entirely ready not only to repulse the aggression, but to initiate the act of liberation itself, and to explode the Zionist presence in the Arab homeland. The Syrian army, with its finger on the trigger, is united. . . . I, as a military man, believe that the time has come to enter into the battle of liberation." (Defense Minister Hafez Asad, May 20, 1967)

The Israelis protested. When they had withdrawn their troops from Sinai in 1957 it was on the assumption that UNEF would be stationed in Gaza and at Sharm el-Sheikh to prevent terrorism and to keep the Straits of Tiran open to Israel shipping.

At this critical moment, the suggestion was made that UNEF be moved over to the Israel side of the frontier. But a look at the map shows that this would have served no purpose, since UN troops would have been a long way from Sharm el-Sheikh.

And Closes the Straits

U Thant flew to Cairo to ask for a breathing spell, but Nasser anticipated him with his declaration closing the Straits to Israel shipping.

Nasser knew that these drastic and provocative acts would make war "almost certain." This is what he told Field Marshal Abdul Hakim Amer (who allegedly committed suicide in September 1967), according to testimony in the March 1968 trials in Cairo. And he proclaimed it to the world on May 22, when he told the Egyptian army in Sinai:

"The Israel flag shall not go through the Gulf of Aqaba. Our sovereignty over the entrance to the Gulf cannot be disputed. If Israel wishes to threaten war, we tell her 'You are welcome.' "

Washington and London were shocked; they knew that Israel could not tolerate a blockade of her southern port. Eshkol appealed for peace and Eban came to Washington to remind President Johnson of the 1957 commitment to uphold Israel's navigation rights in the Straits of Tiran.

And Breaks a Promise

The Israelis recalled that Egypt had recognized the international character of the Straits as far back as Jan. 28, 1950, when Egypt sent a note to the American Embassy in Cairo that she had no intention of interfering in any way with peaceful shipping in the Straits of Tiran:

"It goes without saying that this passage (through the Straits of Tiran) will remain free as in the past in conformity with international practice and with the recognized principle of international law."

In an attempt to reassure the Israelis and avert conflict, Johnson went on television to reaffirm the 1957 commitment—within a few hours after Nasser had acted.

But, unwilling to act alone, the United States sought the support of other maritime powers for a declaration that the Straits should be open.

From the Record

Back in 1957, 17 maritime powers had declared at the UN that Israel had a right to transit the Straits.

Moreover, the Convention on the Territorial Sea and Contiguous Zone adopted by the UN Conference on the Law of the Sea on Apr. 27, 1958, by a 62–1 vote (nine abstentions) and effective from Sept. 10, 1964, stipulated:

"There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state."

And as one delegate explained, "what was in everybody's mind, without being officially stated, was the Straits of Tiran."

Who was the aggressor?

Nasser answered that question with a series of declarations on the eve of the 1967 war:

May 27: "Our basic objective will be the destruction of Israel. The Arab people want to fight.

"The meaning of Sharm el-Sheikh is a confrontation with Israel. Adopting this measure obligates us to be ready to embark on a general war with Israel."

May 28: "We will not accept any . . . coexistence with Israel . . . Today the issue is not the establishment of peace between the Arab states and Israel. . . . The war with Israel is in effect since 1948."

May 30: "The armies of Egypt, Jordan, Syria and Lebanon are poised on the borders of Israel . . . to face the challenge, while standing behind us are the armies of Iraq, Algeria, Kuwait, Sudan and the whole Arab nation. This act will astound the world. Today they will know that the Arabs are arranged for battle, the critical hour has arrived. We have reached the stage of serious action and not of mere declarations."

HUSSEIN GOES ALONG

On May 30, Hussein went to Cairo, kissed Nasser and signed a five-year mutual defense pact with Egypt. This was a sharp blow for American policy—another major step toward East-West polarization. And it meant that Israel now had a hostile Arab alliance on three frontiers. This was a repeat of the encirclement threat of 1956.

Hussein and Nasser agreed that an attack on one was an attack on both and they committed themselves "to hasten to the assistance of the attacked state." They set up a defense council and a joint command.

"At the beginning of military operations, the chief-of-staff of the UAR armed forces will take over the command of such operations in both countries," the text read. The agreement is automatically renewable for subsequent periods of five years.

From the Record

Hussein explained it in a proclamation to his troops on May 31:

"I have been motivated to sign the defense agreement because I am certain that I am fulfilling my duty and respond to all your aspirations. My hope is that our nation will stand up to the challenge and the responsibility. With the help of God and thanks to the solidarity of the Arabs we will see the victory of truth over the lies of the enemy."

Comment: On May 31, the authoritative Cairo daily *Al Akhbar* put it more bluntly:

"Under terms of the military agreement signed with Jordan, Jordanian artillery, coordinated with the forces of Egypt and Syria, is in a position to cut Israel in two at Kalkilya, where Israeli territory between the Jordan armistice line and the Mediterranean Sea is only 12 kilometers wide. . . . The military encirclement of Israel by Arab forces—Jordan to the east, Syria to the northeast, Egypt to the southwest and Lebanon in the north—bears out Ben Gurion's fear that Israel could yet find herself in the vise of a nutcracker."

Later in an interview with *Al Hayat* on June 2, Hussein declared:

"Our increased cooperation with Egypt and other Arab states both in the east and in the west will enable us to march along the right road which will lead us to the erasure of the shame and the liberation of Palestine. This is a cornerstone of our policy."

All This and Iraq Too

In his book, *My "War" with Israel,* Hussein makes it clear that he knew that war became "inevitable" when Nasser forced the removal of UN troops and "inescapable" after Nasser closed Aqaba and massed troops in Sinai. Even though Jordan "had no real hope of winning" a war, Hussein offered his forces to Egypt: ". . . Nasser never called on us. It was we who called on him."

Egyptian forces moved into Jordan. An Egyptian general, Abdul Moneim Riyad, took command. American Patton tanks were now on the West Bank, where Israelis and Americans had hoped they would never be stationed. And Hussein used them against Israel.

Nasser tightened the noose around Israel on June 4, when he persuaded Iraq to join the alliance.

On May 31, President Aref of Iraq declared:

"The existence of Israel is an error which must be rectified. This is our opportunity to wipe out the ignominy which has been with us since 1948. Our goal is clear—to wipe Israel off the map."

Question

Why did Israel have to strike?

The question seems rhetorical, for obviously she had no alternative.

Israel now faced a triple threat.

She was surrounded by armies which would be able to use Soviet weapons on all frontiers (and U.S. and British weapons on one of them).

Her window to the Orient, to the Indian Ocean and the east coast of Africa was now closed.

Her industrial and agricultural economy was threatened because she had to mobilize all her reservists to counter heavily armed Arab soldiers on all frontiers. Israel, a small country, cannot afford for any length of time to maintain universal mobilization and indefinite diversion from industrial and agricultural production.

The Israelis themselves were convinced that the Arabs would attack. Each day's delay, they feared, would increase Arab striking power and the number of casualties which Israel would suffer.

(Hussein's book confirms that both Egypt and Jordan were prepared to take the offensive as soon as troop and aerial support arrived from Iraq, Saudi Arabia and Syria.)

Israel moved against Egypt on June 5.

In the light of the record, the question of who fired the first shot that morning is irrelevant. Arabs had fired many first shots on many mornings for some 19 years. For all these years, the Arab states had maintained a state of belligerency against Israel. And for all that time, Israel had asked for negotiations and peace. Nasser fired the first shot by closing the Straits on May 23.

From the Record

In the minds of most Americans, there is no doubt as to who was responsible for the outbreak of war. President Johnson, on June 19, declared:

"If a single act of folly was more responsible for this explosion than any other, it was the arbitrary and dangerous announced decision that the Straits of Tiran would be closed. The right of innocent maritime passage must be preserved for all nations."

Question

Why did Nasser risk war?

The Egyptian leader was a victim of poor intelligence and rich imagination.

It is equally obvious that Soviet policymakers miscalculated. The Russians overestimated Arab military prowess and underestimated the strength and determination of the Israel army.

Perhaps they were hoping for a diplomatic showdown which would force Israel to accept Nasser's terms as a price for "peace." Or, perhaps, they were gambling on a "little war," in which Israel would suffer some bombing raids on her congested cities and a swift defeat which force her to sue for a Nasser-dictated peace.

Question

Why did Hussein get in?

Israel did not move against Jordan. Hussein could have remained out of the war. Israel sent this message to Hussein on June 5, after Hussein had started his assault on Jewish Jerusalem.

"We shall not initiate any action whatsoever against Jordan. However, should Jordan open hostilities, we shall react with all our might and he will have to bear the full responsibility for all the consequences."

But Jordan responded with bullets and shells.

On June 5, at 9:15 a.m., Radio Amman told its people:

"The hoped-for moment has arrived. The hour which you longed for is here. Forward to arms, to battle, to new pages of glory. To regain our rights, to smash the aggressor, to revenge."

Within two days, the war was over for Jordan. But, on June 6 at 6:00 p.m., Radio Amman was still lying to the Jordanian people:

"Today, the soldiers of Hussein have brought doom to the Jewish strongholds in Jerusalem. They have destroyed the Knesset and have liberated the holy soil from the Zionists. The heroic soldiers of Hussein are marching forward toward Tel Aviv."

For their irresponsibility, Arab leaders paid a huge price in life and land.

By the time the war ended, Israel forces had crushed four Arab armies and had occupied Gaza, the Sinai peninsula and Sharm el-Sheikh, the Old City of Jerusalem and the West Bank of the Jordan, and the Golan Heights in Syria.

THE SURPLUS THAT NEVER WAS

Mr. FANNIN. Mr. President, I invite the attention of Senators to an editorial entitled "The Surplus That Never Was," published in the Washington Evening Star of July 28, 1970.

The editorial notes how easily expenditures are approved, and the harder task of providing tax revenue to equal those increased expenditures.

This is the point that emphasizes the need for a constitutional amendment to control deficit spending by requiring a balanced budget except during national emergencies. We need to establish national priorities.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SURPLUS THAT NEVER WAS

One feature of President Nixon's economic "game plan" was doomed from the outset. This was the provision for a largely symbolic $1.3 billion federal surplus in the fiscal year that began in 1971. The President went to some pains, in the interest of fighting inflationary psychology and convincing the Federal Reserve Board, to make the surplus "credible." Some programs were chopped repeatedly in the budget-making process, and an effort was made to minimize dependence on Congress' approval of revenue proposals.

The budget had one wide credibility gap that, even if everything else went according to plan, put the slender surplus into the realm of make-believe. This was the expectation that federal pay increases originally scheduled for July 1 of this year could be put off until January 1, 1971.

The anti-inflationary gesture quickly proved to be empty. A wildcat postal workers' strike brought the government to its knees, and the result was a 6 percent retroactive pay increase for all federal employees, with the postal employes due for another 8 percent. Fiscal 1970 and 1971 suddenly were turned into deficit years for all the administration's rhetoric about fiscal restraint.

Now the administration's estimate of a $1.3 billion deficit in the new fiscal year is proving to be as illusory as the earlier plan for a surplus. Congress' Joint Committee on Reduction of Federal Expenditures recently came up with an estimate that the deficit might grow to $7 billion or more. Other, less official estimates of the threatened deficit go as high as $15 billion.

The reason for this is familiar. Congressmen find irresistible the need to increase spending on various domestic programs. But the legislators do not feel as strong a compulsion to raise revenues commensurately. Thus health spending is increased over a presidential veto, and the postal pay increase nears enactment, while administration revenue requests languish.

The pattern for fiscal 1971 may be too firmly set to expect much change, especially with the congressional elections looming in November. But it is certain that difficult fiscal decisions lie ahead, and they will play a large part in the success or failure of the long-term effort to reconcile the desires for price stability and high employment in a sensibly growing economy.

The pent-up demands for improvement of American society mean that billions more will be spent on such monumental tasks as salvaging the cities, preserving the environment and raising the least favored of our citizens from poverty. Even taking the most optimistic view of world affairs, little of this money will be provided by cuts in defense spending, whether or not the withdrawal from Southeast Asia is realized either completely or soon.

So the administration is certain to make substantial new tax requests for fiscal 1972 and beyond. Congress, having basked for a year in the glow of the tax cuts voted last December, will have to come up with some real money.

PROGRESS TOWARD PEACEFUL MIDDLE EAST SETTLEMENT

Mr. TOWER. Mr. President, for the first time since the June 1967, Arab-Israeli confrontation there are hopeful signs that some progress is being made towards a peaceful Middle East settlement. While the American peace plan is being studied by the various conflicting parties, the overall relationship between the Middle East situation and the international political climate should be kept in mind. A recent article by John J. O'Malley, reprinted from the San Diego Union, has, in my opinion, correctly analyzed this relationship. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES VERSUS SOVIET UNION IS MIDEAST ISSUE

In the autumn of 1961 Fidel Castro spent two weeks in Moscow. The visit concluded with announcements of strengthened Soviet economic and military support of the Castro revolutionary government. Large groups of Soviet technicians and military advisors soon began to appear in Cuba.

The rest is history.

The Soviet missiles came and went. A Russian gamble failed, because the United States had blue chips to play and the courage to play them.

The same drama is now being re-enacted in the Middle East—a drama every bit as sinister.

Gamal Abdel Nasser has just concluded 19 days in Moscow, going through the same cycle as his Cuban predecessor nine years before.

But there are many differences. The Soviet aspirations today are broader; her leverage is greater. The issues are vastly more complex.

To begin with, the Middle East war is not primarily an Arab-Israeli problem. If it were, a negotiated settlement, of sorts could probably be contrived.

The question of resettling the Palestine refugees is soluble.

The free navigation of the Gulf of Aqaba and the Suez Canal and the right of the Israelis to a permanent place of equality in the Middle East sun are all matters which could be managed in a step-by-step settlement.

Relinquishment of some of the territories seized in the 1967 war is a negotiable point. First Minister Golda Meir made this clear last month in a discussion before the World Council of Synagogues.

But these points are not being negotiated, and there seems little likelihood that they will be.

The reason is simple. The Soviet Union does not want to see them solved.

That is not to say the Soviets are anxious to see the Israelis defeated. To the contrary, they parade Israel and world Zionism before the Arab nations to frighten them into accepting Soviet influence. A peaceful solution would remove one of the U.S.S.R.'s greatest levers in conflict that is broader than the whole Middle East.

The issue is actually the Soviet Union versus the United States of America in Western Europe and the Mediterranean.

The Soviets want us out of Western Europe. They want us out of the Mediterranean. They want the riches of the Levant and they want to control Suez, the gateway to the Indian Ocean.

Unhappily, these broad Soviet aspirations are moving steadily toward fulfillment.

From its earlier status as a NATO lake, the Mediterranean is now being surrendered to the Soviets almost without a fight. The British have left Egypt and are abandoning Libya. France is gone from North Africa. The United States has departed Libya and Morocco.

Filling the voids we see the Soviet Union, with naval bases already operating in Egypt and Syria, looking hungrily toward that day when 80 percent of Europe's oil supply will be controlled by Soviet dominance of the eastern Mediterranean.

Certainly, the crisis that faces us in the Middle East does not hinge on whether the United States should sell more Phantom jets to Israel. It is likely that the Soviets prefer that we sell aircraft to the Israelis, just so the vision of an overbearing, hostile America can be played to the hilt in the Arab capitals.

In the end, the solution to the crisis in the Holy Land will not be found in a simple decision on aircraft sales. It will be found in the adoption of an American position on the Middle East conflict which is linked to its position on the preservation of freedom in Western Europe and in the Mediterranean. If this linkage is not firm, understood and complete, freedom may very well lose in all three places.

Looked at in purely laboratory terms, there are certain factors which must be carefully calculated in developing a U.S. position.

The first is the current conviction on the part of most Arabs that the United States of America is irrevocably hostile. The portrait of personalities of stature and infilence in our government, who have strong pro-Israeli convictions, give the Arab states a feeling of hopelessness with respect to the offices of the United States in obtaining a negotiated peace with which they can live. Indeed, our credibility with the Arab states is probably just about gone. If we are to exercise any meaningful influence toward a negotiated settlement we simply must re-establish some of that credibility.

A second factor, related to the first is that there is no prospect of a decent Middle East settlement resulting from large-scale armed conflict. The Israelis won a brilliant six-day battle in 1967, against a well-equipped but poorly trained Egyptian army. But even then, they did not win the war.

Now they are confronted with a far better equipped, better trained Soviet puppet force. There is no chance of the Israelis winning a war of attrition. Nor can Israel benefit from direct physical intervention by forces from the United States—or elsewhere. It is a tiny land, certainly no place for massive military operations of protracted scope.

What this all means is that power diplomacy is the only formula for effective action. That diplomacy must involve the Soviets directly. It must be sufficiently persuasive to force them to reappraise the prudence of their adventure in the Middle East just as they had to reappraise their actions in Cuba.

When the Soviet leadership was convinced that persistence in their Cuban nuclear adventure would result in an armed invasion of that island by the United States—and the consequent loss of Russia's foothold in the Caribbean—they quickly reconsidered.

When the Soviet leadership was convinced that their nuclear invasion of the Western hemisphere threatened to bring on similar U.S. nuclear pressure on their southern flank in Turkey, they quickly reconsidered.

Unless we are prepared to confront the Soviets with realities of equivalent gravity today, there is little likelihood that they will heed our pleas for defusing the Middle East crisis.

Fortunately, there are still a few things that we can do.

We can strengthen our military positions in Turkey, in Greece, in Spain. All of these nations retain some respect for our power and our reliability.

We can make a new and powerful run at enhancing our economic ties in Pakistan, Iran and Saudi Arabia, to open a window to the Moslem world, and we can make the dollar investment necessary to give such a program meaning.

We can establish a position of economic strength in Singapore to confront the Soviets directly in their determination to replace British influence there.

We can create a United States Indian Ocean fleet to fill a gaping void.

We can expand the size of our fleet in the Mediterranean to make clear to the Soviets that we have no intention of defaulting in that area.

All of these are actions which demand both risk and resolve. All of them cost money. But they are the kind—the only kind—of behavior the U.S.S.R. will understand.

THE PLIGHT OF MIGRANT WORKERS: "OUR OPEN SCANDAL"—EDITORIAL CALL BY HOUSTON POST FOR IMPROVING THEIR LOT

Mr. YARBOROUGH. Mr. President, last week the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, under the able leadership of the junior Senator from Minnesota (Mr. MONDALE), held extensive hearings on the problems which face America's migrant workers.

One of the most moving reports given to the subcommittee during those hearings was that of Dr. Henry Lipscomb of Baylor College of Medicine, Houston, Tex. Dr. Lipscomb headed a six-man medical team which studied in depth the health problems of migrant workers in Florida and Texas. The study revealed that these unfortunate people are plagued by a multitude of diseases and dental problems which go unattended because of the lack of adequate health and hospital facilities.

Providing health services for migrant workers and their families is of great concern to me. In the first session of this Congress, I introduced S. 2660, to expand the authorization for funds for migrant health services. The legislation was signed into law on March 12, 1970, and is Public Law 91–209.

Under this law, funds authorized for health care among migrant workers and their families will rise from the present level of $15 million to $20 million in the current fiscal year; in fiscal 1972 $25 million and $30 million in fiscal year 1973. But these are tokens; not nearly enough.

In hearings on my bill in Texas and Washington before the Health Subcommittee and the Migratory Labor Subcommittee of the Committee on Labor and Public Welfare, numerous experts testified as to the paucity of health services for the migrant and his family.

In the fall of last year, Senator MONDALE and I traveled to the lower Rio Grande Valley and personally inspected clinics, labor camps, and the living conditions of the migrant families. The conditions we observed were shocking. This experience increased our resolve to confront the conscience of America with these conditions and obtain prompt action to correct them.

Mr. President, the problems of the migrant workers of America cry out for immediate solutions. We in Congress must act soon to enact comprehensive legislation in this area. I recommend to all Senators who did not have the opportunity to hear Dr. Lipscomb's testimony before the subcommittee that they read an editorial entitled "Our Open Scandal," published in the Houston Post of July 26, 1970. This penetrating editorial summarizes Dr. Lipscomb's findings and accurately points out that:

> This is a cause demanding the ideals the angry energy, the calm, intelligent planning of a total citizenry.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR OPEN SCANDAL

The lot of the migrant worker has been an open scandal in the United States for decades—known, accepted, ignored.

But a sudden spate of reports on life in migrant worker camps has forced an apathetic public to take a new look at this enormity in our democratic, American society.

Wherever migrants work—from Florida to the West Coast—living conditions are subhuman. All Americans must take a part of the blame for a willingness to use slave labor to get fruit, vegetables and orange juice at comfortable prices.

But for Texans, the reports have more personal and more immediate meaning: The scandal of the migrants is within our own borders, particularly in the South Texas area. Most migrant workers there are native Americans, most are Texas-born. And in this case it is Texas governmental agencies, Texas medical forces, Texas humanity that are open to charges of negligence, apathy or—at best—inefficiency.

Dr. Henry Lipscomb of Baylor College of Medicine headed a six-man team financed by the Field Foundation to study health problems of the migrants. Dr. Raymond W. Wheeler of Charleston, NC, president of the Southern Regional Council, spoke for 25 medical people who studied migrant health in Texas and Florida.

Though details differed, both studies carried the same message.

Migrant workers are plagued with dietary and infectious diseases which can be prevented easily by public health services common everywhere in the United States.

Working amid fruit and vegetables, they have vitamin deficiencies and such deficiency diseases as rickets, pellagra and scurvy.

Children are stunted in growth for lack of protein. Many are deaf because of untreated ear infections. Many die for lack of medical or hospital care.

Every person examined had dental problems. Almost every person examined had intestinal parasities, including hook worms and round worms.

The migrant worker is caught in a vicious cycle. He needs more money to get better food, housing and medical care. He needs more energy to work harder to earn more money. He needs better food and medical care to have more energy to earn more money.

Instead, the average migrant earns $891 a year or $2.45 a day. Neither Hidalgo County nor Starr County has a county hospital. Starr, Cameron and Willacy Counties do not have outpatient clinics.

Because of residency requirements, many migrants are ineligible for local charities and city hospitals, cannot vote, are often excluded from unemployment compensation, and under the old Wagner Act, cannot organize into a union.

They are American citizens with few of the rights of citizenship.

Then there are final, inhumanities: On an average wage of $2.45 a day, the migrant may be charged 10 cents for each drink of water he gets on the job. He may be charged 15 cents for the ride in the open truck out to the orchard or field.

For lack of clothing, because they move often, and because their parents need extra hands for picking if the family is to survive migrant children move early from school to the orchards and fields—abandoning any hope of a different and better life.

No one person, no one organization or institution should or can take the whole blame for this situation.

The economic problem is vicious: Forced to raise the migrant's pay to the $1.30 federal minimum, many corporations would switch to machines. The migrants would lose what jobs they now have.

The health problem is vicious: Though under prodding by Sen. Ralph Yarborough the Department of Health, Education and Welfare provided funds for an outpatient clinic in Hidalgo County, no doctor has been found to staff it. Federal requirements that a hospital must have a registered nurse on duty at all hours may force some hospitals to close.

The housing conditions are out of the Dark Ages: The county-owned migrant camp at Weslaco has one outdoor toilet for 60 persons, one outdoor faucet for seven families. The houses stand in mud and are insect- and snake-infested. Most migrants huddle in shanties without floors or in lean-tos.

Interlocked problems of this size cannot be solved piecemeal. They demand a massive, emergency program of the kind this country can handle so well. Given Pearl Harbor, given a Hurricane Carla, Americans can and do organize magnificently and efficiently.

The migrant situation demands such action. We must think in terms of outpatient clinics with mobile trucks staffed by medical teams. General hospitals geared to the needs of the migrant as field hospitals are geared to the wounded. Adult retraining programs to teach adults new skills. Remedial education programs to salvage children who have lost opportunities to learn and who may have mental deficiencies from poor diet. Clean, secure housing—in sturdy, well maintained tents if needs be—until permanent housing can be built.

This is a cause demanding the ideals, the angry energy, the calm, intelligent planning of a total citizenry.

DEATH OF JUDGE JOSEPH ALLEN, OF BALTIMORE

Mr. MATHIAS. Mr. President, the Baltimore community has suffered a deep loss with the death of Judge Joseph Allen. On numerous occasions, Judge Allen interrupted his private life to answer the call to public service from both Republican and Democratic officeholders. I am sure all in the Baltimore community join me in mourning the loss of this dedicated public servant who unselfishly gave his services to the city and State for over 40 years. I ask unanimous consent that an article in the Baltimore Sun reporting Judge Allen's passing be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Allen Dies; Was Judge and Adviser—Former City Solicitor Counseled Mayors, Led Airport Unit

Joseph Allen, lawyer, judge, city solicitor, Airport Board chairman and trusted adviser to both Republican and Democratic mayors of Baltimore, died yesterday at Sinai Hospital. He was 75.

Mr. Allen was named to the Supreme Bench of Baltimore in 1956 by Theodore R. McKeldin, who then was Governor. He remained on the bench until 1963 when Mr. McKeldin, who had become Mayor of Baltimore once again asked the judge to become a bulwark of his second city administration.

Mr. Allen served as city solicitor, and thus on the Board of Estimates as well, from 1963 through 1967.

ADVISED D'ALESANDRO

Although he was a Republican, Mr. Allen's high-level advice was requested and given also in the current Democratic administration of Mayor D'Alesandro.

On May 7, 1969, Mayor D'Alesandro asked the former judge to place his private law practice in the background once more and take over the chairmanship of the Airport Board at a time of difficult decisions about the future of Friendship Airport.

Mr. Allen answered the call, and his public service this time culminated in the advice rendered last December not to sell Friendship to the state.

Typically, in the recommendation regarding the airport, Mr. Allen did not mince words. He criticized the $27.5 million previously negotiated as the sale price of the airport as "ridiculously low," putting the "fair value" of Friendship nearer to $173 million. Mr. Allen called the airport "vital to the economic growth" of Baltimore city and its metropolitan area.

TAUGHT HEBREW

A native of New York city, Mr. Allen came to Baltimore as a young lawyer in 1923, having been employed as a teacher of Hebrew from 1911 to 1915.

He was born March 5, 1895, the son of Harris Allen, principal of a Hebrew School, and Clara Allen. He graduated in 1914 with a bachelor of laws degree from the Law School of New York University.

His public career in his adopted city began in 1931 when he became an assistant city solicitor. Subsequently, he served as industry member on the Regional War Labor Board from 1942 to 1945; as people's counsel before the Public Service Commission from 1951 until 1955; member of the Commission to Revise the Public Service Commission laws during those same years; chairman of the State Tax Commission in 1955 and 1956, and emergency utility administrator for the Baltimore Transit Company in 1956.

He was active in Jewish affairs, having served as president and chairman of the board of Beth Tfiloh Congregation; as president of both the Baltimore Zionist District and the Baltimore Zionist Council; president of the Maryland State Federation of Zionists, and president of the Jewish National Fund of Baltimore.

He had been vice president of the Board of Jewish Education of Baltimore and a member of the board of directors of the Jewish Welfare Fund.

The former judge had been a patient at Sinai for more than a week.

He had been married twice. Both of his wives predeceased him.

He is survived by a son, Shrago Allen, of Washington, and two daughters, Mrs. Carmel Isaacs, of Miami, and Mrs. Paula Rome, of Baltimore; a brother, Isaac Allen, of Hartford, Conn., and of New York city; two sisters, Mrs. Sarah Waxman, of New York city, and Mrs. Celia Naum, of Albany, and seven grandchildren.

Funeral services will be at 3 P.M. tomorrow at Beth El Congregation, 8101 Park Heights avenue.

YOUTH AND HUMAN RIGHTS: OUR NEED TO ACT

Mr. PROXMIRE. Mr. President, I need not tell the Senate the degree to which the young people of the Nation are alienated, disillusioned, and distraught over their seeming inability to make the system work. We all have sensed this frustration, not only as it pertains to national issues of public policy, but also in our own families.

Everywhere we turn, our young people are saying, "Prove to us that you are sincere in your efforts for justice and human rights." This aspect of the youth political movement is refreshing, Mr. President. There is a depth of sincerity in their pleas and a constructive effort to effect change through political channels.

This generation, more than any other, has seen fit to come to grips with the senselessness and tragedy of hypocrisy at times of great moral crisis. They, more than any other previous generation, have reminded us of the need to heed Robert Kennedy's favorite quotation by Dante:

> The hottest places in hell are reserved for those, who, in a period of moral crisis maintained their neutrality.

Unfortunately, along with this genuine idealism has grown an intolerance among many who see progress as merely incremental pasification and appeasement. In so many respects, a few of our young political activists have been too rash, too absolute, indeed too puritanical in their blind castigations and glittering generalities. This is not an indictment; rather it is an attempt to place the various motives of our young activists in a balanced perspective at a time when all the wrath and intolerance seem to fall upon the entire youth culture.

We have, through apathy, misconceptions and inaction, contributed to the tragic rift that divides and polarizes many of us from our own young. The difference between the rhetoric and the action of the Senate is legend. We must now work to recapture the vibrant idealism of the young for social change. We can do this, Mr. President. We can, I sincerely believe, bring the organs of government and our estranged youth together if only we can show them, and ourselves, that the gap between our words and acts is getting smaller and smaller.

One of the easiest means to this end is for the Senate to ratify the U.N. Convention on Genocide; thereby proving to the young of this land that we are, as a nation, willing to put ourselves behind those international treaties that will further insure the continuation of a meaningful life on earth for all mankind. We are, so far, 75 nations behind on this issue. We are behind every major nation in the world except Red China in our failure to ratify.

Mr. President, is it not about time we acted on the Genocide Convention?

RESPONSE TO STUDENT'S STATEMENT

Mr. DOLE. Mr. President, one of the most valuable functions the President's Commission on Campus Unrest can perform is the initiation of a public dialog and, hopefully, an understanding of the viewpoints held by individuals on all sides of the debate about the role of higher education in America. By providing a forum for students to articulate their grievances, the Commission can serve as an important outlet for the frustrations felt by many on our campuses. It can also become a vehicle for broadcasting worthwhile proposals for reform and improvement. Another exceptionally important service the Commission can provide through the publicity given its witnesses is to expose, when present, any weak reasoning, demagoguery, or failure to take a positive, constructive, and clear-sighted approach to the difficulties at hand.

The testimony of a student before the Commission recently evoked a reply in response to the failure of that student to speak to the crucial central issues of campus reform. In a thoughtful letter to the Washington Star, Prof. Cyril A. Zebot, of Georgetown University, discussed the fundamental part higher education has to play in the preparation and training of young minds for worthwhile participation in society.

While students should and must be heard, their statements ought to be exposed to the same hard standards of criticism to which the thoughts of other leaders and spokesmen are held. Only through answering for their beliefs can they and the public be assured that the best and most worthwhile ideas will be presented and survive.

Mr. President, I ask unanimous consent that Professor Zebot's letter, published in the Washington Evening Star of July 30 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMISSION ON CAMPUS UNREST

SIR: Current hearings before the President's Commission on Campus Unrest have yet to focus on the central point of the problem. Members of the commission have openly voiced their dissatisfaction concerning the absence of pertinent recommendations.

Typical of the wide swing around the heart of the problem was the testimony of Charles F. Palmer, president of the National Student Association: "As long as the war in Indochina continues . . . as long as there is poverty in this country . . . (etc) . . . until these things are changed, we will continue to make life uncomfortable, and at times, unlivable for the men in positions of power and influence." This piece of threatening rethoric should not go unchallenged.

I am not here concerned with the political question as to how "positions of power" are attained, exercised, influenced and changed in our system and practice of government. But someone on the commission could have reminded Mr. Palmer that difficult international and domestic problems will still be with us long after Mr. Palmer's generation will have collected all the grades and degrees of their student careers (if our colleges and universities will remain "livable" long enough).

Even more important, however, is the realization of the equally obvious truth that it will not be the announced indefinite protraction and escalation of campus unrest that will solve our existing and succeeding great problems. Solutions can only come through intelligent ordering of priorities, careful planning of sequences and constructive cooperation of the majority of the American people within our evolving democratic structures and processes.

TO REQUIRE GREATER CONTRIBUTIONS

Even such a non-utopian progress will require ever greater contributions from our colleges and universities, but not of the kind Mr. Palmer had in mind. If we are to solve our problems more thoroughly and faster than in the past, our colleges and universities will have to equip our succeeding generations of students with increasing mental abilities for an even more dependable analysis and provide them with improved methods and tools of research, both pure and applied. More than before will they have to inculcate into our new generations the hard discipline of scholarly detachment and persevering reflection.

Instead of replacing the spirit of inquiry, the patience of scholarship and the acquisition of knowledge, as Mr. Palmer's threat implies, students' sentiments, feelings and emotions will have to be harnessed as new motivating forces for sustained mental and ethical preparation for real life and its progressing reorientation toward the hard objectives of equality of opportunity, and ever better environment, social cohesion and secure world peace.

The real crisis on our campuses consists in that they have been subjected to escalating attempts at subverting their only intrinsic function of education and scholarship into ever noisier and increasingly intimidating staging areas for "direct action" in the alleged service of an extraneous end for which they are neither needed nor equipped.

MUST BE FREED OF INTERRUPTIONS

If our existing colleges and universities are to be preserved for continued pursuit of their primary objective, they must first be freed from recurring interruptions, shouting demonstrations, rump meetings and other forms of physical and psychological intimidation. The most urgent need on our campuses today is for a sensible code of minimal and largely self-enforceable rules which will effectively separate, in time and place, all forms of "direct action" from schedules and areas where teaching, studying and research are being conducted, or should again be conducted, on our campuses. Our universities are in dire need of administrators that will not keep caving in until it is too late to salvage their battered institutions.

Just as colleges and universities should not interfere with student or faculty political beliefs and commitments, so students and faculty members (not to mention outsiders) have no right whatsoever to use universities as staging areas for political action—no matter how strongly felt—to the detriment of the only lasting function our universities have and for which there is no substitute.

CYRIL A. ZEBOT,
Professor of Economics, Georgetown University.

FRANCE HONORS ASTRONAUT JAMES A. LOVELL, JR.

Mr. MATHIAS. Mr. President, the brave men who have pioneered the exploration of space for this country are truly citizens of the world. All mankind has thrilled with their achievements and experienced the tension of the many critical moments in their flights.

A number of our astronauts have received welcome and praise from millions of citizens of other countries in their recent good-will tours. But this week, singular honor was paid by America's oldest ally, France, to the commander of this year's Apollo XIII mission, James A. Lovell, Jr.

On Wednesday, the Ambassador of France, Charles Lucet, presented the Chevalier of the Legion of Honor to Commander Lovell, thereby introducing him to France's highest national order.

In making the presentation, Ambassador Lucet paid warm tribute not only to Commander Lovell and his colleagues but to all of the loyal men and women who have made America's space program successful. The Ambassador's eloquent words express not only to Captain Lovell, but to all his fellow astronauts, the universal appeal of their mission.

Mr. President, I ask unanimous consent that the text of Ambassador Lucet's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY HIS EXCELLENCY CHARLES LUCET

It is a great and single honor for me to have received instructions from the President of the French Republic to present to you today the insignia of the Chevalier of the Legion of Honor and thereby to introduce you to our highest national order.

You are aware, Commander, of the admiration, anxiety and fervent attention with which people in France, all French people, followed your exploits as they did those of the earlier astronauts.

As pilot of Gemini VII, you and Colonel Borman succeeded in making the first space rendezvous in December 1965. You were to do still better in November 1966 on board Gemini XII when you successfully took the first photos of a solar eclipse seen from space.

Then came the time of the Apollo missions. Allow me to tell you humbly that I was at Cape Kennedy on December 21, 1968 for the firing of Apollo VIII. The first manned space vehicle launched by the Saturn V rocket. I shall always remember the unforgettable sight of this majestic take-off into space. A frequent visitor to Cape Kennedy, I was there again in July 1969 for the countdown of Apollo XI, a historic date for mankind—man's first steps on the moon. Armstrong, Aldrin and Collins are also Chevaliers of the Legion of Honor.

I also want to say, Commander Lovell, and the French people agree with me, that we all thought the flight you commanded, that of Apollo XIII, was just as remarkable and just as admirable.

You and those who accompanied you, Haise and Swigert both had to face the greatest crisis that men have ever known, the explosion of the two oxygen tanks that happened midway between the earth and the moon.

We have always admired in all circumstances American efficiency and the unbelievable precision of American technology. But, in that case, it was something else. It was no longer a question of machine but of man's courage, sang-froid and presence of mind.

With the help of mission control at Houston and all the services of NASA, and I would like to pay tribute to the head administrator, Dr. Thomas Paine, you were able, in the face of unbelievable danger, to bring back the capsule and its occupants to the appointed area at the appointed time. We were extremely concerned but your calm and achievement were beyond compare. Sometimes half failures are greater than victories. You have given us an unforgettable lesson. Even, when in space exploration all machines, product of our industry showed themselves as fallible as we are ourselves, you have proved that whatever the circumstances, man, man's boldness and sang-froid can have the last word.

From your example, like that of the astronauts who went before you and those who will come after you, we know that space can be conquered and explored and, in a way, the moon, dreamstar of poets, the first stop in this exploration, is now the suburbia of the earth and very soon will be the starting point of new ventures.

You have opened unparalleled perspectives to fire the imagination of men who will always want a new frontier to conquer. This frontier, thanks to you, is now named the starry sky.

Of course, the prodigious conquest has not changed from one day to the next, man's state of mind and his smallness. There are still conflicts among us, wars and violence. But we know, and it is literally true, that it is sufficient to look up to the sky to see where our destiny lies, to know where the reconciliation of mankind may be made. Space with all its dangers seems to us all now an unlimited field for true international cooperation.

You have shown us the way. You have shown greatness in adversity. Please accept the heartfelt thanks of us all.

This is why, in the name of the French people and the French Government, whose admiration for you and your colleagues is boundless, I shall now say the traditional words.

THE REVEREND J. EMMANUEL HOOVER

Mr. TYDINGS. Mr. President, at times we must all be reminded of certain fundamental values which become clouded with the complexity of the times.

The Reverend Emmanuel Hoover, pastor of the Zion Lutheran Church in Middletown, Md., has written a stirring entreaty to all Americans to search their consciences—to see if they are actually the true patriots they claim to be.

He attributes the Nation's divisions in part to the basic human failing of selfishness—selfishness of those who consider only their immediate group, be it sectional, ethnic, or racial, and not the Nation as a whole.

The Reverend Mr. Hoover's words move each of us to abandon special interests and to strive toward greater unity.

I ask unanimous consent that the sermon delivered by the Reverend Mr. Hoover in the Zion Lutheran Church in Middletown, Md., be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

WITH LIBERTY AND JUSTICE FOR ALL

(An Independence Day Sunday sermon delivered in Zion Luthern Church, Middletown, Md., by the pastor, Rev. Emmanuel J. Hoover, S.T.D., July 5, 1970)

Text: "Proclaim liberty throughout all the land unto all the inhabitants thereof!" (Leviticus 25:10.)

This weekend we celebrate the 194th anniversary of the founding of our nation with the signing of the Declaration of Independence and the formal beginning of the War for Independence.

One hundred and ninety four long years have gone by and America has developed into the world's greatest nation, having come to be known throughout the world as "the land of the free!"

There have been many American flags displayed this weekend in apparent commemoration of that event of one hundred and ninety four years ago. We have been encouraged to display the flag at our homes and on the rear and side windows of our automobiles in an effort to revive the sagging of patriotism evident in our land. All of this is fine, if, when we display we really believe what it represents and symbolizes; otherwise, it is gross hypocrisy and a cover-up!

When we salute the flag we say: "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all!" If we really believe those words, then we have a right to fly the flag, and to fly it as briskly and as often as we may desire. But if we do not really believe those words, then we have no right to fly the flag, for then to fly the flag becomes sheer hypocrisy; saying by the outward display of the flag that we are believers in what it symbolizes when in our hearts and minds we do not so believe. And this is what the younger generation says concerning many of us of the older generation—that we are guilty of hypocrisy! By which they mean that we say many things we do not do, that we say many things we do not believe, so that they see us as guilty of gross hypocrisy.

Our nation was founded by religious men. If you will study the Declaration of Independence, the U.S. Constitution, and all the early documents leading up to them, you will find in each an overt recognition of the part God plays in the life and destinies of men and nations. God played a most important role in the events which led to the founding of America.

This Leviticus text, perhaps 2800 years old, is the Biblical text inscribed on the Liberty Bell. Our founding fathers took a text from the Bible and had it inscribed on the Liberty Bell when they had it made: "Proclaim liberty throughout all the land unto all the inhabitants thereof!" This was not a new idea; it was an old idea, as old as the world because it existed in the mind of God. All men, by God's Will, are to be free, and nations are to administer justice impartially for the benefit of each individual man. Liberty and justice are not just for a few, a privileged few; they are for all people, for all the citizens of the land, and for aliens too! God revealed those truths 2800 years ago, but it has taken hundreds and hundreds of years for them to become evident reality for many peoples. America was probably the first nation, and possibly the only one, to inscribe these words of the text on a bell which was to ring out liberty and justice for all its people!

It required 2800 years for God to develop a nation which came to be known as "the land of the free!" Other nations contributed to this historic development: there were the Greeks with their City States and ideas of freedom, and there were the British with their Magna Carta. But liberty is a precarious business. Nations which have had liberty and freedom can easily erode and vanish. It takes eternal vigilance and the kind of ingredients which go into the making of true and lasting liberty!

America didn't just happen to happen! America became what she is because of the character of the people who founded America and who have kept America and the American dream alive through one hundred and ninety-four years of history. They were people who believed that in America liberty should be proclaimed throughout all the land to all the inhabitants thereof. If everybody in America today believed this, we would not be the divided nation we are. We are a divided nation because there are groups of citizens who do not believe that liberty should be proclaimed throughout all the land to all the inhabitants thereof. If the Liberty Bell were to be struck today, many would insist that the Leviticus inscription be eliminated!

Some folks want liberty and justice for themselves but are not in the least concerned about the same for others. There are groups that want liberty and justice to maintain their selfish interests, but who couldn't care less about liberty and justice for the other groups in our society. Selfish interest groups who look out for their own welfare primarily and who do not consider the welfare of the nation as a whole constitute one of the major weaknesses in our American society today. Lobbies and lobbyists can very easily be dedicated not to what is good for America but solely what is good for the special interest they represent. Lobbying can easily become the most selfish expression of political exploitation. The result of much such selfish expression and self-seeking can be the erosion in liberty and freedom!

The Liberty Bell didn't ring very long until it suffered a crack, and someone has suggested that we have a crack in the Liberty Bell today! It is quite true; America's Liberty Bell is cracked for liberty and justice for all! No longer do we seem willing as a united people to proclaim liberty throughout all the land to all the inhabitants thereof!

America was known for many years as "the melting pot of the world." People came here from all lands and continents. They spoke diverse languages and represented differing cultures. Here in the land of freedom and opportunity, after a generation or two, they were assimilated into our citizenry and many of them came to be recognized for unique contributions they gave to the life of the nation. Among these immigrants were many of our immediate ancestors.

But we seem to have ceased being the world's melting pot; instead of being assimilated into a living union and commonwealth, we now seem to stand in opposition to one another and to withhold goodwill and opportunity to one another, especially so if the color of our skin is different. There are groups and individuals in America today who, looking back to the past, think of the wonderful life in America of fifty or seventy-five years ago, an America which was much differentiated more desirable for living than the America of today, an America in which people did tolerate one another and respected differing opinions; and they wish to go back to that America, to the manifest patriotism which reigned in those former years. Well, we can go back to that America if we will but fulfill the same conditions which created that America of fifty or seventy-five years ago, if we are willing to work together, to understand one another, to love one another, and if we really will believe with our heart and soul in the freedom and justice for all for which the American flag stands!

There is a consistency between what we say when we repeat this ancient text from Leviticus and when we pledge allegiance to the American flag, and what we confess in both instances is among the noblest acts and sentiments of man. It represents God as having a position of recognition and honor in the history and life of our nation: "One nation—under God!" Some citizens will hang out the flag on national holidays, affirming that they believe this nation's life is built on a recognition of God, but they themselves are never found at worship in any House of God helping sustain the godly foundations of the nation—all of which has something of the air of hypocrisy about it! For to say that this is a nation under God and then refuse to do your little bit of this action is indeed hypercritical, is to forfeit one's right to display the flag, because then one doesn't really believe in this truth an ideal which the flag symbolizes.

To display the flag is to believe in the unity of America: "One nation . . . indivisible!" This is to mean that priority is given to the nation above all other national goals or local loyalties. The flag says that America is for "all the inhabitants of the land!" Americans are united regardless of the color of skin, of financial position, of educational attainment, or of political opinion. All groupings and allegiances are subservient to the unity of the nation. In the true America no distinctions are made where unity, love and loyalty to nation is involved. And this is one of the great things we say when we salute the flag. Groups may separate us, but the nation should unite us. If we are a divided nation, you see, it is because some of us have fallen prey to the temptation to put local, sectional or group interests ahead of national interests, and to the degree we have done this we have violated the pledge of allegiance to the flag and nullified the will of God as set forth in the ancient Leviticus commandment to "proclaim liberty to all the people!"

There is something genuinely un-American about permitting local, sectional or personal interests to divide us as a people. In America there should be no North or South, no capital or labor, no rich or poor, no black or white to disrupt our unity or to delay the achievement of our national goals and ideals. And we will believe this if we are honest when we salute our flag and seriously consider God's Will for all men.

To genuinely salute the American flag means to accept the ancient Leviticus text as God's command to us as a nation: that here liberty and justice shall be proclaimed and administered evenhandedly to all. The flag of our nation was bought with a great price; it is not something cheap, to be spit upon and torn into rags. Men by the thousands have died for the nation, believing in what the flag symbolizes: their blood is represented by the red stripes. The white strips are emblematic of the pure and lofty ideals for which our nation stands. And the blue should represent the loyalty of the living to those ideals for which our dead heroes shed their life blood. A great deal of dedicated living and heroic dying is represented in the American flag; purchased at such a price, we dare not treat it lightly or desecrate it lightheartedly! Our loyalty does not mean perfect acceptance of the nation as it may be, but rather to the nation's high and lofty ideals towards we should always be striving. It is not a blind loyalty, such as is evident in such catchwords as: "America: Love it or Leave It!" but a loyalty which ever works to make America's performance more faithfully duplicate and attain its ideals. We dare never forget that America stands under the vast judgment of God just as do individual men, but we seem to have lost this sense of the judgment of God in the affairs of nations. One of the truly great traits of Abraham Lincoln was that he believed devoutly that God sits in judgment upon nations, as well as He sits in judgment upon individual men and women.

We are called upon always to try to make America live up to the high and lofty ideals represented by our flag and historic documents—the ideals that liberty, freedom and justice shall be proclaimed from one end of the nation to the other end, to every single citizen and inhabitant thereof.

There are many American citizens who consume civil, economic and political liberty for themselves, but who are not willing to grant similar liberties to the poor and underprivileged among our citizenry. At times when our government has tried to elevate the living standards and educational opportunities for the thirty million Americans living in Appalachia and in our ghettos, we have found some of our most highly privileged citizens among the most vocal opponents. We are not all equal when it comes to economic and social opportunity; anyone who has been closely and sympathetically identified with the poor of our land, the depressed of Appalachia, the ill-treated American Indian, or the down-graded Mexican-Americans, knows full well that these inhabitants of our land do not have the opportunity, they do not have the freedom, to develop themselves into the most constructive citizens possible in a worthwhile society. That's the heart of liberty—not license, not freedom to do as we please, or to be what we want to be—but freedom to become what we ought to be, freedom to become the best we can possibly be, to be elevated in mind, ennobled in spirit, upgraded in character, and motivated to be of positive usefulness in the society of man.

Yes, true Americanism consists in more than the periodic display of the flag. Not everyone who displays the flag is a good American, but only they who work daily in life to make America a better and a more democratic society, who strive to assist their fellowmen in realizing the ideals and hopes expressed in the flag. These ideals, rooted in Jewish and Christian history and teaching, can be summed up in Jesus' great commandment: "Love God fully and love your neighbor as you love yourself!" Christ's love consists of goodwill, tolerance and an understanding helpfulness towards our neighbor—it means liberty, justice, goodwill, and a helping hand for every soul striving to climb upward!

So, to truly obey this Leviticus command and to genuinely display the flag, one must not be viciously opposed to, must not hurt or harm a fellow citizen in any manner, but, as Luther said, must seek to assist him, to understand him, to wish only the best for him, and to put the most charitable construction on what he does and says!

This means that in America we will not call each other derogatory names and separate ourselves into opposing groups; but white and black, rich and poor, citizens and aliens, educated and illiterate, will live and work together, side by side, in understanding helpfulness, living and letting live, striving to achieve together what we cannot achieve alone—the American dream and the dream of God for all mankind!

"I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all!"

"Proclaim liberty throughout all the land, unto all the inhabitants thereof!"

So, if you believe in these American ideals, go home and display your flag as a testimony to your faith in these ideals. But if you do not genuinely believe in these ideals, then go home and take down the flag you may be displaying, wrap it up in moth balls and store it in your attic until the time comes when you may be able to truthfully display it. But don't be guilty of hypocrisy!

YOUTH—WHO NEEDS THEM? WE DO

Mr. TOWER. Mr. President, on July 29 I placed in the RECORD the texts of some speeches made at the time of the Future Farmers of America breakfast here in Washington last week.

I have now received the text of remarks made by Mr. Steve Zumbach, who is vice president of the North Central States region of FFA. A number of congressional visitors at the breakfast on July 23 remarked to me that they thought his comments were outstanding, and I am pleased that I have been able to obtain a copy for inclusion in the RECORD today.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

YOUTH—WHO NEEDS THEM? WE DO

(Statement by Steve Zumbach, vice president, North Central States region, Future Farmers of America, at annual FFA congressional breakfast, July 23, 1970)

I was rather reluctant to speak before such a distinguished group of gentlemen, for you are so much more knowledgeable than I on any subject I might wish to discuss. My remarks, will therefore, come from the point of view of a young man who has traveled across the country and some of his observations.

In viewing the situation, it appears the American people are perfectionists—which is a commendable quality. At times, it seems we have become so preoccupied with what America should be, however, we have ultimately lost sight of our basic goals. To illustrate such consequences, I will relate the following analogy. One evening a girl of 21, who had been in an automobile accident, was put under the care of two doctors in a hospital. Immediately the younger doctor began to take great pains in stitching up a cut on the side of her face. With great care, the young doctor worked for nearly an hour. As the older doctor looked on, he noticed her pulse was slowing and her face was turning blue. He mentioned to the young doctor who had been preoccupied with the cut on her face that the girl was dying. Within a few moments she died of a ruptured spleen.

How many times today do we become so preoccupied with perfection that we lose sight of our basic goals and hopes? What are those ultimate hopes and goals of society? One of those hopes is sitting in the room this morning. That hope, is those individuals wearing the blue and gold jackets and their fellow peers in what we refer to as the nations youth. Who needs them? America does! They're a resource that far surpass in value any mineral wealth. A nation which has no youth or fails to equip them with tools for life has no future as history will bear out.

It therefore saddens me to have experienced the hatred and disrespect this land holds for its young people. It saddened me last week to visit a school in New York that served 5,000 students but ideally would have difficulty serving 2,500 students. It saddened me to learn a boy scout group disbanded in my local community for lack of adult guidance. It saddens me that a great canyon filled with intolerance, hate, and impatience has separated our generations which ultimately resulted in the tragic death of four students at Kent State and the violent aftermath which followed.

With a society whose technology has taken parents out of the home and thereby impaired their ability to pass on value systems, that society must make avenues open to young people for value and character development. FFA (Future Farmers of America) and other youth groups are examples of those avenues open to young people.

At a time when strengths in youth activities are so sadly lacking—it is imperative that those avenues remain open for the nation's youth. As representatives of the nation's young people we look to you gentlemen this morning, not only for support in our endeavors to become constructively involved in "Building Our American Communities." We ask you for your support in developing America's Young people.

Rather than the intolerance and hatred that has characterized the encounters of our generations in the last decade—may we replace them with understanding and objective concern—a spirit that is related in a recent hit called "Try A Little Kindness."

"Just try a little kindness
Yes try a little kindness and let your light shine through.
And overlook the blindness of the narrow-minded people
On the narrow-minded way."

VICTOR RIESEL ON PRISONERS OF WAR

Mr. DOLE. Mr. President, in his syndicated column entitled "Inside Labor," Victor Riesel recently raised an unfortunate illustration of the one-sided thinking and hypocrisy with which many in this country and elsewhere approach the issue of prisoners of war. Specifically, Mr. Riesel calls attention to the great outcry which has arisen over the Con Son Island prison in South Vietnam and the appalling lack of any similar evidence of concern for the approximately 1,500 American servicemen who are being held prisoners of war or are missing in action in Southeast Asia.

Inhumanity by any nation or group is reprehensible and deplorable, but it is impossible for me to understand how those who raise such anguished cries over the treatment of North Vietnamese and Vietcong prisoners can fail to respond with equal emotions to the treatment of our own citizens.

The column is blunt and hard hitting. It raises many questions which deserve answers.

I ask unanimous consent that Mr. Riesel's column of July 24 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES ANYONE CARE? AMERICAN WAR PRISONERS IN HANOI'S BAMBOO CAGES FORGOTTEN AMID UPROAR OVER SOUTH VIETNAM TIGER PENS

(By Victor Riesel)

NEW YORK.—Right. Those tiger cages in the Paulo Condor (Con Son) prison are rotten. Their guards are sadistic. The torture is white heat hell and monkey-sized cells are not for humans. Right.

But where amid the outcry is there a strong voice sobbing for the American prisoners of war held by the government in North Vietnam, caged by the underground Communist cadres in Laos and imprisoned by the Viet Cong in South Vietnam?

There is a voice, scarcely heard amid the din of those who always are horrified by Saigon's depredations and never once take Hanoi as a personal insult.

The voice is that of Ross Perot, the Dallas computer genius whom the public recalls mostly as the man with the magic electronic touch who lost over $100 million daily for over a week last May.

I talked with Mr. Perot the other day shortly after he had used the transcontinental telephone to urge his South Vietnamese friends to clean up Con Son.

"Over 1,500 American prisoners of war are rotting in North Vietnam, Laos and South Vietnam," said Perot who has flown the world, knocked on all doors, beseeched all diplomats including the utterly scrutable Oriental envoys from Hanoi now in Paris, Stockholm and once in Cambodia.

"These men are kept in bamboo cages, caves, holes, chained to trees and held in solitary confinement. Some of these men have been prisoners longer than any other prisoner of war in our nation's history."

There are scores of diplomats who know these grimnesses. There are Americans who have been to Hanoi (they shuttle in regularly) and who know or should have known of the caged Americans.

Like the 21 protesting senators, they bleed over the tiger cages—though some Arkansas prisons are well up in that dark league. Yet they will not antagonize Hanoi with a single harsh word, or even appeal for the Americans freedom, or even a quiet demand for the list of prisoners' names so young women will know if they are wives or widows and kids will know if they have a dad.

"The North Vietnamese have very little interest in the prisoners of war," Perot continued. "They will agree that upon completion of interrogation, a prisoner of war loses all military significance and becomes a burden to his captor, using food, facilities and guards.

"As for food, the American prisoners live on a diet of fish heads, pumpkin stew and pig fat. I had this diet prepared for a number of newsmen. No one sampled it. You would have to be starving to eat it."

Yet some of the American soldiers, Marines and airmen have been in the bamboo cages for more than six years. Is a bamboo cage more safe a haven, more comfortable a prison than a concrete tiger's den?

Yet nowhere but in the U.S. is a voice or two raised in their behalf. One of those voices is that of the longshoremen's leader, Johnny Bowers, tough but soft-toned, icy but run through with the compassion of a man who can't stand being shackled himself.

Since April 13, "Johnny," executive vice president of the 110,000-member International Longshoremen's Assn. (AFL–CIO) has asked the Soviet government at least to get the list of prisoners' names from its ally, North Vietnam. Never has Mr. Bowers raised a "hard hat" issue in his attempted dialogue. On that day he wrote to Soviet Ambassador Anatoly Dobrynin, offering to end the unions boycott of Soviet ships in Atlantic and Gulf Coast and Great Lakes ports if the USSR would help.

Johnny Bowers is a bargainer. His men, he said, would unload one Soviet freighter or luxury liner for every five American prisoners of war which the Russians could convince Hanoi to release. But all "Johnny" got was a loud silence.

However, not so silent has the Soviet press and radio been on the "tiger cages." And Hanoi's daily Nhan Dan has excoriated the Con Son prisoners. And they say that American congressmen haven't seen anything yet in South Vietnam. Now would be the time for these congressmen to petition Hanoi—on strictly a humanitarian, not political basis—for the chance to see Hanoi's prisons, pens and cells used for Americans and their own political prisoners.

In effect, this is what Ross Perot has been urging during his chartered flights across the world.

"The North Vietnamese consider the 1,500 prisoners of war unimportant," Perot related to me. "In one conversation they said, 'Why all this fuss over just 1,500 men? These prisoners are unimportant.' I tried to explain to them that in our country every life is precious, and that 200 million Americans can become deeply aroused over 1,500 helpless men being starved, tortured and beaten."

The North Vietnamese replied that they did not believe Mr. Perot.

"Your nation has lost over 40,000 men in this war," they told Perot. "Yet, after years of war, most of the American people have not become aroused in any way, either for or against the war. Why should we believe that your people care about just 1,500 prisoners?"

In this the enemy will be proven right if the horror billowing up over the tiger cages is not matched by an outcry for the well-being of Americans in bamboo cages.

THE RENEGOTIATION BOARD

Mr. MATHIAS. Mr. President, in our current financial state we are all well aware of President Nixon's endeavors to remedy the needs of the national economy. I think that it is especially encouraging though, to note areas in which the administration's programs have shown tangible results in the saving of the taxpayer's money. Such results can be seen in the work of the Renegotiation Board under the chairmanship of Mr. Lawrence E. Hartwig. It is the duty of the Board to determine excessive profits, where they exist, in Government contracts.

During the fiscal year ending June 30, 1970, the Board, through the outstanding efforts of its members, D. Eldred Rinehart, William Henry Harrison, William S. Whitehead, Rex M. Mattingly, and Mr. Hartwig, found more than $33 million in excessive profits on defense and space contracts.

In a summary prepared by the Board of its activities, it stated that this figure represents more than a 50-percent increase over the excessive profits determined by the Board in the previous fiscal year, and was the largest determined in any year since 1960.

Since its creation by Congress in 1951, the Board has made determinations of excessive profits aggregating more than $1 billion. Board determinations are before Federal tax credits.

Mr. President, I ask unanimous consent that the summary in the form of a news release of July 11 from the Renegotiation Board be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE OF THE RENEGOTIATION BOARD

More than $33,000,000 in excessive profits on defense and space contracts were found by the Renegotiation Board during the fiscal year ended June 30, 1970, Lawrence E. Hartwig, Board Chairman, announced yesterday. The Renegotiation Board is an independent agency of the Federal government.

The 1970 figure represents an increase of more than 50% over the excessive profits determined by the Board in the previous fiscal year, and was the largest determined in any year since 1960.

Additionally, as of June 30, the Board had made determinations in excess of $3,700,000 which had not yet been incorporated in formal agreements or orders.

Since its creation by Congress in 1951, the Board has made determinations of excessive profits aggregating more than $1 billion. Board determinations are before Federal tax credits.

Moreover, voluntary refunds and price reductions of more than $18,000,000 were reported by contractors in fiscal 1970 in connection with renegotiation proceedings, bringing the total of such voluntary refunds and price reductions during the last 19 years to more than $1.35 billion.

The increase in the Board's determinations in fiscal 1970 reflects the impact of the procurement build-up for Vietnam, Mr. Hartwig said. He noted that the Board made 123 determinations of excessive profits in 1970 compared with 82 in fiscal 1969.

Excessive profits were found in industries manufacturing a variety of products, including ordnance, aircraft, missiles, uniforms, electronics, metals and machinery.

COMMISSION ON LABOR LAW REFORM

Mr. TOWER. Mr. President, on July 15 I introduced Senate Joint Resolution 220. The joint resolution seeks to establish a nine-member Commission on Labor Law Reform. I have received a good deal of favorable response to this proposal since the time of its introduction. I again urge Congress to take the necessary steps to update our current labor laws.

In a recent editorial, the Dallas Times Herald supported my contention that there is a growing need for a thorough study of the existing labor law statutes. I ask unanimous consent that the text of the editorial be printed into the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Labor Law Study Needed

The reluctance of congressional committees in both houses to take up the problem of strikes in industries vital to the public has caused Texas Sen. John Tower to propose the creation of a national commission to recommended needed changes in federal law.

In introducing a resolution to establish the commission, Sen. Tower said it should give particular attention to emergencies in transportation industries.

The commission would be composed of two representatives from management, two from labor, two from the public, one from the federal government, one from arbitration and mediation associations, and one labor law professor.

These nine members of a commission could hold hearings and help draw public attention to the need for action on current legislation dealing with labor disputes. The Nixon administration has proposed emergency public interest protection legislation but neither the Senate nor the House has held hearings on the proposal since it was introduced last February.

The threat of a nationwide rail strike is the latest development which underlines the need for some kind of protective legislation. Sen. Tower noted that stop-gap measures taken by the President to delay the strike indicate the 45-year-old Railway Labor Act is ineffective.

A commission on labor law could render an important service, perhaps including the revision of the National Labor Relations Act and new guidelines for the operations of the National Labor Relations Board.

Congressional committees could be just as effective as the proposed commission but in the absence of any action by these bodies, Sen. Tower's proposal is particularly pertinent. We can hardly afford to stagger along from crisis to crisis without some improvement in the machinery for settling wide-ranging labor disputes which have drastic effects on the general public.

JACKSONVILLE, TEX., DAILY PROGRESS, EDITOR BARNES BROILES, SUPPORTS BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the scientific and recreational values of the Big Thicket of southeast Texas are so outstanding in quality and importance, and their threatened loss to the Nation so grave, that their preservation by the Federal Government for the enjoyment, education, and inspiration of all people is imperative.

For many years I have called for the preservation of the Big Thicket through the establishment of a national park in parts of Hardin, Polk, Tyler, Liberty, and San Jacinto Counties, near Beaumont, Tex.

The need to save this beautiful and unique biological crossroads of America has been emphasized by me on many occasions on the floor of the Senate and in addresses to groups in Texas and throughout the Nation. It is my intention to continue to bring this matter to the attention of the Senate and to the people of the Nation until this portion of our natural heritage is saved.

An editorial in the June 29, 1970, issue of the Jacksonville, Tex., Daily Progress pointed out with approval my efforts to save some of the most beautiful parts of Texas such as Padre Island, the Guadalupe Mountains, and the Big Thicket. The establishment of the Padre Island National Seashore and the Guadalupe Mountains National Park are two satisfying legislative accomplishments, and this recognition of these achievements on behalf of the citizens of Texas and the Nation is deeply appreciated.

But we look to the future, for Big Thicket, and this editorial is very supportive of my long fight to preserve the Big Thicket by the establishment of a Big Thicket National Park of not less than 100,000 acres.

This recognition and expression of appreciation by the Jacksonville, Tex., Daily Progress is particularly significant and meaningful to me. This outstanding and forward-looking newspaper has a great history of taking courageous editorial stands in the interest of the people. For many years this fine newspaper has spoken out strongly on behalf of conservation and many other causes which benefit the people. This newspaper under the enlightened editorialship of Barnes Broiles, is remarkable in its steadfast devotion to noble and worthy causes. This paper is unique among Texas daily newspapers for its vision, leadership, and its concern for truth and for the advancement of man.

This enlightened and perceptive newspaper is one of the great daily newspapers in the State of Texas, and their remarks concerning my long battles for the people of Texas are sincerely appreciated.

Greatness among newspapers is determined, in my opinion, not by how big its circulation is, but by how big its vision is. By that standard, the Jacksonville Daily Progress is a great newspaper.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Big Thicket Effort To Continue

There were grave fears that the Big Thicket project would be forgotten, with the defeat of Senator Ralph W. Yarborough, the determined advocate. It is gratifying, then, that the Democratic nominee, Lloyd Bentsen, has come out in favor of the 100,000-acre Big Thicket, the Yarborough bill.

Senator Yarborough, who perhaps did more for Texas than any senator in several generations, will have the Padre Island and Guadalupe park preserves to his credit, for he never gave up in the fight to preserve these spots for public interest, even against formidable foes.

The Big Thicket can be an area long preserved for the public to see forests and swamps in the natural state. A little bit of the frontier can be preserved if enough support is given the efforts to stop the sawmills from destruction of this southeast Texas scenic spot.

The Big Thicket is to be maintained in as near natural state as possible, with only paths, roads and camp sites now and then so the people can see and enjoy a look at what once was so widespread in East Texas.

Because of his great efforts, there should be a monument or a historic marker in the Big Thicket, a tribute to Ralph Yarborough, the man who brought this natural heritage to the attention of the nation.

UNIT PRICING: A PROGRESS REPORT

Mr. PEARSON. Mr. President, inflation continues to shrink the value of every family's income. Prices continue to rise. The shoppers of our Nation continue to seek ways to save money.

We in Government feel very keenly the desires of our people to ease their worsening economic burden. We talk of "guidelines," of "inflation alerts," and other ideas intended to better conditions of economic life in everyday America. But there is a way in which we could really help the buying public in a direct manner—by adopting unit pricing of food commodities.

Mr. President, a Midwestern food chain recently introduced unit pricing across the entire range of its inventory. Although many individual stores have experimented with unit pricing in varying degrees, this chain was the first to fully implement this helpful service. A recent news article reports on the experience this company has had after 6 weeks, shedding considerable light on the benefits of unit pricing as well as describing the reactions of several housewives to the new idea.

Mr. President, I ask unanimous consent that the New York Times article be printed in the Record. I invite the attention of the Senate to this important subject.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unit Pricing Test: Buyers Appreciate Chance to Cut Food Costs

(By Seth S. King)

Burlington, Iowa, July 26.—"You know, I found out some of the canned goods really are different in price, when you see the price broken down this way," said Mrs. Robert Hale. "I'd always bought Armour's Golden canned hams, for example. But then I saw the unit price and now I've switched to Dubuque, because I know they're cheaper."

"I've also found some of the larger sizes really aren't cheaper and I could do better buying two of the smaller ones," she went on. "I couldn't say that I've cut my food costs much that way, but even if it's only a little, I appreciate the chance these days."

Mrs. Hale, wife of the general manager of the J. I. Case Company (farm implements), was discussing unit pricing, currently the most talked about aid to the food consumer. Unit pricing tells the shopper how much an item costs per ounce or pound or gallon or yard.

TYPICAL REACTION

Talks with Burlington housewives who shop at the Benner Tea Company's two supermarkets in this old Mississippi River town indicate that Mrs. Hale's reaction is typical.

After six weeks of shopping with unit pricing, the housewives are still not sure about how much money they've saved, but they feel much better about what they've spent.

Other chains, under mounting pressure from consumer interests, have been experimenting with unit pricing to learn how much it costs and whether there is a real demand for it. But Benner, with 21 stores in Iowa, Illinois and Missouri, is believed to be the first chain to establish it on a permanent basis.

Though housewives seem to like the system, some retailers argue that it is costly and would eventally increase food prices. This is one of the arguments used by the New York State Food Merchants, which has obtained a court injunction that is blocking a New York City regulation requiring unit pricing.

Benner, however, says the costs are small. The chain also reports an increase in business, but a smaller increase than it had expected.

Housewives have always bought meat and fresh fruits and vegetables by the pound for ounce, and those prices are usually stamped on those items now. What Benner has done is extend this to every other item in the store.

Now, on the edge of the shelf beneath each item, there is a small tag showing its total price and the price per unit of measure.

With no more than a quick glance, a housewife can tell whether she can save a few cents by buying a bigger jar of peanut butter, whose per pound cost may be 40 cents compared wtih 44 cents per pound for a smaller jar.

Or she can tell, perhaps to her surprise, that a smaller jar of applesauce costs 20 cents a pound, compared with a larger jar at 21 cents. Or that two packages of paper towels, which appear to be the same size and which sell for the same total price, are actually different. The unit price of one is 3 cents a square yard, the other 4 cents. The first has 165 square feet in its roll, the second only 125.

Or she learns that the extra giant 10 pound 11 ounce box of Tide she had been proudly lugging home costs 26 cents a pound, exactly the same as the 5 pound 3 ounce box beside it.

THEY DO THE FIGURING

"I noticed the ads about unit pricing, but at first I didn't pay too much attention," said Mrs. Josephine Fageol, wife of a lathe operator at J. I. Case. "But I've got five children and I have to count every penny."

"I suddenly realized," she said, "that by looking closer at those tags, I was sure of what I was buying. When I think of it, it was kind of frightening to go into a store and try to figure out which to buy. Now they do the figuring for me."

In talking with 12 other shoppers in the two Benner stores here, it was clear that interest in, or ever knowledge about, the unit pricing plan was directly proportionate to how many people a customer had to feed.

Mrs. Judy Peterson, a bride of 10 months, said she paid little attention to it, and just came in "to buy what I have to buy quick."

Mrs. Hale, however, who feeds about seven people a day, counting grandchildren, said:

"I began to find out there was a big difference in some prices. For instance, I didn't realize I'd been paying more per ounce for a canned ham that I usually buy. Now I bring my daughters-in-law in here when they are visiting, and they have great fun checking out the prices. They're surprised, too, on a lot items."

Mrs. Norman Johns, a frail woman trying to push a jammed grocery cart while four of her six children clung to parts of it, said she was particularly pleased with unit pricing. Her husband, an Air Force armorer, had just been sent to Vietnam and for the first time in several years she did not have the advantage of shopping in an Air Force commissary.

"I'm not very good at figuring," she said. "So this helps me a lot. Like I'm thinking to change soap powders now. It might save a little, and that's really good for me now."

In embracing unit pricing, the Benner chain, headed by Charles C. Fitzmorris, Jr., a former New York and Chicago advertising man, had one eye on aiding the price-conscious housewife and the other on a chance for more profit through the publicity that unit pricing might generate.

"The Government is already beginning to push it," said Philip Neally, executive vice president in charge of sales. "So we figured, let's be first and get the advantage of doing something the housewives might like."

Benner executives think the cost argument is ridiculous. They say that with the aid of a computer, which the chain leases anyway, they were able to figure the unit price for each of about 6,000 items, print small shelf labels for each item and pay for the labor of posting each label for a total cost to the chain of $12,700.

The company, which sets the prices for all the corporate stores in its chain, makes about 200 price changes a week. These can also be posted through the computer, the company says, for about $5 per store per week.

Mr. Neally said the company was a little disappointed that total sales in the last six weeks had increased only 4 per cent; the executives had been expecting a 10 per cent jump.

"But we show a 10 per cent increase in the number of customers going through our checkout counters," he said. "A good portion of that increase is probably just the curious, but we may keep a few of them."

"TRU-PRICING"

Mr. Neally said the company had no thought of passing on to its customers what he considered the modest cost of unit pricing, which Benner calls "tru-pricing."

"In the past we've spent as much as $30,000 just advertising a free dish offer," he said. "On tru-pricing we're in first, and that's enough of a promotional advantage for us to pay for ourselves."

Aside from its effect on buying, unit pricing is already having some effects on merchandising, Mr. Neally said. He explained:

"For the first time more housewives are noticing the odd sizes of some packages and bottles. As prices have gone up, a lot of food companies have been reducing the size of their containers, just a mite, and keeping the same price.

"Now housewives are asking our managers questions, like why something comes in a 13.3-ounce jar instead of a pint. I'd expect that this is going to force companies to go back to more recognizable packages, like a full pound or a full quart."

Mr. Neally said the Benner retailers also believed that in some of the largest of the economy packages, like Tide's biggest, would be discontinued after housewives found they really weren't saving anything by carrying out that much weight.

The Benner Company's competitors at the Eagle and Hi-V chain stores in Burlington concede that there was some talk about unit pricing among their customers at first.

"But we've shown no drop in trade because of it," said Marion Stewart, manager of one Hi-V store. "Yes, the chain members have discussed the possibility of unit pricing. And the chain has use of a computer. But we don't think it's that important yet."

Mrs. Bill Carder, a mother of four, who said she had been shopping at one of the Benner stores for over three years, did not agree.

"I wouldn't say I'd change my buying patterns because of this thing," she said. "But I sure feel better now because I go out of here thinking I've done the cheapest shopping I possibly could."

FAMILY ASSISTANCE PLAN

Mr. SCOTT. Mr. President, the Committee on Finance is at present holding hearings on the administration's family assistance plan. I ask unanimous consent that an editorial published in Life magazine be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Welfare Mess Needs Total Reform

Welfare now is "a colossal failure," as President Nixon says, "a wheezing, overloaded machine." The welfare machine is headed toward complete breakdown because it hasn't the capacity to help the poor humanely—and the public hasn't the capacity or the willingness to finance it in its present form much longer.

"Welfare"—that tangle of programs for the poor who because of age, sickness, handicaps or lack of ability and training can't get jobs—is a system full of inequities. The vast differences among State levels of welfare assistance contribute to the migration of millions from states like Mississippi (which pays $46 per month to a welfare family of four) to states like New Jersey ($265 per month), where the jobless congregate in overcrowded and crime-ridden slums and load an increasingly intolerable burden on state and local treasuries.

The "permanent welfare population" of the cities—which in New York City alone now numbers one million, or one person in eight—reflects the most distressing failure of all. Despite a decade of national prosperity, the total number of Americans on welfare rolls today has increased from 5.8 to more than

10 million. The present welfare setup often amounts to an incentive to *remain* on relief. Those on welfare who have the gumption to find at least marginally paying work usually lose more in benefits than they gain in earned income. And another 13 million-plus Americans get no federal cash assistance whatsoever. These are the family members of the "working poor," whose breadwinners earn wages below the federally set poverty line ($3,743 for a nonfarm family of four).

The poor amount to 12% of us—which at least is a considerable improvement over the days when Franklin D. Roosevelt talked of one third of a nation. Of the 10 million receiving welfare assistance, dependent children comprise the vast majority; 90,000 are men who are physically employable and mentally competent; another 1.5 million are working-age mothers.

In the past decade, U.S. welfare expenditures have almost doubled to more than $6.5 billion. If only the money were being used effectively, this level of spending might be financially defensible, considering that we pour nearly three fifths as much into farm subsidies.

For almost a year, the Nixon administration has been trying to get Congress to approve a sweeping overhaul of U.S. family welfare laws. White House Urban Affairs Counsellor Pat Moynihan calls it "the most important piece of social legislation in 35 years." The new Family Assistance Plan got through the House of Representatives last April, but for three months has been held up in the Senate Finance Committee, whose chairman, Russell Long of Louisiana, has finally agreed to start hearings.

Family Assistance is a modest first step toward a radically ambitious national goal: ensuring a tolerable standard of living for all Americans—with maximum opportunity and incentive to work and minimum indignity for those legitimately unable to do so.

Its fundamental principles are two:

That welfare is a national problem. Therefore Washington accepts an obligation to encourage a nationally equitable—and eventually uniform—level of welfare assistance. As the first step, it will in effect guarantee throughout the U.S. an annual income of $2,460 ($1,600 cash, the rest in food stamp benefits) for a family of four, a standard now met in only 23 states.

That welfare should try to restore the poor to gainful employment. Family Assistance requires welfare recipients physically qualified to take jobs or vocational training to do so, and provide stepped-up federal programs for child day care centers, job-training and job-location assistance. Most important, it offers the poor a sliding scale of continued income support after they find work.

All this will add somewhat more than $4 billion annually to federal welfare costs. But it can be argued that the present system, increasing in cost an average 10% a year, is likely to be more expensive in the long run. As it is now, more of the poor who get on welfare rolls are likely to stay on them indefinitely, passing on to the next generation the costly social disease of welfare living, whose symptoms often include nutritional starvation, educational deprivation, high rates of drug use and urban crime—to say nothing of their wasted lives.

Family Assistance strikes us as a sound idea. But it runs into a lot of entrenched prejudices. The vast welfare bureaucracy—more than 170,000 employees—has a built-in resistance to change. There are many Americans who think stigma and humiliation should be the proper lot of those "on welfare," a notion which dates from the colonial era, when the Commonwealth of Pennsylvania required paupers receiving public alms to wear the letter "P" sewn onto their clothing, just as Hawthorne's adulteress Hester Prynne was forced by Massachusetts Puritans to wear the scarlet letter "A" attesting to her sin. Americans who still think of welfare families as vaguely immoral recipients of "something for nothing" find the rhetoric of the new welfare "rights" organizations especially hard to take. The welfare militants seem convinced that a comfortable income for which they don't have to work is a moral "right." And they argue that work requirements constitute a stigma and humiliation, because most work available consists of "dead-end" jobs and is not "meaningful" to them. But passive use of an income provided at taxpayers' expense is not a "meaningful" life for anyone, and what could be more of a "dead end"?

Beset by welfare "rightists" on one side and restless taxpayers on the other, Family Assistance has only a "fair" chance of getting passed. President Nixon said last week. So far he himself has made scant effort to persuade the seven Republican senators on the committee to support the bill. In fact, the President—who has inflation and the cost of the war so much on his mind—often gives the impression that the best place to save money is where social good is at issue—on hospitals, education and similar matters. The exception to this impression is Family Assistance, which is the most imaginative and sensible program to emerge from his administration in this area. We hope he and Congress will see it through.

HEALTH MANPOWER CRISIS

Mr. YARBOROUGH. Mr. President, as each of us knows too well, this country faces a grave health care crisis. Health services are fragmented and too frequently are of less than adequate quality. Health care costs continue to escalate at a rate which is double that of the economy generally. Much of the physical plant of our Nation's hospitals need refurbishing or replacement. Our medical and dental schools are in serious financial difficulty—several are on the brink of closing. And there is a desperate need for more trained health professionals—doctors, dentists, and allied health professionals alike.

Regarding innovative uses of health manpower, Mr. President, I wish to invite the attention of Senators to a recent article which describes the MEDEX program begun at the University of Washington School of Medicine under the direction of Dr. Richard A. Smith. This program, which is now being replicated at a variety of medical and health institutions around the country, is designed to capitalize upon the 30,000 or so trained military medical corpsmen, so that they can bring their skills to bear in the civilian sector after they are discharged. Programs such as MEDEX can greatly assist our overworked doctors by relieving them of that portion of their work which they are forced to do in the absence of a physician assistant.

Mr. President, earlier this month the Health Subcommittee of the Committee on Labor and Public Welfare held hearings on my bill, S. 3418, a bill to enhance the family practice of medicine. During those hearings, we received considerable testimony which documents show a physician in family practice, augmented by a physician assistant, can significantly alleviate this country's health manpower shortage. That bill will shortly be brought to the Senate for its consideration.

I ask unanimous consent that the article entitled "Can Doctors' Aides Solve the Manpower Crisis," published in the Medical World News of January 23, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Can Doctors' Aides Solve the Manpower Crisis?

Thanks to the nation's acute and worsening shortage of health manpower, the ex-medical corpsman is now ending a 30-year sentence as physician's assistant in the federal prison system and is emerging as a new force to help doctors cope with their burgeoning load of patients.

The "sentence" wasn't a literal one, of course, but it has taken several decades for the country's medical schools and organizations to imitate U.S. penal authorities and appreciate the large pool of trained personnel available through service discharges of the men popularly known as medics. Though nobody underestimates the problems that will be encountered in licensing and supervising physicians' assistants, more than a dozen medical institutions now have training programs in operation or are about to inaugurate them.

The young man on the left in this week's cover photograph is Paul Snyder, an Air Force surgical technician from 1957 to 1969, who moonlighted at civilian hospitals near his bases. Given additional training after his discharge, he has adapted his military medical knowledge and skills to civilian health care. Now, as a Medex, he serves to extend the capabilities of general practitioner Kenneth Pershall in Othello, Washington.

Conceived and directed by Dr. Richard A. Smith, associate professor of preventive medicine at the University of Washington's medical school in Seattle, the Medex program is one of the solutions being developed across the country to help alleviate the health manpower shortage. Like several others, it is designed to make use of the pool of trained corpsmen who leave the Armed Forces each year, up to 30,000 by National Research Council estimate. Unlike the others it has a unique name for both the program and its trainees. Medex is both singular and plural, a title and a form of address. Dr. Smith coined it to express the physician's extension concept. It has the advantage of sounding familiar to the ex-medics.

The first class of 15 carefully selected Medex trainees completed the initial three-month period of university training in mid-September. Now they are in their preceptorship phase, each with a rural GP who is committed to hiring the Medex on successful completion of his training.

Dr. Richard Bunch, who shares Dr. Pershall's practice and also employs a Medex tells MWN: "While still in their preceptorships these fellows are treating, under our general supervision, children's upper respiratory infections, lacerations and moderate traumas, and replacing one of us in surgery where normally two doctors are needed. When they've finished their break-in period with us, I estimate we'll each be able to take care of 20 additional patients per day." Medex Snyder and his cohort John Betz earn $5,400 plus $500 per year for each dependent child to a maximum of three. Drs. Bunch and Pershall plan to pay salaries substantially higher than that when training is complete.

"My concerns in starting this program were twofold," says Dr. Smith. "First, we are in a crisis in health manpower already—it's not coming, it's here, and it's going to get worse. Second, I was concerned that this huge pool of medically trained men was not being used. These guys have had perhaps $25,000 invested in their training, and it's usually lost. Some excorpsmen have, among other things, as many as 70 hours of preventive medicine, anywhere from 70 to 130 hours of anatomy and physiology, 70 to 180 hours of medicine and surgery, 92 to 190 hours of pharmacology, advanced on-the-job training in outpatient clinics, on-the-job training in general medicine, anywhere from 120 to 200 hours of trauma, minor surgery and field surgery, perhaps 40 hours of emergency-room on-the-job training, another 80 hours of on-the-job training in general surgery, 40 hours in orthopedics, 98 hours in surgical procedures, 30 to 55 hours in microbiology and laboratory medicine."

Last July, HEW Secretary Finch and his newly appointed assistant secretary for health and scientific affairs, Dr. Roger Egeberg, warned of an "impending breakdown in the delivery of health care." Among the steps they took to help alleviate the manpower shortage was the establishment of an Office of New Careers with the top priority of developing programs for returning Vietnam medical corpsmen. Recently, Dr. Egeberg noted in a HEW memorandum that some 60% of medics leaving the Armed Forces are interested in getting additional education to qualify for civilian jobs in health care, and that about 15% are already qualified to move right into civilian jobs in medicine.

Organized medicine, too, is stepping into the health manpower breach. On December 20, the Committee on Emerging Health Manpower of the AMA's Council on Health Manpower held a meeting of a dozen directors of training programs for various kinds of physicians' assistants, to discuss their programs in the light of a set of guidelines for development of new health occupations adopted on December 2 in Denver by the House of Delegates. The unusually smooth course of the meeting showed the participants want to press ahead with a cooperative program to clarify and classify the roles of the new kinds of physicians' assistants, the educational levels desired, and the need for certification, licensure, or changes in medical practice acts.

"In the morning session I thought that the whole thing could blow up in our faces," says the AMA committee's chairman, Dr. Thomas C. Points of the University of Oklahoma Medical Center, Oklahoma City. "But I felt that everyone agreed the guidelines were essential and they were all willing to work with them so that we can really get some coordinated programs going."

Dr. Paul J. Samazaro, director of HEW's National Center for Health Services Research and Development, agrees. "Everyone seemed to agree essentially on what needs to be done, and on the importance of getting it done, and there was no defensiveness. The meeting reflected a spirit of initiative in the AMA, and responsiveness to many developments in the country initiated under different auspices and different assumptions. Incorporating the new professional assistants may turn out much smoother than we might have expected. The AMA staff is able and committed and has full support internally and externally."

When the program directors return their course descriptions to the AMA committee in mid-February, the concept approved by the committee will be passed on to the full Health Manpower Council. If approved there, it goes to the Council on Medical Education, which will lay down the essentials for an accreditation program. After that, it will go to the House of Delegates for acceptance—the staff hopes by next fall's clinical convention.

The new types of health professionals are being trained in some 20 programs at as many institutions. No one is certain just how many there are, because some are being carried on informally with only one or two trainees. Besides Medex and the Duke University physician's assistant program (MWN, Feb. 23, '68), which now has 29 graduates helping to relieve overburdened doctors, the major programs are:

Cleveland Clinic Hospital is training "clinical corpsmen" in a one-year program, accepting applicants with two years' military or civilian experience.

Alderson-Broaddus College, Philippi, W.Va., trains physicians' assistants in a four-year baccalaureate program offered to qualified high school graduates.

University of Colorado Medical Center is training "child health associates." The three-year program includes two years of academic training and a year's internship; applicants must have two years of college.

The university also trains pediatric nurse-practitioners in an intensive four-month program of theory and practice of pediatrics, offered to graduate nurses.

Bowman Gray School of Medicine also trains "child health assistants" in a two-year program. Applicants with two years of college, or ex-corpsmen with adequate training, are accepted.

Pacific Medical Center operates a two-year program training orthopedic assistants, involving City College of San Francisco and eight hospitals.

Grady Memorial Hospital in Atlanta trains "medical specialty assistants" to work in medical and coronary intensive care units. The two-year program accepts former corpsmen with two years' experience.

Baylor College of Medicine trains ophthalmic assistants in an eight-week course for trainees with two years of college preferred.

Emory University School of Medicine gives anesthesia assistants a 21-months master's degree program.

University of Pittsburgh trains emergency medical technicians in a one-year program.

Ohio State University educates emergency medical technicians.

Four more programs are in preparation:

University of Kentucky School of Allied Health Professions plans to train clinical associates.

Brooklyn-Cumberland Medical Center will train physicians' assistants.

Oklahoma State University is preparing to train medical care technicians.

University of Colorado plans to train physician associates in anesthesia.

Not all physicians are convinced that such training programs are the answer. One is Tulane University professor of medicine George Burch. He tells MWN: "If I get sick, I don't want any physician's assistant taking care of me. I want a fully trained doctor. The errors made by the legions of aides from RNs to electronics specialists are legion. Certainly we need these people, but we need doctors much more. The training programs now being put forward are simply no substitute for the additional medical schools we sorely need."

The nursing profession also shows less than eager enthusiasm for the new doctors' aide training courses. Says Eileen Jacobi, RN, Ed.D, associate executive director of the American Nurses' Association: "Baccalaureate and graduate education in nursing prepares nurses at a highly professional level, but one of the complaints the ANA often hears from its membership is that highly qualified nurses are often not allowed to function at the level for which they have been prepared. Why can't we utilize the existing nurse talent to meet patient health needs that are now unmet? Because the physician, although often in need of such assistance, is unwilling to allow the nurse to assume other than her traditional role."

The variety of titles for the new professionals sometimes accurately reflects the skill that is being taught, notably in the special assistants. The others reflect mostly the private preferences of program directors. Nearly all those involved agree that deciding on uniform titles for people with equivalent training is essential to getting the new health professions recognized and understood by the medical profession and the public. "I keep harping on Medical Care Technician," says committee chairman Tom Points. But others think that "technician" suggests a lower level of training than the type of professional they are developing, who is seen by a number of proponents as being on a level between a doctor and a nurse. One suggestion that appears to be gaining favor is the use of "clinical assistant" for those with training at the two-year, or junior college, level and "clinical associate for those with baccalaureate degrees.

"I think this is one of our problems," says Dr. Points, "someone with two years of training being put in at a level between graduates of four-year and seven-year medical courses. What do you call them?"

The optimum levels of education for the physicians' assistants is one of the questions most in need of clarification. All those involved in the training programs agree that as much flexibility as possible should be built into them, to provide both vertical and horizontal mobility. Dr. T. F. "Bud" Zimmerman, director of the AMA's department of health manpower, feels that the new physician-support personel should cover a spectrum from generalist to specialist, and from the on-the-job training level of education to the post-baccalaureate level.

Dr. D. Robert Howard, director of the Duke University program, sees a three-level range: on-the-job training, junior college, and senior college. "Above that," he points out, "your upward mobility would be into medical school." But he cautions that students with the capability to qualify for medical school might be poor choices for physician's assistant training. "They're not not going to get enough job satisfaction or ego satisfaction in doing the type of work that a physician will delegate."

Delegation by a physician is the key to all the new concepts of physicians' assistants. Even though an excorpsman may have been what the military services call an independent duty operator who functioned as the only "doctor" for many miles, as do Special Forces medics or the Air Force's remote-station medical technicians, almost no one contemplates their serving independently in civilian health care. Nevertheless, the assistant can work apart from the physician so long as they are in contact by telephone or two-way radio.

The Medex program, for instance, provides two-way radio equipment for each physician-Medex team. The Medex, like the physician he works with, is on call 24 hours a day. This can be especially useful if two emergencies should happen simultaneously or nearly so. "I thought this was a rare thing in general practice," says Dr. Smith. "But I discussed it at the state medical association. I said, 'What happens in that rare instance when you have an acute traumatic injury in your office and another patient has a massive coronary on the other side of town and can't be moved? Your Medex can go over there and talk to you from the bedside.' One doctor raised his hand: 'That's not a rare occurrence,' he said. 'It happened to me three times last week.'"

But even under the supervision of a physician, this kind of service presents delicate legal problems, and most authorities believe that state medical practice acts will have to be modified to allow for the use of physicians' assistants. There are a few states like Oklahoma which happen to have a direct statement in their medical practice law referring to physicians' assistants. Dr. Points explains, "That presents the least difficulty. But to the extent that they aren't explicit, the feeling is that medical practice laws will need to be modified in time. It's difficult to talk about a model law now, because we don't yet have enough experience on a large scale."

"Four states have already enacted legislative changes, and most of the others are in the process of making changes," says Duke's Bob Howard. "We have a committee working on changes we feel would be desirable here in North Carolina. Our draft reads pretty much the same as the others; it makes an exception to the medical practice law for any act or acts performed at the direction and under the supervision of a licensed physician by a person currently approved by the Board of Medical Examiners as one qualified to function as a physician's assistant." However, he points out, "you can also change medical law by custom and usage. In this state we're almost to the point now where formal legislative changes aren't really necessary, because we can say that having physicians' assistants is already custom and usage here."

Whether former military corpsmen will continue to be the main pool from which physicians' assistants will be drawn is an open question. The AMA's Dr. Points doubts that 30,000 medics are, in fact, being discharged yearly. "When we analyzed this at Oklahoma State, we found that there are several levels of training in the military. That 30,000 figure includes the lowest level of aidman. The man we're talking about using is the independent duty operator, and I doubt there are more than 10,000 of them."

"I think they will constitute the main source of manpower," says Dr. Howard. "There's not much of a pool of males outside this one, which we're emphasizing, although we are not limiting our program to men. But it's hard to get women who are willing to work the hours these people work. If they're going to be effective as physicians' assistants, they've got to work the same hours the physician is working. The women we have in the program—and this is an advantage of taking only experienced people in this kind of project—have already demonstrated that they're willing to make that kind of career commitment."

"My impression is that a male labor force is more stable," says the AMA's Bud Zimmerman. "One of the problems in the allied health professions up to now is that they are quite female-oriented, and because women get married and have children, they tend to be sort of in and out of the work picture. So greater male involvement in these professions will eventually mean a labor force that's more stable."

But Dr. Points has reservations. "I think we've overworked the idea of the discharged medical corpsman as the answer to everything," he says. "The idea is to get the educational system to do the same thing the military has done. I can see these programs training corpsmen outside the military. In fact, I can see the military recruiting them into the service after they have a baccalaureate degree, when they wouldn't need much more training."

Recruiting former medics has been approached in a number of ways. The methods used by the Duke and Medex programs have probably been most successful. "The secret is using the servicemen's newspapers," says Dr. Howard. "We just send the Army, Navy, and Air Force *Times* an announcement when we have openings. They run the information in their educational supplement, and the inquiries come pouring in." For this year's class of 40 trainees, Duke received 3,500 inquiries, 500 applications.

Dr. Smith used a more personal approach. "We went to a number of military installations where there were corpsmen and got in touch with a few key people. We spelled out the requirements for selection. Basically, they were that a man be getting out of the service by last June, and that he and his family be willing to live and work in a rural area. We soon had an informal communications network stretching from Vietnam to West Germany, and applications poured in."

Altoona (Pa.) Hospital officials began at a nearby military hospital Project Transition office, the Defense Department's program to help place men leaving the service in civilian jobs. The hospital's representative obtained information on medical personnel about to leave the service. He visited two Army hospitals and one Navy installation, wrote to a number of others, and had posters distributed at a number of bases. The hospital received 60 inquiries in as many days from corpsmen who hoped to stay in medicine.

Joseph Donovan, executive director of the Santa Clara County (Calif.) Medical Society, has had most success by using press, radio, and TV advertising to inform corspmen and their families of opportunities for training.

Placing the graduates is easier than recruiting them. Dr. Smith chose employers for his Medex trainees before he selected candidates. After both groups were selected and had met each other, physicians and Medex were carefully matched—even the compatibilities of their wives were considered. Each physician preceptor is training his Medex for his own practice. Salaries are to range between $8,000 and $12,000 a year depending on the practice.

The Duke graduates, too, are spoken for. "They all have jobs long before they get out," says Dr. Howard. "People start clamoring for them too early, as far as I'm concerned." Of the 29 graduates, 14 are working at the medical center (largely so that their training can be evaluated), and 15 are with physicians in private practice.

Results, so far, are encouraging. "At this point they've exceeded our expectations," says Seattle's Dr. Smith. "Some patients come in and ask to see the Medex, or call to make an appointment to see him. When they have a minor complaint, they don't want to bother the busy doctor. One thing that really got to me was a little notice put into a local paper in eastern Washington by a woman who had just gotten out of the hospital. She wanted to thank the staff of the hospital and most especially Dr. X and Medex Y. To those of us on the staff that was very significant. It meant the Medex is recognized as an integral part of that medical team."

JEAN-JACQUES SERVAN-SCHREIBER IN AMERICA

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. Kennedy), I ask unanimous consent that a statement prepared by him relative to the visit of Jean-Jacques Servan-Schreiber to Washington be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

JEAN-JACQUES SERVAN-SCHREIBER IN AMERICA

Mr. Kennedy. Mr. President, Jean-Jacques Servan-Schreiber, one of the most articulate and dynamic members of the new generation of Europeans, is now visiting the United States, and I am pleased to have this opportunity to pay tribute to him.

Yesterday morning, Mr. Servan-Schreiber testified perceptively before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, under the chairmanship of the distinguished Congressman from Louisiana, Mr. Boggs. In his testimony, Mr. Servan-Schreiber dealt extensively with the common philosophy of Europe and America, and the tremendous concern in Europe over America's predicament in Vietnam. He also spoke at length of both the benefits and miseries of private business competition in national and international economic policy, especially with respect to the role of multinational enterprises.

In concluding his testimony, Mr. Servan-Schreiber spoke eloquently of youth and industry as the two great sources of energy in our world society. If, he said, we allow these forces to remain as they are today, on a collision course, the future will be dark. But, he emphasized, if we forge their alliance by reform, then we will have met the challenge of our generation.

Mr. Servan-Schreiber's background is extraordinary, and full of great significance for the future of the United States and Europe.

He was born in 1924. In 1943, at the age of 19, he escaped from France and came to the United States. After being trained as pilot in this country, he joined the Free French Air Force.

After World War II, he wrote on foreign policy and served as diplomatic editor for Le Monde until 1951, then established his own weekly opinion magazine, L'Express, which he later turned into a news weekly.

Mr. Servan-Schrieber's editorials on the Algerian War mobilized opinion against the French Government on the war. In retaliation, he was conscripted by the French Government and sent to serve in Algeria. His book "Lieutenant in Algeria" became a celebrated critique of the war, and led to his indictment by the Government for undermining the morale of the Army. He was acquitted, but at the time, he lived through several years of assassination threats.

For twenty years, Mr. Servan-Schreiber has been active in liberal politics. He worked closely with Pierre Mendes-France in the '50's, and with Gaston Defferre and Maurice Faure in the '60's.

In early 1970, he revived the Radical Party in France with a 250-page manifesto and a call for a party congress. The Radical Party is the present-day version of the Radical Socialist Party of the Third Republic, which, as many said at the time, was neither radical nor socialist, but instead represented some of the most stable—and petrified—aspects of French life.

In reviving the Radical Party, Mr. Servan-Schreiber has given the party a clear call to shift well to the left of the present Socialists. His goal is to attract French youth to an old party, but with new ideas and young leadership. The party platform ranges from the glorification of modern free enterprise to a call for a guaranteed income and a redistribution of power from employers to workers. Indeed, the manifesto has so many aspects that Le Monde calls it "a plan to reconstruct the universe."

Last April, Mr. Servan-Schreiber made a dramatic flight to Paris from Athens with Greece's most famous composer and resistance leader, Mikis Theodarakis, whom Mr. Servan-Schreiber had persuaded the Greek Government to release from captivity.

More recently, on June 28, Mr. Servan-Schreiber won a run-off in a by-election to become the deputy to the French legislature from Nancy in the province of Lorraine in Eastern France. The circumstances of the election are fascinating. The incumbent Gaullist deputy had resigned in protest over the Government's decision to build the Paris-Strasbourg super-highway through Metz, rather than Nancy. The Gaullist announced he would run again as an independent, and fully expected to be re-elected.

Mr. Servan-Schreiber announced his candidacy and quickly won the support of the Mayor of Nancy. He won the election by campaigning as an acceptable non-communist alternative to the Gaullists. During the campaign, he succeeded in shifting the orientation of the election from the purely local road issue to a national vote of non-confidence in the Gaullists, their first real challenge since the large election majority the Gaullists won after the 1968 riots.

In his campaign, Mr. Servan-Schreiber also emphasized the "frontier" status of Lorraine, as a province on the German border. He campaigned for a European approach to the industrial problems of the province, not a solely French or nationalist approach. As part of the campaign, he formed a committee of 21 businessmen and bankers (including some of the most prominent business leaders of Sweden, Germany, and Italy) to coordinate efforts "in the service of Lorraine."

The people of Nancy gave him their overwhelming support in the election, and especially appreciated their new position as a center of attention in France rivaling Paris. Already, Mr. Servan-Schreiber is well on his way to fulfilling his campaign slogan, *"Il fera plus pour Lorraine."*

In the United States, Mr. Servan-Schreiber is best known for his extraordinary book, *The American Challenge.*

It is the fastest selling book in France since World War II, 250,000 copies are in print in the United States.

Arthur Schlesinger, in a preface to the American paperback edition of the book, predicts that it may do for European unity what Thomas Paine's *Common Sense* did for American independence.

There are several basic themes of *The American Challenge*. Mr. Servan-Schreiber believes that the European Economic Community must be more than a Common Market, or it will revert to a splintered nationalism. Since the EEC has not yet begun to move towards political integration, he feels it may be beginning to disintegrate.

So far, he says, only the United States understands the potential of Europe. At the present rate, the third industrial power in the world—after the U.S. and Russia—will be the United States in Europe, not Europe itself. Unless Europe awakens to the challenge, he believes, it will be relegated to the status of an American subsidiary.

Mr. Servan-Schreiber rejects Charles DeGaulle's program of isolating Europe from the U.S. Instead, he says, Europe must Americanize itself without the Americans, by borrowing the managerial, institutional, and cultural skills and efficiency of the United States. The real challenge of America to Europe, he says, is the challenge of ideas and expertise, not the challenge of dollars.

In introducing his book, Mr. Servan-Schreiber quotes from the ancient Kuan-tsu of China, that—

"If you give a man a fish, he will have a single meal. If you teach him how to fish, he will eat all his life."

To me perhaps more than any other man today, Mr. Servan-Schreiber is teaching Europe how to fish, how to achieve the enormous potential of which it is capable.

I believe that his testimony yesterday will be of interest to all of us in Congress. I ask unanimous consent that it be printed in the Record.

The Multinational Challenge of the Seventies: Reform Without Revolution

(By Jean-Jacques Servan-Schreiber, Deputy from Lorraine, French National Assembly, hearings before the Joint Economic Committee, Subcommittee on Foreign Economic Policy, Congress of the United States, Washington, D.C.)

I appear before you as a fellow parliamentarian, recently elected by the legendary region of Lorraine, the land of the Cross of Lorraine—for me a joyous cross to bear. I also appear as one dedicated to the ideal of an integrated and unified Europe.

In 1967, while I was still a journalist and publisher, I wrote a book: "The American Challenge". The Communists criticized it as a hymn to American capitalism. Others saw it as an anti-American call to arms. In truth, I tried to express both admiration for your economic dynamisms and anxiety lest its vitality and our passivity engulf the European way of life. Today I would like to comment on how we are all affected by this challenge, which has become multinational, and by various other challenges that we are facing in common.

1. THE COMMON CONCERNS

Economics and politics have become so intertwined that one cannot be considered without the other. Thirteen years ago I wrote a book that received less attention here: "Lieutenant in Algeria". It recounted a tragic drama in whose grip my country experienced a foretaste of human degradation, economic bankruptcy, and the ominous stirrings of military power.

With due respect, but also with friendly concern, we cannot be indifferent to your predicament in Vietnam. If this great Republic were to be overwhelmed by the kind of national crisis that overcame France in May of 1958, the consequences for Europe and for the world would be incalculable. They would spell disaster for our own economies, and for our security.

The end of the war in Indochina and then, at tremendous national cost, the end of the war in Algeria, reopened our road to salvation. We have learned the futility of attempt, by a country like mine or yours, to impose our own ideals on other continents.

For those of us who love America, who remember how generously you participated in our rescue and reconstruction, it is painful to see this country tear at the fabric of its social life. No matter how sternly we criticize your actions and illusions in Indochina, we instinctively know that the United States has, within the moral fiber of its people and its youth, the means to cure this cancer.

Vietnam is an aberration. What must mobilize our energy and ingenuity is the need to preserve and reform the industrial society in which we live. Only if we dare to make this reform sufficiently profound and rapid will we save our peoples from all-consuming anarchy. The growing rebellion against certain features of the new industrial state is deeply rooted and potentially violent. Those who dismiss it as an ill-humored tantrum of youth are being naive. From the radicalism of the young stems a deeply-felt conviction that a system which allows the excesses of economic competition to ride herd over social life is basically immoral. Herein lie the roots of rebellion, roots which cannot be eradicated by the elders in a fit of blind rage. Those who run the great multinational corporations know the sincerity of their children's concern. They get it at the breakfast table every morning.

Yet it is clear that the modern market economy, with its freedom of private initiative and the bracing energy of competition, is a powerful tool for material progress. This tool must be at the service of society. Man cannot, after centuries of poverty and servitude, be allowed to sink back to the status of a mere object, a cog in an aimless machine of production.

This quest for human dignity in our contemporary economy is not a Utopia. It is the essential role of politics. Reform without revolution is possible; and it is the duty of our generation, in Europe and in America, to bring it about.

2. ECONOMIES AND POLITICS

Like church and state, economic and political power must be separated as much as possible if each is to fulfill its mission. This was the essence of Luther's reform philosophy. It holds a vital message for us today. The best judges in matters of investment and profitability are generally the entrepreneurs, not the state. Public ownership of means of production has been irrevocably discredited by the experience of the Communist East. Private industry must be allowed to perform to the full its function as a factor of material progress. Politics has another and more crucial role: to consecrate itself to the service of man—the worker—rather than to the efficiency of production—the corporation.

The ferociousness of competition among business enterprises is a locomotive of innovation, development and enrichment. It must be given full play. But the main goal of politics is to prevent this ferociousness from hurting man himself. If those who lord over industry are also to be those who by their influence dictate the direction of political life, then we will inescapably fall into the most bitter and dangerous social upheavals. The separation of economic and political power is, therefore, a primary task for the future.

The great British economist, John Maynard Keynes, wrote in the '30's that "the essence of capitalism is the preponderance of the role of money in society, and the love of money by the individual." It is this that we must extirpate from our social system with human generosity and solidarity. This reformist objective is a worthy and urgent mission for the '70's.

3. THE MULTINATIONALIZATION OF BUSINESS

The intensified conduct of business across national borders has augmented the benefits and the miseries of the capitalist system. The development of corporate activity on a global scale by firms such as IBM, Ford, Siemens, Fiat, Phillips and Lofoarge make for more efficient productivity and a wholesome cross-fertilization of intelligence, talent and of creativity. Consequently, it is a force for social wellbeing. But, because of the worldwide empires which they are carving out for themselves, the multinational corporations are also able to create a new jungle. Widely spread out in their component parts and commanded from geographically remote bases, they account to no single national authority. And since international law is feeble, or non-existent, they are free of international authority as well. Fraudulent or undisciplined organizations, often operating with funds invested by unsuspecting people of modest means, enjoy far-ranging immunity from any meaningful form of regulation or supervision, unless you consider Panama or Liechtenstein acceptable legal systems.

Profit-making activities which draw undue advantage from tax havens, holding company privileges, the weaknesses and contradictions of international tax enforcement and other loopholes without any redeeming economic function, rob society of much of the material abundance created by the market economy and the dynamism of legitimate multinational business. That portion of the available wealth which should go into collective investment for the benefit of all (health, education, housing, transportation, etc.) is too often diverted into hands where it is not needed and where it does not belong.

Some of us see models in the institutions which you have developed during the momentous days of the "New Deal": the Securities and Exchange Commission, for example. But we are also afraid of the awesome size and vigor of your business institutions, and we must take steps in our own defense.

4. THE SCOPE OF THE AMERICAN CHALLENGE

Consider the fact that the real value of American investments in the European Common Market currently stands at close to 40 billion dollars. American subsidiaries control 95 percent of the total production of integrated circuits, 80 percent of electronic calculators and 30 percent of automobiles. Because the process of integration on the Continent is so slow, and so heavily obstructed by nationalistic considerations (my own country being a principal offender), it is difficult to develop a coordinated policy vis-a-vis the multinational corporation. The European countries vie with each other for a larger share of these investments, occasionally offering generous subsidies and tax concessions. When General Motors was denied the privilege to build a plant in Alsace, it was immediately welcomed across the border, to use German workers and supply the French market under the preferred tariff structure of the European Economic Community.

Our capital markets are also dominated by American-controlled institutions. Indeed, the banking centers of London, Frankfurt and Zurich seem to be at the mercy of the mighty, and occasionally not so mighty, Eurodollar. And it is an extraordinary paradox that the savings of Europeans are used to finance the acquisition of local industries by U.S. companies. In 1959, for example, American borrowings in Europe stood around 500 million dollars; in 1967 it reached 2.6 billion dollars. During the same period the proportion of U.S.-generated funds to finance investments in Europe fell from 25 percent to 16 percent.

I mean to be neither nationalistic nor Chauvinistic in pointing out the drama of this situation and the patterns which it announces for the future. American investments are welcomed in Europe. They stimulate the efficiency and energy of our own economies. But we cannot help being disturbed by the form of the invasion in certain sectors. Our industries are still too unsophisticated to stand up against the multinational American giants in face-to-face competition. This is demonstrated by the fact that European companies which venture into the U.S. market with operating subsidiaries are hardly able to hold their heads above water.

Penetration into a foreign country, which is a natural by-product of the multinational phenomenon, cannot go without a commensurate sense of social responsibility. The multinational corporations must show greater sensitivity than they have to conditions prevailing in the host country. What is good for General Motors may be good for America, but not necessarily for Belgium or Holland. They must respond to our need for industrial decentralization; they must realize that we too have differences of a type which exists between West Virginia and Massachusetts. And I, for one, intend to do more for Lorraine on the sensitive banks of the Rhine. Unashamedly, I propose to campaign for a greater share of American and European investments in a region which boasts all of the resources and the scientific and technical skills that any multinational corporation may require. So, as you see, I am not against multinational corporations. On the contrary, I regard them as new tools of progress. In fact, a very fine one, McGraw-Hill, has been for more than three years a partner in my enterprises in France.

5. TRADE VERSUS IDEOLOGY

Happily, the world is no longer as polarized as it used to be. Strong centrifugal forces are at work both in the East and in the West. Russia, no less than America, is learning the limitations of military might and developing dangerous internal cracks. The empire over which it presides is discovering the inevitable link between economic progress and human freedom. This is the tender sword which will open the East.

In the last few years the Eastern countries have given evidence of their desire to become integrated into the world economy. They deserve to be met halfway. Today, the national leaders of Communist countries scarcely disguise their admiration, even envy, of Western production and marketing efficiency. For Europe, this affords opportunities which are at once economically attractive and helpful in strengthening the fragile fabric of peace.

Communist planners are groping for new techniques to improve the competitive position of their economies and the standard of living of their people. The dynamic character of production in Western Europe, Japan and the United States has become the main object of their envy. Under these new conditions, international co-operation becomes imperative. If the Eastern countries wish to participate in the feast of industrial development, they can no longer afford the luxury of splendid isolation and the suppression of creative freedom. This process must be helped along, for it can help to reopen the East.

The economic experience of the last two decades has proven the indivisibility of technical progress. Men living apart on their own side of the ideological fence cannot generate as ample and varied a range of goods and ideas as can be produced by the entire world pursuing innovation and freely exchanging its benefits. If the gap in industrial development is to be narrowed, East-West intercourse must extend beyond the mere exchange of commodities. The domain of technology and management must be given primary attention, along with broadly based business co-operation across the borders of geography and politics.

As Europeans, we view the East in light of the economic and cultural indivisibility of the Continent, rather than its ideological cleavage. While the longing for civil and intellectual liberties in the Communist societies still remains unfulfilled, a manifestation of national identity and a rejection of the dogmas of the past is clearly in evidence. Indeed, the Gaullist notion of "Europe des Patries" has touched a more responsive nerve in the Eastern than in the Western part of the Continent.

6. COMMON TASKS FOR THE '70'S

It is becoming increasingly clear that in the '70's Europe will have a much more important economic and moral role to play than in the two previous decades; a very special role, since our old Continent, at least that part of it which lies to the West, no longer aspires to the dream of world empire. It has learned from bitter experience that military conquest brings no rewards. Within this experience lies a lesson which can help *you*.

A major task at the other end of the Atlantic is the construction of a federalized Europe, one which is larger, more self-sufficient, socially more just and democratically more compatible. In this you can help *us*.

Priority must be given to East-West reconciliation, the road toward which objective passes through active co-existence, economic and industrial co-operation and broader exchange of products, ideas and men. This is an enterprise which we shall tackle *together*.

By far the greatest challenge is the passion of youth, admirable in its motivation, dangerous in its frustration. The quest of the young for dignity, sincerity and truth in our generation is one of the two great sources of human energy. The other source is industry. Both are highly progressive and liberating forces. If we allow them to remain as they are today, on a collision course, the future will be dark. If we forge their alliance by reform, then we will have met the challenge of our generation.

POSSIBLE USES OF THE OCEANS

Mr. HATFIELD. Mr. President, there is a growing need in this and all other countries to become more aware of the possible uses of the oceans. There have been steps in this direction recently, and the hope has been expressed that the oceans may be used to help feed the increasing world population. However, if we are ever to use the seas as a means of providing more food in the future, we must now deal with the problems of overexploitation and oceanic pollution. It would be tragic if man were to destroy this potential food source even before he has explored it.

Dr. Paul Ehrlich and Anne H. Ehrlich have written an excellent article dealing with this important subject. So that all Senators will have the opportunity to become more familiar with these problems, I ask unanimous consent that the article, published in the Saturday Review, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FOOD-FROM-THE-SEA MYTH

WHY THE WORLD'S POPULATION CRISIS WILL NOT BE SOLVED BY SUPPOSEDLY INEXHAUSTIBLE SUPPLIES OF FOOD FROM THE OCEAN

(By Paul R. Ehrlich, and Anne H. Ehrlich)

Perhaps the most pervasive myth of the population-food crisis is that mankind will be saved by harvesting the "immeasurable riches" of the sea. Unfortunately, the notion that we can extract vastly greater amounts of food from the sea in the near future is just an illusion promoted by the uninformed. Biologists have carefully measured the riches of the sea, have considered the means of harvesting them, and have found them wanting as a solution to the world's food problem.

The basis of the food-from-the-sea myth seems to be theoretical estimates that productivity of fisheries might be increased to many times current yields. However, the most recent analysis by J. H. Ryther of the Woods Hole Oceanographic Institution in Massachusetts puts the maximum substainable fish yield in the vicinity of 100 million metric tons, somewhat less than twice the 1967 harvest of some sixty million metric tons. Other marine biologists think a yield of 150 million metric tons is conceivable. To surpass 100–150 million metric tons would require moving down the food chain from the big fish ordinarily found in fish markets to the harvesting of plankton. All signs at the moment indicate that this will not be feasible or profitable in the foreseeable future, if ever. More calories of fuel and human energy would be spent on harvesting the plankton than could be gained, the expenditure of money would be colossal in relation to the yield, and the product would require considerable processing to be made palatable as human food. In addition, harvesting plankton would result in the depletion of desirable stocks of larger fish living further up the food chain. The most careful analysis indicates that the world harvest might be increased to seventy million tons or so by 1980. On a per capita basis, however, an increase of this amount would actually constitute a small *decline*—unless the human population growth rate were to decrease in the next decade.

But two problems stand between man and the future achievement of that seventy million or more tons of yield. The first is overexploitation, the second is oceanic pollution. The story of the whale fisheries serves as a model of overexploitation. Although whales are mammals and not fishes, the hunting of them is arbitrarily called a fishery. In 1933, 28,907 whales were caught, and they produced 2,606,201 barrels of whale oil. In 1966, 57,891 whales were killed, or almost exactly twice as many as in 1933. But twice as many whales yielded only 1,546,904 barrels of oil, or just about 60 percent of the 1933 yield. The reason is that as the larger kinds of whales were driven toward extinction, the industry shifted to harvesting not only the young individuals of large species, but, with time, smaller and smaller species.

After the Second World War, the seventeen countries interested in whaling established the International Whaling Commission (IWC). This commission was charged with regulating the annual harvest, setting limits to the catch, and protecting whale species from extinction. In theory, commissioners from the various nations were to be responsible for ensuring the compliance of each nation's whalers with IWC decisions, but in fact their powers of inspection and enforcement were nonexistent. Instead of setting quotas on individual whale species, the IWC unfortunately established quotas on the basis of "blue whale units." A blue whale unit (bwu) is one blue whale or the equivalent in terms of other species, e.g., two fin whales, two and a half humpback whales, or six sei whales. The nations engaged in whaling in the antarctic fishery were allowed a combined quota of 16,000 blue whale units. Since the blue whales were the largest, they were the most sought after. Up until about 1950, although blues continued to be taken, their numbers declined sharply, which meant that the next largest, the fin whales, were hunted more vigorously.

In 1960, the commission appointed a committee of biologists to investigate the stocks of antarctic whales. Catches of blues and fins continued to decrease in the interval between establishment of the committee in 1960 and its report in 1963. The report detailed the overexploitation of the fisheries, and warned that blues and humpbacks were in serious danger of extinction. It recommended that blues and humpbacks be totally protected, and that the take of fins be strictly limited. It also urged abandonment of the system of blue whale units in favor of limits on individual species.

The committee then made some predictions. Their report stated that, if unrestricted whaling continued in 1963–1964, no more than 8,500 blue whale units would be taken, and that 14,000 fins would be killed. Predictably, the warnings were ignored, and the limits were set at 10,000 bwu. The whalers killed 8,429 bwu that season, and 13,870 fins were taken. The biologists' predictions proved uncannily accurate. An ominous note in these figures is that the catch of fin whales was about 35 per cent of the estimated total fin population—probably three times the estimated *sustainable* yield.

When the results for 1963–1964 were in, the biologists recommended a bwu total of 4,000 for 1964–1965, 3,000 bwu in 1965–1966, and 2,000 bwu in 1966–1967, in order to allow for recovery of the whale stocks. Again their advice was ignored. All four countries then engaged in antarctic whaling—Japan, the Netherlands, Norway, and Russia—voted against accepting the recommendation, and instead agreed only to limit the 1964–1965 season's catch to 8,000 bwu, double the recommended number of units.

What happened in 1964–1965? Only 7,052 blue whale units were taken, well short of the 8,000 quota. Furthermore, only 7,308 fins were taken, and the majority of the remaining bwu consisted of almost 20,000 seis, well over a third of the total estimated population of that species. In both 1963–1964 and 1964–1965, the total antarctic catch of whales was less than that from other areas of the world—an unprecedented situation. Meanwhile, the Netherlands had given up whaling and sold its fleet to Japan.

In an emergency session in May of 1965, the IWC decided to limit the 1965–1966 catch to 4,500 bwu, which again exceeded the biologists' recommendation. The IWC also tried unsuccessfully to give the now heavily fished sperm whales some protection. The whaling industry did not catch the 4,500-bwu limit in 1965–1966; the total was only 4,089 units, and sei whales made up the majority. Meanwhile, whaling stations in Peru and Chile (not members of the IWC) killed 449 more blue whales, which were already dangerously near extinction.

In 1967, a grand total of 52,046 whales were slaughtered, 25,911 of them sperm whales. In addition, Japan, desperate for protein, killed 20,000 porpoises. The following year Norway was forced out of the whaling industry, leaving the field to Japan and Russia.

Setting aside any consideration of the esthetics of such unrestricted slaughtering of these magnificent and intelligent animals, what can be said about the whaling industry's performance? For one thing, of course, its drive toward self-destruction tends to contradict the commonly held notion that people would change their behavior if they realized that it was against their own self-interest. The whaling industry has operated against its own long-term self-interest continually since 1963, in full knowledge of what it was doing. Short-term self-interest, the lure of the "quick-buck," clearly is too strong to allow the long-range best interest of everyone to prevail. This is just one example of a cost-benefit analysis done over too short a term.

Cetologist Roger Payne of Rockefeller University has pointed out the ultimate absurdity of the whaling industry's behavior. It is now in such difficulties that the Soviet Union has moved into the business of harvest krill, the abundant antarctic shrimp that is the primary source of food for baleen whales. All of the species mentioned earlier, except the sperm whale belong to a group called baleen whales—those that sieve their food out of vast amounts of sea water by means of a hairlike mesh of whalebone in their mouths (they do not have functional teeth). The best krill-catch rates achieved thus far by large ships in the densest clouds of krill have been about twelve tons per day. Even if this rate could be maintained for twenty-four hours a day, and if oil and protein could be extracted at 80 per cent efficiency (an extremely high percentage), the catch would still be less than the krill equivalent of the whale catch (krill is 6 per cent oil and 20 per cent protein). As Dr. Payne has said, killing whales and harvesting krill "is like wiping out beef cattle in order to have the pleasure of eating grass-protein-concentrate." What the whalers do not seem to recognize is that the most efficient way to utilize the krill is not by harvesting it, but by leaving it unexploited so that the catch of whales could be sustained.

Other examples of overexploited stocks are East Asian and California sardines; Northwest Pacific salmon; cod in many areas; menhaden; tunas in the Atlantic, Pacific, and Indian oceans; flatfish in the Bering Sea; plaice in the North Sea; hake in the North Atlantic; and bottom fish in the West Pacific and East Atlantic oceans. Some fish stocks, such as Pacific hake, South Atlantic herring, Yellow Sea bottom fish, anchovy off California, and clupeids in the Atlantic and Indian oceans, are at present underexploited. It seems unlikely they will remain so for long, at least wherever their numbers are not too dispersed for efficient fishing.

Unfortunately, as biologist Garrett Hardin of the University of California at Santa Barbara has pointed out, the sea is a "commons," analogous to a communal pasture open to all. From the point of view of an individual herder exploiting such a pasture commons, there seems to be every reason to keep adding to his herd. Although the grass is limited, he will get a larger share if he has a larger herd. If his animals do not eat the grass, someone else's will. Such reasoning is, of course, followed by each user of the commons. Individuals struggle to increase their herds until, at some point, the carrying capacity of the pasture is exceeded and it is destroyed by overgrazing. Similarly, in the sea each individual, company, or country exploiting a fish stock (equivalent to the grass of the pasture) strives to get a maximum share of the catch, because each increment represents further immediate profit. Unless some strict agreement is reached about the degree of utilization of the fishery commons, maximum utilization seems the best short-range strategy from the point of view of each user. After all, the Japanese reason, if we don't get the fish, the Russians will. The Russians take a similar view, as do the Peruvians and all the others. Unhappily, the end result of these individual optimum strategies for dealing with the commons is disaster for all.

The race to loot the sea of its protein is now in full swing. Fish catches more than doubled between 1953 and 1967. Peru, Japan, and Russia took the lion's share in 1966, jointly landing almost 40 per cent of the catch (the catch of mainland China, not included in U.N. statistics since 1961, is not included here; it may amount to some six to eight metric tons). The United States and Norway, which came next, landed not quite 10 per cent between them. The pressures of competition are beginning to show. Russian fishing ships make headlines by penetrating waters off both coasts of the United States. Between 1961 and 1969, the Peruvian government seized twenty-four United States fishing boats, and other Latin American countries have taken fifty additional U.S. fishing boats in disputes over the limits of territorial waters. The activities of far-ranging Japanese fishing fleets have aroused the antagonism of the Mexicans. The list of conflicts grows, and it will undoubtedly continue to do so unless competition is regulated.

Yet, as only a small percentage of the world's calories comes from the sea, one might easily draw the conclusion that the impending reduction of per capita yield is not particularly important. Unhappily, it will be extremely serious. Although food from the sea provides comparatively few calories, it supplies almost one-fifth of the world's animal protein, and two-fifths of it exclusive of milk and eggs. For some countries the loss of this protein would be catastrophic. Japan's fisheries, for instance, supply it with more than one-and-a-half times as much protein as is provided by its agriculture.

What about "farming" the sea? Unfortunately, the impression that sea-farming is here today, or just around the corner, is illusory. For the most part we still hunt the sea today, or in a relatively few cases herd it (for example, oysters). It is certainly true that we can increase our yields from sea-herding. In 1965, some 66,000 metric tons of yellowtail were produced in the Sea of Japan, more than 80 per cent from fishes raised in net cages; yields since then show an upward trend. The potential of both fresh- and salt-water herding (fish culture or aquaculture) is considerable, although it must be emphasized that the potential is small compared to the scale of the world food problem, and increasing pollution now threatens hopes of even realizing this potential.

Farming the sea presents an array of formidable problems, especially of fertilizing and harvesting. About the only planting and harvesting of marine plant crops done today is some seaweed culture off Japan, and this is really best viewed as an extension of land agriculture into shallow water. Perhaps, if the sea is finally emptied of its fishes and shellfishes, some kind of phytoplankton farming could be attempted—if the sea is not by then too badly poisoned by pollution. The crop would be extremely costly at best, and it would not be very tasty, but in desperation we might give it a try. For the immediate future, however, sea-farming offers no hope at all.

Most of the plans for increasing the yield of fishes from the sea disregard the effects of pollution; they are based on the premise that the fish stocks will be harvested rationally. The history of fisheries so far holds little promise that rationality will prevail. One can, for instance, except continuation of attempts to harvest simultaneously young and old of the same species, and both the big fishes and the little fishes that big fishes must eat to live. And one can expect pollution to help reduce the size of many or all fish populations.

Thus, far from being a food panacea, the sea may not even be able to continue to support the limited yield we now extract from it. There is a real possibility that the total yield will decline rather than grow, and we will be extremely fortunate if by 1980 the yield per capita is as high as today's. Judging from the fishing industry's behavior toward the sea, one might conclude that if it were to go into the chicken-farming business it would plan to eat up all the feed, all the eggs, all the chicks, and all the chickens simultaneously, while burning down the henhouses to keep itself warm.

Meanwhile, the pollution of the seas continues. Nowhere is man's ecological naïveté more evident than in his assumptions about the capacity of the atmosphere, soils, rivers, and oceans to absorb pollutants. These assumptions all too often take the following form: If one gallon of poison is added to one billion billion gallons of water, then the highest concentration of poison to which anything will be exposed is about one part per billion billion. This line of reasoning might be accurate if complete mixing by diffusion took place rapidly, which it often does not, and if only physical systems were involved.

But because biological systems are involved, the situation is radically different. For example, filter-feeding animals may concentrate poisons to levels far higher than those found in the surrounding medium. Oysters constantly filter the water they inhabit, and they live in shallow water near the shore, where pollution is heaviest. Consequently, their bodies often contain much higher concentrations of radioactive substances or lethal chemicals than the water in which they live. For example, they have been found to accumulate up to 70,000 ppm of chlorinated hydrocarbon insecticides, many thousands of times the concentration found in their environment.

Food chains lead to the concentration of toxic substances; as biologist Barry Commoner of Washington University once put it, they act as a kind of "biological amplifier." The Long Island estuary food web is a good example of how the concentration of residues of DDT and its derivatives tend to increase in food chains from one trophic level to another. This tendency is especially marked for the chlorinated hydrocarbons because of their high solubility in fatty substances and their low water solubility. Although the clam and the mud snail are at the same trophic level, the filter-feeding clam accumulates more than half again as much DDT as the mud snail because of their difference in their food-capturing habits.

We have long known that ours is a technological society, a society in which the knowledge generated by science is a chief source of wealth and power. But what the environmental crisis tells us is that the future of our society now depends on new, profoundly fundamental judgments of how this knowledge, and the power that it endows, is to be used. If power is to be derived from the will of the people, as it should be in our democracy, then the people need to have the new knowledge—about strontium 90, DDT, herbicides, smog, and all the other elements of the environmental crisis—that must be the source of the grave new judgments and sweeping programs this nation must undertake. Here, then, is an urgent task that must follow the teachings. Let us take our knowledge about the environmental plight to the people; let us help them learn what they need to know to decide the future course of our society.

The obligation that our technological society forces upon all of us is to discover how humanity can survive the new power engendered by science. Every major advance in man's technological competence has enforced new obligations on human society. The present age is no exception to this rule of history. We already know the enormous benefits technology can bestow, and we have begun to perceive its frightful threats.

The environmental peril now upon us is a grim challenge. It also represents a great opportunity. From it we may yet learn that the proper use of science is not to conquer nature but to live in it. We may yet learn that to save ourselves we must save the world, which is our habitat. We may yet discover how to devote the wisdom of science and the power of technology to the welfare and survival of man.

Perhaps the most frightening ecological news of 1968 was contained in a short paper entitled "DDT Reduces Photosynthesis by Marine Phytoplankton," which was published in the journal *Science*. The author, ecological chemist Charles F. Wurster, Jr., of the State University of New York, reported that DDT reduced photosynthesis in both experimental cultures and natural accumulations of marine phytoplankton (algae, diatoms, etc.), the tiny green plants that float free in the waters of the oceans. Effects were noted at DDT concentrations of only a few parts per billion (ppb), well below quantities that are commonly found in waters near land sites treated with DDT. Water at a distance from treatment sites ordinarily has DDT concentrations averaging les than 1 ppb, but biological systems clearly have the power and propensity to amplify these amounts.

The effects of DDT on phytoplankton in nature are difficult to evaluate. Phytoplanktons are the primary producers responsible for most of the food we take from the sea. If photosynthesis is significantly reduced in marine phytoplankton, the amount of life in the seas will be reduced; if marine photosynthesis ceased, all sea life would die. But significant qualitative changes in the phytoplankton community seem more probable than large quantitative changes. Phytoplankton populations are differentially susceptible to DDT; even extremely low DDT concentrations might result in shifts of dominance, leading to huge blooms of one or a few species. These shifts would, in turn, produce serious consequences throughout the oceanic food web. One possibility is that phytoplankton less acceptable to large herbivores would take over, so that many larger animals would be eliminated. This shortening of food chains might leave man only microscopic plants and animals as a source of food from the sea. Another possibility is that phytoplankton communities near the shore could become dominated by smaller species, lengthening food chains and dramatically reducing the size of populations of fishes at the upper tropic levels.

No one knows how long we can continue to pollute the seas with chlorinated hydrocarbon insecticides, polychlorinated biphenyls, and hundreds of thousands of other pollutants without bringing on a world-wide ecological disaster. Subtle changes may already have started a chain reaction in that direction. The true costs of our environmental destruction have never been subjected to proper accounting. The credits are localized and easily demonstrated by the beneficiaries, but the debits are widely dispersed and are borne by the entire population through the disintegration of physical and mental health, and, even more importantly, by the potentially lethal destruction of ecological systems. Despite social, economic, and political barriers to proper ecological accounting, it is urgent and imperative for human society to get the books in order.

OPEN SEAS VERSUS COASTAL ZONES

Laymen who consider the oceans of the world a virtually limitless source of food would do well to heed the words of marine biologist J. H. Ryther: "The open sea—90 per cent of the ocean and nearly three-fourths of the earth's surface—is essentially a biological desert. It produces a negligible fraction of the world's fish catch at present and has little or no potential for yielding more in the future." The upper layer of open sea, where there is enough light for photosynthesis, lacks the nutrients necessary for high productivity. The photosynthetic producer-organisms (phytoplankton) that live in this layer are extremely small in size. As a result, very small herbivores and lower order carnivores are able to function in food chains, and roughly five steps in the chains are interposed between the producers and man. Thus, not only are the basic mineral resources for the producers in short supply, but the energy losses in repeated transfers up the long food chains result in further reductions in the potential harvest.

Close to shore, in certain offshore areas, and in a few coastal areas where powerful upwelling currents bring nutrients to the surface, productivity is two to six times higher; phytoplanktons are larger, and food chains thus tend to be shorter. It is these areas that supply man with virtually all of his fish. These are also the areas where pollution is the most serious. Indeed, in many areas one-quarter to one-half of fishing production is dependent on estuaries, directly or indirectly, and man is destroying many of the world's estuaries.

Area	Percent of ocean	Area (square kilometers)	Average productivity (grams of carbon per square meter per year)	Average number of trophic levels (approximate)	Annual fish production (metric tons)
Open ocean	90.0	326,000,000	50	5.0	160,000
Coastal zone [1]	9.9	36,000,000	100	3.0	120,000,000
Coastal upwelling areas	.1	360,000	300	1.5	120,000,000
Total annual fish production					240,160,000
Amount available for sustained harvesting [2]					100,000,000

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[1] Including certain offshore areas where hydrographic features bring nutrients to the surface.

[2] Not all the fishes can be taken; many must be left to reproduce or the fishery will be overexploited. Oth er predators, such a sea birds, also compete with us for the yield. s

Source: After Ryther, Science, 1969.

WIRETAPPING AND FEDERAL AID TO LAW ENFORCEMENT

Mr. McCLELLAN. Mr. President, yesterday the Subcommittee on Criminal Laws and Procedures concluded its fourth and last day of public hearings on the general subject of Federal aid to law enforcement. While the record will remain open for 7 days for the submission of statements or additional comments, the subcommittee intends to move with due deliberation to the consideration of the 18 different bills, including H.R. 17825 now pending before it. Crime control, especially the maintenance of safety in the streets, must, of course, remain a local concern, if we are to preserve our Federal system, but there is much the Federal Government can do, and must do, to provide assistance to our local police, courts, and correctional institutions. Since the enactment of the Crime Control Act of 1968, the level of this Federal assistance has grown, from $63 million in 1969, to $268 million last year, and, under at least the House-passed measure, this Federal assistance can be expected to grow, and I hope it will grow to $1.5 billion by 1973. We must do everything in our power to turn back the tide of lawlessness in our Nation.

Nevertheless, it will not be enough for Congress and the State legislatures merely to appropriate money. Other programs and policies must be instituted. Our forces of law enforcement must not only be adequate in number, well trained, and well paid. They must also have the legal tools they need to get the job done. Yesterday in our hearings this question arose in the context of a discussion of wiretapping, which, as the Members of this body will recall, was authorized on the Federal level in title III of the 1968 act, and which has now been authorized here in the District under the District of Columbia crime bill. At that time, I placed in our hearing record the text of a letter I received from the Department of Justice commenting on their initial experience with the use of title III. It shows that the Senate's judgment in 1968 to retain the provisions of title III, by the vote of 68 to 12, is now being vindicated in practice. The opposition then contended that this title would legalize promiscuous snooping and the invasion of privacy of American citizens without any corresponding gain to law enforcement. These fears and predictions have in no way materialized. The former Attorney General, as you know, spurned this title of the act and refused to use it. Fortunately, the present administration is making forceful and effective use of it. During the 18 months of this administration, 136 court orders have been procured for wiretapping or electronic surveillance. One hundred thirty-three of these were executed. Of that 133, 121 were successful and productive, resulting in 419 arrests and 325 persons being indicted to date. Results achieved from just a few of those court-approved wiretaps are:

First, 124 pounds of heroin worth $8 million were seized.

Second, two separate numbers racket rings operating in 60 different locations in Midwestern States were broken up with the seizure of gambling records and paraphernalia and $50,000 in cash.

Third, a half million dollars worth of stolen bonds was recovered.

Fourth, plans for murder and a bank robbery were overheard which alerted officials and enabled them to prevent the murder and to apprehend the robbers and recover the stolen money immediately following the robbery.

Fifth, in the Nation's Capital, the police made a successful raid recovering large quantities of drugs and arrested 44 individuals, including a lawyer, a policeman, a real estate agent, a dentist, a wholesale distributor of drugs, and two members of the Mafia who imported the drugs.

Incidentally, members of the Cosa Nostra or other organized crime groups were involved in all of these operations.

Thus, the effectiveness of this statute in the war on organized crime is now firmly established. Title III demonstrates, I suggest, the correctness of the judgment that more than spending money is necessary to fight crime. And, to date, contrary to predictions, there has not been reported a single instance of abuse or misuse of the authority and the power that the act confers.

Because of the general interest in this matter, I ask unanimous consent that the Department of Justice letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 13, 1970.

Honorable JOHN L. MCCLELLAN,
United States Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your letter of June 23, 1970, requesting certain information supplementing my testimony at the Appropriations Committee hearings on June 9, 1970, relating to court ordered electronic surveillance authorized under Title III of the "Omnibus Crime Control and Safe Streets Act of 1968".

I. ADMINISTRATIVE PROCEDURES

The administrative procedures followed by this Department in approving Title III applications are as follows:

Requests for authorization to apply for an interception order must be made in writing to the Assistant Attorney General of the Criminal Division from the highest ranking office of the investigative agency having jurisdiction over the offense in connection with which the interception is to be made. All requests are initially reviewed by attorneys of the Department of Justice, usually Area Coordinator or Strike Force attorneys of the Organized Crime and Racketeering Section of the Criminal Division, or by a United States Attorney or an Assistant United States Attorney, who assist the investigative agencies in the preparation of the affidavit and prepare the proposed application and court order.

All requests, including copies of the proposed application, supporting affidavit, and court order, are next submitted by the attorney who is the applicant to the Organized Crime and Racketeering Section of this Department, which has established a unit of attorneys whose primary function is to review the entire matter for both form and substance, with particular emphasis on assuring strict adherence to the required statutory standards.

When approved by this unit, requests are next submitted for review to a Deputy Chief and then to the Chief of the Organized Crime and Racketeering Section. If approved by the Chief of this Section, requests are next submitted for review and approval by the Assistant Attorney General, Criminal Division, and finally to the Attorney General, who personally approves each application authorized to be filed by him. When so approved in writing by the Attorney General, a letter over the signature of an Assistant Attorney General specially designated by the Attorney General pursuant to the statute is prepared authorizing the attorney named in the request for authorization to apply to the court for an interception order.

The purpose of these procedures is to insure strict, centralized control of the administration of Title III electronic surveillance authority.

II. NUMBER AND CATEGORY OF APPLICATIONS TO DATE

During the calendar year 1969, and from the period January 1, 1970, to date, a total of one hundred and thirty-seven (137) applications have been made to the courts for Title III interception orders. This figure includes sixteen (16) applications for extensions. Court orders were obtained in one hundred and thirty-six (136) of these applications and denied in one. The court orders were executed in one hundred and thirty-three (133) of these applications, while three (3) were not executed due to the fact that the illegal activity had ceased at the locations involved before the orders could be executed.

The categories of offenses in which the one hundred and thirty-three court orders have been obtained and executed are as follows:

Gambling	82
Narcotics	28
Extortionate credit transactions	13
Interstate transportation of stolen property	5
Counterfeiting	3
Kidnapping	1
Obstruction of Justice	1
Total	133

III. PLACES INSTALLED AND LENGTH OF TIME OPERATED

Due to the fact that most of the installations made involve situations which are currently under active investigation, I am sure you will understand our reluctance to furnish any data identifying their specific locations. Generally, it may be said, however, that the largest number of devices have been installed in private residences, followed by a slightly lesser number in business establishments and apartments, in that order. In a few cases, devices have been installed on pay telephones in public or semi-public places. In all such cases, strict controls have been imposed allowing interception only when the investigative agents have been able to establish by physical surveillance, or by a combination of physical surveillance and voice identification, that the subject of the interception order was using the pay telephone involved.

With respect to the length of time operated, it may also be generally stated that the vast majority of court orders have authorized interception for a period not to exceed fifteen (15) days. In a relatively small number of cases, however, periods of up to seven (7), ten (10), and twenty (20) days have been authorized. With a relatively small number of exceptions, moreover, it may be stated that the interceptions involved offenses of a continuing nature and, therefore, the maximum period of days authorized was utilized.

IV. EFFECTIVENESS OF THE INSTALLATIONS

Of the one hundred and thirty-three executed interception orders, all but twelve, or one hundred and twenty-one (121) have been productive. As a result of these interceptions, a total of four hundred and nineteen (419) arrests have been made, three hundred and twenty-five (325) persons indicted, and convictions obtained against five (5) persons. The small number of convictions to date is due to the fact that none of these cases has yet come to trial, the five convictions having been obtained as a result of guilty pleas. Both the number of persons indicted and convicted are expected to increase substantially during the next six months as a number of current investigations mature and pending indictments come to trial.

Examples of successful intercepts involved in the use of this technique where normal investigative procedures could not be utilized are as follows:

In a recent narcotics investigation in a Midwestern State, wiretaps resulted not only in the obtaining of evidence of a substantial narcotics distribution scheme, but also in the obtaining of evidence of other illegal activities, including the planning of a bank robbery and of a murder. As a result of this information, Federal Agents were able to apprehend the bank robbery suspects. The combined efforts of Federal Agents and local police also resulted in the prevention of the murder attempt and the arrests of the suspects by local authorities. Federal narcotics and robbery indictments have been returned in this case.

Another wiretap conducted in connection with an investigation of the theft of stolen bonds resulted in the arrests of several La Cosa Nostra connected individuals in an Eastern State on interstate theft charges and the recovery of bonds having a value of almost one-half million dollars.

As a result of wiretaps, Federal Agents in another Midwestern State recently conducted massive raids on approximately sixty locations involved in a large-scale interstate numbers operation. These raids resulted in the seizure of gambling records and paraphernalia as well as over $50,000 in cash. Indictments have been returned against more than sixty individuals involved in this La Cosa Nostra controlled numbers operation on Federal gambling charges.

I trust that this additional information will be of assistance to you, and I will be happy to provide you with any further data available consistent with maintaining the security of ongoing investigations involving use of this extremely valuable investigative technique.

Sincerely,

HENRY E. PETERSEN,
Deputy Assistant Attorney General.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, seeing no Senator present who might wish to conduct additional morning business, I suggest that morning business be closed.

The PRESIDING OFFICER (Mr. TALMADGE). Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Pursuant to the order previously entered, the Chair now lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRONIC BATTLEFIELD

Mr. PROXMIRE. Mr. President, I rise today to raise several fundamental questions regarding the so-called electronic battlefield. It has also been called a sensor surveillance system, a surveillance target acquisition night observation system, a mobile Army sensor systems test evaluation review, it has also been called, of course, the automatic battlefield, and many other things.

It adds up to an effort to locate the movement of any troops or of enemy equipment under jungle or night conditions. It contains a great deal of ingenuity.

Mr. President, before I came to the floor, I notified the distinguished chairman of the Armed Services Committee that I was going to make this speech. He, unfortunately, had to leave temporarily, but he will be back, because I have some questions I should like to ask him.

I also notified the distinguished Senator from Arizona (Mr. GOLDWATER), who has expressed interest in this subject and has knowledge in the area. He, unfortunately, had to be out of town today, but I am sure that he will have a reply later before we act on the bill.

I might say, Mr. President, that I intend to offer an amendment relating to this. It will not be to cut out of any of the funds but to get more information on it, so that we can know what we are apropriating and how much will be involved.

Mr. President, one of the fundamental questions that I intend to ask in the course of my address here is: If this system is so effective, as it is claimed to be, against guerrillas, and guerrilla warfare, why, after having spent $1.7 billion why we have had so little success with it in Vietnam.

Second, to what extent will such a system encourage U.S. involvement in other guerrilla conflicts by improvement of the capability to fight such wars.

Finally, what are the implications of a widespread domestic application of the system.

Mr. President, before I discuss this in more detail, I would like to refer to a very enlightening article in the Armed Forces Journal for July, the last issue of that publication, by Grover Heiman, which I think explains the potentiality and the purpose of this weapons system clearly.

In that article, Mr. Heiman points out that the Army Chief of Staff, Gen. William Westmoreland, says:

> With cooperative effort, no more than 10 years should separate us from the automated battlefield.

The article continues:

> As in all wars, concepts change and this is one of the effects of the Vietnam conflict. One Army officer describes this new concept of the automated battlefield as "beep to bang." Whatever the name, it heralds a billion-dollar program for the next decade if Westmoreland's prediction comes true. He explained the Army's circa 1970–80 concept this way to the Association of the United States Army last October:
>
> "I see an Army built into and around an integrated fire control system that exploits the advanced technology of communications, sensors, fire direction and the required automatic data processing—a system that is sensitive to the dynamics of the ever-changing battlefield—a system that materially assists the tactical commander in making sound and timely decisions."
>
> Key to the concept is the helicopter and a revolutionary new family of sensors which will provide the "beep."

In this operation a certain area is supplied with small sensors which are dropped from helicopters and which can be used to determine the movement of troops in an area which otherwise would be concealed.

The article continues:

> This fiscal year approximately one-fourth of the available flexible funds is in the Army's Research and Development.

Mr. Heiman points out that:

> STANO is the acronym for surveillance, target acquisition and night observation. It is in these areas that new hardware will be developed to equip the bulk of the infantry, air cavalry and aviation units that will be involved in "the number one function of finding the enemy." Providing the "bang" will be the role of the combat forces—the artillery, air, armor, and infantry—together with the helicopters needed to move the combat troops. Along with the two functions of "finding and fixing" the enemy, the Army is working for improved communications systems.

The article goes on to say that Gen. George I. Forsythe, who is a lieutenant general in command of Fort Belvoir Army combat development command, predicts that:

> The future Army will assign 10 percent of its force in a combat theater to the task of finding the enemy. This force is not intended to deliberately engage the enemy, he explains. It will provide the "beep."
>
> Under the new concepts being shaped by the adoption of the Nixon Doctrine, which calls for smaller U.S. presence in overseas areas, the Army's initial "bang" response would come from a "restraining force," which would have the job of acting on the information, i.e. intelligence, provided by the surveillance force, to block, blunt and canalize the initial enemy thrust.

The article points out that General Westmoreland noted in his October speech:

> We learned that Vietnam posed a problem even more difficult than mobility. The enemy we face in Vietnam is naturally elusive and cunning in his use of the dense jungle for concealment. As a result, in the early days of the American commitment we found ourselves with an abundance of firepower and mobility. But we were limited in our ability to locate the enemy. We were not quite a giant without eyes, but that allusion has some validity.
>
> As a result, since 1965 there has been a steadily growing emphasis in DOD on devising means of finding the enemy; and this stress has affected the development of tactics and techniques and spawned an explosion in technology. Many of the items developed for Vietnam will be found useful in the automated battlefield of the future, but not all, of course, will become universal issue.

The article continues:

> As to the status of the program, Gen. Betts says:
>
> "It will take time to tell. What we have today is a variety of sensors being used in Vietnam, some of which are effective, some are not. What we have lacked is a concept, so at the present time we are really just feeling our way. The capability of sensors is well understood by the Army. Our problem is to develop a coherent system and tie them into a central control to maximize their

> strengths and minimize their weaknesses. For example, night vision devices need clear weather. We can balance this with radar in times of bad weather."
>
> To attain the 24-hour capability the Army wants will mean entirely new families of equipment. Just how much procurement monies will be involved is dependent on a variety of factors, not the least being the size of the force and the availability of the dollar. Betts offers a very tentative estimate of between $100–$150 million a year.
>
> "This is just a guess until we've done enough conceptual testing. An example is the new foliage radar, which is OK for Southeast Asia. We have yet to determine which of the items will be suitable for universal issue. As yet there are too many uncertainties."
>
> To give the STANO program the emphasis he felt necessary, in the fall of 1969 Westmoreland established a STANO Systems Office reporting directly to him as Chief of Staff. Also established was a STANO Steering Group composed of senior general staff officers and major commanders. At Ft. Hood the Army activated Project MASSTER, a 282-man testing and evaluation organization to provide an integrated field test and evaluation of the STANO items.
>
> MASSTER is the jawbreaking acronym for Mobile Army Sensor Systems Test Evaluation and Review. The organization, headed by Major General John Norton, will test and evaluate not only the hardware items destined for the STANO program, but also the concepts and doctrines of the automated battlefield. MASSTER is a decided departure from the traditional test and evaluation organization, but does not replace the Materiel Command's TECOM—Test and Evaluation Command—headquartered at the Aberdeen Proving Ground, Md.

Finally, in this very interesting article by Mr. Heiman on armed services management, he says, quoting Major General Feyereisen:

> On the brighter side, there will probably be a lot of prototype construction, which will mean much greater participation by industry.
>
> In general, I can see a decrease in communciations equipment spending with that slack taken up by spending for STANO items If I were to speculate for the future, I would say I can foresee as least as much a percentage of dollars available for communications and electronics, possibly a little more because of the STANO items.
>
> On communication gear, per se, I think we will see less of it, especially fewer types. The trend will be for more common use. To answer this insatiable hunger for communications, we will have to optimize through systems developments.

Mr. President, this is the reason I am taking the time of the Senate to call attention to this matter because in the coming years a very large part of the expenditures by the Army, our Armed Forces, and the Department of Defense is going to be in this area. So far we have very little knowledge of it. Most Members of the Senate I have talked to did not know we had such a program. Of course, very few people in the public have been aware of it, but it could have a revolutionary effect on our military operations and a very profound effect on costs. It is something we should know about because we are appropriating money for this program at the present time with so little knowledge.

Mr. Heiman concludes:

> The Army, as it presses forward on development of the automated battlefield concept and procuring of the hardware to make it possible, will find it a difficult challenge to go from "beep to bang" within the current fiscal restraints.
>
> If the dollars are forthcoming, the Army is geared to move ahead; if not, the Army could very well meet possible conflicts in the 70s with a circa 1960 Army.
>
> It might not be good enough.

Now, Mr. President, having indicated what the so-called automated or electronic battlefield sensor system is, let me return to the first question. If this system is so effective against guerrilla warfare, why have we had so little success with it in Vietnam? We have numerous reports in recent days it is doing an excellent job in Indochina. Several days ago the Senator from Arizona (Mr. GOLDWATER) stated:

> The increase in sophistication of this equipment has been nothing short of fabulous. Again, I am not allowed to say some of the things I have seen it do, some of the ways it is helping our men in Laos, particularly—our airmen and our ground forces.

Mr. President, if this system is so effective, why has it not been more successful in Vietnam? Why has it not enabled us to cut off the main supply routes long ago between North and South Vietnam? Large numbers of these sensors have been dropped along the Ho Chi Minh Trail and other major supply routes. If these sensors are so effective, why have our bombers not been able to destroy virtually every truck and gun which has moved down the Ho Chi Minh Trail?

General Westmoreland has stated that the electronic battlefield has produced a quiet revolution in ground warfare in Vietnam. He has said that he became convinced of the value of the system following the battle of Khe Sahn. If the system was so successful, why then was a special armored column necessary to rescue the defenders of that beleaguered outpost? Why, despite almost continuous airstrikes was the enemy able to mount, virtually at will, daily offensives against the base? Why did not the electronic battlefield enable us to detect and destroy enemy mortar positions? The electronic battlefield may or may not have produced a revolution in ground warfare; it certainly has not produced a revolution in battlefield results. But it will very likely produce a colossal multibillion-dollar burden on the American taxpayer, with Members of Congress knowing little or nothing about it.

Part of the answer for the lack of success of the system in Vietnam may be found in the following statement made by Gen. Wilson R. Reed, Commanding General of the U.S. Army Computer Systems Command:

> A number of our studies indicate that the tactical operations center receives and is able to assimilate for use about one-third of the information that is sensed; thus the commander ends up basing his decision on something less than 30% of the ground truth. A sorry situation when the fate of the nation may be involved.

The implications of this statement are truly far-reaching. According to the Brigader General, we are basing our response decisions on something less than 30 percent of all the information gathered by the sensors. No one knows what information is missing, or how important the missing information may be to a decision on the final armed response. The sensors provide the central computer with so much information that the system becomes overloaded. As a result, the final decision is based on a fraction of the total data. In the process, vital information may be ignored by the computer—information which could conceivably change the type of armed response required. This is almost more dangerous than having no information at all. Bombers may be called in to destory a target about which we know little or nothing. According to one member of the Special Forces who monitored a number of the sensors in Vietnam, "all we know is that something is moving out there—it could be the wind, an enemy soldier or an elephant."

COST

One of the most shocking things about the electronic battlefield is the tremendous cost of the individual sensor components. The system has already cost almost $2 billion and potentially could cost as much as $20 billion. Before that much is expended we should authorize it and know about it. That is the intent of this speech today and it will be the intent of an amendment I will submit later directing that in the future we authorize expenditures for this new weapons system or surveillance system.

The reason for the enormous cost of the program is that much of the electronic equipment is extremely complicated and therefore very costly. The July issue of Armed Forces Management contained some of the cost figures for various components of the electronic battlefield:

> Some of the prices were boggling—$2,000 for an Acoubuoy—accoustical buoy; $1,900 for an Adsid—Air delivered seismic intrusion detector; and $1,700 for a Minisid—miniature seismic intrusion detector. Needless to say, many thousands of each of these devices are needed for effective coverage of a large area. For the larger items the prices rise almost astronomically: $230,000 for a single Starlight scope and laser rangefinder and $484,000 for a single stabilized night vision gunsight for helicopters.

Mr. President, some simple arithmetic should help us grasp the meaning of these cost figures. A single stabilized night vision gunsight for a helicopter costs almost half a million dollars. Even if the Army were to equip only 100 helicopters with this one piece of electronic equipment, the cost would be almost $50 million. One hundred starlight scopes cost $23 million dollars. When one considers the cost of equipping just a single combat division with such equipment, the cost would be phenomenal.

Question No. 2. The second fundamental question raised by the development of the electronic battlefield is to what extent would such a system encourage future U.S. involvement in limited guerrilla wars such as Vietnam? Should the electronic battlefield sharply improve our capability to fight such limited actions, there can be little question that the system's very existence would encourage—to some degree—involvement in such conflicts. Once we possessed the capability, there would be a continuing temptation to make use of it. Quite probably, we would increasingly rely on military, rather than political solutions to local crises.

That this is not just theory, but what has already happened in practice is demonstrated by the U.S. involvement in Laos. Several days ago, the Senator from Arizona (Mr. GOLDWATER) reported that electronic sensors had proven invaluable to our troops in Laos. Mr. President, I think it is safe to say that most Senators were not even aware we have ground and air forces in Laos. And yet, the Senator from Arizona has told us that the use of certain sensors had made a valuable contribution to our mission in that country.

What he did not tell us was the role the sensors played in encouraging our involvement. Without the sensors, would we have had any reason to send troops into Laos? Without the sensors, what justification could have been made for our unofficial involvement in that country?

This issue becomes particularly significant in view of a general public desire to avoid future Vietnams. Why Mr. President, are we developing the capability to fight the type of war which we wish to avoid in the future? Why are we preparing for more Vietnams when the public has made clear it wants no more Vietnams?

Perhaps the most disturbing questions raised by the development of the electronic battlefield relate to the potential domestic applications of the system. Last Saturday the Washington Post reported that the Justice Department had obtained a number of sophisticated sensors and was using them to aid in the interception of narcotics across the United States-Mexican border. While this particular use may be valuable, and we all might enthusiastically approve of anything that could aid in the prevention of drug abuse, the potential for abuse is virtually unlimited. One device, now under development, will enable the user to literally "see" through solid brick walls and other opaque objects. Needless to say, such a device, if ever placed in the hands of domestic police forces, would make wiretapping primitive by comparison. The difficulty of regulating the use of such devices would be enormous. While every assurance might be given that the use of the devices would be carefully restricted, their very existence would pose a threat to privacy. At a time when privacy is being threatened from every direction, these sensors represent one of the most serious threats to one of our most sacred rights.

Mr. President, these are a few of the fundamental questions which are raised by the development of the electronic battlefield. They point up the need for a thorough investigation of the implications of such a system before we appropriate additional money for its development. We cannot afford to spend money for the electronic battlefield and then find later that we failed to ask certain crucial questions regarding its potential uses. By that time, we will have the technology. It will be a fait accompli. Only then, will we face the real dilemmas associated with dealing with the new technology. We need a full review now.

It is not altogether clear how much money this bill authorizes for this program, or for sensor surveillance.

I am going to proceed to raise these questions in the absence of the distinguished Senator from Mississippi (Mr. STENNIS). I understand he will try to be on the floor later. If not, he will answer from the record, and do so later.

I would like to ask the distinguished chairman of the Armed Services Committee, or the appropriate member of his committee dealing with this matter, a few questions.

First, how much money is there in this bill for the so-called electronic battlefield and its components?

I understand that there is some in this bill, but most of it is outside the bill because it does not require any authorization at all. A relatively small part of it requires authorization. I would like to know how much.

What portion of the total is for testing?

What portion is for procurement?

How much is there in this bill for deployment?

What have been the results of the present program for each of these areas—research, testing, and deployment? Has it worked, or not worked? What were the initial estimates of cost? Have they been exceeded and by how much?

In other words, I think we should have as much information as we can have both about costs and about how well it works?

I would like to ask some additional questions. To what extent have the sensors and other items in the system been made available to other areas of the world? Is it being used in Europe? Do we have any commitments to deploy it in Europe? In Latin America? In the Middle East?

Why is this considered such a worthy investment in view of our impotence to date in Vietnam?

I hope that the chairman will address himself in detail to these questions and issues and give us specific data on both costs and effectiveness.

I would like also to ask some additional questions.

First. The defense communications planning group—DCPG—has been in charge of our Southeast Asia sensor-related operations.

When was this organization established and what has been its relationship to other entities in the defense hierarchy, such as OSD, the Services, and the defense agencies?

What are the objectives of the DCPG programs denoted by the code names Duel Blade, Igloo White, Duffel Bag, and Tight Jaw, respectively?

How much money has been spent to date on these and other DCPG programs? Please break down the funds involved between R. & D., procurement, O. & M., and military construction funds and by fiscal year. To what extent has this DCPG funding been supplemented by funds from the individual services?

What are the projected fiscal year 1971 R. & D. and procurement budgets for the DCPG?

Is it true that DCPG activities have been divided for planning purposes into five phases, the third of which is now being implemented? Why can we not phase out these programs in light of our Vietnamization policies? What are the differences between each of the five phases, what are their respective implementation dates, and how much money has been or is planned to be spent with regard to each?

In what foreign countries other than Vietnam has equipment developed by the DCPG been deployed by the United States and for what purposes?

To what foreign countries has equipment developed by the DCPG been made available for use by their own forces and for what reasons?

What prices of equipment developed by the DCPG might have possible application by domestic police forces? Have any of these items been made available to law enforcement officials of the Federal, State, or local governments?

Second. STANO—and once again I refer to surveillance acquisition night observation—is a specifically Army-conducted program in the sensor-aided combat systems area.

When was this program originated, what are its objectives, and what is its organizational relationship to the DCPG?

What R. & D. procurement, O. & M., and military construction funds are budgeted for STANO in fiscal year 1971 and what funds have been expended in prior years?

What are the present status and future plans regarding the deployment of STANO equipment abroad and its being made available to forces of other countries for their own use?

Third. Do the Air Force, Navy, and the defense agencies have sensor-aided combat programs of their own? Please identify these programs, their objectives, and their organizational relationship to the DCPG. What has been the past and what is the anticipated funding of each of these programs? Please detail funding by type of appropriation and by fiscal year. What are the present status and future plans regarding the deployment of this equipment abroad and its being made available to the forces of other countries for their own use?

This subject was first discussed by the Senator from Arizona (Mr. GOLDWATER) when he put into the RECORD a statement by General Westmoreland going into this system in great detail. It was discussed, much later, by me. When I brought it up, the Senator from Arizona suggested that I was bringing in a new issue which had not been discussed and could somehow constitute either a violation of security or a revelation that could be of assistance and aid and comfort to the enemy.

Of course, none of us—certainly this Senator—wants to have any remarks of his or any requests of his to be interpreted or acted upon in a way that would give any assistance to any enemy of the United States. The information I am asking for is, I think, information that is essential if we are going to be responsible in acting on the enormous costs that are involved in the automated battlefield system.

I think it is inconsistent with the duties and obligations of a U.S. Senator to vote hundreds of millions and in this case billions of dollars without having the kind of hard answers that we should have.

It has been suggested earlier in connection with another subject that perhaps the Senate should have an executive session to get some answers to the questions that were raised by the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from New York (Mr. JAVITS) earlier today.

Frankly, I do not think that would be necessary with regard to this particular weapons system and the kind of questions that I am asking. Perhaps it is. I would certainly have to be convinced that the cost data I am asking for, or even the performance data I am asking for, would have to be classified. It can be of very little use to us in debate if it is classified, because it is so hard to have our staffs take part in it. We all know that it probably is unwise, if there is anything that could be damaging to this country, if it is discussed even in a body as discreet, thoughtful, and patriotic as the United States Senate. Nevertheless, I do hope that we can get these answers we need so badly.

I might say to the Senator from Mississippi that I have completed my speech. I asked the Senator a series of questions in the course of the speech, principally as to what the cost of this program was.

I also asked, if this system is so effective against guerrillas, why we have had so little success with it in Vietnam; I asked to what extent the capability might encourage us to become engaged in other guerrilla warfare situations such as Vietnam; and I asked about the implications of widespread domestic application of this system.

I would like to ask the chairman of the committee, if he could, to respond to the extent that he cares to do so. Of course, if he would prefer to put answers in the RECORD at a later date, I would certainly understand.

Mr. STENNIS. Mr. President, if the Senator will yield, I am very glad to answer his questions, and will be delighted to do so. On the question of accuracy, however, I would need a little more time to get down specifically to some of his points.

I, too, am interested in this subject matter, Mr. President, and I appreciate the interest of the Senator from Wisconsin. I have done some work on it here lately, and have a brief descriptive statement that I intend to ask to have printed in the RECORD in a few minutes. It is a partial answer to some of the Senator's questions, though not a full answer as to all. I was advised by him of the speech he was planning to make, and I appreciate that courtesy greatly, and would have been here for every minute of his speech except that I was in an emergency situation with reference to time on some other matters in connection with the pending bill.

Let me say this in a general way, Mr. President: There is nothing mysterious or particularly secret about this matter that has been called—or miscalled, in a way—the electronic battlefield. This largely originated during the war in what was, for awhile, called the McNamara Line—the area there in the proximity of the demilitarized zone where there was a controversial experiment being carried on; that is, it was controversial because of a difference of opinion as to what would be the value and the outcome of it—but on the basis of saving manpower, it was carried on, with differing opinions, as I say, as to the success of it. Certainly within the germ of all this activity there are proven to be values that are worth following up.

This is not a large system. It is not something that would ordinarily be authorized in a military procurement bill. Most of this money has come from the appropriations that are made for the operation and maintenance of the military services and from various other procurement accounts, and the prosecution of the war, without reference to any particular weapon.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point for a brief question?

Mr. STENNIS. Yes, I yield.

Mr. PROXMIRE. The reason I asked the Senator to yield is that I am thinking of offering an amendment to require that in the future expenditures in this area of the automated battlefield, or whatever it is called, be authorized. I know that it is complex and difficult, and I know that virtually all the funds have been handled under the general research category, but it seems to me that until it is authorized, it is going to be hard for us to make the kind of searching inquiry and have the kind of understanding with which we should provide ourselves with respect to something that is sure to cost so much.

The reason I raise this question is that there is every indication that the Army intends to spend a great deal of its funds in the future in this area. If that is correct, I feel that we ought to require the authorization, and that I should go ahead and offer my amendment.

Mr. STENNIS. Mr. President, I appreciate the Senator's wish to draw the issue, but I doubt if it would be relevant, the general idea of having an authorization bill for a program like this to be authorized in advance.

As an illustration, now, we have to get tanks authorized, but we do not authorize the cost of a tank battle out in a certain area of the war. That comes under operation and maintenance, the fuel, and all the things that go to make up the cost of this battle among the tanks. Antitank missiles, for instance, come into it.

As to this program, I think that as the program is disclosed and revelations are made, it will become more obvious that it would hardly be a package that could always be identified in advance, and authorized. Moreover, the Army would have to stop when it got to the end of its authorization. That is not an extreme statement. This is a general, broad battlefield operation.

Mr. PROXMIRE. Yes, but what I was referring to was the procurements themselves. To the extent that there are specific procurements required of hard equipment, that part, it seems to me, should be authorized.

Mr. STENNIS. Yes, there are procurements. I am going to come to that in a minute, and give an illustration.

For the past 5 years and including the fiscal 1971 budget, we will have authorized specifically for this program, in bills like this one, $293 million for research and development of these various parts, and also, within that 5 years, we will have authorized 195 million for what we call procurement. Most of that procurement is for the modification of aircraft and procurement of drones.

This aircraft authorization is so explicit and minute that we even authorize the modification of planes. So here were a number of planes that had to be used in a special way, and they had to be modified before they could be used that way, so we authorized funds for this purpose and in the bill that we now have pending for 1971, we have, in round figures, $66 million. $45 million of that is for research and development; $17 million is for the modification of aircraft; and then there is about $4 million in there that is for classified drones.

That is as far as the hardware goes in the present program, for modified planes, drones, and research and development, and that covers it for 5 years.

Mr. PROXMIRE. The Senator from Mississippi is not saying, as I understand it, that the full cost of the so-called McNamara line and all the procurement items that went into the effort to accomplish that was as little as $230 million, or $195 million?

Mr. STENNIS. Oh, no.

Mr. PROXMIRE. Or the sum of those two figures?

Mr. STENNIS. No. I emphasized that a great part of the cost is outside this field, in what we call other procurement and operations and maintenance, but not for the specific hardware involved.

We are having a rundown on this whole operation, present and prospective for the future, in our Preparedness Subcommittee, and we may have hearings depending on how the picture looks when we get it all together. But this has tremendous possibilities, and already has demonstrated them in, for example, detection. I have here a brief statement that raised the points that the Senator has raised in one way or another heretofore, and a rebuttal to some, and this is largely for information.

I have here a summary in dollars for the last 5 years, including the budget for fiscal year 1971, with a total of each line item—the Army, the Navy, the Air Force, and the research and development—and I am going to ask that that be put in the RECORD.

Mr. PROXMIRE. I thank the Senator very much. This is most responsive and extremely helpful. This is the first time it has been called to my attention, and I think it will be very enlightening for all Members of the Senate.

Mr. STENNIS. I might say, Mr. President, that the figure is $1.685 billion. It has been a very integral part and a substantial part of our operations over there, not just on what we call the McNamara Line but also in other areas. This is all unclassified, and I am glad to declassify it to this extent. I am a little surprised that they could go as far as they have.

Mr. PROXMIRE. It is helpful. However, I think it does leave a great, big area involving well over a billion dollars which is unaccounted for in terms of hardware and which we apparently identify as some kind of maintenance or other activities which we cannot pinpoint. It seems to me that it would be helpful in these hearings if we could determine just what this is, to the extent that it can be disclosed.

Mr. STENNIS. We will get additional facts for the Senator on that. I think his question is relevant. But this is not something where some money has been put in a hole. This is not something where there have been overruns on a weapons system—a tank, a plane, or anything like that. Many new ventures are involved in this kind of warfare. It is another illustration of the fact that we got into this war and then had to learn how to fight it. There are many illustrations of that.

Mr. PROXMIRE. I say to the Senator that we do not know whether or not there are overruns. We have not had any original estimates. We do not know what the Army expected this would cost or estimated it would cost when they first started on it. I wonder if they did expect that the McNamara Line plus the other activities dealing with this sensor system would cost $1.7 billion, which is the hard figure I have seen. I have seen some as high as $2 billion. If that was their original estimate, I am surprised that they went ahead, because this is a tremendously high cost, in view of what I understand is very poor, in fact, pathetic results.

It is true that it is a useful idea and that it is very intriguing to be able to fight guerrilla warfare in which you can identify the movement and location of the enemy, if it can be done. But it does seem, on the basis of the results in Vietnam—very poor results in Vietnam—that this has not worked.

Mr. STENNIS. I would not condemn it or make a judgment on it so severely. There have been times when the committee has had some doubts about some part of it, and some of the military has. But, unquestionably, it saved lives and it fit into this kind of warfare better than some of the other more conventional things we were doing, frankly.

We will be glad to provide the entire picture. Nothing has been hidden about it, I can assure the Senator, and he is not charging that.

Mr. PROXMIRE. I do not charge that anybody has been deliberately concealing this, but I am charging that we have not done our job. I am speaking of the Senator from Mississippi. He was apparently informed on this, but most of the rest of us were not. This is an area in which in the past 5 years we have spent $2 billion, and I am willing to guess that not more than 10 or 15 Senators knew anything about it at all, knew that there was any effort of this kind. It seemed like a bombshell when it was disclosed the other day. When we spend this much money, it seems to me that even though we are not on the committee, we have a duty to know what we are spending it for and whether or not the results are good.

Mr. STENNIS. I am glad that the Senator has this interest in it and am glad to provide him with the facts. It is just not one of those things about which speeches are made.

The way it was started and was set up, for a long time they did not want the enemy to find out that there was such a thing as these sensors, as we now call them. That was a part of the program. But that is well known now. It has done a lot of good. I am glad to discuss it with the Senator, and we will have this survey made.

Mr. President, the Senator had questions, also, with respect to the Fitzhugh proposals. I think they are very good and pertinent questions. As soon as it is time to get into that—it is a matter that is not involved in the bill—I will be glad to try to answer the questions, or any other member of our committee may do so. The Senator from Arizona will have some remarks, no doubt, on the sensor program.

Mr. PROXMIRE. The questions I had yesterday on the Fitzhugh proposals related in large part to the so-called "fly before you buy" principle, which the Secretary of Defense enunciated was the new abiding principle for procurement in the Defense Department. I pointed out yesterday that it seems that they have been violating that principle and are still violating it. Although the committee has done an excellent job in some respects, there seems to be a series of areas in which production is proceeding before testing is completed.

Mr. STENNIS. Mr. President, during last year and this year, the committee has been using the so-called "fly before you buy" principle considerably. It is reflected in the bill now before the Senate. I can point out several illustrations of where we have transferred an item from procurement back into research and development, where we think it should be kept until there is more testing. That is largely a phrase so far, and I am sure the Secretary will give it more and more meaning, and our committee will welcome it. There is no clear-cut line many times between this research and the actual procurement.

Mr. PROXMIRE. I should like to make one more point. I have developed an amendment—because I think this is such an excellent principle, that we should fly before we buy or test before we go into production—which would require that in the event this proposal is violated in procurement, the Committee on Armed Services should inform the Senate and let us know the reasons for it. It would not be anything that would put the Defense Department in a straitjacket.

It is clear that there are instances in which you must go ahead with production before you finish testing, but we ought to know that we are authorizing production of a weapons system, that we are making that authorization without having the test completed. We ought to be aware of that. If we are aware, we will be in a much stronger and better position to act intelligently. My amendment would require that this kind of reporting system be developed.

Mr. STENNIS. Mr. President, we will be glad to have the Senator's amendment. I do not indicate any kind of support for it. There must be some discretion somewhere. I think that is one of the things the committee is for—primarily—to make some recommendations. We could earmark those recommendations, and then it would be up to the judgment of the Senate.

Mr. President, I understand—and I am not jumping the gun on this—that perhaps the amendment has been completed with reference to the ABM, the proposed amendment to the ABM, that it will be completed this afternoon or Monday morning, and it might be possible to be made the pending business on Monday.

Those of us who are sponsoring the bill would be ready for such a move, and that would put us on a definite amendment. It is a matter that will be debated fully, but I do not believe at such great length as last year because, after all, we are familiar with it now in a broad way and it will become a second step proposal. So it looks like we will be off to a good start if we can get that as a major part of the bill, as an amendment to begin definite debate on Monday.

Mr. President, I think we have had a rather productive week here. We have had a very essential part of debate. There is a tremendous amount in the bill that has to be set forth, such as information to the membership, together with the work that they have done, and the issues to be more clearly defined. Members who do special work on amendments have had this time to work on them, so that I think, as a whole, the bill is pretty much down to bone and muscle. If we can get started, and get one amendment started and acted on, I believe the bill will move rather fast.

The ABM would be a good one to start on. The other weapons systems were already examined thoroughly last year. Perhaps it will not require much time for them.

Frankly, I think the McGovern-Hatfield amendment as to the war part is the one that goes to the heart of the thing and should be fully and thoroughly debated, which does not necessarily mean at great length.

I believe that will constitute the major part of the bill and we will then get along fine and realize that this week has been well used.

Mr. President, as the Senate knows, the pending business is the military procurement authorization bill, H.R. 17123, and I would like to make a brief statement on its present posture in the Senate and to express the hope that the Senate will proceed with expedition in order that we may conclude our final action on this vital legislation. I would like to make the following points:

First, I would like to acknowledge, as I have many times, the significance and complexity of this legislation which authorizes all of the major military hardware and all of the research and development for fiscal year 1971 and which contains other legislative features including the authorization for funds for the free world forces in Southeast Asia.

I am, therefore, fully aware of the time that is required under normal circumstances to examine the bill in depth. Moreover, I am fully aware of the desires and needs of every Senator to examine the hearings and report and raise such questions as he desires prior to proceeding with the floor debate.

Nevertheless, I think the Senate as a whole must acknowledge the need for meeting these various matters and proceeding in a way which will permit us to dispose of this legislation and go to other important legislation awaiting action in the Senate.

Second, just where does the authorization bill which was reported on July 14 stand at this moment? All of the major speeches supporting the committee position on the legislation have been concluded, and the posture of the bill is that we are now waiting for the various amendments to be called up in order for them to be either adopted or disposed of, as the Senate may wish. I would like to emphasize, Mr. President, that in my view, for several reasons, the disposition of the various amendments should not require an inordinate amount of time. First of all, the issues will be clear cut; most of the information is already well known and, in many instances, was debated last year.

Probably the most significant item will be the amendments regarding the Safeguard antiballistic-missile system. Insofar as the debate is concerned, this appears to be a problem of bringing up to date such new facts as have occurred since late last summer when the Senate for several weeks debated the ABM issue, pro and con, in great depth. Every Senator, therefore, is familiar with all the basic issues involved. I realize the actual ABM amendment has not yet been introduced and a little time will be required to understand and explore the implications of whatever is presented. This having been done, however, the Senate should be in a position to work its will on the disposition of the amendment.

Another major item will concern the C–5A. The hearings and the discussion on this matter over the past months together with the discussions in the Armed Services Committee's report and hearings provide ample background for the issues involved in this matter.

There are other amendments relating to chemical and biological warfare and two amendments relating to the MIRV system which have been introduced by Senator BROOKE. I should add that Senator BROOKE has indicated he is willing to proceed with consideration of these, probably early next week.

VIETNAM WAR AMENDMENTS

Mr. President, there are a number of other amendments which I shall refer to collectively as the Vietnam war amendments. Here again, the issues involved will be fairly clear cut. There are:

First, the McGovern-Hatfield amendment which prohibits the expenditure of funds except for certain limited purposes after December 31, 1970, in Vietnam and Laos unless there has been a declaration of war by the Congress.

Second, there is the amendment of Senator HUGHES which in effect prohibits the use of funds after December 31, 1970, for the purpose of using inductees in Vietnam or any other country in a state of war or rebellion. Senator NELSON has introduced a similar amendment.

Third, then there is the amendment of Senator HATFIELD which would implement the Gates report on an all-volunteer armed force and I might add would involve an additional annual cost of $4.3 billion.

There are several other amendments which I shall not discuss in detail at this time, Mr. President, and I am sure there will be others which have yet to be sent to the desk.

In conclusion, Mr. President, I am making these brief remarks in order to emphasize that the forthcoming issues involved in all of the amendments appear to me to be fairly clear cut.

I urge that after we have had full, complete, and orderly debate, we proceed with expedition on each of these matters, in order for the Senate to perform its duty in passing this legislation.

Mr. President, for the information of all Senators, I ask unanimous consent to have printed in the RECORD a description of the electronic battlefield, including major issues and rebuttals concerning it, and a table entitled "Sensor Program Service Summary."

There being no objection, the description and table were ordered to be printed in the RECORD, as follows:

ELECTRONIC BATTLEFIELD

DESCRIPTION

Electronic or Automated or Instrumented Battlefield, have been used as titles to describe the sensor program which was started in 1966 as an anti-infiltration system to stop or impede the flow of men and material from North Vietnam to South Vietnam. It was to stretch along the Demilitarized Zone (DMZ) to Laos and cover the Laotian road networks. This program never has been identified nor funded as an "instrumented battlefield." The Defense Communications Planning Group (DCPG) was charged with developing and fielding resources for the battlefield.

It consists of a collection of equipment, most of which are sensors or "listening devices" placed along trails, roads, choke joints or in combat areas to *detect and track* the presence of enemy troops. Information from these unattended sensors is transmitted to remote positions from which firepower or strike forces then can be directed on the enemy.

This program has been directed entirely to support Southeast Asia operations. It has been very successful and has been included in the expanded Army Surveillance Target Acquisition, and Night Operations (STANO) program.

FUNDING

For fiscal years 1967 through 1970 and including the budget request for 1971, a total of $2.348 billion has been provided within the Department of Defense of which $663.4 million was not required by DCPG and was returned to the Secretary of Defense for reprogramming to other high priority programs. This leaves a balance of $1.685 billion in the program as of July 10, 1970, of which $293 million was provided for the RDT&E appropriations, $1.177 billion from the Procurement Appropriations, $197 million from Operations and Maintenance Appropriations, and $18 million from the Military Construction account. Of this $1.685 billion, $488 million ($293 million RDT&E, and $195 million Procurement) was authorized and appropriated. The remaining $1.197 billion was appropriated but was not subject to authorizing legislation under the Military Procurement Authorization Acts. (A summary of total funding is attached.)

RELATIONSHIP TO THE ARMY STANO PROGRAM

The Army STANO program, which is an acronym for Surveillance, Target Acquisition and Night Operations, was focused under Major General Fulton, USA, approximately one year ago. The successful use of unattended sensors in combat clearly suggested the merit of a systems approach which would consolidate Army concepts and development of a broad range of radars, night observation devices, infrared systems, personnel detectors and a command and control capability. Efforts are still formative, and funding has been identified in the Army FY 71 RDT&E budget in the amount of $40.6 million. The anti-infiltration, surveillance oriented sensors developed and deployed by DCPG are a portion of this expanded Army approach.

The Army STANO organization is the Army's focal point for relationships with DCPG, but it clearly is concentrating on long range Army capabilities rather than the immediate, Southeast Asia (SEA) oriented mission of DCPG.

MAJOR ISSUES AND REBUTTALS

1. Charge.—The program has never been subjected to public hearings, a detailed review, or directly authorized by Congress.

Rebuttal.—Congress has been briefed repeatedly in closed sessions by the Secretary of Defense, DDR&E, the Director, DCPG and Staff, and Chiefs of Services since 1966. Public hearings were avoided to preclude the enemy's instigation of tactical and/or technical countermeasures which take away advantages gained by U.S. forces. Armed Services and Appropriations Committees have reviewed the total program and have specifically authorized development and procurement requirements as required by law.

2. Charge.—Not only has $2 billion been spent, with the potential requirement of $20 billion, but cost growth has been severe.

Rebuttal.—Including the FY 1971 budget, $1.685 million has been applied to the program of which only $877 million directly relates to sensor technology. Rather than cost growth, the Director, DCPG has returned $663 million of the funds authorized by the Secretary of Defense. Larger expenditures in FY 1968 and FY 1969 versus FY 1967 are normal as a system moves from development to procurement. Future SEA oriented operating costs are estimated as $200 million annually (RDT&E, procurement, O&M), scarcely approaching $20 billion.

3. Charge.—New "electronic battlefield" will totally modify the way our Army fights and Congress may be told $20 billion is the price to "match the Russians."

Rebuttal.—There is currently no DOD program designated as the "electronic battlefield." The anti-infiltration and surveillance capability developed and deployed to SEA has provided our forces with a technology which denies the enemy the sanctuaries of jungle and darkness. General Westmoreland, recognizing this contribution, has stated that we need to explore the potential of such equipment and other surveillance and control devices.

4. Charge.—Equipment will not discriminate between the enemy and women and children.

Rebuttal.—Discrimination by sensing devices is costly. However, the fundamental policy followed is that the judgment of the commander, integrating all intelligence data, is essential prior to using fire power or strike forces. Without reaction, sensors are harmless.

5 Charge.—Was the system worth it?

Rebuttal.—The ability to economize on use and exposure of U.S. Forces, the protection of bases and the denial of darkness and jungle to the enemy have been major contributions. The value of this capability is attested to by the constant demands of our combat commanders for sensors in "their area of operations."

SENSOR PROGRAM SERVICE SUMMARY

[In millions of dollars]

	Fiscal year					5-year total
	1967	1968	1969	1970	1971	
Army:						
R.D.T. & E.	20.7	30.0	21.8	9.2	12.0	93.7
Procurement	144.9	192.4	131.4	37.0	78.0	583.7
O. & M.			7.5	7.9	9.3	24.7
Total	165.6	222.4	160.7	54.1	99.3	702.1
Navy:						
R.D.T. & E.	16.0	14.7	9.7	6.5	5.0	51.9
Procurement	43.8	14.3	13.0	13.3	18.7	103.1
O. & M.	5.6	11.6	1.7	2.2	2.2	23.3
Total	65.4	40.6	24.4	22.0	25.9	178.3
Air Force:						
R.D.T. & E.	9.0	23.5	20.0	12.5	14.0	79.0
Procurement	61.5	93.5	157.2	71.1	107.0	490.3
O. & M.	3.5	21.6	32.9	43.2	40.0	141.2
Milcon	17.7					17.7
Total	91.7	138.6	210.1	126.8	161.0	728.2
DCPG:						
R.D.T. & E.	5.9	20.6	15.0	13.0	14.0	68.5
O. & M.	1.4	1.8	1.5	1.5	1.7	7.9
Total	7.3	22.4	16.5	14.5	15.7	76.4
Grand total	330.0	424.0	411.7	217.4	301.9	1,685.0

Mr. HATFIELD. Mr. President, first, I should like to commend the Senator from Wisconsin (Mr. Proxmire) for an outstanding piece of research, and for his contribution toward a better understanding of the military weapons system we are being asked to support through the budget operations of the Government.

I should also like to commend the Senator from Mississippi (Mr. Stennis), chairman of the Armed Services Committee, for the fine cooperation he has extended to those of us involved in making research and other evaluations on weapons systems.

I can assure him that, as one who has associated himself with a number of amendments that will be appearing on the floor during the next few weeks, I am certain we can work out time agreements, and such other things, in order to expedite the discussions as quickly as possible, yet cover the subject thoroughly.

Mr. President, there are basic underlying questions which are presented to us by this defense bill: yet these are rarely considered when the Congress authorizes the expenditure of billions of dollars in the name of security. Our debate has usually focused upon whether a particular tank or plane or missile is the cheapest one that could be built or perhaps whether it is actually required for the mission it is to fulfill. We have been greatly concerned—and rightfully so—about the enormous cost overruns that have afflicted various weapons systems. I know that the distinguished chairman of the Armed Services Committee shares this particular concern as well, and has advocated steps to prevent such overruns in the future acquisition of major weapons systems.

Excessive costs and inefficient management should rightfully disturb the Congress. Yet I do not believe this to be the most urgent and troubling factor in our rate of defense spending.

We must begin consideration of defense expenditures by asking what the meaning of national security is in today's world. Since our ultimate aim is international peace and security, we must determine exactly what forces tend to undermine that peace, and how they best can be met.

There is no doubt that our world is afflicted with tension and turbulence. In the last 10 years 82 governments have been overthrown by some type of coup d'etats, rebellions, or revolts. And there are about 22 active insurrections in various countries today, such as Angola, Burma, Columbia, and several other countries. But what are the roots of these conflicts, how do they affect our own security, and how might they be resolved?

Revolutions are born, in my judgment, out of an impatience with suffering rather than from a passion for bloodletting. When two-thirds of the world is hungry and impoverished, and when they are often the victims of political systems which serve exclusive interests and do little to meet the overall needs of their population, it should come as no surprise that international stability remains illusive. But the sources of the instability must be clearly understood: economic deprivation, human suffering, and political oppression.

Now we all know that the Communist powers in our world have an ideology that is hostile to our own—as well as to each other, however—and that these countries possess significant military might. We must be prepared to defend ourselves if they ever intend to use their power against us aggressively. Yet, we should examine the probability of such an action, and recognize that the greatest actual sources of conflict today are rooted in economic, social, and political grievances rather than the result of aggressive, hostile military actions by the Communist superpowers.

One of the characteristics of the nuclear age is the increasing inability to effectively achieve political aims through the use of military force. We once lived in a world where military supremacy insured political supremacy. But today, with the capacity for destruction several times over resting in the hands of the major powers, military supremacy has far less of a political advantage. What advantage is it if we can kill the Russian population 10 times over, but they can only kill us six times over?

Furthermore, the use of even conventional military might by a major power is no certain means of achieving political objectives. If anything, it seems that the use of conventional military power in an interventionist manner is often counter-productive. Our own experience in Vietnam perhaps best demonstrates the inability of conventional military power to achieve a political objective—or to impose a particular type of political stability. The doctrine of "flexible response," designed to give our conventional military power the capability of responding to situations with a measured amount of military force, led us into the enduring Vietnam conflict rather than maintaining international stability. Furthermore, the presence of our troops in other lands at times can contribute to the internal instability of these governments than to the overall stability of a particular region.

The truth we are discovering is that political stability and international security are the function of political and economic rather than military factors. Political stability—or peace—can seldom be imposed for long by one country over another through the mere use or threat of its military power.

Now I realize that these might appear to be highly speculative considerations. But they are not irrelevant.

Each year we are asked to appropriate billions of dollars to buy new weapons and sustain the world's largest number of men in an active army. But no one seems to seriously ever ask the question—"Just what is this all going to be good for? What is the role of conventional military power in today's world? What is the relation between the military might we possess and our political and strategic aims? What is the basis for building international security?"

The answers to such issues may be uncertain; yet we must address ourselves to these concerns before we blindly proceed with the unquestioned approval of billions for our military capability.

We all tend to assume that the military forces we support are determined by our foreign goals and the logical result of our desire to achieve certain international objectives. We know, for instance, that the Soviets have a strategic nuclear force which must be deterred through our own strategic nuclear force.

And we know that if countries hostile to us choose for some reason to aggressively invade neighbors who were our allies, then we should be prepared to insure some kind of an effective defense. The Armed Forces we possess, then, should be what is required to accomplish these ends.

The disturbing fact, however, is that as one studies our defense posture, he discovers that it has little relation to our foreign policy goals. The forces that comprise our defense are more the result of the momentum of the military bureaucracy than of any other factor. Our defense posture simply does not reflect an analysis of what is necessary to accomplish the ends of our foreign policy. Rather, it is the product of what competing services have successfully justified as being useful and have been approved by an unquestioning Congress under the rubric of national security.

The forces we presently possess and sustain enable us to act as a world policeman anywhere in the world, whenever we please. The wisdom of such unilateral intervention has been thoroughly discussed and has been frequently doubted, both within Congress and the executive branch. Yet, we have not seriously questioned whether we should maintain the capability to unilaterally intervene militarily any place we choose to in the world. Even though we know that in any situation of internal political instability, outside intervention by a great power is likely to be counterproductive, we still prepare ourselves for this capability. The mere possession of this capability, with all the preplanned strategies and contingency plans, increases the likelihood that we might take such action. I am not suggesting that our defense somehow be totally devoid of anything that might be used for some kind of foreign intervention. But I am suggesting that if we believe that unilateral intervention in the internal political conflicts is generally not a wise or necessary step, then we should examine carefully the priority we are giving to such a capability in the development of our military forces.

Our defense posture is also designed to fight a conventional war at sea—presumably—with the Soviet Navy. I do not believe I have ever heard any discussion about just how likely it would be for us to get involved in a conventional conflict of this type with the Soviet Union that would also stop short of nuclear war. Moreover, even if we do accept the need to prepare for such a conflict, we should ask whether our surface Navy—or any country's surface ships—can be adequately defended against the modern armaments that military technology has created. Yet, billions of dollars are invested each year in the proposition that we should be prepared to fight a conventional war at sea against our potential enemies.

The Department of Defense has also claimed, in the past, that our forces have the capability to fight, all at once, in a major war in Europe, a major land war in Asia, and a minor intervention elsewhere in the world. This of course is the so-called 2½-war contingency. I have actually never heard a rationale as to why it was felt we should have to prepare for such an eventuality. I myself find it incredible to picture a situation where we are fighting in a conventional war against the Soviet Union on the continent of Europe, fighting against the Chinese or their allies with our ground troops somewhere on the mainland of Asia in another conventional war at the same time, and finally also carrying out some military intervention in South America. Yet, we assume all of this would go on, but that it would not result in any nuclear conflict. Our defense posture has been justified by its ability to accomplish all this.

So it appears to me that our defense posture has not been related in any realistic way to an assessment of what we really want to do in the world to achieve our foreign policy objective. Rather, it has been an amalgamation of everything that the military can do in the world.

Now I want to point out that this administration, according to its own statements and reports, has begun the process of trying to relate our military capabilities to our strategic goals. They are sensitive to this need and trying to set new policies. Yet, the results and implications of what they are doing for the defense budget remains to be seen. In the meantime, it is Congress which has the constitutional responsibility for trying to define what kind of military force we should have, and for what purposes it should be prepared and utilized.

In past years, Congress has refused to question seriously what has been presented to them as essential to the security of the country. Despite the fact that forces and pressures which result in the eventual requests for defense expenditures are largely the result of bureaucratic momentum, these programs are presented as the logical result of what has been determined to be absolutely necessary for national security. With thousands of dedicated public servants working for the Department of Defense, Congress has naturally assumed that they and only they can propose what we need for the defense of our Nation. The requests that come from the Defense Department are seen as a carefully thought-out approach to what is required to preserve national security. To spend a penny less than what is requested, it is suggested, will put that security into jeopardy.

I think we should realize that the posture and weapons system requested by the Defense Department as essential to security do not carry with them any mandate from heaven. It is the approximated guess of dedicated people working in an enormously complex bureaucracy and influenced heavily by the interests and biases of that bureaucracy. Their presentation of what is generally required for overall national security is no better or no worse that what the Congress may decide is necessary, on a completely independent basis.

Further, it must be remembered that the Defense Department defines and regards "national security" in the most narrow vein. Only the military factor is considered.

But when Congress evaluates the requirements of "national security," it must recognize that our true security is a combination of economic health, political stability, domestic tranquillity, national unity and dedication, as well as our military resources.

Congress has the unique task of judging the relationship between all these factors as it attempts to insure our Nation's security.

The events of this week should bring these issues into a sharp focus. New York City has barely been able to function and its citizens' safety has been jeopardized by a pollution and power-shortage crisis. There is no doubt that this poses a direct danger to the security of that city.

During the same week a Presidential panel appointed to study the Defense Department concluded:

> We are all amazed that it (the Defense Department) works at all.

Why should any Member of Congress honestly believe that our security is best protected by spending every dollar that is proposed by the Pentagon, and thus depriving resources for solving the crisis being felt this week by New York and threatening every major urban area in our land?

The task for Congress, in my judgment, is to relate the foreign policy objectives and strategic aims we wish to pursue as a nation—to the defense posture that we authorize. This must be done with attention given to our available resources and the necessity of meeting a variety of needs in order to truly provide for our Nation's security.

Previous defense expenditures have resulted from almost automatic approval of the Pentagon's wishes and proposals because of the vacuum created by the Congress lack of responsibility in examining defense requests. Thus, it is Congress which must redress this imbalance—and Congress which must assume any responsibility for inordinate defense expenditures.

We can—and, in fact, should—speculate about what our broad-range goals in the world should be, what our commitments and treaties should ideally be, and what methods we should rely on in the future for building international order. It is important that this kind of reflection go on in a serious manner within Congress.

Yet, we know that our present situation in the world presents us with immediate realities which cannot be ignored. In considering what our defense posture should be this year, and what resources we should allocate for the defense budget, we must realize that we have assumed a particular role in the world and do have various involvements which cannot be ignored.

So I want to make this proposal. Let us look at our present responsibilities in the world. We know that we have commitments, both in formal treaties and secret agreements. Conceivably, these might require us to have mobile forces which could be moved quickly to various parts of the globe. We know that we have a commitment to NATO and that at least for now we must maintain a capability to meet an aggressive action in that part of the world. Further, the Nixon administration has outlined its own new doctrine with respect to Asia. They have stated that we would not use our ground troops for a land war in the Asian mainland, and that the defense of Asian countries should be their own responsibility, with our supporting assistance. The Guam doctrine, as it is called, has been set forth on several occasions as the official policy to be guiding our future actions in Asia. The implementation of this doctrine, then, must also be considered in determining our defense posture.

Finally, we know that the Soviets have an arsenal of strategic nuclear weapons, and that our present policy rests upon our ability to deter any possible Soviet attack by possessing the certain capability of destroying the enemy, should they initiate an attack upon us. Thus, we must provide for a continued credible deterrent force.

Now let me emphasize that I may have serious reservations about some of these working assumptions. I certainly do not agree with all our foreign commitments, and worry about how they can lead us into dangerous military involvements. The senior Senator from Missouri (Mr. SYMINGTON) has spoken eloquently and worked hard at this very point, and I respect greatly his efforts to actually discover the commitments our Nation has, and what implications they have. Furthermore, I may not agree with particular assessments of where our interests in the world actually lie. The President has said, and rightfully so, that our interests must shape our commitments. It could well be that the administration's notion of our interests in the world—in Europe and Asia—could differ from my own assessment. Likewise, there might be legitimate questions which could be raised about the whole concept of deterrence.

Finally, many of these matters, such as foreign commitments as well as our strategic posture, might be changed through various negotiations. Taking all these factors into account, let us grant the foreign and strategic objectives that are presently operative—regardless of whether we agree with them all or not—and then let us see what kind of defense posture is required to fulfill them.

Taking this framework, several Members of Congress came together again this year to analyze our military budget. We did so recognize that there were commitments and policies which had to be followed. Yet, we sought to analyze whether our expenditures for defense were adequate or excessive for these purposes. The military spending report, which I was privileged to chair, with the cooperation of colleagues in the House and the Senate, was prepared in order to provide further knowledge and examination of defense requests. It has been made available to all Members of Congress in order to enhance our ability to make these difficult judgments.

Let me briefly summarize the main findings of this report: First, we discussed various general topics, such as the relationship between defense spending and the economy. We noted how excessive defense spending has a larger inflationary effect on the economy than any other kind of Government spending. Further, we found that it is difficult to discover any substantial reductions in the defense budget that have not been the result of a lower level of spending in Vietnam. Reductions in the budget, as best as can be determined, have come primarily from that source, though some other savings might have been realized. This is hard to determine with complete precision, however, because the administration has not provided us with concrete estimates of the war's costs for this year.

The report then examined various components in the Defense budget, looking first to our expenditures for strategic arms. Our conclusion was that a completely credible deterrent force, fully capable of providing an assured destruction capability, could be maintained for considerably less expenditure and without the deployment of various components presently planned for our future strategic arsenal. In general, we recommended maintaining our triple deterrent of bombers, land-based missiles, and the Polaris fleet, but not continually upgrading each of these at costs which are excessive. For instance, we believe that the life of the B–52 bomber force should be preserved, but that we should not move forward with the procurement of the AMSA—advanced manned strategic bomber—which could entail an eventual expenditure of $10 billion. In a similar fashion, we recommend against major increased costs for our land-based missiles, such as the MIRV program. It is our general contention that the efforts to improve and upgrade our deterrent force should be placed with the most reliable and invulnerable component part—our Polaris system.

For this reason also, we approved of the continued research and development request for the underseas long-range missile system which could conceivably serve as a further enhancement to our deterrent force, if needed in future years and in the absence of successful SALT negotiations.

Let me add a few other comments about our strategic forces. Our projections about what is necessary to preserve an assured destruction capability are based on a number of assumptions that need careful examination. For instance, in such projections, we always assume that all of the Soviets' systems will work perfectly, and our systems will function poorly. We make this assumption in order to be safe; but of course, if the Soviets were actually planning an attack, they would never make such an assumption.

Further, we always protect against what is called the greater than expected threat. This means that we listen to all that the intelligence agencies say is the Soviet threat, and then try to imagine an even greater threat—which often requires a good deal of creative thinking—and then design our forces to protect against even this greater than expected threat.

"Assured destruction" is defined as destroying 25 percent of the Soviet population and 50 percent of its industry. By conservative estimates, 400 warheads can do far better than that. At present, we can deliver 4,200 nuclear warheads to the Soviet Union. Part of the reason for this enormous overkill is that we require each component part of the strategic arsenal—our missiles, bombers, and submarines—to be able to inflict, completely on its own, such a destructive force.

Finally, in making our projections, we do not include any damage which can be inflicted on the Soviets through our conventional forces—such as our tactical nuclear weapons placed in Europe and elsewhere, our tactical airpower, and the rest of our conventional military forces deployed at points close to the Soviet Union.

It seems obvious, then, that a reasonable readjustment in these assumptions alone would result in a more realistic strategic posture.

The report also considers various parts of the Defense budget that are devoted to our general purposes forces.

Mr. President, I do not wish to take the extensive time required to go into each one of the report's findings and recommendations in the area of general purpose forces—including our tactical airpower, our naval forces, and our manpower levels. But I do know that these will be of vital interest to the Members of the Congress. Therefore, I ask unanimous consent that the summaries and recommendations of each section of the report be inserted in the RECORD at the conclusion of my remarks. Since the entire report is nearly 150 pages long, I will not ask that it appear in the RECORD in its entirety—but that 25 pages giving these summaries and recommendations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. In summary, the "Military Spending Report of Members of Congress for Peace Through Law," prepared by over 25 Senators and Congressmen, concludes that reductions of as much as $4 to $5 billion in requests for weapons systems, with another $4 to $8 billion in potential savings from manpower reductions, all during this fiscal year.

The long effect of those savings, in other words, the potential full costs of these various weapons systems we question, combined with manpower savings over this same period, could be close to $100 billion.

It is staggering that this amount of resources will ultimately be affected by our decisions on the defense bill this year. I want to emphasize that the findings of the Military Spending Committee report represent savings that are possible in this year's budget without any change in our international commitments, without any reassessment of our interests, or any change in our basic strategic policies and objectives.

I know that Members of the Congress will want to study this report in greater detail, and trust that it will be a useful contribution to our dialog and our judgments on these issues.

Mr. President, I have been greatly encouraged by the reports that the Nixon administration is attempting to clarify the relation between our strategic objectives in the world and our defense posture. It is well known that the National Security Council and the Department of Defense have been engaged in the massive task of reviewing our commitments and interests, and then attempting to relate them to our force levels. Furthermore, I was most encouraged when the Guam doctrine or the Nixon doctrine was set forth by the administration. It was with wisdom and courage that we declared it would not be our future policy to fight with our own ground troops in a land war in Asia.

Now it is natural to ask what effect this new doctrine should have on our defense posture and the composition of our general purpose forces.

Few realize that the largest bulk of expenditures for defense comes from the support of our conventional military forces—roughly two-thirds of the Defense budget, with less than one-third necessary for preserving our strategic nuclear deterrent force. The size of these conventional general purpose forces has been determined in the past by the 2½-war contingency. We have had the forces required to fight simultaneously a land war in Asia, to defend against an attack on NATO, and a minor conflict somewhere else.

The posture necessary to perform this mission consisted of 2.7 million men in the Armed Forces. This included 19⅔ active divisions, seven priority reserve divisions, 23 tactical air wings, 15 naval attack carrier task forces, and additional forces for antisubmarine warfare, amphibious warfare, and airlift and sealift. Different portions of these forces are allocated to meet these various possible contingencies.

When our involvement in Vietnam began and escalated, we added on the troops and forces necessary for that conflict all in addition to our basic general purpose forces. Thus, the expenditures and manpower in Vietnam are all in addition to the basic posture of the general purposes forces determined by the 2½-war contingency. As manpower was sent to Vietnam, for instance, the size of our Army increased from the basic 2.7 million-man level to about 3.5 million men.

The cost of maintaining the general purpose forces of the size to fight 2½ simultaneous wars—not counting Vietnam—is about $44 billion. Broken down, this includes about $19.1 billion for the NATO contingency, $16.3 billion for an Asian land war, $1.3 billion for a minor intervention somewhere else, and $7.3 billion as a reserve, presumably for forces to be moved wherever they are needed. Specifically, the portion of the forces that are devoted to the Asian contingency are six Active Army divisions, two active Marine divisions, six Navy air wings, seven Air Force air wings, and a sizable portion of our ASW—amphibious, airlift, and sealift forces.

The current defense budget we are considering assumes that we will continue to pay for the 2½-war contingency in our expenditures for general purpose forces. The request for about $72 billion can be analyzed as follows: About $43 to $44 billion for general-purpose forces, $17 to $18 billion for our strategic nuclear forces, and $11 to $12 billion for the Vietnam war in the next year. I would point out that is the conservative way of figuring the war, and it is set forth by Charles Schultze, former Director of the Bureau of the Budget. However, the Cambodian invasion will probably cause the costs of the war to rise above that estimate.

The Department of Defense has stated that by the end of fiscal year 1971, or by June 30, 1971, the projected manpower level will be about 2.9 million. If we assume that the Vietnam withdrawal rates proceed as announced and continue at that rate until that time, we will have about 240,000 to 250,000 men in Vietnam at that time. One could add to this about an additional 100,000 to 150,000 men in the Armed Forces as the direct result of the war—men who were in the pipeline somewhere, for instance. But that leaves between 2.5 to 2.6 million men comprising our basic general purpose force posture. Perhaps this represents a small reduction of our basic manpower requirements during the coming fiscal year below the previous 2.7 million baseline manpower force. If so, such reductions would be the result of efficiency steps announced or taken to reduce excess manpower. However, it would not be reflective of any basic change in the composition of our general purpose forces.

But since the administration has announced that we are now to be guided by the Guam doctrine, then I would propose its implementation for the current defense budget. Specifically, this would mean that we would remove from our general purpose forces those portions assigned to fight a ground war in Asia—not including, as I have stated, our forces in Vietnam. This would result in the elimination of six Army divisions, three wings of tactical aircraft, a good portion of our antisubmarine and amphibious force in the Pacific, and six carrier task forces. However, this would still leave significant portions of general purpose forces for use in Asia in a supporting capacity to carry out the Nixon doctrine. Specifically, this would include two Marine divisions, six tactical air wings, and three potential carrier task forces, plus, of course, our program of military assistance to various Asian nations.

The budgetary result of these steps would be a savings of about $10 billion in this year's defense budget.

Thus, if we but implement the Nixon doctrine in our defense posture, creating a rational relationship between our foreign policy objectives and the composition of military forces, the budget which has been requested can be reduced by up to $10 billion.

Let me point out that Charles Schultze, former Director of the Bureau of the Budget, and William W. Kaufman, former assistant to Secretary of Defense Robert McNamara, have both testified to this point before various committees of the Senate this year. I ask unanimous consent that their testimony be introduced into the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. HATFIELD. There is one other important factor to point out in this regard. The Nixon administration has made a pledge to institute an all-volunteer military, and a Presidential Commission has further endorsed the merits and feasibility of this proposal. The chief concern expressed by the administration to date has been that the possible cost of an all-volunteer force may not make it possible to end the draft by mid-1971. Now I believe strongly that the true costs of a volunteer army would make this utterly feasible not only in a year's time, but even today. But let me point out the implications of putting the Nixon doctrine into effect in our defense posture for the prospects of an all-volunteer army. Removing the Asian contingency from our general purpose force planning, as I have described, would reduce our manpower by at least 400,000 men, and probably by more. That would create a manpower level by the end of fiscal year 1971 of no more than 2.5 million, and easily 2.3 or 2.4 million—assuming the announced rate of withdrawals from Vietnam. The budgetary cost of creating volunteer military at level, using the very conservative estimates given by the Gates Commission, would be $2 billion or less for this fiscal year. That would be offset by the savings of $10 billion.

The budgetary crisis in our Government is well known. During these very days the President is trying to make decisions about the fiscal year 1972 budget. And the largest compelling factor in all this is defense expenditures. It is our level of defense spending, more than anything else, which will decide whether or not we will have a deficit or a surplus budget, whether or not we will have a fiscal dividend in coming years; whether or not inflation will be halted; whether or not our housing goals will be met; whether or not the pollution crisis will be solved; whether or not our major urban centers will be livable; and whether or not we will build our Nation's resources and preserve our political system.

Seventy-two billion dollars is too much to spend for defense. It will create an insecure America rather than protecting our security. Without rewriting a single treaty, canceling a single commitment, or reversing a strategic objective, we could actually eliminate as much as $15 billion from this year's defense budget and enhance our overall national security. Up to $2.5 billion could be reduced from our strategic nuclear budget, another $2.5 billion could be reduced from the cost of certain unnecessary new weapons systems, and $10 billion could be reduced by following the Nixon doctrine.

Protecting and enhancing our national security—that is our task. Let us do so. But let us develop a defense posture that is related to what we say we want to do in the world. If we only do that much, then we will also be able to do what we must here at home if we are to survive our domestic threats as well and live in peace.

EXHIBIT 1

MILITARY SPENDING REPORT

INTRODUCTION

As members of the Military Spending Committee of Members of Congress for Peace Through Law and other involved offices, we submit this year's Military Spending Report as a bipartisan review of selected military programs. Obviously, this list is not exhaustive. We feel, however, that these issues demand greater public and Congressional attention.

Our examination of the utility and necessity of requested defense funding is made with particular concern for fiscal responsibility and will have a deep interest in a proper allocation of national resources. We have concluded that significant reductions can be made without in any way weakening our national security. Indeed, the improved management and procurement practices we recommend would undoubtedly strengthen the national military posture. A reordering of national priorities, moreover, would help stabilize the economy on which all our federal programs are based and would release funds for the education and basic research on which our future security will depend. While we may not be in complete agreement on specific recommendations, we are unanimous in our recommendations for adjustments in the FY 1971 DOD budget, including general reductions.

Recommended retrenchments for FY 1971 range from $4.4–5.4 billion, excluding manpower. The FY 1971 recommended cut including manpower considerations would roughly double this figure. But since the projects affected involved long term funding commitments, the immediate cutback figures understate the long term savings. Projecting the full cost implications, our recommendations would produce eventual savings from $95–100 billion (including manpower).

While the 1969 Military Spending Report was concerned almost exclusively with weapon systems, we thought it necessary this year to also address the question of overseas troop deployments, threat projections, and the impact of defense spending on the economy. In each case, we offer recommendations pinpointing problem areas.

We emphasize that this is only a small part of what should be a continuing review of military programs by Congress and the public.

We invite the comments and support of other Members of Congress.

Mark O. Hatfield, Chairman, MCPL Military Spending Committee, Thomas F. Eagleton, Charles E. Goodell, Mike Gravel, Vance Hartke, Harold E. Hughes, Charles McC. Mathias, Jr., George S. McGovern, Walter F. Mondale, Gaylord Nelson, William Proxmire, Senators; Brock Adams, Edward P. Boland, George E. Brown, Jr., Jeffery Cohelan, Donald M. Fraser, Gilbert Gude, Lee H. Hamilton, Robert L. Leggett, Abner J. Mikva, William S. Moorhead, Charles A. Mosher, F. Bradford Morse, Lucien N. Nedzi, Ogden R. Reid, Henry S. Reuss, Morris K. Udall, Congressmen.

ECONOMICS AND DEFENSE SPENDING

Summary

Both the real and monetary costs of defense are unknown because of Pentagon secrecy, underreporting, and underestimating. The "true cost" is still greater even than the unknown monetary costs because of the sacrifice of private and social spending, which would ultimately create greater economic growth and more jobs. Further incalculable costs include the disruption of the social fabric and the imbalances in our foreign policy between military and civilian goals. But we can calculate that 70 per cent of the world's arms expenditures are made by the U.S. and the U.S.S.R., with the U.S. leading both in the total real cost in purchasing power equivalent and in real cost per capita.

Excessive defense spending causes severe economic distortions, most notably a persistent and intractable inflation. This phenomenon (1) impairs efficiency in the economy by changing the measuring rod of costs, (2) impairs work incentives and alters the savings/consumption patterns, (3) creates a demand for harsh counter-measures (e.g., direct controls), (4) lessens confidence of the citizenry in government and the economic system, and (5) distorts crucial sectors and creates imbalances.

Of major significance too is the fact that military spending is not only the major cause of inflation but is itself a major victim in terms of increasing the cost of its *own* operations. The Indochina war and our continued role in it is a major contributor to the inflationary problem in particular sectors of our economy.

There has been a good bit written about how the Federal government might spend any "peace dividend" resulting from either a winding down of the Vietnam War or a major breakthrough the arms limitation. Other possibilities for the dividend, of course, are tax or debt reduction. Some mix of all of these elements—federal expenditures, tax cuts, and debt management—might well be best as the tools of fiscal policy are brought to bear in the aftermath of a cutback in defense spending.

The size of the cutbacks—and of any peace dividend—is fraught with uncertainties. The Defense Department categorizes Vietnam costs under the broader budget item of "cost of Southeast Asia conflict." The two methods of cost-accounting are: (1) "incremental cost" method and (2) "full" or "prorated cost" method. Depending on the method used, *costs for Vietnam war spending in FY 1969 range from $17 billion to $32 billion.*

A $3 billion "peace dividend" is reflected in the new FY 1971 Defense budget. The $3 billion is what is left from a $5.2 billion saving in this year's budget over last year's after subtracting for the Administration's planned military spending increases.

Congress has a significant role to play in forging a larger "peace dividend". But Congress has been hampered in carrying out this responsibility by deceptive practices in presenting the Defense budget.

The cost of war spending in Vietnam has been underestimated by successive Administrations. This practice has postponed the existence of a "peace dividend" and rendered virtually impossible attempts by Congress at realistic decision-making for a healthy economy. The problem has been further complicated by conflicting Congressional testimony from various witnesses within successive Administrations.

In any case, increases in military spending have undermined budgetary savings. A look at the new FY 1971 Defense budget shows a whittling down of the "peace dividend" to $3 billion and even this sum is threatened by such trends as:

1. Continued U.S. fighting in Southeast Asia;

2. Increases in military aid to Southeast Asian countries;

3. Delays in troop withdrawals (the Administration has already announced that no withdrawals are planned before July, indicating that the average monthly withdrawal rate will be disrupted);

4. Cost overruns in on-going and newly acquired weapons systems.

The conclusion is clear that increased expenditures on "arms and security" have long since reached the point of diminishing returns by even the most conservative measure of costs incurred against benefits received.

Recommendations

Congress can be better equipped to discipline defense spending when the following steps are taken:

1. *A Presidential Report on Military Expenditures and the Economy*—to be delivered annually on July 1, the beginning of the new Fiscal Year, to a Joint Session of Congress and the American people. Such a message would include past and up-dated war costs, based on one method of cost-accounting. It should provide a uniform basis for cost citation; clarification of differing war cost figures over the years; description of the impact of military spending on the economy with relevant indicators; and prescriptions.

Such a Report would lead to a common understanding of war costs and eliminate the confusion that has resulted from the past war-cost options approach. The latter has created an expectation-achievement gap regarding the "peace dividend." For example, when Secretary Laird announced that Vietnam war spending would be $17 billion by the end of FY 1970, many expected a "peace dividend" of $15 billion based on a reduction from the "full cost" figure of $32 billion (FY 1969). Laird, in effect, was estimating only a possible $6 billion "peace dividend" based on a reduction from the "incremental cost" figure of $23 billion (FY 1969) or $11 billion (ext. FY 1971).

The Report would also help steer a realistic course between the extremes of pessimism and of optimism over the "peace dividend." Already within the Administration we have heard conflicting outlooks. For Daniel Moynihan, "the peace dividend turned out to be evanescent, like the morning clouds around San Clemente." (Press Conference, August 25, 1969). For Arthur Burns, formerly the President's economic advisor, if the war ended immediately, as much as $8 billion would be available for "civilian" programs. (Speech, National Governors' Conference, September 1, 1969).

Congress as a whole simply must be presented with a uniform basis of war cost and with basic data on the impact of military spending on the economy—if it is to have a meaningful decision-making role in economic policy, including economic conversion from a war-time to a peace-time economy; and if it is to change spending priorities.

2. *A "Pentagon Divivend"* can be gained by cutting out wasteful weapons spending. The Defense Department itself has a responsibility to weed out excess and waste in military spending. When the Pentagon fails to weed out unnecessary programs, Congress must take on this responsibility itself or saving from reduced war spending will be devoured by wasteful weapons spending. Preventing the peace dollar-drain-to-defense is the best way to release funds for new priorities.

INTELLIGENCE AND POLICY

Summary

The President is fed information by the Central Intelligence Agency, the National Security Council, the State Department, and the Defense Department, as well as by his own personal advisors. This information comes from four sources: the first, the most important, is the open press and technical magazines of the world; second, satellite reconnaissance; third, technical sources such as radio and radar interception; and fourth, human sources such as defectors. The information gained from these various sources is filtered by intelligence officers and fed into the network which eventually supplies it to the President. The President then can release the information as he chooses, whether to Congress, the press, or the general public. In the case of Congress, it is only a very select number of Members who actually get the information.

Recommendations

1. There should be a drastic curtailment of covert action programs and personnel.

2. The intelligence community should end the use of legitimate U.S. business and government agencies for operational cover overseas and domestically.

3. Information obtained by satellites in earth resources fisheries, forestry, and crop management fields should be declassified and shared with competent scientists worldwide.

4. A joint Congressional Committee on Intelligence should be drawn up with representation from the Armed Services and Foreign Relations Committees of both Houses.

5. There should be an official Congressional inquiry regarding the use of intelligence data to justify US weapons development programs.

STRATEGIC FORCES: OVERVIEW

Summary

The essential requirement that United States strategic forces must meet is an *assured destruction capability*—the capability of absorbing a Soviet first strike and inflicting a level of assured destruction on the Soviet Union defined as 20–25 per cent of the population and at least 50 per cent of Soviet industry. This is the essence of nuclear deterrence.

The United States can now deliver over 4,200 strategic nuclear warheads against the Soviet Union. Based on *extremely* conservative estimates, 400 warheads would destroy over 30 per cent of the Soviet population and 70 per cent of its industrial capacity—thus more than adequately meeting the requirements of assured destruction. The Soviet Union has a similar overkill capability with respect to the United States. In other words, we have a deliverable force of 10 times as many warheads as we need for sufficient deterrence of potential attack.

By MIRVing both our Minuteman and Polaris missile forces, we would more than double the number of nuclear warheads, from 4,200 to 9,600, to achieve the same objective of delivering 400 warheads.

It is also inconceivable that, *now or at any time in the foreseeable future*, any enemy will be able to destroy all our ICBMs, all our bombers, and all our Polaris (soon to be Poseidon) submarines *simultaneously*. Nevertheless, we are continuing to increase both the number and accuracy of our strategic weapons beyond any reasonabl response to the Soviet Union.

Recommendations

1. Initiate a serious Congressional dialogue about:

a. The concept of deterrence and what is sufficient deterrence;

b. The rationale for maintaining three separate deterrent forces—land-based missiles, sea-based, and bombers—each capable by itself of inflicting the requisite level of assured destruction.

2. We are currently spending on the order of $18 billion annually on strategic forces. The adoption of a restrained, yet awesomely powerful posture would produce budgetary savings of about $4 billion per year, reducing the annual cost of these forces from $18 to $14 billion. Such a posture would accept assured destruction capability as the essential requirement of our forces. But the more restrained posture, unlike current policy, would not need to go beyond assured destruction capability and would estimate the forces needed for such capability in somewhat more reasonable terms. In particular, this alternative posture would:

a. Modify the Safeguard ABM program with cuts ranging from $404 to $1,085 million;

b. Continue but not speed up Poseidon MIRV program;

c. Cancel deployment of Minuteman III MIRVs, cutting $575.7 million;

d. Postpone indefinitely the procurement of the new manned strategic bomber, B–1, cutting $100 million;

e. Continue spending on ULMS (Underwater Long-range Missile System) research and development.

The United States would still be left with awesome nuclear deterrence: More than 7,000 deliverable warheads, carried on three distinct delivery systems—1,054 possibly vulnerable land-based missiles, 656 partially MIRVed and invulnerable submarine systems; and 450 B–52 bombers which could deliver 1,800 warheads on target.

SAFEGUARD ABM

Summary

The Administration currently plans for Safeguard to perform three missions:

1. Protection of the Minuteman ICBM deterrent.

2. Protection of the entire country against a Chinese attack.

3. Protection of the entire country against an accidental or unauthorized launch from any country.

Safeguard can only partly perform its Minuteman and anti-China roles, and its technical inadequacy would be accentuated rather than decreased by an offense-defense arms race. The system might offer some protection against accidental attack and its effectiveness in this role might be increased by expanding the system at great expense. But the probability of accidental launch is not high enough to justify even the present projected cost for Safeguard. The danger of accident, moreover, can be more effectively addressed than by dependence on on enormously complex new system, itself accident-prone, and by expansion of the arms race that created the danger.

On June 17, the Senate Armed Services Committee restricted the Safeguard mission to Minuteman protection. But Safeguard is not technically suited to this role and cannot dependably perform it against any enemy with offensive technology sufficiently advanced and resourceful to pose a threat to our deterrent forces. Furthermore, adoption of Safeguard now would hamper the development of an effective defense in the future by creating a heavy vested interest in an inflexible technology incapable of responding to new offensive developments.

Recommendations

The following range of alternatives regarding Safeguard are offered in lieu of any one recommendation. All involve modifications to the Administration's request, as amended by the Senate Armed Services Committee.

1. The Safeguard system should be held at the R&D level. No funds should be authorized for Safeguard deployment.

2. Deployment of the Safeguard system should be limited to the two sites approved last year. Research and development should continue.

3. Divert R&D funds for Safeguard to R&D on an advanced ABM.

4. Escrow arrangements conditioned on the SALT negotiations. Funds held in escrow could be released at the discretion of the Congress if talks fail. Creation of an escrow arrangement, however, should not be interpreted as indicating a belief that failure of the negotiations would increase the desirability or utility of an ABM system. The weaknesses of Safeguard would be accentuated by a new arms race. New ABM deployments should not be considered as inevitable if the SALT negotiations fail. The escrow proposals follow:

a. Hold in escrow the Safeguard deployment at the original two sites.

b. Hold the entire Safeguard program (excluding R&D) in escrow.

There are a number of permutations to each of these options. In all cases, R&D could continue on a non-Safeguard ABM defense.

The potential savings in these options range from $1,085 million in 1 and 3c to $404 million in 2.

Recommendation	Cost (millions)	Reduction or escrow
1	$365	$1,085
2	1,046	404
3	365	(1)
4-A		781
4-B	365	1,085

[1] Range.

MIRV

Summary

The Multiple Independently-targeted Reentry Vehicles are a natural outgrowth of simple multiple warheads. During the early 1960s, it was determined that it would be more cost effective to deliver several warheads per missile than to add an additional number of missiles to the rocket forces. The land-based Minuteman missiles configured with MIRV will carry three warheads, whereas the old Minuteman carried only one warhead each. The sea launched ballistic missile—that is, the Poseidon replacing Polaris—will carry ten warheads as opposed to three. Half the Minuteman force and three-quarters of the Polaris boats will be converted. This will increase the number of deliverable warheads from 4,200 to 9,600, not counting the bomber capability which would raise the total by at least 3,000. The United States began deployment of MIRV on the Minuteman this June and the first Poseidon will be operational the first part of 1971. The Soviets are not expected to deploy any MIRVs for at least two years.

Recommendations

1. Every effort should be made during the current SALT talks to put a freeze on MIRV deployment.

2. The recommendations for retrenchment of MIRV apply only to the Minuteman III program.

The estimated total system cost for MIRVing the Minuteman III is about $5.4 billion. The request this year is for $686 million, including $211 million for R & D and $457.7 million for procurement. We recommend allocating no further funds for MIRVing the Minuteman because of fixed-base vulnerability and the potential destabilizing effect of MIRV.

ABRES (ADVANCED BALLISTIC RE-ENTRY SYSTEMS)

Summary

The Advanced Ballistic Re-Entry Systems Program has been active since 1963. It has led from the development of single warhead delivery systems for missiles, to multiple warheads, to the multiple independent delivery system.

Recommendations

1. The cost in research and development since 1963 has been about $1.3 billion. About $600 million has been earmarked for the next five years.

We recommend that the ABRES research program continue. However, there should be a yearly accounting to Congress about which strategic systems are being developed and what improvements are likely in deployed systems.

2. We recommend that no funding be approved for improving the accuracy of the Minuteman III MIRV.

MOBILE MINUTEMAN

Summary

Making the ICBM system mobile is a concept which has been considered as one means of protecting the retaliatory capability of the Minuteman missiles in case of a first strike. Slightly less than $109 million has been expended so far on this concept since 1959. Two particular methods which have been given the most credence are a rail-mobile system and the basing of missiles on barges.

There is no doubt that our land-based ICBM system is vulnerable. In evaluating this approach to protecting retaliatory capability, comparisons must be made with other approaches, namely superhardening and sea-based mobility. Given improved accuracy and yield of Soviet missiles, and given the fact that we rely on our retaliatory system to *deter* a first strike attack, land-based missiles are becoming increasingly less cost-effective when compared to a retaliatory system of submarine-based missiles. Also, it should be noted that the mobile Minuteman approach was temporarily shelved in 1962 because hardened and dispersed versions of the system were shown to be more cost-effective.

Recommendations

Research and development funds should continue to be appropriated at a low level. However, no procurement should be authorized.

B–1 BOMBER (AMSA)

Summary

With all the destructive deterrent power represented by American ICBMs and SLBMs, it is worth considering whether the manned bomber should have any role at all in future U.S. strategic posture. This question deserves much more scrutiny than it has received thus far, especially since discussions to date have generally assumed the need for a bomber and have thus centered around the kind of bomber to be acquired.

Pending the careful resolution of that question, there are sound arguments for not investing more money on B–1 engineering development. First is the lack of any need for operational capability before the end of the decade. Second is the probability that a less costly bomber could be developed without loss of the most important capability contemplated for the B–1—service as a low-flying platform for the launch of stand-off missiles. Retention of the basic B–52 design with some modification would be one option. Third is the fact that current budgetary pressures demand that major expenditures be delayed if possible.

Recommendations

The current estimate for total procurement is about $9.4 billion. $100 million has been requested by the Administration for R&D. We recommend that the $100 million request be denied, leaving the $80 million carry-over from last year to continue R&D.

C–5A

Summary

The C–5A, with a basic mission weight of 712,000 pounds, is the world's largest airplane. It payload is 75 fully equipped combat troops and an additional 112,000 pounds worth of supplies. If the range of the plane is reduced from 5,000 to 3,000 miles, the load can be increased by 100,000 pounds. The plane is designed to operate from rough airfields on the forward edge of battle areas. The Air Force currently plans to buy 120 planes but may reduce this number to 81.

One of the principal reasons for buying the C–5A was its prospective cost-effectiveness as a mode of transportation. However, cost overruns by Lockheed have raised the expense of the plane from $3.4 to $5.3 billion, making it more costly to buy and operate than any current system used to transport military manpower. Moreover, the plane's capability to land and take off in forward battle areas is open to question. In short, the C–5A has become an enormously expensive and problematical system.

Recommendations

1. Delete the $200 million Lockheed contingency fund.

2. Delay all funds for C–5A pending answers to the specific questions raised in the body of the paper.

3. Congress should take action to ensure that the acquisition of military equipment does not become a form of relief funding for private enterprises.

4. No C–5As should be accepted by the Air Force until original design specifications are met and the plane can carry out its originally designated missions. Under no condition should the Air Force accept defective planes.

UNDERSEA LONG RANGE MISSILE SYSTEM (ULMS)

Summary

The ULMS program is planned as a successor to the Polaris/Poseidon ballistic missile fleet. The program envisages the development of a more efficient, highly survivable, sea-based nuclear deterrent capable of launching missiles with a range equivalent to an ICBM from quieter submarines of improved hull design. The program has not reached the contract definition stage. Recent budget requests have been $20 million for FY 1970, with $10 million approved, and $44 million in the budget for FY 1971.

The increased range of the missile—from about 2,000 miles to 6,000 miles to 7,000 miles, plus possibly deeper diving capabilities—nearly cubes the anti-submarine warfare problem for the Soviet Union. The ULMS submarine free to cruise the seven seas and remain within range of its targets, would—with multiple warheads—preclude a successful Soviet anti-ballistic missile effort. ULMS would be more invulnerable than what the Secretary of Defense refers to as the virtually invulnerable Polaris/Poseidon force.

Recommendations

1. We should proceed with ULMS as part of a decision to make a sea-based nuclear missile system the first line of deterrence. This might require a redefinition of the concept of "strategic mix", which has produced an expensive and excessive redundancy of strategic systems. ULMS is the epitome of the "blue water" option at a time when the probable obsolescence of fixed-bases has become clear in the ABM debate. When viewed as a successor to land-based missiles and their requisite defense systems, the ULMS seems cost-effective.

2. The current request is for $44 million in R. & D. We recommend a low-profile no cut position and advocate authorizing the full $44 million.

ADVANCED ICBM (WS 120–A, ICBM–X)

Summary

The Advanced ICBM program is an Air Force concept for a silo-launched missile with a greater payload capacity and range than the Minuteman III. Approximately $106 million has been spent so far, although only the most preliminary studies have been done. The program consists of several components: high performance solid rocket motor, self aligning boost and re-entry (SABRE), Advanced ICBM and basing, and hard rock silo development.

This program is a bad investment for a number of reasons:

1. Further development of a land-based deterrent system (which is becoming increasingly less cost-effective) is wasteful and unnecessary.

The building of new silos will exacerbate the arms race because the Soviet Union will have to assume that the old silos are still occupied.

Recommendations

No further funds should be appropriated until it is determined whether or not land-based missiles will continue to play a role in our deterrent posture.

SUPERHARDENING

Summary

Like making the ICBM system mobile, superhardening is a concept that is being considered as a means of reducing the vulnerability of our land-based deterrent system. It involves building underground missile silos embedded in bed rock, in order to make them strong enough to withstand all but a direct or very close hit without damage to the missile inside. The silos are viewed as a back-up defense against missiles which succeed in penetrating the ABM shield. It is felt that while larger numbers of direct hits by the Soviets are unlikely, there will be more near misses, which would destroy the present silos. The cost of one prototype silo is estimated at $278.4 million (up from a $152 million estimate in 1969). Currently, the cost of additional silos is estimated at $6 million per silo.

This program represents further development of our land-based deterrent system, which is being seriously questioned in terms of its cost-effectiveness. There is also a serious question as to whether any silo can be hardened sufficiently to withstand the improved accuracy of Soviet missiles, especially if they deploy MIRV.

Recommendations

We recommend that the $77 million R & D request be denied, until the role of fixed-based missiles is clearly defined.

TACTICAL AIR

Summary

For a given strategy, the number and mix of tactical aircraft depends on, for each theater: (1) the *threat,* (2) the *types of missions* we plan to fly, and (3) our estimates concerning U.S. and allied *capabilities* during combat.

For the NATO and Asian theaters, the air-to-air combat mission seems to dominate tactical air requirements. The allies seem to have a clear advantage in other mission categories.

The major kinds of missions flown by tactical aircraft include *close air support* of ground combat operations, *interdiction* of enemy supply and communications lines, *air superiority,* and *air base defense,* including carrier defense.

During the past decade, the Defense Department proposed that several major new procurements take place. The cost of the Navy F–14 and the Air Force F–15 may be several times that of the aircraft they replace, making it questionable whether present force levels can be maintained. Designs for the new aircraft appear less than the best possible to solve the air-to-air combat problem which should be our primary concern. Because of the large anticipated role of the F–14 in carrier defense, moreover, final decision on this aircraft should await determination of the future role of carriers.

Recommendations

1. Cut F–15 funds, pending submission of a design which costs between F–4 and current F–15 costs. Request detailed force structure implications for future years with force costs.

The current estimate for the total F15 program is $7.4 billion. The House has authorized the $370 million for R&D that the Administration has requested. We recommend allocation of $185 million for R&D.

2. A decision on a close support aircraft (AX) must carefully consider cost-effectiveness. Data on an alternative existing fixed-wing aircraft should be requested.

The Administration requested $27.9 million for R&D for the AX. The House authorized the full amount. We recommend authorizing the full $27.9 million.

3. The projected high unit cost of the F–14 and weapons has critical implications for the size of the force. Congress should:

Defer all or part of F–14 funds pending recommendations on the role of the carrier fleet and pending receipt of an alternative simpler fighter design suitable for the European and Korean theaters, and costing between F–4 and current F–14 costs.

The current estimate for the total F–14 program is $8.3 billion; the Administration has requested $274 million for R&D and $658 million for procurement. The House authorized $658 million for procurement and $324.2 million for R&D. We recommend approving $274 million for R&D, but allocating no funds for procurement.

4. Defer funds for Navy A–7s in FY 1971 pending NSC review of attack carrier force levels, but allow Air Force A–7 procurement to maintain the FY 1971 production base.

The Administration requested $118.3 million for the Harrier; the House authorized this full amount. We recommend deleting all Harrier funds pending a OSMC–GAO review of the flight tests.

5. Continue full R&D on the F–111A, but delete the procurement requested $515 million.

ENVIRONMENTAL WARFARE: ANTIPLANT CHEMICAL WEAPONS

Summary

The Department of Defense has recently restricted the forest defoliation program in Vietnam by banning the use of the primary defoliant "Orange" and its potential substitute "White".

Crop destruction, then, appears the remaining focus of the defoliant program in Vietnam. Since 1962, crop destruction has been a small part of the total defoliation program in Vietnam representing in 1968 and 1969 about 5 per cent of the total antiplant chemical operations.

Our investigations of the military application of antiplant chemicals in Vietnam, supported by Pentagon studies, led us to conclude that the extreme negative side effects of these chemicals exceeds the value of defoliation and crop destruction as tactics of war.

Recommendations

1. The present anti-crop and defoliation program should be terminated and stockpiles gradually eliminated.

2. The transfer of antiplant chemical weapons for use by second countries should be prohibited.

GENERAL PURPOSE NAVAL FORCES

Summary

The U.S. procures and operates general-purpose naval forces (excluding attack aircraft carriers and Polaris submarines) principally to protect merchant and military shipping, to support amphibious landings, and to sink enemy merchant shipping and other surface ships.

If, as announced, the U.S. is planning for an overall capability for 1½ wars, general purpose naval forces are slated to handle either a conventional war against the Soviet Union (in the Atlantic, with some holding operations in the Pacific) or a Pacific amphibious and aerial war against China, as well as other minor contingencies. Short of general conventional war with a major power, naval forces must plan for war with a minor air and naval power, like Egypt, or North Korea, as well as include provisions for counterinsurgency or interventions against opponents with no air or naval capabilities.

At the present time, a number of problems confront the U.S. Navy. Force levels have become institutionalized, even though effectiveness and costs have risen dramatically. The U.S. shipbuilding industry has allowed itself to fall years behind our allies. Inherited force levels are too large to be properly manned given present retention rates.

Compounding these problems is the fact that the U.S. has no clearly-defined rationale to justify the plans for an extended non-nuclear war at sea.

Recommendations

1. The Executive Branch should prepare and release a comprehensive White Paper drawing upon the Joint Strategic objective plan and the five-year defense program discussing U.S. postures related to naval forces. The various contingencies requiring naval forces should be detailed to allow Congress to determine what forces should be funded.

2. The "War at Sea" contingency outlining a U.S.-U.S.S.R. non-nuclear naval war should be publicly reexamined.

3. When comparing U.S. and Soviet Naval strengths to Congress, allied naval forces also should be examined.

4. The U.S. should enter into Naval Forces Limitation Talks with the Soviet Union. It may be possible to negotiate agreements on shipbuilding or operational force strength that would provide more security than at present and save billions of dollars on both sides.

AIRCRAFT CARRIERS

Summary

The rationale for having 15 aircraft carriers in the active fleet dates back at least to the Washington Naval Conference of 1921 which allowed 15 capital ships to each of the major powers. However, the new carriers do not do what the old battleships were designed to do, and modern carriers are immensely more powerful than their predecessors. Moreover, modern carriers are extremely costly—the new nuclear carriers came out of the shipyards costing about $540 million. And this figures does not include the aircraft, the destroyer escorts, or the annual operating costs. A figure of $1.8 billion was given recently as the cost of building and operating a carrier task force for one year. These costs, of course, come down somewhat as the carrier remains in service.

A carrier task force is valuable as a supplement to land-based attack aircraft, but it cannot take their place. A carrier can launch only a maximum of 150 sorties a day, far fewer than our land bases, dispersed around the world, can handle. Land bases are vulnerable to political pressure as well as military attack; however, the cruise missile boats and attack submarines of the Soviet Union pose a formidable threat to our carriers. Since the carriers are much more expensive and less capacious than land bases, their increasing vulnerability makes them increasingly difficult to justify in terms of cost-effectiveness.

Recommendations

1. Since the cost for constructing new nuclear carriers is prohibitively high, no new nuclear carrier should be constructed. Moreover, the number of carriers on active duty should be reduced to 10 or 12 as soon as practical. Some of the money saved in operating costs should be invested in updating our present carrier fleet.

2. The current estimate for completing the CVAN–70 is $640 million. We recommend halting construction on the carrier and deleting the $152 million which has been requested for procurement.

DD–963 DESTROYER

Summary

The primary mission of the DD–963 destroyer (formerly the DX) is to upgrade our anti-submarine warfare capability for both fleet protection and hunter-killer operations. The destroyer's secondary mission is to provide support for amphibious assault forces against air and surface threats.

The Soviet submarine fleet now numbers some 380 ships. Both the U.S. and the U.S.S.R. are carrying out a nuclearization program to improve the performance of their respective fleets. The DD–963 is in large part a response to the growing Soviet submarine threat, though other systems probably would meet the threat more efficiently.

The new destroyers will carry over 200 tons of the most modern electronic equipment and will be able to achieve a speed of 30 knots. The sub-systems of the DD–963 are extremely complex and are in varying degrees of readiness for service use. For instance the DD–963 relies on the SQS–26 long-range sonar, a system which has suffered from concurrent development and production, and has not achieved the high performance expected of it.

The Department of Defense budget request for FY 1971 is $506.8 million for six ships; the FY 1970 buy will be three ships as a cost of $308.6 million. Initially, the total program cost was to be $1.4 billion. GAO has since that time estimated that the overrun may go as high as $3.35 billion.

Recommendations

The DD–963 should have close Congressional scrutiny and constant review. It is among the most overrun-prone systems on the current Pentagon shopping list and the likelihood of cost growth must be taken into account in evaluating the priority to be given to the program.

1. Performance data on the DD–963, like most ASW systems, is not readily available. The Congress must require adequate justification for the program in the form of validated test data before a committment is made to full-scale production. The subsystems of the DD–963 are in various stages of research and development and there will be considerable pressure to deploy some of them before they are ready for service use. Congress should require assurance that the subsystems are:

A. Fully tested

B. Integrated to operate as a unit

2. Programs such as the DD–963 have had a history of expensive retrofitting as the state of the art advances and individual systems become obsolete. The retrofitting requires considerable loss of time on station and much expense. The Congress should have assurance that such retrofitting will be kept to an absolute minimum. In the absence of such assurance, the usefulness of the DD–963 becomes increasingly marginal.

3. The Administration has requested $459.5 million for procurement of the DD–963; the House has authorized $406.8 million. We recommend that $100 million of the House authorization be deleted due to

A. Concern over the extraordinary cost overrun

B. A need to insure that the necessary R&D is completed before procurement

DLGN–38 (NUCLEAR FRIGATE)

Summary

DLGN–38 is a special class of destroyer, a hybrid of the destroyer-leader and of a nuclear escort for the Navy's nuclear aircraft carriers. It will defend surface vessels, naval and maritime, against enemy submarines. It will afford an air defense capability, and it will have a limited anti-surface ship capability.

The first of the class will cost an estimated $222 million, with additional ships estimated to cost $208 million each. Four ships are planned to be built. $221.3 million is requested in FY 1971. This money will be used to complete funding of the second vessel and for long-lead procurement for the other ships.

The requests for money for this class of vessels bring a number of important issues to the Congress for decision. The first is the alleged vulnerability of surface ships to attack by a minor power with patrol craft or submarines, and surface-to-surface missiles such as the Russian STYX and the American Harpoon. Recent exercises in the Mediterranean by the 6th Fleet have indicated that small, speedy motor torpedo boats are able to penetrate carrier task force defenses.

A second issue is one concerning possible U.S. plans, yet to be revealed to reduce the number of carrier task forces. If the President plans to do this, escort force will have to be redesigned.

A third issue is that of costs. Costs for the DLGN–38 program have been steadily and rapidly rising. A request for funds for this program offers the Congress the opportunity to spend this money contingent on cost discipline by the Navy.

Recommendations

1. Construction of DLGN–38 should be slowed until the weapons it will use, the Mark 48 torpedo, the Aegis anti-missile ship defense system, and the Harpoon antiship missile, are tested. DLGN–38 will be only as good as its weapons. If these programs are failures, there is little point in a billion-dollar ship procurement to buy platforms for them.

2. Authorization of DLGN–38 should be postponed until a comprehensive naval war policy for the U.S. is published. This alternative is akin to the recommendation of the House Armed Services Committee that no funds be obligated for any shipbuilding monies in the FY 1971 request until the National Security Council makes its study of the wisdom of going ahead with CVAN–70, the fourth nuclear carrier.

3. The Armed Services Committees should take immediate action to determine whether the DLGN–38 could be built in government shipyards at less cost to the taxpayer. Industry profits ranging between 6 to 10 per cent might be saved by this device. Alternatively, enhanced cost discipline for this program could be devised by putting strict controls on change orders, compliance with cost and specification items, testing of all subsystems before final design of the larger system, and GAO participation and review of estimates, contracting, and testing.

4. The current estimate for the total program is $4.9 billion. This includes a request by the Administration for $221.3 million for procurement during FY 1971. We recommend that the entire $221.3 million be deleted from the budget.

SSN–688

Summary

The SSN–688 class submarine is currently being planned as a group of high-speed, nuclear powered attack submarines designed to track and kill Russian missile launching subs and Soviet attack subs. A successor class to the present Narwhals and Sturgeons, the 688's, are to be very fast and silent. They are to carry the problematical Mark 48 torpedo (See section on Mark 48) and the SUBROC rocket torpedo combination. The Navy is seeking eight to ten 688's to be deployed by the mid 1970's at an estimated cost of approximately $220 million each.

In his posture statement, Secretary Laird said, "According to our best current estimates, we believe that our POLARIS and POSEIDON submarines at sea can be considered virtually invulnerable today. With a highly concentrated effort, the Soviet Navy today might be able to localize and destroy at sea one or two POLARIS submarines." A faster, more silent submarine alone is not a significant contribution without vastly improved detection and weapons systems. The sonars of the 688 class are refinements of existing systems. The problems of the Mark 48 Torpedo are such as to cause doubt that it can ever be used. SUBROC has tested well to date and is in use in existing attack submarines. Construction of what is in effect a water born ABM for an already invulnerable submarine missile capability would thus seem a costly and superfluous effort.

Recommendations

1. No further funding for procurement of the SSN–688 should be approved until a significant threat to Polaris submarines can be fully identified and the cost-effectiveness of the Mark 48 torpedo system is clarified.

2. The current estimate for the total system cost of SSN–688 is $4.3 billion. This year, $475.5 million has been requested for procurement. We recommend that these funds be deleted. However, $238 million should be allocated for continuing R&D, particularly in sub-detection systems and underseas guidance technology.

MARK 48 TORPEDO

Summary

The Mark 48 is a new submarine torpedo designed to protect our underseas craft from the latest high-speed Soviet submarines. Design and technical complications arose from the beginning. The program was soon expanded to include two additional versions—one, Mod 1, with a larger warhead designed to give greater surface ship destruction capability and another, Mod 2, to provide the original version (Mod 0) with surface ship destruction capability.

Cost overruns and schedule slippages have been phenomenal. By the end of June, 1969, estimated program costs of the Mod 0 had increased from $682 million to about $3.9 billion, an approximate 600 per cent increase, and it is already two years behind its development schedule. In its Selected Acquisition Report (SAR) of September 30, 1969, the Navy indicated that it had reduced the cost growth of the Mod 0 to $2.6 billion; however, the GAO noted a concomitant reduction in total planned quantity to be procured. Mod 1 cost overruns were by October of 1969 estimated at $62 million, a $22 million increase over a 3-month period, occurring *in spite of* a decrease in planned quantity of production prototypes from 65 to 36 torpedoes. The GAO itself reported that "the Navy's SAR does not adequately disclose reasons for cost increases . . ."

The fact that a considerable portion of the cost increase can be attributed to increases in the sophistication of the weapon raises the question of whether or not an adequate basis was ever laid for this system. For example, in 1964, when the plans were given to Westinghouse, the Navy was told they were unworkable because the torpedo itself generated so much noise the enemy submarine could not be detected. This necessitated additional contracts to alleviate the problem. It is felt by some, including A. Ernest Fitzgerald, that the Navy may have tried to camouflage its mistakes as "expanded capability". A torpedo designed to dive in excess of 3000 feet with a range of 25 miles should be able to achieve the relatively simple anti-surface ship capability without much additional development.

There are two conceivable uses for the Mark 48. The first, to destroy Soviet ballistic-missile submarines, is unlikely. A first-strike move on our part is contrary to the alleged defensive purpose of the weapon. For the system to be useful in a nuclear exchange initiated by the Soviets, but not involving their entire sea-based missile force, we would have to shadow every Soviet ballistic-missile submarine on a 24-hour basis.

A second use would be to defend U.S. ballistic-missile submarines against Soviet attack. A successful simultaneous attack on all our submarines would be virtually impossible, to say nothing of the prohibitive problems of coordinating one against bombers and land-based ICBMs.

Another condition under which the Mark 48 could be used is a war of attrition conducted at sea. Such a scenario is beyond reasonable expectation, since the victim would probably retaliate with other weapon systems.

Recommendations

The defense posture statement indicates that the Navy plans to complete RDT&E on all three versions of the Mark 48 and then choose either Mod 1 or Mod 2 for procurement in quantity for the operational inventory, procuring in the interim a limited number of Mod 0s and Mod 1s is to meet ASW requirements. This raises the question of why procure *any* Mod 0s if the final choice is to be made between Mods 1 and 2? Or why waste *any* money on procurement and development of the inferior versions? The Navy should choose which version to deploy before any further funds are authorized.

The current estimate for the total system cost is $3.57 billion for the Mod 0, and $185.4 million for the Mod 1. We recommend a cut this year of $46.8 million for the Mod 0; a delay in the funding of $55.1 for the Mod 1, and a delay in the funding of $8.7 million for conversion.

S–3A ANTISUBMARINE AIRCRAFT

Summary

The Navy is requesting $207.8 million of research and development and $101.7 million of procurement funds in FY 1971 for the S–3A, a carrier-based ASW aircraft to replace the aging S–2 now in the fleet. This request should be challenged, since the evidence available indicates that we have no need for the aircraft.

The case against the S–3A:

1. S–3A and related investment and operating costs are so high that it would be 50 to 100 per cent more expensive to provide equal area search capability using the S–3A than by using additional copies of the P–3C, our land-based ASW aircraft.

2. Land-based ASW aircraft can cover 80 per cent of the oceans' surface, and cargoes and naval forces in need of protection by such aircraft can be routed to areas where such coverage is available.

3. The aircraft carriers on which the S–3A would be based are highly vulnerable to hostile submarine action which could put them and their S–3As seriously out of commission.

4. Our attack submarines (SSNs) provide greater protection against enemy submarines than either the P–3C or the S–3A.

5. The Navy's action of recent years reducing the number of ASW carriers in its inventory from 9 to 4, is a tacit admission that these carriers and their aircraft are not essential to counter the growing Soviet submarine threat.

The development of the S–3A has been strongly resisted by forces within the Department of Defense. While the Navy won out and Secretary McNamara ultimately gave the program its go ahead, he referred to it as very "marginal". Now, at a time of much tighter defense budgets, its marginal benefits are clearly not worth pressing.

Recommendations

The funds requested by the Navy in FY 1971 should be disapproved, the S–3A program cancelled, and our existing ASW carriers phased out during the course of the next fiscal year.

The current estimated total RDT&E and procurement costs for the program are $2.9 billion. We recommend that the $309.5 million requested for this year be dropped entirely.

MILITARY MANPOWER

Summary

America now possesses the world's largest standing armed forces. The Constitution—in Article 1, Section 8—gives Congress full responsibility for raising, regulating and supporting an army. But over the past 20 years, a standing army has been maintained, without close Congressional supervision, under the control of the President as Commander-in-Chief.

In 1948, a ceiling on the size of the military was approved by Congress, and then promptly suspended. It has been ten years since Congress made a detailed study of manpower requirements.

Even though the military has moved to reduce its force levels over the past two years, there is no clear indication that such reductions will bring substantial budgetary savings. Little is known also about the composition of the military by rank and the effects of this composition upon total military pay.

Changing strategic conditions have an impact on key current manpower issues such as the draft and draft reform, military pay equity, force level determination, civilianization, and the pace of transition toward a volunteer force.

Recommendations

1. The Administration should submit to Congress an annual manpower authorization request. This request should specifically relate DOD requirements to the State Department Foreign Policy posture statement. The magnitude and deployment of land forces should be justified in terms of U.S. foreign policy goals and treaty obligations.

2. During termination of the Vietnam War, the armed forces should be reduced by 800,000 men—the manpower increase generated by the conflict. Additional cuts can be gradually made over the next several years, returning manpower levels to the currently suspended statutory ceiling of 2.3 million men or less.

The shift to a "1½" war planning base, and elimination of Vietnam-mobilized forces could well permit a 15 or 20 per cent reduction in land forces. Potential savings from such a move might range from $4 to $8 billion.

3. The General Accounting Office should undertake a comprehensive study of military manpower by rank, determining total salaries, fringe benefits, and support costs accruing by grade.

4. An integrated manpower management program should be created by DOD. Management by the separate services is inefficient and redundant. Many jobs and managerial techniques are the same throughout the military.

5. Congressional Armed Services committees should proceed with draft reform hearings focusing on the recommendations of the Gates Commission. At the same time, the committees should act to reform the Selective Service System as part of a phased program leading to ultimate adoption of a volunteer military. Initial reforms should include measures to apply uniform standards, plug lottery loopholes, rationalize the drafting of physicians, and provide right to counsel.

Requirements for drafted doctors can be drastically reduced by requiring non-combatant military personnel, and all dependents and retirees, to use some form of pre-paid medical care rather than inducted doctors for non-military work.

6. DOD should present its pay reform recommendations to Congress. A salary system with room and board should be introduced and present retirement provisions should be replaced. Retirement income available to military retirees should be reduced during the years they could still work if they were civil servants. Improvement and rationalization of pay and retirement scales are important intermediate steps if a transition to a volunteer military is to be efficiently accomplished.

7. DOD should continue its "civilization" program which was abandoned during the Vietnam buildup, this program would create new civilian jobs, produce some budgetary savings, and free some military personnel to return to civilian life.

8. Project Prine, a modernized accounting system for the entire defense establishment, should be implemented. Congress should receive quarterly reports on operating costs and efficiency.

9. All reserve units should be assigned mobilization missions or affiliated with active units. Training and preparation of reserve units could then be integrated with active training. In addition, Congress should require regular reserve forces readiness indicators and reports on operating costs.

LAND FORCES IN KOREA

Summary

Currently, there are some 55,000 American troops in South Korea. This deployment bolsters South Korean forces, acts as a deterrent against a North Korean and/or a Chinese attack, and provides a visible symbol of American commitment to South Korea.

The number currently deployed, however, is not clearly related to any of these objectives. South Korean forces outnumber those of the North 620,000 to 384,000. The two American Divisions merely add to the imbalance. Secondly, an invasion of South Korea must cross the DMZ where it is impossible to conceal troop movements of requisite size. Consequently, the United States could introduce forces in the event of a North Korean or Chinese buildup. A large-scale Chinese attack would probably invoke a nuclear response. A specific level of manpower is not essential to the demonstration of a commitment to an ally. There are indications that the Administration is cognizant of this and preparing to negotiate a substantial reduction of American forces in South Korea.

The deployment of the American forces along the DMZ also creates the danger of a "trip-wire" involvement of American forces contravening the "constitutional processes" qualifications of the U.S.-South Korean defense treaty. This problem, along with the question of the stationing of tactical nuclear weapons, and resulting requirements for American forces in sufficient numbers to adequately guard those weapons are two other important aspects of South Korean deployment calling for reexamination.

Recommendations

1. The U.S. can withdraw one division (20,000 men) rather quickly. This can result in savings of some $200 million. Further reductions could also be negotiated in the land forces deployed there. This should not as yet include reduction in American tactical air support.

2. The U.S. should withdraw all nuclear weapons from South Korea.

LAND FORCES IN EUROPE

Summary

Growing domestic pressures for a decrease in American force levels in Europe necessitate extensive reexamination of American interests in Europe and the means for best serving them, if options are not to be foreclosed by a precipitate response to such pressures.

Current NATO force levels, in spite of military assessments to the contrary, are now seen as in rough parity at least with Warsaw Pact forces, while the roles of both military alliances are coming more into question. The relevant comparison is in actual numbers of personnel deployed rather than numbers of divisions and their relative reliability. Observers point out that Pact Forces consist of large contingents of Czech, East German, Rumanian, Hungarian, Polish, and Bulgarian troops, most of which are likely to be substantially less well-equipped and trained—and in the Soviet view, less reliable—than Soviet troops. It can be argued also, that German, British and French forces, would be generally more reliable in defense of Western Europe than most Pact forces would be in aggression against it.

Deterrence of Soviet adventures in Western Europe, moreover, may be only indirectly related to conventional force levels, and may well not suffer in the face of substantial reduction of American forces.

In any case, there is great need for streamlining of forces, and a potential for substantial savings.

Among the more powerful arguments against substantial American force reductions in Europe is that such moves would force the West Europeans to capitulate to Soviet pressures on important matters and would cause substantial political instabilities. But the Europeans should be quite capable, with minimal American presence but a firm American commitment, of deterring Soviet adventures themselves. It may be the long and pervasive American dominance in NATO which is a principal cause of the European malaise in world politics.

There are growing doubts about Soviet intentions in Western Europe, and given internal and East European problems, about Soviet capability to act aggressively.

Recommendations

1. Limited reductions could be made in U.S. forces in Europe, perhaps to under 100,000 men over three or four years. Both the size and timing of the reduction, however, should be determined through a process of full consultation with Europeans as part of a program of streamlining and reorganization of NATO. Large manpower reductions are possible without change in the U.S. combat contribution if the Europeans could assume a greater role in logistical support. The withdrawals ideally would be coupled with a multi-year commitment of U.S. forces at the lower manpower level. A reduction of 100,000 would, at minimum, save approximately 1 billion in budgetary outlays annually. Coupled with substantial streamlining and consolidation of headquarters, the budgetary savings could be much larger.

2. Transfer of SACEUR to the Europeans and substantial reorganization of NATO to coincide with the increased role of Europeans in their own defense.

LAND FORCES IN SOUTHEAST ASIA

Summary

Even beyond the American forces fighting in various parts of Indochina, the U.S. commitment in all of South Asia is substantial. Aside from over 450,000 troops in Vietnam, Laos, Cambodia, and Thailand, the Pacific fleet carries approximately 390,000 men, and there are support and other forces in large numbers in Japan, Korea, Okinawa, Taiwan, and the Philippines.

The key question focusing on the factors responsible for this massive presence is, relatively simple: What is the vital interest of the United States in the Pacific Basin?

Unless vital interest is at stake—the U.S. should be extremely careful before undertaking further interventions. That condition should be maintained even when interventions involve only military aid, equipment and training.

The final clause of the Nixon Doctrine expounded at Guam deserves close examination. The President states that "we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense." The catch phrase is "primary responsibility". The history of American involvement with Vietnam began largely under identical conditions.

Hopefully, in Southeast Asia and the Pacific Basin, American defense commitments can be safely reduced by a careful application of the Nixon Doctrine—mainly by limiting its utilization strictly to areas where U.S. vital security interests are immediately and primarily at stake.

There is not room in this overall analysis for a detailed study of current American troop allocations—and the potential for future reductions in those levels—in each of the Southeast Asia countries. Instead, as a case in point, the following section looks at just one controversial nation, Korea. It should be recognized that the analysis of the Korean situation is done under the unique conditions of that country, but is not uncharacteristic of general manpower problems applicable world-wide.

STRATEGIC FORCES

Program	Description	Administration request fiscal year 1971 (millions)		House authorization, fiscal year 1971 (millions)		Current estimate, total program	Proposed program action
		R. & D.	Procurement	R. & D.	Procurement		
Poseidon	Submarine conversion and missile.	$122.7	$921.6	$122.7	[1] $371.1 550.5	$5,555,200,000	Continue but not speed up.
Minuteman III	Strategic missile	211.0	475.7	[2] 211.0	475.7	$5,375,800,000	Cut $686,000,000.
AMSA (B-1)	Strategic bomber	100.0	0	100.2	0	$9,377,000,000	Cut $100,000,000.
ULMS	Submarine and strategic missile system.	44.0	0	44.0	0	Not available	Low profile, no cut.
Safeguard ABM	ABM system	365.0	660.4	365.0	661.0	$12,000,000,000	Range from $404,000,000 to $1,450,000,000.
C5-A	Transport		610.6		[3] 544.4	At least $5,300,900,000	Cut $200,000,000 contingency fund.

TACTICAL AIR

Program	Description	R. & D.	Procurement	R. & D.	Procurement	Current estimate, total program	Proposed program action
F-14	Tactical fighter	274.0	658.0	324.2	658.0	8,279,100,000	Cut $658,000,000 until DOD GAO review of complete flight test program. Retain full R. & D.
F-15	Air superiority fighter	370.0	0	370.0	0	$7,355,200,000	Cut R. & D. $370,000,000 by half, $185,000,000.
A-X	Counterinsurgency aircraft	29.7	0	27.9		In concept formulation	Authorize full R. & D. request.
F-111A	Long-range fighter	48.2	515.1	48.2	515.1	$6,380,800,000	Cut all procurement $515,100,000: continue full R. & D.
A-7E	Light bomber	0	252.9		113.0	$1,397,500,000	Defer procurement pending NSC review.
Harrier	British-made fighter	0	118.3		118.3		Delete pending USMC-GAO review of complete flight testing.
CVAN-70	Nuclear carrier	0	152.0	0	152.0	$640,000,000	Cut $152,000,000.
DD-963	Antisub destroyer	0	459.5	0	506.8	$3,350,000,000	Cut $100,000,000.
DLGN-38	Nuclear missile frigate	0	221.3	0	213.8	$4,875,400,000	Cut $221,300,000.
SSN-688	Attack submarine	0	475.5	0	498.0	$4,279,700,000	Cut $475,500,000; shift $238,000,000 o R. & D.
Mark 48	Antisub and ship torpedoes	$36.3	[4] 110.6	$36.3		$3,570,000,000 (Mod 0) $185,400,000 (Mod 1)	Cut $46,800,000 procurement, Mod 0. Delay fund of $55,100,000 for Mod 1 and $8,700,000 for conversion of Mod 0 to Mod 2 pending justification of keeping production lines open.
S-3A	Antisub plane	207.8	101.7	207.8	101.7	$2,931,700,000	$309,500,000.

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[1] Conversion.

[2] Slightly less than $211,000,000.

[3] Including $200,000,000 contingency fund.

[4] Includes $46,800,000 (Mod 0's); $55,100,000 (Mod. 1's); $8.700,000 (conversion).

SUGGESTED CUTS

	Fiscal year 1971 (millions)	Current estia mate of tot program (billions)
Strategic:		
ABM	404-1,450	12.?
MM III MIRV	686	5.4
B-1	100	9.4
C5-A	200	5.3
Superhard	77	6.0
Subtotal	1,467-2,513	38.1
Military manpower:		
General (15-20 percent overall reduction in land forces)		4.0-8.0
Europe (100,000-man cut over 3-4 years) ($1 billion minimum)		[1] 1.0
Korea (20,000 men) ($200 million)		[1] .20
MBT-70	77	8.0
Subtotal		13.2-17.2
Tactical air:		
F-14	658.0	8.3
F-15	185.0	7.4
Harrier	118.3	
F-111A	515.1	9.2
Subtotal	1,476.4	24.9
Navy:		
CVAN-70	152.0	.64
DD-963	100.0	3.35
Mark 48	[2] 46.8	3.57
DLGN-38	221.3	4.9
SSN-688	237.5	4.3
S-3A	309.5	2.9
Subtotal	1,130.9	19.66
Total	[3] 4,351-[3] 5,397	95.86-99.86

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[1] Ongoing.

[2] Delay 55.1, 8.7.

[3] Excluding manpower.

EXHIBIT 2

THE VIETNAM WAR, MILITARY BUDGETS, AND DOMESTIC PRIORITIES: A PROJECTION OF ALTERNATIVE POLICIES

(Testimony of Charles L. Schultze before the Committee on Foreign Relations, U.S. Senate, April 29, 1970)

Mr. Chairman and members of the Committee, I should like to discuss with you briefly today the budgetary outlook for the federal government over the next five years as it will be affected by alternative policies dealing with our overseas commitments and military strategy, including but not limited to our involvement in Indo-China.

At first thought, the budget may seem a relatively prosaic and uninteresting framework within which to cast this discussion of major national policies. Yet budgetary dollars are but a symbol of more important things. As we have become aware, even a wealthy nation such as ours does not command unlimited resources. Consequently when we decide to spend, say, $20 billion per year in pursuing our aims in Vietnam there remain $20 billion less for assisting education, or manpower training, or pollution control or for reducing taxes and thereby permitting more use of resources for private purposes. In a world of limited resources we must make choices. Every dollar we spend for one public purpose represents one dollar less for some other purpose, public or private. This fact does not of itself either justify or deny the wisdom of any particular set of foreign policy commitments. But it does call to mind that these policies have economic costs not merely in terms of dollars but in terms of schoolrooms, and hospitals, and clean water. As a consequence, like any other set of policy choices we must weigh their potential benefits against the other things we want which their adoption forces us to give up.

There are three basic elements involved in this review of the budgetary costs of alternative foreign policies and military strategies: *First*, an estimate of the current costs of carrying on the Vietnam war; *second*, a projection over the next several years of federal revenues under current tax laws and federal expenditures under existing and currently proposed programs, leading to an estimate of the residual sums available to pursue high-priority domestic needs; then *third*, an examination of how several alternative foreign policy and military strategies will affect the budgetary outlook and will expand or contract the resources at hand for meeting those domestic needs.

The estimates and projections I shall present summarize the results of a study carried out by a number of staff members at The Brookings Institution and recently published under the title of *Setting National Priorities: The 1971 Budget*. There are a few excerpts from that publication which provide some detail on the military budget aspects of my testimony which, with the Committee's approval, I should like to submit for the record. Finally, let me note that the underlying data and estimates dealing with the costs of the Vietnam war and with alternative military strategies were developed by my colleague at Brookings, Dr. William Kaufmann, who should not however be saddled with the blame for the particular judgments I make or biases I reveal in this testimony.

THE BUDGETARY COSTS OF VIETNAM

Until this year, each budget document since fiscal 1967 included an estimate of budgetary outlays incurred because of Vietnam. No such estimate has been officially published this year. In any event the numbers made available in prior years were not a good measure of the *incremental*, or *added*, costs of our involvement in Vietnam. This is not to say they were deliberately mis-stated, but simply that they didn't pretend to measure the extra costs, but rather the *total* costs. For example, the naval task forces steaming off the Gulf of Tonkin would have been steaming somewhere else had there not been a war in Vietnam. What is relevant, therefore, is not the total cost of those forces but the extra costs of the ordnance expended, the additional sorties, the higher attrition of aircraft and the like which are attributable to the Vietnam operation.

Table 1 provides an estimate of the *added* costs in Vietnam during the peak year of action, 1968. It is built up from estimates of the personnel added to the Armed Forces since 1965, the ordnance expended, the aircraft lost, etc. This estimate of $23 billion per year as a peak cost compares with a higher figure of $29 billion used by the Defense Department in Congressional hearings last year (Testimony of Robert C. Moot, Defense Comptroller, in *The Military Budget and National Priorities*, Hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, 91 Cong. 1 sess., 1969, part I, p. 320).

Table 1.—Peak Incremental Outlay for the War in Vietnam

Type of expenditure:	*Billions of current dollars*
800,000 military personnel at $12,000 per man per year	9.6
250,000 civilian personnel at $10,000 per man per year	2.5
Ground, air, and naval ordnance	5.2
500 aircraft at $3 million per aircraft (average)	1.5
Replacement of land force equipment and supplies (U.S. and ARVN)	1.3
Other procurement	1.0
Construction	1.0
Transportation and petrol, oil, and lubricants	1.0
Total	23.0

Source: Charles L. Schultze with Edward K. Hamilton and Allen Schick, *Setting National Priorities: The 1971 Budget* (The Brookings Institution, 1970) Table 2–13, p. 49.

It is very important, I believe, *not* to overestimate the budgetary costs of Vietnam. By subtracting the higher cost figures, referred to above, from the total defense budget, some Pentagon spokesmen have made the argument that the remaining sums allocated to non-Vietnam purposes have been too small in the past five years to keep the armed forces of the United States in proper combat readiness and its equipment fully modern. As a consequence they argue that Vietnam has "robbed" the remainder of the Armed Forces, that there is a backlog of unmet needs which remains to be met once Vietnam operations are reduced, and that Defense budgets cannot therefore but cut significantly.

Table 2 provides an estimate of the budgetary costs required to maintain in a modern and combat-ready state the conventional forces of the United States at a pre-Vietnam level. This is compared with the amounts actually available for that purpose, an estimate arrived at by subtracting the added costs of Vietnam from the total budget for conventional forces. It is clear that there has not been a deficit of funds—Vietnam has not in any overall sense "robbed" the remainder of the forces. A backlog of unmet needs does not appear to have been built up justifying a large diversion of the savings from a cessation of the war into other military channels.

While the cost of Vietnam during the peak year of 1968 was about $23 billion, it appears that costs will amount to about $17 billion in the current fiscal year 1970. If President Nixon's scheduled troop withdrawals, announced last week, proceed on a gradual and even pace throughout the next twelve months, and are extended at that pace over the remainder of fiscal 1971, the budgetary cost of Vietnam would drop to perhaps $12 to $13 billion in that year. This estimate assumes that there is no significant step up in U.S. combat operations or military assistance in Laos or Cambodia. Should the troop withdrawal be bunched up at the end of the year, rather than proceed steadily throughout the period, then the budgetary costs will be higher than the $12 to $13 billion I have estimated.

TABLE 2.—REQUIRED VERSUS ACTUAL SUMS AVAILABLE TO MAINTAIN U.S. CONVENTIONAL FORCES IN MODERN COMBAT READY STATUS

[Based on added Vietnam costs; in billions of dollars]

	Fiscal years—				
	1966	1967	1968	1969	1970
Budget for conventional forces	52.2	59.6	60.3	59.6	58.3
Less added costs of Vietnam	6.0	18.0	23.0	22.0	17.0
Available for maintenance	46.2	41.4	37.3	37.6	41.3
Required for maintenance	38.7	39.1	39.4	38.9	42.1
Deficit or surplus	+7.5	+2.3	−2.1	−1.3	−.8

Source: Adapted from Charles L. Schultze with Edward K. Hamilton and Allen Schick, "Setting National Priorities: The 1971 Budget" (Brookings Institution, 1970), table 2–14, p. 50.

PROJECTION OF FUTURE BUDGETARY CONDITIONS

As a prelude to examining the impact of withdrawal from Vietnam and of alternative foreign and military policies on budgetary costs and on domestic programs it is necessary to lay out an overall budget framework.

We have made budgetary projections to fiscal 1975. Essentially this consists of projecting (1) federal revenues under current tax laws and (2) the expenditures which would be forthcoming under current and Administration-proposed programs, allowing for increases in prices, wages, workloads, rising numbers of people statutorily eligible for benefits under social security and other programs, and similar relatively "built-in" elements making for changes in expenditures. The difference between the revenues and expenditures so projected is the *fiscal dividend,* the amount available for discretionary use in expanding existing federal programs, creating new ones, retiring the debt, or reducing taxes.

In these projections the following assumptions were made:

1. Economic growth would resume at a 4 to 4½ percent annual rate after the present pause, with the unemployment rate returning to slightly below 4% sometime in 1972. Inflation would continue but at a moderated pace, tapering off gradually from the current 5 to 6 percent to 2 to 2½ percent in 1972 or 1973.
2. Current tax laws would not be changed.
3. All major Administration-proposed programs (family assistance, revenue sharing, urban mass transit, etc.) would be adopted.
4. The Vietnam war would be terminated, so that by fiscal 1975 the only expenditures would be some $1 billion for economic aid or a combination of economic and military assistance.
5. The armed forces would return to their basic pre-Vietnam level of 2.7 million men.

The budgetary consequences of these assumption are shown in Table 3. Revenues under existing tax laws would have risen to about $284 billion by 1975. However, the tax reform bill of 1969 provided for a host of tax cuts, scheduled to phase in over the next several years. By fiscal 1975 the net revenue loss from that bill will be $8 billion, leaving $276 billion in revenues.

A return to the pre-Vietnam military structure and pace of modernization would mean a defense budget of about $62 billion in today's prices and $74 billion in the prices likely to prevail in 1975. (Rapidly rising numbers of retired military personnel will also add substantially to the budget over this period, a fact which has been taken into account in the estimates.) The projection also assumes a residual expenditure of $1 billion in S.E. Asia.

On the civilian side the "built-in" growth of current and Administration proposed federal programs would add some $50 billion to federal outlays in the four year period between 1971 and 1975—a rise of about $12½ billion per year.

TABLE 3.—THE FISCAL DIVIDEND

[Fiscal year, billions of dollars]

	1971	1975
Revenues:		
Before allowing for 1969 tax reform	202	284
Less cost of tax reform		−8
Total revenues	202	276
Expenditures (built-in):		
Military	72	75
Vietnam	(12)	(1)
Civilian	129	178
Total expenditures	201	253
Difference between revenues and expenditures	1	23
Less budget surplus needed to reach national housing goals		10
Fiscal dividend		13

Source: Adapted from Charles L. Schultze with Edward K Hamilton and Allen Schick, "Setting National Priorities: The 1971 Budget" (Brookings Institution, 1970), table 6–5, p. 186.

There will be, then, on the basis of these projections, a residual of about $23 billion—the gap between revenues and already committed expenditures. But not all of this will be freely available to pursue high priority domestic programs of the federal government or for tax reduction purposes. In 1968 the Congress, after examining the data on the rate of new family formation and on the condition of the housing stock, set out as a goal for the nation the construction of some 26 million housing units in the decades of the 1970's. The Nixon Administration has adopted that goal, with some modifications. But it is most unlikely that this goal of building 2.6 million housing units a year can be met unless the federal government, under conditions of high employment prosperity, runs a substantial budget surplus, which I have put conservatively at $10 billion per year. Under economic circumstances likely to exist during prosperity in the next five years, failure to run a budget surplus would generate such tight money and high interest rates that housing construction would not reach the 2.6 million per year goal. On the basis of the projections in its latest Economic Report, President Nixon's Council of Economic Advisers appears to agree with this conclusion.

Granted the need for a budgetary surplus of this rough magnitude, then, the fiscal dividend available to meet high priority domestic needs by 1975 will total only $13 billion. This is less than one percent of the gross national product projected for that year. Or to put it another way, although the federal government disposes of 20 percent of the national income, built-in commitments and the cost of the defense program—assuming a return to the pre-Vietnam pattern—will absorb 19 percent of that, leaving only 1 percent freely disposable by the President and the Congress. This is hardly a large sum to look forward to, four years from now, and even after assuming that Vietnam hostilities are ended.

ALTERNATIVE FOREIGN AND MILITARY POLICIES: THEIR EFFECT ON THE FISCAL DIVIDEND

I pointed out earlier that the projections assumed a continuation of current strategic nuclear force policies and a return to the pre-Vietnam force structure for the nation's conventional forces. This would imply a military budget of $62 billion in fiscal 1971 prices and $74 billion in prices expected to prevail in fiscal 1975. The $62 billion (which *excludes* the cost of Vietnam) may be conveniently split into two parts:

	Billion
Strategic nuclear forces	$18
Conventional forces	44
Total	62

Let us examine each in turn.

Conventional forces

The *pre-Vietnam baseline* force which would be brought by $44 billion would consist of the following major elements: 2.7 million men in the armed forces; 19⅔ active divisions and 7 high priority reserve divisions; 23 tactical air wings; 15 naval attack carrier task forces; substantial forces for anti-submarine warfare, airlift and sealift, and amphibious warfare; and continued large outlays for communications, intelligence, and R&D. Such a budget would also provide substantial sums to keep the weapons and equipment of this force modernized.

This force structure was basically designed to provide the capability simultaneously to fight the initial pre-mobilization stages of two large and one small war: a Warsaw Pact attack on NATO; a Chinese conventional attack in S.E. Asia or Korea; and a minor conflict in the Western Hemisphere.

One alternative to returning to this type of force structure is to adapt the armed forces and the military budget to a literal interpretation of the "Guam doctrine." If we truly accept the fact that the United States is no longer prepared to intervene on the ground in a large way in Asia, then those forces in the baseline structure earmarked for that contingency could be sharply reduced. Should we adopt a military posture consistent with this change in our overseas policy, some $10 billion per year could be saved in the military budget. We could eliminate: six Army divisions, three wings of tactical aircraft, six attack carrier task forces, and a significant part of our anti-submarine and amphibious forces in the Pacific. Such a reduction would still leave the U.S. with two Marine divisions, six fighter bomber air wings, and three attack carriers earmarked for service in an Asian emergency. In addition, a reasonable reevaluation of how we deploy our carriers might release one or two of the Atlantic based carriers for Pacific service. In short, a military force structure consistent with the apparent foreign policy thrust of the Guam doctrine could release $10 billion a year in higher needed resources for meeting domestic purposes.

I am fully aware, of course, that many in the military will argue that even if we do reduce our overseas commitments, we cannot afford to reduce our armed forces since they will be needed to back up more fully than they do now the remaining commitments. The Navy will argue, for example, that if we give up bases in Asia we need carriers even more than ever before. As a matter of fact, however, the existing number of carriers has never been fully justified; the use of carriers in a "surge" role to provide quick initial air cover prior to the establishment of Air Force bases rather than in continual support as is now the case, would itself greatly reduce the need for the current number of carriers; and there is no shortage of potential airfields in relevant parts of the world which can be made useable quickly for Air Force fighters by employing "bare base kits" stored by the Air Force.

More generally, the mere adoption of a change in long range foreign policy commitments, such as that presumably contained in the Guam doctrine, will not be automatically accompanied by a matching change in the military force structure. But changes in the two should go together. And if the Guam doctrine can be made to lead to a consistent reassessment of military requirements some $10 billion in budgetary savings might be realized.

Strategic nuclear forces

Taking into account their share of budgetary costs for intelligence, communications, R&D, and the like, the maintenance and improvement of the nation's strategic nuclear forces currently take about $18 billion in budgetary resources annually. Current strategic doctrine is apparently in something of a transition period, and future trends will obviously be affected by the outcome of the SALT talks. Nevertheless, present strategic force objectives may be described as: the maintenance of a generously estimated assured destruction capability, plus.

Assured destruction capability refers to our ability to absorb a Soviet first strike and retaliate devastatingly. This provides deterrence against a possible first strike. The term "generously estimated" simply means that we are preparing against a very high estimate of Soviet capabilities, and buying "insurance" against all sorts of relatively remote contingencies. We are, for example, building our ABM to protect our land-based missile sites against the contingency that they become vulnerable to Soviet SS-9's, even though our Polaris and Poseidon submarines are invulnerable to a Soviet strike and could do the assured destruction mission alone. The term "plus" was used in the description of current policy to cover the fact that with an ABM area-wide defense against a possible Chinese missile threat we will be going beyond the assured destruction concept to try to provide some means of limiting damage from an enemy strike. The term "plus" also expresses my belief that the full introduction of MIRV's into the forces as currently planned, will push their capabilities beyond what even a most generous estimate of assured destruction capability would require.

The $18 billion cost of strategic nuclear forces, used in the initial projections for 1975, would provide funds for the procurement and deployment of at least some of the following new weapons systems:

The ABM.

MIRV's installed on both land-based and submarine-based missiles.

A new advanced manned strategic aircraft (AMSA or the B-1).

A new airborne warning and control system, probably with a modified F-106 interceptor (AWA CS-F-106X).

A new underwater long range missile system (ULMS) to carry much heavier and longer range missiles than today's Polaris and Poseidon.

An alternative strategic nuclear posture would accept assured destruction capability as a necessary and vital objective, but would not seek to build insurance on top of insurance and would give up the attempt to go beyond assured destruction. The alternative posture would start from the proposition that damage limiting capabilities are not useful as diplomatic or military instruments, that large scale damage limiting capabilities are impossible to achieve against the Soviet Union and too uncertain and not worth the cost against the Chinese. It would also reject going beyond the assured destruction concept as self-defeating in the sense of provoking Soviet counter-actions which nullify the initial gain.

Under this alternative, deployment of the ABM would be deferred (while continuing research), MIRV deployment would go ahead but on a stretched-out and reduced basis, AMSA and ULMS would be carried on as modest R&D programs, and the current air defense system would gradually be eliminated. The $18 billion annual cost of the strategic forces would be cut to $14 billion per year. The U.S. assured destruction capability would consist of 3000 to 4000 deliverable warheads carried on 1054 perhaps vulnerable land-based missiles, 656 submarine-based missiles, some of which were MIRV'd, and a force of 300 B-52 bombers. Against this number, it has been calculated that only 400 warheads would have to be detonated over the Soviet Union to eliminate it as an industrial society.

The force levels and capability provided by this alternative would, of course, have to be continually reviewed in the light of international developments, and particularly Soviet strength. While it would reflect the belief that a restrained posture is most likely to lead to progress on arms limitations, it would not preclude later review and policy changes.

If both of the alternative postures described above were adopted—a Guam doctrine-oriented structure for our conventional forces and an assured destruction strategic force—some $14 billion could be eliminated from the defense budget. These savings are measured in dollars of today's purchasing power. By fiscal 1975, in prices projected for that period, the savings would be $17 billion. In that situation in 1975 defense budget would be not $75 billion but $58 billion. The fiscal dividend available for meeting other needs would rise from $13 to $30 billion, an increase of 150 percent.

In my own view, while the specific dollar sums and force structure incorporated in the lower cost alternatives are of course open to question and debate, neither represents an extreme suggestion, nor can it be characterized, in the invidious sense of the term, as "unilateral disarmament."

The lower cost alternatives would provide the United States with awesome strength, both strategic and conventional, a strength not inconsistent with its status and commitments.

ALTERNATIVES WHICH MIGHT INCREASE MILITARY COSTS

There are, of course, potential developments which could raise the military budget above the level assumed in the central projections and thereby reduce or even eliminate the $13 billion fiscal dividend in 1965.

1. *Continued U.S. troop presence in Vietnam.*—Should it occur that a residual number of U.S. troops are left in Vietnam indefinitely, added budgetary costs would be incurred. If, for example, 100,000 U.S. troops were to remain in the Indo Chinese peninsula engaged in some form of combat, the cost might be on the order of $5 billion per year. This would, of course, cut the 1975 fiscal dividend to a mere $8 billion.

2. *Strategic arms escalation.*—Should the two major nuclear powers fail to agree in the SALT talks, should each suspect that the other was beginning to achieve or seeking to achieve a first strike capability, the $18 billion per year cost of the U.S. strategic forces could well rise to somewhere in the neighborhood of $23-24 billion per year. Additional offensive forces, particularly sea-based missiles, and a much heavier ABM, bomber defense network, and civil defense system might be forthcoming.

3. *Heavier modernization of the conventional forces.*—Should a rapid increase in procurement of modern equipment be undertaken, perhaps on the (mistaken) ground that Vietnam had "robbed" the baseline force, significant budgetary costs would be incurred. Such a "heavy modernization" budget might include large scale and rapid acquisition of F-14 and F-15 fighters, an increase in the attack carrier task force, more "high speed" attack submarines and anti-submarine warfare escorts, several more C-5A airlift squadrons, and the increased outlays for operations and maintenance which would go with such systems.

SUMMARY

Even a cessation of hostilities in Vietnam and a complete U.S. troop withdrawal will not guarantee that large sums of money become available for meeting important public needs over the next five years. The growing expenditures under existing domestic programs and the cost of maintaining the pre-Vietnam military force structure will absorb most of the added budgetary resources arising out of economic growth and withdrawal from Vietnam.

There is no law of necessity, however, which dictates that the nation must return to the pre-Vietnam military posture. A realignment of U.S. conventional armed forces in keeping with at least one interpretation of the "Guam doctrine" would provide substantial budgetary savings. This realignment would reduce the armed forces and weapons bought against the contingency of major U.S. involvement in a land war in Asia. Additionally, the adoption of a more restrained, but still realistic strategic nuclear posture could produce additional reductions in the defense budget. Together these two actions would provide some $14 billion in budget resources, measured in today's prices, and $17 billion in prices expected to prevail in 1975. Such budgetary savings would sharply expand the sums available to meet urgent domestic needs over the next several years. Yet their realization would not, in my view, interfere with the maintenance of the necessary strategic and conventional military power of the United States.

EXHIBIT 3

STATEMENT OF WILLIAM W. KAUFMANN BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, JUNE 5, 1970.

I. INTRODUCTION

When we talk about defense policy and national priorities, we usually mean changing the allocation of our resources among a wide range of public and private activities rather than abolishing some of these activities. In present circumstances, we tend to mean giving greater emphasis to domestic programs than we have done in the past. That, in turn, implies that we must increase taxes, take resources away from other programs, simply rely on increased revenues from a growing economy for new initiatives, or take some combination of these steps.

Increased taxation does not look like a plausible option. In fact, we appear to be going in the opposite direction with the tax reform bill of 1969. We are left, therefore, with the growth of federal revenues (as a function of expanding GNP) and a redistribution of those revenues as the principal means by which we can change our emphases. The defense budget, always of interest, becomes the object of particular attention in that context. Few people regard it as an uncontrollable in the same sense as Social Security or Medicare, and many regard it as excessively large for the international objectives that we should have in mind.

What is more, it can be demonstrated that the size of the discretionary resources (or the fiscal dividend, if you prefer) available to the President for domestic programs is highly sensitive to the level of defense spending. During the past year, for example, the Brookings Institution has looked at a number of different defense budgets within the context of expected Federal revenues and outlays, and—assuming an end to the war in Indochina—has found it quite plausible to conceive of defense budgets and discretionary resources in the following range by FY 1975:

DEFENSE BUDGETS IN FISCAL YEAR 1975
[In billions of dollars]

In 1970 dollars	In 1975 dollars	Discretionary resources fiscal year 1975, In 1975 dollars
$75	$92	$6
$60	75	23
$48	58	40
$45	54	44

It is easy enough, of course, to invent defense budgets which differ substantially from the one we have now. But how do we choose among them? And once having chosen, how do we make our preferences politically acceptable?

II. POLITICS AND PLANNING

There is a tendency, in trying to provide answers, to make them extreme and to mix up the two questions. At one extreme, for example, the defense budget is described as the product of negotiations and bargains among interest groups whose objectives and programs are largely determined by their organizational affiliations. At the other extreme, the budget is seen as resulting from a highly orderly process in which objective analysis by disinterested public servants plays the dominant role. As usual, the truth seems to lie somewhere between these extremes.

A careful description of the existing political process would probably show that organizational interests and bargains are very critical determinants of the budgetary outcome. At the same time, it would be hard to deny that a rather primitive art called force planning exists, or to assert that it plays no part in budgetary choices. What tends to be at issue, usually, is not whether objective analysis exists and should play a major role in determining budgetary outcomes, but whether it does or can do so.

Here, because of limitations in time and space, the discussion will focus on how we can choose from among the many defense options available to us. How our choices can be driven through the jungle that is the political system, or how the system can be made more receptive to systematic analysis and choice, must await another occasion.

III. CURRENT DEFENSE BUDGETS AND VIETNAM

In order to start the discussion somewhere, let us consider defense outlays for FY 1970 and FY 1971 as they relate to the war in Southeast Asia, our strategic nuclear forces, and our general purpose forces. This breakdown gives us the following figures (in billions of dollars):

	For fiscal year—	
	1970	1974
War in Southeast Asia	$17	$11
Strategic nuclear forces	17	18
General purpose forces	43	43
	77	71

This particular distribution of defense expenditures serves several purposes. It defines three major areas where we can exercise choice. It tells us what we are spending in these areas. And it provides a basis against which to measure and compare various types of change.

The costs of the war in Southeast Asia are incremental costs: that is, outlays over and above what we would be spending for our peacetime military establishment and its activities. They reflect a decline from the peak incremental cost of about $23 billion (rather than $29–30 billion), which occurred during FY 1968.

The outlays for the strategic nuclear forces and general purpose forces (or limited war forces, if you prefer) reflect the costs of our baseline force: that is, what we have regarded in the past as necessary in peacetime for the maintenance of U.S. interests and commitments. These baseline expenditures amount to about $60 billion in FY 1970 and $62 billion in FY 1971. They would translate to around $50 billion in 1965 dollars, or what we were spending on our defense establishment prior to the major expansion of our involvement in Southeast Asia.

In current prices, the baseline force absorbs 78 per cent of our defense outlays. The cost of the war, on the other hand, represents 22 per cent of the total, and, at least until recently, its share has been declining. In principle, we can alter the rate at which we withdraw from Southeast Asia. This would affect the speed with which we recover the remaining costs of the war. But despite the over-arching importance of the conflict to American society, we have to recognize that there is a very definite limit to the amount of resources that its termination will yield, and that the total "dividend" will be more than absorbed by impending tax cuts and the growth in the costs of the so-called uncontrollable domestic programs. It is estimated that the tax reform bill alone will result in a loss of federal revenues of $8 billion by FY 1975. Social security costs, on the other hand, are likely to increase by $12 billion over the next five years. Thus, if we want to consider major new initiatives on the domestic front, it appears that we must look primarily to economic growth and to the baseline defense budget.

IV. ANALYSES OF THE BASELINE BUDGET

Efforts to come to grips with the baseline budget can best be made by means of macrostrategic and microstrategic analysis, although the distinction between the two types is somewhat artificial, particularly when it comes to the strategic nuclear forces. The macrostrategic approach involves the development of objectives, measures of effectiveness, and gross force levels with existing capabilities. The microstrategic approach deals with the fine-tuning of these forces by means of weapon system comparisons. The results of these comparisons tend to express the least-cost method of achieving prescribed levels of effectiveness. In the process, the analysis may also consider the effects of marginal increases and decreases in force levels. Obviously, one type of analysis can very quickly lead into the other type.

V. THE STRATEGIC NUCLEAR FORCES

The macrostrategic approach provides many of the critical assumptions that underlie the current baseline force. In the design of our strategic nuclear capabilities, for example, the baseline budget is strongly affected by the following assumptions:

1. Our strategic offensive forces, in a second strike, should be capable of inflicting a level of assured destruction on the Soviet Union defined as 20–25 per cent of the population and at least 50 per cent of Soviet industry.

2. We should maintain a modest capability to limit damage to the United States, should strategic deterrence somehow fail, in the form of anti-bomber defenses, a thin, area-wide ABM defense, some offensive forces capable of destroying fixed, hard targets, and a cheap civil defense program.

3. We should maintain three separate forces—land-based missiles, sea-based missiles, and bombers—each capable, by itself, of inflicting the requisite level of assured destruction: all of this as insurance against the possibility that one or even two of these forces might fail to respond after a Soviet first strike.

The current baseline, strategic nuclear forces are rather widely considered to be conservatively designed because of these assumptions. An even more conservative posture would involve raising the level of assured destruction and placing a much heavier emphasis on damage-limiting capabilities such as the ABM and large-scale civil defense. A posture of this character, along with extensive modernization programs for bombers, missiles, and anti-bomber defenses, could raise the total budget for the strategic nuclear forces from about $18 billion in FY 1971 to something on the order of $24 billion a year. It might also induce Soviet reactions of such magnitude that they would nullify the additional security that we had expected to gain.

With or without SALT, another major variant from the baseline would result in a less conservative posture. For example, we might reduce the level of assured destruction that we require to 10–15 per cent. We might give up our modest efforts to achieve a damage-limiting capability. And we might reduce the attempt to maintain all three of our deterrent forces in a highly survivable condition. This posture would permit us to phase out some of our current offensive and defensive forces and cancel or reduce expenditures on newer systems that we are now programming or deploying. The resulting budget for the strategic nuclear forces, associated capabilities, R&D, and support might fall from $18 billion to $14 billion a year.

VI. THE GENERAL PURPOSE FORCES

The costs of the general purpose forces are comparably sensitive to changes in a series of macrostrategic assumptions. Thus, the current baseline forces are very much a function of the following premises:

1. The Soviet Union and China are basically hostile and ambitious powers who might act separately but more or less simultaneously to satisfy their ambitions at the expense of our interests.
2. We must therefore be able, in conjunction with our allies, simultaneously to meet conventional attacks in Europe and Asia, and deal with a minor contingency elsewhere.
3. We must have the forces and the strategic mobility necessary to deploy rapidly to threatened regions and to establish forward defenses sufficient to meet the early phases of an attack.
4. We must also maintain the forces, equipment, and supplies necessary to reinforce deployed forces and sustain them in combat for as much as 3–6 months.

Simply to give one example of the impact of these assumptions, consider the costs, in 1971 dollars, of preparing to deal simultaneously with two major contingencies and one minor contingency. These costs are approximately as follows:

Annual cost in billions in 1971 dollars

Contingency:	
NATO Europe	$19.1
Asia (Korea or Southeast Asia)	16.3
Western Hemisphere (minor)	1.3
Strategic reserve and unallocable activities	7.3
Total	44.0

To the extent that these figures have merit, a fairly literal interpretation of the President's Guam doctrine should result in decreasing the costs of the Asian contingency from $16.3 billion to about $6.3 billion. In other words, a change in the assumptions about the contingencies alone could cut the costs of the general purpose forces from $44 billion to $34 billion a year.

The current baseline forces are frequently characterized as underdesigned for the three standard contingencies. A more conservative design could result in the addition of land forces, tactical air wings, and attack carriers, along with increased numbers of the next generation of more expensive weapon systems. Such changes might raise the budget for the baseline general purpose forces from $44 billion to $53 billion a year in 1971 prices.

VII. COST-EFFECTIVENESS

Defense costs in the past have varied similarly, if less dramatically, as a function of microstrategic analysis. Now, however, the impact of these choices is becoming more impressive as weapon systems become increasingly complex technologically, and their procurement and operation and maintenance costs climb. The conventional wisdom has it that weapon systems choices should be governed by technological advance. Not only must we buy the newest and most sophisticated systems: we must also replace the older systems on a one-for-one basis, quite apart from such factors as the capabilities of potential adversaries, increases in costs, and supposed increases in unit effectiveness.

Frequently, however, it turns out that for a budget of, let us say, a billion dollars, it makes more sense from the standpoint of effectiveness to buy 1,000 units of relatively old-fashioned system A, costing a million dollars apiece, rather than 500 units of system B, costing $2 million apiece. Of course, there are those who would say, if that is the case, spend $2 billion and buy 1,000 units of system B. But for $2 billion, we could buy 2,000 units of system A, which still might leave us better off. Indeed, system B—however glamorous and sophisticated—would have to be at least twice as effective as system A before it would be worth buying as a substitute. More often than not, however, we fail to achieve such advances in effectiveness as we move from one system to the next. As a consequence, we may prefer simple, reliable systems to their technologically advanced successors which promise a great deal but are unable to deliver on the promise because they are low in reliability, only marginally better in other significant parameters of effectiveness, or both.

Many systems under development, or actually in the procurement process, are at issue on precisely these grounds. The following table lists a number of such weapon systems for the general purpose forces, along with the obligational authority requested for FY 1971, currently estimated total procurement costs, and estimated annual operating costs:

[In billions of dollars]

System	Fiscal year 1971 NOA	Estimated procurement costs	Estimated annual operating costs
SAM–D air defense	$0.09	$3.4	$0.5
MBT–70 tank	.08	2.0	.3
TOW antitank missile	.10	1.0	.1
F–15 aircraft	.40	7.7	1.1
F–111 aircraft	.50	.5	.1
F–14 aircraft	.80	8.3	1.2
Phoenix missile	.10	1.5	.2
S–3 aircraft	.30	3.2	.4
SSN–688 attack submarines	.50	4.5	.6
DLGN–38 frigate	.20	4.9	.7
CVAN–70 attack carrier	.15	.6	.1
DD–963 destroyers	.50	4.2	.6
Total	3.72	41.8	5.9

Let us assume rather arbitrarily that the procurement costs of these systems will be spread evenly over a 10-year period, and that we will incur their total annual operating costs for only three of the ten years. The resulting average annual systems costs will then come to around $6 billion for the 12 systems listed. Thus, even if we were to substitute for them new systems about half as expensive to procure and operate, we might still be able to save, on the average, about $3 billion a year during this ten-year period. Alternatively, for the currently estimated totals, we could have twice as many of the cheaper systems as we are planning to buy of the more exotic new systems.

VIII. SOME DEFENSE OPTIONS

With these kinds of macrostrategic and microstrategic calculations, it becomes possible to construct a variety of defense budgets, each with a particular rationale. Thus, we could continue to maintain the pre-Vietnam baseline force as one option. This would mean a fairly conservative posture for the strategic nuclear and general purpose forces and a good deal of latitude for their modernization in the face of obsolescing systems and evolving threats. Such a posture would cost about $62 billion in 1971 prices and $75 billion in 1975 prices, assuming an end to the war in Vietnam. Around $23 billion in discretionary resources would become available by FY 1975 as a result of defense spending at a level that was thought necessary between 1961 and 1965.

Another option would be to strive for a major damage-limiting capability in our strategic nuclear forces (despite the strong probability of Soviet countermeasures) along with general purpose forces designed to give us increased confidence of being able to cope simultaneously with major European and Asian conflicts. This would combine the strategic package of $24 billion with the general purpose package of $53 billion for a total budget of $77 billion in 1971 prices and $92 billion in 1975 prices again assuming a full U.S. withdrawal from South east Asia. Defense outlays at this level would result in discretionary resources of about $6 billion. That is, with estimated revenues, we would not be able to fund fully existing and currently proposed domestic programs, much less embark on major new initiatives.

Still a third option would involve the adoption of a less flexible and higher risk posture with respect to both the strategic nuclear and the general purpose forces. As indicated earlier, the strategic forces would be designed for the assured destruction mission only, planning would be done less conservatively than is now the case, and the required levels of damage to the Soviet Union would be lowered. The general purpose forces would no longer be programmed for two major contingencies simultaneously and a substantial portion of the capabilities oriented toward Asia would be retired. The resulting strategic and general purpose packages would cost $14 billion and $34 billion respectively, for a total of $48 billion (without Vietnam) in 1971 prices and $58 billion in 1975 prices. This budget, which would be $17 billion below the pre-Vietnam baseline budget (in 1975 prices), would enable the President to dispose of discretionary resources on the order of $40 billion by FY 1975.

If, in addition, we became less mesmerized by the latest defense technology and exercised greater discipline at the microstrategic level than we now do, we might bring this low budget down by another $3 billion or more without any loss of combat effectiveness. This would mean a post-Vietnam budget of $45 billion in 1971 prices and about $54 billion in 1975 prices. The resulting fiscal dividend by 1975 would amount to $44 billion, a figure which would come rather close to satisfying most domestic demands for resources as they are currently formulated.

IX. RISK, INSURANCE, AND CHOICE

Other more or less conservative and flexible defense postures could obviously be generated. It seems reasonable to argue, however, that post-Vietnam budgets in the range of $45–$77 billion (in 1971 prices) would be compatible with a major role for the U.S. in world affairs. Even at the low end of the range, moreover, significant resources would be available to counter qualitative and quantitative changes in potential threats. What would determine our choice between the two poles presumably would not be whether we sought to become isolationists or world policemen, since neither budget would accord with either policy. Rather, we would probably want to be concerned with the degree of risk we are prepared to take in defending and maintaining our interests, how our military posture might interact with that of allies and potential enemies, and what domestic opportunities we forego as we move toward higher and more conservative defense budgets.

The choice of an insurance policy, in defense as in other areas, is always difficult. But reasonably well-tailored policies can be designed to suit the national customer. There are, admittedly, a number of insurance salesmen on the premises who have their own special views about companies and premiums. No doubt their pressures strongly affect the final choice. Still and all, before the decision is reached, it usually proves more desirable to have some understanding of the product and what we want than it is simply to enter the market place as an ill-informed purchaser of the competitors' wares. Consumer reports can be as useful in defense as they are elsewhere.

APPENDIX

I. INCREMENTAL COSTS OF THE WAR IN VIETNAM

TABLE 1.—ESTIMATED PEAK INCREMENTAL COST OF THE WAR IN VIETNAM

Type of expenditure:	Billions of current dollars [1]
800,000 military personnel at $12,000 per man per year	9.6
250,000 civilian personnel at $10,000 per man per year	2.5
Ground, air, and naval ordnance	5.2
500 aircraft at $3,000,000 per aircraft (average)	1.5
Replacement of land force equipment and supplies (U.S. and ARVN)	1.3
Other procurement	1.0
Construction	1.0
Transportation, petroleum, oil, and lubricants	1.0

[1] Details do not add to total because of rounding.

TABLE 2.—ESTIMATED MANPOWER REQUIREMENTS AND INCREMENTAL COSTS OF THE WAR IN VIETNAM, FISCAL YEARS 1968-72 [1]

[Cost items in millions of current dollars]

Item	1968	1969	1970	1971	1972
Military personnel:					
In Vietnam	536, 100	538, 200	380, 000	200, 000	50, 000
In line of communications and training	263, 900	233, 447	180, 714	120, 714	20, 000
Civilian personnel	250, 000	227, 771	167, 794	111, 894	10, 000
Total personnel	1, 050, 000	999, 418	728, 508	432, 608	80, 000
Cost of military personnel:					
In Vietnam [2]	17, 477	17, 545	12, 388	6, 520	1, 630
In line of communications and training [3]	3, 167	2, 801	2, 169	1, 449	240
Cost of civilian personnel [4]	2, 500	2, 278	1, 678	1, 119	100
Total incremental cost	23, 144	22, 624	16, 235	9, 008	1, 970

[1] The manpower data in this table are end-of-year figures, and the costs developed from them represent annual rates of outlay at yearend.

[2] $32,600 per man per year, based on an average annual rate of $12,000 per man for pay and allowances, and average annual combat costs per man of $20,600.

[3] $12,000 per man per year.

[4] $10,000 per man per year.

TABLE 3.—EXPENDITURE LEVELS FOR ILLUSTRATIVE VIETNAM DISENGAGEMENT PROGRAM, FISCAL YEARS 1969-75

Item	1969	1970	1971	1972	1973	1974	1975
Military personnel (thousands of men)	538	380	200	50	0	0	0
Incremental outlays (billions of dollars)	23	17	11	3	1.5	1	1

TABLE 4.—DEPARTMENT OF DEFENSE ESTIMATES OF THE INCREMENTAL COSTS OF THE WAR

[In billions of current dollars]

	Fiscal year 1969	Fiscal year 1970
Military personnel	5, 666	5, 375
Operation and maintenance	6, 488	5, 438
Procurement	8, 757	6, 283
R.D.T. & E	139	112
Military construction	494	220
Total	21, 544	17, 428

TABLE 5.—DEPARTMENT OF DEFENSE ESTIMATES OF THE COSTS OF THE WAR BY MILITARY SERVICE

[In billions of current dollars]

	Fiscal year 1965		Fiscal year 1969		Fiscal year 1970		Percent change in non-SEA costs over fiscal year 1965	
	SEA	Other	SEA	Other	SEA	Other	Fiscal year 1969	Fiscal year 1965
Army		11.6	11.5	13.6	9.8	14.6	+17	+26
Navy		13.2	4.4	18.1	3.4	18.9	+37	+43
Air Force		18.1	5.6	20.3	4.2	20.5	+12	+13
Defensewide		4.2		5.3		5.6		
Total		47.1	21.5	57.1	17.4	59.6	+21	+27

II. COSTS OF THE STRATEGIC NUCLEAR FORCES

TABLE 1.—ESTIMATED COST OF THE STRATEGIC NUCLEAR FORCES BY PROGRAM, FISCAL YEAR 1971

[In billions of dollars]

Program	Total	Strategic forces
Strategic forces	7.9	7.9
General purpose forces	24.7	
Intelligence and communications	5.2	2.6
Airlift and sealift	1.5	
National Guard and Reserve Forces	2.5	
Research and development	5.4	2.2
Central supply and maintenance	8.4	1.9
Training, medical, and other general personnel activities	12.6	3.0
Administration and associated activities	1.5	.4
Support of other nations	2.5	
Total obligational authority	72.3	18.0

TABLE 2.—ESTIMATED COST OF THE STRATEGIC NUCLEAR FORCES BY MAJOR SYSTEM, FISCAL YEAR 1971

[In billions of current dollars]

System	Cost [1]
Minuteman and Titan	3.1
Polaris	2.6
Heavy bombers	3.5
Air Force air defense system	3.0
Army air defense	.4
Anti-ballistic missile defense	1.8
Intelligence and communications	3.5
Civil defense	.1
Total	18.0

[1] System costs reflect not only direct program costs, but also indirect support costs.

III. COSTS OF THE BASELINE GENERAL PURPOSE FORCES

TABLE 1.—ESTIMATED COST OF THE BASELINE GENERAL PURPOSE FORCES BY PROGRAM, FISCAL YEAR 1971.

[In billions of current dollars]

Program	Total	General purpose forces
Strategic forces	7.9	
General purpose forces	24.7	20.5
Intelligence and communications	5.2	2.6
Airlift and sealift	1.5	1.2
National Guard and Reserve Forces	2.5	2.0
Research and development	5.4	3.2
Central supply and maintenance	8.4	5.1
Training, medical, and other general personnel activities	1.5	1.0
Support of other nations	2.5	0.7
Total obligational authority	72.3	44.0

TABLE 2.—ESTIMATED COST OF THE BASELINE GENERAL PURPOSE FORCES BY MAJOR SYSTEM, FISCAL YEAR 1971.

[In billions of current dollars]

System	Cost [1]
Army divisions	13.6
Marine division/wings	4.0
Guard and Reserve Forces	3.3
Navy air wings	7.2
Air Force air wings	8.4
Antisubmarine and antiaircraft warfare at sea (ASW and AAW)	3.8
Amphibious, fire support, and minelaying forces	1.1
Airlift and sealift	2.0
Military assistance	.7
Total	44.0

[1] System costs include not only direct program costs, but also R. & D. and indirect support costs.

TABLE 3.—ALLOCATION OF BASELINE GENERAL PURPOSE FORCES BY GEOGRAPHIC CONTINGENCY AS OF 1970

Type of force	Europe	Asia	Western Hemisphere	Strategic reserve	Total
Active Army divisions	7	6	1	2⅓	16⅓
Active Marine division/wings	1	2			3
Guard and Reserve Forces	7			2	9
Navy air wings [1]	4	6	1	4	15
Air Force air wings	16	7			23
ASW and AAW forces [2]	50	50			100
Amphibious and other forces (percent)	33	67			100
Airlift and sealift forces (percent)	50	50			100
Military assistance (percent)	30	70			100

[1] All attack carriers on station (2 in the Atlantic, 3 in the Pacific) and their immediate backup carriers are allocated to Europe and Asia.

[2] Excluding escorts for the attack carriers.

TABLE 4.—ALLOCATION OF COSTS OF BASELINE GENERAL PURPOSE FORCES BY GEOGRAPHIC CONTINGENCY, FISCAL YEAR 1971 [1]

[In billions of 1971 dollars]

Type of force	Europe	Asia	Western Hemisphere	Strategic reserve	Total
Active Army divisions	5.8	5.1	0.8	1.9	13.6
Active Marine division/wings	1.4	2.6			4.0
Guard and Reserve forces	2.5			.7	3.2
Navy air wings	1.9	2.9	.5	1.9	7.2
Air Force air wings	5.8	2.6			8.4
ASW and AAW forces	1.9	1.9			3.8
Amphibious and other forces	.4	.7			1.1
Airlift and sealift forces	1.0	1.0			2.0
Military assistance	.2	.5			.7
Total	20.9	17.3	1.3	4.5	44.0

[1] Excluding the incremental costs of the war in Vietnam.

TABLE 5.—AN ALTERNATIVE ALLOCATION OF COSTS OF BASELINE GENERAL PURPOSE FORCES BY GEOGRAPHIC CONTINGENCY, FISCAL YEAR 1971 [1]

[In billions of 1971 dollars]

Type of force	Unallocated	Europe	Asia	Western Hemisphere	Strategic reserve	Total
Active Army divisions		5.5	4.8	0.8	1.8	12.9
Active Marine division/wings		1.0	2.6			3.6
National Guard and Reserve forces		2.5			.7	3.2
Navy air wings		1.7	2.7	.5	1.8	6.7
Air Force air wings		5.4	2.6			8.0
ASW and AAW forces		1.8	1.8			3.6
Amphibious and other forces		.2	.8			1.0
Airlift and sealift forces		1.0	1.0			1.0
Research and development	3.0					3.0
Total	3.0	19.1	16.3	1.3	4.3	44.0

[1] Excluding the incremental costs of the war in Vietnam.

III.—DEFENSE BUDGET OPTIONS

TABLE 1.—STRUCTURE OF DEFENSE BUDGET OPTIONS (EXCLUDING VIETNAM COSTS), FISCAL YEAR 1971

[In billions of 1971 dollars]

	Baseline option	Conservative option	Medium-risk option	Medium-risk option (streamlined)
Strategic nuclear forces:				
Minuteman and Titan	3.1	3.1	2.3	2.3
Polaris	2.6	3.6	2.6	2.6
Heavy bombers	3.5	4.9	2.9	2.9
Air Force air defense	3.0	4.1	2.4	2.4
Army air defense	.4	.4	.3	.3
Antiballistic missile defense	1.8	3.8	.5	.5
Intelligence and communications	3.5	3.5	3.0	3.0
Civil defense	.1	.6		
Subtotal	18.0	24.0	14.0	14.0
General purpose forces:				
Active Army divisions	13.6	17.7	8.7	8.0
Marine division/wings	4.0	5.4	4.0	4.0
Guard and Reserve forces	3.3	3.2	3.2	3.2
Navy tactical air wings	7.2	8.7	4.2	3.2
Air Force tactical air wings	8.4	10.4	7.3	6.6
ASW and AAW forces	3.8	3.8	3.3	2.7
Amphibious and other forces	1.1	1.1	.6	.6
Airlift and sealift	2.0	2.0	2.0	2.0
Military assistance	.7	.7	.7	.7
Subtotal	44.0	53.0	34.0	31.0
Grand total	62.0	77.0	48.0	45.0

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. PROXMIRE. I congratulate the Senator from Oregon on a superlative speech. I wish that the Senate had been in full attendance while the speech was delivered, because I think it is the kind of speech that all of us in the Senate should hear and ponder.

The Senator from Oregon has done an extraordinary leadership job in organizing and providing for the Senate this remarkable analysis of our defense budget in his "Members of Congress for Peace Through Law" organization, and I would hope that as much of that document as possible—in fact, all of it if possible—could be printed in the RECORD. I understand the Senator did summarize some of the points in his speech, and that was put into the RECORD.

Mr. HATFIELD. Yes.

Mr. PROXMIRE. Would it be possible for the Senator to put all of that into the RECORD? I think it is very important and significant that it should be made part of the permanent RECORD, and it does pertain to the particular measure on which we are about to vote.

Mr. HATFIELD. Mr. President, I thank the Senator for his generous comments. I am proud to be associated with the Senator from Wisconsin in his many attempts to evaluate our military spending commitments.

In response to the Senator's specific question as to whether or not the full report will be placed in the RECORD, at our next meeting of the "Members of Congress for Peace through Law," we will make that determination and act accordingly.

Mr. PROXMIRE. While I may not be present at that meeting, I would request the Senator to vote my proxy in favor.

Mr. HATFIELD. I am sure the material from the report itself is available to Members of Congress, and we will see to it that each Member is presented with a copy.

Mr. PROXMIRE. The position taken by the Senator from Oregon is easily misrepresented and misunderstood. I think many people have the general impression that those of us who favor reducing military expenditures this year are somehow, in some way, expecting to reduce the real force and effectiveness of our military forces in fulfilling our obligations in the world and in defending this country.

The great thing about the Senator's speech is that he was meticulous; he was very careful in explaining precisely where these reductions could come without in any way inhibiting this country from having, first, a believable, effective strategic deterrent, and, second, general purpose forces capable of fighting a major war and a minor war at the same time, and in addition continuing even at the present level, or at the level planned by the administration, the war in Vietnam.

So there is nothing in the Senator's proposal—by which, as I understand, he said we could cut $10 to $15 billion from the defense budget—that would in any way cripple or limit, reduce the effectiveness of, or really affect our military operations. I think it is very important to get this idea across.

It is especially useful that the Senator from Oregon tied this in with the Nixon doctrine enunciated at Guam. As he says, if we pursue that policy and the policy enunciated also by the Secretary of Defense of being capable of fighting a one-plus war, instead of having $43 billion for a general purpose force, we could have $34 billion for a general purpose force, and economize to the extent of $9 billion right there.

In addition, of course, the very carefully documented and developed analysis provided by the "Members of Congress for Peace Through Law" which the Senator heads shows how we can reduce certain of our strategic weapons without reducing our effective deterrent.

Mr. HATFIELD. Mr. President, I respond to the Senator by stating this one point. The Senator has reiterated in a very accurate way the simple fact that those of us who have given time and effort to an analysis of our defense spending program have every degree of desire to have adequate and appropriate defense for this Nation, such as any other Senator, any other Representative, or any other citizen wants for his country.

Somehow, there has developed in this Nation the attitude that to question the dollar requests from the Pentagon is to undermine the Nation's security. By acceding to that kind of determination, we are failing to uphold our constitutional responsibilities as Members of Congress, because, again, as the Senator from Wisconsin knows, article I, section 8 of the Constitution clearly places upon the shoulders of Congress the responsibility to raise the militia, determine the size of the militia, and appropriate money for the militia, the Army, the Navy, and all the military forces. It is very interesting to note that in this Constitution we have come to revere and recognize as one of the greatest documents ever written by man, Congress is specifically prohibited from making appropriations for military expenditures for more than two years.

So, as Alexander Hamilton once observed in one of his writings, if Congress is incautious enough to make appropriations and give that kind of long-range commitment to the Executive, it should be required to at least review those commitments every 2 years.

So I think we must get across the message that we have this constitutional duty to uphold the needs of the military; but, by the same token, we must make evaluations independently of the military requests, without inhibiting or threatening or placing in jeopardy our national defense.

Second, I think it must be clearly understood that in line with the statements of the Secretary of Defense, Mr. Laird, when he has so clearly enunciated the hope, the plan, and the program to move to a reduction from this two-and-one-half war contingency to a one-and-one-half and perhaps only a one-war contingency, we are, in line with the enunciation of the Nixon doctrine, attempting to advocate and furnish the military capacity necessary to fulfill that kind of announced policy, and the direction that the Defense Department wants to move.

So often, again, it is implied that if we question the Defense Department's requests, we are immediately putting ourselves in juxtaposition to the objective of over-all national security; and that is not necessarily so. I feel that we are in concert with the Defense Department and the President's announced policies and directions by proposing these cuts.

Lastly, I think within the whole matter of national security, we must bear in mind the fact that total national security is not found in our military hardware alone; that a nation can have the most superior military hardware and, without the will, without the commitment, without the strength of the people within that nation's boundaries, the military hardware can be of little protection against would-be aggressors, or can mean very little in the overall effort to carry on certain international policies.

I need not recite history, but I can recall, as can the Senator from Wisconsin, I am sure, the simple facts leading up to World War II, where France had the finest equipped army on the Continent of Europe, the Maginot line was considered to be an impregnable defense, and that somehow, when Paris fell, everyone was standing around wondering how it happened with all this military supremacy and superiority.

Now the French historians—not American nor German historians, but French historians—are beginning to tell us, from their analysis of the documents and the relevant data, that the one most important single element missing in that period of France's history was the internal will and the strength of her people.

That is what I fear in this country today, that we have reached a point where our people, because of lack of adequate education, health services, housing, and environmental protection, all of these factors have led to disenchantment, to alienation, to polarization, and that this is a greater threat to our national security than anything we face outside our own borders.

Mr. PROXMIRE. Mr. President, I am glad the Senator from Oregon has stressed this once again, because I think this factor has been too frequently overlooked. There is a feeling even on the part of some Members of Congress, apparently, that the details involved in national defense expenditures are none of Congress' business, that we do not know enough, we are not scientists or military men, so it is really not our business to be concerned with them. I am glad the Senator referred to the wisdom of our Founding Fathers in saying that Congress cannot appropriate for military spending for more than 2 years.

This is our business and our duty. We cannot escape from it. The executive department has no right to spend money without Congress determining how much money. The Constitution is explicit and clear that this is our responsibility and our duty, and we cannot escape from it.

So important is the last point raised by the Senator from Oregon that I believe it cannot be overemphasized that the real strength of our country is not our military strength—though that is important, and we have to have it—but the real strength of this country is in the unity of our people, the attitude of our people, the ability of our people. There is no question that if we expend $72 billion in the military and starve our education, starve our attempts to rebuild our cities, our housing, and do not give millions of Americans hope and a feeling that they have a future—this weakens, enfeebles our country in many ways.

I also think the Senator's speech was helpful in pointing out how to get an all-volunteer Army. The Nixon administration has very wisely and very constructively said that it favors an all-volunteer Army. They deserve a lot of credit for that, because many have opposed it. The administration is moving in that direction, and the Senator from Oregon has pointed out how they can move more efficiently and quickly in that direction. The way, really, is to end the Vietnam war. But, short of that, to the extent that they feel they cannot end the war quickly, they can also approach a volunteer Army by reducing our unnecessary Asiatic area and living up to the notion of a one-plus war. If they do that, they reduce the manpower commitments.

The Senator's proposals would also provide the savings which will make it possible for higher pay, greater incentive, for people to volunteer and to encourage them to stay in the Army, to make it a career and to make it practical; because it is true that it probably would require the higher pay to make this feasible, and the Senator's amendment, which he is going to press later in this debate, acknowledges that.

One or two other points: I was glad the Senator pointed out something I have overlooked and which I think many Members of Congress have overlooked. We continue to maintain the ability to fight against Russia in a conventional war at sea, and this is immensely expensive. The likelihood that we are going to have a conventional war with Russia at sea is not just remote—it is virtually impossible. Such a war would quickly develop into a nuclear war. So far as a war with any other power is concerned, our Navy is so overwhelmingly powerful that it is greater in virtually every respect than all the other navies in the world combined.

China does not have a navy to speak of. Their navy is a tiny fraction of what our Navy is. They do have some submarines. I do not mean to overlook the fact that it is a big country, but they do not have the capability to fight a sea war. We can also save in this way.

I also congratulate the Senator from Oregon in not only stressing the importance of a balanced defense effort, recognizing our domestic responsibilities, but also that the military expenditures are principally responsible for our inflation. This was a finding, one that I support, on the basis of extensive hearings by our Joint Economic Committee. The cut so far in our military spending—and it is a cut—is entirely accountable by the reduction in Vietnam. The notion that many people have that we have cut back on the Military Establishment elsewhere in the world is wrong. As a matter of fact, we have reduced our actual spending in 1970 over 1969 by only approximately 1 percent, on the basis of figures that have been out a day or two. The cutback in Vietnam is accountable for a great deal more than that. Even if we allow for the inflation, the additional cost because of inflation in physical terms to the Military Establishment outside of Vietnam is bigger now and will be bigger on the basis of the budget before us than it was in 1969 or in 1970, given the fact that Vietnam is, we hope and pray and expect, being phased out.

Mr. HATFIELD. I am grateful for the Senator's remarks.

Would the Senator not also agree that, although the claim is made frequently today that this budget is now the first budget in many years in which we are spending more on the domestic level than for defense and military purposes—if that figure can be proved with numbers—it is not to be implied that it is because of a reduction in the military spending as much as it has been a greater growth within some of our domestic programs that are long overdue and were pushed through with a great deal of difficulty even through Congress, in order to achieve some of the objectives of meeting people's needs, and that it is not by deliberateness or by design that a cut has been made in military commitments or spending, except for withdrawal from Vietnam?

Mr. PROXMIRE. Yes. Also, it is on the basis of very arbitrary definition and determination of what military expenditures really are. For example, it leaves out of account the entire interest on the national debt.

Mr. HATFIELD. Eleven percent of the budget.

Mr. PROXMIRE. Some people argue that 80 percent of the interest on the national debt—Arthur Burns, the Chairman of the Federal Reserve Board—is because of war, and that interest constituted a terrific increase this past year. It was an increase from $16 or $17 billion to approximately $20 billion.

Mr. HATFIELD. Eleven percent of the budget.

Mr. PROXMIRE. Also, the fact that many of these programs have increased—social security, for example, and others—because of inflation, which in turn has been caused by our excessive military spending.

Mr. HATFIELD. I do not believe the cost for running the Selective Service is part of the military expenditures.

Mr. PROXMIRE. Even veterans' expenditures are excluded from that figure.

I apologize for taking so long. I should like to make one more point. I do think that what the Senator has said today is going to be enormously helpful to us when an amendment comes up later to reduce and limit overall spending by the Defense Department. We expect to offer that amendment. I think the Senator has made the most effective speech in support of that kind of effort.

Mr. HATFIELD. I am proud to associate myself with the Senator's long and effective efforts in the whole field of military budget analysis. I want to take this occasion to express my appreciation for his work.

Mr. MATHIAS. Mr President (Mr. COOK), will the Senator yield?

Mr. HATFIELD. I yield.

Mr. MATHIAS. Mr. President, I refrain from congratulating the Senator from Oregon on the statement he has just made. I do not think he wants congratulations. I do not think that my congratulations can add anything to the importance of the statement. But, as one American, I can thank him for his statement.

I thank him for his statement on several grounds. One is that somebody has to look at defense expenditures. As the Senator from Oregon has pointed out, there has been a feeling for too long that to question the cost was to question patriotism.

I am reminded of the injunction to the Senate by a very great American, a former majority leader of the Senate, Robert A. Taft of Ohio, shortly before his death, at a time when he was serving as majority leader, the leader of the Republican Party, at a time when there was a Republican President, enjoined upon the Senate the duty, in his words, of severe scrutiny of defense budgets. That Republican President, President Eisenhower, during whose administration Senator Taft was majority leader, has left to the entire American people the duty of accomplishing Senator Taft's severe scrutiny of military expenditures.

So I think that the Senator from Oregon has been, as I have suggested, fulfilling that duty, which is important for all Americans and which, far from being in any way unpatriotic, is in fact a very necessary duty of every patriot.

The second point the Senator made which I think is also extremely important is that there has to be a balance.

At a later stage in debate, I am going to speak more about this subject. However, I am so glad the Senator has laid the groundwork for it, because there does have to be a balance. We have got to get away from this business of jagged charts where, in moments of excitement and emotion, we spend billions of dollars, and then in other moments we chop off expenditures, disrupt the defense establishment, and disassemble defense industries. That is not real economy. That is where the art of management is important.

The Senator from Oregon has been so right to emphasize the need for balance.

Again, I add my thanks for what I consider to be a patriotic duty.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Maryland, my friend, Mr. MATHIAS. I am also grateful for his contribution and especially for his focusing upon the words of Senator Taft during the time of a Republican administration when one of the great Americans of all time, Dwight D. Eisenhower, was in the White House.

Talking about the balance in our national expenditure programs, I am reminded by his reference to Senator Taft and President Eisenhower of some vital words presented to the American people for their thinking by President Eisenhower in his farewell address, when he said that the time can be reached in military spending when additions to the military budget, far from strengthening the national security, may actually weaken it.

President Eisenhower continued to express his thoughts by saying that the true national security of a nation is founded upon the moral and economic structure of a people and not on military hardware alone.

Thus, I think this is a time in American history when we have reached the point where additions to the military budget, far from strengthening the national security, may actually be weakening it, to quote not only a distinguished general but a distinguished President of the United States and a very distinguished patriot, Dwight D. Eisenhower.

I am very grateful again to the Senator from Maryland for his comments, and will look forward to his further discussion of a subject in which we both share concern, as well as great concern for the national defense of this country.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 3:15 p.m. today.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Thereupon, at 3:01 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:08 p.m., when called to order by the Presiding Officer (Mr. COOK).

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT

Mr. COOPER. Mr. President, I ask unanimous consent that an amendment to H.R. 17123, which will be submitted by the senior Senator from Michigan (Mr. HART) and myself on Monday next, be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 7, line 1, strike out "$1,031,600,000" and insert in lieu thereof "$838,600,000."

On page 16, line 8, strike out "$322,000,000" and insert in lieu thereof "$192,800,000".

On page 17, beginning with line 15, strike out all down through line 5 on page 18, and insert in lieu thereof the following:

"SEC. 402. (a) No funds appropriated pursuant to this or any other Act may be obligated or expended in connection with deployment of the Safeguard Anti-Ballistic Missile System, or any part or component thereof, at any site other than the two sites at which deployment was heretofore authorized by law (Malmstrom Air Force Base, Great Falls, Montana, and Grand Forks Air Force Base, Grand Forks, North Dakota).

"(b) The provisions of subsection (a) shall not apply to the obligation or expenditure of funds for research, development, testing and evaluation activities carried out in support of any advanced anti-ballistic missile program at sites heretofore established for such purposes."

Mr. COOPER. Mr. President, the Hart-Cooper amendment which will be cosponsored by other Senators, provides for an authorization of $1.027 billion. These funds may be expended for deployment of the ABM system at Malmstrom and Grand Forks, the two sites authorized last year. Of the total, $627.2 million is available for continuing phase I at Malmstrom and Grand Forks, the prototype deployment which was begun last year.

Also authorized was $35 million under the amendment, as requested by the Department of Defense, for emplacement of additional sprint missiles at the two sites.

The full amount of $365 million requested for research and development would be authorized for use for that purpose on the advanced ABM system, such as the so-called dedicated system; specifically designed for Minuteman—a system advocated by many distinguished scientists and experts.

Last year over $1 billion was authorized for deployment and, as of May 31, there was a $224 million carryover.

Mr. President, a table which appears in the committee report indicates the funds requested and the funds for phase I that would be available under the Hart-Cooper amendment as compared to the amounts requested for phase I and phase II and recommended by the Armed Services Committee. The funds carried over from last year's authorization as of May 31 are indicated under table II.

I ask unanimous consent that these tabulations be printed at this point in the RECORD.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

TABLE 1. SAFEGUARD PROGRAM FOR FISCAL YEAR 1971 RELATED ONLY TO PROTECTING THE DETERRENT AND NOT AREA DEFENSE

[In millions of dollars]

		Phase 2				
	Phase 1	Due to added SPRINTS at GF & MALM	Due to the Whiteman site	Due to advance prep Warren	Due to other	Total
Authorization:						
R.D.T. & E	365.0					365.0
Procurement	457.4		178.0	15.0		650.4
Family housing	8.8					8.8
Military construction	161.0	35.0	120.4	0.4	8.4	325.2
Subtotal in bill	992.2	35.0	298.4	15.4	8.4	1,349.4
Other not subject to authorization:						
Procurement	0.6					0.6
Military construction	8.0		6.1	3.0	2.9	20.0
Operations and maintenance	42.0				11.0	53.0
Military personnel	12.0				2.0	14.0
Subtotal	62.6		6.1	3.0	15.9	87.6
Total ABM program	1,054.8	35.0	304.5	18.4	24.3	1,437.0

TABLE 2

TABLE 2.—*Funds from fiscal year 1970 that remain unobligated* [1]

[In millions]

R.D.T. & E	$70
Procurement	92.3
Construction	62.3
Total	224.6

[1] Figures are as of May 31, 1970.

Mr. COOPER. The amendment, therefore, would provide ample funds—over $1 billion—for demonstrating any necessary bargaining strength at the SALT talks.

May I say that the Senator from Michigan and I, as well as other Senators who indicate an interest in this amendment, support and want to support in every way possible the success of those talks.

In this year of difficult economic conditions, reductions in the Federal budget are of considerable importance. Our amendment would save $322.2 million.

I point out that if the SALT talks succeed in the near future, and if the United States and the U.S.S.R. agree on what is termed zero ABM, no sites would be necessary to be deployed, including those previously authorized at Malmstrom and Grand Forks.

There are reports—and I hope that they are true—in the press that the SALT talks may result quite soon in a preliminary agreement on the limitation on the ABM, if not a complete ban.

It has also been reported that if zero ABM is not agreed to by the United States and the Soviet Union, ABM protection of Moscow and Washington respectively is likely. In either of these events, the requested deployments at Malmstrom, Grand Forks, Whiteman or Warren Air Force Bases could not be used, and the work would not go forward at those sites

Deployments at Malmstrom and Grand Forks, which our amendment would permit, would provide ample bargaining power that the administration states is requested.

I point out that the number of ABM missiles to be deployed at Malmstrom and Grand Forks are several times greater than those deployed by the Soviets in the Galosh system around Moscow—which is their only ABM system.

We believe that our amendment is in accord with the proposal of the Secretary of Defense to "fly before you buy" for prototype development. It will also assist the SALT talks without hindering the ability of this country to proceed with the development of an effective ABM system. For, if the Soviets proceed with the development of the SS-9's and other missiles, it may be necessary to deploy an effective missile defense system.

In fact, most of the scientists who have testified on the ABM have said that the development of an effective ABM system is of vital importance if the land based Minuteman deterrent is to be perfected. Such a system would add to the security of this Nation. But deployment of the ineffective Safeguard system would not add to the security of this country.

For this reason we believe our amendment would best meet the needs of this country at this crucial time and in the future if the Soviets proceed with the deployment of the SS-9's.

We will submit for formal printing the amendment on Monday in order to give those Senators who wish to cosponsor the amendment an opportunity to do so.

Mr. HART. Mr. President, the Senator from Kentucky (Mr. COOPER) and I have given the most sober consideration to the development of the amendment we introduce today.

Many of us believe the ABM system needs more research and development—that it is a waste of the taxpayers' money not to "fly before you buy."

But a number of Senators feel that the Senate last year gave the go-ahead to deployment at Grand Forks and Malmstrom, and that we should not replow that ground.

So, believing as we do that the important thing is to stop the momentum—the buildup, with its enormous total expense—we have decided to confine our amendment to eliminating the expansion of Safeguard to Whiteman, Mo., and Warren, Wyo.

This amendment would strike only $322 million from the Safeguard authorization recommended by the Senate Armed Services Committee. It would leave $1.03 billion. We would specifically authorize the $35 million item listed by the Department of Defense and the committee under phase II for "added sprints at Grand Forks and Malmstrom" since the opponents of Safeguard have all along contended that additional Sprints were needed at Grand Forks and Malmstrom.

But more important than the money saving, in my book, is that through this amendment we offer an opportunity to halt the seeming all-out momentum to install a 12-site—or even a 14-site—Safeguard system, the benefit of which would be negligible and the cost enormous.

DISTRICT OF COLUMBIA PUPILS SCORE BELOW U.S. NORMS IN READING AND MATH

Mr. MONDALE. Mr. President, this morning in the Washington Post there appeared an article by Lawrence Feinberg reporting on the tragic conditions in the District of Columbia schools.

The article cites recent test results released by the District of Columbia school system which indicate that student achievement in reading and mathematics is declining rather than improving or even remaining constant.

This conclusion is based on an analysis of the California testing bureau scores which compare the performance of children in the District of Columbia schools to that of children in public schools in 11 other major cities.

The article reports that by the sixth grade, Washington students average seven-tenths of a year behind students in the other big cities, and by the ninth grade, they are 1.6 years behind their counterparts in 11 other large city systems, comparing the reading norms for the Nation as a whole, the students by the ninth grade are 2.2 years behind.

That does not, however, tell the whole story. If one looks at the table of achievement broken down by actual elementary and junior high schools, there are many elementary schools in this community in which students have such an abysmally low level of performance that it is nothing short of an utter and national disgrace.

Earlier this year the U.S. Senate created a Select Committee on Equal Education which I am privileged to chair and on which the distinguished Senator from Kentucky (Mr. COOK), now Presiding Officer, serves with such distinction.

I think this report states the fact that here in the Nation's Capital thousands and thousands of children are being doomed by being denied the basic tools of reading and arithmetic which are necessary for any achievement in American society.

We spend a lot of time, and rightfully, concerned about the crime rate in the District of Columbia, our Nation's Capital. It is indeed awful. Perhaps we would get more action in reducing the crime rate if we were to seriously examine these kinds of statistics that indicate the tragic way in which we are denying children an adequate education and destroying thousands of school children before they ever have a chance.

It is my judgment that this kind of destruction to our schoolchildren is far more pervasive than many Americans suspect. It is a matter also that I feel deserves greater attention.

These statistics do not compare the achievement of these school children in the District of Columbia with school children generally. They compare them only with the school children in 11 other major cities which we know also have education difficulties.

Even by that standard, the District of Columbia is doing so poorly that the average student in the ninth grade is 1.6 years behind, and if we compare the Nation as a whole, he is 2.2 years behind.

The committee which I chair will shortly be holding hearings on the problems of equal educational opportunity in northern cities.

I know of no place where we could more appropriately begin than in the Nation's Capital, not only because of the tragic conditions cited in the report, but also because, of all the school systems in the country, this is the one in which Congress has a special responsibility and in which we have especially failed.

I would suggest that this report would shock the conscience of the Congress and of the Nation and that this Nation could respond in a way which would provide these children an opportunity to be a part of the fullness of American life.

Mr. President, I plan to make a more complete statement on this matter the early part of next week.

I ask unanimous consent to have printed in the RECORD the article of Mr. Feinberg which was published in the Washington Post this morning, together with a table on District of Columbia test results broken down by elementary and junior high schools.

There being no objection, the article and table were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA PUPILS SCORE BELOW U.S. NORMS IN READING, MATH

(By Lawrence Feinberg)

Average reading achievement in Washington's elementary schools fell substantially this year, continuing a four-year decline that has left the school system well below national norms.

The city schools were just a few points below these norms in 1966–67.

Citywide scores on standardized mathematics tests are even lower than those in reading, but the decline in these exams has been less steep.

Results of the nationwide tests were disclosed last night at a meeting of the Washington school board. The board also received school-by-school results on a new test comparing Washington with the norms in 11 other big cities rather than with national standards that include suburban and rural school systems.

These results indicated that in only 23 of the city's 133 elementary schools is the median sixth-grade reading level equal to the norms in the big cities. Only two of Washington's 30 junior high schools matched these big-city standards.

The systemwide results on the new tests, prepared by the California Testing Bureau, show that the median score in reading for Washington's third-graders was four-tenths of a year below the big-city norm.

By sixth grade, Washington students average seven-tenths of a year behind the other big cities, and by ninth grade they are 1.6 years behind.

Compared with the higher reading norms for the nation as a whole, the Washington students are 2.2 years behind.

Because this was the first time the California tests were given in Washington, no school-by-school comparisons can be made with previous years.

However, a systemwide comparison was made by giving another examination, the Sequential Test of Educational Progress (STEP), to 10 percent of the city's students, selected at random, in the third, sixth, ninth, and 11th grades.

The STEP tests previously had been given to all students, but they are being phased out because local officials believe the California tests are better.

In the spring of 1967 both fourth- and sixth-graders in Washington had a median score in reading at the 47th percentile on the STEP test, compared to the nationwide norm of 50.

This spring the median for Washington's fourth-graders was at the 31st percentile on the test; for sixth-graders it was 35.

The median is the midpoint above which are the score of half those taking the test and below which are the scores of the other half.

For Washington ninth-graders, the median was also 35 in reading compared with the national median of 50, but it had sunk to that level one year ago. The median for 11-graders here stayed unchanged at 40. It had been at the 45th percentile in 1967.

The D.C. medians in mathematics on the STEP tests this year were 25 for fourth-graders; 29 for sixth-graders; 24 for ninth-graders, and 24 for 11th-graders.

In 1967 the medians had clustered around 35.

In the school-by-school results on the California tests, the pattern of high and low scores generally followed the socio-economic levels of the students attending the different schools.

Thus, 10 of the 23 elementary schools with average reading scores above the big-city norm of 50 were located in ward three, the prosperous area west of Rock Creek Park.

They are the only elementary schools in Washington with mainly white student enrollments. The averages at some of them—91 at Lafayette, 85 at Murch, and 79 at Stoddert—are comparable with achievement levels in Bethesda, which is part of the Montgomery County school system.

The Shepard school, in a prosperous integrated area just off upper 16th Street NW, averaged at the 82d percentile in reading. About 70 per cent of its 550 students are Negro; about 30 per cent are white.

The nearby Takoma school averaged 56.

Other schools with high scores were in Negro middle-class areas in Northeast Washington and in upper Northwest. Among them were Bunker Hill, Burroughs, Brightwood, Keene and River Terrace.

The 23 elementary schools that received Title One federal aid because they are in poverty areas generally had very low scores.

One exception was Walker-Jones, at 1st and L Streets NW, with an average reading score of 52. Walker-Jones also scored high in other standardized tests given in previous years. Its math scores were even higher than reading averaging 64. In most schools mathematics achievement scores were lower than reading.

The two junior highs whose ninth-graders averaged above the big-city norms were Deal, 80 in both reading and math, and Gordon, 52 in both subjects. Deal's ninth grade was about two-thirds white; Gordon had a small white majority. The two schools are both west of Rock Creek Park and are the only junior highs in the city with mainly white enrollments.

Five junior highs scored between the 41st and 46th percentiles. Four of them—Backus, Paul, Rabaut, and Taft—are in the semicircle of middle-class Negro neighborhoods in upper Northwest and far Northeast Washington. The fifth, Sousa, is near Fort Dupont Park in Southeast Washington.

The eight elementary schools in the Anacostia decentralization project had average reading scores slightly higher than those for the 16 elementary schools in the model schools division in Cardozo, again apparently reflecting socio-economic differences.

Among the Title One schools, half of which are in Cardozo, those in Project READ, which uses a series of programmed work books, did somewhat better than schools not in the project.

At Morgan, the city's oldest community controlled school, the results varied widely between the third and sixth grades, in contrast to most schools where the scores at the two levels were similar.

Morgan's third-graders scored at 50 in reading and 60 in mathematics. For sixth grade, the scores were 25 for reading and 27 for mathematics.

DISTRICT OF COLUMBIA TEST RESULTS

The table below gives reading and mathematics scores for District elementary and junior high schools during the last school year. In the elementary schools, there are separate figures for third- and sixth-graders. The junior high tests were given only to ninth-graders. No senior high school scores were released yesterday.

The scores used are medians. Thus, if a school's third-grade median is 40, half the third-graders there scored above 40, half below. The numbers are percentiles but they are based on big-city norm of 50 rather than on national norms. Thus, if a school's score is 40, it is ahead of two-fifths of the big-city schools across the country, and behind three-fifths.

The big-city norms used in this compilation are lower than national norms. Against national norms, District schools would score lower than shown here.

There are citywide figures at the top of both the elementary and junior high school lists.

ELEMENTARY SCHOOLS

	Reading		Math	
	3d	6th	3d	6th
Citywide	34	36	30	32
Adams	24	34	30	26
Aiton	32	29	30	30
Amidon	33	0	34	0
Bancroft	25	24	24	19
Barnard	51	42	48	44
Beers	42	54	42	41
Benning	68	54	61	59
Birney	26	28	20	23
Blow-Pierce	31	29	42	21
Bowen	0	33	0	29
Brent	41	40	36	31
Brightwood	49	50	35	46
Brookland	30	45	34	38
Bruce	30	33	26	31
Bryan	42	35	36	33
Buchanan	24	30	27	30
Bundy	0	18	0	20
Bunker Hill	53	59	40	51
Burroughs	71	63	59	55
Burrville	26	32	26	28
Carver	33	25	35	21
Clack	45	45	31	36
Cleveland	23	24	13	16
Congress Heights	42	37	43	32
Cook	27	0	18	0
Cooke	25	18	20	19
Crummell	27	33	24	27
Davis	31	42	26	36
Draper	37	29	35	27
Drew	31	28	27	23
Eaton	80	32	69	77
Eckington	27	32	23	30
Edmonds	24	0	16	0
Emery	33	30	36	26
Fillmore	62	75	60	83
Gage	28	32	49	32
Garfield	30	32	27	29
Garrison	19	31	18	23
Gibbs	32	28	26	25
Giddings	28	22	19	26
Goding	28	28	21	25
Grant	0	65	0	63
Green	37	37	39	29
Grimke	21	25	21	28
Hardy	59	37	70	34
Harris	24	30	31	31
Harrison	21	25	24	20
Hayes	55	19	59	21
Hearst	83	71	90	79
Hendley	31	36	30	30
Houston	23	31	22	27
Hyde	40	0	29	99
Jackson	50	43	45	35
Janney	77	79	87	78
Keene	55	65	53	58
Kenilworth	36	31	26	22
Ketcham	21	32	23	26
Key	48	75	61	51
Kimball	33	26	40	27
Kingsman	48	33	49	40
Lafayette	91	92	89	89
Langdon	38	37	32	34
Langston	0	0	0	0
LaSalle	62	55	50	49
Lenox	22	31	20	22
Lewis	31	40	19	38
Logan	30	26	33	18
Lovejoy	27	21	25	34
Ludlow	17	23	19	27
Madison	28	24	27	21
Mann	79	71	68	67
Maury	30	32	25	32
McGogney	27	28	36	28
Merritt	27	20	26	22
Meyer	25	36	24	35
Miner	24	29	20	31
Monroe	31	27	34	23
Montgomery	20	18	18	13
Morgan	50	25	60	27
Morse	21	39	20	27
Moten	29	30	24	25
Mott	21	30	21	25
Murch	84	86	79	82
Nalle	21	33	18	31
Nichols Avenue	46	0	41	0
Noyes	33	36	38	82
Orr	36	33	42	33
Oyster	42	81	67	73
Park View	35	33	30	31
Patterson	47	51	48	45
Payne	27	36	22	28
Peabody	25	26	14	16
Perry	0	15	0	12
Petworth	45	39	52	42
Plummer	36	38	38	31
Powell	41	49	33	44
Randle Highlands	44	42	37	35
Raymond	30	30	29	34
Richardson	23	27	34	23
River Terrace	51	50	45	40
Rudolph	29	38	23	36
Savoy	27	26	26	20
Seaton	23	20	11	18
Shadd	25	19	27	21
Shepherd	83	80	71	77
Simmons	37	33	33	26
Simon	28	33	29	31
Slater	31	49	24	44
Slowe	43	39	46	41
Smothers	31	41	27	45
Stanton	33	31	35	30
Stevens	35	35	20	42
Stoddert	79	80	81	86
Sumner	38	37	42	40
Takoma	57	54	47	45
Taylor	25	18	14	16
Thomas	27	34	24	36
Thomson	25	18	31	21
Truesdell	38	36	30	35
Turner	27	24	25	30
Tyler	26	27	25	18
Van Ness	28	31	25	26
Walker-Jones	48	55	66	63
Watkins	32	18	30	20
Webb	38	35	36	31
West	68	57	61	47
Wheatley	27	33	21	30
Whittier	43	44	35	45
Wilson	24	32	19	23
Woodridge	45	48	40	33
Young	43	42	30	44

JUNIOR HIGHS

9th grade

	Reading	Math
Citywide	32	28
Backus	45	43
Banneker	24	24
Browne	32	28
Deal	80	80
Douglass	32	25
Eliot	23	20
Evans	21	23
Francis	20	19
Garnet-Patterson	28	21
Gordon	52	52
Hamilton	24	19
Hart	31	40
Hine	22	19
Jefferson	31	27
Johnson	None	None
Kramer	31	31
Langley	33	32
Lincoln	24	17
Macfarland	31	28
Miller	31	24
Paul	42	43
Rabaut	42	32
Randall	26	20
Roper	26	21
Shaw	20	17
Sousa	46	40
Stuart	23	21
Taft	41	34
Terrell	22	18
Webster	32	18
Woodson	36	37

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 3:30 p.m. today.

The motion was agreed to, and at 3:21 p.m. the Senate took a recess subject to the call of the Chair.

At 3:30 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. COOK).

SENATOR THURMOND'S ROLE IN ASSISTING SCHOOL BOARDS

Mr. THURMOND. Mr. President, this morning's Washington Post has alleged that my staff members and I had tried to "sell" forced desegregation plans to South Carolina school districts. This allegation is totally false, and I denounce it for what it is—a malicious fabrication. My staff and I have acted only as an advocate on behalf of the school districts that have come to us for help in obtaining the relief to which they are entitled.

The Post bases its entire allegation on anonymous sources. I challenge the Washington Post to produce these anonymous informants referred to as "top administration sources." I challenge the Post to prove that I ever tried to pressure any school district to accept any HEW plan.

At the request of numerous school districts, I have fought the total destruction of our public schools at the hands of ultraliberal zealots. On many occasions these zealots disregarded the law and the President's guidelines in making totally unreasonable demands upon the school districts in my State. My staff and I made ourselves available to the districts to assist them in reminding HEW of the requirements of the law and in opposing these unreasonable demands. We did not draw up any desegregation plans but simply fought for HEW's approval of the plans submitted by the various school boards.

I have never urged any school district to accept any plan. In fact, on numerous occasions, I have suggested to school trustees that they might come closer to getting justice by going to court if HEW would not come forward with reasonable plans.

The discussions at HEW have been most trying. The HEW zealots have a narrow view of their mission, and ignore the factors involved in quality education. Every district is different, and only the local officials can understand the impact of extreme plans upon their school systems. The Supreme Court has not yet defined what it means by a unitary school system, but HEW does not hesitate to impose its own interpretation of this difficult question.

The tirade conducted by the Washington Post against the South never seems to end. It appears daily in the form of false propaganda in the news columns, bigoted editorials, and distorted cartoons. The Post will go to any length to create dissension and animosity for purely political reasons, and to drive a wedge between the administration and the South.

In the same spirit of stirring up turmoil, the Post has continued to print the story that the Justice Department intends to send lawyers to the South to enforce integration even after the President denied that there would be any coercion involved. The Post is apparently working in collusion with underlings in the bureaucracy to bring public pressure for ultra-left policies.

I was pleased with the President's statement Thursday night that the Federal Government would give such assistance only when requested by the States involved. It is hoped that this policy will be followed. We shall be on guard to watch whether his orders are carried out by his subordinates.

ADJOURNMENT TO MONDAY, AUGUST 3, 1970, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock Monday morning next.

The motion was agreed to; and (at 3 o'clock and 34 minutes p.m.) the Senate adjourned until Monday, August 3, 1970, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Friday, July 31, 1970*

The House met at 11 o'clock a.m.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

If we hope for what we do not see, we wait for it with patience.—Romans 8: 25.

O God, creator and preserver of all mankind, we commend to Thy loving care and wise guidance the men and women who lead our Nation in these troubled times. Support them and strengthen them, we beseech Thee, and so prosper their endeavors that our people may be led in the ways of justice, by the roads of righteousness, and along the paths of peace.

We pray for all who serve under the glorious banner of our great country. Particularly do we pray for those who struggle for freedom and more particularly do we pray for our prisoners of war. May they have faith and courage to endure what must be endured, patience amid suffering, a happy issue out of their affliction, and a glad reunion with their faithful families. Hasten the end of conflict and grant us peace in our time, O Lord.

We pray in the spirit of Him who came to bring us Thy peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army, retired.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3647. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes;

S. 3648. An act to provide improvements in the administration of health services in the District of Columbia, and for other purposes; and

S. 3730. An act to extend for one year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes.

LOST AND FOUND: COLCORD, OKLA.

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, I am sure many of my colleagues have received complaints about the 1970 census, but I will match my latest experience on the matter with that of any other Member.

The Census Bureau lost an entire town within my district.

Colcord, Okla., may not compare with New York City or Los Angeles in the eyes of the Census Bureau, but to the people who live and work there, it is a mighty important place.

The preliminary census figures released in Oklahoma's newspapers last week showed no listing for "Colcord"—a very nice community, I can assure my colleagues, which I have personally visited often. It seems the Bureau lumped all the citizens of Colcord in with the rural residents of Delaware County when the worksheets were being compiled. Fortunately though, the Census Bureau has now assured me that the 432 people who live in Colcord will henceforth be recognized as a city in the eyes of the Federal Government.

Mr. Speaker, the Colcord incident is but another in an ever-growing list of complaints over the 1970 census. It amply demonstrates why several colleagues and I felt it important to introduce H.R. 18590 last week to provide reimbursement to a community which shows by a recount that the Census Bureau's original tally was in error by at least 3 percent.

I welcome my colleagues' help with this legislation, and hope that it receives both early and favorable consideration here in the Congress.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. How do you spell the name of that place so I can endeavor to help the gentleman?

Mr. EDMONDSON. "C-o-l-c-o-r-d." I appreciate the gentleman's offer of help.

WHERE ARE THEY NOW?

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, the question comes to my mind today: Where are they now? Where are they now, those thousands of students who deluged all of us several months ago advising us on matters of foreign affairs as well as military affairs? Where are the college professors who felt free to dabble in international affairs and the military affairs of our country by sending telegrams to the President several months ago, as well as to all of us, advising that the President had pulled a great military blunder by going into Cambodia?

There has been a great silence on the part of those students.

There has likewise been a great silence from those same college presidents.

Mr. Speaker, this question comes to my mind: Those people were very sincere in their criticism. Their criticism has proved to be unfounded. The fact of the matter is that the President kept his word, and the military posture in Indochina has been improved immensely. The judgment of the President and those who supported him has been vindicated by the events of history.

Our losses in Vietnam during the last 2 weeks are at the lowest level in 4 years. The Vietcong and the North Vietnamese have been badly crippled as a direct result of the Cambodian venture. Yet over 1 month after the President withdrew our troops we have not heard a word from those criers of doom who deluged us several months ago. It seems to me that at least one of those giving us erroneous advice would now be willing to admit their error and apologize for the great furor they created.

Mr. Speaker, I think it is fair to ask: Where are they now?

DEFENSE PRODUCTION ACT EXTENSION AND ECONOMIC STABILIZATION ACT

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17880) to amend the Defense Production Act of 1950, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

CALL OF THE HOUSE

Mr. BLACKBURN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 245]

Abbitt
Addabbo
Alexander
Annunzio
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Berry
Biaggi
Bingham
Blanton
Blatnik
Bolling
Brasco
Bray
Brock
Brooks
Brown, Calif.
Broyhill, N.C.
Burton, Utah
Bush
Button
Caffery
Carey
Celler
Chisholm
Clancy
Clark
Clawson, Del
Clay
Conyers
Corbett
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Dawson
Dellenback
Denney
Dennis
Dent
Devine
Diggs
Donohue
Dowdy
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Fallon
Farbstein
Feighan
Fish
Flynt
Ford, William D.
Fountain
Fraser
Gallagher
Giaimo
Gilbert
Gray
Griffiths
Hagan
Hall
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Henderson
Hull
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Kastenmeier
King
Kluczynski
Koch
Kyl
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McClory
McCloskey
McCulloch
McEwen
MacGregor
Mailliard
Mann
Mathias
Matsunaga
Meskill
Monagan
Montgomery
Murphy, Ill.
Myers
Nix
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pelly
Pollock
Powell
Price, Tex.
Purcell
Quillen
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Rogers, Colo.
Rooney, N.Y.
Roudebush
Rousselot
Ruppe
Ryan
Scheuer
Sebelius
Shipley
Smith, Calif.
Smith, Iowa
Snyder
Stanton
Steiger, Wis.
Symington
Taft
Teague, Calif.
Tiernan
Tunney
Van Deerlin
Waggonner
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wyman

The SPEAKER. On this rollcall 272 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SPECIAL EDUCATION SUBCOMMITTEE, COMMITTEE ON EDUCATION AND LABOR, TO SIT DURING GENERAL DEBATE TODAY

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Education of the Committee on Education and Labor be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

PRESIDENT WILL NOT FORCE COALITION GOVERNMENT ON SOUTH VIETNAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, Americans who believe that America should support not abandon its allies; Americans who believe that peace without freedom is meaningless; Americans who know the dangers to freedom of Communists in Government can breathe a little easier today.

For the second time in less than 2 weeks President Nixon has told the Nation—and the world—that he will not force a coalition government on South Vietnam against its will.

The President knows, as all thinking Americans realize, that this is just another way to hand the victory to North Vietnam, a victory they have been unable to win through terror and through force of arms.

Mr. Speaker, there are those in this Nation who believe in peace at any price. You can tell who they are just by looking. They are the ones walking around with their hands up instead of their heads.

We can be thankful that President Nixon is not one of them.

DEFENSE PRODUCTION ACT EXTENSION AND ECONOMIC STABILIZATION ACT

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17880) to amend the Defense Production Act of 1950, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17880, with Mr. DELANEY in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not yield to any Member until I have finished my main statement.

Mr. Chairman, the esteemed chairman of the Rules Committee, Mr. COLMER, in debating the rule on H.R. 17880 yesterday, made some very interesting and cogent remarks concerning the inflation which our country is suffering. I should like to amplify a bit on these remarks in an attempt to indicate why it is so necessary to enact title II of this legislation, which would provide the President with standby authority to freeze prices, wages, salaries, and rents.

I agree with every word that the gentleman from Mississippi (Mr. COLMER) said about the dangers of inflation and the need to deter and retard and finally stop inflation, in every sense of the word. Inflation could destroy our country, so we must not tolerate it. We must deal with it.

The only difference I have with the position of the gentleman from Mississippi (Mr. COLMER) is that he wants to make it wage-price authority compulsory now. Of course I do not believe we in the Congress are in a position to make it compulsory now from the floor of the House.

We have inflation; there is no question about that. But there are other considerations in our economic picture.

In World War II we had inflation and we had price and wage controls. Those involved 10 million prices and wages. Then we had a patriotic fervor of the people. They were backing the war. They were backing what the Government was doing, because it was in their interests. Then we had a better opportunity for cooperation by all the people. But even then we had black markets. We had many problems growing out of price and wage controls and other controls, but they were necessary under the conditions.

So we must have these controls when we can most effectively use them. We do not have that patriotic fervor by reason of this war. Therefore, we will not have the unanimous support of the people that we had in World War II. We must recognize this fact, but it is essential that the President be given the fullest authority to stabilize the economy.

We must stop these high prices. It will not be long until every utility in the Nation that has not asked for a rate increase will ask for a rate increase, thereby making the people pay billions of dollars extra every year for increased rates on electricity, water, telephone service, gas, and all the public utilities.

The same is true of the railroads and other industries. High interest rates and high prices will force the costs up to the consumer. So we must stop it.

I believe we should give the President, who is elected by all the people, the responsibility of administering this authority and doing what is in the best interest of all the people.

I think it is best to give him standby authority. Last December we in Congress gave the President the standby power for credit controls. This gave him the power to roll back interest rates, but the President does not want to use them. He indicated in recent correspondence to me that he is looking over the credit controls again with the possibility—the implication—that they will yet be used. In any event, the President is not in a position to know when he will need these standby wage-price controls. He cannot see that far down the road. I think it is the duty of the Congress to give him all the power he needs when he needs it in order to protect the people against inflation. That is our duty. Therefore we are proposing the standby authority, which is something like a shotgun in the corner and something to protect the people in this country.

The intent of this legislation as concerns the discretionary authority to limit prices would include, of course, the price of money—that is to say the cost to the borrower of funds, be he a businessman or consumer—and interest, of course, is nothing more than the price which people pay for borrowing money.

One of the most—if not the most—

important factors which has led to the inflation which our country is suffering is the fantastically high interest rates which we have experienced in the last few years. Interest rates, as we all know, are higher than they have been in this country in over 100 years. In the last 18 months interest rates have been higher than ever before in history.

Since the payment of interest is a cost of doing business, every time interest rates are raised, they find their way ultimately in the final prices paid for all goods and services. This is why, as we all should know, it is so important to have our Government promulgate monetary policy in such a way that interest costs stay at low levels. This can be done and has been done but, unfortunately, the record clearly indicates that it has been Democratic administrations which have sought and succeeded in keeping interest rates down to the lowest possible levels, while Republican administrations have done just the reverse.

It is not my intent to engage in any partisan politics in this instance, but the record itself speaks for itself. Let me just relate a few facts to substantiate this conclusion.

During the 8 Eisenhower years, the public debt increased by 10.4 percent, whereas the total interest cost on the public debt increased by 57 percent—from a level when Mr. Eisenhower took office of $5.9 billion in interest cost on the public debt to $9.2 billion.

During the Kennedy-Johnson 8-year terms, the public debt increased by 10.8 percent and the interest costs on this public debt increased by 23 percent, or less than half of the increase experienced during the Eisenhower years. The figures for the Johnson term are almost identical to those of the Kennedy-Johnson years.

But look what has happened just since Mr. Nixon has been President. From the end of 1968 through 1970, the public debt under Mr. Nixon has increased during a short time by 6.7 percent, but we have already experienced under Mr. Nixon's regime an increase in interest costs of 32 percent—rising from, when Mr. Nixon took office, $14.6 billion to $19.3 billion.

The estimates for interest payments on the public debt for last fiscal year 1970 by the Nixon administration fell almost $460 million short of what the actual figure turned out to be.

In other words, Mr. Chairman, an additional $460 million was paid in interest on the public debt. This $460 million which could have been used to do so much good, such as providing additional housing, health facilities, water and sewer facilities and such, has to be used for the unproductive purpose of paying additional interest on the public debt, due to the tight money high interest rate policies which we have experienced in the last several years.

Mr. Chairman, as one Member of Congress, it strikes me as unconscionable that we would allow so much of our Federal budget to be spent as interest on public debt—so much of it.

Mr. Chairman, every time the interest rate has been increased everything has gone up in price immediately. Even the goods on the shelves offered for sale went up in price immediately. When interest rates were increased. Increased interest means increased prices, increased prices means higher prices and more inflation.

So, since the course of this inflation has been the increase in interest rates, the way to stop it is to start rolling back interest rates. This has to be stopped. That is the reason we gave the President, last December, the power to exercise controls over our interest rates.

Mr. Chairman, it has been traditional in this country for over half a century that any time a big bank like a Wall Street bank, or the head of it announced, "We are raising the prime rates one-quarter of 1 percent—and twice it has been raised as much as one-half of 1 percent—during those 50 years this has happened. On June 9 last year a New York banker went out on his front porch and said, "We are raising the rate from 7.5 percent to 8.5 percent." That is traditional, and all the big banks followed. They raised the rate by 1 percent. He did not need to do it, except to make more money for all the banks. He had no right. He was not elected by the people. The people never told him he had to do it and Congress had passed no resolution giving him that power, but he did it. So, in December we passed a law giving Mr. Nixon the same right to go out on his front porch and say, "The prime rate is hereby lowered from 8.5 percent to 7.5 percent or to 6 percent," or whatever he wants to. He has that power and he should have that power because all of the people in this country elected him.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. No; I cannot yield to the gentleman at this time.

Mr. Chairman, it makes no more sense to promulgate policies which lead to these fantastic interest payments than it does to engage in futile debate over how many angels can stand on the head of a pin. We know that interest rates could be kept at a lower level. It was done during World War II and during the Truman administration and the Roosevelt administration. Not only were interest rates kept low, but the public debt was actually reduced.

Mr. Chairman, there has been a lot said about transition from war to peace. We have a perfect case in the pre-World War II period. President Roosevelt called in the Federal Reserve Board and the Chairman, Marriner Eccles, a great man, a good man from Utah, a very rich man—that is all right because he made it himself and he is an honest, sincere, trustworthy man, although a Republican. Mr. Roosevelt said:

> Now, Marriner, we have got to keep interest rates down. If we do not our country is ruined. We are not assured of winning this war, and if we win it with high interest rates we will owe so much we will never get out of debt.

Well, Mr. Chairman, Mr. Eccles and Mr. Roosevelt agreed to keep interest rates low. To the credit of Mr. Eccles, he carried it out 100 percent and kept interest rates on the long-term debt low and at the end of the 14 years when Mr. Eisenhower came in, interest rates were low. When Mr. Humphrey from Cleveland was Secretary of the Treasury, he sold bonds at 2⅜ percent, the first bond issue that was offered in the Eisenhower administration.

And then he sold another bond issue for 2.5 percent. But, then an issue was put out much higher than that for the sole purpose—and admittedly so—to raise interest rates generally. That issue almost caused a recession in our country, and they had to reverse the process and get back to lower rates.

But this move by Secretary Humphrey started it and the increase in interest rates was started. After that they went up, up, up all through the Republican administration.

By keeping interest rates low—and Mr. Truman paid $29 billion on the national debt at one time—we were able to have a transition from war to peace after World War II. Those 15 million men came back from the war, and went to college. They became doctors. They became engineers. They became professional people at the expense of the American people. The greatest asset we have, because of the GI bill of rights. It educated millions of young men who are helpful to our country now. We were able to do this because we did not have to pay it all out in interest. And if a veteran wanted to borrow money to go into business he could borrow through a Government agency at a reasonable rate of interest. If he wanted to buy a home he could borrow the money from the Government at a reasonable rate of interest—and it was later repaid.

So we had a perfect transition from war to peace, because the interest rates were kept low. And we did not have any depression. It was the first time in the history of civilization that a major country had a major war and did not have a major depression after it was over. And this was very much to the credit of the people who kept the interest rates low so that all these debts could be paid.

Do you think we could do that now with interest rates at 9, 10, 15 and 20 percent? Of course we could not. We could not possibly do it. It was a great tribute to the group that kept the interest rates low during World War II so that all the people profited by it. A perfect transition from war to peace was accomplished.

Now, then, yesterday one of the Members on the minority side said this was a political move to ask for standby controls. Well, of course, you can say that about any bill; there is no way to prove or disprove it. But it is not political. If you say it is political because the President said he did not want it, why, then, anything the President says he does not want will be political if you propose it. That is not a very good argument; there is not much logic behind that statement.

This is not political. We are not attacking Mr. Nixon. This is a great compliment to the President of the United States, for the Congress to pass a law to give him all this power. Now, we cannot do it in a compulsory way now because we do not know what he wants, and what he would enforce.

Under the Constitution the President

enforces all the laws, the Congress makes the laws.

There is no basis for the charge of partisan politics. This bill is in the public interest. As the chairman of the Committee on Rules said, our country can be destroyed by inflation. Of course, it can. But, you are not helping anything by saying this is a phony issue—to give the President the power to cope with inflation and to protect the people.

As to the fact that the President said he will not use it, of course, we cannot help that. But I have reason to believe that if he concluded he needs to, I do not think he would hesitate to reach over and grab that shotgun in the corner and do what is best to protect all the people.

The interest rates I have mentioned can ruin this country for several reasons. One is that high interest rates cause inflation and high interest and inflation unbalances every budget in America immediately when it is imposed.

Heretofore, the prime rates have always been made by the New York bankers with only two exceptions in 50 years of history and they placed it at a price that makes money. Of course, we want them to be profitable institutions, but we do not want them to be so high that it is against the interest of the country and the interest of the people.

At this time we are paying $120 billion a year interest on all debts, public and private—$120 billion a year. When this New York banker went out on the front porch and raised rates 1 percent, do you know how much that meant in increased interest rates? It meant 1 percent of the public and private debt. At that time the public and private debt was $1,500,000,000,000. One percent of that was $15 billion a year. That meant that that extra burden was imposed upon all the people of this Nation. Of course, 55 million families carried most of that burden and would have to pay it by reason of that statement, that the interest rates are hereby raised 1 percent—or $15 billion a year.

It was raised 2½ percentage points from the time of the election when Mr. Nixon was elected in 1968 until June 9 of last year. Two and one-half percent is $37½ billion of extra taxes imposed upon the people—extra taxes, to take care of that 2½ percent.

Now you know that the country cannot get along with such additional burdens. Those were additional burdens that were imposed. Do you know how much that was? They say that the cost of the war is causing inflation. Of course, it is causing some inflation—anything like that and such expenditures will cause inflation, but the cost of the increased prices of interest, the exorbitant part, the usurious part, the excessive part of the interest was more than the cost of the entire war. What do you think about that? That being true, we must deal with interest rates first before you can deal with inflation or anything else that will save our economy.

The interest on the national debt today is $20 billion a year—and that is just the national debt part of it—$20 billion a year of interest. Do you know how much it should be if we used fair and reasonable rates as we have had in the past? It would be one-half that. In other words, we are paying $10 billion a year extra for exorbitant interest. It should be stopped and it should be stopped immediately because I know, just as the gentleman from Mississippi (Mr. COLMER) said, inflation can destroy this country and will if it is not stopped. I say that high interest causes inflation, and in order to stop inflation you have got to roll back interest rates.

The transition from war to peace I have explained; we did it at one time successfully. We has to impose controls. We did not want to do it but we had to do it. We know that it worked before. Let us make it possible for the President to have those weapons at his command, in his arsenal, in case it should get so bad that controls are absolutely necessary. That is the sensible thing to do.

In my view, it would not do for this Congress to adjourn without leaving the President of the United States plenty of power, stopgap power, to use in the event that uncontrollable inflation, murderous inflation, the type in which prices go out of the roof, that he could not reach back and get a weapon to cope with it.

It is our duty to do this, my friends, and I hope we will have just as near a unanimous vote on this bill as it is possible to get for the good of the country. We have got to stop inflation. We cannot stop inflation until we roll back interest rates. So roll back interest rates and stop high, exorbitant, usurious, excessive rates, and at the same time stop inflation. Kill two birds with one stone.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. HANNA. I was interested in your statement, Mr. Chairman, your excellent statement of the effect on the economy. I wonder if the chairman would incorporate in his remarks the statement showing the drop in earnings for manufacturing corporations which employ the working people of America and the rise in earnings of the large banks during this period of time.

Mr. PATMAN. Yes. I do not have that information with me here, but I hope the gentleman will get permission and insert it later.

Mr. HANNA. I will.

Mr. PATMAN. I will get the permission for the gentleman to insert that information.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I appreciate the gentleman yielding. Am I not correct, Mr. Chairman, in the statement that no money is authorized in this bill to implement wage and price control?

Mr. PATMAN. No; because we do not know. You see, the President will have to indicate what he wants.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman from Georgia.

Mr. BLACKBURN. You have made the point that you are providing the President with this shotgun in the corner, but you are not giving him any shells for it.

Mr. PATMAN. We will provide him with some bullets.

Mr. BLACKBURN. All he would have would be an unloaded shotgun.

Mr. PATMAN. We will furnish bullets quickly whenever he gets ready.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman refresh my memory? Did the gentleman bring a bill to the House floor in 1965 when Lyndon Johnson escalated the troop strength and tremendously escalated the spending in Vietnam? Did the gentleman bring this kind of bill to the House then?

Mr. PATMAN. Mr. Johnson did not, but it was in a portion of a bill that we brought from the Banking and Currency Committee which was not passed.

Mr. GROSS. Did you favor this kind of legislation in the House at that time?

Mr. PATMAN. Remember this: There is nothing so powerful as an idea whose time has come. That idea's time had not come. In this legislation we want to place that shotgun handy in the event it becomes necessary to use it. If the President should say, "I want to use it and I want the Congress to back me up, I want the Congress to furnish me the money and the personnel," then we would go into action and support the President.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I have heard the gentleman stand in the well of the House and rail to the housetops in protest to the enormous power of the Federal Reserve Board, and here today he is willing to give to the President of the United States enormous delegated powers.

Mr. PATMAN. That is right.

Mr. GROSS. And I have read through title II backward and forward and I can find no place, no point in title II of this bill where there is even the requirement on the President that he declare any kind of emergency, either war emergency or domestic emergency, as a preliminary to the invocation of these powers that here would be granted to him.

Mr. PATMAN. Whenever the President gets ready, he will send the message to Congress and say: I am declaring price and wage controls or selected controls, and I want the Congress to pass the law implementing the powers given to me by Congress and give me plenty of money to have the establishment necessary to pay the costs and also to get the personnel.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, I thank the gentleman for yielding.

On the question just raised by the gentleman from Iowa (Mr. GROSS) about the historic difficulties of the gentleman from Texas (Mr. PATMAN) with the so-called independence of the Federal Reserve System, is it not a fact that the basis of the difficulty of the gentleman from Texas is that the members of the Federal Reserve Board are not elected by the people, whereas the President is elected by the people?

Is it not further a fact that the gentleman from Texas has supported the power and the right and the duty of the President to intervene in the area of monetary policy?

Mr. PATMAN. That is right. It is a fact that the Congress has frequently set up administrative duties within the executive branch without providing at that moment the funding needed to hire the personnel to carry out those duties, waiting instead until the Executive came back with a detailed description of the kind of personnel it needed?

Mr. PATMAN. The gentleman is correct. That is traditional.

Mr. Chairman, title II of this bill is a shotgun in the corner. It gives the President standby authority to stabilize wages, prices, salaries, and rents.

The power is to be used by the President when and if he determines that the economic conditions warrant its implementation.

In short, Mr. Chairman, we are giving the President all the tools that he might need to combat the twin evils of inflation and recession which have plagued all areas of this Nation in the past months. In recent days, we have had many people claim that the economy is turning the corner and that good days are just in front of us.

However, yesterday's newspapers carried news that wholesale prices rose drastically last month. In fact, the increase last month was the highest since January. It is obvious that inflation is still with us and it is more important than ever that this Congress give the President every power to combat these economic problems.

This is temporary authority which will be in effect until February 28, 1971. In the intervening months, the President will have an opportunity to stabilize the economy. Throughout this period, he will have standby wage and price stabilization powers as a shotgun in the corner. The mere passage of this legislation by the Congress will do much to deter further increases in prices and wages.

It will be a firm statement of policy from the Congress. It will be concrete action and it will do much to restore the confidence of the people and business leaders in the economy. The stock market losses in recent months have been attributable directly to a lack of confidence in the Federal Government to act in the face of economic crisis. This legislation is action and it will be so reflected in all economic indicators.

There has been much criticism of the fact that this bill gives the President standby authority and does not actually mandate wage and price controls. The false claim has been made that the Congress is dodging the issue by giving the President standby authority.

This is false and totally misleading. The only way that wage and price stabilization can work is through standby authority giving the executive branch the widest latitude and flexibility. The Congress cannot execute the laws from the floor of the House or the Senate. We must give the President flexible authority and let him impose these stabilization measures when and where they are needed.

One of the basic criticisms of wage and price controls during World War II and the Korean war was the lack of flexibility. The bill before us today corrects this problem and gives the President and the executive branch the fullest flexibility. The President can apply the wage and price controls in a selective manner in whatever areas are creating inflationary pressures.

Much of the administration of the wage and price stabilization can be carried on with existing personnel and it will not require a huge new Federal bureaucracy. Many of the existing agencies could perform enforcement functions in this area if called upon by the President.

Mr. Chairman, many argue that the President will not use these powers if the Congress votes them. This is exactly what was said when the credit controls were voted by the Congress last December. Yet, only last month, the President wrote me indicating that he might reconsider and actually use the credit control if the economy warranted it. I suspect the President might well have a change of heart in regard to the wage-price authority in this bill. So the House should not take too seriously the political statements being made in opposition to the wage-price authority.

Mr. Chairman, I do not know why anyone in the House would oppose giving the President the authority to control inflation. Outside of pure political partisanship, I cannot understand why any Member of the House would refuse to give the executive branch the necessary powers to stabilize wages and prices. The American people want action on the economy and this bill gives them real and effective action to correct the economic problems facing the Nation.

COST ACCOUNTING STANDARDS

Mr. Chairman, one of the provisions of this bill concerns cost-accounting standards for negotiated defense procurements. Over 2 years ago when this body was considering the extension of the Defense Production Act a provision was included in the House bill which would have required the Comptroller General to develop cost-accounting standards and recommend legislation to permit the promulgation of rules and regulations in implementation of the standards. The House at that time acted favorably on this provision. The other body did not go along with this provision. As a result, legislation was enacted requiring the Comptroller General to study the feasibility of cost-accounting standards. We have since received the report of the Comptroller General which states that the development of cost-accounting standards are feasible.

The provision in the bill before us today relating to cost-accounting standards calls for the establishment of a Cost-Accounting Standards Board composed of five members with the Comptroller General as the chairman. The Board would recommend by June 30, 1971, to Congress cost-accounting standards for defense procurements.

The study of the Comptroller General was conducted after soliciting and carefully considering the views of a good cross section of defense industry, certified public accountants, Government accountants and the academic community.

The study concluded that uniform cost-accounting standards were feasible. The Comptroller General has recommended the establishment of such standards. Supporting him in this view are the Office of Management and Budget, the Department of Defense, other major procurement agencies of the executive branch such as the Atomic Energy Commission, the National Aeronautics and Space Administration, and the principal professional accounting organizations.

I firmly believe that we must move toward major improvements in defense contract administration by the formulation of cost-accounting standards to materially enhance the communication and understanding between industry, Government, the Congress, and the public in the negotiation of defense contracts. Cost-accounting standards, properly designed, will inure to the benefit of both industry and Government by providing a climate under which equity and fairness in defense contracting for the protection of both parties can be achieved.

When one considers that in fiscal year 1969 over 89 percent of defense procurement, that is, over $36 billion, was negotiated without sole dependence on price competition, there is need to consider why and how the better cost information can improve negotiating processes.

Accounting is the financial language of business. Basically it is concerned with the meaning of words and the classification of those meanings into accounts into which figures are placed. Technical words often have no single meaning. It is imperative that we work toward a better understanding of what we are trying to express. This is the basic purpose of cost-accounting standards. Such standards are neutral in that they neither favor nor injure any one of the parties. Neither do cost-accounting standards suggest or require cost-accounting systems.

If the objectives of this legislation are considered in this light, the purposes of the legislation are far from objectionable, in fact, they are absolutely necessary.

Some measure of cost-accounting standards exists in Defense at the present time. Section XV of the Armed Services Procurement Regulations has these objectives. But these regulations are defective and outmoded in important respects:

They depend too much upon "generally accepted accounting principles," principles used by public accountants in judging the merits of financial statement reporting principally to stockholders, but hardly applicable to the field of cost accounting. "Generally accepted accounting principles" provide no assistance in the important area of allocation of indirect costs, which are the largest single cost element in defense contracting. Cost accounting in defense contracting serves as an internal mechanism for the formulation and evaluation of contract costs, a distinctly different function.

They rely heavily on industry-accepted practices. However, since there is no codification of cost accounting principles and standards, there exists no central guidance and general acceptance which assures consistency in application of methods.

They provide too many alternatives for the calculation of costs in a given situation. They fail to narrow the alternatives by stating the criteria for their use. Thus, they create the possibility for manipulation of costs and make it difficult for contract negotiators to know whether they have a complete understanding of the proposed contract costs. As a result, the Government is placed in a disadvantageous bargaining position; as a result the bidders are often bidding on different costing ground rules.

The Comptroller General's study did not disclose any developments in the formulation of cost-accounting standards by other agencies and groups. The regulations of the Securities and Exchange Commission, the rules of the Renegotiation Board, and the regulations of the Internal Revenue Service are for different purposes and do not form any real basis for cost-accounting standards applicable to defense contract administration. None of these nor "generally accepted accounting principles" was intended to serve defense contract purposes.

The major weaknesses in cost accounting under present defense contract methods are apparent.

Contractors are priviliged under present provisions to choose from alternative accounting methods without criteria for determining the basis for the selection.

Contractors sometimes submit cost data in price proposals in a manner substantially different from the way they record the costs of performing the contract. These practices result in serious problems in verifying supporting data under Public Law 87-653, the Truth in Negotiations Act, and making meaningful audits of negotiated contracts very difficult. Thus, present guidelines or standards provide no way of assuring consistency between cost proposals and incurred costs.

It is quite apparent from the many case examples in the experiences of the General Accounting Office and the Defense Contract Audit Agency that the present standards are not understood, not reasonably uniform in their application. For example, the presently acceptable methods of: First, applying overhead to Government contracts and commercial products; second, determining the basis of capitalizing and expensing of costs upon modernization, renovation and repairs and; third, charging work done by affiliated companies results in inequities as among contracts, between contractors and the Government, and between contractors.

The goal of cost-accounting standards is not uniformity in the straightlaced or one-way sense, but narrowing of the differences to a reasonable degree so that there may be consistent practices by all contractors in the same or similar situations. This is what the American Institute of Certified Public Accountants is attempting to do in the field of financial reporting. We can and should do no less in the field of cost accounting for defense contract administration.

I therefore strongly urge the House to act favorably on this bill on cost-accounting standards.

Mr. Chairman, I must forgo using more time, because I have used 31 minutes, which is over half, and several members of the committee who want to talk are here, and I would like to hear them and the Members should hear them, because they will make great speeches.

I hope this bill passes by a big vote. It is necessary in the public interest.

The CHAIRMAN. The gentleman from Texas consumed 32 minutes.

The gentleman from New Jersey is recognized.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we came here today to discuss H.R. 17880 and I have heard practically no discussion of the bill today. I listened with great interest to the remarks of our distinguished chairman, and I want the House to know that there is nothing in this bill that has anything to do with interest rates. I am afraid Members might have been confused by the remarks made by the chairman.

There is nothing in this bill which has to do with interest rates.

Mr. Chairman, the minority will support title I of H.R. 17880 with minor amendments, but we take exception to title II.

Title I provides for a 2-year extension of the Defense Production Act. To our knowledge, no one questions the need for this extension.

Title I also deals with the question of cost accounting standards for defense contractors. Considerable confusion exists about this and about the committee's actions. Certain elements in the press have, for self-serving reasons, added to the confusion. Let me attempt to put this matter in proper perspective.

First, I think it is apparent that all of us in the Congress are concerned about the size of our defense budgets. They are necessarily large—so large in fact that we must be constantly alert to the possibilities of mismanagement, dishonesty, and waste. Any failure to devote continuing attention to these possibilities would be a dereliction of our duty.

It is in the very pursuit of this duty that some outstanding cases of apparent mismanagement and waste have been discovered. It should be noted that we have previously passed legislation either establishing specific safeguards or authorizing administrative procedures to be established and followed by our defense agencies to correct these problems. Unfortunately, evidence has continued to accumulate, indicating that administration of these safeguards has been deficient, and in 1968 we authorized a study by the General Accounting Office to determine if uniform cost accounting standards for defense contractors were feasible. This was done because it was suggested that if all defense contractors were required to utilize uniform cost accounting procedures, it would facilitate administration of previously authorized safeguards. It is interesting to note that both Admiral Rickover and Dr. Robert Anthony, the former Comptroller of the Department of Defense, testified to the effect that administrative procedures could be made effective without the benefit of these standards. Nevertheless, we are moving ahead with them.

In January of this year, the Comptroller General submitted to the Congress his report on "The Feasibility of Applying Cost Accounting Standards to Negotiated Defense Contracts."

Let me make two points perfectly clear. First, this report did not state that it was feasible to establish uniform cost accounting standards. It merely stated that it was feasible to establish "cost accounting standards to provide a greater degree of uniformity and cost accounting as a basis for negotiating and administering procurement contracts."—Staats, June 19, 1970, before the Banking and Currency Committee, page 169.

Second, and more important, to an adequate understanding of the committee's action is the fact that the report by the Comptroller—Congress' own accounting branch—did not define, and neither Comptroller General Staats, nor Admiral Rickover, nor anyone else in their testimony before us could define, or give an example of, a cost accounting standard. Early drafts of the report attempted unsuccessfully to do this but it proved so difficult, the effort was abandoned. It was abundantly clear to us from testimony we received from both proponents and opponents of uniform cost accounting standards, that no one could draw the line between a cost accounting standard and a cost accounting system. No one we know of has advocated the imposition of any uniform cost accounting system. Quite the contrary, the Comptroller's report states:

> On the other hand, to require consistent uniform cost-accounting practices for all contractors, whatever the circumstances involved in contract performance, goes to such an extreme as to be unreasonable and unenforceable.

Let me turn now to Admiral Rickover's recommendations as expressed in his formal testimony before the Banking and Currency Committee on June 20, 1970.

Early in his statement, he said:

> The question before you today, therefore, is not "should we establish such standards?" but rather, "How shall we go about setting the standards?".

The bill we are reporting to you, answers that question. A Cost Accounting Standards Board will be established for the sole purpose of establishing those standards and submitting them to Congress for consideration.

The admiral then proceeded to detail his ideas and concluded as follows:

> In summary, the three points I have discussed are:
>
> 1. The GAO should establish and promulgate uniform cost accounting standards. (This bill provides for the GAO to establish cost accounting standards, but because no one could define what they would be, we have withheld authority to promulgate them until we can review them.)
>
> 2. Uniform cost accounting standards should apply to all negotiated defense contracts—certainly to those in excess of $100,000. (This bill provides no exemptions at all and goes further than standards for cost accounting by requiring the Board to consider bid forms and bid procedures to be used in defense contracting.)
>
> 3. Congress should require that uniform cost accounting standards be promulgated initially within 18 months. (This bill requires the Board to report back to Congress with recommended cost accounting standards by June 30, 1971—only 10 months from now. All evidence suggests this is an unreasonably short time in which to accomplish the task, but if it can be done, the standards could be promulgated in eighteen months or shortly thereafter.)

In summary then—I think it should be clear to all that no responsible or well-informed person could suggest that the bill being reported is not highly responsive to the recommendations of Admiral Rickover.

Mr. Chairman, I seldom waste the time of this body with responses to the attacks of muckraking journalists. However, the column "Washington Merry-Go-Round" of July 25 was an insidious attack upon 23 Members from both parties for their actions with respect to this bill. Such journalism is a disservice to the public for it makes no effort to enlighten them on the issues involved. Its author tries only through innuendo and clever abstraction to imply wrongdoing. Let us look at some facts.

First, the executive sessions of the Banking and Currency Committee are not secret proceedings as they are labeled in this article. Rules of the committee provide that record votes taken in executive sessions may be disclosed to anyone who asks about them after the session. I want my constituents to know, and I am sure I speak for all members of the committee, that anytime they want to know how I voted on any issue in executive session, they need only ask.

Second, the vote was no vote to, as the column says, "continue $2 billion in excess profits which the defense contractors have been pocketing each year." This figure is insupportable. It was offered by Admiral Rickover who himself labeled it an estimate. Let me quote his response to a question from the gentleman from Mississippi (Mr. GRIFFIN):

> I will tell you how I arrived at this figure, sir. Whenever I have the time to take on one of these contracting issues, I invariably find contractors claiming 5 to 10 percent or more higher than they actually are. I believe that if people were able to determine costs readily, in accordance with proper standards, this would reduce prices for defense equipment by at least 5 percent. On a total of $40 billion in procurement, if you save only 5 percent, that will amount to $2 billion.

With all due respect to the admiral, this kind of guesswork is not adequate for responsible legislation. If it were, we might just as well lop $2 billion off the next appropriations bill for the Department of Defense with the admonition to them to improve procurement procedures and buy everything they wanted. But I say to you that to do so might seriously impair our national defense.

Mr. Chairman, I can safely say to all Members that title I of this bill is good legislation. It is responsive to the problem before us. It moves as constructively toward the solution of that problem as is justified. It is offered to you by a clear bipartisan majority of the committee. All Members can support it in good conscience.

Title II is something else.

Title II would provide the President with a hollow authority to control wages, prices, rents, and salaries. Now that the President's 18-month-long fight against inflation shows definite signs of success we propose to give him powers he neither needs nor wants. It is like locking the barn after the horse is gone.

Let me point out that on June 17, the President, in a speech to the Nation on economic policy and productivity, spoke directly of the need for these authorities. He pointed out that when he took office, we were at the crossroads of economic policy. Four routes were available and he said of the third:

> A third choice was the route of wage and price controls. That would lead to rationing, black marketing, total Federal bureaucratic domination, and it would never get at the real causes of inflation.

He went on to say:

> I will not take this Nation down the road of wage and price controls, however politically expedient they may seem.
>
> Controls and rationing may seem like an easy way out, but they are really an easy way into more trouble—to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot.

The message is clear enough, I think. Even if these controls had been authorized 2 years ago, when the task of controlling inflation was first undertaken, this administration would not have used them because spiraling wages and prices were symptoms—not causes—of inflation. Inflation can be controlled through sound fiscal and monetary policies and with the cooperation of Congress it will be.

The Council of Economic Advisers has done some research on the costs of wage and price controls during World War II and the Korean conflict. The results of this research will give you some idea of the magnitude of the task involved in administering price and wage controls.

For example, during World War II employment in the Office of Price Administration averaged about 60,000 people who were assisted in turn by about 100,000 volunteers. At times this volunteer force was as great as 300,000.

The cost of this operation ran on an average of $160 million per year.

During its existence the OPA prosecuted 280,000 violations.

The Economic Stabilization Agency during the Korean war was a much more limited operation but at the end of 1952 it employed approximately 16,000 people. Expenditures were $91 million that year and 8,500 cases were prosecuted.

The Council has attempted to translate these operations into the current situation and it looks like this.

A small operation such as we had during the Korean conflict would probably require 21,000 people at a cost of some $400 million per year.

A full scale operation such as the OPA of World War II is now estimated to require 130,000 people at a cost of $1 to $1½ billion per year.

Either operation presents staggering problems both in terms of money and staffing. Imagine trying to assemble a minimum staff of 21,000 people to administer a program scheduled to expire in 7 months.

It is obvious that title II is unneeded, unwanted, and unrealistic. I urge that it be deleted from the bill and if Members of Congress are convinced that such controls are necessary, let us have a new bill making them mandatory.

Mr. PATMAN. Mr. Chairman, I have two short speakers; and I yield 5 minutes at this time to the distinguished gentleman from Oklahoma, the majority leader, the Honorable CARL ALBERT.

Mr. ALBERT. Mr. Chairman, I trust that my friend was not referring to the physical dimensions of those who are going to talk, but I do appreciate the time.

May I say I agree with the gentleman from New Jersey that there is little, if any, controversy about the extension of title I. But I think we must discuss title II in the atmosphere of the Nixon economy which plagues the country today.

Mr. Chairman, this Nation for the past year and a half has unhappily experienced the unenviable paradox of full blown inflation coupled with a deepening economic recession. The cost of living increased by more than 7.6 points during 1969. Eggs, fruit and vegetables, meat, poultry and fish—the "market basket" foods that make up the meals of Americans—averaged a 4.8-percent increase last year. Medical care was 7 percent higher; insurance and credit costs rose 11.5 percent.

Skyrocketing inflation continues. The cost of living figures released on July 22 indicated that prices rose in the first half of this year at a 6-percent annual rate. More striking even is the fact that last month the wholesale price index advanced by .3 percent, an annual increase of 6 percent to a record high. This will soon be reflected in higher retail prices.

The President and his apologists have endeavored to blame the disastrous results of his own inept economic policies on the previous administration. However, the truth of the matter is that inflation has greatly increased during this administration. Prices of many basic industry products rose an average of four times as rapidly in 1969 as in 1968. For example, steel mill products, used in thousands of items bought by U.S. consumers, increased in price 6.7 percent in

1969. This is almost as much as the 7.1 percent increase in the previous 8 years combined, and three times as fast as the 2.2-percent increase in 1968. Basic raw materials prices jumped 11 percent in 1969, compared to a little over two percent in 1968, according to the New York Times. All of these increases boost profits for the large corporations at the expense of the consumer—the little man who has to pay the highest prices.

Mr. Chairman, the inflation of the past year has been accompanied by a sharply deteriorating economy. Unemployment is officially recorded at a million higher than when the President assumed office. The failure of the labor force to expand gives clear evidence that many potential workers, having been discouraged by the lack of job opportunities, have withdrawn from the work force. This, in effect, constitutes hidden unemployment. Millions of workers have experienced a reduction in their paychecks, as a result of loss of overtime and short workweeks.

Last year, for the first time in a decade, the gross national product failed to grow. Industry is operating substantially below capacity. Consumer confidence has experienced a sharp deterioration. Mr. Chairman, this Nation is now in the grips of a serious recession.

Mr. Chairman, the guilty culprit is undoubtedly the traditional monetary and fiscal policies being employed by this administration in its futile and misguided efforts to combat inflation. The ill-advised medicine of a choking tight money policy has produced record high interest rates. The administration's fiscal objectives have been characterized by all the social breadth of a bookkeeper and the human compassion of an Ebenezer Scrooge. All efforts by this Congress to increase public investment in housing, health, education, and antipollution, are denounced from the White House and stoutly resisted by its spokesmen in the Congress as fiscal irresponsibility. Vetoes and threats of vetoes of our efforts to improve the quality of life in this Nation are the order of the day.

Mr. Chairman, it is abundantly clear that President Nixon and his economic advisers are prescribing the wrong medicine for the particular inflationary virus now affecting the Nation. Classical restrictive fiscal and monetary policies certainly have a proper role to play in combating traditional "demand-pull" inflation. Such demand-pull inflation is invariably the result of shortages in manpower and productive capacity. We possess neither today. Unemployment has risen during the past year and it is conceded by the administration spokesmen that it will increase further during 1970. We likewise possess an abundance of unused industrial capacity.

The Committee on Banking and Currency, under the leadership of the gentleman from Texas (Mr. PATMAN), therefore is to be congratulated upon bringing H.R. 17880 before the House today. Its provisions granting the President standby authority to control prices, rent, wages and salaries will arm the President with a necessary weapon to combat the "cost-push" inflation which now besets us.

This inflation is caused by giant monopolies who offer their goods to the American people at prices determined not by the law of supply and demand but by administrative fiat. These corporations have tremendous internal financial resources and enjoy private advantageous relationships with large lenders which make them totally immune to a restrictive monetary policy.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. PATMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, taken together with Public Law 91-151, enacted last year, granting the President power to impose selective controls over all forms of credit, this bill would provide the President with all the tools he needs to control this "cost-push" inflation while at the same time restoring healthy economic growth. In this way we will not need to rely on fiscal and monetary actions which places an inordinate burden on those segments of our economy and society least able to bear them.

Mr. Chairman, the passage of this bill is necessary. Its enactment is mandatory if we are to halt or to give the President the chance to halt the present inflationary recession and get this Nation moving again.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, after listening to the remarks of my good friend, the majority leader, I cannot help but feel that in effect he is advocating the need and the necessity for mandatory price and wage controls right now. Such an amendment will be offered so that those who want to cripple the American economy by bureaucracy can vote for it.

I am surprised that the majority party has not taken that initiative, if they think things are in such a dire condition as he has indicated.

Of course, the truth is we are making headway in the fight against inflation. In the last quarter of the calendar year 1970, the record shows that the cost of living has gone up during that period of time approximately 4.6 percent per annum, in contrast to a far greater increase in the cost of living in the first quarter of calendar year 1970. In other words the fires of inflation are cooling off.

In addition, the gentleman from Oklahoma failed to mention that the employment figures show that at the present time we have approximately 1,500,000 more employed now than we had a year ago at this time.

So we are not only making headway against inflation, but at the same time we are keeping employment growing. I cannot help but repeat, as I do occasionally, when the charge of high unemployment in 1970 is made by the Democrats, that the 4.7 percent unemployment last reported in 1970 is considerably less than the average annual unemployment of 6.7 percent in 1961, under a Democratic administration. Democrats do not mention 1962 when unemployment on an annual basis averaged 5.5 percent—or 1963 when unemployment averaged, for that 12-month period, 5.7 percent.

So we are doing really much better than our friends did, during the first 3-year period of a Democratic administration.

I do not recall any speeches about the seriousness of unemployment in 1961 when it was 6.7 percent and in 1962 when it was 5.5 percent and in 1963 when it was 5.7 percent.

We are doing better, and we are going to make continued progress both in winning the battle against inflation and in providing more job opportunities for the American working man and woman.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. I hesitate to interrupt my colleague, but I think his remarks deserve a comment.

You will recall that the Kennedy administration took over from an economic recession in the Eisenhower administration, whereas the Nixon administration took over from the period of 8 years of continuous economic growth.

The simple fact of the matter is that the increase in inflation under President Nixon's administration is proceeding at a much faster rate than under the last two Democratic administrations.

Under the current Republican administration, after just 18 months in office, inflation, measured in cost of living, has increased 18 points. The inflation rate averaged over 6.1 percent in the first year of this administration, which was 30 percent greater than the worst inflationary rate under the previous administration and more than double the 2.5-percent rate if all previous administration years are averaged.

Mr. Chairman, the facts are obvious, the record is easy to read. President Nixon has given us more inflation, higher interest rates, and tighter money in 18 months in office than we had in the previous 8 years when Democrats were in the White House.

Mr. GERALD R. FORD. Let me respond to the last observation.

From 1964 to January 1969, we had the highest increase in the cost of living during any 4- or 5-year period, than at anytime in the history of the United States—and that was under the previous Democratic administration.

What we are trying to do at the present time is to stop that increase in the cost of living which was generated by, I think, the ill-advised fiscal and monetary policies of the previous Democratic administration.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman from Texas is making a big point about interest on the national debt being at the rate of $20 billion this year. As I recall, President Kennedy, when he was running for election in 1960, decried the tremendous interest burden of $9 billion. The economic growth the majority leader talks about also provided an increase from $9 billion in interest to $20 billion this year, and I think we ought to take that into account.

Mr. GERALD R. FORD. Mr. Chairman, I think it is recognized by any objective analyst that it was the Johnson policies of the 1960's which created our present economic and fiscal situation, and the continued budget busting in this Congress threatens further economic problems ahead. The remarkable but elementary economic truth which my friends on the other side of the aisle refuse to acknowledge is the timelags which operate in a complicated economy such as we have in this country. The full impact of the massive deficits of 1967, $8.7 billion, and in 1968, $25.16 billion, did not come until 1969–70. Then the full effects of the inflationary pressures hit the consumer. It is these deficit-inspired inflationary pressures with which President Nixon had to contend when he took office in January 1969.

The overheated economy fueled by these Federal deficits required cooling down if an effective damper was to be placed on inflation. Unlike the previous administration, the Nixon administration has had the courage to take measures designed to provide a transition from an inflationary economy to one of sustained and stable growth. Controlling inflation, however, could not be accomplished without some slowdown in the economy.

This moderate slowdown in the economy was necessary only because of the consistently inflationary policies pursued by Democrats while they controlled both the Congress and the administration. The economic slowdown naturally produced a revenue shortfall, which was a major factor in the budget deficit in fiscal year 1970.

The slowdown in the economy has now bottomed out and as George Shultz, Director of the Office of Management and Budget, pointed out on Wednesday the emphasis of the administration is now on moderately expansive economic policies.

It should also be noted that signs of strengthening in the economy have been overlooked in the comments of my Democratic colleagues. For example, the Bureau of Labor Statistics noted on July 29 that quits—an indicator of availability of jobs—and new hires—which reflect manpower adjustments to production changes—increased in June, and that layoffs declined significantly.

A truly remarkable aspect of the final figures concerning the fiscal year 1970 budget outlays is that, despite the $1.1 billion Federal pay rise, increased interest on the national debt, and other increases in "uncontrollables," expenditures were held $1.1 billion below the budget estimates. This clearly demonstrates the administration's commitment to economy and responsibility in fiscal affairs.

Earlier the administration had demonstrated its commitment to economic stability by sharply reducing the fiscal year 1970 budget which it inherited from President Johnson by $7.5 billion. Whereas in the 3 years before the Nixon administration took office, Federal spending rose an average of 15 percent per year, the Nixon administration slashed the rate of increase in half, to 7 percent. In fiscal year 1971, the proposed budget would cut the rate of increase in spending in half again.

One of the most shocking aspects of Democratic remarks on Wednesday were that they came on the heels of another budget-busting action by the Democratic-controlled Chamber. Absent was any concern about deficits, as Members from the other side pushed through an independent offices-HUD appropriation which is $541 million over the President's budget.

To set the record straight as to why administration officials and persons on the Republican side have warned about budget-busting actions of this session of the Congress, I should like to read two summary statements in staff report No. 8 of the Joint Committee on Reduction of Federal Expenditures chaired by the able gentleman from Texas:

> Budget outlays for fiscal 1971: House actions to July 28, 1970 on all spending bills—appropriations and legislative—have added a net of $3,105,063,000 to the President's total estimated outlays for 1971.
>
> Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000. House actions to July 28 on revenue proposals total $708,000,000 (including a net of $173,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

If these trends of spending more and taxing less continue, we run a real risk of rekindling the inflationary pressures all over again.

In conclusion, I should like to read a table showing Democratic budget deficits in the 1960's which total $57 billion, to be placed in the RECORD following my remarks:

Government deficits

[In billions]

1961	—$3.406
1962	—7.137
1963	—4.751
1964	—5.922
1965	—1.596
1966	—3.796
1967	—8.702
1968	—25.161
1969	+3.2

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, the first thing I want to say is that the distinguished minority leader used some incorrect facts concerning the Kennedy and Johnson administrations. They will be corrected by our side of the aisle shortly, but I do not want to do it on my time.

Mr. Chairman, the legislation now before the House is one of the most important measures we are required to consider. It extends for 2 years the life of the Defense Production Act of 1950, which contains the basic authority to the President to take necessary steps during national emergencies for the production of essential military and civilian materials, and to monitor the needs of the economy in meeting unexpected future defense requirements.

So it is by no means a routine bill. The programs this bill would continue in operation, or on standby, are as fundamental to our national safety and well-being as our Military Establishment itself. The military program is dependent upon the availability of minerals, metals, power, and other production requirements that the Defense Production Act can assure are on hand when needed.

Very few Americans are aware of the existence of this law or the programs which function under it, because it does not touch very heavily on day-to-day activities of the average citizen. But in case of dire national emergency, we would all suddenly become aware of this law's existence and of its importance. Hence, it is a foregone conclusion that H.R. 17880 will pass the House. The question before us today is whether we merely extend the present law without change, or add to it several extremely important new provisions recommended by the House Committee on Banking and Currency.

One of those deals with the establishment of a five-member Cost Accounting Board to recommend methods of achieving, for the first time, uniformity in the accounting practices used by defense contractors, in order to enable the Congress and the American people—and the Defense Department, too, I might add—to know what procurement items really cost. For the fact is that business uses so many different methods for figuring unit costs, and profit and loss, that no one—no one—truly knows whether the Government is getting materiel at a fair price or is being gouged and cheated. This is an intolerable situation, and one which has been repeatedly called to our attention by Government officials who believe the taxpayer is entitled to receive fair return for his tax dollar. No one has been more eloquent, or more straightforward, in exposing this problem than Vice Adm. Hyman G. Rickover, who has been one of our best witnesses on this issue.

NEED FOR UNIFORMITY IN THE ACCOUNTING PRACTICES

Mr. Chairman, of all the groups appearing at the hearings on cost-accounting standards, only a few industry associations expressed opposition to the idea. I direct my remarks to that opposition.

In evaluating any testimony, one should consider some important differences. First, one should consider whether the testimony is based on evidence or whether it reflects nothing more than unsupported opinion. Second, of the testimony that reflects opinion only, one should consider whether or not it is knowledgeable.

Testimony by the Comptroller General is based upon a research study which, through a questionnaire, went directly to industry representatives who are intimately engaged with accounting matters in their daily work. Responses were received from over 1,000 contracting units or companies representing large and small contractors and a reasonable sampling of other nondefense companies. In many cases, the questionnaires indicated that they had not only been prepared by experienced company accountants but had also been reviewed by executives much concerned with the implications of possible cost-accounting standards.

The returned questionnaires were received and summarized by an independent research team. There was no way in which pressure could be brought to bear, either directly or indirectly, upon the recipients of the questionnaires. The anonymity of respondents, insofar as the GAO is concerned, is secure; only the research team knows which contracting units and companies replied or how they answered the questions.

If you read the research team's report, which was appended to the GAO feasibility report, you will find there is emphasis on a balanced presentation, one which gives not only the categorical answers to the questions asked but also lengthy and verbatim excerpts from the narrative answers.

The conclusions in that report of the research staff are clear. They found the questionnaire answers responsive to the purposes of the feasibility study; they found that the large number of contracting units and companies responding did not reject out of hand the notion of cost-accounting standards but, on the contrary, showed substantial sympathy, directly and indirectly, for the establishment of such standards. Overall, this research staff, based on the firm evidence provided by the questionnaire, which was answered anonymously by practicing industrial accountants, found the establishment of cost-accounting standards to be feasible. I believe great reliance can be placed on such evidence.

I fail to observe such objectivity and balance in the opinions of the industry associations who criticized the GAO position at the hearings. Much of their testimony constitutes, not evidence, but unsupported opinion. How many of those testifying had experience in cost accounting? How many made any effort at all to get in direct contact with experienced, practicing cost accountants? How many of them solicited information on a wide scale with anything like the care and independence of the GAO study? I do not think many did.

I contend that the approach followed by the GAO, that of going directly to those most experienced with the subject, provides a far better basis for conclusions about the feasibility and the need for cost-accounting standards. In my opinion, legislation on cost-accounting standards is both needed and essential and should be approved today.

STANDBY ECONOMIC CONTROLS

The other major change which would be made in the Defense Production Act by H.R. 17880 as reported by the Committee on Banking and Currency would write into the law standby powers—I repeat, they are discretionary, standby powers—to the President to stabilize, for a very limited period, extending only to next February 28, any prices, wages, rents, or salaries at a level no lower than those prevailing on May 25, 1970. This is the most controversial provision of the bill. It was approved in committee on a party line vote, but I sincerely hope that it can be considered here today, as it was in our hearings, on its merits and without regard to politics. Perhaps that is too much to hope.

We would not be freezing any price or any wage or any salary or any rent by enactment of title II of H.R. 17880. It is extremely likely that if the authority provided to the President in title II is enacted, it would not be used between now and next February 28. This has been offered as a reason for not passing title II. I do not think it is a valid reason.

The question we should be concerned about today is not whether Democrats or Republicans would profit or lose politically in the coming November elections from adoption of title II of this bill, but whether prudence and good sense and patriotism and a decent respect for the economic safety and well-being of this Nation require the placement in the hands of the President of all of the people of this country the powers a President of the United States deserves to have in order to protect this country from uncontrolled inflation.

VAST POWERS ALREADY GIVEN PRESIDENT IN CREDIT AREA

This Democratic Congress has already provided our Republican President with the greatest powers any President has ever had in our entire history to control any and all forms of credit. We did that last December. We did it over the President's objections. He said he did not want the power. He said he would not use it. Nevertheless, he has it. And the Chairman of the Federal Reserve Board, Dr. Arthur Burns, who was President Nixon's closest adviser on economic issues at the time that law was reluctantly signed by the President, has told us since he became Federal Reserve Chairman that he is extremely glad that such credit control authority now exists under law. I think the President should have used his selective credit control powers selectively and judiciously at various times since last December 23 to curb the excessive uses of credit which have raised interest rates to unconscionably and unbearably high levels. But it has been the President's decision not to use those powers, and he has the right to make that decision under the law we passed.

Similarly, under title II of this bill, he could use or not use—as he deemed the circumstances demanded—the other standby selective economic stabilization powers proposed in this legislation. The administration seems to believe the inflation danger has been overcome. Most of us do not agree. The wholesale price index reported yesterday shows continued heavy inflationary pressures at work. Some commodities are acting with great volatility. Wage contracts coming up for renewal in many major industries certainly do not give reason to expect any reduction in wage levels. If anyone in this House feels competent and qualified to predict the course of the inflationary pressures in the next 7 months, he has a crystal ball most of the rest of us know we do not possess.

DO WE DISTRUST THE PRESIDENT TO USE PATRIOTIC GOOD SENSE?

Mr. Chairman, I do have deep respect for the office of the President, and I am willing to trust the President of all of the people to take courageous steps in the national interest when our national survival or economic safety depends upon it. We give to our President alone the power to use nuclear weapons; only the President has that power. What greater and more solemn responsibility could any man have, involving the life of every man, woman and child on this earth?

I am also willing to trust the same individual to have the power—when necessary—to roll back the price of essential civilian and military supplies to the far from depressed levels of May 25, 1970, if the national needs of this country so require—if that is necessary to stop an inflation spiral, or prevent the collapse of the dollar. No President has had equivalent power since June 30, 1953. As a Democrat, but more importantly as an American who loves her country, I am willing to give that power now to a Republican President.

This is not a new political judgment on my part. I have not been newly persuaded as part of some sort of political conspiracy—or, to use the colorful imagery of the minority report on H.R. 17880, an "election year squeeze play" or "devious Democratic demagogery"—that it would be a good "political gimmick" to saddle a reluctant Republican President with more economic power than he intends to use in order to berate him at election time for not having rolled back prices.

SUPPORT FOR SENATOR CAPEHART'S ATTEMPT TO SAVE STANDBY CONTROLS IN 1953

Mr. Chairman, I was one of a very few new Democratic Members of the House of Representatives to come to Congress in the same month that General Dwight D. Eisenhower took office as President of the United States in January 1953. We were then involved in the Korean war, and we had controls in effect over prices, wages, salaries, and rents. These controls had been among a series of programs instituted in the Truman administration to halt the tremendous inflationary surge which had begun with the start of the Korean war in June 1950, modified a bit after the successful Inchon landing led by General MacArthur, in September, and then expanded into a frightening spiral when the Communist Chinese poured across the border into North Korea, and our troops were forced far down into South Korea.

The Defense Production Act was enacted in September 1950, but the controls were not put into effect until late in January 1951. Once they were imposed, the inflation was stopped, and prices fell. The controls played a very important part. They served notice that the Government was not willing to stand aside and let prices, wages, salaries, and rents skyrocket in response to individual decisions of millions of Americans looking out primarily for themselves alone.

President Eisenhower chose to terminate most of these controls during his first month in office. He just ordered them stopped. He then opposed legislation to extend the power for price, wage and salary controls beyond June 30, 1953. I thought that was a terrible mistake—not in terms of a 1953 crisis, but in terms of the country's future preparedness against renewed inflation danger. The Republican chairman of the Senate Banking and Currency Committee, Senator Capehart of Indiana, who had been strongly opposed to the principle of controls when in the minority, attempted to keep in the Defense Production Act the power for standby economic controls after June 30, 1953. But President Eisenhower gave him no encouragement on this legislative objective, and, in fact, opposed it. As a freshman Member of the House, I supported the Capehart proposal for standby controls. But in the absence of administration support, Senator Capehart finally surrendered on the issue.

Ever since then, I have felt that we should have standby economic powers in our basic defense mobilization statute—the Defense Production Act. But this is the first time we have succeeded, in all of the years since 1953, in having standby powers other than credit controls approved in committee and recommended to the House as part of the Defense Production Act. I am sorry the effort now is related directly to the fact that we are in an inflationary crisis. I think it would have been far better to have enacted these powers during a period of relative stability in the economy. But we have guarded in this bill against the possibility of having the bill itself set off further inflationary demands by setting a rollback date to last May—so that anyone who planned to increase prices in expectation of a price freeze would be on notice that a price increase in anticipation of controls could be set aside under this legislation.

PEOPLE ARE EMBITTERED BY CONTINUED INFLATION

Mr. Chairman, the Members of this House all know how angry, how bitter, how frustrated, their constituents are today over the constantly increasing cost of living. Wage agreements now coming up for renewal must, of necessity, call for substantial increases in hourly rates just in order for the workers to stay even with living cost increases. If we stand helplessly by, and provide no machinery for coping with inflation, we invite much worse inflation.

Passage of title II of this bill, providing discretionary powers over prices, wages, salaries and rents, when added to existing credit control powers, would serve notice that this Nation has the full ability to protect its people against worse inflation. We will have done all that is within our own power to do as Members of Congress to combat a price and wage spiral, just as we did all in our power as Members of Congress last December to combat interest rate inflation. We can give the President the necessary tools. Whether they are used must be his decision. He is fully capable of defending himself against political attack for whatever decision he chooses to make in this regard. But if we refuse to provide him the standby powers a President should have in reserve against national economic disaster, what defense can we give for our inaction?

Last December, when we passed the standby credit control legislation, many Members raised the same objections which are now being raised to title II of this bill. Events since then have shown that the Republic did not tumble, the President did not panic, and the decision we made has been fully endorsed by outstanding conservative as well as liberal economists.

Interestingly enough, some of the Members who voted against giving the President the credit control powers last December are now calling upon the President to use those powers to reduce high interest rates. I, too, believe he should use them. But the question we decided in December on credit controls, and which we must decide now on other types of direct economic controls, is merely whether to have the powers in existence, not when they should be used. We will be out of session during much of the time between now and next February 28. It would not be a simple matter to pass the necessary authority if suddenly needed late this year. Let us do it now, and hope it does not have to be used at all.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, one of the most significant features of the pending bill, the extension of the Defense Production Act, provides a method for establishing uniform cost-accounting standards for defense contractors. This is also, I believe, a rather misunderstood feature of the bill.

As one member of the Committee on Banking and Currency, I want to make it absolutely clear that I favor uniform cost accounting standards in the defense contracting field, and I have supported this objective for several years. It has become painfully evident in recent years that the absence of uniformity and consistency in the cost accounting practices of defense contractors has made it all but impossible to determine accurately whether the costs claimed by contractors are fully justified. This difficulty has contributed to the huge cost overruns reported by a number of defense manufacturers in connection with Government procurement of various weapons systems. I wholeheartedly agree with Admiral Rickover, for whom I have the greatest respect, that Congress must act to tighten up the accounting loopholes through which so much of our limited Federal resources seem to be slipping. I am also convinced that the bill, as reported by our committee, can result in the establishment of effective uniformity in such cost accounting standards.

Some critics, Mr. Chairman, have contrasted unfavorably the cost accounting standards provisions in our committee bill with the similar provisions in the bill recently approved by the other body. While one can argue that one method of establishing uniform cost-accounting standards may be superior to another method, I believe that in our present case the net effect of the two versions would be pretty much the same. The two provisions differ only in degree, not in purpose.

Both the Senate-passed bill and our committee bill would establish a five-member cost accounting standards board which would develop cost accounting standards designed to achieve the necessary uniformity in the cost accounting practices of defense contractors. The principal difference between the two bills relates to the manner in which Congress would review these standards prior to their promulgation. Under the Senate bill, the standards recommended by the board would become effective if after 60 days Congress failed to pass a resolution rejecting the proposed standards. In the committee bill, the standards recommended by the board would be submitted to Congress and implemented by specific legislation.

In my personal judgment, the procedure to be followed under the committee bill would be preferable. The committee bill, for example, requires the board to recommend its standards no later than June 30, 1971, whereas the Senate bill has no such deadline for board action. Second, the committee bill would permit Congress to exercise its own judgment on the individual standards recommended by the board, whereas the Senate bill would limit Congress to a choice of either accepting the standards completely or rejecting them in their entirety.

In view of the acknowledged difficulty in devising standards applicable to all defense-oriented industries, I believe Congress should reserve for itself the right to judge the final product in all its detail, especially since the standards will have the full power and effect of law. Otherwise, Congress would be abdicating a substantial part of its lawmaking authority to an independent, nonelected board.

In taking this position, Mr. Chairman, I am acting on the assumption that the committee bill and the Senate-passed bill indicated that the Congress is at last ready to act effectively to assure the efficiency of defense procurement practices. I do not believe we can afford any unnecessary delay in establishing the proposed cost accounting standards board or in acting upon their recommendations when the board has completed its work. In view of the substantial effort which has already been made in determining the feasibility of applying uniform cost accounting standards to defense contracts—and I refer to the report of the Comptroller General on this subject which was authorized by the 1968 extension of the Defense Production Act—the period of time provided in the committee bill for the board to formulate its recommendations would appear to be adequate.

As the committee's report points out, more than 86 percent of total defense procurement in the fiscal year 1969, $36 billion, were spent on negotiated defense contracts. Since competitive pricing conditions do not govern when contracts are negotiated, the usual pricing restraints of the competitive marketplace are not fully operative. In such a situation variations in cost accounting practices lead to differences in prices and costs which can be substantial and inequitable. Clearly, Congress and the Federal Government have an obligation in this period of high defense spending to minimize as much as possible such inequities and the substantial losses to which they can lead.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. Reuss).

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from North Carolina.

Mr. TAYLOR. I thank the gentleman.

Mr. Chairman, 6 weeks ago I sent a questionnaire to all boxholders in the 11th Congressional District of North Carolina. I received 15,000 replies.

The first question was:

> Do you favor the Administration's policy of tight money and high interest rates to fight inflation?

The reply: 41.7 percent said "yes" and 58.1 percent said "no."

The second question was:

> Do you favor Government control of prices, wages and credits to stop inflation?

The reply: 57.2 percent said "yes" and 42.8 percent said "no."

The point is that the majority of those answering saw a need for legislation of this kind.

Mr. REUSS. I thank the gentleman from North Carolina. The findings of his constituents, which he has just presented for the Record, I might say, are in complete accord with the view expressed in congressional district after congressional district, that the great majority of our people are sick and tired of inflation and that they are willing to accept price-wage controls in order to stop it in its tracks.

Indeed, in the congressional district represented by the distinguished gentleman from Pennsylvania (Mr. Johnson) he reported that some 69 percent of his constituents favor wage-price controls.

Inflation is not getting better; it is getting worse.

Inflation continues its inexorable way upward. This week the Labor Department reported that for July the wholesale price index rose five-tenths of 1 percent, to an index number of 117.6 over the 1957–59 average of 100, a 3.8-percent increase over a year ago. This contrasts with a wholesale price index of virtually no increases in March and April, and an advance for May and June of only two-tenths of 1 percent per month. On a seasonally adjusted basis, the index rose three-tenths of 1 percent, contrasted with an increase of only one-third of that, one-tenth of 1 percent for June.

The increase is worst in farm products, tires and tubes, machinery and equipment.

Meanwhile, the Consumer Price Index has been rising at an annual rate of over 5 percent.

Not only are the administration's anti-inflationary policies not working, they have produced an alarming increase in unemployment to more than 5 percent of the work force, a stagnation which means that we will lose around $50 billion of goods and services this year which never will be produced, a sharp selloff in the stock market, and a liquidity squeeze.

The lesson from history, particularly in the late 1950's, is that economic policies which rely exclusively on fiscal and monetary measures, such as the administration's, lead to unjustified price increases in the concentrated industries long after general demand has slacked off. In steel, in automobiles, in tires and tubes, in machinery, in aluminum, in oil and chemicals, and in many other industries where prices are frequently set by a few producers rather than by the atomized action of many, prices and wages can be counted upon to continue to rise. This is so because the concentrated firms, apprehensive of lessened profits, are able to increase their prices in an effort to maintain profits. The recent testimony before the Joint Economic Committee of Dr. John Blair makes this clear. I shall insert his testimony following my remarks.

The President has recently set up a Productivity Commission. It contains representatives of the Government, of labor, and management. Its avowed aim is to attempt to work out noninflationary price-wage policies.

The position of labor in such negotiations is clear and understandable. Labor cannot fairly be asked to accept wage restraints at a time when prices, salaries, rents, and everything else go uncontrolled.

Title II of the bill before us gives the President the power to put a temporary freeze on wages, prices, salaries, and rents. The language is identical with that used in legislation in both World War II and the Korean conflict in order to enable the President to deal with inflation. Under title II, the President would have the power, through next February, to impose ceilings, either general or selective, on any of these components to eliminate unjustified increases which may have been put into effect after the bill's introduction on May 2, 1970. Such ceilings may be fixed at levels no lower than those prevailing on May 28.

It is envisaged that the President, if he elects to use the power which title II would give him, would impose a freeze for not more than 2 or 3 months—the time required to work out with labor and management a noninflationary incomes policy to hold the line over the next difficult year or two.

Such a short-term temporary freeze would require no large bureaucracy. Since commodities are not in short supply, it would not require the rationing apparatus which proved so oppressive in earlier periods. By promoting stability, and by the power to use a ceiling date as early as May 28, the administration would be in a position to protect the good citizen who has maintained reasonable stability in recent weeks, as against the profiteer who has attempted to get an advantage for himself.

Congress cannot itself legislate a price ceiling. Only the executive branch can decide on the timing, possible exceptions, equity provisions, and removal of the ceilings.

The Congress, by its willingness to give the President these powers, assumes an equal share of the responsibility.

The need for title II was dramatized at our hearings by testimony in its favor by Kenneth Galbraith, who was in charge of price control during World War II; by Gov. Michael DiSalle, who handled the problem during the Korean period; and by former Under Secretary of the Treasury, Robert Roosa. The AFL–CIO testified in its favor, on the understandable ground that across-the-board burden sharing is the only fair way to fight inflation.

Last December, this Congress gave the President another necessary tool of inflation control—the power to impose selective controls on credit, so that our scarce credit resources would not be squandered on unnecessary plant and equipment, inventory accumulation, conglomerate takeover financing, and foreign investment adventures, and could instead be channeled to where it is needed—places like housing, State, and local government, and small business. The President has declined to use the authority thus given him. Had he done so, much of the present liquidity squeeze could have been avoided.

Title II seeks to give the President power to deal with wage-price, cost-push inflation, just as last December's credit control legislation sought to give him power to combat credit inflation.

It is up to Congress to give the President the tools he needs to combat inflation. Title II is a way to do this. Its use can bring inflation under control, without increasing unemployment and causing the economy to stagnate.

Dr. Blair's statement follows:

STATEMENT BY DR. JOHN M. BLAIR, HEARINGS OF THE JOINT ECONOMIC COMMITTEE, JULY 14, 1970

Mr. Chairman and Members of the Committee, the proposition to be examined here is that the price structure is composed of two different types of prices: one consisting of prices which change frequently, react to an economic downturn by declining and are generally responsive to changes in supply and demand; the other consisting of prices which change only infrequently, react to a downturn by either remaining relatively stable or actually increasing, and in short are not responsive to changes in supply and demand; and further that the former type of behavior is characteristic of unconcentrated products while concentrated industries tend to display the latter type of behavior. Obviously, to the extent that this proposition is valid, measures designed to reduce overall demand, whether monetary (reductions in the money supply, increase in interest rates) or fiscal (increase in taxes, reductions in government expenditures), can be expected to result in price reductions in the unconcentrated, flexible-price areas but *not* in the concentrated inflexible-price fields.

The proposition can be examined by analyzing the price movements of broad groups of commodities and of individual products. Particularly important are differences in price behavior during economic recessions, of which there have been three since World War II—the recessions of 1948–49, of 1953–54 and of 1956–58. The first part of this presentation will examine the movements of groups of commodities, differentiated according to their frequency of price change, over the period, 1947–58, which encompasses each of these recessions. The second part consists of an analysis, covering the same period, of pairs of products which are subject to much the same changes in demand but differ markedly in terms of both the level of concentration and the frequency of price change. In the third part an effort will be made to ascertain whether the differences in price behavior, as revealed in the earlier recessions, are repeating themselves in the current year.

THE B.L.S. "QUINTILE" STUDY

Information on the price trends of product groups, classified according to their frequency of price change, is available in a special report prepared by the Bureau of Labor Statistics.[1] In the study each of 1,789 products in the Wholesale Price Index was classified according to the frequency of the products' price changes during the 3-year period, 1954–56; these represented all of the 1,900 products in the Index with the exception of certain items whose prices are secured on a confidential basis, certain seasonal products, and a few items for which the price series obtained by the Bureau of Labor Statistics was not suitable for the purpose of the study. The distribution of the products into five categories or "quintiles," according to the frequency of change, was as follows:

Flexibility group (quintile)	Number of price changes	Number of products
I	0 to 2	370
II	3 to 4	308
III	5 to 7	405
IV	8 to 14	355
V	15 to 36	350

Since the Bureau of Labor Statistics computes its price series on a monthly basis, the greatest possible frequency of change was 36; an example is natural rubber, which during the 3-year interval had 36 changes, of which 14 were decreases and 22 were increases. At the other extreme were products which had no price changes at all during this period, of which synthetic rubber is an example. As compared to the periods used in similar studies, which embraced both sharp downswings and upturns, the 3-year period used in the Bureau of Labor Statistics study for classifying the products was one of relative stability in the economy as a whole and in the price structure. Hence, it is not surprising that most of the products have a relatively low frequency of change. Only one of the five classes, or quintiles, can properly be rated as "flexible" in the usual and traditional sense of the term. This is quintile 5, which consists of products having 15 or more price changes in the 3-year period. In order to determine whether price trends of flexible products have been different from inflexible price products the movement of quintile 5 can be compared with the movements of quintiles 1 and 2, the former having 0 to 2 changes and the latter, 2 to 4. By virtually any standard the products in these two quintiles can be regarded as highly inflexible.

Chart 1 shows the trend from 1947 to 1958 for each of these five groupings of the 1,789 commodities. The period encompasses three economic downturns, those of 1948–49, 1953–54, and 1956–58. During the first the Federal Reserve Board's index of industrial production for manufacturing dropped by about 6 percent; during the latter two fell by 7 percent.[2] Under virtually any definition all three would thus qualify as "recessions".

During the first two downswings a comparison of the behavior of the least flexible groups with that of the most flexible is a study in contrasts. During 1948–49 stability in quintiles 1 and 2 contrasted with a pronounced decline in quintile 5. In 1953–54 the flexible group again recorded a noticeable decrease, but this time the two inflexible groups actually moved upward, repeating this anomolous behavior in 1956–58. Although these upward movements were of limited magnitude, any increase in price during a recession is significant. During the last downswing the most flexible group also moved upward, a form of behavior which was in sharp contrast to its movement during the two preceding recessions. The explanation is to be found in the composition of quintile 5, itself. Nearly two-thirds of the weight of this grouping was made up of farm products (35.6%) and processed foods (28.8%). Apart from marginal operators the farmers who have come to account for the bulk of agricultural production closely resemble in their operations small manufacturers in a typically competitive industry. Both are essentially fabricators; the small manufacturer buys raw materials and semi-finished products; the farmer buys fertilizer, fuel, seeds, insecticides, and other supplies. The manufacturer uses tools and machinery of one type or another to fabricate the materials into finished products; the tools of the farmer are agricultural machinery which requires a substantial capital investment. Both employ hired labor forces and for their outside financial requirements both operate largely on the basis of borrowing from commercial banks. But perhaps the most important similarity is that no single enterpriser, or even small groups of producers, in either farming or the typical competitive industry has a sufficiently large share of their product's total output to be able to significantly affect the price.

For a short-term period, there is, however, one important difference; the output of the farmer (and thus his price) is more directly and severely affected by influences over which he has no control. Of these the most important is the weather which was one of the factors responsible for an increase in farm prices in 1958. According to the Department of Agriculture, "freeze damage brought smaller supplies and higher prices for vegetbales in the first half of the year and for citrus fruits."[3] It was also a year of reduced supplies of both hogs and cattle: "Prices of hogs and cattle are substantially higher this year (1958) than last, reflecting reduced marketings of meat animals."[4] Finally, the 1958 downswing had little effect on the demand for food: "Consumer incomes were well maintained, and sales at retail food stores in the first nine months of the year averaged 6 percent above the same period of 1957."[5]

Another apparent anomaly is the relatively limited magnitude of the increase, both over the entire period and its three stages, by the least flexible group. Again the explanation is to be found in its composition. Nearly half of the weight of quintile 1 was made up of two commodity groups—textile products and apparel (16.6%) and chemicals and allied products (22.7%). Many apparel items are sold on a "price-lined" basis, with competitive rivalry taking the form of changes in quality rather than price. Although recently improved the price indexes for chemicals have for years been regarded as the weakest series in the B.L.S. wholesale price index. Because of their conspicuous failure to reflect changes shown by "realized" prices, the chemical series have simply been excluded from studies of price flexibility based on the B.L.S. indexes. At the same time it appears that at least some segments of the chemical industry have been experiencing an intensification of price competition, which of course would act as a restraint upon price increases.

An interesting comparison is provided by a contrast of quintile 2 with quintile 4. Although not at the extremes, the difference in flexibility was significant; products in the former experienced only 3 to 4 changes during 1954–56 while those in the latter group had from 8 to 14. What makes this comparison significant is not only its avoidance of the unusual problems inherent in the farm and food products of quintile 5 and the apparel and chemical products of quintile 1 but the similarity in their composition. Of the total weight of all products in quintile 2 41.8 percent is made up of the two commodity groups: metals and metal products and machinery and motive products; in quintile 4 the proportion represented by these two groups is 43.8 percent. In both, the remainder was widely dispersed among other commodity groups.

As can be seen from Chart 1 [chart not printed in RECORD], the relative stability of both quintiles 2 and 4 in 1948–49 had by 1953–54 given way to a divergence in behavior. A clearly discernible decline in the more flexible group was accompanied by a definite upward movement in the less flexible class. Again, during the 1956–58 downturn quintile 2 moved steadily upward, while quintile 4, after rising in 1957 fell back in the following year.

As is invariably the case, the brunt of each of the three downswings fell on the durable goods sector. The output of durable goods fell 10% in 1948–49, 11% in 1953–54, and 14% in 1956–58. Because of the greater reduction in demand the trend of the different quintiles within durable goods is of greater significance than their behavior in terms of all commodities.

The behavior of the most flexible group in durable goods is consistent. In each of the three downswings quintile 5 registered a noticeable decline. In contrast, the adjustment of the two inflexible groups took the form of a slight upward movement, which was particularly noticeable in the case of quintile 2. Thus, within the sector of the economy most severely affected by a recession the price behavior of the most flexible product grouping, in terms of frequency of change, accorded perfectly with the expectations of classical theory. But the behavior of the least flexible groups was inexplicable under either classical theory or more recent theories of monopolistic competition since under the latter the expectation would be, not that oligopolists would raise prices, but that they would merely abstain from cutting them.

It is recognized that the B.L.S. study contains no data on concentration and therefore cannot be cited as evidence of a relationship between concentration and any particular type of price behavior. Nonetheless, the showings of limited amplitude of change during downswings on the part of products with low frequency of change is in accord with accepted theories of monopolistic competition, which suggest that during periods of falling demand oligopolistic prices will tend to be rigid in terms of both frequency and amplitude. The reluctance of each oligopolist to make a price reduction because of his expectation that it would immediately be matched would imply that in such industries prices would be changed only infrequently and the amount of the change would be limited. This inhibition (and the ability to implement it through the control of output) would of course not be present in unconcentrated industries where a falling off in demand would presumably be accompanied by falling prices; the price changes, in other words, would be both frequent in number and extensive in amplitude. These theo-

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retical expectations are indirectly reinforced by empirical findings that during the great depression of 1929–32 frequency of change was directly related to amplitude and that amplitude was directly related to the level of concentration.[6]

PRODUCTS WITH COMPARABLE DEMAND

A more direct way of ascertaining the effect of concentration on price behavior is of course to determine the statistical relationship between the two in terms of individual industries. For the Great Depression Means found a "rough relationship" between the share of the industry held by the four largest companies and the amplitude of price change between 1929 and 1932.[7] In arriving at this finding Means had eliminated industries which failed to meet standards that he regarded as necessary for a meaningful analysis: industries such as bakery products sold principally on the basis of local or regional rather than national markets; industries such as meat-packing with a narrow margin between the cost of materials and the value of shipments; and industries, such as chemicals, for which the B.L.S. wholesale price series appeared to be clearly inadequate.

The study has been criticized as statistically inadequate and theoretically irrelevant. The statistical criticism centers on the oft-cited alleged shortcomings in the B.L.S. price data, a matter which is examined at greater length in Appendix A. Here it may briefly be noted that comparisons between B.L.S. and Census "realized" prices (which reflect all discounts and concessions) reveal, with some exceptions, a remarkable similarity in the direction and extent of change;[8] that using the B.L.S. data to analyze price inflexibility is invalid only if unreported changes in discounts and concessions are assumed to be relatively more important in industries of high than of low concentration—an assumption which flies in the face of their known prevalence in such unconcentrated fields as apparel and lumber; and that the criticism loses most of its force when prices are being raised, since it taxes credulity to assume that at the very time when producers are increasing their reported prices they are simultaneously granting further discounts and concessions.

The last consideration is of particular relevance at the present time. Prof. George I. Stigler has recently been quoted in the press as saying: "I am absolutely confident that there has been extensive price cutting during the slowdown of the past six to eight months; but these cuts have not showed up in the government's WPI."[9] Prof. Stigler's "conviction" would have a considerable measure of plausibility if reported prices were being maintained at relatively stable levels. Under such conditions it is easy to visualize that under a facade of unchanged quoted prices producers are actually scrambling for business by offering greater discounts and concessions. It is much more difficult to visualize that this is taking place when the reported prices are being raised, which, as will be brought out later, is exactly what is happening in many concentrated industries. A more logical assumption would be that producers who are raising their reported prices would accompany this effort to increase revenues by narrowing their discounts and concessions.[10]

The theoretical criticism centers on differences in the postponability of demand. Thus it has been held that the ability of the buyer of an automobile to postpone his purchase results in the adjustment to a downswing taking the form of a reduction of output rather than price. In contrast, it is to be expected that the production of nonpostponable items, such as food, will be maintained, with the adjustment therefor falling on price. But, as Ralph C. Wood observed:

> "Two very different points are involved in this argument. To assert—with much justice—that durable goods frequently attain high inelasticities of demand in times of depression is not to explain why the individual producer has to concern himself with what the market as a whole, or any appreciable portion of it, will take. . . . Under pure competition the individual seller is not directly concerned with the elasticity of demand of the whole market; at the market price which he views as given and as something over which he has no control, demand for his product is perfectly elastic."

Wood concluded by observing that the argument does ". . . provide a very useful suggestion as to why price policies in certain industries are what they are; but they do not show how it comes about that an individual seller is able to have a price 'policy'."[11]

The argument can also be met empirically through a comparison of the price behavior of different products which are similarly affected by expansions or contractions in demand but which differ greatly in the control of the market, as reflected by the level of concentration. Such an analysis is presented here for 16 pairs of products. While both members of each pair are subject to much the same changes in demand, one member is a concentrated, inflexible-price product; the other is an unconcentrated, flexible-price product. In order to make a comparison between products which differed in terms not only of concentration but also in terms of frequency of change, the products were drawn from the B.L.S. "Quintile" study. Since the only really flexible group in the B.L.S. study is quintile 5, the starting point in drawing the comparisons was the products in that group. Inasmuch as nearly half of its products (accounting for nearly two-thirds its value) are farm products and foods and there are few such products in the other quintiles, this limitation imposed a severe limitation on the numbers of comparisons which would be developed. To this initial limitation certain other restrictions have been added in order to make the analysis more meaningful:

(a) Comparisons are made only where the insensitive product had 4 or fewer changes in the 1954–56 base period (i.e. products in quintiles 1 & 2).[12]

(b) Because of their known past inadequacies, no use has been made of B.L.S. price series for chemical products.

(c) No comparisons were made involving products typically sold on a "price-lined" basis.

The one further step is the determination of which products are subject to reasonably comparable demand forces. Here the test was not whether one product was an exact substitute for another, although in several instances (e.g. the comparison between pig iron and steel scrap) such was the case.[13] Rather, the concept employed is whether the products used in a given comparison are subject to the same general expansions or contractions in demand.

For a few of the flexible-price products concentration ratios were not available, but it is known that their level is relatively low and in each case well below the inflexible products with which they are compared. The use of copper and brass as market-price products is based on a number of unusual circumstances. While concentration is relatively high for domestic copper refining, the available domestic concentration ratios in the past substantially overstated the actual control of the market. These commodities were sold on the world market during the period surveyed, and their prices were immediately responsive to international developments. Also the available concentration figures ignore the ever-growing role played by secondary metals, which unlike steel scrap, are not subject to rust and thus tend to be a perpetually increasing source of supply. In the case of brass, these competitive factors are reinforced by the activites of custom smelters who, operating on the basis of a fixed margin between the ore price and the refind metal price, are comparatively indifferent to the level of prices.

The concentration and price data for the 32 products involved in the analysis are shown in the following table:

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16 PAIRS OF PRODUCTS WITH COMPARABLE DEMAND—CONCENTRATION RATIO AND FREQUENCY AND MAGNITUDE OF PRICE CHANGE, 1953–58

Concentration ratio (4 cos.)	Commodity	Frequency of change, 1954–56			Indexes (1947-49=100)					
		Total	Negative	Positive	1953	1954	1955	1956	1957	1958
65	Pig iron, basic	3	0	3	136.5	138.3	141.4	149.9	160.0	163.0
5	Steel scrap, No. 1 heavy melting	31	12	19	115.1	83.6	113.6	149.9	133.5	101.1
75	Steel billets, rerolling, carbon	3	0	3	148.6	160.6	167.7	177.7	198.7	205.7
(1)	Red brass ingot	23	8	15	136.8	141.6	196.6	205.4	158.6	140.9
72	Steel bars, hot rolled, carbon	5	1	4	136.7	145.2	152.1	166.9	183.4	191.9
47	Yellow brass rod	16	7	9	(1)	143.2	159.2	177.0	140.4	123.2
60	Steel sheets, hot rolled, carbon	6	2	4	133.7	139.4	144.8	158.3	175.6	181.0
89	Aluminum sheets	5	0	5	130.0	134.2	142.2	153.1	162.0	163.4
46	Copper sheets	16	5	11	n.a.	151.0	174.7	193.2	164.4	156.9
82	Aluminum ingot, primary	6	0	6	131.2	136.9	148.6	163.5	172.9	169.0
28	Aluminum ingot, secondary	32	14	18	123.6	114.2	158.4	149.7	125.5	122.0
65	Steel pipe, black	5	0	5	134.7	141.4	150.7	168.7	185.4	191.6
46	Copper tubing	15	4	11	(1)	144.6	163.9	179.7	158.1	153.6
92	Structural steel shapes	4	1	3	138.2	143.8	151.9	162.9	187.5	195.3
[3] 20	Douglas-fir timbers (construction)	34	12	22	119.9	123.0	142.9	153.5	135.4	125.7
69	Steel bars, concrete reinforcing	7	2	5	141.0	153.7	158.8	169.7	184.1	190.8
[3] 20	Douglas-fir dimension (construction)	34	14	20	120.7	121.7	134.0	133.3	122.3	119.4
87	Gypsum wallboard	1	0	1	120.2	121.1	121.1	124.9	124.9	129.4
18	Plywood, Douglas-fir, interior	17	9	8	107.1	103.0	106.1	97.4	88.7	89.6
73	Roofing shingles, asbestos	3	0	3	130.3	133.5	133.5	140.0	150.4	151.9
17	Oak, red, flooring select	24	8	16	113.5	114.2	128.0	132.2	118.5	118.0

Footnotes at end of table.

Concentration ratio (4 cos.)	Commodity	Frequency of change, 1954–56			Indexes (1947–49=100)					
		Total	Negative	Positive	1953	1954	1955	1956	1957	1958
(3)	Crude petroleum, Oklahoma-Kansas	0	0	0	115.7	120.2	120.2	120.2	130.0	130.8
30	Lubricating oil, cylinder stock, Pennsylvania	15	4	11	67.8	40.9	44.1	70.8	76.6	59.4
54	Synthetic rubber, neoprene GN	0	0	0	128.5	131.7	131.7	131.7	131.7	131.7
(1)	Natural rubber, No. 3 r.s.s.[4]	35	12	23	117.8	122.0	202.7	178.3	161.7	141.0
37	Container board, test liner, Cent	1	0	1	117.8	120.9	120.9	124.8	126.1	126.1
(1)	Ponderosa pine box boards [5]	36	16	20	128.1	114.0	125.3	125.1	114.3	110.2
79	Viscose staple, 1.5 d	2	2	0	99.7	96.8	96.3	92.7	88.3	91.0
(1)	Wool tops	36	15	21	114.7	112.5	99.9	95.9	108.8	88.5
78	Viscose filament yarn, 100 d	4	1	3	104.4	104.3	104.7	107.4	113.0	103.4
19	Wool yarn, Bradford, weaving	31	18	13	114.0	111.3	100.5	100.9	109.5	95.1
81	Salt	4	1	3	123.2	145.6	143.4	152.1	157.1	160.1
(1)	Pepper, whole black	36	27	9	179.9	103.4	63.3	44.5	38.2	36.7

[1] Not available.

[2] Holdings of privately owned timberlands on the west coast in the hands of the 4 largest owners are estimated to be less than 20 percent of the amount held by all private ownership.

[3] Supply limited by Government controls.

[4] The producers of natural rubber are numbered in the thousands. The small holdings produce roughly half the world's supply of natural rubber, the balance coming from independently owned estates.

[5] Ponderosa pine No. 3 board used as reasonably equivalent in price movement to box board.

Sources: Price data: Bureau of Labor Statistics. Concentration ratios: Steel products: American Iron & Steel Institute (U.S. Senate Subcommittee on Antitrust and Monopoly, "Administered Prices: Steel" (S. Rept. 1387, 85th Cong., 2d sess.), p. 70); others: U.S. Senate Subcommittee on Antitrust and Monopoly, "Concentration Ratios in Manufacturing Industry, 1958," pt. I, table 4.

For the most part the figures on concentration are the ratios computed by the Census Bureau based on the 1958 Census of Manufactures. The principal exceptions are the products of the steel industry for which concentration ratios compiled by the American Iron and Steel Institute accord more closely with the product definitions used by the Bureau of Labor Statistics. Using the first pair as an example, it will be seen that the four largest firms produced 65% of the Nation's output of pig iron; that during 1954-56 only 3 price changes were reported by the B.L.S., all of which were increases. In contrast, while no precise concentration ratio is available, the collection and handling of steel scrap is known to be an extremely unconcentrated area, the 4 largest firms probably accounting for less than 5 percent of the collections. But of 36 opportunities, a change in price was reported in 31, of which 12 were decreases and 19 increases.

For the concentrated products the 4 largest companies produced, on the average, 72% of the output; for those unconcentrated products for which figures are available the average was 27%; if figures were available for the other unconcentrated products, the average would have been even lower. During the 3-year base period the concentrated products averaged 3.3 price changes, or a little over one a year; they averaged 2.8 increases and only .5 decreases. In contrast, the unconcentrated products averaged 27 changes, or three-fourths of the opportunities. Increases and decreases were more evenly distributed, the unconcentrated products averaging 11.6 decreases and 15.4 decreases. These differences between the two sets of products are pervasive. In 14 of the concentrated products the share held by the 4 largest companies was 60 percent or higher; in 7 of the 11 unconcentrated products for which ratios are available the share of the 4 leaders was 30 percent or less, the three exceptions being the copper and brass products which have been included for the reasons cited above. Among the concentrated products the maximum number of price changes was 7; among the unconcentrated the minimum number was 15.

The question at issue here is whether any significant difference existed in the price behavior of these two types of products. The answer can be seen in the following four charts, each of which shows the price movements from 1953–1958 for four pairs of commodities. [Charts not printed in RECORD.]

The first comparison is between the price of pig iron and of steel scrap. Used as raw materials in the production of steel, the demand for both is governed by the steel operating rate. The behavior of steel scrap is illustrative of the type of price movements typically displayed by flexible-price products. A decline in price during the 1953–54 downswing was followed by an increase during the 1954-56 recovery and then by a further decline in the recession which began during the middle of 1956. In sharp contrast, the price of pig iron moved slowly upward during the 1953-54 downturn, rose at a more rapid rate during the 1954-56 recovery, and continued to advance during the 1956–58 recession.

The next comparison involves two semi-finished products, steel billets and brass ingots, both of which are used as materials by semi-integrated producers. As compared to the other steel products which are purchased by the customers of steel producers rather than by their smaller semi-integrated competitors, the price increase for steel billets during the 1953-54 downswing was unusually pronounced, averaging 8 percent. The price continued to rise during the subsequent recovery as well as in the 1958 recession. Reflecting weakness in world copper markets, however, the price of red brass ingots, after peaking in 1956, fell sharply during the next two years. The demand for the other products shown on the chart is determined by the general level of metal-working activity. The contrast between steel bars and yellow brass rod is a repetition of the pattern displayed by steel billets and brass ingots. The final comparison on the chart contrasts the price behavior of two inflexible-price products, steel sheets and aluminum sheets with a similar but flexible-price product, copper sheets. Except for the fact that aluminum sheets advanced at a slower rate during the 1958 recession, the trends of the former two products displayed a remarkable symetry. Whatever the reason, this similarity in behavior reveals that the aluminum producers certainly did not take advantage of the opportunities presented by steel price increases to promote the use of their product as a substitute material. In contrast to the relatively steady upward movement of both steel and aluminum sheets, the price of copper sheets fell sharply during 1956–58.

For two of the sets of products shown on Chart 4 demand is largely determined by changes in metalworking activity, while in the other two the principal determinant is the level of construction activity. In the case of the former, both of the flexible-price products, secondary aluminum ingot and copper tubing, exhibited marked declines during both recessions, whereas, with one exception, their inflexible-price counterparts moved upward. This exception was a slight price decline in primary aluminum ingot during 1957–58, attributed in part to the competitive pressure of lower priced foreign supplies. In the case of the latter two products, there was no deviation from the general pattern on the part of the inflexible-price products. Both structural steel shapes and concrete reinforcing bars moved steadily upward throughout the entire period. During the 1956–58 period this was in sharp contrast to market declines in price manifested by their unconcentrated counterparts—Douglas fir timbers and Douglas fir dimension.

In the case of two of the products shown on Chart 5, the level of construction activity is again the principal determinant of demand. For the other two, it is the use of automobiles, trucks and related products. Douglas-fir plywood declined noticeably in both downswings; red-oak flooring, although remaining virtually unchanged during the earlier decline, dropped significantly during the latter. Their concentrated counterparts, gypsum wallboard and asbestos roofing shingles, moved irregularly upward throughout the period. Particularly striking is the contrasting behavior of asbestos shingles and oak flooring during the 1956–58 recession. Insofar as market behavior is concerned, concentration ratios for either the production or refining of crude petroleum are largely irrelevant. The controlling factor is a system of government controls over supply. Through market demand proration, particularly in Texas and Louisiana, and through a quota on imports, supply is limited to anticipated demand. No such controls exist in the Pennsylvania lubricating oil industry, which is composed of a substantial number of small producers. The effect of government controls over supply is dramatized by the difference in price behavior. Pennsylvania lubricating oil suffered price decreases during both recessions while in each crude petroleum moved upward. The price of synthetic rubber is the most inflexible of any of the commodities included in this analysis, remaining unchanged throughout the entire period, with the exception of a slight increase of 2.5 percent occurring during the recession of 1953–54.

This stability is in striking contrast to the precipitous rise in the price of natural rubber in 1955, when automobile production reached its then alltime high of 7.9 million cars. When automobile output slumped in 1958 to 4.2 million cars, the price of natural rubber moved sharply downward.

The first comparison on Chart 6 involves packaging materials—container board versus ponderosa pine box board. Although the extent of their movements was not as pronounced as the case of most other products, in both recessions the flexible product declined while the inflexible-price commodity rose. The two comparisons involving textile products present a number of exceptions to the general pattern typically displayed by the other commodities. Thus, the price of the concentrated product, viscose staple, suffered a slight decline in the first downswing and the ensuing upturn. However, part of the loss was recovered by a price increase in 1957–58, which was accompanied by a decrease in the price of its counterpart, wool tops. The concentrated product, viscose yarn, remained unchanged during the earlier downswing, though declining in 1958. In the final comparison a precipitious and sustained decline in the price of pepper was accompanied by a substantial and, except for 1954–55, uninterrupted increase in the price of its concentrated counterpart, salt.

In the following summary table covering the two recessions, 1953–54 and 1956–58, the industries are distributed in accordance with their price change during both downswings. Generally speaking, the pattern was one of price decreases in the unconcentrated, flexible-price fields and of increases in the concentrated, inflexible-price industries. Thus, in the 1956–58 recession all but 3 of the 17 concentrated industries had price increases; in 2 of the 3 exceptions the decreases were less than 2 percent, while in the third it was only 3.7 percent. In contrast, all of the unconcentrated industries had decreases, each of which was 5 percent or more (with 9 having decreases of 15 percent or more). During the earlier downswing the contrast, while less pronounced, was still marked. In 15 of the 17 concentrated industries prices moved upward, while in 8 of the 13 unconcentrated industries decreases were recorded, and all of the 5 exceptions were quite small, the largest being an increase of only 3.6 percent.

DISTRIBUTION OF INDUSTRIES BY PERCENTAGE PRICE CHANGE, 1953–54 AND 1956–58

Number of industries by percentage change	1953–54		1956–58	
	Concentrated	Unconcentrated	Concentrated	Unconcentrated
−15 and over	0	3	0	9
−10 to −14	0	1	0	4
−5 to −9	0	1	0	3
Under −5	2	3	3	0
No change	0	0	1	0
Under +5	10	5	2	0
+5 to +9	3	0	5	0
+10 to +14	1	0	3	0
+15 and over	1	0	3	0
Total	17	13	17	16
Not available		3		

THE 1970 DOWNTURN

Will the divergence of price trends which characterized the recessions of the forties and fifties repeat itself during the current economic downturn? While there has been a definite slowing down in the rate of economic activity (capacity utilization in manufacturing dropping from 84.5% to 79.5% between the first quarters of 1969 and 1970) [14] the current downturn has not reached the dimensions of the earlier recessions. As compared to its 1969 level, the index of industrial production for manufacturing had by May of this year fallen only 3.2%.[14] Furthermore, no distributions of the B.L.S. price series, in terms of either frequency of change or level of concentration, are currently available, and the downturn has not yet affected enough non-durable industrial products to permit meaningful comparisons of pairs of products affected by similar demand factors.

Nonetheless, a cursory review of recent price movements suggests the possibility that much the same pattern may again be developing. Since the purpose of the restrictive monetary and fiscal measures taken during the past year and a half has been "to dampen" the pressure of demand, it should be instructive to ascertain which products have responded thus far in 1970 by declining in price. The 2,000-odd individual products in the B.L.S. Wholesale Price Index are classified into 200 product groups. On the basis of a just-completed review, I found that price declines (amounting to more than half a percentage point) took place between March and May in 42 of these groups.[15] Their distribution is as follows:

Product groups with price decreases [1]*—March–May 1970*

Farm and food products:	
Livestock and meat products	7
Poultry and eggs	4
Fats and oils	3
Animal feeds	2
Other farm and food products	5
Total	21
Industrial commodities: [2]	
Textile products	5
Hides and leather	3
Lumber and building materials	5
Plastics materials and products	2
Scrap materials	3
Other industrial commodities	4
Total	22

[1] Of more than .5 percentage points.

[2] Anthracite, fertilizer materials, pharmaceutical preparations (ethical), small arms ammunition.

Over nine-tenths of the categories are flexible-price, unconcentrated product groups. This is true of all 21 of the groups in farm and food products; it is true of all 5 in textile products; of all 3 of the categories in hides and leather; of all 3 scrap materials; of 4 of the 5 groups in lumber and building materials; of the plastics groups; and of anthracite—or a total of 39. The four exceptions are gypsum products (with a concentration ratio of 84%), fertilizer materials (particularly potash and superphosphate), small arms and ammunition, and ethical pharmaceutical preparations (most of whose individual products are highly concentrated). In short, the characteristics of the products which have reacted to the current downturn by falling in price are about what would have been assumed on the basis of the recession behavior of Quintile 5 and of the individual unconcentrated products, examined earlier.

The same body of evidence would suggest that at least some of the concentrated industries would react to a general economic slowdown by an increase in price. Except for the few product groups noted above, it is evident that prices in concentrated industries have certainly not declined. Indeed, price increases in such industries have been rather commonplace, as is evident from the price behavior of ten industries shown in the attached table. In each, the four largest firms produced in 1963 more than half of the output; [16] the simple average of their concentration ratios was 70%. Moreover, each is an important field, with a value of shipments in 1963 of more than a billion dollars. That the ability to raise prices during a period of economic decline is not a function of the characteristics of the product is indicated by the widespread dispersion among different industry groups. Represented are industries in producer goods and consumer goods, in durable goods and in non-durable goods:

CONCENTRATION RATIOS AND PRICE INDEXES OF 10 SELECTED CONCENTRATED PRODUCTS—1968–69; 1970 (6 MONTHS)

Industry	Concentration ratio (1963) (percent)	Price indexes (1957–59=100)								Percent increase, January–June 1970
		Year		1970						
		1968	1969	January	February	March	April	May	June	
Primary metals:										
Steel mill products	51	108.5	113.7	115.5	117.7	118.4	118.7	120.5	122.0	5.6
Primary aluminum	93	102.0	107.9	111.6	111.6	111.6	115.6	115.6	115.6	3.6
Petroleum, chemical, and rubber products:										
Gasoline	(1)	97.2	99.2	96.1	95.7	95.0	95.9	100.4	96.9	.8
Soap and synthetic detergents	68	107.6	109.8	110.6	110.6	110.8	110.8	111.8	111.6	.9
Tires and tubes	72	98.7	98.2	101.7	101.7	101.7	101.7	101.7	[2] 106.7	5.0
Electrical machinery:										
Motors and generators	50	95.4	100.4	104.6	105.7	107.0	107.6	108.2	109.2	4.4
Electric lamps/bulbs	92	114.3	110.5	110.6	110.7	113.5	115.0	115.2	115.1	4.1
Food and related products:										
Biscuits and crackers	71	127.2	129.3	134.0	136.3	138.6	140.9	140.9	140.9	5.1
Distilled spirits	56	97.2	97.2	97.2	98.6	98.6	98.6	100.7	100.7	3.6
Cigarettes	80	115.8	121.8	125.0	125.0	125.0	125.0	125.0	134.8	7.8

[1] Market controlled by Government restraints.

[2] Estimate effective July 1.

Sources: Concentration ratios: Bureau of the Census, "Concentration Ratios in Manufacturing Industry, 1963." Price indexes: Bureau of Labor Statistics.

Of all the industries in the country none has a greater effect on the general price level than steel. Because it is the industrial underpinning of the economy, an increase in the price of steel raises directly or indirectly the cost of doing business in virtually every field of enterprise. Since consumers do not buy steel as such, it is not included in the Consumer Price Index, nor is its true importance reflected in any price index. This is because an increase in the price of steel, by the time it reaches the ultimate consumer, will have "pyramided" until it is a multiple of the steel price increase itself. Pyramiding is the natural consequence of efforts by sellers at each successively higher stage of fabrication and distribution not only to cover the actual higher costs to them but also to preserve their customary percentage margin. *The Wall Street Journal,* for example, explained how a $6 a ton steel price increase was transformed into a $75 increase in the price of a tractor:

"Immediately after the steel price hike, prices of stampings from a supplier went up 4 percent too. Forgings shops raised prices. Machine shops passed along the increase. Components such as wheels, hydraulic systems, and axles arrived with higher price tags. Where costs of that tractor totaled $1800 on July 1, several months later they were $1875." [17]

Similarly, referring to a $4 a ton increase in the price of steel sheets and strip, *Iron Age* observed: "Consideration of all factors has a cumulative effect that swells a $5 material cost increase into $25." [18]

During the 10-year period between the later '50's and later '60's, the price of steel products remained relatively stable; in 1968

Footnotes at end of article.

its index was only 8.5 percent above the 1957–59 average, or an average increase during the decade of less than 1 percent a year. But in 1969 the pace was accelerated, the index rising by 5 percent. This has been followed by further increases in 1970; in June the index was 5.6 percent above the January level. Commenting on this upward movement the *Wall Street Journal* states:

"Certainly the steel price trend over the past year has given the inflation figthers nothing to cheer. A long series of price boosts over the past 12 months pushed the Government's index of steel-mill product prices in May 6.9% above the year earlier mark and 10.5% above the level at the beginning of 1969. And this doesn't count price boosts averaging nearly 5%, effective June 1, on sheet steels that account for more than a third of the industry's total tonnage. Overall, this year's price increases have covered products accounting for 90% of the industry's volume, and prices on some products have been raised twice this year.[19]

The 1970 increases, it should be noted, have been taking place while steel production was declining. Thus in the first quarter of 1970 steel ingot production was down to 33.6 million tons as compared, for the same period, to 34.4 million in 1969 and 36.5 million in 1968; indeed, 1st quarter 1970 production was 3.4 million tons, or 9 percent, below the 2nd quarter of 1968.

The aluminum industry has evidenced much the same pattern of behavior. By 1968 its price was only 2 percent above the 1957–59 average. But in 1969 the index moved sharply upward, rising by 5.9 percentage points. Further increases were recorded in 1970, the latest having taken place in April, By June of this year the price of primary aluminum had risen 3.6 percent above the January level.

With supply limited by prorationing and import quotas to, or slightly below, anticipated demand, the major oil companies have been able to raise prices of petroleum products in 1969 and again in 1970.[20] At current levels of gasoline consumption, an increase at retail of one cent a gallon costs the consuming public approximately $800,000,000, of which about $500,000,000 is retained by the refining companies, with the remainder going to dealers and distributors. The 1969 advance was accompanied by a price increase to domestic crude producers; no such increase has been made in 1970. Describing the latest price advance, the *Wall Street Journal* stated:

"Mobil Oil Corp. raised its gasoline prices to service station dealers and wholesale distributors nationwide, except in Oregon and Washington. It is the second successive year in which a major oil company has taken such a previously unprecedented action. In February 1969, Texaco Inc. raised nationwide its wholesale prices for gasoline and the prices at which it buys crude oil. That touched off increases of varying amounts by most of the nation's major oil companies.

"Mobil boosted its 'tankwagon' prices to dealers 0.7 cents a gallon and its prices to distributors 0.55 cents a gallon. Increases in prices to dealers in 1969 averaged about 0.6 cents a gallon and resulted in average retail price boosts to motorists of about one cent a gallon."[21]

Contrary to some expectations the 1969 increase did "stick." The fate of the 1970 advance, however, is uncertain. Atlhough the index rose from 95.0 in March to 100.4 in May, much of this gain has apparently been eroded away, as the June quotation has fallen to 96.9.

In 1968 the price of tires and tubes was slightly below the level of 10 years earlier. After remaining almost unchanged in 1969, the price has been increased twice thus far in 1970. After a 4 percent advance, which was reflected in the series for January, a further raise was announced, effective July 1, which incidentally is estimated in the accompanying table. The latter advance was of the "raising-prices-to-meet-competition" variety. On June 13 the industry's largest producer, Goodyear Tire & Rubber Company, announced an increase of 5 percent on passenger tires and 6 percent on truck and farm tires. Nine days later these increases were matched by B. F. Goodrich. According to the *Wall Street Journal*, "Goodyear and Goodrich were the first two companies to sign new contracts with the United Rubber Workers union. They attributed the price increases to higher costs under that contract and to higher materials and distribution costs. Industry sources expect other major producers to follow the price increases after their labor contracts have been signed and ratified by union members."[22]

Even if the added costs from the new wage contract were the same for each company, they would constitute a justification for raising prices *to the same identical level* only if the different companies had identical unit costs, which in view of the obvious differences in their profit rates appears to be most unlikely. Adding a constant increment to differing bases does not yield identical totals.

Another large-scale, concentrated industry in this broad grouping is soap and detergents. During the decade ending in 1968 its price had risen at an average rate of .7 percent a year. In 1969 the pace advanced to 2 percent a year, which, if the present trend continues, will be matched in 1970.

During the 1957–59 base period prices of electrical machinery had undoubtedly been inflated by the conspiracies disclosed in the celebrated "Philadelphia" price-fixing case. It is therefore not surprising that in 1968 the price of motors and generators was 5% lower than ten years earlier. In 1969, however, the price was raised 5 percent, which has been followed by further advances in 1970. By June 1970 the price was 4.4 percent above the January level.

Of the 10 industries shown in the table, only electric lamps was significantly lower in price in 1969 than in 1968. But as a result of increases in February and April, the price by June of this year was higher than in 1968 and 4.1 percent above the January figure.

Contrary to the trend of farm and food prices generally, a number of concentrated farm-based industries have enjoyed price increases during 1970. An example is biscuits and crackers which by 1968 had risen over a quarter in price during the past decade. Increases in 1970 brought it by June to a level 5.1 percent above the January level.

Two increases in 1970 have raised the price of distilled liquor 3.6 percent above the January quotation.

The cigarette industry provides a striking illustration of declining consumption accompanied by rising prices. In 1969 the price was raised 8 percent, or 35 cents a thousand. Effective June 1, 1970 it has been increased again, this time by 45 cents a thousand, raising the index to 7.8% above the January figures. The managing director of the Wholesale Tobacco Distributors of New York is quoted as saying that the increase, amounting to at least 2 cents a pack or 20 cents a carton, would "most definitely" be passed on to retail consumers.[23] As in the case of a number of other industries cited here, leading cigarette manufacturers raised their prices at about the same time, by the same amount to the same level.[24]

CONCLUSION

Over the years a substantial body of knowledge has been gradually developed through empirical studies concerning the actual behavior of prices. A central conclusion is that the price structure is composed of two very different types of prices, one the prices of classical economic theory which are sensitive to changes in demand in relation to supply; the other the prices of concentrated industry which change infrequently and are generally not responsive to short-run changes in supply and demand. From the material presented here, it is clear that during downturns the former continue to display the type of behavior expected under economic theory. It would also appear, however, that the latter have been exhibiting a type of behavior which is inexplicable under any body of theory—classical or monopolistic.

Monetary and fiscal restraints designed to arrest increases in the general price level will succeed in their purpose to the extent—but only to the extent—that the price structure is composed of the former type of prices. While constituting only a fifth of the number of products in the Wholesale Price Index, the products in the most flexible category, Quintile 5, accounted for 37 percent of its weight. If to these commodities there are added those products in Quintile 4 which, though changing somewhat less frequently, behave in the same general manner, about half of the price structure in terms of weight could be estimated to be composed of products which respond to a reduction in demand with a decline in price.

At the same time it must be recognized that a substantial proportion of the other half is composed of products whose price behavior during downturns can only be regarded as perverse. These include a number of strategically important basic industries, such as steel and aluminum. Because of the pyramiding effect described above, the effect of their price increases is considerably greater than would be indicated by their weight in the overall price index.

Barring a severe depression, the probabilities are that while the effect of price declines in the flexible-price sector will be sufficient to slow down the rate of advance in the general level of prices, the price increases in the concentrated sector will continue to cause it to move upward.

In a paper on this same general subject delivered before the American Economic Association in 1959, I concluded by saying:

"Except in periods of severe depression, the analysis presented above suggests that in oligopolistic industries, other factors being equal or unequal, prices will rise. And unless these increases are offset by price declines in atomistic industries, the result will be a rise in the general price level."[25]

Eleven years later I see no reason to alter that conclusion, except to note an apparent acceleration in the rapidity with which the divergence between the two types of prices has developed during the current downswing.

FOOTNOTES

[1] U.S. Dept. of Labor, Bureau of Labor Statistics, *Frequency of Change in Wholesale Prices: A Study of Price Flexibility*, by Henry Ernest Riley.

[2] Since the index of industrial production was the same in 1956 and 1957, either year could be taken as the beginning point for the third recession. Except for a sharp decline in automobile production, the 1958 downturn was confined largely to producers' goods, which began to experience a contraction of demand around the middle of 1956. No decrease occurred during 1958 in either real consumer income or the production of nondurable goods. Because it is more relevant to the area of the economy in which the economic decline was centered, the year 1956 is used in this analysis as the beginning point for the third recession.

[3] U.S. Dept. of Agriculture, "The Agricultural Outlook for 1959," Nov. 17, 1958.

[4] *Ibid.*

[5] *Ibid.*

[6] Cf. 74th Congress, 1st Sess., Sen. Document No. 13, *Industrial Prices and Their Relative Inflexibility*, by Gardiner C. Means, Jan. 17, 1935; and National Resources Committee, *The Structure of the American Economy*,

Pt. 1, 1939 (prepared under the direction of Gardiner C. Means.)

[7] National Resources Committee, *The Structure of the American Economy, op. cit.*

[8] Also part of the statistical criticism is a study by Willard Thorp and Edward Crowder in which no relationship between concentration and depression price flexibility was found to exist (T.N.E.C. Monograph 27, *The Structure of Industry,* 1941). It differed from the Means' study in two respects: the use of the Census realized figures for its price data and its failure to employ standards, such as those used by Means, to eliminate products which are not meaningful for this type of analysis (cf. John M. Blair, "Means, Thorp and Neal on Price Inflexibility," *Review of Economics and Statistics,* Nov. 1956.)

[9] *Washington Evening Star,* June 25, 1970.

[10] Some indications that increases in reported prices are being accompanied by a withdrawal of concessions are provided by the business press. Thus the same news account which described a recent price increase by tire manufacturers stated: "Both Goodyear and Goodrich said they will pay freight allowances only on shipments of 500 pounds or more, compared with the current 400-pound minimum." (*Wall St. Journal,* June 22, 1970). Similarly, an announcement of a price increase for gasoline was accompanied by a withdrawal of price supports to dealers:

"Mobil also announced it is withdrawing all temporary price allowances paid to dealers. This so-called 'price protection,' is a guaranteed minimum margin in cents per gallon for dealers regardless of how low pump prices go. It is used to protect dealers during local gasoline price wars. Over 99% of Mobil's 35,500 service stations are operated by independent dealers who make their own retail pricing decisions. But removal of such allowances would encourage *restoration of normal prices,* since it transfers the burden of local price wars to the dealers from the company." (*Wall St. Journal,* March 26, 1970, emphasis added)

[11] Ralph C. Wood, "Dr. Tucker's 'Reasons' for Price Rigidity", *American Economic Review,* Dec. 1938, p. 669.

[12] Some steel products were reported by the B.L.S. to have had five or six changes during the 36-month period, falling just outside of quintile 2. During this period there were only four changes in the base prices of most steel products. The additional changes represented changes in the so-called extras, some of which are incorporated as price changes by the B.L.S. Since other products have analogous charges, modifications of which are not treated by the B.L.S. as price changes, changes in extras should properly be ignored in comparing the flexibility of different products.

[13] Where substitutability does exist, the expectation would be that if changes in demand were the determinant of price changes, the price of a flexible product would decline less during a downswing than its inflexible-price counterpart. At the outset of a downswing buyers would attempt to shift to the sensitive declining product from the insensitive stable product, thus tending to shore up the demand for the former and weaken it for the latter. If despite this, the price of the flexible product throughout the downswing declines more than that of the inflexible item, changes in demand become even less persuasive as the explanation for changes in price.

[14] *Federal Reserve Bulletin,* May 1970, p. A–62.

[15] See Appendix B.

[16] An exception is gasoline, the market for which is controlled through market demand prorationing and import quotas.

[17] *Wall Street Journal,* June 23, 1950.

[18] *Iron Age,* April 25, 1963, p. 90. The journal went on to say:

"One automotive steel purchasing agent estimates the increased cost to automakers would be $25 per car for sheet steel in a typical low-price, standard-size auto. This estimate allows a profit for component manufacturers and other suppliers. It doesn't include any added profit for the automaker. For this reason, the average 1964 auto may cost $50 more than 1963 models."

[19] *Wall St. Journal,* June 19, 1970.

[20] The relatively low level of the gasoline price index in terms of the 1957–59 base period is traceable in good part to the inflationary conditions in this industry during the first Suez crisis in 1957.

[21] *Wall St. Journal,* March 26, 1970.

[22] *Wall St. Journal,* June 22, 1970.

[23] *Wall St. Journal,* May 29, 1970.

[24] The move was announced initially on May 22 by American, followed on May 24 by Lorillard, on May 25 by Liggett & Myers, and on May 27 by Brown & Williamson. (*Wall St. Journal,* May 29, 1970.)

[25] "Administered Prices: A Phenomenon in Secret of a Theory", *American Economic Review,* May 1959, vol. XLIX, No. 2.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. WYLIE. Statistics are being referred to about polls being conducted over the country. I should like to share the results of a poll which I took in my own congressional district. I have come to rely on the judgment of the people in my district. On my questionnaire, I asked the question:

> Do you favor the imposition of mandatory wage and price controls by law?

The answers were "yes" 37 percent and "no" 63 percent.

This response is different, apparently, from the results of the questionnaire which the gentleman in the well has sent out. I think it is appropriate to indicate that not everyone favors mandatory wage and price controls.

Mr. REUSS. Entirely; though nationwide polls conducted by national polling agencies have shown that, nationwide, there is a balance in favor of price-wage controls.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, in the deliberations of the House Banking and Currency Committee on H.R. 7880, the Defense Production Act, many members expressed serious concern about the inflationary tide in our economy. In fact, measures were added to the bill which would give the executive branch more power than it presently has to act against inflation in wages and prices. My purpose today is to point out that the provision in the act establishing uniform cost accounting standards in defense contracts will also be an effective anti-inflationary tool, although it is directed at a different form of inflation.

This other form of inflation I refer to is the inflated cost of defense equipment due to cost overruns on defense contracts. Uniform cost accounting standards would not eliminate all cost overruns, of course, but such standards could have a significant effect on the overrun problem.

We have all heard about serious cost overruns on defense projects in the last year. I need not recite all the problems the Defense Department encountered on the C–5A, the main battle tank, and numerous other weapons systems to remind you that cost overruns are adding hundreds of millions of dollars to the cost of defense equipment each year.

At the heart of the overrun syndrome, as you know, is the "buy in" concept. Using this device, contractors provide a low initial estimate for the costs of weapons systems in order to "buy in" on the production contracts; then, when actual costs run much higher than the estimate, the contractor requires the Government to shell out millions of dollars above the original price before the weapons system is delivered.

The public needs protection from this kind of gimmickry. The taxpayers, of course, deserve better treatment in return for the $40 billion they pay annually for defense procurement. But at the same time, legitimate business enterprises, which do not indulge in such practices, deserve to be protected as well. Uniform cost accounting standards would provide this protection by making it possible for Government contracting officials to get a better picture of the actual costs and profits to be recognized on a defense contract before the contract is entered into. This would have a chilling effect on those contractors who like to estimate low costs when they are selling something to the Government, but then report considerably higher costs when it comes time for the Government to foot the bill.

I believe this is what the Comptroller General had in mind when he said, in his report on uniform accounting standards, that contractors use one method for estimating costs used in contract proposals and another method for reporting the same costs in their day to day operation. Thus it is possible to inflate a cost estimate for bid purposes by selecting the appropriate generally accepted cost accounting method. The Comptroller General recommended that this Congress establish a requirement for uniform cost accounting standards so that defense contractors cannot manipulate the more flexible "generally accepted accounting principles" on future contracts.

Admiral Rickover, in testimony this spring, also discussed the effect that uniform cost accounting standards would have on the overrun problem. Here is what he said:

> It would have a salutory effect on cost overruns in this sense: Today, since the government does not know how its money is being spent, it can be spent by unwise, inefficient, or uneconomical methods . . . As far as cost overruns are concerned, accounting standards would help to show things as they are.

The concept of uniform cost accounting standards on defense contracts has been widely billed as an infringement on the prerogatives of industry. Many representatives of the large defense contractors have contended that uniform cost accounting standards would seriously hurt them. I believe the passages I have quoted from the Comptroller General's report and from Admiral Rickover's testimony indicate that uniform cost accounting standards would protect legitimate defense industry from their competitors who make use of the "buy in" technique. At the same time it would protect the taxpayers against the need to pay out millions of dollars above estimated costs on defense contracts because of cost overruns.

Industry—and particularly small business—would benefit from uniform cost accounting standards in other ways as well. A representative of the National Aerospace Services Association testified that uniform accounting standards would help industry in several ways. They would decrease the number of disputes between Government and its contractors; they might lighten the recordkeeping requirements on small companies; and they would provide "clarity of relationships and some automatic protection of contractor's rights."

Further, uniform cost accounting standards can be expected to increase efficiency in the defense industry. Accounting standards would assure businessmen definite cost figures from which to judge performance and compare different manufacturing processes. They would provide a measure of comparability in competing bids, so that bidders could have better information as to why their costs were too high.

Mr. Chairman, whenever we consider protective legislation—such as the bill calling for uniform cost accounting standards—it is essential that we consider the cost of the protection. We would not want to be in the position of prescribing a cure that is more expensive than the illness. This question has been considered in the matter of uniform cost accounting standards, and the Comptroller General found that the cost of implementing cost accounting standards would not be excessive. Let me quote from the Comptroller General's testimony before the Senate Banking and Currency Committee:

> I would like to emphasize in this connection the fact that there has been a lot of uneasiness on the part of industry, and they will so testify here, that this is going to add to their cost and to the government's cost because we are dealing with the situation where most of these contracts are on a cost basis. We do not see this. I think we have adequate basis to support our contention that there will not be a net additional cost . . . we do not see that the cost of accomplishing the objectives that the bill has in mind would be excessive.

For the reasons I have stated, Mr. Chairman, I am convinced that uniform cost accounting standards would provide a significant degree of protection against cost overruns and the "buy in" syndrome. I agree with the Comptroller General that such standards could be implemented without excessive cost. I think it is essential that this session of Congress establish the requirement for uniform cost accounting standards on defense contracts.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, the bill we are discussing today has three basic purposes. First it extends the Defense Production Act until June 30, 1972. Second, it establishes a Cost Accounting Standards Board charged with the duty of proposing cost accounting standards by June 30, 1971. Third, it establishes broad standby authority for the President to impose wage and price controls.

Mr. Chairman, I have no argument with the first purpose and only slight objection to the second, but serious objection to the third.

First of all let me mention my objection to the provisions of the bill relating to cost accounting standards. For background let me review with you my remarks set forth in my additional views in the report on this bill. At that time I said, directing your attention to the report, that many questioned the possibility and feasibility of establishing identifiable standards. But then I said:

> Frankly I think it is possible both to determine their feasibility and advisability under the approach of the so-called Rees amendment which forces standards to be drafted but defers implementation until the Congress at a later date determines that which we have talked about as standards are identifiable as standards and as such are feasible and advisable.

From the foregoing you will note I do not reject an attempt to develop cost accounting standards, but I do have two changes I hope my colleagues will recognize as improvements in the bill.

First the Cost Accounting Standards Board should not be chaired and appointed by the Comptroller General of the General Accounting Office, as desirable as that may sound at first blush. As an alternative I will offer an amendment consistent with the recommendations of the Comptroller General to have such board appointed by the President. This amendment will read as follows:

> There is established a Cost Accounting Standards Board which shall be independent of the executive departments consisting of five members appointed by the President.

Second, slightly better than 6 months' time is hardly enough for the board to be appointed and to get organized and to formulate the proposed cost accounting standards. Therefore, Mr. Chairman, I will offer an amendment to change the board's reporting date from June 30, 1971, to January 31, 1972. This amendment needs little or no discussion.

But let me discuss the composition of the Board. Almost all, if not all, of those who appeared before our committee urged the appointment by the President of an independent board. Even the Comptroller General whose advice the Congress should take agrees with this position.

He urged us not to do the very thing the bill as reported does.

I am quoting from the testimony of the Comptroller General when he said:

> We question whether the GAO should become deeply involved in the administration of negotiated contracts. The responsibility for administration of contracts including promulgating, interpreting, and administering cost-accounting standards seems basically an executive branch function. Rules and regulations covering Federal Government procurement are now a function of the executive branch. There does not appear to be any reason to divorce the promulgation of cost-accounting standards from the executive branch.

In addition, he said:

> An independent Board appointed by the President might well have greater prestige and attract more capable members. It could not be accused of having any bias by reason of having worked on the feasibility study or any preconceived ideas of what the standards should be.

To make sure that I had Mr. Staats' position clearly understood, I asked him:

> Is it not your position that theoretically and philosophically the rulemaking function should be separated from the oversight function? In other words, in your day-to-day review on behalf of the Congress of contracts, their negotiation and their implementation, are you not in a better position, if you have not been the one who has promulgated the accounting standards, to critique those standards?

Mr. Staats replied:

> I think that is true generally. This is a hard line between rulemaking and auditing. We never want to get ourselves in a position where our independence is compromised by virtue of our having participated to an undue extent in the administrative decision or in the operations which are essentially the function of the executive branch. We being an agent of the Congress believe our function can best be discharged by analyzing and assessing how well the executive branch has done its work and formulating suggestions and ways in which we think they can be improved either by administrative action or by legislative action.

Later on he agreed with Professor Anthony, who testified before the committee, as follows:

> That is the reason we came to the conclusion we did that an independent board appointed by the President made up of both Executive Branch and outside representatives would be a better forum for this type of matter.

Mr. Chairman, I suggest that with reference to such delegations of authority it is axiomatic in the Federal bureaucracy that anyone, or any agency, able to claim jurisdiction does so. When the GAO says it should not in this case, there must be at least a few who feel that it has overpowering, though maybe underexpressed, reasons for saying so.

Now, let me talk to you a moment about a part of the bill, title II which would give to the President unlimited, unguided, uncontrolled authority to impose and implement wage and price controls.

At the outset, let me express my serious doubt, if disagreement, about the value of wage and price controls as a means of assisting in the control of our present inflation and destabilized economy.

Mr. Chairman, wage and price controls can be effective in an economic situation where a shortage of goods creates excessive demand and as a result prices are forced upward without an improvement in the quantity or quality of such goods. Rationing is a necessary complement to such wage and price controls.

But wage and price controls are not effective when the inflation is a result of a cost-push situation not involving any shortage of goods or excessive demand for unavailable goods. Even former President Johnson in the economic report of the President transmitted to the Congress in January 1969, through the Council of Economic Advisers, said:

> Mandatory price and wage controls are no answer. Such controls freeze the market mechanism which guides the economy in responding to the change in pattern and volume of demand; they distort decisions on production and employment; they require a huge and cumbersome bureaucracy; they impose a heavy and costly burden on business; they perpetuate inevitable injustices. They are incompatible with a free enterprise economy and must be regarded as the last resort appropriate only in an extreme emergency such as all-out war.

Mr. Chairman, those are not my words. Those are the words of the same gentlemen, or at least the spokesmen for the same gentlemen, who are advocating title II in this bill.

Nevertheless, despite this testimony to the contrary, I would defer to the will of this body and vote for standby controls if this body and the Congress will act in a responsible way and retain for itself the authority and responsibility which it should exercise and bear.

Mr. Chairman, no Member of this Congress who has criticized the failure of the Congress to be responsible with respect to international affairs can claim any personal or political integrity if he supports this legislation as presently written.

The electorate is sick and tired of the Congress passing the buck to the President under broad grants of authority and then claiming immunity from criticism by virtue of the almost unlimited delegation of its constitutional prerogatives.

The Congress owes to the people it represents a duty of fidelity—not just fidelity with respect to the people's money and taxes, but fidelity with respect to the power and authority of the people which are vested in the Members of this body.

As in the case of international affairs, the Congress should provide the tools and make the basic decision as to whether or not they should be utilized; so, too, on the domestic scene emergency tools should be made available and the Congress should determine when they are to be used.

In each case, it is the President's duty and responsibility not to make the policy decision, but to implement and carry out—to execute—the congressional decision.

The amendment I will offer to the title, a substitute for all of the title II language, does make a proper distinction between the legislative and executive functions. To permit timely action, even emergency action, for the imposition of wage and price controls, and yet retain within the Congress its proper policy decision role, my amendment authorizes a joint committee of the Congress to impose wage and price controls. The implementation of those controls is then properly left to the President.

The joint committee authorized to exercise this authority consists of the Joint Economic Committee, the Speaker and minority leader of the House, and the majority and minority leaders of the Senate. I would be remiss if I did not mention that the chairman of this joint committee should be the chairman of the Joint Economic Committee who is presently the chairman of the Committee on Banking and Currency of this House. Two or three members of the Committee on Banking and Currency of the House from the other side of the aisle also serve on that joint economic committee. Certainly nobody could be more reflective of the expertise and wisdom of the Congress in matters of this kind.

Adoption of my amendment would show that this House is a responsible body. Rejection of it will be further proof to the people that we are irresponsible, that we do place politics above policy, and the welfare of the people.

Mr. Chairman, I yield back the balance of my time.

Mr. MICHEL. Mr. Chairman, will the gentleman yield to me?

Mr. BROWN of Michigan. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I am definitely opposed to title II of this bill.

I am reminded of several visits to the White House over the years and two of them are worthy of mention here.

One was a meeting presided over by President Kennedy with a number of members of our Appropriations Committee and several other committees. We were talking about the budget and during the discussion of holding expenditures in line the President said the last thing he wanted to do was impose wage and price controls.

Again during the Johnson administration I can recall the President making essentially the same statement in a similar meeting.

Mr. Chairman, I should like to turn now to my specific reasons for opposing title II of H.R. 17880. We are all aware of the fact that contract negotiations have recently begun in Detroit between the UAW and the automobile companies. However, we may not all be aware of the adverse effects which wage and price controls may have on these negotiations and on collective bargaining in general.

In the first place, there is a strong possibility that controls would be self-defeating in the area of collectively bargained wages. For example, the temporary nature of the proposed freeze would seriously limit the effectiveness of any negotiations. Since union contracts are negotiated for periods of 2 or 3 years, unions would be forced to adopt one of several bargaining approaches if their contracts expired during the freeze period. All of these approaches are undesirable. One possibility would be to negotiate for wage increases to become effective at the expiration of the freeze period. In that event, there is a strong likelihood that wage increases after the freeze would be larger than those which would have been negotiated in the absence of a freeze. In any case, the unions would certainly insist that any eventual settlement include an allowance for wage increases foregone during the freeze. This would only delay the increases which would have resulted from normal bargaining. In the interim, however, much confusion and uncertainty would have been added to the bargaining process.

Another alternative would be to negotiate a contract with a provision for reopening negotiations at the expiration of the freeze. Much time and energy would be wasted and what incentive would there be to bargain seriously when the results are only temporary and the whole process is soon to be repeated anyway?

A third alternative would be to drag out negotiations until the freeze expires, with or without an extension of the old contract. This places a heavy strain on labor-management relations and detracts from a healthy working relationship.

There are also other problems related to the bargaining process which are caused by wage and price controls. The fortuitous circumstance of when a contract expires plays a major role in the level of wages frozen for a particular group. And what is to be done about deferred wage increases under an existing contract which become payable during a freeze period? I submit that title II would seriously detract, if implemented, from the orderly and effective bargaining process in this country and that it should be rejected.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, this is the season when it becomes more and more difficult to separate fact from fiction. As an election draws near, the facts surrounding an issue are frequently clouded by barrages of hollow rhetoric. Slogans and trite phrases are offered as instant solutions which, if not accepted, will presumably cause us to suffer the anguishes of complete disaster.

This year is no exception. We have a perfect example of instant solutions before us today in the form of title II of H.R. 17880. As you know, title II gives the President authority to implement wage and price controls at his discretion.

Yet a look at the record should make it very clear that controls are a wrong and damaging answer to the problem of inflation. The problem of inflation is being resolved—and resolved effectively—by the current economic policies of the administration.

If this body really believes that controls are necessary, it should act more responsibly and enact mandatory measures now rather than sidestepping the issue—and the responsibility—by passing the buck to the President.

Most simple answers are appealing and wage and price controls are no exception. But before we become enchanted by their simplistic appeal, let us look more closely at their past record. I have in mind three periods over the last 30 years in which this country experienced wage and price controls in one form or another. There is, first of all, the 4 years of their application during World War II. This was followed by a brief resumption of such controls during roughly 2 years of the Korean conflict. And, finally, we have witnessed a watered down form of controls—called guidelines—which were used during the last administration.

In each of these instances, the record is poor. Yet during World War II and again during Korea, everything favored the successful use of controls. The country was united throughout both conflicts. The population sacrificed greatly to promote the war effort—and did so willingly. Nevertheless, during World War II, prices still rose 38 percent. Rationing became the order of the day, and the black market developed into a commonplace.

All this occurred despite controls, despite great patriotic sentiment for the objectives of controls, and despite a bureaucracy of 250,000 employees needed to administer the control program.

The record during the Korean war is no better. From the outbreak of the war in June, 1950—which triggered expectations of further wage and price controls—prices increased roughly 6 percent until mandatory controls were applied in January, 1951. In the following year of controls, prices advanced an additional 9 percent. Again, despite controls, public support, and a gigantic administrative bureaucracy, the experiences of World War II were repeated.

More recently, the Johnson administration tried to control the results of massive deficit spending by imposing wage and price guidelines. As we all know, those guidelines proved completely ineffective, and, consequently, were quietly abandoned.

I think the record is very clear on wage and price controls. And I think it should be clear to Members on both sides of the aisle. For otherwise, how can we explain the following statement appearing in the last annual report of the Council of Economic Advisers under President Johnson? I quote:

> Mandatory price and wage controls . . . freeze the market mechanism which guides the economy in responding to the changing pattern and volume of demand; they distort decisions on production and employment; they require a huge and cumbersome bureaucracy; they impose a heavy and costly burden on business; they perpetrate inevitable injustices. They are incompatible with a free enterprise economy and must be regarded as a last resort appropriate only in an extreme emergency such as all out war.

One basic conclusion I draw from my review of wage and price control history is this: So long as economic policy is highly expansionary, wage and price controls have virtually no hope of success. This was the case in World War II, in the Korean war, and in the last 4 years of the previous administration. Economic policy in each of those periods was highly expansionary. Despite controls—or guidelines—prices rose, and rose rapidly. Neither massive bureaucratic machinery nor mobilized public support such as we enjoyed in World War II could stem the tide. Even during those years, prices increased well above 9 percent a year—a rate of inflation exceeding our present experience at its peak several months ago.

Today it is obvious that our monetary and fiscal policies are moving in the right direction to halt inflation. Excess demand has been eliminated. Inflationary expectations have been altered. We are currently in the final phase of the transition to economic stability.

For example, the structure of interest rates has decreased greatly over the past several months. Treasury bill rates are down 1.8 percent from their 1969 peak. Further, the wholesale price index from the first to the second quarter of 1970 advanced at a rate of 1.7 percent per year. By contrast, wholesale prices were increasing at a rate of 4.6 percent a year from the last quarter of 1969 to the first quarter of 1970. Finally, the consumer price index for both May and June shows an annual rate of increase of 4.8 percent—down from the 6 percent annual rate registered in the spring.

These facts unmistakably indicate that the rate of inflation is falling. When placed in perspective, the conclusion is even more encouraging. The administration's plan all along has been one of cooling the economy to get at inflation. Because of the time lapse between changes in the pace of economic activity and the resulting impact on prices, there is a several month lag between economic slowdown and price slowdown. This we are now beginning to witness. We can expect to see even more success in the coming months.

Further, this has been, and is being, accomplished without pushing the economy into stagnation or a recession. The second quarter GNP figures clearly indicate that the economic decline has bottomed out. With moderate growth in the money supply, as well as removal of the surtax, we can expect economic activity to continue its upward trend in the third and fourth quarters of this year.

The administration's economic policies are working and they are working with the minimum of pain necessary to bring inflation under control. Wage and price controls are obviously unnecessary. Not only would they be useless, but they would entail creation of a gigantic bureaucracy.

For the many reasons I have cited, I can only conclude that the provisions contained in title II of H.R. 17880 are the wrong medicine for the inflation ailment. There is nothing to be gained by imposing wage and price controls. Yet, as I stated, if Congress is convinced that controls are necessary, then let it enact mandatory controls now. To do less, to pass the responsibility onto the Presidents, clouds the issue and sets up a smokescreen of fiction which engulfs the facts at hand.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, H.R. 17880 is basically a good bill and contains provisions for uniform cost-accounting standards for defense contractors, which I favor.

However, title II of H.R. 17880, relating to wage and price controls, must be amended. It serves no useful purpose. It has no economic merit. And it represents a patently partisan display of irresponsible statesmanship. At a time when the economic environment requires moderate and responsible policy courses, grounded in fundamental analysis and action, title II is a combination smokescreen and boondoggle, designed only to confuse and politicize a vital issue.

This so-called Economic Stabilization Act of 1970, which is title II, is not directed toward a restoration of economic health and stability. By thrusting upon the President the authority to temporarily "stabilize" prices, wages, rents, and salaries; and by implying that such a course of action is feasible, costless, and effective, passage of title II would perform a great disservice to the American people.

The record on this issue is clear. The facts are persuasive and unambiguous. I take this opportunity to review the issues for the benefit of my colleagues and my fellow citizens.

Title II of H.R. 17880 authorizes a mandatory regime of price and income controls. On its face, this represents an extreme course of action; one only reserved for the highest and most serious of economic emergencies. In other words, proponents of such control measures must bear the burden of proof that the need for such controls is overwhelming.

I do not make this as a partisan point. Let me read a commendable statement on the desirability of such controls:

> The most obvious—and least desirable—way of attempting to stabilize prices is to impose mandatory controls on prices and wages. While such controls may be necessary under conditions of an all-out war, it would be folly to consider them as a solution to the inflationary pressures that accompany high employment under any other circumstance. They distort resource allocation; they require reliance either on necessarily clumsy and arbitrary rules or the inevitably imperfect decisions of government officials; they offer countless temptations to evasion or violation; they require a vast administrative apparatus. All these reasons make them repugnant. Although such controls may be unfortunately popular when they are not in effect, the appeal quickly disappears once people live under them.

That policy statement on direct price and wage controls was offered by Gardner Ackley, James Duesenbury, and Arthur Okun—the Council of Economic Advisers—in their annual report, February 1968. It has my wholehearted support.

I know some of my colleagues would want us to believe that certain highly regarded economists support controls at this time. That is simply not true. Respected economists of all political persuasions find them repugnant, and only to be even considered during periods of massive military mobilization. Our experience with the bureaucratic morass of wage and price boards during World War II and the Korean war certainly reinforce this conclusion.

So this part of the record is clear: Proponents of controls always bear a heavy burden of proof, and their proof must be extremely convincing.

But no one steps forward today with a convincing economic brief in support of controls. Rather, the weight of the evidence resides completely on the anticontrol side of the question. However, we can encounter conditions in our economy, due to continued inflation caused by deficit spending, which would make such controls desirable.

As I have noted, controls are always a last policy alternative. We resort to controls only when forced by extreme economic circumstances. For the United States, this has meant during periods of intensive military mobilization. Controls are the ultimate necessity forced on us by the shortages and scarcity generated by superheated demands on our productive resources. Fighting major wars and satisfying civilian demands are not compatible activities. Government controls—over production, distribution, prices, and incomes—are necessary.

But, the summer of 1970 does not yet find our economy with any of these "control-prone" symptoms. We do not have conditions of military buildup, of product and labor shortages, of excess demand for output. Quite the contrary, Americans in uniform are now rapidly decreasing in number, not increasing as they were during most of the 1960's. Coordinated application of responsible monetary and fiscal policies have largely removed excess demand from our economy. On the economic evidence, this is clearly not the time for controls.

A case for controls did exist in the summer of 1965. Had we then known, as we now can see with hindsight, that a massive military buildup was to be undertaken, and that responsible monetary and fiscal policies were not going to be put in place, we might have given serious consideration to the control alternative. Indeed, former Treasury Secretary Joseph W. Barr recently admitted:

> My rule of thumb, if I ever have any public service again, is that if anyone deploys as many as 100,000 troops on foreign soil, you go for a tax increase and complete controls across the board.

But the economic policy failures of the Vietnam escalation period cannot be permitted to distort our analysis of today's economic climate.

Today's facts do not support any need for controls. The severe inflationary pressures generated by the overheating of 1965–68 are finally on the wane. Wholesale price increases are decelerating, industrial commodity prices are declining, and consumer price rises have stopped accelerating. Moderate expansion can resume and inflation can be brought under control.

Fundamental policy actions, based on a hard analysis of the current environment, are the appropriate prescription for the economic ills of overheating. There is no room for the irresponsibility of giving the President the temporary power to institute a regime of price and wage controls.

One final point about title II, as presently written, deserves emphasis. This is the manner in which price and income controls are presented for our consideration. The bill before us seeks to give the President an authority only until February 1971. It strikes me as the height of irresponsible statesmanship for this House to thrust upon the President the temporary authority to impose such controls.

If this body truly desires to see economic controls imposed, then let it so indicate by directly considering that question and keep the responsibility where it belongs, right here in the Congress.

An amendment to title II will be offered today to give the Joint Economic Committee of the Congress, with the minority and majority leaders of the other body, and the Speaker and minority leader of the House, the power to invoke controls when they deem it necessary and authorizes a sum of money to accomplish the initial steps.

I call on my colleagues of both parties to support the amendment as it represents political responsibility. Title II, as now written, does not deserve our consideration.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I am happy to yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the amendments to the Defense Production Act. While I am not completely satisfied with the provisions of the bill, I believe that, even with sections I would prefer to see modified, the bill represents a step forward.

The Defense Production Act was originally enacted in 1950 to assure a sufficient supply of national resources for defense needs. This still remains our goal.

Beyond this basic effort, however, we must make certain that the taxpayer gets full value for his money in providing resources for our defense agencies. This bill takes that extra step forward as we move toward methods to insure full value for the defense dollar.

The Department of Defense is by far the biggest purchaser in Government with the result that the opportunity for irregularities in procurement, inadvertent or otherwise, is greatly increased. In addition, more than 86 percent of defense procurement is on negotiated contracts rather than competitive bidding.

I think Vice Adm. Hyman G. Rickover clearly explained the situation during hearings before our Banking and Currency Committee when he said:

> I believe that defense contractors must be accountable for the expenditure of public funds. Throughout Government there are strict rules pertaining to personal accountability. Travel vouchers must be verified, and so on. Those involved in the disbursement of Government funds must document their expenditures in detail and make a proper accounting of such expenditures to the Government.
>
> Large defense contractors, however, are not being held accountable to the U.S. Government for their expenditure of public funds. . . .

The bill establishes a Cost-Accounting Standards Board which will investigate the current situation in military procurement and report to the Congress within a year its recommendations for cost-accounting standards. The standards are to be applied to defense contractors and subcontractors and be designed to achieve uniformity and consistency in cost-accounting practices.

This procedure allows the Congress to take final responsibility for the setting of uniform standards, but provides the necessary expert advice we should have prior to the final decision.

In my opinion, a significant feature of the bill is the consideration it gives to small business. It is important, I think, to make certain that legislation we adopt will not require smaller businesses to give up defense contracting because of standards that might be unduly expensive for a small business to afford or unnecessarily stringent to render a small business unable to comply.

The bill provides that at least one of the members of the Cost-Accounting Standards Board be particularly knowledgeable of the needs and problems of small business.

It is particularly important that small business have a voice in the formulation of decisions by the Standards Board. I am confident the industries with the largest defense contracts can adjust relatively easily to whatever standards are developed. But, I do not want to see any small businesses forced out of doing business with the Defense Department because of standards aimed primarily at larger contracts.

I do not want to give the impression that I believe this bill will end all procurement problems. Nonetheless, it will allow us to gain greater insight into military procurement problems and to seek out effective, timely solutions to problems as they arise.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in opposition to title II of H.R. 17880. I do so because I believe that this title contains at least five defects.

First, this measure, by authorizing a wage freeze, denies labor any benefits which might otherwise be derived from its increased productivity. However, H.R. 17880 fails to provide for profit and dividend stabilization. Thus, business ownership would be permitted to reap, in the form of expanded profits, all of the cost savings accruing from productivity gains. This hardly is equitable.

Second, title II fails to authorize the rationing power which inevitably must accompany any wage-price-rent-profit-dividend stabilization program.

Third, H.R. 17880 does not authorize any fund to underwrite the thousands of jobs which will be required to administer and enforce any economic freeze.

Fourth, by ending the President's discretionary authority 7 months from now, the bill fails to recognize the administrative-timetable required to implement such a program. During the Korean war, for example, many sectors of our economy were never touched by the wage and price control program which was in effect at that time.

Fifth, the authority provided in title I expires on June 30, 1972. Since title II expires at midnight on February 28, 1971, it is evident that the committee feels that no economic stabilization program would be feasible or desirable beyond that date.

It would be folly, in my opinion for the President to implement for 7 months the authority extended him in title II.

The Congress, in this bill, simply has not given him the tools, the time, or the funds to do that job, even if it were desirable, which in my opinion it is not.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. The gentleman mentioned the cost of administering a wage and price control program. Would not the gentleman agree that the administration of a proposed wage-price control program, following the experience the past would indicate, would probably cost in the area of $1 billion to $1.5 billion to administer the program?

Mr. WHALEN. Probably so. The program cannot be effectuated by the President merely saying we are going to have a wage and price freeze. It has to be administered. It has to be enforced.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I rise in support of H.R. 17880, to amend the Defense Production Act of 1950, and in particular I want to indicate my support of title II, which gives to the President discretionary authority to issue orders and regulations to stabilize prices, rents, wages and salaries at levels of not less than those prevailing on May 25, 1970.

This discretionary presidential authority would expire on February 28, 1971. It is envisaged that a freeze would be applied and it would probably only be necessary for 2 or 3 months. I have supported this proposal because the President would then have authority to make adjustments in orders and regulations as deemed necessary to prevent any inequities and could terminate the freeze at any time when the economic factors indicated inflation had been stopped. If the Congress were to enact a mandatory program, then it would take weeks and months to terminate such a program by congressional action if conditions indicated that such a program should be terminated before February 28, 1971.

Last year I supported the legislation whereby the President was given authority to impose selective controls over any or all forms of credit when he deemed such action necessary or appropriate for the purpose of preventing or controlling inflation which had been caused by an extension of excessive credit. This proposal became law in December 1969 as Public Law 91-151.

The administration has not used these credit controls but instead has continued to rely on tight money, high interest rates, and a limitation on domestic expenditures such as health and education to combat inflation.

This Congress has balanced the budget for the last 2 years with a budget surplus of $3.2 billion during the last year of the Johnson administration—fiscal year 1969—and the first year of the Nixon administration with a surplus of $1.5 billion—fiscal year 1970. If it goes out of balance this year it will be because the Government is paying more interest on the national debt—$1.8 billion—and has received less in tax receipts—estimated $3.5 billion—because of the recession.

What is far worse is—the effect of the administration policies is to destroy those industries dependent on borrowing funds and a prosperous economy. In those areas of the country dependent on such industries we have a depression.

In my district in Seattle the economic conditions are intolerable. The commercial airplane industry, the lumber and construction industry, and smaller businesses have borne the brunt of the high interest rate, tight money policies of the administration, and we have a depression right now. Unemployment in our area is over 10 percent, according to the national figures, but when you consider underemployment and those who do not report in the unemployment statistics, the rate is probably much closer to 15 percent and going up steadily. The Boeing Co. alone, which in the Seattle area is tied closely to the business trends because it produces commercial aircraft, has dropped from an employment of over 101,000 less than 2 years ago to less than 50,000, and employment is still dropping. The annual report of the company shows that the backlog of unfilled orders for commercial jet airliners is steadily falling because the airlines are unable to finance the purchase of additional aircraft and the company cannot continue to carry aircraft in its inventory.

The same conditions prevail in the lumber and construction industry which is our second largest industry. Our people in the lumber industry are without jobs because the national housing market is depressed. Those who are involved in the local housing industry are out of work because no one can afford to borrow to buy a house and thus no new housing can be started.

Many of us have predicted this would happen for nearly a year because all the indicators pointed to it in the middle of 1969. In speech after speech we have warned how this would happen and why. I tried to summarize this for the newspaper publishers of my State in May of this year. I want to tell you today some of the things I told them about recession and inflation—the results of an undeclared war and why the present policies of the administration have not and cannot correct the situation by simply creating a national recession.

I outlined the problem as follows:

INFLATION DURING RECESSION

During the last year, the cost of living in the United States as shown by the Consumer Price Index went up 6.7 percent which was the highest rate of inflation since 1947. The projection for January indicates an annual increase at a rate of 7.2 percent. This represents extreme inflation when compared to the period from 1958 to 1965, when the rate of increase of cost of living was only approximately 1.3 percent per year, which was well below the increase in production. This meant that during the 1960's, the real per capita income in America went up, whereas now it is not.[1]

During the period from 1961 to 1965, we had an expanding economy in America, which was reflected in an improved standard of living for most of our citizens. A very sophisticated approach to the economy was started by the Kennedy administration to break the cycle of recessions which had occurred in 1954, 1958, and 1960. I will discuss later why these recessions occurred, and why they are occurring again as we return to the old policies of the 1950's.

The Government policies that produced this expanding economy were basically first, a 7 percent investment tax credit to encourage business expansion, second, the maintaining of interest rates at a low level, third, an easy money supply, and fourth, a reduction in taxes. This produced a smoothly running economy, where the increases in the price level were more than matched by the increase in actual production, and the President, through use of wage and price guidelines and the power of the Presidency, prevented the monopolistic portions of our basic materials economy from raising prices and causing a cost-push inflation. Unemployment was reduced from 6.7 percent in January of 1961 to 4 percent by January of 1966, and the rate of growth of the economy accelerated. It is interesting to note that defense spending, which was $51.6 billion in 1962, had also been steadily declining to $50.8 billion in 1963, and in 1964 it reached a low of $49.9 billion. This indicates that defense spending was not necessary to sustain the economy.

The main cause of the inflation which occurred starting in 1965, and which plagues us today, is the war in Vietnam. In 1965, the economy was expanding and the industrial plant was running at about 90 percent of capacity which meant that any further stimulus to the economy would be inflationary. The most dangerous stimulus that any government can apply to a country's economy is to go to war. The reason is very simple. The government raises money through taxes, or even worse, borrows money that it does not have and pays this money to people in the country to produce goods which are not used in the economy, but are sent out of the economic stream of the country and never returned. The result of this is that money appears in the economy without an equal number of goods being produced for purchase. Therefore, unless you drain that excess money off in some fashion, it is available to bid up the price of the existing goods in the economy.

There are two basic ways to prevent this from happening. The first is to increase taxes by the amount that you are spending on the war. Then the money which is paid out for the war goods by the Government is in turn taken back from the people and does not enter the economic stream of the Nation, and you try to build the war materials out of surplus capacity in the industrial plant. In this fashion, the war goods and war money are both left outside the economic market and do not affect it.

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[1] In the 1960's the real per capita income increase was 35 percent and personal consumption went up 45 percent.

A second method is to apply income, rent, salary and price controls so that people cannot pay more for the goods even though they have money, and at the same time, try to persuade those people to place the extra money which they have in savings—preferably Government bonds—so that this excess purchasing power can be used in the economy at a later time to help the economy if it is sliding into a recession.

Neither of these approaches was used, although many of us urged the administration to indicate to the people that we were in a war and that the whole Nation and its economy must go to war, and not just those who were being drafted.

This was not done because other voices prevailed. Both the last administration and this one have believed that the economy was strong enough and expanding at a rapid enough rate so the Federal Government could produce war goods through extra plant capacity and could take in enough money through increased tax receipts to pay for the war. The original Kennedy policies had been so successful that there was some hope of accomplishing this if the action in Vietnam was only to be a very limited affair. For example, between 1965 and 1968, the Federal receipts because of the expanding economy increased by $37 billion. This would have allowed the economy in the domestic area to continue operating as it had in 1965 and still spend $10 billion per year on the war with a balanced Federal budget. This occurred because the same tax rates applied to a much larger economy will generate more tax dollars for the Federal Government. The original Kennedy theory had been that this money would be used to improve the quality of life in America by expanding necessary domestic programs.

The tragedy however, is that starting in 1965, the amounts of money poured into Vietnam far exceeded any ability of the economy to keep up. The number of troops was raised from a few thousand advisers in 1964 to 184,000 men by the end of 1965, and by November of 1968, had nearly tripled to 538,000 men. This was accompanied by a heavy increase in spending. In 1966 the defense expenditures in Vietnam increased over $10.5 billion so the total defense budget went over $60 billion. In 1967 the budget of the Defense Department spending for Vietnam for the ficsal year was predicted to be $19.4 billion, and in fiscal year 1968, $21.9 billion. During this period, the total budget for the Defense Department jumped to $80.7 billion per year. The effect of these increases in defense spending, starting in 1965, was to stimulate the already stimulated economy. The result was that consumer prices between late 1965 and October 1966 climbed at a 3.7 percent annual rate, and the wholesale price index, which had been rising at about 1 percent to 1½ percent annually, jumped more than 3 percent in 1966.

Many of us at that time supported the concept of a war tax, but this was rejected because of the continued statements by the military that the war would soon be over. The hope of the administration was that the war would end quickly and the expanding economy could stand a brief, small 1- or 2-year deficit and not go into inflation. I remember well in September of 1967, I finally arrived at the conclusion that this was an indefinitely expanding war, and I started to oppose the administration's policies. The surtax was being proposed, and I refused to support it unless there was tax reform, and unless it was called a war tax so the people would know, and would try to apply traditional brakes to a war economy. Finally, in July of 1968, a 10-percent surtax was added but this did not cover the cost of the war and was not called a war tax. Then a program had to be started to reduce government spending in the domestic area to pay for the war. This went into effect in 1968, and the war was paid for from these Government revenues in order to prevent pumping more money into the economy.

However, between 1965 and 1968, while the expanding economy produced extra Federal receipts of over $37 billion, the budget expenses increased $60 billion—$31 billion for defense and $21 billion for nondefense. We thus financed the war by inflation. By 1968, the Government came to the conclusion that this war was going to continue, and the 1968 policies reflected the traditional budgetary controls advocated by Keynesian economists. What many people today do not realize is that we had a budget surplus—the Government taking more money out of the economy than it was putting in—starting with the summer of 1968, so the budget for the fiscal year 1969, which ended on June 30, 1969, had a surplus of $3.2 billion. This has continued since then, and there is a projected surplus of $1.5 billion for the year ending June 30, 1970, and a budget surplus of $1.3 billion for the year ending June 30, 1971. Thus, the war in Vietnam was financed by inflation, and cutting domestic spending.

It is very important to know who got most of the money, and who suffered most under the inflation. During the Vietnam War, corporate profits after taxes increased very substantially from $38.4 billion in 1964 to $51 billion in 1968, thus, corporations as a whole were doing quite well with a profit increase of 24.7 percent. The average worker during this period of time increased his average working gross in the manufacturing industries by 15.9 percent, and if you compare money incomes with price increases, manufacturing workers increased only 6 percent during that same period. If you compare this with the profits cleared by corporations during this period of time, it is plain that wage earners have been carrying their share of the expenses of this war.

THE JOHNSON ADMINISTRATION STARTED LATE TO COMBAT WAR INFLATION WITH FISCAL RESTRAINTS

The Johnson administration, faced with the problem of how to pay for the war, rejected the systems used in World War II and the Korean war. Those inflationary controls were basically to control wages and prices by either direct price controls or firm guidelines, to increase taxes, to place excess profits taxes on corporation profits, and to inform the Nation that they were at war, and, therefore, individuals should control their spending and be prepared to do without certain domestic programs. The Johnson administration did try to maintain wage and price guidelines, and it was moving to increase taxes—the surtax—and to slow down business expansion by removing the 7-percent investment tax credit. It did not take the essential step, however, of explaining to the people that we were in fact in a protracted and expensive war. In fact, nobody called this a "war" at first. One has no way of knowing the eventual effect of these policies, because the Nixon administration in January 1969 abandoned this approach and returned to the old-fashioned laissez faire monetary policies of the 1950's.

THE NIXON ADMINISTRATION CANNOT CONTROL WAR INFLATION WITH MONETARY RESTRAINTS

The Nixon administration policy views the American economy as being similar to that which Adam Smith saw in 18th century England—many small producers competing in the marketplace for the favor of many buyers. In such a dream-like world, if one restricts credit, people cannot buy and thus demand goes down and prices must go down as inflationary pressures lessen. In such a world, it is neither necessary nor desirable for the Government to intervene to protect the consumer against price increases. This is solely the function of the natural workings of the market. This picture in the United States in 1970 is of course a myth for much of the American economy is controlled by giant semimonopolies, operating in an administered price field. They offer their goods to the American people at prices determined not by the law of supply and demand, but by all charging the same follow-the-leader price. These corporations have tremendous internal financial resources, and enjoy private advantageous relationships with large lenders, which make them totally immune from restrictive monetary policy. They can only be controlled by either direct wage and price controls, or by using the power of the Presidency through wage and price guidelines to shield the rest of the American public from their power.

The keystone policy established by the Nixon administration is based upon the doctrines advocated by Prof. Milton Friedman, by Prof. Arthur Burns, the new Chairman of the Federal Reserve Board, and basically, the heads of the Treasury Department. The Secretary of the Treasury, and the two Under Secretaries, are respectively from Continental Illinois of Chicago, Chase Manhattan of

New York, and the former executive director of the American Banking Association.

The policy which has been evolved is very simple. You maintain a balanced budget to prevent the flow of any more inflationary money into the economy, you provide a zero increase in the money supply[2] and you maintain high bank reserve requirements to prevent any expansion in that area. You do not control interest rates so that the price paid for money will be set by the marketplace. Selling money is what banks do, and interest is what they charge, but the Government controls how much money will be available. So in a free market where the demand for money is constantly increasing because of increasing population and a rising quality of living, when you do not expand the money supply the demand for money soon outruns the supply and, therefore, the price of money, that is, the interest rate, goes up. In 1964, the prime rate, which is the minimum interest on 90-day loans to corporations, was 4.99 percent. In 1968, the rate was 6.68 percent, but in 1969, it jumped to 8.21 percent and the projection of many economists is that it can go even higher. Even worse, the lack of money supply sucked money from long-term paper needed to finance airplanes, housing, schools, and so forth, into the low-risk, lucrative, short-term paper. It has become so bad that last week the gilt-edge bonds of American Telephone & Telegraph Co. went on the market at 9.19 percent, the highest in history.

A second facet added to the monetary program has been to stop Government expenditures in the domestic area. In September of 1969, the President called for a voluntary cutback in the construction of schools, hospitals, and highways, and the result of this was to freeze $1.2 billion in Federal funds and $300 million in State matching funds together with $260 million in State controlled funds. On September 4, the Federal Government froze $1.8 billion in construction of strictly Federal projects. In January, the President vetoed any increase in domestic spending for education.

The result of this action is that the giant corporations, and those who are in the protected administered-price area, manage to continue at an even keel, but those areas of our economy who still depend on the classical capital market to borrow money are devastated. These are all the farmers who need financing for next year's crop, the small businessman needing credit from his local bank for inventory, the municipality or school board that wants to construct some socially needed public facility, and the homebuilder and home buyer. Those in the administered price area can pull in their belts and prepare to ride out the storm by building fewer cars, producing less rubber, selling a smaller amount of oil or steel, and at the same time raising the prices on these items. This cutting back also traditionally leads to a reduction in payrolls by laying men off. Today, unemployment is rising in both the administered price area and the nonadministered price area because they are either going out of business or have had to shut down for lack of financing.

This produces rising prices because of so-called push-cost-push inflation. For example, when steel prices rise, this causes the price of everything that uses steel to increase. A look at the statistics rapidly bears this out. The prices of steel, because of Presidential actions to hold down these prices, had only risen 7.1 percent in 8 years until 1969, but in that 1 year steel mill prices rose 6.7 percent, and in January of 1970 the price of rolled steel went up 3 percent more. In 1968, the price of basic raw materials for many industries rose only 2 percent, but in 1969 it rose 11 percent.

In addition to this cost-push inflation, you have credit inflation. With no controls over the money market, the large city banks which control a great portion of this market are free to place their money wherever they wish. They have, therefore, increased their lending to business for unnecessary capital expansion—we are only using 80 percent of plant capacity now—for inventory accumulation, and for conglomerate takeovers. This type of lending activity has increased by more than 12 percent in the last year. In addition, the larger businesses, to whom most of the loans are made, do not mind the high interest rates, because Uncle Sam picks up half of the cost, with an income tax deduction. They can all move together to increase the price to cover the cost. The small businessman is trapped, and must add on to the price of his goods the increase in the cost of the money he borrows, or he goes out of business. Finally, the consumer who buys on credit must pay a much higher price because of the higher interest charges.

This is why you have inflation rising at a rate of over 6 percent per year and at the same time have a recession occurring in the country. We simply cannot continue to apply old-fashioned methods to a modern sophisticated economy.

Therefore, Mr. Chairman, I am supporting this bill today because it does provide additional controls which can be used to stop inflation without stopping the economy.

Many of us in depressed areas are also supporting many temporary relief programs until the economy can be restored to an even keel. This includes an emergency public works program which was introduced by Congressman McFALL and myself and many others this week. Also we must have additional Federal support for our State unemployment compensation funds such as was recently passed by the House and full Federal funding for the depressed area for 13 weeks after the regular benefits are exhausted. This latter bill is being prepared now. I want to emphasize that these are only temporary relief measures. We need this bill to help correct the imbalances in our economy.

We also urge the administration again to release the freeze on funds in the economically depressed areas such as Seattle. We have projects already authorized and funded which, if built, would help relieve the unemployment in our area.

I, therefore, urge my colleagues to support this bill which will complete a congressional program of giving the President all the tools he needs to combat inflation without creating unemployment and a recession. If the President uses the credit controls of Public Law 91–151 and the income and price controls of this bill he can then change the present monetary and fiscal policies that is producing our present recession and still control inflation. I hope he will do this so our Nation can move back to prosperity once again.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I rise to speak in opposition to title II of this bill—H.R. 17880—which would grant the President an undesired and unworkable authority to impose wage-price controls.

This is a legislative hybrid with the authority for a new OPA hastily grafted onto a piece of routine legislation. Wage-price control authority was never sought by the previous administration when it might conceivably have worked. Why would controls willingly be imposed by this administration when they will not work? Indeed, it is well known that this authority would not be used. On June 17, the President stated:

> The Congress knows I will not impose controls because they would do more harm than good.

Title II seems to be primarily political in motivation. Possibly that accounts for the lack of any reasoned economic justification in support of this far-reaching legislation. Those who would support title II must count on the President having the good sense to rescue the Congress from its folly. As we know, the President and those who advise him on economic matters are unanimous in believing that the orthodox policies are working, and equally unanimous in their insistance that wage-price controls will not work in the present situation.

But perhaps it is felt that this is just Republican economics, and reflects a purely partisan point of view. Consider, if you will then, the following forceful statement:

> We could conceivably travel the route to mandatory controls on prices and wages. But the vital guiding mechanism of a free economy is lost when the Government fixes prices and wages. We did not impose such regulations on our businessmen and our workers during the recent years of military buildup and hostilities. We surely must not turn down this path—a dead-end for economic freedom and progress.

And who is warning us against taking a turn down that dead end path? It is President Johnson in his January 1969 Economic Report. Later in that same report, his Council of Economic Advisers gave it as their professional opinion that price and wage controls are first, incompatible with a free enterprise economy and second, a last resort appropriate only in an extreme emergency such as all-out war. The first condition is repugnant to freedom-loving Americans, and the second condition does not exist.

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[2] From June 1969 to February 1970, the Federal Reserve Board maintained a zero increase in the money-credit supply.

Wage-price controls were condemned by the last administration and will not be used by this one. Under the circumstances, one would have expected some new and convincing arguments in support of wage-price controls—supported by the independent testimony of recognized experts in the field. Far from it, all we have is the usual rhetoric about high interest rates, high unemployment rates, and rising prices and reference to public opinion polls. This has all the signs of a hastily conceived political effort; none of the marks of reasoned and carefully researched legislation.

What is the judgment of professional economists of both political parties on the usefulness of authority such as is contained in title II? Simply that wage and price controls are potentially useful only in emergency situations when demand is excessive, or potentially excessive, and when resources must be shifted rapidly from peacetime to wartime pursuits. Certainly those are not the conditions we face at present, or will face in the foreseeable future. Demand is not excessive. Application of the orthodox policies of general economic restraint has successfully removed excess demand. Resources are gradually being shifted back to peacetime uses and defense expenditures are falling, not rising. Title II reads like some 1965 draft legislation, long buried in the files, that comes conveniently to hand in an election year. On economic grounds, this obviously is not the time for wage-price controls. On political grounds, supporters of this legislation seem willing to pretend that it is.

The orthodox policies—fiscal and monetary—are working. They will be supplemented by the Productivity Commission and inflation alert actions announced by the President. What are some of the signs that the conventional approaches are working? Let me briefly note the following:

The more sensitive price indexes are falling or rising at a slower rate. The June 1970 index of industrial materials prices—one of the National Bureau's leading indicators—had declined 4 percent below the February peak and has since fallen still further. The more comprehensive wholesale price index rose at a seasonally adjusted annual rate of 1 percent during the second quarter, compared to more than a 4-percent rate during the first quarter. A slower rate of advance in consumer prices will soon be emerging.

Productivity apparently rose substantially during the second quarter. In his July 21 testimony before the Joint Economic Committee, Secretary of Labor Hodgson estimated that productivity growth was at an annual rate of between 3 and 4 percent. This contrasts with an earlier slowdown and actual decline in productivity.

Interest rates have been coming down. By last Friday, the 3-month Treasury bill was about 1¾ percent below the peaks of late last year. Key long-term rates have been coming down in recent weeks. New Aa corporate and municipal bond yields are down from three-fourths to 1 percent since mid-June.

Just at the time when the orthodox policies are showing clear signs of success, this legislation would be the worst possible step to take. It would raise real fears that the Congress is capable of charting an irresponsible course in the economic field to seek votes in an election year. It would raise false hopes that there is some magical cure through legal edict for an inflation of long standing. And, on the part of those who support this legislation, it would demonstrate a touching faith that the President will rise above political considerations and abstain from doing what title II would permit.

Actually, we know that the President will not use this authority but that does not excuse us from meeting our own responsibilities and abstaining from deceptive legislative maneuvers.

I urge that title II be voted down to show that the Congress is as responsible on matters of general economic policy in an election year, as in any other.

Mr. PATMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, at this particular time I am extremely reluctant to vote in favor of wage and price controls. They are strong, last resort, economic medicine which bear very undesirable side effects.

However, the inflation situation in the United States has become so serious that I believe we should approve standby controls, in the hands of the President of the United States, to let him, the Federal Reserve Board, the Treasury, business, labor, and everyone else know how extremely seriously the Congress regards the economic situation and that, if other actions and voluntary restraints do not get the job of inflation control done quickly, Congress is prepared for this last-resort measure to bring the crisis to an end.

In my State, farmers are being forced off the land, businesses are finding it impossible to stay open, citizens on fixed income are increasingly oppressed, and unemployment is increasing because of continuously rising interest and costs.

Recently, we have been subjected to a barrage of propaganda that the inflation-deflation has hit bottom. Actually, it was an argument that the rate at which the inflation and recession were worsening had slowed up. We had not hit bottom at all, we were just sinking a little slower.

This week, the figures are again out showing that not even the rate of inflation has fallen; it marches on.

These standby controls are tools the President may want to use during the next few weeks if the forces of inflation are not halted.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HANNA).

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, I support H.R. 17880, which is a measure to amend the Defense Production Act of 1950. Title II of that bill is entitled "Cost of Living Stabilization." It is suggested that the title should be cited as the "Economic Stabilization Act of 1970." It is not such a complicated measure. It simply provides Presidential authority to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevalent on May 25, 1970.

The title is flexible because it gives the President the power to enter such orders and make such regulations as well as adjustments as may be necessary in order to prevent gross inequities.

Section 203 delegates the performance of any function under this title to such offices, departments, and agencies of the United States as he may deem appropriate.

In the ensuing sections there is a provision for a fine of $5,000 as a penalty and authority is granted to the President to seek injunctions in the proper district court to enjoin such acts or practices as may be in violation of any regulation or order under this title.

Finally, the authority to issue and enforce orders and regulations under this title will expire at midnight, February 28, 1971, but of course with the saving clause that such expiration shall not affect any violations or punishment of contempt committed in violation of any injunction prior to March 1, 1971.

Our friends on the other side of the political aisle have worried about the cost of administration. They say there will be a lessening of freedom, that this approach is the bureaucratic way of controlling inflation or the easy way out.

The ranking member of the committee has said since it took 60,000 persons in World War II and 16,000 in the Korean conflict, translated into today's wage levels it could take as much as a billion and a half dollars a year to enforce wage and price controls. Of course, such a statement is purely speculative, but worse still, it is ridiculous when we recognize that the entire cost for administering wage and price controls in the Korean conflict was $91 million.

Mr. Chairman, today we are facing full-blown inflation coupled with recession. Those who were taxpayers are now unemployed and drawing unemployment compensation. Who is guilty? Well, certainly those who have advocated and pursued only the traditional and conventional controls of inflation, and that means monetary controls such as exorbitantly high interest rates. This approach does nothing to control inflation. Those who advocated the fiscal method of raising taxes found that increasing the surtax did not work. In fact, it may even have been inflationary.

We gave the President authority for credit controls in Public Law 91-151.

If we enact this bill today, we will provide the President with all the tools he needs. Certainly he will need tools and will need to use these tools if he expects to halt the march of today's inflationary recession.

We all deplore the charge that today's effort is a partisan one. It is not a question of whether we are Democrats or Republicans, it is not a question of who wins or loses in November. The facts are the people want and expect some action to curb inflation, and if we are remiss in not providing him the authority, then of course the President can say he has no power to act. Polls in our own district as well as nationwide show a clear balance of people in favor of wage and price controls. Once again, it is not a question of partisanship or even how the polls may read, but it is a question of what is the best thing we can do for the economy, and that means what is best for the country.

Those who say we are trying to embarrass the President cause some of us to question their sincerity in such a statement. They forget the President has appointed a Productivity Committee. This should show that he is interested at least in finding out about the facts of inflation. Who can say we are trying to embarrass the President by making available to him other tools which he may either use or omit to use at his own discretion?

Mr. HANNA. Mr. Chairman, I take this time simply to point out something that I think should not go unobserved; that is, in providing these powers to the President I trust that Members of the House will not think we are going to be in the position of the historical military man who is always fighting the war that is just over instead of the war that lies ahead. And I see no reason to project the possibility that the only way the President can exercise his powers is to set up an OPA a la the exercise experienced in World War II but, rather, an opportunity for tremendous innovation and utilization of these powers in a flexible manner; a use much more appropriate to the conditions of the time.

Mr. Chairman, I would suggest that since the President has already appointed a sort of oversight commission, to aid and assist the effectiveness in abating price and wage inflation, he might set up some kind of quasi-judicial board which could cite incidents of price increases and bring those requiring it to the board and have them indicate the justification for such increases and to prove such rises are not contributing to inflation. In the case of a wage request by a union, to bring certain demands before such board to indicate that productivity actually justified the increase in wages and would not be a contributory factor to inflation.

Mr. Chairman, this is only one instance of the type of approach that could be utilized. That does not necessarily mean you are going to get into any of the terrible conditions that have been projected here as being potentially possible.

Further than that, even if the President does not use the power, it does represent in his arsenal of weaponry that wonderful standby authority which could be greatly needed.

Mr. Chairman, it is universally true that when you get to the place where you say to another person you either do this or else, if you have not been in the position to describe "else," you will be in the position of the Irishman who was working on a railroad who came in muttering very strongly and I asked old Mulvhille, "What is the trouble?" "Mickey," he says, "it is that blathering skite down at the roundhouse." He says, "You know what he said to me?" I said, "No." He says, "You are either going to do it this way or else." So I says to him, "Well, I will take 'else.' She is not such a bad old girl."

If you are not able to describe that "else" is not such a bad old girl, there is no sense in telling people that you either do this or else. What this does is tell the President that there is a sufficiently unattractive "else" to persuade acceptance of his first alternative, which I am sure would be some degree of voluntary restraint.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I was very interested to listen earlier this afternoon to the remarks of the distinguished chairman of the committee in which he disclaimed any intention of being partisan in what he had to say. Come now, Mr. Chairman, I think we ought to be very candid and not be disingenuous to the point of failing to admit what we are doing here this afternoon here on the floor of the House of Representatives.

Mr. Chairman, it seems to me as I read the report, the majority report of the committee, if the chairman of the Democratic Committee, Mr. Larry O'Brien, needs a new writer, I would suggest that he secure the services of whomever wrote the majority report. Some of the smog that infects Washington and the eastern seaboard has certainly permeated this Chamber, because there is certainly better scholarship at the committee table on the majority side of the aisle. I see some of my dear friends over here who I regard very highly. I am sure they are very competent in their own right and they know better than to suggest that the conditions that pertain today are not the conditions that warranted price controls in World War II, when 50 percent of our GNP was going into the war effort or during the Korean war when a much greater percentage of our GNP was involved. The conditions are simply not the same.

Now, I am led to ask for this time mainly because of my interest in what the gentleman from California (Mr. HANNA) just said about the language of the bill, section 202 of the Presidential authority and I wonder just exactly what that language does imply.

Does it imply willingness or a desire of the Members on the Democratic side of the aisle to really get to the heart of the problem, to be selective in the application of controls to the kind of "cost-push" inflation that is really confronting the country or, to use the words of the chairman just a few moments ago, do they just want a shotgun in the corner that we are simply going to spray across the entire landscape? If we do, we will not solve the problem.

But I for one am concerned about some of the real reasons for inflation in our economy today. One of the contractors in my district called me on the telephone literally in desperation the other day and told me that the operating engineers were picketing his front door and shutting him down at a cost of $5,000 a week to his business because he would not sign a contract increasing wages from the present $6.40 an hour level to $11.05 an hour that the operating engineers wanted.

By December 1, 1972, under that contract—and I suppose maybe it has already been signed by the time I deliver these remarks on the floor—those fellows who drive the end loaders and the operating equipment are going to be under a contract that will give them $11.05 an hour by December of 1972.

These are the things we talked about the other day when we said we are pricing the average American out of the market for a home. We have gotten to the point where 60 percent of the people in the country now cannot afford a house any more because of the inflated costs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, if you want to write a bill, to bring some meaningful legislation on the floor of this House, if you want to attack the "cost-push" inflation instead of just indulging in some political gamesmanship, then give us that kind of legislation. I for one will stand up here in the well of this House and support such a bill, and will vote for it.

But do not suggest with this kind of legislation, and after reading the report, that there is anything in it other than the most blatant—blatant—partisanship; that the majority are trying to do anything other than write a little scenario for the election campaign in 1970. I for one do not believe the American people are going to be fooled by it.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Kansas.

Mr. WINN. Mr. Chairman, is the gentleman aware that in the construction industry today in Kansas City that the common laborers are asking a 138-percent increase over a 3-year period of time?

Mr. ANDERSON of Illinois. I was not aware of that precise figure, but is certainly illustrates the point I tried to make earlier.

Mr. PRICE of Illinois. Mr. Chairman, the stabilization of the American economy must remain of utmost concern to us. Last year we took a positive step in granting the President the power to control interest rates and regulate credit. Unfortunately, the administration did not take advantage of this given authority and the unstable conditions that have plagued this country have not been alleviated.

The policies of this Nation must be changed. All facets of the economy have been adversely affected. Unemployment remains high; there is a crisis in housing; home mortgage interest rates are at a new high. Inflation must be brought under control; the recession in other sectors must be ended.

Title II of this bill gives the administration discretionary authority to issue orders to stabilize prices, rents, wages, and salaries. This power, coupled with the authority granted last year, could enable the President to cut inflation while, at the same time, guard against a worsening recession.

The state of the economy will not improve unless the administration makes an effort to accomplish this. Since the President has not requested the necessary authority, we must take the initiative and grant him the tools that can restore the confidence and the stability in the American economy.

Mr. LEGGETT. Mr. Chairman, today we are considering a bill which gives the President the power to really attack inflation and stop it in its tracks without the solitary reliance on measures that deliberately flirt with recession. For the first time in our history, we are suffering inflation and recession simultaneously, up till now thought impossible. The stringent monetary and fiscal policies of the administration, intended to combat inflation, instead have stagnated the economy. Unemployment is up well above 5 percent nationally. Minorities and the young are hardest hit. Our GNP which had shown steady dramatic growth since the early sixties, has leveled off and there may even be an absolute decline unless there is a change in policy. The construction loan and credit market, because of deliberate policy decisions on the part of the administration, for all practical purposes, is closed to the vast majority of Americans, especially those who most need the help. In the bond market, interest rates have risen from 4½ percent to 9 percent in 18 months. Long-term mortgages, in every State, are now at least 9¼ percent. Increased unemployment, a liquidity squeeze in the credit market, an outright depression in the construction industry, these are the results of the administration's sole reliance on restrictive monetary and fiscal policy. These are policies which most hurt those who have already been most affected by inflation: the poor, the unemployed, those on fixed incomes. These, we are told, are the inevitable side effects of the fight to stop inflation.

I think it is obvious by now that the fight to end inflation is not to be won without new tools, new weapons in the fight. The Consumer Price Index and the Wholesale Price Index have continued their steady rise. This month saw the greatest rise in the Wholesale Price Index in 6 months 0.6 percent.

This bill gives the President another policy tool, the discretionary power to impose wage, salary, price and rent controls for a limited time. Many have long urged the President to adopt this policy. Polls show the people favor this method of stopping inflation, allowing the economy to cool off. This policy will not hurt the poor, the unemployed or those on fixed incomes. It will not impose an undue burden on one segment of the population. In conjunction with the discretionary power to selectively control credit, which was given to the President last December, this measure offers an alternative to what we have been seeing.

I hope the situation improves and there is no need to impose wage, salary, price and rent controls immediately. However, with any more months like July, in which the wholesale price rise accelerated, the controls will surely be useful and should be imposed.

Our Nation cannot suffer through a recession without sacrificing the goals we have set for the future. We cannot afford to follow a policy which deliberately induces economic decline. This bill allows the President to follow an alternative path and really come to grips with the problem of inflation.

Mr. DERWINSKI. Mr. Chairman, in discussing the proposed legislation on wage-price controls, I think it is important to view it from the perspective of the average American worker, for we must remember that he is the one who will be most directly affected by such controls.

A man who has worked hard and is due for a raise can be expected to resent a freeze on wages or a reduction of his raise. This is especially true when a worker has seen others receive substantial raises a few months ago—when inflation was at its peak—yet, no action was taken at that time. The institution of such controls at this time, when inflation is slowing, would almost condone excessive wage demands. Furthermore, wage controls might cause many workers to leave their jobs to seek higher paying positions elsewhere and this would not be beneficial for the establishment of a stable job market. Or would proponents of controls also freeze people in their jobs?

To many workers, the imposing of wage and price controls represents an intrusion by the Government, and an attempt to manage their way of life.

Think how you would feel if you were told that your raise had to be restricted because of Government controls on wages, and then you went home and read that the Congress had not controlled Federal spending in line with the President's request.

The blame in such a case would rest upon the Democrats, those here in Congress.

Such a reaction can hardly be unexpected, for a restriction on wages and prices would seem to strike at the very core of our own free enterprise system. Our Government has many ways in which it can help to balance the economy—but to resort to wage and price restriction would seem to admit failure on the part of the Congress to effectively meet its responsibilities.

There are sound, encouraging signs in the economy. If we now decide that it is time to impose such controls, then I do not see how we can expect any feeling other than resentment.

Therefore, in all fairness to the American worker, I feel that now is not the time to restrict his wages, and I strongly oppose the proposed legislation for wage and price controls.

Mr. ROUSSELOT. Mr. Chairman, I wish to state that, although I could not be present on the floor of the House to vote on consideration of H.R. 17880, the Defense Production Act Extension and Economic Stabilization Act, I am firmly opposed to attempts to force on the President unwanted discretionary authority to impose wage and price controls. Had I been able to be present for the debate, my vote would have reflected my view that I will have no part of any attempts to put the administration in an embarrassing position on this matter. Wage and price controls are not consistent with my concept of the proper functioning of our free enterprise economy based upon private initiative. Therefore, I favor the administration programs for controlling inflation; that is, reducing unnecessary and inflationary Government spending, and I do not favor any action in title II of H.R. 17880 which would enact a freeze on wages and prices.

Mr. BOGGS. Mr. Chairman, H.R. 17880 granting the President discretionary authority to freeze prices, rents, and wages is a measure of unique importance. Its passage will mark this as one of truly great historic significance. I am confident that when economic historians of the future view this occassion, they will place it alongside the Revenue Act of 1964 as an outstanding example of the implementation of modern economic thought by the Congress.

Six years ago the Congress following some 20 years of urging by economists, placed its stamp of approval on the new economics. The 1964 tax legislation had as its primary objective the deliberate creation of a large budgetary deficit. Those of us who fought for its successful enactment argued that only through such a stimulative fiscal policy could the economic stagnation inherited from the 1950's be cured and full employment attained. The Nation's economic development subsequent to 1964 more than fulfilled the prophesies of success which we supporters of the legislation had made. The deliberately created budgetary deficit resulted in a remarkable expansion on the part of the private sector of our economy. The gross national product literally leaped upward. Full employment was achieved within a relatively short time. Tax revenues greatly increased, yielding a surplus for new and expanded social welfare programs.

Mr. Chairman, title II of H.R. 17880 is in effect complementary to the Revenue Act of 1964. As Congress, in passing that measure belatedly but I believe once and for all, assigned to the intellectual garbage can many traditional but archaic concepts of the budegtary process, so the House today by providing the President with discretionary authority to establish a price-wage freeze will take official cognizance of newer insights and tools in regard to inflation which have been developed by the more modern and sophisticated practitioners of economic science.

Mr. Chairman, the past year and a half has witnessed the utter and unqualified failure of traditional monetary and fiscal policies to reverse the inflationary spiral. Not only has the administration failed to stop inflation, latest figures on the cost of living indicate that prices rose in the first 6 months of this year at a 6 percent annual rate, but of equal significance its application of a tight money policy has brought on a recession. The gross national product has failed to grow for the first time in a decade and unemployment is now officially recorded at a million higher than when President Nixon assumed office. Administration spokesmen concede that a further rise is in prospect for the near future.

The effort by this administration to counter the type of inflation we are now experiencing by tight money and high interest rates is regarded by modern economists in much the same way that present day physicians view the 18th century practice of bloodletting. As physicians must utilize different drugs to combat different viruses, so must we stand ready to combat inflation of different origins with specific remedies. Traditional "demand-pull" inflation lends itself to control by traditional fiscal and monetary policies. President Nixon's administration, however, in employing these weapons under current conditions fails to recognize that our present inflation bears none of the characteristics of demand-pull inflation. The latter is invariably the result of shortages in manpower and productive capacity. We possess a superabundance of both at the present time. Unemployment is high and rising, while unutilized plant capacity is at its highest level in many years.

Mr. Chairman, the Nation is now in the grips of what economists term "cost-push" inflation. The bulk of price rises today emanates from the monopolistic or semimonopolistic giants which dominate such a significant portion of the American economy. So strong are these monopolies, so great are their internal financial resources that they are all but immune from the effects of a restrictive monetary policy. The prices they choose to charge are not set by the traditional supply and demand forces of the marketplace, but rather theirs is an administered price structure set on the basis of what the traffic will bear. As they raise their prices ever upward, organized labor is then compelled to ask for higher wages and an ever escalating spiral of inflation ensues.

Mr. Chairman, there is only one way that that spiral can be terminated. Let us give the President the type of authority contained in H.R. 17880 to freeze prices and wages. He will then be in a position to shield the American people against that cruelest tax of all—unbridled inflation.

Mr. BLATNIK. Mr. Chairman, I give my support in general to H.R. 17880 but will limit my remarks to title II of that bill known as the Economic Stabilization Act of 1970.

Inflation has been growing like a tidal wave and unless stopped by firm action in the form of wage-price controls we all will be carried away when the wave finally breaks.

The normal remedies of fiscal and monetary control have been tried and found wanting. They must be supplemented by wage-price controls. The years 1962–66 saw inflation held down to something like 1 percent a year. The year 1967 saw our dropping of wage-price guidelines, a drastic increasing of Vietnamese aid, and resulting increase in inflation.

The cost of living in 1969 was up 6⅓ percent—the highest increase in 18 years; wages showed a slight average increase—but average take-home pay showed a decrease. And in 1970, ignoring for a moment the high rates of interest and unemployment, the cost of living is approaching 7 percent.

Mr. Nixon waved the magic wand of rhetoric on June 17. We all admit that his words gave hope to our ears, but his actions have given nothing to our pocketbooks. Unemployment is still up, prices are still rising, interest is still exhorbitant and the same problems are still with us.

Mr. Nixon gave us what appears to be remedies—but after we have seen them in action—they look more like problems. In fact, one of his measures seemed to anticipate the failure of all the others. He asked for a bill enlarging unemployment insurance coverage, which, while good in itself, seemed to accept the failure of his other economic paraphernalia.

Mr. Nixon asserted that he "would not take this Nation down the road of wage and price controls" and that wage and price controls "rob every American of a very important part of his freedom." With the possible exception of Mr. Nixon, the rest of us surely would feel unsafe traveling a road without its speed limit signs or warning markers, where the only freedom preserved was that of reckless driving.

Mere exhortation to the economy are as words written by the sand—washed away with the next wave of inflation. It is by wage-price controls passed into law that men can stand erect against the rising inflationary tides.

The present issue is subtle but serious. Political democracy cannot flourish under all economic conditions. Economic decisions are mirrored in the political world and as such political democracy demands an economic system that supports the ideals of liberty and equality. An inflationary democracy will inflate democracy away. The German people under the Weimer Republic soon found rampant inflation to be the parent of revolutionary dictatorship. The working middle class and those with fixed incomes were subverted. Revolutions are not made by laws, but by their perversion or by their absence.

All age groups are affected—each in a different way. Young married couples are finding it very difficult if not impossible to obtain a home loan. They also have been scared away by high interest rates and this has to be considered a major factor in the sagging housing industry.

On the general matter of inflation Mr. Nixon has tried to give the housing industry the appearance of health by including mobile homes in tabulating the number of units constructed—a dubious first for any administration. By the time a working-class family pays the principle and interest on a $20,000 house it has spent $55,000. Average families have to take their chances either with usurious interest rates on mortgage payments or pollution problems from overcrowded cities.

These high loan rates effect not only individuals but our State and local government as well. Muncipal bonds—tax-exempt, it may be added—are marketed at a 7.5-percent yield which is double the rate of last year. This means that schools, firehouses, streets, and desperately needed sewage disposal plants are either deferred or not built at all.

In fact—present interest rates anticipate built-in inflationary increases and so they are abnormally high—thereby both anticipating and helping inflation. It is only by breaking this cycle with strong governmental action that wages and prices will be guided by figures that represent production and not inflation.

In order to insure justice for our elderly citizens, Congress has had to increase social security payments. Many of these would not have been necessary had not inflation been with us. The insurance policies—saved over the period of a lifetime—have their benefits robbed by inflation.

Those in their middle years are becoming more and more desperate in their search for financial security. Mutual funds are becoming less and less attractive as a "hedge" against the future for two reasons: First, the general instability of the stock market; and second, inflation shows no signs of slowing down. In an effort to offset this they may then stretch their loan ability dangerously thin by buying land, a cottage, or another type of investment. But the unemployment rate is ever creeping into this area and so these solutions may not prove workable.

Last year I held hearings on Congressman REUSS' bill about wage-price guidelines; and if Mr. Nixon had acted last year that is all that would be needed—guidelines. He has let the situation deteriorate and so now we need stronger medicines—medicines that might be a little more bitter to the taste than guidelines—but medicine that is necessary if we are to put on the brakes on an overheated, accelerating, inflationary spiral, in order to restore economic health.

It would have taken some courage to set wage-price guidelines. It is going to take even more courage to set wage and price controls. If Mr. Nixon likes to work in a crisis situation he certainly has one now. The sad part about it is that all this could have been prevented.

Mr. Nixon's policy of wait and see has

turned into one of wait and talk. This does nothing for the common good. In view of the Presidential talkathon, Congress, as servant of the people and sentinel over their rights, liberties, and happiness, ought to act for the common good by passing appropriate and proportionate legislation.

The legislation ought to cover the entire countryside of inflation. To only trim the weeds out of the cornfield while ignoring the growth elsewhere is unjust as well as ineffective.

If sacrifices are to be made it is only fair to ask that they be made by all those concerned. There can be no favoritism at a time like this. The AFL–CIO Executive Council on the National Economy, has, in its policy statement of May 12, 1970, adopted a similar position concerning governmental direction:

> The AFL–CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, so long as there is equality of sacrifice.

In the matter of wage-price guidelines—Mr. Nixon has showed a particular unwillingness to cooperate. In this, Mr. Nixon may soon be standing quite alone. Some of the President's own tribe are beginning to have doubts. Administration appointee Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System, admitted on May 18, 1970, to the American Bankers Association that—

> We should not close our minds to the possibility that an incomes policy, provided it stopped well short of direct price and wage controls and was used merely as a supplement to overall fiscal and monetary measures, might speed us through this transitional period of cost-push inflation.

That was Mr. Burns over 2 months ago. Well, the situation is worse. But even that statement, although reserved, is quite telling in view of Mr. Burns' position. As previously mentioned, the AFL–CIO was for wage-price guidelines, as long as there was equality of sacrifice. This chorus extends across the ocean, for on June 8, the Bank for International Settlements urged the Nixon administration to adopt an incomes policy or else the U.S. inflation could set off a severe worldwide recession.

We find wage-price guidelines in West Germany, Canada, the Netherlands, Great Britain, Austria, Belgium, Denmark, Norway, and France. The traditional weapons against inflation—tight money and a right fiscal policy—are not working. They have to be supplemented with wage-price controls.

Let us consider objection to wage-price controls.

The free market system is in jeopardy. There are some who say this whenever the government even so much as casts an eye at the economy. But Adam Smith in the "Wealth of Nations" said as far back as 1776 when the role of government was smaller, that the government ought to set a legal limit on interest rates. Perhaps the conservatives ought to read their own books.

This is a move by the Democrats to embarrass Mr. Nixon. The country is already embarrassed by its economic condition and a President who shifts his tactics from wait and see to wait and talk. The country cannot wait any more.

President Nixon has already said that he does not want wage-price controls. There is an old adage which says that "he who would lead must serve." No one forced Mr. Nixon to accept the office of President. When he accepted the office of President from the American people he also accepted its responsibilities. This is no time to turn a deaf ear to the needs of the people.

Congress ought to set wage-price controls. This is a Republican smokescreen designed to blur the responsibility of the Executive. The Republicans often blame the Democrats of running roughshod over the Constitution by ignoring the functions of the legislative, executive, and judiciary. Well now here is the rub. We Democrats want Congress to pass a law and have the President enforce it. The Republicans want Congress to pass a law and Congress to enforce it. They evidently do not place any faith in Mr. Nixon.

Every wage and price increase will have to be looked into. The prior statement would be true only if there were no known and posted wage-price limits. Imagine a road without any signs. Those who wanted to promote harmony would either have to go to the road department and ask for the law, or the road department would have to tell each one individually—truly a cumbersome process. On the other hand, since the Government failed to post any signs it could only say that "Jones" was speeding; it could not, without injustice, do anything about it. A government is despotic which would hide rules from its citizens.

Not all wage and price increases will be stopped. If this kind of reasoning were taken seriously, then courts should shut their doors, "because not all criminals are caught." Congress might be criticized for not acting, but not because human beings carry out the laws.

They are ineffective—The record shows that from 1962–66 wage and price guidelines played their part in limiting inflation to 1 percent a year. After their demise we saw inflation rise. Besides, the AFL–CIO, it will be recalled, showed a favorable disposition toward guidelines, and believed them to be effective.

They are not voluntary in origin—If the AFL–CIO calls for guidelines, if the representatives of the people call for guidelines, if the free market price of May 25, 1970, is used as a base, if adjustments are allowed to prevent gross inequities, then, if this is oppression, we need more of it.

Inflation has implications that reach deep into the very heart and fiber of American life. If we are to preserve our democracy then we cannot allow it to be inflated away by an unwise or a do-nothing policy.

The above measures I outlined are clearly within the powers of Congress. Another source of inflation, however, is the Vietnamese war, which is presently in the hands of the President. And so for a while, the President must wage this inflationary battle alone.

In his speech, Mr. Nixon bravely asserted that American "import policy will be reviewed to see how supplies can be increased to meet rising demands, without losing jobs here at home." But it seems that the cattlemen have both the "bull" and the American public by the horns, for Mr. Nixon has reduced by 60 million pounds the amount of meat imports suitable for hamburger, hot dogs, and other such meat products. The American housewife knows what this means. And this move certainly did not make any friends in the countries so affected. These and other moves were reflected in the wholesale price index released just a few days ago. Of course, there was another increase—this time the highest in 2 months.

The drapery is pulled back, Mr. Nixon. We have heard your words, and where you have acted, we have seen your deeds. They are a study in inconsistency.

The American people deserve more, and a responsible Congress must give it to them, as we here propose to do.

Mr. ASHLEY. Mr. Chairman, I rise in behalf of H.R. 17880, the Defense Production Act, legislation which I sponsored with 11 other Democratic members of the House Banking and Currency Committee.

Extension of the Defense Production Act is not controversial, but a considerable divergence of views surrounds two amendments that were adopted by the committee and give rise to the measure before us.

These amendments have to do with the question of whether and when the Comptroller General and others shall promulgate regulations establishing uniform cost-accounting standards for defense contractors. We, the 11 original sponsors of this legislation, felt this was necessary in order to reduce the massive cost overruns, late delivery and nonperformance that have been associated with military procurement. I want to make it clear that I favor a uniform cost-accounting procedure.

During the committee session it became apparent that a majority of the members favored a standard system of accounting for defense contractors but were reluctant to authorize the Comptroller General to promulgate regulations in the absence of further congressional review and approval of the standard accounting system. During the discussion and parliamentary proceedings that evolved, a motion to strike the standard accounting system requirement was offered. Had this amendment not been adopted, the title on uniform cost-accounting procedures would have been eliminated entirely in our committee. Adoption of the amendment afforded the gentleman from California (Mr. REES) the opportunity to offer an amendment establishing a commission headed by the Comptroller General to report back to the Congress within 1 year with specific recommendations for implementing a standard system of accounting for defense contractors. Recognizing that the votes were not available to pass the language as originally introduced by me and others, I voted to preserve the principle involved which assures further consideration by Congress next year.

Title II, which is designed to help end the wage-price spiral and to stabilize the cost of living, was adopted by the Committee without amendment, as offered by the original sponsors. This title grants the President authority to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. The authority would expire February 28, 1971.

Mr. Chairman, the Nation needs to eliminate exorbitant cost overruns in our defense industry and the establishment of uniform cost accounting will help achieve this purpose. Equally pressing is the need to stop inflation and restore stability in our economy. The stand-by Presidential authority to impose temporary controls can contribute much to this end.

Mr. GONZALEZ. Mr. Chairman, in considering the question of establishing uniform cost accounting standards for use on Government contracts, Members of the House must deal with the problem that faces all generalists in an age of specialization. We are dealing with a subject—cost accounting—that is highly technical. It involves a great deal of latitude in judgment and interpretation. Only a few of us are qualified to pass on detailed questions of accounting techniques and formulae. I am sure that both the opponents and proponents of this measure can raise sophisticated technical questions that we in the House do not know how to answer.

Therefore, in dealing with this question, we have to rely on our own accounting experts—the Comptroller General and his staff—as well as our general knowledge of the defense contracting situation. After considering the Comptroller General's report on uniform cost accounting standards as well as some basic facts of life about defense procurement, I have concluded that uniform cost accounting standards are essential for economy in defense contracts

As you know, Mr. Chairman, the Comptroller General, after an 18-month study by his own staff, and consultations with the Defense Contract Audit Agency, prominent accounting professors, and a large number of industrial concerns, concluded that uniform cost accounting standards are both feasible and desirable for defense contracts. Of course, I am aware that spokesmen for the defense industry have disagreed with this conclusion. But when Congress' own accountant, whose only interest is the public interest, makes a recommendation on an accounting matter, I am inclined to follow his advice. Moreover, some general truths about defense contracting indicate that uniform cost accounting standards are needed. No one can contest the fact that we need to make great improvements in procurement procedures for defense equipment. It is elementary that any Government agency spending $40 billion a year for its equipment must have an accurate picture of where its $40 billion is going. Without uniform cost accounting standards the Defense Department cannot get an accurate picture.

The result is that we are spending more than we should for defense equipment. How much more is debatable; but almost everyone agrees that the lack of uniform cost accounting standards is costly. Admiral Rickover, a man whose judgment and estimates I have come to respect over the years, has determined that $2 billion per year could be saved by the use of such standards. Mr. J. S. Seidman, a partner in a New York accounting firm, arrived at roughly the same figure in an independent estimate. The Comptroller General of the United States while not suggesting a particular dollar figure, has stated that uniform cost accounting standards would result in a substantial savings to the Government. Mr. Chairman, I may not be able to understand all the technical accounting questions involved in this bill, but I can understand saving $2 billion.

But even if there were no savings directly attributable to uniform cost accounting standards, I would favor the bill, because it seems right to me. It seems right to me that the Government should know what profits its contractors actually earn on Government contracts. It seems right to me that, on sole source procurements where there is no competitive pressure to keep the price down, the Government should have some basis for determining whether the contractor's proposed price is reasonable or whether it is exorbitant.

In his report on the need for uniform cost accounting standards, the Comptroller General listed 120 separate cases where contractors had taken advantage of the present flexibility in accounting on Government contracts. These cases reported incidents of charging the Government twice for the same work; hiding unallowable direct costs and overhead charges; charging civilian business costs to defense contracts; failing to credit the Government with refunds and discounts to which it was entitled. It does not seem right to me that such practices should be allowed to continue, particularly where the taxpayers' money is involved. The Comptroller General found that uniform cost accounting standards could help guard against these practices.

Admiral Rickover recently told the Committee on Banking and Currency about a defense supplier who has increased the price of a particular component used on nuclear submarines by 400 percent within 6 years. This contractor has not revealed the basis for the cost increase; since there is no competition for this component, the Government has no grounds to determine whether the increase is justified or not. And without uniform cost accounting standards the Government can obtain no information with which to negotiate a more reasonable price.

There is a fundamental issue of principle running through all these examples. It is this: The Government ought to know the actual cost incurred and the actual profits earned by the contractors who reap the benefits of $40 billion per year expended on the military budget. Because I believe in this principle, because I believe in saving money for the taxpayers, and because I believe that we should take the Comptroller General's word for it when he speaks on accounting matters, I urge Members of the House to support the provision calling for uniform cost accounting standards to be used on defense contracts.

Mr. BINGHAM. Mr. Chairman, I want to commend the chairman and majority members of the Banking and Currency Committee for their dedicated work on this legislation, the Defense Production Act extension, and particularly for the defense cost accounting and economic stabilization provisions. The tragically wasteful record of defense costs and cost overruns that this Nation has experienced over the past decade requires firm remedial action. It is clear that these cost overruns contribute in a major way to the punishing inflation that currently plagues the American public, so I think it is most fitting that wage, price, and rent control authority should be a part of this legislation.

My major disappointment about this bill is that it leaves the whole matter of imposing these controls in the hands of the President, who has indicated he will not use them.

I am persuaded that an immediate freeze on wages and prices would do a great deal to curb inflation and ease the economic pinch that so many middle and lower income families are experiencing. However, in order to avoid re-creating a huge OPA-type bureaucracy, the freeze should be limited to major corporations whose prices have a major effect on the economy. Similarly, the freeze on wages should be limited to those situations where wages are set by national collective bargaining. Such a limited program of wage and price controls, which has been recommended by Ambassador John Kenneth Galbraith and a number of other prominent economists, would have the advantage of terminating the major inflationary pressures in the economy without imposing undue hardships on smaller businesses.

I have come to this conclusion reluctantly, Mr. Chairman, because I remember along with most Members of this body, how much the controls imposed during World War II and the Korean war were despised, and how difficult they were to administer. But the impact of the current inflation can no longer be tolerated. In a questionnaire I sent to the registered voters in the 23d District of New York last May, 54 percent responded favorably to the idea of imposing wage and price controls as a means of bringing the economy under control, and similar support appears to exist across the country.

Unfortunately, the economic stabilization provisions of the bill before us will not put into effect the immediate limited wage and price freeze for which so many Americans are hoping. This bill is a step in the right direction, and for that reason I intend to support it. But I do not feel that the American public should be deceived about what this bill does. As I have already pointed out, giving the authority to impose wage, price, and rent controls to the President, as this bill does, will almost certainly accomplish nothing.

I feel, therefore, that the Congress and the public should regard this legislation only as a first step toward wage and price controls, and that the Banking and Currency Committee should consider additional legislation that would go beyond what is in this bill. With that in mind I recently introduced legislation—H.R. 18618—which would establish an independent board of economic experts with authority to impose a wage and price freeze. This or similar legislation, compatible with the provisions of the bill now before the House, providing assurance of firm action to control wages and prices should be the next order of congressional business.

I have also recently introduced legislation to establish an excess war profits tax on industry for the duration of our military presence in Indochina. Such a tax goes hand-in-glove with the stronger wage and price freeze legislation I have introduced. Such measures were passed within a few months after the start of the Korean war. They are long overdue in this war, and should also be high on our agenda for Congressional action to insure real economic stability.

Finally, in regard to the defense cost accounting provisions of H.R. 17880, I am pleased to note that ample provisions have been included by the committee to insure that undue hardships are not imposed on smaller contractors, and that no attempt is made in this legislation to impose inflexible standards on all contractors. Nevertheless, I am convinced of the need for uniform cost accounting standards, and I do not agree with opponents of this measure who argue that existing requirements in the armed services procurement regulations and elsewhere are adequate. Too many instances of excessive profits and scandalous cost overruns in the defense industry have been revealed recently to support such a claim. Passage of this bill will effect substantial progress toward uniform cost accounting and subsequent major savings in our vastly overexpanded defense budget, and it deserves enthusiastic support.

Mr. MONAGAN. Mr. Chairman, in view of the economic difficulties which the country faces today, we should support H.R. 17880, the Defense Production Act Amendments, which provide the President with discretionary authority to freeze and thereby stabilize prices, rents, and wages.

Current statistics clearly indicate that the administration's so-called "game plan" for rationalizing the economy is not working. The twin evils of inflation and recession continue to plague the country. Only recently the Labor Department revealed a sharp rise in prices for the month of July. According to the preliminary report for this month, the wholesale price index rose five-tenths of 1 percent, the sharpest rise in wholesale prices in 6 months. The July index figure stands 3.8 percent above last year's July figure.

While prices sharply climb, the level of unemployment also continues to rise. At the end of June, the Connecticut State Labor Department reported that State unemployment had risen 45 percent in the past year and was now above the national average. My own area, the Fifth District of Connecticut, provides sobering testimony to this fact. In Waterbury, for instance, 8.8 percent of the labor force are reported without jobs. The Waterbury unemployment office disbursed $915,527 for 18,046 weeks of unemployment in June of 1970 compared to only $363,836 for 8,076 weeks in the same period of 1969.

These figures are startling. Such statistics do not begin to reflect the repercussion of this unemployment in terms of human dislocation. Whole families are affected by having a breadwinner out of work. All too often minorities are hurt most. Those people who can least afford an income loss are sometimes first to be dropped from the payrolls. Nor do these figures reflect the amount of overtime pay which has been eliminated, a lost source of income that many families depend on. Inflation affects the wage earner in other areas. The liquidity squeeze has drastically reduced the amount of capital available for everything from home loans to student loans. I learned recently that because of restriction of assets the four largest banks in Connecticut might not be able to provide student loans for the coming year under the guaranteed student loan program.

Clearly the economic slump must be halted. The administration bears a heavy responsibility to the Nation to do its utmost to achieve economic stability This, it has failed to do. In the first session of this Congress, the House, with my support, passed legislation which provided the President with machinery to control credit transaction and interest rates. On December 23, 1969, the bill was signed into law, yet now, some 7 months later, the President has still to take any action under this law to stabilize the economy. The situation has clearly worsened in that time.

Passage of title II of the Defense Production Act Amendments would make clear the sense of the Congress that inflation be fought. Title II will give to the President discretionary authority until February 28, 1971, to control wages and prices. This is standby authority to be invoked by the President when and if he determines economic conditions warrant its use. It would permit the President to stabilize prices, wages, and rents at levels of not less than those prevailing on May 25, 1970.

When used in conjunction with the previously granted authority to impose selective controls over credit, title II provides the President with an adequate and effective means of controlling inflation while providing for healthy economic growth.

The time for stabilization has clearly arrived. Our economy faces serious difficulties in all quarters. Too many people are squeezed between unemployment and inflation. The President should and must take effective action. Title II of this bill will provide him with the necessary tools. The selective credit controls given to the President earlier plus the wage-price-rent discretionary authority proposed in this legislation will provide the President with the appropriate measures to rationalize our economy.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title instead of by section.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

SEC. 101. Section 717(a) of the Defense Production Act of 1950 is amended by striking out "June 30, 1970" in the first sentence and inserting in lieu thereof "June 30, 1972".

SEC. 102. Section 702 of the Defense Production Act of 1950 is amended by adding at the end:

"(f) The term 'defense contractor means any person who enters into a contract with the United States for the production of material or the performance of services for national defense."

SEC. 103. Section 712(e) of the Defense Production Act of 1950 is amended by striking out the words ", which shall not exceed $100,000 in any fiscal year,.

SEC. 104. Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof the following new section:

"SEC. 718. (a) The Comptroller General, as an agent of the Congress, shall promulgate cost accounting standards designed to achieve uniformity and consistency in the cost accounting practices followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract defense procurements with the United States Government.

"(b) The Comptroller General is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (a). Such regulations shall require contractors and subcontractors to disclose in writing their cost-accounting practices including methods of distinguishing direct costs, and to agree to a contract price adjustment, with interest, for any increased costs incurred by the United States because of the contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data.

"(c) The rules, regulations, cost-accounting standards, and modifications thereof promulgated hereunder shall have the full force and effect of law and shall become effective not less than thirty days after publication in the Federal Register.

"(d) For the purpose of determining whether the contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, the contracting agency concerned and the Comptroller General or any representative of either shall have the right to examine and make copies of any documents, papers or records of such contractor or subcontractor.

"(e)(1) There shall be established in the Office of the Comptroller General a Cost-Accounting Standards Advisory Board of no more than five members to be appointed by the Comptroller General. The Board shall be comprised of members both from the Federal Government (with the consent of the head of the agency concerned) and from outside the Federal Government. One member shall be selected by the Board as its Chairman. The Board shall advise the Comptroller General in the preparation of cost-accounting standards and of regulations implementing such standards. The Board shall also review promulgated standards and regulations and, as it deems appropriate, make recommendations to the Comptroller General with respect to such existing standards or regulations.

"(2) The Comptroller General may appoint personnel from the Federal Government (with the consent of the head of the agency concerned) or from outside the Federal Government to serve on advisory committees and task forces to advise the Comptroller General and the Board in carrying out their functions and responsibilities under this section.

"(3) Members of the Board and other appointees under this subsection who are officers or employees of the Federal Government shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. The appointment of Board members and others under this subsection from outside the Federal Government may be without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointments in the competitive service. Appointees under this subsection from outside the Federal Government shall receive compensation at rates fixed by the Comptroller General not to exceed the rate prescribed for level V in the Federal Executive Salary Schedule if serving full time and not to exceed one two-hundred-and-sixtieth of such rate for each day of actual duty (inclusive of travel-time) if serving on a part time or intermittent basis. While serving on an intermittent basis away from their home or regular place of business, appointees under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(4) The Comptroller General, after consultation with the Chairman of the Board, shall have the power to appoint, fix the compensation of, and remove an Executive Secretary, without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The Executive Secretary of the Board may be paid compensation at a rate not to exceed the rate prescribed for grade 18 of the General Schedule (5 U.S.C. 5332).

"(f) All departments and agencies of the Government are authorized to cooperate with the Comptroller General and the Board and to furnish information, appropriate personnel with or without reimbursement, and such other assistance as may be requested by the Comptroller General.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, and that the title be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. MARTIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 246]

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Annunzio
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Berry
Biaggi
Bingham
Blanton
Bolling
Brasco
Bray
Brock
Brooks
Broyhill, N.C.
Burton, Utah
Bush
Button
Caffery
Carey
Celler
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins
Conyers
Corbett
Cowger
Cramer
Culver
Cunningham
Daddario
Davis, Ga.
Dawson
de la Garza
Dellenback
Denney
Dennis
Dent
Devine
Diggs
Donohue
Dowdy
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Gallagher
Gilbert
Griffiths
Hagan
Hall
Hansen, Wash.
Harsha
Harvey
Hawkins
Hays
Henderson
Hull
Ichord
Johnson, Calif.
King
Kluczynski
Kyl
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McClory
McCloskey
McCulloch
McEwen
MacGregor
Mann
Mathias
Matsunaga
Meskill
Michel
Monagan
Montgomery
Murphy, N.Y.
Myers
Nix
Olsen
O'Neal, Ga.
O'Neill, Mass.
Pelly
Pollock
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Roudebush
Rousselot
Ruppe
Ryan
Scherle
Scheuer
Sebelius
Shipley
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stanton
Steiger, Wis.
Taft
Teague, Calif.
Teague, Tex.
Tiernan
Tunney
Van Deerlin
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wyman
Zion
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. DELANEY) chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17880, and finding itself without a quorum, he had directed the roll to be called, when 279 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, title I had been read, and the Clerk was about to report the first committee amendment.

The Clerk will report the first committee amendment.

COMMITTEE AMENDMENTS

The Clerk read as follows:

Committee amendment: Page 1, line 5, insert the following: "§ 101. Extension of Act".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, strike "Sec. 101.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next comittee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 7, strike "June" and insert "July".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, strike line 1 and all that follows down through line 8 on page 6 and insert the following:

"§ 102. Definitions

"Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

"(1) by inserting 'space,' after 'stockpiling,' in subsection (d); and

"(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense.

"§ 103. Uniform cost-accounting standards

"Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business, shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 75 of Title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall by June 30, 1971, recommend to Congress cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. The Board shall also recommend uniform bid procedures and bid forms for Government agencies to require to be used by all contractors and subcontractors to whom the recommended cost-accounting standards would apply."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. HANNA TO THE COMMITTEE AMENDMENT

Mr. HANNA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HANNA to the committee amendment:

On page 9, line 18, after "1971," add the words "and each June 30 thereafter,".

Mr. HANNA. Mr. Chairman, this is simply to allow the reporting of these recommendations during the life of the Board, which is set up for 5 years, to give ample time for them to develop effective standards.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

As I understand the amendment offered by the gentleman from California (Mr. HANNA), he changes the date to June 30, 1972, and after the date of June 30, 1972, he adds "and each June 30 thereafter"?

Mr. HANNA. That is correct.

Mr. BROWN of Michigan. Mr. Chairman, I am sure there is no objection to the amendment from this side of the aisle.

Mr. HANNA. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HANNA) to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. MINISH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to address my remarks to title I, section 719 of the legislation before us. This portion of the bill deals with cost accounting and establishes a Cost Accounting Standards Board, consisting of the Comptroller General and four members appointed by him.

Unfortunately, the authority of this Board is restricted to recommending by June 30, 1971, uniform cost accounting standards for Federal negotiated defense contracts. As originally introduced by myself, Chairman PATMAN, and 10 cosponsors, this section included authority for the Comptroller General to examine a contractor's books to determine compliance with the standards and included a provision that contractors disclose in writing their cost-accounting practices. Hopefully, these worthwhile provisions will be restored to the bill before it is signed into law.

Testimony before our committee by Adm. Hyman Rickover brought home to me, and I am sure, to other members of the committee, the great importance of thorough cost accounting. I should like to quote from the distinguished Admiral's testimony on pages 235, 236, 237, and 238 of the hearings:

> In my work I find it is virtually impossible, without spending months reconstructing each supplier's books, to discover what defense equipment really costs to manufacture or how much profit contractors actually make in producing it. The problem is the extreme variability of accounting practices—the lack of uniform cost accounting standards. Costs on some contracts are not considered as costs on other contracts. Contractors price contracts under one accounting system, yet charge their costs under a different accounting system. On most defense contracts there is no requirement that the contractor keep meaningful cost records. In these circumstances, it becomes virtually impossible to determine true costs.
>
> FIRM KEEPS NO COST RECORDS
>
> Admiral RICKOVER. I am presently negotiating with one of the Nation's largest defense contractors to procure equipment for a nuclear powered submarine. The company's quoted price is greater by a factor of four than the price we paid the same company for the same equipment a few years ago. I have tried to find the basis for this large price increase, but it has been impossible because the company claims to have no adequate cost records for this piece of equipment. The company says it did not keep records of actual costs on previous orders. Further, it refuses to keep cost records on this order—records which would allow us to determine whether the actual costs of manufacture really support the large increase in price.
>
> This company is the only supplier of this equipment, so the Navy has no alternative but to pay the high price. Thus we will never know what it costs to make equipment or what profit the contractor is making. Yet, this is one of the largest companies in the United States.
>
> Situations like this occur often. As a result, my staff and I spend far too much time dealing with contracting problems. This distracts us from our principal duty—the development and application of nuclear power for Naval ships.
>
> My interest in accounting thus stems from my professional responsibilities as a government official, as well as from my personal concern as a taxpayer. The views I express on this subject are my own and are probably not those of my superiors.
>
> For several years I have been arguing for uniform accounting standards before various congressional committees. But it was this committee which, in 1968, took the initiative by reporting out a bill requiring establishment of uniform cost accounting standards for defense contracts. That bill created an uproar among industry associations, accountants, and the Department of Defense. Financial executives of company after company went on record stating that contrary to the conclusions of your committee, uniformity in cost accounting was unreasonable, infeasible, and unnecessary.
>
> UNIFORMITY FEASIBLE AND NECESSARY
>
> Since then, the General Accounting Office has determined that your committee was, in fact, absolutely correct; that uniform cost accounting standards are both feasible and necessary for defense contracting. The Department of Defense and the professional accountants now recognize the problem. Only defense industry groups, which have a vested interest in the present state of accounting anarchy, remain opposed. The question before you today, therefore, is not "Should we establish such standards?" but rather, "How shall we go about setting the standards?"
>
> Basically there are three issues facing this committee. First, who should set the standards? Second, at what point should defense contractors be required to give proper accounting of their expenditures of Government funds? Third, how long is Congress willing to wait for uniform cost accounting standards to be implemented? These are the three issues I will address.
>
> WHO SHOULD SET UNIFORM COST ACCOUNTING STANDARDS?
>
> The General Accounting Office is the logical choice to develop and promulgate uniform cost accounting standards. It has the necessary accounting expertise; it has many years of experience with government procurement; it will place the public interest first.

The Comptroller General and his office, legally and in fact, are the accounting experts of government. The GAO has an experienced staff that is well grounded in accounting and defense contracting matters, and trained to look out for the public interest. The GAO is an arm of Congress—responsible only to Congress and to the public. The Comptroller General was given a 15 year term of office to preserve his immunity from outside pressures. As a result, he and the GAO can be completely objective in matters affecting the public interest.

It has been suggested that the establishment of uniform cost accounting standards would be outside the scope of the Comptroller General's responsibilities. I disagree. Here is an extract from the GAO's charter as set forth in the Budget and Accounting Act of 1921:

> "The Comptroller General shall investigate at the seat of Government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President when requested by him and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts, and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in a special report at any time when Congress is in session, he shall make recommendations looking to gerater economy or efficiency in public expenditures."

Moreover, the Budget and Accounting Procedures Act of 1950 states:

> "The Comptroller General * * * shall prescribe the principles, standards, and related requirements for accounting to be observed by each executive agency * * *."

Thus the job of developing and promulgating uniform cost accounting standards is entirely within the scope of his charter.

The General Accounting Office, the Department of Defense, the professional accountants, and the defense industry representatives, have recommended that a special board be established in the executive branch to formulate uniform cost accounting standards. The board would include representatives from industry, from the accounting profession, and from government.

The Senate Banking and Currency Committee called for an independent board appointed by the Comptroller General and chaired by him. But the board, not the GAO, would have responsibility for setting the standards.

I do not agree that it is necessary or desirable to create a special board to set uniform accounting standards—particularly a board dominated by representatives from industry and the accounting profession. I believe the job can and should be done by the General Accounting Office within its present charter. However, Congress will have to require the GAO to do so and that is the purpose of the legislation you are considering today.

You cannot expect industry accountants to put the public interest first in establishing uniform cost accounting standards.

Neither can you turn this job over to public accountants. Despite their best effort at objectivity and professionalism, public accountants depend on industry for their livelihood. They are paid by industry to represent industry, and unless they represent industry, their services will not be retained. After a lifetime of working in this environment, public accountants have adopted the industry viewpoint. "Whose bread I eat, his song I sing."

Establishing a special board to develop uniform cost accounting standards is a good way of insuring that nothing will ever get accomplished. In all likelihood such a board would end up representing the industry it deals with, rather than the taxpaying public, as is the case with our regulatory agencies.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN TO THE COMMITTEE AMENDMENT

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BROWN of Michigan to the committee amendment.
>
> On page 7, line 2, strike all after "(a)" through "General", on line 7, and insert:
>
> "There is established a Cost Accounting Standards Board which shall be independent of the executive departments consisting of five members appointed by the President."

Mr. BROWN of Michigan. Mr. Chairman, I will not take a great deal of my colleagues' time in explaining this amendment since I discussed it during the general debate.

I will only point out to my colleagues on the floor that which is very apparent and known by my colleagues on the committee and that is that all of the testimony before the committee was to the thrust of my amendment, that the Cost Accounting Standards Board should be appointed by the President and be an independent agency within the executive department.

Even the Comptroller General, who is certainly the adviser to the Congress, urged the committee to adopt the approach that my amendment would permit, and that is a Presidential appointment, rather than, as the bill presently provides, a board appointed by the Comptroller General and chaired by him. It was the Comptroller General's position, among many others, that he is not in as good a position to criticize and argue against standards, accounting standards, if he has been one who has been very much involved in their promulgation. He would much prefer to maintain the independence that he presently has and to be able to attack, to be able to advocate amendment, modification, et cetera, of those regulations, and he can do it best by not having participated in their promulgation.

This amendment would be consistent with the testimony before the committee. It is consistent with basic governmental policy. I urge its adoption.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PATMAN. I hope the Members will listen to what I have to say, because the amendment is a very important one. We have it written in the bill that this Board, to which the President is really opposed—he does not want any kind of board—but this Board shall be: A Cost-Accounting Standards Board. Many people insist that this provision will save $2 billion a year if we have this Board. This Board shall consist of the Comptroller General of the United States, who shall serve as the chairman. We could not have a better one. And four members to be appointed by the Comptroller General. Listen to this language:

> Of the members appointed to the Board, two, one of whom shall be particularly knowledgeable about the cost accounting problems of small business—

It is very important that small business be taken care of in this bill, and the amendment would strike out that language, strike it out entirely. Small business would be protected. An expert would be there to protect small business.

The gentleman from Michigan advocates that the one who should be in charge of the Board should be the President, and he would appoint every one of the members, every one of them. He does not even want the Board. It has been said that the surgeon who wields the knife should want the patient to live. Here you would be placing in charge a surgeon to wield a knife who does not want the patient to live. Let us give small business a fair chance.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. In the gentleman's statement about the attitude of the President, the Chairman is quite inaccurate. First, I do not think the gentleman can point to any significant statement from the President to the effect that he is opposed to the cost accounting standards provisions of this bill. Second, the language referred to as being stricken is not stricken. The same language that is in the chairman's bill would continue to be there. The only difference is that the President would appoint the Board instead of the Comptroller General.

Mr. PATMAN. Oh, no. On page 7, line 2, the amendment would strike out all after—a—through "General" in line 7. That is the part that the gentleman says was not stricken out. It is stricken out by the amendment. Then the gentleman would insert something that takes an aboutface in relation to what is intended by this law. It goes in the opposite direction and takes a stab at small business.

Mr. WAGGONNER. Mr. Chairman, will the gentleman from Texas yield?

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Am I confused, or is not the purpose of the Defense Production Act to protect the legislative branch of Government?

Mr. PATMAN. Certainly, the gentleman is right.

Mr. WAGGONNER. This being the case then, it would seem to me it would be the height of wisdom to allow the legislative branch of Government to control the membership of this Board rather than the executive branch of Government.

Mr. PATMAN. And may I say that the General Accounting Office is the only independent agency in our Government. It is independent of the Executive, and it is an agency of the Congress.

Mr. WAGGONNER. If the gentleman

will yield further, of course, the Library of Congress falls into the same category.

Mr. PATMAN. Yes, sir; but in this particular case involving this Board, the General Accounting Office is absolutely independent.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, is it not the position of the General Accounting Office as an arm of the Congress that this Board should be appointed by the President?

Mr. PATMAN. No. This Board should be appointed as we reported it. The committee passed on it. It is a good amendment and it should not be repealed as would be done by the amendment offered by the gentleman from Michigan.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word.

I would like the Members of this House, Mr. Chairman, to understand that what we are talking about is uniform cost accounting standards which must be adhered to by all defense contractors. Just simply saying that uniform cost accounting standards are something we all agree with really does not help to solve the problem. The fact of the matter is this is a really complex matter.

The Comptroller General and the General Accounting Office is an arm of the Congress. They have actually studied this subject of uniform cost accounting standards for a period of over 18 months. They have issued a report consisting of more than 500 pages. Yet the Comptroller General and the General Accounting Office after this extensive study have not been able to recommend uniform cost accounting standards.

Keeping in mind that anything which is recommended by this Cost Accounting Standards Board has to be reviewed, has to be critiqued by the Comptroller General and General Accounting Office, and the Comptroller General has made the suggestion that this Cost Accounting Standards Board should be appointed by the President.

The amendment offered by the gentleman from Michigan starts at the top of page 7 and runs down to line 7. It does not affect in any way the specifications which follow that have to do with the type of people who will comprise the membership of this board.

Then, if the amendment of the gentleman from Michigan is adopted, when the Cost Accounting Standards Board makes its report, the report will be reviewed by the Comptroller General and the GAO, and they feel they will be in a better position to make an impartial appraisal of the recommended uniform cost accounting standards for the benefit of this Congress.

So the gentleman from Michigan is really attempting to achieve something which the Comptroller General has recommended in the hope that the Cost Accounting Standards Board will be able to come up with recommendations, which to date the Comptroller General and the General Accounting Office have not been able to produce.

Mr. Chairman, I urge support of this amendment.

Mr. BLACKBURN. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I do not want to drag out this debate any longer than is necessary, but I find it absolutely necessary to respond to the statement of my chairman that the General Accounting Office wanted authority to administer this board. I quote from Mr. Staats, the Comptroller General himself, in his testimony before the committee, when he said:

> We question whether the GAO should become deeply involved in the administration of negotiated contracts. The responsibility for administration of contracts including promulgating, interpreting, and administering cost-accounting standards seems basically an executive branch function.

Mr. Chairman, this is Mr. Staats, himself, who was testifying before our committee. He went on further in support of the position, I might add, of the gentleman from Michigan, Mr. Brown, and said:

> An independent Board appointed by the President might well have greater prestige and attract more capable members. It could not be accused or having any bias by reason of having worked on the feasibility study or any preconceived ideas of what the standards should be.

Again, that is a statement by Mr. Staats, the Comptroller General.

Finally let me call to the attention of the Committee the statement of Mr. Staats in which he agreed with Prof. Robert N. Anthony of Harvard Business School:

> Yes, I think this is correct. That is the reason we came to the conclusion we did that an independent board appointed by the President made up of both executive branch and outside representatives would be a better forum for this type of matter.

Mr. Chairman, in view of the testimony of Mr. Staats himself, I believe the Committee must support the position of the gentleman from Michigan (Mr. Brown).

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman from Texas.

Mr. PATMAN. I believe the gentleman is talking about where it was proposed that the Commission would promulgate regulations. Our amendment in the bill is only for a study commission. It is entirely different from what the gentleman is talking about.

Mr. BLACKBURN. Mr. Chairman, I am sure that many different minds can disagree on different matters. I am afraid, however, that the Comptroller was addressing this matter at the time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Brown) to the committee amendment.

The question was taken; and on a division (demanded by Mr. Brown of Michigan) there were—ayes 47, noes 55.

Mr. BROWN of Michigan. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Brown of Michigan and Mr. Patman.

The committee again divided, and the tellers reported that there were—ayes 73, noes 81.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title II be dispensed with and that the title be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN: On page 10, strike out lines 5 through 11 and insert in lieu thereof the following:

"§ 202. Statutory freeze

"Prices, rents, wages, and salaries are frozen at the levels prevailing on May 25, 1970. The President shall promulgate orders and regulations to carry out the preceding sentence. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities' ".

On page 11, after line 17, add the following new section:

"§ 207. Authorization of appropriations

"There are authorized to be appropriated such sums not exceeding $2,000,000,000 as may be necessary to carry out the provisions of this title."

Mr. BLACKBURN. Mr. Chairman, I think the chairman of my committee would agree that when I agree with his position that I exercise every vigor in defending his position, and in like manner, I am confident that the chairman of my committee would not feel any lesser of me if I use an equal vigor when I conclude that his position is in error.

Mr. Chairman, this particular title, title II, is the biggest political charade that has been exposed to the American public since my entry into public life.

Mr. Chairman, the charade in this title shows on the face of the title itself in two instances. It reveals, first of all, that this authority would expire in February of next year, which means for all practical purposes it could not exist for more than 6 months.

Mr. Chairman, the second grievous deficiency in the title shows that there are no funds authorized for the President if he chooses to implement wage and price controls. And, to draw the analogy that the chairman of the committee drew, we provide the President with a shotgun in the corner but we have not provided the President with any shells for his shotgun. So, we would be sending the President out to defend the castle with an unloaded shotgun.

Let us look for a moment at what would happen and exercise a little commonsense. Let us review a little of the history of wage and price controls.

How in the name of commonsense, Mr. Chairman, could the President implement in 6 months a program dealing with an estimated $12 to $14 million wages and prices throughout this country? During World War II when we had wage and price controls there were employed several hundreds of thousands of employees involving enormous expenditures. Today those expenditures for the same type of administration as during World War II would run between $1 and $1.5 billion per year.

Now, Mr. Chairman, what I am doing is saying to the gentlemen on both sides of the aisle who really believe that wage and price controls are the answer to our country's economic ills, to stand up and be counted and vote for mandatory wage and price controls. However, I say this, they really do not want them. Through the offering of this amendment I am giving them the opportunity to vote for them if, as I say, they really want them. But, Mr. Chairman, they are playing political gamesmanship. They want to reap whatever benefits they can from this situation but at the same time they do not want to assume any of the responsibility for the disruption of our Nation's economy and the inconvenience and the trouble it will cause our citizens throughout the land.

Mr. Chairman, such hypocrisy must be exposed for what it is and that is the reason for my amendment.

Mr. McCORMACK. Mr. Chairman, would the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, as I understand the amendment offered by the gentleman from Georgia, it would provide for mandatory controls. Is that correct?

Mr. BLACKBURN. That is correct.

Mr. McCORMACK. Mr. Chairman, I would ask the gentleman from Georgia if he has conferred with the President of the United States as to whether or not the President favors mandatory controls?

Mr. BLACKBURN. Mr. Chairman, I will state to the distinguished Speaker that I have not, but my understanding is that the President does not want mandatory wage and price controls.

Mr. McCORMACK. The President does not want mandatory wage and price controls?

Mr. BLACKBURN. That is my understanding.

Mr. McCORMACK. And we Democrats are giving the President the discretionary power to meet the terrible situation that exists in the country, the question of inflation, if he desires to do so.

The gentleman from Georgia a moment ago said that he did not himself favor mandatory controls; is that right?

Mr. BLACKBURN. That is true.

Mr. McCORMACK. The gentleman also used the word "hypocrisy." I do not like to use that word. But certainly the gentleman, when he said he personally is opposed to mandatory wage and price controls, and then offers the amendment that he has, if I were arguing a case to a jury I would say that the gentleman from Georgia is markedly inconsistent.

Mr. BLACKBURN. Mr. Speaker, I appreciate the observations you have made. And, Mr. Speaker, what I am doing is giving you Democrats the opportunity to stand up and vote for these controls if you honestly want them, because the President says he will not use and does not want wage and price controls.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield further?

Mr. BLACKBURN. I yield further to the distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, I would state to the gentleman from Georgia that it is very nice for the gentleman to do so, but being Democrats I believe we are quite capable, in spite of all of our differences that exist at times, of taking care of ourselves, and we appreciate the concern of the gentleman, but we doubt very much the sincerity with which the amendment is offered at the present time.

Mr. BLACKBURN. We will be able to count that sincerity in numbers in just a moment, Mr. Speaker.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman from Massachusetts says there is a terrible situation in this country, yet in this hybrid bill that is offered here today, under the euphonious title "Cost of Living Stabilization," not a dime is provided in order to facilitate putting this thing in operation.

Mr. BLACKBURN. I appreciate the gentleman from Iowa mentioning that point.

Mr. GROSS. If the situation is so terrible, why did the sponsors not put in a dollar or two?

Mr. BLACKBURN. I appreciate the observations made by the gentleman. I think it is important to note that the Democrat-controlled Congress normally will very generously provide funds for every program, but not for this one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WYLIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand, I think, the motive behind the amendment which has been offered by the gentleman from Georgia (Mr. BLACKBURN).

I think also that the majority ought to fish or cut bait on whether they think wage and price controls are necessary, or they are not. It seems ludicrous to me that the majority would want to give the President of the United States this power, but at the same time not provide any money for that purpose, as the gentleman from Iowa (Mr. GROSS) has just pointed out.

But as I mentioned earlier concerning the questionnaires which I mailed to the constituents in my district, and on which I placed the question as to whether they would favor the imposition of mandatory wage and price controls, and on which 11,236 replies came back, 37 percent of the people who responded said yes, and 63 percent said no. I therefore urge defeat of the amendment.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman and Members of the Committee, I for one would like to set aside the notion that anybody here, especially myself, is reacting to what some have called partisan efforts today. There is nothing partisan about what I have to say, or what I am going to do. I have walked across this aisle and voted with my Republican friends on about as many occasions in the 91st Congress as anybody, and also in previous Congresses when we had a Democratic President and Congress, as any Member in this Chamber—and I think the Members know that.

I intend, when I think it best, to continue doing so.

My position with regard to wage and price controls has been consistent, and it remains consistent. I have felt for quite some time that wage and price controls were needed if we were going to save the economy of this country.

Politically unpopular, though it was, 3 years ago this fall I took a public position for wage and price controls, it was necessary in my opinion I said if we were going to dampen the fires of inflation before damage was done to the economy of this country that we could not undo.

I believe now that I was right and I think my case is even stronger now than it was then. Events since then have borne me out. Wage and price controls must go hand in hand. You cannot have one without the other.

But I am opposed to mandatory controls being placed into operation by the legislative branch because of the history of past wage and price controls.

Think with me for a moment and you will recall that never in the history of this country have we had wage and price controls except during a time of war—and who would deny that this is not a time of war?

Never in the history of this country have we in the legislative branch of the Government ever invoked wage and price controls. We have never done more than to provide the discretionary tools that the executive branch of the Government could utilize in invoking wage and price controls.

It would be difficult, I admit, even now divided as we are to make wage and price controls work. It never has been easy and it never will. But the decision we have to make is whether or not we want to let inflation continue to run rampant without providing the maximum in the way of tools to control it.

The gentleman from Illinois (Mr. ANDERSON) earlier today said there was no similarity and that the conditions were in no way the same now as they were during World War II when this country was spending 50 percent of its gross national product on the war. I submit the gentleman is exactly right.

But I say to you in all sincerity that he has made the greatest argument in the world for standby wage and price controls. The situation is not the same. We have inflation now, which we did not have then—because we do not have wage and price controls now. We dampened the fires of inflation and we prevented the fires of inflation from fanning out into open flame during World War II because we in time took the preventive action that we needed to invoke wage and price controls.

Well, the result of not having done it before now is that inflation is running rampant in this country. As a further result, you will have to agree, the growth rate of personal income exceeds the growth rate of increased productivity—and inflation marches on.

Then, what does this particular bill do? Look at page 10 of the bill. It does not do anything in the world except to provide to the President of the United States yours and mine the authority, if he wants it, to do something further about controlling inflation and invoking, if he thinks it is necessary, wage and price controls. He is not required to do anything. I admit he inherited a mess, but we must help him find answers.

It provides wages and price controls at levels not less than those prevailing on May 25. Why last May 25? So that fear will not be cast upon the waters and on wages and prices and will not make them go up—and wages and prices cannot go up.

They are retroactive back to this date—to expire on February 28, 1971. Why? Because it will give the new Congress a change to reevaluate what the circumstances are, and do something else if something else is needed at that time.

But this being an election year, the Congress being out of session for a while this fall, this will be just a tool and not a total answer for the President of the United States to implement and help control the fires of inflation if he chooses and only if he chooses.

If he does not want to use it, he does not have to use it. I will say to you, simply this, if he does not want to employ standby controls, he certainly does not want mandatory controls.

Have you read yesterday morning's paper? All the economic indicators indicate that we have been fanning the fires of inflation and that inflation is becoming more and more pronounced and we are having more and more difficulty than we had anticipated. Reliable indexes continue to increase.

Yes, I say to you that standby controls, even mandatory controls, would not be the full answer but it would be another tool in his arsenal of weapons, that he could employ if he thought them necessary to fight inflation.

This is not a brand new tool. It is an unused one.

Answer me this question, if you will. This has to do with the trade bill that is being considered in the House Committee on Ways and Means which gives the President discretionary authority to invoke import quotas.

Mr. GERALD R. FORD. Mr. Chairman, I do not intend to object, but I do wish to give warning now that, so far as I am concerned, no one will get more than 5 minutes after this opportunity is given.

Mr. WAGGONNER. I thank the gentleman.

The CHAIRMAN. The gentleman from Louisiana is recognized for 2 additional minutes.

Mr. WAGGONNER. If it is all right in the trade bill now being considered by the House Committee on Ways and Means to allow the President discretionary authority under the triggering device being devised there to control the import of textiles and other goods into this country, my friends, is it not appropriate to give him this consideration to let him have this discretionary authority here as well? We have done it in military sales. We have done it in foreign aid. We have done it in so many other areas, I submit to you that we can do it right here and not infringe on the authority of the President of the United States.

The gentleman from Michigan had asked me to yield.

Mr. BROWN of Michigan. I thank the gentleman for yielding. The gentleman had stated that the May 25 date becomes the date of the freeze on wages and prices. If the gentleman has read the bill, he will have noted that nothing is done by the May 25 date except freeze prices and wages at a level not lower than they were on that date. It has absolutely no efficacy toward control of inflation, and, there is no efficacy to the bill because there is no money provided to administer its provision and no time for implementation. If you want to be honest in this bill, why do you not put in the important November date that you are aiming at by this legislation?

Mr. WAGGONNER. Let me say to the gentleman that I do want to be honest about it, and I think a retroactive date is absolutely necessary because it will prevent a further surge of wages and prices in the future if the fear is created that wage and price control will result from the discretionary authority provided here. There is no margin date but it must be retroactive.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members of the Committee, I, like the gentleman from Louisiana, want to make it amply clear that I am for this title II because I think it is the best choice. I think the President is in a much better position to administer wage and price guidelines than is the Congress. But I want to say here and now that if we give him this authority and he does not exercise it within a reasonable time, I, for one, would be willing to vote on the floor of this House for the House and for the Senate to impose such a wage and price freeze with guidelines to follow. I am willing to do that because I think it is essential that it be done.

I am also willing today to vote for an amendment which would add a reasonable amount of money so that the President could properly administer this kind of program, because I think it is essential that it be done and that it be done now.

Let me show the Members of the House something which I received recently from a constituent of mine. It is a short note which states, "Is this what we, as small businesses, have to look forward to?" I will show the article to which the note refers to the Members of the House. It is an ad in my local newspaper.

I want Members of the House to know that this is the type of thing that happens all over the Puget Sound area today, and it is happening because of the economic and fiscal policies of this administration. That is a clever ad, but it is also a tragic commentary on the type of thing that is happening to all of us;

to business, to labor, to the common people of this Nation today.

President Nixon took office promising us to fight the twin ills of inflation and recession. I submit to you that he has offered an ingenious compromise: both at once. We are experiencing both of these today. Everything that should be going up is going down, and everything that should be going down is going up. The cost-of-living is up at an annual rate of almost 6 percent, unemployment is up by almost 60 percent, the stock market is down by some $300 billion, 300 points on the Dow-Jones and housing starts are down 55 percent.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I am not blaming just this administration. If we are going to be honest, we have to blame everybody, including ourselves, for this problem.

Mr. MEEDS. Mr. Chairman, I am quite willing to do that, but I say we have to have some answers to the type of thing that is occurring in the United States today. I am not accusing the administration of bad faith with regard to this. I know they inherited a difficult problem, the problem of trying to fight inflation. I do not accuse the administration for 1 minute of bad faith, but I accuse them of bad judgment in the type of fiscal policies which they are undertaking. They maintain that they can fight inflation in this Nation with high interest rates and tight money. I have heard this policy called Nixonomics, or deceleration of the economy, as well as many other things, but no matter what we call it and how we cut it, what it really amounts to is calculated unemployment.

In the Puget Sound area unemployment has gone from 3.2 when President Nixon was elected to almost 10 percent today. The aerospace industry, housing, construction, and wood products industries have suffered incredible retardation.

All of this has been done in the name of controlling inflation—a commendable goal—but inflation has not been halted. Indeed it has been accelerated under the policies of the administration. The cost of this inflation, high interest, and recession is almost beyond belief:

Higher-interest rates in the past 18 months are costing us between $5 and $8 billion additional each year in serving our national debt.

Inflation has added a $100 billion annual factor to our gross national product and is costing untold suffering to our elderly and others on fixed incomes.

The slowdown in our economy is costing us $55 billion annually in productivity. This amount alone would yield an additional $5.5 billion in Federal taxes.

The necessity of imposing wage and price restraints constitutes a difficult alternative—but we must have an alternative to policies which are costing this Nation billions of dollars in inflation tax, lost productivity, lost tax base, and high interest. And the real cost does not show on the financial balance sheets—that is the loss of savings, potential, and aspirations of millions of Americans.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to call to the attention of the distinguished gentleman from Washington (Mr. Meeds) the fact that interest rates today are high because there is such great competition for every available American dollar. Because of the deficit spending for which the gentleman has been voting for many years, our Treasury Department is soaking up all of the money in sight in an effort to refinance maturing Federal obligations that we cannot pay off. When we have the Treasury Department in the money market paying 7⅝ percent to 8 percent to borrow money, there is not any money left over for business or anybody else.

Just this week in the other body, recognizing the fact that businesses cannot borrow money today, a Member of the other body introduced legislation providing for $5 billion in Government guaranteed loans for business.

The gentleman from Washington also said if the President does not use controls which we would give him under title II, the gentleman is in favor of voting for mandatory wage and price controls. I say to the gentleman that this amendment offered by the gentleman from Georgia gives the gentleman the opportunity to do this today.

Also, the distinguished gentleman from Louisiana (Mr. Waggonner) made the statement he is against mandatory controls. At the same time, I submit for his consideration on page 10, section 202, we are giving the President the power to use mandatory controls.

I would also say if any Member of this House really believes that wage and price controls right now are the answer to our economic woes, the amendment of the gentleman from Georgia (Mr. Blackburn) gives that opportunity.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I think the record will reflect what the gentleman from Louisiana said is that he was against the Congress doing it, and that it should be a tool provided by the Congress to be utilized by the President, as has always been done before.

Mr. WILLIAMS. I understand the gentleman to say he was against mandatory controls.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I intend to support this amendment because I think it is about time that this Congress started reflecting a little responsibility. I am tired of hearing gentlemen primarily from the other side criticize the abdication of authority and responsibility by the Congress with respect to international affairs.

I am equally critical and I am sure the electorate will be equally critical of the House of Representatives abdicating its responsibility and its authority with respect to the domestic issue which is as closely related to the warmaking power of the President as could possibly be.

Let us put our money where our mouths are. Are we for responsible representation in the House of Representatives or are we against it?

I have an amendment which I will offer which will give the House and the Congress an opportunity to retain some of that authority, some of that responsibility, and I hope this body will adopt it, but, pending adoption of my amendment, I intend to support this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Chairman, I demand tellers.

Tellers were refused.

The question was taken; and on a division (demanded by Mr. Reuss) there were—ayes 9, noes 61.

So the amendment was rejected

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Pucinski: On page 10, line 8, after "wages," insert "interest rates,".

Mr. Chairman, I offer this amendment because I believe that we cannot effectively address ourselves to the problem of inflation unless we include in our efforts stand-by powers to deal with the high cost of money.

If my amendment is adopted, section 202 would read:

> The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970.

I am merely adding to the existing language in the bill the words "interest rates."

Under the proposal before us today, the President would have standby powers to stabilize prices, rents, wages, and salaries.

It occurs to me, that the wage earner in this country should not be the individual who must carry the full burden of inflation. Obviously, wages play a role in the upward spiral, but I do not believe it would be fair to blame the wage earner alone.

Nor do I believe that we ought to penalize the businessman by freezing his prices when he, too, is caught in a price-cost squeeze which he must reflect on prices to his customers.

Nor do I believe that the property owner; the man who owns a six-flat in my District and is caught in a spiral of rising costs, should be the only one to pay for inflation by freezing his rents.

Each of these is a contributing factor and must be dealt with, but it occurs to me that we cannot effectively deal with the totality of the problem until we also address ourselves to the high cost of money.

The distinguished chairman of this

committee has stated on a number of occasions here in the House, that under prevailing interest rates in America, a family will have paid $58,000 in principal and interest on a $22,000 home before the mortgage is finally paid off.

We know, for instance, that 85 percent of Americans purchase their automobiles on time payments, usually spread over a period of 36 months. The increased interest rate on the cost of financing this automobile mortgage must be considered in the total price of the product to the auto purchaser.

Mention has been made here of deficit spending, and the fact that Government deficits contribute to inflation. Surely, no one will quarrel with that, but the fact remains that the $2½ billion deficit which President Nixon experienced in fiscal 1970 was not only the result of Congress going beyond his request for funds. This $2½ billion deficit occurred because earnings for fiscal 1970 did not come up to the President's expectations and reduced earnings resulted in reduced revenue into the Treasury.

Earlier today, the majority leader of the other body, said that Congress will reduce the President's budget request by $6½ billion in fiscal 1971. And even with this anticipated reduction, administration economists are predicting another deficit in 1971. This deficit will occur not because of over spending by Congress, but because of the deplorable state of the Nation's economy when earnings continue to slide downward and anticipated revenues are just not coming into the national treasury at the rate projected by the President when he submitted his budget for 1971. Ours is a consumer-debt nation. The cost of money is a fundamental part of inflationary spirals and no one can attempt to deny that.

Secretary of the Treasury Kennedy recently said that interest rates are coming down. We pray that this statement is correct and we hope that will continue to be correct. If, indeed, the interest rates are coming down as Mr. Kennedy claims, then the President will never have to use the amendment I am offering today. The President will not have to use the standby powers we are giving him in this language as regards interest rates. If, on the other hand, Mr. Kennedy is not correct and the interest spiral continues, my amendment would give the President the right to freeze interest rates at not less than those prevailing on May 25 of this year. In other words, Mr. Chairman, if interest rates go below the May 25, 1970 level, fine, they can keep going down as much as possible with no interference from the White House. But it is only if they should keep going up that the President could use his powers under this act to freeze them at the May 25, 1970 level.

Mr. Chairman, I honestly believe that if there is to be fair play in trying to address ourselves to this horrible problem of inflation, we must not only look at prices, rents, wages, and salaries, but we also must look at interest rates which, in my judgment, constitute one of the most serious contributing factors toward inflation.

It is for these reasons that I hope the chairman of this distinguished Committee will accept my amendment so that the President will then have very broad powers to deal with inflation on a number of significant economic fronts at the same time. I urge the adoption of this amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Texas.

Mr. PATMAN. I have conferred with several of my colleagues on the committee, and we are ready to accept the amendment.

Mr. PUCINSKI. I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Pucinski).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wylie: On page 10, strike line 1 and all that follows through page 11, line 17.

Mr. WYLIE. Mr. Chairman, I rise to support the amendment of H.R. 17880. If there is anything this Nation does not need it is another morass of bureaucracy, trying to implement unwanted and unneeded wage-price controls.

The President correctly points out that wage and price controls only postpone a day of reckoning—and in so doing, rob every American of a very important part of his freedom.

If we only look at the history of past wage and price control actions, we have reason enough to avoid them now. In 1969, President Johnson's Council of Economic Advisers rejected such controls.

I submit that in a period when the number of Americans with jobs is the highest in history, and in a period when the average real income of Americans is higher than ever before, we are not in "the extreme emergency" to which the gentlemen on the other side of the aisle refer.

Furthermore, history shows that such controls can be enforced only by an army of bureaucrats, and we do not need such an army.

This bill authorizes standby controls for 6 months with no money.

Chester Bowles, who directed the Office of Price Administration from 1943 to 1946, says price controls would be "a dreadful mistake today." In an interview last month he noted that the controls were authorized in 1942—but it took until the spring of 1943 before they became effective. Redtape was everywhere. The standard joke during World War II was that Lincoln needed only 267 words for his Gettysburg Address, but it took OPA 22,000 words to establish the price for a head of cabbage.

During the Korean war, sellers had to compute their own ceilings—based on average prices in the week preceding the freeze order. The inequities become obvious when you realize that some stores may have been conducting sales—and some others may have just raised prices. Other stores were dealing in seasonal items. What happened? Retail outlets frequently just changed a product enough to make it qualify as a new item—subject to a new ceiling.

Inequities were bound to result—and did.

In his statement of November 9, 1946, terminating wage and price controls, then President Harry Truman said that the administration of price control "is an extraordinarily difficult and complex business—and it can work successfully only if the people generally give it their support."

And in this connection, Mr. Truman noted:

> Industry has sought the removal of *price* controls while labor has sought removal of control of *wages*. Both have insisted that removal of these controls would lead to increased production and fewer work stoppages.

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment and in support of title II of H.R. 17880 which provides the President with standby wage-price controls. Our economy is tormented today by three concurrent delemmas—recession, inflation, and stagnation. Whether you call it a "mini-recession," a "misdirecession," a "severe retardation" or the old "rolling-readjustment"—real GNP has failed to rise in the last two successive quarters. Most economists agree that economic sluggishness and growing economic slack will be the order of the day for the rest of 1970, and our GNP gap will grow sharply—at an annual loss of production of around $40 billion. In other words, the continuation of unduly restrictive policies runs the risk of letting as much as $1 billion a week of American productive potential run to waste.

Although the unemployment rate abated slightly in June, the unemployment picture is still weakening—and the human costs of unemployment continue to rise. Most economists testifying before the Joint Economic Committee—JEC—last week during the mid-year economic review argued that if we do not move to a more expansionist policy, unemployment will rise substantially this year to a peak of around 6 percent, which means, in human terms, 820,000 more Americans unable to find jobs than there are today. These figures of course do not reflect the concentration of joblessness. One need only be reminded that at our 4.7 percent current rate of unemployment—blacks experienced over twice that rate and for black teenagers it's a staggering 34 percent unemployed.

The specter of inflation continues simultaneously to haunt the American consumer. Yesterday, we were presented with the depressing news that the wholesale price index jumped 0.5 percent—its largest 1-month increase in 6 months. The cost of living index continues to rise, it takes a heavy toll in economic distortion and inequity.

This is a strange set of circumstances for anyone who has read an economics I text. Economic theory has it that there is a tradeoff between price stability and employment, that is in an inflating economy, as unemployment rises, prices should tend to come down. This is more than a little difficult to sell to the consumer who sees his dollars worth less and less, particularly if he's an unemployed worker.

But this administration continues to cling adamantly to its game plan of restrictive fiscal and monetary policy, while continually blaming the previous administration for our current problems.

I would not attempt to exonerate the previous administration from all blame for today's inflation. It is deplorable, however, for the Nixon administration to deny its responsibilities and take extensive refuge in the fact that it inherited an inflationary economy.

Preoccupation with a static past can breed irresponsibility and preclude action in the public interest. The Nixon administration may be guilty in this respect, because it does not seem to appreciate the significance of recent developments. Most of the eminent economists testifying before the JEC the past couple weeks agreed that excess demand, which caused the inflation in the last few years, has been eliminated. It is no longer a problem. Continued efforts to dampen demand are therefore not relevant to the economy's changed conditions. On the contrary, they are at this point pernicious because of the stagnation they are promoting.

It is essential to realize that today's inflation is of a "cost-push" or "price-pull" variety and cannot be cured by a further reduction of demand. Its causes are cost pressures which have their origin in the propensity of concentrated industries to boost prices despite declining demand and excessive wage increases won by powerful unions.

It is because of this fundamental change in the nature of the situation that tight money, fiscal frugality, and widespread unemployment can be expected to reduce demand but not curtail inflation.

The existence of the cost-push inflationary dilemma was clear at the time of the JEC hearings on the economic report in January. I, for one, recommended at that time a strong return to wage-price guideposts and jawboning on the part of the President—in order to halt the wage-price spiral. These recommendations were unfortunately rejected by the administration.

However, now the administration is coming on a little late and a little weak with the Council of Economic Adviser's "inflation alert"—which Professor Solow wryly characterized as having "all the potential for action of a notice from the Weather Bureau saying that it rained last Thursday."

Even Chairman McCracken of the CEA—the President's top economic advisor—could only say to the JEC that the alert "may have some marginal effect in some cases." That is one hell of a heartening statement about a policy that is supposed to deal with one of the most serious problems we face in the country today—inflation.

These are simply not strong enough measures. Unless we in the Congress do something, there is simply going to be little or no moral restraint and no effective self-restraint, in the wage-price field.

A considerable part of the problem stems from this administration's almost theological adherence to a hands-off policy in the wage-price field—a policy which, as one economist put it, delights labor, pleases business, puzzles the financial community both here and abroad, and shortchanges the public. Recently, both Fortune magazine and Business Week have come forth with pointed editorials strongly urging the adoption of a meaningful incomes policy.

Direct intervention and leadership—for the public interest—not mandatory controls, is needed to accompany appropriate fiscal and monetary policies for stabilization.

However, if this course is not pursued vigorously, some kind of temporary wage-price controls may be necessary.

Mr. Chairman, the most important fact to emerge from the Joint Economic Committee's hearings is that the inflation of the present and the near future will be the doing of concentrated industries, capable of administering prices, and large unions, with sufficient muscle to demand big wage increases. Monetary and fiscal controls are impotent in the face of prices and wages which do not respond to normal market laws of supply of demand. And yet these policies continue, with their predictable recessionary impact.

Permit me to quote excerpts from the testimony of Dr. John Blair, former chief economist for the Senate Subcommittee on Antitrust and Monopoly, offered a lucid explanation of this phenomenon to the JEC last week:

> The price structure is composed of two very different types of prices; one of the prices of classical economic theory which are sensitive to changes in demand in relation to supply; the other the prices of concentrated industry which change infrequently and are generally not responsible to short-run changes in supply and demand. . . . Monetary and fiscal restraints designed to arrest increases in the general price level will succeed in their purpose to the extent—but only to the extent—that the price structure is composed of the former type of prices.

Continuing, Blair points out that:

> About half of the price structure in terms of weight could be estimated to be composed of products which respond to a reduction in demand with a decline in price. At the same time it must be recognized that a substantial proportion of the other half is composed of products whose price behavior during downturns can only be regarded as perverse . . . barring a severe depression, the probabilities are that while the effect of price declines in the flexible-price sector will be sufficient to slow down the rate of advance in the general level of prices, the price increases in the concentrated sector will continue to cause it to move upward.

If intervention and leadership are not forthcoming on this problem from the administration what can be done to prevent big business and big labor from fostering "cost-push" inflation? Professor Galbraith suggested in his testimony before the Banking and Currency Committee:

> The proper course is, under legislative authorization, to freeze all prices and wages as of some recent date. This should be for a period of about six months. This assures all concerned that the spiral has come to an end. Where prices and wages are set by the market rather than by corporate and union power, there is no need to continue the freeze. This means that all retail prices, all farm prices, all wages not covered by collective bargaining controls, all prices of firms employing fewer than a hundred (possibly even a thousand) workers should be released from control. The point is important. Where neither corporations nor unions have power to shove up prices and wages the government, obviously, does not need to prevent shoving. Some of these prices and wages will rise but that is a market decision. One needs only to control through public action those prices that are privately controlled.

Mr. Chairman, if current trends continue, a wage-price freeze may be necessary to protect the public interest. That is why I strongly support title II of the Defense Production Act providing the President with standby authority "to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970."

I hope that a freeze will not be necessary, because controls of this kind are undesirable, if they are avoidable. But I believe the President should be equipped with the authority to employ them in an emergency. I also believe we may be approaching such an emergency. And I believe the Congress should express in advance its unequivocal support of the President, in the event he finds a wage-price freeze essential to the economic well-being of the Nation.

The passage of this provision, I might add, will do one thing more. It will enhance the President's persuasive power to such an extent that he may not have to resort to the actual use of this authority. The President will be able to tell business and labor leaders, "If you go through with unduly inflationary price and wage hikes, I will be forced to take advantage of the backing of the Congress and institute a wage-price freeze."

An earlier Republican President advised of the virtue of speaking softly, but carrying a big stick. Mr. Nixon has spoken of lowering our voices. If he wants to do that, he had better have the big stick of title II.

Moreover, since the amendment provides for a retroactive freeze, it cannot be criticized on the grounds that it will encourage labor and business to "jump the gun," boosting wages and prices before the President establishes a freeze. This would be a possibility, if the amendment provided for a freeze based on wage and price levels extant at the date of invocation.

Mr. Chairman, neither business nor labor is really benefitting from the inflationary spiral. One JEC witness noted:

> Surely both labor and business must realize that they are on a treadmill that is getting no one anywhere. Instead, each firm and union feels it has to run ever faster just to be sure that it stands still. I believe that a great many of the leaders on both sides now know that this is a losing game, and that the country's interests, as well as their own, justify their committing themselves to some degree of wage and price restraint, offered in return for a simultaneous commitment of restraint by others—in a pattern of mutual de-escalation.

Mr. Chairman, I hope that business and labor do need only a nudge in the right direction. I think the passage of title II can serve as that nudge. If that is not enough, I urge the President to take stronger measures to bring cost-push inflation under control, while encouraging monetary and fiscal relaxation to get the economy out of its current rut and on the road toward sustainable growth and full employment so that we can get on with the work that needs to be done in this country.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I am glad to yield to the gentleman.

Mr. LOWENSTEIN. I want to congratulate the gentleman on his powerful analysis of the serious economic situation we find ourselves in today. I am startled to hear some of my Republican friends say that the President, who is so willing to use authority he probably does not have in some areas, is so reluctant to be given authority he might need in others. Does he for some reason enjoy exercising authority only when he probably has not got it? Be that as it may, it seems to me kind of irresponsible not to give him the authority granted in this bill in view of his own description of the economic problems the Nation faces.

Mr. MOORHEAD. I think that is correct. By giving him that authority we may insure that he never needs to invoke it. And, that is why I believe it should be kept in the discretion of the President.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I too, want to compliment the gentleman upon his statement.

Mr. MARTIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment.

Title II in this bill is completely unnecessary. It is completely impractical.

I have made a study and some research in regard to World War II and the price and wage controls that were placed upon our economy during that period of time. I want to take just a moment here to give us a brief résumé as to the results of my study and research and the history as to what happened immediately preceding our entrance into World War II and during the wartime.

On May 28, 1940, President Roosevelt established the National Defense Advisory Committee which had broad powers in the field of wage and price controls. On January 30, 1942—and this was about 6 weeks after Pearl Harbor, the Congress passed the Emergency Price Control Act which, again, gave further powers and detailed more of those powers to an agency of the Government to control prices and wages in the United States. At the same time and during the same month, January 1942, President Roosevelt established by Executive order the National War Labor Board. Now, let me give you some results as to what occurred in the next 3 or 4 months after this legislation was enacted into law by the Congress.

Between December 1941 when Pearl Harbor occurred, and April 1942, consumer prices continued to increase and they increased at a rate of 1.1 percent per month.

From December 1941 to October 1942, they continued to increase at .8 percent per month which is almost 10 percent a year.

In October 1942, the Congress passed the Stabilization Act of 1942 because the price and wage controls were not working and were not bringing inflation under control.

President Roosevelt requested further legislation. Let me give you the results after this, and I will go back, first, from January 1941 to October 1942 when consumer prices increased 18.1 percent or at an average of slightly under 1 percent a month. From October 1942 to April 1945 they had dropped to 4.3 percent over that period of time or about .72 percent per month.

Then, we finally got control of the situation along in August of 1943, and from August 1943 until August 1945, the last 2 years of the war, we only had an increase of .15 percent per month during that period of time. But it took us until April 1943 to really get this thing under control, inflation.

Title II is an idle gesture to give standby controls to the President until next February 28. How much good do you think that will do?

Mr. Chairman, I support the amendment.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

An editorial appeared not long ago in the Kansas City Star entitled, "How To Trap the President."

It suggested the Congress may be trying to embarrass the President. I think we all recognize the competence of President Nixon, and if he does not want to be trapped, he cannot be trapped. It's going to be quite a task for anyone to embarrass President Nixon.

Earlier in the debate reference was made to the article in the Wall Street Journal about wholesale price increases. It pointed out prices rose 0.5 percent in July or the most in 6 months. The subheadline is as follows:

> Preliminary figures seen as setback for the administration in fight against inflation.

This quote is not a figment of my imagination. It is from the Wall Street Journal which I see so many of the Members on both sides of the aisle read regularly.

Now I predict based on this article there will be increasing inflation. Nearly every economist predicts inflation will continue. If this is so, Mr. Nixon may be glad, perhaps by November, that we passed this bill here today. Instead of opposition from the other side of the aisle, there should be the realization that come November our work today will not be regarded as a trap, or as embarrassment. Rather, Mr. Nixon may well want to use those tools before November. He will have nothing to use, if we do not enact this bill today.

Now exactly where are we? Some of the Members have said that we are not acting in good faith, or that we are not really sincere.

Some time ago I introduced my own bill, providing for price and wage controls. I thought it was meritorious legislation. It did not create a huge new bureaucracy. The reason it was introduced was because of the answers that we received when we submitted our 1970 opinion poll to our constituents. The gentleman from Ohio (Mr. WYLIE) quoted from his poll saying his people were not in favor. Well, I sent out 70,000 questionnaires.

Many thousand were returned. The questionnaires contained the following question:

> In order to control inflation, do you favor the use of wage-price controls?

Seventy-one percent said, "Yes, we want controls." Then, also contained was the question:

> Are you against such controls?

Only 28 percent said "No, we do not want such controls." Thus as to our own district, two-thirds, and almost three-fourths preferred controls.

In the debate earlier the gentleman from Illinois (Mr. ANDERSON), I believe, was talking about the situation in his district with respect to wages. He said, I believe, that some wage rates had gone up from $6.35 to $11 an hour. Yet, how can he or any of us expect the wage earners to accept lower wages if nothing is done to put a ceiling on prices and rents?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. In just a moment. Let me finish.

Mr. ANDERSON of Illinois. Will the gentleman yield just on that point?

Mr. RANDALL. Just briefly.

Mr. ANDERSON of Illinois. Mr. Chairman, does the gentleman suggest that when last year we had an inflation break in the Consumer Price Index of approximately 6 percent, and I think between 1965 and 1970 you had inflation, I believe, of about 11 percent as an accumulative figure, how do you suggest that we can possibly work against increasing inflation with increases of the kind that I described?

Mr. RANDALL. The gentleman can get his own time. He has already had some time. But let me address myself to his observation.

All I am saying is that the situation of the wage rates of the gentleman's district also exist in the greater Kansas City district. I believe the gentleman from Kansas (Mr. WINN), made some brief remarks about wage demands of 138 percent increase in the Missouri-Kansas area. I submit that if we pass this bill today and the other body concurs we will create a psychological atmosphere that may settle the Kansas City strike and also head off some other strikes in the future.

Mr. Chairman, I do not have a crystal ball or can predict what will happen when the roll is called, but I suspect that many of those who are speaking against wage and price controls as partisans, when the moment of truth arrives there will be very few who will want to be in the position to deny the President of the United States the means to curb inflation. I repeat, when the roll is called this bill will be passed by an overwhelming vote.

The CHAIRMAN. The time of the gentleman has expired

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Several of the Republican Members have suggested that somehow this provision to give the President standby authority which he may impose at his discretion constitutes some sort of dark, sinister plot to embarrass the President.

There are many areas of governmental activity, of course, in which discretionary authorities of this type exist.

Congress has authorized standby controls in the farm programs, in the administration of the draft, and in the trade and tariff legislation to name but a few. I am not aware that any of these has ever been predicated upon a purpose of producing presidential embarrassment.

Often the very existence of discretionary power to act in extreme cases serves as a psychological deterrent which makes exercise of the authority unnecessary.

Obviously something must be done to curb inflation. This offers to the President an additional weapon. Personally, I think wage and price and rent and credit guidelines would be far more effective and far less hurtful to the American economy and the American public than continued reliance upon the discredited and misbegotten policy of ever higher interest rates.

I can assure the gentlemen who sit on the Republican side of this Chamber that it is far from my purpose to embarrass the President by word or deed. I realize that when the President of the United States is embarrassed, I am embarrassed because my country is embarrassed.

I should think the President would be more gravely embarrassed, however, if he were confronted with a continuing rise in inflation and unemployment, and a continuing decline of the stock market, in the face of the demonstrably ineffective means that have been heretofore attempted as a hedge against inflation, and had no other tools that he could employ to cope with these contingencies.

During the administration of President Johnson I supported a move on the floor of this House by the gentleman from Wisconsin (Mr. REUSS) to give to President Johnson standby authority in the field of credit controls. The President had not asked for such authority, but I thought it a good idea, a useful congressional initiative, and supported the Reuss motion. I certainly assure my colleagues of the House that I did not do that in an effort to embarrass my friend, then President Johnson.

Similarly, I want to assure every Member of this House that I am speaking not in an effort to embarrass the President of the United States, but in an effort to assert the strong feelings of the House that something should be done and something more effective than this demonstrably counterproductive and potentially ruinous policy of increasing interest rates.

Now if you take the position that you do not want to support this bill—then just what do you recommend? What should we do to halt inflation? Continue the present policy? Increase interest rates still further? What is your alternative?

Someone says that it is politics. Politics in what sense? Politics perhaps in the sense that Webster defines politics as the science and art of government. It falls on us, the Representatives of the people of the United States, to try to devise ways and means that will effectively halt the tide of inflation.

I just wonder what you are going to say when you go back home. Are you simply going to say that you are against inflation? Then what are you for? Higher interest rates—higher than they are today?

Today a $20,000 house will cost to amortize the loan over a 30-year period at today's interest rates—$38,000 in interest alone—or almost twice the cost of the house itself—$58,000 in principal and interest, almost three times the value of the house. The increase in interest rates over the past 2 years has sapped the economy of some $35 billion this year—more than the cost of the war in Vietnam.

There is nothing partisan about inflation, my friends. It hits Democrats and Republicans alike. There is nothing partisan about unemployment. Unemployment is no respecter of persons. There is nothing partisan about rising interest rates and there is nothing partisan about a decline in stock values. I suspect that the latter may even affect Republicans more adversely than it does Democrats.

But I should simply like to suggest that what we are trying to do here is to offer to the President of the United States one more tool that he may, at his discretion, employ. If anybody finds anything bad about that, I do not know what it is.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that debate on this amendment, and all amendments thereto, do now close.

PARLIAMENTARY INQUIRIES

Mr. BROWN of Michigan. Mr. Chairman, a parliamentary inquiry. Is it the suggestion of the gentleman that debate close on this amendment, and all amendments thereto—but not on all amendments to title II?

Mr. PATMAN. Only on this amendment, and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WILLIAMS. I object.

The CHAIRMAN. Objection is heard.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. Do I understand the gentleman from Texas is proposing that we cut off debate on the amendment right now?

Mr. Chairman, my parliamentary inquiry is this:

Does the gentleman propose to close off all debate on this amendment right now?

Mr. PATMAN. Yes.

The CHAIRMAN. That is the understanding of the Chair.

Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

Mr. MARTIN. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that debate close in 5 minutes on this pending amendment, and all amendments thereto.

Mr. MARTIN. Mr. Chairman, I object.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate on the pending amendment, and all amendments thereto, close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 66, noes 39.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, the previous speaker, the distinguished gentleman from Texas (Mr. WRIGHT) asked a question: How are we going to stop inflation if we do not pass title II of this bill?

The answer to the question is very simple. All we have to do is to start to get the U.S. Government out of the money market so that more money is available and interest rates will go down, money will become less tight, and inflation will end.

The distinguished gentleman from Pennsylvania (Mr. MOORHEAD) also painted a very dire picture of the economic plight of this country at the present time. The only way I believe we could have solved the present problem in accordance with his thinking was to have taken action on the previous amendment, which would have invoked wage and price controls by the Congress at this time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, the previous speaker has suggested to this House that with the passage of this legislation we would somehow be equipping the President with a very valuable tool which he simply would have to use. Let me point out that it was none other than Mr. Leonard Woodcock, who is now president of the AFL–CIO, who testified before the Banking and Currency Committee in June of this year on the subject of a temporary freeze, which is all that this legislation would provide, saying:

> Violations of the temporary price freeze would be rife since no firm tempted to violate would seriously believe that the government would spend the enormous sums that would be required, over a period of years after the freeze had ended, to do even a halfway thorough job of investigating the massive accumulations of records that would have to be kept and to prosecute violations. (In the current absence of the national unity and patriotic fervor that reinforced price controls during World War II and the Korean War potential violators would be largely free of the inhibitions of conscience.) Nor would they be deterred by Title II's penalties—even if they grossly overestimated the likelihood of being caught in violation. A fine of $5,000 is a fleabite compared to the gains that would be obtainable by many companies through illicit price increases."

In short, he effectively gave the lie to the argument that a temporary wage-price freeze could easily be employed as an anti-inflation tool.

What we face today is primarily inflation in the service part of the economy, where inflation has amounted to about 34 percent since 1965, as opposed to about 11 percent inflation in the price level of durable goods. That is precisely the sector of the economy—the services sector—where it would be impossible to impose this kind of a temporary freeze without a huge bureaucratic machine that could not possibly be employed before the freeze had expired. So do not try to make this House or the American people believe that in passing title II you are passing anything other than a politically contrived sham.

This is the political season, so I have no objection to my friends on the Democratic side of the aisle indulging in their favorite pastime as long as they are not allowed to pull the wool over the eyes of the American people.

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska (Mr. Martin).

Mr. MARTIN. Mr. Chairman, I would merely like to point out that in his remarks a few moments ago the gentleman from Texas (Mr. Wright) said that interest rates were at an extremely high point. I would like to point out to the gentleman that he has forgotten that interest rates were included by an amendment to this bill.

The date is May 25 when the peaking interest rates were approximately the highest since before the Civil War, and since that time the interest rates have gone down, so the gentleman by this action would be setting interest rates at the highest point in more than 110 years.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, the issue before us is simply this.

The minority, which seeks to strike title II, says, in effect: Gaze upon the grinding inflation that we have, the ever-increasing unemployment, the stagnating gross national product, the liquidity squeeze, the balance-of-payments crisis, the selloff in the Wall Street stock market, all of them the fruits of our policy; these are good, and nothing more must be done.

On this side of the aisle, we believe that more is needed.

That is the sole and simple issue. If we believe something must be done to stop inflation, give the President these powers. Preserve title II.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Michigan (Mr. Cederberg).

Mr. CEDERBERG. Mr. Chairman, I listened with interest to much of the debate this afternoon. Obviously, it is a very partisan debate, trying somehow to place blame on the Nixon administration that has been in power only about a year and a half.

I noticed a few days ago the genial chairman of the Democratic National Committee, Mr. O'Brien, apologized to the American people and especially to the young people for the way in which the Democratic administration—and he was part of the Johnson and Kennedy administrations—became involved in a war in Vietnam and all of these activities. I think along with that apology to the American people, it might not be a bad idea if the chairman of the Democratic National Committee in this apology would also include an apology to the American people for the complete fiscal mismanagement of the economy during the time that they were in power.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Patman) to close the debate.

Mr. PATMAN. Mr. Chairman, I hope this amendment is defeated.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, on the point introduced by the gentleman from Michigan (Mr. Cederberg) a minute ago, that somehow this inflation from which we are now suffering was something inherited from the previous administration and, therefore, there is nothing that can be done about it; well, the Democratic Party in 1961, when it came to power, inherited a 7-percent unemployment rate from its predecessors, but instead of bellyaching and saying nothing can be done about it, something was done about it. Unemployment was cut in half and the Nation is the better for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Wylie).

The question was taken; and on a division (demanded by Mr. Wylie) there were—ayes 48, noes 71.

So the amendment was rejected.

Mr. PATMAN. Mr. Chairman, I wonder if we can agree on a time for consideration of the remainder of the bill. What about 20 minutes, or something like that?

Mr. WYLIE. Mr. Chairman, I have another amendment.

The CHAIRMAN. Does the gentleman from Texas make a unanimous-consent request?

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill and all amendments thereto conclude at 4:20 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman from Iowa reserves the right to object.

Mr. GROSS. Mr. Chairman, I withdraw my reservation. I may have an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wylie: Page 10, strike line 8 and insert in lieu thereof the following: "rents, wages, and salaries in connection with all contracts with any agency of the United States at levels not less than those pre-".

The CHAIRMAN. The Chair will recognize Members standing at the time the limitation of debate was entered for approximately 4 minutes each.

The Chair recognizes the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, I will be brief in support of my amendment.

If we are going to give the President standby authority for wage and price controls we ought to do it right. We ought to provide a means for a reduction in Federal spending, which is the real cause of the inflation we now face.

On my questionnaire, to which I referred a little earlier, I had another question, "Do you favor voluntary wage and price controls as a prerequisite to getting Government contracts?" Those who said "yes" were 59 percent, and "no" were 41 percent.

This amendment would give the President authority, if he wanted to use it, to agree with contractors who produce a goods or service, to produce them at a fixed price during the pendency of the contract.

We know about the cost overruns on the C–5A, on the F–111 on the Cheyenne helicopter and other Government contracts which have contributed to the inflation. This amendment would simply say that the President could issue such wage and price regulations as he deemed necessary in contracts with agencies of the Federal Government. If the President chose to institute such controls, they would be a prerequisite to obtaining certain contracts, and the contractor could voluntarily enter into wage and price agreements with the Government for the length of the contract.

I believe, as I have said, if we are going to give the President this standby authority we should make it apply on a discretionary basis so it could be applied to the cost overrun types of Government contracts. This would avoid the suggestion of the evils of wage and price controls covering the entire economy.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Wisconsin.

Mr. REUSS. I had difficulty understanding the gentleman's amendment. Am I correct in my sensing that his amendment would wipe out the power contained in title II, to empower the President to control prices, rents, wages, and salaries?

Mr. WYLIE. And interest rates. It would give authority to the President so that he could apply wage and price controls on Government contracts only.

Mr. REUSS. Then it would, in effect, wipe out title II; would it not?

Mr. WYLIE. No; I would not admit it would wipe out title II. It would give the President discretionary authority to fix wages and prices if he saw fit as a prerequisite to a company or a corporation getting a Government contract. As I say, I believe that this would provide the President with the power to reduce the cost overrun-type contract such as we have seen on the C-5A, the F-111, and the Cheyenne helicopter, which have contributed significantly to inflation.

Mr. Chairman, I submit that the big reason for the inflation that we now have is the cost of running the Government—excessive Government spending.

Mr. REUSS. Will the gentleman yield further?

Mr. WYLIE. Yes; I yield to the gentleman.

Mr. REUSS. The time has passed when a point of order could be made against the gentleman's amendment. I must say that I would have made one had I realized what the amendment does, because in fact it duplicates the amendment which was just voted down, which, if it had passed, would have taken away the power of the President to stabilize wages and prices.

Mr. WYLIE. Apparently I have not explained my amendment understandably to the gentleman from Wisconsin. I do not intend that it wipe out title II, although I favor that. I intend it to apply, as I say, to contracts with the Government and not to apply to all segments of our economy across the board, including the private sector.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Wylie).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Michigan: Strike all of title II, page 10 line 1 through page 11 line 17, and insert:

"TITLE II–COST OF LIVING AND ECONOMIC STABILIZATION

"FINDINGS AND SHORT TITLE

"Sec. 201. (a) The Congress determines it is essential to the Nation that the economy be protected against inflationary pressures and economic destabilizing influences; that the responsibility for maintaining a stabilized economy is a joint one to be shared by both the Congress and the President; that wage and price controls are necessary to effectuate this national policy; and, that the proper function of the Congress in this joint responsibility is the freezing of wages and prices pending implementation by the President of such policy through adjustments upward or downward of prices or wages heretofore or hereafter established.

"(b) Consistent with the foregoing determination, this title may be cited as the 'Economic Stabilization Act of 1970.'

"PRICE AND WAGE STABILIZATION

"Sec. 202. No price, rental, commission, margin, rate, fee charge, or allowance paid or received on the sale or delivery, or the purchase or receipt by or to any person, of any material or service, including salaries, wages, or any other form of compensation, shall be in excess of those prevailing as of the date of adoption of the resolution provided for in section 209 of this title, unless and until an adjustment in the same shall have been approved in accordance with section 203 of this title.

"PRESIDENTIAL AUTHORITY

"Sec. 203. (a) The President is authorized notwithstanding section 202 hereof, to order or approve an adjustment in any price, rental, commission, margin, rate, fee charge, or allowance paid or received on the sale or delivery, or the purchase or receipt by or to any person, of any material or service, including salaries, wages, or any other form of compensation heretofore or hereafter established, which he may deem appropriate consistent with the findings and national policy set forth in section 201 of this title.

"(b) The President shall implement this section by the issuance of such rules, regulations, and orders as he shall deem appropriate and which may be necessary to prevent gross inequities. To effectuate the purpose contemplated by this title, the President shall be entitled, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, any person as may be necessary or appropriate, in his discretion, to the enforcement or the administration of this title and the regulations or orders issued thereunder. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the President, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"DELEGATION

"Sec. 204. The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

"PENALTY

"Sec. 205. Any person who willfully violates any provision of this title or any rule, regulation, or order issued thereunder, shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than $10,000.00, or imprisonment of not more than one year, or both.

"INJUNCTIONS

"Sec. 206. Whenever it appears to the President or to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce the rules, regulations and orders issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices which constitute, or will constitute, a violation of any rule, regulation, provision or order under this title, he or it may bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the President or such agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

"EXPIRATION

"Sec. 207. The authority to issue and enforce rules, regulations and orders promulgated under this title expires at midnight, February 28, 1972, but such expiration shall not affect any proceeding under section 205 for a violation of any such rule, regulation, or order, or for the punishment for contempt committed in the violation of any injunction issued under section 206, committed prior to March 1, 1972.

"APPROPRIATIONS AUTHORIZATION

"Sec. 208. There are hereby authorized to be appropriated such sums, not exceeding $2,000,000,000, as may be necessary and appropriate for the carrying out of the provisions and purposes of this title by the President and such agencies as he may designate or create.

"EFFECTIVE DATE

"Sec. 209. (a) The provisions of sections 202, 203, 204, 205, 206, and 207 of this title shall become effective upon the adoption of a resolution by the Joint Committee invoking the mandate of section 202.

"(b) The 'Joint Committee' referred to in this section 209, shall consist of the Joint Economic Committee of the Senate and House of Representatives, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate. The Joint Committee shall be chaired by the chairman of the Joint Economic Committee."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment and that it may be printed in the Record and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROWN of Michigan. Mr. Chairman, the amendment that I am offering is one offered in the Committee on Banking and Currency and which failed on a straight party line vote. I trust that my offering it here in the House will not find it receiving a similar fate.

What my amendment does is retain in the Congress the authority to make the policy decision of imposing wage and price controls. Then it gives to the President, once that policy decision has been made, the authority to implement that decision.

What my amendment does is this. I want to put it in sharp focus and make it as clear as it can be. It asks this question: Is this House unwilling to entrust to itself a policy decision that which it will delegate to the President

My amendment then goes on and provides funds for the implementation of wage and price controls for all of those who think that they should be implemented and provides guidelines and standards under which they may be carried out. It does not, as title II presently provides, grant to the President unlimited authority in the decisionmaking and the implementation of wage and price controls.

Furthermore, we have been discussing here the question of wage and price controls, but there is nothing in title II which relates to controls. Title II of the bill before us only establishes a floor below which prices and wages cannot go.

Read the bill, gentlemen. The amendment that I propose would establish a joint committee. The Congress acting responsibly would delegate to this committee, consisting of the Joint Economic Committee, the Speaker of the House and the minority leader of the House as well as the majority and minority leaders of the Senate, the authority to impose a freeze on wages and prices and after that freeze has been ordered, a proper policy function to be determined by the Congress, the President can implement and adjust wages and prices upward or downward to maintain economic stabilization and eliminate inequities which may exist in prices at the time that the freeze is imposed.

Gentlemen, you cannot abdicate your responsibility or hide behind the failure to make a decision in this regard. You are not going to have an opportunity. You are going to be held responsible.

Mr. Chairman, I would suggest to my colleagues, if you are interested in the public welfare, if you are interested in this Nation, if you are interested in the economy, that the Congress in partnership with the President make the determination on wage and price controls and then let the President implement that action as it should be done.

Frankly, Mr. Chairman, I dislike the idea of wage and price controls. As I said earlier, I think they are ineffective for the type of inflation we have. But I dislike even more the failure of this Congress, of the House of Representatives, to face up to its responsibilities when it has the vehicle to do so through my amendment which will permit it to accept the responsibility to retain the authority for the imposition of wage and price controls. I say this, Mr. Chairman, because if my amendment is not adopted, I intend to support whatever may be an opportunity for the Congress to accept its responsibility rather than to abdicate that responsibility irrespective of what position that puts me in on wage and price controls.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment purports to put into the Joint Economic Committee a power to set in motion mandatory price and wage controls. At the very time an emergency might arise where congressional action would be necessary, the Congress might not be in session and the committee could not be called together to act quickly enough.

Mr. Chairman, the second point is that this is a matter which will have to be administered by the President of the United States. This amendment would take away all power from the President. There would be no Presidential participation in the decision to invoke price and wage controls.

Finally, Mr. Chairman, the gentleman from Michigan (Mr. BROWN) says he really does not like price and wage controls. I agree with the gentleman, but giving to the President the authority to invoke them would permit the President to call the parties to the White House and say, "Look, if you go ahead with these inflationary actions, I will invoke the power that the Congress has given me."

That very power might obviate the need for price and wage controls. But that action is an executive action. No legislative committee, no matter how brilliantly constituted, can properly take an executive action.

Therefore, Mr. Chairman, I submit that we have properly exercised our legislative powers and given to the President the power to execute his Executive power and urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BROWN).

The question was taken; and on a division (demanded by Mr. BROWN of Michigan) there were—ayes 21, noes, 53.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been puzzled all day by the language in this bill which reads—and I will read the first sentence of section 202:

> The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970.

The question I would like to have answered is what is magic about May 25, 1970?

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman.

Mr. REUSS. Mr. Chairman, in reply to the inquiry of the gentleman from Iowa, may I say that the magic is simply this: that was the date upon which the introduction of the bill was announced. The bill was in fact issued a day or two afterward—or 1 week afterward—and this was in order to prevent profiteering. It was felt that the President should have the power if he wishes to exercise it to roll back——

Mr. GROSS. How would this stop profiteering? In the name of all that is holy, how could you pick that kind of a date? It must have more substance than the date the bill was introduced. The date the bill was introduced has no effect upon the economy or finances of this country one way or another.

Surely, you do not mean to tell me that you predicate wage, price, and other controls on the date of May 25, 1970; that the implementing date of this legislation is based merely on the fact that the bill was introduced in Congress on that day?

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Nebraska.

Mr. MARTIN. Mr. Chairman, I would be glad to shed a little further light on that, because the chairman of the Committee on Banking and Currency was asked in our hearings before the Committee on Rules as to why May 25, 1970, was selected, and his answer was that this was picked out of thin air.

Mr. GROSS. I thank the gentleman from Nebraska. Then the fact is that the committee wrote into this legislation that the wage, price, and salary levels be not less than those prevailing on May 25, 1970, and the date is some ethereal thing to which not the slightest importance can be attached, one way or another.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I hesitate to do so because the gentleman from Texas was very reluctant to yield to me earlier.

Yes, I will yield to the gentleman briefly, but please do not take all of my time.

Mr. PATMAN. The gentleman would not want to make it lower, would he?

Mr. GROSS. If you are going to give the President the untrammeled power to control the economy of this country, if you are going to delegate that kind of power, then the answer is a resounding "Yes." Incidentally, I have always admired the gentleman from Texas for his agility. The gentleman comes down here in the well of the House day after day and raises unshirted hell about the powers that have been delegated to the Federal Reserve Board, but the gentleman was perfectly willing to turn over the credit of the United States to the Federal Reserve Board 2 or 3 months ago, and in this bill he is willing to turn over the economic power of this country to the Executive without the declaration of an emergency of any kind.

Mr. Chairman, this is legislative and political gimmickry at its worst. It allegedly provides the President with power to put wage, salary, price, rent, and interest controls into effect immediately but it provides not one solitary dollar to put this ponderous machinery in gear.

It establishes a meaningless date of May 25, 1970, and says that wages, salaries, prices, rents, and interest rates shall not be lower than those prevailing on that date. Then it provides for the adjustment of inequities which apparently means that an inequity at a lower level would have to be adjusted to an inequity that might prevail at a higher level on May 25, 1970.

Moreover, no President should be delegated the awful power to take over the economy and finances of this Nation without having declared an emergency and the reasons therefor. And no Congress should delegate to the President such untrammeled power without requiring such a declaration.

I am willing to give the President emergency powers but I want him to tell the citizens of this Nation that there is an emergency that necessitates those powers. This bill is a monstrosity in that it holds out false hopes to the citizens of this Nation.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that a reading

of the section is very clear. You must have a date. And when I was asked in the Committee on Rules as to how the date was fixed, of course it was picked out of the thin air insofar as the introduction of the bill.

We prepared the bill, and it was several days before it was introduced. We did not know when it was going to be introduced, it depended upon certain factors, but we did want a date fixed, and it was based upon the introduction of the bill for the reason that there would be all kinds of inequities and injustices if you did not have a date.

And if you will read the last sentence:

> Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

You have some flexibility there. You must have a date. You could not have a better one—no one could suggest a better one.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BROWN of Michigan. Let us assume that a totally inequitable wage increase and price increase occurred on May 24. This bill says that you must continue it. There would be no possible way that you could eliminate that inequity except to raise all other prices and wages a comparable inequitable amount.

Mr. PATMAN. If you want to offer an amendment to make the date earlier, then offer it and see how much support you get.

Mr. BROWN of Michigan. The legislation is so bad, it is unamendable, to make it good.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HANNA) to close debate.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. STRATTON. Mr. Chairman, I rise in support of the pending legislation, the Defense Production Act, especially title II which provides the President with standby authority for imposing controls on wages, prices, salaries, and rents for a temporary period.

I have long urged the adoption of such standby authority as a means of combatting the present inflationary spiral that has hit all of us. Now there are those who tell us that this inflation is abating, that we do not have to worry too much about it from here out. But, those who argue this way had the rug rather neatly pulled out from under them just yesterday when wholesale prices suddenly rose by a whopping five-tenths of 1 percent for the preceding month. This certainly makes it obvious that we have not yet defeated inflation by a long shot.

Yet, at the same time the economy is slow and sluggish. Something needs to be done to stimulate the economy and to prevent mounting unemployment, and that something would almost certainly have to be money, whether through a budget deficit or an expansion of the money supply. Either way the immediate result of such action would be to feed the fires of inflation still further.

That is why temporary controls are so important: to allow us to stimulate the economy enough to prevent a recession from turning into a depression, but do it without further aggravating our present inflationary problem.

I do hope this legislation will be enacted, and I certainly hope the President, in spite of what he has been quoted as saying, will make effective use of this authority.

PARLIAMENTARY INQUIRY

Mr. HANNA. Mr. Chairman, a parliamentary inquiry.

Mr. Chairman, there is no amendment pending before the Committee at the present time; is there?

The CHAIRMAN. The gentleman is correct.

Mr. HANNA. In other words, after this there will be a vote on the bill?

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17880) to amend the Defense Production Act of 1950, and for other purposes, pursuant to House Resolution 1168, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLACKBURN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BLACKBURN moves to recommit the bill H.R. 17880 to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendments:
>
> On page 10, strike out lines 5 through 11 and insert in lieu thereof the following:
>
> "§ 202. Statutory freeze
>
> "Prices, rents, wages, and salaries are frozen at the levels prevailing on May 25, 1970. The President shall promulgate orders and regulations to carry out the preceding sentence. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities."
>
> On page 11, after line 17, add the following new section:
>
> "§ 207. Authorization of appropriations
>
> "There are authorized to be appropriated such sums not exceeding $2,000,000,000 as may be necessary to carry out the provisions of this title."

Mr. PATMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. BLACKBURN, I object to the vote on the ground that a quorum was not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 11, nays 270, not voting 149, as follows:

[Roll No. 247]

YEAS—11

Andrews, Ala.
Blackburn
Brown, Mich.
Colmer
Conte
Fraser
Hicks
Johnson, Pa.
Miller, Ohio
Ottinger
Sisk

NAYS—270

Abernethy
Adair
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Arends
Ashley
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blatnik
Boggs
Boland
Bow
Brademas
Brinkley
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Cleveland
Cohelan
Collier
Conable
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Jacobs
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Langen
Lennon
Long, Md.
Lowenstein
McCarthy
McClure
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
May
Mayne
Meeds
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi

Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Randall
Reid, Ill.
Reuss
Roberts
Robison
Rodino
Roe

Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Sikes
Skubitz
Smith, N.Y.
Springer
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey

Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wold
Wright
Wylie
Yates
Yatron
Young
Zablocki

NOT VOTING—149

Abbitt
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Baring
Barrett
Berry
Biaggi
Blanton
Bolling
Brasco
Bray
Brock
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burton, Utah
Bush
Button
Caffery
Carey
Celler
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Dellenback
Denney
Dennis
Dent
Devine
Donohue
Dowdy
Edwards, Calif.
Edwards, La.

Erlenborn
Esch
Eshleman
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Fulton, Tenn.
Gallagher
Gettys
Gibbons
Gilbert
Gray
Griffiths
Hagan
Hall
Harsha
Harvey
Hawkins
Hays
Henderson
Hull
Hutchinson
Ichord
Johnson, Calif.
King
Kluczynski
Kyl
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McClory
McCloskey
McCulloch
McEwen
MacGregor
Mann
Mathias
Matsunaga
Meskill
Michel
Monagan
Montgomery
Myers
Nix

O'Neal, Ga.
O'Neill, Mass.
Pelly
Pollock
Powell
Purcell
Quie
Quillen
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
Scherle
Sebelius
Shipley
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Stanton
Steiger, Wis.
Taft
Teague, Calif.
Tiernan
Tunney
Van Deerlin
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wyman
Zion
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McCloskey for, with Mr. Rhodes against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Hall.

Mr. Annunzio with Mr. Andrews of North Dakota.

Mr. Addabbo with Mr. Harsha.

Mr. Gettys with Mr. Ashbrook.

Mr. Brasco with Mr. Harvey.

Mr. Rivers with Mr. Devine.

Mr. Fulton of Tennessee with Mr. Dennis.

Mr. Rostenkowski with Mr. Ayres.

Mr. Fallon with Mr. Corbett.

Mr. Donohue with Mr. Cowger.

Mr. Daddario with Mr. Meskill.

Mr. Wolff with Mr. Foreman.

Mr. Huff with Mr. Berry.

Mr. Henderson with Mr. Broyhill of Virginia.

Mr. Aspinall with Mr. Bray.

Mr. Biaggi with Mr. King.

Mr. Kluczynski with Mr. Erlenborn.

Mr. Johnson of California with Mr. Del Clawson.

Mr. Tiernan with Mr. Brotzman.

Mr. Blanton with Mr. Brock.

Mr. Brooks with Mr. Clancy.

Mr. Carey with Mr. Fish.

Mr. Celler with Mr. Button.

Mr. Davis of Georgia with Mr. Broyhill of North Carolina.

Mr. Dent with Mr. Eshleman.

Mr. Edwards of Louisiana with Mr. Cramer.

Mr. Flynt with Mr. Hutchinson.

Mr. Ryan with Mr. Dellenback.

Mr. Shipley with Mr. Cunningham.

Mr. Hays with Mr. Kyl.

Mr. Montgomery with Mr. Bush.

Mr. Matsunaga with Mr. Collins.

Mr. Long of Louisiana with Mr. Burton of Utah.

Mr. Barrett with Mr. Watkins.

Mr. Clark with Mr. Esch.

Mr. William D. Ford with Mr. Denney.

Mr. Abbitt with Mr. Latta.

Mr. Alexander with Mr. Lloyd.

Mr. Caffery with Mr. Michel.

Mr. Mann with Mr. Roudebush.

Mr. Van Deerlin with Mr. Smith of California.

Mr. Monagan with Mr. Stafford.

Mr. Purcell with Mr. Pelly.

Mr. Gallagher with Mr. McEwen.

Mr. Clay with Mr. Taft.

Mr. Gray with Mr. Lukens.

Mr. Gilbert with Mr. Reid of New York.

Mr. Leggett with Mr. Bob Wilson.

Mr. Smith of Iowa with Mr. Lujan.

Mr. Gibbons with Mr. Quie.

Mr. Ichord with Mr. Ruppe.

Mr. Baring with Mr. Myers.

Mr. O'Neal of Georgia with Mr. McCulloch.

Mr. Charles H. Wilson with Mr. McClory.

Mr. Rarick with Mr. Sebelius.

Mr. Edwards of California with Mr. Teague of California.

Mr. Dowdy with Mr. MacGregor.

Mrs. Griffiths with Mr. Wydler.

Mr. Slack with Mr. Zwach.

Mr. Watson with Mr. Scherle.

Mr. Hagan with Mr. Quillen.

Mr. Rees with Mr. Mathias.

Mr. Hawkins with Mr. Pollock.

Mr. Wiggins with Mr. Snyder.

Mr. Stanton with Mr. Steiger of Wisconsin.

Mr. Wyatt with Mr. Wampler.

Mr. Nix with Mr. Weicker.

Mr. Farbstein with Mrs. Chisholm.

Mr. Reifel with Mr. Railsback.

Mr. Wyman with Mr. Rousselot.

Mr. Conyers with Mr. Riegle.

Mr. HOGAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 257, nays 19, not voting 154, as follows:

[Roll No. 248]

YEAS—257

Abernethy
Adair
Adams
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Arends
Ashley
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biester
Bingham
Blatnik
Boggs
Boland
Bow
Brademas
Brinkley
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Corman
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Goldwater

Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kuykendall
Kyros
Landrum
Langen
Lennon
Lowenstein
McCarthy
McClure
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
May
Mayne
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher

Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Randall
Reid, Ill.
Reuss
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Shriver
Sikes
Sisk
Skubitz
Smith, N.Y.
Springer
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wright
Yates
Yatron
Young
Zablocki

NAYS—19

Anderson, Ill.
Blackburn
Brown, Mich.
Burleson, Tex.
Camp
Conte
Crane

Davis, Wis.
Gross
Hosmer
Landgrebe
Long, Md.
Martin
Passman

Poff
Schmitz
Scott
Wold
Wylie

NOT VOTING—154

Abbitt
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Berry
Biaggi
Blanton
Bolling
Brasco
Bray
Brock
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burton, Utah
Bush
Button
Caffery
Carey
Celler
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Donohue
Dowdy
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Fulton, Tenn.
Gallagher
Gettys
Gibbons
Gilbert
Griffiths
Grover
Hagan
Hall
Harsha
Harvey
Hawkins
Hays
Henderson
Hull
Hutchinson
Ichord
Johnson, Calif.
King
Kluczynski
Kyl
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McClory
McCloskey
McCulloch
McEwen
MacGregor
Mann
Mathias
Matsunaga
Meskill
Michel
Monagan
Montgomery
Myers
Nix
O'Neal, Ga.
O'Neill, Mass.
Pelly
Pollock
Powell
Purcell
Quie
Quillen
Railsback
Rarick
Rees
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
Scherle
Sebelius
Shipley
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Stanton
Steiger, Wis.
Stratton
Taft
Teague, Calif.
Teague, Tex.
Tiernan
Tunney
Van Deerlin
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wyman
Zion
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. McClory against.

Mr. Button for, with Mr. Steiger of Wisconsin against.

Mr. Lujan for, with Mr. Fish against.

Mr. Winn for, with Mr. Grover against.

Mr. Latta for, with Mr. Erlenborn against.

Mr. Rhodes for, with Mr. Rousselot against.

Until further notice:

Mr. Annunzio with Mr. Ayres.

Mr. Dent with Mr. Bob Wilson.

Mr. Gettys with Mr. MacGregor.

Mr. Addabbo with Mr. Pelly.

Mr. Matsunaga with Mr. Broyhill of Virginia.

Mr. Brasco with Mr. Corbett.

Mr. Henderson with Mr. Brock.

Mr. Teague of Texas with Mr. Hall.

Mr. Biaggi with Mr. King.

Mr. Hull with Mr. Devine.

Mr. Brooks with Mr. Bray.

Mr. Wolff with Mr. Reid of New York.

Mr. Johnson of California with Mr. McCloskey.

Mr. Delaney with Mr. Cramer.

Mr. Fulton of Tennessee with Mr. Michel.

Mr. Carey with Mr. McEwen.

Mr. Gallagher with Mr. Harvey.

Mr. Rivers with Mr. Andrews of North Dakota.

Mr. Tiernan with Mr. Dennis.

Mr. Daddario with Mr. Meskill.

Mr. Monagan with Mr. Clancy.

Mr. Fallon with Mr. Myers.

Mr. Hays with Mr. Bell of California.

Mr. Long of Louisiana with Mr. Quie.

Mr. Aspinall with Mr. Kyl.

Mr. Celler with Mr. Smith of California.

Mr. Blanton with Mr. Broyhill of North Carolina.

Mr. Davis of Georgia with Mr. Berry.

Mr. Barrett with Mr. Watkins.

Mr. Charles H. Wilson with Mr. Scherle.

Mr. Clark with Mr. Esch.

Mr. Donohue with Mr. Railsback.

Mr. Rostenkowski with Mr. Hutchinson.

Mr. Shipley with Mr. Roudebush.

Mr. Edwards of Louisiana with Mr. Bush.

Mr. Stratton with Mr. Taft.

Mr. Farbstein with Mr. Conyers.

Mr. Rees with Mr. Hawkins.

Mr. Ryan with Mr. Powell.

Mr. Van Deerlin with Mr. Nix.

Mr. Tunney with Mr. Clay.

Mr. William D. Ford with Mrs. Chisholm.

Mr. Leggett with Mr. Pollock.

Mr. O'Neal of Georgia with Mr. Mathias.

Mr. Dowdy with Mr. McCulloch.

Mr. Kluczynski with Mr. Lukens.

Mr. Mann with Mr. Lloyd.

Mr. Montgomery with Mr. Quillen.

Mr. Purcell with Mr. Reifel.

Mr. Gilbert with Mr. Riegle.

Mr. Rarick with Mr. Ruppe.

Mr. Hagan with Mr. Sebelius.

Mr. Slack with Mr. Snyder.

Mrs. Griffiths with Mr. Stafford.

Mr. Smith of Iowa with Mr. Stanton.

Mr. Gibbons with Mr. Teague of California.

Mr. Flynt with Mr. Ashbrook.

Mr. Edwards of California with Mr. Burton of Utah.

Mr. Abbitt with Mr. Collins.

Mr. Alexander with Mr. Cunningham.

Mr. Caffery with Mr. Del Clawson.

Mr. Ichord with Mr. Cowger.

Mr. Dellenback with Mr. Wampler.

Mr. Denney with Mr. Watson.

Mr. Eshelman with Mr. Zwach.

Mr. Wyatt with Mr. Foreman.

Mr. Weicker with Mr. Harsha.

Mr. Wiggins with Mr. Zion.

Mr. Wydler with Mr. Wyman.

Mr. THOMPSON of Georgia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1168, the Committee on Banking and Currency is discharged from the further consideration of the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of S. 3302 and insert in lieu thereof the provisions of H.R. 17800, as passed, as follows:

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

Section 717(a) of the Defense Production Act of 1950 is amended by striking out "July 30, 1970" in the first sentence and inserting in lieu thereof "June 30, 1972".

§ 102. Definitions

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

§ 103. Uniform cost-accounting standards

Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business, shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the terms for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall by June 30, 1971 and each June 30 thereafter, recommend to Congress cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. The Board shall also recommend uniform bid procedures and bid forms for Government agencies to require to be used by all contractors and subcontractors to whom the recommended cost-accounting standards would apply."

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17880) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM FOR NEXT WEEK

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have requested this time in order to ask the distinguished majority leader if he will advise us as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished Republican whip, we have finished the business for the week and will ask unanimous consent to go over upon the announcement of the program for next week.

Monday is Consent Calendar day.

Also there is scheduled for the consideration of the House on Monday the following suspensions:

H.R. 18260, Environmental Education Act.

H.R. 11032, to prohibit the interstate transportation of salacious advertising.

House Resolution 562, U.S. participation in U.N. Conference on Human Environment.

H.R. 1002, to adjust the rates of tax on cigars.

H.R. 2076, withholding of city income taxes on Federal employees.

S. 2484, to authorize marketing agreements for papayas.

Also, H.R. 6715, to authorize the Narrows unit, Missouri River Basin project, Colorado, under an open rule with 1 hour of debate.

For Tuesday and the balance of the week the program is as follows:

Tuesday is Private Calendar day.

Also, H.R. 18546, The Agricultural Act of 1970, under an open rule with 4 hours of general debate.

H.R. 17654, continued consideration of the Legislative Reorganization Act of 1970.

H.R. 18434, political broadcasting amendments, subject to a rule being granted.

S. 1933, the Railroad Safety and Hazardous Materials Control Act, under an open rule with 2 hours of general debate.

H.R. 8298, the water carrier mixing rule, under an open rule with 2 hours of general debate.

H.R. 17809, prevailing rate pay system for Government employees, subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. ARENDS. I thank the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I have been asked whether a rule may be asked for on the agricultural bill on Monday. I had not been given any advice to that effect, so I assume that it will be on Tuesday.

Mr. ARENDS. Might I say to the gentleman that I have heard the same thing; that they would like to consider the rule on the agricultural bill on Monday.

Mr. ALBERT. I will state to the gentleman from Illinois that that is all right with me. The announcement, as far as I am concerned, is subject to further consultation with the gentleman from Mississippi (Mr. COLMER) and the gentleman from Texas (Mr. POAGE) that if desired, and if we have sufficient time, they may undertake to consider the rule on the agricultural bill on Monday.

We do have a long program. I would say that it is almost certain, barring some unforeseen change, that we will meet on Friday again next week because we expect to adjourn for 3 weeks on the following Friday.

There are a number of bills, some of which of course do not have rules. Also, we do have the Legislative Reorganization Act on the schedule, and everyone well knows that we cannot finish that bill in 1 day.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Is it really intended to come back to this abomination known as the Legislative Reorganization Act, that is, next week, if at any time?

Mr. ALBERT. If the gentleman will yield further, it is intended to come back to the Legislative Reorganization Act of 1970, Mr. Speaker, if we finish the agricultural bill in time. I do not know how long the agricultural bill will take. It will obviously take a full day, and maybe more than a day.

Mr. GROSS. There are obviously 4 hours of general debate on it under the rule.

Mr. ALBERT. That is correct.

Mr. GROSS. I was in hope, as I think many of the other Members were, that if we never saw the Legislative Reorganization Act again it would be too soon. And I hope that the gentleman from Oklahoma will see fit not to program that again for action next week.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further——

Mr. ARENDS. Might I say first that I am pleased to thank the gentleman from Iowa for his observations.

Now I will gladly yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I might add that this announcement has been made, and the program has been scheduled, after consultation with the gentleman from California (Mr. SISK) who is handling this bill. Of course, the gentleman knows that the House is going to finish consideration of the Legislative Reorganization Act, not necessarily by next week, but some time as soon as we possibly can.

Mr. ARENDS. That is a little better.

Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, AUGUST 3, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. LOWENSTEIN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks on the subject of my special order given on yesterday, Thursday, July 30, 1970.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF AHEPA

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I consider it a great privilege to have been able to speak at the 38th annual district No. 8 convention of the Order of AHEPA held in Brockton, Mass. on Sunday, June 14.

AHEPA, the American Hellenic Educational Progressive Association, which now numbers 46,000 persons among its member organizations, stands as a firm and enduring link between the achievements and values of Hellenic civilization and contemporary American society. The objectives and purposes of the Order of AHEPA are a clear reflection of the remarkable qualities of Hellenic civilization that find expression in American life. Consider, for example, the first five objects and purposes of AHEPA:

First, to promote and encourage loyalty of its members to the country of which they are citizens;

Second, to instruct its members in the tenets and fundamental principles of government;

Third, to instill a due appreciation of the privilege of citizenship;

Fourth, to encourage interest and active participation in the political, civic, social, and commercial fields of human endeavor; and

Fifth, to pledge its members to oppose political corruption and tyranny.

These objectives, so central to democracy in America, were central also to democracy in Greece, and one cardinal purpose of the Order of AHEPA is to insure that the flow of the precepts and ideals of Greek democracy continues to serve as a constantly revitalizing current in American government.

During the course of the 38th annual convention, Ahepans heard from many outstanding leaders, including Mayor John Sullivan, city of Brockton and Senator James F. Burke, statehouse, Boston.

I would like to insert at this point in the RECORD the program of the 38th annual district No. 8 convention of the Order of AHEPA:

GRAND BANQUET PROGRAM OF ORDER OF AHEPA 38TH ANNUAL DISTRICT NO. 8 CONVENTION, JUNE 12–14, 1970, BROCKTON, MASS.

HEAD TABLE GUESTS AND SPEAKERS

Bishop Demetrios.

Fr. George Stephanides, Annunciation Greek Orthodox Church.

Mayor John Sullivan, City of Brockton.

Mr. Paul Maharis, District Governor of District #8.

Mrs. Joanna Panagopoulos, grand president, Daughters of Penelope.

Mr. William Tsaffaras, Supreme Trustee representing Supreme President.

Congressman James A. Burke.

Senator James F. Burke.

Mr. Harry Demeter, Representing Governor and Mrs. Sargent.

Judge George N. Covett.

Mrs. Rosalie Papoutsy, District Governor, Daughters of Penelope.

Mrs. Chris Johns, Scholarship Chairman of District.

Mr. Basil Milonas, Scholarship Presentation, Grand Raffle Drawing, Benediction.

Mr. Steve Siogros, President, Lord Byron Chapter #59.

Mr. Chris Tsaganis, Banquet Chairman.

Mr. E. Charles Giannaros, Mr. James Mihos, Co-Chairmen.

Dr. Louis Bosen, Toastmaster.

Dr. John Lingos, President Annunciation Greek Orthodox Church.

Miss Maria Alexson, District Governor, Maids of Athens.

Mr. John Johns, District Governor, Sons of Pericles.

Mrs. Helen Fountas, President, Daughters of Penelope, Brockton.

Mr. Theodore Kyriakides, President, Sons of Pericles, Brockton.

Mr. John Maniatis, Supreme Governor, Order of Ahepa.

Dr. Monte Kofos, Supreme Athletic Director of Ahepa.

Miss Kathy Venturatos, Grand President, Maids of Athens.

Mr. Nicholas P. Bobis, Supreme President, Sons of Pericles.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—VII

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, fresh products supposedly line the supermarket shelves. But only the store manager knows for sure and sometimes even he is mystified because the freshness dates are indicated in complicated letter and number codes on the products to keep the consumer from knowing them.

Several months ago, I introduced H.R. 17005 to require the last date an item could be sold to appear on the label as an indication to the shopper of how fresh the food item is.

This legislation has sparked a growing public awareness of the existence of food codes and concern over the significant amount of out-of-date food being sold to the public. One manifestation of this is the fact that 60 Members of the House have joined in cosponsoring this legislation. Another is the number of feature articles on food coding which have been appearing in newspapers across the country.

I have previously inserted some of these into the RECORD. At this point I would like to insert a particularly informative article by Susan Sachs, food editor of the Fort Lauderdale News, which recently appeared in that paper.

The article follows:

TALENT'S NEEDED TO CRACK CODES ON FOOD PACKAGES

(By Susan Sachs)

Every day millions of housewives walk through electric eye doors of supermarkets expecting to fill their baskets with fresh meat, bread and other perishable products. But unless they are experts at cracking codes, their chances are slim of bringing home truly fresh groceries.

On nearly every package in the store is a letter or number code telling when food was packaged, until what date it may be safely purchased or anything else manufacturers want to explain to their salesmen or to store managers.

Rep. Leonard Farbstein (D., New York) has different ideas for the purpose of these codes. In November 1969, he introduced H.R. 14816 legislation to require open dating of packages. This would be an addition to the Truth-in-Packaging Act passed in 1966.

Each manufacturer and each food store chain has its own coding system. One common system involves a series of numbers. If a package of hot dogs is coded 2253, it means the meat should be sold before May 25. To figure out this expiration date, add the first number to the last number for the month and numbers in between indicate the day. Thus if bologna is stamped 3093, housewives can safely buy it until June 9.

However, it is not always that simple. Many egg packers don't use any codes. If they do devise a code, it must be registered with the state, explained Tom Wheeler, Fresh Eggs Inc.

"Companies sometimes put the expiration or packaging date on the carton. Some codes use the number of the day in the year; others the number of days left in the year."

One egg carton in a chain store near Holiday Park was marked "137" and was still prominently displayed on the 140th day of the year. However, most housewives do not automatically know that May 20 is the 140th day. Thus, the code would seem to have little value to them.

There is no state law requiring the dating of milk and many store managers cannot read the company codes.

"When one of my customers asks me the freshness of milk," said one West Broward food store manager. "I can't give them a specific date. By the time I learn codes on some of these products, the companies have developed a new system."

Freshness of milk is important to the housewife, Florida has no state law requiring the dating of milk, such as those in New York City and Chicago. Dairy distributors say they have a self-inforced dating code to inform their own store representatives. This doesn't help the average shopper who usually has no idea where the code is imprinted or what it means.

When calling milk distributors for an explanation of the code, this reporter got little response to the question. One representative asked, "Do you know how General Mills or General Foods code their products? When you find out, then call me back."

Although General Mills didn't reveal their decoding instructions, they did explain the general concept.

"We do code our packages according to plant location and date it is packed," explained Nan Holland, who works in the General Mills public relations department in Minneapolis, Minn. "It enables us to go through the grocery store for pick-up purposes.

"If we did use an open coding date, the customer would choose the new date. It's human nature to pick the newest one. Eventually this would cost the consumer more money."

This rising price theory is the argument used by the food industry. However, some store managers disagree.

"The open coding would simplify my work. At first, the companies might lose money but I think once the novelty wears off, things will go back to normal. We really only have to worry about perishable items anyway," said the manager of a chain store near Holiday Park.

"I would like to see a simplified code," said the West Broward store owner. "The average housewife wants to get in and get out of the grocery store. She doesn't want to spend time digging in the back for a carton of milk."

With a clearly stamped date, this digging won't be necessary, according to Farbstein's bill. Shoppers will no longer wonder why the same brand and same type of milk will last for a week one time and only a few days on another occasion.

In a survey conducted by Farbstein's staff and the Democratic Consumer Action Committee of the Washington, D.C., Committee, only three out of the 18 Washington, D.C., food stores had completely fresh packaging of surveyed product lines.

In conjunction with this survey, three Ft. Lauderdale stores were selected to represent three economic areas in the city. In a Coral Ridge supermarket, most of the fresh ground beef, pork chops and chicken had been packaged that morning. They use a letter code with "A" for Monday through "F" for Saturday.

John Person, former butcher and grocery store owner, cautions that codes change from store to store.

"Hamburger is made every day. So compare the code on that package with other meats to find out how fresh they are. Of course, a shopper must go to the same store to figure out the system. It's almost like a trade secret."

In a supermarket near Holiday Park, the ground beef was again marked with a "C," indicating that it was fresh. But many packages of pork chops and chicken had been packed two days earlier, with an occasional package marked "F," indicating the meat was already four days old.

The assistant meat manager at this store explained that he checks the meat counters several times a day. He would take any spoiled meat out of the display case.

"We never reduce the price on any meats. We either sell it at full price or take it off the shelves."

In a supermarket in the northwest section, most meats again were packaged that morning, with a few packaged the previous day.

Luncheon meats in the three stores did not always pass the freshness test. The Coral Ridge and Holiday Park stores had several packages of hot dogs that were more than a week past their expiration dates.

As the Holiday Park assistant manager began pulling these off the shelf, he explained that they were beginning to discolor.

"Also, see the gas in this package of luncheon meat? That means the vacuum packaging is no good and it must be taken off the shelf."

While searching for codes on egg and milk cartons in the northwest section store, a young woman pushing a cart carrying groceries and a squirming child stopped and asked if this was part of a comparison shopping trip.

"I saw you writing down things and thought you might be a comparison shopper. Oh, you're trying to find out codes. Well, I sure wish they would put some dates on milk. In New Jersey, they did and I sure didn't have to worry about how fresh it was."

She selected a carton from the back and slowly pushed her cart on down the aisle. For her and other housewives, grocery shopping is a chore which might be made a little easier with the help of open code dating.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Americans can indeed be proud of the many medical programs sponsored by the Government as well as private organizations to assist many of the underdeveloped nations of the world. For example: Project Hope with over 4,000 volunteer medical personnel have brought tremendous medical assistance to millions of the world's people free of charge.

ORGANIZED CRIME CONTROL ACT

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 5 minutes.

Mr. POFF. Mr. Speaker, Subcommittee No. 5 of the Judiciary Committee still is considering S. 30, the Organized Crime Control Act of 1969.

One provision of title X of the bill—proposed section 3577—would codify the almost universal practice of lower Federal courts in not imposing upon the sentencing process the restrictive rules of evidence properly applicable only in a trial of guilt. But see *Verdugo* v. *United States*, 402 F. 2d 599 (9th Cir. 1968). When S. 30 was being debated on the Senate floor, however, an amendment to that provision was offered which would have extended the trial-type rules of evidence, including the suppression rule, to the sentencing hearing. After full debate, it was defeated by a vote of 63 to 11—CONGRESSIONAL RECORD, pages 962–965.

I now wish to bring to the attention of all members a thoughtful and scholarly decision by Judge Weinstein of the U.S. District Court for the Eastern District of New York, in the case of *United States* v. *Schipani* (7 Crim. L. Rptr. 2244, June 24, 1970, decided June 4, 1970), which supports the Senate's decision.

In that case, Judge Weinstein denied Schipani's motion for reduction of a 3-year prison sentence for tax evasion. The prison term was longer than is usual in tax prosecutions, primarily because the court had concluded, on the basis of transcripts of conversations overheard through illegal wiretapping, that the defendant was a professional criminal and that his unreported income was the proceeds of organized crime. The defendant's motion to reduce the sentence rested on his argument that illegally obtained evidence, since it is inadmissible under the suppression rule, must also be disregarded when sentence is imposed.

In rejecting that contention, Judge Weinstein noted the wide variety of factors relevant to the imposition of an appropriate sentence, including "the possibilities of rehabilitation, general or specific deterrence, protection of potential victims by incapacitating socially dangerous offenders, and maintenance of respect for legal norms." In view of those factors, he stressed that "as much reliable data as possible on the background of the individual defendant is essential to any intelligent choice among the available alternatives," and that "any information which may lead to a better understanding of the needs of the defendant and of society may, and should, within the limitations of due process, be considered."

Noting several well recognized existing exceptions to the suppression rule, Judge Weinstein analyzed the practical impact which adoption or rejection of the exclusionary role for sentencing would have. He reasoned that "absent some special situation, no appreciable increment in deterrence—of illegal investigative conduct—would result from applying a second exclusion at sentencing after the rule has been applied at the trial itself," and that such application would interfere with effective sentencing in a number of ways. As Judge Weinstein concluded:

> The purposes of the exclusionary rule, analogous cases, and practical considerations in the administration of justice all lead to the conclusion that no arbitrary rule excluding from the consideration of the sentencing judge all illegally seized evidence should be adopted. Where the evidence is reliable and it is perfectly clear that it was not gathered for the purpose of improperly influencing the sentencing judge, evidence should be accorded whatever probative value it may have. . . .

The decision in the Schipani case is a sound application of the general rule announced by the Supreme Court in *Williams* v. *New York*, 337 U.S. 241 (1949), that proper sentencing requires access to the fullest information possible, without regard to the rules of evidence, even where those rules have constitutional bases. Judge Weinfield's opinion is closely reasoned and carefully supported with citations of other decisions and scholarly writings. Those concerned with promoting effective and enlightened sentencing in Federal cases, and interested in the provision included in S. 30 for that purpose, would do well to study the Schipani decision and the authorities collected there.

The opinion follows:

[U.S. District Court Eastern District of New York, 63 CR 237]

United States of America, Plaintiff *v.* Joseph F. Schipani, Defendant

APPEARANCES

Edward Neaher, United States Attorney for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, attorney for plaintiff.

David G. Trager, Esq., of counsel.

Jacob P. Lefkowitz, Esq., 150 Broadway, New York, New York, attorney for defendant.

The defendant has moved, pursuant to Rule 35 of the Federal Rules of Criminal Procedure, for reduction of the sentence imposed by this Court upon his conviction for tax evasion. 26 U.S.C. § 7201. On the facts, and in the exercise of discretion, this motion would have been denied out of hand were a troublesome question of law not posed: in imposing sentence may the court consider facts and inferences drawn from illegally obtained evidence suppressed at trial? For the reasons below, we hold that in some cases, including this one, such evidence may be utilized in sentencing.

I. FACTS

Following reversal of the defendant's conviction (*Schipani* v. *United States,* 385 U.S. 372 (1966)), a motion to suppress illegally obtained wiretap evidence was granted. *United States* v. *Schipani,* 289 F. Supp. 43 (E.D.N.Y. 1968). After a second trial, the defendant was convicted on the basis of untainted evidence. 293 F. Supp. 156 (E.D.N.Y. 1968), *aff'd,* 414 F. 2d 1962 (2d Cir. 1969), *cert. denied,*—U.S.—(1970). The same judge who presided at the suppression hearing imposed sentence. In deciding upon a sentence the Court considered data introduced at the hearing on the motion to suppress but excluded at the trial. Illegal wiretapping of conversations involving the defendant and his associates established that the defendant was a criminal figure, and that his undeclared income was the proceeds of organized crime. *United States* v. *Schipani,* 289 F. Supp. 43, 46, 47, 48 (E.D.N.Y. 1968).

Defendant was sentenced to three years' imprisonment on each count, to run concurrently. 18 U.S.C. § 4208(a)(2). In addition, a committed fine of $2,500.00 was imposed on each of the five counts, for a total of $12,500.00.

II. BASES FOR SENTENCE

This sentence was the maximum that could be imposed consistent with due process after the second trial. *North Carolina* v. *Pearce,* 395 U.S. 711 (1969). The jail term was far longer than would be expected in a routine tax case. *See, e.g.,* Craig, Sentencing in Federal Tax Fraud Cases, 49 F.R.D. 97 (1970). A primary reason for severity was the court's conclusion that the defendant was a "professional criminal." ALI, Model Penal Code § 7.03(2)(b) (P.O.D. 1962). *See* Wechsler, Sentencing, Correction, and the Model Penal Code, 109 U. Pa. L. Rev. 465, 480–83 (1961); Turnbladh, A Critique of the Model Penal Code Sentencing Proposals, 23 Law & Contemp. Problems 544, 546–47 (1958).

In deciding upon a sentence appropriate to an individual defendant, a variety of needs must be considered. *Williams* v. *New York,* 337 U.S. 241, 246 (1969); *United States* v. *Mitchell,* 392 F. 2d 214 (2d Cir. 1968). Among them are the possibilities of rehabilitation, general or specific deterrence, protection of potential victims by incapacitating socially dangerous offenders, and maintenance of respect for legal norms. *See* ABA, Standards Relating To Sentencing Alternatives and Procedures, 62–63 (Approved Draft, 1968); L. Empey, Alternatives to Incarceration, 1–6, 70 (1967); Advisory Council of Judges of the National Probation and Parole Association, Guides for Sentencing, 1–5 (1957); Ohlin & Remington, Sentencing Structure: Its Effect Upon Systems for the Administration of Criminal Justice, 23 Law & Contemp. Problems, 495, 496–99 (1958); Note, Procedural Due Process at Judicial Sentencing for Felony, 81 Harv. L. Rev. 821–25 (1968). A sentence reflects a prediction of future events based largely upon the defendant's past and the court's sociological conceptions.

As much reliable data as possible on the background of the individual defendant is essential to any intelligent choice among the many available alternatives. "The aim of the sentencing court is to acquire a thorough acquaintance with the character and history of the man before it." *United States* v. *Doyle,* 348 F. 2d 715, 721 (2d Cir. 1965). Any information which may lead to a better understanding of the needs of the defendant and of society may, and should, within the limitations of due process, be considered. ABA, Standards Relating to Probation, 34–39 (Tent. Draft, 1970); *Williams* v. *Oklahoma,* 358 U.S. 576 (1959); *Gollaher* v. *United States,* 419 F. 2d 520, 530 (9th Cir. 1969); *Heidrich* v. *United* States, 373 F. 2d 540 (5th Cir. 1966).

Recognizing the necessity for unfettered access to information by the sentencing judge, courts have regularly upheld the propriety of wide-ranging presentence investigations and reports. As the Supreme Court remarked, "[t]here are no formal limitations on [presentence reports'] contents, and they may rest on hearsay and contain information bearing no relation whatever to the crime with which the defendant is charged." *Gregg* v. *United States,* 394 U.S. 489, 492 (1969). *See also, e.g., Williams* v. *New York,* 337 U.S. 241 (1949); *United States* v. *Doyle,* 348 F. 2d 715 (2d Cir. 1965).

Fairness, accuracy, and procedural due process do limit the sources which may be considered by the sentencing judge. *See, e.g., Townsend* v. *Burke,* 334 U.S. 736 (1948); *Scott* v. *United States,* 419 F. 2d 264 (D.C. Cir. 1969); *Haller* v. *Robbins,* 409 F. 2d 857 (1st Cir. 1969). *See generally* Note, Procedural Due Process at Judicial Sentencing for Felony, 81 Harv. L. Rev. 821 (1968). But such restrictions are designed to protect the integrity of the sentencing procedure rather than the legality of earlier stages of the prosecution.

The broad acceptance of hearsay presents a striking example of the scope of presentence investigations and the quality of materials which may be considered by the sentencing judge. *See, e.g., Williams* v. *Oklahoma,* 358 U.S. 576 (1959); *Davis* v. *United States,* 179 F. 2d 640 (9th Cir. 1950). Limits on the use of hearsay at sentencing depend solely upon assessment of probative force. *United States* v. *Doyle,* 349 F. 2d 715, 720 (2d Cir. 1965). *But cf. United States* v. *Rao,* 296 F. Supp. 1145, 1148, (S.D.N.Y. 1969) (hearsay indicating defendant's underworld connections does not constitute a predicate for punishment).

In the instant case the questioned evidence consists largely of admissions by the defendant and declarations against panel interest by his associates; its probative value is high, and even its status as excludable hearsay is questionable. *See e.g.,* 4 J. Wigmore, Evidence § 1048 (3d ed. 1940); 5 *Id.* §§ 1361, 1476, 1477; 6 *Id.* § 1766; Committee on Rules of Practice and Procedure, Preliminary Draft of Proposed Rules of Evidence for the United States District Courts and Magistrates, 46 F.R.D. 161, 331–34, 339–43, 385–87 (1969); C. McCormick, Handbook of the Law of Evidence §§ 239, 255 (1954); *Donnely* v. *United States,* 228 U.S. 243, 277 (1913) (Holmes, J. dissenting). The accuracy of these out-of-court statements, and of the inferences which may readily be drawn from them, was not questioned either at allocution or at the hearing on the motion to reduce sentence. It was therefore appropriate to accord them substantial weight in the sentencing decision unless they should not have been considered because of factors not relating to probative force.

III. APPLICATION OF EXCLUSIONARY RULE

A. Purposes of exclusionary rule in fourth amendment cases

The primary purpose of the exclusionary rule in the case of Fourth Amendment violations is to discourage unconstitutional acts outside the courtroom by law enforcement officials. It is assumed that illegal searches and seizures will not be undertaken if they will have no meaningful effect. *Mapp* v. *Ohio,* 367 U.S. 643 (1961); *Weeks* v. *United States,* 232 U.S. 383 (1914); *Pizzarello* v. *United States,* 408 F. 2d 579, 586 (2d Cir. 1969) (civil case); J. Maguire, Evidence of Guilt § 5.02 (1959); B. J. George, Constitutional Limitations on Evidence in Criminal Cases 39–42 (1966).

Since the exclusionary rule has a pragmatic orientation, it is to be expected that it will not be unnecessarily applied. There are a number of well recognized instances permitting reliance upon evidence obtained in violation of the Fourth Amendment.

Illegally seized evidence may be considered by a parole board in deciding to revoke parole. *United States ex rel. Sperling* v. *Fitzpatrick,* F. 2d—(2d Cir. 1970). The similarity of functions between a sentencing court and a parole board is apparent. As is the case with the parole board, "[t]o apply the exclusionary rule would tend to obstruct . . . accomplishing . . . remedial purposes" of the sentencing procedure. *Id.* at—. A court, as well as a parole board, needs all possible information that may lead to insights into the character of the defendant. Both are vested with "the broadest discretion consistent with due process to act upon reliable evidence" in determining treatment. *Id.* at—.

Grand jury proceedings constitute a second area in which the use of illegally obtained evidence is not absolutely forbidden by the exclusionary rule. *United States* v. *Blue,* 384 U.S. 251, 255, n. 3 (1966); *Lawn* v. *United States,* 355 U.S. 339, 348–50 (1958). *Cf. United States* v. *Tane,* 329 F. 2d 848 (2d Cir. 1964). The important protective function of the grand jury is held not to be vitiated by the use of some illegally obtained evidence so long as the government proves the defendant's guilt at the trial through untainted evidence.

A third clear exception to the exclusionary rule in Fourth Amendment cases is to be found in the continuing application of the doctrine of standing. *Alderman* v. *United States,* 394 U.S. 165 (1969). Although wiretap evidence may be the product of an unlawful search and seizure, coconspirators or codefendants who are aggrieved "solely by the introduction of damaging evidence" "have been accorded no special standing." *Id.* at 172. Such evidence, although illegally obtained, may be used at trial without violating the deterrent policy of the exclusionary rule.

Finally, evidence obtained through an unlawful search and seizure may be used to a limited extent to impeach the credibility of a criminal defendant who has made untruthful assertions at trial on his direct case. *Walder* v. *United States,* 347 U.S. 62 (1953); Committee on Rules of Practice and Procedure, Preliminary Draft of Proposed Rules of Evidence for the United States District Courts and Magistrates, 46 F.R.D. 161, 191 (1969). *Cf. United States* v. *Gugielmini* (II),—F. 2d—(2d Cir. 1970) (improperly obtained statement may be used to impeach a non-defendant witness); (*United States* v. *Fox,* 403 F. 2d 97, 103 (2d. Cir. 1968) *Walder* not applicable to *Miranda* situations). *But see United States* v. *Birrell,* 276 F. Supp. 798, 817 (S.D.N.Y. 1968).

B. Exclusionary rule in sentencing

Despite the analogous cases just discussed, it has been held that use of an involuntary confession at sentence warrants its being set aside. *United States ex rel. Brown* v. *Rundle,* 417 F. 2d 282 (3d Cir. 1969); *United States ex rel. Rivers* v. *Myers,* 384 F. 2d 737 (3d Cir. 1967); *Armpriester* v. *United States,* 256 F. 2d 294, 297 (4th Cir. 1958) (dictum). Whatever the merits of such rulings, they are not applicable here. The original rationale for the rule against coerced confessions was lack of reliability. 3 J. Wigmore, Evidence § 822 (3d ed. 1940); Miller, The Supreme Court's Review of Hypothetical Alternatives in a State Confession Case, 5 Syr. L. Rev. 53 (1953), reprinted in Selected Writings on the Law of Evidence and Trial 847, 848 (W. Fryer ed. 1957). Thus, even when there is no coercion, courts, led—or misled—by the genesis of self-incrimination and confession rules in fears of unreliability, might exclude on sentencing illegally obtained but trustworthy confessions.

No such a historical or theoretical basis for exclusion is presented in cases arising under the Fourth Amendment, which was adopted for entirely different purposes. *See, e.g., Katz* v. *United States,* 389 U.S. 347, 350 (1967). Decisions excluding the use at sentencing of confessions obtained in violation of the Fifth Amendment are not persuasive Fourth Amendment precedents.

On principle, exclusion of illegally seized evidence on sentencing would seem to be generally unwarranted. In unlawfully searching and seizing property or conversations the government runs the risk at trial that its entire case against the defendant will be found to have been irrevocably tainted and that the evidence obtained against him—as part of a general criminal investigation—will be held inadmissible. *See, e.g., Silverthorne Lumber Co.* v. *United States,* 251 U.S. 385 (1920); *Nardone* v. *United States,* 308 U.S. 338, 341 (1939); *United States* v. *Paroutian,* 229 F. 2d 486 (2d Cir. 1962); *United States* v. *Schipani,* 289 F. Supp. 43 (E.D.N.Y. 1968). Absent some special situation, no appreciable increment in deterrence would result from applying a second exclusion at sentencing after the rule has been applied at the trial itself. *Cf.* Amsterdam, Search, Seizure, and Section 2255: A Comment, 112 U. Pa. L. Rev. 378, 389 (1964).

There are few cases which deal directly with the use of unlawfully seized evidence at sentencing. J. Maguire, Evidence of Guilt § 5.03 at 181 (1959). The only federal case we have found that is arguably on point is *Verdugo* v. *U.S.* 402 F. 2d 599, 4 CrL 2102 (9th Cir. 1968). *Verdugo* was remanded for resentence because the trial judge had relied upon a presentence report which, in turn, had been based upon illegally seized evidence.

The *Verdugo* opinion is predicated upon the fact that the search which had produced the improper evidence was conducted outside the course of the regular criminal investigation. It was undertaken, not to obtain evidence to support an indictment and conviction, but to recover contraband and thus to enhance the possibility of a heavier sentence after the basic investigation had been completed. At the time of the illegal search government agents had more than enough evidence on hand to secure a conviction of the defendant on what later became the first count of the indictment. The questioned search was made "to locate a wholesale supply of heroin. . . . [T]he agents went to Verdugo's home 'to look for the contraband and to make an arrest to get the same.'" *Id.* at 612. This evidence was used as the basis for a second count of the indictment, subsequently dismissed on motion by the government after the motion to suppress had been granted.

In *Verdugo* and similar cases, if a trial judge were permitted to consider the illegally obtained evidence in passing sentence, law enforcement officials would have little to lose, but much to gain, in violating the Fourth Amendment. If their search were upheld as valid, there would be evidence sufficient to justify the additional count (and, of course, it could be considered in sentencing on the original count). If the search were declared invalid, the Court would nevertheless be able to consider this strong evidence that the defendant was more than a mere dabbler in narcotics and was, in fact, a major trafficker. Without exclusion in such a situation, there would be no deterrence to violation of the Fourth Amendment. As the Court noted in *Verdugo,*

"Quite different considerations would apply if the object of the search were to obtain evidence to support a single charge on which the defendant was later convicted. If the additional evidence was necessary to obtain *any* conviction at all, the danger of exclusion at trial would afford a substantial deterrent to an illegal search. If the additional evidence was *not* required for conviction, both the deterrent effect of the exclusion of illegally seized evidence of the same offense at sentencing and the incentive to conduct legal searches to obtain such evidence would appear to be minimal." *Id.* at 612, n. 21. (Emphasis in original.)

The case now before us differs substantially from *Verdugo.* The evidence excluded at trial was gathered in a basic investigation of the defendant and a number of suspected members of an organized crime syndicate. It was offered to support all of the counts of the indictment, which differed only as to the taxable years involved. It cannot be said that this information was gathered for any purpose other than the indictment and conviction of the defendant and his criminal associates, and it cannot be said that application of the exclusionary rule at sentencing in this and similar cases would have any appreciable deterrent effect.

C. Practical considerations

Several practical considerations support the conclusion that the exclusionary rule should not be rigidly applied to the sentencing process. First, sentencing has traditionally been left to the discretion of the trial judge. Note, Procedural Due Process at Judicial Sentencing for Felony 821, 822–23 (1968). No statement of his reasons for imposing sentence is ordinarily required. *But cf. United States* v. *Latimer,* 415, F. 2d 1288, 1291 (6th Cir. 1969). Frequently, the decision will rest on the application of unarticulated principles and factors lying at the threshold of the conscious. The oft noted wide variation in sentences suggests how powerful in advocacy is the individual judge's background.

A seriously enforced requirement that the exclusionary rule be applied in sentencing would require the judge to explain the basis of his decision and would expand appellate review far beyond its present scope. Perhaps such changes are desirable, but reforms of this nature should not be attempted by indirection. *Compare* ABA, Standards Relating to Appellate Review of Sentences, 50–53 (Approved Draft, 1968).

Another, and more serious, practical consideration weighs against the adoption of an absolute exclusionary rule in the imposition of sentences. It would be almost impossible for a district judge, who has screened proffered evidence on the motion to suppress, to banish it entirely from his mind at sentencing. This problem is similar to that raised and resolved in *United States* v. *Smith,* 337 F. 2d 49, 53–54 (4th Cir. 1964), *cert. denied,* 381 U.S. 916 (1965), where the court refused to hold that a sentencing judge should disqualify himself under 28 U.S.C. § 455 from passing upon a motion under 28 U.S.C. § 2255. *See also, e.g., United States* v. *Halley,* 240 F. 2d 418 (2d Cir.), *cert. denied,* 353 U.S. 967 (1957); *United States* v. *Valentino,* 283 F. 2d 634 (2d Cir. 1960).

One reason for the practice of assigning the trial judge to sentencing is his familiarity with all aspects of the case. He has seen and observed the defendant; he is aware of the strengths and weaknesses of the prosecution; and he has had the opportunity to hear and evaluate any character testimony offered. Much of this knowledge might be detrimental if a fixed exclusionary rule were to be adopted in regard to sentencing. To require the trial judge to pick and choose among the items of evidence and the impressions which he has received at and before trial would be to require an unusual degree of self-awareness and control.

An impractical rule of total suppression would almost invite self-deception by a judge forced to deny that he had considered a factor that was strongly influencing his subconscious reactions. The judge's capacity to ignore such information is probably better than a juror's, but it is limited. *Cf. Bruton* v. *United States,* 389 U.S. 818 (1968); Committee on Rules of Practice and Procedure, Preliminary Draft of Proposed Rules of Evidence for United States District Courts and Magistrates, 46 F.R.D. 161, 192–93 (1969). As was noted in the context of legal conclusions,

"we well know how liable the best minds are, notwithstanding their utmost care, to a bias, which may arise from a preconceived opinion . . ." Iredell, J. in note to *Hayburn's Case,* 2 Dall. 408, 414 (1792).

The difficulty in separating the elements of any decision is even greater when factual determinations are involved. This same argument of judicial frailty would also, of course, apply in a case such as *Verdugo* v. *United States,* 402 F. 2d 599 (9th Cir. 1968), discussed *supra,* requiring some illegally obtained evidence to be excluded on sentencing. But we ought not compound the difficulties by unnecessarily broadening the exclusionary rule.

Finally, the Federal Rules of Criminal Procedure do not require the court to permit inspection of presentence reports by defense counsel. F.R.Cr.P. 32. Even the proposed changes in Rule 32 would not mandate disclosure in all circumstances. Committee on Rules of Practice and Procedure, Preliminary Draft of Proposed Amendments to the Federal Rules of Criminal Procedure for the United States District Courts 62–63, 65–67 (1970). *See also* ABA, Standards Relating to Sentencing Alternatives and Procedures 213–25 (Approved Draft, 1968). These reports—ordinarily not part of the appellate record—usually do not specify sources. Without such disclosure, it is quite possible that in many instances the use of excludable evidence in a presentence report would pass unnoticed by the trial court, defense counsel, and appellate tribunals. Unless specific disclosure of all sources becomes the rule rather than the exception (*Good* v. *United States,* 410 F. 2d 1217 (5th Cir. 1969); *United States* v. *Crutcher,* 405 F. 2d 239 (2d Cir. 1968), *cert. denied,* 394 U.S. 908 (1969); *Baker* v. *United States,* 388 F. 2d 931 (4th Cir. 1968); *United States* v. *Conway,* 296 F. Supp. 1284 (D.D.C. 1969)), any application of a general exclusionary rule to sentencing would be of little value. Moreover, the extension to post-trial situations of burdensome motions to suppress is not a step which ought to be taken unless the necessity is clear.

In the process of eliminating some of the fictions and pretensions of the law to afford more practical protections to defendants, we ought not create rules inviting mendacity. *Compare United States* v. *Mitchell,* 392 F. 2d 214, 218 (2d Cir. 1968) (Kaufman, concurring) ("it ill comports with the integrity of the judicial process to vacate a ruling below and remand for what will of necessity be a formalistic and meaningless imprimatur.").

IV. CONCLUSION

The purposes of the exclusionary rule, analogous cases, and practical considerations in the administration of justice all lead to the conclusion that no arbitrary rule excluding from the consideration of the sentencing judge all illegally seized evidence should be adopted. Where the evidence is reliable and it is perfectly clear that it was not gathered for the purposes of improperly influencing the sentencing judge, evidence should be accorded whatever probative value it may have. Because as complete as possible an understanding of the defendant is so important in sentencing, any exclusion of evidence should be undertaken reluctantly. No useful purpose would be served by exclusion in this case.

The motion for reduction of sentence is denied. The defendant is directed to surrender to the United States Marshal to commence service of his sentence on June 15, 1970.

So ordered.

Dated: Brooklyn, New York, June 4, 1970.

CONSPIRACY AGAINST PUBLIC UNDERSTANDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, after reading the full text of the farm bill (H.R. 18546) I have concluded that it is a conspiracy against public understanding. Unfortunately public interest has centered so exclusively on the level of limitations on individual payments that the true conspiratorial character of the bill has gone unnoticed.

Hidden loopholes and an unreported deal, if left uncorrected, will add hundreds of millions of dollars to program costs, produce undeserved payments and cropping advantages for certain farmers, and result in a program even more costly and ineffective than the present one.

The most flagrant item of obscurity does not appear in print either in the bill or the committee report. It is an agreement that acreage left unplanted by cotton farmers under the normal management practice of "skip row" planting will qualify as set-aside acres under the provisions of the new bill. Last year, when no cotton diversion was required, 2 million acres were planted using the practices which would be covered for the first time in this deal.

This agreement enables cotton farmers in the semiarid States such as Texas and Arizona to qualify for big cotton payments without idling 1 square inch of land beyond their normal production practices.

The stipulation was agreed to by the Department of Agriculture under pressure from cotton belt interests but was not mentioned in the bill or the report. Under the silent agreement in this bill, unplanted land where two rows are skipped and left unplanted will be counted as set-aside acreage. This practice makes maximum use of water and sunlight for bigger cotton yields.

The deal means many of these cotton farmers will not have to retire any additional land to qualify for big payments. My amendment prohibits skip row planting.

A second scandalously large cost to American taxpayers involves the mysterious slippage of 22.7 million acres of conserving base between 1966 and 1969. Conserving base land is cropland which must be left idle without payments in addition to the normal annual diversion requirements for which payments are made.

This base acreage is subject to adjustment by county ASCS committees and was adjusted downward in every State except Vermont during the 1966–69 period. This reduction results in additional land being brought into production competing directly and at high cost with other cropland. I am proposing an amendment which will establish a conserving base for each State. This proposal would permit downward adjustment in individual conserving bases only if corresponding upward adjustments were made somewhere else in the State.

The 22.7 million acreage slippage in the conserving base represents at the very minimum a $1 billion annual loss to the taxpayer in reduced efficiency of the program and the introduction of new cropland to production. The massive erosion of the Nation's conserving base has seriously undercut the effectiveness of programs and added to their cost. Accompanying tables show a 3-year drop of 22.7 million acres to a new 1969 level of 100,252,573 acres. This drain must be plugged before further irretrievable loss occurs.

The State-by-State inventory of acres eligible for set-aside will provide an additional check against the erosion of conserving base acres. It will also prevent a recurrence of the costly expansion of acres eligible for set-aside, similar to the 9.2-million-acre expansion of the feed grain base which occurred during the early 1960's.

To its credit, the Department of Agriculture attempted to establish a new production base concept, in order to halt the conserving base erosion. This effort obviously was blocked by the committee. The paragraph in the committee report on page 62, to me, shows clearly the determination of the report's author to protect the status quo in the conserving base, which means more of the same slippage.

The bill, while requiring an acreage set-aside for each of the three crops, prostitutes that objective by permitting planting, grazing, and harvesting of the diverted or set-aside acres of commercial crops. These compete in the marketplace with the same crops covered by this act.

Language of the bill provides directly for the planting and harvesting of such crops as safflower, sunflower, and flaxseed which all compete directly with cottonseed and corn oil which are both covered by the bill, and with soybeans which are not included under the direct payment programs, and indirectly with all other commodities. Even cotton can be planted on the cotton set-aside acres.

Grazing of the set-aside acres permits competition for feed grains which are also supported under the bill and included in the acreage reduction provisions. In separate amendments I will seek to prohibit grazing or harvesting of set-aside acres.

Attached to these remarks is a series of tables which show the necessity for correcting these costly program-wrecking features.

Table A shows the massive slippage of conserving base acres in 1966–69 and where it occurred.

Table B gives details of the 9.2 million-acre growth of the feed grain base in the early 1960's. The enlargement from the 1959–60 average has been referred to as "phantom acres."

Tables C and D show the wide range in cost of land diversion under various programs over the years. The cost per acre per year ranges from $5.80 under cropland conversion to $261.33 per acre under the 1968 cotton program.

Table E shows the ratio of program cost to crop value of the major crops in recent years. Cotton shows consistently the worst ratio from the standpoint of taxpayers with feed grains the best.

Finally are the texts of my amendments to close slippage loopholes:

TABLE A.—CONSERVING BASE AND CROPLAND RATIOS 1966 AND 1969 FEED GRAIN AND WHEAT COTTON FARMS

State	Conserving bases (1966)	Conserving bases (1969)	Cropland (1969)	Portion 1969 conserving bases are of 1966 conserving bases (percent)
Alabama	1, 561, 307	1, 084, 777	6, 335, 183	79
Arizona	420, 695	240, 552	1, 448, 032	57
Arkansas	1, 347, 210	1, 256, 987	7, 953, 162	93
California	2, 065, 247	2, 009, 218	8, 203, 112	97
Colorado	4, 592, 336	3, 725, 837	10, 678, 345	81
Connecticut	109, 500	106, 202	147, 403	97
Delaware	62, 766	46, 859	494, 828	75
Florida	647, 510	460, 977	1, 970, 730	71
Georgia	2, 513, 253	1, 377, 204	8, 294, 002	55
Idaho	2, 490, 354	1, 893, 845	5, 707, 813	76
Illinois	3, 489, 772	2, 281, 054	24, 929, 675	65
Indiana	2, 950, 881	1, 802, 585	14, 515, 089	61
Iowa	4, 865, 137	3, 085, 782	26, 949, 716	63
Kansas	7, 486, 407	6, 446, 275	29, 857, 481	86
Kentucky	7, 129, 901	6, 683, 527	10, 094, 204	93
Louisiana	1, 323, 174	1, 240, 618	4, 585, 617	94
Maine	117, 515	109, 055	140, 762	93
Maryland	662, 987	603, 398	1, 791, 220	91
Massachusetts	100, 468	93, 570	126, 219	93
Michigan	3, 286, 413	1, 951, 509	10, 129, 727	59
Minnesota	4, 456, 868	3, 237, 594	22, 212, 857	73
Mississippi	1, 505, 911	977, 097	7, 632, 658	65
Missouri	5, 913, 025	5, 522, 385	18, 476, 262	93
Nevada	158, 347	153, 884	272, 233	97
New Hampshire	61, 277	58, 563	68, 563	96
Montana	7, 673, 518	7, 163, 578	14, 723, 801	93
Nebraska	4, 527, 420	3, 951, 974	20, 457, 800	87
New Jersey	272, 502	250, 405	726, 468	92
New Mexico	488, 040	177, 308	2, 280, 139	36
New York	2, 994, 963	2, 688, 942	5, 564, 191	89
North Carolina	1, 784, 499	1, 094, 905	7, 103, 809	61

State	Conserving bases (1966)	Conserving bases (1969)	Cropland (1969)	Portion 1969 conserving bases are of 1966 conserving bases (percent)
North Dakota	7,982,424	6,643,410	27,122,395	83
Ohio	3,428,831	2,846,498	12,650,311	83
Oklahoma	2,532,054	1,891,915	12,887,114	75
Oregon	1,637,363	1,570,823	3,906,253	96
Pennsylvania	3,196,488	2,934,308	6,345,308	92
Rhode Island	8,572	7,934	13,088	92
South Carolina	1,246,893	659,916	4,731,740	53
South Dakota	4,155,079	3,397,654	17,601,913	82
Tennessee	4,121,581	3,626,960	8,532,436	88
Texas	4,663,687	2,869,045	35,778,092	61
Utah	934,897	913,616	1,727,449	98
Vermont	352,528	368,572	440,052	105
Virginia	1,744,976	1,472,201	3,694,686	84
Washington	3,138,000	2,925,267	7,015,290	93
West Virginia	456,000	449,538	670,503	99
Wisconsin	5,446,890	5,041,492	11,764,249	93
Wyoming	930,527	876,958	1,812,574	94
United States (48 States)	123,035,993	100,252,573	430,284,374	81

TABLE B.—FEED GRAIN BASE, 1961–69, UNITED STATES

[National base acreage (based on 1959–60 average)]

	Acres (in millions)			
	Corn	Grain sorghum	Barley	Total
1961	87.3	20.5	(1)	107.8
1962	86.4	20.9	16.1	123.4
1963	90.0	24.4	17.9	132.3
1964	90.1	24.5	17.9	132.5
1965	90.3	24.5	18.0	132.8
1966	90.4	24.7	18.0	133.1
1967	90.4	24.7	(1)	115.1
1968	90.4	24.7	(1)	115.1
1969	90.4	24.7	18.0	133.1

[1] Not included.

Source: 1961–66, pp. 46, 47—Feed Statistics Through 1966, Stat. Bulletin No. 410, USDA 1967–68, p. 24—Supplement for 1969 to Feed Statistics, Stat. Bulletin No. 410. 1969, p. 20—Feed Situation, February 1970, No. 232.

CORN

	Acres (in millions)		
	Acreage planted	Acreage diverted	Total
1959	82.7		82.7
1960	81.4		81.4
1961	65.9	19.1	85.0
1962	65.0	20.3	85.3
1963	68.8	17.2	86.0
1964	65.8	22.2	88.0
1965	65.1	24.0	89.1
1966	66.3	23.7	90.0
1967	71.1	16.2	87.3
1968	65.1	25.4	90.5
1969	64.3	27.2	91.5

Source: 1959–61, pp. 6, 46, 47—Feed Statistics Through 1966, Stat. Bulletin No. 410. 1962–67, pp. 8 and 24—Supplement for 1969 to Feed Statistics, Stat. Bulletin No. 410. 1969, p. 20—Feed Situation, February 1970, No. 232.

TABLE C.—GOVERNMENT FARM PROGRAM COST COMPARISONS, 1961–69 LONG TERM LAND RETIREMENT PROGRAMS

Year	Soil bank			Cropland conversion			Cropland adjustment		
	Diverted acres (millions)	Program dollar cost (millions)	Cost per acre	Diverted acres (millions)	Program dollar cost (millions)	Cost per acre	Diverted acres (millions)	Program dollar cost (millions)	Cost per Acre
1961	28.5	$338.0	$11.86						
1962	25.8	311.2	12.06						
1963	24.3	295.7	12.17	.1	$3.6	$36.00			
1964	17.4	200.1	11.50	.1	.2	2.00			
1965	14.0	160.2	11.44	.4	8.5	21.25			
1966	13.3	144.7	10.88	.4	1.5	3.75	2.0	$47.7	$23.70
1967	11.0	128.6	11.69	.6	3.2	5.33	4.0	80.1	20.02
1968	9.2	113.6	12.35	.5	3.0	6.00	4.0	80.5	20.12
1969	3.4	40.4	11.88	.5	2.9	5.80	4.0	77.6	19.40

TABLE D.—GOVERNMENT FARM PROGRAM COST COMPARISONS, 1961–69

Year	Feed grain					Wheat						Cotton				
	Diverted acres (million)	Diversion payments (million)	Comparative payments (million)	Program cost (million)	Cost per acre	Diverted acres (million)	Diversion payments (million)	Comparative payments (million)	Market certification (million)	Program cost (million)	Cost per acre	Diverted acres (million)	Diversion payments (million)	Comparative payments (million)	Program cost (million)	Cost per acre
1961	25.2	$781.9		$781.9	$31.03											
1962	28.2	843.7		843.7	29.92	10.7	$285.5			$285.5	$26.68					
1963	24.5	462.9	$383.0	845.7	34.53	7.2	163.4	$79.2		242.6	33.69					
1964	32.4	889.2	282.0	1171.2	36.15	5.1	32.7		$410.2	442.9	86.84	0.5		$39.3	$39.3	$78.60
1965	34.8	950.7	431.2	1381.9	39.71	7.2	36.9		472.3	509.2	70.72	1.0		69.3	69.3	69.30
1966	34.7	709.4	585.7	1295.1	37.32	8.3	26.2		655.2	681.4	82.10	4.6	$284.7	489.4	774.1	168.28
1967	20.3	324.7	542.4	867.1	42.71				727.1	727.1		4.9	323.3	611.7	935.0	190.82
1968	32.4	741.0	628.0	1369.0	42.25				747.4	747.4		3.0	145.0	639.0	784.0	261.33
1969	38.5	(1)	(1)	1643.3	42.68	11.5	(1)		(1)	857.5	74.57			828.1	828.1	

[1] Not available.

TABLE E.—CASH FARM RECEIPTS VS. COMMODITY CREDIT CORPORATION COSTS

[Millions of dollars]

Calendar year	Wheat		Feed grains		Cotton—Upland and E. L. staple	
	Cash receipts	CCC costs	Cash receipts	CCC costs	Cash receipts	CCC costs
1966	$1,947.7	$207.4	$3,718.3	$1,527.0	$1,758.8	$604.9
1967	1,917.1	547.5	3,767.9	1,440.6	1,095.0	1,242.0
1968	1,920.2	452.3	3,585.0	1,228.2	1,163.0	1,231.5
1969	1,589.0	454.1	3,801.0	1,198.9	889.0	761.9
1970 (estimated)		662.4		1,810.3		823.8
1971 (estimated)		699.5		1,679.7		905.9

STATE-BY-STATE INVENTORY AMENDMENT

Amendment to be offered by Mr. **FINDLEY** to H.R. 18546, page 57, beginning on line 21:

"SEC. 805. The Secretary is directed to establish not later than January 1, 1971, an inventory for each state which will show:

"(1) The cropland other than conserving base which was diverted under a program or tilled in the crop years 1968 or 1969 or prior to August 1 in 1970; and

"(2) The total conserving base in 1970.

"Only the acreage in subsection (1) shall be eligible as set aside under the various provisions of this Act.

"Acreage left unplanted because of skip-row practices shall not be eligible as set aside.

"Any downward adjustments of individual farm conserving bases must be offset by upward adjustments on other farms within the state."

SET-ASIDE AMENDMENT

Amendment to be offered by Mr. **FINDLEY** to H.R. 18546, page 57, after line 21, add the following new section; to read as follows:

"SEC. 806. Notwithstanding any other provision of this Act, the Secretary shall not permit grazing or harvesting of any acreage diverted or set aside pursuant to this Act, except where he determines such action is necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities."

ANNIVERSARY OF WARSAW UPRISING DAY, AUGUST 1, 1944

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY of New York. Mr. Speaker, let not one of us forget the meaning of Warsaw Uprising Day to every man, woman, or child of Polish birth or extraction.

August 1 has long been a day of sacred significance to the Polish people because on this day 26 years ago came the tragic end of a gallant fight by Polish patriots in the Nazi-dominated city of Warsaw.

There are few accounts on the pages of history of greater bravery and truer love of freedom than mark this day. Few times in history have enslaved and oppressed people shown such courage and dauntless determination to right the wrongs to which they were being subjected.

Month after month the brutality of the Nazi occupiers became increasingly more brutal and more inhumane. Day after day the people of Warsaw suffered indignities and pain. Finally, a people who have never lost the spirit of freedom could stand the yoke of Hitler's slave masters no longer and launched a telling revolt. Warsaw citizens—men, women and children—began a courageous battle with their oppressors against overwhelming odds. For 2 nightmarish months the patriots fought and died for freedom. Day after day the gutters in the streets ran red with Polish blood. The Nazis summoned heavy reinforcements and an all-out war against the Warsaw people was waged. By the end of the hostilities the Nazis had slain over 200,000 people—many of them murdered only after hours and days of heinous torture. Many of these mass murders took place under the eyes of the Russian Communist troops who did nothing to help the Nazi victims.

The revolt ended, the rebels were dead as were many of the oppressors, but the Nazis continued the enslavement. Some people bemoaned what they thought of as a futile, wasted effort. But such was not the case. The story of the bravery of the Warsaw people flashed across the world. The tales of heroism filtered into allied military posts and men fighting the common axis enemy took heart and renewed their determination to call a halt to Nazi domination of freedom loving people. The whole free world gloried in the valiant stand being made in Warsaw. Morale was lifted and even with the sad announcement of the unfortunate results, people still felt uplifted.

No single action of any segment of the Polish people did more to win the hearts of the American people and to build lasting bonds of friendship than did the Warsaw uprising. No one example of Polish valor has ever exemplified to a greater degree the innate love of freedom possessed by Poles.

In the end, although the uprising in Warsaw was looked upon as a defeat, it was indeed a victory of great significance.

Mr. Speaker, I know many of this body join me in congratulating the Polish people on their great reverence for the deeds of the Warsaw fighters. We want to commend our fine Polish American organizations for keeping this sacred anniversary alive and stimulating its respectful observance.

All of us must dedicate ourselves anew to battle with Poland's present oppressors and regain for her people the freedom and independence which they so deeply cherish. We and the rest of the free world have this equally sacred obligation to perform if the deaths of the people who died upon the streets of Warsaw in 1944 are to be avenged.

FAILURE OF SMALL BANKS

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. CEDERBERG. Mr. Speaker, during the past 18 months over one dozen small banks across the country have been forced to shut their doors due to fiscal instability. In at least six of these cases the primary cause of the failure was the use of banking instruments known as certificates of deposit or letters of credit. The banks issued these instruments after cash was found for deposit by money brokers, usually acting in the interest of a potential borrower who was found to be unstable or without collateral on his original application for funds. Several large firms specializing in brokering have been implicated in the closure of a number of the banks mentioned above.

A simple description of the mechanics of the brokered deposit-link financing arrangement is contained in the first part of an article bringing attention to the seriousness of the current situation, which appeared in the Wall Street Journal. I would like to insert that information at this point:

THE MIDDLEMEN: SMALL BANKS GO UNDER, AND AUTHORITIES ASSAIL ROLE OF MONEY BROKERS —WILL THERE BE MORE FAILURES?

(By Frederick C. Klein)

A small bank fails in Prairie City, Iowa. Another goes under in Auburn, Mich. Still another in Coalville, Utah. And Petersburg, Ky., Covington, Ga., and Aransas Pass, Texas.

All these banks have failed in the past 18 months, and Federal regulators indicate all have failed for much the same reasons. In each case big borrowers defaulted on loans or appeared likely to do so. In each case the loans were in excess of what the little banks should prudently have made and in most cases were made to persons from outside the bank's normal business area. And in each case some of the loans had been backed by deposits generated by so-called money brokers.

Money brokers are an oft-criticized breed who act as middlemen in loans that banks make to persons or corporations. Say Mr. A. wants to borrow $100,000 from the Jones National Bank. The bank won't make the loan because it doesn't have the funds, or if it does have the money it has more creditworthy customers to lend to. But the bank will agree to lend the money if Mr. A. can bring to the bank depositors willing to deposit $100,000. Mr. A. doesn't know anybody with that kind of money, so he goes to a money broker. The broker finds the people, and the deal is arranged.

THEORY—AND PRACTICE

In theory, everyone is happy. The broker is happy because the borrower pays him 3% to 5% of the loan as his fee. The depositors are happy, because they are getting 5½%, say, on their certificates of deposit (which are insured by the Government) and another 2% or so that the broker pays them out of his fee to entice them. The bank is happy, because it has new deposits and a new loan. And the borrower is happy, because he has his loan.

That's not only the way it works in theory, but also the way it works in practice a lot of the time. It isn't known how much money is channeled through brokers in the course of a year, but the total is probably somewhere around $750 million. Seaboard Corp., a Los Angeles company that is the largest money broker in the U.S., says it will place deposits of $130 million to $150 million this year, up from $50 million in 1968. These deposits probably will offset a like amount of loans, though the deposits offsetting any one loan can range from 20% to 200% of the face value of that loan. In most cases the loan is repaid to the bank, the certificates come due and the deposits are returned to the depositors and all goes well.

But sometimes—increasingly, Federal regulators say—all doesn't go well. The borrower defaults, and the bank is left with insufficient capital to carry on. Sometimes the borrower defaults because he was borrowing to finance a hare-brained scheme that failed. Sometimes he defaults because he was just a bad businessman. And sometimes, according to several court suits, he defaults as part of a conspiracy to defraud the bank.

Mr. Speaker, recent news articles in the New York Times, Los Angeles Times, and other major newspapers have attempted to bring to the attention of the people the dangers of the above described schemes. For the normal small bank the transaction is a disaster—the precarious position of the borrower does not allow the bank the necessary latitude to cover the deposits made by investors and the interest thereon, and insolvency follows.

More alarming than the danger to banks and depositors, however, is the possibility that organized crime is recognizing the lucrative potential of the situation and cashing in. An exclusive article which was written by two fine, hard-working journalists of the Bay City Times, my hometown newspaper, following the failure of a small bank at Auburn, Mich., in my congressional district, dramatically points out this possibility. While it is somewhat lengthy, I would highly recommend that my colleagues take the time to review it:

Times Reporters Unearth the Story Behind the Story

(By Ray J. Kuhn)

When Federal Deposit Insurance Corporation tacked a "closed" sign on the doors of Peoples State Savings Bank of Auburn last April 16 it appeared to be just another town bank failure. There had been infrequent but recent closings of similarly structured banks. Federal and state officials involved, although apprehensive of the consequences, did not appear disturbed.

And, with the exception of litigation which normally follows bank failures, the closing seemed to be just another one of those unfortunate events, precipitated by mismanagement.

But the story of the closing brought to light a new type of a loaning device involving "letters of credit."

How could letters of credit break a bank, are they a new banking device? editors as well as readers of The Times asked.

In ferreting out the answer, reporters of The Times have uncovered a bank manipulation which has sent at least 15 banks down the drain in six years and if permitted to continue could well shake the hallowed banking structure to its foundations.

Here on this page is the story behind the story of the closing of the Auburn bank.

It was unearthed in weeks of intensive investigation by two Times staffers, Michael F. Wendland, reporter, and Alfred L. Peloquin, city editor.

It elicited an observation from a top official of FDIC to the effect that it was only through persistence of Times reporters that the story of current bank failures which should have been told a long time ago is finally being brought into public focus.

The Times today is introducing its readers to the "Shadow Syndicate."

There will be much more to read on the same subject as the weeks go by. Ramifications surrounding the closing of the little bank in Auburn stagger the imagination.

[From the Bay City Times, June 28, 1970]

Shadow Syndicate Seen Lurking in Background of Bank Failures

(By Michael F. Wendland)

WASHINGTON, D.C.—A shadowy syndicate, operating on the law's razor edge, has infiltrated the hallowed world of American banking.

It has played the principal role in the closings of a series of small town banks, including Peoples State Savings Bank of Auburn, Mich., last April 16.

And, in at least one of the failures, the Mafia, keystone of the nation's organized crime, has figured in a large way.

The instruments by which the syndicate gets it foot in the bank door are called "letters of credit" or "certificates of deposit" and invariably are tied in with high risk loans.

And, the victims of the complicated finance scheming are for the most part small American banks whose officers are duped into opening up their vaults to some of the sharpest confidence men in the world.

Those are the frightening conclusions heard here from top federal investigators after a sudden series of similar bank closings around the country which sent a half-score of government agencies scrambling to come up with answers to questions many say should have been asked long before.

Much of their fear stems from a growing list of names being compiled by several federal agencies, including the Federal Bureau of Investigation, the Federal Deposit Insurance Corp., the U.S. Treasury Dept., the U.S. Post Office Dept. and the Securities and Exchange Commission.

That list—said to be made up of 100 or more individuals and probably the same number of companies—forms what some key government investigators are convinced is a massive network of white collar criminals who have now turned part of their attention to the legitimate field of high finance.

Many names had been known for years for their colorful freewheeling in financial circles, always close to the most exploitable situations around but just far enough away from the arm of the law to remain respectable.

Others are new and hidden behind a mysterious web of interwoven companies linked to questionable transactions in the ripe financial markets of the world.

To the amazement of federal investigators here, it was not until the Auburn bank suddenly collapsed some two months ago that anyone outside of a handful of second-echelon officials realized something strange was going on.

Auburn was the fourth small town bank in just 15 months to close its doors after a whirlwind romance with a "money broker" from out of the area who had a plan called "link financing" to provide fresh capital for loans.

And then, just last Thursday, in a tiny farming community of 390 on the northern border of Kentucky, another bank suddenly went belly-up. It too had been having an affair with the same method of financing.

Although the practice is frowned upon by the big federal regulatory agencies, the plan is a tempting proposition for small town bankers in search of new assets.

The "broker," in a typical link financing package, promises to place large deposits in the bank on the condition that a loan is made to a third party.

Handled well, the plan can work: the bank gets large amounts of new cash, the broker collects a fee, the investors get interest on their "certificate of deposit" or "letter of credit" and the third party—who often is the one who puts the money broker in touch with the bank—gets his loan.

But if the banker is naive, the broker an unethical salesman or the third party a poor credit risk, the plan can be disastrous.

What is shaking up the officials here is that there has been a series of bank disasters lately.

And, except for the banks and most of the innocent investors who purchased the certificates of credit, the names of the brokers and others involved in the closings have often been the same.

In Auburn's case, some $2.7 million in brokered funds were deposited in the bank—all in an eight week period this spring—by 545 investors around the country who were talked into buying a $5,000 letter of credit which, at the end of two years, would return them $5,700.

Although there is nothing illegal about brokered funds and tied-in loans the practice has been involved, in varying degrees, in the closing of at least 15 of some 30 banks that have shut down since 1963.

Link financing had been under suspicion for some time. But when the practice broke the Auburn bank in April, officials here found their suspicion turning to fear.

And now, they realize, the last five bank closings—Farmers Bank of Petersburg, Ky., Auburn, the Prairie City State Bank in Iowa, the First National Bank of Coalville, Utah, and the Morrice State Bank of Morrice, Mich.—indicate a dangerous pattern.

In those five closings, and in a half-dozen other banks that have failed after becoming involved with link financing, many of the same names keep cropping up.

While the exact association between the names, if they are connected at all, is still too tenuous to chart, there is a growing concern about the vulnerability of small American banks.

"There's nothing wrong with brokering money into a bank," says John J. Slocum, chief of the FDICs liquidation division. "Just brokering money per se into a bank creates an asset. Its the resultant poor loans these banks made that caused them to fail."

Slocum, who has handled 20 bank liquidations in nine states, admits, however, to having "strong suspicions" about who is behind the recent failures.

"I suspect," he said, "that some of the same guys that I ran across in the other deals are still operating. Although their names are not showing up, I can see their hands in all this."

Federal officials here say the last four closings, and many of the other banks that have failed in the past six years, indicate that small banks in particular appear to be the most vulnerable.

Besides all being located in small farming communities under 1,500, the banks were said to be "highly extended" and looking almost frantically for fresh cash.

In Auburn, the Times has learned, more than $200,000 in "bad" loans were on the books at closing time, not counting some $80,000 to a Sanford, Mich. resort operator.

"We find most of these banks were operating on a shoestring," one FDIC high-ranking examiner said. "They'd make loans to farmers on a handshake and not expect any payment until the crops came in, things like this. Besides, in a small town, the banker usually knows everybody and is much more inclined towards making these kind of loans."

Bad loans by small banks can make big problems and Auburn, the largest of the banks to go under because of link financing, was riding an uncomfortable position dangerously close to the minus side of the ledger sheet, the FDIC source told the Times, even thought it had passed a routine bank examination in January of this year.

"We find very often that if any wheeling and dealing is going to happen, it usually occurs either immediately after an examination when there is enough time for these guys to come in and fleece the bank and leisurely move on, or when the bank's day of reckoning with those uncollectable loans is coming near," he said.

For Auburn, both those times had apparently passed when, in mid-February, a novel plan involving the sale of letters of credit was drawn up and initiated.

In the Auburn case, letters of credit purchases brought $2,725,000 into the bank in less than two months. Of this amount, only

$410,000, deposited in the account of the Florida broker who apparently devised the plan, was still in the bank. Some $30,000 remains unaccounted.

The FDIC claims the rest of the money, more than $2,300,000 had been disbursed: some 30 per cent as a loan to Graham B. Alvey and his wife, of Sanford, Mich., a business associate and two corporations; 16 per cent to Frank Harris and Robert K. Drake, of Alabama and New Jersey, who have indicated to federal officials they thought the money was a loan; a little under 2 per cent each to James McConnell of Florida and James Dondick, of Nevada, for their apparent services as "brokers" and some 34 per cent to Sumner Financial Corp. of Jacksonville, Fla., the original money broker who says almost half of its share went into a prepaid interest account.

The bank, which took on the liability of the $2.7 million in letters of credit, was left holding the bag. Not a cent of the money funneled out was secured by collateral.

"This letter of credit thing was unbelievable to us," a federal investigator said. "In the other closings, at least they had loan agreements made out for the brokered funds. In this case, it looks like it was a free giveaway."

The bank was closed by the Michigan State Financial Institutions Bureau on April 16, about a week after banking Commissioner Robert P. Briggs says an out-of-state woman presented a letter of credit to a teller at the Auburn bank who then called authorities.

But what led federal authorities to the Auburn bank in the first place began several weeks before, the Times has learned, when FBI agents, investigating the closing of the Prairie City Bank, found $3 million in unissued letters of credit.

The money broker who was to apparently steer the investors into Prairie City was the same Florida broker who handled the Auburn transactions.

Tracing the letters of credit found in Prairie City to a Denver, Col. printing firm, the FBI agents learned that a similar batch had been printed up for Auburn.

The Prairie City bank, the first bank shut down this year, was apparently negotiating with the Sumner Corporation at the time it was ordered closed Feb. 23 by state banking authorities for making faulty loans with some $850,000 in brokered deposits.

Although the president of the bank claims to have abandoned the letter of credit idea shortly before officials ordered the bank closed, a confidential treasury department directive sent to government bank examiners blames the Sumner firm for causing the Auburn and Prairie City failures and warns examiners to be on the lookout for dealings of a "questionable nature" between the company and still-operating banks, the Times has learned.

An investigator for a legislative investigating committee has also told the Times that the Florida broker has been involved in "highly suspicious" financial dealings with banks in Texas, California and Ohio.

The investigator, who asked not be named, said the firm brokered funds into two banks in the two Western states in 1969 that were linked to $100,000 loans made to an ex-convict reputedly involved in organized crime.

But there are other brokerage companies also making the list that is now being drawn up by federal agencies here.

Seaboard Planning Corp., a Boston, Mass. firm, and two of its subsidiary companies, The Times has discovered, is known to have brokered deposits into at least six closed banks, including the three most recent.

That firm is now being sued by two Kentucky banks that charge fraud in a linked financing "scheme" that allegedly saw the banks collectively lose $1,430,000.

McConnell and Dondick who the FDIC say received some $38,000 each for their brokering services in the Auburn bank letter of credit transactions, have also had colorful financial careers.

Both men, in 1969, were charged by the Securities and Exchange Commission in the U.S. District Court in Maryland with violations of antifraud provisions of federal securities laws in connection with the sale of unregistered stock they allegedly had created a fictitious market for.

The two consented to the issuance of a permanent injunction forbidding them to sell the stock without admitting or denying the charges.

They are also, according to a federal investigator here, allegedly involved in a link financing transaction with an Ohio bank that lost more than $1 million in bad loans made on brokered funds.

Government officials here admit that much more of their suspicions lie in the names that remain behind the scenes in transactions that have led to a bank's financial woes.

The Times has learned, for example, that a Florida minister, the Rev. Yancey L. Anthony, well known to investigators here for his past dealings with troubled banks has been linked to the Auburn closing.

Dr. Anthony was identified by Harris in the Auburn closing as the "titular" head of Church Mission Fund Baptist Foundation.

The foundation was to issue a $1.5 million long term mortgage that would partially secure the loan taken out by the Sanford real estate speculator, a former official of the closed bank has told the Times.

But when the bank was closed and the FDIC began searching the records, no trace of the mortgage was found.

"We thought the deal (mortgage) was on," the former bank official said. "If it wasn't, we wouldn't have gone ahead with the thing (letter of credit transactions) without collateral."

Rev. Anthony, who says he serves as a "consultant" not an officer for the foundation, has been involved in at least one other bank closing.

A $10,998 judgment was issued against him in U.S. District Court for the Northern District of Florida in 1967 in connection with an outstanding loan he, as "treasurer" of a small Florida company that officials say was nothing more than a "shell," had taken out in 1964 from the Crown Savings Bank of Newport News, Va.

That bank was closed in September the same year because of pyramiding loans made from brokered funds. A congressional subcommittee, which conducted 12 days of hearings on the failure, charged that the bank had been "virtually taken over by loan sharks, racketeers and persons with criminal records."

Rev. Anthony is also known to investigators of the Securities and Exchange Commission.

In May 1966, he and several other men, were enjoined by a federal judge from selling some $14 million in unregistered bonds from a small Florida church where he was identified as the pastor.

The bonds, the SEC charged, were sold by fraud and misrepresentation by inflating the assets of the church using a variety of corporations and two "sham" banks that existed only on paper.

Then, there are still details about the Auburn closing that are puzzling federal investigators—like a series of trips made to Las Vegas, Nev. by Nellett.

Although Nellett, contacted by the Times, admits the trips, he says they had no connection with bank business.

It is known, however, that investigators are looking into a November 1969 trip the banker made to Vegas with five other couples.

A woman, who claims to have been invited to go along but refused, has told this newspaper that she understood the four-day excursion was free, to be paid by a man whose last name is Harris, same as one of the principals involved in the letter of credit transactions.

The banker, and others on the trip including Bay County (Circuit) Judge Leon R. Dardas, have said they all paid their own way. The judge, who is a social friend of the banker, has told the Times he would disqualify himself from any court action involving the banker.

During the last visit Nellett made to Nevada in March, he told the Times, he met Harris who was on his way to Disneyland with his family.

"We met and had dinner and that was it," the banker said.

But the last trip, the banker says, was free, paid for by the hotel he was staying at.

"There's nothing unusual about that," he said, "they do that all the time if they think you're a high roller. They figure they'll make it all back at the tables. This FBI guy that talked to me kept asking all these questions about it like he never heard of it before."

All three federal regulatory agencies charged with overseeing the nation's banks have admitted concern over the increased use of link financing.

William B. Camp, comptroller of the currency and the man whose job it is to supervise America's 4,716 national banks, says it is "unsafe and unsound" for banks to use many brokers as a means of obtaining deposits.

Frank Wille, chairman of the FDIC, and Arthur Burns, chairman of the Federal Reserve Board, have both expressed similar displeasure about the increased use of brokered funds and have urged their examiners to be on the alert for "schemes" that could endanger banking deposits.

But the warning signs continue to pop up, the latest in the form of a shadowy overseas "bank" which has been making overtures to American banks.

The Bank of Sark, Ltd., St. Peter Port, Guernsey, Channel Islands, U.K., has approached several banks in this country with proposals to engage in certificates of deposit or letters of credit brokering.

"Extreme caution is urged in any dealing with the Bank of Sark," an FDIC memo dated May 22 said, warning all state insured banks under its jurisdiction that such operations may involve a "high degree of risk."

The English bank, located on an island, is quietly being investigated by the SEC and other agencies for its possible ties to fraudulent dealings in the insurance industry here and in Europe, the Times has learned.

Through a West Coast "foundation," the foreign bank is also believed to be connected with some of the companies involved in the link financing that closed several of the American banks, a legislative investigator says.

Just who is behind the sudden bank problems in the U.S. and why have they been allowed to operate?

"What you've got here is a syndicate, operating all over the country—internationally, in fact—that can work their way into any small bank and legally rob them blind in 30 days," says one FDIC legal aide here.

"There is no doubt in my mind that all these closings are connected," says a legislative investigator. "These people all know each other, their companies are interwoven behind an umbrella and they're out to take advantage of any situation they can."

"The Mafia is directly in it," says another official.

But action is still a long way off.

Officially, banking authorities say they are awaiting the results of a court suit in Michigan that will test the validity of the letters of credit before they begin full-scale investigations.

Unofficially, the second echelon authorities say their bosses are afraid of shaking the public confidence in American banking and jeopardizing an almost God-like respect for banks that has been carefully built up over the years since the Depression.

"With the economy going the way it is these days, banking problems are a touchy subject," admits one staff man for a high level regulatory official.

"Sure, organized crime is going after the banks. But that's not all they're going after. I think its important to keep that perspective. Banks are just a fraction of the problem."

Rep. Wright Patman, D-Texas, chairman of the House Banking and Currency Committee, told The Times his committee is interested "in reviewing any information brought before (us) concerning bank closings."

Patman, however, says the regulatory agencies are primarily responsible for uncovering any "questionable practices" in banks.

"Most of these bank problems can be traced back to lax or non-existent bank supervision," he said.

The General Accounting Office here, in reporting that bank closings during 1969 brought a $2.7 million loss to the FDIC on $11.5 million insured deposits paid, said it is unable to determine whether FDIC examinations are of sufficient scope to be relied upon to identify serious problems at insured banks.

The congressional watchdog agency said FDIC auditors refused to give them unrestricted access to files and, because they couldn't among other things, dip deep enough, they were unable to discover the scope of potential problems in open banks.

But calls for congressional action are already underway. Rep. Elford A. Cederberg, R-Bay City, Mich., says, besides asking for a full scale probe of the bank closings, he is drafting legislation that would put tighter restrictions on banks involved with brokered deposits.

In Iowa, the state banking commissioner has ordered all banks under his jurisdiction to first apply to his office and get approval before accepting brokered money.

Nationally, Wille of the FDIC and Comptroller of the Currency William B. Camp have indicated they would be in favor of tighter restrictions.

"Just talking about it isn't any good," says Rep. Garry Brown, R-Schoolcroft, Michigan's only member on Patman's powerful banking and currency committee.

"We've got to take steps to stop these small town banks from being fleeced. We don't want to regulate them to death, but we certainly should have better control."

Brown, who supports Cederberg's call for congressional action, says the method of operation in the bank closings is "very similar to the way organized crime works."

Meanwhile, the problem of link financing continues to grow.

In Nevada, Virginia and a half-dozen other states, federal officials are watching closely over banks, all reportedly deeply involved in brokered funds and high risk tied-in loans.

The only question is where will the next bank be that closes?

If federal watchdog agency officials here are right, it will be in a small town, have a large share of poor loans on the books and have been recently involved with some strangers called "money brokers."

Mr. Speaker, in view of the dangers which are pointed out in the above news articles and the clear threat to the stability of small banks across the Nation, I believe that it is incumbent on the Congress to take legislative action to eliminate this unsound banking process. Many of our Nation's hardest working and most solid citizens are members of small communities dependent upon the stability of their local bank. We in the Congress cannot tolerate the possibility that their life's savings could be wiped out by the unscrupulous actions of brokers or the quick-money schemes which entice normally cautious bank officers into the brokered deposit-link financing arrangement.

I am today introducing legislation which would eliminate this threat. Quite briefly, my legislation would prohibit a bank from participating in the brokered deposit scheme. Since the ordinary individual could not be expected to distinguish the intricacies of such financial arrangements, my legislation places the burden squarely where it belongs: on the banker who would use the broker to find funds for a basically unsound loan—one which the bank would not make on its own assets.

Certainly the time has come when the Congress cannot sit by and watch while small banks and their depositors are systematically victimized by unscrupulous financiers. I am hopeful that the chairman of the Banking and Currency Committee will see fit to hold early and comprehensive hearings on this question and will make every effort to report legislation before the end of the current session.

The text of my legislation follows:

H.R. 18754

A bill to prohibit brokered deposits in banks and other financial institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENT OF FEDERAL DEPOSIT INSURANCE ACT

Section 1. Subsection (g) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by striking out the next to last sentence thereof, relating to penalties for violations of such subsection, by inserting "(1)" at the beginning thereof, and by adding thereto the following paragraphs:

"(2) No insured bank or officer, director, agent, or substantial stockholder thereof may pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in a bank shall be deemed to be a payment of compensation by the bank if the bank had or reasonably should have had knowledge of such a payment when it accepted the deposit.

"(3) Any violation by an insured bank of the provisions of this subsection or of regulations issued hereunder shall subject the bank to a penalty of not more than 10 percent of the amount of the deposit to which the violation relates. The Corporation may recover the penalty, by suit or otherwise, for its own use, together with the costs and expenses of the recovery.

"(4) For the purposes of this subsection, the term 'payment of interest' includes an agreement to pay interest and includes payments to the depositor or any other person directly or indirectly made by any officer, director, agent, or substantial stockholder of the bank in which the deposit is made if the bank had or reasonably should have had knowledge of the agreement or payment when it accepted the deposit. The Board of Directors shall by regulation prescribe definitions of the terms 'payment of compensation' and 'substantial stockholder' and shall prescribe such further definitions of 'payment of interest' as it may deem appropriate for the purposes of this subsection. The Board of Directors shall prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this subsection and prevent evasions thereof."

AMENDMENT OF FEDERAL HOME LOAN BANK ACT

Sec. 2. Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended (1) by inserting "(a)" after "Sec. 5B." and (2) by adding at the end thereof the following:

"(b) No member which is an insured institution as defined in section 401(a) of the National Housing Act and no officer, director, agent, or substantial stockholder thereof shall pay or agree to pay a broker, finder, or other person compensation for obtaining funds to be deposited or invested in such member (hereinafter in this section referred to as deposits). For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such a member shall be deemed to be a payment of such compensation by the member if the member had or reasonably should have had knowledge of such a payment when it accepted the deposit.

"(c) Any violation by a member of the provisions of this subsection or of regulations issued hereunder shall subject the member to a penalty of not more than 10 percent of the amount of the deposit to which the violation relates. The Board may recover the penalty, by suit or otherwise, for the use of the Federal Savings and Loan Insurance Corporation, together with the costs and expenses of the recovery.

"(d) For the purposes of this section, the term 'payment of interest or dividends' includes an agreement to pay interest or dividends and includes payments to the depositor or investor or any other person directly or indirectly made by any officer, director, agent, or substantial stockholder of the member in which the deposit is made if the member had or reasonably should have had knowledge of the agreement or payment when it accepted the deposit. The Board shall by regulation prescribe definitions of the terms 'payment of compensation' and 'substantial stockholder' and shall prescribe such further definitions of 'payment of interest or dividends' as it may deem appropriate for the purposes of this section. The Board shall prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this section and prevent evasions thereof."

THE AIR QUALITY ACT OF 1970

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to commend this administration on the strong leadership it has provided in the effort to protect and reclaim the environment. In his February 10, 1970, environment message to Congress, President Nixon announced a comprehensive 32-point program with seven major legislative proposals to abate pollution of the air and water, to establish solid waste management, and to protect park lands and public recreation. One of these proposals, the Air Quality Improvement Act of 1970, reforms and amends present pollution control laws in order to give Federal agencies a stronger hand in preventing pollution of the air and establishing high standards of ambient air quality. This is indeed needed legislation.

However, on Thursday, July 31, 1970, the Senator from Maine, EDMUND MUSKIE, indicated that this reform was unnecessary and that the existing law, the Air Quality Act of 1967, gave sufficient power to the Secretary of Health, Education, and Welfare to enforce air quality standards. This simply is not true, and I would like to submit some information regarding the effectiveness of the 1967 law.

John T. Middleton, Commissioner of the National Air Pollution Control Administration, has stated that the law's provision on testing procedures is "questionable." According to Mr. Middleton, the present act only authorizes the Secretary of Health, Education, and Welfare to test prototype vehicles. Up to this date, HEW has been testing prototype vehicles which, even though meeting the air quality standards established by NAPCA, often differ from what is manufactured on the production line. The President's clean air legislation authorizes production line testing.

Former Secretary of Health, Education, and Welfare, Robert H. Finch recently noted the need for this new power. In a letter to Ralph Nader, he reported on the testing of rental car fleets in Detroit and Los Angeles. Mr. Finch found that "more than one-half of the cars tested failed to meet the Federal exhaust standards for hydrocarbon and carbon monoxide emissions."

The 1967 act also has several shortcomings in relation to control of pollution from stationary sources. The establishment of national air quality control regions, while necessary in controlling the ambient air quality, has been time consuming due to compromise and revision delays. The act does not provide for control of pollution outside of established air quality control regions. Finally, and most important, the act's insufficient enforcement powers have hindered the Government's ability to establish and enforce effective abatement programs.

In summary, Mr. Speaker, the 1967 law is inadequate. It has not provided the protection of the environment and the public that is needed. The Air Quality Act of 1967 has created a large bureaucratic superstructure, but it has not cleared up the problem of pollution by the emission of hydrocarbon and carbon monoxide by vehicular and stationary sources.

The Air Quality Improvement Act of 1970 will alleviate this situation by strengthening Federal automobile emissions standards and by reforming enforcement procedures, including onsight inspection, so that the standards will be applied to all new autos. This legislation, as part of this administration's impressive effort to improve and enhance the environment, is a progressive proposal that is indeed necessary.

BILL: A MAN WHO CARED

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, on July 19, Zanesville, Ohio lost one of its leading citizens: William O. Littick. I was deeply saddened at Bill's passing for he was a man of rare qualities. Bill was a good man and a generous man. His contribution to his business and to his fellow man were great and will long be remembered. Those who knew him will cherish his memory and sincerely miss him. I wish to bring to my colleagues attention the moving tribute paid to Bill by the staff of the Zanesville Times Recorder:

BILL: A MAN WHO CARED

It is difficult for us, we the people of The Times Recorder, to believe that Bill Littick is dead.

It is with deep sadness that we pay our final tribute to this man we knew, and whom we will long remember, as a newspaper and radio-television executive, humanitarian, civic leader, employer and friend.

William O. Littick was born to the newspaper business. Like his grandfather, W. O. Littick, and his father, Orville B. Littick, he had ink in his veins.

Bill could operate a linotype, take a photograph, monitor a computer, lay out an ad and write a news story. He knew first hand the workings of the various departments.

But his greatest contribution was as business manager of a progressive management team. Bill was a professional newspaper executive in every sense of the word. He was proud that The Times Recorder is the "good morning" newspaper of more than 100,000 readers in Southeastern Ohio, but he was constantly striving to make it a better newspaper with each passing day.

Bill was a man who cared about his readers.

Bill Littick, the humanitarian, did far more to help others in his all-too-brief 43 years than many of us could hope to do in two lifetimes.

Bill was long active in the Easter Seal program in behalf of crippled children and adults at the local, state and national levels, both as a worker and as a leader.

He devoted countless hours to the YMCA, the Abbot Home for Men, the Salvation Army, the Red Cross, United Fund, Bethesda Hospital and many other charitable agencies and institutions.

Hundreds of people clasped Bill's outstretched hand and found help, comfort and friendship.

Bill was a man who cared about his fellow man.

The old adage that "when you want something done, get a busy man to do it" certainly applied to Bill Littick. Because of his many interests and business responsibilities, he was a busy man. Yet he never refused when asked to work for various community projects.

He served as president of Zanesville Jaycees, trustee of the Ohio Jaycees, president and secretary of the Rotary Club, headed the ZIP and YMCA campaigns and was long active in the Zanesville Area Chamber of Commerce and other civic organizations.

These efforts won Bill the Jaycees Distinguished Service Award as the Outstanding Young Man in Zanesville in 1962.

Bill was a man who cared about his community.

Bill Littick, the employer, was never a "Boss." He was a fellow employee . . . an associate.

His quick smile and friendly manner made working with and for him a pleasant experience. He did not demand results, he invited them.

A troubled employe always found in him a sympathetic "listener."

Bill was a man who cared about his employes.

We, The Times Recorder employes, join with Bill's legion of friends in an expression of deep sympathy to his widow, Dorbie, and their five children, his mother, Mrs. Anne Littick, and his other relatives.

It is with heavy heart that we say "30", Bill. May we find comfort in the knowledge that your contributions to your fellow man and your community will continually serve as an inspiration to others.

You will not be forgotten.

ANNOUNCEMENT OF HEARINGS ON REMEDIES FOR ENVIRONMENTAL POLLUTION

(Mr. ROGERS of Colorado asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 17222 and H.R. 18429, and related bills, providing for remedies for environmental pollution.

These hearings will commence on August 6, 1970, at 10 a.m., room 2226, Rayburn House Office Building.

Those wishing to testify or to submit statements for the RECORD should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

THE LATE HONORABLE DAN KIMBALL, FORMER NAVY SECRETARY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, it was with great sadness that I read today of the death of the Honorable Dan A. Kimball, a former Secretary of the Navy in the Cabinet of President Truman.

My acquaintance with Dan Kimball began when President Truman named him as an Assistant Secretary of the Navy for Air. He had a distinguished record of Government service. Those who had the pleasure of working with him recognized his great ability and his integrity as a Government leader and as a leader in the private industrial field.

Mrs. Price and I extend to Mrs. Kimball our most sincere sympathy.

Under unanimous consent I include a news story of Mr. Kimball's brilliant career:

DAN KIMBALL, 74, DIES; FORMER NAVY SECRETARY

(By Richard Slusser)

Dan A. Kimball, 74, a former secretary of the Navy and an industrialist who also was active in Democratic politics, died in Georgetown University Hospital yesterday after a brief illness. He and his wife, columnist Doris Fleeson, lived at 2120 S St. NW and also in Palm Springs, Calif.

Mr. Kimball was appointed assistant secretary of the Navy for air by President Harry S. Truman in 1949 and was named secretary in 1951 to succeed Francis P. Matthews. He served until the Eisenhower administration came into office in 1952.

He had long been associated with the General Tire & Rubber Co. as a manager and director and until retiring last year was board chairman of Aerojet-General Corp., the largest manufacturer of rocket engines for missiles and spacecraft in the United States.

A large man who would have stood out in a crowd just for his size, Mr. Kimball was a laughing, energetic business executive known for his quick decisions, rapid reading and understanding and determination to get things done.

He also had piloted his own plane—he was the first former Army pilot to head the Navy—and was described as a dangerous gin rummy player, heavy cigar smoker and one who was fond of wearing loud ties.

Mr. Kimball was born in St. Louis, Mo. He had to drop out of high school after two years in California and took correspondence courses in engineering while working as an electric auto mechanic. (In 1963 he was named Home Study Man of the Year by the International Correspondence School.)

Joining the Army Signal Corps' air section in World War I, he was an air cadet and flight school classmate of Gen. James H. Doolittle. After his commission, he flew pursuit planes until the end of the war.

In 1920 he joined General Tire's sales department in Los Angeles and later became manager for 11 western states. During World War II, when the firm began receiving many government orders, including some of the first for developing rockets and guided missiles, he was put in charge of the development program as director of Aerojet Engineering Corp. at Azusa, Calif., a subsidiary of the firm.

Aerojet and the old Douglas Aircraft Co. and other manufacturers developed high-altitude research rockets to obtain data from altitudes of a hundred miles and more. While with the Navy Department he was on leave as an official of both General Tire and Aerojet.

Mr. Kimball approved Navy Department civilian employe supervisors joining labor unions while he was undersecretary and was cited by the House Civil Service Committee for the way the Navy handled its loyalty-security program. He previously had been honored by the machinists union for his labor relations work at Aerojet during World War II.

In 1950 Mr. Kimball gave a party for about 40 women members of the White House Correspondents Association who were barred from the club's annual stag dinner. He jokingly called the dinner a new FEPC—"Foundation for the Elimination of Preferential Classification."

The women correspondents made him president, vice president, secretary and treasurer of the dinner committees.

Mr. Kimball was a man of countless public and private philanthropies. One of the projects that engaged his deepest interest was an Army tent factory he set up in the Watts area of Los Angeles after the 1965 riots. He gave personal attention to the establishment and operation of the plant, called the Watts Manufacturing Co.

At his insistence, all supervisory personnel were Watts residents and trained in the management divisions of his company. Employment priority was given to applicants who lacked education and could not find jobs elsewhere because of police records.

At the time of his death, Mr. Kimball was helping the Moroccan government establish a technical school for indigents. He had been interested in the project for three years.

Mr. Kimball was successful in soliciting campaign funds for Truman in the 1948 election, predicting that the President would win re-election. He also was chairman of former California Gov. Edmund G. Brown's campaign committee in 1962.

Two years ago he was a member of a group of prominent businessmen who pledged to raise more than $5 million for Sen. Eugene J. McCarthy's presidential campaign. The group said McCarthy's anti-Vietnam war position then made him "the best political risk in American politics."

Mr. Kimball and Doris Fleeson were married in 1958. They would have celebrated their 12th anniversary tomorrow. Besides his wife, he leaves a stepdaughter, Doris O'Donnell.

Services will be Monday at the Navy Chapel, 3801 Nebraska Ave. NW., with burial in Arlington Cemetery.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HUNGATE, for August 3, 4 and 5, 1970 on account of official business.

Mr. WOLFF (at the request of Mr. BOGGS), for Friday, July 31, 1970, on account of official business.

Mr. BRASCO (at the request of Mr. BOGGS), for Friday, July 31, 1970, on account of official business.

Mr. ADDABBO (at the request of Mr. BOGGS), for Friday, July 31, 1970, on account of official business.

Mr. BURLESON of Texas, for August 3 through 11, 1970, on account of official business.

Mr. HAGAN (at the request of Mr. ALBERT), for today, July 31, on account of official business.

Mr. RANDALL, for Monday, August 3, and Tuesday, August 4, on account of official business.

Mr. REIFEL (at the request of Mr. GERALD R. FORD), for July 30 through August 3 on account of personal affairs.

Mr. JOHNSON of California (at the request of Mr. MCFALL), for Friday, July 31, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROONEY of New York for 15 minutes today and to revise and extend his remarks and include extraneous matter.

The following Members (at the request of Mr. GOLDWATER) to address the House and to revise and extend their remarks and include extraneous matter:

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. POFF, for 5 minutes, today.

Mr. MCDADE, for 10 minutes, today.

Mr. FINDLEY, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LOWENSTEIN, his remarks which appear in the daily edition of the CONGRESSIONAL RECORD of June 12, 1970, at page 19638, to be printed in the permanent edition of the May 12, 1970, RECORD, at the point of the proceedings where the House was considering the Stephens amendment to H.R. 17548.

(The following Members (at the request of Mr. GOLDWATER) and to include extraneous matter:)

Mr. BURTON of Utah in five instances.
Mr. WEICKER.
Mr. ADAIR.
Mr. HORTON in two instances.
Mr. EDWARDS of Alabama.
Mr. GERALD R. FORD.
Mr. GUDE.
Mr. BURKE of Florida in two instances.
Mr. SCHERLE.
Mr. SCHMITZ.
Mr. BUCHANAN.
Mr. MINSHALL in two instances.
Mr. QUIE.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. BIAGGI in five instances.
Mr. VAN DEERLIN.
Mr. BOLLING.
Mr. LEGGETT in three instances.
Mr. VANIK in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. BOLAND in three instances.
Mr. ROSTENKOWSKI in two instances.
Mr. MAHON in three instances.
Mr. JONES of North Carolina.
Mr. FISHER in two instances.
Mr. NICHOLS in two instances.
Mr. KOCH in two instances.
Mr. HUNGATE in three instances.
Mr. ROSENTHAL in six instances.
Mrs. SULLIVAN in two instances.
Mr. ROBINO in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3647. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3648. An act to provide improvements

in the administration of health services in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army, retired.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On July 30, 1970:

H.R. 16916. An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

On July 31, 1970:

H.R. 914. An act for the relief of Hood River County Oreg.;

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes;

H.J. Res. 1328. A resolution making further continuing appropriations for the fiscal year 1971, and for other purposes;

H.J. Res. 1336. A resolution to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, August 3, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2267. A letter from the Director, Congressional Liaison Staff, Agency for International Development, Department of State, transmitting the second annual report on actions taken by the Agency to strengthen management practices in the foreign aid program, pursuant to section 621(a) of the Foreign Assistance Act of 1961, a amended; to the Committee on Foreign Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2268. A letter from the Comptroller General of the United States, transmitting a report on the questionable basis for approving certain auxiliary route segments of the Interstate Highway System, Federal Highway Administration, Department of Transportation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee, on Education and Labor. H.R. 18260. A bill to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance; with an amendment (Rept. No. 91-1362). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 18751. A bill to amend title 10, United States Code, relating to the grade in which members of the Armed Forces are discharged or retired, and for other purposes; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 18752. A bill to reorganize the government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioner of the District of Columbia and the District of Columbia Council, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURLESON of Texas:

H.R. 18753. A bill to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 18754. A bill to prohibit brokered deposits in banks and other financial institutions; to the Committee on Banking and Currency.

By Mr. DINGELL:

H.R. 18755. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airways Revenue Act of 1970) to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 18756. A bill to amend the Immigration and Nationality Act with respect to naturalization fees; to the Committee on the Judiciary.

H.R. 18757. A bill to permit husbands to be claimed as dependents for the purposes of computing educational assistance allowances for female veterans; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL:

H.R. 18758. A bill to provide minimum disclosure standards for written warranties and guarantees of consumer products against defect or malfunction; to define minimum Federal content standards for such warranties and guarantees; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 18759. A bill to amend the Internal Revenue Code of 1954 to permit airline tickets and advertising to state the amount of tax on air transportation; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 18760. A bill to repeal certain provisions of the Airport and Airway Development Act of 1970; to the Committee on Ways and Means.

By Mr. CÓRDOVA (for himself and Mr. SMITH of New York):

H.R. 18761. A bill to continue the jurisdiction of the U.S. district court for the district of Puerto Rico over certain cases pending in that court on June 2, 1970; to the Committee on the Judiciary.

By Mr. McMILLAN (by request):

H.R. 18762. A bill to amend the District of Columbia Minimum Wage Act to provide that a wage order under that act may not be revised more frequently than once a year, to change the membership on wage order advisory committees, and to limit the maximum wage under a wage order to not more than 10 percentum of the highest Federal minimum wage rate; to the Committee on the District of Columbia.

By Mr. QUIE (for himself, Mr. CAREY, Mr. AYRES, Mr. WILLIAM D. FORD, Mr. BELL of California, Mr. REID of New York, Mr. ERLENBORN, Mr. SCHERLE, Mr. DELLENBACK, Mr. ESCH, Mr. ESHLEMAN, Mr. LANDGREBE, and Mr. HANSEN of Idaho):

H.R. 18763. A bill to amend Public Law 874 (81st Cong.) to provide adequate compensation to local educational agencies for special programs designed to meet the special educational and related needs of handicapped children and of children with specific learning disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself, Mr. MOSS, Mr. MURPHY of New York, and Mr. ECKHARDT):

H.R. 18764. A bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.J. Res. 1339. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 1340. Joint resolution to authorize the President to issue annually a proclamation designating the first week in June of each year as "National PBX Operators Week"; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 697. Concurrent resolution to repeal the Gulf of Tonkin Resolution; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Res. 1170. Resolution expressing the sense of the House of Representatives with respect to balance of power in the Middle East; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

STEFAN POMIERSKI GREAT POLE—GREAT AMERICAN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. PHILBIN. Mr. Speaker, on June 25 at Riverhead, N.Y., a very impressive memorial service was conducted for the late Mr. K. Stefan Pomierski, Polish born, great American, and beloved husband, father, and friend, who for many years served his adopted country, the United States, with great ability, dedication, and devotion.

Although he did not use or refer to his title, Mr. Pomierski was born a Polish nobleman, and until he came to this country some years ago and thereafter was known to many as a count.

He was a man of many great gifts—a magnetic personality, brilliant mentality, developed and enriched at some of the greatest universities in Europe, above all, a passionate freedom lover and freedom fighter, dedicated to human liberty, particularly to the free institutions of America, which he loved with all his heart.

He was a noted scholar and spoke 11 different languages.

He was also a zealous student of political philosophy, government, economics, history, and public affairs, and an eloquent, gifted, public speaker.

He was also a natural-born leader, intensely loyal to the cause of his native country, Poland, and its gallant people, which he supported with great skill, tenacity, brilliant leadership and unflagging determination, since Communist domination of Poland began.

He was a recognized leader of various Polish organizations, and was highly decorated for his ideals, his achievements and his great contributions for Polish freedom, and the preservation of the freedom and way of life of our own great country, which he served and loved no less than his own native land.

He won high admiration and esteem for his constant, effective battle against subversion in this country. During his long history of outstanding activities against those at home and abroad striving to destroy freedom in the world, and particularly to weaken and then destroy the greatness and freedom of this country, with its matchless opportunities for the lowly, the humble, and the oppressed, its high standards, its prosperity and well-being, its great works of compassion, sympathy, assistance for the disadvantaged, help for the poor and suffering, of our own country, as well as virtually every corner of the world, Stefan Pomierski was a lover and champion of enslaved and friendless humanity.

Stefan Pomierski was especially interested in the problems of youth, because he well recalled the problems that he faced himself as a young man, struggling and fighting for freedom against powerful, well-entrenched leaders of despotic governments, interested only in ill-gotten gains for themselves and their associates, and intent upon suppressing the rights, freedoms, and privileges of ordinary people, not of their own special mold.

Stefan Pomierski worked a great deal with young people, and he had faith in their ability and loyalty to this country and their willingness to stand up and fight for it in time of danger and peril.

He was convinced that Americans must be constantly alerted to the perils of police state government, based on hostility to spiritual principles, and committed to the evil rule of ruthless, totalitarian dictatorship over the minds, hearts, and souls of men and women.

He was also deeply convinced that democracy must be predicated on duty to country, and that only the people, the loyal and the true, determined to save their freedoms, could possibly overcome the perils and threats coming from so many sources, seeking to start bloody revolutions, ultimately overthrow the Government, and replace it not by ballot but by revolutionary measures, with the Communist system of Karl Marx.

It was appropriate that at the memorial for Stefan Pomierski, a dear friend, the able distinguished Hon. Joseph P. Plonski of Huntington, Long Island, N.Y., counsel to the American Order of General Pulaski, and a recognized judicial leader, should be selected to present the awards memorializing Mr. Pomierski's achievements during his life, and recalling the high esteem and affection in which he was held by all who knew him, and particularly, by those who shared his resolve to liberate his native land and retain the liberty and freedom of this country at all costs.

It was also significant that awards given on the occasion in honor and remembrance of Stefan Pomierski should be bestowed upon talented, young students, mostly of Polish descent, and such fine examples of the Polish national, religious schools of the country, because these causes were very close to Stefan's faith and heart all his life, and he would applaud these splendid awards for talented young people who will be the leaders of tomorrow.

While the Pomierski memorial occasion brings me pangs of deep sorrow for the untimely passing and irreparable loss of this valued and esteemed friend, who is missed so much by those who remembered and loved him during his very useful, constructive, dedicated lifetime, it was also an occasion of great, renewed inspiration, because it meaningfully accentuates the determination and high purpose of people all over this country, represented so well by the people and leaders gathered at these memorial exercises, to defend and protect our great country at all costs, to keep it from harm, free from Communist infiltration, and the evils and debaucheries of subversion, immorality, and indecency that are being spread through the Nation and the world to destroy freedom, the human family, and the moral principles and standards by which our country in such large measure, has become so strong, powerful, and great.

It awakens and arouses people from apathy, indifference, and frustration and brings them to realize the truth of the old expression that if democracy is going to live, it must enjoy the participation and support of all citizens, who believe in its principles and who are willing to fight and die for them, if necessary. This is the spirit that made this Nation what it is, and this is the spirit that will defend and protect it, and make it even a greater instrument for freedom and human happiness in the time to come, down through the long, unbroken channels of history.

Stefan was deeply dedicated to the cause of peace because as a Polish nobleman and loyal American he especially knew the bitter sorrows and horrors of war, and early in life had dedicated himself to courageous resistance to tyranny and evil, and to amity, good will, cooperation, and friendship between all peoples, designed to permit them to live, free of oppression, and entitled under the rule of law, to enjoy the blessings of democracy, freedom, and personal liberty zealously guarded by evenhanded justice.

Peace with freedom and justice, and peace for all—the weak as well as the strong—and a peace ordained by the principles of the Ten Commandments, the Beatitudes, and the Sermon on the Mount, rather than one postulated on contempt and hatred for free, human beings, and unceasing attempts to oppress, shackle, and dominate them under the heel of ruthless, totalitarian dictatorship crushing out their sacred right to liberty and justice.

If Stefan could speak to us today from his heavenly reward in the Great Beyond, I am sure that he would counsel us and our great Nation to remain strong and united, to preserve our blessed heritage, and guard it with all our strength, and with all our hearts, so that no alien power, internal or external, fostering conquest and subjugation of helpless people, as well as all freedom and God believing people, could ever gain a foothold in this country, or black out human freedom in the world.

I want to compliment and hail my dear friend, Mrs. Anna Pomierski, the devoted, loving wife of our dear Stefan for her love, courage, and devotion to the blessed memory of her late, distinguished husband, and wish her all choicest blessings of good health, happiness, and peace with her loving family for many years to come.

K. Stefan de Pomierski—Polish nobleman, American patriot, and beloved husband, father and friend—has joined the heavenly hosts in that "bourne from which no traveler ever returns."

But the graciousness of his devotion to family and friends, his unswerving loyalty to God and country, his unalterable commitment to human freedom and ordered liberty will long remain to inspire and strengten those he has left behind to stand firm and unyielding by the principles of free government to which his rich life was pledged. Let us all take fresh courage and resolution from his example.

He brought joy and merry fellowship to his friends and companies; he offered his all to his country and his God; and he did much to keep the lamps of freedom lighted in his time.

God love him.

THERESA KORNAFEL WINS RECOGNITION

In honor of the memory of K. Stephan Pomierski, a Past President of the American Order of General Pulaski, three awards are to be made to Superior students from Nassau and Suffolk Counties.

Before his death in June, 1969, at Riverhead, K. Stefan Pomierski was a long time resident of Glen Cove. He had a history of outstanding activities designed to promote appropriate love of America, his adopted Country. Mr. Pomierski originally came from Poland. He was especially interested in problems of youth. An out-spoken foe of Communism, in his writings he predicted problems for America's youth. He wrote, "Americans must be constantly alert to the perils of government based on anti-God principles." "Adult example is the best teacher." "Democracy must be based on duty to Country."

Joseph P. Plonski of Huntington, Counsel to the American Order, will present the awards. Recipients have been chosen by the Mother Superior of the Missionary Sisters of St. Benedict, and the two Principals of both St. Isidore's and St. Hyacinth Schools. Presentation was made at a Memorial Mass held on June 20th, 1970, at 11:00 am, at the Chapel of the Missionary Sisters of St. Benedict, in Huntington, N.Y. Father Alfred Markewicz, Guidance Counselor at St. Pius X Seminary in Uniondale and Chaplain of the Missionary Sisters, celebrated the Mass.

Certificates and cash awards were presented to Sr. M. Maura, a Benedictine Nun who is furthering her studies in nursing and the English language; to James Bilhar, a student at St. Hyacinth's School, Glen Cove; and to Theresa Kornafel, a student at St. Isidore's School in Riverhead.

TRIBUTE TO MR. LESLIE S. "LEE" BRADY

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. ADAIR. Mr. Speaker, I rise today to salute a veteran foreign service officer, Mr. Leslie S. "Lee" Brady.

Mr. Brady, who retired from the U.S. Information Agency in April of this year, was named a Chevalier—Knight—of the French Legion of Honor on May 27, 1970, by Louis Joxe, former French Minister and Ambassador.

At the ceremony in his honor, Mr. Brady's contributions to Franco-American friendships were cited by Minister Joxe, who has known Mr. Brady and worked closely with him since the latter first served in Paris after World War II. Altogether, Mr. Brady represented his country in France for 13 years, his last assignment being that of counselor for public affairs.

I commend Mr. Brady upon his distinguished service, which has been so appropriately recognized by the citizens of France.

PRELIMINARY FEDERAL BUDGET RESULTS, FISCAL YEAR 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. MAHON. Mr. Speaker, on July 28 the executive branch issued a summary report giving the preliminary Federal budget results for the fiscal year 1970 which closed a month ago.

I am including the official report as part of my remarks. In briefest summary:

A LARGER DEFICIT

The budget went in the red, in fiscal 1970, on the unified budget basis—which counts in the trust fund surpluses—by $2.9 billion, instead of the $1.5 billion surplus originally projected in the February 2 budget but which was reestimated as a $1.8 billion deficit in the May 19 official budget revisions.

On the Federal funds basis, that is, excluding the trust funds which are dedicated to specific programs and which by statute are put outside the general expenditure purposes of Government, the budget went in the red in fiscal 1970 by $13 billion, instead of the $7.1 billion deficit originally projected in the February 2 budget but which was reestimated as an $11 billion deficit in the May 19 official budget revisions.

In contrast, in fiscal 1969, the unified budget surplus was $3.2 billion, but in Federal funds there was a deficit of $5.5 billion.

HIGHER EXPENDITURES

Expenditures—budget outlays—for fiscal 1970 totaled $196.8 billion on the unified budget basis, $1.1 billion less than the February 2 projection and $1.4 billion less than the May 19 revised projection.

Mr. Speaker, these lower-than-projected expenditure results are the principal reason administration officials take some satisfaction in the fiscal 1970 budget results. I know from firsthand information that the former Director of the Budget, Mr. Mayo, and the administration generally, has steadfastly sought to restrain the growth of Federal expenditures and to bring about a better balance in the composition of those expenditures. I want to again commend the administration for its efforts in undertaking to hold the line on the budget.

But in comparison to the previous year, fiscal 1969, budget expenditures in fiscal 1970 were $12.2 billion higher on the unified budget basis, several billions of which relate to trust funds, but more than half of which relates to Federal funds.

LOWER REVENUES

Unified budget revenues were less than projected. They totaled $193.8 billion, off $5.6 billion from the outlook projected in the February 2 budget and $2.6 billion less than shown in the May 19 official revisions.

HIGHER PUBLIC DEBT

The public debt subject to the debt limitation on June 30, 1970 was $373,424,826,663—an increase during the fiscal year 1970 of $16,493,302,875.

On a per capita basis—that is, for each man, woman, and child—the public debt was $1,808 at June 30, 1970.

The public debt includes debt held by the public as well as securities issued to the various trust funds—such as social security and highways—for surplus moneys borrowed for use in the regular operations of Government. It is these borrowings that under the unified budget plan tend to mask the depth of red-ink spending for Federal functions as shown by the following table of the 3 most recent years, including very tentative estimates for the current fiscal year 1971:

THE BUDGET SURPLUS AND DEFICIT SITUATION, FISCAL YEARS 1969–71

[In billions of dollars, rounded]

	Trust funds	Federal funds	Total of the 2	Less intragovernmental transactions that wash out	Net totals
Fiscal 1971:					
Budget receipts (revised estimate, May 19)	64 4	149.6	214.0	−9.7	204.3
Budget outlays (revised estimate, May 19)	55.7	159.6	215.3	−9.7	205.6
Surplus (+) or deficit (−) (estimated)	+8.7	−10.0	−1.3		−1.3
Fiscal 1970:					
Budget receipts (preliminary actual)	59.8	143.2	203.0	−9.1	193.8
Budget outlays (preliminary actual)	49.7	156.2	205.9	−9.1	196.8
Surplus (+) or deficit (−) (preliminary actual)	+10.1	−13.0	−2.9		−2.9
Fiscal 1969:					
Budget receipts (actual)	52.0	143.3	195.3	−7.5	187.8
Budget outlays (actual)	43.3	148.8	192.1	−7.5	184.6
Surplus (+) or deficit (−) (actual)	+8.7	−5.5	+3.2		+3.2
Surplus (+) or deficit (−) (all 3 years estimated, foregoing basis)	+27.5	−28.5	−1.0		−1.0

FISCAL 1971 OUTLOOK—THE DARK AND THREATENING CLOUDS

Mr. Speaker, the very tentative official executive branch projections of May 19 reflect a unified budget deficit for fiscal 1971 of $1.3 billion and a Federal funds deficit of $10 billion. Depending significantly but not entirely on what Congress does or does not do (actions or inactions) to the various pending budget revenue and expenditure proposals, the unified budget deficit could go to $10 billion and the Federal funds deficit to the range of $20 billion.

In any event, as the Director of the Office of Management and Budget told a congressional committee on July 20:

> The outlook for the current year—1971—is clouded with uncertainty and for the most part the clouds are dark and threatening.

THE EXECUTIVE BRANCH RELEASE

Mr. Speaker, the official executive branch release on preliminary budget results for fiscal 1970 follows:

JULY 28, 1970.

JOINT STATEMENT OF DAVID M. KENNEDY, SECRETARY OF THE TREASURY, AND GEORGE P. SHULTZ, DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, ON BUDGET RESULTS FOR FISCAL YEAR 1970

SUMMARY

The June Monthly Statement of Receipts and Expenditures of the United States Government released today provides preliminary budget totals for fiscal year 1970. It shows receipts of $193.8 billion and outlays of $196.8 billion for the fiscal year 1970, which ended on June 30. The budget deficit was $2.9 billion.

Receipts were $2.6 billion below the May 19 estimate and $5.5 billion below the February estimate, reflecting lower than expected levels of individual and corporate tax receipts.

Outlays were $1.4 billion below the May estimate and $1.1 billion below the budget estimate, despite the $1.1 billion retroactive Federal pay increase enacted in April and higher outlays for such uncontrollable items as interest on the public debt and farm price support payments.

The budget deficit of $2.9 billion was $1.1 billion higher than the May estimate, compared to the projected surplus of $1.5 billion in the February budget.

RECEIPTS

Budget receipts in the fiscal year 1970 were $5.5 billion less than the February budget estimate. Income tax receipts accounted for all of the shortfall. Receipts from individual income taxes were $1.8 billion below the estimate and corporation receipts were $4.2 billion below the estimate.

Approximately $450 million of the lower individual income taxes resulted from higher than expected refunds. The bulk of the remaining $1.4 billion shortfall represented payments of final taxes on calendar year 1969 liabilities and declaration payments on 1970 incomes that were substantially below the amounts estimated, largely reflecting lower than expected capital gains.

Larger than expected refunds accounted for about $300 million of the $4.2 billion decline of corporate tax receipts from the budget estimate. The remaining $3.9 billion reflected shortfalls in final payments of 1969 liabilities and declaration payments of 1970 liabilities that were below the amounts estimated earlier.

Social insurance taxes and contributions were almost $500 million more than estimated in the February budget, while excise taxes were $229 million below the budget estimate. Estate and gift taxes and customs duties exceeded the budget estimates by $120 million and $170 million, respectively. Miscellaneous receipts were $94 million below the budget estimate.

OUTLAYS

Total outlays in fiscal year 1970 were $196.8 billion, $1.1 billion lower than the February budget estimate. This change was the net result of a number of increases and decreases.

The principal increases:

The Federal comparability pay raise added an estimated $1.1 billion to fiscal 1970 budget outlays. This was the only factor accounting for the increase in outlays over the budget estimate for the military functions of the Department of Defense. A complete report of the effect of this pay raise on appropriations is due to be made to the Congress by October 15, 1970.

Payments of interest on the public debt were $457 million over the budget estimate largely because interest rates were higher than expected. Also, borrowing ran higher in order to finance the unanticipated deficit.

The Post Office increase of $267 million over the budget estimate was due to the postal pay raise and to inaction by the Congress on the proposed postal rate increase.

Department of Agriculture Commodity Credit Corporation net outlays were $251 million over the budget estimate because of increases in farm price support payments.

Outlays for the military assistance programs exceeded the budget estimate by $236 million principally due to lower than projected receipts paid into the foreign military sales trust fund.

Higher than anticipated unemployment in the second half of the fiscal year was primarily responsible for the $127 million increase in outlays over the budget estimate for the Department of Labor.

The principal decreases:

Net outlays of the Export-Import Bank of the United States were $381 million below the budget estimate due primarily to lower than anticipated levels of loan disbursements under the Bank's regular and discount loan programs.

Department of Health, Education and Welfare outlays were $321 million under the budget estimate as a result of lower than expected spending in the Medicare program.

General program underruns were responsible for the Department of Transportation spending $254 million less than the budget estimate.

Department of Housing and Urban Development outlays were $173 million below the budget estimate due to slower than projected spendout in the Model Cities program.

Outlays of the National Aeronautics and Space Administration were $137 million lower than the budget estimate, reflecting program deletions and a rephrasing of program effort.

Net outlays of the Department of Agriculture, excluding the Commodity Credit Corporation, were $132 million lower than estimated, mainly because of higher than expected asset sales by the Farmers Home Administration and a general underrun in the Rural Electrification Administration, partially offset by lower receipts of the Forest Service.

Department of Justice outlays were $106 million below the budget estimate caused primarily by delays in awarding Law Enforcement Assistance grants and slow implementation of these grants at the State and local level.

FEDERAL FINANCES, FISCAL YEAR 1970

[In billions of dollars]

Description	Budget estimate	Actual	Change from budget estimate
Budget receipts, expenditures, and lending:			
Expenditure account:			
Receipts	199.4	193.8	−5.5
Expenditures	195.0	195.0	(1)
Expenditure surplus (+) or deficit (−)	+4.4	−1.1	−5.5
Loan account: Net lending	2.9	1.8	−1.1
Total budget:			
Receipts	199.4	193.8	−5.5
Outlays	197.9	196.8	−1.1
Budget surplus (+) or deficit (−)	+1.5	−2.9	−4.4

Description	Budget estimate	Actual	Change from budget estimate
Means of financing:			
Borrowing from the public	−1.0	5.4	+6.4
Reduction of cash and monetary assets, increase (−)		−1.5	−1.5
Other means	−.5	−1.0	−.5
Total budget financing	−1.5	2.9	+4.4

[1] Less than $50,000,000.

Note: Detail will not necessarily add to totals because of rounding.

BUDGET RECEIPTS AND OUTLAYS

[Fiscal years— Dollars in millions]

Description	1969 actual	1970 Budget estimate	1970 Actual	1970 Change from budget estimate
RECEIPTS BY SOURCE				
Individual income taxes	87,249	92,200	90,371	−1,829
Corporation income taxes	36,678	37,000	32,829	−4,171
Social insurance taxes and contributions:				
Employment taxes and contributions	34,236	38,914	39,132	218
Unemployment insurance	3,328	3,340	3,465	125
Contributions for other insurance and retirement	2,353	2,551	2,699	149

BUDGET RECEIPTS AND OUTLAYS—Continued

[Fiscal years—Dollars in millions]

Description	1969 actual	1970 Budget estimate	1970 Actual	1970 Change from budget estimate
RECEIPTS BY SOURCE—Continued				
Excise taxes	15,222	15,940	15,711	—229
Estate and gift taxes	3,491	3,500	3,620	120
Customs	2,319	2,260	2,430	170
Miscellaneous	2,916	3,681	3,587	—94
Total receipts	187,792	199,386	193,844	—5,542
OUTLAYS BY MAJOR AGENCY				
Legislative branch and the judiciary	386	466	468	2
Executive Office of the President	31	39	36	—3
Funds appropriated to the President:				
Appalachian regional development programs	164	255	193	—62
International financial institutions	121	256	224	—32
Military assistance	789	495	731	236
Economic assistance	1,781	1,700	1,606	—94
Office of Economic Opportunity	1,813	1,841	1,801	—40
Other	300	272	222	—50
Agriculture:				
Commodity Credit Corporation	5,159	4,617	4,869	251
Other	3,171	3,790	3,659	—132
Commerce	854	1,078	1,027	—51
Defense:				
Military	77,877	76,505	77,100	595
Civil	1,268	1,270	1,210	—60
Health, Education, and Welfare	46,594	52,670	52,350	—321
Housing and Urban Development	1,529	2,776	2,603	—173
Interior	837	1,164	1,119	—46
Justice	515	743	637	—106
Labor	3,475	4,232	4,358	127
Post Office	920	1,247	1,514	267
State	437	447	447	(1)
Transportation	5,970	6,673	6,418	—254
Treasury:				
Interest on the public debt	16,588	18,800	19,257	457
Other	336	307	234	—73
Atomic Energy Commission	2,450	2,461	2,453	—8
General Services Administration	425	454	458	4
National Aeronautics and Space Administration	4,247	3,886	3,749	—137
Veterans' Administration	7,669	8,657	8,653	—4
Civil Service Commission	1,682	2,773	2,647	—86
Export-Import Bank of the United States	246	600	219	—381
Railroad Retirement Board	1,491	1,677	1,600	—77
Small Business Administration	110	273	253	—20
U.S. Information Agency	183	197	197	1
Other independent agencies	258	918	819	—99
Allowances, undistributed		475		—475
Undistributed intrabudgetary transactions:				
Federal employer contributions to retirement funds	—2,018	—2,307	—2,443	—136
Interest credited to certain Government accounts	—3,099	—3,781	—3,934	—153
Total outlays	184,556	197,885	196,752	—1,133
Budget surplus (+) or deficit (—)	+3,236	+1,501	—2,908	—4,409

A QUESTION FOR THE COURT: HOW SOON IS POSSIBLE?

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, the following article by James J. Kilpatrick, appearing in the Evening Star on July 30, 1970, and entitled "A Question for the Court: How Soon Is Possible?" is so correct and so well written that I can think of only one comment, and that comment can be said in one word: "Amen."

I insert the article in the RECORD at this point:

A QUESTION FOR THE COURT: HOW SOON IS POSSIBLE?

(By James J. Kilpatrick)

Back in March, Chief Justice Warren Burger filed an unhappy memorandum in the Memphis school desegregation case. His colleagues had summarily reversed the 6th Circuit, and then had ordered the district judge to get on with his job of promptly decreeing a "unitary" system.

Burger wanted to hear arguments in the case. So did Justice Potter Stewart. But Justice Thurgood Marshall was then in the hospital with pneumonia. Justice Harry A. Blackmun had not been confirmed. The Court was limping along with seven members, and it seemed no time to tackle the whole knotty problem of school segregation again.

But Burger didn't like it. "As soon as possible," he said, the court ought to resolve the "basic, practical problems" of desegregation decrees.

It is time to ask the chief justice and his colleagues, bluntly but with no disrespect: How soon is possible?

The high court adjourned on June 29 for a vacation of more than three months. Granted, this is not pure holiday. Members of the court do some loafing, of course, as other men do, but they also work on petitions for appeal and spend hours in research and reading. Nevertheless, the effective work of the court—the hearing and deciding of cases—has ground to a halt, not to be resumed until October.

Meanwhile, in the schools, chaos. Burger himself may believe that "the suggestion that the court has not defined a unitary school system is not supportable." Bosh! He would be hard put to find two federal judges in the country who agree on the term. The court also has demanded that school systems must be "nonracial." But from Norfolk to Los Angeles, trial courts—often reluctantly—are applying racial criteria.

The court has further demanded that all traces of discrimination be eliminated "root and branch." It is a fine phrase, but who knows what it means? As Virginia's District Judge Walter Hoffman recently made clear all but five of the 50 states have some "roots" of racial discrimination in their law. In such states as Indiana, these roots manifestly have contributed to the location of existing school buildings. The black pupils of Gary are far more segregated than the black pupils of Norfolk or Richmond.

Yet such is the confusion in this field of the law that Gary's segregation is regarded as "de facto," and thus to be accepted, while Virginia's lesser segregation is residually "de jure," and hence to be condemned. Both Norfolk and Richmond face Draconian orders to destroy their neighborhood schools through the madness of compulsory busing. Gary is immune.

Such a dual standard of justice, as Virginia's Senator William B. Spong remarked the other day is morally and constitutionally indefensible. Whatever the Constitution requires of our public schools—and no one knows, for the Supreme Court offers little but ringing gibberish—the Constitution presumably requires the same thing of all states.

Is gibberish too strong a word? Consider. The court's definition of a unitary school system is one "within which no person is to be effectively excluded from any school because of race or color." All clear? Yet in Norfolk alone, 16,000 pupils would be effectively excluded from the schools they normally would attend because of their race or color.

The court has insisted there be no black schools and no white schools, but "just schools." Great. What are "just schools"? Why, says the court, they are schools in which race is not a factor. But race has become the sole factor in recent lower court decrees.

This intolerable mess was created by the Supreme Court. It can be resolved only by the Supreme Court. Marshall has now recovered. Blackmun is seated. If Burger will roust his idle brothers out of their hammocks, any one of a dozen pending cases could be swiftly scheduled for argument at a special sitting of the court. It seems little enough to ask of nine men who collectively are paid $542,500 a year to function as the highest tribunal in the land.

SERGEANT SMITHSON AWARDED BRONZE STAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. LONG of Maryland. Mr. Speaker, Sfc. James E. Smithson, operations sergeant in the Department of Bio Sensor Research at Edgewood Arsenal, has been awarded the Bronze Star Medal for meritorious achievement in ground operations against hostile forces in Vietnam. I should like to commend this fine man by including the following article in the RECORD:

SFC. SMITHSON AWARDED BRONZE STAR FOR OPERATIONS IN VIETNAM

Sergeant First Class James E. Smithson, operations sergeant in the Department of Bio Sensor Research at Edgewood Arsenal, has been awarded the Bronze Star Medal for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam.

A veteran of over 16 years service in the Army, Sergeant Smithson is a native of New

Brunswick, N.J. He is a graduate of Sarasota High School, Class of '52, Sarasota, Fla., and entered the Army in February 1954.

In addition to tours of duty in Vietnam and Edgewood Arsenal, he has served overseas in Korea, Germany, Hawaii and Panama.

Sergeant Smithson's decorations and awards, in addition to the Bronze Star Medal, include the National Defense Service Medal; United Nations Medal; Korean Service Medal, Vietnam Campaign Medal; Vietnam Service Medal and the Good Conduct Medal with five Oak Leaf Clusters.

He is married to the former Mary P. Poole whose mother, Mrs. Alfred Poole, lives at 105 N. Anoka, Avon Park, Fla., Sergeant and Mrs. Smithson are the parents of four children. The family resides locally on Hawthorne Dr., Edgewood, Maryland.

MAJORITY OF AMERICANS APPROVE THE PRESIDENT'S ACTION OF SENDING TROOPS INTO CAMBODIA

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BURKE of Florida. Mr. Speaker, I am amazed at the unusual silence of the vocal minority who so verily criticized President Nixon when he announced his intentions to send American troops into Cambodia to clean out the Communist bases. Now that the President has kept his word and removed our American forces from Cambodia, perhaps they recognize their myopia and hysteria as being foolish—just as foolish as it has been for us over the years to leave the enemy free to attack our troops in Vietnam by attacking our flanks from their sanctuaries.

Now that the hysteria is over and our troops have been removed, the polls show that the majority of the American people approve President Nixon's action of sending troops into Cambodia in order to gain time, and in the long run having saved many lives of our fighting men in Vietnam. How sad it is that the protesters that became so embroiled in hysterical agony and who talked so much about it, now remain so silent. It is obvious that they in their silence are now the silent minority as distinguished from the silent majority who applaud the action of the President taken against the enemy sanctuaries in Cambodia.

I have always felt that those in the know are those who are there. Such a person is David Badger, the son of Mr. and Mrs. Donald Badger who reside in Fort Lauderdale, Fla., which is in my congressional district. Sp4c. David A. Badger is with the signal support agency in the U.S. Army in Vietnam. David A. Badger entered the Army on May 19, 1969. He is like all the other young men serving in the armed services and is not immune from participating in the customary Army gripes, nor is he a man of iron by his own admission. He admits that he does not have a military mind, but he states that he has a fairminded view of the whys and wherefores of Vietnam. Recently he wrote to his parents, and they in turn forwarded his letter written in Vietnam to them. Here are some excerpts from this letter:

> I wish there were some way that I could reach every one of those persons who have protested violently about Nixon's Cambodian policy. Especially parents who have sons in Vietnam. Don't these people realize the danger over here, the constant everynight attacks that are made on almost every allied base? Saigon is hit at least once a week, however, they hit the city, not Tan Son Nhut. Last week the Bachelor's Officer's Quarters' was hit by a satchel charge. A sergeant received the purple heart in our last awards ceremony for wounds received when a rocket slammed into the Bachelor Enlisted Quarters'. Both of these buildings are in Saigon, within a mile of Tan Son Nhut. There are Viet Cong located around Saigon every night and that is not considering the huge numbers of them actually within the city. What I am saying is that with the supplies coming from Cambodia the VC and NVA can continue the harassment that has plagued the allied cause for so long, taking lives and inflicting injuries. It is so simple to hit them where their supplies are, to cut off the much needed lines of delivery, to separate the man from his weapon. But the public, the ignorant community, the man that is not only foolish, but deaf to such open facts, refuses to understand. President Nixon is a brave unselfish speaker for the Patriotic persons such as construction workers (I admire them) who are holding the United States together under the pressure of all those who would have it fall in the name of peace. We'll never have peace, but if those who want it so bad would let our chosen leaders run the country without causing internal strife to further problems, I'm sure we could come much closer to our goal. And I'll guarantee that 90% of the GI's over here would agree with me in backing Nixon's ideas, except possibly the deadline he has set for pulling out of Cambodia. I imagine they would want it extended until every nest the communists have built is eradicated. It just makes me so sick to think that ten years from now, eight years after the U.S. had pulled out of Vietnam, we may have to come back and start all over.
>
> We have shackled the President by not allowing him to finish the job quickly. We tell him what we want, then cut off every means of doing it. We have put him up against a wall that we created ourselves and then bitch because he's not doing anything. Our Democratic process is going to be our downfall because we're not responsible enough to handle it.
>
> I will tell you the exact truth about something very astonishing. Several more times than you would dare guess, I have heard a statement. The statement would really knock quite a few protesters and foolish parents off their feet. Many, many soldiers have questioned returning to the United States, the country they have militarily serviced for 2 or 3 years. And, why you ask . . .why? I've got a question for you. Why return? So we can see a country crumbling before our eyes? So we can watch slave-to-money persons destroying our environment, polluting resources, wasting what we watched others die for? So we can stare at closed college doors and the remains of burned-out dormitories? So we can watch as someone destroys property in the hopes of having his way? So we can watch lives snuffed out in the name of peace? I don't think that's very inviting myself. After a year or two of fighting, the last thing you want to see is more of the same. I agree that hopefully, it's not really as bad as the papers, radio, and TV make it out to be. But why all the foolishness in the first place. Two words: *sheer ignorance*. Ignorance of the truth. All we have to do is wait and see who will destroy us first: our enemy of the exterior or our enemy of the interior. Either way we will cause it ourselves. Each one who stood idly by and watched as America slowly drained itself of all that was good. Twenty years ago we were so strong that no one dared look at us cross-eyed. Now they stone our embassy buildings. Where did we go wrong? I don't know I wasn't around then. You were. . . .
>
> May I recommend one thing to all Americans. Do you remember Patrick Henry, the fellow who did "Give me liberty or give me death"? That is the statement that made history. But there was a lot more that came before it. Particularly the three or four sentences preceding that last line. The one I am thinking of begins with "At what price, peace" or something to that effect. Check it out. I believe I read that out of your encyclopedia. It is well worth reading, especially now. Our country is supposedly based on men like Henry and their desires. If what the history books wrote are correct, then I doubt it very much because nowadays we aren't even near it.
>
> Love,
>
> DAVE.

SOME ESSENTIAL FACTORS INVOLVED IN NEGOTIATING WITH THE COMMUNISTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. SCHMITZ. Mr. Speaker, an excellent book by Adm. C. Turner Joy on negotiating with the Communists has recently been republished. Admiral Joy negotiated with the North Korean and Chinese Communists for 10 months attempting to bring about an armistice in Korea. It would seem appropriate at this time to keep in mind the following statement from his book which sets forth some of the essential factors involved in negotiating with the Communists:

> Debating with the Communists is not as simple as starting from a valid premise and proceeding by cogent logic to a sound conclusion. The Communist way is to start from a false or irrelevant premise and proceed by invective and bombast to a shameless demand described as a "just and reasonable proposal." The relation between premise and conclusion is seldom clear and the road between the two is travelled with untroubled lack of logic. History is rewritten to support the claim of the moment and most claims are uncomplicated by moral considerations. The end is the mother of the means. Proof is by assertion, and rebuttal is by vilification. Repetition is the alchemy by which fiction becomes fact and fact becomes fiction. The mahinery of debate is used to destroy the purpose of debate, just as democratic institutions are used by the Communists to destroy democracy. While you can expect to accomplish very little positive good through debate you can be certain of unlimited opportunity to foul your own anchor, to become buried under your own patience or to become impaled on your lack of it. Patience and logic are essential, but they can never be decisive. In the end, might is essential to right, not because you or I would have it that way, but because unless we have armed might and unless we are willing to use that armed might in dealing with the Communists, we cannot win our point and, in fact, we may not survive to argue our point.

BRYAN H. JACQUES RETIRES AS STAFF DIRECTOR OF HOUSE SMALL BUSINESS COMMITTEE—HOWARD GREENBERG APPOINTED DIRECTOR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. EVINS of Tennessee. Mr. Speaker, it is with great regret that I must announce that my friend and long time associate, Bryan H. Jacques, is retiring as staff director of the House Select Committee on Small Business.

My association with Bryan goes back many years to our close association in the executive branch of the Government. Over the years I have watched with a great sense of satisfaction his progress in the Federal service as he moved up the ladder to greater and greater responsibility and success.

In his service as staff director of the Small Business Committee, he has been vitally concerned with, and a strong advocate for the Nation's small businessmen. He has served our committee and the Congress ably and well.

Bryan Jacques enters a well-deserved retirement with the best wishes of all of the Members who have served on this committee and with our fervent hope that he will enjoy many years of good health and happiness.

Mr. Jacques is being succeeded by Mr. Howard Greenberg, an outstanding executive in Government career service, and in this connection I place in the RECORD a press release announcing the retirement of Mr. Jacques and the appointment of Mr. Greenberg.

The press release follows:

HOUSE SMALL BUSINESS COMMITTEE EXECUTIVE DIRECTOR BRYAN H. JACQUES RETIRES—HOWARD GREENBERG APPOINTED AS DIRECTOR

Bryan H. Jacques, Staff Director of the House Select Committee on Small Business, has retired after many years of outstanding public service, Representative Joe L. Evins (D.-Tenn.), Chairman, announced today.

Evins also announced the appointment of Howard Greenberg to succeed Mr. Jacques as Staff Director. Greenberg formerly served as Deputy Administrator of the Small Business Administration and later as Staff Director of the Small Business Committee's Subcommittee on Foundations.

"It is with regret that I announce the retirement of my associate of many years, Bryan Jacques, who is retiring on account of disability," Chairman Evins said. "He has been an outstanding staff director and has rendered great service to the Members of the Committee, the Congress and the Nation's 5 million small businessmen."

Mr. Jacques is a graduate of the University of Kansas and the University of Chicago School of Law. He served as counsel with the Federal Trade Commission and when appointed staff director of the House Small Business Committee was serving as Director of the Bureau of Industry Guidance at the FTC.

"The Committee is fortunate to have Mr. Howard Greenberg, an experienced executive in the Government career service, to assume the responsibilities of Staff Director," Chairman Evins said.

Mr. Greenberg, a native of New York City, is a graduate of Benjamin Franklin University, Washington, and entered Government service in 1935 with the Department of the Interior. He held financial and management positions in various Federal agencies, including the General Services Administration, where he last served as Commissioner of the Utilization and Disposal Service relating to disposal of excess and surplus Government properties. He transferred from GSA to SBA in 1966 to become Associate Administrator for Investment of the SBA. In 1967 he was appointed Deputy Administrator of SBA, and since 1969 has served with the House Small Business Committee.

HORTON CONGRATULATES WAYNE COUNTY SENIORS ON THEIR PERCEPTION OF TODAY'S WORLD

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. HORTON. Mr. Speaker, I find it a rewarding experience to share with some of today's young students their innermost thoughts and ideals. As I read the timely statements from them, I have constantly renewed faith in their ability to handle the problems their generation will inherit.

Such is my reaction to the reading of some recent speeches delivered by high school students at their graduation exercises.

Representatives of the graduating class at the Clyde High School in Wayne County, N.Y., were invited to deliver talks on the subject of "People." Diane Dercola, John Delisio, Judy Rotach, Elaine Rogers, Odessa Leisenring and Gregory Dennis responded with such splendid and inspiring results that their speeches, or excerpts were printed in the Lake Shore News.

Each graduate, naturally, approached the subject from a different standpoint. Each recorded his or her thoughts in such a manner that the views on "People" are as varied as the meaning of the word itself.

As the Representative in the U.S. Congress from the district in which they live, I take great pride in saluting these young people and thanking them for giving us the opportunity of knowing them and their generation a lot better.

May I now share with my colleagues some of the things the Clyde seniors are saying:

AND SAYING

(Editor's Note.—The following are the speeches or excerpts of the speeches given by some of the students at the Clyde High School graduation exercises Sunday. The theme of the addresses was the theme of the exercises—"People.")

DIANE DERCOLA

We, my generation, are the people and leaders of tomorrow. We are the people you have brought up in an affluent society and offered the greatest opportunities for education. And because we are educated, we can't ignore the gap between the ideals of social justice (the ideals which you yourselves have taught us) and the many examples of injustice which exist in reality. And so to those of you who fear for us, we say to you that our goals are not so very different from yours; we too want a better life but better in the sense that everyone who has need from other people will receive it.

The majority of us believe that violence will get us nowhere; violence in fact, distresses us—that's what the newspapers print about us—that's why people have projected such a doubtful outlook for us.

This is what we want to straighten out; we want to make this world a better place, but not by rioting and destroying. We want to make this world a better place by expressing care and concern over the injustices of society. We want to answer the need of all people; then, everyone will be part of the luckiest people in the world.

Give us the chance.

JOHN DELISIO

Man is a gregarious animal; he was made to live in a community of other human beings, not by himself. This means that he must develop relations with his neighbors, not just that person who lives next to him or the people that he sees everyday, but everybody. I feel that the key to a successful relationship is tolerance. We cannot like or agree with everybody in the world, but for the happiest and most peaceful existence we must be tolerant and recognize the human rights of each individual on the face of the earth.

Tolerance could solve so many problems in the world, both big and little. The greatest cause of tension among all people today has to be due to the friction among the nations of the world. . . Try to imagine how much easier it would be to sleep nights if each country would tolerate the philosophies, political ideologies and doctrines of every other country and allow them to exist without any threat to their security.

Another source of tension today is failure to tolerate another person because of his color or convictions. We may feel contempt for a person but we still have no cause to abridge his rights by rioting, destroying his property, denying him an education or his right to express his views. We must be willing to show understanding so that we may achieve a peaceful coexistence.

In the words of George Bernard Shaw: "Though all society is founded on intolerance, all improvement is founded on tolerance."

JUDY ROTACH

Yes, our people have much to be thankful for.

We have the freedom of speech, yet this does not mean that one can abuse it.

The American people are granted the freedom of religion—to worship or not to worship as they please. It seems only right that people should have respect for what others believe although they may not agree.

The right to assemble and petition is one of our most important freedoms today. Through this freedom we are able to make the people holding government office respond to our wishes.

How much closer our nation's people would be if all people had a hand outstretched, willing to help their fellowman. How much safer our nation's people would feel if everyone respected the rights and freedoms of others. Intelligent people have taken the first step by granting themselves the few freedoms I have mentioned . . . All these are but offshoots of man's most precious freedom and power—free-will and reason. Let us as a community, a nation, a world made up of concerned individuals advance forward toward peace and understanding by respecting other freedoms and making use of our own.

ELAINE ROGERS

White collar, blue collar, and laborers; white man, black man, redman, and yellow; upper class, middle class, lower class, and poverty-stricken; this is the peril of man: he has classified himself by his race and by his materialistic achievements.

Underneath these titles, colored wrappers, and price tags are pulsating bodies. They all are of one race, PEOPLE.

Maybe not all the bodies are energetic. Maybe not all the heads are brilliant. Maybe not all the hands are gifted, but all the souls are based on love. They are just covered by the shadows of wrappers and tags.

The following poem written by one of my classmates seems to fit this theme well:

> Two arms, two ears, two eyes;
> Versatile may they be,
> They have one heart, one soul,
> They are people, you and me.
> Different as night and day,
> In thought, desire, and goal,
> But all in need of love;
> All people of one soul.

ODESSA LEISENRING

People are creations of God capable of many emotions. But the greatest emotion bestowed upon man is his ability to love. Love is an abstract word, undefinable, and only partially understood by those who think they possess it.

The kind of love God wants for his people here on earth is a love without prejudice against a fellow man; a love which is honest and does not hide behind cheap lies.

If the kind of love that God intended for his people on earth existed, there would be no war in Vietnam, no assassinations of fellow men, no riots in Chicago or Rochester. Yet all these things exist and people claim to have love—love for their fellow man.

It is my opinion that the kind of love that God wants for us does not yet exist. I pray that someday it will.

GREGORY DENNIS

. . . why is it that so many people put up all kinds of walls between themselves and others, even those who care about them, when they have all kinds of ways to communicate with others and when that communication gives one all the more reason to be alive? Why is it that people (rightly) sympathize with the death of a neighbor they didn't really know, yet fail to realize and feel the agony of dying soldiers on both sides of a senseless war in a small Asian country, or the more painful death-in-life of those in our own city ghettos and rural shanties?

. . . how is it that some people could say that they stand for everything this country stands for, yet in the very same breath denounce those who exercise the right to peaceful dissent that the Constitution of this country guarantees them?

How can people live without regard to the natural surroundings that are so much a part of God's earth? How can we pollute our planet and overpopulate it, beyond all tolerable limits when we know such a policy is suicidal?

Finally, how can people so readily give up their identity as unique individuals, as a being who exists only once, how can they give this up to become simply a part of the faceless and shallow crowd?

Within everyone, there lies tremendous potential for patience, love, tolerance, of so many good things. The realization of that potential and the answers to the questions I've asked are elusive—difficult to find. But that realization and those answers can be found. They lie within each one of us.

Appearing in the same edition of the Lake Shore News, were two other speeches of Wayne County High School seniors. Each is a valedictory address and while there was no subject assigned, such as "People," it almost goes without saying that these two graduates also spoke about people, past, present, and future.

The North Rose valedictorian, Kathleen Tellier, titled her address "The Far Horizon."

The valedictorian from Leavenworth, Marvin Kim Decker, called his "Hope for Our World." I am doubly proud of Kim Decker because he is one of my appointees to the U.S. Military Academy at West Point.

These young people, also, stand as an inspiration to us all. Their solemn thoughts and approaches to their subjects should come through clearly as an indication that high school seniors of 1970 are well prepared to take their places in today's adult world.

I would like to share these two valedictory addresses now with my colleagues in the Congress:

HOPE FOR OUR WORLD

(By Marvin Kim Decker)

Many people in the world today can see only poverty, ignorance, fear and hatred. These people are prone to give in to despair and say that times are so bad now, they will never get better. This is characteristic of man's history. There have been many times when people were in despair and something happened or someone came along to give them hope.

One of these times was about thirty centuries ago. The Hebrew people were the slaves of the Egyptians and were forced to live and work like animals. They were beaten or killed at the wishes of their Egyptian masters. These people, broken by years of mistreatment, carried no interest in tomorrow and labored only from day to day. Moses, a Hebrew raised as an Egyptian nobleman, responded to their plight and brought hope out of despair, courage out of submissiveness and led them to new life and freedom from Egyptian tyranny in the promised land. Moses gave them hope, and they began to plan to make their future a worthwhile one.

Another example of this was in the fourteenth century. During this time, the life of most Europeans was hard. Making a living was difficult, and many were persecuted for their political and religious beliefs. Oppressive governments levied heavy taxes and chances for a better life were almost nonexistant. Then, late in the fifteenth century, Christopher Columbus discovered the Americas, and a new world was open to Europe. A chance for freedom and a new life became the hope of these Europeans. From this hope they gained the strength needed to risk the dangerous voyage to the new world. Courage to overcome physical hardships was born when man thought toward his own freedom and improvement. Once again when desolation seemed predominant—mankind turned toward better times in a new "promised land."

A third time that man took hope was when he began to conquer disease. Smallpox had been one of the most dreaded diseases, causing misery and death to many people in epidemics. Someone observed in the seventeenth century that milk maids who had contracted cowpox had developed an immunity to smallpox. In 1796, Edward Jenner, an English physician, proved that the disease could be prevented. He inoculated a boy with cowpox germs. After the boy recovered from cowpox, he inoculated him with smallpox germs. No disease developed. The results of this experiment led to the acceptance of vaccination and has eliminated smallpox as a dreaded epidemic. The hopelessness brought about by this disease is no longer felt by man. So it has been with other medical discoveries.

During the twentieth century, scientific research has brought about a multitude of improvements and achievements. Man can control heat, cold, maintain life above the earth's atmosphere and beneath the oceans. Man has walked on the moon, he has developed complex systems of defense and is able to support more people with a given amount of land and materials than ever before.

There are still problems in today's world. These problems are not unique or new, but have persisted throughout history. Poverty, ignorance, fear and hatred are among them. Today, more than ever before, man is aware of these problems and is trying to correct them. This is a sign that there is hope for our world. When we, the members of the Class of 1970, leave this school tonight, we will begin to take a more active part in our country and our world. We must all remember to always have hope and not give in to despair. For today when man is more aware of his problems and has made so many great achievements, there is no greater reason to hope or less cause for despair.

THE FAR HORIZON

(By Kathleen Teller)

Man and nature is the basic fundamental fact of history. The relationship is mutual and necessary. Without man, nature has no recorded history. The lower forms of life exerted no important influence on the natural environment, and the story of that interrelationship is not a part of the record of the human past. Until the birth of man it is possible and probable that the natural environment remained relatively stable. At least changes before man's advent are either not known to us, or they have not been considered important. The concern should be, after all, with the ways in which historic man has been able to transform his environment.

Always in the past it was out there—something beyond the far horizon—the wild country, the frontier. When a man felt he had taken enough crushes from civilized life and enough pressures from society, he could pack up his gear and go; hop a freighter, get a horse, lose his identity and just go. And so they pushed west and reached the Pacific. Where they went, some settled. Where they settled, they built. For a long time there were just a few, and the wild country stretched beyond the horizon. Then things began to change in the old homelands. Machines began to do the heavy work; tractors and bulldozers once more changed the face of the land. With this came more people; people ambitious to clear more land, to build more and more beautiful towns and cities, to spread their new-found technology. And people trying to escape the hectic, hurried life that was being created.

There are a few people still alive who were born a century ago and have lived through all the changes. They can scarcely have been aware of what was happening or its significance, for no man can see the whole picture and memories fade . . . Still, they have lived through the most dramatic century in the history of man.

Today we look to our last horizon. Beyond it there is still a bid that is untamed, a few places that are different. There's not much room left for a man to disappear, but there is a little. Today he can still go . . .

But what about tomorrow?

GLEN RIDGE CELEBRATES 75TH YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. RODINO. Mr. Speaker, recently the town of Glen Ridge celebrated its 75th anniversary. Once described as a distinctive residential community and a quiet haven in a turbulent metropolitan area, Glen Ridge has maintained its charming character in spite of the increasing commercialism and expansion of surrounding communities. First settled in 1666, Glen Ridge became an independent town in 1895.

Since that time, Glen Ridge has remained solely a residential area, as evidenced by the gas lamps, the beautifully tree-lined streets, and the lack of industries and stores. Because Glen Ridge is primarily a small community, its most extensive growth has been in the field of education. Today, over 90 percent of graduating seniors go on to college. Such an outstanding record reflects great achievement and serves as a great example to other areas.

Most of the population commutes to Newark and New York, giving much to surrounding communities and making Glen Ridge an integral part of northern New Jersey.

On this very memorable occasion, I wish to extend my warmest congratulations to the town. May it continue to nurture constructive citizens and to play an influential role in the whole community area as it has throughout its 75-year history.

A SERVICEMAN'S RIGHT TO SUE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. HUNGATE. Mr. Speaker, as a member of the Subcommittee on Claims of the House Judiciary Committee examples frequently come before us of cases in which citizens have lost rights, simply because they were not aware of them.

Accordingly, I think the following article from Trial magazine, setting forth "A Serviceman's Right to Sue," will be of interest to many who are concerned with the well being of our servicemen and veterans:

A SERVICEMAN'S RIGHT TO SUE

(By Danny R. Jones, Esq.)

NORWALK, CALIF.—A defective rotor flies off a helicopter, a soldier is injured or maimed. What is his first thought when and if he regains his senses?

"The service will take care of everything for me; they will pay me while I am disabled, they will provide for all of my medical, and if I am permanently disabled, they will give me a pension. I can rely on the service to provide good professional legal advice if I need it; thus, I have nothing to worry about."

What the military man often does not realize is that in addition to all his military benefits, he has a wealth of other rights which he may be able to pursue in a lawsuit against a manufacturer of the defective product.[1] If he recovers against the manufacturer and/or distributor of the defective product, he may receive all the damages to which he is entitled in a civilian court plus all his military benefits.

In the military, he may receive a few hundred dollars a month, plus his medical benefits; in a civil case, if he is seriously injured, he may receive a few hundred *thousand* dollars without jeopardizing his military benefits.

Furthermore, the serviceman may be assisting the military in that if he prevails against the manufacturer and/or distributor of the defective product, it is possible that the government may be reimbursed for all the money it paid to the disabled serviceman. This saving in the military budget would certainly not make the taxpayers unhappy.

The courts have gone far in the past few years to protect injured users of defective products. In one case, the purchaser of a rifle went to India to hunt tigers. He lost his only shot at a Bengal tiger when the safety mechanism on the rifle failed and the gun could not be discharged. The California Appellate Court upheld his right to seek recovery for the cost of the safari and traveling expenses which amounted to $6,000, plus $10,000 for loss of honor, prestige and victory involved in killing a Bengal tiger.[2]

If a hunter can recover for not bagging his game, why can't a soldier in action recover if his ammunition fails and the enemy injures or kills him on the field of battle? I strongly urge military men who are injured as a result of defective ammunition, or any other defective product, to consult with their military or private counsel without delay.

I also urge that the military lawyers in such an instance advise the injured, or survivors of the deceased serviceman, to seek private counsel to pursue their rights against the producer.

The case of *Witt v. Chrysler Corporation*[3] imposed $150,000 worth of liability upon the manufacturer of a truck for wrongful death of a passenger when the truck left the road and rolled over. The case was tried and submitted on the theories of negligence and breach of warranty. There was adequate evidence to sustain the jury's finding that the manufacturer negligently failed to warn of a discoverable defect in the rim of one of the truck's front wheels, which allowed air to escape from the tire, thus causing the rollover.

Servicemen use a myriad of dangerous products in the day-to-day performance of their duties and are completely unaware of the extent to which the products may be dangerous in their normal use. Many times a serviceman will receive severe injuries or even die because he was ignorant of the extent of possible danger.

Frequently the manufacturer or distributor has improperly labeled military products so that the serviceman cannot take the appropriate steps for his personal protection. In injury cases, where he did not have sufficient knowledge of the danger to protect himself, the serviceman should, under all circumstances, explore the possibility of recovering from the manufacturer for damages for pain and suffering (which he cannot recover from the government under his serviceman's rights).

There are many products which servicemen frequently use on which recovery has been allowed to injured parties because of inadequate warnings. In one case,[4] a chemical company was held responsible for a water repellant on which there was no warning whatsoever that it had a flash point minus 70 degrees Fahrenheit or lower than that of gasoline. In that case, the injured plaintiff was allowed to recover against the manufacturer as well as another company which allowed its name to be placed on the product. Plaintiff in that case recovered $99,000.

In another case, the driver, while operating a vehicle at night, pressed the dimmer switch to change his lights from low to high beam. The lights went completely out and the driver hit a tree. The dimmer switch was defective and it was held that the driver could recover against the manufacturer for his injuries.[5]

In another case, a workman was injured when struck by a 50-foot crane which fell because a "safety ratchet" failed to operate. The manufacturer's guide to proper lubrication had omitted the "safety ratchet" in the lubrication charts. The Court held that the manufacturer was responsible for the death of the workman.[6]

In still another case, over ten years ago, in which a helicopter pilot was killed in a crash, investigation showed that the crash was caused by a defective rotor. The entire tragedy was directly traceable to the manufacturer of the helicopter. The pilot's widow collected all of her military insurance benefits, the pension benefits for herself and her children and, in addition, recovered $225,000 from the manufacturer of the helicopter. Today, the widow and the children would have even greater rights to recover against the manufacturer.

All servicemen and their survivors know that they cannot usually sue the military or the United States for the injury or death of a serviceman even though the government may be negligent.

What most servicemen do *not* realize is that in the last five years the serviceman's right to sue the supplier of defective products to the military has expanded enormously. I predict that once the serviceman is aware of his rights to collect damages from a defective product supplier, an independent and large area of specialty law will develop.

The first glimmer of light in modern products liability law came through in the case of *Escola* v. *Coca Cola Bottling Co.*[7] The case is extremely significant because the then Associate Justice Roger Traynor first advocated enterprise liability and the imposition of absolute liability upon the makers of defective products. He stated, in a concurring opinion, nearly 20 years prior to the key change in the law:

"I believe the manufacturer's negligence should no longer be singled out as a basis of a plaintiff's right to recover in cases like the present one. In my opinion, it should now be recognized that a manufacturer incurs an absolute liability when an article that he has placed upon the market, knowing that it is to be used without inspection, proves to have a defect which causes injury to human beings."

It was only fitting that later, in *Greenman v. Yuba Power*[8], Justice Traynor's view came to prevail in a unanimous opinion which was the first decision in the country imposing liability upon the manufacturer of a defective product on the basis of strict liability in tort.

Since the *Greenman* case, the theory upon which the serviceman can sue is that of strict liability, more commonly known as products liability. In order to thoroughly understand the present state of the law, it is probably beneficial to trace the history of the development of products liability law.

All lawyers know that the history of products liability dawned in 1916 when the famous Judge (later Justice) Benjamin Cardozo, in the famous case of *McPherson v. Buick Motor Co.*,[9] held, in a suit against the manufacturer of a Buick automobile with a defective wheel, that the manufacturer would be liable to certain people for the negligent manufacturing of the wheel.

Cardozo pronounced, in essence, that when the manufacturer placed the car on the market, the manufacturer assumed the responsibility to the consumer. He further decided that the responsibility is not based upon contract but on the relation arising from the purchase, together with the foreseeability of harm if proper care was not used in the manufacture of the vehicle.

The *McPherson* case fractured the longstanding rule which had been laid down in the old *Winterbottom v. Wright* case.[10] In that case, the driver was injured by a de-

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Footnotes at end of article.

fective stagecoach. The Court there held that the manufacturer *was not liable, even for negligence*, to remote users or consumers of his defective products if there was no *privity of contract between the manufacturer and the consumer*.

As a practical matter, the only person who could recover for a defective product against the manufacturer was the person who purchased the product directly from the manufacturer—which usually was the distributor, who never actually used the product himself. Thus, the law created a sterile and impotent rule that did no good for anyone except to protect the manufacturer who produced the negligently and defectively manufactured products.

Judge Cardozo's decision in the *McPherson* case did take some of the impotency out of the old *Winterbottom* case but not enough to rejuvenate the law. At this stage of the game, the serviceman was still a long way from effectively collecting damages for his injuries from defective products.

About 15 years later, the New York Court case of *Smith* v. *Peerless Glass Co.*,[11] held that not only was the manufacturer of the automobile liable but the manufacturer of the component parts which went into the automobile may also be liable.[12]

After the *Smith* case, there were whole series of cases which inconsistently allowed consumers to recover for the manufacturer's defective products, but only upon limited grounds. Generally, it was necessary for the manufacturer to be *negligent* in the manufacture and/or design of his product and it was imperative for there to be some inherent latent or patent danger in the product. It also was necessary for there to be some privity or direct connection between the consumer and the manufacturer.

So it was fairly well settled, 30 or 40 years ago, that the serviceman could sue a negligent manufacturer or designer of an inherently dangerous product.

The serviceman was faced, however, with an almost impossible situation. First, he had to retain attorneys who had to hire competent experts to testify that the product was negligently manufactured or designed. The fact that the product was defective was not in itself sufficient. The lawyer was at a tremendous disadvantage since he was dealing in an intricate field with highly specialized experts, most of whom worked for the manufacturers and most of whom had knowledge superior to that of any expert the serviceman's lawyer could obtain. Therefore, as a practical matter, only in the most obvious cases could the most competent and well-equipped counsel recover money damages for the serviceman.

The principle of res ipsa loquitur is sometimes applied in products cases, but before the doctrine will normally be applied, it must be shown that some particular defect probably was present at the time the manufacturer relinquished control of the product and that the defect ordinarily would not have been present in the absence of negligence.[13]

The inability to establish the defect at the time the product was sold usually leaves the doctrine of res ipsa loquitur useless in such cases as exploding water heaters, tire blowouts, and brake failures, since these problems may have occurred by reason of use, installation, maintenance or repair. Lapse of time, too, is a factor in attempting to rely on the doctrine.

It is usually not advisable to rely on the principle of res ipsa loquitur in products liability cases.

Another way to prove negligence on the part of the manufacturer is to show that he violated some statute or regulation.[14]

Even though a distributor does not manufacture a product, if he nonetheless places his name on the product, he incurs the same liability as if he were the manufacturer by having attested to the product's quality.[15]

The problems incident to bringing an action against the manufacturer based upon the theory of negligence are numerous. Not only does counsel encounter the problems of proof of negligence, as described above, he also encounters the pitfall of contributory negligence. It is therefore suggested that when counsel brings an action for a defective product, a count for negligent design be included in the complaint only where he feels strongly that he has proof of, and the ability to prove, the negligence of the manufacturer and also when he is confident that his client is free from contributory negligence.

Still another theory upon which the injured serviceman may bring his lawsuit is that of warranty. A warranty is a representation, either express or implied, having reference to the character or quality of the article sold. It may be an express warranty or an implied warranty.

An express warranty is a specific assertion of a fact or promise by the seller which relates to the quality of the goods. It is designed to induce the buyer to purchase the goods. This warranty may rise in several ways, such as advertising, sales literature, products labeling, or even through oral statements.

An implied warranty, on the other hand, falls into two categories: there is an implied warranty for fitness and an implied warranty for merchantability. In most instances, implied warranties are governed by statute and by operation of law even though no representations are made by the manufacturer. When a buyer makes known to the seller the purpose for which the buyer desires to use the goods, there is an implied warranty that the goods sold to the consumer are reasonably fit for the use intended.

On the other hand, a warranty of merchantability means, in essence, that the article sold is reasonably fit for the general purpose it is made.

From the serviceman's viewpoint, the right to sue the manufacturer for breach of an implied warranty was virtually a right without a remedy. The rule was that the person injured must have directly purchased the product. This contractual relationship with the seller was called "privity."

Under the strict interpretation of privity, if a buyer purchases a loaf of bread and the bread is unwholesome, causing injury to the buyer and his family, the buyer could recover for his injuries against the seller; however, the rest of the family could not because there was no contractual relationship between the buyer's family and the seller.

Needless to say, the courts came up with some exceptions to this harsh privity rule under the warranty laws. However, the exceptions (including food products) are tedious, inconsistent and vary from state to state, from jurisdiction to jurisdiction, and from time to time.

As a practical matter, since the military purchased all of the items which the serviceman used in performing his military duties, the serviceman was rarely in a position of privity with the seller. So, except under certain extreme circumstances, the remedy of breach of warranty, either express or implied, was and is totally ineffective to protect the rights of the serviceman to sue for his injuries.[16]

In 1963, however, the law pronounced in the now famous case of *Greenman v. Yuba Power Products, Inc.*,[17] squarely reinforced the soldier in his lawsuit, although it involved a civilian.

That case promulgated the principle which has since been legally defined as "strict liability."

Mrs. Greenman purchased a homeuse power tool known as the Shopsmith as a gift for Mr. Greenman. A defect caused an injury to Mr. Greenman, who obviously was not the purchaser. Mr. Greenman sued the manufacturer and the distributor of the product even though he could not prove negligence in the manufacture, design or warning of the product, and even though he was not in a position of privity with the manufacturer or seller of the product.

The serviceman is almost always in the same position as Mr. Greenman: He does not purchase the product which injures him; he usually cannot prove that the product was negligently designed, and in many instances he may even be contributorily negligent.

But with the *Greenman* reinforcement, he can now recover for his injuries caused by a defective product by proving the following elements only:

1. That the product was purchased from the manufacturer or distributor by the military procurement office;
2. That the serviceman was using the product for the purpose for which it was designed;
3. That the product was defective; and
4. That he was injured.

By proving only the above conditions, the serviceman can recover for the total amount of his injuries just as any other citizen can recover under the law. This leaves the serviceman's rights wide open and independent of any limitations which have been placed upon him by his being in the military service.[18]

Strict liability is an imposition of liability without fault upon the supplier of defective products. Proof of negligence is not essential to impose liability and the lack of it is totally immaterial. Liability for products causing physical harm is imposed although the supplier has exercised all possible care.[19]

Basically, the courts have looked at two theories to achieve strict liability. On one side the liability is imposed on the theoretical basis by resorting to warranty. On the other side, the courts have refused to accept the warranty approach because of its problems, and have therefore proceeded to extend the doctrine based on the theory of tort. The strict liability doctrine based upon tort is now recognized in most industrial states, although some states still adhere to the antiquated and obsolete warranty theory of strict liability.

Today, even some legislatures have passed enabling statutes to relieve consumers from the burden of having to establish negligence in order to recover for product-caused injuries. (See Table, p. 33.)

The strict liability doctrine, in my opinion, would extend to any person or manufacturing firm engaged in the business of supplying products to the military.[20]

In the 1964 case of *Alvarez* v. *Felker Manufacturing Co.*,[21] a workman recovered against a manufacturer for the loss of an eye caused by a defective blade in a concrete cutting machine. The workman would be in the same position as a serviceman using the cutting machine while in the military. The *Alvarez* case further held that the manufacturer could not avoid liability by delegating its responsibility to its dealers and claiming that something the dealer did or failed to do insulated the manufacturer from liability.

The suppliers of component parts have been held responsible under this doctrine of strict liability to the ultimate consumer. For instance, the supplier of fiberglas for pontoons to a watercraft manufacturer was held ultimately responsible to the consumer when the pontoons, after being exposed to sunlight, burst at the seams.[22]

The distributors of defective products who channel the product to the military may be responsible to the serviceman for injury even though the distributor did not actually handle the product. In the case of *Canifax* v. *Hercules Powder Co.*,[23] a workman was killed in a dynamite explosion at a dam construction site. His survivors claimed that the fuse was not labeled to reveal its burning time.

Footnotes at end of article.

The court held that the workman's survivors could recover on the basis of strict liability against the *distributor* of the fuse even though the distributor had never had the fuse in his possession. The manufacturer had forwarded the explosive directly to the jobber. Thus, under the *Canifax* case, a distributor of products could not escape liability to the serviceman who might be injured by the defective product even though the distributor only did the "paper work."

The above case would be helpful to a serviceman. For example, if he were injured in Vietnam, in Germany, or anywhere, while using or consuming a defective product, the serviceman's lawyer perhaps should check the law not only where the manufacturer produced the product but also the law of the state where the distributor sold the product to the military.

I understand that most of the products used by the military are manufactured and/or distributed in the United States. In my opinion, the serviceman could bring his action against the distributor, manufacturer, or seller if any of them were doing business in the United States in a state which recognizes strict liability.

I believe that this same principle would apply to foreign-made products, provided the manufacturer of the foreign product had a sales representative or a distributor in a state in the United States which recognizes strict liability.

Even though the serviceman is not usually an actual buyer of the products he uses while in the service, nonetheless he is protected by the strict liability law which holds that sellers of defective products are *accountable to all persons within the distributive chain whose injury is foreseeable.* Even a bystander is protected.

In the case of *Piercefield v. Remington*,[24] a hunter, who was merely a bystander, was injured when a shotgun shell exploded in the breech of his hunting companion's gun. The hunter was allowed to recover against the manufacturer, although he had not purchased the shell, had nothing to do with the use of the shell, and the shell was not and never had been in his possession. Thus, it appears that a serviceman could recover for defective ammunition against the manufacturer of that ammunition even though the gun or weapon was being used by a buddy at the time of his injury.

In a similar case, the retail seller of an aluminum extension ladder was held strictly liable for the death of a workman who was a bystander. The retailer in that case contended that the strict liability in tort doctrine did not apply to bystanders. The court rejected the contention.[25]

Thus, it is difficult to imagine a situation where a serviceman would not have the right to sue when he is injured by a manufacturer's defective product while properly using the product in performing his services in the military.

One of the most rapidly expanding fields in the area of products liability is the duty of the manufacturer to warn of foreseeable and latent dangers attendant upon the proper and intended use of his product. This duty may arise even though his product is perfectly made. Many courts are now holding that the manufacturer must keep abreast of scientific advances and that he is under a duty to adequately test his product. The rationale is that the manufacturer has or should have superior knowlerge of his product and its potential dangers.[26]

Therefore, a supplier to the military must give warning of any inherently dangerous propensity of the product or its use, which he knows or should know about and which the supplier would reasonably expect the user not to know about or discover.

A case in point is that of *Dunham v. Vaughn and Bushnell Manufacturing Co.*[27] A farmer lost the sight of his eye when the head of a claw hammer he purchased chipped a piece of steel while he was hammering a clevis on his farm equipment. The hammer, as forged, had no physical or metallurgical defects; however, after the farmer had used the hammer for 11 months, it became "work hardened." Under these conditions the hammer was likely to chip. The defendants were aware of this likelihood because they had replaced, for other customers, hammers which had developed this condition during use.

The court held that the defendants were strictly liable because of the failure to give plaintiff warning of the danger. In my opinion, this case is direct authority for the proposition that a serviceman can recover for his injuries caused by a defective tool.

The development of the strict liability doctrine has extended the right which servicemen may have against suppliers of defective products because the producers have now been deprived of many common law defenses which earlier would have defeated the serviceman's recovery against them.

The *Greenman* case held that even though the injured user of the product testified that he read and relied upon the representations in the manufacturer's brochure, implicit in the machine's presence on the market was the representation that it would safely do the job for which it was built. Under these circumstances, it was not controlling as to why the machine was selected for the purchase.

Notice to the manufacturer is now no longer necessary.[28]

Disclaimers are now no longer a defense by the manufacturer. In the case of *Henningsen v. Bloomfield Motors*,[29] the manufacturer had written a disclaimer in his new car warranty which stated that the manufacturer and dealer were not responsible for any express or implied warranties nor any other obligations and liabilities except the duty to replace defective parts within a given time and mileage limitation. The court held that such provisions were violative of public policy and thus void.

There, the wife of a purchaser of the new car was properly awarded judgment against the manufacturer and dealers for breach of warranty of merchantability for injuries sustained when a new car ran from the road into a wall because of a defect in the steering mechanism.

It is significant, however, to note that although disclaimers have little legal effect, they still serve as a deterrent to the unknowing and/or the unrepresented.

All servicemen should be specifically advised that notice of nonresponsibility placed on products by manufacturers and distributors may not necessarily be valid and should not deter the serviceman from seeking proper legal advice.

The sellers of merchandise, however, still have some defenses in strict liability. Assumption of the risk is a good defense; misuse of the product by the consumers can be a defense. In the case of *Erickson v. Sears, Roebuck & Co.*,[30] the purchaser bought a stepladder and then altered the design by nailing strips of wood cleats to the bottom of the legs to stabilize the ladder. The court properly concluded that, as a matter of law, at the time of the accident the plaintiff was not using the ladder in the way it was intended.

Since tampering with a manufactured product is usually a defense to a strict liability action, it is recommended that the military insist that all suppliers meet their exacting requirements so that the product need not be altered. It is desirable, therefore, that servicemen be instructed not to alter products unless absolutely necessary.[31]

Servicemen should also be cautioned and warned not to use products which they know are defective. They should be encouraged to return defective products to the quartermaster and ask for new ones where defects are discovered. Such advice is a must; it is commanded by the case of *Baker v. Rosemurgy*.[32]

There, a 40-year-old hunter, with many years of rifle experience, used a gun for three hunting seasons, knowing that it had a defective safety catch. Predictably, the safety catch malfunctioned and the gun went off, injuring the hunter. The hunter admitted that he was aware of the defect in the rifle. The court held that he assumed the risk of the defect and that the manufacturer was not responsible for the injuries caused by the defective product.

This case raises an interesting point as applicable to the serviceman: Does the serviceman voluntarily assume a known risk when he is under orders to alter the instrument in question? For example, suppose he changes the safety catch on a gun, when ordered by his sergeant to do so, which later results in injury. Under the present state of the law his case against the manufacturer is probably destroyed. He may be left with only his military benefits.

Footnotes at end of article.

ACCEPTANCE OF STRICT LIABILITY DOCTRINE

Jurisdiction	Tort strict liability	Warranty strict liability	Advertising, labeling exception	Food product exception [1]	No exceptions	UCC adopted	No cases
Alabama					×	×	
Alaska						×	×
Arizona	×					×	
Arkansas		×				×	
California	×					×	
Colorado						×	×
Connecticut	×					×	
Delaware					×	×	
Dist. of Columbia		×				×	
Florida		×				×	
Georgia					×	×	
Hawaii		×				×	
Idaho						×	×
Illinois	×					×	
Indiana	×					×	
Iowa		×				×	
Kansas		×				×	
Kentucky	×					×	
Louisiana				×			
Missouri					×	×	
Maryland					×	×	
Massachusetts					×	×	
Michigan	×					×	
Minnesota	×					×	
Mississippi	×					×	
Missouri	×					×	

Footnotes at end of tables.

Jurisdiction	Tort strict liability	Warranty strict liability	Advertising, labeling exception	Food product exception [1]	No exceptions	UCC adopted	No cases
Montana					×	×	
Nebraska				×		×	
Nevada	×					×	
New Hampshire					×	×	
New Jersey	×					×	
New Mexico						×	×
New York	×					×	
North Carolina		×				×	
North Dakota			×			×	
Ohio	×					×	
Oklahoma	×					×	
Oregon	×					×	
Pennsylvania	×					×	
Puerto Rico				×			
Rhode Island				×		×	
South Carolina		×				×	
South Dakota					×	×	
Tennessee	×					×	
Texas	×					×	
Utah						×	×
Vermont				×		×	
Virginia		×				×	
Washington		×				×	
West Virginia						×	×
Wisconsin	×					×	
Wyoming		×				×	
Admiralty	×						

[1] The food product exception includes also beverages, drugs and cosmetics. From Commerce Clearing House Reports, Products Liability, Sec. 40.60.

In most states the time in which the serviceman may bring his injury action against the supplier of a defective product begins from the time of injury. The time that the product was manufactured or sold to the government is immaterial.

The amount of time that the serviceman has to bring suit then depends upon the jurisdiction where his lawsuit is filed. For example, if the serviceman sues a supplier in California, the suit must be filed within one year from the time of injury. On the other hand, if the action is brought in New York, the period would be three years.

It is perplexing that so few servicemen pursue their rights for damages against suppliers of defective products. It appears that there must be some policy not to encourage servicemen to pursue their rights.

I can readily see but do not agree with the theory and logic of such a position. It could be based on the proposition that to encourage or even to inform servicemen of their rights to sue suppliers would only bring a series of large damage verdicts against suppliers of military products and would thus increase greatly the cost of the products.

To me, such a position would be fallacious. In the first place, such an assumption would have a tendency to encourage the manufacturer to allow a potentially defective product to go to the military, whereas to avoid lawsuits, he would see that such products going to the civilian market were properly designed and produced.

There is no question that the military has thorough and complete standards requirements as well as an excellent inspection policy; nonetheless, most of the strict liability or products liability cases arise when the manufacturer has complied with all regulations and, furthermore, when there has been adequate inspection.

The government should be far more judicious in advising servicemen of their rights to civil damages. Military lawyers should consider encouraging servicemen to pursue their rights for damages against suppliers. Nothing motivates a producer to safeguard his wares more than making him pay for injuries caused by his defective products.

Another factor which I believe deters many servicemen from pursuing general damages for pain and suffering is fear of acting inconsistently with government policy. Most servicemen want to comply with the spirit and letter of the government because they want to properly fulfill their duty. It is axiomatic that it is not good practice for a serviceman to get at cross-purposes with his superiors.

Probably the most significant reason that the serviceman does not sue manufacturers is lack of knowledge of his rights to sue for injuries caused by defective products. I do not know how thoroughly lawyers in the military advise injured clients of their legal rights to sue; perhaps they are reluctant, or uncertain in this highly specialized field.

Although the military lawyer may not represent the serviceman in a civil court case, nonetheless the lawyer has a duty to advise the client, even if such advice only amounts to referring under a referral system or suggesting that the serviceman see private counsel.[33]

It appears that when a serviceman is injured by a defective product, under the legal assistance program the military lawyer has a professional and ethical responsibility to advise the injured man of his legal rights, *in writing*. It is my opinion that military counsel, in that position, has a *positive duty* to tell the injured serviceman that he *may* have a right to sue for damages.[34]

If some military manual or policy places the military lawyer in a position where he cannot advise the individual serviceman of *all* his rights, including those to sue the manufacturer, then it is obvious that the military lawyer is in a conflict of interest position. Every lawyer in this position should so advise the client, and further advise his client to seek other counsel.[35]

A military lawyer should carefully consider, each time he advises a serviceman, whether the lawyer's employment by the government in any way conflicts with his full and complete professional responsibility to advise his individual client.

The American Bar Association has proposed and adopted the following rule in Section 6–108–B of Canon 6 (Disciplinary Rules):

"A lawyer shall not permit a person or group which recommends, employs, or pays him to render legal services for another to direct or regulate his professional judgment in rendering such legal services."

It further directs the military lawyers' attention to Canons of Professional Ethics, No. 6, a portion of which reads as follows:

"It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel."

This provision was placed in the Canons of Professional Ethics as a guide because of the basic principle that a lawyer who must represent conflicting sides in the same controversy cannot adequately represent either.

A military lawyer who does not fulfill his duty to advise a serviceman of a possible strict liability case against a manufacturer of defective products may face serious professional and ethical problems.[36]

Now, let us assume that the military lawyer has complied with the rules of ethics and has used reasonable care in discharging his professional responsibilities by dutifully advising his injured client to contact private counsel. The military lawyer knows that it takes time for the civilian lawyer and his experts to investigate the cause of a product failure or defect. Does the military lawyer still owe a duty to his referred-out client to see that the evidence is preserved in nonclassified cases until the serviceman's private lawyer and experts can "catch up with the defective product?"

The military lawyer may owe a continuing duty not to jeopardize his client's case. If the duty exists, then he should advise the investigating officers to preserve the evidence of the offending defective product in its state at the time of the injury.

The case of *Ford Motor Co., et al., v. Larell G. Tritt, Administratix*[37] provided that because plaintiff's expert witness, a retired professor of mechanical engineering, had never examined the right rear axle of the truck, there was an inadequate basis for his conclusion that the axle was defective, and therefore his expert testimony was inadmissible. The significance of retaining the defective product on behalf of the injured serviceman cannot be over emphasized.

FOOTNOTES

[1] *Sevits v. McKiernan-Terry Corp.*, 264 F. Supp. 810, DC NY (1966), held that a Navy seaman, stationed on an aircraft carrier, had a good personal injury cause of action in admiralty for breach of the implied warranties of fitness and merchantability in strict liability against the manufacturer of the arresting engine, a component part of an aircraft carrier whose ship had been built by the Navy.

[2] *Thomas v. Olin Mathieson Chemical Corp.*, Cal. Ct. App., 63 Cal. Rptr. 454 (1967).

[3] Michigan Court of Appeals, 167 N.W. 2d 100 (1969).

[4] *Johnson v. Chemical Supply Co.*, (Wisconsin S. Ct.) 156 N.W. 2d 455 (1968) held that a chemical supply company that distributed toluol, a petroleum distillate having a flash point of 40 degrees fahrenheit, in black painted 55-gallon drums, was liable for injury to one workman and for the death of another when he struck the end of empty drum with his welding torch to clean it of beads and the drum exploded.

[5] *Ford Motor Co., v. Mathis*, (CA—5 Tex.), 322 F. 2d 267 (1963).

[6] *Jackson v. Baldwin-Lima Hamilton Corp.*, (D.C. Pa.) 252 F. Supp. 529 (1966).

[7] 24 Cal. 2d 453, 150 P. 2d 436 (1944).

[8] 59 Cal. 2d 57, 377 P. 2d 897, 27 Cal. Rptr. 697 (1963).

[9] 217 N.Y. 382, 111 N.E. 1050 (1916).

[10] 10 M. & W. 109 (Exch. 1842).

[11] 259 N.Y. 292, 181 N.E. 576 (1932).

[12] Second Restatement of Torts, Sec. 402 A, "Special Liability of Seller of Product for Physical Harm to User or Consumer":

"1. One who sells any product in a defective condition unreasonably dangerous to the user or consumer, or to his property, is subject to liability for physical harm thereby caused to the ultimate user or consumer, or to his property, if (a) the seller is engaged in a business of selling such a product and (b) it is expected to and does reach the user or consumer without substantial change in the condition in which it is sold.

"2. The rule stated in subsection 1 above applies although (a) the seller has exercised all possible care in the preparation and sale of his product; (b) the user of the product has not bought the product from or entered into any contractual relationship with the seller."

The foregoing rule is not exclusive; it does not preclude liability based upon the alternative ground of negligence of the manufacturer or seller where such negligence can be proved.

[13] Products Liability, Frumer and Friedman, Vol. 1, sec. 12.03, Sub. 2.

[14] Ibid., Sec. 8.07, Sub. 1.

[15] Supra, note 16, Sec. 400.

[16] Products Liability Reporter, Commerce Clearing House, Inc., Vol. 1, Sec. 1000.

[17] Supra, note 12.

[18] It is to be noted that a form of strict liability was adopted prior to *Greenman*, supra, note 12. Strict liability had previously been imposed against damage caused by domestic animals with known dangerous propensities, wild animals, or extra-hazardous activities. The rule is that one who maintains a dangerous thing on his premises, or engaged in an activity which involves a high risk of harm to the persons or property of others even though reasonable care is taken, is strictly liable for the ensuing harm.

[19] Supra, note 16.

[20] *Vandermark* v. *Ford Motor Co.*, 61 Cal. 2d 256, 391 P. 2d 168 (1964).

[21] 230 Cal. App. 2d 987, 41 Cal. Rptr. 514 (1964).

[22] *Power Ski of Florida, Inc.*, v. *Allied Chemical Corp.* (Fla. D.C. App.), 188 So. 2d 13 (1966).

[23] Cal. D.C. App., 46 Cal. Rptr. 552 (1965).

[24] 375 Mich. 85, 133 N.W. 2d 129 (1965).

[25] *Johnson* v. *Standard Brands Paint Co.*, 274 Cal. App. 2d 369, 46 Cal. Rptr. 552 (1965).

[26] Supra, note 17, Sec. 8.

Braniff Airways, Inc., v. Curtiss-Wright Corp., 411 F. 2d 451 (1969) held that although the manufacturer was aware nearly eight months before the crash of instances of cylinder barrel separation, it took no effective action to remedy the problem. The court ruled that after a product is sold, and dangerous defects in its design come to its attention, the manufacturer has the duty either to remedy the defects or, if this is not feasible, at least to give adequate warnings to users to the end that they might minimize the danger.

Tayam v. Executive Aero, Inc., (Minn. S. Ct.) 166 N. W. 2d 584 (1969) imposed liability for negligence upon the manufacturer and the seller of a Mooney super 21 single-engine 4-place airplane for the death of two occupants and for personal injuries sustained by three survivors of an airplane crash. There was sufficient evidence to sustain the jury's finding that the defendants negligently failed to warn that the power boost air intake system should not be left on in flight during icing conditions and that this negligence was the proximate cause of the plane engine's failure and the crash.

[27] 86 Ill. App. 2d 315, 229 N.E. 2d 685 (1967), (Affirmed Ill. S. Ct. 1969).

[28] Supra, note 12.

[29] 32 N. J. 358, 161 A. 2d 69 (1960).

[30] (Cal. D.C. App.) 50 Cal. Rptr. 143 (1966).

[31] *Ulmer v. Hartford Accident & Indemnity Co.* (Ca. La.), 380 F. 2d 549 (1967), held that the next of kin of three deceased servicemen, killed in a helicopter crash, were denied recovery against the insurance carriers of the aircraft manufacturer and the fabricator and assembler of the helicopter blades on the grounds that the Navy had subjected the blades to various overhauls and maintenance work. In so doing, the original integrity of the blades' construction was disturbed to such an extent that defendants were held not liable for their subsequent malfunction.

[32] (Mich. Ct. App.), 144 N. W. 2d 660 (1966).

[33] *Organization and Functions of the Office of the Judge Advocate General*, published by Bureau of Naval Personnel, Chapter 12, Legal Assistance Division, 1967.

[34] Canons of Professional Ethics of the American Bar Association, Canon 8: "Advising Upon the Merits of a Client's Cause. A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. . . ."

[35] Proposed Canon 6 of Disciplinary Rules, Ethical Considerations: "In like manner, his personal interests should not deter him from suggesting that additional counsel be employed; on the contrary, he should be alert to the desirability of recommending additional counsel when, in his judgment, the proper representation of his client requires it. . . ."

[36] Proposed Canon 4 of Disciplinary Rules, Ethical Considerations—4.101: "Failing to Act Competently or Use Proper Care. (A) A lawyer shall not: (1) Accept legal employment which he is not competent to handle, unless in good faith he intends to: (a) Qualify himself to handle the matter; or (b) Associate a lawyer qualified to handle the matter. (2) Handle any legal matter without preparation and attention adequate in the circumstances. (3) Handle any legal matter alone when he knows or it is obvious that he lacks the competence to handle the matter. (4) Neglect a legal matter entrusted to him. (5) Exonerate himself from liability for malpractice or limit his liability for malpractice by contract with his client or by use of a corporate structure."

[37] 244 Ark. 883, 430 S.W. 2d 778 (1968).

A NEW FFA VOCATIONAL AGRICULTURE NATIONWIDE PROJECT ENTITLED "BUILDING OUR AMERICAN COMMUNITIES"

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. JONES of North Carolina. Mr. Speaker, a few days ago the State president and vice president of the Future Farmers of America from North Carolina visited Washington, D.C. I hope you are familiar with the official FFA attire of a blue and gold jacket and white shirt, which indeed makes a fine appearance. But, far more important was the purpose of their visit to our Nation's Capital. This meeting announced the introduction of a new FFA—vocational agriculture nationwide project entitled "Building Our American Communities." This project is designed to train young ment in leadership activities of community development. It cites the problems which we face in the years ahead—including an increase in our population, the pollution of our environment, poor housing conditions, better training, and more jobs, among others. Then this project tackles the solutions—including what what can be done through the community development process to alleviate the problem and how to proceed to organize to implement community development at the local level.

Mr. Speaker, I am under the impression that most Members of the House have or will receive copies of this program. If my colleagues have not yet done so, I urge that they take the time to examine it in order to get an insight of the plans and work of this great youth organization. Indeed, you will find it encouraging.

The Future Farmers of America youth organization is looking ahead. The young men who make up its membership recognize they have a job to do to assure future generations a fruitful life. They are accepting the challenge of the late John F. Kennedy—they are beginning. Certainly they are deserving of our support in this very worthwhile endeavor.

SECRETARY RICHARDSON'S FIRST CHALLENGE: WELFARE REFORM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BOLAND. Mr. Speaker, the need for welfare reform grows more pressing day by day. Yet the 1970 Family Assistance Act—legislation that promises to reform our welfare system from top to bottom—is still awaiting action in the Senate. Passed by the House more than 3 months ago, the bill has been greeted by something less than rapture in the Senate Finance Committee. Despite hearings that would fill thick volumes of testimony, the Finance Committee has yet to put its approval on the bill.

Elliot L. Richardson, the new Secretary of Health, Education, and Welfare, has testified eloquently and convincingly before the committee on the legislation's behalf. He has pointed out, for example, that the bill would put a measure of equity in our welfare system for the first time in more than a half century, establishing the kind of uniform national standards the system now lacks. And, as another example, he has demonstrated that the bill would encourage the poor to work: to go off the welfare rolls, as President Nixon has put it, and onto the pay rolls.

With permission, Mr. Speaker, I put in the RECORD a New York Times editorial outlining Mr. Richardson's challenge in winning congressional approval of welfare reform:

PRIORITY FOR MR. RICHARDSON

The most urgent task for Elliot L. Richardson in his new job as Secretary of Health, Education and Welfare is to pilot through Congress the Nixon Administration's complex welfare reform bill. When he became Secretary, the House had already acted favorably but the bill was in deep trouble in the Senate Finance Committee.

The troubles are not yet over, but in his lengthy appearances as a witness before the Finance Committee, Mr. Richardson has made an encouraging debut. He has impressed even committee critics of the bill by his evident mastery of the many details of this complicated measure. He has been patient and resilient under prolonged and frequently repetitious questioning.

Passage of this plan is critically important. This bill is an effort, the first since Congress approved the Social Security Act in 1935, to take a comprehensive view of the welfare problem and to relate in a meaningful way Aid to Families with Dependent Children, food stamps, public housing, and medical insurance. It would provide a base income of $1600 in cash plus $894 in food stamps for a family of four.

The working poor as well as the unemployed would benefit. Of the 3,700,000 families who would receive assistance, two-thirds are headed by a man or woman who is employed but whose earnings are extremely low. Except for a mother with children under the age of six, every adult benefiting from the plan would have to register for work or training for a job. Since benefits are graduated, incentives are built into the plan to encourage most individuals to raise their earnings and work themselves out of welfare.

Underneath the many specific questions propounded by conservative Senators, there is the fear that the bill would encourage the poor to malinger and avoid work. Yet experience during World War II and other periods of full employment has shown that almost all people would rather work than subsist on welfare. The number of deliberate welfare cheaters is negligible.

We believe the bill could be improved but our concerns are the opposite of those of the doubtful Senators. The base income of $1600 is too low. The bill tends to be unfair to New York and other northern states which are more generous in their welfare payments than states in the South. But these and other objections do not add up to an argument for killing the plan. In dealing with a problem which is so many-sided, Congress and outside critics alike have to expect that in any plan there will be some anomalies and weaknesses which only experience can correct.

In its progress through Congress thus far, the bill has benefited from the intelligent cooperation of Administration officials and members of Congress. If Senator Long and his colleagues in both parties on the Finance Committee continue this pattern of constructive collaboration with Secretary Richardson, this necessary and far-reaching reform can become law, thereby reflecting credit on all participants and bringing genuine help to millions who desperately need it.

PUNISHING THE HERETICS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. NICHOLS. Mr. Speaker, the recent ruling by the Internal Revenue Service which removes the tax exempt status of certain private schools, would seem to specifically be aimed at one section of the country—specifically my section Mr. Speaker, where parents have in an effort to obtain a better education for their children, banded together and many such private schools have been established in recent years.

The effect of this punitive decision rendered by the Internal Revenue Service is set out in a forthright editorial by the Montgomery Advertiser, "Punishing the Heretics." I commend this editorial to the reading of my colleagues as well as those in the Internal Revenue Service who seek to further punish and persecute private schools, established in the South in recent years, while conveniently ignoring the many private schools established by religion and fraternal organizations.

The article follows:

PUNISHING THE HERETICS

The recent Internal Revenue ruling that private schools would not be entitled to tax-exempt status unless they can prove that they aren't "private" at all seems to be an extension of the tax law which properly belongs to Congress.

But let's assume, for the sake of argument, that IRS was legally empowered to do what it did, that it can be administrative ukase decree that private means public and can enforce this. The precedent is thus clearly established for a long overdue ruling on the tax status of some 30,000 foundations—a great many set up as simple tax dodges, others to attempt to change laws or public policy.

The precedent is also set for acting against religious organizations that have much of their estimated $100 billion in net worth invested in wholly unreligious activities—from wineries to skating rinks, parking lots and girdle factories.

Last year, Former Commissioner of Internal Revenue Mortimer M. Caplin, in testimony before the House Ways & Means Committee, attacked these church-owned businesses:

"A number of churches have entered into active and aggressive commercial endeavors. One, for example, has become a wholesale distributor of popular phonograph records. Another has acquired at least seven sportswear and clothing manufacturing businesses. Others conduct real estate development businesses, provide petroleum storage facilities and carry on a broad variety of manufacturing enterprises."

There has been little done to penetrate these privileged tax sanctuaries, or those of the foundations, including some run by and for hoods.

Private schools established in the South in recent years will, at best, break even. Many will collapse, and would have before IRS tried to make assurance doubly sure. Few have any taxable profits and rich donors are fast disappearing. There are now so many struggling private schools, even the wealthiest benefactor can't give to one without offending others.

Large gifts had all but disappeared before the IRS ruling. Parents who contribute to building funds for their schools will be penalized, but who cares about them? They are in the group which pays most of the income taxes anyway and have never been accustomed to anything more than piddling exemptions and deductions. (Tuition is not involved, since it has never been a tax-exempt contribution.)

IRS was careful to point out that it wasn't getting into the religious, foundation or fraternal organization thicket. Why not? Because these represent political power and billions of dollars, whereas private school patrons and their benefactors are few, the money involved is relatively trivial, and Negro militants wanted something done about the "white flight" to private schools.

Senator Allen raked the Administration in Congress the other day for ignoring the foundations while concentrating on Southerners who "carry a double burden." They continue to support public schools, Allen said, then pay high tuition rates for the only right of free choice and association left to them.

In May, the Justice Department filed a brief supporting tax-exempt status of all private schools. But an internal squabble in the Administration resulted in a strategic withdrawal.

Columnist David Lawrence asked an irreverent question: How can tax deductions "be justified for gifts to an organization known as the 'National Association for the Advancement of Colored People' and yet be denied when made to organizations which seek to advance the education of white people."

The doctrinaire liberal answer would be that this is different because the NAACP has defended minority rights and done nothing unconstitutional. Just so. But the record will show that NAACP has for years, before and after the school decisions, challenged laws and decisions it didn't like.

Parents who send their children to private schools are not doing anything nearly so bold. They are not challenging laws or refusing to pay their school taxes, but merely opting out of the federalized system for reasons they think are good. They are conscientious objectors.

What could be more American than this silent, peaceful dissent, paying for schools they left as well as those they choose to send their children to?

But, as we said at the outset, assume that IRS is right, legally and morally, and that private school patrons and their vanishing contributors are wrong, legally and morally. Then the ukase must be extended to foundations and religious organizations.

The Cathedral of Tomorrow Church of Akron, Ohio, owns the Real Form Girdle Company and a plastics corporation on Long Island. Churches own millions in stock in an infinite variety of companies, including some their own members may think quite sinful. They pay no taxes on their income and their records are not reported.

Writing in Look for May 19, Kenneth Gross revealed that one New York City church had an investment portfolio of $257,000,000; another of $175,000,000.

One-third of the land in New York City is untaxed. Churches and synagogues own most of it. The lowest estimated value of the land they occupy is $726,000,000, but tax experts say a more realistic accounting would amount to at least twice that.

Not all of it is used for non-religious purposes of course, but much of it is. Many churches are landlords and giants of industry and commerce. More than a few are slumlords.

In 1969, Congress would not tamper with the ancient privilege, although the tax reform law did give the churches six years to get rid of business unrelated to religious purposes. The grace period will almost certainly be extended indefinitely.

The IRS, following the private school precedent, could crack down now with its own directive. Will it? Of course not. It even exempted religious private schools from its July 10th directive.

We believe in the absolute necessity of public education, but that is not the issue. The issue is whether or not a minority of Americans who choose to remove their children from the system, for whatever reason, are to be tainted with the label of illegality, while thousands upon thousands of infinitely wealthier enterprises enjoy tax-exempt status simply because they are too powerful for IRS to tangle with.

The issue, in essence, is freedom, not money; so little is involved. For political purposes, the Administration has chosen to stigmatize a group of Americans who are dissenting lawfully and constitutionally, even as they bear the load for both public and private education. As parents, they have elected to pay this price, which most of them can't afford.

Some may be prejudiced, but then prejudice in the purest sense is evident in every religion, every fraternal organization, in all groups where people choose to assoicate with those with whom they have ideological, ethnic, religious or other reasons for common understanding.

Of all these, only one has now been declared a taxable "prejudice"—the desire of parents, for whatever reason, to seek what they consider the best for their children, their dearest possessions. They may be wrong in their beliefs, just as other groups may be; but they alone have been singled out for damnation by IRS, which picks on the weak and blinks at the powerful.

If it is tax money IRS is seeking, it could find, without half looking, so much richer fields as to beggar comparison. But it's not that. IRS has simply been used, willingly it appears, as an instrument of quasi-religious excommunication of heretics.

The secular theology pronounced in Washington is total integration. Those who quietly decide they won't accept the dogma are to be punished by double taxation, a crude perversion of equal justice under the law.

IRVING L. SCHANZER

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. LOWENSTEIN. Mr. Speaker, I want to take a moment today to mourn the death of Mr. Irving L. Schanzer, a past president of the Rockville Centre, N.Y., Board of Education, and one of the most valuable and respected citizens of that community.

Mr. Schanzer lived in Rockville Centre for some 30 years, and a good deal of his time during those years was devoted to making it a better place to live. He was an unusually successful lawyer whose firm handled cases for President Roosevelt, and for Mrs. Roosevelt after the death of the President. He did not content himself with personal success; he took on the additional burden of public service. And Rockville Centre is a stronger community for his having done so.

His service as head of the school board for several terms in the 1950's and early 1960's was a major factor in guiding and encouraging substantial improvements in the school system. He also found time to serve as trustee and president of the Central Synagogue of Nassau County, and his contribution to the religious life of the area gained him the gratitude and admiration of citizens of all faiths.

We will miss the fine intellect and warm heart of Irving Schanzer for a long time to come, but we can have only the faintest glimmer of how terrible the loss must be for his family. I hope they know through these difficult months that they are very much in the thoughts and prayers of countless friends and neighbors.

In times when families seem almost to be going out of fashion, it has been wonderful to have the example of the Schanzers to remind us how priceless a blessing it is to be part of a loving and good family. Such families enjoy one another more than most, of course, so when they lose a member, they suffer more too, and our hearts go out with special love to the gifted and sparkling Mrs. Schanzer and to the remarkable Schanzer children.

1971 BUDGET SCOREKEEPING REPORT

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. MAHON. Mr. Speaker, the periodic "budget scorekeeping" reports prepared by the staff of the Joint Committee on Reduction of Federal Expenditures are useful in helping to keep tabs of the budgetary impact of the many legislative actions. The most recent of these reports, reflecting cumulative actions of the Congress through July 28, was mailed to all Members of Congress yesterday.

SCOPE OF THE REPORT

This report is factual and entirely objective. It is based upon the best information the committee staff has been able to obtain from various sources.

The report brings together into a single package all facets of the Federal budget as acted upon by the Congress: (1) the appropriation bills, (2) mandatory spending authorizations in basic legislation other than appropriation bills, such as pay increases or pensions or welfare increases for which spending proceeds as soon as authorized and prior to the actual appropriation of funds, and (3) spending authorizations which are in effect appropriations within themselves, such as a social security increase or an authorization to spend from public debt receipts, or contract authority in basic legislation.

The report also gives the status of legislative proposals that in effect serve to reduce budget spending such as postal rate increases—the so-called negative expenditure legislative proposals.

The report gives the status of various revenue proposals which directly affect the budget deficit.

The report gives the status and estimated cost of all pieces of legislation either proposed by the administration or acted upon by a committee of the Congress; these are not counted as directly affecting the budget unless they provide for mandatory spending or a so-called backdoor appropriation, but they are nevertheless tabulated because they serve as an indication of the future cost of such legislation.

PURPOSE OF THE REPORT

The purpose of this report is to show how the actions or the inactions of the Congress on these many and varied pieces of the total legislative package affect the President's budget as originally submitted and as revised by him. It reports on congressional actions affecting the budget beginning with the actions of each committee as a bill is reported. It reflects—in separate columns—the actions of the House, the Senate, and final enactments by the Congress.

CONGRESS ACTS ON BUDGET AUTHORITY, NOT EXPENDITURES

Except for overall spending ceilings, Congress, for the most part, acts upon budget requests in terms of new budget—obligational—authority, mostly in the form of appropriations. Appropriations provide obligating authority which may be paid out—expenditures—over a period of several years. It is not difficult to keep track of what Congress does to various appropriation requests in terms of new budget obligational authority. Except for a few indefinite type appropriations, congressional actions on appropriation requests are in precise terms and can be readily tabulated and accounted for.

However, the budget is generally thought of and expressed in terms of projected budget outlays or expenditures. Converting the effects of congressional actions on appropriations providing obligating authority, which may be spent over a period of years, into the effects of such actions on estimated outlays or expenditures in a particular budget year is far from an exact science; precise translation is usually not possible. The best that can be provided are approximations or estimations of how various congressional actions affect the outlay or expenditure budget projection for a given year.

Mr. Speaker, it is important to a good understanding of the figures to emphasize this difference between what the Congress does to the budget in making an appropriation and the effect of such action on what the Congress does to the budget in terms of outlays or expenditures. A reduction in appropriations is an equivalent saving in expenditures but all of that saving—in terms of budget outlays—may not be realized in the first year but rather over a period of several years. This is a source of some confusion each year when reporting on what the Congress has done in acting upon various legislative and appropriation requests in the President's budget.

This conversion from "budget authority" to "budget outlays" of congressional actions on appropriations and other authorizations to spend affecting the current budget year is a major contribution of this report. Prior to these "scorekeeping" reports such a conversion was not available to the Congress except in occasional statements issued by the Executive.

As I have done with recent issues of this report I want to bring to the attention of Members certain factual highlights from the introductory section of the latest report. These highlights on the status of the fiscal 1971 budget as of July 28 are as follows:

INTRODUCTION

STAFF REPORT ON THE STATUS OF THE 1971 FISCAL YEAR FEDERAL BUDGET

(Highlights and Current Status of the 1971 Budget)

Presidential revisions in the budget

A. New budget authority for fiscal 1971 in the February 2 budget submission was estimated to be $218,030,495,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimates for new budget authority for 1971 by $2,691,932,000 to a new total of $220,722,427,000.

B. Budget outlays for fiscal 1971 in the February 2 budget submission were estimated to total $200,771,129,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimated budget outlays for fiscal 1971 by $4,571,871,000 to a new total of $205,343,000,000.

C. Budget receipts for fiscal 1971 in the February budget submission were estimated to total $202,103,000,000, including $1,522,000,000 for increased taxes proposed to the Congress. By additional revenue proposals for estate and gift taxes ($1,500,000,000) and leaded gasoline tax ($1,600,000,000) offset by some adjustments downward in his May 19, 1970 reestimates, the President has increased fiscal 1971 estimated receipts by a net of $2,006,000,000 to a new total of $204,109,000,000.

Congressional changes in the budget

A. Budget authority for fiscal 1971:

1. *House* actions to July 28, 1970 on all spending bills—appropriations and legislative—have *increased* the President's requests for fiscal 1971 budget authority by $7,735,754,000.

2. *Senate* actions to July 28, 1970 on all spending bills—appropriations and legislative—have *increased* the President's budget authority requests for fiscal 1971 by $4,193,265,000.

3. *Enactments* of spending bills—appropriations and legislative—to July 28, 1970 have *added* $2,198,408,000 to the President's budget authority requests for fiscal 1971.

B. Budget outlays for fiscal 1971:

1. *House* actions to July 28, 1970 on all spending bills—appropriations and legislative—have *added* a net of $3,105,063,000 to the President's total estimated outlays for fiscal 1971.

2. *Senate* actions to July 28, 1970 on all spending bills—appropriations and legislative—have *added* a net of $2,413,052,000 to the President's total estimated outlays for fiscal 1971.

3. *Enactments* of spending bills—appropriations and legislative—to July 28, 1970 have *added* $553,434,000 to the President's total estimated outlays for fiscal 1971.

C. Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000:

1. *House* actions to July 28 on revenue proposals total $708,000,000 (including a net of $173,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests,

2. *Senate* actions to July 28 on revenue proposals total $757,000,000 (including $439,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,304,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

3. *Enactments* of revenue proposals to July 28 total $322,000,000, leaving a balance of $4,300,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

Facts on the budget deficit

The budget for fiscal 1971 submitted to Congress February 2, 1970, reflected a unified budget surplus of $1.3 billion, made up of an $8.6 billion surplus from the trust funds and a $7.3 billion deficit in the general Federal funds.

The budget for fiscal 1971 as revised by budget amendments, additional legislative proposals, and reestimates, exclusive of any separate direct Congressional actions on the budget, as announced by the President on May 19, 1970, reflected a unified budget deficit of about $1.2 billion. Including congressional actions, as announced by the President May 19, 1970, the unified budget deficit was estimated to be $1.3 billion, made up of an $8.7 billion surplus from the trust funds and a $10 billion deficit in the general Federal funds.

These surplus and deficit projections are dependent upon various factors of an uncertain nature, such as:

1. Experience shows that actual outlays are likely to increase over earlier projections—thus increasing the deficit.

2. The economic slowdown may decrease actual revenues from the amounts projected—thus increasing the deficit.

3. The budget contains about $2.1 billion in negative outlay estimates for various legislative proposals (such as postal rate increases, etc.) which if not enacted by Congress will automatically increase budget outlays by the amounts not enacted—thus increasing the deficit.

4. The budget reflects reduced outlay estimates in the amount of $2.1 billion for various program terminations, restructuring, and reforms, some requiring congressional enactments, which if not accomplished will automatically increase budget outlays by the amounts estimated—thus increasing the deficit.

5. The budget as revised to May 19, 1970 contains receipt estimates from various revenue producing proposals in the amount of $4.8 billion (including $503 million for trust funds of which $194 million was not requested by the President) which if not enacted by Congress will automatically reduce receipts of the Treasury by the amounts estimated—thus increasing the deficit.

Adding these uncertain budget estimates to the deficit projections made by the President May 19, 1970, the unified budget deficit might be $10.3 billion made up of an $8.2 billion surplus from the trust funds (excluding $500 million from new proposals) and an $18.5 billion deficit in the general Federal funds. Any changes upward in outlays by Presidential or congressional add-ons or reestimates and any changes downward in revenues (and the staff of the Joint Committee on Internal Revenue Taxation has recently estimated that revenues will be about $3.2 billion—$2.7 billion Federal funds and $500 million trust funds—less than the administration projects for fiscal 1971) will necessarily add to these deficit projections.

EFFECT OF CONGRESSIONAL ACTIONS AND INACTIONS ON THE DEFICIT

Mr. Speaker, various factors make it a bit difficult to readily determine just what the Congress has done to the projected budget deficit for fiscal 1971. While it takes some analysis of the details of the July 28 "budget scorekeeping report" to make this determination, it is, nevertheless, important to know the impact of congressional actions, and inactions, on the President's projected budget deficit at any given time. A determination of this sort is, of course, very tentative and preliminary in nature since the work of the Congress is far from completed. But in briefest summary as of July 28.

First. By its actions to July 28, on both spending and revenue measures, the House has increased the projected deficit for fiscal 1971 by a net of about $3.1 billion. This net increase in the projected deficit reflects House actions such as a $1.5 billion social security increase, a delay in the family assistance proposal, and other mandatory spending authorizations, totaling about $3 billion in all, and a net increase of about $100 million in spending related to the various appropriation bills.

Second. By its actions to July 28, on both spending and revenue measures, the Senate has increased the projected deficit for fiscal 1971 by a net of about $2.1 billion. This net increase in the projected deficit reflects Senate actions on various mandatory spending authorizations similar to but not corresponding exactly to those reported for the House, totaling $1.2 billion in all, and increased spending related to appropriation bills totaling $1.2 billion, offset by nonbudgeted revenue increases voted by the Senate but not yet acted upon by the House. The Senate has not yet acted on the social security increase or the family asssitance proposal, and has acted on only six of the fiscal 1971 appropriation bills in contrast to the 13 passed by the House.

Third. In addition to the actions taken to date, still awaiting action are about $4.4 billion of the President's requests for legislative proposals that are counted in the budget as offsets to spending and new revenue proposals—both of which were counted in arriving at the deficit projected by the President. Involved are such proposals as a new tax on leaded gasoline, accelerated collection of estate and gift taxes, certain user charges, and some spending offset proposals.

SUPPORTING TABLE NO. 1

Mr. Speaker, in addition to the foregoing highlight statements, supporting table No. 1 is of special interest. This is perhaps the key table in the report showing, bill by bill, what Congress is doing to change both the budget authority and the outlay—expenditure—sides of the President's budget. It shows actions in terms of increases or decreases from the budget estimates. I am inserting supporting table No. 1 in the RECORD:

By referring to the various subtotal lines on the table, the cumulative change from the budget estimates can be readily determined.

This table is in several parts.

APPROPRIATION BILLS

The first part of the table shows the effects of actions taken—to July 28—at this session on appropriation bills.

The report indicates that the net effect of House actions in appropriation bills to July 28 have resulted in decreasing 1971 appropriation requests for budget authority by about $572 million, and increasing estimated outlays over the President's budget estimates by about $112 million. Outlays show an increase, because the outlay figure includes the effect in fiscal 1971 of the Labor-HEW-OEO appropriation bill for fiscal 1970 passed at this session—the budget for fiscal 1971 submitted in February did not reflect final congressional action on this appropriation bill, but did reflect final congressional action on all other appropriation bills for fiscal 1970, except, of course, the second general supplemental bill.

BACKDOOR BUDGET AUTHORITY

The second part of this table shows changes in the budget made in the form of new budget authority through the so-called backdoor appropriations process. To July 28, the House has voted or reported $6,893 million in budget authority over the President's budget requests. These items will have little or no effect on outlays, for fiscal 1971; therefore, no change is shown for outlays.

LEGISLATIVE BILLS MANDATING SPENDING

The third part of this table reflects

estimates for budget increases or decreases which result from congressional action on legislation containing mandatory spending authorizations such as pay or pension increases for which spending does not wait until an appropriation is made as is the case for most legislation authorizing new or expanded programs.

The net effect of House actions to July 28 for such legislative items is an increase in 1971 budget authority of $476 million and an increase in 1971 budget outlays of about $2,060 million. This does not reflect enacted or pending Federal or postal pay increases which were proposed by the President as increases to his own February budget and therefore not accounted for as congressional increases in the budget. But it does reflect the cost of the retroactive postal pay increase for 2½ months in fiscal 1970 which will be paid in fiscal 1971.

LEGISLATIVE BILLS RE PROPOSALS TO REDUCE

The fourth part of this table reflects the apparent changes in the budget resulting from actions taken to date on legislative proposals to reduce budget authority and outlays. Only items on which partial action has been taken are counted for scorekeeping purposes at this time. For the House, the effect of these actions to July 28 is an increase in the 1971 budget authority of $939 million and an increase in 1971 budget outlays of $934 million. These estimates assume a 6-month delay in the effective date of a postal rate increase.

A similar tabulation, giving the details of congressional actions affecting fiscal 1970 estimates, is included at the bottom of this table:

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS DURING THE CURRENT SESSION ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF JULY 28, 1970)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1971:						
Appropriation bills (changes from the 1971 budget):						
Labor, Health, Education and Welfare, and related agencies, 1970 (H.R. 15931, Public Law 91-204)				[1] +248,000	[1] +248,000	+248,000
Treasury, Post Office, and Executive offices (H.R. 16900)	−73,053			−65,000		
Legislative branch (H.R. 16915)	−9,394	−7,525	(2)	−8,750	−7,000	(2)
Education (H.R. 16916)[3]	+319,590	+816,047	[4] +453,321	+215,000	+417,000	[4] +239,000
2d Supplemental, 1970 (H.R. 17399, Public Law 91-305)				−19,700	−200,300	−123,000
Independent offices and Department of Housing and Urban Development (H.R. 17548)	+173,389	+1,186,796	[5] +541,302	−114,650	+89,000	[5] −24,000
State, Justice, Commerce, the Judiciary and related agencies (H.R. 17575)	−136,949			−50,000		
Interior and related agencies (H.R. 17619)	−731	−4,637	[4] −4,500	−3,350	−2,300	[4] −3,500
Transportation and related agencies (H.R. 17755)	−36,235			−34,700		
Foreign assistance and related agencies (H.R. 17867)	−655,578			−150,000		
District of Columbia (H.R. 17868, Public Law 91-337)	−150	−150	−150	−150	−150	−150
Agriculture and related agencies (H.R. 17923)	−81,587	+727,581	(2)	−105,800	[6] +635,000	(2)
Military construction (H.R. 17970)	−137,763			−11,000		
Public Works and Atomic Energy (H.R. 18127)	−26,625					
Labor, Health, Education, and Welfare and related agencies (H.R. 18515)	+92,926					
Subtotal, appropriation bills	−572,160	+2,718,112	+989,973	+111,500	+1,179,250	+336,350
Legislative bills with "backdoor" spending authorizations (changes from the 1971 budget):[7]						
Emergency home financing (Public Law 91-351)	+1,500,000		+750,000	(8)		(8)
Alaska Omnibus Act extension (S. 778)	+851	+851	[4] +851	(8)	(8)	(4 8)
Land and water conservation (Public Law 91-308)	+30,000	[1] +30,000	+30,000			
Unemployment trust fund (H.R. 14705)	[1] +194,000	+194,000	+194,000			
Urban Mass Transportation (H.R. 18185)	[5] +2,118,000					
TVA bonds (H.R. 18104)	[5] +3,050,000					
Subtotal, "backdoor"	+6,892,851	+224,851	+974,851			
Legislative bills with mandatory spending authorizations (changes from the 1971 budget):						
Additional district judges (Public Law 91-272)	−2,370	[1] −727	−727	−2,370	[1] −727	−727
Employee health benefits (H.R. 16968)	+140,000			+140,000		
Wage board pay revision (H.R. 17809)	[5] +230,000			[5] +230,000		
Dependents' health care (H.R. 8413)	+255			+255		
Public Health Service retirement (Public Law 91-253)	+259	[1] +259	+259	+259	[1] +259	+259
Social security (H.R. 17550)				+1,500,000		
Family assistance (H.R. 16311)	−450,000			−350 000		
Federal lands for parks (reduces offsetting receipts) (S. 1708, H.R. 15913)	(5 8)	(8)		(5 8)	(8)	
Postal reform—pay (H.R. 17070, S. 3842)	+107,700	+107,700	(2)	+107,700	+107,700	(2)
Foreign Service retirement (Public Law 91-201)	(8)	(8)	(8)	(8)	(8)	(8)
Air traffic controllers' retirement (S. 3959)		+7,300			+7,300	
Veterans' hospital care for 70-year-olds (H.R. 693)	(+7,000)	(+7,000)	(2)	(+7,000)	(+7,000)	(2)
Veterans education assistance (Public Law 91-219)[9]	[1] +185,500	[1] +185,500	+185,500	[1] +169,000	[1] +169,000	+169,000
Veterans additional $5,000 insurance (Public Law 91-291)	+45,000	[1] +45,000	+45,000	+45,000	[1] +45,000	+45,000
Veterans compensation increase (S. 3348)	+226,481	+114,370	(2)	+226,481	+114,370	(2)
Redefine "child"—(dependency compensation) (Public Law 91-262)		+6,900	+3,552		+6,900	+3,552
Veterans auto allowance increase (H.R. 370)	+938			+938		
Railroad retirement (H.R. 15733)	−7,700	(8)	(5 8)	−7,700	(8)	(5 8)
Subtotal, mandatory	+476,063	+466,302	+233,584	+2,059,563	+449,802	+217,084
Legislation affecting proposals to reduce budget authority and outlays:						
Medicaid reform (H.R. 17550)	+155,000			+150,000		
Postal rate increase (H.R. 17070, S. 3842)	[10] +784,000	[10] +784,000	(2)	[10] +784,000	[10] +784,000	(2)
Subtotal, reduction proposals	+939,000	+784,000		+934,000	+784,000	
Subtotal, legislative bills	+8,307,914	+1,475,153	+1,208,435	+2,993,563	+1,233,802	+217,084
Total, fiscal year 1971	+7,735,754	+4,193,265	+2,198,408	+3,105,063	+2,413,052	+553,434
Fiscal year 1970:						
Appropriation bills (changes from the revised 1970 budget):						
Foreign Assistance (Public Law 91-194)	[1] −150	[1] −150	−150	[1] −100	[1] −100	−100
Labor, Health, Education, and Welfare and Related Agencies (H.R. 15931, Public Law 91-204)	[1] +567,000	[1] +567,000	+567,000	[1] +335,000	[1] +335,000	+335,000
Second Supplemental, 1970 (H.R. 17399, Public Law 91-305)	−153,957	[11] +272,203	−408,637	−121,300	−84,800	−99,000
Subtotal, appropriation bills	+412,893	+839,053	+158,213	+213,600	+250,100	+235,900
Legislative bills with spending authorizations (changes from the revised 1970 budget):						
Food for needy children (Public Law 91-207)				[1] +30,000	[1] +30,000	+30,000
Veterans education assistance (Public Law 91-219)	[1] +107,400	[1] +107,400	+107,400	[1] +94,000	[1] +94,000	+94,000
Airports and airways development (Public Law 91-258)			+840,000			(8)
Subtotal, legislative bills	+107,400	+107,400	+947,400	+124,000	+124,000	+124,000
Total, fiscal year 1970	+520,293	+946,453	+1,105,613	+337,600	+374,100	+359,900

Footnotes on following page.

[1] Reflects conference or final action for comparability.

[2] Subject to or in conference.

[3] $425 million budget authority ($212,000,000 outlays) for impacted area school aid, carried in budget as "proposed legislation," is regarded as budget appropriation request for scorekeeping purposes although no formal amendment has been transmitted.

[4] Pending signature.

[5] Committee action.

[6] Does not reflect outlay effect of $20,000 payment limitation.

[7] "Backdoor" refers to budget authority and outlays provided in basic legislation not requiring further appropriation action.

[8] Not available.

[9] Congressional increase of $185,500,000 subsequently included in budget amendment (H. Doc. 91-312).

[10] Reflects half-year delay in rate increase.

[11] Does not reflect provision of $300,000,000 for food stamp program to be charged against 1971 agriculture appropriation bill. Reflects point of order on the floor against foreign military credit sales.

"AN ORDINARY GUY" IN ETHIOPIA

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BOLLING. Mr. Speaker, the story of "An Ordinary Guy" in Ethiopia, published in the July issue of Reader's Digest, relates how a young man from Kansas City improved the quality of life for thousands of bleak and disheartened Ethiopians. Hugh Downey, the subject of the story, is the son of Mr. and Mrs. Hugh B. Downey, who believe in what their son is doing and who, through example and guidance, can be credited for the inspiration that led to Hugh's remarkable list of achievements. The article follows:

"An Ordinary Guy" in Ethiopia

(By Clarence W. Hall)

Out riding in his jeep that September day in 1963, Army Specialist 5 Hugh Downey had not a troubled thought in his head. The Ethiopian air was uncommonly salubrious, and so were the spirits of the 21-year-old GI. Seeing a Coptic priest trudging down the dusty road, Downey stopped and offered him a ride to his village, Shinnara. That small act of helpfulness was destined to change not only the current of Hugh Downey's life but also the lives of thousands of impoverished Ethiopians.

As they drove, the clergyman and the young GI fell to talking. And Downey quickly became aware that this province—Eritrea, once the domain of the fabulous Queen of Sheba—had long since lost its shine. Life here was bleak, and death came early to most of the thousands of disheartened Ethiopians, who tried grimly to scrape a living from the region's arid soil. Health services were nonexistent. The infant mortality rate was among the world's highest. Periodic epidemics took the lives of hundreds.

"The only way our people will ever rise above their misery," said the priest disconsolately, "is through education." But educational opportunities in the villages were nil, and attempts by the people to establish their own schools had failed. Arriving at Shinnara, the priest pointed to the remains of a mud-and-grass shack. "That's what is left of our school," he said. "Monsoon rains brought it down, and the people are too discouraged to try again."

That evening, back at his U.S. Army communications base in Asmara, Hugh Downey found that his euphoria had evaporated. Haunted by a vision of the villagers' pathetic attempt to provide their children with some form of education, Downey found a slow resolve building in his mind: by hook or crook, he'd help them get a school that would withstand the monsoon.

Today, no longer in the Army but still in Ethiopia, "Mr. Hugh," as he is known everywhere in Eritrea, has to his credit an incredible list of achievements. During the past seven years, he has instituted scores of self-help projects that are revolutionizing the lives of thousands of Ethiopians. Among them: ten sturdy village schools; an orphanage housing 100 parentless children, with a day school for 150 others; an obstetrical clinic that has saved the lives of hundreds of mothers and their babies; a 5000-volume public library; a handsome 75-bed hospital. In addition, he has shown the people how to dig wells, fought malarial epidemics, conducted agricultural experiments to help villagers improve their crops, and distributed tons of food and clothing to the poor.

More important than all these tangible exploits on the Ethiopians' behalf, however, is the miraculous change that Hugh Downey has wrought in their minds and attitudes. He has uprooted their age-old conviction of the inevitability of fate, and implanted the knowledge that, by their own initiative, they can lift themselves out of hopelessness, poverty and ignorance.

How did one man accomplish so much? Let's retrace the steps.

"THIS IS YOUR PROJECT"

On his next off-duty day following his meeting with the priest, Hugh was back at Shinnara. "You want a school for your children?" he asked the assembled villagers, relying mostly on sign language. "Let's try to build one together." Unloading a couple of bags of cement and a rough wooden mold, he began demonstrating how cement, mixed with sand, made blocks that would defy any monsoon. "You practice," he indicated. "In a few days, we'll get started."

From the first, Downey insisted that the people do the actual work themselves. "Every time you do something for people who can do it for themselves," he stoutly asserts, "you take something important away from them—their dignity, their pride of accomplishment." To the villagers he made it plain: "This is your project, not mine."

The people's absorption of the self-help principle was slow, and slowed further by their native distrust of Hugh's motives. Hitherto they had known only two kinds of foreigners: soldiers who had come to conquer them, and missionaries who had come to convert them. "I represent no government," Hugh repeated constantly. "I'm just an ordinary guy trying to help people to the best of my ability."

But Hugh's biggest obstacle in the beginning was the language barrier. The villagers knew no English; he knew only a few words of Amharic, the official state language, and none of Tegrennia, the lingua franca of the northern region. This problem was solved one day, however, when an Ethiopian of just about Hugh's age appeared on the scene. Ato Sium Andegherghis stood watching for a while as Hugh strode from point to point, making suggestions to the workers in sign language. Then, in perfect English, Sium said quietly: "I come from Ghelas, where I've been trying to start a school, but this is my home village. When I heard that an American soldier was helping my people, I could not do otherwise than offer my services. Will you accept them?"

"Will I!" shouted Hugh. "You're not from Ghelas—you're from heaven!"

A PIECE OF THE ACTION

With Sium translating Hugh's instructions, the work picked up speed—and debts. Having spent all his GI salary on materials, Hugh wrote home to his father, a Kansas City attorney: "Dad, I've got a little thing going over here. For a few bucks, I can give you a piece of the action." The elder Downey not only sent the "few bucks" but, sharing Hugh's letters with business friends, found them eager to chip in. Within five months the little school was completed and equipped. Total cost: $800. Sium, naturally, became chief teacher.

Soon, Downey was involved in several more school-building projects. And building schools wasn't all. As he explains it, "One need sort of exposed another—so what was a fellow to do?" For example, while building a school at Ghelas, he found that the village's only water supply was miles away; villagers had to tote it in buckets over a steep mountain range.

No geologist, Hugh nevertheless knew that water which seems nonexistent from the surface is often available if one digs deep enough and in the right place. One place that seemed right was beneath a huge baobab tree, the only green thing in an otherwise arid area. Talked into a community-shared digging operation, the surprised Ethiopians hit an abundance of clear, cool water at 30 feet. Now, next to their shining new school, the Ghelas well is the villagers' proudest possession.

PLACE OF HOPE

In early 1965, a month before his severance from the Army and scheduled return home, Hugh sent words to his father that he had "another little thing going." Having rented a small house in the town of Keren, "to be closer to my projects," he had again fallen victim to a crying need. One day, noting an unusually pathetic little orphan wandering about Keren foodless and bedless, Hugh led him home. In a few weeks the Downey house was overrun with abandoned children.

"We've got 20 orphans on our hands now," Hugh wrote. "The mayor has offered to give us a piece of land if I will build a small orphanage to care for these kids. A place large enough for this purpose will cost $3000. I've saved $1500 from my salary. Want to match it? (P.S.: We've started construction!)"

Leaving Sium in charge of his orphans, Hugh flew home to meet for the first time the Kansas Citians who had joined his father in sending funds. Impressed by what he told them, these men quickly organized themselves into a nonprofit, tax-deductible organization pledged to support Hugh's Ethiopian enterprises. At his suggestion, the organization was named the "Lalmba Association" [1]—after a mountain near Keren whose name means "a place of hope and refuge." Every penny contributed goes to Hugh's work; all record-keeping is done by volunteers, and nothing is charged to administrative expenses.

If the formation of Lalmba (pronounced "Lah-lum-ba") was a god-send to Hugh Downey, it soon proved an almost daily challenge to its Kansas City members. Says chairman Edward G. Mura, an insurance executive: "Even while we're getting up money or materials for something that Hugh has started, he informs us of 'another little thing I've got going.' But if some of his schemes sound at first like missions impossible, we've learned not to prelabel them. Not a single enterprise of his has failed yet."

MEDICAL MECCA

Before returning to Ethiopia, Hugh talked his childhood sweetheart—slim, dark-haired Martha Rose Meagher—into marriage, and within a few weeks he and his bride were on their way to Keren. With them they took a load of medicines contributed by a local pharmaceutical house, and a set of plans for the orphanage, donated by a firm of Kansas City architects.

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[1] Headquarters: 5306 Rockhill Road, Kansas City, Mo., 64110.

A long, low porticoed building of stone and bricks, the orphanage was completed in a matter of months. It comprises cheerful dormitories, dining hall, schoolrooms, teachers' quarters and administrative section.

Other projects followed rapidly. To fight the recurrent malaria epidemics that often swept the desert lowlands beyond Keren, Hugh organized a series of "medical safaris" made up of U.S. Army doctors, Peace Corps nurses and Ethiopian medical aides. To help cut down the alarmingly high infant-mortality rate, he took over an unused building in Keren and turned it into a top-grade obstetrical clinic serving hundreds of Ethiopian women. And, moved by the people's awakening curiosity about the rest of the world, Hugh remodeled another unused building into a public library.

The latest and most ambitious Downey project by far, however, has been the construction of a handsome new 75-bed hospital in Keren, scheduled for official opening this month. This is the realization of a dream of long standing. For years Hugh had known that some sort of permanent medical facility was an absolute must. His house in Keren had become a mecca for the sick, who often walked a whole day to beg for help. And trips to the villages always revealed people in desperate need of hospital attention.

Today, thanks largely to Lalmba, his hospital is no longer a dream. Built to a design drawn without charge by a firm of Kansas City architects, the hospital's cost, including the value of donated furnishings, X-ray and other modern equipment, came to a small fraction of what it would have cost in the United States.

The medical staff is supplied by the Ethiopian government. Dr. Robert A. McLauchlin, an Oklahoma City surgeon, and his wife, a registered nurse, paid their own way to Ethiopia early last year to advise on the project. He is now on leave to head the staff.

THE REWARD THAT MATTERS

"Mr. Hugh" and "Miss Marty" are constantly devising new projects "to keep the people hot on self-help." Slated for concentrated attention this year are development of a large experimental farm on land offered Lalmba by the government, expansion of the orphanage, the building of more schools and roads, the establishment of a series of medical outstations. Also receiving prime attention is the development of what Hugh calls an "engineering school," where trades can be taught and artisans trained to help meet Ethiopia's critical shortage of skills.

Working without salary, subsisting on the barest of living expenses, where do Hugh and Marty get their reward? Hugh replies: "I know of no other source of happiness as great as the smile on the face of a child just recovered from malaria, the warmth in the eyes of an orphan who realizes he's loved, the eager plunge into his studies by a kid who finds he *can* learn, the first sign of water in a well you've dug in an always-thirsty land, the shy 'thank you' of a mother whose child you've saved. How could one ask for more?"

PROTECT OUR YOUTH AGAINST DRUGS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is with deep sorrow that I place in the CONGRESSIONAL RECORD the text of the following article which solemnly dramatizes the kind of personal tragedy which can be caused by the work of the professional drug pusher preying on the youth of our country. This excellent article appeared in the Pittsburgh Post-Gazette issue of Wednesday July 29, 1970:

FATHER OF DEAD ADDICT, 17, EXPRESSES RANCOR, GRIEF

(By Robert Voelker)

Joseph Faulisi looked into the coffin. In bitterness and grief, he said:

"I wish every drug pusher was forced to walk through this room and see my baby."

In the coffin—no longer tormented by heroin—was Faulisi's next-to-youngest child, Thomas, 17, who was the president of this year's graduating class at South Hills High School.

Homicide detectives said young Faulisi put a pistol to his head and pulled the trigger early Monday in the family home at 2304 Los Angeles, Ave., Beechview.

But the family says the trigger really was pulled by the drug pushers along Brookline Boulevard who hooked Faulisi first on marijuana, and later heroin.

Seven months ago, Faulisi was a bright, fun-loving and popular youth, looking forward to college and a career as an accountant.

"He was a wonderful boy," said the father. "I had all kinds of hope for him."

In the funeral home yesterday, the elder Faulisi—surrounded by his other children—traced his son's plunge into the hellish world of drugs in hopes the story might help other parents.

"It might do some good for someone else if they check on their children earlier," he said. "It might save someone from losing a son like I have."

It all started last January, said Faulisi, explaining. "Some wise guy gave him something to smoke, and it just went on from there."

By late March or early April, Faulisi was on heroin.

The dead youth's sister, Mrs. Joanna Alston, 2723 Philadelphia Ave., Dormont, said:

"His eyes would get soft and glassy-like. He would change very much, like Jekyll-Hyde. Sometimes he would keep to himself, and would be very miserable if anyone said anything to him."

In April, the truth came out, and young Faulisi spent 17 days in St. Francis General Hospital trying to shake off the craving for heroin.

He came out of the hospital and appeared to be cured, but the "cure" didn't last long.

The elder Faulisi said the youth got back on heroin, and developed a habit that apparently cost young Faulisi about $75 a day.

Then, last weekend, Faulisi apparently made another attempt to shake it. Mrs. Alston said:

"He was so sick. It was withdrawal symptoms. He begged us to help him."

The father said he told the youth to rest in the father's bedroom—and it was there where young Faulisi ended the struggle with a pistol shot.

"I WAS TERRIFIED"

"I found him," said Faulisi. "I was terrified."

Up to the very end, young Faulisi steadfastly refused to tell the family who was supplying him with heroin.

"He was so afraid to tell us who it was," said Faulisi. "I tried a million times. Even his own friends were trying and they couldn't find out."

The father added, "One time he told me, 'I'm not telling you because it would endanger your lives.' "

The dead boy's brother, Joseph Jr., was bitter over how easy it is for young people to obtain drugs in the area, and what he described as the lack of law enforcement.

"You can get it (heroin) anywhere on Brookline Boulevard," he said. "You can ask anyone for it."

MANY PUSHERS, HE SAYS

The area around Moore Park is infested with drug pushers, he said, adding: "That's the biggest dope center around here. The law doesn't do anything about it."

He pointed out his brother's death was the fourth drug-connected death in a week in Pittsburgh, and said angrily: "Someone's got to do something about it. This is worse than Vietnam."

Mrs. Alston, equally bitter, said, "It started with what they call harmless marijuana."

A funeral mass for Thomas was offered in St. Catherine's of Siena Roman Catholic Church, 1903 Broadway Ave., Beechview, Pittsburgh, Pa.

KOGO—A GOOD NEIGHBOR

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. VAN DEERLIN. Mr. Speaker, this Monday, August 3, the KOGO stations in San Diego begin a notable service for Spanish-speaking persons both in the San Diego area and across the border in Mexico.

The facilities of KOGO–FM will be used to provide simultaneous translation, into Spanish, of the regular early evening NBC and local newscasts from the KOGO television outlet. A viewer who wants to hear the televised news in English need only turn down the volume of his television and tune in the KOGO station on the FM radio band.

Clayton Brace, general manager of KOGO stations and vice president of the parent Time-Life Broadcast, Inc., has assembled a team of bilingual students to make the actual translations. All have received special training for this unique assignment.

As a former newscaster, I am particularly impressed by the originality of this plan to make top caliber news programing fully available to an audience that otherwise might be excluded.

The pioneering efforts in this area of KOGO should also prove a model for other stations located near the border or in areas with large numbers of residents who are most comfortable with a language other than English.

A news release describing the new KOGO service follows:

KOGO–FM TO BROADCAST EVENING NEWS IN SPANISH

On Monday, August 3, 1970, the KOGO Stations will inaugurate an innovation unique in American broadcast journalism. Mindful of the innumerable and close associations which exist between San Diegoans and our friends in Baja, California, the KOGO Stations will begin a Spanish simulcast of KOGO–TV early news on KOGO–FM, 94.1 mc. This pace-setting concept will permit viewers a choice of listening to the 5:30 KOGO-

NEWS and the 6:30 NBC Nightly News in either English or Spanish.

The project has been in preparation for several weeks under the direction of Clayton Brace, Vice-President of Time-Life Broadcast and General Manager of the KOGO Stations. A group of nearly a dozen bi-lingual young people have been familiarizing themselves not only with the concept of the project, but the special nuances of translating news language. Most of the KOGO translators are college students and all are of Mexican heritage.

On each of the broadcast nights, Monday through Friday, at least two translators will be on duty. At 5:30, they will take their places in a special broadcast booth. Wearing earphones to listen to the English while watching a television monitor, the two linguists will alternate in live translation in Spanish, which will be broadcast on KOGO-FM, 94.1. Thus, the viewer at home who chooses to hear the Spanish audio translation will simply turn his TV set to Channel 10, turn down the volume and place an FM radio receiver nearby tuned to KOGO-FM, 94.1.

"This isn't the first time KOGO has opted for an abrupt departure from what has too often become routine," Brace said: "We have determined to provide a more realistic service for the nearly half-a-million Spanish-speaking people in our broadcast area. It's just been a matter of developing a plan which is at once workable and worthwhile.

"This concept is so simple," Brace concluded, "that we wonder why we didn't think of it sooner."

Translation of the NBC Nightly News is the result of an agreement between the network and the KOGO Stations, which also sets a precedent in the industry.

MARYLAND—THE BIG TREE STATE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. GUDE. Mr. Speaker, a little known fact has come to my attention which I think should be of considerable interest to my colleagues in the House. Although my home State of Maryland ranks rather insignificantly in physical size when compared to some of the giants of our Nation, her contribution to the history, heritage, and scenic beauty of the United States is a matter of record. Her sweep from the ocean to the mountains, coupled with her amalgamation of a variety of cultures, traditions, and natural beauty have earned her the title of "America in Miniature." Those who visit Maryland are met with a gracious welcome, devoid of bravado which is so unnecessary when one modestly knows he has the best.

A new feather has been added to Maryland's bonnet. We are also the "Big Tree State." Of the 160 recognized species of trees for which records are kept, 53 national champions are within the borders of Maryland. This is not only of interest to botanists, arborists, and foresters, but is a further commentary on the diversification of interest, for those who live in and visit our State.

Because of Maryland's unique position midway between north and south on the Atlantic seaboard, flora combines many species of northern climes with those from the southern regions.

I am indeed proud that eight of these champions are in my congressional district, and equally proud that our entire State can claim a third of all the champions.

I call your attention to a recent statement from Maryland's Department of Natural Resources which fully documents our claim to the title of "Big Tree State":

ANNAPOLIS, MD.—Maryland has earned a new nickname, the "Big Tree State," having within its borders 53 national champion trees among the nearly 160 species for which records are kept by the State Department of Forests and Parks.

The Department is now up-dating its records on these big trees and requests the public to report outstanding specimens that might be included in its new compilation of giants.

While re-measurement and re-calculation of these records is a continuing program, an immediate project in which public cooperation is solicited involves re-writing of a 1956 publication entitled "Big Tree Champions of Maryland," written by the late Fred W. Besley, the Department's first State Forester, who served from 1906 to 1942.

Over the years since publication of the list of champs, more than have have been remeasured to reflect losses of old trees and new growth of younger specimens. At least a twenty percent change in the list is anticipated. The American Chestnut, not classified in the 14-year-old publication will be included in the revision.

Among the list of formerly recognized champions, 16 were at that time over 100 feet high, the tallest tree in the State being an Eastern Hemlock in Gorman, Garrett County, towering 127 feet. Among the national champion list Maryland's highest tree was a 120-foot Southern Red Oak in Cumberstone, Anne Arundel County. Not far behind was a 118-foot Willow Oak in Queenstown, Queen Anne's County, on the Eastern Shore.

Leading the list of political subdivisions in number of national champions were Anne Arundel County and Garrett County, each with seven. Anne Arundel had the biggest American Beech, Red Birch, Buckeye, Red Cedar, Southern Red Oak, Tulip Tree and Black Walnut. Garrett had the largest American Mountain Ash, Wild Crabapple, Sugar Maple, Wild Plum, Staghorn Sumac, Yellow Thorn and White Thorn anywhere in the country.

Not far behind the two leaders was Talbot County with its six national champions being the Shagbark Hickory, Black Maple, Black Mulberry, Basket Oak, White Poplar, and of course the grand-daddy of all White Oaks, the State Tree at Wye Oak State Park.

Montgomery County's five entries in the national list of champions included a Balsam fir, Black Gum, a Fruited Hickory, a Redbud Plum, and a Washington Thorn.

Queen Anne's County also had five, its champs being the Common Catalpa, American Linden, Honey Locust, Willow Oak and Osage Orange.

Prince George's County had within its boundaries as of 1956 four of the national champions, the Little Leaf Linden, the Overcup Oak, the Pitch Pine and the Pond Pine.

Harford County also had four in the national championship category, a Scarlet Oak, a Turkey Oak, a Table Mountain Pine, and a Bigtooth Aspen Poplar.

Howard County had three, White Birch, Hardy Catalpa and Blackjack Oak topping the national list in those species.

Somerset County's three national champs were a Common Hackberry, a Blue Beech Hornbeam, and a Flowering Dogwood.

Baltimore City had two with a Largeleaf Magnolia and a Caroline Silverbell. The northeasternmost sub-division, Cecil County, claimed the champion White Mulberry and Chestnut Oak. Kent County with its Wild Black Cherry, Charles County with the leading Virginia Pine, Carroll County's Native Sycamore, Worcester County's White Walnut, and Baltimore County's Yellowwood Varnish tree completed the 1956 list of national champion trees.

IMPORT QUOTA THEORY IS EXACTLY THAT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include an article written by O. R. Strackbein, which appeared recently in the Washington Post. As is well known, Mr. Strackbein is one of the Nation's most knowledgable authorities on matters related to international trade.

In this article he deals with the subject of import quotas. For those who are really interested, this discussion can be very educational. It should go far toward settling some questions that have bothered a good many people. It should be read by all.

The article follows:

IMPORT THEORY QUOTA IS EXACTLY THAT

(By O. R. Strackbein)

Now that import quotas are receiving serious consideration by Congress a veritable chorus of caveats, warning against higher consumer prices fills the air.

The caution is, indeed, supported by classical economic theory which generally leaves itself a convenient escape hatch by way of a hedge. This is under the much-used phrase "other things remaining equal." In other words, import quotas will raise prices if other things do not upset the equation.

The trouble with the theory is that "other things" seldom remain the same. So, the economist is home safe.

One of the best ways to test a theory is to have recourse to pertinent facts in the premises. We may do this quite handily in this instance because the United States has only a handful of import quotas. They are confined with minor exceptions to sugar, wheat, wheat flour, raw cotton, dairy products, petroleum, cotton textiles.

If we trace the price trends of these products the simple pragmatic truth will reveal itself.

Sugar quotas, figured to a decimal point, have been in effect antedating World War II. The retail price of sugar in 1955 was 10.4 cents per pound. By 1968 it had risen to 12½ cents and reached 13.4 cents in April, 1970. This was an increase of 28.8 per cent over a period of 15 years. Consumer prices in general have risen 34.6 per cent since the 1957-59 period, a somewhat later period than 1955, but is the current base used by the Government. Food prices in general rose 32.4 per cent. In other words, the price of sugar lagged behind the general parade.

In the case of wheat and wheat flour both have been under a very strict import quota since 1941. The bushel price of wheat in

1950 was $2.22. In May, 1970, after a long period of decline, it was $1.53, or down a little over 30 per cent in price. Wheat flour, also under a strict import quota, had a price of $5.49 per hundred weight in 1950, followed by general stability, ending in January 1970, at $5.51, an increase of 2 cents in 20 years.

The price of raw cotton has also declined despite a stringent import quota that limits imports to about 5 per cent of domestic production. From a level of about 38½ cents a pound in 1955 the price decline quite sharply in recent years reaching 21.4 cents in April, 1970.

Here are four agricultural products that have been "protected" by import quotas for years. The price increased in two instances, but in only one was the increase even near the general price rise. In the two other instances there was a sizable decline in price, thus going against the general upward trend.

In the case of petroleum, of which we hear and read constantly, the price increase remained far below the general level despite the import quota. On a base of 100 using 1957–59 as the starting point, the price of refined petroleum products had risen to only 104.2 in May, 1970, compared with a level of 116.8 for all commodities. Coal, a competing fuel on which there is no import quota, meantime rose to 146.9 in the same period.

As for cotton textiles about which much has also been heard recently, only a very modest advance in wholesale price has been registered. On the 1957–59 base as 100, the May, 1970 price was only 105.8, or again far below the general price advance to 116. Cotton textiles have been under an import limitation for about ten years. The price on woolen textiles, which are under no import limitation, rose to only 103.8 during the same period, thus leaving little to choose between their price level and that on cotton textiles which were under limitation.

Dairy products (milk, butter, cheese) have also been under an import quota for a number of years. By May, 1970 the price stood at 135.4, where 100 represents the 1957–59 period.

This increase was greater than in the wholesale price of "farm products, foods and feeds," as a whole, which, of course, includes wheat and cotton which pulled down hard on the average.

Nevertheless the wholesale price of dairy products did not keep pace with that of pork (hogs) which rose 62 per cent since 1964, compared with 35.4 per cent. Yet pork imports were not restricted. If unlimited imports operate to keep prices down, why the greater rise in pork and coal prices than in petroleum, dairy products, wheat, sugar, etc., which were under import control?

Footwear imports zoomed greatly in recent years as all our ladies know. Imports are now supplying nearly a third of our market. There is no import quota. Yet what happened to footwear prices? They went well above the level for all apparel and distinctly above the rise in dairy prices.

What happens then to the economic theory? The answer: "other things" did not remain the same. Nevertheless the theory thrives and proliferates in the face of overwhelming contrary testimony.

POLLUTION OR CONSERVATION THERE IS NO CHOICE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BURTON of Utah. Mr. Speaker, with the widespread interest in the environmental problems we are faced with, I was interested to read an article in the July edition of the American Beef Producer. The American Beef Producer realizes there are no easy solutions to the pollution problem. Scores of experts are tackling it, but many of their proposals have drawbacks of their own. Nonetheless, a number of partial solutions have been set forth. The Producer offers some of them as food for thought. The article follows:

POLLUTION OR CONSERVATION: THERE IS NO CHOICE

Ecology is in. Conservation is no longer the execlusive province of the conservationists. Everyone is getting into the act. And this is good. Modern man has made technology his god and nature his servant when a reverse approach might have served him better. Cattlemen and farmers who have long realized nature is not all-forgiving tend to view the new concern with a sense of irony. They know what has been depleted must be replenished if crops are to grow; money and machines are not the solution to all problems.

With a much deeper sense of irony the cattleman hears the voices of criticism leveled against him. When one views the suburbs and the cities with their autos and smokestacks creeping toward his fences, it is difficult to accept guilt. The cattleman has long been a conserver of land, both private and public. He has improved the ranges, dredged streams, grassed waterways and fertilized otherwise useless acres.

Mr. Ned D. Bayley, Jr., director of science and education, USDA, has said, "Ranchmen and farmers know more about and are more aware of the needs of a well-balanced environment and its benefits to the health and welfare of animals and living things than anyone else. They work with land and water and they manage these resources as well as they can."

But with the increases in population and the need to feed more and more people, new industries have sprung up and new problems have accompanied them.

One good example is the cattle feeding industry. Confinement feeding began as a small, on-the-farm venture. Feed pens were built to provide adequate drainage; the natural design sloped toward ditches and streams. Runoff was considered "background pollution," part of nature and not to be of concern. At the time, farms and ranches were isolated, and unless such pollution affected one's own water supply or that of his neighbor, there was little cause for concern.

Today, things have changed. Men no longer live in isolation. Feeding is big business—growing every day—and feedlots concentrate where grain supplies are ample. Streams flow into towns and cities and both surface and ground water are an important source of urban water supplies.

Every time there is a moderate or heavy rainfall, water crosses manure in feedlots, picking up contaminants as it goes. The longer water is exposed to the manure, the greater the level of contamination.

The problem is not a new one, but increased urbanization and increased numbers of cattle on feed have brought about a heightened degree of awareness within and outside the cattle industry. Unlike several industries charged with polluting the environment, cattlemen have been quick to realize the need for change and to ask for ways to improve.

In several states, cattlemen have served on boards and commissions devising animal waste control regulations. ANCA's President W. D. Farr has been appointed to President Nixon's Water Pollution Control Advisory Board. Immediate Past President Bill House served on the pilot (Steering) Task Group of the Missouri Basin Federal Water Pollution Control Administration. The California Cattle Feeders Association recently allocated $25,000 for a study of feedlot dust, odor, and the disposition of cattle manure. Numerous individual feeders have voluntarily sunk large amounts of time and money into setting up waste control systems.

Because the problem of feedlot runoff is newly recognized and defined, few concrete programs have been set forth. Much research is yet to be done. But the problem has been recognized and voluntary action can be undertaken now.

The first is to reduce the amount of water crossing the feedlot. This can be done by digging trenches or drains above and around pens to divert the flow of rainwater. This water can be returned directly to streams or canals. Pens should also be drained well to reduce the amount of time rain water covers the manure.

Secondly, the link between feedlot and stream must be broken. Water inevitably crossing the pens must be diverted.

One solution is a sealed pond into which runoff water flows. Such detention ponds may be self-sealing if soil conditions are right. Otherwise they may be sealed with plastic, bentonite, clay, or concrete. Banks or dams should be built up around ponds to prevent overflow during especially heavy runoff.

Once runoff is contained, it must be disposed of. Pumping the liquid onto crops is the simplest and probably best method of disposal; but the combination of heavy runoff and wet fields from a long or hard rainfall creates problems. Runoff water should not be held in detention ponds for more than nine days. After that period, it will turn black, septic, and odorous.

A second solution is an aerobic lagoon. These operate on the same principal as a septic tank and must be under five feet in depth for air and sunlight to have beneficial effects on the runoff. However, the need for a shallow structure often makes the necessary land area prohibitive.

To improve the quality of runoff water to the extent that it may be returned to streams requires a multiphase approach similar to that used by municipal sewage treatment facilities. Thus, at this time, cost is an obstruction.

The South Dakota State University Agricultural Experiment Station suggests terraces constructed to receive feedlot runoff as a possibility on near-level ground. A similar alternative is shallow dikes, pitting, or trenches to catch runoff and hold it until it can seep into the ground.

SDSU researchers report consolidation of animals in pens may help, reducing the runoff area per animal.

Frequent removal of manure from pens is not only impractical, it is ineffective unless carried out more often than once every two weeks.

Construction of covers or complete enclosures of pens is initially expensive but may be practical in the long run for small feedlots in areas of high rainfall. Properly built, and with proper diversion of water from above, virtually no water should cross manure-laden areas.

Cattlemen face many problems, but they do not face them alone. State regulation programs often combine assistance with restrictions. In Kansas, the Department of Public Health provides advisory consultation by staff engineers who work with feedlot operators relative to the extent of control necessary, the development of a pollution control plan, and design of control facilities.

control requirements are varied to meet the needs of the operation under consideration.

The Federal Water Quality Administration (FWQA) of the Department of the Interior is sponsoring a research and development project by the Midwest Research Institute in Kansas City, Mo., on the possibilities of burning animal waste. FWQA is working with a Kansas feedlot on animal waste disposal on land and working jointly with the Agricultural Research Service (ARS) centers in Fort Collins, Colo., and Lincoln, Nebr.

The USDA has become deeply involved in finding answers to feedlot waste disposal problems. In addition to ARS, research is being conducted by the Agricultural Experiment Stations and the land grant extension agencies.

The Great Plains Conservation Program (now underway and funded through 1981) provides for costsharing on disposal of animal wastes in 10 midwestern states. Individual ranchers and feedlot operators may contact county or state offices of the Agricultural Stabilization and Conservation Service for information and for plans for livestock sewage lagoons. In addition, the Soil Conservation Service (SCS) in each state has drawn up specifications for disposal lagoons tailored to meet Federal and state regulations.

USDA's Ned Bayley says animal waste control is gaining new recognition with the concentration of livestock in small areas and the spread of residential communities into formerly rural areas. "We don't know how to solve it yet," he admits, "we need more research."

Odor is another problem feedlot operators face, a problem heightened by urban encroachment. Dr. Hansen of Fort Collins points out high humidity increases odor, thus adding to the need for adequate drainage. He suggests windrowing the manure as a possible solution. This exposes it to the drying effects of air and sunlight.

A Phoenix, Ariz., firm has developed a biochemical spray which hastens bacterial breakdown of odor-causing animal wastes. In test programs it is proving at least partially effective.

An Ohio firm, on the other hand, has developed an organic waste conversion system which processes up to 2,000 pounds of wet manure an hour, converting it to a dry (8–10 percent moisture) organic matter with good fertilizer value.

Hansen points out some feeds have a stronger odor than others. In addition, certain bedding materials, such as wood chips, seem to control odors more effectively than straw or dirt.

In spite of the priority accorded waste managements, it is not the greatest problem, but the newest. According to Bayley, "sediment and siltation is still our biggest polluter of water. Urban and suburban construction, natural stream erosion, and highway construction all expose valuable top soil which runs off into our streams and rivers."

The rancher has long recognized the soil as his ally. As long as we continue to graze cattle on the Great Plains, or in any area of the country where the wild grasses grow, we must live in harmony with the range. Bayley calls "conservation ranching" the stockman's number one job.

The USDA, through Soil Conservation Districts (SCD), works with ranchers to develop ground cover for range lands. For example, since the mid 1950's, one and one-half million acres of land have been converted from crops to rangeland when the soil was best suited to natural grasses. An additional 1,750,000 acres of rangeland have been reseeded.

The SCD advises ranchers on building trails to work with the natural contours and grading of the land. For those stockmen seeking help for range management and soil conservation programs, Bayley suggests any one of a number of booklets. Available are: "How to Control a Gully," Farmers' Bulletin number 2171; "Grass, the Rancher's Crop," SCS leaflet number 346; and "What Is a Ranch Conservation Plan?" SCS, PA–637. Bayley suggests cattlemen write their local SCS office or extension agent for these and similar publications.

Good range management, according to Dr. C. Wayne Cook, head of the Department of Range Science at Colorado State University, is simply good business. The best way to determine carrying capacity, he says, is simply to maintain high vigor of grasses. If vigor is good, the range is not being overgrazed. If plants deteriorate, it is. "And," says Dr. Cook, "if a man can't tell healthy range growth as well as he can tell a healthy steer, he'll never be a successful rancher."

Allowing deterioration of the range can have serious consequences. Heavy grazing in the days of settlement in Idaho caused drastic decline in the herbacious species. The woody species, especially big sagebrush, increased in amount.

A severely deteriorated range, according to Dr. Cook, may take from 20 to 100 years to build back. If the range has deteriorated to very few parent plants, chaining, railing, burning or herbicides may be used to rid the area of undesirable plant species, giving parent plants an opportunity to grow.

Dr. Cook is a strong defender of the judicious use of herbicides—including 2,4,5–T and 2,4–D. "I think they are safe if used with any discretion at all," he says. "I feel the research questioning the safety of 2,4,5–T was a false alarm. The materials were contaminated and the findings were erroneous.

"It's foolish for people to become emotional," he says. "Our own bodies and the plants themselves produce the same toxins all the time. You could kill your own children with overdoses of spinach or rhubarb."

He is not so positive about the uses of pesticides, however. "We don't know what decomposers in the soil are affected by pesticides. Organisms are affected only slightly by T,4,5–T and 2,4–D."

Dr. Cook concedes that infestations of pests such as range caterpillars are indeed "local catastrophes," but, he said, "in my thinking, we don't know the range insects' impact or role in the ecosystem. What we know is these onslaughts come up and then recede through overcrowding, disease, and the insect's own social conditions. We must learn to live with them." He added, "We're not going to be able to get rid of all insects and weeds."

Wayne J. Colberg, North Dakota State University entomologist and pesticide coordinator, takes a different view. "Pesticides," he says, "can be among the safest of our chemical tools for both agricultural and home use."

Colberg believes only by constant vigilance and the careful use of modern pesticides can we preserve the beauties of nature and economically produce food of the quantity and quality we have learned to expect. "The tremendous advances in medicine aided by wonder drugs are paralleled in pest control by the newer chemicals."

Nonetheless, Colberg cautions, all pesticides are hazardous when used improperly or stored or disposed of in a careless manner. But, he concluded, dangers are potential—not inevitable. When pesticides are properly used, they are an asset rather than a liability.

The American National has long advocated proper use of agricultural chemicals, and cautioned against careless handling.

Burning in place of herbicides is another useful brush control method when sensibly used, according to Dr. Cook. "We're going to have to feed the population," he points out.

Dr. Cook suggests plowing and reseeding rangeland only when the soil is of such rich potential and the growth so poor that a rancher can't afford to wait for natural regrowth. With good potential, seeding of natural or introduced species can increase yield up to 20 fold.

He suggested rest and referred grazing systems as the best methods for increasing vigor of natural grasses and for improving ground cover. "If pastures are in severe condition, I would suggest not grazing at all for a year and then resting the range for a season at a time. The most important thing to remember is when vigor goes down, the range will give way to invading, unpalatable species."

There are approximately 230 million acres of private and 170 million acres of public rangeland in the 17 Great Plains and Mountain States, Dr. Cook estimates. On three-fourths of these acres, he figures, cattle are grazed. "With such vast amounts of the nation's land entrusted to our use, no cattleman can do less than give the range his most careful stewardship."

As increasing demands are made for beef, the wise use of rangeland and efficient means for disposal of wastes will be of even greater priority. Are there wholly satisfactory solutions? Hopefully yes, but perhaps not. Nonetheless, there will be no turning back. For we have realized pollution control and conservation ranching must go hand in hand.

JOHN C. KUNKEL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. McDADE. Mr. Speaker, we have witnessed this week the passing of our former colleague from the 16th Congressional District of Pennsylvania, John C. Kunkel. It was a loss that all of us must note with sadness, because this was not only the death of a friend, but the passing of a man who seemed to be part of the living heritage of the highest meaning of service in America.

In a line tracing back to Jonathan Dickinson Sergeant, who served in the Continental Congress, his ancestors had served the America they loved, many of them sitting in this very Congress in which we serve today. From the day when he was first elected to the 76th Congress, he gave his constituents the devoted and intelligent service which is the true mark of the public servant, and in serving his constituents he served the entire Nation.

He was my friend. From my earliest days in Congress, he was one man to whom I could turn for wisdom, and he was generous in giving me his time. I had hoped that in his retirement he would have many, many years with his beloved wife, Kitty. I mourn his passing with the deepest regret. We have lost a distinguished public servant, a splendid patriot, a fine friend.

ASSISTANCE FOR FEDERALLY CONNECTED HANDICAPPED CHILDREN

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. QUIE. Mr. Speaker, I am today introducing a bill, which is cosponsored by a number of my colleagues on both sides of the Committee on Education and Labor, which would amend Public Law 874—aid to federally impacted school districts—to recognize the high costs of special programs for handicapped children.

The bill proposes a very simple and straightforward amendment to impact aid. Any federally connected child who is counted under the law, and who is a handicapped child or a child with a specific learning disability—both as defined in Public Law 91–230—for whom the school district is providing a program designed to meet his special educational needs, would be counted as two children for the purpose of determining the amount of the payment to the school district. In short, handicapped children in special programs for such children would entitle the school district to a double payment. This would recognize that the costs of such special education programs exceed those of regular programs, and that on the average the special programs cost about twice as much. For some types of handicap, of course, the costs are far higher, but it is not administratively feasible to compute the precise additional costs in thousands of separate programs, so this simple administrative device of double counting provides a degree of equity which on a national basis would come out about right.

Mr. Speaker, there are a number of reasons why my colleagues and I have introduced this bill. First, it came to our attention that military personnel with handicapped children often request assignment to bases where the local school districts have special programs for their children. This is understandable, and we feel that the military services follow a proper humanitarian policy in granting such requests when they can do so consistent with military needs. However, this does throw an additional burden upon such school districts for which they are not compensated under the existing impact aid legislation.

Even where this situation does not exist, we feel that the impact aid legislation, which supposedly relates payments to the local costs of education, ought to take into account the higher costs of special education for handicapped children. Those of us interested in this problem have encouraged the States in their State-aid formulas to recognize and compensate school districts for these extra costs, and we feel that the Federal Government should do no less in the one Federal law which recognizes a special Federal responsibility for reimbursing local school districts for the cost of educating federally connected children.

Finally, we deeply believe that every child in America with special educational needs ought to have those needs met. We are, of course, very far from realizing this ideal, but a number of pieces of Federal legislation now embodied in title VI of Public Law 91–230, the Education of the Handicapped Act, provides significant Federal leadership in working toward this goal. The bill I am today introducing is one more step in that it would encourage those federally impacted districts which do not have special programs for the handicapped to adopt such programs.

There are one or two additional points to be made in explaining this bill. The first is that it would not qualify any district for assistance which is not now receiving assistance. The double counting would affect only the amount of the payment to an eligible district, and could not be used to meet minimum numbers or percentages of children specified in the act for eligibility.

Also, it is important to note that the school district would actually have to have a program in which the handicapped child was enrolled, and that the program would have to be of sufficient size, scope, and quality—taking into account the special educational needs of such children—as to give reasonable promise of substantial progress toward meeting those needs. In administering these requirements—which are identical to those of title VI of Public Law 91–230—the Commissioner of Education would work with and consult with the persons in the various State education agencies who are responsible for special education for handicapped children. We feel that these are wise and necessary precautions to assure that the Federal Government will be encouraging and paying for programs of good quality.

Mr. Speaker, many of us have been critical of various aspects of the impact aid program, and indeed I am the author of a bill which would substantially change and, I feel, reform that program. However, the bill introduced today in no way adversely affects proposed reforms. It would fit into any of the changes I have heard suggested for the program. In effect, we are saying that, however, the impact aid program is structured it should take into account the higher costs of special education for handicapped children.

I urge the speedy consideration and enactment of this bill.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CLEVELAND'S GEORGE SZELL: MUSIC GENIUS FOR THE WORLD

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. VANIK. Mr. Speaker, last night, Maestro George Szell, the famed conductor of the Cleveland Orchestra died, ending a brilliant musical career of over 60 years. We in Cleveland are deeply saddened by the loss of this superb man of music.

My family and I were privileged to attend Dr. Szell's last concert in Washington last January. We were charmed by the warm interlude we shared with him at intermission. It was a privileged experience. His talent and brilliance brought the audience once again to a spontaneous, prolonged standing ovation. We were also fortunate to share Dr. Szell's celebration of the Cleveland Orchestra's 50th anniversary when the orchestra played on that occasion at a special Washington concert. At that time, Dr. Szell and his beloved orchestra were singularly honored with the establishment of a special section of seats in their name at the John F. Kennedy Center for the Performing Arts.

Dr. Szell's intense desire to help young people understand and appreciate classical music was consistently demonstrated in his strong support of an extensive annual young people's concert program begun many years ago under his personal direction.

Dr. George Szell was a very special, gifted human being who was relentlessly seeking musical perfection. He was demanding in that search and could help a talented musician achieve levels of musical achievement few in the world could inspire. While some labeled him a "tyrant" for this trait, none could dispute the magnificent results which he alone could achieve.

Born in Budapest on June 7, 1897, George Szell became a reincarnated Mozart, enchanting the world with his musical genius. His unexcelled musical skill led him to conduct every major orchestra in Europe by the time he reached 40 years of age and all of the Americas' orchestras by his 50th birthday.

Since 1946, under his leadership and guidance, George Szell has transformed the Cleveland Orchestra into the best orchestra in America, having instilled in his musicians an undefinable musical awareness that inspired them to unexcelled performance.

His many honors included the French Legion of Honor's rank of chevalier; he also was awarded honorary doctoral degrees by both Case Western Reserve University and Oberlin College, both in Ohio.

We who were blessed to encounter this man of genius will always remember his vibrance and brilliance. Our world and the world of art grieve his passing. We know his teachings will continue in his inspired musicians and works which remain.

Following is an article from the July

31, 1970, New York Times which attempts to describe a part of Szell's great genius:

Power and Artistry—Szell, Greatest Since Toscanini, Achieved Glamour With No Tricks

(By Harold C. Schonberg)

George Szell on the podium exuded confidence, power and mastery. No professional musician ever disputed his sheer mastery of the craft of conducting. There were those who called him arrogant and there were others who accused his interpretations of being somewhat pedantic. But none ever had anything but admiration for his knowledge, his ear, his incisive and clear beat, his ability to balance the various choirs of the orchestra into a homogeneous, breathing texture.

By and large, Mr. Szell was accepted as the greatest conductor after Toscanini. His specialty was the Austro-German school—the music of Haydn, Mozart, Beethoven, Schubert, Schumann, Brahms, Mahler. He did not program very much French music, nor did the Russian composers occupy a prominent place in his repertory. It was in the great mainstream of German music that Szell was preeminent. There his combination of musicianship, power and finesse, and his insistence on a tight ensemble that approached the chamber music ideal, made itself most strongly felt.

IMBUED WITH PERSONALITY

Like Toscanini, Mr. Szell was a precisionist and a literalist; but, again, like Toscanini, he never carried his literalism to the point of dogma. He tried to keep any musical eccentricity away from his conducting, to subjugate his ideas to the message of the music. But any interpreter with so powerful a mind and so many decided ideas about music would inevitably make his own presence felt, and so it was with Mr. Szell. His interpretations followed the letter of the score, but also were imbued with his own personality.

It was a very strong personality, and a protean one. Like all conductors of his generation, Mr. Szell was trained in the opera house, and he knew the operatic literature as well as he knew the symphonic. In his last years he did not conduct opera, but those who heard his blazing performance of the Verdi Requiem several years ago realized that not since Toscanini had there been a Verdi performance of such intensity and passion.

His knowledge extended to the piano and chamber literature. An unusually skillful pianist, he enjoyed playing chamber music, especially the music of Mozart; and his recordings of the two Mozart piano quartets had the same quality, bouncing rhythm and elegance that he brought to the Mozart symphonies.

The antithesis of flamboyance, Mr. Szell used relatively restrained conducting motions and was never interested in being one of the glamour boys. His beat was a model of clarity and precision, and he was strictly business on the podium.

SUPREME AUTHORITY

Despite himself, however, he had glamour. The air of supreme authority with which he addressed himself to music washed over the footlights into the audience. One attended a Szell concert knowing in advance that, whatever points of disagreement might arise in his interpretations, the execution would be flawless. Under George Szell the Cleveland Orchestra has been as responsive and virtuosic an orchestra as the world can show. Many honestly believe it is the greatest.

What makes a great conductor? Style, technique, a perfect ear, an ability to convey ideas, an inner X-ray of the score.

All of these Mr. Szell had. And he had something else, that mysterious factor called the ability to command. Without this, no conductor can bend the 100-plus virtuosos of a great symphony orchestra to his will. With one glance of his eye, one tiny motion of his baton, Mr. Szell dominated any orchestra he faced. He was the ultimate authority and, like all great conductors, he knew it. He was a master and a dedicated musician; and one can say of him, as Anton Rubinstein said of Liszt, that compared to him nearly all other conductors are children.

THE NEED FOR STRICTER LEGISLATION IN THE AREA OF BOATING SAFETY

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. WEICKER. Mr. Speaker, the following is an article which appeared in the June 22, 1970, edition of the Christian Science Monitor. Mitch Kurman, a constitutent of mine has been a longtime supporter of having stricter regulations enforced in the area of boating safety. I thought it was an excellent article, and should be brought to the attention of all Members, as well as boat owners and users all over the country.

Increasing numbers of Americans are climbing aboard small rented or private pleasure boats for sport or for fun. Yet few boat operators have more than scant knowledge of how to insure their own and their passengers' safety, experts bewail.

Many operators have little or no boating skill. Frequently crafts pull out from the dock with minimal safety equipment—lacking even life preservers for occupants. And with more and more boats appearing on American waterways each year, the possibility of collisions between equally unprepared, unskilled boat operators grows greater.

"Beyond a few scattered state laws, the situation [on lakes, rivers, and along the coast] is very close to anarchy," says Mitch Kurman. He is a Westport, Conn. furniture salesman, who for the past five years has been a determined crusader for boating-and-youth-summer-camp safety. His crusade began after his son perished in a boating accident while at a youth camp in 1965.

"The problem of boating safety has been with us for a long time, and rather than diminish, it grows worse each year," he says.

His efforts alone have helped stem the tide. A persistent lobbying campaign by Mr. Kurman in New Hampshire, Massachusetts, and New York helped push through laws requiring life preservers for all boat occupants.

But he says these and other state laws inadequately protect water-sports enthusiasts from themselves and others. New Jersey, for instance, is the only state that requires drivers' licenses for boat operators. Several states require life preservers, but only on nonpowered boats.

The need is for comprehensive federal regulation, Mr. Kurman maintains. But he describes a boating-safety bill now in the United States Senate as "a small faltering step rather than the forthright stride that is needed."

This bill, S. 3199, would "encourage and assist participation by the several states, the boating industry, and the boating public in the development of more comprehensive boating-safety regulations" and national standards for construction of boats and related equipment.

Mr. Kurman views the bill as more designed to aid the boating industry—hurt because of public concern about safety—than to protect boaters.

"I want meaningful legislation, but I am not compromising on life and safety to say a bill I fought for has finally been 'won' . . . simply because another law has been added."

Mr. Kurman charges that the Coast Guard doesn't want the job of policing the thousands of small boats that ply American waters.

He also charges that Coast Guard officials don't want to trouble the waters of peaceful relations they maintain with the boating industry. The reason is, he says, when Coast Guard officials retire, they move into jobs in the boating industry.

Boating is big business. At last count 43.2 million Americans were cruising aboard 8.6 million privately owned boats. And industry sales had reached $3.2 billion.

In the April issue of Boating magazine, Mr. Kurman wrote, "Long overdue legislation including operators' licenses, would actually benefit rather than hurt the boating industry. . . .

"Certainly the automotive industry has not been hurt by basic licensing, and the revenues derived have helped build our highways. The menace on our roadways is not entirely eliminated, but it is to a great extent under control—only because of licensing."

He adds that "it is no feather in the cap of most of our state governments that literally anyone can buy and operate any boat, regardless of competence or even sanity, and whether or not he has any knowledge of the workings of the craft or even a basic knowledge of our waterways and Rules of the Road."

In the article, he says his own investigations in recent years have brought to his attention inexcusable boating accidents.

"In one case a speeding powerboat cut a smaller boat in half and two children were drowned. Although the operators of the powerboat were intoxicated at the time of the accident, nothing was done about it."

He also cites an operator who pulled his rental boat away from the dock but then found he didn't know which way to move the throttle to slow down. The boat accelerated and climbed up a launching ramp. The novice boatsman escaped injury, although the bottom of the boat was torn off.

In Connecticut, he says, a small boat with an operator and five children on board pulled out from the dock in spite of the harbormaster's warning about weather conditions. They had only two life preservers aboard. When the boat wound up on a reef only the two children with preservers survived. The law prohibited the harbormaster from stopping the craft from leaving port. Nor could he insist that everyone have a life preserver.

Rear Admiral Joseph J. McClelland, chief of the United States Coast Guard's Office of Boating Safety, favors "minimum federal involvement" in the enforcement of boating regulations, Mr. Kurman says.

[Admiral McClelland has explained that this is based on "the assumption that the states can develop excellent safety programs with our active assistance."]

But in Mr. Kurman's view, this is "outright avoidance of the problem."

These are teeth he advocates putting into federal legislation:

"A knowledge of buoys, channel markers, and which boat has the right-of-way should be knowledge basic to all operators.

"Technical aspects should include "maximum capacity" plates in terms of weight of passengers and horsepower of boat motors.

"Floatation is so inexpensive, so simple to apply that no excuse exists for omitting it. In most cases it is a light styrofoam, easy to apply. It would prevent the heartache at least one Connecticut family experienced when a small, inexpensive boat without floatation tipped, filled with water and drowned a child." The boat sank like a bath tub.

"Standard equipment should include a life-saving device for all on board. A small fire extinguisher, a good, serviceable rope with sufficient length, and an anchor heavy enough to hold are also basic."

ODE TO THE PSEUDO ECOLOGIST

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the Record, I wish to include a poem written by State Senator Don Christy of the 27th District of Kansas appropos to our times:

Ode to the Pseudo Ecologist

Here's to the world of dedicated men
Devoted to the world as it once has been.
The vast prairie regions so often to burn
To maintain the ecology for which they yearn.
The forests aflame was the name of the game
In order to keep the ecology the same.

His home, his carpets, his furniture to share
With ants, the cockroaches and termites then there.
The lice, the mites, and the typhus louse
That shares its abode with the rat and the mouse.
The flies, the mosquitos, the wood tick
His malarial blood with them to share.

The scanty food so mitely grew
The worms in the apples they hastly threw.
The scaly peaches and the prickly pears
Told of the foods that once were there.
The weeds in the corn field so mightly grew
The adequate food we once knew—where?

The salt, the sulphur, the limestone to ban
Because it just might, poison a man.
The essential trace elements so important to life
They would ban as a poison dangerous to wife.
When for food there was so much strife
The population reduced to the ecological life.

The dangerous gasses from fire they would ban
To breathe the same odors from the swamp and the land.
For the gasses from burning are one and the same
As those from the rotting plants of the same name.
The products from burning or from rot
Are roughly the same like it or not.

The products of burning of butane and gas
Of oil and gasoline are of the same class.
To be washed from the air by the rain and the dew
For the plants to use, themselves renew.
But those that are seen are morbidly adue
To use the unseen they lustily do.

The fish that are killed by the forests, the plain
The ravages of man, so they maintain.
The animals that burn by the fires of the plain
Are not true of nature they maintain.
The ravages of nature of the great locust plague
Are thoroughly forgotten or are very vague.

To the dedicated men with ants in their pants
That would turn the clock backward without a forward glance.

To sacrifice so much to a slogan
They would be glad to return to the hogan.
The world to return to what it had been
In a time when there were so few of men.

AD HOC SUBCOMMITTEE REPORT ON HOME FINANCING PRACTICES AND ABUSES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mrs. SULLIVAN. Mr. Speaker, the Home Loan Bank Board has just this week issued a series of proposed regulations dealing with conflicts of interest on the part of directors and officers of federally insured savings and loans, and with the extent of democracy, or lack of it, in member-owned savings and loans. These proposals are of tremendous importance in assuring the integrity of depositors' funds in the federally insured savings and loans, and in preventing the kind of insider dealing on the part of a few institutions which have occasionally brought discredit on an entire industry—an industry which plays the most direct role of any industry in our economy in achieving the housing goals of the American people.

Last year, following a series of articles in the Washington Post describing how a federally insured savings and loan institution in Washington was virtually destroyed by insider deals with slum property speculators, and tracing the exorbitant prices charged to many trusting families for residential property they purchased in the District of Columbia from speculators financed in whole or in part by savings and loans, Chairman Patman of the House Committee on Banking and Currency appointed me as chairman of an ad hoc subcommittee to make a study of the conditions described in the Washington Post articles to see if new legislation is necessary to prevent such abuses.

The subcommittee included Representatives James M. Hanley of New York, Frank J. Brasco of New York, Chester L. Mize of Kansas, and J. Glenn Beall, Jr., of Maryland. We held comprehensive hearings last summer and fall, both in open and executive session, visited many of the properties which had been the subject of questionable financial transactions, and filed a subcommittee report to the full committee in May of this year.

Although the report dealt primarily with conditions we uncovered and studied in the District of Columbia, the information we developed led the subcommittee to conclusions which apply to the operations of all federally insured savings and loans. The proposed regulations of the Home Loan Bank Board bear directly on the subcommittee recommendations, and make the ad hoc subcommittee report of wide interest to every one who manages, invests in, or borrows from a savings and loan.

SCOPE OF INVESTIGATION

Much of the report deals directly with the situation in the District of Columbia, and we included the results of a survey of District of Columbia savings and loans on their dealings with their own officers and directors; on the volume of loans to absentee owners; on the volume of loans to residents of the inner city area; on tie-in relationships between officers or directors of one savings and loan with those of another; on appraisal methods and foreclosures; and on single borrower loans. Our investigation raised many questions about the adequacy of existing laws and regulations, not only for the District institutions but nationally.

Thus, in our report we went into Federal regulatory policies as they involve appraisers on Government-insured or Government-assisted housing loans; title companies and settlement practices; the use of straw parties in artificially raising the alleged prices and therefore the mortgage levels of residential properties; and the need for changes in laws and regulations on property transfers. The new regulations just proposed by the Federal Home Loan Bank Board relate to some of those findings.

CONCLUSIONS AND RECOMMENDATIONS

Representative Beall resigned from the Committee on Banking and Currency to accept appointment to another committee prior to the conclusion of the ad hoc subcommittee investigation, and hence did not participate in the writing of the report. The four remaining Members joined in the following conclusions and recommendations:

Conclusions and Recommendations

Throughout this report the subcommittee has made recommendations on the various areas covered in its hearings. Most of these recommendations could be carried out through the simple amendment of regulations pursuant to long-established statutory authority. But, experience has shown that Federal agencies are more often than not loathe to act upon a mere committee report which is not binding upon them. It is therefore the recommendation of this subcommittee that its proposals take legislative form and be introduced as amendments to existing law.

In summary, we have recommended—

(1) Comprehensive regulation of savings and loans in the District of Columbia;

(2) Expansion of the definition of "conflicts of interest" for directors, officers, and employees of savings and loan associations, regulating their own involvement in the business of real estate for their personal gain through the use of their own or other savings and loan institution;

(3) Additional and more realistic limitations on "single borrower" loans. These regulations should set firm limits on the portion of an association's total assets and the number of loans that can be made to single borrowers;

(4) A statutory definition of "appraisals" which includes criteria for the qualification of appraisers. Statutory liability for faulty appraisals rests on the persons or organization selecting the appraiser;

(5) The regulation of the interest of directors, officers, and employees of savings and loan associations in title companies, settlement houses, appraisal organizations, and similar institutions who do business with savings and loans;

(6) That all deeds in federally related transactions be required to show on their face the consideration paid and the interest of the parties thereon;

(7) A uniform-settlements law including uniformity of forms and procedures, clear explanation of charges and accounting of the nature and purpose of disposal of the proceeds of the sale. Elimination of duplicate title services and added title insurance premiums and lengthy settlement procedures

where property is purchased for redevelopment or rehabilitation.

(8) Elimination of straw parties except where necessary for legitimate business reasons; and

(9) Establishment of a special office in the Department of Housing and Urban Development to afford educational, consultative and form preparing services to individuals and organizations involved in promulgating Federal housing programs.

One of the Home Loan Bank Board's basic responsibilities in meeting the congressional intent in establishing the Federal Savings and Loan program and the Federal Savings and Loan Insurance Corporation, is protection of the shareholders' funds placed in the local savings and loan institution. Some of the legislation mentioned here as tools of the Home Loan Bank Board to stop these activities had not been enacted into law until recently. For example, the all important "cease and desist" legislation, the Financial Institutions Supervisory and Insurance Act became law at the end of 1966 and regulations were not promulgated until June 1967.

The housing needs of this Nation will never be met by financing from the private sector so long as the commercial banks of the District and the Nation consider that their first and perhaps only responsibility is to make as much money as possible in the shortest amount of time with the least amount of risk, and so long as the savings and loan associations of the District and the Nation conclude they have fulfilled their responsibility to promote thrift and homeownership by placing most of their energy and assets at the service of middle and higher income families.

The time has arrived to call the private money sector of the Nation's economy to account and determine whether it can and will meet the housing requirements of all the Nation's people or whether new public vehicles must be designed and established to fill the unmet need.

COPIES OF REPORT NO LONGER AVAILABLE

Mr. Speaker, because of the application of some of the findings of the ad hoc subcommittee to the operations of savings and loans generally, and the proposals in the report for changes in law or regulations which would affect every federally insured savings and loan institution in the country, the demand for copies of our subcommittee report was so heavy that the limited supply of copies was quickly exhausted. We have received numerous requests for this report which we cannot fill.

Therefore, under unanimous consent, I submit herewith for inclusion in the CONGRESSIONAL RECORD, where it can be made generally available to all who have need for it, the text of our report to the Committee on Banking and Currency from the ad hoc subcommittee on Home Financing Practices and Procedures, as follows:

REPORT AND RECOMMENDATIONS OF THE AD HOC SUBCOMMITTEE ON HOME FINANCING PRACTICES AND PROCEDURES

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The savings and loan industry has played an enormously effective role over the years in pursuit of its stated objective of promoting home ownership, helping to transform the American people from a nation of families housed mostly in rented accommodations to one in which the majority of families own their own homes, or are in the process of buying them. This has been one of the most important social and economic developments of the last 35 years, and the savings and loans deserve a great deal of credit for their contributions to these objectives.

Federally chartered or insured savings and loans are subject to regulations by the Federal Home Bank Board and by the Federal Savings and Loan Insurance Corporation, agencies established by Congress to protect the equity of shareholders in the insured institutions and to assure high standards of probity by the directors and officers of the insured institutions. Hand-in-hand with the imposed responsibilities for honest and upright conduct go significant benefits from the Federal Government, not only in the insurance of the safety of deposits, which encourages investors to provide much of the loan capital of the savings and loans, but also in the ability of the regulated institutions to borrow additional capital from the Federal Home Loan Banks at favorable rates of interest.

Thus, it came as a shock to many of us last year to read in a comprehensive series of articles in the Washington Post that several Federally-insured savings and loans in the District of Columbia had consistently engaged in practices which victimized numerous low-income families in the inner city area of the Nation's Capital who had sought to upgrade their standard of living by becoming home owners. These practices involved the financing of predatory slum speculators in the acquisition of residential properties at low prices and the subsequent resale, usually at unconscionably inflated prices to unsophisticated purchasers. In the cases cited mortgages were issued by the savings and loan to the speculators at above-market values based on fictitious transactions registered in the names of straw parties. The newspaper articles described a pattern of fraud and deceit which led inevitably to the foreclosure and repossession of the over-valued properties, when the purchasers could not afford to carry the monthly charges. These properties were then often resold to other victims.

With your cooperation and assistance, and with the approval of the full Committee, an Ad Hoc Subcommittee was formed within the Committee on Banking and Currency to investigate the facts in this deplorable situation to determine, first, if the practices described, which had occurred so flagrantly several years ago during a period of easy mortgage availability, could reoccur under present regulations if and when mortgage funds again become more readily available; and second, if further corrective legislation is necessary to protect the integrity of savings and loan deposits and to assure honest dealing in the financing of the many new government-assisted housing programs in which savings and loans have been urged to participate.

As Chairman of the Ad Hoc Subcommittee, I want to thank you for the excellent and wholehearted support you provided us in making available staff assistance and in encouraging us in our investigation. I also thank the other four Members of the Subcommittee—Representatives Hanley, Brasco, Mize and Beall—for their conscientious hard work on this assignment, which entailed many hours of hearings and meetings.

The report herein submitted to the Committee reflects the views of all of the Members of the Subcommittee except for Representative Beall who resigned from the Committee in October to accept assignment on the Committee on Armed Services.

Sincerely yours,
LEONOR K. SULLIVAN, *Chairman.*

REPORT AND RECOMMENDATIONS OF THE AD HOC SUBCOMMITTEE ON HOME FINANCING PRACTICES AND PROCEDURES

I. INTRODUCTION

The Ad Hoc Subcommittee on Home Financing Practices and Procedures was formed at the initial meeting of the Committee on Banking and Currency on February 5, 1969. Its purpose was to inquire into questions raised by practices involving speculation in urban ghetto areas, the involvement of financial institutions in aiding and abetting such practices, and responsibility of Federal financial agencies and their authority to prevent their reoccurrence.[1]

Because of time and limited resources, the subcommittee confined its inquiry mainly to the District of Columbia. However, the subcommittee is convinced that speculation in one form or another is indigenous part of the real estate business, especially, in the inner city areas of the country. The subcommittee also is convinced that a random selection of other cities would develop findings substantially identical to those in the District of Columbia.

A. Purpose of report

The subcommittee's purpose was to understand what happened and how it happened. Its interest was in determining whether these costly abuses would find their way into the massive new federally supported housing activities projected for the next decade, such as the recently adopted sections 235 and 236 of the National Housing Act which provide for factual guidance for individual home ownership and rental housing for low-income families, respectively.

In a broader sense, the subcommittee felt that the time had come for an examination of the whole spectrum of home financing practices and procedures. Although the Federal Government through innumerable programs has been immensely involved in the housing field, Congress has never looked at the procedures surrounding the transfer of real estate. These matters have been primarily a matter of State and local jurisdiction. However, the procedures followed in the sale and transfer of real property do influence the effectiveness of Federal programs, especially those designed to assist low- and moderate-income people acquire in words of the 1949 Housing Act, "a decent home in a suitable living environment," through Federal insurance, direct lending, and/or subsidy programs. Perhaps the most disturbing aspect of real estate speculation is that federally related programs and institutions are so deeply enmeshed in it.

To be effective, speculation must extend beyond the few unscrupulous, greedy and dishonest who stooped to repugnant exploitation of home buyers to the respected and honorable who, with full knowledge of "what was going on," turned their backs on the inner city, left it to the mercy of the speculators, seeking the safer and sounder suburban areas for more remunerative endeavors.

Hearings were held on June 2, 3, 5, and 9, 1969. At the hearings, witnesses from Washington, D.C., community groups, nonprofit housing associations, savings and loans officials, FHA authorities, and the Federal Home Loan Bank Board testified. On June 6, 1969, the subcommittee toured selected properties in the District of Columbia which were the subject of speculation and looked at rehabilitation projects undertaken through various Federal housing programs. The subcommittee also heard testimony in executive session from savings and loans' officials from the Cincinnati area on July 22, 1969.

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[1] A short summary of the most publicized case involving the Republic Savings & Loan Association appears in the appendix.

This report deals with each of the elements of real estate speculation and some related matters. It sets forth recommendations which, if acted upon, will not prevent speculation as we have known it, but will insure against abuses of new housing programs by the unscrupulous and dishonest.

B. Speculation defined

According to Webster's Dictionary, to speculate means "to assume a business risk in hope of gain, especially to buy or sell in expectation of profits from market fluctuations." In the District of Columbia, however, real estate speculation has acquired a more specific and sinister connotation.

In the District of Columbia the term "real estate speculation" has been applied to situations in which the purchaser of a property deliberately and fictitiously inflates its value, and, through a variety of schemes, ultimately transfers or sells the property to an innocent and ofttimes defrauded home buyer. The speculator's field of operation is generally limited to the inner city areas, but can be found almost anywhere home financing is unavailable to a buyer through normal channels.

Thus, as used in this report in reference to transactions in the District of Columbia, the term "speculation" should not be confused with legitimate real estate investment in which a property is purchased with the hope of increased value through improvement, repair or nonmanipulated economic forces.

The elements of speculation are many and varied. A typical example would involve the purchase of a property at market or below market value, obtaining a mortgage based on a price above market, and, after one or more transfers, most times through straw parties,[2] to inflate the price, finally selling the property to the ultimate home buyer who assumes the mortgage. In many cases the purchaser takes back a second trust for lack of a sufficient downpayment. A speculator retrieves most if not all of his original investment and makes his profit through the inflated mortgage. If a second trust is taken, it usually is pure "gravy." The speculator either holds the second trust or if he chooses, sells the second trust at a discount on the open market.

The speculator needs many accomplices. He needs an appraiser who will appraise the property at the inflated price. He needs a cooperative lending institution which will lend money on the basis of that inflated price without checking the appraisal and in most cases with the full knowledge that a speculator is involved. He needs one or more straw parties. If the speculator doesn't have a source of funds to pay for the original purchase of the home, he needs a willing settlement company willing to hold his checks until he can find a new purchaser at the inflated price. He needs a market for his second-trust paper. He also needs a local government which will not or cannot enforce existing statutes designed to prevent these practices.

C. Speculation in the District of Columbia

Real estate speculation in the District of Columbia grew to prominence through a combination of events during the 1950's and 1960's. During this period housing was in great demand, mortgage money was readily available and a rapidly increasing black immigration with a commensurate white flight to the suburbs gave unlimited opportunities to the speculator.

It was only after the tight money period which commenced in 1966 that speculation waned. The less fortunate speculator who did not have ready cash resources found himself "stuck" with undesirable and heavily financed properties for which he could find neither a buyer nor a financial institution willing to make or refinance the loan.

Perhaps the most alarming aspect of real estate speculation in the District of Columbia is that it was so widespread and so well-known that its very existence reflected upon all who are connected with the real estate business in the area.

The subcommittee looked at random samples taken from Lusk's Real Estate Directory Service. This Directory is a private publication which sets forth addresses, parties involved, the consideration, dates of real estate transactions in the District of Columbia. The annual bound volumes of the Directory are replete with clearly defined speculative deals. It is inconceivable that anyone connected with the industry, whether private or governmental, could plead that he was unaware that "these things were going on." The home financing institutions as well as the regulatory agencies must bear the ultimate responsibility. Their passive attitudes alone are a significant contribution to speculation.

II. THE SUBCOMMITTEE SURVEY

A. The nature of the survey

As part of its investigation of home financing, the subcommittee conducted a survey of savings and loan associations and commercial banks in the District of Columbia in an effort to develop the following:[3]

What percentage of the total real estate loans made by these institutions and currently in force were for the purchase of property in the District?

What share of the District loans were for property in middle- and upper-income neighborhoods and what portion went for loans in low- and moderate-income areas?

To what extent officers, directors, employees and agents of these lending institutions, their business associates or members of their families have a direct or indirect personal interest in any real estate loans in force since June 30, 1964?

To what extent this same group of people has a direct or indirect interest in any business concern which provides appraisal service or title company service to these lending institutions?

What is the full relationship between the savings and loan associations and commercial banks and the persons who perform real estate loan appraisals for these institutions and what are the qualifications of such persons to make appraisals

The survey was keyed to the situation as of January 1, 1969. Replies to the subcommittee's survey revealed that the District's 25 savings and loan associations and its 14 commercial banks had a total of 130,749 real estate loans in force. More than 90 percent of that total, 118,512 loans, were provided by savings and loan associations, a comparison that makes it clear that District commercial banks, despite the existence of a myriad of Federal housing programs which insure or fully guarantee mortgages, and despite a critical need for adequate housing in the District, have failed to play a significant role in terms of homeownership. Therefore, the following analysis of the survey deals only with the data supplied by the savings and loan associations.[4]

B. Absentee-owner lending

In seeming contradiction of their Federal charter requirements to promote home ownership, the survey disclosed 5,240 real estate loans in force approved by 18 District savings and loan associations for purchase of property in the District of Columbia were made to persons that these lending institutions themselves classified as absentee owners who were lessors of the property. This represents 35 percent of the total amount loaned.

Specific examples of the absentee-owner situation were given by Mr. Channing E. Phillips, president of the Housing Development Corp. of the District of Columbia, when he testified during the subcommittee hearings:

"Turning our attention to the operation of the savings and loan industry in the District * * * I think we must say that the industry has failed in its role and this failure is manifested not only in the city's slums but in who owns the city's slums.

A recent survey done in the Cardozo area by People United Against Slum Housing shows that 70.3 percent of the residential property in that area is in the hands of absentee owners. And one-fifth of this absentee owned property is in the hands of 25 individuals, families or corporations."

"Absentee ownership in this area with this degree of absentee ownership concentration can only be classified as speculative ownership, speculatively aided and abetted by the federally chartered and supervised savings and loan industry. For, as the study shows, six savings and loans in the District account for 75 percent of the mortgage loans in the area and 74 percent of the loans to the absentee owners holding property in the area. And, in the case of three of these six institutions, over 75 percent of their loans were made to absentee owners.

A similar study done in the Shaw urban renewal area at a much earlier date by the Redevelopment Land Agency, together with the Model Inner City Community Organization demonstrated an even worse situation with over 80 percent of the property in the hands of absentee owners."

C. Inner city lending

Replies made by 16 savings and loan associations showed that 56 percent of their loans in force were made to borrowers living in the middle and higher income neighborhoods in and outside of the District. This conclusion is based on the fact that this

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[2] Straw parties are more fully discussed on page —.

[3] Many of the subjects discussed in the survey are explored in more detail under similar headings later on in the report. Thus, the survey will discuss appraisals, single borrower loans, and the like with fuller discussions and recommendations later on.

[4] The purpose of this footnote is to demonstrate the lack of bank activity in the District of Columbia housing loans.

The questionnaire which was sent to 14 banks in the District of Columbia by a Special Ad Hoc Subcommittee of the House Committee on Banking and Currency elicited 13 replies, which disclosed that these 13 banks had about 17 percent or $513,516,388 of their total assets of $3,030,010,507 (January 1, 1969), invested in realty loans, including construction loans and loans for commercial property such as office buildings. Of the part of the total assets of these 13 banks, invested in realty loans, 5 percent or $125,379,340 was invested in realty loans in the District of Columbia.

The number of realty loans in force and in the District of Columbia (as of May 1969) by the 13 banks replying to the survey, and the percentage of the amount of such loans to the amount of total assets (as of January 1, 1969) is shown below:

Number of realty loans in force

Total	12,239
In the District of Columbia	4,734

Percentage of total assets to realty loans

Total	17
In the District of Columbia	5

The percentage of total assets invested by these 13 banks in realty loans in the District of Columbia as of May 1969 was as follows:

Percentage and number of banks

0 through 5	8
6 through 10	4
9 through 8	0
21 through 30	1

percentage of in-force loans were to borrowers living west of Rock Creek Park in the District or in suburban areas outside the District. (One savings and loan located in the District west of Rock Creek, disclosed it had 87 percent of its in-force loans in this one area alone.) This in turn means that 44 percent of the total number of in-force loans went into low- and moderate-income housing, the kind of housing that characterizes all other sections of the District covered by the survey where the need for adequate housing is greatest.

The effect of homeownership was described by Mr. Phillips when he discussed a federally assisted homeownership project in a block where only eight of the 36 houses were owner occupied. Through a neighborhood housing corporation, 18 of the houses on the block were purchased for renovation and sale under section 221(h) of the National Housing Act.

"At the beginning there (was) some skepticism . . . that skepticism has changed as the housing has been completed and (people) moved into it. We have had a minimum of vandalism, et cetera, during the course of construction. The tenants have been extremely protective of their block, and there have been tenants who have guarded the empty houses as we have finished them and put in the appliances and so forth to prevent the kind of usual theft and destruction. We have had a very rewarding experience there * * *"

Testifying before the subcommittee, A. C. Sternberg, vice president and general counsel of the Housing Development Corp. of the District of Columbia, added:

"There is one savings and loan in this city, a new one, the first new one chartered in 30 years, chartered within the last 2 years, that is making some 90 percent or more of its loans in the District of Columbia and, of these, 90 percent are in the area which we categorize as being east of Rock Creek Park.

"In 2 years they do not have a single default on any of these loans. As a matter of fact, I am not sure that they have had to schedule any for being in default or behind in payments more than 90 days, and it might be interesting to examine into the experience of that new savings and loan institution."

D. Loans to officer, directors, and employees

Thirteen of the 25 savings and loan associations in the District provided opportunity for people within their own organization or close to it to become substantial borrowers for purposes of entering the real estate business. These 13 lending institutions reported that they made loans totaling $12.4 million to 24 persons who were officers, directors, employees, agents or their relatives.

According to data in the survey eight loans totaling $443,000 were made by one savings and loan association to relatives or the business associates of relatives of William Calomiris, a director of that lending institution; the seven loans totaling $7.5 million were made to a real estate investment corporation by another association which describes its vice president, Murray W. Decatur as "an officer and minor stockholder in the real estate investment corporation"; the $46,000 was collected in real estate brokers commissions by Thomas W. Sandoz, Charles L. Norris, A. S. Gardiner, Jr., and Lawrence W. Harry on the sale of property financed with loans by an association, of which they are directors; and the $240,000 loaned by a savings and loan to Leonard R. Snyder who is a director, the secretary, and the attorney for the association, so that he could have a 15-percent interest in indoor tennis courts. A number of similar loans were made by other District savings and loan associations for business property that had nothing to do with providing dwellings, to say nothing of home ownership. On the other hand, several of the other savings and loan institutions, recognizing the danger of allowing the funds of their depositors to be used for the personal gain of their officers or employees, emphatically stated they had longstanding policies prohibiting such practices.

E. Interest in related institutions

Questions about the propriety of loans made by savings and loan associations to their officers, directors, employees, friends, and relatives also apply to officers and employees of such lending institutions who hold a direct or indirect interest in concerns which provide appraisal service or title company service for their own lending institution. Twelve of the 26 savings and loan associations stated some of their personnel held such interests. It takes no stretch of the imagination to recognize the possibility of "persuading" the home buyers to utilize the services of such concerns either before or after a loan is approved.

By the same token, almost all District savings and loan associations—23—reported that more than half of their appraisers were officers, directors or employees of their institutions. In addition, 24 of the 25 reported that only 44 of the 122 in-house and self-employed appraisers they utilized were designated members of the Society of Real Estate Appraisers, the American Institute of Real Estate Appraisers or similar professional organizations. The lending institutions were quick to assert, however, that most of their appraisers had sufficient practical experience in the Washington area real estate business to be qualified despite lack of formal training.

F. Appraisals on foreclosure

These assertions, if nothing else, seem weak in the face of drastic changes that were reported by eight savings and loan associations on the appraised value of District property on which they foreclosed in settlement of loans since June 30, 1964.

For instance: [5]

An association made one loan on property it originally valued at $6,000. When it foreclosed it reappraised the property at $3,000, a drop of 50 percent.

An association appraised five pieces of property as having a total value of $54,500, but when it foreclosed the appraisal was set at $29,500, a reduction of 46 percent.

An association reported a drop of 42 percent on the value of one piece of property, originally valued at $60,000 but reappraisad at $35,000 upon foreclosure. (It reported that the other piece of District property on which it foreclosed suffered an even greater reduction in value but this was laid to the results of the April 1968 riots.)

An association said it had appraised seven pieces of property for a total value of $91,650, but dropped the value to $64,000, down 31 percent when it reappraised following foreclosure.

An association had six pieces of property which originally were valued at $289,100 but reappraised at $223,500 on foreclosure, a decline of 27 percent.

An association reported foreclosing on one piece of property originally appraised at $8,500 but reappraised at $6,750, down 21 percent after foreclosure.

An association said it had foreclosed on 20 pieces of property since June 30, 1964, but that until more recent years it had not reappraised at the time of foreclosure. As a consequence, there are only six pieces of property on which original and reappraisal valuations can be compared and these show a 26-percent reduction in the total value of property originally appraised at $129,500 and revalued at $97,000 on foreclosure.

An association disclosed a reduction of 17 percent in the value of the one piece of property on which it foreclosed. Originally appraised at $12,000, it was later valued at $10,000.

An association reported substantial reductions in the value of five of eight pieces of property in the District on which it had foreclosed, but it noted that in four of the five cases the property had been vandalized.

In all, 11 District savings and loan associations reported foreclosures on property in and outside of the District. Most of the foreclosures took place outside of the District and as a rule reappraisal at the time of foreclosure on property in suburban Maryland and Virginia tended to stand up well in comparison with original appraisals. With one startling exception:

An association stated it had foreclosed on 40 pieces of property in Maryland having a total original appraised value of $672,834, a figure which is 34 percent higher than the reappraised value of $448,100.

Of those 40 loans, 19 were made to an individual on property given a total original valuation of $311,984, but which was revalued following foreclosure at $181,200, a reduction of 43 percent.

G. Single borrower loans

Fourteen District savings and loan associations reported having made 10 or more loans to one person. Their figures, which do not include construction loans when such loans were indicated, add up to 77 persons receiving 1,515 loans totaling $33.9 million. Averaged out, it comes to 18 loans totaling $441,135 per person. It should be clearly understood that most of these loans went to legitimate real estate investors who are not involved in speculative practices. It should also be understood that these figures are symptomatic of the willingness of nearly half of the District's savings and loan associations to make available to individual borrowers the large blocks of credit necessary for the existence of real estate speculation.

This analysis of the data supplied by the survey of District savings and loan associations not only gives a statistical description of major aspects of the city's real estate industry and its faults, but suggests some obvious remedies which are set forth in this report.

Pertinent tables prepared from the survey data appear in the appendix.

H. Conclusions from the survey

The survey, even though limited to savings and loan associations and banks in the District of Columbia, raises some very serious questions hitherto unexplored by this committee.

These are:

Should loans, other than for personal home purchases, be further restricted or prohibited entirely to officers, directors and employees or agents of lending institutions regulated by the Federal Home Loan Bank Board?

Should there be a prohibition on loans made by one lending institution to the officers, directors and employees or agents of other lending institutions?

Should officers, directors, employees or agents of savings and loan associations be prohibited from having a direct or indirect interest in concerns which provide appraisals, settlements, title insurance or any other service connected with real estate transactions?

Should a savings and loan be permitted to make more than one loan to a single borrower? If so, under what circumstances?

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[5] We recognize that the value of property upon foreclosure will show a general tendency to drop. This is mainly due to deterioration and disrepair which often accompanies an arrearage in mortgage payments.

However, a study of the figures supplied in the survey indicates that many of the differences between sale and foreclosure appraised values are the direct result of an inadequate appraisal system.

Are present limitations on the percentage of assets which may be lent to a single borrower realistic or do they encourage the evils of speculation?

These questions concern not only the District of Columbia savings and loan associations. They go to the heart of the responsibilities which emanate from the relationships between the Federal Government and lending institutions. As in all areas, the Federal Government's sole interest must be that of the public. Law and regulations should insure that savings and loans and other institutions serve the public interest to the fullest extent.

Some of the practices disclosed by the subcommittee survey are indigenous to the savings and loan industry, having been followed since its inception. Nonetheless, they raise the specter of a deep-seated conflict of interest situation. The committee should explore these relationships, and their impact on carrying out fairly the two-fold purpose of thrift and homeownership.

III. APPRAISALS

"Let me start with an analysis that may astonish you. The typical real estate transaction involves several professionals and several businessmen. The professionals are one or more lawyers and a land surveyor. If there is a new building or a subdivision development involved there may be others such as engineers and architects, and an accountant. The businessmen are a broker or salesman, a title insurance agent, a banker, or mortgage correspondent, and a fire and casualty insurance agent. All the named professionals are either licensed or certified by the public, and so are all the business agents named. But if there is an appraiser involved, he is neither licensed nor certified to practice, except in a few States wherein, believe it or not, he is actually required to have an active real estate brokers license. (Statement by Mr. McCloud B. Hodges, Jr., M.A.I., S.R.E.A., before the Ad Hoc Subcommittee on Home Financing Practices and Procedures, June 3, 1969)."

One of the most essential ingredients in a real estate speculative transaction is a false or misleading appraisal of the subject property. On the basis of such appraisals the speculator is able to obtain his inflated loan and quick profit.

The subcommittee included an examination of the nature of the appraisal profession practices as part of its inquiry. While our study of the appraisal profession was limited solely to its role in the business of real estate speculation, we were quite surprised at the inadequate and loose structure of this profession as well as its lack of attention by the appropriate Federal agencies.

One of the most important elements involved in the transfer of real property is financing. Financing is based on an evaluation, and the evaluation is made by an appraiser. In many cases, the type of financing will be a consideration in the appraiser's determination of the value of a property. Even with these crucial responsibilities, appraisers are not legally tested or licensed in Federal statutes and regulatioins dealing with appraisals, the qualifications of appraisers are rarely defined.

A. The appraiser and the lending institution

In many cases appraisers sit on the boards of the lending institutions for whom they appraise. Indeed, the president of Republic Savings and Loan did his own appraising in some of his most blatant speculative deals.

The subcommittee survey disclosed that 88 percent of the associations have either directors and/or employees doing appraising, and that only 12 percent of these associations use independent appraisers exclusively. The survey also showed that 24 percent of the savings and loan associations replying used no appraisers with professional recognition such as M.A.I. or S.R.E.A., while only 20 percent of the associations used only appraisers with such recognition. Thus, 56 percent of the savings and loan associations use a mixture of professional and nonprofessional appraisers.

B. Present law and appraisals

Since the overwhelming number of home mortgages in the District of Columbia are held by savings and loan associations, this report limits the analysis to the appraisal practices of savings and loans. Even from this limited view major problems come into focus which warrant the attention of the Congress. If these are not resolved, then a significant portion of our commitment to low- and moderate-income housing will be needlessly spent.

All savings and loan associations in the District of Columbia are federally insured by the FSLIC but all are not federally chartered. Principles which govern appraisals by insured associations are found in this title IV of the National Housing Act of 1934. The act provides for the insurance of accounts and establishes the Federal Savings and Loan Insurance Corporation under the regulatory authority of the FHLB.[8]

The regulation applicable to insured associations such as those in the District of Columbia is FHLBB regulation section 563.10. Under this regulation, appraisal by a qualified appraiser is required and the signed appraisal must be approved in writing by the board of directors or the loan committee of the insured institution. Nowhere to be found is a definition of a qualified appraiser nor is there any prohibition of a possible conflict of interest of the appraiser, save a proviso that he not be affected in any way by the approval or declining of the loan.

It is only when a particular insured association is undergoing examination by the Federal Savings and Loan Insurance Corporation that realistic qualitative standards for appraisals are required. FHLBB Reg. Sec. 563.17-1(b) provides that such examinations shall include appraisals in questionable situations. In a statement of policy (Reg. Sec. 571.1) supplementing this regulation, there is a specific definition of the type of appraisers to be employed in connection with such examinations.

Subparagraph (2) provides:

"As used in this statement of policy, the term "professional appraiser" means an individual whose qualifications are demonstrated by means of senior membership in a national appraisal organization or an individual who in the opinion of a Chief Examiner for the Board qualifies under standards equivalent to those established by such national organizations. The fact that a professional appraiser is employed by an insured institution on a fee or salary basis need not, of itself, adversely affect the acceptability of any report of appraisal prepared by or under the direct supervision of such appraiser."

Subparagraph 3(f) provides:

"Selection of appraiser. The Board's Chief Examiner for the Federal Home Loan Bank district in which the home office of an insured institution is located will select the professional appraiser or appraisers to make appraisals under this program. When making the selection, the Chief Examiner shall, insofar as is feasible, make such selection from those professional appraisers who do not regularly make appraisals for competing institutions in the community."

Note that the quoted provisions consider the possibility of a conflict of interest where the appraiser employed for examination purposes is also an employee of the association being examined.

The present Federal Home Loan Bank Board regulations on the appraisal of real estate prior to granting loans are vague and inconsistent. If the standards set forth in examination-type appraisals had been applicable in the first instance then the examination appraisal would have been unnecessary to begin with. Locking the barn after theft leads precisely to the kind of speculative activity the subcommittee found so prevalent in the District of Columbia.

There was some testimony in the executive session about speculative schemes in the Cincinnati area based on FHA appraisals. The subcommittee asked the Department of Housing and Urban Development and the Federal Housing Administration for a report. The FHA personnel involved in the Cincinnati frauds have been prosecuted and the subcommittee is satisfied. Moreover, the Acting Administrator of FHA testified that the overwhelming number of FHA single family appraisals were conducted by appraisers employed full time by FHA. For example, in 1968, there were approximately 780,000 single family FHA appraisals of which 52,000 were made by independent fee appraisers.

The subcommittee did examine the FHA standards for appraisers and, while they are more detailed and specific than those of the FHLBB, they should be reviewed in the light of the subcommittee's recommendations.

The subcommittee has no desire to inject itself into the ongoing dispute among appraisers as to whether there should be State licensing of appraisers. This is a matter which is best left to the appraisal organizations and the State governments to work out. But the subcommittee feels strongly that there must be Federal standards where federally insured or chartered institutions, federally insured mortgages or Federal subsidies are involved. There are a number of guidelines available when devising such standards.

C. The appraiser organizations

There are two major appraisal organizations. The American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers. The subcommittee heard from two prominent members of these organizations and examined their codes and rules of procedure. These organizations have a long standing respect in the real estate community. The requirement for membership involves intensive study and the successful completion of examinations. In addition, there are automatic review procedures when a member's appraisal is the subject of litigation. There is an elaborate review and appeals procedure in cases where questionable appraisals are made by their members. The ultimate penalty is expulsion from the organization.

However, expulsion from the organization still leaves the appraiser free to practice his trade. There is no further sanction. Nothing in their laws and regulations prohibits him from continuing in the employ of lending institutions and making appraisals for federally related projects or institutions.

The testing and educational standards of these two organizations provide excellent guidelines in drafting statutes or regulations setting forth appraisal criteria for federally related real estate loans. Indeed, the Federal Home Loan Bank Board recognized this when requiring senior membership in either these organizations for independent FSLIC examinations.

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[8] This is not to say that statutory provisions for appraisals applicable even to the federally chartered corporations are adequate FHLBB regulation section 545.6-9 provides that no Federal association shall make a loan unless there has been an appraisal of the real estate by two qualified appraisers, approved by the board of directors of the association. There is no explanation of what is meant by a qualified appraiser, nor is there provision governing the appraiser's relationship with the association.

D. The appraisers and conflict of interest

The employment of directors and officers of savings and loans as appraisers raises a question which should be thoroughly explored. In one sense, if the appraiser is a qualified appraiser it can be argued that the interest of the savings and loan and the public is best served on the theory that such an appraiser will be extraordinarily careful and thorough in his evaluation, protecting in the interest of his association. Conversely, it can be argued that the practice of using director or officer appraisers creates an opportunity for easy speculative practices. The latter is precisely what happened in the Republic Savings and Loan situation.

During the subcommittee hearings it was suggested that only independent, professionally qualified persons, such as those who are designated members of the Society of Real Estate Appraisers or similar organizations, be authorized to conduct appraisals for federally connected lending institutions. The suggestion was made on the theory that such appraisers would be removed from the influence of real estate speculators or the desire on the part of lending institution officers to cooperate with them. The idea seems to be well founded. However, it should be borne in mind that in the end analysis it is up to the Federal Home Loan Bank Board itself to design and implement procedures for adequate and periodic examination of appraisal work done for member borrowers. If the Federal Home Loan Bank Board acts along these lines, then it would make little difference whether property evaluations are made by in-house or independent appraisers.

The subcommittee is convinced that tightening of the regulations on appraisals would contribute significantly to the elimination of the evils in speculation.

E. Independent appraisers as a requirement

The subcommittee realizes that the establishment of more detailed appraisal criteria is not without problems. Under present practices, appraisers make an abbreviated-type appraisal usually known as a "short form" or "windshield" appraisal. Under normal circumstances this type of appraisal is far less expensive than the regular appraisal. Even though the shorter version involves far fewer estimates of comparable values, fewer examples of recent sales, etc., its trustworthiness in most cases is good. The appraiser in a sense is relying more heavily upon his experience with the types of property being appraised.

The purpose of the abbreviated appraisal is that it amounts to a substantial saving in loan acquisition expenses. Many of the witnesses were fearful that to require full-blown appraisals on all property would substantially increase the fees involved and hence the cost of the loan. The subcommittee does not recommend such a broadsweeping reform. It feels that the regulations can be devised which will permit the continued use of "short form" appraisals by sufficiently qualified appraisers.

Some of our witnesses also felt that an independent appraiser requirement would create an increase in acquisition expenses. Independent appraisers, it is argued, would have a tendency to charge much higher fees than an appraiser who served on the board of directors of the lending institution. The subcommittee has not advocated this absolute independence. It merely recommends that the questions which surround these dual capacities of appraisers should be studied by the committee to see whether or not there is, in fact, a serious conflict of interest.

F. Responsibility for faulty appraisals

The lending institution should be made more responsible in the event of a faulty appraisal by making it accountable to make sure that the appraisal it receives is valid in all respects. Thus, if the ultimate homeowner discovered after he acquired the property that it was overvalued he would have some redress against the lending institution. This would seem equitable since the homeowner has no control over the selection of the appraiser or the type of appraisal and the lending institution does. This suggestion has some merit and should be considered.

IV. TITLES AND SETTLEMENTS

A. Title companies

Title insurance companies in the District of Columbia perform some useful services in real estate transactions. In addition to providing title insurance, the company's offices serve as the situs for the actual transfer of the real property. It is here that the necessary fees, taxes, notes, payments, and the like are made. Title companies offer the assistance of experienced and qualified personnel in making the necessary arrangements.

There are also located in the District of Columbia a number of "settlement houses." Settlement houses can be comprised of a law firm, one or more former title company clerks, real estate brokers, or others with similar experience. Unlike the title company, the settlement house does not search title or offer title insurance. These are purchased through the title companies.

Present practices in both title companies and settlements houses, particularly the latter, give rise to some serious questions which should be looked into and acted upon by the Committee.

B. Duplication of title searches

One of the more troublesome things we found was that title companies in the District of Columbia cannot rely upon the records in the Recorder of Deeds office as a basis of issuing title insurance policies. They claim that the records in the Recorder of Deeds office have been so poorly kept that they are often inaccurate or incomplete and can lead to serious legal entanglements if solely relied upon. To deal with the situation, the various title companies have a sort of pool in the Recorder of Deeds office so that when the legal instruments are filed in that office they are immediately photocopied and sent to the title companies for their record files. This procedure is wasteful especially in view of modern housing programs because it amounts to a needless expenditure of taxpayers' money.

According to title company representatives, not much can be done about the Recorder of Deeds office since the expense and work involved in sorting out, completing, and perhaps computerizing the title records back to 1794 is plainly prohibitive.

Representatives from HUD-approved nonprofit organizations who are engaged in the construction and rehabilitation of single- and multi-family dwellings under the various Federal plans have complained about the high expenses involved when one or more title companies are used in the acquisition of the property and a different title company is used for the ultimate disposition of the property. In each case, the particular title company requires a full title search based on its records as a condition of issuing title insurance. Thus, the nonprofit corporation, and ultimately the Federal Government, must pay for successive title searches of the same property when it transfers the property to the ultimate owners. Since a construction or rehabilitation period usually runs from 6 months to a year, the dual payments are not only wasteful but sometimes downright ludicrous. There is no obvious answer to this rather senseless waste; but the search for one should begin.

C. Confusion at settlement

There were also a number of complaints about the complexity of fees required to be paid and the documents which have to be executed at real estate settlements. For example, there was one complaint about $90 "assumption fee" when in fact the actual legal charge was less than $10. Fees at real estate settlements are in most cases necessary to cover the filing and recording changes in records, but fees are being paid in excess of the actual fees charged by the responsible Government agency.

Nonprofit corporations have also complained about the amount of paperwork required in realty transfer procedures involved in "packaging" parcels of land, redeveloping, and their ultimate disposition. One of the witnesses testified that in connection with a project involving 28 properties over 500 documents were signed at settlement.

The subcommittee wonders if the archaic structure in title transfer procedures which exist in the District of Columbia is an isolated case or if it is fairly typical in the States. Perhaps it is time that this committee conducted a study of the local realty transfer statutes and practices to determine whether part of the money invested in our housing programs is being uselessly drained by the situations described.

D. Disposition of proceeds

The subcommittee examined some of the internal records of title companies and settlement houses and found a number of bad practices. These firms view their role as simply providing a forum for the actual transfer of title. When payment is made by the purchaser, the title company simply makes distribution of the proceeds of the purchase price in accordance with the instructions of the seller or his agent. Many times a speculator is the agent. In these cases, distributions by individual check were made to relatives, business associates, and others named by the speculator. This distribution was duly recorded in the entry sheets of the title company. But, there is no explanation

It has been suggested that there be a requirement that all checks given to title companies must be immediately deposited and the proceeds distributed upon clearance of the check.

E. Uniform settlements law

Charles Doctor, Esq., testified as to various experiences he had encountered with speculators during his tenure as trustee over an insolvent savings and loan association. After describing examples of real estate transfer practices such as those discussed, Mr. Doctor called for the enactment of a truth-in-settlements law.

Although Mr. Doctor did not specify whether the proposal should be made at the Federal level, the subcommittee feels that his suggestion is an excellent one. The average life of a mortgage in the United States is from 8 to 12 years. This means that the average American homeowner attends two or three settlements in his lifetime. In many cases he is not represented by counsel and the real estate broker at best plays the equivocal role of acting for both buyer and seller. If legislation requiring simple and complete explanation of all charges and distribution of the proceeds of the sale be rendered were enacted in the States, then many reforms in the realty transfer field could be brought about by public demand.

V. STRAW PARTIES

"The use of straw parties in real estate transactions is not in itself unlawful or fraudulent * * *. However, the transaction of business affairs in the name of a straw party on nominee conceals or obscures the principal's interest in the transaction and so the use of a straw party lends itself particularly to those who have an unlawful and fraudulent purpose. So it is, and often has been said, that real estate transactions made through straw men should always be viewed with suspicion. (*Larner Diener Realty Co.* v. *Fredman*, 266 S.W. (2) 689, Feb. 13, 1950.)"

A straw party is a conduit. He holds naked title for the benefit of another or, as one court put it, "he has loaned himself out for this purpose."

The use of straw parties in real estate

transactions dates back to early common law. In order to create a joint tenancy in property the unities of time, title, interest, and possession had to be present. Thus, a grantor could not transfer title to himself and since one or more of the unities would be missing; thus, a system was adopted whereby the property was transferred to a third party and hence to the joint owners. Many states have modernized their statutes permitting the direct creation of joint tenancies. On October 27, 1969, the House of Representatives adopted H.R. 13564 (H. Rept. 91–593), which would accomplish this purpose for the District of Columbia.

Aside from the use of straw parties to create joint tenancies, the procedure is employed for other purposes. The major example is packaging of a group of land parcels for the purpose of overall development. An attempt is made to hold the price down through concealment of the owner's identity.

As indicated by Commissioner Bradley in the *Larner* case straw parties are susceptible to unlawful or fraudulent purposes. Such is the case with real estate speculator's use of straw parties in the District of Columbia.

The real estate speculator hides behind straw parties not only to conceal his identity but to accomplish a timely transfer for the purpose of increasing the price of the property and the loan made thereon. Straw parties are usually employed by the speculator in some secretarial or clerical capacity. Many are employed by the title company or settlement house and receive nominal fees ranging from $5 to $20 for the use of their names.

The use of straw parties for speculative purposes should be stopped. There are a number of ways in which this can be accomplished. It appears to the subcommittee that the Federal Home Loan Bank Board and the Federal Housing Administration and other interested agencies already have the authority to do so. Regulations should be issued which would prohibit the concealment of identity of the true parties for the purpose of fictitiously inflating the value of the property.

It is inconceivable to the subcommittee that any federal or federal-related agency should countenance the use of straw parties except where legally compelled to do so. The concealment of the true identity of the real party in interest for no apparent reason amounts to prima facie fraud.

One intriguing suggestion made to the subcommittee in an informal session with a knowledgeable person connected with the real estate business is that it consider recommending that the face of every deed identify the interest of the parties who are named thereon including the consideration paid by that party. The total consideration paid for the property should be shown on the face of the deed. This recommendation is an excellent one. After all, the purpose of recording a deed is to serve a public notice. Why then shouldn't the public information be complete? The subcommittee recommends that the Congress consider appropriate proposals in this direction. The subcommittee recommends that the necessary statutory or regulatory processes be instituted to require such statements where the real estate transaction is directly or indirectly related to a Federal program.

The subcommittee realizzes that this proposal will create some difficulties in the case where the concealment of identity is necessary to prevent price inflation in the case of development through the gathering of single parcels. The subcommittee feels that this difficulty can easily be met in such cases by delaying the time of full disclosure and at the same time preventing the use of straw parties for speculative purposes.

As this report has already noted, the housing commitment to the Federal government and the housing needs of our citizens in the next decade are enormous. Both the legislative and executive branches of government should start getting rid of these outdated and useless common law procedures and, wherever possible, institute a more modern, convenient, safe, and economical procedure for the transfer of real estate.

VI. SINGLE BORROWER LOANS

The single borrower loan provisions of the Federal Home Loan Bank Board regulations (reg. sec. 563.9–3) are another handy tool in the workshop of the speculator. Under the present regulation, no savings and loan institution may lend over 10 percent of its withdrawable assets to a single borrower. The rule accommodates large borrowers such as developers, contractors, and others in the housing field who must have large blocks of financing available if they are to function. This can be quite beneficial to the housing industry and in encouraging thrift and homeownership.

However, the speculator abuses these provisions by establishing a large line of credit with a friendly savings and loan so that he may turn over his properties quickly by obtaining loans on short notice. Even though there was no direct testimony on the point, the subcommittee surmises that the advantages to the savings and loan by this kind of arrangement are twofold. First, large amoun amounts of their funds can be committed without too much administrative detail; and, second, the speculator assures prompt payment on the notes.

The subcommittee feels that the single borrower loan regulation should be further defined and made more specific. The idea of a flat percentage rate applicable to all savings and loans doesn't make much sense. Under the regulation, the largest savings and loan in the city of Washington can lend up to $40 million to a single borrower. Although this savings and loan has never approached lending such an amount to a single borrower, the possibility points up the absurdity of the rule. The regulation should be revised to provide for a sliding scale which takes into consideration the size of the savings and loan realistically and limits the number of loans to a single borrower. The regulation should also specify the types and classes of borrowers who may participate in large block financing and should exclude real estate speculators as previously defined in this report.

It has been suggested that no more than two loans on two pieces of property should be approved for a single borrower. An exception to this rule should be for construction loans and for loans to those community-based, public-oriented, nonprofit organizations established to provide adequate housing for low- and moderate-income families on a nonprofit basis. In this way the real estate speculators who have fraudulently inflated the price of housing and who have literally robbed home purchasers in the District of Columbia and in other cities across the Nation would be eliminated from the real estate industry so far as federally insured member borrowers of Federal Home Loan banks, which account for more than half of the outstanding residential mortgages in the country, are concerned.

As previously noted, so-called "single borrower" loan regulations are in need of review and a new determination should be made as to how much of a savings and loan association's assets should be committed to a single borrower and how many loans he should be able to hold. The subcommittee is aware of the need for large and multiple loans at all levels of real estate development, but the implementation of this need should under no circumstances give rise to regulations and procedures which, as history sadly shows, can be just as easily used by a predatory speculator as by a legitimate developer. There should be more realistic regulation of the "single borrower" loan category.

VII. FEDERAL AND LOCAL LAW

A. Local law

One of the more surprising revelations was the discovery of a provision in the District of Columbia Code dealing with fraudulent transfers of, or loans on, property. Title 45–1414 of the Code prohibits simulated sales or execution of mortgages for the purpose of misleading others as to the value of the property. This provision was enacted in 1937 with a subsequent amendment in 1939. The decisional notes indicate virtually no litigational activity involving section 1414. The District of Columbia Government is strongly urged to reexamine its heretofore disinterested attitude. If the provision lacks sufficient language to make it fully enforceable against the speculator and those involved in speculation it becomes imperative that the District of Columbia Government initiate proper legislation toward this end.

The change in attitude of the local government authorities is especially compelling in the District of Columbia in view of the lack of local legislation regulating the savings and loan industry. With few exceptions, the savings and loans in the District of Columbia are not chartered by the Federal Home Loan Bank Board. The only regulation rests on the FSLIC regulations issued pursuant to the acquisition and retention of Federal insurance on savings accounts. It is further recommended that the committee give its immediate attention toward enacting a meaningful body of statutes governing the conduct of these institutions in the District of Columbia. Savings and loan institutions with similar status in other jurisdictions are usually regulated by State law.

B. FEDERAL LAW AND REGULATIONS

The Federal Home Loan Bank Board has, almost since its inception, had any number of sanctions which it could employ against delinquent institutions. For example, it could threaten and could in fact cancel the insured status of the institutions. It could utilize the lending power of the Federal Home Loan banks to insure ethical conduct.[7] We are aware that these measures would have operated rather harshly in some cases. The cancellation of insurance for instance, would punish the innocent depositors in order to discipline guilty associations.

The Federal Home Loan Bank Board emphasized before the subcommittee that it had virtually no power to control real estate speculation and other improper practices until the enactment of the Federal Supervisory Act in 1966, 12 U.S.C. 1730. Under this act the FHLBB is empowered to issue cease and desist orders where it finds savings institutions engaging in questionable or improper conduct. According to the FHLBB, this new supervisory power should go a long way toward eliminating the evils of speculation.

The FHLBB is to be commended in taking the initiative and by requesting the Congress to grant it cease and desist powers. But the subcommittee has some doubts as to whether restraining authority alone is enough. We feel that the cease and desist power should be made more effective, implemented by additional laws and regulations in such a manner as to make it plain and unmistakable that savings and loan associations who deal with speculators will run great risks if they conduct themselves as they have in the past.

In answer to a request by a subcommittee member, the Federal Home Loan Bank Board submitted a 2-page explanation of measures it can take to prevent the recurrence of lending practices like those which occurred in the Republic Savings and Loan situation. The complete explanation appears in the appendix.

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[7] It should be noted that the Board has utilized credit restrictions to member associations in this regard.

The Board's attitude is commendable but bothersome. The Board seaks in terms of actions which it can and will take once the objectionable lending practices are found. Conferences and warnings to the savings and loans, ordering independent appraisals, spot check examinations, issuance of cease and desist orders and the like are quite helpful in remedying bad situations.

The subcommittee is convinced that more preventive regulation is needed. After the hearings were concluded, the subcommittee chairman asked the Board to supply the subcommittee with a list of actions which it has taken to carry out its declared new policy of encouraging comprehensive activity by the entire savings and loan industry in solving inner city housing problems. The Board's response is set forth in the appendix. The subcommittee's responsibilities did not include finding and proposing solutions to the existing housing crisis of our inner cities. It was our limited role to analyze practices and procedures of financial institutions in the inner city and, in part, to point out how these practices add to the lack of adequate home financing in the inner city. As we have stated before, the new actions by the Board are commendable in that they show at least an awareness of past wrongs and a willingness to come to grips with the problem. The subcommittee feels that restructuring and reorienting the Federal Home Loan Bank Board organization is not enough unless there is a willingness by the financial institutions to make mortgage money available in the inner city. As Mr. Lloyd S. Carey, president of the Metropolitan Washington, D.C. Savings and Loan League, put it, "Speaking for my own association, Prudential, we simply do not lend in the inner city because of the high risk and low rate of return."

The Congress must find a way to meet the problems so succinctly and correctly put by Mr. Carey. We must find a means of equalizing the risk and rate of return for inner city housing loans under existing Federal programs or we should treat the inner city as a vast no man's land, and devise direct Federal intervention to solve the housing crisis.

C. New Federal Attitudes Needed

Both the Washington, D.C., and Cincinnati, Ohio, witnesses complained about the tremendous amount of paperwork required by the Department of Housing and Urban Development in order to qualify for FHA-insured, VA-insured and various Federal subsidy programs in the housing field. Father Gino Baroni, executive director, Office of Urban Affairs, archdiocese of Washington, testified that in the acquisition, rehabilitation and ultimate disposition of some 24 houses over 500 documents had to be signed. In a supplemental letter to the subcommittee, he informed us of an elderly woman who had to sign some 80 documents in order to qualify her home for rehabilitation.

One of the witnesses, the Reverend Ralph Divan, of the Capitol East Housing Council of Washington, testified about his organization's efforts to rehabilitate existing housing under section 235 of the Housing Act of 1969. Eighty-two banks, savings and loans and mortgage brokers were contacted. Of the 69 who responded, two said they would participate and two said they were interested. "The remaining 65 stated that they did not participate in such FHA programs or had no money available."

Recently, Urban America, Inc., published a book of forms and procedures required to be submitted in connection with an application for Federal assistance in a 221(d)(3), below market interest rate program. The required forms are over 70 in number and consist of some 300 pages. The intended phasing out of 221(d)(3) in favor of the section 235 and 236 programs do not hold the promise of diminishing the procedural roadblocks. All indications point to a repetition of confusing, complex and burdensome paperwork in these programs.

The need for review and reform of the techniques and procedures issued by the Department of Housing and Urban Development and its subagencies is urgent and long overdue. Through bureaucratic entanglement the Federal housing programs have in many cases become self-defeating or at least incapable of sensible effectuation. Most of the Federal housing programs envisage private sector participation usually through the medium of a nonprofit corporation or cooperatives made up of civic-minded citizens, such as our witnesses, Mr. Channing Philips and Father Gino Baroni. When dealing with the provision of adequate housing through new construction or rehabilitation in the inner city, these organizations and their right-minded participants are injecting themselves in a vast real estate jungle where speculative predators work. It is folly to expect the community organizations to become thoroughly familiar with local real estate practices and the myriad of forms and procedures devised by the Government.

The paperwork load has other built-in difficulties. Long forms and complicated processing lend themselves to mistakes and mistakes make for delay. This labyrinthian pile of paperwork consumes time and effort which would be far better spent in assessing and dealing with the housing needs of the people the programs seek to serve. This proliferation of the burden results in a duplication bordering on the inane.

Viewed in terms of the national interest, there is no sense in requiring each participating organization to undertake the educative process and expend the time involved in procedure compliance. Taken in toto the cost to each such organization is fantastic. These things should be provided as a service of a Government eager to make its housing programs work.

Many Federal programs in nonhousing areas which serve the public or segments of the public not only afford the benefits and protections of the relevant statutes but also assist the persons covered in exercising the benefits and protections. For example, the Social Security Administration has an illustrious record of the assistance given elderly applicants applying for benefits. The labor relations agencies have assisted employers, unions and workers who allege violations in seeking redress. HUD should do the same.

HUD and the Congress have slowly come to realize that our housing programs, no matter how soundly structured, cannot be effective unless the procedural aspects are made simple and workable.

In the 1968 act, section 106 provided for a technical assistance program under which HUD can set up a mechanism to relieve community participants of the paper work burden.

On February 11, 1970, the Federal Housing Administrator announced the establishment of an Office of Assistant Commissioner for Subsidized Housing Program for the purpose of "making the assisted housing programs work." HUD-No. 70-71. It is hoped that this new Office of Assistant Commissioner for Subsidized Housing Programs in HUD will concur in the subcommittee's recommendations and take steps to adopt them immediately.

The actions taken by HUD and the Congress in the last few years show the development of an awareness that the housing agencies are more than insurers and subsidizers. We are coming to believe that more positive and active attitudes are required. But the ill-housed cannot wait for "slow realizations" or "growing awarenesses." We must act now.

The subcommittee recommends that a special office be established in the Department of Housing and Urban Development headed by a special assistant to the Secretary to assist perspective participants in the preparation of documents, rendering effective counseling and such other assistance so as to bring to an absolute minimum any procedural delays in applications for housing assistance programs.

If adopted, each insuring office would have knowledgeable staff who would not only acquaint those interested in housing with the intricacies of the program but would actively participate in the processing of programs from application to completion.

CONCLUSIONS AND RECOMMENDATIONS

Throughout this report the subcommittee has made recommendations on the various areas covered in its hearings. Most of these recommendations could be carried out through the simple amendment of regulations pursuant to long-established statutory authority. But, experience has shown that Federal agencies are more often than not loathe to act upon a mere committee report which is not binding upon them. It is therefore the recommendation of this subcommittee that its proposals take legislative form and be introduced as amendments in existing law.

In summary, we have recommended—

(1) Comprehensive regulation of savings and loans in the District of Columbia;

(2) Expansion of the definition of "conflicts of interest" for directors, officers, and employees of savings and loan associations, regulating their own involvement in the business of real estate for their personal gain through the use of their own or other savings and loan institution;

(3) Additional and more realistic limitations on "single borrower" loans. These regulations should set firm limits on the portion of an association's total assets and the number of loans that can be made to single borrowers;

(4) A statutory definition of "appraisals" which includes criteria for the qualification of appraisers. Statutory liability for faulty appraisals rests on the persons or organization selecting the appraiser;

(5) The regulation of the interest of directors, officers, and employees of savings and loan associations in title companies, settlement houses, appraisal organizations, and similar institutions who do business with savings and loans;

(6) That all deeds in federally related transactions be required to show on their face the consideration paid and the interest of the parties thereon;

(7) A uniform-settlements law including uniformity of forms and procedures, clear explanation of charges and accounting of the nature and purpose of disposal of the proceeds of the sale. Elimination of duplicate title services and added title insurance premiums and lengthy settlement procedures where property is purchased for redevelopment or rehabilitation;

(8) Elimination of straw parties except where necessary for legitimate business reasons; and

(9) Establishment of a special office in the Department of Housing and Urban Development to afford educational, consultative and form preparing services to individuals and organizations involved in promulgating Federal housing programs.

One of the Home Loan Bank Board's basic responsibilities in meeting the congressional intent in establishing the Federal Savings and Loan program and the Federal Savings and Loan Insurance Corporation, is protection of the shareholders' funds placed in the local savings and loan institutions. Some of the legislation mentioned here as tools of the Home Loan Bank Board to stop these activities had not been enacted into law until recently. For example, the all important "cease and desist" legislation, the Financial Institutions Supervisory and Insurance Act became law at the end of 1966 and regulations were not promulgated until June 1967.

The housing needs of this Nation will never be met by financing from the private sector so long as the commercial banks of the District and the Nation consider that their first and perhaps only responsibility is to make as much money as possible in the shortest amount of time with the least amount of risk, and so long as the savings and loan associations of the District and the Nation conclude they have fulfilled their responsibility to promote thrift and homeownership by placing most of their energy and assets at the service of middle and higher income families.

The time has arrived to call the private money sector of the Nation's economy to account and determine whether it can and will meet the housing requirements of all the Nation's people or whether new public vehicles must be designed and established to fill the unmet need.

APPENDIX A—FEDERAL HOME LOAN BANK BOARD RESPONSE TO SUBCOMMITTEE'S REQUEST ON ACTION TAKEN SINCE THE HEARING

The Federal Home Loan Bank Board has taken active steps to carry out its major policy emphasis declared before the committee on June 9, 1969—to encourage comprehensive and aggressive Board leadership for the entire savings and loan industry in solving inner-city housing problems. These steps include organizing and staffing an office of the Board devoted to the development of inner-city housing programs; the appointment of housing coordinators in the 12 district banks; the establishment of special advances to associations for loans in the inner city; the use of service or development corporations as a vehicle to assist the inner city; proposing legislation to expand permissible activities of its bank system to accommodate inner-city loans made by its members; instituting a cease and desist action against a Baltimore association making speculative inner-city loans which was settled by stipulation in a manner acceptable to the Board and the adoption of major goals to stress the necessities for commitment in meeting national housing objectives.

Organization staffing

The Board has realined the organizational structure of its Office of Applications in order to stress the importance of meeting its new major policy emphasis for housing. The Office is now known as the Office of Industry Development, having as its primary functions housing and development and industry organization, the latter to handle applications processing.

Bank housing coordinators

The Board has asked the 12 district banks that make up the Board's bank system to appoint inner-city housing coordinators. These specialists will be able to assist savings associations, local housing and development agencies and community groups as well as banks and the Board in the development of low-income housing programs. Currently, four such specialists have been appointed and are actively engaged in this activity.

Special bank advances

The Board is aware also that a larger percentage of housing must be directed into the low- and moderate-income household grasp and, hopefully, into ownership by these families. As a result it has an elaborate inner-city housing program for the first time in its 35-year history. The program includes a number of innovations, one of which is a new kind of credit advance for savings and loan associations in the Federal Home Loan Bank System. These are 10-year advances at fixed interest rates in contrast to the usual 1-year loans to member savings and loan associations that make loans to the low-income population under subsidy programs administered by HUD. They will be made to savings and loan associations on top of their normal borrowing. The committee is pleased that some of these loans have reached the funding stage and many more are being processed as commitments. One, in particular, will soon provide financing for 1,000 units under an "infill program" in a major eastern city.

Service-development corporations

The Office of Industry Development is making a study of the use of service or development corporations as a vehicle to assist the inner city. The powers of these corporations, owned by Federal associations, have been extended to recognize desirable social goals and may be extended further upon completion of this study.

APPENDIX B—BRIEF HISTORY OF THE SITUATION INVOLVING REPUBLIC SAVINGS AND LOAN ASSOCIATION

The following is a brief description of the situation at the Republic Savings and Loan Association prior to July 1, 1968, when it was merged into Home Federal.

Although the affairs of Republic had apparently been the subject of some concern to the Federal officials, as well as other associations in Washington, for quite some period of time, it is reported that the examination report made as to January 11, 1968, and transmitted on April 11, 1968, and that this was the document which precipitated a decision on the part of the Federal Home Loan Bank Board to merge this association out of existence. A typical examination report might contain only 2 or 3 pages of commentary. Many of the items described in this report were referred to as matters that had been previously reported by examiners in earlier reports, some dating back to 1962, if not further back than that. The report commented at great length on the association's loan policies, on its practice of lending to speculators, on its practice of concentrating loans in the hands of a limited number of borrowers, and on the delinquency status of a considerable number of loans. As of this examination the association appeared to have questionable items totaling in excess of $6 million. This represented approximately 12 percent of the association's assets, and also represented an increase over the previous year of 174 percent.

The report commented on the association's method of acquiring and disposing of real estate. An instance was noted where properties were purchased by a speculator for $15,000, and a loan of $16,000 was provided, thereby relieving the association of the need for reporting any loss. In another instance a property was sold at foreclosure to a person, allegedly acting as a straw for the association. However, title never passed and the name of the borrower was never changed on the association's records. As a matter of fact this asset continued to be listed on the books as a loan, and interest was accrued thereon.

The report also disclosed that as of December 31, 1967, the reserve position of the association was approximately $825,000 short of the required level. Under a paragraph title "Projected Operations for the Quarter Ending March 31, 1968" the examiner makes the following comment: "Analysis discloses that it will be impossible for the association to pay dividends from net income if the same rate is paid as for the period ending December 31, 1967. The result will be that the deficit already in undivided profits will be increased to approximately $55,000." The report further commented on certain expenses of officers and directors, and on the failure of the association to maintain certain generally accepted methods of internal control.

At the time of the merger the assets of Republic totaled $52 million. Savings accounts stood at approximately $34 million. This represented a substantial drop over the preceding year and a half, largely resulting from dividend rate limitations imposed by Federal Home Loan Bank authorities. Because of this drop it had become necessary for the association to borrow a total of $16 million from the Federal Home Loan Bank of Greensboro.

Home Federal agreed to take over the affairs of Republic, provided that it be indemnified against loss by a contract with the Federal Savings and Loan Insurance Corporation. Because of the heavy burden of the borrowed money, the need for additional liquidity, and the possibility of a substantial savings runoff following the merger, the FSLIC agreed to purchase from Home Federal former Republic assets totaling up to $25 million. Against this figure the Corporation received a credit of approximately $1½ million, representing the accumulated reserves of Republic. These assets were subsequently retained by Home Federal for administration under a service contract with the Corporation, and Home Federal is continuing to administer these assets.

It is difficult to piece together from the records available exactly what transpired over the half dozen or so years that preceded the merger. Apparently Federal examiners, at the time of each annual visit, found a number of practices which were considered inconsistent with sound operating procedures. It appears that the examiners dutifully reported these practices to the Federal Home Loan Bank of Greensboro. There the supervisory agent would report these matters of criticism to the association, and would solicit from them promises to cease these practices in the future. A number of letters were written, resolutions passed, and procedures established that would appear to be designed to correct the deficiencies as cited by the examiners. However, with each subsequent visit the examiners would find these same practices, as previously commented upon, to be continuing.

At some point it appears that supervisory authorities were unsure of their grounds, and unable to make a determination as to just how far to pursue the matter. They seemed to be willing to accept the promises of Republic's management that the situations would be corrected, rather than force the issue.

The apparent unsound practices followed by this association were relatively well-known within the industry locally, and were from time to time specifically called to the attention of supervisory authorities, other local associations being fearful of the repercussions of a failure or a receivership. The only concrete action taken by supervision seems to have been the insistence in mid-1967 that a full-time managing officer be engaged. In the fall of 1967 an experienced full-time executive was hired. However, no change was made in the board of directors or in the executive committee, so it became the role of the new manager to simply attempt to put out fires as they would occur. He had no authority or opportunity to change the policies of the management team that had existed for 5 or 6 years.

APPENDIX C—FEDERAL HOME LOAN BANK BOARD REPORT ON MEASURES TO PREVENT RECURRENCE OF "REPUBLIC SITUATION"

This is in response to subcommittee request for a detailed explanation of each and every measure we can and will take to prevent a recurrence of lending practices of the type encountered in Republic S. & L.A., Washington, D.C.

When such lending practices are first found, the Board's supervisory agents warn the directors of the dangers involved and request reconsideration of their policies. This is done either by letter or in a conference with the directors. If the lending practice is minor and if the directorate is cooperative and willing to be guided by supervision a letter will usually suffice. If the lending is substantial or if the directors are obdurate or uninformed a conference may be necessary. At such a conference emphasis is placed on the responsibility of directors (to maintain a safe and sound operation) purpose of a savings and loan (to provide economical homeownership loans) and the need for corporate citizenship (to see that its lending program also helps to serve the public).

An early examination is then scheduled (probably in 6 months' time) to determine whether the objectionable lending practices have in fact been stopped. If so, the matter is closed, although each later examination will be especially geared to detect another outbreak. If the objectionable lending practice continues, the examiner gathers facts as to its extent and methods. Independent appraisals are ordered as necessary to determine the extent of excess risk exposure. With this information, the supervisors are in a position to order an immediate halt to such practices under threat of legal action in the form of a cease-and-desist order by the Federal Home Loan Bank Board.

Usually the response to such a directive will be favorable and the examiners will be scheduled to make a special spot-check examination within 4 months to check on the extent of compliance. If the practice has, in fact, stopped no further action is necessary. If it has not stopped a cease-and-desist proceeding may be commenced without further delay.

Once a cease-and-desist order has been made final, violations of the order are grounds for the appointment of a conservator. Whether such action would be taken depends on the particular case. If a conservator is appointed, the conservator can, at the direction of the Board, reorganize the association and return it to a directorate and management which will follow sound and prudent lending practices.

APPENDIX D—MISCELLANEOUS TABLES OF SUBCOMMITTEE SURVEY

(Percentage of District in-force loans for property west of Rock Creek)

Citizens Federal Savings & Loan Association	87
Capital City Savings & Loan Association	3
Columbia Federal Savings & Loan Association	29
District Building & Loan Association	2
Eastern Federal Savings & Loan Association	3
Enterprise Federal Savings & Loan Association	4
Equitable Savings & Loan Association	21
First Federal Savings & Loan Association	23
Franklin Federal Savings & Loan Association	2
Guardian Federal Savings & Loan Association	8
Home Building Association	27
Home Federal Savings & Loan Association	9
Independence Federal Savings & Loan Association	34
Interstate Building Association	43
Jefferson Federal Savings & Loan Association	39
Liberty Savings & Loan Association	10
Lincoln Federal Savings & Loan Association	.06
National Permanent Savings & Loan Association	30
Northwestern Federal Savings & Loan Association	7
Washington Permanent Savings & Loan Association	26

(Percentage of in-force loans in low- and moderate-income areas of the District of Columbia[1])

Citizens Federal Savings & Loan Association	13
Capital City Savings & Loan Association	36
Columbia Federal Savings & Loan Association	12
District Building & Loan Association	85
Eastern Federal Savings & Loan Association	58
Enterprise Federal Savings & Loan Association	73
Equitable Savings & Loan Association	8
First Federal Savings & Loan Association	5
Franklin Federal Savings & Loan Association	70
Guardian Federal Savings & Loan Association	68
Home Building Association	33
Home Federal Savings & Loan Association	60
Independence Federal Savings & Loan Association	92
Interstate Building Association	2
Jefferson Federal Savings & Loan Association	46
Liberty Savings & Loan Association	25
Lincoln Federal Savings & Loan Association	51
National Permanent Savings & Loan Association	17
Northwestern Federal Savings & Loan Association	7
Washington Permanent Savings & Loan Association	15

DISTRICT SAVINGS AND LOAN ASSOCIATIONS WHICH MADE 10 OR MORE LOANS TO 1 PERSON

Association	Number of persons	Number of loans	Loan total
Equitable	3	59	$4,548,061
Home Federal	2	27	529,151
Perpetual	15	374	5,611,035
Washington Permanent	7	130	4,827,121
Enterprise	3	37	323,276
Eastern	4	55	457,841
Guardian	9	210	2,761,384
Franklin Federal	5	87	579,251
Capital City	2	25	504,370
First Federal	1	12	371,422
Prudential	3	71	4,098,443
National Permanent	6	116	3,185,673
Liberty	1	18	420,827
Jefferson Federal	16	294	5,749,586
Total	77	1,515	33,967,441

DISTRICT SAVINGS AND LOAN ASSOCIATIONS INDICATING VIOLATION OF MAXIMUM LOAN REGULATIONS OF FEDERAL HOME LOAN BANK BOARD AND FEDERAL HOUSING ADMINISTRATION

Association	Number of sales facilitated by loans	Number of violations
Jefferson Federal	5	4
Interstate	13	6
Guardian	9	5
Capital City	3	3
Enterprise	1	1
Eastern	5	1
Franklin	21	15
Liberty	2	1
Perpetual	11	7
American	1	1
Total	71	44

(Percentage of in-force loans made on District of Columbia property by District savings and loans)

	Percentage
American Savings & Loan Association	18
Citizens Federal Savings & Loan Association	100
Capital City Savings & Loan Association	37
Columbia Federal Savings & Loan Association	17
District Savings & Loan Association	87
Eastern Savings & Loan Association	60
Enterprise Federal Savings & Loan Association	76
Equitable Savings & Loan Association	29
First Federal Savings & Loan Association	6
Franklin Federal Savings & Loan Association	71
Guardian Federal Savings & Loan Association	74
Home Building Association	50
Home Federal Savings & Loan Association	66
Independence Federal Savings & Loan Association	95
Interstate Building Association	4
Jefferson Federal Savings & Loan Association	85
Liberty Savings & Loan Association	37
Lincoln Federal Savings & Loan Association	51
Metropolis Building Association	43
National Permanent Savings & Loan Association	24
Northwestern Federal Savings & Loan Association	14
Oriental Building Association	--
Perpetual Building Association	58
Prudential Building Association	23
Washington Permanent Savings & Loan Association	42

Real estate mortgages in force at 25 savings and loan associations in the District of Columbia

Total number of real estate loans	119,366
Total number of real estate loans in District of Columbia	47,847

Loans in District of Columbia, owner occupied and rental, 18 savings and loans reporting

Owner occupied	16,491
Absentee landlord	5,046
	21,537

Loans in District of Columbia, owner occupied and rental, by section, 13 savings and loans reporting

Owner occupied:	
Northwest	6,582
Northeast	3,863
Southwest	103
Southeast	1,811
Total	12,359
Absentee landlord:	
Northwest	2,033
Northeast	1,426
Southwest	7
Southeast	977
Total	4.443

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[1] The above tables represent approximations because the various areas included in the survey were not defined with exactitude. The subcommittee wanted to get a general idea of lending patterns as expeditiously as possible. If we had defined the geographical areas in the survey more exactly, it would have meant a time-consuming review of each loan portfolio by the associations. Indeed, the associations whose names do not appear above were unable to answer the pertinent survey questions because of the time factor.

ROSE KENNEDY AT 80

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. LOWENSTEIN. Mr. Speaker, today is the 80th birthday of Mrs. Joseph P. Kennedy, and she is of course spending it restfully, dedicating buildings with the Emperor of Ethopia. From now on the word "octogenarian" will have a new and rather exotic ring, for it will have to be stretched somehow to include this dauntless and vibrant woman who goes on, thank God, even when it seems doubtful that anything else will.

This country and the world are too deeply indebted to Rose Kennedy to do much about the debt beyond recognizing it and expressing our enormous gratitude and love to her on a great occasion like this. She knows of course how lasting and profound a gift she has made to the world through her sons, but she cannot begin to understand what it means to have her in our midst through these difficult times.

Men will honor this family as long as they read history, but today millions of her fellow countrymen want to convey specific and personal thanks to Mrs. Kennedy herself. More nearly than anyone else, she has been the mother of Presidents, but more even than that, she has made Americans proud that it was America that produced her, and thus America that gave people everywhere a model of gallantry and grace in the face of continuing adversity that has made people face their own lesser adversities with greater courage. A whole nation, staggered by the most awful wounds at the heart, knows hers were the gravest wounds, and is strengthened by the triumph of her life.

She has become a national asset and a boon to the human spirit, and she has become these things simply by being and remaining her extraordinary self. She may have started as the glue that held her family together, but now we are all somehow her family, and she has become the glue that holds us together too.

Above all, she has taught us that it is unnecessary to be defeated by the unacceptable, and that is the essential lesson if we are to have any chance to make sense of ourselves and of this tired and bruised planet.

I include in the RECORD at this point an article about Mrs. Kennedy and a remarkable interview with her that appeared recently in Life magazine:

ROSE KENNEDY AT 80

She keeps about her, as she always has in the big, airy old house in Hyannis Port, her paintings, her flowers, her portraits of those giants, her men-folk. All of these are touchstones to a past at once glorious and tragic—interwoven, now, with her nation's history. Many people might have tried to shut away all memory of those sad events, and they marvel that she has not. Instead, Rose Kennedy lives amid its tokens at Hyannis. Alone now, she thrives, it seems, on the bustle of a new generation of her remarkable clan. At 80, she sits pert and smiling at her polished concert grand and belts out *Sweet Adeline*, her father's campaign song, just as she did back in the 1900s when "Honey Fitz" was politicking his way into legend. By the time she was 15, she was already an accomplished christener of ships and shaker of hands, but, she decided, "Pink teas bore me." While her men—husband Joe, sons Joe Jr., John, Robert and Edward—were becoming rich and famous and powerful, her daughters personages in their own right, Rose never allowed herself to remain a mere adornment. She was, said Jack, the very glue that held the Kennedys together. "I don't think I know anyone who has more courage than my wife," said old Joe once. "In all the years that we have been married, I never heard her complain. Never. Not even once."

God will not give us a cross heavier than we can bear. Either you survive or you succumb. If you survive, you profit by the experience. You understand the tragedies of other people's lives. You're more sympathetic and a broader person.

It helps other members of the family if I am cheerful rather than if I were depressed or felt completely beaten. I made up my mind that I wouldn't allow it to conquer me. I think Jackie and Ethel were very wonderful. They have never really distressed us by an undue demonstration of grief or sorrow. They've always maintained poise and equanimity, which makes it easier for everyone.

Teddy's wife Joan is so talented in music. She used to play the piano while we sang in the evenings in Hyannis Port. Once, after we had lost Jack, we tried to sing some of the songs that he had liked. One of us got depressed and that was—well, we all collapsed, so we closed the piano quickly and everybody went home. We discontinued our singing after that.

You just keep busy. Some people get bored, and are boring. You keep interested in other people and in different activities. I've always had a mind that was probing and curious and I've had the opportunity to use it. It seems there is so much to read you can't get through it. I want to take up speed-reading.

I hope I have benefited a good many people in the fight against mental retardation. So many parents have suffered this heartache, but we had the means to do something. I had so many normal, healthy children—two of them born before my daughter Rosemary—so you know it wasn't a health deficiency in me or Mr. Kennedy. It almost seems preordained that Rosemary should have been given to us so that others might benefit.

I think to lose a husband when you're young is a very great tragedy—very hard on the girls, on the President's wife and Ethel. It is much more severe and heartbreaking, I think, than for a mother to lose a son. I had a wonderful life with my husband, a very happy and complete life on every level, from every angle.

I can have the grandchildren here more and more now. When Mr. Kennedy was ill, he had to have the house quiet. I have the young people separately, by age, so the older ones won't be there taking attention away from the younger ones.

Teddy takes his responsibilities very seriously. I worry about him only a little. . . . He is a solitary figure. There is no point denying that he is, and for the rest of his life he will be, alone—that is a truism. Once he lost Bobby, he lost a companion in strength and advice and responsibility. . . . He spends a great deal of time worrying about his weight, usually while he's eating ice cream. He doesn't exactly have the Lincolnesque look which he'd like.

People think that all I do is go to church, because that's when the photographers know where to find me, and the rest of the day they don't see any sign of me. I'm going to change my image. I'm going to Europe again and I'm going to be seen coming out of a nightclub, or I'm going to be in a bikini on the Riviera next time! So don't be surprised. I'm tired of that other image. But better not make it too rollicking. Teddy might not like that. Teddy wants me to be taken seriously.

SURVEY OF NEW BUILDING

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, during his press conference in Los Angeles last evening, Mr. Nixon made several references to the "cooling of the inflationary forces." In answer to a question concerned with the July rise in the Wholesale Price Index, the President was quick to note that he was more interested in the overall economic picture for the past 6 months and not for any 1 month. I must agree with the President that a 6-month analysis of economic trends would be far more meaningful than the examination of any 1 month. For this reason I am enclosing for publication in the RECORD, housing statistics of the city of Chicago, furnished to me by the Bell Federal Savings & Loan Association. These statistics show that June was a bad month in Chicago, as were each of the previous 4 months. In fact, in certain categories, housing construction in the Chicago area hit a new postwar low. With these figures in mind, I must ask the President, just what do you mean by the "cooling of the inflationary forces?"

The statistics follow:

SURVEY OF NEW BUILDING—BELL FEDERAL SAVINGS AND LOAN ASSOCIATION—CHICAGO METROPOLITAN AREA

HOMES AND APARTMENTS DECREASE AGAIN IN JUNE

Permits for new homes and apartments in the Chicago metropolitan area declined for the fifth time this year from the comparable month of last year. Single family homes plunged 45% from last year to establish a new postwar record low for June, while apartments slipped only slightly from last year.

Permits were issued for 1,111 single family homes in the six county metropolitan area compared with 1,979 last year. The previous lowest level for June was 1,643 in 1946. Homes decreased 47% in the suburban towns (from 1,422 to 755) and 55% in the unincorporated areas (from 498 to 223). In contrast, City of Chicago reported an increase in homes, 133 permits compared with 59 a year ago.

The entire metropolitan area reported 3,255 apartment units against 3,382 units last year, a decrease of 4%. Apartments rose sharply in the City of Chicago from 542 units a year ago to 1,520 units. Apartments decreased in the suburbs (from 1,815 to 1,705 units) and in the unincorporated areas (from 1,025 to 30 units).

The seasonally adjusted annual housing rate rose 40% from May. Permits were issued at an annual rate equivalent to 40,800 housing units (10,176 homes and 30,624 apartment units). The May rate was at 29,100 housing units (10,296 homes and 18,804 apartment units).

The total building permit values for all types of construction (residential, commercial, industrial, etc.) dropped 30%, from $155,424,433 to $109,177,857. Permit values decreased 21% in Chicago, 24% in the suburbs and 61% in the unincorporated areas.

The Rockford metropolitan area reported 64 single family home permits compared with 77 last year. Permits were issued for 129 apartment units against 374 units a year ago. The total value of all building permits decreased 53%, from $8,320,759 to $3,882,643.

HEALTH CARE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, today the House is considering two bills of importance to our Nation's ability to provide the finest health care to our citizens. Both the Developmental Disabilities Services and Facilities Act of 1970 and the extension of programs for training in the allied health professions are vital if we are able to continue to improve medical care in this country.

It is clear that the United States is facing a growing crisis in the health care field. Hospital costs are growing at the rate of about 12 percent per year. This is more than twice the cost-of-living increase. Also, we have an estimated shortage of 48,000 doctors, 17,800 dentists, and 150,000 nurses.

About two-thirds of the workers in the medical care work force are those professional, technical, and vocational workers in allied health occupations who supplement and compliment the traditional health team of doctors, dentists, and nurses. The Department of Health, Education, and Welfare estimates that we need about 266,000 more people in the allied health occupations.

Such frightening statistics make clear the fact that unless we can develop creative and innovative programs to combat these problems we are going to witness a serious deterioration of our ability to deliver outstanding medical care.

It is becoming more apparent that many medical assistance programs which were developed in the past have been far too rigid, misdirected or shortsighted. It is our duty and responsibility to make certain that we do not allow health programs to fall into these categories.

For example, the valuable and successful Hill-Burton program was initially adopted immediately after World War II at which time half of the Nation's counties had no hospital. Because of this problem, the thrust of the act was to provide assistance to rural areas.

Hill-Burton did its job well but it resulted in a formula which gave priority to rural areas even after the rural needs had been satisfied to an important extent. Attempts to adjust the formula to give reasonable priority to urban and suburban areas failed until nearly 20 years after the initial enactment. It was only in 1966 that a formula was adopted which allocated funds to the States on the basis of need. The improvement in the formula has given us a superior program which puts assistance where the need is greatest.

Another problem and one of the most important reasons why hospital costs are rising so rapidly is that many Federal programs as well as nearly all private insurance policies place a premium on hospitalization. This forces many doctors to place their patients in a hospital even though outpatient treatment would be satisfactory—or even preferable.

Unless the legislation we approve is designed to promote outpatient care it will be unsuccessful in alleviating the existing demands on hospital services and the resultant rising costs. Preventive medicine is a good investment for the Government as well as for the individual.

The concept of the vertical versus the horizontal patient makes clear the direction we must take. The vertical patient comes to the hospital or the doctor's office for necessary treatment and then leaves when the treatment is completed. He spends his time at home and possibly even at work.

The horizontal patient is the one who uses the hospital services full time. In effect, he lives at the hospital requiring hospital services even when he is not undergoing treatment. Our goal must be to reduce the percentage of horizontal patients by encouraging hospitals, doctors, and patients to attempt to increase the number of vertical patients.

The two bills we are considering today are in the mainstream of the trend toward realistic, effective health care programs. In extending and improving the Allied Health Professions Personnel Training Act of 1966 we are recognizing the important role played by allied health workers who include, among others, medical technologists, therapists, and assistants.

Adequate numbers of allied health personnel increase the ability of doctors and nurses to meet the demands on their time as well as insuring improved care for the patients.

In addition, I am confident the House will approve today the extension of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. This act authorizes valuable programs in the field of mental health.

The problems of mental retardation are complicated by the centuries of tradition that ignored the problems of mental health and treated those with mental illness as cast-offs from society. Only in this century have we undertaken to treat mental illness and only in the very recent past have we begun to make available effective treatment for the mentally retarded.

Most estimates suggest that around 3 percent of the population of the United States suffers from mental retardation. This amounts to 6 million adults and children.

The burdens of mental illness, however, go beyond this because an additional 20 million persons are members of families who must meet the serious demands and needs of the mentally ill.

With proper training and assistance, many of the mentally retarded can live much more rewarding lives for themselves and can begin to make a contribution to society.

I am confident that legislation coming before this body relating to health care will continue to be as meritorious as the two bills we are debating today. I shall continue to work to insure that this is the case. We cannot afford to adopt measures which do not contain flexibility and innovation.

The National Advisory Commission on Health Manpower, which was appointed by President Johnson, reported in 1967 that while the cost of medical care was skyrocketing the quality of the care being provided was not increasing proportionately. In addition, the Commission noted that current problems in the medical field stem from a lack of leadership and an unwillingness to change within the health establishment. This is what we must overcome and I am confident we shall.

MR. J. C. BORAH OF FLORA, ILL.

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. GRAY. Mr. Speaker, America has carved herself out of the wilderness in a short 194 years because of the determination, inspiration, and perspiration of a lot of dedicated Americans. From the days of our early pioneers to the present time, we have seen a lot of leaders and a lot of good followers. In order to have good followers, we must have dedicated leaders in all fields of endeavor if our country is to stay ahead of our adversaries technologically, morally, and spiritually.

Mr. Speaker, one of the greatest leaders I have ever known recently passed away. A long time personal friend of mine, Mr. J. C. Borah of Flora, Ill., was an automobile dealer in Southern Illinois for many years, but excelled himself in activities helpful to his fellow man. J. C. Borah was active in military affairs from the time during World War I, when he enlisted in the Royal Canadian Air Force, until he was called to active duty in the Air Corps Reserve during 1941 when he served as a contracting and procurement officer in which his position allowed him to obtain the Nordon bomb site and the gliders used in the Normandy invasion. Mr. Borah was a guiding force in the establishment of the airport in Flora, Ill., having served as chairman of its authority, and was president of the Illinois Public Airports Association. J. C. Borah was a promoter of the Clay County Hospital, a former president of the Chamber of Commerce, and a charter member of the Elks Club.

Mr. Speaker, the Illinois General Assembly recently passed House Resolution No. 527 in memory of J. C. Borah. I well recall trips Mr. and Mrs. Borah made in the past to Washington and especially Mr. Borah's visits to the Capitol Rotunda and the Capitol Prayer Room. He took great pride in his country, its religious principles, its flag, and its great institutions—J. C. Borah was a 100 percent American. Mr. Borah leaves an outstanding wife and family.

Mr. Speaker, under previous order granted me I would like to have printed a recent article which appeared in several southern Illinois papers. It also includes the language of House Resolution No. 527, offered by Representative Leslie N. Jones, Republican of Flora, and adopted unanimously by the Illinois General Assembly. I want to join Representative Jones and other State and Federal officials in mourning J. C. Borah's passing and in extending to Mrs. Borah, the children, and other members of the family, our deepest sympathy and belated condolences at the passing of this great man.

The article follows:

ILLINOIS LEGISLATURE'S RESOLUTION COMMENDS FLORA'S J. C. BORAH—CITES MANY ACCOMPLISHMENTS

The late J. C. Borah, long-time Flora resident and businessman who died here recently, was the subject of a resolution, introduced in the Illinois General Assembly by Rep. Leslie N. Jones, Flora, and passed unanimously by the Illinois House shortly before it adjourned at the end of May.

The resolution cites Borah for his outstanding public service, not only in the Flora community but in the state as a whole, particularly in the field of aviation, and expresses regret at his death. A number of Representatives who are particularly interested in the promotion of aviation joined Rep. Jones in sponsorship of the resolution, which states as follows:

HOUSE RESOLUTION NO. 527

Whereas, This body was saddened to learn of the recent death of James Clinton Borah, of Flora, Illinois, a man whose outstanding contributions to society will long be remembered; and

Whereas, He was born in Jackson, Tennessee, received his education in Princeton, Indiana and moved to Flora, Illinois in 1944; and

Whereas, Although his life's work was in the automobile industry, Mr. Borah was extremely interested in aviation and during World War I he enlisted in the Royal Canadian Air Force but was discharged due to his age; and

Whereas, He joined the Air Corps Reserve, was called into active duty in July 1941 and served as a Contracting and Procurement Officer in which position he was instrumental in obtaining the Nordon Bomb sight and the gliders used in the Normandy invasion; and

Whereas, Mr. Borah was a guiding force in the establishment of the airport in Flora, Illinois, became chairman of its Authority and has served as President of the Illinois Public Airports Association; and

Whereas, Always active in civic affairs he was a promoter of Clay County Hospital, a former President of the Chamber of Commerce and a Charter member of the Elks Club; therefore be it

Resolved, by the House of Representatives of the Seventy-sixth General Assembly of the State of Illinois, that we express our deep regret upon the death of James Clinton Borah, whose outstanding accomplishments will long be remembered and that a copy of this preamble and resolution be sent to his family.

WHY NO GREAT OUTCRY FOR U.S. POW'S?

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. DICKINSON. Mr. Speaker, there has been a great public outcry raised over the conditions and treatment accorded the inmates at Conson Island prison in South Vietnam. The national news media has found the conditions and treatment at Conson to be more newsworthy than the abominable, inhumane conditions of American prisoners of war held in Vietcong and North Vietnamese prison camps. This, I simply cannot understand.

It is strange and ironic to contrast between the coverage by the media in the Conson prison story which has preoccupied television commentators and newspaper editorialists for the last several weeks and the coverage—or should I say the lack of coverage—of American prisoners of war held by Hanoi.

The fact is, there are no POW's from North Vietnam held in so-called tiger cages. There have never been prisoners of war held in these isolation units. Moreover, Mr. Speaker, Conson Island prison is a civil prison which houses the criminal population of South Vietnam. There are over 9,000 prisoners there; according to State Department officials, they are not political prisoners. To put Conson in perspective, I think it is well to remember that even before the visit of the House subcommittee, inspection teams from the International Red Cross visited and inspected that prison twice last year. Their reports, while not glowing, certainly did not paint as gruesome a picture as we received from our television networks here at home. Their reports noted that the prisoners were not political prisoners, but were persons found guilty of crimes of violence and other criminal acts.

By American standards, the conditions as reported in South Vietnam's Conson prison were outrageous. By Asian standards, I suppose they were not uncommon. What is significant, however, is the Government of South Vietnam has taken steps to correct these conditions. Tiger cages were used in the past, and their use is deplorable. But they were used only for recalcitrant prisoners, and never for prisoners of war.

Mr. Speaker, there are only 29 POW's at Conson Island prison. These prisoners were convicted of murder of guards or fellow inmates while imprisoned in one of the six Red Cross-inspected prison compounds. Their rights, as well as all of the POW's in the South Vietnamese camps, are assured by inspection teams of the International Red Cross. They have been treated properly, following tenets of the Geneva Convention, and I must emphasize that no South Vietnam-held POW has been subjected to the now defunct tiger cages.

I suggest that the news media become concerned with what is happening to our servicemen held in the North Vietnamese dungeons and the Vietcong's "bamboo cages." The Vietcong and the North Vietnamese must quit playing their games with American prisoners. Whether Hanoi believes it or not, the American people are concerned, and further withdrawal of our troops should be contingent upon the compliance by the North Vietnamese of the Geneva Convention dealing with prisoners of war.

At this time, Mr. Speaker, I commend to my colleagues the following article by the able columnist, Mr. Victor Riesel:

[From the Birmingham (Ala.) News, July 29, 1970]

WHY NO GREAT OUTCRY FOR U.S. POW's?

(By Victor Riesel)

NEW YORK.—Right. Those tiger cages in the Poulo Condor (Con Son) prison are rotten. Their guards are sadistic. The torture is white heat hell and monkey-sized cells are not for humans. Right.

But where amid the outcry is there a strong voice sobbing for the American prisoners of war held by the government in North Vietnam, caged by the underground communist cadres in Laos and imprisoned by the Viet Cong in South Vietnam?

There is a voice, scarcely heard amid the din of those who always are horrified by Saigon's depredations and never once take Hanoi as a personal insult.

The voice is that of Ross Perot, the Dallas computer genius whom the public recalls mostly as the man with the magic electronic touch who lost over $100 million daily for over a week last May.

I talked with Mr. Perot the other day shortly after he had used the transcontinental telephone to urge his South Vietnamese friends to clean up Con Son.

"Over 1,500 American prisoners of war are rotting in North Vietnam, Laos and South Vietnam," said Perot who has flown the world, knocked on all doors, beseeched all diplomats including the utterly inscrutable Oriental envoys from Hanoi now in Paris, Stockholm and once in Cambodia.

"These men are kept in bamboo cages, caves, holes, chained to trees and held in solitary confinement. Some of these men have been prisoners longer than any other prisoner of war in our nation's history."

There are scores of diplomats who know these grimnesses. There are Americans who have been to Hanoi (they shuttle in regularly) and who know or should have known of the caged Americans.

Like the 21 protesting senators, they bleed over the tiger cages—though some Arkansas prisons are well up in that dark league. Yet they will not antagonize Hanoi with a single harsh word or even appeal for the Americans' freedom, or even a quiet demand for the list of prisoners' names so young women will know if they are wives or widows and kids will know if they have a dad.

"The North Vietnamese have very little interest in the prisoners of war," Perot continued. "They will agree that upon completion of interrogation, a prisoner of war loses all military significance and becomes a burden to his captor, using food, facilities and guards.

"As for food, the American prisoners live on a diet of fish heads, pumpkin stew and pig fat. I had this diet prepared for a number of newsmen. No one sampled it. You would have to be starving to eat it."

Yet some of the American soldiers, Marines and airmen have been in the bamboo cages for more than six years. Is a bamboo cage more safe a haven, more comfortable a prison than a concrete tiger's den?

Yet nowhere but in the U.S. is a voice or two raised in their behalf. One of those voices is that of the longshoremen's leader, Johnny Bowers, tough but soft toned, icy but run through with the compassion of a man who can't stand being shackled himself.

Since April 13, "Johnny," executive vice president of the 110,000-member International Longshoremen's Assn. (AFL–CIO) has asked the Soviet government at least to get the list of prisoners' names from its ally, North Vietnam. Never has Mr. Bowers raised a "hard hat" issue in his attempted dialogue. On that day he wrote to Soviet Ambassador Anatoly Dobrynin, offering to end the union's boycott of Soviet ships in Atlantic and Gulf Coast and Great Lake ports if the USSR would help.

Johnny Bowers is a bargainer. His men, he said, would unload one Soviet freighter or luxury liner for every five American prisoners of war which the Russians could convince Hanoi to release. But all "Johnny" got was a loud silence.

However, not so silent has the Soviet press and radio been on the "tiger cages." And Hanoi's daily Nhan Dan has excorciated the Con Son prisons. And they say that American congressmen have not seen anything yet in South Vietnam. Now would be the time for these congressmen to petition Hanoi—on strictly a humanitarian, not political basis—for the chance to see Hanoi's prisons, pens and cells used for Americans and their own political prisoners.

In effect, this is what Ross Perot has been urging during his chartered flights across the world.

"The North Vietnamese consider the 1,500 prisoners of war unimportant," Perot related to me. "In one conversation they said, 'Why all this fuss over just 1,500 men? These prisoners are unimportant.' I tried to explain to them that in our country every life is precious, and that 200 million Americans can become deeply aroused over 1,500 helpless men being starved, tortured and beaten."

The North Vietnamese replied that they did not believe Mr. Perot.

"Your nation has lost over 40,000 men in this war," they told Perot. "Yet, after years at war, most of the American people have not become aroused in any way, either for or against the war. Why should we believe that your people care about just 1,500 prisoners?"

In this the enemy will be proven right if the horror billowing up over the tiger cages is not matched by an outcry for the well-being of Americans in bamboo cages.

CITY CONGRESSMEN ARE FRIENDS OF AGRICULTURE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. HUNGATE. Mr. Speaker, an editorial in the Progressive Farmer of July 1970, indicates that America's farm communities have many friends among the Congressmen and Senators who live in urban areas. I thought the following article would be of interest in view of the farm legislation soon to be considered:

City Congressmen Are Our Friends

Some of agriculture's best friends in Congress come from big-city districts. A recent *Farmers' Union Washington Newsletter* reported that on six key issues of concern to agriculture (program, food, appropriations) 108 Congressmen from the largest cities in the United States voted 416 times "for," and 153 times "against" farm interests. That's nearly a 3 to 1 favorable vote.

The voting record of Senators from large cities was even better. On the six issues, 12 big-city Senators voted favorably to farm interests 84% of the time.

Some of the names of Senators voting 100% for agriculture may surprise you. On this list were: Edward Kennedy, Boston; Eugene McCarthy, St. Paul; Walter Mondale, Minneapolis; Stuart Symington, St. Louis; Alan Cranston, Los Angeles; and Stephen Young, Cleveland.

Among city Congressmen singled out for favorable votes on agriculture were Dan Kuykendall, Memphis, and Hale Boggs and Edward Hébert, New Orleans, and a number of others from big-city districts outside the South.

We are inclined to think agriculture has more strength in the Congress than is generally realized. City Congressmen are acutely aware of the necessity for a healthy agriculture. Their concerns are first for an adequate food supply, but beyond that many are taking the longer look at living space for teeming millions piling up in the cities.

One of our major farm organizations now claims to have more members than any labor union. Haven't we every right to expect them to be as effective in legislative matters?

VISIT TO UNITED ODD FELLOW AND REBEKAH HOME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BIAGGI. Mr. Speaker, during the past months several Members of this body and others have charged that the nursing homes of this country neglect their patients, operate solely for their own profit and have no interest in the maintenance of proper health care, living conditions, and recreational facilities.

I recently visited one such home in my district in New York to determine whether the charges were true for all nursing homes. In visiting the United Odd Fellow and Rebekah Home located at 1072 Havermeyer Avenue in the Bronx, I was pleased to see that not only did the charges not apply to this institution, but rather this home could well serve as a model for all other homes which might receive Federal funds.

It was a refreshing experience talking with the residents and administrators of this voluntary, nonprofit home. The 130 men and women, whose average age is 81, live in the most modern fireproofed building. Each room has facilities for two people. The food, which is prepared under the guidance of a qualified dietitian, is served in a handsome dining room. There is an infirmary on the premises which is accredited by the New York State Department of Health. It is staffed by two doctors, registered nurses, a dentist, podiatrist, psychiatrist, physiotherapist, and other professional staff.

The institution also provides programs for occupational and recreational therapy to keep the residents mentally alert and pleasantly occupied during the day. There is no question that the home does a fine job of providing the four basic needs of an elderly person: housing, food, companionship, and freedom from the fears of old age infirmities.

Interestingly enough, this home is able to keep its maintenance costs at a level that is far below that at proprietary homes, municipal hospitals and city-operated homes. I sincerely hope that in our discussion of the problem associated with old-age homes attention is given to the fact that many homes operate efficiently and in the best interests of their residents.

Likewise if our senior citizens are to continue to have such fine homes to administer to their needs, proper Federal assistance is necessary and should be forthcoming. Let us not let a few unconscionable operators of old-age homes discredit the many honest and dedicated individuals working to make the later years of someone's life a bit more pleasant and comfortable.

As a point of information, the Independent Order of Odd Fellows, which operates the Havermeyer Avenue home, was founded in 1819 to administer to the needs of the aged. In 1827 they established their first home for indigent Odd Fellows in Pennsylvania. In later years they expanded their services to include a women's branch called the Rebekahs and also a branch to care for orphaned children. Today the organization maintains 62 homes throughout the United States.

TRUTH IN WARRANTIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. ROSENTHAL. Mr. Speaker, the consumer is often misled by the language of a product warranty. His expectation of service for a product often exceeds what the manufacturer intends to provide, or, indeed, is legally bound to provide. Today I have introduced a bill which will help to alleviate some of this confusion by setting minimum Federal standards for both content and disclosure in warranties. Because product warranties have become more and more popular as promotional marketing devices, it is important that the consumer clearly understand what services he can really expect from the warranty or guarantee.

The consumer must also know how to go about getting this protection and service he has purchased. This bill will assure that both the terms of the warranty and its means of fulfillment are clearly disclosed.

Setting up Federal standards for warranties will make them a more useful gage of comparative product reliability. Consumers may expect, under this bill, what warrantors will live up to their promises more readily.

This bill has just been passed by the Senate in this form. I hope it meets with the same success in the House very soon.

After many promises, the consumer

deserves more truthfulness in warranties. This bill will make this development more likely.

SNEAKY AVIATION HIDDEN TAX

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BURTON of Utah. Mr. Speaker, on May 21, 1970, the Airport and Airway Development Act of 1970 was enacted. A disturbing feature of this law is the "single fare concept," which was written in by the Senate. As an intended consumer-oriented provision, this "single fare concept" actually is a blatant contravention to the consumer's right to know how much tax must be paid for air travel. This seems completely dishonest to me. I do not believe in hidden taxes. Unfortunately, taxes must exist to cover our cost of Government, however, it still seems to me only fair that the citizens know how much they are being taxed. To allow the airlines not to show the tax charged is a dangerous precedent.

It has also been pointed out that this provision was in neither the Senate-passed bill nor the House version, but inserted presumably during conference. This too is unjustifiable.

An editorial from the Ogden, Utah, Standard-Examiner on July 11 indicates the general public indignation. The editorial follows:

SNEAKY FEDERAL AVIATION TAX BOOST

The sneakiest thing we've encountered in a long time is the way that the federal government has increased its transportation tax.

The rate went from five per cent to eight per cent on July 1. But Utahns buying airline tickets won't notice it. Under the screwball law, clerks are prohibited from voluntarily mentioning the new tax—or putting it on the ticket or bill.

Any clerk who violates the law is subject to a fine of $100!

It's put the air travel business in a real turmoil, according to Ogden agents.

Industry spokesmen, led by President Stuart Tipton of the American Transport Association are not objecting to the three per cent boost by itself.

They recognize that the additional revenue is supposed to be plowed back into the airways in the form of airport improvements, modern navigation equipment, better landing aids and more control tower personnel.

Great. These things are long overdue.

The gripes are about the way the increase is being handled.

Prior to July 1 airlines and travel agents quoted the basic price. They usually volunteered that there would be an additional five per cent tax. If the fare was $100, the tax would be $5 for a total of $105. Simple.

Not now.

For the same trip an agent would say only that the price was $108.

Not until the traveler asks, "Any tax?" can the clerk say, "Yes, eight per cent."

Agencies are worried that their staff members, out of habit, will break the new rule. This would make them potentially liable to the $100 fine.

That's not all.

It used to be that you frequently paid a fare of so many dollars and so many cents. No more. It's rounded off to the next HIGHEST dollar, including the tax.

Take the base fare. Salt Lake International to Philadelphia. In the books, it's $143—even. Add 8 per cent or $11.44. Should be $154.44. But the trip will cost you $155. A round trip's $310, not $308.88.

When the wife's ticket on a family plan is purchased it's—in the case of a Philadelphia flight—75 per cent of that $155, not 75 per cent of the basic $143, plus 8 per cent.

Then there's a new thing called an international departure tax of $3. It applies from New York to London. But to add to the screwy characteristics of this new law, it also applies to Alaska and Hawaii.

If you take a circle tour, Utah to Alaska to Hawaii to Utah the $3 applies on three of the four legs of the fight for a total on the circle jaunt of $9.

Alaska and Hawaii are international?

We thought they were the 49th and 50th states!

Congress' idea was to make the airways improvement tax increase a hidden tax—similar to that on gasoline, liquor, cigarettes and other commodities.

They succeeded. It's hidden. And the "experts" who wrote this mixed up legislation should be hidden, too. Hidden so far back that their red faces won't shine when courts as they should, find this sneaky law to be unconstitutional. Its sponsors in Congress can't be proud, either.

LEGISLATION TO STRENGTHEN ANTIBOMBING LAW BY INCREASED PENALTY PROVISIONS AND EXPANDING SCOPE

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. CRAMER. Mr. Speaker, yesterday morning I testified before Subcommittee No. 5 of the House Judiciary Committee on my bill, H.R. 16743, to strengthen the antibombing provisions of section 837 of title 18 of the United States Code. Because of the importance of this subject, I am inserting my testimony in the RECORD:

TESTIMONY OF THE HONORABLE WILLIAM C. CRAMER

I appreciate the opportunity of appearing here today to testify on behalf of H.R. 16743, my bill to strengthen the antibombing provisions of section 837 of Title 19 of the U.S. Code.

Back in the 86th Congress, I joined as a cosponsor of the original legislation. At that time, I was a Member of this illustrious committee and participated in deliberations on this most important measure.

When P.L. 86–449 became the law of the land, I felt that we had, at long last, provided adequate means for coping with this most despicable and destructive of all crimes.

But I was wrong!

The current epidemic of bombings throughout our land makes it abundantly clear that grave deficiencies exist in the present law. As a result of them, our primary aim has not been accomplished. The violence-prone have not been deterred. In fact, law-abiding citizens are being killed and maimed in ever increasing numbers.

In recent months there has been a shocking increase in bombings and other forms of related violence across the length and breadth of our land. Within the last few weeks alone an Army Camp in Sparta, Wisconsin, an office garage in downtown San Francisco, and a Bank of America branch on Wall Street were damaged or destroyed by bombings. In addition, I am sure all of you read of the tragic death of an official of the Continental Telephone Corporation in the Midwest—killed by an explosive device planted in his automobile. The murdered man, a graduate of Notre Dame, left a widow and 9 orphaned children.

The shadow of violence is lengthening. Not long ago, it touched me personally. Last April 2, the President announced the indictment of 12 members of the Weatherman Group under the Cramer Anti-Riot Act. Later that same day, in my hometown of St. Petersburg, Florida, a window was surreptitiously broken in a building occupied by a local law firm and a Molotov cocktail placed inside. The name of that firm was Ramseur, Bradham, Lyle, Skipper, and—*Cramer*.

How long can we tolerate such outrageous acts? I am for dissent, but it must be lawful. I am for the right to protest, but it must be peaceful protest. For those who advocate violent dissent and destructive protest, I have nothing but revulsion and contempt.

I believe the time has come to levy the severest penalties on those who perpetrate or counsel such deeds. Unless we do, the cancer of violence will spread. If we allow that to happen, the life, liberty and happiness of every American will be endangered.

Because of my concern, sometime ago, I suggested to the Department of Justice that the penalties of the present anti-bombing statute should be substantially increased. Shortly thereafter, this idea was discussed at a White House leadership meeting which I attended. Following that meeting, the President announced his support for strengthening amendments. Subsequently a proposed bill was submitted to the Congress by the President through the Department of Justice.

In scope and purpose my bill, H.R. 16743, is similar to that measure. Its provisions, if enacted, would restructure the present antibombing law so as to broaden its scope and application. Under its terms, the following acts would be designated as Federal crimes: 1) the malicious bombing of any Federal premises; 2) the unauthorized possession of explosives in Federal buildings; 3) the malicious bombing of business and commercial establishments; and 4) possession of explosives with knowledge or intent that such explosives are to be transported or used in violation of any other provision of this legislation.

One of its principal features would be to dramatically increase penalties. For example, the current law provides for imprisonment of not more than a year or a fine of not more than $1,000, or both for those found guilty of transporting explosives for designated criminal purposes. My proposal would raise the fine for such offenses to $10,000 and the term of imprisonment to 10 years. Where personal injury resulted from such crimes, fines would be doubled from $10,000 to $20,000 and maximum penalties would be increased from 10 to 20 years. Such increases in punishment would apply throughout the Act.

Aiding and abetting the commission of a bombing would also be punishable under my proposal. Such a provision is necessary to insure that those who propose a specific act of violence will be penalized along with those who perpetrate such offenses.

In addition to the foregoing, the definition of "explosive" would be broadened to include such commonly used incendiary devices as Molotov cocktails.

I don't know whether this Committee is aware of it, but most of the casualties sustained by our fighting men in Vietnam are not caused by enemy bullets. They are the result of mines and booby traps. These explosive devices have taken a staggering toll of our courageous young men. Besides causing thousands of deaths, they have inflicted brutal, crippling injuries on many thousands more. Our soldiers have lost limbs, their eyesight, and many have suffered varying degrees of disfigurement and paralysis. My worry is that the recent rash of malicious bombings by revolutionary elements may well be the prelude to the use of such devices over here.

It is essential that we put the bomber and would-be bomber on notice that we do not intend to allow this to happen. We must make clear to him that we shall use every legal resource at our command to stamp out his—or her—stealthy and despicable crime.

An ominous cloud hangs over our land. Violence and terror threaten to become a way of life. If they do, they will destroy our way of life. We cannt sit idly by and allow this to happen. For the foregoing reasons, I urge expeditious consideration of and action on the anti-bombing measure before this Committee.

THE 100TH ANNIVERSARY OF JERMYN, PA.

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. McDADE. Mr. Speaker, it was my great privilege to appear at the celebration of the 100th anniversary of the borough of Jermyn, in Lackawanna County, in northeast Pennsylvania.

It was an outstanding celebration, in which every citizen of the borough of Jermyn participated, and to which they gave uncounted hours of their time to make the 100th anniversary memorable. They chose as the theme of their celebration "the birthplace of first aid" because here, in the borough of Jermyn, there was born a program which has become so much a part of our lives in America that we can hardly imagine a time when it did not exist.

When Jermyn came into existence, it was known as Four Mile Town because of its location 4 miles from its sister town of Carbondale. In succession the name was changed to Baconville, to Rushdale, then to Gibsonburg. But when John Jermyn settled here, the townspeople honored him by giving the town the name it bears today.

When John Jermyn settled in the borough, there had been some sporadic efforts made in the field of mining of anthracite coal. John Jermyn set about making this a major industry. He became one of the most successful and wealthy coal operators in the valley. He worked with enthusiasm among the people of the community, and the small cluster of shacks which stood there soon became a large and flourishing borough.

The community grew in prosperity, and as it grew these very religious people built churches in which to worship—St. James Episcopal Church, Sacred Heart Roman Catholic Church, First United Methodist Church, St. Michael's Russian Orthodox Church, First Baptist Church, Primitive Methodist Church, and the Jermyn Welsh Congregational Church.

They brought a rich musical heritage to this area also. There were singing groups, an all-girl orchestra, other orchestral groups, and a long tradition of bands. The people of Jermyn came to know certain families for their musical talents; the Edmunds sisters, the Murphys, the Maynard sisters, the Langmans, the Schragers, and the Forschners.

The town has produced outstanding sportsmen, not only in such sports as basketball, baseball, and football, but in those two sports dear to the heart of every Pennsylvanian, hunting and fishing.

Certainly one of the most distinguished citizens in the history of the borough was Dr. Matthew J. Shields. He had come to Pennsylvania in 1881, and had seen the tragic effects of accidents in the mining industry. Out of these observations there gradually came the realization that first aid given to the victim of an accident on the spot might make the difference between life and death, between a trifling injury and a disabling one. He began, therefore, the work of educating the workers on the elements of first aid. In 1909 he was appointed to the central committee of the National Red Cross first aid service for the special work in organizing instruction in precaution against accidents and in first aid among miners.

The growth of his work, of course, has been phenomenal. There are countless Americans who have gone through the first aid course of the Red Cross, and other organizations have pursued the education of other Americans, so that there is scarcely a person who has not had some training in first aid at some time in his life.

Jermyn today is an outstanding community, with outstanding citizens. They demonstrated their pride in their community in the 100th anniversary celebration, and it was indeed a privilege to be among these splendid Americans on this occasion. I hope all of my colleagues will join me, not only in praising the people of Jermyn on the occasion of the 100th anniversary of the founding of the borough, but especially in commending those who made the outstanding commemoration possible.

THE JERMYN CENTENNIAL EXECUTIVE COMMITTEE

Charles W. Avery, general chairman.

Mayor Frank McCarthy, honorary chairman.

Carl J. Tomaine, vice chairman.

Rev. John A. O'Neill, centennial chaplain.

I. Leo Moskovitz, treasurer.

William Davis, assistant treasurer.

Arthur N. Wilson, secretary.

Mrs. Betty Stephens, corresponding secretary.

Attorney James Munley, solicitor.

THE COMMITTEE CHAIRMEN

William Davis, working capital.

Milton Friedman, revenue.

Mrs. Jane Moore, headquarters.

Miss Eleanor Cawley, history project.

John J. Mullally, novelties.

Robert J. Daley, concessions.

Floyd A. Battenberg, program.

Edward M. Callahan, special arrangements.

Donald Yurgosky, decorations.

James G. Bennett, men's participation.

Mrs. Anna Willgrube, women's participation.

Carl J. Tomaine, dignitaries and guests.

Nicholas Mattise, celebration ball.

Frank T. Green, music.

John Danyo, historical windows.

Marie Evans, merchants promotion.

Michael Trently, transportation.

I. Donald Edwards, fireworks.

Fred S. Zielinski, brothers.

Ronald F. Jones, promenades and caravans.

Edward Rossi, kangaroo courts.

Katherine Gilhooley, belles.

Margaret Swingle, ladies' bonnets and dresses.

James B. Crawford, men's ties and hats.

Joyce Albert, press, radio, and TV releases.

Charles C. Johnson, pioneer events.

Martha Buckingham, housing.

Arthur P. Wasley, insurance.

Charles Battenberg, planning.

Thomas F. Wall, charter banquet.

THE COMMITTEE MEMBERS

Rev. John A. O'Neill, chairman; Rev. Arthur Davis, vice chairman; Rev. John Kuchta, Rev. Robert Finley, Rev. Stephen Williamson, and Rev. Valentine R. Plevyak.

HOSPITALITY

Henry Hockaday. Mary Muehleisen. Madalyn McDonough. John Muldoon.

CORONATION

Katherine Edwards, chairman. Mary Callahan. Dorothy Mattisse. Patricia Wilson. Ruthann Lasichak. Gertrude McDermott. Jean Zielinski.

HEALTH AND SAFETY

Dr. Walter S. Bloes. James Reilly, police chief. Walter Vizzard, fire chief.

PUBLICITY

Richard J. Marion, cochairman. Albert Kraft, cochairman. Betty Stephens, Joyce Albert.

ADVERTISING AND SOLICITING

Thomas F. Wall, chairman. John J. Mullally, chairman.

Eugene J. Brenzel. Edward M. Callahan. Michael Trently. Kenneth Yakmovitz. Charles H. Battenberg. George H. Lewis. Carl J. Tomaine. Milton Friedman.

FIREWORKS DISPLAY

Idris D. Edwards, chairman. Walter Vizzard. Richard Harrison.

AMERICA IS IN TROUBLE

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. LOWENSTEIN. Mr. Speaker, America is in trouble, and everyone who loves her better get moving again. We would not stand by if she were being invaded by foreign troops, but because the greatest threat to our security lies within our borders—as the Eisenhower Commission has warned us—many people do not understand the threat, and many others do not know what to do about it.

In this situation, noisy, dogmatic minorities attract a great deal of attention, and more often than not this just adds to the problem, which in turn adds to the confusion and inactivity of the great majority of Americans.

The price we pay for this inactivity is too great. It leaves center stage to the political desperadoes whose natural habitat is the out-left and out-right wings. And when the extremes take over center stage, polarization and bitterness run the show.

But this is not the way things need to be. We are a great people, with a great heritage of overcoming obstacles that might have overwhelmed other people. What we need most now is to look at our difficulties honestly and to rally the will to deal with them effectively—to reclaim our country, not abandon it to the haters and extremists. We must make democracy work for all our people and strengthen the Constitution, not gut it.

We can do these things, but not by searching for scapegoats instead of solutions, and not by kidding ourselves that our problems will go away if we just ignore them for long enough.

We must reject the temptation to do nothing because we cannot do everything, just as we must reject the evasions and hypocrisy that many politicians try to substitute for integrity and leadership. In this crisis, it has been well said, if you are not part of the solution, you are part of the problem.

Now let us look at some specifics:

If you have got a job, chances are you are wondering how long it will last, or where you can get another one to make ends meet. Or maybe whether your wife or kids could get jobs.

It is getting tougher every day to do either one—to find suitable employment, or to make ends meet. Consumer prices are rising at the record rate of 6 percent per year. Industrial production is down 3 percent. Unemployment was over 4 million in May—up from 2.8 million in December. Yet we can get no help from the administration for the bill we have been fighting for in Congress to study ways to protect workers and industry against bankruptcy, joblessness, and dislocation when we make the transition from a wartime to a peacetime economy.

At last count, roast beef was selling for $1.69 a pound in parts of Nassau County. There are not many people who can afford to put meat on the table every night at that price. And how many people do you know who have been able to buy a new home lately?

The truth is that the Nixon administration has managed to combine disastrously rising prices with a dangerous rise in unemployment, so we are now faced with a very dangerous combination of economic ills: inflation and recession together. And the truth is that you cannot curb inflation by chopping less than a billion dollars from appropriations for desperately needed job training programs, and from libraries and hospitals, while you pay out $91 billion for the war and for other military expenditures.

The administration likes to talk a good game about balanced budgets and saving the taxpayers' money, but taxes keep going up and the President has just demanded a huge $18 billion increase in the debt ceiling after being in office about a year and a half. Meanwhile, urgent domestic needs go begging while we continue to spend $3.5 million an hour on the endless war in Indochina.

To date we have flushed almost $130 billion in direct expenditures—and perhaps another $80 billion in indirect costs—down the Vietnam drain. Money that should have been used to rebuild cities, unsnarl railroads and highways, clean up poisoned rivers and lakes, care for the elderly and sick, and to help educate our kids, has been used instead to prop up a series of corrupt military juntas 10,000 miles away that cannot get the support of their own people. Chinese and Russian soldiers have not died in Vietnam, but 45,000 gallant young Americans have. We have shot off more bombs, shells, and bullets in Vietnam than we did in all of World War II. And yet it goes on and on and on, and the end is still nowhere in sight.

The simple fact is that the war is destroying much of Vietnam, which it was intended to protect. Since it is also damaging America severely, it has become a tremendous asset to world communism. At home it has divided fathers from sons, contributed to the galloping inflation, driven taxes higher, strained the fabric of constitutional government, and encouraged us to neglect our greatest domestic needs.

Overseas, we have become so mired in Southeast Asia that there is widespread doubt about our will and ability to honor other commitments—to contribute to the defense of democratic nations threatened by aggression, or even to defend our interests where they are really threatened.

At the rate we are now withdrawing our troops, some 20,000 more of our finest young men will have died, and the total of 300,000 American casualties will have passed half a million before the war is over. Over, mind you, not won. There is no way to win this war by piece-meal withdrawals. There is only a way to extend its agony and increase its costs. No one would begrudge continued efforts if there were anything to gain for freedom or for the security of the United States for paying them.

But to pay such a staggering price and have nothing to show for it is senseless and disastrous. And if there is one thing that should be clear by now, it is that the Thieu-Ky government cannot stand without Americans to prop it up. For that reason, if for no other, it makes no sense to extend our military involvement even further. Those who have urged that we win or get out must see by now that the present policy does neither—it is in fact a lose and stay in policy.

That is why those who have advocated winning or getting out should join in the effort to get us out—not irresponsibly or precipitately, but in an orderly fashion consistent with the safety of the American troops and with the needs of any Vietnamese who may wish to relocate rather than face the possibility of living under the new government.

And that is why the bipartisan proposal for a timetable of withdrawal of all American Armed Forces by the end of June 1971, makes sense. I have worked hard in support of this program which now has about 100 sponsors in the House, as well as more than 35 in the Senate—men and women from both parties and all parts of the country.

After so many mistakes have been made for so many years, we must accept the fact that anything we do now in Southeast Asia will present serious problems. But the Nixon-Agnew policies—however good their intentions—can lead only to worsening disasters at home and abroad, and I believe that the alternative plan I have described deserves the support of the country as the most sensible and honorable way to avoid multiplying disasters for years to come.

Finally, none of our problems can be solved if we fall further into the notion that they are insoluble. The sense that things are not going right should increase the determination of every citizen to make them go right.

Furthermore, the quality of our leadership must be equal to the difficulty of the job ahead. It is dangerous to put politicians who temporize, or polarize and deceive in positions of leadership in times like these. They can only make our division more bitter and add to the already dangerous weakening of faith in the credibility and effectiveness of government.

It is past time to end war, right wrongs, and heal wounds. We can do that only if men of good sense and good will will bestir themselves as if the future of the Republic were at stake. Which, after all, it is.

HORTON SALUTES MRS. RUDOLF KINGSLAKE FOR HER FINE SERVICE TO THE COMMUNITY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. HORTON. Mr. Speaker, it is always inspiring to learn of a person who devotes time and energy to the betterment of the community. Such a person is Mrs. Rudolf Kingslake, of 56 Westland Avenue, in Rochester.

A somewhat unique aspect of Mrs. Kingslake's service is that she was not called upon by some group or organization to perform her tasks. She did not volunteer for some assignment which needed a replacement. Rather, she saw a need in the community and she created the tasks and assignments herself, and for herself.

For 16 years Mrs. Rudolf Kinslake has personally been seeing to it that the people in nursing homes of the greater Rochester area are supplied with books for their reading pleasures.

The impetus for these kind acts came while she was visiting friends in a nursing home. She was made aware that these nursing home residents were actually not ill but that many of them were bored for lack of something to occupy their time. She also discovered that this state of affairs had long been of concern to the social workers and the nurses, but until Mrs. Kingslake came along, apparently nobody had done anything about it.

She decided she would do what was necessary to correct this condition, and, thereby was established the University Wives Nursing Homes Library Service. Since early in 1954 Mrs. Kingslake has, almost by herself, operated this outstanding service.

I have known of this operation for quite some time, so it was great pleasure recently that I read a feature story in the Rochester Times Union which saluted Mrs. Rudolf Kingslake for her contribution to the community.

It was written by Jose Echaniz, Jr., of the Times Union and captures the full meaning of this splendid program. Certainly I endorse this tribute to a busy lady and I thank her for her work in behalf of those who need a helping hand. I would like to share it now with my colleagues:

MRS. RUDOLF KINGSLAKE

(By Jose Echaniz, Jr.)

Mrs. Rudolf Kingslake feels that there are many ways in which people can be of service. To her, it's just a question of discovering a need and working to fill it.

Sixteen years ago, Mrs. Kingslake had two friends in city nursing homes. In visiting them, she realized that "people well enough to read just get bored. The nurses and social service workers were very concerned about it."

This is what led her to establish the University Wives Nursing Homes Library Service, which has been responsible for getting some 40,000 books to nursing home patients who would otherwise not have had them.

Mrs. Kingslake has operated the service almost single-handedly since February, 1954. Wives of University of Rochester faculty members aid her in transporting large numbers of books, but Mrs. Kingslake takes it upon herself to be familiar with the likes and dislikes of all the patients she serves.

She has served up to 60 patients at 35 nursing homes at one time. Her husband, retired director of optical design and optical engineering at the Eastman Kodak Co. Apparatus Division, makes the portable plywood book racks in which she carries her selections.

Although slight of build, Mrs. Kingslake radiates the kind of energy that it must take to tote loads of books around on her tours of the nursing homes.

London-born, Mrs. Kingslake still speaks with a crisp British accent although she has lived in this country since 1929 when her husband helped start a new Institute of Optics at the University of Rochester.

Mrs. Kingslake is also trained in optics and is a past president of the Rochester Section of the Optical Society of America. She still does some technical writing in the field.

She is a former vice president of the Friends of the Rochester Public Library, a past president of the Volunteer Bureau of the Council of Social Agencies, and former secretary and board member of the Visiting Nurse Service of Rochester and Monroe County. She is a director of the City Club and takes books to City Club meetings as part of the Library Books-to-People Program.

She and her husband live at 56 Westland Ave.

MARY BELLE PFAU DELEGATE TO GIRLS' NATION

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. BURKE of Florida. Mr. Speaker, this week Washington and the Congress is honored by the presence of over 100 young ladies from 51 State and territorial departments of the American Legion Auxiliary who are attending the 24th Annual Session of Girls' Nation at the American University.

This year, the State of Florida has sent an exceptional young lady, Miss Mary Belle Pfau, the daughter of Mr. and Mrs. John Pfau of Plantation, which is in my 10th Congressional District and which, I am privileged to represent. I am honored also that my wife Evelyn and my daughter Kelly Ann, are both members of the American Legion Auxiliary.

Mary Belle Pfau has already even further honored the American Legion Auxiliary of Plantation, Fla., and my district and the State of Florida by being named to two important posts in Girls' Nation: minority whip and "nationalist" party chairman. I was informed that Mary Belle was being considered for even additional responsibilities and honors, but that the program's regulations prevented her from accepting more than two major posts. On behalf of the people of my district I wish to state, Mary Belle Pfau, we are proud of you.

Girls' State and Girls' Nation came into being as follows:

BRIEF HISTORY OF GIRLS' STATE AND GIRLS' NATION

Back in the depression ridden days of the early 30's, The American Legion grew concerned over irresponsible statements to the effect that Democracy was "on the skids." How, it wondered, could America train its young people in the processes of self government as effectively as Fascist Italy and Nazi Germany seemed to be training their youth groups in the promulgation of totalitarian forms of government. Deciding that the best way to learn something was by practicing it, American Legionnaires began, in 1935, gathering teenage representatives of high schools together for a few days each summer in a citizenship training program on the processes of city and state government. They called it "Boys State."

As this program succeeded and spread throughout the United States, the American Legion Auxiliary began providing similar opportunities for girls of high school age. Thus "Girls State" was founded. The first Girls States were conducted in 1938 and since 1948 have been a regular part of the Auxiliary's better citizenship activity in all but one of the states plus the Auxiliary's Departments of the Panama Canal Zone and the District of Columbia.

Girls Nation, the youth citizenship program in the processes of federal government to which Girls State sends two "Senators" apiece, is an annual climax to the Girls State program and has been held in the Nation's Capital for one week each summer since 1947.

Girls State is staffed by American Legion Auxiliary members who volunteer their time and effort to this enterprise. Its administrative costs are defrayed by their Department (state) organizations. All costs for Girls Nation, including transportation, are financed by the American Legion Auxiliary's national organization. Delegates to Girls State are selected with the help of high school principals on the basis of potential leadership qualities and must be between their Junior and Senior years in high school to qualify.

On Washington's Birthday, February 22, 1964, the American Legion Auxiliary received one of the four top American Awards from the Freedoms Foundation at Valley Forge honoring its 1963 Girls Nation Program. Other Girls Nation Programs helped win similar George Washington Honor Medals.

The National Association of Secondary School Principals has placed Girls Nation on its "Approved List" of National Contests and Activities.

Mr. Speaker, I am happy and proud to pay a well deserved tribute to Mary Belle Pfau and to the other young ladies of Girls' State and Girls' Nation who have made their goal the obtaining of practical experience in the working process of their government and their legislature which they will impart to others when they return to the classes as seniors this fall.

All too often the only youngsters of our country who receive any notice are those who would turn against all the values of society and our way of life. Here, the real representation of our youth is found in these political and civic minded young ladies and if Mary Belle Pfau is typical—and I feel certain she is—then we can rest assured the future leadership of our country is in good hands.

U.S. FLAG AND PATRIOTISM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 1970

Mr. SCHERLE. Mr. Speaker, this month of July 1970, has seen an event of considerable significance in the life of the Nation. On July 4, the citizens of this country gathered together in their capital to celebrate their love for America.

Editorial reaction to this outpouring of patriotic fervor varied, but one periodical which came to my office summed up very well the meaning behind the "Honor America Day" rally:

U.S. FLAG AND PATRIOTISM

Honor America Day, observed in Washington, D.C. on July 4, was an astounding success, immensely more so than was visible to the eye, because of the sabotage and defeatism it had to surmount, and did. Its success, too, was a confirmation of the innate pride in the United States, and in being an American, that characterizes all classes of Americans, not only the so-called "silent majority." The mainstream of America still is wholesome. We have been infected with some bad germs, but our constitution remains strong. The spontaneous response to announcement of the Fourth of July program in the nation's capital was proof of it.

Indeed, the reaction of so very many to the expressions of patriotism and faith that were weaved into the evening performance was far more intense and emotional than ordinarily warranted by the songs and acts. The explanation must lie within the subconscious. People yearned for this revival of national spirit. Indeed, fortified by the dynamic morning service at the Lincoln Memorial, the show that evening at the Washington Monument assumed the character of a revival meeting.

One is tempted to refer to it as a spiritual rebirth, except that it was evidence the spirit had not died. What has happened is that a great deceit is being perpetrated. The United States is too strong to be defeated head-on, so it would have to be booby trapped in psychological warfare. Fortunately, there are certain signs that the American people are learning to spot the propaganda snares and the clandestine intrigue.

SENATE—*Monday, August 3, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whom we live and move and have our being, we thank Thee for Thy providence which has brought us to the beginning of this new week.

As we give attention to the defense of the Nation's sovereignty and the keeping of the peace of the world, may we also renew the sinews of the spirit. May Thy spirit search our lives and examine our deepest motives. Make us wise and good in the use of power. Make us to know that "we wrestle not against flesh and blood, but against the rulers of the darkness of this world—against spiritual wickedness." So may the forces of light triumph over the forces of darkness.

Fortified against temptation, armed with the sword of the spirit, and shod with the preparation of the gospel of peace, may we pass our days in Thy service, and at length hear Thee say, "Well done, good and faithful servant."

In the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk, Mr. Johnson read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 3, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Nicholas T. Thacher, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Saudi Arabia, which was referred to the Committee on Foreign Relations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 31, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the consent of the distinguished Senator from New Hampshire (Mr. MCINTYRE), who is now to be recognized, I ask unanimous consent that I be recognized for not to exceed 5 minutes, with none of the time to be taken away from the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected-to bills on the calendar, beginning with No. 1049.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAPT. MELVIN A. KAYE

The bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1044), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Capt. Melvin A. Kaye, U.S. Air Force, $3,628.22 in full settlement of his claims against the United States arising out of the destruction of his household goods while being shipped at Government expense from Philadelphia, Pa., to Selfridge Air Force Base, Mich., in connection with his assignment to that base.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee relates the facts in the case as follows:

The Department of the Air Force in its report to the committee on the bill indicated it would have no objection to the bill with the amendment recommended by the committee providing for a payment of $3,628.22.

Pursuant to permanent change of station orders, Captain Kaye's household goods and other personal and professional equipment, weighing 4,220 pounds, were inventoried, packed, and shipped via the Shamrock Van Lines, from Philadelphia, Pa., to Selfridge Air Force Base, Mich. On August 1, 1967 (the bill alleges August 1, 1968, an obvious error), most of this property was destroyed by fire in the carrier's truck. The fire occurred near Houghton Lake, Mich., while the goods were in transit.

On September 7, 1967, the Transport Insurance Co., Dallas, Tex., on behalf of the carrier, Shamrock Van Lines, paid $2,375 to Capt. Melvin A. Kaye and Bonnie G. Kaye, individually and as husband and wife.

On November 21, 1967, Captain Kaye presented a claim to the Air Force in the amount of $23,206.84. This represented the full amount of his original claim, and did not include depreciation or take into account the $2,375.00 already recovered. This claim was adjudicated under section 240–242 of title 31, United States Code, which provide that the claim be evaluated as to what is reasonable, useful, and proper under the circumstances, and that a reasonable depreciation be applied to items which deteriorate through use. In addition, maximum amounts are payable on certain prescribed categories of items such as silver, hobby equipment, and personal memorabilia. Also excluded are claims for items of professional dental equipment not required for military use. Based upon the limitations mentioned above, and taking into account the depreciated value, it was determined that the value of the property was $16,003.22 at the time of the loss. On May 20, 1968, the Air Force paid Captain Kaye $10,000, the maximum amount the Air Force could pay under sections 240–242 of title 31, United States Code. That amount, when added to the $2,375.00 recovered from Shamrock Van Lines, gave him a total recovery of $12,375.00. When his total recovery is substracted from the $16,003.22 which the Air Force has determined is reasonable, useful, and proper under the circumstances, his total unpaid claim—in excess of the amounts recovered thus far—is $3,628.22.

In its report to the committee, the Department of the Air Force pointed out that the unpaid balance of the loss which Captain Kaye suffered is $3,628,22 and but for the $10,000 limitation in the statute, he would have been paid that amount. This was a case where the Government had accepted responsibility for the transportation of Captain Kaye's household goods and personal effects. As noted by the Air Force, the legislative history of the Military Personnel and Civilian Employees Claims Act of 1964 included a recognition of the Government's responsibility for the payment of personal property losses suffered by military personnel and civilian employees incident to their employment. The committee agrees that it is unfair to impose this type of additional burden on a serviceman for personal losses of his property when it is suffered as the result of a man's service obligations in a move directed and controlled by the Government.

Over the years the committee on numerous occasions has considered bills of this type. Often in the course of these considerations the question of whether private insurance is available has been raised. The Air Force report makes a specific reference to this consideration when it is pointed out that it is Air Force policy to encourage the owners of household goods to insure their property through a commercial insurance company. When the Military Personnel and Civilian Employees Claims Act was amended in 1965, the recommending Senate report on the legislation [S. Rept. 655, 89th Cong., first sess.] stated:

"* * * that a requirement for the purchase of insurance has the practical effect of imposing additional costs and hardships on personnel incident to their repeated service-directed moves. It must also be recognized that the cheap 'trip transit' policies offer very little if any protection."

As has been noted in previous instances the contracts made by the Government for transportation of household effects provide for a limited liability on the part of the shipper. This arrangement is made to save money for the Government by providing for lesser charges for the moving. This, of course, means that the serviceman or employee is severely limited in any recovery he can make from the shipper who had control over his property at the time of loss. The committee has therefore concluded that legislative relief is appropriate in the reduced amount recommended by the Air Force, and it is recommended that the amended bill be considered favorably.

The committee, after review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 1453.

JACK BROWN

The bill (H.R. 1697) for the relief of Jack Brown was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1045), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, is to pay $751.50 to Jack Brown, former superintendent and special disbursing agent for the Sequoyah Orphan Training School of Tahlequah, Okla., in full settlement of his claims against the United States for the payment he was required to make on January 12, 1939, from his personal funds due to an exception taken by the General Acounting Office to the purchase of a water pipeline right-of-way in behalf of the United States.

STATEMENT

The Department of the Interior in its report to the House Judiciary Committee on the bill recommends that the bill be enacted.

The history of this matter dates back to June 2, 1932, when Mr. Jack Brown was authorized by the Bureau of Indian Affairs of the Department of the Interior to obtain the necessary right-of-way and material to provide a water supply for the Sequoyah Orphan Training School. At that time, it was considered an emergency move because the water supply for the school then obtained from wells had become polluted.

Prior to beginning construction of the water line, the light and water department of the city of Tahlequah procured easements from individual property owners involving 10 tracts of land. The city of Tahlequah paid for the easements with funds under its control with the understanding that it would be reimbursed by the Bureau of Indian Affairs. Before payment was made to the city, Mr. Brown submitted a voucher to the central office of the Bureau for preaudit. On March 20, 1933, the voucher was returned with approval for payment direct to the claimant from funds allocated for this project, and upon its receipt, $751.50 was paid to the city light and water department, Tahlequah, Okla. This is the $751.50 which is referred to in the bill.

The next development in connection with the efforts to secure the right-of-way occurred when by a radiogram, also dated March 20, 1933, the Commissioner of Indian Affairs instructed Mr. Brown to obtain and forward separate transfers of the easements from the city to the Sequoyah Orphan Training School and the United States of America, together with certificate of good title in the grantor.

By letter of April 12, 1933, Superintendent Brown submitted a resolution, signed by the mayor of the city of Tahlequah, Okla., authorizing and directing Mr. Dohe, superintendent of the city light and water department, to execute a conveyance of all right, title, and interest of the department in and to the easements to the United States of America. Also submitted was an assignment, signed by Mr. Dohe, in favor of Sequoyah Orphan Training School of the Department of the Interior, United States of America, with certificates of title from the Cherokee Capital Abstract Co. All of these documents were submitted to the Department of the Interior and were returned by memorandum of June 20, 1933, signed by the first assistant secretary, wherein certain objections to the documents were raised and the need for title curative instruments outlined.

Thereafter, extensive correspondence was exchanged between the Bureau and Superintendent Brown relating to the title curative work and the mounting difficulties experienced by the Superintendent, due to the numerous conveyances affecting titles to the various parcels crossed by the pipeline. Each transfer of title necessitated a change in the title curative documents. Although Mr. Brown had expended $677.50 to acquire title and $74 for expenses, or a total of $751.50 as authorized, the Comptroller General, in a notice of exception dated October 2, 1933, took exception to his accounts on the ground that the act of April 22, 1932 (47 Stat. 104), which authorized the purchase of necessary rights-of-way for a water supply, did not contemplate the purchase thereof except directly through the agencies of Government. In addition, Mr. Brown was required by the General Accounting Office to show evidence of receipt of payment by the persons receiving the money, together with evidence of transfer of the right-of-way to the Government and evidence that good title was then in the Government. In order to clear the Comptroller General's exception to his accounts, Mr. Brown deposited the sum of $751.50 from his own funds with the Treasury of the United States on January 12, 1939, as directed by General Accounting Office letter of December 30, 1938.

The record discloses that subsequent to making such deposit, Mr. Brown continued diligently to pursue the matter of obtaining the required title documents which would vest title in the United States. He obtained new easement deeds from the owners of eight parcels crossed by the right-of-way, together with supporting title data. Six of the deeds were approved by the Department. By letter of July 7, 1941, the Superintendent was informed that the other two deeds appeared to be in proper form and were returned for recordation with abstracts or certificates showing good title in the United States. In addition, he was authorized to negotiate with the owners of the remaining two tracts for new deeds.

Due to the fact that the original owners had moved from the State and the new owners, before agreeing to sign, demanded concessions not in the best interests of the school. Mr. Brown was unable to obtain new deeds covering these two remaining tracts.

The committee feels that the foregoing statement of facts demonstrates that justice and equity clearly require that Mr. Brown be paid the $751.50 authorized by this bill. The United States has continuously enjoyed the benefits of the use of the right-of-way in the intervening period and it is further clear that Mr. Brown did everything within his power to correct the situation as regards the defects in the conveyances which were the basis for the exception by the General Accounting Office. The committee agrees with the conclusions stated by the Department of the Interior in its report. That Department stated as follows:

The pipeline laid within the right-of-way in question has served the United States and the school for over 30 years without objection, controversy, or claim arising from the rights of the United States in and to this easement. Mr. Brown's diligence in complying with the shifting title requirements is spread on the record. He was authorized by his supervisors to spend the money he spent to acquire title to these lands, and the passage of time without incident is proof that his work was well done. It is our opinion that in view of the more than 30 years of trouble-free benefit enjoyed by the Government and the school, Mr. Brown deserves to have his funds reimbursed.

It is recommended that the bill be considered favorably.

CLAYTON COUNTY JOURNAL AND WILBER HARRIS

The bill (H.R. 1703) for the relief of Clayton County Journal and Wilber Harris was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1046), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve the Clayton County Journal of Jonesboro, Ga., of all liability for repayment to the United States of the sum of $1,506.49, representing additional postage due on copies of the Journal mailed during the period from January through July 1967, as a result of the assessment of postage at incorrect rates by officials of the Post Office Department. The bill would further relieve Wilber Harris of Jonesboro, Ga., of liability for repayment to the United States of the same amount, representing the amount of that deficiency charged his account as postmaster of Jonesboro, Ga., for failure to collect the correct postage from the Clayton County Journal. The bill would authorize the refund of any amounts paid or withheld by reason of the indebtedness.

STATEMENT

The House of Representatives in its favorable report on H. 1703 relates the following:

The Post Office Department in its report to the committee on the bill has stated that it has no objection to its enactment.

The bill, H.R. 1703, was the subject of a subcommittee hearing on July 24, 1969. The testimony at that hearing and the facts outlined in the post office report have established that the Clayton County Journal is a weekly publication, commenced in 1965, which has second-class mailing privileges at the Jonesboro, Ga., post office.

In 1967 the publisher mailed out sample copies of the Journal, pursuant to section 4359(a)(3) of title 39, United States Code, which authorizes pound rates of postage for sample copies "to the extent of 10 per centum of the weight of copies mailed to subscribers during the calendar year."

However, because sample copy mailings in this case exceeded the 10 percent allowance, the pound rates did not apply to the excess, and postage at the higher transient second-class rates (39 U.S.C. 4362) should have been paid for such excess weight. Due to the error a postage deficiency developed in the amount of $1,352.55. In addition, copies of the Journal which were sent to persons other than subscribers, pursuant to 39 U.S.C. 4362(3), were mailed at a bulk third-class rates when the second-class transient rate was for application. This resulted in a postage deficiency of $153.94, making the total deficiency $1,506.49, the amount stated in the bill.

With reference to the postage deficiency ascribable to the excess sample mailings, the file discloses that the postmaster misinterpreted applicable regulations, in that he applied the 10 percent rule, discussed above, in terms of numbers of copies rather than weight of copies. That is, the 10 percent was laid off against the total estimated number of copies to be mailed to subscribers during the calendar year (1967), when it should have applied to the total estimated weight of the copies. By the postmaster's method of computation the sample mailings were within the 10 percent limitation.

Regarding the remaining postage deficiency in the amount of $153.94, this relates to a mailing of copies of the Journal on May 17, 1967, to nonsubscribers. These copies were made up in slightly different format than the regular copies of the particular issue, and the weight of a copy was lighter than the weight of the regular copy sent out under second-class rates. As to this the postmaster stated in his letter of explanation at the time of his opinion the variation in weight reflected "a revamping of the paper enough to qualify it for the third-class rate. That was the opinion at the time of mailing, when the rate was applied." Actually, since the Journal held second-class mailing privileges these irregular copies fell under the second-class rate structure, and thus did not qualify as "printed matter" eligible for third-class postage rates (39 U.S.C. 1451(e)).

At the hearing on the bill, it was stated that the Clayton County Journal ceased circulation of the sample copies when it was informed by postal inspectors that the publication had exceeded its sampling allotment. The newspaper was held to believe that cessation of circulation of samples was all that would be required and that the matter would be considered closed. It was in October of 1967 that the Clayton County Journal was advised by a Post Office Department auditor that the newspaper would still be required to pay over $1,500 in back postage as the result of the error in determining postage by number rather than weight and the erroneous application of third-class rates for a special issue to nonsubscribers.

The committee has concluded that legislative relief is appropriate because the error occurred because of honest mistakes in computing the postage, and further because the newspaper publisher relied on the initial determination to its own ultimate detriment. The equities of the situation are well stated in the following quotation from the Post Office Department report:

The Department is satisfied that honest mistakes in computing postage were made in this case, and we therefore have no objection to the enactment of relief legislation for the postmaster, Wilbur Harris. With regard to the Clayton County Journal, there is no doubt that legally the publication is liable for the amount of the postage deficiency. On the other hand, it is also clear that the Journal relied in good faith on postage computations made by postal personnel, and that without fault on its part the publication is now liable in the amount of $1,506.49 because of errors made by others. In light of these circumstances, the Department would have no objection to the enactment of H.R. 14914.

The committee, after a review of all of the foregoing, concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 1703 be considered favorably.

CAPT. NORMAN W. STANLEY

The bill (H.R. 1728) for the relief of Capt. Norman W. Stanley was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1047), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Capt. Norman W. Stanley of liability of $2,371.44 for overpayments of salary from September 18, 1961, through March 17, 1966, as the result of an administrative error in determining his entitlement to pay to be that of an officer with more than 4 years prior enlisted service.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee set forth the facts of the case as follows:

The Air Force has advised the committee that it has no objection to relief as provided in the bill. The General Accounting Office in a report to the committee questions relief but stated that the decision as to whether relief should be extended by private bill was a matter for determination by the Congress.

Prior to being commissioned as an officer in the Air Force, Captain Stanley served as an enlisted man in the Army and then in the inactive Air Force Reserve. After training as a member of the Reserve Officers Training Corps, he was commissioned a 2d lieutenant in the Air Force Reserve on June 16, 1961. He was ordered to extended active duty on September 18, 1961, and has been on continuous active duty since that date. He is now detailed to the National Aeronautics and Space Administration in Houston, Tex.

The overpayments referred to in this bill were made to Captain Stanley as the result of erroneously computing his base pay on the special pay scale authorized by the act of May 20, 1958, which applies to officers in pay grades O–1, O–2, and O–3, who have had over 4 years active enlisted service. This pay scale generally authorizes a higher rate of pay than is authorized for officers who have not had active enlisted service.

When the officer reported for active duty in 1961, his statement of service showed that he had served 2 years and nearly 10 months as an enlisted member of the Army, and more than 5 years as an enlisted member in the inactive Air Force Reserve. It was erroneously concluded that since he had more than 8 years enlisted service, he was entitled to have his pay computed on the special scale authorized by the act of May 20, 1958.

This error was not discovered until February 1967. At that time Captain Stanley had completed 14 years of service and his pay account was reviewed in connection with his longevity pay increase. His pay account was maintained by the Kelly Air Force Base in Texas and its personnel verified that since he had only 2 years, 9 months and 25 days on active enlisted service, it was not sufficient to meet the requirements for the special pay schedule authorized by the act of May 20, 1958. An audit of his account showed that he had received erroneous payments totaling $2,371.44. As of October 1, 1969, $571.44 had been collected from his active duty pay by reason of this indebtedness.

The Air Force noted in testimony presented before a subcommittee at a hearing on the bill on October 30, 1969, that Public Law 90–616 permits the waiver of recovery of erroneous payments made to Federal civilian employees when collection is against equity and good conscience. Under the Comptroller General's regulations implementing this law this criteria is met by a finding that there is no indication of fraud, misrepresentation, fault or lack of good faith on the part of the employee or any other person having an interest in waiving the recovery of any erroneous payments. In the determination of whether relief is merited, consideration is also given to whether the employee knew or should have known that he was being overpaid. This law is in effect a statement of congressional policy. The Air Force has further advised the committee that in determining its position on this bill, it has followed the criteria of the implementing regulations of Public Law 90–616. In this connection, the Air Force noted at the hearing that while Captain Stanley was aware that he had served on active duty as an Army man for slightly less than 3 years, he also had served as an enlisted member of the inactive reserve for more than 5 years. The Air Force determined that it is logical to assume that he was advised that since he had more than 8 years enlisted service he was entitled to the rates prescribed in the special pay schedule.

The Air Force concluded that under the circumstances he or any officer in his position would not have been aware that he was only entitled to those special rates when he had served over 4 years active enlisted service. The Air Force summarized its position at the hearing as follows:

"Collection of the claim against Captain Stanley would be against equity and good conscience and not in the best interest of the United States under the criteria prescribed pursuant to Public Law 90–616 for waiving claim arising from erorneous payments made to Federal employees. Therefore, the Air Force would now interpose no objection to favorable consideration of H.R. 1728."

In view of the foregoing and the position taken by the Air Force on the matter at the hearing and in its report, the committee recommends that the bill, as amended, be considered favorably.

The committee after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H..R. 1728, without amendment.

CARLO DEMARCO

The bill (H.R. 2209) for the relief of Carlo DeMarco was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1048), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide Mr. Carlo DeMarco, a Federal postal employee, a separate leave account of 200 hours of annual leave in settlement of his claim for the loss of such leave earned in the years 1963 through 1967 due to an admitted Federal postal administrative error to recognize prior Federal civilian and military service in computation of such leave.

STATEMENT

The proposed legislation passed the House of Representatives June 17, 1969. The facts of the case as stated in the accompanying House Report No. 91-294 are as follows:

The report of the Post Office Department in a report dated September 13, 1968, on a previous bill stated that it had no objection to favorable consideration of the bill provided it was amended to show a separate account of 200 hours of annual leave. The committee has recommended such an amendment to the bill, H.R. 2209. When Mr. DeMarco was appointed to a position in the Toms River Post Office he did not complete and file a Standard Form 144, Statement of Prior Federal Civilian and Military Service. The failure to file this form caused the Department to place Mr. DeMarco in a leave category which did not take into account his prior Federal service. Thus, his leave account was undercredited during the years 1963 through 1967 as follows:

Calendar year:	*Annual leave (hours)*
1963	8
1964	48
1965	48
1966	50
1967	46
Total	200

This lost leave cannot be restored to Mr. DeMarco administratively, because of the 30-day limitation respecting the accumulation of annual leave prescribed by 5 U.S.C. 6304(a).

In its report, the Post Office Department states that it does not object to the enactment of relief legislation for Mr. DeMarco. The report states that he was not made aware of the necessity of filing the necessary form, standard form 144, and notes that he certainly had nothing to gain by failing to do so. The Post Office Department further states that its files clearly establish the administrative error.

The amendment recommended by the committee is to provide that the amount of annual leave added in the separate leave account authorized by the bill would be limited to 200 hours. The remaining 38 hours of annual leave referred to in the bill as introduced were accumulated in 1968 and were properly credited to Mr. DeMarco's 1968 leave account. To this degree, it was possible to adjust the matter by administrative action. It should further be noted that the bill in section 2 requires that the leave in the special account will have to be taken as leave and cannot be settled by means of a cash payment should the employee be separated from Federal service by death or otherwise without using such leave. This is a standard provision which the committee has required in other similar cases.

In agreement with the views of the Post Office Department and the House of Representatives, the committee recommends that the bill be considered favorably.

JOHN T. ANDERSON

The bill (H.R. 2241) for the relief of John T. Anderson was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1049), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay John T. Anderson, of Morris Plains, N.J., $137.50 in settlement of his claim for the cost of shipping his automobile from Germany to the United States in connection with his separation from the Department of the Air Force and return to this country.

STATEMENT

The Department of the Air Force in its report to the House Judiciary Committee on the bill indicates that it has no objection to its enactment.

John T. Anderson was an employee of the U.S. Air Force at Lindsey Air Station, Wiesbaden, Germany, who was released from this assignment by orders dated February 15, 1962, and was authorized to travel to Washington, D.C., for further employment with the Department of Agriculture. In connection with this authorization, he was further authorized transportation of his 1961 Volkswagen automobile on Government facilities on a space-required nonreimbursable basis.

On March 7, 1962, Mr. Anderson presented his travel authorization to an officer of the U.S. Army Transportation Corps as evidence of his entitlement to transportation of his automobile to the United States. The Army Transportation Corps official erroneously determined that Mr. Anderson was not entitled to transportation of his automobile via a Government vessel and refused to accept it for shipment to the United States, citing paragraph 5802 of Air Force Manual 75-4, which prohibits the shipment via Government facilities of a foreign-made vehicle purchased overseas on or after March 7, 1961. The records show that the contract order for the vehicle was dated February 28, 1961, and that Mr. Anderson was entitled to shipment of the vehicle under the exception stated in subsection b(1) of paragraph 5802. That subsection provides that the restrictions of paragraph 5802a are not applicable when the title to the vehicle is transferred between eligible Department of Defense personnel and the chain of ownership immediately before and after March 6, 1961, includes only eligible personnel.

Since the Army Transportation Corps refused to accept the automobile for shipment to the United States, Mr. Anderson employed a local freight forwarding firm in Bremerhaven to arrange for the shipment of his automobile to Baltimore at his own expense.

Mr. Anderson requested the General Accounting Office to review his claim for reimbursement of the cost incurred in shipping his automobile from Bremerhaven, Germany, to Baltimore, Md. The Assistant Comptroller General of the United States disallowed his claim in a letter dated January 14, 1965, and sustained the action in a letter dated November 7, 1966. In his letter dated November 7, 1966 (B-160229), the Assistant Comptroller General ruled as follows:

Our settlement of January 14, 1965, disallowed your claim for reimbursement for the reason that the shipment of your automobile from Bremerhaven to Baltimore was accomplished by means of a foreign-flag vessel in contravention of section 901 of the Merchant Marine Act of 1936, as amended, 46 U.S.C. 1241 (2), which provides: "Any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor."

The committee notes that Mr. Anderson's appeal to the General Accounting Office was rejected because of a determination that regardless of error on the part of military personnel the foregoing law would bar payment. As stated in the Air Force report, the Assistant Comptroller General phrases this position in this manner:

While the record does show that an error was committed by a representative of the Government in this case, such fact has no material bearing on the legal issue involved. The financial liability for use of a foreign-flag vessel by an employee in the absence of a need for such use is placed by law upon the employee, and even if the Government's representatives are shown to have acted erroneously in the matter, there exists no legal basis for granting relief to the employee.

Mr. Anderson has exhausted all administrative remedies and there is no legal authority to reimburse him for the costs incurred in shipping his automobile from Bremerhaven, Germany, to Baltimore, Md.

The Department of the Air Force has stated that it has no objection to enactment of H.R. 2241, based on evidence showing that Mr. Anderson had entitlement to transportation of his automobile to the United States. The vehicle was acquired before March 6, 1961, and was eligible for shipment at Government expense. Further, the vehicle would have been shipped via Government facilities if the transportation officer had not acted erroneously in denying authorization of the shipment.

Clearly, Mr. Anderson was unfairly denied the shipment of his automobile and forced to expend the sum stated in this bill by reason of the actions and errors of Government personnel. Accordingly, it is recommended that the bill be considered favorably.

ELBERT C. MOORE

The bill (H.R. 2407) for the relief of Elbert C. Moore was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1050), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to pay Elbert C. Moore, of Clearwater, Fla., $1,500 in full settlement of his claims against the United States for expenses arising from the salvage of an Air Force Ryan Firebee drone in the Gulf of Mexico on April 24, 1963.

STATEMENT

The facts of the case are found in the House report as follows:

The Department of the Air Force in its report to the committee on the bill indicated that it would have no objection to the bill provided it was amended as recommended by the committee. The target drone was launched at Tyndall Air Force Base, Fla., on February 6, 1963, but was lost over the Gulf of Mexico due to adverse weather, and after 2 days the search was abandoned and the drone was subsequently removed from accountable records of the Air Force. On April

24, 1963, the drone was discovered afloat about 80 miles southwest of Tarpon Springs by a commercial fisherman Mr. William Davenport, who was operating the *Laura C* under lease on a percentage-of-profit basis. Mr. Davenport, being unable to notify the Coast Guard, thereupon voluntarily interrupted his fishing trip and spent approximately 30 hours towing the drone to Tarpon Springs where it was subsequently returned to the Air Force custody. An examination of the drone at MacDill Air Force Base revealed that it did not carry explosives and that only the flight control box, valued on the stock list at $13,800, was salvageable. It is understood that this item was returned to serviceable stocks at Tyndall Air Force Base.

Shortly after returning the drone to the Air Force, Mr. Davenport, through an attorney, indicated a desire to make a salvage claim. A drone is an aircraft and, therefore, section 9802 of title 10, United States Code, which relates only to the salvage of an Air Force vessel, is inapplicable. Moreover, such a claim could not be considered on a contract basis as there was no prior publication of an offer of reward. Nevertheless, in view of the benefit received by the Air Force, the claim appeared meritorious if the amount of damages sustained or cost incurred could be substantiated.

On June 14, 1963, Mr. Davenport told the claims officer at MacDill Air Force Base that mechanical repairs to the vessel necessitated by the towing incident had been made by him at a total cost of $100 by using spare parts in his possession and used parts obtained at very little cost, and that he also suffered a $350 loss of fishing profits. There were only 900 pounds of fish aboard the vessel at the time of the salvage tow and the fishing trip normally would not have been terminated until 4,000 to 7,000 pounds of fish had been caught or until at least 10 days of fishing had elapsed.

On October 23, 1963, Mr. Davenport's attorney presented a claim for loss of profits, temporary repairs, and damage to the vessel in the amount of $7,500. The evidence presented by Mr. Davenport showed an estimate of $1,200 for repair of damage to the engine and transmission, $300 to repair of the starboard chines, plus the originally stated amount of $450 to cover the temporary repairs made and the loss of anticipated profits.

When an ex gratia settlement agreement of $1,950 was sent to Mr. Davenport, it was discovered that he was not the owner of the vessel as he had previously represented and therefore payment of the award was withheld (although he was eventually paid $450 in full satisfaction of his claim).

On January 20, 1965, the person named in H.R. 2407, Mr. Elbert C. Moore, the owner of the *Laura C*, presented, through his attorney a claim for $24,910, which was itemized essentially as follows:

(a) Initial damage to the vessel resulting from the salvage tow and deterioration due to the financial inability of the owner to have repairs made ($7,500).

(b) Loss of use of the fishing vessel for a period of 21 months at an estimated loss of $800 per month ($16,800).

(c) Storage of the vessel after the damage ($500).

(d) Expenses incurred for supplies and other materials in the salvage trip ($110).

The committee notes that the amounts claimed were not substantiated by business records, itemized bills or estimates of repair, or evidence of the nonavailability of a replacement vessel. One estimate, dated May 5, 1965, showed undescribed repair costs of $141.83, including the cost of some repainting. Mr. Frank Levinson, Jr., Clearwater Bay Marine Ways, Inc., stated that he submitted an estimate of $2,500 for the cost of repair of the vessel's chines when he inspected it in April 1963, but there is no record of such an estimate having been submitted to the Air Force. Mr. Levinson also stated that his inspection of the vessel on March 15, 1965, revealed that the hull, frame, and keel had deteriorated to such an extent that it was beyond economical repair.

Neither the operator (Mr. Davenport) nor the owner (Mr. Moore) of the *Laura C* requested a joint survey of the damage sustained in the April 24, 1963, salvage operation. However, a survey report made on December 23, 1961, in connection with the purchase of the vessel by Mr. Moore, noted that 12 active wormholes in the underwater hull required attention and indicated certain needed painting and other minor repairs. The survey showed that the engine was installed new in November 1959, and it appeared to be in excellent running condition. The value of the vessel on the date the survey was made was estimated to be between $5,500 and $6,000 with a replacement cost new of about $14,000. No evidence has been presented to show that the worms in the hull were killed, the holes were filled, and other repairs accomplished, as recommended.

This is a case where the claims of Mr. Davenport and Mr. Moore were not cognizable under any statute available to the Air Force for the administrative settlement of claims. Under the act of August 26, 1958, Public Law 85-804 (50 U.S.C. 1431 et seq.), as implemented by Air Force Regulation 67-5, where a reward has been offered for the recovery of lost Air Force property, there is authority to pay up to $500 for aircraft and missiles and lesser amounts for other items. There was, however, no offer of reward for the recovery of the drone in question and therefore this contract authority is not applicable in the present case. (Subsequent to Feb. 6, 1963, all drones launched at Tyndall Air Force Base have an offer stenciled on their sides.)

Although the Secretary of the Navy is specifically authorized to pay a reward of not more than $500 for information leading to the discovery of missing naval property or its recovery (10 U.S.C. 7209), there is no counterpart statutory provision applicable to the Army or Air Force. Consequently, any administrative payments of the award to the operator or owner of the salvage vessel could be made only on an "ex gratia" basis for the special funds otherwise available to the Secretary of the Air Force for emergencies and extraordinary expenses. Such payments were determined justified in view of the benefit to the Air Force from the recovery of the valuable flight control box for possible future use.

As stated, the Secretary of the Air Force had considered an award of $1,950 to Mr. Davenport (the operator) to be appropriate at the time Mr. Davenport was believed to be the owner. However, when it was determined that Mr. Moore was the owner of the vessel, it was determined that an award to Mr. Davenport in excess of $450 would not be proper. On May 12, 1966, Mr. Davenport was paid $450 in full satisfaction and final settlement of his claim against the United States.

In considering the claim of Mr. Moore (the owner), it was determined that there was no reasonable or legal basis for holding the Government responsible for the loss of use of the fishing vessel caused by his financial inability to repair the damage. The committee agrees that the Government's pecuniary liability, if any, should not exceed the cost of repairing whatever damage resulted directly from the towing incident and the cost of obtaining a substitute vessel for a reasonable period of time, while the repairs were being made. The Air Force noted that damage to the vessel in excess of $1,500 resulted from its continued neglect after the retrieval and the claims for other damages were not supported.

On the basis of all the evidence submitted, the Air Force concluded that it was appropriate to make Mr. Moore an "ex gratia" payment of $1,500 from the special funds of the Secretary of the Air Force to compensate him for the damage to his vessel as the result of the salvage tow. The Secretary's letter of April 6, 1966, to the owner's attorney offering the award, stated that the rights of the parties who have security interests in the vessel must also be considered. Therefore, the settlement agreement was prepared for the signature of the owner and also the representatives of the lien holders (the Caladesi National Bank, Dunedin, Fla.; John J. Spanolios; and the General Engine and Equipment Co.). The settlement offer was not accepted as Mr. Moore contended that he should receive the cost of replacing his vessel ($14,000) and be paid for loss of revenue for 3 years and the accumulated cost of storage.

Certain additional legal aspects of the Davenport and Moore claims should be considered. In the absence of conclusive evidence to the contrary, there is a presumption that the Government cannot abandon its property. The operator of the salvage vessel, therefore, did not acquire title to the drone or its contents at the time it was recovered from the Gulf of Mexico.

The Air Force further noted that there is no established rule on the allowance for salvage in admiralty cases. In admiralty courts, an allowance for salvage is necessarily largely a matter of discretion which cannot be determined with precision by application of exact rules. Mr. Moore's attorney contends that the use of a boat in salvage should carry a rate of 10 percent of the value of the salvaged product. In the present case, the drone was determined to be worthless except for the flight control box which had a stocklist value of $13,800. Thus, a salvage award of $1,380 would appear reasonable if the attorney's theory were correct.

At the time the Davenport and Moore claims were considered administratively, it was the view of the military departments that no admiralty statute was available for the settlement of claims for salvage services with respect to military property other than vessels (10 U.S.C. 4802, 7622, and 9802). A drone is an aircraft and not a vessel within the meaning of these admiralty statutes.

In discussing the law applicable to salvage claims, the Air Force noted that on October 12, 1966, however, the Acting Assistant Attorney General, in a letter to the Air Force, rendered an opinion to the effect that section 9 of the so-called Suits in Admiralty Act (46 U.S.C. 749) would permit the Secretary of the Air Force to settle administratively a salvage claim which related to aircraft cargo. As enacted in 1920, section 2 of the act (46 U.S.C. 742) waived sovereign immunity only in the cases of agencies possessing or operating merchant vessels in section 9 limited agency authority to settle claims to those cognizable under section 2. However, section 2 of the act was amended in 1960 by Public Law 86-770 (74 Stat. 912) to provide that causes of action would lie "if a private person or property were involved," thereby removing the previous limitation to merchant vessels. Thus, section 2 of the Suits in Admiralty Act which relates to libel in personam now grants a plenary waiver of immunity from suit on *all* maritime claims, including those for nonvessel salvage, and section 9 of that act, which inadvertently was not amended, still relates to any department of the Government "having control of the possession or operation of any merchant vessel * * *." The Attorney General's opinion states that a restrictive reading of section 9 is not in keeping with the congressional intent to liberalize the act as evidenced by the 1960 amendment of section 2 and it would clearly permit a suit for salvage services. There is, however, a considerable body of legal opinion to the contrary with respect to the authority of the Department of the Air Force to make such a settlement in the absence of an amendment of the term "merchant vessel" in section 9 of the Suits in Admiralty Act. In addition, the term "department" refers only to an executive department and not a military department in the absence of specific evidence to the contrary.

Although the owner (Moore) presented his claim within the 2-year period authorized for claims under the Suits in Admiralty Act, the consideration of an administrative claim does not toll the statute of limitations for suit purposes (46 U.S.C. 745). The failure of this claimant to take timely action in pursuing his remedy in court under the Suits in Admiralty Act cannot be considered the fault of the United States. Although this fact is not contested, it is not the duty of an agency of the Government to advise prospective claimants of a statutory period of limitation. The Federal courts and the Comptroller General have held that ignorance of the law, or an administrative failure to give notice of a statute of limitations, will not extend, suspend, or postpone the running of such a statute (*Art Center School* v. *United States,* 142 F. Supp. 916; *Anderegg* v. *United States,* 171 F. 2d 127, cert. den. 69 Supp. Ct. 937; 15 Comp. Gen. 323).

The Department of the Air Force has stated that it is generally opposed to the enactment of legislation which, like H.R. 14788, would obviate the effect of the running of the statute of limitations on a claim and give preferential treatment to one claimant over others who are similarly situated.

In indicating that it had no objection to legislative relief provided it be limited to a payment of $1,500, the Air Force summarized its position as follows:

"In summary, the Air Force had abandoned its search for the drone and had not offered a reward for its return. It is recognized, however, that the salvage had some merit in that lost property was returned to Government control and that the amount of $450 paid to the operator of the vessel, Mr. William Davenport, was reasonable compensation for that voluntary act. The Department of the Air Force is not opposed to favorable consideration of the bill for relief for the owner of the vessel, Mr. Moore, provided that the amount of relief is reduced to $1,500. This would be reasonable compensation in view of all the circumstances of the case, including the well-recognized legal duty of a claimant to minimize his damages. The claim for loss of use and for storage obviously does not meet that duty. The claimant did not meet the legal duty of affording the Air Force the opportunity for a survey of claimed damage, nor did he substantiate his claimed loss of use of $800 per month. This proof would have involved showing the loss of profits that had been earned before the drone was salvaged, as well as demonstrating the nonavailability of a replacement vessel during the time his vessel could have been repaired, instead of being stored for 21 months while it rotted, sank, and became a total loss."

The committee agrees that under all the circumstances of the matter, a payment of $1,500 is an equitable settlement and would provide adequate compensation for the expenses and losses suffered under the circumstances. Accordingly, it is recommended that the bill, amended to provide for a payment of that amount, be considered favorably.

In agreement with the views of the House, the committee recommends the bill favorably.

FRANK J. ENRIGHT

The bill (H.R. 2458) for the relief of Frank J. Enright was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1051) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Frank J. Enright $100 in full settlement of his claim against the United States for payment of a $100 U.S. Postal money order held by him numbered 65041 and dated February 15, 1944.

STATEMENT

The House in its favorable report on H.R. 2458 relates the following:

"The postal money order which is referred to in the bill was purchased by Frank J. Enright on February 15, 1944, while he was serving in Italy as a private in the U.S. Army. The money order was made payable to his father, Tom Enright, and was enclosed in a letter sent by the soldier to his parents. The soldier sent this money home so that his father could place it in the bank for him. When he returned to the United States from his overseas service, his father advised him that the letter had not arrived. He attempted to trace the letter through the Army postal system in New York but they were unable to trace the letter. In 1968, some 6 years after Mr. Enright's father had passed away, the letter was found among the father's effects and it still contained the money order. Both the letter and the money order have been furnished to this committee. The envelope contains cancellation of the Army postal service dated February 19, 1944.

"The Post Office Department in its report to the committee on the bill stated that the Department is prohibited from paying this money because more than 20 years have passed since the last day of this month of original issue. That report outlines the policy behind this requirement in the law. The committee does not dispute the basic policy involved but feels that this is a matter which merits legislative relief as is provided in the bill. Mr. Enright was a soldier serving overseas under wartime conditions and sought to utilize the money order as a means for sending the money home so it could be placed in an account for use when he returned to civilian life. This expectation was defeated by factors beyond his control and when it finally developed that the money order had been, in fact, delivered and mislaid by his father, it was too late to do anything about it. The Post Office report makes it clear that it is too late to provide for payment under normal procedures. Under these particular circumstances, the only just and equitable way to settle the matter is by action by the Congress."

The committee after a review of all of the foregoing concurs in the action take by the House of Representatives and recommends that the bill, H.R. 2458, be considered favorably.

COMDR. JOHN W. McCORD

The bill (H.R. 2481) for the relief of Comdr. John W. McCord, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1052), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Comdr. John W. McCord of Santa Ynez, Calif., of all liability to the United States in the amount of $4,724.87, in the period from June 4, 1948, through August 26, 1966, as the result of administrative error in establishing his pay entry base date.

STATEMENT

The Department of the Navy in its report to the House Judiciary Committee on the bill states that it would interpose no objection to its enactment.

The Comptroller General in a report in behalf of the General Accounting Office stated that while its policy is to question relief extended to individuals, it would recognize that the question of whether relief should be granted in this case is a matter of determination by the Congress.

The overpayment which is the subject of this bill occurred because of an error in fixing the pay entry base date at the time the individual began active duty as an officer on June 4, 1948. The error was not discovered until more than 18 years had passed. Comdr. John W. McCord had previously served as an enlisted man in the Naval Reserve from September 16, 1942, to June 22, 1944, a period of 1 year, 9 months, and 7 days. He attended the U.S. Naval Academy from June 23, 1944, to June 3, 1948. When he entered active duty as an officer on June 4, 1948, Commander McCord's pay entry base date should have been established as August 27, 1946. However, through administrative error, his pay entry base date was erroneously established as January 11, 1945.

This error was not discovered until Commander McCord requested transfer to the retired list upon completion of 20 years' service. As a result of the error, Commander McCord had received overpayments of active duty compensation, amounting to $4,724.87.

Although the total overpayment in this case is a substantial sum, it is one which was built up over a period in excess of 18 years. The overpayment apparently was the result of administrative error and Commander McCord's mistaken belief that his pay entry base date had been correctly established upon his graduation from the U.S. Naval Academy and his entrance on active duty as a commissioned officer. Information available to the Department of the Navy affords no reason to believe other than that Commander McCord was acting in good faith in this belief and that the overpayments were without fault on his part. Further, he is supporting his family which includes eight children and repayment would be a hardship.

The committee has concluded that the facts outlined above and as stated in the departmental report justify legislative relief in this instance. The committee has reached this conclusion on the basis of the facts that this is not the type of error that would be apparent to an individual since the date itself does not refer to the date of a previous discharge or service but was fixed for the purpose of giving credit for prior service as if he had entered upon active duty on that particular date. The additional pay per day period would not have been sufficient to put the officer on notice that the error had occurred. These conclusions are borne out by the determination of the Department of the Navy that Commander McCord was acting in good faith in accepting the money and further that the overpayments were not the result of his own action or fault.

Commander McCord sought to obtain relief through appeal to the Board for the Correction of Military Records but that application was not successful. Accordingly his only recourse is to appeal to the Congress for relief as provided in the amended bill and the committee has determined that he is equitably entitled to such relief. Accordingly, it is recommended that the bill be considered favorably.

EDWIN E. FULK

The bill (H.R. 2950) for the relief of Edwin E. Fulk, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1053), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Edwin E. Fulk, of Davis, Calif., of liability in the amount of $4,963.46 for overpayments of retired pay in the period from December 15, 1959, to March 31, 1968, by the Department of the Army as the result of an administrative error. The bill would authorize the refund of any amounts withheld or repaid by reason of that liability.

STATEMENT

The Department of the Army in its report to the House Judiciary committee indicated that it is not opposed to the bill.

Mr. Fulk, who was born on January 1, 1916, enlisted in the National Guard on April 13, 1935, performed no active duty, and was discharged on September 29, 1936. On October 1, 1936, Mr. Fulk enlisted in the Regular Army and served on continuous active duty, until discharged on February 28, 1958. While in an active status, Mr. Fulk served as a commissioned officer (May 11, 1949–June 13, 1953, and November 10, 1950–December 29, 1953), a warrant officer (February 25, 1943–May 10, 1949), and as an enlisted member. At the time of his final discharge from the Regular Army, Mr. Fulk held an appointment in the grade of chief warrant officer W-3, assigned to the Army Reserve.

On March 1, 1958, Mr. Fulk was retired in the grade of chief warrant officer W-3, with credit for more than 21 years of active Federal service under section 1293 of title 10, United States Code.

During March of 1958, Mr. Fulk applied for transfer, and effective April 1, 1958, was transferred from the Army Reserve to the Army National Guard of the United States in the grade of chief warrant officer W-3. From April 1, 1958, until December 14, 1959, he served a total of 29 days of active duty for training with the Army National Guard of the United States, and on December 14, 1959, Mr. Fulk was discharged. On December 15, 1959, Mr. Fulk was reappointed in the grade of captain, for service with the Army National Guard of the United States, and remained active, performing active duty for training and one period of active duty (October 15, 1961–April 5, 1962), until December 15, 1963, when he was transferred to the Retired Reserve. From March 1, 1958, until December 15, 1963, when not on active duty, and active duty for training, Mr. Fulk received retired pay as chief warrant officer W-3.

On September 24, 1959, the Comptroller General of the United States held that active duty for training and annual training duty performed by a service member after being placed on the retired list may be used in recomputing retired pay under title 10, United States Code, section 1402 (39 Comp. Gen. 217).

On July 11, 1960, referring to the decision of the Comptroller General, Mr. Fulk petitioned the Army Board for the Correction of Military Records for correction of his records to "show that he retired in the grade of captain by virtue of having served on active duty in this higher grade subsequent to retirement from active duty in grade CWO W-3". On January 10, 1961, the Army Board for the Correction of Military Records requested the comments of The Adjutant General on Mr. Fulk's request. On January 23, 1961, The Adjutant General advised that Mr. Fulk was not entitled to retire in the grade of captain, because he had not completed 10 years of active Federal service as a commissioned officer (10 U.S.C. 3411, ch. 1041, 70A Stat. 224, August 10, 1965). This advise was not returned directly to the Army Board for the Correction of Military Records, but was forwarded to the Chief of Finance for further processing.

On February 13, 1961, the Department of the Army erroneously recomputed Mr. Fulk's retired pay, effective December 15, 1959. This recomputation was based on the pay of a captain with over 21 years of service, but should have been on the basis of a chief warrant officer W-3 with over 21 years of service. Mr. Fulk was paid the amount due him as the result of this erroneous adjustment.

In 1968, it was discovered that the adjustment was erroneous, and on March 13, 1968, Mr. Fulk's retired pay was reduced to that of a chief warrant officer W-3. He was given credit for all service earned by active duty and active duty for training performed after his retirement.

The committee has carefully considered the foregoing facts and secured additional information concerning the matter. Under the particular circumstances the committee has concluded that this is a proper subject for legislative relief in view of the fact that Mr. Fulk was advised by Army authorities that he was entitled to retired pay as a captain. The report of the Department of the Army has stated that the Army recomputed Mr. Fulk's retired pay based on the pay of a captain effective December 15, 1959. The Department of the Army has informally advised the committee that he was advised of this recomputation by letter by the Army which, among other things stated affirmatively that he was entitled to pay based on the rank of captain.

Further the committee has concluded that the imposition of this amount of indebtedness upon a retired warrant officer has imposed a hardship upon him which is inequitable in view of the circumstances of that payment. Accordingly, it is recommended that the bill be considered favorably.

THOMAS A. SMITH

The bill (H.R. 3558) for the relief of Thomas A. Smith, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1054), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Thomas A. Smith of Newark, N.J., $2,500 in settlement of his claims for the displacement of his business on July 6, 1966, from 45 Clinton Street, Newark, N.J., as a result of real estate project numbered N.J. R-58.

STATEMENT

The House Judiciary Committee in its favorable report on the bill, set forth the facts of the case as follows:

The Department of Housing and Urban Development in its report to the committee on the bill stated that it would not object to its enactment.

Mr. Smith was the owner of a real estate and insurance business in Newark, N.J. On October 1, 1965, he was informed by the Housing Authority of the City of Newark that he would be displaced by an urban renewal project. He was subsequently informed by the authority that if gross receipts from the business were at least $1,500 per year, he would be eligible for the small business displacment payment. On April 15, 1966, HUD issued new regulations regarding eligibility for the payment. The new regulations required that for displacements occurring on or after June 15, 1966, the displacee must, in addition to having had $1,500 in average annual gross receipts or sales, have had average annual net earnings in excess of $500, or average annual gross receipts or sales in excess of $2,500. Mr. Smith met the old test but not the new.

After the new regulations were issued Mr. Smith continued to have contacts with the housing authority. He wrote to the authority on May 1 confirming his intention to vacate the premises on July 1, 1966, and requested information on the procedure for obtaining relocation payments. The housing authority did not inform him of the changed regulations which would make him ineligible if he moved subsequent to June 14.

Mr. Smith did in fact vacate the premises on July 6, 1966. He was informed by the housing authority on July 18, 1966, that he was ineligible for the small business displacement payment by virtue of the new regulations.

The committee has carefully considered the circumstances of this case and the comments of the Department of Housing and Urban Development and has concluded that this case is a proper subject for private relief. It is apparent that Mr. Smith relied on the information supplied to him by the housing authority that he was eligible for the small business displacement payment. He remained in contact with the housing authority and made his plans to vacate the premises on July 6, 1966. Had he taken the same action prior to June 14, he would have been eligible for the payment. He was not advised that this short delay deprived him of eligibility.

The Department stated in view of the particular circumstances, it would not object to the relief provided in this bill which, in effect, would authorize the payment of the amount Mr. Smith would have received had he moved from his place of business on June 14, 1966, rather than July 6, 1966.

In view of the departmental position and the facts of the case, this committee recommends that the bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 3558, without amendment.

ROBERT G. SMITH

The bill (H.R. 3723) for the relief of Robert G. Smith was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1055), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Robert G. Smith of Annandale, Va., $1,440 in full settlement of his claims against the United States for compensation for work he performed for the Office of Economic Opportunity from June 7, 1965, through July 16, 1965.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee relates the facts of the case as follows:

The Office of Economic Opportunity in a report to the committee on the bill states that it would not impose an objection to the enactment of the bill. The report of the Office of Economic Opportunity states that Mr. Smith was offered employment by OEO on Friday, June 4, 1965, and was requested to commence work in the Job Corps program on the following Monday, June 7, 1965. This occurred during the early days of OEO's operations and at a time when several conservation centers were being opened almost simultaneously. Under these circumstances, it was imperative that various directives governing their operations be prepared immediately and be put into effect. In order that Mr. Smith's services could be utilized in this task, he was requested to report for duty on the short notice mentioned above, with the understanding that his papers were being processed. Mr. Smith reported for work on June 7 and began his employment. Unfortunately, because of an administrative delay for which he was not at fault, he was not placed on the payroll until July 18, 1965.

The Office of Economic Opportunity has determined that Mr. Smith was apparently given no assurance that he would receive compensation for the period in which he worked prior to his official appointment. While the Director of OEO under the Economic Opportunity Act has the authority to accept voluntary uncompensated services there is no indication that Mr. Smith intended to serve as an unpaid volunteer for the period covered by this bill. In fact the OEO report states that the situation is apparently one in which Job Corps officials were concerned with the urgent necessities involved in getting a new program underway and this was their prime consideration in dealing with Mr. Smith rather than complying with the procedures and requirements of personnel administration in his case. The report also expressly notes that Mr. Smith, being more accustomed to the less formal hiring procedures of private industry, apparently relied on the fact that "a worker is worthy of his hire" and assumed that in some way he would be compensated for services he was rendering the Government. While, of course, the failure to comply with personnel procedures concerning official appointment to a position in the Government bar a determination that Mr. Smith is entitled to payment under the law, this does not bar recognition of a moral obligation by the Congress. This is recognized in the report of OEO which states that should the facts of this case be determined by the Congress to justify legislative relief, it would not interpose an objection to the enactment of the bill. This committee feels that the Government obviously has had the benefit of Mr. Smith's services and it is inequitable to deny him payment therefor. Accordingly it is recommended that the bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 3723.

ALBERT E. JAMESON, JR.

The bill (H.R. 5337) for the relief of the late Albert E. Jameson, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1056), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to entitle Albert E. Jameson, Jr. to disability insurance benefits under section 223 of the Social Security Act (and to a period of disability under section 216(i) of such act), the said Albert E. Jameson shall be deemed to have filed application for such benefits as required by section 223(a)(1)(C) of such act (and for the establishment of a period of disability as required by section 216(i)(2)(B) of such act) immediately before his death on November 1, 1964.

STATEMENT

The proposed legislation passed the House of Representatives June 17, 1969. The Department of Health, Education, and Welfare, the administrative agency most directly affected, is in favor of enactment of this legislation. The facts of the case as stated in the accompanying House Report No. 91-299 are as follows:

The Department of Health, Education, and Welfare, in a report dated August 19, 1968 on a previous bill, stated that it did not oppose enactment of the bill. The report of the Department of Health, Education, and Welfare states that the enactment of the bill would permit the consideration of the claim which involves the right of the widow of Mr. Jameson to receive 4 months' retroactive benefits on the basis of the disability of her deceased husband. The problem in this case is that an application for disability benefits was not actually filed before Mr. Jameson's death. The bill would have the effect of waiving this requirement. The memorandum accompanying the report of the Department of Health, Education, and Welfare states:

"Before the death of Albert E. Jameson, Jr. (which occurred on November 1, 1964) Mrs. Jameson telephoned the Roxbury, Mass., Social Security district office about the possibility of claiming disability insurance benefits for him. The specific date of the telephone inquiry cannot be established, but it occurred during October 1964. Mrs. Johnson apparently could not go on to the Social Security office to file an application on behalf of her husband. Under the Social Security Administration procedures effective at that time, in such situations a representative of the Social Security office would go to the disabled worker as soon as practicable to obtain the required application. In this instance, there was some delay in making a visit to the disabled worker's home, and the application for disability insurance benefits was not obtained before Mr. Jameson's death. (Social Security regulations in effect since November 10, 1964, permit the filing of a prescribed application form on behalf of a deceased individual provided that the deceased individual or a proper person on his behalf filed with the Social Security Administration prior to his death, a signed written statement indicating an intent to claim benefits.)"

Mrs. Jameson attempted to assert a claim to the disability benefits by filing an application on January 11, 1966; however, since that application was not filed while the disabled worker was alive, the claim for benefits had to be denied. This action was reconsidered and the denial was affirmed on May 19, 1966. As has been noted, the bill, H.R. 5337, would remedy this defect with the result that disability insurance benefits could be paid on Mr. Jameson's behalf to his widow. If it is acknowledged that Mr. Jameson met the definition of disability contained in the social security law from December 8, 1963, which is the date he stopped work, as stated by Mrs. Jameson, until his death, 4 months of benefits would be payable to Mr. Jameson. The memorandum of the Department states that, under applicable law, benefits payable to a disabled insured worker cannot begin until the worker has been disabled throughout a waiting period of 6 full calendar months; therefore, the first month's benefit is paid for the seventh full calendar month of disability. As a result, the 4 months for which benefits could be paid would be July through October of 1964.

The memorandum accompanying the departmental report also points out that, assuming that the duration of the disability is as stated by Mrs. Jameson, the bill would permit the establishment of a "disability freeze" with respect to Mr. Jameson's social security earnings record. Under the disability freeze, the period of time during which Mr. Jameson met the social security definition of disability would be excluded in computing his average monthly earnings on which the amount of any survivor's benefits might be payable later would be based. The Department noted that in view of the relatively short duration of the period of disability, a disability freeze would have no signficant effect in this instance.

The report of the Department of Health, Education, and Welfare states that as a general proposition, special legislation involving the application of social security law as in this instance is viewed as undersirable and ordinarily the Department would recommend against enactment of a private bill. In this connection the committee would note that the rules of Subcommittee No. 2, the Claims Subcommittee, bar the consideration of such bills unless adequate basis is shown for a waiver of the rule. It has been concluded in this instance that the facts outlined in the departmental report justify the consideration of this matter and, in this connection, the departmental report stated facts which show that actual notice was given to the Social Security Administration of the existence of disability prior to Mr. Jameson's death. The committee feels that the following quotation from the departmental report outlines the basis for legislative relief in this instance and reflects the equities which justify an exception in this case:

"However, it is clear that the Social Security Administration was informally notified by Mrs. Jameson, prior to her husband's death, of an intention to file the required application and that extremely unusual circumstances in this case prevented the timely filing of the application. In addition, social security regulations in effect since November 10, 1964, permit the filing of a valid application on behalf of a deceased individual provided that the deceased person or a proper person on his behalf has filed with the Social Security Administration prior to his death a signed, written statement requesting benefits. If this regulation had been in effect in October 1964, prior to Mr. Jameson's death on November 1, 1964, it is reasonable to assume that Mrs. Jameson would have filed the written statement and that the benefits payable under H.R. 10450 would have been paid."

In agreement with the views of both the House of Representatives and the Department of Health, Education, and Welfare, the committee recommends the proposed legislation favorably.

AMALIA P. MONTERO

The bill (H.R. 6375) for the relief of Amalia P. Montero was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the

RECORD an excerpt from the report (No. 91-1057), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to relieve Amalia P. Montero, employed by the Joint U.S. Military Group—Military Assistance Advisory Group, Spain, of liability to the United States in the amount of $1,395.84, representing the total amount of living quarters allowance paid to her by the Department of the Air Force during the period of October 13, 1963, through April 9, 1965, as a result of erroneous payment without fault on her part. The bill would authorize the refund of any amount paid or withheld by reason of this indebtedness.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee relates the facts of the case as follows:

The Department of the Army in its report to the committee on the bill stated that it did not oppose it.

Mrs. Montero, is an employee of the U.S. Army in Spain. In 1954, Mrs. Montero, a domiciliary of New York, went to Spain as a tourist to marry a Uruguayan national. She was married shortly after her arrival there and between July 1955 and September 1960 was hired by a U.S. Defense contractor as a clerk. When released during a phaseout of that operation, she remained in Spain to accompany her husband as a tourist and was supported by him and her savings until hired by the U.S. Army in June 1961. She was given a GS-4 rating, was placed under the pay jurisdiction of the U.S. Air Force, Torrejon, Spain, and was declared ineligible for a living quarters allowance. Section 030 of the basic regulations governing this allowance (State Department Standardized Regulations) was revised effective October 13, 1963. The revised section does not contain the former restriction (relating to determining the dependency of husband upon the wife employee) that the husband be physically or mentally incapable of self-support. Following the revision of section 030 of the regulations, Mrs. Montero, upon invitation of the servicing civilian personnel office, applied for and received the quarters allowance effective October 13, 1963.

A review of the eligibility of persons receiving the quarters allowance was conducted and apparently this gave rise to the problem dealt with in this bill. Mrs. Montero was notified by letter dated April 1, 1965, from the civilian personnel officer, that she did not meet the requirements contained in section 031.12 (a subsection of sec. 030) of the State Department Standardized Regulations and that she would have to reimburse the Government in the sum of $1,395.84, the amount of the allowance she had been paid. It was determined that she did not qualify for the allowance as "she was not recruited in the United States, Puerto Rico, the Canal Zone, or a possession of the United States, was not required to move to the area as a condition of her employment, nor was her reason for being in the area for travel or study." The committee notes that this objection is quite a different reason than that originally raised prior to the liberalization of the regulations. A technical review of this case, at the request of the employee, confirmed this ruling on September 10, 1965. The Department of the Air Force reviewed the circumstances and submitted their finding of ineligibility to the Department of Defense for a determination and waiver, if possible, of any repayment of funds received for living quarters allowance. The recommendation for waiver was based upon hardship which this refund would impose on Mrs. Montero. The Department of Defense confirmed the determination of ineligibility and advised that, based on a decision of the Comptroller General dated June 6, 1966 (B-159212), there was no authority to waive recovery of the overpayment. The total amount of overpayment is $1,395.84 and collection action at the rate of $20 per pay period began in October 1966.

In indicating it had no objection to the bill the Army stated:

"The payment of quarters allowance to Mrs. Montero resulted from an erroneous determination by the servicing civilian personnel office and through no fault of Mrs. Montero. She did not know she was being paid erroneously and the payments were received by her in good faith. In view of these equitable considerations, the Department of the Army is not opposed to the bill."

In view of the unique equities of this case and the statement by the Army that it does not oppose relief in this instance, the committee has concluded that this matter is the proper subject for legislative relief. The Government's determination under liberalized regulations was relied upon by Mrs. Montero in good faith, and, in the light of subsequent events, to her detriment. It is felt that any equitable solution of the matter can be made through extending the relief provided in the bill. Therefore, it is recommended that it be considered favorably.

After a review of all of the foregoing, the committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 6375.

LT. COL. EARL SPOFFORD BROWN, U.S. ARMY (RETIRED)

The bill (H.R. 6377) for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1058), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Earl Spofford Brown, a retired Army Reserve lieutenant colonel, of liability in the amount of $3,522.81 for overpayments of longevity pay in the period from June 1, 1942, through May 31, 1961, based on erroneous credit for service as a cadet in the Merchant Marine Reserve of the U.S. Naval Reserve.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee set forth the facts of the case as follows:

The Department of the Army in its report to the committee on a similar bill in a previous Congress stated that it had no objection to the legislation. The Comptroller General in his report on the same bill questioned relief but stated that whether it should be granted in this case is a matter for final determination by the Congress.

The history of this matter dates back to May 8, 1941, when Colonel Brown began his service as a warrant officer in the Army Mine Planter Service. He continued on active duty through June 30, 1961, and reached the grade of lieutenant colonel, Army of the United States, and retired on that date with over 20 years' active Federal service. The credit for merchant marine service, which was subsequently questioned and forms the basis of the overpayment referred to in the bill, dates back to June 1, 1942, from which date Colonel Brown was credited for longevity pay purposes with 2 years and 7 days as prior military service, which is based on the period from May 1, 1939, to May 7, 1941, when he held the status of a cadet in the Merchant Marine Reserve. It was subsequently determined just 3 days before he retired on July 1, 1961, that he had been erronously paid longevity for this service. The result was that his final pay, allotments, and accrued leave entitlements totaling $2,736.02 were withheld by the Army at the time of his retirement. A final audit of his records established a total overpayment of $3,522.81 which is the amount stated in the present bill.

The committee concluded that relief is appropriate in this case in light of the explanation in the Army report. In this connection, the Army report stated:

"* * * there were apparently no specific guidelines available to those officers with a status such as that held by Lieutenant Colonel Brown until May 1959, when the Comptroller General responded to a request by the Secretary of Defense for guidance in like cases. Moreover, Lieutenant Colonel Brown in February of 1949 requested a statement of service from the Navy Department for the purpose of substantiating his total service in the Army Register. That Department advised him that he 'entered naval service as cadet, Merchant Marine Reserve, U.S. Naval Reserve, on May 1, 1939, and honorably discharged effective December 21, 1942.' The Adjutant General on June 28, 1957, verified this same service as a part of his total service creditable for longevity pay. Under these conditions it is clearly apparent that Lieutenant Colonel Brown received the longevity overpayment in good faith as he could certainly be expected to rely upon an administrative determination by the appropriate agency of the Army as to his creditable service. It has further been established that repayment imposes a hardship upon Lieutenant Colonel Brown whose responsibility to his family includes support for his wife and five children, two of which are in college. It accords, therefore, with principles of equity and good conscience to relieve him of liability to repay the United States money paid him over 20 years in small amounts through administrative error, and received by him in good faith, repayment of which results in financial hardship. The Department of the Army has no objection to the bill."

The committee after a review of the foregoing concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 6377, without amendment.

MAJ. CLYDE NICHOLS (RETIRED)

The bill (H.R. 6850) for the relief of Major Clyde Nichols (retired), was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1059), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 6850 is to relieve Maj. Clyde C. Nichols (retired) of liability to the United States in the amount of $3,836.09, representing overpayments of base pay made to him from December 18, 1954, through December 31, 1962, through administrative error which included his Naval Reserve midshipman service as creditable for pay purposes. It allows for credit in the amounts of any certifying or disbursing officer for amounts for which liability is relieved. It would also authorize the Secretary of the Treasury to pay to Major Nichols the amount received or withheld from him because of the overpayments.

STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts of the case as follows:

The Department of the Air Force in its report to the committee indicated that it had no objection to the bill in view of the special circumstances of the case. The Comptroller General questions relief but takes the view that the determination of whether legislative relief should be extended in this particular case is a matter to be determined by Congress.

Major Nichols enlisted in the Air Force on April 1, 1953, as an aviation cadet. He was discharged from this enlistment on December 17, 1954, upon completion of this training. The next day he accepted a commission in the Air Force Reserve and remained on continuous active duty until placed on temporary disability retirement on October 14, 1967. He receives retirement pay at the rate of $611.93 a month.

When Major Nichols was commissioned in the Air Force Reserve, an incorrect pay date was established for him. This included time spent in the Naval Reserve Officers Training Corps (NROTC) which he had included as enlisted Navy Reserve service in his pay date application. This error went undetected and a pay date of January 9, 1950, was established for him. Upon his transfer to the Regular Air Force in 1959, this pay date was listed in the Air Force Register. In 1961 his pay date was adjusted to November 18, 1949, by Seymour Johnson Air Force Base, to give him credit for an additional month and 21 days in the Naval Reserve.

The Air Force Accounting and Finance Center (AFAFC) reviewed the military pay record on which this adjustment was made in November 1962. Major Nichols was asked to complete a statement of service to assure that proper pay adjustment would be made him. He completed this on January 16, 1963, listing enlisted service in the "Navy Reserve (ROTC) from September 3, 1949, to January 15, 1953"; as contrasted to the "enlisted Naval Reserve service from September 27, 1949, to December 18, 1952" which he had claimed when commissioned in the Air Force Reserve. He also listed his pay date as November 18, 1949. An adjustment of $138.93 was paid to him on February 13, 1963.

The committee notes that this correction was made by Major Nichols and serves to emphasize the finding by the Air Force that he acted in good faith in this connection.

Early in 1963, a military records review, independent of that conducted by AFAFC, disclosed that Major Nicholas' midshipman service while in ROTC was not creditable for pay purposes under section 205, title 37, United States Code. Determination was made that the pay dates of January 9, 1950, and November 18, 1949, were both in error. A pay date of April 1, 1953, was established for him through the deletion of credit for the time he served as a midshipman in the NROTC. Effective the pay period beginning January 1, 1963, his basic pay and flight pay entitlements were adjusted to the April 1, 1953, pay date.

A complete audit of Major Nicholas' pay records was made and the April 1, 1953, pay date confirmed. Major Nichols was informed that during the period December 18, 1954, through December 31, 1962, he had been overpaid basic pay and flight pay to the amount of $3,836.09. He appealed this indebtedness on June 11, 1963, and the validity of the indebtedness and the requirement for repayment were confirmed. Deductions from his active duty pay were initiated on July 1, 1963, at the rate of $53.27 a month. At this rate, collection would have been completed in 6 years.

Major Nichols was assigned to duty in Vietnam in June 1967. Shortly after his arrival he received wounds which necessitated his removal to Wilford Hall Hospital, Lackland Air Base, Tex. On October 14, 1967, he was placed on the temporary disability retired list. Initially he indicated that he would elect to waive retirement pay in favor of benefits provided under laws administered by the Veterans' Administration. His remaining indebtedness to the Air Force of $1,119.32 was, therefore, collected from the final pay and allowances due him which included a lumpsum leave payment. He did not exercise this option and is presently receiving retirement pay of $611.93 a month.

The Department of the Air Force states that the overpayments made to Major Nichols were the result of administrative error, and as noted above has stated that he has repaid in full the overpayments made to him.

Inasmuch as there are no administrative provisions under which repayment may be made to Major Nichols, and that he acted in good faith in making repayment of the overpayments made to him, the committee agrees, in view of the special circumstances of this case, that favorable consideration should be given to this measure. Accordingly, the committee recommends that the amended bill be favorably considered.

The committee after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 6850, without amendment.

THOMAS J. CONDON

The bill (H.R. 9092) for the relief of Thomas J. Condon, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1060), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the payment to Thomas J. Condon of East Weymouth, Mass., the amount of additional compensation he would have been paid in the period from October 1, 1946, to January 1, 1948, had he been placed in the appropriate salary grade and received the correct compensation authorized in the act of July 31, 1946, as amended. The amended bill would authorize an appropriate deduction from the amount so ascertained for civil service retirement.

STATEMENT

In its report to the House Judiciary Committee, the Post Office Department stated it favored enactment of the bill, and in its report, the U.S. Civil Service Commission stated that it too favored the bill. The Comptroller General questioned relief on the ground that it would in effect require the waiver of a statute of limitations.

Mr. Thomas J. Condon, a veteran of World War II, was appointed a temporary substitute carrier, grade 1, on December 31, 1945. In that position he was authorized compensation at 84 cents an hour; with enactment of Public Law 577, aproved July 31, 1946, his salary was adjusted to grade 3, $1.14 per hour; with the enactment of Public Law 492, approved April 29, 1950, which retroactively increased the benefits previously provided by the 1946 law for certain employees who, by reason of their military service, lost opportunity for probational appointment, Mr. Condon's salary should have been adjusted to grade 8, $1.39 per hour, retroactive to October 1, 1946; through administrative error this was not done.

Between the enactment of Public Law 477 in 1946 the enactment of Public Law 492 in 1950, Mr. Condon was made a regular employee and given a salary adjustment of four grades, but without the retroactive feature which would have given him the benefits to which he was entitled under the 1946 law.

The error in placement and pay was not recognized by the Department until after the 10-year period (31 U.S.C. 71a) for administrative adjustment had expired.

An investigation by the Department later revealed that Mr. Condon, on many occasions, did informally seek adjustment of his salary within the period prescribed by the statute and that a formal claim was filed after the statute of limitations had run. Accordingly, the Department is without authority to correct the error by paying the amount of backpay due carrier Condon.

In its report to the House Judiciary Committee, the Post Office Department concluded that Mr. Condon was entitled to relief and stated:

In our view, Condon should not be denied the benefits to which he is entitled merely because of the lapse of time in the formal filing of his claim. It is solely by administrative error that he is being denied benefits which have already been made to other similarly entitled employees. For this reason, we recommend approval of the legislation.

As has been noted, the Comptroller General in his report to the House committee has questioned relief on the ground that payment of the amount claimed by Mr. Condon is presently barred by a 10-year statute of limitations. The committee has carefully considered this objection and has concluded that both the report of the Post Office Department and the Civil Service Commission provide the basis for legislative waiver in this instance. Both the Post Office Department and the Civil Service Commission note that Mr. Condon made repeated efforts to clarify and correct the situation but apparently without success. However, in the opinion of this committee, these efforts show that Mr. Condon was diligent in his efforts to assert his claim within the period of limitation and that it would be inequitable to deny relief solely on this ground. In this connection, the U.S. Civil Service Commission stated that while it constantly has opposed the preferential waiving of the statute of limitations, it had found that in this particular instance, an exception is in order. The error lay in the fact that a claim was never forwarded to the General Accounting Office. The statute of limitations provides that a claim will be barred unless it is presented to the General Accounting Office within the 10-year period. The assertion of a claim with the employing agency does not have the effect of tolling the statute. On these facts the committee has concluded that legislative relief is in order and therefore recommends the favorable consideration of H.R. 9092, without amendment.

ELGIE L. TABOR

The bill (H.R. 9591) for the relief of Elgie L. Tabor was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1061), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Elgie L. Tabor of liability in the amount of $2,499.22, representing overpayments of active duty pay as a member of the Army and Air Force in the period from January 20, 1943, through January 9, 1960, which resulted from an administrative error in crediting him with service in the Texas National Guard. The bill further provides for a refund of any amounts repaid or withheld by reason of the indebtedness.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee set forth the facts of the case as follows:

The Department of the Air Force in a report on similar bills in the 90th Congress indicated that it would interpose no objection to the bills provided they were amended to provide for the relief as is now provided in H.R. 9591, as amended. The General Accounting Office indicated that it had no information justifying the finding of special equity in this case but stated that relief in this instance was a matter for determination by the Congress.

The history of Lt. Col. Elgie L. Tabor's service is outlined in the report of the Department of the Air Force.

Lieutenant Colonel Tabor enlisted in the U.S. Army July 21, 1942. He was discharged from this enlistment January 19, 1943, and the next day was commissioned a second lieutenant in the Army. He remained on extended active duty with the Army until his transfer to the inactive Air Reserve March 11, 1946. He was recalled to extended active duty until his retirement May 31, 1967. He is entitled to retired pay at the rate of $643.20 a month.

Prior to his enlistment in the Army, Lieutenant Colonel Tabor was a member of the Texas National Guard. A statement of service issued by that organization October 10, 1944, showed he enlisted in the Field Artillery, Texas National Guard, January 6, 1931, and was discharged January 5, 1934. Based on this information, his pay date was established as July 21, 1939. His basic pay was computed on this pay date by the Air Force beginning the date he was recalled to extended active duty late in 1950. In 1955, the Air Force issued a statement of service for him showing he had enlisted service from January 6, 1931, through January 5, 1934, and from July 21, 1942, through January 19, 1943.

Late in 1966, in connection with his pending retirement, Lieutenant Colonel Tabor's military records were reviewed. During this review, the Texas National Guard informed the Air Force he had been discharged from that organization July 16, 1931. The Air Force requested further verification of this information in view of the October 10, 1944, statement of service which showed he had been discharged January 5, 1934. The Texas National Guard stated a search of its records verified that he had been discharged July 16, 1931, by Special Orders 181 of the Texas Adjutant General's Office. Further, a search of the records of the 131st Field Artillery revealed no record of service by Lieutenant Colonel Tabor during that organization's encampment the last of July and the first part of August 1931, or during any subsequent period. Based on this information, the Air Force established his correct pay date as January 10, 1942.

Lieutenant Colonel Tabor was advised of the change in his pay date and given an opportunity to provide information to substantiate service in the Texas National Guard after July 16, 1931. He was unable to provide such information and his application to have his records corrected to show he was discharged from the Texas National Guard January 5, 1934, was denied. On February 21, 1967, he was informed that from November 24, 1950, through January 9, 1960, he had received overpayments of basic pay totaling $2,246.28 because of the incorrect pay date. An audit by the Army of payments made to him prior to this transfer to the inactive Air Reserve showed that from January 20, 1943, through March 11, 1946, he received overpayments totaling $252.94. This increased the total overpayments received by him to $2,499.22. Prior to his retirement May 31, 1967, he repaid $746.28 leaving a balance of $1,752.94.

The Department of the Air Force in its report to the committee indicated that in view of the particular circumstances of this case, it would have no objection to enactment of a bill granting Lieutenant Colonel Tabor relief from the liability for the indebtedness created in the manner outlined above. In this connection, the Department of the Air Force report stated:

"The erroneous statement of service issued by the Texas National Guard in October 1944 resulted in Lieutenant Colonel Tabor's pay date being established as July 21, 1939, instead of a correct pay date of January 10, 1942. The resulting overpayments appear to have been made and received in good faith, and they remained undetected for many years. There are no further administrative procedures under which Lieutenant Colonel Tabor may be relieved of his liability. Based upon the circumstances involved, the Department of the Air Force interposes no objection to enactment of H.R. 12501 or H.R. 16964."

The committee agrees that the circumstances of this case are such that legislative relief is merited. It is further clear that the only recourse open to this retired officer is to appeal to the Congress for relief. In view of the fact that the error occurred because of an erroneous certification by Texas National Guard authorities and that the error was undetected for many years, and the payments were received in good faith by the individual, the committee feels that it is inequitable to impose the requirement of repayment upon this retired officer. Accordingly, it is recommended that the bill be amended to include the correction suggested by the Air Force and that the amended bill be considered favorably.

The committee after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 9591, without amendment.

WALTER L. PARKER

The bill (H.R. 10662) for the relief of Walter L. Parker, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1062), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Walter L. Parker of Trenton, N.J., of liability in the amount of $279.05 for overpayments of salary paid to him from January 20, 1966, through October 31, 1967, during his active service as a member of the U.S. Marine Corps.

STATEMENT

The Department of the Navy supports enactment of the bill.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives said:

Walter L. Parker, while serving as a corporal in the Marine Corps, was seriously wounded in action in Vietnam in March of 1967. The wounds he suffered resulted in a physical disability which was rated at 50-percent disabling and, therefore, he was retired from the Marine Corps on November 1, 1967. In connection with his disability retirement, disbursing personnel in settling his final account made an error which resulted in an overpayment to him of $279.05. As is noted in the departmental report, this single erroneous overpayment was based on a number of erroneous credits to Corporal Parker's account during his active service in the period mentioned in the bill. The error was later discovered during the course of a post-separation audit conducted in September 1968.

In its report to the committee, the Department of the Navy stated that its normal position is to oppose legislation relieving an individual of liability unless the indebtedness was occasioned through no fault of the service member and unless the overpayment was neither detectable nor could reasonably have been expected to have been detectable. The Navy found on the basis of its investigation that there is no indication in this case that the overpayment was the result of any fault or negligence on Corporal Parker's part. As is usual in cases of this kind, a number of balancings and adjustments were required in ascertaining the final payment due him at the time of his transfer to the retired list. Under these circumstances, the committee agrees with the Navy that it is understandable that Corporal Parker believed he was being accurately paid upon retirement. The Department of the Navy has further noted that a 90th Congress bill [Public Law 90–616] provides authority to the heads of executive agencies or the Comptroller General to waive payment of claims against Federal civilian employees who have been overpaid where the claim would be against equity and good conscience and not in the best interest of the United States. The Navy found that Corporal Parker's case would have been an apt subject for relief under that law were he a civilian employee rather than a serviceman.

The committee further observes that a wounded and disabled serviceman deserves additional consideration in view of his sacrifices in behalf of his country. It is recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

T. SGT. PETER ELIAS GIANUTSOS, USAF (RETIRED)

The bill (H.R. 11890) for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired), was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1063), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired) of liability to the United States in the amount of $390.65, representing overpayments of active duty pay and leave allowances as a member of the Air Force from 1951 through 1964.

STATEMENT

The House of Representatives in its favorable report on H.R. 11890 relates the following:

The Air Force in its report to the committee on the bill indicated that it would have no objection to enactment of the bill if the bill were amended to provide for relief in the amount of $390.65. The General Accounting Office in its report questioned relief in this instance and indicated its opposition to the bill.

Sergeant Gianutsos served as an enlisted member in the Army from June 15, 1942, through October 7, 1948. He enlisted in the Air Force October 24, 1951, and served on continuous active duty until his retirement April 30, 1966. On retirement he had 20 years, 2 months, and 24 days of creditable service for pay purposes. He is currently entitled to retired pay at the rate of $194.75 a month.

Early in 1965 Sergeant Gianutsos volunteered for duty in South Vietnam. During this tour of duty, on October 23, 1965, he extended his enlistment for 6 months. At that time, records available at his duty station indicated he had taken more leave than he had earned during the October 1961 to October 1965 enlistment. However, since the records were incomplete, collection for the excess leave was not effected.

Sergeant Gianutsos was retired from the Air Force at Travis Air Force Base, Calif. Immediately prior to his retirement, he applied at Travis Air Force Base for pay and allowances due him for April 1966. Records available at Travis Air Force Base also showed he had taken more leave than he had earned during his October 1961 to October 1965 enlistment. Sergeant Gianutsos did not agree with this determination and because Travis Air Force Base did not have sufficient information to resolve the matter, no payments were made before his retirement. Travis Air Force Base referred Sergeant Granutsos' case to the Air Force Accounting and Finance Center (AF-AFC), Denver, Colo., for resolution.

The AFAFC made a complete audit of Sergeant Gianutsos' pay account and leave record. This audit showed that—

(*a*) From the date of his enlistment in the Air Force, Sergeant Gianutsos' creditable service for pay purposes had erroneously included 216 days "lost time" during his Army service which is not creditable for pay. As a result, from October 24, 1951, through February 6, 1964, he received overpayments of basic pay and allowances totaling $441.45.

(*b*) During his October 1961 to October 1965 enlistment, he accrued a maximum of 119 days leave and used 138 days leave. Since he used 19 days more leave than he earned, he owed the United States $308.20 for excess leave.

(*c*) Pay and allowances due the member on date of retirement for a portion of the month of April 1966 totaled $538.82.

(*d*) Indebtedness of $749.65 resulted from overpayments of basic pay and allowances and payments for excess leave. The indebtedness was reduced to $210.83, after applying the amount due Sergeant Gianutsos on date of retirement ($538.82).

AFAFC provided Sergeant Gianutsos a full explanation of the results of the audit of his pay account. He was also advised that if he did not voluntarily make restitution of the indebtedness, it would be collected by monthly deduction from his retired pay. Sergeant Gianutsos protested the determination that his creditable service for pay had been erroneously computed although he did not deny that he had 216 days lost time in the Army. He stated that he had used only 5 days more leave than he had earned. He contended he should be paid the entire amount due him on date of retirement less an amount equal to 5 days of leave. At his request, copies of his statement of service, pay records, and vouchers signed by him verifying he had used the leave as shown by the audit, were furnished to him. Collection had been suspended at the request of the sponsor of the bill pending consideration of the legislation.

The Department of the Air Force in its report to the committee on the bill specifically noted that the overpayments made to Sergeant Gianutsos were the result of administrative error. The Air Force also stated that there is no evidence of a lack of good faith on his part or on the part of administrative officials in connection with the overpayments which are referred to in the bill. The overpayments which results from erroneous computation by pay date based on prior Army service remained undeducted for a period of 14 years. The Air Force further noted that had he applied for remission prior to retirement under authority provided the service by law, it is probable that remission of that portion of the overpayment which occurred more than 6 years prior to the date the indebtedness was established would have been recommended.

In Sergeant Gianutsos' case, the amount that could have been remitted in this manner is $390.65. The Air Force therefore stated that it would interpose no objection to the enactment of the bill if the amount of proposed relief were adjusted to be $390.65. This amount represents the overpayment of active duty pay and allowances made to Sergeant Gianutsos in the period October 24, 1951, through June 24, 1960. The committee agrees that waiver in this instance should be limited to this figure and recommends that the amendment suggested by the Air Force be made to the bill and that the amended bill be considered favorably.

The committee after a review of all of the foregoing concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 11890, be considered favorably.

BLY D. DICKSON, JR.

The bill (H.R. 12176) for the relief of Bly D. Dickson, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1064), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, is to pay Bly D. Dickson, Jr., of Seattle, Wash., $1,034.50 in full settlement of his claims against the United States for reimbursement of expenses incident to the sale of his residence in Billings, Mont., at the time of his transfer from Billings, Mont., to Seattle, Wash., as an employee of the Post Office Department.

STATEMENT

The Post Office Department in its report to the House Judiciary Committee on the bill indicated it would not object to its enactment provided the amount was reduced to that permitted under applicable regulations. Mr. Dickson is a former railway mail clerk from Billings, Mont., who was transferred to the Seattle Post Office when his mail run was discontinued. He reported for duty there on October 7, 1967. Thereafter he sold his home in Billings. Final settlement or closing occurred on November 19, 1968. Pursuant to the authority of Public Law 89–516, Mr. Dickson submitted an application for reimbursement of expenses he incurred in selling his residence at his former duty station. However, since the closing took place more than 1 year after Mr. Dickson reported for duty at his new official duty station, his claim for reimbursement had to be turned down. The 1-year limitation was prescribed by regulations of the Bureau of the Budget implementing Public Law 89–516. (Bureau of the Budget Circular A–56 revised, dated October 12, 1966, sec. 4.1d). The purpose of H.R. 12176 is to grant Mr. Dickson reimbursement for his expenses arising in connection with the sale of his residence, expenses which could not be administratively paid for the reason that the closing occurred too late.

At the time of his transfer, Mr. Dickson requested annual leave time before departing for his new duty station at Seattle, for the purpose of painting and improving his home in preparation for selling it. However, the personnel director at the Billings Post Office told him that the Department was anxious to place surplus employees as soon as possible; and advised Mr. Dickson that he had 2 years to submit his relocation expenses for reimbursement. The advice given Mr. Dickson was correct as to time allowed for moving household goods and personal effects, but apparently the personnel director thought the 2-year limitation also applied to all relocation expenses. This was in error.

In correspondence furnished the House Judiciary Committee Mr. Dickson stated that he had a buyer for the house on September 6, 1968, under a Veterans' Administration loan arrangement. The buyer's loan application was approved by the VA, but not until October 18, 1968.

The Post Office Department in its report to the House committee on the bill indicated that in its opinion this was a proper case for relief. The Department pointed out that Mr. Dickson acted in good faith and relied on the erroneous advice. In this connection, the Department stated:

> The Department believes that relief should be granted in this case. Mr. Dickson certainly acted in good faith throughout. His reliance on the personnel director's advice discussed above was justifiably placed.

The House committee in recommending favorable action on the bill recommended an amendment which would reduce the amount stated so as to authorize the payment of the amount which would have been paid to Mr. Dickson under applicable regulations had the real estate closing occurred within the 1 year period. The amount originally stated in the bill was $2,231.75. Of this amount $900 was paid by Mr. Dickson for "mortgage discount points" and this amount could not be allowed as a reimbursable expense. The Post Office Department interpreted an additional $297.25 as costs usually paid by a buyer and therefore reduced the amount to be paid to $1,034.50. The initial report received by the House committee from the Comptroller General pointed out that the $900 figure should have been eliminated but apparently differed with the Post Office Department on the interpretation as to the $297.25. After reviewing the matter further, the General Accounting Office stated it agreed with the recommendation of the Post Office Department and recommended a payment of $1,034.50 and this is the amount recommended by the House committee.

The committee is in agreement with the conclusions reached by the House Judiciary Committee and, accordingly, recommends favorable consideration of H.R. 12176, without amendment.

RUSSELL L. CHANDLER

The bill (H.R. 12622) for the relief of Russell L. Chandler, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1065), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the amount authorized by current regulations but not to exceed $724.65, to Russell L. Chandler, an employee of the National Aeronautical and Space Administration, formerly of Huntsville, Ala., who was ordered to report for duty at his new duty station in Washington, D.C., on September 18, 1966, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in Circular No. A–56, revised, October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with the said relocation prior to the enactment of the bill.

STATEMENT

The National Aeronautics and Space Administration in reporting to the House Judiciary Committee stated it had no objection to enactment of the bill provided that it be amended so that the time limitation will not be applied to expenses incurred in connection with his relocation prior to the enactment of this bill. The House Judiciary Committee amended the bill accordingly.

The payment authorized in the amended bill would reimburse Mr. Russell L. Chandler for expenses he advised NASA he incurred in connection with the purchase of a new dwelling in Washington, D.C., after having been transferred there from Huntsville, Ala. The bill would authorize this payment subject to applicable regulations but with a waiver of time limitations as to expenses incurred prior to the bill's enactment into law.

The time limitation which would be waived by the bill is found in section 4.1d of the Bureau of the Budget circular. In relevant part, section 4.1d of BOB Circular A–56, revised, which implements 5 U.S.C. 5724a (a)(4), provides:

* * * The Government will reimburse an employee for expenses required to be paid by him in connection with the * * * purchase of one dwelling at his now official station * * * *provided that:*

* * * * *

d. The settlement dates for the purchase * * * for which reimbursement is requested are not later than one year after the date on which the employee reported for duty at the new official station, except that an appropriate extension of time may be authorized by the head of the department or his designee when settlement is necessarily delayed because of litigation.

From conversations with Mr. Chandler, NASA understands that settlement was scheduled within the year specified in Bureau of the Budget Circular A–56; however, because the contractor constructed the wrong type of wall in the new residence, the Veterans' Administration would not approve a VA loan until this was corrected. According to Mr. Chandler, the condition was corrected and settlement was finally made on February 21, 1968.

Since more than 1 year elapsed from the date Mr. Chandler reported to duty in Washington, D.C. (September 18, 1966), to the date of settlement for the purchase of a new dwelling in Washington, D.C. (February 21, 1968), Mr. Chandler could not meet the time limit in section 4.1d of Bureau of the Budget Circular No. A–56, revised. This is the problem which H.R. 12622 seeks to overcome.

NASA pointed out that since H.R. 12622 cannot be enacted within 6 months of the February 1968 date when Mr. Chandler incurred the settlement expenses—the bill would have had to be enacted by August 21, 1968—it will not succeed in giving to Mr. Chandler the relief he requests. This is so, because, by the original terms of the bill, the time limit contained in section 4.1d of the circular is only waived for expenses incurred within 6 months of the date of enactment of the bill. In view of this, NASA suggested that the bill as amended by revising all that follows the word "except" on page 2 to read "except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with said relocation prior to the enactment of this Act." In substance, the House committee has recommended this amendment. The House committee also recommended that a limit be fixed in the bill equal to the amount claimed, $724.65, be stated in the bill.

The committee is in agreement with the action taken by the House of Representatives and accordingly recommends favorable consideration of H.R. 12622, without amendment.

JOHN A. AVDEEF

The bill (H.R. 12887) for the relief of John A. Avdeef, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1066), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay John A. Avdeef of Mineral Wells, Tex., $76.32 in full settlement of his claims against the United States for storage of his household furniture while assigned by the U.S. Army to active duty at Fort Wolters, Tex., and Fort Rucker, Ala., in the period November 1964 to August 1965.

STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts in the case as follows:

The Department of the Army in its report to the committee on the bill stated that it was not opposed to the bill.

On November 19, 1964, SP5 John A. Avdeef was a warrant officer candidate. He resided at Long Beach, Calif., and as a member of the Ready Reserve was ordered to active duty for training. He was ordered to report to the U.S. Army Helicopter School at Fort Wolters, Mineral Wells, Tex., no later than November 27, 1964, for a 44-day period of active duty for training. The purpose of the training was preflight warrant officer indoctrination. On December 15, 1964, his orders were amended to show that, as of November 27, 1964, he was further attached to the U.S. Army Aviation School at Fort Rucker, Ala., for additional training in Warrant Officer Rotary Wing Aviation courses. The period of active duty for training was changed from 44 to 296 days. The purpose of his active duty for training, as stated in his amended orders, was for preflight warrant officer indoctrination.

The Commandant of the U.S. Army Primary Helicopter School at Fort Wolters was authorized to determine the date of departure from Fort Wolters to Fort Rucker and to issue the necessary amendatory orders.

Neither the original nor the amended orders specifically authorized storage or transportation of household goods. During December 1964, Mr. Avdeef visited the transportation office at Fort MacArthur, San Pedro, Calif., and inquired about the storage, at Government expense, of his household effects then in Long Beach. This inquiry was prompted by his desire to take his family with him to Fort Rucker. Mr. Avdeef was advised that he was authorized nontemporary storage of his household goods for the duration of his active duty for training.

The committee feels that this a basic fact in this case for Mr. Avdeef relied on this advice and requested nontemporary storage of his household goods. They were stored, at Government expense, with the Beverly Hills Transfer & Storage Co., at Fullerton, Calif. On June 29, 1965, Mr. Avdeef was advised by the Fort MacArthur Transportation Officer that storage, at Government expense, of his household goods was not authorized because he was ordered "to active duty for training for less than 1 year." He was further advised that "we must collect from you all charges paid ($112.88 which pays the storage charges to Mar. 28, 1965) and have the storage company bill you for all storage charges from March 28, 1965". Mr. Avdeef completed his training and was released from active duty for training on August 30, 1965, but he did not return to California. He remained in Mineral Wells, Tex., where he had obtained civilian employment. There was further correspondence concerning the unauthorized storage of Mr. Avdeef's property and charges therefor. The matter was investigated by the Inspector General at Fort Wolters, who advised Mr. Avdeef to pay charges due and then seek reimbursement.

On March 11, 1966, Mr. Avdeef paid the Beverly Hills Transfer and Storage Co., $76.32 for furniture storage from March 1965, through August 30, 1965. He also reimbursed the transportation officer at Fort MacArthur $112.88 for storage charges paid by the Government.

In October of 1968, Mr. Avdeef filed a petition with the Army Board for the Correction of Military Records under the provisions of section 1552 of title 10, United States Code, for correction of his records to show remission of the indebtedness to the United States under section 4837(d) of title 10, United States Code. On December 13, 1968, the Under Secretary of the Army approved the recommendation of the Army Board for the Correction of Military Records that Mr. Avdeef's records be changed to show remission prior to discharge of all indebtedness to the United States. This was done and the $112.88 which he had paid the United States was returned to Mr. Avdeef. The remaining $76.32 in charges were assumed by Mr. Avdeef with the Beverly Hills Storage Co., in reliance upon the information furnished Mr. Avdeef by the transportation office at Fort MacArthur as set forth above.

The committee agrees that this is a proper subject for legislative relief. Such relief would be consistent with the relief granted Mr. Avdeef by the Army Board for the Correction of Military Records. Further, as has been noted, Mr. Avdeef relied on advice furnished him by Army authorities and thereby became obligated to pay the amount of the storage charges when the Army subsequently held to the contrary concerning his right to store his property at Government expense. The Army recognized the inequity of the situation when it granted relief by administrative action and subsequently indicated it would not oppose legislative relief as provided by this bill. Accordingly, it is recommended that the bill be considered favorably.

After a review of the foregoing, the committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 12887, without amendment.

ANTHONY P. MILLER, INC.

The bill (H.R. 15354) for the relief of Anthony P. Miller, Inc., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 91-1067), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Comptroller General to settle and adjust the claim of Anthony P. Miller, Inc., for the installation of fire-resistant wallboard in the ceilings of 41 garages located in an Air Force Capehart housing project at Niagara Falls Municipal Airport, Niagara Falls, N.Y. The bill would authorize the Comptroller General to allow $2,135.28 in full and final installment of the claim.

STATEMENT

The bill, H.R. 15354, was introduced in accordance with the recommendations of the Comptroller General of the United States in a communication directed to the Speaker of the House of Representatives pursuant to the act of April 10, 1928 (45 Stat. 413; 31 U.S.C. 236). The recommendation was made in accordance with this law on the basis of a finding by the Comptroller General that the case contained such elements of equity that it is deserving of the consideration of Congress as a meritorious claim within the meaning of section 236 of title 31 of the United States Code.

The claim represents the cost of additional work performed by the claimant under a contract entered into with the Department of the Air Force dated August 5, 1958. This contract provided for the construction of a Capehart housing project of 290 family units located near the Niagara Falls Municipal Airport, Niagara Falls, N.Y. In accordance with the provisions of law providing for the so-called Capehart housing program, the successful bidder for a project is required to provide for financing the construction costs of the project and upon completion thereon is reimbursed from the proceeds of a mortgage placed thereon and insured by the Federal Housing Administration. This mortgage is paid off by the military departments over a period of not to exceed 30 years from appropriations made for quarters of allowances of military personnel. At the time this claim arose the applicable law, 12 U.S.C. 1748b(b)(3)(B), provided that the mortgage shall involve a principal obligation in a sum not in excess of an average of $16,500 per family unit.

During the course of construction, it was suggested that fire resistant wallboard should be installed in the ceilings of 41 garages. By letter of November 6, 1959, the contracting officer advised the claimant that its offer to install the wallboard for the price of $2,135.28—the amount of the present claim—was accepted and stated that while a change order would not be issued at that time, the amount involved would be used as a debit and credit change request which might be written at a later date.

Relative to any changes proposed to be made within the scope of the contract, there is for consideration the provisions of paragraph 9 of the general provisions of the contract which reads in part as follows:

(a) The Contracting Officer may, at any time, by a Construction Change Request, Form FHA 2437, and without notice to sureties, propose changes in the Drawings and/or Specifications of this Housing Contract and within the general scope thereof. Each such proposed construction change will be submitted to the eligible builder for his estimate of the increase or decrease in cost and time of performance, if any. After such action by the eligible builder, the proposed construction change will be returned to the Contracting Officer. Likewise, the eligible builder may, without notice to sureties, propose changes within the same scope, all such proposed changes to be in writing and to contain the eligible builder's estimate of the increase in cost and time of performance, if any, and to be submitted to the Contracting Officer. In all cases, the eligible builder will sign proposed construction changes for himself and as agent for the mortgagor-builder.

(b) All proposed construction changes, including those resulting in no increase or decrease of cost, will be submitted by the Contracting Officer to the Commissioner, with copy to the mortgagee. The determination of the Commissioner as to the increase or decrease in cost and time of performance shall be final with respect to all such changes to be paid or deducted from mortgage proceeds. If any such change is approved by the mortgagee and the Commissioner to be paid or deducted from mortgage proceeds, the amount of the maximum insurable mortgage as herein defined and this Housing Contract will be considered as modified by such approved change order, and the eligible builder shall proceed diligently to execute such approved change.

(c) No change of any character shall be made unless in pursuance of a written order approved as required in the preceding paragraphs, and no claim for adjustment of the contract sum shall be recognized unless the eligible builder, prior to the making of such claim for adjustment, is in receipt of an approved written order.

At the time this additional work was authorized by the contracting officer and performed by the claimant, funds were available for payment from the mortgage proceeds and there is nothing in the record to indicate that the Federal Housing Commissioner would not have approved the required change order had it been presented to him at that time. However, and over the protest of the claimant, all except $15 of such funds subsequently were used to pay the cost of additional inspection services performed by the architects under a separate contract with the Air Force.

Consequently, since all but $15 of the maximum amount of the insurable mortgage was obligated or expended, no change order covering the installation of the wallboard was approved or issued by the Federal Housing Commissioner as contemplated by paragraph 9 of the general provisions of the contract.

By letter of March 9, 1961, the Deputy Special Assistant Secretary for Installations, Department of the Air Force, requested our decision concerning the use of appropriated funds to pay certain claims arising under Capehart housing projects including certain claims by the instant claimant. In a Comptroller General decision of May 3, 1961 (40 Comp. Gen. 608), it was held that the limitation on the mortgage obligation per family housing unit constituted a maximum cost limitation per unit so that additional costs, such as costs due to change orders, delays beyond the contractor's control, etc., which would cause the statutory limitation to be exceeded could not be paid from appropriated funds.

Since such claims thus could not be paid administratively this particular claim was included as count VI in the claimant's suit in the Court of Claims entitled *Anthony P. Miller, Inc.* v. *The United States*, 172 Ct. Cl. 60, 348 F. 2d 475, decided July 16, 1965.

In that decision, the Court of Claims prescribed certain criteria and described certain circumstances where, in its view, appropriated funds properly could be used to pay such additional costs. However, the particular claim herein considered, did not qualify for payment under the prescribed criteria and circumstances and was disallowed by the court. The court felt it was not justified in allowing the claim for the reason that the claimant proceeded with the work without receiving the formal approval required by paragraph 9 of the general provisions of the contract.

Since the claim has been disallowed by the Court of Claims there is no legal liability on the part of the United States to pay it. However, in view of the facts and circumstances herein above set forth the General Accounting Office believes the claim is meritorious and we recommend that it be given favorable consideration by the Congress.

In summary, those facts and circumstances are that the work was done at the request of the contracting officer at the point in time when it could be most economically performed, at the time the work was authorized the cost thereof was agreed upon in writing and could have been paid from the proceeds of the mortgage without exceeding the statutory limitation, nothing in the record indicates that the Federal Housing Commissioner would not have approved the required change order had it been presented to him at the time the work was authorized, both the contracting officer and the claimant apparently acted in good faith, and the Government has received and retained the benefit of the work performed at the claimant's expense.

The committee has carefully reviewed the facts outlined above and in the communication of the Comptroller General and agrees that this is a proper matter for legislative relief. Accordingly, it is recommended that the bill be considered favorably.

CAPT. JACKIE D. BURGESS

The Senate proceeded to consider the bill (H.R. 3470) for the relief of Capt. Jackie D. Burgess, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 13, after the word "this," strike out "subscription" and insert "section".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1068), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to relieve Capt. Jackie D. Burgess, U.S. Air Force, of liability to the United States in the amount of $620 as the result of administrative error, as a member of the U.S. Air Force for the period beginning September 24, 1963, and ending January 31, 1966. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

STATEMENT

Captain Burgess (F.R. 79667) enlisted in the Army on February 17, 1954. He was discharged on February 5, 1957, upon completing nearly 3 years of active duty. He served as an enlisted member of the Inactive Army Reserve and the Idaho National Guard from February 6, 1957, until February 23, 1962. On June 28, 1963, he enlisted in the Air Force. He was discharged from this enlistment to accept a commission as second lieutenant (pay grade 0-1) in the Air Force on September 24, 1963. He has been on continuous active duty since that date. He was promoted to captain on April 1, 1967.

Section 203 of title 37, United States Code, provides special pay rates for officers in pay grades 0-1, 0-2, and 0-3 who have had over 4 years' active service as an enlisted member.

These rates are greater than rates for officers in pay grades 0–1, 0–2, and 0–3 who have had over 4 years' active service as an enlisted member. These rates are greater than rates for officers who have had 4 years' or less active enlisted service. When he was commissioned, Captain Burgess' pay was computed on the special rates referred to above. Late in 1965, his entitlement to pay based on these rates was questioned. A review of his records showed that this service in the Army Reserve and the Idaho National Guard was not "active service." His only active service was in the Army from February 17, 1954, through February 5, 1957, and in the Air Force from June 28, 1963, through September 23, 1963. This active service totaled 3 years, 2 months and 15 days. This was not sufficient to entitle him to the special rates authorized for officers with over 4 years' active service as an enlisted member.

The Air Force made an audit of Captain Burgess' pay records from September 24, 1963, through January 31, 1966. This audit showed that his pay had been erroneously based on the special rates for officers with over 4 years' enlisted active service. As a result, he received overpayments totaling $1,085.78 from September 24, 1963, through January 31, 1966. His pay was adjusted to reflect the correct rate on February 1, 1966. Collection of the overpayments from his active duty pay was initiated on February 14, 1966, at the rate of $10 per month. As of March 15, 1969, $375.78 had been collected leaving a balance due the United States of $710.

The Department of the Air Force in its report to the House Judiciary Committee on the bill indicated that it would have no objection to legislative relief in Captain Burgess' case. Its investigation disclosed that Captain Burgess received the overpayments in good faith in reliance on determinations made by Air Force personnel and the Air Force concluded that Captain Burgess had no reason to be aware that his pay was based on a wrong rate. In this connection the Air Force stated:

The overpayments made to Captain Burgess were the result of administrative error which remained undetected for more than 2 years. There is nothing on file which indicates Captain Burgess could or should have been aware that his pay was based on the wrong rate. Air Force records show that he received the overpayments in good faith in reliance on the determination made by Air Force personnel that he was entitled to be paid at the rate prescribed for an officer with over 4 years' active enlisted service. Therefore, the Air Force interposes no objection to favorable consideration of H.R. 8470.

The House committee had considered this matter and determined that on the date that the subcommittee acted, the overpayment amounted to $620. It was determined that an equitable resolution of the matter would be to relieve him of the outstanding indebtedness as of that date. Accordingly, the House committee approved the bill in that form. This committee is in agreement with the action taken by the House of Representatives and, accordingly, recommends favorable consideration of H.R. 8470 without amendment.

OHIO NORTHERN UNIVERSITY COMMEMORATIVE MEDALS

The bill (H.R. 15118) to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1042), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The bill authorizes the Secretary of the Treasury to strike not more than 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University, located in Ada, Ohio. The medals may be produced only upon furnishing of security guaranteeing payments of all costs associated with the manufacture of the medals, including the estimated costs of labor, materials, dies, use of machinery, and overhead expenses. The medals may be produced only in quantities of 2,000 or more. The size or sizes of the medals, and their composition will be determined by the Secretary in consultation with the university; the emblems, devices, and inscriptions may be determined by the sponsor subject to the approval of the Secretary. No medals may be manufactured under the authority of this legislation after December 31, 1971.

LEGISLATIVE HISTORY

This bill was introduced by Congressman William M. McCulloch on June 20, 1970. It was reported by the House Banking and Currency Committee on June 29, 1970, and passed the House of Representatives on July 6, 1970.

STATEMENT BY REPRESENTATIVE WILLIAM M. M'CULLOCH

The following statement on H.R. 15118 was received by the committee from the sponsor, Representative William M. McCulloch:

Ohio Northern University, of Ada, Ohio, will observe its centennial year from August 14, 1970, through August 13, 1971. The university has 2,300 students enrolled in colleges of liberal arts, engineering, pharmacy, and law and one of the few institutions, in the country combining a liberal arts curriculum with colleges of engineering, pharmacy, and law.

Since it was founded in 1871 by Dr. Henry Solomon Lehr, Ohio Northern University has graduated more than 20,000 persons. Today there are more than 11,000 living alumni serving their communities and the Nation in all 50 States and in many foreign countries. The devoted alumni of the university include one-third of the pharmacists in Ohio, more than 1,100 attorneys serving in Ohio and neighboring States, in excess of 1,800 engineering graduates and many hundreds of teachers, business leaders, and housewives.

Four Ohio Northern University degree holders are currently serving in the U.S. House of Representatives from the State of Ohio. In addition to the sponsor of H.R. 15118, they include Representative Delbert L. Latta, Frank T. Bow, and Jackson E. Betts. At one time four Ohio Northern University graduates were concurrently U.S. Senators: Frank B. Willis, Simeon D. Fess, Arthur J. Robinson, and John M. Robsion.

This independent university has grown from a normal school serving northwest Ohio to one of the complex private universities in the State of Ohio. It has survived depressions, wars, and today's campus turmoil. The university seeks to graduate students accomplished in scholastic achievement, inspired with a desire to contribute to the good of mankind, and committed to a way of life that will result in a maximum of personal and social worth.

In recent years, the university has grown at an unprecedented rate in every way: academically, physically, and financially. In the decade of the 1960's more than $13 million of new buildings and equipment were added to the campus. Recently, the university's new liberal arts curriculum has gained widespread interest among educators.

BILL PASSED OVER

The bill, Senate Resolution 436, appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

INTERNATIONAL BIOLOGICAL PROGRAM

The Senate proceeded to consider the joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That (a) the Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and is sponsored in the United States by the National Academy of Sciences and the National Academy of Engineering, deals with one of the most crucial situations to face this or any other civilization—the immediate or near potential of mankind to damage, possibly beyond repair, the earth's ecological system on which all life depends. The Congress further finds and declares that the international biological program provides an immediate and effective means available of meeting this situation, through its stated objectives of increased study and research related to biological productivity and human welfare in a changing world environment.

(b) The Congress therefore commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the responsibility for planning, coordinating, and carrying out the program in the United States.

(c) In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

SEC. 2. (a) The Congress calls upon all Federal departments and agencies and other persons and organizations, both public and private, to support and cooperate fully with the international biological program and the activities and goals of the United States National Committee and the Interagency Coordinating Committee.

(b) For this purpose, the Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

NEGOTIATIONS IN THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, I am encouraged that at long last, more than 3 years after the end of the 6-Day War in 1967, that Israel, on the one hand, the U.A.R., Jordan and, I understand, Kuwait and Lebanon, also, have agreed to consider the possibility of negotiations based on the 1967 United Nations Security Council resolution. I am sorry that Iraq, Syria, and Algeria have refused to give their assent to this effort. In my opinion, the fact that there is agreement, if only in part as far as all of the countries involved generally are concerned, is a good start toward an opening of negotiations which may furnish an opportunity to achieve a settlement in this tinderbox area of the world. Certainly, it is far better than a continuation of the confrontation which has taken and is still taking place and, most certainly, it is a step away from a confrontation which might well involve the two so-called superpowers of the world—the U.S.S.R. and the United States.

Too much credit cannot be given to Secretary of State William Rogers for his patience, his tenacity, and his quiet determination that something must, should and would be done to try to dampen the flames in the Middle East. Credit should also be given to the Soviet Union because, while I have no definite information at my disposal, I assume that President Nasser's 19-day stay in Moscow had much to do in the way of Egypt's acquiescence to the Roger's proposal. By the same token, much credit should go to Mrs. Golda Meir, the Prime Minister of Israel, for her final acceptance of the proposal. I am sure it was not easy for either President Nasser nor Prime Minister Meir to assent to the Roger's proposal; I feel that they were both under a tremendous amount of pressure; but to their credit, in the cause of a possible settlement and a possible peace, they have both given their consent.

There is a good deal of emotion mixed up in the question of the Middle East which must be taken into consideration and recognized and, because of that factor, it is all the more reasonable that we accept the acceptances which have already been given. Let no one be under any illusion about the difficulties which will confront all parties directly and indirectly concerned once negotiations get underway but, at least, a breathing space may have been achieved and, hopefully, the 90-day cease fire contained in the Roger's proposal will be extended indefinitely.

It is my understanding that a meeting of the Big Four—the United States, Soviet Union, Britain, and France—will convene on Wednesday under the auspices of the countries' respective U.N. ambassadors and at that time will discuss the possibilities for progress and peace in the Middle East with Ambassador Gunnar Jarring. To Ambassador Jarring, also, goes much credit for his willingness to undertake renewed efforts to achieve a settlement in that part of the world.

Let us hope and pray that what will get underway shortly under the most difficult circumstances will meet with progress and results in the weeks and months ahead. Men of reason on both sides will be, I am sure, aware of the possible cataclysmic results which will follow if a settlement is not achieved. To all of them, I wish good luck and God-speed.

Mr. SCOTT. Mr. President, will the distinguished Senator from New Hampshire yield me 3 minutes?

Mr. McINTYRE. I yield 3 minutes to the distinguished minority leader.

Mr. SCOTT. Mr. President, I am very pleased that the distinguished majority leader has said what he did. I am in full accord with what he said. I must admit that when the two great power talks began, and then when the four great powers became involved, I was quite skeptical as to whether they would lead to any solution.

It is cause for a very considerable, yet guarded, optimism that the first essential step has been taken and a breakthrough has been had.

There is now more than a glimmer of hope for peace in the Middle East, an area which controls the fate and the destiny of three continents, the crossroads of the world, the vital lifeline that it is for the means of energy and defense of so many nations.

It is much to the credit, as the distinguished majority leader has said, of our really great Secretary of State, William Rogers, that he has so patiently and diligently pursued these efforts. It is to the credit of the great Russian colossus that it has shown a responsibility and equal desire for peace.

One great solid fact emerges from the decision for a 90-day ceasefire. That is that the contending parties have indicated by their action that they prefer peace to continued conflict.

This is the beginning of something that might bring about a massive collective sigh of relief on the part of all the peoples of the world.

Prime Minister Golda Meir has shown statesmanship on the part of Israel. The Arab Nations have indicated that it is clearly in their best interests not to continue to exacerbate a bad situation.

The action of President Nixon has clearly established him as a man who loves peace and seeks it, as indeed is the mark of all Presidents generally. They would certainly prefer peace to war.

Winston Churchill said:

> Jaw, jaw is better than war, war.

And that sets the tone for what we all hope will be going on.

I would like to see the 90-day ceasefire extended indefinitely until the swords are beaten into plowshares. There is much need for food. There is much need for improvement of human conditions in all of those countries. There is much need for peace in the world. And as the President winds down the war in Vietnam, as he concludes the agreement with Spain for the continuance of certain Spanish bases, as he negotiates with Russia in the SALT talks—which are going very well so far—as all these things are done, the call for peace increases and may come to full bloom in these troubled sections.

If it does, no one would be more happy than I to see the Swedish Government and the Swedish officials proceed to call together the chief officials of the United States and Soviet Union in order to do what Theodore Roosevelt did with Russia and Japan. He followed after the ways that led to peace, as the Bible says. If so, they will well deserve the Nobel peace award from a grateful world.

We hope that this will happen. At any rate, we are obviously advancing toward better days.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I am of the opinion that the remarks made by the President of the United States at his press conference last Thursday may also add some influence in bringing about a meeting of the minds on the negotiating basis covering that particular area of the world.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. I do agree that when the President indicated he was pledging the United States toward the security of the State of Israel and, to a recognition that the defense of Israel was essential to the defense of the United States, he also strengthened the hands of the negotiators.

We would all say to Ambassador Jarring, "Go with peace and bring peace back from these negotiations so that the world may see its fears subside and may again return to a state and condition where less fear dominates the minds of the world's peoples."

I again thank the distinguished Senator from New Hampshire for yielding.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. McINTYRE. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

At this time in accordance with the previous order, the Chair recognizes the Senator from New Hampshire.

TIME FOR A CONFRONTATION WITH BIG OIL'S SPECIAL PRIVILEGES

Mr. McINTRYE. Mr. President, one of the great difficulties in making responsible judgments about the issues confronting us these days is the exhaustion of our intellectual and emotional capacities by the very range of problems with which we must deal.

The major issues—often only in their broadest sense—monopolize our attention, leaving little time for the public or its representatives to understand the myriad proposals put forward as solutions. In the final analysis, in many areas, we are influenced—sometimes pushed—toward a particular solution by those vested interests most directly affected by the given issue.

Such interests have the staying power and the expertise and—sometimes—the corporate clout to influence issues which affect them. Often this is of value to the legislative process. Frequently it insures a worthwhile result—but only if the special interests can be tempered by the strong advocacy of broader needs and public interests.

It is the role—indeed the duty—of elected officials to represent the public interest and to maintain a balance between the public good and private gain. But the capacities of elected officials are spread so thin over the range of problems and options that too often we wind up serving the special interests inadvertently. We do this—not because we choose to violate the public trust—but because we have lost the public's perspective.

One of the sorriest examples of this has been the creation and the continuance of the oil import program.

Now most Americans probably have never heard of the oil import program, Mr. President. And for that matter, I doubt that there are many Congressmen who know exactly how it works. I also doubt that there are many other countries were a government program costing the public billions of dollars could so escape attention. Perhaps this is a price we pay for being so busy and so affluent.

For 10 years the oil import program was an obscure item in the inventory of governmental programs. And more than likely it would have remained so had it not been for the fight the major oil companies put up to keep a maverick member of the industry from sharing in their pie.

The industry claimed it was unfair to allow one company to have the advantage of a special quota. But the "biggies" forgot that the entire program was so unfair to the American consumer that its survival depended upon public ignorance of its very existence.

To be sure, the "oil depletion allowance" was a perennial rallying cry against special oil interests, but little did the public know that the "depletion allowance" was but the very tip of the iceberg of oil industry special privilege.

A very big part of that iceberg—the oil import program—surfaced with the proposal to build an oil refinery in Machiasport, Maine, which would bring a more abundant supply of home heating oil and a measure of price relief to the consumers of New England. That original proposal would have required a special quota under the oil import program.

In order to understand that proposal—and the controversy that quickly exploded around it—people had to learn about the oil import program. And what they learned was that this program makes it possible for the oil industry to collect a windfall, maintain the high domestic price of oil, and pass the costs on to the consumer.

The Machiasport controversy prompted the appointment of a Cabinet-level Presidential task force to study the oil import program. After months of study, the task force concluded that the oil import program was costing the American public about $5 billion a year and that it should be phased out and replaced by a tariff system.

This was a strong recommendation and it was supported by the Chairman of the task force, George Shultz, the former Secretary of Labor and now the President's Director of the Office of Management and Budget; the Secretary of Defense, the Secretary of State, and the Attorney General.

One would certainly think that the recommendations of such a group would have a great deal of influence upon the President, who after all, initiated the study, and who, after all, has complete control over the oil import program.

But this naively overlooks the power and the influence of the beneficiaries of the program.

It will take more than public exposure to rid the American people of the oil import program. It will take the honesty and the courage of the people who were sent to Washington to represent the public interest.

There are not going to be any public demonstrations against the oil import program.

There are not going to be any students, or any housewives, or any lawyers coming to Washington to urge us to change the system and make it more equitable.

The issue is far too obsure and complicated to arouse mass indignation and the public outcry it deserves.

We in the Halls of Congress are going to have to do it all by ourselves.

The only pressure we will feel will come from the other side. We all know that. We all know that the power and the influence of big oil is no stranger to the Capital.

We had an abrupt reminder of this a few days ago when we opened the Washington Post. There, in a well-documented article, Bernard Nossiter detailed the oil interests of Robert Anderson at a time when he was Secretary of the Treasury and the architect of the oil import program.

In 1959, Robert Anderson had strong personal ties to the oil industry and a financial stake in the price of oil. He still has, for that matter. Yet in 1959, he saw no conflict between ties with oil and his role as an oil policy adviser to President Eisenhower. I am quite confident that in Mr. Anderson's mind the two positions were not incompatible.

What is truly incredible, however, is not that advocates of the oil industry's position, with personal and financial ties to the oil community, hold Government positions and are active in setting oil policy—but that the rest of us have accepted this situation and have bought their bill of goods for years when it was so obviously and so outrageously contrary to the public interest.

And even if we assume that we need a program to limit foreign oil imports, the fact is that we have allowed a program to be established, and continued for a decade, which costs the Nation billions, encourages gross inefficiencies in domestic oil production, and literally gives away millions of dollars a year to the oil companies.

In 1959, the Government, by Presidential proclamation, limited the right to import foreign oil and apportioned that right among oil refiners, initially, on the basis of their historical position in the market.

It allowed inland refiners, who do not use foreign crude oil, to, in effect, sell that right and pocket the difference between the price of foreign crude and the price of domestic crude—about $1.35 a barrel.

The value of this right, a direct subsidy to the oil industry, amounts to almost $1 million a day.

Now, Mr. President, no matter what the justification for limiting imports, it did not have to be done that way, done without any thought of the public costs involved. But we cloaked this program in the mantle of national security, and attacks on the oil import program have been quickly denounced as playing fast and loose with the Nation's defenses.

But those days are over, Mr. President. No longer is the American public ignorant of the import program. No longer can critics be quickly cowed.

We will no longer tolerate trading in publicly created economic rights for private economic gain; nor the inefficiencies it has fostered in oil production; nor the stifling of competition and the stunting of the growth of U.S. refinery capacity; nor the high costs the American consumer pays for petroleum products, from gasoline to plastics.

That is, Mr. President, some of us will no longer tolerate it.

Last week, the House Ways and Means Committee added language to this year's trade bill that would maintain the status quo in oil imports. This provision would deny the President the right to implement the tariff program recommended by his task force on oil imports.

Right now, of course, the President can change the oil import program any time he wishes. And he has the strong recommendation from his task force to do so.

But what is the President's position on oil imports?

He has warned that he may veto the trade bill. But he has not publicly objected to the provisions relating to the oil import program.

At a recent press conference, he said that he "has always been opposed to mandatory quota legislation as a general proposition." But does that "general proposition" include or exclude the oil industry?

If he does not speak against the import quotas the oil industry enjoys, he will surely give them encouragement.

His silence on the matter points up another inconsistency. He has warned the Congress that it is going over the budget ceiling, and he has vetoed a hospital bill that he said was too costly.

But what has he done about the costly oil import program—a program he could change with the stroke of a pen. Why has he not accepted his task force's recommendation and adopted a tariff system which would bring millions of dollars a year into the public treasury and aid him and the American people in the fight against inflation?

We all know the force and power of the oil industry. We know how high it reaches in the circle of Government—

and it matters not whether the Democrats or the Republicans control that Government. We know what it means in terms of campaign money and support. Big oil's power is so pervasive, so prevailing that a good many people expect nothing to change in oil policy, that the President will continue the present import program largely as it is.

The industry's power extends beyond financial influence. It embraces the social and business camaraderie which members of the industry share with people in Government positions. Simply put—high Government officials offend their friends in the industry when they recommend changes in the system—and they may be offending future business associates.

Such is the insidious nature of the influence of oil.

There is no doubt in my mind that former Treasury Secretary Anderson did not have a personal financial interest in the effect of the oil import program in order to make recommendations he made.

His close personal associations with oil men, and the fact that he would return to the business when he left Government, might well have been enough to nearly marry in his mind the special interests of oil with the general interests of the public.

Now, the public has no suitable defense against that kind of influence. It cannot make a collective phone call to the President and discuss its needs in regard to oil policy.

It cannot invite a Senator, or a Congressman, or an administration official to its game preserve for a weekend's hunting.

It cannot pass on business tips.

The public's needs and interests are an abstraction that can only be articulated—and championed—by its representatives in a public forum. And they must prevail by the sheer force and logic and fairness of their arguments.

And now we have reached the point of confrontation between a public program set up for private economic gain and the public's interest in a more equitable oil policy.

If the President does not change that program, or if the Congress allows it to be frozen into public policy, then once again the oil industry will have demonstrated that its private influence is strong enough to override the representatives of the public interest.

This is a very clear point of decision. If we want to limit oil imports, we can do it in such a way as to benefit the public, protect our legitimate security interests, and encourage efficient domestic production that will provide a generous return to the industry—or, we can continue the present program of lining the pockets of a privileged few giant oil companies at the expense of a great number of American consumers.

Anyone who has studied this program, anyone who has read the hearings of Senator HART's Subcommittee on Antitrust and Monopoly, anyone who has studied the report of the President's task force knows that the present import quota system is irrational, inequitable, unjustifiable, and indefensible. It is not a matter of debate; it is not a controversial point. The record is clear.

If the public fully understood the issue, we would not be able to withstand the winds of change that would blow through these Halls, nor the public accounting it would demand of us.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. McINTYRE. I shall be concluding in a moment, and shall be glad to yield at that time.

Unfortunately, the public does not fully understand the issue. Nor does it realize exactly why it is suffering from high oil prices or how it could benefit from a change in the program. But we do. And that is what the people are paying us for, and what they expect of us.

In a short time the trade bill will come to the floor of the Senate. Today I am announcing my firm intention to offer an amendment to strike the language added by the House Ways and Means Committee freezing the present oil import program into law.

This amendment will permit the President to implement, if he chooses, the recommendations of his own Cabinet-level Task Force on Oil Imports.

Then, for the first time in the history of the oil import program, the Senate will have the opportunity to vote on it. We will be challenged to make a clear choice between a program which benefits private profit and a program which would better serve the public interest.

This vote will speak directly to the issue of how this Government works, and for whom it works.

I hope the administration takes a stand. I hope it makes its position unequivocally clear to the American people.

I hope the news media will inform the public as to exactly what is at stake in this vote, and I hope the public makes it its business to determine how each U.S. Senator casts his ballot.

I am now happy to yield to my distinguished friend from Oklahoma.

Mr. BELLMON. Mr. President, the Senator has just said that the public does not realize exactly why it is suffering from high oil prices. I wonder if the Senator has had an opportunity recently to compare the cost of oil from domestic sources as compared with the cost of oil from the Middle East.

Mr. McINTYRE. It is my understanding that, due to a temporary spot tanker market problem, there have been a few cases of closing of the gap between domestic prices and imported prices. The big oil corporations, with their large fleets of long-term chartered or owned tankers, are not affected. So the differential between the maintained domestic price and the world price is still a scandalous figure in my book.

Mr. BELLMON. It is my understanding that at the present time crude oil from the Middle East laid down in New York costs from $4.25 to $4.55 a barrel, whereas oil from domestic sources laid down at the same location can be bought for from $3 to $3.25 a barrel, indicating that oil from domestic sources is, roughly, a dollar lower in cost than oil from imported sources.

Does the Senator agree with those figures? If he does, I wonder where he gets the notion that the public is suffering from high prices on oil from domestic sources.

Mr. McINTYRE. First, let me inquire of my good friend from Oklahoma how much of the oil we use is affected by these spot prices.

Mr. BELLMON. Virtually all of the residual oil prices are affected. The reason is that historically residual oil has come from offshore sources. We do not have the refinery capacity for producing residual fuel oil. As a result, most of this oil that is imported has prices that are very high, and most of the sources for the generation of electricity comes from those sources.

The point I am trying to make is that if this country followed the suggestion made by the Senator from New Hampshire and we thought it was necessary to import more of that oil, then if we were caught in an unusual situation, this country would have to pay those higher prices of shipping oil into this country by tankers, and I doubt if the interests of the consumer would be well served.

Mr. McINTYRE. I think I should make myself very clear on the point that I am not advocating that protection for the oil industry be completely abandoned. We in New England understand the necessity for fuel oil, and that oil provides 75 percent of our energy needs. So we agree that the oil industry should be protected. What we are trying to say is that there are so many of these privileges that keep prices high and that it would be well and good if that were not so. We in New England are paying more than our share for national defense under the oil import program.

So do not put me in the group of those who say that the oil industry should not have any protection. I am aware of that point of view, but I am sick and tired of all the privileges and protections the oil industry has.

Mr. BELLMON. I would like to suggest to the Senator that the consumer is benefiting by this program. For instance, natural gas, which is the source of much of the energy utilized on the east coast, is selling at New York for about 30 cents per million cubic feet less than that same natural gas is selling for if it is brought in from the Middle East as liquefied natural gas, which costs about 60 cents per million cubic feet.

Therefore, if we did not have a domestic oil industry, we would be importing all our gas, and the cost to the consumers would be about $6 billion a year more than it is, since we can get gas from domestic sources.

So it is my contention that the Senator, who is concerned, as I am, about protecting the rights of consumers, perhaps would do them a great disservice if we were to force the domestic industry to reduce its operations and make the country depend for its energy upon foreign sources.

I agree with the Senator's position that we ought to make certain that the consumer is getting a fair deal; but it is my contention, after studying the programs, that the oil import program has been good for the consumer.

After all, the Senator has suggested that the oil companies need what he called a generous return to the industry. They have to have the capital resources to produce the energy our country needs. A program that makes it impossible for them to get such a return is certainly going to put the industry out of business at an early date.

I would like to ask the Senator what he would consider to be a generous return to the oil industry, what percentage on their investment.

Mr. McINTYRE. Something less than what they are getting now.

Mr. BELLMON. Does the Senator know what that is?

Mr. McINTYRE. I think I saw the corporate figures for the oil industry for 1969, which showed that after taxes, for the calendar year 1969, their profits exceeded $5 billion.

Mr. BELLMON. As income on capital investment, does the Senator know what this amounts to? I can tell him that the profit for the oil industry is less than average for industry. The oil industry is not an outstanding investment, because they are not too profitable.

If the Senator is interested in their getting a generous return, then we need to be doing more and not less to attract the funds into the industry that they need for exploration and production.

Mr. McINTYRE. Mr. President, I did not say that I was interested in a generous return. I am interested in a fair return. Yet, piggy-backed on top of all these programs that have been quietly put together for the benefit of the oil industry, we find the consumers of America are now picking up a great share of the tab. It happens that the consumers I represent are picking up more of the tab than they should.

The task force put together by the President of the United States said that the mandatory oil import program was no longer needed, and we should go to a tariff program. I would like to see the President's program implemented. Nothing has been done about it, except that General Lincoln has been appointed chairman of a committee to engage in a continuing study of the oil industry.

Mr. President, I am getting a little tired of all this. I am for a fair return, but I am more interested in seeing that the consumers of New England get a better break on the price we have to pay. With all due respect to the Senator from Oklahoma and the people of his area, we are really getting taken on this mandatory oil import program, and we want to see it changed.

Let me ask the Senator a question. Does he understand that at the present time the President of the United States has within his discretionary power the right to change, alter, or do away with the mandatory oil import quota program of 1959?

The crux of my remarks here today is that there will come to the Senate floor a trade bill, in which the House will undoubtedly deny the President the discretionary right that he has. Would the Senator from Oklahoma vote to freeze the quota system for the oil industry and lock it into the law, or does the Senator prefer to have the discretionary system as it is today?

Mr. BELLMON. Mr. President, I would reply to the Senator by saying that I introduced in the Senate some months ago legislation that would establish a commission to oversee the oil import program.

I feel, as the Senator does, that the way the program is presently handled is wrong, for the reason that it does not give the public an opportunity to know the facts behind the decisions made by the oil import administrator.

For all practical purposes, this program operates in the dark. The citizens have a right to know what the issues and the facts are before these decisions are made.

I would not, so far as I know at the present time, favor legislation that would freeze the present import program into law and make it impossible to change as conditions change. But I do favor a program that gets all the facts out in the open, so the public can understand what is being done.

I frankly feel that the oil import program has been well administered, but I feel very strongly that most of those who have not studied it do not understand it, and for that reason they feel there is something sinister about it. But I feel it has been operated in the best interests of the consumers.

So I answer the Senator's question by saying that, as I understand it now, I probably would not favor legislation to take this matter out of the hands of the President.

Mr. McINTYRE. Let me raise again a question that has surfaced in the last 3 or 4 weeks about the differential between world price and domestic price of oil.

I would like to know how much of United States consumption is affected by the increase in these tanker rates. Does the Senator know how much United States consumption is affected by this spot tanker development?

Mr. BELLMON. The United States presently gets roughly one-third of its oil from imported sources. But the important factor is not just the price of that oil, but that if Congress takes steps that have the effect of reducing the domestic production of oil, and makes this country depend on foreign sources for oil, we will be forced to pay these high prices for all our oil, and the consumers would pay much more under that kind of arrangement than they pay now.

As I understand the President's arithmetic, if we pay for all our oil at the price we now pay for Middle Eastern oil, the consumers would pay $5,301 million a year for oil than they are paying at the present time. In other words, the present program, rather than costing the consumers money, is actually saving them $5,300 million a year. That is on oil alone. If we were to depend on import sources for all our natural gas, it would increase the cost of that commodity by an additional $6 billion a year.

So the oil import program, in my opinion, is having the effect of saving the consumers about $11 billion a year over what they would be paying if we were importing our petroleum needs. To me, this is something extremely important to the consumers of this country, and something they should know about.

Mr. McINTYRE. Is that $11 billion based on the temporary tanker situation, if it were permanent?

Mr. BELLMON. I suggest that the situation would not be temporary. If we had to have this oil, those people would charge as much as they could get for the oil, and they would have every right to do that. It is not just the tanker rate; it is the fact that the Libyan oil foreign market has been cut back, the fact that the supply line has been cut in Libya. They can charge more, and so they are doing it.

The ACTING PRESIDENT pro tempore. The time of the Senator from New Hampshire has expired.

Mr. McINTYRE. Mr. President, I ask unanimous consent to proceed for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. If I understand the Senator from Oklahoma correctly, his previous remarks indicated that this was a rather unusual situation that had occurred due to events in the Far East.

Mr. BELLMON. Mr. President, it is a situation that could occur regularly if we had to have this oil. The fact is that ordinarily we have in this country enough domestic oil so that we can keep the price down; but if we got in a situation where we were at the mercy of these other nations, they would increase the price of their oil. That is what they are doing now.

Mr. McINTYRE. Mr. President, I would like the RECORD to show that no one, least of all the Senator from New Hampshire, is suggesting that we get all of our oil from the Middle East. And I wish to add, as we close out this discussion—and I appreciate the Senator's being here, so that we could get this colloquy with reference to the question of the spot tanker rates, and the part which the differential between the world price and the domestic price plays—that I am under the impression that this rate increase amounts to less than 5 percent, and possibly less than 1 percent, of all the oil consumed by the United States. I am also under the firm impression that this is a temporary increase in rates, one which is to be expected from time to time in the volatile international spot market for tankers, and one which, in any case, has absolutely no effect at all on the overwhelming preponderance of foreign oil which comes here either under long term contracts or in hulls owned by the oil companies.

Finally, I might point out that, if the distinguished Senator and his colleagues on this issue would take a position permitting increased Canadian oil imports, the increase in spot tanker rates would have absolutely no effect at all on domestic prices.

Mr. PROXMIRE. Mr. President, the remarks by the distinguished Senator from New Hampshire are well taken. The oil import quotas have had an inflationary effect on the price of oil products. Currently there is an increasing shortage of fuel oils, which is causing higher prices. An article in the Wall Street Journal details that problem. I ask unanimous consent to have that article printed in the RECORD.

Also, Mr. President, I ask unanimous consent to have inserted a letter I sent to Director George A. Lincoln of the Office of Emergency Preparedness on the problem of the limitation of oil imports from Canada.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

SUPPLY OF INDUSTRIAL FUELS GROWS TIGHTER, ADDING TO FEAR OF ENERGY WOES THIS WINTER

A growing shortage of heavy industrial-grade fuel oils east of the Rockies has sent prices soaring to highs and could contribute to the possibility of energy problems in many parts of the nation this winter.

Power companies, factories, office buildings, hospitals, colleges and other users of the boiler fuel are encountering increasing difficulty securing sufficient supplies. In addition, they're paying prices as much as $1.50 a barrel higher than a year ago, or as much as double the year-earlier levels. Many oil companies are turning down prospective customers, and some are even allocating shipments to present customers.

The higher fuel costs in many cases will be passed on to consumers in the form of higher electric bills, under so-called "automatic fuel adjustment clauses" in utility rates, and the form of higher prices for manufactured products. Some factories were forced to close for short periods last winter due to fuel shortages, and the pinch is likely to be more severe this year.

The fuel oil shortage also is contributing to a tightening supply of asphalt, the nation's chief road-building material. Some road projects have been slowed this summer, and the combination of short supplies and rising prices could cut into next summer's state and Federal highway programs.

The causes of the fuel oil shortage are complex and include such diverse factors as new air pollution control laws, a worldwide tanker shortage resulting from events in the Arab world, new Federal coal mine safety rules, and a growing nation wide shortage of natural gas.

IMPACT OF SMOG CONTROLS

A major trigger for the shortage is the fact that many local air pollution control authorities are placing into effect much sooner than anticipated tight restrictions on the sulphur content of fuels. Burning of such fuels produces sulphur dioxide, a gas that when precipitated out on soot and dirt in the air and then breathed in can be damaging to the human bronchial tubes and lungs.

The laws are forcing many burners of coal, the lowest-cost boiler fuel for many parts of the country, to seek fuel oil as a substitute. Most boiler coal is high in sulphur content, and methods of removing it economically are still in the research stage. Pipeline-grade natural gas doesn't contain any sulphur but is nationally in short supply, and several major gas utilities also are rejecting new customers.

About two-thirds of the nation's heavy fuel oils are imported from Venezuela and Caribbean area refineries. At present these fuel oils, too, are high in sulphur, and most of the oil industry's new desulphurization plans in these areas, representing about a $500 million investment, haven't gone into production. What's more, the tanker crisis has as much as tripled oil transportation costs from the Caribbean and has resulted in uncertain delivery schedules at East Coast ports. The tanker shortage results from the prolonged closedown by Syria of a key Middle East oil pipeline and Libya's forced cutbacks in oil production there.

Domestic capacity to make heavy fuel oils has declined steadily because of rising imports and the previously low price of imported fuels in relation to high cost U.S. crude oil—such fuels frequently sold for less than half the cost of the crude from which they're made. This also discouraged the building of desulphurization plants in the U.S. Most new U.S. refineries have been designed without facilities to make heavy fuel oil in order to squeeze more gasoline and other higher-value products from each barrel of crude.

NEEDS GO UNFILLED

There are other factors contributing to the fuel oil shortage. A number of coal mines have been forced to close, at least temporarily, because they're unable to meet new Federal mine safety laws. Several electric power plants have been built to run on heavy fuel oil because of delays in getting approval and equipment for nuclear plants. Industrial plants that use so-called "interruptible" supplies of natural gas as their chief fuel, will need bigger stocks of alternate fuel oil this winter due to the greater likelihood that utilities will have to cut them off during periods of peak homeowner gas use.

Meanwhile the scramble for fuel oil is on. The University of Illinois Medical Center in Chicago is preparing to ask for bids for the fourth time in three months to secure a needed eight-million-gallon heavy fuel oil supply for this winter. The first three tries brought only one qualified bid, which will fill only half the center's fuel requirements.

William Graban, general manager of the municipally owned power plant in Taunton, Mass., says his invitations to 12 oil companies to bid on the plant's 700,000-barrel needs over the next year drew only one bid to supply 250,000 barrels. That bid, from Shell Oil Co., is at $2.90 a barrel for relatively high sulphur (2.5%) oil, compared with a year-earlier price of $1.98 from another supplier. The Taunton plant, about 25 miles south of Boston, serves about 18,000 electricity customers, and Mr. Graban says the town could be in a bad fix before long.

A marketing official of one of the largest international suppliers of heavy fuel oils says bluntly, "We are turning down prospective new customers, and from time to time have had to allocate deliveries in some areas to present customers, due to uncertain tanker schedules. We're even trying to buy fuel oil ourselves in the open market."

HEAVY DEMAND FOR LOW SULPHUR

The crunch is even more severe for heavy fuel oil with low sulphur content.

Public Service Electric & Gas Co., New Jersey's biggest utility, has converted about half of its electric generating capacity from coal to heavy fuel oil with a maximum of 1% sulphur to meet the state's present air pollution control rules. But in October, it must start using oil containing no more than 0.5% sulphur, which it estimates will cost about $1 a barrel more, and it anticipates this will be harder to buy, even though the company is close to two big low-sulphur fuel oil terminals. The utility burns about two million barrels of oil a month.

Virginia Electric & Power Co. says such fuel is "exorbitant (in price), and it's just not available." Philadelphia Electric Co., which switched entirely to low-sulphur fuel oil at its power plants last year to meet new air pollution control laws, estimates that the $6 million that the switch added to its first year's fuel bills will be doubled over the next year by recent price increases. Low-sulphur oil costs up to $3.50 a barrel in some markets.

Byron S. Weil, president of Oils Inc., a Chicago heavy fuel oil distributor, predicts that city's new air pollution control laws on sulphur dioxide will result in a severe fuel oil shortage for large institutions, hospitals and factories.

He asserts that greater access to foreign fuel oil in the Midwest is needed. Up to now about 90% of the nation's heavy fuel oil consumption has been on the East Coast, where there is almost unrestricted access to imported supplies. But imports of heavy fuel oil to the inland areas of the nation have been tightly restricted. Last March, the government granted the first import quota for this area, permitting Commonwealth Edison Co. of Chicago to bring in 4.5 million barrels of low-sulphur, heavy fuel oil. Oils Inc. then asked for a two-million-barrel quota but has been granted only 480,000 barrels.

But one oil marketer says, "Getting quotas may not help inland users much. You just can't find much heavy fuel oil available in the Caribbean right now, and when you can, it's almost impossible to charter a tanker to haul it for you."

MORE CLEAN-UP FACILITIES

Several major new desulphurization plants will be placed in operation in the Caribbean and Venezuela over the next six months, but oil marketers generally don't believe the facilities will solve the shortage.

For example, by the middle of August Standard Oil Co. of California and closely held New England Petroleum Corp. will begin shipments from a 250,000-barrel-a-day facility they share on a 35%-65% basis at Freeport in the Bahama Islands that can make 130,000 barrels of low-sulphur, heavy fuel oil daily. But, a spokesman says, "It's all sold under firm contracts."

In October Creole Petroleum Corp., 95%-owned by Standard Oil Co. (New Jersey), the largest supplier of heavy fuel oils to the U.S., will begin production at a facility at Amuay, Venezuela, capable of making 166,000 barrels of low-sulphur, heavy fuel oils daily, and Jersey Standard's wholly owned Lago Oil & Transport Ltd. will start up an 88,000-barrel-a-day unit on the island of Aruba about next Jan. 1. Yet a U.S. marketing official for the company predicts the short supply of heavy fuel oils could last as long as two years.

The Royal Dutch-Shell Group started a 50,000-barrel-a-day desulphurization unit at Cardon, Venezuela, this year, nearly tripling its low-sulphur, heavy fuel oil capacity in the Caribbean. Amerada Hess Corp. has about 86,000 barrels a day of low-sulphur fuel oil capacity at St. Croix in the Virgin Islands. Texaco Inc. has announced plans for a giant desulphurization unit on Trinidad.

The current high prices for heavy fuel oil even have some oil companies pondering a boost in domestic output. "But by the time desulphurization units could be built, the shortage may have ended or prices may have come back down, so it looks like a big gamble," says one oil executive.

DROPPING ASPHALT FOR OIL

An Arab-Israeli armistice also might bring an easing of the conditions causing the worldwide tanker crisis, but oilmen aren't counting on it.

A spokesman for the American Oil Co. division of Standard Oil Co. (Indiana) says some refineries are switching some asphalt production into making heavy fuel oil, and this is contributing to a growing shortage of asphalt.

The tanker shortage also is a big factor, since U.S. asphalt plants generally run on Venezuelan crude oil.

Frank O'Donnell, president of Trimount Bituminous Products Co., Everett, Mass., which mixes asphalt with other materials and supplies contractors, says he's been forced to ration deliveries to customers, delaying "completion of all sorts of jobs." The reason, he says, is that his asphalt supplier, Humble Oil & Refining Co., Jersey Standard's chief subsidiary, will sell him only 75% as much as he bought last year. Some of Trimount's truck drivers are working only three days a week due to the shortage, Mr. O'Donnell says.

R. L. Peyton, assistant state highway director for the Kansas Highway Commission, says some projects in that state have been delayed by the need to seek bids on asphalt a second time. He says availability of asphalt has been "touch and go so far this year, and it may be worse next year."

Adolph Zulian, assistant chief engineer of the Colorado Highway Department, says prices of liquid asphalt have arisen 20% to 30% from a year ago, and he says that one of the state's major suppliers, Texaco, won't accept any new orders for this year.

Millard Stewart, executive director of the Asphalt Association of Western Pennsylvania, which represents the area's road materials producers, says, "We will probably make it through the year and get most of the jobs done, but it will be tight." He called the supply "critical" and predicted the present $24 a ton price, unchanged from a year ago, may soar to $29 a ton by next spring.

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., July 20, 1970.

HON. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Washington, D.C.

DEAR GENERAL LINCOLN: Last March 10th, exactly 11 years after the inception of the Mandatory Oil Import Control Program, President Nixon extended it to impose quotas on crude oil imports from Canada into the United States east of the Rockies. This action was taken based on your findings after consultation with the Oil Policy Committee.

I presume that your finding was based on national security, the only basis for limiting oil imports from Canada. However, the background review for your recommendations has not been released. Explanations referred to informal import levels being exceeded in early 1970, elements of the Shultz Committee Report, and remarks regarding the need for a common energy understanding with Canada. If there is a detailed evaluative report supporting your recommendations, I would like a copy of it. Another, related problem, is that no public record exists describing the scope of the energy agreements sought with Canada and their national security implications. Since there is no such information, the implication is that these controls are a bargaining tool in non-national security matters. In any event, I would like a full statement of our objectives as well as the negotiations related to them.

The material regarding Canada in the Shultz Committee Report was in the context of a basic revision of the program from a quota system to tariffs. Has the Oil Policy Committee examined any aspects of such a transition? Have the consultations to which the President's statement of February 20th referred taken place?

The proclamation provides no controls on Canadian imports beyond December 31, 1970. I assume then that the extention of such controls into 1971 will require further findings by you with the advice of the Oil Policy Committee. As part of the process for determining whether such an extension is needed, I strongly urge you to hold public hearings. That would go far to eliminating the doubts that have arisen about prior decisions.

Finally, in view of developments since Canadian oil import controls were instituted—the impending price rise in oil, the crude oil shortage and the energy crisis in the midwest—I urge as strongly as I can that controls on the importation of Canadian oil be suspended until it can be determined that they are now required in the interest of national security. I personally believe that such a review would reveal these controls to be adverse to our national security.

Thank you for your cooperation.

Sincerely,

WILLIAM PROXMIRE.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

EDITORIALS IN PRAISE OF SENATOR PROXMIRE

Mr. NELSON. Mr. President, my colleague, the Senator from Wisconsin (Mr. PROXMIRE), has made a record for himself in various fields, including economy in defense spending and in the field of consumer protection. His efforts have not gone unrecognized.

Two recent newspaper editorials point up his record. One in the Wisconsin State Journal of Madison notes passage by the Senate of Senator PROXMIRE's bill to impose cost accounting procedures for defense contractors.

Another, Mr. President, in the Washington Star, supports the Senator's bill to relieve consumers of the burden of correcting mistakes made by computers used for billing.

Mr. President, I ask unanimous consent that both editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

NEW PROCEDURES PROXMIRE HELPS TO SAVE

Public officials are wont to talk about saving the taxpayers' money, but Wisconsin's Sen. William Proxmire may do just that to the tune of some $2 billion a year.

The Senate recently by a vote of 69 to 1 approved Proxmire's bill for stringent new cost accounting procedures for defense contractors. The bill now goes to the House.

The lopsided Senate vote represents a personal victory for the Wisconsin Democrat who has been battling for new accounting procedures. Two years ago Proxmire, in face of strong opposition, won a government study of contractors' accounting methods.

The bill approved by the Senate provides for establishment of uniform cost accounting standards by a new five member Cost Accounting Standards Board appointed by the comptroller general, who would serve as chairman of the board.

The new procedures would apply directly to the majority of defense contracts obtained through negotiations between contractors and the Pentagon rather than through competitive bidding.

Some authorities testified before a Senate committee that the change in procedures could save taxpayers more than $2 billion a year which is a sizeable sum even in Washington, D.C.

The Wisconsin senator is to be commended for his efforts to save some dollars for the taxpayer. The House would do well to complete the congressional approval of the bill.

RELIEF IN SIGHT

At last Congress has the opportunity to afford its citizens from one of the scourges of our time, the computer.

As most of us know from frustrating personal experience, computers, for all their circuitry, input and tapes, do make mistakes. This is excusable; after all, they are only subhuman.

But what happens after the mistake is made and discovered by the citizen against whom it is made shouldn't happen to an IBM card. The computer turns out to be deaf, dumb and blind to anything but its own immediate concerns. Like the mechanical water-carrier fashioned by the sorcerer's apprentice, the idiot computer keeps on billing and billing and billing, pausing only to add penalties and interest to the original mistaken sum.

It will not pay attention to reasoned protest or to duplicated documents demonstrating its error. It moves mechanically into the escalation of threats to sue, threats to blacken one's credit repute and threats to seize one's property. The recipient of these mindless communications soon feels he has been spindled, folded and mutilated.

The only known remedy is an insulting personal letter to the president of the department store or oil company or the Commissioner of Internal Revenue, who also employs the mechanical marvels.

Now Senator William Proxmire (D-Wis.) has introduced legislation that will compel an answer within ten days to the customer savaged by a computer and allow the collection of damages, even triple damages in some cases.

The proposal deserves unanimous support in both houses. It will provide a powerful incentive toward the too long delayed final perfection of the potentially very useful devices.

CONSERVATION, PESTICIDES, AND POLLUTION

Mr. NELSON. Mr. President, I ask unanimous consent that three excellent articles from the Wall Street Journal regarding environmental issues be printed in the RECORD at the conclusion of these remarks. The articles range from the plight of the Mustangs in the West to the ineffectiveness of Federal efforts to end the pesticide menace to the environment and to humans. The Journal is to be commended for its policy decision to run these in-depth, well-written, and hard-hitting environmental pieces.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 25, 1970]

CONSERVATIONISTS TRY TO HALT THE SLAUGHTER OF MUSTANGS IN WEST—WILD HORSES DISAPPEARING FAST, BUT THEY ARE STILL KILLED AS PESTS, USED IN PET FOOD

(By P. F. Kluge)

CALIENTE, NEV.—The wild bay stallion panics as the strangers approach. Eyes rolling, he races desperately around the corral that is his prison, tripping over wires, crashing against the fence.

He had come down from the arid mountains near here and was drawn to a familiar salt lick that had been fenced, its gate left open. Entering, he tripped a wire and the gate slammed behind him. When the gate opened again it would lead to the back of a truck. There would be other corrals then, and, finally, the last stop at a pet-food plant.

Trapped and sold for six cents a pound on the hoof, shot and left to rot on the range, driven off cliffs, the mustang is a slowly vanishing symbol of the American West. Descended from stock brought to the New World by the Spanish conquistadors and the settlers who came after, mustangs once roamed the Great Plains by the hundreds of thousands. No more.

As barbed wire and the plow marched

across the grasslands, the mustang retreated farther and farther west. Exterminated as a pest by ranchers, driven into dry country where pasturage is hard to find, his numbers dwindled. Today about 17,000 mustangs are left in 11 Western states, about half of them live in Nevada, many in the arid moonscape of that state's southern region.

Conservationists—and some repentant "mustangers" who have slain many of the animals in the past—are now working to preserve those that are left. They will have to work fast; Stan Routson, Nevada state inspector of brands, expects the mustang to survive only about eight years more in his state.

"A NATIONAL MONUMENT"

"The mustangs are definitely going down the drain," says Tom Holland a retired Utah rancher who heads the National Mustang Association, which wants to set up a 68,000-acre preserve near here. "Horses helped build and conquer America, and the wild ones left on the range ought to be a national monument. Instead they're treated like garbage, like so many empty beer cans."

If the mustangs do disappear, it will be because of economics and the animal's lack of status as an endangered species. The Federal government doesn't recognize it as such because, strictly speaking the mustang is not a distinct species, just a horse of mixed parentage. Old mustang hunters, however, view him as a wild animal in the truest sense of the word; they have seen mustangs leap over cliffs rather than be caught or starve themselves to death when trapped in corrals rather than eat the food proffered by captors.

Mrs. Velma (Wild Horse Annie) Johnston, a Reno secretary who has been a strong champion of the mustang, says: "No one wants to be responsible for them. They're not an edible animal and they're not a trophy animal. They're in limbo."

Mrs. Johnston was instrumental in obtaining a 1959 Federal law that forbids the use of planes and motor vehicles in rounding up mustangs on Federal land (86% of Nevada is Federally owned). A bill introduced in Congress earlier this year would give the Secretary of the Interior authority to set up and maintain preserves for mustangs and burros, but the fate of that is uncertain and the 1959 law is the principal protection now available.

HOLES IN THE LAW

The 1959 law has ended the massive roundups of the past, when thousands of mustangs were driven over cliffs or rounded up and sold by teams of hunters in jeeps, trucks, and airplanes; about 100,000 of the wild horses were removed from Nevada in the four years after the end of World War II, for example. Still, the 1959 law is poorly enforced and has holes in it.

"You're not going to get the FBI out here to enforce it," says Mr. Routson, the Nevada brand inspector. "And the county commissioners are elected by ranchers, who want that land for cattle."

Many ranchers lease grazing rights from the U.S. Bureau of Land Management, paying a fee based on how many cattle the bureau estimates can be supported on a given tract. In the Nevada badlands, where cattlemen joke that a cow has to graze at 20 m.p.h. to get enough to stay alive, every tuft of green is precious—and the mustang is a wide-ranging rival for available pasturage.

So ranchers and others still trap and kill mustangs legally and illegally. The anti-motor vehicle provision of the 1959 law is evaded by mustang hunters who release their own branded horses into a mustang herd—and then chase and round up the whole lot using jeeps and trucks. If anyone gets curious, the hunter can argue that he was just after old dobbin.

There is some evidence, though, that as the mustang population has dwindled, the ranchers have softened. Says Walter Clutts, head of the Las Vegas chapter of the National Mustang Association: "Fellows who rode them off cliffs by the hundreds are starting to support our program. They look out the window and they don't see them anymore. Deep in their hearts they love them and they want to see some around; it's hard for a rancher not to have some feeling for horses."

Ellis (Cougar) Lefevre, a grizzled mustanger who says he was personally involved in the capture and extermination of some 10,000 of the animals, says he repented years ago when it struck him that his children might never see a mustang. Retired rancher Holland, the Mustang Association president, recalls a similar change of heart.

"Back in the fifties," he says, "there was one horse, a white mare. We chased her for three years. We got to calling her Native Dancer. The last year we chased her, she was with a colt. We finally caught her, but it took three relays of men and horses and an eight-mile run. Now, that horse was the goingest concern I ever come across, and it about broke my heart when we shipped her out for pet food."

[From the Wall Street Journal, June 26, 1970]

BEATING THE BANS: HAZARDOUS PESTICIDES ARE CONTINUING IN USE DESPITE FEDERAL CURBS—AGRICULTURE AGENCY'S APPEALS PROCESS BALKS CRACKDOWN—STORES STILL SELL PRODUCTS—USDA AIDES DEFEND RECORD

(By Burt Schorr)

WASHINGTON—The Government's heralded campaign against the perils of pesticides has produced a series of tough-sounding prohibitions. But these edicts are proving less hard-hitting than they first promised to be.

In February the Agriculture Department suspended a highly toxic mercury fungicide from use on grain seed. Three Alamogordo, N.M., children had suffered serious brain damage after eating meat from a hog accidentally fed seed treated with the chemical. Yet seed processors, by department agreement, are continuing to use their remaining stocks of the fungicide.

In April the weed-killer 2,4,5-T, suspected as a possible cause of birth defects, was banned for use around the home and its recall from retailers' shelves was requested. Yet an estimated six million spray cans and other small containers of the compound remain in the hands of local merchants, and surveys show that sales to the public are continuing.

Last November the Government authorization of DDT products for house, garden and certain other uses was canceled with considerable White House fanfare. Yet three companies—Carolina Chemicals Inc., Diamond Shamrock Corp. and Lebanon Chemical Corp.—still have the right to go on marketing the chemical labeled for these very uses, while their protests await action by the Agriculture Department's tortoise-paced appeals machinery.

A MEANINGLESS BAN?

These delays dismay many conservationists and consumer spokesmen. Harrison Wellford, an associate of Ralph Nader, complains that letting sales of these supposedly prohibited DDT products continue "in effect leaves no ban at all." He notes that the department has set no date for a public hearing on the companies' appeals and the Pesticides Act provides no deadline. "Here is the loophole in the act and the department apparently is taking full advantage of it," Mr. Wellford charges.

Despite the criticism, Secretary Clifford Hardin's lieutenants insist they're taking a tough stand on pesticides. They cite the initial actions taken against suspect pesticides as evidence that the department, long criticized for subordinating health and environmental considerations to the interests of pesticide makers and users, is cracking down. Moreover, current Government reappraisals of pesticide dangers indicate this trend will broaden in months ahead, threatening a sizeable cutback in pesticide producers' $2.5 billion annual sales.

"The general feeling around here used to be: Don't offend the pesticide industry," says one top official. "And when it came to human health, the department was willing to risk a degree of hazard. But now we're taking the position that there must be a big margin of safety for the public."

Matching such words with the fate of the mercury seed-treatment compound seems difficult, however. Initially, officials sent out a warning that the chemical was an "imminent hazard" to human beings and animals and that it was being recalled from seed processors. But when a major producer of the compound, Nor-Am Agricultural Products Inc. of Chicago, protested that this was too severe, officials abandoned the recall idea.

THE DISPOSAL PROBLEM

Apart from any department softness toward the industry, current reform efforts must also contend with a quagmire of technical problems and procedural delays.

Still to be agreed upon, for instance, is a method of disposing of pesticides once they've been banned—in particular, the approximately six million containers of 2,4,5-T. Companies have delayed recalling their products until safe handling procedures are decided. A state-Federal-industry conference on the subject will convene in Washington next week.

"The USDA has a bear by the tail on recalls, no doubt about that," comments James Dewey, chief of the pesticides program at Cornell University's college of agriculture and head of an informal panel developing disposal guidelines for New York state authorities. Incineration is considered the safest method of pesticide disposal, but the Cornell professor has discovered that no Empire State community now has an incinerator able to achieve the extra-high temperatures required or the equipment needed to clean emerging gases. Most communities in other states are also believed to lack such facilities.

CASES PILE UP

Another problem is the administrative jumble created by the mounting backlog of appeals filed by pesticide manufacturers. Nine pesticide-use issues now are awaiting judgment by Agriculture Department scientific panels (only two of the needed nine have been appointed to date). A company that loses at the scientific-panel stage still has the right to a public hearing, and 12 issues are lined up for hearings. The combined total of these pending cases—involving some 45 companies in all—has doubled since the start of this year. A court appeal following department hearings could delay a final decision for two or three years altogether.

While appeals are pending, manufacturers are free to continue marketing products whose authorization has been formally canceled. And the DDT producers are not the only ones currently enjoying this freedom.

Thus, four makers of lindane vaporizers, used for insect control and deemed unsafe around food preparation areas more than 14 months ago, can still sell their products for use in restaurant kitchens. The first step in their appeal, a scientific-panel opinion, is due by July 6.

To plug some of the existing gaps in pesticide regulation, the Nixon Administration soon will offer a number of amendments to strengthen present law. Samples: Pesticide inspectors would be empowered to enter a producer's plant and take samples for chemical analysis to assure that products are effective and don't contain harmful adulterants. In the case of a product suspected of being dangerous, the Agriculture Secretary would be authorized to halt all sales for 90 days while the department weighs the scientific evidence and decides what final steps to take.

But even if Congress approves such changes (and industry lobbyists already are trying to blunt the planned Administration thrust), questions about the resolve of pesticide regulators will remain, according to skeptics.

Consider the Alamogordo case. State and Federal investigators quickly discovered that a hog slaughtered by the father of the poisoned children to feed his family had been fattened on a diet that included sweepings of waste seed treated with methylmercuri, a preventive for root rot and other soil-borne diseases. They also learned that some three months before the children's illness 12 other pigs owned by the family had died after being stricken with blindness and paralysis.

A MANUFACTURER BALKS

Agriculture Department pesticide regulators say the incident was their first clue that methylmercuri formulations caused brain damage. (There had been warnings of possible danger by Food and Drug Administration officials, though.) The department promptly classified such products as a health hazard and suspended their authorization for use in seed treatment.

Actually halting the use of methylmercuri formulations proved another matter.

At first, the department decided that the mixtures were sufficiently dangerous that the four companies marketing them should be requested to recall them from "all product locations." Nor-Am Agricultural Products, which makes nearly all of the compound used in seed treatment, immediately halted shipments from its Illinois plant to some 50 distributors. But it balked in calling in stocks already in the hands of distributors and seed processors, then at peak operation in preparation for spring planting demand.

In late February Nor-Am representatives met with Agriculture Department officials in Washington to argue that recall "was not economically or technically feasible," says Lionel Hart, Nor-Am vice president. To meet safety requirements for shipment of poisonous materials would entail costly repackaging at possibly hundreds of locations, the company contended. Once assembled, moreover, the stocks would present Nor-Am itself with the problem how to get rid of them without causing dangerous air or water pollution.

ABOUT-FACE AT AGRICULTURE

The safest alternative, company executives maintained, would be to continue coating the compound on seed until field supplies were exhausted.

Nor-Am's argument proved convincing. An Agriculture Department memo commented that "the hazard to the public would probably be greater from the returning of existing stocks to the manufacturer than from (their use) in accordance with presently accepted directions."

But Nor-Am still wanted permission to sell stocks on hand in company warehouses. When the department refused, Nor-Am filed suit in Federal court in Chicago to overturn the suspension (alleging in part that the Government hadn't linked the Alamogordo poisonings with its products). In April the court enjoined the department's action, and Nor-Am resumed shipments until the Government obtained an appeals court stay of the injunction. The higher court hasn't yet handed down its final opinion.

Despite this legal clash with Nor-Am, the department has long been accused of willingness to accommodate the pesticide industry. The house Government Operations Committee last year charged that the regulators "consistently failed to take action to remove potentially hazardous products from marketing channels"; failed to cancel authorizations of ineffective or potentially hazardous materials as quickly as they should have, and approved "numerous" pesticide products over the objections of the Health, Education and Welfare Department.

In partial defense, Agriculture officials say pesticide regulation has been hampered by lack of sufficient men and money. As recently as 1964, the pesticides agency had only 11 inspectors across the country to check on an estimated 45,000 registered products. Since then, the inspection force has more than tripled. But Gus Conroy, newly promoted to enforcement chief, says he's still a long way from his goal of sampling each registered product for chemical analysis at least once every five years.

HARDIN STATEMENT

Perhaps a more fundamental handicap is the persistent belief that the Agriculture Department's first duty is to agriculture. But department science director Ned Bayley, a Johnson Administration holdover, began to challenge this premise in a serious way following last year's House investigation. One consequence was a restatement of pesticide policy by Secretary Hardin. Henceforth, he said, the department would encourage "those means of effective pest control which provide the least potential hazard to man, his animals, wildlife and other components of the natural environment."

Mr. Hardin's most significant act to date may have been to formally delegate to the HEW Department the full responsibility for deciding pesticide health questions.

On this basis, the Agriculture Department moved in April against all home, aquatic and food-crop uses of 2,4,5-T even though officials deemed the evidence supplied by HEW—that heavy injections of 2,4,5-T caused birth defects in mice—to be rather thin. In a letter to Mr. Hardin, then HEW Secretary Robert Finch contended that "a prudent course of action" should reflect the possibility that the weed-killer "may present an imminent health hazard to women of child-bearing age."

But this move hasn't satisfied the more militant environmentalists. A group headed by Mr. Wellford is petitioning the department for a total ban on 2,4,5-T products. This would affect use of the herbicide for rural weed control. This is the principal application for the chemical, and it was not covered by the April action.

There's dissatisfaction, too, about the effectiveness of the department's earlier orders. At a Senate hearing the other day, Mr. Wellford testified that a survey by the Nader organization of 15 hardware and garden stores in the Washington area turned up five still selling 2,4,5-T products, even though pesticide companies supposedly have sent out letters warning retailers to stop such sales. A check by Senate staffers of 10 such stores in the Baltimore area turned up seven still offering customers 2,4,5-T products.

[From the Wall Street Journal, June 25, 1970]

RAISING A STINK: POLLUTION BY PULP MILLS STIRS MORE LOCALITIES TO PRESS FOR CURBS—STATES TIGHTEN REGULATIONS—INDUSTRY SETS BIG OUTLAYS TO MAKE FACILITIES CLEANER—CLIMBING UP A SMOKESTACK

(By Stanford N. Sesser)

It was a full-page ad in Time magazine, and it was beautiful. There was the clear, majestic river flowing through the untouched forests. "It cost us a bundle," the caption read, "but the Clearwater River still runs clear." The ad went on to explain that Potlatch Forests Inc., which operates a pulp and paper mill on the Clearwater at Lewiston, Idaho, had spent millions of dollars to control pollution.

There was only one thing wrong. The photograph of the Clearwater was taken more that 50 miles *upstream* from the Potlatch plant.

"I can't defend it very well," says Benton R. Cancell, president of Potlatch. But he has an explanation. "We got trapped by a cliche. In Lewiston, there aren't any trees, and our theme is to run things against a forest background." Critics of the company suggest that perhaps another reason the picture was taken upstream is that downstream the Clearwater isn't so clear. At least a dozen times a year, it churns with a foul-smelling white foam that sometimes spurts high into the air, just a few yards from the intake for Lewiston's water supply. Fishermen say the foam and the smell, both products of the Potlatch plant, are sometimes evident 60 miles downstream.

SKUNKS AND ROTTEN EGGS

If the Potlatch plant doesn't do much for Lewiston's water, neither does it do much for the air. Last year the Potlatch smokestacks spewed forth 2.5 million pounds of sulphur gases, 1.8 million pounds of particulate matter and 5.5 billion pounds of water vapor. Workers at the plant must drive their cars through a spray device every day to wash off the flakes of sodium sulphate that will otherwise eat away the paint. The hydrogen sulphide the plant gives off often makes Lewiston, which is in a valley downwind from the plant, smell like rotten eggs. Another pollutant is composed of the same chemicals that skunks emit.

The befouled air and water have afflicted Lewiston ever since the Potlatch plant was built there in 1950. Until recently, nearly everyone quietly accepted the pollution as a fact of Lewiston life, or, as the company once put it, "the smell of money." (The plant is Lewiston's main industry.) But now times have changed. After the ad appeared, scores of Lewiston residents started organizing to express their concern about pollution from the plant. At a town meeting this spring, 150 angry residents confronted two Potlatch ex-executives and accused them of everything from deception (the ad) to genocide (the pollution).

It's the same in almost every city where there's a pulp or paper mill. Aroused citizens—and some state officials—are questioning and confronting the corporate owners. Citizens in one state have barred a company from building a mill in their town, an almost unheard of resistance to what would have been an economic boon. As a result, the pulp and paper companies are planning heavy expenditures to try to reduce their pollution—though not nearly as heavy as many citizens and officials are demanding.

TWELVE FEET OF GUCK

The pulp and paper companies are being singled out by pollution officials and townspeople because they are among the worst polluters. The chemical "cooking" process that turns wood into pulp (which is then turned into paper) can ruin both air and streams. For instance, the Ticonderoga, N.Y., mill of International Paper Co., which is soon to be replaced by a new facility, has over several decades dumped so much waste into Lake Champlain that 300 acres of lake bottom are coated with the guck in depths of up to 12 feet.

Also, the pulp and paper makers are more visible targets for pollution fighters because the plants are usually in otherwise scenic areas where there are ready supplies of timber and water.

Officials of pulp and paper makers admit that pollution is a national problem. "Certainly there's a problem," says Mr. Cancell of Potlatch. "Let's not discount that." But some executives say the peril has been blown out of proportion by students and others who have taken up the environment as a cause. Referring to the controversy over pollution of Lake Erie, Bernard W. Recknagel, executive vice president of St. Regis Paper

Co., says: "The idea that Americans have a cesspool for a lake gripes the hell out of me. A fish would have a delightful time in 75% of Lake Erie today."

A BOOST IN OUTLAYS

Executives at nearly every company emphasize that they are planning millions of dollars in outlays to curb pollution. International Paper, whose pollution abatement spending will jump to $15 million this year from $4.5 million last year, recently announced that it will spend $101 million to fight pollution over the next four years. (Among other things, the higher outlays by the industry probably will lead to increased prices, some executives say.)

The future plans do little to assuage many residents of mill towns, however. "Potlatch keeps telling us about how much money they have spent on pollution controls," says David Hadley, a college student who organized the campaign against Potlatch in Lewiston. "Well, of course they've done something. If they were operating with no controls at all, we'd be dead."

Mr. Hadley has a point. The pollution from pulp mills is a proven health hazard. Dr. Benjamin Ferris, a professor at Harvard's school of public health, compared the town of Berlin, N.H., which has a pulp mill, to a similar-sized town in British Columbia with no major air pollution. Dr. Ferris found that Berlin residents had twice the rate of severe chronic bronchitis and emphysema.

Industry officials say they are aware of the health hazard, and they insist they would eliminate it if they knew how. Their newer plants have the most modern equipment available, many executives contend.

There is evidence to refute this, however. The most effective pollution-control system for pulp and paper mills was developed about 25 years ago in Sweden and was in widespread use in Europe by the early 1950s. Yet only one new U.S. mill—owned by American Can Co., an industry "outsider"—employs this process, which eliminates the rotten egg smell. (Another mill, an older renovated facility of Crown Zellerbach Corp., has converted to the Swedish process.)

The American Can mill, at Halsey, Ore., emits relatively few pollutants. One company official claims he actually climbed to the top of a smokestack at the mill and stuck his head in the plume—a suicidal act in a conventional mill. Now officials of many companies are talking enthusiastically about the "new" process and planning more mills using it. They say they didn't try the method years ago because it is slightly more expensive.

One reason the executives now are seriously considering the Swedish process is because they are suddenly getting a lot of pressure from state regulators. The states of Washington and Oregon have recently issued strict new controls for pulp and paper mills, for instance. And the state of New Mexico recently turned down a company's request to build a mill in the little town of Algodones.

"A BIG POLITICAL ISSUE"

"We're one of the few areas left in the country that has the option of retaining a quality environment," says Larry J. Gordon, state director of health and social services. "The public recognized this and became aroused." In addition, Mr. Gordon says that "the company could not guarantee it could meet our air pollution regulations, even though it was amazing to note how their technology increased week by week as we held the line on our requirement."

The company, Parsons & Whittemore Inc., then decided to locate the mill in Colorado, but it is running into similar problems there. "At this time, we're not all that interested in trying to fight the battle," says George Boylan, a company vice president.

A politician in Washington state says that people there, too, "are up in arms." Pollution in Washington "has become a big political issue, and there are many political careers revolving around it now," he says. Many residents of the state charge their scenic land is being ruined by the pulp and paper mills, but Robert Stockman, director of the state office of air quality control, is satisfied with the cooperation he is receiving from the industry. He declines to disclose statistics on the amount of pollutants emitted by mills in his state, saying, "As far as I am concerned we are very pleased with the attitude of the industry. I don't intend to irritate them" by releasing the figures.

Floyd Oles, city manager of Tacoma, also speaks our for the industry. "I'm primarily interested in the payrolls and not in the smell," he says. He asserts the agitation against pollution is led by people with "long hair and straggly beards." He doesn't question their motives but he thinks they are playing into the hands of subversives. "The Communists are ready to take over anything in the way of a disruptive effort," he says.

A WORSENING PROBLEM

The people across the country who are more interested in the smells than the payrolls say the smells and other pollution from mills are getting worse instead of better. In many instances, they appear to be right. The pollution-control equipment on mills generally works most efficiently when mills are operating at an average rate. But for the past couple of years, with demand for paper and pulp strong, the mills have been operating at such a high rate that the control equipment has become much less efficient.

In Lewiston, for instance, the Potlatch mill's daily output rose 6% between 1967 and 1969. In the same period, however, the emission of sulphur-based gases increased 2.7 times.

This, too, upsets some resident of Lewiston, and they are speaking out. "There was a time when people were afraid to protest pulp mill pollution," says Shirlee Hennigan, a Lewiston teacher. "Potlatch would say, 'If you don't like it, we'll take our plant elsewhere.' Now people aren't afraid anymore. They know there aren't any more places the pulp mill can go."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Proposed Transport and Ocean Disposal of Chemical Munitions

A letter from the Acting Secretary of State, reporting, pursuant to law, on the proposed transport and ocean disposal by the Department of Defense of chemical munitions; to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable waivers of preaward audits of contractors' noncompetitive price proposals, Department of Defense, dated August 3, 1970 (with an accompanying report); to the Committee on Government Operations.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Report on Refugee Statistics

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, reporting, pursuant to law, the refugee statistics for the 6-month period ended June 30, 1970; to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A resolution adopted by the Montana Legislative Highway Interim Committee, praying for the enactment of legislation extending the expiration date of the Federal Highway Trust Fund; to the Committee on Finance.

A resolution adopted by the Council of the County of Maui, Wailuku, Hawaii, praying for the enactment of legislation providing for equal rights for women; referred to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HUGHES, from the Committee on Labor and Public Welfare, with an amendment:

S. 3835. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism (Rep. No. 91-1069).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 4161. A bill for the relief of 1st Lt. Kenneth A. Myers, U.S. Air Force Reserve; to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 4162. A bill to amend the Agricultural Adjustment Act of 1938 to authorize the sale of tobacco acreage allotments under certain conditions; to the Committee on Agriculture and Forestry.

By Mr. JACKSON (for himself, Mr. Allott, and Mr. Stevens) (by request):

S. 4163. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities and for other purposes;

S. 4164. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes;

S. 4165. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; and

S. 4166. A bill to amend acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes"; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. SPONG:

S. 4167. A bill to enforce the guarantees of the 14th amendment with respect to the desegregation of public elementary and secondary schools; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Spong when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SMITH of Illinois:

S.J. Res. 225. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week; to the Committee on the Judiciary.

(The remarks of Mr. Smith of Illinois when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 4163, S. 4164, S. 4165, AND S. 4166—INTRODUCTION OF BILLS TO FULLY IMPLEMENT THE PRESIDENT'S NEW INDIAN POLICY

Mr. JACKSON. Mr. President, I introduce for appropriate reference four proposed bills submitted by the Secretary of the Interior in furtherance of President Nixon's message of July 8 on American Indian affairs.

Other Senators may wish to join in the sponsorship of these measures, and I will be happy to include their names if they will so advise me.

Mr. President, I ask unanimous consent that the letter from the Secretary of the Interior asking that these bills be introduced, together with the bills and accompanying explanatory material, be printed in the Record following my remarks.

The PRESIDING OFFICER (Mr. Dole). The bills will be received and appropriately referred; and, without objection, the bills, letter, and material will be printed in the Record.

The bills (S. 4163) to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities and for other purposes; (S. 4164) to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes; (S. 4165) to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; and (S. 4166) to amend Acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes", and for other purposes, introduced by Mr. Jackson, for himself and other Senators, were received, read twice by their titles, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the Record, as follows:

S. 4163

A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Section 1. This Act may be cited as the "Federal Employees Indian Tribal Organization Transfer Act".

Sec. (2). (a) Notwithstanding other statutes, Executive orders, or regulations, an employee serving under an appointment not limited to one year or less who transfers on or before December 31, 1980, to an Indian tribal organization in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if he and the Indian tribal organization so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of title 5, United States Code, and for this purpose his employment with the Indian tribal organization is deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the Indian tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the Indian tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefits payable under subchapter I of chapter 81 of title 5, United States Code, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employees.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of title 5, United States Code. Days of unused sick leave to the credit of an employee under a formal leave system at the time he transfers to an Indian tribal organization remain to his credit for retirement purposes during covered service with the Indian tribal organization.

(3) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Life Insurance Fund (section 8714 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United States Code.

(4) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Health Benefits Fund (section 8909 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(5) To be reemployed within 30 days of his application for reemployment in his former position or a position of like seniority, status, and pay in the agency from which he transferred, if he transferred at the time such an activity was transferred to the Indian tribal organization or within 90 calendar days after such a transfer of activities and (A) he makes application for reemployment not later than 5 years after the date of his transfer to the Indian tribal organization, or (B) the activity is transferred back to the Government of the United States. On reemployment, he is entitled to the rate of basic pay to which he would be entitled had he remained in the agency from which he transferred. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. If, at the time of transfer to the Indian tribal organization the employee received a lump-sum payment for annual leave and he is reemployed under this paragraph within one year from the date of transfer, he shall refund to the agency from which he transferred the amount of the lump-sum payment, and the leave covered by the said lump-sum payment shall be restored to his account. If an employee is reemployed under this paragraph, the period of his service with an Indian tribal organization and the period necessary to effect his reemployment are deemed creditable service for all appropriate civil service employment purposes.

(b) During a transferred employee's period of service with an Indian tribal organization, that organization shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of subsection (a) of this section.

Sec. 3. An employee who transfers to an Indian tribal organization under section 2 of this Act and the Indian tribal organization to which he transfers shall make the election to retain the coverages, rights, and benefits in paragraphs (1), (2), (3), and (4) of subsection (a) of section 2 of this Act before the date of his transfer to the Indian tribal organization. An employee who transfers to an Indian tribal organization under section 2 of this Act shall continue to be entitled to the benefits of section 2 of this Act if he transfers to the employment of another Indian tribal organization to perform service in activities of the type described in section 2 of this Act.

Sec. 4. For the purposes of this Act—

(a) "employee" means an employee as defined in section 2105 of title 5, United States Code;

(b) "Indian tribal" includes, but is not limited to, Alaska Native; and

(c) "Indian tribal organization" includes, but is not limited to, Indian tribal governing bodies, their agencies and instrumentalities, and corporations and other organizations which are controlled by (1) one or more of the described Indian tribal governing bodies or their agencies or instrumentalities, or (2) by a board of directors elected or selected by one or more of the described Indian tribal governing bodies or their agencies or instrumentalities.

Sec. 5. The President may prescribe regulations necessary to carry out this Act and to protect and assure the compensation, retirement, insurance, leave, and reemployment rights and such other similar civil service employment rights as he finds appropriate.

SEC. 6. This Act shall be effective 60 days after the date of its enactment.

S. 4164

A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. For the purposes of this Act:

(a) "Indian Tribe" and "Indian Community" means an Indian tribe, band, nation or Alaska Native Community for which the Federal Government provides special programs and services because of their Indian identity. The terms may also include the reservation or other land area in which the tribe or community is located and tribally recognized communities within a reservation.

(b) "Indian tribal organization" includes the elected governing body of an Indian tribe or community. The term may also include legally established organizations which are controlled by one or more such bodies or which are controlled by a board of directors elected or selected by one or more such bodies.

(c) "Secretary" means the Secretary of the Interior or the Secretary of Health, Education, and Welfare, as appropriate.

(d) "Programs" and "services" include the local activities and undertakings of the Bureau of Indian Affairs of the Department of the Interior and the Indian health service program of the Public Health Service of the Department of Health, Education, and Welfare serving Indian communities and the related facilities, equipment, supplies, materials and budget. Such other programs as may be designated by a Federal department or agency responsible for the administration thereof may also be transferred pursuant to this Act.

SEC. 2. (a) Notwithstanding any other provision of law, if an Indian tribe or community, after consultation with the Secretary, requests that it be given the control or operation of a program or service administered by the Secretary, the Secretary shall within 120 days from such request, or such later date as may be agreed to by the Secretary and the organization, transfer such control or operation to the Indian tribal organization. Any request made pursuant to this subsection must be accompanied by a plan for carrying out the program or service requested. A tribe or community assuming such control may enter into agreements to carry out all or any part of such program or service. A transfer under this subsection shall stipulate the retrocession procedures provided for in subsections (d) and (e) of this section which are designed to safeguard the residual trust responsibilities of the Federal Government. In the case where a requested program or service is serving the members of more than one Indian tribe or community, the requested transfer of such service or program must be approved by each tribe or community served by said program or service before any transfer shall be required under this Act.

(b) During the period preceding or immediately subsequent to any transfer required by this Act, the Secretary shall provide assistance, other than financial, on the request of the Indian tribal organization, to insure an orderly transfer of the control and operation of the program or service involved.

(c) For each fiscal year during which an Indian tribal organization engages in an activity pursuant to any program or service transferred to it under this Act, the Indian tribal organization shall submit a report to the Secretary including an accounting of the amounts and purposes for which Federal funds were expended and information on conduct of the program or service involved. The reports and records of such Indian tribal organization with respect to such program or operation shall be subject to audit by the Secretary and the Comptroller General of the United States.

(d) Should an Indian tribe or community request retrocession to the Secretary of any program or service which was assumed by the Indian tribal organization under this Act, such retrocession shall be effective upon a date specified by the Secretary within 120 days of such indication or such later date as may be agreed to by the Secretary and the organization. Such retrocession will not prejudice the tribe's or community's right to again assume control of a service or program at a later date.

(e) In any case where the Secretary determines that any program or service assumed by an Indian tribal organization is being accomplished in a manner which involves (1) the violation of the rights or endangers the health, safety, or welfare of individuals served by such program or service, or (2) gross negligence or mismanagement in the handling or use of Federal funds provided to the organization pursuant to this Act, the Secretary may, under regulations prescribed by him, after providing notice and hearing to such Indian tribal organization, reassume control or operation of such program or service if he determines that the organization has not taken corrective action as prescribed by the Secretary. The Secretary may retain control of such program or service until such time as he is satisfied that the violations of rights, endangerment of health, safety, or welfare, or the gross negligence or mismanagement which necessitated the reassumption has been corrected as indicated by the plan accompanying a request by an Indian tribal organization to again take control or operation of such program or service.

(f) In the allocation of available funds, Indian tribal organizations that assume control or operation of programs or services under the provisions of this Act, or retrocede control or operation to the Secretary, shall be treated in the same manner as they would be if the control or operation had been maintained continuously by the Federal Government.

SEC. 3. The Secretary is authorized, upon the request of any Indian tribe, band, group, or community, to detail any civil service employee serving under a career or career-conditional appointment for a period of up to 180 days to such Indian tribe, band, group, or community for the purpose of assisting such Indian tribe, band, group or community in its control or operation of a program or service transferred to it pursuant to this Act. The Secretary may, upon a showing by an Indian tribe, band, group or community of a need for an employee detailed pursuant to this section, extend such detail for a period not to exceed 180 days.

SEC. 4. Nothing in this Act shall be interpreted as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indians.

S. 4165

A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in reaffirming the trust and treaty relationships between the United States of America and the American Indians, and between the United States and the Alaska Natives, which Indians and Natives are hereinafter referred to as "Indians", the purpose of this Act is to establish an Indian Trust Counsel Authority to provide independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians.

SEC. 2. (a) The Indian Trust Counsel Authority, hereinafter referred to as the Authority, is established as an independent agency in the Executive Branch.

(b) The Authority shall be governed by a Board of Directors composed of three members to be appointed by the President by and with the advice and consent of the Senate.

(c) At least two of the members of the Board of Directors shall be Indians.

(d) The terms of office of members of the Board of Directors shall be four years, except that of the first three members appointed, one shall be appointed for a two year term, one shall be appointed for a three year term, and one shall be appointed for a four year term. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member shall serve until his successor has been appointed and qualified.

(e) The President shall designate one of the Directors to serve as Chairman at his pleasure.

(f) The members of the Board of Directors shall receive pay at the daily equivalent of the rate provided for grade GS–18 in section 5332 of title 5, United States Code, for each day they are engaged in the business of the Authority, and shall be allowed travel expenses, including a per diem allowance as authorized by section 5703 of title 5, United States Code, in connection with their services for the Authority.

SEC. 3. The Board of Directors shall convene at the call of the Chairman, but must convene at least once each quarter, to set policy for the Authority and review its activities. The Board of Directors shall report to the President and the Congress annually on the activities of the Authority.

SEC. 4. The Board of Directors shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and prescribe the duties of a chief legal officer for the Authority, who shall have the title of Indian Trust Counsel, and who shall be paid at a rate equal to that provided for in level V of the Executive Schedule (5 U.S.C. 5316), and a Deputy Indian Trust Counsel who shall be paid at a rate not in excess of that provided for grade GS–18 in section 5332, of title 5, United States Code.

SEC. 5. (a) The Board of Directors shall appoint, fix the pay of, and prescribe the duties of such attorneys as it deems necessary after consulting with the Indian Trust Counsel.

(b) The Board of Directors shall appoint and fix the compensation of such special counsel and experts as it deems necessary.

(c) Attorneys or special counsel apopinted under this section may, at the direction of the Authority, appear for or represent the Authority in any case in any court, before any commission or in any administrative proceeding.

SEC. 6. The Board of Directors shall, subject to the provisions of title 5, United States Code, appoint such employees as it deems necessary in exercising its powers and duties.

SEC. 7. The Authority, in the exercise of its functions, shall be free from control by any Executive Department.

SEC. 8. The Authority, with the consent of an aggrieved Indian, Indian tribe, band, or other identifiable group of Indians, is authorized to render legal services in regard to rights or claims of Indians to natural resources, including, but not limited to, rights to land, rights to the use of water, timber, and minerals, and rights to hunt and fish, within the United States' trust responsibility owing to the Indians, which services are now rendered by the Department of the Interior or by the Department of Justice, but nothing in this Act shall absolve the Department of the Interior and the Department of Justice of their responsibilities to the Indians, except that the Department of Justice as of the effective date of this Act or as soon thereafter as practicable, is relieved of its responsibility to Indians with regard to their rights or claims to natural resources, including, but not limited to, rights to land, rights to the use of water, timber, minerals, and rights to hunt and fish. The legal services performed pursuant to this section may include, but shall not be limited to, the investigation and inventory of Indians' land and water rights, and the preparation and trial and appeal of cases in all courts, before Federal, State, and local commissions, and in all administrative proceedings.

SEC. 9. The Authority, with the consent of an aggrieved Indian, Indian tribe, band or other identifiable group of Indians, acting in the name of the United States as trustee for the Indians, may initiate and prosecute to judgment in all courts of the United States and of the States, against the United States, its departments, agencies, officers, and employees, or against any of the States, their subdivisions, departments and agencies, or against persons and corporations, public or private, all actions in law and equity for the protection, preservation, utilization, conservation, adjudication, or administration of natural resources or interests therein had or claimed by the Indians, including, but not limited to, rights to lands, rights to the use of water, timber, and minerals, and rights to fish and hunt. The Authority is authorized to prosecute appeals in all courts of the United States and of the States, and to intervene in any Federal, State or local administrative proceeding in order to protect the rights of the Indians. The United States waives its sovereign immunity from suit in connection with litigation initiated by the Authority under this section.

SEC. 10. The powers granted to the Authority by this Act shall not extend to the filing or prosecution of any action, claim, or other proceeding against the United States relating to any matter as to which a claim has been filed or could have been filed under the Indian Claims Commission Act of 1946, as amended, or any other statute authorizing a suit to be brought against the United States.

SEC. 11. The Authority is authorized to:

(1) Make such rules and regulations as it deems necessary to carry out its functions.

(2) Request from any department, agency, or independent instrumentality of the Government any information, personnel, services, or materials it deems necessary to carry out its functions under this Act; and each such department, agency or instrumentality is authorized to cooperate with the Authority and to comply with a request to the extent permited by law, on a reimbursable or nonreimbursable basis.

(3) Receive and use funds or services donated by others.

(4) Make such expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities under this Act.

(5) Charge a fee based upon the Indians' ability to pay for services rendered pursuant to section 8 of this Act. The fees collected pursuant to this subsection shall be paid into miscellaneous receipts in the Treasury of the United States.

SEC. 12. There are authorized to be appropriated to the Authority created herein such sums as may be necessary to carry out the provisions of this Act.

S. 4166

A bill to amend Acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), be amended to read as follows:

"That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to enter into a contract or contracts with any State or political subdivision thereof or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, or with any Indian tribe, band, group, or community, recognized by the Secretary, for education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians, through the agencies of the State, tribe, band, group or community, or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress; of Indians in such State."

SEC. 2. The Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267) is amended:

(a) by redesignating sections 4, 5, 6, and 7 as sections 5, 6, 7, and 8, respectively.

(b) by adding after section 3 the following:

"SEC. 4. That the Secretary of Health, Education, and Welfare is authorized to contract with any Indian tribe, band, group, or community to carry out all functions, authorities, and responsibilities conferred upon him by this Act, in accordance wtih the Act of June 4, 1936 (49 Stat. 1458)."

(c) by adding a new section 9 at the end of the Act of August 5, 1954 (68 Stat. 674), as amended, as follows:

"SEC. 9. In accordance with section 214(d) of the Public Health Service Act, 42 U.S.C. 215(d), upon the request of any Indian tribe, band, group, or community, personnel of the service may be detailed by the Secretary for the purpose of assisting such Indian tribe, band, group, or community, in work related to the functions of the service."

SEC. 3. Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a)(2)) is amended by inserting the words "or who are assigned to functions of the service in assisting Indian communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267)," after the words "Environmental Science Services Administration."

The material submitted by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four legislative proposals that are submitted as the final part of the legislative package that was discussed by President Nixon in his message to the Congress on Indians on July 8, 1970.

We recommend that each of the proposals be referred to the appropriate committee for consideration and that they be enacted.

These four proposals, plus the three submitted on July 11, 1970, are designed to fully implement the new Indian policy enunciated by the President in his message.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours:

WALTER J. HICKEL,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To amend Acts entitled 'An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education medical attention, relief of distress, and social welfare of Indians, and for other purposes', and 'To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes' and for other purposes."

We recommend that the proposal be referred to the appropriate committee, and that it be enacted.

Section 1 of the proposal amends the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), known as the Johnson-O'Malley Act by inserting in the Act the phrase "or with any Indian tribe, band, group, or community recognized by the Secretary,". It also strikes the word "Territory" wherever it appears in the first section of the Act because of the fact that it is no longer applicable to the Act.

Section 2 of the proposal amends the Act of August 5, 1954 (Public Law 568, 68 Stat. 674), by adding two new sections to the Act and renumbering the other sections so that they conform to the Act with the new sections. The first new section added is a new section 4 that authorizes the Secretary of Health, Education, and Welfare to contract with "any Indian tribe, band, group, or community" to carry out his health responsibility to the Indians. The second new section added by the proposal is a new section 9 that gives the Secretary of Health, Education, and Welfare the authority to detail Public Health Service personnel for the purpose of assisting an Indian tribe, band, group, or community in carrying out Indian health functions.

Section 3 of the proposal amends Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 by adding words that will allow the commissioned officers of the Public Health Service who are serving under a service agreement with the Public Health Service that exempts them from the provisions of the Selective Service Act to continue to be exempt from the provisions of the Selective Service Act while on detail to work with Indian tribes, bands, groups, or communities.

In the President's Indian message of July 8, 1970, he discusses the need to make certain that Johnson-O'Malley funds, which were designed to help Indian students, should come under the influence of the Indians as to the way that the money is spent. He therefore proposed that the Congress amend the Johnson-O'Malley Act to authorize this Department to channel funds appropriated under the Johnson-O'Malley Act directly to Indian tribes and communities. The amendment proposed in section 1 of our proposal will carry out this Presidential request. This amendment will give the Secretary of the Interior authority to contract directly with not only State and local institutions but with Indian tribes, bands, groups, or communities who run their own educational institutions. The Secretary will then be able to contract directly with these Indian tribes, bands, groups, or communities to carry out his responsibility in Indian education, agricultural assistance, and social welfare to the Indians. This will be in connection with the direction the Department has been given by the President to make every effort to ensure that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve education of Indian children in those districts.

The amendments made by section 2 of the proposal will give the Secretary of Health, Education, and Welfare the same authority to deal with Indian tribes, bands, groups, or communities in carrying out the health functions that were transferred to the Secretary of Health, Education, and Welfare by Public Law 568 of the 83d Congress that the amendment made by section 1 of the proposal gives to the Secretary of the Interior in the areas of education, agricultural assistance, and social welfare.

Basically the amendments give the Secretary of Health, Education, and Welfare the authority to make contracts with Indian tribes, bands, groups, or communities to carry out the Indian health function that has been placed in the Secretary of Health, Education, and Welfare. In connection with this contracting authority, the Secretary is given the authority to detail personnel of the Public Health Service to work with Indian tribes, bands, groups, or communities in relation with the contracts made by them to carry out the health function.

Section 3 of the proposal is a provision that is needed as a companion to the new section 9 added to Public Law 568, 83d Congress by section 2 of this proposal. The language in section 3 continues the draft-deferred status of those commissioned officers of the Public Health Service who are detailed by the Secretary of Health, Education, and Welfare to work with Indian tribes, bands, groups, or communities in connection with transfers made by the Secretary to carry out the Indian health function. Without this amendment to the Selective Service Act, the commissioned officers of the service who are detailed to work with Indian tribes, bands, groups, or communities would lose their draft-deferred status, making the detailing of the junior officers to this work virtually impossible.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 29, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To provide for the creation of the Indian Trust Counsel Authority, and for other purposes."

We recommend that the proposal be referred to the appropriate committee for its consideration and that it be enacted.

The purpose of this proposal, as provided in section 1, is to establish an Indian Trust Counsel Authority to provide independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians in order to reaffirm the trust and treaty relationships between the United States and the American Indians and Alaska Natives.

Section 2 of the proposal establishes as an independent agency in the Executive Branch the Indian Trust Counsel Authority. The Authority will be governed by a three-man Board of Directors who will be appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Board must be Indians. The term of members of the Board shall be 4 years except that the initial Board shall be appointed in a staggered manner. The President shall designate one of the members of the Board to serve as chairman. The members of the Board shall receive pay that is the daily equivalent to that of a GS–18 for each day they are engaged in the business of the Authority and shall be allowed necessary travel expenses.

Section 3 provides that the Board of Directors shall convene at the call of the chairman but must meet at least once each quarter to set policy for the Authority and to review its activities. This section requires the Board to report annually to the President and the Congress on the activities of the Authority.

Section 4 authorizes the Board, without regard to the civil service laws, to appoint and prescribe the duties of the chief legal officer for the Authority who shall be called the Indian Trust Counsel at level V of the Executive Schedule and a Deputy Indian Trust Counsel who shall be a grade GS–18.

Section 5 authorizes the Authority to appoint and fix the pay and prescribe the duties of attorneys it employs. It also authorizes the Authority to appoint and fix the compensation of needed special counsel and experts. Finally, it authorizes the attorneys or special counsel appointed by it to appear for and represent the Authority in any case before any court, commission or administrative proceeding pertaining to its responsibilities.

Section 6 authorizes the Authority to hire such other employees as it deems necessary.

Section 7 provides that the Authority shall be free of control by any Executive Department.

Section 8 authorizes the Authority, with the consent of any aggrieved Indian or Indian tribe, band, or other identifiable group of Indians, to render legal services in regard to rights or claims of the Indians in relationship to their natural resources. The extent of the Indians' rights in their natural resources to be protected by the Authority is set out in this section. This authority shall be exercised in combination with the authority exercised by the Department of the Interior in all of its trust responsibilities to the Indians and in relationship to the Department of Justice in the exercise of its responsibility to the Indians except that the Department of Justice no longer will exercise any responsibility to the Indians in the area of natural resources. This responsibility will be exercised under the provisions of the proposal by the Authority. This section also provides that the Authority may perform services pursuant to this section to include investigation and inventorying of Indians' land and water rights and the preparation, trial and appeal of cases involving the natural resources of the Indians in all courts and before Federal, State and local commissions and administrative bodies.

Section 9 authorizes the Authority, with the consent of any aggrieved Indian, Indian tribe, band or other identifiable group of Indians, acting in the name of the United States as trustee for the Indians, to initiate and prosecute to final judgment in all Federal and State courts against the United States or any of its departments, agencies, officers or employees or against any of the States, their subdivisions, departments or employees or against any persons or corporations, public or private, all actions in law and equity for the protection of the natural resource interests and rights of the Indians. The United States waives its sovereign immunity to suit in connection with litigation initiated by the Authority under this section.

Section 10 provides that the powers granted the Authority by this Act shall not extend to the filing or prosecution of any action, claim or other proceeding against the United States relating to any matter as to which a claim has been filed or could have been filed before the Indian Claims Commission or under any special statute authorizing a suit to be brought against the United States.

Section 11 enumerates the authorities of the Authority.

Section 12 authorizes the appropriation of funds necessary to carry out the provisions of the Act.

As the President stated in his message of July 8, 1970:

"The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance *both* the *national* interest in the use of land and water rights *and* the *private* interests of Indians in land which the government holds as trustee.

"Every trustee has a legal obligation to advance the interests of beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists.

"In order to correct this situation, I am calling on the Congress to establish an Indian Trust Counsel Authority to assure independent legal representation for the Indians' natural resource rights."

This proposal will carry out the policy enunciated in the President's message by establishing the Indian Trust Counsel Authority. The Authority will be, as provided in section 7, free from control of any Executive Department. This independence will free the trust Authority of having to take into consideration any interest other than that directly affecting the Indians and will allow it to independently carry out its function of protecting the natural resource rights and interest of the Indians.

The Authority will be under the direction of a three-man Board of Directors, two of which must be Indians. This majority control of the Board of Directors by the Indians will assure the Indians that they will have a majority voice in the direction of the activities of the Authority. Further, the Board is given the authority in the proposal to hire necessary attorneys including the chief legal officer and his deputy and such other personnel as they deem necessary to carry out the functions given them by the proposal. The majority control will assure the Indians that the people hired by the Authority to carry out the responsibilities of the Authority will be those people that are acceptable to them. This assurance should, from the inception of the Authority, make the Authority a body that has the confidence and trust of the Indians.

The proposal provides that the Indian Trust Counsel, who is the chief legal officer for the Authority, shall be a level V in the Executive Schedule. We feel that this level is necessary in order for the Authority to be able to obtain the kind of person that it needs to direct the legal activities of the

Authority and at the same time give him sufficient stature to be able to deal with cabinet and sub-cabinet members of the Executive Department. The Board of Directors is also authorized, in section 5 of the proposal, to hire, fix the pay and prescribe the duties of such attorneys, including special counsel, as it deems necessary. It is also given the authority to hire experts in connection with its work. These attorneys will be the working group that will carry out the responsibilities and functions of the Authority. It is the Administration's intention that the Authority will build up a cadre of well-trained and devoted attorneys whose energies will be turned to the protection and preservation of the Indians' natural resource rights and interests.

The authority to hire special counsel is needed in those instances when the Authority must go outside of its own attorney staff to hire an individual who is uniquely qualified to assist in the preparation of trial and appeal material regarding a special case. This also applies to its authority to hire outside experts.

Section 8 of the proposal authorizes the Authority to, upon the request of an aggrieved Indian or Indian or group of Indians, assist those Indians in the protection of their natural resource rights and interests in the courts and before administrative bodies. This authority will be used when a tribe has a justiciable claim and feels that it needs the assistance of the Authority for prosecuting its claim. The Authority is authorized to lend its assistance in the area of natural resource rights and interests to such Indian or Indian group. The section, however, makes it clear that the assistance rendered by the Authority in this section in protecting the rights of the Indians in their justiciable claims to natural resources, and the rights attached thereto, is in addition to the responsibilities that the Department of the Interior has to protect the Indians, not only in their natural resource rights, but in all rights protected by the trust relationship between the United States and the American Indians. The section also provides that the Department of Justice will, after the enactment of the proposal, be relieved of any responsibility that it may have to the Indians in the area of natural resources but will continue to fulfill whatever responsibility it may have with regard to Indians generally.

Section 9 authorizes the Authority to initiate suits, when requested by an aggrieved Indian or group of Indians, acting in the name of the United States as trustee for the Indians, to protect the rights of the Indians in their natural resources from the United States or any of its departments, agencies, officers or employees as well as against the States, their subdivisions, departments and agencies or against any private or public person or corporation. This section also provides for the waiver of sovereign immunity of the United States in connection with litigation initiated by the Authority pursuant to this section. The Authority will use the power granted it by this section in those cases where the Indians' rights or claims are of such a nature that they are precluded from bringing suit against the United States because of bars that the United States has as a sovereign to suits generally. These bars will be removed by the provision waiving United States' sovereign immunity as it relates to actions brought by the Authority. The proposal clearly limits the waiver of sovereign immunity to the narrow area of litigation initiated by the Authority.

Section 10 of the proposal will bar the Authority from relitigating any claims that have been filed or should have been filed before the Indian Claims Commission. It will bar their reopening any claims settled by the Indian Claims Commission as well as any claims settled by the Court of Claims or any other competent court of the United States pursuant to special legislation authorizing an Indian Tribe to bring suit against the United States for settlement of its claims.

Section 11 authorizes the Authority to make rules and regulations, to request assistance from any department, agency, or independent instrumentality of the Federal government to carry out its function under this proposal and such assistance may be given to the Authority on a reimbursable or nonreimbursable basis. The Authority is authorized to receive and use funds authorized or donated to it by others. It is also authorized to make expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities.

The Authority is authorized to charge a fee for services rendered by it based upon an Indian's or Indian group's ability to pay for such services. The fee shall be charged only in those cases handled by the Authority under section 8. This provision is included so that the Authority may lend its assistance and expert help to those tribes that are able to afford their own private counsel but make the choice to seek the services of the Authority in connection with its claim. The fee charged by the counsel will vary from tribe to tribe depending upon the tribe's resources. In some instances, the cases will be on a contingent basis with a fee to be collected from any award won by the Authority for the Indians or Indian group. The receipts collected pursuant to this subsection shall be paid into the miscellaneous receipts in the Treasury.

Finally, section 12 of this proposal authorizes the appropriation of funds necessary to carry out the provisions of the proposal.

The Indians of our country have for years felt that the Federal government, because of the inherent conflict of interest that the President discussed in his message, has not given their rights adequate legal protection. We believe that this bill will restore the confidence of the American Indian in the ability of our government to give their natural resource rights legal protection to which they are entitled. This will make it clear to the American Indian that the United States is meeting the legal obligation it has as trustee to advance the interest of the beneficiaries of the trust without reservation and to the highest degree of its ability and skill.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 29, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes."

We recommend that the proposal be referred to the appropriate committee for its consideration and that it be enacted.

Section 1 of the proposal sets out definitions that are used in the proposal.

Section 2 provides that, notwithstanding any other provisions of law, if an Indian tribe or community requests that it be given the control or operation of a program or service administered by the Federal Government the Secretary shall turn over to that tribe or community, within 120 days after request or such other period as may be agreed to, the control and operation of such program or service. Section 2 requires that the request made by the Indian tribe or community must be accompanied by a plan for carrying out the service or program requested. It authorizes the tribe or community to enter into agreements to carry out all or any part of the transferred program or service. The transfer authorized in this section shall stipulate the retrocession provision provided for in later subsections of this section.

In subsection (b) of section 2, the Secretary is required to provide assistance, other than financial assistance, to any Indian tribal organization who requests it during the period preceding or immediately following a transfer made under this proposal.

Subsection (c) of section 2 requires that for each fiscal year during which an Indian tribal organization engages in the operation or control of a program or service transferred to it under the provisions of this proposal, it must report to the Secretary, such report to include an accounting of the amounts and purposes for which Federal funds were expended. Subsection (c) also opens reports and records of the Indian tribal organization maintained in connection with such program or operation for audit by the Secretary and Comptroller General.

Subsection (d) provides that should an Indian tribe or community request a retrocession to the Secretary of any program or service which it assumed pursuant to this proposal, such retrocession shall be effective 120 days after such request for retrocession or such later period as may be agreed to by the Secretary and the Indian tribal organization. This subsection specifically provides that retrocession of any program or service will not prejudice the Indian tribe or community's right to again assume control of the service or program.

In subsection (e) of section 2, if the Secretary determines that any program or service assumed by an Indian tribe is being accomplished in a manner which would violate the rights or endanger the health, safety or welfare of individual Indians served by such program or service or that there has been gross negligence or mismanagement in the use of Federal funds provided pursuant to this proposal, the Secretary may reassume control of the program or service under such regulations as he may prescribe but only after providing notice and hearing to the Indian tribal organization involved that he plans to reassume the program or service. The Secretary is authorized to retain the service or program until he is satisfied the problems causing him to reassume the service or program have been corrected.

Subsection (f) of section 2 provides that in the allocation of funds for programs and services to Indians, those Indian tribal organizations which assume control or operation of programs or services pursuant to this proposal or retrocede control or operation to the Secretary, shall be treated in the same manner as they would have been if the control and operation of the program or service had been maintained continuously by the Federal government.

Section 3 authorizes the Secretary, upon the request of an Indian group, to detail any Civil Service employee for a period of up to 180 days to assist the Indian group in its control or operation of a program or service transferred pursuant to this proposal. This section also provides that the Secretary may, upon a showing of need by an Indian group for a continuing need for the services of the detailed employee, extend the detail of the employee for a period of not to exceed 180 days.

Section 4 provides that nothing in this proposal shall be interpreted as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indians.

As the President pointed out in his message of July 8, it is necessary that we reject the suffocating pattern of paternalism that so many of our programs of the Indians have assumed. This proposal is aimed at destroying this pattern of paternalism by turning over to the Indians the control and operation of programs and services that are now extended to them by the Federal government. As the President stated:

"For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authorities and not the Indian people who finally make that decision.

"This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a Federal agency."

This proposal will give any Indian tribe, band or group or community the right to request and assume the control to any program or service now extended to it by the Bureau of Indian Affairs of the Department of the Interior or the Indian health service program of the Public Health Service of the Department of Health, Education, and Welfare. These two program areas are the ones that deal most directly with our Indian people.

If any Indian group decides it is willing and able to assume administrative responsibility for a service or program which is presently administered by the Bureau of Indian Affairs or Public Health Service it can request that such service or program be turned over to it. The turn will be made after the tribe has consulted with the Department that is to transfer the service or program and has worked out a plan for the operation and control of the program or service to be transferred and submits the plan with its formal request.

The program or service will be transferred to the Indians if they persist in their request even if, in the judgment of the Secretary of the appropriate Department, they are not adequately equipped to control or operate the program or service. The transfer will be made subject to the rights of retrocession or reassumption as provided in the proposal. In those instances where there is a question about the adequacy of the Indian group to control or operate the transferred service or program the Secretary will monitor the program or service to be certain that the rights, health, safety and welfare of the individual Indians is not endangered. The proposal empowers the Secretary to move to reassume the service or program at any point where he thinks the health, safety or welfare of an Indian is endangered. The proposal contemplates that the Secretary will make every effort to assist Indian groups in their efforts to assume the control and operation of the program or service. There is a provision in the proposal that will allow the Secretary to detail to the Indian group those civil servants that under a companion proposal to this bill will not transfer with the service or program to Indian control for periods up to 180 days with a right to extend the period for an additional 180 days in order to lend assistance on the transferred program or service.

The proposal makes it clear that there will be no discrimination against those tribes who assume control or operation of a service or program solely because of such assumption. This is an assurance to an Indian group that if it assumes control of a service or program that the service or program assumed by them will be given the same consideration in the allocation of budget funds as that program or service would have had if it had continued under the control of the Federal government. This assures the Indians they will not be penalized for assuming control or operation of a program or service.

The last section of the bill provides that nothing in this proposal shall be interpreted as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indians. This provision makes it clear that even though an Indian group assumes the control and operation of a program or service, the Federal government continues its responsibility for that service and program and will continue to meet this responsibility.

The Office of Management and Budget has advised that this legislative proposal is in accord with the progam of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 29, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is our proposal "To retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes."

We recommend that the proposal be referred to the appropriate committee for its consideration, and that it be enacted.

Section 1 of the proposal cites the bill as the "Federal Employees Indian Tribal Organization Transfer Act."

Section 2(a) of the proposal provides that notwithstanding any other statute, executive orders, or regulations, civil service employees serving under an appointment not limited to one year or less who, before December 31, 1980, transfer to an Indian tribal organization in connection with governmental or other activities which are or have been performed by employees in or for Indian communities will be entitled, if agreed to by the employee and the Indian tribal organization to:

(1) Retain coverage, rights, and benefits under the provisions for compensation for work injuries and for the purposes of the proposal his employment with the Indian tribal organization is deemed employment by the United States. However, if an injured employee, or his dependents if he should die, receives any payment from the Indian tribal organization on account of the same injury or death, the amount of the tribal payment shall be credited against any benefits payable under the compensation for work injuries as provided in the proposal.

(2) To retain coverage, rights, and benefits under the retirement provisions of Government employment if necessary employee deductions and agency contributions in payment of the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Civil Service Retirement and Disability Fund and the period during which coverage, rights, and benefits are retained under this provision is deemed creditable service under the provisions of section 8332 of "title 5", United States Code. Any unused sick leave credited to an employee under a formal leave system at the time of his transfer to an Indian tribal organization will remain to his credit for retirement purposes during the period of his service with the Indian tribal organization.

(3) Retain coverage, rights, and benefits under the life insurance protection granted Federal employees if necessary employee deductions and agency contributions in payment for the coverage rights and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Life Insurance Fund, and the period during which life insurance rights and benefits are retained under this provision is deemed service as an employee for the life insurance program.

(4) Retain coverage, rights, and benefits under the Health Insurance Program provided Federal employees, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Health Benefits Funds in the period during which the health insurance coverage, rights, and benefits are retained under this provision is deemed service as an employee for the Health Insurance Program.

(5) Be reemployed within 30 days of his application for reemployment in his former position or in a position of like seniority, status, and pay in the agency from which he transferred, if he transferred at the time such activity was transferred to an Indian tribal organization or within 90 calendar days after such transfer to an Indian tribal organization, if he makes the application for reemployment not later than 5 years after the date of his transfer to the Indian tribal organization or if the activity that was transferred to the Indian tribal organization is transferred back to the United States. On reemployment under this provision, the employee is entitled to the rate of basic pay to which he would be entitled had he remained in the agency from which he transferred. Upon reemployment, the agency will restore employees sick leave account by credit or charge to its status at the time of transfer. If at the time of transfer to the Indian tribal organization, the employee received a lump-sum payment for annual leave, if he is reemployed within one year of the date of his transfer under the provisions of this proposal, he will refund to the agency from which he transferred the amount of the lump-sum payment and the leave covered by said lump-sum payment will be restored to his account. Any employee reemployed under this provision will be able to count the period of his service with an Indian tribal organization as well as the period necessary to affect his reemployment as creditable service for all appropriate Civil Service employment purposes.

Section 2(b) provides that during an employee's period of service with the Indian tribal organization, that Indian tribal organization shall deposit currently in the appropriate funds the employee deductions and agency contributions for the retirement, life insurance, and health programs.

Section 3 provides that an employee who transfers to an Indian tribal organization pursuant to section 2 of this proposal, such transfer being agreed to by the Indian tribal organization, must make the election to retain compensation for work injuries benefits, retirement benefits, life insurance benefits, and health insurance benefits, as provided in section 2 of the proposal prior to the date of his transfer.

Section 3 also provides that an employee who elects to retain benefit coverage under a transfer to one Indian tribal organization, may retain that coverage if he transfers to another Indian tribal organization to perform service activities of the type covered by section 2 of the proposal.

Section 4 of the proposal contains definitions used in the proposal.

Section 5 authorizes the President to prescribe regulations necessary to carry out the proposal and to protect and assure the compensation, retirement, insurance, leave, and reemployment rights and such other similar civil service rights as he finds appropriate.

Section 6 provides that this proposal will be effective 60 days after the date of its enactment.

This proposal is a companion to our proposal that authorizes Indian tribes to assume control and operation of programs and services now rendered for them by the Federal

Government. In most instances, when these programs or services are transferred to an Indian tribal organization, the Indian tribal organization will request that certain employees who are operating the program or service be transferred with the program or service. Any effort to take over programs or services by any Indian tribal organization without a program for the continuity of manning that this proposal would provide, would be doomed to failure. This proposal allows civil service employees to transfer with the program or service and retain coverage that they now enjoy as civil servants and also give them for a period of 5 years, preferential reemployment rights.

The right of reemployment for a five-year period assures the civil service employee that he can transfer with the program or service that he is working with and continue his work without the danger of losing any of his rights. We believe this provision will be an important factor in getting civil service employees to make a transfer to an Indian tribal organization to lend continuity to the problems and services transferred to Indian tribal organization.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

ADDITIONAL COSPONSOR OF A BILL

S. 3151

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 3151) to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 225—INTRODUCTION OF A JOINT RESOLUTION RELATING TO LAW OFFICERS APPRECIATION WEEK

Mr. SMITH of Illinois. Mr. President, these days, our law officers daily risk the physical assault of the lawless. More and more the officer is becoming the tragic target of the lawbreaker. The senseless killing of two officers at Chicago's Cabrini-Green apartments, and the wild antipolice melee that saw at least six of Chicago's fine police hospitalized after a rock festival last week are all too indicative of the truth that the law officer is now under fire from the criminals as never before.

At the same time our law officers must endure constant nitpicking and undercutting from that element of the population—especially the politically ambitious—whose peculiar brand of civic concern can be characterized only as soft on crime, hard on crimefighters. These opportunists, by their repeated attempts to undermine responsible public safety officials—and the authority of the man on the beat—have done much to create the atmosphere of suspicion and distrust of police that rioters and common criminals thrive on.

Well, the time has come for an orderly counterdemonstration by those of us who regard the greatest majority of our crimefighters as heroes, who appreciate their dedication and personal sacrifice, and who are just plain disgusted with the attacks—both physical and verbal—that seem to haunt them as they make their dangerous tours of duty on our behalf.

Today, I am introducing a joint resolution authorizing and requesting the President to proclaim October 25-31, 1970, Law Officers Appreciation Week throughout the Nation. I am also writing President Nixon, Attorney General Mitchell, Governor Ogilvie, Illinois Attorney General Scott, and Mayor Daley asking them to declare and support Law Officers Appreciation Week, and to participate in appropriate ceremonies during that period. These ceremonies should memorialize officers who have given their lives in public service, recognize outstanding police work, and promote greater community-police relations.

I ask unanimous consent that the text of my resolution and certain press reports be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection it is so ordered.

(See exhibit 1.)

Mr. SMITH of Illinois. Most important, today I am inviting public support of the appreciation programs I hope we can spark throughout the Nation. I am asking all citizens to hold out the hand of friendship, confidence, and support to the men in blue. To my fellow Illinoisans, and to all Americans, I say: If you believe our law enforcement officers deserve our cooperation and support—let them know it. Let them know it person to person when you see them on the street. Let them know it by writing their superiors when individual officers have performed well. Let them know it by cooperating with them as they do their best to protect you and your neighbors. If you do not support them, you have no standing to complain about the deterioration of law and order in our society.

The PRESIDING OFFICER (Mr. CRANSTON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and articles will be printed in the RECORD.

The joint resolution (S.J. Res. 225) authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week, introduced by Mr. SMITH of Illinois, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 225

Whereas, the Nation is experiencing an accelerating increase in the incidence of crimes, and

Whereas, the law enforcement officer is society's first line of defense against the lawlessness of its criminal element, and

Whereas the greatest majority of law enforcement officers are dedicated public servants who risk their lives to protect the persons and property of others, to insure domestic peace, and to promote compliance with just laws, and

Whereas, the instances in which individual law enforcement officers conduct themselves in a manner contrary to their duty or to the public good are relatively very few, but are often exploited to undermine public confidence in law enforcement officers in general, and

Whereas, mutual confidence and cooperation between citizens and law enforcement officers is essential to the preservation of individual rights: Now, *therefore, be it*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to proclaim the period October 25–31, 1970, as Law Officers Appreciation Week and to call upon the people of the United States to observe such period with appropriate ceremonies and activities.

EXHIBIT 1

LONGER THAN THE CONVENTION

(By Tom Fitzpatrick)

Make no mistake about this one. This was a tougher and more vicious battle than any Chicago police fought against the demonstrators during the Democratic National Convention of 1968.

The police came out of that one with their reputation tarnished by charges that they had overreacted. They have been hypersensitive ever since.

Monday night, the police, hopelessly outnumbered by thousands of frenzied rock fans, had all they could do to escape with their shields intact.

It was close all the way. There were times when it seemed the only way the police could save their own lives would be to begin shooting to kill.

This is not an exaggeration for dramatic effect. It was that close, because if this mob had finally gotten the upper hand, I truly believe it would have stoned policemen to death.

The rock festival fans had a reason for all this, of course.

Monday was a hot, muggy day in Grant Park, and many of them had been on hand long before the 4 p.m. starting time for a concert by a group called Sly and the Family Stone.

When Sly and the Family Stone didn't take the stage for the assembled thousands, the mood of the crowd turned ugly.

"This is the fourth rock concert I've been to," Helen Lozowsky, 18, said later," and it's the fourth time they haven't come on stage.

"Those people who had the loud-speaker on stage kept buggin' us. First, they'd tell us that Sly was on his way in a police van. Then they'd tell us he was in a helicopter hovering up above the bandstand. Then they'd say he was underneath the stage and afraid to come out. Anybody would get mad at that kind of treatment."

"Yeah," said Sheri Meltzer, 18. "Sly is chicken. He's afraid to come on stage whenever the crowd gets too big. That cat don't know where his head is."

That was how the battle began. Unhappy rock fans began tossing rocks and bottles at the empty stage and finally surged forward, knocking down a snow fence in front of it and overwhelming the Andy Frain ushers.

The police moved in to protect the ushers. The sight of the police inflamed the crowd, most in it viewing any man in a police uniform as a mortal enemy.

That's how the battle began. It went on that way until after dark.

The demonstrators at the Democratic convention never could produce the numbers this crowd mustered. Police estimates of the crowd at the start of the battle were in excess of 75,000 and it was a crowd made up of both blacks and whites. There were very few black demonstrators at the convention.

They were pitted against no more than 400 police officers and the crowd must have sensed it had the upper hand and that it would be impossible for police to surround and subdue it.

The field of battle was that naturally shallow soup bowl that is Grant Park, just north of the bandshell.

It was a battle that went on for four hours, then with the rock fans being driven as far north as Buckingham Fountain and counterattacking and driving the police south to the band shell.

This was a crowd that was in a frenzy, exhorting one another to "kill the pigs." They had shouted this at the convention, too, but that crowd was almost always on the defensive. This crowd was on the attack right up until the moment that the police made their final move shortly before 9 p.m.

I lost count of the policemen I saw with bloody mouths, bloody shirts and hands and legs dripping blood from thrown rocks and broken bottles that had hit them after traveling in long, high arcs.

It was dark when First Deputy Supt. James M. Rochford stepped in front of a line of 200 helmeted policemen and waved his baton with the red tassle as a signal to advance.

Rochford, in his dress blues and soft cap, made a beautiful target as he marched 20 yards in advance of the line.

Several rocks came close to hitting him, warded off only by a deft move of his baton. . . .

Police, Rock Fans Clash in Grant Park

(By Joel Havemann and Paul McGrath)

Thousands of young people battled police in Grant Park and the Loop Monday night after spilling out of a rock concert at the Grant Park band shell.

Hospitals reported treating at least 25 persons, including at least 10 policemen, and at least one youth who was shot in the chest. Many other persons were reported injured and untreated.

Many policemen were struck by flying bottles and stones. A few instances were observed by reporters of policemen clubbing youths. Police once used gunfire to fend off a charge of thousands of demonstrators in the park. Most policemen pointed their guns in the air, but some held their weapons level, reporters observed.

At least two cars and a police squadrol were ignited in the park.

The youths then spread into the Loop from Grant Park and broke windows and looted stores.

Police recorded 42 arrests early in the disturbance, but many more persons were taken into custody.

Grant Park also was the major battlefield during the disturbances that accompanied the Democratic National Convention in August of 1968.

This time the violence began at the Grant Park band shell when youths demanded the appearance of the featured group, Sly and the Family Stone, at a concert sponsored by the Chicago Park District.

Cmdr. Paul McLaughlin of the 1st Police District estimated the crowd at the band shell at 75,000.

The crowd began pushing during the performance of Fatwater, the group that led off the concert, while Sly and the Family Stone waited in a Michigan Ave. Hotel.

"Then the one group busted out through a fence," said David Honor, a Park District employe. "People fell and other people started trampling all over them."

AUTO GAS TANK EXPLODES

Some 200 policemen tried to clear the area, and the confrontation began.

Youths began throwing bottles and stones.

The battle spread north, and the youths and police set the battle line at Balbo Dr. in the center of Grant Park, with youths on the north and police on the south.

The integrated crowd of youths set the three vehicles afire on Balbo, and the gas tank on one of them exploded.

Police used tear gas sparingly to break up the mob.

The crowd of thousands of youths grouped on the north side of Balbo and charged across at about 200 policemen, throwing bottles, stones and pieces of asphalt ripped from sidewalks, some as big as 8 inches across.

LIEUTENANT RALLIES POLICE

Two youth held a signpost 6 inches thick and 8 feet long and used it as a battering ram. Police fought them off and they dropped the post.

Lt. William McKeon of the 1st Area Task Force shouted, "Policemen, let's hold that line, let's hold that line right here."

But the crowd outflanked the police and maintained the rush. McKeon was struck in the face by a stone, and the policemen retreated south toward the band shell down an incline.

Suddenly the police turned and many pulled their revolvers and aimed mostly over the heads of the crowd. Reporters estimated 50 or 100 shots were fired.

YOUTHS CHEER FELLED POLICE

Reports of injured persons began pouring into police headquarters. There was an unconfirmed report that two policemen were shot.

Police reached the band shell and found themselves surrounded by demonstrators.

Many policemen were struck by flying objects and carried off. The youths cheered each time an officer was carried away.

About 150 policemen regrouped at the band shell and began marching back across the field. Each was ordered to make an arrest, and most of them captured at least one youth.

Police forced the crowd all the way back to Balbo, and then many of the youths charged into the Loop.

Windows were broken in stores and hotels throughout the business area from Randolph south. Damage was reported at most of the major department stores and hotels.

There was some looting. Jewelry was taken at 402 S. Michigan and flowers at 79 E. Van Buren.

Too Much Rock in Their Heads

(By Tom Fitzpatrick)

The heavy-set police lieutenant's white shirt stood out in the gattering dusk. It was 7:05 p.m. and he was standing on a hill that overlooks Grant Park with a loudspeaker in his right hand.

He was looking down into the natural bowl dotted with softball fields and shouting into the speaker at the thousands of kids in the park.

"This park is now closed," the lieutenant shouted.

"If you do not leave, you are guilty of mob action.

"Let's move out of the park."

"Pig . . . . Pig . . . . Pigs!" the shouts came back from the crowd. A shower of rocks and bottles came with the epithets.

For some reason, however, the crowd began moving northward toward Balbo Dr. The line of policemen moved forward until it was lined in front of a wire mesh softball backstop on diamond No. 12.

Two bearded young men with flared, bell-bottom pants, their feet bare, approached a police sergeant at the side of the police line.

"Man," said the apparent leader, "I ain't never been to a rock festival where they had police before.

"You're the guys who started it just by being here."

The police sergeant did not appear angry.

"We're not here to discuss sociology at this time," the sergeant answered. "You have orders to leave the park. If you don't, you are guilty of mob action."

Down in the middle of the field now, Helen Lozowsky, 18, and Sheri Meltzer, 18, are in the center of a knot of 20 persons.

"This the fifth rock concert that I've been to that Sly and the Family Stone didn't show up at when they were supposed to." Helen shouted. "He's chicken. He's afraid to come on stage whenever the crowd gets too big . . . ."

"Yeah, shouted Sheri in agreement," that cat don't know where his head is.

"We waited here from 4 o'clock until 7 for that concert to begin. No wonder all the kids got mad and started throwin' bottles at the stage. I don't blame them."

That was how the battle had begun. The rock festival enthusiasts, thousands strong, had packed the Grant Park bandshell for the concert.

The concert was late in getting started. The crowd rushed the Andy Frain ushers and clobbered them.

Rocks and bottles fell on the stage in a heavy rain. The police moved in to save the ushers.

The battle was on and it was to go on for hours.

In the first skirmish, a police squad car was turned over and burned in the area of the bandshell. Before it was over, three more cars parked on Balbo were turned over and set afire.

I walked with the police skirmish line as it advanced to Balbo Dr. shortly after 7:20 p.m.

They were walking into a hail of rocks, bottles, sticks, clumps of dirt and pieces of pavement.

The police didn't stop and the rock fans kept tossing.

I saw at least 10 policemen felled by rocks during the advance and when they reached Balbo and took a stand under the trees the rock fire became heavier.

At this point, the police began tossing rocks back, but they were so badly outnumbered they didn't have a chance.

The rocks and bottles kept coming.

Then a platoon of rock fans rushed a tan four-door sedan and began rocking it. Within 10 minutes, they had it turned on its roof and in another five minutes flames and black smoke were leaping more than 50 feet into the air.

Frank Sullivan, chief public relations officer for the police department was standing under a tree and directly behind a paddy wagon.

"We're just so badly outnumbered. I don't see how we can hold them back. They're crazy people," Sullivan said.

He was right about that. The rock fans were acting like crazy people. There was no apparent sense to it.

Why are they throwing rocks at the police? You ask yourself as another policeman falls groaning to the grass five feet away.

You don't have to worry about the answer.

Now the order is given to the police to retreat from the hill. They don't want to, but the order is given and they must obey.

As they walk down the hill, backward so that they can fend off the rocks and bottles, the attackers gain courage.

If the police don't do something, they are all going to be surrounded.

One officer pulled his service pistol from its holster and fired a shot in the air.

Within less than a second, it seems, the air is filled with the sound of pistol fire, perhaps more than 100 rounds fired into the air, and finally the rock fans are retreating.

As they retreat into the trees on Balbo, you can see only the striped pants of the rock fans who are really in uniform.

Above them three lines of black smoke are furling into the air above the trees as the three autos they set afire burn to junk.

The police are re-forming now and Deputy Chief Jim Riordan is shouting at them through his bullhorn.

"Now the next pass we make through this field," Riordan says, "I want every policeman to make an arrest. If anyone is not gone from the park, then he is going into the van.

"Stay together. I don't want any policemen throwing rocks. If I see it, you'll be suspended. My reputation and yours is on the line."

They moved out again, but don't think that ended it. The battle became even more bloody at this point, and it will be hard for anyone to put the blame on the police for this one.

How Fear Fired Battle of Balbo

(By Warren W. Kellogg)

The Battle of Balbo, 1970 . . .

The battle lines weren't clearly drawn. There was too much confusion, too many little flare-ups that ballooned into bloody confrontations as the word spread: Sly and the Stones ain't comin' . . . ain't gonna be any rock concert."

But there, on both side of E. Balbo, the major battle of the war was being fought. It started out as a war of nerves—just as the first Battle of Balbo, back during the 1968 Democratic National Convention, had begun.

Then came the rocks and chunks of sod and asphalt, the screams of "get the pigs," and the obscenities.

The artillery came from the young ones, lined up on the north side of E. Balbo. Their uniformed targets, some 200 of them, were stationed on the south side, at the top of the slope above the playing field.

RUN FOR COVER

A policeman at the west end of the rank went down, holding his bleeding leg. Newsmen dodged behind trees or squadrols. A photographer ran for cover as blood trickled down his cheek.

And the rocks and bricks and chunks of dirt kept coming.

Some of the policemen were picking up the missiles and hurling them back. There was an order to assemble, a charge and the youths scattered for cover on their side of the drive.

Arrests were made. Several times small groups of policemen would return to their side of the Balbo battle line, leading bleeding prisoners, dragging them or even carrying them. The prisoners went to the squadrols and later to the police station.

"You pigs!" screamed a dirt-smudged young female in a sweatshirt. "You pigs! Police brutality!"

"So what do we do," muttered one of arresting officers. "Stay gentle with 'em and just fall down and die?"

The cars lined up on both sides of E. Balbo became the targets of the hostile young crowd.

CARS BECOME TARGETS

It took several heaves, several warning rushes by the police, before the youths finally succeeded in overturning the beige Chevrolet probably parked there long before the battle by an unsuspecting park visitor—or maybe even by one who himself had hoped to attend a rock festival on this steaming night in July.

There were cheers as the car toppled.

"Let's set fire to it," screamed a long-haired youth in a T-shirt. Even before he had finished the sentence, others were approaching with papers and rags and dousing them with gasoline.

Another rush by the police, and the youths again retreated to their side of E. Balbo.

And the arrests continued. More policemen and photographers and reporters and just curious spectators catching those bits of sod and rock that stopped only intermittently.

ANGER ON BOTH SIDES

As the young woman in the sweatshirt had said, the arrests were not gentle.

Policemen, themselves bleeding from those missiles clawed up from the ground, clubbed their prisoners even after they had been subdued.

One youth lay bleeding on the sidewalk at the south side of E. Balbo—enemy territory.

"Help me, help me," he moaned, covering his face with his hands, squirming there on the grass of the battle terrain.

"Serves you right," one of the policemen said. Another passed over the prone figure and whacked him on the arm with his club. Not too hard—just enough to let him know that the anger was on both sides.

"My buddy got one," another policeman said. "Maybe he got the (blank) that hit me on the arm with a brick."

Now the target on the north side of E. Balbo was another car. This one was in their territory, however, so the youths had little trouble setting it afire.

As it burned, a fire department car ventured into the area, east on Balbo, and was greeted with a hail of stones and bottles.

"Get out of there, you silly ———!" yelled one of the policemen.

The fire car driver needed no warning, however. He veered to his right, sped past the fiery vehicle and kept on going.

"It's gonna blow!" someone yelled. Again scurrying.

CLUBS PROVE FUTILE

Then they got to that luckless beige Chevy parked on the south side. It soon went up in black smoke, its horn sounding a mourning, continuous wail as the flames enveloped it.

By now, no one was paying much attention to the fires, though.

Now one of the rocks hit another policeman, Lt. William McKeon who was standing in front of that line of 200 on the south side of E. Balbo. Behind him, undercover detectives and newsmen dodged this latest barrage.

Then came the order: "Withdraw." And the policemen started walking back, toward the bandshell where a concert was to have been started at 4 p.m., some four hours earlier.

A police squadrol burned. One policeman started to put out the blaze in the beige Chevy, but the crowd moved in viciously, the artillery again nearing its mark.

Then it happened.

Just as the policemen were retreating, the crowd stormed over E. Balbo and down that slope onto the playing field—running, screaming, throwing their rocks and bricks.

List of Injured in Wild Grant Park Fighting

Following is a partial list of the injured in the Grant Park disturbance:

POLICE

Michael Swistowicz, 24, central district patrolman, cut on the right knee, treated and released from Henrotin Hospital.

Roy Despere, 26, Burnside Task Force, pains in chest, back, and groin, treated at Mercy Hospital.

Thomas Minnick, 30, Burnside Task Force, cuts on legs, treated at Mercy.

Thomas McCarthy, 26, Burnside Task Force, cut right hand, treated at Mercy.

David Ferguson, 40, Gang Intelligence Unit, lacerations, treated and released from Illinois Research Hospital.

R. J. Feldman, Gang Intelligence, treated at Mercy for cuts.

James Burns, 25, Burnside Task Force, lacerations right arm and right leg, treated and released from Illinois Research Hospital.

Torrence Davies, Burnside Task Force, gassed, treated at Michael Reese Hospital.

Kenneth Grabowski, Burnside Task Force, treated for a cut on the left arm at Michael Reese Hospital.

Joseph Davenport, Area 1 Task Force, hit in the eye by a brick, being treated at Wesley Memorial.

David Kohn, Maxwell Task Force, bruised shin, treated at Henrotin Hospital.

Kenneth Thelen, Area 1 Task Force, cuts and bruises on arms and right leg, treated at Henrotin Hospital.

James T. Robinson, Area 1 Task Force, broken nose, treated at Michael Reese Hospital.

Leroy Dudek, Austin District patrolman, possible fractured skull, treated at Presbyterian-St. Luke's Hospital.

Lt. William McKeon, Area 1 Task Force, cut wrist and right leg, treated at Michael Reese Hospital.

CITIZENS

Robert Johnson, 15, shot in left chest, in critical condition at Mercy Hospital.

Leonard White, 18, of 8018 S. Constance, cuts, treated at Mercy Hospital.

Jergen Stephens, 16, fainted, treated at Mercy Hospital.

Gammie Guskezyk, 19, of 1446 N. Greenview, cuts, treated at Mercy Hospital.

Sharon Crosby, 14, of 7032 S. Paxton, cuts, treated at Mercy Hospital.

Kevin Pruitt, 13, of 6858 S. Merrill, lacerations, shot in buttocks, treated at Mercy Hospital.

Lona Dorsey, 18, of 5015 W. Quincy, minor cuts, treated at Mercy Hospital.

Keith Klunckles, 17, of 347 Addison Av., Elmhurst, cuts, treated at Mercy Hospital.

Adrianne White, 19, of 527 E. 89th Pl., cuts, treated at Mercy Hospital.

Anthony Sissac, 18, head cuts, treated and released from Illinois Research Hospital.

Lawrence Holowinski, 23, fractured nose, in good condition at Illinois Research Hospital.

Austin Hamilton, 18, gassed, treated and released from Michael Reese Hospital.

Eileen Simmons, gassed, treated and released from Michael Reese Hospital.

Sharon Morton, gassed, treated and released from Michael Reese Hospital.

Sandy Golden, 16, of Lockport, gassed, treated at Michael Reese Hospital.

John Schmidt, 21, struck on head, treated at Henrotin Hospital.

Windows Smashed From Grant Park to Loop

(By Michael Miner and Michael Wilson)

Vandals smashed windows with abandon Monday night as thousands of youths moved north on Michigan from Grant Park to the Loop.

There was scattered looting, but for the most part a small pack of boys in T-shirts simply shattered the windows on Michigan with heavy sticks and moved on.

Scattered vandalism was reported inside the Loop.

Three windows at Roosevelt University were broken, the front of Renee Imports & Interiors at 520 S. Michigan was smashed, and a trash can was thrown through the front window of La Borie Gallery, at 522 S. Michigan, damaging sculpture inside.

Glass was broken at the Chicago Sightseeing Co., 530 S. Michigan, and Modern Travel Service, the same address.

Further north, windows were smashed at Guild Hall Galleries, 406 S. Michigan, Lee Gilbert Jewelry, 402 S. Michigan, Burroughs Corp., 324 S. Michigan; Baldwin Piano and Organ Co., 318 S. Michigan, and the Illinois State Bank of Chicago, 300 S. Michigan.

A gang of about 30 youths moved west on Van Buren until dispersed at Dearborn.

They shattered windows at Goldblatt Brothers, State and Van Buren, and looted one window of Sears, Roebuck & Co. at the same corner.

Burny Bros. Bakeries at 34 E. Van Buren was struck, as was McMahon-Till Florist at 79 E. Van Buren. A trash can was thrown through the window at Bailey's Inc., 25 W. Van Buren.

Other establishments hit included the Chicago Magic Center, at 19 W. Randolph and Smoky Joe's Men's Fashion, at 336 S. State.

In addition, rocks and bottles smashed windows of police and private vehicles.

DALEY GIVES PLAN TO END THE FEAR AT CABRINI-GREEN

(By Harry Golden, Jr.)

Mayor Daley announced Thursday a $3 million plan to improve conditions and "end the fear" at Cabrini-Green Homes.

The massive housing development where two policemen were killed by snipers July 17 would get beefed-up police patrols, other security measures and a force of 300 resident workers co-ordinating recreation and community services.

Funding for the new program was assured, it was understood, from new federal aid and existing city resources. About 50 extra policemen would be assigned to Cabrini-Green for interior patrol of elevators and stairwells, as well as galleries and grounds.

About 100 vacant apartments would become offices for the resident workers or new recreation areas.

An elevator security system, which could be put into effect in 45 days, would equip elevator-control areas with an alarm system to alert police within the buildings.

George W. Romney, secretary of the Housing and Urban Development Department, will visit the Cabrini-Green Homes Saturday. After conferring with the Rev. Jesse L. Jackson, national director of Operation Breadbasket, Romney will tour the development to determine how the federal government can respond to conditions there.

Mayor Daley said the new program could start with review and approval by Cabrini-Green resident councils.

The manager of Cabrini-Green would coordinate the program with the aid of an elected resident advisory board of from 9 to 15 members. The commander of the police 18th District and the Chicago Housing Authority security director would be ex officio members.

The program was developed by CHA chairman Charles R. Swibel, Police Supt. James B. Conlisk, Jr., and heads of several other city agencies.

The mayor said, "We believe the program will end the fear of residents who have been victims of criminal gangs and others who terrorize the community.

"The overwhelming majority of residents of the community are good citizens who wish to raise their families without the threat of violence and vandalism."

The mayor continued, "Through the use of existing services and the employment of residents to help augment family income and raise living standards, is expected the program will contribute directly to improving the quality of life for all residents.

"We will seek the counsel of residents continuously throughout the operation of the program."

The mayor emphasized that the new spending will not bring any increases in rents or other service charges for the tenants.

Cabrini-Green's present population is 17,650, including 12,470 minors.

In a prepared statement, the mayor's office said the activities "will be financed with resources from both the national and local level." The $3 million cost estimate was made for "the first year."

The resident workers will be trained to assist tenants with individual and family problems in such areas as health, welfare, employment and social relations.

Swibel went to Washington to appeal to Romney's department for federal aid to expand security at Cabrini-Green shortly after the sniper murders of Police Sgt. James Severin and Patrolman Anthony Rizzato.

They were shot down on a grassy field near the facility while on a community-relations mission under the walk-and-talk program. Four males, aged 14 to 23, have been charged with murder in the case.

Romney also will be in Chicago Friday afternoon for dedication of Edgewater State Park on the North Side.

SENATE CONCURRENT RESOLUTION 76—SUBMISSION OF A CONCURRENT RESOLUTION ON THE CONVERSION TO A LOW-EMISSION PROPULSION SYSTEM FOR MOTOR VEHICLES

Mr. NELSON submitted a concurrent resolution (S. Con. Res. 76) on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine, which was referred to the Committee on Commerce.

(The remarks of Mr. NELSON when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

SENATE CONCURRENT RESOLUTION 77—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS TO ADOPT A NATIONAL CRASH PRIORITY PROGRAM ON DREAD DISEASES

Mr. McGOVERN. Mr. President, the Nation continues to be appalled by the death rate of its people, stemming from cancer, stroke, and heart disease. Cancer alone takes the lives of over 300,000 Americans each year and over 1 million of our citizens are currently under treatment for one of the many forms of this dread disease. Thousands die from the effects of stroke each year and thousands upon thousands suffer the crippling effects of cerebral incidents. Heart diseases of one form or another took the lives of one-half million citizens last year and continue to place a serious strain on our hospital facilities through treatment and research.

My distinguished colleague in the House of Representatives, Mr. ROONEY of New York, in early March of this year introduced a concurrent resolution calling for the eradication of cancer. His resolution has received substantial support from interested groups and foundations throughout the country. Last month, also in the House, the distinguished Congressman from the 13th District of New Jersey, Mr. GALLAGHER, introduced a House resolution with over 100 cosponsors, stating that it be the sense of the House of Representatives that adeqaute funds be appropriated annually over a period of 10 years for a cancer research program. Earlier this year I cosponsored Senate Resolution 376 introduced by the distinguished Senator from Texas and chairman of the Committee on Labor and Public Welfare, Mr. YARBOROUGH, authorizing the committee to study and ascertain the causes and develop means for the treatment, cure, and elimination of cancer.

Mr. President, I laud and congratulate the efforts of my distinguished colleagues in the area of cancer and cancer research. To complement and expand these energies, I submit for appropriate reference today a Senate concurrent resolution with the cosponsorship of the distinguished Senator from Illinois (Mr. PERCY) expressing the sense of the Congress that a national crash priority program on dread diseases be established and that the purpose of the program is to, as an appropriate commemoration of the 200th anniversary of the independence of our Nation in 1976, seek the delivery of our people from the menace of cancer, stroke, and heart disease. The resolution further provides authority for the Surgeon General of the United States to report to the Congress his advice and recommendations concerning the nature and the extent of the funds necessary to accomplish this goal and reciting the sense of the Congress that the necessary funds be appropriated.

Mr. President, I feel strongly about the eradication of these dread diseases. My mother was an unfortunate victim of a crippling stroke which left her without the power of speech for many years prior to her death. My senior colleague from South Dakota has been hospitalized for many months by a stroke. Close friends and relatives have died from the lingering effects of cancer and heart disease. I daresay that there is not a Member of either body who has not at one time or another felt the pain of these three diseases within the close confines of his own family.

We are now in the 195th year of our national life. As a nation we have spanned and developed a great continent. We have developed a standard of living for our people unrivaled in the history of our civilization. We have survived the ravages of a Civil War and two major global conflicts and several incidents of undeclared wars. We are presently engaged in a commitment in Southeast Asia which consumes almost $30 billion of our national treasure each year. It is time, Mr. President, that we turn the forces of our affluence toward the major menaces which undermine the health of our people, which cripple and kill the young and middle aged and which incapacitate and cause great suffering and death for our older people.

Let me say that I intend no criticism of the magnificent work that is being done by the various governmental agencies and private foundations in these important fields. Their's has been a sincere but often lonely dedication to the aims I express here today. However, it is my purpose through this resolution to let them know that the Congress supports them and intends to help them through expanded appropriations, through additional training and research programs, and through additional personnel recruitment, to accomplish their goals and ours by the time we reach the 200th anniversary of our national life.

I hope that my colleagues on both sides of the aisle and in the House will join me in this high purpose and that the Government and private sector will generously come forward with the good counsel and the public dedication necessary to accomplish the goals of the resolution within the relatively short time span provided in the resolution.

I would especially ask the leaders of the Congress in both the legislative committees and appropriation committees in the Senate and the House to look favorably on this recitation of national purpose. And lastly, I would ask that the people of our great country unite with clear vision to recognize that what we have set out to do is right and good and that they remember the dramatic closing words of President John F. Kennedy's inaugural address:

> With a good conscience our only sure reward, with history the final judge of our deeds let us go forth to lead the land we love, asking His blessings and His help but knowing that here on earth God's work must truly be our own.

Mr. President, I ask unanimous consent that the text of the Senate concurrent resolution to adopt a national crash priority program on dread diseases be printed at the conclusion of my remarks and that it be appropriately referred.

The PRESIDING OFFICER (Mr. Hughes). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 77), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. Con. Res. 77

Resolved by the Senate (the House of Representatives concurring), Whereas our country is now commencing the 195th year of its national life; and

Whereas preparations are being made for the recognition of the 200th Anniversary of the founding of our nation in 1976; and

Whereas the dread diseases of cancer, heart disease, stroke, continue to claim the lives of thousands of Americans each year; and

Whereas we deem it a first order of national priority and national purpose to eradicate the threat of these diseases from our national life; and

Whereas greatly expanded medical programs and medical personnel are necessary and wanting to accomplish this high purpose. Now therefore be it

Resolved by the Senate of the United States (the House of Representatives concurring), that it is the sense of the Congress that we adopt a National Crash Priority Program on Dread Diseases in the United States. Be is further

Resolved that the purpose of the National Crash Priroity Program be to seek by 1976 as an appropriate commemoration of the 200th Anniversary of the Independence of our Nation the deliverance of our people from the diseases enumerated in this preamble and be it further

Resolved that the Congress of the United States officially recognize (1) the thousands of hospital beds occupied by patients suffering from these diseases; (2) the millions of working days and man hours lost becaue these diseases still threaten our national health; (3) the high cost of hospital and medical care of those suffering from these diseases; and (4) the critical shortage of trained medical personnel; and be it further

Resolved that it is the sense of the Congress that necessary funds be appropriated to form a national crusade aimed at the prevention as well as the treatment of these said diseases, and be it further

Resolved that the Surgeon General of the United States be authorized to report to the Congress his advice and recommendations concerning the nature and extent of funds and research programs necessary to accomplish this purpose.

SENATE CONCURRENT RESOLUTION 76—SUBMISSION OF A CONCURRENT RESOLUTION ON THE CONVERSION TO A LOW-EMISSION PROPULSION SYSTEM FOR MOTOR VEHICLES

Mr. NELSON. Mr. President, I submit, for appropriate reference, a concurrent resolution on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The concurrent resolution will be received and appropriately referred.

AMENDMENT OF CLEAN AIR ACT—AMENDMENTS

AMENDMENT NO. 815

Mr. NELSON. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 3229) to amend the Clean Air Act in order to extend the authorizations for such act, to extend the provisions of title II relating to emission standards to vessels, aircraft, and certain additional vehicles, and for other purposes, and to provide for a study of noise and its effects.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The amendment will be received, and printed, and will be appropriately referred.

POLLUTION CRISIS AND BUSINESS AS USUAL

Mr. NELSON. Mr. President, for several days last week a massive pollution cloud lingered over the 17 States along the eastern seaboard of the United States. Front page newspaper pictures dramatically told the ugly story. It was but an ominous messenger of the future, a messenger warning of pollution more frequent and more intense.

From Los Angeles to New York to Tokyo to Rome, the story is just the same—increasing pollution, growing health hazards, mounting concern and business as usual. Everybody cares, everybody talks about it, everybody deplores it and nothing is done.

The whole thing presages a disaster of colossal proportions, but somehow, no one is responsible.

From his press conference in California, the President said it is a serious problem that could not be solved overnight, but it would help if Congress passed some legislation he has recommended. That is fine, but the President has not submitted anything meaningful concerning this problem.

Congress has not done anything either because it would require some pretty drastic action and that is not our business.

Industry has not done anything either because it would cost a lot of money and most industries will not admit that air pollution is a serious problem anyway.

For more than a quarter century, scientists have been issuing alarms about the rapidly deteriorating quality of this thin envelope of air surrounding our planet. They have warned that the trend must soon be reversed to avert disaster. They have predicted that all major metropolitan areas will soon become environmental death traps.

And all that they have predicted is coming true on schedule, if not ahead of time.

It hardly seems worth while to repeat the facts, because nobody seems to give a damn.

The facts are gruesome. Perhaps that is why we do not want to talk about them. Already the health of tens of millions of people is being compromised by air pollution, and life shortened for millions more.

John Gardner, Secretary of Health, Education, and Welfare, warned in 1966:

> There is no doubt that air pollution is a contributing factor in the rising incidence of chronic respiratory diseases—lung cancer, emphysema, bronchitis and asthma.

The staff report of Senator Magnuson's Commerce Committee projects that the air pollution from automobiles will double in the next 30 years. Add to that the dramatic increase from industrial pollution—it spells calamity.

Imagine the air over New York City or Los Angeles twice as polluted as it has been the past few days. What happens when it concentrates, as it will, in densities four and five times as great as anything we have yet seen?

If the current accelerating rate of air pollution is permitted to continue unabated, the next decade will witness the repeated closing of entire metropolitan regions, as an emergency health precaution. Traffic, industry, and all but emergency services will be required to come to a standstill.

For those increasing numbers who doubt the capacity of the "establishment" to solve our problems, what more eloquent argument can we give them? If we cannot protect the health of the Nation because it would require some tough decisions that interfere with traditional right of free enterprise to do business as usual, then I suggest that both the system and the people are in jeopardy.

We can effectively and successfully meet this problem as soon as we are prepared to make some simple and tough decisions.

First, a flexible air quality standard must be established which requires all industry to install the pollution control equipment that meets the current, highest status of the art. As more effective equipment is developed, it must automatically become the new standard to be enforced without delay.

Second, standards on the use of low emission heating fuel must be established as in London several years ago.

Third, open burning dumps must be rapidly phased out.

Fourth, and most important, the automobile pollution problem must be met head on, with the requirement that the internal combustion engine be replaced by January 1, 1975. While we have delayed confronting this problem, the auto industry has skillfully filibustered and sweet talked the Nation out of forcing them to do anything meaningful.

Until we face the problem of auto pollution, we cannot claim to be serious about air pollution. The automobile is responsible for 60 percent of the Nation's air pollution and for as high as 90 percent in many metropolitan regions.

There are now 105 million motor vehicles using 82 billion gallons of gasoline annually. The combustion of over 82 billion gallons of gasoline to feed these automobile engines exhausts a cloud comprised of carbon monoxide, unburned hydrocarbons, oxides of nitrogen, lead and oxidants. Each of these contributes to endangering the health of all people in this country and around the world.

While the effects of air pollution can be seen and measured in damages to houses and plant life, the damage to health is more subtle and complex. Auto pollutants do many things to the human system. Carbon monoxide reduces the capacity of blood to carry oxygen from the lungs to the tissues of the body. Unburned hydrocarbons possibly cause cancer. Oxides of nitrogen are a major cause of smog and are toxic and even fatal in high concentrations. Oxidants such as ozone cause eye irritations and adverse respiratory effects. Lead compounds are hazardous but insufficient knowledge exists as to the degree of their toxicity.

In New York City, for example, under the recent smog conditions, it was obvious that a person did not have to die to suffer the ill effects of heavy pollution. Studies have shown that breathing badly polluted New York City air was roughly the equivalent to smoking 38 cigarettes a day. Collectively, these chemicals and those from stationary sources have increased the incidence of respiratory ailments and diseases such as lung cancer, emphysema, chronic bronchitis, asthma, hardening of the arteries, and possibly the common cold.

It is necessary to pass legislation to require the replacement of the internal combustion engine because the auto industry will not do so voluntarily. It is now practical to replace the internal combustion engine. There are alternative propulsion systems which perform efficiently and are relatively pollution free.

The testing and development of alternative engines has been carried out almost entirely by people outside the auto industry—without the use of the industry's vast resources.

The most extensively tested alternative is a steam engine known as the Rankine Cycle engine which relies on external combustion and burns a low grade of gasoline or even kerosene at a steady flame.

In 1967, an interdepartmental advisory committee of experts, established by the Secretary of Commerce and chaired by Dr. Richard S. Morse of the Massachusetts Institute of Technology, concluded that the steam engine was a "feasible" and "reasonable" alternative to the internal combustion engine. The 1969 staff report of the Senate Commerce Committee entitled "The Search for a Low-emission Vehicle," also concluded:

> The Rankine Cycle propulsion system is a satisfactory alternative to the present internal combustion engine in terms of performance and a far superior engine in terms of emissions.

The Williams Brothers steam car, one of the best known of the Rankine Cycle, was developed 9 years ago and has yielded impressive results as far as auto emissions are concerned. The test results are:

Hydrocarbon emissions on the Williams car are 20 parts per million; on the stock internal combustion engine, they are 900 p.p.m., 45 times higher.

Nitrogen oxide emissions from the Williams car are 40 p.p.m.; on the internal combustion engine, they are 1,500 p.p.m., 375 times higher.

Carbon monoxide emissions for the Williams car are 0.05 percent for the internal combustion engine, they are 3.5 percent, 70 times higher. Finally, the Rankins engine emits no lead since that element is not required as an additive in its fuel.

In a report to the Society of Automotive Engineers, performance characteristics of the Rankine Cycle were compared with the internal combustion engine. In all tests, the Rankine engine was comparable or outperformed the internal combustion engine in top speed and acceleration.

Extensive research has also been underway on the gas-fed turbine. This engine is significantly pollution-free and efficient enough to have led such people as William Lear of the Lear Motor Corp. to believe that this propulsion system can replace the present inefficient internal combustion engine.

The Chrysler Corp. has made optimistic statements about their experience on the gas turbine engine from 1954 to the present. In particular, they have acquired valuable data from the 50 gas turbine cars produced in the mid-1960's for testing by ordinary drivers.

The enthusiasm of users was noted. The consumer was impressed with the gliding sensation at all speeds, the reduced maintenance, the starting ability and fast, sure ignition. Performance problems observed were acceleration lag, particularly from a standstill and fuel economy.

Chrysler is currently testing its sixth generation of gas turbine. Some authorities have maintained that if Chrysler had aggressively followed through with the gas turbine program, mass production at a cost close to the internal combustion engine would have been possible.

The Chrysler Corp. has released data on emission rates for the latest generation of the experimental gas turbine car. The hydrocarbon and carbon monoxide rate is a low 15 percent of 1970 Federal standards. The nitrogen oxides rate is an equally low 25 percent of current emissions.

Expert after expert outside the automobile industry has confirmed that we can produce alternatives to the present automotive engine that are efficient, economical, quieter, and virtually pollution free.

Those with the greatest stake in preserving the internal combustion engine, the auto and petroleum industries, have attempted to distort the extensive body of knowledge showing there are efficient replacements.

The industry will not voluntarily convert to another engine for obvious reasons.

First, they have the internal combustion engine and are satisfied with its performance. They see no obligation to convert to another engine as an act of social conscience because that has nothing to do with producing either automobiles or profit.

Second, it will cost the automotive industry an estimated $3 to $5 billion to convert to an alternative engine. Spending that much money is obviously a real concern of the manufacturers.

It is valid to point out, however, that the taxpayers are paying for air pollution damages estimated at $30 billion annually. The automobile is responsible for more than half that $30 billion.

It is worth noting that the cost to the automotive industry for converting to a substitute for the internal combustion engine is only one-third the annual economic damages caused by the present internal combustion engine.

What the auto industry has spent, however, has been inadequate and directed almost solely to rigging a jerry-constructed internal combustion engine that will have attained some slight degree of social acceptability and be a little cleaner.

This money is still spent on the internal combustion engine, even though a top Chrysler Motor Corp. official has admitted it will cost $10 billion just to control the nitrogen oxide standards with the present engine, while $1.5 billion has already been wasted on inadequate attempts to control carbon monoxide and hydrocarbon emissions.

It would also cost $1 to $5 billion to convert present fuels to the nonleaded, high octane gasoline needed to propel the jerry-rigged internal combustion engine. In addition, installation, inspection, maintenance, and replacement of proposed antipollution devices for cars currently on the road will run total costs up several more billion.

At best, these moves will be temporary measures, because by 1980 the automobile population will have continued its explosive growth to the point that total emissions will again reach present levels and will continue upward.

According to its own estimates, the auto industry is investing $11 to $15 billion to strengthen its bond to the internal combustion engine, expenses that ultimately the consumer pays for in the final product.

The continuing problem in dealing with the automobile industry has been their lack of good faith in assuming the responsibility for developing a pollution-free engine. It is ironic to note that while the auto industry has been proclaiming that it was attempting to find an alternative engine, the most significant research in the area was taking place outside the industry.

A prime example of this lack of good faith became public in 1969, when it was learned that members of the industry had a formal agreement for 16 years in which all parties agreed to inhibit research and development in the area of pollution control.

After the Justice Department brought suit against the industry, the auto manufacturers agreed to a consent decree prohibiting them from engaging in any future collusion to restrain research on air pollution control.

Thus for 16 years, the automotive manufacturers agreed to do nothing about the air pollution problems of their products. The dismal record of the industry makes congressional action necessary.

Each year the industry spends $1½ billion in unnecessary styling changes that amount to little more than fashion, frills, and fins.

In view of the critical air pollution crisis facing the Nation, I suggest that the industry declare a moratorium on style changes. I am introducing a sense of the Congress resolution that manufacturers of motor vehicles declare a moratorium on styling changes and reallocate the moneys that would normally be expended for styling changes to the costs of converting to a low-emission propulsion system that will replace the internal combustion engine and be offered for public sale no later than January 1, 1975.

I am also introducing an amendment to the Clean Air Act which will prohibit the sale of any motor vehicle powered by an internal combustion engine after January 1, 1975.

Mr. President, I ask unanimous consent that the amendment and the concurrent resolution be printed, referred to the appropriate committees, and be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The amendment and the concurrent resolution will be received and appropriately referred; and, without objection, will be printed; and the amendment and the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 76), which reads as follows, was referred to the Committee on Commerce:

S. CON. RES. 76

Whereas it is recognized by Congress that motor vehicles account for at least sixty percent of the total air pollution in the United States and over eighty five percent of the air pollution in many metropolitan areas; and

Whereas it is recognized by Congress that emissions of carbon monoxide, hydrocarbons, oxides of nitrogen, lead, and oxidants from motor vehicles have deleterious effects upon human physiology and health; and

Whereas it is the intent of Congress to prevent and control the emissions of air pollutants from motor vehicles; and

Whereas it is recognized by Congress that prevention and control of emissions of air pollutants from motor vehicles requires the accelerated development of a mass produced low-emission propulsion system to replace the internal combustion engine; and

Whereas it is recognized by Congress that rapid conversion to a low-emission propulsion system to replace the internal combustion engine will necessitate the large expenditure of monies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That it is the sense of the Congress that manufacturers of motor vehicles declare a moratorium on styling changes and reallocate the monies that would normally be expended for styling changes to the costs of converting to a low-emission propulsion system that will replace the internal combustion engine and be offered for public sale no later than January 1, 1975.

The amendment (No. 815) was referred to the Committee on Public Works, as follows:

AMENDMENT NO. 815

On page 5, line 10, after the semicolon strike "or".

On page 5, line 16, strike the period at the end of the line and insert in lieu thereof a semi-colon and "or", and between lines 16 and 17 insert the following:

"(6) for any new motor vehicle propelled by an internal combustion engine to be sold within or brought into any State after January 1, 1975.

Mr. NELSON. Mr. President, I also ask unanimous consent that the editorials and articles from the New York Times, the Washington Post, and the Washington Evening Star be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Evening Star, July 29, 1970]

REHEARSAL FOR DISASTER

The stagnant bubble of pollution that hangs over the Eastern United States from New York to Atlanta, is, we are assured, no cause for alarm in the Washington area. The problem will end when a tide of cool air arrives to shoulder the polluted air mass out over the Atlantic. In the meantime, it will sting the eyes and irritate the lungs. But it is, according to the official assessment, just a bother and nothing more.

It is—or it should be—a great deal more.

It should be taken as a reminder that nature cannot always be counted on to cart away man's airborne garbage. It should be accepted as persuasive evidence that mankind is indeed charting a course to environmental disaster. It should be seized upon as an opportunity to develop and to test the escape mechanisms before that disaster materializes.

The weather phenomenon that laid the damp blanket over Atlanta, Washington, Baltimore, Philadelphia, New York is nothing really new. Every now and again, the infinitely complex mechanism that produces the weather creates a vast dome of stable air, massive enough to resist the pressures that normally move weather patterns in a west-east parabola. The mass comes to rest. Winds, both lateral and vertical, are at a virtual standstill.

When this mass settles down over an industrial area, the pollutant byproducts of civilization are pumped into the stagnant pond of air. There they are altered and strengthened by the photochemical actions of the sun on the tainted air trapped beneath the dome of the atmospheric greenhouse. It has happened before. It will happen again. And every time it happens, man's industrial progress has moved the threat of areawide disaster several steps closer to fulfillment.

Washington will, assuming the predictions of relief are accurate, escape a killer smog such as those that have, in the recent past, claimed hundreds of lives in London. Washington will be spared the white horror that, until today, enveloped the major cities of Japan, and produced 9,000 serious illnesses. The most that is anticipated is an area alert that will trigger some voluntary antipollution steps.

But there must be no assumption that an emergency can't happen here. It can, and it will. And the present minor emergency could have been utilized for a full-dress rehearsal for disaster. It would have been possible to put the contingency plans for a real emergency to the test, curtailing the area's limited industry and halting all non-essential auto and bus travel. Then it could have been seen if the limited measures that have been planned are really enough to reduce the levels of poison in a body of stagnant air.

The Washington Council of Governments should determine now that such a test will be made the next time nature sets the stage for a disaster drill. And the rest of us should hope that the next time is not the real thing.

(From the New York Times, July 30, 1970)

HANDWRITING IN THE SKY

Through the polluted haze that for days has hung over East coast cities from New York to Atlanta, nothing is clear but a timely warning. Urban areas are getting perilously close to the point where they may have to choose between the internal combustion engine and breathable air. That Tokyo should be undergoing the same harrowing ordeal in the same week demonstrates that the problem is worldwide and not even primarily an American phenomenon.

On the basis of Federal air pollution criteria, Robert N. Rickles, New York's Commissioner of Air Resources, estimates that this city is in the "unhealthy" category about one-third of the year. And this in spite of the fact that sulphur emissions from fuel oil and coal have been reduced by 50 per cent.

The chief offender is clearly the automobile. Even if all the proposed anti-pollution devices worked as well as possible and were universally installed tomorrow, the continuingly increased use of the car would give the country the same degree of pollution in fifteen years that it enjoys today. And, it need hardly be said, the improvements have only limited use and are only sporadically required. Even when they are installed, moreover, their effectiveness depends in part on the car's state of repair, a single dead spark plug being capable of raising emissions at least ten times over the legal limit.

All of which means that what has up to now been regarded as personally hysterical and economically unthinkable may yet become a reality. Until the gasoline engine can be made pollution-free or a clean substitute for it developed—eventualities at least ten years in the future—the automobile may actually have to be banned from the centers of major American cities. Where it has been prohibited for short times and in small areas, the air has visibly and quickly improved. In the present New York crisis a prohibition on all non-essential traffic may yet have to be invoked in certain areas, or even throughout the city, as the fourth stage of the prescribed emergency procedure.

Ten years ago an American business section without private cars was unimaginable If we want to continue breathing, we will have to begin at least to imagine it right now—and while we are at it, to imagine a public transit system capable of taking their place.

A CLOUD NO BIGGER THAN THE EASTERN SEABOARD

The dangerous cesspool of air that now hangs over this city and the eastern seaboard is a shock but not really a surprise. The bread we threw out on the water now returns to us. It is true that abnormal weather in the form of a mass of warm air that won't move on is a major weave in the blanket of pollution now covering us. But we cannot blame the fickleness of nature for this mess; it is manmade, largely by the exhaust fumes from automobiles and buses, according to local officials.

This raises the immediate question of whether the public can wait the 10 years the automobile industry has said it needs to produce clean cars. Has an independent group thoroughly looked into this time-table to see if 10 years really is needed? Or is it a comfortable pace the industry has set for itself? These are honest questions and there is an urgent need for answers; the air around us argues that anything less than a crash program to get clean air is basically a no-win effort.

A world-wide survey by the UPI reveals that we are not alone in our filth. Wallowing also in smog are places like Japan, Mexico City and Singapore. The ongoing series of articles on world pollution by Claire Sterling on this page has been detailing the theme that we are all in this problem together; action by one country and not by another will not do. And neither will it do to wait until things get worse.

A recent book called "The Vanishing Air" by John Esposito ends with a chapter called "Pollution and Palliatives." What he and his researchers tried to do, says Mr. Esposito, and in many people's opinion did, was "illustrate how the public's hope for clean air has been frustrated by corporate deceit and collusion, by the exercise of undue influence with government officials, by secrecy and the suppression of technology, by the use of dilatory legal maneuvers, by special government concessions, by high-powered lobbying in Congress and administrative agencies . . ."

In saying where the blame lies, Mr. Esposito also implies where the remedy lies: in positive and immediate action by corporations, governments and citizens, not just in Washington or in the United States, but in every part of this blanketed planet.

The trouble is that as long as the menace remains invisible, by and large, we may fool ourselves into thinking that there is no urgency in the developing crisis of our environment, which suggests a silver lining in the great dirty cloud that has enveloped, not just a city, but an entire area of the United States the past few days. For what this has done has been to make the menace all too frighteningly visible, as a regional thing, which is only a step away from a continental, and ultimately, a planetary thing.

It is often said that the crisis of pollution and environment will fade away, like other fads, a victim of our short attention span, as the media turn to new trinkets or inserts to play with. But it won't, in our view, because it won't remain invisible. When the old and sick are in danger of dying along a whole seaboard, when officials in Washington and New York are ready to block roads to keep cars from being used, when the menace is inescapably there for all to see and breathe, it is not a fad which can fade away. A blind eye can be turned on the ghettos or the war but no one who ventured outdoors the last few days could avoid seeing what we are doing to ourselves. It would be nice to think that we could take sensible warning from a cloud no bigger than the eastern seaboard.

[From the Washington Post, Aug. 3, 1970]

Tokyo Curbs the Car, Beats the Smog

Tokoyo, August 2.—Tokyo closed 122 of its busiest streets to cars today, and for a short while part of the world's most populous city was free of the exhaust fumes that have plagued it recently.

Tokyo's anti-pollution campaign took on a carnival air as thoroughfares in four important shopping districts were cleared of traffic and turned over to throngs of pedestrians for a few hours.

It was part of Tokyo Gov. Ryokichi Minobe's campaign to show the 11.5 million residents what life could be like without the noise and stench of the internal combustion engine.

The experiment will be repeated every Sunday and public holiday for an indefinite period. Sunday is normally a busy shopping day here.

The improvement in the air was dramatic. Meters recording carbon monoxide levels nosedived, and for a few minutes in the West Tokyo area of Shinjuku the needle rested on zero.

In the world-famous Ginza shopping and entertainment district of downtown Tokyo the pollution level dropped to two parts per million—about half the normal 4 p.m. Sunday reading.

Although no recordings were made in two other heavily traveled areas of the city, Ikebukuro and Asakusa, the air was reported to be less smelly than usual.

Their eyes, throats and noses punished by weeks of stinging smog, Tokyo residents responded enthusiastically to today's experiment.

About 750,000 people were reported by police to have thronged the traffic-free streets.

In Ginza, they sat in temporary sidewalk cafes, were offered cold wet towels and free ice cream by bikini-clad girls and watched a folk dancing troupe from southern Japan. Police said crowds at some places were 20 times greater than usual.

The Mitsukoshi department store said it had 200,000 shoppers, compared with a usual Sunday figure of 130,000. Sales ran 50 per cent ahead of the usual figure, store officials said. Officials at the Matsuya department store said that "sales are just about like Christmas."

The store estimated that it had 160,000 visitors. Ginza's third big department store, Matsuzakaya, said sales were 35 percent ahead of normal for Sunday.

In Shinjuku, the promenaders became entangled in a march by two rival left-wing student factions who converged on the same spot for a fund-raising drive. Police watched from the sidewalk, but there was no trouble.

Signs proclaiming "Shinjuku Beautiful Day" sprouted on stores along the street, where business was reported better than ever. Ginza merchants vetoed a similar street closure last year because they feared it would damage business.

Minobe told newsmen tonight he hoped the next step would be to extend the street closure to Saturdays and then perhaps for limited periods during the week.

Meanwhile, Tokyo's anti-pollution police squads will be back in action Monday stopping vehicles throughout the city for spot checks on exhaust emission.

New regulations in force since yesterday allow a carbon monoxide density of up to 4.5 per cent in vehicles less than a year old and 5.5 per cent in those older.

Two hundred drivers have already been instructed to repair their vehicles or face a fine of up to 30,000 yen ($85).

[From the New York Times, Aug. 3, 1970]

Environment Agency Fund Cut Deplored by Key Congressmen

(By E. W. Kenworthy)

Washington, August 2.—Members of Congress who had hoped that the Federal Government would play a much larger role in setting policy for environmental protection are disheartened over a one-third cut in a key appropriations bill.

Last week, in an action that received little public attention, a House-Senate conference committee cut the authorization for the White House Council on Environmental Quality from $1.5-million to $1-million. The funds were among those voted for a cluster of the smaller Federal agencies.

The council is charged with advising the President on all matters relating to environmental protection. Its principal function is to evaluate the effects of Federal programs and actions, such as the building of a dam or the possible dangers of pesticides approved by the Department of Agriculture.

COMMENT BY MUSKIE

In an interview after the conference committee's action, Senator Edmund S. Muskie, Democrat of Maine, who is chairman of the Public Works Subcommittee on Air and Water Pollution, said:

"It is ironic that appropriations for the Council on Environmental Quality should be cut while an environmental crisis exists along the entire length of the East Coast. This is not the time for underfunding, which can only result in undermanning of important work in environmetal protection."

Senator Henry M. Jackson of Washington, chairman of the Interior Committee, said:

"If this cut stands, the performance of the C.E.Q. will be far from its promise. Without staff, the council cannot evaluate the effect of Federal programs on the environment, which Section 102 of the act requires."

Senator Jackson was the sponsor of the National Environmental Policy Act of 1969, which was signed by President Nixon Jan. 1. The act established the council of three members and authorized an appropriation of $700,000 for the fiscal year 1971.

Senator Muskie was the principal author of the Water Quality Improvement Act of 1970, which was signed by Mr. Nixon April 3. This law authorized $750,000 for the fiscal year 1971 to finance an Office of Environmental Quality, which serves as staff to the council.

JACKSON BACKS FUNDS

In addition, Congress authorized $50,000 for the Citizens' Advisory Committee on Environmental Quality, established by Mr. Nixon in 1969. This group is headed by Laurance Rockefeller.

Of the total authorization of $1.5-million, the House appropriated only $650,000. The Senate voted the whole amount.

Last week, the conference committee agreed on $1-million. Rarely does either chamber refuse to accept the recommendation of an appropriations conference committee.

Senator Jackson said that he would try to get the cut restored in the next supplemental appropriation bill, which Congress will act on just before adjournment. Unless the council gets the full amount authorized, Mr. Jackson said, its chairman, Russell E. Train, will be unable to assemble the professional staff he requires.

The council is an advisory body. It has no power to enforce environmental programs. Its only real "clout" is derived from Section 102 of the act creating it.

This directs every Federal agency, when making any legislative recommendation that could significantly affect the environment, to include "a detailed statement" on the environmental impact of the proposed action along with alternatives to that action. These statements must be sent to the President and the council and be made public.

Initially, there was much confusion over what actions were covered by this section. For example, when Secretary of Agriculture Clifford M. Hardin urged passage last February of a bill to permit increased logging in the national forests, he submitted no statement on the ground that there would be no significant environmental impact.

In another instance, Secretary of Transportation John A. Volpe and John H. Shaffer, head of the Federal Aviation Administration, interpreted Section 102 as not applicable to the request for $290 million more for the supersonic transport. The SST, they argued, was an ongoing program, initiated before the Environmental Policy Act was passed, and the funds were for the development of a prototype plane that in itself would have no environmental impact.

On April 30, Mr. Train issued interim guidelines to all agencies clarifying what actions were covered. The guidelines made it clear that a proposal to increase cutting in the national forests should be accompanied by a statement under Section 102. On the question of existing programs, he said that "to the fullest extent possible" the act should apply to them.

The council has no power to reject it or to halt a project but can recommend such action to the President.

According to staff members of the council, the White House is giving full support to the council's interpretation of the act in requiring the submission of statements when an action is proposed and not after it is taken.

There is, however, one notable exception, these officials concede. That involves the supersonic transport, which the council opposes and the President vigorously supports.

[From the New York Times, Aug. 3, 1970]

Environment Goes to Court

The State of Michigan is pointing the way toward a society in which men, either personally or disguised as corporations, will foul the envirenment only at their legal peril. The Legislature has passed, and Governor Milliken has signed, a measure that will allow a citizen to file suit against anyone, including the state itself, believed to be seriously contaminating the air, water or land resources belonging to all.

Like the Hart-McGovern-Udall bill, still in committees of both Houses of Congress, the Michigan law does not rest on a showing of personal damage—at least not the kind of damage that can be measured in dollars and cents. It will be enough to persuade a Michigan court that a river is being polluted or the air contaminated in spite of the law or even that the law itself is inadequate to the need. The court than could grant injunctions, impose conditions or even direct the upgrading of standards.

If the 49 other states were to follow Michigan's lead, there might be no need for a Federal law, but that is no more probable than a uniform approach to divorce, crime or election laws. But Federal legislation might well obviate the need for state-by-state laws allowing environmental suits. The course of the Hart-McGovern-Udall bill shows that its highly desirable passage cannot be taken for granted. The Justice Department is known to be sour on the proposal, possibly anticipating the discomfort it might feel in serving as counsel to a fellow-agency of government brought to book.

But it is precisely because governmental agencies, Federal or state, are so frequently derelict in the enforcement of the very standards they were created to enforce that a way must be found for the citizen to seek judicial relief. It is not a circumvention that should be resorted to lightly, but there is no likelihood that Michigan's judges are going to burden their already overcrowded calendars with frivolous suits. A plaintiff in environmental cases should have to present a serious cause of action. When he does, he is surely entitled to more than the quick brushoff of the endless delay which are the twin traits of administrative bureaucracy.

SENATE RESOLUTION 437—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF PART 1 OF HEARINGS BY THE COMMITTEE ON COMMERCE ON "CONSUMER PROTECTION"

Mr. MOSS submitted the following resolution (S. Res. 437); which was referred to the Committee on Rules and Administration:

S. Res. 437

Resolved, That there be printed for the use of the Committee on Commerce one thousand additional copies of part 1 of the hearings before its Consumer Subcommittee during the Ninety-first Congress on "Consumer Protection" (S. 2246, S. 3092, and S. 3201).

SENATE RESOLUTION 438—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF PART 2 OF HEARINGS BY THE COMMITTEE ON COMMERCE ON "CONSUMER PROTECTION"

Mr. MOSS submitted the following resolution (S. Res. 438); which was referred to the Committee on Rules and Administration:

S. Res. 438

Resolved, That there be printed for the use of the Committee on Commerce one thousand seven hundred additional copies of part 2 of the hearings before its Consumer Subcommittee during the Ninety-first Congress on "Consumer Protection" (S. 2246, S. 3092, and S. 3201).

ADDITIONAL COSPONSOR OF A RESOLUTION

Senate Resolution 428

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of Senate Resolution 428, authorizing the Committee on Commerce to conduct an investigation of firms promoting travel abroad by American students.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 3, 1970, he presented to the President of the United States the enrolled bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

AMENDMENT OF CLEAN AIR ACT—AMENDMENTS

AMENDMENT NO. 815

Mr. NELSON submitted amendments, intended to be proposed by him, to the bill (S. 3229) to amend the Clean Air Act in order to extend the authorizations for such act, to extend the provisions of title II relating to emission standards to vessels, aircraft, and certain additional vehicles, and for other purposes, and to provide for a study of noise and its effects; which were referred to the Committee on Public Works and ordered to be printed.

(The remarks of Mr. Nelson when he submitted the amendments appear later in the Record under the appropriate heading.)

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 816

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Proxmire when he submitted the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 817

Mr. WILLIAMS of Delaware (for himself, Mr. Mansfield, and Mr. Dole) proposed an amendment to House bill 17123, supra, which was ordered to be printed.

(The remarks of Mr. Williams of Delaware when he proposed the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 818

PERMANENT CHANGE OF STATION

Mr. PERCY. Mr. President, we are currently considering legislation that deals with the authorization for military procurement. Each of us knows that the debate on this bill will be lengthy. Those parts of the debate relating to our national security will be bristling with facts and hold the attention of everyone; other parts of the debate may be tedious. But all of it will be an important part of the function of this body. We in the Congress have not only the right, but the duty, to question closely each item for which the taxpayer's money is to be spent.

Over the past weeks, I have indicated my desire to identify those areas where excess fat can be trimmed from the fiscal 1971 budget and spending can be reduced by at least $4 billion.

Up to this time, I have recommended actions by the administration and Congress that would result in annual savings of $1.5 billion. Today, I direct my remarks to another area in the budget where we can economize. I am pleased to be able to identify an area that will not only save money, but will go a long way toward stabilizing the life of military families.

In fiscal 1971, $1.3 billion is earmarked for permanent change of station moves, or PCS. Basically, this is the rotation of military personnel from assignment to assignment.

Approximately $460 million of the total will go for rotation of servicemen after 12 months of duty in Southeast Asia. This expenditure is certainly necessary and I fully support it.

Another $300 million of the total is to go toward the normal cost of training and separation, also I presume necessary.

We are, therefore, left with approximately $559 million. I have studied this proposed expenditure, and it is my opinion that the Secretary of Defense should immediately undertake an investigation to determine how best to reduce, from this remainder, at least 25 percent of the cost of permanent change of station moves.

The most obvious course of action would be to lengthen certain tours of duty. The decision on how this can best be achieved rightly belongs to the military itself.

As I have indicated, a reduction by 25 percent in PCS moves would have two immediate beneficial effects.

First, by a lengthening of tours, there would be less frequent moving from base to base. Consequently, the military families would have the opportunity to enjoy a greater degree of stability. I have talked to military men with families, and they have been enthusiastic about the potentially beneficial effects of this proposal.

The second advantage would be one of economy. By reducing the number of PCS moves by just 25 percent, a saving of approximately $140 million a year could be realized. Most organizations in the private sector that rotated personnel as frequently as the military services would go bankrupt. The practice is overdone, is wasteful, and inefficient as now carried out.

I believe that this is an area in which we can tighten our belt in the fight against inflation, and move toward a more balanced budget without any real loss. Consequently, I am today submitting an amendment that will amend the military authorization bill to instruct the Secretary of Defense to take the necessary actions to implement the plan I have spoken of this afternoon.

Mr. President, after my last announcement concerning the subsistence programs of the military, I received a letter from a woman who suggested I stop enumerating such trivial items. However, it is through the accumulation of items that may seem trivial that I have been able today to reach a total of more than $1.6 billion in projected savings. It is precisely by looking at what may seem to be unimportant or trivial that we can help to stem the tide of inflation and help the President in his attempt to avoid a sizable deficit in fiscal 1971—a deficit that some predict may reach $10 billion.

So I pledge that I will continue to carefully appraise the spending programs of the Federal Government as a part of my overall responsibility on the Senate Government Operations Committee and as a member of the Joint Economic Subcommittee on Economy in Government. I will be looking for areas in which we can save money; that will be my only criterion. I do not care how exciting the search may be.

Saving money is the goal of President Nixon, it is my goal, and it is a goal of every member of this body.

Mr. President, I ask unanimous consent that the text of my amendment be printed in full at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. DOLE). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 818) is as follows:

AMENDMENT NO. 818

At the end of the bill add a new section as follows:

"SEC. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year begnning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense."

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 765

Mr. **GRIFFIN**. Mr. President, on behalf of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of Amendment No. 765 to H.R. 17123, the Military Procurement Authorization Act, implementing the recommendations of the President's Commission on an All-Volunteer Armed Force.

The **PRESIDING OFFICER** (Mr. CRANSTON). Without objection, it is so ordered.

AMENDMENT NO. 774

Mr. **BYRD** of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. BENNETT) be added as a cosponsor of amendment No. 744 to S. 3619, to create within the Office of the President an Office of Disaster Assistance, which would authorize the Small Business Administration to make loans to disaster victims to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale or termination of any lease, oral or written of the property which is such person's residence.

The **PRESIDING OFFICER** (Mr. DOLE). Without objection, it is so ordered.

REVENUE-SHARING GIMMICK

Mr. **WILLIAMS** of Delaware. Mr. President, in the Washington Daily News of Monday, July 27, there appeared an editorial entitled "The Revenue-Sharing Gimmick."

This editorial should be read by every Member of Congress and by every Governor since it points out the extravagant policies of both the State and Federal Government as they attempt to finance the multitude of overlapping programs.

With our Government operating at a deficit averaging over $1 billion per month it is time that the Governors recognize that all that the Federal Government has to share is a deficit.

There is only one real method of the Federal Government's sharing revenue with the people of the respective States; and that is, that first it must reduce expenditures, which can be accomplished by a reduction in the demands of the State governments for more Federal aid, and then after achieving a balanced budget let us reduce taxes and let the American people spend their own money rather than siphoning it through State legislatures.

What both the Federal Government and the State governments need to recognize is that the American taxpayers who earn the money know best how to spend it.

I ask unanimous consent that the editorial referred to be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE REVENUE-SHARING GIMMICK

Last August President Nixon proposed to Congress a modest program to "share" Federal tax income with the states. He wanted to start out by turning over a half-billion dollars to the states, stepping this up to $5 billion annually in the next five years.

Congress hasn't done anything about this and the governors of the states are quite annoyed. At a recent meeting in Columbus the governor of Minnesota said the congressmen were acting like "prima donnas" on this proposal and the governor of Illinois proposed that the states initiate a constitutional amendment to force the Federal Government to share revenues with the states.

Ever since FDR was President, the states have been panting for more and more money help from Washington. So-called Federal "aid" to state and local governments has zoomed to around $28 billion a year.

But the results, as the Governor of Indiana said in Columbus, have been simply frustrating.

"No governor, no state administration," he said, "can have satisfactory relations with the Federal Government."

Too much bureaucracy in Washington. A baffling maze of programs. Too many rules. Too much extra cost for the states themselves.

Or, as President Nixon said last August:

"We have hampered the effectiveness of local government by constructing a Federal grant-in-aid system of staggering complexity and diversity."

It's worse than that, in fact. Whatever usefulness these programs have had, it has come nowhere near being commensurate with the costs. That's because of the overlapping, delay and uncertainty, red tape, bureaucratic costs and confusion.

Despite the eagerness of local politicians for these handouts from Uncle Sam, the states and local communities rarely save money, sometimes spend even more, and seldom get the job done as well as they might do it themselves.

The Federal Government, as Congressman Charles A. Vanik of Cleveland suggests, would do better simply to vacate these programs, yield up some of the tax sources it has hogged, and let the states and towns raise their own revenues and meet their own needs.

As long as the Federal Government collects the money and siphons it back to the states, it will exact a heavy—and wasteful—handling charge, not to mention the complaints cited by the governor of Indiana.

The governors have encouraged the fantastic growth of Federal handouts by constantly rushing to Washington with tin cups. It would be cheaper for their taxpayers if they simply would tell Washington to mind its own affairs, and let the states attend to theirs.

McGEE SENATE INTERNSHIP WINNERS

Mr. McGEE. Mr. President, this week, I shall have in my office with me two outstanding young people from the State of Wyoming who are the statewide winners of the annual intern competition which I conduct in the State. The purpose of the competition is to permit a high school junior boy and girl to spend a week in the Nation's Capital, in all the relevant places here that would enhance an understanding of the mechanisms and the procedures of a democratic society.

These two youngsters are Dennis Wagner, who will be a senior this coming year in the Cheyenne Central High School, and Miss Laura Connell, who will be a senior at the Big Horn High School in the northern part of the State.

These two youngsters, in emerging as the winners of the competition, reflect the caliber of what was undertaken. Most of the high schools in Wyoming picked their local winners, each of which in turn then became a contestant on a statewide basis.

Three well known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of this contest has produced.

The subject matter was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems, per se.

I think what it does say to us in the Rocky Mountain West is that the mistakes that have polluted parts of the United States already may have served as a grim warning to those of us from the high altitudes in the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of the environmental pollution even at the local level.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, will the Senator yield me an additional minute?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I yield 1 minute to the distinguished Senator from Wyoming.

Mr. McGEE. I will share their essays with the Senate, Mr. President. But first let me say a few words about these two young people. Dennis, the son of Mr. and Mrs. J. Owen Wagner of Cheyenne, has maintained honor roll standing throughout secondary school. He has been active in band and junior ROTC, wherein he has won both the high scholastic award and superior cadet decoration. His activities also include Key Club and Science Club; his hobbies include music, photography and tennis. Like Miss Connell, he maintains a standing in the upper 10th of his class.

Laura is a member of the Honor Society at Big Horn High School in Sheridan County, Wyo., where she resides with her parents, Dr. and Mrs. J. R. Connell. She has been a student council representative and both secretary and treasurer of her class, as well as a member of the Pep Club, the Glee Club, Girls' Athletic Association and a cheerleader for 3 years. She also has been active for 8 years in 4-H Club work. She has done ranch work and horsetraining. Laura, in fact, is an accomplished horsewoman. Her other hobbies are diving and trampolining.

With that introduction of the authors, Mr. President, I ask unanimous consent that their essays on "Conservation: Its Relevance in Wyoming" be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

CONSERVATION: ITS RELEVANCE IN WYOMING

(By Dennis Wagner)

Industrial growth in the United States has caused severe environmental damage. Skies are filled with fly ash, lead, and various other harmful chemicals. Rivers and lakes overflow with old tires, sewage, and manufacturing waste. Even our land is covered by ugly freeways and parking lots. Cities have become merely a mass of steel and concrete. Our home, the earth, is being made unfit for life.

Wyoming is one of the few areas in our country that has not been troubled severely by pollution—but it has begun. Our wide open spaces are now speckled with waste paper. Our rivers appear to become just a little dirtier each day. Some people are even beginning to complain about the smoke in the air. Much of our land is now covered by concrete in one form or another. Yes, pollution is here. It is extremely irritating, but not yet unbearable.

It seems that many people do not yet understand why we should be so concerned about preserving our forests and waters when industrial plants, polluting or not, mean money in their pockets. Others are concerned, but they are not yet ready to make the sacrifices necessary to curb pollution and wasting of resources.

The United States is a country rich with natural heritage. Wyoming is one of the last great holdouts for nature, but man is gnawing away at the retreat. In Wyoming one can marvel at a countless number of nature's wonders. In Yellowstone National Park we can see nature at her creative best with works that man, even with all of his technical skill, can never hope to top. Devil's Tower is an astounding rock formation that man can only wonder about. Simpler but equally marvelous sights are everywhere in Wyoming. Indeed, the simple life of our abundant wildlife is a miracle in itself. When one stops a moment to reflect on these simple marvels, he appreciates life just a little more, and society as a whole benefits.

The complex society we have created makes it necessary for each man, woman, and child to take a periodic rest. It is beneficial to our sanity to be alone with nature, if only for a short time. There is no better place to see nature than in Wyoming's wonderful forests. Animals of nearly every type are free to roam, and their freedom is passed on to anyone watching. The viewer comes away with a restored sense of purpose, and perhaps a new view on the sheer beauty of life.

But how quickly a visit to the forest can be ruined by the sight of cans, bottles, film boxes, and countless other articles of trash. In some cases, the forest itself has disappeared. Man has seen fit to replace it by progressive industry, a mining operation perhaps. Hundreds of animals have been forced to flee or perish. The sky where birds once soared high and free has become clouded with photochemical smog. Other waste is steadily fed into the nearby river where many fish once swam. Houses and related industries spring up around our mine to cover even more of the earth's beauty. Soon bigger highways will be needed to carry more automobiles that in turn will worsen air pollution. The earth has been exploited—a once beautiful forest has been ruined, and the most unfortunate part of it all is that the minerals that have been taken from the earth will probably be wasted through unwise use.

How can man, in all his greatness, honestly believe that he has the right to destroy huge portions of nature to make room for his projects? Man is but one member of a marvelous and complex ecosystem existing on planet earth. Every member—insect, earthworm, tree, even tiny bacteria—has an important role to play. Man has tipped the balance and is now just beginning to reap the rewards. The balance must be restored as nearly as possible if we are to survive.

When a forest is destroyed, it can never be exactly replaced. When a rock formation is toppled, man can never restore it. When a living creature is killed, man cannot magically put life into the empty shell again. Afterwards is too late. Much of the damage done to our earth is irrepairable—and we are now beginning to realize it. Yet we continue to destroy. We preach conservation while we waste land, water, other resources, and even life itself. The violations of natural law now in progress must be stopped; the damage that has already been done must be repaired as nearly as possible; and strict guidelines for the future must be established.

This is not to say that industry must be barred from Wyoming or that its inhabitants must return to a pioneer way of life. Industrial growth must be carried out in harmony with nature. The important thing is for Wyoming to be maintained as the "Great Land Outdoors." We as individual members of a vast ecosystem need room in a healthy, unpolluted world to communicate with our fellow members. It is only in this manner that life can take on real meaning. Man's desire to solve the many puzzles of life can only be satisfied by study carried out in a pure world. We must fight doggedly any "progress" that calls for the destruction of nature. Our very survival is at stake!

CONSERVATION: ITS RELEVANCE IN WYOMING

(By Laura Connell)

A boy standing atop a high hill can see for miles, to the edge of the earth it seems. Broad green valleys stretch for miles below him. Twenty-five miles to the west he can see huge mountains rising to meet the endless blue sky. Through the cold clear air comes the sound of a train whistle, ten miles away. The green pastures below him are dotted with cattle and horses grazing. Deer mingle freely with them, and he can see his favorite fishing hole below, sparkling in the sunlight.

Another young boy, standing in a roof garden atop a tall building in New York, looks out across the city. He looks across the endless panorama of gray and dirt-brown buildings. Huge smokestacks and chimneys spout black smoke, and small bits of cinder and ash float lazily through the air above the rooftops. A short distance away, where the mighty Hudson River dumps its oily, brown waters into the Manhattan Bay, huge mountains of suds pile up. Like fluffy gray and white clouds, they float away to the ocean. Dead fish twist and turn as they drift into the waves. Half a mile away, the Empire State Building can be seen vaguely through the smog. Below, the traffic winds through dirty, litterstrewn streets. Above the noise of the city, the boy can scarcely hear his mother calling from downstairs.

Which lookout point would you choose? Many people today don't even know there is a choice. Those who have been raised in large cities have long since grown used to pollution of every kind, air pollution, water pollution and even noise pollution. Others, raised in country such as our Wyoming, often don't realize what real pollution is. For us, it is nothing unusual to stand on a green river bank and watch the trout play in the clear water, or to look up and see an eagle soaring high above us under the clear blue sky.

People often don't appreciate their blessings until they lose them. Everyone goes his own way, to school or to work, never thinking what a candy wrapper dropped or a beer can tossed out the window can do to a landscape. Still everyone complains about the littered highways, parks, and campgrounds that "the other guy" messed up.

It often takes something big or sudden to make the public realize that they are losing the natural beauty they have inherited. A sawmill built on the edge of town, a new detergent factory dumping pollutants into a river or a rash of sonic booms often shock people to their senses, but not often enough.

You sometimes wonder if you are in the right state when you wake up in the morning and see a pall of smoke hanging over the valley, all caused by one sawmill. Of course it doesn't happen every day, but *no* factory should rely on Wyoming weather to carry the smoke away. It also makes you wonder when you travel long miles into a Rocky Mountain primitive area and still see trash and litter along the trails.

These things are not only disagreeable to humans, but they harm the wild life as well. In Wyoming we are extremely fortunate; we don't have to watch birds suffer and die from lack of pure air or watch them flounder about in an oil-covered ocean. We don't have to see dead fish floating down our rivers by the hundreds. Hopefully we will never have to see these things in Wyoming. But it will take a great deal of intensive conservation on the part of the public, as individuals and as a whole, to prevent this.

Then there is the vital problem of conserving Wyoming's wildlife. The forest service and wildlife councils in Wyoming are doing a terrific job, but the people, as a group, must stand behind them in their conservation programs.

A deer poached here and a turkey there, can add up to enough out-of-season killing to upset a whole program. The laws are here; all they lack is strict enforcement. Stiffer penalties could also curb out-of-season hunting and fishing. But most of this conservation *must* depend on the individual.

It is possible for the public to take steps to stop air and water pollution. Volunteer groups can start drives to clean up road sides and advertise anti-litter movements. The public as a whole can encourage governors, senators and representatives to present anti-litter and pollution bills, can write letters, start petitions and send telegrams.

Yes, we do have a choice, a choice between clean air and smog, polluted water and sparkling streams, abundant wildlife or its extinction. There is a choice; it is now left for us to choose.

CAMPUS DISTURBANCES

Mr. BYRD of West Virginia. Mr. President, the American people are deeply disturbed by the unrest and disorders which have disrupted our colleges and universities, and they are apprehensive over reports that militant radicals and subversives may attempt to close a number of our institutions of higher learning this fall.

The recent testimony taken by the President's Commission on Campus Unrest has done little to allay fears that even worse may be in store than what has already been experienced, since most of the statements made to the Commission and publicized thus far have come mainly from those who appear to sympathize with and support the militants, dissidents, and revolutionaries.

There is, likewise, little that is reassuring in the report made to the President by his special adviser on campus problems, Dr. Alexander Heard, chancellor of Vanderbilt University.

In both instances—the statements taken by the Commission and the report of Dr. Heard—the scales appear to be weighted in favor of those who have caused the trouble, and against those who want to get an education. Unless some proper balance is achieved between the views of opposing sides on this issue, I very much fear that neither the advice of the President's special adviser nor the eventual report of the Commission headed by former Governor Scranton will be of much help in bringing a satisfactory conclusion to the very serious problems in our schools.

Another of President Nixon's special advisers on the campus problem, Dr. James E. Cheek, president of Howard University, was quoted in the press today as having said on television yesterday that he is "pessimistic" about the hopes for a better situation partly because the White House has yet to exert a strong moral influence.

I am not sure, Mr. President, exactly what President Cheek had in mind. But it should be obvious to anyone who has considered this situation at all that the absence of strong moral leadership by the colleges themselves, their administrations and their faculties, is the major factor in the deterioration of the quality of campus life that has occurred.

Dr. Cheek was further quoted as saying that "conflicting assessments" of the campus situation were being made in important places—and he is certainly right on that score. The failure of the college community itself to make proper evaluations in regard to the disorders has exacerbated the turmoil.

Mr. President, commonsense—just plain, old-fashioned commonsense—should tell us that much more is needed to produce a mature judgment on the campus problem than to just keep harping on the "grievances," whether real or imagined, of dissatisfied students and nonstudents. There are two sides to this question—and precious little has yet been heard on the side of maturity, responsibility, and sound educational policy.

Where change or reform is necessary, it should be made—and it is being made. More, I venture to say, has been done in the last few years to bring our colleges and universities into conformity with young people's needs—to make them "relevant," in the current phrase—than at any previous time in our history. But whatever is done does not seem to be enough. Now, much of the college trouble is being blamed on the attitude of President Nixon and Vice President Agnew—a ridiculous contention, in my opinion, since both men took office a good while after the campus problems began.

The nub of the difficulty is the growing disregard for discipline in our society, manifested on the campus by the failure of college administrators to fire professors and expel students who foment rebellion, and in the home by the failure of parents to heed the scriptural admonition: "Spare the rod and spoil the child."

To use an old cliche, Mr. President, we have reached the point in American education where the "tail is wagging the dog." For student activists to complain that they are not being heard is preposterous; they are being heard to the exclusion of almost everybody else.

Yet, Mr. President, college students represent only something like 4 percent of the population of this country, and few of them have ever had any actual responsibility in the sense that the mature population in this country is faced with responsibility. The disrupters, the noisy dissidents, and the militants constitute a much smaller minority, and I see no reason for the President, or the Congress, or the Governors of the States, or legislatures to be expected to spend large amounts of time conciliating and placating only a tiny minority of the college population.

Friday's New York Times, Mr. President, contained an interesting front page story headlined "White House Cool to Heard's Story"—and I may say that I applaud the position taken by the President on this subject during his news conference last Thursday evening.

I also call attention to an article which appeared on the editorial page of the Wall Street Journal Wednesday, July 29, which I found to be an unusually perceptive piece dealing with the subject of the campus troubles and the role of the Scranton Commission and the Heard Report.

In this article, written by Douglas L. Hallett, a Yale University senior, the statement is made by this student that "students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them." Moreover, this observer from the campus itself says, "Students do not know what they want." And he concludes that colleges, "more than any other institution . . . are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role."

Mr. President, I believe that Senators will find both the articles to which I have alluded worthwhile. I ask unanimous consent that the articles to which I have referred and an article entitled "Heard Says the System Must Court Alienated," published in the Washington Post on August 2, 1970, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHITE HOUSE COOL TO HEARD'S STUDY—NIXON MEN, DISAPPOINTED IN DATA ON CAMPUS UNREST, ARE CRITICAL OF SCHOOLS

(By Robert B. Semple Jr.)

SAN CLEMENTE, July 30.—The White House view of the recent Heard report on campus unrest is only now becoming known, and it can be summarized in one word: disappointment.

The 40-page report was written by Alexander Heard, Vanderbilt University chancellor, who served from May 8 to June 30 as President Nixon's special adviser on the academic community. It was unveiled late one afternoon last week with little White House comment.

But on the basis of extensive talks with Mr. Nixon's senior aides here, it is clear that in their minds the report fell short of expectations as both a philosophical examination of the causes of student unrest and as a practical guide to policy.

Their major objection, they complain, is that Mr. Heard tended to attribute student unrest to national policies, particularly Vietnam, whereas in their view the fault lies at least in part with the students, faculties and university administrators and what one aide called "the overwhelming sense of self-righteousness in the academic community."

ARTICLE IS PRAISED

At the Presidential compound in San Clemente yesterday, for example, one of Mr. Nixon's top four advisers came up to a reporter with an article that he had clipped from yesterday's Wall Street Journal. The article, written by Douglas L. Hallett, a senior at Yale and present chairman of The Yale Daily News, was headlined "Campus Unrest: Don't Blame Mr. Nixon" and argued that the responsibility lay with the very same people "who have been devoting so much energy to blaming the President."

"This," the aide said, brandishing the clipping, "is the best thing written on the campus problem." The article has since received widespread distribution among the President's staff.

None of the criticism is directed at Mr. Heard personally. He arranged many meetings between the President and university leaders, and all of the meetings were described here as "very helpful." Also, his energies are widely appreciated by Mr. Nixon and his aides.

Yet the criticism persists in many forms. As a practical matter, for example, one aide said that he and the President had hoped the report would yield concrete suggestions for a "permanent mechanism" for communicating with students. But he said that Mr. Heard's urgings to bring young people into policymaking posts or "improve two-way communications with the campuses" were either too vague or impractical.

The same aide also acknowledged that the White House itself had not been able to devise a "permanent mechanism." Indeed, if private interviews here this week are a reliable guide, the appointment of Robert H. Finch, counselor to the President, as "White House liaison" with the campuses is the only initiative likely to be undertaken, apart from general efforts to make sure that the President's point of view is more widely appreciated.

PROBLEM IS DEFINED

"The students are being heard" one official insisted. "We do not, for example, need weekly meetings with them to understand what's bothering them, what we do need are better efforts to get across our position."

Philosophically, the objections lodged here take many forms. Although Mr. Heard acknowledged that "educators have a lot of work to do for themselves," the thrust of his argument was that only an immediate rearrangement of "national priorities" would soften tensions and dissipate alienation among students.

The White House feels that he devoted insufficient attention to the other possible causes, including the bureaucratic structure of the universities and the failure of faculties to educate students to what Mr. Hallett calls, in his article, "the slow and deliberate character of social change."

In addition, the White House resents Mr. Heard's characterization of the student community as a particularly influential group deserving special access to the President.

It prefers, instead, to accept Mr. Hallett's definition of students as a small element of the population whose responses are "emotional," whose "commitments are transitory" and who tend to react to "rhetoric" alone because "they are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them."

PRESIDENT TO ALL

"There are seven million students in colleges and universities, about 4 per cent of the population," one aide said. "The President is President of 100 per cent of the people."

Nor do White House aides accept Mr. Heard's implicit characterization of students as a relatively homogeneous group pushed leftward by the Cambodian incursion and the deaths of four students at Kent State.

One official said that Mr. Heard had tended to derive his opinions from the "prestige" universities, whereas a meeting between Mr. Nixon and the presidents of St. Louis University, East Texas State, Brigham Young and other colleges less well known than Eastern schools had produced "quite a different" view of campus attitudes.

In all these comments, too, there is an undercurrent of frustration at what Mr. Nixon's associates believe to be the students' refusal to give credit for efforts to disengage the country from Vietnam, reform the welfare system and replace the draft with a volunteer army.

This simply reinforces their conviction that students are oriented toward "absolutist" moral solutions of popular emotional issues—which Mr. Heard conceded—and that the students are therefore impatient with the hard work of gradual reform within the existing political system.

The political implications of these views are difficult to assess, but to some observers they suggest that the Administration is hardly prepared to make special efforts to conciliate 4 per cent of the nation's population at the expense of its many followers in the "silent majority."

CALIFORNIA A FACTOR

Moreover, the men who have studied the Heard report carefully—including Mr Finch and H. R. Haldeman, Mr. Nixon's chief of staff—are Californians by background, and in California politicians have found profit in criticizing student dissent.

Mr. Haldeman served on the Board of Regents at the University of California during some of its most troubled days and is known to have strong views on the subject.

CAMPUS UNREST: DON'T BLAME MR. NIXON

(By Douglas L. Hallett)

WASHINGTON.—President Nixon has now had an opportunity to study the initial testimony of his Commission on Campus Unrest headed by William Scranton. He has also received a report from his special adviser on campus problems, Alexander Heard, chancellor of Vanderbilt University. Hopefully he will read both selectively. Although the commission and Mr. Heard have elucidated some of the problems facing universities, their basic thrust is much too one-sided and much too limited by contemporary events to be of any real value.

While the testimony before the Scranton commission and Mr. Heard's report make some reference to the need for reform on university campuses themselves, the dominant tone is somewhat different: The President is at fault. He must listen to the students, respond to their views, end the war, and if that cannot be done tomorrow, at least try to "communicate" with the nation's colleges and universities.

"It may well be that the only line in your report that will have meaning for our colleges and universities is the line that reads: 'This war must end'," said Sen. Edward M. Kennedy (D., Mass.). From Robben Flemming, president of the University of Michigan: "An end to the use of American troops in Vietnam will not still campus unrest, but it will do more than anything else to help contain it." From Charles Palmer, president of the National Student Association: "As long as there is substantial American military involvement in Indochina, students will continue to oppose it."

And the foundation of criticism of the war is always buttressed with the nation's other alleged failings. "Unless we can begin now (restoring youth's faith by doing their bidding)," testified Yale psychologist Kenneth Keniston, "ours will not only be a divided and sick society, but a society that has lost the best of its youth—a society on its deathbed." Even calm Mr. Heard recommended "that the President increase his exposure to campus representatives, including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

There is, of course, some validity in these views. Certainly the war and the threat of the draft have created consternation on campus. Certainly many able students are shocked by the disparity between their own luxury and the deprivation around them when they leave comfortable suburban high schools for the dirt and tedium of urban university neighborhoods.

IMPORTANT SOCIAL FACTORS

Even more important are other social factors the Scranton Commission and Mr. Heard have yet to discuss. Students discover in college for the first time that they will not inherit the earth, that the increasingly centralized nature of the American economy has foreclosed many of the opportunities for self-expression they thought they would have. Thousands study international relations in college, but the State Department can use only 150 each year. Only a few in any profession can rise to positions where individual initiative and creativity are truly possible.

But no amount of frustration with society justifies or explains the destructive path some student protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

It can be argued that these steps are not enough. But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Can it really be argued that students, a group possessing the luxury of time to use traditional political channels and the most potential for eventually controlling them, deserve the President's special attention?

Can it really be argued that students are doing anything more than indulging their own uncontrolled emotions when their activities polarize the society and undermine the political viability of issues with which they are supposedly concerned?

Mr. Keniston and others who have been counseling the President over the past few weeks may be optimistic about the students and their concerns, but the real radicals in this society fear them. They see many students as indulging themselves at their expense. The Black Panthers denounced the white students who took to the streets during the May weekend demonstrations as "racist exhibitionists who know black people, and not they themselves, will have to face the repercussions of their madness."

And Steven Kelman, a Socialist and recent Harvard graduate whose book, "Push Comes to Shove," is the best yet on Campus unrest, blasted his fellow students before the Scranton Commission for their "snobbish, arrogant and elitist attitude." He said unrest would continue "as long as students continue to regard the American people not as potential allies in solving problems but as an enemy to be confronted."

A FUNDAMENTAL REALIZATION

Neither the Panthers nor Mr. Kelman would appreciate being coupled with Vice President Agnew, but they share with him one fundamental realization: Most so-called student radicals cannot be trusted. Students don't know what they want. They identify for periods of time with anybody from Eugene McCarthy to Bobby Seale, but their commitments are transitory. The outrage that followed the Cambodian incursion has not been followed by sustained political activity among students. As president Kingman Brewster of Yale knew when he undertook his policy of generous tolerance last spring, students get bored easily when it comes to the hard work of political organization and stop when the initial enthusiasm has passed.

Worse yet, students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them. They react strongly to rhetoric because they have nothing else on which to rely. It can be argued that President Nixon's withdrawal from Vietnam is too slow, but those who make this point should be willing to acknowledge that Mr. Nixon is doing exactly what Robert Kennedy proposed in 1968.

Similarly, it is possible to quarrel with the "new urbanology" of Daniel Patrick Moynihan and Edward Banfield, but it should also be clear that their approach is designed partially to eliminate the statism that proved so ineffective in the Johnson Administration's "Great Society" programs. Students, in their false morality, refuse to make these acknowledgements because their historical sense is too weak to breed in them the tolerance that should come with learning.

Responsibility for this situation does not, as the Scranton commission testimony and Mr. Heard's report come close to implying, lie with Mr. Nixon. Rather, as only a few brave academic souls such as former Cornell President James Perkins have partially conceded, it lies with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities. During the Fifties, Mr. Perkins argues, universities became so distracted by the McCarthy furor that they failed to keep pace with changing historical currents. Instead of changing teaching content and academic structures, they just marked time.

On a public policy level, Mr. Perkins believes this led to the universities' advocating two premises that were "bankrupt" long before the academic community noticed. One was that the United States could intervene freely throughout the world. The other was that integration, accepted by both black and white, would be the answer to racial tensions. Mr. Perkins says these faulty ideas have "chopped up" universities. And although he does not continue his argument, presumably he means that this has taken place at least partly because the universities have refused to accept responsibility for their views. Now, in their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis.

UNCHANGED SINCE THE MIDDLE AGES

The Perkins analysis can also be extended to the internal structure of universities. Universities are the only institutions in American society that have not fundamentally changed since the Middle Ages. They still maintain highly structured tenure systems that protect incompetence and cheat the student out of the personal tutoring that he is told the best universities offer. But the academic community's own rigidity does not stop it from lashing out at the political system and accusing it of the very same authoritarianism and repression academic institutions so perfectly exemplify. Learning from people who engage in this kind of self-delusion and self-projection, students naturally come away confused about their history and their place in it.

In fairness, it must be noted that the problem lies deeper than the campus. The loss of historical perspective and the diminished and unsure sense of the self that it brings have been encouraged by other institutions as well. Writes historian Daniel J. Boorstin. "In our churches the effort to see man sub specie aeternitatis has been displaced by the 'social gospel'—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and durable, but spend most of their efforts in fruitless search for ala mode 'social commentary'—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months." Nor have the news media, in this day of up-to-the minute television coverage, done much to develop in their audience a feel for the slow and deliberate character of social change.

But inevitably the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thought and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to more constructive paths for their emotional surges.

This does not mean President Nixon cannot take some steps to ease campus tensions. He can persuade his Vice President to soften his statements that appear to many students to be deliberate incitement to riot. He can make a far better intellectual presentation of his own views than he has so far. He can begin advocating the kinds of public and private decentralization that will create new opportunities for self-expression for students and others. But Mr. Nixon should resist, and resist vigorously, anybody who advises him to institute artificial consultation with students that cannot be followed by policy decisions the students desire. The problem goes far beyond anything symbolic gesturing could solve, and besides, students get too much of that already on their campuses.

Heard Says the System Must Court Alienated

(By Eric Wentworth)

Unless America's established political system can provide responsive national leaders, Alexander Heard warns, disaffected students and blacks may turn increasingly to other leaders—even demagogues—outside the system.

The Vanderbilt University chancellor, who served recently as President Nixon's special adviser on campus problems, contends that effective national leadership includes conveying to disaffected Americans a sense of common purpose toward solving the nation's problems.

Heard, during an interview in his office on the Nashville, Tenn., campus, recalled a previous President's performance in this connection.

"With all of the divisions and friction that characterized Franklin Roosevelt's second term especially," the 53-year-old chancellor said, "he nonetheless created a great sense of common effort and national purpose as the United States tackled the multiple problems of the Depression."

SILENT ON NIXON

The Georgia-born political scientist and Democrat repeatedly refused, however, to say anything new for the record on how he viewed Mr. Nixon's own responsiveness to what Heard has called the "national crisis" arising from student unrest.

In a summary statement issued July 23. Heard described the President as showing "serious concern . . . openness and a searching interest in what we had to say." Asked in the interview to elaborate on Mr. Nixon's reactions, he simply said, "Time will tell."

Just 12 hours after this interview, however, President Nixon was asked at his Thursday night press conference to comment on Heard's advice that he should pay greater heed to the problems of students and blacks.

Mr. Nixon replied that, among other things, he thought it was "very short-sighted" of university leaders to blame campus unrest primarily on the government.

Heard responded with statements answering both Mr. Nixon and a report that certain top White House aides were unhappy with his advice.

The chancellor said that he and James E. Cheek, president of Howard University, had been asked to advise the President, not the academic community. He was well aware, Heard added, that university authorities could do much more to control unrest themselves.

A FEW BRAMBLES

While still declining any remarks aimed directly at Mr. Nixon, Heard in one statement came close to betraying his keen disappointment. "I think that when one accepts an invitation to walk in the political forest," he said, "he must be prepared to be snagged by a few brambles."

It was evident during the interview that the chancellor was concerned lest something he might say about Mr. Nixon, or some disclosure of their private discourse, might threaten a successful outcome of his two-month mission as campus envoy to the White House.

While students and other disaffected Americans often demand swift solutions to national problems, Heard said in the interview, "we conclude from our conversations with students and our observations of students that there is an additional element involved in their definition of responsiveness, which I guess in a way is the extent to which they are taken seriously.

"They like to know why the President cannot follow their views and must follow a different line of policy," he continued. "If it is explained to them, to the extent that the

President and other public officials can, where the disagreement lies, what the differences in assumptions and values held are, what the deficiencies of inadequacies are in what they recommend, then the students like everybody else are more willing to accept the decision."

IN COMMON WORDS

Heard added that for students to be reassured that their views have been weighed in national policymaking, and for them to appreciate why these views could not be followed, "the interpretations and explanations have to be in a vocabulary—in common words—that they understand."

To recommend such responsiveness, the chancellor said is to ask for more than presidential salesmanship: "I think it's a plea from students for a tougher substantive 'dialogue' in which they can engage with public officials."

Disaffected Americans, he continued, must be made to feel that "indeed they are an important part of the President's concern, that they and their federal government are on the same side, trying to solve the problems that concern them, and that we are working together and making progress together toward the solution of these problems. . . .

"If the national government is unable to make substantive progress, they can still feel a sense of common purpose if they and their President and other public officials acknowledge their common difficulties, their common frustrations."

ASSUMPTION OF HOSTILITY

Heard sees student protest as more than a phase that young people are passing through en route to acquiescent adulthood. "The danger is," he warned, "that significant numbers of people will grow up with an assumption of hostility to their government and a conviction that their government is ineffective. If that occurs, it handicaps the functioning in the future of the most important way people have of working together on matters that they have to work together on—their government."

Heard had noted in one of his memoranda to President Nixon that over 60 percent of students polled in a special survey saw little difference between the Republican and Democratic parties; that few present-day political leaders enjoyed much student support.

Under such conditions, he was asked, could demagogues move in from outside the political mainstream and fill this leadership vacuum?

"First of all," Heard replied, "obviously any disaffected group can be prey to demagogic appeal. On various campuses, in local episodes of disruption, demagogic leadership has of course on occasions been important."

WITHIN THE SYSTEM

But the special Louis Harris survey, he said, disclosed that disaffected students at the same time showed "a clear determination to work within the existing political framework at least for the present.

"Now then," the chancellor continued, "if significant numbers of students feel that working within this framework does not produce effective public policy, and they begin to look around for alternatives, they can easily become susceptible to the appeals of demagogic leadership.

"I think the real question that is extremely difficult to answer is the extent to which a deep and lasting alternation from our basic governmental institutions will develop . . . I just don't think we know how many people will be lastingly disaffected."

Heard also made the point that demagogues or other anti-establishment leaders could gain a following as well "among those blacks and students.

"That's why it's so damn important for the system to work."

With his reticence to talk about President Nixon, Heard was also discreet on the subject of Vice President Agnew and Attorney General John N. Mitchell—both of whom he talked with during his White House mission.

Of Agnew, he said, "In the two sessions I attended with the Vice President, I found him extremely interested in the attitudes expressed by students and faculty toward his own public statements and toward administration policies. He seemed to enjoy discussion and debate and was an effective conversationalist."

As for the Attorney General, "I found Mr. Mitchell very receptive to open discussion of administration policies and of campus reactions. He seemed to me to encourage the expression of a diversity of viewpoints in his own staff and I felt he was quick to understand the points of view that I expressed to him that are held by students and other people."

He added that Mitchell was a "very complex" person.

RESOURCE RECOVERY ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which it passed S. 2005, to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, which had been reported from the Committee on Public Works, as amended.

This matter has been cleared on the other side of the aisle.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 11833.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 11833.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to strike out all after the enacting clause of H.R. 11833 and to insert in lieu thereof the text of S. 2005, as passed by the Senate on Friday, July 31, 1970.

The PRESIDING OFFICER. Without objection it is so ordered.

The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 11833) was read a third time and was passed.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CONFERENCE REPORT ON THE POSTAL REORGANIZATION

Mr. YARBOROUGH. Mr. President, when the conference report on postal reorganization bill, H.R. 17070, comes before the Senate for final action, I shall oppose it. I fully realize that I may be like a voice crying in the wilderness, but I submit that, if Congress approves this bill, the repercussions will be felt by the people of this country for many years to come.

I have served on the Committee on the Post Office and Civil Service longer than any other Member of this body and I know whereof I speak.

My reasons for opposing this bill are simple.

First. This bill has ridden through Congress on the back of the postal workers' just demands for an increase in pay. Without this vehicle this ill-conceived bill would still be buried in the ash heap of worthless measures where it belongs.

Second. This bill takes away the only voice the people of America have in postal matters by stripping Congress of its power to legislate in this area and giving this power to a few individuals who are responsible only to themselves. Under the amendments adopted in conference the Senate would not even be allowed to confirm these people who will have complete power over the postal organization.

Third. This bill turns the Post Office into an instrument for raising money at the expense of the postal workers and the American people. Once the postal corporation is in full operation, the administration will put into effect its so-called 5-year plan of operation which is designed to make the Post Office a moneymaking organization. This would be accomplished by: (a) reducing postal workers' wages by $1 billion over a 5-year period; (b) by reducing the number of postal employees by 100,000 over a 5-year period; and (c) eliminating important postal services such as Saturday mail delivery, afternoon business delivery in cities, and window service and closing rural post offices.

Mr. President, this is already happening across the country. The present Postmaster General, although we have given him all the appropriations he has asked for, has been doing this for months. If other Senators have not received complaints, I have.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, continuing with the ways in which this would be accomplished, the next one would be (d) allowing a group of rate commissioners, who will not even be confirmed by the Senate, set rates on mail.

That was surrendered in conference, as Postmaster Blount sat in GERALD FORD'S office and issued orders and many conferees on both sides supinely yielded. This means that every time the Government wishes to make up its losses on such financial disasters as the C–5A, it will simply raise the price of stamps.

The administration is not fooling anybody. This has been candidly stated. They admit that they are going to make up the deficits this way. The average American will then be put to the simple choice of paying these new rates out of his already overburdened and overtaxed income or give up communicating with others by mail.

By consolidating mail processing centers, it will therefore, deprive our rural communities of their post offices and postmarks. In my State alone, the towns of Hereford, Tulia, Littlefield, Dumas, and Plainview, a city with the population of over 25,000 people, are being deprived of their identity by the loss of their postmarks. I think the postal service is important to the people of America, as important as any other branch of Government.

Mr. President, there is a need to improve the postal system. There is a need to raise the pay of postal workers. These two important steps can be accomplished by good management and effective legislation. Instead of facing up to his responsibilities as manager of the Post Office, the Postmaster General has devised a plan to destroy the Post Office. This reminds me of the old saying regarding getting rid of rats by burning down the barn. I cannot be a party to such a barn burning.

Many branches of Government provide free service, such as the Weather Bureau, Agriculture, and others. This bill would take the oldest Department in Government, established by the First Congress, and destroy the public service concept. Yet the Post Office is the only Department in which we are seeking to destroy the public service concept.

Mr. President, before we act on this important matter, let us stop and ask ourselves what we are doing. Are we really accomplishing anything of which we can be proud. The answer is clearly "No." They are taking out the public service concept. Therefore, on behalf of the 750,000 postal workers who require justice, and the millions of Americans who depend on the Post Office, I ask that this conference report be rejected.

This Postal Corporation bill is the Tonkin Gulf Resolution of Domestic Legislation. I understand this matter will be voted on at 3 o'clock. Why so soon? What is going to happen? Many who vote for this bill today will regret it for years to come, as they live with a deteriorating postal service. This bill substitutes a corporation bookeeping profit oriented system for the public service concept installed by Benjamin Franklin our first Postmaster.

I know of no precedent for this bill. The Constitution provides that Congress shall establish the Post Office and post roads. We abdicate this constitutional responsibility when we turn this function over to a corporation and abdicate our power to confirm those individuals who will make postal policy.

ONE INDIVIDUAL'S FIGHT AGAINST DRUG ABUSE

Mr. SPARKMAN. Mr. President, a few days ago there was an interesting article in the news regarding the activities of a young man who, acting as an individual, stirred up the people of his community in action against drug abuse. He was inspired to do this by a story that appeared in the press of a girl far away in another State who died while she was just a young girl as a result of drug abuse.

He started with the intention of doing something in his community.

It is inspiring to read what one individual can do.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNKNOWN GIRL'S DEATH LEADS TO ANTI-NARCOTICS WEEK

(By Boone Aiken)

PHENIX CITY.—An unknown teenager who died hundreds of miles from Phenix City while on a drug-induced "trip" is causing the entire town to take a week-long look at the harmful effects of drugs.

The 17-year-old girl was killed when her car, travelling in the wrong direction on a one-way street, collided with a truck.

Investigating officers blamed LSD for the girl's confusion.

The story was reported in a national magazine and read by a young man named Ronnie Johnson, a produce manager for a chain store in this east Alabama town bordering the Georgia line.

For about six weeks, Ronnie, 23 an assistant Boy Scout leader, thought about the story. What if it had happened to someone he knew? Could the young Illinois girl whose name he had already forgotten, have been stopped from the use of the harmful drug?

Ronnie decided to start a one-man campaign to alert the young people of his town to the harmful effects of drugs.

Digging into his savings toward a college education and a legal career, he ordered 600 bright orange posters with "Help prevent narcotics they can turn you on and turn you off" printed in black.

Since he was aiming his campaign primarily at teenagers, he decided to dedicate it to the story of the young girl. Naming her "Fran," he added on the bottom of the poster in a black-bordered square, "Fran born 3-15-52, died 8-23-69."

In the lower left hand corner are the words "Ronnie Johnson, chairman."

He could truthfully have added also vice chairman, secretary, treasurer and committee.

Ronnie distributed the signs all over town and storeowners began placing the posters in windows and prominent places.

Next he visited a wrecked car dealer and not only did the owner agree to lend him a car to be displayed at a traffic intersection, but saw that it was placed there.

He then talked to city and county officials and received their support. Mayor Woodrow Wilson signed a proclamation designating July 27 through Aug. 1 as "Help Prevent Narcotics Week" in Phenix City.

Several even made financial contributions toward the campaign.

A local soft drink bottling firm agreed to donate two billboards. Ronnie placed one at the scene of the wrecked car, the other he used at the Seale intersection on the opposite side of town.

Under the second billboard he put a borrowed tombstone with temporary lettering which read: "Fran born 3–15–52 died 8–23–69." Traffic slowed down as motorists spotted the unusual grave complete with a fresh mound of dirt.

For the special week Ronnie has purchased 2,000 pamphlets on the harmful effects of drugs from the U.S. government printing office. He has received free an additional 200 from the Alabama Department of Public Health.

Plans call for these to be distributed by young girls to shoppers and motorists.

Booths will be set up Saturday at a shopping center not only for the distribution of pamphlets but also for the sale of the well-known book "The Drug Scene" by Dr. Donald B. Louria. These will be sold at cost, Ronnie having paid for the 100 copies himself.

This publication outlines the actions of a person on drugs and contains helpful suggestions on what can be done to help the user of drugs.

Final activity now being planned is for a Saturday night rally where movies on drugs will be shown. It is also hoped that a former drug addict will speak.

Ronnie also hopes that the movies, which he has purchased, will be used by local churches that have encouraged him in his campaign.

PRESIDENT NIXON'S PROPOSALS ON THE ARAB-ISRAELI CONFLICT

Mr. BELLMON. Mr. President, the general acceptance by all principals of President Nixon's proposal for a cease-fire and the beginning of negotiations on the Arab-Israel question is extraordinarily good news.

Along with most other Americans, I am greatly heartened by these hopeful developments in the Middle East and wish to commend President Nixon and his administration for the even-handed policy he has followed throughout this crisis.

Mr. President, these developments illustrate the wisdom of President Nixon's refusal to yield to public pressure for markedly increased deliveries of Phantom jets to Israel.

While such action would not have been militarily decisive, it would have been politically disruptive and would likely have been detrimental to the long-range interest of peace.

As I remarked on June 2 before this body:

> An action-reaction syndrome is likely to develop that will escalate the war there as has occurred in Southeast Asia.

I commend President Nixon for his continuing efforts to provide this country with a peace administration.

Mr. President, since the beginning of history, nations have endeavored to settle their differences on the battlefield.

These efforts have proved in most cases to have disastrous effects on both the victors and the vanquished.

Perhaps now, in the Middle East, a series of events is beginning which will enable nations to apply civilized, peaceful methods to the settling of national differences.

Success there, and the procedures developed may give governments the guidance and the inspiration needed to prove that the pen is mightier than the sword.

In these times of instant communication, improved international intercourse, rapid global transportation, and growing economic interdependence, the state of civilization may hopefully have developed to the degree that men of difficult cultures and of varied, conflicting, interests can meet, discourse, and agree without bloodshed.

In my lifetime, nations have been engaged in almost continual warfare.

Loss of life and material has been tragically high and development of the world's resources has been seriously retarded.

If these experiences have taught us anything, it is that when the shooting stops, the problems still remain.

Solutions come only when the talking begins.

Perhaps the time has come when men can settle at the conference table, before the shooting starts, the differences common sense tells us are impossible to settle on the battlefield.

Mr. President, as I stated June 2 on the Senate floor, in Southeast Asia we have paid an enormous price when we gambled on the side of war.

In the Middle East, by taking a position on the side of peace, perhaps we can help avoid a heavy loss of life and a serious financial drain.

At the same time our policy may help convince the nations of the world that ours is a country whose citizens are strongly dedicated to peaceful relationships between nations and which has no selfish designs upon either the substance or the independence of other countries.

Mr. President, it is my prayerful hope that an agreement to a cease fire and the beginning of talks will be the first in a series of agreements that will result in enduring peace in the Middle East and elsewhere.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

UNPREPAREDNESS IS RISKY

Mr. McGEE. Mr. President, the attempt to discount the past as irrelevant could lead us on a dangerously thorny path to the loss of our liberties. Jenkin Lloyd Jones, in a column published in the Washington Evening Star of August 1, makes this point most effectively, adding that unpreparedness today is riskier than ever before. I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HISTORY HAS EXAMPLES FOR AMERICA

(By Jenkin Lloyd Jones)

The worst things rarely happen for the same reason that the best things rarely happen. Human inertia and unpredictability usually cause plunging graphs to bend upward and soaring graphs to bend downward short of utter disaster or complete paradise. Generally, history frustrates both Jeremiahs and Pollyannas.

But history is no stranger to cases where once-great peoples ran out of gas, where their social systems descended into chaos and where golden ages were followed by loss of morale, retrogression in the arts and eventually defeat and slavery.

The ingredients for the collapse of America as a dynamic society and a great world power now exist.

The American people are about to suffer their first clear loss in war.

The Korean affair came to a disappointing stalemate—neither victory nor defeat. But the speed with which we now seem determined to leave Indochina will surely result in a Communist takeover, first of Laos and Cambodia, then of South Vietnam, then of Malaysia and Singapore and finally the rest from Burma to New Guinea.

In a very short time it is probable that the much scoffed-at proponents of the "domino theory" will look wonderful.

Having expended all this blood and treasure to no purpose, the American people will probably undergo a psychological change akin to that suffered by the British after the loss of their empire.

A recent issue of U.S. News and World Report quotes a high British military man as saying: "You can no longer count on Britain in a pinch. This country has fought its last war. It will never fight again."

The dispirit of the British is no surprise. But if it ever becomes plain that America has fought its last war—or at least fought effectively for the last time—then the world's balance of power will change swiftly.

The claim by the New Left that history is irrelevant is absolutely necessary to support the philosophy of the New Left. For if history has any relevance the theories of our neorevolutionaries take on psychedelic shapes.

For example, if you are going to embrace the idea that, if we would only disband our military forces and throw away our arms, the power of our moral example would cause peace and justice to triumph throughout the world, you have to forget about Adolf Hitler.

Peace we might buy through abject and utter surrender, for nobody fights with a rug. But justice would be a different matter.

If the Nazi philosophies had prevailed throughout the world through a process of default, the New Left might ask itself what the climate for protest on campuses would be. There would be no black students, no Jewish students. And an American Gestapo would have no difficulty in surrounding even the gentlest white dissidents with barbed wire.

If we hadn't practiced some brinkmanship in Europe after 1945, the Iron Curtain would have been raised not in Central Europe but on the Atlantic. History records no area of weakness that the Kremlin was hesitant to exploit. It is interesting to speculate what the world would be like today if either Hitler or Stalin had arrived first at the atom bomb.

In the face of all this it is fantastic that many thousands of young people in America, who keep telling each other that they are the wisest generation in human history, seem utterly convinced that if our nation stands naked before the world the Kingdom of Heaven will arrive.

The theory seems to be that we need only make the magic sign of peace and the Attilas and Genghis Khans and Tamerlanes of the present and future will fall flat upon their faces in worship. This is a little risky.

Indeed, it is riskier now than ever before. For if any future dictator should ever hold the sole keys to the world's nuclear arsenal, here is a Bastille that will not be taken with scythes and pitchforks.

So, if history turns out to be relevant after all, a young generation, conditioned to surrender, could put in jeopardy not only their own liberties but the liberties of many generations to follow.

"Power," says Mao Tse-tung, "grows out of the barrel of a gun."

It might be wise, at the next joint meeting of the Bug-Out Society, the Lie Down League and the Unilateral Disarmament Club to take up the question whether Mao is relevant.

THE COOPER-CHURCH AMENDMENT MUST BE RETAINED

Mr. CHURCH. Mr. President, the Cooper-Church amendment and the Foreign Military Sales Act (H.R. 17123) to which it is attached are now in a conference of the Senate and the House of Representatives. The amendment was adopted by the Senate by a bipartisan vote of 58 to 37 on June 30, 1970, after a debate extending over a period of 7 weeks.

In opposing the amendment, the administration holds to a definition of Presidential power so large that Congress could not accept it without abandoning its own authority and responsibility under the Constitution.

As the Washington Post observed in an editorial captioned "Mr. Nixon's Challenge to Congressional Power," published on July 19, 1970:

> There is probably no more important issue before Congress than the establishment of its right to limit our military spending and commitments abroad.

Under the terms of the Cooper-Church amendment, this reassertion of congressional prerogative has been accomplished without infringement on the legitimate exercise of the President's role as Commander in Chief. As the New York Times explains in an editorial on July 18, 1970:

> The Cooper-Church amendment in no way inhibits the President's legitimate command over troops already committed in Vietnam to a war which has been accepted—although never formally declared—by Congress. It does forbid any new commitment of troops to a wider war in another country without the prior consent of Congress. This is no more than a reaffirmation of the Constitutional responsibility of Congress to declare war. To

argue that the President has the authority to initiate military action in a foreign country on his own is to claim powers for the Commander-in-Chief that were never intended by the Constitution and that are inimical to a free society.

Mr. President, I ask unanimous consent that the Washington Post and the New York Times editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 18, 1970]

PRESIDENT VERSUS COOPER-CHURCH

From the time of the framing of the Constitution it has been the generally accepted view of the American system of checks and balances that "the President proposes, the Congress disposes." Curiously, for a man who has served in both houses of the legislative branch, President Nixon appears to favor a much narrower interpretation of the role of Congress.

In his strong opposition to the Senate's Cooper-Church amendment restricting military action in Cambodia, as in his earlier adamant stand on the Carswell nomination to the Supreme Court, Mr. Nixon seems to be suggesting a philosophy of government that might be described as "the President imposes, Congress reposes." This is certainly not what the Founding Fathers had in mind when they spelled out the responsibilities of the Executive and the Legislature in the Constitution.

The Administration has called on a House-Senate conference committee to strike the Cooper-Church amendment from the foreign military sales bill because, it argues, "the restraints imposed by this section appear to affect the President's exercise of his lawful responsibilities as Commander in Chief of the armed forces." They do no such thing.

The Cooper-Church amendment in no way inhibits the President's legitimate command over troops already committed in Vietnam to a war which has been accepted—although never formally declared—by Congress. It does forbid any new commitment of troops to a wider war in another country without the prior consent of Congress.

This is no more than a reaffirmation of the constitutional responsibility of Congress to declare war. To argue that the President has the authority to initiate military action in a foreign country on his own is to claim powers for the Commander in Chief that were never intended by the Constitution and that are inimical to a free society.

The action of the generally hawkish Senate Armed Services Committee in writing new restrictions on Cambodian operations into another defense measure this week should serve as further warning to the President that many members of Congress, including some who share his own views on Indochina, are tired of being treated as rubber stamps. Mr. Nixon would better serve his own stated purpose of disengagement from Southeast Asia if he stopped fighting the efforts of the legislative branch to reassert its constitutional role in the formulation of foreign policy.

[From the Washington Post, July 19, 1970]

MR. NIXON'S CHALLENGE TO CONGRESSIONAL POWER

No doubt the administration's renewed adamancy against any congressional restriction on American operations in Cambodia is largely political. Although nobody has ever expected the House to share the Senate's views on Cambodia and the war powers, the President presumably figures he can claim a victory in the opposition of the House to the Cooper-Church amendment (now in conference as part of the foreign military sales bill) and wants to make the most of it. In the process, however, his spokesmen are asserting a principle to which Congress cannot agree without abandoning its right to control American military commitments abroad.

Before passing the Cooper-Church amendment, the Senate modified it so that it could not be construed as an encroachment upon any legitimate power of the Commander-in-Chief. Even Senator Dole, an administration spokesman in these matters, concluded that it would not impose any restraint upon the President. Yet the administration is going all out against the amendment on the ground that its restrictions against further invasion of Cambodia and support of the Cambodian government "appear to affect the President's exercise of his lawful responsibilities as Commander-in-Chief of the armed forces."

This comes close to saying that any limitation which Congress may fix on military operations in an area where fighting has been going on is unconstitutional. But there is nothing in the Constitution which even remotely suggests that Congress must provide funds for any operation which the Commander-in-Chief may deem to be necessary or desirable. Congress has complete control over the national purse, subject, of course, to the presidential veto. It could, if it wished, forbid the expenditure of any military funds in Southeast Asia.

The principle is vital because of its intimate relationship to congressional curtailment of future presidential wars. We have previously noted that the work of Senators Cooper and Church was largely done when their amendment was approved by the Senate as a warning to the President against repetition of the Cambodian incident. That warning will stand whether or not the amendment is written into the law by House concurrence. But already the issue of curbing military operations through the power of the purse is again before the Senate, and many similar uses of congressional authority may be expected in the months ahead.

This time the Senate Armed Service Committee, with even the hard liners concurring, has modified the language of the $19.2-billion military procurement bill so as to forbid spending for military operations in support of the Cambodian government. Funds could be used, under this limitation, to finance South Vietnamese raids against the sanctuaries in Cambodia on the theory that they are related to the war in Vietnam, but they could not be used to prop up or support the Lon Nol government. Will the State Department protest this, too, as an encroachment upon the constitutional powers of the Commander in Chief? It is hinted that the administration may let the military sales bill die rather than swallow the Cooper-Church amendment, but it could scarcely apply that technique to the bill authorizing the procurement of weapons for our own forces.

There is probably no more important issue before Congress than the establishment of its right to limit our military spending and commitment abroad. In one way or another Congress must reassert its right to curb presidential wars, and there is not likely to be a more appropriate occasion than that now at hand in Cambodia.

WORLD PUBLIC OPINION ON THE PRISONER-OF-WAR ISSUE

Mr. BELLMON. Mr. President, today is the day when our newly named chief delegate to the Paris peace talks, Ambassador David K. Bruce, reports to take up his new and onerous duties. I know that everyone in this chamber, in the seats on the floor and in the galleries as well, is behind our emissary in this new and difficult mission, and wishes him success.

That goes without saying. But it is well to remember that it takes two sides to make a successful diplomatic negotiation, and the world will note which is the side that is willing to go halfway and which is the side that is not. The world will also note that it is the other side that is torturing prisoners, holding them for ransom, and in general behaving in an uncivilized, barbaric fashion toward the helpless men who have had the misfortune to fall into their hands.

As Ambassador Bruce approaches his task, we know he will place the highest priority on receiving assurances of the humane treatment of these men. And we hope Hanoi will realize that the mill of public opinion of the world, while it may grind slowly, will grind exceedingly fine. These prisoners of war will not be forgotten by the world at large. Hanoi would do well to ponder this fact.

THE 256 DAYS: HOW MUCH LONGER DO WE HAVE TO WAIT?

Mr. PROXMIRE. Mr. President it was 256 days ago that I wrote to the Department of Justice seeking an investigation of the Fitzgerald matter; 256 days Mr. President. When, if ever, does the Justice Department plan to take action in this case?

Ernest Fitzgerald was a former cost-efficiency expert for the Air Force. In testimony before the Joint Economic Committee, he blew the whistle on the tremendous cost overruns that were occurring on the Lockheed C–5A project. For his candor, he was rewarded with a reduction in his duties and eventually with a pink slip.

Section 1505 of title 18, United States Code, makes it a crime, punishable by up to 5 years in jail, to "injure" anyone on account of his testimony before a congressional committee. If depriving an employee of his job does not constitute "injury," I do not know what does.

Mr. President, what is left for the Justice Department to investigate? What is taking so long?

ALASKA NATIVE LAND CLAIMS BILL

Mr. STEVENS. Mr. President, along with many other Alaskans, Secretary of the Interior Walter J. Hickel labored long and hard to secure passage by the Senate of the Alaska Native land claims bill.

The battle is only half over, but Secretary Hickel is to be applauded for the leadership he has shown in this cause.

I ask unanimous consent that a statement issued by Secretary Hickel on the day of the passage of the bill by the Senate be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY OF THE INTERIOR WALTER J. HICKEL, ON PASSAGE BY THE SENATE OF THE ALASKA NATIVE LAND CLAIMS BILL, JULY 15, 1970

For Alaskans—and for the millions of Americans throughout the 50 states who have been frustrated over the years in trying to do something positive, progressive and fair for America's first citizens, this should be considered a great victory.

The rapid action of the Senate in approving the Alaska Native Land Claims bill, is of course gratifying. The members of the Committee, the Interior Department at its highest executive levels, the state administration of Alaska and countless dedicated individuals throughout the country have worked not for months, but years, to put together a legislative package that would do the job and be a positive answer to the needs of these citizens.

I am extremely proud that this rapid action was based not on political or personal considerations, but on solid testimony which showed conclusively that these Americans have a genuine and just claim.

This dovetails exactly with President Nixon's recent message in which he expressed the Administration's determination to advance the cause of America's Indian, Eskimo and Aleut citizens.

Further, this is not merely a victory for the citizens of one state.

The Administration is proud that it is a victory for all Americans who are more interested in a "fair shake" than the expediencies of politics or mere rhetoric.

I am confident that the house will consider the individual features of the bill and move it along toward passage with equal fairness and speed.

THE FAMILY ASSISTANCE ACT

Mr. TALMADGE. Mr. President, the administration's Family Assistance Act to reform the welfare system came to the Senate last spring. The claim was made that this far-reaching legislation would revamp public welfare by placing more emphasis on job training and work than on the dole, which we all must admit has been an extremely costly failure.

The bill was ill prepared and apparently hastily drawn, and in May the Committee on Finance sent it back to the Department of Health, Education, and Welfare for revision. The bill, now returned, still falls far short of its target. There is still far too much emphasis on "welfare," and not nearly enough on "workfare." The legislation, in fact, because of its built-in, generous system of handouts, would be a strong disincentive to working in many cases.

We hope to resolve these shortcomings in committee, and I have myself submitted an amendment that will encourage job training and promote employment for people who are able to work.

The Washington Evening Star of Friday, July 31, 1970, contains an excellent editorial column written by Richard Wilson that sets forth in some detail the kind of work disincentives to which I refer. Mr. Wilson illustrates how very often it would be more profitable for an able-bodied person to sit at home, do nothing, and draw welfare than it would be for him to secure gainful employment.

I bring this article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, July 31, 1970]

SENATE UNIT SPOTLIGHTS "WORKFARE" ANOMALIES

(By Richard Wilson)

President Nixon called it "workfare" when he proposed to Congress in August 1969 a wholesale revision of national welfare policy with a $1,600 floor under the income of all families. It sounded attractive, even though more expensive.

Incentives to work would replace an unsatisfactory system that encouraged idleness, was unfair and was generally judged a monstrous failure.

The House passed a version of the Nixon welfare plan in April this year which required the working poor to register for jobs or work-training while receiving federal assistance.

But it was not until the "workfare" plan reached the Senate Finance Committee that there could be said to be anything like a firm grasp on its meaning, cost and magnitude.

On the probably sound assumption that hardly anyone outside the Senate Finance Committee, and certainly not the public at large, has the foggiest idea of what this collosal measure provides, here is some information:

Federally assisted welfare recipients under the present law numbering 10 million would automatically rise to 24 million, or an increase of one and a half times, in the first year of operation.

In 13 states the welfare rolls would be more than tripled.

In 16 states more than 15 percent of the population would be on welfare, led by Mississippi with 35 percent—yes, more than one-third—of its population on relief.

The total cost to the federal government of welware would nearly double, from the present estimated cost of $4.5 billion to $9.1 billion.

Other information brought forth by Senator John W. Williams of Delaware in hearings before the Senate Finance Committee includes:

An unemployed woman heading a four-person family in New York on welfare and without income would receive more net income than a woman with an income of $7,000 earned at work. So who should work?

In Phoenix, Ariz., a woman with four dependents and $5,000 in earned income would take a drop of $5 in welfare benefits if she was promoted to a job paying $6,000. So how does promotion get you off welfare?

In Chicago a woman with four dependents and an earned income of $720 would receive total benefits of $6,142. But if she earned $6,000 a year at work, received housing benefits and paid her taxes, her total would be only $6,001. So why get a full-time job?

These are a few of the anomalies and contradictions which neither former Health, Education and Welfare Secretary Robert Finch nor the present secretary, Elliot Richardson, has been able to explain with any clarity to the Senate Finance Committee. They have arrived before the committee with their charts, beaming with confidence, and departed in confusion, not to say dejection.

What emerges is that there is a borderline, a shadowland, where incentives to work become highly problematical and subjective, depending on the personality of welfare recipients. It has to be borne in mind also that it costs money to work, in the form of transportation, clothing and meals away from home. For some the incentive to work must be powerful, indeed.

It becomes clearer that the Nixon welfare plan, if adopted, will be attended by a continuous procession of horrible examples which have aroused so much popular despair all through the history of publicly financed relief.

The Senate Finance Committee is probably the only barrier to the final adoption of some version of the Nixon welfare plan. Once this measure reaches the Senate floor, if it does, there will be attempts to increase the $1,600 income floor by double.

The idea was good. It was plausible in the beginning that the high "start-up" costs could be justified because the new system would lift people out of dependency and ultimately reduce the chronic costs of a permanent underclass in America.

Now, with the disclosures in the Senate Finance Committee, this premise becomes more doubtful, and the mind turns to the basic facts that federally supported welfare rolls will be more than doubled, the cost will be nearly doubled, and the incentives to work may not be sufficiently powerful.

ISRAELI-ARAB CEASE-FIRE

Mr. PEARSON. Mr. President, last Friday the Government of Israel accepted the U.S. proposal for a 70-day ceasefire and a beginning of negotiations with the Arab nations under the auspices of Dr. Jarring. This move followed by a week the initial breakthrough when the United Arab Republic, and subsequently the governments of Jordan and Lebanon, accepted the U.S. proposal.

These events came as a surprise to many observers of the Middle East, who recognize the complex relationship of territorial, diplomatic, military, and religious problems facing anyone who seeks serious peace negotiations in the area. These observers also recognized the importance of the initial hurdle in securing acceptance of a peace initiative by President Nasser of the U.A.R.

I think it is only appropriate to note—with full recognition of the difficulties ahead—that U.S. diplomats, under the direction of President Nixon, have accomplished a very impressive first step in the struggle to restore peace in the Middle East. While I am sure there was cooperation from our friends in Western Europe as well as from the United Nations, where communications on the Middle East have been in progress between ourselves, the British, the French, and the Soviet Union, there is little doubt in my mind that the persistence and imagination of our own team of policymakers and on-the-scene diplomatic officers deserves a large share of the credit for the success of this initiative. I hasten to add that it is only the first inning of what may be a long and tough ball game, and that we do not yet know what the tone of negotiations will be once they get underway. But at least we are on the field with all the players agreed to take part, and that is a good beginning.

IMPLEMENTING LEGISLATION FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, apparently the single most significant objection to the Genocide Convention is not concerning the treaty itself, but rather the fact that there has been no real effort to come up with adequate implementing legislation to accompany the treaty when the United States becomes party to its provisions.

Mr. President, this should receive the highest priority in the next few weeks, as a decision on the Genocide Convention by the Foreign Relations Committee draws near.

The section of individual rights and responsibilities of the American Bar Association, in its favorable report to the ful association on the Genocide Convention, submitted a possible draft of implementing legislation. This draft is not necessarily the only possibility, but it certainly serves as an example of how the Genocide Convention would be implemented after ratification by the Senate.

I ask unanimous consent that the proposed draft of implementing legislation, submitted by the individual rights and responsibilities section of the American Bar Association, be printed in the RECORD.

There being no objection, the draft was ordered to be printed in the RECORD, as follows:

DRAFT OF POSSIBLE IMPLEMENTING LEGISLATION FOR THE GENOCIDE CONVENTION AS PROPOSED BY THE AMERICAN BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

An act To Implement the Convention on the Prevention and Punishment of the Crime of Genocide

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by adding the following new Section.

Sec. 000 GENOCIDE.

(a) Whoever, with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, wilfully—

(i) kills members of the group;

(ii) causes serious harm to the body or mind of members of the group;

(iii) inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(iv) enforces measures intended to prevent births within the group; or

(v) transfers children of the group by force to another group.

shall be guilty of genocide.

(b) Whoever is guilty of genocide, or of conspiracy to commit genocide, or of attempt to commit genocide, or of aiding, abetting, counseling, commanding, inducing, procuring commission of genocide or of publicly inciting to genocide shall be punished [by such punishment as the Congress shall determine to be appropriate].

THE FRIGHT PEDDLERS

Mr. McGEE. Mr. President, we can be, I think, too complacent about the activities of radical groups, as the past has surely taught us. Though some of the old-line extremist groups of both right and left have lost some vigor, perhaps, we should not require a memory course to recall that they are not alone. There are newer groups and other groups still working the ground, both to the left and to the right. Nonetheless, the report by Gordon D. Hall, published in the Washington Post of Saturday, August 1, based on this year's John Birch Society rally in Boston July 4, tells us something about the fright peddlers. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DIMINISHING THUNDER ON THE RADICAL RIGHT

(By Gordon D. Hall)

The thunder on the radical Right has diminished to a distant rumble. Only Georgia's Lester Maddox kept the booksellers and pamphleteers from outnumbering the audience at this year's July 4 John Birch Society rally in Boston.

Maddox put a thousand people in the Statler's grand ballroom on Sunday, but during the rest of the long Fourth of July weekend the number never went over 600 in contrast to three and four times that number in previous years.

What was once a gathering of Far Rightist luminaries from every corner of America has become an annual hustlers' contest among obscure religious fanatics and racist crackpots. Dr. Billy James Hargis, retired General Edwin A. Walker, John Rousselot, Tom Anderson, Congressman John Rarick, men never actually close to political power but powerful enough to make extremism an issue in a presidential race just six years ago, didn't even bother to show up this year.

Many who might have attended have turned elsewhere. There are now Wake Up America, Honor America, Support-the-Flag, and Tell-It-to-Hanoi rallies, and many of these were staged this July 4 weekend. The radical Right is melting in part at least, in the heat generated by men like Vice President Agnew. What remains on the radical Right is remarkable, if for no other reason than the glimpses afforded of collective fear generated by apoplectic anticommunism.

Rally officials began again this year by denying any connection between the rally and the John Birch Society, publicly offering $100 to anybody with proof to the contrary.

Such proof was, of course, overwhelming, beginning with rally chairman Laurence E. Bunker, a member of the executive committee of the John Birch Society's national council, and his assistant, Mrs. Anna McKinney a kind of den mother to birchers all over the greater Boston area.

There are the rally exhibitors, too, many of whom are quite candid about how they get to Boston every year. J. L. Ward, for example, a black segregationist from Memphis, who doesn't seem to mind being the house black for one weekend each year, printed up his gratitude and put it on sale at his exhibit. It reads in part:

"As the Founder and President of the Prince of Peace Goodwill Movement the John Birch Society has invited me to attend their National Convention in Boston for the past three years, to express my views about the danger of these revolutions in America and the world."

Ward has little chance to express himself. He is usually kept behind his exhibit and away from the press. The white audience drifts by his exhibit, which consists of various odes to the John Birch Society. The average contribution is one dollar, and Ward usually mutters something like "Sweet Jesus" to the donor.

Mrs. McKinney has nine children and several of them, like herself, are prominent in the John Birch Society. They are also indefatigable joiners. Birch-watchers in the Boston area estimate that at least five of the McKinneys, in hot pursuit of recruits for the society, have joined most of the organizations in the yellow pages.

Robert Welch is another who keeps alive the myth that the July 4 Boston rally was a thing apart from his John Birch Society. But whenever a big moment arrives, Welch suddenly turns up, and always at the head table. He introduced Governor Maddox this year, and later the same day presided at the windup banquet honoring wealthy Milwaukee industrialist William J. Grede. Grede was seated at the right side of Welch when the society was formed in December, 1958, and has since been one of its principal financial angels.

Governor Maddox should have been the big news story of the rally, but he was neatly upstaged 48 hours before his arrival by Daniel Rea Jr., the 21-year-old state chairman of the Young Americans for Freedom. Rea surprised everyone at the rally by announcing that YAF had declined to participate because of the "racism" of Maddox. YAF hasn't participated in a Birch Boston rally since 1966, but the announcement put the Georgia governor on the defensive and brought rally officials close to apoplexy.

Caught off guard, chairman Bunker went before the TV cameras stammering something about a possible leftist takeover within the Young Americans for Freedom. Kent Courtney, the Louisiana segregationist and veteran rally participant, was more specific, feeling duty bound to defend Maddox, a close friend. "William F. Buckley is behind this smear," Courtney cried. He has personally ordered and commanded Young Americans for Freedom to attack this rally."

Thanks to Courtney, everyone was soon talking about Daniel Rea and YAF rather than Governor Maddox. By noon on the Fourth, Courtney had managed to escalate the controversy to the level of a "conspiracy." Buckley, whom he called "the pussycat of the liberal press," was still the chief conspirator, but Courtney was assuring everyone that "others were also in on it."

Rea wasted little time. Labeling Courtney's charges both false and absurd, he quickly brought YAF, a nonparticipant at the rally, to the top of the news for a second time. By the next morning, Courtney was back on the attack, charging that Buckley had personally ordered YAF to picket Governor Maddox. He was now farther from the truth than the day before, but with everyone talking about a nonexistent picket line, YAF was enjoying equal billing with the governor, who had at last reached the hotel, where he expressed his gratitude for all Courtney had done.

With YAF and the John Birch Society publicly split, the far Right has lost whatever links it may have had to the college-age audience. Universities like Bob Jones, in Greenville, S.C., will continue to send ushers and usherettes to far Rightist functions, but this is not the same thing as putting hundreds of politically oriented college-age doorbell ringers into the streets at election time. The Bob Jones people were officially represented this year, handing out stickers with legends like "God Will Bless Modesty in Dress" and "From the Public Schools in Our Land of the Free, God is Banned From Nine to Three."

The news media's absorption in the YAF-Bircher split served to obscure the fact that the radical Right is entering the seventies no more unified or ideological than they were in the early sixties. Everyone is now 10 years older and looks it, but it can't be said that many of them are any wiser. In truth, the far Right remains the same politically futile and curious amalgam of crank economic theorists, a declining number of retired military figures, bizarre and rigid religious fundamentalists, racial bigots and otherwise well-intentioned but utterly naive little ladies in tennis shoes who seem to believe anything as long as it is cloaked in anticommunism.

There is no better place than Boston each July 4 weekend to witness the radical Right's futility. The offerings at the 60-odd exhibit booths still rate Senator Kuchel's apt description—fright literature. Timetables for the Communist "takeover" of America are either moved up or back, depending on the date of the previous prediction, and the titles of lectures, books, film strips and pamphlets increase each year in luridness.

Sex education programs, for example, are said to be open advocacy of "raw stuff" and "degeneracy" right in the classrooms. Churches caught in controversy are believed "seduced." Scholarly examination of the Bible is pointed to as "perversion" of the original. Students in high schools and colleges are being "brainwashed," while "leftist medicine" contains its inexorable drive "to control our bodies."

Incongruities occur by the hour, and they are missed by almost everyone. Introducing Reed Benson this year, M. Daisy Atterbury, a missionary representing "Free China," was obviously thrilled and she said she was, calling the director of the John Birch Society's Washington office "such a perfect dear."

Reed Benson, in my judgment, *is* a perfect dear, but since the nation's capital is constantly portrayed at these rallies as the seat of international Communist conspiracy, a place where racial riots are both instigated and financed, and where murder takes place in broad daylight, one would think the participants would prefer someone a little more vigorous, a John Wayne type perhaps.

Hildegarde was the major incongruity this year. Allowances can be made for the fact that she was plugging a book which Devin-Adair, a rally exhibitor, has published for her, but she still looked out of place among the heavily corseted lady Birchers, many of whom kept inquiring about her last name. The famed chanteuse, still chic at 64, sang at the final banquet, providing the first genuine touch of glamor since the rallies began back in 1963.

The political candidates were especially futile. Nord Davis, a militant Bircher from a remote corner of Massachusetts—so remote in fact that his mail is delivered across the New Hampshire border—is running this year on the state Wallace ticket against Sen. Edward Kennedy. Davis campaigned openly at the rally, even among participants from our state, grabbing arms and hands and bellowing: "Hi, I'm Nord Davis, and I'm running against Ted Kennedy for the United States Senate." A shill named Louis De Boer, from Ontario, stood behind Davis shouting, "He'll give Ted one hell of a fight," but almost everyone being greeted by Davis kept asking, "What did you say your first name is?"

It may seem hard to believe that rally officials so easily upstaged by a 21-year-old official of the Young Americans for Freedom would consider returning to the pit for another year, but there is already talk of next July and the ninth consecutive rally. An individual in deep trouble is often the last to recognize it; thus the same could be true of organizations like the John Birch Society. I don't think the analogy is stretched when one suggests that an organization unwilling to admit to the general public that it is the sponsor of its own rally is in very deep trouble indeed.

UNICEF—THE UNITED NATIONS CHILDREN'S FUND

Mr. PERCY. Mr. President, over the years I have been greatly impressed with the accomplishments of the United Nations Children's Fund. It has been able to do a great deal of good for millions of children and mothers with a relatively small amount of money. It seems useful to examine how and why these achievements have been possible. Perhaps lessons can be discovered in such a review which would be valuable to all of us as we search for solutions to the problems of our time.

I note, for example, that UNICEF requires that a country must be willing to help itself to be eligible for UNICEF assistance. The people of the country contribute to the program in whatever way they can participate. Thus they learn to help themselves. They are eager to learn what they can do to improve the lot of their children as UNICEF shows them how they themselves may build for the future. UNICEF is not a charity in the usual sense of the term, but is rather a common sense program to teach willing learners to help themselves so that they may take pride in their own accomplishments.

UNICEF reaches for fundamentals in its stress on teaching mothers how to care for their children—how to prevent infectious diseases from spreading through ignorance of the principles of hygiene, and the importance of a nutritious diet to the health and mental development of the oncoming generation of children. It has been said that to educate a woman is to educate the whole family; many millions of families face a brighter future because of UNICEF's vision.

I am aware, however, that the work of the Children's Fund is not as widely understood by the American people as it deserves to be. In some instances, it has been the target of serious misrepresentations that have raised questions in the minds of sincere citizens who may not know how to obtain the facts for themselves. I, therefore, invite the attention of Senators and the American people to a description of the way the U.N. Children's Fund functions. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF UNITED NATIONS CHILDREN'S FUND

PURPOSE AND PHILOSOPHY

UNICEF is one of the family of United Nations agencies assisting developing nations. As the sole organization within the United Nations system to focus on children, it is unique. Its major objective is to cooperate with developing countries as they strive to improve the conditions of their children and young people and prepare them to contribute to their societies.

UNICEF emphasizes the need to give high priority to children and adolescents in national plans. It participates in projects, upon request by developing countries, by giving material assistance largely in the form of supplies and equipment and by helping governments find effective ways of improving services for their children.

At the beginning of the 1970's, the UN's second Decade of Development, there is new awareness of the importance of human resources in economic development and a recognition that the ultimate aim of progress is not things, but people. As Henry R. Labouisse, the Executive Director of UNICEF, recently stated, ". . . human resources, whose importance to development is at last being recognized, do not simply arrive on the scene well prepared and of sound mind and body. They require deliberate preparation, certainly as youth, but actually from the earliest possible moment."[1] With this point of view, the Children's Fund urges no separate plan solely for children but, rather, an extension of governments' plans to include concern for the protection and preparation of children to enable them to lead useful lives.

ORIGIN OF UNICEF

Today, while UNICEF's focus is children in the developing world, the organization began in a more limited context. Known originally as the United Nations International Children's Emergency Fund, UNICEF was created to alleviate the suffering of children in the aftermath of World War II. Former President Herbert Hoover was appointed by President Truman in 1946 to head a survey mission which recommended that the U.S. Government support the creation of a United Nations body to meet the emergency needs of chidlren in countries devastated by war. On December 11, 1946, UNICEF was established by the United Nations General Assembly.

During its first years UNICEF concentrated on providing material assistance to children of the war-ravaged countries of Europe. In 1950 the UN General Assembly continued UNICEF's mandate, but with a new direction: to assist programs of long range benefit to children in less developed countries. In 1953 this mandate was continued indefinitely and the name of the organization was changed to the United Nations Children's Fund.

TYPES OF UNICEF-AIDED PROJECTS

The specific kinds of projects assisted depend on the priority needs of children in individual countries requesting UNICEF's assistance. In general, UNICEF-aided projects are in the fields of health, nutrition, education, social services and pre-vocational training. These include assistance to health services for mothers and children, disease prevention and control, environmental sanitation, applied nutrition, milk processing, development of low-cost protein food concentrates, teacher training or refresher training, local production of teaching materials, teaching of science and practical skills, day-care and training in women's activities. While emergency aid is no longer a major part of UNICEF's work, it is provided when not sufficently available from other sources.

Training of national personnel is at the core of most projects in all fields; about 30% of assistance is devoted to training within the assisted country. Such a policy helps to assure the continuation of benefits to children after UNICEF's own participation has terminated.

PLANNING AND APPROVAL OF PROJECTS

UNICEF's aid is given only in response to a government's request. In UNICEF's view, governments must develop their own policies in regard to children and young people. In the process of developing a proposal for UNICEF assistance, the appropriate government departments, the staffs of UNICEF and of any other agencies involved, such as the World Health Organization or the Food and Agriculture Organization, draw up a draft plan of operations. The details having been worked out, proposed projects are recommended by the UNICEF Executive Director for approval by the Program Committee of the Executive Board and by the Board itself.

CARRYING OUT UNICEF-AIDED PROJECTS

Kind of Aid Given.—In helping countries plan for their children, the major part of UNICEF aid takes the form of equipment and supplies essential to the assistance program. Contrary to some popular misunderstandings, UNICEF does not give money to the governments for procurement. What UNICEF provides covers a wide range—from medical supplies for children's health services to production equipment for milk processing and weaning foods. In addition, some scholarships are given for nationals being trained in UNICEF-assisted projects.

Conditions of aid.—An agreement signed by UNICEF and each assisted government stipulates that UNICEF supplies will be used on the basis of needs, without regard to race, creed, nationality status or political belief; that UNICEF officials will be permitted to observe the handling, distribution and use of supplies; and that the assisted government will maintain and furnish to UNICEF, on request, records concerning the projects being aided.

Matching principle.—Each assisted government also agrees to undertake the necessary local expenditures for staff, building, equipment and the like to carry out the project. This is usually termed "matching". The matching principle assures that all partners in the project are making substantial investments in it, and is based on the belief that, when a government makes a major contribution of its own, the project will be likely to become firmly established and its benefits continued. In recent years, assisted countries have spent an average of $2.50 for every dollar spent by UNICEF.

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[1] From address to the Social, Humanitarian and Cultural Committee of the United Nations General Assembly, December 2, 1969.

ADMINISTRATION OF UNICEF

Executive Board.—The governing body of the Children's Fund is an Executive Board composed of 30 members. Ten members are elected each year for a three-year term by the United Nations Economic and Social Council. The United States has served continuously since UNICEF's establishment. The Board meets once a year to review progress, establish policies, consider requests for and allocate aid, and fix the operational and administrative budgets of the Organization. UNICEF's work is also reviewed annually by the Economic and Social Council and by the General Assembly.

The Executive Board for 1970–71
(August 1, 1970–July 31, 1971)

Belgium, Brazil, Bulgaria, Canada, Chile, China, Costa Rica, Czechoslovakia, Federal Republic of Germany, France.

Gabon, India, Indonesia, Italy, Malawi, Nigeria, Pakistan, Philippines, Poland, Sierra Leone, Sweden.

Switzerland, Thailand, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

The Executive Board elects its own officers. The Chairmen of the Board, who preside over meetings but traditionally do not vote, have come from the following countries: Poland, Canada, Switzerland, India, Pakistan, Australia, New Zealand, Mexico, Israel, Turkey, and Sweden (incumbent 1970).

Secretariat.—An Executive Director, appointed by the UN Secretary-General in consultation with the UNICEF Executive Board, carries the responsibility for the operation of UNICEF's work. The first Executive Director, Maurice Pate, an American citizen, served from UNICEF's inception to his death in 1965. His successor, the present Executive Director, Henry R. Labouisse, is also a citizen of the United States, and a former U.S. Ambassador to Greece.

The secretariat of UNICEF is a part of the international civil service, with 191 professional staff members of 51 nationalities. 42 members of the UNICEF staff are citizens of the United States.

Each U.S. citizen who is employed by UNICEF (or any other public international organization in which the U.S. Government is a participant) is subject to an investigation by the U.S. Government under the provisions of Executive Order 10422. Concerning each U.S. citizen in UNICEF employ, UNICEF has been notified officially by the International Organizations Employees Loyalty Board (an agency of the U.S. Government) that the Board has determined that there is no reasonable doubt as to the employee's loyalty to the U.S. Government.

FINANCE

The work of the Children's Fund is financed by the voluntary contributions of governments and of organizations and individuals. In 1969 income was $47 million, of which government contributions accounted for $33.4 million. Contributions to UNICEF's general resources (not a part of the internal matching referred to above) were received from 128 governments. Income from other sources, including the world-wide sale of UNICEF greeting cards and the contributions of civic and religious groups and individuals totalled $13.6 million. The United States government contribution to UNICEF in 1969 was $13 million

Most governments give to UNICEF in their own currencies. Because the bulk of UNICEF aid is in the form of supplies and equipment, contributions are generally spent within the contributing country for the purchase and shipment of such supplies. In the last five years UNICEF's dollar expenditures in the United States have been higher than its income from sources within the United States (governmental and private), due to contributions in United States currency made by more than twenty other governments.

ACCOMPLISHMENTS

The qualitative value of UNICEF's work, while easily visible, is difficult to measure. There are signs of progress, however, that can be measured quantitatively yet even these statistics do not tell the full story of what is happening to change for the better the lives of mothers and children. The statistics of measurable accomplishment include the following:

By the end of 1969, UNICEF had provided supplies and equipment for:

11,134 rural health centers and 34,444 subsidiary centers;

1,388 teacher training institutions and 45,059 primary schools associated with them;

3,404 nutrition centers, demonstration centers or community gardens;

1,803 day care centers and 3,313 women's clubs.

Through the same period, 302 million BCG vaccinations against tuberculosis had been given. UNICEF-aided disease control programs had also resulted in 406 million yaws examinations and 24 million treatments, and 41 million trachoma treatments. In 1969 alone, 32 million children were protected against malaria in programs aided by UNICEF.

By the end of 1969, UNICEF had helped in the training of 578,251 people, including health workers (nurses, birth attendants, and medical and paramedical personnel of various kinds), teachers, nutrition workers and many others.

RECENT EMERGENCY AID

During 1969, in addition to monetary contributions, some governments made special gifts in kind toward the emergency in Nigeria/Biafra. The U.S. government contributed 44,400 metric tons of CSM (corn-soya-milk mixture), 1,000 metric tons of rice and 1,385 metric tons of beans, valued at a total of $8,711,015, and in addition defrayed shipping costs on these commodities. In 1970, through May, the U.S. Government had announced a special contribution of $2 million for relief and rehabilitation in Nigeria, and had pledged a further gift of 61,000 metric tons of foodstuffs.

Already in 1970 natural disasters have made additional demands on UNICEF resources to which UNICEF is responding. Flood damage in Rumania has caused widespread hardship while the destruction and suffering caused by the earthquake on May 31 in northern Peru are still being assessed as emergency supplies are being rushed to the scene.

Aid to Viet-Nam.—At its April, 1970 session, the UNICEF Executive Board authorized the acceptance of $200,000 in funds-in-trust contributed by the governments of the Netherlands and Switzerland to provide clothing for needy children of North Vietnam. Subject to acceptance of the agreement for this assistance by the UNICEF Executive Director and the Hanoi government, the children's clothing would be made available to the League of Red Cross Societies for distribution in North Vietnam. It should be noted especially that the funds for this project are a special purpose gift. No U.S. contributions are involved.

At the same Board session, a second funds-in-trust contribution of $800,000 from the governments of the Netherlands and the United States was approved to help build a training school for social workers in Saigon. This project was in addition to an allocation of $338,000 to support ongoing UNICEF child care programs in South Vietnam which began in 1952.

NATIONAL COMMITTEES—THE U.S. COMMITTEE FOR UNICEF

In 26 countries national committees for UNICEF now exist to provide information on the needs of children in developing countries, build understanding of the Children's Fund's purpose and programs and stimulate public participation and support. In the United States, the U.S. Committee for UNICEF, founded in 1947, is a national voluntary organization, authorized by its by-laws and by UNICEF to receive contributions to the Fund. The Committee is governed by individuals who represent a national cross-section of civic, religious and professional fields. These Corporate Members elect a Board of Directors who determine the policies of the Committee.

Several major projects in support of UNICEF are coordinated by the U.S. Committee. Through the UNICEF Halloween program, which began in 1950, over 3.5 million children participate in an educational and fund-raising program each year. Most become involved by "Trick-or-Treating" for UNICEF with others from their schools, churches or other clubs. They learn about UNICEF's work, spread awareness of this work throughout their community and help other children with the contributions they collect at this time. Their concern resulted in the designation of October 31st each year as National UNICEF Day by Presidential Proclamation in 1967.

National committees, including the U.S. Committee, help to promote the worldwide sale of UNICEF greeting cards. The designs for the cards are donated by their artists and are selected by an international panel. The cards, popular at the Christmas holiday season in the United States, are sold throughout the year in over 100 countries.

STATEMENTS IN SUPPORT OF UNICEF'S WORK

Through the years national leaders have expressed their support of the purpose and work of the Children's Fund. Every President of the United States, from Harry S. Truman to Richard M. Nixon, has affirmed his faith in the value of the kind of humanitarian work that UNICEF is doing. President Nixon stated on March 20, 1969, "Ever since its founding, UNICEF has enjoyed the full support of the people and Government of the United States. I want to take the opportunity to reaffirm this commitment, and pledge you our continued cooperation in the advancement of your high human goals."

Similar endorsements have also been received from the major religious denominations in the United States. They include the General Board of the National Council of Churches of Christ in the U.S.A., the American Jewish Committee, and the Roman Catholic Church on the occasion of the Holy See's seventeenth annual contribution to UNICEF in 1969.

THE CHALLENGE AHEAD

Considering the enormous needs of children and the comparative lack of resources to meet them, UNICEF-assisted projects are not likely to provide immediate world-wide solutions to the problems facing the children of the developing countries. UNICEF does, however, serve as a catalyst, promoting projects which can serve as models for future growth, leading to support from other sources and stimulating the extension of services to children.

The impetus for UNICEF's work, today as in its emergency beginnings, is the knowledge that, throughout the world, millions of children suffer. The present challenge is great. "Every half minute, 100 children are born in developing countries. Twenty of them will die within the year. Of the 80 who survive, 60 will have no access to modern medical care during their childhood. An equal number suffer from malnutrition during the crucial weaning and toddler age—with the possibility of irreversible physical and mental damage; and during this period their chance of dying will be 20 to 40 times higher than if they lived in Europe or North America. Of those who live to school age, only a little more than half will ever set foot in a classroom, and less than 4 out of 10 of those who do enter will complete the elementary grades This situation is especially disturbing when we realize that three quarters of all the world's children under 15 years of age—over a billion children—live in developing countries."[2]

A child's needs must be met today. Tomorrow may be too late.

TED MANSUR—A GREAT ONE

Mr. McINTYRE. Mr. President, I want to join in the richly deserved plaudits given last Friday to Edward E. Mansur, Jr.—Ted to all of us who have known him and held him in such high regard and valued his counsel.

There are some people who just exist in their jobs. There are some who do not fit the jobs they are called upon to perform.

Ted Mansur loved his job. Ted fit his job. Ted belonged in his job.

He came a long way from Missouri to his high post here in the Senate, but he travelled the road well, and his many contributions to the Senate have been among the fine signposts on the highway of history during the 23 years he has served here.

Our Nation was recovering from World War II when Ted joined the Senate staff. Five Presidents have been in the White House, the Korean war was fought, the Vietnam war was started, most of the progressive laws now guiding our country were passed during the years Ted was here. He has been an integral part of the smooth functioning of the Senate as our Nation has met and recovered from crisis and moved forward to new accomplishments.

Ted deserves the rest he can now have and the time he can spend with his wife Carolyn and his lovely daughters.

Mr. President, Ted Mansur will be missed, but I wish him all the best in this new phase of his life. May it be a rewarding time for him.

TAX EXEMPTION PRIVILEGES FOR PHILANTHROPIC FOUNDATIONS

Mr. CASE. Mr. President, questions were raised during last year's debate on the tax reform bill as to whether private philanthropic foundations should continue to be granted tax exemption privileges.

Abundant evidence, I am glad to say, demonstrated the importance of continuing the work carried out by these great reservoirs of private initiative and skill.

During that debate I pointed out that some 200 national and local foundations in New Jersey were helping to meet local and statewide needs, particularly in urban areas. While public attention is often focused on grants made by the large, well-known foundations, it is noteworthy that much significant work is being done by small local foundations.

One such foundation is the Victoria Foundation, which has granted more than $600,000 over the past 6 years to develop an inner city school in Newark, N.J. The Victoria project was recently described in an article in the Newark Evening News.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VICTORIA FOUNDATION INJECTING INNOVATION INTO GHETTO SCHOOL

(By Jeffrey W. Grambs)

Newark's Cleveland School is such a typical fixture of the city's aging and overcrowded "inner city" school system that it has enjoyed some special advantages for six years.

Like a lot of the city's schools, it's not much to look at for anyone spoiled by the suburban variety of new school construction. It's an uninteresting looking weathered brick box near the heart of the Central Ward.

The windows are covered with gratings. Because of vandalism, the visitor must ring an outside bell to be admitted.

In fact, it seemed such a typical big city school that the Victorian Foundation six years ago decided to see what could be done with it.

So it piped more than $600,000 into the school over the past six years to develop a variety of educational experiments.

STIMULATES INTEREST

The extra aid is of such proportions,—$160,000 this past year notes Vice Principal Norman Dultz—that teachers are not only encouraged to come in with "innovative ideas" but, "nine times out of ten their requests will be honored". And innovation is not something easily afforded in Newark.

The foundations, with headquarters in Montclair, was founded in 1924 by the late Hendon Chubb, an insurance executive, and named after his mother, Mrs. Victoria Eddis Chubb. Its president is Percy Chubb II, the founder's son.

Many of the foundation's annual grants are for education and youth projects, a large proportion of which go to programs within this state, particularly Newark.

Dovetailed with the regular school administration and relying in large part on the regular Cleveland faculty, the Newark Victoria Plan is injecting into the 900-pupil school special staff talents and services for everything from pre-kindergarten training to a novel curriculum intended to repair educational lag with remedial work and then build up with "enrichment" programs.

It is the only school in the city now on the New Math from kindergarten through sixth grade—Cleveland's entire grade range. The school's prekindergarten class, stressing language, social living patterns, science and parent participation, was a prototype for the federal Title I program and Head Start.

The key to the program, according to Thomas H. Cooke Jr.; plan coordinator, is that the regular classroom teacher is "backed up" by specialists and, because of the extra funds, has available teaching materials not normally on hand in Newark.

SUBURBAN AVERAGE

"I'm convinced myself," says Cooke, "that the average kid here would be average in a suburban school, too. And you should realize we're dealing with a lot of kids who come from poor and broken homes, have poor attendance records, move around in the city and out with their families, don't get good nutrition at home and often don't have any place to study at home or anything to study with."

Cooke and Dultz are particularly happy with one objective result. A standardized test done by the Educational Records Bureau in Connecticut last October showed the first and second graders to be above national norms in the New Math. The summer reading program last year, according to both, also showed "clear improvements" in the youngsters' ability.

The project is operated as a sort of team affair by Cooke, Dultz and Dr. Herbert E. Scuorzo, principal. "It runs so smoothly this way," says Dultz, "that you don't know three individuals are involved."

SPECIALISTS' ROLE

At each grade level, there is a "control" group and an experimental group of students.

In terms of special talents available for teaching, the foundation's aid has provided Cleveland with four reading specialists, a math coordinator and science specialist. The average Newark school, for comparison, has one part time reading expert.

For the most part, the role of the specialists is to help the school's regular teachers with curriculum planning and instruction methods, though the specialists may next fall also work directly with slow learners among the enrollment.

In addition, the Victoria Foundation finances a full-time "resource" person to work particularly with new, inexperienced teachers, and 11 community "aides"—college students and parents who help teachers in non-instructional tasks in the classroom.

The combination of Victoria money and Board of Education budgeting has also given Cleveland two full-time art teachers and a speech therapist, a music instructor. Its funds also pay for five social workers who work with community and parent groups on home and family problems in the area of the school.

MODERN MATH TAUGHT

Two years ago, Cleveland became the first city school with its entire enrollment on modern math from kindergarten through grade six. Where many schools in Newark are still on the traditional textbooks, explains David Schwartz, math project specialist, Victoria funds enabled Cleveland to get new texts.

The school board's curriculum guides for arithmetic, science and health were last revised between 1949 and 1951. They're still "excellent books", says Schwartz, "but they're not current." The result: they were rewritten, in effect, by Cleveland's faculty.

The Project just inaugurated formal reading in kindergarten last fall. This summer, it will offer a six-week reading program for 75 youngsters with four hours of classes daily, and—something new—two hours of homework. With college students as aides for the school teachers, the summer course will have at either end of it a standardized test to measure the results of the six weeks.

CLUB PROGRAMS

In an effort to offer youngsters something constructive to do after school, the program this year opened a "club" program that drew particularly favorable reaction from parents. The clubs give the youngsters a chance to become interested and skilled in such things as ballet—which drew a surprisingly heavy turnout of youngsters—art, gymnastics, sewing, photography, modeling and fashion and stamp and coin collecting.

The main problem so far, according to Cooke, has been finding competent teachers to work with ghetto children. "We get new teachers coming in for interviews with a lot of dedication," he says. "They have a sort of 'I'll love you to death because you need love' attitude. But you can't work only with love.

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[2] From *Progress Begins with the Child*, excerpts from a statement by Henry R. Labouisse, 17 December, 1968.

"The kids have to be given discipline", he adds. "They need firmness, something and someone to respect. You have to teach 'up', not 'down'."

Dultz goes a bit further in outlining the problem:

"I indict every teachers college for not being involved more in the inner city school. I'd like to see what they can do to relate their courses to teaching ghetto kids. They're deathly afraid of this. They're afraid they can't meet the test.

"They just don't know about Newark, the kids, how to handle them—and the teachers deserve the opportunity to be exposed to this. It won't contaminate them."

DELAY URGED IN OPERATION OF SUPERSONIC PLANES

Mr. FULBRIGHT. Mr. President, an article published in the New York Times of August 2 reports that a group of leading scientists, after a month-long meeting on environmental problems, have recommended that large-scale operation of supersonic transport planes be delayed until serious questions about the planes' potential for environmental contamination can be answered.

This latest report, called the Study of Critical Environmental Problems, is one of a number of reports and studies that questions the advisability of proceeding with the development of the SST.

Another article, published in the Times of the same date, reports that the environmental defense fund has decided to ask a Federal court to order the Federal Aviation Administration to set noise and environmental standards for the SST before certifying its worthiness for air.

The same article points out that the Government has already invested $737 million in the SST, and the administration is requesting an additional $290 million. That means the Federal investment would pass the $1 billion mark, and no one knows where it might stop.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 2, 1970]

SCIENTISTS ASK SST DELAY PENDING STUDY OF POLLUTION

(By Bayard Webster)

WILLIAMSTOWN, MASS.—Scientists from the United States and Europe, after a month-long meeting here on environmental problems, recommended today that large-scale operation of supersonic transport planes be delayed until serious questions about the planes' potential for environmental contamination can be answered.

The scientists, concluding their study of global pollution problems and effects on the earth and its climate, indicated that regular stratospheric flights by such planes could cause an increase in cloud formation and higher stratospheric temperatures, with consequences that are unpredictable.

[In Washington, it was disclosed that the Environmental Defense Fund, a private organization, decided to file a suit aimed at requiring the Federal Aviation Administration to set noise and environmental standards for the SST before certifying its ability to fly. Page 25.]

The question of environmental pollution has become heated, and has assumed political overtones, in the debate between American advocates and opponents of the supersonic jet. The study group here, consisting of more than 50 scientists and professionals, pointedly emphasized that its concern was based solely on scientific observations in various parts of the world.

A report by the group said that an increase of water vapor induced into the stratosphere by the planes tended to favor the formation of clouds.

The scientists also reported that fine particles from the exhaust of jet engines would tend to double global averages of such particles, with unknown effects. The particles, distributed in the lower level of the stratosphere where the first supersonic jets will fly, reflect sunlight back into the stratosphere, thus tending to warm it.

The group's preliminary report, called the Study of Critical Environmental Problems, also recommended that a monitoring program be set up promptly to measure the lower stratosphere for water vapor quantities and to determine the measurements for sulphur dioxide and nitrogen oxide and hydrocarbons, which make up most of the fine particle matter.

The report followed a recent call by William M. Magruder, in charge of the Federal Government's supersonic transport program, for a study of the plane's potential environmental impact. The supersonic, or S.S.T. project, is currently awaiting Senate action on a $290-million appropriation.

The teachers, scientists and professional men who met here also studied and reported on other aspects of worldwide pollution. These included contamination by D.D.T. and other persistent pesticides, mercury, oil and fertilizers and waste nutrients.

The group, recruited under the sponsorship of the Massachusetts Institute of Technology, met throughout July on Williams College Campus in the Berkshire foothills.

Its worldwide pollution study was primarily concerned with the indirect effects of pollution on man through changes in climate, ocean ecology or in large terrestrial ecosystems. No local or regional environmental problems such as lake and stream pollution, the effects of population growth, or the direct health impact of pollution on man were studied.

Among the findings of the study were these:

The effect of increasing quantities of carbon dioxide in the atmosphere (believed to raise temperatures by the "greenhouse effect") has resulted in little climate change in the century, but its future consequences are unknown.

The earth's oxygen supply remains fairly constant and the depletion of oxygen by the blending of all the recoverable fossil fuels in the world would result in only a .15 per cent reduction.

The effect of DDT on the oxygen-producing phytoplankton in the ocean is negligible.

An estimated total of 1.5-million tons of oil is introduced into oceans every year by ships, offshore drilling and accidents. Almost three times this amount, the group estimated, could eventually be introduced into waterways and the oceans as a result of emission and wasteful practices on land.

The increasing use of fertilizers and the growing quantity of animal and human wastes will result in destructive runoffs of nutrients in rivers and streams, causing eutrofication, unless recycling technology is soon developed.

"We confined our study to environmental problems of worldwide significance," said Prof. Carroll L. Wilson of M.I.T., director of the study, which is believed to be the first intradisciplinary one of its kind in the world.

"But strangely enough," Professor Wilson went on, "the existence of a global problem doesn't mean there's always a global solution. Most corrective action must be taken by a country, a region, or a city government," he added.

A BASE FOR 1972 PARLEY

The study group was formed in the hope that its findings might provide a better planning base for the United Nations Conference on the Human Environment in Stockholm in 1972 and would also help in the planning of other national and international environmental conferences.

Evidence of the paucity of data on environmental problems was frequently noted in the summary. "This is a question there is no available data on," was the comment of several of the group leaders as they explained the summary of findings to newsmen who attended a two-day briefing here. In many ecological areas, "there are large gaps of knowledge," Dr. Wilson noted.

Despite this, the scientists made recommendations in almost every area. In many cases they urged the establishment of sophisticated monitoring facilities for determining facts about air and water pollution and the routes the pollutants travel.

Global computer models incorporating atmospheric motion and ocean-air interaction were also recommended by the group. A drastic reduction in DDT use was strongly urged, with subsidies furnished to countries unable to afford the more expensive nonpersistent pesticides.

The group also suggested that information centers on technology and environmental pollution be established in conjunction with a problem evaluation center and a public information center.

In addition to their major findings the study group also uncovered some less significant but curious oddities or questions without answers, such as:

Some 3.3-million tons of lubricating oil are used every year in vehicles and industry and are never reclaimed. Where do they go? Nobody knows.

Japan uses such high quantities of insecticides to achieve high food yields that it has killed off most pollinating insects, and apple trees must now be pollinated by hand.

RADIOACTIVE WASTE ISSUE

One major problem—the management of radioactive wastes from nuclear power plants—was omitted from the summary, but the scientific group advised the Atomic Energy Commission, one of sponsors of the study, of its concern over the problem and recommended that an investigation be made of better ways of handling such wastes.

The study group was conceived last year by several of the participants, not primarily to make specific recommendations for solution of area problems, but rather to seek recommendation for new programs of focused research and action and to obtain more definitive information on the major worldwide pollution problems.

Those who participated came from more than a dozen disciplines including meteorology, oceanography, biology, ecology, geology, physics, engineering, economics, social sciences and law. Members also came from Federal agencies, national laboratories and nonprofit and industrial corporations.

The members clustered themselves after a while into four major work groups—climate effects, biosphere effects, baseline measurements and monitoring, and implications of change. They called on worldwide data sources such as the United Nations and Government agencies, universities, scientific institutions and private industry and prepared papers during the month before the actual work period of July.

The study was supported and funded by the following organization and Government agencies:

The Department of Agriculture, Atomic Energy Commission, Department of State, Environmental Science Services Administration, United States Forest Service, National Aeronautics and Space Administration, National Air Pollution Science Foundation, American Conservation Association, Ford Foundation, Rockefeller Foundation, Sloane Foundation, Center for the Environment and Man, Massachusetts Institute of Technology.

United States Coast Guard, Federal Water Quality Administration, United States Fish and Wildlife Service, United States Geological Survey, National Academy of Sciences, National Center of Atmospheric Research, Oak Ridge National Laboratory, Rand Corporation, American Electric Power, Boise Cascade Corporation, Consolidated Edison, Esso Research and Engineering, and General Electric.

The full report of the study group will be published in paper book form on Oct. 15 by the M.I.T. Press.

In addition the following provided support through preparation of background materials and professional participation:

[From the New York Times, Aug. 2, 1970]

SUIT TO SEEK SST NOISE AND ENVIRONMENTAL GUIDE

(By E. W. Kenworthy)

WASHINGTON.—The Environmental Defense Fund has decided to ask a Federal court to order the Federal Aviation Administration to set noise and environmental standards for the supersonic transport before certifying its worthiness for air.

The environmental fund is a group of scientists, lawyers and conservationists, incorporated in New York, that seeks to protect the environment from further impairment.

Over the last few months the fund has obtained Federal court orders blocking the immediate construction of the haul road for the Alaska pipeline and requiring the Department of Agriculture to give reasons why the use of the pesticide DDT should not be suspended.

Officials of the fund and attorneys of a Washington law firm, Berlin, Roisman and Kessler, will meet here this week to decide when the suit will be filed. They have already made the decision to go to court because the F.A.A. has not replied to a petition filed by the fund last May 25.

PROCEDURAL ARGUMENT

The fund will argue that, because of the silence of the aviation agency, it has exhausted all administrative remedies under the Administration Procedure Act.

In its petition, the fund asked that the aviation agency, which is under the Department of Transportation, to determine now that the noise standards that it has already set for subsonic aircraft would be applied to the supersonic transport commonly called the SST.

The fund also asked the F.A.A. to initiate a rule-making proceeding to consider "the minimum environmental standards" that would govern certification of the plane.

When President Kennedy committed the Government in 1961 to subsidize 90 per cent of the development costs of two prototypes of the SST, he limited the commitment to $750-million. The Government was to recover its investment from the sale of the first 300 planes.

So far the Government has invested $737-million. The Administration has requested $290-million more. In May the House approved this amount by a vote of 176 to 163. The Senate will act soon, and the outcome is in doubt.

William M. Magruder, a former test pilot and engineer with The Boeing Company and Lockheed Aircraft Corporation who is in charge of the SST, has been lobbying vigorously for votes in the Senate.

The Environmental Defense Fund is convinced that the imminence of the Senate vote explains the lack of response by the aviation agency to the fund's petition. Members of the White House Council on Environmental Quality likewise suspect that, for the same reason, the Department of Transportation has delayed filing a "Section 102" statement on the supersonic plane.

Section 102 of the National Environmental Policy Act of 1969 requires that every Federal agency, when recommending any program with a significant environment effect, submit a detailed statement on the environmental impact.

Mr. Magruder announced on July 20 a $27.6-million program of research on environmental hazards of the SST, but the study is to last three or four years. Meanwhile, if the $290-million appropriation was approved, prototype development would be approved.

Last May 7, Russell E. Train, chairman of the Council on Environmental Quality, assured a House subcommittee that, under the environmental policy act, the aviation agency would have "to take the fullest range of environmental factors into account as part of the certification procedure."

However, the Environmental Defense Fund and many Congressional critics of the supersonic transport were not reassured by this statement. They note that while Congress, in 1968 amendments to the Federal Aviation Act, instructed the F.A.A. to set standards for abatement of noise and sonic boom, it also said that the agency should take into account what was "economically reasonable and technologically feasible."

Senator William Proxmire, Democrat of Wisconsin, and the environmental fund in its petition contend that if environmental considerations are left until the time comes for certification, the Administration will be under such pressure to recoup its investment that it will consent to the aviation agency's expected recommendation that noise standards be relaxed for the SST.

JUSTIFICATION SUGGESTED

The F.A.A., they contend, could find justification for such relaxed standards in the manufacturer's contention that it is not economically reasonably or technologically feasible to meet the sideline (runway) noise standards for subsonic craft in the supersonic plane.

The standard for subsonic aircraft is 108 PNdB (perceived noise in decibels). Although the contract for the SST requires that its sideline noise will not exceed 118 PndB, it is now expected to be in a range of 122 to 129.

Since the decibel is a logarithmic unit, Dr. Richard L. Garwin, of the White House Office of Science and Technology, has said that an SST with a sideline noise of 125 PNdB "will produce as much noise as the simultaneous take-off of 50 jumbo jets," each of which has a sideline noise of 108. Mr. Magruder vigorously denies this.

The Environmental Defense Fund also wants the aviation agency to develop standards that would take into account such environmental problems as the effect of placing into the upper atmosphere large quantities of water vapor engine exhaust.

Dr. George MacDonald, a member of the Council on Environmental Quality, told a House subcommittee that the discharge of large amounts of water vapor might destroy some of the ozone that acts to shield the earth from dangerous ultraviolet radiation in sunlight. But Mr. MacDonald conceded that much more study was needed to determine the degree of danger from the discharge of water vapor.

USING YOUR HEAD

Mr. PERCY. Mr. President, in these days of radical disturbances and unrest among our youth, it is most refreshing to read of a young man using his head.

Mike Prieto, a young man in Modesto, Calif., by allowing a fly ball off the bat of Len Boyer to bounce off his head and over the left field fence, turned what would have been a routine out into victory—for the other side.

The fact that Prieto was unhurt goes a long way to disprove current theories of the soft effete younger generation.

Upon being contacted after the game, Mike agreed to donate his brain—upon the expiration of his natural days—to the Brain Research Center at the University of Chicago, where intensive studies can be made of the granite-like substance that rests upon his neck.

I predict a great future for Mike in the major leagues some day.

I ask unanimous consent that an article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOYER BROTHER BOUNCES HOMER OFF OUTFIELDER

MODESTO, CALIF.—Len Boyer, one of the five baseball brothers hit an unusual home run Wednesday night—a 330-foot fly that bounced off an outfielder's head and carried another 20 feet over a 15-foot fence.

Left fielder Mike Prieto, who lost the ball in the lights, was unhurt. Boyer's homer was the final run for the Modesto, a St. Louis farm club, in a 9–0 victory over San Jose in the Class A California League.

Len's brother, Clete, is an infielder for Atlanta, Another brother, Ken, retired recently as a Los Angeles Dodger. Cloyd, a former St. Louis Cardinal, is a New York Yankee scout, and Ron is in the Yankee farm system.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14619) for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired), and it was signed by the Acting President pro tempore (Mr. ALLEN).

POSTAL REFORM—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McGEE. Mr. President, in view of the great length of the conference report, I ask unanimous consent to dispense with the printing of the conference report in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, my statement today will be brief. At the outset, my purpose will be to correct some misapprehensions that I understand are afoot.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—and it is my understanding that this request has been cleared on both sides; I have just discussed it with the able assistant Republican leader, and it has been cleared with the manager of the bill, and I understand it is agreeable with the ranking minority member—that the vote on the pending conference report occur at 3 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Mr. President, I have been advised, though I have not seen it myself, that the New York Times, in an article yesterday, reported that Senator McGEE from Wyoming was expected to "lead the fight against the postal reorganization bill" this week in the Senate.

That is only approximately correct. I say approximately because, while it will be this week, and while it will involve the postal reorganization bill, the only error is that I do not intend to fight it but to support it. So, with that small correction in the RECORD as to the article in the New York Times of yesterday, I shall proceed.

Postal reorganization has been the dream of a great many of us for a good long time, and the Senator from Hawaii (Mr. FONG) and I have spent a great many tedious hours at times, though very rewarding hours, trying to hammer out the structure of some meaningful postal reorganization.

This we feel we have done. In the compromises that were reached between the positions of the two Houses on the key issue, we believe that a stronger and more effective postal structure has been produced.

Obviously the Senate did not get its way on all of its measures. On some issues we receded in the conviction that perhaps the House position may have protected some factors more adequately than some of the Senate provisions. But in general, the important thing is that the differences that arose between the two Houses were differences over refining postal reorganization, rather than differences as to whether we should reorganize or not.

The singular element in this whole controversy for some time now has been the high level of agreement, both with the present administration and the preceding administration, and with the leadership in both Houses and their respective committees, that substantive postal reorganization was indeed in order; and this measure, coming out of 3 weeks of conference between the two Houses, would seem to achieve that goal.

The major issues in the conference were: Procedures for establishing postal rates and classes of mail; recognition of collective bargaining units in the section on labor-management relations; mail transportation; the union shop versus open shop; representation rights for postal supervisors and other managerial employees; the public service contribution by the Congress; free and reduced rate mail for certain mailers; and the degree of independence, if any, for the Postal Rate Commission.

On most of these important points, the Senate's basic position was preserved and on others where we yielded, I think the compromise is workable.

There were two rollcall votes in the Senate on issues where ultimately the Senate yielded to the House. I call these to the Senate's attention so that they will know why we did what we did. On the amendment by the distinguished junior Senator from Kentucky, Senator COOK, guaranteeing equal employment opportunities regardless of sex, the Senate yielded because after we reached conference we learned that present law affecting all Federal employees, including employees under the new Postal Service, guarantees antidiscrimination provisions which are of greater benefit to women employees in the Government than the provisions of title VII of the Civil Rights Act of 1964. Learning this, we decided to yield in order to retain the superior benefits of existing law.

On the issue of the open shop, the Senate's position guaranteeing that the Postmaster General could negotiate a union shop if he so wished was diametrically opposed to the House provision guaranteeing an open shop. By a substantial majority, the House conferees were instructed on this issue and their refusal to yield virtually required that we recede on this point. I think it is pertinent to observe that better than 90 percent of all postal workers today are members of a union even though the issues bargained on under current law do not include wages, hours, or conditions of employment. I am inclined to think that the open shop provisions of the House bill will not have a substantial impact upon the growth of labor organizations in the Postal Service.

The integrity of the Postal Rate Commission to operate independent of the Board of Governors or any other outside influence was preserved. Final decisions on rates and classes of mail are made by the Board of Governors, but they cannot change any recommendation by the Commission unless all nine Governors appointed by the President agree in writing to modifying the recommendation and only then if they can prove that the recommendation of the Commission will not produce sufficient revenue to operate the Postal Service.

On collective bargaining, the Senate receded to the House so that postal unions which are not craft units will have at least the opportunity, subject to recognition prodecures by the National Labor Relations Board, to compete for recognition. In the transitional bargaining phase this year, only the unions having national exclusive recognition will be the bargaining agent. That transitional contract will not interfere with the National Labor Relations Board's ultimate determination for another bargaining unit if it determines that is the right thing to do.

On mail transportation, the House conferees accepted all of the Senate language on air transportation; and on surface transportation the right of small star route contractors to compete fairly with big intrastate motor carriers was fully preserved. In addition, star route carriers may be certificated by the Interstate Commerce Commission if they wish to apply.

For postal supervisors, the provision requiring that they be consulted in advance on any programs related to their pay and working conditions and that they be entitled to participate directly in the planning and development of such programs was preserved.

On the issue of how much money Congress will pay the Postal Service in order to gradually approach operating somewhere close to a breakeven point, the conferees agreed on a middle ground. Under the Senate bill, the 10 percent public service contribution was permanent. Under the House bill it declined quite rapidly and went out of existence by 1978. Senate conferees viewed this as completely unrealistic and insisted that a longer period of time be provided for. Our agreement is that for 8 years the contribution will equal 10 percent of the fiscal 1971 apropriation—about $800 million. Thereafter, it will decline at the rate of 1 percent a year over a 5-year period. After fiscal year 1984—and I must interject here that I hope that date is not prophetic—the Postal Service may reduce the public service contribution if it can do so without disrupting postal services or requiring increases in postal rates. If the Postal Service is half as efficient as some of its advocates claim, that should not present a serious problem 14 years from now.

On the reduced rate mail the conferees agreed that small town newspapers and the specified nonprofit charitable, religious, educational, and other organizations could continue to mail at preferred rates. But those rates will not be set by Congress and we will be rid of any ratemaking responsibility for any class of mail except through our basic constitutional power to legislate. The rate for such nonprofit mail will be set by the Postal Rate Commission, as for any other class of mail, but the rate may not exceed the actual postal costs, excluding any overhead costs. The loss so incurred will be made up by direct congressional appropriation and if Congress fails to appropriate the money, the Postal Service may increase the rates.

I will be happy to answer any questions which my colleagues may have concerning the committee report.

With that, I turn to my colleague the Senator from Hawaii (Mr. FONG), the ranking minority member on the committee, and take this occasion to say to him that without his leadership and without his constant service, often day and night, it would have been impossible to have moved this matter along in the spirit of good legislation.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. FONG. Mr. President, I thank the distinguished Senator from Wyoming for his very fine remarks. I congratulate him for his patience and for his expertise and outstanding leadership during the many months of painstaking work on the postal reform bill. I compliment him especially for his very fine leadership in the conference between the Senate and the House of Representatives. It was due to his very fine leadership that we were able to come out with this very fine conference report. We have, Mr. President, presented to the Senate and to Congress an excellent bill. I say it is landmark legislation.

It was over a year ago that the Congress received President Nixon's message that he was recommending total reform of the Post Office Department. From that day Senator McGEE and the entire Senate Post Office and Civil Service Committee has dedicated itself to producing a reform bill in line with President Nixon's recommendations but with refinements we on the committee felt were critical to the type of postal system the American people deserved—one that would give all Americans fast and efficient mail service at the most economical postal rates.

I was greatly pleased when on June 30, 1970, the Senate endorsed its Post Office Committee's recommendations by the overwhelming vote of 76 to 10 in passing the postal reform bill.

Senate and House conferees on this legislation completed action on a compromise bill last week—Thursday, July 28—after over 3 weeks of intensive morning and afternoon conference sessions.

I believe the compromise legislation we are now presenting to the Senate for approval is an excellent bill. Under the agreement worked out in conference the new U.S. Postal Service will be an independent executive agency, operated by a nine-member Board of Governors appointed by the President with the advice and consent of the Senate. They will be appointed for staggered 9-year terms. This Board of nine members will appoint the Postmaster General and his deputy. These two appointees will also serve as members of the Board, thereby increasing the Board's membership to 11 members.

An essential element of the new Postal Service other than removing the Postmaster General from direct partisan politics, as is now the case, is the independent postal rate commission, which the distinguished Senator from Wyoming insisted on and which prevailed in the conference report. The House-passed postal reform measure recommended a dependent rate commission, while the Senate bill contained an independent rate commission. The Senate position prevailed in conference with minor modifications.

Congress will no longer set postal rates, nor will it have any veto power over postal rates. Its power over rates as with that of any other phase of the postal service's operations, will be that which Congress always retains—the power of passing general legislation.

In the setting of postal rates there will be opportunity for full and impartial hearings, and aggrieved parties will have the right to full court review.

The Senate conferees yielded on the right-to-work amendment that was in the House bill and modified the provision on rates for nonprofit institutions allowing them to mail at lower rates than regular second and third class mailers.

Although this bill opens up new and uncharted areas of postal operations, I believe that we have given postal management the tools they need to run the service as it should. They have bonding authority to raise much needed funds for the modernization of its buildings and equipment; they are being given authority to bargain with labor; and they are being given the authority to manage rather than be caretakers of an obsolete system.

I am convinced the measure produced by the Senate-House conferees is a good one. It goes a long way in meeting the desires of the administration but also contains provisions which Congress and particularly the Senate and House Post Office and Civil Service Committees feel should be in any postal reform bill.

I am very appreciative of the excellent work done by the conferees and all the members of the Senate and House Post Office Committees. The support given the conferees and the input from the Members of the Senate were given every consideration in reaching the decisions we did in the conference.

This is landmark legislation—a bill of which the 91st Congress can be proud.

I urge my Senate colleagues to pass this compromise bill overwhelmingly.

I thank the distinguished Senator from Wyoming for yielding to me.

Mr. McGEE. Mr. President, I cannot stress strongly enough how intricately involved in this process of give and take and learning from the ideas of others has been the constructive contribution by the Senator from Hawaii throughout the long, protracted period of time that we have been studying postal reform. I think it is very much as he says—it is landmark legislation. This is a major breakthrough so far as updating and modernizing this institutional operation in a free government is concerned.

The temptation is understandable, of course, to turn the postal service completely over to a private enterprise type of operation, if one thinks only of running something the way one runs a business. But something else is present that a business per se cannot be entrusted with, and that is the public interest. In a national monopoly, which the postal service is, it carries the image and indeed provides the imagery of the Government of the United States of America. In three-fourths of the towns and cities of our land, the only, the basic epitome of our Government is contained in the flag that flies over the local post office.

Many of us on the Senate side, and some others, felt very strongly about preserving that public concept, and this indeed is basic here. To be sure, each of us, in his own way, thought he had the best possible plan to protect all these considerations. But I would stress now, at this late hour, that we have come a long way; that we have basic postal reform with all the legitimate goals that have been spelled out here; and that its chance for success—or, better, the degree to which it can succeed—will now depend upon the spirit of those who undertake its implementation.

With that thought in mind, I would express the feelings of the Senate conferees—of all the conferees—that both downtown and here on the Hill every effort be made to cooperate and to get underway in this new undertaking, with the total spirit of figuring out how best to make it work, rather than concentrating on how to drag or how to slow it down or how to make it not work. This is a desperately important moment from that point of view, and that state of mind will hold in balance its chances for success.

It is in that spirit that I can assure the complete cooperation of the relevant committees of this body in the proposed legislation. We believe that, while this is less "jazzy," I suppose one would say, on the horizons of day-to-day news, it will loom large in history as a significant breakthrough in updating a national postal monopoly.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. FONG. Is it not true that this bill is historic in the sense that we are departing from a procedure which is approximately 300 years old, since the King of England first gave a commission on postal matters to a private individual?

Mr. McGEE. That is correct.

Mr. FONG. And this will eliminate politics from the Post Office Department as we have seen it operate.

Mr. McGEE. Indeed, it will. We have taken politics out of the postal service.

Mr. FONG. The only thing that any Member of Congress could do in a matter of writing letters is to follow what the prescribed law is now—he can only write a letter on a man's character and residence.

Mr. McGEE. That is correct. That is the law now, as the Senator has stressed. Only by living up to the law and by doing what is in the normal course of events would a Member of Congress participate at all in a character reference and a locale reference in regard to an individual.

Mr. FONG. The advisory part which Congress always played in the selection of postmasters is now entirely out of the bill.

Mr. McGEE. It is completely out of the bill.

Mr. FONG. So the Postmaster General, after he is appointed by the nine-member Commission appointed by the President, will have almost full power to appoint the postmaster he wants, so that he can improve the postal service.

Mr. McGEE. Not only will he have the full power; what is more important he will have the full responsibility which goes a step further. Not only can he appoint the man; he has to take the consequences for the man he has appointed.

Mr. McGEE. Yes.

Mr. FONG. In other words, we have placed power in the Postmaster General so that he cannot come to the Congress and say that he does not have the tools to make an efficient postal system.

Mr. McGEE. He has the tools personally. He has the tools to take care of the labor costs in the postal system. He has the tools in financing. He has all the tools that a person could ask for in establishing leadership in this new operation.

Mr. FONG. Is it not true that whereas Congress has been loath to make appropriations to modernize the Post Office Department and it is estimated it will cost approximately $7 billion to modernize and produce an efficient postal system, now, with this new bill, we will give to the postal service the right to go ahead and sell bonds so that they can raise the $7 billion to $10 billion; is that correct?

Mr. McGEE. That is correct. We have taken the financing of the postal service almost entirely out of the public sector in the old sense of that phrase. As the Senator knows, Congress' role will be in protecting the public interest sector. The postal service at the present time totals about 10 percent of our annual budget. We have tried to tide this over the transitional period to make it possible for the new operation to get off the ground.

Mr. FONG. The distinguished Senator from Wyoming knows that it is a very difficult problem for Members of Congress to set postal rates and to determine what each class of mail should pay. Now an independent postal rate commission which will have expertise in this matter will determine what the rates should be.

Mr. McGEE. Indeed so. More important still, aside from Congress' lack of time to become rate experts, it will take the lobbyist out of the Halls of Congress on all cases of postal rate matters. As most anyone knows who has ever been involved in this matter, they express the constant presence of or the need for lobbyists to buttonhole Congressmen to try to persuade them to one rate or another. We think this is an important breakthrough in the public interest, to get Congress out of the ratemaking business, and out of being the target of the lobbyist in this case.

Mr. FONG. Yes. Is it not true that the postal employees will find that the labor-management provisions in this bill is more advantageous to them and that they will be promoted on the basis of merit. Merit will be the foundation on which these employees of the new postal service will be able to look to for promotions, rather than to the influence of Congress.

Mr. McGEE. Indeed so. Not only will this enhance their chances, but the mechanism we have spelled out in the reorganization bill will actually speed up the process of promotion of postal employees so that they will not have to serve for a quarter of a century before achieveing all their in-grade promotions and the like.

Likewise, it means that they will have access, through negotiations, to implementing their working conditions and the other circumstances that will lend a professional or near-professional status to their new role.

Mr. FONG. So that in this bill, we have taken a very historic step, so far as labor bargaining is concerned, in that the Government will now bargain with the employees of the postal service on fringe benefits, wages, and other personnel matters.

Mr. McGEE. The Senator is correct. This is the first breakthrough at the Federal Government level of the collective-bargaining process between the Government, on the one hand, as management, and its employees on the other in the postal service.

Mr. FONG. There are a few persons who have been fearful that Congress would give away all of its overseeing powers over this new Postal Service. That is not true, is ti?

Mr. McGEE. Indeed not. Congress could not do so, even if it wanted to. Under the Constitution, this remains an independent agency of the Federal Government and Congress has the responsibility to make sure that it is not abused, tortured, or, in effect, scrapped in some devious way.

Mr. FONG. Even though we have given management of the new Postal Service to the Board of Governors and the Postmaster General, Congress, in its fundamental power, still has control over the agency, and if Congress decides to make any changes, it can still do so; is that not correct?

Mr. McGEE. Congress always has that. Under the Constitution, it has both the power and the responsibility, if, in its judgment, it is called for.

Mr. FONG. Again let me compliment the very distinguished Senator from Wyoming for his leadership in this historic, landmark legislation. I am quite sure that it will work to the benefit of all the people of the United States, to the employees of the Postal Service, and to the overall efficiency of the postal system.

Mr. McGEE. I thank my colleague from Hawaii for his comments.

Mr. COOK. Mr President, will the Senator from Wyoming yield for a statement of approximately 5 or 6 minutes, and then will he yield for some questions?

Mr. McGEE. I am glad to yield to my good friend from Kentucky.

Mr. COOK. Mr. President, on July 30, 1970, the Senate and House conferees to H.R. 17070, the Postal Reorganization and Salary Adjustment Act, completed the final action on this important legislation. However, directly contradicting the wishes of 93 Senators, including the distinguished senior Senators from Wyoming and Hawaii, my amendment making the U.S. postal service subject to title VII of the Civil Rights Act of 1964 was deleted from the final version.

In fairness to the hardworking and conscientious conference members, this provision was deleted only upon the advice of the U.S. Civil Service Commission, as contained in a memorandum to the conferees, and by reason of the efforts of one of the House conferees who stated that the House was adamant, and would not accept it under any circumstances.

At this time, Mr. President, I ask unanimous consent to have this memorandum from the Civil Service Commission printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Comments on Senate Amendment to Section 510(b)(6) of Senate Substitute to H.R. 17070 Making the U.S. Postal Service Subject to Title VII of the Civil Rights Act of 1964

Senator Cook proposed this amendment apparently on the basis that Executive Order 11478 dealing with equal employment opportunity in the Federal Government would not apply to the new Postal Service. As reported in the Congressional Record, Senator Cook said:

"In effect the civil service regulations, such as those involving inspections, grievance procedures, and appeals are denied to postal employees."

Since the new Postal Service would be in the Executive Branch of the Government and Executive Order 11478 applies to the Executive Branch, employees of the new Postal Service would continue to have coverage under the Executive Order. They would have the same coverage as employees of Federal agencies and Government corporations, such as TVA, now have under the Order.

PRESENT PROCEDURES ON DISCRIMINATION COMPLAINTS

Under present Civil Service Commission procedures issued pursuant to Executive Order 11478, a post office employee or an applicant for employment who believes he or she has been discriminated against because of race, color, religion, national origin or sex has an opportunity for informal counseling in order to help resolve the complaint. If this is not successful, the employee may file a formal complaint which will be investigated by Post Office staff, followed by another attempt at informal resolution. If the employee is still not satisfied, he or she has a right to a hearing before an independent third-party appeals examiner, trained and certified by the Civil Service Commission, and from outside the Post Office Department, who makes a recommended decision to the Department head. If still not satisfied, the employee may appeal to the Commission's Board of Appeals and Review for final review. The Board will order corrective action giving relief to the complainant where appropriate.

The key is emphasis on informal resolution of the problem and the achievement of corrective action through an informal procedure. During the period, January-March 1970, *771* postal employees who alleged discrimination were counseled and only *93* filed formal complaints, indicating that the great majority of cases are settled by informal procedures within the Post Office Department.

EFFECT OF THE COOK AMENDMENT

Under the Cook amendment, discrimination complaints in the new Postal Service would come under the jurisdiction of the Equal Employment Opportunity Commission. EEOC investigators would make investigations of each complaint. If the EEOC determines that there is reasonable cause to believe the charges true, and where its attempts at voluntary compliance fail, the Commission notifies the aggrieved party that he may file a civil action in an U.S. District Court against the Postal Service seeking relief. EEOC has no power to require compliance with its findings.

A discrimination complaint case is handled under Commission procedures within six months. EEOC cases take over 22 months to process, exclusive of any court time.

Mr. COOK. Mr. President, I might digress here to say that we had attempted to obtain advice from the Civil Service Commission when we were preparing this amendment. However, they were not really willing to discuss it with us. We also tried to solicit information from the Equal Employment Opportunity Commission.

Mr. President, the thrust of this memorandum is that the postal service would be a part of the executive branch, and, like the Tennessee Valley Authority, its employees would be covered by Executive Order 11478, which deals with equal employment in the Federal Government. This so-called "memorandum" makes no reference to any other legal or statutory citation.

After reviewing the statutory authority for the Tennessee Valley Authority, and the proposed authority for the U.S. postal service, I must take issue with the very shallow advice offered to my colleagues by the Civil Service Commission.

Mr. President, 16 United States Code 831(b) specifically states that the Board of Directors of the TVA "shall without regard to the provisions of Civil Service laws" hire employees necessary for the transaction of its functions. In effect, the Congress has stated that this independent agency shall ignore Civil Service regulations in regard to employment relations. However, at this particular moment I am not so concerned with past congressional action on the TVA, but, rather this memorandum which treats so lightly the rights of employees of this new postal service.

Mr. President, H.R. 17070 still does not insure implementation of the Federal policy prohibiting discrimination in employment on the basis of race, religion, sex or national origin. While section 410 of the Postal Reorganization and Salary Adjustment Act attempts to apply the "policy" of nondiscrimination via 5 U.S.C. 7151—it specifically states that this does not apply to postal service employees "unless expressly made so applicable." Title 5, section 7151 of the United States Code provides the basis for Presidential authority "to carry out" this policy of nondiscrimination. Therefore, Executive Order 11478 will not as a matter of positive law protect postal service employees because it is not made "expressly applicable" to this new independent agency as required by section 410 of H.R. 17070.

It is inconceivable to me that the Congress, in an era when it is trying to reestablish its authority, would abdicate its responsibility in this vitally important area of employee protection.

Therefore, I urge Senate action in either one of two ways. First, the amendment adding title VII of the 1964 act to the Postal Reorganization Act could be reinstated. In the alternative, the restrictive language in section 410 (b)(1) could be deleted, and positive wording bringing the postal employees within the Civil Service procedures be added.

In its memorandum to the conferees, the Civil Service argues that its proceedings are superior to those of the equal employment opportunity commission in two ways. A discrimination complaint processed by the Civil Service Commission takes approximately 6 months, while a similar EEOC proceeding requires 22 months. I would recommend that the EEOC study this matter and see why they are taking 22 months to solve problems that the Civil Service Commission states that it can do in 6.

Also, under present law, the EEOC has no authority to require compliance of its ruling, but must file suit in a Federal district court for a cease-and-desist order.

Perhaps, it would be incumbent on the House Members to see that H.R. 17555, which gives the EEOC authority to issue cease-and-desist orders, be passed and sent to the Senate.

Mr. President, at this late hour of the legislative proceedings on H.R. 17070, I shall not argue the relative merits of either proposal. However, the Senate must act in a positive manner and close this very important gap in employee protection. The fine men and women who will serve in this new postal service deserve the same protection that other Federal employees or employees in a private industry now have as a matter of law.

Mr. President, I want to give credit to both the distinguished Senator from Wyoming and the distinguished Senator from Hawaii because they kept my office advised, and supported the Senate position on this bill. However, I cannot understand, the adamant position of the House conferees and the reason that we gave way on an amendment of such importance that was passed by the Senate by a vote of 93 to 0.

Mr. McGEE. Mr. President, may I say to my friend, the Senator from Kentucky, who has made a very eloquent case for what we have called in the vernacular of the conference the Cook amendment, that the 93 to 0 vote in the Senate was testimony to the consensus of opinion supporting his amendment.

This was less a concession to the House and its insistence than it was to the persuasion of the conferees in consultation with the legal minds involved in the interpretation of the law and in consultation with the Chairman of the Civil Service Commission that, indeed, in this instance a very strong case was made that the equal rights provision would redound in more equal terms and more forceful terms under the Executive order that is now on the books than going through the EEOC.

It was on that ground that the Senate conferees decided that because of the absence of similar language on the House side, we were really making a stronger case procedurally, because we were achieving the goals that the 93-to-0 vote spelled out on the Senate side.

The Executive Order No. 11478 has been interpreted as applying specifically to all of these new employees, because it applies to the employees of the Federal Government, and this new independent agency comes under this aegis. With that in mind, it is under this procedure of the President's Executive order that any applicant who feels that he has a grievance, any postal employee, has the prerogative, on whatever grounds under the law, to seek an informal counseling session to begin with in order to help resolve the abuses of which he thinks he is the object.

If this is not successful, the employee may file a formal complaint which will be investigated by the Post Office staff, to be followed by another attempt at resolution. If the employee is still not satisfied, he or she has a right to a hearing before an independent third party appeals examiner, trained and certified by the Civil Service Commission, and from outside the Post Office Department. This would, in turn, make a recommended decision to the Department head.

If still not satisfied—and here is step 4 or 5 in the procedure—the employee may yet appeal to the Board of Appeals and Review for a final review.

There is not discrimination here against these new employees of the postal service, because they are postal employees. What is more, it carries out in the ultimate form an enforcing process that would be lacking in these particular grievances of theirs, however, much they are appealed under the EEOC.

On that ground, we felt that the case was a little tighter and it was for that reason that the Senate receded.

Mr. COOK. Mr. President, if the Senator would yield, I can only say that, knowing that this bill would be subject to amendment in the future, the distinguished Senator from Wyoming and the distinguished Senator from Hawaii will some time in the future accept the Cook amendment.

I will tell the Senator why. The first time a major problem presents itself within this postal service corporate structure, it will be pointed out that there are many hundreds of women working for the Post Office Department today and doing the same job as the men next to them, but for less money.

The first time that point is raised, a collateral argument or defense will be raised in the hearing that Executive Order No. 11478 does not apply because of section 410(b)(1).

They may be successful because the so-called memorandum of the Civil Service Commission shall be accorded no weight of authority in establishing legislative history.

I fear that by reason of section 410 (b)(1) that 5 U.S.C. 7151 is not made specifically applicable to the postal service, and therefore, Executive Order 11478 will not apply. Title 5, section 7151 is the catalyst by which Executive Order 11478 becomes operative. But, section 410(b)(1) of the bill does away with that catalyst in regard to the postal service.

Mr. McGEE. Mr. President, may I report to my friend, the Senator from Kentucky, that we do have an obvious difference in interpretation or perhaps expectation in this regard.

I think it is a genuine and sincere one. We believe it is going to come out in the way he and I and the 93 Senators who voted with him intended.

I might add that this colloquy will reenforce for the public record the intent of the Senate. I am sure the Senator would be the first person to agree that how this comes out is what we are concerned about rather than what words may or may not say. The conferees believe we will, indeed, achieve the laudable purpose that the Cook amendment intended. If it does not, if we discover that the conferees were proven to be wrong in their expectation and that the fears of the Senator from Kentucky are warranted by subsequent decision or action, then I can guarantee to him that this body would proceed at once with the urging of members of the Committee on Post Office and Civil Service to legislate appropriately without delay. We believe it is not necessary. That is our judgment. The Senator deems it is necessary. I can only guarantee we would move and move with expedition should this impasse surface.

Mr. COOK. I hope the Senator is right. I hope this colloquy, which becomes a part of the legislative history, will lay the groundwork for the Civil Service Commission and the negotiating teams in the future that have to handle this matter. I also hope that it will reaffirm the Senate's intention that the amendment which was passed by this body by a vote of 93 to 0 will be enforced within this new department. I further hope that the Civil Service Commission in the future will not be able to say by reason of the wording of section 410(b)(1) of the act, that Executive Order 11478 does not apply. From listening to the distinguished Senator from Wyoming, it is my understanding that it was very clear to both the House and Senate members of the conference that this bill as written and without the inclusion of my amendment, will protect the employment rights of the employees of the new Postal Service. I only hope that this is true.

Mr. McGEE. Mr. President, I ask unanimous consent, in connection with the colloquy between the Senator from Kentucky (Mr. COOK) and me, that a more skillfully structured set of remarks by me by printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

COMMENTS ON SENATE AMENDMENT TO SECTION 510(b)(6) OF SENATE SUBSTITUTE TO H.R. 17070 MAKING THE U.S. POSTAL SERVICE SUBJECT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Mr. McGEE. Since the new Postal Service would be in the Executive Branch of the Government and Executive Order 11478 applies to the Executive Branch, employees of the new Postal Service would continue to have coverage under the Executive Order. They would have the same coverage as employees of Federal agencies and Government corporations, such as TVA, now have under the Order.

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Under the Cook amendment, discrimination complaints in the new Postal Service would come under the jurisdiction of the Equal Employment Opportunity Commission. EEOC investigators would make investigations of each complaint. If the EEOC determines that there is reasonable cause to believe the charges true, and where its attempts at voluntary compliance fail, the Commission notifies the aggrieved party that he may file a civil action in a U.S. District Court against the Postal Service seeking relief. EEOC has no power to require compliance with its findings.

A discrimination complaint case is handled under Commission procedures within six months. EEOC cases take over 22 months to process, exclusive of any court time.

Mr. FONG. Mr. President, I wish to join the distinguished Senator from Wyoming in his remarks and his colloquy with the distinguished Senator from Kentucky.

The distinguished Senator from Wyoming stated that we feel that the provision relative to what the Senator from Kentucky was alluding to will be sufficient to take care of the problems of our civil service employees in the Post Office Department. Should it fail to bring the desired results, the Senator from Hawaii will join with the Senator from Wyoming to see that that amendment is enacted.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, as one of the Senate conferees on postal reform, I would like to comment on the conference report before us today.

It was a great pleasure and honor to serve as a representative of the Senate in the effort to iron out our differences with the Members of the other body.

The Senator from Wyoming (Mr. McGEE), as chairman of the Senate Committee on Post Office and Civil Service, did an outstanding job in the lengthy deliberations over postal reform, and is to be commended for his fine efforts. The Senator from Hawaii (Mr. FONG) also can be proud of his labor on this massive legislation. His reasoned and knowledgeable approach to this intricate subject contributed greatly to the success of our negotiations which, while lengthy and sometimes tedious, were conducted in a cordial atmosphere with the Members of the other body.

Additionally, I would like to comment on the support provided by the staff. Without the knowledge, dedication, and long hours devoted to this bill by David Minton, Clyde Dupont, and the other members of the Senate committee staff, it would have been virtually impossible to produce this comprehensive legislation; and I would like to thank them for their unsung efforts.

We have succeeded in producing a bill that will revamp a system that has been an integral part of American life since the days of the Pony Express—the Post Office. Over the past 180 years it has provided a vital communications link for the American people. This system has carried good news and bad; bills and pay checks; packages of all sizes, shapes, and types. Over the years, the volume and demand on the system has increased tremendously and some facets of the system have become impractical and obsolete as a result.

This bill is an attempt to correct those problems and thereby improve the efficiency of the system. It will create a postal system devoid of politics. Employment and advancement will be based on what a person knows, not who he knows. Proficiency, not politics, will be the guideline.

The management structure will be patterned on the corporate form so successfully employed in the private sector, with a Board of Governors determining policy and the Postmaster General acting as the chief management official. The Board will have the responsibility of operating the Post Office in a manner that will be paying its way, with the exception of a small subsidy appropriated annually by the Congress.

That subsidy will cover the public service value of the mail and, after 8 years at 10 percent of the 1971 budget, it will decline at an equal annual rate of 5 percent in the 13th year, when consideration will be given to making the Postal Service totally self-supporting.

A key to the finances of the new service will be an independent five-man body known as the Postal Rate Commission. It will be its responsibility to set rates to provide the necessary revenues to cover the costs. In doing this, however, it will afford a degree of preferential treatment to certain types of charitable nonprofit organizations which currently depend upon reduced rates to operate their vital services.

Included among these nonprofit organizations are churches, charitable organizations, libraries, educational organizations, veterans groups, and agricultural publishers. The contribution of these groups, particularly those engaged in health research and rehabilitation, cannot be measured. And, without such preferential rates, their effectiveness would be significantly reduced.

With enactment of this legislation, Congress will take steps to get out of the postal business. The American people and many of my distinguished colleagues have wanted to separate the Congress from the delivery of mail for many years. Now it can be done, and it can be done without interruption of this vital service.

I believe this legislation provides incentives for postal workers to make this new system work. It gives them the right to negotiate for increased benefits and wages, much as workers in the private sector. And it gives them a retroactive 8-percent pay raise that will do much to bring them up to a level of comparability with the private sector. In return, we believe that they can operate the new Postal Service economically and efficiently; and I am confident they will succeed in the challenge of revitalizing this massive system. Now it is up to them.

Mr. HANSEN. Mr. President, today the Senate is opening a new chapter in the history of the U.S. postal service. Postal reform is long overdue.

Our action today offers new hope to the postal users of this Nation for fast, efficient, and dependable service provided by modern facilities and the latest equipment.

It also promises to provide postal workers with fair wages, increased opportunities for advancement within the postal service, improved working surroundings and increased incentives to provide superior service. In addition, the Congress has preserved the traditional right of the postal worker to exercise freedom of choice in determining participation in the activities of labor unions.

President Johnson called the attention to the Nation to the possibility of a collapse of the postal service and appointed a blue ribbon commission to study the post office and recommend remedial action. On assuming office, President Nixon immediately asked the Congress to enact legislation to modernize the postal system. The Congress has acted now to fulfill its responsibility.

The postal reform legislation before us today is an outstanding example of the ability of this Nation to adapt, in an orderly fashion, its institutions to the needs and conditions of society today and continue to provide our citizens with quality governmental services.

I am pleased that, at long last, the postal reform legislation is to become a reality.

Mr. COOPER. Mr. President, today the Senate votes on the conference report on H.R. 17070, the postal reorganization bill.

When this bill was considered by the Senate on June 30, I approved many of its provisions including those that would provide for an 8-percent pay increase for postal employees retroactive to April 16, 1970, and other benefits to the postal workers. However, I could not support a provision in the Senate bill, as reported by the Post Office and Civil Service Committee and later adopted by the Senate, which provided that a union shop for postal workers could be a subject for collective bargaining between the Postal Service and union representatives.

I oppose such a compulsory union provision when applied to Government employees.

I spoke against this provision in the debate, stating that it was my conviction that Americans who wish to become a part of the Government and serve the public should be encouraged to do so, and should not be required to join a labor organization and pay union fees, in order to enter or continue in public service.

Because of this union shop provision, I voted against the bill.

In doing so I also considered that if this provision became law it would only be a matter of time before the union shop would be extended to and required of all Federal employees.

This provision was eliminated in conference and employees of the Postal Service will not be required by the bill to join a union in order to be approved for employment.

I can now vote for the report. But the Congress must watch this situation in the future.

Mr. President, no citizen of the United States should be required to become a member of a union as a condition for being approved for employment by his government. The first loyalty of all of us who work for the Government is to the Government of the United States.

I would like to make one further comment. The bill provides for the selection and promotion of qualified postal employees to be postmasters by regional selection boards. I do not believe this method of selection will be an improvement over the present practice of the Department's receiving recommendations from Members of the House and the Senate. I opposed this method of selection of postmasters when the Senate considered S. 1583 on August 12 of last year. I spoke against transferring the method of selection from the Congress to a board and voted against the bill transferring this power. I intend to keep close check on the way selections are made—and insist that it is fair to Republican Party members—as it has not been thus far—and that competent and respected citizens are chosen.

Mr. President, I ask unanimous consent that my statement of June 30, 1970, on the postal reorganization bill and my statement of August 12, 1969, be included in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Mr. COOPER. Mr. President, I shall vote against the bill, only because of its compulsory union provisions. If this is corrected in conference, I will vote for the bill, as I approve the advances in pay scale, and other benefits.

Section 1309 of the Senate bill would extend the provision of the Taft-Hartley Act to the employee-management relations provided in this bill.

Section 14(b) of the Taft-Hartley Act authorizes States to enact legislation which would prohibit the union shop as a condition of employment in any collective bargaining agreement. Some 19 States have enacted laws prohibiting the union shop. In the remaining 31 States, of which group is included Kentucky, the union shop requirement is the subject of collective bargaining between employer and the certified union bargaining representatives.

Under the Senate bill, the union representatives and the Board of Governors of the Postal Service could enter into collective bargaining agreements providing for a union shop, but only in those States where no State law, enacted pursuant to section 14(b) of the Taft-Hartley Act, prohibits such agreement. Thus, under the committee bill, employees in some 31 States could be subject to the union shop requirement and employees in the remaining 19 States could not be required to join a union.

Federal employees have historically enjoyed the right to work for their Government without joining a union. In Executive Order 10988, President Kennedy set forth the basic policy for labor-management relations in the Federal service as follows:

"Each employee . . . have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right."

This Executive order was continued in force and effect by President Johnson.

President Nixon followed in this tradition and issued Executive Order No. 11491 which states in section 1(A) the following:

"Each Federal employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

I am informed that at the present time, there are approximately 750,000 postal workers. Of this group, some 250,000 do not presently belong to a union. Under section 1309 of the Senate bill, the officials of the Postal Service and the postal union can negotiate union shop contracts in the 31 States in which they are not outlawed, which contracts would require postal employees to join a union and pay union dues in order to keep their jobs. I repeat, in order to keep a Government position.

In 1947, I voted for the Taft-Hartley Act. However, I make a very clear distinction between private employment and Government employment. I believe that one of the great promises of our country and one of its virtues is that Government employment is open to all, with persons qualifying at various levels according to their abilities without any requirement that they must be affiliated with a union to obtain or retain their employment, or with any other organization.

I note that in his testimony before the House Post Office Committee, Mr. George Meany, president of the AFL–CIO, a very honest man, stated that the union shop agreement for postal employees through collective bargaining will be the first step toward unionizing all employees in Government departments and agencies whether or not an employee desires to become a member of a union.

In conclusion, I believe that those Americans who wish to become a part of the Government and serve the public should be encouraged to do so, should owe their loyalty 100 percent to the Government, and should not be required to join a labor organization in order to continue in public service.

I have supported all legislation to enable non-Government workers to freely decide whether they shall be affiliated with a union—and the union shop principle. But I cannot vote for compulsory union for Government employees, requiring them to join unions, to pay checkoff dues, and to rely on their union for proper pay, benefits and working conditions, and Government employment itself, rather than rely on the U.S. Government and the States to which all of us owe our loyalty.

APPOINTMENT AND PROMOTION IN POST OFFICE DEPARTMENT ON BASIS OF MERIT AND FITNESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, pursuant to the motion entered on July 9, 1969, the Senate reconsider the vote by which S. 1583 was previously passed by the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1583) to provide that appointments and promotions in the Post Office Department, including the Postal Field Service, be made on the basis of merit and fitness.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, this bill was reported unanimously by the Committee on Post Office and Civil Service, by those present. We have agreement on all sides that no objection is being filed to the bill.

I think the Senator from Kentucky would like to make a statement in regard to it. I know of no other statements that anyone has requested to make.

Mr. COOPER. Mr. President, this measure was brought up, as I recall, in the morning hour, on the calendar and was passed with a number of other measures. I do not excuse myself for not being present at the time. The Senator from Texas (Mr. YARBOROUGH) later made a motion to reconsider, and the bill was brought back from the House.

Mr. McGEE. It was brought back from the House; yes.

Mr. COOPER. I have talked with the Postmaster General about his proposed plan for the selection of postmasters. I have read the report of the committee, and I have read with care the statement of Postmaster General Blount, and other witnesses who testified in hearing before the Senate committee.

I must say that I cannot find fault in the principle of removing postmasters from politics, if it is possible. Talking with the Postmaster General, I inquired how the committees, which will select the postmasters, will be constituted. He explained that a number of private citizens would be appointed to these committees, that some of the members would be officials of the Post Office Department, and, in the regional committees, some members would be local postmasters.

I urged the Postmaster General that he watch carefully to see to it that the committees that are named to select postmasters are not politically oriented. In other words, it could be that there would exist a natural bias to accept the recommendations of Members for appointments of individuals from their own parties. I know that their recommendations must be considered at higher levels and finally passed upon by the Postmaster General. However, political factors could grow up in these selection committees, as has been done under the present system. I hope that will not occur.

The Senate committee unanimously voted for the changed principle.

Mr. McGEE. Mr. President, I should explain that the Senator from Texas was not able to be present at that particular session so I would not want the word "unanimous" to include him in the unanimity. He had some reservations about it.

Mr. COOPER. Mr. President, I assume that no other Member of the Senate other than Senator YARBOROUGH will raise any question about this bill and that it will be passed without opposition. I have thought the matter over. I know the questions that arise when political selections are made by Members of the Congress. But I must say, with the exception of large post offices which deal with millions of dollars, I am sure that the recommending bodies in the new plan could not make better selections than Senators and Members of the House.

I remember an old citizen of my county, a rural county, once said to me that before we had so many governmental agencies, that the post office, in cities, towns, and in rural sections with the flag flying over it, was the link between the Federal Government and the people. Postmasters are very much respected in smaller communities, as outstanding citizens of the community. Members of Congress and the Senate have taken care to appoint men and women of integrity and men and women who would represent faithfully the Government of the United States, and bring credit and honor to the Government and their communities. This is my judgment with few exceptions of the thousands of postmasters who have been appointed under the political system.

I believe, even though this measure has been recommended by the President and the Postmaster General and has been approved by the committee, that the smaller post offices, rural postmasters, and letter carriers could be selected better by the Members of Congress, who know the communities and people than by this new plan.

In addition to being efficient postmasters, and this is a chief requirement, postmasters must deal with people. The regard of the people of the community for the Government depends in large degree on the way they are treated by these representatives of the Federal Government. And we in the Congress have better judgment on this factor than some committee far away.

I must say I would have been glad if post offices in cities of 25,000 or over, or 50,000 people or over, had been classified for nonpolitical appointments or by the volume of business, and left the appointment of postmasters for smaller communities and rural areas to Members of Congress. The job could be done better. What could a committee drawn up of men from various groups over the State know about a post office and postmaster in a place like Pippa Passes, Ky., or Mayfield, or Burnside, Ky.?

Mr. McGEE. Or Spotted Horse, Wyo.

Mr. COOPER. I do not wish to place my opposition solely on that ground. I must say it would have been politically fair if there had been at least 2 years given to my party to catch up—we never could catch up, but we could have 15 to 20 percent of the post offices. It would be fair to my party. I live in a Republican county. I do not live in a Republican State. I have been in political life since 1925, and that makes 44 years.

When President Roosevelt came into power all Republican postmasters were fired. Then, when he was in office civil service was instituted and his party members were frozen in their jobs. When President Eisenhower was elected. Republicans believed at first they could come back, but they had been fired and frozen out. They are left out forever, with the exception of a few appointees during President Eisenhower's administration.

I do not think it fair to Republicans. I have recommended some Democrats as well as Republicans in my service. I have loyalty to my party, fairness to its members and this plan does not provide them an equal chance. Chiefly, I know that the boards sitting in Cincinnati or Cheyenne, Wyo., cannot select a postmaster for Pippa Passes, Ky., Cain's Store, Ky., or Waterloo, or Spotted Horse, Wyo., better than I can, or the distinguished chairman of the committee, Senator McGEE.

I shall vote against the bill. But I do give my thanks to the able Senator from Wyoming, Senator McGEE, for his fairness and to the distinguished Senator from Texas (Senator YARBOROUGH) for speaking up for the smaller communities and rural sections of Texas and the United States. I vote against the bill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending conference report be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 17123, Calendar No. 1020, the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, a special panel appointed by President Nixon last year has made a strong recommendation that the Defense Department stop the practice of giving Members of Congress advance information on contracts that are being awarded in their States on the basis that as the Congressman or Senators make the announcement of the award he perhaps can get some credit for having obtained a project or contract for his State.

For years I have been critical of this procedure, which has been the practice for all preceeding administrations as well as the present one, and I commend the Presidential panel upon its recommending that this questionable procedure be abandoned.

It should be abandoned because it is highly misleading. First, if the Member of Congress had anything whatsoever to do with obtaining this contract or if the Defense Department awarded the contract on the basis of the recommendation of a Member of Congress they were both in violation of the law which prohibits Government contracts from being awarded on the basis of political pressure or influence. Yet if a Member of Congress announces the awarding of the contract the industry involved naturally feels that he must have been of some assisttance, and likewise the unsuccessful bidders would feel that their mistake was in not having contacted the congressional office.

This policy gives the impression that influence peddling is a normal procedure.

I know of no better example to show just how ridiculous this practice has become than to relate an incident of a couple of years ago at which time I met an official of the Defense Department in the corridor.

In the conversation he asked the location of a certain Senator's office and mentioned that he was checking his watch to see just what time it was and how long it would take him to get there.

It developed further that two other officials were in the Capitol, one headed to the office of the other Senator from that State and one in the House of Representatives ready to notify the Congressman in the district.

It appeared there was considerable jealousy within the congressional group, and to avoid criticism the Department of Defense had sent three men to the Capitol with instructions to enter these offices at a scheduled moment.

The manner in which they were synchronizing their visits would almost let one think that they were getting ready for a major military maneuver.

I know of but one reason that can be advanced in favor of this practice of allowing Members of Congress to announce contracts; and that is, it would help their constituency to determine just who is the laziest man in the congressional delegation because the hard working and energetic Member of Congress would be busy attending committee meetings or attending to his duties on the House or Senate floor, whereas the lazy Member of the delegation would be back in his office more often with his feet propped up on the desk, and when the notice of the contract arrived he could be awakened and set the wheels of publicity in operation ahead of his colleagues.

Political influence in the awarding of Government contracts should not be encouraged, nor should either the Congress or the administration condone a policy which gives the appearance of influence peddling.

To put a stop to this unsound practice I am submitting an amendment to the pending bill, H.R. 17123, which will prohibit in the future this administration or any other administration from releasing this information through congressional or political sources.

So I send the amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER**. The clerk will read the amendment.

The assistant legislative clerk, Mr. Ast, read the amendment as follows:

At the end of the bill add a new section as follows:

SEC. 507. (a) No information concerning the identity or location of the person to whom any contract has been awarded by the Department of Defense shall be given to any individual, including any member of Congress, in advance of a public announcement by the Secretary of Defense of the identity of the person to whom such contract has been awarded.

(b) On and after the date of enactment of this Act, whenever the identity of the person to whom any defense contract has been awarded is to be made public, the Secretary of Defense shall publicly announce that such contract has been awarded and to whom it was awarded.

Mr. **WILLIAMS** of Delaware. Mr. President, if the managers of the bill are willing to accept the amendment, I am willing to have it accepted by a voice vote. Otherwise, I want a yea-and-nay vote.

Mr. **BYRD** of West Virginia. Mr. President, the manager of the bill is not presently on the floor, so I would like to suggest the absence of a quorum.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 816

THE FLY BEFORE YOU BUY AMENDMENT

Mr. **PROXMIRE**. Mr. President, I am introducing today an amendment to the military authorization bill whose purpose is to carry out the fly before you buy recommendations of the Fitzhugh Commission—the so-called blue ribbon committee which has just made its report to the Secretary of Defense.

I have been very critical of the Commission, its membership, and the procurement portion of its report. I made a speech in the Senate last Thursday detailing my criticisms and objections to those portions of the report allegedly dealing with the problems of overruns, procurement, and weapons system buying.

But there is one overall recommendation in the report which has received general support. That is the recommendation that in the procurement of military weapons the Pentagon should fly before they buy, or to put it another way, develop fully tested and fully working prototypes before hundreds of millions or billions are spent for production. The point is to make certain, through the development of prototypes and full testing, that the bugs are out of the system before the production runs begin. This obviously was not the case with the C-5A, with the TFX, with a score of missiles, with the MBT 70 tank, and with numerous other weapons systems which universally have cost more than the original estimate, which are delivered a year or two too late, and which fail to meet their specifications.

There are some ironic facts about the fly before you buy recommendation. First of all, I thought that the policy was already in effect. About a year ago at a time the Department was under great criticism for its vast deficiencies in procurement, it announced that it was turning to the Milestone system of procurement. Milestone merely meant that the Department would proceed, stage by stage, to research, development, contract definition, and production of weapons. It was a fly before you buy policy. It was announced with considerable flair. As a result, I thought the Defense Department was already following the policy.

My best judgment is that one of the Department's public relations officers, for whom we pay at least $40 million a year, devised a new slogan. "Fly before you buy" is certainly snappier than "Milestone." It has been worth 2 or 3 days of publicity and has obscured, to a very considerable degree, the deficiencies of many of the procurement aspects of the report and the controversy over many of the proposals for the reorganization of the services and the Chiefs of Staff.

But the real test is, do they mean it? Do they really mean business?

I have gone to the Fitzhugh report where on pages 74 and 75 I find a dozen recommendations which are designed to carry out the "fly before you buy" policy which the Department has embraced so enthusiastically. I have taken those recommendations, almost precisely as given in the Fitzhugh report, and I have drafted an amendment to implement them.

The amendment requires that before any weapons system can go into production, the Secretary of Defense must submit a report to the Armed Services and the Appropriations Committees of the House and Senate indicating the degree to which the Department has complied with the Fitzhugh recommendations which make up the "fly before you buy" policy.

The requirement to send the report to both the Armed Services and the Appropriations Committees is important because systems are authorized by the Armed Services Committee but funded by the Appropriations Committees.

The requirement that the Secretary of Defense should make the report, rather than the individual services, is an effort to give the Secretary some means of enforcing the "fly before you buy" recommendations during the research, testing, and development stage of a weapons system.

The amendment does not prohibit the authorization or funding of the production of the weapons system if the service has failed to follow the "fly before you buy" conditions. There may be a number of reasons in any one case why a particular condition is inappropriate, impossible to fulfill or unnecessary. But where Armed Services or Appropriations Committees have authorized or funded the production of a weapons system and where the fly before you buy conditions have not been met, the amendment requires that the committee state that fact in the report on the bill which authorizes or funds the production of the weapons system.

May I point out that that statement would be involved only when a request was made to authorize or fund production of the weapons.

Last Thursday in my statement on the Senate floor, I proposed certain questions to the distinguished chairman of the Armed Services Committee (Mr. Stennis) which grew out of the fact that many of the weapons systems authorized in this bill were originally asked for by the Pentagon before prototypes had been tested and before research and development had been completed. I was pleased to note that in case after case, the Senate Committee on Armed Services had cut out or cut back on funds where the Pentagon had asked for production funds before the weapon was adequately tested. I commend the chairman for that action.

There were exceptions, however, as we all know, in the committee's recommendation. One of the most conspicuous exceptions, of course, was the ABM. The whole argument, or at least one of the principal arguments last year for going along with phase I, the first two sites, was that then we could test ABM at those sites to determine whether it was practicable. This was exactly what the Secretary of Defense asked us to do.

Now the committee has proceeded with phase II, or site three, without "flying before we buy" and without testing at those two sites before proceeding.

Even though the Pentagon has had the Milestone system in effect for over a year, it is clear to me that on weapon after weapon they have wholly disregarded their own "Milestone" or "fly before you buy" policy.

My amendment, therefore, is necessary if we are to transform public relations gimmicks into effective policy, and to make the distinction between form and substance.

Let me say a word or two about the specific recommendations of the Fitzhugh Commission which form the 12 conditions in this amendment on which the Secretary of Defense must report.

The Fitzhugh Commission recommended: First, that exploratory and advanced development of selected subsystems and components of weapons systems should take place independently of the weapon system itself.

That is an important point. On hearings held before the Subcommittee on Economy in Government of the Joint Economic Committee on weapons systems, we found that the avionics systems for planes, the radar for ships, and the weapons and sonic systems on the new destroyers were often highly deficient when delivered to the weapon for inclusion in the system. These should be tested and ready to go before they are delivered as components for a ship or plane or tank.

Second, that Government laboratories and contractors be used to develop selected subsystems and components on a long-term level of effort basis.

That, too, is important. There are far too many crash programs for important and vital components of major weapons.

Third, that competitive prototypes be used in addition to or in lieu of paper studies.

It is important that prototypes be used instead of paper studies. No one can really tell how a system will work until it is built.

It is also true that whenever possible, it is good to have competitive prototypes; namely, that more than one company build a prototype before production. But on huge weapons, such as the B–1 bomber, which I do not think should be built in any case, or on a major ship, competitive prototypes may be far too expensive.

Fourth, that production schedules be selectively lengthened, that long range production be contracted for, and that new models of the system not be produced without specific authorization by Congress.

This is very important. We have far too many crash programs. We have far too many weapons systems which have taken on all the aspects of the yearly models of the automobile business. We have also seen the Defense Department shift to the second or third version of a system or a new model of the system without adequate authorization by Congress. At times what is said to be a new model is really a means of spending many billions on a new system without effective control.

Fifth, that concurrent development and production do not take place, until at least a small number of development prototypes have been developed and fully tested and successfully demonstrated.

This is the heart of the fly before you buy policy. Development must come before production. They must not be concurrent, except in the most unusual circumstances.

Prototypes should be developed, tested, and demonstrated successfully before production.

Equally important is that only a small number of prototypes be developed. It is obviously improper to build 25 or 50 fighter planes as prototypes before production. That merely gives the service an argument that so much has been spent already that production must follow in any event.

Sixth, that detailed cost studies be made to establish that a modification of an existing system would not be cheaper to produce and provide sufficient capability than an entirely new system.

I think this recommendation is good and an obvious one. This may help stop the rushing into a new model of a weapon or new weapons while the old one is fundamentally good.

Seventh, that gold plating be eliminated.

Of course, this has been policy for some time, but it needs to be watched on every weapon. It is a policy which needs enforcement and needs to be applied to all weapons. Some of them are so complicated and so sophisticated that they not only cost more money but also do not work.

Eighth, that the type of contract selected is the one most appropriate to develop and assess the technical risks of the weapon.

That, of course, is an obvious recommendation.

Ninth, that the requirement for contract definition not be invoked where it is inappropriate.

That, of course, is a sensible recommendation. But it must not be used to avoid the contract definition stage when it is needed.

Tenth, that maintainability and reliability be assured by means other than documentation during the design proposal stage.

We want proof that a weapon is reliable and can be maintained easily. That proof should be more than the paper work or initial design of the contractor. If such condition had been in effect and the prototype recommendation in effect for our tank program, much of the lack of reliability would have been avoided.

Eleventh, that planning for testing and evaluation occurred early in the development cycle, and that procedures were followed for an effective transition to the test and evaluation phase.

That is an obvious recommendation.

Twelfth, that total package procurement be prohibited as a means of contracting for weapons systems.

That, Mr. President, is music to my ears. I believe I was the first one to criticize total package procurement. Yet Assistant Secretary of the Air Force Charles insisted that it was a great system of procurement even after we had uncovered the $2 billion overrun on the C–5A.

Since I called for the elimination of total package procurement myself, because like so many other methods it was both inherently bad and a public relations effort, I welcome the Fitzhugh recommendation on that point, which comes more than a year after the Defense Department castigated our efforts to do away with it.

I commend the amendment to the Senate. If the Defense Department really means business, they will support this amendment. In the vernacular, they now have the chance either to fish or cut bait.

Mr. President, I send the amendment to the desk and ask that it be printed and lie on the table, and I ask unanimous consent to have the amendment printed in the Record.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table; and, without objection, the amendment will be printed in the Record, as follows:

Amendment No. 816

No funds may be authorized or appropriated to or for the use of the Armed Forces of the United States for the production of any weapons systems until the Secretary of Defense has submitted a report to the Armed Services Committees and to the Appropriations Committees of the Senate and the House of Representatives indicating that the degree to which the Department of Defense has complied with the following conditions:

(a) That exploratory and advanced development of selected subsystems and components of the weapons system have taken place independently of the development of the weapons system;

(b) That government laboratories and contractors have been used to develop selected subsystems and components on a long-term level of effort basis;

(c) That competitive prototypes have been used in addition to or in lieu of paper studies;

(d) That production schedules will be selectively lengthened, long-range production will be contracted for, and new models of the system will not be produced without specific authorization by Congress;

(e) That concurrent development and production did not take place and production will not occur until a small number of development prototypes have been developed and fully tested and successfully demonstrated;

(f) That detailed cost studies establishing that modifications to existing weapons systems still in production or previously in production will not provide sufficient capability at a lower cost;

(g) That elements of the systems or subsystems do not include "gold plating";

(h) That the type of contract selected is the most appropriate for development and the assessment of the technical risks involved in the weapons system;

(i) That the requirement for formal contract definition is not invoked where it is inapplicable to the weapons system development;

(j) That maintainability and reliability have been assured by means other than detailed documentation by the contractor as a part of the design proposal;

(k) That appropriate planning occurred early in the development cycle for test and evaluation, and that procedures were followed for an effective transition to the test and evaluation phase; and

(l) That a total package procurement contract for research, testing, development, and/or production was prohibited.

Whenever the Committee on Armed Services of the Senate or the House of Representatives or the Committee on Appropriations of the Senate or the House of Representatives determines that one or more of the conditions described above have not been complied with by the Department of Defense in the case of any weapons system, that committee shall state in any report prepared by it on any legislative bill authorizing funds for the production of such weapons system or any bill appropriating funds for the production of such weapons system that such condition or conditions have not been met by the Department of Defense.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, my pending amendment reads:

No information concerning the identity or location of the person.

It has been suggested that a comma be inserted after the word "person" and that the words "company or corporation" follow, and I so modify the amendment.

I make the same modification with respect to paragraph (b), following the word "person."

The PRESIDING OFFICER. The amendment is so modified.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 2:50 p.m. today.

The motion was agreed to, and at 1:56 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:44 p.m. when called to order by the Presiding Officer (Mr. BOGGS).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL REFORM—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business, the military procurement bill, be temporarily laid aside, and that the Senate proceed to the consideration of the conference report on H.R. 17070.

The PRESIDING OFFICER. The report will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. The report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. McGEE. Mr. President, in view of the pending rollcall vote on the conference report, it would be the hope of the chairman of the committee that if there are any remaining questions in regard to the conference report, they might be forthcoming within the next 10 minutes, so that we might stay on schedule with the rollcall at 3 o'clock.

The item of most contentious difference between the House bill and the Senate bill, and the one that seemed to be of deepest concern to this body, is that concerning the right-to-work issue—the union shop versus the open shop.

Mr. President, at this point I ask for the yeas and nays on the question of agreeing to the conference report.

The yeas and nays were ordered.

Mr. McGEE. On the question of the open shop or the union shop, the Senate was on record with a rollcall vote and a secondary vote substantially insisting on the right to a union shop if they went through the proper procedures. But in view of the protracted character of the conference, which extended through nearly 3 weeks, morning and afternoon and sometimes later than that, the Senate very reluctantly yielded its position to the House position; and the language in the House, which specifies that there should be no option of a union shop among Federal employees in the Post Office is the prevailing position brought out of conference by the Senate conferees. Because of the bearing that had on the attitudes of a number of Members of this body in regard to the total question of postal reorganization, I think it well that the record show that to be the significant bit of yielding that the Senate did in conference.

On the other side of the coin, the Senate felt very strongly about the key to reorganization resting in the independence of a professional rate board, a rate commission. Again, at the end of very lengthy give and take, the Senate prevailed in that independence.

So the present conference report contains the creation of a five-man rate commission to be appointed by the President, a commission that has specific and complete jurisdiction within the confines of its requirements—namely, that it produce the necessary revenue to meet the costing of the new Postal Service within the bounds defined by the bill; and, second, that it accord through the processes spelled out in the new mechanism its attention to the recommendations by the new postal authority itself—namely, the Board of Governors, which in turn appoints a Postmaster General.

With respect to the other areas that were in dispute in regard to the Federal subsidy that is present in the Post Office today, the House had recommended and the administration had recommended terminating any Federal subsidy. The Senate had insisted that a small Federal subsidy be continued at least for some years to protect the new postal authority against the costing factors in rural areas, in meritorious charitable mailings of one sort or another, in areas in which it was demonstrated that the public interest very clearly was vested.

In an attempt to do that, the Senate's recommendation was that for the first 13 years under the agreement there would be in fact a Federal subsidy grant. That grant would start at the same place the administration grant began—at 10 percent of the 1971 budget of the Post Office Department, or roughly $800 million, and this would continue for 8 years at that figure, under the final agreement, and then recede at the rate of 1 percent a year, until the 13th year it would be subject to absolute termination if in the judgment and the experience of a new postal authority such a termination was called for.

Mr. President, very frankly, this form of subsidy was retained because, in the judgment of the Senate, constantly present in the new independent postal authority would be a public interest and a public image—the image of the Government of the United States of America. As I have said on many occasions, in many of the middle-sized and small towns across the land, the only symbol of their Government, of the American Republic, is the local post office building and its facilities and the flag that flies over it. We did not believe that we ought to assign that to some private operation to protect in the national interest. This belongs to the people of the United States.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from Texas, the ranking member of the Senate committee.

Mr. YARBOROUGH. Mr. President, I call attention to the fact that I did not sign the conference report. As the Senator knows, I do not agree to the proposed legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published today in the Dallas Morning News, entitled, "Small Towns Suffer Loss of Identity."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL TOWNS SUFFER LOSS OF IDENTITY

(By Mike Kingston)

How important is a simple postmark on a letter, that stamp which indicates the point of origin of a piece of mail?

Offhand one might say that, with the exception of stamp collectors, it wouldn't be worth much.

But that's wrong. A simple postmark is much more than that to small towns. It gives them an identity and perhaps some free advertising for what it's worth. But, more important to some struggling rural economies, it means jobs.

In an economy and efficiency drive, the Post Office Department is creating regional processing centers at which mail from many smaller cities is collected and distributed. The small-town postmark is one casualty of the move, and it doesn't sit well with the state's editors for many reasons.

H. M. Baggarly explains in the Tulia Herald:

"Small county seat towns are suffering another blow to their dignity. Towns in the Lubbock area are having all their mail shipped to Lubbock to be postmarked and dispatched to the four corners of the earth.

"We have been informed that towns in the Amarillo area are expected to do the same thing. All Tulia mail will bear an Amarillo postmark.

"All this is said to be in the interest of economy. Already the Tulia post office has had its payroll reduced with abolition of Saturday window service and earlier dispatch of mail at night.

"It's another case of the little guy being called upon to shoulder more than his share of the cost of 'government economy' and 'fighting inflation.'

"As towns like Tulia cut their local post office payrolls, and lose identity so far as mail postmarks are concerned, we wonder how much Lubbock and Amarillo are cutting their post office payrolls.

"This is the trend. The cities solicit funds in Tulia when they want to build a new hospital. Their argument is that the trend is toward concentration of medical care in the cities, with the towns relegated to the status of first-aid stations.

"They take away our identity, any advertising we might get by sending Tulia's postmark to the four corners of the earth. They remove our name from the vocabulary of our own telephone operators.

"But we aren't ignored altogether. We still have a function. We continue to be those poor devils living within the trade territory of Amarillo and Lubbock, who are supposed to provide something approaching half their retail trade. We are supposed to listen to Lubbock and Amarillo television and read their newspapers and then go to Amarillo and Lubbock and spend those dollars we have sucked out of Swisher County's economy.

"That apparently is the role of the small town in our present-day economy. And we wonder why the small-area towns are dying."

Dave McReynolds is no happier in the Stratford Star;

"Part of the governmental agencies are working to head off the drying up of small towns, but it seems that the largest part of all the big industrial giants and our government, too, is determined to do away with the small rural towns like Stratford.

"We've griped a few times in the past at postal service. We have a story about the possibility of Stratford losing its postmark due to the continuing changes in the postal department.

"Simply stated, the sorry mail service we are now going through is due to the big bottlenecks in the larger cities.

"Our esteemed postmaster general in Washington, is determined to cut costs (he says), but it will be at the expense of the user of the postal service, we bet.

"Already we are paying more and getting less for our postal services. If this new plan to send all the mail into Amarillo, where they will be responsible for canceling the letters, etc., goes into effect, who knows what kind of delays that will cause.

"The way it's going now, when the post office gets through being 'improved' there won't be any left."

The situation also has David Penn in the Olney Enterprise confused: "Talking about the post office, you might be interested to know that all the mail sent through the post office in Graham is now being postmarked 'Fort Worth.' All items mailed in Graham are sent to Fort Worth, where they are postmarked and then sent back to Graham for distribution. This is postal efficiency in action.

"The day may be close at hand when letters mailed in Olney to other folks in Olney will be sent to Wichita Falls for postmarking and then returned for distribution."

On the lighter side, Franz Zeiske comments in the Bellville Times: "It is an established fact that some of the components of some glues when sniffed, will make the sniffer 'high' meaning drunk. Makes one wonder how the people who work in glue factories get along."

Mr. YARBOROUGH. Mr. President, rural communities across Texas are having their mail processed in large cities such as San Antonio, Lubbock, and Amarillo, and the mail is being postmarked there. No longer will mail be postmarked at Plainview, Tex., a city of 25,000, or at Hereford, a city of 12,000. County seats such as Bellville and Stratford are being robbed of their identity by the elimination of their postmarks.

An inquiry, Mr. President: Will there be a division of time in the debate on this report? Will the opponents of this report have any time allocated to them so that they can express their views?

Mr. McGEE. I may say to my colleague that the measure has been pending since roughly 12 noon, when it was laid before the Senate; and, for want of those who were prepared to speak for or against, we finally yielded the floor approximately an hour and a half later, in order to abide by the unanimous-consent agreement to vote at 3 p.m.

Mr. YARBOROUGH. I felt that this matter should be laid over until tomorrow. If this were done, there would be many people to speak about it; however, to say at 2 p.m. that there will be a recess does not allow us who oppose this bill sufficient time to speak against it.

Mr. McGEE. The only reason for the recess at 2 p.m. was that no speakers were available who wanted to address themselves to this question.

Mr. YARBOROUGH. Could we divide the remaining time?

Mr. McGEE. The Senator from Texas may have the remaining time until 3 p.m., in toto. The Senator from Wyoming asks for none of it. I am glad to yield to the Senator from Texas.

Mr. YARBOROUGH. I do want to ask the Senator to yield the right to close. Perhaps we could get unanimous consent to vote at 3:05 p.m., and have 5 minutes apiece. Will there be any objection to a unanimous-consent request to vote at 3:05 p.m.?

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BOGGS). The Senator will state it.

Mr. YARBOROUGH. Is it proper to ask for unanimous consent that the vote occur at 3:05 p.m., so that we will have 5 minutes apiece?

The PRESIDING OFFICER. Such a unanimous-consent request would be in order.

Mr. YARBOROUGH. Then, Mr. President, I ask unanimous consent that the vote be postponed until 3:05 p.m., so that we may have 5 minutes apiece. I will gladly share the time with the distinguished Senator from Wyoming.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—I ask unanimous consent that the vote on the pending conference report occur at 5 minutes past 3 o'clock this afternoon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. I yield all the remaining time to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I have in my hand the 5-year plan of operation for the new Postal Service, which shows what is planned when this bill becomes law. It calls for a reduction in employees and wages over a 5-year period that will cut the cost $1 billion. It calls for reduced service to the public. We already have a foretaste of that reduced service—no afternoon deliveries. Business deliveries already have been cut off in practically all the cities in my State. There will be no Saturday deliveries. They are closing the windows in post offices in many cities on Saturdays.

This bill calls for rates to be set by a group of rate commissioners who are not responsible to Congress. The Senate even surrendered to the House and gave away the right to confirm the nominations of rate commissioners. Under this bill, the so-called Postmaster General will be the only so-called Cabinet officer whose nomination will not be confirmed by the Senate.

I have just read into the RECORD what is happening in many cities in my State with a population up to 25,000. Plainview is the county seat of Hale County, which is one of the 10 richest counties in America in agricultural production. There the mail is being processed in Lubbock or Amarillo.

They are destroying the identity of small towns and cities all across Texas. This is the so-called new Postal Service. It is not service. It is a denigration of this Government.

This measure is the Tonkin Bay resolution of domestic government in America. It is going to pass here overwhelmingly, but many Senators who will vote for it today will wish next year that they had not voted for it and will wish even more that they had not voted for it in the years to come. This bill actually calls for less service at greater cost. People will be paying and paying for it. This bill will destroy the concept of the postal service as a public service institution. It has substituted the word "service" for "corporation," It takes the Post Office out from under the control of the President, the executive branch, and the Congress and turns it over to a group of hand-picked individuals who are responsible to no one.

I predict that future Congresses will be back here trying to recapture its duties provided for under the Constitution, where Congress has the right to establish post offices and postal roads.

The Post Office was the first branch of Government to be established, in 1774. In June of 1775 they decided they needed an army and elected George Washington. In 1776 the Declaration of Independence was signed. Benjamin Franklin advised that the need for a postal service was of first importance, and that was the first branch of any public service we had in this country. Congress has undertaken to surrender and destroy it now and turn it over to a private group.

Whatever name we call it, we are still turning it over to a private group. We have not done that with the Interior, Labor, Commerce, or Defense Departments, and we have not done that with the Attorney General's office. Maybe, in the future, we will turn the Attorney General's office over to a private firm and let them handle the Government's business; or lease big war contracts out to private firms and do away with the Defense Department because it can all be done cheaper.

The Post Office is the only branch of Government which the Constitution specifically directs to be established by Congress. In this case, with this bill, the word "service" will not be there anymore. The plan is there already to destroy the afternoon delivery of mail.

We need to improve the postal system, not destroy it. The only reason the bill passed was that the postal employees are so terribly underpaid and they have used that low pay as a vehicle to ram this bill through and get the postal service away from the people.

Let me say to all Senators, particularly from farm States, that it has not hit their State yet, but it will as soon as this bill is passed. That is the plan of the Postmaster General.

We will see increased costs and a slowdown in the mail service. It does not make any difference where we mail anything from. The incident of sending the mail from Muleshoe, Tex., 70 miles, and then to a point 15 miles from the point of origin, losing 3 days in going from the point where it was mailed to a central distribution point like Lubbock or Amarillo, and to come down to a county seat 30 miles away, losing 3 days and losing mail efficiency in that way. They say it has been implemented by pilot projects and programs, but they are bad. The mail service is being destroyed in these small communities.

I say to the Senate that everyone will feel the pinch when this bill becomes law. Congress is surrendering its constitutional duty in establishing and running the Post Office. It will all be gone.

Mr. President, I ask unanimous consent to have printed in the RECORD my statement in full and the article on the 5-year plan on the postal service and how it will be destroyed.

There being no objection, the statement and memorandum were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR YARBOROUGH ON CONFERENCE REPORT ON H.R. 17070, THE POSTAL REORGANIZATION BILL

Mr. President, we are on the threshold of completing the job of destroying America's oldest public service institution, the United States Post Office. For nearly two hundred years, the Post Office has stood as a symbol of our nation's commitment that all people, regardless of their position or means, have a right to enjoy equally the services provided by our government. From the birth of democracy up to today, all our citizens have been able to use the postal service. The bill which we are about to take final action on would reverse our policy of equal government services for all and turn the Post Office into an instrument for making up deficits in the Federal budget at the expense of the American people. If there is one public service that our people cannot do without, it is the mail. Consequently, under the new postal corporation, the Post Office will be able to extract every cent the traffic will bear from a captive group of mail customers. The very purpose of this bill is contrary to every concept of democratic government.

In this late hour, it is important that we in Congress stop and search our souls before we vote on this measure. This is not a bill that can be passed and soon forgotten. On the contrary, the Post Office is one vital link that binds all our states together into one union and connects America with the rest of the world. If any institution in American life should be operated solely for the benefit of the people, it is the Post Office. Therefore, before Congress takes the Post Office out of the hands of the people and turns it over to individuals who are not responsible to the people's elected representatives, it is imperative that we ask ourselves certain questions.

First, how did this bill make its way through Congress? The answer to this question is clear. This bill would never have obtained the approval of both Houses of Congress had the Administration not cleverly tied it to the just demands of postal workers for a pay raise. In short the Administration captured the cause of the postal workers and used it as the lever to force this infamous bill through Congress. Thus, the postal workers became the unwilling pawns in the Administration's game. Never have I seen a group of American workers so misused.

I do not believe that there is any member of the Senate who has worked harder for better wages and working conditions for postal workers than I have. I have for years worked to obtain wages for all government employees that are fully comparable to those paid to workers in private industry. In my opinion the cause of the postal workers was a separate problem which Congress had a duty to resolve. To make a postal pay raise depend on the passage of a bill which would seriously affect mail service is to play one segment of our people off against another. Such tactics are contemptible and should be reputed. I submit that this bill would never have been passed as an independent measure.

Second, we must ask ourselves who are the real losers under this bill. The answer to this question is twofold. First, the postal workers stand to lose over $1 billion in wages during the next five years under the postal service's proposed "five year plan of operation" which will go into full operation as soon as the new postal corporation goes into action.

According to this plan, which was drawn up by the Post Office Department, it calls for a nine step program designed to eliminate postal deficits by cutting back on postal services and wages for postal workers. For example, one step in this plan calls for the consolidation of mail processing centers. According to the Department's own estimates, this proposal will in one year result in wage reductions in the following major cities:

Atlanta	$387,000
Chicago	552,000
Cincinnati	442,000
Dallas	331,000
Denver	166,000
Memphis	166,000
Minneapolis	231,000
New York	773,000
Philadelphia	552,000
St. Louis	276,000
San Francisco	608,000
Seattle	166,000
Washington, D.C	331,000
Wichita, Kan	166,000

I wish to emphasize that these reductions in wages are only one part of the overall plan. If it is carried out completely postal workers will lose over $1 billion in wages. In the final analysis, the postal workers have given up $1 billion in wages for small pay increases. Furthermore, as the new postal corporation looks for ways to save money and increase postal profits, the first "economy" measure taken will undoubtedly be to eliminate jobs. So in the long run, the postal workers of America have gained little and lost a great deal.

The second group to lose a great deal under this corporation, are the average American mail users. These citizens have lost their voice in how the Post Office should function since, under this bill, Congress has turned over its control of postal matters to a select group of hand picked bureaucrats who are responsible to no one but themselves and the special interest groups that lobby for their appointments. The lack of Congressional control will be particularly deterimental to the public in the area of postal rates. Under this bill, postal rates will be established by a postal rate commission composed of five commissioners appointed for six year terms by the President. These individuals, who will have more to say about how much it will cost our people to mail letters than anyone in government, do not even have to be confirmed by the Senate. Thus, the people have no say in who will sit on this important commission.

Once the rate commission has set a rate, it can be overruled only by the corporation's Board of Governors and then only by a unanimous vote. Congress has no say in the matter. Furthermore, this bill provides for the setting of certain "temporary rates" without the approval of even the rate commission. Under this procedure, the Postal Corporation can put into effect a temporary rate increase which does not have to be approved by either the rate commission or Congress.

It is a safe prediction that as soon after this bill becomes law, the people of America will have to pay 8 cents to mail a letter first class.

In addition to losing their voice in postal affairs the people will lose many important postal services. The Administration's five year plan calls for the elimination of the following postal services:

(1) six day mail delivery and Saturday Window service would be discontinued;

(2) Mail delivery to individual addresses at colleges, universities and trailer courts would be stopped. Mail would be delivered to one central point in each of these facilities;

(3) Fourth Class Post Office would be replaced by contract offices;

(4) Air transportation for first-class mail to points within 750 miles would be discontinued; and

(5) The number of mail collection boxes would be reduced and parcel post and certified mail would no longer be delivered to homes.

These services that the American people have long enjoyed and are justly entitled to. The reason most often advanced by the Administration for the elimination of these services is that they are not profitable. It is strange, however, that the Administration can oppose non-profitable postal operations, health and education programs but strongly support wasteful military sending. This is just another example of how the Administration places the needs of the people at the bottom of its list of priorities.

Mr. President, I have always supported measures that would improve mail service; however, I will not swallow this bitter pill even though the Administration has tried to sugar-coat it by calling it a "reform" measure. This is in no sense a reform bill and all the lavish speeches in the world will not transform it into one. The language of the bill itself clearly exposes the purpose behind this unwise measure. I served as Conferee on this bill for only one reason and that is that I wanted to save as much of the bill as I could for the people. However, I would be untrue to the people I represent and myself if I voted for final approval of this bill. Therefore, Mr. President, I shall oppose this bill on the final vote. I earnestly hope that in the years to come that the American people will demand that Congress repeal this unwise bill.

THE 5-YEAR PLANNING FOR THE NEW POSTAL SERVICE

FOUR BASIC PLANS

Program plan.
Revenue plan.
Support plan.
Transition plan.

Coordination of the program plan is the responsibility of the Bureau of Operations.

How will we develop the program plan?

We determine (1) Where we are; (2) Where we want to go; (3) How we will get there.

Where are we?*

Cost:
1970 8.1*
1975 11.0

Income:
1970 6.7
1975 7.8

Deficit:
1970 1.4
1975 3.2

Where do we want to go? 1975: 0 Deficit.

How will we get there?

Economize: $1 billion per year

The 9 Stratagems can produce a savings of $945 million constant dollars by 1975

THE NINE STRATAGEMS

1. Five Day Operations.
2. Area Mail Processing.
3. Production Standards.
4. New Techniques for Carrier Office Work.
5. Modification to Mail Delivery Policies and Practices.
6. Basic Services to Customers.
7. Customer Cooperation.
8. Standardization & Specialization of Postal Facilities.
9. Standard Levels of Service.

FIVE-DAY OPERATION

This plan contemplates the phased elimination of six day delivery and manned window service.

Payroll reductions

[In thousands]

Fiscal year 1971	$5,524
Fiscal year 1975	145,530,000

A. Five day delivery service.

1. Implement first in business areas (generally Saturday).

a. Reduce Saturday collection schedules to Sunday.

b. Discontinue parcel delivers on Saturday.

2. Rural and star route service.

B. Compress mail processing tours from 3:00 p.m. Saturday to 3:00 p.m. Sunday.

C. Five day window service.

1. Finance stations.

2. Windows at 1st class then all others.

a. Reduce window clerks staffing on Saturday.

b. Consider Friday night service.

AREA MAIL PROCESSING

This program envisions a consolidation of all outgoing* mailhandling functions into 400 to 500 area mail processing plants in two phases, (1) from associate offices into sectional center facilities and (2) the consolidation of sectional center facilities.

Payroll reductions

[In thousands]

Fiscal Year 1971	$7,063
Fiscal year 1975	80,659,000

A. Consolidate associate offices with sectional center facilities—

1. Into existing space.

2. Into planned space.

3. Into not yet planned space.

4. Consolidate small carriers stations into primary facilities when routes are motorized. Limit to about 70 routes.

B. Consolidate sectional center facilities to provide economies of scale.

PRODUCTION STANDARDS

This stratagem contemplates the development and implementation of individual and group standards of production for distribution and delivery employees and refinement of existing standards for maintenance employees.

Payroll reductions

[In thousands]

Fiscal year 1975	$136,258,000

A. Clerical standards in 500 largest offices.

B. Delivery standards on city and rural routes.

C. Vehicle operations standards.

D. Revise equipment requirements.

E. Incentive pay—City carriers.

NEW TECHNIQUES FOR CARRIER OFFICE WORK

This plan contemplates a fresh overall view of the carrier function, especially the time he spends preparing his mail for delivery.

Payroll reductions

[In thousands]

Fiscal year 1975	$189,504,000

A. Carrier delivery district concept:

1. Perform carrier sequencing at a different time.

2. Use more efficient carrier case.

3. Simplify route inspections.

4. Reduce distribution costs.

B. Machine sequencing carrier mail:

1. Reduce carrier and clerk cost.

C. Computer system for marking-up mail:

1. Reduce carrier and clerical costs.

MODIFICATION TO MAIL DELIVERY POLICIES AND PRACTICES

This program provides for the review, analysis, and revision of current policies and practices for the delivery of all classes of mail.

Payroll reductions

[In thousands]

Fiscal year 1971	$1,353,000
Fiscal year 1975	8,663,000

A. Single delivery point of mail for universities, colleges, trailer courts, etc.

B. One delivery attempt on parcel post.

BASIC SERVICES TO CUSTOMERS

This stratagem contemplates new and/or improved methods of providing services to customers.

Payroll reductions

[In thousands]

Fiscal year 1971	$1,405,000
Fiscal year 1975	36,163,000

A. Expand use of Special Services Postal Units:

1. Add vending units.

2. Replace window service with SSPU.

3. New mail service centers.

B. Replace selected locations with contract units.

C. Provide convenient philatelic services.

D. Reduce number of collection points.

E. Establish new village and suburban delivery service:

1. Cluster box concept.

2. Door delivery of signature articles.

3. Parcel post pick-up at post offices.

CUSTOMER COOPERATION

This stratagem encompasses actions which the customer can take to help improve the postal service.

Payroll reductions

[In thousands]

Fiscal year 1971	$11,147
Fiscal year 1975	161,182,000

A. Expand VIM program:

1. Single drop delivery.

a. VIM facilities, apartments, urban renewal housing.

B. Extend mail early program.

C. Patron preparation of mail:

1. Presort, precode.

2. Equipment loan.

D. Increase zip code usage.

STANDARD LEVELS OF SERVICE

This stratagem involves the establishment of reasonably achievable standards of performance of services to the postal customer geared to a 7:00 p.m. time for the beginning of a postal day.

Payroll deductions

[In thousands]

Fiscal year 1971	$1,375
Fiscal year 1975	33,083,000

Mr. YARBOROUGH. Mr. President, there is an agreement between the distinguished Senator from Wyoming and myself that I will yield back my time. He has yielded all his time, but I shall yield back my time after having made this statement.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, could I ask the Senator from Wyoming whether this bill raises the 6-cent stamp to 8 cents?

Mr. McGEE. This bill does not raise any postal rates.

Mr. MANSFIELD. I thank the Senator.

Mr. McGEE. Mr. President, the distinguished Senator from Nevada (Mr. CANNON) is unable to be here today to vote for the conference report on this Postal Reorganization Act because of a previous commitment to star route mail carriers out in Nevada.

If Senator CANNON were here today, he would have voted to accept the conference report. Senator CANNON has indicated that there has been some confusion over the Senate provisions of this bill in the Nevada press. He wants to set the record straight and assure everyone that he has never voted for any provision that would require compulsory unionism in Nevada. Nevada voters have repeatedly sustained their State's right-to-work law and Senator Cannon wants it made clear that he has supported the mandate of Nevadans in this area.

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*All figures in billions of dollars.

* Also would include incoming mail at selected offices.

The PRESIDING OFFICER (Mr. Dole). The hour of 3:05 p.m. having arrived, the Senate will now proceed to vote on adoption of the pending conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. YOUNG of Ohio. I have cast my vote against the conference report, but I find that I have a live pair with the junior Senator from Nevada (Mr. Cannon). If he were able to be present today, he would vote "yea"—in favor of the conference report. In view of my live pair, I withdraw my vote and state that if I were at liberty to vote, I would vote "nay."

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Missouri (Mr. Symington), the Senator from New Jersey (Mr. Williams) the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), the Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Florida (Mr. Gurney), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Colorado (Mr. Allott) is absent on official business.

The Senator from South Dakota (Mr. Mundt) and the Senator from Maine (Mrs. Smith) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Florida (Mr. Gurney), the Senator from Nebraska (Mr. Hruska), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), the Senator from Maine (Mrs. Smith), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 57, nays 7, as follows:

[No. 251 Leg.]

YEAS—57

Allen
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Hansen
Hatfield
Holland
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—7

Cook
Ellender
Fulbright
McCarthy
Saxbe
Stennis
Yarborough

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Young of Ohio, against.

NOT VOTING—35

Aiken
Allott
Baker
Brooke
Burdick
Cannon
Dodd
Eagleton
Eastland
Ervin
Goldwater
Goodell
Gore
Gravel
Gurney
Harris
Hart
Hartke
Hollings
Hruska
Javits
Kennedy
Magnuson
Metcalf
Montoya
Mundt
Murphy
Pell
Ribicoff
Russell
Smith, Maine
Symington
Tower
Tydings
Williams, N.J.

So the report was agreed to.

CONTINUATION OF DUTY-FREE STATUS OF CERTAIN DYEING AND TANNING MATERIALS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 932, H.R. 14956.

The PRESIDING OFFICER (Mr. Dole). The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 14956) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, I shall take only a few minutes.

Earlier this year the Senate agreed to an amendment I sponsored which would provide 6-percent interest on a new type savings bonds. The amendment was rejected in conference.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will please be seated. Attachés will please be seated or leave the room.

Mr. WILLIAMS of Delaware. Mr. President, since the rejection of this 6-percent proposal in conference we have been working with the Treasury Department, House Members of the conference, and the conferees of the Senate.

Mr. HANSEN. Mr. President, the Senate is not in order. We cannot hear the Senator.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. WILLIAMS of Delaware. Mr. President, we reached an agreement on a 5½-percent rate on all series E bonds. This includes new issues as well as outstanding issues. New issues of series E bonds sold June 1, 1970, and thereafter would have a one-half percent bonus payable at maturity raising the yield to 5½ percent from date of sale to maturity. Outstanding bonds which have not yet reached first maturity would receive a bonus payable at maturity sufficient to raise their present yield to maturity from the start of the first full interest crediting period, beginning on or after June 1, 1970, by one-half of 1 percent. Issues entering an extension period on or after June 1, 1970, would be given flat 5½ percent yields through their next maturity, whenever redeemed. Bonds now in an extension period would have their yields increased by approximately one-half of 1 percent per annum to next maturity, whenever redeemed.

Mr. President, I think this is a reasonable compromise.

I send to the desk an amendment as endorsed by the Treasury Department and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add a new section as follows:

"Sec. —. (a) The proviso in the second sentence of section 22(b)(1) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(1)), is amended by striking out "5 per centum" and inserting in lieu thereof "5½ per centum."

"(b) Section 22(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)), is further amended by adding a new paragraph (3) reading as follows:

"'(3) The Secretary of the Treasury, with the approval of the President, may increase the interest rates and the investment yields on any offerings of United States savings bonds by not more than one-half of one percent for any interest accrual period that begins on or after June 1, 1970, and for any interest accrual period thereafter, to be paid as a bonus either on redemption or at maturity as the Secretary shall specify at the time the increase is provided.' "

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, if the Senator would add my name as a cosponsor I would appreciate it. I think this move is long overdue.

Mr. WILLIAMS of Delaware. Mr. President, I am delighted to ask unanimous consent that the name of the Senator from Montana be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I also ask unanimous consent to have added as cosponsors the names of the Senator from Arizona (Mr. FANNIN), the Senator from Iowa (Mr. MILLER), the Senator from Nebraska (Mr. CURTIS), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. DOLE), and the Senator from North Dakota (Mr. YOUNG).

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. This proposal deals with series E bonds. Is that correct?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. CURTIS. What rate of interest do they draw now?

Mr. WILLIAMS of Delaware. They now draw 5 percent. Upon the enactment of this measure they would draw 5.5 percent beginning June 1, 1970.

Mr. CURTIS. If I understood the Senator correctly, this would apply to bonds purchased hereafter and it would also apply to bonds now held by our people.

Mr. WILLIAMS of Delaware. The Senator is correct. It applies also to those which have matured, which are being held and which are in the second or third maturity period. There would be a bonus of one-half of 1 percent on all bonds outstanding and the interest rate would be 5.5 percent on all new issues.

Mr. CURTIS. I believe this is a very good move because as a matter of fairness to holders and future purchasers of series E bonds it should be raised. From the standpoint of the Treasury Department, if this results in an an increase in the sale of series E bonds, it will lessen the overall interest burden of the Treasury because the amount would be less that has to be borrowed on short-term borrowing. Is that correct?

Mr. WILLIAMS of Delaware. The Senator is correct. In addition, the Treasury is now paying 7.75-percent interest on 5- to 7-year bonds, but these are issued only in larger amounts. This measure would give greater equity to the small bond buyer.

Mr. CURTIS. Mr. President, I commend the Senator for his leadership.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of the Treasury dated July 29, wherein the terms of this amendment are further outlined.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., July 29, 1970.
Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Treasury has carefully reviewed the amendment to H.R. 14705 which you offered and which was adopted by the Senate. Your amendment would require the sale by the Treasury of obligations, designated as retirement and savings bonds, with investment yields of 6 percent. Based upon this review, it is our judgment that revisions in the yields offered on the traditional savings bonds, rather than the operation of two competing programs, would be highly preferable.

Accordingly, if the appropriate authorizing legislation were enacted in lieu of your amendment, the Treasury would make the following changes in the yields on savings bonds:

1. New issues sold beginning June 1, 1970, and after would have a ½% bonus payable at maturity raising the yield to 5½% from date of sale to maturity.

2. Outstanding bonds, which have not yet reached first maturity, would receive a bonus payable at maturity sufficient to raise their present yield to maturity from the start of the first full interest crediting period, beginning on or after June 1, 1970, by ½ of 1%.

3. Issues entering an extension period on or after June 1, 1970, would be given flat 5½% yields through their next maturity, whenever redeemed.

4. Bonds now in an extension period would have their yields increased by approximately ½ of 1% per annum to next maturity, whenever redeemed.

We would also propose to review the entire savings bond program to decide whether any longer-range changes should be made in the program.

Sincerely,

DAVID M. KENNEDY.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PROXMIRE. Mr. President, this is a very interesting proposal and, as the Senator indicated, it has much merit. I am concerned about this matter for two reasons. First, I am concerned about the effect this would have on housing. An interest rate of 5½ percent would possibly mean that people who are now putting money into savings and loan institutions might invest in series E bonds with the Federal Government instead of institutions that finance housing. We have been through an experience in 1966 when people took money out of the savings and loan institutions and put the money on deposit in banks because they paid a higher rate of interest. Since then we put into effect regulation 2 to prevent that outflow. In the last few months we have had a healthy situation of money coming into savings and loan institutions and this has been of great help in the housing market. I would not want to see anything done to disrupt that flow and I know the Senator would not.

Mr. WILLIAMS of Delaware. I agree with the need of the housing industry, but this amendment would merely give some semblance of equity to the small investors, many of whom are now cashing their E bonds. Why should the Government hold down the rate of interest for the small investor when the larger investors receive 7¾-percent interest? Persons who are able to purchase certificates of deposit in the amount of $100,000 or over get substantially more in interest than do smaller depositors.

This is not fair, and the situation should be corrected.

The pending amendment which I am reasonably certain will be accepted by the House, will give an additional one-half percent to the small investors, who are purchasing these savings bonds.

Personally, I would have preferred the 6-percent rate, but the 5½-percent rate is a fair compromise.

Mr. PROXMIRE. The Senator is correct. I am asking whether Secretary Romney or Preston Martin, President of the Federal Home Loan Bank Board, are aware of this and support the proposal.

Mr. WILLIAMS of Delaware. I did not check this out with Mr. Romney, but the Treasury Department has endorsed it. The Treasury Department did not agree to the 6 percent for the same reasons the Senator outlined, we all agreed on the 5.5 percent as a compromise.

Mr. PROXMIRE. I am concerned about the precedent that might be involved. As I understood the colloquy between the Senator from Nebraska and the Senator from Delaware, if someone bought a bond 2, 3, or 5 years ago, the yield will increase on the basis of this proposal, even though the purchaser bought the bond with the notion he might get 4.5 percent or 5 percent. He will now receive 5.5 percent, although that was not his original interest rate.

Mr. WILLIAMS of Delaware. That is correct, but these are saving bonds and this is not a precedent because this increase has been granted every time we changed the interest rate for new bonds. This is merely carrying out the practice that has always been followed.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. Mr. President, I would like to ask the Senator if it is not a fact that there is much merit in the point made by the Senator from Wisconsin. I think it impinges on money that may be put into housing, but rather than affecting the typical homeowner or prospective homeowner, as the distinguished Senator from Wisconsin fears it might, it will have precisely the opposite effect. I say that because, generally speaking, the people who own series E bonds are not big investors. They will not put significant amounts of money into Government bonds of any kind. They do not have it to invest. They are the persons represented by the rank and file of Americans who have been encouraged through the years, going back to World War II days, to buy $18.75 bonds for their youngsters. In practically every town in America there are still some of these bonds in existence that were bought years ago. What will happen is that the small homeowner who has not yet paid for his home will have the advantage of 0.5 percent more interest so that he can have more parity with the big investor who can pick and choose investing his money where it will have a greater return, which up to now has been denied the small series E bondholder precisely because he did not have the money to put into the larger bonds.

So I would say to my friend from Wisconsin that, rather than deprive the market of the sort of financing he feels is important, it will give many small homeowners, and people who are not yet in ownership of their homes but who are paying for them, an opportunity to come a little nearer to being treated fairly and equitably by their Government. They will receive a one-half percent higher rate of interest that will bring them a little closer than they are at the present time to what big investors receive.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. COOK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOK. Relative to the remarks of the Senator from Wisconsin, is it not true that, based on the present rate that E bonds pay, we are retiring more bonds than we are selling?

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOK. Therefore, this proposal actually constitutes relief to the Federal Government in regard to the discharge of its operations?

Mr. WILLIAMS of Delaware. Yes. That was the argument advanced and supported by the Treasury in order to justify this proposal.

Mr. COOK. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill (H.R. 14956) to be read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14956) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WILLIAMS of Delaware. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending amendment offered by the Senator from Delaware (Mr. Williams) occur at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

> *Ordered*, that the Senate proceed to vote on Tuesday, August 4, 1970, at 12 noon, on the pending amendment by the Senator from Delaware, (Mr. Williams), No. 817, to H.R. 17123, an act to authorize appropriations for the Armed Forces, and for other purposes.

(Subsequently, this order was modified to provide for the vote to occur at 12:15 p.m.)

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

DD963 CLASS DESTROYERS

Mr. MUSKIE. Mr. President, last week I introduced for myself and Mrs. Smith, and Messrs. Aiken, Hart, Pell, Proxmire, Williams of New Jersey, Young of Ohio, and McIntyre, a bill to amend H.R. 17123. The purpose of this amendment is to provide that none of the funds authorized by H.R. 17123 may be expended for the procurement of the DD963 class destroyers unless the contract for such destroyers is entered into with two domestic shipbuilders, and that the total number of such destroyers is divided equally between the two shipbuilders.

I think that we now know of the weakness of the so-called total package procurement contract. We need only look at the C–5A and all of the various issues and problems which have resulted from a large procurement from a single source.

We have an opportunity to take corrective action on the DD963 class destroyer contract. I am sure that if we do not split this contract between two shipbuilders, we will see the same cost overruns in the next few years for the DD963 that we are now experiencing with the C–5A.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the Record.

There being no objection, the text of the amendment was ordered to be printed in the Record, as follows:

> On page 7, line 6, strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That none of the funds authorized by this Act may be expended for the procurement of DD 963 class destroyers unless (1) contracts for the construction of such destroyers are entered into with two domestic shipbuilders, and (2) the total number of such destroyers to be constructed is divided substantially equally between such shipbuilders."

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. First of all, Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to adjourn until 9:30 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the disposition of the reading of the Journal tomorrow morning, the able Senator from Ohio (Mr. Young) be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. BYRD of West Virginia. And that that be followed by recognition of the able Senator from Oregon (Mr. Hatfield) for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPANISH BASES

Mr. FULBRIGHT. Mr. President, as some Members of the Senate may know, I wish to discuss this afternoon the question of whether or not the administration should submit to the Senate for its consideration, under the advise and consent clause of the Constitution, an agreement which has been negotiated with Spain—a very far-reaching agreement. This agreement, I may say, has already been discussed in Madrid. It has been submitted to the Foreign Relations Commission of the Spanish Cortes, and it is described in an article datelined Madrid, July 31, by Richard Eder.

I ask unanimous consent to have the entire article appear in the Record at the end of my remarks. The article demonstrates a strange irony; these things are handled fairly openly in Spain, a country which has a government that bears little resemblance to a democracy, and in an opposite, closed manner here in this country.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, if the Senate and through it the people of the United States are to regain for themselves their responsible role in the making of commitments with foreign countries, action must be taken within the next 2 weeks with regard to the proposed agreement with Spain. That draft agreement sets the political and military terms for the extension of our military base rights in that country.

We should have learned from the tragic war in Vietnam, which spread first to Laos and now to Cambodia, that in taking the first step of a commitment any administration, whether it be headed by President Nixon, President Johnson, President Kennedy, or some future President, must see down the road where that first step could lead. A commitment today which requires the spending of money and results in the stationing of our troops on foreign soil contains the prospect that sometime in the future it might require the spending of American lives.

The administration must come to accept, and we in the Senate must press for, public hearings so that a commitment such as the one we are about to continue and expand in Spain is not ambiguous; and so that some future President will not face the need of having to fight either a secret war or one which the public and the Congress had never authorized.

There is some irony in the present situation with regard to the Spanish agreement. Few in this body or in this country would deny that Spain, if not an outright military dictatorship, has few characteristics of a democracy. Yet under Spanish law, the proposed United States-Spanish base agreement must be approved by its legislative body, the Cortes. And according to information supplied me by the Department of State, the Foreign Relations Commission of the Spanish Cortes must give authority to the Spanish Government before its Foreign Minister can sign the proposed agreement.

Let me relate, however, the situation with regard to this country and the manner in which, under our democratic system, this administration—like its predecessors before it—seeks to gain approval for this agreement without public hearings or congressional approval. There have been, over the past year and a half, a number of closed hearings before the Senate Foreign Relations Committee on the Spanish base negotiations. Only at the last meeting—on July 24, 1970—did the administration, through the Under Secretary of State for Political Affairs, U. Alexis Johnson, and the Deputy Secretary of Defense, David Packard, present the details of the proposed agreement. That meeting was called on 2 days' notice and only five members of the committee, including myself, were able to attend. During the 2-hour session, a number of questions were asked pertinent to this agreement.

May I interject here to say that the principal thrust of my argument and of the whole discussion at that session was not the merits of the agreement; it was whether or not it should come to the Senate for its approval. That is about all we examined, at some length.

There was little discussed in that secret meeting that could not be discussed in public, and there is more that should be. In fact, I believe that before this agreement is signed, whether in its present form or as a treaty, all of its details should be discussed in public from the political and security commitments involved to the quid pro quo that has been promised. Because of the security classification attached to this information, however, I find it necessary to discuss the details of the agreement not as presented in secret to the committee, but in terms of information published in the press from sources in Madrid—which must include not only Spanish Government officials, but also American Embassy personnel—and articles published here in Washington, sources for which are unnamed officials in the Departments of State and Defense.

Another irony of present-day foreign policy discussions in Washington is that the Foreign Relations Committee is criticized by the administration as the source of leaked information.

Mr. President, I was handed just before I started this speech an article off the news ticker which reports that unnamed officials of the State Department, having seen an advance copy of my speech—which was given to the press for news purposes, have alleged that in this discussion I am breaching security. I ask unanimous consent at the end of my remarks, to put their comments in the RECORD, together with the article I mentioned earlier datelined from Madrid.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. FULBRIGHT. It is very strange to me the way the State Department reacts to this kind of matter. The Committee on Foreign Relations is criticized by administration as the source of leaked information, when, in fact, almost all information leaked to the press on foreign policy matters comes from administration sources. I believe that the one difference is that security information from the committee sometimes does not support the administration, while security information leaked from the administration is done so as to give support to that policy. One, therefore, is bad and the other goes unnoticed as part of the daily routine.

But using as a guide that information which either the Spanish or the State Department feels can be discussed, I would like to focus attention on the quid pro quo mentioned and its implications, not just for Spain but for U.S. relations around the world. According to the New York Times of July 31, in a story from Madrid to which I have already referred:

> The United States has agreed to make 36 used F-4 Phantom jet fighter-bombers available to Spain as part payment for a new five-year agreement allowing American forces to use three bases there.
>
> The Phantoms are of an early type, still in use by the United States Air Force but no longer being manufactured, according to informed sources.

Mr. President, the provision of F-4's to Spain, whether by grant or at some cut-rate price with credits, represents both an important military and political step for the United States. It is a military step because, although these apparently are an early type of F-4, they are of a type still being used by the United States, and to provide them to another country will reduce our F-4 stocks by that amount. I see that in the bill before us the administration is seeking 24 F-4's at a total cost of $71.3 million. What relationship does our disposal of 36 old F-4's have to our buying 24 new ones or to some future agreement to buy new ones?

The proposed transfer of F-4's, however, carries added implications. Who has already forgotten the pressure that developed in this Congress for providing a squadron of F-4's to Taiwan—which has none and wants some? Who has forgotten the $35 million gift of F-4's to Korea, which has already indicated it wants more? And what about the Greeks, and the Turks, and, even the Portuguese—having approved the transfer of 36 F-4's to Spain, how can we resist the demands of other countries?

What is the threat facing Spain today that requires an additional 36 of the most potent fighter-bombers in the world? I make that remark noting that Spain has recently purchased 30 Mirages from France; that it already has F-5's and F-104's; and that the United States has 54 of its own F-4's stationed on Spanish soil. I submit that that presents an extraordinary force of jet combat aircraft for a country at war with no one, whose territory borders on two allies and which, as far as I can see, faces no threat requiring such a formidable air combat force.

Newspaper stories have detailed other parts of the quid pro quo military aid package, which in total represents, by my calculations, close to $300 million worth of arms, weapons systems, and ammunition. I include in this the reported Navy vessels—five destroyers, two submarines, four minesweepers, three LST landing ships and other smaller ships totaling some $143 million in value—which are to be loaned rather than given as outright grants.

News stories have also listed a variety of Army equipment which totals somewhere near $25 million in value and includes tanks, armored personnel carriers and helicopters, none of which seems related to any apparent ground threat facing the Spanish Government—except perhaps as planning for some future internal crisis.

In addition to the above, the United States is prepared to furnish other equipment—not mentioned in the press—and turn over to Spain United States facilities in Spain. These added items represent the administration's latest figures, a value of near $100 million.

Mr. President, by using published material, by hedging what the administration will permit to be said under its own self-serving rules of classified information, one can easily describe the direct and indirect costs of the Spanish agreement as near $400 million over 5 years. On dollar terms alone I would not in any sense describe that as an insignificant figure.

But there is more money than just the Spanish $400 million involved in this agreement. The Portuguese, the Greeks, the Turks, the Ethiopians, the Thais, the Filipinos, the South Koreans, the Taiwanese, even the Japanese are watching to see what kind of settlement the Spaniards receive. We have bases in each one of those countries and thus the costly price paid Spain could and probably would be repeated many times over.

Money, however, is only one—and possibility the lesser—part of the danger in the Spanish agreement and the manner in which it has been handled vis-a-vis the Congress and the public.

The Spanish agreement represents the boldest—and going back to 1953 perhaps the first—attempt by the executive branch since World War II to have a security commitment by Executive agreement and thus avoid the need for Senate advice and consent to a treaty.

It is an open secret between the executive branches of the Spanish and United States Governments that since 1953 we have had a de facto military treaty. And as long as it was not in statements before the Senate Foreign Relations Committee, administration officials felt free to admit it.

During one of our closed sessions on Spain, Under Secretary of State U. Alexis Johnson, who has negotiated each of the agreements since 1963—including the present one—referred to Benjamin Welles, the former New York Times Madrid correspondent, as a trustworthy commentator on Spain. In his book on that country, "The Gentle Anarchy," Mr. Welles wrote:

> To coat the pill for Congress and liberal U.S. sentiment, the (original 1953) Washington-Madrid link was designated an "executive agreement" rather than a military alliance since it did not specify the mutual obligation of the two governments in case of war.

Mr. Welles went on to describe further how the 1963 revision of the agreement included language suggested by the then Spanish Ambassador and derived from his study of all the treaty language then operative between the United States and its allies.

The result was the defense agreement and joint declaration of 1963 which read:

> A threat to either country, and to the joint facilities that each provide for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider appropriate within the framework of its constitutional process.

In hearings before the Foreign Relations Committee during March and April 1969, both then Under Secretary Richardson and Under Secretary Johnson strongly denied this language represented a commitment—despite the fact that a simple reading shows it does. And despite the fact that, as Mr. Welles' book tells us, the Spanish who drafted it clearly intended it to.

I might add that from this July 31 news article from Madrid, one reads of the Spanish comments on the agreement and they obviously understood that it did.

This new 1970 agreement drops that old language and adopts new phrases such as United States' "support for the defense system of Spain," which has been reported in the press.

Under Secretary Johnson, in our closed hearing last week, maintained that the new language represents no commitment. Asked why the 1963 language was not repeated, Mr. Johnson replied:

> Let me say during our discussions with the Spanish in their efforts to get language which I would interpret as a commitment they pushed very, very strongly for getting this language that was in the Joint Declaration of 1963. I have said that we could not do that without entering into a mutual defense treaty, and this was a road that we did not want to go.

If I may freely interpret Mr. Johnson's words—a year ago the 1963 language was not a commitment, because at that time the State Department intended to continue to use that language. This year, with new language drafted, the reason for dropping the old language was because Mr. Johnson now interprets the old language as a commitment.

Mr. Johnson is not the only Under Secretary who appears to have changed his mind about the Spanish commitment. Former Under Secretary Nicholas Katzenbach, in his statement, last week before a House Foreign Affairs Subcommittee suggested, rhetorically, that he, too, now can see the commitment in the Spanish agreement.

> Many of our treaties qualify U.S. obligations by reference to Constitutional processes. Such a provision is contained, for example in the SEATO agreements, in our defense agreement with Spain, with Korea, with the Republic of China and many others.

Mr. Katzenbach, free of the burden of office, appears to drop the facade and list the Spanish agreement among "our treaties."

Perhaps the frankest recognition of the United States-Spanish relationship was that given by then Chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, in November 1968, during secret discussions. General Wheeler said:

> By the presence of United States forces in Spain the United States gives Spain a far more visible and credible security guarantee than any written document.

Considering the manner in which this administration interprets the President's authorities as Commander in Chief to defend his troops—as witness the Cambodia invasion—General Wheeler's statement appears valid indeed.

Mr. President, the question facing the Senate is what it can do with regard to the Spanish agreement consistent with a responsible execution of its constitutional responsibilities.

The Nixon—as did its predecessors—administration seeks to limit public knowledge and public discussion of the agreement, using its ability to declare as classified material whatever it wishes. A more open discussion of this important question is taking place in Franco Spain through the Government-controlled press and that country's Parliament than is taking place in this country.

In order to avoid even a public hearing before the Foreign Relations Committee, State Department officials are seeking support for a move to have last week's closed hearing sanitized and released.

Mr. President, I oppose such a course, and to support my position I must note that in closed hearings on Spain over the past 16 months before the full committee and the Symington subcommittee, administration officials, whether consciously or not, have clearly misled the committee on a variety of matters. In short, a reading of all the transcripts involved—closed hearings held on March 11, 1969; April 2, 1969; April 14, 1969; June 5, 1969; April 22, 1970; material submitted for a subcommittee hearing on July 17, 1970; and July 24, 1970—shows that facts are being tailored—even changed—to fit the end desired at the time by the administration.

Under Secretary Johnson's change of view on the 1963 language is only one example. Let me cite others:

In 1969, when the administration sought to retain control of and to defend the value of all the Spanish bases, their total cost was listed as $395,600,000 and replacement cost—at 1967 prices—at $1,088,000,000. In 1970, when it was disclosed that the new agreement included turning over all residual value of the bases to the Spanish, the original cost was listed at $322.8 million and residual value at $125 million. No replacement cost was included. In short, if the objective is to retain control of them, they are very valuable; if the object is to justify relinquishing them to Spain, the value is insignificant—much less, at least, if not insignificant.

Or take the case of one specific group of facilities which under the new 1970 agreement is to be turned over to the Spanish. In 1969, when the United States was planning to hold it as part of our needed Spanish facilities, these units were said to have cost us $46,600,000 to construct and would cost—at 1967 prices—$128,200,000 to replace. Last week, in presenting the backup for the new agreement, the administration declared that the facilities had a current value of "at least $25 million" and a replacement value of "about $40 million." In a submission 1 week earlier, the administration said the facilities originally cost $26 million to construct.

In matters of substance, administration witnesses use classified information at closed hearings to suit their own purposes. For example, in 1969, when defending the need for the Spanish bases, General Wheeler freely gave the committee, in closed session, the details of contingency plans to show the importance of the Spanish facilities. Today, administration witnesses refuse all testimony about contingency plans. Only open public hearings, going over the details of the agreement and the quid pro quo involved, can—under our form of government—satisfy the need for public understanding of this commitment to Spain.

Only affirmative congressional action, through a treaty, convention, or other legislative instrumentality can meet the constitutional requirements and, more important, provide the measure of public support for the continuation of this security undertaking.

Therefore, I will introduce later this week an amendment to the Procurement Act, H.R. 17123, which will read substantially as follows:

> After January 1, 1971, none of the funds authorized by this or any other Act may be obligated or expended, directly or indirectly, for purposes related to the stationing of forces or other military uses by the United States of military bases or facilities in Spain except in consequence of affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty or convention.

I believe it fitting to be attached to this measure; for within this bill not only is some of the equipment destined for Spain under the agreement, but also is authorized the purchase of new equipment which will replace that being given or sold to Spain.

I do not believe that affirmative Senate or congressional action will in any measure increase the commitment already implicit in the administration's draft agreement—just as I do not believe that disclaimers by the administration to Congress lessen the obvious commitment that exists.

The agreement with Spain represents a serious political step and one that promises to cost hundreds of millions of dollars. The process of orderly constitutional government requires past practices to be changed and public support to be obtained for such actions.

Mr. President, to illustrate how extreme has become the attitude of the administration with regard to the function of the Senate in our constitutional system, I have outlined here very briefly the nature of this agreement. As I have said, the basic material for my statements, with only a few additions from statements of Under Secretary Johnson, are contained in the article from Madrid on July 30, and I want to read just an example of it:

> Some of these details were revealed by Foreign Minister Gregorio Lopez Bravo in a closed-door appearance before the Foreign Relations Commission of the Spanish Cortes, or parliament, on Monday. In discussing the Phantoms according to those present, Mr. Lopez Bravo did not mention that the jets were not new.
>
> EFFORT BY THE GOVERNMENT
>
> The Government is making an effort to convince the Cortes and the country that the new agreement, which will permit the United States to continue using air bases at Torrejon and Zaragoza and the air-sea base at Rot, is a good thing for Spain. It has not been entirely successful.
>
> Newspapers that reflect the views of the Foreign Ministry most closely have pointed out, as Mr. Lopez Bravo did in the Cortes, that in a time of transition Spain needs the support of a great power and that since alliance with the Soviet Union is out of the question, the only possible ally was the United States.

Mr. President, I submit it is quite clear from a Spanish point of view that this agreement is considered an alliance. It is a military alliance. From the Spanish point of view, it would require in the case of need that the United States come to the assistance of Spain. They are discussing it before their Foreign Relations Commission in the Cortes. It seems to me, really, most extraordinary, in a country which professes to be a democracy, as we do, and with a constitution which requires that a treaty—certainly the making of military alliances—shall be submitted to the Senate for approval, that, in this case, the State Department or the administration does not follow this course.

To illustrate a distinction, on July 17 a United States-Mexico Treaty, a treaty concerned with the recovery of stolen archaeological, historical, and cultural property. The title is, "Treaty of Cooperation Between the United States of America and the United Mexican States Providing for the Recovery of Returned or Stolen Archaeological, Historical, and Cultural Property."

This, I submit, is an interesting objective and I certainly have no objection to it. It concerns the recent commerce that has grown up among outlaws and criminals of stealing either from museums or historical sites in Mexico these articles and trafficking in them and selling them in this country. This Mexican treaty is one designed to try to control that kind of activity.

But can anyone imagine the Senate considering this Mexican treaty and not this other kind of agreement—concerning the welfare and the future of our country, an alliance with Spain involving some $400 million worth of various kinds of equipment, but above all involving what would certainly appear to me to have been a commitment in the nature of an alliance with Spain.

I am not saying today that this agreement would not be in our interest, but I most positively do say that it is the type of agreement that should be submitted to the Senate for approval.

It is true that there is no hard and fast line between what should be submitted as a treaty and what should be submitted as an executive agreement; but I think all authorities are quite clear that a matter which involves the stationing of troops, or an undertaking with regard to coming to the assistance of a foreign country is of such importance and such a potential drain upon our country; but more than that, of requiring our involvement even in a war, as we now have in Vietnam, that it should be submitted as a treaty, if there is anything at all that should be submitted to the Senate as a treaty.

The Department of State seems to have reversed its traditional legal distinction between executive agreements and treaties and the way they should be treated. The rule of thumb used to be that if it is insignificant or unimportant and contains no commitments, then it is perfectly proper to submit as an executive agreement. If it is important and dignified and involves relations between two sovereign nations and, above all, involves a military alliance and use of troops, then it should certainly be a treaty. They have reversed that now, in this instance—the important one they propose to make an executive agreement, and the trivial one, involving a cultural exchange of artifacts, they propose to make a treaty.

Sometimes, one is driven to the conclusion that if some bright young man in the State Department will occupy the time of the troublesome Senate with trivialities, the Senate will not bother them with important matters. Therefore, they go to great depths to send us these very insignificant matters as treaties.

We make treaties of friendship and cooperation and they have no particular substance, and we make treaties involving tax matters involving mutual ways to tax, which are important enough, of course, but not particularly world-shaking, certainly not having the possibility of involving us in a war, or the use of our troops, or all the difficulties that arise from the stationing of troops in a foreign land.

Thus, I submit, this is most unusual. This is a most unusual way to interpret the Constitution.

Mr. CRANSTON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. The Senator from Arkansas has given a very forceful and, I think, constructive exposition of the situation between the Executive and Congress on treaties and Executive agreements.

The Senator from Arkansas also provided great leadership, a while back, with the commitments resolution, adopted overwhelmingly by the Senate, in an effort to deal generally with the problem.

I should like to inquire what the administration has done to indicate recognition of the fact that the commitments resolution was passed in relationship now to this particular agreement with Spain?

Mr. FULBRIGHT. Obviously, they have completely ignored the commitments resolution and have taken it with a grain of salt. They do not attribute any great significance to it. This is the first major agreement I know of that has occurred since the commitments resolution. This is a classic case, it seems to me, for a treaty in making a commitment—the kind of commitment that was envisioned in the commitments resolution.

If the Senate does not insist that this be submitted as a treaty, we might as well forget the whole matter, as well as the whole matter of advise and consent, because I can think of no treaty of more consequence and a more normal example of a treaty of alliance than this one.

Mr. CRANSTON. Thus, this will constitute, in effect, the first test of whether the commitments resolution will be observed?

Mr. FULBRIGHT. It seems to me it is the first test as to whether they intend to observe the spirit of the commitments resolution. It was, of course, a sense of the Senate resolution, so it is not a law. Therefore, it is a matter of whether the executive intends to pay any respect or take any notice of the overwhelming sentiment of the Senate—as I recall it, some 70 Senators who voted for the commitments resolution.

Mr. CRANSTON. I thank the Senator from Arkansas. I, for one, will do all I can to support the amendment.

Mr. FULBRIGHT. I thank the Senator from California.

Mr. President, I mentioned at the beginning this matter that has just come over the news wires. The State Department is alleging that I have violated security by mentioning some of these matters which are in the agreement that have not yet been officially made public.

As I have already stated, this is all very interesting concerning the origin. The State Department in its own way declassifies whatever it chooses to declassify. And it hides the identity of those who do it under "official sources." They leak it in Spain in this case or in other they leak it here.

The story does not say that Mr. Johnson or some other official says so and so. But they leak it as "an official source." They leak whatever they feel is in their own interest.

There is nothing, as I have said, for which there is the slightest reason to declassify. There is no information that would be useful to the enemy so to speak. It is not even relevant to that.

These past Spanish agreements were discussed at length last year in the press. These excerpts about what was in the language in the 1953 and 1963 agreements were discussed. They were discussed last year. As a matter of fact, last year the administration officials were much freer in their discussions, both in executive and open session, of this whole matter.

They have now decided, at least tentatively, not to submit it for Senate approval. They seek to keep it secret. They complain about the leaking of it.

That is not a matter of any importance. There is nothing of a security nature involved. The issue is on the merits of whether this country ought to undertake this commitment to Spain.

On the floor of the Senate within the last few months—last year, I remember, and subsequently—the Senator from Arizona (Mr. GOLDWATER) very forcefully made the statement that if we are to cut or reduce our military expenditures, we have to reduce our commitments. He made that statement last year very vigorously in the course of the ABM debate, I think. At any rate, it was in the course of one of the debates relative to some item in the Defense Department. I agreed with him. As a matter of fact, nearly a year and a half ago the Foreign Relations Committee began a study of our foreign commitments to see what we are committed to do, how many bases we have, how many men are there, and the cost.

We have found it extremely difficult to get this information from the administration. They take 6 months sometimes to answer a letter. They acknowledge the letter and say that it will take 6 months to find out the information. Sometimes they do not answer at all.

We employed two very competent men who were sent out to look at the bases first-hand. This was done under the direction of the Senator from Missouri (Mr. SYMINGTON). We obtained a good deal of information that we did not have before. There are well over 300 of what are called major bases of the United States scattered all around the world. In large part they are in Europe, but they are scattered all over the world. I am quite sure that very few Senators are aware of all these or what they cost. The cost is enormous.

These matters ought to be reviewed. There is no way for us to meet the challenge of the Senator from Arizona (Mr. GOLDWATER) and more recently that of the Senator from Mississippi (Mr. STENNIS), who in a speech about 2 weeks ago reiterated the same theme, that before we can cut the military procurement bill we should restrict our military commitments around the world.

Here is the most appropriate example of an opportunity at least to consider and understand a commitment and determine if it is not overwhelmingly necessary. If it is not absolutely essential, it should not be done. It is a very serious expansion of our commitment. When I say expansion, that deserves some explanation.

The administration itself has insisted in the past that the agreement of 1953 and 1963 did not constitute a military alliance, that it was simply a lease agreement for bases.

According to the article from which I have just read, the Spanish interpreted the language in it as an alliance. The statement from General Wheeler would indicate that in his view it was tantamount to an alliance, if not a formal alliance. The existing circumstances would tend to give greater credibility to a de facto alliance than a written document would.

The administration as a result of the subcommittee's action did not last year extend the treaty or the agreement for 5 years. They extended it for 18 months approximately. It will elapse, I think, this coming September 26.

This was done in order to review the situation and to see what arrangements could be made to make it more palatable. But for various reasons, to carry on the traditional agreement, they have now negotiated this one. It is for 5 years. If it is done, it will no doubt be extended for another 5 years.

It is in the nature of a long-term commitment to support the Government of Spain. I would submit that if there were any agreement that should be submitted to the Senate for its approval, this is it. And it ought to be submitted for open hearings so that everyone knows what it is.

There is no war going on there. Spain is not involved in a war. In fact, I do not know of any serious threat to Spain. Two of her neighbors are NATO allies and are very peaceful and stable countries. I have heard of nothing that would indicate the slightest threat to Spain at this time.

There is no occasion for great secrecy or urgency. Spain is not about to collapse. It is a very stable country. She has enjoyed life and prospered over the past several years so far as I know. And I am quite sure that we would have known of it if this were not the case. There is no occasion for any rush or secrecy.

If we were not to study the matter, I would consider, as a Senator, that we had simply failed in our responsibility to discharge our constitutional duty; if we were not to examine the serious treaty agreements constituting an alliance with a foreign country that involves our troops, our treasury, and our security.

As I said, I had an executive meeting of the Foreign Relations Committee with the sole purpose not of examining the matter on its merits, but of determining whether it was a serious undertaking that should be a treaty and should be submitted to the Senate.

Everyone that was there agreed that it was, but we did not prevail upon the administration to submit it as a treaty. They left with an indefinite attitude that they would consider the matter and that on the following Monday or Tuesday, they would let me know whether it should be submitted as a treaty or, at the very least, we should have public hearings on it.

So far—it is now a week later—I am not aware of any decision to do either. It still is indefinite. They have not notified me as to what their prime decision is.

With respect to the amendment which I propose to offer to the bill, when it is called up I think it would be a good idea for the Senate, in order that it have an opportunity to judge the matter on its merits, to have a closed session.

It would strike me that this would be the best way to do it because we would immediately run into the argument on the part of the administration that we are discussing classified material. And there are a good many other details about this matter which are classified which have not been mentioned here today.

I tried to restrict my comments today on this material to the newspaper story which, as I said, emanated from Spain.

It names the amounts of money, the number of planes, and so forth. It was obviously obtained by the newspaper from Spanish authorities in Madrid shortly after the submission of the agreement to the Spanish Parliament.

I hope that before it comes to holding a closed Senate session—because they have not finally notified me it will not be a treaty—after considering what happened in Spain and the discussions here today, the administration would change its mind and submit it as a treaty. That would certainly meet all my views about it. I think the Senate and the country would be satisfied with it. If it is not, there is the possibility in case trouble should arise that once again, we would have the kind of dissension arising in this body and in the country that we have over Vietnam; that we have been led into an obligation blindfolded and put upon. If the agreement had earlier been subjected to public hearings and approved by the Senate then no one would have a legitimate complaint about it if we were called upon to make good our obligations under the treaty.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the New York Times on July 25, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

SPAIN TO GET PHANTOM JETS FROM UNITED STATES

(By Richard Eder)

MADRID, July 30.—The United States has agreed to make 36 used F-4 Phantom jet fighter-bombers available to Spain as part payment for a new five-year agreement allowing American forces to use three bases here.

The Phantoms are of an early type, still in use by the United States Air Force but no longer being manufactured, according to informed sources.

Spain is to receive credits of $125-million over the next five years to buy military equipment, plus an outright grant for such equipment to a value of $20-million.

The Phantoms are to be purchased with

the credits. The price to be paid could not be learned here, but it is reliably reported to be far less than that of new aircraft.

According to sources familiar with the base agreements, which are virtually concluded and are expected to be signed within the next two to three weeks, Spain can buy from 18 to 36 Phantoms.

MOST OF PLANES ARE OLD

The Spanish Air Force until recently has consisted of F–104 Starfighters and older planes. The Phantoms, along with 30 Mirages purchased from France and a number of Northrop F–5's being assembled here, will modernize Spanish air power to a considerable extent.

Other equipment to be made available to Spain as part of the agreement includes five destroyers, two submarines, six landing craft, a tanker and several other vessels, all on the point of being mothballed. These will be lent rather than transferred.

In addition, the grants and credits will cover the purchase of 102 armored combat cars, 50 halftracks, 16 naval helicopters and a quantity of artillery. Ordnance equipment for the manufacture of ammunition and some types of arms will also be included.

Some of these details were revealed by Foreign Minister Gregorio Lopez Bravo in a closed-door appearance before the Foreign Relations Commission of the Spanish Cortes, or parliament, on Monday. In discussing the Phantoms according to those present, Mr. Lopez Bravo did not mention that the jets were not new.

EFFORT BY THE GOVERNMENT

The Government is making an effort to convince the Cortes and the country that the new agreement, which will permit the United States to continue using air bases at Torrejon and Zaragoza and the air-sea base at Rot, is good thing for Spain. It has not been entirely successful.

Newspapers that reflect the views of the Foreign Ministry most closely have pointed out, as Mr. Lopez Bravo did in the Cortes, that in a time of transition Spain needs the support of a great power and that since alliance with the Soviet Union is out of the question, the only ally was the United States.

After Mr. Lopez Bravo appeared before the Cortez, some 80 deputies issued a statement complaining that he was not giving them all the facts.

Although much of the Spanish press has commented on what it terms the meager amount of aid being offered by the United States, most have reported that the American commitment to defend Spain has been increased from the terms of a 1963 joint statement, which declared that "a threat to either country would be a matter of common concern."

Some sources familiar with negotiations take the opposite view. A phrase referring to United States agreement to "support the defense system of Spain" does not necessarily involve anything more, they say, than the furnishing of equipment and technical assistance.

EXCHANGE CALLED UNUSUAL

WASHINGTON, July 30.—The exchange of weapons for foreign bases is considered an unusual practice, a Pentagon spokesman said, although he would not confirm the transfer of F–4 phantom jets to Spain.

"It is not the normal thing to do on a quid pro quo basis," the spokesman said.

Such transactions, when they occur, are conducted through the military assistance program, which allows the United States to dispense hundreds of millions of dollars worth of weapons to foreign countries each year.

In 1968 the fiscal year, for example, South Korea received a squadron of 18 Phantom jets out of military assistance funds. The only other countries believed to have F–4's have purchased them from the United States.

These countries are Israel, West Germany and Iran, according to the Defense Department.

In 1970 the fiscal year, which ended June 30, the military assistance program figure for Spain was $25-million, and the figure for the current fiscal year is believed to be roughly equal.

Although no cost figures were readily available for used F–4 Phantom jets comparable figures for a squadron of 25 new F–4–E's, the only model still in production, would be about $110-million to $120-million, including spare parts for a year.

EXHIBIT 2

FULBRIGHT

WASHINGTON.—The State Department today charged Chairman J. William Fulbright of the Senate Foreign Relations Committee with making public confidential information concerning the U.S. negotiations for Spanish bases.

In an effort to avoid a public confrontation with Fulbright, the department issued a statement criticizing newspaper "articles" which it said contained "unilateral versions and interpretations of matters under negotiation with a foreign government discussed during the course of hearings in executive session before the Senate Foreign Relations Committee."

However, when asked whether the department statement was charging the press or Fulbright with these "unilateral versions and interpretations," Department officials acknowledged that it was Fulbright's statements to the press and not the articles themselves.

Fulbright said in a Senate speech that he would try to block funds for U.S. military bases in Spain unless the Nixon administration submits the agreement to the Senate as a treaty or convention between the two countries.

Fulbright disclosed that the U.S. has been giving Spain military aid of about $400 million every five years for the use of three air bases and one naval base. He claimed that he was not disclosing confidential information because he was able to outline the shape of the Spanish agreement by quoting newspaper stories. He also disclosed that the proposed new agreement, beginning in September, would give Spain 36 F–4 Phantom jets as well as numerous warships as part of the payment.

Fulbright also asserted that Under Secretary of State U. Alexis Johnson in a closed hearing last month virtually acknowledged that the language of previous base agreements with Spain constituted a U.S. commitment to defend that country.

Fulbright contends that any such commitment requires a treaty which must be submitted to his committee for approval.

The State Department statement sidestepped Fulbright's demand for a treaty instead of an executive agreement on the bases and attacked, instead, the information it released.

Johnson, the highest State Department official on hand, today because of Secretary of State Rogers' presence in New York, was understood to have approved the statement issued by the Department spokesman.

In addition to attacking what was contained in the newspaper "articles," the Department statement went on to say: "We understand the rules of the Committee require the confidentiality of executive sessions. We intend to respect that and therefore believes it would be most inappropriate to have a public discussion of this matter at this time."

Department officials, in opposing putting the Spanish bases agreement into treaty form, usually advance the argument that it would not be possible to secure ratification by that time, and present agreement expires in September.

However, they also acknowledged that there is considerable sentiment against the bases agreement in the Senate and they are not too sure they could ever get ratification.

EXHIBIT 3

UNITED STATES PLEDGES SPAIN DEFENSE SUPPORT FOR USE OF BASES

(By John W. Finney)

WASHINGTON, July 24.—The United States has pledged to "support the defense system" of Spain in return for rights to continue using naval and air bases there, State Department officials disclosed today.

In addition, the United States has promised that it will make its defense policies compatible with those of Spain.

The five-year agreement, reached after months of fitful and sometimes controversial negotiations, is expected to be signed within the next few weeks.

The new agreement would replace one that expired in 1968. The old agreement was extended for two years after negotiations broke down over Spanish demands for some $1-billion in military assistance as a condition for granting a five-year renewal for United States use of the Air Force bases at Torrejón and Saragossa and the Naval base at Rota.

In preparation for the signing, U. Alexis Johnson, Under Secretary of State for Political Affairs, and David Packard, Deputy Secretary of Defense, briefed the Senate Foreign Relations Committee today on the agreement.

It was not immediately clear to members of the committee what concrete security guarantee was intended by the Nixon Administration.

During the briefing, Senator J. W. Fulbright, Democrat of Arkansas, the committee chairman, protested that an agreement of "such great potential importance" should take the form of a treaty, which requires Senate ratification, rather than an Executive agreement between the two Governments. An Executive agreement does not require Senate approval, nor is the executive branch under any obligation to present the agreement to Congress for its information.

In the negotiations resumed this spring, the Spanish Government severely reduced earlier demands for financial aid. As described by State Department officials, the new agreement provides for $20-million in direct grants over the next five years and $125-million in Export-Import Bank loans, plus some surplus weapons and ships.

The United States succeeded in reducing the financial aid only by increasing its commitments on the defense of Spain, they said.

As a condition for extending the agreement, Spain had sought either a firm security commitment or considerable amounts of military assistance, the officials said.

The Spanish contended that some form of security guarantee would be needed because Spain could leave herself open to attack by permitting use of the bases.

In the negotiations this spring, Spain was said to have insisted upon more specific security guarantees than those in the series of agreements since 1952. These agreements have contained the broad declaration that an attack on either country would be "a matter of common concern."

This declaration was reported to have been replaced in the new agreement with a section specifying United States military support for Spain.

According to State Department officials, the new agreement specifies that "each Government will support the defense system of the other." In addition, the agreement states that "both Governments will make compatible their defense policies."

Even after the briefing it was not clear to members of the committee what commitments were entailed in a security guarantee. The presumption within the committee is that the Administration will decide to proceed with an Executive agreement .

If that is the case, Senator Fulbright is considering introduction of a resolution expressing the sense of the Senate that agreements involving military commitments to a foreign Government, such as the proposed agreement with Spain, should be in treaty form.

ORDER FOR RECOGNITION OF SENATOR ALLEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the statement by the able Senator from Oregon (Mr. HATFIELD) tomorrow, the very able and very distinguished Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4167—INTRODUCTION OF A BILL RELATING TO SCHOOL DESEGREGATION—THE UNANSWERED QUESTIONS—II

Mr. SPONG. Mr. President, recently, I spoke on the Senate floor concerning the confusion which exists as a result of the conflicting opinions in a number of court cases regarding the desegregation of public schools. Today, I would like to discuss the legislative history of congressional action on school desegregation legislation and speak about the powers and responsibilities of the Congress at this time.

The major congressional action in the civil rights field has, of course, been the 1964 Civil Rights Act. Two titles of that act had special significance for public education. Title IV, in its principal provisions, authorized the Attorney General of the United States to initiate suits for the desegregation of public schools and colleges if he received a signed complaint and made certain determinations. It also provided for technical and financial assistance to school districts planning or going through the process of desegregation.

Title VI prohibited discrimination in federally assisted programs, authorized the Federal departments and agencies to issue rules and regulations approved by the President to carry out the Title and outlined procedures for terminating Federal assistance to localities, including local school districts.

Title IV also, however, stated:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve . . . racial balance . . .

In April of 1965 the Department of Health, Education, and Welfare, pursuant to title VI of the 1964 Civil Rights Act, issued its first desegregation guidelines, providing that compliance, under varying circumstances, could be achieved by an assurance of compliance form, court orders directing desegregation of the school system or submission to HEW of an acceptable desegregation plan.

In early 1966 the Civil Rights Commission issued a report criticizing the guidelines as too lenient. New guidelines were issued in March of 1966 and restated in January of 1967. These required faculty desegregation and set guidelines for the percentage of Negro children who should be attending white schools.

In 1966 a House Judiciary Subcommittee held hearings on the guidelines issued by the Office of Education but took no further action.

During consideration of the Elementary and Secondary Education Act amendments, however, a number of votes concerning school desegregation were taken. The final version of the bill contained sections providing for the deferral of Federal funds for 90 days while a school district's practices were investigated and banning forced transportation of children in order to achieve racial balance.

The Elementary and Secondary Education Act Amendments of 1967, then, added to existing law provisions requiring that the guidelines issued by HEW cite the legal authority on which the guidelines were based. They also stipulated that a school district would be considered in compliance with the 1964 Civil Rights Act if it was complying with a court desegregation order.

Not included in the final version of the bill were provisions adopted by the House requiring that guidelines be uniformly applied and enforced throughout the Nation and providing that Federal funds not be deferred until there had been a hearing and an expressed finding that a district was in noncompliance. The latter was identical to a 1966 House provision which was not included in the final version of the 1966 bill.

In the Senate, a debate took place over the amendment offered by the late Senator Everett M. Dirksen, which stated that no Federal money could be used to bus students or reassign teachers to overcome racial imbalance. The amendment was withdrawn, after some discussion, in which former Senator Wayne Morris said the key word in the 1964 Civil Rights Act was "require" and that the Dirksen amendment should not be adopted because it would deny those districts which voluntarily wished to bus to overcome racial imbalance from doing so.

In 1968, during consideration of the fiscal 1969 Labor-Health, Education, and Welfare appropriations bill, the Whitten amendments first cleared the House of Representatives. The amendments prohibited use of Federal funds to force busing of students, close any school, or require the attendance of students at a particular school, and prohibited the above as a prerequisite to obtaining Federal funds.

Before final clearance of the bill by Congress, however, a clause was added to the Whitten amendments making them enforceable only where the cited actions were designed to overcome racial imbalance.

During consideration of the final Labor-Health, Education, and Welfare appropriations bill for fiscal 1970, Congressman JAMIE L. WHITTEN again offered amendments prohibiting use of Federal funds for forced busing, abolition of schools, and required attendance at particular schools against the will of a student's parents or as a prerequisite for receiving Federal aid. These were included in the House version, but the final version of the bill qualified them by adding the phrase, "Except as required by the Constitution."

This year the House version of the education appropriations bill for fiscal 1971 contained the Whitten amendments as well as an amendment prohibiting school assignments on the basis of race, creed, or color, which had been adopted by the House but deleted in the Senate the previous year. Both proposals were eliminated in the Senate, by rather large margins.

The conference bill, however, contains the following language:

> SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parent or parents.
>
> SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students, to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Instead of clarifying the situation, however, the legislative history surrounding the adoption of the amendments only serves to confuse the issue more. During Senate debate on adoption of the conference report on the education appropriations bill, a letter from Elliot Richardson, written when the latter was Secretary-designate of Health, Education, and Welfare, to Senator CHARLES McC. MATHIAS, JR., was inserted into the CONGRESSIONAL RECORD. The letter said, in part:

> While sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there was not, and thus serve to confuse local authorities as to their constitutional responsibilities.

On the other hand, other Senators have interpreted the amendments as providing relief for the South and its school districts.

In addition to this, during consideration of the Elementary and Secondary Education Act Amendments, the Senate adopted an amendment specifying that the school desegration guidelines be applied uniformly throughout the United States. Although the amendment was dropped in conference, it did lead to creation of a Senate Select Committee on Equal Educational Opportunity, to which I was appointed.

At this point, then, I think it is necessary to look at what Congress has done, to summarize the meaning of the various votes which have been taken in the past few years and to spell out what Congress has not done.

Thus far in these remarks, I have concentrated on actual congressional enactments, rather than on the many and various proposals which have been made, or introduced. The reasons for this are twofold. First, what is law is our best guide to congressional sentiment. And, second, even with those provisions which have been enacted, there are several interpretations, as evidenced by the debate on them.

Nevertheless, from a review of those provisions which have become law, I believe that several conclusions can be drawn. One is that the Congress as a whole has never viewed racial balance as the ultimate goal of its civil rights legislation. Another is that Congress as a whole has been skeptical of the forced busing of schoolchildren, a view which I share.

It is obvious, of course, that the House of Representatives has been stronger on these matters than the Senate, especially this year.

But, we do have legislation on the books which suggests congressional sentiment on racial balance and forced busing and I believe that that legislation must be interpreted as I noted earlier.

At the same time, however, I would be the first to admit that congressional expression of its views on school desegregation has been extremely limited.

It has indicated that racial balance is not the ultimate goal. It has shown skepticism about forced busing. There have been indications of concern over the dual standards which are being applied in various parts of the Nation.

But, the answers leave much to be desired. Earlier, I criticized the Supreme Court for recessing without answering questions concerning busing, racial balance, and other problems mentioned by Chief Justice Warren Burger in March. The Court will not return to work until October—a month or more after most schools are scheduled to open. The uncertainty which will attend the school openings and the disruptions which may result from subsequent rulings are unsound and unwise from both an educational and a practical point of view.

I have also criticized the executive branch for pursuing seemingly contradictory courses of action. The Department of Justice and the Department of Health, Education, and Welfare have often apparently worked in opposite directions. The President, in his school desegregation message, by recognizing a distinction between de facto and de jure segregation, only perpetuated a dual standard for the North and South.

I must, however, also criticize the Congress for failing to provide more specific guidance. Its recent action on the Whitten amendments, particularly the various interpretations which were permitted to go unchallenged, served only to confuse, rather than clarify policy.

Certainly, the matter is a controversial one. Certainly, it is an emotional one. But, it will not go away just because we leave it alone.

I believe that most Americans are fairminded. I believe that most of our citizens want our people throughout the land to have access to opportunity and to share in the affluence which our Nation has to offer. And, I know that every parent—whether he be black or white—has a concern for his children, their education and the situations to which they will be exposed.

To ignore the problems which have come to plague our school districts is to ignore major concerns of the American people. I do not believe they can be ignored any longer.

Our education problems are everywhere. If any school district is not faced with difficulties today, it may only be lucky until tomorrow. Court cases involve areas from Virginia to California. State laws have been enacted from New York and Michigan to Florida.

What we need is a single, uniform, reasonable desegregation policy for the entire Nation. We need a policy which will open the doors of opportunity to all our children. We need a policy which will provide excellence of education, within a reasonable cost/benefit ratio and without massive social experimentation.

We must come to grips with the question of what is constitutionally required. We must have definitions of unitary school districts, desegregated systems, et cetera. We must have some standard for determining what requirements can reasonably be made of an individual school district.

Those who believe we can do otherwise are deluding themselves and are suggesting courses which could wreck the entire system of public education in our Nation.

After some study of the matter and conversations with Representative RICHARDSON PREYER, of North Carolina, I have decided to introduce in the Senate, with some modifications, a companion bill to H.R. 16484. Alexander Bickel, story professor of constitutional law at Yale University, assisted in preparation of this legislation.

The bill sets a national policy on school desegregation. It specifies that the purpose of our law and our policies remain the disestablishment of segregation. It creates a national right for a pupil to transfer from any public school in which his race is a majority to one in which his race is a minority. It commits the Federal Government to equalization of educational opportunities and facilities.

This bill will not please those who want massive busing of children for any distance despite the risk of social and educational disruption. It will not please those who wish to punish the South for past sins. It will not please diehards who hope somehow out of the present confusion to return to the days before the Brown case. It is offered to that large majority of Americans, North and South, who are reasonable and looking for guidance toward a commonsense approach to this problem.

I believe this bill offers such an approach. First, it seeks to clarify the confusion which now exists as a result of varying court decisions, Executive policies and congressional statements.

Second, it sets a single desegregation policy for the entire Nation, North and South, East and West.

Third, it reiterates a basic commitment to desegregated education in line with the Constitution.

Fourth, it establishes a national right for any child in a school in which his race is in a majority to transfer to a school in which his race is in a minority.

Fifth, it outlines the conditions which must be met in order for a school system to be considered a unitary system. The same definition of a unitary system would apply throughout the United States.

Sixth, the bill provides for a child to attend the school nearest his home; that is, his neighborhood school, as long as the policy is administered in a fair and honest manner.

Seventh, it eliminates the need for massive busing of schoolchildren.

Eighth, it seeks to avoid resegregation.

Ninth, it prescribes a national commitment to the reduction and elimination of inequities which exist between so many of our schools in terms of facilities, curriculum, teacher-pupil ratios, et cetera.

Tenth, it would help preserve public support for and commitment to our public education system. Public education cannot survive without the financial and philosophical support of our people. Our Nation has already seen too many school bond referendums lost, too many schools closed for a variety of reasons. We risk havoc if we permit situations contributing to these events to continue. This bill will, I believe, help preserve support for our public school system and, at the same time, eliminate the doubts and uncertainties which are currently disrupting our basic educational activities.

Hearings on the bill introduced by Congressmen PREYER and GALIFIANAKIS of North Carolina are currently underway in the House. I am pleased that southern representatives would initiate legislation seeking a national solution toward a national problem—a problem that will not be solved by unanswered questions or conflicting lower court interpretations of the law, and will not be solved under a double standard cloaked in the tweedle-dum and tweedle-dee hypocrisy of de jure and de facto segregation.

I regret that litigants, lower courts and the Nation have received so little guidance from the Supreme Court, but I believe the Nation expects more on this subject from the Congress than is represented by the rather vague and somewhat conflicting legislative history recited earlier in these remarks. If we are not being told what the law is, we certainly should not hesitate to participate in the formulation of what it should be.

I hope we can have early hearings in the Senate on this proposal. Undoubtedly, changes and refinements should and will be suggested. In a time of confusion and uncertainty, this legislation is offered as a reasonable approach to a national problem. We would be remiss if we did not seek rational solutions and we invite chaos if we do not do so immediately.

Mr. President, I send the bill to the desk and ask that if be appropriately referred.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred.

The bill (S. 4167) to enforce the guarantees of the 14th amendment with respect to the desegregation of public elementary and secondary schools, introduced by Mr. Spong, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. SPONG. I am pleased to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to commend the able and distinguished Senator from Virginia for the presentation of his exhaustive study of the legislative history in Congress of measures requiring the desegregation of the public schools in this country.

I would like to ask the distinguished Senator from Virginia if it is not presently the Federal school policy regarding the desegregation of public schools to require immediate desegregation of the public schools of the South, while at the same time protecting and fostering the segregated schools in those areas of the country outside the South?

Mr. SPONG. I would say to the Senator from Alabama that 2 weeks ago, on a Monday, I addressed the Senate, and at that time endeavored to outline, through the decisions of the Supreme Court and the writs for certiorari that have been denied, the current legal situation, which shows that the law of the land insofar as, for instance, the State of Ohio, the State of Indiana, and the State of Missouri are concerned, is that racial balance and busing shall not be required is the segregation which exists is not of the making of the school division or the locality involved.

The situation in the South, as of this time, although the Supreme Court of the United States has not spoken on racial balance, has not spoken on massive busing, has not adequately defined a unitary school system, and has not yet addressed itself to the difference, if any, between de jure and de facto segregation, is that under rulings of the fifth circuit and the fourth circuit, massive busing could be required this September in the cities of Little Rock, Charlotte, Norfolk, Richmond, and Roanoke.

So we have at this time a void in the law, in which the interpretations of the circuit courts in the fourth and fifth circuits are such as to require racial balance and massive busing, while in the circuits in which Ohio and Indiana are located, the law is that this is not required because the situation there is regarded as de facto.

Let me go further with my answer, to make a further distinction for the Senator from Alabama:

The State of Indiana had a law which required segregation of its schools until the year 1946. The State of Missouri had a law requiring segregation of its schools until sometime after the Brown case was decided.

Undoubtedly the laws on the books of those States contributed to the housing patterns in localities within those States. What these three circuits are saying, contrary to each other, until the Supreme Court addresses itself to this problem, is that you are de facto if you had a law in 1946, but you are de jure if you had a law in 1953, although the housing patterns which undoubtedly flowed from the existence of those laws were on the books and were part of the laws of those States.

As a matter of fact, I introduced an exhibit with my statement 2 weeks ago from Judge Hoffman's memorandum in the Norfolk school case, which showed that 45 out of the 50 States had had either court decisions of final resort or laws on the statute books which were discriminatory by race.

So, in answer to the Senator's question, the laws as presently being interpreted by the fourth circuit, the fifth circuit, and circuits in the North are in conflict either until the Supreme Court speaks or until a national policy is enacted by Congress.

Mr. ALLEN. I thank the distinguished Senator from Virginia. I would like to ask him further, though, if it is not the policy of HEW to take the position that the Whitten amendments, as presently enacted into law, which do forbid the use of funds appropriated in the HEW appropriation act for the forced busing of students or the forced closing of the schools, or for forcing a child to go to any school other than the school chosen by the parent of that child—I ask the Senator if it is not the position of the Department of Health, Education, and Welfare that those prohibitions are not effective as regards de jure segregation, whereas they are effective as regards defacto segregation, which is said to exist in the North?

Mr. SPONG. Well, I quoted in my remarks from the letter signed by Mr. Richardson and addressed to Senator Mathias. That is certainly the thrust of what he said.

I would say further to the Senator from Alabama that I examined Mr. Jerris Leonard 3 or 4 weeks ago before the Select Committee on Equal Educational Opportunity. I asked Mr. Leonard to explain the distinctions in the way the law was being applied throughout the United States, and Mr. Leonard told me that nothing would be done in, for instance Chicago, or Philadelphia, or Cleveland. Those were the three cities that we discussed. They have more segregation today than they had at the time of the Brown decision.

We discussed this, and Mr. Leonard said that nothing will be done with regard to these cities until the law is changed either by the Supreme Court or by Congress, because segregation in these cities is de facto and there is a distinction between de facto and de jure situations.

Mr. ALLEN. But is it not true that the Supreme Court has never ruled that de facto segregation is constitutional?

Mr. SPONG. The Supreme Court has not addressed itself to the problem of de jure and de facto segregation.

Mr. ALLEN. Has it not said that the maintenance of racially segregated schools is a denial of the equal protection of the laws to a black student required to attend a school attended only by black students?

Mr. SPONG. The Supreme Court has said that segregation by race or denial of opportunity for a child to attend a school solely because of race is unconstitutional. It has not addressed itself to the entire de facto and de jure situation. The Court has not said that racial balance is required under the Constitution. It has not said that massive or enforced busing is required.

Mr. ALLEN. It has been 16 years since the Brown decision. It seems that the Federal policy, then, has been to be satisfied with outlawing the de jure segregation as it is said to exist in the South and to continue the protection of de facto segregation as it exists outside the South.

Mr. SPONG. The Senator from Virginia agrees with the distinguished Senator from Connecticut (Mr. Ribicoff), who some months ago called this "monumental hipocrisy." I call it morally indefensible. What I am seeking here is legislation that will create a national policy on desegregation. I believe in equal opportunity for every child in the United States, black or white.

Mr. ALLEN. I think every Senator does.

Mr. SPONG. But I believe that we must have a law that is going to be interpreted the same way in Indiana as it is in Virginia.

Mr. ALLEN. The distinguished Senator from Virginia has mentioned rulings of the Supreme Court of the United States, and I should like to ask him whether he feels that it is inconsistent for the Supreme Court in the Brown case to say that a State or a local educational agency cannot maintain segregated schools but now take the position that the State is required to take affirmative steps to end segregation and thereby to promote integration. Does the distinguished Senator from Virginia see any inconsistency in those rulings?

Mr. SPONG. The Senator from Virginia believes that what the Court has done in the 16 years since the Brown case has been extremely limited, that it has not given sufficient guidance to the Nation as a whole insofar as this problem is concerned. The Court has said that under certain circumstances you cannot have freedom of choice, for example. It said this in the Green decision, which came out of my State of Virginia. It said that a unitary school system was the objective. But, for example, the Court has not told us what a unitary school system is. So the Senator from Virginia would prefer to use the word "limited" rather than "inconsistent."

I think the Court has not given the Nation the guidance it needs. The greatest authority for this is the concurring opinion of Chief Justice Burger in the Memphis decision, in March, in which the Chief Justice said that at the proper time the Court should address itself to very practical problems—whether racial balance was required under the Constitution, whether transportation was to be required to achieve racial balance. The Court has before it the Charlotte, N.C., decision.

Mr. ALLEN. Also, the change of districts, I believe, was the third one.

Mr. SPONG. That is correct.

It has denied certiorari in the Norfolk case. I am not as familiar with the Charlotte case as I am with the Norfolk case, but I believe that the Norfolk case addresses itself not only to the legal and practical questions but also to educational considerations. Dr. James Coleman, of Johns Hopkins, was widely quoted, and Dr. Thomas Pettigrew, of Harvard, was a witness in the case, discussing the educational values involved. All this could have been brought before the court had they seen fit to grant certiorari.

Mr. ALLEN. I would like to differ mildly with the distinguished Senator from Virginia with respect to his statement that in the Green case the Supreme Court held that you could not have freedom of choice. I believe the ruling was to the effect that, since this particular freedom-of-choice plan had not measured up to the point of bringing the required amount of desegregation, for that reason it was ruled out, not because it was a freedom of choice plan per se. Does the distinguished Senator from Virginia agree on that point?

Mr. SPONG. The Senator from Virginia spoke, when he very briefly talked of the Green ruling, in terms of a unitary school system. What the Court said, if I understood it, was that whatever plan the county in Virginia had did not result in a unitary school system.

Mr. ALLEN. But a freedom-of-choice plan, if it did produce a result that met the approval of the Supreme Court, would be perfectly legal and constitutional, would it not?

Mr. SPONG. As the Senator from Alabama knows—I heard him recite it on the floor of the Senate the other day—the State of New York has a freedom-of-choice plan.

The Legislature of Michigan recently passed a bill. I do not believe the Governor of Michigan has signed the bill yet. I am not certain. I asked the distinguished Senator from Michigan earlier today. This bill, if the Governor signs it, has overtones of freedom of choice.

I might say that Mr. Leonard, in my examination of him before the committee, said that freedom of choice, so long as it operates separate and apart from dual school systems, is perfectly acceptable and would seem to him to be a worthwhile goal. I am not quoting him exactly, but that is the thrust of what he said.

Mr. ALLEN. I am glad that the distinguished Senator from Virginia mentioned the situation that exists in the State of New York, where a recent report of the regents of the University of the State of New York, dated late in 1969, pointed out that segregation in the State of New York was increasing at a rapid rate; whereas, we all know that the administration has pledged to end this year, by September, segregation in 97 percent of the school districts in the South.

I am interested in the bill that the distinguished Senator from Virginia has introduced, and I was delighted to hear him say that it was based on suggestions by Professor Bickel, who is certainly an outstanding authority on constitutional law.

I should like to ask the distinguished Senator from Virginia whether his bill has an element of freedom of choice, in that any child in a public school, where his race is in the majority, would have the right—and I suppose that would mean the freedom of choice—to enter another public school in that same system, where his race is in the minority. Would that not be, then, a limited freedom-of-choice approach?

Mr. SPONG. Yes. The distinguished Senator from Alabama is correct. That feature of the bill is a freedom-of-choice provision. Congressman PREYER noted this in several statements he made.

Mr. ALLEN. I think that phase of it is certainly very desirable and much to be sought.

I should like to express my deep appreciation to the distinguished Senator from Virginia for this compilation of the acts of the House and Senate and the decisions of the Supreme Court bearing on this most important question.

Mr. President, the forced, immediate desegregation of the public schools of Alabama and the South is threatening to destroy our public school system. Our public schools are in a chaotic condition with the approaching edicts of HEW and the rulings of the Federal courts. I am hopeful that some measure will be approved by Congress and some action will be taken by the administration that will give relief to the public schools of the South and to the students, parents, and patrons of those school systems.

We are on the verge of losing our public schools in Alabama and the South. That is being done by this Federal policy which I have spoken of, and which the distinguished Senator from Virginia has alluded to, which does require the immediate desegregation of the public schools in the South and protects and fosters the desegregated schools of the North.

I am delighted that the distinguished Senator from Virginia has introduced a bill that would establish a national school policy. We talk about equal enforcement of the laws and equal protection of the laws, but we certainly do not have it in regard to the Federal policy regarding desegregation of the public schools.

We have one policy for the North and a vicious policy for the South.

Mr. President, the administration has not been satisfied to threaten the very destruction of our public school system in Alabama and the South, but has now had the Treasury Department issue a ruling that contributions made to a private school in the South that does not have an open admission policy will not be tax deductible by the maker of that contribution to the public schools.

There are over 30,000 tax-free foundations in this country. They are set up for every "do-good" policy, every "do-good" purpose, and, in many cases, "do-bad" purposes. Contributions to these tax-exempt foundations are tax deductible and the foundation itself is exempt from Federal income tax. But yet, when the people of the South set up their private schools and send their children to them in order to try to give them a good education and a quality education, they continue to help support the public schools in the South and pay the high tuition necessarily required in the private schools. Then to say that the contributions to those private schools are not tax deductible is certainly a vicious and a politically-motivated decision.

Mr. President, the people of Alabama and the South deeply resent this dual federal policy regarding our public schools. They resent the Treasury Department's ruling knocking out the tax deductibility of contributions to the private schools of the South.

Possibly the bill offered by the Senator from Virginia will be helpful. Certainly it would set up a single policy. That is what the Stennis amendment sought to do. The Senate, in a display of statesmanship, voted for the Stennis amendment to set up a single policy but, of course, they took it back a few days later when they had the opportunity to vote on the conference report.

However, I hope that the Senate and the House will rise again to a display of statesmanship and support a uniform policy for the public schools throughout the country.

The people in the South are entitled to equal treatment under the law. We are entitled to equal and fair application of the law. We are not getting it. We resent it. Congress has the power to set that straight. We hope that it will.

I am glad, too, that the distinguished Senator from Virginia pointed out the long recess the Supreme Court has taken for itself. It is in recess now and will remain in recess until after, I assume, all the public schools throughout the country have opened. Yet, these vital questions remain to be answered.

The chaotic condition of the public schools in Alabama and the South is a great tragedy. The Federal bureaucrats and the Federal courts have been interested and continue to be interested in integration for integration's sake. People of the South are interested in giving their children, black and white, a good education.

I am hopeful that we can get some relief at this point at the hands of Congress, at the hands of the Executive department, or at the hands of the Federal courts.

I thank the distinguished Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from Alabama. I reiterate that this is a desegreation bill. It is a bill that acknowledges the constitutional requirements as previously interpreted by the Supreme Court. It is a bill that in the absence of guidance from the Supreme Court seeks some congressional expression that will make the law uniform and equal insofar as Indiana, Virginia, and Alabama are concerned.

It imposes upon all of us certain responsibilities with regard to equality and with regard to education. But it also, I believe, injects a tone of reasonableness and hopefully brings into the discussion some of the many aspects that have never gotten beyond the debate stage on the floor of the Senate.

I think it is time that we stop talking about de jure and de facto segregation. I think it is time that we stop giving conflicting opinions both in the lower courts and on the Senate floor as to what the law is and as to what the law should be. And, in the absence of being told what the law is, I think we all have a responsibility to participate in trying to determine what the law should be.

I thank the Senator from Alabama.

DEMOCRATS AND THE WAR IN VIETNAM

Mr. DOLE. Mr. President, apparently it is copout time in the Democratic Party, but I am not sure if the American people are ready to settle for a copout in these dangerous times.

A person or a party or an appeasement group that cops out on one issue or in one area of trouble can hardly be trusted not to do the same the next time around.

Just last week the chairman of the Democratic National Committee took the road of apologetic appeasement in appearing before the Democratic Party's McGovern commission.

Mr. O'Brien said then:

> No political entity that helps to perpetuate the U.S. involvement in Indochina can ever expect to win the trust and allegiance of that segment of our citizenry most directly affected by the war.

This from a man whose party helped perpetuate and enlarge that war for 8 solid years, and he should know.

Next, in today's papers we have the incredible story from Kenneth O'Donnell, one of those closest to President Kennedy, that Kennedy would have ended the war in 1963 except for the fact that he feared political repercussions and therefore presumably without regard to the cost in American lives, decided to wait until after the 1964 election.

I am at a loss to know why Mr. O'Donnell places the onus for not ending the war in 1963 on the back of the late President, but since he has done so I would like to call attention again to Mr. O'Brien's remark:

> No political entity that helps to perpetuate the U.S. involvement in Indochina can expect to win the trust and allegiance of that segment of our citizenry most directly affected by the war.

I should also like to point out to our young people that under President Nixon the war is being wound down as rapidly as is consistent with our own national security, our commitments to our allies, and our credibility with the rest of the world.

President Nixon is doing what he said he would do and he is doing what must be done in the way that it should be done.

Our citizenry most directly affected by the war can now take heart and encouragement from a President's actions regarding Vietnam. This after 8 years of being constantly discouraged by a war that was apparently to be fought in 1964 for political purposes and after that was to be fought indefinitely but not to be won or lost or terminated at any time.

THE O'DONNELL STORY

Mr. GRIFFIN. Mr. President, the paper this morning carried a story that is very hard for me to believe. It is a story which, in effect, turns a man whom the Nation and the world viewed as an idealistic young President into a Macciavelli who put political expendiency ahead of American lives.

Mr. President, it is beyond me why those who were closest and dearest to President Kennedy would set out to destroy the image and the fond memories which many Americans hold of President Kennedy, who was cruelly cut down by an assassin's bullet.

I refer of course to the story which appeared in the Washington Post this morning headlined, "JFK Decided in 1963 To Order Vietnam Pullout After Election." The story goes on to say that late in 1963 President Kennedy decided to pull all American troops out of Vietnam in 1965—after the election.

The principal source for this information is Kenneth O'Donnell, one of the late President's closest aides and confidants.

The worst part of the story, so far as I am concerned, is that O'Donnell goes on to quote President Kennedy as follows:

> In 1965, I'll be damned everywhere as a Communist appeaser. But I don't care. If I tried to pull out now (in 1963) we would have another Joe McCarthy Red scare on our hands, but I can do it after I'm re-elected. So we had better make damned sure that I am re-elected.

If what Mr. O'Donnell says were true, President Kennedy obviously thought the United States should get out of Vietnam in 1963. But O'Donnell tells us, in effect, that the President was willing to wait until 1965—more than a year later—for purely political reasons.

Frankly, as one Senator, I find this very hard to believe, and I sincerely hope that there is some other explanation. I suggest that Mr. O'Donnell's explanation is a terrible burden to place on any President, living or dead.

Obviously, 1970 is not 1963. Between late 1963 and early 1969, when President Richard Nixon took office, there were 5 long years of constant escalation of the war and our involvement in it.

By 1969, it was not possible to do what might have been possible in 1963.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the reading of the Journal on tomorrow morning, the able Senator from Wyoming (Mr. Hansen) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, this means that the other orders which have been previously agreed to will stand as consented to, but that the Senator from Wyoming (Mr. Hansen) will make his remarks prior to those Senators for whom there are previous unanimous consent agreements.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending amendment, offered by the able Senator from Delaware (Mr. Williams), occur tomorrow at 12:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 9:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 4, 1970, at 9:30 a.m.

NOMINATION

Executive nomination received by the Senate August 3, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Nicholas G. Thacher, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

HOUSE OF REPRESENTATIVES—*Monday, August 3, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Know ye that the Lord is God: It is He that hath made us and not we ourselves: We are His people and the sheep of His pasture.—Psalms 100: 3.

Almighty and everlasting God, Shepherd of the seeking souls of men, at this noontide altar of prayer we bow in reverence and humility before Thee, praying for ourselves, for our Nation, and for peace in our world.

Grant unto us worthy intelligences and a willingness to use them for the welfare of all our people and the well being of the nations. Teach our people the futility of violence, the foolishness of prejudice, and the folly of bitterness. Under the guidance of Thy spirit lead us into the ways of understanding and cooperation, peace and good will.

To this end cleanse Thou our own hearts, purify the hearts of our people, and prepare us for the coming of the better day of Thy kingdom when men shall learn to live together in peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, July 31, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3766. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968.

APPOINTMENT AS MEMBER OF THE NATIONAL FISHERIES CENTER AND AQUARIUM ADVISORY BOARD

The SPEAKER. Pursuant to the provisions of section 5(a), Public Law 87-758, the Chair appoints as a member of the National Fisheries Center and Aquarium Advisory Board, the gentlewoman from Washington (Mrs. HANSEN) to fill the existing vacancy thereon.

LEAVE OF ABSENCE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that I be granted an 8-day leave of absence, from August 6 to August 13, 1970, inclusive, to attend to official business in my congressional district.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MEMORIAL SERVICE AUGUST 4 FOR THE LATE HONORABLE MICHAEL J. KIRWAN

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, on Tuesday, August 4, at 10:30 a.m., a memorial service for our late colleague, the Honorable Michael J. Kirwan, will be held at St. Peter's Church, 313 Second Street SE.—just a block from the Cannon Building.

I hope Members of the House can attend. This will be the only memorial service for "Mike" in the Washington area.

GEORGE SZELL

(Mr. FEIGHAN asked and was given permission to address the House for 2 minutes and to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, many artists live out their lives unrecognized for their particular genius until years after their deaths. This was not the case with Hungarian-born George Szell. Richard Strauss recognized his special talent and counseled him to become a conductor even though he was already an accomplished young pianist. His talent was self-evident long before the time he entered the United States as an immigrant in the early forties.

After 4 years with the Metropolitan Opera, he came to Cleveland in 1946 and began to develop the Cleveland Orchestra into one of the finest orchestras in the United States if not in the entire world. He gave Cleveland the best years of his life and Cleveland audiences, as he often said, were his greatest supporters.

In the sixties he had taken them on a successful trip to Moscow.

Finally, at 73, he conducted his orchestra in Japan representing the United States at the 1970 World's Fair. This proved to be too much for the tireless genius. It was too much of a strain. After he returned in June, he was forced to enter the hospital.

I speak for my constituents as well as for many of his fellow Americans in gratitude and appreciation for the many years Cleveland and the world have enjoyed the singular genius of George Szell. May his memory live on as a testimony to perseverance and discipline which so often escapes the consideration of present-day admirers.

The baton will be passed on to another deserving director and life will continue somehow as it did before. In this case, however, Cleveland's orchestra cannot continue with such grandeur nor with such genius—at least, for awhile. The genius of the kind George Szell gave to Cleveland and the world is seldom repeated and nearly impossible to replace.

FUNDS FOR INDEPENDENT OFFICES

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the House acted wisely in adopting the conference report providing funds for independent offices, which includes funding for the Veterans' Administration. It would be poor economy to delay veterans' medical programs, and delay would have been the result had we followed the urging of the administration and reduced this funding bill. I urge the other body to adopt this report as veterans' medical needs are urgent.

The VA hospital in Columbia, S.C., desperately needs modernizing. In Columbia we need a new VA hospital. Columbia is rapidly becoming a medical center. New facilities in Columbia would mean that we would not have the problems of staffing for veterans care so pronounced in many other areas of the country.

I regret that the administration, the Veterans' Administrator, and the Bureau of the Budget have opposed the additional funds which ultimately would make it possible to build a new VA Hospital in Columbia and air-condition and improve the old while the new is being built. I was shocked to read that the Veterans' Administrator told the other body that this additional money was not needed.

Medical care for our veterans is not up to the proper standards. The Veterans' Committee, headed by our great chairman, "TIGER" TEAGUE, has pointed this out time after time. The subcommittee headed by the distinguished gentleman from Florida (Mr. HALEY) investigated the situation throughout the country and found in many areas veterans care was deplorable.

The conference report as adopted by the House will provide $105 million more than the administration requested for medical care to our veterans. The situation is urgent, particularly concerning our Vietnam veterans. I urge my colleagues in the other body to adopt this conference report with this appropriation for the Veterans' Administration, and place it on the President's desk as soon as possible.

Mr. Speaker, may I remind my colleagues that no modernization program or new hospital is possible at Columbia or a new VA hospital at Augusta, Ga., placed on the blueprint stage without this appropriation, initiated and passed this session of the Congress.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. SAYLOR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 249]

Adair
Addabbo
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspinall
Baring
Berry
Biaggi
Blatnik
Boland
Brock
Broomfield
Brotzman
Brown. Mich.
Broyhill, Va.
Burleson, Tex.
Burton, Utah
Bush
Button
Caffery
Carey
Casey
Celler
Chisholm
Clark
Clay
Conte
Conyers
Corbett
Corman
Coughlin
Cramer
Crane
Cunningham
Daddario
Dawson
Delaney
Denney
Dent
Diggs
Dingell
Downing
Edwards, La.
Eilberg
Erlenborn
Esch
Fallon
Farbstein
Fish
Ford, William D.
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Gettys
Gilbert
Gray
Green, Oreg.
Hagan
Hall
Halpern
Hanley
Hawkins
Heckler, Mass.
Hogan
Horton
Hull
Hungate
Ichord
Jarman
King
Leggett
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
Macdonald, Mass.
MacGregor
Madden
Mathias
Meskill
Monagan
Moorhead
Murphy, N.Y.
Olsen
O'Neill, Mass.
Ottinger
Pelly
Pepper
Podell
Pollock
Powell
Preyer, N.C.
Quillen
Railsback
Randall
Rarick
Reifel
Riegle
Rivers
Roe
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
St Germain
Sandman
Satterfield
Shriver
Smith, N.Y.
Stafford
Staggers
Stephens
Stuckey
Symington
Taft
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Watkins
Watson
Weicker
Whalley
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Zwach

The SPEAKER. On this rollcall, 292 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SCHEDULING OF THE DEFENSE APPROPRIATION BILL, FISCAL YEAR 1971

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, in the Washington Post of yesterday, in a UPI story by John Hall, there is attributed to Senator MANSFIELD, the Democratic leader of the Senate, certain statements about the defense appropriation bill. I quote the story in part:

> In addition, he (Senator Mansfield) said he had been advised that managers of President Nixon's $72-billion defense appropriations bill do not want to bring it to a vote in the House until after the Nov. 3 election, in which all House seats and 35 Senate seats are at stake.
>
> Mansfield said he did not know why the House wanted to hold up action on the defense measure.

Mr. Speaker, I am shocked that any such inaccurate information should have been conveyed to Senator MANSFIELD in regard to the defense appropriation bill. I do not say this in criticism of Senator MANSFIELD. We are old friends and I have the greatest respect for him. It is simply a case of his having been misadvised.

Senator MANSFIELD, on March 18, put in the RECORD of the proceedings of the other body the reporting schedule—which I issued the day before—of the House Appropriations Committee, and applauded our efforts to move the appropriation bills rapidly.

The Committee on Appropriations finished its hearings on the Defense appropriation bill weeks ago, and has wanted to move forward with House consideration of the measure as quickly as feasible. Our March 17 reporting schedule called for the Defense appropriation bill to be approved by the committee on June 3 and to be considered by the House several days later.

We were unable to meet that timetable, or a somewhat later date, because of the failure of the Senate to pass the defense authorization bill, H.R. 17123, upon which many of the items in the Defense appropriation bill are based. Of course, agreement in conference on the authorization would also be required.

The House passed the authorization bill—it having been reported out of the committee on the gentleman from South Carolina (Mr. RIVERS) on May 6, nearly 3 months ago.

I earnestly hope that the Senate will, in the very near future, pass the authorization bill, and that any difference between the two bodies can be expeditiously worked out in conference so that we may be able to bring the appropriation bill before the House at the earliest date—and certainly weeks before the election.

I wish to flatly and bluntly repudiate the intimation that the managers of the defense appropriation bill desire to postpone consideration of the defense measure until after the November election. Any such suggestion tends to indicate that the House expects to play politics with an issue involving the security of the Nation. This intimation is unfortunate and must not be permitted to stand.

The defense appropriation bill is the only regular appropriation bill for the current fiscal year 1971 remaining for House consideration. We would like to sweep the slate clean before the August recess, but we have not been able to do so because finalization of action on the authorization bill has not taken place.

I would say further, Mr. Speaker, that after consultation with the Speaker, the majority leader of the House, and the minority leader of the House, I find no intimation whatever that there is any such plan of delay in defense appropriation action in the House.

TRIBUTE TO THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

(Mr. COLMER asked and was given permission to address the House for 1 minute.)

Mr. COLMER. Mr. Speaker, I take this time in order to congratulate the gentleman from Texas (Mr. MAHON) upon his statement and the manner in which he has expedited the consideration of these appropriation bills.

Time did not permit me to ask him the question, but I wondered if he had discussed this with the distinguished majority leader in the other body, as to whether they still adhere to the program.

Mr. Speaker, it appears to this humble Member of this body that there is a definite movement on foot to prolong this session of the Congress until the very final day of the year.

The gentleman from Texas and others on his committee have expedited these appropriation bills, and there is no reason why we should be forced to stay around here until Christmas again.

Mr. Speaker, in my humble book, this is just another case of the tail wagging the dog, with the other body calling all of the signals. I have a high regard for the Senate majority leader, in fact, I entertain genuine affection for him personally, but I do not feel that he should attempt to run this body too and it is difficult to believe he does.

PERSONAL STATEMENT

Mr. ROONEY of New York. Mr. Speaker, on rollcall No. 249, a quorum call, which was concluded just a few minutes ago, I am recorded as being absent. This is correct. I was busy elsewhere in the Capitol on official business.

EXPEDITING THE DEFENSE APPROPRIATION BILL

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, I wish to congratulate my good friend, the chairman of the Committee on Appropriations, the gentleman from Texas, on the statement that he just made. I wish to assure him and to assure the House that on the minority side of the Committee on Appropriations and on the minority side of the House there is a definite feeling that we should go ahead with the business of appropriating funds for this fiscal year. We feel that it is incumbent on the House and the other body to do this.

I would like to say to my good friend from Texas at this time that if at any time it appears likely there is some sort of a slowdown on authorizations to make the defense appropriation bill come up after the election, I personally will be glad to go with the gentleman from Texas to the Committee on Rules and ask for a rule waiving points of order so that this appropriation bill could be brought up and the great Department of Defense could be apprised as to what funds it has to operate for the next fiscal year.

Mr. Speaker, I have been amazed and appalled, as I am sure the gentleman from Texas has, at some of the stories I have seen in newspapers and in the communications media concerning the possibility that there would be a movement afoot to load up appropriation bills which have political appeal, with the idea that the last bill will be for the Department of Defense and sufficient cuts could be made there so that there will be a balanced budget. This would, in my opinion, be completely irresponsible, and would be playing politics with national security. The Department of Defense bill must not be made a political football and when it is passed it must contain funds adequate for the proper support of our Defense Establishment, with no surplus, but with sufficient funds printed to take care of the defense needs of this country, which, after all, is the most important duty this body has to perform.

FISCAL DISCUSSION

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, and Members of the House, I find this fiscal discussion very interesting. All of us know we are facing 1971 with an enormous deficit as a result of the administration's policy in bringing about a recession in this country. I was astonished just a few days ago to receive a special, hand-delivered letter from John S. Nolan, Assistant Secretary of the Treasury, in which he enclosed a copy of a letter addressed to the Speaker asking us to levy billions of dollars in new taxes.

The next day I read in my Louisiana newspapers where the Federal Government is going to institute tax sharing to make available to Louisiana many millions and to the rest of the Nation billions of dollars.

Now, how hyprocritical can you get? In one breath a letter special delivery sent to me as the ranking member of the Committee on Ways and Means telling me that we have to collect new taxes in this depresssed economy and in the next minute sending to every village, hamlet, and State in this country a lot of political propaganda—involving the expenditure of billions of dollars not now available and in the face of a prospective $10 to $15 billion deficit in fiscal 1971.

This sudden surge of information has not reached the offices of the House Ways and Means Committee, however. I checked today and found out that the Treasury Department has still not responded to a request for a report on the revenue sharing bill as introduced almost a year ago. The request was made on September 30, 1969, and we are still waiting.

FISCAL RESPONSIBILITY AND THE NIXON ADMINISTRATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, we are getting that same old broken record from the gentleman from Louisiana quite frequently nowadays.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. No; I am sorry. The gentleman has had his minute and I shall take mine.

But, let me say this: The fact that we have not acted responsibly fiscally in providing adequate revenue and the fact that we have spent more than we should in many areas, does put a serious crimp in the possibility of a revenue-sharing program. This is a program which was the original brainchild of the Chairman of a recent Democratic President's Economic Council, the party of the gentleman from Louisiana. This is a good program which a Republican President has embraced.

Mr. Speaker, if we could have a little Federal fiscal responsibility by this Congress both as to revenue and expenditures, then we could undertake and we should undertake a revenue-sharing program with the States and with the local communities being the beneficiaries.

FISCAL RESPONSIBILITY AND THE NIXON ADMINISTRATION

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. McFALL. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank my good friend from California, Mr. McFALL. Mr. Speaker, the gentleman from Michigan can call the Nixon record a broken record if he wants to. He is correct—it is a broken record all right. It is a broken record of Nixon promises. It is a broken record of fiscal irresponsibility resulting in 1 million unemployed, $300 billion loss in securities values alone in 18 months, and the highest interest rates in history, and a tremendous decline in Government revenues. Unemployed workers and failing businessmen do not pay taxes.

It is a broken record, indeed. Many an American is broke because of it.

Mr. Speaker, imagine an administration that on one day demands billions of dollars in new taxes while at the same time its political merchants are peddling fake pie in the sky, nonexistent grants in a vain effort to blind the American people and attempt to gain votes in November.

There is not one penny for revenue sharing in the budget. Yet this administration has spent millions for propaganda broken down to every village, every community, every city and every State as to how much they would get if Congress approved such nonsense.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE CONSTRUCTION OF SUPPLEMENTAL IRRIGATION FACILITIES FOR THE YUMA MESA IRRIGATION DISTRICT, ARIZONA

The Clerk called the bill (H.R. 9804) to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYLOR. Mr. Speaker, reserving the right to object——

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that S. 2882, an identical bill, be considered in lieu of H.R. 9804.

Mr. SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SAYLOR. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Is there objection to the present consideration of the bill H.R. 9804?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I reserve that right, Mr. Speaker, to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SAYLOR. Mr. Speaker, if my reservation is withdrawn and this bill is considered, is it in order to offer an amendment to the bill?

The SPEAKER. If the bill comes up by unanimous consent, an amendment would be in order because the bill then would be before the House for consideration. The Senate bill, if it had been considered would also have been subject to germane amendments.

Mr. SAYLOR. Mr. Speaker, I might state that had I known that it would be in order for an amendment to be offered in the House to the Senate bill, I would not have objected under those circumstances. This is an amendment about which I did not know which was to be offered by the gentleman from California.

The SPEAKER. Of course, the Chair is

stating that the amendment could be in order to the bill, but the Chair has no knowledge as to the content of the Senate bill nor whether the proposed amendment would be germaine to the Senate bill.

The Chair does not want to be put in a position where possibly later events might be subsequently developed which might convey an entirely different proposition.

Mr. SAYLOR. Mr. Speaker, reserving the right to object, then, I would like to direct a question to the gentleman from California (Mr. JOHNSON).

Is the Senate bill that the gentleman proposes to call up in place of the House bill identical with the House bill?

Mr. JOHNSON of California. If the gentleman will yield, the bill is identical.

Mr. SAYLOR. Mr. Speaker, then I would renew my unanimous consent request that my objection be permitted to be withdrawn.

The SPEAKER. Does the gentleman from Pennsylvania intend to offer an amendment to the Senate bill?

Mr. SAYLOR. I intend to offer an amendment which is germane.

PARLIAMENTARY INQUIRY

Mr. JOHNSON of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JOHNSON of California. Mr. Speaker, would the gentleman from Pennsylvania have to be given unanimous consent to offer the amendment?

The SPEAKER. The Chair will state that if unanimous consent is granted for the consideration of the House bill or the Senate bill, then the matter would be before the House under the 5-minute rule, and that means that if there is an amendment offered debate could occur.

Mr. SAYLOR. And it would be subject to amendment.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the bill H.R. 9804 be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING THE ACT RELATING TO ADMISSION TO THE UNION OF THE STATES OF NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON

The Clerk called the bill (H.R. 13125) to amend section 11 of the act approved February 22, 1889, (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first paragraph of section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act of May 7, 1932 (47 Stat. 150), is hereby amended to read as follows:

"Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to Federal lands that are surveyed, nonmineral, unreserved public lands, or are reserved public lands that are subject to exchange under the laws governing the administration of such Federal reserved public lands."

and that a new paragraph be added immediately following the above, as follows:

"All exchanges heretofore made under section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act approved May 7, 1932 (47 Stat. 150), for reserved public lands of the United States that were subject to exchange under law pursuant to which they were being administered and the requirements thereof have been met, are hereby approved to the same extent as though the lands exchanged were unreserved public lands."

and that the present paragraph 2 of section 11 be amended to read as follows:

"Except as otherwise provided herein, the said lands may be leased under such regulations as the legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such terms of years and on such conditions as may be from time to time provided by the legislatures of the respective States; leases for grazing and ordinary farm agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years."

With the following committee amendments:

On page 2, line 6, after "public lands" insert "within the State".

On page 2, at the beginning of line 7, insert "within the State".

Page 2, beginning on line 22 and continuing through page 3, line 6, strike out the present language and insert in lieu thereof the following: "'The said lands may be leased under such regulations as the legislature may prescribe.'"

The committee amendments were agreed to.

Mr. JOHNSON of California. Mr. Speaker, H.R 13125, as amended and approved by the Committee on Interior and Insular Affairs, amends section 11 of the Statehood Act of the States of North Dakota, South Dakota, Montana, and Washington to permit the exchange of State school lands for certain reserved public lands. It also retroactively approves certain exchanges between the State and the national forests that have already been made but which are contrary to existing law. In addition, H.R. 13125 permits the four States to lease their school lands without Federal restriction under such terms and conditions as the State legislature prescribes.

The original Statehood Act of 1889 for these four States made no provision for an exchange by the States of school lands. Subsequently, this was amended in 1932 to permit exchanges but limited them to surveyed, nonmineral, unreserved public lands. This precluded any exchange of lands within national forests as these are considered, for this purpose, to be reserved.

H.R. 13125, as amended, removes this restriction and permits exchanges of lands within national forests. This will be of benefit to both the State and the Forest Service as it will permit the blocking up of holdings and will help eliminate a checkerboard land pattern. Better and more efficient management will result.

In considering the Federal restrictions on the leasing of State school lands, it was the committee's position that these were no longer necessary. The States should be permitted to lease their school lands under such terms and conditions as deemed appropriate by the State legislature. For this reason, the committee recommended the elimination of the Federal restriction on leasing.

Mr. Speaker, H.R. 13125, as amended, is a progressive piece of legislation. It permits better land management through exchanges; it legalizes certain exchanges heretofore made; and it permits the respective States greater latitude in the leasing of their lands.

Mr. Speaker, I recommend enactment of H.R. 13125, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR EXCHANGE OF CERTAIN REAL PROPERTY BY THE FEDERAL GOVERNMENT AND THE CITY OF PORTSMOUTH, VA.

The Clerk called the bill (H.R. 14373) to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (VA-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

There being no objection, the Clerk read the bill, as follows:

H.R. 14373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the city of Portsmouth, State of Virginia, subject to such terms and conditions as the Secretary of the Navy shall deem to be in the public interest, all right, title, and interest of the United States in and to the land located in the city of Portsmouth with the buildings and improvements thereon, described substantially as follows:

Beginning at a point on the south side of South Street one hundred and eighty feet east from the southeast intersection of South and Middle Streets;

thence south and parallel with Middle Street, two hundred and twenty-six feet to the north side of Bart Street;

thence east along north side of Bart Street one hundred and twenty-seven feet, more or less, to the right-of-way of the Seaboard Air Line Railway;

thence northeasterly along the northerly side of the Seaboard Air Line Railway one hundred and twenty-five feet, more or less, to the west side of Crawford Street;

thence north along the west side of Crawford Street, one hundred and thirteen feet, more or less, to the southwest intersection of Crawford and South Streets;

thence west along south side of South Street one hundred and eighty feet to the point of beginning, containing 0.918 acre, more or less.

SEC. 2. In consideration of the conveyance by the United States of the aforesaid lands, the city of Portsmouth shall convey to the United States, such lands situated within the proposed Southside neighborhood development project located in the city of Portsmouth together with such buildings and improvements thereon or to be constructed thereon, as are acceptable to the Secretary of the Navy, or his designee, and subject to such conditions as are acceptable to the Secretary of the Navy, or his designee.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the city of Portsmouth such appropriate interests in other lands, or neighborhood facility, as may be considered necessary for protection of the interests of the United States in connection with the exchange.

With the following committee amendments:

On page 1, line 6, insert the phrase "or his designee" after the word "Navy".

On page 3, following line 10, add a section 4 to the bill, as follows:

"SEC. 4. The property conveyed to the United States under sections 2 and 3 shall be of no less value, as determined by the Secretary of the Navy or his designee, than the property conveyed to the city of Portsmouth under section 1."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 2735 OF TITLE 10, UNITED STATES CODE, TO PROVIDE FOR THE FINALITY OF SETTLEMENT EFFECTED UNDER SECTION 2733, 2734, 2734a, 2734b, OR 2737

The Clerk called the bill (H.R. 17695) to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone conversant with this bill a question or two.

Mr. DONOHUE. Mr. Speaker, I will be glad to attempt to answer the gentleman's questions if the gentleman will yield for that purpose.

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman from Massachusetts as to the difficulties we have had with the present law on this subject.

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield, under the present law I would suggest to the gentleman from Iowa that any claim that is settled at the present time in accordance with an international agreement, for example, a NATO agreement, having to do with a foreign claim in the absence of this amendment could possibly be subject to being reopened and further considered. In other words, a settlement might not be regarded as final and conclusive as between the parties.

Mr. GROSS. When the gentleman refers to a foreign claim, does the gentleman mean a foreign claim against the U.S. Government?

Mr. DONOHUE. Such claims as those asserted by foreign nationals as a result being injured by the noncombatant activities of our military forces operating in foreign countries. At the present time these agreements provide that as to such claims we are governed by their laws, and likewise when their nationals are injured or killed within the confines of our country the claims are also subject to our existing laws.

Mr. GROSS. Then this applies to the settlement of claims in foreign countries, or the settlement of claims in this country of claims brought by foreign nationals in the United States?

Mr. DONOHUE. Exactly.

Mr. GROSS. And it has nothing to do with claims brought by foreign nationals against the U.S. Government or any agency thereof in a foreign country. It has nothing to do with that; is that correct?

Mr. DONOHUE. Foreign claims of that type are covered by those international agreements. I might observe that as to claims arising in this country under the agreements, the claims are considered on the basis of the law defining the liability of the United States, say, under the Tort Claims Act, in this country.

Mr. GROSS. The settlements are final and conclusive according to the language in the report.

Mr. DONOHUE. That is right, may I say to the gentleman from Iowa. All of these claims under these different sections are subject now to being reopened because of subsequent conditions and circumstances. On the other hand, with the passage of this bill, once a settlement is arrived and releases are signed, they are final and conclusive and cannot be reopened.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DONOHUE. Mr. Speaker, the bill H.R. 17695 would amend section 2735 of title 10, United States Code, concerning finality and conclusiveness of military claims settlements, by adding references to sections 2734a, 2734b, and 2737 of that title. A reference to repealed section 2732 would be deleted from section 2735.

The bill H.R. 17695 was introduced in accordance with the recommendations of an executive communication from the Air Force in behalf of the Department of Defense which recommends its enactment.

The present provisions of section 2735 provide for finality of settlement for property and personal injury claims under sections 2733 and 2734 of title 10. Section 2735 was included in its present form as a part of chapter 163 of codified title 10 when it was enacted into law on August 10, 1956. Since that time section 2732 was repealed, but the section still carries a reference to the repealed section. In addition, the three new sections 2734a, 2734b, and 2737 have been added to chapter 163.

The bill will bring the section up to date by deleting the repealed section and by adding references to the three subsequently enacted sections.

The bill H.R. 17695 was the subject of a subcommittee hearing on May 27, 1970, and the testimony at that hearing established that the same reasons for providing finality to settlements under the sections now referred to in section 2735 also apply to finality of settlements under the three other sections as is provided for in this bill. In fact, it appears that the purpose of section 2735, which is clearly to provide for finality of settlement in military claims matters, requires such an amendment.

In connection with this amendment, it is pertinent to note that similar finality of settlement statutes are applicable to claims settled under the provisions of the Federal tort claims provisions in title 28—28 U.S.C. 2672—as well as admiralty claims involving the military departments—10 U.S.C. 4806, 2672(d), 7623(d), and 9806. Finality of settlements under section 715 of title 32 of the United States Code concerning claims generated by National Guard activities is provided for by subsection (g) of that section. The amendments provided for in this bill are consistent with the pattern and provisions for finality presently contained in other claims statutes.

At the hearing on the bill on May 27, 1970, the members of the subcommittee were assured that the actions of personnel will continue to be subject to supervision and examination. It should be added that the testimony at that hearing restated the facts given the subcommittee at a hearing on January 31, 1968, on a similar bill, H.R. 202, which was favorably reported and passed by the House during the 90th Congress. The effect of the provision as to finality is merely to provide that a final settlement is final in the full sense of the word and will not be subject to reopening as to that specific claim.

The Comptroller General in a report to the committee on the bill stated that the General Accounting Office would have no objections to extending finality to settlements made under the additional sections as provided for in the bill. The Comptroller General also noted that the experience of the military departments under the present provisions of section 2735 demonstrated the practicality of statutory provision for final and conclusive settlements.

There is a clear basis for the amendments proposed in this bill and the amendments will correct omissions from the section involved. Accordingly, it is recommended that the bill be considered favorably.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 17695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2735 of title 10, United States Code, is amended to read as follows:

"§ 2735. Settlement: final and conclusive

"Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CURTAILING MAILING OF CERTAIN ARTICLES WHICH PRESENT A HAZARD TO POSTAL EMPLOYEES OR MAIL PROCESSING MACHINES BY IMPOSING RESTRICTIONS ON CERTAIN ADVERTISING AND PROMOTIONAL MATTER IN THE MAILS

The Clerk called the bill (H.R. 15937) to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 15937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1716 of title 18, United States Code, is amended (1) by designating the first through seventh paragraphs thereof as subsections (a) through (g), respectively; and (2) by inserting immediately above the penal positions in such section the following new subsections:

"(h) All metal or plastic bottle caps, jar tops, can lids, opening strips and similar articles not specially wrapped or packaged in accordance with regulations prescribed by the Postmaster General are nonmailable and shall not be deposited in or carried through the mails or be delivered by any postmaster, letter carrier, or other person in the postal service. Any advertising, promotional, or sales matter which solicits or induces the mailing of such articles is likewise nonmailable unless such matter contains wrapping or packaging instructions which are in accord with regulations promulgated by the Postmaster General."

SEC. 2. Section 4001 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The district courts, together with the District Court of the Virgin Islands and the District Court of Guam, shall have jurisdiction, upon cause shown, to enjoin violations of section 1716 of title 18, United States Code."

With the following committee amendments:

Page 1, lines 8 and 9, strike: "All metal or plastic bottle caps, jar tops, can lids, opening strips and similar articles not specially wrapped or".

Page 2, lines 1, 2, 3, 4, & 5, strike: "packaged in accordance with regulations prescribed by the Postmaster General are nonmailable and shall not be deposited in or carried through the mails or be delivered by any postmaster, letter carrier, or other person in the postal service."

Page 2, line 6, strike: "such articles" and insert "anything declared nonmailable by this section."

The committee amendments were agreed to.

Mr. DONOHUE. Mr. Speaker, the bill, H.R. 15937, as amended, would amend section 1716 of title 18, United States Code, which bars injurious articles from the mails, by making the present first seven paragraphs of section 1716, subsection (a) through (g), and by adding a new subsection (h) declaring advertising promotional, or sales matter soliciting or including the mailing of anything declared nonmailable by section 1716 to be likewise nonmailable unless accompanied by wrapping or packaging instructions in accord with regulations promulgated by the Postmaster General. Section 2 of the bill would add a new subsection (d) to section 4001 of title 39, United States Code, to confer jurisdiction on a district court, including the district court of the Virgin Islands and the district court of Guam, for actions to enjoin violations of section 1716 of title 18, United States Code.

The bill, H.R. 15937, was introduced in accordance with the recommendations of the Post Office Department which recommends its enactment. The Department urged that the amendments provided in this bill be enacted in order to make it possible to curtail the mailing of articles which present a hazard to postal employees or small processing machines.

At a subcommittee hearing on this bill on April 22, 1970, the witness appearing in behalf of the Post Office Department stated that as a result of sales promotion techniques such as contests, premium offers, and the like, enveloped mail containing undetected metal and plastic articles such as bottle caps, jar tops, can lids, opening strips, and similar items enter the mail stream and find their way into the mail processing machines of the postal service, causing serious damage to this expensive equipment. It was also pointed out that these articles present a physical danger to post office employees because pieces of metal or plastic may be projected with considerable force from the processing machines.

As originally introduced, the first section of House Resolution 15937 declares nonmailable metal or plastic bottle caps, jar tops, can lids, opening strips, and similiar items, unless they are specifically wrapped or packaged in accordance with regulations prescribed by the Postmaster General. Testimony at the hearing and information supplied the commitee concerning the damage and injuries caused by bottle caps and similiar items make it clear that items with this potential for damage or injury are barred by the existing provisions of section 1716. An attempt to enumerate the items in the proposed new subsection (a) would be repetitious and also might give an impression of limited application to specific named items. For these reasons the committee has recommended the deletion of the first sentence of the new subsection (h) as set forth in the bill. The remaining language of the new subsection would be amended so that advertising, promotional, or sales matter which solicits or induces the mailing of "anything declared nonmailable by this section" is likewise nonmailable. It was concluded that with the addition of the quoted language the new subsection will have the added advantage of applying to all of the items declared nonmailable by section 1716.

In addition to the criminal penalties as provided in section 1716 of title 18, the bill gives an added means of controlling the problem by authorizing the post office to secure injunctions. Section 2 of the bill would enable the Postmaster General, through the Attorney General, to bring suits against persons or organizations to enjoin mailings in violation of section 1716 of title 18. This provision affords the Department the alternative means of stopping the introduction into the mails of the matter described above, as well as other articles proscribed by section 1716 by the use of injunction proceedings.

In view of the recommendations of the department in the executive communication and the considerations outlined in this report, it is recommended that the bill, as amended, be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

(Mr. DONOHUE asked and was given permission to revise and extend his remarks on H.R. 17695 and H.R. 15937.)

DISPOSITION OF JUDGMENT FUNDS TO CREDIT OF HUALAPAI TRIBE OF THE HUALAPAI RESERVATION, ARIZ., IN INDIAN CLAIMS COMMISSION DOCKETS NUMBERED 90 AND 122

The Clerk called the bill (H.R. 13434) to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission Dockets Nos. 90 and 122, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 13434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Hualapai Tribe of Indians that were apportioned to pay a judgment granted by the Indian Claims Commission in dockets Numbered 90 and 122, and the interest thereon, less payment of attorney fees and expenses, may be advanced, expended, invested or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribe shall not be subject to Federal or State income tax.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. HALEY. Mr. Speaker, the purpose of H.R. 13434 is to authorize the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indians Claims Commission Docket No. 90. The net amount available is $2,974,612.

The money has been appropriated and most of it has been invested temporarily in United States Treasury bills. The Indians may not use the money, however, until Congress has approved their plans.

The Hualapai Tribe consists of approximately 1,035 Indians. About 750 of them live within the service area of their reservation. The remainder live away from the reservation.

The tribe proposes to distribute 25 percent of the judgment equally among the members of the tribe. This amounts to about $65 each. For the members who need assistance, the money may be used only pursuant to a family plan approved and supervised by the tribe. The others could assume full responsibility for the use of their funds.

The tribe proposes to use $991,250 of the judgment to develop tribal resources and create job opportunities.

About $1 million will be retained by the tribe for investment. Two-thirds of the revenue from the investment will be used for education, and one-third will be used for the administration of tribal government.

The figures are estimates which may be modified as experience dictates.

The Committee on Interior and Insular Affairs believes that the plan for the use of the money is sound.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AUTHORIZING USE OF FUNDS FROM JUDGMENT IN FAVOR OF CITIZEN BAND OF POTAWATOMI INDIANS, OKLAHOMA

The Clerk called the bill (H.R. 14097) to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 14097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Citizen Band of Potawatomi Indians of Oklahoma that were appropriated by the Act of July 22, 1969 (Public Law 91–47) to pay a judgment by the Indian Claims Commission dated August 27, 1968, and the interest thereon, including the interest occurring thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the band shall not be subject to Federal or State income tax.

With the following committee amendments:

Page 1, line 7, after "Commission" insert "in Docket No. 96" Page 2, after line 4, insert a new section 2 as follows:

"SEC. 2. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons."

The committee amendments were agreed to.

Mr. HALEY. Mr. Speaker, the purpose of H.R. 14097 is to authorize the use of a judgment against the United States recovered by the Citizen Board of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96. The net amount available is $723,111.

The money has been appropriated and most of it has been invested temporarily in U.S. Treasury bills. The Indians may not use the money, however, until Congress has approved their plans.

The tribe consists of about 10,150 Indians. Only 1,320 of them live in or near the former reservation. The others are highly acculturated, have small amounts of Indian blood, and are widely scattered. Under these circumstances, a per capita distribution of the money is the only feasible course to follow, and that is the tribe's plans. The per capita will be about $70. The tribe also has on hand about $270,000 from a prior judgment, and it plans to distribute that money per capita also, which will mean an additional $27 for each person.

The tribe has recovered two prior judgments, and both have been distributed per capita. The tribe has 11 claims still pending, and a possibility of sharing in an additional 15 claims.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the use of funds arising from a judgment in favor of the Citizens Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN FAVOR OF SAC AND FOX TRIBES OF OKLAHOMA IN INDIAN CLAIMS COMMISSION DOCKET NO. 220

The Clerk called the bill (H.R. 14827) to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 14827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment by the Indian Claims Commission in docket numbered 220, together with interest thereon, after payment of attorney's fees and other litigation expenses, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any portion of such funds that may be distributed per capita to members of the tribe shall not be subject to Federal or State income tax.

Mr. HALEY. Mr. Speaker, the purpose of H.R. 14827 is to authorize the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in Indian Claims Commission Docket No. 220. The net amount available, including accrued interest, is $703,345.

The money has been appropriated and most of it has been invested temporarily in interest-bearing securities. The Indians may not use the money, however, until Congress has approved their plans.

The tribe consists of about 1,976 members. Only 30 percent of them live within the area of their former reservation, and the rest are scattered throughout the United States. The tribe owns only 805 acres of land, and the members of the tribe own only 18,814 acres.

The tribe proposes to distribute 90 percent of the judgment equally among the members of the tribe, and to use 10 percent of the judgment for tribal programs. This 10 percent will supplement about $335,000 that was set aside from a previous judgment for the construction of a community building, for educational grants, for industrial development, and for low-cost housing for elderly members in Oklahoma. Under the circumstances of this case, the committee believes that the proposed use of the money is appropriate.

The tribe has participated in one prior award, it will participate in one other award that has already been made, and it may participate in several other claims that are still pending before the Indian Claims Commission.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

ENVIRONMENTAL EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Education Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance is in part due to poor understanding by citizens of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curriculums to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to provide support for the initiation and maintenance of programs in environmental education at the elementary and secondary levels; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, community, industrial and business leaders and employees, and government employees at local, State, and Federal levels; to provide for community education programs on preserving and enhancing environmental quality and maintain ecological balance; and to provide for the preparation and distribution of materials by the mass media in dealing with the environment and ecology.

USES OF FUNDS

Sec. 3. (a) From the sums appropriated, the Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall assist in educating the public on the problems of environmental quality and ecological balance by:

(1) Making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations for:

(A) Projects for the development of curriculums to encourage preserving and enhancing environmental quality and maintaining ecological balance.

(B) Pilot projects designed to demonstrate and test the effectiveness of the curriculums described in clause (A) whether developed with assistance under this Act or otherwise.

(C) Projects for the dissemination of curricular materials and other information regarding the environment and ecology developed under clause (B), as well as of other materials deemed by the Secretary to have value for use in educational institutions.

(2) Undertaking directly or through contract or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations evaluations of the effectiveness of curriculums in use in elementary, secondary, college, and adult education programs involved in pilot projects described in paragraph 1(B).

(3) Making grants to institutions of higher education, local educational agencies, and other public or private agencies, institutions, or organizations to provide preservice and inservice training programs on environmental quality and ecology (including courses of study, symposiums, and workshops, institutes, seminars, and conferences) for teachers, other educational personnel, public service personnel, and community, business, and industrial leaders and employees, and government employees at local, State, and Federal levels.

(4) Making grants to local educational, municipal, and State agencies and other public and private nonprofit agencies, institutions, or organizations for community education on environmental quality and ecology, especially for adults.

(5) Making grants to State and local education agencies for the support of programs in environmental education at the elementary and secondary school level.

(6) Making grants for preparation and distribution of materials suitable for use by mass media in dealing with the environment and ecology.

(7) Making grants to local educational, municipal, and State agencies, institutions of higher education, and other public and private nonprofit organizations for the planning of outdoor ecological study centers.

APPROVAL OF APPLICATIONS

Sec. 4. (a) Financial assistance for a project under section 3 may be made only upon application at such time or times, in such manner, and contaning or accompanied by such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 3 and provides for such methods of administration as are necessary for the proper and efficient operation of such programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require and for keeping such records, and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

SMALL GRANTS

Sec. 5. (a) In addition to the grants authorized under section 3, the Secretary, from the sums appropriated, shall have the authority to make grants, in sums not to exceed $10,000 annually, to citizens groups, volunteer organizations working in the environmental field, and other public and private agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded).

(b) Priority shall be given to those proposals demonstrating innovative approaches to environmental education.

(c) For the purposes of this section, the Secretary shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual audit of Federal funds expended.

(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the organization or group shall volunteer additional information.

FEDERAL SHARE OF PROGRAM COSTS

Sec. 6. Federal assistance to any program under section 3, other than those involving curriculum development, dissemination of curricular materials, and evaluation under section 3(1) (B) or (C) and (2), shall not exceed 80 per centum of the cost of such program for the first fiscal year of its operation, including costs of administration, unless the Secretary determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this section. The Federal share for the second year shall not exceed 60 per centum, and for the third year 40 per centum. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADVISORY COMMITTEE ON ENVIRONMENTAL EDUCATION

Sec. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Environmental Education which shall—

(1) advise the Secretary concerning the administration of, preparation of, preparation of general regulations for, and operation of, programs supported with assistance under this Act:

(2) make recommendations regarding the allocation of the funds under this Act and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(4) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Environmental Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons from the public and private sector with due regard to their fitness, knowledge, and experience in academic, scientific, medical, legal, resource conservation and production, urban and regional planning, information media activities as they relate to our society and its effect upon our environment: Provided, however, That the Committee shall consist of not less than three ecologists and three students.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate specified for grade GS–18 in section 5532 of title V, United States Code, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

Sec. 8. The Secretary, in cooperation with other Cabinet officers with relevant jurisdiction, shall, in so far as possible, upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher learning, agencies of local, State, and Federal Government and other agencies, institutions, and organizations deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient to carry on education programs which deal with environmental quality and ecology.

PAYMENTS

Sec. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

Sec. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Secretary shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, conservation organizations, and other organizations and individuals involved in enhancing environmental quality and maintaining ecological balance.

FEDERAL CONTROL PROHIBITED

Sec. 11. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or the selection of library resources by any educational institution or over the content of any material developed or published under any program assisted pursuant to this Act.

AUTHORIZATION

Sec. 12. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973, for carrying out the purposes of this Act.

DEFINITIONS

Sec. 13. As used in this Act—

(a) "environmental education" means the educational process dealing with man's relationship to his natural and man-made surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment.

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

Mr. LANDGREBE. Mr. Speaker, is the gentleman from New York opposed to this bill?

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. REID of New York. Mr. Speaker, I am not opposed to it.

Mr. LANDGREBE. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Indiana opposed to the bill?

Mr. LANDGREBE. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Kentucky is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, this bill was ordered reported favorably—unanimously—by the House Education and Labor Committee on July 21.

The minutes of our committee reflect that without dissent it was indicated that this would be an appropriate measure to bring up under suspension of the rules.

This seemed appropriate from several standpoints.

First, I know of no opposition to the legislation.

At the same time, this legislation deals with an urgent national problem.

Mr. Speaker, the hour is very late in which we must move vigorously to protect the environment in which we live.

For many years I have been gravely concerned about the destruction of our natural resources, the pollution of our streams with industrial and municipal waste, the destruction of our forests by the careless use of fire, the casualness with which we litter our highways, our parks, our streams and our lakes, the pollution of our air which immediately threatens our health.

A problem of this magnitude requires many approaches.

Consequently, I am pleased that this Congress has enacted a number of pieces of legislation dealing with various aspects of the problem:

First, the National Environmental Policy Act, which established a Council on Environment Quality in the Office of the President;

Second, the Endangered Species Act, which is aimed at protecting our threatened wildlife;

Third, the Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices;

Fourth, the Commission on Pollution Growth and the American Future, which will make a 2-year study of all fundamental questions of population growth and submit a report and recommendation to the Congress; and

Fifth, amendments to the Federal Water Pollution Control Act, directed at making oil companies liable for oil pollution and creating an Office of Environmental Quality in the executive branch.

Effective steps must be taken now to remedy the damage done by the pollution of our environment, but at the same time we must prepare the public so that everyone will take steps now to solve the problem which otherwise will assume enormous and unmanageable proportions in the immediate future. As our population increases our capacity to pollute our environment increases. It is difficult to imagine the future discomfort, the future health danger and the future ugliness that continued despoliation of our environment will produce even 5 or 10 years hence.

Because each one of us contributes to the marring of the water we use, the land we walk on, the air we breathe, each one of us must become better informed about the nature of our environment and the effect that the things we do have upon it. Knowledge of the effect of our work and play activities upon our environment will enable industrialists, government officials, and private citizens to pursue intelligent policies aimed at cleaning up and preserving the purity of our natural resources.

An effective education program of this nature must involve many forms and many institutions.

Consequently, the bill makes provision for:

First, the development of curricula materials;

Second, the funding of pilot projects to test the validity and effectiveness of curricula developed;

Third, the dissemination of materials;

Fourth, the preparation and distribution of materials dealing with environment and ecology to the mass media;

Fifth, the preservice and inservice training of teachers, public service personnel, community, business and industrial leaders, and government employees at the local, State, and Federal levels on environmental quality and ecology;

Sixth, authorize grants for community education programs and permit funding for the planning of outdoor ecological study centers; and

Seventh, support for the initiation and maintenance of environmental education in our elementary and secondary schools.

Due to the pilot nature of the program $5 million is authorized for fiscal year 1971, $15 million for fiscal year 1972, and $25 million for fiscal year 1973.

I am hopeful this bill will be approved unanimously by this body. I urge all of my colleagues to support the bill to show the Nation the determination of the Congress to come to grips in every appropriate way with the problem of the destruction of our environment.

I certainly would be derelict in responsibility if I did not, in concluding, pay tribute to the great job done by the Select Education Subcommittee, chaired by the gentleman from Indiana (Mr. BRADEMAS), who is the chief sponsor, the gentleman from New York (Mr. REID), and others from both the majority and the minority joined the gentleman from Indiana, in writing the legislation and sponsoring it. They developed the legislation, and they have done a good job.

Frankly, until the gentleman from Indiana (Mr. LANDGREBE), demanded a second, I knew of no objection to the legislation.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, if the gentleman will yield me the time, I would like to read a letter from the administration on the subject of this bill, which does enjoy bipartisan support. It was reported by the committee unanimously.

Mr. PERKINS. Mr. Speaker, the gentleman is stating that the administration, from his letter, supports the bill?

Mr. REID of New York. I would like to read the letter.

Mr. PERKINS. I yield for the purpose of having the gentleman read the letter.

Mr. REID of New York. The letter reads:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.

Hon. OGDEN R. REID,
House of Representatives,
Washington, D.C.

DEAR MR. REID: I understand that H.R. 14753, the Environmental Quality Education Act, is coming up in the House on Monday, August 3. I would like to clarify the position of the Administration on this bill.

As the Department testified before the Select Subcommittee on Education last April 21, "This Administration is dedicated in full measure to saving and rehabilitating our fragile, threatened environment—on which our very survival depends." Subsequent actions in this field, including the President's recent presentation of reorganization plans proposing the establishment of the independent Environmental Protection Agency and the National Oceanic and Atmospheric Administration in the Department of Commerce, are further evidence of this dedication.

While we do not feel that additional legislative authority is needed to carry out the purposes of H.R. 14753, we are in accord with its objectives and do not oppose its enactment. Further, the bill as amended by the Education and Labor Committee places authority for environmental education in the hands of the Secretary, and makes several other changes which remove our technical objections to the original version.

I would like to add a personal note of appreciation for your own leadership in promoting the development of needed environmental education programs.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from West Virginia.

(Mr. KEE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEE. Mr. Speaker, I rise to support H.R. 18260, Environmental Education Act, which we have under consideration today.

This legislative proposal, which was favorably considered and reported by the Committee on Education and Labor in the House of Representatives is a measure of extreme importance. At this time, Mr. Speaker, I insert in the RECORD a copy of a resolution adopted by the Southern West Virginia Planning and Development Commission in my home city of Bluefield, which was and is, the very first multicounty economic development district established in the United States. This organization includes nine southern West Virginia counties, and following a thorough review of H.R. 18260, has by this resolution expressed unanimous consent for the fullest support and hearty endorsement without reservation to H.R. 18260, the Environmental Education Act.

The resolution follows:

A RESOLUTION

Whereas, the Southern West Virginia Planning and Development Commission, hereinafter referred to in this resolution as the "Commission", a non-profit, non-stock corporation, organized under the statutes of the State of West Virginia, was established for the purpose of promoting economic, environmental, educational, cultural, and recreational growth within the Southern West Virginia Planning and Development District, consisting of Fayette, Logan, McDowell, Mercer, Mingo, Monroe, Raleigh, Summers, and Wyoming Counties;

Whereas, the Commission from its inception has been concerned with the deterioration of the natural and man-made surroundings in southern West Virginia;

Whereas, the Commission has prepared an Overall Economic Development Plan, which has identified environmental deficiencies;

Whereas, H.R. 18260, otherwise known as "Environmental Education Act", authorizes the establishment of "educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance";

Therefore, be it resolved this 23rd day of July, 1970, that the legally appointed representatives of the nine southern West Virginia counties of Fayette, Logan, McDowell, Mercer, Mingo, Monroe, Raleigh, Summers, and Wyoming, meeting as the Board of Directors of the Commission, convened in Peterstown, Monroe County, West Virginia, do hereby give their unanimous consent for the fullest support and hearty endorsement without reservation to H.R. 18260, the "Environmental Education Act" and instruct the President of said Commission to take any appropriate action necessary to secure the enactment and implementation of said Act.

SAMUEL LAUFER, *President.*

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin, Mr. STEIGER.

Mr. STEIGER of Wisconsin. Mr. Speaker, on January 22, 1970, the President stated:

> We still think of air as free. But clean air is not free. And neither is clean water. The price tag on pollution control is high. Through our years of past carelessness we incurred a debt to nature and now that debt is being called.

While probing the reasons for the decline in the quality of our environment, of which the President spoke, it has become ecident that the people of America do not posses a full understanding of their responsibilities for the maintenance of our environment. Because of this fact it is important to make certain that the Nation's people be made fully aware of their interdependence with the total environment and that they gain the knowledge and concern to begin finding solutions to current ecological imbalances and to prevent future ones.

If any environmental educational effort is to be successful it must be understood that our educational system is in reality a continuum. One which runs from early school years through continuing education. If environmental education is to be a success, it is essential that each stage of the continuum contains environmental education programs. There are already very interesting experiments on the different levels of our educational system—both the formal and informal system.

It is a matter of necessity that our children begin in the early stages of their life to use the space outside the classroom as a new classroom and to understand better their environment by the use of these new learning environments. Because of this need it is important that there be environmental education programs in the early years.

One example of an effort to educate about the environment can be found in some Headstart programs. Part of the daily activities include listening walks, where the children are asked to get very quiet and then report everything they hear, and looking walks, where there is an attempt to make the children aware of colors and shapes of the area through which they walk. Field trips are included in the programs. The children are told about the place they are to visit and what they can expect to see. The field of environmental education for those in the early years is still wide open, with much research yet to be done.

The first exposure American children have to the formal educational system is on the primary level. Their entrance into the formal system should be accompanied by a challenging and comprehensive program in environmental education.

Secondary school students can begin to use their civics and science classes to study national and perhaps more importantly, local, environmental problems. An example of such an effort is the one conducted at the Tilton School in New Hampshire. A course in water pollution, utilizing surrounding bodies of water, is part of the regular curriculum. The object of further work is to develop materials that can be used by other schools in the field of water quality.

College programs, such as those run by Southern University in Louisiana and University of Wisconsin, Green Bay, attempt to unite the students and surrounding community in an effort to further the total understanding of environmental problems.

The great task ahead of educators who are formulating projects for those students at the undergraduate level is to synthesize a program from the area of the humanities, social and natural sciences. Environmental studies cannot be studied as a narrow concept. As our environment encompasses all which is around us, the study of the environment must include all relevant traditional curricula areas and a new synthesis should be made. The University of Wisconsin at Green Bay has made a promising start by creating a new college based on broad themes rather than departments.

The field of continuing adult education cannot help but be a vital segment of any environmental education program. Without this type of remedial program for those already out of the educational system, most adults will be unable to fully understand how and why things interact in our environment.

A program which can ultimately be used by all elements of the educational continuum is the environmental study area. The use of outdoor environmental study areas by schools, communities and civic organizations will eventually involve the total community as well.

Currently underway is a program which not only provides the areas to be used, but has developed a study guide to interpret them. School children are now expanding their learning experiences in such environmentally rich areas as the National Parks of the Great Smokies, Cape Hatteras Seashore, and Kennesaw Mountain National Battlefield Park.

Environmental study areas are used to create an environmental awareness which will provide the individual with the motivation for action, and skills necessary to maintain the world and enjoy life. These areas are helping to develop an environmental ethic. One which conditions the individual to his ecosystem so that his behavior will always indicate a high sensitivity to any activity which is potentially harmful to the environment. Lastly, it will hopefully instill a personal sense of involvement with environmental issues by helping to increase wise and progressive decisionmaking by our citizens, in all communities.

Some might claim that the quality of our environment is not the most essential of issues confronting us today. I think President Nixon more than adequately answered this point in his state of the Union message when he spoke of our current environmental crisis in the following fashion:

> These are not the great questions that concern world leaders at summit conferences. But people do not live at the summit. They live in the foothills of everyday experience and it is time for all of us to concern ourselves with the way real people live in real life.

Environmental education will enhance the quality of our peoples lives by helping improve the environment and brighten their appreciation of the life support systems which make life possible.

I urge the passage of H.R. 18260.

The SPEAKER. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I rise in opposition to this bill, and there are others who will speak about the money that is involved as the funds are escalated from a beginning of $5 million up to $25 million for the third year.

I will not belabor the idea that ecology and pollution are not something brand new in our country. In Indiana at the present time the U.S. attorney's office is prosecuting 15 cases under an 1899 law.

I am not going to dwell at length on the repeated requests of President Nixon to this body to hold down expenditures. We must hold down expenditures or face up to the only alternative—a substantial tax increase. Not only would a tax increase be unpopular, but downright impossible for most segments of our economy to afford.

Nor will I try to enumerate the billions of dollars we have already appropriated for ecology and for pollution control and related matters.

Mr. Speaker, I am directing my objections mainly to line 3 on page 20, in which it is stated that three members of the Advisory Committee shall be students.

This bill was handled in my subcommittee, and I made the most impassioned plea to my colleagues to change it to a "may" bill.

Do we politicians feel that we must have the student interest, particularly since we lowered the voting age to 18, and that we ought to have more students voting for our party or the other party? If so, this is all good and fine, but now we are talking about management, about the operation of this U.S. Government.

Of course, I am a new Member here, but investigation reveals that this is the first time we have designated that three students shall be members of a very important committee, of a committee which, if this bill passes, will be spending some $40 million of the taxpayers dollars during the next 3 years.

When will we have students on the judiciary, highway, and other committees?

I love students. I was a student once. I have paid tuition for several young people to get their education.

But we have a responsibility to see to it that the people who are named to committees are qualified people. Usually we consider appointments to committees to be based upon qualifications, upon background, and upon understanding of the problems.

The explanation of the bill says that, among other things, it proposes to help remedy shortcomings by conducting preservice and inservice teacher training and training of other educational and public service personnel.

I could read half of this report to prove that my objections are good and right.

How are we going to select students? Had it been a "may" bill and there were three students in the United States who had particular qualifications, I would have absolutely no objection to them, but this mandates that students be on the committee.

We are going to pay students $100 a day, and they are going to help train teachers. Are we going to have the students teaching the teachers in the United States? Is this progress, I ask you? Are we not moving in the direction of the blind leading the blind?

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for yielding.

As the gentleman pointed out, there are great difficulties in respect to this bill. As he well knows, we are in a position of having to vote the bill up or down. It cannot be amended at this point, so the only opposition which can be registered would be in the form of a vote against the bill should we get to a rollcall vote.

I should like to add my support to the statement the gentleman has made, and to indicate once more that the administration has gone on record as saying it does not feel that this legislation is necessary.

This House already has voted several hundred million dollars more for the Office of Education than the President requested in his budget.

The Office of Education never, at any time, ever, has had any trouble spending money for any project it deemed necessary, regardless of what was the intent of the Congress at the time we enacted the legislation or appropriated the money. Therefore, if they want to spend $5 million or $10 million or $15 million for environmental education, they can do it out of the money already allocated to that Department.

I believe it is entirely unnecessary for Congress to go on record here asking for the authorization of additional millions of dollars for a department that already has hundreds of millions of dollars more than even the President in his budget requested for the operation of that department.

I thank the gentleman for yielding.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Indiana, the sponsor of this bill (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise to urge passage of this legislation. In doing so I want to take a moment to say a word of warm appreciation to the other three principal cosponsors of the bill, the gentleman from New York (Mr. SCHEUER), the gentleman from New York (Mr. REID), and the gentleman from Idaho (Mr. HANSEN). All of these members of the Select Subcommittee on Education of the Committee on Education and Labor made invaluable contributions to the shaping of this legislation, as indeed did the other members of the subcommittee.

I might here note the strong bipartisan support that this legislation has won. Over 80 Members of the House of both parties are cosponsors of this bill.

I regret very much the arrangement of the time in debate will make it difficult for some of the Members on the minority side to express their support for the bill, but I propose briefly to yield to those of them who wish to say a word about it.

I might say, Mr. Speaker, in commenting on what my friend from Indiana just said, that I fear that he is somewhat mistaken if he suggested that the bill contemplates students would be teaching teachers. There is provision in the bill for membership of at least three students on the 21-member advisory committee which is only an advisory committee and not the administering body for carrying out the purposes of the bill.

Mr. Speaker, I was also somewhat concerned about what the gentleman from Indiana said in his attack on students when he used the phrase "the blind leading the blind." Anyone who has been alive in the year 1970 and anyone who has been aware that we are now in the midst of a new surge of awareness regarding the environmental crisis facing our country cannot help but be impressed by the fact that it is in large measure the students in the grade schools, the high schools, the colleges, and universities who have set the pace for generating on the part of all of the people of this country a profound concern about what has come to be known as the ecological crisis. It should not be too much to say, therefore, that at least three students should play a part on the 21-member advisory committee which makes recommendations with respect to this program.

Mr. Speaker, the Select Subcommittee on Education, which I chair, held some 13 days of hearings on the Environmental Education Act. We were privileged to receive testimony from over 50 witnesses representing a wide variety of viewpoints, including those of conservation groups, citizens' organizations, industrialists, environmental educators, students, ecologists, labor leaders, and social scientists.

After the extensive hearings, the subcommittee came to three broad conclusions:

First. Many of our present environmental problems are the result of ignorance—the inability of our citizens, young and old, to recognize the consequences of individual acts as they affect the total environment of which we are a part. Citizens are equally unaware of remedies that can be applied to preserve and restore a healthy and congenial environment for future generations.

Second. Our schools, colleges, and community organizations are woefully lacking in curricula to teach environmental studies, teachers to teach courses, and funds to support ongoing programs of environmental education.

Third. A broadly based program of environmental education is critically needed in the effort to preserve and enhance environmental quality. Until our citizens develop knowledge about environmental issues and more thoughtful attitudes toward their surroundings, future generations are likely to continue the same environmental abuses that have been committed in the past.

Mr. Speaker, in 1958, the Congress responded to the challenge of Sputnik by passing the National Defense Education Act, which measurably strengthened the Nation's efforts in science education.

Today, Mr. Speaker, we face a challenge of far greater dimensions. It is not a challenge resulting from the actions of another nation; nor is it a challenge posed by the needs of any one economic group within our own country.

It is, rather, a challenge to our survival as a species which has resulted from the actions of all men, everywhere.

Mr. Speaker, one does not have to be a prophet of gloom to recognize that we are in the midst of a severe environmental crisis; we see the signs around us every day:

Suffocating smog, such as the one which blanketed our eastern seaboard last week, creates respiratory problems and takes minutes off each of our lives.

Oil from faulty drillings fouls our beaches and endangers marine life and waterfowl.

Industrial waste soils our systems and rivers.

Mountains of solid waste scar our landscape and create burgeoning sanitation problems.

Fortunately, Mr. Speaker, the 91st Congress has responded to the environmental crisis by enacting landmark legislation including:

The National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President;

The Endangered Species Act, which is aimed at protecting our threatened wildlife;

The Commission on Population Growth and the American Future, which will undertake a 2-year study on population problems and submit recommendations for a national population policy; and

Amendments to the Federal Water Pollution Control Act, which would make oil companies liable for the damage caused by oil spills.

These are laudable accomplishments, and I have supported all of them.

But I would venture to say, Mr. Speaker—and I do not think any champions of clean air, land, and water would disagree—that if we are to be able to make substantial advances in meeting the ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that we have come to call environmental and we are going to need as well changes in basic attitudes toward the environment and man's place in it.

It is for these reasons that, along with three of my colleagues, I introduced the Environmental Education Act last November. As one of our witnesses suggested, the bill could well carry the subtitle, "Education for Survival."

At this time, Mr. Speaker, I would like to review the major provisions of the Environmental Education Act and offer a brief explanation for each of them.

The bill provides up to $45 million, over the next 3 fiscal years, for:

Encouraging and supporting the development, demonstration, and evaluation of new and improved curriculums in environmental studies;

Providing for the dissemination of significant materials for use in programs at preschool, elementary, secondary, college and adult education levels.

Supporting environmental education programs at the elementary and secondary school levels;

Establishing preservice and inservice training programs for teachers, other educational personnel, public service personnel, community, business and professional leaders, and government employees at local, State and Federal levels;

Operating adult and community education programs;

Developing programs and materials for use by the mass media in dealing with the environment and ecology; and

Planning outdoor ecological study centers which could serve as laboratories for on-site observation of environmental problems and principles

These various provisions constitute a comprehensive program of education for survival. They are aimed at schoolchildren and adults alike in formal educational programs as well as nonformal programs to be conducted outside of the schools and colleges.

Mr. Speaker, the Citizens Advisory Committee on Environmental Quality, in a report to the President in August 1969 said:

> Man's interaction with his environment, both natural and man-produced, is the basis of all learning—the very origin and substance of education. Yet, our formal education system has done little to produce an informed citizenry, sensitive to environmental problems and prepared and motivated to work toward their solution.

In this connection, let me now address myself to those sections of the bill aimed at strengthening the response of the formal education system to the challenge of environmental education.

The bill provides for the development, testing, and dissemination of new curriculums in environmental studies for use at all levels of educational system. The New York Education Department in its March 1970 report, "Education for Survival," noted:

> Curriculum development is a slow and tedious process while the need for environmental curriculums is immediate.

Accordingly, the committee recommended that priority be assigned to supporting projects in curriculum development for the first year of the program's operation recognizing that the preparation of materials to teach environmental studies is a fundamental step in any effective nationwide effort to establish educational programs within the formal educational system.

The bill also provides support for the initiation and maintenance of programs in environmental education at the elementary and secondary school levels. Witnesses indicated that, within the formal educational system, priority should go to supporting programs in the elementary and secondary schools. One such witness was Dr. Joseph Sittler, the distinguished theologian from the University of Chicago, who said:

> The early school years are educationally the most valuable place to attack the problem, because the bill aims to put the ink in the spring, as it were, right at the beginning where a child begins to understand and throughout his career that people and bugs and snakes and air and water somehow belong together, and that these things are all bound toegther in the bundle of life.

Dr. Sittler's views were echoed by other witnesses, including many who were associated with colleges and universities.

Another important section of the bill relating to the needs of schools and colleges provides support for training programs for teachers and other educational personnel.

Our student witnesses were particularly insistent on this point. Bryce Hamilton, the national coordinator for the environmental teach-in for the high schools, told the committee, for example:

> Well trained teachers are the key to success for any environmental education program.

Other witnesses emphasized that the use of new and improved curricular materials will depend in large part on the number of teachers qualified to utilize them effectively. And it became obvious from the hearings that there are very few teachers in our schools qualified to teach environmental studies.

Now let me turn for a moment to a

discussion of those sections of the bill dealing with nonformal education programs, those which may exist outside the traditional classroom setting. The committee recognized that much valuable environmental education can and does occur outside of the classroom and indeed, outside the school itself. One of our witnesses, Dr. Margaret Mead, the distinguished anthropologist, said in her testimony:

> Environmental programs in the elementary and secondary schools "need to be supplemented by a good many other kinds of community activities."

The bill aims to meet the need for nonformal education programs for adults and community leaders by allowing grants to local educational, municipal, and State agencies and other public and private nonprofit organizations for community education on environmental quality and ecology, especially for adults. The sponsors attached great importance to this section of the bill because community education is imperative if we are to reach government officials and business and industrial leaders whose decisions may have a profound effect, for good or ill, on the environment.

Nonformal education can also benefit from training programs authorized under the bill to train public service personnel; community, business and industrial leaders and employees, and government employees at local, State, and Federal levels. In order to operate effective programs of adult and community education for the various groups mentioned, it will be necessary to train personnel outside of the formal educational structure to teach in those programs.

Another section of the bill of great importance for nonformal programs of environmental education is section 5, which authorizes small grants—up to $10,000 annually—to citizens' groups, volunteer organizations working in environmental field and other public and private organizations, for a wide variety of educational activities—workshops, conferences, symposiums, and so forth, especially for adults. A number of our witnesses, including Garrett de Bell, editor of "The Environmental Handbook," told the subcommittee that innovative programs in environmental education were more likely to flow from the efforts of activist-oriented groups who have been in the environmental fight for some years, rather than from the tradition-bound, bureaucratic entities which have only recently become interested in the problem.

Mr. Speaker, the small grants section of the bill offers exciting possibilities for new approaches to environmental education. In drafting the final bills the committee took seriously Dr. Margaret Mead's admonition:

> It would be a mistake to channel too much of the funds to the old formal methods of the educational establishment.

For the bill, as presently written, offers the opportunity for a variety of nonestablishment programs which will not suffer from the inevitable restrictions found in formal educational institutions.

There are other sections of the bill that deserve to be briefly mentioned. One would allow grants for the development of programs and materials for use by the mass media in dealing with the environment and ecology. The subcommittee recognized the importance of the media in bringing information to large numbers of people who will not be able to participate in any of the formal or nonformal educational programs discussed earlier.

Yet another subsection allows Federal funds to be used for the planning of outdoor ecological centers. These centers, many of which could be located in urban areas, could serve as laboratories for onsite observation of environmental problems and principles.

These are the major provisions of the Environmental Education Act. They represent the invaluable contributions of many expert witnesses and the hard work of the Select Subcommittee on Education and the full Committee on Education and Labor.

We believe that although the sums authorized are modest, $5 million, $15 million, and $25 million over the next 3 years, it is a strong bill and that it can set the pace for new directions in American education. For too long the American educational system has refused to address itself to the fundamental issue of man's survival on this planet. This bill is an effort to correct that glaring oversight.

Mr. Speaker, I have been asked to yield by two or three Members on this side, and I should like to take a minute or two first to yield to the gentleman from Idaho (Mr. Hansen) for 1 minute.

The gentleman from Idaho made very great contributions to the passage of this legislation.

Mr. HANSEN of Idaho. Mr. Speaker, I thank my colleague for yielding to me. In rising to lend my strong support to H.R. 18260, the Environmental Education Act, I want to acknowledge the constructive contribution to the development of this legislation which has been made by those with whom it has been my privilege to join as one of the original cosponsors, the gentleman from New York (Mr. Reid), the gentleman from New York (Mr. Scheuer), and particularly the distinguished chairman of the Select Education Subcommittee, the gentleman from Indiana (Mr. Brademas) under whose leadership intensive public hearings were conducted in many parts of the country. A valuable contribution to the shaping of this bill was also made by an impressive list of witnesses ranging from high school and college students to some of the Nation's most renowned leaders in business and industry, the arts and education.

Mr. Speaker, I would first like to respond to the statement made by the gentleman from Indiana (Mr. Landgrebe) who took exception to the provision of the bill that would include three students on the proposed Advisory Committee on Environmental Education. I submit that students have a very large stake in the outcome of our efforts to clean up the environment. The reason young people were invited to testify before the Select Education Subcommittee on this bill and the reason the students were included in the proposed Advisory Committee is emphasized by President Nixon, who has accurately gaged the environmental crisis, in his State of the Union Address to Congress earlier this year. President Nixon said:

> Restoring nature to its natural state goes beyond party and beyond factions. It has become a common cause of all the people of America. It is a cause for particular concern to young Americans—because they more than we will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later.

In identifying what will be one of the main themes and a major objective of this administration, President Nixon said:

> The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?

As we enter the decade of the 1970's, concern about the quality of the environmental has intensified. We see all around us disturbing signs of the ecological crisis and the steady deterioration of the environment. The danger we face in the degradation of the quality of the water, air, soil, and other elements necessary to sustain life should not be underestimated.

There are encouraging signs, however, that the Nation is rising to the challenge. This has, indeed, become a cause for young people. In addition, public officials, the news media, and the public in general are focusing attention on environmental problems and voicing their concern over the conditions that have become increasingly inhospitable to human enjoyment and to life itself.

Since the 91st Congress convened last year, the President and Congress have demonstrated their concern by enacting major legislation on environmental matters including:

The National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President.

The Endangered Species Act, which is aimed at protecting our threatened wildlife.

The Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices.

The Commission on Population Growth and the American Future, which will make a 2-year study of all fundamental questions of population growth and submit a report and recommendations to the Congress.

Amendments to the Federal Water Pollution Control Act, directed at making oil companies liable for oil pollution and creating an Office of Environmental Quality in the Executive Branch.

President Nixon, on February 11, 1970 indicated his awareness of the importance of the effort to restore and protect the environment by asking Congress for $4 billion in Federal funds over the next 5 years for air and water pollution control, solid waste management, and purchase of parklands for public recreation.

The President, Members of Congress, and the public have indicated their willingness and desire to allocate a greater share of this Nation's resources to counteract pollution and to provide expanded and improved recreational facilities for our citizens.

To help provide the assurances that these resources will be wisely and efficiently used we must build a base of knowledgment and understanding to serve as a foundation for the comprehensive programs needed to awaken the Nation to the crisis and to stimulate an adequate response. There is need for a major educational effort directed at developing a better understanding and attitudes toward our environment in order that future generations will not be confronted with the same problems.

The problem is much deeper than the development of improved technology and better methods of pollution control. While we must continually strive to improve technology and to find better ways to dispose of our waste, the more basic need is to develop an awareness in all of the people of the dimensions of our environmental problems and to equip them with the knowledge and understanding needed to solve these problems.

There are real signs of hope for our country and for mankind. Throughout the country there is an awakening concern, especially on the part of young Americans, to the dangers to the environment which go far beyond protests against pollution of our land, water and air. The rapidly rising awareness of the environment reflects a deepening sensitivity to the fundamental values of human life.

To meet the ecological crisis we will need an informed citizenry that is educated about the whole spectrum of issues that are called environmental. There is also a need to change basic attitudes toward the environment and man's place in it. The Environmental Education Act that is before us today is a response to these needs.

Environmental education is defined in the bill as follows:

> The educational process dealing with man's relationship to his natural man-made surroundings, and includes the relation of population, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment.

It should be emphasized that environmental education is not simply another name for conservation education or outdoor education. It is much more far reaching embracing approaches and materials from the natural sciences, the social sciences and the humanities coordinated into a total view of man's relationship with his surroundings. One of the great strengths of this legislation is that it anticipates a multidisciplinary approach to the problem and the solution. Just adding courses dealing with environmental problems to existing curricular would fall far short of the need. Rather, a whole range of courses in the natural and social sciences and humanities should include an environmental component.

At the present time most environmental education in the school system is limited to education and conservation. Few textbooks or integrated courses of study are available which represent an adequate presentation of ecological principles, of the problems and responsibilities connected with environmental management or of the fundamental criteria needed to maintain an ecological balance.

The bill before us proposes to help remedy these deficiencies by:

Encouraging and supporting the development, demonstration and evaluation of innovative and improved curriculums in environmental studies;

Providing for the dissemination of significant materials for use in programs at preschool, elementary, secondary, college, and adult education levels;

Initiating and maintaining programs in environmental education at the elementary and secondary school level;

Conducting preservice and inservice teacher training and training of other educational and public service personnel, community, business and professional leaders, and Government employees at local, State and Federal levels;

Operating adult and community education programs which would attract individual citizens and citizen groups in their communities;

Developing programs and materials for use by the mass media in dealing with the environment and ecology; and

Planning outdoor ecological study centers.

While there are encouraging signs that educational institutions throughout the country are developing programs of environmental education, witnesses before the committee emphasized the need for the kind of Federal leadership that this bill will provide.

It is anticipated that during the first operative year of the bill, priority will be given to the development of new and improved curriculums in environmental studies. This is a fundamental step in the establishment of an effective nationwide educational effort aimed at increasing environmental awareness on the part of young people and adult citizens alike.

The bill also provides a curriculum developed with Federal funds as well as other curriculums deemed by the Secretary of Health, Education, and Welfare to have use in environmental education programs may be tested in pilot programs to determine their effectiveness. The bill allows for a more effective system of dissemination of the curriculum materials and other information regarding the environment and ecology which are developed under funds provided by the bill.

The bill provides that grants may be made for the preparation and distribution of materials and the development of programs suitable for use by mass media in dealing with the environment and ecology.

It is significant that the training programs provided for under the bill are not limited to the traditional formal classroom. A great deal of valuable environmental education can and does occur outside the classroom and outside the school itself. There are many noneducational institutions that can qualify for grants to provide training programs outside the ordinary classroom setting. Under one of the provisions of the bill the Secretary is authorized to make small grants—up to $10,000 annually—to citizens groups, volunteer organizations working in the environmental field, and other public and private organizations for conducting courses, workshops, seminars, symposiums, institutes and conferences especially for adult and community groups.

Mr. Speaker, while the amount of money authorized by this bill is relatively modest when measured against the magnitude of the challenge, it can provide a powerful stimulus to harness and mobilize the collective concerns, talents and energies of those within and outside the educational system in the development of programs that can help to turn the tide and give this generation an opportunity to leave the world we live in to future generations in better condition than we found it. In meeting this challenge the problem we face and the response we must make was eloquently summed up by an eminent theologian Prof. Joseph Sittler of the University of Chicago, who emphasized the importance of our own attitudes toward the world we live in and the need to develop a reverence for the earth. In his testimony before the subcommittee Professor Sittler said:

> If the world of not-self is felt as a mere resource to be used it will surely be used; if the world is regarded as a gift, a wonder, as a reality having an integrity of its own—it will be rightly used. That proposition is swiftly and powerfully true; and our present ecological crisis is a result of the denial of its truth. For nature, though often silent is not without power to condemn as well as power to bless man. And, when man so uses nature as to deny her integrity, defile her cleanliness, disrupt her order, ignore her needs—the reprisals of insulted nature taken an often slow but terribly certain form. Nature's protest against defilement is ecological reprisal.

The prompt passage and effective implication of this bill will reassure an anxious nation that the Congress is determined to rise to the challenge.

Mr. BRADEMAS. Mr. Speaker, I thank my colleague from Idaho.

I now yield to the distinguished gentleman from Maryland, Mr. MORTON, for 1 minute.

Mr. MORTON. Madam Speaker, I thank the gentleman very much for yielding.

Madam Speaker, we believe H.R. 18260,

the Environmental Education Act, a step forward to better environmental education. However, the primary responsibility for bringing knowledge and understanding of the environment, particularly to students in elementary and secondary schools, is the job of the State and local school authorities.

Hopefully, this legislation will trigger much broader action by State legislators, State offices of education, and county school boards to bring environmental education into the mainstream of elementary and secondary curriculum. It is only with this sort of motivation that we can accomplish the necessary job of educating our citizens and future citizens to preserve and enhance our environment.

The SPEAKER pro tempore (Mrs. MINK). The time of the gentleman from Indiana has expired.

Mr. PERKINS. Madam Speaker, I yield 30 seconds to the gentleman from Indiana.

Mr. BRADEMAS. Madam Speaker, I thank the gentleman from Kentucky.

Madam Speaker, I would like to say in my remaining 30 seconds that although the sums authorized in this bill are very modest, $5 million for the first year, $15 million for the second year, and $25 million for the third year, this program represents an investment in the future of this country of a kind which seems to me to be imperative, especially when we look at year 2000 when we will have some 300 million people in our country and our environmental problems will have multiplied.

Madam Speaker, I hope that the Members of the House on both sides of the aisle will give overwhelming support to this bill.

Mr. LANDGREBE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Madam Speaker, I am pleased to give this bill my full support. In our struggle to preserve our environment, there is no more important task before us than the creation of a public attitude which will support and insure the kind of action needed.

In a speech I gave on Earth Day in April, I told students:

> My hope is that each of you—the generation which will either solve this problem or live in a steadily deteriorating environment—will dedicate yourself to this lifelong task—not with just momentary enthusiasm but by developing a constant attitude toward the total environment in which you live, passing this dedication and attitude on to your children and the generations yet to come.

This bill, I believe, will help in the creation of that attitude among our people.

The committee was wise, in reporting this bill, to recommend that "strong priority be assigned to supporting those programs and projects which demonstrate a multidisciplinary approach to environmental education." As the committee points out:

> The key to effective environmental education . . . is in its ability to blend the various disciplines into a total view of man reacting with his natural and man made environment.

This need is becoming increasingly recognized in educational circles. It formed the basis for the Steinhart report to the President's Environmental Quality Council, a report entitled "The Universities and Environmental Quality."

Perhaps the Nation's outstanding response to this need is the University of Wisconsin at Green Bay which began operations in 1969 dedicated, in the words of its chancellor, Edward W. Weidner, to "a positive creative approach to relating the university and a university education to the larger society."

The focus of the University of Wisconsin at Green Bay is on ecology, the study of man in relation to his surroundings, through a multidisciplinary approach to education. As its catalog states:

> Our mission calls for the development of teaching, research, and community outreach activities. At University of Wisconsin at Green Bay, these activities are closely interwoven, forging combined programs designed to help solve our ecological or environmental problems.
>
> An ecological focus demands an interdisciplinary—indeed, a pan-disciplinary—focus. Artificial boundaries of disciplines restrict rather than enhance understanding of the several environments of man.
>
> A focus on ecology demands close collaboration between a university and its region.

This collaboration is the hallmark of the University of Wisconsin at Green Bay. The community—northeastern Wisconsin—participated in the planning of the institution, and continues to be involved in its development. The university, in turn, concentrates on the problems of the community, particularly its ecological problems. It is a partnership which holds great promise—not the least of which lies in bringing about the concerned and constructive attitude toward environmental problems which is the objective of this bill.

I commend the University of Wisconsin at Green Bay, and the far-seeing educational and community leaders who brought it into being, for the leadership it has given in the environmental struggle.

Mr. LANDGREBE. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, we all support the concept to aid cleaning up the environment. However, this particular legislation will do nothing more than confuse the issue, by overlapping and duplication. In the first year it will cost $5 million, the second year $15 million, and in the third year $25 million for a total authorization of $45 million.

The gentleman from New York (Mr. REID), read a letter just a few minutes ago stating that this legislation is not necessary to achieve what it purports to do.

Mr. Speaker, we have a lot of things to do in this Congress without additional useless legislation. All the authority now exists for the Secretary to establish an advisory board.

On page 2 of the committee report you will find in the middle of the page a number of environmental pieces of legislation that have already been enacted.

During these times of demonstration upon demonstration, protest upon protest, march after march, the ugly head of hypocrisy is appearing upon the horizon. This sorry fact is evident when we compare the activities in Washington, D.C., on Earth Day, April 22, with the protest against our involvement in Cambodia on May 9.

On April 22, thousands of young people righteously promenaded through our Nation's Capital, indignantly demanding a cleaner environment. Everyone from the President of the United States on down was verbally chastised for muddying Mother Earth. Of course, the dissenters excluded themselves from this alleged guilt by sanctimoniously claiming to be flower children and lovers of nature.

But lo and behold, a few short weeks later, many of these same armchair ecologists were back in Washington with a different battle cry. Once again, the motley minority of 5 percent, who claim to represent all young people, were out on the streets. This time the speakers were ranting and raving about the President's decision on Cambodia. Of course, the environment theme was woven into their speeches. Among the last words to float down from the haranguing hucksters was the plea to "Remember Mother Earth."

Well, the statistics are now compiled on just how well these embryonic ecologists remembered the Old Sod. The Washington Monument and other national shrines were defaced by four-letter words and other vulgar epithets. The cost of removing this juvenile wall-scrawling from the public edifices was $3,300. The cost of cleaning up the tons of litter on the monument grounds has been conservatively estimated at $2,225 by the National Park Service, plus an additional $8,697 by the Washington, District of Columbia, Department of Sanitary Engineers. Another area to bear the wrath of the nature-lovers resulted in $2,500 worth of damage to and theft of trash containers. It is ironic that the so-called antipolluters attacked, destroyed and stole the very receptacles provided by society to control litter.

But the most irritating item on the bill to the hardworking American taxpayer was the $2,500 to repair the damage to the beautiful reflecting pools. This was caused by the bizarre spectacle of nude demonstrators cavorting and frolicking in and out of the water. It is not known at this time whether the major damage resulted from drains clogged by the mire of muck washed from the skinny-dippers' bodies. However, one repugnant performance by an exhibitionist cannot easily be washed from the mind. The use of the American flag as a diaper by an otherwise naked participant in an infantile display of disrespect for our country will long be remembered.

Additional costs of over $10,000 were incurred to repair and restore park property, including damage to the turf, for the herd-like demonstration. Total expenditures to depollute the demonstration may well reach $200,000.

In conclusion, those who protest, particularly about environment, should be fully aware that there is no White Knight galloping up and down the streets, zapping everything cleaner than clean. When the party is over, it is Mr. and Mrs. U.S. Taxpayer who are taken to the cleaners.

Mr. LANDGREBE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, when this subject matter came before the education committee, we raised at the time the issue of should students be named as members of this committee, and we objected.

Now, we have named for this committee a directing group of 21 people, and we have specified in the bill that three of those should be ecologists, and three of them should be students.

Since I have been in the Congress I have never seen anything like this go into a bill. Here we specifically name students, in a mandatory manner, that they should be named as members of the directing leadership group.

Students use highways—well, by the same token we do not appoint students to direct our highway trust funds.

Students are big spenders of money—should they be put on our committees having to do with banking?

The main issue probably can be evaluated in this way: Most students are learning, they are at the age when they are trying to learn. Now, I would assume that the teachers know more about this than the students do, but we do not specify that there should be three teachers. Instead, we name three students. Why do we specify students when the teachers are better qualified.

In this bill the emphasis is with grade school and secondary education. If we are going to name students that are concerned with this matter, then perhaps first of all we should nominate someone from the second grade, pick a 9-year-old youngster who is an authority on ecology. Then we should probably pick a freshman from high school who has discussed ecology, and then maybe pick a junior, and then these youngsters would be spending $25 million a year, based upon their experience, their youthful experience.

There is no reason that students should be definitely and mandatorily named on a committee of the Congress that we in Congress by an act of Congress decide will be the law of the land.

Mr. LANDGREBE. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, slice it thick or thin, here is another authorization for $45 million under the euphemistic title and for the euphemistic purpose of "Environmental Education"—whatever that means. It may mean one thing in Kentucky and something else in Indiana—I do not know.

But I do know that under this canopy and tent of environment, just about anything that you can think of can and is taking place. Here we go with another advisory committee in Government—and $45 million—over a period of 3 years. One would think the gold mines of Kentucky were untapped; that this Government has money running out of its figurative ears.

The report accompanying this bill says nothing about the expenditures for alleged environment elsewhere in the Federal Government.

Could the gentleman from Kentucky give me an idea of how many hundreds of millions of dollars are presently being expended under the euphemistic title of environment?

Does the gentleman have any idea? Did his committee inquire into how much is already being spent for environment—educational or otherwise? I am inviting the gentleman to give me an answer.

Mr. PERKINS. Let me say to my distinguished colleague that it has only been in recent years that we have become conscious of what has happened to the environment and to the great need for cleaning up the environment in this country. We have become aware of how little we have spent to clean up the environment in comparison with what we should be spending.

Mr. GROSS. Where is it proposed to get the money? Can the gentleman give me some idea of what you are spending in total through your committee on the subject of environment?

Mr. PERKINS. We have enacted a number of pieces of legislation this year and last year designed to attack this complex problem. I can get a list of them for the gentleman, if he wants me to; but none of these deal with educating the public with respect to the magnitude of the problem and the steps necessary to cope with it.

Mr. GROSS. I would be interested in knowing how much you are already spending, in light of this $45 million.

Mr. PERKINS. We are not spending anything in the areas of education supported by this bill.

Mr. GROSS. You do have some regard for the stability of the financial affairs of this country; do you not—or do you?

Mr. PERKINS. I certainly do. I think we will be enhancing that by this legislation.

Mr. GROSS. I seriously question that. I seriously question whether the Committee on Education and Labor has very much concern for the taxpayers of this country. I note, too, that some of the Members of the House, who are on the committee that writes the tax laws support this handout but they do not suggest a tax increase in order to take care of it. They find it easy to commit the Treasury to another $45 million outpouring of the taxpayers' money with apparently no regard for the source of revenue.

Apparently we will go on buying more British printing presses to speed up the printing of greenbacks as we have in the past.

Mr. Speaker, I reiterate that this Government is already authorizing and spending hundreds of millions of dollars on the so-called environment. There is absolutely no justification for authorizing another $45 million for what is here called environmental education and the creation of a new advisory committee, with all the trappings that go with it. If Congress has the slightest regard for financial responsibility it will dedicate this money to a payment on the Federal debt.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SCHEUER)

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. As a cosponsor of this legislation I would like to express my very strong support. I have talked and corresponded with many of the young people in my district, as well as all citizens, concerning these problems before, since, and during Earth Day, and I am convinced that the young people are as deeply and seriously and thoughtfully concerned about these problems as any citizens in the land.

I support this legislation because there is a clear need for environmental education, and the citizens of my district have both the interest and the institutions to participate actively in the program. Many people have asked me how they might help in the task of cleaning up the environment, and many ask how they can learn about the technical problems involved. One citizen has organized a well-attended adult education course, with lectures and discussions led by Government officials and experts in environmental fields. This legislation would make more of these programs possible by authorizing small grants to defray part of the cost.

Montgomery Community College, with its excellent community ties, is another great asset we have in the county, and I believe the college would be a likely participant in a program to develop a curriculum and a program in environmental education. In short, this legislation responds to a great public interest. I am confident that the people will take up the challenge to teach others to respect and restore our natural environment.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. I rise to fully express my strong support for H.R. 18260, the Enviromental Education Act. It seems to me that this legislation provides an excellent opportunity for us to have some constructive work done at the community level, where we can get the participation of students and other young people in trying to clean up the environment in their own communities.

As an original sponsor of this legislation when it was introduced in the House of Representatives in December of last year, I am pleased with the favorable consideration and timely attention this subject has received. I want to compliment the distinguished chairman of the committee, the gentleman from Kentucky (Mr. Perkins), the ranking minority member, the gentleman from Ohio (Mr. Ayres), the gentleman from Indiana (Mr. Brademas), and the gentleman from New York (Mr. Reid) for their diligent work in bringing this measure to the floor.

Mr. Speaker, legislation will not clean up our environment. But legislation can, and must, provide the framework within which the major segments of the American society can cooperate in the effort to protect our environment. Money, too, by itself, cannot clean up our environment; but money, along with the cooperation of thousands of willing American citizens, is an essential element.

The 91st Congress is aware of the need for additional legislation for preserving the environment. Already, a series of measures have been enacted including:

The National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President;

The Endangered Species Act, which aimed at protecting those species of our wildlife which are threatened with extinction.

The Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices;

The Commission on Population Growth and the American Future, which will make a 3-year study of all fundamental questions of population growth and submit a report and recommendations to the Congress;

Amendments to the Federal Water Pollution Control Act, which authorize funds for sewage treatment grants, create an Office of Environmental Quality in the Executive Branch, and make oil companies liable for oil pollution.

However, these pieces of legislation deal primarily with mending the damage we have so far done to the environment. The measure we consider today will provide funds to develop an ecological conscience in American citizens by using the structure of the American educational system to discuss and teach principles of environmental responsibility and management.

The program will operate in a traditional way by delegating authority to the Secretary of Health, Education, and Welfare to make grants to public or private agencies and organizations and to institutions of higher education for curriculum development, pilot demonstration projects, adult education in ecology, teacher training, and the dissemination of the results of funded projects. The grant approach may not be unusual, but the subject matter and goals of the legislation are significantly new.

The approach taken in this legislation should aid us in waging the war against pollution at the local level. This is the crucial battleground in the fight to save the American environment.

Mr. Speaker, I am proud to have been an original cosponsor of this legislation, I fully support its aims and goals, and I urge my colleagues to give it their approval today.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to my colleague from New York.

Mr. KOCH. I thank the gentleman in the well.

Mr. Speaker, I support the legislation. The protection of the ecology of this country is one of the major issues before this Congress. I would be shocked if there were many in this House who would oppose this particular legislation. We are not doing enough to meet the daily assaults on our environment. This legislation is helpful because it would begin the education of our youth and train them to deal with the problem.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I rise in support of H.R. 18260, the Environmental Education Act of 1970.

I was pleased to be a cosponsor of this legislation when it was introduced in the Congress last year, as were many other Members of this House. I believe this legislation received so much support because we have come to realize in the past few years that we not only have environmental problems of major proportions, but we also have a serious lack of knowledge about our environment and how to protect it.

Students in school today are required to take English and history and at least become aware of biology, physics, chemistry, and perhaps zoology. But that awareness has not been put together into a real understanding of our life support system. The Environmental Education Act, which will provide funds for teaching on all levels about natural resources, pollution control and the need to maintain a balanced ecology should, if properly administered, close this serious gap in the body of knowledge we are presently transferring to the younger generation.

I am very hopeful this legislation will receive prompt and favorable action by this House today. It is one of the most important we will act on this Congress in our long-term battle to clean up and maintain a healthy environment.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from New York yield?

Mr. SCHEUER. I yield to my able colleague from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, if we can spend $75 billion a year on armaments, I do not see why we cannot devote the minimal amount contained in this bill to educate the people to clean up the environment. The principles contained in the pending legislation are sound, and if anything the effort and funds allocated are too small in relation to the magnitude of the problems posed by all types of pollution. Unless we move with firmness and speed toward solving these problems, we will not have much of a Nation left to defend. I believe the approach proposed in the pending legislation deserves solid support in the Congress, and by the American people, and I hope this bill will pass so we can get on with the job of cleaning up the environment.

Mr. SCHEUER. I thank my friend from West Virginia.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman from Texas.

Mr. WHITE. I would like to ask the gentleman in the well what the committee contemplated in the use of the word "students" in that part of the bill referring to the language "students and ecologists" shall be on the committee, with no less than three apiece.

Mr. SCHEUER. The gentleman from California (Mr. McCloskey) and I attended a UNESCO conference in San Francisco last fall in which university students from Stanford, Berkeley, and Columbia played a leading role. Indeed, university students around the country are pushing local legislative and administrative bodies to do a better job in controlling the ways in which we produce, consume, and discard, so the Federal Government will not have to come in and clean up the mess. Those of us who are interested in fiscal sanity also say that we must educate the public so it will support effective legislative and administrative control programs to prevent our corporations and manufacturing companies from spewing poisons into our atmosphere and degrading the environment. Then the Federal Government will not have to operate a multibillion-dollar program to clean up the pollution.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Indiana.

Mr. BRADEMAS. In further response to the question of the gentleman from Texas (Mr. White) I would like to call the gentleman's attention to page 10 of the report with respect to the advisory committee, which I think is the point of the gentleman's question. On the committee, the report states, there will be students at the college and university level. The report does not state that students below the secondary school level will be appointed. This simply means that it is not anticipated that elementary school students will be appointed.

Mr. SCHEUER. One of the dictums of English common law that I learned at school is that the law is not an ass. I also learned that the gentlemen who would control the administration of the program would generally not be asses. We could expect them to administer a law in an intelligent and thoughtful way.

Few other pieces of legislation have undergone a searching examination comparable to that which this bill has received.

My own office, in close cooperation with the committee staff, has been working intensively on this bill for almost a year.

Members of the committee have traveled to remote parts of the country to seek out and hear the testimony of countless, thoughtful, and concerned witnesses.

Many groups—educators, environmentalists, students, and industrial leaders—have counseled us in drafting this excellent bill.

But more than effort and skillful legislative drafting have made this bill worthy of passage.

The grim voice of necessity has begun to demand that Congress act in support of this bill.

For, our environmental situation is perilous.

The air we breathe in our cities is increasingly hazardous to our health.

As of last year a walk along New York City streets endangered one's lungs as much as a daily pack of cigarettes.

The recent near catastrophe, in New York City resulting from air pollution requires no elaboration from me.

Schoolchildren in Los Angeles, more days than not, are prohibited from playing in school yards because the fresh air is damaging to their health.

The recent photos of air pollution in Sydney, Australia, and Tokyo, Japan, offer us small comfort.

For, so much dirt is now in the air in New York City and in Los Angeles—is so saturated with pollutants—that if any of the residents breathed the air in the Rocky Mountains, I fear he would find it odd—it would have no taste.

The sidewalks in my district in the south Bronx are cluttered with broken bottles and refuse.

Sometimes it is safer to walk in the gutter.

But in the street the pedestrians' objective is to avoid not the moving cars so much as the abandoned automobiles that line many of the curbs.

The degradation of life in our country, particularly in our cities, has led me to recall some of the most damaging words ever written about our urban environment:

> The movies, the white ways, the Coney Islands which almost every American city boasts of in some form or other are means of giving jaded and throttled people the sensation of living without the direct experience of life—a sort of spiritual masturbation.
>
> In short, we in America have the choice of humanizing the industrial city or dehumanizing the population.
>
> So far we have dehumanized the population.

Some of you probably agree with this quote.

I doubt, however, that more than a few of you recognized it—even though its mere date reveals how long this country has neglected its urban environment.

For Lewis Mumford wrote it in 1922, long before most of us became actively concerned about the environmental problems of our cities—indeed, before many of us were even born.

My comments have merely touched on the environmental problems facing the country.

And they will certainly increase.

With every passing day it seems that a new problem surfaces to plague us.

Within the past year DDT was outlawed.

Only now we are beginning to realize that the substitute gases are capable of producing almost equal damage to the environment before they disintegrate.

One of the components is actually lethal in its pure state.

This and other incidents in the past year have made crystal clear that we are currently operating in a morass of ignorance about our environmental problems.

While study of the ecology and our environment is a lusty baby, it is still in its infancy.

Our present situation resembles nothing so much as a locomotive roaring downhill against all red lights with the crew lost in argument.

Recent legislation will finance research to improve the paltry, halfhearted work now being conducted by industry.

It is the primary purpose of this bill to use the findings of research to increase our citizens awareness and knowledge of the environment, and hence encourage their support of public and private programs to change our ways of producing and consuming which degrade our environment.

To quote the committee report:

> The most effective programs will be directed specifically to the solution of existing environmental problems and will draw on insights, techniques, and substantive information from various disciplines.

As the gentleman from Indiana (Mr. BRADEMAS) has indicated, this bill would authorize $45 million over a 3-year period for:

First. Developing materials for teaching environmental studies.

Second. Grants to elementary and secondary schools to teach about ecology and about natural resources, conservation and pollution control.

Third. Training teachers in environmental education.

Fourth. Funds for community conferences on the environment for civic and industrial leaders and State and local government officials.

Fifth. Preparation of materials on the environment for use by the mass media.

Sixth. Requirement that three students and three ecologists be represented on the 21-member Advisory Committee on Environmental Education, which is set up under the bill to advise the Secretary of Health, Education, and Welfare in administering the programs authorized by the legislation.

Seventh. Citizen groups and voluntary organizations in the environmental field to qualify for small grants—$10,000 and under—to conduct student seminars, workshops, and conferences on the environment, especially for adults.

There are some critics of the environment movement who say that it is only diverting our interest from the more pressing social problems in our society.

Their complaints echo the argument of Henry Demarest Lloyd against the free silver movement of the late 19th century:

> Free silver is the cowbird of the reform movement. It waited until the nest had been built by the sacrifices and the labors of others and then it laid its eggs in it, pushing out the others which lie crashed on the ground.

The fears of these people are unfounded. The terms "ecology" and "environment" are no longer thought of as esoteric terms referring solely to distant forests dotted with numerous lakes.

Indeed, it is a major purpose of this bill to convince the public that the problems of the dilapidated urban areas—such as those outlines above—are very much a concern of ecologists.

I can assure you that the members of the committee also recognize many of the urban problems are linked to our environmental problems.

The committee report states:

> The committee views environmental education as a process which must also be intimately concerned with problems of urban as well as rural life and urges that significant attention be given to supporting programs studying the effects of the urban environment on urban residents.

This understanding will help us improve the urban environment and indeed benefit the poor most of all.

They are the group most trapped and harmed by the cities' filth, noise, pollution, and environmental squalor.

They cannot afford to retreat to a second home in the suburbs or the country for fresh air, quiet, and privacy.

This bill may not deliver the poor from all of their social and economic problems; yet, it is certainly not going to be used as a diversion from facing up to these problems.

Indeed, this program will help produce the informed and concerned public which alone can demand the change in our ways of producing, distributing, consuming, and discarding essential to the effort to make our cities and countryside livable and pleasant for rich and poor alike.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. BEALL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Maryland.

Mr. BEALL of Maryland. Mr. Speaker, I rise in support of this legislation and congratulate the committee for bringing The Environmental Education Act to the floor today.

The quality of the environment is deservedly a matter of widespread concern for all the people of our country. Along the eastern seaboard of the United States we have just had an example of the type of pollution to which we are subjected when we do not receive an assist from Mother Nature in the form of favorable winds. It is extremely important that the legislative branch of our Government aggressively and expeditiously pursue legislative answers for the problems of pollution. Undoubtedly, we need more legislation that will better enable regulatory authorities to do their job in providing for cleaner air and cleaner water. Our Government needs to provide a greater basis of support in developing new technology that will give us the techniques necessary to rid our environment of pollutants.

Equally important, however, is the fact that education, as it does in so many cases, will provide the answer for much of the problem. I regularly have been receiving mail from my younger constituents asking how they can be of assistance in providing for their generation a better environment and, certainly, if we are to preserve the quality of life in our country, it is necessary that we begin to teach in the schools the ways in which this may be done. For that reason, I see in the Environmental Education Act a long range solution to this over riding problem that is of great concern to our people. This bill in providing for the development of new and improved curriculums in environmental studies will be of great assistance to local and State departments of education in implementing programs of environmental education. It provides assistance and programs for teacher training, community education, elementary and secondary education and for the preparation and distribution of materials by mass media. The legislation deals with the methods of environmental education to the fullest extent.

I would also like to congratulate the committee on the administration authorized under this legislation. I am happy to see that the authority is given to the Secretary of Health, Education, and Welfare and that this office is also authorized to utilize the services and facilities of any other agency in the Federal Government. This, in effect, means that we will have good coordination of the effort with the designation of U.S. Office of Education as the responsible agency in administering the programs of environmental education.

Most of the major problems in our country can be alleviated through education and I believe with the passage of this act we are providing a basis upon which the young people of America can be educated as to the necessity and means of providing for themselves and for future generations a better and a cleaner environment.

Mr. LANDGREBE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Indiana has 4 minutes remaining.

Mr. LANDGREBE. Mr. Speaker, I yield myself 4 minutes.

The 91st Congress has demonstrated its concern about environmental deterioration by enacting major legislation on environmental matters, including—the National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President.

> The Endangered Species Act, which is aimed at protecting our threatened wildlife;
>
> The Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices;
>
> The Commission on Population Growth and the American Future, which will make a 2 year study of all fundamental questions of population growth and submit a report and recommendations to the Congress;
>
> Amendments to the Federal Water Pollution Control Act, directed at making oil companies liable for oil pollution and creating an Office of Environmental Quality in the Executive Branch.
>
> President Nixon, on February 11, 1970 indicated his awareness of the importance of the effort to restore and protect the environment by asking Congress for $4 billion in Federal funds over the next five years for air and water pollution control, solid waste management, and purchase of parklands for public recreation.

This bill is mainly an educational bill to provide more money for education. We have passed bills providing funds for education far in excess of the President's request, about a half billion dollars over, and I propose that education can concentrate its efforts and its spending on environmental projects or pollution problems, if it wishes to do that with a portion of those additional funds, and it will be perfectly fine with me. I think they can do that with or without students becoming a mandatory part of the Advisory Council to tell education how to spend the money. I urge all Members to vote no on this bill.

Mr. PERKINS. Mr. Speaker, I yield to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, I rise in support of this legislation.

Mr. PERKINS. Mr. Speaker, I yield the remaining time to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Speaker, I thank the chairman for yielding me this time.

I think it is important to clarify the administration's position. It has been said that legislative authority is not needed, and therefore the administration does not support the bill. This is not correct. The administration, in a letter to me from Elliot Richardson, Secretary of Health, Education, and Welfare which has also been cleared with the White House, said:

> While we do not feel that additional legislative authority is needed to carry out the purposes of H.R. 14753, we are in accord with its objectives and do not oppose its enactment. Further, the bill as amended by the Education and Labor Committee places authority for environmental education in the hands of the Secretary, and makes several other changes which remove our technical objections to the original version.

Further, Secretary Richardson writes:

> As the Department testified before the Select Subcommittee on Education last April 21, "This Administration is dedicated in full measure to saving and rehabilitating our fragile, threatened environment—on which our very survival depends." Subsequent actions in this field, including the President's recent presentation of reorganization plans proposing the establishment of the independent Environmental Protection Agency and the National Oceanic and Atmospheric Administration in the Department of Commerce, are further evidence of this dedication.

Beyond this, a majority of the Members on the minority side voted favorably to report this bill from the subcommittee and unanimously from the full committee.

In my judgment, the bill enhances the position President Nixon has taken to focus national attention on the environment and on action to clean up the environment. Specifically, there is the basic need in our schools today to have programs that are multidisciplinary, that will change attitudes, that will encourage curriculum development, and that will make it possible for children in elementary and secondary schools to get the kind of education that will influence their judgment as a nation in the future.

The bill will also help the development of adults and community education programs, foster the dissemination of significant environmental education material throughout our land, and make possible the conduct of teacher training programs in this field.

The major import of this bill lies in the fact that environmental education is neither the exclusive province of the scientists or of the humanists. Effective environmental education requires the blending of various disciplines into a total view of man reacting with his natural and manmade environments. To help gain a view of the whole, to help clarify the relationships among disciplines, the bill encourages various programs, such as outdoor ecological study centers, that will enable the student to leave his textbooks and to venture out to apply some of the principles he has been studying.

Mr. Speaker, in my view this is one of the key bills to be acted on in this Congress. The funds provided for education programs will help to shape the attitude of a whole generation of young Americans toward their environment—and it is that attitude which may well determine the future of our planet. I urge the approval of this bill, and it is my understanding that the Labor and Public Welfare Committee in the Senate is close to taking action on this measure as well. The Senate subcommittee has already reported the bill unanimously.

Mr. McDADE. Mr. Speaker, I should like to compliment the sponsors of H.R. 18260 for their work and the work of the Select Subcommittee on Education in putting together this thoughtfully constructed and urgently needed piece of legislation. I am particularly impressed with the emphasis on curriculum development which the act proposes to initiate, and the opportunity which the act makes available for the training of government, industry, and community leaders who have so much to contribute to the success of any program of environmental education.

As you probably know, the concept of a curriculum approach to the development of environmental education for all levels of education and for all subject matter disciplines was introduced by Dr. Matthew J. Brennan and Dr. Paul Brandwein at the Pinchot Institute for Conservation Studies, located in the former home of Gifford Pinchot in Milford, Pa. Naturally, I have followed their work in curriculum development with great interest and note with pride that several school systems within my district served as trial centers for their materials.

The Institute's most significant effort in curriculum development resulted in the eight-volume series of conservation curriculum teachers guides titled, "People and Their Environment," which were developed by the State department of education in South Carolina. These curriculum guides have now been published and are being used nationally, as well as in several foreign nations. I am sure they will serve as models for many of the new programs in curriculum development funded under this act.

On many occasions, Dr. Brennan has indicated the hope that funds may be found to extend this essential work in curriculum development for environmental understanding and positive support for programs which guarantee the quality of the environment. He cannot afford to wait any longer for the essential understanding by man of his relationship with his environment and his responsibility for it.

I support this essential legislation and strongly urge its passage.

Mr. MINISH. Mr. Speaker, I rise in support of H.R. 18260, the Environmental Education Act of 1970. This legislation would authorize a 3-year grant program to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

The funds authorized under this measure would be used to begin environmental education in elementary and secondary schools, develop curriculums in environmental studies, train teachers, public service personnel, government employees, and business leaders, and develop adult and community environmental education programs.

The Environmental Education Act will launch a major educational effort directed at attaining the knowledge and the skill necessary to avoid, and to correct, the mistakes of the past. Solutions to our environmental problems are not to be found only in improved technology and more efficient methods of pollution control, important as these steps are, but also in the establishment of education programs in schools, colleges, and communities to increase citizen awareness of the dimensions of our environmental crisis and to provide them with the means to combat pollution.

Mr. TAFT. Mr. Speaker, I want to express my support for the Environmental Education Act. Gaps in our knowledge and technical capability appear across the entire spectrum of the pollution problem. I have long called for the Nation's educators to put more emphasis on environmental education. No amount of legislation, regulation, or verbal support will solve the pollution problem until we have the scientific and technical tools at hand to plan and implement an effective control effort. America's environmental problems cannot be solved by any one group alone, it will take a full scale national commitment to cure them. This bill will provide our administrators, educators and communities with the necessary tools to educate Americans on how they can begin to combat pollution as individuals and by united action.

Mr. VANIK. Mr. Speaker, as one of the original sponsors of the concept of an Environmental Education Act, I am pleased to support the committee-amended bill before the House today, H.R. 18260. This bill authorizes the Department of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

This legislation hopes to encourage and support a growing awareness of the staggering environmental crisis facing our Nation and the world. Its purpose is to assist us all in better understanding the problems of ecology and pollution.

It does this by:

First, encouraging and assisting the development, demonstration, and evaluation of innovative and improved curriculums in environmental studies;

Second, providing for educational materials for use at all school levels;

Third, actually starting and maintaining elementary and secondary education programs in environmental issues;

Fourth, running preservice and inservice teacher training programs in environmental education;

Fifth, operating adult and community education programs on ecology for citizens and citizen groups, and

Sixth, planning outdoor ecological study centers.

The interrelated problems of the environment, the totality of all the factors that go together to make an ecology, must be understood by each of us if we are to be responsible and effective citizens of the 21st century.

Mr. MEEDS. Mr. Speaker, I rise in support of H.R. 18260, the Environmental Education Act.

Headlines appear in our papers every day—"One-hundred die of mercury poisoning in Japan after eating contaminated clams"; "Oil spilled off Santa Barbara coast"; "Lake Erie said biologically dead"; "Smog hits danger point". At every turn we find that the balance of nature is upset.

We are aware that a problem exists. But for most citizens, knowledge of our environmental problem is hazy and incomplete. In order to correct our abuses of nature, we must have an educated citizenry. It no longer suffices that scientists alone know of possible environmental dangers confronting this Nation and the world. It is now a real problem, affecting the health and welfare of each and every one of us.

In order to effectively press for a solution, we all must become informed on environmental and ecological issues. Study of our environment is now just as important as the study of history or the study of arithmetic.

The Environment Education Act before us today will help bring to all Americans knowledge of man and his surroundings. It is a pioneering bill. It is designed to aid development of new and improved curriculums, provide support for environmental education at the elementary and secondary levels and disseminate curricular materials and information for educational programs. In addition it would provide training programs for teachers, public service personnel, community, industrial and business leaders and their employees. Efforts would be made to distribute information to government employees at local, State, and Federal levels, and provisions would be made for mass media distribution of environmental materials.

A blue ribbon, 21-member Advisory Committee on Environmental Education would consult with the Secretary of Health, Education, and Welfare regarding the administration or the program, recommend priorities and review operations.

The Environmental Education Act is patterned after the Drug Abuse Education Act of 1969 which passed this House early a year ago, 294 to 0.

An idea similar to the one embodied in this legislation is beginning to bloom on Widbey Island in my own State of Washington. The State has leased 600 acres for environmental study by Western Washington State College, Skagit Valley Community College, and 21 nearby school districts.

I am told by project director William Stocklin that the program is aimed at developing curricula, establishing a teacher training program, and cultivating a 600-acre environmental laboratory. An interdisciplinary approach is being applied to environmental problems; use is being made of history, geography, sociology, religion, economics, and politics. The goal of the program is to create a change in the attitude and behavior of man concerning his relationship and responsibility to his environment.

It is my hope that the legislation we are considering here today will establish a program able to draw upon the experience of this innovative group in Washington State.

I foresee the Environmental Education Act as being the catalyst for a truly educated national concern for man and his surroundings.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 18260, legislation to authorize the Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies designed to preserve and enhance environmental quality and maintain ecological balance.

I believe the Environmental Education Act should be passed overwhelmingly by Congress. Our entire society is wakening to the extreme importance of preserving the natural environment—a goal which is vital to the continuation of life on earth.

We know that our air and water have been despoiled by pollution. Lead, mercury, sewage, and other contaminants have been poured into our rivers and streams. Auto exhausts and smokestacks befoul the air we breathe. DDT and other pesticides are working their way through lower life forms toward the advanced species. Our seas are being rendered lifeless by nuclear waste and chemical warfare agent disposals, and the blue sky itself is threatened by the advent of the SST.

Certainly man now has the technological means of destroying all that nature has created. It will not take any new advances. All we have to do is maintain our present course and the inevitable collapse of the world ecology will result.

We can and must take drastic actions to prevent the pending disaster to our environment. Stepped-up programs to combat pollution are essential, but a necessary parallel is better education of our citizenry to the importance of this peril. Only through a fully informed and concerned public can we hope to reverse the course of destruction and turn toward beneficial policies.

As a sponsor of this bill and a member of the House Committee on Education and Labor which approved it, I heartily favor the objectives which it seeks to implement. The bill would help develop and utilize improved curricula, teacher training, and community involvement in school environmental courses.

New and improved courses of study in fundamental environment problems are proposed for the initial thrust of the program. Federal funds could be used for this, as well as for testing such curriculums in pilot programs to determine their effectiveness.

The bill also allows for a more effective dissemination of the curricular materials and other information regarding the environment, not only to elementary and secondary schools but to mass media of communications and elsewhere.

Grants would be made available to institutions of higher education, local educational agencies, and other public and private organizations for preservice and inservice training programs on environmental quality and ecology.

Grants could be made for community education programs on the environment, especially for adults. Outdoor ecological study centers could be established as laboratories for onsite observations of environmental problems and principles. Grants of up to $10,000 could be made to citizens' groups, volunteer organizations, and other public and private groups for conducting courses, workshops, seminars, symposiums, institutes, and conferences on the environment, especially for adults and community groups.

This legislation proposes an all-out education program to inform all of our citizens, through education in the schools and various types of communications for adults, on the problems of our environment and what they can do to solve them. The $5 million authorized for fiscal year 1971, $15 million for 1972, and $25 million for 1973 are a tiny investment in view of the importance of this objective.

Today our elementary and secondary schools have almost no resources with which to teach environmental education, yet the need to restore harmonious relations between man and nature is one of our Nation's most pressing challenges.

We must initiate this comprehensive program to awaken the Nation to the crisis and to stimulate measures to maintain the quality of air, water, soil, and other elements on which the survival of mankind depends. Nothing short of massive education efforts backed by a coordinated program of action can meet the threat posed by despoliation and pollution.

I urge my colleagues to approve H.R. 18260.

Mr. PRICE of Illinois. Mr. Speaker, from the beginning man has striven to define and refine his relationship with the world around him. He has alternately sought to beautify his environment, conquer it, evade it, and destroy it. But never has he been able to ignore it. John Donne said once that the death of any part of or person on this earth affects each and every individual. What he was emphasizing then is the same straight fact that needs stress more than ever today. His truth was that we are all parts of a whole and we can ignore neither that whole nor the environment in which it exists. We cannot ignore it but we have certainly tried. And every time we try to ignore our world it rebels against our apathy.

We can see the consequences of our attempts to ignore our environment everywhere. There is lead in the waters of Louisiana, mercury in the Tennessee, and smog in the air of our urban areas. Yet we persist in chopping down our trees, concreting over our grass, and dumping chemical wastes where we will. I cannot believe that the American people, willingly and with full knowledge of the consequences, would deliberately set out to wreck the world in which they must live.

Therefore, education is the key. After years of neglect the question of the quality of our environment has burst upon us like a bombshell. In the fact of its seeming enormity most of us feel overwhelmed—so overwhelmed that we become frozen in the belief that we are doomed and cannot save ourselves. In reality, there is much that can be done. But we must be educated to the dangers that face us and to our responsibilities, both as individual citizens and as groups, for finding and carrying out solutions. We have to be able to strip away the misconceptions, both in terms of the tendency of some to gloss over the problem and of others to panic at the sight of it.

With knowledge of the problem and of solutions we can all work to ensure that the quality of our environment will be high. Therefore, I strongly urge that the Members of this House support H.R. 18260.

Certainly, the Department of Health, Education, and Welfare cannot solve or be expected to solve all the problems connected with the quality of our environmental surroundings. We, individually, each bear the primary responsibility for safeguarding our physical world. We have to be willing to spend the time and make the sacrifices necessary if we do really want a quality environment. However, by encouraging and supporting the development of new and improved curriculum and materials to promote understanding of policies and by the support of activities designed to enhance environmental quality; and by providing training programs for individuals and communities, this bill will greatly upgrade our understanding and awareness of what is involved in maintaining ecological balance. It will help provide the tools we will need to undertake our responsibilities as individual citizens in this area.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 18260, as amended.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 289, nays 28, not voting 113, as follows:

[Roll No. 250]

YEAS—289

Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Corman
Coughlin
Cowger
Crane
Culver
Daniels, N.J.
Davis, Ga.
de la Garza
Dellenback
Dennis
Derwinski
Donohue
Dowdy
Dulski
Duncan
Dwyer
Eckhardt

Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Lennon
Lloyd
Long, Md.
Lowenstein
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Morgan
Morse
Morton
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—28

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Buchanan
Burlison, Mo.
Cabell
Camp
Clawson, Del
Collins
Daniel, Va.
Davis, Wis.
Devine
Dickinson
Dorn
Flynt
Goodling
Gross
Henderson
Landgrebe
McMillan
Montgomery
Satterfield
Scherle
Schmitz
Scott
Teague, Tex.
Waggonner

NOT VOTING—113

Alexander
Anderson, Tenn.
Baring
Berry
Biaggi
Blatnik
Boggs
Bolling
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Burleson, Tex.
Burton, Utah
Bush
Caffery
Casey
Celler
Chisholm
Clay
Conte
Conyers
Corbett
Cramer
Cunningham
Daddario
Dawson
Delaney
Denney
Dent
Diggs
Dingell
Downing
Edwards, La.
Erlenborn
Esch
Evins, Tenn.
Fallon
Farbstein
Fish
Fraser
Fulton, Tenn.
Gallagher
Gettys
Gray
Hagan
Hall
Halpern
Hanley
Hansen, Wash.
Hawkins
Hébert
Horton
Hull
Hungate
Ichord
Jarman
King
Landrum
Leggett
Long, La.
Lujan
Lukens
McCarthy
Macdonald, Mass.
MacGregor
Madden
Mathias
Meskill
Moorhead
Murphy, Ill.
O'Neill, Mass.
Ottinger
Pelly
Pepper
Pollock
Powell
Quillen
Randall
Rarick
Reifel
Riegle
Rivers
Roe
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
St Germain
Sandman
Shriver
Smith, N.Y.
Stafford
Staggers
Stephens
Stuckey
Symington
Taft
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Watkins
Watson
Weicker
Whalley
Wilson, Charles H.
Winn
Wright
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Stafford.
Mr. Hébert with Mr. Horton.
Mr. Daddario with Mr. Meskill.
Mr. Burleson of Texas with Mr. Bush.
Mr. Thompson of New Jersey with Mr. Cunningham.
Mr. Biaggi with Mr. King.
Mr. Delaney with Mr. Watkins.
Mr. Dent with Mr. Wydler.
Mr. Pepper with Mr. Riegle.
Mr. Fallon with Mr. Fish.
Mr. Gallagher with Mr. Denney.
Mr. Gettys with Mr. Hall.
Mr. Ryan with Mr. Brock.
Mr. Roe with Mr. Brown of Michigan.
Mr. Rarick with Mr. Burton of Utah.
Mr. Ottinger with Mr. Esch.
Mr. Leggett with Mr. Halpern.
Mr. Charles H. Wilson with Mr. Taft.
Mr. Casey with Mr. Ruppe.
Mr. Dingell with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Fulton of Tennessee with Mr. Pollock.
Mr. Gray with Mr. Quillen.
Mr. Rostenkowski with Mr. Pelly.
Mr. St Germain with Mr. Lujan.
Mr. Rivers with Mr. Watson.
Mr. Moorhead with Mr. Lukens.
Mr. Murphy of Illinois with Mr. Weicker.
Mr. Tunney with Mr. Winn.
Mr. Tiernan with Mr. MacGregor.
Mr. Ichord with Mr. Mathias.
Mr. Blatnik with Mr. Rousselot.
Mr. Alexander with Mr. Erlenborn.
Mr. Caffery with Mr. Thompson of Georgia.
Mr. Fraser with Mr. Farbstein.
Mr. Hagan of Georgia with Mr. Long of Louisiana.
Mr. Symington with Mr. Clay.
Mr. Hanley with Mr. Hawkins.
Mr. Baring with Mr. Conyers.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Macdonald of Massachusetts with Mr. Powell.
Mr. Madden with Mr. Dawson.
Mrs. Hansen of Washington with Mr. Diggs.
Mr. Anderson of Tennessee with Mr. Broomfield.
Mr. Hull with Mr. Brotzman.
Mr. Wright with Mr. Cramer.
Mr. Jarman with Mr. Broyhill of Virginia.
Mr. Hungate with Mr. Whalley.
Mr. Celler with Mr. Conte.
Mr. McCarthy with Mr. Corbett.
Mr. Downing of Virginia with Mr. Smith of New York.
Mr. Landrum with Mr. Shriver.
Mr. Boggs with Mr. Sandman.
Mr. Evins of Tennessee with Mr. Staggers.
Mr. Stephens with Mr. Stuckey.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE LABOR-HEW APPROPRIATION BILL FOR 1971

(Mr. FLOOD asked and was given permission to extend his remarks at this point in the RECORD and to include tables.)

Mr. FLOOD. Mr. Speaker, I place in the RECORD tables showing, in detail, the amounts included in the Labor-HEW appropriation bill for 1971 as it passed the House, along with the comparative figures for 1970 and the budget for 1971:

SUMMARY OF LABOR-HEW APPROPRIATIONS FOR 1970 AND 1971

	1970 comparable			
	Appropriation	After 2-percent reduction [1]	1971 budget	House bill (H.R. 18515)
Department of Labor	$1,090,098,000	$1,090,098,000	$1,216,542,000	$1,208,368,000
Department of Health, Education, and Welfare	13,515,506,500	13,367,613,000	15,352,815,000	15,486,915,000
Related agencies	2,044,627,000	2,044,627,000	2,162,380,000	2,129,380,000
Total	16,650,231,500	16,502,338,000	18,731,737,000	18,824,663,000

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[1] Sec. 410 of the Labor-HEW appropriation act for fiscal year 1970 (Public Law 91-204) required a reduction of 2 percent in the total appropriations contained in the act excluding those involving trust funds.

DEPARTMENT OF LABOR APPROPRIATIONS FOR 1970 AND 1971, BY APPROPRIATION

Appropriation	1970 comparable	1971 budget	House bill
Manpower development and training activities	$671,696,089	$747,494,000	$744,494,000
Manpower Administration, salaries and expenses	40,828,600	43,667,000	42,165,000
Trust fund transfers	(16,580,600)	(16,835,000)	(16,835,000)
Bureau of Apprenticeship and Training	6,872,498	6,958,000	6,958,000
Unemployment compensation for Federal employees and exservicemen and trade adjustment activities	185,600,000	200,100,000	200,100,000
Unemployment insurance service, (trust funds)	(4,210,600)	(4,274,000)	(4,274,000)
Limitation on grants to States for unemployment compensation and Employment Service Administration, (trust funds)	(665,722,000)	(717,700,000)	(717,700,000)
Labor-management Services Administration	13,137,608	17,169,000	16,500,000
Wage and Labor Standards Administration	41,744,570	45,925,000	45,000,000
Employees' compensation, claims, and expenses	55,699,983	109,800,000	109,800,000
Bureau of Labor Statistics	24,093,454	27,578,000	26,150,000
Bureau of International Labor Affairs	1,462,000	1,490,000	1,490,000
Special foreign currency program	85,066	75,000	75,000
Office of the Solicitor, salaries and expenses	5,721,500	5,884,000	5,884,000
Trust fund transfer	(157,000)	(157,000)	(157,000)
Office of the Secretary, salaries and expenses	6,739,900	10,402,000	9,752,000
Trust fund transfer	(593,000)	(595,000)	(595,000)
Adjustments for carryover balances and transfers	36,416,732		
Total, Federal funds	1,090,098,000	1,216,542,000	1,208,368,000
Total, trust funds	(687,313,200)	(739,561,000)	(739,561,000)
Total Department of Labor	1,777,411,200	1,956,103,000	1,947,929,000

DETAILED BREAKDOWN OF DEPARTMENT OF LABOR APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY

Appropriation/activity	1970 comparable	1971 budget	House bill
Manpower development and training activities:			
1. Training and allowance payments:			
(a) Job opportunities in the business sector/on-the-job training	$182,608,000	$260,000,000	$260,000,000
(b) Concentrated employment program	49,600,000	76,000,000	76,000,000
(c) Public service careers	49,000,000	35,400,000	35,400,000
(d) Institutional training	258,068,689	256,000,000	256,000,000
(e) Part-time and other training	10,084,000	10,084,000	10,084,000
(f) Disadvantaged youth program	33,900,000		
2. Program services:			
(a) Employment security services	44,892,400	50,492,000	50,492,000
(b) State institutional training services	8,000,000	8,000,000	8,000,000
(c) On-the-job training services	1,500,000	500,000	500,000
(d) Planning and technical assistance	18,109,000	21,929,000	18,929,000
(e) Labor market information and job matching	15,934,000	29,089,000	29,089,000
Total	671,696,089	747,494,000	744,494,000
Manpower Administration, salaries and expenses:			
1. Experimental, demonstration, and research programs	19,890,000	20,618,000	19,768,000
2. Planning, research, and evaluation	3,902,900	4,232,700	4,141,400
3. Training and employment	18,250,800	19,912,400	19,538,500
4. Federal institutional training service	2,574,600	2,572,600	2,572,600
5. Civil rights compliance	617,000	724,700	682,700
6. Executive direction:			
(a) General administration	1,997,600	2,073,100	2,054,300
(b) Financial and management services	5,052,800	5,317,100	5,191,100
(c) Manpower management data systems	4,503,800	4,557,200	4,557,200
(d) Reports to the public on manpower programs	619,700	494,200	494,200
Total	57,409,200	60,502,000	59,000,000
Less: Trust fund transfer	—16,580,600	—16,835,000	—16,835,000
Total appropriation	40,828,600	43,667,000	42,165,000
Bureau of Apprenticeship and Training	6,872,498	6,958,000	6,958,000
Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities:			
1. Payments to Federal employees	63,600,000	68,500,000	68,500,000
2. Payments to ex-servicemen	121,400,000	131,000,000	131,000,000
3. Trade adjustment activities	600,000	500,000	600,000
Total	185,600,000	200,100,000	200,100,000
Limitation on Grants to States for unemployment compensation and employment service administration:			
1. Unemployment insurance service	284,033,000	320,031,000	312,831,000
2. Employment service	328,968,000	352,141,000	347,341,000
3. Administration and management	39,771,000	42,528,000	42,528,000
4. Contingency fund	13,000,000	3,000,000	15,000,000
Total	665,772,000	717,700,000	717,700,00
Unemployment Insurance Service	4,210,600	4,274,000	4,274,000
Labor-Management Services Administration:			
1. Labor-management relations services	397,400	402,200	402,200
2. Labor-management policy development	658,200	1,265,400	965,400
3. Administration of reporting and disclosure laws	9,331,700	10,747,092	10,378,092
4. Veterans' reemployment rights	1,290,108	1,511,508	1,511,508
5. Federal labor-management relations	750,000	2,517,500	2,517,500
6. Executive direction and administrative services	710,200	725,300	725,300
Total	13.137,608	17,169,000	16,500,000

DETAILED BREAKDOWN OF DEPARTMENT OF LABOR APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY—Continued

Appropriation/activity	1970 comparable	1971 budget	House bill
Wage and Labor Standards Administration:			
1. Improving and protecting wages of the Nation's workers:			
(a) Compliance and enforcement	$21, 862, 038	$22, 364, 900	$22, 364, 900
(b) Wage and employment standards	803, 400	814, 000	814, 000
(c) Special wage standards	1, 771, 200	1, 790, 100	1, 790, 100
(d) Executive direction and planning research	2, 946, 600	2, 984, 000	2, 984, 000
Subtotal	27, 383, 238	27, 953, 000	27, 953, 000
2. Wage determinations under Davis-Bacon Act	951, 700	1, 523, 000	1, 276, 400
3. Improving safety and working conditions of workers	4, 933, 894	5, 901, 900	5, 370, 900
4. Advancing opportunities and status of women	1, 057, 800	1, 179, 800	1, 179, 800
5. Federal contract compliance:			
(a) Federal contract compliance	658, 000	1, 568, 300	1, 568, 300
(b) Plans for progress	227, 000		
Subtotal	885, 000	1, 568, 300	1, 568, 300
6. Workmen's compensation	6, 255, 500	7, 369, 400	7, 369, 400
7. Executive direction, planning, evaluation, and research	277, 438	429, 600	282, 200
Total	41, 744, 570	45, 925, 000	45, 000, 000
Employees' compensation claims and expenses:			
1. Federal civilian employees benefits	41, 527, 483	95, 627, 200	95, 627, 200
2. Armed Forces reservists benefits	11, 175, 000	10, 775, 000	10, 775, 000
3. War Claims Act benefits	400, 000	400, 000	400, 000
4. Other benefits	2, 597, 500	2, 997, 800	2, 997, 800
Total	55, 699, 983	109, 800, 000	109, 800, 000
Bureau of Labor Statistics:			
1. Manpower and employment	9, 371, 900	10, 170, 300	9, 770, 300
2. Prices and cost of living	3, 801, 300	4, 556, 100	4, 086, 100
3. Wages and industrial relations	3, 765, 300	4, 293, 200	3, 935, 200
4. Productivity, technology, and growth	1, 498, 600	1, 522, 600	1, 522, 600
5. Foreign labor and trade	519, 400	529, 900	529, 900
6. Executive direction and staff services	4, 492, 954	4, 990, 400	4, 790, 400
7. Revision of the Consumer Price Index	644, 000	1, 515, 500	1, 515, 500
Total	24, 093, 454	27, 578, 000	26, 150, 000
Bureau of International Labor Affairs:			
1. International organizations affairs	151, 700	154, 300	154, 300
2. Foreign labor and manpower policy and program development	330, 000	335, 300	335, 300
3. Labor and manpower technical services	153, 200	156, 500	156, 500
4. Trade negotiations and economic policy development	390, 500	398, 000	398, 000
5. Executive direction and management services	436, 600	445, 900	445, 900
Total	1, 462, 000	1, 490, 000	1, 490, 000
Special foreign currency	85, 066	75, 000	75, 000
Office of the Solicitor:			
1. (a) Litigation	684, 700	771, 100	771, 100
(b) Interpretations and opinions	763, 400	772, 300	772, 300
(c) Labor relations and civil rights	359, 100	361, 400	361, 400
(d) Legislation	593, 400	597, 400	597, 400
(e) Labor-management laws	391, 200	399, 200	399, 200
2. Field legal services	2, 658, 600	2, 714, 400	2, 714, 400
3. Administration and management services	428, 100	425, 200	425, 200
Total	5, 878, 500	6, 041, 000	6, 041, 000
Less: Trust fund transfer	−157, 000	−157, 000	−157, 000
Total appropriation	5, 721, 500	5, 884, 000	5, 884, 000
Office of the Secretary:			
1. Executive direction	1, 125, 700	2, 456, 400	1, 806, 400
2. Office of information	381, 400	326, 600	326, 600
3. Office of the Assistant Secretary for Administration:			
(a) Immediate office	147, 200	147, 600	147, 600
(b) Office of Management Assistance	112, 200	113, 300	113, 300
(c) Personnel operations	1, 510, 300	1, 448, 600	1, 448, 600
(d) Library	413, 600	418, 500	418, 500
(e) Office of Budget Policy and Review	208, 300	310, 600	310, 600
(f) Office of Program Review and Audit	2, 157, 200	2, 518, 600	2, 518, 600
(g) Office of Management Systems	528, 400	537, 000	537, 000
(h) Purchase of data processing equipment		1, 931, 000	1, 931, 000
4. Appeals from determinations of Federal Employee Claims	173, 600	174, 800	174, 800
5. Promoting employment of the Handicapped	575, 000	614, 000	614, 000
Total	7, 332, 900	10, 997, 000	10, 347, 000
Less: trust fund transfer	−593, 000	−595, 000	−595, 000
Total appropriation	6, 739, 900	10, 402, 000	9, 752, 000

HEW APPROPRIATIONS FOR 1970 AND CONSTITUENT AGENCY

	1970 comparable			
Agency	Appropriation	After 2 percent reduction [1]	1971 budget	House bill
Food and Drug Administration	$81, 617, 500	$81, 617, 500	$89, 549, 000	$89, 549, 000
Environmental Health Service	165, 187, 000	158, 437, 000	161, 558, 000	162, 827, 000
Health Services and Mental Health Administration	1, 305, 684, 000	1, 278, 754, 000	1, 269, 880, 000	1, 384, 090, 000
National Institutes of Health	1, 509, 726, 500	1, 421, 622, 000	1, 542, 039, 000	1, 634, 739, 000
Subtotal, health agencies	3, 062, 215, 000	2, 940, 430, 500	3, 063, 026, 000	3, 271, 205, 000
Social and Rehabilitation Service	8, 317, 132, 500	8, 292, 119, 500	9, 566, 464, 000	9, 500, 092, 000
Social Security Administration	2, 024, 564, 000	2, 024, 564, 000	2, 599, 886, 000	2, 599, 886, 000
Special Institutions	72, 027, 000	72, 027, 000	66, 987, 000	66, 788, 000
Departmental Management	38, 853, 000	38, 853, 000	56, 452, 000	48, 944, 000
Technical adjustments	715, 000	−381, 000		
Total, Department of Health, Education, and Welfare	13, 515, 506, 500	13, 367, 613, 000	15, 352, 815, 000	15, 486, 915, 000

[1] Sec. 410 of the Labor-HEW Appropriation Act for fiscal year 1970 (Public Law 91-204) required a reduction of 2 percent in the total appropriations contained in the act excluding those involving trust funds.

DETAILED BREAKDOWN OF HEW APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY

FOOD AND DRUG ADMINISTRATION

	1970 comparable			
Appropriation/activity	Appropriation	After 2 percent reduction [1]	1971 budget	House bill
Food and drug control:				
1. Foods and drugs	$58, 152, 500	$58, 152, 500	$62, 725, 000	$62, 725, 000
2. Hazardous products	4, 355, 000	4, 355, 000	5, 144, 000	5, 144, 000
3. Pesticides	12, 544, 000	12, 544, 000	14, 938, 000	14, 938, 000
4. Program management	6, 566, 000	6, 566, 000	6, 742, 000	6, 742, 000
Total	81, 617, 500	81, 617, 500	89, 549, 000	89, 549, 000

ENVIRONMENTAL HEALTH SERVICE

Appropriation/activity	Appropriation	After 2 percent reduction	1971 budget	House bill
Air pollution control:				
1. Abatement and control	36, 394, 000	36, 394, 000	40, 301, 000	40, 301, 000
2. Research and demonstration	65, 219, 000	58, 469, 000	57, 282, 000	57, 282, 000
(Section 104 research)	(45, 000, 000)	(38, 250, 000)	(27, 900, 000)	(27, 900, 000)
3. Manpower training	5, 516, 000	5, 516, 000	5, 750, 000	5, 750, 000
4. Program management	2, 653, 000	2, 653, 000	2, 670, 000	2, 670, 000
Total	109, 782, 000	103, 032, 000	106, 003, 000	106, 003, 000
Environmental control:				
1. Solid waste management	15, 275, 000	15, 275, 000	15, 336, 000	17, 136, 000
2. Occupational health	7, 603, 000	7, 603, 000	8, 283, 000	8, 283, 000
3. Radiological health	16, 639, 000	16, 639, 000	16, 862, 000	16, 862, 000
4. Community environmental management	5, 872, 000	5, 872, 000	4, 712, 000	4, 712, 000
5. Water hygiene	2, 701, 000	2, 701, 000	2, 344, 000	2, 344, 000
6. Program management	3, 237, 000	3, 237, 000	3, 243, 000	3, 243, 000
Total	51, 327, 000	51, 327, 000	50, 780, 000	52, 580, 000
Office of the Administrator	4, 078, 000	4, 078, 000	4, 775, 000	4, 244, 000
Total, Environmental Health Service	165, 187, 000	158, 437, 000	161, 558, 000	162, 827, 000

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Appropriation/activity	Appropriation	After 2 percent reduction	1971 budget	House bill
Mental health:				
1. Research:				
(a) Grants	85, 254, 000	85, 254, 000	87, 740, 000	89, 600, 000
(b) Direct operations	25, 952, 000	25, 952, 000	26, 389, 000	26, 389, 000
Subtotal	111, 206, 000	111, 206, 000	114, 129, 000	115, 989, 000
2. Manpower development:				
(a) Grants	118, 366, 000	118, 366, 000	116, 350, 000	116, 350, 000
(b) Direct operations	5, 603, 000	5, 603, 000	5, 671, 000	5, 671, 000
Subtotal	123, 969, 000	123, 969, 000	122, 021, 000	122, 021, 000
3. State and community programs:				
(a) Community mental health centers:				
(1) Construction	35, 500, 000	29, 200, 000		
(2) Staffing	47, 550, 000	47, 550, 000	60, 100, 000	80, 100, 000
(b) Narcotic addiction and alcoholism programs	12, 000, 000	11, 175, 000	15, 900, 000	15, 900, 000
(c) Direct operations	2, 453, 000	2, 453, 000	2, 499, 000	2, 499, 000
Subtotal	97, 563, 000	90, 378, 000	78, 499, 000	98, 499, 000
4. Rehabilitation of drug abusers	16, 619, 000	16, 619, 000	19, 640, 000	19, 640, 000
5. Program support	11, 384, 000	11, 384, 000	12, 367, 000	12, 367, 000
Total, mental health	360, 681, 000	353, 556, 000	346, 656, 000	368, 516, 000
Saint Elizabeths Hospital	14, 212, 000	14, 212, 000	14, 823, 000	14, 823, 000
Health services research and development	42, 653, 000	42, 474, 000	57, 403, 000	57, 403, 000
Comprehensive health planning and services:				
1. Partnership for health grants:				
(a) Planning	20, 000, 000	19, 008, 000	22, 000, 000	22, 000, 000
(b) Formula	100, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000
(c) Project	73, 843, 000	73, 596, 000	109, 500, 000	109, 500, 000
Subtotal	193, 843, 000	182, 604, 000	221, 500, 000	221, 500, 000
2. Migrant health	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000
3. Standard setting and resource development	10, 252, 000	10, 252, 000	10, 434, 000	10, 434, 000
4. Program management	4, 380, 000	4, 380, 000	4, 564, 000	4, 564, 000
Total	223, 475, 000	212, 236, 000	251, 498, 000	251, 498, 000
Less: trust fund transfer	−4, 320, 000	−4, 320, 000	−4, 320, 000	−4, 320, 000
Total appropriation	219, 155, 000	207, 916, 000	247, 178, 000	247, 178, 000

Footnote at end of table.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued

Appropriation/activity	1970 comparable: Appropriation	1970 comparable: After 2 percent reduction [1]	1971 budget	House bill
Maternal and child health:				
1. Maternal and child health:				
(a) Formula grants	$108,000,000	$108,000,000	$118,600,000	$118,600,000
(b) Project grants	77,869,000	75,825,000	83,030,000	83,030,000
(c) Research and training	17,085,000	14,885,000	17,085,000	17,085,000
(d) Program management	3,071,000	3,071,000	3,109,000	3,109,000
Subtotal	206,025,000	201,781,000	221,824,000	221,824,000
2. Family planning:				
(a) Grants and contracts	22,800,000	22,800,000	32,015,000	32,015,000
(b) Program management			1,500,000	1,500,000
Subtotal	22,800,000	22,800,000	33,515,000	33,515,000
Total	228,825,000	224,581,000	255,339,000	255,339,000
Regional medical programs:				
1. Regional medical programs:				
(a) Grants	73,500,000	73,500,000	79,500,000	79,500,000
(b) Direct operations	1,771,000	1,771,000	1,812,000	1,812,000
Subtotal	75,271,000	75,271,000	81,312,000	81,312,000
2. Technical assistance and disease control	20,930,000	18,287,000	13,168,000	13,168,000
3. Program management	1,947,000	1,947,000	2,022,000	2,022,000
Total	98,148,000	95,505,000	96,502,000	96,502,000
Communicable diseases	41,301,000	41,301,000	41,538,000	41,938,000
Medical facilities construction:				
1. Construction grants	172,200,000	172,200,000	50,000,000	172,200,000
2. Direct loans			30,000,000	
3. Interest subsidies			5,000,000	5,000,000
4. D.C. medical facilities	10,000,000	8,500,000		
5. Program direction and technical assistance	4,149,000	4,149,000	4,321,000	4,321,000
Total	186,349,000	184,849,000	89,321,000	181,521,000
Patient care and special health services	77,443,000	77,443,000	79,889,000	79,889,000
National health statistics	9,174,000	9,174,000	9,918,000	9,668,000
Retired pay of commissioned officers	16,700,000	16,700,000	19,501,000	19,501,000
Office of the Administrator	11,043,000	11,043,000	11,812,000	11,812,000
Total, Health Services and Mental Health Administration	1,305,684,000	1,278,754,000	1,269,880,000	1,384,090,000

NATIONAL INSTITUTES OF HEALTH

Appropriation/activity	1970 comparable: Appropriation	1970 comparable: After 2 percent reduction [1]	1971 budget	House bill
Research Institutes (analysis by program):				
1. Research grants:				
(a) Regular program:				
(1) Non-competing	327,327,000	312,780,000	318,187,000	318,187,000
(2) Competing	133,830,000	123,030,000	131,144,000	156,433,000
Subtotal	460,157,000	435,810,000	449,331,000	474,620,000
(b) General research support grants	50,310,000	50,310,000	39,810,000	52,673,000
(Total program including NIMH)	(57,677,000)	(57,677,000)	(45,977,000)	(60,700,000)
(c) Multidisciplinary centers	30,318,000	26,154,000	35,904,000	45,422,000
(d) Special programs	23,565,000	21,124,000	21,344,000	21,623,000
Subtotal, research grants	564,350,000	533,398,000	546,389,000	594,338,000
2. Research training programs	197,873,500	178,522,000	176,787,000	191,037,000
3. Intramural research	96,780,000	94,841,000	102,544,000	105,127,000
4. Collaborative research and development	128,370,500	125,692,000	165,607,000	171,194,000
5. Other institute direct operations	44,117,500	42,814,000	44,221,000	45,352,000
Total, research institutes	1,031,491,500	975,267,000	1,035,548,000	1,107,048,000
Research institutes (analysis by appropriation):				
Biologics Standards	8,443,000	8,441,000	8,640,000	8,838,000
National Cancer Institute	190,969,500	181,332,000	202,383,000	227,383,000
National Heart and Lung Institute	171,792,500	161,049,000	171,747,000	178,479,000
National Institute of Dental Research	30,914,500	28,860,000	34,563,000	35,257,000
National Institute of Arthritis and Metabolic Diseases	141,171,000	132,091,000	132,152,000	138,339,000
National Institute of Neurological Diseases and Stroke	102,892,000	96,320,000	96,972,000	100,807,000
National Institute of Allergy and Infectious Diseases	101,166,500	98,231,000	99,219,000	102,249,000
National Institute of General Medical Sciences	159,987,000	148,309,000	148,376,000	166,072,000
National Institute of Child Health and Human Development	77,318,000	76,221,000	93,303,000	94,436,000
National Eye Institute	25,398,500	23,892,000	25,686,000	30,986,000
National Institute of Environmental Health Sciences	18,485,000	17,730,000	19,843,000	20,620,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2,954,000	2,791,000	2,664,000	3,582,000
Total, research institutes	1,031,491,500	975,267,000	1,035,548,000	1,107,048,000
Health manpower:				
1. Institutional support:				
(a) Medical, dental, and related	105,000,000	101,400,000	113,650,000	116,350,000
(b) Nursing	8,400,000	7,000,000	11,000,000	11,000,000
(c) Public health	10,071,000	9,471,000	9,071,000	9,071,000
(d) Allied health professions	11,587,000	10,988,000	14,245,000	14,245,000
Subtotal	135,058,000	128,859,000	147,966,000	150,666,000

Appropriation/activity	1970 comparable		1971 budget	House bill
	Appropriation	After 2 percent reduction [1]		
Health manpower—Continued				
2. Student assistance:				
(a) Traineeships	$20,670,000	$20,670,000	$22,270,000	$22,270,000
(b) Direct loans:				
(1) Medical, dental, etc	23,781,000	15,000,000	12,000,000	22,000,000
(2) Nursing	16,360,000	9,610,000	9,610,000	15,610,000
Subtotal	40,141,000	24,610,000	21,610,000	37,610,000
(c) Scholarships:				
(1) Medical, dental, etc	15,541,000	15,541,000	15,000,000	15,000,000
(2) Nursing	7,178,000	7,178,000	17,000,000	17,000,000
Subtotal	22,719,000	22,719,000	32,000,000	32,000,000
Subtotal, student assistance	83,530,000	67,999,000	75.880,000	91,880.000
3. Manpower requirements, utilization and program management	16,771,000	16,746,000	18,388,000	18,388,000
Total, Health manpower	235,359,000	213,604,000	242,234,000	260,934,000
Payment of sales insufficiencies and interest losses	957,000	957,000	3,083,000	3,083,000
Dental health	11,722,000	10,824,000	10,954,000	10,954,000
Research resources	71,324,000	62,692,000	63,701,000	66,201,000
Construction of health educational, research, and library facilities:				
1. (a) Medical and related	94,500,000	94,500,000	94,500,000	94,500,000
(b) Dental	23,600,000	23,600,000	23,600,000	23,600,000
2. Nursing	8,000,000	8,000,000	8,000,000	8,000,000
Total, construction of health educational, research and library facilities	126,100,000	126,100,000	126,100,000	126,100,000
National Library of Medicine	19,573,000	19,263,000	19,769,000	19,769,000
Buildings and facilities	1,900,000	1,615,000		
Office of the Director	7,845,000	7,845,000	8,206,000	8,206,000
Scientific activities overseas (special foreign currency program)	3,455,000	3,455,000	32,444,000	32,444,000
Total, National Institutes of Health	1,509,726,500	1,421,622,000	1,542,039,000	1,634,739,000

SOCIAL AND REHABILITATION SERVICE

Appropriation/activity	Appropriation	After 2 percent reduction [1]	1971 budget	House bill
Grants to States for public assistance:				
1. Maintenance assistance	4,350,180,000	4,350,180,000	4,943,551,000	4,943,551,000
2. Repatriated U.S. nationals	700,000	600,000	770,000	770,000
3. Medical assistance	2,654,122,000	2,654,122,000	3,109,685,000	3,109,685,000
4. Social services	463,738,000	463,738,000	509,328,000	509,328,000
5. State and local training	23,264,000	23,264,000	25,536,000	25,536,000
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000
7. Research and training	17,200,000	16,980,000	17,080,000	17,080,000
Total	7,555,204,000	7,554,884,000	8,651,950,000	8,651,950,000
Work incentives:				
1. Training	94,140,000	85,140,000	92,750,000	61,000,000
2. Day care	25,860,000	16,860,000	77,250,000	59,000,000
Total	120,000,000	102,000,000	170,000,000	120,000,000
Rehabilitation services and facilities:				
1. Services:				
(a) Basic State grants	436,000,000	436,000,000	503,000,000	503,000,000
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000
(c) Rehabilitation service projects:				
(1) Regular expansion grants	9,500,000	9,500,000	12,800,000	12,800,000
(2) Training in industry	500,000	450,000	1,000,000	1,000,000
(3) New careers	1,000,000	900,000	2,000,000	2,000,000
(4) Services for migrants			5,000,000	
(5) Workshop improvement	10,533,000	9,906,000	11,300,000	11,300,000
(6) Initial staffing	550,000	550,000	550,000	550,000
Subtotal	22,083,000	21,306,000	32,650,000	27,650,000
(d) Services for the mentally retarded	24,969,000	23,644,000	24,790,000	24,790,000
Subtotal, services	486,252,000	484,150,000	563,640,000	558,640,000
2. Facilities:				
(a) Vocational rehabilitation facilities	3,500,000	2,892,000		
(b) Facilities for the mentally retarded	12,031,000	10,226,000	8,000,000	8,000,000
Subtotal, facilities	15,531,000	13.118.000	8,000,000	8,000,000
Total	501,783,000	497,268,000	571,640,000	566,640,000
Programs for the aging:				
1. State grants	13,000,000	13,000,000	15,200,000	15,200,000
2. Foster grandparents program	9,250,000	8,817,000	10,000,000	10,000,000
3. Research and training	6,110,000	5,942,000	6,800,000	6,800,000
White House Conference on Aging	(250,000)	(250,000)	(1,000,000)	(1,000,000)
Total	28,360,000	27,759,000	32,000,000	32,000,000
Juvenile delinquency prevention and control	10,000,000	10,000,000	15,000,000	15,000,000
Research and training:				
1. Research and demonstrations:				
(a) Rehabilitation	21,425,000	20,603,000	22,360,000	26,360,000
(b) Social services	3,500,000	3,289,000	6,000,000	
(c) Income maintenance experiments	8,000,000	8,000,000	12,000,000	8,000,000
Subtotal	32,925,000	31,892,000	40,360,000	34,360,000
2. Training	27,700,000	27,700,000	27,700,000	27,700,000
3. Special centers	10,875,000	10,331,000	13,375,000	13,375,000
Total	71,500,000	69,923,000	81,435,000	75,435,000

DETAILED BREAKDOWN OF HEW APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY—Continued

SOCIAL AND REHABILITATION SERVICE—Continued

Appropriation/activity	1970 comparable		1971 budget	House bill
	Appropriation	After 2 percent reduction [1]		
Social and rehabilitation activities overseas (special foreign currency program)	$2, 000, 000	$2, 000, 000	$7, 000, 000	$4, 000, 000
Salaries and expenses	28, 645, 500	28, 645, 500	37, 829, 000	35, 457, 000
Less: trust fund transfer	−360, 000	−360, 000	−390, 000	−390, 000
Total appropriation	28, 285, 500	28, 285, 500	37, 439, 000	35, 067, 000
Total, Social and Rehabilitation Service	8, 317, 132, 500	8, 292, 119, 500	9, 566, 464, 000	9, 500, 092, 000
SOCIAL SECURITY ADMINISTRATION				
Payments to Social Security trust funds:				
1. Matching payments for supplementary medical insurance	928, 151, 000	928, 151, 000	1, 245, 282, 000	1, 245, 282, 000
2. Hospital insurance for uninsured	617, 262, 000	617, 262, 000	878, 688, 000	878, 688, 000
3. Military service credits	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000
4. Retirement benefits for the uninsured	364, 151, 000	364, 151, 000	370, 916, 000	370, 916, 000
Total	2, 014, 564, 000	2, 014, 564, 000	2, 599, 886, 000	2, 599, 886, 000
Special benefits for disabled coal miners	10, 000, 000	10, 000, 000	[2] (160, 000, 000)	([3])
Limitation on salaries and expenses (trust funds)	(934, 369, 000)	(934, 369, 000)	(997, 461, 000)	(997, 461, 000)
Limitation on construction (trust funds)			(2, 800, 000)	(2, 800, 000)
Total, Social Security Administration	2, 024, 564, 000	2, 024, 564, 000	2, 599, 886, 000	2, 599, 886, 000
SPECIAL INSTITUTIONS				
American Printing House for the Blind	1, 404, 000	1, 404, 000	1, 476, 000	1, 557, 000
National Technical Institute for the Deaf:				
1. Academic program	2, 851, 000	2, 851, 000	3, 608, 000	3, 608, 000
2. Construction			16, 136, 000	16, 136, 000
Total	2, 851, 000	2, 851, 000	19, 744, 000	19, 744, 000
Model secondary school for the deaf:				
1. Academic program	427, 000	427, 000	2, 182, 000	2, 182, 000
2. Construction	351, 000	351, 000	250, 000	250, 000
Total	778, 000	778, 000	2, 432, 000	2, 432, 000
Gallaudet College:				
1. Academic program	4, 494, 000	4, 494, 000	5, 750, 000	5, 470, 000
2. Construction	1, 106, 000	1, 106, 000	1, 400, 000	1, 400, 000
Total	5, 600, 000	5, 600, 000	7, 150, 000	6, 870, 000
Howard University:				
1. Academic program	21, 109, 000	21, 109, 000	24, 000, 000	24, 000, 000
2. Construction	30, 410, 000	30, 410, 000	1, 000, 000	1, 000, 000
3. Freedmen's Hospital	9, 875, 000	9, 875, 000	11, 185, 000	11, 185, 000
Total	61, 394, 000	61, 394, 000	36, 185, 000	36, 185, 000
Total, Special Institutions	72, 027, 000	72, 027, 000	66, 987, 000	66, 788, 000
DEPARTMENTAL MANAGEMENT				
Office for Civil Rights	6, 666, 000	6, 666, 000	8, 874, 000	8, 874, 000
Less: trust fund transfer	−856, 000	−856, 000	−947, 000	−947, 000
Total appropriation	5, 810, 000	5, 810, 000	7, 927, 000	7, 927, 000
Office of Child Development:				
1. Research and demonstrations			8, 500, 000	3, 500, 000
2. White House Conference on Children and Youth	400, 000	400, 000	600, 000	600, 000
3. Administration and technical assistance	1, 507, 000	1, 507, 000	2, 355, 000	1, 817, 000
Total	1, 907, 000	1, 907, 000	11, 455, 000	5, 917, 000
Departmental Management:				
1. Executive direction	6, 523, 000	6, 523, 000	8, 299, 000	
2. Public information	691, 000	691, 000	729, 000	
3. Community and field services	4, 223, 000	4, 223, 000	5, 415, 000	
4. Legal services	4, 063, 000	4, 063, 000	4, 488, 000	
5. Financial management:				
(a) Audit	11, 455, 000	11, 455, 000	12, 917, 000	
(b) Other	2, 246, 000	2, 246, 000	2, 477, 000	
Subtotal	13, 701, 000	13, 701, 000	15, 394, 000	
6. Administrative management	5, 984, 000	5, 984, 000	7, 144, 000	
7. Surplus property utilization	1, 380, 000	1, 380, 000	1, 456, 000	
Total	36, 565, 000	36, 565, 000	42, 925, 000	40, 825, 000
Less: trust fund transfer	−5, 429, 000	−5, 429, 000	−5, 855, 000	−5, 725, 000
Total appropriation	31, 136, 000	31, 136, 000	37, 070, 000	35, 100, 000
Total, Departmental Management	38, 853, 000	38, 853, 000	56, 452, 000	48, 944, 000

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[1] Sec. 410 of the Labor-HEW Appropriation Act for fiscal year 1970 (Public Law 91–204) required a reduction of 2 percent in the total appropriations contained in the act excluding those involving trust funds.

[2] Tentative estimate. Budget amendment will be submitted as soon as final estimate can be made.

[3] Indefinite; obligations authorized to be charged to subsequent appropriations.

RELATED AGENCIES

Agency	1970 appropriation	1971 budget	House bill
National Labor Relations Board	$38,522,000	$37,930,000	$39,430,000
National Mediation Board	2,353,000	2,394,000	2,394,000
Railroad Retirement Board:			
Payment for military service credits	19,206,000	19,969,000	19,969,000
Limitation on salaries and expenses	(16,162,000)	(16,740,000)	(16,740,000)
Total, Railroad Retirement Board	19,206,000	19,969,000	19,969,000
Federal Mediation and Conciliation Service	9,027,000	9,508,000	9,508,000
U. S. Soldiers' Home (trust fund appropriation):			
Operation and maintenance	9,445,000	9,822,000	9,822,000
Capital outlay	170,000	128,000	128,000
Total, U.S. Soldiers Home	9,615,000	9,950,000	9,950,000
Office of Economic Opportunity	1,948,000,000	2,080,200,000	2,046,200,000
Federal Radiation Council	132,000	144,000	144,000
President's Committee on Consumer Interests	460,000	810,000	810,000
National Commission on Product Safety	1,475,000		
President's Council on Youth Opportunity	300,000	300,000	300,000
Cabinet Committee on Opportunities for Spanish-Speaking People	537,000	675,000	675,000
Payment for the Corporation for Public Broadcasting	15,000,000		
National Credit Union Administration		500,000	
Total, related agencies	2,044,627,000	2,162,380,000	2,129,380,000

PROHIBITING SALACIOUS ADVERTISING

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11032) to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, as amended.

The Clerk read as follows:

H.R. 11032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended by adding a new section as follows:

"§ 1466. Transportation of salacious advertising

"No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, an unsolicited advertisement that is salacious. An advertisement is salacious within the meaning of this section if it depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse or masturbation or any act of sadism or masochism. An advertisement otherwise within the definition of this section shall be deemed not to constitute a salacious advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"Whoever violates this section shall be fined not more than $50,000, or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned not more than ten years, or both, for a subsequent offense.

"When any person is convicted of a violation of this section, the court may, in addition to the penalty prescribed, order the destruction of all copies of the salacious advertisement seized from the possession or custody of such person or anyone acting on his behalf, at the time of his arrest."

SEC. 2. The table of contents preceding chapter 71 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1466. Transportation of salacious advertising."

The **SPEAKER** pro tempore. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, H.R. 11032, as amended, makes it a Federal offense to use the mails or other means of commerce to distribute unsolicited salacious advertisements.

This measure is one of the three antiobscenity proposals recommended by the President. Two of these proposals, as amended by the Committee on Post Office and Civil Service have already been approved by the House on April 28 of this year. They were contained in H.R. 15693, a bill to amend title 39 of the United States Code to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from offensive intrusion into their homes of sexually-oriented mail matter, and for other purposes.

These proposals, already approved by the House, would:

First, make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 17 years of age matters dealing with a sexual subject in a manner unsuitable for young people, and

Second, extend existing postal law enabling a citizen to protect his home from any intrusion of sex-oriented advertising, regardless of whether or not he has actually received such mailings.

H.R. 11032, the instant bill, Mr. Speaker, I submit is the remaining part of the program designed to prohibit the knowing deposit in the mail for transport in interstate commerce of unsolicited advertisements that are salacious as specifically defined. As already mentioned, the program of the administration was embodied in three proposals. Two of these were, in fact, referred to the Subcommittee No. 3 of the House Committee on the Judiciary. Fourteen days of public hearings were held by the subcommittee, in which more than 150 antiobscenity measures were considered and appraised. Twenty-seven Members of this body came before the committee to testify.

Although the approach of the various witnesses differed as to detail, the record of the hearing makes it abundantly clear that a tremendous volume of unsolicited salacious advertising is being disseminated through the mails and through interstate commerce. The Federal legislative remedy to the situation is embodied in H.R. 11032.

In this connection, I desire to compliment the main proponent of the legislation, the ranking minority Member of the House Judiciary Committee, the gentleman from Ohio (Mr. McCULLOCH).

I would also like to compliment those Members who cosponsored the measure, members of the subcommittee, and the members of the subcommittee who worked so hard on it, including the gentleman from Michigan (Mr. HUTCHINSON), the gentleman from Pennsylvania (Mr. BIESTER), the gentleman from Minnesota (Mr. MACGREGOR), as well as the gentleman from California (Mr. EDWARDS), and the gentleman from Illinois (Mr. MIKVA), and the gentleman from Michigan (Mr. CONYERS), and the gentleman from New York (Mr. RYAN).

The subcommittee reported out this bill, which was approved unanimously in the full committee. I should point out the gentleman from New York (Mr. RYAN), because of illness, was not present. We wish him a speedy recovery. He had strong reservations to the measure. My report to the Members that it was unanimous should not be taken to speak for the gentleman from New York in this connection.

I should like to talk briefly, Mr. Speaker, about the committee amendments to the bill.

First, the language of the original proposal would have proscribed traffic between consenting persons whereas the fundamental purpose of the legislation was to relieve unwilling recipients of the burden of receiving offensive materials. Accordingly, the committee has amended the proposal so that it applies only to material that has not been requested or subscribed for, in short, to unsolicited material.

Second, the measure, as introduced, was vulnerable to serious criticism that it would infringe the first amendment guarantee of freedom of speech. H.R. 11032, as proposed, contained only one criterion of criminality—appeal to prurient interest in sex. This single criterion fails to meet the three standards of obscenity laid down by the High Court in *Roth* v. *United States*, 354 U.S. 476 (1959), and related cases. Those standards encompass not only "prurient appeal" but also offensiveness under community standards as well as utter lack of redeeming value. The Department of Justice, urging support for the legislation and relying on the Supreme Court decision in *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), maintains that the first amendment does not apply to purely commercial advertising. While the matter is not entirely free from doubt, the committee determined that the constitutionality of a prohibition of the transportation of patently salacious matter in the mails or in commerce is worth testing.

In other words, Mr. Speaker, it is worth the effort we are making here today.

However, the committee also determined that so far as possible criminal laws should not be made to depend on imprecise or seculative criteria. Accordingly, the committee amendment to H.R. 11032 enumerates and catalogues the characteristics of an advertisement that render it "salacious" under the bill and thus interdicted. The definition of "salacious advertisement" contained in H.R. 11032 is substantially the same as the definition contained in H.R. 15693, the postal regulation measure which passed the House on April 28.

Lastly, the committee has amended H.R. 11032 to expressly authorize the destruction on court order of copies of salacious advertisements seized from the possession of a person who has been convicted of a violation of the proposed statute or from a person acting on his behalf. This provision exists today in section 1465 of Title 18, United States Code, and applies to cases in which a person is convicted of transportation of obscene matter for sale or distribution.

One last matter, Mr. Speaker, on penalties.

Mr. Speaker, the penalties provided by H.R. 11032 were carefully reviewed by the committee. Although the provisions for imprisonment are substantially higher than those recommended in a study draft recently issued by the National Commission on Reform of Federal Criminal Laws, they are consonant with existing obscenity penalties—a maximum of 5 years imprisonment for a first offense and 10 years for subsequent offenses. The bill also authorizes substantial fines—a maximum of $50,000 for a first offense and $100,000 for subsequent offenses.

The SPEAKER pro tempore. The gentleman has consumed 8 minutes.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute.

In conclusion, Mr. Speaker, I believe H.R. 11032 as amended by the committee is a workable proposal. Its approval today will complete House action on all antiobscenity measures recommended by the administration.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate the gentleman for bringing this legislation to the floor for action. I intend to support it.

I wonder if we could make some legislative history on the intent here.

In the bill we state, "an unsolicited advertisement that is salacious." I would presume that "unsolicited" means just that, and a defense by someone mailing out advertising, that he did not know it was unsolicited, would be no defense under this act. Does the gentleman care to perhaps elaborate on the word "unsolicited?"

Mr. KASTENMEIER. Yes. The committee found that nearly all the objectionable material that hundreds of thousands of Americans complain about is unsolicited, and comes by mail and enters the house, of course, through the mailbox.

We are not attempting here to interdict newspapers or magazines for which there is a subscription. We consider these solicited. But it is the unsolicited variety, that which is not asked for, that constitutes the offensive material we wish to proscribe.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Texas.

Mr. KAZEN. You know, one of the main difficulties we have had in passing legislation dealing with this type of matter and material is the definition of the material. Is your definition of salacious matter satisfactory, as far as the committee is concerned, in order to get around Supreme Court decisions?

Mr. KASTENMEIER. In answer to the question of the gentleman, of course, we are not defining obscenity, which is a different matter. We are defining what we consider to be salacious. We are going on the assumption that because we are dealing with commercial advertising, the first amendment guarantees with respect to requiring a definition of obscenity do not obtain here. Consequently we have tried to be as specific as we can and have more or less emulated the language that was contained in the post office bill which earlier passed this House—H.R. 15693—so as to put advertisers on notice as to what they may not use in advertising, and which this bill defines to be salacious.

Mr. McCULLOCH. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I rise in support of H.R. 11032.

I am deeply disturbed by the serious threat to the moral and social fabric of our society posed by the mass of obscene materials which daily pour through the mails and move, it would seem, almost unhindered across State lines in interstate commerce.

In order to deal with this rising tide of pornography in our Nation, the President has proposed a three-pronged attack. The first prong of this attack, H.R. 11031, was designed to protect children from exposure to material which, though not actually obscene under the Supreme Court's test in *Memoirs* v. *Massachusetts*, 383 U.S. 413 (1966), might be harmful to minors. The substance of this proposal was passed by the House on April 28, 1970, as title I of H.R. 15693 by a vote of 375 to 8.

Title II of H.R. 15693 embodies the second part of the President's plan. This provision, originally introduced as title II of H.R. 10877, strikes at the problem of the unsolicited obscene advertisements which has flooded our homes by prohibiting the mailing of any "sexually-oriented advertisement" to any person who files with the Postmaster a statement that he desires to receive no such materials through the mails.

The third and final prong of the President's antipornography program, H.R. 11032, of which I am pleased to be a principal sponsor, is now before the House for action. This bill is aimed primarily at the mass of salacious and objectionable advertisements that are sent out indiscriminately in mass mailings by the purveyors of pornography who seek to make a fast buck at the expense of the sensibilities of millions of often unwilling recipients.

H.R. 11032, as introduced, would prohibit knowingly mailing or transporting in interstate commerce any advertisement designed or intended to appeal to a prurient interest in sex. The penalty for violation is a maximum of a 5-year term in jail or $50,000 fine for the first offense and 10 years or $100,000 for a subsequent offense.

The Committee on the Judiciary labored long and hard on this legislation. Subcommittee No. 3 held 14 days of hearings and heard 41 witnesses. The total testimony received numbers in the thousands of pages. In the executive sessions our members struggled to produce a bill that would be both an effective enforcement tool and yet capable of passing constitutional muster. I am confident that this goal has been attained.

The committee adopted three amendments of substance. First, the bill was limited to unsolicited advertisements to strengthen its right to privacy character.

Second, the bill was tightened up by replacing the term "designed or intended to appeal to a prurient interest in sex" with a more objective, less vague definition of the materials to be proscribed. This definition is essentially that contained in H.R. 15693 defining "sexually-oriented advertisement," which the House has already approved by passing H.R. 15693. Armed with this increased specificity in the definition of the materials prohibited, the U.S. attorneys and the courts should be able to use H.R. 11032 as an effective weapon against salacious advertisements.

The third amendment provides for the destruction on court order of salacious advertisements which are the basis of a conviction under the proposed act.

While the administration originally favored the language of H.R. 11032 as introduced, I am pleased to state that the Justice Department finds all of these amendments acceptable and supports the bill as reported by the Judiciary Committee.

Mr. Speaker, in reporting out this most important piece of legislation the Committee on the Judiciary can well be proud of the strong lead it has taken in the war on pornography.

I strongly urge that the House follow this lead by adopting H.R. 11032.

Mr. Speaker, I include a chronology of the actions of the Judiciary Committee on H. R. 11032 at this point in the Record:

May 2, 1969—President Nixon's message to Congress.

May 7, 1969—Draft of the bill sent to Congress, accompanied by Attorney General's statement; introduction of the bill.

September 15, 1969—Subcommittee 3 began hearings.

April 16, 1970—Last of 14 public hearings.

May 20, 1970—First markup in Subcommittee 3.

July 7, 1970—Subcommittee 3 reported out the bill.

July 28, 1970—Full Committee reported the bill.

August 3, 1970—Consideration by the House on Suspension Calendar.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I am glad to yield to the gentleman.

(Mr. MINSHALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, as cosponsor of the bill before us, H.R. 11032, to end the use of interstate facilities, including the mails, for transport of salacious advertising, and as author of three other antiobscenity measures, I urge the House to give its strong endorsement to this important measure.

By coincidence, my office this morning received a slimy example of the very sort of advertisement H.R. 11032 would help eliminate. It was forwarded to me by an understandably indignant constituent in North Olmsted, Ohio, and is typical of the filth that is being sent, unsolicited, into the homes of millions of decent Americans. The panderers of pornography glean names from newspapers, magazines, school, club, and even church rosters, and, all to often, obtain them from mailing lists sold on the open market by mail order and publishing houses with which the citizen has done legitimate business. Many of the targets of this kind of advertising are minors.

I am putting this misspelled, ungrammatical piece of nastiness in the Record today because its author, who calls himself Andy Drew, has unintentionally presented a better case for banning his sort of slimy enterprise from the mails and from interstate commerce than all the oratory this House could muster:

Dear Sir: I got your name from a special list that I bought. The guy that sold me the list (for a lot of money) said that you for sure would be interested in the kind of films I have for sale and that you wouldn't cause me any trouble. I hope he was right because trouble is something I don't need and I'm not looking for. You can figure out for yourself the kind of films I make, and if your not interested please *please* destroy this letter and you'll never hear from me again.

To tell the truth I've never mailed anything like this before. All my business for the past several years has been with a fairly small group of guys who have some money and kept me busy making the kind of films that each one tells me turns them on. But now I've run into a problem and have to think about expanding a little.

The problem is that these characters in Denmark are advertising that they can send the same kind of films into this country that I've been making and they even have the nerve to guarantee delivery. Even tho I know some guys that got burned because the films never got thru customs some of my customers have decided to try out the foreigners.

I really got fed up with these Danish bandits when I lost some customers and I figure it this way—Why shouldn't I let people who buy these films know they don't have to take chances and play dangerous games and get rooked good from the foreigners when they can buy the same stuff (I think my films are a lot better anyway) right here in the good old US of A.

You can bet that I'm going to send you really good stuff because I'm not looking for thousands of customers but just enough to supply a steady repeat business I can handle by myself. (I do all the work myself so I know that you get everything just like you want.)

After you've seen my first films you can tell me what you like yourself and I'll see what I can do for you. But in the meantime I went thru all my negs and chose 6 that I think are really great in quality and action and in the models that are in them. I have some more I will tell you about later but let's start with these first.

All are 200′ in regular 8mm Black & White (I can get you Super-8 but it may take a few days longer.) I'm only going to charge you $15 for each film (or you san save money by ordering all 6 for $75). Of course if you want me to make a film specially for you later on it'll have to cost a little more. Here are the titles I've given the 6 films. (Titles omitted.)

I have here omitted the names of the films offered, since the titles and descriptions are obscene. The letter continues:

I shot while making these films and some others.

12 photos (all different) for $8. 24 photos (all different) for $12.

So send me $15 for each film you want or else $75 for all six (which is like getting one film for free).

Make your checks and money orders payable to *Andy Drew* because this is the name I'm using. Send your order and money to Andy Drew, 1800 N. Highland Ave. Rm. 616, make sure you put in *Rm. 616* so I'll get your order for sure, Los Angeles, Calif. 90028.

If you want me to ship you COD send me half of what your total order comes to (I don't like to be taken either) and then *make sure positively that someone is there to get the package.* If it got into the wrong hands it might really embarrass both of us.

Yours truly,

Andy.

To save both of us time and trouble you can order here and tear this part off and send it to me with your money. Then I'll get your films out to you real fast.

Andy Drew,
1800 N. Highland Ave. Rm. 616
Los Angeles, Calif.

(Titles omitted).

—— all six for $75 like getting one free

—— 12 Photos $8 —— 24 Photos $12

Name ------------------------------------

Address ----------------------- ----------

City ---------- State -------- Zip code ----

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I am glad to yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I commend the distinguished gentleman for his leadership in this matter. I rise in support of this legislation.

I welcome this opportunity to express my full support for H.R. 11032, to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. This bill represents another important step toward controlling a problem which is of very deep concern to American citizens throughout the Nation; that is, the intrusion into American homes of unwanted, unsolicited, and offensive sex-oriented mail. The constituent mail coming into my office and that of so many of my colleagues certainly attests to the depth and breadth of this concern, which has in turn been reflected in the large number of bills introduced to deal with this growing problem.

Along with my distinguished colleague from Ohio, the Honorable William McCulloch, who is the chief sponsor of the legislation before us today, I cosponsored an original version of H.R. 11032 on May 12, 1969. This legislation also embodies one of the legislative proposals called for by President Nixon in his May 2, 1969 message to the Congress on sex-oriented mail.

As reported from the House Judiciary Committee, H.R. 11032 would prohibit the knowing deposit in the mail or transportation in interstate commerce of unsolicited material which exploits a prurient interest in sex through advertising. In order to deal effectively with any constitutional questions arising from the provisions of this bill, the committee has carefully and explicitly defined the concept of "salacious advertising" and the penalties provided for in H.R. 11032 are consonant with existing obscenity penalties. A first violation of this bill would carry a maximum fine of $50,000 or imprisonment of not more than 5 years, or both; subsequent offenses would carry a fine of not more than $100,000, or imprisonment of not more than 10 years, or both.

The committee is to be commended for its favorable consideration of this important legislation, which certainly deserves the complete approval by the House today. I would like to also express my support for an amendment added to the bill by the Judiciary Committee, which provides for court-ordered destruction of all copies of a salacious advertisement seized from the possession of a person convicted of a violation of this act.

In addition to the large volume of constituent mail I have already referred to, the subcommittee hearings on this legislation have clearly indicated the need for this legislation. While I have no illusions that H.R. 11032 will completely eliminate the growing problem of pornography dissemination in this country, it is another significant and essential step toward the solution to this problem. On April 28 of this year the House gave its approval to another step toward this solution in passing H.R. 15693. That legislation is aimed at the protection of minors under 17 years of age from obscene mailings and the protection of the privacy of all mail patrons who do not want to receive such mail.

I strongly urge my colleagues in the House today to join in taking this additional action toward dealing with the very real problem of increasing traffic in pornography and salacious advertising.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield for one question.

Mr. PUCINSKI. Mr. Speaker, I would also like to join in congratulating the gentleman from Ohio for his support of this legislation which I think is most important.

Am I correct in assuming that there would be no defense under this bill for a sender of the salacious advertisement to a person who did not solicit the advertising, but if he claims that someone other than that person solicited it instead and if a person is a victim of a prank and someone sends in and requests material in another person's name, I presume this would not be an offense under this legislation.

Mr. McCULLOCH. I see that the chairman of the subcommittee which handled the legislation rises quickly to answer that question.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Wisconsin for an answer to the question which has been posed by the gentleman from Illinois.

Mr. KASTENMEIER. I would say to my friend from Illinois that that was not unsolicited material. Here I believe that the sender should have more reason to believe and to understand that the matter was, in fact, solicited.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, I believe this is a weakness of the bill and I hope we can correct it by adopting legislation which would make it an offense to send a request in behalf of another person without the knowledge or approval of the third party.

Mr. KASTENMEIER. I think that is correct.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I strongly favor H.R. 11032, and recommend passage of to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. Congress must prevent the distribution of salacious material that appeals only to base interest. Congress must take firm measures to protect American families from this unwanted material. The receipt of this unwanted obscene mail is an intolerable invasion of privacy, and the rights of the family to be free from such material. These acts should be made actually illegal by the Congress by legislation. As American homes are being flooded by this objectionable material, Congress must act firmly to protect families by legislative provisions that will offer real protection, and respect real constitutional rights of freedom of speech and press, which certainly does not include unwanted obscene materials.

I am glad to advise the Congress that on May 26, 1969, I sponsored the bill, H.R. 11631, which has one of its chief purposes to protect the public from intrusion into their homes through the U.S. postal service of obscene matter. My bill provided for each citizen the right to file a statement with the U.S. Post Office declaring that that person does not want such material delivered to his home. It also provided for fine and imprisonment against the sender of such material by the Attorney General of the United States for sending of obscene material through the U.S. mails over the objection of any citizen.

I have strongly favored stopping the distribution of salacious material through my favorable vote on H.R. 15693, the bill introduced by Congressman DULSKI of New York to protect those young people under 17 years of age from mail harmful to minors and to protect the privacy of those U.S. postal patrons who do not want to receive advertising for obscene materials. H.R. 15693 passed the House on April 28, 1970, and my affirmative vote is recorded on page 13287 of the CONGRESSIONAL RECORD.

I strongly endorse H.R. 11032 being debated today as I believe it will give great protection to each American citizen of all ages against unwanted and unsolicited obscene materials delivered by interstate means or the U.S. postal service.

I like particularly the leadership of President Nixon in sending his firm message to Congress asking prompt action to protect our citizens and families against obscene mail. Here is the President's message:

PROPOSALS ON SEX-ORIENTED MAIL

To the Congress of the United States:

American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about this salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last 9 months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent the intrusions into their homes, and they are asking for Federal assistance to protect their children against exposure to erotic publications.

The problem has no simple solution. Many publications dealing with sex—in a way that is offensive to many people—are protected under the broad umbrella of the first amendment prohibiting against any law "abridging the freedom of speech, or of the press."

However, there are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The courts have not left society defenseless against the smut peddler; they have not ruled out reasonable Government action.

Cognizant of the constitutional structures, aware of recent Supreme Court decisions, this administration has carefully studied the legal terrain of this problem.

We believe we have discovered some untried and hopeful approaches that will enable the Federal Government to become a full partner with States and individual citizens in drying up a primary source of this social evil. I have asked the Attorney General and the Postmaster General to submit to Congress three new legislative proposals.

The first would prohibit outright the sending of offensive sex materials to any child or teenager under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. It would apply regardless of the age of the recipient. The third measure complements the second by providing added protection from the kind of smut advertising now being mailed, unsolicited, into so many homes.

PROTECTING MINORS

Many States have moved ahead of the Federal Government in drawing distinctions between materials considered obscene for adults and materials considered obscene for children. Some of these States, such as New York, have taken substantial strides toward protecting their youth from materials that may not be obscene by adult standards but which could be damaging to the healthy growth and development of a child. The United States Supreme Court has recognized, in repeated decisions, the unique status of minors and has upheld the New York statute. Building on judicial precedent, we hope to provide a new measure of Federal protection for the young.

I ask Congress to make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people.

The proposed legislation would not go into effect until the sixth month after passage. The delay would provide mailers of these materials time to remove from their mailing lists the names of all youngsters under 18. The Federal Government would become a full partner with parents and States in protecting children from much of the interstate commerce in pornography. A first violation of this statute would be punishable by a maximum penalty of 5 years in prison and a $50,000 fine; subsequent violations carry greater penalties.

PRURIENT ADVERTISING

Many complaints about salacious literature coming through the mails focus on advertisements. Many of these ads are designed by the advertiser to appeal exclusively to a prurient interest. This is clearly a form of pandering.

I ask the Congress to make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising.

This measure focuses on the intent of the dealer in sex-oriented materials and his methods of marketing his materials. Through the legislation we hope to impose restrictions on dealers who flood the mails with grossly offensive advertisements intended to produce a market for their smut materials by stimulating the prurient interest of the recipient. Under the new legislation, this form of pandering could bring a maximum penalty of 5 years imprisonment, and a fine of $50,000 for a first offense and 10 years and a fine of $100,000 for subsequent offenses.

INVASION OF PRIVACY

There are other erotic, sex-oriented advertisements that may be constitutionally protected but which are, nonetheless, offensive to the citizen who receives them in his home. No American should be forced to accept this kind of advertising through the mails.

In 1967 Congress passed a law to help deal with this kind of pandering. The law permits an addressee to determine himself whether he considers the material offensive in that finds it "erotically arousing or sexu-

> ally provocative." If the recipient deems it so, he can obtain from the Postmaster General a judicially enforceable order prohibiting the sender from making any further mailings to him or his children, and requiring the mailer to delete them from all his mailing lists.
>
> More than 170,000 persons have requested such orders. Many citizens however, are still unaware of this legislation, or do not know how to utilize its provisions. Accordingly, I have directed the Postmaster General to provide every congressional office with pamphlets explaining how each citizen can use this law to protect his home from offensive advertising. I urge Congress to assist our effort for the widest possible distribution of these pamphlets.
>
> This pandering law was based on the principle that no citizen should be forced to receive advertisements for sex-oriented matter he finds offensive. I endorse that principle and believe its application should be broadened.
>
> *I therefore ask Congress to extend the existing law to enable a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not a citizen has ever received such mailings.*
>
> This new stronger measure would require mailers and potential mailers to respect the expressed wishes of those citizens who do not wish to have sex-oriented advertising sent into their homes. These citizens will put smut-mailers on notice simply by filing their objections with a designated postal authority. To deliberately send such advertising to their homes would be an offense subject to both civil and criminal penalties.
>
> As I have stated earlier, there is no simple solution to this problem. However, the measures I have proposed will go far toward protecting our youth from smut coming through the mails; they will place new restrictions upon the abuse of the postal service for pandering purposes; they will reinforce a man's right to privacy in his own home. These proposals, however, are not the whole answer.
>
> The ultimate answer lies not with the Government but with the people. What is required is a citizens' crusade against the obscene.
>
> When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.
>
> RICHARD NIXON.
>
> THE WHITE HOUSE, *May 2, 1969.*

The purpose of the President's message was to request Congress:

First. To make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age matter dealing with a sexual subject in a manner unsuitable for young people;

Second. To make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising, and

Third. To extend existing law enabling a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not he has received such mailings.

Measures embodying all three proposals were promptly introduced. The first and second, authored by the ranking minority Member of the Judiciary Committee, Congressman MCCULLOCH, as H.R. 11031 and H.R. 11032, respectively, were referred to this committee. The third became title II of H.R. 10877 and was referred to the Committee on Post Office and Civil Service.

The first and third of the President's legislative proposals have been passed by the House in H.R. 15693 that was processed by the Committee on Post Office and Civil Service and passed the House on April 28.

The remaining legislative proposal of the President, embodied in H.R. 11032, was requested in the following words:

> Many complaints about salacious literature coming through the mails focus on advertisements. Many of these ads are designed by the advertiser to appeal exclusively to a prurient interest. This is clearly a form of pandering.
>
> *I ask the Congress to make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising,* (The emphasis is the President's.)
>
> This measure focuses on the intent of the dealer in sex-oriented materials and his methods of marketing his materials. Through the legislation we hope to impose restrictions on dealers who flood the mails with grossly offensive advertisements intended to produce a market for their smut materials by stimulating the prurient interest of the recipient. Under the new legislation, this form of pandering could bring a maximum penalty of 5 years imprisonment, and a fine of $50,000 for a first offense and 10 years and a fine of $100,000 for subsequent offenses.

PENALTIES

The penalties provided by H.R. 11032 were carefully considered by the committee. The provisions for imprisonment, although substantially higher than those recommended in the study draft recently issued by the National Commission on Reform of Federal Criminal Laws, are consonant with existing obscenity penalties, namely, maximums of 5 years for a first offense and 10 years for subsequent offenses. The provisions for fines (maximums of $50,000 for a first offense and $100,000 for subsequent offenses) are high. Taking cognizance of the fact that these figures are maximums, the committee decided to recommend no change in penalties provided by the bill. In addition, of course, the committee's amendment No. 5 provides for destruction on court order of copies of a falacious advertisement seized from the possession of a person who has been convicted of a violation of the proposed new section or from a person acting on his behalf.

I therefore, join with the unanimous membership of the House Judiciary Committee, both Republican and Democratic, in urging prompt passage by the U.S. House of Representatives of H.R. 11032, as strengthened and amended by that committee.

I am glad to join in the strong lead of the House Judiciary Committee in this war on obscene materials and pornography, which are flooding our U.S. mails and our homes today.

I urge Congress to stop the use of interstate facilities, including U.S. mails, to transport obscene advertising materials. This mail is sent to young and older people through lists obtained from papers, schools, clubs, and even voter lists. Unsolicited obscene mail is a violation of the U.S. constitutional right of privacy, and this evil invasion cannot be justified under the false banner that it is "free speech."

Mr. Speaker, I compliment the gentleman from Ohio upon his leadership and excellent statement, as well as the House Judiciary Committee upon the fine work which has been done on this important legislation to stop obscene material flooding U.S. homes.

I would like to ask one question: Could the committee enlighten the House at what age the person is judged to have adequate judgment within which to give his consent to request or solicit advertising material of this nature? For example, in my district a mother from Jefferson Borough just yesterday complained to me that her 11-year-old son had received obscene material by mail that he did not ask for nor request. She wondered just how his name could get on any such list, and objected most strongly. Could a request by an 11-year-old child be considered a valid request? I say definitely "no."

What is the age at which mature judgment can be said to be used in determining what is a valid request?

Mr. **KASTENMEIER**. Mr. Speaker, if the gentleman from Ohio will yield further, there is no age limit contained in this bill. This is a bill to provide across-the-board proscriptions of so-called pandering advertising. The problem of minors in connection with this type of mail was dealt with in the Post Office and Civil Service bill—H.R. 15693.

Mr. **FULTON** of Pennsylvania. Mr. Speaker, if the gentleman will yield further, should there be an age limit in this bill below which no consent or no request for obscene materials would be received?

Mr. **KASTENMEIER**. Mr. Speaker, if the gentleman from Ohio will yield further, in my view, we intend for this measure to be all inclusive. The other bill specifically dealt with protection of minors.

Mr. **McCULLOCH**. Mr. Speaker, I yield to the gentleman from Virginia (Mr. POFF) to further respond to the question.

Mr. **POFF**. Mr. Speaker, I thank the distinguished gentleman from Ohio. My own thought is that the word "unsolicited" is intended to offer the accused the predicate for a defense and if the defense is to be meaningful, then the defendant cannot be put to the burden of showing that he had knowledge of the age of the person who solicited it.

Mr. **McCULLOCH**. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. **HOGAN**. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the bill before us reminds me of an important problem regarding obscenity cases in Federal courts which I feel my colleagues should know about.

In July of this year, an obscenity case, United States against Boltansky, was heard in Baltimore, Md., before U.S. District Judge R. Dorsey Watkins. The defense rested its case on July 23. The U.S. Government prosecutors had no rebuttal, so the case was then ready for submission to the fact finder. Since the defendant waived his right to a jury, Judge Watkins was sitting as the trier of fact. On that morning, July 23, Judge Watkins stated that he would postpone his decision until after the Commission on Obscenity and Pornography had reported. As an attorney and a legislator, this position is astounding and incomprehensible.

The Assistant U.S. Attorney who was prosecuting the case argued that the case should be decided expeditiously so that the Government would have some guidelines for future prosecutions. Judge Watkins dismissed this argument with the suggestion that the Government might somehow protect itself by putting into its files the names of those prosecutions which would have been instigated except for Judge Watkins' hesitation to rule in the Boltansky case.

The Department of Justice's Criminal Division attorney assigned to the case then asked to be heard and indicated to the judge that it appeared that he was planning to allow the Commission's findings to influence his decision. Such a procedure is without legal precedent in the administration of criminal justice. This is analogous to allowing a jury to go beyond the evidence presented in a case and to do research on their own before passing on the issue at hand. When the Government made these arguments, the judge responded that his decision was not unlike a lower court's deferring a decision on an important issue of law which was soon to be decided by an appellate court. With all due respect to Judge Watkins, there is no analogy whatsoever. The President's Commission on Obscenity and Pornography is not an appellate court. It is a group of laymen who can at best recommend changes in statutes. This Commission has no power to legislate or adjudicate. Judge Watkins has the responsibility to adjudicate on the basis of the law as it exists at the time of the alleged offense, not on the basis of what the law might be at some time in the future. Such a postponement is wholly distinguishable from postponing a factual determination when all evidence is in.

The case should be adjudicated promptly. Delay to await the findings of an ad hoc commission of laymen which can in no way affect the case at bar is totally without justification. The Government and defendants whose trials are pending are entitled to expeditious handling.

We, as Federal legislators, have a responsibility to formulate statutes such as the bill before us today, but Federal judges have a responsibility to interpret these statutes and promptly adjudicate cases on the basis of the existing law.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I rise in support of H.R. 11032 for the specific purpose of clarifying any misunderstanding of the committee's intent in its definition of salacious advertising.

The definition uses the phrase, "Any act of natural or unnatural intercourse."

During the committee's consideration of this language it was emphasized by its author, Congressman MIKVA, that the intent of the phrase is to reach all sexual acts involving penetration between persons of the same or of different sexes, between human beings, or human beings and animals or things.

The committee accepted this broad definition of sexual intercourse in favorably reporting the bill in the House. If enacted into law, it should be so understood by the courts and law enforcement officials.

This measure is not without constitutional doubt, but the evident problem warrants our reliance upon Valentine against Chrestensen until the Supreme Court has spoken further on the subject.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding. As a cosponsor of H.R. 11032, which would prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, I support the present version of the bill even though it has been modified and made milder in committee. Nevertheless, it is still noteworthy to get it passed by the House this session. I know I share the experience of many other Members who have received irate letters and enclosures from constituents demanding a stop to the dissemination of this trash only to have the Post Office inform us that their hands are tied because of court rulings.

I hope the consideration of H.R. 11032 today indicates a trend on the part of Congress to come to grips with the whole area of pornography and obscenity in both the printed and movie medias. It has been somewhat discouraging to date that more legislation designed to firmly cope with this issue has not been forthcoming. Legislation that I introduced to establish a House Select Committee on the Investigation of Pornographic Enterprises has not seen the light of day. H.R. 7201, introduced in February 1969 which would take out of the hands of the U.S. Supreme Court and place in the local courts the determination of obscenity and pornography, is perhaps too strong an approach for Congress. I believe, however, that the American public, viewing the confusion and depressing record of the highest court of the land on this issue, would support such an approach.

Still more depressing are the reports emanating from the Commission on Obscenity and Pornography, that body established during the last administration to review the whole area of obscenity with a view to recommending legislation and providing definitions and guidelines so urgently needed in this most complex area. Three of the Commissioners have taken issue with the operation of the Commission and see very little hope of worthwhile results from this body's efforts.

I think it is understandable, then, why I am encouraged by the House's consideration of H.R. 11032 today and will support it on final passage.

Mr. WHITE. Mr. Speaker, will the gentleman yield for the purpose of a question?

Mr. McCULLOCH. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I want to ask this question: First of all, of course, I support the legislation, but for legislative history I want to be sure as to how it relates to advertisements for works of art.

On page 2 it states in the definition of salacious material: "In a predominantly sexual context." Does this qualify "depicts, in actual or simulated form" for purposes of an advertisement for works of art; and if so, then such advertisement of a work of art would have to be also "in a predominantly sexual context" before it would be in violation of this law?

Mr. McCULLOCH. I would yield to the gentleman from Wisconsin for an answer to that inquiry.

Mr. KASTENMEIER. Mr. Speaker, I would say to the gentleman from Texas that he has stated the proposition correctly.

Mr. WHITE. Mr. Speaker, I thank the gentleman, and I appreciate the gentleman yielding to me.

Mr. McCULLOCH. Mr. Speaker, I yield 6 minutes to the ranking Republican member who, with the chairman of the subcommittee, did such a remarkable job, the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, first I want to pay tribute to the distinguished gentleman from Ohio (Mr. McCULLOCH) who is the author of this legislation. He has given the subject his personal and preferred attention over the entire period of his service in this body, and the work product I think reflects great credit on his concern and talent in this area.

Mr. Speaker, H.R. 11032 is the third part of the administration's pornography control package. The first two parts were, in substantial measure, incorporated in H.R. 15693 passed earlier by the House. One part permits postal patrons to force distributors of sexually oriented advertisements to remove their names from mailing lists, even if those advertisements do not meet the court definition of "obscenity." The second part outlaws the mailing of sex-oriented material harmful to minors, even if that material fails to meet the court definition of "obscenity."

H.R. 11032, the third part of the administration's package, makes it a crime to mail or transport in interstate commerce an unsolicited advertisement that is in itself salacious, even if it fails to meet the court definition of "obscenity." Under the present law, 18 U.S.C. 1461, mail advertisements are outlawed if they are themselves obscene or if the material they advertise is obscene.

The Supreme Court's definition of "obscenity" is tripartite. The material is obscene, and therefore not entitled to first amendment protection, if: First, the dominant theme of the material taken as a whole appeals to a prurient interest in sex; second, the material is patently offensive because it affronts community standards relating to the description or representation of sexual matters; and third, the material is utterly without redeeming social value.

While the Supreme Court has held that the legislature cannot proscribe sexually oriented material which fails to meet that tripartite test, it has indicated that Congress can proscribe the unsolicited mailing of commercial advertisements which in themselves are designed to appeal to a prurient interest in sex, even when they fall short of the tripartite definition of obscenity.

Thus, H.R. 11032 proscribes advertisements which meet the statutory definition of "salacious."

In the original form recommended by the administration, H.R. 11032 simply outlawed advertisements intended to appeal to a prurient interest in sex. No effort was made to define that phrase. The committee substituted for that phrase the word "salacious" and added an itemized definition of the word. It did so because it felt that the phrase without statutory definition might offend the constitutional mandate of precision and certainty in a criminal statute.

While I support the bill in its present form, I favor the original form. I do so for two reasons. First, as more fully explained in a memorandum which I will append to the foot of this statement, I do not believe the phrase offends the constitutional mandate. Second, I am afraid that the definition of the word "salacious" the committee inserted in the bill may become a predicate for much mischief. The definition attempts to make an inventory of specifics. Each item in the inventory itself challenges definition. Each item encourages defense counsel to invent another defense. Each item invites, indeed commands, interpretation, construction, and application by the trial court and the appellate courts. In its very specificity, the committee's definition exacerbates rather than resolves the problem of vagueness.

For these reasons, I earnestly believe that the statute we are writing would be more functional and more effective if we were to restore the bill to its original form. Nevertheless, I am equally convinced that, even in its present form, the bill would, at least partially, fill a void in the criminal code and help to take the profit out of pornographic pandering.

This is a pornography control bill. It is more than that. It is a right of privacy bill. It is a family protection bill. It is a bill designed to protect the American home against the flood of advertising filth which is pouring unsolicited through the mail slot in the front door.

The following is a memorandum supporting H.R. 11032 in its original form.

Mr. Speaker, the administration's bill to prohibit the distribution, through the mails or other facilities of interstate commerce, of advertisements "designed or intended to appeal to a prurient interest in sex" has been opposed on the grounds that first, it is unconstitutionally vague; second, it deals with materials which are protected by the first amendment; and third, it restricts the reading matter for adults to that which is suitable for children.

I would like to examine these arguments and attempt to clarify the confusion which appears to exist about what this bill is intended to accomplish and the constitutional basis upon which it was formed.

First, the argument has been advanced that the legislation is unconstitutional "because it is so vague and indefinite that it 'fails to give fair notice of what acts will be punished'." Certainly, one would agree that a criminal statute must give adequate notice of that conduct which is prohibited. This bill, H.R. 11032, would curtail the distribution of advertisements "designed or intended to appeal to a prurient interest in sex." Therefore, not only must the salacious nature of the appeal be known, it must be calculated as well.

As to the understanding of the words "prurient interest," the Supreme Court has found the term sufficiently precise to include it as a necessary element to establish a matter obscene in a prosecution under section 1461 of title 18, United States Code, *Roth* v. *U.S.*, 354 U.S. 476 (1957). In the Roth case, which held that obscenity is not afforded first amendment protection, the Court adopted the following standard for obscenity:

> Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.

As defined in that case, the first meaning of "prurient interest" is "a tendency to excite lustful thoughts."

Since the Supreme Court has itself used the phrase in establishing a test for obscenity, it could hardly be found unconstitutionally vague when utilized in another, but closely related, context.

Second, it is contended that commercial advertisements are afforded first amendment protection and H.R. 11032 "is obviously an unconstitutional attempt to expand the standards of obscenity promulgated by the Supreme Court" in Roth and *Memoirs* v. *Massachusetts*, 383 U.S. 413 (1966).

This legislation is not an attempt to expand, or to alter, the Court's definition of obscenity. Section 1461 of title 18 is and would continue to be the Federal statute to prohibit distribution of obscene matter or of advertisements for obscene matter. Perhaps the bill's purpose will be clarified by a statement of what this legislation would not do:

First. It would not prohibit advertisement of any matter;

Second. It would not affect the distribution of any matter which is not an advertisement;

Third. It would not amend the current definition of obscenity.

This legislation would curtail the distribution of advertisements which are calculated to appeal to a prurient interest. The nature of the products being advertised would not be relevant to the application of the provisions. The legislation would not proscribe advertisements for pornographic materials if the advertisements themselves are not objectionable.

The constitutional basis of H.R. 11032 is that commercial advertisements are not afforded first amendment protection. This basic premise has been attacked on the grounds that the Supreme Court's decision on this matter, *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), was "casual, almost offhand" and has not "survived reflection." In Valentine, the Court held that while the streets are proper places for the exercise of freedom of communicating information and disseminating opinion, and while the Government may not unduly burden such use, the "Constitution imposes no such restraint on Government as respects purely commercial advertising." There is no indication in the opinion that the Court's determination was either "casual" or "offhand." Furthermore, since the time that it was referred to in that manner by Mr. Justice Douglas, in a concurring opinion in the case of *Cammarano* v. *U.S.*, 358 U.S. 498 in 1959—a reference relied upon by opponents of the legislation—the Supreme Court has cited Valentine with approval. In 1966, in *Ginzberg* v. *United States*, 383 U.S. 463 (1966), the Court suggested that the Government may be properly concerned with prurient advertising, and, in a footnote, stated:

> /M/aterial sold solely to produce sexual arousal, *like commercial advertising*, does not escape regulation because it has been dressed up as speech, *or in other contexts might be recognized as speech* (italic added).

It has also been contended that Valentine "was not intended to and cannot apply to advertisements for books and other material which enjoy the benefits of the first amendment." But in *Breard* v. *Alexandria*, 341 U.S. 622 (1950) the Court was faced with this contention and stated:

> We agree that the fact that periodicals are sold does not put them beyond the protection of the First Amendment. The selling, however, brings into the transaction a commercial feature.
>
> The First and Fourteenth Amendments have never been treated as absolutes. Freedom of speech or press does not mean that one can talk or distribute where, when and how one chooses.

The cloak of first amendment protection cannot be said to immunize from governmental control every transaction which is associated with the press, speech, or religion. In instances where State or local laws have been held unconstitutional for unduly infringing upon first amendment rights, the Court has frequently gone out of its way to point out that other circumstances may exist where such restraints could be imposed. As the Court stated in *Thomas* v. *Collins*, 323 U.S. 516 (1945), once a speaker goes beyond a public speech to enlist support for a lawful movement "as when he undertakes the collection of funds or securing subscriptions," he enters an area where reasonable restrictions may be imposed. Then, in *Schneider* v. *State* 308 U.S. 147 (1939).

> We are not to be taken as holding that commercial soliciting and canvassing may not be subjected to such regulation as the ordinance require.

And in *Cantwell* v. *Connecticut* 310 U.S. 296 (1940)

> The general regulation, in the public interest, of solicitation, which does not un-

> reasonably obstruct or delay the collection of funds, is not open to any constitutional objection, even though the collection be for a religious purpose.

This legislation would not unduly suppress any publication. It would require one who solicits sales of any item to refrain from intentionally employing prurient appeal in his solicitations. This neither imposes self-censorship, which was proscribed in *Smith* v. *California,* 361 U.S. 147 (1959) nor reduces the availability of publication to any segment of our population which was the crucial problem in *Butler* v. *Michigan,* 352 U.S. 380 (1957).

While the courts have tended in recent years to make prosecutions under the obscenity statutes, 18 United States Code 1461, et seq., more and more difficult, they have established another line of decisions indicating a judicial willingness to recognize the right of the individual who does not wish to be confronted by salacious materials as well as the rights of those who do.

In a recent Supreme Court decision upholding the constitutionality of the so-called anti-pandering statute, *Rowan* v. *U.S. Post Office,* 38 U.S.L.W. at 4343 (May 4, 1970), 39 United States Code 4009(a), the Court stated:

> It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds, Everyman's mail today is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive . . . That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere . . . The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain.

In the case of *Stanley* v. *Georgia,* 394 U.S. 557 (1969) the Court, in finding a statute prohibiting the private possession of obscene material to be unconstitutional, recognized that the public distribution of such matter may be treated differently and mentioned that:

> There is always the danger that obscene material . . . might intrude upon the sensibilities or privacy of the general public.

Similarly, in *Redrup* v. *New York,* 386 U.S. 767 (1967), three cases involving the distribution of salacious materials were reversed when it was established that the books and magazines did not meet the Court's definition of obscenity and that:

> In none (of the cases) was there any suggestion of an assault upon individual privacy by publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it.

In May 1970, three-judge Massachusetts Federal Court enjoined prosecution of cast members of "Hair" for indecent exposure and reasoned that first amendment obscenity standards must be applied, but, if lewd acts and indecent exposure should be thrust upon an unsuspecting public, first amendment protection may be lost. *Langston* v. *Byrne,* U.S. D.C. Mass., May 6, 1970, 7 Crim. Law. Rep. 2135.

Whether or not legislation such as H.R. 11032 should ultimately replace the present obscenity law is a question that need not be answered now. However, with a constant narrowing of the application of the present law by the courts certainly there is a need for legislation which can protect the general public from materials offensive to it which cannot be constitutionally banned outright.

Any right which one may have to purchase and read anything he chooses must be put in balance with the right of others to be free from unwanted exposure to the salacious. Regardless of the constitutionality of restrictions on the sale and distribution of pornography, there is hardly a sound argument that can be made to support a contention that vendors should be allowed to merchandise anything in a manner which is understandably offensive to countless American families upon whom the unsolicited advertisements are thrust.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 11032, as amended by the Judiciary Committee, to prohibit the use of interstate facilities, including the mails, for the transportation of unsolicited, salacious advertising.

Mr. Speaker, the issue of pornography and obscenity in a free and open society is one fraught with difficulties for the Congress. Our constitutents are complaining in ever-increasing numbers of the unordered and unsolicited smut that is being sent into their homes through the mail. President Nixon summarized the complaints in his message to the Congress over a year ago. He stated:

> American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about this salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last nine months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent these intrusions into their homes, and they are asking for federal assistance to protect their children against exposure to erotic publications.

None can question that unordered smut and the salacious advertising for it are being mailed into our homes—the only issue that remains concerns the kind of action the Congress can constitutionally take to deter the producers and suppliers of near pornography.

The constitutional problem, of course, concerns the definition of obscenity and the limits of the first amendment. Under present Federal law, the knowledgeable mailing of obscene matter is an offense punishable by up to 5 years in prison and a fine of up to $5,000 (18 U.S.C. 1461). Further legislation in that area is unnecessary. What is needed most is enforcement. In *Roth* v. *United States,* 354 U.S. 476 (1959), the Supreme Court established the test of obscenity as "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." Subsequent decisions have added the requirements that patent offensiveness to current community standards of decency must be established independently of prurient appeal, and that the matter must be shown to be utterly without redeeming social value, as well as prurient and patently offensive.

Clearly, as stated earlier, if material falls within the definition of obscenity as set out by the courts, it is unlawful under present law to send it through the mails or otherwise in interstate commerce. But what of the salacious, obscene advertisements and solicitations that are being sent unordered into our homes? Surely, the right of privacy, the freedom to go to one's mailbox without the fear of finding erotic and often disconcerting advertising can also be protected.

All constitutional issues represent a balancing of one dominant societal need against another. In this case, freedom of speech, as protected by the first amendment, must be balanced against the individual's freedom to be free from having unwanted morally offensive materials thrust upon him. I have studied the constitutional issue here involved, and I am inclined to agree with the Justice Department and all the other Members of the Committee on the Judiciary that the legislation before us today deals effectively with a serious problem in a way that avoids any abridgment of the freedom of speech. I base my conclusion on several decisions of the United States Court. While it may be under recent decisions of the Supreme Court that speech, including books, magazines and other printed materials is constitutionally protected unless it falls within the three-pronged definition of obscenity, in *Valentine* v. *Chrestensen,* 316 U.S. 52 (1942), the Court ruled that commercial advertising did not enjoy the same degree of protection as noncommercial speech. The Court, in Valentine, unanimously upheld a municipal ordinance which outlawed the distribution of handbills advertising a commercial enterprise. A similar principle was delineated in *Breard* v. *Alexandria,* 341 U.S. 622 (1951).

Assistant Attorney General William H. Rehnquist, in testimony before Subcommittee No. 3 of the House Judiciary Committee, explained the reasons for excluding commercial advertising from first amendment protection. He stated:

> The central purpose of the Amendment is to assure what Justice Holmes called the 'free trade in ideas.' *Abrams* v. *United States,* 250 U.S. 616, 630 (dissenting opinion) . . . This is not to suggest, of course, that the Amendment extends only to expressions of philosophical or political character. Constitutionally protected speech may include artistic works, special commentary, and many other modes of expressions by which ideas may be conveyed or public attitudes shaped. But the purpose of ordinary advertising is to sell a product, not an idea. Accordingly, such advertising is low on the scale of values underlying the First Amendment. It may be suppressed when necessary to promote other legitimate interests.

I am in agreement with Assistant Attorney General Rehnquist. There can be no doubt that the protection of the right of privacy, especially in the area of pornography, is a legitimate governmental concern. It is my belief that H.R.

11032 deals properly and constitutionally with a growing and serious national problem.

Mr. Speaker, I want also to call special attention to two of the amendments made by the committee. The first limits the application of the measure to unsolicited advertisements only. Remembering that we are here dealing with matter falling outside the triple test of obscenity, and relying, as we do, on the protection of the right of privacy, the committee was careful to limit the measure's sanctions to those who mail unordered, their pervicacious advertisements.

Another committee amendment worthy of note describes specifically the kind of advertising aimed at, rather than rendering our intentions unclear and leaving the task to the subjective judgments of prosecutors, judges and juries. Both of these amendments improve the bill and I commend the members of Subcommittee No. 3, and especially the chairman of that subcommittee, the gentleman from Wisconsin, (Mr. KASTENMEIER) and the ranking member of the subcommittee, the gentleman from Virginia (Mr. POFF) for their dedication and insight.

Mr. Speaker, I urge the overwhelming approval of H.R. 11032.

Mrs. REID of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentlewoman from Illinois.

Mrs. REID of Illinois. Mr. Speaker, I rise in support of H.R. 11032, to prohibit the interstate transportation of salacious advertising.

There is no question that most Americans are deeply irritated by the outpouring of filth which circulates so freely today. Who among us has not received numerous letters from constituents urging that we take new initiatives to control the dissemination of indecent materials? Another indication of the enormity of the problem is reflected in the fact that more than one-half million persons have filed complaints with the Post Office Department in the last 3 years specifically objecting to obscene mailings.

The time has come to act decisively in stamping out the menace of pornography in our Nation. I find it very encouraging that this is the second bill against pornography to be brought before the House in this session. Last year I introduced H.R. 9372, to protect minor children from receipt of unsolicited obscene materials through the mails. A similar measure, H.R. 15693, was passed by the House on April 28, 1970—and I was glad to give it my support.

In my opinion, the bill now before us—H.R. 11032—is a necessary adjunct to the previously passed legislation because it will close an additional loophole. Whereas H.R. 15693 covered the mailing of sexually oriented materials, the present bill will help to stop shipments by use of any means in interstate commerce. It is my hope that the House will pass this bill today and that early action will be taken in the Senate.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MILLER) such time as he may require.

(Mr. MILLER of Ohio asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, Congress has an obligation to prevent the unchecked flow of pornographic material into American homes. To this end I have sponsored legislation in the past which would strike at the root of the problem by making it a Federal offense to use the mails as a means of dissemination for smut literature. Now, in an additional step to tighten the noose on those who knowingly aid and abet the alarming rise in sex crimes in America, I heartily support H.R. 11032 which will prohibit the interstate transportation of salacious advertising. The President has called upon Congress to act swiftly in this area where interstate transportation and other facilities of commerce are used for commercial exploitation of prurient interests in sex through advertising. This bill provides for a maximum fine of $50,000 and 5 years in prison for the first offense and $100,000 and 10 years for subsequent convictions.

Commercial interests which knowingly deposit in the mail or use interstate commerce to distribute unsolicited advertisements which depict immoral acts should be subject to the severest letter of the law and held fully responsible for their premeditated illegal actions.

Two bills I submitted to the Congress earlier in conjunction with this legislation would create a package of forceful legislation aimed at protecting the American public and directly assist law enforcement officials in their efforts to halt the rise in sex-related crimes.

One bill will make it a Federal crime to send or offer to send through the mails obscene materials to a minor under 18 or to a household where a minor resides. The second would require the Postmaster General to withdraw second-, third-, and fourth-class mailing permits from anyone sending obscene material through the mail.

I echo President Nixon's deep concern for the need for legislation in all areas of sex-oriented mail. The number of complaints about unsolicited mail to the Post Office since 1964 has about doubled. More than 140,000 letters of protest came to the attention of the Federal Government during the last 9 months alone. Facts and figures point out the need for the legislation and the justified cries of parental outrage across the land tell us that the time to act is now, not later.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COUGHLIN) such time as he may require.

Mr. COUGHLIN. Mr. Speaker, I join in congratulating the learned gentleman from Virginia (Mr. POFF) and the subcommittee on an outstanding job in reporting out legislation which should go far toward eliminating one of the major problems we have. That is the problem of pandering advertising with floods of obscene material seeking to make a profit out of pornography.

Mr. FEIGHAN. Mr. Speaker, as cosponsor of H.R. 11032, I rise in support of this bill.

The unprecedented flood of pornographic material through the mails has caused deep public concern throughout the Nation. The number of complaints filed with the Post Office Department has almost doubled in the past few years. Mail from my constituents and others makes clear the resentment and even outrage of countless numbers of our citizens. I am certain that many of my colleagues share this concern, as nearly 200 Congressmen have cosponsored various measures to combat the dissemination of smut material through the mail.

The response of the public shows that there is a need to shield people from unsolicited, offensive advertising. It is an invasion on the right of privacy to subject upon a person against his will personally repugnant material.

The time has come to give law-enforcement officials the proper tools they need to deal with pornographic advertising through the mails, something they now lack. H.R. 11032 would provide them the needed law, without, I believe, enfringing on anyone's constitutional rights.

This is a bill to prohibit the use of interstate facilities, including the mails, for the transportation of unsolicited and salacious advertising. The bill would punish anyone who knowingly does so with a fine of up to $50,000 and up to 5 years' imprisonment for the first offense, and stiffer penalties for subsequent offenses.

As amended, the bill provides for constitutional guarantees. The criteria for determining what is "salacious advertising" is clearly defined. Also, only by sending unsolicited mail can a person be prosecuted.

This bill will correct some deficiencies in the laws dealing with pornographic advertising through the mails.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in enthusiastic support of H.R. 11032, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising.

On May 2 of last year, President Nixon reported to the Congress that American homes were being bombarded with the "largest volume of sex-oriented mail in history." He went on to say that most of the mail was "unsolicited, unwanted, and deeply offensive" to those who receive it. In response to this most serious problem, the Congress enacted H.R. 15693 which incorporated two of the President's proposals on this matter. Now we are called upon to implement the third and final provision of that report.

Grossly offensive advertising intended to produce a market for smut materials has had a most negative effect upon our society. All too many Americans have had the privacy of their homes violated by professional advertisers seeking to arouse the prurient interests of the recipients. The most unfortunate results of this highly distasteful practice can be seen among our young who have been exposed to such unsolicited materials.

Devoid of socially redeeming value, this advertising only serves to destroy the idealism of our youth.

The time has come for us to take strong actions to alleviate this ugly problem from our midst. H.R. 11032 imposes stiff penalties for misuse of the mails consonant with existing forms of retribution. The severity of this situation clearly demands a tough Federal response.

Of special merit is the provision of H.R. 11032 which defines precisely the concept of "salacious advertising" to make clear from the outset the specific area covered by the bill.

Although there has been some debate as to the constitutionality of the bill, H.R. 11032 has the support of the Justice Department which bases its judgment on the cases of Roth against United States and Valentine against Chrestensen.

Let me add my enthusiastic endorsement to the unanimous assent of the Judiciary Committee in urging favorable action on this bill by the Congress.

Mr. BENNETT. Mr. Speaker, I rise in support of this bill, H.R. 11032. My only regret is that it is not more inclusive, so as to ban the shipment of all salacious material in interstate commerce. Yet, this is a difficult field in which to legislate and this bill has been carefully drawn; and I would hesitate to attempt drastic revision on the floor of the House lest the ultimate product might fail for lack of restrictions required by the courts as based upon the Constitution. So under the circumstances, I urge the passage of this bill and express the sincere hope that committee may yet bring out the more inclusive legislation which I have heretofore introduced and which has been the subject of lengthy hearings already in the committee.

Mr. VANIK. Mr. Speaker, I am in favor of the legislation before the House today to prohibit the interstate transportation of salacious advertising.

Last year I sponsored with others legislation designed to discourage the unsolicited and unwelcome mailing of "smut" advertising. The need for such legislation came to my attention as a result of several hundred complaints from constituents about unsolicited advertising of a salacious nature. In some cases, the unwanted advertising was addressed to a child—in one case a 6-year-old.

The legislation originally introduced raised certain constitutional questions which the committee, in the bill now before us, seems to have largely resolved.

This is a good bill which meets a very serious and annoying problem and protects the right of privacy of each to be free from offensive and unwanted publications.

Mr. DORN. Mr. Speaker, this bill will curb the mailing of unwanted and deeply offensive sex-oriented obscene advertisements. If enacted, this bill will prohibit the use of interstate facilities, including the mails, for the transportation of exclusively sex-oriented, obscene advertising. Any advertisement which is "salacious" under the language of the bill would be prohibited. Violators of this provision could be punishable by a fine of $50,000 and/or 5 years' imprisonment.

Mr. Speaker, the urgent need for action against the peddlers of smut was documented by House committee hearings. These hearings made it clear that a huge volume of unsolicited salacious advertising is being disseminated through the mails. Our children are being exposed to this advertising of shocking and immoral filth by commercial hucksters who seek to develop a market for their trash publications. The President, in a special message to the Congress, reported that in a recent 9-month period the Post Office Department received 140,000 letters of protest from parents concerning sex-oriented mail and that the volume of complaints is increasing.

Mr. Speaker, my main concern is with the impact this disgusting pornographic material has on the youth of our Nation. Some people have sent me shocking material which has been received by minors, some no more than 9 or 10 years of age. The measure we have passed today is a necessary first step to protecting the freedom of our children not to have their emotional development disrupted by exposure to depraved and insulting advertising material.

I hope this bill goes quickly to final passage, and that the Congress will take additional measures to prohibit pornographic advertising and mailing, not covered by this bill.

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is considering H.R. 11032, a bill to prohibit individuals and organizations from using interstate facilities, such as the mail, for the transportation of salacious advertising.

I fully support this proposal. I believe Congress should approach, from every conceivable angle, the problem of how to most effectively curtail the staggering amount of obscenity and pornography presently inundating the Nation. In this spirit I have, among other things, introduced two bills which would close interstate commerce and the postal system to smut peddlers. I am, therefore, most pleased that Congress is squarely addressing this vital issue.

This, however, is not the first time in this Congress that the House has acted on the obscenity problem. Earlier in this session legislation prohibiting the use of the mails and interstate commerce for the purpose of sending obscene materials to minors was passed. In my statement of support for that proposal I noted that it too contained provisions similar in thrust to some of these in my two bills. In addition, I stated that, "Although this bill is by no means a cure-all, it does represent an effective first step in asserting appropriate Federal regulations in this vital area." Today, I can make the same comment about H.R. 11032, with the exception that it constitutes an effective second step in the continuing fight against pornography.

Mr. Speaker, the distinguished members of the House Judiciary Committee are to be commended for their diligence in bringing this bill to the floor, for debate and vote. It is my hope that the other body will be equally diligent in passing this bill. If so, then President Nixon soon will add another law controlling obscenity and pornography to our growing legislative arsenal.

Mr. MONAGAN. Mr. Speaker, I support H.R. 11032, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. The committee amendments to the bill do much to clarify the proscriptions contained in this measure, and I urge their adoption.

This bill is similar to my own H.R. 12926 which I introduced on July 17, 1969, in response to citizen protests to the unsolicited, unwanted, sex-oriented advertising that floods their mail. I have introduced four antiobscenity bills in this Congress and the major provisions of three of them have already passed the House. Unlike my three previous bills that the House has acted upon, this bill is primarily concerned with sexually oriented advertisements that are bombarding American homes with unprecedented frequency. Publishers and mailers of offensive advertisements, in their drive to expand the market for obscene materials, have shown themselves insensitive to the public demand for protection of their right of privacy.

Under the terms of this bill any person convicted of knowingly transporting in interstate commerce or depositing in the mail an advertisement that is salacious as defined in the bill can be fined up to $50,000 and imprisoned for 5 years for a first offense, and fined up to $100,000 and imprisoned up to 10 years for a second offense. In addition, upon conviction of any person under these provisions the court may order the destruction of all copies of the salacious advertising that the Government seized from the possession of such person at the time of the arrest.

Citizens need and deserve the protections contained in this bill, and I urge my colleagues to join me in voting for passage.

Mr. ASHLEY. Mr. Speaker, today dealers in pornography are increasingly using the U.S. mails as a pipeline for the unconscionable flow of smut and obscenity.

With each new wave of such mailings, my office is besieged with letters from people who are horrified and nauseated by the material that they are receiving. This matter far too often falls into the hands of impressionable youths, who are thus subjected to scenes of sado-masochism, fetishism, and homosexuality.

The recipients of such mailings have also bombarded the post offices with their complaints. In the 9-month period from August 1968 to May 2, 1969, alone the Post Office Department received 140,000 letters of protest from recipients of unsolicited offensive mailings and I am advised that the volume of complaints is growing every month.

In 1968 Congress responded to the people's cries of outrage by passing a law aimed at stopping the flow of unsolicited filth through the mail. The Post Office Department acted promptly to implement it by issuing pamphlets informing citizens that if they received a pandering advertisement which they found offensive, they had the right to ask that the family receive no more mail of any kind from the sender.

In Toledo, radio station WSPD followed up passage of the law with a series of programs explaining how a citizen can file a complaint to supposedly force removal of his name from an objectionable list. Yet Northern Ohioans are being inundated with what local postal officials describe as the filthiest material they have ever seen.

Hundreds upon hundreds of citizens have registered formal complaints, but to no avail. For example, one Lima, Ohio, mother filed 16 complaints between April 1968, and January of 1969, trying to stop the unsolicited mailing of obscene material to her teenage child. But the junk mail just keeps coming.

The 1968 law has proved ineffective for two reasons. First, the senders circulate their mailing lists amongst one another, so if one mailer expunges a person's name from his list, 10 other senders may still have that name on their roster. Second, senders are tempted to, and do, flout the law, knowing that the Government must go through lengthy procedures to prosecute them and that the end product of such procedures is simply an order directing them to expunge the name from their list. The senders are not subject to any criminal penalties until they defy the court order.

Fortunately, the 91st Congress has not shirked its duty of finding an effective way to keep the purveyors of smut from people's doorstep. On April 28, 1970, the House passed H.R. 15693, which contains two important antiobscenity measures. The first makes it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 matter dealing with a sexual subject in a manner unsuitable for young people. In addition, it extends existing law enabling a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not he has received such mailings.

Today, in considering H.R. 11032, we have the opportunity to tighten the lid on the coffin of the smut purveyors. In considering this bill, it is important to remember that it is not aimed at great works of literature, such as a Ulysses or a Lady Chatterly's Lover; instead, it is aimed at people whose sole purpose is that of commercial exploitation. I believe that this is in line with Supreme Court decisions in the area. The case of Valentine against Chrestensen seems to indicate that the first amendment does not apply to purely commercial advertising. In addition, in the recent case of Ginzburg against United States, the Court said:

> The question of obscenity may include consideration of the setting (which the Court found was one of commercial exploitation) in which the publications were presented, and where the purveyor's sole emphasis is on the sexually provocative aspects of his publications, that fact may be decisive in the determination of obscenity.

Further, the bill is narrowly drawn so that it is aimed only at unsolicited material and an advertisement is not salacious if those parts which might be so considered constitute only a small and insignificant part of the whole.

In short, I think the bill is carefully drawn so as to be both constitutional and effective. While the matter is not wholely free from doubt, I believe that the constitutionality of a prohibition of the transportation of patently salacious matter in the mails or in commerce is worth testing and I strongly urge passage of H.R. 11032.

Mr. MOLLOHAN. Mr. Speaker, today we have the opportunity to close another door to hard-core pornography and smut that has flooded tens of thousands of American homes. With the passage of H.R. 11032 we will make it a federal offense to mail unsolicited advertising which in itself is salacious.

The House will recall that some time ago, we passed H.R. 15693 to prevent mailing of such materials to those who were less than 18 years old, and to give the individual the power to protect his home from intrusion of sex-oriented advertising regardless of whether he has received such mailing.

Today, by imposing harsh penalties on those who use the mails to send unsolicited salacious advertising to the individual, we are closing the last door on this smut.

I think it should be made clear that this bill cannot shut down the sale of pornography through the private retailer on the street, but it can put a halt to the mass mailing of this filth to people who do not want to receive and who do not want their children to receive it.

This is a necessary and timely step for the Congress to take for the millions of families in the country who want to protect themselves from the onslaught of this unwanted social garbage. The complaints that the Congress and the Executive have received about this practice have reached into the hundreds of thousands, far more than just a few years ago.

This volume of correspondence is directly related to the mass mailing tactics of the smut dealers, and through the legislation today, we are going to effectively put a stop to this.

Mr. ZABLOCKI. Mr. Speaker, it is a privilege to support H.R. 11032, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. At the very outset I wish to commend our colleague from Wisconsin, ROBERT KASTENMEIER, for his efforts in behalf of this legislation as well as for the expeditious action taken on the measure.

As the Members of this body well know, the problem of mail-order pornography has long been of deep concern to me. It is gratifying that, at last, we are fighting the pollution of our Nation's mail boxes with all the legal instruments at the command of the Government.

When I began my investigations of mail-order pornography in the early 1960's, my expressed concern was met with apathy and "don't-rock-the-boat" sentiments from Federal postal officials and representatives of the direct mail industry alike.

Yet it was evident to all who would see that the problem was then out of hand. From 1960 to 1966, the increase in complaints to the Post Office about salacious advertisements rose astoundingly from less than 50,000 to more than 200,000.

It was then that Congress became aware of the magnitude of a situation that several of us had been calling attention to before whatever committees or subcommittees would hear us.

The result was the passage of legislation in the 90th Congress prohibiting the mailing of pandering advertisements to postal patrons who find them offensive. This law—Public Law 90-206—allowed the parents of this Nation to strike back at the smut peddlers.

The response to this legislation by the public has been little short of staggering. According to figures which I obtained from the general counsel of the Post Office Department only last week, in the past 2 years since the law was enacted, the Department has received 459,129 complaints pursuant to Public Law 90-206.

As a result, the Department has issued 372,029 prohibitory orders to mailers directing that they refrain from further such mailings. To date, there have been 3,734 violations of the prohibitory orders referred to the Justice Department by the Post Office Department. These referrals have resulted in 228 court orders against mailers.

The import of these statistics is, I believe, twofold.

First, the American people are sick and tired of having their mailboxes filled with salacious advertisements by conscienceless profiteers who would corrupt innocent children for the sake of a few dollars. It is truly heartening that so many have been willing to take the time to fill out complaint forms and file them with the Post Office.

Second, the mechanism established under Public Law 90-206 is slow, unwieldly and essentially fails to strike at the source of the salacious ads. A complaint can be made only after such materials have been received; if a mailer complies with the Post Office directive he is free to continue to send his pornographic solicitations.

Clearly, there is a need for new legislation aimed directly at the smut peddlers. H.R. 11032, the bill before the House today, is just such a proposal. It has my wholehearted and enthusiastic support.

To be commended for his efforts as I have stated earlier for bringing his proposal to the floor is my esteemed colleague and fellow Wisconsinite, the Honorable ROBERT KASTENMEIER.

With the leadership of Congressman KASTENMEIER, the House Judiciary Committee has reported out an improved and strengthened version of a proposal which originated with the administration.

The original bill was somewhat vague and questionable as to its constitutionality. The committee bill is specific in defining the categories of advertisements which are to be considered salacious and, therefore, subject to the law.

Recent decisions by the U.S. Supreme Court and other State and Federal courts have upheld antipornography statutes when the definition of the materials covered is clear and concrete. This bill meets that criterion and its constitutionality will, I believe, thereby be upheld.

Further, H.R. 11032 will be effective in helping eliminate the daily traffic in filth which is polluting our Nation's mail system. Last year, for example, more than

1 million school children are estimated to have received unsolicited materials or ads of a prurient nature.

How many more millions of adults have received such unwanted smut, one can only guess. It is, no doubt, tens of millions. Yet these mailings emanate from a relatively small number of smut peddlers.

If those miscreants can be located and arrested for their use of the mails or other forms of interstate commerce, if they can be convicted and sent to prison, if their salacious ads can be seized and destroyed, then we have taken a significant step forward in the crusade to end the traffic in pornography and drive the smut peddlers out of business.

Because H.R. 11032 aims at just such actions, I urge its overwhelming approval by the House of Representatives.

At the same time, undoubtedly this proposal—even if added to existing laws—is far from completing the job to be done against the pollution of pornography. There are now pending before the Congress a number of other bills which would attack the smut industry at other key points. Those bills too should be considered and approved.

In that regard I want to point to the recent hearings by the House Subcommittee on Postal Operations, chaired by the distinguished gentleman from Pennsylvania (Mr. NIX).

It was that subcommittee, under the leadership of Chairman NIX, which developed the legislation which became Public Law 90-206. Not content to rest on the provisions of that legislation, however, it has been considering a number of other proposals which seek to curb the traffic in smut.

All these efforts are, I believe, Mr. Speaker, worthy of commendation. We have made a good beginning in the fight against salacious advertising; now let us, by passing H.R. 11032 and subsequent necessary legislation, carry the cause to ultimate victory.

Mr. MIKVA. Mr. Speaker, I rise to announce that I will vote for this bill to restrict, and impose criminal penalties on, the use of the mails or interstate commerce to circulate unsolicited salacious advertising. I will support this bill despite my reservations about earlier legislation passed by this House which, although aiming generally at the same target was, in my estimation, so broad and so loosely drawn as to present real constitutional problems.

My own subcommittee, Subcommitee No. 3 of the House Judiciary Committee, is the group which fashioned this bill. I believe that we have reported a carefully drafted, narrowly limited bill which strikes at an important problem. There can be no question after the 23 days of hearings held by our subcommittee that the problem of unwanted sexual advertising which is offensive to the many thousands of families who receive it is a real problem in this country. This bill is a carefully focused and, in my opinion, constitutional attempt to meet and deal with that problem.

I should stress that this bill is far narrower than an earlier bill, H.R. 15693, which I voted against when it passed the House on March 16 of this year. H.R. 15693 relied for its effectiveness on a mere legal presumption that the sender was aware that a household to which he mailed a prohibited item contained a minor. Such a presumption, in my view, cannot be a sufficient basis on which to base a finding of criminality with its accompanying criminal penalties. By contrast, H.R. 11032 requires that the offender knowingly deposit in the mail or for transport in interstate commerce the prohibited matter. This scienter requirement would apply to both the act of depositing the material and to the nature of the material which is inserted in the mails or interstate commerce.

Another way in which this bill is more carefully drafted than H.R. 15693 is that it defines precisely what it is that makes an advertisement "salacious." It omits the "catch-all" phrases which are and ought to be anathema to strict constitutionalists when dealing with criminal laws. Moreover, it avoids the possibility that a larger publication which contains only a small offensive passage picture, and so forth, will be condemned in its entirety because of the small or insignificant part.

Finally, H.R. 11032, unlike the earlier H.R. 15693, applies only to unsolicited advertisements, only to those commercial solicitations which enter the home unwanted and unrequested. It is this class of sexual material which is most offensive to homeowners and which most infringes the citizen's right of privacy. By directing our proscription only to those advertisements which are unsolicited, we exempt the whole range of subscription publications which the homeowner has asked to have sent to him. This formula thus strikes a nice balance between the desire for privacy on the part of subscribers to publications and the desire to be left alone on the part of nonsubscribers.

Mr. LOWENSTEIN. Mr. Speaker, the flood of unsolicited pornography that is invading millions of innocent homes has become a national disgrace. Those of us who are parents know how urgent it is that our children not be exposed to this kind of trash during their formative years.

But this problem will not be met by the kind of legislative grandstanding we see in the two so-called antipornography bills we have considered so far. These measures are doubly bad: they hold out the false hope that Congress is doing something to solve the problem, while in fact they are aggravating it even more by creating new legal difficulties and confusion. The truth of the matter is that some of us want to act now to curb the speed of pornographic materials while others seem to see it as supplying an inexhaustible bale of political hay. The rhetoric that has accompanied the two bills we have been urged to pass has tended to obscure the fact that these bills are not needed to stop pornographic mailings. In fact, despite all the rhetoric, they could easily make it more difficult to do this.

To begin with, it is already against the law to send pornography through the mails. The law provides for stiff 5-year sentences and $5,000 fines. The problem is how to get this law effectively enforced, not how to devise more laws that will not be effectively enforced. The General Counsel of the Post Office has announced recently that the Post Office Department is working on this problem:

> Ninety-five percent of the current complaints about obscenity in the mail, he said, results from the indiscriminate mail advertising of some 15 major promoters. One of these dealers has already been convicted of violating the postal obscenity statute.... Ten more of these promoters are under indictment, and evidence relating to mailing activities of the remaining four is in the hands of the appropriate U.S. attorneys.... We hope that indictments against these four will be returned promptly.

There is another legal tool that ought to be utilized far more widely and effectively than it has been to date. Several years ago Congress passed a law permitting the recipient of pornographic mail to order his name removed from the smut mailer's list. Last year alone, 230,000 people took advantage of this law, but it is not generally known that this remedy is available, as the President noted in his message to Congress on pornography and as I am reminded whenever I talk with constituents.

So it should be understood that the two additional bills we have considered will actually delay effective implementation of a drive against smut in the mails. The doubtful constitutionality of both these measures will tie up the whole matter in the courts for years, while the two laws I have described have already been found constitutional.

Whether or not one agrees with recent Supreme Court decisions on pornography, they are the law of the land and adopting unconstitutional bills will not change their rulings on that fact. It will not put any smut peddlers in jail. It may well enable them to pollute the mails for a longer time while litigation drags on. If, on the other hand, we follow the specific guidelines that the Supreme Court has laid down to regulate obscenity much of what is most objectionable can be kept from our homes.

There is one loophole in the present statutes that troubles me especially, and to plug that loophole I have introduced a bill that will make it easier to cut the flow of pornographic material available to minors. Under this proposal which Senators TYDINGS, GOLDWATER, and THURMOND, among others, have joined me in sponsoring in the Senate—law enforcement officers would be given new authority to stop the distribution of obscene material to young people.

I have also introduced a bill that would make it possible for private citizens to take an active part in the effort to stem the tide of all unsolicited mail. While pornography is the most serious problem presented by unsolicited advertisements, it is high time we relieved our overburdened postal system of all kinds of unwanted junk mail—instead of subsidizing its distribution.

Under my proposal, a postal patron could inform his local postmaster that he did not want to receive any more notices from a specific source. His wishes would be enforced by requiring the sender to pay the cost for having the unsolicited mail returned, a cost that would be several times greater than that of the original mailing.

This measure raises no constitutional problems, and would bring immediate relief from all kinds of nuisance mail. It would also save taxpayers an enormous amount of money, speed the delivery of nonjunk mail, and ease the plight of postal employees in the bargain. These are not proposals that will produce emotional speeches or sensational headlines, but they will work, and that is what is needed to help in this serious situation.

Among the games people sometimes play is the effort to make other people think things are happening that really are not. Some people become experts at looking busy when it is convenient, as some politicians specialize in creating the illusion that problems are being solved by introducing or voting for bills that sound good but leave the problem intact. The so-called antipornography bills that have come before us this session are this kind of legislation. The problem of pornography in the mail—and of junk mail generally—is too critical a problem for deceptive games. As I have indicated, there is much that can be done to deal effectively with this problem. I hope everyone who realizes its magnitude will insist on more effective enforcement of relevant statutes, and will join in the effort to pass the two additional bills I have described.

If we do these things, we will be well on our way to protecting our mail system from abuse and protecting our wives and children from unwanted smut. Railing against the Supreme Court will not achieve either of these important goals.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on his subject.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill H.R. 11032, as amended.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 322, nays 5, not voting 103, as follows:

[Roll No. 251]

YEAS—322

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—5

Brown, Calif.
Burton, Calif.
Koch
Lowenstein
Scheuer

NOT VOTING—103

Anderson, Ill.
Anderson, Tenn.
Baring
Berry
Biaggi
Blatnik
Bolling
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Burleson, Tex.
Burton, Utah
Bush
Caffery
Casey
Celler
Chisholm
Clay
Conte
Conyers
Cramer
Cunningham
Daddario
Dawson
Delaney
Dent
Diggs
Dingell
Downing
Edwards, La.
Erlenborn
Esch
Fallon
Farbstein
Fish
Fraser
Fulton, Tenn.
Gallagher
Gettys
Gray
Hagan
Hall
Halpern
Hanley
Hawkins
Horton
Hull
Hungate
Ichord
Jarman
King
Leggett
Long, La.
Lujan
Lukens
McCarthy
Macdonald, Mass.
MacGregor
Madden
Mathias
Meskill
Moorhead
O'Neill, Mass.
Ottinger
Pelly
Pepper
Pollock
Powell
Quillen
Randall
Rarick
Reifel
Riegle
Rivers
Roe
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
St Germain
Shriver
Smith, N.Y.
Stafford
Staggers
Stephens
Stuckey
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Watkins
Watson
Weicker
Whalley
Wilson, Charles H.
Winn
Wright
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Stafford.

Mr. Randall with Mr. Horton.

Mr. Daddario with Mr. Meskill.

Mr. Burleson of Texas with Mr. Bush.

Mr. Thompson of New Jersey with Mr. Cunningham.

Mr. Biaggi with Mr. King.

Mr. Delaney with Mr. Watkins.

Mr. Dent with Mr. Wydler.

Mr. Pepper with Mr. Riegle.

Mr. Fallon with Mr. Fish.

Mr. Gallagher with Mr. Anderson of Illinois.

Mr. Gettys with Mr. Hall.

Mr. Ryan with Mr. Brock.

Mr. Roe with Mr. Brown of Michigan.

Mr. Rarick with Mr. Burton of Utah.

Mr. Ottinger with Mr. Esch.

Mr. Leggett with Mr. Halpern.

Mr. Charles H. Wilson with Mr. Berry.

Mr. Casey with Mr. Ruppe.

Mr. Dingell with Mr. Reifel.

Mr. Edwards of Louisiana with Mr. Roudebush.

Mr. Fulton of Tennessee with Mr. Pollock.

Mr. Gray with Mr. Quillen.

Mr. Rostenkowski with Mr. Pelly.

Mr. St Germain with Mr. Lujan.

Mr. Rivers with Mr. Watson.

Mr. Moorhead with Mr. Lukens.

Mr. Tunney with Mr. Winn.

Mr. Tiernan with Mr. MacGregor.

Mr. Ichord with Mr. Mathias.

Mr. Blatnik with Mr. Rousselot.

Mr. Anderson of Tennessee with Mr. Erlenborn.

Mr. Caffery with Mr. Thompson of Georgia.

Mr. Fraser with Mr. Farbstein.

Mr. Hagan of Georgia with Mr. Long of Louisiana.

Mr. Symington with Mr. Clay.

Mr. Harley with Mr. Hawkins.

Mr. Baring with Mr. Conyers.

Mr. Van Deerlin with Mrs. Chisholm.

Mr. Macdonald of Massachusetts with Mr. Powell.

Mr. Madden with Mr. Diggs.

Mr. Stephens with Mr. Broomfield.

Mr. Hull with Mr. Brotzman.

Mr. Wright with Mr. Cramer.

Mr. Jarman with Mr. Broyhill of Virginia.

Mr. Hungate with **Mr.** Whalley.

Mr. Celler with **Mr.** Conte.

Mr. McCarthy with **Mr. Shriver.**

Mr. Downing of Virginia with Mr. Smith of New York.

Mr. Staggers with Mr. Stuckey.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

WITHHOLDING OF CITY INCOME TAXES ON FEDERAL EMPLOYEES

Mr. GREEN of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2076) relating to withholding, for purposes of income tax imposed by certain cities, on the compensation of Federal employees, as amended.

The Clerk read as follows:

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5517 of title 5 of the United States Code is amended—

(1) by inserting "or city" after "State" each place it appears in subsections (a) and (b), and

(2) by inserting before the period at the end of subsection (c) the following: ", and 'city' means only a city which is incorporated under the law of a State and which had a population (according to the last decennial census before the request under subsection (a)) of sixty thousand or more individuals".

(b) The heading for such section 5517 is amended to read as follows:

"§ 5517. Withholding State and city income taxes".

(c) The analysis for subchapter II of chapter 55 of title 5 of the United States Code is amended by striking out the item relating to section 5517 and inserting in lieu thereof the following:

"5517. Withholding State and city income taxes."

(d) The amendments made by this section shall apply only in respect of agreements entered into after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. HUNT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GREEN) is recognized.

Mr. GREEN of Pennsylvania. Mr. Speaker, the objective of the pending bill is not new to this House. This bill, in brief, would simply authorize Federal agencies in cities over 60,000 population to afford employees of such agencies the convenience of having income taxes levied by such cities withheld periodically from their paychecks. The concept of intergovernment cooperation in this area, the area of withholding taxes, is not new. The United States Code has provided since 1952 that where a State law requires the withholding by employers of a general State income tax from the compensation of employees, the Federal Government, as an employer in that State, will cooperate in withholding such State tax from compensation paid Federal employees working in that State.

This intergovernmental cooperation, Mr. Speaker, I think makes sense, because the States have always cooperated with the Federal Government in withholding Federal income taxes from the compensation of State employees, and in like manner cities have cooperated with the Federal Government in withholding Federal income tax on city employees' compensation.

This bill, then, is a logical extension of existing law and a reciprocal move on the part of the Federal Government, which is long overdue to extend the withholding procedures of income taxes of cities.

In order that the bill will apply only in situations where there is likely to be a substantial number of Federal employees within the boundaries of a municipality and to minimize the administrative burdens on the Federal agencies, the application of the bill is limited to cities of 60,000 population or over.

Mr. Speaker, I think we all know the advantages to the individual worker, the salaried employee, the salaried person, of having his income tax or the tax on compensation he receives withheld by the employer and paid over to the taxing authority in each payroll period. This avoids the very aggravating and onerous experience of arriving at the annual due date for income tax and finding that he owes a total amount beyond his immediate means to pay. Many times such worker will have to borrow to pay the tax, whereas it could have been withheld in periodic installments each payday and the bulk of the total amount due would already have been paid and in some instances he might even be due a refund.

Federal employees in cities which have an income tax providing for withholding in its administration, have heretofore not been able to avail themselves of the convenience of having city income taxes withheld from their Federal paychecks. At the end of each year on the return due date, they are faced under present law with the burdensome necessity of having to pay the total of such taxes in a lump sum. The pending bill would cure this inequitable situation and afford Federal employees in cities the same convenient method of paying their city taxes through withholding as applies to employees of private business and industry.

Mr. Speaker, as I said at the outset of my remarks, this is not a new bill or one that is unfamiliar to this body. A similar measure, H.R. 3151, was passed by the House on February 17, 1960, and on several subsequent occasions, the Committee on Ways and Means has favorably reported similar legislation.

The Committee on Ways and Means has favorably reported this legislation.

In the early years of the bill's history, it is true there was some misunderstanding as to its purpose, but I believe most of that, if not all of that, has been cleared up and laid to rest. The measure enjoys the support of virtually every Federal national employee association, including among others the American Federal Government Employees, the National Federation of Federal Employees, the National Association of Letter Carriers, the National Postal Union, and the United Federation of Postal Clerks.

In the last Congress—and I emphasize this—the Committee on Ways and Means invited and held the record open for some time now to receive public comment on this bill. The universal demand for its enactment was fully confirmed, because in none of these proceedings and in none of the hearings has anyone from this House or outside come to speak officially against it for the record.

Mr. Speaker, I believe that this is good legislation which, as I have said, simply extends to city income and wage taxes the provision already in the law for Federal agency withholding of State income taxes. There are adequate safeguards in the bill to assure Federal employees are treated fairly and on a par with all other employees in the cities. It is a bill that is 100 percent in the interest of Federal employees, and that is why I have introduced it.

The Department of the Treasury, I might add, favors the bill. Its enactment is long overdue. I hope this House will pass it.

In closing I do want to point out one thing. This bill in no way changes the tax liability of any citizen. It does not in any way impose any new tax on any citizen living anywhere in this country. Rather, it assists a large number of Federal employees to more conveniently meet a local tax obligation that they already have.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, as you know I represent one of the areas near the Nation's Capital, and my constituents have been concerned for a matter of years over the possible imposition of a commuter tax or payroll tax. Therefore I wonder if this measure in any way would lay the foundation for a subsequent enactment of a commuter tax. If so, I would oppose the bill. I wonder if the gentleman would comment on this possibility.

Mr. GREEN of Pennsylvania. I assure the gentleman that is not the purpose of this legislation. This legislation does not encourage any municipality to enact any tax. Taxes that have already been enacted and are already due are the only ones covered by this bill. The purpose of it is to make it convenient for the employees to pay these taxes in installments rather than in lump sums at the end of the year, a reality which they have found very difficult in the past.

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Speaker, I would add further on the question asked by the gentleman from Virginia (Mr. SCOTT) it is my understanding the tax presently imposed in the District of Columbia does not apply to nonresidents, so the constituents of the gentleman who asked the question would not be affected by the present law in the District of Columbia.

Mr. BYRNE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania, I yield to the Gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Speaker, did not the courts uphold the legality of this act?

Mr. GREEN of Pennsylvania. The legality of this particular act has never been tested to my knowledge, because this bill has not become law, but I might add that anyone who objects to the legality of a particular local tax that has been enacted, they would have recourse through the courts.

Mr. SCOTT. Mr. Speaker, will the gentleman yield further?

Mr. GREEN of Pennsylvania. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I understand the present measure does not impose a commuter tax, but I wonder if somehow it would be used as a foundation for the subsequent consideration of such a tax? I am asking the gentleman's opinion on this. It is a convenient way for the city to collect taxes.

Mr. GREEN of Pennsylvania. It is a convenient way, I might add, for the Federal employees to pay their taxes, and that has been my chief concern, to make it easier for them to pay their taxes by periodic installations as this bill provides, rather than in a lump sum payment which I think they find very difficult to do.

Imagine the situation if we did not have our income taxes taken from our pay in installments. It would be a difficult burden at the end of the year to come up with the money necessary to pay those taxes.

Facilitating tax payments is the purpose of this bill. It in no way is designed to encourage any additional taxes. It in no way imposes additional taxes on anyone.

Mr. SCOTT. I am asking for an expression of opinion from the gentleman. Would this be the foundation upon which to later impose a commuter tax?

Mr. GREEN of Pennsylvania. No. I believe not.

Mr. SCOTT. I thank the gentleman.

Mr. GREEN of Pennsylvania. I believe that is clear.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield briefly to the gentleman from Maryland.

Mr. HOGAN. I just want to say that this is the problem with respect to which I have been trying to get the Clerk of the House to respond, inasmuch as employees of the Architect of the Capitol are faced with exactly the same problem if they live either in Maryland or in Virginia. The taxes for the State are not withheld, and they are faced with the problem each year of having to ante up that substantial amount of money.

I am hopeful that eventually the Clerk of the House will find a way to withhold from their salaries.

Mr. GREEN of Pennsylvania. I thank the gentleman for his contribution. Once again he has highlighted the purpose of this legislation, which is to make it easier for the Federal employees who are faced with burdensome taxes to meet their obligation.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to my distinguished colleague.

Mr. BARRETT. Is it not true that we passed a similar bill in 1960?

Mr. GREEN of Pennsylvania. Yes.

Mr. BARRETT. Is it not true that there were people who worked in the Philadelphia Naval Yard at Philadelphia, in the Frankford Arsenal and DSA in Philadelphia, who had not taken the money and laid it aside to pay their wage taxes, and that the taxes ran up to $700 or $800 or $900, and when they were called on to pay the taxes they were not able to pay them? They were told that court orders were out for them, and if those taxes were not paid they would put them into jail, and if that were to happen they would have to pay them all at one time. They were unable to pay.

Is it not also true that the people who were told that went out and borrowed money at very high interest rates to pay off the taxes, sometimes paying between 10 and 15 percent to get ready money to pay these taxes, to prevent themselves from being picked up on a court order and put into jail?

Mr. GREEN of Pennsylvania. The gentleman is very familiar with this situation, because he has been a supporter of this proposal for many years. He has seen the necessity for highlighting some of the problems facing the local Federal employees when taxes are not withheld in periodic installments.

Mr. BARRETT. The gentleman knows that we passed similar legislation in 1960 with respect to employees at the navy yard.

Mr. GREEN of Pennsylvania. The gentleman is familiar with the problem. He knows as well as I that we have received many thousands of signatures from Federal employees in and around the Philadelphia area, and outside Philadelphia, who have requested this legislation. They have urged the passage of this legislation, and have come to Washington, D.C., from time to time, to urge its passage.

Mr. BARRETT. And we had all these affidavits, and we brought them onto the floor and showed them to the Members at that time, in 1960. The affidavits were this high.

All labor organizations were supporting this. It is true that there was State and municipal withholding of taxes by private companies, but unfortunately we did not have that incorporated in the law, so that the Federal Government could withhold the wage taxes. This is what we are asking for today, is that right?

Mr. GREEN of Pennsylvania. We are just trying to make it easier for these people who have a local tax obligation to meet it.

Mr. BYRNE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. BYRNE of Pennsylvania. I might remind the gentleman that in 1960 the bill passed by a vote of 222 to 160. These Federal employees and their wives have constantly been writing to us to ask, "Please, please, please take it out of the pay, because when vacation time comes and the police or the sheriff grabs them they are committed right away to jail, plus a $100 fine, plus penalties and interest."

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to the gentleman.

Mr. BARRETT. I just want to say to the gentleman that the Members from the State of Missouri were against this in 1960. Today they are all for it because of the necessity of paying this in piecemeal fashion.

Mr. Speaker, I rise in support of H.R. 2076, which will permit the withholding by the Federal Government of city income taxes from the salaries of Federal employees. The regular collection of taxes from employee payrolls was initiated both as a service to citizens and to Government bodies. The periodic collection of these taxes is less painful and in some cases necessary if full and accurate payment is to be anticipated. In addition, this collection procedure provides for more efficient fiscal planning on the part of the taxing body.

The bill before us is intended to correct a long-standing problem in regard to the method of collecting municipal income taxes from Federal employees by permitting the withholding of the same. Because of an omission in the wording of the law, passed more than a decade ago, to permit the withholding by the Federal Government of State and Territorial taxes, Federal agencies have not been empowered to withhold municipal income taxes. This condition has existed even though these municipalities, and others, have withheld Federal income taxes from its employees.

There are a number of restrictions in existing law, now applicable to State withholding taxes, under which this bill would apply to the city withholding taxes. I understand that these are designed both to limit the administrative burdens of the Federal Government and to prevent hardship and discrimination in the case of the Federal employees involved.

Mr. Speaker, the House has previously passed a legislative proposal of this type. It can only be hoped that this time we can succeed in obtaining the cooperation and concurrence of the other body in the enactment of this very worthwhile legislation.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to the gentleman.

Mr. SAYLOR. I thank the gentleman for yielding.

I might be in favor of this bill, but I am astounded to hear the gentleman from Pennsylvania (Mr. BARRETT) say that on a court order they put people in Pennsylvania in jail for being in debt and for nonpayment of taxes. I thought we abolished that in Pennsylvania many years ago.

Mr. GREEN of Pennsylvania. I think the gentleman is correct.

Mr. HUNT. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I have risen in opposition to this bill. I am amazed sometimes to find how many people we have in these United States who want to be taxed. I want to assure you in the area that I come from, the First Congressional District of New Jersey, I have yet to find one of those bleeding hearts who want their money taken from their payroll by the Federal Government to satisfy the Philadelphia wage tax.

Mr. BARRETT. Will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. BARRETT. I would like to tell the gentleman, as a matter of record, we brought thousands and thousands of petitions from the city of Camden, N.J., from the First Congressional District, when Charley Wolverton stood in the well where the gentleman stands today and showed him the people who were asking to have this money extracted from their pay every payday.

Mr. HUNT. I do not doubt the gentleman's word. That was in 1960. Times have changed since 1960, because since that time we have had many other impositions of taxes. I have consistently said the reason why I am bitterly opposed to this bill is because it does nothing more than acquiesce in an unfair taxation of New Jersey residents who work in the city of Philadelphia. It is the only tax that I know of whereby people who never set foot in the city of Philadelphia during their working hours are taxed 3 percent of their gross pay.

I will come back to that later. Let me come down a little bit to the report itself.

On page 2 it says that the bill was reported unanimously by your committee, and the Treasury Department has indicated that it favors its enactment. Who is the Treasury Department to say that they favor the enactment that will take a gross wage pay tax and withhold it from a person in the State of New Jersey who is not even connected with the Treasury Department? Who are they to say they favor this?

This is nothing more than a big-city pay bill. It affects only big cities. Small cities cannot use it. You must have a population of 60,000 or over before you even begin to get into this category to withhold this tax.

Actually, Mr. Speaker, what they are seeking to do is to set up a new Bureau of Taxation within the Federal Government whereby the Federal Government will withhold from the Federal workers' payroll the gross amount of tax required to satisfy a city wage tax.

Mr. Speaker, is it not bad enough that we must have this involvement by the Federal Government for our own income tax and by States for their income tax, without asking the people of this entire Nation to pay the bill to collect a wage tax for a city where Federal employees are working?

Mr. Speaker, in my opinion, it gets to be a pretty sorry mess. I cannot see, for the life of me, why we have to pay that. Yet they say to us the legislation is in order to limit the administrative burden being assumed by the Federal Government. Then here we tell you that there is going to be an additional burden imposed upon the Federal Government.

Mr. Speaker, why should the people in one of the other States, namely Virginia or North Carolina, or any other State, pay taxes to the Federal Government for the purpose of using that money to run a collection agency for the city of Philadelphia?

Mr. BARRETT. Mr. Speaker, will the gentleman yield at that point?

Mr. HUNT. I would like to finish my statement before yielding to the gentleman and then I shall do so.

I want to talk to you a little bit about the matter of our problems, about the so-called voluntary admission that they, the workers, want this money withheld.

I agree with the gentleman from Pennsylvania when he said that they put people in jail for nonpayment of taxes. Well, let me tell you, sir, I have been over into the State of Pennsylvania, where a member of my locality, a man who lives in my locality, but who works in Philadelphia did not pay his taxes. He was brought to the front gate of the navy yard, arrested, he was fingerprinted, he was photographed, and put in prison.

This is no longer a joking matter.

Mr. BARRETT. Mr. Speaker, will the gentleman yield to me?

Mr. HUNT. Yes, I yield to the gentleman.

Mr. BARRETT. I want to agree with the gentleman to say that is absolutely true, because a constituent of mine moved over into the city of Camden and her husband obtained employment at the Philadelphia Naval Base and refused to pay his taxes because he lived in the State of New Jersey. The tax is a city tax. If you work in the city of Philadelphia, you must pay the tax. It only applies to those who work in Philadelphia.

We in Philadelphia—we as Members of Congress who live in Philadelphia pay our taxes—city wage taxes, which your constituent prior to your becoming a Member of the House of Representatives came to me, the wife of this man, and said her husband had been apprehended because he failed to pay $700 in wage taxes and said "I do not have the money." When I referred to the person going out to borrow money to pay his wage tax and pay this substantial interest on it, all of this could have been avoided if they had taken a few pennies out of his pay envelope over the period of that year.

Mr. HUNT. A few pennies?

Mr. BARRETT. A few pennies every day.

Mr. HUNT. I did not know they would put a man in jail for failure to pay a few pennies.

Mr. BARRETT. I am speaking in terms of, for instance, $1.50 to $1.70 a month. This is practically what she would have paid. However, when people are called upon to pay $700, plus the interest rate, and the penalty—the penalty for failing to pay the wage tax is 6 percent, plus a 12-percent penalty, which is 18 percent per year, this can all have been avoided by passing this bill today and by letting this money be taken out of their monthly pay.

Mr. HUNT. I appreciate the gentleman's remarks. However, there is a very strong difference of opinion. Let me tell you that when you say the people in Philadelphia or the people who work in Philadelphia are objecting to this tax, you are right.

But let me ask you a question, sir, and I have talked to you about this before, you know that we have a situation whereby people who work in the Philadelphia Navy Yard, Federal employees, daily, from the shores of New Jersey, get on a ferry boat owned by the Federal Government, cross the river to the Philadelphia Navy Yard, and they work in that navy yard 8 hours, and then they get on that same ferry and come home. They never put one foot in the city of Philadelphia. They never get any benefits from the city of Philadelphia. They cannot vote in the city of Philadelphia. They will not even collect their garbage for them, yet you want to impose a 3 percent gross tax and now you want the Federal Government to collect it for you.

Mr. BARRETT. I agree with the gentleman.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield? I just want to make one thing clear, and that is that this bill does not impose any tax at all.

Mr. HUNT. I am well aware of that.

Mr. GREEN of Pennsylvania. The tax is already levied.

Mr. HUNT. But if you are permitted to ram this thing through rough-shod, and we have to acquiesce to it, but you know as well as I do that there are pending court cases coming up on this matter. We do not want this bill passed until those court cases are settled.

Mr. GREEN of Pennsylvania. The Philadelphia wage tax has been in existence since the early 1940's.

Mr. BARRETT. Since 1945.

Mr. GREEN of Pennsylvania. And there have been ample opportunities for this to be heard in the courts. I come here not defending the city wage tax of any city, I come here to make it easier for the Federal employees to have these burdensome taxes collected so as to make it easier for them to pay their taxes.

Mr. HUNT. Why did not the gentleman then confine this burdensome matter to the Federal employees who live in Philadelphia, and not try to extend it across the Nation, or across the river to New Jersey where we are fighting this unholy tax? Why did the gentleman not do that. That is what I asked the gentleman to do, confine it to Philadelphia, Pa.

Mr. GREEN of Pennsylvania. Because the employees, whether they live in the city or not, are liable for the tax.

Mr. HUNT. Are these people liable who get off that ferry boat and who do not go into the city of Philadelphia at all, who do not live in the city of Philadelphia, but who come to the navy yard on that ferry boat, are they liable for that tax?

Mr. GREEN of Pennsylvania. I do not know who is or who is not liable for the tax, and this bill does not concern itself with that. This bill concerns itself only with those who are liable, and it makes it easier for those who are legally liable to pay the tax.

Mr. HUNT. And easier to argue the point we have been arguing through the years.

I will not yield any further to the gentleman.

Let me read to you——

Mr. BARRETT. Will the gentleman yield further? I just want to answer the question.

Mr. HUNT. All right, sir.

Mr. BARRETT. You know the Philadelphia members love you, and you know——

Mr. HUNT. We love you, personally.

Mr. BARRETT. And we do not want you to go astray with a misapprehension. We are talking about——

Mr. HUNT. I would say to the gentleman that Mrs. Hunt's little boy has been getting along pretty well for a good many years, and has not gone astray yet.

Mr. GREEN of Pennsylvania. We are talking about the wage tax on earnings earned in the city of Philadelphia.

Mr. BARRETT. That is correct.

Mr. HUNT. That is right.

Mr. BARRETT. The gentleman seems to be confused with transportation in getting into Philadelphia where the people make their livelihood.

Mr. HUNT. I am not confused. A ferry boat is a ferry boat, no matter how you cut it.

Mr. BARRETT. That is not relevant with what we are talking about.

Mr. HUNT. A Federal reservation is a Federal reservation, no matter how you cut it, and the Philadelphia Navy Yard provides those people with wages and that is what you are taxing them on, and you want to make it easier to collect those taxes, and that is what you are providing for, and I am unalterably opposed to your scheme——

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, I would ask the gentleman, do people who live in Philadelphia and go out to work in New Jersey have to pay a similar tax?

Mr. HUNT. No, we do not tax them.

Mr. PATTEN. Do the 400,000 workers who live in north Jersey and who work in New York, do they have to pay the tax?

Mr. HUNT. No, they do not have a Federal withholding tax?

Mr. PATTEN. And do the people who live in New York and work in New Jersey have to pay a tax?

Mr. HUNT. No, they do not.

Mr. PATTEN. They do not have to pay a tax?

Mr. HUNT. That is correct, New Jersey does not impose a wage or State income tax.

Mr. PATTEN. They talk about the benefits of helping the fellow pay $1.50 a week, taking it out of his pay check, but that is not our problem. We contend that this is unconstitutional, the tax is unconstitutional, and I am not going to help them out. I am against the bill, and join with the gentleman from south Jersey.

Let me add this: that they have been trying for the past more than 10 years to bring this back, and previously it did not pass the Senate. Does the gentleman know why?

Mr. HUNT. Yes, because the Senate in their wisdom refused to pass it, and the gentleman knows that.

This bill has been 10 years in the making, and getting through, and it has never gotten through completely.

I thank the gentleman from New Jersey for trying to help me out.

Mr. PATTEN. Would the gentleman agree that in the opinion of the authorities for the last 10 or 15 years that this tax is unconstitutional, and do not those same authorities from New Jersey regard such a tax, the Attorney General and all, as unconstitutional?

Mr. HUNT. That is correct.

Mr. COWGER. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. COWGER. Mr. Speaker, can the gentleman tell me please whether his constituents presently in New Jersey are paying the Philadelphia city tax?

Mr. HUNT. Oh, yes.

Mr. COWGER. How would this bill change that?

Mr. HUNT. They reserve the right to keep their money to themselves and to gather interest rates on it in the bank until——

Mr. COWGER. But they still have to pay.

Mr. HUNT. Until—you asked me a question, sir. Let me finish.

They reserve the right to take their own money that they earn and put it in the bank and accumulate interest, and then at the end of the year or at the end of the quarter, they pay their own taxes out of it.

Mr. COWGER. But they have to pay the taxes anyhow.

Mr. HUNT. Oh, yes, they do pay the taxes.

Mr. COWGER. So it does not change the tax structure?

Mr. HUNT. No, it does not, but we are hopeful that the courts will.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from Virginia.

Mr. SCOTT. As I understand, the city of Philadelphia does have a commuter tax that the people who live in New Jersey and the surrounding States, and who are working in Philadelphia, pay a tax on their income; is that right, sir?

Mr. HUNT. That is right.

Mr. SCOTT. Well, now, in a situation such as I am in, representing Virginia, in your opinion, would the passage of this bill make it easier or be a stepping stone toward the imposition of a commuter tax by the city of Washington.

Mr. HUNT. I am glad the gentleman brought that up. They have made estimates and it would open the door up for a commuter tax all over this nation, if this is passed. That is why the Senate, in their wisdom in 1960, refused to pass this bill. They never passed it over there.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman taking the floor, as he has, and pointing out this danger. I thank the gentleman for yielding.

Mr. SANDMAN. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. SANDMAN. Has anyone ever estimated what this will cost the Federal Government if this sets a precedent and spreads throughout the Nation.

Mr. HUNT. No, there is nothing in this bill that indicates what the cost will be to the Federal Government. But I can assure you it will be rather substantial.

Mr. SANDMAN. As this applies, according to the report, it would affect 41 cities in the States that are represented and which have over 60,000 population. But it is only in those areas today that have an income tax; is that correct?

Mr. HUNT. That is right.

Mr. SANDMAN. Even in our State where we do not have an income tax, it looks like we may have the same thing in other cities.

Mr. HUNT. I am afraid so.

Mr. SANDMAN. With the likelihood of the expanding population throughout the country, there will be far more than 41 cities where this tax will have to be taken from their salaries every week.

Mr. HUNT. You are right.

Mr. SANDMAN. Is there any part of this that the city of Philadelphia gets that the city of Philadelphia pays to the Federal Government for collecting this tax?

Mr. HUNT. Oh, no. This bill exempts them specifically. This bill specifically exempts them the payment of any costs to the Federal Government for the city of Philadelphia tax collection. In other words, the Federal Government becomes a collection agency and leaves or waives all rights to be recompensated by this bill for all the administrative work that they perform.

Mr. SANDMAN. All this is an additional Federal cost?

Mr. HUNT. This is a one-way street.

Mr. SANDMAN. I oppose the bill the same as you do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. GROSS. I am struck by the fact that there is no departmental report on this bill. There is absolutely nothing from the Treasury—no official letter in the report from the Treasury on this bill. Surely they could have given us an estimate of what it would cost to collect the tax here, since this does set a precedent. Does the gentleman from Pennsylvania have any idea why the report is bereft of any communication from the Treasury Department?

Mr. HUNT. I did not get that answer—I asked the same question and I did not get an answer.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. GREEN of Pennsylvania. First, the cost is negligible. Secondly, this is not a one-way street, because the city of Philadelphia, as well as every other city in this country, knew about this Federal tax, which is a courtesy to the Federal Government. So it is not a one-way street.

I might tell the gentleman from Iowa (Mr. GROSS) that the Treasury has come before the committee and has indicated that the cost is negligible and have indicated that they favor the bill.

Mr. GROSS. Then why did you not put that in the report?

Mr. GREEN of Pennsylvania. Because, may I say to the gentleman from Iowa (Mr. Gross) that it seemed clear on its face that just one more checkoff on the payroll would not cost anything at all.

Mr. GROSS. What is so sacred about the figure of the 60,000 population? What about a city of 55,000 people where the city is built on the basis of Federal employment in that city and there is a heavy concentration of Federal employees.

Mr. HUNT. For the same reason that they tax people from New Jersey who do not even work within the confines of the city and get anything in return.

Mr. GROSS. In other words, Big Daddy in Washington knows best.

Mr. HUNT. That is right.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. PATTEN. What would be the cost of making this deduction? Would the present machinery permit another deduction? I am told if we have to make another deduction, we would have to go out and spend millions of dollars on new machines because they cannot make a new deduction on the present equipment.

Mr. HUNT. I have been told the same thing. I have been told they would have to change the standard stationery and include new places not only in the Internal Revenue context or tax but a new spot on that card and report to include the city wage tax.

So they will have to change the entire apparatus. The costs will be stupendous. That is why they have included a provision in relation to that in the bill. I do not have time to go through all the letters I have received from people who are objecting to this bill. They are Federal employees. They are employees of the Post Office Department and the Treasury Department. Every branch of the Federal Government that is affected can tell you about this. I wonder what the men who are the labor leaders of the unions over in Philadelphia told their employees as to what they wanted them to do?

We have asked several hundred employees of the unions enumerated here whether or not they had been told by their leaders as to whether they wanted the taxes withheld. To a man the response was negative.

I wish to read you an extract from one such letter:

> I believe that this bill, if passed, would be grossly unjust for the following reasons: First, nonresidents do not receive the full benefit of the taxes they are required to pay, and therefore should not pay the full 3 percent tax as residents do.

Here is another from an employee in Baltimore. The city of Baltimore recognizes the fact that commuting people work 8 hours a day in the city and receive only one-third of the services. So they have only to pay 1 percent in their tax. But in Philadelphia they will not recognize the fact that a person is there only 8 hours, but they do recognize that if one of their own in the Federal Government goes out of town to work, he shall receive an adjustment. This is no more fair than it would be for me to come to you and say "I want you to collect my bills."

Mr. GREEN of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, and Members of the House, I am sure that if Chairman Mills had not been tied up in the Committee on the Trade Bill, he would be here. Let me try to put this in perspective.

The House Ways and Means Committee has approved this bill five times. It has the full support of the Treasury Department. The cost of collection is infinitesimal. It simply means adding another figure to the computers. The Senate has passed the bill. It passed it as an amendment to a House bill. Why has the committee and the House passed the bill in the past? Because all it seeks to do is to put Federal employees in exactly the same position that every civilian employee is now in who works in the city of Philadelphia.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. BOGGS I am happy to yield, though I have only 1 minute.

Mr. HUNT. I know, but on your one statement that they cannot be unanimously wrong five times, I think there is some dispute in that area.

Mr. BOGGS. The gentleman has a right to his opinion. But, in my judgment, my colleagues, this bill is needed. It is meritorious. It costs the Federal Government nothing. And it is just to the taxpayers. It adds no additional tax burden. Again, I say, the Ways and Means Committee has considered it well and long.

Mr. GREEN of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. Cowger).

Mr. COWGER. Mr. Speaker, I strongly support H.R. 2076 which will authorize the withholding of municipal income taxes from the wages of Federal employees. I have introduced a similar bill, H.R. 4802.

Having served 4 years as mayor of one of our largest cities, I am quite familiar with the administrative burden of lump-sum tax collection to the end of a taxing period. For years, we have had in Louisville, a city occupational tax and there has always existed problems relating to collection from Federal employees. Now as a Federal employee myself, my city tax is not withheld and must be paid in a lump sum at the end of the tax year. There are some 15,000 Federal employes in my congressional district. And there is presently undue hardship on these families as city taxpayers. Many of them must borrow money at the end of the year to pay their occupational tax. All this legislation allows is for an orderly withholding of city income taxes from the salaries of those who serve the Federal Government. This bill does not impose new taxes. This bill in no way changes the tax liability of any citizen. This bill merely provides for relief of city taxpaying Federal employees.

Mr. Speaker, I strongly support this legislation and urge my colleagues to vote for passage of H.R. 2076.

Mr. GREEN of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Speaker, I rise in support of H.R. 2076.

Let me just respond to those objections that have been raised during the discussion this afternoon. First, with respect to the cost of administration by the Federal Government, as has been pointed out, this would be very minimal. Further, we have to recognize that cities throughout the Nation do withhold Federal income taxes from their employees. We also have to recognize the Federal Government pays no property taxes to the cities. This would seem to be a small return by the Federal Government for that.

Let me just reiterate the fact that H.R. 2076 will not impose any taxes on those who, by law, do not have to pay. Whether or not an individual is liable for payment of a municipal tax must be determined by the courts. If he does not have to pay a municipal income tax by virtue of his residency or some other reason, then, of course, this bill does not affect him. If he does have to pay, then it would benefit him by virtue of the fact that the tax would be deducted on a regular basis.

Mr. GREEN of Pennsylvania. Mr. Speaker, in the time I have remaining, I want to conclude by making these comments. First of all, this measure enjoys the support of virtually every national Federal employees' union, and, just to name a few, they include the American Federal Government Employees, the National Federation of Federal Employees, the National Association of Letter Carriers, the National Postal Union, the United Federation of Postal Clerks, and many more.

The cost of this bill is negligible. It is supported by the Treasury Department.

This is not a one-way street, because the cities withhold Federal income tax for the purposes of the Federal Government.

I want to indicate, as the gentleman from Louisiana did in his remarks, this was reported unanimously by the House Ways and Means Committee five times running. Not once in any of the written statements during the hearings on this bill did any employee organization, any member concerned about this measure see fit to inform the Ways and Means Committee of their opposition. We have an opportunity today to make it more convenient for Federal employees who are faced with a local wage or income tax where they live or in the area where they work to meet the payments in installments by having the Federal agency withhold the tax. Not only will employees be assisted but financially hard-pressed local areas will be assisted.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the opponents have insisted on arguing this bill as though it were a tax bill. It is not, and the proponents should refuse to be drawn in on arguments concerning the equity or justification of any particular municipal tax.

The affirmative arguments for the bill are:

First. It is favored by the overwhelming majority of the Federal employees who are subject to these taxes. The Federal employees feel that they are entitled to the same convenient regular withholding method of paying these taxes which is enjoyed by private employees, State employees, and municipal employees. Without withholding they are subject to large lump sum payments, and penalties and interest when they fall behind in these payments. As proof of this point, the bill is heartily endorsed by the national, and I repeat national organizations representing Federal employees, including the American Federation of Government Employees, the National Association of Letter Carriers, the National Postal Clerks Union, and the National Association of Mail Handlers.

Second. The bill is favored by the Treasury Department and the Budget Bureau. The argument that the bill would saddle the Federal Government with any significant costs has been analyzed by the Treasury Department and the Budget Bureau and found not to be true. It would merely require making a machine punch on a card presently equipped for such an operation. The administration recognizes the equity of withholding these municipal taxes since it already does so for the States, some of which are smaller in population than some of the municipalities involved, and since the municipalities withhold Federal taxes for the Federal Government.

Third. The bill is favored by the American Municipal Association and the U.S. Conference of Mayors since it would obviously simplify the collection procedures and costs for the municipalities, and thus improve their revenues and help them meet the mounting costs of municipal services. It would also relieve them of the necessity of harrassing Federal employees who are delinquent by dragging them into court and imposing heavy penalties and fines on them.

Fourth. The administration of the bill will be carried out by regulations of the Federal Treasury Department and administered by the Federal agencies. The argument that it will be unfairly withheld on transient Federal employees whose principal office is not located in the municipality involved does not hold water therefore, as the Federal agencies are obviously not going to impose such unfair procedures on their own employees.

Mr. TAFT. Mr. Speaker, for a number of years now, I have been supporting this proposal to withhold city income taxes of Federal employees. It is desired both by the cities and the great majority of these employees as a convenience and a reasonable way of collecting taxes due. It is particularly needed in cities like Cincinnati, where a number of employees live out of the State involved, as well as out of the municipality.

This bill is overdue and I am glad to support it.

Mr. EILBERG. Mr. Speaker, on May 20, 1970, the House Committee on Ways and Means reported favorably H.R. 2076, to provide for the withholding of municipal income taxes from the salaries of Federal employees in certain areas of the county.

In 1952, Congress approved legislation providing for the withholding of State income taxes from the salaries of Federal employees. One of the most weighty arguments for that action was a recognition of the cooperation of the States in withholding Federal income taxes from the salaries of their employees.

Municipalities have been cooperating in the same manner relative to the city employees' salaries for many years. It is only just that Congress provide them with a similar courtesy.

The bill has been written in such a way as to provide for the least possible inconvenience to the bookkeeping system of the Federal pay network. The withholding must be a general practice in the locale.

The withholding is limited to municipalities with a population of 60,000 or more. The Federal payrolls in those areas are generally larger and computerized to a point where the additional withholding will not create a burdensome bookkeeping problem.

The Federal Government will not become involved in the policy-setting aspect of the taxes. That is a matter for the locality. This is a situation where we are simply extending a courtesy to various municipalities and providing assistance to the Federal employees in planning their tax payment.

The bill merely extends present law which applies to State income taxes to include city income taxes.

A principal objection comes from some Federal employees who are employed in a taxing municipality, but who do not reside there. On this question, it should be noted that the jurisdiction of a city to tax is a matter to be settled by an appropriate court irrespective of whether or not the Federal Government withholds the tax.

I urge that the legislation be adopted.

Mr. ASHLEY. Mr. Speaker, I rise in support of H.R. 2076, which would provide for withholding of certain compensation of Federal employees for purposes of meeting the income tax obligation imposed by certain cities on such employees.

The regular withholding of taxes by an employer from employee payrolls was initiated as a service to both citizens and Government bodies. Such a system makes it easier for a family to budget its income and, at the same time, eliminate the costly burden of collection, and provides for more efficient fiscal planning on the part of the taxing body.

Enactment of this legislation would enable Federal agencies to the extent practicable and economically justifiable to give cities the kind of cooperation now afforded States in collection of their income taxes from Federal employees.

The proposed withholding system is peculiarly important to cities because of the low rate of local income taxes which generally do not exceed 2 percent. The liability of one taxpayer is, therefore, generally so small that the filing of individual returns, tax enforcement, and collection procedures associated with higher rate State and Federal income taxes are uneconomical. Thus, fair and productive municipal income taxes must rely largely on withholding.

Because of the peculiar situation in which Federal employees find themselves, they are generally required to file individual returns which most other taxpayers are not compelled to do. Too frequently, they find themselves assessed interest and penalties for late filing. In some cases, they face embarrassment for having failed to report, and they become the victims of collection proceedings.

Under these circumstances, equity in administration, as well as revenue considerations, would seem to demand that the Federal Government be required to withhold just as other employers do. This would be fair to the locality, would be fair to other employees subject to withholding and it would be fair to Federal employees who now must pay their local income taxes quarterly or annually rather than through very small amounts withheld from their pay.

The cities have cooperated in withholding Federal income taxes for compensation paid city employees. Furthermore, it seems equitable to treat Federal employees, for the purposes of city taxes, in the same manner as private employees. I have long advocated such a policy and have introduced legislation comparable to H.R. 2076 over the last several years. Again, I urge enactment of this legislation.

Mr. HOGAN. Mr. Speaker, I would like to call to the Members' attention at this time a bill which I introduced earlier this year to permit the Architect of the Capitol to withhold Maryland and Virginia State taxes from the pay of those employees under his jurisdiction who elect to have this tax withheld.

The only reason this is not being done is because the Architect lacks the legislative authority to enter into agreements with Maryland and Virginia for this purpose. Under the authority of 5 U.S.C. 5516, the Architect is already withholding taxes for employees residing in the District of Columbia.

In 1968, then Architect of the Capitol J. George Stewart recommended the enactment of such authorizing legislation. In addition, I have been advised that the type of payroll equipment utilized by the Architect's Office would permit immediate withholding of State taxes.

Here, today, we are voting on legislation to permit withholding of city taxes for Federal employees, while we still have these certain legislative employees, for no reason at all, being denied the opportunity to have their State taxes withheld.

I urge the committee members to consider and act favorably upon legislation authorizing the Architect to enter into agreements with the States of Maryland and Virginia for withholding of State taxes.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill H.R. 2076, as amended.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 184, not voting 101, as follows:

[Roll No. 252]

YEAS—115

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Bell, Calif.
Betts
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Brown, Calif.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Carey
Cederberg
Chamberlain
Clancy
Clark
Cohelan
Conable
Corbett
Corman
Cowger
Donohue
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Flood
Flowers
Foley
Ford, Gerald R.
Friedel
Fulton, Pa.
Garmatz
Gaydos
Giaimo
Gilbert
Green, Pa.
Griffiths
Hamilton
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyros
Landrum
Long, Md.
Lowenstein
McClure
McDade
McEwen
McFall
Mann
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Mills
Mink
Mollohan
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Neal, Ga.
Patman
Perkins
Philbin
Pike
Pirnie
Podell
Pryor, Ark.
Pucinski
Rees
Reuss
Robison
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Scheuer
Schneebeli
Schwengel
Shipley
Sisk
Slack
Snyder
Stanton
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Taft
Teague, Calif.
Udall
Ullman
Vanik
Vigorito
Waldie
Watts
Whalen
Wiggins
Wolff
Wylie
Yates
Yatron
Zablocki

NAYS—184

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews ,Ala.
Andrews, N. Dak.
Arends
Ashbrook
Beall, Md.
Belcher
Bennett
Berry
Bevill
Biester
Blackburn
Bow
Bray
Brinkley
Broyhill, N.C.
Buchanan
Burke, Fla.
Button
Camp
Carter
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conte
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flynt
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hammerschmidt
Hanna
Hastings
Hays
Henderson
Holifield
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Lloyd
McClory
McCloskey
McCulloch
McDonald, Mich.
McKneally
Macdonald, Mass.
Mahon
Mailliard
Marsh
Martin
May
Mayne
Michel
Miller, Ohio
Minish
Minshall
Mize
Mizell
Monagan
Montgomery
Moss
Myers
Natcher
Nelsen
Nichols
O'Hara
O'Konski
Olsen
Passman
Patten
Pettis
Pickle
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Rivers
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Scott
Sebelius
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Springer
Steed
Steiger, Ariz.
Stratton
Talcott
Taylor
Teague, Tex.
Thomson, Wis.
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wold
Wyatt
Wyman
Young
Zion
Zwach

NOT VOTING—101

Anderson, Tenn.
Baring
Biaggi
Bolling
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Burleson, Tex.
Burton, Utah
Bush
Cabell
Caffery
Casey
Celler
Chisholm
Clay
Conyers
Cramer
Cunningham
Daddario
Dawson
Delaney
Dent
Diggs
Dingell
Downing
Edwards, La.
Erlenborn
Esch
Fallon
Farbstein
Fish
Ford, William D.
Fraser
Fulton, Tenn.
Gallagher
Gray
Hagan
Hall
Halpern
Hanley
Hansen, Wash.
Hawkins
Horton
Hull
Hungate
Ichord
Jarman
King
Leggett
Long, La.
Lujan
Lukens
McCarthy
McMillan
MacGregor
Madden
Mathias
Meskill
Moorhead
Morton
O'Neill, Mass.
Ottinger
Pelly
Pepper
Pollock
Powell
Quillen
Randall
Rarick
Reifel
Riegle
Roe
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
St Germain
Shriver
Smith, N.Y.
Stafford
Staggers
Stephens
Stuckey
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Watkins
Watson
Weicker
Whalley
Wilson, Charles H.
Winn
Wright
Wydler

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts and Mr. Celler for, with Mr. Thompson of New Jersey, against.

Mr. Biaggi and Mr. Hawkins for, with Mr. Gallagher against.

Mr. Ryan and Mr. Clay for, with Mr. Roe against.

Mr. Moorhead and Mr. Conyers for, with Mr. Gray against.

Mr. McCarthy and Mr. Hanley for, with Mr. Watkins against.

Mr. Staggers and Mr. Powell for, with Mr. Broyhill against.

Mr. Madden and Mrs. Chisholm for, Mr. King against.

Mr. Dent and Mr. Delaney for, with Mr. Horton against.

Mr. Dingell and Mr. Fallon for, with Mr. Winn against.

Mr. Farbstein and Mr. Rostenkowski for, with Mr. Quillen against.

Mr. Hull and Mr. Ottinger for, with Mr. Luyan against.

Until further notice:

Mr. Long of Louisiana with Mr. Bush.
Mr. Pepper with Mr. Brown of Michigan.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Rarick with Mr. Brotzman.
Mr. St Germain with Mr. Broomfield.
Mr. Hogan with Mr. Burton of Utah.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Stephens with Mr. Cunningham.
Mr. Charles H. Wilson with Mr. Erlenborn.
Mr. Wright with Mr. Esch.
Mr. Tiernan with Mr. Halpern.
Mr. Ichord with Mr. Lukens.
Mr. Anderson of Tennessee with Mr. MacGregor.
Mr. Burleson of Texas with Mr. Hall.
Mr. Caffery with Mr. Pollock.
Mr. Casey with Mr. Fish.
Mr. Leggett with Mr. Mathias.
Mr. Jarman with Mr. Pelly.
Mr. Tunney with Mr. Weicker.
Mr. Van Deerlin with Mr. Morton.
Mr. Symington with Mr. Reifel.
Mr. Hungate with Mr. Riegle.
Mr. Cabell with Mr. Roudebush.
Mr. McMillan with Mr. Watson.
Mr. Barry with Mr. Smith of New York.
Mr. Daddario with Mr. Meskill.
Mr. Downing of Virginia, with Mr. Rousselot.
Mr. William D. Ford with Mr. Ruppe.
Mr. Fraser with Mr. Diggs.
Mrs. Hansen of Washington with Mr. Shriver.
Mr. Randall with Mr. Stafford.
Mr. Stuckey with Mr. Thompson of Georgia.
Mr. Whalley with Mr. Wydler.

Mr. REID of New York changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 2076, just considered.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PAID ADVERTISING FOR PAPAYAS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas.

The Clerk read as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937) and as subsequently amended (7 U.S.C. 608c(6)(1)), is amended by inserting "papayas," immediately after "applicable to cherries,".

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation now before the House is not complex. It would merely add the commodity of papayas to those commodities on which the law permits marketing orders to include payment of advertising.

The papaya is a staple fruit in most tropical countries. Although there is some production in the continental United States, most of the production in our country occurs in the State of Hawaii, where a growing papaya industry is interested in expanding the markets for the uniquely delicious breakfast and dessert food.

It is the desire of the Hawaiian papaya industry in particular that marketing order authority which currently exists be amended to permit the inclusion of paid advertising as one of the functions for which the marketing order can serve.

Hearings were held by the Subcommittee on Domestic Marketing and Consumer Relations. There was no opposition expressed to the legislation. It was reported by the House Committee on Agriculture and comes before the House, to my knowledge, with no expressed opposition from any agricultural organization or other order.

I will not belabor the issue of the House. I believe the legislation has merit. It follows the pattern of other legislation approved by the House. I hope the House will give it very strong support.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, I wish to stand up and offer my words of support for this legislation, as a member of the subcommittee from which it came, and to associate myself with the remarks of the gentleman from Washington (Mr. FOLEY).

Mr. GROSS. Mr. Speaker, I rise to ask someone who is knowledgeable on this subject where papaya is grown in the United States. Is this special legislation for Hawaii?

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. MAY. There are 100 acres in Florida, and the rest is in Hawaii.

Mr. GROSS. One hundred acres in Florida, and all the rest in Hawaii?

Mrs. MAY. Which is the United States.

Mr. GROSS. I understand that, but I am trying to find out if this is not special legislation.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Washington. I am looking for information.

Mr. FOLEY. I believe the gentleman will find there is some small production in Texas and in Florida. The Virgin Islands and Guam each have production of a limited character, and so does Puerto Rico. There may be other States or areas where papaya is raised, but principally it is in Hawaii.

Mr. GROSS. Let me ask the gentleman if it is not possible for the Hawaiian producers to get together and decide whether they want to advertise papaya? I do not know that I have ever eaten this product. I would not know it if I met it in the middle of the road.

Is it not possible for the Hawaiians to get together and settle this on their own without coming to the Federal Government and nicking the taxpayers for some $25,000 a year to do something they can do for themselves?

Mr. FOLEY. If the gentleman will yield further, I will say the bill does not limit the authority for marketing order at this time to Hawaii. It would be available to any State which wished to call for it. It is a national bill in that sense.

The strongest industrial producer group exists in Hawaii, but they are by no means the only group that would benefit from this bill if others wished to take part in it.

Mr. GROSS. The gentleman still did not answer my question as to why the Hawaiians and a handful of others cannot get together and resolve themselves into an association and decide whether to promote advertising and the sale of papayas and go their own way. What is wrong with that?

Mr. FOLEY. The same problem exists with regard to every marketing order that has ever been proposed, that is, if it is a voluntary contribution and if there is no way to take a vote or otherwise have some kind of a check-off, the result is some participate and others do not. I know of very few efforts in the history of modern agriculture that have succeeded on the basis that the gentleman from Iowa suggests where voluntary contributions have been made and large percentages of those in the particular area of commerce have voluntarily agreed to produce them. The gentleman is making an argument not against this bill but against every marketing order piece of legislation that has ever come on the floor of this House.

Mr. GROSS. Of course, the gentleman from Washington would not try to compare the production in this case with that in dairying or almost any other crop such as oranges or citrus fruits.

Mr. MATSUNAGA. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. MATSUNAGA. In this bill we are asking only for equal treatment with other fruits to which marketing orders have already been extended. I name them here. They include cherries, carrots, citrus fruits, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn—from Iowa, too—limes, olives, pecans, and avocados. Marketing orders have been extended to all of these commodities.

Mr. GROSS. Is the gentleman saying that corn on the cob comes only from Iowa?

Mr. MATSUNAGA. No. I said sweet corn.

Mr. GROSS. Are you saying Iowa is the only State in which it is produced?

Mr. MATSUNAGA. No. Of course not, just as the gentleman from Iowa is not intimating that papayas only come from Hawaii.

Mr. GROSS. According to the report, that is about the only place they do come from.

Mr. MATSUNAGA. Well, we in Hawaii are the greatest producers of papayas, but papayas do grow in Florida too, and Puerto Rico, American Samoa. Papayas could be grown in other areas of the United States which enjoy a warm climate. There is a great possibility of a growing industry if this bill passes.

I might say this to the gentleman from Iowa: I am somewhat disappointed because I understand that the gentleman has not had any papayas, but papayas should be partaken of by the gentleman in particular, because papaya is a great tenderizer. [Laughter.]

Mr. GROSS. Tenderizer for whom? For the Hawaiians?

Mr. MATSUNAGA. For tough meats, tough beef, and anything tough made of flesh. [Laughter.]

Mr. GROSS. If it has the capacity for making Hawaiians more liberal, as well as others who eat papayas, I do not want an introduction to it, because I have seen the results of what has happened from the consumption of papayas in certain places.

Mr. MATSUNAGA. Well, when I receive the next shipment from Hawaii, I will make sure that the gentleman has a supply, and I am confident that after the gentleman partakes of one fruit he will agree——

Mr. GROSS. That he had better get back to corn on the cob.

My only interest in this matter was to find out where papayas are grown and why, if it is in the islands of Hawaii, the Hawaiians cannot take care of themselves. I now find that they have about 100 acres of production in Florida and probably a few hundred acres elsewhere. If this is going to make all the difference in the world to the Hawaiians, this $25,000 that the great white father in Washington bestows on them, then bless your hearts and souls, and good luck.

Mr. MATSUNAGA. Thank you very much. I thank the gentleman from Iowa for his deep understanding.

Mr. Speaker, I might here add that S. 2484 is a bill similar to H.R. 11089 which I introduced, and which would permit agricultural marketing agreements providing for the paid advertising of papayas.

As my colleagues well know, the Agricultural Marketing Act now lists agricultural commodities whose marketing orders may provide for any sort of marketing promotion, including advertising. These include cherries, carrots, citrus fruits, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. This list is exclusive, and any group of fruit growers wishing to jointly promote their product must first obtain an amendment to the act.

Although this is a rather cumbersome method of proceeding, Congress has extended this authority to any commodity for which such action is generally supported. The Department of Agriculture favors the enactment of this legislation.

Hawaiian papaya producers, who produce the vast majority of American papayas, have unanimously supported this legislation. The reason for this is simple: the future growth of the papaya industry in Hawaii, which contributes substantially to the State's economy, depends on an increase in the demand for its product, which can come about only through joint, industrywide promotion.

Members who have tasted the papaya fruit know that it is a delicious and nutritious fruit, suitable for dessert or breakfast. Per capita consumption of it in Hawaii is about 15 pounds a year, as compared to about one twenty-fifth of a pound per year for each person on the mainland. If annual per capita consumption on the mainland could be raised to only 1 pound, papaya sales could total about 200 million pounds a year, or more than eight times present production levels.

Mr. Speaker, the only cost involved in passing this bill is the cost of administering a marketing order, which the Department of Agriculture estimates at about $25,000 a year.

All that S. 2484 would do is to extend to the papaya industry a privilege that we have granted freely in the past to a large number of commodities. The Senate has already passed this bill without opposition, and the House Committee on Agriculture has approved it by an overwhelming margin. Mr. Chairman, I urge approval of S. 2484.

Mrs. MINK. Mr. Speaker, I rise in support of S. 2484, legislation to amend the Agricultural Marketing Act of 1937 to authorize marketing agreements providing for the advertising and promotion of papayas.

This legislation has been sought by, and is intended to benefit, the papaya industry of Hawaii. S. 2484, which has passed the Senate, is identical to my bill, H.R. 11200, and legislation sponsored by my colleague, the Honorable SPARK M. MATSUNAGA.

Adoption of S. 2484 is in accordance with the Department of Agriculture view, as stated in its report on this bill, that any fruit or vegetable commodity actively supporting the development of a promotion program should be given an opportunity to do so.

I have received a petition signed by members of the Hawaii Papaya Industry Association representing 80 percent of the annual production of Hawaiian papayas urging the enactment of this legislation.

Our papaya industry which is in a fairly early stage of its development has decided to seek coverage under a Federal marketing order as authorized under the act. It needs no legislation to do this, but because of the restrictions in the act legislation is needed if the industry wishes to cooperate in a product marketing promotion and advertising campaign.

Since our papaya industry wishes to expand its market in the mainland United States and elsewhere, it has requested the advertising and promotion authority which would be conferred by S. 2484.

The papaya is a delicious, nutritious, and healthful dessert and breakfast fruit. Presently the per capita consumption of fresh papayas is about 15 pounds per year in Hawaii, but on the mainland United States it is only about 0.04 pounds. This indicates a sizable potential market if new consumers can be introduced to the delights and benefits of papayas.

Hawaii, whose economy is already immensely aided by sugar and pineapple industries, believes the papaya can similarly become an important agricultural staple. Through a marketing agreement, the industry hopes to improve the quality and desirability of its product, and the advertising and promotion allowed by S. 2484 will permit the necessary effort to introduce the fruit to consumers everywhere.

The Department of Agriculture estimates the cost to the Federal Government for administering the marketing agreement at $25,000. None of this would go toward advertising costs, which would be borne by the industry itself. Within several years, we anticipate a 50-percent increase in the Hawaii papaya annual crop value. The small Federal expenditure required by this bill will help produce a vastly higher benefit to the economy of Hawaii and the rest of the United States.

This legislation is supported by the Governor and all other interested parties in Hawaii. It is noncontroversial, and I urge its unanimous adoption by my colleagues.

Mr. HOLIFIELD. Mr. Speaker, the food irradiation program is covered in two budget line items in the AEC budget—biology and medicine and isotopes development. Fiscal year 1971 base program $80,000 contract on papayas. On the papaya program, the Joint Committee added $50,000 to the fiscal year 1971 budget for isotopes development to perform a study on insect disinfestation and ripening control on papayas and an additional $50,000 for research on mutagenicity screening assays in the biology and medicine budget for basic data likely to be required by the Food and Drug Administration for papayas. It is expected that the petition will be submitted to the FDA by the end of calendar year 1971.

All data on both pasteurization and insect disinfestation have been satisfactory. Feeding studies on animals are continuing under the existing program.

We successfully eradicated the screwworm fly in Florida, a pest which caused millions of dollars in damage to cattle.

We believe that the beneficial effects of papaya radiation will develop a new fruit shipping item in addition to other fruits now produced and shipped from Hawaii to the mainland.

The SPEAKER. The question is on the motion of the gentleman from Washington that the House suspend the rules and pass the bill S. 2484.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman from Ohio insist upon his point of order?

Mr. HAYS. I do, Mr. Speaker.

The SPEAKER. Evidently a quorum is not present.

Mr. MATSUNAGA. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 253]

Addabbo
Anderson, Tenn.
Ashley
Baring
Barrett
Beall, Md.
Biaggi
Blanton
Bolling
Brock
Broomfield
Brotzman
Broyhill, Va.
Buchanan
Burleson, Tex.
Burton, Utah
Bush
Caffery
Casey
Celler
Chisholm
Clark
Clay
Conyers
Corbett
Cramer
Cunningham
Daddario
Dawson
Delaney
Dennis
Dent
Diggs
Dingell
Downing
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Fraser
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gray
Hagan
Hall
Halpern
Hanley
Hansen, Wash.
Hawkins
Hébert
Heckler, Mass.
Horton
Hull
Hungate
Ichord
Jarman
Jonas
King
Kuykendall
Leggett
Lennon
Long, La.
Lujan
Lukens
McCarthy
MacGregor
Madden
Mathias
Meskill
Moorhead
Nix
O'Hara
O'Neill, Mass.
Ottinger
Pelly
Pepper
Podell
Pollock
Powell
Price, Tex.
Quillen
Randall
Rarick
Reid, N.Y.
Reifel
Riegle
Roe
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Ruth
Ryan
St Germain
Shriver
Smith, N.Y.
Stafford
Staggers
Stephens
Stokes
Stuckey
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Watkins
Watson
Weicker
Whalley
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wold
Wright
Wydler

The SPEAKER. On this rollcall 302 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17070, POSTAL REORGANIZATION

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill, H.R. 17070, to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14956. An act to extend for three years the period during which certain dyeing and tanning materials may be imported free of duty.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17070) entitled "An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes."

AUTHORIZING THE SECRETARY OF INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLO.

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1110 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1110

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6715) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1110 provides an open rule with 1 hour of general debate for consideration of H.R. 6715 authorizing the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The physical facilities of the unit consist of Narrows Dam and Reservoir about 2 miles upstream from Fort Morgan, Colo. The dam will be 146 feet high and about 22,100 feet long. Approximately 12,700 feet of auxiliary dikes will be constructed. The total controlled capacity at the top of the flood control pool will be 973,000 acre-feet. The water from the reservoir will be delivered via the South Platte River to the headworks of existing ditch systems in the river valley. The reservoir will inundate the headworks of the Fort Morgan Canal, which will necessitate a short interconnection outlet from the reservoir to the canal.

The reservoir and surrounding right-of-way for fish, wildlife, and recreation will require about 36,250 acres and will necessitate relocation of Colorado State Highway 144 and the Union Pacific Railroad.

Included in the right-of-way will be lands needed for three public-use recreation areas, a migratory waterfowl refuge, and existing Jackson Lake Dam and Reservoir, which is a privately owned, off-channel reservoir used for seasonal regulation of irrigation water. Its use for fishing and recreation is limited by late season drawdown. With this legislation the lake will be rehabilitated and stabilized for exclusive fish and wildlife and recreation use. A fish hatchery and rearing pond will also be included in the project.

On the basis of prevailing prices in January of last year, the estimated cost of the Narrows unit is $68,050,000. About one-third of this amount—$21,121,400—is allocated to the supply of irrigation water. It will be totally repaid without interest in 40 years from the sale of water and services. A committee amendment makes it possible for the Secretary to extend the repayment contract to 50 years if necessary.

Another third of the cost is allocated to flood control. This sum—$24,350,000—will be nonreimbursable in accordance with longstanding practice.

Fish and wildlife enhancement and recreation make up the remainder of the investment. These costs, slightly over $22,000,000, will be cost-shared with the State of Colorado under the formula established by the Federal Water Project Recreation Act of 1965. Under this arrangement, costs in the amount of $2,505,400 will be repaid with interest and the remainder will be nonreimbursable.

Mr. Speaker, I urge the adoption of the rule (H. Res. 1110).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii has explained, House Resolution 1110 provides for an open rule with 1 hour of debate for consideration of the bill, H.R. 6715.

Mr. Speaker, the purpose of the bill is to authorize the construction of the Narrows unit of the Missouri River Basin project on the South Platte River.

The project was part of the original comprehensive plan for the Missouri River Basin enacted in 1944. It cannot now be constructed unless it is reauthorized as an individual project within the overall program.

The project is a multipurpose project that will provide supplemental irrigation for 166,370 acres of presently irrigated land; provide flood protection in the lower South Platte River Basin; increase outdoor recreational opportunities and enhance fish and wildlife in the area. No hydroelectric power will be generated.

The construction will include a dam and reservoir. No irrigation system will be built; existing ones are to be utilized. The estimated cost—based on January 1969 figures—is $68,050,000. All costs will be fully reimbursed within 50 years by the water users.

There are no minority views. The Department of the Interior supports the reported bill as does the Bureau of the Budget and the Department of the Army.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6715) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Johnson).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6715, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Johnson) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Saylor) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Colorado (Mr. Aspinall) the author of the legislation.

Mr. ASPINALL. Mr. Chairman, we know that the hour is growing late, and I, for one, am not going to take too much time to explain the purposes of the legislation.

Mr. Chairman, the Narrows unit, which will be authorized by the enactment of H.R. 6715, has been an item of unfinished business in the water resource affairs of Colorado for more than 30 years. Actually this program has once been authorized for construction by the Congress as an element of the Missouri River Basin project. Advance planning studies were conducted, initial construction funds were appropriated, and construction facilities were constructed. The Korean war intervened, funds were withheld and work never proceeded on the features of the unit. Also, for a number of years, the State of Colorado did not have a clear and unequivocal policy outlook on the program and it lay dormant for some time.

During this period, the Congress passed legislation requiring in effect that all theretofore authorized units of the Missouri River Basin project be reauthorized. This legislation will fulfill that mandate. The passage of time has also seen changes in procedures and criteria for planning water projects, all of which have been introduced into the Narrows unit plan. So today we bring to the House, perhaps the most carefully planned and completely documented project that has ever come out of the Committee on Interior and Insular Affairs.

I am, therefore, singularly pleased to be in a position to discuss this measure with the Members, to relate it to our water resource legislative program and to urge your support for the bill on its merits as a sound and timely investment in regional economic strength and the broader public interest.

Early this year, I explained to the House that our committee expected to bring out a limited program of new authorizations during the 91st Congress; the dollar volume of this program being about $150 to $175 million. We arrived at this level of activity in an effort to reduce the backlog of authorized, but unfunded projects without completely shutting down the machinery of project authorization. The Narrows unit is a cornerstone of this legislative program. It is not only the largest of the several projects we have considered in this Congress, but it is the most comprehensive in terms of meeting a wide variety of local community needs. The project being authorized by H.R. 6715, as recommended by the committee, will be fully multiple purpose in character. Its major function will be to supply a supplemental supply of irrigation water for 166,000 acres of land now inadequately served from natural streamflow and ground water. The project will have a capability of supplying 140,000 acre-feet of water annually, representing an increased water supply of about 10 inches. This quantity of water will substantially relieve the shortages which have been experienced historically in this section of Colorado, and which have limited the productive capability of the lands. Production from the land in the form of crops and livestock is our only major industry in northeastern Colorado, and our only significant source of basic wealth. When agriculture is prosperous, we have a measure of economic stability conducive to a meaningful social order. This cannot occur without an assured source of water from irrigation as we have learned from repeated periods of drought and lost production.

The next most urgent need of the South Platte River Basin is for some form of protection against recurring flood. All too often this river rises to destroy homes, utilities, businesses and transportation facilities. The Narrows unit will afford positive protection against floods caused by the river for the cities of Fort Morgan, Brush, and Sterling, as well as other communities which have developed along the river valley. Weather records indicate that nine major floods, the last being in 1965, would have been prevented by the Narrows unit. The Corps of Engineers estimates that damages averaging $1,600,000 annually will be prevented when this project goes into service.

The narrows unit will also provide an outlet for the water-based recreational demands of the nearby urban areas. One of the important features of the project is its role in the fish and wildlife enhancement programs of the State of Colorado. It will meet this function through the devedopment of a migratory waterfowl area and through a high quality fishery within the reservoir. Certainly, these aspects of balanced water resource development are increasingly important as more and more of our citizens seek wholesome and rewarding avenues of recreational activity. A measure of the significance of this project in meeting these needs may be seen in the projected visitation of over 1 million per year.

H.R. 6715 also provides the authority to convert water supplies to municipal and industrial use when the needs for such service develop to the point that existing sources are no longer adequate. Initially, it is not expected that there will be a market for municipal water, but most observers of community growth patterns agree that a demand will likely occur in the near future. The Committee on Interior and Insular Affairs has always supported the premise that human needs represent the highest priority for water resources and as a matter of policy feels that all programs should be structured to accommodate that use if and when a demand should arise.

The central feature of this program is the Narrows Reservoir. It will be a major facility about 2 miles west of the city of Fort Morgan. No irrigation canals and laterals are authorized since these systems are now in existence. The project will cost $68,050,000 to construct and this cost will be borne in the rough proportions of one-third each by irrigation, flood control, and fish and wildlife and recreation. The irrigation costs will be reimbursable on an interest-free basis as is the law and practice. This project has the capability to repay the entire irrigation investment in a period of 40 years, thus no assistance from power revenues will be required. In this regard, this is a most unusual project, in fact, the only one with this degree of financial feasibility to pass through our Committee in many years.

The flood control costs will be nonreimbursable as is the case with all Federal flood control reservoirs, and the recreation and fish and wildlife costs will be shared by the State of Colorado. Under the provisions of the bill, the State will contract to repay about $2.5 million at interest and the remaining fish and wildlife and recreation cost will be at Federal expense.

In the hearings on this measure held by our Subcommittee on Irrigation and Reclamation, it was learned that there is overwhelming support for the program at the State and local level. This is not to say that the project is unanimously endorsed. There are those who feel that the reservoir should be located at a site further upstream, and cite some added benefits that would arise from the alternate location. The subcommittee examined this matter very carefully, and while acknowledging that certain minor benefits would indeed flow from the upper site, the added cost of construction would more than offset the otherwise affirmative effects.

The water rights for the project are in order, in that the processes required by Colorado law have been compiled with and there is no reason to question the legal or physical availability of adequate water supplies for the project.

The project has been carefully analyzed for its environmental characteristics, particularly from the standpoint of its effect on water quality in the South Platte River. Like most irrigation projects involving a storage and diversion of streamflow, it is necessary to look at two water quality issues. The first is the classic issue of whether any part of the stored water needs to be released for low flow augmentation to preserve oxygen levels. The studies have shown that streambank recreation is the only purpose that would be enhanced by such releases and that the cost of providing the access and appurtenant recreation facilities would not be justified by the level of usage that would be anticipated to take place. For this reason and for the added reason that the constitution and laws of the State of Colorado do not recognize streamflow maintenance, per se, as a beneficial use of water, the project will not be operated specifically for this purpose.

The second water quality aspect of the Narrows unit is the probable effect on salinity of streamflow from the return of unused irrigation water to the stream system. The Federal Water Quality Administration found that the only salinity problems which exist in the lower South Platte River occur in the late summer and fall months when stream flow is comprised primarily of irrigation return flows. With the introduction of 140,000 acre-feet of high quality irrigation water from the Narrows Reservoir into the groundwater complex, the average salinity of return flows will be reduced at all times. This will result in the betterment of the critical late season water quality in the river. Accordingly, that agency has no objections to the project and has proposed no operational limitations.

Last, Mr. Chairman, I would emphasize that the Narrows unit is economically justified by the rigid analytical procedures that now govern water resource projects. Under executive branch procedures, the Narrows unit is not obliged to qualify at the high discount rates now being used. Despite this exemption, the Members will be reassured by the fact that the project has a ratio of 1.2 to 1 at the 4⅞-percent rate in force at the time of our hearings.

In summary, I believe this to be a project that we can all support. There is no question in my mind that the Narrows unit is essential to the well-being of northeast Colorado, an important issue for the entire State of Colorado, and an investment opportunity from which the entire Nation can expect a comfortable return. I urge all Members to give it their support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend, the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Colorado for yielding.

What has the Federal Government put into this project as of this date?

Mr. ASPINALL. The Federal Government has put in several tens of thousands of dollars so far as the study is concerned and all of it must be repaid, of course. That part that is allocated to irrigation must be repaid under the principles and provisions of irrigation law. The State of Colorado has put in several tens of thousands of dollars also, bearing its share for the study of the project.

Mr. GROSS. How many additional acres will this put into production through irrigation?

Mr. ASPINALL. Not an acre. This involves only acreage that is already in cultivation and production.

Mr. GROSS. What will be the interest rate, based on the amendment to the bill?

Mr. ASPINALL. I cannot say exactly what it will be at this time, because it does vary. But this interest rate is the rate that is commonly used in all projects and more than likely it will be about 3¼ percent.

Mr. GROSS. As I read the amendment in the bill, it is based on the public obligation by the Treasury of 15-year noncallable Government securities. What is the present rate for such securities; does the gentleman know?

Mr. ASPINALL. I imagine it would be somewhere around 5½ percent or 5¾ percent. I cannot tell my friend exactly, but this is a subsidy and it is admitted in all water resource projects. It is not any different from any other water resource project that we have.

Mr. GROSS. How often have their been floods in this area.

Mr. ASPINALL. There have been several floods during the last 70 years. The damage has been estimated to be considerably over $1 million a year so far as the average is concerned. There have been two floods within the last 7 years.

Mr. GROSS. I had information that indicated there has been two floods in 20 years—but the gentleman says there have been two floods in 7 years?

Mr. ASPINALL. There have been two in the last 7 years.

Mr. GROSS. Will this involve flooding additional land, this expenditure of $68 million?

Mr. ASPINALL. No, it will not flood additional land, but the reservoir site will cover additional acreage, some of which is in cultivation at the present time in what would be the reservoir bed. But this will control floods in that area so that the town of Fort Morgan and other areas below Fort Morgan will not likely be damaged as they have heretofore.

Mr. GROSS. The gentleman has said that this will not bring additional land into production through irrigation.

Mr. ASPINALL. That is correct.

Mr. GROSS. Now or later?

Mr. ASPINALL. Now, later, or in the future.

Mr. GROSS. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SAYLOR) is recognized.

Mr. SAYLOR. Mr. Chairman and members of the committee, I rise in support of this legislation. In accordance with the rules and regulations and the laws on the books at the present time with regard to reclamation, this project meets every requirement of reclamation law. There are some features of that law that I do not like, but until Congress in its wisdom changes them, the Department downtown has no choice but to report bills to the Congress and to the proper committees in accordance with the laws on the books.

Irrigation is a small part of this project. This bill will put supplemental water on land that is now under irrigation. The estimated cost of that is $21 million. The total cost of this project is $68 million, indicating that $47 million is allocated to flood control, fish and wildlife conservation, and road relocation. In addition, our committee added potential future municipal and industrial water supply.

Now, with this amendment, there is one good feature. If future municipal and industrial water is used, it will be a use of the water that will not only pay but result in the payment of interest on that portion of the project to which it might be allocated for municipal and industrial water. But I think it does point out that there is a need and a serious need for changing the reclamation laws and overhauling the reclamation laws to bring them into line with what Congress has said they would like to have included in these projects.

I would hope that in the 92d Congress, in both the House Interior Committee and the corresponding committee on the other side of the Capitol, we would see to it that we do revise our reclamation laws, particularly with regard to the question which the gentleman from Iowa just raised with regard to interest rates. We now use one figure for figuring the project, and it is a 4⅞-percent interest rate, and even then this is a good project but on the repayment features we use the old figure of 3¼ percent. I think this is one of the things that should be corrected, one of the things the committee should take up in another bill, but it should not hold up the passage of this bill.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the chairman of the committee.

Mr. ASPINALL. The amount of money on which interest would be considered as part of repayment of this project is very small.

Mr. SAYLOR. That is correct. Most of the items in this bill are nonreimbursable. The large items that I mentioned are nonreimbursable and would not bear interest under any circumstances.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. I think it should be pointed out also that the $68 million would be committed in the way of an authorization figure, with some $24 million in the way of flood control. One other point: Since I serve on both the Reclamation Subcommittee as well as the Flood Control Subcommittee, the one thing about this project that interests me is that it tends to expand the project purposes to take into consideration factors that are water related, and this in itself is unique and deserving of support.

Mr. SAYLOR. It is, and I think we might say just 4 years ago in this very area, we had a very devastating flood. It probably caused in 1 year almost half as much damage as is allocated here to the benefits of flood control.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, what kind of priority does this project have? I ask that question, because some of us have badly needed flood control projects, and our projects have been held up because the appropriations have been impounded—or, in a more polite term, reserved—by the administration. I want to know or I would like to know what kind of priority this has? Will this leapfrog us? Will this project leapfrog and leave us at the hitching post again?

Mr. SAYLOR. I might say to my friend, the gentleman from Iowa, that this project is one which the chairman of the full committee early last year told the House, when we brought up our first reclamation bill, would probably be one of the projects that would be presented for consideration.

There is quite a backlog of reclamation projects, and most of the old ones do not have any flood control benefit. Most of the flood control projects in which the gentleman from Iowa is interested are from the Corps of Engineers, and they ask for separate appropriations, and that would come in the public works appropriation bill.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I would like to tell my friend, the gentleman from Iowa—and I do so with the full knowledge that my constituents have been told they would have to take their place as far as the present authorizations are concerned. There would be no additional priority to them over any other of the reclamation projects.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I think that is a very fair statement, and I think that is the way it ought to be, because some of us have had moneys appropriated and they have been reserved or impounded, or call it what you will, and we have been denied the expenditure. I would dislike very much to see a project of this kind take precedence over our projects.

Let me ask the gentleman another question. This appears on page 11. The Budget Bureau was opposed to the construction of fish hatcheries in connection with this project. Are fish hatcheries in or out of the bill?

Mr. SAYLOR. The hatcheries were out of the bill when it was sent up from the Department of the Interior. After we heard the testimony of the people from the Department, it was the determination of our committee that the hatcheries should be put back in, and they are in.

Mr. GROSS. And they, too, I would hope, would take their place in the line of priorities.

Mr. SAYLOR. They would have to take their place.

I want to take this opportunity right now, since the gentleman from Colorado has mentioned that this project is in his district, to say the gentleman from Colorado (Mr. ASPINALL) represents about three-fourths of the State of Colorado, and he has many projects in his district that have been authorized. He has been one of the first people to come forth and say that projects that are authorized in bygone sessions of the Congress must be developed first. He has also been one of the first people to say that we must call upon the Department of the Interior and the Bureau of Reclamation to come before our committee and update any project that has been authorized for more than 10 years on which construction has not started.

The gentleman from Colorado, my friend (Mr. ASPINALL), has been fair with the 17 western reclamation States in all of the projects he has come forward with. There is one thing we must say. The gentleman has tried to deal with all the Western States so as to treat them as fairly as is humanly possible to do.

I believe that the Members of Congress owe the chairman a great debt of gratitude for the manner in which, since 1956, he has chaired the Committee on Interior and Insular Affairs of the House. I take this opportunity to say that.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I certainly concur in the remarks made by the gentleman from Pennsylvania.

Also, I believe the gentleman from Iowa certainly has made a point which is worthy of note. I would invite him and all the other Members of Congress who are in the so-called water resources or water conservation areas to work more closely together to convey to any administration the absolute essentiality of expanding the amount of total dollars committed to reclamation as well as to flood control projects, because these are the areas which in my judgment are the most depressed economically and disaster prone.

I would join with the gentleman in saying that the percentage of the total budget should in fact be expanded. I believe he makes an excellent point as we consider this legislation today.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to speak at this time in support of H.R. 6715, to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The Subcommittee on Irrigation and Reclamation has given this matter the most serious and searching consideration. In November 1968 we conducted 2 days of on-site inspections and field hearings on a previous bill in the 90th Congress. Earlier this year, we had 2 days of very comprehensive hearings on H.R. 6715 to bring up to date our understanding of the proposal and to become informed of the effects of increasing costs.

The project has the full and complete support of the Department of the Interior and the Bureau of the Budget as the Members can see from the committee report on the bill. The bill has been endorsed and supported by the Governor of Colorado, the Honorable John Love and by his entire administration. A wide degree of local support has been shown by all sectors of the local community. Chairman ASPINALL has reported to you fully and candidly that there are certain interests who oppose the bill on the feeling that the reservoir should be built further upstream. I endorse the Chairman's analysis that the extra benefits that would be realized at the upper site are overwhelmingly offset by cost factors that do not pertain to the adopted site.

Mr. Chairman, the Narrows unit is feasible and justified by the standards of analysis which have been devised for water resource development projects; standards, I might add, which are not required to be applied to any other field of Federal investment decisionmaking. It has been tested for economic justification and has been found to have an acceptable ratio of benefits to costs at the exorbitant discount rates which the Executive now imposes, although under administration ground rules it would not need be subject to these rates. At this point, Mr. Chairman, I will merely recap the annual benefits that will accrue to the local, regional, and national economy from this investment:

Flood control	$1,599,000
Irrigation	1,631,500
Fish and Wildlife	1,410,600
Recreation	552,200
Total	5,193,300

The financial feasibility of the Narrows unit is demonstrated by the degree to which costs required to be repaid to the United States can, indeed, be repaid in accordance with law and general practice. For example, of the total estimated construction cost of $68,050,000, about one-third, or $21,121,400, is allocated to irrigation and is reimbursable. The studies indicate and H.R. 6715 requires that this sum will be returned to the United States within a term of 40 years from revenues accruing from the sales of water and services. It is particularly interesting to note that this is the first major irrigation project to be authorized in more than 30 years that does not need financial assistance from project power revenues. This fact alone is compelling testimony to the worth of the Narrows unit.

An additional one-third of the project cost, $24,350,100, is allocated to flood control and is nonreimbursable. This allocation is pursuant to annual benefits of $1.6 million that will be realized from the operation of 550,000 acre-feet of space either exclusively or jointly for flood control.

The remainder of the project cost, except $135,000 for highway betterment, amounting to $22,443,500 is attributable to fish and wildlife and recreation. These costs will be shared by the State of Colorado in accordance with the principles set out in the Federal Water Project Recreation Act. Present estimates are that one-half of the separable costs required to be repaid with interest will aggregate about $2.5 million. The remaining cost allocated to these purposes will be borne at Federal expense.

Physically, the Narrows Unit will consist of a major dam and reservoir on the South Platte River near the city of Fort Morgan. The dam will be an earthfill structure 146 feet in height and, together with its wing dikes, will have a total embankment length of about 34,000 feet. The total controlled reservoir capacity will be 973,000 acre-feet and will occuply approximately 36,250 acres of right-of-way. It will be necessary to remove the tracks of the Union Pacific Railroad, State Highway No. 144 and some county roads. The costs of all these measures are included in the project cost of $68 million and have been charged to the purposes to which costs are allocated.

Specific fish and wildlife facilities consist of a fish hatchery and rearing ponds as a source of fish for stocking the reservoir. The plan also contemplates the acquisition and subordination to fulltime recreation use of existing Jackson Lake, an existing impoundment now used primarily for seasonal regulation of irrigation water. On the basis of these facilities and the proximity of the project to the Greater Denver area, the recreation planners believe that more than 1 million visitations per year will occur.

Mr. Chairman, this is a project that deserves the support of every Member. It ana emenities many times its intial cost. It is truly an investment in the economic will return in actual revenues, benefits strength of rural America and is in the best traditions of sound resources planning and development.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. ROGERS).

Mr. ROGERS of Colorado. Mr. Chairman, I rise in support of H.R. 6715, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado.

The gentleman from Colorado (Mr. ASPINALL) and his counterpart, the gentleman from Pennsylvania (Mr. SAYLOR) as well as the gentleman from California (Mr. JOHNSON) have adequately explained that this project meets all of the criteria necessary for its development.

The Platte River passes at the foot of Pikes Peak and goes to the northeast boundary of the State, where the State of Colorado meets the State of Nebraska.

There are devastating floods at times. This project will help to control those floods. We will be repaid to a certain extent. This project will be beneficial not only to the people of the State of Colorado but to the people of the entire Nation, in the control of this river.

I urge the passage of this legislation.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 6715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

Sec. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

Sec. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

Sec. 6. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $62,000,000 (based upon October 1965 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit and for future costs, if any, under section 2 of this Act.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 1, after "recreation," insert "potential future municipal and industrial supplies,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 7, after "Reservoir," insert "fish hatchery and rearing ponds,"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 12, strike "purpose." and insert the following: "purpose: *Provided,* That all identifiable return flows of water from any of the project purposes, features, necessary works and facilities, authorized herein shall be treated for the purpose of eliminating pollution and improving water quality, in such manner as determined by the Secretary of the Interior."

AMENDMENT OFFERED BY MR. SAYLOR TO THE COMMITTEE AMENDMENT

Mr. SAYLOR. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Saylor to the committee amendment: Page 2, line 15, after the word "of" strike out the word "eliminating" and insert "abating".

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, we have looked over the amendment offered by the gentleman from Pennsylvania, and the author of the bill, the chairman of the committee (Mr. Aspinall) and I have no objection to it.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 2, strike "supplemented." and insert the following: "supplemented: *Provided,* That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further,* That the term of such contracts shall not exceed 50 years."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 19 through 23, strike all of Section 5 and insert in lieu thereof the following:

"Sec. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue."

The CHAIRMAN. Is there objection to the committee amendment?

Mr. GROSS. Mr. Chairman, reserving the right to object, I simply wanted to comment that I am pleased to see one bill in the House today that is not predicated upon that new and wonderful and euphemistic thing called environment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 12, strike out "$62,000,000 (based upon October 1965 prices)," and insert in lieu thereof "$68,050,000 (based upon January 1969 prices),".

The committee amendment was agreed to.

The CHAIRMAN: The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 19, insert a period after "unit" and strike out the remainder of the sentence.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. Brooks) Chairman of the Committee of the Whole House on the State of the Union, reported that committee having had under consideration the bill (H.R. 6715) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, pursuant to House Resolution 1110, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Narrows unit, heretofore authoriezd as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado-Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

SEC. 6. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

SEC. 7. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Strike out all after the enacting clause of S. 3547 and insert in lieu thereof the provisions of H.R. 6715, as passed, as follows:

That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservior, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose: *Provided,* That all indentifiable return flows of water from any of the project purposes, features, necessary works and facilities, authorized herein shall be treated for the purpose of abating pollution and improving water quality, in such manner as determined by the Secretary of the Interior.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented: *Provided,* That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further,* That the terms of such contracts shall not exceed 50 years.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 6. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6715) was laid on the table.

ADDITION TO LEGISLATIVE PROGRAM FOR TUESDAY

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of announcing an addition to the program.

Mr. Speaker, we are adding to the program for tomorrow House Resolution 1062 authorizing the Speaker of the House of Representatives to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives.

Mr. Speaker, this will be the first order of business. It is not intended as of this time to call up H.R. 18546, the Agricultural Act of 1970 tomorrow.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Are there copies of this resolution available?

Mr. ALBERT. I have a copy here which I shall be glad to give to the gentleman from Iowa.

The SPEAKER. The Chair will state that it was reported last June, sometime in June.

Mr. GROSS. I beg the Speaker's pardon. I did not hear the Speaker.

The SPEAKER. The Chair will state that the resolution was reported out of the Rules Committee sometime last June.

Mr. ALBERT. It was reported June 11.

PRESIDENT'S COMMISSION ON CAMPUS UNREST CREATING UNREST

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the President's Commission on Campus Unrest sometimes seems more interested in helping create that unrest than in trying to seek the causes of and solutions for it.

This approach is not sitting particularly well with members of the public as recent letters to the editor of the Washington Star will attest.

I insert several of those letters in the RECORD at this point.

[From the Washington Star, July 30, 1970]

COMMISSION ON CAMPUS UNREST

Letters to the Editor:

SIR: Current hearings before the President's Commission on Campus Unrest have yet to focus on the central point of the problem. Members of the commission have openly voiced their dissatisfaction concerning the absence of pertinent recommendations.

Typical of the wide swing around the heart of the problem was the testimony of Charles F. Palmer, president of the National Student Association: "As long as the war in Indochina continues . . . as long as there is poverty in this country . . . (etc) . . . until these things are changed, we will continue to make life uncomfortable, and at times, unlivable for the men in positions of power and influence." This piece of threatening rhetoric should not go unchallenged.

I am not here concerned with the political question as to how "positions of power" are attained, exercised, influenced and changed in our system and practice of government. But someone on the commission could have reminded Mr. Palmer that difficult international and domestic problems will still be with us long after Mr. Palmer's generation will have collected all the grades and degrees of their student careers (if our colleges and universities will remain "livable" long enough).

Even more important, however, is the realization of the equally obvious truth that it will not be the announced indefinite protraction and escalation of campus unrest that will solve our existing and succeeding great problems. Solutions can only come through intelligent ordering of priorities, careful planning of sequences and constructive cooperation of the majority of the American people within our evolving democratic structures and processes.

TO REQUIRE GREATER CONTRIBUTIONS

Even such a non-utopian progress will require ever greater contributions from our colleges and universities, but not of the kind Mr. Palmer had in mind. If we are to solve our problems more thoroughly and faster than in the past, our colleges and universities will have to equip our succeeding generations of students with increasing mental abilities for an ever more dependable analysis and provide them with improved methods and tools of research, both pure and applied. More than before will they have to inculcate into our new generations the hard discipline of scholarly detachment and persevering reflection.

Instead of replacing the spirit of inquiry, the patience of scholarship and the acquisition of knowledge, as Mr. Palmer's threat implies, students' sentiments, feelings and emotions will have to be harnessed as new motivating forces for sustained mental and ethical preparation for real life and its progressing reorientation toward the hard objectives of equality of opportunity, an ever better environment, social cohesion and secure world peace.

The real crisis on our campuses consists in that they have been subjected to escalating attempts at subverting their only intrinsic function of education and scholarship into ever noisier and increasingly intimidating staging areas for "direct action" in the alleged service of an extraneous end for which they are neither needed nor equipped.

MUST BE FREED OF INTERRUPTIONS

If our existing colleges and universities are to be preserved for continued pursuit of their primary objective, they must first be freed from recurring interruptions, shouting demonstrations, rump meetings and other forms of physical and psychological intimidation. The most urgent ned on our campuses today is for a sensible code of minimal and largely self-enforceable rules which will effectively separate, in time and place, all forms of "direaction" from schedules and areas where teaching, studying and research are being conducted, or should again be conducted, on our campuses. Our universities are in dire need of administrators that will not keep caving in until it is too late to salvage their battered institutions.

Just as colleges and universities should not interfere with student or faculty political beliefs and commitments, so students and faculty members (not to mention outsiders) have no right whatsoever to use universities as staging areas for political action—no matter how strongly felt—to the detriment of the only lasting function our universities have and for which there is no substitute.

CYRIL A. ZEBOT,
*Professor of Economics,
Georgetown University.*

SIR: Somehow, I have a feeling that President Nixon is going to be disappointed in his Commission on Campus Unrest. You know President Johnson's "Crime Commission" was also loaded with liberals and they blamed everybody except the criminals, even accusing the police of "rioting." Now some of the members of the new commission are hostile toward any witness who does not condemn the police and support the criminal element.

And as for the witness who pleased the commission so by saying: "People who look to the vice president for shaping their opinions have got to get out of that trap," now, just a minute—Mr. Agnew is not shaping opinions, he just happens to be voicing the sentiment of the majority. I am real glad we have somebody in Washington who has the courage to express a conservative opinion.

These young revolutionaries have a lot to learn and they should stop taking their cues from Hanoi and Havana.

When they grow up and start paying the federal government's bills, they they will have a right to be "heard." They have no right to deny to respectable students on campus their right to an education.

R. L. PRINCE.

SIR: Judging from the newspaper account of the memoranda by Chancellor Alexander Heard, the analysis of student unrest seems one-sided. Did Chancellor Heard really get a cross-section of the students? From what I have read elsewhere it just does not seem to me that he has.

NELSE WINTEN.

SIR: Now that we have listened to the comments and criticisms of Chancellor Heard, Dr. Cheek, certain supposedly objective members of the President's Commission on Campus Unrest and anyone else who cares to stand up and shout, one theme continues to be hammered at us—the students think the President doesn't listen to the young; the President is anti-black; the President refuses to make the Asian conflict disappear with a magical wave of his wand; the President is hiding under the desk in the Oval Office; the President doesn't have the slightest idea of what the score is and couldn't care less.

I get the feeling that what they want the President to do is not only listen but also come hat in hand to the negotiating table and put his signature on a list of demands as formulated by some nebulous clique of intellectuals and students sequestered on our campuses.

KENNETH J. ROP.

SIR: I was absolutely appalled at the vitriolic and irresponsible report on student unrest made to President Nixon by Alexander Heard, chancellor of Vanderbilt University. His unfounded and unfair criticism of our President and unqualified support of campus dissidents and rioters was ludicrous and will only exacerbate emotions which have subsided because Nixon kept his word and withdrew our troops from Cambodia.

Perhaps the saddest and most ironic aspect of this whole fiasco is that Heard is but another one appointed by Nixon to study the problem of campus unrest who, as part of his final report, scathingly denounced the President as being responsible for much if not most of it. Perhaps the President should have sought the counsel of those closer to home, such as FBI Director Hoover or Prof. Sidney Hook of N.Y.U., who, in an article which appeared on the same page of The Star, lay the blame for campus unrest at the right doorstep—university teachers and administrators. Prof. Hook charged both with cowardice in dealing with student protesters, and blamed the threat to academic freedom on the "poisoned premise" (supported by Chancellor Heard of Vanderbilt) that continued violence is inevitable until the solution of the major social and foreign policy problems of our society is achieved.

R. HOHL.

PERSONAL ANNOUNCEMENT

(Mr. REID of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. REID of New York. Mr. Speaker, because of the death of my mother last Monday, I was absent all week on official leave. I deeply appreciate the many kind and thoughtful messages from the Members and their generous comments in the RECORD.

Had I been here for the six votes which were taken last week, I would have voted as follows: Nay on the motion to recommit the Independent Offices-HUD appropriations conference report; yea on the railroad retirement conference report; yea on H.R. 13100 concerning training for the health professions; yea on the mental retardation facilities and community mental health construction act amendments; nay on the motion to recommit the Defense Production Act amendments; and yea on final passage of the Defense Production Act amendments. With regard to the last vote, I think it is particularly important that the President have the standby authority to impose wage and price controls that this legislation provides.

THE LATE HONORABLE JOHN KUNKEL

(Mr. McEWEN asked and given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, it was with great sadness that I noted the death of our former colleague, the Honorable John C. Kunkel of Pennsylvania.

When I was elected to the 89th Congress, John Kunkel was already a veteran of many years of service in the House of Representatives. I valued his friendship and quickly saw that he was held in the highest of respect by Members on both sides of the aisle.

As a member of the Committee on Public Works, his advice and guidance to me and other members of that committee was always welcomed.

I know, too, Mr. Speaker, that his constituency held John Kunkel in the highest of regard, as evidenced by his many terms in office. Having spoken with his constituents as I traveled through his congressional district many times, I know firsthand that the so-called man in the street knew him as a friend.

We have all lost a friend, and I am sure that my colleagues join me in expressing the sincerest condolences to his family.

LT. GEN. THOMAS S. MOORMAN

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, Lt. Gen. Thomas S. Moorman, USAF, retired July 31 after completing 41 years of distinguished military service. The formal retirement—change of command ceremonies took place on the cadet parade ground at the U.S. Air Force Academy, Colo., at 10 a.m., Friday, July 31.

The ceremony marked the conclusion of 41 years of active military service including 4 years as cadet at the U.S. Military Academy and 37 years consecutive, continuous service in the U.S. Army Air Corps, the U.S. Army Air Forces and the U.S. Air Force. He graduated from the U.S. Military Academy at West Point in 1933 and spent 1933 and 1934 as a student officer in the Air Corps at Randolph Field, Tex. He was awarded his pilot's wings in 1934 and subsequently earned the wings of senior pilot and command pilot.

During World War II, he was deeply involved in the planning and execution of the 9th Air Force participation in the D-Day invasion of Normandy and performance many other Army Air Forces functions during that period.

Subsequently, he served as commander of the 13th Air Force and following that, served a 4-year tour of duty as Vice Commander of Pacific Air Forces with headquarters at Hickam Air Force Base, Hawaii. In each of his assignments he demonstrated outstanding performance of duty, but in the judgment of many who have known him well, the high point of his career was his 5-year tour of duty as Superintendent of the U.S. Air Force Academy.

General Moorman assumed command of the U.S. Air Force Academy on July 1, 1965, and was twice extended in his assignment as Superintendent. As the sixth Superintendent of the Academy, he served in this capacity longer than any of his predecessors and half as long as the other five combined.

Growth, expansion, and development marked General Moorman's tenure as Superintendent. Under his leadership, cadet enrollment increased from 2,529 to the present strength of 4,115. A $40 million facilities expansion program was completed during this period to accommodate the increased number of cadets which Congress had authorized. The U.S. Air Force Academy within 15 years has been and is recognized as one of the outstanding educational institutions of the world.

General Moorman did far more than exercise administrative and command functions as Superintendent of the Air Force Academy. His dynamic personality was a stabilizing influence during the changing and transitional decade of the 1960's. As Superintendent he was respected and admired by the staff and faculty of the Academy, but even more he was respected, admired, and loved by the cadets. It is quite possible that General Moorman knew and had some direct personal contact with every cadet who passed through the Academy from 1965 to 1970. Certainly they well knew him, not only as Superintendent and leader, but as one who was genuinely interested in the well-being of each cadet.

Frequently in casual conversation a cadet would be heard to remark, "The other day General Moorman was talking with me and he said thus and so," or "Would you believe that when I was laid up in the hospital with a broken leg that General Moorman personally came by and asked how I was doing?"

On Monday, July 27, 1970, only 4 days before he was to retire, he dressed in fatigue uniform and hiked with the fourth class cadets from the Academy area to the training area at Jack's Valley. This made an impression upon these young, almost brandnew cadets which words cannot adequately describe.

During his 5 years at the Air Force Academy he has maintained and strengthened magnificent relations with the civilian community. In all likelihood other military commanders may have established equally good relations with the civilian community adjoining the military installation, but in my opinion none has ever excelled Tommy Moorman in this respect.

General Moorman's many awards and decorations include the Distinguished Service Medal with oak leaf cluster, the Legion of Merit with two oak leaf clusters, the Bronze Star Medal, and the Air Medal.

General Moorman has been succeeded as Superintendent of the Air Force Academy by Lt. Gen. Albert P. Clark, whose most recent assignment was commander, the Air University, Maxwell AFB. General Clark enters his new assignment as Superintendent with every qualification expected in a Superintendent of a service academy. There is every reason to expect and believe that General Clark is a wise choice as the successor to General Moorman in capacity as Superintendent of the U.S. Air Force Academy. From what I have seen of General Clark and from what I know of his background I am confident that his selection as Superintendent is a wise selection and that future events will bear this out. I congratulate him upon his new assignment and I wish for him and Mrs. Clark every success during the years which lie ahead in which he will lead the cadets, the staff, and faculty of the U.S. Air Force Academy.

To General Moorman and to his charming and lovely lady, "Miss Atha," we extend our sincere appreciation for a job well done during their 5 wonderful years as the Superintendent and first lady of the U.S. Air Force Academy. To you, Tommy and Miss Atha, while we bid you an affectionate, official farewell on the occasion of Tommy's retirement, we look forward to a continuation of the pleasant association which we have shared with you. Carry on. Good health and happiness to you and your family.

NURSING HOME INSPECTIONS—A NATIONAL FARCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

Mr. PRYOR of Arkansas. Mr. Speaker, I wish to discuss today the problem of inspection laws and enforcement of regulations in our Nation's nursing homes and homes for the aged.

It has been estimated that more than 80 percent of nursing homes under the medicare and medicaid programs are operating in violation of State standards. Federal standards are being enforced in only one-third of the country's medicare-certified homes. Nursing homes under the medicaid program are in such widespread violation that officials in that department estimate that probably no home is in full compliance, and that at least half have serious deficiencies.

Yet, all of these nursing homes continue to operate. We allow them to do so, even though public assistance in this area has increased in massive proportions during the past 10 years. We have created medicare. We have created medicaid. We have created regulations to specify the care our dollars will purchase under these programs. But we have not created a system of inspection and enforcement to assure that quality care is guaranteed.

More than 6 years ago, the Senate Subcommittee on Aging reported:

> As long as there are inadequate inspection laws and the public, states and legislatures refuse to provide adequate payments there will be substandard nursing homes.

Since that time, national expenditures in this area have risen in colossal proportions. Most of our dollars have gone not into nonprofit, socially oriented institutions, but rather into profitmaking businesses, many of which are chain corporations—many of which sell their stocks on the public market.

In 1969, $2,412 million was spent on nursing home care; 74.5 percent of this amount represented public tax dollars. Yet these massive public assistance programs have not been matched with equally massive regulations of this industry. How is it that we condone this ineptitude?

Let us first take a look at our Federal programs.

Today, Mr. Speaker, we find we have three broad definitions of the nursing homes that are subsidized by the Federal Government and the taxpayers.

Under the medicare program, the label is "extended care facility," which provides up to 100 days of convalescent care for the acutely ill.

A second "level of care" is ostensibly provided under the medicaid program which institutionalizes the elderly in need of "skilled" nursing care.

Finally, at the bottom of our "care levels" is a program neatly termed the "intermediate care facility." The term coined to describe this facility is "more than a boardinghouse, less than a skilled nursing home." The Congress created this program to meet a real need, but it has been subverted to simply condone the violation of regulations within the medicaid program. Homes that could not meet standards—that would not provide the medical care needed for their patients—were conveniently and neatly reclassified on paper. The patients, too, were reclassified—on paper—as needing less care and the same patients stayed in the same substandard homes.

Mr. Speaker, we have created our extended care facilties, our skilled nursing homes, and our intermediate care facilities. I would say that there are, indeed, three types of nursing homes, but there are also two kinds of definitions—those of the Federal agencies and those of reality. And for the patient—definitions applied in the Halls of Congress and the Social Security Administration are unreal. More meaningful terms might be expensive, bad, and terrible.

The expensive nursing homes are the best homes—clean, with shining medical equipment and thick carpeting, institutions such as those run by some 70 chain corporations that sell stocks on the public market.

The operator of the expensive nursing home can rise up righteously when he hears nursing homes denounced as bad. He can claim that his home does, indeed, provide good medical care, that the old folks love staying there. He might even go so far as to offer the services of his private jet to ship visitors in to prove his point.

He will point out the rich carpeting, the sunny, airy rooms, the smiling patients. He is not so likely to show his financial statements, which probably would indicate how he bought his jet.

The expensive nursing home may also cut costs on food, charge exorbitant sums of drugs, hire nurses who are licensed but unfamiliar with geriatric care. Even here—amidst the luxury of carpeting, the elderly will be handled by personnel who do not understand them, who will treat them as confused babies and not human beings. Here, too, Government patients are likely to get care that is poorer than that of private patients, and charges may well be inflated simply because the Government is footing the bill.

The bad homes are the borderline homes, where the majority of the institutionalized elderly must seek shelter.

These are the homes that are good enough not to excite public outrage but inwardly are nothing better than human junkyards.

In the bad institutions costs will be cut in every way. Personnel will be pared to the very minimum necessary to meet Government regulations. And, on weekends, the personnel will probably not meet Government regulations. In the borderline nursing home the patient is the nuisance, in the way of help who are so overworked they cannot provide even minimum care to the many patients in their charge. At night and on weekends, if there is an emergency the doctor probably will not come. And patients will be drugged so that they are easier to handle and do not get in the way.

The bad nursing homes are on the brink of inhumanity. The terrible ones have long ago fallen into the pit.

These are the homes that were so profuse with violations of Federal and State law that the Government reacted by bending the law to suit them.

These homes are truly shelters for the living dead, for here indecencies are piled on top of the monotony of an empty life which draws to a close amidst horror, fear, and filth.

Such homes often have no dietician and no diets. Patients might be half-starved and left to sit in their own excrement. Medicines not administered, or administered wrong. The doctor, an anonymous shadow and unseen visitor, is actually only a mirage in a desert of despair. The atmosphere is the culture of death, not life.

It is in these homes that the Government has provided least protection, has most conveniently whitewashed its subsidies to a system of obvious neglect.

There were once Federal regulations in these facilities—but they were lower than those required for the protection of laboratory animals. And even this minimal regulation was abolished last June 10. Most animals do, indeed, get better care than human beings housed in the terrible nursing home.

These, Mr. Speaker, are the institutions our tax dollars are subsidizing.

Yes, there are some good nursing homes, but they are few. They are seldom proprietary homes—they fall into the category of the one out of 10 nursing homes that are not in the business for a profit—the category of nursing homes that the Federal Government has done least to encourage.

We rationalize. We sooth our consciences with our paper evaluations and our paper regulations. And yet, we do nothing.

What is our system of regulation on these operators?

Today, inspections in nursing homes and homes for the aged are no less than a farce. We have turned over the sickest, the most helpless, and the most vulnerable patient group in the medical care system to the most loosely controlled and least responsible faction of that system.

That system at the Federal level is a snarled conglomeration of overlapping jurisdictions, knotted regulations, and less than lame efforts at enforcement.

Many excuses have been given us, but all are only empty justifications from agencies whose function should be to protect the public—but who seem to spend more hours whitewashing and expressing regret for their own policies.

We are told that it becomes difficult to establish control in Washington over such a vast and complex field of operations. It only takes one look at the Department of Health, Education, and Welfare to discern why we have these difficulties.

We have poured more than a half billion Federal dollars per year into the medicaid nursing home program; yet we have staffed only a single office in Health, Education, and Welfare with three persons to cope with the entire program and to see that 52 States and jurisdictions enforce Federal regulations in thousands of nursing homes.

For the medicare program, there are only a handful of investigators to check out violations for the entire country.

The intermediate care facility program? At Health, Education, and Welfare few people have even heard of this program and no one—absolutely no one—is in charge.

The abortive efforts of these agencies at establishing even minimal control over State welfare departments is further enhanced by their vacillation and the lack of conviction which they have evidenced time and time again in doing so.

Why is a longstanding medicaid requirement that a nursing home patient be visited once each month by a physician almost totally ignored?

Why is it that welfare patients continue to be placed in nursing homes—then forgotten? Why is this true when over a year ago a review system was set up to require that welfare departments take a look just once a year at these patients?

Why are unqualified nurses still in charge of medicaid facilities when over a year ago regulations were issued regarding trained charge nurses?

Why has the Federal Government repeatedly issued such requirements, then backed down with little attempt to enforce them?

The answer, Mr. Speaker, is embedded deep within the system. The system of inspection and enforcement of regulations in our nursing homes is inadequate, inefficient and grossly ineffective. And yet each agency, each department, each bureaucracy, may turn to the system as a rationale for inaction.

The system means that both Federal agencies and State departments are responsible for enforcing standards.

The system means that homes must be licensed by one State agency, paid by a second and assigned residents by yet a third. Often these agencies carry on their functions unilaterally with no communication among them.

The system means that when a home is in violation of a State law it continues to operate. While one department in the State tries to close it, another department is patronizing it by providing patients.

The system means that a nursing home inspection is announced in advance—that the inspection may consist of nothing more than checking to see if the paper work is in order.

Mr. Speaker, who is to blame for the system?

State welfare departments say they are

not to blame. They allow shallow inspections because seeing what is really going on in the nursing home would only mean more work for them in having to find other facilities for patients.

They rationalize that they cannot do this, that there would be nowhere to put the patients were a just and honest enforcement of regulations put into effect.

The only answer—nursing home operators who cannot provide adequate care should not be in business.

We must stop using Federal funds to pay for services not rendered; services of poor quality; services which maximize profits and minimize good care. We must stop using Federal funds to maintain the aged in surroundings that endanger their lives and mutilate their hope.

What does happen when a nursing home operator is charged with a violation?

If theft is involved, he is simply asked to pay the money back. If service is substandard, empty warnings are delivered and homes continue to operate.

I would like to quote to you a portion of a letter I have received from a nursing home inspector:

> The quality of care varies immensely from one nursing home to another. This is partly the result of the irregular and unjust enforcement of regulations. Certain nursing home operators get favored treatment. . . ."
>
> When employed as an Inspector, I saw patients housed on porches with no heat in 40 degree weather, beds so close together you could not walk between them, patients being utilized in the kitchen and laundry facilities, plus numerous other injustices. Most nursing homes had very little qualified help, and in some minimum care nursing homes, a visit by a registered nurse was an infrequent occasion.
>
> Enforcement of regulations was not only irregular, but, many times, non-existent. Typical procedure for infractions, such as those listed above, was a letter of reprimand to the nursing home insisting that the conditions be improved. In my sixteen months of nursing home inspections, not once was further action taken after receipt of this letter, despite the fact that they continually ignored the reprimand and made no amends. This lack of consistency in enforcement was a source of constant frustration to me.
>
> Favoritism played a part when a nursing home was judged qualified to participate in Medicare, although it may not meet such minimum requirements as a second story fire escape.

This, Mr. Speaker, is the system.

Over a month ago I brought to the attention of the House of Representatives several cases of patient neglect taken from thousands of letters I have received on this subject. Direct violations of Federal and State standards for the facilities were involved and regulations ignored.

The following day our office received a telephone call from the Social Security Administration, asking us to turn over all our complaints that concerned medicare facilities. We offered to cooperate and submitted several questions to this department:

> (1) How do you plan to investigate the complaints made in these letters? Do you plan simply to refer them to the State Health Departments or will the HEW staff actually investigate?
>
> (2) If you investigate actual conditions in the facilities, will you give advance notice and the opportunity for operators to clean up and cover up?
>
> (3) In short, are you asking us to cooperate in "going through motions" or do you plan instead to get an objective report of the facts as they really are on an ordinary day in these facilities?
>
> (4) Finally, and most important, what measures do you plan to take to assure that any patients involved in these complaints who may still be in the facility need not fear reprisals by the facility operators?

We waited a reply for many weeks. When we called to ask if a reply would be forthcoming, we received this explanation:

> The bureaucratic process is such that these things don't move out as quickly as we'd like.

One official told us that the extra time was needed to "polish the statement until it was gleaming."

Finally the letter from the Social Security Administration arrived, and here are some gleaming statements extracted from the reply:

> Though complaints are sometimes overstated, based on erroneous hearsay, etc., our procedure for investigation of complaints produces desirable results.
>
> We take seriously any indication that a participating facility is guilty of substandard care or improper treatment of patients.
>
> Whether advance notice is given to a facility depends on the nature of the complaint and the surveyor's knowledge of the facility and we ordinarily prefer to rely on the surveyor's judgment on this point.
>
> Some surveyors find it useful to make unannounced visits, but some feel advance notice is desirable to be sure of being able to talk to key personnel.
>
> Even if the facility knows when they are coming, the surveyor is not easily misled.
>
> Very few significant aspects of patient care can effectively be "covered up" to mislead a competent surveyor.

I wish now to quote to you passages from letters I have received from many areas and many States. They provide an interesting contrast to the Social Security Administration's tidy definitions.

TEXAS

> The owner put them to bed by 6 o'clock, after a bread and milk supper. Not even a glass of water by the bed and there to stay till breakfast time. The Health Department said they investigated.

MASSACHUSETTS

> I asked one of the Massachusetts' State Inspectors how a certain nursing home was allowed to run under the conditions that it was. She turned and walked away.

NEW JERSEY

> Where are the inspections and inspectors who get paid by the citizens and taxpayers? I have not seen one in all these two years.

TENNESSEE

> The thing I can't understand is how and why these places know weeks ahead when medicare is going to investigate and are prepared for them.

MASSACHUSETTS

> Most inspectors just make a trip for their records.

PENNSYLVANIA

> It is the biggest joke of the year, when they make a visit and fill in blanks of a piece of paper with answers offered by supervisor or administrator.

RHODE ISLAND

> The horrors were so sickening I cannot write—when I asked a practical nurse why she did not report to the State board in Providence she said, "I would not be given any work if I told."

PENNSYLVANIA

> One day . . . I arrived early. The place was all spic and span. Patients were all dressed, music playing, lots of help, beds made, etc. I thought to myself, "What's this all about?"—only to learn they were to have state inspection that day.

NEBRASKA

> A man and Woman RN came and went to all rooms with their notebooks. No review of condition of patients and only lifted covers at foot of one bed for inspection.

PENNSYLVANIA

> I have been employed in a home for the past eight years and have yet to see the inspector turn a patient, look at a bed, the menu or the general cleanliness of the institution.

CALIFORNIA

> In one home where I was a daily visitor, I saw the quality of the "check-up"—very cosy visits between the state inspector and the sanitarium owner.

RHODE ISLAND

> When the inspector comes around a Tea Party is arranged for her—that is the end of the inspection.

These excerpts demonstrate a nonchalant indifference on the part of inspectors, State officials, and HEW to the profuse numbers of violations within nursing homes today.

Who will we protect, the system or the nursing home patient?

Yes, we are condemning our aged to a system that is bureaucratic, impersonal, and totally debilitating.

In their final days, rather than rewards for helping make America what it is, we break their spirits, frustrate their dreams, and cast them aside.

Mr. Speaker, I have an admission to make today.

I have consistently pointed up problems. I have offered few, if any, solutions. I am only hoping that we see fit to create a vehicle which may, hopefully, offer us solutions. This is the least we can do.

I hope this body will join with us in the support of House Resolution 850.

Mr. Speaker, I especially welcome the interest and cooperation of the able gentleman from Florida (Mr. PEPPER) in this matter. Since the gentleman has been delayed in his district, I am pleased to offer his comments and ideas to the House.

Congressman PEPPER has been concerned with the question of medical care for the elderly for many years. In 1943, as a Member of the U.S. Senate, he served as chairman of the Subcommittee on Wartime Health and Education of the Senate Committee on Education and Labor. This committee, as you may recall, recommended the adoption of a national program of hospital and medical insurance.

In the 90th Congress, Mr. PEPPER introduced H.R. 7378 some provisions of which were enacted into law with the social security amendments of 1967. One of the provisions of this bill which was not adopted was the proposal that medicare benefits be made available to people who receive disability benefits. Congressman PEPPER still strongly supports the idea that the disabled person, who has as many, if not more, problems in meeting the cost of his medical care as an older person, should receive medicare benefits directly, without having to go through a VA hospital.

Mr. Pepper is currently considering a method of removing limits, as fixed in the Social Security Act, on the number of days for which benefits may be paid in the three categories of programs: Inpatient hospital care, nursing home care, and intermediate care facilities. These presently enforced limits do not recognize the existence of persons whose illnesses are chronic in nature. It is vital that the Federal nursing care programs be extended to provide the best possible long-term care in such cases. I might also add that hearings are now being held on Mr. Pepper's bill, H.R. 17763, which would add a nutrition program for the elderly to the Older Americans Act of 1965.

Because of Mr. Pepper's deep concern and knowledge of this problem, I find it significant that he shares my view that the Federal Government must begin to meet its full responsibilities in this area, not only by authorizing more funds, but also by strictly administering the law to insure that nursing homes and other federally supported units perform their functions properly. The Federal Government must guarantee that staffs be well trained and qualified and that the facilities be well maintained and utilized.

Congressman Pepper feels, as I do, that the Federal Government has a primary responsibility in the area of nursing and custodial facilities. Federal efforts in this area, while involving cooperation with the States, should not be contingent on the appropriation of State funds for this purpose. Funds in this direction are part of the national commitment to provide comprehensive quality health care for the elderly and the infirm.

I would like to commend Congressman Pepper for his belief that the Federal Government, and in particular the Congress must make the necessary improvements in the current situation and I welcome his continued support in any inquiries we must undertake and any legislation we will recommend.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I just want to say again how much all of us are indebted to the distinguished gentleman from Arkansas for the energy and imagination he has employed to expose the appalling conditions that so many of our older people are condemned to endure in some of these places that are euphemistically called "nursing homes."

He has stirred our consciences, and now we must stir ourselves to act to help these human beings, so many of whom are suffering from the kind of neglect and exploitation that is a disgrace to the land and a tragedy for themselves and their friends and families. I will have more to say about this in the near future. I assure the gentleman that many of us are determined that his efforts shall result in basic changes in those conditions.

Mr. PRYOR of Arkansas. I appreciate the remarks of my friend from New York. He, himself, has always been interested and involved in elderly care. He has done a great deal in this field. We deeply appreciate your involvement and your interest.

Mr. LOWENSTEIN. If the gentleman will yield further, one other observation occurs to me. In some of these "homes" I have been almost as distressed by the attitude of those in charge as by the conditions themselves. There is sometimes an almost cocky attitude that suggests that nothing is going to be done to force them to comply with the law, or to do anything else that might provide decent care and conditions.

This is a part of the scandal too. After all, these are our own old people, who loved us and who cared for us when we were unable to do so, who contributed enormously to the building of this Nation as long as they were able to do so, and who are entitled to live decently for the rest of their lives if anybody is. To exploit these people when they are grown defenseless against such exploitation is outrageous, and it must be stopped.

Mr. PRYOR of Arkansas. I thank the gentleman for his observations.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I would like to join with my colleague in commending the gentleman for bringing such a timely subject to the attention of the Members of the House of Representatives and also to the attention of the people of this country. I had the honor of participating with the gentleman in the well at the last special order that he had pertaining to the nursing home situation in the United States. I know that the gentleman has had a resolution, I believe, that is still in the Rules Committee. I certainly hope that he will have the opportunity to see that that resolution will come out of the Rules Committee and will be brought to the floor of this House where Members will have the opportunity to participate in the debate and to vote on your resolution to create a select committee on nursing homes.

I again commend the gentleman.

Mr. PRYOR of Arkansas. I thank the gentleman from Mississippi, my good friend, for his interest and involvement as well as his commitment to this cause which is at issue today.

Mr. OBEY. Mr. Speaker, each year another 1.4 million Americans turn 65. More and more of them are maintaining their own households, according to the Census Bureau, which reports that the number of persons 65 and over who were living alone—or with others who are not related—increased from 3.2 million in 1960 to 5.2 million this year—an increase of 62 percent.

Yet the number of nursing homes has increased even faster. Their number has doubled in just 3 years—from 12,000 in 1966, to 24,000 in 1969. Three new homes were reported opening each day last year.

Bernard E. Nash, executive director of the American Association of Retired Persons, wrote in the June-July issue of Modern Maturity:

> For many elderly people, nursing homes have seemed to be frightening and melancholy places, synonymous with loneliness, boredom, separation from family patterns, and loved ones—a nightmare of not being needed.

Mr. Speaker, I wish to add my commendation to the many my colleague from Arkansas (Mr. Pryor) has received for bringing the nursing home situation to national attention.

As Mr. Nash said in his article:

> The unpleasant facts must be faced. Stories are coming to light of neglect, or nonprofessional personnel and underpaid staffs, of inhumane disregard for even minimal health care, and of the thoughtlessness about the personal dignity of patients. These stories are painful to hear. But they must be brought into the open for the sake of the neglected patients.

Wisconsin has uncovered a number of problems that have resulted in several hearings getting underway. Many of our nursing homes are doing fine jobs and should be commended. But those that are not can be improved only by being brought under the hot light of public scrutiny.

These stories, the painful ones, obviously tell us only the neglectful side of nursing home existence. They are one-sided. But if to many the nursing home is a nightmarish prospect, the prospect of not being needed, we cannot allow neglect to make it real.

We must try to give our senior citizens some sense of security, some sense of dignity, and a good measure of care which they have a right to expect.

Mr. WOLFF. Mr. Speaker, the past week has brought another tragedy to the elderly. Twelve persons in a Baltimore nursing home have died of an apparent outbreak of food poisoning while 79 have shown symptoms of the disease.

We keep talking about improving the Nation's nursing homes, to insure better lives for the elderly placed under the care of these homes. Yet, tragedy continues to stalk the corridors of these homes.

My distinguished colleague from Arkansas (Mr. Pryor) has been waging a courageous battle to improve the appalling conditions found in the Nation's nursing homes. His efforts have revealed how badly we have neglected the Nation's senior citizens and how much we must do to improve the homes in which we place these people.

I have spoken out on this subject before since I deeply believe we cannot tolerate procrastination in an issue which affects so many lives. Yet, concurrently, it is obvious that with each day that debate continues without subsequent action we permit the continuation of sad situations such as this massive case of food poisoning.

I would like to know how we can permit our citizens and the Federal Government to continue to support the tragedy-ridden institutions which we call nursing homes.

As you know, we spend over $2 billion each year on the Nation's nursing homes. Much of that money has done little more than to perpetuate ineffectual, unhealthy, outmoded, and ill-equipped homes.

A full-scale investigation into the recent nursing home incident will only reveal what we already know too well. Nursing homes must be cleaned up—figuratively and literally. There is no excuse for the deaths of 12 elderly persons. And there is no excuse for congressional lag in forcing nursing home administrators and the whole network of nursing homes to make sure that our elderly receive the best possible care at all times.

Mrs. MAY. Mr. Speaker, although the State of Washington is not perfect, we have a good record insofar as nursing home inspection is concerned. Since 1951 we have had a nursing home licensing law, and the standards have been steadily improving. We have effective inspections by the State Health Department, the Department of Public Assistance—now the Department of Social and Health Services—and by the State Fire Marshal. As a result, the nursing home facilities in my district and in the entire State of Washington are above average, and I am very proud of the job they are doing.

Mr. UDALL. Mr. Speaker, once again I would like to commend the gentleman from Arkansas for his diligent efforts in behalf of forgotten Americans, the aged and infirm who inhabit the nursing homes for the elderly in this country.

Passing years have brought radical changes in our society. The extended family of yesterday hardly exists today. Our emphasis on youth, and the increased longevity of our population have combined to take our old and infirm out of the mainstream of society, banishing them to the fringes of our national consciousness and isolating them in special homes where they are out of sight and all too often out of mind.

I do not believe that the Congress can reverse the trend toward increased use of such facilities. But we can insure that the care received in our nursing homes and similar institutions is consonant with human dignity and with the needs of the almost 1 million citizens who live in them.

It is for this reason that I have joined with the gentleman from Arkansas in sponsoring H.R. 850, which would create a select committee empowered to conduct a thorough investigation of nursing home operations and recommend alternatives and improvements for the future. This committee would not conduct a witchhunt, nor is the purpose of this resolution to indict an entire industry. Rather, we need to deal with abuses which we know exist in this rapidly expanding form of enterprise, to determine how widespread such problems are, and to propose remedies for them.

Many aspects of nursing home operations cry for investigation by such a committee, if the Congress is to meet its responsibilities to promote the general welfare.

First, a large proportion of the financing for nursing homes comes directly from government sources. More than $2 billion a year in tax dollars flow into the nursing home industry, and two out of every three patients in these homes and in homes for the aged are maintained there through Federal or federally assisted programs. We have an obligation to learn what we are buying with our tax revenues.

Second, this industry has become a big business. Largely because of medicare, the number of privately run nursing homes—run for profit—increased from 13,000 to 23,000 in just 3 years from 1966 to the end of 1969—an increase of 77 percent. Nursing home stocks have been a target of speculative buying, with outrageous price to earning ratio of as much as 100 to 1. To my mind there is considerable doubt that health care should be a profit-oriented enterprise because of the obvious temptations to cut corners. At the very least, we can insure that the patient does not suffer in order to pay a bigger dividend.

Third, we need to insure that these establishments are operated under the highest safety standards. All of us remember the tragic fire last January when 32 patients died in an Ohio nursing home. It developed later that this fire was caused by poor quality carpeting which met some government standards, but not others which were also applicable. The Congress has a duty to investigate existing regulations to determine their adequacy, and to insist that they be coherent, sufficient, and adhered to. Similarly, regulations for governing the type and minimum acceptable levels of care are in some cases chaotic and in others nonexistent, and desperately need a detailed and impartial review.

The McNerney Task Force on medicaid and related programs in its recent report to HEW, has suggested additional areas where investigation is required, particularly with respect to performance standards which should be required of contractors providing nursing home and extended care services financed by medicare and medicaid. These suggestions should also be followed up by the select committee proposed by this resolution.

The cost of this proposed select committee is extremely modest—not to exceed $250,000—in comparison to the great services it could provide. We have dehumanized and exploited our elderly. They are truly a forgotten generation, suffering untold misery without an effective voice to make the public aware of their plight. This committee can provide such a voice, and help this Nation meet its just responsibilities.

Mr. GUDE. Mr. Speaker, I, too, would like to commend my colleague from Arkansas for his diligent efforts to remedy the deplorable conditions found in some of the nursing homes of this country.

We as a nation have made great strides in the medical profession towards increasing the individual life span significantly in recent years. In 1940 the life expectancy was 63 years and today, just three decades later, it has jumped to 70 years.

However, we have a corresponding obligation to the senior citizens; we have prolonged their lives, but certainly not for the purpose of subjecting them to the horrendous conditions found to exist in some of the nursing homes in America. Our obligation to our senior citizens, and especially the ones that are ill, must be to make their remaining years as comfortable as possible. They have contributed to building America, and it is only just that America's affluence should carry over to its elderly citizens. Therefore, if an individual is in need of professional care as he or she gets up in years, and must reside in an institution, we should be able to guarantee these people comfort and the needed care that they rightfully deserve.

As Congressman PRYOR has made clear, our system of inspection and enforcement of Federal and State regulations in the nursing homes and homes for the aged is grossly inadequate. As long as these inspection laws remain at the present level of enforcement there will be no change in the conditions.

I feel that each of us, as elected Representatives, have an obligation to our constituents, the young and old alike. Because the elderly are not as verbal, is no excuse for allowing their problems to go unanswered. We might begin to tackle the problem by looking into the nursing home situation in our own districts. I have consulted with the chairman, Dr. George Sharpe, of the Medical Care Coordinating Committee, Montgomery County Medical Society along with Dr. Jules I. Cahan, Dr. Kenneth Cruze, and Dr. John Saia, three representatives of the Montgomery County Medical Society. They have developed a utilization review program which deals with the medicare and Maryland's medicade patients. In addition, the Medical Care Coordinating Committee makes periodic visits to the facilities to evaluate whether the most efficient use is being made of the available facilities and services. Furthermore, the society has a committee which investigates any complaints regarding nursing homes and takes immediate steps to rectify any situation which does not meet its high standards. While there are some homes that need improvement, there are many fine ones that are a credit to Montgomery County and to those who are engaged in the nursing home profession.

So again, I commend our colleague from Arkansas for his leadership in this important aspect of our national life.

GENERAL LEAVE

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. DORN). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL GROVES' GREAT SILVER RAID AND HOW THE AEC FINALLY HIT THE SAWDUST TRAIL AND REPENTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 15 minutes.

Mr. HOSMER. Mr. Speaker, America lost one of its authentic heroes on July 15 of this year when Gen. Leslie R. Groves passed away in Washington. General Groves—God bless his soul—was the caustic, hard-driving Army engineer who bossed the World War II project that developed the atomic bomb. His death came just 3 days before the 25th anniversary of the world's first atomic explosion.

He is rightfully credited by history with having pulled off the most difficult scientific, engineering, management, and construction feat in history. When he was handed the job of commanding the Manhattan project in September 1942, no one knew whether or not he would succeed, least of all Gen. Leslie Groves. No one knew whether an atomic bomb could be built, and they had only a few rough ideas as to how to go about it.

But the job was crucial to the United States. Success on this project was felt to be of inestimable importance, primarily because Nazi Germany was also believed to be working on an atomic bomb.

Groves succeeded through a combination of hard-nosed engineering management and some daring tactics. Typical of his approach was an episode during the early days of the project when he singlehandedly pulled off the greatest Treasury raid in American history.

Groves needed silver—lots of it—and he needed it badly. It was necessary to make coils for the huge electromagnetic separation plant for uranium isotopes he was building at the then-secret site in Oak Ridge, Tenn. He could not use copper, because it was impossible to obtain sufficient quantities during the war.

Groves believed that the key to success of the bomb project lay in developing a process to separate the valuable Uranium-235 from the more plentiful but nonfissionable U^{238}. And like the bereaved man who was asked by a funeral director if he wanted his mother-in-law embalmed, interred, or cremated and replied, "Take no chances. Do all three," Groves was not taking any chances either.

Not a man to be intimidated, even by the atom, Groves was at one time or another working on four different processes to separate the U^{235} isotope. Each process would cost millions of dollars. And as a hedge against failure, he was building some huge reactors to produce plutonium at some unheard of nonplace all the way across the continent in Washington State called Hanford.

But at the moment Groves needed silver. So one day he stormed into the office of Treasury Secretary Henry Morganthau and demanded—demanded—almost all the country's silver supply. What's more, Groves knew where it was because as a West Point cadet, he had learned that the Treasury keeps its hoard of silver ingots up near the Point.

Groves, who was never cited as an example of polite diplomacy, overwhelmed the flabbergasted Morganthau. And he got his silver—427,814,149.02 troy ounces of it to be precise.

He turned the ingots into silver coils which went into the Y-12 plant at Oak Ridge to produce U^{235} for the first atomic bomb test in New Mexico—called Trinity—and for "Fat Man," the bomb dropped at Nagasaki.

After the war when the fledgling Atomic Energy Commission signed a receipt for the Manhattan District's assets, it took possession of well over half a billion dollars worth of silver—in excess of 400 million troy ounces of it. Like Leslie Groves, the AEC quickly developed a deaf ear to Treasury's pleas for return of its silver. About all anyone ever heard of it was an occasional unfounded rumor about the AEC having a lot of radioactive silver.

Then came the great silver shortage of the last few years. The situation was so bad that we had to start taking the silver out of U.S. coinage. Treasury did everything but threaten to sue AEC Chairman Seaborg and his cohorts in order to get its silver back. Finally the AEC relented and by April of last year—1969—it sent back all but a mere 2 million ounces of the silver, the remainder being contained in six magnetic coils still being used at Oak Ridge for controlled fusion experiments aimed at putting the hydrogen atom peacefully to work making electricity.

A little short of 2,145 tons of silver secretly went back to West Point by truck after being unwound from the coils, hacked into strips 28 inches long, 3 inches wide and up to ½ inch thick, and then bailed like so much hay.

Although security was one reason for the secrecy surrounding this shipment, the principal fear was that knowledge of the Treasury's desperate need to recoup its silver might upset the international silver market.

The secrecy was not complete, unfortunately, and that is why I said a little short of 2,145 tons was returned. During early December of 1968, one truck on its way from Oak Ridge to West Point laid up in a storage lot near Newark, N.J. The drivers were required to have the weekend off or get paid double time. And while they rested, persons unknown made off with 4,870.18 ounces of this historic load. To this day the FBI never has been able to find out who it was.

The cargo was insured, but it took some time for Uncle Sam to get his money back. Since the time of the theft was unknown, and since world markets were fluctuating radically at that time, the silver's value at the moment of its theft depended on the precise time it was stolen during the 48-hour weekend.

It took about 4 months' negotiations with the insurance people to decide on a price of $1.976 an ounce and they paid the United States $9,624.76 on March 5, 1969. It is lucky for the insurance company this happened when it did. A few months earlier the price of silver had gone as high as $2.56 an ounce.

So, if you run across some hot—that is not radioactive—silver someplace, around 4,000 ounces of it, please let the FBI know.

To round out this story—after its painful experience with the AEC, the Treasury notified Seaborg that, starting July 1, 1970, the AEC would have to pay interest on the silver remaining in the six coils at Oak Ridge. That did it. They were cut up and sent back—2,003,640.18 ounces of silver—during last April and May, well in advance of the interest paying deadline.

Out of the original total of 427,814,149.02 ounces charged to General Groves, only 260,313.89 failed to get back to West Point. Most of that was lost during the smelting of ingot to coils back in the 1940's and the resmelting for return to the Treasury vaults. That is pretty good materials management over a 28-year period, and just last month AEC paid the Treasury Department $336,802.72—the value amount of the material lost, calculated at the bargain coinage price of $1.29 an ounce.

Thus, over a quarter of a century later, the books are finally closed on Gen. Leslie Groves' great Treasury raid.

"Hi-Ho, Silver."

SIERRA CLUB BULLETIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker, on last Thursday I received the June 1970, issue of the Sierra Club Bulletin, a publication which I thoroughly enjoy and which is produced by an organization I have always supported.

I have introduced legislation to restore the tax-exempt status for contributions made to the Sierra Club. You will recall that this status was revoked by the Internal Revenue Service because of alleged efforts by the club to influence legislation.

In addition, I have consistently supported conservation legislation in which most members of the Sierra Club are vitally interested.

In light of my attitude and consistent support, I was totally shocked to notice an insert in the bulletin, entitled "Environment 1970 and the Vote." This insert was a 100-percent misrepresentation of my attitude on environmental matters.

This issue of the Sierra Club Bulletin listed the votes of every Member of the House on two rollcalls. The first was a vote on the rule on the national timber supply bill. The second was a rollcall vote on the "previous question" for the Department of Transportation appropriation bill. The Sierra Club Bulletin rated a vote against the rule on the national timber supply bill as a favorable environmental vote, and it also rated a vote against the previous question as favorable.

Both of these were purely procedural or parliamentary questions upon which the editors of the Sierra Club Bulletin and others have placed their own interpretations. I disagree with their interpretation and contend that they have misrepresented my position on the two issues involved.

Let us examine these two rollcall votes.

I was against the national timber supply bill, and was committed to vote against it. But the vote was not on the bill itself. Rather it was on a resolution which did nothing more than establish the conditions under which the bill would be debated.

Let us read the resolution itself:

> H. Res. 790
>
> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12025) to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 4 and 5 of said amendment in the nature of a substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, was this a vote on the National Timber Supply Act? It was not, and the Sierra Club is misrepresenting the situation if it contends otherwise.

For the past 18 years, I have never voted against a rule unless I considered it unduly restrictive or defective. I believe the House should have the right to debate and consider a matter and then vote on it. To defeat a rule is to deny debate and free expression. There is no place in a democracy for "gag rules" which stifle debate and discussion.

I resent being classified as against the environment because I believe in orderly procedure.

Now let us examine the second rollcall vote.

During debate on the Department of Transportation bill, I took the floor and clearly stated my opposition to including funds for a supersonic transport. My remarks can be found at page 17309 of the May 28 Congressional Record. I would like unanimous consent, Mr. Speaker, that these remarks which include a colloquy between myself, the gentleman from Ohio (Mr. Minshall), the gentleman from Massachusetts (Mr. Conte), and the gentleman from Illinois (Mr. Yates) be included at the conclusion of my remarks.

These remarks clearly stated my desire to vote against funds for an SST.

During the teller vote on this subject, I voted against the SST and in favor of the Yates amendment to delete funds for that purpose. While teller votes are not recorded, it is interesting that an ad hoc committee which observed Members voting on the Yates amendment, stated that I did vote against the SST. This was reported in the Washington Evening Star for June 1, 1970, and I quote a portion of this article:

> The anti-SST gallery watchers also identified five other representatives who, they say, voted in favor of the Yates amendment, then also voted in favor of the motion to call the previous question.
>
> Those members are Reps. Kenneth J. Gray, D–Ill.; Charles S. Gubser, R–Calif.; Rogers C. B. Morton, R–Md.; William A. Steiger, R–Wis., and John Wold, R–Wyo.
>
> Gubser publicly explained prior to the vote that he would vote for the Yates amendment because he opposed the SST but would not oppose the previous question because he viewed it only as a parliamentary motion. Others in the category apparently felt the same way.

The record vote referred to by the Sierra Club was on the "previous question" which again is a parliamentary or procedural matter. The Sierra Club Bulletin editors had no justification for placing their own arbitrary and substantive interpretation upon a purely parliamentary question. Furthermore, had the editors read my remarks at page 17309 of the Congressional Record, it would have been obvious that they were misrepresenting my position.

Mr. Speaker, I do not wish to conclude that my voting record was intentionally distorted by the editors of the Sierra Club Bulletin, and I will not so conclude; but I must say with regret that these editors did not make a reasonable effort to fairly present my position.

I note in this published voting record that my colleague, the Honorable Paul "Pete" McCloskey, is reported as being paired on the "previous question" vote for a position which was for the environment. This is indeed a fair statement because my colleague has been outspokenly in favor of conservation. But being paired for a certain position amounts to no more than making an expression in the Record of this position. This being the case, I must ask the Sierra Club why it did not, in fairness, state the position which I made during the debate on page 17309. This was also a statement of my position, and it was made in the House Chamber. Had the editors looked beyond the strictly procedural rollcall, they could not have reported me as voting in opposition to the environment. They could easily have determined that earlier in the day the gentleman from California (Mr. McCloskey), and I had both voted by tellers to delete funds for the SST.

The Sierra Club Bulletin says:

> These two votes reveal better than any previous index the degree to which each congressman has committed himself to conservation.

In my case, the opposite of the truth is revealed.

Mr. Speaker, thousands of citizens in my district have been given a 100 percent false impression regarding the degree of my commitment to conservation as a result of this article. I call upon the editors of the Sierra Club Bulletin to do the honest thing, and to correct this unjustified distortion of the truth.

The remarks, found at page 17309 of the Record, follow:

> Mr. Gubser. Mr. Chairman, I move to strike the requisite number of words.
>
> The Chairman. The gentleman from California is recognized.
>
> Mr. Gubser. Mr. Chairman, I take this time for the purpose of urging my colleagues in the minority who will control the motion to recommit to offer it with a specific deletion of funds for the SST. My reason for asking that is that I am personally opposed to the SST at this time because I think there are much higher priority requirements for our national resources, and I would like a chance to express myself on the record accordingly.
>
> Mr. Minshall. Mr. Chairman, will the gentleman yield at that point?
>
> Mr. Gubser. I am glad to yield to the gentleman from Ohio.
>
> Mr. Minshall. As a member of the minority, I would like to say to my good friend from California if that possibility does present itself and the parliamentary situation enables me to present a motion to recommit with instructions to delete the SST money, I will make that motion.
>
> There is always the possibility that I will not be recognized, because of House precedents, in defense to a more senior minority member of the appropriations committee but shall have such a motion at the Clerk's desk.
>
> However, there are certainly parliamentary procedures and customs that might prevent me from doing that. I would merely like to say I think this program should be delayed for at least a year under present conditions.
>
> Mr. Gubser. I thank the gentleman from Ohio. I certainly hope he does have the opportunity he seeks.
>
> I understood that if the motion to recommit does not specifically include this deletion, the gentleman from Illinois (Mr. Yates) will ask for a vote against the previous question so that he would then have the opportunity of offering an amendment to the motion to recommit which would delete funds for the SST.
>
> This would be a very difficult situation, because it will be nationally interpreted—and I might add wrongfully interpreted—as a vote on the issue of the SST when in fact, it is nothing more than a vote on a strictly procedural matter.
>
> Here is where a question of legislative philosophy enters into the problem. We hear a great deal of talk about minorities these days, but let us not forget that they are other minorities than racial. There are political and philosophical minorities as well.
>
> The majority has the numbers, it has the chairmanship of every committee, it has a majority of every committee, and it has a decisive power to which it is entitled because the electorate has bestowed it. One of the powers and one of the checks and balances in our system which is given to the minority so that it can exert a reasonable influence on public policy is the motion to recommit. On at least two occasions within the last week we have seen another, where because of outside interpretation the motion to recommit becomes a vote on an issue instead of a procedural matter. We are about to see another such situation. The sum total of effect is that it takes away from the minority the protection and a right provided under House rules.
>
> It transfers the minority's rightful authority and power to the majority. This is an erosion of fair parliamentary procedure and a dangerous precedent.
>
> I cannot vote against the previous question for these reasons, but I do want to vote against the SST. I cannot adopt the dangerous practice of consistently transferring the rights of the minority over to the majority which already has the overwhelming power to legislate as it sees fit.
>
> I sincerely hope that the minority will give us the chance to record our votes on the specific issue of the SST.
>
> Mr. Conte. Mr. Chairman, will the gentleman yield?
>
> Mr. Gubser. I yield to the gentleman from Massachusetts.

Mr. CONTE. Certainly I am sure, even though I am the ranking Republican on this subcommittee, that if I offer a motion to recommit to delete the SST, the motion would be taken away from me.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think we might appeal to the sporting blood in the House and let the Members vote on my amendment and then let them vote on a rollcall on the motion to recommit.

Mr. TALCOTT. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield.

Mr. TALCOTT. I thank the gentleman for yielding and commend him for taking this special order to inform and clarify the positions often taken by certain groups of lobbyists, particularly the Sierra Club in two recent incidents.

Twice this year the Sierra Club has misrepresented the voting records of many Members of the Congress including myself. Each time the club has tried to excuse its sloppy reporting by claiming inadequate staff or the system of voting in the House of Representatives or both. All three excuses are lame and misleading.

First, a minimum of time, research, and scholarship could have produced a more accurate report of my voting record. I believe the Sierra Club relies on incompetent lobbyists in that they purposefully misrepresent positions to intimidate or embarrass certain Members of the Congress. This method or attitude should be corrected as it will not be successful in the long run.

The gentleman from California (Mr. GUBSER) has quite accurately presented and explained the parliamentary situation occurring during the consideration of the national forest management bill and the supersonic transport amendment to the appropriation bill. I will not reiterate in the interest of time. I concur with his analysis.

My views on both bills were misrepresented. My views were easily ascertainable. The Sierra Club bulletin is not an accurate representation of Members' records for or against conservation measures in general or the records of Members on these two particular issues.

In complete candor I must say that I am not opposed to all management of our national forests. Some management is probably necessary for their protection and conservation. But I opposed the national timber supply bill in the form proposed by H.R. 12025. I said so many times publically and in letters to many constituents.

Also I state that I voted and spoke against the appropriation for the SST on May 28, 1970. I gave my reasons then.

I believe the editors of the Sierra Club Bulletin ought to correct their report of June 1970. I believe they ought to employ more scholarship in their reports. Their readers are entitled to fair and accurate reports. Members of the Congress are also entitled to accurate reports. I shall look for a correction in an early issue of the Sierra Club Bulletin.

THE ROAD TO PEACE IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 60 minutes.

Mr. ROBISON. Mr. Speaker, a sense of disillusionment and frustration afflicts us all when we consider our dilemma in Vietnam. This is not, of course, the first time we have been deeply divided as a nation—nor will it probably be the last—but the ingredients for a spiritual disaster are now all around us, reflecting a failing of the American people generally to believe as they once did in the workings of their institutions.

The tragic war in Vietnam—with its other costs beyond those measurable in blood and treasure—is not the sole cause of this situation. By all odds, however, it must be judged a major contributor to our national unease; for, out of our irresolution concerning that war has arisen what John W. Gardner recently termed the "serious pathologies of dissent—together with the frightening trend toward repression."

None of us who serve in this body can be immune to all this. But, surely, we are charged with the responsibility of doing more than merely succumbing to that mood or adding to it.

Instead, as Mr. Gardner has also suggested:

> Those of us who are in the thick of action must believe we at least have a chance to work for a better future.

Mr. Speaker, it was my recent privilege, by virtue of your nomination, to have been a member of the Select Committee on United States Involvement in Southeast Asia which this House sent to that part of our vastly troubled world. I accepted that assignment with certain misgivings as to what, if anything, we could accomplish, but with the hope—a very humble hope, I assure my colleagues—that out of our mission could come some light to help guide our future path.

The select committee has now rendered its report to the House; not, I think, the best sort of report it was capable of producing, but still one deserving more attention than it has so far received and, absent the publicity given one facet thereof, probably would have received.

Let me not be misunderstood, for there has already been too much misunderstanding about the Con Son Island prison incident and the conditions there that two of our members found and described as "shocking." In now making only passing reference to that discovery, I do not mean to downgrade its importance—nor to suggest that any of us hope for anything less than the early elimination of such conditions. But I do mean to suggest that this incident, which has now been subjected to the full glare of public scrutiny, ought not to be allowed to obscure all the other matters of substance we have to report to you, Mr. Speaker, and to our colleagues.

What are those other matters?

Well, each of the 12 of us will place different interpretations on the various things we saw, and heard, in South Vietnam, in Laos, in Cambodia, and in the other parts of Southeast Asia some of us visited. There will also be differences among us as to the comparative importance of those items.

Nevertheless, I believe it can be said that there is a rough consensus among us as to certain of those items—a consensus the report, as originally submitted, does not adequately highlight. In preparing to try to do that, now, I should add that I have circularized an advance text of these remarks among my fellow committee members, thus inviting them to participate in this special order and to take exceptions, where they wish, to what I will have to say, so that this record may be as accurate as possible under the circumstances. It should be further understood that I have no intention of trying to bind those committee members who cannot, or who do not wish to participate in this exercise so that, where such may be the case, these remarks stand as mine, alone.

With that by way of preliminary, let me begin by saying that I believe all of us were impressed by the apparent gains made under the so-called pacification program. Both metropolitan Saigon and the countryside were far more "secure" than, I think, most of us had anticipated; and, for those of us who have been to South Vietnam before, as I had not, demonstrably more so than at the time of our previous visit or visits. As is noted in our report, perhaps the best evidence of this is the manner by which committee members, themselves, traveled at will throughout the countryside—and much of the time without any sort of military escort—and, if surface appearances mean anything, to most of us the vast majority of the South Vietnamese people now seem to be leading fairly normal lives, if there is such a thing in a nation at war.

Most of us were equally impressed by at least the statistical evidence of the progress that has been made toward training and arming a regional and popular force—comparable to our National Guard—of over 500,000 individuals. This force is supplemented by a somewhat questionably named "combat-ready" people's self-defense force—that can be likened to a local militia—with a strength of over 1 million persons sharing something like 350,000 miscellaneous firearms among them. The mission of these paramilitary forces, in the training of which U.S. military personnel have assisted, is to help restore and then maintain security in the countryside.

The question of political stability has always had a special pertinency for anyone seeking to gage South Vietnam's chances of surviving on its own—a subject on which I shall have more to say in a moment. Nevertheless, the mere fact that the present government has strongly promoted this program of arming the populace bespeaks something about its own self-confidence in the future.

But, as our report indicates—and I would now encourage those who have not yet read it to do so—the pacification program is not without its rough spots, nor by any stretch of the imagination can the progress made under its several facets be considered as permanent in nature. Nevertheless, I believe there was a consensus among us to the effect that the pacification program is working and that, if the presently favorable climate for its continued progress holds, one can look for further, substantial gains to be made under it during the next 6 months or so.

I have purposely adopted a timeframe of 6 months because I believe there was also a consensus among us to the effect that the Cambodian sanctuary operation—or "incursion," if one prefers—was a clear, if temporary, military success in terms of giving both the pacification program and its companion, the Vietnamization program, at least that much more time within which to show further progress.

Our general optimism in this regard, however, has to be tempered by the new uncertainties that have been brought into the overall picture by the spreading of the war into Cambodia, itself, now. Since there were obvious differences of opinion among us with respect to this aspect of the Cambodian operation, I do not believe it useful to try to pursue a committee consensus concerning what our policy should be toward Cambodia. It desires to be noted, however, that none of us—so far as I could ascertain—appeared willing to support direct military assistance to the Lon Nol government even if, without such assistance, it might fall to the Communists. Instead, most of us appeared to favor encouraging the kind of regional, self-help defense efforts that Representative KEITH discusses in his helpful separate views—provided, of course, no shorter route to peace for Indochina can be found by way of some form of political settlement.

However, getting back to South Vietnam, I think it can be said that, while most of us saw a successful pacification program as being essential to the government's survival, we came away from Vietnam keenly aware of the fact that such survival also depends on its people's ability to erect a viable economy and to bring order out of its presently chaotic political system.

On this dual question, I believe there was unanimity among us to the effect that South Vietnam now faces a complex economic problem which poses a greater threat to it than any military threat at the present time. This problem, with its attendant political consequences, is concentrated in Saigon. In this sense, Saigon represents one economic and political problem and the countryside quite another—something all of us might well try to bear in mind as we project the political future of a Thieu-Ky regime that seems to have decided to run the risk of pacifying the countryside first, before dealing with its internal but Saigon-oriented economic concerns.

This is a substantial political risk. Evidence of growing discontent with the Thieu-Ky government abounds, at least in Saigon, where student dissenters have stepped up their attacks on the government as being "corrupt, unjust, and dictatorial," disabled war veterans have been pushing their demands with equal vigor, and there are growing threats of labor strife. Inflationary pressures—and the political reaction thereto—require the immediate attention of both the government and the National Assembly, but there are signs of an early response. In the meantime, political opposition to President Thieu grows but, with South Vietnam's plethora of political parties, fails to coalesce around any one potential opponent.

So I would also also venture to say that, after observing all this, most of us saw no political alternative to President Thieu at the moment. Some of us did talk, in Saigon, to representatives of the several important Buddhist factions, which have spearheaded earlier "opposition" movements but now seem more politically cautious. Some of us also talked with leaders of the so-called "Third-Force" movement which argues that there should be some middle-ground choice for the people of South Vietnam between the Vietcong, on the one hand, and a government with as little popular support as Thieu-Ky enjoy, on the other. This suggestion seems to have considerable appeal to those South Vietnamese who are politically aware—a state of mind that may exist now in Saigon but is rare, except on a purely local level, in the countryside. And it is in the countryside where the support President Thieu can count on next year through his personally appointed province-chief-to-district-chief apparatus would seem to guarantee his reelection, hands down.

Of course, President Thieu needs—as we have often been told—to "broaden his political base," even if only in his own self-interest. There may be ways we could use to better encourage him to do so—though it would be my personal observation that he is far less of an "American puppet" than some people have pictured him. But, even if this should be a desirable thing for us to be promoting, one supposes the same thing could be said with regard to Thieu's potential opposition, all of which could get pretty sticky if we really mean what we are saying about turning this war—in all its aspects—back over to the South Vietnamese.

Whatever commitment we have in South Vietnam is to its people, and certainly not to the Thieu-Ky regime. However, to those who have been arguing that all we need do to restore peace to Vietnam is to "withdraw our support from Thieu and Ky," I would say it is not as simple as all that. The Thieu-Ky regime exists—even as does the war itself—and I see no practical way of withdrawing our support from that government, whatever its faults may be, unless we are prepared, simply and more or less precipitately, to withdraw from South Vietnam altogether; something I do not believe a majority of our citizens is presently willing to support.

What, then, can and should we do?

That question brings me, finally, to the Vietnamization program—under which we are trying to "de-Americanize" this conflict, in both its military and political aspects, in such a way as to make whatever government there may be in Saigon increasingly responsible for what happens next in South Vietnam. It is impossible for us to write this particular script—much as we might like to—for the one lesson we should by now have drawn from this whole, unhappy experience is that our power, that has sometimes seemed limitless to us, just does not extend that far.

Mr. Speaker, in the supplemental views I submitted to accompany the committee's printed report, I addressed myself at some length to certain of the developing problems, as I saw them, with regard to the Vietnamization program. In order that easy reference may be had thereto, I now ask unanimous consent that those supplemental views be made a part of these remarks, at the conclusion thereof.

In those views, I ventured to say that our committee—while expressing its general support for the concept of Vietnamization—had not sought a consensus as to whether or not it felt this key program could, and should, be accelerated. Instead, we contented ourselves by merely noting that: "As far as ground troops are concerned, America should continue its withdrawal program at least as fast as is now scheduled."

Perhaps it would have been impossible for us to have arrived at a more specific agreement on this very important question. However—and this is a point I wish to stress—it now appears from several of the supplemental views as submitted by individual committee members, that more than a few of us were of the opinion, on leaving Vietnam, that the rate of our withdrawal, first from participation in ground combat, and then in terms of artillery and air support, both could and should be accelerated. It was my own opinion, as set forth in my supplemental views, that we ought to aim with more precision than we have, as a matter of policy, to be out of all ground combat activities in South Vietnam before next May 1, and to phase out the balance of our direct military support activities in Vietnam by July 1, 1972—getting down by that date, I might now add, to certainly no larger a residual military presence in South Vietnam than whatever logistical and liaison personnel might be needed in the event—absent a prior political settlement—we were then still aiding South Vietnam through programs of military assistance or supporting assistance.

The main thrust of President Nixon's policy toward Vietnam would clearly seem to be running in this same direction—and the President may well have a roughly similar timeframe for withdrawal in mind though, for obvious reasons, he does not wish to commit himself publicly to it. Those reasons, one must assume, center around his felt need to keep the timing of our exit from South Vietnam flexible enough so that our remaining forces there would encounter a minimum of danger, and so that what might be called a "power-vacuum" would not be created overnight. In addition, the President quite likely sees some value in using Hanoi's uncertainty as to our precise intentions as a lever to encourage it in the direction of a political settlement.

In light of all the attendant uncertainties—and Mr. Nixon's special responsibilities as Commander in Chief of U.S. troops that were committed to actual combat by someone other than he—I do not see the President's position as being unreasonable. Indeed, it is a position with certain advantages.

However, there are certain disadvantages as well—both to the President and to the Nation. The same uncertainty that may work as a positive lever on Hanoi to move it, at last, toward meaningful negotiations, provides us with little more than negative leverage on the Thieu-Ky government—and the other, diverse and divided political elements in South Vietnam—in order to convince them, all, of the fact that we are, indeed, "going home," and that there is an urgent necessity for them to pull themselves together. They must decide, within a shorter period of time than they now seem to contemplate, what kind of political arrangements in the South are supportable on a long-term basis without substantial, continuing U.S. military assistance.

Mr. Speaker, we of this Congress have been privileged—whether we have appreciated it or not—to be participants or mere bystanders in an historic foreign-policy debate. That debate still goes on, as it should, concentrating on the very difficult questions relating to the congressional power to "declare war", and the powers and responsibilities of the President as Commander in Chief once our Armed Forces are actually committed to combat in a war, whether formally "declared" as such or not.

In this instance, this debate is complicated by the fact—no matter how some of us may deplore it—that our Armed Forces are already deeply involved in a shooting war in South Vietnam; a war that now threatens to spill over into other parts of former Indochina.

There are those among us who propose that we should mandate upon the President, as Commander in Chief of those forces, a date by which they must all be withdrawn from that conflict; letting, as it were, the "chips" thereafter fall where they may.

At the same time, there are those others among us who—with equal sincerity—share the President's concern about the possible effect of a withdrawal deadline upon the safety of our last-remaining troops in South Vietnam and see the responsibilities we rightly or wrongly have assumed for the people of South Vietnam as requiring something more of us than merely leaving the scene of combat, now that we no longer find it to our liking.

And, therein—as I see it—lies the fatal flaw in the policy we call "Vietnamization," or in a mere withdrawal from the conflict. For a policy of withdrawal, standing by itself, fails to deal with the central, political issues underlying the Vietnam conflict, almost certainly forecasts continued political and military strife in South Vietnam even after all our troops have departed therefrom, and totally fails to address itself to the developing and disturbing problems now engaging our attention in such other parts of former Indochina as Laos and Cambodia.

Mr. Speaker, these are the dimensions of our present dilemma—as best I can state them; and a most difficult and agonizing dilemma it is.

However, as I said in the beginning, we "who are in the thick of action" must believe we can do something constructive to help resolve it.

The way things have shaped up, the legislative alternatives at the moment would seem to be a mandated withdrawal deadline, as proposed in House Resolution 1000—and in the Hatfield-McGovern-Goodell-Hughes counterpart thereof in the other body—or no action at all. I say this because I do not believe that even the most ardent supporters of House Resolution 1000 believe it has a chance in this body and, despite the intensive national campaign being waged in behalf of its Senate counterpart, most objective observers now see only a slim chance for that proposal, especially since the so-called "Cooper-Church" debate.

Should this assessment prove correct, Mr. Speaker, then this Congress will end its days—like its immediate predecessors—having totally failed to address itself to our problems in Southeast Asia in a positive and constructive fashion.

I believe we must do better.

I believe we must undertake to share with the President the burden of shaping our national purpose abroad in this troubled world, and that enough time still remains in this session for us to begin to do so.

Accordingly, I have today introduced a concurrent resolution, the text of which is as follows:

H. CON. RES. 698

Whereas the United States of America heretofore undertook, wisely or not, to guarantee the right of the people of South Vietnam to "self-determination" in the face of what was considered to be externally-supported aggression; and

Whereas the people of the United States of America accordingly have made an unprecedented effort and sacrifice in support of that ambition including, despite the absence of any formal declaration of war on the part of the Congress of the United States, acceptance of a direct combat role for the armed forces of the United States of America in the aforesaid conflict for a longer period of time now than any other war in which they have ever been engaged; and

Whereas, while the people of South Vietnam have suffered grievous losses as a result of this protracted conflict, the number of American servicemen wounded in action in South Vietnam and adjoining areas already exceeds those wounded in World War I and the combat deaths of American servicemen in South Vietnam and adjoining areas will, at the present rate, also shortly exceed those sustained in World War I; and

Whereas it would seem that the people of the United States have met, many times over, whatever commitment they may have had to the people of South Vietnam; and

Whereas the Constitution of the United States expressly delegates to the President of the United States the authority to act as "Commander in Chief of the Army and Navy of the United States . . . when called into the actual service of the United States"; and

Whereas the President, acting in his capacity as Commander in Chief of such armed forces, is currently pursuing a policy of gradual withdrawal of United States armed forces from both a direct combat or combat-supporting role in the aforesaid conflict, which policy is generally referred to as a policy of "Vietnamization" and includes the physical withdrawal of United States troops from South Vietnam and adjoining areas; and

Whereas the President has reported and other observers have confirmed that United States efforts to train and equip the armed forces of South Vietnam, in order to prepare them to assume full responsibility for securing internal order in their nation and the full burden of combat in protecting it against continued, externally-supported aggression, have been proceeding satisfactorily and that progress thereunder, so far, has even been exceeding our original expectations; and

Whereas, in furtherance of such policy and in light of its progress, the President, as Commander in Chief, has already physically withdrawn over 115,000 United States troops from South Vietnam and adjoining areas and has announced plans for a further reduction of 150,000 troops therein on or before May 1, 1971; and

Whereas this policy of a gradual withdrawal of the United States military presence in South Vietnam, leading eventually to a total military withdrawal therefrom, appears to now be our official policy regarding South Vietnam even though the same has not yet been formally recognized or endorsed as such by the Congress of the United States; and

Whereas there is broad support among the American people and within their Congress for such a policy of withdrawal, and a developing consensus to the effect that the United States has now done about all it can, militarily speaking, for the people of South Vietnam and that the time is fast approaching when they should be left to their own devices and determination; and

Whereas there are wide differences of opinion within the Congress regarding both the Constitutional and practical limits of the President's powers and responsibilities as Commander in Chief, especially when considered in conjunction with the broad powers and responsibilities concerning foreign policy separately delegated under the Constitution to the Congress, including specifically its sole power "To declare War . . . (and) To raise and support Armies"; and

Whereas those differences of opinion now largely center around the question of whether or not the Congress can or should, in a situation such as that now pertaining in South Vietnam, mandate upon the President, as Commander in Chief of United States armed forces already committed to combat, a date or deadline by which they should all be removed from such combat, and

Whereas it appears unlikely that this question can be satisfactorily resolved one way or the other in the 91st Congress, now meeting in session in Washington, thus leaving open for the time being many questions concerning our Government's official policy regarding South Vietnam to which this Congress should nevertheless address itself in as positive and constructive a fashion as possible; and

Whereas a policy of "Vietnamization", standing by itself and no matter how successful, automatically raises certain questions, among which are: (a) Whether or not it is intended to be irreversible in nature; (b) Its failure to deal with the central, political issues underlying the Vietnam conflict, thus forecasting continued political and military strife in South Vietnam even after all United States troops have been withdrawn therefrom, and (c) Its failure to address itself to the developing and disturbing political and military problems now engaging our attention in such other nations of former Indochina as Laos and Cambodia; and

Whereas the President has repeatedly pledged, as did his predecessor, that "we seek no wider war" in Southeast Asia and, furthermore, has recently reaffirmed as a matter of national policy the fact that, in his words: "A political settlement is the heart of the matter . . . (and that) is what the fighting in Indochina has been about over the past 30 years"; and

Whereas the burden of United States efforts to bring peace to South Vietnam and to Southeast Asia, generally, whether those efforts are to be successful or not, should not fall solely on the President of the United States, but rather should be a responsibility shared both by the President and the Congress of the United States; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby declares that it is the national policy to avoid any further enlargement of the present conflict in South Vietnam and to do everything possible to bring a just peace to South Vietnam and to Southeast Asia, generally, by virtue of a negotiated settlement of the political issues now dividing the people and the nations thereof; and be it further

Resolved, That the Congress hereby declares its support of any and all efforts made or to be made by the President, and encourages further efforts on his part, to achieve such a negotiated settlement, including efforts to arrange a cease-fire in South Vietnam and surrounding countries and including efforts to involve the United Nations in whatever way can best encourage an end to this war; and, pending any such form of settlement, be it further

Resolved, That the Congress hereby declares that it is the national policy to continue, on an irreversible basis, United States troop withdrawals from South Vietnam and adjoining areas, and be it further

Resolved, That it is the sense of Congress that all American servicemen in South Vietnam or adjoining areas should be withdrawn from any and all participation in ground combat activities therein on or before May 1, 1971, except insofar as it may be necessary for such troops remaining therein after such date to defend themselves or their positions; and be it further

Resolved, That it is further the sense of Congress that all other American servicemen, including those specifically engaged in combat-support activites, should be withdrawn from South Vietnam or adjoining areas on or before July 1, 1972, and be it further

Resolved, That the Congress hereby reaffirms its constitutional right and responsibility of consultation with the President on all matters mentioned within this resolution, and fully expect to be included in the decision-making process on all matters, now and henceforth, affecting grave national decisions of war and peace.

Mr. Speaker, as you can see, the resolution reestablishes—as the primary goal of our policy for Southeast Asia—the search for a negotiated settlement of the political issues now dividing the people and the nations thereof, and it then goes on to support the initiatives the President has already made in this connection and encourages such further "new initiatives" in this direction as he may deem fruitful.

Next, the resolution adopts "Vietnamization"—pending such a settlement—as a national policy, which is something Congress has not yet done, and undertakes to describe our military withdrawal from South Vietnam under that policy as being "irreversible" in nature even as various administration spokesmen have described it.

Finally, the resolution addresses itself to the totality of our intention to withdraw militarily from South Vietnam and sets forth the sense of Congress—without attempting a mandate—as to the timeframe within which that process should be completed. In so doing, it retains for the President the flexibility to maneuver that he ought to have as Commander in Chief, while at the same time giving him some needed additional leverage in order to "Vietnamize" the search for peace in Saigon even as we are now seeking to "Vietnamize" whatever may remain of the war, itself.

Mr. Speaker, I have no illusions. I offer no panacea—no "instant solution" for our problems in Southeast Asia.

I have no particular pride of authorship in the resolution. I am not wedded to its language, and it is obviously subject to improvement.

But I hope and believe I have offered a reasonable and attainable legislative suggestion that is wholly in line with our basic responsibilities in the field of foreign policy—as well as something that, prayerfully, might somehow advance that desire for peace that is common to the people of Southeast Asia and the people of the United States, alike.

I include the following supplemental views:

Supplemental Views

(By Representative Howard W. Robison, New York, to accompany report to the House of Representatives by "the select committee on United States involvement in Southeast Asia," as filed for printing on July 6, 1970, and referred to the committee of the Whole House on the State of the Union)

Although I was one of the sponsors of the resolution creating a "Select Committee on United States Involvement in Southeast Asia," and one of those voting for that resolution as it passed the House on June 15, last, I had not sought assignment to that committee. This was largely because I had certain reservations about what such a committee could really accomplish, certain doubts about whether such a committee, when appointed, could be truly representative of the wide differences of opinion so apparent both in Congress and in the Nation relative to what our role in Southeast Asia should be, and certain fears that such a committee, like other "fact-finding" commissions before it, would not be able, despite the best of intentions, to take a fully-free, independent and objective look at our situation in South Vietnam and other pertinent parts of Southeast Asia.

However, when I was asked by the Minority Leader to serve on the committee I felt obligated to do so—and to do so to the best of my ability—while still recognizing the inherent shortcomings in any such effort.

It was a challenging assignment, and turned out to be a fascinating and personally valuable experience—an experience which much after the nature of my own military service in World War II, I would not want to have missed but would not particularly care to repeat.

Each member of the Committee, I believe, it can be said, entered upon his duties in as objective a manner as possible; being willing to work, and to work hard, at those duties, and being hopeful, as well, that despite all the ambiguities and contradictions we knew we were to encounter we might still return with something of value to report to the House, and to the Nation.

I am proud of the way our committee—and all of its members—worked at our assignment. Our Chairman, "Sonny" Montgomery, was a tireless, but fair leader; and each individual Committee member had a free hand to do or suggest, whatever he felt might be an effective means by which to advance our overall efforts. To a large extent, then, each of us charted his own course in Vietnam (and elsewhere in Southeast Asia)—sometimes singly and sometimes as a "team" member—fanning out so as to cover, in a way I believe no other such study commission has attempted, more aspects of the United States involvement in those areas than any of us had originally contemplated. We therefore have, individually and collectively, a uniquely large portfolio of notes and information that—though each of us might draw different conclusions therefrom—ought to be of considerable value to this House.

Also, by virtue of the method of operation we adopted, the information we have rests, in my judgment, on a sounder and more-objective basis for analysis than comparable information heretofore brought back by other such study commissions. This was possible because we deliberately avoided publicity which might hamper our attempts at fact-finding, and we also avoided situations whereby a stage might be set for us to find only such "facts" as someone desired us to have. On most occasions, then, our drop-ins on civilian and military personnel at American posts were just that: Drop-ins, with little or no advance notice. Similarly, we postponed the large, formal briefings such a group could inevitably expect—and also needed somewhere along the way—until after we had spent a good many hours out "in the field," so to speak, discussing matters with the subordinates of those higher-ups who would eventually brief us, and plumbing in a "one-on-one" basis for the personal opinions of diverse individuals, so that when those formal briefings came, there could be a real dialogue, rather than the usual "one-way street."

I thoroughly approved of this manner of operation, but criticism of our efforts, perhaps inevitable, has already come. One such critic has declared that we had "too many military briefings." Whether we did or not is a matter of opinion—but, in light of the fact that we are, as a Nation, deeply involved militarily in Vietnam and indirectly so in other parts of Southeast Asia, a substantial number of military briefings was unavoidable. In any event, as a glance at the listing of individual or "team" contacts made by the committee will show (which summary, I understand, will be made an appendix to this report in its final form), the military briefings were more than outnumbered by the contacts we developed on a more personal basis with a great number of individuals with dramatically divergent viewpoints.

But, however this may be, the larger problem we encountered—and the area in which I, for one, believe we are subject to valid criticism—was in attempting to convert our notes and our individual observations to suitable report form. In that connection, the report we have submitted is—I regret to say—woefully inadequate.

This is the fault of no one in particular. It lies, instead, in the decision of a majority of us—which decision I questioned—to try to put our "report" together on the return plane trip home. Our accumulated fatigue—both mental and physical—contributed to the obvious difficulties inherent in such a situation. At best, what we could have hoped to do—and what I believed we were attempting to do—was to work, again individually and as teams, at rough drafts of the various sections or titles to be included in our final report. It was my further understanding that these drafts were to be put together for us by our staff people over the weekend following our arrival back in Washington, and later taken up by us, meeting in regular committee fashion, to see if we could then put them in final—and proper—report form. Instead of that, the so-called final "report" was filed for us on Monday afternoon, July 6th. At that time, so far as I know, few if any members of the committee other than the Chairman had seen the "report" in its entirety.

It is therefore inaccurate to state—I again regret to say—as is stated in the introduction to the report as filed, that it ". . . represents a consensus of the views of the committee."

At best, under the circumstances, the report can represent only a rough consensus of the views of some of the members of the committee.

I regret this because our failure to reach for a broader consensus among ourselves can only frustrate our desire to be of substantial service to our colleagues. Perhaps, such a consensus would have been impossible to attain in any event, but we ought at least to have tried since any report of this nature automatically loses much of its effectiveness when it is accompanied by a plethora of individual or supplemental views such as these I now feel constrained to add to it:

THE ECONOMY OF SOUTH VIETNAM

In general, I approve of the matters and conclusions as set forth in the report under this heading.

Several times, different sources advised us that, in their opinion, the urgent economic problems faced by the government of South Vietnam constituted a far greater danger to its survival than any current military threat.

This economic crisis—centered around galloping inflation—has its greatest impact in Saigon and the other urban areas of South Vietnam. In the "countryside", many day-to-day transactions are conducted by traditional methods of barter, rather than for cash, and "black-market" operations of the sort so prevalent in and around Saigon are rare.

This contrast points out an important distinction: In considering the overall problems of South Vietnam, it is quite readily apparent that Saigon is one part thereof, and the "countryside" quite another.

It is possible that our committee spent too much time examining the problems of the "countryside," and too little attempting to understand the true nature of Saigon's internal difficulties, many of which relate back to the overwhelming presence the United States has so long maintained there. Our authorities in Saigon are wisely attempting to gradually reduce that "presence," and committee members who had been to South Vietnam before commented favorably on the vastly reduced numbers of American "GI's" seen nowadays on Saigon's streets. In another section of our committee's report—on which I shall have no further comment—it is suggested that American civilian personnel (including the personnel of contractors) in South Vietnam should also be reduced. Since most of these American civilians are in and around Saigon, again, and the numbers of them are all too apparent, I heartily concur in that recommendation.

In any event, before I left for Vietnam one of our other colleagues, not named as a member of our committee but a fairly recent visitor himself to Vietnam, asked me to inquire as to whether or not it was possible that, under existing programs, the present government of South Vietnam might "win" the countryside while "losing" Saigon. It would now be my observation that this is altogether possible, given the rather apparent success of the pacification programs in the rural areas alongside the growing dissatisfactions and political unrest now capturing daily headlines in Saigon's newspapers. But I left Saigon with the definite impression that the Thieu-Ky government has decided to take a calculated risk in this connection—giving priority, wisely or no, to an acceleration of the more rurally-oriented pacification programs, while hoping in the meantime to ride out the gathering political storms centered in Saigon and the nation's lesser metropolitan areas.

I would consider this to involve a rather substantial risk—and, certainly, not one that we should discount in attempting to look at South Vietnam's immediate political future. For the fact must be stated plainly: South Vietnam's economic problems, and the social unrest caused thereby, are already severe and getting worse. Furthermore, those problems cannot help but be accentuated by the gradual American withdrawal. Strong measures need to be taken by the Thieu regime if these aggravated conditions are to be mastered, and Ambassador Bunker and his staff need to work as cooperatively as possible with that government—or its successor government—to ease the economic pains of our withdrawal. It will not be easy, and I am not particularly sanguine about South Vietnam's ability to find its way through to a state of "economic health," as our report puts it—but I am not prepared to say it cannot be done.

PACIFICATION

As a member of the select committee, I was particularly interested in this subject; I worked on this section of the report as filed and, since most of what I submitted in this regard was accepted by the other members, only a few additional comments are now needed.

I would like to preface those by saying that one of the more-productive days I spent in Vietnam was when John Paul Vann, DEPCORDS in the IV Corps (the Delta) section of South Vietnam, allowed me to accompany him on a routine inspection trip by automobile—and without military escort—from Can Tho, where we had spent the previous night, down Route 4 some 160 miles to the little city of Ca Mau, in An Xuyen Province.

Vann is an extremely interesting and knowledgeable man—regarded by some as the "Billy Mitchell" of the Vietnam war, for it was he who resigned his army commission some years ago to protest the Army's strategy of trying to fight a war of insurgency with a sledgehammer instead of a scalpel, only to return to Vietnam to take an active role in shaping the "pacification" program. As we drove down Route 4, he spoke at length of the Delta's war history. According to Vann, 2 million of the Delta's 7 million people were under VC control 2 years ago, as compared to only an estimated 167,000 now. Even a year ago, no American in his right mind would have attempted the trip we were making, even in daytime, without a heavy armed guard. Vann himself was ambushed and wounded by the VC while travelling by motor-bike down Route 4 only nine months ago. Matters have steadily improved until now—as I saw with my own eyes—most of the residents of the Delta were living quite normal lives.

This progress towards securing the countryside is all the more remarkable because of the fact that "Vietnamization"—pacification's corollary—is virtually complete in the Delta, our ground combat forces having been pulled out of action there nearly a year ago. Some 23,000 U.S. military personnel still remain in the Delta—once the heartland of the Communists' entire efforts to take over the country—but they are performing strictly a support and logistical function. With Vann, I stopped at several local units of CORDS (Office of Civil Operations and Revolutionary Development Support)—as we moved freely in and out of small cities and villages, as well as provincial capitals, along the way. I made a point of talking with as many of the military and civilian "advisers" in these units as possible on a "one-on-one" basis—out of Vann's hearing—and was impressed (as I was at numerous similar stops on subsequent days in other part of South Vietnam) with their sense of dedication to, and satisfaction with, the job they were performing. I particularly recall a young second lieutenant with whom I talked in one small district town (in Bac Lieu Province, I believe) who, when asked by me if he thought the pacification program was worthwhile and had a chance of success, replied, "Yes, Sir; very much so. We're making peace here, Sir—not war."

Perhaps we are, finally, "making peace" in South Vietnam in this fashion. Surely, this shift away from a "body-count" objective and towards the objective of trying to win the "hearts and minds" of the countryside's residents—through the several facets of the pacification program—is a far sounder policy than the "big war" strategy we once pursued, with its inherent if unspoken concept of somehow thereby winning a "military victory" in and for South Vietnam.

However, whether or not "peace through pacification" is an attainable goal or just another illusion among the many from which we have suffered throughout our tragic experiences in South Vietnam, is still largely an unanswerable question. I tend to think, now, that—given enough time, and given the full support of the South Vietnamese government as well as of its people—a peace of sorts can be brought in this fashion to the people of South Vietnam.

But it will take additional time—and will cost additional lives—and perhaps more patience on the part of the American people than a majority of us are willing to give to the difficult task of trying to put back together a little nation that we have come close to destroying in our former attempt at "saving" it.

Pacification rests on a tenuous foundation, of course, but on a sounder one than we have previously attempted; a program whose level of success will, by any system of measurement, continue to go up and down since we still face a highly-mercurial situation in Vietnam. But it is also a program that—should the presently-favorable climate for it in Vietnam somehow hold—just might succeed.

VIETNAMIZATION

But pacification is only half of our policy for disengagement from the conflict in Vietnam—the other half being "Vietnamization."

For someone who believes as I have for some time, that we have done just about all we can, militarily speaking, for the people of South Vietnam in their long struggle for self-determination—and for someone who believes, as I also have for some time, that we should now leave them to their own devices and determination, and in-depth study of our progress at "Vietnamization" of the sort we attempted could only produce mixed emotions, at best.

As the committee report suggests, that process is certainly "progressing" and it would appear that, as the report also states, ". . . all levels of our military command are planning to meet (the currently-announced) withdrawal schedules."

The committee did not seek a consensus—which might have been impossible to achieve—as to whether or not the Vietnamization process could, and should, be accelerated. Instead, it contented itself, in the report, with merely noting that: "As far as ground troops are concerned, America should continue its withdrawal program *at least as fast* as is now scheduled."

At the risk of putting words in others' mouths, I believe that several of us left Vietnam convinced that this withdrawal program, at least in the area of ground combat, could and should be accelerated. I, for one, fall into that category. There is no question in my mind but that the military situation in South Vietnam today is better for both the U.S. and the South Vietnamese than as any time since American units first entered the war in the summer of 1965. In addition, the South Vietnamese fighting units have undoubtedly gained new self-confidence as a result of their role in the Cambodian-sanctuary operation. The only thing that would appear to prevent us from capitalizing on these facts is the new uncertainty brought into the picture by the external threat now to Cambodia, itself. Irrespective of this uncertainty, however, I believe it would be useful for purposes of encouraging the South Vietnamese people, and particularly their political community to finally pull themselves together, if we were to announce as soon as practicable further troop reductions beyond those already now scheduled to take place before next May 1st.

There is a risk in this, of course, just as there has always been with regard to our decision to withdraw from combat and turn this war over to those who alone—albeit with our logistical help—can win it. But I think we should certainly aim more precisely at being out of *all* ground combat (except insofar as remaining U.S. units might have to defend themselves) within a *year* from now; and I also think that we should aim to phase out the balance of our military support activities, except perhaps for a residual group of advisers and logistical aides, within two years from now, rather than the three or four years some of our military people projected for us.

In this connection, I was especially impressed with our Navy's procedures for turning their "in-country" mission over to the South Vietnamese navy. These procedures are described in the report under this title. Admittedly, the Navy may have faced an easier Vietnamization problem than either the Army or the Air Force, but the Navy's program is now 80 percent complete and will be fully completed by December of this year, with the exception of larger combat ships and the completion of training of SVN navy personnel to take over maintenance and operational procedures. Navy, thus, is now nearly out of the "combat business" in Vietnam, as evidence of which stands that fact that only some 20 percent of the over 225 assault craft taking part in the Mekong portion of the recent Cambodian operation were USN vessels. Surely, there is something here that both our Army and Air Force people might endeavor to copy.

There are still other ways by which the process of Vietnamization could, I think, be accelerated. One of the things I shall always remember about my ride down Route 4 to Ca Mau is seeing U.S. Army Engineer units, and personnel, working on repairing and rebuilding portions of that heavily-travelled highway in the noon-day heat and humidity while South Vietnamese natives lay in their hammocks—during their customary "siesta" time—on the front porches of their homes along that road. There are many paradoxical things about this war that future historians will puzzle over—including the fact that we were drafting young Americans to fight and die in it long before the nation we sought to help had instituted its own system of military conscription. But it is equally paradoxical for us to draft young Americans to spend a year of their lives in Vietnam working with pick, shovel and rake at building roads for the South Vietnamese—who are by no means a lazy people. I can well understand why our Engineers cannot turn heavy road-building machinery, complicated to operate, over to untrained South Vietnamese. But there is no reason why we cannot hire South Vietnamese, who need the jobs anyway, to take over the manual labor that our people—here and elsewhere in Vietnam—are doing, and thus reduce our need for continuing to send draftees to work, if not to fight, in Vietnam.

One final word about the Vietnamization process: It could well be that we have so "Americanized" the South Vietnamese Army that it cannot, at any foreseeable time, be maintained by the people of South Vietnam. The question needs to be asked: "Have we so re-made ARVN in our own Army's capable but elephantine image, with its long longistical tail and its expensive array of equipment, as to make it impossible for the South Vietnamese to carry on 'their' war, if need be, in a way compatible with Vietnamese capabilities and resources?"

The question is worth pondering, and it is one that deeply concerns the responsible senior staff officers of the Vietnamese Joint General Staff with whom I talked. They realize they simply cannot afford to continue to fight, after we have gone, in the same ways we have, even with such material and economic assistance as they hope we may still provide.

Unless, then, we are prepared to commit ourselves to a support function in South Vietnam longer than I think we are, and if disengagement on our part is intended to be something more than a simple abandonment of the responsibilities we assumed, wisely or not, for South Vietnam, some redefinition of "Vietnamization" along these lines ought to be attempted.

It would also be helpful for us to better understand the Vietnamese attitude towards this program. As best I could determine, most of them accept it as being both inevitable and irreversible. But several of them reminded me that, while the program portends the end of the war for us, it also assumes that "their" war will go on.

So, in trying to decide if "Vietnamization" has a good chance of success as "Pacification" now seems to have, we ought also to attempt some broader redefinition of what we really mean by "Vietnamization."

The most disturbing finding of all I made in Vietnam was the fact that both sides now seem to be digging in for a protracted war—and I think all will agree that the Vietnamese, both North and South, have for far too long suffered under the burden of war.

Can we call "Vietnamization" a success if, in the end, it merely prolongs that suffering?

Personally, I do not think so—and this is why I asked President Thieu, when we had our audience with him, if he did not think it was time to make some "new initiatives" towards peace. His reply was the more or less standard one to the effect that his government was ready to negotiate with the other side, on anything, at anytime, but that all such overtures thus far made have fallen on deaf ears. Since that time, Secretary of State Rogers has had his own audience with President Thieu, and President Nixon has named David K. E. Bruce to head the United States delegation at the near-comatose Paris peace talks. What all this may portend, no one can say, but one of the more-interesting discussions I had in Saigon was with Mr. Tran Van Tuyen, a local attorney, a member of the Vietnamese delegation to the 1954 Geneva Conference and later a 3-year political prisoner under the Diem regime, who told me: "If 'Vietnamization' is only a war strategy and not at the same time a peace-seeking method, it is also a myth among the many that have marked the American involvement in Vietnam, and the biggest myth of all."

CAMBODIA

The committee report comments at length on the overall Cambodian situation, but in very general terms, and refers but briefly to "the evident success of the sanctuary clearing operation"—something which I believe individual committee members have separately termed an "outstanding success."

For my part, I am perfectly willing to accept as fact the committee's conclusion that the sanctuary operation was, strictly speaking, a "success." Surely, it has bought time within which both the Pacification and Vietnamization programs can go forward and, almost equally surely, it will result in substantial savings in American lives. This latter thought was uppermost in the minds of those American boys who took part in this operation as I discussed it with them at two different locations just inside the Cambodian border. None of them, it deserves to be noted, had any doubts about the necessity and justification for the effort they were making.

I did not expect to find otherwise, but this is as good a point as any to make one other observation: Whether this war is right or wrong for the United States, and regardless of the concerns so often expressed at home these days about the motivation and moral fibre of our younger generation, this war will stand as a testament to the fortitude and courage of those young Americans who have fought in it. They have done so often against their wishes, and yet they have been willing to perform to the best of their ability whatever mean, difficult and dangerous task we assigned to them—in the face of vast uncertainties at home about their mission.

Through their sacrifices, we have learned (or should have learned) in Vietnam some lessons about revolutionary warfare and about the limitations of our own power. One can accept the Cambodian-sanctuary operation as being consistent with what we have thus learned, and one can welcome its short-term military benefits; but, at the same time, we need to understand that those benefits which may now permit us a faster rate of disengagement from Vietnam have also unintentionally created a climate in Cambodia, itself, that could lead to an even-greater involvement on our part in the tangled affairs of Southeast Asia.

The Cambodian situation, when we looked at it, was too fluid a one for immediate prescription. All of us who visited Phnom Penh came away filled with concern for Cambodia's future, and with feelings of deep sympathy for the Cambodian people. I am sure we all wanted to help them in some way—and I believe we should, to a limited extent. But, if the lessons so dearly bought for us in Vietnam are to mean anything, we must remember that we cannot go on trying to prop up government unable to defend themselves, or people unwilling to fight for their own freedoms; and we must try to keep Cambodia in proper prospective by recognizing the fact that we have nothing remotely resembling a "vital" interest in its future except insofar as keeping it out of enemy hands serves our purposes in Vietnam.

If this sounds unduly harsh, I regret it—but relief for the beleaguered Cambodians must come from some other source than direct U.S. assistance. It was to drive that point home that some of us talked with Dr. Thanat Khoman, Thailand's distinguished Foreign Minister, at Bangkok, while others of us flew to Djakarta and Singapore to pursue—as the United States must pursue—whatever possibility for restoring peace and security to Cambodia may yet come from the so-called "Djakarta Conference" of last May 16th and 17th. In neither instance could we find reason for optimism—a subject on which I understand the Hon. Hastings Keith (a member of our committee) is submitting separate views in which I express my interest.

There are numerous other matters to which I would also like to address myself, including the findings made by two members of our committee at the Con Son Island prison—which matter has since become one of unfortunate controversy. But I have sought to confine myself, in these supplementary remarks, to the main factors as I saw them that help define our current situation in Southeast Asia and, however dimly, our future there.

Since my return from this extended inspection trip, I have often been asked if anything I heard or saw during its course had caused me to change my views.

The answer—as best I can find one—is "No," though in saying that I recognize full well that most of us now only see Vietnam through more or less thick veils of preconceived ideas that tend to obscure the true facts for us.

Besides which, at the "press-conference-in-reverse" we had with American newsmen in Saigon, one of them said a "fact-finding" commission such as ours could find in Vietnam whatever "facts" it wanted to confirm whatever it already believed.

I suspect that is true. I have tried to guard against any such tendency, and I now submit these views to my colleagues for such value as they may have to them, with the assurance that they are objective as I can make them.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I have listened avidly to the gentleman's dissertation. I have read every word of the report by the committee of which the gentleman was a member. I had a special interest because I led a group of independent observers two and a half years ago to Vietnam, and we came back and made a report to the President, then President Johnson, and to the Congress. We have continued our interest in this problem. We have returned and we are about ready to make our report to the President, who asked us to return and make evaluations and comparisons, which we will do.

I want to say, Mr. Speaker, that the findings of this committee largely confirm what we have found and altogether reflect the deep concern on our part, and I think we are reflecting the concerns of our people.

Here again, we have heard a very fine presentation of the problem as the distinguished gentleman from New York has seen it.

In our report we will point out once again the lack of policy in Vietnam, the lack of understanding of what is our true objective over there. To use a paraphrase from an old friend of mine that I worship in history, who once was President, Abe Lincoln, "My policy seems to be to have no policy." That seemed to serve that interest he was thinking of, but it does not serve this interest.

One of our problems in Vietnam is that we have no real policy. We can find in the record some 13 different reasons why we are there, pronouncements by the State Department, and by former Presidents, and the current President. We will make a special note of this and call for an enunciation of a policy, and we will suggest one.

We will also deal with some pluses over there, and I am sure the gentleman saw them. In the field of education, especially the first five grades, we were thrilled to find out that the average daily attendance of the boys and girls in school, who were in the age groups in grades one through five, has increased from 400,000 to 2,300,000. That is a magnificent contribution to education.

The quality of that education was not equal to what it could have been, and should be, and eventually will be. I think they are working on this question of qualification, but we seem to have fallen off in that and have not followed through sufficiently with the high school program or institutions of higher learning.

We will make a special note of the fact that we lack emphasis greatly in the field of agriculture. Out of South Vietnam's population, 70 percent are identified with farming, but there are only 406 students taking agriculture in colleges.

There is a woeful lack there.

We will report a plus where we have moved in with extension services, with some people from Iowa, and many States in the union, doing magnificent work there to help the people improve their farming techniques, and the use of fertilizers, and the improvement of procedures. The use of new varieties of rice in some instances can quadruple production. All these are pluses.

We noted with regret that the Thieu government is pulling back on this program.

We think this is unfortunate.

We noted pacification. I believe this area of pacification is the real answer to the problem over there. I was glad to hear the gentleman say this. Our feeling was that this name was unfortunate. It was not accepted by the Vietnamese. Somehow or other, we still use it. We are going to suggest a substitute title, that it is a program to bring stability, security, and progress to these people, who need this most of all.

I believe that we need to increase our involvement here in Congress, and the concerns of the gentleman from New York and the chairman of his committee, the gentleman from Mississippi (Mr. MONTGOMERY) and all the others of this team, that took them beyond the call of duty in their work there has made a magnificent contribution to a better understanding of this problem.

We cannot solve the basic problems unless we have a better understanding of them. I commend the gentleman for his insight.

I assure the gentleman I will consider very seriously the resolution to which he has referred. It has some pertinent "whereas" clauses which ought to be considered and which zero in on the problem.

Again I commend the gentleman.

Mr. ROBISON. I appreciate the complimentary remarks of the distinguished gentleman from Iowa. I know he has been deeply concerned with this whole issue and with the need to develop a clearer United States policy with respect to our future in Southeast Asia. I am sure we all look forward to the report that he and his colleagues will present to us on their separate trip to Southeast Asia.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I am delighted to yield to the distinguished gentleman from Mississippi, the leader of our select committee and one of the finest leaders I have ever known.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his very kind remarks. I might say that, as chairman of this select committee, one of the great pleasures I had was having the gentleman in the well on our committee. He is a dedicated person. He has a certain type of wit about him which makes it very easy to work with the gentleman. He has the ability to express himself.

Mr. Speaker, he has the ability to express himself in writing, and he had a lot to do with the writing of our report. I might say that the remarks of the gentleman today were outstanding. I hope the Members who were not present here will have the opportunity to read this special order in the CONGRESSIONAL RECORD.

The gentleman pointed out that our findings at Con Son Prison, where there are the so-called "tiger cages," have perhaps overshadowed our report, and that other parts of the report were overlooked. This is certainly true.

It is rather sad that this would happen; that one part of the trip would overshadow other parts of the trip. I hope the Members, and the press, and the people of this country will look at the rest of the report, for Members such as the gentleman in the well exposed themselves day after day to the dangers of Vietnam and the other countries of Southeast Asia to try to bring back a constructive, valuable report.

I might say to the gentleman in the well, as he stated in his supplemental remarks in the report which we submitted to the Speaker and to the Members of Congress, that probably the report was submitted too quickly, and that Members of this Select Committee did not have the opportunity to look at the report before it was filed.

The gentleman is absolutely right in what he said. I take the responsibility. For some reason, Mr. Speaker, I felt that, as soon as we got back, this report should be submitted to the House of Representatives, because it would become old if one waited too long.

I am not looking for any comment from the gentleman, but I really accept the responsibility. I believe it would have been a better report if I had waited until we could have had all the Members look at the report. However, there was a driving force, and, I felt we had to submit it as soon as possible.

As the gentleman knows, and the other gentlemen know who were on the committee, we did begin work on the report as soon as we boarded the airplane. We worked on it for 2 days before we came back to the United States. But I wish we had taken the gentleman's advice and delayed the report.

Mr. ROBISON. If the gentleman will permit at this point, as I am sure he knows I intended no criticism of the distinguished chairman in making a reference to the haste with which the report was filed in my supplemental views. The circumstances surrounding our return, and the fact that this was the 4th of July weekend and, as the gentleman from Mississippi was well aware, as soon as we arrived back in Washington we were all going to go to the four corners of this Nation and he might not see us again for 3 or 4 days, and then with the interest of the news media in what we had to say, along with his inability to sit on our tentative conclusions for 3 or 4 days, that these are all circumstances that I understand full well, I tell my friend. I think, though, if we could have had different circumstances in which to take time to try for a broader consensus, we might have found it in several areas.

Mr. MONTGOMERY. I appreciate the gentleman's comments. I think probably other committee chairmen could learn from the experience I had as a committee chairman in our work as a committee. It was really a much harder trip than I had anticipated. I think the decisions that were made, with the approval of the committee, and the proposals that I recommended to them were basically sound for the first 10 or 12 days. However, after that Mr. Speaker, you become tired and you board the airplane and come back. So, probably, I would recommend to other committee chairmen that they not be too hasty in issuing their report to the Congress, but to take perhaps a week's time before they submit it. I am glad that the gentleman brought up this special order. There is a tendency in the Congress, and in the leadership, perhaps, as well as in the people in this country to overlook the war in Vietnam, but it surely is not going to go away. We have to face this issue, and we think in our report we have given some basic information necessary to help us face up to it.

Mr. Speaker, I will move along, because I know that there are other Members who wish to comment. We can all learn something from our committee. We probably stayed longer in Southeast Asia than any other type of congressional committee.

Mr. ROBISON. We also probably worked harder than any other congressional committee that ever visited that part of the world.

Mr. MONTGOMERY. I think so. I think when you stay only 3 or 4 days in a country such as South Vietnam where we are deeply involved that that is just not enough time. You need at least 10 days in a country like South Vietnam.

I also want to mention that when we broke up into teams, this was a worthwhile experiment. Mr. Speaker, our 12 Members did not go around as one unit. We broke up into teams, and covered much of Southeast Asia. Mainly we covered South Vietnam. Then we sent one team to check on another team. I think it worked rather well, and I hope that other committees will look at what we did. This is all in our report.

I would caution such "select committees" in the future to be careful in picking staff members. Spend a lot of time on that. It is very, very important. If you do not select the proper staff people, you might become involved where you should not be involved. When you work as hard as we did the people should get the facts from the members of the committee and not from a staff member, who is seeking his own ends, and his own gain.

I am sorry the gentleman did not refer our military's problems regarding narcotics and marihuana as described in the report. The gentleman worked very hard on that. I know in the report we said that 30 percent of the American servicemen in Southeast Asia or who are in South Vietnam, at one time or another have participated in the smoking of marihuana and the use of narcotics. We spelled it out, and this is very important.

Mr. ROBISON. If the gentleman will permit, that was only an estimate, because no one has any very good figures on this. No statistical studies have been made. However, I think it is fair to say that about 30 percent of our U.S. servicemen in Vietnam have, at least, experimented with marijuana or some other drug, and that this is about as close as one could come to the probable facts.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield further, moving to Cambodia, I think it was the consensus of the committee—I would say nine or 10 of the 12 members agreed—that, certainly, we did not need to send any ground troops into Cambodia, but that military aid and financial assistance would certainly help.

In closing, I would say I have not had the proper opportunity to study the gentleman's resolution, but I have found his work to be thoroughly thought out, and I hope to have an opportunity to study and take a real hard look at the resolution that the gentleman is submitting.

Mr. Speaker, I thank the gentleman for yielding to me and I especially appreciate the gentleman taking this special order.

Mr. ROBISON. I thank you very much Chairman MONTGOMERY. It was a pleasure to have been able to participate in this effort and, as I stated earlier, no one could expect to have a finer leader than you. Further, though I do not particularly hanker for another trip to South Vietnam, if we do go, I would just as soon have you lead us again.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, I am impelled to note that the discussion today, as the gentleman in the well says, points out a very great problem between the executive branch and the Congress of the United States, in that the Commander in Chief has control over the Armed Forces of the United States, and that we cannot impose our tactical or strategic decisions upon him. But, on the other hand, we have the major responsibility, a constitutional responsibility, to fund the standing Army of the United States, and to face our constituents every 2 years to justify that funding.

With respect to the gentleman in the well—can all our ground combat troops, in effect, be out of action by May 1, 1971, and all other troops out of Southeast Asia by July 1, 1972? I would anticipate that this rate of withdrawal differs from the President's plan of withdrawal, though it is consistent with some of the comments in the supplementary views to the committee report to the effect that withdrawal might be accelerated at a faster rate than now being conducted?

In looking back at the program that the President has followed, it seems, in the first year since he declared a policy of withdrawal in May of 1969, that he withdrew approximately one-fifth of the 549,500 troops in South Vietnam that were authorized at that time by withdrawing 115,000 from Vietnam by the month of March 1970, and indicating that he would withdraw an additional 150,000 by May of 1971. This would leave approximately 284,500 men in Vietnam by May 1 of next year.

I want to ask the gentleman in the well; if we were to withdraw all ground combat troops from Vietnam by May 1, 1971, if the gentleman could indicate, approximately, what are the numbers of men involved in addition to the 150,000 that the President has announced that he will withdraw?

Mr. ROBISON. Well, to attempt an answer to that would require deeper research, I believe, than our select committee completed during the course of our investigation.

But, it is my understanding—and I stand to be corrected on this—that, once the 150,000 additional troops which the President has proposed be brought out between now and next May 1 are out, we would have about 85 percent of all our ground combat troops out of Vietnam.

I think this is the intention behind President Nixon's promised additional withdrawal. Does the gentleman have a different interpretation?

Mr. McCLOSKEY. No. I have not tried to interpret the announcement of the President, but it seems to me that, in a checkup of our strength in Vietnam, approximately one-fifth of our troops were included in the so-called maneuver battalions, the "striking forces," and the carrying on of combat against the Vietcong and the North Vietnamese, or about a four-to-one ratio of support troops to combat troops, so I have used the figure of approximately 110,000 combat troops as opposed to 440,000 support troops. And, in the first withdrawal of the President—the 115,000 troops—there was a far greater ratio of combat to support troops. So, it seems highly possible to me that the President's plan in withdrawing most of the combat troops by May of 1971——

Mr. ROBISON. If the gentleman will yield there, there are some logical reasons behind this, of course; centered, largely, around the fact that the training of South Vietnamese to replace our servicemen in artillery support, or in air support, and these kinds of efforts, are matters that require additional training time.

You can replace a ground combat soldier much more easily, and much more quickly, than you can train helicopter pilots. I think this is part of the President's problem and our problem in trying to arrive at how many of our servicemen we can get out in a year or two from now.

Mr. McCLOSKEY. Let me ask the second question, if I may:

Based on the reports we have had from the Committee on Appropriations, and the Secretary of Defense, it was my understanding that we estimated, for the fiscal year ending June 30, 1969, that that budget included about $30 billion expended in Vietnam. The following year that ended just recently, June 30, 1970, we had an estimate of $33 billion in Vietnam, and for the present fiscal year ending June 30, 1971, the estimate has been that approximately $17 billion would be expended in Vietnam, which would give some indication that if the withdrawal of 115,000 men—with roughly 50 percent combat troops—did reduce the budget by some $7 billion, then the reduction of another 150,000 this year would produce a further reduction of an additional $6 billion.

I am wondering, since we face the defense appropriation bill coming before us in the next 30 or 60 days, if the gentleman in the well has any indication, or estimate, as to how much this year's budget might be reduced if we were willing to accelerate the withdrawal of troops from Vietnam as the gentleman proposes during this fiscal year.

Mr. ROBISON. My resolution, I might say to the gentleman, does not address itself to numbers at the moment now. It addresses itself to bringing out, first, our ground combat troops, as I have mentioned, and then bringing out all other combat or combat-support troops by July 1, of 1972.

The fiscal year the gentleman is asking about, I take it, is the current fiscal year, the one that ends June 30 of next year. If we are only going to accelerate the withdrawal of a few more ground combat soldiers during the balance of that fiscal year, I doubt that the financial impact on the 1971 budget would be very great. But, in the ensuing fiscal year, if we could so encourage the President and if we could, in fact, accelerate the withdrawal of our other combat-support troops from Vietnam, it would seem clear to me that the effect on that fiscal year's budget would be quite substantial.

Mr. McCLOSKEY. If I might ask one or two other questions; the essence of the gentleman's conclusion, if we were to assume that the President withdraws over 265,000 men during the first 2 years and, yet, leaves 284,000 men in Vietnam as of May of 1971, if this were to be accelerated so that all of our troops would be out, in essence, in 2 years rather than what would appear to be about 4 years under the President's program, this would indicate that the missions of Vietnamization and pacification, in the gentleman's opinion, could be accomplished just as easily in 2 years as in 4 years?

In the committee's consideration of what those tasks are—for American troops in Vietnam today—there is, first, the training of the South Vietnamese, with the recognition that we have been training South Vietnamese since 1960 and that, presumably as a result of the Cambodian operation and the increased morale and experiences of the South Vietnamese, we would finish their training just as easily next year as we could in the ensuing 3 years; is that a correct assumption?

Mr. ROBISON. Is it basically a correct assumption, although I do not know if anyone has addressed himself to the long-range problem of what kind of air support the South Vietnamese might need if they are going to survive as an independent and free society.

I do not think anyone has ever expressed any intention, on behalf of the U.S. Government, to train South Vietnamese pilots, or to give the Government of South Vietnam long-range bombers such as those that we have used, let us say, in the bombing of the Ho Chi Minh Trail, or portions thereof.

Mr. McCLOSKEY. If the gentleman could comment on this—from conversations with the gentleman and other members of the committee, it is my understanding, so far as combat-infantry training and artillery training of the Vietnamese is concerned, that the Vietnamese have reached such a point of competence that we would feel it is safe to leave them to their own training programs and such combat readiness as they have thus far achieved?

Mr. ROBISON. I think so. Certainly, I think they have established a good deal more confidence in themselves by their showing of competence in the Cambodian operation.

I think we ought to dwell on this at the moment in order to encourage them now to take on more of the burden of combat, and to do it far more rapidly than they now seem to be prepared to do.

I remember one American newsman, Keyes Beech, who has been in Saigon a long time, telling us that he had been a "hawk" from the beginning, with respect to Vietnam, but that now he felt that the Vietnamization program ought to be accelerated. In his words, it was time to "get a little nasty" with the people of South Vietnam—the point being, I think, that we need to encourage them to "pull up their socks," so to speak, and to begin to "swim"—as we think now they are ready to swim on their own.

Mr. McCLOSKEY. To go to the matter of communications and logistics training—does the gentleman in the well, or anyone on the committee, have any indication of how long American troop-training capacity may have to remain in Vietnam in order to bring the South Vietnamese to a level of communication and logistical capacity to conduct the war without an American troop presence?

Mr. ROBISON. I think the gentleman is getting into an area in which I am not personally competent to respond.

Perhaps my friend, the gentleman from Idaho (Mr. HANSEN), or the chairman of our committee wishes to comment on this.

Mr. MONTGOMERY. I do not really think such a time has been set by the American forces, logistically, or for the Air Force—either one.

However, I would state to the gentleman from California that I was greatly impressed with the advances, not only that the ARVN troops had made, but also by the Air Force of South Vietnam. This was my fourth trip over there.

I think, probably, we are underestimating the time that we can bring Americans out of South Vietnam. However, I do not see any time when we can be able to bring Americans out completely. I think, probably, we will have to provide some type of logistical and technical advice for some time to come in South Vietnam.

I am probably not giving the gentleman a definite answer to his question, but I would certainly say that in less than 4 years, and somewhere between 2 and 3 years that the South Vietnamese Air Force could be capable of taking over all combat operations—and the ARVN forces in less than 2 years.

Mr. McCLOSKEY. I thank the gentleman.

Mr. Speaker, I would like to commend the distinguished chairman of the committee and also the gentleman now in the well.

I think the committee, in its report, has well justified our investment of time and funds in making this particular investigation.

I have been struck by the fact that the Congress of the United States does owe its constituency an intelligent evaluation as to how our money is being spent on defense, today, and particularly in Vietnam.

I think the report of the committee throws a good deal of light on the deliberations that we will undertake next month, and perhaps the following month, on the allocation of further moneys to Vietnam.

This brings me to the last question to the gentleman: There has been mention, in the committee report, of the need to replace our diminishing military presence with increased financial assistance in order that the South Vietnamese Government may, hopefully, handle its domestic economy and problems. I note that, in the pacification program last year, to 10,000 or more villages in South Vietnam we paid the equivalent of about $10,000, or slightly less than that, to each village which would conduct its own civilian government—which is a major injection of U.S. funds into the civilian economy of Vietnam.

I am wondering if the gentleman, or the committee in its deliberations, reached any conclusions as to when the last American troops are withdrawn, what the level of American economic assistance should be; whether it is in the $3- or $4-billion-a-year level, or just what that sum might be?

Mr. ROBISON. The gentleman is asking a series of questions that point up, I believe, one fallacy of Vietnamization as a policy, if that is the only policy we are to have. The gentleman has been asking me—What is Vietnam going to cost us in the future? How many men will we need there? How much support will we have to give South Vietnam in future years?

The main thrust of my remarks, earlier, and also the thrust of my comments with regard to Vietnamization in my supplementary views, was to the effect that Vietnamization, standing by itself, is not a very good policy unless we are prepared, as I think the gentleman would agree, to go on for years watching the people of Vietnam continue to quarrel and to fight among themselves, and unless we are also prepared to go on giving substantial military and economic assistance to the people of South Vietnam, if it is to continue to be an independent nation, so that they can continue to carry on this particular conflict.

What I think is really needed, and what the thrust of our policy should be—and our primary objective should be—is to produce a just peace through a negotiated settlement. Then the burden of our continuing assistance to South Vietnam would be, I should think, in the economic areas; in trying to help them rebuild their nation that we have come so perilously close to destroying.

Mr. McCLOSKEY. Let me ask this question. I agree with everything the gentleman has said, both in his report and here today on the floor. But how can we expect the North Vietnamese to be willing to negotiate a just peace at the same time as we accelerate our withdrawal from that country?

Mr. ROBISON. It seems to me that there are conditions prevailing in South Vietnam, and in their divided political structure, which could be improved upon if we could only convince the people of South Vietnam that we were, indeed, prepared to go home; that we were going home by a rather certain date, much closer than they presently anticipate is to be that date; and that, out of this, would come some social and political reforms and, thus, some additional strength to South Vietnam; then, as the people from the North watched this develop, over the next year or so, it might encourage them to seek a settlement of this long-standing dispute because, otherwise, they are going to face a failure, I think, of their intention to take over in the South.

Mr. McCLOSKEY. If I understand the gentleman correctly, it is implicit in what the gentleman has said that, as the U.S. presence diminishes, and the South Vietnamese will to fight and to reach a just peace on its own part increases, as of necessity they must, as we withdraw——

Mr. ROBISON. As they get closer together politically, and economically, and give evidence that they will begin to solve their own internal problems—Yes.

Mr. McCLOSKEY. Then it might impose a greater pressure on the North Vietnamese to make reasonable concessions than if we continue to fight this war, if we place the major burden of this war on the South Vietnamese.

Mr. ROBISON. That is about it.

Mr. McCLOSKEY. Then I want to ask a final question which has been on the minds of many of us. Beyond the final withdrawal of American troops, what would be the American posture in the event the North Vietnamese are then unwilling to return, in good health, the American prisoners of war?

Mr. ROBISON. That is a very disturbing question to me, and one I long considered in preparing the language of my own resolution. Particularly, I pondered over whether or not I ought to attach proviso to the effect that we would not withdraw totally until all our prisoners of war had been safely returned to us; that is, that all of our men who are prisoners of war in the north had been returned to us.

I think, if the gentleman will permit, that this is a matter to which Congress has addressed itself at considerable length otherwise, and that the President is doing about all he can in this regard at the moment. I think we will have to find a solution to it before we come home, but to attach this to a policy of coming home would, I think, be a mistake.

Mr. McCLOSKEY. I would have to concur in that comment of the gentleman. When I first ran for the Congress about 3 years ago, I suggested that our policy should be withdrawal over a 2-year period of time, which is precisely the gentleman's proposal here today. It seems to me, however, with respect to our prisoners of war, that we cannot make as a condition of our withdrawal that the North Vietnamese return these prisoners of war, because this would be asking for a concession at the same time that the gentleman suggests there be a turning over of the resolution of Vietnam and its government and its war and its peace to its own people.

But I would like to offer for the consideration of the gentleman, and the House, the possibility that 30 days after the last American has withdrawn from Vietnam, we should make it very clear to the North Vietnamese, if our prisoners of war are not returned in good health, 30 days after withdrawal, we would then authorize the President of the United States to take such action as may be necessary, and to use such weapons as he might choose, to obtain the release of our prisoners of war.

Mr. ROBISON. I thank the gentleman.

TRIBUTE TO PRESIDENT GUSTAVO DÍAZ ORDAZ OF THE REPUBLIC OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DE LA GARZA), is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Speaker, on December 1 of this year, Mexican President Gustavo Díaz Ordaz will surrender the reins of government to newly elected chief of state Luis Echeverría Alvarez, and thus climax 6 years of devoted service to his nation. Today, I wish to take this opportunity to honor President Díaz Ordaz and to pay tribute to the outstanding contributions which he has made to his beloved Mexico.

The stature of the Mexican nation today must surely invoke pride in the hearts of her citizens. In the last four decades, Mexico has transformed itself from a nation languishing in abject poverty to one of the most rapidly progressing of all the developing countries—and this progress has been achieved against a background of both internal peace and independence. As Mexico begins the decade of the 1970's, she stands as a model for other nations in civic cohesion, economic progress and political stability. A visitor to this beautiful land cannot but sense the spirit of immense vitality, sense of purpose, and pride which pervades the Mexican atmosphere. President Díaz Ordaz must take great satisfaction in knowing that his efforts have contributed to the dynamic Mexico of 1970.

When Gustavo Díaz Ordaz became President in 1964, he pledged to sustain Mexico's continuing revolution, and to lend his efforts to the integral development of his nation—economically, socially, politically, and culturally. In particular, he pledged to work for the furtherance of agrarian reform, social welfare, and labor development, industrialization, education, and for the concept of democracy—which he has described as "working opportunities for all, an access to education for all, health for all of the people, bread for everyone, and a peaceful atmosphere, governed by liberty and justice, for all."

In the economic sphere, the Díaz Ordaz government, guided by multiple objectives of combating inflation, encouraging a favorable trade balance, maintaining the stability of the peso, and accelerating economic development, directed its efforts toward creating within Mexico a mixed economy—a balance in all economic sectors between private and government initiative and domestic and foreign investment. Largely as a result of the economic and fiscal policies of his administration, Mexico today boasts the fastest growing economy south of the Rio Grande. GNP has reached $30 billion annually and is climbing rapidly. Mexico's overall economic growth rate of 7 percent per year has annually been among the highest in Latin America. Today, the peso remains one of the world's soundest currencies, and the presence of extensive foreign private investment attests to world confidence in the Mexican economic atmosphere.

At the same time that President Díaz Ordaz has strived to maintain Mexico's economic upsurge, he has not allowed that goal to obscure his profound concern for the living standards of the Mexican population. He has often stated that the economic progress which Mexico is experiencing is of minor importance unless the national wealth is fairly distributed throughout all sectors of the population and put to use to provide the poor with bread and shelter, social well-being, and educational opportunities. In his words:

> The prosperity of one part of Mexico cannot be healthy if based on the poverty of another.

An area of critical economic concern in Mexico is the lagging agrarian sector. When President Díaz Ordaz took office, he announced that the greatest task of his administration would be that of improving the condition of the rural peasant. He put into effect an aggressive 20-point program dedicated to increasing agricultural productivity through improved farming techniques, intensified agricultural research, irrigation projects, increased mechanization, crop diversification, and major new infrastructure projects such as construction of rural feeder roads, water supply, and crop storage systems, and electrification. Additional government assistance was provided in the form of increased social security, agricultural insurance, and farm credits. In the area of rural social services, the administration provided for the construction of many new schools and public health centers. In addition, the rate of land redistribution was accelerated—during the 6 years of President Díaz Ordaz's term, more than 16 million hectares of land were distributed to 300,000 farm families. The President also instituted an innovative program of incentives to industries to encourage their location in overcrowded farm areas, thereby creating multiple new job opportunities in Mexico's most troubled areas.

Perhaps President Díaz Ordaz' greatest contribution to Mexico rests in the spirit of the man himself—in his great love for his people and in his profound respect for democracy and personal freedom. When he accepted the presidential nomination in 1963, he pledged that his government would "protect and guarantee all liberties but one—the liberty of doing away with other liberties." During the 6 years of his term, Gustavo Díaz Ordaz kept his promise to the Mexican people, steering a political course which did not tolerate extremism from left to right, and insuring that the fundamental decisions of government evolved from a broad spectrum of political opinions. He once likened himself to a submarine on sonar:

> When I am picking up noise from both the left and right, I know that my course is correct.

He endeavored to broaden democratic channels, enlisting popular interest and participation in political and governmental affairs, and encouraging the formation of responsible opposition parties.

At the same time, President Díaz Ordaz devoted himself to molding his people into a cohesive unit, dedicated to the development, progress, and social well-being of the nation. He spoke once of national unity in words which I believe are relevant to all men and all nations in these explosive times:

> National unity is not the struggle of the men of the left to destroy the men of the right. National unity is not the eternal battle of two antagonistic principles. National unity is the sacrifice of our petty interests, the sacrifice of our passions. It is the waiving of our individual interests to give ourselves to a higher interest: the interest of the country.

I cannot end my salute to President Díaz Ordaz without paying special tribute to the man and to his countrymen for their role in hosting the XIX Olympic Games in October 1968. The Mexican nation must take deep satisfaction and legitimate pride in the outcome of its magnificent effort—this is the first time the Games were held in a Spanish-speaking country, the first time in a Latin American nation, and the first time a host country was chosen that was not among the economically fully developed nations. Sponsorship of the Games was indeed a challenge to Mexico's economic and technical capacities, and this challenge was met with honor, ability, efficiency, and creative imagination. The supreme effort of the Mexican people in bringing this ambitious undertaking to a successful conclusion brought Mexico international respect and recognition, and greatly enhanced her prestige around the world. In fulfilling their commitment, President Díaz Ordaz and the people of Mexico made a major contribution toward the goal of international friendship, human solidarity, and world peace.

Mr. Speaker and fellow Members of the House of Representatives, I hope that in this all too brief period of time, I have given you some insight into the greatness of the man who has served as President of Mexico for the last 6 years, and the variety of his accomplishments. Gustavo Díaz Ordaz—lawyer, judge, professor, politician, and statesman, has indeed served his nation and his fellow countrymen well. Under his guidance, the Mexican nation has continued to move forward in dynamic, creative, and peaceful progress.

Mr. Speaker, and my colleagues, permit me to add a personal note about President Gustavo Díaz Ordaz. He is a devoted husband, father, and grandfather. He is indeed a true friend to those who know him; he has a very warm and charming sense of wit which adds to the eloquence of his words.

Finally, one cannot speak of the accomplishments of President Díaz Ordaz without thinking of his gracious and very charming first lady, Dona Guadalupe Borja de Díaz Ordaz, who has truly earned by her actions the title of First Lady of Mexico.

I, therefore, respectfully invite you to join me in paying our most sincere respects to President Díaz Ordaz and his lady. Our love, admiration, and respect are theirs. Because of them our admiration and respect for Mexico have grown.

We wish them well in the future and many more years of service to Mexico and to mankind. And, as we would say in south Texas, "Hasta la vista, Presidente, y no olvide: Estámos con Díaz Ordaz."

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. DORN). Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. An average American family will spend approximately 16.5 percent of its disposable income on food compared to 25 percent in Western Europe and 50 percent in the Soviet Union.

ALABAMA EDUCATIONAL TELEVISION NETWORK PRESSURED TO PROGRAM LEWD AND OBSCENE MATERIAL

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, efforts are being made to pressure the Alabama educational television network into enforced programing of material considered by local ETV officials to be lewd and obscene. These efforts, emanating from New York and Washington, D.C., pose a threat to the future of educational television throughout the country.

At issue here is whether local ETV officials shall retain discretionary powers in programing or whether local ETV programing should be dictated by a single, centralized source. Political spokesmen in New York and private pressure groups in the Nation's Capital seek to deny local ETV agencies their right to operate their stations without outside interference.

In this regard, I believe it pertinent to note recent charges made by Mr. Thomas B. Petry, vice president and general manager of WCNY-TV in Syracuse, N.Y., concerning what Mr. Petry terms, and I quote, "leftist, and liberal bias in cultural and public affairs programing productions by national educational television headquarters in New York City." It is Mr. Petry's contention that since NET claims to provide an alternative program service to the American public it has the responsibility to present more balance and adequate representation of middle-ground conservatism in its productions.

I believe that Mr. Petry's position casts considerable light on the issue involved in Alabama ETV officials' refusal to program what they considered to be objectionable material.

Mr. Speaker, a centralized authority in New York City or Washington, D.C. has no more right to dictate educational television programing in Birmingham, Ala. than authorities in Birmingham, Ala. have to dictate ETV programing in New York City or the Nation's Capital. Efforts to enforce programing from outside the local community would bring into the national educational television picture the kind of narrow, distorted media bias to which the Vice President has objected in the area of commercial television.

I have, therefore, written the Honorable Dean Burch, Chairman of the Federal Communications Commission urging that the Commission continue to support the principle that ultimate decisionmaking power in the field of educational television programing should remain at the local level. With unanimous consent, I include the text of my letter to Chairman Burch in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., Aug. 3, 1970.

Hon. DEAN BURCH,
Chairman,
Federal Communications Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: My congratulations for what I believe to be a right decision on the part of the Federal Communications Commission in their recent renewal of the Alabama Educational Television Commission's license. It has come to my attention that efforts are still being made on the part of certain individuals and organizations to persuade the Commission to reconsider its decision in an effort to pressure the Alabama Educational Television network into enforced programming of National Educational Television productions which, in the opinion of AETV officials, contain lewd and obscene material. It is my profound hope that the Commission will see fit to stand by its very proper decision in this matter.

In this regard, I wish to bring to your attention recent charges made by Mr. Thomas B. Petry, Vice President and General Manager of WCNY-TV in Syracuse, New York. In a carefully considered brief, developed as the result of his own experience as a local educational television official, Mr. Petry has charged that those in control of National Educational Television network productions are guilty of a narrow leftist bias in cultural and public affairs programming. Mr. Petry has, therefore, called for increased balance in NET programming—balance which would include representation of conservative and middle-road viewpoints not now being presented.

Mr. Petry points out that many individual local stations in all parts of the country are increasingly uneasy over the concentration of decision-making authority in educational television production. In brief, he makes the point that because of a New York City orientation, the existing structure of National Educational Television programming is inherently sectional rather than national.

All of this is, of course, pertinent to the question of whether local educational television authorities, not only in Alabama but throughout the country, are to be subject to the cultural and political dictates of a small, elitist group in influential positions at NET's New York City headquarters. If this were to occur, it would result, in my opinion, in the debasement and ultimate destruction of educational television as an effective force on the national scene.

It is, therefore, my hope that the Federal Communications Commission will repudiate the efforts of this elitist group to enforce its cultural and political views on local educational television and that members of the Commission will continue to support the principle that ultimate decision-making power in the field of educational TV programming should remain at the local level.

With warmest good wishes,

Sincerely,

John H. Buchanan, Jr.
Member of Congress.

H.R. 18766—TO PROVIDE FOR A MODEL PRESCHOOL AND ELEMENTARY SCHOOL FOR THE DEAF

(Mr. CAREY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CAREY. Mr. Speaker, I am today sponsoring legislation that will modify and enlarge the authority of Gallaudet College—the only college for the deaf in the world—to enable it to maintain and operate the Kendall School as a demonstration preschool and elementary school for the deaf.

As the sponsor of legislation that established the Model Secondary School for the Deaf at Gallaudet, the National Technical Institute for the Deaf at the Rochester Institute of Technology, and the Bureau of the Handicapped in the Department of Health, Education, and Welfare, I recognize the need for a greater emphasis upon education from the onset of deafness up to and including the junior high school level. The fact that Gallaudet remains the leading institution for the deaf throughout the world and the success of the model secondary school is all the more reason that those facilities should now be expanded to provide educational services to deaf preschool and elementary school children.

The interest and commitment of the Congress in and to the Kendall School and Gallaudet College goes back to 1857 when Congress approved an act to incorporate the Columbia Institution for the Deaf, Dumb, and Blind which in 1885 was renamed the Kendall School for the Deaf. Through succeeding acts and annual appropriations, Congress has continued its support of these institutions.

As an integral part of Gallaudet, the Kendall School has grown with the college and gained preeminence for its services and special projects. Many of its teachers hold academic rank on the college faculty and a close relationship exists between the two.

The board of directors of Gallaudet College requested a committee composed of nationally prominent persons to study the complete role and function of the college and all its programs. One of its recommendations was that consultants be employed to assist the college in expanding and developing the Kendall School as a demonstration center for the education of deaf preschool and elementary schoolchildren. The legislation I am introducing today would provide the framework which is necessary to operate the Kenedall School in this manner.

The Kendall School should be expanded into a preschool and elementary school facility for the following reasons:

First, the expansion of the school into a demonstration facility of this kind would represent a logical and natural progression in its development.

Second, the establishment and operation of the Model Secondary School for the Deaf—Public Law 89-694—has created new perspectives in regard to the education of the deaf.

Third, the rubella epidemic of 1963-65 and the predicted epidemic in 1972-73 are creating a need for a more appropriate learning environment.

Most professionals who are knowledgeable in this area agree that unless major efforts are made at least at the elementary level many deaf students will not be able to benefit from federally supported programs such as the Model Secondary School and the National Technical Institute for the Deaf—Public Law 8936—because it will be too late to bridge the educational gap. Emphasis, therefore, must be placed upon the establishment of a school for elementary and preschool deaf children.

A demonstration program for deaf children at the elementary level can be established with a minimum expenditure of Federal funds by utilizing the physical facilities and competent staff of the Kendall School. The full resources of Gallaudet College and the area could be utilized in the development and testing of superior elementary programs. The center would also be readily accessible to visiting educators.

The faculty of the Kendall School has acquired a great deal of knowledge and expertise over the past 10 years through pilot projects in several critical areas made possible by Federal grants and the current program at the school can be easily adapted to programs at the preschool and elementary levels. Certain of the programs piloted for the Model Secondary School indicate that similar educational approaches could be of significant benefit to students at earlier levels.

Some of the pilot programs conducted by the Kendall School with one-time project grants are:

Individualized instructional approaches such as computer-assisted instruction in mathematics and English with individual study units. This project indicated that such techniques offer great promise as mediums to which deaf students can relate and through which they can learn.

The production of media and materials to assist teachers in the development of classroom materials.

The integration of deaf students with hearing students on a classroom exchange basis in areas where the children are relatively equal in background and interest.

The introduction of optimal acoustic classroom conditions in order to assist deaf children in making consistent utilization of amplification equipment.

Summer sessions combining academic and recreational programs to prevent regression during the summer months.

An intensive hom-training project and inschool parent education for families with young deaf children.

Finally, a project providing social workers with an orientation to deafness in preparation for consultations with classroom teachers, home visits, parent education, and counseling of students has demonstrated the effectiveness of such services in the education of deaf children.

The knowledge derived from these projects and the experience of the past 10 years is presently available for adaptation to new approaches to improve the education of young deaf children. Under the legislation I am proposing the Kendall School will have the resources necessary to disseminate this present knowledge and that gained through the expansion of the school's facilities to other schools and institutions throughout the country. The availability of such information would encourage and make possible the development of similar centers in other areas.

Programs developed under this proposed expansion would offer optimal educational growth through a continuity which does not now exist. Such continuity is imperative if the educational needs of tomorrow's deaf children are to be met.

THE BUDGET DEFICIT

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, the budget deficit for fiscal year 1970 which the administration announced last week continues to be a topic of discussion both public and private.

The administration's budget totals for fiscal year 1970 show a deficit in the unified budget of $2.91 billion. Expenditures totaled $196.15 billion while receipts were $193.84 billion. Both expenditures and receipts were lower than the estimates made by the administration in February and in May.

Expenditures were down by $1.1 billion from the May projections and $1.4 billion from the February budget projections. The major change, however, came in receipts. They fell by $2.6 billion since the estimates released in May and by $5.5 billion from the estimates in February.

What these figures prove—indisputably—is that the budget deficit did not result from overspending but from a shortfall in revenues from an increasingly sluggish economy.

This simple truth is in danger of being lost in a tidal wave of propaganda about this Congress being a spendthrift Congress.

In the interest of enlightening our dialog about Federal expenditures, I am inserting in the Record a knowledgeable column by Messrs. Rowland Evans and Robert Novak, which appeared in this morning's Washington Post, and calling it to the attention of my colleagues:

PRESIDENT RUNS INTO A ROADBLOCK IN DRIVE TO HANG BIG-SPENDER LABEL ON THE CONGRESS

Facing a budget deficit of proportions unimaginable a few months ago, President Nixon has run into two roadblocks in his long-planned campaign to put the blame for the red-ink spending on Congress.

Roadblock No. 1: Even though the education money bill just passed by Congress exceeds Mr. Nixon's spending guidelines about as much as last year's, which Mr. Nixon vetoed, congressional Republicans are so militantly opposed to a second veto that the President will let it become law.

Roadblock No. 2: A bipartisan coalition of liberals in Congress is concocting a plot to outmaneuver President Nixon after he vetoes another appropriations bill—this one containing money for the Department of Housing and Urban Development (HUD). The plot is to rewrite the bill so that it falls within Mr. Nixon's overall spending limit by cutting space spending, thus keeping HUD money earmarked for cities at levels far above the President's.

These roadblocks imperil Mr. Nixon's strategy to use veto politics in the 1970 elections. Accordingly, the grand White House design to hang the high spending tag around the Democratic Congress is clearly in trouble.

Moreover, the Nixon administration may be suffering some substantive ill effects from its veto politics. There is private White House concern that the President and his advisers are believing their own rhetoric—that is, deluding members into thinking that Congress really is responsible for a highly inflationary budget deficit (now looming at $15 billion or higher).

That would mean ignoring the true causes of the shocking deficit—the inexorable upward creep of federal spending, the economic decline, and the end of the surtax. It would also permit a convenient postponement of possible tax increases.

According to close associates, Mr. Nixon entered the presidency curiously eager to cast his first veto against the Democratic Congress. That came on last year's education bill and was a political success—sustained by the House and sold to the public over television by the President himself. White House politicians conjured up visions of many vetoes, pinioning congressional Democrats as free spenders.

Thus, several presidential advisers have wanted the President to veto this year's education appropriations bill. Option papers sent to the oval office from the Office of Management and Budget (OMB) strongly pointed toward a veto.

But Republicans in Congress are pressing Mr. Nixon hard not to veto the measure. Rep. Albert Quie of Minnesota, a well-respected Nixon loyalist, sent the President a confidential letter strongly urging that the bill become law. If it is vetoed, Quie continued, he could not vote to sustain it.

The party leadership in Congress informed the President that there are enough Quies to assure that a Nixon Veto would be overridden, as was the recent veto of Hill-Burton hospital funds. The Hill leaders strongly recommended against a second straight reverse.

Mr. Nixon can partially offset his ducking the issue on education by his probable veto of the money bill for HUD. Rep. Gerald Ford of Michigan, the House Republican Leader, privately informed the President he has 156 votes (11 more than necessary) to sustain the veto, which he has recommended.

But vetoing one bill while signing another, even though both well exceed his limits, mutes the forces of White House rhetoric, (explaining the relatively mild presidential remarks at last week's press conference). Moreover, he has no ready defense against the liberals' plot to repass the vetoed bill with housing funds still far above presidential specifications—but with the space program scaled down to keep the overall amount within the Nixon budget.

Thus, administration officials who were confidentially forecasting that Mr. Nixon would become the first post-war president to saddle Congress with high spending now admit that veto politics is blurred. While losing the political advantage, the administration is stuck with a largely uncontrollable budget, a huge deficit, and still more inflation.

CONGRESS TAKES STEPS TO IMPROVE HEALTH OF OUR PEOPLE AGAINST STIFF OPPOSITION, INCLUDING PRESIDENTIAL VETOES

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, the United States is the richest country in the world. We have the highest standard of living and the greatest technology in history. By all rights, we should be the healthiest of the peoples of the world, but we are not. By any index—whether infant mortality or death rate—we fall short of what anyone would desire.

I do not imagine there is any responsible individual in public life who does not appreciate this fact of life and who does not wish to see it corrected.

Yet, when Congress takes steps to improve the health of our people it is always against stiff opposition, including Presidential vetoes.

This was the topic of a recent newsletter by my good friend and colleague, the gentleman from Illinois, Congressman SID YATES. Congressman YATES is eminently qualified to discuss this subject, and I am therefore inserting his excellent newsletter into the RECORD and calling it to the attention of my colleagues.

NEWSLETTER No. 303

DEAR FRIEND: The story is told of the time Thaddeus Stevens brought a lady whose son had been court martialed and sentenced to death to see President Lincoln about a pardon. When extenuating circumstances were shown, the President said he would grant the pardon. The gratitude of the mother was beyond expression. With tears streaming down her cheeks, she kissed the President's hand, but could not speak. As she was led out and as they descended the stairs, she suddenly stopped and exclaimed: "I knew it was a copperhead lie!" Stevens was startled. "What do you mean?" he asked. "They told me he was an ugly man," she said. "Why, he's the handsomest man I've ever seen!"

Ugliness or beauty is in one's point of view, as is essentiality or dispensability. President Nixon has been criticizing the Democratic Congress for voting expenditures beyond his budget recommendations, while Democrats have blamed the Nixon administration for not budgeting money for the nation's most vital needs, like the nation's health care, for example. On July 10, 1969, President Nixon walked into the Rose Garden of the White House and said to the assembled press: "The report I have received from Secretary Finch and Dr. Egeberg (about national medical needs) indicates that the problem is much greater than I had realized. We face a massive crisis in this area and unless action is taken, both administratively and legislatively, to meet that crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country . . . I don't think I am overstating the case."

There is no doubt the President's appraisal was correct, but the amounts he placed in the budget to meet the crisis were woefully inadequate. More than a year has gone by since Mr. Nixon made his statement and little progress has been made. Disregarding the fact that our national shortage of physicians is 50,000 and getting worse year by year, the administration has been cutting back funds for the nation's medical schools as one means to fight inflation. More than half the medical schools are receiving Federal distress grants while others are reducing their scholastic programs. The famous Johns Hopkins Medical School faces a current deficit of $900,000. Paradoxically, while thousands of American college graduates are attending foreign medical schools, we are importing almost as many doctors every year as our medical schools turn out. Only 20 new medical schools have been created since 1960. At least 25% of nursing jobs throughout the country go unfilled. Fifteen million American children have never seen a dentist or received dental care.

The Undersecretary of the Department of Health, Education and Welfare testified before congressional committees that the Nation's hospital needs for new construction and modernization approximate $11 billion. That huge backlog was the reason why the House, with my vote, recently overrode President Nixon's veto of the Hill-Burton hospital construction bill, and that was one of the reasons, too, why I joined this week with several members of the Appropriations Committee in an effort to increase by $360 million the budget allocations for hospital construction and health care in the appropriations bill for the Department of H.E.W. "A massive crisis requires a massive attack," I said to the House. "The President's allocation is like throwing a rope 30 feet long to help a man who is drowning 50 feet away." Our amendment lost by a rather narrow margin but I believe the Senate will vote the necessary appropriations to reverse the growing deterioration in our health care programs and facilities.

This nation has the brains and resources to provide the best medical care of any nation in the world, but we are not doing it. It is true there are many demands on the budget for Federal dollars, but certainly the health of the people of our country must command a priority of the highest level. One remembers the time when actor Danny Kaye was raising money on behalf of the United Nations Children's Fund and found himself facing a bitter critic who said too much money was being spent in disrupting nature's way of ridding the world of surplus population through poverty and disease. Kaye replied: "Your logic is infallible . . . but would you put it to the test the next time your own child gets sick?"

Sincerely,

SIDNEY R. YATES,
Member of Congress.

THE McATEER REPORT

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the massive and well-documented report prepared under the direction of J. Davitt McAteer, and entitled "Coal Mine Health and Safety Act" has stimulated widespread public comment. Many of these comments were reprinted in the July 27, 1970, RECORD commencing on page 25860.

I am pleased to include with my remarks an excellent article by Ray Martin, with a more personalized account of Mr. McAteer himself, which appeared in the Sunday Dominion News of Morgantown, W. Va., on August 2, 1970:

McAteer—"There Was More to It Than Farmington"

(By Ray Martin)

No individual or group associated with coal mining in West Virginia managed to escape recognition in a 689-page report released last weekend. Stunned silence has taken the place of the usual spate of vituperative words which were expected in the wake of such a monumental indictment.

Who is J. Davitt McAteer, the editor and chief of the study group which produced the volume called "Coal Mining Health and Safety in West Virginia?"

What led to the study and why did the young man undertake it?

James Davitt McAteer is 26 years old and a native of Fairmont. He is the son of John Marshall and Rosemary McAteer, who still live in the Marion County city.

Although his father was not a coal miner, both his maternal and paternal grandfathers spent their working lives as miners. One worked for a company which was subsequently acquired by Consolidation Coal Co., while the other was employed at the Frick Mine operated by U.S. Steel Co.

Aside from the knowledge he gained at his father's knee, John Marshall McAteer, Davitt's father, got his own insight on the problems of mining through 20 years of employment with the West Virginia Armature Co., which serves area coal mines. The elder McAteer now operates a small "general" store in Fairmont.

James Davitt McAteer goes to great length to emphasize one plont about his recently released report. "It's not Ralph Nader's report," he stressed, noting "the only thing he had to do with it was to contribute funds as did eight other people or organizations."

He said it was unfortunate that some Washington newsmen wrote their stories in a manner which created an impression that the consumer crusader "actually guided" the McAteer study.

The students listened, read the legislative proposals and then prepared their own recommendations, taking the better features from each of the respective proposals.

For Davitt McAteer, at least, the experience of the extracurricular study of the Mountain State's "black lung" legislation didn't end his interest in laws affecting mines and miners. If anything, it broadened the panorama of his horizon. He continued his search for answers to unresolved questions.

Thoughts jelled in Davitt's mind, on the basis of family experiences, in the wake of the Farmington No. 9 Mine disaster at Mannington on Nov. 20, 1968, which claimed the lives of 78 miners.

"But there was more to it than Farmington," explains the 1970 graduate of the West Virginia University College of Law.

He asked questions in the academic community and didn't get answers that satisfied his intellectual curosity.

During the campaign in 1969 which led to the State Legislature's passage of amendments to the Workmen's Compensation Act making miners eligible for disability payments if they had "black lung," McAteer and a group of WVU law students grasped for an understanding of the problem.

Professional and academic elders couldn't find the time to discuss the medical and legal aspects of coal worker's pneumoconiosis (black lung) with the students, who in the span of a year's time would be dealing with the problems as full-fledged members of the professional community themselves.

This didn't quench McAteer's thirst for knowledge. The then third-year law school student obtained copies of the bills which had been introduced in the State Legislature. He and his fellow students invited proponents of the "black lung" law as well as opponents, who were willing to participate, to a panel discussion.

On the human side of life, Davitt and Julie Domenick became mutually aware of each other prior to the Farmington disaster.

Julie, who became Mrs. James Davitt McAteer in a nuptial mass yesterday, recalled that she became engrossed in her future husband's coal studies because that was the "only way I could get to see him."

Like Davitt, both of Judie's grandfathers worked in the mines, giving her some understanding of the problems faced by coal miners.

The couple were wed yesterday in St. Ann's Church in Belle Vernon, Pa., the city where Julie was born 24 years ago.

The new Mrs. McAteer is a 1968 graduate of WVU. She has been a member of the faculty of Morgantown Junior High School for the last two school years, where she teaches English. She is also proficient in Spanish.

The daughter of Mr. and Mrs. Ralph Domenick, Julie spent most of her time in the last year, when she wasn't teaching at MJHS, assisting her future husband with various aspects of the report which was made public a week ago in Charleston and Washington.

The new bride indicated that she and her husband would be "busy" catching up on life during their honeymoon and afterward. When last seen, the new Mrs. McAteer was trying to convince her husband that he should take it easy for at least a month.

She realizes that Davitt will strive to get the recommendations contained in the report implemented as soon as possible. The new bride recalled that the traditional social amenities, like movie dates, didn't exist for the alterbound couple very often while the coal study was in progress.

Julie is especially proud of the unique engagement ring which she received from Davitt. Mounted in a traditional setting, the stone instead of a diamond is a 1½-carat piece of anthracite coal—coal being called "black diamond."

"That ring means more to me and us than a regular diamond," Julie said, as her husband-to-be vowed to replace it with a regular diamond on their 50th wedding anniversary.

Aside from a thirst for knowledge, Davitt McAteer was motivated to conduct his study of coal mining and its laws on the basis of a deeply held personal belief.

"Students who attend WVU are privileged," Davitt said. "Not everyone in every town in West Virginia has the opportunity to attend the University. Thus, those who do, have a responsibility to their fellow townspeople.

"We must use the roles or professions that we learn at the University for the benefit of the state and all its citizens," Davitt explained.

The young attorney's thinking extends far beyond coal mining. He questions, for instance, why chemical engineering students at WVU have not publicly put forth suggestions for abatement of pollution in the Charleston area.

He recognizes that there are differences in the various sections of the Mountain State. Areas, such as Morgantown, are more diversified economically than some of the southern communities in West Virginia. For that reason, Davitt explained, a student attending WVU from the Beckley area has a "greater responsibility" to his community than one from the University City.

The young man who had just completed one of the most exhaustive studies of coal mining ever undertaken suggested that consideration be given to the establishment of satellite schools of mining to serve those areas of the state dependent upon the industry for their economic life.

Davitt expressed concern about the basic attitudes of a large majority of his contemporaries at WVU.

One group, which he called the "frat brats," is concerned with personal economic advancement. Another group, he said, seeks quick and easy answers to hard problems.

In making the observation, Davitt noted that he was faced with large doses of apathy as he sought to enlist students to help him conduct his study.

As chief of the study group and editor of its report, Davitt is inclined to take a somewhat charitable view of some of the individuals and agencies who were criticized.

"Possibly some people didn't known problems existed, but they can no longer deny their existence," Davitt said, explaining that he was willing to be "patient" while the affected persons read his 689-page report.

He hopes that those named in the report won't "just pick it apart," but will recognize "there's a problem and work towards its resolution."

The WVU graduate hopes that the general public will continue to have an interest in the problems of coal miners and the coal industry.

"We cannot afford to wait for another Farmington to generate interest," Davitt declared.

He pointed out that the problems of West Virginia's coal fields can't be solved in New York or some other distant place. Students, he said, should have a direct interest in solving these problems.

"Instead of talking fraternity talk or planning revolutions, students at WVU should concern themselves with helping the people in the communities from which they came," Davitt said.

He explained that motivation for this type of service was one of the roles of teachers at the University.

At the moment, Davitt hasn't quiet decided what he'll do job-wise when he returns from his honeymoon. He is considering possible positions in Morgantown, Charleston and the nation's capital.

He shuns detailed comment about the job he didn't get as mineral resources assessor with Tax Commissioner Charles Haden's staff in Charleston. Reportedly, Gov. Arch A. Moore vetoed the job appointment after reading an advance copy of the McAteer report, which was critical of the State Department of Mines as well as the state's current tax policies with regard to coal lands.

While he doesn't say it, Davitt probably thinks the governor was politically astute when he denied him the opportunity to work for the tax commissioner. Hiring a critic would be tantamount to agreeing that his criticisms were correct and it would be insulting to those individuals and state agencies who were criticized.

Davitt has hopes that other students at WVU will have the initiative and motivation to launch similar studies which could lead to the resolution of other problems facing West Virginia.

The study wasn't easy to do. It had its frightening moments, too. The study group received threats of "consequences" if the members continued their work.

The Federal Bureau of Investigation never did give the students any information about the occupant of the car "with the strange license tag" which had been followed to Pennsylvania, after one of the threats.

In securing the funds for the study, Davitt McAteer prepared a 10-page prospectus of the study's goals. It touched most of the points contained in the final study. The factor which probably provided the major motivation for the study are these words relative to the school from which Davitt graduated this year:

"The West Virginia University College of Law has in the past neglected to provide its share of information and suggestions on the topic. The Index to the West Virginia

University 'Law Review' lists only one article on the subject. While the College of Law produces the vast majority of the members of the West Virginia Bar, it has failed to play the necessary role in the encouragement of original research and studies relating to the laws dealing with the health and safety of the coal miners. The basic tenet that the College of Law should play a leading role is supported by the fact that the state of West Virginia produces 25 percent of the United States' coal output.

"Although one of the nation's leading authorities on the subject of Coal, Oil and Gas Law, Prof. Robert J. Donley, teaches at the College of Law, his emphasis has not been directed to the safety field.

"Hopefully, this project will create a new emphasis and stimulate greater interest in the College of Law so that it will assume its expected role as a leader in the area of mining law," Davitt said in his prospectus.

When he returns from his honeymoon, Davitt will conclude the current phase of activity relative to "Coal Mining Health and Safety in West Virginia." He faces a minor economic nightmare: If all the copies of the report are sold, the printing and production bill will be paid with a few dollars to spare. If not, the chief author will have to pay the University printers from future earnings.

Davitt and his new bride, Julie, looked at the potential problem philosophically though.

"We'll meet that problem just as we have all the others since March of 1969. We'll work it out somehow," the couple said as they made final preparations for yesterday's trip down the aisle of St. Ann's Church and the beginning of a new life and new challenges.

CONFERENCE REPORT ON H.R. 17070, THE POSTAL REORGANIZATION ACT

Mr. DULSKI submitted the following conference report on the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1363)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Postal Reorganization Act".

UNITED STATES POSTAL SERVICE

SEC. 2. Title 39, United States Code, is revised and reenacted, and the sections thereof may be cited as "39 U.S.C. § ", as follows:

"TITLE 39—POSTAL SERVICE

"Part	Sec.
"I. GENERAL	101
"II. PERSONNEL	1001
"III. MODERNIZATION AND FISCAL ADMINISTRATION	2001
"IV. MAIL MATTER	3001
"V. TRANSPORTATION OF MAIL	5001

"PART I—GENERAL

"Chapter	Sec.
"1. Postal Policy and Definitions	101
"2. Organization	201
"4. General Authority	401
"6. Private Carriage of Letters	601

"Chapter 1.—POSTAL POLICY AND DEFINITIONS

"Sec.
"101. Postal policy.
"102. Definitions.

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

"(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

"(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

"(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(e) In determining all policies for postal services the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

"§ 102. Definitions

"As used in this title—

"(1) 'Postal Service' means the United States Postal Service established by section 201 of this title;

"(2) 'Board of Governors,' and 'Board', unless the context otherwise requires, mean the Board of Governors established under section 202 of this title; and

"(3) 'Governors' means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title.

"Chapter 2.—ORGANIZATION

"Sec.
"201. United States Postal Service.
"202. Board of Governors.
"203. Postmaster General; Deputy Postmaster General.
"204. Assistant Postmasters General; General Counsel; Judicial Officer.
"205. Procedures of the Board of Governors.
"206. Advisory Council.
"207. Seal.
"208. Reservation of powers.

"§ 201. United States Postal Service

"There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

"§ 202. Board of Governors

"(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of $10,000 a year plus $300 a day for not more than 30 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 30 days.

"(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

"(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

"§ 203. Postmaster General; Deputy Postmaster General

"The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

"§ 204. Assistant Postmasters General; General Counsel; Judicial Officer

"There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, and a Judicial Officer. The General Counsel, the Assistant Postmasters General, and the Judicial Officer shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General.

"§ 205. Procedures of the Board of Governors

"(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

"(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

"(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

"(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

"(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

"(3) as otherwise provided in this title.

"(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service.

"§ 206. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

"§ 207. Seal

"The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

"§ 208. Reservation of powers

"Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

"Chapter 4.—GENERAL AUTHORITY

"Sec.
"401. General powers of the Postal Service.
"402. Delegation of authority.
"403. General duties.
"404. Specific powers.
"405. Printing of illustrations of United States postage stamps.
"406. Postal services at Armed Forces installations.
"407. International postal arrangements.
"408. International money-order exchanges.
"409. Suits by and against the Postal Service.
"410. Application of other laws.
"411. Cooperation with other Government agencies.
"412. Nondisclosure of lists of names and addresses.

"§ 401. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;

"(7) to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 402. Delegation of authority

"Except for those powers, duties or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

"§ 403. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. The Postal Service shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 404. Specific powers

"Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special nonpostal or similar services;

"(7) to investigate postal offenses and civil matters relating to the Postal Service;

"(8) to offer and pay rewards for information and services in connection with violations of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

"(9) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

"§ 405. Printing of illustrations of United States postage stamps

"(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

"§ 406. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 407. International postal arrangements

"(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

"(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.

"§ 408. International money-order exchanges

"The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 409. Suits by and against the Postal Service

"(a) Except as provided in section 3628 of this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

"(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"§ 410. Application of other laws

"(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

"(b) The following provisions shall apply to the Postal Service:

"(1) section 552 (public information), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), and section 5532 (dual pay) of title 5, except that no regulation issued under such chapters or sections shall apply to the Postal Service unless expressly made applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

"(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

"(4) the following provisions of title 40:

"(A) sections 258a–258e (relating to condemnation proceedings);

"(B) sections 270a–270e (known as the Miller Act, relating to performance bonds);

"(C) sections 276a–276a–7 (known as the Davis-Bacon Act, relating to prevailing wages);

"(D) section 276c (relating to wage payments of certain contractors);

"(E) chapter 5 (the Contract Work Hours Standards Act); and

"(F) chapter 15 (the Government Losses in Shipment Act);

"(5) the following provisions of title 41:

"(A) sections 35–45 (known as the Walsh-Healey Act, relating to wages and hours); and

"(B) chapter 6 (the Service Contract Act of 1965); and

"(6) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"(c) Subsection (b)(1) of this section shall not require the disclosure of—

"(1) the name or address, past or present, of any postal patron;

"(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

"(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

"(4) information prepared for use in connection with proceedings under chapter 36 of this title;

"(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

"(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

"(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

"(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

"(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

"§ 411. Cooperation with other Government agencies

"Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

"§ 412. Nondisclosure of lists of names and addresses

"Except as specifically provided by law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

"Chapter 6.—PRIVATE CARRIAGE OF LETTERS

"Sec.
"601. Letters carried out of the mail.
"602. Foreign letters out of the mails.
"603. Searches authorized.
"604. Seizing and detaining letters.
"605. Searching vessels for letters.
"606. Disposition of seized mail.

"§ 601. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 602. Foreign letters out of the mails

"(a) Except as provided in section 601 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 603. Searches authorized

"The Postal Service may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle; or

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 604. Seizing and detaining letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

"§ 605. Searching vessels for letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 606. Disposition of seized mail

"Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

"PART II—PERSONNEL

"CHAPTER Sec.
"10. EMPLOYMENT WITHIN THE POSTAL SERVICE ---------------------- 1001
"12. EMPLOYEE-MANAGEMENT AGREEMENTS ---------------------- 1201

"Chapter 10.—EMPLOYMENT WITHIN THE POSTAL SERVICE

"Sec.
"1001. Appointment and status.
"1002. Political recommendations.
"1003. Employment policy.
"1004. Supervisory and other managerial organizations.
"1005. Applicability of laws relating to Federal employees.
"1006. Right of transfer.
"1007. Seniority for employees in rural service.
"1008. Temporary employees or carriers.
"1009. Personnel not to receive fees.
"1010. Administration of oaths related to postal inspection matters.
"1011. Oath of office.

"§ 1001. Appointment and status

"(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

"(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotions and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

"(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

"(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Rate Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States.

"(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct officers and employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

"(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted;

"(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

"(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

"§ 1002. Political recommendations

"(a) Except as provided in subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except a Governor or member of the Postal Rate Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

"(4) any other individual or organization.

"(b) Except as provided in subsection (e) of this section, a person or organization referred to in clause (1), (2), (3), or (4) of subsection (a) of this section is prohibited from making or transmitting to the Postal Service, or to any other officer or employee of the Government of the United States, any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the Government of the United States, subject to subsection (e) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such written recommendation or statement received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

"(c) A person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation is prohibited from requesting or soliciting any such recommendation or statement from any person or organization except a statement of the type referred to in subsection (e)(2) of this section.

"(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

"(e) The Postal Service or any authorized officer or employee of the Government of the United States may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the Postal Service or such authorized officer or employee, any statement with respect to a person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, if—

"(1) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person;

"(2) the statement relates solely to the character and residence of such person;

"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether such person meets the loyalty, suitability, and character requirements for employment with the Government of the United States; or

"(4) the statement is furnished by a former employer of such person pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

"(f) The Postal Service shall take any action it determines necessary and proper, including but not limited to suspension, removal from office, or disqualification from the Postal Service, to enforce the provisions of this section.

"(g) The provisions of this section shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7102 of title 5.

"§ 1003. Employment policy

"(a) Except as provided under chapters 2 and 12 of this title or other provision of law, the Postal Service shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. No officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.

"(b) The Postal Service shall follow an employment policy designed, without compromising the policy of section 101(a) of this title, to extend opportunity to the disadvantaged and the handicapped.

"§ 1004. Supervisory and other managerial organizations

"(a) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory and other managerial personnel; to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and other managerial personnel; to establish and maintain continuously a program for all such personnel that reflects the essential importance of a well-trained and well-motivated force to improve the effectiveness of postal operations; and to promote the leadership status of such personnel with respect to rank-and-file employees, recognizing that the role of such personnel in primary level management is particularly vital to the process of converting general postal policies into successful postal operations.

"(b) The Postal Service shall provide a program for consultation with recognized organizations of supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12 of this title. Upon presentation of evidence satisfactory to the Postal Service that a supervisory organization represents a majority of supervisors, or that a managerial organization (other than an organization representing supervisors) represents a substantial percentage of managerial employees, such organization or organizations shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees.

"§ 1005. Applicability of laws relating to Federal employees

"(a)(1) Except as otherwise provided in this subsection, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

"(A) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

"(B) procedures established by the Postal Service and approved by the Civil Service Commission.

"(2) The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.

"(3) The provisions of this subsection shall not apply to those individuals appointed under sections 202, 204, and 1001(c) of this title.

"(b) Section 5941 of title 5 shall apply to the Postal Service. For purposes of such section, the pay of officers and employees of the Postal Service shall be considered to be fixed by statute, and the basic pay of an employee shall be the pay (but not any allowance or benefit) of that officer or employee established in accordance with the provisions of this title.

"(c) Officers and employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries.

"(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapter 83 of title 5 relating to civil service retirement. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service, upon request of the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to the administration of Fund activities for officers and employees of the Postal Service.

"(e) Sick and annual leave, and compensatory time of officers and employees of the Postal Service, whether accrued prior to or after commencement of operations of the Postal Service, shall be obligations of the Postal Service under the provisions of this chapter.

"(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"§ 1006. Right of transfer

"Officers and employees in the postal career service of the Postal Service shall be eligible for promotion or transfer to any other position in the Postal Service or the executive branch of the Government of the United States for which they are qualified. The authority given by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.

"§ 1007. Seniority for employees in rural service

"Subject to agreements made under chapter 12 of this title, the seniority of an employee of the Postal Service occupying a position whose regular duty involves the collection and delivery of mail on a rural route shall be preserved. Seniority for such employee shall commence on the first day of his service in such a position, or, in the event such an employee transfers to another such position, on the day he enters duty in the other position. Upon initial assignment, such an employee shall be assigned to the least desirable route and shall attain assignment to more desirable routes by seniority. Promotions and assignments for such an employee in such position shall be based on seniority and ability. If ability be sufficient seniority shall govern.

"§ 1008. Temporary employees or carriers

"(a) A person temporarily employed to deliver mail is deemed an employee of the Postal Service and is subject to the provisions of chapter 83 of title 18 to the same extent as other employees of the Postal Service.

"(b) Any person, when engaged in carrying mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

"§ 1009. Personnel not to receive fees

"An officer or employee of the Postal Service may not receive any fee or perquisite from a patron of the Postal Service on account of the duties performed by virtue of his appointment, except as authorized by law.

"§ 1010. Administration of oaths related to postal inspection matters.

"Officers and employees of the Postal Service performing duties related to the inspection of postal matters may administer oaths required or authorized by law or regulation with respect to any matter coming before them in the performance of their official duties.

"§ 1011. Oath of office

"Before entering upon their duties and before receiving any salary, all officers and employees of the Postal Service shall take and subscribe the following oath or affirmation:

" 'I, ——————, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.'

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States, or any officer or employee of the Postal Service designated by the Board may administer and certify the oath or affirmation.

"CHAPTER 12.—EMPLOYEE-MANAGEMENT AGREEMENTS

"Sec.
"1201. Definition.
"1202. Bargaining units.
"1203. Recognition of labor organizations.
"1204. Elections.
"1205. Deductions of dues.
"1206. Collective-bargaining agreements.
"1207. Labor disputes.
"1208. Suits
"1209. Applicability of Federal labor laws.

"§ 1201. Definition

"As used in this chapter, 'guards' means—

"(1) maintenance guards who, on the effective date of this chapter, are in key position KP-5 under the provisions of former section 3514 of title 39; and

"(2) security guards, who may be employed in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises.

"§ 1202. Bargaining units

"The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service. The National Labor Relations Board shall not include in any bargaining unit—

"(1) any management official or supervisor;

"(2) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(3) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

"(4) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"§ 1203. Recognition of labor organizations

"(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the former Post Office

Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c) (1) of this section shall be accompanied by a statement signed by at least 30 percent of the employees in the appropriate unit stating that they desire that an election be conducted for either of the purposes set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 1204. Elections

"(a) All elections authorized under this chapter shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the 2 choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding 12-month period, a valid election has been held.

"§ 1205. Deductions of dues

"(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective-bargaining agreements has consultation rights under section 1004 of this title, the Postal Service shall deduct the regular and periodic dues of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

"(b) Any agreement in effect immediately prior to the date of enactment of the Postal Reorganization Act between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic dues of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

"§ 1206. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 1203 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 1207. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, if no agreement has been reached by that time.

"(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel consisting of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select 1 person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall issue after due investigation a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names is submitted.

"(c)(1) If no agreement is reached within 90 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. If the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

"§ 1208. Suits

"(a) The courts of the United States shall have jurisdiction with respect to actions brought by the National Labor Relations Board under this chapter to the same extent that they have jurisdiction with respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 1209. Applicability of Federal labor laws

"(a) Employee-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 of title 29.

"(b) The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 1203 of this title, and to such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postal Service, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"(c) Each employee of the Postal Service shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

"PART III—MODERNIZATION AND FISCAL ADMINISTRATION

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"Chapter 20.—FINANCE

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"§ 2001. Definitions

"As used in this chapter—

"(1) 'Fund' means the Postal Service Fund established by section 2003 of this chapter; and

"(2) 'obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 2002. Capital of the Postal Service

"(a) The initial capital of the Postal Service shall consist of the equity, as reflected in the budget of the President, of the Government of the United States in the former Post Office Department. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Postal Service subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost less depreciation, to the extent that such value can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the Government of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administrator are involved, with the approval of the Director of the Office of Management and Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the former Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property 55 percent or more of which is occupied by or under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the former Post Office Department.

"(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments, agencies, or independent establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or independent establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 2003. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the Fund, subject to withdrawal by check by the Postal Service—

"(1) revenues from postal and nonpostal services rendered by the Postal Service;

"(2) amounts received from obligations issued by the Postal Service;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the Fund;

"(5) any other receipts of the Postal Service; and

"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Postal Service determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

"(e) The Fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title and, subject to the provisions of section 3604(b) of this title, all of the expenses of the Postal Rate Commission. Neither the Fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

"§ 2004. Transitional appropriations

"Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with chapter 36 of this title are hereby authorized to be appropriated to the Fund with regard to fiscal-year limitation.

"§ 2005. Obligations

"(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Postal Service may pledge the assets of the Postal Service and pledge and use its revenues and receipts for the payment of the principal of or interest on such obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it deems necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service deems necessary or desirable to enhance the marketability of such obligations.

"(c) Obligations issued by the Postal Service under this section—

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Postal Service determines.

"(d) Obligations issued by the Postal Service under this section shall—

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, except as provided in section 2006(c) of this title.

"§ 2006. Relationship between the Treasury and the Postal Service

"(a) At least 15 days before selling any issue of obligations under section 2005 of this title, the Postal Service shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section, the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding section 2005(d)(5) of this title, obligations issued by the Postal Service shall be obligations of the Government of the United States, and payment of principal and interest thereon shall be fully guaranteed by the Government of the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest thereon; and

"(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 2007. Public debt character of the obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 2008. Audit and expenditures

"(a) The accounts and operations of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Postal Service shall maintain an adequate internal audit of the financial transactions of the Postal Service.

"(c) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

"(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of the accounts of the Postal Service and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

"(e) At least once each year beginning with the fiscal year commencing after June 30, 1971, the Postal Service shall obtain a certification from an independent, certified public accounting firm of the accuracy of any financial statements of the Postal Service used in determining and establishing postal rates.

"§ 2009. Annual budget

"The Postal Service shall cause to be prepared annually a budget program which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"§ 2010. Restrictions on agreements

"The Postal Service shall promote modern and efficient operations and should refrain from expending any funds, engaging in any practice, or entering into any agreement or contract, other than an agreement or contract under chapter 12 of this title, which restricts the use of new equipment or device which may reduce the cost or improve the quality of postal services, except where such restriction is necessary to insure safe and healthful employment conditions.

"Chapter 22.—CONVICT LABOR

"Sec.
"2201. No postal equipment or supplies manufactured by convict labor.

"§ 2201. No postal equipment or supplies manufactured by convict labor

"Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"Chapter 24.—APPROPRIATIONS AND ANNUAL REPORT

"Sec.
"2401. Appropriations.
"2402. Annual report.

"§ 2401. Appropriations

"(a) There are appropriated to the Postal Service all revenues received by the Postal Service.

"(b)(1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, there are authorized to be appropriated to the Postal Service the following amounts:

"(A) for each of the fiscal years 1972 through 1979, an amount equal to 10 percent of the sum appropriated to the former Post Office Department by Act of Congress for its use in fiscal year 1971;

"(B) for fiscal year 1980, an amount equal to 9 percent of such sum for fiscal year 1971;

"(C) for fiscal year 1981, an amount equal to 8 percent of such sum for fiscal year 1971;

"(D) for fiscal year 1982, an amount equal to 7 percent of such sum for fiscal year 1971;

"(E) for fiscal year 1983, an amount equal to 6 percent for such sum for fiscal year 1971;

"(F) for fiscal year 1984, an amount equal to 5 percent of such sum for fiscal year 1971; and

"(G) except as provided in paragraph (2) of this subsection, for each fiscal year thereafter an amount equal to 5 percent of such sum for fiscal year 1971.

"(2) After fiscal year 1984, the Postal Service may reduce the percentage figure in paragraph (1)(G) of this subsection, including a reduction to 0, if the Postal Service finds that the amounts determined under such paragraph are no longer required to operate the Postal Service in accordance with the policies of this title.

"(3) The Postal Service, in requesting amounts to be appropriated under this subsection, shall present to the appropriate committees of the Congress a comprehensive statement of its compliance with the public service cost policy established under section 101(b) of this title.

"(c) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act.

"§ 2402. Annual report

"The Postmaster General shall render an annual report to the Board concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Board shall transmit such report to the President and the Congress.

"Chapter 26.—DEBTS AND COLLECTION

"Sec.
"2601. Collection and adjustment of debts.
"2602. Transportation of international mail by air carriers of the United States.
"2603. Settlement of claims for damages caused by the Postal Service.
"2604. Delivery of stolen money to owner.

"2605. Suits to recover wrongful or fraudulent payments.

"§ 2601. Collection and adjustments of debts

"(a) The Postal Service—

"(1) shall collect debts due the Postal Service;

"(2) shall collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service;

"(3) may adjust, pay, or credit the account of a postmaster or of an enlisted person of an Armed Force performing postal duties, for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper; and

"(4) may prescribe penalties for failure to render accounts.

The Postal Service may refer any matter, which is uncollectable through administrative action, to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Postal Service shall determine whether the interests of the Postal Service probably require the exercise of its powers over the same. Upon the determination, the Postal Service on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 2602. Transportation of international mail by air carriers of the United States

"(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

"(1) the Postal Service puts into effect rates of compensation to be charged another country for transportation; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Postal Service has proceeded under authority of subsection (a) of this section, it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Postal Service, may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by the Postal Service to be due from another country to an air carrier for the transportation of its mails when—

"(1) collections are to be made by the United States for the account of air carriers; and

"(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within 12 months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and carry out the purposes of this section.

"§ 2603. Settlement of claims for damages caused by the Postal Service

"When the Postal Service finds a claim for damage to persons or property resulting from the operation of the Postal Service to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, it may adjust and settle the claim.

"§ 2604. Delivery of stolen money to owner

"When the Postal Service is satisfied that money or property in the possession of the Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 2605. Suits to recover wrongful or fraudulent payments

"The Postal Service shall request the Attorney General to bring a suit to recover with interest any payment made from moneys of, or credit granted by, the Postal Service as a result of—

"(1) mistake;

"(2) fraudulent representations;

"(3) collusion; or

"(4) misconduct of an officer or employee of the Postal Service.

"PART IV—MAIL MATTER

"CHAPTER	Sec.
"30 NONMAILABLE MATTER	3001
"32. PENALTY AND FRANKED MAIL	3201
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"Chapter 30.—NONMAILABLE MATTER

"Sec.
"3001. Nonmailable matter.
"3002. Nonmailable motor vehicle master keys.
"3003. Mail bearing a fictitious name or address.
"3004. Delivery of mail to persons not residents of the place of address.
"3005. False representations; lotteries.
"3006. Unlawful matter.
"3007. Detention of mail for temporary periods.
"3008. Prohibition of pandering advertisements.
"3009. Mailing of unordered merchandise.
"3010. Mailing of sexually oriented advertisements.
"3011. Judicial enforcement.

"§ 3001. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717 or 1718 of title 8 is nonmailable.

"(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service shall direct.

"(c) (1) Matter which—

"(A) exceeds the size and weight limits prescribed for the particular class of mail; or

"(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

"(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

"(d) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.'; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 3002. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, or any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter and shall not be carried or delivered by mail.

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master key' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or any exact duplicate of such keys) designed to operate 2 or more motor vehicle ignition, door, or trunk locks of different combinations.

"§ 3003. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal services of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, it may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Postal Service may issue an order directing that mail, covered by subsection (a) of this section, be forwarded to a dead letter office as fictitious matter, or be returned to the sender when—

"(1) the party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Postal Service determines that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 3004. Delivery of mail to persons not residents of the place of address

"Whenever the Postal Service determines that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, the Postal Service may deliver the mail only upon identification of the person so addressed.

"§ 3005. False representations; lotteries

"(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

"(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

"(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provides for the return to the remitter of the sum named in the money order or postal note.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service may ascertain the existence of the agency in any other legal way satisfactory to it.

"(c) As used in this section and section 3006 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 3006. Unlawful matter

"Upon evidence satisfactory to the Postal Service that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such a thing may be obtained, the Postal Service may—

"(1) direct any postmaster at an office at which mail arrives, addressed to such a person or to his representative, to return the mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitter of the sum named in the money order.

"§ 3007. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 3005 and 3006 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Postal Service and upon a showing of probable cause to believe either section is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications entitled to a periodical publication rate or to mail addressed to the agents of those publishers.

"§ 3008. Prohibitions of pandering advertisements

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postal Service to refrain from further mailings of such materials to designated addresses thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole decretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressee.

"(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addresses, effective on the thirtieth calendar day after receipt of the order. The order shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within 15 days after the date of such service. If the Postal Service, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punishable by the court as contempt thereof.

"(f) Receipt of mail matter 30 days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5, relating to administrative procedure, and chapter 7, relating to judicial review, of title 5, shall not apply to any provisions of this section.

"(i) For purposes of this section—

"(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postal Service's order; and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"§ 3009. Mailing of unordered merchandise

"(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

"(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

"(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

"For the purposes of this section, 'unordered merchandise' means merchandise mailed without the prior expressed request or consent of the recipient.

"§ 3010. Mailing of sexually oriented advertisements

"Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postal Service may prescribe.

"(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of 19 years and who resides with him or is under his care, custody, or supervision, may file with the Postal Service a statement, in such form and manner as the Postal Service may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postal Service shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than 30 days.

"(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Postal Service pursuant to this section.

"(d) 'Sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"§ 3011. Judicial enforcement

"(a) Whenever the Postal Service believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3010 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, the court may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; or

"(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3010 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3010 of this title.

"(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3010 has been delivered by mail according to the direction thereon.

"(e) Nothing in this section or in section 3010 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3006, 3007, or 3008 of this title.

"Chapter 32.—PENALTY AND FRANKED MAIL

"Sec.
"3201. Definitions.
"3202. Penalty mail.
"3203. Endorsements on penalty covers.
"3204. Restrictions on use of penalty mail.
"3205. Accounting for penalty covers.
"3206. Reimbursement for penalty mail service.
"3207. Limit of weight of penalty mail; postage on overweight matter.
"3208. Shipment by most economical means.
"3209. Executive departments to supply information.
"3210. Official correspondence of Vice President and Members of Congress.
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"3212. Congressional Record under frank of Members of Congress.
"3213. Seeds and reports from Department of Agriculture.
"3214. Mailing privilege of former Presidents.
"3215. Lending or permitting use of frank unlawful.
"3216. Reimbursement for franked mailings.
"3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.
"3218. Franked mail for surviving spouses of Members of Congress.

"§ 3201. Definitions

"As used in this chapter—

"(1) 'penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

"(2) 'penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail;

"(3) 'frank' means the autographic or facsmile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

"(4) 'franked mail' means mail which is transmitted in the mail under a frank; and

"(5) 'Members of Congress' includes Senators.

Representatives, Delegates, and Resident Commissioners.

"§ 3202. Penalty mail

"(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the Government of the United States other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341–343 and 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

"§ 3203. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under clauses (1)(E), (2), and (3) of section 3202(a) of this title.

"§ 3204. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 3205. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service.

"§ 3206. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

"(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

"(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title.

"§ 3207. Limit of weight of penalty mail; postage on overweight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over 4 pounds in weight;

"(2) not in excess of the weight and size prescribed for mail matter; and

"(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

"§ 3208. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express, whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

"§ 3209. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

"§ 3210. Official correspondence of Vice President and Members of Congress

"The Vice President, Members, and Members-elect of Congress, Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, and Sergeant at Arms of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, or Sergeant at Arms of the House of Representatives, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 3211. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 3212. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 3213. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress.

"§ 3214. Mailing privilege of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 3215. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 3216. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, including registry fees if registration is required, and postage on correspondence sent by the surviving spouse of a Member under section 3218 of this title, shall be paid by a lump-sum appropriation to the legislative branch for the purpose, and then paid to the Postal Service as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

"§ 3218. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, correspondence relating to the death of the Member.

"Chapter 34.—ARMED FORCES AND FREE POSTAGE

"Sec.

"3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.

"3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone.

"3403. Matter for blind and other handicapped persons.

"3404. Unsealed letters sent by blind or physically handicapped persons.

"3405. Markings.

"§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

"(a) Letter mail or sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty, as defined in section 101 (4) and (22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D) (i) of this paragraph; and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

"(1) (A) letter mail or sound-recorded communications having the character of personal correspondence; and

"(B) parcels not exceeding 5 pounds in weight and 60 inches in length and girth combined:

which are mailed at or addressed to any such Armed Forces post office;

"(2) publications (entitled to a periodical publication rate, published once each week or more frequently, and featuring principally current news of interest to members of the Armed Forces and the general public) which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding 5 pounds but not

exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than scheduled United States air carriers.

"(c) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a) of this section.

"(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rates or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"(e) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

"§ 3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone

"(a) For the purpose of section 3401 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the Armed Forces of the United States and of friendly foreign nations, shall be considered to be an Armed Forces post office established in an overseas area.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under section 3401 of this title.

"§ 3403. Matter for blind and other handicapped persons

"(a) The matter described in subsection (b) of this section (other than matter mailed under section 3404 of this title) may be mailed free of postage, if—

"(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment and who are certified by competent authority as unable to read normal reading material in accordance with the provisions of sections 135a and 135b of title 2;

"(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

"(3) the matter may be opened by the Postal Service for inspection; and

"(4) the matter contains no advertising.

"(b) The free mailing privilege provided by subsection (a) of this section is extended to—

"(1) reading matter and musical scores;

"(2) sound reproductions;

"(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

"(4) reproducers or parts thereof, for sound reproductions; and

"(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

"§ 3404. Unsealed letters sent by blind or physically handicapped persons

"Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3403(a)(1) of this title in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

"§ 3405. Markings

"All matter relating to blind or other handicapped persons mailed under section 3403 or 3404 of this title, shall bear the words 'Free Matter for the Blind or Handicapped', or words to that effect specified by the Postal Service, in the upper right-hand corner of the address area.

"CHAPTER 36.—POSTAL RATES, CLASSES, AND SERVICES

"SUBCHAPTER I—POSTAL RATE COMMISSION

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"3601. Establishment.
"3602. Terms of office.
"3603. Rules; regulations; procedures.
"3604. Administration.

"SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

"3621. Authority to fix rates and classes.
"3622. Rates and fees.
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"SUBCHAPTER III—TEMPORARY RATES AND CLASSES

"3641. Temporary changes in rates and classes.

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"3661. Postal services.
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"3681. Reimbursement.
"3682. Size and weight limits.
"3683. Uniform rates for books; films; other materials.
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"3685. Filing of information relating to periodical publications.

"SUBCHAPTER I—POSTAL RATE COMMISSION

"§ 3601. Establishment

"There is established, as an independent establishment of the executive branch of the Government of the United States, the Postal Rate Commission composed of 5 Commissioners appointed by the President, not more than 3 of whom may be adherents of the same political party. One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President. The Commissioners shall be chosen on the basis of their professional qualifications and may be removed only in accordance with section 7521 of title 5.

"§ 3602. Terms of office

"The Commissioners of the Postal Rate Commission shall serve for terms of 6 years except that—

"(1) the terms of the Commissioners first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following the appointment of the first of them; and

"(2) any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"§ 3603. Rules; regulations; procedures

"The Postal Rate Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.

"§ 3604. Administration

"(a) The Chairman of the Postal Rate Commission shall have the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the officers and employees of the Commission. All final acts of the Commissioners shall be by a vote of an absolute majority thereof.

"(b) The Commission may obtain such facilities and supplies, and appoint and fix the compensation of such officers and employees, as may be necessary to permit the Commission to carry out its functions. The officers and employees so appointed (1) shall be paid at rates of compensation, and shall be entitled to programs offering employee benefits, established under chapter 10 or 12 of this title, as appropriate, and (2) shall be responsible solely to the Commissioners.

"(c)(1) The Commission shall periodically prepare and submit to the Postal Service a budget of the Commission's expenses, including but not limited to expenses for facilities, supplies, compensation, and employee benefits. The budget shall be considered approved—

"(A) as submitted if the Governors fail to act in accordance with clause (B) of this paragraph; or

"(B) as adjusted if the Governors holding office, by unanimous written decision, adjust the total amount of money requested in the budget.

Clause (B) shall not be construed to authorize the Governors to adjust any item included within the budget.

"(2) Expenses incurred under any budget approved under paragraph (1) of this subsection shall be paid out of the Postal Service Fund established under section 2003 of this title.

"(d) The provisions of section 410 and chapter 10 of this title shall apply to the Commission, as appropriate.

"SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

"§ 3621. Authority to fix rates and classes

"Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of this chapter. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States. Postal rates and fees shall provide sufficient revenues so that the total estimated income and appropriations to the Postal Service will equal as nearly as practicable total estimated costs of the Postal Service. For purposes of this section, 'total estimated costs' shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

"§ 3622. Rates and fees

"(a) From time to time the Postal Services shall request the Postal Rate Commission to submit a recommended decision on changes in a rate or rates of postage or in a fee or fees for postal services if the Postal Service determines that such changes would be in the public interest and in accordance with the policies of this title. The Postal Service may submit such suggestions for rate adjustments as it deems suitable.

"(b) Upon receiving a request, the Commission shall make a recommended decision on the request for changes in rates or fees in each class of mail or type of service in accordance with the policies of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable schedule;

"(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient including but not limited to the collection, mode of transportation, and priority of delivery;

"(3) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to that class or type plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

"(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(6) the degree of preparation of mail for delivery into the postal system performed by the matter and its effect upon reducing costs to the Postal Service;

"(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services; and

"(8) such other factors as the Commission deems appropriate.

"§ 3623. Mail classification

"(a) Within 2 years after the effective date of this subchapter, the Postal Service shall request the Postal Rate Commission to make a recommended decision on establishing a mail classification schedule in accordance with the provisions of this section.

"(b) Following the establishment of the mail classification schedule requested under subsection (a) of this section, the Postal Service may from time to time request that the Commission submit, or the Commission may submit to the Postal Service on its own initiative, a recommended decision on changes in the mail classification schedule.

"(c) The Commission shall make a recommended decision on establishing or changing the schedule in accordance with the policies of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable classification system for all mail;

"(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

"(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

"(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

"(6) such other factors as the Commission may deem appropriate.

"(d) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.

"§ 36.24 Recommended decisions of Commission

"(a) The Postal Rate Commission shall promptly consider a request made under section 3622 or 3623 of this title, except that the Commission shall not recommend a decision until the opportunity for a hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public.

"(b) In order to conduct its proceedings with utmost expedition consistent with procedural fairness to the parties, the Commission may (without limitation) adopt rules which provide for—

"(1) the advance submission of written direct testimony;

"(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(3) discovery both from the Postal Service and the parties to the proceedings;

"(4) limitation of testimony; and

"(5) the conduct of the entire proceedings off the record with the consent of the parties.

"(c) The Commission shall transmit its recommended decision in a rate, fee, or classification matter to the Governors. The recommended decision shall include a statement specifically responsive to the criteria established under section 3622 or 3623, as the case may be.

"§ 3625. Action of the Governors

"(a) Upon receiving a recommended decision from the Postal Rate Commission, the Governors may approve, allow under protest, reject, or modify that decision in accordance with the provisions of this section.

"(b) The Governors may approve the recommended decision and order the decision placed in effect.

"(c) The Governors may, under protest, allow a recommended decision of the Commission to take effect and (1) seek judicial review thereof under section 3628 of this title, or (2) return the recommended decision to the Commission for reconsideration and a further recommended decision, which shall be acted upon under this section and subject to review in accordance with section 3628 of this title.

"(d) The Governors may reject the recommended decision of the Commission and the Postal Service may resubmit its request to the Commission for reconsideration. Upon resubmission, the request shall be reconsidered, and a further recommended decision of the Commission shall be acted upon under this section and subject to review in accordance with section 3268 of this title. However, with the unanimous written concurrence of all of the Governors then holding office, the Governors may modify any such further recommended decision of the Commission under this subsection if the Governors expressly find that (1) such modification is in accord with the record and the policies of this chapter, and (2) the rates recommended by the Commission are not adequate to provide sufficient total revenues so that total estimated income and appropriations will equal as nearly as practicable estimated total costs.

"(e) The decision of the Governors to approve, allow under protest, reject, or modify a recommended decision of the Commission shall be in writing and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Commission's hearings, and the Commission's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

"(f) The Board shall determine the date on which the new rates, fees, the mail classification schedule, and changes in such schedule under this subchapter shall become effective.

"§ 3626. Reduced rates

"If the rates of postage for any class of mail or kind of mailer under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this subchapter, are, on the effective date of the first rate decision under this subchapter affecting that class or kind, less than the rates established by such decision, a separate rate schedule shall be adopted for that class or kind effective each time rates are established or changed under this subchapter, with annual increases as nearly equal as practicable, so that—

"(1) the revenues received from rates for mail under former section 4358, 4452 (b) and (c), and 4554 (b) and (c) shall not, on and after the first day of the tenth year following the effective date of the first rate decision applicable to that class or kind, exceed the direct and indirect postal costs attributable to mail of such class or kind (excluding all other costs of the Postal Service); and

"(2) the rates for mail under sections 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subsection had not been enacted.

No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates.

"§ 3627. Adjusting free and reduced rates

"If Congress fails to appropriate an amount authorized under section 2401(c) of this title for any class of mail sent at a free or reduced rate under section 3217, 3403–3405, or 3626 of this title, or under the Federal Voting Assistance Act of 1955, the rate for that class may be adjusted in accordance with the provisions of this subchapter so that the increased revenues received from the users of such class will equal the amount for that class that the Congress was to appropriate.

"§ 3628. Appellate review

"A decision of the Governors to approve, allow under protest, or modify the recommended decision of the Postal Rate Commission may be appealed to any court of appeals of the United States, within 15 days after its publication by the Public Printer, by an aggrieved party who appeared in the proceedings under section 3624(a) of this title. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision or order that the entire matter be returned for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Governors under this chapter except as provided in this section.

"SUBCHAPTER III—TEMPORARY RATES AND CLASSES

"§ 3641. Temporary changes in rates and classes

"(a) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Postal Service has submitted, or within 30 days after the Postal Service has resubmitted, to the Commission a request for a recommended decision on a change in rates of postage or in fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 3623 of this title), the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in rates of postage, in fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Governors.

"(b) If, under section 3628 of this title, a court orders a matter returned to the Commission for further consideration, the Postal Service, with the consent of the Commission, may place into effect temporary changes in rates of postage, in fees for postal services, or in the mail classification schedule.

"(c) A rate of postage for a class of mail or a fee for a postal service under a temporary change under this section may not exceed the lesser of (1) the rate or fee requested for such class or service, or (2) a rate or fee which is more than one-third greater than the permanent rate or fee in effect for that class or service at the time a permanent change in the rate or fee of such class or service is requested under section 3622 of this title.

"SUBCHAPTER IV—POSTAL SERVICES AND COMPLAINTS

"§ 3661. Postal services

"(a) The Postal Service shall develop and promote adequate and efficient postal services.

"(b) When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Rate Commission requesting an advisory opinion on the change.

"(c) The Commission shall not issue its opinion on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title.

"§ 3662. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe. The Commission may in its discretion hold hearings on such complaint. If the Commission, in a matter covered by subchapter II of this chapter, determines the complaint to be justified, it shall, after proceedings in conformity with section 3624 of this title, issue a recommended decision which shall be acted upon in accordance with the provisions of section 3625 of this title and subject to review in accordance with the provisions of section 3628 of this title. If a matter not covered by subchapter II of this chapter is involved, and the Commission after hearing finds the complaint to be justified, it shall render a public report thereon to the Postal Service which shall take such action as it deems appropriate.

"SUBCHAPTER V—GENERAL

"§ 3681. Reimbursement

"No mailer may be reimbursed for any amount paid under any rate or fee which, after such payment, is determined to have been unlawful after proceedings in accordance with the provisions of section 3628 of this title, or is superseded by a lower rate or fee established under subchapter II of this chapter.

"§ 3682. Size and weight limits

"(a) Except as provided in subsection (b) of this section—

"(1) the maximum weight of mail other than letter mail is 40 pounds; and

"(2) the maximum size is—

"(A) 78 inches in girth and length combined before July 1, 1971; and

"(B) 84 inches in girth and length combined on and after July 1, 1971.

"(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

"(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determined by the Postal Service;

"(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(3) would have been entitled to be mailed under former section 4554 of this title;

"(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; or

"(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

"(c) The Postal Service may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under subchapter II of this chapter.

"§ 3683. Uniform rates for books; films; other materials

"Notwithstanding any other provision of this title, the rates of postage established for mail matter enumerated in former section 4554 of this title shall be uniform for such mail of the same weight, and shall not vary with the distance transported.

"§ 3684. Limitations

"Except as provided in section 3627 of this title, no provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of section 3682 or 3683 or chapter 30, 32, or 34 of this title, or of the Federal Voting Assistance Act of 1955.

"§ 3685. Filing of information relating to periodical publications

"(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as the Postal Service may require with respect to—

"(1) the identity of the editor, managing editor, publishers, and owners;

"(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

"(3) the identity of known bondholders, mortgagees, and other security holders;

"(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 percent of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

"(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

"PART V—TRANSPORTATION OF MAIL

"CHAPTER	Sec.
"50. GENERAL	5001
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"Chapter 50.—GENERAL

"Sec.
"5001. Provisions for carrying mail.
"5002. Transportation of mail of adjoining countries through the United States.
"5003. Establishment of post roads.
"5004. Discontinuance of service on post roads.
"5005. Mail transportation.
"5006. Lien on compensation of contractor.
"5007. Free transportation of postal employees.

"§5001. Provisions for carrying mail

"The Postal Service shall provide for the transportation of mail in accordance with the policies established under section 101 (e) and (f) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Postal Service may make arrangements on a temporary basis for the transportation of mail when, as determined by the Postal Service, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Postal Service is promptly able to secure transportation services under other provisions of this title.

"§ 5002. Transportation of mail of adjoining countries through the United States

"The Postal Service, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

"§ 5003. Establishment of post roads

"The following are post roads:

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter-carrier routes established for the collection and delivery of mail.

"§ 5004. Discontinuance of service on post roads

"The Postal Service may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

"§ 5005. Mail transportation

"(a) The Postal Service may obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle or persons as provided in chapter 52 of this title;

"(2) from air carriers as provided in chapter 54 of this title;

"(3) from water carriers as provided in chapter 56 of this title; and

"(4) by contract from any person (as defined in section 5201(7) of this title) or carrier for surface and water transportation under such terms and conditions as it deems appropriate, subject to the provisions of this section.

"(b)(1) Contracts for the transportation of mail procured under subsection (a)(4) of this section shall be for periods not in excess of 4 years (or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals. The Postal Service, with the consent of the holder of any such contract, may adjust the compensation allowed under that contract for increased or decreased costs resulting from changed conditions occurring during the term of the contract.

"(2) A contract under subsection (a)(4) of this section may be renewed at the existing rate by mutual agreement between the holder and the Postal Service.

"(3) Any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, and in post offices on the post roads involved, as determined by the Postal Service, at least 15 days prior to the effective date of the contract.

"(c) The Postal Service, in determining whether to obtain transportation of mail by carrier or person under subsection (a)(1) of this section by contract under subsection (a)(4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode

"§ 5006. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Postal Service; and

"(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 5007. Free transportation of postal employees

"Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

"Chapter 52.—TRANSPORTATION OF MAIL BY SURFACE CARRIER

Sec.

"5201. Definitions.
"5202. Applicability.
"5203. Authorization of service by carrier.
"5204. Changes in service; placement of equipment.
"5205. Evidence of service.
"5206. Fines and deductions.
"5207. Interstate Commerce Commission to fix rates.
"5208. Procedures.
"5209. Special rates.
"5210. Intermodal transportation.
"5211. Statistical studies.
"5212. Special contracts.
"5213. Carrier operations; receipts; expenditures.
"5214. Agreements with passenger common carriers by motor vehicle.
"5215. Star route certification.

"§ 5201. Definitions

"For purposes of this chapter—

"(1) 'Commission' means the Interstate Commerce Commission;

"(2) 'carrier' and 'regulated surface carrier' mean a railroad, a freight forwarder, a motor carrier, or an express company;

"(3) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(4) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Commission;

"(5) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission;

"(6) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49;

"(7) 'person' includes any person other than a carrier holding a certificate of public convenience and necessity issued by the Commission; and

"(8) 'mail' includes equipment and supplies of the Postal Service.

"§ 5202. Applicability

"This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

"§ 5203. Authorization of service by carrier

"(a) The Postal Service may establish mail routes and authorize mail transportation service thereon.

"(b) A carrier shall transport mail offered for transportation by the Postal Service in the mannner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

"(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed such mail as the Postal Service directs under this section.

"(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, to provide service for the Postal Service at a rate which is less than compensatory cost, or to provide service at a detriment to the carrier or its other customers.

"(f) Any order or determination of the Postal Service providing for the transportation of mail by a motor carrier shall be filed with the Commission. If the Commission finds, within 90 days after the filing, that the order or determination will be detrimental to the motor carrier or its other customers, or that such carrier does not operate equipment suitable for the transportation of mail, the order or determination shall be terminated.

"(g) An order or determination of the Postal Service under this section shall be consistent with the orders of the Commission under sections 5207 and 5208 of this title.

"§ 5204. Changes in service; placement of equipment

"(a) The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate of compensation fixed under this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

"(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

"§ 5205. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

"§ 5206. Fines and deductions

"(a) The Postal Service may fine any carrier an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

"(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 5203 of this title.

"(c) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5203 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compensation applying to such service. Such deductions shall not be made prior to the expiration of 60 days following service upon the carrier by the Board of notice of intention to assess a fine or make a deduction and of the basis therefor.

"§ 5207. Interstate Commerce Commission to fix rates

"(a) The Commission shall determine and fix the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of carriers and, where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Commission fixes the rates or compensation under subsection (a) of this section.

"§ 5208. Procedures

"(a) At any time after 6 months from the entry of an order stating the Commission's determination under section 5207 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates of compensation for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 5207(d), 5209, 5210, and 5212 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Postal Service may file with the Commission a comprehensive plan stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route, which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

"(d) When a comprehensive plan is filed, the Commission shall give notice of not less than 30 days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Commission, but not later than 30 days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

"§ 5209. Special rates

"Upon petition by the Postal Service, the Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

"§ 5210. Intermodal transportation

"The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates of compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 5211. Statistical studies

"The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 5212. Special contracts

"The Postal Service may enter into special contracts with any carrier or person, without advertising, for bids and for periods not in excess of 4 years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Commission. The fact that the Commission has not prescribed rates or compensation for the carrier involved, under section 5207 of this title, shall not preclude execution of a contract under this section. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other carriers or persons have been given an opportunity to offer to negotiate for the transportation of mail.

"§ 5213. Carrier operations; receipts; expenditures

"The Postal Service shall request any carrier transporting mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§5214. Agreements with passenger common carriers by motor vehicle

"The Postal Service may enter into contracts under such terms and conditions as it shall prescribe without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"§ 5215. Star route certification

"(a) Any person who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this section (or successor in interest to any such person), shall, upon application to the Commission for the territory within which such contractor operated on or before the effective date of this section be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Commission without the Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

"(b) Applications of persons who were not contractors on the effective date of this section shall be decided in accordance with applicable Commission procedure.

"(c) For purposes of this section, the term 'person' has the same meaning given that term under section 1 of title 1.

"Chapter 54.—**TRANSPORTATION OF MAIL BY AIR**

"5401. Authorization.
"5402. Contracts for transportation of mail by air.
"5403. Fines.

"§ 5401. Authorization

"(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

"(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for such transportation.

"§ 5402. Contracts for transportation of mail by air

"(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which the carrier is authorized by the Civil Aeronautics Board to engage in the transportation of mail. Such contracts shall be for the transportation of at least 750 pounds of mail per flight, and no more than 10 percent of the domestic mail transported under any such contract or 5 percent, based on weight, of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Civil Aeronautics Board not later than 90 days before its effective date. Unless the Civil Aeronautics Board shall determine otherwise (under criteria prescribed by section 1302 of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

"(b) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 1371(k) and 1386(b) of title 49, air transportation within the provisions of sections 1301–1542 of title 49. The Postal Service shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Civil Aeronautics Board of an authorizaton under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(c) If the Postal Service determines that service by certificated air carriers or combination of air carriers between any pair or pairs of points is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof for such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreement between the holder and the Postal Service. The Postal Service, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Postal Service shall cancel such a contract when the Civil Aeronautics Board authorizes an additional certificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

"§ 5403. Fines

"The Postal Service may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of the mail.

"Chapter 56.—**TRANSPORTATION OF MAIL BY VESSEL**

"Sec.
"5601. Sea post service.
"5602. Termination of contracts for foreign transportation.
"5603. Transportation of mail by vessel as freight or express.
"5604. Fines on ocean carriers.
"5605. Contracts for transportation of mail by vessel.

"§ 5601. Sea post service

"The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 5602. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

"§ 5603. Transportation of mail by vessel as freight or express

"The Postal Service may require that mail be transported by freight or express when—

"(1) there is no competition on a water route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that fails or refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 5604. Fines on ocean carriers

"The Postal Service may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mails; and

"(2) other delinquencies in the transportation of mail.

"§ 5605. Contracts for transportation of mail by vessel

"The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years."

CONTINUATION OF EXISTING RATES AND FEES

SEC. 3. The classes of mail, the rates of postage, and fees for postal services prescribed by law or regulation made or adopted prior to the effective date of subchapter II of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall be in effect according to the terms of such law or regulation until changed in accordance with such subchapter.

TRANSITIONAL PROVISIONS

SEC. 4. (a) There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.

(b) Postal revenues and fees collected on and after the effective date of this section shall be considered assets of the Postal Service.

SAVINGS PROVISIONS

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act; or

(B) in the exercise of duties, powers, or functions which are transferred under this Act;

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction; and

(2) which are in effect at the time the United States Postal Service commences operations, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), the functions of which are transferred by this Act; but such proceedings shall be continued before the Postal Service. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2) of this subsection—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which any provision of this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Postal Service; or

(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

(d) The amendment of any statute by this Act shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of the Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

(g) Notwithstanding section 202 of title 39, United States Code, as enacted by section 2 of this Act, Governors of the Board of Governors of the Postal Service may be paid $300 a day for not more than 60 days of meetings in each of the first 2 years following the effective date of such section 202.

TECHNICAL AMENDMENTS

SEC. 6. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended—

(1) by striking out the word "and" at the end of paragraph (C);

(2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (D) a new paragraph (E) as follows:

"(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39, United States Code.".

(b) Subsection (d)(1) of section 19 of title 3, United States Code, is amended by striking out "Postmaster General,".

(c) Title 5, United States Code, is amended as follows:

(1) Section 101 is amended by striking out—

"The Post Office Department.".

(2) Section 104(1) is amended by inserting after "executive branch" the following: "(other than the United States Postal Service or the Postal Rate Commission)".

(3) Section 2104 is amended—

(A) by inserting the subsection designation "(a)" before the word "For";

(B) by inserting after "except" the following: "as otherwise provided by this section or"; and

(C) by inserting at the end thereof the following new subsection:

"(b) Except as otherwise provided by law, an officer of the United States Postal Service or of the Postal Rate Commission is deemed not an officer for purposes of this title.".

(4) Section 2105 is amended by adding at the end thereof the following new subsection:

"(e) Except as otherwise provided by law, an employee of the United States Postal Service or of the Postal Rate Commission is deemed not an employee for purposes of this title.".

(5) Section 3104(a)(5) is repealed.

(6) Section 3304a(a) is amended by striking out ", in the postal field service,".

(7)(A) Section 3327 is repealed.

(B) The analysis of subchapter I of chapter 33 is amended by striking out item 3327.

(8) Section 4301(1)(ii) is repealed.

(9) Section 5102(c)(1) is repealed.

(10) Section 5303(a)(2) is repealed.

(11) The first sentence of section 5304 is amended by striking out "the provisions of part III of title 39 relating to employees in the postal field service,".

(12) Clause (5) of section 5312 is repealed.

(13) Section 5314 is amended—

(A) by striking out clause (3); and

(B) by inserting at the end thereof the following:

"(55) Chairman, Postal Rate Commission.".

(14) Section 5315 is amended—

(A) by striking out clauses (21) and (45); and

(B) by inserting at the end thereof the following:

"(93) Members, Postal Rate Commission (4).".

(15) Clauses (37), (60), and (123) of section 5316 are repealed.

(16) Section 5541(2)(vi) is repealed.

(17) Section 6301(2)(ii) is amended by striking out the first comma thereof and the phrase "except an hourly employee in the postal field service,".

(18) Section 6323 is amended—

(A) by striking out of subsections (a) and (c) the phrase "(a substitute employee in the postal field service)" wherever it appears; and

(B) by striking out subsections (b) and (d).

(19) Section 7101 is amended by striking out "postal service" and inserting in lieu thereof "United States Postal Service".

(20) Section 8344 is amended by adding at the end thereof the following new subsection:

"(c) This section does not apply to an individual appointed to serve as a Governor of the Board of Governors of the United States Postal Service.".

(d) Paragraph seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is amended by inserting after "nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority" the words "or by the United States Postal Service".

(e) Section 602(c) of the Act of August 7, 1956 (70 Stat. 1113), as amended (12 U.S.C. 1701d-3(c)), is further amended by striking out "section 306 of the Penalty Mail Act of 1948 (39 U.S.C. 321)n" and inserting in lieu thereof "section 3204 of title 39, United States Code".

(f) Section 301(a) of the Housing Act of 1948 (63 Stat. 431), as amended (12 U.S.C. 1701e(a)), is further amended by striking out "39 United States Code 321n" and inserting in lieu thereof "39 United States Code 3204".

(g) Section 8(b) of the Small Business Act, as amended by section 107 of the Act of October 11, 1967 (81 Stat. 269; 15 U.S.C. 637 (b)(15)), is further amended by striking out "section 1154 of title 39, United States Code" which appears in paragraph 15 and inserting in lieu thereof "section 3204 of title 39, United States Code".

(h) Section 2(f) of the Act of May 28, 1963 (77 Stat. 50; 16 U.S.C. 4601–1(f)), is amended by striking out "section 4154, title 39, United States Code", and inserting in lieu thereof "section 3204 of title 39, United States Code".

(i) Section 8 of title 17, United States Code, is amended—

(1) by striking out "Postmaster General" and inserting in lieu thereof "United States Postal Service"; and

(2) by striking out "section 2506 of title 39" and inserting in lieu thereof "section 405 of title 39".

(j) Title 18, United States Code, is amended as follows:

(1) The analysis of chapter 1 is amended by inserting in item 12, before "Postal" the words "United States".

(2) Section 12 is amended to read as follows:

"§ 12. United States Postal Service defined

"As used in this title, the term 'Postal Service' means the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office.".

(3) Section 440 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(4) Section 441 is amended by striking out "Post Office Department or the".

(5) The first 2 paragraphs of section 500 are amended to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department or Postal Service, or by any officer or employee thereof; or

"Whoever forges or counterfeits the signature of any officer or employee of the Postal Service, upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or the Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or".

(6) The last 3 paragraphs of section 501 thereof are amended to read as follows:

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the Postal Service, without the special authority and direction of the Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both.".

(7) Sections 612 and 876 are amended by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

(8) Section 877 is amended by striking out the phrase "Post Office Department of the United States" wherever it appears and inserting in lieu thereof "Postal Service".

(9) Section 1114 is amended by striking out "postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" and inserting in lieu thereof "officer or employee of the Postal Service".

(10) Section 1303 is amended by striking out "a postmaster or other person employed in" and inserting in lieu thereof "an officer or employee of".

(11) Section 1341 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(12) Section 1342 is amended by striking out "Post Office Department of the United States" and inserting in lieu thereof "Postal Service".

(13) Section 1463 is amended by striking out "Postmaster General" in section 1463 and inserting in lieu thereof "Postal Service".

(14) Section 1696(c) is amended by striking out "section 500 of title 39" and inserting in lieu thereof "section 601 of title 39".

(15) Section 1699 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service".

(16)(A) Subsection (a) of section 1703 is amended to read as follows:

"(a) Whoever, being a Postal Service officer or employee, unlawfully secrets, destroys, detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service, shall be fined not more than $500 or imprisoned not more than five years, or both.".

(B) Subsection (b) of section 1703 is amended by striking out the phrase "postmaster or Postal Service employee" whereever it appears and inserting in lieu thereof "Postal Service officer or employee".

(17) Section 1704 is amended by inserting "or the Postal Service" after the words "Post Office Department" wherever they appear.

(18) Section 1707 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(19)(A) Section 1709 is amended to read as follows:

"§ 1709. Theft of mail matter by officer or employee

"Whoever, being a Postal Service officer or employee, embezzles any letter, postal card, package, bag, or mail, or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or of the Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both.".

(B) The analysis of chapter 83 is amended by striking out—

"1709. Theft of mail matter by postmaster or employee."

and inserting in lieu thereof—

"1709. Theft of mail matter by officer or employee.".

(20) Section 1710 is amended by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee".

(21) Section 1711 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster" wherever it appears in the second paragraph and inserting in lieu thereof "Postal Service officer or employee"; and

(D) by striking out "Postmaster General" wherever appearing in section 1711, and inserting in lieu thereof "Postal Service".

(22) Section 1712 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster or employee" in the second paragraph and inserting in lieu thereof "Postal Service officer or employee"; and

(D) by striking out "postmaster or other person" in the second paragraph and inserting in lieu thereof "officer or employee".

(23) Section 1713 is amended by striking out "a postmaster or other person employed in any branch of the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Service".

(24) Section 1715 is amended—

(A) by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service"; and

(B) by striking out "postmaster, letter carrier, or other person in" and inserting in lieu thereof "officer or employee of".

(25)(A) The second, third, and fourth paragraphs of section 1716 are amended to read as follows:

"The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions which are to be used for purposes of medical research or for the manufacture of antivenom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe.".

(B) Section 1716 is amended—

(i) by striking out "Postmaster General" wherever else appearing therein and inserting in lieu thereof "Postal Service";

(ii) by striking out "letter carrier" in the first paragraph and inserting in lieu thereof "officer or employee of the Postal Service"; and

(iii) by striking out "postmaster, letter carrier, or other person in the postal service" in the seventh paragraph and inserting in lieu thereof "officer or employee of the Postal Service".

(26) Section 1716A is amended by striking out "section 4010" and inserting in lieu thereof "section 3002".

(27) Section 1717(b) is amended by striking out "of the United States".

(28) Section 1718 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(29) Section 1721 is amended—

(A) by striking out "postmaster or postal service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster or other person" and inserting in lieu thereof "officer or employee"; and

(D) by striking out "the postmaster or any employee of a post office or station or branch thereof" and inserting in lieu thereof "any such officer or employee".

(30) Section 1722 is amended by striking out "any postmaster or to the Post Office Department or any officer of the Postal Service" and inserting in lieu thereof "the Postal Service or to any officer or employee of the Postal Service".

(31) Section 1723 is amended by striking out "the Postmaster General" and inserting in lieu thereof "a duly authorized officer of the Postal Service".

(32) Section 1724 is amended to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service".

(33) Section 1725 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service.".

(34) Section 1729 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(35) Section 1730 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(36) (A) Section 1733 is amended to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

"Whoever, except as permitted by law, knowingly mails any periodical publication without the prepayment of postage, or, being an officer or employee of the Postal Service, knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than $1,000, or imprisoned not more than one year, or both.".

(B) The analysis of chapter 83 is amended by striking out—

"1733. Affidavits relating to second-class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage.".

(37) (A) Chapter 83 is further amended by adding at the end thereof the following new sections:

"§ 1735. Sexually oriented advertisements

"(a) Whoever—

"(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3010 of title 39, or willfully violates any regulations of the Board of Governors issued under such section; or

"(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3010 of title 39, uses a mailing list maintained by the Board of Governors under such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"(b) For the purposes of this section, the term 'sexually oriented advertisement' shall have the same meaning as given it in section 3010(d) of title 39.

"§ 1736. Restrictive use of information

"(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3010 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"(b) The fact of the performance of any act by an individual in compliance with any provision of section 3010 of title 39, or regulations issued thereunder, shall not be the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"§ 1737. Manufacturer of sexually related mail matter

"(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3008 or 3010 of title 39, in violation of any regulation of the Postal Service issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"(b) As used in this section, the term 'sexually related mail matter' means any matter which is within the scope of section 3008(a) or 3010(d) of title 39.".

(B) The table of contents of such chapter is amended by adding at the end thereof the following new items:

"1735. Sexually oriented advertisements.
"1736. Restrictive use of information.
"1737. Manufacturer of sexually related mail matter.".

(38) (A) Section 3061 is amended—

(i) by striking out the section heading and inserting in lieu thereof the following:

"§ 3061. Powers of postal personnel";

(ii) by striking out of subsection (a) the words "postal inspectors may, to the extent authorized by the Postmaster General—" and inserting in lieu thereof "officers and employees of the Postal Service performing duties related to the inspection of postal matters may, to the extent authorized by the Board of Governors—"; and

(iii) by striking out of subsection (b) the words "postal service" and inserting in lieu thereof "Postal Service, including property of the Postal Service,".

(B) The analysis of chapter 203 is amended by striking out—

"3061. Powers of postal inspectors."

and inserting in lieu thereof—

"3061. Powers of postal personnel.".

(k) Section 1(d) of the Act of June 8, 1938 (52 Stat. 631), as amended (56 Stat. 250; 22 U.S.C. 611(d)), is further amended by striking out "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended", and inserting in lieu thereof, "file with the United States Postal Service information in compliance with section 3611 of title 39, United States Code".

(l) (1) The sixth subdivision of section 7 of the Act of July 31, 1894 (28 Stat 206; 31 USC 72 Fifth), and the second proviso of section 10 of the Act of August 24, 1912 (37 Stat. 559; 31 USC 72 Fifth) are repealed.

(2) Section 1 of the Act of March 6, 1946 (60 Stat 31), as amended (31 USC 129), is further amended by inserting after "Postmaster General," the following: "the United States Postal Service,".

(3) Section 1302 of the Act of July 27, 1956, as amended (31 USC 724a), is further amended by adding the following sentence thereto: "Notwithstanding the other provisions of this section, judgments against the United States arising out of activities of the United States Postal Service shall be paid by the Postal Service out of any funds available to it.".

(4) Section 1 of the Act of September 30, 1890 (26 Stat. 511; 31 U.S.C. 1028) is hereby repealed.

(m) (1) Section 411(f) of the Public Buildings Acts of 1949, as amended (68 Stat. 520; 40 U.S.C. 356(f)), is further amended by striking out in the third proviso "section 205 of the Post Office Department Property Act of 1954" and inserting in lieu thereof "section 2003 of title 39, United States Code".

(2) Item (15) of section 602(d) of the Act of June 30, 1949 (63 Stat. 401), as amended (40 U.S.C. 474(15)) is further amended to read as follows:

"(15) The United States Postal Service;".

(3) Section 16 of the Act of September 9, 1959 (73 Stat. 483; 40 U.S.C. 615) is amended to read as follows:

"Sec. 16. Nothing in this Act shall be construed to limit or repeal—

"(1) existing authorizations for the leasing of buildings by and for the General Services Administration; or

"(2) the authority conferred by law on the United States Postal Service.".

(4) The third proviso of section 3 of the Act of August 10, 1939 (50 Stat. 479), as amended (40 U.S.C. 723), is further amended by striking out "insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended (U.S.C. 1934 edition, title 39, sec. 49)", and inserting in lieu thereof the following: "insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees".

(5) Section 3a of the Government Losses in Shipment Act as added by section 2 of the Act of August 10, 1939 (53 Stat. 1358; 40 U.S.C. 724), is amended (A) by striking out the colon immediately preceding the proviso and inserting a period in lieu thereof; and (B) by striking out the proviso.

(n) Section 602(1) of the Act of August 20, 1964 (78 Stat. 529; 42 U.S.C. 2942(1)), is amended by striking out "section 4154 of title 39, United States Code" and inserting in lieu thereof "section 3204 of title 39, United States Code".

(o) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

(p) Whenever reference is made in any provision of law (other than this Act or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

(q) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section, that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 6 of title 39, United States Code (as enacted by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the United States Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

TRANSFER OF POST OFFICE DEPARTMENT PERSONNEL

SEC. 8. Officers and employees of the Post Office Department shall become officers and employees of the United States Postal Service on the effective date of this section. The provisions of this section shall not apply to persons occupying the positions of Postmaster General, Deputy Postmaster General, Assistant Postmasters General, General Counsel, or Judicial Officer. This section shall not be construed, however, to prohibit the appointment of such persons to positions in the Postal Service.

COMPENSATION OF EMPLOYEES

SEC. 9. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic pay or compensation of employees in the Post Office Department so that such rates will equal, as nearly as practicable, 108 percent of the rates of basic pay or compensation in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970.

(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Government of the United States.

(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment.

(e) No rate of basic pay or compensation, in excess of the rate of basic pay for GS–18 of the General Schedule in section 5332 of title 5, United States Code, shall be paid by reason of the enactment of this section.

LABOR AGREEMENTS

SEC. 10. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than 30 days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 12 of title 39, United States Code.

(b) Any agreement negotiated under this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made under this section shall become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made under this section notwithstanding the provisions of any law other than title 39.

(d) If the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 1207(b) of title 39, United States Code, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 1207(c) of such title.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

(f) For the purposes of this section, references to title 39 and sections of title 39 are references to title 39, United States Code, as enacted by section 2 of this Act.

SEPARABILITY AND LEGISLATIVE CONSTRUCTION

SEC. 11. (a) If a part of title 39, United States Code, as enacted by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act is held to be invalid, the remainder of the Act shall not be affected thereby.

(b) An inference of a legislative construction is not to be drawn by reason of a chapter in title 39, United States Code, as enacted by section 2 of this Act, in which a section is placed nor by reason of the caption or catchline.

TRANSITIONAL EXPENSES

SEC. 12. Expenses of the United States Postal Service and the Postal Rate Commission, established under section 2 of this Act, from the date of enactment of this Act until the date of commencement of operations of the Postal Service and the Commission, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

SEC. 13. (a) Between the date of enactment of this Act and the date on which the Board of Governors of the United States Postal Service determines that section 1001 of title 39, United States Code (as enacted by section 2 of this Act), is effective, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by the method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.

Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

(b)(1) In the selection, appointment, and promotion of employees of the Post Office Department between the date of enactment of this Act and the date on which the Board of Governors of the Postal Service determines that former section 3311 of title 39, United States Code, is no longer effective, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Post Office Department who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

SEC. 14. (a) The Congress finds—

(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

(b) On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

EFFECTIVE DATES

SEC. 15. (a) Except as provided in subsection (b) of this section, this section and sections 9 through 13 of this Act, and sections 202, 203, 205 (b) and (c), 206, and 401(2), and subchapter I of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall become effective on the date of enactment of this Act. Except as otherwise provided in this Act, the other provisions of this Act shall become effective within 1 year after the enactment of this Act on the date or dates established therefor by the Board of Governors and published by it in the Federal Register. References to the Postal Service in any provision of this Act (other than a provision referred to in the first sentence of this subsection) which becomes effective before the Postal Service commences operations shall be held and considered to refer to the Post Office Department until the Postal Service commences operations.

(b) Sections 3010 and 3011 of title 39, United States Code, as enacted by section 2 of this Act, and sections 1735, 1736, and 1737 of title 18, United States Code, as enacted by section 6(j) of this Act, shall become effective on the first day of the sixth month which begins after the date of enactment of this Act.

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
DOMINICK V. DANIELS,
ROBERT J. CORBETT,
GLENN CUNNINGHAM,
EDWARD J. DERWINSKI,
Managers on the Part of the House.

GALE W. MCGEE,
JENNINGS RANDOLPH,
HIRAM L. FONG,
J. CALEB BOGGS,
Managers on the Part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

TITLE

The House bill was titled "Postal Reorganization and Salary Adjustment Act of 1970". The Senate amendment provided for the title to be "Postal Reorganization Act". The conference substitute adopts the Senate provision.

POSTAL POLICY

The House bill provided as a matter of policy that pay of postal employees was to be comparable to pay levels in major industries in the private sector. The Senate amendment contained a similar provision but made no reference to major industries, and the conference substitute conforms to the Senate amendment.

BOARD OF GOVERNORS

The House bill provided for an 11-member Commission on Postal Costs and Revenues to direct the policy of the Postal Service. The Commission was to consist of 9 Commissioners appointed by the President, the Postmaster General, and the Deputy Postmaster General. The Senate amendment provided for a 15-member Board of Governors to direct the exercise of all powers of the Postal Service. The Board was to consist of 9 Governors appointed by the President, the Postmaster General, the Deputy Postmaster General, and 4 non-voting Members of Congress. The conference substitute adopts the Senate provision with an amendment eliminating Members of Congress from membership on the Board.

The Senate amendment contained a provision not in the House bill providing for the President to designate one of the 9 Presidentially-appointed Governors as Chairman. The conference substitute adopts the Senate provision with an amendment providing for the Governors to designate one of the members of the Board as Chairman.

MEETINGS OF BOARD OF GOVERNORS

The House bill contained a provision not in the Senate amendment limiting to 30 the number of meetings for which the Governors could be paid each year. The conference substitute adopts the House provision with an amendment providing that the Governors may be paid for not more than 30 days of meetings per year, except that during each of the first two years they may be paid for up to 60 days of meetings.

ASSISTANT POSTMASTERS GENERAL

The House bill contained a provision providing for the Postmaster General to appoint such number of Assistant Postmasters General as he considered appropriate. The Senate amendment contained a provision providing for the Board of Governors to appoint such number of Assistant Postmasters General as it considered appropriate. The conference substitute adopts the House provision with an amendment providing for the Board of Governors to determine the number of such Assistant Postmasters General.

DUTIES OF ASSISTANT POSTMASTERS GENERAL

The Senate amendment contained a provision not in the House bill providing for the Board of Governors to prescribe the duties of the Assistant Postmasters General. The conference substitute adopts the Senate provision.

ADVISORY COUNCIL

The House bill contained a provision with respect to the Advisory Council which required the inclusion, as members of the Council, of 4 mailers of moderate amounts of personal first-class mail. The Senate amendment contained no comparable provision with respect to membership on the Advisory Council and the conference substitute contains no such provision.

The House bill contained a provision providing for the Council to advise and consult with respect to postal rates and services and compensation of employees. The provision in the Senate amendment provided for consultation on all aspects of postal operation. The conference substitute conforms to the Senate provision.

FREEDOM OF INFORMATION

The Senate amendment contained a provision not in the House bill which continued the application, with certain exceptions, of the public information requirements of chapter 5 of title 5 of the United States Code. The conference substitute adopts the Senate provision.

DAVIS-BACON ACT

The House bill contained a provision applying the Davis-Bacon Act to Postal Service lease agreements for space in excess of 5,000 square feet. The Senate amendment contained a similar provision but applied the Davis-Bacon Act to agreements for space in excess of 6,500 square feet. The conference substitute adopts the Senate provision.

CONTRACT EMPLOYEES

The House bill contained a provision permitting the Postal Service to hire executives on long term employment contracts when necessary. The Senate amendment contained a similar provision but permitted such contracts with executive officers and employees. The conference substitute adopts the House provision with an amendment limiting the term of any such contract to five years.

RIGHT OF TRANSFER

The House bill contained a provision providing that employees of the Post Office Department on the effective date of the new Postal Service would be eligible to transfer to any position within the United States Government which was open and for which they were qualified. The Senate amendment contained a provision providing for promotion or transfer of any such employee of the Post Office Department or any employee of the Postal Service to any other position in the Postal Service or in the Executive Branch of the United States Government. The conference substitute adopts the Senate provision.

POLITICAL RECOMMENDATIONS

The House bill contained provisions requiring that each appointment, promotion, assignment, transfer, or designation to a position in the Postal Service be made, subject to certain limited exceptions, without regard to any statement or recommendation, written or oral, by any Member of Congress, state or local elected official, political party official, or any other individual or organization. Both the solicitation and the submission of any such statement or recommendation were prohibited. Any person applying, or under consideration, for a position who solicited such a statement or recommendation would automatically be disqualified. The exceptions related to requests by authorized Federal officials for suitability and security clearances and for evaluations of ability and performance from supervisors in the Postal Service or former employers. The Senate amendment provided that political recommendations, tests, or qualifications for appointment in the Postal Service should not be taken into account in making such appointments and that the Postal Service could permanently disqualify anyone who violated the provision. The conference substitute adopts the House provisions with amendments permitting disqualification and authorizing the solicitation and furnishing of statements relating only to character and residence.

AREA WAGE

The House bill contained a provision providing that comparability of compensation and benefits with private industries could be on an area wage basis. No comparable provision was contained in the Senate amendment and none is contained in the conference substitute.

COLLECTIVE BARGAINING UNITS

The House bill provided that in each case the appropriate unit in the Postal Service for collective bargaining would be determined by the National Labor Labor Relations Board and that such unit would receive exclusive recognition. The House bill further provided that, during the period of transition between date of enactment of the Postal Reorganization Act and commencement of the Postal Service, bargaining would be conducted by the Postmaster General and those labor organizations which, on the effective date of such Act, held national exclusive recognition. The Senate amendment provided that (1) the National Labor Relations Board should decide in each case the national unit in the Postal Service for collective bargaining, (2) each such national unit would be a national craft unit, and (3) each such appropriate unit would receive national exclusive recognition. The Senate amendment contained a further provision for bargaining during the transitional period which excluded any reference to national exclusive recognition. The conference substitute adopts the House provisions.

It is the intent of the conference committee that these provisions of the conference substitute leave to the National Labor Relations Board the judgment as to what will be the appropriate units for collective bargaining in the Postal Service on the basis of the same criteria applied by the Board in determining appropriate bargaining units in the private sector. The conference substitute deems it desirable to leave the determination of appropriate bargaining units entirely in the judgment of the National Labor Relations Board rather than to predetermine such matters in any way.

RIGHT TO WORK

The conference substitute contains the provision in the House bill which guaranteed each employee of the Postal Service the right to form, join, and assist a labor organization or to refrain from any such activity.

ADDITIONAL FEES AND PERQUISITES

The Senate amendment contained a provision not in the House bill which prohibited any Postal Service employee from receiving any fee or perquisite from a postal patron in connection with his official duties. The conference substitute contains the Senate provision.

SUPERVISORY AND OTHER MANAGERIAL PERSONNEL

The House bill contained provisions (1) providing for suitable differentials in the pay of supervisors in relation to the pay of employees they supervise, (2) providing for the recognition of an organization of supervisors representing the majority of supervisors, and other managerial organizations with memberships including a substantial percentage of managerial employees other than supervisors, and granting such organizations the right to participate directly in consultation with the Postal Service on matters affecting the pay, benefits, and employment conditions of such employees, and (3) establishing the policy that the Postal Service would provide pay, working conditions, and career opportunities that would assure attraction and retention of qualified supervisory personnel. The Senate amendment contained a general provision permitting organizations of officers and employees not subject to collective bargaining agreements with memberships constituting a substantial percentage of personnel in their occupations or positions to participate directly in the planning and development of policies affecting their pay, benefits, and other related programs. The conference substitute adopts the House provisions with an amendment providing that such organizations of supervisors and of other managerial employees shall have the right to participate directly in the planning and development of policies with respect to their pay, benefits, and other related programs.

Nothing contained in the House bill or the Senate amendment provided for, and nothing in the conference substitute permits, or is intended to permit, the establishment of a collective bargaining system for any personnel who are not within a collective bargaining unit. Neither the provisions relating to supervisory and other managerial organizations nor any other provision in the conference substitute establish any such collective bargaining system or grants any such organization or personnel the right to dictate policy or veto any decision reached by the Postal Service.

TRANSPORTATION OF MAIL GENERALLY

The House bill contained a provision permitting the Postal Service, in addition to its special contracting authority with respect to surface, air, and water carriers, to make contracts, without advertising under certain conditions, for the transportation of mail for periods not in excess of 4 years. The Senate amendment contained a similar provision and, in addition (1) authorized contracts for periods up to 6 years upon a determination by the Board of Governors of special conditions, and (2) required that renewal of such contracts without advertising be at the existing rates. The conference substitute conforms to the Senate provision.

Also, the Senate amendment contained a provision not in the House bill permitting, by mutual agreement, the adjustment of compensation on such contracts for increased or decreased costs due to changed conditions. The conference substitute adopts the Senate provision.

SPECIAL CONTRACTS

The House bill contained a provision permitting the Postal Service to enter into special 4-year contracts with surface carriers without advertising for bids. The Senate amendment contained a similar provision with certain additional limitations but required in the case of contracts without advertising that reasonable advance notice be posted in order to afford interested carriers and persons an opportunity to negotiate. The conference substitute adopts the House provision with an amendment including the Senate requirement with respect to reasonable advance notice.

FINES AND DEDUCTIONS

The House bill contained a provision (1) permitting the Postal Service to make deductions from the compensation of a carrier for failure to perform transportation service where failure was due to the fault of the carrier, and (2) limiting the deduction to a sum not exceeding three times the compensation applying to such service. The Senate amendment contained an identical provision, except that the amount of the deduction was limited to twice the applicable compensation. The conference substitute conforms to the Senate provision.

AIR TRANSPORTATION

The Senate amendment contained a provision not in the House bill which permitted the Board of Governors to contract for the carriage of mail, without advertising for bids, with certified air carriers under contracts which required by their terms carriage of at least 1,000 pounds of mail per flight, no more than 10 percent of which by weight, in the case of domestic mail, and 5 percent in the case of international mail, could be letter mail. The conference substitute adopts the Senate provision with an amendment reducing the 1,000 pound requirement to 750 pounds and continuing the same percentage limitations.

The House bill contained a provision permitting the Postal Service to enter into special contracts for the transportation of mail by air between points between which the Civil Aeronautics Board has not authorized an air carrier to engage in the transportation of persons, property, or mail. The Senate amendment contained a provision permitting such contracts between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail. The conference substitute adopts the Senate provision.

In addition, the Senate amendment contained a provision not in the House bill for the negotiation of contracts for air taxi service. The conference substitute adopts the Senate provision.

POSTAL RATE COMMISSION

The House bill contained a provision establishing a Postal Rate Board as an independent agency not part of the Postal Service. The Senate amendment contained a provision establishing an independent Postal Rate Commission within the Postal Service.

The conference substitute adopts the House provision with amendments changing the name to Postal Rate Commission, requiring that the expenses of the Commission be paid from the Postal Service Fund, and permitting the Governors, by unanimous written decision, to modify the total amount of the Commission's budget.

MEMBERS OF POSTAL RATE COMMISSION

The House bill provided for 3 Commissioners to be appointed by the President for 6 year terms. The Senate amendment provided for 5 Presidential appointees and required Senate confirmation. The Conference substitute provides for 5 Presidential appointees and does not require Senate confirmation.

SALARY OF POSTAL RATE COMMISSION MEMBERS

The House bill provided for compensation of the members of the Postal Rate Commission at the rate established for level IV of the

Executive Schedule and compensated the Chairman an additional $500. The Senate amendment contained a similar provision but provided compensation for the Chairman at the rate established for level III of the Executive Schedule. The conference substitute conforms to the Senate provision.

POSTAL RATE COMMISSION PERSONNEL

The House bill provided that the Chairman of the Postal Rate Commission could appoint an Executive Director and such other additional personnel as may be necessary to carry out the functions of the Commission. The Senate amendment provided that the Commission could appoint such officers and employees as may be necessary to carry out the functions of the Commission. The conference substitute conforms to the Senate provision.

GENERAL APPROPRIATIONS

The Senate amendment contained a provision not in the House bill appropriating all revenues of the Postal Service to the Postal Service Fund for the use of the Postal Service. The conference substitute adopts the Senate provision.

REVENUE FOREGONE APPROPRIATION

The House bill contained a provision (1) authorizing the appropriation of a sum equal to the difference between revenue received on free and reduced rate matter and the revenue which would have been earned were such matter not entitled to be mailed free or at reduced rates, and (2) requiring that such free and reduced rates be adjusted to make up any revenue deficiency which occurs as a result of insufficient appropriations. The Senate amendment contained a similar provision but made no provision for adjustment of such rates in the case of insufficient appropriations.

The conference substitute adopts the Senate provision with an amendment permitting, but not requiring, the adjustment of rates on free and reduced rate matter if Congress fails to appropriate the amount of revenue foregone on such free and reduced rate matter.

PUBLIC SERVICE APPROPRIATIONS

The House bill provided for appropriations for public service on a declining basis (starting at 10 percent of the total cost of postal service for the fiscal year 1972) beginning with the effective date of the Postal Reorganization Act and ending December 31, 1977. The Senate amendment contained a provision authorizing annual appropriations on a continuing basis in amounts equal to 10 percent of total cost for any year or 10 percent of total cost for the fiscal year 1971, whichever is less. The conference substitute adopts the Senate provision with an amendment authorizing an appropriation (1) each fiscal year through 1979 in an amount equal to 10 percent of total cost for the fiscal year 1971, (2) for the next 5 fiscal years following fiscal year 1979 on a 1 percent per year declining basis, and (3) thereafter appropriations may be continued at 5 percent, modified, or eliminated by the Postal Service.

FREE AND REDUCED RATE MAIL

The House bill contained a provision providing that certain mail matter entitled under existing law to be mailed free or at reduced rates continue at such rates until changed by law. The Senate amendment contained no similar provision with respect to such mail matter which is entitled under existing law to be mailed at reduced rates. The conference substitute adopts the House provision with an amendment permitting the adjustment of rates on mail matter entitled to free or reduced rates to the extent Congress fails to appropriate sums equal to revenue foregone on such matter.

In addition, the Senate amendment contained provisions not in the House bill which would allow nonprofit preferred rate mailers 10 years and certain other mailers 5 years to adjust, under annual increases as nearly equal as practicable, to any new rates established by the Governors. The conference substitute adopts the Senate provisions with an amendment which provides that revenues from rates on nonprofit preferred rate mailings shall not, after 10 years, exceed postal costs for such mail excluding any portion of overhead or institutional costs.

The House bill contained a provision requiring the Postal Service to submit biannual reports to the Congress with recommendations for necessary changes in free and reduced rate mail and rates for such mail. No comparable provision was contained in the Senate amendment and none is contained in the conference substitute.

INITIATING POSTAL RATE COMMISSION RECOMMENDATIONS

The House bill provided for the Postal Service to propose to the Postal Rate Commission changes in rates and classifications of mail. The Senate amendment provided (1) for the Board of Governors to request the Postal Rate Commission to recommend changes in rates and classifications of mail, and (2) after the initial change in classifications of mail, also for the Postal Rate Commission to recommend changes in classifications on its own initiative. The conference substitute adopts the Senate provision.

RATE COMMISSION RECOMMENDATIONS

The House bill contained a provision permitting the Board of Governors to adopt, reject, or modify recommendations of the Postal Rate Commission with respect to proposed changes in rates or classifications.

Under the Senate amendment, the Governors were required to act on the recommended decision of the Postal Rate Commission by (1) adopting such decision, (2) allowing such decision under protest, (3) rejecting such decision, or (4) modifying a subsequent decision by unanimous vote following rejection of a prior decision and resubmission of a request for a recommended decision.

The conference substitute conforms to the Senate provision.

JUDICIAL REVIEW

The House bill provided that the final decision of the Postal Service on rate and classification changes would be subject to judicial review by United States Courts of Appeals on questions of law and procedure. The Senate amendment provided that such decisions would be subject to judicial review by the United States Courts of Appeals for the District of Columbia Circuit on questions of law, procedure, and substantiality of the evidence. The conference substitute adopts the Senate provision with an amendment providing for review in any appropriate United States Court of Appeals.

CONGRESSIONAL VETO

The House bill provided that a decision on rates or classification was to become final following termination of judicial review unless, within a certain time, either House of Congress by a majority vote disapproved of such decision. No comparable provision was contained in the Senate amendment and none is contained in the conference substitute.

CHANGES IN POSTAL SERVICE

The House bill provided that the Governors would make the final decision with respect to changes in postal service. The Senate amendment provided that the determination of the Postal Rate Commission on changes in postal service would be binding for a period of two years. The conference substitute adopts the House provision with an amendment providing that the Postal Service should make the final decision.

STANDARDS FOR RATE DETERMINATIONS

The House bill provided that revenues from rates and fees, plus revenue foregone appropriations for free and reduced rate mail matter, should be sufficient to cover full costs by January 1978. The Senate amendment provided that revenue from rates and fees, plus annual appropriations for public service, debt service, and revenue foregone should cover full costs. The conference substitute adopts the Senate provision with an amendment eliminating consideration of debt service.

The House bill contained provisions requiring that (1) rates be established in such a manner so as to apportion the costs of all postal operations on a fair and equitable basis, and (2) rates for each class of postal service cover the demonstrably related cost of such service. The Senate amendment also contained the requirement that postal rates be established in such a manner so as to apportion the costs of all postal operations on a fair and equitable basis, and provided several additional standards to be considered in making rate determinations. The conference substitute adopts the Senate provision with an amendment which incorporates the standard that each class of mail or type of mail service should bear the direct and indirect postal costs attributable to that class or type plus that portion of other costs of the postal service reasonably assignable to such class or type.

The provision in the conference substitute with respect to costs attributable to a class of mail or type of service establishes a floor for each class of mail equal to costs which consist of those costs, both direct and indirect, that vary over the short term in response to changes in volume of a particular class or, even though fixed rather than variable, are the consequence of providing the specific service involved. In addition, the conference substitute provides for a judgmental assignment of some part of the remaining costs.

STANDARDS FOR MAIL CLASSIFICATION

The Senate amendment contained provisions not in the House bill which set forth several factors to be considered in making changes in mail classification. The conference substitute conforms to the Senate provisions.

UNIFORM RATES FOR BOOKS AND RELATED MATERIAL

The Senate amendment contained a provision not in the House bill which required that rates of postage on books, films, printed music, printed test materials, sound recordings, playscripts and manuscripts, printed educational reference charts, and looseleaf pages of medical information be uniform for parcels of the same weight and not be based on zones or otherwise vary with the destination of the parcel. The conference substitute adopts the Senate provision.

AGREEMENTS RESTRICTING USE OF EQUIPMENT

The House bill contained a provision not in the Senate amendment which directed the Postal Service to refrain from expending any funds, engaging in any practice, or entering into any agreement or contract which restricts the use of new equipment or devices. The conference substitute adopts the House provision with an amendment which provides that the Postal Service should so refrain but which exempts collective bargaining agreements from the terms of the provision.

NONMAILABLE MATTER

The House bill contained a provision permitting the Postal Service to dispose of nonmailable matter. The Senate amendment contained a similar provision permitting the Board of Governors to dispose of nonmailable matter except that it permitted certain oversized or perishable nonmailable matter to be delivered to the addressee if he furnished the name and address of the mailer. The conference substitute adopts the Senate provision.

UNORDERED MERCHANDISE

The Senate amendment contained a provision not in the House bill providing that mailing of unordered merchandise, with certain exceptions, constitutes an unfair method of competition and an unfair trade practice in violation of the Federal Trade Commission Act and may be treated as a gift by the recipient. The conference substitute adopts the Senate provision.

SEALED MAIL

The Senate amendment contained a provision not in the House bill providing for the Postal Service to maintain one or more classes of mail for the transmission of letters sealed against inspection and further providing that when such letters are not deliverable in accordance with the address, or in accordance with instructions of the addressee, they will not be opened except under authority of a search warrant, the instructions of the addressee, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delievered. The conference substitute adopts the Senate provision.

COLLECTION AND ADJUSTMENT OF DEBTS

The Senate amendment contained a provision not in the House bill which permitted the Board of Governors to adjust, pay, or credit the account of a postmaster or of an enlisted person of the armed forces performing postal duties for any loss of Postal Service funds, papers, postage, or other stamp stock or accountable paper. The conference substitute adopts the Senate provision.

The Senate amendment contained a provision not in the House bill requiring the Board of Governors to request the Attorney General to bring a suit to recover with interest certain payments improperly made from monies of, or certain credit improperly granted by, the Postal Service. The conference substitute adopts the Senate provision.

GOVERNORS EXCLUDED FROM CIVIL SERVICE RETIREMENT

The Senate amendment contained a provision not in the House bill providing that the Civil Service Retirement Act does not apply to an individual appointed to serve as a Governor of the Board of Governors of the Postal Service. The conference substitute adopts the Senate provision.

SALARY INCREASE OF 8 PERCENT

The House bill and the Senate amendment contained identical provisions directing the Postmaster General to increase by 8 percent the salary rates of employees of the Post Office Department, effective retroactively to the beginning of the first pay period commencing on or after April 16, 1970. It is the intent of the conference committee that the 8 percent increase will be effective, under regulations issued by the Postmaster General, by adjustment of the pay and compensation schedules in effect immediately before enactment of the Postal Reorganization Act as they apply to employees of the Post Office Department.

PAY CEILING

The Senate amendment contained a provision not in the House bill providing that the 8 percent salary increase for postal personnel (required by both the House bill and the Senate amendment) should not increase the salary rate of any officer or employee to a salary rate in excess of the rate for level V of the Executive Schedule. The conference substitute adopts the Senate provision with an amendment which provides that no salary rate of an officer or employee shall be increased, by reason of such 8 percent increase, to a rate in excess of the rate for grade GS 18 of the General Schedule.

MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

The Senate amendment contained a provision not in the House bill permitting postal patrons to advise the Postal Service that they do not wish to receive sexually oriented advertisements, and requiring any person who mails such advertisements to place on the envelope his name, address, and such mark or notice as the Board of Governors may prescribe. The conference substitute adopts the Senate provision.

SUPPLEMENTAL LEGISLATION

The House bill contained a provision indicating the intent of Congress that further legislation be enacted giving additional guidance to the Postal Service concerning the division of costs among the several classes of mail. The Senate amendment contained no comparable provision and the conference substitute contains none.

CONTINUANCE OF EXISTING RATES

The Senate amendment contained a provision not in the House bill providing that classes of mail, rates, and fees as in effect immediately prior to the effective date of the authority of the Postal Service to fix such classes, rates, and fees shall remain in effect until changed in accordance with such authority. The conference substitute adopts the Senate provision.

TRANSITIONAL PROVISIONS

The Senate amendment contained a provision not in the House bill specifically transferring to the Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and abolishing the Post Office Department and the office of Postmaster General of the Post Office Department. The conference substitute adopts the Senate provision.

SAVINGS PROVISIONS

The House bill and the Senate amendment contained similar provisions maintaining the force and effect of outstanding orders, rules, and regulations until specifically repealed, amended, or revised by the Postal Service. In addition, the Senate amendment contained provisions protecting certain proceedings and other legal matters commenced prior to the effective date of the Postal Reorganization Act. The conference substitute adopts the Senate provision.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
DOMINICK V. DANIELS,
ROBERT J. CORBETT,
GLENN CUNNINGHAM,
EDWARD J. DERWINSKI,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYAN (at the request of Mr. ADDABBO), for the week of August 3, 1970, on account of illness.

Mr. PEPPER (at the request of Mr. GIAIMO), for Monday, August 3, 1970, on account of official business.

Mr. GRAY (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. EDMONDSON, for 60 minutes, tomorrow, following special order of Mr. FEIGHAN to memorialize the late Honorable Michael Kirwan.

Mr. DE LA GARZA, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PRYOR of Arkansas) to revise and extend their remarks and include extraneous material:)

Mr. LEGGETT, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. BOLAND, for 60 minutes, August 4.

Mr. MILLER of Ohio (at the request of Mr. HASTINGS) for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JOHNSON of California immediately prior to the passage of H.R. 13125 on the Consent Calendar today.

Mr. TALCOTT to revise and extend his remarks during the special order of Mr. GUBSER today.

Mr. MATSUNAGA (at the request of Mr. FOLEY) prior to the passage of S. 2484.

Mrs. MINK (at the request of Mr. FOLEY) prior to the passage of S. 2484.

Mr. ZABLOCKI in two instances and to include extraneous matter in the Extensions of Remarks of the RECORD.

(The following members (at the request of Mr. HASTINGS) and to include extraneous material:)

Mr. SCHERLE in five instances.
Mr. HOSMER in three instances.
Mr. BEALL of Maryland.
Mr. DUNCAN in two instances.
Mr. WYMAN in two instances.
Mr. MORSE in three instances.
Mr. COLLIER in three instances.
Mr. BLACKBURN.
Mr. PRICE of Texas in two instances.
Mr. ASHBROOK.
Mr. DERWINSKI.
Mr. SCHMITZ.
Mr. GOLDWATER.
Mr. RHODES.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous material:)

Mr. BOLLING.
Mr. CORMAN in five instances.
Mr. VANIK in two instances.
Mr. DONOHUE in two instances.
Mr. BOGGS in five instances.
Mr. JOHNSON of California.
Mr. GONZALEZ in two instances.
Mr. MANN in five instances.
Mr. RIVERS.
Mr. MONAGAN in two instances.
Mr. ASHLEY.
Mr. ANDERSON of California.
Mr. DORN in three instances.
Mr. DINGELL in two instances.
Mr. RODINO.
Mr. GIAIMO.
Mr. SHIPLEY.
Mr. GRAY.
Mr. BINGHAM.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. LOWENSTEIN in four instances.
Mr. GRIFFIN.

ADJOURNMENT

Mr. de la GARZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 4, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, INC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2269. A letter from the Acting Secretary of State, transmitting his determination that the proposed transport and ocean disposal of certain chemical munitions will not violate international law, pursuant to section 409(c)(2) of Public Law 91-121; to the Committee on Armed Services.

2270. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2271. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2272. A letter from the Executive Director, National Conference on Citizenship; transmitting the annual audit report of the conference for the fiscal year ended June 30, 1970, pursuant to section 2 of Public Law 88-504; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2273. A letter from the Comptroller General of the United States, transmitting a report on questionable waivers of preaward audits of contractors' noncompetitive price proposals; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee of conference. Conference report on H.R. 17070 (Rept. No. 91-1363). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN:

H.R. 18765. A bill to provide that for purposes of the Internal Revenue Code of 1954 members of the Armed Forces serving in Cambodia or Laos shall be treated as serving in a combat zone; to the Committee on Ways and Means.

By Mr. CAREY (for himself, Mr. Perkins, Mr. Ayres, Mr. Ashbrook, Mr. Bell of California, Mr. Brademas, Mr. Burton of California, Mr. Clay, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Erlenborn, Mr. Esch, Mr. Eshleman, Mr. William D. Ford, Mr. Gaydos, Mrs. Green of Oregon, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Hawkins, Mr. Meeds, Mrs. Mink, Mr. O'Hara, Mr. Powell, and Mr. Pucinski):

H.R. 18766. A bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes; to the Committee on Education and Labor.

By Mr. CAREY (for himself, Mr. Quie, Mr. Reid of New York, Mr. Scherle, Mr. Scheuer, Mr. Steiger of Wisconsin, Mr. Stokes, and Mr. Thompson of New Jersey):

H.R. 18767. A bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes; to the Committee on Education and Labor.

By Mr. COLLINS:

H.R. 18768. A bill to authorize the Secretary of State to furnish free transportation to certain U.S. citizens desiring to establish permanent residence in a foreign country; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California:

H.R. 18769. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia:

H.R. 18770. A bill to amend title 23 of the United States Code to authorize the inclusion of the cost of providing replacement housing as part of the construction costs of federally aided highway projects; to the Committee on Public Works.

By Mr. KYROS:

H.R. 18771. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWENSTEIN:

H.R. 18772. A bill to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes; to the Committee on the Judiciary.

By Mr. VIGORITO:

H.R. 18773. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES:

H.R. 18774. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 18775. A bill to be known as the "Noise Pollution Abatement Act" and to establish an Office of Noise Abatement Control within the Department of Health, Education, and Welfare; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA (for himself, Mr. Ruppe, Mr. Vander Jagt, Mr. Conyers, Mr. Esch, Mr. Brown of Michigan, Mr. Hutchinson, Mr. Gerald R. Ford, Mr. Riegle, Mr. Harvey, Mr. Cederberg, Mr. Diggs, Mr. Nedzi, Mr. William D. Ford, Mr. Dingell, Mr. Broomfield, and Mr. McDonald of Michigan):

H.R. 18776. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WEICKER:

H.R. 18777. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contracts, and for other purposes; to the Committee on Education and Labor.

By Mr. HARSHA:

H.R. 18778. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. McCulloch, Mr. Ayres, Mr. Bow, Mr. Betts, Mr. Devine, Mr. Latta, Mr. Minshall, Mr. Ashbrook, Mr. Clancy, Mr. Mosher, Mr. Brown of Ohio, Mr. Stanton, Mr. Wylie, Mr. Miller of Ohio, Mr. Lukens, and Mr. Taft):

H.R. 18779. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. McDONALD of Michigan:

H.R. 18780. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. WHITE (for himself and Mr. Schwengel):

H.J. Res. 1341. Joint resolution establishing a Special Joint Congressional Committee to study and make recommendations with respect to the appropriate means by which a suitable memorial may be placed in the Capitol to deceased Members of the Senate and the House of Representatives; to the Committee on Rules.

By Mr. ROBISON:

H. Con. Res. 698. Concurrent resolution expressing the sense of Congress that troop withdrawals, continuing on an irreversible basis, shall be the national policy; that all ground combat troops should be withdrawn on or before May 1, 1971; that all other American servicemen be withdrawn by July 1, 1972; that Congress reaffirms, its constitutional right and responsibilities in the making of decisions relative to war and peace; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WYMAN introduced a bill (H.R. 18781) for the relief of the estate of Katharine A. Seaward, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

563. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to farm subsidies; to the Committee on Agriculture.

564. Also, petition of the city of Boston Cab Association, Boston, Mass., relative to amending the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

DORIS FLEESON—ONE OF THE TRULY GREAT FIGURES IN AMERICA

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, August 3, 1970

Mr. YARBOROUGH. Mr. President, one of the truly great figures of American journalism, Doris Fleeson, died Saturday, August 1, 1970. All journalists would do well to study the career and the writings of Doris Fleeson. She combined a natural talent for writing with a keen perceptive view of politics and Government. Taking these talents, and with a strong devotion to her work, Doris Fleeson earned the respect of her readers—from the man in the street to the men in the White House.

All people in public life should also study the writings of Doris Fleeson. She called herself a "nonpartisan liberal." She had sharp incisive comments to make on the American political scene. Her observations, while frequently biting, bit with truth and logic.

In addition to being an outstanding professional in a frequently difficult career, Doris Fleeson was also a most devoted wife. We must also note that she died just 36 hours after her husband, Dan A. Kimball, the former Secretary of the Navy, died.

Mr. President, I ask unanimous consent that there be printed in the extension of remarks of the RECORD this fine tribute by Mary McGrory entitled "Doris Fleeson: An Appreciation," published in the Washington Sunday Star of August 2, 1970, and also the article entitled "Columnist Doris Fleeson, 69, Dies 36 Hours After Husband," published in the Sunday Star of the same date.

There beng no objection, the articles were ordered to be printed in the RECORD, as follows:

DORIS FLEESON: AN APPRECIATION

(By Mary McGrory)

Doris Fleeson made a speech to the Women's National Democratic Club in 1959, in which, having characteristically chided the President and the Congress for their lapses, she gave her own credo:

"But in the end there are no wonder men and no wonder women. There are only you and me and others like us who believe in freedom to do these things. There are only those of us with vision to see the world as it is and the courage to try to do something about it."

She was surely one of the most clear-seeing women ever born, and as for courage, she was lion-hearted. Her prose was a true blade which cut through the fraud, pettiness, egotism and male supremacy which were her daily fare during the 20 years she prowled the Capital, watching politics and politicians.

"NON-PARTISAN LIBERAL"

She was a small focused woman, with large, luminous hazel eyes and a wide smile. She was fierce. Fierce in her opinions, fierce in her affections. She called herself a "non-partisan liberal" and while she could be objective in her columns and distill her monumental rages to burnished, cogent, biting paragraphs, she never concealed her feelings. She would seek out an erring statesman and, with tears of indignation in her eyes, berate him for his folly.

She was, decades before the Woman's Liberation Movement a militant feminist. While she was incomparably the first political journalist of her time, she took on the battles of her lesser sisters, and never forgot a slight to her sex.

Nor did she ever waver in her defiance of the established order.

The night of her death, she received a visit from the editor of The Star, Newbold Noyes. With heroic forbearance, she refrained from mentioning his recent entertainment of the President at the paper at a stag lunch—an incident which had ignited her feminist fires.

He told her, "Doris you must write a book so that the young reporters on The Star will know that they did not invent rebellion at the Establishment."

It delighted her soul.

When, in the 50s, she was leading the fight for a ladies' room in the male enclave of the Senate press gallery, she accosted her dear friend and colleague Frank Kent.

"If you laugh at us," she warned him, "I will never forgive you."

Nothing infuriated her more than to be told that she wrote like a man.

"What man?" she would inquire witheringly.

Frank Kent did not, understandably, laugh at her. Few did. She was formidable and the few who did not like her had the healthiest respect for her power and her pen.

COMBATIVE

Her happiest days, professionally, came during the Roosevelt era. She had known Franklin D. Roosevelt as governor of New York, and Eleanor Roosevelt was her ideal of womanhood . . . committed, caring, indefatigable and effective. The excitement and enlightenment of the New Deal gave her opportunity for the expression of rare and unqualified approval. Subsequent presidents never measured up. She regarded Adlai Stevenson, whose mind and spirit, while less combative, matched her own, as a man totally qualified for the White House. His two defeats caused her to mutter bitterly about the "Yahoos."

"I hit people hard sometimes," she said once, "but they seem to take it because they know I do that to everyone."

It was an understatement. In her prime, she could be disembowlling and her infrequent appearances on television panels caused strong men to cringe in fear. But while she was relentless towards her peers—among whom she counted the world's leaders—she was capable of positive tenderness towards the weak and the unarrived. A great professional, she cared deeply for her craft, and her kindness to young reporters was legendary and prodigious.

HAPPY MARRIAGE

She gloried in the achievements and honors of her career. But the pride of her later life was her triumphantly happy marriage to Dan A. Kimball, a huge, bluff, generous business genius who shared her passion for Democratic politics and doted on everything about her, including her sputtering rages.

To him, the scourge of statesmen was "my little bride," an appelation that never failed to melt her.

She was intensely feminine and brought the perfectionism of her writing to bear on her person and her household. She could brood over the placing of a China closet as heavily as over the course of the Vietnam War, of which, she said, she was a casualty. She suffered her first stroke in 1964.

In 1968, no longer writing, she participated in the McCarthy campaign by feeding the volunteers, of which her daughter, Doris O'Donnell, was one. Three times a week, splendid trays of sandwiches, prepared by her own hand, were dispatched to headquarters.

MACAULEY'S WORDS

She and Dan Kimball worried endlessly over each other's health, and neither could face the prospect of life without the other's devotion. When word of his death was brought to her bedside Thursday afternoon, she reached down into that beautifully arranged and handsomely stocked mind and brought up the words to tell her grief. In a choking voice she recited lines from Macauley:

"The house that was the happiest within the Roman walls
The house that envied not the wealth of Capua's marble halls
Now for the brightest of thy smile must have eternal gloom
And for the music of thy voice the silence of the tomb."

Thirty-six hours later, she was dead.

COLUMNIST DORIS FLEESON, 69, DIES 36 HOURS AFTER HUSBAND

Doris Fleeson, nationally syndicated political columnist, and her husband, Dan A. Kimball, a former secretary of the navy, will be buried tomorrow in Arlington Cemetery after 10 a.m. services in the Navy Chapel, 3801 Nebraska Ave., NW.

Miss Fleeson, 69, died at her home here early yesterday after a massive coronary thrombosis, just 36 hours after the death of her husband. They would have celebrated their 12th wedding anniversary yesterday.

As a newspaper columnist and reporter, she was longtime advocate of women's rights and an astute, competitive observer of politics who elicited both the friendship and anger of five Presidents.

ANSWERED WITH QUIP

During the administration of President Harry S. Truman, Miss Fleeson, who described herself as a "non-partisan liberal," had been criticizing the President for mushrooming tax scandals. At a press conference Truman said he did not like the way Miss Fleeson was looking at him. Afterwards, she quipped:

"As for as how I was looking. I thought I looked pretty good. I had a new Sally Victor hat on."

She once visited President John F. Kennedy, who signed a picture of the two of them taken at the White House: "Dear Doris, There are many Presidents who can read your column, but it is only a happy few who have it delivered to them in person."

She was born May 20, 1901 in Sterling, Kan. Her first newspaper job was on a suburban Chicago newspaper in the 1920s, followed by a job in Great Neck, N.Y.

After daily trips to the office of the New York Daily News, Miss Fleeson finally landed a job as a police reporter and established her reputation by covering the investigation of local political scandals.

From 1927 to 1942, she was the News' Washington political correspondent, writing the "Capitol Stuff" column for eight years with the late John O'Donnell, whom she married, then divorced in the 1940s. They had one daughter, Doris, who lives in New York City.

For two years, she was a war correspondent for Women's Home Companion Magazine. In 1945 she began writing her syndicated column, at the Star.

Miss Fleeson was a founding member of the American Newspaper Guild and a delegate to its first convention in December 1933. She was elected a member of its national executive committee.

During her career she won many top journalism prizes, including the Raymond Clapper Award, Theta Sigma Phi Headliner Award and the Missouri Journalism Award.

As one of the first women political columnists with a national audience, Miss Fleeson repeatedly faced and fought instances of male prejudice. In one of her more celebrated battles, she and May Craig, now retired correspondent for the Portland (Me.) Press-Herald, obtained Senate and House approval in the 1940s for installation of restroom facilities for women reporters in Congressional press galleries.

In 1967, she went into semi-retirement, ending the five-day-a-week column she wrote for 22 years for the United Features Syndicate.

On Aug. 1, 1958, Miss Fleeson married Mr. Kimball, who retired recently as head of the Aerojet General Corp. They lived here and in Palm Springs, Calif. The cause of Mr. Kimball's death has not been determined. He was 74.

Visiting hours have been scheduled today from 2 to 4 and 7 to 9 p.m. at Joseph Gawler's Sons, 5130 Wisconsin Ave. NW.

MORMON 140TH ANNIVERSARY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. HOSMER. Mr. Speaker, one of the most unique and admirable organizations in America today is the Church of Jesus Christ of Latter-day Saints, popularly known as the Mormon church.

Established just 140 years ago, the Mormon church has grown from a persecuted, isolated sect to one of the most vigorous and respected denominations in America. Although the Mormon church is young in comparison to the more established denominations, it is the oldest of America's native Christian denominations.

All of us know of the trials of the Mormon pioneers who crossed America to settle Utah under the leadership of Brigham Young. When they reached what is now Salt Lake City, they found a barren, forbidding valley inhabited only by a few lizards and one lone "tree" about the size of an Easter lily. With the vigor, industry, and enterprise that has always characterized this hearty people, they settled in this wasteland and built one of the country's most beautiful cities. Adopting the beehive or "deseret" as their symbol, the Mormon pioneers established not just a city, but a religious movement of vital importance to the economic and social development of the old west.

"The Saints," as they are affectionately known to today's Mormons, somehow found the time and the energy during those first difficult months in the Utah territory to establish one of the west's first colleges, Brigham Young University. BYU has always been open both to Mormons and non-Mormons. It is one university that has never witnessed the sorry spectacle of violent upheaval.

As a native of the Southwest, I have had contact with Mormons and the LDS church for most of my life. Knowing them as I do for their admirable qualities of dedication and enterprise, I am pleased to call attention to the festivities now being held near Palmyra, N.Y., to celebrate the founding of the church by the Prophet Joseph Smith in 1830.

This pageant is being attended by thousands of Mormons and their friends from all over the world. Last week, I had the honor of paying host to a group of 30 fine Mormon teenagers while they stopped off in Washington on their way to the Palmyra activities. This group, representing the East Long Beach Stake of the church, had worked and saved for more than 2 years to finance its journey and it was a pleasure and privilege to meet with such outstanding young Americans. For all of these reasons, and more, I take pleasure in placing in the CONGRESSIONAL RECORD an article from the New York Times of July 29, 1970, describing the Hill Cumorah Pageant. I extend to my Mormon friends and my several Mormon colleagues in Congress heartiest congratulations upon this important event in their religious experience.

The article follows:

MORMON PILGRIMS HAIL CHURCH'S 140TH YEAR

(By William E. Farrell)

PALMYRA, N.Y.—Hundreds of Mormon pilgrims from over the country have gathered this week in this area of undulant fields of wildflowers and seemingly endless rows of corn as part of a commemoration of the 140th anniversary of the founding of their church.

In cars and campers bearing license plates from Utah, Alaska, Michigan, Ohio and Arizona—to mention a few of the states—they are visiting homes and fields that were worked by the 19th-century founders of a denomination that, after years of struggle, finally found sanctuary in the heart of the Rocky Mountains.

As they have in the past, the 3,400 residents of the village of Palmyra have absorbed this year's onrush of visitors with courtesy and aplomb.

An information center for those unfamiliar with the area has been set up in the village park and is being managed by members of the Cracker Barrel Club, composed of senior citizens. Many of the Mormon schoolgirls who are participating in the church's annual pageant are being housed in the tree-shaded residences.

"It's such a beautiful spot, and it means so much to us," said Diane Thomas, a 25-year-old junior high school teacher from Orem, Utah, who is making her second visit to Palmyra.

"DEVOTED TO CRUSADES"

Each night between now and Saturday, the Mormon pilgrims and thousands of curious vacationers in the Finger Lakes region will see the Hill Cumorah pageant, a dazzling religious play, studded with theatrical effects, that portrays the rise and fall of a civilization the Mormons believe existed in the Americas six centuries before the birth of Christ.

The places the Mormon faithful are visiting are all in upstate New York, which gave birth in the 19th century to an unusual array of religious movements, some short-lived.

In his book, "The Burned-Over District," published by Harper & Row in 1965, Whitney R. Cross describes upstate residents in the second quarter of the 19th century as "a people extraordinarily given to unusual religious belief, peculiarly devoted to crusades aimed at the perfection of mankind and the attainment of millenial happiness."

The term "burned-over district," which Mr. Cross says is an "analogy between the fires of the forest and those of the spirit," was initially one that many of the sects in the area disapproved of.

In time, however, many of the groups adopted the term.

There were sects such as the Shakers in New Lebanon, guided by Mother Ann Lee, who was believed to represent in human flesh "the feminine spirit of a bisexual God." And there was the Oneida Community, established by John Humphrey Noyes, whose doctrine of "perfectionism" denounced monogamous love as a wickedness that precluded members from loving one another equally.

None of these sects have survived the way the Mormon Church did. It left New York State shortly after its formation, and its 80 members now number three million, most of them living in such Far Western states as Utah and California.

Although the Mormon impact in the "burned-out district" has been slight, members of the church come here to see the Sacred Grove, where they believe God communicated with their prophet, Joseph Smith. The visitors walk quietly through the Smith farmhouse, taking pictures.

Cumorah Hill, where the pageant is being held, has significance for the members of the Church of Jesus Christ of Latter-day Saints because it is here, they believe, that Prophet Jones met a heavenly messenger named Moroni, who showed him where a history of ancient America was buried.

CHURCH FORMED IN 1830

The prophet unearthed the golden plates and translated them, the Mormons say, into the Book of Mormon, which, along with the Bible, is the Mormon Church's doctrinal foundation.

On the basis of this chronicle and other revelations, the prophet, who was killed by an anti-Mormon mob in Carthage, Ill., in 1844, organized the Mormon Church in the log home of Peter Whitmer in near-by Waterloo on April 6, 1830.

Last Sunday evening more than a thousand members of the denomination gathered in a field at the site of the Whitmer home and dedicated a new visitors' information center.

Despite the stultifying heat and the assaults of gnats, they were a pleasant, reserved gathering: boys with neatly cut hair, girls with hardly a trace of make-up and dresses that reached the knee, men in jackets and ties, carrying cameras, and women who sang "Praise to the Man Who Communed with Jehovah."

ADVANCEMENT OF MINORITY EMPLOYEES IN GOVERNMENT SERVICE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 3, 1970

Mr. SCOTT. Mr. President, a column published recently in the Philadelphia Evening Bulletin points up the fact that the Nixon administration has exceeded its predecessors in placing minority people in Government's top leadership jobs. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MINORITY EMPLOYES IN GOVERNMENT GET AHEAD FASTER THAN NON-MINORITIES

(By Nick Thimmesch)

WASHINGTON.—It hasn't done them any political good, but the Nixon Administration has exceeded its predecessors in placing minority people in Government's top leadership jobs.

By installing more blacks, Spanish surnamed, Indians and Orientals in the upper echelons, the Administration is not only following the inevitable course of our times, but it also helps deny the validity of the cheap charge that it is "anti-Negro," and "disinterested in minorities."

Of the 2,235 high-ranked officials appointed by the Administration, 140 or 5.3 percent, are classified as "minority." Their jobs, in the $22,885 to $35,505 pay bracket, are described as "of a top-policy determining character or having a close and confidential working relationship to a top-policy determining official." In a corporation, labor union or university, these would be the very top people.

APPOINTMENTS EASIER

Small as 5.3 percent seems, it is a larger figure than compiled by any previous administration.

And this 5.3 figure contrasts markedly with the 2.2 percent minority people holding top-grade Civil Service jobs which have the same pay rate as the appointive positions. Just as it seems easier for a minority member to work his way up in a corporation than it is in a labor union, so it is also easier for him to get appointed to a top Government post than to wait it out in the Civil Service system.

President Nixon, by executive order, in August, 1969, prodded the Civil Service Commission to upgrade minority members to middle and senior level jobs. The latest commission figures show that between November, 1967, and November, 1969, the number of minority employes in middle-level jobs increased at a rate three to five times the rate for non-minorities. In the upper levels, the number of non-minority employes dropped while the number of minority employes increased. But Civil Service has a long way to go.

REAL INFLUENCE

Several of the presidentially-appointed minority group members have considerable influence in Government. Men like HUD's Assistant Secretary Samuel Jackson, who oversees $1 billion in funding a year, and Assistant Labor Secretary Arthur Fletcher, who designed the "Philadelphia Plan" guaranteeing black hiring quotas, have made impact.

So has Ronald Lee, Assistant Postmaster General, and Benjamin Holman, director of Community Relations Service at the Justice Department.

The biggest black "name" James Farmer, Assistant Secretary at HEW, scored one notable win in the Mississippi Head Start decision.

There are less celebrated people holding important jobs. Among black appointees are Lutrelle F. Parker, examiner-in-chief of the U.S. Board of Patent Appeals; Abraham S. Venable, director, Office of Minority Enterprise, at Commerce; John Wilks, Deputy Secretary of Labor; Stan Thomas, 28, HEW's deputy assistant secretary for youth and student affairs; Samuel Simmons, assistant secretary, HUD; Mrs. Elisabeth Koontz, director, Women's Bureau, Department of Labor; John Blake, Deputy Manpower Administrator, Labor Department; and George Haley, chief counsel of the Urban Mass Transportation Administration, Transportation Department.

Arthur J. Gajarsa, a Mexican-American, holds a top job in the Bureau of Indian Affairs, and Carlos Villarreal, holds a $40,000 job at Transportation. Justice has a $38,000 a year assistant attorney general, Shiro Kashiwa, of Japanese descent.

THE LESSER JOBS

These officials are in the acres of people in lesser jobs—2.6 million all told. Some 15 percent of them are minority members, and gains in this group continue. President Nixon once said that in the area of advancing minorities, he would rather be judged by deeds than "fancy speeches."

With the way some black leaders are yelling, it might be time for the President to give some "fancy speeches" as well. Last week, black Democratic Congressmen Louis Stokes, William Clay and Augustus F. Hawkins proclaimed that the President's course "is destined to destroy all possibilities of unity and brotherhood." A few weeks ago, Bishop Stephen G. Spotswood, NAACP's board chairman, also characterized the Nixon Administration as "anti-Negro," and "worse" than any since Woodrow Wilson's.

These men know better or should know better. The aforementioned congressmen are peeved maybe because they weren't given private audiences with the President. Spottswood should check with Clarence Mitchell, director of NAACP's Washington Bureau.

MAJOR CHANGES

Mitchell could tell him how, as a federal employe in Democratic administrations, he had to eat lunch in the kitchen of the building where he worked, or how the armed services were segregated in FDR's time, or how blacks were required to sit in the balconies of Washington movie houses until President Eisenhower became incensed and had it changed; or how John F. Kennedy appointed a startling number of segregationist Southerners to federal judgeships.

As far as minorities are concerned, this Administration suffers not so much from bad deeds as from bad image. Vice President Agnew could lead a tank battalion into Montgomery, Alabama, to rout out George Wallace, and Democratic black congressmen here would complain.

ADJUSTING THE TAX RATES ON CIGARS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is considering H.R. 1002, a bill to adjust the rate of tax on cigars. As will be remembered, this matter was scheduled for action 3 weeks ago, but the press of business necessitated its carryover.

On an earlier occasion, I urged the membership to give this legislation unequivocal support. At the time I observed its passage would have three major beneficial effects: It would equalize the tax burdens presently unfairly borne by purchasers of the less expensive cigars; it would simplify cigar dealers' payment and administration of the tax; and, it would foster a more direct relationship between tax rates and the prices of cigars.

Mr. Speaker, these salutary effects are just as compelling today as they were when the House Ways and Means Committee reported out the measure. Accordingly, once again I urge my colleagues to support H.R. 1002. Justice in the administration and collection of the cigar tax demands it.

DORIS FLEESON: AN APPRECIATION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BOLLING. Mr. Speaker, Mary McGrory's appreciation of Doris Fleeson says nearly all of it. I was lucky enough to know Doris well during some of her finest years as both reporter and columnist. In my opinion Doris Fleeson was the best political reporter and the best political columnist of our time.

The article follows:

DORIS FLEESON: AN APPRECIATION

(By Mary McGrory)

Doris Fleeson made a speech to the Woman's National Democratic Club in 1959, in which, having characteristically chided the President and the Congress for their lapses she gave her own credo:

"But in the end there are no wonder men and no wonder women. There are only you and me and others like us who believe in freedom to do these things. There are only those of us with vision to see the world as it is and the courage to try to do something about it."

She was surely one of the most clear-seeing women ever born, and as for courage, she was lion-hearted. Her prose was a true blade which cut through the fraud, pettiness, egotism and male supremacy which were her daily fare during the 20 years she prowled the Capital, watching politics and politicians.

"NON-PARTISAN LIBERAL"

She was a small, focused woman, with large, luminous hazel eyes and a wide smile. She was fierce. Fierce in her opinions, fierce in her affections. She called herself a "non-partisan liberal" and while she could be objective in her columns and distill her monumental rages to burnished, cogent, biting paragraphs, she never concealed her feelings. She would seek out an erring statesman and, with tears of indignation in her eyes, berate him for his folly.

She was, decades before the Woman's Liberation Movement, a millitant feminist. While she was incomparably the first political journalist of her time, she took on the battles of her lesser sisters, and never forgot a slight to her sex.

Nor did she ever waver in her defiance of the established order.

The night of her death, she received a visit from the editor of The Star, Newbold Noyes. With heroic forbearance, she refrained from mentioning his recent entertainment of the President at the paper at a stag lunch—an incident which had ignited her feminist fires.

He told her, "Doris, you must write a book so that the young reporters on The Star will know that they did not invent rebellion at the Establishment."

It delighted her soul.

When, in the 50s, she was leading the fight for a ladies' room in the male enclave of the Senate press gallery, she accosted her dear friend and colleague Frank Kent.

"If you laugh at us," she warned him, "I will never forgive you."

Nothing infuriated her more than to be told that she wrote like a man.

"What man?" she would inquire witheringly.

Frank Kent did not, understandably, laugh at her. Few did. She was formidable and the few who did not like her had the healthiest respect for her power and her pen.

COMBATIVE

Her happiest days, professionally, came during the Roosevelt era. She had known

Franklin D. Roosevelt as governor of New York, and Eleanor Roosevelt was her ideal of womanhood . . . committed, caring, indefatigable and effective. The excitement and enlightenment of the New Deal gave her opportunity for the expression of rare and unqualified approval. Subsequent presidents never measured up. She regarded Adlai Stevenson, whose mind and spirit, while less combative, matched her own, as a man totally qualified for the White House. His two defeats caused her to mutter bitterly about the "Yahoos."

"I hit people hard sometimes," she said once, "but they seem to take it because they know I do that to everyone."

It was an understatement. In her prime, she could be disembowelling and her infrequent appearances on television panels caused strong men to cringe in fear. But while she was relentless towards her peers—among whom she counted the world's leaders—she was capable of positive tenderness towards the weak and the unarrived. A great professional, she cared deeply for her craft, and her kindness to young reporters was legendary and prodigious.

HAPPY MARRIAGE

She gloried in the achievements and honors of her career. But the pride of her later life was her triumphantly happy marriage to Dan A. Kimball, a huge, bluff, generous business genius who shared her passion for Democratic politics and doted on everything about her, including her sputtering rages.

To him, the scourge of statesmen was "my little bride," an appellation that never failed to melt her.

She was intensely feminine and brought the perfectionism of her writing to bear on her person and her household. She could brood over the placing of a China closet as heavily as over the course of the Vietnam War, of which, she said, she was a casualty. She suffered her first stroke in 1964.

In 1968, no longer writing, she participated in the McCarthy campaign by feeding the volunteers, of which her daughter, Doris O'Donnell, was one. Three times a week, splendid trays of sandwiches, prepared by her own hand, were dispatched to headquarters.

MACAULEY'S WORDS

She and Dan Kimball worried endlessly over each others' health, and neither could face the prospect of life without the other's devotion. When word of his death was brought to her bedside Thursday afternoon, she reached down into that beautifully arranged and handsomely stocked mind and brought up the words to tell her grief. In a choking voice she recited lines from Macauley:

"The house that was the happiest within the
 Roman walls
The house that envied not the wealth of
 Capua's marble halls
Now for the brightness of thy smile must
 have eternal gloom
And for the music of thy voice the silence
 of the tomb."

Thirty six hours later, she was dead.

JOHN C. KUNKEL: GENTLEMAN, SCHOLAR, STATESMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. ESHLEMAN. Mr. Speaker, it was not my privilege to serve in the House of Representatives with the Honorable John C. Kunkel. He and the Honorable Paul B. Dague chose to retire at the end of the 89th Congress after long years of distinguished service. I have the pleasure to represent a district which encompasses part of the district served by both of these extremely talented former Members.

Everyone coming to the Congress wants to do the very best job he possibly can and to serve his constituents at least as ably as his predecessors. Mine is not an easy task. When I first sought a seat in the House of Representatives to represent the new 16th Congressional District of Pennsylvania, I was delighted to have the strong endorsement of John Kunkel. It meant a lot to me then and his support and encouragement continued.

I was shocked and saddened by the death of this fine man. I think perhaps Mr. Kunkel might be most pleased to be remembered as a gentleman. He always was. He had the advantage of a splendid education which obviously taught him that one never ceases to study, to learn, and to grow. He was a scholar—an avid reader with a tremendous interest in every single aspect of this country and he had a thorough knowledge of world affairs which did not cease when he left this body. He was a tireless worker and no problem of a constituent was too small to receive his earnest attention.

John Kunkel was an outstanding Member of the Congress. Few who have served here have had the tradition of public service which was his heritage. One or more members of his family served in the Congress from its beginning until he retired with the exception, I am told, of one generation. He was proud that his forebears had helped to shape this country which he loved deeply. He was determined to follow the family tradition and make his contribution. Those in this body who knew him can attest to the fact that he accomplished his goal in abundant measure. Probably one of the achievements of which Mr. Kunkel was most proud was the important part he played in the study which laid the groundwork for the Marshall plan following World War II. His career of public service covered such a long period and his efforts were so extensive it would be difficult to enumerate his many accomplishments. He was loved, admired, and respected by the people he represented which, I am sure, was to him the greatest reward of his lifetime.

America is a better place because of John C. Kunkel. We mourn his passing and extend heartfelt sympathy to his devoted wife and the members of his family.

NEED FOR PUBLIC HEARINGS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BURTON of Utah. Mr. Speaker, I would like to add some further comments to the bill I introduced on July 31, 1970, concerning the lack of adequate public hearings prior to a recent decision by the Civil Aeronautics Board that airline fares be increased. On July 9, a court invalidated the CAB order approving the fare increase, on the basis that the Board had acted illegally in allowing a fare increase without public notice. The Board also contended that if the court order prevails, passengers still will be unable to collect the extra fares paid. The Board said there is no statutory provision for reparations to the public in such a circumstance.

I would like to draw the attention of my colleagues to the 1967 case of the United States against Charles Pfizer & Co. This case involved the price fixing of five major U.S. drug companies found guilty of conspiracy in restraint of trade. Settlement followed in 1969 of $121 million and ads were placed in various newspapers inviting people to put in claims for all overcharges by these companies. This case seems to set a precedent for the CAB case at hand.

However, the U.S. Court of Appeals Thursday granted the Civil Aeronautics Board 90 days to come up with a new domestic air fare schedule that meets the requirements of full "public notice and hearing." I would hope that during this period an equitable agreement can be reached and that any further instances where a regulatory agency is caught usurping public power be met with more than disciplinary handslapping.

SPIRIT OF OUR VOLUNTEER FIREMEN EMBODIED IN STIRRING POEM "TO A VOLUNTEER"

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BEALL of Maryland. Mr. Speaker, the spirit of our volunteer firemen is embodied in a stirring poem by Mr. Del Malkie appropriately entitled "To a Volunteer."

Poet Malkie captures with words the enthusiastic dedication of our volunteer firemen who provide protection to citizens in hundreds of American communities.

The text of the poem was delivered to me by Mr. Leroy Koch of the West Lanham Hills Volunteer Fire Co. It was in the form of a reprint from the Maryland Independent Publishing Co., which publishes three distinguished Maryland weekly newspapers—the Clinton Star-Leader, the Maryland Independent of La Plata, and the Saint Mary's Beacon of Leonardtown. Mr. Malkie is the editor of these Maryland papers.

The poem was illustrated with a photograph by Mr. Max Farrington which poignantly demonstrates the dangers and stress our volunteer firemen face to provide protection to the towns they so unselfishly serve.

As we seek to honor our volunteer firemen by enactment of the joint resolution authorizing the President to establish National Volunteer Firemen's Week from September 19 to 26, 1970, this poem gives eloquent testimony to the traditions embodied by their service:

To a Volunteer

The whistle sounds out about quarter of two
And you know that it's crying for fellows like you
You listen and see if it's one blast or three—
But you know all the time what it's going to be
You know there's a family, with fire in their mind,
And you're fearful, you know what you're liable to find
You wish you could stay there
In comfort, and sleep
Wish you could shut down
Cover up tight and deep
But the whistle is sounding, it's wailing for you
And you know just what you are going to do.

You ease out of bed, making no noise
Get into your clothes, trip over the toys
Don't wake up the kids or the wife will raise cain
For you chasing fires in the night once again.
The car is right cold, is hard to get going
The roads are like glass and the sky is still snowing
But the whistle is crying, for fellows like you
And you know just what you are going to do.

You get to the house, the engines are turning
For somewhere close by, there's a home there is burning
They shift into gear, before you're quite ready
They scream out the drive, and the siren is steady
You cut through the night, clutching the rail
And the wind is a-whistling, blowing a gale
You snap up your chin, bring your collar up tight
The red lights flash bright as you scream through the night
You skid on the turns, smash your way through the snow
And make ready for work to be done, for you know
You have only minutes, to make it and then—
The sky is all red and you're at it again

You drop down the line, drive it out in the snow
And hook it up fast—must be fifteen below
The nozzle seems froze, the fire blazing high
With frightening red tentacles up to the sky
The father is frantic, his wife in a daze
The children are screaming, you break through the haze
You're cold and you're choking
You slip on the soot
You slide on the flowby
You're twisting your foot
You're hit by a stream, there's a beam falling by
And you're about to get out when you hear a faint cry . . .

You get down to your knees, and the nails hurt your skin
You gotta get out—but you have to go in
As you grope past a door, and fall flat on your back
You see the bright orange—cutting through a wide crack
It spreads as you watch it
And you choke on the heat
It's burning your hands
And you can't see your feet
You get scared, turn to go, to get out of there fast
You're almost in panic, you know you can't last
You grope toward the window, you knock out the sash
You reach your leg over and then hear the crash
As behind you the wall goes—a shower of light
And there, in the sparks which shatter the night
You see the small figure, cuddled down 'neath the bed
With a torn little blanket wrapped over its head . . .

You grab up that baby—
Jump down to the ground
Just in time—for the roof now is shuddering down
Yet you feel life there beside you
In the cold and the storm
And you know you have saved it—you wrap it up warm;
Put the bundle inside of squad ambulance one
Then flop down on the truck, for you know you are done

The smouldering fire is now down to a glow
The sparks die down slowly, fall into the snow
You get back on the truck, as the bell rings you home
There are others there with you, but you're all alone
You go back to the house, clean it up and let's go
And you drive slowly home, through the cold and the snow

Half of the guys there didn't know what you did
That you'd gathered up the life of that kid
All the houses you pass are asleep and locked tight
And you feel all alone in the dark of the night
The whistle is silent, the job is all through
The job has been done—and it's been done by you

But you're not alone, firemen; although you don't know it
You're surrounded by thousands, who though they don't show it
Know well that you're out there, and silently cheer
And softly thank God, for a good volunteer.

PRESS-TV IGNORE LEFTIST LAWYER'S BACKGROUND

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. SCHMITZ. Mr. Speaker, in view of the publicity surrounding my own election to the House, the following item in the July 15 issue of Combat makes a point well worth printing in the Record:

Press-TV Ignore Leftist Lawyer's Background

Liberal radio-TV and press generally ignored the far left background of the victor in the Democratic primary in a New York election last month, although almost every station and newspaper in America printed stories about two newly-elected California Congressmen who also happen to be members of the John Birch Society. This blackout on leftist credentials, while emphasizing right-wing associations, was explained to Combat last month by CBS-TV newsman Joseph Benti, who explained that CBS didn't feel it necessary to give a pedigree on everyone it reported on (Combat pointed out CBS's failure to tell viewers the background of a Chicago doctor with Communist connections). When Bella Abzug won the primary for the Democratic Party in the Lower Manhattan-Greenwich Village area press and TV described her only as a "peace activist."

Mrs. Abzug is a leader of Women's Strike for Peace (WSP), a group which has maintained continuous relations throughout the Vietnam War with North Vietnam and the Viet Cong, and she has a Communist front record. She took her law degree in 1945 from Columbia University, and immediately became active in the National Lawyers Guild (she later became a director of the NYC chapter), which has been cited as a Communist front by two committees of the very Congress Mrs. Abzug proposes to join. She attended a Communist-sponsored lawyers meeting in Prague, Czechoslovakia, in 1948, and about the same time was active in NYC in a group called the Citizens Committee of the Upper East Side, which Attorney General Tom Clark labeled as a subversive organization and an affiliate of the CPUSA. She was a frequent speaker at meetings of the Civil Rights Congress, also named as a Communist front. She found "peace" about 1961, becoming legislative chairman of WSP. According to the Communist Worker of Aug. 21, 1966, she signed a statement with 40 other "emphatically" denying the right of Congressional committees to investigate subversive activities. One of her 1967 statements, opposing the Vietnam War: "We oppose destruction and military intervention in the social and political matters of peoples around the world." (Mrs. Abzug did not protest her husband's service in the Army during World War II.) In recent years she has been leader of a group protesting "war taxes."

RESOLUTION SUPPORTING BIBLE READING BY ASTRONAUTS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. DONOHUE. Mr. Speaker, I am very pleased to include the letter sent to me by Mrs. Pauline M. Johnson, church clerk, containing the resolutions, which I heartily endorse, adopted by the people of the First Baptist Church of Mendon, Mass., last July 23, 1970, expressing their very deep and intense convictions in support of the action of the astronauts in reading excerpts from the Bible as their spacecraft orbited the moon during December of 1968. The resolutions follow:

First Baptist Church,
Mendon, Mass., July 29, 1970.

Hon. Harold D. Donohue,
House Office Building,
Washington, D.C.

Dear Mr. Donohue: Resolutions as adopted by the First Baptist Church of Mendon, Massachusetts, on July 23, 1970:

Whereas in recent months a small but vocal group of crusaders have protested the decision of the Astronauts to read the Bible as Christmas message to the world from their spacecraft while orbiting the moon in December, 1968, and

Whereas, such group seeks public censure of the Astronauts for their act, and seeks to prevent any further demonstration of faith by public leaders, and,

Whereas, such action is an infringement of the human rights written and intended in the Constitution of the United States, and seeks not only to deny religion and the expression of faith in God, but seeks also to establish irreligion and atheism as national policy.

Therefore, be it resolved that:

1. We appreciate and wholeheartedly support the decision of the Astronauts to read the Bible from their spacecraft as they orbited the moon during December, 1968, and

2. We further support the right of every human being to express his faith in God and the Bible publicly without fear or threat of censure.

Mrs. Pauline M. Johnson,
Church clerk.

THE PASSING OF A GIANT IN EDUCATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. JOHNSON of California. Mr. Speaker, one of the most dedicated, capable and respected leaders in the field of education passed away recently, leaving a grieving and shocked campus at Chico State College in Chico, Calif.

Dr. Dorothea Powers, professor of foreign languages and dynamic, energetic, respected leader in community and campus affairs, also worked with Chico's Chapter of the United Nations Association/United States of America, the mayor's United Nations Week Committee. She also conducted numerous student tours of Mexico. While almost any tribute to a person of her magnitude seems inadequate, I would like to share one of the many eulogies which have been made on her passing, an eloquent tribute written by Mr. Bill Lee, managing editor of the Chico Enterprise Record, on July 9, 1970:

DR. DOROTHEA POWERS

In these times of mounting nuclear jeopardy and international intrigue, a main hope of mankind is the possibility that mutual respect and understanding ultimately will be accepted as more potent than military endeavor and pressure politics in the search for world peace and harmony.

The coming to the front of mutual respect and understanding still is a long way off, of course, but there is no doubting that the factor of "communications" will play an essential role. And in the realm of international communications, LANGUAGE—the chief means by which thoughts and ideas and feelings are conveyed—is a basic key. Person-to-person conversation and correspondence can break down many walls that persist under circumstances of third-party translations and go-betweens.

No one on the local scene embodied more promise in this important "realm of the future" than Dr. Dorothea Thompson Powers, professor of foreign languages at Chico State College for the past 16 years. As such, the death of Dr. Powers last week while traveling in Spain was a shocking loss of unusual proportions.

Dr. Powers was an eminently successful teacher in her academic field. Wherever she taught during her long career—in Boston, in Maine, in New Mexico and in Chico—she was honored and cherished by students and faculty colleagues alike. In 1969, for example, she was one of three Chico State faculty members honored with the Distinguished Teacher Award.

Yet Dr. Powers was more than an accomplished linguist and teacher. Rather, she was a one-woman diplomatic service and a widely traveled ambassador of good will. After the death of her husband in the mid-thirties, the young Phi Beta Kappa pursued her specialty with dedication. During World War II, she served with the Red Cross in the European theatre, often functioning as an expert interpreter. After the war, she obtained her Master's Degree and her Doctorate in languages and built her reputation as a teacher while also continuing her wide travels.

In the latter realm, she spread her philosophy of language as a bridge between people by handling student tours, conducting seminars in Latin America, writing scholarly articles for professional journals, serving as a language consultant for public school districts and giving unselfishly of her talent and time in countless other ways.

Under the circumstances, the death of Dr. Powers amounts to a painful loss, not only to Chico State College and the local community, but to a broad spectrum of students, scholars and people in distant places.

Yet the momentum of her dedication and the example she set will long serve as fuel and inspiration for others who share the hope that by excelling in languages, swifter progress can be made toward the day when mutual respect and understanding—via improved communications—will be accepted as more potent than military endeavor and pressure politics in the search for world peace and harmony.

IS COMMUNIST RUSSIA REALLY CHANGING?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. GOLDWATER. Mr. Speaker, Russia is now well into its sixth decade under communism. Some political observers on the outside indicate that they believe the Soviet Union is "liberalizing."

However, some stories coming from the U.S.S.R. speak of continued tyranny. A few Soviet journalists have dared to write about persecution of Jewish and Negro groups either residing in or traveling to the country.

What is the real story? William Cole, a Columbia Broadcasting System newsman, was recently expelled from the Soviet Union shortly after he had several interviews with four Russians.

Cole's interviews, very graphically, answer the question, "Is Communist Russia really changing?" The following is a summary of his series of interviews published in the Washington Post on Sunday, August 2, 1970:

RUSSIA'S UNDERGROUND SPEAKS

In a rare instance of audible and visible dissent from the Soviet Union, four Russians told Americans Tuesday night what can happen to a man who speaks out against the state in the U.S.S.R.

Three of them were seen and heard on WTOP–TV and the CBS network in interviews filmed by the CBS News correspondent William Cole, who was expelled from the Soviet Union shortly after he made them, "perhaps coincidentally." The fourth man spoke by tape from a labor camp in the far north of Russia.

The three seen on television were Pyotr Yakir, 48, who has spent 13 years in concentration camps as "the nontitular head of the democratic movement" in Russia; Andre Amalrik, 31, the historian whose harassments were described last year by Anatole Shub, now Paris correspondent for The Washington Post, in his celebrated series "Russia Turns the Clock Back," and Vladimir Bukovsky, who has spent six of his 27 years in insane asylums, prisons and concentration camps, for poetry readings and once for possession of Milovan Djilas' book "The New Class."

Amalrik was arrested by the KGB a few weeks ago and is awaiting trial. Cole believes that Yakir and Bukovsky are "in serious trouble"; that sooner or later they will be picked up and sent back to mental hospitals or concentration camps. Yet all three, he says, insisted on filming the interviews.

The man who spoke from a labor camp by tape is Alexander Ginzburg, the poet who was imprisoned in 1967 for protesting the trials of other writers. It was not explained how Cole got the tape, but he said the voice was identified by Moscow friends of Ginzburg.

The following are excerpts from the interviews and the Ginzburg tape:

PYOTR YAKIR

The most important turning point in the way people are thinking was when Daniel and Sinyavsky were arrested. Many educated people thought Daniel and Sinyavsky had done wrong by sending their writings abroad, and following their trial and after Samizdat—Samizdat refers to the system by which people simply reproduce and pass from hand to hand various writings—published the first speeches of Daniel and Sinyavsky, there came about a striking change, because both Sinyavsky and Daniel spoke about what they thought.

They had written down what they believed, and didn't consider themselves guilty. And many people began to think: Really, why should people be tried for their convictions? Why, simply for what he thinks, does a man have to be arrested? So from that time on, there were protests.

And then there was the trial of Galanskov and Ginzburg, and that was the time of the greatest enthusiasm, because, first, a great many people protested against the fact that the trial was held illegally and behind closed doors. During the trial, the situation changed a great deal. Whereas during the trial of Sinyavsky and Daniel it had been impossible to approach foreign correspondents—the vigilantes would take people straight off to the police—at the Moscow City Court we all discussed the affair with the correspondents. True, they wouldn't let us in anywhere, but a certain contact was established, and everything we learned we passed on immediately to the correspondents.

The trial ended, and against it there were a great many protests. More than 2,000 people put their names to various letters of protest against conviction of people for their beliefs. About the same time, Larissa Daniel and Pavel Litvinov handed correspondents a protest against the trial and appealing to world public opinion. That was the first, major step, which was a breach with all previous traditions. Never before in Russia had there been a case of people appealing to the West with a protest against unlawfulness in our country.

This is a great stride forward compared with Stalinism. Under Stalin, there was always an iron curtain, and no one knew what was going on here. Millions of people were destroyed and nobody knew about it. Now we're trying to publicize every arrest, every dismissal. This we consider our main function.

Here is what I think. We are all being arrested—those who took part in the democratic movement—but that's not the point. We are apparently being arrested because it doesn't suit the authorities to have people about who criticize them. But there's no going back. If we're not here, there'll be others; there are already many of us, many young people, and no independent thinking people in the Soviet Union will go back to what used to be. They'll beat us and they'll kill us. All the same, people will go on thinking differently.

ANDRE AMALRIK

COLE: Mr. Amalrik, why did you decide to write this book called, "Will the Soviet Union Survive Until 1984?"

AMALRIK: I think there were three main reasons why I decided to write the book and try to get it published. The first was my concern for the fate of my country. It was, alas, some years ago that I started to be concerned at the fact that my country was heading for a catastrophe in the not too distant future, and I wrote about it on two occasions to the editors of Russian newspapers in Moscow, but I received the most unconvincing replies, and then I decided to find another way of gaining publicity for my views.

In the second place, since my book would appear abroad mainly, I set myself the objective of refuting those inaccurate ideas about my country which are widespread, mainly in the United States, that is, about the liberalization of the Soviet regime which is allegedly taking place. And third, I had the same reason as any author has who writes a book: Given that these ideas had come into my head, it was natural that I should want to write about them.

What is really happening in the Soviet regime, in my opinion, is not that it is getting more liberal but getting more senile. Liberalization would presuppose conscious reform, whereas in reality the regime is more and more losing control over the situation in the country.

From the point of view of the Americans, the Soviet regime exercises far greater control over its country than, say, the American country does over its. But for a totalitarian regime, the degree of control is already insufficient. As an example, I can cite the unusual popularity of Samizdat.

This doesn't happen because the regime takes a liberal view of such things or deliberately permits it, but simply because the regime can't do anything about this problem, mainly because there's been an extraordinary increase in the number of people with education, and in the importance of the role played by educated people in modern society, and this intelligentsia will no longer be satisfied with the miserable official writings which are offered.

Cole: What do ordinary people think of this regime?

Amalrik: I have had a lot to do with factory workers and farm workers, and it seems to me that they haven't really begun to think over the nature of this system at all; it seems to them it's always been like this and it always will be. But at the same time, there's evidence of very deep dissatisfaction with particular aspects of the regime, and this can assume the most varied forms.

Some are dissatisfied because they receive extremely little money by comparison with others, so they don't have enough to live on. Others are dissatisfied because they can't buy anything for the relatively high wages they earn. The farm workers are dissatisfied with their lack of civil rights, in that they cannot leave the villages.

The factory workers are dissatisfied with their complete dependence on the factory managements.

People living in small towns are dissatisfied because they don't have the right to move to bigger towns when there's no work in the small ones. And gradually some people begin to have the idea that all of these local, smaller problems have their origins in the imperfections of the political system under which we live.

What may lead to a revolution is the utter lack of good sense in the upper class, which is trying to avoid any change and to prevent society from having any mobility; which is always striving to preserve and make permanent the breakup of our society into tightly closed castes.

Cole: Mr. Amalrik, the United States is pictured to Russians as a land where everyone's starving, where there's no freedom, and as the enemy. Why is this?

Amalrik: If the regime is to make itself look attractive in the eyes of its own people, it must constantly depict in the most repulsive light all other countries, especially the economically advanced ones. And it has to be said that for a considerable time now, this method has been effective.

For example, I have had occasion to hear Russian farm workers saying something like this: "Oh, well, life's very bad for us, but we are at least able to eat potatoes every day, and sometimes they bring us some kerosene. But how on earth do people live in the capitalist countries? There's probably nothing at all to eat there."

Cole: Is it true that opponents of the regime here are put into mental hospitals to get rid of them?

Amalrik: Yes, it's true. I think it's the most disgusting thing that this regime does. At the same time, it seems to me this is a clear indication of the complete ideological capitulation of the regime in the face of its opponents, if the regime can't find anything else to do with them but to declare them to be out of their minds.

I am very well acquainted with a number of people who have been put into psychiatric hospitals and certified as being not responsible for their actions. There's Gen. Gregorenko, then there's Ivan Yakhimovich. The same fate now threatens Natalia Gorbanyevskaya. And I want to say that these are perfectly normal, clear-thinking people, and they have to live there among genuinely deranged people, and for an utterly undefined period, since the period of detention in a psychiatric hospital is not laid down in the sentence of the court.

But I consider that no system of rule by force can exist without people who are ready to submit to that rule. And if we don't want the rule of force to prevail, we must all fight against it, and not just say the regime is bad, that we have to suffer and so forth. It is a bad system, but that doesn't absolve us of blame for it's being bad.

Cole: You seem rather dissatisfied. Would you like to leave the Soviet Union?

Amalrik: I'm dissatisfied with this political system, but this is the country in which I was born, and I hope that in due course everything will change. No, I don't want to leave this country. It's another question whether if I'd been able to make a choice before my birth; then I would have preferred to be born in another country.

VLADIMIR BUKOVSKY

Cole: What is life like for a dissident like yourself inside an insane asylum?

Bukovsky: Imagine to yourself a prison—an old prison, which was a prison even before the Revolution—in which there are something like a thousand prisoners, more than half of them murderers, people who've committed serious crimes at a time when they were out of their minds; people who are genuinely sick, and the remainder who are political prisoners, dissidents, who have done things which from the point of view of the authorities are crimes, but which are not criminal from the point of view of the law.

In order to isolate them, to punish them in some way, such people are declared to be insane and are detained as patients in these mental prison hospitals. Some time passed before I understood this and before I got to know my fellow prisoners.

I believe this is the usual fate for a person who wishes to be himself, who wants to say what he thinks, to act in accordance with his convictions and his ideas. Many people, hundreds of people, have been declared insane and committed to various hospitals, mainly special ones like those in Kazan, Leningrad, Chernikovsk, Sechyovka and so forth.

It's very much more difficult to get out of that place than it is to get into it. First, in order to get out, you must declare officially to the doctors that you admit that you are sick—"Yes, I'm ill, I didn't know what I was doing." And the second condition is to admit you were wrong, to disavow what you did. I know of several cases of people who refused to say that they had done wrong and spent many long years in the hospital.

Nikolia Samsonov, for example, a geophysicist from Leningrad, was kept there simply because he refused to admit he was a sick man. Another of my friends in the madhouse was a French Communist of Romanian origin who had lived for more than 10 years in Marseilles and who came to the Soviet Union to see what communism was like in practice. He went to work in a footwear factory in Moldavia, and worked there for a long time. But he was displeased that the workers there received such low wages.

He told his workmates that they ought to fight for better pay. They went on strike. He was arrested and declared insane. In the hospital, he just couldn't understand what had happened to him, how Communists could do such things. For him, communism and the struggle for a better life were more or less the same thing. He just couldn't understand, and toward the end of his stay he really began to go out of his mind, it seems to me, because he was telling everybody that the Soviet government was under the influence of the Vatican.

The hospital regime was similar to any prison regime: an hour's exercise a day, locked cells, outside visitors once a month, one letter a month to relatives, one parcel a month, exactly the same as in a prison. The doctors themselves realized that it was not a hospital but a prison, and sometimes they said so openly. If a patient misbehaved he could be punished.

It was very easy to get into trouble, and the punishments were very severe. There are three kinds of punishment which are most commonly applied there. The first type is carried out by medical means.

I think people know about a preparation known as sulfazine, which was used if one of the prisoners gave a doctor a rude answer to some question or declared that a doctor in the hospital was no better than an executioner in a white smock. Such a remark would be sufficient to involve punishment.

Sulfazine is a pretty painful form of punishment. It causes your temperature to rise to about 40 degrees Centigrade, you feel you have a fever, can't get out of bed or move about, and it goes on for a day or two. If the treatment is repeated, then the effects can last a whole week or even 10 days.

A second form of punishment involves the use of the preparation aminozine, used in psychotherapy. It causes the patient to feel drowsy, sleepy. He may sleep several days on end, and if the treatment is given regularly, he may go on sleeping for as long as it is continued.

The third form of punishment we used to call the "roll-up." It involves the use of wet canvas, long pieces of it, in which the patient is rolled up from head to foot so tightly that it was difficult for him to breathe, and as the canvas began to dry out, it would get tighter and tighter and make the patient feel even worse.

But that punishment was applied with some caution. There were medical men present while it was taking place who made sure that the patient did not lose consciousness, and if his pulse began to weaken, then the canvas would be released.

The medical forms of punishment were pretty widely used, and it was sufficient for a patient to appear cheerful or, on the contrary, miserable, show dissatisfaction or be too calm—any deviation which might appear suspicious to the psychiatrists—to give them grounds for believing that he was ill; that would be sufficient for them to start using those treatments.

I was released from the camp in January but I did not change my opinions and I did not give up my activity. Therefore I can be arrested at any moment, when I meet foreign correspondents, when I am distributing written material forbidden in the Soviet Union, and in other circumstances. It doesn't matter what excuse the authorities find for arresting me. There's a saying in the camps:

So long as they've got the man, they'll always find the law to fix him.

Of course, I know I am being followed, my telephone is always tapped, I feel that I am constantly under observation by the authorities. When I have to do something that I don't want the authorities to know about, I manage to get away from them. But it's pretty difficult in general. I am unable to get the sort of work I like doing if only because I am sufficiently well-known, or because in my identity card there is a mark which tells anyone that I've been in prison.

I am often asked about the prospects for change in this country, what we hope to get from our activity, how many supporters we have, and these are understandable, legitimate questions. But they are very difficult to answer. You have to understand, first of all, what's the essence of our struggle.

The essence of it is, in my view, the struggle against fear, the fear which has gripped the people since the time of Stalin, and thanks to which this system continues to exist, the system of dictatorship, of pressure, of oppression. It's into the struggle against fear that we put our greatest efforts, and in that struggle great importance attaches to personal example, the example which we give people.

I personally did what I considered right, spoke out on those occasions when I wanted to, and I'm alive. I am now sitting here and not in prison. I can get about, I can live. For me and for many people, that's very important; it shows that it's possible to fight, and that it is necessary to fight.

ALEXANDER GINSBURG

In this concentration camp, for lack of medical aid, 16 political prisoners have perished recently. Here there is only one doctor from among the prisoners, the rights of man are violated, thousands of people are deprived of their freedom and everyone goes in danger of his life.

I have just accompanied on his last journey my friend Jan Matusha. Three months ago, the Estonian Ans Frants died.

For six months now have been languishing in the Vladimir prison—that living grave—my friends Yuri Daniel and Valeri Ronkin. Several dozen of our friends were arrested in Moscow recently. Camps, prisons and the death of those near to us—that is what we are surrounded by, and nevertheless we hope to hold out.

We are sustained not by the so-called decisive stand of the Soviet Union, nor by the goodwill of the governments of the great powers, but by the wrath, protest and solidarity of all honest people, of all who hold dear the dignity of man, democracy and peace. In decisive resistance to modern barbarism I see the only real guarantee that the rights of man will be observed, here and throughout the world.

After reading these interviews, it is plain to see that the free world should not lull itself to sleep, thinking that Communist tyranny is dead in the Soviet Union. After 53 years, millions of Russians are still denied the simple freedoms that we, here in America, take for granted.

THE SUMMER BASEBALL LEAGUES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. ANDERSON of California. Mr. Speaker, in an age in which the "generation gap" has become the watchword, it is good for us to stop and praise those institutions which serve to bridge this "gap." One such organization is the summer baseball league. Be it run by the recreation and parks department, the "Little League," religious organizations, the Babe Ruth League, the Pony League, the American Legion, or any other group; the summer baseball league serves to help boys become men and to strengthen the bonds between the young and the old.

The summer baseball programs are a great aid in the development of young Americans. They help instill in youth the principles of teamwork and sportsmanship which are so vital to the success of the boys as they move toward adulthood. They teach the boys who participate how to handle responsibility, the need for hard work in order to succeed, the need to learn the rules, and the necessity of playing by those rules.

Perhaps most important of all, they teach young men how to handle victory and defeat. They teach that with victory must come humility—for today's victor may be defeated tomorrow. They teach that with defeat must come, not resignation, but rather, a determination to improve so that defeat may be turned into victory. These are lessons which the young men of our Nation need in order to grow into mature, responsible citizens.

A second, and equally important, benefit of summer baseball leagues is the bridge that they provide over the so-called "generation gap." The leagues are made possible through the work of dedicated men who give their time so that the boys may play baseball. Through the examples of leadership and dedication that these men provide, the boys receive a positive image of their elders and learn to work with the older generation. At the same time, the "elders" learn how to work with groups of young people—a skill all of us in the "over 30" class need to develop. Finally, since many of the coaches also are fathers of the players, the leagues help to strengthen the bonds between father and son and bring families closer together.

Summer baseball leagues are a valuable American institution, serving both the young and the old. Mr. Speaker, I am sure that both you, and all my distinguished colleagues, join me in saluting this most worthwhile activity.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE DEEP RIVER ANCIENT MUSTER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MONAGAN. Mr. Speaker, I am pleased to commend to your attention a brief article which appears in the August 3 issue of Time magazine. The article is entitled "The Deep River Ancient Muster," an annual event of fife and drum corps groups from various parts of the country.

This is a patriotic event which dates back to the early 18th century of colonial America. In this year's event 63 such groups participated and it was certainly a most inspiring sight which had the best of the spirit of 1776.

The event took place in Deep River, Middlesex County, Conn., in the congressional district of our late beloved Congressman William L. St. Onge. The article was brought to my attention by his assistant, Mr. Murray Frank. It reads as follows:

THE DEEP RIVER ANCIENT MUSTER

"The noise shook green apples off the trees, moved a frog onto the railroad track, jolted nails out of the shingles in the roofs, and the hens in the poultry yards along the route laid premature eggs in fright." With slight Yankee exaggeration, a newspaper in 1885 described the first field day of the Connecticut Drummers Association in Wallingford, Conn. The fifes and drums echo anew each July along the Connecticut River, where sleepy New England villages like Chester, Deep River and Moodus quietly proclaim a heritage as old as the Republic itself. The occasion is the annual Deep River Ancient Muster, the gathering ground for fife-and-drum corps, which this year attracted over 10,000 spectators and musicians. Time Correspondent Richard Ostling, who is the son of a drummer, attended the muster and sent back this report:

You could easily hear the rumble of the drums at Deep River three miles up the river in Chester. The groups had come from all over: the Ancient Mariners from Guilford, Lancraft Fife and Drum from New Haven, the Chester and Moodus corps, the New York Regimentals, and the all-black Charles W. Dickerson Field Music from New Rochelle. Their dress was as colorful as their music was loud. Deep River's own corps led the parade, proudly arrayed in tricornered hats and scarlet colonials coats. The Ancient Mariners wore the motley collection of striped jerseys and white pants used by enlistees before the U.S. Navy settled on a common uniform. The silver cup awarded for the most authentic uniforms—the only contest at the muster—went to the variety of hand-sewn Confederate uniforms worn by the 32nd Virginia Field Music, a group from Williamsburg.

Though its origin was British, "ancient" fife-and-drum music has been best preserved in America, and especially in Connecticut, where it is a folk tradition passed down from generation to generation. The earliest American corps on record was founded in Annapolis in 1717. During the Revolutionary War, General George Washington issued an order stating: "Hours are to be assigned for all the drums and fifes of each regiment, and they are to attend them and practice; nothing is more agreeable, and ornamental, than good music." Because soldiers might have confused rehearsals with actual calls to arms, the Continental Army set practice hours of

5 to 6 a.m. and 4 to 5 p.m. The participants at Deep River observed no such regimen.

The festivities began a day ahead of time as early arrivals gathered in the Deep River Inn, a bar on Main Street, to shout greetings, swap tales and compare instruments above the din of indoor fifing. Drummers, however, are usually kind enough not to play their instruments indoors; instead they rattle their sticks on the Formica tabletops. Unlike contemporary bands, fifers and drummers shun all modern innovations. Calfskin heads are used on drum instead of plastic ones, and a system of rope and leather ears is utilized to keep the heads taut, rather than metal rods. The fife must be the genuine article: a primitive piccolo consisting simply of a tube (usually wooden) with six finger holes plus a hole to blow across.

By midevening the inn was jammed. Outside in the parking lot, the overflow of fifers and drummers set up their own jam sessions. One of those basking in the deafening music was Raymond Hill, fire chief of the City of Los Angeles. In Washington for a firemen's seminar, he had come to Deep River to attend his fifth muster. "Anybody who can hear an ancient corps and not have the hair raise on the back of his neck, why something's wrong with him," he said.

Muster Day was a montage of sound and color as the 63 participating corps, resplendent in their scarlets, blues, grays and whites, drummed and fifed their way through the streets of Deep River to a ball field on the outskirts of town. There, each group performed a medley of its favorite tunes in a five-hour fife-and-drum fest that left many of the uninitiated benumbed. The tunes ranged from Yankee Doodle and other Revolutionary War melodies like Road to Boston and The World Turned Upside Down, to such Civil War favorites as Marching Through Georgia and The Battle Cry of Freedom (Rally Round the Flag).

After the last performance, a jam session was decreed and there ensued a gigantic version of Friday night's scene at the inn parking lot. Hundreds of fifers and drummers, now in such states of unattire as T shirts atop colonial knee breeches, gathered in informal groups to pump out their traditional favorites. Despite the mixing of corps personnel, the precision achieved was impressive. But from across the field, the combined effect was a cacophony of sounds, a good-humored musical nightmare that for some lasted late into Saturday night, evoking all the ghosts of '76.

NATIONAL RESTAURANT ASSOCIATION PLEDGES ASSISTANCE

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I have been advised, as have other Members of the House, that the National Restaurant Association has adopted a resolution pledging the assistance of the restaurant industry to our Government, its agencies, and its citizens who devote themselves to the enforcement of the law and rectification of such other human and economic ills as may beset our Nation. I am glad that this large industry, the fourth largest of our country, has taken this means of making clear its position in this important matter. As an example of a forthright statement by a large industry, I offer the resolution for insertion in the RECORD:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NATIONAL RESTAURANT ASSOCIATION

Whereas, the nation's foodservice industry enjoys a degree of contact with America's youth, both as employees and customers, second only to the school system;

Whereas, the foodservice industry recognizes a code of ethics in business and promotes interest and participation in community and public affairs;

Whereas, there exists discord harmful to the welfare of our country;

Whereas, citizens are plagued by criminal activtity—increasing inflation—accelerated unemployement—interruptions in the education process—by unwarranted strikes; by racial strife—by poverty among many—and by the wanton destroying of private and public property—

Be it resolved—that members of the foodservice industry are encouraged to insist that all officials, at all levels, whether elected or appointed, shall enforce the law and protect human rights—control crime, advocate a sound economy, check inflation, relieve poverty and provide and protect the right to dissent within the framework of the law and to further provide leadership consistent with the needs of all—

To this, the members of the foodservice industry pledge their aid and support.

CONGRESSMAN MINSHALL JOINS IN CALL FOR INTRASTATE CONFERENCE ON AIR POLLUTION ABATEMENT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MINSHALL. Mr. Speaker, I have today written to the Secretary of Health, Education, and Welfare urging him to promptly comply with the request of several communities in the 23d Congressional District of Ohio that he call an intrastate conference on air pollution abatement, as provided for in the Clean Air Act.

Following are my letter to Secretary Richardson and copies of the resolutions adopted by the city councils of the communities of Middleburg Heights, North Olmsted, Fairview Park, and Parma:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 3, 1970.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The communities of Middleburg Heights, North Olmsted, Fairview Park and Parma, in the 23rd Congressional District, have petitioned you, by resolutions of city council, to call an Intra-State Conference on Air Pollution Abatement, as provided in the Clean Air Act.

I most strongly join with these communities in urging that you take this action and that such a conference be held in the Greater Cleveland area, which is both centrally located and an example of the deadly fall-out from automotive exhaust fumes, industrial air pollutants and other factors which are creating a crisis situation in our nation's metropolitan areas.

I would very much appreciate your prompt attention to this urgent matter.

With best regards,

Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

A RESOLUTION FORMALLY REQUESTING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES TO ASSIST THE RESIDENTS OF MIDDLEBURG HEIGHTS, OHIO, BY INSTITUTING AN INTRASTATE ABATEMENT ACTION

Whereas, many residents of the City of Middleburg Heights, Ohio, are seriously affected by discharges, causing or contributing to air pollution, originating in or near the City of Middleburg Heights, Ohio, and other surrounding communities forming the Southwestern suburban area adjacent to the City of Cleveland, and a considerable portion of these discharges are caused by the Ford Motor Company Plant in or near Brook Park, Ohio.

Whereas, these discharges, causing or contributing to air pollution, are endangering the health or welfare of many residents of the City of Middleburg Heights, Ohio, including soiling and interference with visibility.

Whereas, in the opinion of the Council of the City of Middleburg Heights, it is now necessary to join with the City of Brook Park, Ohio, and other adjacent municipalities to seek further, formalized assistance from the federal air pollution control agency because previous lesser forms of federal assistance have not been sufficiently effective, and;

Whereas, in the best judgment of qualified air pollution control specialists, the past actions and the promised corrective measures indicated for the future by the Ford Motor Company management provide no assurance of prompt or comprehensively adequate improvement, even though such improvement is available and feasible.

Now therefore, be it resolved by the Council of the City of Middleburg Heights, State of Ohio:

Section 1: That we join with the City of Brook Park, Ohio and other adjacent municipalities to formally request the Secretary of Health, Education, and Welfare of the United States to assist the residents of Middleburg Heights by instituting an intrastate abatement action, with full recognition that the full procedure, if eventually required, will take many calendar months from the beginning date of the first step.

Section 2: That we hereby join with the City of Brook Park, Ohio and other adjacent municipalities to request the Governor of Ohio to concur with this Resolution and submit his concurrence to the Secretary of Health, Education, and Welfare of the United States as soon as possible, sending a copy of his concurrence to the Council of the City of Middleburg Heights.

Setcion 3: That we hereby join with the City of Brook Park, Ohio and other adjacent municipalities to request the State of Ohio Air Pollution Control Commission to concur with this Resolution and submit their concurrence to the Secretary of Health, Education, and Welfare of the United States as soon as possible, sending a copy of their concurrence to the Council of the City of Middleburg Heights.

Section 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the municipality, and for the necessity of improving and correcting the Air Pollution in the City of Middleburg Heights, therefore, this Resolution shall take effect and be in force at the earliest period allowed by law.

Passed: June 23, 1970.

JAMES A. CARR,
President of Council.

Attest:

GEORGE V. SCHIFFHAUER,
Clerk.

Presented to Mayor: June 29, 1970.
Approved on: June 29, 1970.

——— ———,
Mayor.

First Reading: June 9, 1970.
Second Reading: June 23, 1970.
Third Reading: Rules Suspended.

I, George V. Schiffhauer, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 1970-94 adopted by the Council of the City of Middleburg Hts., June 23, 1970 was posted for a period of fifteen days, beginning July 2, 1970 at the five posting places as designated in Ordinance No. 1928-7.

I, George V. Schiffhauer, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify the foregoing to be a true copy of Resolution 1970-94 adopted by the Council of the City of Middleburg Hts., June 23, 1970, and now on file in the office of the Clerk of Council.

GEORGE V. SCHIFFHAUER,
Clerk of Council.

CITY OF NORTH OLMSTED, OHIO,
June 26, 1970.

To: Clerk of Council of Berea, Ohio, Cleveland, Ohio, Fairview, Ohio, Brooklyn, Ohio, Middleburg Heights, Ohio, Olmsted Falls, Ohio, Parma, Ohio, Parma Heights, Ohio.

GENTLEMEN: Enclosed please find a certified copy of Resolution No. 70-106 entitled "A Resolution requesting the Secretary of Health, Welfare & Education of the United States to assist the resident of North Olmstead, Ohio, by instituting an intrastate air pollution abatement action.

Sincerely,

NORA T. HILL,
Clerk of Council.

A RESOLUTION REQUESTING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES TO ASSIST THE RESIDENTS OF NORTH OLMSTED, OHIO, BY INSTITUTING AN INTRASTATE AIR POLLUTION ABATEMENT ACTON

Whereas, many residents of the City of North Olmsted, Ohio, are seriously affected by discharges into the air, which cause or contribute to air pollution within the City of North Olmsted, Ohio; and

Whereas, these discharges, causing or contributing to the air pollution, are endangering the health or welfare of many residents of the City of North Olmsted, Ohio, including soiling and interference with visibility; and

Whereas, in the opinion of the Council of the City of North Olmsted, Ohio, it is now necessary to seek assistance from the Federal Air Pollution Control Agency because previous lesser forms of federal assistance have not been sufficiently effective; and

Whereas, qualified air pollution control specialists have stated that the corrective measures, in the past and which have been promised for the future, by industries contributing to air pollution are not adequate nor comprehensive enough to abate the polluting of the air; and

Whereas, Council of the City of North Olmsted is of the opinion that controls should be established to prevent the industries from polluting the air and that the controls should emanate from the State of Ohio and the United States Government.

Now, therefore, be it resolved by the Council of the City of North Olmsted, State of Ohio:

Section 1. That we formally request the Secretary of Health, Education, and Welfare of the United States to assist the residents of North Olmsted, Ohio, by instituting an intrastate abatement action, with full recognition that the full procedure, if eventually required, will take many calendar months from the beginning date of the first step.

Section 2. That we hereby request the Govenor of Ohio to concur with this Resolution and submit his concurrence to the Secretary of Health, Education and Welfare of the United States as soon as possible, sending a copy of this concurrence to the Council of the City of North Olmsted, Ohio.

Section 3. That we request the State of Ohio Air Pollution Control Commission to concur with this Resolution and submit their concurrence to the Secretary of Health, Education and Welfare of the United States as soon as possible, sending a copy of their concurrence to the Council of the City of North Olmsted, Ohio.

Section 4. Wherefore this Resolution shall take effect and be in force at the earliest date permitted by Article IV, Section 12 of the Charter of the City of North Olmsted.

Passed: June 16, 1970.

Attest:

NORA T. HILL,
Clerk of Council.

FRANCIS J. O'NEILL,
President of Council.

Approved: June 19, 1970.

RALPH E. CHRISTMAN,
Mayor.

I hereby certify this to be a true and accurate copy of Resolution No. 90-106 passed June 16, 1970, by the Council of the City of North Olmsted, Ohio.

NORA T. HILL,
Clerk of Council.

A RESOLUTION SOLICITING CERTAIN OTHER MUNICIPALITIES TO JOIN IN A REQUEST TO THE FEDERAL GOVERNMENT FOR AN INTRA-STATE ABATEMENT CONFERENCE UNDER THE CLEAN AIR ACT PASSED IN 1967

Whereas, pursuant to the provisions of the Clean Air Act, municipalities may join in a request to the Federal Government for an Intra-State Abatement Conference; and

Whereas, this Council feels that certain cities on the west side of Cleveland have a common interest in calling such a Conference.

Now, therefore, be it resolved by the Council of the city of Fairview Park, State of Ohio:

Section 1: This Council hereby solicits the following Cities to join in a request to the Federal Government for an Intra-State Abatement Conference under the Clean Air Act of 1967:

Berea, Brook Park, North Olmsted, Brooklyn, Middleburg Heights, Olmsted Falls, Parma, and Parma Heights.

Section 2: The Clerk of this Council is hereby directed to forward a certified copy of this Resolution to the President of Council of each of the respective cities.

Section 3: This Resolution shall take effect and be in force at the earliest period allowed by law.

Adopted: June 1, 1970.
Approved: June 1, 1970.
Attest:

CHARLES A. MOONEY,
Mayor.

WILLIAM J. BENDER,
President of Council.

JOHN A. SHIMKO,
Clerk of Council.

A RESOLUTION SOLICITING CERTAIN OTHER MUNICIPALITIES TO JOIN IN A REQUEST TO THE FEDERAL GOVERNMENT FOR AN INTRA-STATE ABATEMENT CONFERENCE UNDER THE CLEAN AIR ACT PASSED IN 1967

Whereas, pursuant to the provisions of the Clean Air Act, municipalities may join in a request to the Federal Government for an Intra-State Abatement Conference; and

Whereas, this Council feels that certain cities on the west side of Cleveland have a common interest in calling such a Conference; Now, Therefore,

Be it resolved by the Council of the City of Parma, County of Cuyahoga, State of Ohio:

Section 1. That this Council hereby solicits the following Cities to join in a request to the Federal Government for an Intra-State Abatement Conference under the Clean Air Act of 1967;

Berea, Brooklyn, Cleveland, Fairview Park, Middleburg Heights, North Olmsted, Olmsted Falls, and Parma Heights.

Section 2. That the Clerk of this Council is hereby directed to forward a certified copy of this Resolution to the President of Council of each of the aforementioned cities.

Section 3. This Resolution shall take effect and be in full force from and after the earliest period provided by law.

Passed: July 8, 1970.

KENNETH G. KUCZMA,
President of Council.

Attest:

BERNARD J. SURVOY,
Clerk of Council.

Approved: July 14, 1970.
Filed with the Mayor: July 10, 1970.

JOHN PETRUSKA,
Mayor, City of Parma, Ohio.

BILLERICANS NOW IN BILLERICAY

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MORSE. Mr. Speaker, the trip taken by some 85 members of the community of Billerica, Mass., to Billericay, England, offers a unique moment to think back to the earliest history of our Nation. A few weeks ago, this group set out on a voyage to England, and a visit to Billericay, to join the festivities marking the 350th anniversary of the historic sailing of the Mayflower to our own fair State of Massachusetts.

As a citizen of the Commonwealth of Massachusetts, I am proud to acknowledge our debt to those first Pilgrim travelers, and as one who has the privilege to serve the people of Billerica in the U.S. Congress. I am pleased to be able to point to the warm and longstanding ties between the "old" and the "new." The people of Billerica who made this journey, and the people of Billericay who invited them to visit, clearly share far more than the name of their respective towns, and I am delighted to be able to share the following article from the Lowell Sun of July 16, 1970, with my colleagues in the House:

BILLERICANS NOW IN BILLERICAY

(By Helen J. Harrington)

BILLERICA.—A cheerful group of 85 Billerca Pilgrims last night departed from Boston's Logan International Airport and this morning alighted in England where they will help Britons celebrate the 350th anniversary of the historic sailing of the Mayflower.

The group is headed by Selectman Thomas Conway, representing this town at the Billericay civic reception and other events in Billericay.

As they boarded the jumbo jet shortly before 9 last night, hundreds of relatives and friends were on hand to see the Pilgrims off. Gifts, flowers and well wishes accented the happy occasion, with Selectman Conway bringing several gifts from the townspeople as well as personal gifts from himself to his host, Malcolm Cohen, who was to greet the group in Billericay. He is the co-ordinator of the "Mayflower-70" celebration which officially opened on May 2 and will continue through '70.

For some of the Pilgrims it is a sentimental journey for the anniversary. They have visited England previously. A number will return to

Ireland for a stop-over and tours. Some have relatives and friends, and will enjoy happy reunions.

Rev. Albert Welch pastor of the First Congregational Church enthusiastic about the trip from the arrival of the first invitation from Billericay, will participate in a union service to take place in the Episcopal Church of Billericay Sunday, July 19, and will also preach at the evening service in the Methodist Church that same night.

Rev. Paul Bolduc of St. Mary's, Pinehurst has a full schedule mapped when he will leave the Pilgrim party for two days in Rome and an audience with Pope Paul and visit briefly with Bostonian friends in the Eternal City.

Supt. of School Frederick C. Riel will take a look-see at school administration or at least meet with those who have the same concern in these challenging times in education. He has many other important places of special interest to check out before he and Mrs. Riel return home.

Native born Britisher, Jessie Trump, will help the local Pilgrims to pack every day with exciting visits and tours before they emplane for home on July 29.

There have been many ties over the years with the people of Billerica with local residents. Yellowed records indicate that on February 6 in 1942 late Fire Chief Ernest Bartlett appearing before the Billerica Firemen's Association asked his group for a donation toward helping to evacuate poor children and that the money be sent directly to Billericay.

His friend J. W. Wheatley, a former fire chief in the mother town wrote the local chief of the strenuous days as the war dragged on and nightly aerial visits were increasing. It had been a sad Christmas not only for Billericay but for the Urban District. Enemy action had bombed out many homes and the people were unable to avail themselves of the government's evacuation scheme. Although the letter was written before Christmas its late arrival did not mean the time had passed to remember the stricken families with help. A generous donation was sent to Chief Bartlett's friend along with donations from a number of townspeople.

In a time of censorship the real plight of the people in the Urban District was not really known, but the R.A.F. was suffering heavy losses daily over the Channel, the English Fire Chief wrote.

Correspondence in the friendship continued until the death of Fire Chief Bartlett.

Selectman Conway, with many relatives in Ireland will visit every one before he returns to the jumbo jet for home. He will not ask for directions in Ireland this year, he knows the "countryside" very well after a delightful visit a year ago.

AMERICAN INVOLVEMENT IN VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. RHODES. Mr. Speaker, those of us who admired President Kennedy, even though we might have differed with him, were shocked today to read that he has been accused of failing to end American involvement in Vietnam in 1963—when it was distinctly possible—for purely political reasons. This charge has been made by Kenneth O'Donnell, one of those closest to Mr. Kennedy while he was President. And it has been confirmed by the respected Majority Leader of the Senate, MIKE MANSFIELD.

Both tell us that by the fall of 1963 President Kennedy was determined to pull Americans out of South Vietnam. But then Mr. O'Donnell goes on to quote the President as saying, "If I tried to pull out now we would have another Joe McCarthy Red scare on our hands, but I can do it after I'm reelected."

Mr. Speaker, since when have "Red scares" been more important than American lives?

If what Mr. O'Donnell says is true, it is the failure of President Kennedy to act when he felt he should have that is responsible for 7 more years of war. Mr. Speaker, we can thank God that President Nixon is now unwinding that war in a way that ignores political expediency and will insure a durable peace.

A TOTAL MUSICIAN

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. VANIK. Mr. Speaker, tributes and memorials to the greatness of George Szell, the brilliant conductor of the Cleveland Orchestra who passed away July 30, continue to pour in.

One of the more moving descriptions of the maestro's genius appeared in the Washington Post of August 1, 1970. I would like to enter this article entitled "A Total Musician" in the RECORD at this point. Also included below is a moving tribute from the Cleveland Press of July 31, 1970:

[From the Washington Post, Aug. 1, 1970]

A TOTAL MUSICIAN

(By Paul Hume)

One of the many staggering things about George Szell, the conductor of the Cleveland Orchestra who died Thursday night, was his knowledge of music, which often seemed not merely encyclopedic, but literally total.

One story told about Szell involves a prominent young American pianist who had played with most of the major orchestras of this country but felt that his career was not sufficiently dazzling until he could add the name of the Cleveland Orchestra to his list. Since no young soloist, however prominent, is engaged to play with the Clevelanders until he has Szell's personal approval, an appointment was set up.

At the proper hour, the famous conductor himself greeted the hopeful young pianist and said something like, "I understand that you play some Mozart concertos. Which ones?"

"Oh, I play them all," was the answer. (There are 27.)

"Fine," said Szell. "Let's not waste any time."

Leading the way to two grand pianos at one end of the room, Szell, who remained a formidable pianist throughout his lifetime, sat down at one, motioned the pianist to the other, and with no music whatsoever in sight, began to play the orchestral introduction to Mozart's Piano Concerto No. 1.

When he and the visitor finished No. 1, the story goes, Szell simply started on No. 2. And so on, through No. 3, 4, 5, 6, 7 and into No. 8. By now, "that young man was sweating like a pig," as the story is told. Not Szell, however. He presumably was prepared to continue right through No. 27.

Finally, midway in No. 8, the brash young man stopped, red-faced, and said, "I am sorry. I am afraid that I really don't know these as well as I thought."

To which, according to the report, Szell replied, with the friendliest of tones, "Well why don't you come back when you do."

In some men, such a scene would be sheer arrogance. But from George Szell it was no such thing, since Szell was a man who knew and who could do more than he asked of any associates.

At no point in his 73 years did Szell let up in his acquiring more and more knowledge or information about music. In February, 1969, when he was recording the Tchaikovsky Piano Concerto with Gary Graffman as soloist, he answered my question about a discrepancy between what the orchestra's solo flute played and what my full score printed by marking the correct note in my score, initialing it, and then proceeding to give a brief but brilliant lecture on the shortcomings of various recent editions of Tchaikovsky, Dvorak, and Mozart, covering them all with succinct, pertinent notes.

No matter how heavy his conducting schedule became, Szell retained every bit of the musicianly command of the piano that had marked him since his childhood days as a prodigy. Nearly two decades ago, Szell recorded the two Mozart Piano Quartets with members of the Budapest Quartet, after playing them here in Library of Congress concerts. In the face of later, formidable competition, these recorded performances remain unsurpassed.

It was from Graffman, during the Tchaikovsky recording sessions that one of the most remarkable tributes to Szell came. Graffman tells of how, late one night after a day of record-making, Szell sat down at the piano and proceeded, by comment and example, to give what Graffman called "perhaps the greatest lesson I ever received in my life."

That particular recording says a lot about George Szell. He is, after all, especially famous for such grand symphonic works as those of Mozart and Beethoven, Brahms, Schumann, Mahler and Bruckner, and the epic operatic scores of Verdi, Strauss, and Wagner. Yet when audiences and critics alike heard him with Graffman in the thrice-familiar sounds of the Tchaikovsky warhorse, they had to note that the music sounded fresh, and superb as it rarely does.

Szell was frank about his manner of conducting in this country, compared to the way he directed the same music in Europe. He once told me, "I know that I sometimes conduct faster or louder over here than I do in Europe."

"It has to do with the difference in the size of our halls but it also has something to do with the differences in our orchestras and those of Europe." Then with a smile which some people said George Szell did not own, but which, in truth he simply reserved for the many times he felt like smiling, he added: "And it probably has some connection with our national pulse too."

It was Richard Strauss, himself a great conductor of both symphonic and operatic literature, who first insisted to the young Szell that he should concentrate on conducting. He rose to prominence, as most great European conductors do, via the opera house, then to the orchestral podium.

Szell joined the Metropolitan late in 1942 and left in 1946 to take up his last and greatest work, the perfecting of one of the world's finest orchestras. He remained in Cleveland for the rest of his life, a fact about which he was once questioned by an insensitive Eastern writer. His answer crackled: "People in New York should stop considering everything outside New York as outlying. We are not provincial. My audience is of the highest level anywhere. If they hadn't been, I would not have stuck here so long."

Before he had to cancel his plans to conduct the Cleveland Orchestra in its coming season, Szell had announced its details in full, as well as his part in the upcoming season of the New York Philharmonic, of which he was interim music director.

It was a further indication of his own tastes in music that he had engaged Pierre Boulez as his principal associate in Cleveland, and had urged the engagement of Boulez, as of October, 1971, to replace Bernstein at the head of the New York Orchestra. For Boulez is, like Szell, a perfectionist, if one with radically differing musical preferences.

It will be difficult for the Cleveland Orchestra to find itself a permanent music director who will keep at its present glorious level the quality which Szell has made a Cleveland hallmark. It may be impossible.

That which these few great men of music build some times lives after them when another, inevitably different, yet also great, comes to succeed them. In any case, the substantial library of recordings made under Szell's direction will remain an unchanging testimony to his particular genius.

[From the Cleveland Press, July 31, 1970]

GEORGE SZELL AND HIS LEGACY

Mention Cleveland anywhere from Antigua to Zagreb, and someone is sure to speak in glowing terms of the great Cleveland Orchestra.

It was George Szell's stern and talented baton that guided this carefully selected and magnificently blended group of fine musicians to the world's musical pinnacle of excellence and acclaim.

And it was his uncompromising insistence on the highest standards that kept the orchestra in the top ranks for the entire 25 years he stood on the podium.

Dr. Szell's death at 73, robs Cleveland of one of its most distinguished citizens.

The world has lost a remarkably disciplined genius who exacted from every member of his orchestra a rare combination of technical near-perfection and warm and understanding interpretation of the great classics.

Mozart and Schumann were his favorite composers, but Dr. Szell gave to the moderns his same discriminating and sensitive interpretation, making the music his own without violating the composer's intent.

A charming and companionable man in intimate social gatherings, Dr. Szell became a stern and uncompromising taskmaster the moment his hand grasped the baton. Music always came first. His conducting career stretched back to the year he was 20, in Strasburg, Germany, and it was punctuated with hassles with musicians and managers, the most notable at the Metropolitan Opera when he was a guest conductor in 1953–54.

But it was at Cleveland's Severance Hall that the richness of his years of experience and musical knowledge matured. All the hours of preparation and rehearsal and the painstaking re-playing of certain phrases to get them just so were handsomely rewarded at every concert.

At this first twitch of his authoritative baton, a great stageful of musicians blended into a single, finely tuned instrument.

The strong and sensitive hands could coax the tenderest, plaintive notes from a pensive piccolo or demand crashing thunder of the tympani. An evening with Dr. Szell at Severance and, later, under the stars at Blossom Center, was a symphony of magic moments.

His reputation for perfection brought him many invitations to serve as a guest conductor, and it also gave people in other cities a chance to share Cleveland's greatest asset. The orchestra's trips to Europe, to Russia and, most recently, to Japan brought waves of acclaim from critics and made the Clevelanders missionaries of culture and good will.

George Szell has left the bereaved members of the Cleveland Orchestra unforgettable lessons in musicianship and discipline. His legacy to the whole world of music is one of great effort, high standards and melodic perfection.

Dr. Szell, man of culture and refugee from Nazi terror, gave Cleveland something to be lastingly proud of.

THAT QUESTIONABLE WELFARE PACKAGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. ASHBROOK. Mr. Speaker, it has indeed been encouraging that the Senate decided to take a close look at the administration's welfare package after that controversial bit of legislation passed the House by a comfortable margin. Syndicated columnist Richard Wilson, in his column of August 1 in the Baltimore Sun, comments on various reasons why this legislation was viewed by both Democrats and Republicans in the House questionable, to say the least.

I insert at this point the above-mentioned column by Richard Wilson as it appeared in the August 1 issue of the Baltimore Sun:

SENATE UNEARTHING WELFARE PLAN'S FLAWS

(By Richard Wilson)

WASHINGTON.—President Nixon called it "workfare" when he proposed to Congress in August, 1969, a wholesale revision of national welfare policy with a $1,600 floor under the income of all families. It sounded attractive even though more expensive.

Incentives to work would replace an unsatisfactory system that encouraged idleness, was unfair, and was generally judged a monstrous failure.

The House passed a version of the Nixon welfare plan in April this year which required the working poor to register for jobs or work training while receiving federal assistance.

But it was not until the "workfare" plan reached the Senate Finance Committee that there could be said to be anything like a firm grasp on its meaning, cost and magnitude.

On the probably sound assumption that hardly anyone outside the finance committee, and certainly not the public at large, has the foggiest idea of what this colossal measure provides, here is some information.

Federally assisted welfare recipients, under the present law numbering 10 million, would automatically rise to 24 million, or an increase of one and a half times, in the first year of operation.

In 13 states the welfare rolls would be more than tripled.

In 16 states more than 15 per cent of the population would be on welfare, led by Mississippi with 35 per cent—more than one-third of its population on relief.

The total cost to the federal government of welfare would nearly double, from the present estimated cost of $4.5 billion to $9.1 billion.

Other information brought forth by Senator John J. Williams (R., Del.), in hearings before the Senate Finance Committee, include the following:

An unemployed woman heading a four-person family in New York on welfare and without income would receive more net income than a woman with an income of $7,000 earned at work. So who should work?

In Phoenix, Ariz., a woman with four dependents and $5,000 in earned income would take a drop of $5 in welfare benefits if she were promoted to a job paying $6,000. So how does promotion get you off welfare?

In Chicago a woman with four dependents and an earned income of $720 would receive total benefits of $6,142. But if she earned $6,000 a year at work, received housing benefits and paid her taxes, her total would be only $6,001. So why get a full-time job?

These are a few of the anomalies and contradictions which neither Robert Finch, the former Health, Education and Welfare secretary, nor the present secretary, Elliot Richardson, have been able to explain with any clarity to the Senate Finance Committee. They have arrived before the committee with their charts, beaming with confidence, and departed in confusion, not to say dejection.

What emerges is that there is a borderline, a shadowland, where incentives to work become highly problematical and subjective, depending on the personality of welfare recipients. It has to be borne in mind also that it costs money to work, in the form of transportation, clothing, meals away from home, etc. For some the incentive to work must be powerful indeed.

It becomes clearer that the Nixon welfare plan, if adopted, will be attended by a continuous procession of horrible examples which have aroused so much popular despair all through the history of publicly financed relief.

The Senate Finance Committee is probably the only barrier to the final adoption of some version of the Nixon welfare plan. Once this measure reaches the Senate floor, if it does, there will be attempts to increase the $1,600 income floor by double.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black Representatives or consideration to the problems of black Americans. We await the President's reply and hope that he will invite audience with Representatives and elected officials of black America.

It is distressing, Mr. Speaker, that an overview of Nixon policy is so clearly an indictment of the President's complete disregard of the problem of race relations in our Nation. It is appropriate to observe this policy in the Presidential appointments since Nixon took office.

Mr. Clifford L. Alexander, Jr., who formerly and ably served as Chairman of the Equal Employment Opportunity Commission until his diligent pursuit of equal employment law interfered with the President's objectives, has now documented the President's failure to appoint blacks to significant positions in this

Government. I commend to the attention of my colleagues the text of Clifford Alexander's statement and urge that they note just one more reason for the tragic alienation of many black citizens of America:

THE REAL STORY ON MINORITY APPOINTMENTS UNDER NIXON

President Nixon's flunkies for a year and a half now have tried to create an impression of progress where none in fact exists. They have tried to create for the consumption of the American public an idea that President Nixon has outperformed his predecessors in the appointment of blacks to significant positions in the executive branch of the federal government.

There are two very fundamental things wrong with the approach taken by Nixon and his minions.

The first, and most important, is that comparisons are not the way to improve the basic positions of blacks in this nation. Nixon or any other American president should strive to fill the gap that has been created by years of exclusion. It is clear evidence of a lack of good intentions to continually make comparisons to past administrations when talking about what one is doing today.

It, of course, is also true that President Kennedy and, after him, President Johnson, made the significant breakthroughs that caused any new hiring to be "easier" than it was in the past. Once the breakthrough is made, then the erroneous myths that stick in some white minds about "finding qualified ones" automatically disappear.

The second reason the Nixon people should quit saying they have out-performed Johnson is that they are lying.

Let me list now the categories of jobs where the Nixon administration has not made any appointments:

To this date President Nixon has failed to initiate any new and significant high-level policy positions for blacks. President Johnson named the first black to the cabinet, a housing expert, Robert Weaver. Thurgood Marshall was the first black named to the Supreme Court. Andrew S. Brimmer was the first black named to the Federal Reserve Board, which, in the field of economics, is equivalent to the Supreme Court.

I had the honor of being the first black named to head an independent commission, the Equal Employment Opportunity Commission.

President Nixon has not nominated blacks to the cabinet level. To hear him talk, you would think that he was the innovator, but in fact he has not even come near keeping up with the record of his two Democratic predecessors—both of whom felt that more needed to be done than they accomplished.

In the area of judicial appointments, President Johnson in one day appointed four black judges. To date, in his 18 months in office, President Nixon has not even appointed four black federal judges throughout the United States.

More important, in an area where innovation would be helpful, President Nixon has not appointed a black judge in the South. Never in the history of this nation, where more than half the black population lives, has a black sat on the federal bench. If President Nixon were honestly interested in giving equal opportunity to blacks, he could do so tomorrow by placing a black on any federal bench in the South.

A year ago President Nixon virtually promised during a meeting with black publishers that he would appoint a black to the Federal Communications Commission. Here many decisions are made that affect America's picture of minority aspirations, but the President reneged in his promise to the publishers and appointed Dean Burch to the then-vacant FCC chairmanship. Several of the publishers and other black leaders wrote to the President when a new vacancy became open this year. Again, there were indications the President would appoint a black to the Federal Communications Commission. Unfortunately, as is typical of this President and his spokesmen, the deeds do not equal the words. Instead, the President appointed a lawyer from HUD, Sherman Unger, to fill the vacancy of Kenneth Cox.

The regulatory commissions have not seen any blacks appointed under Mr. Nixon. He had an opportunity to make a black Republican, Howard Jenkins, head of the NLRB, but, no, though Mr. Jenkins has a distinguished career as a labor expert, as a commissioner, and as a Republican, a white was chosen instead. What Mr. Nixon and his crowd have done is to create an impression of progress where none exists.

In fact, there has been retrogression in the field of minority appointments. The total number of appointments to significant positions in the Johnson years is considerably higher than the 150-odd that the Nixon administration claims for its period in office. What is worse is that, of the 150 that Nixon claims, 24 are Foreign Service officers who take a competitive examination and are supposedly protected from political influence or patronage claims. Of the 150 he claims, almost half are holdovers from the Johnson administration. Of the 150 he claims, some are nonprofessional, or secretaries, by anyone's definition, not policymaking positions.

To date, Mr. Nixon has appointed no black to the cabinet; none to the Federal Reserve Board; none to the Supreme Court; a total of only three to all federal courts throughout the entire United States and none to a regulatory commission. He has appointed fewer black assistant secretaries than Johnson and Kennedy. He has appointed no black undersecretaries in any department of the federal government. He has failed to place any black in a significant position in the White House.

Yes, Mr. Nixon, we are taking you at your word. We are watching your deeds, not your words. Your deeds are clear. They do not include the hiring of blacks in significant positions in the federal government.

CLIFFORD L. ALEXANDER, JR.

FUNDS FOR THE WAR ON POLLUTION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. COLLIER. Mr. Speaker, one would get the impression, from reading certain newspapers and magazines and listening to radio, and television, that all our problems were solved during the presidential administrations of Roosevelt, Truman, Kennedy, and Johnson, that the problems immediately became unsolved as soon as Eisenhower and Nixon assumed office, and that neither of the latter two men ever lifted a finger to try to resolve them.

Blaming the Republicans for pollution, crime, inflation, war, poverty, and all the other evils with which we are faced is rather ridiculous, when we consider the fact that the Democrats have controlled both Houses of Congress in all but 4 years since 1931 and that the White House has been tenanted by a Democrat in 28 years of the last 37. President Eisenhower was faced with a two-to-one Democratic majority in both this and the other body.

Current efforts to put the blame on the Republicans because our problems remain unsolved reminds me of the days immediately following the attack on Pearl Harbor. Some people tried to blame the Republicans for our lack of adequate defenses, choosing to ignore the fact that not long before we were catapulted into World War II there were but 89 Republicans in the House and only 16 Republican Senators.

Now that we have a Republican President and more Republicans in Congress, we hope, with the aid of the more responsible Members of the other party, to be able to effectively tackle the problems that still plague us. Certainly, the problems that still plague us. Certainly, the problems of environmental health are paramount.

Just what is the Nixon administration doing about pollution? A study of the budget for fiscal 1971 reveals that the Chief Executive has asked the Congress for adequate funding of the programs for air pollution control and environmental control, which are administered by the Department of Health, Education, and Welfare, and water pollution control, which is administered by the Department of the Interior.

Mr. Speaker, here are the details, which show that the war on pollution is being fought on many fronts:

AIR POLLUTION CONTROL

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Abatement and control	30, 034	35, 194	40, 301
Research, development, and demonstrations:			
Grants and contracts	11, 630	28, 456	39, 915
Direct operations	18, 606	22, 231	22, 382
Manpower training	4, 493	5, 516	5, 750
Program direction and management services	2, 819	2, 653	2, 670
Total program costs, funded	67, 582	94, 050	111, 018
Change in selected resources	12, 592		
Total obligations	80, 174	94, 050	111, 018

The Department of Health, Education, and Welfare has the responsibility for the investigation of causes of air pollution, the determination of its effects upon life and property, the development of effective means of prevention and control, the development of air quality criteria, and direct Federal enforcement. The Clean Air Act provides for an approach to these problems through two broad areas of activity: (a) the solution of significant technical problems through research, development, and demonstration, and (b) the application of available technology and control techniques, through a variety of coordinated Federal-State abatement and control measures.

The Act places emphasis on regional control of air pollution, primarily as a State responsibility, with requirements for Federal action in regional designation and assistance in the development of State standards. A program of basic and applied research, accelerated development of improved emission control technology, grants-in-aid to air pollution control agencies, direct Federal abatement in specified areas, technical services to State and local agencies, review of State standards and plans, and a training program designed to provide competencies necessary to cope with the complex problem of air pollution, serves to carry out these approaches. The program is accelerated by extensive use of other organizations, both public and private, through grants and contracts.

Abatement and control. Control program grants are made to regional, State, and local air pollution control agencies on a matching basis for the purpose of establishing, developing, improving, and maintaining programs for the prevention and control of air pollution. This activity also includes direct Federal abatement in interstate and intrastate areas, enforcement of Federal automotive vehicle emission standards, technical assistance to States and local governments, the Federal facilities pollution control program, and implementation of the emergency episode provisions of the Act. During 1971, emphasis will be directed at coordinating and assisting Federal, State, and local efforts in establishing effective control programs in cooperation with the designation of air quality control regions.

Research, development, and demonstrations. Grants and contracts. Grants are awarded to universities and other nonprofit institutions to conduct research into air pollution problems. Contracts relating to fuels and vehicles are used to accelerate research and development into new and improved methods, having industrywide application, for the prevention and control of air pollution resulting from the combustion of fuels. Special emphasis will be placed on development of technology for the control of sulfur oxides

Direct operations. This activity includes research into the nature and extent of air pollution; its transport and atmospheric behavior; the effects on humans, other biological systems, property, and the atmosphere itself; and improvement in means for controlling pollution. The 1971 program will continue ongoing research in the control of vehicle emissions and sulfur oxides and the development of air quality criteria.

Manpower training. Training and technical personnel for Federal, State, and local government research and control operations is carried out through this activity. Special emphasis is placed on recruitment of technical personnel and short term training for State and local agencies. Training grants are also awarded to universities to support the development and improvement of graduate-level air pollution curricula and to provide student stipends. Fellowship awards support individual postgraduate training in air pollution research and control activities.

Program direction and management services. Overall executive direction and supervision of Federal air pollution activities and formulation of program and administrative policies are carried out under this activity. Direction, supervision, and coordination of administrative services, including financial and personnel management, general services, and facilities planning are also provided under this activity.

ENVIRONMENTAL CONTROL

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Solid waste management	14,915	14,275	14,336
Occupational health	7,393	7,603	8,283
Radiological health		16,739	16,862
Community environmental management	13,022	10,342	5,712
Water hygiene	3,251	2,701	2,344
Program direction and management services	1,997	3,255	3,243
Total program costs, funded	40,578	54,915	50,780
Change in selected resources	747		
Total obligations	41,325	54,915	50,780

The Environmental Control appropriation supports a national program for the prevention and control of environmental hazards and health problems in order that man may more efficiently deal with his environment. Particular attention is devoted to solid waste management, occupational safety and health, radiological health, water hygiene, and community environmental management which includes human ecological systems, urban housing hygiene, and the special environmental problems of the Arctic, Appalachia, and other regions. These activities are carried out through research, training, and fellowship grants to universities, nonprofit institutions, and individuals; demonstration and planning grants to State, interstate, and local agencies in support of solid waste management programs; and direct Federal operations.

Solid waste management. The solid wastes program is designed to insure proper health protection and improved solid wastes disposal practices and technology through research, training, demonstration, development, and systems planning. Technical assistance is provided to States and communities throughout the Nation to improve solid waste management practices through application of existing technology and management techniques and through utilization of improved methods and equipment for collecting, processing, recycling, and disposing of solid wastes. In 1971 special emphasis will be placed on finding ways to insure that the costs of solid waste management are borne by those who generate the wastes.

Occupational health. Research and training is conducted and assistance provided to Federal, State, and local agencies, and to industry for prevention and control of occupational hazards and diseases. The 1971 increase will provide for the development of criteria for standards to control the health problems related to cotton dust, coal dust, uranium radiation, and noise.

Radiological health. This activity has the responsibility for conducting a national program for the control and prevention of radiological hazards to public health, involving research on the sources, levels, and effects of radiation. Criteria and standards are developed and enforced as a means of protecting the public. A training program is utilized to provide the competence needed in the expanding area of radiation protection and control. Technical assistance is provided to State and local agencies to aid in the development of their own radiation programs. In 1971 increased attention will be given to the protection of the consumers from hazardous radiation from electronic products.

Community environmental management. This program directs its efforts to managing environmental conditions associated with man's home, neighborhood, metropolitan area, and regional complexities. Assistance is provided to communities through technical consultation, training, demonstrations, establishment of criteria for planning healthful environments for urban areas and the development and application of health standards related to housing.

Water hygiene. The responsibility of this program is to assure that the quality of the Nation's waters intended for drinking, recreation, and other human contact is maintained at safe levels. Through research, training, technical assistance, and standards development, guidance is provided to States and local communities for safeguarding the sanitary quality of water supplies.

Program direction and management services. The Office of the Commissioner of the Environmental Control Administration directs and coordinates the programs of the Administration and furnishes centralized management services. This is accomplished by (a) formulation of administrative and program policies, coordination of research and development activtities, and dissemination of information; and (b) provision of management services related to program planning, legislative matters, financial and personnel management, and procurement.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION POLLUTION CONTROL OPERATIONS AND RESEARCH

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Research, development, and demonstration	58,353	50,721	44,594
Planning, assistance, and training activities	31,655	37,369	42,727
Enforcement	4,102	4,265	5,113
Executive direction and support	5,475	5,473	5,610
Total program costs, funded	99,585	97,828	98,044
Change in selected resources	−2,422	−188	374
Total obligations	97,163	97,640	98,418

Research, development, and demonstration. Grants and contracts are made to public and private agencies, institutions, and individuals for research and for field investigations and studies of an applied nature. Their purpose is to test and illustrate the applicability of research findings and newly developed techniques to problems of water pollution and particularly those related to industrial waste pollution problems; combined sewer problems; advanced waste treatment; water purification and joint treatment of municipal and industrial wastes problems. Nearly 64% of the total estimate for this activity is for these purposes. The balance of the estimate is to carry out activities in the Federal Water Pollution Control Administration laboratories, to conduct field studies and demonstrations, and to provide technical management for the grants and contract programs.

Planning, assistance, and training activities. The 1971 increase generally provides for (1) accelerating support to State and local river basin planning agencies; (2) strengthening or expanding Federal efforts for controlling pollution from Federal activities; (3) additional data needed to ensure compliance to established water quality standards; (4) for expanding grants and direct Federal operations for training and manpower development programs; and (5) for administering the expanded waste treatment works construction grants program.

Enforcement. The 1971 increase provides for adequate enforcement capability to carry out enforcement activities and action, as needed.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

[In thousands of dollars]

	1969 actual	1970 estimated	1971 estimated
Waste treatment works construction grants—total costs, funded	157,498	186,424	422,290
Change in selected resources	45,020	328,417	−72,290
Total obligations	202,518	514,841	350,000

Grants are made to construct municipal waste treatment facilities.

Proposed for separate transmittal, proposed legislation:

Waste treatment works construction grants — costs—obligations (1971 estimated) $650,000,000

Proposed legislation would provide $4,000,000,000 contract authority for use over five years for lump-sum grants to localities for the construction of waste treatment works. Of that amount, $800,000,000 will be allocated in 1971 and in each of the next four fiscal years. In 1971, it is estimated that $650,000,000 of the $800,000,000 will be obligated. Coupled with State and local financing, the Federal share will stimulate about $10,000,000,000 of total waste treatment works construction.

POLLUTION CONTROL OPERATIONS AND RESEARCH

Planning, assistance, and training activities—costs—obligations (1971 estimated) ------ $2,500,000

Legislation will be proposed to provide additional grant funding for State water pollution control agencies supported under Section 7 of the Federal Water Pollution Control Act, as amended. This additional funding will be used to accelerate the implementation of programs to achieve the water quality standards by extending and improving the water quality management capabilities of the State and interstate agencies.

SCRAMBLING FOR OIL—SUPPLY OF INDUSTRIAL FUELS GROWS TIGHTER, ADDING TO FEAR OF ENERGY WOES THIS WINTER

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, the oil crisis of which I spoke last Tuesday is reaching truly alarming proportions. The scarcity of low-sulfur content residual fuel oil in the city of Chicago and most of the Midwest, will result in a very bitter midwestern winter unless supplies of this fuel are found in significant quantities. The seriousness of the crisis was made clear in an article in Friday's Wall Street Journal. I am enclosing the article and calling it to the attention of my colleagues:

SCRAMBLING FOR OIL—SUPPLY OF INDUSTRIAL FUELS GROWS TIGHTER, ADDING TO FEAR OF ENERGY WOES THIS WINTER

A growing shortage of heavy industrial-grade fuel oils east of the Rockies has sent prices soaring to highs and could contribute to the possibility of energy problems in many parts of the nation this winter.

Power companies, factories, office buildings, hospitals, colleges and other users of the boiler fuel are encountering increasing difficulty securing sufficient supplies. In addition, they're paying prices as much as $1.50 a barrel higher than a year ago, or as much as double the year-earlier levels. Many oil companies are turning down prospective customers, and some are even allocating shipments to present customers.

The higher fuel costs in many cases will be passed on to consumers in the form of higher electric bills, under so-called "automatic fuel adjustment clauses" in utility rates, and the form of higher prices for manufactured products. Some factories were forced to close for short periods last winter due to fuel shortages, and the pinch is likely to be more severe this year.

The fuel oil shortage also is contributing to a tightening supply of asphalt, the nation's chief road-building material. Some road projects have been slowed this summer, and the combination of short supplies and rising prices could cut into next summer's state and Federal highway programs.

The causes of the fuel oil shortage are complex and include such diverse factors as new air pollution control laws, a world-wide tanker shortage resulting from events in the Arab world, new Federal coal mine safety rules, and a growing nationwide shortage of natural gas.

IMPACT OF SMOG CONTROLS

A major trigger for the shortage is the fact that many local air pollution control authorities are placing into effect much sooner than anticipated tight restrictions on the sulphur content of fuels. Burning of such fuels produces sulphur dioxide, a gas that when precipitated out on soot and dirt in the air and then breathed in can be damaging to the human bronchial tubes and lungs.

The laws are forcing many burners of coal, the lowest-cost boiler fuel for many parts of the country, to seek fuel oil as a substitute. Most boiler coal is high in sulphur content, and methods of removing it economically are still in the research stage. Pipeline-grade natural gas doesn't contain any sulphur but is nationally in short supply, and several major gas utilities also are rejecting new customers.

About two-thirds of the nation's heavy fuel oils are imported from Venezuela and Caribbean area refineries. At present these fuel oils, too, are high in sulphur, and most of the oil industry's new desulphurization plants in these areas, representing about a $500 million investment, haven't gone into production. What's more, the tanker crisis has as much as tripled oil transportation costs from the Caribbean and has resulted in uncertain delivery schedules at East Coast ports. The tanker shortage results from the prolonged closedown by Syria of a key Middle East oil pipeline and Libya's forced cutbacks in oil production there.

Domestic capacity to make heavy fuel oils has declined steadily because of rising imports and the previously low price of imported fuels in relation to high cost U.S. crude oil—such fuels frequently sold for less than half the cost of the crude from which they're made. This also discouraged the building of desulphurization plants in the U.S. Most new U.S. refineries have been designed without facilities to make heavy fuel oil in order to squeeze more gasoline and other higher-value products from each barrel of crude.

NEEDS GO UNFILLED

There are other factors contributing to the fuel oil shortage. A number of coal mines have been forced to close, at least temporarily, because they're unable to meet new Federal mine safety laws. Several electric power plants have been built to run on heavy fuel oil because of delays in getting approval and equipment for nuclear plants. Industrial plants that use so-called "interruptible" supplies of natural gas as their chief fuel, will need bigger stocks of alternate fuel oil this winter due to the greater likelihood that utilities will have to cut them off during periods of peak homeowner gas use.

Meanwhile the scramble for fuel oil is on. The University of Illinois Medical Center in Chicago is preparing to ask for bids for the fourth time in three months to secure a needed eight-million-gallon heavy fuel oil supply for this winter. The first three tries brought only one qualified bid, which will fill only half the center's fuel requirements.

William Graban, general manager of the municipally owned power plant in Taunton, Mass., says his invitations to 12 oil companies to bid on the plant's 700,000-barrel needs over the next year drew only one bid to supply 250,000 barrels. That bid, from Shell Oil Co., is at $2.90 a barrel for relatively high sulphur (2.5%) oil, compared with a year-earlier price of $1.98 from another supplier. The Taunton plant, about 25 miles south of Boston, serves about 18,000 electricity customers, and Mr. Graban says the town could be in a bad fix before long.

A marketing official of one of the largest international suppliers of heavy fuel oils says bluntly, "We are turning down prospective new customers, and from time to time have had to allocate deliveries in some areas to present customers, due to uncertain tanker schedules. We're even trying to buy fuel oil ourselves in the open market."

HEAVY DEMAND FOR LOW SULPHUR

The crunch is even more severe for heavy fuel oil with low sulphur content.

Public Service Electric & Gas Co., New Jersey's biggest utility, has converted about half of its electric generating capacity from coal to heavy fuel oil with a maximum of 1% sulphur to meet the state's present air pollution control rules. But in October, it must start using oil containing no more than 0.5% sulphur, which it estimates will cost about $1 a barrel more, and it anticipates this will be harder to buy, even though the company is close to two low-sulphur fuel oil terminals. The utility burns about two million barrels of oil a month.

Virginia Electric & Power Co. says such fuel is "exorbitant (in price), and it's just not available." Philadelphia Electric Co., which switched entirely to low-sulphur fuel oil at its power plants last year to meet new air pollution control laws, estimates that the $6 million that the switch added to its first year's fuel bills will be doubled over the next year by recent price increases. Low-sulphur oil costs up to $3.50 a barrel in some markets.

Byron S. Weil, president of Oils Inc., a Chicago heavy fuel oil distributor, predicts that city's new air pollution control laws on sulphur dioxide will result in a severe fuel oil shortage for large institutions, hospitals and factories.

He asserts that greater access to foreign fuel oil in the Midwest is needed. Up to now about 90% of the nation's heavy fuel oil consumption has been on the East Coast, where there is almost unrestricted access to imported supplies. But imports of heavy fuel oil to the inland areas of the nation have been tightly restricted. Last March, the government granted the first import quota for this area, permitting Commonwealth Edison Co. of Chicago to bring in 4.5 million barrels of low-sulphur, heavy fuel oils. Oils Inc. then asked for a two-million-barrel quota but has been granted only 480,000 barrels.

But one oil marketer says, "Getting quotas may not help inland users much. You just can't find much heavy fuel oil available in the Caribbean right now, and when you can, it's almost impossible to charter a tanker to haul it for you."

MORE CLEAN-UP FACILITIES

Several major new desulphurization plants will be placed in operation in the Caribbean and Venezuela over the next six months, but oil marketers generally don't believe the facilities will solve the shortage.

For example, by the middle of August Standard Oil Co. of California and closely held New England Petroleum Corp. will begin shipments from a 250,000-barrel-a-day facility they share on a 35%–65% basis at Freeport in the Bahama Islands that can make 130,000 barrels of low-sulphur, heavy fuel oil daily. But, a spokesman says, "It's all sold under firm contracts."

In October Creole Petroleum Corp., 95%-owned by Standard Oil Co. (New Jersey), the largest supplier of heavy fuel oils to the U.S., will begin production at a facility at Amuay, Venezuela, capable of making 166,000 barrels of low-sulphur, heavy fuel oils daily, and Jersey Standard's wholly owned Lago Oil & Transport Ltd. will start up an 88,000-barrel-a-day unit on the island of Aruba about next Jan. 1. Yet a U.S. marketing official for the company predicts the short supply of heavy fuel oils could last as long as two years.

The Royal Dutch-Shell Group started a 50,000-barrel-a-day desulphurization unit at

Cardon, Venezuela, this year, nearly tripling its low-sulphur, heavy fuel oil capacity in the Caribbean. Amerada Hess Corp. has about 86,000 barrels a day of low-sulphur fuel oil capacity at St. Croix in the Virgin Islands. Texaco Inc. has announced plans for a giant desulphurization unit on Trinidad.

The current high prices for heavy fuel oil even have some oil companies pondering a boost in domestic output. "But by the time desulphurization units could be built, the shortage may have ended or prices may have come back down, so it looks like a big gamble," says one oil executive.

DROPPING ASPHALT FOR OIL

An Arab-Israeli armistice also might bring an easing of the conditions causing the worldwide tanker crisis, but oilmen aren't counting on it.

A spokesman for the American Oil Co. division of Standard Oil Co. (Indiana) says some refineries are switching some asphalt production into making heavy fuel oil, and this is contributing to a growing shortage of asphalt.

The tanker shortage also is a big factor, since U.S. asphalt plants generally run on Venezuelan crude oil.

Frank O'Donnell, president of Trimount Bituminous Products Co., Everett, Mass., which mixes asphalt with other materials and supplies contractors, says he's been forced to ration deliveries to customers, delaying "completion of all sorts of jobs." The reason, he says, is that his asphalt supplier, Humble Oil & Refining Co., Jersey Standard's chief subsidiary, will sell him only 75% as much as he bought last year. Some of Trimount's truck drivers are working only three days a week due to the shortage, Mr. O'Donnell says.

R. L. Peyton, assistant state highway director for the Kansas Highway Commission, says some projects in that state have been delayed by the need to seek bids on asphalt a second time. He says availability of asphalt has been "touch and go so far this year, and it may be worse next year."

Adolph Zulian, assistant chief engineer of the Colorado Highway Department, says prices of liquid asphalt have risen 20% to 30% from a year ago, and he says that one of the state's major suppliers, Texaco, won't accept any new orders for this year.

Millard Stewart, executive director of the Asphalt Association of Western Pennsylvania, which represents the area's road materials producers, says, "We will probably make it through the year and get most of the jobs done, but it will be tight." He called the supply "critical" and predicted the present $24 a ton price, unchanged from a year ago, may soar to $29 a ton by next spring.

TREATMENT OF CAPTURED AMERICAN SERVICEMEN

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MOLLOHAN. Mr. Speaker, the great excitement and outrage generated by the recent discovery of "tiger cages" in the South Vietnamese-run Conson Island prison have overshadowed an equally unforgiving situation.

I refer to the treatment of captured American servicemen, and their families, by the North Vietnamese. I am now speaking not only of the conditions under which the American POW's are kept, but also in the refusal of Hanoi to release the names of Americans it is holding captive.

The anguish of relatives of missing American soldiers should be heard around the world.

The following editorial, written by Adam Kelly and appearing in the Star News of Sisterville, W. Va., places the Conson outcry in proper prospective, together with the proper comment that neither situation should be condoned.

I present Mr. Kelly's editorial at this time and hope my colleagues will read it and benefit from it:

REVULSION AND DISBELIEF

It was with an utter feeling of revulsion (coupled with a weary sense of growing disbelief) that we read last week of the Viet Cong, and how they had added their shrill little voices to the current chorus yapping about the "Tiger Cage" prison area in South Vietnam.

By now, we are certain, you know of the story: how a couple of congressmen playing gumshoe found the area involved inside a prison, took some pictures which Life Magazine was happy to publish, and commenced immediately a gerat clamor of indignation.

There are some points to keep in mind about this affair, in order to put it in the proper perspective.

First is that no civilized person can condone inhumane treatment of another human being, inside prison walls or outside them.

However, the charges which were made about the South Vietnam prisons were made primarily by the prisoners themselves. The veracity of prison inmates anywhere in the world in such matters always is open to question.

There is no doubt in our minds that given the right set of circumstances and free access within the walls, a photographer could come up with shocking pictures indeed from our state prison at Moundsville. Indeed, it has been recommended by competent authorities that this venerable institution be razed because of its deteriorating physical plant.

None of this excuses ill treatment of prisoners in South Vietnam, if this is the case.

But let us think one step further:

The prisoners in that South Vietnamese jail were alive, and the world—and their relatives—know they are alive.

In Tyler County we have anxious parents grieving their hearts out for almost three years now, waiting, hoping desperately, for a word—a single sign of life—from a son shot down over North Vietnam.

This is uncivilized. This is barbarous. This is inhumane. This is savage. This is North Vietnam.

Where are the tears for the living dead in North Vietnamese prison camps? Who weeps tonight for them?

THE CIVIL AERONAUTICS BOARD AND AIR FARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MOSS. Mr. Speaker, on Tuesday, 31 of my colleagues and I filed two papers with the Civil Aeronautics Board setting out our position with respect to the present domestic passenger air fares.

These papers follow:

[Docket 22935]

IN THE MATTER OF PROPOSED EXTENSIONS OF DOMESTIC PASSENGER FARES ESTABLISHED BY THE BOARD AND HELD TO BE UNLAWFUL—COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS

Communications with respect to this document should be sent to: The Honorable John E. Moss, Member of Congress, 2185 Rayburn Building, Washington, D.C. 20515, Richard W. Klabzuba, 2185 Rayburn Building, Washington, D.C. 20515, and Stanford G. Ross, Esq., Caplin & Drysdale, 1101 Seventeenth Street, N.W., Washington, D.C. 20036.

Complainants, thirty-two Members of Congress, hereby complain against any extensions of the domestic passenger tariffs presently on file.

I

Various domestic air carriers have proposed to extend the tariffs presently on file beyond August 31, 1970. These tariffs reflect the passenger fare structure established by the Board in its order of September 12, 1969. They also embody the fare level established by the Board in that order, augmented by an increase afforded in June 1970, when the Board agreed, by a 3-to-2 vote and in an *ex parte* decision, to allow the carriers to round fares up to the nearest full dollar. In a press release of June 19, 1970, announcing this decision, the Board noted that "the public had no notice of the carriers' proposal to increase fares on July 1st or opportunity to file comments and that the Board accordingly did not have the benefit of these comments." The Board therefore required the increase to expire on August 31, 1970, unless extended. The carriers have now petitioned for such an extension.

II

Complainants oppose any such extension of the present unlawful tariffs. These tariffs are based directly upon the fare formula promulgated by the Board in its September 12 order. That order and any tariffs based upon it have been declared illegal by the United States Court of Appeals for the District of Columbia Circuit in the case of *Moss* v. *CAB*, No. 23,627 (July 9, 1970). Therefore, we do not believe the Board can permit the extension of the present tariffs.

Indeed, as complainants noted in a filing with the Board on July 24, 1970, it would appear that action must be taken by the Board to correct the present illegal tariffs as soon as the mandate of the Court of Appeals' decision in the *Moss* case issues, in accordance with section 1002 (d) and (e) of the Federal Aviation Act and the Court of Appeals' decision.

III

It appears plain, moreover, that the Board's decision to permit a rounding up of fares does not meet the legal test, as set out by the Court of Appeals, for assuring that rate proceedings are conducted on the record and with opportunity for participation by interested members of the public. The public was never notified that the Board had a proposal for rounding up fares under consideration. The Board apparently acted on the basis of private communications from one or more of the carriers, and indeed without ever issuing an order. The public was informed of the Board's action in sanctioning the increase only by means of a press release. Complainants, like other interested members of the public, had no opportunity to object to this *fait accompli*—which, by the Board's estimate contained in the press release of June 19, would increase the carriers' revenues by something approaching $50 million on an annual basis.

For the reasons contained herein, complainants submit that the Board should allow no extension of the present fares but instead, as suggested in our filing of July 24, 1970, should take steps to cure the unlawfulness of the tariffs presently on file at the earliest possible date.

Respectfully submitted.

RICHARD W. KLABZUBA,
STANFORD G. ROSS,
For Complainants.

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade.

John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon: Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., by causing a copy of it to be mailed to such carrier or its agent properly addressed with postage prepaid.

RICHARD W. KLABZUBA.

[Docket 22399]

IN THE MATTER OF THE PROPOSED UNITED AIR LINES TARIFF AND ANY OTHER DOMESTIC PASSENGER TARIFFS FILED TO BECOME EFFECTIVE ON OR AROUND JULY 30, 1970—COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS

Communications with respect to this document should be sent to: The Honorable John E. Moss, Member of Congress, 2185 Rayburn Building, Washington, D.C. 20515; Richard W. Klabzuba, 2185 Rayburn Building, Washington, D.C. 20515; and Stanford G. Ross, Esq., Caplin & Drysdale, 1101 Seventeenth Street, N.W., Washington, D.C. 20036.

On July 27, 1970, United Air Lines filed domestic passenger tariffs with an effective date of October 1, 1970, but with a special application seeking to advance the effective date to July 30, 1970, in the event present tariffs become unlawful on that date. For the reasons stated in our filings of July 24, 1970, and July 28, 1970, as well as those in the decision of the United States Court of Appeals for the District of Columbia Circuit in *Moss* v. *CAB*, No. 23,627 (July 9, 1970), complainants object to the proposed United tariffs as being based in substantial part on the illegal Board order of September 12, 1969. Further, complainants object to the United tariffs as being unjust and unreasonable for the reasons stated in complainants' complaint of August 20, 1969. On the basis of the foregoing, complainants would also object to any tariffs filed by any other carriers to become effective on or around July 30, 1970.

Respectfully submitted.

RICHARD W. KLABZUBA,
STANFORD G. ROSS,
For Complainants.

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade.

John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson.

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RICHARD W. KLABZUBA.

POW'S—OUR FORGOTTEN AMERICANS

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. RIVERS. Mr. Speaker, the July 27, 1970, issue of Counterattack graphically portrays the impossible plight of our more than 1,400 U.S. servicemen classified as either prisoners of war or missing in action. The article on this subject was written by Adm. Joseph J. Clark, U.S. Navy, retired, and Bernard J. Lally. I commend it to the reading of every Member of the Congress and all patriotic Americans:

OUR FORGOTTEN AMERICANS

We are told that David K. E. Bruce, the new head of our delegation at the celebrated "peace talks" in Paris is an experienced and competent diplomat. The veteran ambassador may try the approach of using warmth and goodwill in dealing with the truculent Communist representatives. However, even if the personable Mr. Bruce combines all the diplomatic resources of Machiavelli, Talleyrand, Prince Metternich and Cardinal Richelieu, the National Liberation Front will not be charmed into going out of business nor will Hanoi agree to any American peace proposals that have not been earned on the battlefield.

If the ambassador can achieve a breakthrough by having the enemy treat United States prisoners of war humanely in accordance with the Geneva Convention which North Vietnam endorsed in 1957, he will have contributed a notable accomplishment.

North Vietnamese and Viet Cong forces captured in South Vietnam are detained by the Government of the Republic of Vietnam in Prisoner of War camps which are regularly inspected by the International Committee of the Red Cross. In accordance with the Geneva Convention, sick and wounded prisoners have been released and repatriated to North Vietnam. We have provided such treatment not only because it is required by the Convention but also because it is the humane thing to do. Our adversaries have not reciprocated and there is clear evidence that the enemy is treating the U.S. prisoners it holds inhumanely.

There are more than 1400 U.S. servicemen classified by the Services as either prisoners of war or missing in action. Of the more than 1400, about 800 were downed over North Vietnam. Most are pilots and we believe a substantial percentage of the missing may be prisoners. The families of these hundreds of servicemen have lived for months and years under the continuing anxiety and pressure of uncertainty as to the status and well-being of their loved ones. Despite repeated attempts by the U.S. Government and neutral organizations, the North Vietnamese and Viet Cong have consistently refused to release the names of those U.S. prisoners whom they hold.

The magnitude of this unnecessary inhumanity has increased with each passing month. There are now more than 200 U.S. servicemen listed as prisoners or missing in action who have been in those categories for more than four years. The first U.S. pilot, whom we believe is still a prisoner, was captured in August, 1964. The North Vietnamese have made statements, both publicly and privately, to the effect that American prisoners of war were being treated humanely. However, it has been impossible to verify such claims because North Vietnam adamantly has refused neutral inspections of the places of detention. Hanoi's claims of proper treatment and its controlled visits with a handful of selected news people are not adequate substitutes for complete and impartial inspections.

Most information regarding the status of American prisoners has come in the form of propaganda films and photographs which the North Vietnamese have sold or made available to various news sources throughout the world. It is regrettable that we must rely on such often distorted information to determine the status of U.S. prisoners. Many of the films and photographs have implied that our prisoners were being well treated, that they were permitted to communicate freely with each other, that they were allowed to correspond freely with their families, and that they were receiving proper medical treatment. An analysis by our Defense Department indicates this is not the case and that the provisions of the Geneva Convention are being disregarded.

In some instances, North Vietnamese propaganda has generated false hopes among American families because the identify of the prisoners shown could not be clearly determined. In one case, 20 different wives believed that a prisoner shown in a propaganda photo was her husband. This prisoner remains unidentified.

Over twenty months have transpired since the bombing of North Vietnam was halted. During this time we have had no releases and almost no information on American prisoners. In the past six years, North Vietnam has chosen to release only six pilots. Three of the six returned had been listed as missing in action and the announcement by Hanoi of their prospective release was the first indication that they were even alive.

Some of the propaganda photos made available have shown U.S. pilots alive on the ground after their capture by the enemy. Regrettably, no information has been received since their initial captivity, again causing severe and unnecessary anguish to the families involved. Cdr. A. C. Brady and Maj. W. S. Gideon are two such cases. Another example is Maj. J. H. Kasler who was shown as injured when captured but has not been heard from since. One propaganda film showed a display of 18 ID cards of pilots. This hardly determines the status of U.S. prisoners.

There have been indications that American prisoners in North Vietnam have been mistreated physically. In 1965 and 1966, captured U.S. prisoners were paraded through the streets of Hanoi. Some were seriously injured, as in the case of Lt. D. G. Rehmann, who suffered serious burns when downed in December, 1966. In addition, we believe that the great majority of American prisoners have been isolated from contact with the outside world.

Several propaganda photographs released have shown U.S. prisoners in solitary confinement. All six pilots released by North Vietnam have confirmed that they had been held in isolation for varying periods of time. Such isolation can have serious irreparable effects on the health and welfare of those detained under such circumstances. North Vietnam released films also raise serious questions as to whether the prisoners are receiving proper medical care. Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time they were downed. For example, several prisoners have been shown still using crutches after many months of captivity. Lcdr. H. A. Stafford injured his left arm and shoulder when shot down in August, 1967. Today, his left arm appears to be noticeably smaller raising questions of proper medical treatment.

An enemy photo showed Lcdr. J. S. McCain, III, shortly after capture in October, 1967. He was pictured in extensive casts because both of his arms and his right leg were broken. Hanoi has not indicated what his present condition is, and thus we wonder what treatment Lcdr. McCain has received in the past 33 months.

One enemy film included an elaborate spread of food which only two prisoners are shown carrying. Neither is shown eating the suspiciously large portions. In an interview by Fallaci, an Italian journalist, in "L'Europeo" about a year ago, Lt. Robert Frishman stated that he had been held in isolation for a year and one half and that the reporter was the first person to whom he had spoken during that time. Considerable weight loss by American prisoners has been confirmed by the enemy's own propaganda films. In viewing the propaganda information which the North Vietnamese have chosen to release from time to time, the same few prisoners appear in the pictures. This raises the obvious question as to the status of the vast majority who are not paraded before the cameras.

Propaganda films and photographs are misleading and are no substitute for information and impartial inspections required by the Geneva Convention. The classical example of Communist distorted information was that released by North Korea during the captivity of the Pueblo crew. North Korean propaganda stated that the Pueblo crew was well fed, that they were permitted to exercise regularly, and that they could communicate frequently with each other and their families. The testimony of the Pueblo crew confirms that the photos were staged and the portrayed benefits occurred only when the photographs were actually taken.

Some North Vietnamese photographs have implied that our prisoners were permitted to attend religious services. The photographs show only a handful of prisoners actually present for such services and the men are kept far apart so that they cannot communicate. Another film attempted to indicate that the prisoners were enjoying recreational activities by playing table tennis, but the facial expressions and lack of animation are positive indications that it is a staged event.

Regular exchange of mail between prisoners and their families is a guaranteed provision of the Geneva Convention. Such a flow of mail simply has not been permitted by the North Vietnamese.

One of the primary matters that Ambassador Bruce should make crystal clear to the enemy negotiators in Paris is that our 1400 servicemen incarcerated in Communist prisons have not been written off by their 200 million fellow Americans. Specifically, he should insist that the enemy during the negotiations for a political settlement of the war forthwith take the following humanitarian actions:

1. Arrange an orderly exchange of all prisoners of war. The seriously sick and wounded should be returned immediately.
2. Assure that all prisoners receive proper medical care and adequate food.
3. Permit regular impartial inspections of prisoner of war facilities.
4. Allow a free flow of mail between the prisoners and their families.
5. Provide the International Red Cross with a complete roster of all U.S. prisoners, including their medical conditions.

The following excerpts are taken from the testimony of Lt. Robert Frishman, a returned prisoner of war and a Navy pilot attached to the USS Coral Sea who was shot down on a mission over North Vietnam:

"Our strike group had regrouped in the air, refueled. We proceeded inland towards the Phuc Yen airfield, and as I approached the target area they fired some surface-to-air missiles and three of them came up at me. One of them hit me. My right engine was on fire. I shut it down and then I was trying to evade. A couple more came up and missed me, and then they shot three more, and when the last one hit, the whole plane shuddered and it started spinning . . .

"When that last missile hit me I was wounded, but I didn't realize it; it was something like when you get cut by a razor blade. I could not see it, but I could see the blood all over the canopy and I could see the bone sticking out of my arm . . .

"I could not control the plane so I successfully ejected. . . . I could see the puffs of flak down below. . . . I was captured as soon as I took off my parachute. . . . When the villagers got to where they were beating up on me pretty bad, they would take me back inside. . . . I actually thought at times that if the military had not stepped in that the villagers would have killed me. . . . The actual physical beatings, it is something like the Rams would get on Sunday. You know, the more they hit you, it kind of builds resistance up a little bit. . . . Then they took us to Hanoi and we were taken to the first detention facility. . . . They came in and took me to the operating room and they cut into my left foot and put serum in, cut into my right leg and they put a general anesthetic in. . . . In fact, I still don't have feeling in my right foot because they severed the nerves. . . . During the wintertime, I had a blanket and when I would sleep I had this blanket over me, and the wound would seep and it would adhere to the blanket. . . . It took six months to heal. . . . My muscles are in fairly good shape, but I am missing the elbow. . . . At first they refused medical treatment. . . . If I would not cooperate, they would tie me up with ropes, put my arms back and leave me there tied up. . . . The first meal I had was actually a potato soup, and then after that it was just pumpkin soup . . . and sometimes they put a little bit of flour in it and some pig feet and that would be it. . . . Sometimes we got greens. We called them JP-4 greens after the aircraft fuel JP-4. It tasted just like kerosene. I don't know if it was to get rid of the worms or what. . . . I guess my taste buds got brainwashed, but I got to where I could eat the food. . . . The ordinary routine was to get up around 5 in the morning, go out and empty the bucket, and then around 6 o'clock they would play Hanoi Hannah. I guess it was officially called the Voice of Vietnam. . . .

"They had lots of rats and mice in the place, and I would take some of the bread and throw it in the corner and I would get a rat in there and I would close off the exit. . . . Then I would sit there and play with the rat all day. I had a big contest going with the thing and I eventually came up with nine confirmed kills and four probables. . . . You know, I didn't know what to do. . . .

"They had pictures of people, marches, and the statements that were made by the people sponsoring the moratorium. We got to hear quite a lot about the Black Panther Party, the black movement in the United States. . . . We heard statements made by high-ranking officials in our Government. . . . They would say, 'This is your Congress saying this and this represents the true sympathy of the American people,' what they call the progressive Americans."

If Ambassador Bruce and his diplomatic aides at the Paris "peace" conference were to read the complete testimony of Lt. Frishman and other prisoners of war given to the House Committee on Internal Security, an emphatic identification, at least in pectore, with the plight of these forgotten Americans may be engendered in our negotiators. Perhaps then the crime of cruelty to disarmed combatants may be substantially removed from the multiple list of the atrocities of warfare.

RESIDUAL FUEL OIL CRISES

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. COLLIER. Mr. Speaker, as a strong proponent of environmental legislation designed to protect society against the ills of pollution, I am also concerned about the side effects of laws which may present more serious problems to an area.

There is no doubt that the Chicago area will face a fuel crisis this winter because of the decline of residual heating oil supplies.

I believe that most major industries are beginning to wonder what effects environmental legislation will have upon their operating costs in indirect terms. We must acknowledge the fact that new problems will be arising all around the country.

Within reason, Government must make exceptions to protect its citizens against crises that arise out of new legislation, especially when the health and well-being of a whole region is at stake.

The city of Chicago and other legislative bodies in the Chicago area have put restrictions on types of oils that should be used under new pollution codes.

If a shortage occurs, it will affect hospitals, schools, hotels, apartment buildings, and industrial facilities which use residual heating oil—No. 6 fuel oil. This will mean that buildings will go without heat. Thousands of people will be affected directly.

For these reasons, Mr. Speaker, I ask that each Member review this pending oil shortage so that a temporary solution can be offered.

SUPPLEMENTARY VIEWS ON H.R. 18214, CONSUMER PROTECTION ACT OF 1970

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BUCHANAN. Mr. Speaker, in order for the Members of the House to be aware of the serious reservations which several of us on the House Government Operations Committee have about legislation reported from the committee on July 30—H.R. 18214, the "Consumer Protection Act of 1970"—I want to call the attention of my colleagues to the following supplementary views included in the committee report. Because of the importance of this comprehensive legislation in the field of consumer affairs, we would hope that the arguments set forth in these supplementary views will be carefully examined and considered by all Members in their deliberations on H.R. 18214.

This bill is indeed one of the most comprehensive and far-reaching pieces of consumer legislation ever to come before the Congress. It will affect every American and involve the activities of almost every Government department and agency. It is a complex and many-faceted bill which should not be considered without the most detailed scrutiny and study.

In our supplementary views we have indicated our strong support for the basic purpose of this legislation, which is to secure within the Federal Government effective protection and representation of the interests of consumers, together with our sincere reservations about the ability of H.R. 18214 to fulfill this purpose. We foresee a great deal of inefficiency and wastefulness resulting from the needless duplication of functions in the bill's three-unit consumer protection proposal. We have serious questions about the wisdom and feasibility of the provisions for testing and dissemination of test results for consumer products, over and above testing for consumer product safety. And we have raised similar questions about those provisions permitting the Federal consumer advocate to seek to overturn the decision of other Federal agencies, and to demand and receive for public dissemination material in the hands of the Government or any citizens which is now considered confidential.

In our considered judgment H.R. 18214 should be made a more effective piece of legislation by streamlining the 3-unit consumer protection proposal into one efficient unit provided with those specific functions and powers most clearly needed in this important field.

Attached supplementary views, including the appendix, follow at this point:

SUPPLEMENTARY VIEWS ON H.R. 18214

There is certainly no question about the critical need for the creation of a unit in our federal government which is able to secure the effective protection and representation of the interests of consumers. This is what the title of H.R. 18214 sets forth as the purpose of the legislation. In its present form, however, H.R. 18214 presents the basic question of whether there is any reasonable hope that this legislation can achieve the purpose which it professes to seek, and which the vast majority of us seek.

These supplementary views are devoted to detailing compelling reasons why the basic thrust of H.R. 18214 is likely to be blunted by a failure to deal adequately with the technical, practical and human problems in consumer protection.

In the first place, the very valid purpose of this legislation has been thwarted in that, rather than representing the best judgment of those who have sponsored legislation in this area. H.R. 18214 represents a compromise among the various bills worked out by the Committee. Worse, still, the compromise was derived by combining or layering of alternative measures initially considered by their sponsors as mutually exclusive, rather than by a truly selective process.

One of the most obvious weaknesses of H.R. 18214 lies in the wasteful, duplicative, and inefficient manner in which the bill proposes to assure that the consumer viewpoint is represented and advocated. There is no question, as so many have pointed out in their testimonies on this and similar bills, that the consumer advocate function is the heart of the bill. We need legislation which will provide for effective protection and representation within the federal government of the interests of consumers.

At the present time, there are a number of federal agencies which are charged with the statutory responsibility for regulating specific areas of commerce and industry in the public interest. The consumer viewpoint is a very important aspect of the public interest and it has often been without an advocate in the proceedings and operations of such federal agencies. For example, the agencies frequently have been criticized for failing to provide from within their own ranks a spokesman for the interests of the consumers in order that such interests can be laid out in the proceeding as forcefully and fully as are the interests of the businessman, and, most particularly, of the giant corporations. This criticism often stems from the fact that those agencies traditionally are charged by law with basing their decisions on the broad public interest considerations committed to their jurisdiction and, because of that overall responsibility, they cannot act in the proceeding as an advocate of one economic interest, even if it is the consumer interest.

The creation of a unit in our federal government to act as the advocate of the consumer interests will cure this defect in our present regulatory scheme. In H.R. 18214, however, there is the creation of not one but two units to make sure that the consumer viewpoint is advocated. There is a saying which is common in almost every household that "too many cooks spoil the broth." There is a parallel axiom of management in the government that "the best way to make sure that nothing gets done is to give lots of people the responsibility for doing it." It appears that the much-needed basic thrust of H.R. 18214 has become a victim of this approach by the creation of too many government organizations to do substantially the same job.

A comparison of the provisions of the various titles of this bill clearly lays bare this defect. In Title I, there would be established in the Executive Office of the President an Office of Consumer Affairs, headed by a Director appointed by the President with the advice and consent of the Senate. In Title II, there is established an independent agency within the Executive Branch of the Government to be called the Consumer Protection Agency. That Agency is headed by an Administrator who is also appointed by the President with the advice and consent of the Senate.

The powers and duties of the Director of the Office and the Administrator of the Agency are expressed in almost identical language. Each of these organizations is provided with a high-priced staff because each organization may employ experts and consultants at rates of pay for Grade GS 18, which is now $35,505.00 apiece. Each of them may appoint advisory committees composed of private citizens and officials of the federal, state and local governments. Each organization may utilize the services, personnel and facilities of other federal agencies. Each organization may enter into and perform contracts, leases, cooperative agreements and other transactions on such terms as the Director or the Administrator, as the case may be, may deem appropriate. Each organization even gets an official seal.

Indeed, the *only* difference in the bill's Powers and Duties sections affecting the Director of the Office of Consumer Affairs and the Administrator of the Consumer Protection Agency is the Director's authority to designate representatives to serve or assist on such committees as he may determine to be necessary to maintain effective liaison with other federal agencies and state and local agencies.

An examination of those provisions of the bill relating to the *functions* of each of these proposed units of government indicates that here, too, many of the functions of the Office and the Agency appear to be substantially the same. For example, each is to submit recommendations to the Congress and the President; conduct conferences, surveys and investigations; encourage and support various types of consumer programs and efforts; and to keep appropriate committees of the Congress fully and currently informed of all activities. Each is to receive and act on complaints and maintain public document rooms. Each is to develop, gather and disseminate information to the public concerning test results and problems confronted by consumers generally.

There are indeed differences in the language describing the functions of these units, which in turn, might well result in the vesting of greater power in the Agency. This certainly does not in itself, however, constitute a basis for creating two separate or competing units.

In our judgment, it is extremely doubtful whether there is any significant difference in the functions of each of these proposed new governmental units which is sufficient to be a valid reason for creating *both* units. It would seem likely that, under energetic administration, either of the units has within its powers, duties and functions the potential of taking great steps in the representation of the interests of consumers. To create two units of government with such similar powers, duties and functions is to dilute the responsibility for carrying out this important mission of the federal government. It would appear inescapable that there will be a considerable amount of overlapping and unnecessary duplication of effort on the one hand, while some important things may not be done at all—with no single agency clearly responsible in this area of consumer protection.

This duplication of responsibilities cannot be excused by the argument used in the Committee report that it will foster competition between the agencies. That is not the purpose of this legislation, as the Committee report concedes. This duplication and division of responsibility may make even more difficult, as well, the management of the hundreds of consumer interest activities which are already spread throughout the federal establishment. Such duplication could also hinder the Congress in its exercise of legislative oversight in this important field.

(A chart which clearly sets forth the duplication in purpose, organization, powers and duties, and functions of the Office and Agency, as well as the Advisory Council, follows these supplementary views.)

Having thus divided the responsibility for representing the interests of consumers between the Office and the Agency, the bill proposes to go still further. In Title III, there is established the Consumer Advisory Council of 15 members appointed by the President. These 15 members are also to be experts and are to receive a rate of pay up to $35,505 a person while serving, just as is the case for the Office and the Agency. Their function is startlingly similar—to advise the Administrator and the Director on matters relating to the consumer interest; to review and evaluate the effectiveness of federal programs and operations relating to the consumer interest. It sounds like a broken record—three organizations representing the same interest.

This is a highly questionable way to proceed when the government's financial resources are being so severely strained. It would seem to be without question that there are many needs in this country which should be met before we create three government organizations to do a job which, in all probability, would be better performed by a single government organization.

It should be noted, too, that H.R. 18214 would devote "such sums as may be required to carry out the provisions of this act" to the staffing and operation of these three government organizations. Thus, there is not even a dollar limit on the amount of government funds which would be involved in the authorization of these three units. While the Committee envisions a compact and relatively inexpensive operation, the following table (prepared by a private research organization, Tax Foundation, Inc.) illustrates what has become the typical expansion of federal programs far beyond their original estimated costs.

TABLE 1.—1ST YEAR AND ESTIMATED 1968 COSTS, AVERAGE ANNUAL INCREASES, CUMULATIVE COST, AND AVERAGE ANNUAL COST OF NEW FEDERAL PROGRAMS,[1] FISCAL YEARS 1956-68

[Dollar amounts in millions]

Fiscal year	Number of programs	1st year cost	Estimated 1968 cost	Average annual increase	Cumulative cost through 1968	Average annual cost
1956	3	$144	$1,006	$72	$20,519	$1,578
1957	9	23	489	42	2,419	202
1958	2	183	5,542	536	33,318	3,029
1959	3	78	176	11	2,168	217
1960	1	(2)	40	5	101	11
1961	6	122	272	21	1,188	149
1962	14	216	1,616	233	7,559	1,080
1963	6	151	631	96	3,241	540
1964	6	30	101	18	321	64
1965	10	232	2,149	672	5,187	1,297
1966	24	1,048	2,815	883	6,069	2,023
Subtotal, 1956-66	84	2,227	14,837		82,090	
1967[3]	12	1,036	1,393	354	2,429	1,214
1968[3]	16	312	312		312	312
Total	112	3,575	16,542		84,831	

[1] Excludes new programs in the functional categories for defense and general government and all activities outside the administrative budget.

[2] Less than $500,000.

[3] As estimated for 1967 and proposed for 1968 in the 1968 budget document.

Note: Above table is from "Growth Trends of New Federal Programs: 1955-68," Tax Foundation, Inc., October 1967. p. 10.

Source: App. tables A-1 through A-7.

Thus, we must also take into consideration the potential and probable expansion of these proposed governmental units. A reasonable forecast would indicate that even one agency charged with the responsibility of a broad representation of consumer interest will inevitably have to become an agency of considerable size to cope with the myriad of issues which will be placed before it. If all the functions made possible by this legislation in its present form are actually fulfilled, vast and continuing expansion of budget and of personnel would seem almost a certainty in this case. Such an agency may not become as large as H.E.W. or the Pentagon, but it is inescapably true in government that "mighty oaks from little acorns grow!"

Nevertheless, as stated earlier, it appears to be both necessary in the public interest and organizationally desirable in terms of the proper functioning of government agencies to create a unit to act as a consumer advocate in the proceedings of other governmental departments and agencies. The creative process, however, should stop at that point. One unit is enough.

In addition to its role as a general consumer advocate in the proceedings conducted by other agencies, there is also need for the government to deal more specifically with consumer product safety. The final report of the National Commission on Product Safety issued in June, 1970, effectively argues for this need. It points to the fact that federal product safety legislation presently consists of a series of acts treating specific hazards in narrow product categories and that no government agency possesses general authority to ban products which harbor unreasonable risks or to require that consumer products conform to minimum safety standards. Similarly, the report points out that no federal agency has authority to order studies or hearings to determine the presence of an unreasonable hazard in consumer products; to order the development of standards; to evaluate safety standards and tests; to monitor compliance with safety standards; to accredit independent laboratories to check compliance; and to perform similar functions.

While it is in the area of product safety, furthermore, that there is justification for product testing, this bill devotes comparatively little attention to product safety. The Committee did not have the benefit of the report and recommendations of the National Commission on Product Safety, nor have there yet been House hearings on this important document. Instead, H.R. 18214 has broad and unclear provisions concerning product testing which go far beyond the subject of safety and constitute one of the bill's most controversial areas. One provision (Section 203) states that the Agency shall "encourage and support research, studies and testing leading to a better understanding of consumer products". Another section of the bill (Section 206) states that the Agency shall develop on its own initiative, gather from other federal agencies and non-federal sources, and disseminate to the public data concerning test results and analyses of consumer products and services. Still another section (Section 207) states that the Agency shall "encourage and support methods for testing materials, mechanisms and structures used in consumer products and for improving consumer services".

Apparently, the testing itself is to be performed by other Federal agencies "which, in the judgment of the Administrator, possess testing facilities and staff expertise relating to the performance of consumer products and services". These other agencies are "authorized and directed to perform promptly such tests as the Administrator may request regarding the content, purity, safety, durability, performance and other characteristics of a product offered for sale or intended for sale by a manufacturer". Thus any representation that the Agency will not, or cannot, engage in testing is misleading because other agencies are *directed* to perform such tests as the Administrator may request.

It also appears that the Agency, and possibly the Office as well, may provide grants to non-governmental testing agencies for the purpose of conducting tests on consumer products. In view of the limitless variety of consumer products, the scope of such provisions relating to consumer product testing and the dissemination of information with respect to testing, is likely to be far greater than appears. Even the analogy to an iceberg which is nine-tenths submerged, according to scientific observations, may fail to adequately represent the hidden vastness of the potential scope of such provisions in H.R. 18214.

Where should the line be drawn on product testing? As we have already implied, the line should not be drawn short of whatever is necessary to assure proper safety testing.

Nor should the line be drawn so as to adversely affect existing responsibilities of federal government agencies to test products. The Department of Defense and the General Services Administration are substantial purchasers of a wide variety of commodities and services under contracts having very specific specifications. The taxpayer is certainly more assured that these specifications are being met in the purchase of such products and services by the federal government if there is an adequate program of product testing. In other areas as well, there is established authority to test products. There is also a variety of inspection programs carried out by other existing federal organizations. Publication of the results of these tests as has been determined desirable is already provided for.

Once one goes beyond these areas, the real question which the bill does not answer is what information the consumer should have about products and services, who should provide it, and how should it be disseminated. Any proposal which simply puts a new government organization into the field of product testing and the dissemination of the results of tests raises some significant questions. For example, if the new organization is to publish the results of tests conducted by the Department of Defense with respect to commodities it purchases, then small businessmen who are unable to compete with large corporations in supplying the tremendous quantities of products purchased by the government will find that their products are not included in the published list of products tested. This could severely affect the financial security of such small businesses because of the inevitable inference that their products were not as good as the products in the list. This would be true even if the products produced by a small businessman had not been responsive to the government purchase requests because they provided a higher degree of quality than the government was interested in purchasing. The consumer would suffer, too, because the list of products would be incomplete and, therefore, misleading.

Secondly, there is almost no conceivable manner in which publications of test results can be kept current. In the event that a product tested is found deficient in some manner, and the test result is published, there may be no adequate way in which the producer of that product can inform the public that the defect has been corrected until another test of that commodity is made perhaps years in the future. A combination of circumstances could even bring about a deterioration in the quality of a product receiving a high rating and there would be a corresponding time lag in informing the public of this change.

Then, there is the assumption inherent in such a consumer product testing proposal that there is such an entity as a "standard consumer." What is the best taste of chocolate? What is the best soap? There is no single answer. Some people like a sweet chocolate taste. Some people like a bitter chocolate taste; some prefer a mild flavor, others prefer a strong flavor. Some people prefer a soap which smells like flowers, while others prefer a soap which smells antiseptic. Taste, smell, and other aesthetic characteristics are important elements of consumer products which are difficult, if not impossible, to compare as to quality. In many aspects of consumer products and services, therefore, there may be no way to relate products or services to a standard consumer through an objective test. Again, the consumer suffers because the "standard consumer" test does not meet his needs.

Perhaps, as we have already indicated, the best place to draw the line in connection with consumer product testing and dissemination of information with respect to such tests was indicated in the report of the National Commission on Product Safety when it stated that:

> In any event the [Consumer Product Safety] Commission must be selective, limiting its development and updating of safety standards to categories of consumer goods which contain an unreasonable risk or the threat thereof.
>
> Even in the field of product safety, the task is sufficiently great that selectivity in the direction of federal activity is necessary.

Is it reasonable to expect, then, that the federal government could successfully embark upon a program of testing the broad range of consumer products which do not contain an unreasonable risk to health or safety? The cost, alone, of such an effort would absorb so great a portion of the federal expenditures in the field of consumer protection that little would be left for programs having a more critical and significant impact upon the health and safety of every consumer. In any event, before grappling with such an enormous program, it would be more wise and prudent to begin with a program which concentrates on those consumer products which may contain risks to the public health or safety. Practical experience in dealing with such a consumer product testing program will provide certain insight and basis for judgment as to the feasibility of attempting to operate a program which includes all consumer products which have no injurious features.

In addition to the confusion and controversy which has arisen with respect to the operation of the consumer product testing and dissemination of information provisions of the bill, there are two other areas of the legislation which, in our judgment, threaten almost limitless confusion and disruption of legitimate government functions. These relate to how the proposed new government agency will act as an advocate of consumer interests and to how it will obtain its information.

In dealing with these two points, it is necessary to keep in mind that a primary reason for the creation of such a new governmental organization is to provide a focus of consumer representation when it is only one of the factors which must be considered in fashioning a decision which is in the public interest. From this, it would appear that the primary role of the proposed new federal organization would be to appear and give testimony and present arguments and briefs on behalf of consumers in appropriate proceedings of other federal agencies, in conformity with the rules of practice and procedure of such agencies. As an advocate with all of the resources of the federal government to provide it with information on consumer matters, and with all of the information which it can invite from sources outside the federal government, it would be the duty and responsibility of the consumer advocate to appraise and cull all of the information into an effective statement of the interests of the consumer in the proceeding, and to present that statement. The federal consumer advocate also should act as a prod to other federal agencies which have statutory regulatory responsibilities to exercise their own statutory powers to acquire relevant information which can be made a part of such presentations.

But with respect to the consumer advocate function, H.R. 18214 does not stop here. Two provisions of H.R. 18214 appear to be more than questionable. One provision would permit the federal consumer advocate to seek to overturn the decision of a federal administrative agency which has the express statutory regulatory responsibility to decide matters after taking into account *all* aspects of the public interest. The advocate could also enter into judicial proceedings over the objection of such an agency.

There is no question but that the consumer advocate agency should be able to appear in a rate proceeding before the Federal Power Commission to protect the interest of consumers or in a Federal Trade Commission proceeding, a Food and Drug Administration proceeding, or any other proceeding of like nature and present all of the arguments and evidence which it has on the consumer issue. But once that evidence has been presented and the agency having the basic responsibility for making the decision, based upon all of the evidence presented, undertakes its awesome task and reaches its decision, should it be subject to being overturned by another federal agency having a much narrower statutory function? It would seem that grave dangers could result to our federal administrative regulatory system if careful and explicit provisions are not thought out to prevent such a conflict of functions. Indeed, such a procedure could well be interpreted as an expression of no confidence by Congress in the competence of such agencies to properly fulfill those responsibilities which they are under a congressional mandate to carry out:

Furthermore, it is desirable that the federal consumer advocate should furnish to any federal agency involved in a judicial proceeding all information which may be requested or which, in the opinion of the federal consumer advocate, will substantially affect the interests of consumers, in order that this information may be presented in the judicial proceeding. But it would appear that two agencies in court should not be better than one to present the federal government viewpoint and that two agencies could confuse the federal government position on the issues before the court. The federal agency involved in the court proceedings can utilize the information prepared by the federal consumer advocate as evidence and the personnel of the federal consumer advocate as evidence and the personnel of the federal consumer advocate unit as witnesses in the court proceeding.

In addition to the problems involved with allowing one federal agency to seek to overturn in court the administrative decisions of one of its sister agencies, a grave question is presented about the possible invasions of privacy involved in the information gathering and dissemination powers to be conferred on the Agency, the Office, and the Advisory Council.

The Agency and the Office are given the right to demand and receive from other federal agencies any information considered by the consumer units to be in the interest of consumers. The only information that could not be given to the Agency or the Office is that which is specifically prohibited from public dissemination due to its being in the national security interest. Anything else could be demanded and would have to be furnished to the Office or Agency merely upon their own interpretation of consumer interest as it relates to the material requested from other agencies. It certainly must be an oversight that H.R. 18214 could permit, as it does, restricted information such as that contained in federal income tax returns to fall into the category of information which would be obtainable by the consumer protection units.

Under the bill's broad rights and duties for dissemination, such restricted material would be made available to the public through the Office or the Agency or, even by the Advisory Council—which has the right to demand and receive any information in the hands of the Office of the Agency.

The Agency is also given blanket authority to require witnesses to testify and to subpoena from anyone any information it deems to be in the interests of consumers. This information and testimony would also be available for distribution to the public. Failure to comply with an agency demand, under the terms of Section 10 of the Federal Trade Commission Act—which is incorporated by reference in the bill—would result in heavy fines and/or imprisonment.

In our judgement, these potential powers—the right to demand and receive for publication heretofore confidential material in the hands of the government or any citizen—are overly broad and present potential threats of invasions of privacy. Furthermore, we also question the actual necessity for the provision of these powers in order for the new units to successfully fulfill their functions. For instance, whatever legitimate need the consumer unit may have for the use of the subpena power can be met through powers already vested in the federal agencies and courts and available to participants in their proceedings. Such agencies and courts have been given by the Congress such subpoena powers as were considered necessary for the conduct of these proceedings and the exercise of their jurisdiction. In addition to this availability of the subpoena power, it must be kept in mind that under the provisions of H.R. 18214 the Agency has not only the power to invite information from the public but also all of the resources of the federal government and the information which has been collected by the federal departments and agencies. Sec. 202(c) provides for this and is, indeed, an awesome grant of access to information.

SUMMARY

In these supplementary views we have indicated our support of the creation of a unit within the federal government which will *effectively* protect and represent the interests of consumers, as well as our strong reservations about the ability of H.R. 18214 to fulfill this purpose.

The needless duplication of functions in the bill's three-unit consumer protection proposal will, in our judgment, only result in inefficiency and the type of wasteful expenditures which in other areas of the government we are trying to eliminate. We have very serious questions about the wisdom and feasibility of the provisions for testing and dissemination of test results for consumer products, over and above testing for consumer products safety. We have pointed out the disruption and conflicts of function which could easily result from the provision permitting the federal consumer advocate to seek to overturn the decisions of other federal agencies. And, we have also indicated our strong reservations about the consumer unit's very broad powers to demand and receive for public dissemination material in the hands of the government or any citizens which is now considered confidential.

It would seem to us far better to give to a single consumer protection unit the specific functions and powers most clearly needed in this important field and to let this entity try its wings and prove its mettle before giving it such broad and awesome powers—and certainly before investing such powers in two or more competing governmental entities. Thus, we urge that H.R. 18214 be made a more effective piece of legislation by streamlining the 3-unit consumer protection proposal into our efficient unit and assuring that it can be an effective consumer advocate with all the resources of other agencies of the federal government available to it.

Hon. JOHN H. BUCHANAN, Jr.
Hon. JOHN T. MYERS,
Hon. SAM STEIGER.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

Office	*Agency*	*Council*
TITLE I—OFFICE OF CONSUMER AFFAIRS	TITLE II—CONSUMER PROTECTION AGENCY	TITLE III—CONSUMER ADVISORY COUNCIL; PROTECTION OF CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS MISCELLANEOUS AMENDMENTS
ESTABLISHMENT SEC. 101. (a) There is established in the Executive Office of the President the Office of Consumer Affairs. (b) The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.	SEC. 201. There is hereby established as an independent agency within the executive branch of the Government the Consumer Protection Agency. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Agency a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator. (b) No employee of the Agency while serving in such position may engage in any business, vocation, or other employment or have other interests which are inconsistent with his official responsibilities.	CONSUMER ADVISORY COUNCIL SEC. 301. Three is hereby established the Consumer Advisory Council (hereafter referred to in this section as the "Council") to be composed of fifteen members appointed by the President for terms of five years. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed, and critical judgment.
		(b) (1) Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, three shall be appointed for a term of three years, three shall be appointed for a term of four years, and three shall be appointed for a term of five years, as designated by the appointing power at the time of appointment. (2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. (3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.
POWERS AND DUTIES OF THE DIRECTOR SEC. 102. (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof. (b) In addition to any other authority conferred upon him by this title the Director is authorized, in carrying out his functions under this title, to— (1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties:	POWERS AND DUTIES OF THE ADMINISTRATOR SEC. 202. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Agency, and shall have the authority to direct and supervise all personnel and activities thereof. (b) In addition to any other authority conferred upon him by this title, the Administrator is authorized, in carrying out his functions under this title, to— (1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;	
(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rate authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;	(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;	SEC. 301(b) (4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not in excess of the maximum rate of pay for a GS–18, including traveltime and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

Office	*Agency*	*Council*
(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Director, compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;	(3) appoint advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;	(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman or at the call of a majority of the members of the Council. The Director shall be an ex officio member of the Council.
(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;	(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Agency, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;	
(5) utilize, with their consent, the services, personnel and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;	(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;	
(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;	(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or	
(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;	(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and	
(8) adopt an official seal, which shall be judicially noticed; and	(8) adopt an official seal, which shall be judicially noticed.	
(9) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies carrying out programs and activities related to the protection of the interests of consumers.		
SEC. 102	SEC. 202	
(c) Upon request made by the Director, each Federal agency is authorized and directed—	(c) Upon request made by the Administrator, each Federal agency is authorized and directed—	
(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Office in the performance of its functions; and	(1) to make its services, personnel, and facilities available, with or without reimbursement, to the greatest practicable extent within its capability to the Agency in the performance of its functions; and	
(2) except where explicitly prohibited by law relating to information in the interest of national security, to furnish to the Office such information, data, estimates, and statistics, and to allow access to all information in its possession, as the Director may determine to be necessary for the performance of the functions of the Office.	(2) except where explicitly prohibited by law relating to information in the interest of national security, to furnish to the Agency such information, data, estimates, and statistics, and to allow such access to all information in its possession as the Administrator may determine to be necessary for the performance of the functions of the Agency.	
SEC. 102(d)	SEC. 202(d)	
(d) The Director shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but no limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.	(d) The Administrator shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recomendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.	

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

Office

FUNCTIONS OF THE OFFICE

SEC. 103. It shall be the function of the Office to—

(1) coordinate the programs and activities of all Federal agencies relating to the interest of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

(2) encourage and assist in the development and implementation of consumer programs and activities in the Federal Government;

(3) assure that the interests of consumers are taken into consideration by appropriate Federal agencies both in the formation of policies with respect to consumers and in the operation of programs that may affect consumer interests;

(5) advise and make recommendations to all Federal agencies with respect to general policy matters concerning the effectiveness of programs and activities relating to the interests of consumers;

Agency

SEC. 203

(b) The functions of the Agency shall be to—

(1) formally represent the interests of consumers in proceedings before Federal agencies and courts to the extent authorized by this title;

* * * * *

REPRESENTATION OF CONSUMERS

SEC. 204. (a) Whenever there is pending in or before any Federal agency of the United States any investigation, hearing, or other proceeding which does not solely involve an adjudication for the purpose of imposing a fine, penalty, or forfeiture for an alleged violation, by any defendant or respondent therein, of any statute of the United States, or any rule, order, or decree promulgated thereunder, and the Agency finds that—

(1) the result of such investigation, hearing, or other proceeding may substantially affect the interests of consumers; and

(2) such interests may not be adequately protected unless the Agency intervenes, the Agency shall be entitled as a matter of right to intervene and, pursuant to the rules of practice and procedure of that agency, to enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Whenever—

(1) there is pending before any Federal agency any investigation, hearing, or proceeding which involves an adjudication for the sole purpose of imposing a fine, penalty, or forfeiture for an alleged violation, by any defendant or respondent therein, of any statute of the United States or any rule, order, or decree promulgated thereunder, or

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party, other than that to which subsection (a) is applicable, and which may, in the opinion of the Agency, substantially affect the interests of consumers within the United States.

the Agency upon its own motion, or upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Federal agency in the matter of proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to the matter or proceeding, and may, in the discretion of the agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(c) The Agency is authorized to assert the interests of consumers in any proceeding in a court of the United States involving the review of an action of a Federal agency, to which the Agency had intervened as a party, and to this end may institute such a proceeding, when a right of review is otherwise accorded by statute.

(d) Whenever the Administrator determines it to be in the consumer interest, he may request the Federal agency concerned to initiate such appropriate investigation, hearing, or other proceeding as may be authorized by law with respect to such agency.

(e) Upon undertaking any action authorized in subsection (a), (b), or (c) above, the Agency shall present to the agency or court subject to the rules of practice and procedure thereof, such evidence, briefs, and oral arguments as appropriate as it shall determine to be necessary for the effective representation of the interests of

Council

SEC. 301(d)(2)

(d) The Council shall—

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among the Federal agencies, and between the Federal Government, State and local governments and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(F) existing consumer protection agencies; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

Office	Agency	Council
	consumers. The Administrator, or any other representative of the Agency specially designated by him for that purpose, shall be entitled to enter an appearance on behalf of the Agency before any court of the United States (except the United States Supreme Court) or Federal agency, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of taking action which is authorized by this section. (f) This section does not authorize intervention by the Agency before State regulatory bodies.	
	SEC. 203. (a) The Agency shall, in the performance of its functions, advise the Congress and the President as to matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.	
SEC. 103. It shall be the function of the Office to— (6) submit recommendations to the Congress and the President on the means by which programs and activities relating to the interests of consumers can be improved;	SEC. 203(b)(3) (b) The functions of the Agency shall be to— (3) submit recommendations annually to the Congress and the President on measures to improve the operation of the Federal Government in protection and promotion of the consumer interest;	
SEC. 103. It shall be the function of the Office to— (12) publish and distribute in a Consumer Register material which will include notices of Federal hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is understandable by the public; and * * * * *	SEC. 203(b)(4) (b) The functions of the Agency shall be to— (4) publish and distribute material developed pursuant to carrying out its responsibilities under this Act which will inform consumers of matters of interest to them; * * * * *	

CONSUMER INFORMATION AND SERVICES

SEC. 206. (a) The *Agency and* the *Office* shall develop on their own initiative, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as they determine to be most effective, information, statistics, and other data concerning—

(1) the functions and duties of the Agency and Office;

(2) test results and analysis of consumer products and services; and

(3) problems encountered by consumers generally including particular commercial and trade practices and practices of Federal, State, and local governments which adversely affect consumers.

SEC. 206

(b) With respect to information relating to results of product tests, surveys, and studies in the possession of Federal agencies, *the Agency* shall gather, develop, and disseminate such information to consumers; *except that if the Director of the Office* finds that there is information of this type which is useful to consumers and available from Federal agencies but which is not otherwise being disseminated, the Director shall compile and disseminate such information.

(c) In the dissemination of any test results which disclose product names, it shall be made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

(d) All Federal agencies which, in the judgment of the *Administrator and Director*, possesses information which would be useful to consumers are authorized and directed to cooperate with the Agency in making such information available to the public.

(e) *The Agency and* the *Office* shall (in a manner meaningful and useful to consumers) disseminate to the public, on a continuing and systematic basis, information which is developed or received pursuant to carrying out their respective functions under this Act, and the *Agency and* the *Office* shall avoid duplicating the consumer informational services of each other and of other Federal agencies.

SEC. 103 (7) conduct conferences, surveys, and investigations, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies;	SEC. 203(b) (6) conduct conferences, surveys, and investigations, including economic surveys, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies; and, for the purpose of conducting such conferences, surveys and investigations, the Agency shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Agency may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of such section 9 without first ob-	SEC. 301 (e) The Council shall have the right of access to information in the possession of the Office and the Agency and shall have the right to request either the Office or the Agency to obtain or develop such other information as it may desire. The Administrator shall serve as the Executive Secretary of the Council and shall make available to the Council such staff and facilities as may be required; and the Office and Agency shall endeavor to extend such other assistance to the Council as may be reasonable and required.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

Office	*Agency*	*Council*
	taining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Agency to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission;	
SEC. 205. (a) The *Agency and* the *Office* shall receive, evaluate, develop, act on, and transmit complaints to the appropriate Federal agencies or non-Federal sources concerning actions or practices which may be detrimental to the consumer interest. **(b) Whenever the *Agency or* the *Office* receives from any source, or develops on its own initiative, any complaint or other information disclosing a probable violation of—** **(1) any law of the United States,** **(2) any rule or order of any administrative officer or Federal agency,** **(3) any judgment, decree, or order of any court of the United States involving a Federal matter, or**	**(4) any other commercial or trade practice or practices of Federal, State, or local governments, affecting the consumer interest.** **it shall take such action within its authority as may be desirable, including the proposal of legislation, or shall transmit promptly to the Federal or other agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information.** **(c) The *Agency and* the *Office* shall ascertain the nature and extent of action taken with regard to the respective complaints and other information transmitted by each of them under subsection (b) of this section.** (d) The *Agency and* the *Office* shall promptly notify producers, distributors, retailers or suppliers of goods and services of all complaints concerning them received or developed under this section. (e) The *Agency and* the *Office* shall each maintain in a public document room for public inspection and copying an up-to-date listing of consumer complaints, arranged in meaningful and useful categories, together with annotations of actions taken by it, as well as copies of complaints received by it pursuant to this section: *Provided,* That a complaint may be made available for public inspection only with the permission of the complainant and only after the party complained against has had a reasonable time but not less than sixty days to comment on such complaint and the agency to which the complaint has been referred has indicated how it intends to handle the complaint. (f) The *Office and Agency* shall develop policies and procedures designed to avoid duplication in the receipt and handling of complaints, including coordination at such intervals as may be necessary for the purpose of determining if any duplicate complaints or other information have been received or developed by them. The Agency and the Office shall agree as to which of them will assume responsibility for taking such further action under this section as may be appropriate with respect to any duplicate complaint or item of information.	
SEC. 103. It shall be the function of the Office to— (8) encourage, initiate, coordinate, and participate in consumer education and counseling programs (including credit counseling);	SEC. 207. (a) The Agency shall, in the exercise of its functions— (1) encourage and support methods for testing, materials, mechanisms, and structures used in consumer products and for improving consumer services; (2) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers; and	**SEC. 301(d)(2)** **(E) availability of information necessary for the making of intelligent consumer decisions;**
SEC. 103. It shall be the function of the Office to— **(9) encourage, support, and coordinate research and studies leading to improved products, services, and consumer information;**	SEC. 203 (b) The functions of the Agency shall be to— **(2) in the exercise of its responsibilities under sections 204 and 206 of this title, encourage and support research, studies and testing leading to a better understanding of consumer products and to improved products, services, and consumer information;**	
SEC. 103. It shall be the function of the Office to— **(15) keep the appropriate committees of the Congress fully and currently informed of**	SEC. 203(b)(7)	

Office	*Agency*	*Council*
all its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress.	(b) The functions of the Agency shall be to— (7) keep the appropriate committees of Congress fully and currently informed of all its activities, except that this paragraph is not authority to withhold information requested by individual Members of Congress; and	
SEC. 103. It shall be the function of the Office to— (4) cooperate with and, when requested, provide assistance to the Administrator of the Consumer Protection Agency in carrying out its functions under title I of this Act:	SEC. 203 (b) The functions of the Agency shall be to— (8) cooperate with and, when requested, provide assistance to the Director of the Office in the carrying out of his functions.	SEC. 301(d)(1) (d) The Council shall— (1) advise the Administrator and Director on matters relating to the consumer interest including means for improving the effectiveness of the Agency and the Office; and
SEC. 103. It shall be the function of the Office to— (10) cooperate with and give technical assistance to State and local governments in the promotion and protection of consumer interests, including programs relating to the arbitration of disputes between consumers and businessmen and producers; (11) cooperate with and assist private enterprise in the promotion and protection of consumer interests:		
SEC. 207. (a) The Agency shall, in the exercise of its functions— (3) investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information tag program (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a nonperishable consumer product to be sold at retail could be authorized to attach to each copy of such product a tag, standard in form, containing information, based on uniform standards, relating to the performance, safety, durability, and care of the product.	(1) shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs, and the appropriation or fund bearing the cost of the services may be reimbursed or the head of the agency involved may require advance payment subject to such adjustments on completion of the work as may be agreed upon; (2) may perform functions under this section without regard to section 529 of title 31, United States Code; (3) may request any other Federal agency to supply such statistics, data, progress reports, and other information as it deems necessary to carry out his functions under this section and any such other agency is authorized and directed to cooperate to the extent permitted by law, by furnishing such materials; and	SEC. 203(b)(5) (5) continue the work of the National Commission on Product Safety as authorized by this Act; SEC. 208. (8) The Agency shall carry out on a continuing basis the functions and duties which on January 1, 1970, were exercised by the National Commission on Product Safety, except that the Agency may not carry out such functions and responsibilities at a time earlier than the date on which the National Commission on Product Safety will by law cease to exist. At such time as the Agency commences such functions and responsibilities, all property, unexpended appropriations, and information and data developed by the National Commission on Product Safety shall be transferred to the Agency.
(b) All Federal agencies which, in the judgment of the Administrator, possess testing facilities and staff expertise relating to the performance of consumer products and services, are authorized and directed to perform promptly such tests as the Administrator may request regarding the content, purity, safety, durability, performance, and other characteristics of a product offered for sale or intended for sale by a manufacturer. In providing facilities and staff expertise upon request made in writing by the Administrator, Federal agencies—	(4) may, to the extent necessary, acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section. (c) Neither a Federal agency nor the Administrator shall declare one product to be better, or a better buy, than any other product. (d) The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.	(b) The Agency may design and develop improved safety features for categories of consumer products which are deemed unsafe. (c) The Agency shall not publish such information in a form which would separately disclose the business transactions of any person, trade secrets, or names of customers, which shall be held confidential. SEC. 209. In exercising the powers conferred in sections 203(b)(4), 206, and 208, the Agency and the Office shall act pursuant to regulations issued, after notice and opportunity for comment by interested persons, so as to assure fairness to all affected parties. (b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the American consumer.
TRANSFER OF FUNCTIONS SEC. 104. (a) The functions of the Special Assistant to the President for Consumer Affairs and the functions of the President's Committee on Consumer Interests, established pursuant to Executive Order 11136, issued January 3, 1964, amended by Executive Order 11349, issued May 1, 1967, are transferred to the Director. (b) The functions of the Consumer Advisory Council, established pursuant to the above listed Executive Orders, are transferred to the Consumer Advisory Council established by section 301 of this Act. (c) All personnel, assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by subsections (a) and (b) are transferred respectively to the Office or to the Council established by section 301 of this Act.	(2) the formulation of policy decisions, or (3) the issuance of orders, decrees, or standards, shall— (a) provide specific notice of such action to the Office and Agency at such time as notice of the action is given to the public; and (b) take such action in a manner calculated to give due consideration to the valid interests of consumers in terms of price, quality, safety, accuracy effectiveness, dependability, in formation, and choice. In taking any action under paragraph (b), the agency concerned shall indicate concisely in a public announcement of such action the effect that its action or decision is likely to have on the consumer interest and the basis upon which the action was taken in keeping with the interests of consumers.	DEFINITIONS SEC. 304. As used in this Act— (1) The terms "commerce" and "corporation" have the meaning given to such terms, respectively, by section 4 of the Federal Trade Commission Act (15 U.S.C. 44). (2) The term "Federal agency" means any department or agency in the executive branch of the Government and any independent board, commission, corporation, or other instrumentality of the Government charged with the administration of any statute of the United States. (3) The term "State" includes any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

APPENDIX—SUPPLEMENTARY VIEWS TO COMMITTEE REPORT ON H.R. 18214

COMPARISON OF POWERS, DUTIES AND FUNCTIONS OF: A. OFFICE OF CONSUMER AFFAIRS; B. CONSUMER PROTECTION AGENCY; C. CONSUMER ADVISORY COUNCIL; UNDER H.R. 18214

Office	*Agency*	*Council*
		(4) The term "Agency" means the Consumer Protection Agency. (5) The term "Office" means the Office of Consumer Affairs.
PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEDURES SEC. 302. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to— (1) the promulgation of rules, regulations, or guide lines.	SAVING PROVISIONS SEC. 303. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4), or of any provision of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.	
CONFORMING AMENDMENST SEC. 305. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following: "(20) Director, Office of Consumer Affairs. "(21) Administrator, Consumer Protection Agency." (b) Section 5315 of such title is amended by adding at the end thereof the following: "(93) Deputy Director, Office of Consumer Affairs. "(94) Deputy Administrator, Consumer Protection Agency." APPROPRIATIONS SEC. 306. There are hereby authorized to be appropriated to the Office and the Agency such sums as may be required to carry out the provisions of this Act. EFFECTIVE DATE SEC. 307. (a) This Act shall take effect ninety calendar days following the date on which this Act is approved, or on such earlier date as the President shall prescribe and publish in the Federal Register. (b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of the enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act.		

CHICAGO CHAPTER OF HADASSAH URGES REMOVAL OF SOVIET MILITARY PERSONNEL FROM THE MIDDLE EAST

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Chapter of Hadassah has adopted a timely resolution at its July 20, 1970, meeting which quite properly demands that the United States move with firmness and resolve to achieve the withdrawal of all Russian military personnel from the Mideast.

I take this opportunity to congratulate the Chicago chapter's president, Mrs. A. Robert Eisenberg, and the chairman of the Zionist Affairs Committee, Mrs. Harold Saffer, for providing the leadership for adoption of this expression by the Chicago Chapter of Hadassah.

I am particularly pleased with this action because several days ago here in the House I urged that the United States demand the removal of Soviet missiles and personnel from the Middle East before an effective cease-fire can be effectuated between Israel and the Arab States.

There can be no doubt that the presence of Soviet personnel in the Arab countries constitutes the biggest threat to peace in the Middle East.

I recalled how in 1962 President Kennedy made a similar demand and won his point. We know that the SAM-3 missiles have a sufficient range to constitute an offensive weapon along the Suez and it occurs to me that so long as such offensive weapons remain, Israel is correct in proceeding most cautiously toward the cease-fire agreement.

Mr. Speaker, the Chicago Chapter of Hadassah resolution follows:

CHICAGO CHAPTER OF HADASSAH RESOLUTION

Whereas the actions of the Soviet Union in the Mideast are a grave threat to world peace, and

Whereas the growing Russian presence in Egypt has been conclusively established, and includes military operational personnel, as well as vast quantities of weapons, and

Whereas the President of the United States, Assistant Secretary of State Joseph Sisco, seventy-seven Senators, two hundred eighty Representatives, and many respected commentators in print and on the air have acknowledged the seriousness and immediacy of this problem and the danger to important American interests, and

Whereas the free world dare not tolerate another brutal Communist takeover, such as in Hungary and Czechoslovakia, which could place under control the people and places of an area sacred to all of our religious beliefs; now, therefore, be it

Resolved by the Chicago Chapter of Hadassah, with a membership of 10,324, that our government leaders be urged to move with firmness and resolve to achieve the withdrawal of all Russian military personnel from the Mideast; and be it further

Resolved that we pledge our support of American diplomatic efforts aimed toward this end, recognizing that such efforts, as was the case in the 1962 Cuban missile crisis, will require courage on the part of our leaders, based on the solid spirit of the American people; and be it further

Resolved that short of a commitment of American manpower, our government be urged to provide planes and other materiel necessary to deter Soviet influence; and be it finally

Resolved that copies of this Resolution be sent to the President of the United States, the Secretary of State, Assistant Secretary of State Joseph Sisco, members of Congress from Illinois, and the press.

Mrs. A. ROBERT EISENBERG,
President.

Mrs. HAROLD SAFFIR,
Chairman, Zonist Affairs Committee.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS NEEDED

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. BLACKBURN. Mr. Speaker, H.R. 17112, the Program Information Act, which would require a catalog of Federal domestic assistance programs, is now before the House Committee on Government Operations.

It is my belief that this catalog is sorely needed to eliminate the confusion which now exists. I submitted a statement to the committee which gives excellent examples of the problems faced by local governments and various groups wishing to apply for Federal aid. For the benefit of my colleagues, I am hereby inserting a copy of this statement into the RECORD:

STATEMENT OF THE HONORABLE BEN BLACKBURN

Mr. CHAIRMAN: I appreciate your affording me the opportunity to submit a statement regarding H.R. 17112, the Program Information Act. As all members of this Committee are aware, this legislation would authorize the Bureau of the Budget to compile a catalogue of all federal assistance programs.

Recently, the Georgia State Planning Bureau, which is in charge of funneling all grant applications from local communities in Georgia to the proper regional office of the various departments and agencies of the federal government, has informed me of some problems which it has experienced under the present system. They are very much in agreement with the necessity of a complete catalogue of the federal assistance programs, updated regularly and distributed to duly constituted state and local agencies.

Its need is obvious to anyone who has ever applied for a federal loan or grant. Where to go? What to do? Who can give some help in applying? A case in point: a small community in Georgia desires to raise the economic status by attracting tourists; it hopes to accomplish this by setting up a type of model farm and agricultural museum, a king of "agrirama." Who should be approached—Agriculture, EDA, or Education?

Another community in the state is badly in need of a fire engine but has only limited funds available. Are there any federal programs available for this?

A neighborhood group, not a governmental entity, desires to establish a community center to provide family social services. Recognizing the vast array of services needed in a community, the group has determined that piece-meal efforts are inadequate and that comprehensive planning and service delivery is mandatory if the community is to rise from its current status of neglect and despair. The social services needed include: health services, day care, pre-school training, gymnasium recreation facilities, adult vocational training and senior citizen activities. This group has an almost insurmountable problem in determining which programs provide funding for a community center with this range of services. The proposed catalogue would enable this and similar community groups to determine which programs are available and whom to contact in order to develop an application which has a reasonable chance of being funded.

Recently more emphasis has been placed on the concept of joint funding—getting two or more Federal agencies to help fund a program. Even with a comprehensive up-to-date catalogue, this would be a problem, but without it it would be almost impossible to find out which agencies to apply to. Here, it might be well to point out that if the catalogue were cross-indexed to identify possible joint funding agencies, its usefulness would be greatly enhanced.

The catalogues now available, Roth and OEO, are a great help and provide much detailed information, but oftentimes considerable searching is still required to come up with a program which might be applicable.

The Bureau of State Planning and Community Affairs gives an excellent example of this deficiency in the latest OEO catalogue. An attempt by one of the staff to find several of the programs covered by the Bureau of the Budget Circular A–95 (issued to promulgate the U.S. Inter-governmental Cooperation Act of 1968) resulted in the following: three of the first nine of the total fifty-one programs listed in the circular could not be located, either because they were not included or because they are listed under another title bearing no resemblance to its designation in Circular A–95—namely USDA—"Greenspan" program; HEW—Health Research Facilities Construction; HEW—Narcotic Treatment Center construction.

Another major problem in the Federal Program Information area is knowing whether or not there are sufficient funds available to warrant an application. It is pointless for a group to go through the considerable effort of drawing up an application and then having it turned down because funds are not available. Up-to-date funding information should be available.

The catalogue prescribed in H.R. 17112 will provide more current and much more useful information to concerned elected officials at the municipal and county level. This information should enable these decision makers to better fulfill their considerable responsibilities to their constituents.

I notice that the Bureau of the Budget has recommended the early enactment of H.R. 17112. Clearly, the experience of the Georgia State Planning Bureau has shown the drastic need for this legislation. I hope the provisions will be made in the catalogue to assure that the unit of government applying for a grant will know whether or not funds are available. I urge the Committee to favorably recommend this legislation.

FRANK STEWART

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

Mr. WALDIE. Mr. Speaker, I congratulate the gentleman from New York for bringing this matter before the House.

I join with the gentleman in calling for a full Justice Department investigation into the Stewart case.

The facts in this case have been stated and the need for investigation is quite clear.

The VISTA program and the elementary concept of justice in this Nation are at issue in the case and it is apparent that we cannot let this matter go without a Federal investigation.

I would hope that Baton Rouge and Louisiana officials would see the wisdom of calling on the Attorney General to conduct such an investigation.

FRANK STEWART

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LOWENSTEIN) is recognized for 60 minutes.

(Mr. LOWENSTEIN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, I want to take a few minutes today to discuss a situation that involves VISTA Volunteer Frank Stewart, who has been engaged for some time in organizing the black community in East Baton Rouge, La., and who is presently in jail charged with conspiring to murder the mayor.

I have a number of statements concerning Mr. Stewart's character, but I will read only one into the RECORD.

This comes from a highly respected resident of Louisiana, Mr. Edward Deevy, who is presently a VISTA supervisor and has lived in Louisiana for 8 years:

> I consider Frank a great humanitarian who doesn't see colors, who doesn't differentiate between people's races. He sees people as people, and he judges them as they come; and this is the way . . . all of us who worked with him . . . looked at Frank. We admired him very, very much.

Mr. Stewart was arrested March 20, 1970, along with Wade Hudson, also a VISTA volunteer, and a man named Alphonse Snedecor. All of them were charged with conspiring to murder the mayor, president of Baton Rouge, and the police chief.

On April 1, charges against Hudson were dropped, and bail was set at $100,000 for Stewart and Snedecor. They have been in jail now for some 4½ months.

The State's only witness is an admitted police informer, James Moore, known as "Tiny Tim." Mr. Moore was arrested, tried, and acquitted of a murder charge in 1965, when he shot and killed a man in a bar. He won acquittal on the grounds that he was on an undercover assignment for the police when he killed the man, who allegedly called him a "police pimp" and assaulted him. Mr. Moore was only recently released on still another murder charge. The circumstances surrounding this most recent charge and release have raised several questions.

The grand jury has refused thus far to indict him. The Louisiana NAACP issued a statement charging that "The Grand Jury was manipulated by the District Attorney, Sargent Pitcher," thereby implying that the district attorney is granting amnesty to Mr. Moore in return for his testimony against Mr. Snedocor and Mr. Stewart.

A motion for bail reduction was denied on May 15, 1970, even in the light of testimony by three respected and knowledgeable witnesses that Mr. Stewart's nonviolent character and qualities made it extremely unlikely that he would conspire to commit murder.

Now, another motion is going to be heard on bail reduction on August 4. I am happy to learn that OEO has agreed to cover the expenses of some character witnesses who knew Mr. Stewart in the Peace Corps so that they can appear at this hearing.

I am also advised that OEO has taken the position that there should be an investigation of the Stewart matter by the Justice Department. I agree with that position, and I hope the Justice Department, considering all the attendant circumstances, will feel that it is in the interest of justice, as well as of the VISTA programs in Louisiana and around the country, that there be an investigation conducted at an early time to determine whether in fact there is any basis whatsoever for what has happened to Mr. Stewart over the past 4½ months.

The Louisiana NAACP, as I have remarked, has demanded that the Justice Department investigate the district attorney's office to determine, among other things, if racial bias has prevented that office from functioning fairly. I am not prepared at this time to pass on the merits of that request. However, in the situation involving Mr. Stewart, about whose character one hears such extraordinarily good things that one wonders if, in fact, he may not be a likelier candidate for commendation than for arrest, it is most important that there be no doubt that his arrest is not a tactic designed to punish his effectiveness in carrying out this job.

I believe the Justice Department ought to look into a number of specific questions: First, the facts behind the failure of the grand jury to indict Mr. James "Tiny Tim" Moore for the murder that occurred on July 4, and the possibility that an amnesty was granted in return for other activities of Mr. Moore. I am not prejudging these events, but I am anxious to know more about how they occurred.

Also, the Justice Department ought to look into the facts surrounding the arrest of Mr. Stewart himself, to discover whether or not there was entrapment involved, and to determine if anyone's constitutional rights have been violated.

I want to stress what it ought not to be necessary to stress; which is, that if in fact a conspiracy existed to murder anyone, to assassinate any official, to deny anyone his civil rights, that conspiracy ought to be exposed and the people who participated in it prosecuted. But if what has happened is that by alleging a conspiracy law enforcement officials have deprived a man of his liberty for several months, then the affair takes on unusual national significance. If that is what has happened, a great injustice has been done to somebody who—like so many VISTA volunteers—was working selflessly under difficult circumstances and for very little money in an effort to try to make the situation in this country fairer to all our people.

That is the kind of effort that not many of us have made—giving up time and comfort to work with those who have been living in social and economic deprivation, and whose hopes for a better life have so often been dashed by our failure to redress basic injustices and grievances. If VISTA is to have a future, it must certainly be clear that people performing legitimate functions in organizing disadvantaged communities are not going to be singled out for particular harassment and persecution. The impact of VISTA must depend, in the final analysis, on morale of those remarkable young Americans—and some not so young—who are willing to make this kind of effort and sacrifice.

If VISTA volunteers who functioned effectively were to be subject to a kind of higher priority harassment, the implications for this program—which affects all has had the approval and support of the Congress and the executive branch, and which presumably has some value for the country—would be obvious.

It would be wrong to attempt to judge the facts in the Stewart case solely on the basis of the evidence now available, but it would be equally wrong to not look carefully into this matter, knowing what we know about the problem of obtaining justice for militant black people in parts of this country. There have been too many instances in which citizens working constitutionally, often with great selflessness, for the betterment of this country have been denied their civil rights on trumped-up pretexts. Therefore, whatever the facts are, it would seem to me that everyone concerned stands to gain when all the facts are brought to light and everyone can be certain that the law is being enforced impartially to protect white and black, officials and citizens, against any infringement of their rights as Americans and against any threats to their wellbeing. I am sure we are all equally concerned about the safety of the mayor-president of Baton Rouge and the safety of the humblest citizen of Baton Rouge or anywhere else. The Constitution of the United States knows neither rank nor race, and many Members of this body will be watching to see that law enforcement officials in Baton Rouge remember their oath, to uphold that Constitution.

In conclusion, Mr. Speaker, I am sorry that my colleagues from Louisiana were unable to join in this discussion today. I expect and believe they, as well as the national officials of VISTA and the OEO, will want to keep an eye on this volatile situation. We will all want to be certain, I am confident, that no one in this country can be arrested on flimsy evidence and then detained on impossible bond, and thus caused to languish in prison simply because they are participating in programs that incur the hostility of local officials.

Mr. Speaker, I thank my colleagues for their attention and I yield back the balance of my time.

THE 235 EXISTING HOUSING SCANDAL

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PATMAN. Mr. Speaker, on July 28, I sent a letter to the Secretary of Housing and Urban Development, the Honorable George Romney, pointing out a number of instances in various sections of the country where the 235 existing housing program has been used to foster slum housing and bilk the people who have become victimized as a result of unscrupulous dealings into the purchase of existing housing under the 235 home purchase subsidy program.

Mr. Speaker, when the Congress enacted the 235 program, it was obviously assumed that the program would be used to benefit the people making use of the provisions contained therein, but apparently the program in many instances has been turned against the very people it was designed to assist.

The Secretary of the Department of Housing and Urban Development is to be commended for the prompt action he took in this matter. In a letter sent to me, dated July 31, the Secretary indicated that the Department of Housing and Urban Development has issued revised policies for appraisal of existing dwellings and that they would begin immediately to investigate the specific questions raised in my letter.

I include in my comments, Mr. Speaker, a copy of my letter and memorandum to the Secretary, dated July 28; the Secretary's letter and enclosures, dated July 31, 1970; and my response to the Secretary, dated August 1, 1970.

The material follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., July 28, 1970.

HON. GEORGE W. ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: The enclosed memorandum was prepared by the Committee staff. This statement raises rather alarming questions about the manner in which your department, particularly the Federal Housing Administration, has effectuated the Federal Housing Programs.

Our preliminary investigation has disclosed the probable existence of a national scandal of the most sordid type. What the Congress enacted as a sound and well conceived Federal program has apparently been turned against the very people it was designed to assist. The Federal Government is fostering slum housing and, along with the home purchasers, is being bilked of millions by unconscionable real estate speculators.

The drastic circumstances in which the Government and the Congress find themselves is small in relation to human suffering and breach of faith once again perpetrated on our poor. These citizens have either been installed in slums or have been saddled with long-term mortgages in far greater amounts than the worth of their property, or both.

Before continuing with this matter, it is important that you supply the Committee with answers and explanations of the following:

1. How conceivably can FHA approve substandard slum housing as meeting the minimum standards of existing housing under Section 235 or any other program?

2. Why do FHA appraisers permit sellers to make as much as a 100 percent profit on the sale of houses under these programs?

3. What kind of liaison and active cooperation do the FHA regional offices have with local housing code agencies? Why isn't there a certification procedure to assume compliance with existing building codes before any sale is approved by FHA?

4. What steps has FHA taken to assure that its housing programs are being fully carried out by its employees—particularly its appraisers?

5. In cases where sales of substandard housing have been consummated, what remedies does FHA provide for the bilked purchaser to put his house in good condition and to reimburse him for excessive profits paid to the seller?

6. What changes in present procedures are you contemplating to make sure that these cases never happen again?

7. Is there any effort on the part of FHA to blacklist or otherwise foreclose inner-city speculators from predatory practices which victimize the poor and their government?

The foregoing are but a few of the questions raised by the memorandum. Undoubtedly, a wider investigation would suggest many more. However, your immediate attention to this letter is required now—before this Committee can even consider any further legislation calling for the continuance or expansion of these housing programs.

Sincerely,

WRIGHT PATMAN,
Chairman.

SECTION 235 HOUSING PROGRAMS

Apparently, there are some rather serious abuses in the administration of the Section 235 of National Housing Act of 1968 and its predecessor programs. Acting on complaints from several homeowners and based on the work of the staff of the Select Committee on Crime, it has been concluded that these programs are, in many instances, operating in contradiction to their announced purposes. Instead of providing "decent, safe and sanitary" housing for low and moderate income people, many of these homeowners are finding themselves the unhappy possessors of nothing more than slums. Many of these FHA 235 purchasers have been victimized by unconscionable real estate speculators who have made fantastic profits in short periods.

Thus far, only the situations in Washington, D.C., and Philadelphia, Pennsylvania, have been examined. If these two cities are typical of the rest of the nation, then the operation of the program is nothing short of scandalous.

In Washington, for example, houses were found which were sold under FHA 235 for prices in excess of 40 to 150 percent of what the seller paid just a few months before. Checking over 120 houses in Southeast Washington, including many sold at such inflated prices, we found not a single construction or repair permit issued by the local Department of Licenses and Inspections. This would indicate that few, if any, of these homes had undergone the type of repair warranting the huge jump in price.

In both Philadelphia and Washington there has been visual inspection of these homes. They are slums. Plaster is cracked and falling, wallpaper is peeling, wiring is faulty, wood is rotten, plumbing is corroded and leaking, furnaces have been condemned, ceilings have fallen in, roofs leak, hot water tanks are bad, rats, etc., etc.

It is our understanding that where existing housing is sold, minimum FHA standards must be met. Moreover, FHA appraisers are supposed to check these houses for defects and to order and inspect repairs before approval. Obviously this has not been done.

Aside from the serious financial implications to the Federal Government and the homeowner, it is not difficult to imagine the human agony of the homeowner. He has been obligated on a long term mortgage for a house worth far less than the amount of the note and, worse yet, a house which will not last anywhere near the term of the mortgage. In one case where a furnace has been condemned, a homeowner has no idea where she will obtain the necessary funds to heat her house next winter. She has several small children. In other cases, gas and electricity has been shut off until the poor homeowner makes repairs that he cannot afford and which should have been made before FHA approved the sale.

It is important to review all of these programs to find out how extensive this corruption is. It is also important that legislative major revisions be made to prevent their reoccurrence. Equally as important, the bilked, cheated, defrauded, and unsuspecting homeowner must be made whole. Excessive profits should be recouped, houses should be made decent, safe, and sanitary and livable, and where this is not possible, contracts should be voided and concentrated efforts made to relocate these homeowners.

One of the more amazing things we found was that there is no—repeat, no—communication, liaison or cooperation with the local code enforcement authorities. This should be immediately demanded and promptly done.

Following is a list representative of properties in FHA programs in Washington and Philadelphia. The sales price was taken directly from the FHA application form and in practically every case the sales price is the same as the FHA appraised value. The fair market value price is the value assigned to the property by the D.C. Tax Assessor's office for property tax purposes. This fair market valuation for tax purposes should approximate the FHA appraisal for Section 235 projects. The previous sales price was obtained from Lusk's Real Estate Directory and in most cases verified by records available at the Recorder of the Deeds Office. The fair market value on the previous sales price has not been obtained for the properties located in Philadelphia.

There is strong evidence suggesting that much of the Federal funds expended in this program are ultimately going to the speculators, the real estate salesmen, and the mortgage company who finances the speculator. Committee staff members, accompanied by District Housing Inspectors, visited the following properties:

2409 Naylor Road, S.E.: Sold FHA 235 for $17,600; D.C. Tax Assessor Fair Market Value, $16,650. Water leaks through kitchen ceiling when shower is used. Condition has existed since purchase. Rear porch roof has been leaking since purchase. House has defective plumbing.

1624 Q Street, S.E.: Sold FHA 235 for $17,500; 3 mos. before, seller paid $10,000. Housing inspector found 30 housing code violations, including peeling paint, missing plaster, holes in walls, no cranks to open windows, missing guard rails for porch steps and defective kitchen equipment. House also has two gas and electric meters which will cost owner $500 to convert.

1622 Q Street, S.E.: Sold FHA 235 for $17,500; 4 mos. before, seller paid $9,000. Housing inspector found 24 housing code violations—peeling paint, missing plaster, holes in walls, no cranks to open windows, defective door lock, missing guard rail for porch steps and defective plumbing. This house also has two gas and electric meters and will cost the owner $500 to convert.

404 16th Street, S.E.: Sold FHA 235 for $15,850; 5 mos. before, seller paid $9,750. Housing inspector found 14 housing code violations, including rotten floor boards, no electrical outlets in bedrooms, no screen doors and peeling ceiling paper.

3618 Nichols Avenue, S.E.: Sold FHA 235 for $12,500; 4 mos. before, seller paid $8,000. Housing inspector found three housing code violations, including leaking roof over porch, leaking ceiling when shower is used and defective plumbing.

115 15th Street, S.E.: Sold FHA 235 for $14,450; 4 mos. before, seller paid $8,500. Housing inspector found 25 housing code violations, including rotten door frames, floors and porch, peeling paint, missing and loose plaster, obstructed plumbing and leaking roof.

1008 31st Street, S.E.: Sold FHA 235 for $16,100; 6 mos. before, seller paid $9,500. House sold as a three-bedroom house after renovation of attic. Neither room in this attic meets the District's minimum requirements for space for sleeping one person. No heating facilities were provided in either room.

The following houses were not visited. Information taken from District records:

1455 Bangor Street, S.E.: Sold FHA 235 for $15,600; D.C. Tax Assessor Fair Market Value, $13,120. The house, according to new owner, is in poor condition.

2120 16th Street, S.E.: Sold FHA 235 for $17,300; D.C. Tax Assessor Fair Market Value, $14,460. Owner says the house was in poor condition.

1508 16th Street, S.E.: Sold FHA 235 for $18,000; D.C. Tax Assessor Fair Market Value, $15,100.

2231 Mt. View Place, S.E.: Sold FHA 235 for $13,500; D.C. Tax Assessor Fair Market Value, $15,100; 6 mos. before, seller paid $10,042.

2230 13th Street, S.E.: Sold FHA 235 for $15,000; D.C. Tax Assessor Fair Market Value, $11,950; 4 mos. before, seller got quitclaim for $3,982.

1526 Ridge Place, S.E.: Sold FHA 235 for $15,600; D.C. Tax Assessor Fair Market Value, $14,800; 3½ mos. before, seller paid $12,950.

1611 E Street, S.E.: Sold FHA 235 for $16,600; 11 mos. before, seller paid $11,250.

4266 Southern Avenue, S.E.: Sold FHA 235 for $17,500; D.C. Tax Assessor Fair Market Value, $16,000; 1 mo. before, seller paid $14,396.

133 Mississippi Avenue, S.E.: Sold FHA 235 for $16,300; D.C. Tax Assessor Fair Market Value, $12,800.

1109 Chicago Street, S.E.: Sold FHA 235 for $17,600; D.C. Tax Assessor Fair Market Value, $14,960; 2 mos. before, seller paid $13,500.

1634 Ridge Place, S.E.: Sold FHA 235 for $15,000; D.C. Tax Assessor Fair Market Value, $12,560.

1514 V Street, S.E.: Sold FHA 235 for $16,100; D.C. Tax Assessor Fair Market Value, $14,760; 2 mos. before, seller paid $10,450.

1371 E Street, S.E.: Sold FHA 235 for $16,600; D.C. Tax Assessor Fair Market Value, $15,000; 6 mos. before, seller paid $5,000.

1249 W Street, S.E.: Sold FHA 235 for $11,200; D.C. Tax Assessor Fair Market Value, $7,500.

1403 Ridge Place, S.E.: Sold FHA 235 for $16,350; D.C. Tax Assessor Fair Market Value, $14,646.

1611 9th Street, S.E.: Sold FHA 235 for $17,500; D.C. Tax Assessor Fair Market Value, $16,860.

3319 22nd Street, S.E.: Sold FHA 235 for $17,100; D.C. Tax Assessor Fair Market Value, $14,000.

1514 Fort Davis Street, S.E.: Sold FHA 235 for $16,600; D.C. Tax Assessor Fair Market Value, $15,900; 1 mo. before, seller paid $11,000.

1336 Anacostia Road, SE.: Sold FHA 235 for $17,500; D.C. Tax Assessor Fair Market Value, $6,270; 3 mos. before, seller paid $6.500.

1748 W. Street, SE.: Sold FHA 235 for $17,000; D.C. Tax Assessor Fair Market Value, $14,560; 4 mos. before, seller paid $11,000.

1523 S Street, SE.: Sold FHA 235 for $17,100; D.C. Tax Assessor Fair Market Value, $14,000.

1137 46th Place, SE.: Sold FHA 235 for $15,850; D.C. Tax Assessor Fair Market Value, $16,120; 3 years before, seller paid $7,600.

1344 Maple View Place, S.E.: Sold RHA 235 for $18,600; 3 mos. before, seller paid $13,500.

243 Valley Avenue, SE.: Sold FHA 235 for $17,000; 6 mos. before, seller paid $14,000.

2241 Prout Street, SE.: Sold FHA 235 for $15,000; D.C. Tax Assessor Fair Market Value, $9,050.

344 Raleigh Street, SE.: Sold FHA 235 for $14,500; D.C. Tax Assessor Fair Market Value, $11,760.

The following properties have not been checked for fair market value, and were taken solely from the real estate directory.

3633 Homer Place, S.E.: Sold FHA 235 for $17,500; 2 mos. before, seller paid $9,000.

1750 W Street, S.E.: Sold FHA 235 for $16,100; 3 mos. before, seller paid $9,600.

5512 B Street, S.E.: Sold FHA 235 for $13,750; 3 years before, seller paid $8,500.

831 Kentucky Avenue, S.E.: Sold FHA 235 for $17,600; 4 mos. before, seller paid $12,000.

914 Alabama Avenue, S.E.: Sold FHA 235 for $15,250; 6 mos. before, seller paid $7,000.

242 16th Street, S.E.: Sold FHA 235 for $17,100; 1 year, 3 mos. before, seller paid $5,500.

1411 19th Street, S.E.: Sold FHA 235 for $14,750; 4 mos. before, seller paid $11,800.

1449 Pennsylvania Avenue, S.E.: Sold FHA 235 for $15,000; 3 mos. before, seller paid $8,500.

3316 Brothers Place, S.E.: Sold FHA 235 for $16,100; 4 mos. before, seller paid $6,500.

426 Kentucky Avenue, S.E.: Sold FHA 235 for $13,750; 2 mos. before, seller paid $6,250.

2237 Nicholson Street, S.E.: Sold FHA 235 for $14,750; 2 years before, seller paid $8,850.

3401 Brothers Place, S.E.: Sold FHA 235 for $19,100; 3 mos. before, seller paid, $9,500.

319 Raleigh Street, S.E.: Sold FHA 235 for $17,100; 1 mo. before, seller paid $10,600.

Every day new advertisements appear in the local papers which continue to raise serious questions about FHA appraisal practices.

The attached advertisement listing FHA 235 and 221 homes for sale by J. F. Feddon Realty appeared in the Washington Daily News, July 10, 1970.

Listed below are three of the properties with the amounts Mr. Feddon paid for the property and the date of transfer. The next column is the advertised sales price. It should be remembered that the sales price cannot exceed the FHA appraisal value.

[Address, date, purchase price, advertised sales price]

812 Savannah Street, S.E., 12/69, $7,500, $19,200.

709 7th Street, S.E., 1/70, $10,750, $21,000.

1009 Monroe Street, N.W., 1/70, $9,250, $21,500.

The following information was furnished by the House Select Committee on Crime.

2558 N. Franklin Street, Philadelphia, Pennsylvania: Sold FHA 235, $6,500. Philadelphia Department of Licenses and Inspections found 25 housing code violations prior to owner moving into house. These violations included defective plumbing and electrical wiring, defective windows and doors, peeling paint and plaster. The Department of Licenses and Inspections estimated that the total cost of removing these violations would be $1,810.

120 E. Meehan Street, Philadelphia, Pennsylvania: Sold FHA 235, $7,900. Philadelphia Department of Licenses and Inspections found 34 housing code violations. These violations included broken porch rail, bulging brickwork, missing window sashes, rotten flooring, peeling wallpaper, missing plaster, defective plumbing and electrical wiring.

2683 Braddock Street, Philadelphia, Pennsylvania: Sold FHA 221, $4,500. Philadelphia Department of Licenses and Inspections found 27 housing code violations and stated that the house was unfit for human habitation. These violations included no running water or heat, rotten floors and ceilings, defective plumbing and electrical wiring, weak and cracked stairs, defective roofing and infestation of termites. The estimated cost to make the house livable was $8,000 to $10,000.

1221 W. Tioga Street, Philadelphia, Pennsylvania: Sold FHA 221, $8,400. Cellar full of water due to defective plumbing, which is rotton throughout house. Leaking roof. Defective gas lines.

2531 N Hollywood Street, Philadelphia, Pennsylvania: Sold FHA 221, $11,000. Sewerage line backing up. Roof leaking. Defective heating and plumbing. Plumbing, heating and roofing certifications were presented at settlement, stating that home was in reasonably good condition. Owner was charged for these certifications.

6308 Woodstock Street, Philadelphia, Pennsylvania: Sold FHA 203(b), $7,900. Defective plumbing, clogged sewer, hazardous steps.

2827 Bailey Street N., Philadelphia, Pennsylvania: Sold FHA 221, $6,500. Clogged water drain. Wall caving in and floor leaking in kitchen. Defective soil line in basement. Defective doors. Broken gas lines in kitchen stove. Baseboards in living room pulled away. Leaking roof. Previous occupant says that same condition existed at the time she was living in house.

54 E. Bringhurst Street, Philadelphia, Pennsylvania: Sold FHA 221, $7,500. Sewer pipe leaking into basement. Defective electrical switches: Leaks over windows. Roof leaking in bathroom. No hand railings leading to stairs. Damp walls in living room indicating leaking roof. Faulty drains. Proper repairs estimated to cost $771.

7032 Forrest Avenue, Philadelphia, Pennsylvania: Sold FHA 221, $11,750. Burst sewerage pipe. Faulty heating.

150 Peach Street N., Philadelphia, Pennsylvania: Sold FHA 221, $6,900. Large holes in bathroom floors causing water to run into room below. Rotten window frames. No hand railing on rear porch. Open flu pipe in basement. Cracked soil line. Open sewer line in basement. Defective electrical wiring. Defective plumbing.

831 S. 51st Street, Philadelphia, Pennsylvania: Sold FHA 221, $9,000. Broken sewerage line. No gas line going into house. Peeling paper and plaster. Defective plumbing throughout house. Broken heater. Leaking and sagging roof. Defective electrical wiring. No hand railing on stairs. Purchasers cannot move in since house is classified as substandard.

2933 9th Street N., Philadelphia, Pennsylvania: Sold FHA 221, $5,500. Owner had to spend $224 to repair plumbing immediately after moving in even though the plumbing had been certified to be in working order and repair and FHA had inspected house.

3113 N. 29th Street, Philadelphia, Pennsylvania: Sold FHA 221, $6,000. Defective plumbing throughout house. Defective and leaking sewerage. Rotten window frames. Bathtub not connected to sewerage line. Water drains into basement.

THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., July 31, 1970.
Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday I received your letter of July 28 concerning FHA appraisal practices as they relate to Section 235 of the 1968 Housing Act.

The Federal Housing Administration some time ago discovered the appraisal deficiencies which your letter has now dramatized. In the interim, accordingly, FHA has been actively reviewing and revising its policies on appraisals and minimum property standards as they relate to this program.

The policies in question were liberalized five years ago. However, it was only recently, as the new Section 235 interest subsidy program developed in volume, that the abuses of these liberalized policies became apparent.

As a result, a carefully revised policy for appraisal of existing dwellings was ready for issuance at the time your letter was received. The new policy has just been issued and is now in effect. A copy is enclosed.

In a subsequent communication, we expect to respond to the specific questions raised in your letter. We are also investigating, among others, each of the transactions cited in the staff memorandum which you attached. We will share with you the results of our inquiry.

Let me express my appreciation for your constructive concern for the sound, efficient and productive administration of this and all our other programs. I indeed share that concern, and look forward to continuing cooperation between this Department and your Committee.

Sincerely,

GEORGE ROMNEY.

APPRAISAL OF EXISTING DWELLINGS—POLICY CHANGE BACKGROUND

In 1964 only 3% of all existing homes purchased with FHA-insured mortgages were in blighted central city areas. Thereafter, FHA pursued a liberalized appraisal policy designed to increase this type of business. As a consequence it climbed to 8% of the total in 1967, and to 17% in 1969. This afforded residents of blighted areas mortgage loans on reasonable terms theretofore unavailable because of the reluctance of reputable lenders to take extra risks without FHA insurance. Unfortunately the liberalized FHA procedure applied in these cases has all too often resulted in insurance of mortgages the physical security for which is far below the stated objectives of the FHA Minimum Property Standards. Not only has this caused FHA to sustain increased losses in property dispositions, but also it has adversely affected the low-income purchasers involved in these transactions. Such homeowners when confronted with the necessity for costly repairs and replacement of equipment find themselves in serious financial difficulty. In such cases FHA has done more harm than good.

In addition there is some evidence that the liberalized policy applicable to blighted areas has generated a laxness with respect to appraisal inspections in the case of properties located elsewhere.

1. *Purpose.* It is the purpose of this circular to redefine and reiterate appraisal polices applying to existing properties, and to set in motion the necessary steps to effect immediate correction of a most undesirable situation. It is, however, intended that this be done in such a way that FHA continue to be active in blighted areas.

2. *Appraisal instructions.* In blighted areas mortgage insurance pursuant to Section 223 (e) shall not be interpreted to permit waiver of the requirement that the property in question meet the stated objectives of the FHA Minimum Property Standards. More specifically this means that a careful inspection be made of the building and premises, and that the appraiser shall list as conditions to mortgage insurance any repairs, alterations, or replacements necessary to bring the property up to the minimum standards. In Section 223(e) cases, the appraiser will, however, exercise special care to specify the most economical means to the end, in realization that unnecessarily expensive corrections may jeopardize the transaction. It is, of course, recognized that some properties are in such condition that rejection is the best answer for all concerned.

(a) In the appraisal of existing properties without reference to Section 223(e), careful adherence to all applicable requirements is mandatory.

(b) For all existing property appraisals the valuation requirements are as set forth in paragraphs 71409.2, 71429 (as supplemented by HUD Circular 4400.26) and 71603 of the FHA Underwriting Manual. Instructions for the related inspection of the property are in paragraph 70751. Special instructions for detection of termite damage are in paragraph 70752. All appraisers are required to review this material before undertaking any new assignments.

FHA cannot warrant existing properties against defects and should make this position clear to all concerned. However, this does not in any way relieve the appraiser of his responsibilities as set forth in the foregoing Manual references.

(c) Supervisory Insuring office staff must follow the system of spot checks of existing construction appraisals and any other management tools necessary to assure compliance.

VALUATION ANALYSIS

71409.2 Existing Dwellings—Requirements: The condition of existing building improvements is examined at the time of appraisal to determine whether repairs, alterations, or additions are necessary. If so they should be those items proposed in the Property Description or those essential to eliminate conditions threatening the continued economic soundness of the mortgage transaction. Required repairs will be limited to those necessary to preserve the property and to protect the health and safety of the occupants.

Typical conditions requiring repairs are termite damage; damaged or inoperative plumbing, heating or electrical systems; broken or missing fixtures; rotted counter tops and floors; leaking roofs; exterior paint peeled to bare wood; masonry and foundation damage; drainage problems on-site; and requirements to meet the code in code enforcement areas. It may also be necessary to require removal of dilapidated outbuildings which might endanger the safety of children.

Conditions which do not require repair include "cosmetic" work such as interior painting, polishing floors, cleaning or removal of carpets; installation of paved driveways or aprons; installation of curbs, gutters, or partial paving of street; replacement of tile floors because tiles do not match; planting of shrubbery or lawns, and the like, which are not directly related to the preservation of the property or the health and safety of the occupants.

The appraiser is required to inspect the entire structure including the attic, the crawl space or basement and all equipment. It is essential that all deficiencies not found in comparable properties be reflected in value. An estimate of the cost of the required repairs, alterations, or additions is made by the appraiser, or by the Architectural Section when requested. If conditions prevent complete inspection of the property at the time of appraisal (for example, snow covering the roof) so that the appraiser cannot determine the condition, he should require either a reinspection prior to closing or that evidence satisfactory to FHA be furnished concerning the condition of those items cited in the requirement.

If the appraiser cannot determine whether all mechanical equipment is in operating condition, he should make a commitment requirement that the mortgagee furnish evidence satisfactory to FHA that all mechanical equipment is in operating condition at the time of loan closing.

A proper appraisal requires that the appraiser consider not only the condition of the property and its equipment but also the functional adequacy of the components under conditions typically expected. Inferior quality roofing, plumbing, heating equipment, undersize hot water heaters, bottom of the line appliances are items which must be of concern to the appraiser in estimating value. Careful inspection of the property being appraised and evaluation of the condition and adequacy of all its elements is an integral part of the appraiser's function without which he cannot make a proper appraisal.

The appraiser must be especially careful in checking the house and the operation of equipment where a property shows evidence of neglect or vandalism.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., August 1, 1970.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your prompt response of July 31, 1970, to my July 28 letter to you.

You are to be commended for the immediate action you are taking in this matter. Certainly we shall be happy to meet with you or your representatives on this matter at any time.

We shall, of course, immediately analyze the new appraisal regulations for existing housing which you have promulgated. We shall also look forward to the findings of your investigation concerning the material sent to you in my letter of July 28 and your answer to the questions raised in that letter.

I am concerned, however, about the probable wrongs that have already been committed in this 235 existing housing program and would appreciate your response as to what can be done to correct the situation as far as those people who have been victimized by unscrupulous dealings involving the 235 existing housing programs.

Again, I wish to commend you and your office for your prompt action in this matter.

With best personal regards, I am
Sincerely,

WRIGHT PATMAN,
Chairman.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events for the month of August 1970 for the National Gallery of Art. Once again the National Gallery has planned an outstanding number of events, which I heartily recommend to my colleagues and the American people:

NATIONAL GALLERY OF ART, AUGUST 1970

AMERICAN PAINTINGS AND SCULPTURE CATALOGUE

After more than thirty years of research, the National Gallery has published a summary catalogue of its collection of American paintings and sculpture.

Research on this fully illustrated catalogue of 827 paintings and five sculptures in the collection of the National Gallery was begun by James W. Lane, former curator of the Gallery's American collection, and continued under his successor, William P. Campbell, who is now Acting Chief Curator of the Gallery. Study of the collection has led to many new attributions and discoveries about the works.

The collection is strongest in eighteenth and nineteenth century portraiture. Among these are particularly fine works by Benjamin West, John Singleton Copley, Gilbert Stuart and Thomas Sully. The collection is also rich in paintings by John Trumbull, James McNeill Whistler, Mary Cassatt, John Singer Sargent and George Bellows. The American naive pictures, Mr. Campbell has noted, comprise "possibly the most important group of such paintings in a public collection."

SPECIAL SUMMER EXHIBITION

The exhibition of Impressionist and Post-Impressionist paintings and sculpture from the Nathan Cummings collection will continue through Labor Day. One large bronze by contemporary British sculptor Henry Moore is on view outside the Gallery's Constitution Ave. entrance. An Acoustiguide tour of the exhibition is available.

PRINT EXHIBITION

A selection of twenty-five turn-of-the-century French prints, mostly color lithographs, from the Rosenwald Collection of the National Gallery are on view through Labor Day.

FILMS

During August, two films will be shown for the first time at the National Gallery, *A Gallery of Children* and *Reflections in Space*. *In Search of Rembrandt* continues to be shown on weekdays. Refer to the weekly listings of this calendar for showings. For details on the evening showings of "Civilisation," call 737-4220.

Monday, July 27, through Sunday, August 2.

PAINTING OF THE WEEK*

Renoir. *Obalisque.*—(Chester Dale Collection) Gallery 90, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Matisse and Rouault.—Speaker: Carleen Keating, Staff Lecturer; National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

A Gallery of Children, 1:00.

WEEKDAY FILMS

A Gallery of Children—2:00; *In Search of Rembrandt*—5:00.

GALLERY HOURS

Weekdays and Saturdays, 10:00 a.m. to 9:00 p.m.; Sundays, 12 noon to 10:00 p.m.

PAINTING OF THE WEEK*

Goya. *Victor Guye.*—(Gift of William Nelson Cromwell) Gallery 50, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Picasso and Braque.—Speaker: William J. Williams; Staff Lecturer, National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

Reflections in Space—1:00.

WEEKDAY FILMS

Reflections in Space—2:00. *In Search of Rembrandt*—4:00.

CAFETERIA HOURS

Sundays: Dinner, 1:00 p.m. to 7:00 p.m.; Weekdays: Snack Service, 10:00 a.m. to 11:00 a.m., 2:30 to 5:00 p.m.; Luncheon, 11:00 a.m. to 2:30 p.m.; Dinner, 5:00 p.m. to 7:30 p.m.

Monday, August 10, through Sunday, August 16.

Footnote at end of article.

PAINTING OF THE WEEK *

Gerald David. *The Rest on the Flight into Egypt.*—(Andrew Mellon Collection) Gallery 39, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Kirchner and Kandinsky.—*Speaker:* Charlotte Snyder, Summer Staff Lecturer; National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

A Gallery of Children—1:00.

WEEKDAY FILMS

A Gallery of Children—2:00; *In Search of Rembrandt*—4:00.

Monday, August 17, through Sunday, August 23.

PAINTING OF THE WEEK *

Delacroix. *The Arab Tax.*—(Chester Dale Fund) Gallery 83, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection. Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00, Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: La Fresnaye and Leger—*Speaker*: Margaret Bouton. Curator in Charge of Education; National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

Reflections in Space.—1:00.

WEEKDAY FILMS

Reflections in Space.—2:00, *In Search of Rembrandt,* 4:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

PAINTING OF THE WEEK*

Francesco di Giorgio. *God the Father Surrounded by Angels and Cherubim.*—(Samuel H. Kress Collection) Gallery 5. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR

Introduction to the Collection.—Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00, Sun. 2:30 & 5:00.

SUNDAY LECTURE

Modern Art: Chagall and Dubuffet.—*Speaker:* Troy Thomas; Staff Lecturer, National Gallery of Art, Auditorium 4:00.

SUNDAY FILM

A Gallery of Children.—1:00.

WEEKDAY FILMS

A Gallery of Children, 2:00.—*In Search of Rembrandt,* 4:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215 ext. 272.

FOOTNOTES

*11" x 14" reproductions with texts for sale this week—15¢ each. If mailed, 25¢ each.

JAPANESE PROJECTIONS STARTLE U.S. ECONOMISTS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun-Times carried a column last week by the distinguished journalist, Charles Bartlett, which should be of great interest to all of us.

Mr. Bartlett pointed out that the Japanese Finance Ministry has startled economists here in the United States by publishing economy projections which foresee per capita incomes in Japan of $55,267 by the end of this century.

It is interesting to note that the Japanese study shows that America's annual per capita income is estimated at merely $14,161 by the year 2001, considerably less than all the European countries except Great Britain.

I cannot vouch for the accuracy of the Japanese projections, but I do believe that these projections warrant more than passing interest by all of us in this country.

I said the other day that when we examine the economic growth of Japan, West Germany, the Common Market countries, and other economic systems around the world, we Americans better realize that we are faced with an increased challenge from world competition.

We Americans have been fortunate in the last 200 years, in that our cities have not been ravaged by the horrors of war as have the Japanese and European cities. It should be perfectly clear to all of us that the rest of the world is now developing production techniques and methods which could make America a second-rate economic power in the next decade.

I am submitting into the RECORD today Mr. Bartlett's excellent column because I believe it should serve as a basis for a national dialog on how we Americans can improve the productivity of our industrial output and also address ourselves to the whole question of quality production.

No one in this Nation is providing the leadership today toward a recognition that we are faced with some very serious competition from most of the world, and that competition can be met. I have no doubt in the American system or the dedication of the American worker. But it does occur to me that we must try to bring about a greater degree of understanding of the challenge that lies ahead, and a greater degree of cooperation between labor, industry, and government to meet that challenge.

Mr. Bartlett has performed a notable public service by calling the Japanese study to the attention of the American people.

His column follows:

JAPANESE PROJECTIONS STARTLE U.S. ECONOMISTS

WASHINGTON.—The Japanese Finance Ministry has startled economists here by publishing economic projections which foresee per capita incomes in Japan of $16,426 by 1991 and $55,267 by the end of the century.

The Japanese anticipations for the United States are far more conservative. A per capita income of merely $14,161 is predicted for 2001, considerably less than all the European countries except Great Britain.

The modest estimate for the United States comes almost as reassurance at a time when the upward sweep of wage settlements is promising to prolong the inflation. The new teamsters contract in Chicago (which may ultimately mean, food chain economists say, a 4 per cent rise in food costs) and the ominous start of the auto negotiations warn again that the quest for the golden fleece of wage-price stability has barely begun.

The Nixon economists reflect growing confidence in their ability to avoid a recession, but they concede privately they hold slim hopes of prying the economy out of its slough by election time. They will soon begin some new anti-inflationary gestures but these are stage-dressing.

American labor leaders, seeing no solution short of controls, describe their rank-and-file as increasingly sensitive to the threat of unemployment. But they nevertheless press for big wage gains because they find it hard to pay their bills.

Dismay over the arduous pursuit of stability which lies ahead is prompting some to question whether the Full Employment Act of 1946 should not be amended to put the objective of price stability ahead of economic growth. The idea draws enthusiasm from the environmentalists, who see affluence and consumption as enemies.

"I confess I am not charmed," John Stuart Mills wrote 100 years ago, "with the ideal of life held out by those who think that the normal state of human beings is that of struggling to get on; that the trampling, crushing, elbowing, and treading on each other's heels are most desirable lot of human kind."

Mills added that this kind of life prevails particularly in the northern and middle states of America where, "The life of the whole of one sex is devoted to dollar-hunting, and of the other to breeding dollar-hunters."

INVESTIGATION OF WILLIAM O. DOUGLAS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. GRIFFIN. Mr. Speaker, several months ago a bipartisan effort was launched by more than one-fourth of this body to investigate whether impeachment proceedings should be brought against William O. Douglas, Associate Justice of the U.S. Supreme Court.

Serious questions have been raised over Justice Douglas' behavior while on the Court and I strongly feel that the American people are entitled to a full and complete inquiry. That is why I joined in the introduction of a resolution to create a select committee of six Members of the House to investigate and determine whether Associate Justice Douglas has committed high crimes and misdemeanors as that phrase appears in the Constitution.

After the introduction of the aforementioned resolution, the Committee on the Judiciary announced that it would conduct an investigation based on an impeachment resolution that had been introduced.

Mr. Speaker, many of us have been anxiously awaiting results of the inquiry by the Judiciary Committee which is now in its fourth month. We have had no report of the committee's progress.

The Jackson, Miss., Daily News, on July 27, 1970, carried the Allen-Goldsmith syndicated column which discussed the status of the Judiciary Committee probe. As a part of my remarks, I include this column and the text of the resolution introduced by over one-fourth of the Members in the House:

CELLER PROBE OF DOUGLAS RAISES DOUBT OF SINCERITY

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON, D.C.—Increasingly critical doubts are being raised as to just how sincere that special House Judiciary subcommittee is in making a thorough and forthright investigation of Justice William O. Douglas.

So far, there is little indication that very much has been done—if anything.

In the three months the probe has been underway, the backstage record is one of persistent foot dragging and dawdling.

As a consequence, with the investigators due to report to the full House in three weeks (Aug. 20), both their intent and nonchalant proceedings are being bluntly questioned by fellow legislators. There is considerable evidence to support these indignant complaints and misgivings, as follows:

The subcommittee, headed by Rep. Emanuel Celler, D-N.Y., 82, has held no hearings—private or public.

NO SUBPOENAS YET

No subpoenas have been issued, and no one has been questioned under oath. Last month three staff members of the committee spent a day in Los Angeles talking to Albert Parvin, head of the foundation by that name which paid Douglas around $100,000 ostensibly as a "director." The foundation derives much of its income from Nevada gambling interests. Pardin was not put under oath, and no subpoena was served on him for files and records. The staffmen were content to examine the documents he showed them.

The same casual procedure was followed in questioning Robert Hutchins and Harry Ashmore, who run the leftist Center for the Study of Democratic Institutions at Santa Barbara. Douglas got $6,800 from this outfit as a "director." He is not head of a newly created executive committee at $75 per diem and expenses. It is unknown how much he has received under this arrangement.

No special counsel has been employed by the subcommittee to direct the investigation. Also, no extra help has been hired. Chairman Celler has insisted on using only the regular staff of the Judiciary Committee—already overloaded with a large accumulation of important pending legislation. Nominally, six staff members were assigned to the Douglas probe, but reportedly only half that number have worked on it at any one time—despite the fact that several hundred thousand documents have been submitted by the Justice Department, Internal Revenue Service and other government agencies.

This do-nothing record explains why irate House members are saying it is virtually certain the subcommittee will have to ask for another 60-day extension to do its job. That will be the second.

When the investigation was first announced by Celler, longtime chairman of the full Judiciary Committee, in a diversionary move to prevent a probe by the full House, he solemnly promised to report in 60 days. But shortly before that deadline, he had the Judiciary Committee grant a 60-day extension.

That expires Aug. 20—when under present plans, the House won't even be in session.

With the House well caught up with its legislative calendar (thanks to no protracted "debates" over a meaningless Cooper-Church anti-Cambodia amendment, the Hatfield-McGovern end-the-war resolution and other politics-inspired proposals), bipartisan leaders have decided to take a three-week summer recess—starting around Aug. 15. Under that arrangement, the House will be shut down when the subcommittee is supposed to submit its findings—if any!

That's why it is taken as a forgone conclusion that the probers will ask for—and the Judiciary Committee will approve—another 60-day extension.

And that isn't all.

House members are openly voicing the strong suspicion that the secret aim of Celler and other subcommitteemen is to stall making a report until after the Nov. 3 congressional elections. By that time, Congress may have wound up its work and quit.

That would mean nothing could be done about Douglas until the new Congress convenes in January—when, under the rules, the investigating committee would have to be reconstituted and the probe started all over again, assuming that is demanded. In view of the fact that Celler set up the special panel only when forced to do so, it's highly conjectural what he will do in the next Congress.

H. RES. 925

Whereas, the Constitution of the United States provides in Article III, Section 1, that Justices of the Supreme Court shall hold office only "during good behavior", and

Whereas, the Constitution also provides in Article II, Section 4, that Justices of the Supreme Court shall be removed from Office on Impeachment for High Crimes and Misdemeanors, and

Whereas the Constitution also provides in Article VI that Justices of the Supreme Court shall be bound by "Oath or Affirmation to support this Constitution" and the United States Code (5 U.S.C. 16) prescribes the following form of oath which was taken and sworn to by William Orville Douglas prior to his accession to incumbency on the United States Supreme Court:

"I, William Orville Douglas, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

and

Whereas, integrity and objectivity in respect to issues and causes to be presented to the United States Supreme Court for final determination make it mandatory that Members thereof refrain from public advocacy of a position on any matter that may come before the High Court lest public confidence in this constitutionally co-equal judicial body be undermined, and

Whereas, the said William Orville Douglas has, on frequent occasions in published writings, speeches, lectures and statements, declared a personal position on issues to come before the United States Supreme Court indicative of a prejudiced and non-judicial attitude incompatible with good behavior and contrary to the requirements of judicial decorum obligatory upon the Federal judiciary in general and members of the United States Supreme Court in particular, and

Whereas, by the aforementioned conduct and writings, the said William Orville Douglas has established himself before the public, including litigants whose lives, rights and future are seriously affected by decisions of the Court of which the said William Orville Douglas is a member, as a partisan advocate and not as a judge, and

Whereas, by indicating in advance of Supreme Court decisions, on the basis of declared, printed, or quoted convictions, how he would decide matters in controversy pending and to become pending before the Court of which he is a member, the said William Orville Douglas has committed the high misdemeanor of undermining the integrity of the highest constitutional Court in America, and has wilfully and deliberately undermined public confidence in the said Court as an institution, and

Whereas, contrary to his Oath of Office as well as patently in conflict with the Canons of Ethics for the Judiciary of the American Bar Association, the said William Orville Douglas nevertheless on February 19, 1970, did publish and publicly distribute throughout the United States, statements encouraging, aggravating and inciting violence, anarchy and civil unrest in the form of a book entitled "Points of Rebellion" in which the said William Orville Douglas, all the while an incumbent on the Highest Court of last resort in the United States, stated, among other things, that:

"But where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response." (pp. 88–89, "Points of Rebellion," Random House, Inc., February 19, 1970, William O. Douglas.

"The special interests that control government use its powers to favor themselves and to perpetuate regimes of oppression, exploitation, and discrimination against the many." (ibid, p. 92)

"People march and protest but they are not heard." (ibid, p. 88)

"Where there is a persistent sense of futility, there is violence; and that is where we are today." (ibid, p. 56)

"The two parties have become almost indistinguishable; and each is controlled by the Establishment. The modern day dissenters and protesters are functioning as the loyal opposition functions in England. They are the mounting voice of political opposition to the status quo, calling for revolutionary changes in our institutions. Yet the powers-that-be faintly echo Adolph Hitler." (ibid, p. 57)

"Yet American protesters need not be submissive. A speaker who resists arrest is acting as a free man." (ibid, p. 6)

"We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." (ibid, p. 95)

and thus wilfully and deliberately fanned the fires of unrest, rebellion, and revolution in the United States, and

Whereas, in the April 1970 issue of Evergreen Magazine, the said William Orville Douglas for pay did, while incumbent on the United States Supreme Court, publish an article entitled Redress and Revolution, appearing on page 41 of said issue immediately following a malicious caricature of the President of the United States as George III, as well as photographs of nudes engaging in various acts of sexual intercourse, in which article the said William Orville Douglas again wrote for pay that:

"George III was the symbol against which our Founders made a revolution now considered bright and glorious. . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactic, we do not know. If it does, the redress, honored in tradition, is also Revolution."

and

Whereas, the said William Orville Douglas, prepared, authored, and received payment for an article which appeared in the March 1969 issue of the magazine, Avant Garde, published by Ralph Ginzburg, previously convicted of sending obscene literature through the United States Mails, (see 383 U.S. 463) at a time when the said Ralph Ginzburg was actively pursuing an appeal from his conviction upon a charge of malicious libel before the Supreme Court of the United States, yet nevertheless the said William Orville Douglas, as a sitting member of the Supreme Court of the United States, knowing full well his own financial relationship with this litigant before the Court, sat in judgment on the Ginzburg appeal, all in clear violation and conflict with his Oath of Office, the Canons of Judicial Ethics, and Federal law (396 U.S. 1049), and

Whereas, while an incumbent on the United States Supreme Court the said William Orville Douglas for hire has served and is reported to still serve as a Director and as Chairman of the Executive Committee of the Center for the Study of Democratic Institutions in Santa Barbara, California, a politically oriented action organization which, among other things, has organized national conferences designed to seek detente with the Soviet Union and openly encouraged student radicalism, and

Whereas, the said Center for the Study of Democratic Institutions, in violation of the Logan Act, sponsored and financed a "Pacem in Terris II Convocation" at Geneva, Switzerland, May 28–31, 1967, to discuss foreign affairs and U.S. foreign policy including the "Case of Vietnam" and the "Case of Germany", to which Ho Chi Minh was publicly invited, and all while the United States was in the midst of war in which Communists directed by the same Ho Chi Minh were killing American boys fighting to give South Vietnam the independence and freedom from aggression we had promised that Nation, and from this same Center there were paid to the said William Orville Douglas fees of $500 per day for Seminars and Articles, and

Whereas, paid activity of this type by a sitting Justice of the Supreme Court of the United States is contrary to his Oath of Office to uphold the United States Constitution, violative of the Canons of Ethics of the American Bar Association and is believed to constitute misdemeanors of the most fundamental type in the context in which that term appears in the United Staes Constitution (Article II, Section 4) as well as failing to constitute "good behavior" as that term appears in the Constitution (Article III, Section 1), upon which the tenure of all Federal judges is expressly conditioned, and

Whereas, moneys paid to the said William Orville Douglas from and by the aforementioned Center are at least as follows: 1962, $900; 1963, $800; 1965, $1,000; 1966, $1,000; 1968, 1,100; 1969, $2,000; all during tenure on the United States Supreme Court, and all while a Director on a Board of Directors that meets (and met) biannually to determine the general policies of the Center, and

Whereas, the said William Orville Douglas, contrary to his sworn obligation to refrain therefrom and in violation of the Canons of Ethics, has repeatedly engaged in political activity while an incumbent of the High Court, evidenced in part by his authorization for the use of his name in a recent political fund-raising letter, has continued public advocacy of the recognition of Red China by the United States, has publicly criticized the military posture of the United States, has authored for pay several articles on subjects patently related to causes pending or to be pending before the United States Supreme Court in Playboy Magazine on such subjects as invasions of privacy and civil liberties, and most recently has expressed in Brazil public criticism of the United States foreign policy while on a visit to Brazil in 1969, plainly designed to undermine public confidence in South and Latin American countries in the motives and objectives of the foreign policy of the United States in Latin America, and

Whereas, in addition to the foregoing, and while a sitting Justice on the Supreme Court of the United States, the said William Orville Douglas has charged, been paid and received $12,000 per annum as President and Director of the Parvin Foundation from 1960 to 1969, which Foundation received substantial income from gambling interests in the Freemont Casino at Las Vegas, Nevada, as well as the Flamingo at the same location, accompanied by innumerable conflicts of interest and overlapping financial maneuvers frequently involved in litigation the ultimate appeal from which could only be to the Supreme Court of which the said William Orville Douglas was and is a member, the tenure of the said William Orville Douglas with the Parvin Foundation being reported to have existed since 1960 in the capacity of President, and resulting in the receipt by the said William Orville Douglas from the Parvin Foundation of fees aggregating at least $85,000, all while a member of the United States Supreme Court, and all while referring to Internal Revenue Service investigation of the Parvin Foundation while a Justice of the United States Supreme Court as a "manufactured case" intended to force him to leave the bench, all while he was still President and Director of the said Foundation and was earning a $12,000 annual salary in those posts, a patent conflict of interest, and

Whereas, it has been repeatedly alleged that the said William Orville Douglas in his position as President of the Parwin Foundation did in fact give the said Foundation tax advice, with particular reference to matters known by the said William Orville Douglas at the time to have been under investigation by the United States Internal Revenue Services, all contrary to the basic legal and judicial requirement that a Supreme Court Justice may not give legal advice, and particularly not for a fee, and

Whereas, the said William Orville Douglas has, from time to time over the past ten years, had dealings with, involved himself with, and may actually have received fees and travel expenses, either directly or indirectly, from known criminals, gamblers, and gangsters or their representatives and associates, for services, both within the United States and abroad, and

Whereas, the foregoing conduct on the part of the said William Orville Douglas while a Justice of the Supreme Court is incompatible with his constitutional obligation to refrain from non-judicial activity of a patently unethical nature, and

Whereas, the foregoing conduct and other activities on the part of the said William Orville Douglas while a sitting Justice on the United States Supreme Court, establishes that the said William Orville Douglas in the conduct of his solemn judicial responsibilities has become a prejudiced advocate of predetermined positions on matters in controversy or to become in controversy before the High Court to the demonstrated detriment of American jurisprudence, and

Whereas, from the foregoing, and without reference to whatever additional relevant information may be developed through investigation under oath, it appears that the said William Orville Douglas, among other things, has sat in judgment on a cause involving a party from whom the said William Orville Douglas to his knowledge received financial gain, as well as that the said William Orville Douglas for personal financial gain, while a member of the United States Supreme Court, has encouraged violence to alter the present form of government of the United States of America, and has received and accepted substantial financial compensation from various sources for various duties incompatible with his judicial position and constitutional obligation and has publicly and repeatedly, both orally and in writings, declared himself a partisan on issues pending or likely to become pending before the Court of which he is a member: Now, therefore, be it

Resolved, That—

(1) The Speaker of the House shall within fourteen days hereafter appoint a select committee of six Members of the House, equally divided between the majority and the minority parties and shall designate one member to serve as chairman, which select committee shall proceed to investigate and determine whether Associate Justice William Orville Douglas has committed high crimes and misdemeanors as that phrase appears in the Constitution, Article II, Section 4, or has, while an incumbent, failed to be of the good behavior upon which his Commission as said Justice is conditioned by the Constitution, Article II, Section 1. The select committee shall report to the House the results of its investigation, together with its recommendations on this resolution for impeachment of the said William Orville Douglas not later than ninety days following the designation of its full membership by the Speaker.

(2) For the purpose of carrying out this resolution the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and places within the United States whether the House is sitting, has recessed, or has adjourned, to hold such hearings, and to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

REPRESENTATIVE WILLIAMS REMARKS ON SEA POWER AT COMMISSIONING OF U.S.S. "JONAS INGRAM" (DD–938)

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. HOSMER. Mr. Speaker, last Saturday afternoon at the U.S. Naval Shipyard in Philadelphia the modernized and refurbished U.S.S. *Jonas Ingram* (DD–938) was recommissioned with impressive ceremonies. The speaker for the occasion was our own respected colleague the Honorable Lawrence G. Williams of the Seventh District of Pennsylvania. Mr. Williams remarks were particularly perceptive and persuasive. They were of far more than local significance and I have received unanimous consent that they appear below:

Address by Hon. Lawrence G. Williams,

U.S. Navy Must Retain Superiority

Admiral Veth, Captain Gooch, Commander Metzler, fellow Americans:

It is a signal honor to have been invited to speak on this significant occasion that is the recommissioning of the Destroyer *Jonas Ingram*.

I have long been appreciative of the United States Navy, of its tradition, and of its history of vigilant, heroic defense of our Country. I have long been inspired by the outstanding character, missions and performance of both.

I have long realized the obvious fact that, for all of its great equipment and resources, the Navy is, first and last, an organization of men—special men, dedicated men, brave men, who devote their lives to their Country in the finest performance of the special spirit that belongs to their proud branch of service.

The late Admiral Jonas Ingram for whom this formidable ship was named was such a man; not resting upon the laurels reflected in receiving the Congressional Medal of Honor in 1914 "for distinguished conduct in battle, engagement of Vera Cruz," Admiral Ingram remained on active duty until retirement in 1947, meanwhile continuing to perform meritoriously in World War II, and, in 1944, becoming Commander-in-Chief, U.S. Atlantic Fleet.

Since her commissioning in 1957, the USS JONAS INGRAM has distinguished herself in missions and maneuvers in the interest of U.S. and Allied Force defense; in missions of "Good Neighbor" policy in the Caribbean; in diplomatic missions in the Mediterranean; in such missions for world peace as the Paris Summit Conference of 1960; and in support of the nation's exploration of outer space.

And, certainly, Commander Donald M. Metzler, who, today, assumes command of this ship, has distinguished himself as worthy of this assignment; not the least of that distinction's having been earned as commander of the USS DIACHENKO in numerous operations off South Vietnam in which the ship and the units embarked earned the Navy Unit Commendation.

I am particularly gratified that an officer of Commander Metzler's demonstrated character, background, courage and experience has been assigned to skipper the JONAS INGRAM in the new capability of Anti-Submarine Warfare to which she has been reconverted under the expert administration of Captain Gooch and his outstanding staff here at the Philadelphia Navy Yard.

We must be concerned about the increasing importance of anti-submarine capability in the face of the steadily-growing threat posed by the rapid development of the size, sophistication and conduct of the submarine force of the Soviet Union. This poses the great threat of disaster which would result from permitting the U.S. Navy to risk the loss of superiority in any area, whether surface, submarine, nuclear-propulsion, missiles or air.

I am fully aware that some of our most outstanding and knowledgeable Navy experts share my own concern that there is serious reason to fear that we are in most serious danger of becoming the number two Navy in the world. This we can never afford to risk. If we are on the brink of such threat to disaster, then we must begin, at once, to "try harder" to remain "number one."

We can afford no such risk. We cannot afford to wait for some "Pearl Harbor-like" moment to record whether such fears have merit and substance.

This much, we all know:

Today, the Soviet Union has the recognized capacity to deliver, in terms of minutes, blows to the North American continent of which the entire Axis force could never have dreamed of being able to deliver, even in terms of years.

Today, the Soviet Union continues, boastfully, to move, as a matter of top policy and priority, to extend and expand that capacity into a position of superiority of naked, threatening military force on the land, in the air, and on and under the sea—even as it competes with the United States in the militarily vital "race for outer space."

World War Two was not prevented by existence of a "balance of terror by gas warfare"; and fear of "nuclear holocaust" has not restrained Communist leaders from a long train of transgressions and aggressions and moving for expansion of power into the ever-geopolitically-critical Middle East—and with it, access to, and domination of, warm water ports.

Today, modern ships of the ever-growing Soviet Red Fleet move out of the Black Sea into the Mediterranean and to Suez, even as Soviet Surface-to-Air Missiles and Soviet planes and airmen, move in support of Nasser's aggression. But Nasser is but a convenient alibi, a temporarily useful tool in the long-range Soviet objective. For, should the Suez Canal be opened under Soviet control through Egypt, Soviet pressure, in turn, could be applied to practically all of the Middle East by sea, with the Mediterranean becoming not just a Soviet route to the Middle East, but to all of Africa, thence to India and to all of the countries bordering on the Indian Ocean.

Even as the Soviet leaders have laid great emphasis upon missile development, even as a former U.S. Secretary of Defense mistakenly insisted that U.S. missiles must replace manned bombers, the Soviet leaders have continued to build up their manned bomber force.

Even as, also mistakenly, too many persons in high Washington positions insisted that the Navy was no longer this Nation's "first line of defense," the Soviet leaders have continued, methodically, to build up their Navy, both surface and submarine.

Even as the United States has cut back operations and dismissed skilled and dedicated workers and craftsmen at its great Navy Shipyards here in Philadelphia and elsewhere, the Soviet leaders have intensified their operations, have developed a huge force of skilled scientists, technicians, designers, engineers and craftsmen, and have assigned them to a near—"crash" production schedule at at least seven major shipyards that are among the most modern and capable in the world—even as some of their submarine building yards are the largest in the world.

The Soviet Ministry of Shipbuilding Industry controls about 85 research institutes and design bureaus in which highly-trained Soviet scientists, engineers and naval architects play a vital role in creating the weapon systems which our own Navy is now sighting on the oceans of the world and, indeed, right off our coasts.

The Soviet designers and builders of these modern ships and submarines, many of them nuclear powered, with sophisticated missiles and electronic gear, have not been developed by chance. Rather, the personnel have been carefully drawn from a specialized educational system designed for the manning of Soviet shipyards. One such training center for this purpose is the Leningrad Shipbuilding Institute, which had over 8,000 students in the academic year 1967–68. Upon graduation, these naval architects and marine engineers are dispatched straight to the naval shipyards.

This is the activity of a national dedication to obtaining superiority of the seas. This activity has resulted in Russia's having 407 small, fast patrol craft, most of them carrying guided missiles, while we have eight such patrol craft; and the Soviet Fleet has 107 escort vessels compared to our 61 such vessels; and Soviet submarines in all categories number at least 350 compared to the 150 in our fleet.

We do have a slight numerical advantage in nuclear submarines, since we have 86 to Russia's 80. But the Soviet Union's capability to build nuclear submarines is about 50 per year, working on a three-shift basis, compared with the United States total nuclear submarine building capability of approximately 12 per year.

The Soviet Union will continue to attempt to greatly outstrip the United States in shipbuilding capability. This will include the most modern Soviet destroyers in the KASHIN class; smaller anti-submarine and coastal escort ships such as the PETYA class; small patrol craft such as the KOMAR, armed with two launchers for Surface-to-Surface Cruise Missiles; and the Soviet Fleet's largest surface man-of-war, the Helicopter Ship MOSKVA and the sister ship, the LENINGRAD, both of which appeared in the Mediterranean.

The MOSKVA and the LENINGRAD are the largest ships in the Soviet inventory, about 18,000 tons, and are equipped with anti-submarine rockets and torpedoes, variable depth sonar, a dipping sonar carried by the embarked helicopters and new missile launchers for air defense. Also, the Soviet Union is improving its Naval Air arm and its Merchant Marine. The Soviet Merchant Marine, a paramilitary force with tremendous wartime potential, is being developed at a tonnage increase of about one million tons per year. The United States ranks fifth in world tonnage, while the Soviet Merchant Marine ranks sixth. However, the Soviet Merchant Marine at the present rate of new construction will pass the United States in the 1971–72 time frame; and the Soviet Union plans to further increase its Merchant Marine's new construction capability.

There is every proper cause for American leaders to continue to do everything within reason to attempt to reconcile differences and points of conflict with the leaders of the Soviet Union. But there is at the same time, every proper reason for American leaders to keep in mind that while we are seeking peace, it is of the utmost urgency that we have the capacity to defend ourselves. Such capacity is reflective of the best understanding and implementation of the American concept that eternal vigilance is the price of liberty.

The capability to build the ships required to defend the United States lies in such places as this Philadelphia Naval Shipyard. Here I see hundreds of millions of American tax dollars invested in equipment and facilities. It is obviously an obligation that this equipment and these facilities be used to its full capacity in order to yield a proper return on the tax dollars invested here.

It is also imperative that to keep pace with rapidly advancing technology and to enable us to maintain support of the seas, a nuclear capability must be installed at this shipyard. This, I have been advocating for some time.

It is against this backdrop and in this spirit and interest that this proud ship, the Destroyer JONAS INGRAM, after an 18-month reconversion at the Philadelphia Naval Shipyard, returns to duty with anti-submarine warfare capabilities, thereby going forth bearing the essential message, "I come in peace, but I am prepared to defend myself and everything for which I stand."

To Captain Gooch and the officers, men, and civilian personnel of this great shipyard of which he has proved such an outstanding administrator, I offer my appreciation for another mission well performed.

To Commander Metzler, his 17 officers and 276 men, I offer congratulations upon your vital new assignment, bon voyage, and Godspeed.

Thank you.

LUCIA CHASE AND BALLET THEATRE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MONAGAN. Mr. Speaker, I am proud of the achievements of the American Ballet Theatre which will be the resident company at the John F. Kennedy Center for the Performing Arts next year.

As a Waterburian, I am particularly proud of the contribution to the success of the ballet theater by Lucia Chase, its founder, codirector, and guiding genius. Miss Chase's contribution to this ballet company over a period of three decades since its founding have been tremendous and she has in effect dedicated her life to the success of this artistic enterprise and to the cause of American cultural development generally.

I am happy to express my compliments and congratulations to Miss Chase and as further elucidation of her role and the background of the American Ballet Theatre to include with my remarks an interview which Miss Chase gave to Jean Battey Lewis of the Washington Post and which appeared in that newspaper on July 12, 1970.

Since the appearance of this interview, it is most gratifying to be able to report that the reception of the American Ballet Theatre in London was a critical triumph and an additional achievement by Miss Chase and her companions which provides ample grounds for pride for all American citizens.

BALLET FOR THE KENNEDY CENTER

(By Jean Battey Lewis)

The prospect of dancing at the John F. Kennedy Center for the Performing Arts next year is uppermost in American Ballet Theatre's consideration of present and future repertoire.

In an interview in New York last week, where the company finishes a four-week engagement at Lincoln Center's New York State Theatre, Ballet Theatre's codirector Lucia Chase revealed the company's plans for new ballets.

"Oliver Smith, the company's other director, and I are hoping that Jerome Robbins will do a new ballet for us to open with at the Kennedy Center," Miss Chase said.

"All our plans for repertoire now are looking forward to the time when we will be the resident company at the center. That's why we revived 'Petrouchka' this season and why we want to revive Anthony Tudor's 'Romeo and Juliet' next season. We want to have all our major ballets in perfect order."

Miss Chase continued, "We have been having discussions with David Blair, who staged our full-length 'Swan Lake' and 'Giselle,' about doing a full-length 'Sleeping Beauty' for us. We would like to have that for our first season at Kennedy Center, or at least by the second season.

"Another area we are developing is our modern dance wing. Joe Limon staged two of his works for us this season ("The Moor's Pavanne' and 'The Traitor'), and we are expecting to add a Martha Graham dance to our repertoire.

"This has really been an important season for us." Miss Chase added. Besides the Limon works and the re-staging of 'Petrouchka', we have Alvin Ailey's new work to music of Duke Ellington—we commissioned the Ellington music, and it's his first ballet score."

Miss Chase believes Ballet Theatre is the logical choice for the Kennedy Center. "I think we rate it, we deserve it and we've earned it. It's taken us 30 years to build our repertoire and it's a showcase of American dance. Nobody can match our diversity."

Ballet Theatre was founded 30 years ago with the same goals the Kennedy Center has: to show the best of American culture, Miss Chase feels. "All I've tried to do is follow the policies set by Ballet Theatre's founder, Richard Pleasant. He felt the time had come for America to have a big ballet company. People think I founded Ballet Theatre, but there were two other directors before I finally agreed to be codirector—for one year, and I've been here ever since."

Miss Chase, who has spent her personal fortune on the company, continued, "I only agreed to do it if Oliver Smith would be codirector. We make all major decisions together. I hire all the dancers and cast them, which is the working heart of the ballet, but Oliver is wonderful about things like music, and of course as a working stage designer he's invaluable for the decor and staging."

Ballet Theatre's financial history has been as troubled as any major cultural organization in this country. The company had to disband for a year, in 1959, for lack of funds. It was on the verge of ruin at its 25th season five years ago. For that occasion, its first at the New York State Theatre in Lincoln Center, the company staged Jerome Robbins' great ballet, "Les Noces."

"We were determined to go out in a blaze of glory," Miss Chase remembered. "We didn't know whether we had a future or not but we wanted to finish on a high note. The National Endowment for the Arts really saved us. If it hadn't been for its help, we would have been finished."

(The Endowment gave Ballet Theatre $100,000 as an emergency grant and $250,000 for a national tour in 1965, both in the form of matching grants.)

"After that we mounted our first full-length ballet, 'Swan Lake,' and that put us into a different class. The ballet has been a great success and most critics say it is the best production in the world. We're going to be dancing 'Swan Lake' and 'Giselle' in London at Covent Garden the end of this month. We're very excited about that—we haven't played London since 1956."

Miss Chase added, "It's part of our policy to have the best ballets from all over the world, but we especially want to preserve American dance, just the way a great museum or an orchestra preserves the best of the past."

True to its intent, Ballet Theatre has representative works of all major American choreographers, and several important choreographers, notably Jerome Robbins and Eliot Feld, got their first chance with the company. Ballet Theatre has works by Eugene Loring, Agnes de Mille, George Ballanchine, Glen Tetley, Michael Smuin, as well as being the major preserver of Antony Tudor's works and having several ballets staged for the company by Fokine before his death.

A principal unsolved problem for Ballet Theatre is to find a permanent New York base it can count on.

"We are a large company, and we have to have a major season in New York every year. We need the exposure; we need the criticism," Miss Chase declared.

Lincoln Center has been less than hospitable to the company. It has had one season there, at the Met, canceled, and it has to take the tail end of the season for its engagements at the New York State Theatre after the New York City Ballet has had first choice.

"The only reason we've had this engagement now is that Richard Rodgers let us have the time he had reserved for musicals. We were told we could have the same time next year but now there are rumors we'll have to play later next summer. If that happens we're really going to protest it."

Ballet Theatre will also play a New York engagement next Christmas at City Center. "That's the place where we want to do our small ballets and our experimental work," Miss Chase said. "We have a policy of developing new talent and we have a three-year Rockefeller Foundation grant to help us do it. Ballets like 'Harbinger,' 'Pulcinella Variations,' 'Brahms Quintet' and Keith Lee's new Cole Porter ballet have all been done under that grant.

"For the last five years we have been expanding in all kinds of ways," Miss Chase continued. "Not only have we staged our big, full-length ballets, but we have expanded and strengthened our staff. We have a new young, active president of our board, Sherwin Goldman, and he has made a tremendous difference in our fund-raising. We are finally achieving success in what we have been trying to do for a long time—establish regular annual seasons in the major American cities. We have played all the major capitals of the world and it's been embarrassing that we haven't had a proper hall in our own capital. I'm thrilled that we'll soon have the Kennedy Center."

HOW CRUSADER RALPH NADER "RAIDS" FOR CONSUMER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the text of the excellent article written by Robert Dietsch, Scripps-Howard staff writer, on the fine work of Ralph Nader and his "Nader's Raiders." This article originally appeared in the Pittsburgh Press, Wednesday, July 29, 1970.

HOW CRUSADER RALPH NADER "RAIDS" FOR CONSUMER

(By Robert Dietsch)

WASHINGTON.—When the telephone rings in Washington and the caller quietly says, "This is Ralph," few men bother to ask, "Ralph who?"

They know it's Ralph Nader calling, and they know they would be wise to listen.

CONSUMER CRUSADER

Since taking on the auto industry a half dozen years ago on charges that the manufacturers ignored safety, Nader has become the nation's leading crusader for consumer interests:

He is in part responsible for the enactment of six major consumer-related laws—the Traffic and Motor Vehicle Safety Act, Wholesale Meat Act, Natural Gas Pipeline Safety Act, Radiation Control Act, Wholesale Poultry Products Act and Coal Mine Health and Safety Act.

Congress is expected to pass several other consumer bills this year, and Nader will get considerable credit for them, too.

To recruit manpower for his widening interests and causes, Nader in 1968 began enlisting the help of college students and graduate students in law, medicine and science.

He set them investigating a long list of Government and private organizations.

These workers have become known as "Nader's Raiders." In 1968, they numbered seven, in 1969 about 100 and this summer 200.

The "Raiders" work under the umbrella of the Nader-created nonprofit Center for the Study of Responsive Law and under the overall direction of Theodore J. Jacobs, a Princeton and Harvard Law School classmate of Nader.

Nader was influential in setting up the project on corporate responsibility which undertook early this year a campaign against General Motors Corp. and plans similar drives against other big corporations and which last week began a campaign against giant farm operators.

CONGLOMERATE OF FOES

Either on his own or through his "Raiders," Nader has taken on a conglomerate of foes and issues including supermarket pricing.

labeling and promotional policies, a study of the First National City Bank of New York's loan practices and trust activities, the economic and sociological influence of Maine's paper and pulp industry (It owns half the land in the state), use of enzymes in household detergents, the nursing home industry, the "corporate responsibility" of the big Du Pont chemical firm, the "quality of medical care dispensed in hospitals," and the influential Washington law firm of Covington and Burling.

Mostly from congressional committee witness chairs, Nader has complained—almost invariably with accuracy that has led to eventual reforms—about fatty hot dogs, unclean fish and poultry, excessive radiation leakage from color TV sets (The Federal Trade Commission has warned viewers to sit back at least six feet) and health dangers of taste-enhancing monosodium glutamate in baby foods (Producers have since stopped using the substance).

In one way or other, Nader and his "Raiders" have taken on and forced changes in a number of government agencies—the Interstate Commerce Commission, Agriculture Department, Food and Drug Administration, air and water pollution agencies, Bureau of Labor Standards, Bureau of Mines, Civil Aeronautics Board and National Railroad Administration.

One group of "Raiders" now is probing into the Justice Department's antitrust division.

Nader has taken on Sen. Edmund S. Muskie, D-Maine, on the effectiveness of antipollution efforts and Sen. Edward M. Kennedy, D-Mass., on the wisdom of creating public counsel corporations to represent consumer interests before federal agencies.

As a result of such activities, Nader has become something of a folk hero. He gets more mail than does President Nixon's consumer adviser, Mrs. Virginia Knauer (5,000 letters a month for Nader to 3,800 for Mrs. Knauer). This summer, more than 3,000 students applied for the 200 jobs available at the Responsive Law Center. Already, plans are under way for a bigger staff next year.

The center has published three paperback books stemming from its studies of air pollution, the Interstate Commerce Commission and Food and Drug Administration. Three more are planned this year. Profits will be plowed back into the center's projects and used to hire more "Raiders."

Thus while young radicals storm about the need to change America's bureaucracies and establishments—often relying on demonstrations and even violence to push their demands—Nader and his "Raiders" consistently have shown that change can be brought about by using weapons available to any citizen—the law and the force of public opinion.

"My job," Nader says, "is to bring issues out in the open where they cannot be ignored."

Jacobs says Nader and the Responsive Law Center have proved the "validity of our belief that a professional in America has a responsibility beyond his private client, whether that client be the government or a private organization.

"The professional—the engineer, lawyer, scientist—also has a responsibility to the general public, a responsibility that was being ignored until Nader appeared on the scene," Jacobs adds.

For his part, 36-year-old Nader remains the same slim, ascetic six-footer he was when he first burst on the national scene. He still lives in an $80-a-month furnished room that has no telephone (he uses one in the hall).

He owns no major appliances, no TV set, no car. One reason is that he really doesn't care about material things, another is that he thinks his personal choices might be interpreted as a sign of endorsement.

100 SPEECHES A YEAR

Nader makes about 100 speeches a year, mostly to academic groups, either free or for fees ranging up to $2,500. Most of that income is plowed back into his work.

Nader has two small personal offices in Washington with unlisted telephones. He remains a bachelor. One friend says: "When Ralph marries, the girl will have to be as intensely interested in causes as he is."

The Responsive Law Center now operates on an annual budget of about $250,000. Nader is board chairman; one director is his sister, Laura, a University of California professor and one of the nation's leading anthropologists.

The center's income comes mostly from a half dozen foundations (Carnegie Corp., Stern Family Fund, New York Foundation, Taconic Foundation, New World Foundation and Wallace Eljaber Foundation) and a half dozen individuals who remain anonymous.

Each "Raider" is paid between $500 and $1,000 for a summer's work.

The growing national concern over consumer rights, pollution, safety and the environment has worked, of course, to Nader's advantage.

Even the U.S. Chamber of Commerce has criticized "the tardiness of business in responding constructively to consumer gripes."

Nader is not without his critics. Businessmen still puzzle about his motives (GM was so puzzled that it undertook its now-celebrated personal investigation of Nader). They charged Nader with being interested merely in publicity and overly self-righteous.

The New Left doesn't like Nader because he works within the system—and gets results—instead of trying to tear it down. Some politicians don't like Nader because he sometimes gets more publicity and credit than do they.

Like most crusaders, Nader knows how to get and use publicity. He does exaggerate, sometimes for effect and sometimes because of excessive zeal. He has been trapped by hasty accusations, but rarely. In a crowd of strangers, Nader appears painfully shy.

He inevitably is cautious about striking up friendships lest persons try to use him for their own advantage.

But Nader does have a sense of humor and wit. He tells of the day when a "Raider" showed up at the Agriculture Department to have a 20-year employee exclaim, "I've never seen a citizen before."

He insists he is as much an enemy of the funeral industry as Jessica Mitford, but while she wrote a book ("The American Way of Death") "I'm trying to reduce the number of its customers."

HOUSE OF REPRESENTATIVES—*Tuesday, August 4, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My flesh and my heart faileth: but God is the strength of my heart and my portion forever.—Psalms 73:26.

O God, who hast given us minds to think, hearts to love, and hands to work, help us to use our minds to think Thy thoughts, our hearts to love in Thy spirit and our hands to do Thy work according to Thy will. Make us so conscious of Thy presence that amid trials and troubles we may put first things first, grow in sympathetic outreach in our concern for others, and become stronger within ourselves.

Bless the statesmen of our country who give nobility to life and purpose to human destiny; who seek faithfully to protect our land from mortal enemies without and moral weakness within; who make no peace with oppression but are ever seeking the way to justice and peace among the nations of the world.

So guide us and sustain us in all our ways this day and every day. In the spirit of Him who is the Lord of life we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye.

H.R. 1697. An act for the relief of Jack Brown.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris.

H.R. 1728. An act for the relief of Capt. Norman W. Stanley.

H.R. 2209. An act for the relief of Carlo DeMarco.

H.R. 2241. An act for the relief of John T. Anderson.

H.R. 2407. An act for the relief of Elbert C. Moore.

H.R. 2458. An act for the relief of Frank J. Enright.

H.R. 2481. An act for the relief of Cmdr. John W. McCord.

H.R. 2950. An act for the relief of Edwin E. Fulk.

H.R. 3558. An act for the relief of Thomas A. Smith.

H.R. 3723. An act for the relief of Robert G. Smith.

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.

H.R. 6375. An act for the relief of Amalia P. Montero.

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve, retired.

H.R. 6850. An act for the relief of Major Clyde Nichols, retired.

H.R. 9092. An act for the relief of Thomas J. Condon.

H.R. 9591. An act for the relief of Elgie L. Tabor.

H.R. 10662. An act for the relief of Walter L. Parker.

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force, retired.

H.R. 21176. An act for the relief of Bly D. Dickson, Jr.

H.R. 12622. An act for the relief of Russell L. Chandler.

H.R. 12887. An act for the relief of John A. Avdeef.

H.R. 15118. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University.

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess.

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes.

H.J. Res. 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program.

FARM BILL

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I am very happy to report to the House that the whip check on the Democratic side shows very substantial support, majority support, of the farm bill which will be brought up here today.

I am very curious about the other side of the aisle. Yesterday word came that there was great confusion at the White House about the farm bill—and I am not surprised about the White House confusion. Then I am told that the White House today supports the farm bill. Now I am told that there was a great conference here this morning of the Republican Members and I think it would be enlightening if the minority leader would tell us what his party's position is.

Mr. GERALD R. FORD. Mr. Speaker, I will be very glad to tell the gentleman, if the gentleman will yield.

Mr. BOGGS. I am happy to yield to the gentleman. I want some information.

Mr. GERALD R. FORD. The President has from the very beginning supported the bill reported by the committee, the Poage-Belcher bill.

The President has sent a letter to the gentleman from Oklahoma (Mr. BELCHER) which the gentleman will read to the House during the debate on the farm bill.

Mr. BOGGS. What does it say about the $55,000 limitation?

Mr. GERALD R. FORD. The letter will speak for itself. The gentleman from Michigan is going to support the farm bill as recommended by the Committee on Agriculture—the Poage-Belcher farm bill, and I am going to say so during general debate.

Mr. BOGGS. I understand the gentleman's position—that is his own position. Will the gentleman be good enough to tell me what the President's position is on the $55,000 limitation?

Mr. GERALD R. FORD. The gentleman from Oklahoma may do so if he is on the floor.

Mr. BOGGS. He is on the floor.

Mr. GERALD R. FORD. The letter is from the President of the United States to the gentleman from Oklahoma (Mr. BELCHER).

Mr. BOGGS. The gentleman from Oklahoma is on the floor and he can speak for himself right now.

Mr. Speaker, I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Speaker, I am very delighted to hand the gentleman the letter.

Mr. BOGGS. That is fine. I thank the gentleman very much. I want to look at the $55,000 limitation—it is not in here.

Mr. BELCHER. Read the letter.

Mr. BOGGS. Where is it?

Mr. BELCHER. Can you not read it?

Mr. BOGGS. No; I cannot read it.

Mr. BELCHER. Here it is—$55,000."

Mr. BOGGS. Oh, now we have it. It says:

> Secretary Hardin and a bipartisan majority of your Committee therefore recommend $55,000 as the limitation. I am aware of the widespread desire for a much lower figure——

Mr. BELCHER. So—you have not read it all.

Mr. BOGGS. And it continues—

> and it is easy to share that desire.

I understand that—he is on both sides. Thank you very much.

NEW FARM LEGISLATION

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, H.R. 18546, the new farm legislation, has been receiving considerable attention throughout the Nation and in the Nation's press. On July 23, the Memphis Press-Scimitar had an editorial entitled, "Farm Bill Shenanigans." This editorial attacked the $55,000 farm payment limitation agreed upon by the House Agriculture Committee and argued instead for a $20,000 limitation.

On July 24, Mr. C. L. Denton, Jr., who operates a farming and ginning operation at Ryronza, Ark., replied to the Memphis Press-Scimitar's editorial. His letter discussed in a very rational, informed, and experienced manner the economics facing today's farmers.

As we prepare to begin consideration of the farm legislation, I want to share both this editorial and Mr. Denton's reply because I believe this information deserves the consideration of every Member of the House as we begin consideration of this important subject.

Mr. Speaker, I am submitting the editorials in the Extensions of Remarks today for the information of the Members.

THE FARM BILL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I am sorry that the majority whip did not yield to me. I am sorry he is not present in the chamber at this time, because I would like to direct a question to him. When we get into the amendment stage of consideration of the farm bill, I shall offer an amendment, together with the gentleman from Illinois (Mr. FINDLEY) providing for a limitation of $20,000 per crop rather than $55,000 per crop. I would like to know where the gentleman from Louisiana stands on that amendment, and how he stands as the majority whip, if he is going to get some votes over there. They have the votes. They have the majority of the Congress, and they can help us greatly to put this limitation of $20,000 in the bill.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the majority leader.

Mr. ALBERT. Though the majority whip may speak for himself, I am sure he is for the $55,000 limitation, I wish to express myself also as in favor of the $55,000 limitation. We are opposed to the $20,000 limitation. We hope the gentleman does not succeed in his efforts to have such an amendment adopted.

Mr. CONTE. I am pleased to hear where the gentleman stands on that question, because this amendment for $55,000 is the biggest farce the House could ever pass. This will save the taxpayers $48 million without slippage, and with slippage it will save the taxpayers zero. It would further help out the rich farmers in this country, across this land. If this Congress is interested in stopping inflation—and Members have made a lot of speeches on the floor of the House—one way to help stop inflation is to stop paying out these large payments to farmers across the country.

My amendment will save $170 million. It will contain language that will prevent farm splitting, which I understand some farmers have already done. If you want to do a service for this country, if you are sincere in the fight on inflation—and we have heard a lot of talk in the well of the House on that subject—stand up there and fight with me today for the little man in this country.

THE EFFECT OF THE SST ON OUR ENVIRONMENT

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, over the weekend, at the conclusion of a month-long seminar at the Massachusetts Institute of Technology, a group of the Nation's leading scientists called for a halt to the SST program because of possible harmful effect on the world's environment. They declared that regular stratospheric flights by supersonic aircraft could cause an increase in cloud formation and higher stratospheric pollution with consequences that are unpredictable.

Mr. Speaker, there has been such a hurry to build the SST that almost no thought has been given to what may happen in consequence to our environment. The MIT scientists are to be congratulated. They have performed a most valuable service in raising a warning flag of possible permanent damage to the world's environment.

The SST will be a major contributor

toward building pollution in three ways. The first way is in the one described by the MIT scientists in pointing out that regular stratospheric flights by supersonic aircraft could cause an increase in cloud formation and higher stratospheric pollution with temperature changes.

The second method of pollution is through the incredible airport noise it will generate. As has been testified before congressional committees, the noise at take-off made by the SST will be equivalent to 50 subsonic jets taking off at the same time.

Finally, its new and powerful engines will emit a greater amount of pollution than present subsonic jet engines. Contrary to the impression sought to be given by the Department of Transportation that the SST will have cleaner engines than other aircraft, it now appears that the contrary will be true, that the pollutants discharged per passenger mile will be 1.5 times greater than the 707 and as much as 1.9 times greater than the 747. The plumes of smoke that now follow jet aircraft may no longer be emitted by the new engines, but the carbon monoxide, the water vapor, and the carbon dioxide will each be increased.

PERMISSION FOR SUBCOMMITTEE ON ROADS OF THE COMMITTEE ON PUBLIC WORKS TO SIT DURING GENERAL DEBATE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the Committee on Public Works may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

There being no objection, the Clerk read the bill as follows:

H.R. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jose Luis Calleja-Perez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Jose Luis Calleja-Perez. From and after the date of the enactment of this Act, the said Jose Luis Calleja-Perez shall not again be subject to deportation by reason of the same facts upon which deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CAL C. DAVIS AND LYNDON A. DEAN

The Clerk called the bill (S. 2427) for the relief of Cal C. Davis and Lyndon A. Dean.

There being no objection, the Clerk read the bill as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cal C. Davis and Lyndon A. Dean, of Salt Lake City, Utah, are relieved of all liability for payment to the United States of the sum of $12,441.87, representing cash and stamps in their custody as superintendent and clerk, respectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from such branch in a burglary occurring the night of March 17, 1966. In the audit and settlement of the accounts relative to such sum, credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Cal C. Davis and Lyndon A. Dean the sum of any amounts received or withheld from them on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

SAMUEL R. STEPHENSON

The Clerk called the bill (H.R. 10704) for the relief of Samuel R. Stephenson.

There being no objection, the Clerk read the bill as follows:

H.R. 10704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Samuel R. Stephenson (Serial Number AF 1474–1025) of Bessemer, Alabama, is relieved of liability to the United States in the amount of $336.51, representing the total amount of overpayments of various allowances and other benefits made to him by the Department of the Air Force during the period beginning June 19, 1962, and ending April 30, 1968, as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Samuel R. Stephenson an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$336.51" and insert "$447.59".

Page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID L. KENNISON

The Clerk called the bill (H.R. 15272) for the relief of David L. Kennison.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REFERENCE OF H.R. 1390 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 108, referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THOMAS J. BECK

The Clerk called the bill (H.R. 4982) for the relief of Thomas J. Beck.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OK YON (MRS. CHARLES G.) KIRSCH

The Clerk called the bill (H.R. 4670) for the relief of Ok Yon (Mrs. Charles G.) Kirsch.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MAUREEN O'LEARY PIMPARE

The Clerk called the bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

VINCENZO PELLICANO

The Clerk called the bill (H.R. 13712) for the relief of Vincenzo Pellicano.

There being no objection, the Clerk read the bill as follows:

H.R. 13712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Vincenzo Pellicano may be issued visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANAN ELDREDGE

The Clerk called the bill (H.R. 2849) for the relief of Anan Eldredge.

There being no objection, the Clerk read the bill as follows:

H.R. 2849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 203(a)(1) and 204 of the Immigration and Nationality Act, Anan Eldredge shall be held and considered to be the natural-born alien son of Louis and June Eldredge, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 1 line 8 after the words "of such" strike out the word "parentage," and insert in lieu thereof the word *"relationship,"*.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. MARCELLA COSLOVICH FABRETTO

The Clerk called the bill (H.R. 13383) for the relief of Mrs. Marcella Coslovich Fabretto.

There being no objection, the Clerk read the bill as follows:

H.R. 13383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act the periods of time Mrs. Marcella Coslovich Fabretto resided in the United States since December 21, 1955, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

VERNON LOUIS HOBERG

The Clerk called the bill (S. 1087) for the relief of Vernon Louis Hoberg.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSA PINTABONA

The Clerk called the bill (S. 1703) for the relief of Rosa Pintabona.

There being no objection, the Clerk read the bill as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rosa Pintabona shall be held and considered to be the natural-born alien daughter of Rose and Edward Ingrassia, citizens of the United States: *Provided,* That the parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LILLIAN BIAZZO

The Clerk called the bill (S. 1704) for the relief of Lillian Biazzo.

There being no objection, the Clerk read the bill as follows:

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lillian Biazzo shall be deemed to be a returning resident alien within the meaning of section 101(a)(27)(B) of that Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CUMORAH KENNINGTON ROMNEY

The Clerk read the bill (S. 2863) for the relief of Mrs. Cumorah Kennington Romney.

There being no objection, the Clerk read the bill as follows:

S. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 201(g) of the Nationality Act of 1940, Mrs. Cumorah Kennington Romney shall be held and considered to have been residing in the United States for a period of five years after attaining the age of sixteen years.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGARITA ANNE MARIE BADEN (NGUYEN TAN NGA)

The Clerk called the bill (S. 2976) for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

TO CONFER U.S. CITIZENSHIP POSTHUMOUSLY UPON GUY ANDRE BLANCHETTE

The Clerk called the bill (S. 3136) to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

There being no objection, the Clerk read the bill as follows:

S. 3136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Guy Andre Blanchette, a native of Sainte Garard, Quebec, Canada, who served honorably in the United States Army from May 13, 1968, until his death on August 26, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

AUTHORIZING THE SPEAKER TO APPOINT A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON CAMPAIGN EXPENDITURES OF CANDIDATES FOR THE HOUSE OF REPRESENTATIVES

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1062 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1062

Resolved, That a special committee of five Members be appointed by the Speaker of the House of Representatives to investigate and report to the House not later than January 11, 1971, with respect to the following matters:

(1) The extent and nature of expenditures made by all candidates for the House of Representatives in connection with their campaign for nomination and election to such office.

(2) The amount subscribed, contributed, or expended, and the value of services rendered, and facilities made available (including personal services, use of advertising space, radio and television time, office space, moving picture films, and automobile and any other transportation facilities) by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, to or on behalf of each such candidate in connection with any such campaign or for the purpose of influencing the votes cast or to be cast at any convention or election held in 1970 to which a candidate for the House of Representatives is to be nominated or elected.

(3) The use of any other means or influence (including the promise or use of patronage) for the purpose of aiding or influencing the nomination or election of any such candidates.

(4) The amounts, if any, raised, contributed, and expended by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, including any political committee thereof, in connection with any such election, and the amounts received by any political committee from any corporation, labor union, individual, individuals, or group of individuals, committee, or partnership.

(5) The violations, if any, of the following statutes of the United States:

(a) The Federal Corrupt Practices Act.

(b) The Act of August 2, 1939, as amended, relating to pernicious political activities, commonly referred to as the Hatch Act.

(c) The provisions of section 304, chapter 120, Public Law 101, Eightieth Congress, first session, referred to as the Labor-Management Relations Act, 1947.

(d) Any statute or legislative Act of the United States or of the State within which a candidate is seeking nomination or reelection to the House of Representatives, the violation of which Federal or State statute, or statutes, would affect the qualification of a Member of the House of Representatives within the meaning of article I, section 5, of the Constitution of the United States.

(6) Such other matters relating to the election of Members of the House of Representatives in 1970, and the campaigns of candidates in connection therewith, as the committee deems to be of public interest, and which, in its opinion, will aid the House of Representatives in enacting remedial legislation, or in deciding contests that may be instituted involving the right to a seat in the House of Representatives.

(7) The committee is authorized to act upon its own motion and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made to the committee under oath, by any person, candidate or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said committee to investigate, the committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in such complaint are immaterial or untrue. All hearings before the committee, and before any duly authorized subcommittee thereof, shall be public, and all orders and decisions of the committee, and of any such subcommittee, shall be public.

For the purpose of this resolution, the committee or any duly authorized subcommittee thereof, is authorized to hold such public hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Ninety-first Congress, to employ such attorneys, experts, clerical, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by such chairman, and may be served by any person designated by any such chairman or member.

(8) The committee is authorized and directed to report promptly any and all violations of any Federal or State statutes in connection with the matters and things mentioned herein to the Attorney General of the United States in order that he may take such official action as may be proper.

(9) Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties prescribed by law.

That said committee is authorized and directed to file interim reports whenever in the judgment of the majority of the committee, or of the subcommittee conducting portions of said investigation, the public interest will be best served by the filing of said interim reports, and in no event shall the final report of said committee be filed later than January 11, 1971, as hereinabove provided.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, at the conclusion of my remarks I will yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, this is the biennial special committee to investigate campaign expenditures. Normally the first thing the committee does when it is in operation is to compile a list of the State and Federal laws dealing with campaign contributions and expenditures and the judicial interpretation of relevant statutes. This booklet is sent to every candidate for Congress in the United States. When the campaigns start functioning, Mr. Speaker, we receive many requests for information and many complaints about violations of these laws. We insist that these complaints be in writing and under oath. Such complaints, when received, are investigated when the facts that are set out in the complaint justify such an investigation.

After the reports come back from the investigators, the committee meets and we decide whether or not we should have hearings to further examine and determine the case. This year, Mr. Speaker, we expect many more complaints than we have had in the past. For the first time in history there have been 17 indictments under the Federal Corrupt Practices Act. There is a rigorous enforcement of this act, and there has never been enforcement of it in the past.

Since the last time the committee functioned, the Committee on the Code of Ethics for the House has been in existence, and the acceptable action of Congressmen is more clearly defined than in the past.

Then also, Mr. Speaker, we have this year the Reorganization Act, and we have the Voting Rights Act, and it is expected that there will be a predominance of "squeak" elections in which the losers may challenge the election.

Two years ago, Mr. Speaker, this committee was authorized to spend $50,000. Actually, we spent $24,385.85, less than 50 percent of the money. I appeared before the Committee on House Administration this morning and asked for a budget of

$70,000, which I hope will be approved some day later in the week. The reason for that is, as I say, that we expect many more cases than we have had in the past. The regular staff of the committee is traditionally a small one, with a majority counsel and a minority counsel, and two or three secretaries, but we do have to have additional investigators. The more challenges and complaints, the more people and time must be devoted to conducting investigations.

Mr. Speaker, I hope that the resolution is adopted.

I now yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the same resolution, word for word, that has been passed many times here in the House of Representatives during previous elections. It has been adequately explained by the gentleman from Massachusetts (Mr. O'NEILL) who heads up this committee.

I urge the adoption of the resolution, Mr. Speaker, and I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ADAIR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 254]

Anderson, Tenn.
Ashley
Aspinall
Baring
Blanton
Bolling
Brock
Broomfield
Burleson, Tex.
Burton, Utah
Cabell
Caffery
Camp
Carey
Casey
Celler
Chappell
Chisholm
Clark
Clay
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Dingell
Edwards, La.
Erlenborn
Evins, Tenn.
Fallon
Flynt
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Gray
Griffiths
Hagan
Hansen, Wash.
Hébert
Hull
Hungate
Ichord
Jarman
King
Leggett
Long, La.
Lujan
Lukens
McDonald, Mich.
McEwen
MacGregor
Meskill
Moorhead
Nelsen
O'Hara
Ottinger
Patman
Pelly
Pepper
Pollock
Powell
Quillen
Randall
Rarick
Rees
Riegle
Rostenkowski
Roudebush
Ruppe
Ryan
Scheuer
Shriver
Stafford
Stuckey
Symington
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Weicker
Wilson, Charles H.
Winn
Wright
Young

The SPEAKER. On this rollcall 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AGRICULTURAL ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1165) providing for the consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1165

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, and all points of order against the provisions contained in title VII and on page 54, line 10 through page 55, line 14 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideraiton of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. BOLAND). The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1165 provides an open rule with 4 hours of general debate for consideration of H.R. 18546, the Agricultural Act of 1970. The bill is to be read for amendment by titles instead of by sections and all points of order are waived against the provisions contained in title VII and on page 54, line 10 through page 55, line 14 of the bill. Points of order are waived against title VII, which is a 3-year extension of Public Law 480, because it continues the availability of foreign currencies without appropriation, in violation of clause 4, rule 21. Points of order are waived against the language on pages 54 and 55 of the bill because it contains a transfer of funds.

H.R. 18546 is a 3-year program to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The bill establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains.

The bill clarifies and reaffirms authority for base excess and seasonal plans and extends and amends the authority for the dairymen's class I base plan in Federal milk market order areas. It guarantees competitive access to class I base plan markets by established producers outside the market order area. Operation of the mandatory butterfat price-support program for farm-separated cream is suspended and the Secretary is permitted to set lower price-support prices on butter. Dairy products owned by the CCC may be donated to the armed services and veterans' hospitals. The Secretary's authority is extended to make indemnity payments to dairy farmers whose milk is contaminated by and condemned because of pesticides.

The National Wool Act is extended through December 31, 1973, and the present incentive prices for shorn wool and mohair are continued for each year.

The bill suspends the marketing quota program for wheat for 1971, 1972, and 1973 and domestic marketing certificates are provided to farmers participating in the set-aside program in an amount equal to U.S. food consumption.

A voluntary feed grain program is established for 1971, 1972, and 1973, which provides that price support payments to participating farmers on one-half their feed grain base will be the difference between not less than $1.35 a bushel for corn and the average market price for the first 5 months of the marketing year—which starts on October 1 on corn and grain sorghum, and July 1 on barley. However, no payments would be less than 32 cents a bushel for corn, with corresponding rates on grain sorghum and barley.

In the wheat program and the feed grain program additional set-aside and public recreational access payments are authorized; a set-aside program is established; and preliminary payments are provided.

A guaranteed support on upland cotton of 35 cents a pound is provided on the estimated production from 11.5 million acres for the 1971 crop and an equivalent amount for the 1972 and 1973 crops. Assistance is made available to participating farmers through loans and payments. The legislation allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of the legislation.

Public Law 480 is extended without change.

Long-term land retirement programs, "Cropland Conversion" and "Greenspan" are continued at an authorized appropriation level of $10 million annually for each program. The current exemption for marketing quotas for boiled peanuts is continued. Those who do not desire to hold an allotment on any crop under a Government program would be permitted to voluntarily relinquish it. An indemnity program is established to reimburse beekeepers for losses caused by pesticides.

Mr. Speaker, I urge the adoption of House Resolution 1165 in order that this comprehensive bill may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. To what does the waiver of points of order apply? What is sought to be protected in the bill?

Mr. SISK. That has to do with Public Law 480. Actually, points of order are waived as to the language on pages 54 and 55 of the bill. This, as my friend understands, is not a complete waiver but only of that language on pages 54 and 55 of the bill dealing with certain transfer funds.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. SISK. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, as one deeply interested in the welfare of our Nation's farm families, it is needless for me to say that I am pleased to bring this rule to the floor today. It makes in order the consideration of the Agricultural Act of 1970, and provides for an open rule with 4 hours of general debate. An open rule will permit Members of the House to offer any and all germane amendments and will permit the House to work its will on these amendments.

Before discussing some of its provisions, permit me to make a few comments concerning the evolution of this bill. In years past, the Secretary of Agriculture—as a representative of the administration in control of the White House—would send a farm bill to the Congress and then spend considerable time trying to convince the agriculture committees and the Congress that the answer to our farm problems could come only through the passage of the legislation recommended by him. When one considers the fact that we have suffered the almost unbelievable loss of 3.6 million farming units in the United States since 1935, and that corn and wheat are bringing less on the market today than they did in 1950, one must surely conclude—to put it mildly—that these farm programs should have done more for the farmer rather than so much to him.

The bill to be considered under this rule is different, at least, in one respect. It did not originate in the Office of the Secretary of Agriculture. It was truly formulated and drafted by the Committee on Agriculture. It is true that the Committee on Agriculture did have the benefit of the counsel and advice of the Secretary of Agriculture. In fact, the chairman of the Agriculture Committee informed the Rules Committee that his committee had some 27 night meetings with the Secretary of Agriculture before this bill finally evolved. It was then approved by a 27-to-6 vote in the House Committee on Agriculture.

Notwithstanding some of my reservations concerning the ability of certain provisions of this bill to increase farm income, I wish to commend the chairman of the Agriculture Committee, its ranking member and the other members of the committee for the many weeks they spent in producing this bill. Mr. Speaker, it was rumored for weeks that a new farm bill would not be forthcoming, and that the farm programs now in effect would be permitted to expire at the end of this year. I am glad these rumors were unfounded. Such a course of action would have caused a sharp drop in farm income. In the interests of time, I will mention what would happen to only two of these crops without this bill in order to prove my point.

FEED GRAINS

The authorization for the acreage diversion and direct payment features of the present feed grain program would expire. There would be no direct payments and no restrictions on feed grain acreage. The Secretary of Agriculture would be required to support the price of corn between 50 and 90 percent of parity, but would be precluded from using any support prices which would increase wheat CCC stocks.

WHEAT

The Secretary of Agriculture would lack authority to carry out the wheat certificate plan without first obtaining a favorable vote in a producer referendum. Marketing quotas would be in effect as proclaimed by the Secretary and approved by two-thirds of the producers voting in a referendum. If quotas were approved, the certificate plan also would be in effect. The value of domestic certificates would be the difference between the loan rate and a support level of not less than 65 percent and not more than 90 percent of parity. There would be no diversion payments, but there would be a land use penalty for failure to make mandatory acreage diversions. Should wheat producers vote to disapprove marketing quotas, there would be no quotas, land use penalties or wheat certificates. Price support would be available to producers who comply with their allotments at 50 percent of parity.

Mr. Speaker, when one fully understands what would happen if these programs are permitted to expire, the need for the passage of new farm legislation in this Congress really comes into focus.

Mr. Speaker, this committee bill contains dairy, wool, wheat, feed grains, cotton, and other titles, as well as extends Public Law 480. I am particularly interested in the dairy, wool, wheat, and feed grain titles as they are so important to Ohio agriculture in general and to the farmers in my district in particular. Briefly, here is what these titles provide:

DAIRY

Extends and amends the authority for the dairymen's class I base plan in Federal milk market order areas. It specifically guarantees competitive access to class I base plan markets by established producers outside the market order area. Appeal procedures under present law remain unchanged.

Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

Extends the Secretary's authority to donate dairy products owned by CCC to the armed services and veterans hospitals.

Extends the Secretary's authority to make indemnity payments to dairy farmers who through no fault of their own have their milk contaminated by and condemned because of the presence of pesticides and residues.

WOOL

Extends the National Wool Act of 1954, as amended, through December 31, 1973.

Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

WHEAT

Suspends the marketing quota program for 1971, 1972, and 1973.

Provides domestic marketing certificates to farmers participating in the set-aside program in an amount equal to U.S. food consumption—about 530 million bushels annually.

Sets the face value of these domestic certificates at the difference between the wheat parity price—currently $2.82 per bushel—and the average price received by farmers during the first 5 months of the wheat marketing year—which starts on July 1.

Provides for a preliminary payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment—if any—would be paid in December. If the Secretary's estimate were too high, no refunds by farmers would be required.

Continues the cost of certificates to wheat processors at 75 cents per bushel.

Authorizes the Secretary to set nonrecourse loans to participating farmers from zero to 100 percent of the parity price for wheat.

Establishes a "set aside" program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary.

Authorizes payments to participating farmers for any additional set-aside acreage and for permitting public recreational access.

FEED GRAINS

Establishes a voluntary feed grain—that is corn, grain sorghum, and barley—program for 1971, 1972, and 1973.

Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between not less than $1.35 per bushel—for corn—and the average market price for the first 5 months of the marketing year—which starts on October 1 on corn and grain sorghum and July 1 on barley. In no event, however, would these payments be less than 32 cents per bushel for corn—with corresponding rates on grain sorghum and barley.

Authorizes the Secretary to set nonrecourse loans at 0 to 90 percent of feed grain parity prices.

Authorizes additional set-aside and public recreational access payments.

Establishes a "set-aside" program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

Provides for a preliminary payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first 5 months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

Mr. Speaker, notwithstanding some of the statements which have been made concerning the ability of this new legislation to maintain farm income, I would like to see some amendment made during the consideration of this bill, which will make certain that farm income is not only maintained but increased. Our farmers are suffering from the inflation in this country as much or more than any other group and to fail to provide for an increase in his income would be extremely unfair. I, therefore, urge my colleagues to support the amendments which will be offered to make certain that our farmers receive the additional income to which they are entitled.

Mr. Speaker, I urge the adoption of this rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I thank the gentleman from Ohio for yielding. I rise to bring up a couple of questions about the rule as well as some questions I have about the possibility of error in the language of the bill.

The rule provides for reading the bill by title instead of by section. This is not an unprecedented procedure. Am I correct that in reading the bill by title the members of the committee can expect that the complete language of each title will be read and that we simply will not be hearing "Title I" and then that will be the end of the reading of the title? Am I correct on that point, that it is contemplated each title will be read in full? Does anyone have an answer on that?

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I think the rule is very clear. This is not unprecedented but a common practice, to let the rule be read by title. As to whether or not each title would be read in its entirety would be up to the House. I would assume, as we sometimes do, we may have a unanimous-consent request to consider a title or section as read and open to amendment at any point.

It will be considered by title and it will be read, or a unanimous-consent request will be made, which in essence is tantamount to having it read.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, on pages 13 and 29 and 46 are provisions that strike me as very likely errors in the language of the bill. I wonder if the Committee on Rules had any indication from those who testified that there are substantial mistakes in the language of the bill, which will have to be corrected?

Mr. SISK. Mr. Speaker, again if the gentleman will yield, so far as the Committee on Rules, we have no information as to any errors, grammatical or otherwise, in connection with the bill. There was no reference made to such errors. Therefore we are not knowledgeable in the Committee on Rules as to any errors of this type.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman from California.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I favor this "rule," because for 10 years now, I have sat in these Chambers listening to, and ofttimes participating in, debate about what is good and what is bad for the American farmer. It has been alluded to today. Although I do not criticize past programs and agricultural policies, I do suggest that they have been and are inadequate. From where I sit, in a rural district, it appears that in all these years we have accomplished little more than to pass a series of temporary stopgap measures, which in turn begat more temporary stopgap measures. I think it is time we set aside this type of thinking and put our collective minds to the task of dealing with the basic problem.

Farm legislation annually concerns itself with dollars going to farmers as the final goal. I contend that the final goal should be agricultural values, bought with dollars for the benefit of both the farmer and the consumer. In place of just dollars spent, it should be dollars buying the solution to the problem.

Farm legislation has traditionally been guided by averages. We are inundated with—the average farmer, average income, average food needs for people, average acres per farm, whereas our thrust should be directed to individual farmers, acres, soil, and consumers.

Last year a publication produced by the U.S. Department of Agriculture entitled "Agriculture Situation" stated that 17.2 percent of the consumer's income—after taxes—went for food. A record low. A commendable achievement, and one I am told has no equivalent anywhere in the world or history. I am told that by the distinguished chairman of the Committee on Agriculture. It is easy to agree that this low percentage was brought about by a combination of many good things: Farm programs, county agents, research, machinery—including rubber-tired tractors—insect and weed sprays, fertilizers, hybrid seeds, farm journals, and many other items, all involved in helping the farmers produce. However, let us not neglect to turn the coin over and look at the other side.

We find that parity of income for farmers, promised for more than 35 years is still unattainable. In fact, 2 years ago it was at an all time low.

We find surplus agricultural products that no one wants to buy at a fair price.

We find that thousands of farmers have left the land. Low income farmers have not been helped.

We find that small "family" farms are fast disappearing.

We find that rural communities are beginning to show a higher level of true poverty.

What has caused this to happen? I contend that it is the end result of paying too low a price per acre—for lowering the production of the small farmer without increasing the price for his products.

It is my considered judgment, therefore, that any farm legislation enacted by the Congress should have a threefold objective:

First. To provide an abundance of good food at a reasonable cost to the consumer.

Second. To preserve and restore the potential of the farm land.

Third. To give farmers the opportunity to earn a fair parity of income for their efforts.

In order to accomplish these objectives, I offer as the key, a proposal that I call the "second market."

The "second market" will give to the farmer the option to produce food or fiber on his land, or take that land out of what I will term "normal production," and produce on it instead a crop that would retain or enhance the value of that land. Such a "restoration" crop could be—cover for wild life, land beautification, sweet clover to be plowed under—any number of items that would tend to make scientific use of the unused land until it is ready, at the option of the farmer, to be placed back into "normal" production again. The farmer would be encouraged, by a predetermined payment, to take acres out of production based on supply and demand of the local conditions of price, cost, and yield—in other words, an open marketplace under the law of supply and demand. In addition should he, for example, build a farm pond to be used for irrigation, one approved by the Soil Conservation Service, he would receive a bonus payment from the ASCS. We would be paying a reward for contributing to the enhancement of the land and soil, not placing it in a "soil bank" to lay idle and deteriorate.

Later, when the farmer would—by his own determination—decide that the conditions were right, he could voluntarily move those "restored" acres back into production to help feed and clothe the 95 percent of our population that is not involved in producing for the whole, and at the same time, be paid a parity price for so doing.

The effect would be:

First the Government would be out of the business. It would instead be in the business of restoration and protection of vital food producing God-given resources.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. LATTA. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HALL. I thank the gentleman.

Second, supply and demand, cooperative buying and selling, even collective bargaining, and all other various farm organization objectives are not interferred with.

To the cotton farmer: We would not pay you not to grow cotton, we will pay you for restoring the land that you will voluntarily not grow cotton on. The same for wheat, corn, and so on right down the line.

For the Nation as a whole, the results would be:

Surplus control managed by the farmers, voluntarily.

Abundance assured in steady, nutritious supply at a reasonable price for the consumer.

Net profit for the farmer is assured at or above the parity of income level.

The Nation is assured of a permanent potential in case of emergencies for the production of food and fiber by a constant program of soil and water restoration.

Past and present farm programs are not adequate to reach these objectives at the same time. In their workings, abundance is associated with low prices. They have no control over the effects on the people or on the resources of soil and water when farming is done as we now do it. The success of present-day agriculture, as measured by the abundance we now have, is reduced by a considerable amount when we must also admit the high percentages of rural poverty, the loss of water and soil resources, the contamination of wells and streams, the possible accumulation of poisons in foods and drinking water, the destruction of wildlife and the beginning of malnutrition and hunger.

All these are signs of the failure of agriculture—Government plans and formulas. We must dedicate ourselves to turning the minus signs into pluses for all mankind.

It is not only a farm problem, Mr. Speaker, not only one of agribusiness, but one for the consumer. The end product of food and fiber stuff is human bodies. In our present and in the immediately foreseeable delicate balance of nature we must get right along with this job. Here is an admitted solution. Let us work the plan.

At the proper time I shall move a substitute for titles III through VI of the committee farm bill in the form of an amendment, which—my Seventh Missouri Farm Advisory Council, and I—have developed over a period of years as a result of the book, "Our Balance of Nature," by master farmer, agronomist, and conservationist, E. M. "Gene" Poirot, and second, as a result of demonstrated farm products which we have shown to the Committee on Agriculture, with respect to which they journeyed to the district I am privileged to represent, in order to investigate. They know they will work to this very end, and finally to a solution to the problem with which we are all concerned.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. MADDEN).

(Mr. MADDEN asked and was given permission to revise and extend his remarks and include extraneous matter.)

ANNUAL FARM SUBSIDY

Mr. MADDEN. Mr. Speaker, today the House again considers the annual $3½ billion farm subsidy.

Last year, this House curtailed this subsidy "Bonanza" to the large corporation farms to a $20,000 annual limitation. When the bill was taken up in the Senate that body defeated the $20,000 limitation.

Three weeks ago, the Senate acted on the 1970 version of this legislation and upheld the House action of 1 year ago by limiting the annual rural subsidy to $20,000.

I do hope that the House will repeat its action of 1 year ago and also uphold the Senate's action of 3 weeks ago and save the American taxpayers millions of dollars by again limiting this annual rural subsidy to $20,000.

Our greatest newspaper in the Middle West during the last week has come out strongly in favor of the $20,000 limitation.

Mr. Speaker, on Saturday, August 1, 1970, the Chicago Tribune had a very interesting and highly informative article which further reveals additional reasons why the American farmers should be aroused by the fabulous sums paid to several thousand farm operations for idle acres.

The vast majority of Members of Congress are very much in favor of a reasonable subsidiary to aid farmers economically, but we should confine it to the smaller-sized farms which are really the backbone of our agricultural system.

I submit in the RECORD the article in the Chicago Tribune for the Members' information:

NIXON RENEGED ON PROMISE: FARM BUREAU

(By Richard Orr)

The nation's biggest farm organization yesterday accused the Nixon administration of reneging on campaign promises to support new legislation designed to improve farmers' income from the market place and make them less dependent on federal subsidies.

Instead, the American Farm Bureau Federation charged, the administration is promoting a "patched up version of present unsatisfactory" laws to continue cash subsidies to farmers at current rates of about $3.7 billion annually.

The federation urged defeat of the legislation, scheduled to come before the House next week. The legislation, it said, is not supported by a single major farm organization.

RECALLS PROMISE

"In the campaign of 1968, President Nixon promised to change the direction of government farm policy," said Charles B. Shuman, federation president, in a statement issued from headquarters in the Merchandise Mart.

"In spite of this promise, the farm bill developed by his secretary of agriculture, Clifford Hardin, and Rep. Bob Poage (D., Tex.), chairman of the House Agriculture committee, is a camouflaged extension of the Food and Agriculture Act of 1965. . . .

"The legislation before Congress with administration support most certainly would increase the farmer's dependence on government payments for his income."

LISTS OTHER OBJECTIONS

Shuman also charged:

1. That altho Nixon promised to end the "dumping" of government-owned surplus crops on the market to depress farm prices, the proposed bill would continue the government's authority to do so.

2. That the bill ignores the problem of low income farmers and other rural people, despite Nixon's pledge of new rural development programs to provide "major improvements in the opportunities and quality of rural life."

"BANKRUPT STRATEGY"

"The apparent intention of the Nixon administration is to attempt to please the vested interests that have learned to profit from present farm programs by continuing to keep farmers dependent on subsidy payments as a substitute for market prices," Shuman said. "This is a bankrupt strategy; the administration cannot afford to take farmers for granted."

The Farm Bureau is backing another bill that would phase out subsidies on wheat, feed grains and cotton over a five-year period, with the aid of a massive crop land retirement program, while establishing a permanent price support system. The bill also authorizes retraining and other programs for low-income farmers who want to get out of farming and find employment elsewhere.

The Farm Bureau has the support of 20 senators and 40 members of the House, including three Illinois Rpublicans—Senators Smith and Percy and Rep. Paul Findley.

The Chicago Tribune, a newspaper that is consistently supporting all activities of the present administration, is very much alarmed regarding the pending farm bill which we are now considering on the floor of the House. This great daily newspaper is joining all the various farm organizations, especially the wheat and feed grain producing areas, in opposition to the pending farm bill. On Monday, August 3, 1970, the Chicago Tribune had the following editorial setting out its thoughts regarding some of the reasons why this annual $3.7 billion bonanza should be curtailed:

QUESTION FOR THE ADMINISTRATION

The American Farm Bureau Federation has accused the Nixon administration of reneging on campaign promises to support new legislation designed to improve farmers' income from the market place and make them less dependent on government subsidies. Instead, the administration is promoting legislation, scheduled to come before the House this week, which would continue farm subsidies at current rates of about $3.7 billion annually and extend other important features of present laws.

The federation also charges that Mr. Nixon went back on his promise to end the "dumping" of government-owned surplus crops on the market to depress farm prices. The proposed new legislation also ignores the major improvements in opportunities and quality of life for low-income farmers and other people in rural areas, as promised in the Nixon campaign, according to the federation.

The legislation was developed over months of conferences between Secretary of Agriculture Hardin and Rep. Bob Poage (D., Tex.), chairman of the House agriculture committee, and other committee members. It contains more of the features of the farm programs long espoused by Democratic administrations than any "new directions" in farm policy that the President talked about when he was campaigning for office.

If this legislation should be enacted, billions of more dollars for farm programs will be exacted from the taxpayers, despite warnings of increasing deficits in the federal budget. Inasmuch as they would have to pay for it the least taxpayers should expect is an explanation from Secretary Hardin, if not the President himself, of why the administration went back on its commitments.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to commend the gentleman from Indiana. The gentleman is absolutely right. And when we get down to the amending stage I will offer an amendment together with the gentleman from Illinois, to provide for a $20,000 limitation per crop.

Mr. Speaker, I would like to direct this question to the gentleman:

When the gentleman was before the Committee on Rules, did the gentleman ask the members of the Committee on Agriculture how much this $55,000 limitation would save the taxpayers?

Mr. MADDEN. I thought that the $55,000 was for each farmer, but I found out in the Committee on Rules it is per crop. My gracious, if a farmer had six crops he would get six times $55,000. That is one of the hidden secret features in this bill.

Mr. CONTE. I would like to inform the gentleman from Indiana that I have directed this question to Secretary of Agriculture Hardin, and I am told that it would save only $48 million. So if we are interested in helping the little guy out, and helping the taxpayers of this country on this runaway program, then the least thing we can do is put in the $20,000 limitation and nothing else.

I would inform the gentleman from Indiana that as far as I am concerned if we do not get the $20,000 limitation I am going to vote against the entire farm bill, and urge all of the Members from the cities to vote against the farm bill.

If we get the $20,000 limitation I will then do everything I can to see the bill is passed.

Mr. MADDEN. I want to say further in explanation why I am 100 percent in favor of this limitation. In the first place, when farmers are not prosperous the steel mills and other industries in my district are affected, but I am against these farmers who receive payments, these annual six-figure checks for idle land.

Four large farm operations in Arizona and California received over $1 million a year for idle land. Thousands receive annual bonanzas in six figures.

Mr. LATTA. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Speaker, I would like to say to the gentleman from Indiana that I am very pleased and very happy at long last that he is following the policy of the world's greatest newspaper, the Chicago Tribune. I hope that from here on we will find him following the views and suggestions of the Tribune all the time.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. Belcher).

Mr. BELCHER. Mr. Speaker, it has always amazed me which one of the three gentlemen were going to get the most publicity out of this thing. I have never been able to figure out whether the gentleman from Massachusetts was the original or whether the gentleman from Illinois was the original, but at least they got another gentleman horning in on the act.

Now the gentleman from Indiana voted for all these high payments. The gentleman from Massachusetts I do not think did. I think he read the bill before he voted for it. But the gentleman from Illinois and the gentleman from Massachusetts have been in a feud for the last year or two as to which one of them were going to get the most publicity—and here comes a gentleman horning right in on the act.

Now I just do not know which one is going to claim the credit for getting this down to $20,000. I do not know which one even is going to offer the amendment to cut it down to $20,000, but I guess it will be whichever one gets up first.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. MADDEN. I would be very much interested in the President's next broadcast complaining why the Congress is throwing money in all directions, when he sees the number of Republicans who are going to vote for this $3½ billion bonanza.

Mr. BELCHER. I would like to say to the gentleman from Indiana that he has thrown more money away with both hands in the 20 years he has been here than I have. I have never seen him vote against a boondoggle that he was in on.

PERSONAL PRIVILEGE

Mr. CONTE. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. The gentleman will state the point of personal privilege.

Mr. CONTE. The gentleman from Oklahoma referred to a Member of the House as "another guy." I also would like to have a definition of "horning in."

The SPEAKER pro tempore. The chairman suggests that the gentleman from Oklahoma might supply the definition.

Mr. BELCHER. What is the question?

The SPEAKER pro tempore. The Chair will state that the gentleman from Oklahoma has finished speaking.

Mr. CONTE. Mr. Speaker, may I speak further on a point of personal privilege?

The SPEAKER pro tempore. The gentleman from Massachusetts will state his point of personal privilege.

Mr. CONTE. Mr. Speaker, does not the gentleman from Massachusetts have an hour on the question of personal privilege?

The SPEAKER pro tempore. The Chair has not heard the gentleman from Massachusetts' point of personal privilege.

Mr. CONTE. Mr. Speaker, I think the gentleman from Oklahoma has been harsh on one of his fellow colleagues who is working very hard and sincerely on this measure.

I am sure this House has not taken as lightly as maybe the gentleman from Oklahoma has taken this issue. Twice on a rollcall on my amendment they have passed a $20,000 limitation per farm over his objection. In fact, 1 year—I had a motion to recommit, which he gave me. He did not take it lightly at that time. It is not a frivalous issue. It is a very serious issue.

POINT OF ORDER

Mr. LATTA. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio rise?

Mr. LATTA. Mr. Speaker, I make the point of order that the gentleman from Massachusetts is not directing his remarks to the question that he raised about "horning in" or calling another Member "guy." The gentleman is discussing a matter which will be fully discussed when we get to the general debate.

Mr. CONTE. Mr. Speaker, I am trying to make the point that I am not horning in on anyone.

Mr. LATTA. Mr. Speaker, will the Chair rule on my point of order?

The SPEAKER pro tempore (Mr. Boland). The gentleman from Massachusetts will confine his remarks to the point of personal privilege.

Mr. CONTE. Mr. Speaker, the gentleman from Oklahoma certainly has abused the prerogatives of the House. He doubted my sincerity by saying that I have "horned in" on this thing, when I collaborated with him at one time in offering the $20,000 limitation, which is costing the taxpayers of this great country over $4 billion a year, paying a farmer over $4.5 million a year. I think this is a serious subject and it should not be taken lightly. I yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, a point of personal privilege——

POINT OF ORDER

Mr. ABERNETHY. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman from Mississippi will state it.

Mr. ABERNETHY. I suggest that the procedure on a point of personal privilege is to submit the words to which there is objection by the Member who wishes to make the point, and then the Chair rules and determines whether the point is well taken. The gentleman is then entitled to an hour but only after a favorable finding by the Chair.

The SPEAKER pro tempore. The Chair will state to the gentleman from Indiana that his point comes to late.

Does the gentleman from Ohio desire to yield time?

Mr. LATTA. I yield 30 seconds to the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the words of the gentleman from Oklahoma "the other guy" be stricken from the Record and that there be inserted in lieu thereof "the gentleman from Massachusetts."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CONTE. Mr. Speaker, I withdraw my point of order.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18546, with Mr. MILLS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 2 hours, and the gentleman from Oklahoma (Mr. BELCHER) will be recognized for 2 hours. The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is generally recognized, I think, that agriculture desperately needs some kind of legislation if it is going to continue to supply the needs of the American consumer. Agriculture has supplied the needs of the consumer very creditably in recent years.

The gentleman from Missouri cited some very significant figures. They were correct but I believe they are a year late. It just shows what a good job we are doing. We are doing a good job. Last year the figures were 17-plus percent as suggested by the gentleman from Missouri. It is now only 16.5 percent of the disposable income of the average American family which is spent at the grocery store, and that is all. That is lower than the percent spent in any country in the world or any time in the history of this world. We must have a rather effective agriculture if we are able to feed our people for that small percentage of their income.

As the gentleman from Missouri pointed out, the cost of the food is not the only thing which should be involved, but it is an important factor, and it is a factor which, as I said, pays the highest possible compliment to the ingenuity, the ability, and the hard work of the American farmer.

I think it also pays somewhat of a compliment to the ingenuity and the intelligence of this Congress in passing the legislation under which we have operated, because we have been doing at least a better job than anybody else has been doing. I hope we can do even a better job. I hope this bill lays the foundation to do an even better job. This bill does some of those things which almost all of us have said should be done.

For a long, long time we have been criticized for making payments not to cultivate land and not to produce, and there have been a great many jokes told about the Government payments for not producing this, and for not producing that and the other. We have used that technique of not producing, but we have been gradually growing out of it over a long period of time.

Do Members recall when we actually killed little pigs and plowed up cotton? Do Members know when that was? It was the fall of 1933. We have not killed any little pigs since then and we have not plowed up any cotton since then.

But half the people in my district still believe that the farm program still pays for killing little pigs and plowing up cotton. That was 37 years ago, but the story still hangs on.

It is true that for many years we have made some payments for not producing certain types of crops. We have gradually reduced such payments over the years since 1933, until now we have practically abandoned this practice, and with the passage of this bill we will cut loose from all of this with one little minor exception—in feed grains. There is a provision in this bill that if the Secretary finds he has to retire an excessive amount of feed grain land, that he can make payments for it. He cannot pay for wheat and he cannot pay for cotton retirements, but he can pay feed grain producers in Illinois. He cannot pay anything for retiring cotton land under the terms of this bill.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, the gentleman from Texas says we will cut loose, or the land will be cut loose for general planting with less restrictions. Am I not correct that there is language in the bill which gives the Secretary the authority to delay this cutting loose until the third year? Am I not correct that there is language in the wheat and feed grain sections which permits him to regulate the percentage of certain areas so as to effect an orderly transition, as it says in the bill, but this would give him the latitude actually to continue the Agriculture Act of 1965 for the next 2 or 3 years.

Mr. POAGE. I do not so understand it. It does give the Secretary the time to make the orderly transition, but I know of nothing in the bill that gives him authority to make any land retirement payments except in connection with this very minor item, which ought to be of great importance to the State of Illinois.

Mr. FINDLEY. But he can fix limits on the planting of feed grains and on planting of cotton and wheat on the same basis as the Agriculture Act of 1965. Is that correct?

Mr. POAGE. He has indeed the authority under the grains sections to make certain payments.

They will be minimal. They will be small. But they will be only in the case of feed grains or wheat.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentlewoman from Washington.

Mrs. MAY. I believe we might clarify this, since I have a copy of the bill in my hand. The exact language is on page 12 of the bill, line 16:

> The Secretary is authorized for the 1971 and 1972 crops to limit the acreage planted to wheat.

And this is the same language in the feed grains section—

> On the farm to such percentage of the domestic wheat allotment as he determines necessary to provide an orderly transition to the program provided for under this section.

Mr. POAGE. That is true, and there is not any other place in here for land retirement payment.

All I say is this is a very, very minor provision. The crux of the thing, which I want all of us to remember, is that with passage of this bill, for all practical purposes, we will have abandoned the old philosophy of paying for not planting. The payments under the terms of this bill are going to be on production, and not on land that is not producing.

The payments are going to be on the production of this land, and on that percentage of the production which is used at home—domestically consumed. The payments are not going to be made on exports. The payments will be made on what is used at home.

If that is not a consumer subsidy I have never seen one. I am sorry that none of the consumer audience, usually over here, is present. The profesional spokesmen for the consumers are not here today.

I would call attention to anyone who will carry the word to them that this bill makes payments only on that portion of production which is to be consumed at home. That reduces the cost of living at home. That does not pay somebody for not growing. It pays him for growing. It pays him for what he can produce and put on the domestic market. That is as direct as we can make it in the way of helping consumers.

I want to get it very clear that the great thrust of this bill is to help consumers.

I believe it always helps producers when we provide a market for their products. I believe that when we can help the consumers buy the food we have helped the producers who have to sell. That is a good combination.

That is what this bill does. But I believe it is unfair when certain Members will get up and make the statement, as some of those who are not here today will tomorrow, "Oh, you are taking this money away from the consumers and you are giving it to those wealthy producers." Most of them are making, according to the U.S. Census Bureau, just about two-thirds of what the people in the cities are making. That is their income.

But those are the people who will be helped by this bill, to the extent it helps producers to create a market. I think it will help producers and consumers, and to that extent it is highly desirable.

Now, why is it we have to help the producers of farm products? Why do we have a farm program at all? We have a farm program because for a great many years, even for some 7 or 8 years before the great depression, beginning after the year 1921, from about 1921 down to the present time, the market place has not provided enough in the way of payment for farm production to pay the cost of producing these things.

Down in my country where cotton is an important crop, all of the figures indicate that it costs somewhere between 28 and 32 cents to produce cotton. It will cost different amounts for different individuals just as it will cost different amounts for different corn farmers to produce corn. But the world market on cotton hit about 22 cents in recent years. Well, no farmer can stay alive at that price long even if he was just getting that market. He has to have something additional. But you say, "Oh, the Government ought never to step in and make up any of the difference."

Let us see now. Let us see about transportation. I submit that there is not a single form of public transportation in the United States today that is not subsidized in some form or another. Then you say, "Oh, the railroads do not get anything." Well, the railroads got 1 acre out of every 10 acres in the United States. It was deeded to the railroads to help them get going, and they still have a whole lot of it.

The trucks operate over publicly built highways. The barges operate over publicly built waterways. The airlines, some of them, are not receiving a direct subsidy today, but they all have at one time or another, and most of them are right now receiving the benefit of publicly built terminals and publicly built navigation aids, all paid for at the expense of the public.

Take overseas transportation. What about the maritime bill? We voted on it about 2 months ago—I voted for it, and I do not believe there was a single vote against it—a bill that provided a subsidy for building oceangoing vessels. The U.S. Government paid 55 percent of the cost of building these vessels and then paid half the cost of operating them after they got into operation. We did all of that so that we might have these facilities which we think the public needs. I think they need them, too, and we pay these subsidies so that we might have these facilities and still maintain an American standard for those who work in those forms of transportation.

Now, is it more important to provide transportation or is it more important to provide for the production of food? I think production is far more important than transportation, but we have long since recognized that we must subsidize transportation if we are going to have the transportation we need. I am not condemning the transportation subsidies, but I am merely pointing out that in this modern world the farmers are no different from other segments of our economy.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. ABERNETHY. I simply wanted to point out that some airlines also receive a direct cash subsidy, that is, feeder airlines.

Mr. POAGE. Many of them do. Many of them do. They are receiving hundreds of millions of dollars of cash subsidies.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Iowa.

Mr. GROSS. And the railroads and other forms of transportation. They have rates that are fixed by the Federal Government which provide presumably for a net profit and a reasonable return on investment added to the subsidy.

Mr. POAGE. That is correct. That is the typical utility theory. They work on percentages. The utility theory holds that a company providing a public service should be assured of a fair return. It goes to a great many companies like gas companies, electric light companies, telephone companies. I am not again condemning the utility theory.

Mr. GROSS. I am not, either, but I am simply pointing out that no one guarantees the farmer a return on their investment.

Mr. POAGE. I believe so. I believe the gentleman is right.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I cannot yield now. I will be glad to yield at various times in the course of the next 2 or 3 days, but I think I should proceed here now and discuss this bill rather than discuss some of those headline-grabbing proposals which the gentleman is so prone to present to us.

Mr. FINDLEY. My question related to——

Mr. POAGE. No; I do not yield further. I want to discuss this bill in my own way, if the gentleman please.

I think it is very important to think about this bill from a standpoint other than merely who is going to get the credit for something. I think we have been trying to do a good job to help the farmers, and I will continue to try to help the farmers so that they can help us all.

If we are going to discuss this question of limitation of payments which is so attractive to so many, I would point out the I think it is bad. I have voted against it right along, I think it is a bad proposal, because it is just like trying to say to the man who owns a number of low-rent houses in some big city, and you have an urban renewal program of some kind going on, and you need to take 100 houses from one landowner, and for that you would pay him only $20,000, no matter how many houses he puts in, no matter how much he contributed to the slum clearance of the city, you would not pay him any more than $20,000 because after all, he ought to be able to live on $20,000.

Now, of course, we are not talking about what anybody is going to get to live on. We are talking about making a good program work. We are talking about inducing enough people to go into the program which we need to balance supply and demand, so as to maintain the maximum degree of production at the minimum cost to the Government. That is what we are trying to do. And to the extent that we can keep supply and demand in reasonable balance we do provide for all the needs of the people, and we do it at the smallest cost that we could hope to do it with.

But if you do not give any encouragement to the large producer, to the large farmer, if you give no encouragement to him to get into the program he is not going to get into it, he is not going to participate in the program, unless he feels that it is advantageous to him. Now we are trying to make it advantageous to all our farmers because, after all, when it comes to balancing supply and demand it does not make any difference whether you take water out of a spigot or out of the bung hole. You can take a barrel of water and you can dip out of it with a 1-pint cup 100 times, and you will get the same amount of water as if you took a 10-pint dipper and dipped out 10 times—there will be exactly the same amount of water taken from the barrel. It is the same with agriculture, whether you take this balance from a few large farmers or whether you get thousands of small farmers to provide the balance.

But by the time you forced all of this balance of the small farmers you do them a grievous injustice because you can put the small farmers out of business by taking too much of their land for balancing purposes, even though you pay them. You would still take too much of their land, they would still have to go out of agriculture. Whereas, the larger farmer can continue in business.

So we try to take from those where it will hurt the least.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I will yield to the gentleman in just one moment.

But let me make this point clear, because so many have overlooked it. In recent years we have had a program, and I again refer to cotton, but there are similar programs for wheat and feed grains, that has required a certain retirement. It has only been 5 percent in the last 2 years or 3 years for cotton, but it allowed the retirement of 35 percent on which these farmers could get paid. Now, did they retire all of the land that they could have? Did they retire all of that land on which they could have received payment? We have been told these payments are some sort of a gift; that these farmers are getting greatly enriched. If they are being greatly enriched, is it not logical that they would retire all of the land that they could if it was really profitable? But did they retire all they could? We have received the figures from the Department of Agriculture in 1968—which is the last year for which I actually have them—and they retired exactly 50 percent of what they could have.

They could have retired twice as much as they did and would have been paid for it. But they did not retire it because they did not think it was profitable. In other words, only half of the farmers thought it was profitable—and only half of them used their maximum.

I think that pretty well illustrates that the farmers as a whole did not think that they had something on which they were getting immensely wealthy.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman because I have been sitting here listening to his remarks. I guess I do not speak for the consumers but I will try to pass the word on to those who do.

Mr. POAGE. Thank you.

Mr. ADAMS. I am worried about this question, the point that the gentleman has made on supply and demand and that is why I rose to my feet.

I understand that a number of farmers and farm organizations are opposed to any farm bill on the basis we ought to have a free market and they should be able to charge what they want and to produce what they want, and let supply and demand do it.

That is one group of people who come in and oppose these bills.

There is another group who say that we are putting all kinds of Government money into keeping up prices of a product, which then the consumers have to pay more for.

So what I am trying to get from the gentleman, and my question to you is—Do you think we should have a free market? If we did, as the gentleman suggested, would not supply and demand balance out the prices and they would drop to a level so that the farmers would receive a return on their investment and production would then match what was required?

I know that sounds overly simplified and I might state to the gentleman that I am not completely unfamiliar with farm problems because I grew up during my boyhood on a farm in Iowa and I remember when they refused in a referendum to go into the program because they did not believe that anybody would pay them more than what the market was worth.

I wish the gentleman would answer that question for me. You just mentioned cotton—I notice that production is going up on cotton and if we were not to subsidize it or if we were to limit subsidization to small farms to keep people on them, would not then, with the larger farms, and with the law of supply and demand set a price and set the production.

Mr. POAGE. I will try to answer the gentleman's question because I think it is a perfectly fair question.

I do not think you are going to get it in our economy, as it now stands—an economy in which the farmers sell in a basically free market and buy in a completely controlled market.

By that I mean that the farmer sells his products—nobody buys them. The farmer goes out and sells them for whatever he can get.

When the farmer goes into a store, whether it is a grocery store or a hardware store or a gasoline filling station, he buys at a price that the other fellow fixes.

Under that situation, I do not think it is reasonable to assume that if we had no programs at all that the farmer would be able to get a price that would pay him enough to continue in business. I think that the great mass of the farmers, by number, that is possibly 95 percent of them, who produce possibly not more than 50 percent or even less of our total production, would be forced out of business in a very short period of time.

There would be a few super farms, that is, industrialized farmers who would stay in business. They would be those who have a bankroll which would enable them to live over a few years of low prices. But, by the time 3 years were up, the great majority of the farmers would be out of business, and let us say, 100,000 large farms would still be in business in the United States. I think they would be able to get together very much like the automobile manufacturers do, and set their prices. Instead of paying 16½ percent of their disposable income for groceries, the housewives would pay at least 30 percent. That is what would happen, as I see it.

The suggestion is made that if farm prices go down, the farmer should shift around and produce something else. That is what the Farm Bureau tells us, I know. They say that the farmer should shift around and find something that is profitable. But what is it that is profitable? I do not wish to ask the question of the gentleman, who has said that he does not claim to know about agriculture, but I see gentlemen right behind him, on either side, both of whom are agriculturists. What crop is there that the farmer can turn to?

Surely you can apply these limitations. You can put a lot of cotton farmers in the San Joaquin Valley out of producing that crop, but what will they grow? Why, they will grow grain, of course. They will grow grain instead.

You can put a lot of farmers in Arkansas out of cotton and they will grow soybeans. But you cannot tell me what they can grow that we need or what would be profitable to them. Should they turn to rye or should they turn to oats or some of those crops? We have an abundance of those things now. If you shift from one of the major crops into another major crop, you simply change the form of your problem and do not change the problem at all. That is what we are faced with. Yet none of us wants to actually finally reduce the capacity of America to produce food. We want to retain that capacity because we expect an even larger population than we have today.

If farmers had no greater capacity to produce food today than they had even 20 years ago, we could not have our great cities. There would not be enough food to feed the people living in them, and the people would have to move to farms. You would have to reduce the production per individual to increase the production per acre, as many parts of the world have to now. We in the United States are now trying to increase our production per individual, the man working, the individual, because we have the acres to provide him with his needs.

Mr. ADAMS. I thank the gentleman for yielding. The problem, as I see it, is that the number of farmers has been steadily decreasing even though we have had these programs. I am worried about people being pushed off the farms. I think some of us even would consider—the gentleman mentioned subsidies to transportation and so on—we would consider some type of direct check to farmers of $5,000 to $10,000 apiece, or maybe even a higher amount, to match what we are spending on subsidies, and let them grow what they wanted, because in that way we might be able to get some compromise and solution to the problem. The sudsidy program does bother some of us because we accumulate surpluses under it, and I do not think it was ever the intent to accumulate surpluses with subsidies.

I thank the gentleman for yielding.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. In line with the implication of the gentleman from Washington, and I am afraid that we hear this on the floor of the House a great deal because people are not informed, the gentleman mentioned agriculture 20 years ago. I have before me a record that shows commodity prices, that is, the price received by the farmer in July of 1950 compared to July of 1970, a period in which wages have gone up 131 percent in this whole country. Yet, as shown by the statement, the price of corn has gone from $1.44 down to $1.24; the price of wheat from $1.99 to $1.23; the price of cotton from 39 cents to 22 cents; and the price of soybean oil from 13 cents down to 11 cents. The farmer is getting less money today. Yet we hear on the floor of the House about the rising cost of farmers' products. That increased amount simply is not going to the farmer. He is getting fewer dollars today than he did 20 years ago. I would like to see any person in this Chamber face one of his labor unions and suggest that they take cuts like those which the farmers have taken in the past 20 years.

Mr. Chairman, I include the statement to which I have referred:

AVERAGE HOURLY EARNINGS (MANUFACTURING GROSS EARNINGS FROM THE EMPLOYMENT AND EARNINGS PUBLICATION, BUREAU OF LABOR STATISTICS)

April 1950	April 1970	Overall increase (percent)
$1.434	$3.32	131.5

	1950 (July)	1970 (July)
Corn	$1.44 per bushel	$1.24 per bushel.
Wheat	$1.99 per bushel	$1.23 per bushel.
Oats	$0.76 per bushel	$0.58 per bushel.
Cotton	39.11 cents per pound.	22.65 cents per pound.
Soybeans	$2.93 per bushel	$2.72 per bushel.
Cottonseed	$52 per ton	No quote (March: $47.10 per ton).
Beef cattle	$24.40 per hundredweight.	$27.90 per hundredweight.
Hogs	$20.90 per hundredweight.	$23.90 per hundredweight.
Soybean oil	13.10 cents per pound.	11.40 cents per pound.
Cottonseed	15.20-cents per pound.	14.20 cents per pound.

Mr. **POAGE**. The gentleman from Tennessee is so correct. There is no other group in America that I know of that has taken reductions in the prices of their labor or products thereof than the farmer has taken—actually less than he got 20 years ago when all of his costs were lower.

All we are trying to do with all this legislation is to try to enable the farmer to continue to operate. We are not even going to try to tell Members we should keep him up where he should be. We are not even trying to keep him as high as we would like to keep him.

I know some will say we did not maintain the parity feature in the bill. When we reach section 2, it ties the price support to parity. I believe the next thing is wheat, and it ties support to 100 percent of parity. So it is unfair to say we have abandoned the parity principle. We have not abandoned it at all. We have not carried it to the extremes many of us would like to have carried it. We have not carried it as far as I would like to. I would like to have peaches and cream all the time, all year around, but I cannot afford it, and we cannot afford everything we would like to have in this bill.

This bill does not give us everything we would like to have, but it gives us a great deal.

It gives us some red beef for dinner, and I think that is rather important. I think it is rather important that we have the basics, and this bill gives that to us. I am afraid that by looking at the reflection in the creek, we are going to drop the meat we have in our mouth in the effort to try to take something away from that reflection.

So we did not go as high as some of the farm organizations wanted us to go or as most of us wanted to go. We did not go as far toward tearing everything down as one of the insurance companies wanted us to go. We did not go as far as tearing everything down because we have not destroyed all the programs.

We do contemplate putting into agriculture approximately what we have been putting in in terms of dollars. This is what the Secretary has told us it will be, approximately the same input into agriculture as we have had in the last several years—about $3 to $3½ billion a year. So we do not have a bill here that changes the whole foundation of things, but we have a bill that will enable the farmers to continue in large part to farm.

I hope the membership of this House will recognize that if we deny those farmers the right to farm, the housewife over the country is going to find it extremely difficult to provide for our dinners.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. Chairman, before I pose my question, I want to say that I as one Member of this House congratulate the chairman for his leadership and the committee for the many months they have put in on this bill.

In my remarks on the rule I said this is the first time in my memory that we have had a bill of this magnitude formulated in the committee and not sent down by the Department. The committee has done its job in doing this work for the House, and as one Member I want to congratulate the committee for doing that.

I want to ask a question about the matter of dropping the Commodity Credit stocks. We have had a quite a discussion over the years in the committee and on the floor about "out of condition" corn being dumped—and I am putting "out of condition" in quotation marks—and other commodities being dumped by the Secretary of Agriculture and its depressing effect on the market.

Is there some change in this bill about the amount or the cost or the price whereby these stocks can be dumped? Has there been any change?

Mr. POAGE. The basic change in this bill in connection with what the gentleman is referring to, instead of relying upon the loans as a basic method of supporting the price, this bill relies almost entirely—not entirely but much more heavily, let me say—than we have in the past—upon the payments, the additional prices of the domestic-consumed proportion of the crop, so that very few commodities will be purchased by Commodity Credit Corporation under this program. There is no opportunity to make the extensive purchases here that existed under the previous legislation. Consequently, if we acquire less of these commodities, we are going to have smaller stocks. When it comes to dealing with those stocks, I must state it is my understanding that this bill contains the same provisions for the sale of stocks that we have had in the past—that is, we have to get $1.15 plus carrying charges for certain commodities.

Mr. LATTA. Mr. Chairman, the gentleman is saying that under the provisions of this bill, if they are carried forward, we will not have Commodity Credit Corporation stocks dumped.

Mr. POAGE. I will not say we will not have any, but I will say that we cannot possibly have such large Commodity Credit Corporation stocks.

Mr. LATTA. There is one further thing which I believe needs to be pointed out about the so-called payments. Regardless of the amount of the payment, I believe the public has been led to believe that this is net to the farmer. It is not net at all.

Mr. POAGE. Certainly not.

Mr. LATTA. If he gets a payment of $10,000, the cost of production will have to come out of that. This is not all "gravy."

Mr. POAGE. Had these payments been net to the farmers, certainly every cotton farmer in 1968 would have put in all the land he could. As a matter of fact, they put in only 50 percent of what they could have put in and drawn payments on. I believe that is conclusive evidence that the payments are not profit or net payments but, on the contrary, are payments from which substantial costs must be paid.

Many farmers figure they are not worth the cost.

Mr. LATTA. I thank the gentleman for his statement. I believe some misinformation has been spread across the country that this is all "gravy" and net to the farmer; and it is not.

Mr. POAGE. It is not.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Kansas.

Mr. MIZE. I believe the gentleman is doing an excellent job of explaining how the consumer is as much the recipient of the benefits of this type of legislation as the farmer himself.

Is it not true that Americans consume about 530 million bushels of wheat each year? This wheat is processed into flour and made into bread, cake, and so forth.

Mr. POAGE. That is correct.

Mr. MIZE. The fair market value of 530 million bushels of wheat is about $1.5 billion as adjusted by the parity for the cost of production and the cost of living in the United States. If the farmers were to be able to collectively bargain for the sale of this needed 530 million bushels of wheat we consume in this country each year, the absolute floor price would be about $1.5 billion, but the American consuming public pays only about $870 million and Federal Government pays the remaining $615 million through this type of legislation. Without this consumer subsidy element of this bill, for those items which the housewife buys made out of flour products, made out of wheat, she would have to pay that extra $615 million, is that not correct?

Mr. POAGE. I would think there is no question about it, because that money has to come from somewhere.

Mr. MIZE. Exactly.

Mr. POAGE. It has to come from somewhere. If it is not provided in the subsidy then it must come out of the market, if we are to continue to get the wheat. We could get it for 2 or 3 years. We would take it out of the farmers' hide for the next 2 or 3 years, and certainly many farmers would stay for awhile. When the time came they could not, of course the whole cost would go up.

Mr. MIZE. I thank the gentleman.

The CHAIRMAN. The gentleman from Texas has consumed 40 minutes.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, for over three decades, the Federal Government has been actively and intimately involved in American agriculture. As a natural and predictable result of this involvement, the farm economy has become greatly dependent upon Federal assistance for survival. Accordingly, the Federal Government has a clear obligation to help maintain the well-being of this segment of the Nation, in much the same fashion as it assists other segments of society.

The Government is quite concerned about the well-being of other groups in the Nation. In the past 18 months it has provided payment increases of 15 percent for social security recipients—with an additional 5 percent planned; 15 percent to recipients of railroad retirement benefits; 10 percent for veterans compensation; 6 percent to Federal employees—with an additional 8 percent planned under postal reorganization; 50 percent to welfare recipients—recommended; and grants for education, hospitals, schools, airports, country clubs,

Yet despite its largesse to other groups, the Federal Government has neglected to adequately maintain the income of the American farmer. I believe he is entitled to the same benefits as are granted to other segments of society; justice and fairness demand nothing less.

Part of the reason why the farm sector has not received its fair share of Federal benefits is that an increasing number of individuals lacking agricultural backgrounds are being elected to Congress. While this certainly reflects the Nation's population shifts, it renders Congress less than fully able to appreciate the complexities of American agriculture and the central role it plays in our national life.

The changing political composition of Congress is reflected in the Agriculture Act of 1970. On the whole, I think the House Agriculture Committee has reported out a basically workable farm program that will help promote a certain measure of vitality in the agricultural sector at a reasonable cost to the taxpayer. I have, however, grave reservations about that section of the bill which would limit farm payments to $55,000.

Since coming to Congress I have consistently opposed limiting Federal payments to any one farmer, farm, or commodity. Based on my life-long association with agriculture, I am of the firm conviction that payment limitations and a healthy farm economy are mutually exclusive. I still hold to this position despite the committee's action. I fear this is a false economy, one that will dislocate the farm sector in significant respects. It is, however, a cutback that will not prove disastrous to the farm program provided Federal payments are not further limited by Congress.

Perhaps a strict payment limitation could be justified in a farm economy comprised of small individual production units; but, the unadorned fact of the matter is that this Nation's agriculture sector is not so comprised, and has not been for over two decades. The United States, once a nation of small family farms, has become a nation wherein 40 percent of the farms produce over 80 percent of the country's food and fiber. The reasons for this shift may be summarized in one word; namely, "economics."

Farming, like other areas of the economy, has been beset with rising costs for land, labor, and capital, as well as shrinking profits from farm production. The extent of this condition is aptly illustrated by examining the economic changes in key areas over the last 10 or so years. Since 1959, the average value per acre of land has increased 83 percent. Land values themselves have risen 70 percent. Variable costs of farming and ranching have skyrocketed as well. During the last 7 years the investment in farm machinery required for farms and ranches has climbed 79 percent. Annual outlays for fertilizers have increased 64 percent. Feed costs have risen 33 percent.

In terms of fixed capital investment requirements, Secretary of Agriculture Clifford Hardin has stated that the average investment for 200 to 400 acres of land alone might run from $40,000 to $160,000, buildings would probably cost from $20,000 to $40,000, and land improvements could amount to an additional $20,000. These figures are based on USDA findings that the scope of farming has widened significantly in the last decade—in 1959 the average farm contained 288 acres; in 1969 it contained 398. The Department also reports that commercial farms had an average value of $100,000 as of March 1968.

Farming also provides significant underpinning to the economy in general. It comprises the largest single market for labor and industry—it employs 5 million individuals; which is more than the combined employment in transportation, public utilities, auto manufacturing, and steel industries. The agriculture sector consumes $50 billion worth of goods and services each year. Farmers pay more than $4.8 billion alone for tractors and equipment. In addition, they pay an annual transportation bill of well over $4 billion just to move their produce and livestock to market. Finally, farm transportation needs are so extensive that out of the 17 million trucks in America, more than 3 million are used in agriculture.

The conclusion is obvious. Agriculture has become a very significant component in the commercial life of the Nation. This is in addition to its historic role of producing the food and fiber necessary to fuel the dynamic growth of our country.

Mr. Chairman, given the economic realities of today, it is clear that to utilize land, labor, and capital in a successful farming operation requires ingenuity, initiative, and courage. Modern farmers have to surmount many obstacles not faced by their predecessors. They are forced by the very nature of our 20th-century economic system to expand their operations to the most efficient point of production if profit rather than loss is to be their harvest. Yet, their activities are defined and delimited by the amount of food and fiber they are able to sell in the marketplace.

To regulate this process by which the production of the farmer and the consumption needs of the American people are correlated, the Federal Government has instituted massive and complex farm programs. As an integral part of these programs, the Government has offered to make payments to producers of certain crops if in return the producers would agree to limit their production of the crops in question to levels specified by the U.S. Department of Agriculture.

In my judgment, to place a limitation on the amount of payments the Government can make to farmers for reducing their production in prescribed areas, handcuffs the large and efficient producer who expands operations in an effort to surmount the adverse economic conditions prevailing in the agriculture sector. More importantly, payment limitations benefit neither the farm economy nor the consumer of farm products. For, if successful farmers find payment limitations too burdensome, they will refuse to participate in the Federal farm programs. They will utilize their land to full capacity, and plant and harvest in such abundance that the artificial supply and demand system established by the Government to relate agriculture supply to consumer demand will buckle and collapse.

Paradoxically, Mr. Chairman, if the farm program is destroyed as a result of Congress imposing a limitation on Federal farm payments, the ultimate loser will be the American taxpayer; the very person whom the supporters of payment limitations maintain they are trying to protect. At the present time, approximately $7 billion per year in tax revenues goes to agriculture related uses. Of this amount, $3.5 billion is allocated to social uses such as the food stamp program and the school lunch program. The remaining $3.5 billion is spent on the farm program itself. The $3.5 billion in tax revenues enables the agricultural sector to produce almost $90 billion worth of food and fiber each year. Yet, the taxpayer-consumer spends only 16 percent of his disposable income to purchase this abundance; a bargain unparalleled in the world today.

This fortuitous condition wherein American agriculture produces the greatest variety of rich and wholesome farm products in the world at a cost to the American consumer that is lower than at any other time in our Nation's history is only made possible through the creative partnership between the public and the farming sectors. It is a partnership that works. It is a partnership that is reasonable in cost. It is a partnership that should not be lightly discarded.

The following letter to the gentleman from Oklahoma (Mr. Belcher) is the position of the President in regard to limitation of payments and the committee bill:

The White House,
Washington, August 4, 1970.

Hon. Page Belcher,
House of Representatives,
Washington, D.C.

Dear Page: The Poage-Belcher farm bill reported to the House by the Agriculture Committee is good legislation. I hope it will be enacted promptly, and with minimum change.

The proper payment limitation would seem to me to be peculiarly within the province of Congress, and I will, of course, abide the Congressional judgment. For my part, I subscribe to the analysis by your Committee and the Secretary of Agriculture. Both advise that too low a limitation would make it impossible for many farm producers to participate efficiently in the program. It would poorly serve the country to develop a farm program, then impose so severe a limitation as to impair its effectiveness.

Secretary Hardin and a bipartisan majority of your Committee therefore recommend $55,000 as the limitation. I am aware of the widespread desire for a much lower figure, and it is easy to share that desire. However, I must agree with Secretary Hardin that in present circumstances this could be harmful to the constructive farm program which your Committee and the Department have so painstakingly evolved.

You may, therefore, inform your colleagues that despite the obvious appeal of a lower limit, for these technical reasons I must prefer the limitation proposed by your Committee.

Sincerely,

RICHARD NIXON.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, 2 years ago last week, on July 31, 1968, to be exact, this body had under consideration basic farm legislation. At that time, the issue was whether or not we were going to extend the Food and Agriculture Act of 1965 and whether or not, if we did, for 1 or for 4 years.

On that July day 2 years ago it was finally decided by the House that with the inclusion of a $20,000 per person limitation on payments, the bill should be extended for 1 year, through December 31, 1970. In going back to the record of that debate it was interesting to me to find a common threat of argument from both sides of the aisle. From solid supporters of the act of 1965 to those who had voted against its original passage came the plea of "give us 1 additional year of time so that we can come up with legislative changes that will make the farm bill more acceptable to the farmers and taxpayers of the Nation." I did not agree with that argument and opposed the 1-year extension, feeling that it served no useful purpose.

We are here today considering a bill which, when stripped of a few of its new legislative bangles and beads, stands as a poor copy of the Food and Agriculture Act of 1965. Like the 1965 act, this bill would continue expensive compensatory payment programs. It is estimated that in excess of $10 billion would be spent over the next 3 years on three of our most important crops; that is, wheat, feed grains, and cotton.

You will note that I said over the next 3 years, because that is the life of this bill. Going back to the debate of 2 years ago, I find that at that time opponents of a 4-year extension thought they had killed a bear when they got the $20,000 payment limitation added and held the bill to a 1-year extension. What a hollow victory that is now. Those opponents lost their payment limitation in conference that year and are now being offered the other 3 years of the original 4-year plan.

But back to the bill before us. Like the 1965 act, it will preserve farm allotments and bases as ineffective instruments of governmental supply management.

Like the 1965 act, this bill continues the concept of low market prices for the producers of three major crops.

Like the 1965 act, this bill will, when it expires in 1973, cause farmers again to be confronted with old and unworkable programs that are imbedded into the archives of the permanent farm law.

And like the 1965 act, this bill before us will continue the hopeless patchwork of crop control and subsidy programs which have wasted so much of the public treasure for so long, while never really helping farm people adjust to modern technological change.

You will be told, of course, that this act is different and that changes have been made. Yes, changes have been made, but they are more in sound than in substance. No matter what the program of acreage retirement is called, whether "set aside" or some other retired acre designation, it all represents acreage taken out of production. Furthermore, direct payments are the same, whether considered as income supplements or as acreage diversion. The results are the same, with farmers being made ever more dependent for their income on a check out of the Federal Treasury at heavy cost to the taxpayer.

Inasmuch as the spotlight of this bill falls heavily on the three major crops of wheat, feed grains, and cotton, one automatically wonders what crop is getting the best deal. If one is talking about dollar outlays in comparison to the importance of the crop, cotton is king. About $800 million per year will go to farmers involved in the production of 12 million acres of cotton. A like amount will go to wheat farmers growing nearly four times that many acres of wheat. And around $1.6 billion, or double the cotton money, will go to corn farmers planting some 60 million acres. This figures out to a direct Federal subsidy of about $66 for every acre of cotton produced, $26 for every acre of corn produced, and $18 for every acre of wheat to be produced. Yes, cotton is still king.

When one sees where the money is going, he knows cotton is king. According to USDA figures, payments to Texas farmers in 1969 totaled $501,905,837, of which more than half was for cotton. In the same year Pennsylvania did not have a comparable beneficial effect in the payments area, for Pennsylvania farmers received payments amounting to $27,866,192.

After noting this $475 million difference between my State and Texas, I decided to do a little simple arithmetic to see how many States it took to match Texas in payments. By adding the total 1969 payments going to farmers in the 17 adjoining States to Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, Kentucky, Indiana, Ohio, and Michigan, I came up with a total of $459,439,476. This is still more than $40 million less than the single State of Texas.

The 17 States just mentioned contain, according to the 1964 census of agriculture, 797,218 farmers. Texas had 205,110 farmers. In 1969 gross farm sales in the 17 States were $8,317,000,000, nearly four times as much as Texas' gross farm sales of $2,669,000,000. Yet Texas farmers got more Government payments than went into the 17 States combined.

Now let us look at congressional representation. The 17 States I named have 193 House Members, while Texas has but 23. In the other body of the Congress, Texas is outnumbered by the 17 States by 34 to 2.

I am not here today to fight Texas, Texas farmers, or my colleagues from Texas. Last year I took a trip to Texas and really enjoyed the famed Texan hospitality. I am also not here to suggest that since the 17 States concerned have 10 times more Congressmen than Texas they should get 10 times as much in payments. That would be the politics of equal shares, which is alien to our form of government and my way of thinking. I am here today to call upon each of you to vote to put an end to these programs which threaten to destroy American agriculture.

Some of my colleagues will argue, of course, that agriculture is just as entitled to subsidies as are the railroad and shipping industries. I offer this word of caution. If subsidies lead our farmers into the same dead-end alleys into which they have taken our railroads and shipping lines, then we should take a wide berth of them.

The hour is getting late for saving our maritime fleet, just as it is getting mighty late for the railroads. It is not, however, too late to change the course of events for American agriculture. It is time to recognize farm payments for what they are, an inept mechanism that fails to deal efficiently with the problems of the average American farmer and imposes a heavy cost burden on the back of the American taxpayer.

In summary, I feel as was stated in the minority report on this bill signed by my colleague, Mr. TEAGUE of California and me:

> This multi-billion dollar extension of the costly and ineffective failures of the past should be rejected by the House in order to set the stage for meaningful and long-overdue reform of our farm program.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, generally speaking, farmers in our area of the country and in all production are in the same boat.

The gentleman in the well has one of the country's foremost orchards. He has lovely orchards in the State of Pennsylvania. Would the gentleman from Pennsylvania recommend to a young man today to start in the orchard business?

Mr. GOODLING. Under our present system of agriculture I would not recommend to any young man that he get into any branch of agriculture.

Mr. KYL. Mr. Chairman, I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I will have some comments to make later, but now I would like to commend the gentleman from Pennsylvania for what he has had to say and I associate myself with his remarks.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, at the risk of being prosaic, I thought I might direct at least a few of my remarks to the actual contents of the bill that is before us today. Before I do that, I might say to the gentleman from Pennsylvania, who just preceded me in the well, that I have one or two comments on his remarks.

In his comparison of the amounts of money for various agricultural payments that go to the States in his area versus those in Texas, it rather reminds me of how often I am asked as a representative of the eastern part of the State of Washington about why I have so many dams in my district. I say, "Well, it is simply because that is where the Columbia and the Snake Rivers are." We have to look at our payments by region in connection with where the great food production of this country comes from, where the commercial growing areas exist for wheat, feed grain, and cotton.

Second, I quite agree with my highly respected colleague, the gentleman from Pennsylvania, that our goal should always be to have a farm program that is equally acceptable to the farmers and to the taxpayers. I can only say to the gentleman that for 12 years I have been working for just that magical combination. I would have liked to ask him if he felt it would be possible for our House Committee on Agriculture to have passed a bill that pleased the majority of the farm groups that were working with us, and at the same time have it acceptable to the taxpayers and the majority of this House. This, of course, has been the basis of the whole problem as we worked on this bill for the many months behind us.

When the new administration took office last year, the need for new farm legislation was clearly defined. The Food and Agriculture Act of 1965 had been temporarily extended for an additional year, and would expire at the end of the 1970 crop year. It was recognized that a new farm bill would definitely be required, since the alternative—reversion to the old, permanent law—would have disastrous effects on the U.S. farm economy.

It was also recognized that no one group could, by themselves, obtain passage of a new farm bill. It was clear that the administration, Republicans and Democrats in Congress, the farm organizations and others, working individually and on their own could never hope to marshal sufficient support in the Congress to enact a bill of their own choosing. But, working together, it might be possible to develop compromise legislation which could receive congressional approval.

Farm programs had increasingly come under fire from many sources, both from the standpoint of escalating Federal costs and, in the view of some, an apparent failure to achieve the objectives for which the commodity programs were originally enacted. Concern over the size of payments to farmers under the programs had been dramatically expressed in the House of Representatives by the adoption of payment limitation provisions on the agricultural appropriations bill. A growing disposition on the part of many to drastically reduce farm program expenditures or eliminate them entirely, had become apparent.

It was in this environment that the House Agriculture Committee and the administration began working last year to draft a new farm bill. A series of meetings between our committee and Secretary of Agriculture Hardin and his staff was begun. Public hearings before our committee were initiated in July and some 25 days were devoted last year to hearing witnesses describe their views on what approaches new farm legislation should take. Everyone who expressed an interest in appearing before our committee had the opportunity to do so. We heard from all the major farm organizations, from Government officials, and from many other groups and individuals.

Over the months, working together, our committee and the administration first looked at all alternatives open to us—massive land retirement, extension of the present programs, expansion of present programs as proposed in the coalition bill, and a number of other approaches which had been presented to us. Through this process we began to come up with our own guidelines and parameters.

I want to emphasize that all through this period, all major farm groups as well as other interested organizations and individuals were meeting with members of our committee and were given every opportunity to make their views known.

We recognized that the three basic commodities—wheat, feed grains, and cotton—would be the core of the omnibus farm bill. Our Livestock and Grains Subcommittee, on which I have the privilege of serving as senior minority member, held 6 days of public hearings on the wheat and feed grains section of the bill after the full committee had conducted open hearings.

Our subcommittee, after weeks—and months—of deliberation, drafted an approach which appeared to be the best compromise approach to new farm legislation which could be achieved under the circumstances. Further changes were made in full committee, and the end result is the bill we have before us today—a compromise bill about which many of us have some reservation, but which is the best bill possible under the circumstances:

SUMMARY OF PRINCIPAL PROVISIONS

This bill is made up of eight titles which contain the following major provisions (unless otherwise noted, all provisions will be in effect for the next three years):

TITLE I—PAYMENT LIMITATIONS

1. Establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains.
2. The limitation imposed considers all payments made for price support, set-aside, diversion, and public access as well as marketing certificates.
3. The Secretary is authorized to adjust set-aside acreage and is directed to issue regulations necessary to insure fair and reasonable application of this title.

TITLE II—DAIRY

1. Clarifies and reaffirms authority for base excess and seasonal plans and extends and amends the authority for the Dairymen's Class I Base Plan in federal milk market order areas. It specifically guarantees competitive access to Class I Base Plan markets by established producers outside the market order area. Appeal procedures under present law remain unchanged.
2. Suspend the operation of the mandatory butterfat price support program for farm separated cream and permits the Secretary to set lower support prices on butter.
3. Extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veterans Hospitals.
4. Extends the Secretary's authority to make indemnity payments to dairy farmers who through no fault of their own have their milk contaminated by and condemned because of the presence of pesticides and residues.

TITLE III—WOOL

1. Extends the National Wool Act of 1954, as amended, through December 31, 1973.
2. Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

TITLE IV—WHEAT

1. Suspends the marketing quota program for 1971, 1972, and 1973.
2. Provides domestic marketing certificates to farmers participating in the set-aside program in an amount equal to U.S. food consumption (about 530 million bushels annually).
3. Sets the face value of these domestic certificates at the difference between the wheat parity price (currently $2.82 per bushel) and the average price received by farmers during the first five months of the wheat marketing year (which starts on July 1).
4. Provides for a "preliminary" payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment (if any) would be paid in December. If the Secretary's estimate were too high, no refunds by farmers would be required.
5. Continues the cost of certificates to wheat processors at 75 cents per bushel.
6. Authorizes the Secretary to set nonrecourse loans to participating farmers from zero to 100 percent of the parity price for wheat.
7. Establishes a "set-aside" program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary.
8. Authorizes payments to participating farmers for any additional set-aside acreage and for permitting public recreational access.

TITLE V—FEED GRAINS

1. Establishes a voluntary feed grain (i.e., corn, grain sorghum, and barley) program for 1971, 1972, and 1973.
2. Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between not less than $1.35 per bushel (for corn) and the average market price for the first five months of the marketing year (which starts on October 1 on corn and grain sorghum and July 1 on barley). In no event, however, would these payments be less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley).
3. Authorizes the Secretary to set nonrecourse loans at zero to 90 percent of feed grain parity prices.
4. Authorizes additional set-aside and public recreational access payments.
5. Establishes a "set-aside" program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.
6. Provides for a "preliminary" payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first five months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

TITLE VI—UPLAND COTTON

1. Provides a guaranteed support of 35 cents per pound (middling one inch basis) on the estimated production from 11.5 million acres

for the 1971 crop and an equivalent amount for the 1972 and 1973 crops.

2. Makes assistance available to participating cotton farmers through loans and payments. The loan would be 90 percent of the estimated average world price. The payment would be the difference between 35 cents and the average market price for the first five months following the beginning of the marketing year (which begins August 1), but in no event less than 15 cents per pound. No refunds by farmers would be required in the event market prices were greater than 20 cents per pound.

3. Authorizes payments to participating farmers on acreage made available to the public for recreational purposes.

4. Provides for a set-aside of cropland (not to exceed 33⅓ percent of the cotton allotment) as a condition of eligibility for benefits under the program.

5. Establishes a voluntary program under which marketing quotas, penalties, and acreage restrictions would be suspended for three years.

6. Requires participating farmers to plant cotton to receive payments with two exceptions: (a) if unable to do so because of natural disaster or other condition beyond producers' control; (b) if not less than 90 percent of allotment is planted.

7. Allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of this legislation.

TITLE VII—PUBLIC LAW 480

1. Extends without change the provisions of P.L. 480 (the "Food for Peace" program) which authorizes donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations. Under the Act most foreign currency sales are scheduled to end by December 31, 1971.

TITLE VIII—GENERAL AND MISCELLANEOUS

1. Continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program.

2. Continues the current exemption from marketing quotas for boiled peanuts.

3. Permits farmers or other land owners who do not desire to hold an allotment on any crop under a government program to voluntarily relinquish it. (This would be a permanent provision.)

4. Establishes an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

THE AGRICULTURAL ACT OF 1970

(Statement on H.R. 18546 by Secretary Hardin)

The Agricultural Act of 1970 approved by the House Agricultural Committee on July 22, 1970 is the result of a bi-partisan effort by members of the Committee and the U.S. Department of Agriculture.

This proposed legislation meets the four basic agricultural goals of this Administration—(1) To protect and improve farm income; (2) To provide more flexibility for farmers in making their own farm operating decisions; (3) Develop greater reliance on the marketplace, enabling producers to become less dependent on government programs; and (4) Balance our supply of agricultural products to the demands of the marketplace and the consumer. At the same time, this legislation would assure consumers adequate food and fiber supplies at reasonable prices without a continued rise in cost to the taxpayer.

EFFECT OF NO ACTION

The need for new legislation for 1971 crops is clear-cut. Current laws expire at the end of 1970, and old legislation still on the books under the 1958 Act is simply inadequate. Under old laws, purchasing power of farmers would be drastically reduced with resultant impact on business and industry. Low feed grain prices would lead to a sharp expansion in livestock and poultry numbers and product prices disastrous to the livestock-poultry economy. This in turn would have a detrimental effect on the thousands of workers employed in farm oriented industries.

Without new legislation, we can look for an end to a balanced supply use situation for grains and cotton, which would result in glutted markets with rapidly increasing Government stocks.

This poses a threat to the farmer and an increasing expense to the taxpayer.

COTTON

If no agricultural legislation is passed by this Congress, the cotton program would be devised under older (1958) legislation. This legislation would provide high price supports but would result in prohibitive prices to consumers for cotton products and a resulting substantial loss in sales for farmers. It would be only a matter of time before cotton would be priced out of the market.

The bill is made up of eight Titles which contain the following major provisions:

TITLE I—PAYMENT LIMITS

Title I of the Bill sets limitations on the amount of payments any individual farmer may receive from the cotton, feed grain, and wheat programs.

Under this provision, a producer could receive up to $55,000 from each program.

This Administration supports the Committee's action on this limitation since it is reasonable and can be administered without seriously affecting the effectiveness of those programs.

TITLE II—DAIRY

Title II of the Act, which relates to dairy producers, amends and extends authority for Class I base plans in Federal Milk Market Order areas.

It specifically guarantees competitive access to Class I base plan markets by established producers outside the market order areas, and leaves appeal procedures under the present law unchanged.

This Title also suspends the mandatory butterfat price support program for farm-separated cream, and permits the Secretary to use discretion in setting the support price on butter together with other milk products. It also extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veteran's Hospitals, and continues his authority to make indemnity payments to dairy farmers.

TITLE III—WOOL

Title III of the Bill extends the National Wool Act of 1954 to cover marketings of wool and mohair through December 31, 1973. It continues the present wool incentive price of 72 cents a pound and the present mohair support price of 80.2 cents a pound through each year of the extension. Payments to producers depend upon prices growers receive in the market place.

The cost of the program is well below the duty collections used for financing payments and is therefore self-supporting.

In the absence of extension of the Wool Act, the only provision for wool and mohair producers is the general price support authority in section 301 of the Agricultural Act of 1949 which previously resulted in large accumulations of Government-owned stocks.

TITLES IV, V, AND VI—WHEAT, FEED GRAINS AND COTTON

Titles IV, V and VI relate to wheat, feed grain, and cotton. Wheat, feed grain, and cotton producers who agree to set aside a portion of their farm from crop production and put it to conservation type uses and who maintain the normal conserving acreage on their farm will be eligible for program benefits.

THE 100 PERCENT OF PARITY

Wheat producers who participate will be assured of a return equal to 100 percent of parity on that portion of their wheat production which represents their share of wheat utilized for domestic food use.

On farms where wheat can be produced more efficiently than other crops, producers can grow additional wheat for the market at prices which will be competitive for world markets, and for domestic feed and industrial uses.

PROCESSOR CERTIFICATES

The cost of certificates to food processors will remain at 75 cents per bushel—the same as in prior years—and thus the program will not contribute to an increase in food costs.

FEED GRAIN GUARANTEES

Feed grain producers who participate will be eligible for payments on a portion of their feed grain production. In the case of corn, this payment will be a minimum of 32 cents per bushel with corresponding rates on grain sorghum and barley. Corn growers will be assured of a return of not less than $1.35 per bushel through a combination of market price and direct payments on about one-half of their normal corn production.

LOANS

Non-recourse loans would be available to feed grain and wheat producers at a level which would make these commodities competitive in world markets. This would encourage expanded domestic consumption and would avoid excessive and costly accumulation of these grains in Government hands.

EARLY PAYMENTS

Under both the wheat and feed grain programs there is provision for making payments to farmers as soon as possible after July 1 of the crop year involved. These early payments would total 32 cents per bushel in the case of corn, with corresponding rates for grain sorghum and barley, and about $1.25 per bushel in the case of wheat.

These early payments would assist farmers in meeting production expenses involved in planting, harvesting, and marketing their crops and in many instances would permit producers to avoid the burden of added credit and high interest costs.

COTTON

For cotton, the Bill would suspend marketing quotas and penalties. Farmers who participate would be eligible for payment on their share of the domestic market and for price support loans on their entire production of cotton. The loan would be at a level which would make cotton competitive in both domestic and world markets.

The preliminary payments will be a minimum of 15 cents per pound. An overall price guarantee of not less than 35 cents a pound would be applicable on a specified portion of their production. The early payment to farmers would be made as soon as possible after July 1 of the crop year involved.

FINAL PAYMENTS

Final payments on wheat, feed grain, and cotton will be based upon market prices for the first five months of the marketing year and will be made after these are known.

TITLE VII—P.L. 480

Under Title VII of the Bill, the provisions of Public Law 480—the Food for Peace Program—which authorizes donations and long-term dollar credit to underdeveloped Nations would be unchanged. Under the Act, most foreign currency sales are scheduled to end by December 31, 1971.

TITLE VIII—CONSERVATION AND ENVIRONMENT

Title VIII of the Bill will provide important authority to deal with several critical environmental problems facing both farmers and non-farmers.

In addition to the necessity to adjust the acreage of land used for crops during the next few years, there is urgent need to provide assistance to farmers who due to age, poor health, physical disability or other reasons, must retire or reduce their farming activity.

There is also need, as evidenced by the increasing concern about our environment, to provide more opportunities for open spaces, clear water, clean air, and outdoor recreation. The programs authorized under this Title will help meet all of these problems at the same time.

This Title will supplement the more widespread crop adjustment efforts authorized under other Titles of the Bill. The costs for obtaining production adjustment under these long-term agreements will be even less per unit than that obtained under annual programs. With the assurance of program assistance over an extended period of time, farmers can retire or reduce their farming activity. They will thus be able to live on the farm and continue to be a viable part of the economic and social community while providing a valuable service to an ever expanding recreation-minded public.

HUNTING, TRAPPING, FISHING, AND HIKING

The act will make land available to the public for hunting, trapping, fishing and hiking by providing appropriate compensation to farmers who agree to cooperate. Assistance will also be given to develop wildlife food plots and other wildlife habitat. Standards will be developed by the Secretary of Agriculture and the Secretary of Interior who will also appoint a public wildlife advisory board with whom they can consult on wildlife phases of the program.

GREENSPAN

Another important feature of this Title is the "Greenspan" program. This program will provide significant recreational and open space benefits to nonfarm people.

It will provide assistance to Governmental agencies in purchasing surplus-producing cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution.

This will supplement the millions of acres which will be set aside from crop production under the annual programs authorized by other Titles of this Bill. This will also make a major contribution toward providing more open space, clean air, clear water and outdoor recreational opportunities.

PEANUTS AND HONEY

Title VIII also continues the current exemption from marketing quotas for boiled peanuts. In addition, farmers or other land owners who do not desire to hold an allotment under any crop under a Government program may voluntarily relinquish it. There is also provided an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Chairman, I could not come into the well of this House talking about a farm bill without expressing my gratitude and appreciation to the chairman of our committee, the gentleman from Texas (Mr. POAGE) and the ranking minority member (Mr. BELCHER) and then to Mr. PURCELL, the chairman of the Subcommittee on Livestock and Grains, and Mrs. MAY, the ranking minority member on our side.

It has been said—and I want to reiterate this—that the hours spent bringing this farm bill to its position today have been so numerous that it would be ridiculous to try to tabulate them. I have had a lot of experience in my life spending a great deal of time on a lot of projects and things, but never have I spent as much personal time on anything as I have on this legislation. I use those remarks advisedly because we consider many very important pieces of legislation in this House, but I consider this to be also, a very important piece of legislation.

It is a little disappointing, Mr. Chairman, to note that there are so few of our colleagues on the floor this afternoon.

This is complicated legislation, but it is vitally important to a declining minority of our people today, although they are a very vital minority.

We do not have before us the bill that I would like, and I think that is a true statement that everybody in this House could make. However, it evolved from a great deal of compromise and a great deal of give and take on the part of some of the individuals I have mentioned. I want to add to that the Secretary of Agriculture and his people who really put their minds to the stone to do the best they could to bring about a compromise and bring the bill to us, as I would like to define it, as a very minimum farm bill. In this farm bill we were agreed that we should bring out legislation that would bring us the relatively same level of spending on the three major crops which we are spending today. This was our objective and goal. In my own personal and humble opinion, we did not quite reach that goal. I cannot prove it, but I think time will develop the fact that it will fall a little short. Again I want to say that it brings us, and the farmers in rural America, a minimum farm bill that we can live with.

There are a couple of very basic concepts in this legislation that are different from what we have today. One is the freedom of the producer to plant once he has provided for the set-aside. The other is the set-aside approach as it was presented by the Department of Agriculture and the Secretary to make us more competitive in world markets. There is a great deal of argument about this and rightly so. Nevertheless it is one of the objectives of this piece of legislation.

Mr. Chairman, I make no bones about the fact that I am very much of a producer oriented man. I want to give you a couple of examples. When you come from a State like North Dakota where possibly 85 percent of our total economy is dependent upon agriculture and agriculturally related industries, then you know and realize that when you have spent all of your life there you are going to be producer oriented.

And now I do not want to treat lightly anybody who is consumer oriented, because that is all of us. The reason I want to bring out this particular point is to call attention to the fact that the consumers have a stake in this legislation. America today consumers, you and I and all of the rest, are spending 16.5 percent of our total disposable income for food, the cheapest in the history of the world. Now, if you and I and the rest of us do not make certain that the producers of our Nation are kept economically healthy we, the consumers, will ultimately be the losers in my opinion.

I want to give you an example. A few years ago there was a local dairy doing a thriving and profitable business in a small community in California. A large corporation decided that they were going to put this guy out of business because he was not in favor of raising the price of milk, he was doing all right the way he was. So this big corporation cut the price of milk nearly in half in that community, and that starved this small businessman. It was not but 2 months after that this corporation raised the price of milk 50 percent over the previous price. They got their money back in a hurry, but the consumers of that area lost a producer, and lost a small businessman who was really oriented in their direction.

I think that is applicable here as we look about the producers of our Nation, and their relation to the consumers.

I want to give you another example about the total agricultural orientation of my State. I know that most of you if not all of you were approached by members of the Farm Bureau from the various States who came down here a week ago telling us all to vote against this bill. I want to say to you, Mr. Chairman, that the members of the Farm Bureau from my State came down and asked me to support this bill. Why? Because they passed a resolution at their State convention that supported the wheat certificate concept, and we have that in this bill. This was in contradiction to the National Farm Bureau's position, but I think really so because that is the total agricultural orientation of our State and its people. It was even understood by those who belonged to the Farm Bureau.

I just want to say one final thing as I close these remarks, and that is it is emotional, I think, but it is true in my view, there is no finer place to live in the whole world than on the farm. No finer place to raise a family. I do not know what there is about a farmer, a small farmer, that grubs all he can out of that soil, but there is something about his projection and in his relationship to his fellow man and his neighbor that is just a little more humane.

You and I did not start farm programs and farm subsidies, but if we want to look at them in the total personal concept as they apply to our life today I think we have got to know and realize that if we can do something to supplement nonfarm income as well as farm income for the small families who want to live on that farm and raise their families, then we have performed a service because we then are not forcing them into the county seats, into the capital cities, and into the urban communities where they will ultimately end up on welfare.

I think that is the very basic provision and concept that is hooked up with this farm bill that we are considering now, and so I can only say that this is not Utopian. I know that it is a "whipping boy" piece of legislation for many, they say "Boy, when the farm bill comes up just wait until I get a whack at that baby. I am going to take care of that. That is where I want to do my legislative work for the year."

But there is something very personal for anybody involved in this legislation that I hope you, my colleagues, will consider. It is minimum, but it is very vital to the agriculture in this country.

Mr. Chairman, I yield back the balance of my time.

THE FARM BILL: FUSE FOR A NATIONAL DEPRESSION

Mr. POAGE. Mr. Chairman, I yield 10 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, to use an old phrase in a little different context, depression is "just around the corner" for this country if we do not have positive action very soon to halt the current recession and slow the high rate of business failures.

Both in agriculture and farm-related business circles, any sharp drop in the economy or prolonged deterioration, even at a small rate, will result in a slide that will snowball into a rural depression. And all of our most serious depressions have started that way—in the rural areas with farm foreclosures, low agricultural prices, and business failures among those close to the farmers on the land.

We have before us a farm bill containing the seeds of a farm depression that could rock this Nation. It will lower farm prices. It will break a lot of farmers. It is no time to be pushing farmers further down; it is a time we should be legislating relief for them to strengthen the whole economy.

With only 16 percent of disposable income in America going for food, and with only 5 percent of our disposable income actually reaching American farmers and ranchers, we must all realize that farm products are selling very cheap, actually below cost of production for most farmers, who have been living off their capital for a number of years.

At the bottom of the agricultural marketing totem pole are prices for grain.

On the farms of America today this is what you find:

Wheat is selling at 13 cents per bushel below 1943 levels.

Corn is selling at 6 cents per bushel less than in 1947.

Soybeans are 13 cents a bushel under their 1951 average.

Barley is a nickel a bushel under 1943 prices.

Oats bring 11 cents under 1943 levels.

Offsetting these prices paid farmers are these things:

Freight rates are at 1970 price levels—the highest in history.

Petroleum, steel, machinery, rubber, taxes, land, interest—every component of farm costs—is either at its highest in history or at a 30- to 40-year high.

That, Mr. Chairman, is what is known as the cost-price squeeze for agriculture. That, my colleagues, is what has forced agriculture into a box that requires, demands, a continuation of an agricultural stability act—a farm bill that keeps agriculture in business.

I have not mentioned prices for livestock. Prices for cattle, pigs and lambs are reasonably good. But beef on the hoof is selling somewhat lower than June of 1969, and 10 percent lower than the 1951 prices. Pigs and lambs are matching 1948 prices, 22 years ago. Because livestock markets have held up better than grain prices it is because of that and only because of that—that we are not now in the midst of a farm depression of a magnitude and depth that would be hard to project.

Unfortunately, hog prices are right now turning down.

It is only because of the relative strength and stability of the livestock markets that there has not already been a massive dislocation of farmers, with many squeezed off of farms hunting jobs in the cities. The trend from farm to city has been at a rapid pace for over 10 years. If it were not for current favorable livestock prices, it would have been an exodus comparable to the dust bowl days of the thirties.

Let those who are not directly involved in agriculture listen to me. I am not speaking of a little, isolated economic downturn that would only affect a few Americans—those 3 million operating the Nation's farms and ranches—I am speaking of an economic downturn that would require no haggling over semantics to determine whether it was correctly called a recession or depression. I am speaking of a "By Gawd depression" where no one would need to quibble over economic barometers or statistical yardsticks or need to read opinions of economists to know their pocketbooks and income were getting slim.

I am, Mr. Chairman, talking about an honest-to-God, go-broke depression that starts on the land, at the farm sales where they auction farmers off their land, and a depression that goes all the way to Wall Street in New York City, cutting down in its swath agribusiness in the rural towns and cities, business throughout the Nation, industrial output, and most important of all, a great many of the people in this country who live and work day by day and month by month doing a job for a paycheck.

The greatest single industry in the country is agriculture. It buys more steel, more petroleum products, more rubber, more trucks, than any other industry. When agriculture goes out of business or stagnates you can be certain that the ship of state is going to be rocked by the waves.

I have stated that but for relatively good and stable prices for livestock, agriculture with greatly increasing costs would already be in a disastrous depression; there is one other factor that has helped prevent this catastrophe. That is a farm program, the 1965 act, that, while not good enough to keep pace with the cost price squeeze for farmers, has done some good to stabilize farm income and prevent a more serious decline in grain markets.

What we have before us now in the administration's proposals for grain farmers is the prospect of much lower grain prices.

In my book, continuing cheap grain prices will mean cheap cattle, cheap pigs, cheap lambs.

You may say "Well, I would like that, I could buy more meat for my family."

Take a look at what really happens when farm prices go down. Price spreads widen. Farm to dinner table margins are at an all time high. A 30-percent drop in farm prices would not give consumers a 10 percent saving at retail. If wheat goes down 50 cent a bushel it would not save people who buy those breakfast foods regardless of how nutritious they are or are not, a penny a box. I can assure you, however, that the producers of those products would have lost their shirts in a vicious market that took off the top end but left them with rising costs that cannot be paid by the price received from the marketing of their product.

And there, Mr. Chairman, we would have the conditions which would plunge this entire Nation into a depression that would stagger our whole economy. We are ourselves confronted with a decision to pass a bill that leads toward the bottom of the pit or to follow, with temperate judgment, a path that leads to price stability for farmers and to the overriding responsibility of making the American economy sound.

This bill as it affects grain farmers leads to the pit—this bill does not approach the income stability of the present farm program. It would, under the guise of giving farmers more flexibility, assure lower grain prices. While all else that is produced, sold, built, bartered or bought has been going up, we would be forcing farmers to product for lower prices. There is not something new and better for grain farmers in this bill. Rather, there is something new and worse in this bill.

It is no wonder that no farm organization supports this bill. It is true the milk people want the milk provision, the wool growers want their program continued, and we all want Public Law 480 extended—but that is the extent of the support. No organizations back the wheat or feed grain titles, or the setaside idea. Even as desperate as grain farmers are, there are none that can say that this legislation would improve their lot.

Mr. Chairman, progress on the farms and ranches of America in the past 40 years has increased production magnificently. But we have never matched that know-how and capability in production with knowledge of marketing and distributing the food so that all in the Nation could enjoy the abundance with which we are blessed.

We have food stamp legislation pending before this House. Extension of Public Law 480, Food for Peace, is one of the titles of this bill. They are programs to take care of hungry people here at home and abroad.

We can improve on distribution costs and I will cite one example: From my home county, coal is shipped over 1,000 miles on the Burlington-Northern Railroad to furnish the fuel to turn on the electric lights in Minnesota. The freight rate on that coal is $2.74 per ton. Wheat moves the same distance on the same railroad for five or six times that amount per ton. Railroad cars that haul grain cost more than cars to haul coal. But the real difference in the rates lies in the fact that the coal moves by unit trains all year and the grain moves by spurts and is billed in single car lots. There is no reason not to haul grain by unit trains at costs which would greatly reduce current freight rates. The Department of Agriculture, not adverse to progress, the grain trade, and the railroads—all could benefit by solving a problem in distribution costs that farmers big and small cannot solve by themselves.

I offer these three points: Food stamps, food for peace, and progress in distribution costs as three hopes for doing what farmers and humanitarians seek—improving farm prices and ending hunger of people whose nutrition and food supplies are inadequate.

Meanwhile, Mr. Chairman, there is no reason to pursue folly by weakening the farm program, no reason to court serious depression; no reason to enact the wheat and feed grain sections proposed by Department of Agriculture officials who view the problem of grain farmers as one that can be solved only by lowering their prices. These two sections of the bill more than any other parts in the proposed legislation reflect the callous philosophy of so-called grain experts who have not truly realized the impact of rising costs on grain farmers.

I propose to continue the present level of price support for wheat as a minimum, and I shall offer an amendment to keep the minimum returns for a producer's whole crop at 70 percent of parity; that is, approximately $2 per bushel or the blend price return from 100 percent of parity for domestic wheat and the $1.25 loan on the rest, which is what the farmers get now.

The return should be more—wheat farmers are in trouble financially even at $2 per bushel average return—but this minimum will at least give them stability instead of a big drop.

Let me say, Mr. Chairman, that the President of the United States went out to North Dakota recently and declared that he was for 100 percent of parity for wheat. There is a lot of confusion about whether he meant all wheat, or just a minor fraction of it.

If he is really for 100 percent of parity for wheat—which is what it ought to be—and cannot find anyone in his own party to offer such an amendment to this bill, I will put it in for him. I will be delighted to abandon this 70 percent, which I am proposing only because his Secretary of Agriculture and all the rest of his appointees have fought even that much right down the line.

I here and now challenge all of those who talk about 100 percent of parity for wheat to support just 70 percent as the minimum in the law. Stand up and be counted. Let the President send up another of his letters announcing his support for even that level of support for wheat—more if he wishes to—and I know the wheat producers of America will be grateful in view of what his Secretary of Agriculture is trying to do to them.

I also expect to support a similar amendment affecting feed grains which will be offered by the gentleman from Minnesota (Mr. ZWACH), my colleague from the Agriculture Committee, to give feed grains an assured minimum price support, in the law, at current levels.

In addition, Mr. Chairman, I will propose an amendment directing the Secretary of Agriculture to arrange for the use of unit trains and rail-to-barge shipment of grains to lower transportation costs and to take the savings into account when calculating county loan rates on grain, so the savings in transportation will be passed back to the producers who desperately need every penny of added value they can obtain.

Mr. Chairman, the amendments to assure a minimum blend return for wheat and feed grains at least at present levels is the very least this body can do: anything less than that, anything as far down the scale as the administration is insisting upon, would be lighting the fuze of a depression.

Mr. KLEPPE. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Chairman, I do not believe I understand the gentleman's first amendment correctly about wheat. Will the gentleman explain that again?

Mr. MELCHER. I will offer an amendment to assure the same level of price support for the whole wheat crop that we have right now—a 70-percent-of-parity return for our wheat farmers on their whole crop. This bill provides for parity on domestic food wheat but that is less than half of the crop.

Mr. KLEPPE. Is this a net 70-percent return the gentleman is talking about?

Mr. MELCHER. I am talking about 70 percent figured on the whole crop.

Mr. KLEPPE. A blended price?

Mr. MELCHER. A blended price.

Mr. KLEPPE. I thank the gentleman.

Mr. BELCHER. I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, at the outset I wish to thank the gentleman from Oklahoma not only for yielding to me the 5 minutes but for all the cooperation he has given me in these past weeks in trying to reach some kind of compromise in regard to the payment limitations. Certainly he has been a gentleman. I wish also to thank the gentleman from Texas, the chairman of the committee (Mr. POAGE), with whom I have had occasion to deal many times.

Mr. Chairman, at the appropriate time I intend to offer a substitute amendment to the committee amendment—title I of the bill—to limit the production payment to no more than $20,000. I will cosponsor it with the gentleman from Illinois (Mr. FINDLEY) and on behalf of BARBER B. CONABLE, DONALD M. FRASER, EDWARD P. BOLAND, JOSEPH M. MCDADE, ALBERT H. QUIE, JEFFREY COHELAN, JOHN C. CULVER, FRED SCHWENGEL, ROBERT T. STAFFORD, ROBERT N. GIAIMO, ALLARD K. LOWENSTEIN, WILLIAM B. WIDNALL, and RAY J. MADDEN.

This amendment represents a combination of the best features of amendments which each of us had developed separately. The end result, we believe, is a more effective and reasonable method of reforming our scandalous and inequitable farm subsidy program. I will insert at the close of my remarks a copy of the amendment and a brief explanation of it.

Perhaps the most important feature of our amendment is the strong language it contains to prevent its evasion through such devices as subdivision of farms. It calls upon the Secretary to implement regulations to prevent such evasion.

We also have regulations which we suggest that the Secretary should implement in order to establish a legislative history indicating that these are the kind of farm regulations which the Congress will insist upon. I also include these draft regulations at the close of my remarks.

These regulations are based on regulations which the Department of Agriculture promulgated several years ago to guide its staff in the enforcement of a $5,000 payment limitation in the conservation reserve program. They have been updated to apply to the commodity programs.

I assure my colleagues that if the amendment I am offering today is approved, I shall counsel with Secretary Hardin and his staff to the extent necessary to assure that the limitation is enforced and administered in an equitable and effective manner, thus reducing Government expenditures substantially.

The three enclosures referred to follow:

THE CONTE-FINDLEY SUBSTITUTE AMENDMENT TO THE COMMITTEE AMENDMENT ON H.R. 18546 (TITLE I OF THE BILL)

TITLE I, PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by Titles III, IV, V, and VI of this Act for the 1971, 1972 or 1973 crop of the commodity shall not exceed $20,000.

(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such persons will be sharing in payments earned under such program shall be reduced to such extent in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules and further limitations as he determines necessary to assure a fair and reasonable application of such limitation and to prevent the circumvention or evasion of such limitation, whether the circumvention or evasion be attempted by means of the subdivision of farms, production allotments or bases thereof through sale or lease, or by other means: Provided, that the provisions of this Act which limit payments to any person

shall be applicable to lands owned and operated by states, political subdivisions, or agencies thereof.

SUMMARY OF THE CONTE-FINDLEY AMENDMENT

This substitute for the Committee amendment (Title I of the bill) differs with the Committee version in two principal respects: it would limit payments to any producer to no more than $20,000 per crop; and it includes language to prevent the evasion of this limitation. The following is an analysis of each subsection of the Conte-Findley substitute:

1. This is identical to the Committee subsection (1) except that the ceiling level is $20,000, and it is made applicable to wool as well as to cotton, wheat and feed grains.

2. This subsection is identical to subsection (2) of the Committee subsection (2), merely defines the term "payments."

3. This subsection is also identical to the Committee subsection (3), and is designed to encourage participation in the programs by producers affected by the limitation by permitting their set-aside obligation to be reduced in proportion to their payment reduction.

4. This subsection differs significantly with the Committee subsection (4) by making clear that the Secretary *shall* issue regulations to prevent circumvention or evasion of the limitation. It also makes clear that states and their political subdivisions or agencies will also be subject to the limitation provisions. The Committee subsection would have exempted them from these provisions. The substitute amendment assures that such agencies will continue to be treated as other producers. There is no justification for extending a privilege to a select number of states and state institutions merely because they are in the business of farming.

REGULATIONS TO PREVENT EVASION OF A $20,000 PER PROGRAM PAYMENT LIMITATION

Introduction

Even though the Department of Agriculture in years past has had considerable experience administering limitations on individual payments, the question of definitions and regulations is very important. Rules must be established which will prevent the circumvention or evasion of the limitation.

The word person is deliberately chosen in the amendment because it has been used widely in administering previous limitations and is well understood in the agricultural industry. Used here, person means an individual, a family, a partnership, or a corporation.

The maximum payments a person can receive under any single commodity program cannot total more than $20,000 a year—whether the program be feed grains, wheat, cotton or wood. To illustrate, if John Jones is proprietor of a farm on which feed grains are produced, is partner in a second such operation and has controlling interest in a corporation owning a third such farm, the aggregate payments he can receive from all sources for feed grains program participation cannot exceed $20,000 a year. Also the maximum each for the partnership or corporation likewise is $20,000. To take another illustration, if John Smith has similar interests except that his interest in the corporation is not controlling, he need not count payments to the corporation in computing his total payments subject to limitation.

The amendment is drafted to give clear instruction and authority to the Secretary to make further prorata reductions in payment limitations where he finds that sale or lease of production allotments or bases, or sale or lease of portions of farms have been made for the purpose of evading or circumventing the payment limitation.

It is also drafted so as to make clear the intent to cover by the limitation payments applicable to lands owned and operated by states, political subdivisions or agencies thereof.

Set forth below are regulations drafted on request by the Library of Congress after consultation with Department of Agriculture legal counsel. The word "producer" as it appears in the draft regulations should be considered the same as the word "person."

A possible exception to Item 4 in the draft regulations would be an Indian tribe, where tribal custom has caused one agent to act for several persons within the tribe. The Secretary shall have the authority to determine fair and reasonable rules in such circumstances.

The draft regulations are printed here as an indication of the regulations expected by the author of the amendment to be employed in administering the limitation.

The regulations

(a) The total of all cotton, feedgrains, or wheat payments under the programs to any producer for any year with respect to all farms in which he has an interest shall not exceed $20,000. All or any part of the payment which otherwise would be due any producer shall be withheld, or required to be refunded, if he had adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust or by any other means designed to evade, or which has the effect of evading the provisions of this section. A family trust created on or after January 1, 1970, will be considered a scheme or device to evade the provisions of this section if it results in the settlor and beneficiaries of the trust receiving in the aggregate payments under the Program in excess of $20,000. For purpose of this provision, members of the family include husband or wife of the settlor, children of the settlor, their husbands and wives, and members of the immediate household of the settlor; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust. For purposes of this section, a family shall include grandchildren of the settlor, step-children of a child of the settlor, and any minor related to the settlor by blood or marriage.

(b) Any sale or lease of land having a cotton or wheat allotment, or a feedgrain acreage base which on January 1, 1970, was a part of a farm or group of farms entitling the producer to payments in excess of $20,000 under provisions of the 1971 programs for these crops, if sold or leased to another producer or producers, shall be subject to the same prorata adjustments in payments and acreage as though it had not been leased or sold, except in cases where a renter gives up a lease from an unrelated landlord.

(c) For purposes of applying the payment limitation prescribed in paragraph (a) and (b) of this section, the rules contained in subparagraph (1) through (6) of this paragraph shall be effective to determine whether certain individuals interested in farming operations as landowners, landlords, tenants or sharecroppers are to be treated as one producer or as separate producers. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of producers shall apply.

(1) A partnership shall be considered as a producer: Individual members of the partnership may be recognized in another capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or another farm only if (i) the individual members operating in a separate capacity are not identical with the membership of the partnership, and (ii) the individual members also operated as separate producers or in a separate capacity as producers on the farm during 1969.

(2) A corporation or association shall be considered as a producer. A stockholder who owns a majority of the stock of a corporation shall not be considered as a separate producer on the same farm nor recognized in any other capacity on the same farm as a landowner, landlord, tenant, or sharecropper.

(3) An estate or trust shall be considered as a producer unless the estate has only one heir or the trust has only one beneficiary, in which case only the sole heir or the sole beneficiary shall be considered as a producer. Subject to the provisions of paragraph (a) of this section, an individual who is not the sole heir of the estate or the sole beneficiary of the trust may be considered as a separate producer or recognized in a different capacity as landlord, landowner, tenant, or sharecropper, on the same farm or on another farm, provided such separate producer status is established to the satisfaction of the county committee.

(4) Two or more individuals operating as a group under an arrangement which, although lacking the legal elements of a partnership or corporation, is in the nature of a joint undertaking shall be considered as a producer. (Clubs, societies, fraternal and religious organizations, as well as informal arrangements between two or more individuals, are examples of such groups.) Individual members of the group shall not be considered as separate producers on the same farm nor recognized on the same farm in any other capacity as landowners, landlords, tenants, or sharecroppers.

(5) Husband and wife shall not be considered as separate producers nor recognized in any other capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or on different farms. Other individuals having any family relationship may be considered as separate producers if they are participating on different farms. Such individuals may be considered as separate producers on the same farm or recognized in different capacities on the same farm as landlords, landowners, tenants, or sharecroppers only if such individuals operated as separate producers or in separate capacities during 1969.

(6) Individuals having a joint or common interest arising out of their interests in the ownership of any part of the farm as joint tenants, tenants by the entirety or tenants in common shall not be considered as separate producers on the same farm nor recognized in any other capacity on the same farm as landlords, landowners, tenants or sharecroppers.

Mr. POAGE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I take this time to state that I intend, at the appropriate time tomorrow, to offer an amendment to this bill which will provide that anyone who desires to receive more than $5,000 in subsidy payments in the aggregate must agree to comply with the minimum wage provisions of the Fair Labor Standards Act and must certify that he is in compliance with all local State and Federal health and safety regulations.

I want to emphasize three things about this proposed amendment.

I am not changing any of the existing standards. I am not increasing the minimum wage requirements. I am not proposing any new Federal, State, or local health requirements.

I am merely saying that if someone wants to receive more than $5,000 of Federal money he ought to agree to comply with those minimum requirements. The proposition is based very simply on the premise that someone who is feeding his family with his paycheck is just as dependent on the amount of that paycheck and the health and safety conditions under which he is earning it, whether he works in a mine or in a mill or on a farm.

It is based on the further proposition that we try to interfere as little as possible with the truly small farmer. Therefore, anyone who receives less than $5,000 of subsidy payments will not be affected by this proposed amendment.

Obviously a preferable position is that all farm help ought to be covered by such provisions. I repeat again, anyone who feeds his family with his paycheck is dependent on that paycheck and the conditions under which he has earned it, wherever he has worked.

However, I think as an initial proposition of fundamental fairness it is not too much to say to the large farmer that if he wants to enjoy $5,000 or more of these Federal fruits, he ought to be willing to share a little bit by complying with the Federal standards that apply to all other employers and comply with his own State and local health and safety regulations. It is a simple amendment, and I hope the support of the committee will be forthcoming.

Mr. ABERNETHY. Will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. ABERNETHY. I am sure the gentleman is familiar with the fact that we have a minimum wage law applicable to farm labor.

Mr. MIKVA. To some farm labor. That is correct.

Mr. ABERNETHY. To most all farm labor except very small farms.

Mr. MIKVA. May I say to the gentleman that less than 20 percent of all farm labor is presently covered by the minimum wage and hour standards of the Fair Labor Standards Act. This would add some more employees to that coverage at least as far as wages are concerned.

Mr. ABERNETHY. What the gentleman is really doing, then, is this: the gentleman is attempting to expand the minimum wage law to an area that it does not now cover. That is what it amounts to.

Mr. MIKVA. By no means. I am suggesting that if someone wants to get Federal funds, they ought to agree to comply with the standards already in the law.

Mr. ABERNETHY. Which has the effect of extending the minimum wage law.

Mr. MIKVA. That is a semantic argument. The gentleman finds one effect, and I say the effect is that a large corporate farmer who wants to share in some of the billions of dollars we are providing ought to agree to that fundamental minimum.

Mr. POAGE. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. O'NEAL).

Mr. O'NEAL of Georgia. Mr. Chairman, why do we subsidize newspaper, magazine, and book publishers with low postal rates? The answer is easy. It is not because the publisher needs the money, or because we feel sorry for him. It is for the better enlightenment and thus the benefit of the recipients of those publications. We want the public to get reading material as cheaply as possible and thereby be well informed.

Mr. Chairman, why do we subsidize various forms of transportation? The answer is the same. It is for the benefit of the traveler, or shipper, or receiver of the products being hauled.

All of our subsidies are for the benefit of some portion or all of the public.

No one would suggest that the Washington Post or the Reader's Digest or Time and Life publications or any other publisher receive the subsidized rate as a "welfare project." No matter how big the publisher is, if he did not get the subsidy he would have to charge more to the subscriber.

And nobody ever suggests seriously that we put a limitation on these subsidies. Nobody suggests that my weekly papers retain the subsidy but that we deny them to the big dailies. It is manifestly unfair to suggest this and it is contrary to the intent of the program, which is simply to have a well-educated, well-informed, well-read populace in this country.

Likewise, one of the purposes of the farm programs is to have a well-fed public at the least expense to the individual. It is the public that is really subsidized.

Despite the fact that American costs of food production are the highest in the world, despite the fact that American processors, American laborers, American truck drivers, American meat cutters, American food store clerks, American workers in every phase of agri-business get the highest incomes in the world, the American consumer still pays the least percentage of his take-home pay for his food than any person who ever lived on the face of the earth. This is due in part to the hard work and the small return on the farmer's investment, the marvelous discoveries of our agricultural colleges and agricultural research laboratories, but also due to the system—the Government subsidization that eventually gets to the person who buys and eats the groceries.

Some city and suburban Members of Congress do not seem to realize that the American taxpayer is helping his constituents pay the grocery bill. The poor family pays a larger percentage of his income for food than the rich man and thereby benefits the most from the farm subsidy program. When the clerk is calling the roll in this Chamber the loudest vote for the farm bill ought to come from the urban Member of Congress. The merchants and manufacturers of all other products will sell less if this bill fails to pass and the American must then spend more of his take home pay for food.

Mr. Chairman, it would surprise me greatly to find one Member of this body—Republican or Democrat—who would write this bill as it is written or who is completely satisfied with it. Everyone familiar with the legislative process knows that this is the way it has to be with all major complicated legislation.

Certainly it is not a perfect bill, and not one which wholly satisfies anyone. But it is a good bill and it represents concessions and compromise arrived at in more than a year of various subcommittee and full committee sessions and meetings between our committee and Secretary Hardin and other top officials of the Department of Agriculture.

Members of the committee who are most interested in the farmer's welfare have maintained a realistic and practical attitude. We have accepted in a spirit of compromise a bill which is not regarded by all as the best possible solution to the farm problem.

We hope our colleagues in the House will accept this legislation in the same spirit and give it overwhelming approval on final passage. I am convinced that a failure to pass it will trigger a real depression in America.

The importance of favorable action on this bill cannot be overemphasized, not only importance for the American farmer but because of its impact on our Nation's total economy.

In the absence of a new law to replace existing statutes which expire at the end of this year, we will revert to an old and outmoded program which would force the farmer to overproduce in a vain attempt to make a profit and thus destroy himself. The surpluses of the 1950's would seem small when we consider the production capacity of American agriculture today.

In days past there was a common and probably accurate statement that nationwide economic depressions all begin on the farm. Depressions in this country have historically been farm bred, farm led, and farm fed.

If we do away with our system of subsidies, if we stop making these Federal payments through the farmers to the consumers, then one of but two alternative things will happen: One, we will have to import all of our cotton and all of our wheat because not a single American farmer can come anywhere near growing it at a profit because of what he has to pay for equipment and supplies. The cotton farmer, as I understand it, would lose about 10 cents a pound for every pound he raised. Therefore we would destroy all of these farmers and they and their employees and their families would probably move to the cities immediately. Not only that, but we would destroy countless thousands of jobs and industries that sell to the farmers.

I would ask my colleagues to simply add up the industries of this kind that happen to be in their own districts.

The other alternative, Mr. Chairman, is for the farmer to get from the consumers what he now gets from the Government.

Considering the current state of our economy, the failure to pass a farm bill would most assuredly set off a cataclysmic change in the agri-business world and the economy in general. Agriculture is still by far the largest single industry in the United States, and it generates jobs for nearly 40 percent of the employed workers of our Nation, either by providing the implements with which they work or by providing a market for the commodities which they produce.

It seems almost unbelievable that the American public could take for granted such a vital industry as agriculture. Yet, this is exactly what many have done for several years now.

Even with the assistance of this legislation, farmers in the United States will not realize a fair return on their considerable investment in time, labor, and money. The return on crops lags far behind the costs of input items that go into production. In this decade, farm costs have gone up 31 percent and farm debt has increased 90 percent.

Although the Agricultural Act of 1970 by no means offers the farmer a panacea, it should accomplish the objectives which farm programs for the past several years have achieved. That is an approximate balance between production and consumption.

On the crucial question of limitation of payments, I agree with the views often expressed by our distinguished chairman. He has said, in effect, that while limitations basically are unfair and would impair the efficiency of any farm program, they seem to be inevitable and therefore should be held at a workable level. We believe that level to be $55,000. I sincerely hope the bill with the $55,000 limitation will pass by a solid majority.

Mr. HAGAN. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman.

Mr. HAGAN. Mr. Chairman, I would like to commend the gentleman from Georgia (Mr. O'NEAL) for his statement and associate myself with his remarks.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. ZWACH).

ZWACH AMENDMENT TO TITLE II

Mr. ZWACH. Mr. Chairman, I support the provisions of the Poage-Belcher bill dealing with dairy products and would like to clarify as best I can the intent of an amendment which I proposed and the committee unanimously accepted concerning the class I base plan.

My amendment appears on page 5, line 22, of H.R. 18546 and it reads as follows:

> (v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall ninety days later, pursuant to the provisions of section 8c(5)(D) of this Act, be provided with respect to milk delivered under the order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they were marketing milk during the representative period on the same basis as other producers under the order on the effective date of order provisions authorized under this clause (f): *Provided*, That bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

This amendment was carefully worked out after weeks of discussion and as the author of it, I want to make it very clear that this amendment is designed to give all established dairy farmers a realistic opportunity to have competitive access to class I markets throughout the Nation.

The Agricultural Marketing Agreement Act of 1937 was enacted only after long and careful consideration of the dangers to both producers and consumers of permitting certain groups to gain control of and limit access to specific markets. It was specifically to protect producers and the public against such possible dangers that 8c(5)(D) was introduced and adopted with this provision:

> (D) Providing that, in the case of all milk purchased by handlers from any producer who did not regularly sell milk during a period of 30 days next preceding the effective date of such order for consumption in the area covered thereby, payments to such producer, for the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month, shall be made at the price for the lowest use classification specified in such order, subject to adjustments specified in paragraph (B) of this subsection.

Equally as important was the amendment sponsored by the late August Andresen of my State of Minnesota. It was also found to be a necessary protection to gain adoption of the original act.

The Andresen amendment states:

> (G) No marketing agreement or order applicable to milk or its products in any marketing area shall prohibit or in any manner limit, in the case of the products of milk, the marketing in that area of any milk or product thereof produced in any production area in the United States.

These provisions were found necessary as a part of the act, for two reasons: First, to assure the free movement of milk in interstate commerce and prohibit barriers adopted at the request of producers distributing in an area at the time of Federal order promulgation, and second, to prevent the undue exploitation of consumers by preventing the free entry of milk from other producers.

Recently, efforts have been undertaken to upgrade manufacturing grade milk to the point where, in the near future, it seems quite likely that all milk sold in interstate commerce will equal the grade A standards recommended in the code of the U. S. Public Health Service of the Department of Health, Education, and Welfare.

The U.S. Department of Health, Education, and Welfare has released recommended standards in the past year to upgrade manufacturing milk. The final enactment of such standards has been delayed only to permit further collaboration with USDA, to simplify and correct any unreasonable and unnecessary provisions of the minimum standards.

While price was once the main incentive to get farmers to meet grade A milk standards, in recent years several new factors have entered the picture. As production milk units become larger, new facilities must be provided and many dairy farmers find it reasonable to meet the highest standards at the time of the initial change rather than on a piecemeal basis as standards are gradually upgraded. This tendency is especially strong in the Upper Midwest where 85 percent of the milk production must look to other areas for a market outlet. The better dairy farmers are continuously striving to produce milk that will be acceptable to, and desired by, those consumers who demand the best.

Another factor in the upgrading of all milk is the greater consciousness of consumers that they are not themselves in a position to police the quality of all food products with a result that they demand greater Government supervision for all perishable food products.

Dairy farmers in the Upper Midwest are the most efficient milk producers in the Nation as evidenced by the fact that milk production has held relatively stable in the States of Minnesota and Wisconsin, even though milk prices there average far below the national average. For example: The 1968 average price received by Wisconsin farmers for milk was $4.59, while the U.S. average was $5.30. Producers supplying grade A milk for the Chicago Regional Milk Order in 1968 received an average of $4.80 at Chicago, while the average price for all Federal order markets was $5.46, while other markets in areas less well adapted to milk production ranging up to $6.95 per hundredweight for 3.5 percent milk.

Minnesota and Wisconsin have long been the reserve supply of milk for the Nation, shipping milk to other markets on an emergency basis when other producers nearer the receiving markets could not supply market needs. When Minnesota and Wisconsin milk is not needed for such shortages, it is kept at home for use in manufactured products. At any rate, they supplied the needs without regular participation in the respective pools and without regular qualification and "producers under terms of the orders in the receiving market."

These producers have provided a real service to the market, receiving class I returns only when their milk was needed. However, in recent years more producers have shipped directly to distant markets as truck routes and equipment were improved and interstate highways were developed. We now have milk from Minnesota and Wisconsin going to St. Louis; Indianapolis, Ind.; Fort Wayne, Ind.; Cleveland, Ohio; and other distant markets on a regular daily basis as milk producers in the Midwest make up for the shortages in other areas.

The door must be kept open for such milk to move freely into markets where needed. Class I base programs in orders must not be permitted to assign all class I premium proceeds to a specific group of producers in high production cost areas because they happened to sell milk to such market at a specific time.

Equally important is the fact that the term "producer" does not necessarily mean the same thing in terms of Federal order participation as in ordinary lay language. Outside of the Federal order field, we ordinarily think of a producer as anyone who produces the product under consideration. However, such is far from the case in Federal milk order terminology where the USDA has provided much more specific definitions. For example, the following definition, typical of most Federal milk orders, comes from the Chicago regional order No. 30:

> § 1030.15 Producer. "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, when milk is received as producer milk at a pool plant or diverted pursuant to § 1030.16 from a pool plant to a non-pool plant.

When we consider the term "producer" in relation to Federal marketing order, the key becomes not whether the dairy farmers are producing and marketing milk, but whether the plant to which the farmer's milk is delivered qualifies as a pool plant. Pool plant qualifications generally include required percentages of total milk receipts to be used in class I products—fluid or drinking milk—and that specific minimum percentages be distributed for sale within the prescribed marketing area. Pool plant standards frequently differ depending upon whether the plant packages its own receipts for fluid distribution or acts as a supply plant by reselling its receipts in bulk to another plant which in turn does the bottling. By varying these pool plant specifications, USDA also determines who may participate in a pricing pool as a producer.

When we concern ourselves with market entry of new producers, we are in fact talking about the right of any dairy farmers engaged in the production and marketing of milk, and not just those producers who qualify under terms of present orders. Our concern is that existing dairy farmers who may desire to sell milk to Federal order fluid markets be given equal opportunity to share in the premium or high class I prices as those already qualifying by sale to pool plants. We recognized, of course, that they must meet the quality standards necessary for sale in the market under consideration and that such milk must be available when needed.

This bill which provides for class I base plans specifically assures qualified dairy farmers, irrespective of the area in which they produced milk, an opportunity to share equally with other producers in the proceeds of the market's class I sales.

The specific language of my amendment on H.R. 18546 is designed to avoid any barrier to the free flow of milk and to prevent discrimination against producers.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman.

IMPERFECTIONS IN THE BILL

Mr. MIZE. Mr. Chairman, those of us from agricultural districts are most acutely aware of the inequities of this bill. To protect farm income at equitable levels, the Congress should provide more protection than this bill contains.

But we know higher agriculture expenditures are politically unattainable in an increasingly urban society with competing demands for the taxpayer's dollar. This legislation, therefore attempts to achieve a compromise with reasonable prospects for passage in the House of Representatives where few Members have significant numbers of constituents in agriculture.

Those of us from the plains know this bill perpetuates inequities in the distribution of the national conserving base—some 100 million acres of cropland diverted from intensive production of supported commodities. Members of my staff and I and many others have worked for months to achieve reform in this area—a more just distribution of the conserving base acreage. We have had no success.

Kansas has 29.9 million cropland acres, with a conserving base totaling 6.4 million acres. Texas has 35.8 million cropland acres, with a conserving base of only 2.9 million acres. Kansas and Texas are directly competitive in the fed-cattle industry and the production of milo for feedlot use. The inequity is obvious, but it has developed over the years under existing regulation and law, and is perpetuated by this act.

URGE SUPPORT BY ALL MEMBERS

Other Members from other regions of the Nation will recognize other imperfections in this bill. It is right to protest these inequities, for the economy of a good many States and farming regions is at stake. However, without passage of compromise legislation at this late hour, chances are we will have no farm bill at all this year.

Farmers want a bill, not a political issue. Without a bill, land values might be reduced drastically in many farming regions. Many honest and diligent family farmers will see their equity in the land destroyed. All farmers will suffer depressed income and be forced to curtail purchases of farm machinery, fertilizers, and petroleum products.

MARKET ECONOMY THE GOAL

Over the long haul, we must return to a market economy in agriculture. This bill is a hopeful first step in that direction, for it assures the United States a competitive position in the export market for wheat and feed grains.

A market economy—and collective bargaining—in production for domestic consumption are rejected in favor of the consumer subsidy, but in export commodities, at least, a giant step is made in the direction of the market economy under this act.

Farmers cannot survive without an export outlet for commodities. Half the hard red winter wheat of Kansas is grown for export. Wheat farmers have lost about one third of their allotment over the past 3 years. They cannot continue to sustain additional acreage reductions without rapid deterioration of production efficiency. The export market is the commercial wheat farmer's only hope, and this bill protects that market.

The entire Nation depends upon the export of commodities no less than agriculture. Our balance-of-payments position in trouble already, would collapse without the continuing cash sale of about $5 billion in commodities overseas each year. This bill protects our balance of payments more than it protects farm income, and every urban Congressman should not forget that fact.

Whether we approve or not, many great industries in America are supported by Federal subsidies in the public interest. Magazine publishers enjoy the second class mailing subsidy. The aircraft industry is heavily subsidized. The railroads are subsidized, and are asking for a billion more per year.

The petroleum industry is subsidized by import quotas, the textile manufacturers are asking for similar subsidies. The Nation cannot permit unlimited numbers of Volkswagens and Saabs and Fiats into our market for obvious reasons. Our national economy is clearly a partnership—a partnership between private industry and the Federal Government's policies. Profits and losses are habitually determined by management's decisions and the decisions in Washington. The one complements the other.

This year is not the year to experiment with the future of America's largest industry—agribusiness—representing about $125 billion of the gross national product.

Mr. THOMSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman.

Mr. THOMSON of Wisconsin. Mr. Chairman, I want to commend the gentleman from Minnesota for his dogged determination and persistent efforts to have included in the class I base plan proposal in this bill a provision which would guarantee access to the producers of the great dairy areas of Minnesota, Wisconsin, and other places who might have been barred or who might have been delayed for a period of years in getting access to the class I markets of this country.

I think much of the credit for this very fine provision in this bill must go to the gentleman from Minnesota.

Also I want to commend the gentleman for having included in this bill a continuation of the dairy indemnity payments to farmers who lose their products through no fault of their own, based on pesticides and other articles that contaminate milk, which have been approved by the Federal Government.

Third, for the provision which makes available to the Military Establishment and military hospitals dairy products which will be given to them without cost.

I think these are very commendable provisions and I commend the gentleman from Minnesota for his efforts which have made them possible.

Mr. ZWACH. May I say to my neighbor, the gentleman from Wisconsin (Mr. THOMSON) that I bear witness to his untiring efforts as Governor and as attorney general and as a member of the Wisconsin Legislature and as Congressman in his effort to carry out the opening of the milk markets for high grade milk.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise to commend the gentleman from Minnesota (Mr. ZWACH) for his diligence, his patience, and his perseverance in obtaining favorable consideration for his very vital amendment to this bill—starting on page 5 of H.R. 18516.

The Zwach amendment clearly states the principle of competitive access to class I markets, and it goes a long way to making the class I base plan an acceptable provision in the dairy program.

As one who worked with the gentleman from Minnesota in his efforts to obtain equitable treatment for the area of the Nation that produces more milk than any other region on the face of this globe, I can appreciate the difficulties encountered and the resistance that was offered by those who wished to make this class I program a local milk monopoly for a few favored producers in milk deficit areas.

With the language of the Zwach amendment and the clear intent of the committee spelled out that this program is to be administered in the national dairy interest, not just the local dairy interest, I am confident that dairy farmers in our area of Wisconsin will be fairly treated in the days and years ahead.

Without the amendment of the gentleman from Minnesota, I could not possess that confidence, however.

Mr. ZWACH. I thank the gentleman from Wisconsin.

Mr. Chairman, I wish also to pay tribute to the sections of the bill relating to recreation, hunting and fishing.

I wish to speak briefly about the grain provisions of the bill that I feel should definitely be strengthened. I feel it is wrong to eliminate the parity concept, to fix at a designated rate the return in agriculture when freight rates, farm inputs and taxes are continually on an escalator. I will offer an amendment that will retain the parity principle as it is in wheat. I believe also that we ought to have some bottom to the loan figure. I do not believe we ought to give to the Secretary or to any administrative official the exclusive right to peg a loan rate from zero to 90 percent of parity. The amendment I shall offer will also deal in that area.

Third, it will deal in the area of the release prices of CCC commodities. If this legislation is implemented as contemplated, it well may result in a lower release price for stocks held by Commodity Credit.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from Wisconsin.

Mr. SCHADEBERG. I have discussed this matter with the gentleman and thoroughly agree with him. I wish to associate myself with his point of view and shall support his amendments.

Mr. ZWACH. I thank the gentleman for his statement.

Mr. Chairman, I yield back the remainder of my time.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I think it has been a bit disturbing today, both in the discussion on the rule and in the general debate, to hear the farming industry painted as one that is to have the advantage of a windfall or, as one Member termed it, a "boondoggle." I believe it is no such thing. I believe that the evidence clearly points out that this bill falls far short of our present legislation for our farmer.

I have opposed this legislation principally on one point from its very inception, from the time the Department presented it to us. I refer to the set-aside proposal. I think that in my district, a very conservative estimate has been made that farm income will be reduced by 20 percent.

I have been disturbed as well by some statements that have been made, as well as from other quarters—for instance, a minority view or dissenting view in the committee report—that cotton is receiving a favored position in this legislation.

I certainly choose to differ from that assertion. Incidentally I have both wheat and feed grain producers in my district, as well as cotton. To make this bill equitable in its application to cotton as well as wheat and feed grain farmers, we need to revise the provision in the bill with respect to set aside. Therefore it is my intent to offer an amendment tomorrow to reduce the set aside authorization of the Secretary on the cotton section of the bill from 33⅓ percent down to 20 percent. That is, acreage equal to 20 percent of the farm base acreage allotment.

Mr. Chairman, I feel that there is no better way to sum up the reduced income for the cotton farmer in this bill than was done by the Secretary and his Assistant Secretary, Mr. Palmby, in response to a question which I posed on May 12 at a meeting of the Committee on Agriculture. Assistant Secretary Palmby responded to my question about the set aside proposal in this fashion:

> This requirement for diversion or set aside in the cotton program, I point out to you, is a less attractive feature than what is in the present Act for the cotton people.

Mr. Chairman, I might say in conclusion it is my present intention to vote for this legislation on the floor of the House for the reason that I feel the evidence preponderates for this legislation as being better than no legislation, or for this legislation as being better than going back to the 1958 act. But I would say let us equalize, let us equate, let us be fair among the various commodities covered by this program, and let us reduce the set aside authority by the Secretary of Agriculture from 33⅓ percent to 20 percent.

Mr. BELCHER. Mr. Chairman, I yield 7 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, during the 21 years that it has been my privilege to serve as a Member of this great body, I have seen many farm bills battled and battered on this floor.

I have seen proposals to literally enchain American agriculture, and I have fought those proposals.

I have seen some real fiscal follies designed and developed through the years and seldom have I seen the Committee on Agriculture in substantial agreement on anything.

I have seen many instances where the administration—be it a Republican or a Democratic administration—has been in a hammerlock with the Congress over farm legislation—be it a Republican or a Democratic Congress.

Yes, Mr. Chairman, the rhetoric during the past two decades on farm bills was usually shrill, generally emotional, and yes, inevitably partisan.

This year, for a change, we have a different legislative atmosphere as we consider H.R. 18546.

This year we have a bill which has the support of the chairman of the Agriculture Committee, the gentleman from Texas (Mr. POAGE), and the ranking minority member of that committee, the gentleman from Oklahoma (Mr. BELCHER).

This year the administration and the committee are working together to pass a farm bill.

This year the Committee on Agriculture, with only six dissenting votes—three Republicans and three Democrats—has agreed on a farm bill.

Yes, Mr. Chairman, the situation is different this year because the leadership of both parties agrees that it is in the national interest to have a new farm bill to replace the expiring Food and Agriculture Act of 1965.

This year there has been more light than heat in the farm bill dialog, so let us continue to use reason, not rancor, and analysis, not emotion, as we continue our deliberations over this important legislation.

Now when I said that this year's farm bill was different, I did not mean it was so different that there is not any controversy about it.

This farm bill is not ready for the Consent Calendar, believe me.

There are some features in it which I personally do not think are sound, and I am sure other Members of the House feel the same way. This is not the farm bill that I would write, nor is it the kind of farm bill the administration would write if it had the power to do so. It is a compromise bill which has the thoughts and writings of many. But, by and large, I am convinced that this bill represents the best bill possible at this time, even it if is not the best possible bill.

When I say this bill is the best bill possible, I mean that it is preferable, both to the farmer and the taxpayer than either a straight continuation of the 1965 act or a reversion to the old laws in effect prior to 1965. Either of these alternatives represent, in my opinion, a reversion to the antique notions of past farm programs which have done so much to hamstring the farmer and deplete the public treasure, programs which I, for one, have consistently opposed.

I think we all have to recognize that while in many ways this bill is similar to the legislation of the past, it at least contains some movement and direction toward the free market. It suspends quotas and controls on wheat and cotton, and it establishes a set-aside system that should help provide farmers with greater flexibility in the management of their own farms.

At the same time, this bill promises that the financial rug will not be pulled from under the American farmer for the next 3 years. It contains a commitment for the administration to continue to expend about the same amount of money on the three big commodity programs as is the case now.

As just one Member of this House I realize that our national prosperity is directly interlinked to our farm prosperity. Without a sound agricultural economy we are not going to have a sound total economy.

I therefore accept the fact that this bill is a form of subsidy to American agriculture.

I have not observed a developed nation in this world which did not subsidize its agriculture one way or another, and our great country is no exception. The assistance we provide in this bill will, in the long run, be repaid many times over to American taxpayers and consumers.

That is why I am supporting H.R. 18546.

I do not intend to try to substitute my judgment for what a good farm bill is for that of the 27 Members of Congress who serve on the Committee on Agriculture and who brought this bill to the floor after 38 days of public hearings, 92 executive sessions, 27 night meetings, and a year and a half of negotiating nearly every sentence and word of this 57-page bill.

This bill is supported by the Secretary of Agriculture, by the administration, and by the Democratic leadership of the House and by me as the Republican leader.

I support it, and I urge all Members of the House to do likewise.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding. Mr. Chairman, this farm bill concerns me as much as any bill before the Congress. The mechanics have been and will be dissected pro and con in the ensuing debate.

My concern regarding the technicalities runs deep. I have some reservations about this bill, but my primary concern regards the innuendo surrounding the farm programs. Despite arguments to the contrary, Mr. Speaker, this is a consumer's bill. Everybody in America eats, and what we do today will seriously affect the price everybody pays for food.

American agriculture is the strongest in the world; yet, ironically, our farm program is the most maligned in the world. I find it difficult to sit by while some would foster the false image of the "big, fat farmer who gets rich for not planting." This is simply not true, and I would admonish the big city boys for pushing this imagery. To do this, I must point out that one hardworking man on the farm feeds 44 of his people in the city. And, while prices are at an alltime high, the housewives of this Nation spend but 16½ percent of their husband's disposable income in groceries. Nowhere in the entire world can this record be matched—either in price or in quality.

Yet, the farmer is caught in one of the most severe cost-price squeezes to face any industry. Even with food prices, as high as they are, these prices come nowhere near paying the production costs.

The farmer does not enjoy the profit margin of his city cousins who are industrialists. And, yet the farm product has not risen in cost, nor suffered in quality, as have the majority of other consumer items.

The income margin has been repeatedly shaved closer to the farmer's pocketbook. Increasingly, the farmer has been left to his initiative, his capacity for hard work, and his technological expertise in order to grow more and more food for more and more people—and realize less and less. We are at the point of no return. If things get any tighter, we will see a mass exodus from the farm to the "greener" pastures inside the city limits. If today's farmer fails, naturally his son will not try to make a go of farming.

Mr. Chairman, the headline hunters have filled the Nation's media with hot charges that the fat, corporate farmer sits back and gets fatter while his crops are not planted. Again, I say this is a false image.

It is true that there are giant farmers in the Nation, but the real recipients from a diverted acreage program is the small farmer. By keeping some of the big boys in the program, we are encouraging the small, the individual farmer to keep his plow in the ground.

I am certainly no economist, Mr. Chairman, but I think I can make a sensible prediction. I predict that we would have even larger problems were we to, in one fell swoop, wipe out this particular program. Imagine, if you will, that perhaps less than 100 giant farms could feed this Nation. Given our technological advances, this is within the realm of the possible. But, should this happen, do not you imagine this Government would become a full-time policeman checking and rechecking the potential for price fixing, corruption, and related antitrust matters.

I submit, Mr. Chairman, that this Government will spend billions to subsidize the schools, transportation, water and sewer, social programs, housing and hundreds of other Government-supported endeavors—yet where is the hue and cry when abuses are shown in these areas, where is the indignant big city voice when corruption is shown within programs aimed at the poverty-line people who can ill afford such abuse.

Then, on top of this, try to explain to a farmer why this Nation can spend $1 billion on free food stamps, yet cannot spend $3½ billion on a program that will feed everyone, including the poor who receive the food stamps.

Mr. Chairman, only 3½ cents of the Federal dollar goes into a farm program. Three and one-half cents out of every Federal dollar—and we feed this Nation and others, to boot. I wonder if there is any other industry in this land which can do so much with so little.

We must continue to preserve the rights of the farmer—and, by doing so, we will preserve the rights of the American consumer. But, the farmer has the right to receive a fair return for his labor; the right to receive a fair return for the sale of his crop; the right to expect fair treatment from his Government; and every right to object to the distorted statements of the uninformed who would malign the man who works side by side with the sun.

Mr. Chairman, we must put a face on the farmer. It is folly to look only at national statistics. Let me quickly tell you of one farm family which exemplifies the farmer who loves his land and works it hard.

On July 4, while most of the Nation paused, I was driving in central Texas. The heat was unbearable. It came riding in on 102-degree beams of sunlight.

Just off the highway, a sun-burned arm raised from the wheel of a tractor in friendly greeting. The cloud of dust behind the tractor died down and we stopped to visit. As the conversation got underway, another tractor cleared the horizon—it was the man's 15-year-old son who was cutting the cane into the windrows.

These, Mr. Chairman, are the real farmers. They are full-time farmers; they are legendary in that the head of the clan began farming in Travis County some 75 years ago. Most of his children—and their children—are farmers. And they all want to remain as farmers.

I was amazed at their keen perception of the farm bill, which was then still in embryonic stages. They asked about the possible outcome, about set-aside as opposed to diverted acreage—and the youngsters asked if there was any future for them in farming.

These are 100-percent farmers, Mr. Chairman. No moonlighters here. And they are concerned about their livelihood.

It looks like now I will have to tell these good friends that there has been a shift in this Government's farm program. This new 1970 model we are rolling out differs from the old bill in these major provisions:

An acreage set aside program will be set up;

Although parity is retained as a concept, the working papers on this include only wheat; and

Wheat, feed grain and cotton payments could be limited to $55,000 per crop year to individual farms.

Mr. Chairman, I do not know how the farmers in my district will take this news. How successful will the arguments be that this is the best compromise bill which could be forged out of an urban Congress.

Most important of all, however, is that the Congress must enact the best farm bill possible. It may well be that this bill is the best consensus opinion the House can muster and agree upon. Thus, it is vital that we move this or a similar bill to the other Chamber. Some programs have already lapsed. We are faced with this bill or falling back on an older farm program. Already, the farmer's sun has begun to set: we must hurry to help his program before economic darkness sets in.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in support of H.R. 18546, the Agriculture Act of 1970.

I know there has been a great deal of controversy surrounding this legislation and I would only like to point out to my colleagues that the agricultural economy of this Nation is a very diverse one. Perhaps it is almost impossible to combine the entire and diverse faction of agriculture under one roof. But I know the Agriculture Committee has labored long and hard to bring to the floor this bill which I think represents a delicate blending of all these interests. I would like to commend the committee and particularly the gentleman from Texas (Mr. POAGE) for his untiring efforts in behalf of the agricultural community of this Nation.

I think the passage of this legislation is essential to a viable farm economy and that such an economy is essential to the betterment and welfare of all Americans.

Mr. Chairman, I would like to direct my remarks specifically to the class I base provisions of title II of this act. The Puget Sound region of Washington State has the only operation class I base plan presently in operation. I represent the majority of the producers furnishing milk for this marketing order area. I was involved in the drafting of the original class I base legislation which can be found in the Agriculture Act of 1965. Subsequently, I drafted and on two separate occasions helped pass through the House of Representatives legislation similar to that we are considering today. Unfortunately, on the first occasion of the passage of this type of legislation, these provisions were deleted in a Senate-House conference committee and on the second occasion of the passage of this type of legislation through the House of Representatives, the Senate, having insufficient time at the end of the 90th Congress, failed to pass it before adjournment.

Mr. Chairman, the class I base provisions of this legislation are not everything that I would like. Similarly, they do not contain all the provisions that some other persons interested in the dairy industry would like. Rather, they represent a blending of the interests of all dairymen and I think constitute a reasonably satisfactory compromise of the conflicting and divergent interests even of the dairy industry of America. With proper administration, it is my feeling that these class I base provisions can become guidelines for more orderly and satisfactory milk marketing procedures for the entire United States.

Mr. Chairman, at the outset, I think it would be a good idea to explain briefly a class I base plan. I do not intend to belabor the subject, but class I base plans are relatively complex. For the benefit of my colleagues who have not dealt in depth with this subject, using my limited knowledge, I would like to use a rather elementary illustration to shed some light on this subject.

If my colleagues would envision a pie which represents the fluid milk requirements of a given area, I think it would be helpful for the purposes of illustration. The fluid milk requirements are the requirements for milk which people consume in fluid form. That is to say, the milk you receive at your doorstep or purchase in the supermarket.

Under a class I base plan, the pie is divided among dairy farmers delivering milk for that area. These dairy farmers, or producers, are given a piece of the pie, based upon a history of deliveries during a past representative period. In this way, they have reasonably accurate knowledge of how much milk they will be able to deliver and how much they will receive for it.

And now, if my colleagues would envision a larger pie encompassing the smaller, I will designate the larger pie the manufacturing milk used to produce butter, cheese, and other dairy products. A lower price is received for the manufacturing milk. Under a class I base plan, all milk delivered by a dairyman over his share of the fluid milk requirements go into the manufacturing milk portion of the pie, and he receives for it a lower price.

The important thing to observe is that each producer knows the amount of milk for which he will receive the higher, or fluid milk price, and that he will receive the lower manufactured price for the balance. If his production costs are high, he will tend to regulate his production closely to his share of the fluid milk market. In this way, uneconomic production and resulting surpluses are discouraged, particularly in areas of the country where the cost of production is high.

Prior to the implementation of the class I base plan in the Puget Sound milk marketing area, a system of "blend-pricing" was utilized. Under this system, a share of the fluid milk requirements of each producer was based upon a "base making period." The base price was in no way related to the fluid milk requirements of the market. Each producer knew the base making period in advance. As a consequence, he tended to increase his production so as to achieve a higher base for the following year, even though the inevitable result was a reduction in the base price for all dairymen. This resulted in what became known, in our area, as the "base race."

The only way for a producer to maintain his share of the market was to compete against other dairymen in attempting to obtain a larger base each year. You see, the individual producer was actually producing, not for the requirements of the market, but to achieve a larger and larger share of the market.

Experience with the class I base plan under the order in the Puget Sound area demonstrated that the theory of the legislation is sound. But it became apparent that modifications were necessary if the plan was to operate under current conditions effecting the marketing of milk not only in that area, but throughout the United States.

You may well ask why other areas have not adopted the class I base plan if it appears to be sound. The fact is, dairymen supplying a number of other areas in the United States, including Georgia, Mississippi, Florida, Texas, and others are desirous of adopting class I base plans, but they wish to do so after the modifications which we are today suggesting, become law. The areas under consideration, it should be noted, are not areas of surplus milk production. The class I base plan is desired, however, because it will contribute to market stability, and for more fairness among dairymen supplying the market.

Mr. Chairman, there are in the legislation before the Committee today, two major modifications which should lead to the adoption of class I base plans in other areas and to the more orderly marketing of milk. These modifications are as follows:

First. Authorization for "new producers" to earn a class I base.

Second. Authorization for established producers, or base holders, to share in increased sales of fluid milk.

The 1965 amendment provided:

> Any increase in Class I base resulting in enlarging or increasing consumption, and any producer Class I base forfeited or surrendered, shall first be made available to new producers and to the alleviation of hardship or inequity among producers.

Unfortunately, Mr. Chairman, this was interpreted to mean that "new producers" could achieve a class I base only from enlarged or increased fluid milk consumption, or from forfeiture or surrender of bases by other dairymen. It was interpreted to prevent new producers from building a base which could be depended upon, regardless of fluctuations in the market.

If my colleagues again would envision the illustration of the pie I used earlier and envision further that while a new producer could share in increase in fluid milk requirements beyond the perimeter of the pie, a new producer could never be assured a permanent piece of the pie.

In a continually expanding market, with more sales growth than deliveries by new producers, this may not present substantial problems because all of the new sales went to new producers. But in a contracting market, one can see that a new producer would be in a tenuous position at best, because as the market contracts, the new producer would lose his share of the fluid milk sales. Also, an influx of new producers could dilute the benefits of market growth to meaningless proportions.

Under the new proposal, new producers are provided methods of earning bases upon which they can depend, in the same manner as other producers.

The second major problem alleviated by the adoption of the new class I base legislation is assuring established producers of sharing in the new sales. The language which I quoted earlier as preventing new producers from acquiring a base was also interpreted to prevent established producers from sharing the benefits of any increased fluid sales in the market.

This is corrected in the proposed legislation by providing that bases may be adjusted to reflect utilization of all producers "during a representative period of 1 to 3 years, which will be automatically updated each year." With this language, class I bases of new and established producers can be adjusted periodically to reflect increases in their delivery to the market.

It is my feeling, Mr. Chairman, that the Secretary should be very judicious in the utilization of the "rolling base period" provided by this language. I would certainly hope that representative periods reflect more than 1 year, lest we fall back into what we witnessed in the Puget Sound milk marketing order area prior to the adoption of the class I base plan, and which I alluded to earlier as the "base race."

There are other provisions in this legislation to specifically authorize use of yearly established seasonal base plans if dairymen supplying an area should so desire: the so-called Louisville plan for making seasonal adjustments in prices paid farmers, and so forth, but the major changes are those which I have discussed in some detail; namely, assurance that new producers could establish class I bases and that established producers could share the benefits of increased fluid milk sales.

Mr. Chairman, I think it would be helpful to the Members to discuss very briefly how a class I base plan would be adopted by the producers in a given area. In our area, a class I base plan committee was established, composed of producers, marketers, and other experts in the area to be affected. After consultation and committee meetings with the dairymen and marketers, a class I base plan was drawn up and submitted to the Department of Agriculture. Public hearings were then held under the auspices of the Department of Agriculture.

After hearing, a recommended decision is rendered by the Department of Agriculture. Following exceptions, the Secretary of Agriculture may make changes, and the plan is then submitted to the dairymen supplying the area for their approval. This legislation specifically requires that any such plan be approved by two-thirds of the producers supplying the area before it can become effective.

The legislation also requires that every producer supplying the area vote as an individual on the class I base plan.

In conclusion, Mr. Chairman, it seems to me that passage of this legislation and with proper administration of class I base plan promulgated thereunder, the areas affected would be assured of a supply of fluid milk at reasonable prices. Further, it assures dairymen supplying the area of a share of the market which will be relatively stable. And, finally, it provides impetus for dairymen to coordinate production to the demands of the market, rather than to artificially encourage production for base acquisitions which bear no relationship to the demands of that market. Thus, it tends to key production of fluid milk to the demands of the fluid milk market and production of manufacturing milk to the demands of the manufacturing market, rather than to pit dairyman against dairyman in a futile effort to maintain shares of the fluid-milk market.

The inevitable consequence of this legislation is to stabilize milk marketing conditions in the interests of both dairy farmers and consumers.

Mr. Chairman, I would like to take a moment, because I am particularly interested in the dairy section, title II, to address some questions to the chairman of the committee (Mr. Poage).

The committee report states that the class I base plan is designed to reduce dairy surpluses in areas of excess production. It was my understanding that the authority was intended for use in any marketing area where producers desired it, and that many of these areas were, in fact, not characterized by excess production. Does my understanding vary from that of the committee?

Mr. POAGE. It was the committee's intent not to restrict the use of class I base plans in any areas.

Mr. MEEDS. Further, it seems to me that the committee report dealing with producer-handlers is stated very succinctly in the first pargaraph, and that the following paragraphs all contradict the meaning of this first paragraph, which is explicit and which is in complete harmony with the 1965 amendment and which is restated in the legislation at hand.

Mr. POAGE. Yes. Without question, it is intended by this amendment, as by the 1965 amendment, that the class I base authority in no way changes the legal status of so-called producer-handlers under the Agricultural Marketing Agreement Act of 1937.

Stated very briefly, the Agricultural Marketing Agreement Act of 1937 authorizes the regulation of handlers, including handlers who produce their own milk. This is, in no way, changed by this legislation.

Mr. MEEDS. I thank the gentleman from Texas.

Mr. Chairman, I yield back the balance of my time.

Mr. POAGE. Mr. Chairman, I yield such time as he may require to the gentleman from South Carolina Mr. McMillan).

Mr. McMILLAN. Mr. Chairman, I will not try to reiterate the statements already made by my colleague in support of the pending farm legislation.

I want to congratulate our committee chairman, subcommittee chairmen, and minority members for the months and months of their valuable time they have given to this proposed legislation.

I know that this bill is not perfect and it leaves a great deal to be desired; however, we cannot afford to permit the one price cotton act to expire and we need the other sections of the bill even though they are not perfect.

I also want to congratulate the Secretary of Agriculture on his untiring efforts in assisting us in preparing this legislation. He has met with us more times on this proposed legislation than any other previous Secretary has ever met with the Agriculture Committee, I am certain.

Again I want to state my strong support of this bill and express my appreciation to Mr. Price and Mr. Poage of Texas for giving us in detail the provisions of this legislation.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. Sebelius).

Mr. SEBELIUS. Mr. Chairman, I am pleased to have this opportunity to discuss H.R. 18546, legislation that directly affects the man who is the backbone of America and the man who helps provide the highest standard of living of any nation in the history of the world. That man, of course, is the American farmer.

In considering this legislation, I think we have an urgent need to try to provide answers to a most serious and pressing dilemma—the same dilemma farmers have faced many times in our Nation's history, but never before with such complexity and change.

The farmer today has been and will be asked to produce enough food for a hungry world and yet he is the victim of economic and political factors which deny him a fair price for his labors. This problem is compounded in that it comes at a time when our society is caught up in a whirlpool of change. The problem is so serious that such issues as world starvation and world peace might well hang in the balance.

Unless we can find a remedy for farm price discrimination, the agricultural segment of our economy is courting disaster, and a traditional way of life will hasten its now slow departure from the American scene. How can the farmer survive if everything he sells goes down in price and everything he must buy has gone up and keeps climbing? The answer is simple: he cannot.

Today, the farmer looks to Washington for some sign of optimism, a sign that dawn will break to brighten the bleak cost-price picture. With this legislation, we need to take a commonsense look at the plight of the man whose job it is to feed America and to help feed a troubled and explosive world.

Prior to considering this most important legislation, I think it is important to realize what a tremendous role agriculture plays in our economy. Although there are only 3 million farmers in the United States, agriculture is still by far the largest single industry in our Nation.

Agriculture generates jobs for nearly 40 percent of our employed workers, either by providing the raw material on which they work, or by providing the market for the products or commodities that they produce. Agriculture employs more people than the steel, auto, utilities, and transportation industries combined. Obviously, then, this legislation should be considered as directly affecting our Nation's work force and as a means by which we can provide jobs and employment.

It is also important to consider agriculture's total impact on our national economy. Farmers annually spend more than $36 billion for goods and services just to produce their crops and livestock. Each year, the farmer buys products containing 320 million pounds of rubber, enough to put tires on nearly 7 million automobiles. The farmer uses more electricity than is consumed in the cities of Baltimore, Boston, Chicago, Detroit, and Washington, D.C. combined. Every year he uses 5 million tons of steel in the form of machinery, trucks, cars, fencing, and building materials. Farm use of steel accounts for 40,000 jobs in the steel industry. Obviously then, H.R. 18546 is legislation that will benefit industry and the blue collar worker.

From an investment standpoint, agriculture's total assets of $298 billion equal two-thirds of the value of current assets of all U.S. corporations or about one-half the market value of all corporations' stocks traded on the New York Stock Exchange. Obviously then, H.R. 18546 directly affects our national investment picture.

Exports of U.S. farm products totaled $5.7 billion in fiscal year 1969. This includes $4.7 billion in commercial sales and $1 billion in food aid, a significant contribution toward our goal of a favorable balance of payments so important in maintaining a stable economy. Obviously then, H.R. 18546 is legislation that directly affects our world trade picture and our balance of payments problem.

In short, agriculture is the backbone of American business. There is twice as much investment per capita behind each agricultural worker—$50,000—as there is behind each industrial worker—$25,000.

The point I am trying to make is that as we consider H.R. 18546, we are not only considering a farm bill, but the very future of our national economy. This bill not only concerns farmers, it concerns jobs, industry, investment, world trade, and our national standard of living.

I also think it is important to put the worth of the current farm program and the proposed farm program in proper perspective. I know the spotlight of public concern and attention is focused on the very real plight of our cities and the problems of urban America. Seven out of 10 Americans live in urban areas and we must implement massive assistance to rescue our cities.

We really find ourselves in a paradox. Farmers who find they cannot make it stream to the cities. On the other hand, city dwellers, crowded together in huge urban complexes with problems that almost defy Government, desperately seek the solace of the countryside and the traditional way of life of the American farmer.

The point is that our urban and rural problems are really inseparable and I would hope we can discuss this legislation in a framework of mutual concern. This is not a farm bill as such but a bill to seek answers to the pressing problems of rural America which in turn directly affect the problems of urban America.

In this light, I think it is important to reconsider this legislation from the standpoint of the consumer. My urban colleagues and their constituents and consumers all across this Nation have been repeatedly told the farmer is paid huge sums of money for growing nothing. And the American consumer has also justifiably rebelled against the high cost of living, and in particular, against the high cost of food. A major thrust of this protest has been directed at support payments, or subsidies, for farmers.

Everyone agrees we need to seek new direction for agriculture program policy. However, I think we need to take another look at this so-called subsidy.

A better term to use would be "consumer subsidy" for, in fact, the farmer has subsidized the American economy and the consumer. The American consumer spends more disposable income for nonfood items, 83.5 percent in 1969, than any consumers in any other country in the world. Agricultural efficiency has enabled the American farmer to provide food and fiber for himself and the needs of 44 other persons, thus freeing a tremendous national labor supply.

In return, the farmer must have income stability to permit him to adapt with confidence to the latest technological developments in his profession and to make a decent living.

Actually, today the housewife spends only 16.5 percent of her disposable income after taxes for food as opposed to 21 percent in 1957. This reduction in percentage of income spent on food has saved the American consumer a total of $20.6 billion in food expenditures in 1969, allowing this income to be spent on nonfood items and boosting economic growth in nonfood industries. This is quite an investment compared to an annual outlay of over $2.4 billion in crop subsidies in a program that tries to maintain stability and minimum costs in food production.

The 16.5 percent food cost figure compares with 25 percent for Great Britain, 28 percent for West Germany, 37 percent for Japan, 50 percent for Russia, and as much as 75 to 80 percent in many countries in the Far East.

This comparison has even greater impact when the diet of the American consumer is considered. Agriculture's technological revolution has enabled the American housewife to buy preference food—beef, pork, poultry, and dairy products—and higher quality convenience foods. Again, the American housewife buys more food with a smaller percentage of her disposable income than the housewife in any part of the world and at any time in history.

It is also important to keep food costs in perspective. Between 1957 and 1969, the price of food purchased for use at home increased 25.8 percent. This compares to a price rise of 26.4 percent for transportation, 48.3 percent for all services, and 58.1 percent for medical care. The overall cost of living in December 1969 had risen 31.3 percent over the same period.

Although payment provisions to farmers in farm legislation are in actuality subsidies, perhaps in light of the information just discussed, they should be called "consumer guarantees" in that they do make sure the American consumer gets the best quality food at the lowest cost in the world.

These same payment provisions have created considerable misunderstanding and controversy regarding this legislation. Almost every segment of the economy has received either direct or indirect subsidies and usually for good reason—railroads, shipping, airlines, tariffs and quotas protecting American industry and manufacturing, magazines, et cetera. In fact, agriculture, in spite of being the largest U.S. industry, has received only $5 in the past 50 years for every $1,000 Americans spend for subsidies.

In this respect, may I point out the price of food, clothing, and shelter is going to be paid either by those who use them directly or through taxes, or by the land from which they come. The people of India and China throughout the centuries demanded food and fiber below the cost of production. The cost was paid by the land from which it came. As a result, the land is worn out. Yet, we ask our wheat producers to market wheat for around $1.20 a bushel, whereas the cost of producing a bushel of wheat is around $1.70.

Were we to immediately remove all Government from agriculture without new farm legislation, farm production at the present rate could not be maintained. Without favorable farm legislation proposed in H.R. 18546, farmers could not buy and operate the equipment and supplies essential to the production of adequate food and fiber for the American people.

Simply stated, our future supply of food and fiber is dependent on enactment of this proposed farm bill. The only other way of maintaining this needed production would be by raising the price in the market place. Certainly many farmers would like this, but the consumer revolt would be something to behold.

We must also remember that the farmer only receives about one-third of what the housewife spends in the grocery store, and that share is constantly decreasing. Therefore, if the farmer now receives $3 billion in subsidies, it is likely this expenditure is reducing consumer costs by something like $9 billion.

Mr. Chairman, the need to enact this legislation is most urgent. Improving farm income is an immediate goal. There has been a 30-percent loss in farm population in the last 9 years. As the farm population disappears, our rural communities also lose business establishments and population. In my First Congressional District of western Kansas, we lost 36,000 people in the 1960's.

This outmigration has resulted in spite of the fact most people prefer to live in the countryside. According to a recent Gallup poll, over 50 percent of our population would prefer to live in rural and small-town America if they could earn an adequate living.

Passing this legislation is a necessary first step in our efforts to revitalize rural and small-town America and to reverse our population migration. It also seems to me this is the most obvious and direct solution to problems relating to urban congestion, crime, welfare, housing, hunger and malnutrition in our Nation's cities. We must create in rural America a new environment of jobs, education, and favorable living conditions. We need to stem the migration to our cities and then reverse it. Americans of tomorrow should have a real choice of where they want to live.

I am of the opinion H.R. 18546 is the best bill we can obtain in the House of Representatives. I believe it does represent a new approach to our farm program policy. In this regard, I would like to discuss several key aspects of this legislation that I feel are most important to the Nation's leading wheat producing district.

H.R. 18546 is made up of eight titles containing provisions for payment limitations, dairy, wool, wheat, feed grains, cotton, Public Law 480, and miscellaneous items. The key provisions I would like to discuss involve wheat, feed grains, dairy, and the overlooked but nevertheless most important provisions for cropland conversion and long-term land retirement.

In brief, the wheat section of the bill:

First. Suspends both the marketing quota program for 1971, 1972, and 1973.

Second. Provides domestic marketing certificates to farmers participating in the set-aside program in an amount equal to U.S. food consumption—about 530 million bushels annually.

Third. Sets the face value of these domestic certificates at the difference between the wheat parity price—current $2.82 per bushel—and the average price received by farmers during the first 5 months of the wheat marketing year, which starts on July 1.

Fourth. Provides for a preliminary payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment—if any—would be paid in December. If the Secretary's estimate were too high, no refunds by farmers would be required.

Fifth. Continues the cost of certificates to wheat processors at 75 cents per bushel.

Sixth. Authorizes the Secretary to set nonrecourse loans to participating farmers from zero to 100 percent of the parity price for wheat.

Seventh. Establishes a set-aside program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary.

Eighth. Authorizes payments to participating farmers for any additional set-aside acreage and for permitting public recreational access.

Ninth. Authorizes Secretary to permit wheat and feed grains substitution—Sebelius amendment.

Tenth. Continues wheat certificate payments based on projected yield—Sebelius amendment.

The feed grains section of the bill:

First. Establishes a voluntary feed grain—that is: corn, grain sorghum, and barley—program for 1971, 1972, and 1973.

Second. Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between not less than $1.35 per bushel—for corn—and the average market price for the first 5 months of the marketing year—which starts on October 1 on corn and grain sorghum and July 1 on barley.

Third. Authorizes the Secretary to set nonrecourse loans at zero to 90 percent of feed grain parity prices.

Fourth. Authorizes additional set-aside and public recreational access payments.

Fifth. Establishes a "set-aside" program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

Sixth. Provides for a "preliminary" payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first 5 months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

Seventh. Authorizes Secretary to permit feed grains and wheat substitution.

The dairy section of the bill:

First. Extends and amends the authority for the dairymen's class I base plan in Federal milk market order areas. It specifically guarantees competitive access to class I base plan markets by established producers outside the market order area. Appeal procedures under present law remain unchanged.

Second. Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

Third. Extends the Secretary's authority to donate dairy products owned by CCC to the armed services and veterans' hospitals.

Fourth. Extends the Secretary's authority to make indemnity payments to dairy farmers who through no fault of their own have their milk contaminated by and condemned because of the presence of pesticides and residues.

The wheat section of the farm bill assures the farmer 100 percent of parity—presently $2.82—on his domestic production, approximately 50 percent of his total crop. It seems only reasonable that the farmer who must buy retail and sell wholesale for this production should receive parity with the rest of society on the domestically consumed portion of his production. The market price is approximately 40 percent of parity. To expect farmers to survive at these prices while paying the American cost of production is beyond conception and would destroy the family farmer and agriculture as we know it today.

In return for this production incentive payment—the wheat certificate—the farm cooperator will set aside a given acreage and conserve land and water resources to guarantee adequate food and fiber for future generations. The farmer will have the option of saving additional land and water resources for additional diversion payments. Producers may elect to plant and graze on the set-aside acreage sweet sorghum and to plant and harvest several other soil-building crops.

To add freedom and flexibility to farm management decisions, the substitution provision authorizing the substitution of wheat and feed grains production to preserve allotment history is extended to include all allotment acreage. This will allow maximum farm response to changes in supply and demand and guarantee increased production efficiency. Also, farmers may voluntarily idle land, not planting their allotment, without the threat of reducing their allotment history if price support or diversion payments are not accepted.

An important provision to maintain future certificate payments on the basis of projected yield is included in the farm bill. This provision to guarantee equity in the distribution of farm payments is vital if we plan to keep our most efficient farmers in agriculture and provide adequate incentive for young efficient producers to enter farming. The Secretary shall make adjustments if an exceptionally low yield is shown to be the result of drought or other natural disaster during the year used as the base period.

The Secretary will continue the present wheat loan program for participants. Wheat certificate payments will be based on the difference between parity and the average market price received by farmers in the first 5 months of the marketing year. Since the market price is lowest during this period, this provision will have minimal effect on the value of wheat certificates.

Since the proposed legislation extends the same discretionary authority to the Secretary of Agriculture regarding the loan level as the 1965 act I have urged Secretary Hardin to use his authority to establish the wheat and feed grains loan at the highest possible level. It is imperative that the wheat loan level remain approximately at its present level to not only maintain but improve farm income throughout the duration of this bill.

The Secretary is also authorized to make payments to reimburse participating farmers who permit land use for public recreational access. This proposal has considerable merit and is exemplary of the kind of planning we need to provide recreation land use for future generations.

The feed grains section establishes a voluntary feed grain program for 1971, 1972 and 1973. It provides production incentive payments to participating farmers on one-half of their feed grain base. The payments would be no less than 32 cents per bushel for corn—with corresponding rates on grain sorghum and barley—and the total of the payment plus the loan would be no less than $1.35 on half of the base for corn.

The substitution of feed grain and wheat production to protect allotment history is included. Also, the provisions dealing with set-aside acreage, additional diversion, public recreational access, and voluntary producton reduction are similar to the wheat section of the proposed legislation.

H.R. 18546 recommends a simple extension of Public Law 480 without amendment. In moving our agricultural abundance abroad, Public Law 480 has served many purposes. It has promoted agricultural trade with friendly underdeveloped nations and has facilitated the development of these nations while achieving greater commercial trading partner status with them. It has furthered the foreign policy of the United States in the process of providing a large volume of food to hungry people throughout the world.

This provision and the other sections

of this legislation will allow us to accelerate our efforts to beat our swords into plowshares and to accomplish our objectives to achieve world peace and reduce world hunger and malnutrition.

This bill does not contain all of the provisions my staff and I worked on or as many dollars for the farmer as I had hoped to guarantee. I have several major concerns in addition to the need for the present loan rate on wheat to be continued.

While the Cropland Conversion and Greenspan proposals for long-term land retirement are extended by H.R. 18546, I am concerned that the appropriations level of $10 million annually for each program is inadequate. These are not enough funds to determine the impact of long-term land retirement programs on our economy and to provide proper safeguards for an adequate food and fiber supply in the future through effective water and land resource conservation. In addition to the need for accelerated conservation efforts, these programs should be greatly expanded to protect the quality of our environment and to provide more opportunity for open spaces, clear water, clean air, and outdoor recreation. I plan to introduce legislation including the retirement of poor land for conservation purposes in the next session of Congress.

Another concern is the production base concept originally conceived to accompany the set-aside approach. It was labeled a new and more positive approach to supply management. However, the proposals to implement this concept indicated that in fact it only created new sets of inequities without providing relief to areas such as my district in western Kansas with a disproportionate share of the conserving base requirement. I urged the USDA to modify its proposals to remove the present conserving base inequities and avoid new inequities. After considerable effort, the Department of Agriculture failed to rectify this situation, the concept was abandoned and the set-aside will be allowed to operate as originally proposed. We still have, however, an urgent need to adjust inequitable conserving base allotments.

While this bill does not contain all of the provisions my staff and I worked on or as many dollars for the farmer as I had hoped to guarantee, I think this bill will sustain American agriculture. I think the set-aside approach is a gradual step toward a more producer-oriented agriculture. Hopefully, new market outlets for agricultural production, such as a grain alcohol substitute for lead in gas mixtures and similar proposals for other commodities will be developed and expanded during the duration of the program so the farmer may obtain parity at the marketplace—the goal of both farmers and consumers.

This omnibus farm bill must be passed to guarantee future economic growth and prosperity in the domestic economy, to guarantee an adequate food and fiber supply for future generations, to reduce hunger and malnutrition, both domestically and abroad, to accelerate our efforts to attain world peace, to protect the quality of our environment in the countryside and the cities, and to expand and improve recreational opportunities. Early enactment of this legislation is vital not only to agriculture, but is necessary to insure hope in America's future.

THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. POAGE. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio (Mr. Feighan).

(By unanimous consent, Mr. Feighan was allowed to speak out of regular order.)

The CHAIRMAN pro tempore (Mr. Smith of Iowa). Mr. Chairman, the Chair recognizes the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, it was with deep regret that I learned of the passing of our distinguished colleague from Ohio, the able and beloved Michael J. Kirwan, affectionately known to all as Mike.

Mike was born in Plains near Wilkes-Barre, Pa., December 2, 1886, and was reared in humble surroundings in the coal mine region.

Mike Kirwan was truly a man of many facets. As a boy he worked in the coal fields and as a youth he traveled throughout the United States. He lived his life in the tradition of the American boy in search of himself. He worked his way across the wild west as a trainman here, as a cowboy there, then in oil fields, wheat fields, and even a lumber camp.

During World War I, he served as an artillery sergeant in France.

He served two terms as a member of the Youngstown City Council representing the fourth ward. Mike was first elected to Congress in 1936, and served his constituency faithfully until his death.

From his humble beginnings, he forged ahead as one of the main bastions of power in the Democratic Party as the chairman of the Democratic National Congressional Committee since 1947 and in the Congress as chairman of the Interior Subcommittee, and later as chairman of the Public Works Subcommittee of the House Committee on Appropriations. He served as a member of the Rivers and Harbors Committee from 1937 until 1943. He was a national vice president of the National Rivers and Harbors Congress.

Long before the nationwide concern it has today, Mike took a positive interest in the preservation of our national environment. The impact of his far-reaching proposals can be seen throughout the Nation. The great system of power dams, reservoirs, and waterways in the United States are in a great measure a result of his leadership. Mike's deep concern was the welfare of the people of the entire Nation.

Mike was a very unusual person. From his humble surroundings and lack of formal education, to have carved out such an extremely successful career in the service of his fellow man, was indeed a remarkable achievement. He had unswerving belief in his Creator and boundless confidence in his fellow man. He was kind and considerate and yet firm in his convictions and truly dedicated to every cause which he felt was right. Mike's word was his bond. He felt a deep responsibility to help those with whom he lived and for his constituents for whom he worked untiringly.

I was privileged to be Mike's friend and colleague for almost 30 years, during 8 of which Mike was dean of the Ohio congressional delegation. Indeed, he was a man who never lost his simplicity. He always had compassion for his fellow men, perhaps because he understood them so well.

Mike acquired numerous honorary degrees and was even a member of the Cowboy Hall of Fame and had been appointed a member of the Board of Regents of the Smithsonian Institution as well as the recipient of many awards for his efforts in conservation.

The Nation has lost a distinguished legislator. My family and I extend our sympathy to the members of his family.

Mr. Chairman, when the Committee rises, I will ask unanimous consent that all Members may extend their own remarks and include extraneous material, and in my own remarks I will include a telegram of condolence from President Nixon:

San Clemente, Calif.

Mrs. Michael J. Kirwan,
Washingon, D.C.:

Your husband's death brings sorrow to the hearts of those he served so tirelessly and so effectively, and it deprives the nation of an articulate public servant. Mrs. Nixon and I send you and your family our deepest sympathy, as well as the hope that the achievements that distinguished your husband's career may now be a source of strength and comfort to you. May God bless you always.

Richard Nixon.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the distinguished gentleman from Pennsylvania.

Mr. FLOOD. I thank the gentleman from Ohio.

Mr. Chairman, as the gentleman knows, no one was dearer or closer to me than Mike Kirwan. So I can say:

He is not dead, as we that are left shall die;
Age shall not weary him, nor the years condemn.
At the going down of the sun, and in the morning,
We will remember him.

Mike Kirwan has departed this earth at the end of a life of determination, dedication and hard work.

The outstanding funeral tribute in Youngstown, Ohio, last Thursday, when many of his congressional colleagues attended was an indication of the high place that Mike Kirwan held with his constituents, his fellow public servants and all those who knew him.

His passing was a bit more sorrowful for me, Mr. Chairman, since Congressman Mike Kirwan was more than a colleague. He was a dear friend, a trusted companion, and a man whose friendship I beheld.

When I first came to Congress in 1945, Mike Kirwan took me by the hand and led me through this building and through the mysteries of this House. I was always very proud of my association with him, since Congressman MIKE KIRWAN, like myself, was a native of the northeastern Pennsylvania coal fields, born in the town of Plains, only a few miles from my home in Wilkes-Barre. He worked in those mines with my family, my neighbors, my relatives and my friends.

MIKE KIRWAN's life was rugged in every sense of the word, always filled with the determination to pursue the right and the proper.

His career began at the tender age of 7 as a slate-picker in the Heidelberg Coal Shaft near Wilkes-Barre. He used to kid us at the University Club, when we would ask each other, "From what university did you come, and what year?" We would say, "Yale, 1926," or "Harvard, 1924." MIKE, without batting an eye, would say, "Heidelberg, 1904." Most people did not know what that meant, but some of us did. It was the colliery at which he worked.

The same awful working conditions that permitted child labor abuses which young MICHAEL KIRWAN suffered were later put to an end. Some 40 years later he began a brilliant career in the U.S. House of Representatives where he always voted to improve the lot of the laboring man, and the betterment of working conditions.

MIKE KIRWAN came to Washington with the beginning of President Franklin D. Roosevelt's second term, and in the years to follow gave leadership and fight to all of the social and economic battles fought in these Halls.

I will have many fond, cherished memories of this great American whose death marks the termination of a life of service for all. The House of Representatives will be lesser, with another distinguished colleague gone to the final rollcall.

MIKE KIRWAN had the persuasiveness of Mr. Sam, the conviction of John F. Kennedy, the righteous pursuit of Harry S. Truman—and like all of these great Americans whom he knew and served with, he most of all loved the United States. He cared for the preservation of our democratic system of government, and held sacred the preservation and expansion of its natural resources.

There are many ways in which we can remember MIKE KIRWAN, Mr. Chairman, but I prefer to recall his magnetic presence as being that of a proud man.

He was proud of his country, and never reluctant to accuse those whom he believed did not hold its best interest at heart.

He was proud of the House in which he served, with the admiration of all his colleagues.

He was proud of his esteemed chairmanship on the Public Works Appropriations Committee, where I was pleased to serve with him for over 20 years.

He was proud of his district in Ohio whose economy and way of life were so often affected by the role the Federal Government played, thanks to MIKE KIRWAN, in making life there a little better for all residents.

He was proud of the Democratic Party, and the prominent role he held in spearheading its congressional campaign committee.

He was proud of his Irish-American ancestry, and like so many other great Americans in this tradition, he chose a life in government and politics.

There are many ways, Mr. Chairman, in which I could bring down the curtain on the life of MIKE KIRWAN, but I think Shakespeare may have said it best in the fifth act of Hamlet:

> Now cracks a noble heart.
> Good night, sweet prince, and flights of
> angels sing thee to thy rest . . .

Mrs. Flood joins with me in expressing our heartfelt sympathy to our old friend and neighbor, Mrs. Kirwan, to his brother, John, and Mrs. Zorzi, still our neighbors in Wilkes-Barre, Pa.

Mr. Chairman, I include the attached editorial from the Times Leader Evening News, of Wilkes-Barre, Pa., for July 27, 1970, in the RECORD, immediately following my remarks:

MICHAEL J. KIRWAN, 1886–1970

The death of Representative Michael (Mike) Kirwan, famed Ohio Democrat and one of the most powerful figures in Congress, recalls a colorful career. He was a native of Plains and a resident of Youngstown, where he represented the 19th congressional district for 34 years.

As a member of the appropriations committee, chairman of its sub-committee on public works and chairman of the Democratic congressional campaign committee, among other things, Representative Kirwan was the Dan Flood of his adopted city, both in popularity and activity. He belonged to an earlier generation than his local counterpart. However, they were close personal friends as well as political allies.

Representative Kirwan came by his eminence the hard way. In boyhood, he worked at the Heidelberg breaker and when notables at a Washington dinner, on one occasion, were asked to reveal their alma maters, he rose and stated proudly, "Heidelberg, '07." The other guests were impressed at the mention of the famed German university until they learned later that he was referring to the anthracite mine where he was employed.

His career included tours of duty as a veteran, trolley conductor, laundryman and railroader before he entered politics and was elected to the city council of Youngstown. Such was the esteem in which he was held in his district, he ran ahead of Franklin Roosevelt in one election.

One of the best informed men in the capital despite his lack of a formal education, he always had the courage of his convictions as well as a rare sense of humor. An indication of his stature was his annual St. Patrick's Day party which attracted everyone of importance from the President down.

He never forgot Wyoming Valley, which he left in 1907, returning frequently for dinners and personal visits. He was easily one of our most distinguished sons as well as an outstanding public servant.

Mr. FEIGHAN. Mr. Chairman, I am happy to yield to the very able and distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, each and every one of us who served with MIKE KIRWAN and knew MIKE KIRWAN had our lives enriched by the fact that our journey in life crossed each other's path.

MIKE KIRWAN's life was one of the most unusual of any person in the entire history of the United States. His life was one of ambition, of determination, of courage, and dedication and love to God and country. His life is an inspiration for all others to follow, particularly for the youth of America. Overcoming great difficulties as he did, taking advantage of our institutions of government, he was elected by the people of his district to serve in this great body, starting with the 75th Congress and continuing in this body until his death a short while ago in the 91st Congress.

During his service he made contributions that placed him among the truly great legislators of our Nation's history. There is no one whose love of America was stronger or more clearly evidenced than the love that MIKE KIRWAN had during his lifetime. He was not only one of the outstanding legislators of our Nation's history but was also one of the great Americans of the entire history of our country.

He was a man of firmness in the performance of his duties, but in his relationship to his fellow human beings he was a man who had an overabundance of kindness and of understanding. Each and everyone of us could tell many pleasant incidents we had with MIKE KIRWAN during his service in this body, but to me the most important thing was his love of his country, his love of the House of Representatives, and his dedication to the service of the people of his district, his State, and our country.

In the passing of MIKE KIRWAN the House of Representatives has lost one of its greatest Members. His contributions will always occupy the foremost pages in the legislative history of our great country.

His love of Mrs. Kirwan was always evidenced, as well as his love for his family—gentle, direct, kind. All of us will miss MIKE KIRWAN very, very much. He will leave a vacuum that is going to be difficult to fill. While no one is indispensable in life, I think we can fairly say that MIKE KIRWAN represented about the best that is humanly possible in his service to his people, his State, and to our country and in his love of this body and in his dedication to the service of the United States not only on the domestic level but also on the foreign level. MIKE KIRWAN had developed to the point of being an institution in his district and in this body, an institution based upon respect and based upon affection.

In his passing I have lost a very dear and valued friend whose memory I shall always treasure.

The House of Representatives has lost one of its finest, noblest, and most effective Members.

I know I express the sentiments of all my colleagues when I extend to Mrs. Kirwan and her loved ones our deepest sympathy in their bereavement.

Mr. FEIGHAN. I thank the distinguished Speaker. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, all of us who had the privilege and the honor of knowing MIKE KIRWAN are deeply grieved by his passing. Of course, during his extended illness it was a matter of deep concern to us that he was not with us and was suffering.

MIKE, by any standard, was a most, most unusual man. He was, in the finest

American tradition, a self-made man and this is one of the highest tributes I can pay any man.

His life, as I saw it, exemplified the typical American success story, and this is certainly a success story unmatched in my time in the political arena.

Mike was a colorful individual in a wonderfully unique way. When they made Mike they broke the mold and threw it away. There was nobody else like him, during my association with literally hundreds of Members of the House, and I doubt that in the future there will ever be one like him.

We all knew Mike as a really great guy and also as an outstanding legislator. Mike knew what the rules were and he played the game in a fine style and in a fair way. He wanted to win if he thought he was right, and he usually did, but he did it in a fine, upstanding, typically American way.

I can say without hesitation or qualification that I will miss Mike Kirwan a great deal. I was privileged to know him especially well because of my previous service on the Committee on Appropriations, where Mike served so long and so exceptionally well.

I can say from the bottom of my heart that Mike Kirwan was one of the great giants in this House during the time in which I have served here.

He was a dear friend, and one whom I shall miss very greatly in the months and years ahead. It is with the most heartfelt feelings I extend my condolences to Mike's family and his friends. We shall all remember him most fondly.

Mr. FEIGHAN. I thank the distinguished minority leader.

I yield to the very distinguished majority leader (Mr. Albert).

Mr. ALBERT. Mr. Chairman, Mike Kirwan stood out in this Chamber as one of the most remarkable men of our generation. He stood on the horizon like a tall tree, and to paraphrase Edwin Markham, when he fell he went down like a kingly cedar, and left a lonesome place against the sky.

Mike Kirwan, as the distinguished gentleman in the well has said, was a man of many facets. To me he typified, in an individual way, the great American dream. He came from the coal mines of his native Pennsylvania up to the Capitol of his Nation in his long struggle against great odds. In his determination, he succeeded not only in his life's work but also in becoming an outstanding human being among his fellows.

Mike was a pillar of the House and of the Democratic Party. He was the second ranking member of the House Appropriations Committee, chairman of its great Public Works Subcommittee, and chairman of the Democratic National Congressional Committee.

No man is more responsible than he for our country's expanded water resource development, including flood control, pollution control, water supply, power generation, navigation, irrigation, and recreation. No man worked harder to protect and develop our priceless and irreplaceable national resources. He was the staunch guardian of our national forests, our fish and wildlife, and our great public lands.

Mike Kirwan believed deeply in investing in the development of human beings. He was the devoted friend and advocate of the student, the poor, and the American Indian. He spent his lifetime paving the way that others might have a better life and better opportunities.

I agree with the distinguished minority leader that when Mike was made by the good Lord he broke the mold, because while he was in a sense a typical although outstanding Horatio Alger story personified, at the same time he was one of the most unique individuals I have ever known. Like Napoleon, he had no model and no successor. He was the one and only Mike.

Mike Kirwan was a friend of man; he was my friend; he was a great colleague. I shall miss him as long as I live.

Mr. Chairman, I join all my colleagues in extending to Mrs. Kirwan, to their family, their children and grandchildren and friends my deepest sympathy.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the very distinguished majority whip, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. I thank the gentleman for yielding.

I subscribe wholeheartedly to what has been said by our distinguished Speaker, by our distinguished minority leader, by our distinguished majority leader, and the others who come here today to pay a tribute to Mike Kirwan. It is certainly not a last tribute, because anyone who spent 30 years with him, as I did, could never contemplate this being a last tribute. His mark is left on all of those who knew him or were associated with him.

Mike Kirwan was a man's man, yet he was beloved by woman; he was a dedicated man, yet an understanding man; he was a man who loved his constituency, and yet he had the breadth and the knowledge to understand that it was only a part of a great continental nation.

Mike was a builder above all. His monuments are everywhere.

There were so many qualities that Mike Kirwan had that one fails to find adequate words to describe them: His sense of deep loyalty to his family, his church, his country, his party, and his friends; his knowledge; his keen understanding of the American political scene; and his awareness of the ancient admonition that he who does not understand the connection between morality and politics does not understand either one.

So we just bid Mike farewell. Every man who served with him shares a part of Mike. In the immortal words of John Donne, "Do not send to know for whom the bell tolls; it tolls for thee."

In a sense all of us are lesser men because of Mike Kirwan's having left us.

The people of Ohio—and, indeed, the people of the United States—lost an able and devoted leader with the passing of Mike Kirwan.

When I first came to Congress, in 1940, Mike Kirwan was already known as an able and hard-working Member of this body. He had been elected to Congress for two terms, and had already earned the respect, the esteem, and the affection of all of us who were privileged to serve with him.

Mike Kirwan leaves us with a priceless legacy: a lasting example of what a Congressman can and should be. Each of us should aspire to the mark set by this able and dedicated public servant, this unselfish and compassionate human being.

Mrs. Boggs and I have lost a dear friend, and this Congress has lost an able and beloved Member. Together, we express our deepest sympathies to the family of Mike Kirwan.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished chairman of the Committee on Appropriations (Mr. Mahon).

Mr. MAHON. Mr. Chairman, I am grateful for this opportunity to join others in tribute to the life, service, and character of our late and beloved friend, Mike Kirwan.

America has lost a great and good man.

I have lost a good and always helpful friend. Mike was a loyal man. Countless and unnumbered are the times when he helped me in my work as chairman.

I had the privilege of serving with him throughout his nearly 28 years on the Committee on Appropriations. While he served on a number of subcommittees over the years: Interior, Public Works, War, Labor-Federal Security, Legislative-Judiciary, and Deficiencies, plus numerous special subcommittees, perhaps his most distinguished—certainly his longest and best-known—efforts were in the fields of our obligations to the American Indian and in the preservation and development of our precious and priceless natural resources.

His good deeds in behalf of the American people—including, I would add, coming generations—are shiningly inscribed across the pages of American history.

Mike Kirwan was the legislative champion of conservation.

He stood tall in his love of America; his love of country burned with the fierceness of a streak of lightning.

He stood tall in the esteem of the people of his Ohio constituency. They sent him here 17 successive times and when his work was done, he ranked seventh in seniority in the service of the House.

But he ranked first in the hearts of his constituency and high in the esteem of his colleagues.

The work of his hands will stand with time.

Though a man of humble beginnings, he rose to a position of great public trust.

Mike Kirwan's tireless efforts and lasting accomplishments recall President Kennedy's observation that any man can change the world and every man should try.

That is one of his great legacies to posterity.

May God bless his memory and give comfort to Mrs. Kirwan and all of his loved ones.

Mr. Chairman, as a further tribute to this distinguished American, I include at this point the set of resolutions adopted by the Committee on Appropriations on the day of Mike Kirwan's passing.

The resolutions follow:

RESOLUTIONS OF THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES ON THE LATE HONORABLE MICHAEL J. KIRWAN OF OHIO

Whereas, on July 27, 1970, the Honorable Michael J. Kirwan, full of years and full of honors and in his 34th consecutive year as a Member of the United States House of Representatives, answered the last roll call and joined the Congress of the Hereafter; and

Whereas, Mr. Kirwan was one of the most devoted, respected, and beloved Members ever to serve in the Halls of the House of Representatives; and

Whereas, Mr. Kirwan, through his nearly 28 years as a Member of the Committee on Appropriations, recognizing the serious neglect of the precious and priceless natural resources of our Nation, became America's legislative champion of conservation with an unexcelled dedication to the protection, preservation, and development of these resources, thereby lifting up a standard for others to follow; and

Whereas, throughout his 27 years of service on the Subcommittee on Appropriations for the Department of Interior and Related Agencies, including 13 years as its Chairman, Mr. Kirwan vigorously and successfully supported more adequate provision for the education, welfare, health, and resource development of the American Indian, for the preservation and development of our national park system, our national forests, our fish and wildlife and mineral resources, and management of the great public lands of the West; and

Whereas, during his 15 years as a member of the Subcommittee on Appropriations for Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission, including the last 6 years as its Chairman, Mr. Kirwan provided outstanding leadership in expanding the essential water resource development of the country, including flood control, pollution control, water supply, power generation, navigation, irrigation, and recreation; and

Whereas, the thousands of completed public projects and facilities, yielding innumerable benefits to this and coming generations, are living testimony to the foresight, perseverance, and persuasion of Mr. Kirwan; and

Whereas, Mr. Kirwan, a deeply religious man, prideful of his humble beginnings and epitomizing what Emerson had in mind when he said that America was but another name for opportunity, was possessed of those qualities of honesty, simplicity, candor, and genuine goodness of character which gained him the respect and love of his colleagues and a national circle of friends; and

Whereas, Mr. Kirwan, over his long years of ceaseless effort and dedication, contributed mightily and lastingly to the building of a better America; and

Whereas, surely time will surround the work of his hands with a lasting veneration; Now, therefore, be it

Resolved, That we, the Members of the Committee on Appropriations, sharing the universal feeling of grief at the loss of this truly great American and legislative champion who has crossed the river to rest in the shade, extend our deepest sympathy to Mrs. Kirwan and others of the family, to his relatives, and others of that wide circle of admiration and universal respect; and, be it further

Resolved, That these resolutions be entered in the journal of the Committee, a copy sent to Mrs. Kirwan, and that arrangements be made to include a copy in the appropriate ceremonial proceedings of the House of Representatives.

Adopted July 27, 1970.

Mr. FEIGHAN. Mr. Chairman, I yield to the very distinguished ranking member of the minority on the House Committee on Appropriations, the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am reminded of those words of Longfellow:

> Lives of great men all remind us
>   We can make our lives sublime,
> And, departing, leave behind us
>   Footprints on the sands of time.

MIKE KIRWAN has left his footprints on the sands of time, not only in this country, but throughout the world.

I am particularly reminded of the great effort MIKE KIRWAN made on behalf of the people of Samoa. That island territory was, in a sense, the poorhouse of the Pacific. But, because of the great work there that MIKE KIRWAN was responsible for during his tenure as chairman of the Committee on the Interior and Insular Affairs, it is now a pearl in the Pacific. Through his efforts the children of Samoa now receive education, roads have been built, and industries have been developed. This is just one of the many places in the world that will always be a better place to live, because it is indelibly marked with the footprints of MIKE KIRWAN.

But most of all, Mr. Chairman, I am reminded of his efforts on behalf of his own district. Because of MIKE KIRWAN, dams and reservoirs have been built, and industries kept there. It is my great fortune that, in a redistricting not long ago, part of his district was assigned to me, including a good bit of his home county, Mahoning County. In the work that I have done in that county in the past I have never ceased to admire and respect the great affection the people of his home town and county had for him.

Last week we attended the funeral rites for MIKE KIRWAN. A feeling of great sadness was evident all over the city. The flags were flying at half mast and all the city buildings were draped in mourning. They remember him; they will not forget him.

Mr. Chairman, there is much that can be said about MIKE KIRWAN as a legislator, and as a statesman, but to me the great strength of MIKE KIRWAN was his capacity to be a friend. Regardless of which side of the aisle one was on, MIKE KIRWAN was a friend, a devoted friend, and one that all could turn to.

So, Mr. Chairman, I shall miss him, but I cannot feel that he will be gone from this Chamber because his accomplishments will always be remembered. Many of us will hope to continue what MIKE KIRWAN did here for his country, and for the people we all represent.

To Mrs. Kirwan and the children I extend my condolences—but he has lived long and well, and God was good to him. I am certain there must be a feeling in that family of joy at having shared life with him, and gratitude that God made him the man he really was and kept him with them for so many years. He was a magnificent man and we shall all miss him so very much.

Thank you, Mr. Chairman.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, the death of MIKE KIRWAN is a tragedy. It has come at the wrong time in the critical era through which we are passing but death never takes a holiday. Death knows no season. The poet has said:

> The leaves have their time to fall, the rose to wither at the north winds breath, but thou hast all seasons for thine own, Oh, Death.

Mr. Chairman, MIKE KIRWAN was a poor man's Congressman. MIKE KIRWAN was the idol of those who labor. He was an authority on poverty because he endured poverty in his early days. He used to reminisce about the days when he "rode the rods." He spoke of the days when he was a hobo. He spoke of the days of labor's fight for survival during the early days of the labor movement—of which he was a part. MIKE KIRWAN'S formal education was limited, but his knowledge was great. He knew America as few men do—North, East, South, and West and every section loved him. In the House of Representatives he had no enemies. He was unanimous. He had the affection of men of all areas and all political convictions. He defended the institutions of the House and he was contemptuous of those who tried to tear these monuments down. Mr. Speaker, MIKE KIRWAN was the epitome of Markham's tribute to Lincoln when he said:

> He held his place—Held the long purpose like a growing tree—Held on through blame and faltered not at praise. And when he fell in whirlwind, he went down as when a lordly cedar, green with boughs, goes down with a great shout upon the hills, and leaves a lonesome place against the sky.

In these hallowed halls, the void MIKE leaves will never be filled.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished chairman of the Committee on Science and Astronautics, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I cannot very well say any more than what has been said about MIKE KIRWAN.

But I would like to supplement what the gentleman from Ohio (Mr. Bow) said about Samoa and the educational system in Samoa.

MIKE pioneered in this field. You should know that this country now has a contract with the Indian Government to orbit television and will broadcast into 2,000 Indian villages where they have no schools and bring education to them.

This is going to be one of the great things in the space effort because it can be applied all over the world, and those of us who loved MIKE KIRWAN can say that he pioneered in this field.

Mr. FEIGHAN. Mr. Chairman, I yield to the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, it is with a heavy heart that I join my colleagues today in paying tribute to the late Honorable MICHAEL J. KIRWAN of Ohio. "MIKE" KIRWAN was more than a colleague to me, he was a longtime dear friend with whom I traveled over a good part of the world and a man I greatly admired, and will greatly miss. I had the good fortune to know Mike ever since I came to the House of Representatives in 1944 and to serve with him for 25 years on the House Committee on Appropriations. Mike was a true "pro" and I can remember fondly the help he was to so many of us when we were newly come to this body. Mike was a candid man and spoke his mind and the reaches of his mind were vast. He was interested in the environment back in the days when it was not an "in" thing to be so. He was a conservationist who was greatly responsible for saving many of our natural resources. He devoted much of his time to Indian affairs and was deeply concerned about his fellow man. He had a certain crispness about him that comes from making it on your own. He had about 3 years of formal education and sweated as a young boy in the coal mines, worked as a railroad brakeman, lumberjack, oil field roustabout and a farm hand before entering politics. But this work did not embitter him, rather it broadened him and gave him a warmth and love for life that he communicated to all around him. We shall miss a true friend, a giant of a man. To his lovely wife Alice, his sons and daughter and all his family I extend my deepest sympathy and prayers in this trying time.

Mr. Chairman, last Thursday, along with many of our colleagues I attended the funeral services for Mike in Youngstown, Ohio, in his parish church, St. Brendan's. The pastor of St. Brendan's, the Right Reverend Monsignor William P. Maxwell, V.F., delivered a moving eulogy which I shall now share with my colleagues. Monsignor Maxwell's remarks which compose a true picture of Mike, follow:

My dear, Mrs. Kirwan, members of your family, and your relatives: the sincere sympathy of all here assembled, that of the people of this whole area and in many distant places, is yours to-day. We pray our loving Saviour to ease the burden of sorrow and to lift the weight of sadness that the death of Mr. Kirwan has brought. We trust the tribute of this gathering and the innumerable words of praise spoken during these days will give some degree of pleasure and a rightful pride to lighten the darkness brought by his passing to eternity.

Reverend members of the clergy, revered religious, distinguished associates in government, honorable civil officials, grateful constituents and loyal friends of "Mike" Kirwan: your presence here on this sad occasion, together with that of so many who would like to be here, constitutes a strong, earnest and enduring tribute.

It is unnecessary to recount for you the many achievements of Mr. Kirwan. There is universal agreement that his life has been highly successful. His difficulties and his triumphs should give inspiration and example to those whose way of life is hard. His sturdy qualities of truthfulness, honesty, human concern, and foresight, encourage and confirm the natural benefits of these qualities to all of us. And, Oh! how we could do with a massive emulation of his love of country and pride in this great nation of ours!

His speech was always candid; sometimes as one writer commented "without rhetoric or polished grammar"—but always understandable. On one occasion he stated that the secret of success in politics is nothing more nor less than "telling the truth."

"The American people are not dumb. They may be confused about a lot of things; but they are not dumb." D'ya see the point I mean?"

Mr. Kirwan challenged his audiences, when campaigning, to watch his honesty. "Watch me like a hawk," he would say. "If you catch me taking a short cut, you're fools if you don't vote me out of office." Perhaps we might say his scorn for the glamor side of government and his disdain for a "phony" anywhere spring from his deep sense of honesty.

The list of his accomplishments is a long and varied one. For his own district, adjoining areas, in distant parts of the country, even in the Pacific islands. Many of these measures received prompt backing because their need or usefulness was readily seen. Others, the importance of which he perceived clearly, were seen but slowly by his colleagues. Patience, sometimes impatience, and determined perseverence finally won his goals in most cases. While I am deeply impressed by his constructive efforts to secure educational opportunities for American Indians and children in the far reaches of the Pacific, there is another instance of his concern that is amazing. Interested somewhat by chance in the need to wipe out a certain beetle that was destroying a vast timber area in the West, he secured the money from Congress and saved a great amount of timber, sufficient in quantity to build more than a million five-room homes! But it is not the magnitude of the results that amaze me; rather it is his readiness to help in a worthwhile undertaking.

Despite his contacts with people of note and distinction and his participation in events of tremendous importance he never lost the common touch. He enjoyed these contacts and his part in great affairs; he even showed a justifiable pride: yet he was essentially a simple and humble man. To one and all he was glad to answer to the friendly name of "Mike". And he judged a man not by who he was but by what he was, with a special warmth for the man he called "Joe Doakes".

It has been said that he was a devout man because he made frequent use of a rosary. I was delighted to learn that his attachment to this old fashioned devotion was so well known. I understand how—as his fingers moved over the worn beads and he murmured through habit his Paters and Aves—he beheld vividly in his mind a review of some of the outstanding events in the life of Christ, from His birth to His death and resurrection. And along the way he watched the gracious concern of Jesus for His mother. Through this meditation he renewed his allegiance to his Lord, drew inspiration and courage, found strength to meet his own problems and to continue his work for the good of mankind.

I would not say he was devout because he said his rosary, but rather he said his rosary because he was devout. He did not wear his religion on his sleeve, as the saying is. He lived it. It was part of him; not something to be considered separately from himself. His concern for others, his idealism, his charity: these things were not some special features of the man; they were part of him, an external expression of his spirituality. Yes, I would say he was a devout man.

Because he was a devout and humble man it was his wish to have his last earthly function in his parish church; in his church of St. Brendan in which he has worshipped God for more than half of his long life. Here with his family, in the midst of his neighbors, with his friends from near and far gathered round, he wanted to lay down his earthly labors and enter into the joy of the Lord. In seeking this simplicity I feel he was expressing the desire to emphasize the spiritual on this occasion. He had a great balance in the importance of worldly and spiritual things. He echoed the scriptural question: "What does it profit a man to gain the whole world and suffer the loss of his soul?"

He was a good parishioner. While regular in his attendance at church he was in no way ostentatious. He received the Sacraments and participated to the extent he could in the activities of the parish. He was not one to interfere, to be critical or demanding; and yet, on occasion, he made kindly, interested and helpful suggestions. In the twenty five years I have known him he never refused a request made of him for the parish, whether it was of his time, his presence, or his purse.

His name and achievements will be long remembered. He goes now to receive his reward for a life of service to his family and to his fellow men, and for a life of faithful love of his Creator. In the light of Glory, in the very presence of God, he will experience what "eye hath not seen, nor ear heard, neither hath it entered into the heart of man, the things God has prepared for those that love Him." Into that glorious realm our thoughts and our prayers go with him. And before the throne of the Most High God he will continue to represent us—to put in a prayerful word for each of us. May he rest in peace. Amen.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BELCHER. Mr. Chairman, I yield the gentleman 5 additional minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, I have lost a wonderful friend. Ohio has lost a champion—as has Oklahoma—and the Nation has lost a patriot and statesman.

The death of Mike Kirwan leaves a great hollow in the hearts of all his friends and a great void in the leadership of the Congress.

In their beautiful resolution of tribute to Mike, his colleagues on the Committee on Appropriations referred to him as "one of the most devoted, respected, and beloved Members ever to serve in the Halls of the House of Representatives." In no respect did they overstate the case.

Here was a man who truly knew what it means to be an American—what it means to live in a land of freedom and opportunity—if ever any man did. For he rose from the humblest of beginnings, faced tremendous hardships, went to work while still a small boy and learned at an early age the meaning—and the value—of hard but honest toil.

But he overcame all the obstacles—the early death of his father from "miner's asthma," the lack of formal education, the years in the mines, the grueling physical labor, the war, the depression—and made a monumental success of his life and an enviable contribution to the improvement of life in his Nation: this free Nation which had given him life's greatest gift—opportunity. What a tremendous message this life brings to those today who have eyes to see and ears to hear.

Mike Kirwan had great compassion. But he knew the difference between compassion and the sentimental "do-goodery" which so often passes for compassion in today's world. Mike knew how to cry and he knew how to fight. He knew how to laugh—as perhaps only the Irish do—and he knew how to win an argument. And he had one special gift for the role he played in Congress—he knew how to give without being taken.

For several years now, Mike Kirwan has been my neighbor down the hall in the Rayburn Office Building. His was a friendly, jovial office—the nearer it got to St. Patricks Day the more friendly and jovial it got—and it was a hard-working office. You learn a lot about a neighbor. Mike's office bore his distinctive mark—and he was a good neighbor.

But perhaps the greatest thing about Mike Kirwan was the way he loved this country. Public works projects all around the land are an enduring and working monument to this magnificent conservationist. And no one owes him a deeper debt of gratitude than the people of Oklahoma and the people of my first congressional district, where very soon the Arkansas River will be navigable to the port of Catoosa, just outside Tulsa, and the heartland of America will become a veritable garden spot and a new center of commerce because of the foresight and support of Ohio's Mike Kirwan.

I salute him. I shall deeply miss him. And I join with my colleagues and with Mrs. Belcher in extending my deepest sympathy to his dear wife and to his family.

Mr. FEIGHAN. Mr. Chairman, I yield to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, today we pay tribute to the memory of a great American, a great Ohioan, and a great Congressman, the Honorable Michael J. Kirwan, Representative from Ohio.

His work in this body over 34 years adds to the great legend of the House of Representatives.

The times of Mike Kirwan were not ordinary—and Mike was not an ordinary man or an ordinary Member of the Congress.

Mike Kirwan came to Washington after an early life of hardship and poverty. He came from a large family, he worked in the mines as a breaker boy, he worked in the lumber mills, he worked in the steel mills. In his times, he did the work of two men. He labored a normal man's span of hard work before he came to Congress in 1936. His work in Washington began a second labor. The first 50 years of his life were spent in working for the support of his family. The next 34 years were spent in working for his fellow man.

Mike Kirwan represented Youngstown—"Steel City, U.S.A." As a man, he was as tough as the steel which was produced in his district. It was a sorry and wiser man who tested either his strength or his determination. Anyone who lost a fight against Mike Kirwan—remained the loser. In his conflicts with others, he won both the battle and the war.

And yet there was a tenderness about the man which surfaced time and time again. In his own life experience, he could outline the tragic sequence of the misery of man and the efforts of the law to make things better. His heroes were the doers of these times—President Roosevelt, President Truman, President Kennedy, and President Johnson. The New Deal, the Fair Deal, the New Frontier, and the Great Society were the milestones in his life—the markers of progress in making our society respond to its times.

Mike Kirwan worked at the crucible and at the forge which made these legislative programs a firm and permanent part of what is the law of the land. In all of the laws which have increased the opportunity of the American people and the security and the dignity of every American citizen, Mike had his part.

The gentleman from Youngstown, Ohio, has helped make the laws of the land as strong, as serviceable, as useful to man—as the steel produced in his home community. They will endure. They are his monument. They are lasting testimony of his dedicated service to his fellow man.

This man was dean of our delegation. He was my friend. My profound sympathy extends to his wife and his family. This man did not live unto himself—this man lived and worked indeed for his neighbor and for his times.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished gentleman from Oklahoma (Mr. Edmondson).

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding. I shall never forget the first visit that I remember Mike Kirwan making to Oklahoma with his lovely wife, and the impact that he made upon the people of Oklahoma that he visited there. Mike Kirwan could have been elected Governor, Senator, or President, as far as the people of Oklahoma were concerned. He was an adopted son of Oklahoma, and he will be deeply missed for all time.

I would like to include in the Record, as part of this tribute today, the wonderful tribute that appears in Senator Kerr's book "Land, Wood and Water," and also the words of Joe McCaffrey, one of the finest newsmen of the Nation's Capitol, in his tribute to Mike, along with a partial list of the many honors, awards, and degrees that were conferred upon this great American.

It would take many pages to list all of the honors and tributes which were extended to Mike Kirwan in his lifetime.

A memorable picture of Mike Kirwan appeared several years ago in the book, "Land, Wood, and Water" by Senator Robert S. Kerr of Oklahoma:

> A government station wagon skidded around a sharp turn and stopped on the edge of a steep cliff. Below was a sight that never fails to stir the souls of men, a swiftly running river. A strange figure for this primitive wilderness hopped agilely out of the car. Beside his guide's tanned, leathery face, he looked pale. He wore a Homburg hat jauntily, and an overcoat. He said in a voice slightly touched by an Irish brogue, "So this is it!"
>
> "Yes, Congressman," replied the driver, "this is Clearwater River, and down there is Bruce's Eddy."
>
> The Representative peered down into the deep canyon and remarked in a tone of awe, " 'Tis beauty and power both, if you see what I mean."
>
> This was Congressman Michael J. Kirwan, onetime coal miner, railroad laborer, and knockabout. There is much of the spirit of Wesley Powell, George Maxwell, and George Norris in him, and he had made many of their dreams come true. Though representing the steaming industrial district of the Youngstown, Ohio area, Mike Kirwan has made deserts bloom, brought cheap electric power to remote farms, and saved hundreds of river towns from the gasping catastrophe of flood.

The picture is broadened by some additional excerpts from the Senator's book:

> The story is told of Congressman Mike Kirwan, a great modern champion of water development, being asked in Boise, Idaho, "Why is it, Congressman, that you, a Representative from Ohio, are so interested in water development of the West?"
>
> The Congressman stood a moment without answering. His eyes followed the path of cars back and forth on the busy street. Then he said in a voice faintly colored by the brogue of his ancestral Ireland, "Water development and irrigation bring prosperity. Prosperity means people will buy cars. And every car going up this street has some steel in it made in my home town of Youngstown, Ohio."
>
> Congressman Kirwan is Chairman of the House Appropriations Subcommittee that passes on funds for reclamation, irrigation, water conservation, and hydroelectric power. Without his shrewd bargaining skill, his timeless patience, his stubborn will and immense dedication to conservation, many dreams would have been broken in the complex wilderness of Congressional appropriations. When the chips are down and the committee doors closed, it is this sentimental Irishman, hard-headed scrapper and dreamer, who has come through with the money.
>
> Day after day, in his small committee room deep in the bowels of the Capitol, Mike Kirwan pores over papers and questions witnesses with the enthusiasm of a young priest winning his first convert. Then he packs his bag and goes out to look over the lay of the land.
>
> This particular trip to Clearwater Lake began hundreds of miles away, following the course of a great river all the way to a proposed dam site and reservoir in the mountains of Idaho.
>
> He told his guide, "Let's go down and have a look."
>
> The station wagon crept down a steep hill. Along the river's edge, Kirwan got out and eagerly walked along a beaten path used by fishermen. With each step his enthusiasm grew. "For sure," he said, "this is a good site. I can see how easy it will be to dam and impound the river and irrigate the land. We'll get it through."
>
> The guide, a little uneasy in the presence of this powerful figure, grinned happily. Mike Kirwan's words meant that another dream would come true.
>
> Many of his colleagues have wondered why this grandfather who had toiled in the black depths of a Pennsylvania mine as a boy and had later worked as a railroad trainman, would be so interested in water and the arid lands.
>
> "What does he get out of it?" some ask.
>
> The answer is simple. Mike Kirwan believes in the best of all possible worlds, and wants to hasten the day of its reality. As a youth, he traveled about the West, hitching rides on freights, working in the wheat fields, lumber camps, and ranches. He saw all the terrifying waste of land and resources that drove Powell, Maxwell, and Norris to their evangelism. While Kirwan rarely speaks in the House, once in awhile his feelings boil over and he talks from a full heart.
>
> A few years ago when the cry of "economy" was clumsily cutting conservation budgets, the graying Kirwan, still as tough a fighter as in his youth, rose in the great well of the House of Representatives and said:
>
> "I was raised in the foothills of the Pocono Mountains, and I remember the warnings in

the early nineties against the waste of our resources. 'It is wrong. You will live to regret it,' they said. We were going into the forest and burning trees that it took God two hundred years to grow. What was the result? Today, we have to go to Canada for lumber and wood products and pay three times the price. We have wasted land and water just because we are afraid to spend a dime."

The restless rustling in the House died down. The Speaker sat stiffly on his dais and looked affectionately at this stocky figure. "We are wasting our resources, and the payoff when it comes will be terrific; all because we have not had the courage to spend money to save our resources. From Maine to California, there is waste and destruction of our natural resources, yet every time we try to appropriate some money to correct it, the cry is that we must economize."

He looked earnestly at the members and went on, "If you will spend a few million dollars correcting the evils that went on for two hundred years, you can do something for posterity. Don't listen to those who will tell you, 'Those are the sins of our fathers.' I say we are committing sins today against our land, and if we do not hurry up and make a fair confession, God help this country for the next hundred years. Take a look at Lake Erie," he demanded. "A part of that area is in my district, where the original marker was placed just a hundred short years ago to divide Ohio from Pennsylvania. The marker today is back three miles from where they placed it. Can you imagine the highways, the buildings, the land that dropped into the lake? Erosion did it. Oh no, you cannot evade your responsibility and still have a $200 billion income."

There is a great deal of George Norris in Mike Kirwan. When he sees a river running swiftly down its narrow course, he envisions the huge gleaming dam and the power converted into low-cost electricity, lighting homes far across the lonely land. This has placed him in the frontline of an angry, ceaseless battle fought in the corridors, the cloakrooms, and on the floor of Congress.

His is the spirit that moves mountains and wins minds. In every corner of the land, in city councils, state legislatures, and Congress, there are men like Mike Kirwan bringing ever closer the great hope that our rivers can be transformed into benefactors of mankind.

Mr. Chairman, I agree with every word Senator Kerr wrote about MIKE KIRWAN. He was a close and dear friend, and one of the greatest Americans of our century. It was a privilege to have served with him for nearly 18 years in this House.

Another fine picture of our colleague was painted in the tribute of Joe McCaffrey on July 27 to MIKE KIRWAN:

Mike Kirwan lived at the University Club when Congress was in session, but he never saw the inside of a college or university as a student, hadn't for that matter, gotten as far as high school. One evening at a dinner at the Club the guests had to rise and give their school and year. When it came Mike's turn he rose and said, "Heidelberg, 1910". And as he told the story later, he would add, "Let them track that down".

Before he was a teenager Mike had set out to make his living. He worked in the oil fields, he worked on the railroads, he crisscrossed the country until he went into service in World War One.

When he came to Congress in the big Democratic sweep of 1936 he knew as much about the 48 states as any University man, and his love for his country was as great or even greater. As a member of the Appropriations Committee Mike served for some time as chairman of its Interior subcommittee, charged with funding the Interior department and its reclamation projects around the country.

One of the best speeches ever made in the House was one the tough, old Irishman from Youngstown gave without a note presenting the Interior budget. For almost an hour, Kirwan recited the needs of the country with the conservation fervor of Teddy Roosevelt, he ticked off project after project which was included in the bill, and pointed out what a great investment every dollar would be because it was doing something positive for the country. When he finished he was given a standing ovation.

He later took over the Public Works Committee of Appropriations and because of his work there and on the Interior Committee he was better known in many parts of the west than in his home state of Ohio.

Mike was an individual, one of the few to survive the antiseptic even sterile politics of the last few years. There aren't many more because Television, unfortunately, has developed a new kind of politician. But there are few who will contribute as much to their country as Mike Kirwan contributed over the last thirty years.

Mike Kirwan was a man who was "for" thinks, a positive man, not a negative, "aginer".

Mr. Chairman, I agree with Joe McCaffrey in every word of his tribute.

A partial list of the honors, awards, and degrees conferred upon Congressman MICHAEL J. KIRWAN follows:

OKLAHOMA CITY UNIVERSITY

Oklahoma City, Oklahoma

Doctor of Humanities honorary degree—awarded for his contribution to the welfare of the American Indian and for his endeavors in pushing through for completion the greatest program of Conservation and Reclamation ever known to man. Presented March 25, 1960.

VINCENNES UNIVERSITY

Vincennes, Indiana

Doctor of Laws Degree *honoris causa*. Presented June 6, 1960.

UNIVERSITY OF ARKANSAS

Fayettesville, Arkansas

Doctor of Laws Degree *honoris causa*. Presented for Congress Kirwan's support of the multi-purpose development of the Arkansas River Valley. Presented January 28, 1961.

UNIVERSITY OF TOLEDO

Toledo, Ohio

Doctor of Laws Degree *honoris causa*. Presented June 7, 1961.

YOUNGSTOWN UNIVERSITY

Youngstown, Ohio

Doctor of Conservation—awarded for outstanding efforts in the field of Conservation. Presented May 28, 1963.

COLORADO STATE UNIVERSITY

Fort Collins, Colorado

Honorary Doctor of Civil Laws Degree. Presented August 9, 1963.

CENTRAL STATE UNIVERSITY

Wilberforce, Ohio

Honorary Doctor of Laws Degree. Presented August 6, 1967.

COWBOY HALL OF FAME

Oklahoma City, Oklahoma

Charter Life Membership—presented March 25, 1960. Membership includes the late Will Rogers, the great humorist, and others who did so much in the development of the West, also, Charles Creighton, who was born in Ohio in 1820 and died in 1890. Though he did not go beyond the sixth grade in school, he built the first telegraph line from St. Louis to San Francisco, doing his own surveying. He founded the City of Omaha, Nebraska and Creighton University.

ST. LAWRENCE SEAWAY PIONEERS

Honorary Member—in recognition of vision and devotion in advocating and supporting the construction of the St. Lawrence Seaway and the creation of the Eighth Sea. Presented June 29, 1961.

SMITHSONIAN INSTITUTION

Appointed by Speaker John W. McCormack on January 15, 1962 as a member of the Board of Regents of the Smithsonian Institution.

Appointed by Speaker John W. McCormack on January 15, 1962, as a member of the Joint Committee on Construction of a Building for a Museum of History and Technology for the Smithsonian Institution.

NATIONAL FISHERIES AND AQUARIUM BOARD

Appointed by Speaker John W. McCormack on January 26, 1963.

NATIONAL FISHERIES INSTITUTE

An award recognizing efforts in establishment of a National Fisheries Center and Aquarium in the District of Columbia. Presented April 29, 1963, at Philadelphia, Pennsylvania.

UNITED VETERANS COUNCIL

Life Membership was presented for outstanding leadership to promote the welfare of Veterans of the Armed Services of the United States. Presented January 18, 1954.

UNITED LABOR CONGRESS

AF of L. Youngstown, Ohio

Humanitarian Award presented for staunch support of organized labor—being an outstanding humanitarian and a great American. April 15, 1958.

MAHONING VALLEY FEDERATION OF SPORTSMEN'S CLUBS

Award for his efforts in behalf of Conservation in the Mahoning Valley. Presented February 20, 1961.

ASSOCIATED MOTOR CARRIERS OF OKLAHOMA, INC.

Certificate of Merit conferred for having shown outstanding leadership and service to the people of Oklahoma through statesmanship and sympathetic understanding of their problems. Presented July 30, 1959.

NORMAN CHAMBER OF COMMERCE, NORMAN, OKLA.

Honorary Lifetime Membership in recognition of his many years of outstanding service to our country in the Congress of the United States.

INDUSTRIAL COMMISSION OF OHIO

Medallion—presented for Distinguished Service to the Mahoning Valley Industrial Region. Presented March 9, 1961.

ARKANSAS BASIN DEVELOPMENT ASSOCIATION, INC.

Certificate of Life Membership awarded in sincere appreciation for outstanding leadership through the years and for unwavering support and dedicated service to the program of water resource development. Presented March 13, 1964.

UNITED STATES CAPITOL HISTORICAL SOCIETY

Elected a Congressional Founding Member and a participant in its program to encourage a better understanding of American History through the spread of information on the founding, growth, and significance of the United States Capitol, as a symbol of free representative government.

LOS ANGELES COUNTY BOARD OF SUPERVISORS

Award of Merit presented in recognition of outstanding accomplishments while serving as a Member of Congress for twenty-eight years; for his efforts while serving as Chairman of the House Subcommittee on Appropriations for the Interior and Related Agencies; Chairman of the Democratic Congressional Committee for re-electing Members of Congress; and in recognition of outstanding contributions toward the advancement of the State of California and to Los Angeles County. Presented May 14, 1964.

DISABLED AMERICAN VETERANS, YOUNGSTOWN, OHIO

Award presented in recognition of his long years of dedicated service in behalf of America's war disabled veterans. Presented April 23, 1964.

DUCKS UNLIMITED CONSERVATION SERVICE AWARD, CLEVELAND, OHIO

Award for outstanding contributions to the cause of Migratory Waterfowl Conservation and the preservation of North America's Waterfowl heritage for generations to come. Presented October 5, 1967.

NATIONAL RECLAMATION ASSOCIATION, HONOLULU, HAWAII

Award in recognition of his service to the Reclamation Program of America, of his significant contribution and devotion to water resources development, and of his support for creative water management. Presented November 16, 1967.

THE NEW FRONTIER ORGANIZATION OF TRUMBULL COUNTY, TRUMBULL COUNTY, OHIO

Award in recognition of his 31st year as a distinguished member of the House of Representatives in the Congress of the United States; With appreciation of his long and outstanding record of public service to his own district and to the Nation at large; Acknowledgement with gratitude his great and successful efforts in bringing to fruition an impressive number of public projects which have materially improved and enhanced the general welfare; With sincerest felicitations on his Birthday with the hope that he may continue to serve his constituents, his party, and the Nation in his distinguished manner for many years to come. Presented January 4, 1968

COMMUNITY SERVICE AWARD—EASTERN ORTHODOX MEN'S SOCIETY OF MAHONING VALLEY, YOUNGSTOWN, OHIO

Award for outstanding service and significant contribution to the Youngstown Area Community. Presented February 10, 1968

Mr. EDMONDSON. Mr. Chairman, today's tribute to Mike Kirwan is only a small token of the great esteem and affection which Members of this House held in life for this great American. I know that every House Member and every Member's family join today in mourning the loss of this beloved colleague, and join also in sending love and deep sympathy to Mrs. Kirwan and all of the Kirwan family.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL of Massachusetts. Mr. Chairman, Mrs. O'Neill joins me in expressing our deepest sympathy to the family of Michael Kirwan. We are deeply grieved over their loss.

The death of Mike Kirwan seems to end an era not only in Congress, but also in America. He was one of the last of a kind. As a poverty-stricken child in a mining town in Pennsylvania, Mike was only able to remain in school through the third grade. However, this did not make Mike embittered or unconcerned. Mike lived life to the fullest, taking part in such diverse activities as a migrant worker, streetcar conductor, wanderer, coal miner, and steelworker, invaluable experiences which later made him truly sympathetic to the common man and dedicated toward progressive legislation. He believed in the American dream because he felt he had lived it, and he was going to help others live it also.

As a legislator, he constantly kept his humble origins in mind and as one of the most singularly powerful men in Congress, Mike made sure that the laborer's rights were always protected. His main concern was to improve the lot of the worker and allow everyone to partake of the good life that Mike believed America had to offer.

As a friend, Mike was sincere and loyal. There was never a time when I needed his help that it was not readily given. One never met Mike when he did not have an amusing story to tell. The times are countless when Mike would entertain us with his quick wit and Irish charm.

People meant a lot to Mike, not just the wealthy and powerful, but good people. These are the people to whom his life was dedicated.

Mike's leadership, warmth, and sparkle will be sorely missed in the halls of Congress and I will miss his warm friendship.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished gentleman from South Dakota (Mr. Reifel).

Mr. REIFEL. Mr. Chairman, Mike Kirwan's passing leaves an empty place that cannot be filled for any of us who came to know and love him and cherish his friendship. Out of humble origin in the Pennsylvania coalfields he rose to a position of positive leadership for good in the U.S. House of Representatives. America and her public domain is better preserved for the ages—the Indians have received better treatment because Mike gave a life of unselfish, dedicated service to the land he loved. He was always grateful for his opportunity to do his share and more. One of his remarks when we last visited was, "My country has been good to me." And I must say, he has not only been good to it, but also good for it. He was among those who did his best to keep America more than a symbol of hope for all her people—he wanted his country to be as it was for him, a land of opportunity and fulfillment for all. My deepest sympathy is extended to his family.

Mr. FEIGHAN. I yield to the distinguished gentleman from Florida (Mr. Pepper).

Mr. PEPPER. Mr. Chairman, I would like to have the privilege of joining in the tribute to the great statesman and our cherished friend, the late Honorable Michael Kirwan.

Mr. Chairman, today I gazed upon the face of a friend for the last time, still in death. The human within me experienced the natural anguish one endures when he sees in death one who "a short time ago lived, loved, felt dawn, and sunset glow." Yet, to the faith we long cherished that the soul is immortal and only the body passes through the normal cycle of life, we now have the comfort of the scientific principle that matter is never destroyed and even invisible energy is but another form of visible mass.

So we know that only the body of Mike Kirwan is now in the course of nature's mysterious transformation and renewal of life. Not only is his soul immortal but his life will live on into the infinite future in the numerous friendships, rare in quality, which he made; in the echoes of his innumerable generosities; in the strains of his laughter and his cheerful ways which will ever live in the world he so nobly inhabited; in the face of America which he so magnificently altered and improved, in utilitarian service and in satisfying beauty.

Mike Kirwan is an American success story as well as a human epic. From poor boy working in the mines for a few cents a day he rose to be one of the mighty of America, respected, loved and, if the victim of an enemy's assault, feared.

In his party's councils he was strong, dedicated, and bold. So in the councils of his country and his colleagues. Let the eye scan all of America and you will hardly find a place which does not bear the noble imprint of Mike Kirwan in the decades that he served his country in this House. And scan the Congress and most parts of America and you will find hands which shall never forget clasping the hand of Mike Kirwan, and ears which shall never lose the sound of his warm voice, and hearts in which his generous and brave spirit shall remain.

So Mike Kirwan, although he is dead, still lives and will long live. I join my colleagues in tribute to him. I humbly pay him the homage he so richly deserves. I shall ever cherish his friendship.

My wife joins me in tender sympathy to his loved ones.

Mr. FEIGHAN. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. Abernethy).

Mr. ABERNETHY. Mr. Chairman, this is a sad day for all of us, for the people so ably represented in this House by our long time friend, Mike Kirwan, for the State of Ohio, and for our country.

Although Mike's passing was not entirely unexpected, it, nevertheless, came as a shock to us all.

Mike Kirwan's service over a long span of life—83 years—was unmatched by few men. He was a builder and a conservationist. Through his powerful influence, vigorous effort, and persuasiveness, numerous projects of service to mankind have been constructed over our Nation.

As chairman of the Subcommittees on the Interior and Public Works, Mike always gave everyone a hearing. If the program or project before him bore the margin of benefit to the public, Mike put his great weight and influence behind it. If it was without merit, he courteously passed it by.

Although a dedicated and loyal Democrat, Mike Kirwan was not partisan in his service. Republicans, as well as Democrats, always felt free to seek his wise counsel and assistance, and if their position had merit, they got what they sought.

Mr. Chairman, I have been blessed with many friends. And life would be so dull without them. Mike was my friend—my personal friend—one of my warmest and dearest friends. Morning after morning I had breakfast with him in the Long-worth Cafeteria. Time after time I visited with him in his office. And on so many, many occasions we enjoyed an evening together at a social function, a sporting event, a dinner, or just a gathering of friends. He visited my State on several occasions. On two occasions he came at my request for the purpose of personally inspecting local public works projects. We were privileged to honor him with a dinner on his 80th birthday in Biloxi, Miss. I particularly recall, Mr. Chairman, that the dining room was packed. Mike charmed them with his humor, his knowledge of government, his simplicity, and his cordial manner.

We are going to miss Mike Kirwan. The Nation will miss him. But, Mr. Speaker, we will always remember him for the good he brought to this world and to our country, for his service to us all, for the admiration and love he had for his wife and family, for the joy and happiness he brought to so many, and for his love of God and country. He was a dedicated, devout Christian man.

I wish I could say more, Mr. Chairman. I really do not know how. As Mike would say, "do you get the point I mean?"

I thank our Creator for the life of Mike Kirwan. And I extend the warmest sympathy to his bereaved family.

Mr. FEIGHAN. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Price).

Mr. PRICE of Illinois. Mr. Chairman, in the name of the delegation of the State of Illinois I express our sincere sympathy to the family of our great friend and colleague Michael Kirwan.

Mr. Chairman, this tribute to Mike Kirwan does not convey adequately my deep feelings for him. These words cannot capture my emotions to their fullest depth in honoring Mike. He was the kind of man that once you met him you knew you would never forget him. I knew him for 33 years and the first time I met him I felt as though I had known him for a lifetime. Mike was simply a great human being who lived life and enjoyed his fellow man.

Mike Kirwan was also a visionary. He had a vision of a great America whose resources would be developed to their fullest potential and whose riches would be fully protected. Mike was an environmentalist long before the word became popular and long before concern over the ecological crisis became such a widespread issue. Who can forget his plea for support of the public works and the Interior appropriation bills each year and his description of these as the "all-American" bills.

Mike was a pragmatist. He coupled his vision with the practical knowledge of political life. His message was simple and one worth repeating: "To accomplish something you needed power. You do not have to tear down the system to build it up. You work within and change the system by gaining power."

In simple but forceful terms Mike Kirwan was what is right with America. He demonstrated how a young man who had to work in the mines as a youngster could become a national political leader, skilled in legislative and party politics. Mike proved that with determination and industriousness a man could achieve what he wanted.

I deeply mourn Mike Kirwan's passing. His absence from this Chamber will diminish its luster. But I am comforted by the warm memory of 33 years of friendship with one of the greatest men with whom I have had the pleasure of serving in the Congress.

Mr. FEIGHAN. Mr. Chairman, I yield to the gentleman from Colorado (Mr. Rogers).

Mr. ROGERS of Colorado. Mr. Chairman, I wish to join with the other Members of the House in expressing sympathy to the family of Mike Kirwan.

Michael Kirwan was indeed a strength to this House of Representatives so long as he was a Member. He was first of all an American who understood and appreciated the fact that America was founded upon the good hard work of individuals who wanted to do what was right and step in the right direction.

It was my happy privilege through the time I have been a Member to come to know him well and to love the great Mike Kirwan.

As the gentleman from Mississippi and others did, I also had breakfast with Mike almost every morning, and we had as a result of this an understanding and a knowledge of what was right and what was wrong.

We will miss Mike in the future. America has lost a great citizen. I extend my heartfelt sympathy to his devoted wife and family.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished gentleman from South Carolina (Mr. Dorn).

Mr. DORN. Mr. Chairman, when I first came to the Congress 23 years ago, I remember very vividly meeting Mike Kirwan. He stood out, along with the late Sam Rayburn and Joe Martin, as a guiding light to those of us who were new to the Congress.

Mike Kirwan was a Congressman's Congressman. He enjoyed helping his colleagues, not only with legislation, but with problems in their respective districts. I do not believe in the history of the Congress there was ever one who did more to develop the natural resources and waterways of our land than did Mike Kirwan. There is hardly a river or a harbor in this Nation that does not bear the stamp of his guiding hand in its development.

Although a great Democrat, loyal and devoted to the Democratic Party, Mike Kirwan never failed to put his country before political considerations. Indeed, he was a statesman of the highest rank, one who stood tall in the esteem and admiration of all his colleagues.

Mr. Chairman, our beloved colleague not only served his Nation through his magnificent service in the House of Representatives, but he also served his country in time of war. And always he upheld the ideals and principles which made this Nation great. He was a great believer in the free enterprise system, and the story of Mike Kirwan, who went from a penniless Irish boy to become one of the leaders of the Congress is an inspiration to men everywhere.

Mike Kirwan was also a devoted family man, with fine and wonderful children and grandchildren. It is to these members of his family, and to his devoted wife, Alice, that I express my most heartfelt sympathy, and that of Mrs. Dorn and my family, in the passing of our friend.

Mr. FEIGHAN. Mr. Chairman, I yield to the distinguished gentleman from Oklahoma (Mr. Steed).

Mr. STEED. Mr. Chairman, when historians come to write the true story of how this generation filled its stewartship for conserving our Nation's natural resources, the name of the late Congressman Mike Kirwan will stand foremost among those who did the most to keep this great land strong, clean, and good.

His championship of all those things during his many years in the Congress will become a beautiful American legend. His mark today stands in every section of America in the projects built through his leadership. Projects protecting our lands, conserving our waters and retaining our great public areas and forests bear his signature.

No State was better served because of this man's determined devotion to keeping and building America's resources than did Oklahoma. My fellow Oklahomans knew and loved this great leader. They will cherish his memory as our Indian friends say: "so long as the grass grows and the rivers flow."

There is no Indian tribe in the country, and especially none in Oklahoma, that did not benefit from his knowledge and interest in them as Indians and as people.

My earliest memory of being a fellow congressman with Mike Kirwan had to do with the help he gave me for Indians of Oklahoma.

His leadership will be missed but his good works will continue on through the years. I know his wife and his family will find consolation in the high regard with which he was and is held by the citizens of this Nation, and especially by those of us who served with him. I extend my deepest sympathy to them.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise today to join with those of my colleagues in an expression of personally-felt loss that came over me when I learned of the death of Congressman Michael Kirwan. When I first came to the House in 1955, Mike Kirwan was, of course, a legend in his own time. His position as chairman of the House Democratic Congressional Committee insured that new Members, as well as veteran Representatives, had abundant exposure to the qualities that rendered him so singularly effective for the many roles he was able to fulfill here.

I, for one shall never forget the kindnesses he offered during the early years, when they were particularly welcome, his practical, pungent wisdom about the ways of the House and congressional politics, nor his Irish wit and gregariousness I found Mike Kirwan's manner and personality particularly congenial. With Mike Kirwan there was usually no problem of getting acquainted.

His wit could bite, and I am sure some Members may have occasionally felt the sting of it, or when the chips were down Mike Kirwan had no match in the business of practical politics. I need not give testimony here to that fact that Mike Kirwan in opposition could be a formidable foe. But if a Member had him as an ally, problems often seemed to have a way of disappearing, and either way, the fight was always fair.

I would like to make a personal comment about one of Congressman Kirwan's more famous extracurricular activities. No Member who ever attended one of his memorable series of St. Patrick's Day parties would ever forget it. These celebrations, which became an annual affair, were obviously a source of great satisfaction to him. Despite the fact that, through the years, his hospitality resulted in the largest St. Patrick's Day parties in town, they never became large enough to be impersonal. Mike's personality provided the cement that could hold hundreds of friends together in a spirit of the warmest friendship.

Michael Kirwan became what he was as a Member of the House of Representatives through the force of his own abilities. He earned his many friendships the hard way, with sincere and genuine efforts to be a friend, with all the responsibilities that can entail—including the strongest kind of personal integrity. There is not much any of us here today can add to his reputation and esteem. We can, in some small way, celebrate our own good fortune in having been privileged to know him. In my own way, I shall always honor both the memories and the man.

Mr. BOLAND. Mr. Chairman, I join my colleagues in honoring Michael J. Kirwan. Mike as he was known to virtually every senior Member of the House and Senate, became something akin to a congressional institution during his 34 years in Washington. He was known for hard work, for plain talk, for skilled and disciplined leadership. His record of accomplishment—public works projects that brought water to the country's farmlands, that produced energy for its homes and factories, that shielded millions against floods—is monument enough to his work here.

As a member of the Appropriations Committee's Public Works Subcommittee for more than two decades and its chairman for the past 5 years, Mike fought for pollution control and environmental protection long before such causes became fashionable. Other efforts now modish—conservation of fish and wildlife, for example, or opening up opportunities for the American Indian—were among Mike's most cherished personal goals during his years on the Interior Subcommittee.

Mike's contribution to his country—and this, I want to emphasize, is not an exaggeration—have not often been paralleled in the Congress. I am proud to have known him as a close personal friend and colleague.

Mike was born poor. Working in Ohio's grimy coal mines and railroad yards as a young man, he learned respect for honest labor. He never forgot what it is like to be a working man. His ardent support for social legislation—legislation ranging from labor rights to medicare—never flagged during his years in Washington. He travelled widely before entering public life, earning his way as a roustabout in oil fields out west and as a lumberjack in timber camps. During World War I he was decorated while serving with combat artillery units in France. His background gave him an insight into the diversity of American life, and American people—and, still more significantly, an insight into the common bond that links us all as countrymen.

First elected to Congress in 1936, Mike served Ohio's 19th Congressional District for nearly 34 years.

He served well, Mr. Chairman.

He never shunned a legislative battle for a cause he felt just. He never shrank from an issue merely because it was controversial. He never broke his word to a man or broke faith with the people he represented.

He will be missed here.

I extend my heartfelt sympathy to his wife, Alice, his children and grandchildren.

Mr. Chairman, I insert in the Record a fine editorial from the Youngstown Vindicator of July 28, 1970:

Michael J. Kirwan

Congressman Michael J. Kirwan, known the country over as simply "Mike," the one-time coal mine breaker boy, was an indomitable fighter, from his days down in the holes in eastern Pennsylvania's mine section to his era on Capitol Hill. Just as he fought against injustices to the workingman with which he wrestled as a labor union member, he battled valiantly and courageously against the illness which ended a long, unbroken and highly productive career in Congress marked by countless contributions to the welfare and progress of his home district and the nation.

The Youngstown congressman, stricken in his 17th term, was an elementary school dropout, yet by all applicable standards he was an educated man and one of Congress' most influential. Mr. Kirwan attained his education in the "bootstrap" manner. In his later years and as a result of his enduring interest in the humanities, conservation and reclamation, he received honorary degrees from numerous colleges and universities. It was noted by a colleague when, in 1961, he was honored by Oklahoma City University, that "In a sense it is the House of Representatives and the American way of life which are honored by the award to Congressman Kirwan."

* * *

Mr. Kirwan's formal education was, indeed, limited, but formal education is only one way of arriving at truth. Innumerable contacts and personal relationships with people from virtually all around the world gave him a deep, mature perspective and thorough knowledge of human affairs.

Mr. Kirwan represented 19th District citizens for nearly 34 years. Among the principal reasons for the congressman's continuity of service are the district's bountiful water supply and accompanying flood control program established because of Mr. Kirwan's influence in Congress. He was chairman of the Public Works Subcommittee of the House Appropriations Committee and second ranking member of the Appropriations Committee. He also had spent many vigorous and fruitful years as head of the Democratic congressional campaign committee.

Seniority alone would not have given him the influence he wielded in such groups, his national reputation as a conservation authority or his exalted position in national politics as chairman of the party's campaign committee. It was his strength of character and his outstanding ability which impressed not only his colleagues but those back home who, election after election, chose to send him back to Washington as their spokesman.

As it was in the old adage about the prophet in his own country, some in the 19th District may not have realized the stature which Mr. Kirwan had attained not only in national politics but also national policies. He probably was even better known throughout the West than he was in his own state because of his work in behalf of reclamation. In 1960 a book by Sen. Robert S. Kerr of Oklahoma, then one of the country's foremost authorities on land and water management, gave considerable space to Mr. Kirwan who was compared with the late Sen. George Norris of Nebraska for his outstanding efforts for conservation.

Mr. Kirwan's decisions, indicating his comprehensive grasp of public needs and the manner in which they should be met, earned him the respect of fellow congressmen. The Mahoning Valley, of course, will never forget how much it owes to him for his efforts in behalf of additional water resources and flood control facilities and, naturally, the years of hard work that he put in as he fought for a low-cost method of helping the district's economy, the Lake Erie-Ohio River waterway. It was hard for him to accept the fact that people of his own state, including public officials and industrial figures who would have benefited by the proposed canal, never gave him the cooperation that would have helped make the waterway a reality. This undoubtedly was one of the greatest disappointments of his public life.

Mr. Kirwan was a strong supporter of an adequate national defense even though, with some members of Congress, this policy was never popular. For many years he sought relief for Youngstown in the form of the Crab Creek flood control project upon which work has already been begun. It is unfortunate that he will not be able to see this important operation completed.

It can be said, we believe, that Mr. Kirwan was staunchly and enthusiastically Democratic, yet he never allowed political expediency to alter his personal philosophy as it concerned district or national policies. He may have been the only man who told his President, face to face, to "go to hell!" President Truman had appointed an Ohioan to an important government post without consulting the congressman who told Mr. Truman he was upset. Truman replied that as President he didn't have to consult with anyone and this provoked Mr. Kirwan's politically historic observation.

We don't mean to imply that Mr. Kirwan was perfect. In fact, most of his strength came from his humanness, his imperfection. His anger, when aroused, was deep and lasting. Yet this fact, too, probably contributed to his influence in the House; it was a wrath to be feared.

Mr. Kirwan leaves much to the district and the nation he served so long so well. He had a vital part in what some analysts have called the greatest program of conservation and reclamation ever known to man, and always with the national concept in mind.

It is recalled that in 1961 district industrial leaders honored Mr. Kirwan for his service to the district and the nation. A. S. Glossbrenner, then president of Youngstown Sheet and Tube, offered a citation which hailed Mr. Kirwan as a "self-made man who is recognized among men for his great capacity for understanding and accomplishment. Coming from a humble, austere beginning, he fought his way to the top by sheer force of his own character and determination.

> His life is a symbol of success and light of hope to the people of the world . . . the American success story!"
>
> The Mahoning Valley never has had a representative who accomplished so much, not only for his own district but for the nation as well. He built dams and reservoirs, he helped protect the nation's forests, he fought for water conservation and, above all, his was the dream of a beautiful America, cherishing its resoures, which he preached without end.

Mr. McCLORY. Mr. Chairman, it is a sad day in this House of Representatives as well as in the Nation as we pause to pay final respect to our late colleague from Ohio, Congressman MICHAEL KIRWAN. Congresswan KIRWAN had a long and distinguished service in this body. His straightforward manner and his reputation for integrity and sincerity helped to earn the respect and affection of Members on both sides of the political aisle.

As a new Member of the House of Representatives in 1963, I had the experience of a brief exchange with Congressman KIRWAN in connection with a public works appropriation bill. While Congressman KIRWAN appeared to deal sharply with me on that occasion, he later called me to the committee desk and expressed in his frank and open manner a warmth and friendship which persisted from that hour to his final days in this body.

It is not difficult to understand MIKE KIRWAN's rise in prestige and influence in Democratic Party circles. He made fast friends and he held the friendships which he once established. It seems fair to add also that MIKE KIRWAN did not forget his friends. Likewise, MIKE KIRWAN's friends will not forget him.

Mr. Chairman, I will not recount Congressman KIRWAN's record of service and experience in the course of his long and colorful career. Instead, I will observe simply that MICHAEL KIRWAN was a man of honor and great humanity who rose to a position of importance and leadership in his party and in the Nation—and in this body that he loved so well. In addition to this expression for my esteemed friend, I wish also to communicate on behalf of Mrs. McClory and myself our affection and deep sympathy to his widow, Alice, and to other members of Congressman KIRWAN's family.

Mr. FARBSTEIN. Mr. Chairman, the passing of MICHAEL JOSEPH KIRWAN takes from our midst a distinguished public servant whose heritage is embodied throughout the Nation in parks, dams, reservoirs, and water conservation projects. Long before ecology and environmental concerns became popular issues, he championed the cause of future generations. His contribution to the irrigation and power development of the West remains as his most impressive monument, the achievement of a farsighted statesman to whom politics had become a means to an end—the advancement of the common good.

MIKE KIRWAN was a truly representative American, respected by his colleagues in this House and trusted by the people he served so faithfully and well through the years. At the time of his passing he was the second oldest living Member of this body and the seventh-ranking Member in seniority. He was a lifelong and loyal party man, who believed in the inherent vitality of the American two-party system. As chairman of the Democratic Congressional Campaign Committee, he not only toured the land in behalf of the party he loved, but also assisted various of his colleagues who were concerned about their reelection. I was one of those who was the beneficiary of his assistance, for which I am eternally grateful.

His interests were varied and colorful. At once modest of manner and vigorously determined, he gave effective leadership in many areas. Among his concerns were American Indians and the American territories abroad. He was an honorary member of many tribes, and took pride in the fact. In the Virgin Islands and Guam, he was responsible for vitally needed school and health facilities, established out of his deep concern for human welfare.

His background was wide ranging, and kept him in touch with the aspirations of millions of Americans. A lifelong union member, he was never afraid of hard work nor unfaithful to the legitimate interests of labor. The son of an immigrant coal miner, he worked at times as a breaker boy, a railroad brakeman, an oilfield hand, a lumberjack, and a harvest hand. Later he served on the city council in Youngstown, Ohio.

His was the American story of the poor boy who made good.

In this House, his service on the Public Works Subcommittee was outstanding, yet he found time to serve on the Board of Regents of the Smithsonian Institution and on the National Fisheries and Aquarium Advisory Board. His ardent advocacy of a national aquarium has become a legend. His concerns for veterans reflected his experience in World War I with the AEF.

To his widow, Alice; to his sons, John and Michael, Jr.; to his daughter, Mrs. Robert Vaughn; and to all his family and friends; I extend my sincere condolence in their loss, a loss shared by the Congress and by the whole Nation. Surely they are comforted at this time by the memory of his life and achievements, which have deserved the words spoken of old, "Well done, good and faithful servant. Enter into the joy of thy Lord."

Mr. ROSTENKOWSKI. Mr. Chairman, I, too, am very saddened at the passing of my good friend MIKE KIRWAN, a man I have known and admired since I first came to Washington in 1959. His death, coming after a long and painful struggle, creates a void in this body which can not easily be filled.

In addition to capably serving as chairman of the Appropriations Subcommittee on Public Works, he found time to diligently serve his party for 23 years as head of the Democratic Congressional Campaign Committee. For his inspirational work as head of this committee and for his tireless efforts to promote the ideals of the Democratic Party, he shall always be known to me, and I am sure, to many of my colleagues, as "Mr. Democrat."

MIKE was a stouthearted Irish politician whose anecdotes were legend. As a story teller, he was unexcelled and we could listen for hours to the tales of this charming man.

Politics was his life and he lived it to the fullest. Those of us that were fortunate enough to have been close to MIKE can never forget his sparkling wit and the special meaning that he gave to St. Patrick's Day. I am sure that "you get the point I mean." MIKE we will miss you.

On behalf of Mrs. Rostenkowski and myself, I would like to extend my sincere condolences to Mrs. Kirwan and to the entire Kirwan family.

Mr. MADDEN. Mr. Chairman, the death of our beloved colleague, MICHAEL JOSEPH KIRWAN, marked the passing of not only a great public servant but a great American. He possessed the spirit and the energy similar to all the pioneers who make this great Nation the greatest in the world.

MIKE was one of the few pioneers left who, as a boy, was compelled to forgo school in the early grade period and work to support himself and his widowed mother and family. His education was received the hard way. During his youthful working days, he read and studied in order to improve his mental capabilities and better his economic situation. He rose, step by step, to be one of the most influential Members of the Congress of the United States.

Congressman KIRWAN was respected, revered, and honored by all who made his acquaintance. He was called upon to consult with Presidents, Senators, Congressmen, heads of industry, and the leading businessmen of the Nation on matters of legislation and public development.

He was a conservationist, a developer, an advocate and sponsor of dozens of the major public works projects which the citizens of our Nation enjoy today. His life's accomplishments and his success are a glowing example to our present-day American youth of what hard work, honesty, sincerity, and religious devotion can accomplish in this great free land of America. He will be missed by thousands of his friends and admirers not only in his congressional district and State but throughout our country. I extend to his wife and family my deepest sympathy in their bereavement.

Mr. MOSHER. Mr. Chairman, in the relatively brief period in which I have been privileged to serve in the House of Representatives, I did not have the good fortune to become intimately acquainted with my distinguished Ohio colleague, MICHAEL KIRWAN.

I will always regret that I did not have the opportunity to become better acquainted with MIKE.

As an Ohio neighbor, long before I ever came to Washington, I knew well the tremendous reputation that Congressman KIRWAN had earned as a remarkably influential, respected Member of the House.

So it was that when I arrived here in Washington I looked upon him with considerable awe. He had already become somewhat of a legend.

And so it is, I view his death as a great loss to all of us in the House, to the people of the State of Ohio, and to the American people as a whole. We will miss him greatly.

Mrs. Mosher and all my congressional staff join me in expressing our sympathy to the Kirwan family.

Mr. MORGAN. Mr. Chairman, I was saddened to learn of the passing of our friend and colleague MIKE KIRWAN, who has so ably represented the 19th Congressional District of Ohio for the past 34 years.

MICHAEL JOSEPH KIRWAN was born in my own State of Pennsylvania, December 2, 1886. He served with distinction in the 64th Artillery, U.S. Army, during World War I. He became a resident of Youngstown, Ohio, and was active there in politics even before he was first elected to the 75th Congress and for a time was a member of the Youngstown City Council.

In the House of Representatives MIKE KIRWAN soon became recognized for his outstanding ability as a legislator and for his friendliness and personal modesty as well. He was always the true friend of the laboring man and ever in the forefront among those seeking progressive labor legislation. As chairman of the influential Public Works Subcommittee of the Appropriations Committee he built up a most impressive record of substantial achievements. His accomplishments as a member of the Joint Committee on Reduction of Federal Expenditures have benefited all taxpayers and helped promote efficiency in Government operations.

It is a mark of the esteem and friendship in which he was held by his colleagues in the House that MIKE was made chairman in 1947 of the Democratic National Congressional Committee and retained that post of honor until his untimely passing.

I regarded MIKE KIRWAN as a dear personal friend as well as fellow legislator, and I believe that all who have had the privilege and pleasure of knowing him share that feeling. MIKE KIRWAN will long be missed in the House of Representatives and by his host of friends throughout the country. I extend my deepest sympathy to his family.

Mr. WHITTEN. Mr. Chairman, I join with my colleagues in their tribute here to MIKE KIRWAN. I served many years on the Appropriations Committee and for the last few years on his Subcommittee on Public Works.

During all these years we were close friends and never had a difference for MIKE was fair though firm. There was no sectionalism about MIKE. Where he stood you knew and when he talked, you knew what he meant. As the priest who conducted the last services in Youngstown, Ohio, so aptly said, MIKE would close, "You see the point I mean!" We always knew.

He leaves thousands of monuments in a material way, but more than that he made life a little better for so many, and his friends he leaves are limited only by those who knew him.

Our committee, as pointed out by the chairman, adopted a resolution on MIKE'S untimely death which expresses better than I could hope to here, our feelings at his loss.

To his beloved wife and family, I extend my deepest sympathy.

Mr. STAGGERS. Mr. Chairman, "man's genius," said the Greek philosopher, Heraclitus, some 2,500 years ago, "is a deity." In the case of MIKE KIRWAN, his deity was a passionate belief in the American dream. And he worshipped that deity with unabated zeal throughout a long life devoted to public service. His genius lay in his realization that America was a synonym for opportunity unlimited, a land where success beckoned alluringly to the individual who had the insight and the energy to follow her.

A writer more recent than Heraclitus said:

> Genius, that power which dazzles mortal eyes,
> Is oft but perseverance in disguise.

Congressman KIRWAN'S career is chronicled variously and at length in the news media. But not in the Congressional Directory, where he might be charged with authorship. There his biography consists of a single sentence, taking up barely one line of printed type. It is probably an all-time record for brevity. He believed in deeds, not words.

From the news media we gather that his was a colorful character, colorful because of its straightforwardness, its vigor, its devotion to the cause of his constituents. His people could trust him. We, his colleagues in the House, could trust him. We knew without advance notice on which side of public issues he would be found. It would be on the side of the aspirations and hopes of the people who sent him to Congress, as the Constitution intended a Congressman to be.

His record, as we pick it up from personal knowledge and from what we hear and read, is one uninterrupted story of accomplishment. Starting with little, he amassed around him much in the way of practical achievement, in prestige, and in honor.

It is unnecessary to repeat here what has been so often and so well told elsewhere. The important point is that MIKE KIRWAN was a true exponent of the American spirit which built on this continent a great, rich, and benevolent nation. He did not expect success to be handed to him as a birthright. He lived to carve it out for himself in the heat and sweat of effort. He looked with contempt on that modern tendency which can see no future for active involvement in the competition of mind and muscle for glory and material success. This is a wonderful country, he believed. He did his best to help make it so, and he assumed all good Americans would do the same.

It is fitting then that we pause today to contemplate the virtues of a comrade who was so true to the ideals of his native land, and who labored so persistently and so successfully to perpetuate those ideals. While we mourn his passing, and offer our sincere condolences to his family and close friends, we assert once more our high respect for his accomplishments as a superb legislator. May his career be an inspiration to all of us to work without ceasing for the good of our countrymen!

Mr. TIERNAN. Mr. Chairman, I join with my colleagues today in paying tribute to the memory of MICHAEL KIRWAN, a late and much loved Member of this body. To look at an analysis of "MIKE'S" record in the Congress, is to look at a long and powerful list of accomplishments. His achievements as chairman of the Subcommittee on Appropriations for Public Works and as chairman of the Democratic Congressional Committee are a matter of public record; however, his work behind the scenes in Congress show how great his affect really was.

During most of my tenure in Congress, Mr. KIRWAN has been ill, and relatively inactive. However, as most of you are aware, he enjoyed a long and close friendship with my predecessor, the late John E. Fogarty. Both men resided at the University Club and frequently walked to their offices in the morning. Often these walks were planning sessions on bill strategy, and the record shows how well these plans worked.

Both men were known for their great humanitarian concept. Both men were from simple beginnings and their hearts were filled with the needs of the people they represented. Both men had known poverty and sought through the power they had attained to do all they could to eradicate its debilitating effects. Their accomplishments are staggering.

The 19th District of Ohio was well represented by Mr. KIRWAN and he will be missed by his "people" as he will be missed by this body.

Mr. ANDREWS of Alabama. Mr. Chairman, the death of my dear friend and colleague, the Honorable MICHAEL J. KIRWAN, is a source of profound sorrow to me. His loss to the House of Representatives, to his native Ohio, and to the Nation is immense—an irreplaceable public servant.

No one had more friends and was more respected than MIKE KIRWAN. For all of my years on the Appropriations Committee, MIKE was a fellow committee member. It is difficult for me to conceive of the committee without him.

MIKE was not only one of the great Members of this body, in which he served for 34 years, he was surely one of the most effective members ever to sit on the Appropriations Committee.

He served on the Subcommittee on Appropriations for the Department of Interior and Related Agencies for 27 years, and he chaired that subcommittee for 13 years.

During those years, MIKE worked tirelessly and effectively for the development of our great national parks and for the preservation of our national forests and wildlife. Conservationists knew MIKE KIRWAN as a friend and a fearless advocate of an unspoiled America.

The American Indian also knew MIKE as a friend and one who exercised his powerful influence for the betterment of those who were the first Americans.

MIKE also served on the Subcommittee

on Appropriations for Public Works for 15 years, including 6 as its chairman. There are probably few in this body who are not indebted to MIKE KIRWAN for his leadership in water resource development.

Many of this Nation's great river systems today have been harnessed for water, power, irrigation, navigation, and recreation—all because MIKE KIRWAN had the vision and provided the leadership in getting appropriations for these projects through Congress.

Yet, I shall remember MIKE KIRWAN for more than his special ability and determination to get the job done. I shall remember an honest and simple man, not affected by the well-deserved praise for his many accomplishments or by the seniority that he amassed for his many years of service in Congress.

I shall remember a genuinely good man, a deeply religious man, and a good-natured and proud Irishman who earned for himself only admiration and respect from congressional colleagues, constituents, and friends throughout this country and abroad.

MIKE KIRWAN is gone, leaving a vacuum which can never really be filled, but the memory of this great friend will remain, as will the great parklands, river systems, and wildlife preserves of America—all monuments to the memory of Congressman MIKE KIRWAN.

Mrs. Andrews joins me in extending our deepest and most heartfelt sympathy to Mrs. Kirwan and other members of the Kirwan family at this time of their great sorrow.

Mr. PERKINS. Mr. Chairman, I cannot refrain from remarking upon the sadness of a day which sees the passing of our colleague, MICHAEL KIRWAN, commemorated by the Members of the House of Representatives.

When I came to the House in 1949, MIKE KIRWAN was already an institution, much beloved by everyone who knew him. He took the time to seek out the new Members, and he took an interest in their problems. His friendship was easily given, and his loyalty was as a chain of steel.

MIKE KIRWAN had four great loves—his country, his Ohio district, his friends, and the House of Representatives. But essentially, these were all the same. He knew he could not be false to one of them without being false to all, and he never was.

He had a great view of the Nation, and of the Nation's resources. And he was always the great conservationist, always on the side of development for the common good.

I, like many another Member of this House, could always count on MIKE for sympathetic support of and understanding of the need for various public works projects involving our stream resources. Those of us who come from the Appalachian region of the country found in him a vigorous ally in this field, for he knew the great extent to which development of the region's economy depended upon development of our water resources.

From his position as chairman of the Appropriations Subcommittee on Public Works, MIKE KIRWAN worked to make reality of the dreams of development of Appalachia, and many other areas of this country. His view was that when one region was made stronger, the entire Nation was stronger—and that he regarded as the highest calling in the public service, the strengthening of the Nation.

The people of my area of eastern Kentucky knew MIKE KIRWAN as a friend, and I know they are saddened by his loss.

Mr. Chairman, not only has the Congress lost one of the great practitioners of the art of government, but we have all lost a personal friend. For me, that loss is keenly felt.

Mr. BURKE of Massachusetts. Mr. Chairman, it is with a saddened spirit that I rise today to pay tribute to an old and dear friend and colleague, MICHAEL JOSEPH KIRWAN. I was deeply grieved to learn of his untimely death.

MIKE KIRWAN was very kind and very good to me when I first came to Congress as a junior Member, as he was to so many in this House and on both sides of the aisle.

His entire life was a model of service and untiring efforts to improve the lives of those he served, and all humanity as well.

The plight of the American Indian became one of MIKE KIRWAN's many special concerns. He actively supported better educational facilities on Indian reservations and on Samoa, and housing projects on St. Thomas in the Virgin Islands.

As chairman of the House Public Works Subcommittee, he truly proved his worth. His accomplishments in the environmental field—long before the issue became popular—will rank highest in his monument. National parks, dams, reservoirs, and water conservation projects are in existence today because of his proficiency.

MIKE KIRWAN has served Congress with distinction. We shall miss him as a colleague, as a great public servant, and as a devoted American.

Needless to say, the name MIKE KIRWAN will rank as one of the greatest men in the history of this Nation.

May God bless him and keep him—Mrs. Burke joins me in extending our sympathy to his loved ones during this time of great sorrow.

Mr. Chairman, I am sure the entire House is saddened by the loss of our colleague and my deep warm personal friend, MICHAEL J. KIRWAN, the distinguished representative of the 19th District of Ohio for 33 years.

MIKE KIRWAN will be remembered in this body for many things—his chairmanship of the Appropriations Subcommittee on Public Works, through which funneled billions for construction purposes; his leadership in progressive legislation; his fearlessness regardless of the opposition.

But I prefer to remember MIKE KIRWAN for his leadership in conservation. A couple of dozen years ago, when "ecology" was almost an unknown word and long before many of the present proponents of ecology were even known, MIKE KIRWAN was leading the fight to preserve and enhance our national heritage for the future.

And we all know that MIKE was not just a talker; he was a doer. Under his guidance hundreds, if not thousands, of conservationist projects saw reality; a fact for which present and future generations should well remember MIKE KIRWAN.

Now, at 83, and after a year of severe suffering, MIKE has left us. I know we all extend our heartfelt condolences to his wife, Alice, and the children, John, Michael, and Mary Alice. We deeply sympathize with them in their great loss. It is my earnest prayer the good Lord will reward MIKE and let the perpetual light shine upon him for his many acts of charity and good deeds. May his soul rest in peace.

Mrs. SULLIVAN. Mr. Chairman, for 33 years, the 19th District of Ohio has been represented by a dedicated and able servant.

From a humble and meager background, came MICHAEL JOSEPH KIRWAN to the Halls of Congress. Through his devotion to his job and hard work, he became known to every public sector of the country during his long years of service as the chairman of the Public Works Subcommittee of the House Appropriations Committee, and as chairman of the Democratic Congressional Committee. Although his education had been limited, he possessed the rare ability to "cut through" involved and detailed problems and programs to present them in the layman's language that all could understand.

Of his Irish ancestry, he was proud and wanted all to share in the festivities of the celebration of St. Patrick's Day. On those occasions, he was the gracious host to literally thousands.

His record in the partisan annals of the House are legend in the success of his campaign efforts.

The projects which were funded during his Public Works Subcommittee leadership stretch from one end of this land to the other. They are a constant reminder of the diligence of a man who believed in what he was doing.

Yes, everyone, both in and out of the House, who felt the contact with MICHAEL KIRWAN will long remember his skill and know-how in getting the job done. He will be sorely missed. To his widow and family goes my deepest sympathy.

Mr. ZABLOCKI. Mr. Chairman, I wish to join with my colleagues in expressing sorrow at the untimely passing of our esteemed colleague, the Honorable MICHAEL J. KIRWAN of Ohio.

It was a privilege to serve with him these many years in the House of Representatives. He was a man who served his district and the Nation with ability and distinction. He was an industrious public servant in the House of Representatives. One of his finest attributes was his ability to make friends and more so—to keep them. It was my sincere pleasure to know that he included me among the multitude of his friends. He gave of himself willingly and sincerely. The welfare of his constituents, the security of our country, the progress of our Nation were always uppermost in his mind.

Over the more than 20 years that it

was my privilege to serve in Congress with him I benefited by his fatherly and scholarly advice. His commonsense approach to difficult controversial issues and problems for which I sought his counsel have left an indelible impression upon me and I am certain upon those who sought his advice. All of us are deeply indebted to him for his assistance. I shall never forget his wise counsel at the time the St. Lawrence Seaway legislation was under consideration in Congress.

Throughout his long service as a member of the Committee on Appropriations he was influential in pollution control. He fought for the preservation of forests, national parks and fish and wildlife. Mike Kirwan was a man of integrity, a tireless and dedicated citizen. His loss will be felt by all who were privileged to know him and serve with him. His death also inflicts a heavy loss on his family and his many friends in Ohio and throughout the United States.

My wife joins me in expressing deep sympathy to his beloved wife, his children and grandchildren. May they derive some small consolation from the knowledge that their loss is shared by his many friends and in the thought that the good Lord has chosen him to be among His very own.

Mr. CORMAN. Mr. Chairman, I wish to associate myself with my colleagues in paying tribute today to Michael J. Kirwan, whose death a few days ago has saddened us all.

Mike Kirwan was one of the most conscientious, diligent, and hard-working Members of the House. He gave unstintingly of his time and efforts in the 34 years he spent in the Congress, and they were years of distinguished service not only to his congressional district but to the entire Nation.

Recognizing the devastating effects of pollution long before it became a problem of national concern, Mike Kirwan fought for the preservation of our national forests, parks, fish, and wildlife. Through his good sense and devotion to the national interest, essential dams and reservoirs were built in the right places throughout the country. Millions of Americans today and generations yet to come are indebted to him. Completed flood control programs, power generating plants, irrigation projects all over the land are a lasting monument to his persistent and purposeful efforts.

Mike Kirwan championed another cause during his years in the House. He gave much of himself to the needs of American Indians, constantly prodding for legislation which would better their economic conditions and educational opportunities.

He distinguished himself in yet another way—by giving vigorous leadership to the Democratic Party Campaign Committee. With his death, the party has lost a stalwart member.

I shall always have a special, personal feeling for Mike Kirwan. As a Los Angeles city councilman when I first met Mike, the thought of trying for a congressional seat had not passed my mind. In our first conversation he suggested that I should make the attempt. A couple of years later I took his advice and was fortunate to win my seat. I will always cherish this memento.

Mrs. Corman and I extend our deepest sympathy to Mrs. Kirwan and other members of the family. I am sure they will find solace in the knowledge that Mike Kirwan leaves behind him a legacy of public service that commands the respect and admiration of all who knew him.

Mr. YATES. Mr. Chairman, I join with my colleagues in expressing sorrow over the passing of our good friend, Mike Kirwan. Mike was a unique personality, one of the old school, in many respects like our former colleague from Chicago, Tom O'Brien. They were fast friends. Both had been schooled in the college of hard knocks, both had experienced hard times in their earlier years, both had succeeded in becoming Members of the Congress. Both were proud to be considered practical politicians.

Mike was an individualist, a pragmatist, a patriot who loved his country and his party. He was a courageous advocate always for the rights of the people and he strode the floor of Congress in a manner that will not be forgotten.

It was my good fortune to serve with him on the Committee on Appropriations. When his bill came before the committee, there was always an air of expectation in the committee room, for Mike's speeches were gems. Drawing upon his vast experience, both political and personal, he explained his bill in salty, graphic and witty language that always won approval. "This is the all-American bill," he would say. "We're trying with the funds appropriated here to heal in some measure the damage done to our country over the years."

He walked with Presidents, but he never forgot where he was rooted. He was at home wherever he found himself because he was of the people.

Mr. Chairman, our Nation is a better place because Mike Kirwan served in the Congress. He will never be forgotten by those who served with him.

Mrs. Yates joins me in expressing our profound sympathy to Mrs. Kirwan and members of the family.

Mr. KLUCZYNSKI. Mr. Chairman, on July 26 one of our country's most able public servants passed from our midst. Michael Joseph Kirwan faithfully served his country in the House of Representatives for 33 years, a career distinguished by his concern for his fellow Americans. His record of achievement will live on in the Nation's landscape in the form of parks, dams, reservoirs, and water conservation projects. His contribution to the development of irrigation and power resources in the West remains as one of his most impressive monuments. Future generations will remember him as a man who championed the causes of ecological and environmental preservation long before they became popular issues.

Mike Kirwan was truly a man of the American people. The son of an immigrant coal miner, he was born in Wilkes-Barre, Pa., in 1886. His early years were spent in such physically demanding occupations as braker boy, railroad brakeman, oilfield hand, lumberjack, and harvest hand. He never forgot the lesson he learned during these formative years. He was proud of his lifelong union membership, and he remained faithful to the legitimate interests of labor.

His deep and abiding concern for human welfare made him the champion of many causes. Over the years, he was instrumental in improving the conditions of life for many American Indians. They, in turn, expressed their gratitude by making him an honorary member of many tribes, a distinction he accepted proudly. His concern and interest also extended to the American territories. He was responsible for vitally needed school and health facilities in both the Virgin Islands and Guam.

Throughout his career, starting with election to the Youngstown, Ohio, city counil in 1932, Mike Kirwan remained a man close to the people. After serving with the AEF in World War I, he maintained a lifelong interest in the needs and aspirations of our veterans. He was an active member of both the American Legion and the Veterans of Foreign Wars.

A fervent believer in the inherent vitality of the American two-party system, Mike Kirwan helped lead the party of his choice as Chairman of the Democratic Congressional Campaign Committee. In this House, his outstanding service on the Public Works Subcommittee earned him the respect of his colleagues. He also served on the Board of Regents of the Smithsonian Institution. As a member of the National Fisheries and Aquarium Advisory Board, his ardent advocacy of a national aquarium became legendary.

To the members of his family Mrs. Kluczynski and I extend our sincere condolence on their loss, a loss shared by the Congress, and, indeed, by the whole Nation. They must surely be sustained by the memory of his lifetime and achievement and by the respect in which his memory is held by those fortunate enough to have known him.

Mr. MAYNE. Mr. Chairman, I join my colleagues in lamenting the passing of Mike Kirwan, even though the end has not come unexpectedly. For anyone representing a district past which flows the mighty Missouri, and through which flows many troublesome tributaries of that great watercourse, Mike Kirwan was an extremely important factor in this body.

I desire to recognize here today the debt I owe to the late Congressman Kirwan for his willingness to support flood control and navigation projects in the Sixth Iowa District that represent capital improvements in the topography of America. Mike Kirwan never apologized for spending money to preserve our natural resources. I think we all owe a significant amount to him for being so willing to invest in our country's future.

Mr. COHELAN. Mr. Chairman, it is with a sense of sadness that I join with my colleagues in Congress in paying tribute to the late Congressman Michael Kirwan of Ohio.

Mike Kirwan will long be remembered both as an able Member of the House and a loyal Democrat. As representative of the 19th Congressional District of Ohio for the past 33 years, Mike Kirwan served his people and the Nation well. As a member of the House Appropriations Committee it was an honor for me to have served with Mike Kirwan. He chaired the important Public Works Subcommittee, and his accomplishments can be seen in the many public works projects across the Nation for which he is responsible.

As a Democrat, there are few in the long history of the Democratic party that have served with the loyalty of Mike Kirwan. As chairman of the House Democratic Campaign Committee for the past 23 years, Mike Kirwan led our party to win the majority of the House for all but one term during the years he served as campaign chairman. His leadership and loyalty will long leave its mark on the successes of the Democratic Party.

I wish to extend my sincere condolences to Mrs. Kirwan, his three children, and members of his family for the great loss that they, together with the people of Ohio and the Nation, has sustained in his passing.

Mr. ADDABBO. Mr. Chairman, the news of the passing of our colleague from Ohio, Hon. Michael J. Kirwan, has saddened every Member of this Chamber and everyone connected with public service. Mike Kirwan was a giant among legislators and a champion of conservation and environmental planning.

It was my privilege to serve as a Member of the House Appropriations Committee with Mike Kirwan and to experience the legislative accomplishments of this dedicated Representative. For 34 years he served the people of his congressional district in Ohio and for 34 years he served all the people of this Nation. His achievements and proposals for the preservation of our natural resources began at a time when few saw the dangers threatening our environment and continued in this most recent period when concern about environmental protection became fashionable.

Another example of his early recognition of an inequitable situation in his efforts to improve the plight of the American Indian. This was a cause which Mike fought for in his 13 years as Chairman of the Appropriations Subcommittee for the Department of the Interior and Related Agencies and 27 years as a Member of that subcommittee. He called for better education, improved health care, and programs to provide for the welfare and development of resources of the American Indian long before the deplorable conditions facing the Indians became widely known.

Mike Kirwan was truly a man of vision but beyond that he was a man who could get things done. Parks, dams, reservoirs, and water conservation projects became realities rather than ideas because of his leadership in the House of Representatives. Flood control, pollution control, power generation, navigation, irrigation and recreation were more than words to this master of the legislative process. The list of accomplishments which he compiled will take up many pages when historians record the highlights of his career. Future generations will enjoy the fruits of his work and realize the full value of his dedication and devotion to conservation.

The respect and admiration which we felt for Mike is well known and the void which we now feel will not be filled. This was to be Mike's last term in the House and a sad chamber now salutes him. I join in extending my personal sympathies to his wife, Alice, his two sons John J. and Michael Jr., and his daughter, Mrs. Robert Vaughn.

Mr. BARING. Mr. Chairman, it is with deep sadness today that I add my respects to the memory of Mike Kirwan, our esteemed colleague in the House of Representatives for many long years. Our good friend, Mike, will be missed by the Congress and all America.

Mike was a good American, a good Democrat, and a good legislator.

I want to express my condolences and the condolences of my State of Nevada to not only his family and many close friends, but also to the congressional district Mike represented in Ohio.

I want to make a special note of Mike's conscientious devotion to congressional activity and work in behalf of the Western States. This fact particularly cannot be overlooked.

Mike, while being an easterner, made the effort to travel in the West and learn about the conditions and problems facing the Western States. His position on the Appropriations Committee was of vital importance to the West. Mike was a top-notch leader in securing needed reclamation programs for the fast-growing Western United States.

Mike was an honest and just man. He gave of himself completely when he worked on an appropriation bill and the Members of Congress of both sides of the political aisle held him in true respect. My colleagues and I knew of his dedicated work and knew that his word was his bond. A Member of the House always knew that when Mike Kirwan said that his appropriation bill had been screened with a fine tooth comb, and that it was a good bill for the American public, that that word was exact.

I personally knew Mike for 22 years in the House and it was an honor to call him "friend."

Mr. TAFT. Mr. Chairman, I rise today to pay tribute to our departed colleague and friend, Mike Kirwan of Ohio. When I arrived here as a freshman member of the House in 1962, Mike had already been a Member of this body for 24 years. Even though I was not a member of his political party, he went out of his way to assist me in my early days in the House. This brought to mind statements which my father had made, praising Mike Kirwan for his vigorous defense of the interests of the working man, and his ability to work effectively with those of all persuasions.

In the years that I have served with Mike, I have found in him those qualities which my father had mentioned. Though we did not always agree on matters, and though we were of opposing political parties, our relationship was nevertheless a most friendly one.

Mike had announced his decision not to seek reelection to the House at the conclusion of this term. What a pity that he was not able to complete his 34th and last year in this body which he respected and loved.

All of us, but especially we of the Ohio delegation, will miss him, but we are proud of his service to the State and to his district for these many years.

To his wife Alice, and to his three children, I express my sincere condolences.

Mr. SMITH of Iowa. Mr. Chairman, Mike Kirwan was a great man and a personal friend.

His death was mourned by all Members of the House. I do not remember of anyone who was held in higher esteem by his colleagues and who earned such a place in the hearts of his countrymen. I am proud to have served with him on the Appropriations Committee and the Campaign Committee.

He promoted conservation and the development of our natural resources for many years and used his great power for that purpose. As chairman of committees dealing with such subject matters, he was not bashful in promoting these purposes long before America in general caught up with the need for such activities.

Back when some people were calling his bills "pork barrel," he proclaimed them as "all-American" bills. The Nation has finally recognized what he recognized many years ago.

He was a great man for America, a great loss to everyone, and his passing a sorrowful event for America. I extend my heartfelt sympathy to his family.

Mr. DANIELS of New Jersey. Mr. Chairman, a little over a week ago we lost a valued friend and colleague. Mike Kirwan's loss to the Congress will be felt for many years, not only by the loss of his services and long experience to the House which he loved so well, but to those of us who served with him and knew him well.

He had a public reputation for being gruff. Yet those of us who worked with him in the House knew him as a decent, patient man with whom we could work. The art of politics lies in deliberations, negotiations, and where necessary, compromise. But even in compromise, Mike recognized that he could continue the fight for what was necessary, for what was good for the Nation. He never gave up.

As chairman of the House Appropriations Subcommittee on Public Works, Mike Kirwan held a progressive view of the national public works program. the rest of us, the need for protection of our natural resources. What he for many years called conservation, was in fact what is now referred to as "ecology" and protection of the "total environment." This was the liberal view in the sense that he saw the need for conserving and protecting the great reservoirs of America's real wealth. Long before the rest of us, Mike pleaded with us to protect our environment. He said:

> We had better wake up, and do what is necessary to preserve, protect, and develop America.

Largely because of Mike Kirwan, America has awakened to the crisis facing our resources. Largely because of

Mike Kirwan we will "do what is necessary to preserve, protect, and develop" this great Nation.

On behalf of Mrs. Daniels and myself, I extend our sincere sympathy to Mike's wife Alice and his three children.

Mr. CONTE. Mr. Chairman, this body lost a truly outstanding and distinguished Member in Michael J. Kirwan. I know he will be greatly missed in this Chamber, and I know the people of Ohio's 19th District, whom he served with such distinction for so many years, feel the same way.

Mike Kirwan was born almost 84 years ago. He devoted the bulk of his life to public service—to the problems of his community and to the problems of our Nation.

During the great war—World War I—he served as an artillery sergeant in France. He subsequently served two terms as a member of the Youngstown City Council, representing the fourth ward in which he resided until his death.

Representative Kirwan was in his 34th consecutive year in this body having first been elected to the 75th Congress in 1937. He spent 28 of these 34 years on the Committee on Appropriations. I have had the personal pleasure of working with him on this committee. In this capacity, I have witnessed first-hand his work as the distinguished Chairman of the Public Works Subcommittee.

The Committee on Appropriations recently adopted a resolution on the late Honorable Michael J. Kirwan that sets forth very well the distinguished record of our former colleague. It notes that Mr. Kirwan "became America's legislative champion of conservation with an unexcelled dedication to the protection, preservation, and development of these resources."

It also notes, among other things, that Mr. Kirwan "provided outstanding leadership in expanding the essential water resource development of the country, including flood control, pollution control, water supply, power generation, navigation, irrigation, and recreation."

Mike's great service and contributions to the 19th District of Ohio, to this body, and to the Nation will long be remembered. That is as it should be.

I join with all my colleagues in the feeling of grief at the loss of this truly great American.

Mr. CAREY. Mr. Chairman, he rose from the earth.

He lived with the love of God in his heart.

These words are from the scriptural text read at the memorial mass celebrated in St. Peter's Church on Capitol Hill in honor of our late beloved colleague, Michael J. Kirwan of Ohio. They are fitting, indeed, to depict the guiding spirit of the great and good life led by Michael Kirwan. Truly he rose from the very depths of the earth to the highest place in the esteem of his fellow man.

All of us who were fortunate enough to hear Mr. Kirwan tell of his boyhood days saw in his life the personification of the American dream. He was a "breaker boy" in the mines around Wilkes-Barre, Pa., long before the advent of child labor laws, compulsory schooling or safety regulations or minimum wage—or anything other than the exploitation of the working man. From miner to track walker, to railroadman to Youngstown and to the Congress of the United States, Michael Kirwan learned to love the law of God and nourished it in his heart during the harsh, hard days of the Molly Maguires. He roamed this country from end to end and determined that his life would have meaning for his country and his fellow man. We are so fortunate that he succeeded in his determination.

He loved his party—the Democratic Party—because he felt and believed deeply in the ideals of that party. With his great sense of politics and people he led in the building of our great country because he saw in that building the work of creation—again, with the love of God in his heart.

The monuments to Michael Kirwan truly are all over the United States of America—the great parks, the wilderness, the massive public works which give us water, power and recreation are all part of Michael Kirwan's construction of a great country.

Michael Kirwan's life is not just a chronicle of a man. It is, in fact, an important part of the history of our country, and he truly was an historian. We must never forget the lessons of history he was so fond of reciting. His familiar expressions "ain't that what I am trying to tell you now" and "see the point I mean" interlaced personal accounts of witness that Michael Kirwan gave to the great events and the men who made them happen during his lifetime.

He gave life in graphic detail to the times of McKinley, Theodore Roosevelt, Wilson, Hoover, and the depression, Franklin Roosevelt and Harry Truman. It was through Michael Kirwan's personal intercession that John F. Kennedy was enabled to gain the support of the mine workers in the tense and precarious days before he won the Presidency of the United States. It was with President Kennedy and President Johnson that Michael Kirwan towered to his greatest heights and helped those men build the country that would fulfill Michael Kirwan's dreams as a breaker boy from Wilkes-Barre.

It would be remiss, indeed, if one were to mention that Michael Kirwan was a favorite of us all and that while he never played favorites there were some who were tied to him with bonds closer than brotherhood. One of these, our late colleague, John E. Fogarty of Rhode Island, was Mr. Kirwan's constant companion and perhaps his dearest friend. He left us on January 10, 1967. He, too, lived with the love of God in his heart.

Michael Kirwan and John Fogarty never let us forget the heritage of Ireland which gave them their humor, courage, love of the earth and sensitivity to the needs of the poor, the ill, the homeless, and the handicapped. These, most of all, will miss the likes of Michael Kirwan.

In justice to his memory, we who knew him can best honor him by remembering what he tried to tell us and all strive to see the point he meant. We can do that by working together to help build this country the way Michael Kirwan tried to build it from the mines to the mountain tops—speaking plainly, working hard, and doing everything he could to help the least among us so that when he went to his reward we could stand together and truly say "he lived his life with the love of God in his heart."

To the Kirwan family, Mrs. Carey and I and our children extend our condolences at his passing and our sure conviction that he has won his place in Heaven.

To those who worked with Mr. Kirwan, his district staff, and the staff of his committee and the Congressional Campaign Committee also our sincere sympathy extends and is tempered by the knowledge that his work so well begun will not be ended as long as we remember him as we shall.

Mr. ANDERSON of California. Mr. Chairman, on July 27, Congress lost a distinguished colleague, and the Nation lost a fine public servant. I join in paying tribute to the Honorable Michael J. Kirwan, whose legacy to the Congress began in 1936 when he was first elected to serve the people of Ohio's 19th District.

Since 1947, Congressman Kirwan served as the chairman of the Democratic Congressional Campaign Committee. While I was serving in the capacity of State chairman of the California Democratic Party in 1950, I became well acquainted with "Mike" when he was helping several California Congressmen in their election campaigns. I consider myself fortunate to have known and admired Congressman Kirwan over the years.

Mike not only served the district he represented, but he served our entire Nation. First serving as a member of the Public Works Committee, in 1943, he was elected to the Committee on Appropriations. For 27 years, he was a member of the Subcommittee on Interior Appropriations, 13 years as chairman. In addition, he was on the Public Works Appropriations Subcommittee for 15 years, and served as chairman during the last 6 years.

Long before Rachel Carson penned, "The Silent Spring," Mike was a champion of conservation. Long before there was an Earth Day or a mass interest in the environment and ecology, Congressman Kirwan was at the forefront in saving America's natural resources and our environment.

Congressman Kirwan received numerous honorary degrees, many of which were in recognition of his active role in preserving and developing natural resources. For instance, Oklahoma City University in 1960, awarded him a doctor of humanities honorary degree, for his part in the completion of the greatest program of conservation and reclamation ever known to man. Other degrees and honors for his service for the betterment of mankind were awarded to him by the University of Arkansas, Youngstown University, the St. Lawrence Seaway Pioneers, National Fisheries Institute, Mahoning Valley Federation of Sportsmen's Clubs, Arkansas Basin Development Association, Inc., Ducks Unlimited Conservation Service Award, and the National Reclamation Association.

Congressman Kirwan was a man of

foresight and dedication who served our Nation as a fine public servant for over three and a half decades. All of us can truly say that here was a man who made the United States a better place for all, both for the present and for future generations.

Mr. WHALLEY. Mr. Chairman, it is with deep sorrow and a sense of personal grief that I call to the attention of the House the passing of our good friend and colleague, Michael J. Kirwan of the 19th District of Ohio.

Michael Kirwan was many things in his lifetime. At the age of 9, he earned 35 cents for a 10-hour day as a breaker-boy, picking slate out of newly-mined coal. At 12, he was getting a dollar a day driving a mule in the coal mines. Working his way around the country, he worked in steel mills, on railroads, in lumber camps, and in oil and harvest fields.

The wealth of experience he earned in his travels around our land left a lasting impression. He was once quoted in the Congressional Record as saying that the State of Pennsylvania—where he was born, raised, and worked—had more to offer the American observer than all of Europe put together, including the scenery of Switzerland.

Michael Kirwan was a stanch advocate of American principles. He used his political abilities solely to further the American way of life and preserve democracy for all people. He commanded the admiration and respect of associates, colleagues and passing acquaintances alike. Congressman Kirwan was a man of high attainments, extraordinary moral fibre, and the greatest practical abilities. He clearly stood out from the crowd.

I had the personal pleasure of working with Congressman Kirwan in his capacity as chairman of the Public Works Subcommittee of the Appropriations Committee on the Raystown Dam project in my Pennsylvania district. Mike Kirwan was, above all else, always a gentleman.

Mrs. Whalley and I extend our deepest condolences to Mrs. Kirwan and their family. He will be sadly missed by all, but the spirit of his life and philosophy will remain with us forever.

Mr. ASPINALL. Mr. Chairman, with a full heart I join my colleagues today in an expression of respect and honor for a friend who has left us and condolence to those he left behind. For those of us who knew Mike Kirwan, I think we all share the desire to say something special about this very special man. We will, in the end, be quite inadequate in what we say, for Mike Kirwan was one of those whose life can neither be added to nor subtracted from by words.

I first came to know Mike Kirwan soon after I came to the Congress and over the years that acquaintance grew into a warm friendship. The memory of that friendship will now be treasured by me for the rest of my life.

It was not just a personal relationship of which I speak. The legislative process put the two of us in a particularly close working relationship. As chairman of an authorizing committee, my counterpart on the great House Appropriations Committee was the man I seek to honor at this time. On the many, many occasions when I appeared before the subcommittee that was chaired by this man, I did so with complete confidence that Mike Kirwan, with his thorough understanding of the legislative process, would consider whatever funding requests were placed before him with understanding and honesty. Mike Kirwan was from Ohio, but I think I can say that the States of the reclamation West had few friends who were as sympathetic to their needs. Mike was a man of wisdom and kindness who dedicated his life to public service and that service will be his monument. Perhaps his biography in the Congressional Directory, now famous for its brevity, says it all:

> Michael Joseph Kirwan, Democrat of Youngstown, Ohio; elected to the 75th and each succeeding Congress.

I join with my colleagues and the innumerable friends of Michael Kirwan in sending to his charming widow and their two sons and their families, my heartfelt sympathy over their loss; my prayers that they may be comforted and sustained by Almighty God; and, my gratitude that I was personally honored to be able to walk and work with Mike Kirwan as he worked among us as the giant he was among his fellowmen.

Mr. PATMAN. Mr. Chairman, it was with a profound feeling of great personal sadness that I learned of the death of my good and longtime friend from Ohio, the most Honorable Michael Joseph Kirwan. It was my great privilege to serve with Mike Kirwan in this House for almost 34 years, and I confess to a feeling of inadequacy in attempting to express my sense of loss with the death of this devoted and able public servant, great Democrat, and true friend.

As second ranking majority member of the vital Appropriations Committee, Mike had a miraculously comprehensive and detailed knowledge of every part of our Federal Government. He was always a source of wise and expert counsel for all his colleagues. Through his extremely meaningful service as chairman of the important Subcommittee on Public Works, Mike was directly responsible for the proper and orderly growth and development of every section of our Nation. Improvements throughout the Nation during his service stand as a tribute to his effectiveness as a leader and a concerned American.

As chairman of the Democratic National Congressional Committee, Mike served his party with true dedication and honor. In his passing, the Nation has lost a great public official, the Congress has lost one of its best loved, admired, and distinguished Members, and the Democratic Party has lost a tireless worker. His finest tribute probably came from the citizens who knew him best, those friends in the 19th District of Ohio who so honored him by selecting him to represent them in Washington 17 consecutive times.

Mike Kirwan had a meaningful and productive life, and I know that a benevolent God has reserved a special place with Him in the hereafter for his good and faithful servant. My thoughts and prayers are with Mike's family. I share in their bereavement.

Mr. DELANEY. Mr. Chairman, it was with a profound sense of sorrow that I learned of the death of our beloved colleague, Mike Kirwan. With his passing, some of the greatness of America died.

His life reflected the great opportunities this Nation has always offered its stouthearted citizens, who are able and willing to work to achieve noble goals.

He was a coal miner's son, and dropped out of school after the third grade to help support the family. He worked in the coal mines, on the railroads, in lumber camps, and in oil fields. During World War I, Mike served as a sergeant in a machinegun company overseas. Following the war, he was engaged in the mercantile business in Youngstown, Ohio, and was a member of its city council for 4 years immediately prior to his election to the 75th Congress in 1936.

During his 33 years of congressional service, he devoted his great abilities to the betterment of his constituency, his State, and his Nation. He rose to be the able chairman of the Public Works Subcommittee of the House Committee on Appropriations. Here he dedicated his life to improving the environment and conserving the Nation's resources. In this, he was many, many years ahead of his time.

Through his committee work, and by vigorous and farsighted leadership, Mike Kirwan became a major force in controlling America's rampaging waters. Because of him, these awesome natural resources were controlled and channeled so that they better served the farmer, the sportsman, and the citizen seeking recreation by a gently flowing stream. The dams, reservoirs, and many national park projects throughout the country will serve as an enduring tribute to his memory.

Having come up the hard way himself, Mike was always interested in helping the less fortunate. He was particularly concerned about the plight of the American Indians, and applied himself with great diligence to improving their condition.

As chairman of the Democratic National Congressional Campaign Committee, he worked hard for the election and reelection of fellow Democrats. The fact that we are the majority party in this body today is to a great extent due to the dedicated efforts of Mike Kirwan.

Many of us of Irish ancestry, as well as a great number of others with a different heritage, fondly and vividly recall the traditional St. Patrick's Day celebrations which were hosted for so long by our dear and congenial friend. He was a man of charm, wit, and wisdom. Mike had a natural ability for holding an audience, and could tell interesting and amusing stories one after the other, almost without end.

Mike and I lived for a number of years at the University Club where I was privileged to enjoy his company almost daily. He was a warm and gentle man, and a thoroughly delightful companion. His passing is a great personal loss not only to me, but to his many friends at the club.

Mrs. Delaney joins me in expressing our deepest sympathy to his wife, Alice, and to his children, and the other members of his family.

Mr. MONAGAN. Mr. Chairman, I join my colleagues in mourning the death of a skillful and effective legislator and loyal friend, Michael J. Kirwan, Representative of the 19th District of Ohio.

Mike Kirwan's death is a double tragedy. It is first of all a great loss to his wife, his three children, and 21 grandchildren, and I offer my deepest sympathy to them in their sorrow.

His death is also a loss to our country. The Congress will sorely miss the services of a man who since 1937 has been one of its ablest and most dependable Members.

Mike Kirwan, who became "Mr. Public Works" to the House, fought for conservation projects long before conservation and pollution reached the present degree of public acceptance. He became an early champion of water resource development. As Democratic National Chairman, Lawrence F. O'Brien expressed it, Congressman Kirwan's environmental accomplishments will be his monument. Numerous national parks, reservoirs, and conservation projects exist today because of his consistent work in this essential field. Among his many accomplishments, perhaps Mike Kirwan should and will be remembered for his environmental efforts more than for anything else.

As second-ranking Democrat on the House Appropriations Committee and chairman of its Public Works Subcommittee, Mike held more power than most men in the House. He used this power most effectively. His leadership and commitment for progress through internal improvements has helped all areas of the country. Among other problems the plight of the American Indian received his special attention as he worked for improved educational facilities on reservations.

As a Democrat, I have come to respect Mike Kirwan in yet another way. For 23 years he successfully headed the House Democratic Campaign Committee. During that period Democrats lost majority control of the House only once. I am personally appreciative of the help which the Campaign Committee gave to me in my campaigns over the years. A loyal party member, Mike served his party and his country with enthusiasm and skill.

I have another very personal reason for feeling Mike's loss more deeply than most. For 6 years I lived in the University Club where Mike resided and I had frequent occasion there to meet him to talk with him and to share his great fund of humor and experience. As a result I felt a particular closeness to him.

Mr. Chairman, I think everyone will agree, Republican and Democrat alike, that the Congress has suffered a severe loss in the death of Mike Kirwan. We all mourn the death of this able legislator and citizen.

Mr. JOHNSON of California. Mr. Chairman, it is with great sadness that I rise to pay final respects to a great legislator, a great American, and a great friend, Mike Kirwan.

We in California loved and admired Mike Kirwan for what he was. He was many things—a far-sighted conservationist who was concerned about the conservation and wise utilization of our God-given natural resources long before it was a popular subject. A humanist with deep concern for the less fortunate among us, including the American Indians. A dedicated fighter for the rights of the working man from whose ranks he came.

Mike Kirwan was a self-educated man. Forced to leave school after the third grade, he went as a small boy to work in the coal mines of Pennsylvania.

Later, Mike traveled the Nation working in many jobs, in the lumber camps, on the farms and ranches, and on the railroad. For nearly 30 years I, too, worked for the railroad, and some of my favorite moments since coming to Washington nearly 12 years ago were those spent swapping railroad tales with Mike. As any good Irishman, he was a wonderful spinner of yarns.

But Mike was more than that. He was truly a great legislator.

First elected to Congress in 1936, he came back each new term with ever-increasing majorities as the people of the Youngstown area of Ohio realized what a jewel they had in their Representative in Congress.

The people of the 19th Congressional District of Ohio admired his sincerity, his honesty, his industry, and his dedicated devotion to the task of representing them in the Halls of Congress. He may have been blunt and forthright, but was never one to dodge an issue regardless of its popularity or lack of it.

That is a kind of man this Nation needs for its outstanding legislators, and the people of Ohio knew it. His service to the Nation soon was realized to the four corners of the United States, and especially the West, as his work on the old Rivers and Harbors Committee first became appreciated. Later he served on the Appropriations Committee, where he was a fighter for adequate development of our parks and other recreation resources, for a better break for the American Indian, for timely development of our water resources, putting to beneficial use the water which once wasted into the oceans.

California today is a better place to live—has a more adequate supply of water for domestic, industrial, and agricultural uses, has a more stable supply of electrical energy, has more recreation areas, and has fewer devastating floods because Mike Kirwan served in Congress.

We in California appreciate this and always considered him a great friend. We in California are going to miss him deeply, but the projects which he supported will stand for generations to come as working monuments of his leadership, his dedication to the cause of conservation of our natural resources.

My family and his many California friends join me in expressing our deepest sympathies to the family of this warm, human friend, this outstanding American.

Mr. AYRES. Mr. Chairman, my heart was filled with sadness over the passing of that great American, Michael J. Kirwan. We, in Ohio, are very proud of the wonderful record of legislative achievements of our senior Member. These achievements will live on as a perpetual memorial.

No man has displayed a greater love for his Nation and his fellow man. He displayed that love in service to all men regardless of their color, creed or station of life.

Early in his life, he served in France as an artillery sergeant in World War I. He devoted many of his energies to aiding his fellow veterans.

It was my privilege to know Mike Kirwan before my entry into the House of Representatives so that when I was elected to that body almost 20 years ago, I turned to him for advice and despite the fact that I was of the opposite political faith, he graciously gave me the benefit of his already long service.

I cherished his friendship throughout these 20 years and shall long mourn his passing.

Mrs. Ayres and I express our sympathy not only to his wonderful family but also to his constituency and his loyal secretary of 34 years, Mrs. Roberta Messerly.

Mr. COLLIER. Mr. Chairman, I was deeply saddened when I heard of the passing of our distinguished and beloved colleague from Ohio, Michael J. Kirwan.

This year was to have been his last in this great body, where he had served with credit for slightly more than a third of a century. Only six of the present Members have been here longer than that.

Much has happened in our Nation since Mike Kirwan and a large number of other freshmen took the oath of office on January 3, 1937. The years since then have been exciting ones, as the great depression slowly ended, to be followed by turbulent years of war, uneasy peace, and domestic upheaval.

Through them all, our now departed friend served his district, his State, and his country with distinction. He tried, to the best of his ability, to find workable answers to the many challenging problems that came to this Chamber for solution. A man to whom America had given much, he was determined to repay the debt in full measure.

While Mike Kirwan was a dyed-in-the-wool Democrat and as such was devoted to his party and its success, he always put the Nation first. He backed the President wholeheartedly during all periods of crisis, regardless of whether the Chief Executive was a Republican or a Democrat.

In these troubled days, when so many want to forsake the strenuous life in exchange for one of effortless security, a man who came up the hard way and graduated from the school of hard knocks somehow seems anachronistic. Be that as it may, I salute the memory of our absent colleague. That he may rest in peace is my fervent prayer.

Mr. BENNETT. Mr. Chairman, perhaps the truest test of a great man is simplicity, or humility. Mike Kirwan had them both, despite a monumental list of achievements that would inspire even the most indifferent observer. Like many other Congressmen, my debt of gratitude to him is greater than I can express; but I tried to do so during his life, even as I visited him in the hospital and through the years before. This House has lost one of its alltime giants, and one of the most beloved Members in history. We all wish for his bereaved family every sympathy and extend to them, too, our heartfelt gratitude for all he did for his country.

Mr. HALPERN. Mr. Chairman, I rise with sorrow to pay my respects to a beloved friend and esteemed colleague. Mike Kirwan, a member of this House for over 30 years, will no longer be with us, but his memory will surely continue to inspire all who were honored by his friendship. We will always cherish the great heritage he leaves—loyalty, integrity, and honesty.

Mike represented the American dream. From a youth spent traveling around the country working in wheat fields and oil fields, on ranches and in lumber camps, he rose to become one of the most respected Members of this Chamber. He served the Nation in the crucial position of second ranking member of the Appropriations Committee. His leadership and legislative skill insured that the taxpayer received value for his dollar. His chairmanship of the Appropriations Subcommittee on Public Works and Atomic Energy Commission served as an example for all committee chairmen.

My sympathies go to Mike's wife, Alice, to his sons, daughter, and grandchildren who have lost a devoted family man. But even more than with the bereaved family my sympathies are with the people of Mike's 19th District of Ohio who have suffered an irreplaceable loss. They have not only lost a wonderful and devoted friend but a truly outstanding representative, and it will be near impossible for them to find another to match Mike Kirwan.

Mr. BLATNIK. Mr. Chairman, anyone can take a copy of the Congressional Directory and look up the 19th District for Ohio. In it, he will find the following:

> Michael Joseph Kirwan, Democrat, of Youngstown, Ohio; elected to the 75th and each succeeding Congress.

And that is all. To an outsider, this scant commentary would appear puzzling; but to those who knew Mike Kirwan, it is testimony, in itself, to the fact that Mike was as humble as a saint. Indeed, he probably is talking to St. Patrick right now.

One indication of his humility is that he never forgot his beginnings. It would not be hard to believe that Horatio Alger modeled his story, "Only An Irish Boy," after Mike Kirwan. He had to quit school while still a child and as far as I know, he never received an academic degree, which he didn't need anyway. Anybody can obtain an academic degree, which requires normal intelligence and effort. But Mike went far beyond that in his dedicated service to the Nation. And this is amply expressed by the number of honorary degrees conferred upon him. There are enough there to make any professor blush with envy.

Mike was always cheerful, pleasant, friendly and kind to everyone. He could be found working both early and late, but always working. He served the America he loved, as a true leader would. He had the unique gift of personality to be elected and reelected to Congress so many times.

He was a religious man with a profound awareness of his duties to both men and God. Mike would not bow before the poll takers to find out what to do; instead, he would look at the needs of the people and pray to his God for guidance. He was rigorous in his attendance at church and one time when sheer physical distance was too great, he called upon one of the newest of inventions, a helicopter, to take him from the midst of a forest to one of the oldest of services, the Mass. May God give us more public servants like this.

I considered it one of the continuing highlights of my career that I was able to work with Mike Kirwan as a fellow subcommittee chairman on the public works program. Many Americans in future generations will not know whom to thank for the benefits they will receive from reclamation, flood control, waterways, and harbor improvement. I am here to tell you that Mike Kirwan worked long and hard to insure that we would bequeath to future generations a conserved America and not a squandered one. When Mike submitted a bill, you could be sure that it was well thought out.

I recall it was 2 years ago when Congress paid a warm and spontaneous tribute to Mike Kirwan on his then approaching 81st birthday. We heard frank and sincere tributes paid to this humble man that filled up over 30 pages of the Congressional Record. You could page through the Record for a good 50 years before you could even begin to find the likes of it. And you would have to go a good ways back before you could find another man like Mike Kirwan.

Among the many photos that Mike used to have in his office, there were two that seemed to typify his life and life's work—one was a picture taken in 1900 of some young children looking ragged as they carried their lunch pails on the way to the mine in the days before the child labor laws. There was another picture taken in 1950 and this time, the young children had bright faces, were wearing decent clothes and were on their way to school.

Mike Kirwan was, in large part, responsible for that transition. It was through his untiring efforts and fair play that the doors of opportunity were opened wider to greater numbers of Americans, both poor and affluent, that greater numbers of people were allowed to share in the good things of this life—education, material progress, and general well-being. Mike Kirwan sowed that others might reap.

Let us all take special note that Mike Kirwan grew wise with age, but did not grow old. Hopefully, this is an example that all of us will follow.

We, in Congress, shall miss him and the country shall feel his loss. Our prayers and sympathy go to his family.

Mr. GROSS. Mr. Chairman, although Members of the House were well aware of the prolonged illness of our friend, the Honorable Michael J. Kirwan, none were quite prepared for his death. I had raised hope upon hope, and I am sure others had done likewise, that somehow or other he would recover and return to be among us.

Mike Kirwan was truly a self-made man. Without a formal education, he literally lifted himself by his own bootstraps to become one of the real stalwarts of the U.S. Congress.

Mike was a tough fighter but a fair one. I know because I opposed him on occasion through the years. Never will I forget our fight in the House over a project which he personally sponsored—a national aquarium to be erected on the Potomac River in Washington, D.C. Needless to say Mike won, and, although it was a lively encounter on the House floor, we emerged warmer friends than ever.

Mike Kirwan was a great American and his contributions to this Nation will ever be remembered. I am glad to have had the opportunity to know this good man, and to the members of his family I extend heartfelt sympathy.

Mr. BARRETT. Mr. Chairman, just 1 week ago my very dear friend and colleague, the Honorable Michael J. Kirwan, passed away. Our Nation and this House lost a great and capable legislator.

To his lovely wife, Alice, and his children and their families, I extend my heartfelt sympathies and humbly pray the Lord gives them the strength to understand His ways.

Mr. Chairman, Mike Kirwan was more than just a colleague of mine. He was a loyal and devoted friend, not only to me but to many Members of the House. He served in this House for a third of a century, and those who knew him loved him. He was unfaltering in his loyalty to what he thought was right and unswerving in his resistance to what he considered wrong. He was a tower of strength to a good cause and a bulwark of opposition to a bad one. His service has added to the luster of this House. I join my colleagues in heartfelt tribute to Mike Kirwan and will ever cherish his memory and his friendship.

Mr. ROBISON. Mr. Chairman, I join with many others of this body in expressing a real sense of personal loss in the passing of our long-time friend and colleague, Mike Kirwan.

That sense of loss is the keener by virtue of my service, these past 6 years, on the Public Works Subcommittee of the Committee on Appropriations which was chaired, as we all know, by Mr. Kirwan. Throughout those years, our friendship—and our regard for one another—deepened. "Gruff," and "shrewd," and "practical politician," Mr. Kirwan may have been—and he has been called all such things and many more besides, some of which were not always complimentary. But a gentleman, he was—a man of his word, at all times—and certainly a builder, in the most constructive sense of that word, who saw himself as a force for progress in America, and who was determined to do whatever was necessary to, in his own words, "preserve, protect and develop America."

One could sometimes disagree with "MIKE'S" priorities—as occasionally I did, one notable example being with respect to what became known as "MIKE'S big ditch"—but, in doing so, one could never fail to be impressed with the driving energy in the man, and his sense of dedication to a bigger and better America, toward his dream of which he first began building with his hands and, then eventually, with his canny mind, but always with his heart. And that heart of his was as big as "all outdoors."

By virtue of his early years, spent in the Susquehanna River Valley in Pennsylvania and, then the jobs he held that took him up along the Susquehanna into New York, he shared my own enthusiasm—and dream—for the proper development of the Susquehanna River Basin area, and has been of steady help to me in that regard. Such an interest on his part was not unique, for his later travels had made him familiar with nearly every portion of our land, and desirous of helping others similarly with their local water and land-resource problems in a manner that should not be degraded by references, now, to "pork-barrel politics." Instead, "MIKE" KIRWAN had a vision of the kind of land these United States could—and should—be; and he worked endlessly and selflessly in stubborn pursuit of that vision, ennobling himself in the process far beyond the bounds one might have expected would have hobbled a man coming from his humble beginnings and with his lack of a formal education.

Yes, Mr. Chairman, "MIKE" was a man—a big man; feared, perhaps, by a few—respected by all who knew him well enough to see beyond his public image—but, most of all, loved by those to whom he gave of his friendship. And while those, his friends, have lost much, I think it needs be said that his beloved America has suffered a grievous loss, too.

Mr. Chairman, Mrs. Robison joins me in expressing our sincere regrets to Mrs. Kirwan, and to her daughter, Mary Alice, and two sons, John and Michael.

Mr. FRIEDEL. Mr. Chairman, The Lord in his wisdom, has called one of our most distinguished colleagues, Hon. MICHAEL J. KIRWAN of Ohio, to his eternal rest.

Like Horatio Alger's hero in "Only an Irish Boy," MIKE KIRWAN started at the most humble level and worked and fought his way through the ranks until he reached one of the highest stations in national political life and one of the loftiest pinnacles in the respect, esteem, and affection of his colleagues in the Congress and of the people of the district he served so well.

It was on December 2, 1886, that this great man whom we eulogize today was born in Plains of the Keystone State of the Commonwealth of Pennsylvania. As a young boy he worked in the coal mines and later as a youth he worked for a number of different railroads. He truly earned his bread by hard labor and the sweat of his brow.

Here, in MIKE KIRWAN'S life story we see the story of America itself and the American dream come true. He was an inspiration to all who knew him. As a young man, he traveled extensively, particularly throughout the Western States, working in the wheat and oil fields, on cattle ranches and in lumber camps. Thus, he saw, observed, learned, and stored in his keen mind valuable ideas which he later used on behalf of our great country, particularly here in the Congress of the United States. His first legislative experience was obtained as a member of the Youngstown City Council when he served for two terms.

The 19th District of Ohio, which includes the city of Youngstown—the citadel of the Mahoning Valley Steel District—elected MIKE KIRWAN to Congress in 1937. For 17 consecutive terms, the Nation had the benefit of his dedicated God-given talents. He served as a member of the Rivers and Harbors Committee, and in 1943 he was appointed as a member of the powerful Committee on Appropriations. For many years he served as chairman of the Subcommittee on Interior Appropriations and later became chairman of the Subcommittee on Public Works Appropriations.

He was a courageous and outspoken advocate of some of the most important programs enacted by the Congress, such as development of our resources, conservation, improvement of our rivers and our harbors for navigation, irrigation, and reclamation, and many other vital programs.

The late "MIKE" as he was affectionately known by us, served his State, his Nation, and the people well. His race is run, his course is finished, but his work goes on. We all miss him and will ever cherish his memory for the record he made, and his achievements speak far more eloquently than anything we can say here. Our country has lost a great Statesman and I have lost a devoted friend.

I extend my deepest sympathy to the members of his family at this sad time.

Mr. HELSTOSKI. Mr. Chairman, it was indeed a shock to me to hear of the death of our beloved colleague, effective legislator, and loyal friend MICHAEL J. KIRWAN, Representative of the 19th District of Ohio.

The story of MICHAEL KIRWAN is one which reflects the opportunities of this Nation, to those who are willing and able to work to achieve noble goals.

MIKE as he was affectionately known to us, was born on December 2, 1886. He was a coal miner's son and dropped out of school after the third grade to help support the family. He worked in the coal mines, a trainman on the railroads, in lumber camps, and in oilfields.

MIKE had the fortitude and perseverance to carve out an extremely successful career in the service of his fellow man, first as a member of the Youngstown City Council in which he served two terms, then as a Member of Congress to which he was elected for 17 consecutive terms.

My first contact with MIKE KIRWAN came soon after I came to Congress and I have found him to be a warm friend whose friendship I valued very highly. I also value his sage advice and the solicitude he had for the younger Members of this honorable body. This will always stay with me.

Several months ago MIKE announced his decision not to seek reelection to the House at the conclusion of his present term. It is a great pity that he was not able to complete his 34th year as a Member of Congress. MIKE has answered his last "rollcall" when, on July 27, 1970, the Almighty chose to take him from this earth of trouble and turmoil to his heavenly reward.

The two lines in the Congressional Directory are known for their brevity, but saying it with:

> Michael Joseph Kirwan, Democrat, of Youngstown, Ohio; elected to the 75th and each succeeding Congress.

does not express the achievements of a courageous and outspoken advocate of some of the most important programs enacted by Congress.

He espoused the development of our resources, improvement of our rivers and harbors for navigation, our conservation programs, irrigation and reclamation, and many other vital programs.

MIKE KIRWAN is not with us any more, but his spirit will surely continue to inspire all who were honored by his friendship. We will always cherish the heritage he leaves—loyalty, integrity, and honesty.

I wish to extend my sincere condolences to Mrs. Kirwan, his three children, and the members of his family in the great loss that they sustained in his passing to the great beyond.

Mr. MURPHY of New York. Mr. Chairman, by any standard, my friend and colleague MIKE KIRWAN was a great man, a most unusual man. His life was one of dedication to his God, his country, and his family. In a sense, we are all lesser men because MIKE has left us, yet his mark is left on all of us who were lucky enough to know him. Last week, I and many of my colleagues attended the funeral rites for MIKE KIRWAN—the one-time coal mine breaker boy who rose to true greatness as a distinguished and respected Member of the House of Representatives for nearly 34 years. I will miss him, we all will miss him. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following story from Roll Call on the death of my dear friend, MIKE KIRWAN:

REPRESENTATIVE MIKE KIRWAN—WAS A HOUSE POWER

Rep. Mike Kirwan, one of the last of the colorful longtime powers in the House, died Monday at Bethesda Naval Hospital. Brusque, sentimental, possessed of a natural political instinct and an expert in the use of power, Kirwan was loved and respected by his colleagues and the myriad persons he dealt with as Chairman of the Public Works Subcommittee of House Appropriations and as Chairman of the Democratic Congressional Committee.

Rep. Kirwan, 83, had been hospitalized since June 1969, when he fell in his University Club apartment and broke a vertebra in his back. He suffered from diabetes and, unaccustomed to taking orders from anyone, disregarded doctors who advised against drinking ("They gave me six months, years ago, I outlived them all").

One of the most personally potent members of the House, Rep. Kirwan never, in his third of a century of service, became Chairman of a full committee. Rep. George Mahon (D-Texas) came to Congress two years prior to his arrival, and succeeded to the chairmanship of the Appropriations Committee in 1964 upon the death of Chairman Clarence Cannon.

The Ohio Democrat served as Chairman of the House Democratic Congressional Committee for 23 years. Republicans gained control of the House only once during that time, even though Kirwan's committee staff rarely numbered more than five.

Rep. Kirwan's biggest day each year was St. Patrick's Day. On March 17 he threw the biggest St. Patrick's Day party in town, a favorate of such Irishmen as the late John Kennedy and the late Speaker Rayburn. Whiskey flowed freely, green hats and badges were distributed to all, and above all, there was singing. Congressmen join with staffers, agency bigwigs and professionals like Phil Reagan and Carmel Quinn in harmonizing the Irish repertoire. Rep. Kirwan rarely joined in the vocalizing, but derived patent enjoyment from the musical cameraderie.

Rep. Kirwan was first elected to the 75th Congress in 1937. In this decade he announced several times at victory celebrations "this will be my last term." He made the same announcement in 1968, and this time he meant it.

Rep. Joe Evins (D-Tenn.) is next in line for the chairmanship of the Public Works Subcommittee. Since Rep. Kirwan's hospitalization, Reps. Thomas "Tip" O'Neill (D-Mass.) and Ed Edmondson (D-Okla.) have been acting co-chairmen of the Democratic Congressional Committee.

Rep. Kirwan was the second-oldest member of the House, and ranked seventh in seniority. When the oldest member, Rep. William Dawson (D-Ill.), retires this session, Rep. Emanuel Celler (D-N.Y.), 82, will be the oldest member as well as the member with the most seniority.

Mr. BIAGGI. Mr. Chairman, I join with my other colleagues here today to pay tribute to a man who although never in the public limelight, was nevertheless a beacon in many ways to the Members of this body.

Elected in the midst of this country's most difficult period, the depression, his courage and spirit of resolve were solidly formed in those early years. As the war passed and this Nation grew in power and strength, so too did the venerable MIKE KIRWAN. Under his tutelage and ever watchful eye the Democratic congressional committee which he headed was instrumental in maintaining the leadership of this body for all but one Congress during the last 23 years.

His physical stamina, his political acumen, his understanding spirit must have been forged and honed at the steel mills that abound in his eastern Ohio district.

I am certain that his passing will represent an irreplaceable loss to his loyal constituency in Ohio and his country. I, too, feel a personal loss. As a freshman in this body it was comforting to know a man like MIKE KIRWAN was around to guide you. My most heartfelt sympathies are extended to his family and friends whose sorrow at this time is shared by so many of their fellow Americans.

Mr. CLARK. Mr. Chairman, MIKE KIRWAN was the epitomization of the American story that a man can go as far in this country as he has the courage and determination to go.

His life story well could have been the plot for an Horatio Alger novel. Born to poverty, he was truly a self-made man. What he lacked in formal education he made up in commonsense. Hard work and determination were the tools of his success. He did not wait for opportunity to be brought to him on a silver tray. He went out and worked for his goals.

MIKE KIRWAN was a dedicated public servant who regarded public office as a public trust. He was a gentleman in every sense of the word. He was a devoted husband and father. He was a true friend.

MIKE was, in every way, a truly remarkable person. He was a delightful and colorful colleague, and a real giant in the political arena.

Mr. UDALL. Mr. Chairman, I join with all my colleagues who have spoken in tribute to the late MIKE KIRWAN of Ohio. It was my pleasure to serve with this unusual and remarkable man for more than 9 years. Of him it can truly be said that America is a different and far better place, because of his vision and his congressional service. He saw clearly the need to build our country and to invest in the development of its resources.

MIKE was a refreshingly candid—and even blunt—public servant. He never left any doubt of his position on any issue. Ohio and America were well served by this good man. We will miss him.

Mr. RODINO. Mr. Chairman, I was deeply saddened by the passing of Congressman KIRWAN. MIKE was a man whose ideals provided me with a great source of inspiration over the years and I shall always remember his counsel and advice. He will certainly live on in the hearts of many.

He was a true friend not only of his colleagues, but of all the people of Ohio; for he was a great servant of the people with sensitivity and deep compassion for their problems. I join with my colleagues in extending my heartfelt sympathy to MIKE's family.

Mr. MATSUNAGA. Mr. Chairman, when I came to the House of Representatives for the first time in 1963, MICHAEL KIRWAN was beginning his 14th term in Congress. Seldom has any legislative body had such long and distinguished service from a Member.

MIKE KIRWAN was a good man, a thoughtful man, an extraordinarily kind man, rich in years and in accomplishments. He had an amazing memory of details of past happenings and it was a delight to listen to him. I had the good fortune on many occasions just to sit with him in the rear seats of the House and to strike up a conversation with him. I profited as a student.

Long before it became fashionable, MIKE KIRWAN expressed his concern for protecting the natural beauty of our land and water. Long before it became the thing to do, MIKE KIRWAN fought for the betterment of the American Indian.

His basic philosophy, at least from the viewpoint of those, like me, who knew him, was one that has withstood centuries of assault—he treated others as he wished others to treat him. Busy as he was, as chairman of the important Subcommittee on Public Works of the House Appropriations Committee, he was always generous with his time and never refused to meet with constituents of mine who sought through me to discuss with him problems with which they were deeply concerned. For this I shall remain forever grateful to his memory.

Ohio's 19th District has lost an outstanding representative. The Congress has lost a skilled and dedicated legislator. The country has lost a patriotic, caring American. And we who knew MIKE KIRWAN have lost a true friend indeed.

Mr. MAILLIARD. Mr. Chairman, last week our Nation lost a man of courage and vision, a man who rose from the humblest of origins to a position of great responsibility in this body, the Honorable MICHAEL J. KIRWAN.

As chairman of the Subcommittee on Public Works, Congressman KIRWAN was a vital force behind Federal efforts to improve our environment long before such a stance was in fashion. His great legacy includes the numerous national parks, dams, and water conservation projects which resulted from his tireless efforts.

MIKE KIRWAN was deeply admired and respected by both his colleagues and his constituents, who returned him to office 17 times. To be sure, MIKE could be tough, as anyone who clashed with him on an issue can attest. But within this confident exterior of a man risen from the mines, oil fields, forests, and farms, was a sentimental and compassionate heart of an Irishman.

MIKE KIRWAN truly embodied Emerson's belief that:

> America is but another name for opportunity.

Always aware of opportunities that he had been given, MIKE KIRWAN eagerly promoted the cause of the common man.

Mr. Chairman, in life MIKE KIRWAN provided outstanding leadership in Government, and he leaves behind a record of public service from which a grateful country will benefit for years to come.

My wife and I convey our heartfelt condolences to Mrs. Kirwan and the entire Kirwan family.

Mr. RHODES. Mr. Chairman, I am deeply saddened by the passing of my good friend, Hon. MICHAEL J. KIRWAN. Not only was MIKE KIRWAN a good friend, but on the Public Works Subcommittee of the Appropriations Committee, under his chairmanship I knew him to be a very wise man who had a very interesting but most effective way of stating problems and coming to answers. He will be greatly missed in the work of our subcommittee, as well as by the House as a whole.

Mrs. Rhodes joins me in deep sympathy for the members of his family in their loss of this truly great gentleman, and for his constituents of the 19th District of Ohio whom MICHAEL J. KIRWAN served so long and so well.

Mr. JOHNSON of California. Mr. Chairman, "California has lost a good friend in the death of Representative MICHAEL J. KIRWAN of Ohio."

In these few words, the editor of the Sacramento Bee summed up the feelings of my home State concerning the death of our good friend and colleague, the Honorable MIKE KIRWAN of Ohio.

As I tried to indicate in my remarks of yesterday, we of the Golden State long will be indebted to Mike Kirwan for his wisdom, leadership, progressiveness, and aggressiveness, in the field of conservation of natural resources.

These comments were echoed in an editorial published in the three papers of the McClatchy system, the Sacramento, Modesto and Fresno Bee newspapers on Thursday, July 30, 1970, and I ask unanimous consent to insert at this point in the Congressional Record that editorial:

Kirwan: A Good Friend

California has lost a good friend in the death of Rep. Michael J. Kirwan of Ohio.

Kirwan served for many years as chairman of the public works subcommittee. It is this group which initiated the funding of the Central Valleys Projects constructed by the U.S. Bureau of Reclamation and flood control works built by the Army Corps of Engineers.

Kirwan always was sympathetic and helpful and he had no political ax to grind because his own district had no projects.

He knew California and its needs and learned of them early in life when he was an oil worker in Kern County.

His successor has big shoes to fill.

Mr. LANGEN. Mr. Chairman, I join with others today in expressing my deep sense of loss over the death of my good friend and colleague, the Honorable Michael J. Kirwan. I had served with Mike on the Appropriations Committee and had come to look upon him as an adviser and mentor. He was both forceful in action and wise in counsel. He was a man of energy and industry who, as chairman of the Public Works Subcommittee, was dedicated to the progress of America as well as to the protection of her environment. He ably represented the people of Ohio's 19th District and served the Nation with distinction since his election to the 75th Congress.

His commitment to the public interest, his understanding of the needs and aspirations of the average man, his very real personal humility and his dedication to this House and all it stands for, all served as an inspiration and encouragement to those of us who served with him. Again, his personality was such a warm one—quick to smile, ever ready with a cheerful word, and always eager to extend a helping hand. His counsel and his judgment will be sorely missed. To his family, I can only say what they already know—that he was a sincere and dedicated American, an outstanding Congressman, and a fine gentleman.

Mr. HARSHA. Mr. Chairman, I was deeply saddened by the death of one of the most able and conscientious Members of the House, Michael Joseph Kirwan of Ohio.

Mike Kirwan served the people of the 19th District in Ohio with great distinction for nearly a third of a century. Since 1937 when he was first elected, Mike Kirwan has made outstanding contributions to his State and the Nation in countless areas. However, he is probably best known as chairman of the Public Works Subcommittee of the House Appropriations Committee.

As a result of his years of experience on the Appropriations Committee, Mike Kirwan possessed an expertise in his field that was unexcelled. His many years of service and his natural political instinct left him respected and honored by friend and foe alike.

His thorough knowledge of all aspects of the vastly complicated subject of public works appropriations and his unstinting efforts to make our public projects system second to none won him the respect and admiration of all.

Mike Kirwan was a champion of the development of our resources, improvement of our rivers and harbors for navigation, development of our conservation programs, planning for irrigation and reclamation, and many other vital programs.

Despite his demonstrated ability as a legislator and representative of the citizens of his district, Mike Kirwan may be remembered best as a man of integrity, compassion, and loyalty. He could be warm and gentle, qualities which enabled him to often find time to help his fellow man and to be wholeheartedly responsive to the needs of the people he served. He was often straightforwardly candid, even blunt, but in a manner that left little doubt of his position on a particular issue, and at the same time, asserted his confidence and trust. These qualities made him one of the most popular and genial Members of the House.

Although Mike had already announced his intention not to seek reelection, it is regrettable that he was unable to fulfill his 34th year in Congress. Throughout the years he did serve, he carved out an enviable career.

With the passing of Mike Kirwan, I have lost a very dear friend and colleague. We shall all miss his judgment and counsel. I offer my most heartfelt condolences to his wife and family. Mike Kirwan was a dedicated and trusted American, an outstanding Congressman, and a fine gentleman.

Mr. WHALEN. Mr. Chairman, on July 27, the citizens of the 19th District of Ohio, and the Congress of the United States lost an experienced and effective legislator.

Due to the period of his illness and the relatively brief time that I have been a Member of Congress, I unfortunately did not have the pleasure of becoming a close friend of Representative Michael J. Kirwan. Nevertheless, I share the respect and high regard which all of those who met Mike Kirwan had for him. He was an especially beloved individual, both because of his accomplishments and his gregarious personality.

To his friends and colleagues, Michael Kirwan personified those qualities of the American character which we all admire. He was a member of that hardy and unusual breed of self-made men who built on this land the great country we have today. Mike was a resourceful and determined man who developed his talents on his own initiative and took full advantage of the opportunities which this Nation provided him for self-improvement and personal development.

Rising from his early years as a coal miner in Pennsylvania eventually to take a seat in the U.S. House of Representatives, Mike Kirwan always maintained a strong attachment to the land and the people he represented. As a concerned man of great character and integrity, never did he lose sight of his purpose of service to his constituents.

During the course of my duties when I was a State legislator in Ohio, I had the occasion to make several visits to Mike Kirwan's district. I was always impressed by the devotion with which Mike was held by his constituents—both Democrats and Republicans—with whom I dealt.

Throughout his colorful career, Michael Kirwan always kept close to his heart the great love of the land which was engrained in him during his rugged early years as a coal miner and laborer. These early experiences forged in him a genuine concern for the preservation of our natural resources—a concern which he never abandoned. He became a persistent fighter for conservation and environmental quality, long before these issues carried much political weight.

The Congress and the Nation should be grateful that a man of his character and dedication had the opportunity to serve as chairman of the Public Works Subcommittee. He does not need an elaborate monument to be erected to his memory, for his works as chairman of this subcommittee will always stand as a tribute to this outstanding legislator.

While we have lost an accomplished legislator and a great public servant, we also have lost a man who was a warm and a compassionate human being. The fire and spirit which Michael Kirwan brought to his public career sprang from his empathy with the concerns and problems of others and his commitment to help those who were willing to help themselves.

In addition to concerning himself with the problems of this life, Michael Kirwan had a very sensitive appreciation of the joy of living. He was an exemplary Irishman who was blessed with what we fellow Irishmen consider to be the special wit, charm, and love of life of the Irish spirit. He was truly a "Son of St. Patrick."

It is almost trite to say that he certainly will be missed, but in truth this sentiment is shared by all of Mike's colleagues on both sides of the aisle.

Mr. MILLER of Ohio. Mr. Chairman, there is an emptiness in Congress today as we of the House of Representatives feel the great loss of Michael J. Kirwan. To those of us in the Ohio delegation, the loss is especially keen for we knew Mike Kirwan as a personal friend as well as a colleague in Congress. Mike Kirwan's story personifies the opportunity for success in America. Born in Wilkes-Barre, Pa., 83 years ago, the son of an immigrant coal miner, Mike Kirwan worked in the mines as a child and later as a brakeman and oil field hand. He knew extreme poverty and the impact of the depression years, but with his initiative and fighting spirit, he literally scoffed at the hard times and, instead, took advantage of the opportunity to represent others who had been subjected to the same hardships. Mike Kirwan came to Congress in 1937 and for 17 consecutive terms thereafter, he made the concerns of Ohio's 19th District the business of Congress itself. His accomplishments will be his monuments and his memory will be with us who will forever admire his courage and statesmanship.

Mr. MURPHY of Illinois. Mr. Chairman, it is with great sorrow I join my colleagues in paying respect to the late MICHAEL JOSEPH KIRWAN, who represented Ohio's 19th Congressional District from the 75th through the 91st Congress. Mr. KIRWAN was born in Wilkes-Barre, Pa., on December 2, 1886, the son of the late John and Mary "Duddy" Kirwan. In 1907 he moved to Youngstown, Ohio, his home until his death. He served in the Youngstown City Council for 4 years prior to his election to Congress in 1936. In addition to his service in the City Council, he was also engaged in the mercantile business. During the First World War, MICHAEL KIRWAN served overseas as a sergeant with the 348th Machine Gun Company of the 64th Artillery, U.S. Army from 1917 to 1919.

At the time of his death, Congressman KIRWAN was the seventh ranking Member of the U.S. House of Representatives. He served as chairman of the important Subcommittee on Public Works of the House Appropriations Committee. Through his great interest in conservation, he has left a legacy which includes several national parks, dams, and water conservation projects which resulted from his untiring efforts. He was also known for his great concern for the welfare of the American Indian, the people of the Virgin Islands, American Samoa, and the Pacific mandated islands.

Congressman KIRWAN was a confidant of Presidents Truman, Kennedy, and Johnson. Mr. KIRWAN served as chairman of the Democratic National Congressional Committee from 1947 until his death. During his tenure as chairman, the party lost control of the House of Representatives on only one occasion.

I became a personal friend of MICHAEL KIRWAN many years before I was elected to Congress through our work at the Democratic National Conventions.

The people of the city of Youngstown, the State of Ohio, and the Nation have lost a great public servant.

Mrs. Murphy joins me in extending our heartfelt sympathy to his wife, Alice, and their family.

Mr. FISHER. Mr. Chairman, this Congress and the entire Nation was saddened by the passing of MIKE KIRWAN. Few men in our time have made a more lasting impression on this body. He was a man of great ability, resourceful, energetic, courageous, and honorable in every respect. Above all, he was a man of principle, whose convictions were well known. He always commanded respect and was rated as one of the more influential Members of the House.

I recall hearing one Member once say: "MIKE always speaks with an affidavit voice." What he meant was that when our departed friend spoke the very tone and manner of his speech carried the touch of sincerity and truthfulness. It was recognized that he never engaged in idle talk just for the sake of having his words recorded. Indeed when he spoke out he did so because he had a message to deliver, and he did so with charm and conviction.

To me the loss of MIKE KIRWAN was the loss of a close personal friend. In the course of time I have spent many hours in his company. He had a philosophy all his own, and he always enjoyed reminiscing about his past experiences, both in and out of Congress. His vivid memory was always present, and he knew the history of his times as few men do.

MIKE KIRWAN will be missed. No longer will our legislative efforts have the benefit of his counsel and advice. The impact of his good works will be felt for generations to come. To the surviving family I extend my deepest sympathy in their bereavement.

Mr. MARSH. Mr. Chairman, many tributes have been paid to our late colleague, MIKE KIRWAN. Undoubtedly, there are many more that could be made by his countless friends.

Having served with him for nearly 6 years on the Appropriations Committee and on its Subcommittee for the Department of the Interior and Related Agencies, I had a number of opportunities to be with him in committee hearings. As many of my colleagues know, for years, MIKE chaired this particular subcommittee. His legislative triumphs and achievements through that committee service are legion. There are uncounted beneficiaries of his legislative action on that committee, which today is so ably led by the subcommittee chairman, JULIA HANSEN of Washington.

One of the things that impressed me about MIKE KIRWAN was his sense of history. He was a great admirer of Woodrow Wilson and apparently had not only followed closely the career of Wilson when he was President of the United States, but had studied historical evaluations of Wilson's Presidency.

In committee hearings on a number of occasions, I can recall MIKE bringing to the attention of a witness the contributions of Woodrow Wilson. He apparently admired Wilson both as an educated man and as a great educator. I have heard him stress many times the influence that Wilson had on public education in America. This aspect of Wilson's personality and career must have had a great impact on MIKE KIRWAN, and I think was often reflected in the thrust of legislative programs in which he had an interest.

He was a great advocate of a better educational program for Indian children. He argued strongly for broadening the educational opportunities available to our young children on Indian reservations that he felt were being neglected in an educational sense.

I think one of the great monuments of his legislative career will be the educational television system of American Samoa. This is a bold and innovative step that I think will be characterized as a pioneer effort in the entire field of educational television. The impact that this system has already had on Samoa is dramatic. This system is being observed by educators as a pilot model, not only for use in the underdeveloped areas of the world, but for use as a teaching technique in other educational systems.

It is my hope that in years to come, when people point to a better educational program on our Indian reservations, and the pioneer effort in education on American Samoa, they will remember MIKE KIRWAN.

Mrs. MINK. Mr. Chairman, I join in expressing my deep sorrow on the passing of the Honorable MICHAEL J. KIRWAN. He was a great American.

All of us in the House of Representatives are familiar with MIKE KIRWAN's outstanding record as a longtime public servant. As second-ranking majority member of the House Committee on Appropriations he played an extremely influential role in shaping our Government's policy in nearly every aspect of our activity. Through his service as chairman of the Subcommittee on Public Works, he was directly responsible for the proper and orderly growth and development of every section of our Nation.

As chairman of the Democratic National Congressional Committee, he served his party with dedication, honor, and immense achievement.

Yet the contribution of MIKE KIRWAN to his country and to his party far exceeds the accomplishments made through his high positions of leadership. More than this, MIKE KIRWAN's genuine affection and respect among the Members of this House were due to his tremendous personal warmth and friendship. He was a true friend whose word was honored and whose esteem was highly valued.

I personally have the highest regard for MIKE KIRWAN's dedication to the well-being of each and every one of us. I know that he sought to assure fair and equitable treatment of every Member regardless of rank or position. He had a tender heart for all of those with whom he came in contact, and always did his best to help in a spirit of true selfless service.

We will sorely miss MIKE KIRWAN's skill, expertise, and integrity. He brought a warmth to this House that will long be remembered, and I know that each of us is grateful for the opportunity to have known him and to have been associated with him.

It is with profound sorrow that we bid him goodbye. I express sincere condolences to Mrs. Kirwan and their family. Indeed, we all feel as though we have lost a family member with the passing of this kindhearted, wonderful gentleman, MIKE KIRWAN.

Mr. ASHBROOK. Mr. Chairman, it was with deep regret that I learned of the passing of Congressman MICHAEL KIRWAN, affectionately known to Members as "MIKE," on July 27 at Bethesda Naval Hospital after a long illness. Elected to the House of Representatives in 1936, MIKE won the confidence and support of his constituency and was returned to the House in each succeeding Congress. Originally from Pennsylvania, MIKE moved to Youngstown, Ohio, in 1907, served in the First World War and was later elected to the Youngstown City Council.

As the chairman for many years of the Appropriations Committee's Subcommittee on Public Works, he contributed greatly to the system of dams and reservoirs which were developed nationally over the years. Before beginning public service, he had traveled throughout the United States, working as a trainman, cowboy, and in the oil and wheat fields, experiences which no doubt gave him a great appreciation of the vast natural resources of our country which he was later to oversee as a Member of Congress.

A self-made man with a minimum of formal education, Mike Kirwan rose high in the ranks of the Democratic Party, but his devotion to his country overshadowed all and to it he gave first priority. To us on the other side of the aisle, it was implicit in our dealings with Mike that our national welfare was his foremost guideline as a Member of Congress.

As individual Members, we will miss the warmth and graciousness of his personality in addition to the pioneering spirit which exemplifies our American tradition and history. From the coal fields of Pennsylvania to a revered role in the House of Representatives, Michael Joseph Kirwan personified the personal initiative and dedication to duty which have made this Nation great.

I extend my sympathy to Mrs. Kirwan and members of his family for whom his full life of service and achievement must serve as a great source of consolation.

Mr. BETTS. Mr. Chairman, I am always saddened at the passing of a friend but particularly so with Mike Kirwan. He represented one of the ties that remained with my first days of service in Congress. I learned to know him then and always counted him among my favorite colleagues. He was an honest, forthright, and vigorous legislator. I admired him because of his deep commitment to our two-party system and its contribution to the greatness of our country.

As I look back on my association with him, I shall always cherish the opportunities which it gave to discuss with him a wide range of subjects including his own rich experiences.

I will miss him as a friend just as his family will miss him as a father and husband and as his country will miss him as a faithful public servant.

Mr. MONTGOMERY. Mr. Chairman, in the 4 short years it was my privilege to know our late and beloved colleague, Mike Kirwan, I knew him to be a most able legislator and a man of deep conviction. He was truly a man of many facets. He was proud of his country and would take to task those he believed did not hold its best interest at heart. Mike Kirwan was a man of firmness in the performance of his duties, but in his relationship to his fellow human beings he was a man who had an overabundance of kindness and understanding.

Like the other Members of the Congress, I will miss Mike Kirwan, especially enjoying the breakfast meal with him each morning. But at the same time I feel fortunate to have known him and had the benefit of his wise counsel.

Mr. CULVER. Mr. Chairman, the death of the Honorable Mike Kirwan is a great loss not only to this district and this House but also to our Nation. In his 34 years as a Member of the House of Representatives, Mike Kirwan's successful efforts on behalf of his constituents, his party, and his Nation were marked with an unending strength and determination and an almost unparalleled record of long-lasting and far reaching contributions to the security and dignity of the American people and the preservation and enhancement of their natural resources.

Throughout his life, he served as an example of one of the finest American traditions, a genuinely self-made man. First employed at the early age of 7 years in the Pennsylvania coal fields, he came to be one of the most influential and best informed Members of Congress despite his lack of formal education. By 1947, he became chairman of the Democratic National Congressional Committee and later assumed the responsibilities of the chairmanship of the Interior and the Public Works Subcommittees of the House Committee on Appropriations.

Without his years of service, our Nation would have been denied one of its greatest legislators and one of its most persuasive defenders of economic and social well being for the American people. We will long remain indebted to his monumental contributions.

No man has been more responsible than he for our country's expanded water resource development, including flood control, pollution control, water supply, power generation, navigation, irrigation and recreation. The literally thousands of public projects and facilities initiated and completed during his 15 years of service and leadership on the Public Works Subcommittee stand as a living testament to the unusual foresight and perseverance of Congressman Kirwan.

The Second Congressional District of Iowa is especially grateful for the compassion and understanding evidenced by Chairman Kirwan. In 1965, our district was struck with Mississippi River flooding of unprecedented severity and declared a major disaster area by the President. Innumerable individual citizens, farms and businesses were inflicted with incalculable damages and losses.

Under the leadership of Mr. Kirwan, we were able to enact new legislation to provide automatic implementation of disaster relief programs when such tragedies occur in the future and the funding of permanent flood protection, which is now underway in the Iowa cities of Dubuque, Clinton, and Guttenberg, was initiated.

I would like to take this opportunity to insert in the Record a tribute to Mr. Kirwan, which has been expressed by the city of Dubuque and which is shared by all of the residents of Iowa's Second District:

Resolution of Respect

Whereas, Michael Joseph Kirwan did spend his life in the public service of his community and country; and

Whereas, he was a Member of Congress of the United States, 19th District, Ohio, continuing from the Seventy-fifth Congress in 1937 until his death on 27 July 1970; and

Whereas, he became member and chairman of the House Public Works Appropriations Subcommittee, and in the exercise of office did act to prevent disaster from flooding of the Mississippi River, and with graciousness and continuous work did so serve the people of Dubuque, Iowa.

Be it therefore resolved, that the Mayor and City Council of the City of Dubuque, Iowa, on behalf of the citizens of this city, take note of the death of Michael Joseph Kirwan and, joined with the people of Ohio, do mourn his passing and honor his memory for service to this nation.

Adopted this 3rd day of August, 1970.

Donald R. Meyers,
Mayor.
Walter A. Pregler,
Wayne A. Moldenhauer,
Gaylord M. Couchman,
Joseph J. Bitter,
Councilmen.

The presence of Congressman Kirwan will be sorely missed in the Halls of Congress and by Americans throughout the country. My wife, Ann, and the residents of the Second District of Iowa join me in expressing our sympathy to the Kirwan family.

Mrs. HANSEN of Washington. Mr. Chairman, I join the many friends of the Honorable Michael J. Kirwan in expressing my deep sorrow on his death.

Mike Kirwan's life should be an inspiration to all Americans. He started from a humble beginning and achieved what many of us strive for as our ultimate goal—he won the love and respect of his fellow man, and he left this world a better place in which to live as a result of his energetic efforts.

Mike Kirwan had no secret formula for his success. His experiences as a young man brought him into firsthand contact with the land of this Nation and its people—he dearly loved them both. His varied experiences gave him the vision and foresight to see what America could be. He had one pet project—America, its people, its resources, and its lands.

When a hearing or meeting was about to break up, Mike Kirwan had a favorite phrase he would frequently use as he prepared to make his departure. He would say, "Well, I guess I'll put on the rabbit."

Our beloved colleague has "put on the rabbit" for the last time, but for those of us who knew him well and loved him dearly, the memory of the "gentleman from Ohio" will have a special place in our hearts for many years to come.

I extend my deepest sympathy to Mrs. Kirwan and the family.

Mr. JONES of Alabama. Mr. Chairman, the passing of our colleague Mike Kirwan will be felt throughout the entire Nation.

For years he was a knowledgeable, skilled, and forceful Member of the Congress. He served well the citizens who elected him and they recognized his endeavors with award of long tenure.

More than this, however, was his devotion to and service in behalf of all the citizens of this land. Mike Kirwan had a deep and abiding interest in the building of a stronger America.

He was able to advance that interest through his service on the Public Works Subcommittee of the House Appropriations Committee. In this post, he evidenced sincere concern for improvements throughout the United States. He traveled to many parts of the Nation to personally evaluate projects and proposals for projects.

Mike Kirwan's efforts in initiating many of the great and valuable water resource and waterway projects in this country merit him the lasting gratitude of all citizens who have and who will share in the benefits they provide. This work will be his most enduring remembrance.

Those who knew him throughout the land and understood his great desire to build a stronger Nation, regarded him with deep affection and mourn his passing. We will all miss him.

The esteem in which Mike Kirwan was held is indicated by an editorial in the Florence, Ala., Times. To share these thoughts with my colleagues, I include the comments as a part of my remarks at this point:

The Valley Loses A Friend

We were saddened the other day when news came across our desk that Congressman Michael J. Kirwan, Ohio Democrat, a 33-year veteran of the House of Representatives and chairman of the House Public Works Appropriations Subcommittee, died July 27 at Bethesda Naval Hospital in suburban Washington, D.C.

Not only did his subcommittee handle appropriations for all dams and Federal power projects in the Nation, but we were personally well acquainted with Congressman Kirwan and Mrs. Kirwan, and had broken bread with them several times.

We knew him well enough to understand and appreciate his philosophy of life and philosophy of government and recall one memorable evening when we had dinner with the Congressman and Mrs. Kirwan when he expounded these philosophies in considerable detail.

The Ohioan, who had come up the hard way with little formal education, is gone after 83 lusty years of living and 17 terms in the House of Representatives, but monuments to his work are scattered all over the 50 States.

This man from Youngstown occasionally told us that the United States was far behind other civilized societies and developed countries in the world in what it does for its people. He was a great believer in more development of resources and social legislation at home and less warfare abroad.

The Members of Congress and the American people will join us in extending sympathy to those he left behind. It is not likely that the Congress will see many Mike Kirwans in the future.

In our book, he was a truly great American.

Congressman Kirwan, who had been hospitalized for more than a year, was long influential in Democratic Party circles, having served many years as chairman of the Democratic Congressional Campaign Committee. He was the second ranking House member in seniority.

On his death, National Democratic Chairman Lawrence F. O'Brien paid tribute to Mr. Kirwan's record in the fields of conservation and outdoor recreation:

"His accomplishments in the environmental field—long before the issue became popular—will be his monument. National parks, dams, reservoirs and water conservation projects are in existence today because of his industry."

Mr. PRICE of Texas. Mr. Chairman, I was greatly saddened to learn of the passing of Congressman Michael J. Kirwan at the Bethesda Naval Hospital after a long illness.

For over three decades, Mike Kirwan represented the residents of the 19th District of Ohio with honor and distinction. And as long-time chairman of the Public Works Subcommittee of the House Appropriations Committee, he contributed great leadership and wisdom in the vital area of water conservation and control. As a result of his leadership, many once arid areas of this Nation have been turned into fertile breadbaskets.

Mr. Chairman, in a very significant sense, Mike Kirwan embodied the great American traditions of individual initiative and individual achievement. He was a self-made man who accomplished his goals with little benefit of formal education. His work experience, however, as a trainman, a cowboy, an oilfield worker, and a farmworker, provided him with a broad and sturdy foundation on which he developed his immutable faith in the fundamental soundness of democracy and the goodness of the American people.

Congressman Michael Kirwan possessed a rare blend of talents and abilities which he used to help the people and the land he loved so well. His person and his activities will long be remembered.

Mr. DULSKI. Mr. Chairman, the passing of our friend and colleague, the late Honorable Michael J. Kirwan, of Ohio, marks the end of an enviable career of public service.

I first met Mike Kirwan when I ran for Congress for the first time in 1958. He was stern and businesslike, but he also was helpful to the *n*th degree.

His cooperation and assistance in that first campaign continued into my service in Congress. He always was most helpful and generous in both information and assistance.

In those early years of mine in Congress, my home city was intensely concerned with the need for Federal assistance to make the Buffalo Harbor usable for St. Lawrence Seaway traffic.

As chairman of the House Public Works Appropriations Subcommittee, Mike Kirwan always was most sympathetic to our provincial problems in Buffalo. His was an exceedingly responsible and demanding chore in analyzing the endless requests for public works assistance and deciding the priority and allocation for projects.

There are many public works monuments to Mike Kirwan around the country, even though they do not carry his name.

Mike Kirwan's concern was for the public need. His is an outstanding record of achievement over the years. Our Nation is indeed a better one for his having passed our way.

Mr. PHILBIN. Mr. Speaker, the House, the Congress, the Nation, and very many of us in this body, and throughout the country, sustained a truly irreparable loss in the passing of our dear friend, Congressman Mike Kirwan.

First, our hearts go out with prayers and deepest sympathy to his devoted wife and family, and all his dear ones, in their very sorrowful bereavement.

I realize that any remarks we may make today about our dearly beloved friend and colleague, Mike, would be like carrying coals to Newcastle, since to know him was to respect and love him, and to speak his name reminds us of his warm, loyal friendship, and the many ways in which he lightened our burdens, his brilliant enduring contributions to the work of this House, to this Government and to this country, and the warming inspiration of his loyalty to us and to so many fine causes in the House.

Surely no district could have been more devotedly or effectively served in this Congress than the one in the great State of Ohio, which Mike represented for so many years in such an outstanding manner.

Speaking of Mike recalls many happy memories, for he was so unique in his own way, that to describe him, his characteristics, his ramifications, his wide interests, his loyalties, his devotion to his work and to his friends—all the many things that he has done to make America a better place to live, and to improve and strengthen the fiber of this country and its people, really defy description.

He never attended college—he never was highly educated in the formal sense—yet, he was endowed with such a sharp, keen mind, such a broad knowledge of human affairs and understanding of people and business and the economy, and all the manifold things going on in the country and in the world, and had such a keen memory, and quick mastery over subjects with which he was immediately concerned, that there was no lawyer or savant or college graduate or expert—whatever he might be, who could confound him, let alone prevail upon him to take back a single word, or retract one whit from his position.

He brought many measures to the House floor, and under his wise, capable leadership enacted all of them. He knew every phase of all bills and matters coming before his committee, and there was no question anyone could ask him about them that he could not answer.

He might not have answered them always to the satisfaction of his questioner, but one thing is certain; that if they were hostile questions, the questioner never forgot the response.

A wise, experienced leader of the Congress and a dear, valued friend has gone to his eternal reward. He will be greatly missed here in the House, where he has left an indelible impression of vigorous, dedicated public service to the rank and file of the American people and the security and well-being of this Nation.

Yes, the House will greatly miss him, and those of us who knew him so well for years, will especially miss him, and none of us could ever forget this hearty, alert, persevering leader and warm, loyal friend, whose personal color, dynamic leadership and devotion to his work and loyal friendship helped so much to make our service here pleasant, fruitful and memorable.

I extend my deepest sympathy to his gracious beloved wife and family, of whom he was so proud, and I join with them in mourning his irreparable loss. The House will never see his like again, but the peerless service, loyalty, and friendship of Mike Kirwan will long endure in this distinguished body and in the hearts and minds of all of us who served with him.

May our dear friend—patriot and champion of so many good causes, Mike

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KIRWAN, find rest and peace in his eternal home.

Mr. NATCHER. Mr. Speaker, we, in the House of Representatives, have suffered the loss of one of our finest and most beloved colleagues in the passing of the Honorable MICHAEL JOSEPH KIRWAN of Ohio.

The fact that he had been seriously ill for many months in no way minimizes the deep sense of loss and grief that permeates the Chamber because since his election to the House of Representatives in the 75th and each succeeding Congress, MIKE KIRWAN played such a vital role in our legislative deliberations and actions.

Since 1955 I have had the great pleasure and the honor of serving with my good friend, MICHAEL JOSEPH KIRWAN, on the Committee on Appropriations in the House. In his capacity as chairman of the Subcommittee on Public Works, for a great many years MIKE KIRWAN was known as "Mr. Public Works." This title was indeed well deserved because he was a tireless and great champion of the water resource development and progress of America.

Certainly he exerted every effort as a member of the Committee on Appropriations and especially as the chairman of the Public Works Subcommittee to see to it that our land is preserved. Moreover, long before we had pollution legislation, MIKE KIRWAN was making every effort to preserve this country's soil and water and through his untiring efforts our Soil Conservation Service has a much easier task in carrying out its functions.

In addition to his outstanding ability as a legislator, MIKE KIRWAN possessed a delightful sense of humor and his inherent kindness endeared him to all with whom he came in contact. He was a true Irishman in every sense of the word and I am sure there is full agreement that his love for his country and his Government was equally matched by his love for Ireland.

He was always a true friend of the new Members of Congress and sincerely believed that all sections of the United States are important and that under no circumstances should one section be placed in competition against the other.

Saddened though we are, certainly all of us who were privileged to enjoy the friendship of MIKE KIRWAN have many happy memories to sustain us in the loss of his presence on this floor, and likewise, his constant fair-mindedness and objective approach to the most challenging problems left such an impression on us, his colleagues, that this too, will serve as our guideline in the future.

Mr. Speaker, my heartfelt sympathy is with MIKE's family and it is my prayer that they will be comforted by an abundance of Divine assistance during these sad and difficult days.

Mr. GIAIMO. Mr. Speaker, with the passing of MIKE KIRWAN, we have lost a dear friend, a dedicated and distinguished colleague, a great American.

To list all his accomplishments or to recognize all of his friends would be a task far beyond my capabilities. There are few people in this land of ours who have not been helped in some way by MIKE KIRWAN. There are few major programs passed by Congress in the last 34 years that do not bear his mark.

As a colleague on the Appropriations Committee, MIKE was always knowledgeable, always practical, always fair. As chairman of the Democratic National Congressional Committee, his help was invaluable year after year.

Above all, however, MIKE KIRWAN was a man of the earth. He toiled in the mines; he drilled for oil; he cut wheat in the fields and trees in the forests. In doing so, he learned to love this land and all of its riches. He learned to deplore the tragic waste of God-given resources. When the time came for him to lead, he did not forget. He led this Nation to new frontiers of conservation and resource development. He was a pioneer. We are all in his debt because of it.

As a colleague and as a friend, I will miss MIKE KIRWAN. It was an honor to know him. I extend my deepest sympathy to his family.

Mr. FEIGHAN. Mr. Chairman, at this point I include several newspaper articles that tell of the fine work and character of our late beloved MICHAEL J. KIRWAN:

[From the Hubbard News, July 29, 1970]

19TH DISTRICT CONGRESSMAN: KIRWAN DIES AT 83, SERVED SINCE 1937

WASHINGTON.—Michael J. Kirwan, a member of Congress since 1937, was defeated for the first time in 34 years Monday when he died at the age of 83 in Bethesda Naval Medical Center.

Kirwan had been in poor health for several years and had been hospitalized since June, 1969 with a broken vertebra in the back suffered in a fall at the University Club where he lived while here.

The second oldest member of Congress, Kirwan was first elected in 1936 in President Franklin D. Roosevelt's landslide victory and was re-elected every two years thereafter. He had announced last year he would not seek re-election in 1970 with Democrat Charles J. Carney and Republican Margaret Dennison determining in November who will fill his post.

Kirwan had long maintained that his proudest accomplishments were his efforts in the fields of conservation and water projects, but his biggest single vote he said was one in favor of extending the draft just three months before Pearl Harbor. (It carried by only one vote.) Kirwan was also a strong supporter of the Fair Labor Standards Act which ended 5 and 10-cent hour labor in some parts of the country, the 40-hour work week law and the GI Bill of Rights.

Never too busy to spend time with residents of his district, Kirwan always remembered his humble beginning as a youth who had to quit school at an early age to help support his family. His political career started as Youngstown's 4th Ward Councilman in the early 1930's and he recalled receiving soup from a city kitchen in 1932.

"I watched strong men wrap frankfurters in their handkerchiefs to take home to their children and that was a sight I'll never forget," Kirwan would tell friends and reporters.

"Mike" didn't lose touch with his home area and his close contact with national leaders as well as his growing power and influence in Congress made him no different to those who knew him in earlier days.

He served as a sergeant in a machine gun company overseas during World War I and his first Youngstown job was with U.S. Steel's Ohio Works.

Kirwan toured the nation aboard Roosevelt's campaign train, crossed the country twice with President Harry Truman, campaigned by air with Democratic candidate Adlai Stevenson in 1956 and made a cross-country trip with President John F. Kennedy.

Three personal audiences with the late Pope Pius and meetings with the Queen of England and the King and Queen of Greece were conversation pieces for Kirwan who believed the average worker needed help from his government the most.

Kirwan cited Berlin, Mosquito and West Branch Reservoirs which he obtained for this area as vital factors in the district's economic well being and regretted throughout his public career that greater support was never available for his long-time dream—a Lake Erie to Ohio River canal.

Serving 11 terms as Chairman of the Democratic Congressional Campaign Committee, Kirwan was termed, "Mr. Democrat", by House Speaker John McCormack. Calling Kirwan, "one of the greatest Democrats of all time," McCormack noted their party was in control of the House for 18 of the 20 years during which Kirwan reigned as campaign chief.

He also was a diabetic and left the hospital infrequently to visit his Capitol Hill office.

Kirwan, born Dec. 2, 1886, was the seventh ranking member in House seniority. Only Rep. William L. Dawson, D-Ill., seven months Kirwan's senior, was older than him.

Kirwan represented Ohio's 19th congressional district, which included Youngstown (Trumbull and Mahoning counties) for 17 consecutive terms and was dean of the Ohio congressional delegation.

As chairman of the House Public Works Appropriations Subcommittee, Kirwan was responsible for approving the expenditure of federal funds for dams, reservoirs, harbors and flood control projects all over the nation. Many of them were considered by some to be necessary mainly to show what a particular member could do for his district.

Thus the "pork barrel" label, which Kirwan deplored.

Kirwan liked to argue that the water projects returned more in benefits than they cost. He called them "investments in America."

Also, as chairman of the Democratic Congressional Campaign Committee in the House, he was the man to see when a member needed campaign funds.

But despite his power, two of his favorite projects were never realized: The Ohio River-lake Erie Canal and a national aquarium in the District of Columbia.

The canal, termed "Mike's Big Ditch" by critics, was a principal reason why he came to Congress shortly after the depression. But, in the intervening years, economics and the declining demand for such a mode of commerce intervened and Congress killed the project in 1967.

He also was a member of the Joint Committee on the Reduction of Federal Expenditures.

He is survived by his widow, Alice; two sons; one daughter, and 21 grandchildren.

[From the Youngstown (Ohio) Vindicator, July 30, 1970]

SIX HUNDRED FILL CHURCH TO PAY TRIBUTE—PASTOR LAUDS KIRWAN'S PATRIOTISM

(By Pete Sheehan)

"Oh, how we could do with a massive emulation of Mike Kirwan's love of his country and pride in this great nation of ours," the Rt. Rev. Msgr. William P. Maxwell, pastor of St. Brendan Church, said this morning during funeral services for Rep. Michael J. Kirwan.

More than 600 persons filled the church—where the 83-year-old congressman worshiped more than half his life to pay final tribute to Youngstown's great political figure and join his family in prayer for him.

A Washington delegation of representatives and senators formed an honor guard at the church, standing on both sides of the main aisle as the casket, the family and mourners passed through.

The congressional delegation of 50 senators and representatives landed at Youngstown Municipal Airport at 9:15 a.m. aboard Air Force 2, the standby Boeing 707 plane for the President.

Representing President Nixon at the funeral was Richard Cook, a White House aide. Three generals and an admiral were on hand representing their respective branches of service. They are Brig. Gen. F. E. Haynes of the Marine Corps, Maj. Gen. L. B. Taylor of the Army, Lt. Gen. Duward Crow of the Air Force and Rear Adm. W. P. Gaddis of the Navy.

Close to 500 persons stood outside the church waiting for the procession under cloudy, threatening skies.

There were oldtimers who recalled when "Mike" came to Youngstown, there were World War I friends, those who worked with him at the Ohio Works, and on the railroad and there were those who knew him only by his deeds.

There were many children in the crowd which was quiet and respectful.

Neighbors on Glenellen Avenue stood on porches and leaned out of windows to watch.

Some of them remembered Mike quietly going back and forth to church over the years.

SULLIGAN LEADS GROUP

Mayor Jack C. Hunter and his party met the casket at the church door. Mr. Kirwan's grandchildren carried their grandfather to his final service at St. Brendan's.

Next came Jack Sulligan, Mahoning County Democratic chairman, heading a delegation of honorary pallbearers which included elected officials of Mahoning and Trumbull counties and leading citizens who were close to Kirwan.

After the honorary pallbearers entered, the mourners followed.

The congressman's widow, Mrs. Alice Kirwan, was escorted by her son, Michael J. Jr., of McMurray, Pa. and her daughter, Mrs. Mary Alice Vaughan of Washington. They were followed by Mrs. Kirwan Jr. and the son-in-law, Robert E. Vaughan.

Rep. Kirwan's last living brother and sister, John Kirwan and Mrs. Marguerite Zorzi, both of Wilkes-Barre, Pa., came next followed by Mrs. Roberta Messerly, Mr. Kirwan's administrative assistant during most of his career in Washington. She was accompanied by her nephew, William Donlin, also of Washington.

BLESSED CASKET

Msgr. Maxwell blessed the casket and led a procession up the aisle followed by Mrs. Kirwan, her children and their families and relatives and close friends.

The copper casket, made by the Youngstown Casket Co., was flown to Washington Monday night by the Fox Funeral Home. Mr. Kirwan died in Bethesda Naval Hospital early Monday after a long illness.

Members of the honor guard of government officials then took their seats in the church and Msgr. Maxwell, principal celebrant, began the concelebrated Mass. The Rt. Rev. Msgr. Andrew A. Prokop and the Rev. William H. Homan, former assistants at St. Brendan's were concelebrants.

Also in the sanctuary were the Rev. Edward G. Latch, chaplain of the House of Representatives, a Methodist; the Very Rev. Msgr. J. Paul O'Connor, chancellor of the Diocese of Youngstown, and the Very Rev. Msgr. William A. Hughes, episcopal vicar for education in the Youngstown Diocese.

Before giving his homily, Msgr. Maxwell read two telegrams sent by President Richard M. Nixon. The first telegram said that Cook was ordered to represent the President at the funeral.

The second telegram was addressed to Mrs. Kirwan. The President told Mrs. Kirwan that the congressman's death "brings sorrow to those he served so energetically. Mrs. Nixon and I send you and the members of your family our deepest sympathy."

In the telegram, the President also expressed the hope to Mrs. Kirwan that "Kirwan's accomplishments in Congress may be a source of strength and comfort to you and members of your family in the years to come."

In his homily, Msgr. Maxwell said Mr. Kirwan's difficulties and his triumphs should give inspiration and example to those whose way of life is hard.

LAUDS PERSONAL QUALITIES

"His sturdy qualities of truthfulness, honesty, human concern and foresight encourage and confirm the natural benefits of these qualities to all," the monsignor said.

"While Mr. Kirwan never challenged his audiences, when campaigning, to test his adroitness in chicanery, he did challenge them to watch his honesty. 'Watch me like a hawk' he would say. 'If you catch me taking a short cut, you're fools if you don't vote me out of office.'

"Perhaps we might say his scorn for the glamour side of government and his disdain for a 'phony' anywhere sprang from this deep sense of honesty.

"The list of his accomplishments is a long and varied one. For his own district, adjoining areas, in distant parts of the country, even in the Pacific Islands. Many of these measures received prompt backing because their need or usefulness was readily seen. Others, the importance of which he perceived clearly, were seen but slowly by his colleagues. Patience and determined perseverance finally won his goals in most cases.

"While I am deeply impressed by his constructive efforts to secure educational opportunities for American Indians and children in the far reaches of the Pacific, there is another instance of his concern that is amazing. Interested, somewhat by chance, in the need to wipe out a beetle that was destroying a vast timber area, he secured the money from Congress and saved a great amount of timber, sufficient in quantity to build more than a million five-room homes.

KEPT COMMON TOUCH

"Despite his contacts with people of note and distinction and his participation in events of tremendous importance he never lost the common touch. He enjoyed these contacts and his part in great affairs; he even showed a justifiable pride; yet he was essentially a simple and humble man. To one and all he was glad to answer to the friendly name of 'Mike.' And he judged a man by what he was, with a special warmth for the man he called 'Joe Doakes.'

"It has been said that he was a devout man because he made frequent use of the Rosary. I was delighted to learn that his attachment to this old-fashioned devotion was so well known. I understand how—as his fingers moved over the worn beads and he murmured through habit his Paters and Aves—he beheld vividly in his mind a review of some of the outstanding events in the life of Christ, from His birth to His death and resurrection.

"And along the way he watched the gracious concern of Jesus for His mother. Through this meditation he renewed his allegiance to his Lord, drew inspiration and courage, found strength to meet his own problems, and inspiration to continue his work for the good of mankind.

"I would not say he was devout because he said his Rosary, but rather he said his Rosary because he was devout. He did not wear his religion on his sleeve, as the saying is. He lived it. It was part of him; not something to be considered separately from himself. His concern for others, his idealism, his charity: these things were not some special features of the man; they were part of him, an external expression of his spirituality. Yes. I would say he was devout.

"Because he was a devout and humble man it was his wish to have his last earthly function in his parish church; in that church in which he had worshipped God for more than half his long life. Here with his family, in the midst of his neighbors, with his friends from near and far gathered round, he wanted to lay down his earthly labors and enter into the joy of the Lord.

"He was a good parishioner. While regular in his attendance at church, he was in no way ostentatious. He received the Sacraments and participated to the extent he could in the activities of the parish. He was not one to interfere, to be critical or demanding; and yet, on occasion, he made kindly, interested and helpful suggestions. In the 25 years I have known him, he has never refused a request made of him from the parish, whether it was of his time, of his presence, or of his purse.

"His name and achievements will be long remembered. He goes now to receive his reward for a life of service to his family and to his fellowmen and for a life of faithful love of his Creator. In the light of glory, in the very presence of God, he will experience that 'eye hath not seen, nor ear heard, nor entered into the heart of many, the things God has prepared for those that love Him.'

"Into that glorious realm our thoughts and our prayers go with him. And before the throne of the Most High God he will continue to represent us—to put in a prayerful word for all of us," Msgr. Maxwell concluded.

[From the Youngstown (Ohio) Vindicator, July 28, 1970]

HOUSE TO MARK DEATH OF KIRWAN—NIXON, LBJ PAY TRIBUTES

President Nixon, former President Lyndon B. Johnson and the House of Representatives paid tribute Monday to an old friend, Youngstown's Michael J. Kirwan, a member of the House since 1937.

An unusually large list is being assembled of members of both houses of Congress and both political parties who plan to make a special flight here Thursday for the funeral at 10:30 a.m. in St. Brendan Church.

President Nixon, in San Clemente, Calif., said, "The death of Rep. Michael J. Kirwan is a loss to Congress, to the nation and to me personally. I join his many friends in sorrow at his passing, and in respect for his memory and for his long record of service to the nation. Mrs. Nixon joins me in expressing deep sympathy to Mrs. Kirwan and members of the family."

LBJ'S TRIBUTE

Former President Johnson said, "In times that demand the best, he always gave it. The nation has lost a stalwart public servant and the halls of Congress lost an outstanding legislator.

"Mike Kirwan's death brings to a close a long and remarkable record of service in the House of Representatives. His role in our country's affairs has been marked by distinction and by selfless dedication.

"We were classmates in the 75th Congress and I have cherished his friendship in all the years that have since passed. Mrs. Johnson and I mourn his passing and we extend our heartfelt sympathy to his family."

REP. FEIGHAN'S MESSAGE

The duty of informing the House of Representatives officially as it convened yesterday fell to Rep. Michael A. Feighan of Cleveland. With the death of Mr. Kirwan, he becomes the senior member of the Ohio delegation.

Feighan moved a quickly accepted resolution that at the conclusion of the day's business—a complex debate over changes in the organization of Congress—the House recess in respect to Mr. Kirwan. It set Aug. 4 as the day when all members could express their sorrow.

Rep. Wayne Hays of Flushing later interrupted the debate to inform the House of funeral arrangements.

Meanwhile, the 50 surviving colleagues of Mr. Kirwan on the House Appropriations Committee adopted a memorial resolution honoring the Ohioan's 28 years' service on the committee.

"One of the most devoted, respected and beloved members ever to serve in the House," the tribute said, Mr. Kirwan was one who early recognized "the serious neglect of the precious and priceless natural resources of our nation and became a legislative champion of conservation with an unexcelled dedication of the protection, preservation and development of these resources."

HOUSE COMMITTEE

It said Mr. Kirwan was "a deeply religious man, prideful of his humble beginnings and epitomizing what Emerson had in mind when he said that America was but another name of opportunity."

It also praised his efforts on behalf of adequate treatment of American Indians, the enhancement of the National Park System, wildlife resources and the public lands of the West.

Mr. Kirwan's death deprives the Ohio 19th Congressional District of a vote in the House—in company with three other districts with vacancies—until a successor is chosen.

Mr. Kirwan's office, however, will remain open to handle inquiries from constituents and other matters to provide continuous service for citizens of the Youngstown-Warren area.

RHODES STATEMENT

In Columbus, Gov. James A. Rhodes said, "Ohio will miss Rep. Kirwan's strong voice on the House Appropriations Committee, particularly as chairman of its Subcommittee on Public Works."

Sen. Charles J. Carney, reached at the Ohio Senate in Columbus, where he is minority leader, said "I am deeply saddened by the passing of Congressman Kirwan. He will be sorely missed by his district, state and nation. Mike Kirwan was a man of great common sense and a wonderful capacity for friendship. Last week while in Washington, House speaker John McCormack told me that no man in Congress had more friends than Mike Kirwan. I extend my deepest sympathy to his wife and family." * * *

[From the Warren (Ohio) Tribune Cronicle, July 30, 1970]

SERVICE HELD IN YOUNGSTOWN—LEADERS HONOR KIRWAN

YOUNGSTOWN.—The largest group of congressmen and national and state leaders ever to converge on this area attended last rites here today for 19th District Congressman Michael J. Kirwan, 83, of Youngstown, one of the most powerful and influential members of the U.S. Congress.

Fifty-four members of Congress arrived at Youngstown Air Base at 9:15 a.m. today aboard a Presidential jet, U.S. Air Force 2. They had flown in from Andrews Air Force Base.

Heading the delegation were House Majority Leader Carl Albert of Oklahoma, expected to become speaker next year, and his GOP counterpart, Rep. Gerald R. Ford of Michigan.

Solemn services for Mr. Kirwan, who died early Monday in Bethesda Naval Hospital, Bethesda, Maryland, were held at 10:30 a.m. at St. Brendan's Church.

The Rt. Rev. William P. Maxwell, dean of the Mahoning County Catholic clergy and pastor of St. Brendan's, officiated at the final rites and burial was in the Kirwan family plot in Calvary Cemetery.

Under cloudy skies, hundreds of mourners, ranging from the local laborers to high national officials, paid their last respects to Rep. Kirwan.

Also attending the funeral services were top Democratic party officials, a representative of President Nixon, and many state officials and local dignitaries.

Father Maxwell eulogized Kirwan as being "a simple humble man . . . with the common touch."

He said the late congressman will long be remembered for "his truthfulness, honesty, human concern and foresight."

Mrs. Alice Kirwan, the late congressman's wife, was composed and sober throughout the funeral this morning and was close to her three children: Michael Jr., John and Mary. The 20 Kirwan grandchildren served as honorary pallbearers.

CHURCH CROWDED

The church was crowded far beyond its 600 seating capacity and outside hundreds more stood waiting for a glimpse of the casket.

Representing President Nixon was Richard Cook, special assistant to the president. In a telegram from the California White House, Nixon expressed sincere condolences to the Kirwan family and said the death of the congressman "deprived the nation of one of its most articulate public servants."

Msgr. Maxwell in his eulogy said "There is universal agreement that Kirwan's life had been highly successful and others would do well to follow his example."

He cited Kirwan's love of country and patriotism as one of his greatest attributes which endeared him to the people. Msgr. Maxwell said the two most notable accomplishments of the late congressman were his "constructive effort" to see that educational opportunities were given to all the people, and his fight to save the environment.

CITES KIRWAN'S GREATNESS

He continued to cite Kirwan's greatness as being evidenced by the "large number of distinguished persons attending the service here today."

Referring to Kirwan's "common touch" with the people the monsignor said Kirwan's humbleness was shown by the fact that to "one and all" he was happy to answer to "Mike."

Among the dignitaries attending the funeral were Lawrence O'Brien, national Democrat party chairman; Rep. Carl Albert, leading the congressional delegation; Youngstown Mayor Jack Hunter leading a large contingent of Youngstown dignitaries; State Sen. Charles J. Carney and Mrs. Margaret Dennison, respective Democrat and Republican candidates in the general election to succeed Kirwan in his 19th district congressional seat; Congressman Robert Taft Jr., Howard Metzenbaum, John J. Gilligan, and representatives of each branch of the Armed Services and labor leaders from throughout the Mahoning Valley.

Several thousand persons visited the Fox Funeral Home here yesterday to pay their respects to the family. On Tuesday, more than 450 attended calling hours at the funeral home.

Members of the congressional delegation were invited by William Cafaro, developer of the Eastwood Mall, to have lunch at Cherry's at the Mall before returning to Washington.

Members of the House Appropriations Committee who were scheduled to attend the services were: Jamie L. Whitten, D-Miss., who succeeds Kirwan as ranking Democrat; John J. Rooney, D-N.Y.; Robert L. F. Sikes, D-Fla.; Joe L. Evins, D-Tenn.; Daniel J. Flood, D-Pa.; Tom Steed, D-Okla.; Mrs. Julia Butler Hansen, D-Wash.; Rep. Joseph P. Addabbo, D-N.Y.; Edward P. Boland, D-Mass., and two Ohio Republicans, Frank T. Bow and William E. Minshall.

Besides Mahon, four committee chairmen were to attend: L. Mendel Rivers, D-S.C., of Armed Services; John McMillian, D-S.C., of the District of Columbia Committee; Thomas E. Morgan, D-Pa., of Foreign Affairs, and George P. Miller, D-Calif., of Science and Astronautics.

Other members of the Ohio delegation are senatorial nominee Robert Taft Jr., Donald D. Clancy, Charles W. Whalen Jr., William M. McCulloch, Delbert L. Latta, William H. Harsha, Clarence J. Brown, Jackson E. Betts, Clarence E. Miller, J. William Stanton, Samuel L. Devine, Charles A. Mosher, William H. Ayres, Chalmers P. Wylie, John W. Ashbrook, and Donald E. Lukens, all Republicans, and Thomas L. Ashley, Wayne L. Hays, Michael A. Feighan, Louis Stokes and Charles A. Vanik, all Democrats.

Others who planned to attend were House Majority Whip Hale Boggs, D-La.; Thomas G. Abernethy, D-Miss.; Ray J. Madden, D-Ind.; Philip J. Philbin, D-Mass.; Melvin Price, D-Ill.; James J. Delaney, D-N.Y.; John C. Kluczynski, D-Ill.; Ed Edmondson, D-Okla.; Thomas P. O'Neill Jr., D-Mass.; John J. Rhode, R-Ariz.; John J. Flynt Jr., D-Ga.; Mrs. Martha W. Griffiths, D-Mich.; John J. McFall, D-Calif.; Tom Casey, D-Texas, and Neal Smith, D-Iowa.

[From the Youngstown Vindicator, July 31, 1970]

BURIAL SERVICES ARE HELD AT CALVARY

(By Pete Sheehan)

U.S. Rep. Michael J. Kirwan who lived most of his life on Youngstown's West Side was laid to rest beneath the shade of beautiful towering trees at Calvary Cemetery Thursday afternoon.

His grave, first in the family plot, is near the S. Belle Vista Avenue entrance in a section opened 15 years ago, about seven blocks from his long-time home on S. Hazelwood Avenue.

Hundreds of persons were waiting at the cemetery when the funeral procession arrived from St. Brendan Church, where hundreds more had attended services for the 83-year-old political great.

Rain threatened during the graveside service but held off until most people were back in their cars, ready to leave.

WILL EULOGIZE KIRWAN

Next Tuesday morning a memorial Mass will be offered in Washington and members of Congress will attend. At 4 p.m. Tuesday members of the House of Representatives will make statements for the Congressional Record eulogizing the veteran of 17 terms.

The Rt. Rev. Msgr. William P. Maxwell, Mr. Kirwan's pastor, conducted the brief graveside service. He and the Rt. Rev. Msgr. Andrew A. Prokop and the Rev. William H. Hohman concelebrants of the Mass, blessed the casket. With them was the Rev. Edward G. Latch, Methodist minister and chaplain of the U.S. House of Representatives in Washington.

Following the services, each member of the Washington delegation of representatives, senators and political leaders expressed his sympathy to Mrs. Alice Kirwan, widow of the congressman, his son, Michael Jr., and his wife of McMurray, Pa., and daughter and her husband Mr. and Mrs. Robert Vaughan of Washington, and Mrs. Roberta Messerly, his administrative assistant of many years.

The 45-member Washington delegation was about 20 members short of expectations because many were unable to attend at the last minute. Former Vice President Hubert H. Humphrey also could not make the funeral.

TRIBUTE FROM OLD FRIEND

One of Mrs. Kirwan's oldest friends, James Law of Wilkes-Barre, Pa., paid the congressman a tribute when he said, "Mike never forgot his old friends back home. He looked forward to seeing us and we always waited

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for his visits." Mr. Law is retired postmaster at Wilkes-Barre.

Mr. Kirwan received nearly 125 floral tributes at the Fox Funeral Home, filling the area around the casket and other rooms. Among the notables sending flowers were James J. Farley, John J. Gilligan, U.S. Sen. and Mrs. Edward M. (Ted) Kennedy, Speaker of the House and Mrs. John J. McCormack, Lawrence F. O'Brien, Gov. and Mrs. John B. Williams of Mississippi and U.S. District Judge and Mrs. Frank J. Battisti. Gov. Williams attended the service.

Most of the flowers were sent to Assumption Nursing Home.

WILKINS SENDS CONDOLENCES

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, sent condolences to Mrs. Kirwan. He said, "The National Association for the Advancement of Colored People is grieved by the death of your beloved husband. We regarded him as a friend as we struggled to make freedom ring for America's Negro citizens. His civil rights record reflected the genuine concern that he had for all racial minorities. We who will carry on the fight for justice will sorely miss your husband's steady support of our cause. To you and your family go our deepest sympathy."

Mr. Kirwan received an honorary doctorate of law from Central State a few years ago.

Wallace Geuss was in charge of music at the Mass and was soloist. He sang "Panis Angelicus" during Communion.

Area funeral directors furnished their automobiles and drivers to help the Fox Funeral Home take the visiting dignitaries from the airport to the church, the cemetery and back to the airport.

[From the Tribune Chronicle, July 28, 1970]

NIXON, JOHNSON PAY TRIBUTE TO KIRWAN

President Richard M. Nixon and former President Lyndon B. Johnson today paid tribute to 19th District Congressman Michael J. Kirwan, 83, of Youngstown, who died early yesterday at Bethesda Naval Hospital, Bethesda, Md.

The body of Congressman Kirwan, who rose from a coal mining job to become one of the most powerful and influential members of the U.S. Congress, was scheduled to be flown back to Youngstown today for funeral services on Thursday.

CITE "GREAT LOSS"

Besides President Nixon and Johnson, hundreds of other governmental leaders and friends issued statements calling the congressman's death a "great loss" to the nation.

Congressman John McCormack, speaker of the House and a close friend of Mr. Kirwan, announced plans to lead a Congressional delegation to the funeral services Thursday at 10:30 a.m. at St. Brendan's Catholic Church, Youngstown. The Fox Funeral Home, Youngstown, is handling arrangements and there will be calling hours tonight from 8 to 9 and Wednesday from 2 to 4 and 7 to 9 p.m. Burial will be in Calvary Cemetery.

BODY FLOWN HERE

Rep. Kirwan's body was scheduled to be taken from Bethesda Hospital and flown by Air Force jet to Youngstown Municipal Airport at noon today. Mrs. Kirwan is accompanying the body.

President Nixon, who plans to send a yet unannounced representative to the funeral, said in San Clemente, Calif.: "This death of Rep. Michael J. Kirwan was a loss to the Congress, to the nation, and to me personally. I join his many other friends in sorrow at his passing, and in respect for his memory and for his long record of service to the nation."

Former President Johnson, a personal friend of Mr. Kirwan, said in Johnson City, Tex., that "the nation lost a stalwart public servant and the halls of Congress lost an outstanding legislator. Mike Kirwan's death brings to a close a long and remarkable record of service in the House of Representatives."

TRUE LEADER

Democratic National Chairman Lawrence F. O'Brien called Rep. Kirwan a true leader and said, "His accomplishments in the environmental field—long before that issue became popular—will be his monument."

O'Brien added: "National parks, dams, reservoirs and water conservation projects are in existence today as a result of his industry."

Rep. Kirwan was the seventh ranking member of the House and was second ranking member of the House Appropriations Committee. He was chairman of the subcommittee on public works appropriations. He had served the 19th District for 17 consecutive terms. His term expires Jan. 1 and he did not seek re-election this year.

The U.S. Flag over the capitol in Washington, D.C., is being flown at half staff in his honor and flags have been lowered across the 19th District until after the funeral.

MUST SET ELECTION

Gov. James A. Rhodes, who led state officials in issuing his condolences to the Kirwan family, is expected to issue a writ of election within a few weeks setting a special primary and special election to choose someone to serve out Rep. Kirwan's unexpired tem.

The governor is mandated by law to set the elections. He is expected to set the primary for September and the election to run concurrent with the Nov. 3 general election.

The primary must be held at least 15 days before the special election.

Candidates would have until 10 days before the primary to file petitions. Both Margaret Dennison, the Republican candidate for the full two-year Congressional term, and her Democrat opponent Ohio Sen. Charles Carney, have announced plans to seek the unexpired term.

The individual elected to the unexpired term will serve from Nov. 4 to Jan. 1, when the individual (possibly the same person), elected in the regular Congressional contest, will assume the office for the next two years.

FLAGS LOWERED HERE FOR KIRWAN

Trumbull County commissioners late yesterday had the U.S. flags at the County Administration Building and the Court House lowered to half mast in honor of the late 19th District Cong. Michael J. Kirwan, who died yesterday.

Commissioners indicated that a formal resolution paying tribute to Rep. Kirwan's years of service to the people of the district will be adopted at their regular Thursday session.

The flags will be at half staff until Kirwan's funeral on Thursday.

Flags at the City Hall and the Post Office here also are at half staff until after the funeral.

[From the Youngstown Vindicator, July 27, 1970]

MAYOR LAUDS KIRWAN FOR LONG SERVICE

Michael J. Kirwan never forgot his friends and constituents in Youngstown and today he was hailed by Democrats and Republicans, labor and business alike, for his many accomplishments for the Mahoning Valley.

Mayor Jack C. Hunter said, "On behalf of the citizens of Youngstown, and the administration I wish to offer condolences to Mrs. Kirwan, and the Kirwan family. Congressman Kirwan will be missed by all. He has served the 19th District long and well. He was always a model to all who served in public life."

William L. Spencer, president of the Youngstown Area Chamber of Commerce said, "The business community generally regrets the passing of Congressman Kirwan. His contribution to the community and to conservation particularly throughout the nation, have been very much appreciated. As a congressman and as a Youngstown area citizen, he will be greatly missed."

Frank Leseganich, director of District 26, United Steelworkers of America, said "On behalf of District 26, United Steelworkers of America, representing some 60,000 members I express our deepest sympathy on the loss of a sincere and loyal friend of labor. The years of service of Mike Kirwan and the administration of his office will ever be synonymous with the growth and progress of our valley."

John J. Gilligan of Cincinnati, Democratic candidate for governor who served in Congress with Kirwan in 1965 and 1966. "I join the people of Ohio and of the nation today in mourning the death of my good friend Congressman Michael J. Kirwan. Congressman Kirwan served the people of his district and the people of the United States long and well. All of us who were touched by his life and his work are diminished by his passing."

Margaret Dennison, Republican candidate for the 19th District seat, said, "The passing of Congressman Michael J. Kirwan marks the end of an era in the history of the Mahoning Valley."

"As state representative I had the occasion to refer many cases to his congressional office and these were always handled in the best interest of our mutual constituents regardless of political consideration.

"Four great reservoirs stand as a lasting monument to the concern of Mr. Kirwan for the long range prosperity of this region which can be guaranteed only by adequate supplies of water.

"His name should forever be remembered in this valley. I extend my sympathy to the family and staff of Mr. Kirwan."

Former Mayor Anthony B. Flask said "Mr. Kirwan in my humble opinion was the true example of the opportunities of America—from a humble beginning to one of the highest places in our government. He was a great asset to our community and his country. His loss not only to this district, his state and his nation creates a void which shall take years to fill. Mike was the typical American. We sincerely send our sympathy and regrets to his family and his many, many friends in America."

[From the Youngstown Vindicator, July 27, 1970]

COLLEAGUES PRAISE KIRWAN

House leaders of both parties who had known Rep. Michael J. Kirwan during much of his long congressional term joined in paying tribute to his career today.

Minority Leader Gerald R. Ford of Michigan said "Mike Kirwan will be sorely missed in the Congress. He and I served together on the House Appropriation Committee * * * individual and an outstanding legislator.

END OF SUCCESS STORY

Democratic National Chairman Lawrence F. O'Brien said one of the great success stories ended today with the death of Mike Kirwan. He was born in poverty, worked in the mines and on the railroads, then went to Congress where the people kept him for 17 consecutive terms.

"In Washington his legislative and political contributions were countless. His accomplishments in the environmental field will be his monument. National parks, dams, reservoirs and water conservation projects are in existence today as a result of his industry.

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The plight of the American Indians became Mike Kirwan's special concern."

O'Brien said Kirwan's record as a politician speaks for itself, noting that since he became chairman of the Democratic Congressional Campaign committee in 1947 the Democrats lost control of the House only once.

"MOST REMARKABLE MAN"

Majority Leader Carl Albert of Oklahoma, conceded to be the next speaker if the Democrats win the November elections, said that in many ways Kirwan was "the most remarkable man I have ever known. Almost literally self-educated, born in poverty and grown in poverty, Kirwan never forgot the American dream." He said that as chairman of the campaign committee "the Ohioan has become almost irreplaceable."

Dillon Ripley, secretary of the Smithsonian Institution, praised Kirwan's efforts on behalf of the nation's largest complex of museums and laboratories since becoming a member of the board of regents in 1962. Besides helping provide the appropriations to finance extensive expansion of the Smithsonian's facilities, he was responsible for having the museum remain open evenings during the tourist season.

LAUDED BY BOW

Rep. Frank T. Bow from the neighboring 16th District, ranking Republican on the Appropriations Committee, said, "Although we had opposite political views on many subjects, we've been able to work together for the good of our area. He was a great power here in the House and will be missed. I consider Mike Kirwan a great American, a fine legislator and a very devout Christian gentleman."

The committee chairman, Rep. George Mahon of Texas, who was first elected only two years before Kirwan, said "People respected him, they didn't have to guess where he stood.

"He didn't have Shakespearean polish in his language but he had a heart of gold and he got his message over."

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WAS STABILIZING FORCE

Mahon described Mr. Kirwan as a stabilizing force on the 51-man committee and a dedicated advocate of the preservation of the environment and development of American resources.

Mahon added that Rep. Kirwan "fought a valiant unbelievable battle against the illnesses which struck him a year ago."

Rep. Kirwan's counterpart as chairman of the Senate Public Works Appropriation Subcommittee, Sen. Allen J. Ellender, D-La., said "Mike Kiran and I shared the concern for protecting and preserving our nation's water resources and I know his loss will be great both to the Congress and the people of his district."

Rep. James Whitten, D-Miss., who replaces Mr. Kirwan as ranking member of the Appropriations Committee, said, "Mike Kirwan was a farsighted man who did more than any 50 men to provide for the future of all of us. Luckily, there are literally thousands of monuments in the form of public works which will stand in his memory."

NEVER FORGOT ORIGIN

Rep. Thomas P. O'Neill Jr., D-Mass., number two man on the Democratic congressional campaign committee which Mr. Kirwan headed since 1947, said "Mike never forgot his origin nor the oppression of poverty and he was determined to see that every American could partake of the American dream. He will be sorely missed by his friends and colleagues. We will all miss his leadership and I will miss his warm friendship."

While tributes to Mr. Kirwan have been frequent through the years, just a month ago (June 24) praise for the veteran congressman was entered in the Record by more than a dozen colleagues of the appropriations public works subcommittee, which he served as chairman.

The occasion was the House passage of the $5,242,556,000 public works appropriation measure, the result of his leadership.

Among the tributes then from members of the House of Representatives including those on the committee who carried on Kirwan's responsibilities during his illness were:

Rep. Joe L. Evins of Tennessee: "We miss his great leadership and commitment for progress through internal improvements—the great force of his leadership for growth and development of our nation."

Rep. Edward P. Poland of Massachusetts: "His diamond-rough and unique personality have left their marks into perpetuity on the face of our nation."

Rep. John Rhodes of Arizona: "Certainly the members of this side of the aisle have as much regard for Mike Kirwan as do members on the other side. We thank him for the great services he has rendered to the House of Representatives and to our country in his great career as a member of this body."

Rep. Don H. Clausen of California: "He will always be recognized as a great builder of projects which have certainly been worthwhile."

Mrs. Martha Griffiths of Michigan: "America is the lesser because this man is not here today to help us out."

Byron G. Rogers of Colorado: "He has always been a man one can go to, one who understood the problem, who was sympathetic with the problem, who knew we had to continue to preserve the natural resources of this country."

CITES KIRWAN'S LEADERSHIP

Ed Edmondson of Oklahoma: "We are going to miss Mike Kirwan in the 92nd Congress and in the Congresses to follow. No one has surpassed him in either leadership or statesmanship in the advancement of this cause."

George Andrews of Alabama: "This was really Mike's bill, because this is the bill that makes America the beautiful."

Ben Reifel of South Dakota: "America is a far better land because Mike looked out for it."

[From the Youngstown Vindicator, July 27, 1970]

CONGRESSMAN KIRWAN DIES AT 83; SERVED DISTRICT SINCE 1937

Rep. Michael J. Kirwan, 83, of 236 S. Hazelwood Ave., the 19th Congressional District's voice in Washington since 1937 and seventh ranking member of the House of Representatives in seniority, died at 12:45 a.m. today in Bethesda Naval Hospital. He had been in the hospital since May 6, 1969, after falling at the University Club, where he resided, and breaking a vertebra.

Speaker of the House John McCormack was scheduled to officially announce Mr. Kirwan's death at today's brief session of the House, appoint an official delegation to attend the funeral in Youngstown, probably Thursday.

Other delegations from the congressional leadership and Appropriations Committee also will attend as will a representative of President Nixon.

The business of Mr. Kirwan's office in the Rayburn Building will continue until a successor is certified through a special election. Mrs. Robert A. Messerly, his executive assistant for many years, is in charge.

DIED OF COMPLICATIONS

Aides said Mr. Kirwan's death was due to complications from the fall. He had been unable to be in his office regularly but had kept up with current events and the business before Congress. Last March 11 he received a surprise visit in the hospital from President Nixon.

Youngstowners in Washington recently were told he was weakening and his condition was getting worse. His wife, Mrs. Alice Kirwan, a granddaughter, Maria Owens and a few close aides were with him when he died. He had been in a wheel chair earlier Sunday and appeared in good spirits. Relatives were called to the hospital about 11 p.m.

Flags on all government buildings in the nation's capital will be at half staff for three days.

Flags on all city and county buildings in the 19th District also will fly at half staff until the day after his funeral.

Considered one of the top leaders in the Democratic party for a generation, Mr. Kirwan was widely known all across the country as chairman of the Public Works Subcommittee of the House Appropriations Committee. He was the second ranking member of the Appropriations Committee.

Although Mr. Kirwan had had a diabetic condition for several years, he retained relatively good health until he fell. He campaigned here in the fall of 1968 and as the new Congress opened, he was in the Capitol performing his duties. He was re-elected chairman of the Democratic National Congressional Campaign Committee and a trustee of the Smithsonian Institution.

He had been at Bethesda Naval Hospital with an electric pacer on his heart, but seemed to respond well.

In history, Mr. Kirwan will be remembered for the part he played in sustaining the nation's defense stance before the outbreak of World War II; his work for conservation all over the country, including Mosquito, West Branch, Shenango and Berlin reservoirs in the Youngstown district; his aid for education of reservation Indians and for school facilities in American Samoa and Pacific mandated islands.

In the Democratic party, he served as chairman of the National Congressional Campaign Committee longer than any other man, and was the first northerner to hold the office. Mr. Kirwan's party leadership brought him into close contact with Presidents Truman, Kennedy and Johnson.

Mr. Kirwan was born Dec. 2, 1886 in Plains, Pa., a suburb of Wilkes-Barre, a son of John and Mary Duddy Kirwan. His father, a hard-coal miner, died at an early age of "miner's asthma" from the black dust.

Michael was the third in a family of 10 children, and managed only three years of formal education in the Plainsville four-room school. At the age of 7 he began work as a breaker boy.

Joining the mine workers' union as a boy, he was fleet of foot and for a time was a runner or messenger when strike trouble beset the hard coal region, and the operators and union staged almost open war.

Mr. Kirwan met Miss Alice Kane of Wilkes-Barre in 1912 and corresponded with her during World War I, when he served in France as a sergeant in the 348th Machine Gun Company. They were married Sept. 15, 1920—shortly after he located permanently in Youngstown.

Mr. Kirwan leaves his wife; two sons, Michael J. Jr. of McMurray, Pa., and John of Honolulu; a daughter, Mrs. Mary Alice Vaughan of Washington; a brother, John; and a sister, Mrs. Marguerite Zorzi of Wilkes-Barre; and 20 grandchildren.

LEFT MINING AT 16: ROAMED UNITED STATES DOING VARIETY OF JOBS

His early life had been spent roving about the country, working for railroads and employed in many occupations, even wheat harvesting.

Mr. Kirwan left the mines when he was 16.

He took a job at $1.25 a day in a lace mill, but soon left to rove over the country for three years.

He worked for the Pennsylvania Railroad Co. and in other fields. Working in Duquesne, Pa., he was walking about one Sunday and couldn't see a tree like those in his native Wilkes-Barre, at the foot of the Pocono Mountains, and near the banks of the Susquehanna River. He decided to leave such a barren place, and walked to McKees Rocks, and took a P.&L.E. train to Youngstown, arriving July 4, 1907. He went to work at the Ohio Works, but two years later went roaming, from Chicago to California, where he worked for a time tearing down buildings damaged in the earthquake. Later he worked and boarded in a house in what is now part of Los Angeles metropolitan center.

WORKED IN CALIFORNIA

In Los Angeles, Mr. Kirwan worked on the McHolland Aqueduct, and for short stretches at a power plant in Redlands, Calif., and as a brakeman on the Southern Pacific out of Bakersfield. In an oil field near Bakersfield, he earned $2 an hour in building a pool with sacks to contain the flow of a new 35,000-barrel well.

Before returning to Youngstown in 1911, he worked in lumber camps and cut wheat in Oklahoma and Texas.

Back at the Ohio Works, he was a railroader in 1911 and 1912. Beginning in 1912 he worked the winter months in Youngstown and the summer months for the Pennsylvania Railroad and the Lehigh Valley out of Atlantic City. He returned to Youngstown in 1916, was drafted into the Army in 1917, entering as a replacement in the 64th Artillery of the regular Army, composed of Ohioans.

After training at New Orleans, the unit left for France, four months after the United States entered the war.

Back here after the war, Mr. Kirwan returned to the Ohio Works. During the depression, his interest turned to politics, and he was elected 4th Ward councilman in 1931. Giving virtually full time to the job, he developed a record of public service.

The congressman was fond of recalling the advice of a Vindicator city hall reporter, Irving L. Mansell (now managing editor) when he entered city council, Mansell, he said, told him not to speak in his first term, but to listen. Becoming chairman of the council finance committee, he wielded an important influence in city politics for four years.

Beat Veteran Republican for Congress Seat in '36

In 1935 he entered the race for mayor but withdrew. A year later, he won the Democratic nomination for 19th District Congressman against eight rivals. The district then included three counties, Mahoning, Trumbull and Ashtabula. Mr. Kirwan was supported by the Townsend plan group, then regarded as radical.

In November, 1936, Kirwan won over Rep. John G. Cooper, Republican, who had served for 22 years.

In Washington to begin his term, Mr. Kirwan stayed at the Carroll-Arms Hotel, now the Capitol Hill Hotel. Another newcomer to Washington also stayed there—Lyndon Baines Johnson.

LONGTIME FRIEND OF LBJ

Their friendship lasted through the years and once at the LBJ ranch in Johnson City, when Kirwan was in a visiting congressional group the John- * * * chairman of the National Democratic Congressional Campaign Committee. Success in electing Democratic congresses in the 1950s during the Eisenhower administration brought him great recognition.

Mr. Kirwan crossed President Franklin D. Roosevelt's wishes in June, 1939 by voting for the Townsend Bill because he believed government could and should do more for elderly people. Nevertheless, Roosevelt came here Oct. 11, 1940, to back up Kirwan's campaign for reelection.

In the 1940 presidential campaign, while backing Roosevelt, Mr. Kirwan braved unfavorable reaction to speak for building the nation's defenses, as war raged in Europe. That fall, he piled up an amazing majority of 46,492 votes.

Voted for Guam's Defense, Lend-Lease To Aid Allies

To strengthen defenses, Mr. Kirwan voted for the Guam defense bill and lifting the embargo on arms shipments to future allies. He voted for the lend-lease bill, and after it passed Congress, Mr. Kirwan jubilantly carried it to the White House for presidential signature.

In a speech, Mr. Kirwan predicted war was sure to come. He resisted hundreds of telegrams against the Selective Service Act. He was one of only two Ohio representatives to back it.

WINS TRUMAN'S PRAISE

Mr. Kirwan's legislative skill brought praise from President Truman in 1949. Of his piloting the Interior Department bill through Congress, Mr. Truman remarked, "The Interior Bill was the best we've ever got through the House. Mike Kirwan deserves the major credit. He fought it through the appropriations subcommittee, through the full committee and finally through the House over the protests of the private power lobby. I think the world of Mike. In my opinion he is one of the most outstanding and ablest legislators we have in Congress."

Mr. Kirwan was an admirer of President Woodrow Wilson and had been on trains that shuttled his car. In his years as councilman, Mr. Kirwan studied much about Wilson and other famous Americans including Boles Penrose, famed Pennsylvania Republican boss of the late 19th century.

An array of writing by prominent correspondents as well as authors and columnists testifies to Mr. Kirwan's place in the history of his times. He was particularly happy to be included among the top 1,000 Americans since colonial times, in a publishing venture of the Gale Research Co., in March, 1968.

LISTED WITH TOP MEN

The noted author, Tristram Coffin, carried him among nationally prominent men in a series of articles on prominent men.

In recent years, Mr. Kirwan stayed at the University Club, quite a distance from the Capitol. He walked back and forth until his recent illnesses.

He delighted in telling how he got into the University Club, despite his very limited education. He had worked as a boy at Heidelberg Mine No. 1, and on entering the club, he simply replied "Heidelberg No. 1," when asked what his university affiliation was.

Shortly afterward he received a letter from someone visiting Heidelberg University in Germany which remarked, "It is surprising the number of professors here who remember you." This story is typical of many told about Mr. Kirwan, who relished humorous situations.

Was A Devout Catholic; Said Rosary on Arising

But there was a very serious side to him. A devout Catholic and member of St. Brendan Church, Mr. Kirwan always said the Rosary on arising.

Mr. Kirwan took the nation's problems seriously. The U.S. Forestry people attest to that, and Mr. Kirwan is credited with going out of his way in a Denver visit to inspect the destruction wrought by spruce beetles and then getting appropriations which resulted in saving an estimated 12 billion board feet of lumber.

Agriculture and Interior Department secretaries in administration after administration found in Mr. Kirwan a sympathetic listener for their needs.

UDALL LISTS PROJECTS

Said Johnson's Secretary of Interior Stewart Udall, "Everywhere you look, you see projects Kirwan supported for America. He has done more for conservation than anyone else in Congress."

Johnson's Secretary of Agriculture, Orville Freeman, said, "Kirwan is a professional, a pillar of strength in the Congress." The late U.S. Sen. Robert Kerr of Oklahoma in his book, "Land and Waters," devoted a full chapter to Mr. Kirwan, ranking him with the late President Theodore Roosevelt in accomplishment for conservation.

A few months after Mr. Kirwan took office, a $1 million improvement for Ashtabula and Conneaut harbors passed Congress. This was the beginning of the deluge of public works that flowed into all corners of the district, and through schools, bridges, roads, etc., touching and bettering the lives of virtually every resident.

BACKED TVA PROJECT

Returned for his second term, Mr. Kirwan joined four other Ohio representatives backing the controversial Tennessee Valley Authority, which he regarded as an example of conservation and development of natural resources for the public welfare.

The district in 1939, got $22 million in Works Progress Administration projects alone. In July there was a post office for Campbell and city hall for Lowellville.

Throughout 1940 he backed many water transportation, conservation and pollution programs. He obtained $110,750 in federal aid for Meander Reservoir and pledged his aid to fight for a satisfactory water supply for Warren.

His efforts for his district bore more fruit in January, 1942, when he personally broke ground for the $6-million Berlin Dam project. In July 1943 he took similar action for the $5-million Mosquito Reservoir. It was Mr. Kirwan's last-minute action in having the dam's appropriation inserted in the bill that saved it. Very few in the nation were approved that year, when war pressures virtually stopped public works. Mr. Kirwan argued effectively that the dam would protect the vital steel mills of the Mahoning Valley from drought and flood—and nature proved, a year or so later, that the protection was needed.

Was Proud of Statue Symbolizing "Mr. Democrat"

A simple man in many respects, Mr. Kirwan for several years treasured a statue of "Mr. Democrat" in his Washington office.

The statue shows an Irish workman with his sleeves rolled up, ready to fight. There were only five made, and Lyndon Johnson, while in Congress, gave his to the Youngstown congressman.

FOUR HAD COPY

Later, as President, LBJ borrowed it back for deposit in the $40-million Johnson Library being constructed in Texas. Another copy, given to FDR, is in the Hyde Park Museum.

It was Mr. Kirwan who made the statue famous and it always will be associated in the minds of Johnson and other Kirwan colleagues at Washington with the Irish-American congressman from Youngstown.

His service in government brought Mr. Kirwan national and even international recognition. Arkansas State University, Toledo Municipal University, and Vincennes University of Indiana, each conferred doctor of laws degrees on the Youngstown legislator.

HONORED BY YU

Oklahoma City University conferred on him a doctor of humanities degree; the University of Colorado, a degree of doctor of civil laws and Youngstown University, a degree of doctor of conservation.

Mr. Kirwan's brief biography in "Who's Who in America," lists membership only in the American Legion and the Veterans of Foreign Wars. However, he received more than three-score citations and commendations during his career, and was made an honorary member of many organizations, including the Downtown Kiwanis Club and United Labor Congress. He also was admitted to Indian Tribes and given other symbolic memberships.

MET WORLD LEADERS

His travels as congressman brought him into contact with many of the world's leading statesmen, among them the former King of Greece. He also always was in close touch with the Irish ambassador to the United States, especially around St. Patrick's Day.

In his work as an appropriations subcommittee chairman, Mr. Kirwan visited project areas, frequently taking what might be regarded as unattractive congressional junkets to see the needs first-hand. One of these trips took him to American Samoa, and an educational television and radio station there is named after him.

Island Housing Projects Were Named in His Honor

A housing project in Campbell is named for him; so is one on St. Thomas, Virgin Islands, where officials and citizens wanted to recognize the help he gave the islands while on the Interior appropriations subcommittee.

The Youngstown district has known Mr. Kirwan and supported him as a champion for water resource development here and as a congressman aggressive to get full considerations in federal allocations for education and other purposes.

FOUGHT FOR CANAL

Almost single-handed at times, Mr. Kirwan battled for the Ohio River-Lake Erie Waterway, and through his work a favorable recommendation was made on it. Opposition of Pennsylvania and lack of Ohio support have thus far frustrated accomplishment of "Kirwan's ditch," as some opponents dubbed it.

Despite frustration about the waterway, 1969 brought to a successful climax one of Mr. Kirwan's most cherished projects, an aquarium for the nation's capitol. Ground is to be broken when the federal new building freeze is lifted for the $10 million project, expected to become a top tourist attraction.

Citations and awards line the walls of Mr. Kirwan's congressional offices in Washington. Among them, perhaps, should be mentioned Time Magazine's calling him a "nation builder" in October, 1966; "Vision Future" Washington Memorial award of the National Rivers and Harbors Congress given in June, 1965; Ohio Valley Improvement Association honor in October, 1965; 55-year membership pin of the Brotherhood of Railroad Trainmen, June, 1968.

ESCORTED FOR HERE

Mr. Kirwan's association with presidents and others of the nation's great was extensive. He rode with the late President Roosevelt as he came to inspect plants here prior to the outbreak of World War II.

He campaigned with the late Adlai E. Stevenson in his Democratic presidential campaigns of 1952 and 1956. He made plane trips with JFK to the Far West, to Arkansas, to the funeral of House Speaker Sam Rayburn in Texas, and to view East Coast storm damage. In the 1968 campaign, he introduced Vice President Hubert H. Humphrey on the steps of Stambaugh Auditorium as he brought his presidential campaign to Youngstown.

Got Truman as Speaker

Mr. Kirwan arranged the visit of former President Truman to Youngstown in 1962, and was responsible for a succession of distinguished Democrats speaking at Democratic dinners here. Once he even went out of his way to procure a distinguished Republican speaker for the Mahoning Valley McKinley Club's annual dinner.

Always at work for some project in the district, Mr. Kirwan was given much credit for getting a branch office of the federal district court here, and getting the appointment as U.S. district judge for Frank Battisti, who was elevated from the Mahoning County Common Pleas bench. He also helped to establish the Mahoning Valley Vocational School at the airport.

WAS CLOSE TO RAYBURN

Among Mr. Kirwan's intimates at Washington were the late Speaker of the House Sam Rayburn of Texas and the present speaker, John McCormack of Massachusetts.

Speaker McCormack has likened Mr. Kirwan's career to that of one of the Horatio Alger's heroes. Such public figures as Chief Justice Earl Warren and Presidents Johnson, Truman and Kennedy heaped praise on Mr. Kirwan for diligent work in Congress and in the field of conservation.

The late newspaper columnist, Raymond Clapper, once asserted that Mr. Kirwan got more federal money for his district than any other legislator. News columnists frequently commented on Mr. Kirwan's work, among them Drew Pearson, who sometimes got into Kirwan's hair over what he termed "pork-barrel" conservation projects. Mr. Kirwan always was quick to respond.

WON ELECTIONS EASILY

While Mr. Kirwan won elections to Congress in the 1936 FDR landslide by a comparatively small majority, he had wider margins in most elections therafter. Often nothing more than what might be termed "token opposition," appeared.

In 1938 he had perhaps his narrowest fight, winning over the late Atty. William P. Barnum, who had been a common pleas judge and county Republican chairman. In recent elections, Mr. Kirwan often received 65 to 70 per cent of the vote cast, and the 19th Ohio district came to be regarded as a safe Democratic district.

As a campaigner, even after many years of service, Mr. Kirwan was a man-to-man operator, often traveling around the district day after day, seeing people. In some recent campaigns, however, he became so deeply involved in the national effort that he had little time to spend here. His friends carried on for him, and in quick visits he managed to cover much territory.

SENT FLAGS TO SCHOOLS

Mr. Kirwan sent scores of American flags to schools, veterans posts, Scout troops and other organizations after they had flown over the Capitol. Few knew that each involved considerable expense to him.

Mr. Kirwan was a special guest and speaker at hundreds of dedications over the nation, among them the Honolulu Harbor modernization project dedicated in 1959.

His wide interests showed up at every turn in his career. For instance, he was instrumental in obtaining the designation of William Holmes McGuffey's boyhood home in Coitsville Township as an historic site. He also was credited with getting the royal Spanish portraits for the Arms Museum in Youngstown.

Volunteers of America named him to their National Advisory Board in 1964, and he took a keen interest in their work.

AGRICULTURAL ACT OF 1970

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, once again one of the favorite whipping boys of the Congress has come before the House of Representatives for consideration today and tomorrow. I refer to the Agricultural Act.

There will be those in this Chamber who will be voting against this bill for economy, because this happens to be an agricultural act. I certainly cannot disagree with economizing in Government, but I wonder where some of them are when some of the other bills come up. It is rather strange to take a head count and to see that we have some economy-minded Members when only agricultural bills are involved, but when some of their urban bills come before this House they never think about economy.

I believe it is time to economize across the board. The people who want to economize here are looking and judging two areas, first they say that we can save money here, and second, they say we can go back to an older program, and that this bill is not needed.

I believe they are ignoring the true purpose of an agricultural act; that is, to retire unneeded land. We are blessed in this Nation with the gift of being able to produce more food and fiber than we can consume. Thank goodness we have that blessing.

The purpose of our agricultural program is not to guarantee an annual income to the farmers, and it is not to preserve any one farmer on the farm. If it were, a limitation on payments would, of course, work and be advisable. But the very purpose and intent of the farm program is to restrict and to hold production in line with consumption.

With this in mind the Committee on Agriculture, in a bipartisan effort, working with the administration, has come forth with the only agricultural bill that will be coming before this Congress this year.

Here again we are being advised, "Just defeat that bill before the House of Representatives and we will come back with a better bill." This ignores the fact that the Committee on Agriculture has been working for the last year and a half constantly toward developing a new farm program, a program that will let farmers realize a greater income, a greater share of our great national wealth.

Those people who are proposing that we defeat this bill tomorrow are ignoring the fact that we are reaching the end of this session of the Congress and that the existing programs will end with the harvesting of the crops this year. There just will not be enough time for us to come back this year with any other farm bill.

Agriculture is a basic industry. It is one of the two basic industries we have in the country today. The economists here well know that the basic industries, of course, are mining and farming.

Agriculture is basic because nobody else touches the product before the farmer produces it. It is basic also be-

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cause, as has been said this afternoon, if the farmer does not make money no one else is going to make money. Our Nation's economy is dependent upon a healthy and prosperous farm economy.

We all must admit that our economy is somewhat delicate today. Perhaps just the slightest bit of lack of confidence shown by the Government, by the Members here, to indicate that we want to change that economy, might be the straw that breaks the camel's back. I do not believe anyone here wants to take that chance.

Sure we want to save money. But is it really saving money for the American consumers? Every one of us is a consumer. We are eating today cheaper in percentage of spendable dollars than ever before in the history of the Nation, and we are eating cheaper than any other civilized nation in the world. We must continue to provide the foodstuffs on the shelves of our stores of this Nation.

Yes, too many of us take for granted, when we go down to the grocery store, that the products will be there. We do not realize where it comes from, why it got there or how it got there.

It is because the farmer has stayed technically ahead of all other industries, doing a more efficient job. The farmer has been able to do the job which was discussed this afternoon, of meeting the cost squeeze. There is a price, wage and cost squeeze that the farmer has met and has still been able to stay in business. He has done it by efficiency and some help from Federal farm programs.

All of us are consumers. This bill is a consumers bill. What will happen if this bill is defeated? Agriculture will, of course, survive, but many of the people who are now calling themselves farmers in this country, will not be around. What will be the actual result to the consumers? The taxpayers of this Nation are going to pay a lot more through increased food prices. The railroads have been mentioned here. We have seen where railroads have been consolidated today. We do not have nearly as many competitive railroads today. Look at the dilemma they are in. Competition is healthy. If we have to help competition by making sure that we keep the little farmer out on the farm, the way to do it is to enact the legislation before us today.

A farm program is needed to keep our agriculture economy healthy, to maintain a stable national economy.

Mr. POAGE. Mr. Chairman, I yield such time as he may use to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I am in support of H.R. 18546, the Agricultural Act of 1970. I hope the membership will support this bill and the one committee amendment. Tomorrow a substitute amendment will be offered and I rise in opposition to the amendment to put the limitation on subsidy payments at a most unrealistic level of $20,000. Such action will only serve to wreck the agricultural industry which we are so valiantly trying to preserve with the bill under debate. If this amendment were passed it might well result in defeat for the Agricultural Act of 1970. I feel sure my colleagues who are so determined to limit subsidy payments would not want this to happen. If they had taken the time to study the agricultural situation, they would know that without a new farm bill we will revert back to the legislation in effect in 1958. This would prove disastrous to agriculture within 3 years and would prove to be much more costly to the Government than allowing a total of $55,000 in subsidy payments as provided for in H.R. 18546.

Let us consider some other industries. Manufacturers readily regulate production to prevent price disasters. Because of their large numbers, farmers historically have not been able to do this without a farm program to serve as a guide. The farm bill we have under consideration with a realistic maximum payment level of $55,000 permits them to do this.

The farm program has worked the past few years and will continue to work in the future only if we set the guidelines for farmers to cooperate in diverting acreage from surplus crop production into soil-conserving uses. Many do this at a financial sacrifice because they know balanced supplies are in the best interest of all.

It should also be noted that the large farmers at whom this amendment is pointed realize that without a farm bill they would unwillingly drive small farmers out of business because of their less efficient operations. I would remind my urban colleagues who are supporting this amendment that when the small farmer leaves the country he heads straight for the big city which results in increased pressure on the urban areas.

All who cooperate earn, and are entitled to, reasonable compensation for acreage diversion. Nowhere have I heard of a limitation on payments when a city takes real estate for urban renewal, or when a State takes land for a highway. Would my colleagues be willing to set a limit on how much could be paid under eminent domain proceedings for the Interstate Highway System, no matter how much land was in question. I know I wouldn't and I don't think they would.

The farmer who is asked or required to divert 100 acres from surplus production expects to be paid more than his next door neighbor with comparable land for 50 acres of diversion. And why not? His investment is twice as great, his taxes twice as great, and his risk is twice as great.

The farm bill is not a welfare program. To be effective in balancing production it must fit into the free enterprise concept that a man is rewarded in terms of the value of his contributions. Program payments reimburse farmers for income they forego and expenses they incur when they divert land from crop production to carry out our farm policy. Farm incomes have not attained a parity with nor the stability of incomes in most of our economy. Unreasonable limits on payments and the accompanying disruption in the farm workforce and in our rural communities will add further to urban congestion as noted previously.

And to those who assume that money will be saved by limiting payments, I say that is simply not true if the same result of supply management is to be achieved. If one large farmer who has been foregoing production on 1,000 acres does not cooperate in these programs because of an unreasonable limitation on payments, that means 100 small farmers will have to forego production on 10 more acres each to maintain supply and demand stability. I believe you can readily see that this would cost more, not only in Federal funds, but in further curtailment of opportunity for smaller farmers.

The farm program as proposed is designed to adjust production and supply, to avoid burdensome surpluses and to strengthen the national economy. Reasonable payments are an integral part of the farm program. To impose oppressive limitations, is to undermine if not destroy this important program.

While limitations are aimed at the larger farmers, to impose an unreasonable limitation will strike hardest at the smaller farmers. With extremely low limitations the larger farmers will be forced out of the program, bringing about its collapse and thereby denying the benefits to the small farmers as well. Without a farm program large farmers may survive, but the small ones could not.

I strongly urge the Members of the House to reject any attempts to reduce the limitation on payments below the $55,000 level.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, as the time grows nigh for the conclusion of general debate on this pending legislation I would like to add my remarks on this bill at this point in the RECORD.

Mr. Chairman, inasmuch as the deliberations on this bill have taken some 17 months, I cannot in the very few minutes that have been allotted to me today express my feelings, my anxieties, my hopes, and my desires with regard to this legislation brought before us today.

However, for the serious student of the subject of American agriculture, in addition to the debate and the CONGRESSIONAL RECORD that will be available for study I commend to that student the complete works of the Committee on Agriculture, a compilation of which would reflect the history, the true spirit, the objectives and intent of this legislative effort.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa, (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, while H.R. 18546, the Poage-Belcher bill, does not measure up in a number of respects to what I believe we should have in a farm bill, it is the result of a good-faith effort by members of the House Committee on Agriculture to reach a satisfactory compromise. I am therefore supporting it as representing what I believe to be the bare minimum essential for maintaining a stable economy for both the producer and consumer of agricultural products. I also believe it is the best bill which can be passed under existing circumstances, and that the alternative to it is probably no bill at all at this session. In view of the great amount of time and effort taken to get H.R. 18546 to the floor, it seems clear that if the House should reject this bill there simply will not be time enough to get another bill on the track and passed first by the House and then by the other body. This means the law, which has authorized our farm price-support programs since 1965, will expire as scheduled at the end of this year and we will revert to permanent agricultural legislation. In the absence of new legislation to replace the expiring statutes, the 1949 price-support law will automatically go into effect with a return to depressed farm prices and excessive Government-owned stockpiles of grain. It is clear that such conditions will benefit neither the consumer nor the farmer.

According to most historians, the agricultural revolution began several decades after the industrial revolution, but, once started, the farmer has been rapidly catching up in productive techniques. In the last decade industrial productivity per man-hour increased at an annual rate of 3 percent. The productivity of the average farmer, on the other hand, increased at the rate of 6 percent per year. One hour of farm labor now produces seven times as much food as it did in 1920. One farmer today produces enough food and fiber for himself and 44 others. Only 10 years ago this figure was 24 and in 1949 it was just 14.

Last year each of us consumed 182 pounds of red meat, 260 pounds of vegetables and 563 pounds of dairy products. Never before in the history of the world has the housewife had the opportunity to choose from such a wide variety of foods at such reasonable prices. The average American family is currently spending only 16.5 percent of its income after taxes for food. One year ago this figure was 17.2 percent. Twenty years ago it was 22.2 percent. By way of comparison, the average family in Western Europe allocates 25 percent of its disposable income for food, while the figures in the Soviet Union and Asia are 50 percent and 75 percent respectively.

This cornucopia of superabundance, however, has been a mixed blessing. Low farm prices have forced thousands, even millions, of farm families from the land into the complex urban environment for which all too often many were ill-prepared. At the same time the hourly earnings of manufacturing workers have increased since 1950 by 131 percent and corporate dividends by 235 percent. But the farmers' average return in 1967–69 was 3 percent below the comparable 3-year base of 1947–49. The prices received for the three major farm crops—corn, wheat and soybeans—were actually considerably lower than those received a score of years ago. For example, the average price received for corn last year was $1.12 compared to $1.68 20 years ago.

Since 1948 the U.S. population has increased by 36 percent while the farm population has decreased by 50 percent. In this same span of time, the number of farms has dropped from 5.7 million to 2.9 million, and the migration to the cities continues.

An additional 100 million people will inhabit the United States by the year 2000. This will present an ever greater challenge to the American farmer who up until now has always been able to furnish the American housewife with an abundant supply of nutritious, wholesome food when and where she wants it. But the continued ability of the farmer to feed and clothe our Nation's growing population in the future will be contingent upon his receiving a much more adequate return for his labor and invested capital than he is receiving at the present time. And it is in the consumer's own best interest to see to it that the farmer receives it, for an adequate supply of consumer goods simply cannot be forthcoming in the absence of a prosperous and thriving agriculture. This must be made clear to the 95 percent of our population not residing on farms if we are to have a workable agricultural policy. Whether we represent rural or urban districts, it is our duty as Congressmen to bring consumers a better understanding of the problems of the farmers who produce their food and clothing.

For farming is big business. Agriculture is the Nation's largest industry employing 4.6 million workers—more than the combined employment in the transportation, public utilities, steel and automotive industries combined. The 4.6 total steel requirement for machines and building materials was 6.5 million tons, ⅓ as much as was required by Detroit. As you can clearly see, gentlemen, a strong agricultural economy is absolutely essential to the economic welfare of the Nation.

The farmer has also more than shouldered his share of the burden of maintaining a favorable balance of international payments, thereby halting the outflow of gold from our country. Agriculture is the one sector of our economy which has continually had a favorable balance of trade.

Last year, farm products valued at $5.7 billion were shipped abroad. More than $1.1 billion went to Japan alone. Since 1945 agricultural exports have exceeded $100 billion, making us the world's leading exporter of farm products.

Another source of confusion arises from the fact that agricultural appropriations bills include many items which public opinion charge exclusively to farmers, when they in fact inure to the benefit of the general public.

A large share of agricultural appropriations bills customarily directly or indirectly benefit a broad segment of the U.S. population. Nonfarmers actually participate in a larger share of the Agriculture Department's expenditures than farmers themselves. For example, approximately 55 percent of the items included in the 1970 budget for the USDA were for services of primary benefit to the general public, and less than 45 percent were for programs of direct benefit to farmers.

It should be evident to any reasonable observer that the American farmer has not received his fair share of the Nation's prosperity for many years. He works long and hard and incurs great financial risk, yet farm income has gone up only 18 percent in the last 20 years while national income in general has gone up 255 percent. The housewife unfairly blames the farmer for the cost of food, when as a matter of fact he receives only 39 cents of the consumer's food dollar, only 2.4 cents from the sale of a 31-cent box of corn flakes.

H.R. 18546, the Poage-Belcher bill, will afford the American farmer a chance to receive at least some measure of economic justice while meeting the challenge of increased needs for food and clothing from our growing population. It is the product of the best bipartisan effort of which the Agriculture Committee was capable under the leadership of its Democratic Chairman Bob Poage and its ranking Republican member Page Belcher. It is a fair compromise representing a total victory for no individual or group and in all likelihood the only farm bill on which this House will have an opportunity to vote this year. When one considers the alternative which is no bill at all and revision to permanent legislation, the Poage-Belcher bill should be much more acceptable both to urban and rural interests.

I have purposely reserved comment on the various proposals for payment limitations until the time when the bill is being read for amendments. Whatever the decision as to limitations, I respectfully urge all Members to vote for the Poage-Belcher bill on final passage.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, I rise today to voice my support for the Agricultural Act of 1970, H.R. 18546, as reported out of the House Committee on Agriculture.

Thomas Jefferson once said:

> Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous. . . . But our citizens will find employment till their numbers—and, of course, their productions—become too great for the demand, both internal and foreign.

That statement made in 1785 in a letter to John Jay, the U.S. Supreme Court's first Chief Justice, still holds true today.

Farming is still the Nation's largest single industry, with almost $85 billion worth of business transacted every year. Forty percent of this Nation's jobs are farm related, with produce manufacturing and marketing, the farm equipment industry, and other related industries involved in the business of keeping this Nation supplied with food—the essence of life itself.

This fact, Mr. Chairman, is one that my colleagues and I must certainly bear in mind as we consider the merits and shortcomings of this legislation.

While this is a farm bill that represents many compromises, I am convinced that this legislation is vital to the continued success of our agricultural production and essential to the stability of this Nation's entire economy.

There are four basic points of this bill that necessitate the measure's passage.

First, the bill allows farmers more freedom to manage his farm by removing some of the more stringent restrictions put into effect in earlier legislation.

Second, it allows the farmer to go back to the marketplace for a determination of his prices for most goods.

Third, it will protect the income of our farming population during the transition from heavy dependence on the Federal Government to increasingly less dependence on the Government.

Fourth, it provides for limitations on payments to farmers participating in the cotton, feed grain, and wheat programs.

I am prepared to support that limitation, Mr. Chairman, because I am convinced that such a limitation is a giant step in the right direction, a step toward phasing out all subsidies and sending the farmer back to the marketplace to find a fair price for his goods.

If it is this body's decision to limit those payments to $55,000 per crop, I will hail it as a momentous action, since such a decision would represent a reduction in payments of as much as $2,945,000 as compared with presently acceptable levels. I have long held that these unlimited payments have tended to favor the large and wealthy farmers while greatly discriminating against the small and middle-size farm operation. But if it is the will of this Congress to establish lower limitations of payments, I will still support the bill, because we simply cannot jerk the rug from under the American farmer all at once. These are the Americans hit worst by inflation, with the increased cost of labor and equipment and a decrease in farm prices. This is not the time to desert him.

Let us not forget, Mr. Chairman, that if this legislation is not passed—if the current farm legislation is allowed to expire—then we must be prepared to face a major economic crisis.

The Agricultural Act of 1958, which would again become our farm policy if this legislation fails to pass, includes one of the most unfair and short-sighted provisions ever passed by the U.S. Congress. The old two-price cotton system would be reinstated, placing our textile industries at a further disadvantage than they have already experienced, and allowing foreign industry to purchase cotton at a lower price than our domestic textile industries.

Foreign markets grow increasingly richer while domestic industries struggle under great tax burdens. This is a deplorable situation, Mr. Chairman, and I am strongly opposed to any action—or inaction—of this Congress, which would further upset an already unfavorable balance.

This measure which we consider today also specifically guarantees competitive success to class I base plan dairy markets by established producers outside the market order areas, suspends the mandatory butterfat price support program for farm-separated cream, and permits the Secretary of Agriculture to use discretion in setting the support price on butter together with other milk products. The measure also extends the Secretary's authority to donate dairy products owned by Commodity Credit Corporation to the armed services and veterans hospitals, and continues his authority to make indemnity payments to dairy farmers.

In addition, feed grain producers who participate in Government programs will be eligible for payments on a portion of their feed grain production. Corn growers will be assured of a return of not less than $1.35 per bushel through a combination of marketprice and direct payments on about one-half of their normal corn production.

The Secretary of Agriculture and his associates have had more than 24 evening meetings in an effort to work out the differences of opinion on the bill and to put together a complete and effective farm package.

Let us never forget, Mr. Chairman, that even with the cost of farm programs, the American consumer spends less of his income for food than anyone in any other nation in the world.

As Jefferson said, we owe the stability of our entire economy to the American farmer. Let us not desert him in this time of crisis.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Chairman, I am one of the comparatively few members of the Committee on Agriculture who is opposed to this bill. I do not consider subsidies to be immoral or always unwise, but these farm programs in my view simply have not worked. I represent a large agricultural district in California and fortunately for me it is one which is not involved in these programs. It is an area where the agricultural producers have done better over the years than those in areas relying on subsidies and controls.

Certainly we have our ups and downs, but I am thoroughly convinced that these programs have not been successful.

I will cite you some figures to bear out that point. In 1950 the price of corn per bushel was $1.44. Today it is $1.24, down, of course.

Wheat in 1950 was $1.99 per bushel. Today it is $1.23 per bushel.

Oats in 1950 were 76 cents per bushel. Today they are 58 cents per bushel.

Cotton in 1950 was 39 cents per pound. Today it is 22½ cents per pound.

Soybeans, $2.93 per bushel in 1950, and today they are $2.72 per bushel.

Cottonseed was $52 per ton in 1950, and today it is around $48 to $50.

Beef cattle, not in the program, not supported, in 1950 were $24.40 per hundredweight. Today they are $27.90 per hundredweight.

Hogs, in 1950, were $20.90 per hundredweight. Today they are $23.90 per hundredweight.

The same thing could be said with accuracy and with justification for fruits and vegetables. Fruit and vegetable prices are considerably better today than they were in 1950 and that, in my opinion, is because we rely on a free market rather than a program of subsidies and controls.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman.

Mr. WHITTEN. Mr. Chairman, I know of no one for whom I have a higher regard, but the approach which the gentleman is making I have had made to me many, many times—by those who said, "we are not under the farm program."

Having served for many years as chairman of the Appropriations Subcommittee for Agriculture, I would like to say this—in the perishable food area, they are under the best farm program there is.

Section 32 of the Agricultural Adjustment Act provides 30 percent of import duties which is used to buy up surpluses of these commodities. When you buy up these surpluses, you do not need any other program. If you bought up the surpluses in the commodities covered in this bill you would need no other program.

Mr. Chairman, I have had beef producers say, "We do not have any support prices and we do not want any. We do not want any farm program." If they took away the support price on feed, every cattleman I know would go broke in 30 days and so I have told them.

So I say to my friend, the gentleman from California, he can go to the Department and have them buy up the surplus dates, and surplus vegetables, and surplus raisins, surplus oranges, and grapefruit, and surplus this, that, and the other. The best program that we have is that which we have for perishable commodities where by buying surplus we match supply with demand.

It is true, your area does not come under this program, but you do come under other provisions of the farm program. In my opinion that is the reason we have so much trouble with any agricultural legislation; so many folks have Section 32 funds, they do not have any interest in the rest of it.

Would the gentleman answer that?

Mr. TEAGUE of California. That portion of this food program to which you referred, the dollar volume is $3 or $4 billion.

Mr. WHITTEN. Now you are getting to talk about the matter of money and you are getting away from the principle, but you are out from under this program but you are under the other.

Mr. TEAGUE of California. Perhaps the gentleman did not understand my opening statement. I am not opposed to subsidies as a matter of morality standards.

I think in this case they have not worked and have not been successful.

I would like to discuss a possible motion to recommit.

Mr. WHITTEN. I will take only a few seconds of the gentleman's time.

May I say to the gentleman that I have never believed in the payment approach. I thought it would be misunderstood by some and misused by others. Time has proved I have been right about that, but when I say that we live in an economy where the minimum wage is fixed by law and where the average wage is $2.94 because of the laws that we pass for collective bargaining and the producer, the agricultural producer, has to buy everything he uses in a market where labor costs are protected by law I say that anything you pay—and some folks call it a subsidy—is nothing in the world but enabling the agricultural producer except the producers of perishables, who have their section 32, to live in a society where

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all other elements are protected and he has to pay the money for this protection every time he buys anything with which to produce. He cannot do it without going down, and history shows if farming goes down the rest of the economy is pulled down with it.

Mr. TEAGUE of California. They are down instead of up, and those other areas of agriculture which are not under subsidy are doing better.

Mr. Chairman, with reference to the motion to recommit, it has not been determined whether I will be making the motion to recommit. But if I do, I think it is only fair to state to my colleagues, it may be—and I say "may"—I am not making any promise—it may be a motion to instruct to strike all of the titles except the dairy, wool and Public Law 480 sections of the bill.

Mr. POAGE. Mr. Chairman, I yield such time as he may require to the chairman of the Committee on Appropriations (Mr. MAHON).

Mr. MAHON. Mr. Chairman, the new farm bill now before the House is a compromise of many views. I think it is fair to say that generally speaking the pending bill is not enthusiastically supported by rank and file farmers and farm organizations. A major problem is that the current farm law expires at the end of this year and Congress and the administration are under heavy responsibility to come forward with farm legislation.

The committee has faced a very difficult situation and has worked long and faithfully to produce a satisfactory measure.

We are indeed confronted in the field of agriculture with very serious problems. I regret to say that I am fearful that we have seen the best farm programs that we will ever see. But, I would hope that we have not come to the end of farm programs which with all their faults and shortcomings, have been helpful in enabling the producers to do an outstanding job for the consumers.

I know that there are those who will speak, and there are those who have spoken today in favor of drastic payment limitation amendments. Mr. Chairman I want to reassert my unalterable opposition to payment limitations on farm programs. One of the reasons why the programs of the past, with all their faults, have been workable has been that they have operated with the objective of fairness to producers in all parts of the nation and to the big and the little producer alike.

Mr. Chairman, the RECORD of the proceedings of today may be very important in the history of American agriculture. The CONGRESSIONAL RECORD of the proceedings of tomorrow may become a historic document.

I speak of the fact that this RECORD contains the speech of the chairman of the committee, the gentleman from Texas (Mr. POAGE) and other distinguished members of the committee.

I would like to make reference to another document which I hold in my hand. It is the report on the agricultural appropriation bill for the current fiscal year which was issued by the Committee on Appropriations on June 3. This was issued by the full Committee on Appropriations. But the subcommittee which handled the hearings and brought this bill to the full committee and the House was headed by the distinguished friend of agriculture, the gentleman from Mississippi (Mr. WHITTEN).

I would like to help round out this debate by quoting from sections of the report prepared by the House Committee on Appropriations Agriculture Subcommittee. Our discussion today of the significance of agriculture would be incomplete without a review of some of the key points developed in that excellent report.

The committee stated:

> Some, but not enough, people know that the few on the farm free the rest of us to provide the machines and gadgets of modern-day living. Many people do not stop to realize that those who have left the farm have been replaced by machines and expensive materials; and that the man on the farm has to have sufficient income to buy the machines, equipment, chemicals and other materials; otherwise many people now in our cities, who make the machines, would have to go back to the farm as we saw in the depression of the late 20's and 30's.
>
> The Department of Agriculture, identified with 5.1 percent of our people on the farm, in reality represents that 94.9 percent of the nonfarmers more closely than does any other department, for it represents the source of food, clothing and shelter for all Americans, and further, represents the largest individual market for labor and industry.

Mr. Chairman, to understand these programs we must understand the significance of farming as a market for the products this Nation produces. The Appropriation's Committee report stated as follows:

> The producers of agricultural products spend nearly $30 billion a year for goods and services to produce crops and livestock; another $12 billion a year is spent for the same products that urban residents purchase—food, clothing, drugs, furniture, appliances, and other products and services. Each year the farmers' purchases include $3.4 billion in new farm vehicles, machinery, and equipment. It takes 120,000 nonfarm employees to produce this farm equipment alone.
>
> His annual purchases also include $3.4 billion for fuel, lubricants, and maintenance of machinery and motor vehicles. Farm production uses more petroleum than any other single industry. Each year the farmer buys products containing 320 million pounds of rubber—about 9 percent of the total used in the United States, or enough to put tires on nearly 6 million automobiles. He consumes 28 billion kilowatt-hours of electricity annually. Every year he uses 5 million tons of steel in the form of machinery, trucks, cars, fencing, and building materials. Farm use of steel accounts for 40,000 jobs in the steel industry.

In addition to describing the importance of the agriculture markets, the committee report on the appropriation bill also described why our rural farmland is being abandoned in favor of congested urban areas. The appropriations report included the following observations on this point.

> The number of agricultural producers providing food and fiber for our rapidly expanding population continues to decline and is now down to about 5 percent of the people in this country. Trained and experienced farm labor is in increasingly short supply.
>
> Long hours of hard work, more rigorous living conditions, hazards of weather, threats from insects and diseases, increasing financial risks, and decreasing financial returns are causing farming to become less and less attractive to each succeeding generation of young people. Fewer and fewer farm children are turning to farming as a career. More and more of their parents are moving to "greener pastures" in town as the monetary return for their labor, investment, and managerial skills decrease on the farm.
>
> As a business venture, farming is becoming less attractive as the necessary farm investment increases and the net return on the investment decreases. Figures from the Department of Agriculture show that average farm investment has increased nearly fourteenfold in the past 25 years, from $6,158 in 1940 to $85,402 in 1969. They also indicate that the average return on farm equities has dropped more than 50 percent during this period, from 7.1 percent in 1945–9 to 3.1 percent in 1968.
>
> It is entirely understandable, therefore, why fewer and fewer people are remaining on the Nation's farms, and why some 5 percent of our population on the farms is now feeding the other 95 percent in addition to themselves. This undesirable imbalance can be expected to be further aggravated as movement away from agriculture continues.

The report also treated of the efficiency of American agriculture as follows:

> The efficiency of American agriculture has been a blessing to the consumers of the world. It has provided a plentiful supply of wholesome and nutritious foods which U.S. consumers have come to accept and take for granted. It has produced quantities in excess of domestic needs which have become a significant factor in our international programs of aid and assistance to the less fortunate peoples in other nations of the world.
>
> Because of the remarkable achievements of American agriculture, the people of the United States for years have enjoyed a standard of living never before attained anywhere in the world.

Mr. Chairman, as we consider this farm legislation today it must be remembered that agriculture is absolutely basic to our further progress as a nation. I quote further from the June report of the Appropriations Committee on the agriculture appropriation bill:

> In the opinion of the Committee, the growing tendency to consider agriculture as a less essential part of our national economy, and to reduce funds needed for its continued support, threatens our Nation at home and abroad. It could have a serious effect on the future food supply of this country and could weaken our ability to meet our future responsibilities as a leader of the nations of the world.
>
> History teaches us that the food-deficit countries of the world started on their decline by failing to give adequate attention to the protection and development of their basic natural resources. They failed to provide necessary protection and development through research, control of insects and diseases, conservation and other programs needed to assure the preservation of their capacity to meet the needs of their people for food, clothing, and shelter. This is true of nearly every country we aid today. We must not make the same mistake.
>
> One of our major problems today is that, though agriculture is our best market for industry and labor and the most economical supplier of the consumer, so few people are engaged in agriculture that its voice is weak in the legislative halls of a majority of the States and of the Nation. No longer does agriculture figure prominently in the planning

of those who would appeal to the majority. This leaves a major task for those who recognize that the national welfare depends on a sound and healthy agriculture.

Mr. Chairman, it is most important, most vitally important, especially to the poor, the consumers, and the people in the urban areas that we have a satisfactory farm program. I hope that the information which has been supplied in this debate and which is included in my statement will help set this whole picture in better perspective.

There must be conditions when agriculture and the people in agriculture can continue to do a magnificent job for the people of the Nation and for the people of the world who, in one way or the other, rely heavily upon the economy, the prosperity and the stability of American agriculture.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. ABERNETHY).

Mr. ABERNETHY. Mr. Chairman, the hour is getting late. The attendance is light. I shall be brief.

Mr. Chairman, I am concluding 26 years on this committee, 28 years in the House. I have seen a lot of bills go through the Committee on Agriculture. I have seen bills come out with wide differences between the members. Strangely enough, as controversial as this measure appears to be, there is now more unanimity among the members than there has ever been on any major piece of farm legislation.

This bill was reported by a vote of 27 to 6. It has bipartisan support. It is supported by the Department of Agriculture. It is supported by the President of the United States, and it is supported by a vast majority of the farmers of this Nation, as well as the committee.

The bill has been almost 18 months in preparation. We began the discussion and consideration of a general farm bill way back in February of last year. After all of these long months that which is before you is the product of our effort.

I know that there are some few little points in the bill that some of us disagree with. I know some amendments will be offered. I can appreciate the fact that some of the Members feel so strongly about their views that they feel it incumbent upon them to offer amendments. Frankly, I would like to offer some amendments, but I know that a piece of legislation of this kind is the result of people sitting down, working together, adjusting their views and coming to compromise. A piece of legislation such as this, so large, so broad, affecting so many thousands of people throughout this land from coast to coast, cannot be assembled in any other manner. Refusal to compromise would have meant no bill at all.

I command the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), for his sensible and sound remarks. There are a few things, as he says, about this bill that he does not like; but he said he was going to support it because he knows it is the best we can get. And after all, it being the best we can get, it is not bad.

There is a great deal of good in this bill and there are literally thousands of farmers throughout these United States who are waiting for the bell to ring tomorrow night telling them that this bill has been passed. I can tell the Members now there are millions of consumers who feel the same way—and they should, or else the price of the food that goes on their tables in the months and years ahead might be at such a level that they cannot afford to pay for it. This is just as much a consumer bill as it is a farm bill.

We compromised on the subject of acreage set aside—a favorite administration provision—we compromised on the subject of limitation of payments. We compromised on so-called parity. The Members know I like parity. I am like many other Members of this Congress. I ran on a ticket for 100 percent of parity, just as many others did. I got here and found out I did not have a chance to get it, so I took what I could get. I am not so much interested in parity as I am in cold cash. I am interested in a dollar-and-cents return. This bill provides a specific dollar-and-cents return to my farmers, irrespective of whether or not there is a reference to parity. For some commodities a level of return at a percentage of parity is provided for in the bill. For them, parity is made the income return yardstick, and for some others it is not. So we compromised on this issue. In the end all will come out about the same.

We compromised on marketing quotas, on acreage allotments, and on open-end planting. I did not like open-end planting. I still do not like it, but that is a part of the compromise. It is in the bill and I am going to support it.

I see my friend, the gentleman from Illinois (Mr. FINDLEY), over here, I did not intend to make reference to it, but he does not like limitation of payment—that is, below a certain level. The gentleman probably has more farmers in his district than any member of this committee, but he picked out a limitation-of-payments level that would take care of his farmers and leave them untouched. He has only 21 farmers in his district who will be affected by his amendment, and even then only slightly. He is not against payments. He is for payments. He is for payments that will reach the pockets of every one of the farmers in his district 100 percent—except 21 of them, and he is willing to give them $20,000 each. He endorses the principle of payments to farmers. He recognizes the necessity for such for his farmers. And he makes sure that each and all of them, 27,540 in all, are fully taken care of, that is, all but 21 and even them to the tune of $20,000 each.

I am sure my friend, the gentleman from Illinois (Mr. FINDLEY), who used to be a member of our committee, sat up many nights to determine just exactly where he could draw this line so he could take care of all his farmers. Now, if the gentleman did not do that he can tell us about it tomorrow.

I know there are some farm organizations that say they are not for this bill. But they do not say they are opposing it. There is one that says it is against it. I do not know if this organization has ever been for any general farm bill that came on this floor in the last 15 or 20 years.

It has been against every single bill that has come to this floor from this committee—and sometimes I have found myself with them—and never for anything. Actually, at the national level it is not representing the farmers of the United States or even its own members, and the people of this Chamber know it.

The other farm organizations, which call themselves the coalition, are not fighting this bill. They have not sent messages around to defeat it. They know that if this bill is killed they will in all probability be without a farm program, and they will be in a heck of a shape if they do not have one.

Mr. Chairman, we have a choice to make tomorrow. The choice is, Do we have a program or do we not?

It is going to be very easy to find some little "ifs" and "buts" here and there that one does not like. Let me tell the Members now it is not a question of having another farm bill out of the Committee on Agriculture on the floor of the House this year. This is the bill. This is it. There will be no other. It is this or else. When the Members go home, if we do not see fit to pass this bill, they can tell their farmers that they threw away the only opportunity they had to take care of them.

Now some concluding remarks about limitation on payments.

Our farmers have been through some rough times lately, and it is not just the big farmer, or the small farmer, it is all farmers. A payment limitation of $20,000 will be the straw that broke the camel's back for many of them.

I have heard a lot of talk lately from urban Congressmen about how their constituents are calling for an end to farm payments. But I ask our city neighbors if they would like to have their entire life savings, and even their entire life, wrapped up in a business such as farming. The price of farm labor is up 63 percent, the price of farm motor vehicles is up 35 percent, and taxes have increased 129 percent in the last decade. But the price of cotton and wheat is less than it was even 20 years ago. The net income of farmers from crop production—including Government payments—has declined sharply in the period from 1966 to 1969.

Even so, farmers are not sitting around waiting for doomsday. They are trying their best to overcome these obstacles through innovation, invention, and the sweat of their brow.

From 1966 to 1969, the output per man-hour of labor in crop production rose 9.1 percent, while the output of nonfarm labor rose only 5.4 percent. Rising productivity not only moderated the impact of lower returns and higher costs on farm income, but it gave our country one great example of how inflation should be fought. If all Americans were increasing their efficiency as much as farmers, we could have inflation under control.

What attitude will the U.S. Congress adopt toward the people who grow our

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farm crops? It is the height of irony that some of my colleagues are singling out this very great record of productivity for special attack. They advocate a plan of payment of limitations which would have the effect of killing off the most efficient farmers and who have been the very spearhead of rising productivity.

No one can deny that the larger farmers are the leaders in adopting efficient methods, which are quickly passed on to their smaller neighbors. Obviously the large operators are best equipped with both the means and the attitudes to experiment with the new techniques which bring higher productivity. It has been clearly demonstrated that the larger growers are the leaders in group efforts of farmers to finance the research and education which are more and more essential to continued agricultural progress.

The chance to grow in size is a goal which stimulates producers in every field to work and strive toward more efficiency. Stifle that chance through governmental discrimination, and you will stifle the whole thrust of rising farm productivity. I favor special provisions to take care of small farmers and I support such. But I do not favor the destruction of our larger farms and farmers.

The farmers in my own State of Mississippi are banding together in pockets here and there to fight the boll weevil together through a boll weevil diapause control program. By doing so they are reducing the cost of growing cotton. They are buying eight and 12 row equipment to reduce the requirement for labor. They are combining operations so that one pass across the fields will do more than one job. They are only asking for time to get their cost of production below the selling price of their product. They are making progress, considerable progress, but they need more time.

The limitations idea is promoted with the false claim that the larger farmers do not need government to survive. Payments are likened to some sort of welfare program. The truth is that high and rising costs affect producers at every size of scale.

The large producers know they cannot survive if they must go it alone in competition with small farmers who are subsidized by Government payments on all of their production. Their only recourse will be to move into other crops where their production and efficiency will not be penalized. Already the large farmers, out of the fear that limitations will be imposed, are putting their land on the market, only to find there is no market. If such a policy is adopted, there will be a wholesale breaking up of farms into small units, and the leadership of this Nation's progress in efficient crop production will be lost.

As you vote tomorrow I urge you to bear these thoughts in mind.

I strongly urge you to support our bill.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Findley).

(Mr. FINDLEY asked and was given permission to revise and extend his remarks.)

Mr. FINDLEY. Mr. Chairman, there is no question but what a payment limitation would hit cotton hardest and would hit feed grains, my type of area, the least. But this is true for one simple reason, and that is that cotton is where almost all the big payments go and feed grains where payments are least. So naturally any limitation is going to hit Mr. Abernethy's district more severely than mine.

I have offered limitations of $10,000, of $15,000, and of $20,000. I am trying to find a level and a time that will succeed. I believe this week is the time and $20,000 is the level.

A little bit earlier today my colleague from Massachusetts (Mr. Conte) placed in the Record the text of the limitation amendment on which he and I are in complete agreement, which we are jointly sponsoring. He also placed in the Record the language of the regulations which we recommend should this amendment become a part of the act and should it become law. We believe it is very important that the Congress give direction to the Department of Agriculture as to just what rules should be applied.

We believe in a strict application of the limitation in order to pare down to the bare minimum any possible slippage.

This is being placed in the Congressional Record today instead of tomorrow, to give Members the opportunity to look at this language tomorrow morning, to read it thoroughly, to examine it at firsthand, to see that regulations would be effective.

I should like to turn now to the set-aside concept which in its purity when it was presented to the Committee on Agriculture by the Department of Agriculture leadership was very appealing. The idea was to determine a certain acreage on a farm which would be set aside—that is, set out of production—and then permit the farmer maximum freedom to plant the remaining acres of his farm. That would be a step toward freedom in planting in American agriculture, and truly a fine goal.

Well, I read the bill. I wonder if everyone here today has read the text of this bill. I believe it would be interesting, really, to find out how many Members have read it. I will not call for a show of hands, but I did read every page and every word.

I am searching for the right word to describe the set-aside concept as it emerges from the Committee on Agriculture—not as it was presented in its purity by Mr. Hardin and his colleagues but as it emerges in the form of this bill.

Let me illustrate what I mean. Turn to pages 12 and 13 of the bill and read the language beginning at line 21 at the bottom of page 12 and continuing through line 8 on page 13. "The Secretary shall permit producers to plant and graze on the set-aside acres." Then it lists all kinds of crops. Now, is that setting acres aside from production, I ask you? It is not that the Secretary "may" but that the Secretary "shall." He does not have the option to refuse the planting or to permit the planting and grazing, but he "shall." There is a hole kicked in the set-aside concept big enough to drive the biggest John Deere tractor through.

On page 13 is the beauty of them all. Read this line. "The payment," that is, the payment for the set-aside or the payment to the farmer for being a cooperator, "shall be the rate which otherwise would be applicable if such acreage," that is, set-aside acreage, "were devoted to conserving uses." In other words, there is no penalty whatever imposed upon the farmer who plants and harvests from set-aside acres.

Now turn to page 29, the feed grain section. "The Secretary shall permit producers." Then we list a whole bunch of other crops that may be planted on set-aside acres. Here again the payment shall be the rate which would be otherwise applicable if such acreage were devoted to conserving uses.

Now look at page 46. At the top of that page here is the beauty to end them all. The sentence there reads, "The Secretary may permit cotton"—these are cotton set-aside acres—"The Secretary may permit cotton or other commodities to be planted on the set-aside acres to such an extent and under such terms and conditions as he may prescribe."

There is another great big hole kicked in this set-aside concept.

Then I learned about an arrangement that was worked out, which does not appear in the committee print or the bill but was a deal worked out in the late stages of negotiation on this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELCHER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FINDLEY. Under this deal—here is another beauty—a farmer in the arid parts of Texas and elsewhere who has been practicing skip row planting in order to get maximum production, that is, he skips a couple of rows and plants a couple of rows and then skips a couple of rows and does that as a good practice as a farmer—under this deal, which is not written out in the committee report or in the bill, can count those skip rows as meeting his set-aside obligation under this program. Another great big hole kicked in the set-aside concept.

I am inclined to think that the set-aside concept is not only an outrage and a sham, but I call it a conspiracy against the taxpayers.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Miller).

Mr. MILLER of Ohio. Mr. Chairman, as a member of the House Agriculture Committee which studied this bill for almost 18 months, I would briefly like to cover the major provisions of this important legislation in an effort to provide my colleagues with a helpful thumbnail sketch. The biggest problem we face now is knowing exactly what is contained in this bill and what it is intended to do.

The bill contains eight titles dealing with: Payment limitations, dairy, wool, wheat, feed grains, cotton, Public Law 480, and a general and miscellaneous title which includes a Cropland Conversion and a Greenspan program.

Title 1 of the bill sets limits that any individual farmer may receive from the cotton, feed grain, and wheat programs. Under this provision a producer would be limited to $55,000 from each commodity program.

This limit applies to payments for price support, set-aside, diversion, public access, and marketing certificates, but it does not include loans or purchases.

Payment limitations do not apply to lands owned by States, political subdivisions, or agencies thereof, as long as the land is farmed primarily in the direct furtherance of a public function.

The dairy title extends and amends authority for the class I base plan in the Federal milk market areas. It specifically guarantees competitive access to class I base plan markets by established producers outside the market order area.

Under this title the mandatory butterfat price-support program for farm-separated cream is suspended, and the Secretary is permitted to set lower support prices on butter. But, milk would continue to be supported at a level between 75 and 90 percent of parity.

This title of dairy also continues the Secretary's authority to make indemnity payments to dairy farmers, and it extends his authority to donate dairy products owned by the Commodity Credit Corporation to the armed services and to veterans' hospitals.

The wool title extends the National Wool Act of 1954, as amended, through December 31, 1973. It continues the present incentive price of 72 cents per pound for shorn wool and 80.2 per pound for mohair for each year of the extension.

There are several key points to the act which are common to feed grains, wheat, and cotton. First, each commodity program would become effective with the 1971 crop and run for a 3-year period.

To be eligible for program benefits a producer would be required to set aside a percentage of his cropland to approved conserving uses, in addition to maintaining his normal conserving acres.

The amount of set-aside would be determined by the Secretary. For cotton it could not exceed one-third of the farm base acreage allotment. After meeting the set-aside requirement a producer would then be free to plant anything on his remaining cropland—except for peanuts, rice, tobacco and sugar. Another exception is that the Secretary would have authority to limit wheat and feed grain plantings during the transition period in 1971 and 1972.

The set-aside concept is one major area where decisionmaking would be returned to the farmer. Acreage allotments and bases have helped to reduce surplus production, but in some cases they have held back our farmers' efficiency. This has hurt our sales in export markets—and has probably reduced our farmers' net incomes.

For instance, because of acreage allotments, some farmers are forced to grow wheat in the Corn Belt, corn in Texas, and soybeans in Kansas. Farm income may suffer in those cases because of high production costs for those particular crops in those areas.

Under the set-aside plan, we would expect to see more of our corn production centered in the Corn Belt—more of our wheat acres in the Great Plains and the Pacific Northwest—the Southeast would produce more soybeans.

The most efficient cottongrowers could compete for the world market without penalty.

Feed grains would compete more effectively for world markets, and this would encourage livestock feeding industries around the world.

A quick look at the functions of allotments and bases will further illustrate the increased flexibility farmers would have under set-aside. Under the present program, allotments and bases are used to determine acreages for specific crops on individual farms, as well as for payment and diversion purposes.

Under set-aside, allotments and bases would be used to determine a producer's payment and his diversion requirements, but they would not restrict him in planting individual crops.

For instance, a producer in the Corn Belt who has both a feed grain base and a wheat allotment could meet his set-aside and normal conserving requirements, and then plant all of his remaining cropland to corn. He would be eligible for a price support loan on all of his corn production. In addition, he would receive the feed grain payment on half of his feed grain base, and wheat certificates on his domestic wheat allotment.

It is possible that the producer we have just mentioned would lose wheat history under another provision of the act which is common to feed grain, wheat, and cotton. That specifies that there would be a loss of history under certain conditions. We will spell this out later as we discuss the provisions for each commodity.

As has been the case in the past, the programs will be financed through the Commodity Credit Corporation, with annual reimbursement through the appropriations process for each commodity.

Participating producers would receive a preliminary payment as soon as possible after July 1 of the year the crop is harvested. The amount for each commodity varies, and will be explained as we cover each of the commodity programs.

Payments in the form of domestic marketing certificates would be available to guarantee cooperators 100 percent of parity on that part of the crop used for domestic food.

The certificate value would be based on the difference between a farmer's average market price—during the first 5 months of the marketing year—and parity.

The Secretary would be authorized to pay for additional set-aside acreage and for public recreational access to set-aside acres. Authority is also provided for growing specified crops on set-aside acres.

A preliminary payment of 75 percent of the estimated certificate value would be made as soon after July 1 as possible. The final payment would then bring total support up to parity. If the estimate should be too high a farmer would not be required to make a refund of the initial payment.

Processing certificates, for domestic food use, would continue to be 75 cents per bushel.

A minimum price of Commodity Credit Corporation-owned wheat for resale would be 115 percent of the national average loan rate, plus reasonable carrying charges.

The wheat program would have a loss of history clause. There would be a loss of history—not to exceed 20 percent of the domestic allotment the following year—if at least 90 percent of the domestic allotment is not planted. And the allotment would be removed if there were no plantings for 3 consecutive years. But, there would be no domestic allotment reduction if a producer elected to not receive payments for the unplanted wheat acres.

The Secretary may authorize plantings of feed grains or soybeans as substitutes for wheat to retain wheat history.

Farmers who were prevented from planting due to natural disasters would not lose allotment.

There are two additional, significant points in the wheat program worth noting. There would be new domestic State, county and farm allotments established rather than using the old allotment.

And, farm projected yields would still be used for computing program benefits.

For feed grains—loans for corn would be up to 90 percent of parity—with rates for grain sorghum and barley loans proportionate to their feed value in relation to corn. The loan level would set to encourage exports and prevent excessive stocks.

The feed grain payment—to be made on one-half of the base—would equal the difference between the actual average market price—during the first 5 months of the marketing year—and current support—but total support would be not less than $1.35 per bushel for corn. Yields for computing program payments would be based on the feed grain yields determined for the preceding crop, with adjustments.

A fixed preliminary payment of 32 cents per bushel, on corn, would be made to participants as soon after July 1 as possible. That 32 cents per bushel for corn would be the minimum, but the payment could increase if the market price declines below $1.03 per bushel.

Unlike prior years, a producer would no longer be required to plant half his base to feed grains for payment purposes. But, as we will explain later, he would have to plant a specified percentage of the base to feed grains or an authorized substitute to avoid a loss of history.

The Secretary could authorize payment for additional set-aside and for public access and he could authorize specified crops on set-aside acres.

Commodity Credit Corporation sales policy for unrestricted use would be a minimum of 115 percent of the national average loan rates, plus reasonable carrying charges.

For feed grains a producer would have to plant at least 45 percent of his base acres or he could lose up to 20 percent of the base the following year.

If no plantings were made for 3 consecutive years, the base would be removed.

However, the Secretary may authorize planting of wheat or soybeans as substitutes for feed grains to retain history.

Farmers who were prevented from planting due to natural disaster would not lose their base.

The Secretary would be authorized to adjust farm bases from a pool made up of acreage released by farmers no longer producing feed grains.

For upland cotton there would be no quotas, but there would be a national cotton production goal which would be the offtake plus 5 percent, and the carryover goal would be at not less than 50 percent of the offtake.

The national allotment would be established at the expected domestic consumption rate, plus up to 25 percent additional. But, in 1971 the allotment would be set at 11.5 million acres. Allotments would be apportioned to the States on the basis of their preceding 5-year history.

The loan rate for upland cotton would be set at 90 percent of the estimated average world price—based on middling 1-inch upland cotton. Support for cottonseed would be optional.

The payment rate, plus the average market price at the designated spot markets during the first 5 months of the marketing year must equal 35 cents per pound, but the payment rate may not be less than 15 cents per pound.

The payment would be made on an acreage planted within the farm allotment. If 90 percent or more of the allotment is planted, the entire allotment would be considered planted for payment purposes. Payments would be based on the average yield of the acreage planted to upland cotton during the 3 preceding years, adjusted for any abnormal yield caused by drought, flood, or other natural disaster.

There would be a preliminary payment of 15 cents per pound to be made as soon as possible after July 1.

The Secretary is also authorized to pay for public recreational access. And he could permit cotton or other commodities to be planted on set-aside acres.

Sales by the Commodity Credit Corporation for unrestricted use would be not less than 110 percent of the loan rate plus reasonable carrying charges.

Like the wheat and feed grain programs there would be a loss of history clause under the cotton program—but release and reapportionment would still be in effect.

The history loss would be not more than 20 percent of the allotment the following year, if less than 90 percent of the allotment was planted. The allotment would be lost if there was no cotton planted for 3 consecutive years. But, the Secretary would be required to allow soybeans, feed grains, or wheat to be used as a substitution for cotton for history purposes, if substitution is allowed for feed grains and wheat.

Like the other programs, there would be a provision to protect the acreage not planted due to natural disaster.

Also provided for in the cotton program would be the sale, lease, or owner transfer of allotments. Out-of-county transfers by sale or lease within a State would be subject to the approval of the ASC County Committee, based on findings that a demand for the allotment no longer exist in the county. And transfer of allotments because of natural disaster would be authorized.

Title 7 of the bill would extend, without change, the Agricultural Trade Development and Assistance Act of 1954, as amended. This is commonly known as Public Law 480.

In title 8—the general and miscellaneous title—there are provisions for continuing the cropland conversion program at a level of $10 million per year. This is a program that helps producers shift their cropland to other income producing purposes on a contract basis.

The Greenspan program, which assists local governments in acquiring farmland for such purposes as parks, recreational areas and the like will be continued. The bill authorizes a $10 million program for Greenspan.

Also contained in title 8 are these miscellaneous provisions: The current exemption from marketing quotas for boiled peanuts would be continued.

Farmers or other landowners who do not desire to hold an allotment on any crop under a Government program may voluntarily relinquish it. This would be a permanent provision.

And there would be an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

To summarize, there are eight titles in the Agricultural Act of 1970. They are: Payment limitations, dairy, wool, wheat, feed grains, cotton, Public Law 480, and general and miscellaneous provisions.

That briefly is a summary of the major provisions included in the bill.

I would hope my colleagues are fully aware of all the aspects of the bill before they are asked to make a final decision.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PURCELL).

Mr. PURCELL. Mr. Chairman, as has been stated so many times today, this bill was worked on probably longer than any agricultural bill in recent history.

I happen to have the high privilege and, so far as I am concerned, the honor of being the chairman of the subcommittee that deals with the wheat and feed grain section in this bill.

I want to compliment in every way I know how the members I am privileged to work with on that committee, members on both sides of the aisle, who worked diligently and worked long hours.

They have made compromises, with the true interests of the farmers and consumers of this country at heart, and I compliment each one of them. Particularly, I want to compliment, as has been stated before today, the effective work of the ranking minority member, the gentleman from Oklahoma, PAGE BELCHER, particularly on this bill along with our distinguished chairman (Mr. POAGE), because this has been a unique experience in seeing a bill after many months of work and many hard decisions being made, to find a bill coming out of the Committee on Agriculture supported with 27 votes for it and six votes against it.

Mr. Chairman, to be as truthful as possible, this is not the farm bill I would have chosen, nor I am convinced, is it the farm bill that most members of the Committee on Agriculture would have chosen, had they been given a choice. However, it is the best bill the administration announced it was willing to support, and after over 1 year of committee deliberations, despite attempts to substitute more proven theories for maintaining a strong agriculture, this is what we have to offer and I support it.

I support it now, despite the fact that I would have been far happier had the amendments offered to the wheat and feed grains section of the bill to bring it closer in line to past policies been adopted. But the majority of the committee disagreed, and it is vitally desperate that we enact a workable program as quickly as possible.

Mr. Chairman, despite my past criticisms of this bill, I do believe, if it is administered carefully by the Secretary of Agriculture, that the bill before us envisions a workable farm program. I am personally pleased that we have been able to retain the parity concept for wheat, and guarantees that the Secretary will expend approximately the same amount during the 3 years of the life of the program as was expended during 1969–70.

If we can pass this bill, I personally pledge my full support toward holding the Secretary to his word. He and his entire staff are all honorable men, and the only reason I would support the bill would be because I am assured, in my own mind, that they would not knowingly destroy the livelihood of the Nation's small agricultural producers.

In many ways, a case can be made that this is a worthwhile program, and I am particularly impressed with the flexibility it should give a producer to manage his own crops, and plant as he chooses.

Mr. Chairman, I am well aware that this is not a perfect bill but it is an honest attempt after a great effort to reach some sort of compromise between strongly diverging views. As such, it is worthwhile and deserving of the support of each of us; accordingly, I recommend its passage.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate this time. I know it is growing late. I shall not repeat much of what has been said before, including today under the rule. I have asked permission to revise and extend my remarks, and include charts and tables for Members' study before tomorrow's 5-minute rule.

I also call attention to the fact that for the last two Congresses—in fact, since 1967—I have appeared before this very distinguished committee, Committee on Agriculture, and have testified about a plan and an idea that has been growing and has been constantly perfected through the years as a farm plan.

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Mr. Chairman, I rise in support of this bill. Whether my suggested perfections are incorporated or not, I shall vote for this bill, not only because of my respect for the people who are in favor of it, and their almost unanimity in bringing it out, but because I am thoroughly convinced that the entire economy, if indeed not the husbandry of our natural resources, depends on a bill of this type at this time and place in our Nation's history.

I also appeared before the Committee on Rules. I have great respect for what has been said, particularly here today, about the need for continuing some kind of subsidy in order to provide the services and sincerely assure the consumer of the quality and nutritious foods and fiber stuff that we are going to need throughout the rest of our lives and as our population explosion goes ahead.

I would like to compliment the House Committee on Agriculture for reporting a bill to amend and extend the farm program.

While not violently disagreeing with the Agriculture Committee's hard and diligent work, I strongly believe that my cropland and water restoration program, that I introduced in the 91st Congress last September, is a sounder approach. The consumer must be the most interested and realize the end product of the farmer's production is human bodies.

Basically this bill would:

First. Provide for establishing a cropland and water restoration program under 1- to 5-year contracts—up to 10 years for tree cover—beginning during the 3-year period 1972 through 1974.

Second. Provide for establishing an annual cropland restoration program to be offered during the years 1972 through 1974.

Third. Repeal authority for acreage allotments, marketing quotas, and marketing certificates on wheat and acreage allotments on corn, and specify the levels of price support on wheat, corn, oats, rye, barley, and grain sorghum, effective with specified crop years.

Fourth. Prohibit the Commodity Credit Corporation from making any sales—except sales offset by equivalent purchases—of wheat, corn, oats, rye, barley, grain sorghum, soybeans, or flaxseed, effective July 1, 1970—this is subject to amendment—at less than 125 percent of the current support price for any such commodity, plus reasonable carrying charges.

Now, Mr. Chairman the backbone of my proposed legislation is soil and water restoration, and the incentive to accomplish both, with a realistic profit margin for the farmer. This concept has been conclusively proven by master farmer-conservationist, Gene Poirot, of Golden City, Mo. He has proved beyond a shadow of a doubt that submarginal land can be restored and that a profitable farming operation can result. Three years ago Chairman Poage along with Congressman Belcher and a majority of the House Agriculture Committee, visited and toured the Poirot farm. They saw a scientific approach to farming and they can verify that it works. Due to the success of this farming operation and based upon the sound principles Mr. Poirot sets forth in his book, "The Margin of Life," we were able to develop and draft a farm bill that would insure the farmer adequate income, stabilize consumer prices, restore the basic soil and water resources, and not bleed the American taxpayers to death.

The essential feature of my bill (H.R. 13717) is the second market concept.

Now, Mr. Chairman, in actual operation the second market would:

First. Buy tons of a suitable crop which by its growth and yield would:

Give the farmer the choice of selling to the Government or of otherwise disposing of the crop on the market without Government payment,

In any amount of tons the farmer wants to sell,

At a fair price announced each year, but above an approved standard such as a minimum wage, parity, or share of his cropland,

Grown on any part or on all of his cropland,

Improve the degree of soil restoration and water conservation accomplished, and paid for by the farmer.

For example, the second market would offer to sweetclover—or its equivalent—growing alone for 1 year and plowed under, an established amount of $25 per dry weight ton. If the farm had a pond approved by the SCS for irrigation and flood control or other practices of special value, the suitable crop would be worth an established amount plus a bonus of $5 perhaps, or $30 per ton. The weight and rent per acre would be figured on the spot by the farmer's own county ASCS agent for the farmer to accept or reject the offer.

This program would offer a fair additional money reward for good farming. Not a stingy amount of relief for "idling land" as in the soil bank. Not large sums of money for surplus control to those on rich land where there is no problem, and one-third as much per acre to those on poor land, needing fertility, water, and the money to buy them. It would keep the Nation's soil immediately ready for an emergency call by the Government.

The second market would buy only proved results, regardless of the political power a group might have, or the richness of the soil. It does not pay for storing large amounts of surplus products, or for large sums for giving it away later.

The program pays at a minimum wage, or parity level, for the services it buys from the farmer. Any product he grows which yields less net income per acre is at once a surplus, so he shifts farming efforts and the troublesome land to the second market provided by the Government for developing its soil and water resources to a higher level of more economic production.

Since yield per acre, market price, transportation, local costs, and so forth are all factors in net profit, a change in any one of them can cause acres to be shifted into or out of production under the second market program. This is far more flexible than any directive delivered from Washington, D.C., could ever be, because the individual farmer makes the decision on his farm.

Another result will be a permanent system for agricultural production with little or no competition from the off-the-farm people who either already own rich land or can restore soil and water resources to make it so, and thereby gain income tax relief. If the land should become rich, beyond our food and fiber needs, industry can find use for the products it will grow or produce at a low cost to make them into products people will need.

Other uses for any extra land and/or credits could well be environment controls to hold insects and diseases in check; restoration of wildlife habitat; ponds for farm and community water supplies where nitrate poisoning in wells becomes a health hazard; the preservation of virgin stands of grasses and timber; and beautification in general, to name a few.

One final advantage to the second market, Mr. Chairman, is that the administration costs will be less. There would only be one crop to measure. Participation would be checked only on those farms selling to the second market. There would be no surplus to measure and give away. There would be no cost-sharing for fertilizer, lime, terraces and many other activities now requiring many more people, than were needed a few years ago.

What I have offered is a prescription, mixed and compounded by men of the soil. A prescription that might not be a complete cure for the situation, but one that could act as a "shot" to help get the patient back on his feet, so that he could do some of his own doctoring, and perhaps even heal his own wounds, thus alleviating the necessity of "round the clock" nursing, from his "big brother" in Washington.

Mr. Chairman I shall have the mimeographs and explanatory memos available tomorrow along with these large viewgraphs to explain the applicability and easy feasibility of this plan in the form of an amendment for titles III through VI of the committee bill. It leaves the rest of the bill and the committee's intent, completely intact. It would generally substitute cropland and water restoration and a voluntary alternate market for subsidies to idle acres. I commend it to your consideration:

Solving the Farm Problem Through an Annual Cropland Restoration Program

Who benefits? Farmers—Rural Communities—American Housewife—and Consumers.

How? By Farmers using an "alternate market" provided by the Government in buying—Soil and Water Restoration.

A farmer in *Serious Economic Trouble* using the alternate market would: Increase his net profit—control surplus—increase the productiveness of his soil—*without* increasing the market price to the consumer and without asking the consumer to decrease the price for what he sells to the farmer.

Example: Yield x Selling Price less Cost = Net Profit. Any kind of crop or livestock can be used. Corn is selected because of its present low price of $1.00 per bushel and its high production costs. Sweet clover, requiring soil restoration at the farmers expense, is selected as the suitable crop. Sweet clover yielding 2400# per acre, costing $25 per acre to produce and selling for $30 per acre are not changed during the five years covered by this example.

Purpose: Showing under these adverse conditions farmers can correct their problems if given the alternate-market chance to do so.

UNDER PRESENT CONDITIONS OF PRICE COST SQUEEZE

Acres	1	2	3	4	5	Net profit	Percent increase	Total yield	Bushels reduced	Percent reduced
Yield	$50	$55	$55	$55	$55			270	0	0
Cost	50	50	50	50	50					
Net profit	0	5	5	5	5	$20	0			

EFFECTS OF THE ALTERNATE MARKET

Acres	1	2	3	4	5	Net profit	Percent increase	Total yield	Bushels reduced	Percent reduced
1st year:										
Yield	$30	$55	$55	$55	$55			220	50	18.5
Cost	25	50	50	50	50					
Net	5	5	5	5	5	$25	25			
2d year:										
Yield	60	30	55	55	55			225	45	16.6
Cost	50	25	50	50	50					
Net	10	5	5	5	5	30	50			
3d year:										
Yield	60	60	30	55	55			230	40	14.8
Cost	50	50	25	50	50					
Net	10	10	5	5	5	35	75			
4th year:										
Yield	60	60	60	30	55			235	35	12.9
Cost	50	50	50	25	50					
Net	10	10	10	5	5	40	100			
5th year:										
Yield	60	60	60	60	30			240	30	11.1
Cost	50	50	50	50	25					
Net	10	10	10	10	5	45	125			
Average each year							75			14.8

A study of this five acre, five year performance table of a farmer in serious economic trouble reveals the following:

1. The surplus is controlled. It is that number of bushels (50) in one acre that are produced at a break even point that doesn't result in any net profit to the farmer. This fifty bushels going to the market will depress the price of corn produced on the other four acres which represents a small profit. The fifty bushels also depress the price for other farmers who have richer land still producing at a net profit. It is in their interest to have it removed from the market.

After five years in the program this man could reduce the surplus by 40 percent taking out two acres of his cropland and still make 100 percent more net profit than he made to begin with. See 4th year in chart.

If the producer needed it, he could also increase production by 11 percent, make a net profit of 150 percent without increasing the price to the consumers or asking the producer to take less for his products.

2. The net profit for the farmer is greatly increased, he could now better stand a depressed market price than five years before.

3. His land is much richer than this conservative table indicates which means that adverse weather conditions will have less effects on his yields.

4. He has learned more about the science of agricultural production and also where to go to get the information.

5. The rural community in which he farms has not experienced a serious reduction in his demand for supplies. He has had net profit to spend in increasing amounts each year. When he leaves his farm, the land can produce more effectively than it could five years before, thus increasing community wealth.

6. The consumers of the farm products have not been asked to pay more or take less and they are assured of a steady supply of farm products for their children when the present farmer leaves the land.

Soil and water restoration and conservation are the vital part of successful farming anywhere in the world. This is nature's demand, not that of man. Farming in most cases destroys these resources. An alternate market offering to buy their restoration is most important.

Why have a market buying tons of a suitable crop at a fixed price occupying land for one year or more on any number of acres?

An "alternate market" competing with a first market for land use can prevent prices in the first market from going too high or too low and still have the free working of supply and demand for the consumer. Participation in the alternate market will be very sensitive to consumer demands in amount and kind of product. For example, substitute any set of figures for those in the chart based on yield, selling price and costs and any one of three choices will at once be evident:

1. The farmer who has no problem is not interested in the alternate market.

2. The farmer who has a problem can make more money producing for the alternate market on his poorer acres.

3. The farmer who does not have any soil productive enough to supply either the first or second market and return a profit at the price offered in either market must quit farming. The good economics and science of agriculture will tell him so.

"Tons" of a suitable crop are bought to measure degree of fertility and the kind of fertility provided by the farmer. Also to encourage the farmer to get the necessary scientific information so as to grow the largest amount of tons which by their weight reveal the degree of restoration he has done.

"Suitable crop" offers a scientific means for determining what kind of *land use* is most desirable. The best land use may be pasture and flood control, timber and wildlife habitat restoration, agricultural production plus wildlife with some special crops for insect control and high income vegetable and fruit crops. In some cases the preservation of wilderness, virgin prairies and their native creatures may be desirable, and add beauty to the landscape and serve as sources of recreation.

"Fixed price" is important so that a floor for agricultural production may be established for earning net profit below which farmers need not produce agricultural products. It also needs to be fixed so that above it an increase may be offered to encourage soil and water restoration to meet the need for our increasing population. The fixed price should begin at a place which will encourage farmers to return as much plant food to national cropland as is used in annual production and to hold the soil in place and provide water from rain fall to irrigate it for the highest economical production.

"One year" or more in the suitable crop is for the purpose of allowing a biological adjustment (if any) to take place after large amounts of plant foods have been applied and to allow the farmer to control surplus production.

"On any number of acres" will allow a quick adjustment to supplies, up or down, by the land best equipped to do so. It will also give farmers a chance to shift to some other kind of farming if economic conditions suggest it.

"Community and social betterment" by encouraging industry to locate in the area to provide additional employment and utilize local resources.

Mr. BELCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, first I want to commend the chairman of the committee, the gentleman from Texas (Mr. POAGE), and the ranking minority member, the gentleman from Oklahoma (Mr. BELCHER), for really an excellent job on this bill. I used to serve on the committee and I know it is no easy task to put together a farm bill which is acceptable and which we can enact. I am going to make my own judgment on amendments and see if there will be some I would support or not, but I will give my commitment now that I am going to support this bill. I think it is necessary.

First, I would like to address myself to the Members of Congress who feel they have only consumers in their districts and feel they might not want to support this bill. I ask them only to look at what will happen in the event this bill is not passed and we go back to the permanent law, which is now being called the 1958 law.

Some years ago we had the battle over the bread tax and we were able to knock out the additional requirement for the processors to pay the additional tax on wheat. Under the 1965 act it has been limited to 5 cents. If this bill is defeated and we go back to the permanent law, the processors will pay $1.35, and every consumer will be paying through the nose for the bread that is bought, to pay for the payment to the farmer.

Some of the members of the Agriculture Committee might say that is good, but we will have great difficulty with the consumers if that is done, and I ask every Member to think of that. If this bill is defeated and we go back home we will find the price of bread will go up, and the consumers will have to pay the added price of the certificate, and the blame will be upon us.

No matter how we feel that this bill does not do as well for the farmer as we would like, it is far superior to the permanent law, the one the Democrats and the Republicans all were against in the 1958 act. We wrote one in 1965 and there was not agreement with everyone. Some people were opposed to it. This is an attempt to free it up a little more for the farmer, to try to pull up their income over the 3-year period. It is hoped we can write improved legislation at the end of that time. But I believe anybody who feels the consumers are going to benefit by the defeat of this bill is going to be entirely mistaken.

Lastly I commend the Members on the excellent provision on dairy and the class I base plan. I have felt for a long time if the class I base plan was used by those in deficit areas in order to freeze out everybody else and drive up the price, it would not work well. This provision encompasses what we envisioned and thought of as the class I base plan. It will eventually reduce the cost of the price support program.

(Mr. RHODES, at the request of Mr. BELCHER, was granted permission to extend his remarks at this point in the RECORD.)

Mr. RHODES. Mr. Chairman, the subsidization of agriculture is not anything new. It did not come about as a flash from the blue, but only after well considered legislative proposals had been debated and enacted by the Congress and implemented by the Executive.

One of the main ideas behind the farm subsidy is the fact that the farmer is one of the few producers of new wealth. From an economic standpoint, most industries and professions are processors and improvers of materiel and products which are presently available either in raw or unfinished state. However, the farmer, from raw land, brings into being goods, food and fiber which were not previously in existence. This is an economic fact in life which was recognized to have validity many years ago.

Because the farmer produced new wealth, his well-being has always been very basic to the well-being of the entire economy. Take the producers of new wealth out of any economy, and you find that that economy will become sluggish and depressed. This is certainly true of the American economy, as we have discovered in many instances in which farm depressions were followed immediately by economic recessions.

Subsidies were also allowed as a mere matter of fair play. Because the farmer produces crops which are perishable to varying degrees, he is at the mercy of the marketplace. It is easy for persons who are well versed in marketing methods to keep the market low at the time the farmer must harvest and market his crop. This occurred for many years prior to the intervention of the Federal Government. Farm programs have given stability to the farmer and allowed him to market his crops in a more orderly, profitable, and fairer manner.

The third reason for subsidies has been that, without them, there will either be a lack of production of food and fiber, or the price of farm products would advance greatly. In other words, the cost of production and a modest profit is guaranteed the farmer so that he will stay in production, and, even more importantly, the consumer can be supplied with the products of the farms at reasonable prices.

Many of the Members of the House who think it is good politics to vote against this bill or to vote in favor of unrealistically low limitations of payments to individual farmers may find themselves embarrassed. The lack of a program or the imposition of a low limitation will either cause a scarcity of farm products or an increase of prices which will certainly be felt by the housewife when she does her marketing. If the housewife becomes unhappy in the market, she may well extend her unhappiness to the voting booth.

Mr. Chairman, I am sure that there are parts of this bill which each of us would change. However, in the main, it is a good bill. I congratulate the members of the Agriculture Committee, and especially their chairman, the gentleman from Texas (Mr. POAGE) and the ranking minority member, the gentleman from Oklahoma (Mr. BELCHER) on the fine work they have done.

Mr. BELCHER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we are at the end of the general debate on this bill. We have been debating this bill for about 15 or 16 months. I suppose we will continue to debate it tomorrow.

I believe anyone who has listened to the debate today will find that not a single member of this committee is 100 percent satisfied with the bill. That is the reason why we have been able to get a bill out supported by 27 members of the committee, by the ranking member, by the chairman of the committee, by the Department of Agriculture, by the President of the United States, and the Bureau of the Budget.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I have been reading some comments in the press relative to this bill. Some charge it is a Democratic bill and others that it is a Republican bill. As nearly as I can gather from the debate here, this is pretty much a committee bill drafted by the committee. Would the gentleman have any comment on that?

Mr. BELCHER. There was a whole lot of drafting done in the committee.

I might say, this is the first time in 20 years I have been a cosponsor of a general farm bill. In most of those years I have been in opposition to the general farm bill.

This bill I believe cannot be claimed by any single member of the committee, by the Department of Agriculture, by the Bureau of the Budget, by any farm organization or anything else.

Mr. NELSEN. I thank the gentleman.

Mr. BELCHER. The reason why we were able to get this bill together is everybody had to give a little. We got together to discuss it. During all that period of time I believe every member of the committee had to give in on some particular pet theory of his.

There were many times when I did not think there was any possibility at all of getting everyone together. Probably in the final analysis the only reason why we were able to get a bill out is because everybody began to realize we were going to be in a whale of a shape if we did not get out a farm bill.

We also found that no single group, no single organization—whether it was the coalition, the Farm Bureau, the Republican side of the House, the Democratic side of the House, the Department of Agriculture or anybody else—could get a farm bill out all by themselves. We were just pretty much out in the stream altogether, and we all had to get in the same boat or we were going to sink. That is exactly what we did.

There will be amendments offered tomorrow. I have a lot of amendments I should like to offer myself. There are a lot of things about this bill I should like to change. I argued loud and long for them in the committee, as did many other members of the committee. But we all gave ground in order to get a bill.

If we are going to start adopting amendments here tomorrow, we are soon going to find out we will not all be in the same buggy, and if we are not all in the same buggy on tomorrow night or the next day we are probably going to be defeated on a farm bill.

A lot of people say, "Well, I have been wanting to get rid of farm bills for a long time. I have not thought they were any good."

Members have heard the stories about the big payments to the big farmers and so forth, and what a horrible farm program we have had.

Well, I do not represent a farmer who gets, probably, more than $1,000. I doubt if I represent a farmer who gets $5,000, in the whole district.

The reason why I am anxious to get out a farm bill is that I believe without a farm bill we are going to kick off a depression in this country and then everybody is going to get hurt.

I do not care whether you live in New York City or Chicago or what your job is. I do not care whether you are a manufacturer or a broker or an ordinary laborer. Any time the economy of this country goes into a depression every single person in the United States is going to get hurt. My people who live in Tulsa are going to get hurt just as much as the farmers are. That is the reason why I am trying in every way I can to get this bill

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out. I have gotten, by argument with the Administration and with the Department of Agriculture and members of the committee and everyone else, the very best bill that we can. If you want it, take it. If you do not want it, you are going to get hurt worse than I will.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Chairman, as one of those on this committee who were probably most dissatisfied with certain sections of the bill or among those who were, and did not vote affirmatively to report this bill out, I want to say to my colleagues that at the same time I feel it is vitally important the bill be passed.

There are those who feel at this juncture we can afford to put aside this bill and defeat it and count on something coming forward either in an extension of the 1965 act or in some other approach. I am not so sanguine about it. We are in the late months and weeks of this Congress, and I think we undertake an enormous risk if this House does not vote to pass this bill which is presently before us. I had hoped for something better for wheat and feed grain farmers in particular. I exerted every effort in the committee to get something better and worked as closely as I could with the gentleman from Texas (Mr. Purcell) to that effect, but at this juncture I believe it would be foolhardy for anyone concerned with the welfare of the American farmers to block this legislation or defeat it.

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I want to say to my urban colleagues—and I wish more of them were here to hear this—if agriculture suffers I am sure as the distinguished gentleman from Oklahoma says—if agriculture suffers a tremendous recessionary impact by having these programs defeated overnight, it will be felt in every manufacturing and urban area in this country. American farmers expend $34 billion annually in the agricultural economy. Three out of every 10 American employees are employed directly or indirectly in agricultural business. Farmers now spend most of the $16 billion that they make in income in the consumption of goods manufactured and produced in this country. The impact of the defeat of this bill on the agricultural economics and immediately in terms of the national welfare and economy would be so startling and grave and effective in bringing about a further recession in our economy that I think it ought to be looked upon with grave concern by every American.

Mr. BELCHER. Mr. Chairman, I yield such time as he may use to the gentleman from Minnesota (Mr. Langen).

Mr. LANGEN. Mr. Chairman, As we have both seen and heard during the course of the debate today, it is easy to find fault with the legislation that is before us. This serves to identify the complexities that exist in attempting legislation that will adequately serve agriculture throughout the Nation with all of the varied geographical conditions, as well as the varied types and combinations of operations.

While this may seem to present a difficult, and at times almost an impossible situation, it is more indicative of an agricultural industry that is well established and well equipped to serve the food and fiber needs of this Nation, together with a big part of the rest of the world.

We had ought not to be disillusioned by the fact that there are some problems in attempting to find a legislative combination that will serve both the best interests of agriculture, and the entire Nation and all of its citizens. The history of agriculture throughout the phenomenal growth of this Nation has always contributed greatly to our economic stability, to the industrial growth of the Nation and the health and welfare of generation after generation.

For these reasons it becomes pertinent that if we are to expect to continue to have economic and industrial growth, to maintain the envied reputation of being the best fed Nation in the world, and to remain an international power, we need to legislate in such a manner that agriculture's future is assured of a rightful and well-earned place in both our economic and social structures.

There are endless statistics which offer ample and undisputable proof that statements I have just made are true and correct. I shall not attempt to reiterate many of them here today because the committee members have already placed them before you both emphatically and eloquently. In addition, they have prepared within the committee a compilation of information relating to agriculture entitled "Food Costs and Farm Prices" which are most convincing.

But let me just refer to a couple of statistics that will serve to identify for each of us the importance of our decisions during today and tomorrow. I have already made reference to agriculture's great contribution to the industrial and economic growth of this Nation. There is one very simple statistic that emphasizes this more emphatically than any combination of words can do. It is a fact as stated by the chairman of the committee that the cost of food to the American populace amounts to only 16½ cents out of the net income dollar. The significance of this is that it also reveals that there is left out of that income dollar 83½ cents with which to purchase other commodities. It is this money that has provided the great domestic market for manufactured goods of every description, whether it be automobiles, snowcats, housing, or any and all of the rest of the many comforts that we enjoy.

Compare it to other nations, several of which the price of food is more than 50 percent of the income dollar, and one can easily see why their industrial growth is not comparable to ours. Consequently, every citizen owes a great debt to the American farmer, not only because he has been provided with food cheaper than anywhere else in the world when related to income, but also for the many other conveniences he has shared and enjoyed throughout the years. May you also remember that farm programs have been a substantial part of this contribution during the past 35 years or more.

One other statistic that we had not ought to forget: while the Nation has struggled with a continuing inflation over the years, the 1969 prices received by farmers were 4 percent lower than in 1952 which is the last year when farm prices were equivalent to 100 percent of parity. Yet during that time the retail food prices were up 29 percent. Now let us not let it be said that farm prices have been the influencing factor in the increases of retail food prices, for they can be accounted for only when you consider the increased costs of doing business which the farmer has also had to bear. We, of course, could not quote statistics like that were it not for one undisputed fact, for it tells us very clearly of the efficiency of American agriculture. Had it not been for their ability to produce efficiently, our farmers would have gone out of business long ago in view of those facts.

The productivity of the American farmworker increased at the rate of 6 percent a year during the 1960's while the manhour output in nonagricultural industry increased by only 3 percent a year. It has generally been accepted that such accomplishment in our system should also produce like rewards. Here, however, is the identity of an often repeated expression—farm problems exist. For the income to the producer of food and fiber has not anywhere near kept pace with the income of other sectors of our populace and economic structure.

With these facts in mind, it should become obvious that this bill should attempt to correct and improve this economic inequity. Let us not kid ourselves into thinking that it does, however. It will do well if it can even hold farm income at present levels. It is the very minimum that we can, with any degree of reasonableness, offer to the farmers and rural America. It is not surprising, as has been stated before, that there are many farm people, groups and associations, who are completely dissatisfied with this legislation. It becomes obvious the bill does not solve the inequity that I referred to a moment ago. It does not even offer any resemblance of reward that these folks have so diligently earned during all the years of our history, whether at peace or at war.

However, this House is faced with a most difficult, complex, and yet important decision. For it appears that following the length of time in which deliberations have taken place on this legislation, dating way back to last year, the bill before us represents the best that the committee could produce and arrive at an acceptable common agreement. They have worked hard and long and are deserving of compliment. The Department of Agriculture and the Secretary have worked just as diligently in attempting to work with the Committee to find a ground of common acceptance that would at least grant assurance that agriculture is not going to take a further step backward. And, so it seems that the question resolves itself—Shall it be this bill, or none at all? All of you know I am sure that with that alternative, there can be only one choice—this bill.

It would seem that there are still three areas in which this bill could be amended to improve it and yet not change its structure, objective, or cost to such extent that it would become undesirable in any significance. The changes I have in mind are these:

First, there is no good reason whatsoever why the loan rates on either wheat or feed grains should be permitted to range at the Secretary's discretion from 0 to 100, or 0 to 90 percent of parity. Quite obviously any loans at 0, 10, 20, 30, or 40 percent are of no consequence to anyone. The very minimum might well be 50 percent or even higher.

Second, if we have any intention whatsoever to improve the market prices, then the resale price of commodity credit stocks should surely be set at a level higher than is authorized in this bill. It is sheer folly that these stocks should have the effect of reducing prices at such time as the program may have been successful to the degree of having created some improvement in prices.

Third, the parity concept as applied to feed grains should be retained much the same as the bill provides for wheat. Once that parity concept is lost, it will be difficult to regain it and it is the only comparison whereby farm prices are stipulated in a manner that reflects the continuous increased costs of production and the effects of inflation. In these days when these increased costs are serious problems to so much of the rest of the populace, we cannot afford to leave an industry as large and significant as agriculture without acknowledging the problems created for them.

However, I do hope that even as the bill is written, the Secretary and the Department will pay due regard to the factors I have just referred to, and not permit this one sector of agriculture to be shortchanged.

It would be easy for me at this point to talk about legislation that I have introduced which involves an entirely different approach to the problem and is aimed directly at creating improved market prices. However, at this stage, it would seem rather superficial to do so.

I do acknowledge, however, that one of the desirable factors in the bill before us is that it does present a greater leeway for the individual farmer in the planting of crops within the wheat and feed grain programs. This is a recommendation that I have made on many occasions and is also a part of the bill to which I referred earlier. While I find it a difficult and somewhat disappointing decision, it does seem that in view of the present circumstances that confront us legislatively, politically, and practically, I do not have much choice but to support the bill and urge my colleagues to do the same. It would be my desire that we might have done better for the farmer in rural America.

However, in view of the lack of time and other complications, it seems that this becomes the only choice that we have on this day. I would share and recommend the hope if this bill becomes the law of the land that during this next 3-year period, some constructive and diligent study be directed to any and all means and objectives which can be achieved by legislation or produced that will serve to improve the inequities evident here today. Unless we do, this Nation may well face food and economic problems with which none of us desire to be confronted.

Mr. POAGE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I take this time simply for the purpose of emphasizing the point which was made by my friend from Oklahoma that this bill is a workable bill as it stands. It is a bill that has support from a great many sources, none of whom finds it entirely satisfactory but all of whom have agreed that it is the best we are going to get. It is something that we can get. This is an opportunity to give to our farmers an additional $3.5 billion in spending power, which is important not only to our farmers but to our whole economy. It is vital to our whole economy, in my judgment.

But the bill will not achieve those results if it is butchered up on the floor tomorrow. The important thing is that this bill is now in a form which has general support. It has what I believe is the maximum support that we can get for it. If we begin, each one of us, trying to put our own brand on it—and I have just as many reservations as anybody has—we are going to kill the bill. I am not going to offer any amendments and I do not propose to support any except the committee amendment. I hope the members of the committee and I hope the Members of Congress will go along with us in not supporting other amendments. I know there will be some very meritorious amendments offered, but we have a balance now which can pass. If we destroy that balance we are going to lose our entire chance, and I do not believe we should take that chance. I think we had better pass the bill as it is.

Mr. BELCHER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, talking about how much difference of opinion there is, I know a lot of people must think that when you try to write a farm bill people just cannot get together. Well, when you try to write a labor bill all the labor people are in the same boat. When you start writing a farm bill you have about 265 different commodities that are produced in this country, and you have all kinds of geographical conditions.

I remember one time when I started out on one of the hearings that we had across the country, that cattle were very cheap, and so many of the people in Oklahoma were raising cain about the fact that cattle were so low. And then I was up in Nebraska, and I was telling some of those fellows up there, I said:

> You know, it just beats the dickens how low cattle are.

Well, they said:

> What do you mean "low"? Why, you doggone Oklahomans are getting twice what the cattle are worth. Now, how do you think we can pay that price down in Oklahoma and feed them corn up here in Nebraska and sell them on the market in Chicago?

So I found out.

And then we were up in the vegetable area of New Jersey, and they said:

> Well, now, one thing that we do not do is ask anything off of the government, but we just do not want you subsidizing our opposition. We do not want you to let these acreages that come out of the cotton acreage be planted with vegetables.

And so regardless of what kind of a farm bill you try to write, you have got all kinds of different interests.

On this bill right here, when I was trying to get it balanced, I would go down and get the administration to agree for a little benefit for wheat, and then the cotton people would say, "Now, listen, if you are going to do that for wheat, then you have got to do it for cotton."

And then the feed grain people would come along and say, "If you are going to do it for wheat, then you have got to do it for us." And then we would get everybody satisfied, and then in a little bit we would have the cotton people——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELCHER. Mr. Chairman, I yield myself 2 additional minutes.

Then you would have the cotton people getting a few extra acres, and then the gentleman sitting right here would say, "Well, now, listen. If you are going to do that for cotton, why do you not do it as well for feed grains?" So that is exactly what you are up against every single time you try to write a farm bill. And in this particular farm bill everybody has had to have their feet stepped on just enough times that we have got kind of a balance now. If you ever upset that balance at all, if we adopt one amendment that helps feed grains tomorrow, the cotton people will vote against the bill.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Texas.

Mr. POAGE. I thank the gentleman for yielding, and I would like to explain this much about the mechanics tomorrow on the bill. Of course there will be a committee amendment which we consider as a part of the bill; it relates to this limitation on payments, and it will be the first thing that will be offered. And of course I want to make it clear that the committee offers that as a committee amendment rather than as a part of the bill, in order that those who feel that they must vote for a limitation on payments will have an opportunity to do so by a separate vote on an issue which they can support affirmatively. This provides the opportunity for everyone who believes that he must vote for a limitation of payments to have an affirmative vote. That is the reason it is offered as a separate amendment.

I thank the gentleman for yielding.

Mr. BELCHER. Mr. Chairman, I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I oppose H.R. 18546. It is legislation that is ill conceived and ill advised. It continues American agriculture in an unfortunate direction, and is not good for the type of farms and farmers we have in my home State of Pennsylvania.

This bill is nothing more than an extension of the ineffective and outrageously expensive Food and Agricultural Act of 1965. Instead of providing an orderly transition away from the programs which have made farmers dependent on payments from the Federal Treasury, H.R. 18546 would actually expand and extend payments for another 3 years.

Mr. Chairman, to continue our present course is ludicrous. The 1965 act has not done what its proponents promised. It has not improved the farmers' parity position. It has, in fact, raised costs to taxpayers, failed to increase farm exports, and failed to expand farmers' domestic markets. Moreover, the 1965 act has failed to reduce—or even to stabilize—the cost of food to consumers.

Instead of extending the 1965 act, with the minor changes included in this bill, it would be the better choice to pass no new legislation, and thereby permit programs authorized by basic law to be put into operation.

Mr. Chairman, I believe we need to change direction in U.S. farm policy, and support the concept embodied in H.R. 11070—the Agricultural Adjustment Act of 1969.

The CHAIRMAN. If there are no further requests for time, pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1970".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment. Page 1, line 5, insert:

TITLE I—PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodity shall not exceed $55,000.

(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided,* That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

Mr. POAGE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18456) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND REMARKS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous material at that point in the RECORD during the tributes made in Committee of the Whole to the late Honorable MICHAEL J. KIRWAN.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I also ask unanimous consent that all Members who spoke in tribute to the late Honorable MICHAEL J. KIRWAN be privileged to revise and extend their remarks and include extraneous material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17548) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to House amendments to the Senate amendments numbered 7, 30, 39, and 55.

APPOINTMENT OF MEMBERS OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91-354, the Chair appoints as members of the Commission on the Bankruptcy Laws of the United States the following Members on the part of the House:

Mr. ROGERS of Colorado.

Mr. WIGGINS.

APPOINTMENT OF MEMBERS OF THE SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

The SPEAKER. Pursuant to the provisions of House Resolution 1062, 91st Congress, the Chair appoints as members of the Special Committee to Investigate Campaign Expenditures the following Members of the House:

Mr. O'NEILL of Massachusetts, chairman; Mr. SMITH of Iowa; Mr. ANDERSON of Tennessee; Mr. DEVINE; and Mr. KYL.

PAYMENT LIMITATION AMENDMENT TO FARM BILL

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, as I understand the parliamentary situation, the first item of legislative business to be considered when the House convenes tomorrow will be title I of the farm bill, the payment limitation title. The next of the title which is in the form of a committee amendment has been read by the Clerk, which makes it the pending business of the House.

As I understand the parilamentary situation, an amendment to the committee amendment or a substitute to the committee amendment would then be in order. I would like to give notice to my colleagues in the Chamber that at that time I will be on my feet seeking recognition for the purposes of offering a substitute to the committee amendment. It is my conviction that the committee amendment establishes at much too high a level the limitation on payments.

I am aware that this $55,000 per crop limit as provided in the committee amendment does represent an advance. For 6 years I have been seeking at every opportunity to establish in our farm programs a limitation on the total amount that any individual farmer can receive. The House on several occasions has by record vote established in its version of an appropriation bill or a legislative bill a $20,000 level, but unfortunately the opposition of the other body has caused this to be deleted before that particular bill became law.

This year the situation is different. It is much improved. The other body has finally, at long last, accepted the $20,000 limit. This was done when my colleague, the gentleman from Illinois, the junior Senator (Mr. SMITH) offered an amendment to the agriculture appropriation bill. This provided a limitation of $20,000 per person, and it was accepted by the Senate by a surprising margin on a record vote. It surprised many of us on the House side and delighted those of us who like myself have been trying for many years to establish a limitation at a responsible level.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, it is now more than 3 weeks since the reorganization bill was first considered on the floor and we have yet to complete consideration of the first title of the bill.

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This is without question, one of the most important bills to be considered by this House in several years, and the progress that it has made up to this point is a disgrace.

The Congress is badly in need of reform, and this bill as introduced, was a step in the right direction though an inadequate step. Those amendments which have been successful, have made the bill more acceptable. Much of importance has already been omitted. Some of the leadership has used the scare tactic of warning that a "loaded down" bill would not pass, in spite of clear spirit on the part of a majority of the Members on the side of sweeping comprehensive reform. As a matter of fact, I am of the opinion that many of the amendments which have been adopted, as well as some which have been rejected, would serve to "lighten the load" with respect to passing this bill.

The kind of rearguard action in which some have been engaged has served not only to delay the proceedings, but also to damage severely the bill's chances of final passage and approval by both Houses.

A bill as important as this one should certainly be given top priority during the period that it is under consideration, but the leadership on both sides of the aisle has seen fit to relegate this bill to the late hours of the sessions, leaving inadequate time each day for full consideration, and then refusing to stay late in order to complete action on the bill. This bill should be given top priority every day until final action is taken.

I would expect the American people to lose a great deal of confidence in the Congress if they realized the manner in which their leaders have acted when faced with significant attempts at reorganization and reform of the Congress. Honestly, this lack of confidence is one of the main reasons for the bill in the first place. Let us not lose what we are trying to regain. I call upon the rank and file Members of this body to persuade the leadership to complete consideration of this bill before we recess next week, a mere 2 or 3 weeks after we should have acted, in order that the Senate have a chance to consider it. Otherwise, final passage will be late at best, and the bill could easily die in limbo between the two bodies.

REMARKS OF CONGRESSMAN ADDABBO ON H.R. 2076, WITHHOLDING CITY INCOME TAXES

(Mr. GREEN of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Pennsylvania. Mr. Speaker, yesterday during the consideration of H.R. 2076, my colleague and friend from New York, Mr. ADDABBO, a key supporter of this measure asked me for time to speak. Learning that time was not available, he asked me to submit his remarks. In the rush of business, I neglected to do so. Today, I submit his remarks and thank him for his keen interest and strong support of this measure:

REMARKS OF CONGRESSMAN ADDABBO, IN SUPPORT OF H.R. 2076

Mr. Chairman, I rise in support of H.R. 2076, a bill to authorize withholding of city income taxes from the compensation of Federal employees. I am a co-sponsor of this legislation and I urge my colleagues to vote in favor of this measure, which would provide assistance to thousands of federal employees who are subject to city income taxes.

In New York City alone there are thousands of postal workers, customs employees and persons employed by other federal agencies who do not have the protection of withholding on income of New York City income tax. This can produce hardship and financial difficulties at the end of the year when a huge tax burden is suddenly imposed in one lump sum on the employees.

H.R. 2076 is designed to bring relief to federal employees without creating any undue workload on the federal government acting in its capacity as employer. I urge your support of this bill.

THE NEED FOR A BALANCED AND EFFECTIVE PROGRAM TO COPE WITH NARCOTIC ADDICTION

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, in recent years, national attention has been drawn to the wildly surging rate of narcotics addiction, and we have been continually cautioned about the tragic implications of this situation. As a Nation, however, response to these warnings has been slow, and our efforts puny and ineffective. Now, to our national shame, the situation has burst into epidemic proportions. Narcotics addiction has driven crime rates to staggering new highs, gripped many of our young people in a horrible demeaning sickness, and caused a social disorder that threatens the very fabric of our society.

I do not think I need dwell on the enormity of the problem. Certainly there is none among us who is unaware of the dangers inherent in drug use and abuse.

That such an outrageous situation was allowed to develop is largely the product of ineffective legislation in this area. The Federal program that was established under the Narcotics Addict Rehabilitation Act of 1966 has proven itself incapable of coping with the problem. In 1968, out of some several hundred thousand drug addicts at large in this country, less than 300 were civilly committed for treatment under this program, and in 1969 only 822 addicts were so committed for treatment. At the same time, it is equally shocking to note that more than 700 known addicts were refused admittance to the program on the grounds that their condition was so severe that they were incapable of rehabilitation. When one considers that the typical hard-core heroin addict currently needs approximately $50,000 annually to support his habit, it is unconscionable to send the most hardened addicts back into the streets where they are liable to commit further crime. They should be detained and put under medical supervision and control.

Our responsibility is clear. We in Congress must act quickly to develop a vigorous program to meet the narcotics epidemic squarely and effectively. Congressman PETER RODINO, of New Jersey, has proposed—and I am cosponsoring—a bill which I think will be a decisive step in the right direction.

The 1966 act laid the methodological framework for treating and controlling narcotics addiction, but our experience with it has revealed glaring deficiencies—it must be strengthened and better funded to become a viable bulwark against the further proliferation of drug addiction. Presently, the law allows only the addict or one of his family to initiate a proceeding for a civil commitment to a medical facility; it neither allows nor recommends the authorization of public health or law enforcement officials to initiate such proceedings even if the person is a known addict and has committed a crime.

Under the Rodino proposal, public health officials will be authorized to apply to a Federal district court for a mandatory commitment of the addict to a facility where he will be medically treated, supervised, and controlled. Addicts whose addiction can be effectively supervised and controlled on an outpatient basis will not be kept in confinement, but will be required to report regularly to a treatment center.

Moreover, this proposal will permit the U.S. attorneys to initiate the medical commitment of addicts who are arrested and charged with a crime. Such persons will be held, treated, supervised, and controlled, pending the outcome of their trial. Their treatment will not operate to suspend or reduce any charges against them; and, if acquitted, they will be required to continue treatment in the facility until the addiction is brought under control.

It is my opinion that both these legal measures are necessary weapons to effectively attack this problem. Yet laws alone are useless without adequate means of implementation. To provide these measures, the proposal authorizes the President to assign to the narcotics program any facility of the Federal Government that he may consider necessary to implement and expedite its objectives. This, of course, involves giving the President considerable latitude in this area, but it is felt that the severity of the narcotics problem warrants this unusual measure.

I hope that we can work together toward a balanced and effective program which will strike at the source of the epidemic and which will strive to abate the personal tragedy of drug dependence and the public problem it creates.

WE CONTINUE TO ABUSE THE ENVIRONMENT AT OUR MORTAL PERIL

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, for the better part of last week a belt of poisoned air hung over the east coast from New York to Atlanta—an area inhabited by some 40 million people. Had the winds been less kind, the dose of pollutants a little more deadly, and the rains less prompt, the damage to human life could have been incalculable.

What on earth will it take to make us understand what we are doing to our world and to ourselves? How many near misses will it take before we rouse ourselves to the perils threatening the environment on which we are all dependent for survival?

Had this threat to the life and health of the American people come from a foreign power, we would have declared a national emergency, mobilized money and manpower, and acted to relieve the crisis before it destroyed us.

Yet, though everyone agrees that a massive national effort is urgently required if we are to avert catastrophe, a dream-like immobilism pervades the response to the problem.

Requests for appropriations for air and water pollution control—even these requests are inadequate—are regularly sliced by the Congress and the Administration.

Our peculiar notion of national priorities permits the development of multibillion-dollar air polluters and noise producers such as the supersonic transport, while the development of low emission aircraft and auto engines languishes.

Endless billions of dollars are funneled annually into a network of pollution-spawning, neighborhood-destroying urban freeways, while comparatively small mass transit appropriations are held for ransom until the highway lobby extracts its tribute.

Some Federal agencies are among the leading producers of the pollutants other Federal agencies are desperately trying to eliminate—a circumstance in which we might find it cheaper to throw tax money directly down a sewer and eliminate the middle man.

Even in those instances where Congress has legislated against pollution, its intent is often sabotaged by Federal agencies and officials who will not enforce the law no matter how great the provocation. The Federal Aviation Administration's nonadministration of the Aircraft Noise Abatement Act of 1968 provides a sorry case in point, although by no means the only one.

It looks like environment, like the weather, may be destined to become something which everyone talks about but which no one does anything about. As a result, the greatest beneficiaries of the new awareness of the danger to man's natural habitat have been the Nation's advertising agencies. Great corporations vie with each other in expressing concern over the environment—just as they vie with each other in exploiting it. Industrial giants—some of them the worst polluters—spend millions to sing of the day when the lion and the lamb can lie down amidst steel mills and oil refineries to the mutual benefit of all concerned parties. One wonders how many trees have been needlessly fed into the pulp mills to satisfy the vanity of the Nation's leading polluters. Words have become a substitute for acts, and expressions of concern a means of absolution for crimes against the earth.

The most disturbing aspect of this spectacle is that the lives of millions of Americans hang in the balance. Even a partial list of the dangers the future may hold offers ample cause for alarm.

Continued air pollution could make "killer fogs"—such as the one that killed 4,000 persons in London 18 years ago—routine occurrences in large American cities.

The practice of using the Nation's rivers as sewers—into which we dump an estimated one million different chemical waste products—threatens not only the potability of the water supply but the whole balance of life, which is dependent on water.

Mercury pollution alone, if allowed to continue unchecked, may destroy the fresh water fishing industry—depriving the country of an important source of protein.

The use of nondegradable pesticides such as DDT jeopardizes the existence of dozens of species of plants and animals, including the bald eagle, the Nation's symbol.

We are only now beginning to discover—after most of the world's major rivers have been dammed—how profoundly and widely "reclamation" projects can alter the balance of life. The Aswan Dam alone, some 500 miles from the mouth of the Nile River, is causing ecological damage all over the eastern Mediterranean Basin.

Thor Heyerdahl, the great Norwegian explorer who recently crossed the Atlantic in a papyrus boat, reports that the ocean has become so contaminated with oil and other refuse that large stretches of it are unfit to bathe in.

It is an awesome offense to turn an ocean into an open sewer—an offense that poses a direct threat to all life on the planet. The Niagara of oil, long-lived pesticides, and poisonous flotsam and jetsam we annually dump into the oceans are killing the organisms in sea water which release oxygen into the atmosphere. Many scientists believe these organisms are the main reason the air—into which we so casually dump hundreds of millions of tons of pollutants annually—miraculously seems to purify itself. It is thought by some that if these organisms become extinct, or even significantly diminished, there could be major increases in the amounts of carbon dioxide and carbon monoxide in the atmosphere. It would be as though there was a giant parking garage with all the doors and windows shut—and the attendants left the engines of all the cars running.

In view of this, we are especially indebted to our distinguished colleague, RICHARD D. MCCARTHY, for drawing attention to the Defense Department's incredible scheme to dump 2,000 tons of surplus nerve gas—stored in corroding drums—into the Atlantic Ocean off the New Jersey coast. That gas remains stored in earth revetments at Rocky Mountain Arsenal, less than 5 miles from the end of the north-south runways of Denver's Stapleton Airport—18th busiest in the world. Portions of it will remain there for at least 2 years, until a program of detoxification is completed. We can only hope that during that time the earthquake fault line—which was lubricated into activity when hundreds of millions of gallons of poisonous refuse from the original manufacture of the gas were pumped down an arsenal disposal well—remains quiescent.

When Col. Frank Borman, the commander of Apollo 8, looked back at this planet from the moon on Christmas Eve, 1968, he called our home "spaceship Earth." The hard fact is that we have not run a taut ship. We now have to face the terrible possibility that before the century ends our children may hear the order "All hands on spaceship Earth abandon ship." But there are no life boats.

There are some signs, however, that the cycle of indifference and greed which seems to defeat all of our efforts may at last be breaking.

One of the most hopeful developments in recent weeks has been a proposal from that remarkably foresighted union, the United Auto Workers, which once more has taken the lead in facing up to urgent national problems. The UAW has joined with six conservation groups to suggest that we adopt air pollution standards so strong that they would probably require an end to the internal combustion engine after 1975. This proposal would require 1975 model cars to have exhausts as clean as those from the steam-powered, Rankine cycle engine.

The source of this suggestion, which would revolutionize the auto industry, is particularly notable: men whose livelihoods and futures are tied to the future of the automobile. Yet they show greater appreciation of their enlightened self-interest as auto men than the dissembling managers of the industry who advocate a policy of environmental tokenism.

The UAW and the conservationists have also suggested that Government agencies purchase only those autos that can operate on reduced octane, lead-free gasoline, and that auto manufacturers guarantee pollution control devices for up to 50,000 miles.

They further propose legislation requiring manufacturers to install pollution control devices on used cars at no cost to the customers, and authorization for the Department of Health, Education, and Welfare to set standards for emissions of nitrogen oxides by 1973 instead of 1975 as now planned.

These proposals, if passed into law and enforced by properly staffed and funded agencies, would provide a firm basis for an all-out assault on vehicular air pollution. Equally vigorous steps should be taken against other air and water polluters.

Against industrial polluters, for instance, a system might be adopted under which all profits derived from operating plants which do not comply with clean air standards might be attached for use in upgrading them. This technique might be particularly useful in the case of publicly regulated industries, such as airlines which will not convert to clean jet engines and utilities which refuse to install precipitators on smoke stacks of generating plants. Is there and conceivable reason why those industries whose rate of return is assured by public regulatory bodies should be permitted to lard their profits by the casual poisoning of their customers?

As long as we insist on rewarding oil producers and transporters—who are among the world's foremost water polluters—with protectionist import quotas and wildly inflated depletion allowances, we should at least condition their eligibility for this largess on their fastidiousness.

Prompt passage of several measures currently pending before the Congress would also be useful in averting ecocatastrophe. I would particularly commend the following bills, which I have joined in sponsoring:

H.R. 14867 would amend the Clean Air Act to permit the Secretary of Health, Education, and Welfare to shut down plants when weather conditions prevail which make further air pollution an extreme health risk. It would also provide for compensating workers with unemployment allowances, the establishment of new clean air standards, and for injunctive relief for violation of those standards.

H.R. 17199 amends the National Emission Standards Act to provide for the elimination of automotive air pollution. It also broadens the act to provide for regulation of all hazardous emissions from all types of engines, rather than confining itself to certain pollutants from internal combustion engines.

H.R. 17203 would permit the Governor of a State to use part of the State's Federal highway funds to pay any additional costs incurred in purchasing low-emission vehicles.

H.R. 17201 would impose an excise tax on automobiles based on their horsepower and emission of pollutants, and use the revenue to finance research for the development of low-emission vehicles.

H.R. 16520 would establish an Office of Noise Control within the Office of the Surgeon General.

H.R. 14535 would establish a board to certify low emission motor vehicles, and provide for Government purchase of them if the costs are not more than 25 percent above those vehicles they would replace.

H.R. 13200 would amend the Federal Aviation Act of 1958 to prohibit supersonic commercial flights over the United States until the problem of sonic boom is solved and its effects controlled.

House Resolution 946 amends the Rules of the House of Representatives to create a standing Committee on the Environment.

House Joint Resolution 505 urges a constitutional amendment to conserve the natural resources and beauty of the United States.

In addition, we should assure full funding for water pollution control projects. The administration has consistently requested appropriations far lower than authorizations, a slight of hand that does nothing to clean the Nation's waterways and much to poison its politics.

Even these proposals do not constitute an adequate attack on the country's environmental problems. Their very modesty however, makes it all the more disturbing that little or no action has been forthcoming. If the President and the Congress are not willing to take these inadequate first steps now, there is cause for grave concern about how they will respond to the grave crisis recent events show to be so near. Will we be arguing over clean air standards on the day that an atmospheric inversion makes New York City uninhabitable? Will we still be disputing water pollution appropriations when the Great Lakes becomes as devoid of life as the Dead Sea?

Two recent developments give some measure of the magnitude and the urgency of the crisis facing us. First, the Massachusetts Institute of Technology's study of critical environmental problems has warned that supersonic transports could change the earth's climate by creating permanent layers of smog in the upper atmosphere. The Congress has appropriated hundreds of millions of dollars to subsidize the development of the SST, disregarding the potential perils the plane poses to the environment. In view of this new and knowledgeable warning, it is unconscionable not to reopen the whole question of SST development before this session ends. How can we demand an end to automobile air pollution and proceed to subsidize the destruction of the upper atmosphere?

Second, a national organization of State highway officials has recently estimated that meeting the Nation's highway needs for the next 15 years will cost $320 billion, or more than $20 billion a year. That rate of expenditure means that between now and the time the 1975 target date for the pollution-free engine is reached, we will have spent $100 billion for highways, a sum three times greater than the cost of putting Neil Armstrong on the moon, half again as great as the total spent on the 41,000-mile Interstate Highway System and nearly 2,000 times as great as the amount the administration proposes to spend on development of the clean auto engine.

American scientists needed less than 4 years to build the atomic bomb. It seems incredible, but current estimates suggest it will take 5 years to produce a nonpolluting automobile—which in the end may be powered by nothing more exotic than a steam engine. The suggestion that $320 billion more could be spent on highway construction is also all too credible in view of past performances.

Is there any rational excuse for not providing that development of the nonpolluting engine receive crash program funding? The administration predicts that the project will cost about $50 million over 5 years. If it receives 10 times that amount in half the time it will still be far less than the cost overrun alone on the C-5A. On the other hand, is there any reason why highway construction should not be cooled off once the Interstate Highway System is complete? That would not mean we stop building roads. It does mean that future highway projects be planned with the understanding that roads and autos are only one part of the Nation's transportation system, a part which for decades has been emphasized at the expense of many others and on which we may well have become overly reliant.

In 1972, the law which sends tax revenues directly into the highway trust fund will expire. The renewal of that statute should be conditioned on the appropriation of some trust fund revenues to alternative transit systems, particularly urban mass transit systems. The Congress would be well advised to authorize a joint study by the appropriate Federal agencies of the country's transit needs for the rest of the century. The participation from the outset of a Department of Environmental Services would be particularly important, if we are to avoid yet another report in which prosperity is measured in parking lots and progress in how much blacktop is spread over the public domain.

There are many other aspects to the environmental crisis. Such questions as nuclear pollution and waste disposal, thermal pollution, land use, and many others are as serious as those that have been mentioned here and also deserve our urgent attention. There is—as Cecil Rhodes remarked—So much to do, so little time. It cannot be emphasized often enough that we are in the 11th hour.

Mr. Speaker, for 150 years enlightened Americans have warned that we cannot continue indefinitely to do violence to the land, the air, and the waterways of this great continent without paying a terrible price. We have ignored those warnings. And during this time, we have ignored other warnings as well—warnings from nature in the form of floods, red tides, atmospheric inversions, and even earth tremors. Those warnings have come more and more frequently in recent years, and still we have ignored them. We continue to do so now at our mortal peril.

COAL MINERS' DISABILITY AND RETIREMENT FUND

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, recent wildcat strikes in the coal fields underline the growing anger of the miners, directed at the inequities, inconsistencies, and inadequacies of the United Mine Workers welfare and retirement fund. I am accordingly drafting legislation to establish a federally controlled coal miners' disability and retirement fund. Such a fund should be financed by $1.25 per ton royalties paid by the coal companies, with the rules and administration completely in the hands of the Federal Government.

Under the privately operated UMW welfare and retirement fund, administered by three trustees, rules have been made and changed in an arbitrary fashion. Many miners and their families have informed me that their pensions or health and medical cards have been summarily cut off without adequate explanation. Some hospital cards have been issued to construction workers, other noncoal miners, and for apparent political purposes.

Huge interest-free deposits have been made by the fund in the UMW-owned National Bank of Washington. This

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amounts to a milking of the fund, and diverting millions of dollars into the union coffers. Although the welfare and retirement fund has considerably less now on deposit in the National Bank than a few years ago, the practice should be terminated immediately. At current interest rates, all this money should be bringing in millions of dollars of additional support to benefit the coal miners, their widows and families instead of merely enriching the union treasury. The whole investment policy, plus the haphazard and slipshod accounting and auditing methods alone justify taking the fund out of the hands of private trustees and placing it under Federal administration and control.

If those who haul coal on the railroads can be protected by a Railroad Retirement Board, certainly those who dig the coal are entitled to no less protection. I do not think the problem will be solved simply by making coal miners, their families or widows eligible for medicare or medicaid, or by some special scheme of Federal benefits to coal miners at the expense of the taxpayers. Why should we bail out an unsound and corrupt system with taxpayers' money? The coal companies can and should finance full disability, health and retirement benefits for those who work in the mines, their dependents and survivors.

Through my bill I also hope to remove the inequities between anthracite and bituminous coal miners, and the disability, health and retirement benefits they received. At present, the worker in the anthracite mines is protected even less by an inadequate welfare and retirement fund. My bill will also establish partial benefits for those who work only a short period of time in the coal mines, and enable portability—or transfer of a coal miner's equity in the pension system to another industry if he should leave the coal mines.

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CRIMINAL JUSTICE IN VIRGINIA

The SPEAKER. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 5 minutes.

Mr. POFF. Mr. Speaker, on June 30, the Law Enforcement Assistance Administration ended its second year of operations, and completed the distribution of more than $260 million in fiscal 1970 funds for improvements in the Nation's criminal justice system. The grants awarded by LEAA are making possible local, regional, State, and national projects which this country has needed for more years than I wish to count. These projects include the planning and construction of new facilities, training of personnel working in the system, the purchase of basic equipment so badly and urgently needed, and the development of new and more modern materials and techniques to enhance the country's fight against crime.

In Virginia, this year, we received $4,150,000 in direct block action grant funds. To this amount, the State and local governments will add approximately $3 million, thus making Virginia's effort for the coming year a program involving over $7 million. Having studied Virginia's plan for the use of these funds, I find our Law Enforcement Planning Agency has designed a program that will improve all the elements of the State's criminal justice system—the police, courts, and corrections.

For example, over $1 million will be used to upgrade the quality of law enforcement within the State. Additional personnel will be recruited and, along with our present force, these new people will receive better training in better facilities.

A majority of these funds, over three quarters of a million dollars, will be used to prevent crime. A large portion of this effort will be directed toward the control and prevention of drug abuse. Over half a million dollars more will be used for the prevention and control of juvenile delinquency. These two programs alone will have a great impact on crime in Virginia.

The courts, the second element in the criminal justice system, also are receiving major attention and efforts toward improvement. Plans call for revision of the criminal law and procedures provisions of the Virginia Code. We are also undertaking a comprehensive study of court organization and providing increased training for judges and prosecutors. However, to arrest and convict the criminal is not the complete answer to improvements in any criminal justice system. Rehabilitation is the third part. To many, it is the most important aspect of efforts to reduce crime. As the Nation has become aware of overall shortcomings in corrections systems, so has the State of Virginia.

During the coming year, almost a million and a half dollars will be spent to solve the problems of corrections. Virginia is developing regional and community-based programs which will provide not only detention but diagnosis, treatment and training for those who, with such assistance, can return to become productive members of society. One of the most effective ways to reduce crime is to reduce the number of crime repeaters. Studies show that at least half of all offenders now commit new crimes after being released from prisons and jails.

Thus, this three-pronged attack on crime in the State of Virginia is moving forward. But the program I have mentioned are not the total efforts. The State also is increasing its efforts against organized crime, our agencies are developing new skills in prevention and control of civil disorders, and in conjunction with this we are undertaking a special program designed to improve police-community relations. Finally, looking toward the future, we are conducting research and development to insure future programs using innovative, effective techniques.

My State, Virginia, is only one example of the new national crime control program. The other States also are in this effort—and it will be successful. The LEAA program started just 2 years ago. This program will provide in time, for each and every citizen, a safer home, a safer city, and a better and more productive America.

NATION'S SECURITIES EXCHANGES

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, the presence of institutional traders on the Nation's securities exchanges might greatly alter the structure of these exchanges as we know them today. Because these companies deal with great blocks of shares, many independent traders would be absorbed; they would simply be unable to compete with their larger, more powerful competitors. As a result, excessive economic power would become concentrated in the hands of these institutions, rather than divided, as it is now, among many independent brokers and brokerage firms. Institutional traders accounted for 54 percent of the volume of share orders and 60 percent of the total dollar volume transacted on the New York Stock Exchange in the first half of 1969. Consequently, it is easy to see how these institutions could control trading activity on securities exchanges if they were to be allowed to sit on these exchanges and become brokers for their own account.

It is for these reasons that I introduce legislation to amend the Securities and Exchange Act of 1934 to require that national securities exchanges amend their rules to provide that no person may be a member of the exchange or a parent of a member unless it is primarily engaged in the transaction of business as a broker or dealer in securities. This bill is drafted so that the Securities and Exchange Commission, in cooperation with the securities exchanges themselves, may implement its provisions by specific definitions, adapted to their specific needs. In order to clarify the purpose of this bill, two points should be considered. First, there are some institutions, primarily mutual funds, which presently have memberships on some of the regional securities exchanges and it is the announced intention of some of the major exchanges to begin to follow this practice. This bill, as introduced, would prohibit this. Second, there are also institutions which are either owned by or affiliated with members of the New York Stock Exchange. This bill would allow for the continuation of these relationships.

JOHN F. STEVENS: STRONGLY SUPPORTED FOR ELECTION TO THE HALL OF FAME FOR GREAT AMERICANS

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, one of the most constructive organizations of our country is the Hall of Fame for Great Americans at New York University. Every 5 years it elects not more than seven Americans for enshrinement there.

The difficult task of selection is accomplished by means of an electoral college composed of distinguished leaders of the United States among university or college executives, historians, and scientists; authors, editors, and artists; men and women of affairs; actual or former high public officials or justices of our courts, both Federal and State.

To sponsor the election to this great honor of the late John F. Stevens (1853–1943) there was formed in 1969 the John F. Stevens Hall of Fame Committee, of which I am proud to have been chosen as one of the honorary chairmen. The offices of this committee are at 345 E. 47th Street, Suite 1800, New York, N.Y. 10017. Its function is to present valid evidence to the electoral college setting forth the qualifications of its candidate, who was one of the greatest civil engineers in history.

The fame of Stevens rests primarily upon four major achievements, namely:

Key roles in the construction of the Great Northern and other railroads.

Discovery of Marias Pass in Montana and Stevens Pass in Washington through which the Great Northern was constructed.

Rehabilitation of Russian, Siberian, and Manchurian railroads, 1917–23.

Designing of the Panama Canal and launching that project on the road to success, 1905–07, for which he was rewarded by President Theodore Roosevelt with appointment as the first official to hold the combined offices of chairman and chief engineer of the Isthmian Canal Commission.

For his tremendous services for the Panama Canal, he is recognized by competent authorities as its basic architect.

A number of prominent organizations throughout the Nation have adopted resolutions supporting the election of John F. Stevens to the Hall of Fame.

As this evidence of such support will be of interest not only to Members of the Congress, but also to many leaders throughout the United States, Panama, and other countries, I quote them as parts of my remarks, as follows:

JOHN FRANK STEVENS: ARCHITECT OF THE PANAMA CANAL

Whereas, the Panama Canal Society of Washington, D.C., is composed of persons in the metropolitan area of the District of Columbia who were or are employed in the construction, maintenance, operation, sanitation, civil protection and military defense of the Panama Canal; and

Whereas, the late John Frank Stevens of West Gardiner, Maine (1853–1943), the great railroad builder, served with great distinction as Chief Engineer of the Isthmian Canal Commission during the planning and organizational period of the Panama Canal (1905–1907); and

Whereas, the history of the project shows that Chief Engineer Stevens made the following contributions:

(1) Rescued the project in 1905 from chaos and defeat;

(2) Supported Colonel William C. Gorgas in the vital work of health and sanitation on the Isthmus;

(3) Planned the railroad transportation system for disposal of excavated earth and rock;

(4) Purchased a major part of the plant for canal construction;

(5) Planned the existing high level lake and lock type canal with Atlantic Locks at Gatun and was mainly responsible for the great decision by President Theodore Roosevelt and the Congress for its adoption;

(6) Organized the engineering forces for the design and construction of the Panama Canal and led the work until success was demonstrated, with full acceptance of both canal plan and organization; and

Whereas, President Theodore Roosevelt in 1907 in recognition of his tremendous contributions to the Canal Zone and Canal appointed Stevens as the first official to hold the combined offices of Chairman and Chief Engineer of the Isthmian Canal Commission; and

Whereas, Chief Engineer Stevens was recognized by President Roosevelt in his February 19, 1906, message to the Congress as the one "mainly responsible for the success of this mighty engineering feat" and has been subsequently acclaimed by authoritative scholars as the "basic architect of the Panama Canal;" and

Whereas, Stevens' contributions at Panama have been memorialized in a mural painting by William Andrew Mackay in the Roosevelt Memorial Hall of the American Museum of Natural History of New York showing Stevens giving the plans for the Panama Canal to President Roosevelt; and

Whereas, in 1962 the United States Government named the principal traffic circle in Balboa as the Stevens Circle and erected thereon a monument with the following inscription that includes a tribute by the successor of Stevens under whom construction was completed and the great waterway launched into the era of operations:

Resolved, that the Panama Canal Society of Washington, D.C., because of the fundamental nature of the contribution of John Frank Stevens in the design of the Panama Canal, the organization of the forces for its construction, and its successful completion and operation, recommends him as eminently worthy for memorialization in the Hall of Fame for Great Americans at New York University and respectfully urges that he receive that great distinction.

ASSOCIATION OF AMERICAN RAILROADS, JULY 28, 1969

RECOMMENDS HONOR FOR JOHN FRANK STEVENS

Speaking for all its Member Roads, the Board of Directors of the Association of American Railroads unanimously adopted the following resolution on July 28, 1969:

Whereas, the Hall of Fame for Great Americans at New York University enshrines distinguished citizens whose dedicated lives reflect the highest ideals of our nation's culture in the arts and sciences, scholarship and government; and

Whereas, John Frank Stevens, one of the outstanding transportation engineers of all time, played spectacular and courageous roles in national and international enterprises of major importance; and

Whereas, many of his remarkable permanent engineering feats were in the location and construction of railroads in the United States and Canada and other foreign countries; and

Whereas, Mr. Stevens also contributed immeasurably to American railroad progress and accomplishment in executive and consulting capacities; and

Whereas, his other monumental achievements included service as chief engineer during the designing of the Panama Canal; and

Whereas, none of America's notable railroad leaders who did so much for our nation is in the Hall of Fame for Great Americans:

Now, therefore, be it resolved, That the Board of Directors of the Association of American Railroads, speaking for all its Member Roads, strongly recommends that John Frank Stevens be accorded this high honor in the 1970 election.

EXPLORERS CLUB, FEBRUARY 14, 1967

The following resolution regarding Mr. John Frank Steven's nomination for N.Y.U.'s Hall of Fame was approved.

Whereas, The Explorers Club is composed of men who have engaged in exploration or added to the geographical knowledge of the world; and

Whereas, the late John Frank Stevens of Maine (1853–1943) was one of the Explorers Club's most distinguished members; and

Whereas, his record includes the following achievements:

(a) Discovery in mid-winter in 1889 of Marias Pass through the Mountains in Montana;

(b) Discovery in the spring of 1890 of Stevens Pass through the Cascade Mountains in the State of Washington;

(c) Major contributions in the location and construction of the Great Northern Railway System; 1889–1903; including a great tunnel bearing his name;

(d) Design of the Panama Canal, organizing the forces for its construction, and bringing the project to the point where its success was a certainty, 1905–1907;

(e) Rehabilitation of Russian and Siberian Railroads, 1917–1923.

Resolved, that because of the outstanding value of the services of John Frank Stevens, it is the judgment of The Explorers Club that he is eminently worthy for memorialization in the Hall of Fame for Great Americans at New York University; and the Club respectfully urges his election to that great honor.

Date: August 18, 1967.

FREDERICK T. VOORHEES,
Secretary.

MONTANA HISTORICAL SOCIETY,
Helena, Mont., October 27, 1969.

Mr. ALBERT R. BEATTY,
Vice President, Association of American Railroads, American Railroads Building, Washington, D.C.

DEAR MR. BEATTY: The Board of Trustees of the Montana Historical Society, at its meeting held in Helena on October 23, unanimously approved a motion instructing me to express the Society's endorsement of the movement to elect John F. Stevens to the Hall of Fame for Great Americans at New York University.

Our Society and Board are keenly aware of Mr. Stevens' contributions to the winning of the West—the Northwest in particular—and we know if it had not been for his energy, knowledge and foresight the history of Montana and the Northwest might have been a great deal different.

Montanans especially know of Mr. Stevens' work in locating the route of what is now the Great Northern Railway. They recall how construction of the railway was halted in the late '80s as the railway builders sought a route through the Northern United States. It was then that Mr. Stevens' great feat of locating Marias Pass—in severe winter weather—made it possible for the railway to achieve a way to the West Coast.

We feel it is also significant that the route, with the pass, eventually helped open up a great National Park—Glacier—for the enjoyment and use of millions of our citizens. Marias Pass, as you know, runs along the Southern Boundary of that park.

Of course, we in Montana also are aware of Mr. Stevens' later achievements that brought him worldwide recognition in his profession.

The Board authorizes this letter, and any additional material we can provide, in this move for recognition of a man who meant a great deal to this region.

Sincerely,

SAM GILLULY,
Director.

THE NIXON ECONOMY AND A WAY TO IMPROVE IT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, sometimes I wonder if the present administration is living in the same country that I am. This wonder changes to amazement every time I hear members of the administration speak about the current state of the American economy.

Mr. Speaker, I can vividly remember the speeches made by the President and other members of the administration when they first took office. They said that we were going to curb inflation; we were going to keep unemployment down; we were going to maintain high corporate profits; we were going to keep the economy booming. All this would be done by scientifically using fiscal and monetary controls. But, somehow the economy faltered and the administration goals have crumbled. The first goal of maintaining the growth of the gross national product has not been reached. Since the third quarter of 1969, when the GNP stood at $730.6 billion, productivity has declined by $6 billion to $724.3 billion. This is the first time the GNP has decreased since 1960, when the last Republican administration was in power.

The next goal the administration abandoned was increasing profits and productivity. Industrial productivity began its spin downward in November 1969, and has continued in that direction since. Business profits are off so significantly that tax revenues from corporate profits will decrease $4 billion in this fiscal year. And the stock market, that perennial indicator of business confidence, has been in virtually uninterrupted descent since the Republicans took over at the Nation's economic helm. In fact, since Nixon took office, stock market losses have totaled $250 billion, more money than the total expenditures in the federal budget.

As the Republicans continued talking and as productivity and profits fell, prices and unemployment began to rise. By January 1970, the Consumer Price Index stood at 131.8 and had risen 5 times faster than it had during the Kennedy and Johnson years. And unemployment stood at 3.9 percent, up .67 percent. Rising prices and rising unemployment were putting the pinch on every American. By means of tight money, high credit rates and low Government spending, the Nixon administration had succeeded in giving the American citizen the worst of both worlds: a decline in growth and an increase in unemployment along with continued price rises.

At this point, the administration decided it would have to change its policies. Fiscal and monetary "adjustments" were quietly made as the Government continued to spew forth its micawberlike confidence. But, still the situation has continued to deteriorate as the following figures lucidly reveal:

	Consumer price index	Unemployment rate
March	133.2	4.4
April	134.0	4.8
May	134.6	5.0

On Tuesday, June 30, the President presented his economic message to the Nation. It was described beforehand as an important policy pronouncement that would concretely deal with our failing economy. But, the speech contained little substance.

For the first half of his speech, the President made excuses, explaining why his policies were not working. There was the excuse of a wartime economy in transition to peace, though only $5 billion out of a GNP of $932.1 billion in 1970 dollars—or $727.5 billion in 1958 dollars—had been redirected from war to peace efforts. There was the excuse of only four policy paths for the Government to follow, although the width and available methods of control within each path was unsubtly and unwisely ignored. Yet, perhaps this part of the speech exhibited some progress. The administration was meekly implying that its economic policies were not working too well.

In the second part of the speech, the President made proposals. I cannot help but feel, Mr. Speaker, that these proposals were flimsy and inadequate; many of them were "more of the same" with only a new top coat of shellac added for "shine." For instance, the President proposed in his speech setting up a Committee on Productivity. This administration seems to regard committees as a substitute for action. The President also called for expanded unemployment and old age benefits in his speech. These programs are meritorious in themselves, but they are insufficient and do not get at the root of the problem. And finally, the President asked for the extension of credit to homeowners and small businessmen because interest rates are too high. Here, Mr. Nixon failed to apply elementary doctrines of economic efficiency for he did not touch those interest rates themselves. In short, Mr. Nixon's policies are inappropriate, inadequate, and inefficient.

I propose an alternative approach to our economic crisis. This approach, I feel, will start our economy growing again, reduce unemployment and stop inflation. I propose:

TO PROMOTE ECONOMIC GROWTH AND REDUCE UNEMPLOYMENT

First. We should expand the money supply at a rate of 7½ percent a year. This is at a rate of 1½ percent higher than the present Federal Reserve rate.

By a classical monetary method, the expansion of our money supply would boost our economy. For months, the administration froze the money supply and this, in large part, caused our economic decline. Realizing its folly, the administration has reversed policy and has given orders to increase the money supply at a rate of 6 percent per year. But, this rate is not high enough. Inflation has been increasing at the same 6 percent annual rate. The money supply should be increased at a greater rate, so that our economic situation will improve, not just remain stagnate.

Second. Expand the Manpower Development Training Act and change it qualitatively.

Presently, the manpower development training program is being run on an economizing basis. When unemployment rises, we hire people to fill the least skilled jobs because it costs less. When unemployment improves, we discontinue the program, leaving the participants no better off than they were when it began. MDTA programs must begin to train people for more skilled, long-lasting jobs, so that once a person has completed such a program, his chances of being unemployed will greatly diminish. This would significantly contribute to making permanent progress in the employment problem.

TO STOP INFLATION

The above measures should give the economy the necessary push to begin to grow once again. But, even if the economy were to prosper again, we would still be suffering from inflation. The following programs will help terminate inflation and at the same time help the economy advance.

END PRICE SUPPORTS

In an act of sheer hypocrisy, the present administration refuses to use price guidelines to keep prices down, but supports all sorts of restrictive guidelines that hold prices up. The most flagrant of these are the oil import quotas, which maintain fuel prices at abnormally high levels, especially in the East. Another example of artificially maintained high prices lies in the defense field, where cost overruns contribute heavily to inflationary pressure. And the huge wasteful system of agricultural price supports is an extremely inefficient, expensive and inflationary way to improve the plight of the farmer. All these inflationary price supports should be ended.

LOWER THE PRIME INTEREST RATE TO 7 PERCENT

This would make money less expensive, and in turn, lower the cost of living index. It would also greatly aid our ailing housing industry, which has been off 40 percent since the present administration took office.

END THE INFLATIONARY PSYCHOLOGY

Mr. Nixon made a great mistake in the fall of 1969 when he assured business leaders the administration would not interfere with their price policy. In effect, he gave them the green light to raise prices to their heart's content; they did not hesitate to do so. This inflationary psychology is still with us. The President must finally make clear that when a specific firm raises prices excessively, the Government will exert pressure on that firm and prevent the price rise.

IMPOSE SPECIFIC PRICE—NOT WAGE—CONTROLS AND GUIDELINES

Too frequently do economists and government officials talk of price guidelines and wage guidelines in the same breath. The two are separable. We can set price guidelines, and then allow management and labor to divide the profits as they see fit. Wage increases, without price increases, are not inflationary. They merely redistribute wages and business profits according to fair bargaining between labor and management. Thus, I recommend that guidelines be set for prices only.

Past history has taught us that one uniform nationwide guideline will not work; specific guidelines must be formulated and enforced, industry by industry. Should a firm raise prices higher than its industry guideline, the Government would indict the company and force the raise to be rescinded.

Mr. Speaker, if the above changes are made, our economy, for the first time in 2 years will be on prosperous, but on stable ground. I am certain the American people would welcome that change.

CONTROLLING THE INTERNATIONAL DRUG TRADE: A PLEA FOR MULTILATERAL ACTION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, it is a well-known fact that drug abuse is on the increase in this country. We have startling figures to prove how many of our young people are now taking hard drugs. We have statistics that show how crime is related to the use of drugs. The question, of course, remains: How do we cope with this serious problem?

I have long believed that the problem requires a twofold response by this country. It requires a comprehensive program that deals with the treatment and the rehabilitation of individuals who are already taking drugs, and it necessitates a program that will effectively limit the supply of narcotics that enters this country. I have introduced a comprehensive drug program that would deal with both these aspects. Today, however, I would like to discuss the second of the two problems and my solution. I would like to show how it would be possible to control the supply of drugs entering this country.

America is having a difficult time restricting the world trade in opium. The yearly amount traded has increased. Recently, there has been a new move by this country to curtail the growth of the poppy by the use of direct grants by the U.S. Government to various countries to pressure farmers to end their cultivation of opium-producing plants.

This program has taken shape in Turkey—long known to be one of the largest producers and exporters of raw opium. Yet, U.S. initiatives have not achieved their purpose. In the process, they have served to foster a political crisis in Turkey and the growth of anti-Americanism.

In a world that is growing increasingly wary of unilateral American intervention, I believe that we must take initiatives that involve other countries. My proposal to limit the growth of raw opium through the use of the United Nations as a clearing house for the effort provides such an opportunity.

In legislation introduced in May of this year, I called upon the President to press for the establishment of an international consortium under the aegis of the United Nations that would control the world supply of opium. This international body would issue direct grants to farmers growing the poppy. It would pay these farmers, through an incentive program, to produce foodstuffs.

The crucial element in my program is that it would be an international effort. It would be supported by the nations of the world and would be administered by the United Nations. Each nation would be asked to contribute to the costs of the work of the consortium by the use of a formula based on their ability to pay.

If this program were instituted, I believe it would prove itself much more effective than the program presently administered by the United States alone. There would be the pressure of world public opinion behind a nation's compliance. It would not appear to the skeptical as but another attempt at direct American involvement in the internal affairs of another country. As we know, it is this interpretation of American efforts that has fostered the political crisis in Turkey.

It is for all these reasons—the foremost of which still remains the need for an effective program to control the poisonous drugs that are reaching our shores in ever larger quantities—that I ask this Congress to act upon the resolution that I have introduced—calling upon the President to press for the establishment of the international consortium.

RETIRED SERVICEMEN'S FAMILY PROTECTION PLAN—A NEED FOR REFORM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, recently my attention has been brought forcefully to a most inequitable situation which is causing severe hardship for many survivors of retired servicemen. A number of letters from widows of retired career military men have detailed the severe difficulties they have had to face after the death of their husbands due to weaknesses in the retired servicemen's family protection plan. All too often these widows find that upon their husband's death they receive no pension at all, except possibly a small social security check if they have children or if they are over 62.

There are at least two basic weaknesses in the RSFPP as it now exists. Perhaps the most notable is that it is inferior to the comparable plan for civil service, in that servicemen have to pay significantly more for coverage than civil servants do. The reason for this is that the RSFPP is operated on strict actuarial principles so as to not cost the Government anything. On the other hand the Government pays part of the cost of the civil service plan. Another weakness of RSFPP is that because of the strict actuarial principles on which it is operated, the election procedures are very strict, much more so than under the civil service plan.

The unfairness of the situation is that after a retired serviceman dies, his family often finds that through no fault of theirs they are virtually penniless. The strictness of the system works hardship on the survivors who suddenly realize that they have little security even though the man of the family spent his whole life in service to his country, often abroad and sometimes in combat, away from his family, perhaps wounded in action, or even a prisoner of war for months or years.

The inequity of the present system, which is in itself disturbing, is pointed up by the way it contrasts to the civil service plan. It is just unfair that career military men receive less protection for their survivors than people in the civil service, since they truly put their lives on the line in the defense of their country, and work under conditions which are harsh for their families.

We are currently considering the establishment of an all-volunteer army, a concept which I favor. In order to do that we are going to have to pay our servicemen better. We all know that. But we are also going to have to correct inequities like this where the survivors of servicemen are less protected than survivors of civil servants.

The letters I have received from servicemen's widows have convinced me that change in the RSFPP is needed, and needed soon. A subcommittee of the House Armed Services Committee has been holding hearings on proposals to remedy this situation and is, I understand, favorably inclined toward some kind of action this session. I urge that favorable action be taken, as it is merited by the facts.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Since 1960, the number of immigrants coming to the United States from other countries increased from 265,398 to 454,448 in 1968.

HIGHWAY SAFETY NO. 5—
ONE CITY'S SOLUTION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. CLEVELAND. Mr. Speaker, during the past month I have been inserting a series of articles from the Christian Science Monitor on the subject of highway safety, specifically the problem of the drunken driver. These articles have clearly made the point that heavy drinkers who also drive are a major cause of the disturbingly high death toll on our highways. Other causes include poorly designed highways, unsafe cars, "muscle" cars, inadequate testing for licenses, judges who are too lenient in dealing with offenders, insufficient numbers of police on our highways, and lax laws. Perhaps the major accomplishment of this series is that it has established drunken drivers as a cause of accidents and fatalities at least equal to the other causes men-

XUM

tioned, and one which has been neglected and ignored by too many people too long.

The fifth article in this series by Guy Halverson turns its attention toward a solution, and focuses on one city which has recognized the severity of the problem and is apparently doing something to solve it. Local solutions such as these would go a long way toward saving some of the 28,000 lives which are currently being lost in accidents caused by drunk drivers. Programs like the ones described here are certainly not the complete answer, but they are a very important part of it. They go far toward preventing people from driving after drinking too much, with practical preventive measures. To back this up, it is, of course, necessary for effective, stiff police measures to provide an element of deterrence. In addition, as emphasized in last week's article, it is important for society to treat alcoholics as sick people who are suffering from a disease. All of these measures overlap, and are necessary to a solution to the problem.

This article is important because of its emphasis on what is being done in some leading communities in this field, and for the leadership they can offer other areas as they recognize the problem and begin to act seriously to combat it. The Christian Science Monitor is to be commended for its emphasis in this article on what is being done in several communities, for the encouragement it provides others to be active. Many of us often complain that the emphasis is always on what is wrong. This type of article avoids that by emphasizing constructive approaches to the problem:

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ALBUQUERQUE FINDS A BETTER ROAD

(By Guy Halverson)

ALBUQUERQUE, N.M.—Most American cities seem indifferent to the havoc being wrought by the drinking driver. Not Albuquerque, N.M. Under way in this city is a comprehensive, interagency campaign against those who drink and then drive. It could serve as a model for the nation.

What would you do if you suddenly found yourself living in a city of 300,000 people where:

Highway fatalities for 1969 totaled 47 compared with 30 the year before—perhaps 70 percent of which were liquor-related;

Police costs for handling drunkenness are continually spiraling upward;

At least 1 out of every 14 drinkers is believed to be an alcoholic, and many of them own automobiles?

Confronted with this situation, the City of Albuquerque declared war on the drunk driver. The strategy: broad community support, assiduous wooing of federal funds, and an overall program which some safety experts say could become a model of civic responsibility.

According to most safety experts, such a model is sorely needed nationwide. In most of the communities this reporter visited across the United States, he found a towering apathy toward the problem of the drunk driver. Inaction was the rule.

A WELCOME EXCEPTION

The Albuquerque effort, it would appear, is an exception to that rule.

What is happening here, however, is typical of the few model communities recently selected for the Department of Transportation's new program aimed at curbing the drunk driver.

Albuquerque—with a pre-World War II population of 30,000—has mushroomed. Today it is an important space-research center. It sits astride a grid of highways that link such major metropolitan areas as Denver, Los Angeles, and Dallas.

Local planners such as Steve George, chairman of the regional Council of Government, point out that this growth puts tremendous strain on roadway systems. Just in Bernalillo County (Albuquerque) alone, passenger-car resistration jumped from 81,000 in 1958 to 139,000 in 1968. On many major arterials, traffic volume is already at what were projected as 1975 capacity limits.

City planners became acutely aware of the need for long-range roadway planning to counter the rising congrestion and resultant accident patterns.

As a first step, Albuquerque leaders hammered together a joint county, city, and school-district Traffic Safety Commission. It was underwritten in part by a $45,000 Department of Transportation grant.

The commission, operating out of the regional four-countywide Council of Government, was charged with bringing together traffic and road information from different agencies; establishing highway priorities; and channeling local efforts into the statewide program of the New Mexico Traffic Safety Commission.

This paved the way for step No. 2: a $1.4 million grant from the Department of Transportation (DOT) to test out specific countermeasures against drunk driving and part of a nationwide DOT experimental project.

The Albuquerque program, only now getting under way, includes:

A speaker's bureau and an advertising campaign.

Inclusion of questions on alcoholism and alcohol abuse on driver's license tests and renewal tests.

Identification through welfare and other social agency referals of problem drinkers who drive.

Use of cabs and police vehicles to transport drunks home from taverns and parties.

More intensive patrolling in high-liquor, high-fatality areas.

Establishment of a special "drunk patrol."

Experimentation with mechanical devices to identify drunk drivers. Under consideration are such items as portable TV units in patrol cars and exotic devices known as portable "sniffer machines" that can detect alcohol on the breath of a passing motorist.

Development of an extensive alcoholism-treatment program.

What has caught the attention of safety experts is the way the DOT-Albuquerque attack on drunk driving is being hitched to a continuing $740,000 model-city program. The latter is aimed in part at alcoholism and is locally and federally funded. There is some criticism that the model-city program overly stresses rehabilitation of the problem drinker while neglecting controls on the social drinker.

DECISION MADE IN 1966

In 1966, when Albuquerque was planning its participation in the model-city program, a number of organizations—including the police, an area council on alcoholism, and the city government—decided to do something about the drinking problem. They went to the Community Council of Albuquerque, a nongovernmental civic-action agency.

"They asked us to do something about the problem of alcoholism before things got out of control here, as was happening in too many other cities," recollects Dr. Hugh Woodward, past president of the Community Council. The council responded by setting up a planning committee and borrowing a staff person from the Department of Psychiatry at the University of New Mexico.

At the same time, the council asked the city to prepare a report on the cost to local taxpayers of police handling of drunken drivers and persons arrested for public drunkenness. Analysis showed annual costs to be well over $250,000 at that time. A coroner's report, prepared about the same time, also showed most highway fatalities to be liquor-related.

An evaluation of the overall drinking problem found it to be most heavily centered in the low-income, model-city area. The Community Council, at an open meeting at the main branch of the Albuquerque National Bank, presented a comprehensive treatment plan which envisioned a detoxification center and rehabilitation farm for alcoholics.

A special "blue-ribbon" finance committee was appointed. It included the police chief, city manager, a municipal court judge, and several state alcoholism commissioners. They went to work to figure out a way to underwrite what would admittedly be an expensive project.

"SEED MONEY" PUT UP

At a joint meeting in March, 1969, representatives of Bernalillo County and the City of Albuquerque decided to put up $80,000 in "seed money." The idea was to interest the Departments of Housing and Urban Development (HUD) and the Department of Health, Education, and Welfare (HEW) to provide the bulk of the needed capital.

"That was the hardest part of the whole planning," laughs Mrs. Margaret Stewart, associate executive secretary of the Community Council.

"It was almost like a nightmare," explains Dr. Woodward. "In our initial planning we had to work out two budgets, one for model cities and one for HEW. HEW said, first the plan, and then the financing. But HUD [model cities] said, first the fiscal, then the program. It took us some close bookkeeping, but we did it."

The $740,000-plus rehabilitation program, as it now exists, involves: a detoxification clinic at the old St. Joseph's Hospital in the downtown area of Albuquerque; a rehabilitation farm for more intensive care; special case workers to deal with the police, courts, and other referral agencies; and a number of specialists for pre- and post-care counseling.

Conflicts may be developing already over the mechanics of the rehabilitation program.

Some officials with whom I talked were insistent that drunken driving must continue to be defined as a crime with clear legal sanctions, even though they would welcome a correlative rehabilitation program.

MANY QUESTIONS POSED

At the same time, other officials were asking questions like: Who is going to identify the problem drinkers—or just the heavy drinkers, for that matter? Who will refer these people to a rehabilitation program at the time of sentencing? Should it be on the mere decision of treatment experts working with local judges? Or should the decision be based on verifiable records—such as an accumulation of convictions for driving under the influence of liquor?

Despite such questions, says City Manager Richard Wilson, "the rehabilitation program is an established concept in this community now and the great paradox is that it is probably much bolder than just about anyone here yet realizes."

Highway-safety experts across the country agree that the drunk-driver problem demands the same kind of coordinated, interagency attack that is being mounted in Albuquerque. Such an attack, they insist, must include both better enforcement and better rehabilitation.

As a Department of Transportation guideline publication states: "Any comprehensive program must include efforts to deal with all aspects of the problem of alcoholism" in a community.

Yet in most communities I visited during the past several months there was no interagency approach. Local leadership—and funding—was almost nonexistent.

Take what I found in Grand Rapids, Mich.: Both the Kent County sheriff's department and the Grand Rapids police were waging imaginative and intensive patrol campaigns against drinking drivers. Yet both departments were saddled by severe budget limitations and manpower woes—even as accident rates continued to rise.

Key community leadership has yet to focus on the problem of the drinking driver. The general public is apathetic. There is no city alcoholism program.

PROBLEM WELL DOCUMENTED

Dr. Winston B. Prothro, Kent County health director, estimates that there are between 7,000 and 10,000 alcoholics in the county. Yet there is no county detoxification clinic, no halfway house. Indeed, the only real local program in the alcoholism treatment area is a counseling program which utilizes one full-time worker.

Ironically, the Indiana University School of Police Administration several years ago undertook an exhaustive study of drinking-driver patterns in the Grand Rapids area. Its findings, which graphically pointed up the problem, were well publicized. Yet little was done.

And Grand Rapids is no exception. Portland, Ore., averages about 2,000 drunk-driver arrests a year. But there is widespread apathy to building a much-needed detoxification center. Gradual elimination of—or at least lessened reliance on—the city's overcrowded drunk tank is not yet an avowed goal there.

Participation by the city in the Department of Transportation's campaign against the drunk driver has even drawn fire. One local newspaper groused editorially that the program was "unimaginative."

There are, of course, a few bright spots across the country. Ann Arbor, Mich.; Charlotte, N.C.; and Greenwich, Conn., are three communities which have the beginnings of a comprehensive campaign against the drinking driver.

In Auburn, Wash., psychiatrists, psychologists, and social workers have joined with local traffic courts to treat the drunk driver problem as a family problem rather than just a legal one.

A number of communities are experimenting with special postconviction driver education and alcoholism schools.

Perhaps the best known is the Phoenix Alcohol Research and Reeducation Project, which has received widespread press attention over the past few years. The American Automobile Association Foundation even made a film about it.

POSITIVE BENEFITS NOTED

Under the program, drunk drivers are required to spend four consecutive Wednesday evenings in a special safe driving school, cosponsored by the city, Columbia University, and Arizona State University. The classes, ranging from 30 to 150 students, represent a cross section of Phoenix itself, with prominent businessmen sitting next to housewives or laborers.

"We're particularly pleased with the changes in attitude that we've noticed on the part of many social drinkers after this course," says Judge James M. Smith, one of six city magistrates who participate in the program.

At the lectures, the drinking drivers are given lectures on alcoholism and highway safety, as well as shown actual films of serious highway accidents taken by policing agencies. In addition, the participants are required to prepare a "case history" on their own drinking patterns and what motivated the acts that lead up to their arrest for drunken driving.

Participants in the St. Louis County postarrest program are carefully selected to ensure a high success rate for the program. Chronic alcoholics are screened out, since it is felt that their need is more clinical than educational.

Programs like these are admittedly fledgling steps. But safety experts insist that if the drunk driver is to be stopped, then there must be a full-scale attack along the lines of the Albuquerque effort—and soon.

SUPPLY OF INDUSTRIAL FUEL OILS GROWS TIGHTER

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, there is increasing concern that this winter we may experience a serious shortage in heavy, industrial fuel oils.

This impending shortage is the result of a number of factors, including our declining domestic capacity to make heavy fuel oils because of rising imports and the increasing use of low sulfur content fuels to satisfy local antipollution laws.

The petroleum industry is our Nation's greatest source of low-cost energy, and it is essential that Congress understand the reasons for this shortage and take steps to correct them.

For this reason, I am inserting in the Record, an excellent article which appeared in last Friday's Wall Street Journal, and calling it to the attention of my colleagues:

Supply of Industrial Fuels Grows Tighter, Adding to Fear of Energy Woes This Winter

A growing shortage of heavy industrial-grade fuel oils east of the Rockies has sent prices soaring to highs and could contribute to the possibility of energy problems in many parts of the nation this winter.

Power companies, factories, office buildings, hospitals, colleges and other users of the boiler fuel are encountering increasing difficulty securing sufficient supplies. In addition, they're paying prices as much as $1.50 a barrel higher than a year ago, or as much as double the year-earlier levels. Many oil companies are turning down prospective customers, and some are even allocating shipments to present customers.

The higher fuel costs in many cases will be passed on to consumers in the form of higher electric bills, under so-called "automatic fuel adjustment clauses" in utility rates, and the form of higher prices for manufactured products. Some factories were forced to close for short periods last winter due to fuel shortages, and the pinch is likely to be more severe this year.

The fuel oil shortage also is contributing to a tightening supply of asphalt, the nation's chief road-building material. Some road projects have been slowed this summer, and the combination of short supplies and rising prices could cut into next summer's state and Federal highway programs.

The causes of the fuel oil shortage are complex and include such diverse factors as new air pollution control laws, a world-wide tanker shortage resulting from events in the Arab world, new Federal coal mine safety rules, and a growing nation wide shortage of natural gas.

IMPACT OF SMOG CONTROLS

A major trigger for the shortage is the fact that many local air pollution control authorities are placing into effect much sooner than anticipated tight restrictions on the sulphur content of fuels. Burning of such fuels produces sulphur dioxide, a gas that when precipitated out on soot and dirt in the air and then breathed in can be damaging to the human bronchial tubes and lungs.

The laws are forcing many burners of coal, the lowest-cost boiler fuel for many parts of the country, to seek fuel oil as a substitute. Most boiler coal is high in sulphur content, and methods of removing it economically are still in the research stage. Pipeline-grade natural gas doesn't contain any sulphur but is nationally in short supply, and several major gas utilities also are rejecting new customers.

About two-thirds of the nation's heavy fuel oils are imported from Venezuela and Caribbean area refineries. At present these fuel oils, too, are high in sulphur, and most of the oil industry's new desulphurization plants in these areas, representing about a $500 million investment, haven't gone into production. What's more, the tanker crisis has as much as tripled oil transportation costs from the Caribbean and has resulted in uncertain delivery schedules at East Coast ports. The tanker shortage results from the prolonged closedown by Syria of a key Middle East oil pipeline and Libya's forced cutbacks in oil production there.

Domestic capacity to make heavy fuel oils has declined steadily because of rising imports and the previously low price of imported fuels in relation to high cost U.S. crude oil—such fuels frequently sold for less than half the cost of the crude from which they're made. This also discouraged the building of desulphurization plants in the U.S. Most new U.S. refineries have been designed without facilities to make heavy fuel oil in order to squeeze more gasoline and other higher-value products from each barrel of crude.

NEEDS GO UNFILLED

There are other factors contributing to the fuel oil shortage. A number of coal mines have been forced to close, at least temporarily, because they're unable to meet new Federal mine safety laws. Several electric power plants have been built to run on heavy fuel oil because of delays in getting approval and equipment for nuclear plants. Industrial plants that use so-called "interruptible" supplies of natural gas as their chief fuel, will need bigger stocks of alternate fuel oil this winter due to the greater likelihood that utilities will have to cut them off during periods of peak homeowner gas use.

Meanwhile the scramble for fuel oil is on. The University of Illinois Medical Center in Chicago is preparing to ask for bids for the fourth time in three months to secure a needed eight-million-gallon heavy fuel oil supply for this winter. The first three tries brought only one qualified bid, which will fill only half the center's fuel requirements.

William Graban, general manager of the municipally owned power plant in Taunton, Mass., says his invitations to 12 oil companies to bid on the plant's 700,000-barrel needs over the next year drew only one bid to supply 250,000 barrels. That bid, from Shell Oil Co., is at $2.90 a barrel for relatively high sulphur (2.5%) oil, compared with a year-earlier price of $1.98 from another supplier. The Taunton plant, about 25 miles south of Boston serves about 18,000 electricity customers, and Mr. Graban says the town could be in a bad fix before long.

A marketing official of one of the largest international suppliers of heavy fuel oils says bluntly, "We are turning down prospective new customers, and from time to time have had to allocate deliveries in some areas to present customers, due to uncertain tanker schedules. We're even trying to buy fuel oil ourselves in the open market."

HEAVY DEMAND FOR LOW SULPHUR

The crunch is even more severe for heavy fuel oil with low sulphur content.

Public Service Electric & Gas Co., New Jersey's biggest utility, has converted about

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half of its electric generating capacity from coal to heavy fuel oil with a maximum of 1% sulphur to meet the state's present air pollution control rules. But in October, it must start using oil containing no more than 0.5% sulphur, which it estimates will cost about $1 a barrel more, and it anticipates this will be harder to buy, even though the company is close to two low-sulphur fuel oil terminals. The utility burns about two million barrels of oil a month.

Virginia Electric & Power Co. says such fuel is "exorbitant (in price), and it's just not available." Philadelphia Electric Co., which switched entirely to low-sulphur fuel oil at its power plants last year to meet new air pollution control laws, estimates that the $6 million that the switch added to its first year's fuel bill will be doubled over the next year by recent price increases. Low-sulphur oil costs up to $3.50 a barrel in some markets.

Byron S. Weil, president of Oils, Inc., a Chicago heavy fuel oil distributor, predicts that city's new air pollution control laws on sulphur dioxide will result in a severe fuel oil shortage for large institutions, hospitals and factories.

He asserts that greater access to foreign fuel oil in the Midwest is needed. Up to now about 90% of the nation's heavy fuel oil consumption has been on the East Coast, where there is almost unrestricted access to imported supplies. But imports of heavy fuel oil to the inland areas of the nation have been tightly restricted. Last March, the government granted the first import quota for this area, permitting Commonwealth Edison Co. of Chicago to bring in 4.5 million barrels of low-sulphur, heavy fuel oil. Oils Inc. then asked for a two-million-barrel quota but has been granted only 480,000 barrels.

But one oil marketer says, "Getting quotas may not help inland users much. You just can't find much heavy fuel oil available in the Caribbean right now, and when you can, it's almost impossible to charter a tanker to haul it for you."

MORE CLEAN-UP FACULTIES

Several major new desulphurization plants will be placed in operation in the Caribbean and Venezuela over the next six months, but oil marketers generally don't believe the facilities will solve the shortage.

For example, by the middle of August Standard Oil Co. of California and closely held New England Petroleum Corp. will begin shipments from a 250,000-barrel-a-day facility they share on a 35%-65% basis at Freeport in the Bahama Islands that can make 130,000 barrels of low-sulphur, heavy fuel oil daily. But, a spokesman says, "It's all sold under firm contracts."

In October Creole Petroleum Corp. 95%-owned by Standard Oil Co. (New Jersey), the largest supplier of heavy fuel oils to the U.S., will begin production at a facility at Amuay, Venezuela, capable of making 166,000 barrels of low-sulphur, heavy fuel oils daily, and Jersey Standard's wholly owned Lago Oil & Transport Ltd. will start up an 88,000-barrel-a-day unit on the island of Aruba about next Jan. 1. Yet a U.S. marketing official for the company predicts the short supply of heavy fuel oils could last as long as two years.

The Royal Dutch-Shell Group started a 50,000-barrel-a-day desulphurization unit at Cardon, Venezuela, this year, nearly tripling its low-sulphur, heavy fuel oil capacity in the Caribbean. Amerada Hess Corp. has about 86,000 barrels a day of low-sulphur fuel oil capacity at St. Croix in the Virgin Islands. Texaco Inc. has announced plans for a giant desulphurization unit on Trinidad.

The current high prices for heavy fuel oil even have some oil companies pondering a boost in domestic output. "But by the time desulphurization units could be built, the shortage may have ended or prices may have come back down, so it looks like a big gamble," says one oil executive.

DROPPING ASPHALT FOR OIL

An Arab-Israeli armistice also might bring an easing of the conditions causing the worldwide tanker crisis, but oilmen aren't counting on it.

A spokesman for the American Oil Co. division of Standard Oil Co. (Indiana) says some refineries are switching some asphalt production into making heavy fuel oil, and this is contributing to a growing shortage of asphalt.

The tanker shortage also is a big factor, since U.S. asphalt plants generally run on Venezuelan crude oil.

Frank O'Donnell, president of Trimount Bituminous Products Co., Everett, Mass., which mixes asphalt with other materials and supplies contractors, says he's been forced to ration deliveries to customers, delaying "completion of all sorts of jobs." The reason, he says, is that his asphalt supplier, Humble Oil & Refining Co., Jersey Standard's chief subsidiary, will sell him only 75% as much as he bought last year. Some of Trimount's truck drivers are working only three days a week due to the shortage, Mr. O'Donnell says.

R. L. Peyton, assistant state highway director for the Kansas Highway Commission, says some projects in that state have been delayed by the need to seek bids on asphalt a second time. He says availability of asphalt has been "touch and go so far this year, and it may be worse next year."

Adolph Zulian, assistant chief engineer of the Colorado Highway Department, says prices of liquid asphalt have risen 20% to 30% from a year ago, and he says that one of the state's major suppliers, Texaco, won't accept any new orders for this year.

Millard Stewart, executive director of the Asphalt Association of Western Pennsylvania, which represents the area's road materials producers, says, "We will probably make it through the year and get most of the jobs done, but it will be tight." He called the supply "critical" and predicted the present $24 a ton price, unchanged from a year ago, may soar to $29 a ton by next spring.

TRANS-ALASKA PIPELINE SITUATION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include newspaper editorials.)

Mr. SAYLOR. Mr. Speaker, this House has felt great concern for the welfare of the State of Alaska and has devoted much attention to problems related to its economic development and to its extraordinary natural environment. Two articles have recently appeared in the Fairbanks, Alaska, Daily News-Miner which are highly informative and can make a most helpful contribution to our understanding of the trans-Alaska pipeline situation.

One article, printed in the July 20, 1970, issue, is a letter from the Honorable Walter J. Hickel, Secretary of the Interior, written in reply to an earlier newsstory carried under the byline of William Randolph Hearst, Jr. This letter succinctly presents the Secretary's position with respect to the proposed pipeline and the considerations which have influenced him to withhold any permit for the pipeline and the accessory road.

The other article, printed July 22, 1970, is a report by Joe La Rocca, resources editor for the Fairbanks Daily News-Miner, of a talk by Dr. Arlon Tussing before the Anchorage Press Club on that date. Dr. Tussing, an authoritative Alaskan economist and professor at the University of Alaska, points out the fundamental problems involved in the pipeline project which must be solved and the diverse interests which must be satisfied before any agreement can be reached which would physically and legally permit the proposed pipeline to become a reality.

I commend the reading of these two brief articles to my colleagues and to citizens everywhere who wish to add to their understanding of what this trans-Alaska pipeline controversy is all about:

[From the Fairbanks Daily News-Miner, July 20, 1970]

HICKEL ANSWERS COLUMN BY HEARST

(NOTE.—Following a visit to Prudhoe Bay, William Randolph Hearst Jr. wrote a column for the Hearst newspapers in which he urged that the way be cleared for the North Slope oil to start moving to market. The News-Miner and other Alaska newspapers reprinted the column which came to the attention of Secretary of Interior Walter J. Hickel, also an Alaskan. In the following letter, Hickel replies to the statements made by Hearst.)

DEAR MR. HEARST: I write in response to your recent article on the trans Alaska pipeline reprinted in the Anchorage Daily Times. I am disappointed that you did not have the opportunity to discuss the technical problems with professional people in our Department. Had you done so I feel sure that you would not have reached the conclusions that you did.

The overriding concern to which you make no reference is the thermal effect of a hot oil pipeline buried in a permanently frozen medium . . . permafrost. The gradually melting frozen soil creates a continually expanding thaw bulb around the line. This melting undermines the foundation of the pipe and has serious implications for both structural integrity of the pipe and the surrounding terrain and environment.

In March of this year, my Technical Advisory Board, headed by the Geological Survey, submitted an interim report in which the major unresolved geological and related technical problems were delineated. Briefly, these are:

1. differential compaction and subsidence of the surrounding permafrost whose solid foundation is essential for support of the pipeline system.

2. liquification of the melting soils, which may cause large portions of the surrounding permafrost to move down hill in a glacial-like fashion, exposing the higher sections of the pipe to accelerated melting, and burying the bottom sections in acres of mud.

3. seismic dangers resulting from a system designed to withstand not the highest expected earthquake stress (or a magnitude thereof) but rather the average stress, suggesting that one out of every two earth movements would seriously endanger the pipe.

4. soil and rock slippage on adjacent hillsides resulting from the melting of lower lying frozen soils by the hot pipe.

These unresolved problems were addressed to TAPS on March 27, 1970. We have received no answer. You will agree that with concerns of this magnitude pertaining to extensive sections of a system that must be built in a fail-safe manner, it is incumbent upon a responsible government to insist that the answers be found in advance of approving a permit

In May 1969, President Nixon charged me with the establishment of a Federal Task Force that would investigate the ways in which arctic oil could be explored and produced "without destruction and with mini-

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mum disturbance." I have given the highest priority to meeting that mandate, dedicated to the view that a pipeline can and should be built, and that it can and must be built safely. The industry, to date, has simply not refined its technology to the degree necessary to assure the public that a pipeline can be safely buried in permafrost soils.

Second, your article completely fails to mention the two injunctions imposed upon the Department by the U.S. District Court, construction of a secondary road adjacent to the pipeline, both have important implications for the pipeline itself. My own view, fully supported by my technical advisors, is that the state of technology is sufficiently advanced to indicate that an environmentally safe road can be constructed in arctic areas. Notwithstanding, no responsible government, State or Federal, would consider violating a court order. To move forward with this vital project, the issue must be met and resolved within, and not in contempt of the legal process.

Your comment that "tundra has no value to anybody except reindeer" expresses an archaic concept acceptable to no one, certainly not to Alaskans who are committed to using the environment with both intelligence and safety. It betrays an attitude that itself is convincing support for your own observation about people from the outside with "good intentions but bad judgment."

I am but one of many Alaskans who have devoted a lifetime to the development of a great territory and a great state. Mineral and economic development is vital to the future of Alaska. Equally so are proper regard and protection for the arctic environment. The two are not conflicting, but rather complementing, values. We will continue to judge them of equal importance, committed to the principle that proper development will occur and that it will occur safely. We are continuing to apply our best energy toward a satisfactory solution to the complex technical and legal problems that temporarily impede progress on the pipeline. I have the utmost confidence that these will be resolved in the near future and that the project will proceed in a fashion that will commend the responsible efforts of both industry and government.

With best regards,
Sincerely yours,
WALTER J. HICKEL,
Secretary of the Interior.

[From the Fairbanks Daily News-Miner, July 22, 1970]

NO PIPELINE, ROAD FOR 2 YEARS

(By Joe LaRocca)

ANCHORAGE.—Neither a permanent road to the North Slope nor a trans Alaska oil pipeline will be built until the U.S. Congress legislates a settlement of Native Land Claims, and that will take two more years, or longer, an authoritative Alaskan economist told the Anchorage Press Club here today.

In a sobering speech bristling with criticism over the Alaska news media's handling of both controversial issues, Prof. Arlon Tussing charged that the confusion, distress and anxiety that attended them "must be blamed on the failure of the state's political leadership and the state's news media to tell the people of Alaska the kind of situation they really faced . . . particularly upon its three leading daily papers and its two chief business magazines."

Both "By omission and commission," the University of Alaska economist asserted, "the media have consistently misled the people . . . about the real status of the pipeline project."

Said Tussing, there has never been "a shadow of a chance" that pipeline construction could have begun this year, nor anything that the governor or the legislature could have done to get an access road to the North Slope built this season.

"It is hard to believe," he said, "that all of our highest officials, elected officials and all of our editors and publishers completely misunderstood the situation, but to my knowledge none of them has ever tried to tell the people . . . the blunt truth.

"Far from cooling down an atmosphere of hysteria," Tussing added, ". . . our newspapers ran banner headlines . . . they egged on the fruitless charter to Washington . . . the Daily News-Miner cheered the vain pilgrimages to Juneau and boomed a victory party for the North Slope road the very night before TAPS told the state what everyone should already have known—that TAPS would not sign an agreement with the state which required repayment."

But shrugging off the media's alleged misdeeds of the past, Tussing warned that without "some very profound changes, the press is going to allow the state to go through such a charade all over again.

"This time," he said, "the fantasy is that the state can speed things up by building the pipeline itself."

He then launched into a lengthy enumeration of the overwhelming obstacles—political, social, environmental, technical, legal and organizational—which must be successfully met before construction of either a haul road or a pipeline is possible.

Tussing told the Press Club that there are "many obstacles" to pipeline construction, any one of which could delay it for years. "I would give even money," he said, "that the Prudhoe-Valdez route will NEVER be built."

The obstacles, Tussing explained, include the disorganization and political ineptness of some of the oil companies; the engineering problems; the National Environmental Policy act whose full implications nobody really comprehends yet and "the stumbling block which is by far the most intractable: the problem of Native claims," legislative settlement of which is an absolute prerequisite" for construction of the access road, pipeline, or any other major industrial or transportation developments on the federally-owned lands of Alaska.

Tussing said that there are two other "land freezes" beside the Secretary of Interior's land withdrawal which must be resolved by settlement of the claims.

He cites as the most serious one the "freeze" imposed by Congress Alaska Organic Act of 1884 which requires the federal courts to preserve the status quo "wherever a Native claim has a shadow of plausibility."

The state's contention that this does not affect state land selections has already been "totally rejected" by the U.S. Supreme Court as well as the powerful U.S. Senate's Interior and Insular Affairs Commitee, Tussing pointed out.

This doesn't mean, he said, that all the claims are valid; only that the federal government may not dispose of any land on which there is a Native protest until there has been a determination on the merits of the protest.

"It is this situation," he declared, "not the public land withdrawal . . . which is the real land freeze . . . it applies to all situations including state selection and rights-of-way, and can be lifted only by positive action of the Congress."

"One implication of this situation," Tussing noted, "is that the state cannot speed up the pipeline or road construction by selecting the right-of-way, because the state cannot select land subject to a Native protest," at least until it has been tested in court.

Stressing that the Natives' claims and the land freeze are "just one of several sources of obstruction to North Slope transport projects." Tussing said that the litigation brought against them so far by Native and conservation groups "is just the tip of the legal iceberg . . ." If the state tries to build either the road or pipeline with its own funds, you can also anticipate taxpayer suits.

"There are five groups which each has an effective veto power over any further big developments with respect to the North Slope oil and its transportation to market," he pointed out. "They are the oil industry, the state, the federal bureaucracy, the Alaska Natives and the conservation interests."

Any arrangement must be acceptable to all five.

Working out a package which all will accept will take "at least two years," Tussing said.

"A delay of this length . . . four years after the initial Prudhoe Bay discovery, would have been no disaster to Alaska, nor to anyone in the state had the oil industry not been so naive about the legal, political and engineering problems it faced," he said.

Nor would it have been a disaster "if the state government and the state's business community had not been so eager to drum up a boom atmosphere and so eager to turn it into a crisis atmosphere . . .

"The state's private economy and construction activity would have proceeded rapidly upward as they are doing now, but without the alternation of inflationary excess followed by deep despair," Tussing added.

The state's economy presently "is basically in very good shape; the distress and anxiety that have attended the question of the pipeline and the road this year must be blamed on the failure of the state's political leadership and the state's news media to tell the people of Alaska the kind of situation they really faced," Tussing concluded.

BUREAUCRATIC BOONDOGGLING

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, we are all familiar with the taintedly turned phrase—bureaucratic boondoggling. It is a nemesis applied to Government and those of us who try to serve our constituents and the Nation within the strangling web of redtape.

A prime example of rampant boondoggling is the General Services Administration's highhanded efforts to hand over Federal property to two businessmen so that the Federal Government can tear down the historic Willard Hotel to make room for a so-called National Square. This controversial 6-acre expanse of pavement would not be unlike the Red Square in Moscow.

No one seems to want this square very much, least of all the Congress, which has refused to fund the temporary Pennsylvania Avenue Commission that proposed the square.

But this has not deterred the GSA from pursuing, secretly, when necessary, its crusade to swap at any cost public land for private gain. The obvious conclusion to be drawn from the way the GSA has been trying to ramrod through an exchange of surplus Federal land for the Willard property is that some bureaucratic bigwig in the Nixon administration is behind the deal. Bureaucrats, as we are sadly aware, do not move that fast unless they are being shoved.

The GSA, without consulting me about an invaluable piece of property in my own district, first tried to peddle 203-acre Miller Field, a surplus Army field in the New Dorp section of Staten Island, to the owners of the Willard. When I unearthed this backdoor finagling on May 7, the GSA at first tried a cover-up—denying that it was negotiating any such deal. But time and digging by my staff proved otherwise.

Rezoning of this multimillion dollar residential property in land-poor New York would have made the deal even more attractive to the private developers who envisioned high-rise apartments in an area that desperately needs new hospitals, schools, and parks. Yet, at no time during the preliminary negotiations was I, or, to the best of my knowledge, any other public official representing New York State, New York City or Richmond County, consulted about the proposed exchange. This, despite the fact that for 8 years, I have been trying to save Miller Field for the health, education, and recreational needs of the community.

After I held public hearings on Staten Island and the proposed "land grab" was castigated by both city officials and the public, the GSA suddenly offered the Willard's owners a 17-acre tract in Arlington, Va., near the Pentagon. This land, once the home of the Navy Waves across from the Navy Annex, is currently zoned for "active or passive recreation or for scenic vista." GSA, on behalf of the National Square builders, is therefore urging the Arlington County Planning Commission to rezone it for commercial-office and high rise use.

Mr. Speaker, since when has the GSA become a private real estate brokerage?

Whether land is owned by the Federal, State, or city governments, it is public land. Governments, unless they have secretly changed the rules of the game, belong to the people; that is, the public.

In any event, after doing battle with the totally uncooperative GSA over Miller Field, I introduced legislation to insure that every Member of Congress be notified of the intended disposition of federally owned real property in the district he represents.

Today, Mr. Speaker, I am introducing legislation that will prevent a repetition of the Miller Field saga if and when the GSA-inspired Arlington-Willard swap falls on its face.

As I said before, the city of New York is the most land-poor area in the Nation. On Staten Island, we desperately need a general hospital, a vocational high school, and a recreation area. Miller Field is the answer to these needs. Therefore, I am now introducing a bill to allow the Federal Government to turn over the 203-acre field to the city of New York without cost, on condition that the property "be used only for health, education, and recreation purposes." The only cost to the city would be for survey fees.

Miller Field has been declared of no further value to the Government. It can be put to great use for a wide range of public projects. I see no reason why it should be handed over to private interests for private gain.

LEAVE OF ABSENCE

Mr. FLYNT (at the request of Mr. ALBERT), for today, on account of official business.

Mr. RIEGLE (at the request of Mr. GERALD R. FORD), for August 3 and 4, on account of personal affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SANDMAN), to revise and extend their remarks and to include extraneous matter to:)

Mr. POFF, today, for 5 minutes.

Mr. HOSMER, on August 6, for 30 minutes.

Mr. BUSH, today, for 5 minutes.

Mr. HALPERN, today, for 5 minutes.

(The following Members (at the request of Mr. JONES of Tennessee), to revise and extend their remarks, and to include extraneous matter to:)

Mr. FEIGHAN, today, for 60 minutes.

Mr. FLOOD, today, for 15 minutes.

Mr. FARBSTEIN, today, for 30 minutes.

Mr. PRYOR of Arkansas, on August 10, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALEXANDER and to include an editorial.

Mr. FEIGHAN to revise and extend remarks made in Committee of the Whole and to include extraneous material.

Mr. MAHON to revise and extend remarks in connection with the proceedings of today in two instances and to include certain extraneous material in each instance.

(The following Members (at the request of Mr. SANDMAN) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. WIGGINS.
Mr. ROBISON in two instances.
Mr. HALL.
Mr. BOB WILSON in three instances.
Mr. WYMAN in two instances.
Mr. ASHBROOK.
Mr. HOSMER in two instances.
Mr. RHODES.
Mr. BUSH.
Mr. NELSEN.
Mr. HOGAN.
Mr. BROWN of Ohio.
Mr. LANDGREBE.
Mr. BRAY in two instances.
Mr. MORSE in two instances.

(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:)

Mr. PUCINSKI in six instances.
Mr. EILBERG in three instances.
Mr. RYAN in three instances.
Mr. WOLFF.
Mr. MAHON in two instances.
Mr. HICKS in two instances.
Mr. WALDIE.
Mr. MONTGOMERY.
Mr. FRASER.
Mrs. CHISHOLM.
Mr. WILLIAM D. FORD in three instances.
Mr. DANIEL of Virginia.
Mr. BOLAND.
Mr. BURTON of California.
Mr. EDWARDS of California in two instances.
Mr. CHARLES H. WILSON.
Mr. YATRON.
Mr. RIVERS in two instances.
Mr. STEED in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in two instances.
Mrs. SULLIVAN in two instances.
Mr. JONES of Tennessee.
Mr. EDMONDSON in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye;

H.R. 1697. An act for the relief of Jack Brown;

H.R. 1703. An act for the relief of Clayton County Journal and Wilber Harris;

H.R. 1728. An act for the relief of Capt. Norman W. Stanley;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 2241. An act for the relief of John T. Anderson;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 2481. An act for the relief of Cmdr. John W. McCord;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3723. An act for the relief of Robert G. Smith;

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9092. An act for the relief of Thomas J. Condon;

H.R. 9591. An act for the relief of Elgie L. Tabor;

H.R. 10662. An act for the relief of Walter L. Barker;

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired);

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.;

H.R. 12622. An act for the relief of Russell L. Chandler;

H.R. 12887. An act for the relief of John A. Avdeef;

H.R. 15118. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University;

H.R. 15354. An act for the relief of Anthony P. Miller, Inc., and

H.R. 17548. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

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S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on August 3, 1970 present to the President, for his approval, a bill of the House of the following title:

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired).

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 5, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2274. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for the period July 1969, through May 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2275. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes; to the Committee on the District of Columbia.

2276. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2277. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for accelerating construction and reducing the cost of low-rent housing, Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4665. A bill for the relief of Clinton M. Hoose; with an amendment (Rept. No. 91–1364). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 5017. A bill for the relief of A. Hughlett Mason; with an amendment (Rept. No. 91–1365). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 5943. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; with an amendment (Rept. No. 91–1366). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 6100. A bill for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.; with an amendment (Rept. No. 91–1367). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 7955. A bill for the relief of Charles Zonars; with amendments (Rept. 91–1368). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 12958. A bill for the relief of Central Gulf Steamship Corp.; with amendments (Rept. No. 91–1369). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 13805. A bill for the relief of David Z. Glassman (Rept. No. 91–1370). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 14271. A bill for the relief of Jack A. Duggins; with an amendment (Rept. No. 91–1371). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually (Rept. No. 91–1372). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 1187. An act for the relief of Marcos Rojos Rodriguez; with an amendment (Rept. No. 91–1373). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 2514. An act for the relief of Arline Loader and Maurice Loader (Rept. No. 91–1374). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 2661. An act for the relief of Kathryn Talbot (Rept. No. 91–1375). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 18782. A bill to reorganize the government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioner of the District of Columbia and the District of Columbia Council, and for other purposes; to the Committee on the District of Columbia.

H.R. 18783. A bill to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes; to the Committee on the District of Columbia.

By Mr. BUSH:

H.R. 18784. A bill to limit membership on national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.R. 18785. A bill to establish an improved program for the benefit of producers and consumers of dairy products; to the Committee on Agriculture.

By Mr. GALIFIANAKIS (for himself, Mr. Button, Mrs. Chisholm, Mr. Hathaway, Mr. Meeds, Mr. Podell, Mr. Wiggins, Mr. Buchanan, Mr. St Germain, Mr. McDade, Mr. Goodling, Mr. Dorn, Mr. Wright, Mr. Patten, Mr. Morgan, Mr. O'Neal of Georgia, Mr. O'Neill of Massachusetts, Mr. Stokes, Mr. Gray, Mr. Howard, Mr. Hechler of West Virginia, Mr. Fulton of Pennsylvania, Mr. Whitehurst, Mr. Leggett, and Mr. Horton):

H.R. 18786. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 18787. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 18788. A bill to amend section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising, and for other purposes; to the Committee on Ways and Means.

By Mr. MACDONALD of Massachusetts:

H.R. 18789. A bill to amend the Federal Power Act to establish procedures designed to balance energy needs and protection of the environment in planning and authorizing the construction of bulk electric power facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR:

H.R. 18790. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. Tunney, and Mr. McCloskey):

H.R. 18791. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 18792. A bill to provide for the conveyance of certain lands of the United States to the city of New York, N.Y.; to the Committee on Government Operations.

By Mr. RYAN:

H.R. 18793. A bill to amend the Truth-in-Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. TEAGUE of California:

H.R. 18794. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAM D. FORD:

H.R. 18795. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself and Mr. Biester):

H.R. 18796. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WILLIAM D. FORD:

H.R. 18797. A bill to extend for 5 additional years the authorization for programs under the Elementary and Secondary Education Act of 1965, and related programs, and for other purposes; to the Committee on Government Operations.

By Mr. HOLIFIELD (for himself, Mr. Price of Illinois, Mr. Hosmer, Mr.

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Aspinall, Mr. Anderson of Illinois, Mr. Young, Mr. McCulloch, Mr. Edmondson, and Mrs. May):

H.R. 18798. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 18799. A bill to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. STEED:

H.R. 18800. A bill for the relief of persons who suffered damages as a result of the sonic boom tests over Oklahoma City, Okla., in 1964; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

565. The SPEAKER presented a petition of Andrew Huggins, Avon Park, Fla., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, August 4, 1970*

The Senate met at 9:30 a.m. and was called to order by Hon. Quentin N. Burdick, a Senator from the State of North Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose Word declares "Commit Thy way unto the Lord; trust also in Him and He shall bring it to pass," we now commit ourselves and our Nation to Thee in the faith that "Thou shalt bring forth Thy righteousness as the light and Thy judgment as the noonday."

We ask Thee, O Lord, not to take away our burdens but to give us strength to carry them; not to make our way easy but to make it right.

Through Jesus Christ, our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., August 4, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Quentin N. Burdick, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 3, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR McINTYRE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the reading of the Journal, the distinguished Senator from New Hampshire (Mr. McIntyre) be recognized for not to exceed 1½ hours.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the distinguished Senator from Alabama (Mr. Allen) completes his remarks, there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements made during that period.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Wyoming (Mr. Hansen) is recognized for 30 minutes.

Mr. HANSEN. Mr. President, first of all, let me express my real appreciation to the distinguished majority leader and the distinguished minority leader for their kindness and courtesy in convening early, despite the fact that we have long days, and making it possible for me to speak upon a subject that is of real concern to me, and I believe will be of real interest to the country as a whole.

OIL IMPORTS AND THE PUBLIC INTEREST

Mr. HANSEN. Mr. President, I was somewhat surprised and startled yesterday to learn that as an advocate of the oil industry position in the controversy over the oil import quota program, I am, at least in the opinion of one Senator, opposed to the public interest.

Upon reading the remarks made here yesterday, I asked for time to discuss the charges here in the presence of the distinguished junior Senator from New Hampshire (Mr. McIntyre), and invited him to be present at this time. Because of a prior commitment, my good friend from New England could not be here, but I feel that I should set the record straight as to the blanket indictment he made against "advocates of the oil industry" and the "private influence" which he says "is strong enough to override the representatives of the public interest."

Inasmuch as I have been named as an advocate of the oil industry and its position in the oil import controversy, I presume Senator McIntyre included me in those he accuses of selling him "their bill of goods for years when it was so obviously and so outrageously contrary to the public interest."

First, I would like to assure the Senator from New Hampshire that I am not one of those oil industry advocates "with personal and financial ties to the oil community."

Second, I regret that he bought this "bill of goods" for so many years when it was actually a bargain, but now that the bargain rates have been sucked into the Middle East caldron, he would have us paying more for imported oil than our own.

I own no oil stock, no oil or gas royalty, nor any interest in any oil or gas company. I do, however, consider it in the public interest to do what I can to see that this country never has to submit to foreign blackmail for the oil and gas that provides three-fourths of our energy requirements and without which all transportation and most industry would come to a grinding halt.

The vital importance of oil and gas to this Nation's entire economy and America's national security has been recognized by four Presidents. Started by President Eisenhower, the basic concepts of the program have been carried out under the Presidential proclamation that established the program by Presidents Kennedy, Johnson, and Nixon. President Kennedy acted twice to strengthen the national security aspects of the program and President Nixon had that in mind, I believe, when he directed the study that resulted in the current controversy. The program had been riddled and weakened by exceptions and exemptions that had progressively raised the level of foreign oil in relation to domestic production until the original concept of preserving a strong and viable domestic petroleum industry was lost in the rush for more cheap oil.

We learned a lesson the hard way following the 6-day Arab-Israel war of June 1967, when all the Arab countries stopped shipment of oil to Western Europe and the United States.

Because we had the reserve cushion of excess production and the oil companies had the expertise and ability, along with an emergency plan already worked out in cooperation with the State and Federal Governments, oil production was increased to take care of European demands, as well as our own demands, and we even furnished Canada some of the oil she had been importing from those sources.

Mr. President, only last week I arranged for Dr. Wilson M. Laird, Director of the Office of Oil and Gas, to brief Senators on the Middle East situation and the threat of another oil embargo should things get worse.

All Senators were notified and invited. I believe my friend from New Hampshire could have benefited from the briefing, and for the benefit of those Senators who could not attend, the junior Senator from Oklahoma (Mr. Bellmon) and I entered into a discussion here last Friday and, also by unanimous request, entered Dr. Laird's remarks in the Record. But apparently oil import quota critics do not know what the facts are or do not care that the program is actually saving American consumers considerable money rather than costing them more.

Senator Bellmon and I pointed out here last Friday that events in the Middle East and North Africa had resulted in a world wide tanker shortage and that delivered prices of oil from that area to the U.S. east and west coasts are now considerably higher than domestic prices.

In fact, Senator Bellmon did some arithmetic showing consumer costs would be $5.4 billion higher per year at present prices should the plan Senator McIntyre advocates be adopted. On top of some $4.25—the east coast delivered price last week—the tariff plan would add another $1.35 a barrel, making the price about $5.60 a barrel as compared with a delivered price of U.S. crude of about $3.80.

But this is not all. A critical natural gas shortage is now imminent in the Northeast and imports of liquefied natural gas, at more than double the cost of domestic gas, would add another $6 billion to consumer costs.

The $5 billion cost of the program referred to by Senator McIntyre was, in my opinion, completely mythical to begin with, inasmuch as the total value of all the crude oil produced in the United States in 1969 was $10.3 billion. And that estimate did not take into acount the differences in transportation costs, the effect on U.S. exploration and supply, the higher prices for domestic natural gas that would result, the true economic costs to the Nation, nor the benefits from the present program.

I would hope that Senator McIntyre might review recent events, such as those reported by Dr. Laird, or read the New York Times or Wall Street Journal, both of which have repeatedly published the growing seriousness of the situation.

Inasmuch as east coast refineries depend on Middle East and north African oil for a considerable portion of their needs, I would think critics of the program would be looking toward more dependable sources rather than continuing to flay the oil companies which are even now stepping up domestic production to help alleviate the critical fuel shortage brought on by events in the Middle East. Many of us warned of just such an eventuality.

Senator Muskie's Subcommittee on Intergovernmental Relations is now holding hearings on the electrical power crisis in New York City which has been aggravated by a natural gas shortage and a growing shortage of heavy industrial grade fuel oils—a factor that has sent prices soaring. Most of this oil is imported. The tariff plan Senator McIntyre proposes would not only worsen the gas shortage by discouraging exploration for new sources, but would also tack on an added tariff which would be paid by the consumer.

If Senator McIntyre has an oil import plan which would do what he says it would, I suggest he make it known to the appropriate committees of the Senate which will consider a U.S. trade policy bill as soon as the House has acted on the Ways and Means Committee bill which includes the oil import amendment.

Mr. President, the vote in the Ways and Means Committee against the program Senator McIntyre advocates was 17 to 7. Senator McIntyre's proposal to amend that bill when it comes to the Senate and strike out the language which would nail the quota program into law may not have the support he apparently expects. That same bill includes quotas on textiles and shoes which he apparently believes are more of a threat to the Nation than oil imports. The Senator from New Hampshire sponsored those bills himself, and he may need a little support from the 31 oil State senators or, at least, from those who consider the Nation's security and self-sufficiency for its principal source of energy more important than some mythical savings that certainly are no longer valid, if they ever were.

Another aspect the so-called experts and oil critics ignore is the effect of oil imports on the gas shortage.

Mr. President, not only is such a plan as proposed by Senator McIntyre unsound, but it is completely inconsistent with the recent recognition, at long last, by the Federal Power Commission of the fallacy of Federal price-fixing policy.

The FPC, in the face of a critical natural gas shortage, now says it will abandon its price-fixing policies of the past decade in favor of a policy which considers such factors as rate of return for producers, as well as consideration of supply and demand factors. The new policy, according to FPC, will result in higher consumer prices as well as higher returns to producers.

Should those who advocate a reduction in crude prices through import controls succeed in implementing their plan, they would be working at cross purposes with the Federal Power Commission in attempting to stimulate exploration and development of domestic natural gas supplies through adequate returns and incentives.

The tariff plan would have the opposite effect by depressing domestic prices, reducing returns and incentives for exploration and development of new supplies, and, thereby, discouraging development of gas.

A large part of our gas is developed and produced along with oil.

Mr. President, if the distinguished junior Senator from New Hampshire was here Friday, he may have missed a colloquy that Senator Bellmon and I had on the import problem. Although I referred earlier to this discussion, I would like to repeat a few remarks I made in reply to Senator Bellmon's question about the need for more domestic energy sources and whatever plans Dr. Laird of the Office of Oil and Gas may have for alleviating them.

I said, yes; he does have some plans, and I shall be happy to detail specifically just what he recommended.

For one thing, he stresses the urgency of an overall energy policy which will focus attention upon the need that we have in this country for fuel in the future, in order to satisfy all the energy needs we have, as well as the need for exploration and development of our resources, in order to develop the potential we have.

Insofar as our allies' interests go, the NATO countries and Japan would likely have to make accommodations with Libya, Iraq, and other important oil-supplying countries, if there should be a disruption in the delivery of oil from those areas.

Obviously, the alternative would be the development of other sources of supply in other free world areas. But this could take considerable time.

There are no quick, easy answers for these energy deficient countries. But, with respect to our domestic needs, I think all agree—certainly those of us who have taken the time to investigate the problem—that the most competent authorities estimate we have just barely scratched the surface, insofar as the development of our resources here in this country goes.

Further, in specific response to the question raised by the Senator from Oklahoma, let me say that as chairman of the Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee, it was the duty and the responsibility of Dr. Wilson Laird, the Director of the Office of Oil and Gas, to make recommendations and to review the situation. He has done that, and they can further reactivate, if necessary, the Emergency Petroleum Supply Committee which has been on a standby basis since 1967.

Generally speaking, I think that the need is to take advantage of every resource we have in this country. There have been some who have said, "Let us forget about 15 percent of the reserves we have in the so-called stripper wells." I know that many of these wells are in the home State of the distinguished Senator from Oklahoma. They are also in Wyoming, representing rather significant reserves.

Some have said, "Let us forget about that, because this oil is too high priced. Let us forget about that 15 percent of

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our known reserves, and let us shut off the wells." A lot of things happen, so that they could not be brought back into production, as the Senator knows, but, with reckless abandon for the long-range, even the short-range welfare of this country, there have been some, within the last year, who have said, "Let us forget about that."

I think, now, that the lack of wisdom and foresight on the part of those making such recommendations is obvious to all of us.

Thank heavens, we have the reserves. Thank heavens, we can still produce them.

For those who thought we could continue to import foreign oil, as the Senator from Oklahoma knows, we can import it, but no one wants to buy it because it is so high priced—higher than our domestically produced oils.

I think these are some of the things that Dr. Laird was saying to us.

Another point the junior Senator from New Hampshire seems to have missed entirely is the effect the present Middle East and north African situation would have had on a refinery that was proposed under a foreign trade zone arrangement at Machiasport, Maine.

The total supply of oil for that refinery would have been from Libya, the country that has caused a good part of the present disruption and shortages.

Libya also recently expropriated the marketing facilities of all foreign companies and forced a cutback of more than a half-million barrels a day in production. This is part of Libya's continuing ploy with the oil producers for higher taxes on the oil produced.

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Not only would that oil under Senator McINTYRE's proposal cost some $5.60 a barrel rather than the $2 talked about in the task force report, but also, it would probably not be obtainable at even that price.

And that, Mr. President, is what we are talking about in this long debate over oil imports and U.S. trade policy.

But oil is only one part of the fight over trade legislation, although by far the most important because of national security implications. The trade bill Senator McINTYRE would amend as far as oil is concerned started out as a textile quota bill but is now being called a Christmas tree bill. Some are saying that import quotas are not in the interest of the United States. Others are saying that addition of anything other than quotas to protect their own regional industries are not in the interest of passing the bill, as it was at first reported, as tentatively approved.

I would think the New Englanders who attacked the oil amendment in the bill would, in view of the prices now prevailing for oil from the Middle East, now favor the amendment which would assure that the imports would continue to come in under quotas and not be further increased by a proposed $1.35 a barrel tariff. The tariff is presently 10 cents a barrel.

In addition to this, Mr. President, those who demand more imports from Canada certainly must not realize that Canada is a net importer of oil herself and is affected by price fluctuations, such as the sudden escalation of the cost of oil from the Middle East and north Africa.

Most of Canadian production is in her Western Provinces, but most of her refining capacity is in her Eastern Provinces. Canada has no pipeline connections from her own producing areas to her eastern refineries. She imports as much oil as she exports to the United States, and the price of that imported oil has suddenly gone up. Canada may, if this situation continues or worsens, find it to her advantage to use her own oil when the price differential disappears or becomes a minus rather than the plus it has been.

I do not mean to say that we should not develop a common energy policy with Canada which is, undoubtedly, our most secure source. But what I do want to point out is that Canada will certainly take care of her own needs first in an emergency, such as the 1967 embargo of Middle East and north African oil that followed the Arab-Israel war.

I cannot conceive of the Canadians gazing benignly across the border as the U.S. Treasury rakes off a fat tariff for their oil without taking a cut for themselves. That is another fallacy of the academically inspired tariff proposal. With the ups and downs of tanker rates and the uncertainties of tomorrow in north Africa and the Middle East, we can be thankful that there were some who could foresee the risks involved in the task force—majority—proposal and that, finally, others are realizing that cheap foreign oil will remain cheap only so long as we do not have to depend upon it.

One last word, Mr. President, and that is in reply to Senator McINTYRE's statement that:

> If the public really understood this issue, we in the Congress would not be able to withstand the winds of change that would blow through these halls—nor the public accounting it would demand of us.

Mr. President, I believe the public understands this whole import problem a lot better than Senator McINTYRE gives them credit for; and, even as complex as the oil import issue is, I am convinced that the public is more concerned about having a dependable supply at reasonable prices as they have always had than in the dubious now nonexistent—savings of a cent or two a gallon on a supply that could be cut off overnight as it has been before.

What we need to do and do quickly is get on with a national energy policy that will guarantee now and in the future that this Nation will be self-sufficient in its basic energy needs.

There is no doubt that we have them in abundant supply—oil, gas, coal, oil shale, and potential nuclear energy. We have the technology to develop these resources, but we need to begin and to do it now.

URBAN RESEARCH AND TECHNOLOGY

Mr. HANSEN. Mr. President, I am greatly disturbed that the conference committee has reported a bill that cuts the urban research and technology budget of the Department of Housing and Urban Development from $55 million to $30 million.

Although the President requested $55 million for this important program, the House cut the appropriation almost in half to $30 million. The Senate, I believe wisely, restored the appropriation to the level of the President's request. Now, however, the conference committee has reported the House figure.

The Department of Housing and Urban Development is putting these funds to good use. In addition to work aimed at improving housing, work to help our cities operate more effectively, and work to avoid some of the noise pollution that we face, the research budget also provides for developing means to consider geologic factors in the design and development of urban areas.

I must admit that I am most familiar with urban research and technology work in the last area of interest. Throughout the Nation, including my own State of Wyoming, we find geologic problems that endanger the safety of our people and limit the development of our urban communities. Subsidence into empty mine tunnels has cost this Nation dearly in life and property. Methods must be found to overcome that problem. Earthquakes and mud slides also cause irreparable damage, incur large costs, and cause loss of life in urban areas.

Urban planners have not been adequately equipped to consider the significant effects of these geologic hazards in their planning process. The research organization of HUD has begun to tackle these problems, and I commend them for their farsighted approach to this and other problems.

Today, many Members of the Congress are asking that important military and transportation projects be delayed because they feel that the projects have not been researched adequately. I earnestly hope that the Members of this body do not find that in future years we must delay urgently needed programs to meet our housing and urban needs as a result of a failure to invest adequate funds in research activities today.

Mr. President, I do not believe that we should discourage continued and expanded efforts in this area by cutting the urban research and technology budget from $55 million, the amount requested by the President, to $30 million.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is now recognized for not to exceed 30 minutes.

ATTORNEY GENERAL MITCHELL AND JUSTICE DEPARTMENT OFFICIALS DESERVE CREDIT FOR THOROUGH IMPARTIAL INVESTIGATION OF KENT STATE TRAGEDY—FEDERAL GRAND JURY INVESTIGATION IN CLEVELAND NEXT IN ORDER

Mr. YOUNG of Ohio. Mr. President, next month, very shortly following Labor

Day, under authority of Attorney General John Mitchell, I predict that a team of lawyers in the Department of Justice will join the U.S. attorney of the northern district of Ohio, Robert Krupansky, and a Federal grand jury will be summoned to convene to investigate the tragedy at Kent State University which occurred on Monday, May 4. A large number of witnesses will be subpenaed to testify before this Federal grand jury. I assert that very definitely there is probable cause that some officers of the National Guard and National Guardsmen will be indicted for murder in the second degree.

Under direction of Attorney General Mitchell and top officials of the Department of Justice, 100 FBI agents over a period of 2 weeks made a most thorough inquiry interrogating numerous witnesses including students, both boys and girls, faculty members, National Guardsmen and officers and hundreds of members of the Ohio Highway Patrol and citizens living near the Kent State University campus and officials and policemen of Kent. This, Mr. President, was a most thorough official investigation and it is stated that the summary of the report of officials of the Department of Justice covered 7,500 pages. This document has been signed by the Chief of the Civil Rights Section of the Department of Justice, Jerris Leonard.

Mr. President, some of the highlights and readily provable statements contained in this report are:

First. The shootings by National Guardsmen "were not necessary and not in order."

Second. No guardsmen had been hurt by flying rocks, and none was in danger of his life at the time of the shooting.

Third. The guardsmen had not run out of tear gas, as was widely reported at the time, and could have controlled the situation by using tear gas or making arrests.

Fourth. One guardsman fired at a student who was making an obscene gesture. A second fired at a student preparing to throw a rock. This notwithstanding that the distance separating the front line of the guardsmen and this student and other students was so considerable that a thrown stone would not have struck any guardsman with sufficient force to cause injury. A third National Guardsman is reported to have run around immediately after the incident shouting hysterically, "I shot two teenagers! I shot two teenagers!"

Fifth. The memorandum of the FBI advised Ohio officials that six guardsmen could be held criminally responsible for their part in the shootings. And it listed the six by name, rank, unit, and home address.

This FBI report directly refutes as utterly false the allegations of Adj. Gen. Sylvester T. Del Corso. This fellow made reckless allegations, one of the least of which was his repeated statement that a sniper from a university rooftop fired at National Guardsmen on that Monday morning preceding the shooting and killing. Later Del Corso was compelled to admit that there was no such occurrence.

The facts are that on Monday, May 4, right up to the time of the killing of four university students, two girls and two boys, and wounding of 10 others by rifle fire, not one of whom was rioting nor had made any threats whatever, which shooting occurred at about 12:22 p.m., not one National Guardsman was injured by any stone or other object allegedly thrown by students. Not one National Guardsman required first-aid treatment that morning or during the noon hour up to and including the moment the volley was fired by guardsmen. The FBI report was completely corroborative of the report filed by seven investigative reporters of the Knight newspaper chain including the Miami Herald, Detroit Free Press, Akron Beacon Journal, and other metropolitan newspapers. In their report following a thorough 2-week investigation, these reporters concluded that guardsmen committed murder in the early afternoon on that day and that no National Guardsman was injured by act of any students.

At the time this volley was fired, or immediately following, when one guardsman shouted hysterically, "I shot two teenagers. I shot two teenagers," one National Guardsman fainted and another allegedly suffered a heart attack. Those were the only casualties. Adjutant General Del Corso is guilty of uttering blatantly false statements when he said:

> A lot of guardsmen up there were hurt by rocks and other objects thrown at them.

His word is not worth a plugged nickel.

Now Del Corso, evidently fearing a Federal grand jury investigation, said that since the Guard had completed its study of the incident, he would favor a county grand jury investigation by the prosecuting attorney of Portage County. He is meeting with Paul W. Brown, presently Ohio attorney general, who ran a poor third in the Republican primary last May 5, to discuss his proposal for this county grand jury investigation. They prefer such mini-investigation and Governor Rhodes favors this. Paul W. Brown, the lameduck attorney general, who was so decisively beaten by Ohio voters when he aspired to be the Republican nominee for Governor at the primaries last May, running a poor third, now comes forth with the fantastically false statement that he has evidence that "nonstudent drug pushers and users participated in the Kent State University riot that resulted in the shooting death of four students." This lameduck politician is opposed to a Federal grand jury investigation but he has stated:

> We all regret the deaths of those four kids but the guardsmen were on duty in a riot.

Of course Adjutant General Del Corso now a thoroughly discredited political general fears a Federal grand jury investigation.

This statement of politicians Brown and Del Corso that the students were rioting that tragic Monday is utterly false in at least two particulars. First, the FBI and seven investigative reporters have determined that there was no riot on the Kent State University commons on Monday, May 4. This fellow Brown is further guilty of a fantastically false assertion that nonstudent drug pushers and users were on the campus on the day of the shooting. He and Adjutant General Del Corso have become hysterical in the false statements they are making.

Mr. President, perhaps the first victim was Sandra Scheuer who had just opened the door and had started to walk to a speech therapy class. She was on the campus of her university. She had not even stepped onto the university commons to view the guardsmen, officers and men, who had been called out by Governor Rhodes on the previous Saturday night—the most ruinous and senseless decision that James A. Rhodes had ever made. As she lay dead her schoolbooks were by her side.

Allison Krause, a young coed from Pittsburgh, and William Schroeder, an outstanding 19-year-old student from Lorain, Ohio, and young Jeffrey Miller of Plainview, N.Y., were on the campus or university commons enjoying the beautiful sunny day as spectators who had finished their classwork for that day. Their university was in session. They had every right to be where they were. Not one of these four and not one of the 10 students who were wounded by rifle fire of the guardsmen, was rioting or had resorted to any violence. Seven of these students were shot in the back or in the side. They were not even facing the guardsmen. Robert Stamps of Cleveland, who was very seriously wounded, was shot in the back. The bullet missed his spinal column by about an inch and emerged from the front part of his body. He was a distance of 610 feet away from the front line of the National Guard at the time he was seriously wounded by a guardsman's rifle.

Another youngster who was shot, Dean Kahler, is paralyzed from the waist down. Another, Thomas Grace, was struck in the side of his leg by a guardsman's bullet which penetrated downward into his ankle and exploded. Three of the 10 wounded will be hospitalized indefinitely.

Of course the efforts of Attorney General Brown and Adjutant General Del Corso to have a Portage County grand jury listen to the testimony of the witnesses they select and then whitewash this horrible tragedy will fail. Whatever these fellows do will not prevent a Federal grand jury investigation next September or October. There is reasonable and probable cause that six National Guardsmen and officers are guilty of murder in the second degree. Also a Federal grand jury investigation may disclose that other guardsmen should be indicted for the lesser offense of shooting to kill. A Federal grand jury will fully, fairly and thoroughly investigate the facts. Vice President AGNEW in a statement made by him in California after he had acquired the facts from officials of the Department of Justice said that the National Guard overreacted and officers responsible should be held for murder—not murder in the first degree—but murder.

U.S. MILITARY IN SOUTH VIETNAM AID AND ABET TORTURE OF PRISONERS OF WAR TAKEN BY OUR GI'S BUT TURNED OVER TO SOUTH VIETNAMESE OFFICERS FOR TORTURE—SOMETIMES MURDER

Mr. YOUNG of Ohio. Mr. President, during the summer months tens of thousands of American and foreign tourists come to visit the Capitol Building where the legislative branch of the U.S. Government conducts its business. In the two great legislative Chambers in this building, visitors can see the Senate and House of Representatives in session. In the corridors of the Capitol, are statues of some of the greatest legislators and patriots in our Nation's history, and exhibits depicting the development of Congress and the growth of the Capitol Building as the national landmark of which all Americans have reason for pride.

This summer, tourists have been treated to another type of display inside the Capitol Building. This novelty, designed to pull at the heartstrings of patriotic visitors to Washington, depicts what is supposed to be the horrible plight of American prisoners of war in North Vietnam. It consists of one "tiger cage," one "rat-infested cell" complete with rat and a lifelike model of a starving, emaciated prisoner of war, and a few emotion-packed pictures.

All of this—on display in the Capitol chamber known as the crypt—is by reason of action of that Texas multimillionaire, H. Ross Perot, who attained national advertising some months ago for his costly but abortive effort to fly supplies and food into Hanoi for American pilots and others held in North Vietnam. Of course, Mr. Perot might have had a greater impact with his mission had he displayed more commonsense and probably spent less money from his tremendous annual income. Women's Strike for Peace and other antiwar groups have been successful at getting through to American prisoners of war in North Vietnam for quite some time. They have not sought nor received the publicity and personal advertising that H. Ross Perot has received probably due to his great wealth and flamboyant actions. Without a doubt he deserves acclaim for seeking to soften the hard life of American prisoners of war, and as a result of his efforts more messages, packages, and medical supplies have been delivered to Americans held as prisoners of war.

Certainly Mr. Perot is a man of great personal achievement for transforming an investment of a few thousand dollars into a mammoth billion dollar computer corporation. Perhaps it never occurred to him that officials in Hanoi would not welcome with open arms a rich capitalist who had given his full support to an American policy of escalation of our involvment in a civil war in Vietnam and then bombing with our napalm bombs and with our gigantic B-52's thousands of square miles in Vietnam, both north and south of the 17th parallel.

Mr. President, we Americans have been absolutely right in pressing our contention that the Hanoi Government and the forces of the National Liberation Front of South Vietnam have been mistreating our airmen and other fighting men who have been prisoners of war over many months or even years. Inhumane treatment of helpless human beings is inexcusable under any circumstances. I have denounced the ill treatment of American pilots and others taken prisoners of war in Vietnam in the past and I do so again today.

However, emotional and grisly exhibits such as the one now on display in the Capitol serve no useful purpose. Furthermore, on the basis of firsthand reports made by American pilots shot down and taken prisoner, who engaged in bombing runs over North Vietnam and were later released, their captors treated them very well. One officer reported that his right arm, badly shattered at the elbow, was operated on by a Hanoi surgeon and he still has his arm and some movement in his elbow. He reported that he feared an amputation as the easiest and most logical action for his captors. He expressed admiration for the surgeon for his skill in performing the operation and his interest in treating his arm. He reported he was well treated. Of course all Americans taken prisoner lose weight on the Asiatic rice diet.

As long as there is war, there will be prisoners of war. Officials of a country at war do not want to release captives who may later return to fight against their captors. The quickest and surest way to assure the release of American prisoners of war now held in North Vietnam is to end our involvement in the brutal, immoral Southeast Asia war, now spread over the entire area of the old French Indochinese colonial empire.

Mr. President, it is regrettable but it is a fact that the United States has very little moral ground on which to criticize the treatment of our prisoners by the North Vietnamese. For years American GI's have turned over immediately all VC soldiers that they captured to ARVN soldiers and officers who apparently in every case beat and torture these prisoners of war. These prisoners taken by our GI's are immediately hooded and manacled by the South Vietnamese.

Mr. President, as one who served for 37 months in World War II, most of that time being in north Africa and Italy—and I know others of my colleagues who have served in that war can testify to the same facts—on many, many occasions I saw prisoners of war, fine young Germans of the African Corps, within minutes after they had been taken prisoner. Not one was manacled. Not one was hooded. Not one had his hands tied behind his back.

All that was done to those prisoners of war in World War II was that they were marched off under guard. They had their hands above their heads.

General Loan, now a high official in the Saigon militarist-regime, fired the shot heard around the world. A VC officer taken prisoner by an American GI in a Saigon street was immediately turned over to a South Vietnamese sergeant who manacled the prisoner in violation of Geneva regulations on the treatment of war prisoners. This was during the 1968 Tet offensive. That Vietnamese soldier conducted his prisoner to General Loan then chief of police of Saigon, and then as now a close friend of Air Marshal Ky. General Loan immediately emptied his revolver killing the captured, manacled VC officer. This was one of the most memorable, cruel and shocking photographs to come out of the Vietnamese war.

For some years the militarist Saigon regime of General Thieu and Air Marshal Ky has maintained a human torture chamber at Con Son Island. Hundreds of men and women have been locked up in dark windowless stone cages, confined five or more together in 5-by-9 stone cells or cages, living in filthy conditions, suffering from malnutrition and disease and enduring physical beatings and torture.

Mr. President, the Associated Press reported from Saigon on August 2 that Maj. Gen. Nguyen Ngoc Loan, the former national police chief of South Vietnam, has been promoted to the position of special assistant to the South Vietnamese Defense Ministry.

Perhaps a copy of the photograph of General Loan or a model of a Con Son tiger cage should accompany Mr. Perot's emotional display. The fact is, Mr. President, that no pulling of heartstrings can end the cruelty and brutality of war.

The immoral undeclared war in Southeast Asia now escalated with daily bombings and killings in Cambodia and Laos is the most unpopular war waged in the history of our Republic. Ending our involvement in that war without further delay is the only solution to the brutality that has been brought upon all who have had a part in it.

THE TERRIBLE CRIPPLER

Mr. YOUNG of Ohio. Mr. President, the undeclared war Americans have been waging since Lyndon Johnson became President, first by intervening in a civil war in Vietnam but now, unfortunately, expanded and escalated during the Nixon administration to Cambodia, Laos, and Thailand, has become the bloodiest and most costly war in our history, excepting only World War II. It is now an Indochinese war and Americans are the aggressors as were the French colonial oppressors until their defeat at Dien Bien Phu. This has become the most unpopular war in the history of our Republic costing the priceless lives of more than 50,000 of our finest young men. Thousands of American GI's have been killed in what Pentagon terms accidents and incidents.

Nothing can be done to restore its popularity. The Chinese sage Confucius, years before the birth of our Savior, said that a man who makes a mistake and then does not correct it makes another mistake. That is what we have been doing in Vietnam and now in all of Southeast Asia. As you know, Mr. President, many of us have heard our colleagues say we never should have intervened in the civil war in Vietnam in the first place, but now that we are in it we have to see it through. I do not go along with that view because nations make mistakes the same as individuals.

One often overlooked fact is that nearly 300,000 men of our Armed Forces have been wounded in Vietnam, Laos, Thailand, and Cambodia. Many of these wounded will be maimed for life.

Due to the use of helicopters as ambulances in Cambodia, Laos, and South Vietnam immediately removing the wounded within minutes or at most within an hour, the death rate of wounded GI's is but 2.3 percent compared to nearly 5 percent in World War II. Deaths in combat are down but GI's who would have been mortally wounded and would have died within hours in World War II now survive due to instant evacuation by helicopter and the advance of medical science.

Yet for 50 years to come "basket cases" and GI's helplessly and hopelessly maimed for life will survive, many spending all of their remaining days in Army hospitals. This is a most terrifying and horrible end result of our fighting a major war in Southeast Asia which was commenced by intervention in a civil war in Vietnam, a faraway Asiatic country of no importance whatever to the defense of the United States.

In addition many thousands of GI's have been afflicted with bubonic plague, malaria fever, and other tropical diseases. Some have died. Many thousands will suffer as long as they live.

Mr. President, Thomas W. Pew, Jr., the editor and publisher of the Troy Daily New in my home State of Ohio, has written a most informative article which was published in the August 1970 issue of Progressive magazine. In that article, Mr. Pew notes the sad fact that:

> The war in Vietnam is crippling GI's at twice the rate of the Korean war and three times the rate of World War II.

He disclosed the sad fact that more than 12 percent of all our wounded Vietnam veterans are totally disabled and will be invalids as long as they live.

Mr. Pew argues strongly and convincingly that greater efforts should be made to provide adequate medical care for our wounded veterans who have returned to our country. There must be many more veterans' hospitals constructed and fitted with most modern facilities. In addition, the facts he presents provide another powerful argument for ending our tragic involvement in Southeast Asia without further delay.

Mr. President, I ask unanimous consent that the column "The Terrible Crippler" by Thomas W. Pew, Jr. be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

The "Terrible Crippler"

The war in Vietnam is crippling GI's at twice the rate of the Korean war and three times the rate of World War II. Compared with 6.7 percent for the Korean war and 4.4 percent for World War II, 12.4 percent of all wounded Vietnam veterans are totally disabled.

According to California's Democratic Senator Alan Cranston, the chairman of the Senate Subcommittee on Veterans Affairs which has recently completed a five-month inquiry into the medical care provided veterans, Vietnam is a "terrible crippler" because of the new weapons such as high powered rifles and, ironically, because of speedy medical care that saves many men who would have died on the battlefield in past wars.

Anyone who has visited hospitals in Vietnam can attest to the painful truth of the testimony given to the VA subcommittee by Dr. E. James Lieberman, a National Institute of Mental Health psychiatrist who is studying the effects of the Vietnam war on American families: "It's easier to visit a cemetery than some hospital wards."

Dr. Lieberman noted that many of these saved men, with missing limbs or paralyzed from wounds, don't want to see their families when they return home. He attributes this to the significance Americans place on physical attractiveness. "We must treat these men like heroes," the doctor said, "and make sure they get the best medical, social, and psychological care."

In the face of this challenge, Dr. Lieberman told Senator Cranston that he is "dismayed" by cuts in the Veterans Administration budget. Cranston is more than dismayed. He claims that as a result of staff shortages, estimated at as many as 10,000 persons, twenty-year-old psychiatric patients from Vietnam are "tranquilized and stashed away" in nursing homes for the rest of their lives. Cranston emphasizes: "We are simply not providing the budget needed."

Cranston, according to a recent issue of *Life*, has thoroughly documented gross inadequacies and laid the main blame directly on a series of cutbacks in the VA medical budget. This sum presently amounts to roughly $1.6 billion a year, somewhat less than the cost of one month's fighting in Vietnam. Additional appropriations of $122 million for next year await probable Congressional approval and could help ease the immediate crisis. But within the next twelve months 16,000 more men from Vietnam are expected to come under the Veterans Administration's care," the *Life* statistics show.

Cranston fears the President's proposed budget for fiscal 1971, which provides for a one per cent increase in the funds for medical care staff, will prove grossly inadequate even if the funds are actually spent. And he doubts that they will be.

The extent of inadequate rehabilitation facilities and programs was poignantly revealed in testimony before the VA subcommittee by retired Capt. Max Cleland of Atlanta. Cleland, a triple amputee, said that "the odds are that I would not be here if I had received the same wounds in World War II or Korea. But unfortunately I did not find that the up-to-date rapidly applied medical techniques used in saving men on the battlefield had their counterparts in my rehabilitation."

Following the saving of his life by "the most fantastic processes known to modern science," Cleland's rehabilitation was delayed by red tape and inefficiency. According to the captain's testimony it took more than a year to get his own wheel chair, although chairs were available. It took more than a year before he was fitted with artificial legs for the first time, but following the fitting it took only ten weeks training before he was able to walk out of the hospital. Cleland said that "there is no doubt in my mind that my rehabilitation time could have been cut in half."

Cleland's testimony does not stand alone. He joins an array of witnesses who have testified that VA hospitals are not doing their job. Cleland's testimony was specifically backed up by Dr. Sedwick Mead, rehabilitation specialist and consultant to VA hospitals, who testified that rehabilitation is definitely lagging behind lifesaving techniques.

A lack of adequate funds in the VA budget for rehabilitation facilities at a time when crippled GI's are returning to America at two to three times the rate of previous wars makes one wonder just how serious an injury this war has inflicted on the American conscience, not to mention the people upon whom we have visited war.

OUR NAPALM BOMBING

Mr. YOUNG of Ohio. Mr. President, in Vietnam a popular song blaring from tape recorders in GI hooches or sung by helicopter pilots goes something like this:

Napalm sticks to kids, napalm sticks to kids,
When'll those gooks ever learn?
We shoot the sick, the young, the lame,
We do our best to kill and maim,
Because the "kills" all count the same,
Napalm sticks to kids.

In a Saigon officer's club, with officers entertaining their Vietnam gal guests, the GI orchestra did not play this popular song. Also, it is a good bet marines in our Embassy at Sagon do not customarily sing "Napalm Sticks to Kids," at least unless Ambassador Bunker is away. Another of the many verses is:

Blues (helicopter gunships) out on a road recon,
See some children with their mom,
What the hell, let's drop the bomb,
Napalm sticks to kids.

A helicopter pilot with access to a typewriter made mimeographed stencil copies of the song. He wanted the song printed. Those officers in charge of headquarters' mimeograph machine refused permission, saying, "that's not official business."

ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Chair recognizes the Senator from Oregon (Mr. Hatfield) for not to exceed 30 minutes.

S. 4168 THROUGH S. 4178—INTRODUCTION OF BILLS RELATING TO MILITARY JUSTICE

Mr. HATFIELD. Mr. President, over the two centuries since our country's founding, the formal codes of behavior which have governed our Armed Forces have undergone many significant changes. First adopted in 1775, the articles of war were a direct adaptation of the British articles of war which had evolved from the 17th century codes set down by Gustavus Adolphus. In each case these rules and regulations were separate from the civil codes, the theory being that it was the military commander's prerogative to maintain discipline through practical punishment in order to deal effectively with the demands of military life.

There were two separate justice systems, one for the Army, the articles of war, and one for the Navy, the articles of the government of the Navy. The three-level hierarchy of the military courts—summary, special, and general courts-martial—has remained essentially the same for the last 200 years and has generally reflected the philosophy that the military commander should have control over the discipline of his men and should be the final judge as to

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how to best uphold the proper behavior of his troops. Until 1920 minor changes occurred in the two court systems of the Army and Navy, those revisions taking place in 1806, 1874, and 1916. Essentially, the proceedings were nonjudicial in character. The commanding officer acted as the convening authority, appointed all members of the court-martial and reviewed the decision and sentence. The accused had no right to counsel, although an officer was generally assigned as defense counsel if the accused so requested.

Since World War I, the evolution of the military codes of justice has been marked by increasing influence of civilian common law, this process usually being referred to as "civilianization." It has been the case in our history that major wars in which we have participated have focused public attention on our military justice system. This was the case after World War I—1920—World War II—1950—and Korea and Vietnam—1968. And, it occurred due to the large number of men called into military service and the public outcry regarding reports of unduly harsh sentences and arbitrary and unfair proceedings. Gen. Samuel T. Ansell, the major proponent of reform immediately following World War I, in his 1919 testimony presented numerous examples of injustices which had occurred during his tour of duty with the office of the Judge Advocate General, for instance: a 20-year sentence for being 3 months absent without leave—AWOL—40 years at hard labor for 20 days AWOL; and the conviction and immediate execution of 13 men accused of mutiny at Fort Sam Houston, Tex., without their records being reviewed, nor without any of them having the opportunity to seek clemency.

In spite of revisions subsequent to our World War I experience, public furor again occurred in response to allegedly harsh sentences during World War II.

The revision of the articles of war in 1950 saw all of the armed services brought under one system of law, the Uniform Code of Military Justice—UCMJ. Enlisted men were allowed to serve on courts-martial, the accused was allowed the right to legally qualified military or civilian counsel, and the U.S. Court of Military Appeals was established, its jurisdiction extending to the review of all sentences of less than honorable discharge or confinement of more than 1 year. The commander, however, still determined whether or not to prosecute, appointed the investigating officer, the members of the court, the counsel for the defense and prosecution, the law officer, and the court personnel. He also retained the power to review the conviction and sentences.

Our involvement in Southeast Asia has once again focused public attention on military justice. Such incidents as those that allegedly occurred at Mylai, the court-martial of Captain Levy, the mutiny courts-martial at the Presidio in San Francisco, increasing dissent within the military and the Pueblo incident have brought a reexamination of the role of the individual within the military, his rights, and his responsibilities.

The latest revision of the UCMJ, having taken place in 1968, made changes in four areas. First, a military judge with new powers and duties, similiar to those of a civilian judge, independent of the commander convening authority replaced the law officer. Various changes in the post-trial proceedings were made, including a provision for deferring a convicted man's beginning to serve his sentence until his case had been completely reviewed, and the authorizing of the Judge Advocate General to modify or vacate a sentence on various grounds. The Military Justice Act of 1968, in an effort to further limit command influence in courts-martial—a long-standing criticism—provided that general lectures or information courses on military justice could not be used to influence a court-martial nor could the commander consider an individual's performance in a court-martial when the commander was preparing an efficiency, effectiveness of fitness report on that individual.

The 1968 act also implemented certain changes with respect to defense counsel. It extended, with certain qualifications, to the accused in a special court-martial the right to be represented by defense counsel who was a lawyer and provided certain criteria which had to be met when a primitive discharge was adjudged. All of these modifications were designed to bring a greater degree of impartiality and provide more structural safeguards to protect the rights of the accused within the military, these reforms being adaptations of certain common law techniques and procedures.

Paralleling the civilianization of our military justice system have been similar developments in other countries. Great Britain, Canada, France, New Zealand, Australia and, most particularly, West Germany, have experienced greater civilianizing influences in many instances than we have in the United States and appear to have met with general success with no adverse effects on discipline. Great Britain, Canada, Australia, and New Zealand, for instance, have civilian tribunals reviewing military trials. In Great Britain the military Judge Advocate General is a civilian office under the Lord Chancellor, and in West Germany military personnel are subject to civilian courts for all specifically nonmilitary crimes.

Functionally and organizationally, the Armed Forces is analogous to a paramilitary group—such as a police or fire department. Its judicial system has been traditionally viewed like a State's, for example, independent of the Federal judiciary. According to article II, section 2, of the Constitution, the President is the Commander in Chief of the Armed Forces. The Congress, as stated in article I, section 8, of the Constitution, has the responsibility to determine the rules and regulations for military personnel. It is by virtue of the demands of fighting under combat and the training necessary to acquire proficiency for such a contingency that puts special requirements on certain military personnel.

In this regard, the maintenance of discipline is of paramount importance in accomplishing a combat mission; these men have to work efficiently and effectively as a team. It is this fact that separates military from most civilian groups. Beyond the rules and regulations governing the area of specific crimes of a particularly military nature, such as a.w.o.l. and desertion, are crimes generally punishable in any civilian court, such as murder, theft, and forgery. Yet, the distinction between these two types of crimes has not been made within our judicial systems, nor is the analogy between the military judicial system and a State's judicial system proper.

The Armed Forces is an agency of the Federal Government, directly responsible to the President and Congress. It also comprises a great portion of our population, spends about 66 cents of each tax dollar, and does business with domestic and foreign companies, individuals, and governments. In other words, it has a great impact within our country, as well as around the world, and is a direct arm of the Government: A State does not have a commensurate impact, nor is it a Federal agency. Consequently, except in cases which are military by nature, or crimes of a civilian or military nature committed in a foreign country by military personnel, military courts should not have jurisdiction; Federal courts should. Furthermore, there is no reason why the individual's rights should not have the safeguards within the military structure that are present in our civilian sector.

There are three criteria which are helpful in determining the appropriate judicial jurisdiction for a crime committed within the territorial limits of the United States. First, is the act solely a function of military necessity. That is, does the particular act assume a criminal nature because it is committed within the military environment. A.w.o.l. and desertion, for instance, are two such crimes. If a civilian employee leaves his job for a short time or leaves without returning, in both cases not notifying and asking permission of his boss, the consequences are not of the same magnitude as they are in the military.

The second criteria relates to cases involving the physical security of all or a portion of our society. If an act committed in the United States in a direct manner threatens the physical security of our country the jurisdiction for the crime would fall within the purview of the Federal court system. Mutiny and aiding the enemy are certainly acts which transcend the question of maintaining proper discipline and have direct consequences of more than an internal military nature.

The third criteria is the complement of the first, namely, is an act of such a nature that it would be viewed as criminal irrespective of one's role in society. Murder and robbery are two such crimes and, consequently, would be within the jurisdiction of the Federal courts when the crime was committed by military personnel within the territory of the United States.

There is a definite positive correlation between the degree of civilianization and the decreased problems of maintaining discipline. Not only do we have the experience of foreign countries to look to, but our experience reflects this as well. A good indicator is the frequency of a.w.o.l. and desertion cases. Court-martial cases in every branch of the armed services show a significant decline in those two areas over the past 18 years. In 1952, 1 year after article 15—nonjudicial punishment—was instituted, there were 28,827 convictions in the Air Force for a.w.o.l.—article 86—and 881 in 1968. For the same time period the Air Force had 320 desertion convictions—article 85—in 1952, and 16 in 1968. In the Army there were 4,107 a.w.o.l. convictions in 1955, and 1,521 in 1969; for desertion convictions the Army in 1955 there were 1,943, and in 1969 there were 197. In the Navy, in 1960, there were 3,213 convictions for a.w.o.l. and 2,901 in 1969; in 1953 the Navy had 1,191 desertion convictions, and 263 in 1969. When these figures are compared to manpower levels over the past 20 years, it is significant to note that not only does the rate of convictions generally decrease numerically, they decrease proportionately, as well. And, even more significantly, this is in spite of increased hostililty, particulalry among our youth—those most likely to be joining the Armed Forces—to our policy in Southeast Asia and to the draft.

Consequently, I am introducing today 11 bills which I believe will implement the necessary changes to effect a more equitable and effective justice system for military personnel. These revisions should fully eliminate command influence from courts-martial, structurally and procedurally adapt certain civilian techniques to the military judicial system, specifically delineate civilian and military crimes, and insure the maximum individual liberty to military personnel while increasing military effectiveness.

To adequately adjudicate cases involving U.S. military personnel in areas outside the United States, the legislation I am proposing would divide the world into judicial circuits, each circuit being under the command of an Armed Forces Judicial Circuit Officer, who is responsible directly to the Judge Advocate General of the military department of which the Judicial Officer is a member, and who would be responsible for the preparation of efficiency ratings for personnel under his command.

Each judicial circuit would be divided into four sections: a field judiciary section, a trial counsel section, a defense counsel section, and a trial review section. Each section would function as a separate office with the officer in command of each section being under the command of the Judicial Circuit Officer of that circuit.

The commander of the field judiciary section of any of the circuits would be responsible for detailing a military judge for the court-martial of any accused to be held within his judicial circuit and would also detail or employ qualified court reporters to record the proceedings and testimony taken before any court-martial, military commission or court of inquiry held within his judicial circuit. He would also be responsible for detailing or employing interpreters, for making all arrangements necessary regarding the time and place for any court martial trial to be conducted within his circuit, and for notifying the accused, trial and defense counsel, the commanding officer of the accused and other persons directly concerned with the trial.

The trial and defense counsel sections of each judicial circuit would be responsible for detailing trial and assistant trial counsel, defense and assistant defense counsel, respectively, for the court-martial of any accused to be held within their judicial circuit. And, the trial review section would review all court martial cases held within its jurisdiction.

The pretrial investigation would also be revised to some extent. The Judicial Circuit Officer would, at the written request of the convening authority, assign an investigating officer to investigate the charges. The investigating officer would then, upon completion of his investigation, submit a report of his investigation to the appropriate Judicial Circuit for review. If the circuit officer disagrees with any of the recommendations of the investigating officer, he would make a written report on each issue of fact and law raised by the investigating officer and would indicate his reasons for determining if there were legally sufficient evidence for referring such charges to a general court-martial for trial. If the convening authority were to disagree with the recommendation of the investigating officer or Judicial Circuit Officer against a trial of any charge by general court-martial, he would promptly submit the charge to the Judge Advocate General. The Judge Advocate General would then review the charge and determine whether it should be tried by general court-martial and then notify the convening authority of his decision, which would be final.

A verbatim record of each special and general court-martial would be made if the accused requested it or the commander determines that lengthy or complicated testimony is expected at the trial. After the trial the record would be forwarded to the judicial circuit for review and action by the review section of that circuit. If any part of a sentence imposed by a general or special court-martial remains after review by the judicial circuit, the record of that trial would be forwarded by the judicial circuit to the Judge Advocate General.

Eligibility requirements for serving on a general or special court-martial would be broadened. Any commissioned officer on active duty would be eligible to serve and any enlisted member of the Armed Forces on active duty who is not a member of the same unit as the accused would also be eligible to serve—provided that the accused personally, or through counsel, requested in writing that enlisted personnel serve on it. Not less than one-half of the total membership of a general or special court-martial would be composed of members of the same rank and grade as the accused. The convening authority would be responsible for selection of individuals who were to serve on the courts-martial by drawing names at random from a master roster. No member of the Armed Forces could be tried by a court-martial any members of which were junior to him in rank, and no member of the Armed Forces would be eligible to serve as a court-martial member if he were the accuser, witness for the prosecution, had acted as investigating officer, or as counsel in the same case.

Within the U.S. Federal District Courts would have jurisdiction in all cases involving crimes committed by military personnel except those covered by articles 15, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 107, 108, 109, 112, 113, 115, 133, and 134. While articles 88 and 89 and the death penalty would be abolished, the district courts would have jurisdiction to hear and grant appropriate relief in any case in which military personnel claim a denial of his constitutional rights where such claim is based upon the action of a court-martial or other military action and the individual shows that the relief available to him under military law or regulation is inadequate to protect the constitutional rights to which he is entitled. The district courts would also have jurisdiction to hear and grant appropriate relief to any such individual where he shows that relief by the court is necessary to prevent chilling effect upon his—or other individuals' similarly situated—rights under the first amendment of the Constitution.

Within proposed legislation, much of which became the Military Justice Act of 1968, one bill would have abolished the summary court-martial, the thought being that nonjudicial punishment could adequately handle the cases and overlapped the jurisdiction of the summary court-martial. It was not passed, however, because there had not been enough experience with the article 15 to safely make such a determination as the abolition of the summary court-martial. Three years have passed since that debate and evidence supports the original contention that the summary court-martial can be abolished without jeopardizing discipline or the court structure.

Today there exists the possibility of a State court trying a military man and the military again trying him for the same crime. In my proposal, double jeopardy between military and State jurisdiction would be eliminated.

Pretrial confinement would be limited to cases where substantial and convincing evidence is presented to the appropriate Judge Advocate General, or to a military judge designated by the Judge Advocate General, that such confinement were necessary to assure the presence of the accused for trial.

The Court of Military Appeals would review all courts-martial cases which include sentences of a bad conduct discharge or confinement for more than 1 year.

The President would establish within each of the Armed Forces a Court of Military Review which would be composed of one or more panels, each of which would have not less than three appellate military judges, appointed by the President, for terms of 3 years.

All requests to compel witnesses to appear and testify and to compel the

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production of other evidence before courts-martial would be submitted to a military judge for approval, and any material which, because of security or other reasons, cannot be made available for examination by the accused and his defense counsel would be inadmissible as evidence.

The physical arrangement and other facilities of any room in which a court-martial is conducted would be as nearly identical to the arrangement of the furniture and facilities in a Federal district court as practicable. There would be no formal or informal requirement for the seating arrangement of individuals serving as members of a court-martial, except that the President of a general or special court-martial may be seated either at the center of the seating or in the chair nearest the military judge, if one has been detailed, and would wear judicial robes.

At the lowest level of the judicial system would be the primary arm of handling disciplinary problems, article 15—nonjudicial punishment. Next in the hierarchy would be the special court-martial with its present jurisdiction and then the general court-martial. Each case would be reviewed by the circuit review section and the Military Court of Appeals would hear cases appealed from the lower courts. The entire system would be an independent authority subject only to the Judge Advocate General and precedents set down by the Federal courts. The accused in every case would have access to the Federal courts if his rights could be shown to be jeopardized. The individual within the military, whether a general, admiral, private, or seaman would no longer be troubled by vaguely worded crimes, would be insured of his rights as a citizen of the United States, and would have the confidence in the system that every citizen felt. There would no longer be a question as to the distinction between military and civilian crimes, and the likely decrease in disciplinary problems within the Armed Forces would help produce a more effective and prestigious military.

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To attain the standards of justice throughout every sector of our society, which have made this country what it is today, would be a greatly beneficial step toward constructive change and peace. And our Armed Forces are an integral part of this effort. Our ideal of equal justice for all and our reliance on individual liberty form the strength of our country and should be reinforced in every possible instance. These values and the practical consequences of them assume a particularly critical and imposing magnitude when assessing the role of our military. The legislation I have proposed today would help bring the military closer to the mainstream of American life and values.

It would strengthen the role of the individual within the Armed Forces both as a citizen of the United States and as one who bears a great responsibility for our physical security. Besides increasing internal discipline within the military, the proposed legislation would have the overall effect of bringing a greater sense of dignity to military service and reassure those who fear a growing military elitism within our country. Bringing our standards of justice within the military system up to, and in some cases surpassing, the standards of our civil codes would greatly enhance the role of the military within our society and of our society within the world.

Mr. President, I ask unanimous consent that the proposed legislation I am introducing today be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Does the Senator introduce the bills at this time?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. HATFIELD, were received, read twice by their titles, referred to the Committee on Armed Services, with the exception of S. 4170, which was referred to the Commitee on the Judiciary; and ordered to be printed in the RECORD, as follows:

S. 4168

A bill to improve the military justice system by establishing military judicial circuits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) Subchapter I is amended by adding at the end thereof the following new sections:

"§806 a. Art. 6a. Armed Forces judicial circuits

"(a) The United States and all areas outside thereof shall be divided in judicial circuits. Such circuits shall be known as Armed Forces judicial circuits (hereinafter in this chapter referred to as 'judicial circuits') and each such circuit shall be under the command of an Armed Forces Judicial Circuit Officer (hereinafter in this chapter referred to as a 'Judicial Circuit Officer').

"(b) The Judge Advocates General of the military departments are responsible for providing the personnel necessary to staff each judicial circuit. The number of personnel furnished by each Judge Advocate General to any judicial circuit shall be in direct ratio to the personnel strength in such circuit of the military department of which such Judge Advocate General is a member.

"(c) The officer assigned as the Judicial Circuit Officer of any judicial circuit shall be selected in accordance with regulations issued by the Secretary of Defense but shall, whenever feasible, be an officer from the staff of the Judge Advocate General of the military department having the greatest personnel strength within such judicial circuit. All personnel assigned to a judicial circuit shall be under the command of the Judicial Circuit Officer for that circuit; and the Judicial Circuit Officer for any judicial circuit shall be under the command of the Judge Advocate General of the military department of which such Judicial Officer is a member.

"(d) The Judicial Circuit Officer for each judicial circuit shall be responsible for the preparation of efficiency ratings for personnel under his command.

"§ 806b. Art. 6b. Division of Armed Forces judicial circuits

"(a) Each judicial circuit shall be divided into four sections as follows:

"(1) a field judiciary section;
"(2) a trial counsel section;
"(3) a defense counsel section; and
"(4) a trial review section.

Each section of a judicial circuit shall function as a separate office but the officer in command of each such section shall be under the command of the Judicial Circuit Officer of that judicial circuit.

"(b) Under such regulations as the Secretary of Defense may prescribe, the commander of the field judiciary section of any judicial circuit shall, in appropriate cases, detail a military judge for the court-martial trial of any accused to be held within such judicial circuit, and shall detail or employ qualified court reporters to record the proceedings and testimony taken before any court-martial, military commission, or court of inquiry held within such judicial circuit. Under like regulations such commander may detail or employ interpreters to interpret for any such court or commission. The commander of the field judiciary section shall be responsible for making all arrangements necessary regarding the time and place for any court-martial trial to be conducted within the judicial circuit in which he is assigned and shall be responsible for notifying the accused, trial and defense counsel, the commanding officer of the accused, and other persons directly concerned with the trial.

"(c) The trial counsel section of any judicial circuit shall detail trial counsel and assistant trial counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(d) The defense counsel section of any judicial circuit shall detail defense counsel and assistant defense counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(e) The trial review section of any judicial circuit shall review all court-martial cases held within such judicial circuit."

(2) The table of sections at the beginning of subchapter I is amended by adding at the end thereof the following:

"806a 6a. Armed Forces judicial circuits.
"806b 6b. Division of Armed Forces judicial circuits."

(3) Subsection (a) of section 826 (article 26(a)) is amended to read as follows:

"(a) Military judges shall be assigned to judicial circuits by the Judge Advocate General of the military department of which such military judge is a member. When a military judge is assigned to a judicial circuit he shall serve in the field judiciary section of that judicial circuit. A military judge shall preside over each open session of the court-martial to which he has been detailed."

(4) Subsection (c) of section 826 (article 26 (c)) is amended to read as follows:

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the commander of the field judiciary section of the judicial circuit to which such military judge is assigned to duty. No person shall prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge other than a Judge Advocate. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee."

(5) The first sentence of subsection (a) of section 827 (article 27 (a)) is amended to read as follows: "The commander of the trial counsel section and the commander of the defense counsel section of the judicial

circuit concerned shall detail trial counsel and defense counsel, respectively, and such assistants as the commander of each such section considers appropriate."

(6) Section 827 (article 27) is further amended by adding at the end thereof a new subsection as follows:

"(d) Defense counsel detailed to represent any accused may be a member of an armed force other than the armed force of which the accused is a member unless the accused requests that defense counsel detailed to represent him be a member of the same armed force as the accused."

(7) Section 828 (article 28) is repealed and the table of sections at the beginning of subchapter V is amended by striking out "828. 28. Detail or employment of reporters and interpreters."

(8) Section 832(a) (article 32(a)) is amended by adding at the end thereof the following: "The appropriate Judicial Circuit Officer shall, upon written request from the convening authority, detail an investigating officer to investigate the charges. Any person detailed to investigate charges against any accused shall be so detailed by reason of his impartiality, experience, education, and temperament, and shall not be under the command of the forwarding officer."

(9) The second sentence of subsection (b) of section 832 (article 32(b)) is amended to read as follows: "Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the commander of the defense counsel section of the appropriate judicial circuit."

(10) The last sentence of section 832(b) (article 32(b)) is amended to read as follows: "Upon completion of the investigation, the investigating officer shall submit a report of his investigation to the appropriate Judicial Circuit Officer for review. The Judicial Circuit Officer may disagree with any recommendation made by the investigating officer with respect to the trial of any charge, but if the Judicial Circuit Officer disagrees with the recommendations of the investigating officer that any charges not be referred to a general court-martial for trial, the Judicial Circuit Officer shall make a written report on each issue of fact and law raised by the investigating officer and indicate his reasons for determining there is legally sufficient evidence for referring such charges to a general court-martial for trial."

(11) Section 834(a) (article 34(a)) is amended by adding at the end thereof the following: "If the investigating officer or the appropriate Judicial Circuit Officer recommends against a trial of any charge by general court-martial, the convening authority shall, if he disagrees with such recommendation, promptly submit the charge to the Judge Advocate General of the armed force of which the convening authority is a member for review by such Judge Advocate General. The Judge Advocate General shall review the charge and determine whether it should or should not be tried by general court-martial. He shall, as soon as practicable after receiving the charge for review, notify the convening authority of his decision and his decision thereon shall be final."

(12) Subsection (b) of section 838 (article 38(b)) is amended by adding at the end thereof a new sentence as follows: "The commander of the defense counsel section of the appropriate judicial circuit is authorized, whenever he deems such action appropriate in the court-martial case of any accused, to detail to such case as defense counsel a judge advocate from the appellate defense counsel section of the Office of the Judge Advocate General of the military department of which such commander is a member; and such counsel shall be permitted to represent the accused through appellate review of the case."

(13) Section 854 (article 54) is amended by adding at the end thereof a new subsection as follows:

"(d) The commander of the field judiciary section of the judicial circuit concerned shall require that a verbatim record of the general or special court-martial trial of any accused be made if the accused requests that such a record be made and the commander determines that lengthy or complicated testimony is expected at the trial."

(14) Section 860 (article 60) is amended to read as follows:

"After a trial by court-martial the record shall be forwarded to the appropriate judicial circuit for review and action thereon by the review section of such circuit."

(15) Section 861 (article 61) and the catch line thereof are amended to read as follows:

"§ 861. Art. 61. Review by the judicial circuit

"The review section of such judicial circuit shall review the record of all court-martial trials conducted within such judicial circuit. If any part of a sentence imposed by a general or special court-martial trial remains after review by the judicial circuit, the record of such trial shall be forwarded by the judicial circuit to the Judge Advocate General of the armed force of which the Judicial Circuit Officer or the judicial circuit concerned is a member."

(16) The table of sections at the beginning of subchapter IX is amended by striking out

"861. 61. Same—General court-martial records."

and inserting in lieu thereof

"861. 61. Review by judicial circuits."

(17) Subsections (a) and (b) of section 862 (article 62) are amended by striking out "convening authority" each time it appears and inserting in lieu thereof "Judicial Circuit Officer of the judicial circuit concerned".

(18) Subsection (a) of section 863 (article 63) is amended by striking out "convening authority" and inserting in lieu thereof "Judicial Circuit Officer of the judicial circuit concerned".

(19) The catch line of section 864 (article 64) is amended to read as follows:

"§ 864. Art. 64. Approval by the Judicial Circuit Officer".

(20) Section 864 (article 64) is amended by striking out "convening authority" and inserting in lieu thereof "Judicial Circuit Officer of the judicial circuit concerned."

(21) The table of sections at the beginning of subchapter IX is amended by striking out

"864. 64. Approval by the convening authority."

and inserting in lieu thereof

"864. 64. Approval by the Judicial Circuit Officer."

(22) Section 865 (article 65) and the catch line thereof are amended to read as follows:

"§ 865. Art. 65. Disposition of records after review by the appropriate judicial circuit

"(a) When the Judicial Circuit Officer of the judicial circuit concerned has taken final action in a general or special court-martial case, he shall send the entire record, including his action thereon, to the approprate Judge Advocate General.

"(b) If the sentence of a special court-martial as approved by the Judicial Circuit Officer includes a bad conduct discharge, whether or not suspended, or confinement for four months or more, the record shall be sent to the appropriate Judge Advocate General to be reviewed by a Court of Military Review.

"(c) All other special and summary court-martial records shall be reviewed by the review section of the appropriate judicial circuit and shall be transmitted and disposed of as the Secretary conserned may prescribe by regulations."

(23) The table of sections at the beginning of subchapter IX is amended by striking out

"865. 65. Disposition of records after review by the convening authority."

and inserting in lieu thereof

"865. 65. Disposition of records after review by the appropriate judicial circuit."

(24) Subsection (b) of section 866 (article 66(b)) is amended by striking out "one year or more" and inserting in lieu thereof "four months or more".

(25) The first sentence of subsection (c) of section 866 (article 65(c)) is amended by striking out "convening authority" and inserting in lieu thereof "Judicial Circuit Officer".

(26) Subsection (d) of section 867 (article 67(d)) is amended

(A) by striking out "convening authority" in the first sentence and inserting in lieu thereof "Judicial Circuit Officer"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The Court of Military Appeals may take action in any case with respect to law or fact."

(27) Section 868 (article 68) is amended to read as follows:

"The Secretary concerned may direct the Judge Advocate General to establish a branch office within any judicial circuit. The branch office shall be under an Assistant Judge Advocate General who may perform for that judicial circuit, under the general supervision of the Judge Advocate General, the duties for that judicial circuit which the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President."

(28) Section 873 (article 73) is amended by striking out "convening authority" in the first sentence and inserting in lieu thereof "Judicial Circuit Officer".

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4169

A bill to amend section 825 (article 25) of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 825 (article 25) of title 10, United States Code, and the catch line thereof are amended to read as follows:

"§ 825. Art. 25. Who may serve on general and special courts-martial; selection for service

"(a) Any commissioned officer on active duty is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

"(b) Any warrant officer on active duty is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before such courts for trial.

"(c)(1) Any enlisted member of an armed force on active duty who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member of an armed force who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally or through counsel has requested in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted

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members in a number comprising at least one-half of the total membership of the court.

"(2) In this article, the word 'unit' means any regularly organized body as defined by the Secretary concerned, but in no case may it be a body larger than a company, squadron, ship's crew, or body corresponding to one of them.

"(d) Not less than one-half of the total membership of a general or special court-martial shall be composed of members of the same rank and grade as the accused if the accused, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial, or in the absence of such a session, before the court is assembled for his trial, personally or through counsel requests in writing that the court membership be so composed.

"(e)(1) The convening authority shall be responsible under regulations prescribed by the Secretary of Defense and in accordance with this subsection for selection of persons to serve on general and special courts-martial for the trials of accused persons conducted within the command of such convening authority.

"(2) The name of every officer and warrant officer within the command of the convening authority who is eligible to serve as a member of a general or special court-martial shall be included on a court-martial master roll and the name of every enlisted man within such command who is eligible to serve as a member of a general or special court-martial shall be included on a separate court-martial master roll.

"(3) The selection of officers to serve as members of courts-martial trials shall be made by a random selection method from the court-martial master roll of officers and warrant officers. The names of enlisted personnel shall be selected by a random selection method from the court-martial master roll of names of enlsted members whenever an accused has requested that the court-martial be composed in part of enlisted members. The random selection method shall be used for the selection of members of a court-martial for each separate trial.

"(4) No commissioned officer, warrant officer, or enlisted member shall be exempt from serving as a member of a general or special court-martial unless exempted by Presidential directive. The convening officer may relieve any officer or enlisted member from serving as a member of a court-martial upon presentation of evidence that such service would result in extreme personal hardship or materially interfere with the performance of urgent military duties.

"(5) When it can be avoided, no member of an armed force may be tried by a court-martial any member of which is junior to him in rank or grade.

"(6) No member of an armed force shall be eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4170

A bill to confer jurisdiction on United States district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter IX of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 876a. Art. 76a. Special jurisdiction of United States district courts

"Any United States district court shall have jurisdiction to hear and grant appropriate relief in any case in which any person subject to this chapter claims a denial of his constitutional rights where such claim is based upon the action of a court-martial or other military action and such person shows that the relief available to him under military law or regulation is inadequate to protect the constitutional rights to which he is entitled. Any such court shall also have jurisdiction to hear and grant appropriate relief to any such person where such person shows that relief by the court is necessary to prevent a chilling effect upon the rights of such person, or other persons similarly situated, under the first amendment of the Constitution of the United States."

SEC. 2. Subsection (c) of section 838 (article 38(c)) is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof a new paragraph as follows:

"(2) The defense counsel is authorized to file an action in any United States district court when he considers such action necessary to protect the constitutional rights of any accused he has been detailed to represent; and the costs of such action shall be paid for by the United States."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4171

A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 803 (article 3) of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Where there is a disagreement between civil authorities and military authorities with respect to which has jurisdiction to try an accused person subject to this chapter for any offense, the accused shall have a right to elect to be tried in a civil court or military court; but the foregoing shall not prevent a subsequent trial of the accused (1) by court-martial if it is judicially determined that the civil authorities did not have proper jurisdiction to try the accused for the offense or, (2) by a civil court if it is judicially determined that the accused was not subject to trial by court-martial for the offense."

SEC. 2. Section 814 (a) (article 14 (a)) of title 10, United States Code, is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 803 (d) (article 3 (d)) and under".

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4172

A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 810 (article 10) of title 10, United States Code, is amended (1) by inserting "(a)" immediately before "Any" in the first sentence thereof, and (2) by adding at the end of such section a new subsection as follows:

"(b) Any person subject to this chapter charged with an offense under this chapter shall, upon his or his counsel's request, be released from confinement pending trial of the charges against him unless substantial and convincing evidence is presented to the appropriate Judge Advocate General, or to a military judge designated by the appropriate Judge Advocate General, that pre-trial confinement is necessary to assure the presence of the accused for trial and the Judge Advocate General or law officer, as the case may be, issues an order authorizing the continued pre-trial confinement of the accused."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4173

A bill to amend section 867 of title 10, United States Code, to require the Court of Military Appeals to review all courts-martial cases which include sentences of a bad conduct discharge or confinement for one year or more

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 867(b) (article 67(b)) of title 10, United States, Code, is amended by striking out the semicolon at the end of clause (1) and inserting in lieu thereof the following: "or includes a bad conduct discharge or confinement for one year or more;".

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4174

A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 866 (article 66(a)) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following : "The President shall establish within each of the armed forces a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appelate military judges. Judges of the Courts of Military Review shall be appointed by the President for terms of three years. The Court of Military Review established for each armed force shall be assigned for administrative purposes only to the office of the Judge Advocate General of that armed force."

(b) Subsection (a) of section 866 (article 66(a)) is further amended by

(A) striking out "assigned" in the third sentence and inserting in lieu thereof "appointed"; and

(B) striking out the fourth sentence and inserting in lieu thereof the following: "The President shall designate one of the appellate military judges of each Court of Military Review established by the President under this subsection to serve as chief judge of that Court of Military Review."

(c) Subsections (f) and (g) of section 866 (article 66 (c)) are amended to read as follows:

"(f) The President shall prescribe rules of procedure for Courts of Military Review established under this section.

"(g) No member of the armed forces serving as a member of a Court of Military Review shall during his term on such court be rated on his performance as a member of such court. Appellate military judges of the Military Courts of Review may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, for mental or physical disability, or for extreme military exigency, but for no other cause."

SEC. 2. Section 867 (article 67) is amended by adding at the end thereof a new subsection as follows:

"(h) The Court of Military Appeals shall have authority to issue any order or writ necessary to protect any right under the Constitution, any law of the United States, or any military regulation of any person subject to the provisions of this chapter."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4175

A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 846 (article 46) of title 10, United States Code, is amended by inserting after the first sentence a new sentence as follows: "All requests to compel witnesses to appear and testify and to compel the production of other evidence shall be submitted to the military judge if one has been detailed to the court-martial case or to a military judge designated for such purpose by the appropriate Judge Advocate General if a military judge has not been detailed to the case; and the military judge shall approve or disapprove such requests in accordance with the regulations prescribed by the President."

SEC. 2. (a) The catch line of section 850 (article 50) of title 10, United States Code, is amended by adding at the end thereof the following: "; inadmissibility of certain evidence".

(b) Section 850 (article 50) of such title is further amended by adding at the end thereof a new subsection as follows:

"(d) Any report or other material which cannot because of security or other reasons be made available for examination by the accused and his defense counsel shall be inadmissible as evidence in a court-martial."

(c) The table of sections at the beginning of subchapter VII of such title is amended by adding "; inadmissibility of certain evidence" immediately after "Admissibility of records of courts of inquiry".

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4176

A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter XI of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 941. Art. 941. Physical arrangements of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel

"(a) The physical arrangement of the furniture and other facilities of any room in which any court-martial trial is conducted shall be as nearly identical to the arrangement of such furniture and facilities in a Federal district court room as practicable.

"(b) There shall be no requirement, formal or informal, for the seating arrangement of persons serving as members of a court-martial to be seated according to rank or grade, except that the President of a general or special court-martial may be required to be seated in the center of the seating arrangement for members of the court or at the end of such seating arrangement which is nearest the military judge, if one has been detailed.

"(c) Military judges shall wear judicial robes while presiding at any general or special court-martial trial."

(48) The table of sections at the beginning of subchapter XI is amended by adding at the end thereof a new item as follows:

"941. 41. Physical arrangement of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4177

A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) The first sentence of section 810 (article 10) is amended by striking out "; but when charged only with an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement".

(2) Section 816 (article 16) is amended by adding at the end of clause (1)(B) the word "and"; by striking out ", and" at the end of clause 2(C) and inserting in lieu thereof a period; and by striking out clause (3).

(3) Section 820 (article 20) is repealed.

(4) Section 824 (article 24) is repealed.

(5) Subsections (b) and (c) of section 843 (article 43) are amended by striking out "summary" and inserting in lieu thereof "special".

(6) Section 865 (c) (article 65 (c)) is amended by striking out "and summary".

(7) Section 936 (a) (article 36 (a)) is amended by striking out clause (3) and redesignating clauses (4) through (7) as clauses (3) through (6), respectively.

(8) Section 4711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(9) Section 4712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f) and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(10) Section 9711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be."

(11) Section 9712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f), and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

SEC. 2. (a) Section 326 of title 32, United States Code, is amended by striking out "general, special, and summary" and inserting in lieu thereof "general and special".

(b) Section 329 of such title is repealed.

(c) Section 332 of such title is amended by striking out "or a summary court officer".

SEC. 3. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4178

A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to limit the maximum period of confinement which may be imposed for certain offenses, to eliminate the death penalty, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) The third sentence of section 804 (article 4) is amended by striking out "or death".

(2) Section 818 (article 18) is amended by—

(A) striking out ", including the penalty of death when specifically authorized by this chapter" in the first sentence; and

(B) by striking out the second sentence.

(3) Section 819 (article 19) is amended by—

(A) striking out the first sentence and inserting in lieu thereof the following: "Subject to section 817 of this title (article 17), special courts-martial have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter."; and

(B) striking out "death," in the second sentence.

(4) Section 820 (article 20) is amended by—

(A) striking out "noncapital" in the first sentence; and

(B) striking out "death," in the last sentence thereof.

(5) Section 821 (article 21) is amended by—

(A) Inserting "(b)" at the beginning of the present text of such section;

(B) inserting a subsection (a) immediately above the present text of such section as follows:

"(a) No person subject to this chapter may be tried by courts-martial for any offense committed within the United States or in any Territory or possession of the United States except for an offense described in section 803 (article 83), 883 (article 83), 884 (article 84), 885 (article 85), 886 (article 86), 887 (article 87), 890 (article 90), 891 (article 91), 892 (article 92), 895 (article 93), 895 (article 95), 896 (article 96), 897 (article 97), 898 (article 98), 907 (article 107), 908 (article 108), 909 (article 109), 912 (article 112), 913 (article 113), or 915 (article 115). All other offenses under this chapter committed within the United States or in any Territory or possession of the United States by any person subject to this chapter shall be tried in the district court of the United States for the district in which the offense was committed or in which the accused is found; and jurisdiction is hereby conferred upon such courts for the trial of such offenses"; and

(C) striking out the catch line and inserting in lieu thereof the following:

"§821. Art. 21. Limitation on jurisdiction of courts-martial".

(6) The table of sections at the beginning of subchapter IV is amended by striking out

"821. 21. Jurisdiction of courts-martial not exclusive."

and inserting in lieu thereof

"821. 21. Limitation on jurisdiction of courts-martial."

(7) Section 849 (article 49) is amended by—

(A) striking out "not capital" in subsection (d); and

(B) striking out subsection (f).

(8) Section 852 (article 52) is amended by—

(A) striking out subsection (a) and inserting in lieu thereof the following:

"(a) No person may be convicted of any offense under this chapter except by the concurrence of two-thirds of the members of the court-martial present at the time the vote is taken or except as provided in section 845 (b) of this title (article 45 (b)).";

(B) striking out subsection (b); and

(C) redesignating subsection (c) as subsection (b).

(9) Section 856 (article 56) is amended to read as follows:

"§ 856. Art. 56. Maximum limits

"The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense. The President shall not have authority to modify or suspend punishment with respect to any particular geographical area or with respect to any particular offense."

(10) Section 867 (b) (1) (article 67 (b) (1)) is amended by striking out "or extends to death".

(11) Section 871 (article 71) is amended by—

(A) striking out "extending to death or" in the first sentence of subsection (a);

(B) striking out ", except a death sentence" in the second sentence of subsection (a); and

(C) striking out ", except a death sentence" in the second sentence of subsection (d).

(12) Sections 933 and 934 (articles 133 and 134) are amended to read as follows:

"§ 933. Art. 133. Conduct unbecoming an officer and gentleman

"Any commissioned officer, cadet, or midshipman who is guilty of conduct unbecoming an officer and a gentleman shall be subject to punishment under section 815 (article 15) of this title.

"§ 934. Art. 134. General article

"Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of and punished under section 815 (article 15) of this title."

SEC. 2. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business not be laid before the Senate until the morning business is completed.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 5(a), Public Law 87–758, the Speaker had appointed Mrs. HANSEN of Washington as a member of the National Fisheries Center and Aquarium Advisory Board, to fill the existing vacancy thereon.

The message announced that the House had passed, without amendment, the bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas.

The message also announced that the House had passed the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, with an amendment, in which it request with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11032. An act to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676), as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170), relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commisison dockets Nos. 90 and 122, and for other purposes;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission docket No. 96, and for other purposes;

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va.-53) in the city of Porstmouth, in exchange for certain lands situated within the proposed southside neighborhood development project;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes;

H.R. 15937. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matters in the mails, and for other purposes; and

H.R. 17695. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papaya.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 11032. An act to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising;

H.R. 15937. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matters in the mails, and for other purposes;

H.R. 17695. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737; to the Committee on the Judiciary;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission dockets numbered 90 and 122, and for other purposes;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes; to the Committee on Interior and Insular Affairs; and

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project; to the Committee on Armed Services.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Senator from Alabama (Mr. ALLEN) is now recognized for a period of not to exceed 45 minutes.

EQUAL EDUCATIONAL OPPORTUNITY

Mr. ALLEN. Mr. President, on February 19, 1970, Senate Resolution 359 was adopted by the Senate. This resolution sets up a Select Committee on Equal Educational Opportunity.

Then under date of March 17, 1970, Senate resolution 366 was passed by the Senate, providing for an appropriation of $375,000 to defray the cost of the work of this committee. The terms of Senate Resolution 359 require that—

> Not later than August 1, 1970, such select committee shall make an interim report to the appropriate committees of the Senate.

Some weeks ago in debate on the Senate floor, the junior Senator from Alabama expressed considerable interest in

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this resolution and expressed the hope that the report would be made feeling that it would have considerable bearing on the work of the Senate regarding a Federal policy with respect to the public schools of this country.

Inquiry this morning of the Select Committee on Equal Educational Opportunity disclosed the fact that the interim report by August 1, required by the resolution creating the committee, has not been filed.

This select committee was set up the day following the passage of the Stennis amendment to the elementary and secondary school bill in the Senate.

The legislative history of this committee is to the effect that the committee was set up to study de facto segregation—the type of segregation that is said to exist in areas outside the South—and to make recommendations with respect to a Federal policy regarding the handling of de facto segregation.

Mr. President, it must be borne in mind that the Supreme Court of the United States has not ruled that the segregation of the type that exists in the North—de facto segregation—is constitutional. It has not been ruled to be constitutional. There is nothing that would prevent the Federal bureaucracy from proceeding against de facto segregation, the segregation that exists in the North, that is said to come about through a fortuitous pattern of residence, whereas the so-called de jure segregation which is said to exist in the South comes about by reason of some past legal requirement on the part of State or local agencies.

Mr. President, I read from the Congressional Record of February 19, 1970, the date of the adoption of the resolution establishing the Select Committee on Equal Educational Opportunity, on page 4134. The distinguished Senator from Oklahoma (Mr. Harris), speaking for the adoption of Senate Resolution 359 creating the select committee, had this to say:

> This committee would make an interim report by the first of August of this year, and a final report by January 31, 1971. The inquiry would consider all phases of the problem of de facto segregation, including development of possible alternatives to busing, which would still insure equal educational opportunities.

Mr. President, what a noble purpose for this committee. What could be a loftier aim for this committee than to study all phases of the problem of de facto segregation, including development of possible alternatives to busing, which would still insure equal educational opportunities? Who could be against that?

I say parenthetically that on yesterday I informed the able and distinguished Senator from Minnesota (Mr. Mondale), the author of the resolution, that today at 11 o'clock in the morning I would address the Senate and that in the course of my remarks I would comment on the work of this select committee and on certain actions which he has taken in recent days with respect to that investigation.

The distinguished Senator from Minnesota in speaking for this resolution had this to say:

> The one observation I should like to make, which may be somewhat irrelevant in the light of our agreement here, is that we act on this proposal in the context of the action we took yesterday.

I might say parenthetically that referred to the adoption of the Stennis amendment.

He continued:

> I view yesterday's action as one primarily directed at the problem of the dual school system. I know that many will disagree. That is how I view it. I view the action on this resolution—

Senate Resolution 359—

> as the only step that can reasonably be taken, and in my opinion must be taken, to try to deal with the national problem of de facto segregation.

There we have again the purpose of the committee, stating that it is the only step that can be reasonably taken and in his opinion—that is in the opinion of the Senator from Minnesota—must be taken to deal with the national problem of de facto segregation.

So, with this thought in mind, knowing that the committee would act in accordance with the purpose of the committee as outlined by its advocates, I felt sure that the committee would be sending investigators into and perhaps holding hearings in the areas where de facto segregation exists.

I thought they would be taking testimony in Chicago, New York, Philadelphia, and the city of Washington, D.C.

Mr. President, so as not to encumber the Record I am not going to put in the Record the statements which the distinguished Senator from Mississippi (Mr. Stennis) placed in the Record last year as an introduction or as preliminary information in connection with the later considerations of the Stennis amendment. I am going to read sketchily from these pages.

Speaking with reference to the city of Philadelphia,

> Philadelphia has 9 schools with a total enrollment of 7,206 that are 100 percent Negro. It has another 57 schools, with a total enrollment of 68,402, that are 99 percent to 99.9 percent Negro segregated. It has 26 schools, with a total enrollment of 26,333, that are 95 percent to 98.9 percent Negro segregated, and another 17 schools with a total enrollment of 14,571, that are 90 percent to 95 percent Negro segregated.

There are further tabulations, but I think that is enough to illustrate the point.

Mr. President, the item I just read appeared in the Congressional Record, volume 115, part 27, page 36637.

Then, appearing in the Congressional Record, volume 115, part 28, page 37859, also in remarks by the distinguished Senator from Mississippi (Mr. Stennis):

> In New York City there are 119 schools which are 99 and 100 percent minority group segregated, which have a Negro enrollment of 89,957 or 19 percent of the city's total Negro enrollment. There are 207 schools having a Negro student enrollment of 146,575—43.7 percent of the city's total Negro enrollment—that are 95 to 100 percent minority group segregated.

Then, in the city of Washington, D.C., reading from the Congressional Record, volume 115, part 27, page 36266, also from remarks by the distinguished Senator from Mississippi (Mr. Stennis):

> There are 56 schools with 41,109 students that are 100 percent Negro. There are another 57 schools that have 99 to 99.9 percent Negro students, which makes an aggregate of 113 schools with enrollments totaling 96,518 which are 99 to 100 percent Negro.

Then, with respect to the city of Chicago, reading from the Congressional Record, volume 115, part 28, page 37529, the remarks by the distinguished Senator from Mississippi (Mr. Stennis), he stated:

> On previous occasions I have talked about racial segregation in Chicago, where 248,677 or 80.6 percent of its 308,266 Negro student enrollment are attending schools which are 99 to 100 percent Negro, and where 90 percent of the total Negro enrollment of the city are in schools between 90 and 100 percent Negro.

In comparison to those astounding figures which played a prominent part in the passage on February 18, of the Stennis amendment in the Senate, providing for uniformity of application of Federal rules as to desegregation of public schools, the administration has stated categorically that by this September it will have desegregated 97 percent of the school districts in the South.

Now, Mr. President, is it not reasonable that a committee, formed for the purpose, as its sponsors stated, of checking, investigating, and making recommendations with respect to de facto segregation, the type which exists in Chicago, New York, and Philadelphia, would have inquired into conditions which exist in New York, Chicago, and Philadelphia, and that those areas would have been the proper and the likely fields of their activities?

Mr. President, if we had this report, which should have been filed on the 1st of August, we would know, or I assume we would know, if it made such a report, what activities the committee had undertaken with respect to making a study of de facto segregation.

Mr. President, I do not know whether the distinguished Senator from Minnesota (Mr. Mondale) was in search of de facto segregation when, around the middle of last month, according to newspaper accounts published after the fact on his visits, he went to some three different communities in three different southern States. He went to Prattsville, Ala. I might say that visit is the occasion for my speaking in the Chamber at this time. He went to the city, or town, because it is hardly more than that, of Homer, La.; and he went to the town of Uvalde, Tex., which gained its fame not for the de facto segregation it has, because I assume it has none, but because it was the hometown of the late great former Vice President of the United States, John Nance Garner.

Mr. President, the people of Alabama are a most hospitable people, and most friendly. We show true southern hospitality to all visitors within our borders. We welcome visitors to Alabama. We hope they will enjoy our wonderful climate, our lakes, our streams, our mountains, our gulf coast. We hope they will enjoy coming to Alabama, enjoy their stays there, and become citizens of our

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State if that is their wish. We welcome visitors into our State.

We were somewhat surprised and shocked at the unannounced visit of the distinguished Senator from Minnesota to Alabama and to other southern States. It occurs to the junior Senator from Alabama that if the distinguished Senator from Minnesota had been in search of de facto segregation, he would not have gone into those three small towns in Alabama, Louisiana, and Texas. He would have gone to States with millions of people where it is known that de facto segregation exists, of which his committee is charged with the duty and responsibility of making a study and making recommendations with regard to the method of dealing of the Federal Government with de facto segregation.

We read in the newspapers and heard through other news media that the distinguished Senator from Minnesota had been to our State. After consulting we know not how many individuals—I assume with respect to the school situation in Alabama—he comes back as a 1-day expert on the public schools of Alabama and, after having briefly visited the other towns, as an expert on the condition in the public schools of those towns.

The junior Senator from Minnesota was under no duty to notify the junior Senator from Alabama that he proposed to make a trip into his State, though other Senators—I think of at least four—who have made trips to Alabama have come and informed us of their plans. But had the junior Senator from Alabama been advised by the Senator from Minnesota that he planned a trip to Alabama, the junior Senator from Alabama would have seen to it that a proper welcoming committee, a committee fully befitting his lofty position as a U.S. Senator and as chairman of the Select Committee on Equal Educational Opportunities, would have rolled out the red carpet for him and made available to him many more witnesses than those to whom he apparently was able to talk.

I have an editorial from the Dothan Eagle, from which I shall read, and which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, I read from the editorial:

> Finding people who visited and talked with the Senator was similar to finding someone interviewed in public opinion polls. That is to say, it takes a lot of doing if it can be done at all. . . .
>
> Nevertheless, Senator Mondale told the world that discrimination and repression of minorities continues to be "severe and blatently open" in the States of the South.

How could that be when the administration is desegregating 97 percent of the school districts in the South and is desegregating none in the North?

I have a report from the regents of the University of the State of New York, dated in late 1969, stating that segregation in New York is rapidly increasing. Why did not the Senator from Minnesota go to those areas where de facto segregation exists, rather than go down to the State of Alabama, where our communities are under a court order to desegregate, and where our people, who are law-abiding citizens, will follow the decrees of the court?

In debate here with respect to the Stennis amendment one of the distinguished Senators from a section outside of the South said that if the same desegregation rules that are applied in the South were attempted to be applied in the North, it would take the U.S. Army to enforce those regulations.

How does that type of prospective conduct on the part of people outside the South compare with the law-abiding policies and actions of the people of the South?

Mr. President, the junior Senator from Alabama did not vote for the establishment of the select committee. He did not vote for the throwing away of $375,000 of the taxpayers' money, providing for the so-called work of this committee. He did not vote for it because he knew that, even though the sponsors of the measure said that it was going to be a study of de facto segregation, the South would end up as the whipping boy of the investigations carried on by the committee.

Even though no report has been made, as required by the resolution itself, it would seem that, from the investigation that is being made, the ones being investigated are de jure segregation cases, most, if not all, of them being under court orders to desegregate, rather than areas in the North where, by HEW figures, segregation exists, is increasing, and nothing is being done about it.

I want to read in full—it is short—an editorial appearing in the Montgomery Advertiser of July 28. It is entitled "Pilgrim MONDALE's Progress." I gather he is likening the distinguished Senator from Minnesota to Christian, the Pilgrim in "Pilgrim's Progress."

At any rate, the title of the editorial is "Pilgrim MONDALE's Progress," and it reads as follows:

> Senator Walter F. Mondale, Minnesota Democrat, is now an expert on southern race problems.
>
> He qualified for that rating after a whirlwind tour of towns in three Southern states, including Prattville. Having thus gained all the knowledge he wanted, he announced Sunday that the Nixon Administration has been dragging its feet on school integration in the Deep South, with possibly explosive results.

Ninety-seven percent of the school disdistricts to be integrated by the opening of school next month, but still he says:

> The Nixon administration has been dragging its feet on school integration in the Deep South, with possibly explosive results.
>
> He deplored, and again blamed on Nixon, the existence of separatist sentiment among some Negroes. He said he got the impression that integration enthusiasm among blacks "is beginning to wane," a development that he, as chairman of the Senate Committee on Equal Educational Opportunities, will not tolerate. He finds it as intolerable among blacks as whites, neither of whom are capable of judging what's good for them, presumably.
>
> But think of it: an authority on southern problems actually coming South to find evidence to support his preconceptions. We might suggest that he would have much more to worry about had he investigated "de facto" segregation in the North, and saved the taxpayers some travel expenses to boot. But that would be rude to a visitor who came here with the loftiest of intentions—to fortify what he already knew from having read Uncle Tom's Cabin and other learned texts.
>
> We gather that Mondale carefully selected the cities and towns he would visit to avoid contact with the problems of massive integration. He wasn't interested in that, but rather those areas where the problems could be neatly capsuled as attributable to not enough integration; hence, "explosive."
>
> But, to repeat, he at least visited the South, which is so remarkable among northern experts on Dixie as to eclipse any suspicions we have about his intent.

Mr. President, the people of Alabama had varying reactions to the unscheduled and unannounced visit of the distinguished Senator from Minnesota. I dare say they varied from indifference, to incredulity, to amusement, to outrage and indignation.

But, Mr. President, I am concerned that we set up a committee and apropriate $375,000 for the work of that committee, and the sponsor of the committee says here, in an address before the Senate, that it is set up for the purpose of studying and making recommendations with respect to de facto segregation, that that is the only way they are going to reach this problem, to set up such a committee, and then we find the chairman of that committee making a whirlwind trip to three small towns in Alabama, Louisiana, and Texas.

Mr. President, we will not know without the report, and probably will not know with it, whether the committee ordered the Senator to go to the South looking for de facto segregation. I seriously doubt that the committee would have done that. We do not know whether he was acting personally or as the act of the committee. We will not know until we receive that report, and probably not then. We will not know when the committee is going to get down to the serious business for which it was created, to try to cope with and handle the de facto segregation in the North.

I ask unanimous consent to have printed in the RECORD an article published in the Montgomery Advertiser, entitled "MONDALE Visit to Prattville is Recalled," commenting on the Senator's trip to Alabama.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONDALE VISIT TO PRATTVILLE IS RECALLED

PRATTVILLE.—Mrs. Sallie Hadnot, president of the Prattville Chapter of the National Association for the Advancement of Colored People, said she talked with Minnesota's Sen. Walter F. Mondale during a visit he made here July 14.

Mondale also reportedly talked to students and parents in Prattville, Homer, La., and Uvalde and San Antonio, Tex., during his trip.

Sources in Washington said it was believed that Mondale also talked in Alabama to Lucius Pitts, president of Miles College of Birmingham, and John Monroe, a professor at Miles, and to Montgomery attorney Fred Gray. Gray was out of the city and unavailable for comment.

Mrs. Hadnot said she understood that Mondale was to have talked with these persons but that it was not at the time she spoke with the senator.

Autauga County School Superintendent John R. Hargis said he knew nothing of the reported Mondale visit.

"If he came into Prattville," Hargis said, "he did not contact me or any of the people in my office."

Probate Judge E. A. "Bud" Grouby and Prattville City Clerk Donald Kelley both said they had heard nothing of such a visit. Mayor C. M. "Mack" Gray was out of town on vacation.

Mr. **ALLEN**. I read briefly from it, as follows:

> Autauga County School Superintendent John R. Hargis said he knew nothing of the reported Mondale visit.

You would think that if an investigator were investigating schools, he would go to the school superintendent.

> "If he came into Prattville," Hargis said, "he did not contact me or any of the people in my office."

The probate judge—this is the highest political officer on a local level in a county in Alabama—was not notified—

> Probate Judge E. A. "Bud" Grouby and Prattville City Clerk Donald Kelly both said they had heard nothing of such a visit.

So, Mr. President, it is the hope of the Senator from Alabama that this committee, which was set up with such great hopes by the Senate as a means of combating de facto segregation, will get on the right track. If it was looking for de facto segregation, something must have gone wrong with its compass when it was directed down South rather than up North looking for de facto segregation.

Let us get it on the right course. Let us get it working on the problem in connection with which it was set up. Let us not worry about the desegregation of the South. HEW, the Justice Department, the Federal courts, the Chief Executive himself, are handling that, to the point that they make their boast that they will desegregate 97 percent of the school districts in the South by September.

There is no need for this committee helping out the existing agencies with respect to desegregating southern school districts. Let us let this committee do what it was set up to do—try to find the answer to the problem of de facto segregation, and come back in here with a recommendation for a uniform school policy for the Federal Government. That is what we need for this committee to do, rather than have its chairman roaming over the South, looking, we assume, for de facto segregation, which unfortunately he is not going to find a great deal of in Alabama and the South.

EXHIBIT 1

PROFILE OF AN EXPERT

Senator Walter F. Mondale of Minnesota whose political designation is listed in the 1970 Congressional Directory as "Democrat-Farmer-Labor," was appointed to the U.S. Senate to fill the unexpired term of Senator Hubert Humphrey, resigned. Subsequently he was elected in November 1966 to a full six-year term.

Senator Mondale, who is 42 or twice the minimum voting age, serves as chairman of the Senate's special committee on equal Educational Opportunity. He is an expert in his field, knows more about Equal Educational Opportunity than any other living person, bar none. This he does not challenge.

In mid-July he made an unannounced visit to Alabama, Louisiana and Texas to expand his expertise in the field of integrated education. Specifically, he said, he visited and talked with students, parents and residents in Prattville, Ala., Homer, La., and San Antonio, Tex.

Finding people who visited and talked with the Senator was similar to finding someone interviewed in public opinion polls. That is to say, it takes a lot of doing if it can be done at all. At any rate, the Senator quoted no impressionable individuals and he failed to mention their qualifications to discuss the subject.

Nevertheless, Senator Mondale told the world that discrimination and repression of minorities continues to be "severe and blatantly open" in the States of the South.

Among his conclusions, he said, were these: "The abuses of the desegregation process that the select committee has heard testimony on—segregated classrooms, firing of black faculty members, transfer of public funds to private academies—appear to be widespread.

"At least in communities I visited, discrimination and repression of minority groups is severe and blatantly open. This ranged from police brutality to insults, to economic sanctions such as firing of parents of black and Chican students who were protesting discrimination etc.

"Despite this continuing discrimination and despite what amounts to a mockery of real and effective desegregation, most blacks I talked to in the South haven't abandoned the goal of integration. But time is running out."

Senator Mondale, who devoted four days to wrapping up his investigation in three States, even took a dim view of what the FBI has done to mix and mingle the races. "Person after person told us of their efforts to involve the department in protecting their rights, their attempts to report these abuses to the FBI and Justice Department attorneys, and the lack of action or the negative action they received."

It would appear that the Senator's whirlwind and thorough investigation was one-sided. He said nothing about the plans of school authorities to send white children many blocks from their home into Negro schools, the similar dispatch of white teachers, the orders to mix, mix regardless of the fact that such action lessens rather than increases education. Likewise, he neglected to mention rezoning of neighborhoods into school attendance zones to force integration. He also failed to say if he visited or talked with the first white student, parent or teacher. His was strictly an investigation according to color.

And this latter is of significance, curious significance but significance. According to the World Almanac, the 1960 census showed that Minnesota, the home of this emerging Senate expert on race, had 22,263 Negro citizens. By contrast, Alabama had 980,271, Louisiana 1,039,207 and Texas 1,187,125.

Mr. **ALLEN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Pursuant to the previous order, there will now be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

TRIBUTE TO DAN KIMBALL AND DORIS FLEESON

Mr. **MANSFIELD**. Mr. President, for several days I have wanted to say something about the passing of two old friends—Dan Kimball, a former Secretary of the Navy, and his wife, Doris Fleeson, a well-known columnist.

I valued the friendship of both. I found Dan Kimball a man with a big heart, a man with deep understanding, and with a deep appreciation of the affairs of state—domestically and in the field of foreign affairs.

I found Doris Fleeson a lady with a sharp tongue and a sharp pen but a big heart. She was one of the really good columnists, in my opinion. She did not try to gloss over the facts as she understood them. She made her views known in no uncertain language. Everyone always knew where Doris stood.

It was a happy marriage. It was a coincidence that Doris Fleeson died on the 12th anniversary of her wedding to Dan Kimball. It was more than coincidental, I believe, that she died within 36 hours after Dan's death.

I just want to express my feeling and that of my wife on the passing of these two outstanding Americans. We extend every sympathy possible to those whom they have left behind. I wish to assure them that if there is any way in which I can be of service, I shall be more than happy to help in any way possible.

I can only say in closing, Mr. President: May their souls rest in peace.

I ask unanimous consent to have printed in the RECORD a newspaper article appertaining to the passing of Dan Kimball and Doris Fleeson published in Sunday's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLUMNIST DORIS FLEESON DIES AT 69, 36 HOURS AFTER DEATH OF HUSBAND, DAN KIMBALL

(By Gerald E. Bunker)

Doris Fleeson, one of the most successful women journalists in American newspaper history, died early yesterday morning of a coronary thrombosis at her home, 2120 S St. NW. She was 69.

Her death came just 36 hours after that of her second husband, Dan A. Kimball, a Secretary of the Navy under President Truman. Yesterday would have been their 12th wedding anniversary.

Miss Fleeson launched a syndicated political column for the Evening Star and the Boston Globe in 1945, and at the time of her semi-retirement in 1967, was being published by more than 100 newspapers through the United Features Syndicate.

Known for her strong opinions and acerbic wit, she was praised yesterday by friends and colleagues for the unfailing professionalism of her writing.

"She could sit down at a typewriter in the

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Senate Press Gallery and in little more than an hour pound out a profound analysis of a complex situation," Mary McGrory, a columnist at The Evening Star and a longtime friend, said.

She was against injustice and unkindness. She was a fierce person. She was a person who was merciless towards her enemies and who adored her friends," Miss McGrory said.

Miss Fleeson, who fought all her life against "the thought that a woman's byline belongs only over the sob story," herself came up through the ranks of the old journalistic apprenticeship.

She was born in Sterling, Kan., a town that she later described as a "whistlestop" into a "very Republican" family.

After graduation from the University of Kansas in 1923, she borrowed $65 and set out for Chicago determined to be a reporter.

After stints with the Pittsburg, Kan., Sun, and the Evanston, Ill., News Index, she became city editor of the Great Neck, N.Y., News.

"On one dark November night in 1927," Miss Fleeson once said, "I walked into the New York Daily News and demanded that I see the editor. In 15 minutes I got him and in the next 15 minutes I did myself no injustice whatever. He had a vacancy, wonderful to relate, and I was a full-fledged New York reporter at last."

It was at the Daily News that she "learned to hit them in the eye," as she later said.

In 1930, she married John O'Donnell, a political reporter for the News, and two years later gave birth to a daughter.

In 1933, Miss Fleeson and her husband came to Washington and together wrote the paper's Capitol Stuff column. An ardent Roosevelt supporter, she was the only woman member of the press entourage that accompanied him on his campaigns.

In 1942, she was divorced from O'Donnell and the following year became a war correspondent for the Woman's Home Companion, a post she held until starting her column in 1945.

Miss Fleeson's political stance was characterized as liberal by herself and others. While her sympathies were said to lie more with the Democrats than Republicans, a perusal of her published columns shows that she roasted friend with equal vehemence as foe.

An ever-articulate spokesman for equal rights for women, Miss Fleeson also fought for decent wages in the newspaper industry and for the rights of minorities.

In 1933, she helped found the American Newspaper Guild and was one of a committee that went to Washington to urge the National Recovery Administration to adopt a code setting a $35-minimum wage for reporters.

She sponsored the first Negro applicant for membership in the Woman's National Press Club in 1953.

Miss Fleeson is survived by a daughter, Doris O'Donnell, of New York.

Funeral services for Mr. and Mrs. Kimball will be at 10 a.m. Monday at the Navy Chapel, 3801 Nebraska Ave. NW, with burial at Arlington Cemetery.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Burdick) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF IMMIGRATION AND NATIONALITY ACT

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

WOODROW W. BUSSEY AGAINST U.S. SENATE

A letter from the Assistant Attorney General, Department of Justice, transmitting, for the information of the Senate, copies of the petition and summons filed in Woodrow W. Bussey against U.S. Senate, together with copies of motion to dismiss and brief in support thereof filed on behalf of the defendant (with accompanying papers); to the Committee on the Judiciary.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary:

G. Thomas Eisele, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HATFIELD:

S. 4168. A bill to improve the military justice system by establishing military judicial circuits, and for other purposes; and

S. 4169. A bill to amend section 825, article 25, of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service; to the Committee on Armed Services.

S. 4170. A bill to confer jurisdiction on U.S. district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes; to the Committee on the Judiciary.

S. 4171. A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel;

S. 4172. A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts martial;

S. 4173. A bill to amend section 867 of title 10, United States Code, to require the Court of Military Appeals to review all courts martial cases which include sentences of a bad conduct discharge or confinement for one year or more;

S. 4174. A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and write necessary to protect the rights of military personnel, and for other purposes;

S. 4175. A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials;

S. 4176. A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts martial trials are conducted, and for other purposes;

S. 4177. A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts martial from the military justice system; and

S. 4178. A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts martial, to limit the maximum period of confinement which may be imposed for certain offenses, to eliminate the death penalty, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Hatfield when he introduced the bills appear earlier in the Record under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. Byrd of West Virginia, and Mr. Young of Ohio):

S. 4179. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Randolph when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GOODELL:

S. 4180. A bill to provide urgently needed assistance to localities in revitalizing areas in which the abandonment of structures by owners has created acute housing shortages and serious blight and deterioration of neighborhoods;

S. 4181. A bill to encourage and assist in the establishment of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management services for low- and moderate-income housing in declining neighborhoods; and

S. 4182. A bill to authorize fellowships in housing management; to the Committee on Banking and Currency.

(The remarks of Mr. Goodell when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. CRANSTON:

S. 4183. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cranston when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ANDERSON:

S. 4184. A bill to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex.; to the Joint Committee on Atomic Energy.

By Mr. JAVITS:

S. 4185. A bill to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 60 per centum in the case of certain developing institutions; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BURDICK:

S. 4186. A bill to modify the comprehensive plan for the Missouri River Basin to provide for certain road construction; to the Committee on Public Works.

By Mr. MURPHY (for himself, Mr. Allott, Mr. Bennett, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Ervin, Mr. Fong, Mr. Goldwater, Mr. Goodell, Mr. Hatfield, Mr. Javits, Mr. Jordan of Idaho, Mr. McGee, Mr. Mansfield, Mr. Metcalf, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Prouty, Mr. Scott, Mr. Talmadge, Mr. Tower, Mr. Young of Ohio, and Mr. Young of North Dakota):

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

(The remarks of Mr. Murphy when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 4179—INTRODUCTION OF A BILL TO REACTIVATE THE PUBLIC WORKS ACCELERATION ACT OF 1962

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to reactivate, with certain modifications, the Public Works Acceleration Act of 1962.

It was my responsibility to sponsor the original bill, which had strong support. When it became law, the results of the public works carried into effect, had a constructive result on hundreds of communities and areas.

This bill, which is a companion to bills introduced last week in the other body by a large number of influential Members of the House, is designed to provide immediate, direct Federal assistance of 80 percent of the cost of construction for needed public works in areas where unemployment has risen to 150 percent of the national average.

Unhappily for my State of West Virginia, such sad statistics reflect the economy of portions of each of our congressional districts.

While, over the long pull, the Appalachian Regional Development program holds a great promise of lifting West Virginia and other neighboring States up to the same level of economic well-being enjoyed by the rest of the country, in the immediate short-run family breadwinners who must have jobs need the help that can be provided only by a substantial program of federally financed public works.

The PRESIDING OFFICER (Mr. Hollings). The bill will be received and appropriately referred.

The bill (S. 4179) to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes, introduced by Mr. Randolph (for himself, Mr. Byrd of West Virginia and Mr. Young of Ohio), was received, read twice by its title, and referred to the Committee on Public Works.

S. 4180, S. 4181 AND S. 4182—INTRODUCTION OF BILLS ON HOUSING ABANDONMENT: EMERGENCY ABANDONMENT ASSISTANCE ACT; HOUSING MANAGEMENT SERVICES ACT; HOUSING MANAGEMENT FELLOWSHIPS ACT

Mr. GOODELL. Mr. President, the landmark of urban blight has become the abandoned tenement.

Abandonment is like a highly contagious disease. Once one building in a block succumbs, the others swiftly meet the same fate. Thus in city after city, whole blocks of buildings stand bleak, boarded and vacant, a home to none but derelicts, addicts and criminals.

The housing supply in major cities shrinks in the face of rising needs, as abandonment outstrips new housing construction.

Abandonment has assumed the proportions of a national disaster. It must be confronted by the Federal Government on an emergency basis—by a massive commitment of funds and services.

At my request, the Housing Subcommittee of the Senate Committee on Banking and Currency held a day of hearings on July 23, 1970 regarding the problem of housing abandonment. I testified at those hearings and, as a member of the subcommittee, heard with great interest the testimony of the other witnesses. I feel these hearings made an important contribution in illuminating the problem of housing abandonment and suggesting some constructive solutions.

THE PROCESS OF ABANDONMENT

The process of abandonment usually begins in an outdated structure in a slum neighborhood. Because of its obsolescene, it is difficult and expensive to maintain in proper order. Because of the low income of its tenants, its rental yield is limited.

The landlord tries to keep costs down by skimping on repairs. This, however, only accelerates the vicious cycle. Because of lack of repairs, the building deteriorates faster. Because of the deterioration, it can be rented to none but the most indigent. Because of the impoverishment of the tenants, the prospects of an adequate and steady return on the investment diminishes.

Eventully, the landlord finds himself faced with a losing proposition—where the costs of operating the building exceed the rental income. No one else wants to buy the building—or even take it over free. Finally, the landlord simply walks away, unwilling to pay the taxes, make the repairs or bear the operating costs.

The following week, the superintendent is not paid and he quits. There is no more heat for the building. Other utilities and services give out, one by one.

For a time, the tenants may try to unite and organize to manage the building themselves. Too soon they discover that—because they lack legal title to the building—they can obtain fuel or supplies only for cash. Cash is one commodity they do not have.

The exodus begins. Those who can afford to do so, leave for more decent housing. The poorest try to remain in the unheated and untended structure, boarding up the vacant apartments to keep out squatters.

Then, the vandals arrive. Addicts and teenage gangs tear off the boards and take over the vacant apartments. They start stripping the building of all amenities which have a resale value such as the plumbing fixtures, pipes and copper tubing. In less than a week the building becomes unfit for human habitation. The remaining families flee, now in fear of their lives.

The abandonment of the building unmistakably points the direction in which the block is going—down. No one wants to invest in the neighborhood any more. People begin to look for homes elsewhere.

The gutted shell remains, a hostel for heroin users and criminals. They terrorize the neighborhood, and speed the departure of all but the poorest tenants in adjacent apartments. These structures, in turn, become prey to abandonment.

Whole blocks eventually empty and remain vacant for years, a symbol of urban decay at its worst.

DIMENSIONS OF THE PROBLEM

Abandonment was once thought of as a special New York City problem. It now infects cities throughout the Nation. The statistics are staggering. Over 130,000 apartments have been abandoned in New York City since 1965. In Philadelphia, 20,000 buildings have been abandoned; 7,500 in Houston; 5,000 in Baltimore; 1,500 in Detroit; 1,000 each in Boston and Washington; 950 in Chicago; 900 in New Orleans.

In many cities, there is a net loss of housing units. In New York for example, the casualties to the existing housing supply far exceed the number of new housing starts. The net loss is 21,000 units annually, despite the initial housing shortage the city is facing.

Moreover, the pace of abandonment is accelerating. In New York City, for example, 15,000 units were abandoned between 1960 and 1964. In the period between 1965 and 1967, the number jumped to 37,900—more than double the previous figure. The same phenomenon has occurred in Boston.

Until now, our housing programs have focused almost exclusively upon new construction. It is imperative, however, that we preserve our stock of structurally sound existing housing from the blight of abandonment.

ECONOMICS OF ABANDONMENT

For years, slumlords profited from unlivable conditions in the tenements. Now the wheel is coming full circle—the economics of the deteriorating neighborhood is taking profits away. As this occurs, slumlords abandon their properties.

In an era of rising wages and prices, the landlord discovers: the expenses he pays—for labor, supplies, insurance, and taxes—are moving up at a rate that is disproportionately high in relation to price movements in the rest of the economy; the base for his rental income—the income of his impoverished tenants—is moving up at a rate that is disproportionately low in relation to wage movements in the rest of the economy.

In the resulting squeeze, his profits can turn into deficits.

As soon as a neighborhood begins to decline, landlords face extreme difficulty in financing, whether that involves selling, second mortgages, or rehabilitation loans. The neighborhood becomes blacklisted, and conventional lending sources refuse to invest in these areas. Often the

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landlord must turn to private sources for funds. If funds are secured, they become available with severe disadvantages. They may be on a short-term basis—8- to 10-year mortgages are common in a declining neighborhood; or they entail inflated finance charges and usurious rates of interest.

Municipal taxes on housing rehabilitation and repair serve as a reward for decay. Based on land valuation, they are reassessed if major improvements are made on a building. Since the landlord finds that at least 25 percent of his operating expenses are taken up with taxes, he does not want to increase this expense and add to a deficit. Therefore, improvements are delayed if not postponed indefinitely.

In addition, to these economic difficulties, housing in a potentially deteriorated or blighted neighborhood has a very weak resale market. Once a landlord decides to sell his parcel, it may be years before he transfers ownership. In the interim, there is no incentive to maintain or improve the property.

LACK OF HOUSING MANAGEMENT SERVICES

In the past, there has been a severe shortage of maintenance services in declining areas.

A major deterrent to proper management is the preponderance of absentee landlords whose feeling of responsibility to the property is limited. Over half of these owners are part-time, nonprofessional landlords. They lack knowledge of proper maintenance procedures and lack the resources to hire full-time maintenance crews.

Owner-occupants generally make greater efforts to manage their properties. They are, however, often cheated by "gyp" repair companies. Since they do not have the benefit of guidance and counseling, they remain relatively ignorant of tax reassessment policies and government self-help programs.

Finally, management services have been lacking in low income areas because the property management industry has had no financial incentive to enter this field; and no experience in dealing with the special management problems of these areas and the sensitivities of their residents.

EXISTING FEDERAL REHABILITATION PROGRAMS

At present, two HUD programs are designed to aid owners to rehabilitate their properties. The first is Section 115 of Title I of the National Housing Act, which provides rehabilitation grants to owner-occupants in blighted areas. It was funded at $50 million in fiscal year 1970 and the budget allocation is $65 million for fiscal year 1971. The program is severely underfunded. The total amount available nationally under the program is less than what it cost to rehabilitate 5,000 units in Philadelphia.

The other program is the section 312 program which provides direct loans at 3 percent to owners for housing renovation in deteriorating neighborhoods. This has been a highly successful program, to the extent it has been funded. Since conventional lending sources have been reluctant to undertake investments in deteriorating areas, this program has served as a financing source of last resort.

By all measurement of need, the program should be expanded. Unfortunately, however, HUD has allocated only $35 million for fiscal year 1971, $10 million less than the amount appropriated last year. The 312 program should be fully funded.

Several weeks ago, I joined in the attempt on the Senate floor to fully fund the urban renewal program at its authorization level of $2.3 billion. Full funding of urban renewal would have made more funds available for allocation to the section 115 and 312 programs.

Unfortunately, that amendment failed. Instead, the Senate appropriated $1.7 billion. Although the House passed the administration request of $1 billion, I am hopeful that the Senate conferees will be able to negotiate for the highest figure possible.

I believe these two programs should be fully funded and will make every effort to see additional funds granted in the supplemental appropriations bill.

POTENTIAL OF URBAN RENEWAL

Despite their usefulness, the existing rehabilitation programs alone will not do the job. Their funding is not large enough, their scope not broad enough, to undertake those necessary neighborhood renewal efforts which alone can arrest the social, physical, and economic trends which lead to abandonment.

The best hope in the long run rests in the Federal urban renewal program.

The objective of that program when it was enacted over 20 years ago was to provide the means by which blighted and unproductive land could be converted to productive use.

The objective of urban renewal is to make blighted urban land available for redevelopment at substantially reduced cost. It involves three basic stages—acquisition of blighted land by a locality; clearance or rehabilitation of the existing structures; and sale to a private developer who undertakes to improve it in accordance with an approved plan. The key feature is the "write down"—the fact that the developer is enabled to purchase the land at a price substantially below the cost of its acquisition and preparation for sale. The cost of this "write down" is borne by the public—two-thirds by the Federal Government and one-third by the State and local governments. The "write down" makes it economically feasible for the developer to improve the land for community purposes which its market acquisition cost otherwise would have precluded.

Until now, however, urban renewal funds have been administered in a manner that has not contributed substantially to the urban housing crisis. Too much of the money has gone into the rebuilding of downtown areas—into the construction of vast new office and commercial complexes and luxury apartments. For the poor, particularly, urban renewal has meant a decreasing, rather than increasing, housing stock. In addition, many of the homes destroyed were in fairly decent repair. These displaced by urban renewal have often been forced to crowd into homes in other neighborhoods, making those areas prime targets for blight.

The urban renewal program has also been characterized by redtape and delay. During the uncertain planning phase, community residents and businessmen have no incentive to maintain or improve their property. Thus, a program which should arrest the process of abandonment sometimes actually fosters it.

Provisions introduced in the 1968 Housing Act—specifically, interim assistance and the neighborhood development program—did mark important steps toward greater flexibility to urban renewal, but neither has been adequately funded or implemented.

The basic tool of urban renewal—land "write down"—remains, however, a most promising method of combating abandonment. The most costly—and most scarce—resource in our cities is land. High land costs are ultimately reflected in rents beyond the reach of low- and moderate-income families. By making abandoned property sites available at the "written down" or reduced cost, urban renewal can convert these sites into homes for low- and moderate-income families at rent they can better afford.

What is needed is to reshape and redirect the urban renewal program to deal with the specific problem of abandonment. The tools and funds of urban renewal should be available on a "scattered site" basis—to acquire and write down abandoned or potentially abandoned buildings before whole neighborhoods are affected. And, to the maximum extent feasible, renewal should involve rehabilitation instead of demolition.

PROPOSED EMERGENCY ABANDONMENT LEGISLATION

I believe that the crucial problem of abandonment—perhaps the most serious housing problem facing our older cities today—requires certain steps to be taken immediately.

I urge the Congress to adopt emergency legislation this year, to provide comprehensive Federal assistance to localities facing severe abandoned housing problems.

Today, I am introducing such legislation: the Emergency Abandonment Assistance Act—S. 4180.

This emergency legislation for abandoned housing will be modeled after the disaster provisions now in title I of the Housing Act.

The basic tool of the program will be a specialized form of urban renewal. Where a local governing body finds—and the Secretary of Housing and Urban Development certifies—that the locality has a substantial and critical problem of abandoned or about-to-be-abandoned buildings, such locality would be eligible for Federal urban renewal funds for those properties.

Under this new provision, urban renewal would be a much more flexible program, in which the locality could undertake efforts to reverse a process of abandonment on a selective basis throughout the municipality. By acquiring individual sites of potential abandonment in otherwise more viable neighborhoods,

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the program can arrest the process of abandonment within a neighborhood in its early stages, before a large area had been affected.

By rehabilitating buildings that are structurally sound, the program can avoid the necessity of razing whole tracts.

Furthermore, the new provision would introduce an element of speed and urgency by requiring that work undertaken be completed within 2 years and by eliminating the usual planning requirements with their consequent redtape.

Thus the emphasis of the program would be to combine the traditional tools of urban renewal with selectivity and speed, for the specific purpose of arresting abandonment.

Moreover, the program could do more than make physical improvements. It could alter the deficit economics that lead to abandonment in the first place; namely, operating costs that exceed rentals. The "write down" feature of urban renewal would permit the developer to acquire and improve the property at a cost substantially below market. The reduced cost would mean reduced mortgage payments. Because mortgage payments make up such a large portion of operating costs, the reduction of these payments could help assure that the building will no longer be run at a loss.

In addition, this emergency program will allow the concentration of all forms of housing and rehabilitation assistance—the section 235 and 236 interest subsidy programs, rehabilitation grants under section 115, rehabilitation loans under section 312, the rent supplement and public housing leasing programs—on a priority basis, to the residential properties which are located in the neighborhoods designated as most critical by eligible localities.

This concentration of Federal-local effort, most often found when dealing with natural disasters, is the sort which is required to deal with the most serious symptom of the critical breakdown in the production and supply of urban housing—that is, the problem of abandonment.

HOUSING MANAGEMENT LEGISLATION

A problem that has been associated with abandonment has been the lack of housing management in low income areas.

One reason landlords neglect their properties is that they do not have the time, interest or skills to manage them effectively.

One reason developers are unwilling to invest in low-income areas is that—while they can obtain a return from building or rehabilitating properties—they do not wish to assume the risks and administrative burdens of managing the properties.

At present the Government provides negligible assistance for the management of any housing other than public housing.

This is an area in which Congress must act.

Today, I am introducing legislation to create a program of Federal assistance for housing management services: the Housing Management Services Act—S. 4181.

The purpose of the program will be to provide greater economy and efficiency in delivery of housing management services in areas where the private sector is unable to deliver these at a reasonable profit. These areas will be limited by statute to potential abandonment areas, exhibiting a high concentration of low income people, and a lack of private managerial services.

Services will be available for all housing, private, public and publicly assisted, within the designated areas, including tenant cooperatives and condominiums. It is expected that by employing economies of scale, management costs will somewhat decrease.

The program would provide Federal grants to local, non-profit management corporations, known as "housing management administrations"—HMA's.

The Federal grants would finance the initial costs of organizing these corporations, as well as a portion of operating costs during the first 3 years of operation.

Each HMA would be locally controlled, by a governing board consisting both of tenants and landlords.

The HMA would provide management services for a fee to owners of property—to owner-developers, individual landlords, tenant cooperatives or tenant condominiums. Because of the Federal subsidy and the nonprofit nature of the corporation, fees would be kept to a minimum.

The services provided by the HMA would include: bookkeeping, collection of rents; hiring of building staff; screening prospective tenants; and the purchase of supplies and the payment of interest, taxes, insurance and repairs on a reimbursed basis.

Because the corporation would be operating in the whole neighborhood, it could employ considerable economies of scale. It could, for example, hire its own full-time repair crews to perform repairs at reduced costs. It could also purchase fuel and other supplies in bulk and thus at a lower price.

The program would be a valuable adjunct to the emergency urban renewal plan I have described earlier. Abandonment sites could be acquired, written down and then sold to a developer for rehabilitation. Once rehabilitated, the management could be turned over to the HMA. This would eliminate a serious obstacle for the developer—his unwillingness to assume the risk and administrative onus of managing the property once it has been improved. Alternatively, the property could be conveyed to the tenants as a cooperative or condominium, and the management assigned to the HMA. This would eliminate a serious obstacle to the transfer of ownership to tenants—their lack of experience and skill in management.

The program would provide benefits for properties owned by absentee landlords, by relieving the landlords of the administrative burdens of ownership at minimal cost. With administrative responsibility transferred to the HMA, the building is likely to receive better management.

Owner-occupied properties would also be aided. The HMA can provide the owner with valuable counseling services—that is, concerning repairs, taxes, and Government self-help programs. In addition, he will be eligible to purchase repairs and supplies through the HMA at reduced costs, because of the benefits of the economies of scale.

TRAINING ASSISTANCE GRANTS

There is a serious shortage of trained personnel to provide housing management services.

Under my proposal, HMA's would be eligible to receive Federal training assistance grants. These funds will be used to educate the local residents in the field of housing management. In turn, the trainees will be hired by HMA's and utilized in the neighborhood.

The shortage of trained supervisory personnel is still more severe.

To remedy this problem, I am today introducing a bill (S. 4182) to amend title 8 of the Housing Act of 1964. This legislation will create a new section which will make persons enrolled in a housing management curriculum in an accredited educational institution eligible for urban fellowship grants.

It is my hope that technical schools among others will be encouraged to include such courses in the curriculum.

An influx of trained personnel, trained in the field of low and moderate income housing management, will make an important contribution to an attack on abandonment.

CONCLUSION

Abandonment of structurally sound housing is criminal waste.

It robs the poor of their homes.

It creates havens for addicition and crime.

It blights whole neighborhoods.

If not stopped, it can turn our central cities into crumbling mausoleums of neglect.

It has reached such great proportions as to become a clear national emergency.

It requires an emergency response by the Federal Government—now.

Mr. President, I ask unanimous consent that the text of my three bills be printed in the Record.

The **PRESIDING OFFICER** (Mr. Case). The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills, introduced by Mr. Goodell (for himself and Mr. Brooke), were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 4180

A bill to provide urgently needed assistance to localities in revitalizing areas in which the abandonment of structures by owners has created acute housing shortages and serious blight and deterioration of neighborhoods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Abandonment Assistance Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that the existence of thousands of vacant and abandoned housing units in major urban centers is a serious and rapidly growing problem; that the number of existing housing units in or near the central cities has sharply declined due to owner abandonment; and that this abandonment dislocates families, decreases the number of available housing units, and leads to neighborhood blight and and deterioration. The Congress further finds that the conservation, rehabilitation or clearance of such structures, the expansion of owner-occupancy and forms of homeownership and cooperative ownership and management and adequate maintenance of such housing units thereafter would substantially increase the number of available housing units at a time of critical national housing shortage.

(b) It is the purpose of this Act (1) to authorize a study to determine the basic causes of the urban problem of housing abandonment, and to seek the most effective and economical methods of correction and prevention, and (2) to provide the necessary authority to assist on an emergency basis those urban areas where the problem is acute.

STUDY

SEC. 3. The Secretary of Housing and Urban Development shall undertake an immediate study of the urban problem of housing abandonment to determine its causes and the most effective and economical methods of correction and prevention. The Secretary shall report his findings and recommendations to the President and the Congress at the earliest practicable date, in no event later than June 30, 1971.

URBAN RENEWAL

SEC. 4. (a) Part A of title I of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"ABANDONMENT ASSISTANCE

"SEC. 119. (a) Where the local governing body certifies, and the Secretary finds, that the locality contains substantial numbers of structures which are abandoned or which, because of their deteriorating condition or the economic and social conditions prevalent in the locality threaten to become abandoned, that such abandonment in the locality poses a substantial and critical problem, that the acquisition for reconstruction, rehabilitation or refinancing of such abandoned or potentially abandoned structures in the locality is essential to halt progressive blight and to increase the supply of urgently needed housing, and that the locality faces a severe shortage of adequate housing, the Secretary is authorized to extend financial assistance under this title for urban renewal projects with respect to one or more such properties in a locality.

"(b) To be eligible for assistance under this section the local public agency must prepare and submit to the Secretary, within 30 days after the certification by the local governing body, a plan for the conservation and development for the properties involved, and the Secretary must approve the plan.

"(c) A plan submitted by the local public agency for assistance under this section shall be approved by the Secretary if he determines, having regard for the purposes set forth in section 2 of the Emergency Abandonment Assistance Act, that—

"(1) the plan designates that area or those areas of the locality in which the problem or danger of abandonment is particularly severe and those properties within such areas which have been abandoned or threaten to become abandoned and for which assistance under this section would be available;

"(2) the plan provides that properties acquired or held by the locality and/or local public agency must be disposed of to a private nonprofit corporation or other private nonprofit entity, to a limited dividend corporation or other limited dividend entity, or to a cooperative housing corporation, which entity has entered into a binding agreement with the locality to repair, rehabilitate or improve such property so as to provide housing and related facilities to persons unable to obtain adequate housing in the locality within their income limitations;

"(3) assistance under this title with respect to the undertakings and activities proposed to be carried out in the area or areas involved, as set forth in the plan, can reasonably be expected to stimulate the flow of private capital into the area or areas in the form of new construction or rehabilitation of existing structures;

"(4) the locality is prepared and has the capacity to provide new or improved municipal services, community facilities, or utilities to serve the area or areas involved to whatever extent may be necessary;

"(5) the program to be carried out in accordance with the plan can reasonably be expected to arrest the process of the abandonment in the locality and to increase the supply of decent, safe and sanitary housing; and

"(6) the program to be carried out in accordance with the plan can reasonably be expected to be completed within a period of 2 years.

"(d) Assistance authorized by this section may be extended without regard to—

"(1) the workable program requirement in section 101 (c);

"(2) the requirement that there be an urban renewal plan for the project; and

"(3) the 'public hearing' requirement in section 105 (d)."

(b) Section 103 (b) of such Act is amended—

(1) by striking out "$1,700,000,000" and inserting in lieu thereof "$2,000,000,000."

(2) by adding after the second sentence the following: "Not less than 15 per centum of the total additional amount available to the Secretary for grants under this title after June 30, 1970, shall be for grants under section 119."

SECTIONS 235 AND 236 PROGRAMS

SEC. 5. (a) (1) Section 235(h) (1) of the National Housing Act is amended by striking out "$125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "$135,000,000 on July 1, 1970, and by $180,000,000 on July 1, 1971".

(2) Section 235(h) of such Act is further amended by adding at the end thereof two new paragraphs as follows:

"(4) Not less than 5 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1970, shall be made with respect to dwellings in areas eligible for assistance under section 119 of the Housing Act of 1949.

"(5) For the purpose of applying the 'substantial rehabilitation' requirement contained in subsections (b) (2) and (i) (3) (A) with respect to a dwelling or project situated in an area eligible for assistance under section 119 of the Housing Act of 1949, the Secretary shall consider only whether the rehabilitation activities involved rendered the dwelling or project more liveable and extends its economic life."

(b) (1) Section 236(i) (1) of such Act is amended by striking out "$125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "$135,000,000 on July 1, 1970, and by $180,000,000 on July 1, 1971."

(2) Section 236(i) of such Act is further amended by adding at the end thereof a new paragraph as follows:

"(3) Not less than 5 per centum of the total additional amount of contracts for interest reduction payments authorized by appropriations Acts to be made after June 30, 1970, shall be made with respect to dwelling units in projects in areas eligible for assistance under section 119 of the Housing Act of 1949."

REHABILITATION LOANS

SEC. 7. Section 312(d) of the Housing Act of 1964 is amended by striking out the first sentence and inserting in lieu thereof the following: "For the purposes of this section, there are authorized to be appropriated not to exceed $150,000,000 for each fiscal year prior to July 1, 1970, and not to exceed $160,000,000 for each fiscal year after June 30, 1970. Not less than 5 per centum of the sums authorized to be appropriated hereunder for any fiscal year commencing after June 30, 1970, shall be available for loans with respect to properties situated in areas eligible for assistance under section 119 of the Housing Act of 1949. Funds appropriated pursuant to this subsection shall constitute a revolving fund to be used by the Secretary in carrying out this section."

PUBLIC HOUSING

SEC. 8. Section 10(e) of the United States Housing Act of 1937 is amended by striking out "$170,000,000 on July 1, 1970, but any such contracts" and inserting in lieu thereof the following: "$180,000,000 on July 1, 1970. Not less than 5 per centum of the total additional amount of such contracts authorized to be made after June 30, 1970, shall be made with respect to units in private accommodations pursuant to Sec. 23 situated in areas eligible for assistance under section 119 of the Housing Act of 1949. Any contracts for annual contributions under this section".

S. 4181

A bill to encourage and assist in the establishment of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management service for low- and moderate-income housing in declining neighborhoods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Housing Management Services Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) a serious shortage exists in management services and trained management personnel for low- and moderate-income housing;

(2) the absence of adequate management services has discouraged investors and developers from investing in and developing of low- and moderate-income housing.

(3) the absence of adequate management services has been a contributing cause to the deterioration of low- and moderate-income housing;

(4) lack of investment in or development of, and deterioration of low- and moderate-income housing has been a contributing cause to housing abandonment;

(5) housing abandonment dislocates families and decreases the number of housing units and leads to irreversible neighborhood blight and decline.

(b) It is the purpose of this Act to encourage and assist in the establishment of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management services for low- and moderate-income housing in declining neighborhoods.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "housing management corporation" means a corporation organized

and licensed in accordance with the provisions of section 4.

(2) The term "housing management services" means services required for the effective management and maintenance of housing, including without being limited to rent collection; bookkeeping; filling of vacancies; hiring of personnel; arranging for insurance and necessary repairs; and arranging for purchase of supplies, fixtures, and utilities;

(3) The term "Secretary" means the Secretary of Housing and Urban Development.

ORGANIZATION OF HOUSING MANAGEMENT CORPORATIONS

SEC. 4. (a) A housing management corporation is a public or private nonprofit or limited profit body corporate, organized and chartered under State law solely for the purpose of performing the functions and conducting the activities contemplated under this Act. It shall possess the powers reasonably necessary to perform such functions and conduct such activities. The area in which it carries on its operations shall be subject to the approval of the Secretary.

(b) It shall be the function of a housing management corporation to provide economical and efficient housing management services for public and private low- and moderate-income rental housing (including cooperatives and condominiums) situated in areas where such services are not otherwise being adequately or economically provided. A corporation may also provide technical and consulting services with respect to housing management in such areas, and may establish programs for the training of housing management in such areas, and may establish programs for the training of housing management personnel to serve area needs.

(c)(1) the Articles of Incorporation of a housing management corporation shall specify, in accordance with regulations prescribed by the Secretary, that the Board of Directors shall consist of an odd number of members, one of whom shall be Chairman and shall be appointed by the other members, and of the remaining members, one half their number shall be representative of the tenants and community groups in the area of the operation of the corporation, and one half their number shall be representative of the owners and the housing management sector.

(2) The articles of incorporation of a housing management corporation may also contain such other provisions not inconsistent with this Act as the corporation deems appropriate for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto shall be subject to approval by the Secretary.

(d) The articles of incorporation of a housing management corporation shall be forwarded to the Secretary for consideration and approval or disapproval. The Secretary shall not approve the articles of incorporation of any such corporation, unless he finds—

(1) that the area to be served by the corporation contains a high concentration of low- or moderate-income housing;

(2) that such housing is substantially characterized by an inadequacy of housing management services; and

(3) that there exists a reasonable probability of successful operation of the corporation in providing urgently needed management services in such areas provided for in this Act.

If the Secretary approves the articles of incorporation of any such corporation, he shall issue to the corporation a license to perform the functions specified in this Act.

POWERS AND FUNCTIONS OF SECRETARY

SEC. 5. (a) In carrying out the purposes of this Act, the Secretary is authorized—

(1) to conduct research and development activities to devise new low-cost methods of housing management;

(2) to provide technical assistance, advice, and consultation with respect to, and to develop evaluation criteria for, the development and operation of housing management corporations;

(3) to provide a clearing house for information with respect to housing management corporations and the services which they can provide; and

(4) to provide financial assistance to housing management corporations subject to the limitation prescribed in section 6

(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall have, in addition to any authority otherwise vested in him, the functions, powers, and duties set forth in section 402 (except subsection (a), (c) (2), and (f)) of the Housing Act of 1950.

(c) The Secretary may, notwithstanding the provisions of section 3648 of the Revised Statutes, make advance or progress payments on account of any grant made under this Act.

GRANTS

SEC. 6. (a) The Secretary is authorized, on terms and conditions to be prescribed by him, to make grants to housing management corporations to defray reasonable and necessary expenses incident to the organization and initial period (not to exceed six months) of operation of such corporations. For the purpose of making such grants there is authorized to be appropriated not to exceed $10,000,000. Any amounts appropriated pursuant to this authorization shall remain available until expended.

(b)(1) The Secretary is authorized to make, and contract to make, periodic payments to any housing management corporation, subject to the following conditions and limitations:

(A) Payments shall be made only during the three-year period following the licensing of the corporation by the Secretary.

(B) No payments shall be made to a corporation unless (i) the corporation has submitted to the Secretary, and the Secretary has approved, a schedule of fees and charges for housing management services to be provided by it together with a plan for bringing the costs incurred by it in providing such services to a level which will, at the earliest practicable date, permit a self-sustaining and supporting operation; and (ii) the corporation agrees to provide such services only with respect to housing which it has determined, in accordance with criteria established by the Secretary, can be preserved without major rehabilitation by adequate housing management services.

(C) The amount of any such payment shall not exceed the difference, as determined by the Secretary, between the amount received or receivable by the corporation for housing management services provided in accordance with an approved schedule of fees and charges, and the actual cost to the corporation of providing such services.

(2) The aggregate amount of contracts to make payments under this subsection shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $10,000,000 per annum.

(c) The Secretary is authorized, on terms and conditions to be prescribed by him, to make grants to housing management corporations to carry out programs for the training of housing management personnel to serve area needs. To qualify for assistance under this subsection any such program shall be conducted in accordance with a plan which has been developed in accordance with standards prescribed by the Secretary and has been approved by him. In prescribing such standards the Secretary shall, among other things, require that an approved training program—

(1) provides opportunities for persons (including persons of low income in cooperatives or condominiums) residing in the area of operation of the corporation to receive training to perform housing management or service functions; and

(2) utilizes, insofar as practicable, persons residing in the area to administer the program.

For the purpose of making such grants, there is authorized to be appropriated not to exceed $10 million. Any amounts appropriated pursuant to this authorization shall remain available until expended.

CONSULTATION AND COORDINATION

Sec. 7. In the exercise of his functions under this Act, the Secretary shall consult with the Director of the Office of Economic Opportunity, the Secretary of Labor, the Administrator of the Small Business Administration, and the Secretary of Health, Education and Welfare with a view to achieving the fullest possible coordination of the program authorized by this section with other related Federal programs.

REPORTS

SEC. 8. The Secretary shall include in his annual report to the Congress a full and detailed description of operations conducted pursuant to this section.

S. 4182

A bill to authorize fellowships in housing management

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 802(a) of the Housing Act of 1964 is amended—

(1) by striking out "FOR CITY PLANNING AND URBAN STUDIES" in the section heading;

(2) by inserting "(1)" after "Sec. 802. (a)"; and

(3) By adding at the end thereof a new paragraph as follows:

"(2) The Secretary is further authorized to provide fellowships for the training in public and private nonprofit educational institutions of qualified persons in housing management."

(b) Section 802(b) of such Act is amended—

(1) by striking out "subsection (a)" and inserting "subsection (a)(1)"; and

(2) by inserting "subsection (a)(1) of" before "this section".

S. 4183—INTRODUCTION OF A BILL FOR A FEASIBILITY STUDY OF A CHANNEL ISLANDS NATIONAL PARK

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to authorize a feasibility study of establishing a Channel Islands National Park.

On June 19, 1970, I introduced S. 3993, a bill to establish the Channel Islands National Park. I noted then that the five northern islands: Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, are, individually and collectively, unique resources. The islands should be preserved for their recreational, scenic, and scientific values. The creation of a national park would be an excellent way to protect the islands, in my opinion.

However, I also indicated that various questions had been raised about the feasibility of a national park on the islands. I further expressed my concern about the absence of a thorough, up-to-date appraisal of Santa Rosa and Santa Cruz Islands.

XUM

At the time of the Park Service's earlier feasibility study, there was a July 10, 1967, appraisal of the two islands at $27,144,000. However, the appraisal was made without the appraiser's setting foot on the two islands according to the chief appraiser of the National Park Service. While it is possible to make an appraisal without a physicial inspection of the subject property, such an inspection adds substantially to the appraiser's insight and understanding and is always desirable.

Congressional authorization of the feasibility study of the park proposal would establish the urgency of making a decision about the Channel Islands—whatever that decision is to be. Without this sense of urgency, I fear that Santa Rosa and Santa Cruz will drift into commercial and residential development which could be even less appropriate according to the criteria used by the critics of the park proposal. If the tricky currents and sudden fogs in the Santa Barbara Channel lead us to discard the Channel Islands National Park proposal as too unsafe because of the risk involved in transporting numbers of people to the islands, imagine the irony of subdivisions thereafter appearing on Santa Cruz and Santa Rosa Islands.

In addition, the feasibility study would require a new appraisal of the islands. Congress clearly needs to know what the two privately owned islands will cost before it can balance the merits of a national park at the Channel Islands against other priorities for land acquisition. Congressional authorization of the appraisal should expedite the on-site inspection of the two islands.

I hope that Congress can move quickly on this proposal. I understand that an identical bill is being introduced by a bipartisan group today in the House.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Bellmon). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4183) to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, introduced by Mr. Cranston, was received, read twice by its title, referred to the Committeee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 4183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed to study, investigate, appraise, and form recommendations on the feasibility and desirability of establishing the Channel Islands in California as a unit of the National Park System. The study shall include those lands comprising the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, and surrounding adjacent water areas. In conducting the study, the Secretary shall consult with other interested Federal agencies, and interested State and local bodies and officials.

Sec. 2. Not later than one year after the effective date of this Act, the Secretary shall submit to the President and to the Congress a report of the results of the study, including any recommendations for legislation. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, and natural values of the lands and waters involved, and the estimated cost of any recommended land acquisition, development, and operation of the Channel Islands as a unit of the National Park System.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 4185—INTRODUCTION OF A BILL RELATING TO COLLEGE CONSTRUCTION AID FOR DEVELOPING INSTITUTIONS

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the Higher Education Facilities Act to provide 66 percent Federal construction matching funds for "developing institutions", defined in title III of the Higher Education Act as colleges which, for financial or other reasons, are struggling for survival and are developing institutions themselves. These schools, for the most part, serve students from lower income families and have very little in the way of endowments or other financial resources to meet their needs.

Under existing law, all colleges, both established and developing institutions, receive 50 percent Federal matching funds for construction of facilities.

The education appropriation bill recently approved by the Congress and sent to the President for signature into law provides $43 million for grant construction assistance.

Typical of these developing institutions are the 68 private and 43 public higher education institutions with a predominantly Negro student body. The median family income of the students attending these institutions is $3,900; the national median is $7,974. In 1968 and 1969, predominantly white colleges received $96 million in grants from private philanthropy of which $11 million was for building and equipment. This is contrasted with the $4.6 million given to predominantly black schools of which some $150,000 was for construction and equipment.

The Office of Education indicates that there are some 400 developing institutions in the Nation. Included among those which are located in New York State are the College of St. Rose in Albany, Keuka College in Keuka Park, Manhattan College in the Bronx in New York City, and Trocaire College in Buffalo.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred.

The bill (S. 4185) to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 60 percent in the case of certain developing institutions, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATE JOINT RESOUTION 226—INTRODUCTION OF A JOINT RESOLUTION TO PROCLAIM A PERIOD TO BE KNOWN AS THE "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. MURPHY. Mr. President, on behalf of myself and Senators Allott, Bennett, Cotton, Cranston, Dole, Dominick, Eagleton, Ervin, Fong, Goldwater, Goodell, Hatfield, Javits, Jordan of Idaho, McGee, Mansfield, Metcalf, Nelson, Packwood, Pell, Prouty, Scott, Talmadge, Tower, Young of Ohio, and Young of North Dakota, I introduce today a Senate joint resolution which would authorize the President to proclaim the period from Mother's Day, May 10, through Father's Day, June 21, 1971, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."

This measure is very similar to Senate Journal Resolution 194, which I introduced on April 27. There are two basic changes, however. Reference to 1970 has been changed to 1971 in the resolution I introduce today, and I have made mention of the fact that 1971 represents the 25th anniversary of the National Multiple Sclerosis Society.

Mr. President, multiple sclerosis means many scars—scars not only of the body, but of wasted years of study, careers which never come to full fruition, family relationships strained to the utmost, economic hardships, lives half lived. For this is the primary handicap of young adults in this country. MS is chronic and progressive—a crippler. As one of my clergymen friends states:

> MS is the hell for man the devil would have created had he been given his choice.

Mr. President, MS is a mysterious neurological disease which numbers its victims in the 20 to 40 age group, probably setting in its roots at about age 15. It takes its toll in dreams and hopes and plans. Our nerve sheaths are protected by a covering called myelin, much the same as a telephone cord is protected by its rubber covering. When myelin is destroyed, a short-circuiting takes place, thus messages are distorted from the brain to various parts of the body. The result is staggering and falling, double vision, speech defects, tremors, paralysis.

MS is a mystery because no two patients follow the same course. In each, the disease has its own progression, and there is no predicting what will happen. In the words of a foremost medical authority:

> The disease is typically slow and insidious in onset, frequently difficult to diagnose until symptoms have progressed to extensive disability. Early symptoms are mild and transient. Frequently symptoms disappear but recur at a later predictable time, usually in a more severe and persistent form. Occasionally there are unexplained instances of prolonged remission. . . . There may follow a series of symptom recurrences resulting in progressive incapacitation.

XUM

Mr. President, MS does not give you a chance. Once it comes, it comes to stay. Picture for a moment with me a young man who has just earned his Ph. D., another who has just received his medical degree, a young mother with three youngsters under five, a hardworking electrician making a present and a future for his wife and four young children. Today, the young Ph. D. works from his home in a wheelchair; the doctor is bedridden; the young mother tries to manage her home on crutches; the electrician at age 37 is in a rest home.

Mr. President, I have a personal interest in the conquering of this crippling disease, for it has stricken a former member of my staff. She was my office manager prior to her having been afflicted with multiple sclerosis. She was bright, exceedingly capable and an asset to any office. Attesting to her abilities was the fact that she was employed beginning with former Senator Knowland and followed by a succession of California Senators; namely, the late Senator Engle, former Senator Salinger and myself. Her case illustrates the tragedy of this disease, but her response—a real profile in courage—has made all of us who have had the pleasure of knowing her and who were proud of her before, even more proud of her today.

Mr. President, for the most heartrending aspect of MS is that it strikes primarily young adults in their most productive years. It disrupts the lives of families making tragic demands on the courage and strength not only of its victims but of their husbands, wives, friends, and children. The problems which arise may often seem insurmountable when the role of breadwinner must be assumed by the wife, or the household chores to the afflicted husband, disillusion and threat of separation or divorce often occurs. The children must be helped to understand the influences operating in the household and also helped to maintain a home to which they can continue to invite their friends. The total resources of the family should be pooled and devoted to insistence on a full and useful life for each member—despite the difficulties encountered. The long life of uncertain disability in a family member imposes a continuous series of adjustments on a total of perhaps 2 million members of family constellations disturbed by the presence of this disease.

The National Multiple Sclerosis Society is the only voluntary agency concerned with finding the cause, prevention, and cure for multiple sclerosis. The society's medical adviser, Dr. Harry M. Weaver, who worked closely with Dr. Jonas Salk, is convinced that the answer to MS can be found provided adequate resources are made available. For research is the only hope that MS patients have, research and the day-to-day help which chapters throughout the country give in their programs or direct service, recreation, transportation.

The resolution which I introduce today would designate the period of Mother's Day through Father's Day as the National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks. The resolution calls upon the Governors of the respective States to issue a similar proclamation calling upon the people of this great Nation to join in providing "the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of the persons stricken by this disease."

Mr. President, there are more than 500,000 victims of MS, and since MS forces the removal of two out of three of its victims from the Nation's work force, it is estimated to result in a $2 billion annual economic loss to the Nation.

Mr. President, 1971 is the 25th anniversary of the National Multiple Sclerosis Society and the society is launching a 5-year development plan aimed at discovering the cause, preventing, and treating MS.

There is great interest and urgency in searching for the cause and cure of MS as evidenced by the 26 cosponsors of this resolution. I am pleased to be a part of this push, and I hope that all Americans everywhere will join in helping to make MS like polio, a thing of the past. I hope that the Senate will take early and favorable action on the resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks," introduced by Mr. MURPHY (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. J. RES. 226

Whereas five hundred thousand Americans, stricken usually between the ages of twenty and forty years, are affected by the ravages of multiple sclerosis and related neurological diseases; and

Whereas two million members of American families are deeply concerned with the financial and emotional problems of this disease; and

Whereas multiple sclerosis predominantly strikes young fathers and mothers in their wage-earning and family-building years and reduces the buying power of such families; and

Whereas such reduction results in a $2,000,000,000 annual economic loss to the Nation and forces the removal of two out of every three disabled multiple sclerosis victims from the Nation's work force; and

Whereas multiple sclerosis remains a disease of unknown cause, unpredictable course, and undiscovered cure; and

Whereas the National Multiple Sclerosis Society, which is celebrating its twenty-fifth anniversary in 1971 has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent, or more effectively treat, multiple sclerosis:

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamations for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 819

Mr. COOPER (for himself, Mr. HART, Mr. CASE, Mr. BROOKE, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. SAXBE, Mr. SCHWEIKER, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) proposed an amendment to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to be printed.

(The remarks of Mr. COOPER when he proposed the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENTS NOS. 800 THROUGH 806

Mr. JAVITS. Mr. President, I ask unanimous consent that at the next printing, the name of the distinguished senior Senator from New Jersey (Mr. CASE) be added as a cosponsor of my amendments Nos. 800 through 806 to H.R. 16311, the Family Assistance Act.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

NOTICE OF RESUMPTION OF HEARINGS ON THE CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Mr. KENNEDY. Mr. President, the senior Senator from North Carolina (Mr. ERVIN), who is chairman of the Subcommittee on Constitutional Rights, has asked me to announce that on August 12, 1970, the subcommittee will resume its hearings on the constitutional rights of the mentally ill. The hearings will be conducted in room 457 of the Old Senate Office Building and will begin at 10:30 a.m.

These hearings are a part of the subcommittee's long and active interest in the problems of the mentally ill. Witnesses appearing at the previous sub-

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committee hearings, conducted in November 1969, have described the state of the law concerning commitment procedures, have analyzed the effectiveness of legal protections of the patient's rights, have suggested new policies and programs for the future, and, in general, have raised fundamental questions as to our society's approach in dealing with the problem of mental illness. I am privileged to be a member of the subcommittee, and I commend the chairman for his continuing interest, leadership, and accomplishments in seeking solutions to this difficult problem.

One of the particular concerns of these hearings has been the implementation of the 1964 District of Columbia Hospitalization of the Mentally Ill Act. I am pleased to announce that witnesses at the August 12 hearing include Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare; Dr. Bertram Brown, Director, National Institute of Mental Health; and officials from St. Elizabeths Hospital of the District of Columbia. These gentlemen are uniquely qualified to analyze the implementation of the 1964 act. I am confident that their testimony will be of great value to the subcommittee.

ADDITIONAL STATEMENTS OF SENATORS

ERADICATION OF DRUG ABUSE

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Mr. MURPHY. Mr. President, recently Sacramento Radio Station KXOA undertook a special project to help eradicate drug abuse in its community, and I think this highly commendable action deserves some attention.

To be part of the community it serves, a radio station must be more than just a voice. In 1970 the Sacramento community, like many others, has been faced with the problem of drug abuse. KXOA got into action by presenting a 14-part documentary exploring the drug culture, its impact on youth, and some of the possible solutions.

KXOA discovered that the "Aquarian Effort," a local drug rehabilitation center, was facing a financial crisis. KXOA came to its assistance by undertaking a 6-hour marathon to raise needed funds.

It is an interesting, valuable documentary. It is a story of people working with people for a worthy cause. The documentary helped to save the "Aquarian Effort," which is now on the road to financial security and is growing daily in community service.

Station KXOA has definitely proved that it is aware of the problems of the community of Sacramento, and I commend the station for its service to the people.

I ask unanimous consent that the documentary on drugs be printed in the RECORD.

There being no objection, the documentary was ordered to be printed in the RECORD, as follows:

DRUG DOCUMENTARY

PROGRAM NO. 1

Today, young people are educated at an amazingly rapid pace. A willingness to learn and the means by which to learn are in abundance. Today, kids like to probe, investigate, and conclude . . . but, they also like to taste, test and experiment with things; things like pot, LSD, speed, and even the "Big H" . . . heroin. Drugs are available everywhere . . . and if you don't believe me, go to any school and start asking where you can get some marijuana. Chances are well in excess of 50% that you'll be told . . . as long as you don't look like a policeman. But isn't anything being done to combat the problem? To the contrary, more programs are currently being used than you could imagine. The "I'm a Buddy" program, the "Be A Helper" program, countless educational programs are being tried . . . but they don't work! Is there an explanation? I put the same question to State School Superintendent, Dr. Max Rafferty. Doctor Rafferty, can you explain why?

"Yes, I think it's the same reason why for such a long time, despite the fact that we had an excellent program of Driver Education and Driver Training in our California schools, the teenage accident rate went up and up. You see, the schools are in the business of supplying information . . . in telling people what they ought to do . . . but the one thing that the schools cannot do is to make people want to do something in their own hearts."

This is one report that's not going to pretend that drugs suddenly jumped around the corner and pounced on America. Americans have been on pills for decades and on drugs, in general, for centuries . . . yes, for centuries. Are you a cigarette smoker? Is one of your favorite pastimes heading down to the local tavern for a drink or two? Then you, my friend, are just as guilty as the eight-time loser sitting in an un-lit Second Street doorway injecting heroin. Oh, sure, it's not the same . . . but the point I'm making is this; you too use something to give you an artificial feeling, be it up or down.

There's another point too. Do you know how much legal drug use there is in our Country? The Food and Drug Administration checked and this fact should shock you: legally there are enough drugs prescribed in a year to keep every single person in the United States awake and hyper-active for a week and enough to turn right around and keep every single person in a stupor for a week. If that doesn't make you think, you may as well tune out right now. Here's another fact you might consider; it costs a minimum of $350 million, or a maximum of $2 billion a year for drug abuse. The major portion of that cost is the value of goods stolen to support a drug habit . . . usually heroin.

I've got a bagful of facts that might stop you . . . here's another. . . . Does drug use always start in public schools or in a back alley or un-lit doorway? Art McElroy is a man who is now in business for himself. He was in business for himself once before. He used to steal things . . . lots of them . . . but he'd never tried drugs. Then he got caught stealing things and was sent to jail:

"I went to Preston in 1956, and at that time I hadn't had any experience with drugs at all other than what I heard, you know, the scare programs, the guy in the top coat and hat hanging around the high school selling grass . . . I never ran into any of that. When I really first was introduced to drugs was while I was at Preston."

McElroy added that he didn't try drugs in prison, but guess what the first thing he did when he got out was? Think about that one, too. Art McElroy got his drug-inducing education at a prison for juveniles.

Tomorrow: Mom and Dad: What do *you* do?

If you heard something you disagree with, call 922–8851 and ask for me. This is Mike Pulsipher reporting.

PROGRAM NO. 2

You're a parent . . . it doesn't make any difference what your age is, you are or will be affected by the current drug use epidemic that is continuing to sweep across the nation. What can you do to provide the proper protection for your children without being over-protective? I talked with people who are being forced to come to grips with that situation and we'll listen to their views now.

First, a woman who has the problem now. The mother of teenagers, she must decide how to approach the problem and not alienate her children. How does she do it?

"Well, basically I try to keep it an open discussion at home. Any time that they feel they want to talk about it, then I encourage it and, of course, we try to read about it and discuss it and find out their viewpoints and of course they educate us a lot too, because they know all the terms and expressions, and actually, they're faced with it daily."

That's the word from today's parent . . . but what about the parent of tomorrow? If present trends continue . . . and there's no reason to indicate they won't . . . the problems tomorrow will be even worse.

I talked with a recently married couple . . . members of the so-called "current generation" . . . tomorrow's young parents. I asked the husband how he will handle the problem:

"Well, I think I'll start by telling them that it's a moral and medical decision they have to make rather than the legal, because I think that a lot of these drugs will probably be legalized by that time, and after all, the legal decisions of today are based, supposedly based, on medical, physical and moral implications of drug use. It's going to be tough to tell them these things because I haven't really figured them out completely for myself."

There are plenty of "do's" and "don'ts" when it comes to handling the drug problem. But it's easier to summarize it on one sentence . . . learn, know, and teach the facts about drugs. Don't try to snow your children with how harmful marijuana smoking is. Be honest . . . tell them that up to now there is no research of substantial basis that proves marijuana is harmful. If you find your children on drugs, don't panic. Try to help them by giving parental confidence, seeking medical help. There's also another possible solution. It's called the Aquarian Effort. We'll soon take another look at how parents should handle the problem, but tomorrow we'll take a deeper look into: The Aquarian Effort . . . A Realistic Approach to Drugs.

PROGRAM NO. 3

"The Aquarian Effort is a program to work with the problem of Drug Abuse in the community. It was started . . ." (fade under)

The man you're listening to is Jim Estabrook. He's the coordinator of the Aquarian Effort . . . the latest and most successful in a series of efforts to help solve, or at least cope with, the problem of Drug Abuse in Sacramento.

The Organization operates the Aquarian House on Q Street, which houses the offices and a battery of five crisis lines for use by people with drug problems. I asked Jim what happens when a crisis call comes into the Aquarian House:

"Once somebody calls on our crisis line, why any one of several things will happen, depending on the nature of the call. If somebody calls and for instance is in need of immediate help, we'll send somebody immediately out to wherever their location is and either take them down to the Crisis Clinic at the County Hospital or we'll deal with the problem ourselves. In many cases, why, the person needs re-assurance. He needs the kind of guidance that he can get somebody that's been through that kind of experience."

Occasionally someone so hysterical he can barely talk will call . . . what happens then?

"Percentage wise, those are a very minor percent of the number of calls we get, but we get a great number of those calls. We've got five telephone lines, and sometimes all five telephone lines will stay busy for two and three hours at a time. When we get a call like that, the crisis room becomes a very tense place. Quite commonly we'll have somebody phone in that's thinking seriously about suicide by dropping say 45 reds or something of this nature, and then the room becomes very quiet and people give their attention to this particular person, and it's really something to watch this process go on. Our counselors, most of them, have been involved in many crises . . . sometimes they've been through this kind of situation themselves, any my experience is that they are very effective in handling this kind of situation."

Yesterday I stressed the importance of a good, honest relationship between child and parent. If you don't believe me, will you believe someone who handles the situation daily as his business?

"In many cases we find out that a lack of communication between the parent and the child has contributed a great deal to the whole problem . . . and we get together with the parent and the child and act as an intermediary to help that kind of communication start, to help a really honest kind of communication to begin again. Once that's happened, that's about 50 percent of the problem.

Tomorrow, another look at what you can do as a parent. If you disagree with anything you heard or have a comment in general, call me at 922-8851 between 9 A.M. and 5 P.M.

PROGRAM NO. 4

As a parent, you are faced with the huge burden of bringing up your children in an age of education . . . it's not unfeasible that your youngsters will know as much in the 8th or 9th grade as you did when you graduated from high school. Your big job, then, is to make sure you know more than they do by constantly up-dating your own knowledge. One of the biggest problems you'll have is drug education. You must teach your children about the hazards of drug abuse without preaching to them and making them try the various drugs just for spite. But you can't just talk . . . you've also got to listen. Talk *with* your children, not *at* them. Let them express their views and even argue with you. Don't panic when you discuss the subject. Remain calm and stick to the facts. If your child says he has tried marijuana once or twice, don't prepare yourself for a life of shame . . . again, talk with your children about the problem. Find out why he tried it, when, and, if possible, whether he still is using it. Most kids who try pot do only that: *try* it. They don't stick with it. We asked one lady . . . a mother of two teenagers . . . what *she* would do if she discovered her children on drugs:

"That's very difficult to say. I really don't know how I'd react, except that I would try to be levelheaded about it, not get terribly emotional about it, but try to get help for him in whatever way I could. I think probably first of all I might check with the doctor to see what is available. Actually, from what I've read, there aren't that many facilities for people that have, are on drugs, and I think I would want medical help for him immediately to find out if this would help it . . . but really, I just don't know what I'd do."

Our young future parent . . . the 1966 High School graduate about to graduate from Sacramento State . . . told me how he would handle the problem of drug education in his home:

"Well, I think that based on my experience, no matter what I told my children . . . the children I plan to have some day, they're going to want to try them themselves because I know I did, and so I think that say one or two experimental uses of these drugs, you know, I don't think can hurt, so maybe I'm going to have to come up with some program of my own . . . hopefully it can be legal at the same time, whereby I could, you know, demonstrate these things to my children, and controlled conditions."

He added that he did not include any hard drugs such as LSD and others when he stated one or two experimental uses wouldn't hurt. He does not want his children trying that type of a drug.

Spotting the symptoms of drug use is fairly easy . . . but can also be very deceptive. One sign is usually a sudden change in the person's life pattern. However, that change can also be caused by the normal growing stage . . . the desire for more friends and a more active social life. If your children or someone else close to you for that matter, should suddenly begin wearing dark glasses and long sleeve shirts much of the time, you might ask a few questions. The dark glasses are to combat the light let in by highly dilated pupils and the long sleeves can be used to hide needle marks. Again, there are not sure-fire tell-tale signs as they can be the result of any number of causes. Later in the series we'll learn more about the symptoms of drug abuse and what to do about them.

Tomorrow, a deeper look into the Aquarian Effort. We talked earlier with coordinator Jim Estabrook, and he did a very good job of telling us what the staff at the Aquarian House does . . . but tomorrow we'll learn more about the operation from members of that staff. You won't want to miss: The Aquarian Staff: What It's Really All About.

PROGRAM NO. 5

What's it like working at Aquarian House? To find out, I asked the people who work there. Julie, Tim, Sid, and John are four of the people who work in various capacities in the Aquarian Effort. I asked Julie what her job is:

"I'm a counselor. What does that mean? That means that I counsel kids, I counsel parents, Probation Officers, if they're involved, Social Workers, if they're involved. I do one-to-one counseling, which is just me and one other person, and I do one to three counseling, which is usually two parents and a child."

Julie also works as an assistant secretary in the Aquarian House. Tim and Sid both answer phones . . . that sounds easy enough. But there's a catch . . . they have to talk to people and the people they have to talk to *really* need to talk. Sid and Tim answer the crisis lines . . . they're two of the people who handle the scores of calls from people needing help. Sid also does some counseling and describes his duties in that role as similar to Julie's. What kind of calls come into Aquarian House? I put the same question to Sid and Tim:

(Sid) "Well, like there's generally at least one or two people who've taken a lot of acid, or taken a lot of some sort of drugs and they're freaking out and they need someone to talk to or possibly have someone come out to be with him, or have someone bring them down to the House."

(Tim) "Yeah, we get other kinds of calls . . . practically all night. In fact, very frequently the calls aren't even really that important . . . really don't even involve that much drugs use sometimes . . . get all types of calls . . . calls from concerned parents, parents that really don't know how to approach the problem with their children . . . get concerned calls from kids that have dropped acid or something and are freaking out . . . don't know really the technique to going through an acid experience . . . we get calls from people that have gotten ahold of bad drugs."

There are many jobs to be done in the Aquarian Effort and not all of them are done at the House. John told me what he does:

"I work mainly as a speaker . . . I go around to the different schools along with seven other people. We work with administrators, faculty and students."

I asked John if he geared his attack on drugs differently for each age group. He said he did, so I asked how he varied the attack:

"Well the, of course, the way you talk, you can't preach to a high school student or a college student . . . you can't scare them like, or you can't really point out a reality of something that, they've already seen a lot of this, whereas younger kids haven't, and so this makes a big impression on them when you can show them some of the real terrible things that can happen and mess up someone's life . . . the horrors of drugs."

John said that the message usually gets across . . . if not all of those he talks to, at least to some. There's a lot more to the Aquarian Effort, and you'll learn about it soon. Tomorrow, a look at another place for former addicts . . . Synanon House. We'll listen to several former users describe what it was like . . . and still is for some.

PROGRAM NO. 6

What's the world of drugs really like? What's it like to be hooked on some form of narcotic? One of the best places to find the answers to questions like that is at Synanon House. In talking with these people from Synanon, a place for former addicts, and Mendocino State Hospital and Awareness House, we learn some interesting . . . but unpleasant . . . things about drug use.

What do you think about when you think of drugs? Maybe the carefree, floating feeling sensation of being high? Here's a former user who says people think about the wrong things:

"I think, ah, when people hear about drugs, ah, some of them some of the time may, ah, may think about jazz music or rock music or hipsters, uh, or something like that. They don't think about the suicide attempts . . . they don't see the pawn shops . . . they don't see sleeping in subways . . . they don't think of overdoses on roof tops . . . they don't think of being chased by the cops . . . they don't think of feeling like a spy in an enemy country all the time . . . they don't feel the total alienation . . . they don't feel, ah, the total despair . . . and, ah, that's drug addiction."

These two men discussed the problems of drug addiction and had some comments on what it's like to try quitting:

(1st voice) "Before you take acid you can say, 'Well, I can take it or I can leave it,' and it's true. But after you've taken it for a while something subtle happens in your mind and it becomes very important to you and you can't just take it or leave it anymore."

(2nd voice) "A kind of an example is that every dope fiend living down there in the gutter says, 'I can stop tomorrow,' you know? They break up their outfits. They break up all the paraphernalia, you know, give their dope away and everything but then they're back the next day sniveling for it, you know? They can, they all say, 'I can stop' but none of them do."

(1st voice) "But, that's not even there, you know? Like me, we know kids right here in the early days that used to come here and say . . . in fact, I remember a girl once coming and saying, 'I'm tired of speed, you know, I can't take it any more, I'm going crazy,' and she gave me a needle that was broken. 'Here's my broken needle.' You know. . . . You'd think she could stop, you know? But it wasn't so easy, it wasn't so easy. You just can't turn . . . dope isn't something you can turn on and turn off. It doesn't work that way."

It's not a pleasant feeling to get the idea you're being chased or followed wherever you go. But that's the feeling that many addicts say follows *them* everywhere. This man tells what it was like for him . . . and is like for others:

"But, really what I've seen . . . I've seen the end result like some paranoid, crazy peo-

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ple who see police and enemies underneath rugs and people talking to them inside their heads, you know. I've seen this and it's scary. Then I saw the one guy at the hospital who, when he first came in was talking to giraffes, you know, and things and, and, uh . . ."

(2nd voice) "That's the guy that hung himself?"

(1st voice) "Yeh, yeh, he shaved his hair and hung himself."

The world of drugs as some addicts see it. I'm not trying to tell you every person who uses drugs will express the views you've just heard. The point is; do you want to risk being one of those who does? The feeling of persecution, the horrible need for a "fix" whenever the body cries out, and many other facts of drug addiction. All the people you just listened to were older people. But that's not always the case . . . in fact, these days it's all too often the opposite. Tomorrow a look at the shock of today: Drugs in Schools . . . The Young Are the Victims.

PROGRAM NO. 7

A drug epidemic is sweeping the Nation . . . and its level of penetration is spiraling down into the ranks of the elementary schools. Recently a 12-year old New York boy told of supporting his *heroin* habit by selling his drugs to schoolmates and other children. The testimony was shocking and had the state assemblyman from the boy's district in tears before it was over. The situation isn't just in New York, though. Look right around *you*, because the problem of drug abuse is growing by leaps and bounds right here in Sacramento.

All through California the problem continues to spiral with no real relief in sight. Drug education programs are in abundance, yet the drugs-use rate continues to go up. Deaths or permanent disabling of small youngsters continues, yet the rate continues to go up. Parents become more aware and talk to their children about it, yet the rate continues to go up. Why? Over and over, that single word question is asked . . . why? It's asked by concerned citizens, by State and National politicians and by a mother or father identifying the body of their son or daughter at a morgue . . . a morgue in New York, at a morgue in Denver, at a morgue in Reno, or at a morgue in Sacramento. A local girl . . . fifteen years old . . . is on several drugs. When asked to be specific, she says:

"Marijuana . . . and it's been mixed with different things such as cocaine and opium and acid."

Why drugs?

"Well, I was curious to see what it would be like and after I started, I liked it because it made me really relaxed and happy."

Did you find that you had to take more drugs as your body built resistance?

"No, but I did . . . I found that I wanted more because it would make me feel good, and so I just wanted more but I could stop because I did for a period of time."

This girl claims she didn't need more in one breath, then says she wanted more in the next. This girl is, of course, not the typical high school student. Not every teenager you see walking down the street is on some drug. The problem is, too many of them *are*. In this report I claimed drugs are spreading throughout the Sacramento Area. So, I asked the girl . . . is it easy to get drugs in Sacramento?

"Yeh, you can almost get it anywhere at all in the community . . . you can go to a snack bar . . . or a hamburger stand . . . or you can get it at school or almost any place."

Almost anyplace . . . even at a school. Parents, don't you think it's time to start talking to *your* children? Don't think your kids aren't subjected to pressure to try such things as marijuana, LSD, and others. And don't think it can't be you asking "why" someday. Once again, I'm going to stress this fact: you must not try to scare your children when talking about drugs. Discuss the situation *with* them in a calm manner. Let them ask questions and ask some yourself. The lines of communication are important.

Jim Estabrook, the Director of the Aquarian Efford here in Sacramento told me:

"In many cases we find out that a lack of communication between the parent and the child has contributed a great deal to the whole problem and we get together with the parent and the child and act as an intermediary to help that kind of communication start to help a really honest kind of communication to begin again. Once that's happened, that's about 50% of the problem."

That's the word from Jim Estabrook . . . you've got to communicate with your children or you'll lose them . . . regardless of the subject.

PROGRAM NO. 8

Heroin . . . the "Big H" . . . the last report . . . the final step. Heroin addiction, right this moment, is costing you money. If you're on the stuff, it's costing you more, but I'm talking about you and me . . . average tax-paying citizens. A big bundle of money is being spent every year on law enforcement aimed solely at the problem of heroin selling and use. We also pay for it in other ways. If you've ever been held up or had your house burglarized, it's very possible you helped "contribute" to an addict's fund. Heroin addiction is very expensive . . . it can cost a hundred dollars a day . . . or even more . . . for a single addict to support his habit. Heroin is one of the ugliest of all the drugs. Constant use requires larger and larger doses . . . until eventually, one of them is fatal. First of all, let's get one point clear. If you believe 90% of all kids who smoke marijuana willl end up on heroin, you are wrong. It's estimated that less than five percent of people who smoke "pot" eventually end up on heroin. So, don't use that as an argument with your kids when discussing the evils of marijuana. You could bring up the fact that the use of marijuana eventually puts them in the environment that leads to heroin, but again, that has nothing to do with using marijuana itself. Today's report is not about the marijuana/heroin controversy, however. I'm going to talk in just a moment with State Senator Howard Way about a new program . . . the Methadone Program. Methadone is spelled m-e-t-h-a-d-o-n-e. Despite the "e" on the end, it is pronounced meth-a-dawn. A highly successful program is underway in Oregon, and Senator Way thinks it could work just as well in California. He has introduced a bill to that effect, and I asked him to explain it:

"My bill, as we now have it framed, will be subject to some changes and amendments as we go along to meet objections which we anticipate. I would say briefly that local communities in local Mental Health Clinics under the Lanterman Petris Short Provisions that we now have under the law may establish methadone maintenance programs under the supervision of our research advisory panel that we set up in 1968."

People from law enforcement, medical, pharmaceutical, educational, and other professions are represented on that board. I asked Senator Way if this would be like the program in Oregon:

"We're going to do ours in California if this bill passes, and I'm hoping that it will . . . still on the local level with the emphasis on people remaining in the home environment, shall we say, and being on out-patient basis. Now at least some of Oregon's program at the present time is on an in-patient basis."

Methadone does not cure heroin addiction, by the way. Methadone is strictly a synthetic substitute drug. The only differences are: (1) it costs about 10¢ a day instead of $50 or $70, and (2) it seems to have no harmful effects. The programs now being tried here in the state are called methadone maintenance programs . . . Senator Way explains further:

"We take the hard-core heroin addict who has been using heroin for at least two years, and some other people in our clinics have been using it for as much as 17 years, if you can imagine it. Then we establish in a very, very controlled atmosphere, a level at which this heroin addict finds that he no longer needs heroin and then we maintain this daily dose of methadone which is taken incidentally, orally . . . usually in the clinics he visited, in the artificial orange drink Tang, and the patient just drinks it."

Methadone is one of the most successful attempts to at least control the problem of heroin abuse. Tomorrow, Senator Way will explain a few more points about Methadone.

PROGRAM NO. 9

Methadone . . . still in an experimental stage, it has proven successful so far on a wide-spread basis in Oregon and on a limited basis here in California. Methadone is for heroin users, but it does not cure their addiction. It is not a miracle cure for the drug problem. It is simply a synthetic substitute drug that fills the need for heroin at a minute fraction of the cost and with no harmful after-effects. I talked with State Senaor Howard Way about methadone because he has a bill before the upper house making it legal to use, under certain clinical conditions. I asked him if he could explain methadone in understandable terms:

"I hope I can . . . methadone is a synthetic drug . . . an opiate . . . the technical name is methadone hydrochloride . . . it's manufactured, and it's been used in America for medicine profession, medical profession, for many, many years."

Way told me that many of the people on heroin are husband-wife teams and the picture of how they make the money to support their habit is not very pretty. It is, of course, a life of crime and hiding. But methadone eliminates that situation. Way said the drug is taken in a mixed artificial fruit drink . . . and he added:

"He comes every day and keeps this level that has been established which, in his particular case, eliminates the need for the heroin that he has been taking every day. This, then, enables him the effects of methadone are such that he can lead a useful life, and in an amazing number of cases he is able to hold down a job . . . interestingly enough, many of the addicts are husband and wfe, and in a case that I know personally, they had children and they were having to hustle a habit that was costing between the two of them $150.00 a day . . . and on the methadone program, they were each gainfully employed after about 6 months . . . taking care of their children again, and leading a constructive life."

In Oregon, the program is so successful that they had to invoke a residency requirement. And most of the out-of-staters trying to get into the program were from . . . of all places . . . California. I asked Senator Way if he envisioned the need for residency requirements in our State:

"It would be my hope that we would move into this program in an experimental way and I think we've gone far enough now with our 4 experimental clinics to know that, or to see that we have a program here that may bring some constructive results and it would be my hope that we would move along carefully, still with a control program, and that we would do it for California addicts and particularly for addicts in their home areas and so I would see it being confined for at least some time to Californians, then if we have to establish some residency requirements, we would."

The Senator's bill is working its way through the long legislative process, but it

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is given a pretty good chance of passage. It is a progressive bill and it's a step that should be taken to help cope with the problem of drug abuse.

PROGRAM NO. 10

How do you reach the kids . . . I mean the little ones. Do you realize that drug use starts in schools today as low as the first grade? That's right, the first grade!! Oh sure, it's mostly a few isolated cases, but isn't that how everything starts? So, how do you warn the children of the possible dangers always there when using drugs? Sometimes, it's by an unintentional and somewhat tragic method. Mrs. Reese called me yesterday to talk about drugs because she is affected by them to the ultimate. One of her sons is now serving time at a juvenile jail because of drugs . . . he was caught trying to steal them from a drug store. He wrote a letter to his little brother and Mrs. Reese offered to read part of that letter on the air. She told me the boy writing is 17 . . . the little one is 11:

"Well, Steve, I want to tell you something. All of this that has happened to me should teach you a lesson. Steve, I'm in here because I was taking drugs, and when people are taking drugs their minds get messed up and they don't know what they are doing half the time . . . and that is why I did what I did. I don't know if mommy or daddy told you or not, but I broke into a drug store and was stealing drugs, and I got caught by the police, and that is why I am going to get sent away. When I get out, I want to come home and get help and spend time with the family. Steve, all I can say is I hope this never happens to you."

The Aquarian Effort people are about the best people who could ever teach your children about drug abuse . . . they've been there themselves and know what it's really all about. John Salmon, one of the former users now at the Aquarian House, is one of the lecturers. He goes to schools, businesses, and other groups and tells them about the problems of drug abuse. I asked John what he tells the people he lectures to, particularly the small ones:

"Well, we don't try to say how bad drugs are . . . we don't say this is bad . . . that's bad. We point out the realities . . . what it can lead to . . . what it has led to for many people. How you're giving up everything . . . everything you've ever worked for . . . thought of . . . hoped for in your life . . . is being given up when you get involved in drugs . . . especially in heavy drug use, because you lose the respect of anyone who means anything to you, and you usually lose respect for yourself . . . almost *always*."

Earlier, I played part of a conversation with Mrs. Reese, whose 17 year old son had been arrested on a drug charge. I'd like to play more of the conversation now:

"That's the portion of the letter that broke my 11 year old boy up, and like I say, if there's no help for my boy when he comes home, then there's no hope."

(Mike) You feel that there's *some* hope . . . what group was that?

"The Aquarian Effort."

(Mike) What have they done so far that would lend you this hope?

"Well, they are going to go see my son . . . he is at the Boy's Ranch, and they're going to give him an idea of the program and how they can help him when he comes home, and like I say, when a boy is locked up, he isn't getting help . . . like the Aquarian Effort can work with him and help him with this desire, and we do have to have the Aquarian's to work with our children."

Isn't it time for *you* to start teaching your kids?

PROGRAM NO. 11

Recently I paid a visit to the Sacramento County Mental Health Service Center. Colin Berry's official title is Drug Abuse Program Consultant for the Sacramento County Mental Health Services. The position is practically bigger than him. I asked about drug abuse and mental health:

"I think that basically, drug abuse has traditionally been looked at as, as a law enforcement problem, as a problem of criminal activity, and I think that people are becoming to realize more and more that drug abuse is really not a, a criminal kind of problem, but rather a mental health kind of problem."

Jerry Plumer is the Chief of Psychiatric Social Work at the Center. His job involves him in nearly all phases of the problem, except for a lot of direct contact with the situation on a grass roots level. His job as Chief of the Division keeps him hopping . . . but he, of course, knows what his people are doing. So, I asked him how his job relates to the problem of drug abuse in the country:

"When I first came to this program, I spent a lot of time working in the crisis clinic initially, and there I was quite impressed with the high incidents of young kids, young adolescents, young adults, who would come into the crisis clinic either from an overdose of drugs or clearly having some sort of drug-related problem. I think the thing that impressed me the most about Drug Abuse in this county has been probably, the startling and high incidents of hard narcotic abuse in the county. Colin might want to throw in something here, but the statistics that I've heard anyway, that have some out of our program is that there are something like 5–600 *probable* hard narcotics users in the county . . . which is a pretty high proportion for the size of Sacramento County, I would think."

(Colin) "I think that's a conservative estimate." Colin Berry has worked closely with a number of drug abuse programs along the same line . . . but not as extensive . . . as the Aquarian Effort. Based on the contact he's had with them thus far, what is his impression of their work?

"My initial reaction and on-going reaction I think, is that they offer a very effective program for reaching young people and anybody, you know, who's involved in use and abuse of drugs . . . of helping them understand the negative aspects of that kind of a life style and method of dealing with themselves, and with the environment, and for helping them find some, as they say, positive alternatives to a life-style that involves the use and abuse of drugs."

Jerry Plummer also had some things to say about the Aquarian Effort:

"We're instrumental in referring patients to the Aquarian Effort. I know that Colin has been involved, and probably pretty significantly in referring calls that he gets too, maybe to the Aquarian Effort, or to any one of several community agencies in and about town who also help to treat the drug abuse patient."

PROGRAM NO. 12

The Sacramento Area Mental Health Center sees what happens when people abuse drugs . . . and sometimes, what causes the drug abuse in the first place. The Chief of Psychiatric Social Work at the Center is Jerry Plummer. An amiable, articulate man, Plummer knows his business well. I asked him if he felt that any of the people who came in for treatment at his center might have had their mental problems caused by their drug usage:

"I'm sure that there are a number of situations like that, I think here though, my own professional bias comes out that I don't think that anyone who is really pretty healthy emotionally has the need to even experiment with drugs."

He added that you also run into the problem of "what" . . . what is a drug? What is health?

"I smoke a pipe . . . it's a drug, and I consider myself healthy, so why am I doing that, you know? We could go from there to 'you like Scotch' O.K. . . . watch it . . . to aspirin . . . to anything else."

Colin Berry is the Drug Abuse Program Consultant for the Center. He disagreed slightly with Doctor Plummer in that he feels there is more than enters the situation than being healthy. He said:

"The social pressure on, particularly young people today, to experiment with drugs is so great that I'm kind of, I question somebody's healthiness if they aren't at least very very curious about trying drugs . . . particularly young people because I think there's so much pressure on kids today to, you know, smoke a little weed, to pop a little barbs, to, you know, etc. And I think it's very common, particularly LSD which is a drug where there's no way of predicting whether you'll have a good trip or a bad trip. Nobody's figured out when you have good trips and bad trips on LSD, and I would say that it's very easy for somebody who seems to be healthy emotionally mentally, to try some acid experimentally and end up with a lot of problems because of it, emotionally."

Both of the men see the Center working closely with the Aquarian Effort. Already there is a sort of cross-referral system going where each operation refers patients to the other. The Center can provide the counseling on an "educated" professional level, but the Aquarian Effort people are also professional . . . to a different degree. They've been on the stuff . . . they know what they're talking about . . . they know how it is, not how it's *supposed* to be. As Jim Estabrook once told an Aquarian worker . . . "You've got your Ph.D. in drugs."

PROGRAM NO. 13

The people who work at the Aquarian House have been there . . . they know the drug scene inside-out because of their own experiences. It isn't a very pretty picture they paint when telling their stories, but it's graphic, honest, and colorful. I talked with four members of the Sacramento Aquarian House and asked them what it was like handling the calls and doing the counseling. More specifically, I asked John if he could relate his own experiences to those with whom he talked:

"Always . . . not always . . . very often. I relate, I see many kids going through what I went through, and heading exactly where I was headed and where I got. It's a very scary thing for me because I never want to be back there again, and I never want to see anybody there . . . I just . . . everytime I think about it, it just makes me shake all over."

I also talked with one of the female counselors at the house . . . Julie. She, too, has been the route when it comes to drug abuse and she now tries to straighten out other people headed that way. I asked her also if she could relate her drug problems to those who came in for counseling:

"It's definitely weird . . . weird experience, you know, to see . . . for me to see, a young girl come in who's maybe been involved with drugs for a year or two and then I think back about seven years ago when I was where she is at now, where I was, and it's so . . . it hurts, . . . it makes you want to say 'Hey . . . I was there' you know, because you can't tell them that, because they can't, you know, they, . . . there's nothing for them to relate to. You feel like just taking them and shaking them and saying 'look what you're getting into!' But you can't do that."

Julie added the only thing you can do is try to work with the people and try to help them. I put the same question to Sid: What's it like working with people who have the same problems that you may have had just a while ago?:

"A lot of the situations are like when, you remember back when there was a time when

I thought drugs were really happening, like I really enjoyed, you know, dropping acid or hitting speed, but you know, you can't see into the future to see, you know, what the effects are going to be and it's pretty drastic."

And finally, Tim added his comments on the subject:

"Yeah, you see the same symptoms that you've gone through as an individual practically every day you see the people, very depressed people, who can see no solutions to their problems, no alternatives, going through the exact same things we've gone through, I've gone through, and you know, in a way, it's really helpful to you as a counselor to know precisely what the person is going through and the type of things that are going to upset them and what's not going to upset them, and show them how to handle them."

These people are pros . . . they really know what it's all about and they know that drug use . . . or really, drug abuse . . . is *not* where it's at. Not at all.

PROGRAM NO. 14

This is the final chapter in this series. If it prompted you to contribute a dollar to the Aquarian Effort, if it made you talk with your children for ten minutes about drugs, if you're on drugs and it made you think about what you might be doing to yourself . . . even for just a few seconds . . . then my mission is at least partially accomplished. I really tried not to preach . . . sometimes I didn't succeed in that effort, but I think for the most part I was successful. Today, I just want to summarize a few things and repeat a few others. From the educational point of view, it's important to say again one of the things I've been saying for the last two weeks . . . don't preach to your kids. You've got to talk *with* them . . . not talk *to* them . . . about the problems of drug abuse. It's not easy to watch your kids all the time and, for that matter, you really shouldn't. That's why it is so important to keep the lines of communication open. One mother who possibly didn't, called me and read part of a letter her 17-year-old son had written to his 11-year-old brother. She told me it broke her little boy up . . . and she was near tears as she told me about it. Don't let it happen to you. Establish a dialogue with your kids and keep it running. During the programs we heard two people . . . one a parent of today, the other the parent of tomorrow . . . tell how they do and would handle the situation. Both said they prefer to talk. That really is *the* answer.

Now what if you're a young person. You've got a problem all your own. Colin Berry at the Mental Health Department brought up what I consider a legitimate point when he said all kids are naturally curious and under a lot of pressure from the friend to try drugs. It's up to you if you do . . . but before you do, why not call the people at the Aquarian House. They won't fill you full of "scare stories" about drugs . . . that's not their policy. They will tell you of their own experiences . . . the good times they had with the drugs, and then the not-so-good times that came later . . . but always *came*. You are under a lot of pressure to try things, but if you talk to the people at Aquarian . . . and really *listen* to them . . . you'll find out it's not "where it's at." Incidentally, parents can obtain all kinds of information . . . and in more detail than I had time to go into . . . from the Aquarian people. You don't have to be hooked on something to turn to Aquarian.

If you are on drugs and want off, or at least want some counseling, then call Aquarian. Again, they don't yell, scream, and preach. They *talk* and they *listen*. They relate and they level with you. They have a special clinic at the County Hospital that can help you . . . and with no fear of arrest or prosecution. If you get high and are having a rough time coming down, call the Aquarian House. They'll just talk, or they'll send someone out to get you.

I mentioned only the Aquarian Effort for the past few minutes because I really believe they are the best for handling the situation. Maybe you don't agree; there are other places you can go. Your family doctor will help you, your clergyman can talk things over with you, and there are other services that can help you. If you want any further information, you can call the Sacramento County Medical Center Mental Health Services. Tell them your problem . . . they'll guide you to a competent organization. But it probably will be the Aquarian Effort. They agree with us . . . Aquarian is tops when it comes to handling drug abuse.

This is the last program in the series, so now especially, I would like to hear from you. Tell me what you really thought about the program . . . why you liked it or why you didn't. It helps to know the reasons, particularly if you feel something was left out. Call 922–8851 or write "Drug Abuse," KXOA, 355 Commerce Circle, Sacramento.

This series . . . "Drugs, are they turning you on, or turning on you," has been brought to you by South Sacramento Chrysler Plymouth, 6935 Stockton Boulevard, who remind you it's not too late to support the Aquarian Effort. This is Mike Pulsipher reporting.

MORAL ASPECTS OF VIETNAM WAR

Mr. FULBRIGHT. Mr. President, an interesting article entitled "Is Nuremberg Coming Back to Haunt Us?", written by Mr. James B. Reston, Jr., was published in the Saturday Review of July 18.

Mr. Reston's article discusses fundamental issues concerning the moral aspects of the Vietnam war in the light of the historical precedents of the war crimes trials following World War II.

He asked: "Does the kind of war that we are fighting in Vietnam make Mylais inevitable?"

He went on to state:

> No Vietnam veteran is shocked by Mylai. He knows that there was more killing at Mylai than elsewhere but that it was not unique in our search and destroy operations. The circle of responsibility goes beyond Calley and his company. (Not that the criminal responsibility need be larger. A crime must have its direct perpetrators.) The political, moral, and command liability will remain unanswered in the trials of those now charged.
>
> The relevant area of consideration is the new concept of justice that the United States introduced at Nuremberg: crimes against humanity. The sheer weight of death and devastation in Vietnam now transcends all political discussions. One million Vietnamese civilians according to Senator Edward Kennedy have become casualties of war since 1965. For those crimes no man—not Calley, not Westmoreland, not Johnson, or Nixon—stands alone in the dock, but the whole American Nation. The technology that is the American wonder at home is the American horror in Vietnam. The American people have approved of its use in both places.

I ask unanimous consent that Mr. Reston's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS NUREMBERG COMING BACK TO HAUNT US?

(By James B. Reston, Jr.)

(Mylai has reopened the question of responsibility for war crimes. So far the charges are against individual "lawbreakers," rather than against the policymakers.)

"If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would be unwilling to invoke against ourselves."—Associate Justice Robert Jackson, chief prosecutor at the Nuremberg Trials.

This statement has come back to haunt us. At Mylai on March 16, 1968, Charlie Company, First Battalion, Twentieth Infantry, Eleventh Brigade, conducted an operation that has raised fundamental questions about the important principles of international conduct that we as a people articulated at the close of World War II. Can we face the problems of command responsibility, policy responsibility, and cultural responsibility? If we can, where then does the blame stop? Who or what should be on trial?

Massacres are not unprecedented in war: There is some doubt that modern war can be waged without them. But the Mylai investigation has brought the matter into the realm of law, and law progresses by precedent.

Perhaps the most pertinent precedent occurred on February 16, 1945. Early on that morning, a company of Japanese troops arrived in the Philippine village of Taal in Batangas Province, and mounted machine guns. The officers questioned the villagers about the guerrillas operating in the area. When they got no answers, they fired into the hutches, and set them on fire. Later, villagers were herded into a ravine and more than 200 were killed with grenades and machine guns. The same pattern was followed in the adjacent villages of San José, Rosario, Cuenca, and Bauan.

The context of these massacres is important. Four months earlier, the combined units of the Third Amphibious Force and the U.S. Seventh Fleet landed at Leyte Harbor on the Phillippine island south of Luzon. After a beachhead was established, Gen. Douglas MacArthur waded ashore with his famous comment, "By the grace of Almighty God our forces stand once again on Philippine soil." Later in the day, in a radio broadcast, he appealed to the Philippine people:

"As the lines of battle roll forward to bring you within the zones of operations, rise and strike. For your homes and hearths, strike. For future generations of your sons and daughters, strike. In the home of your sacred dead, strike. Let no arm be faint. Let every arm be steel. The guidance of Divine God points the way. Follow in his name to the Holy Grail of righteous victory."

And strike they did. The American invasion sparked the coordination of guerrilla activities throughout the Philippine Islands. By the time the Americans landed on Luzon (January 20, 1945) the guerrillas were strongest in Batangas Province, the southwestern tip of that island. In the mountains outside Taal, two divisions of American-supplied guerrillas were taking shape. This force launched attacks on Japanese posts and supply areas, sabotaged bridges and rail lines, and thus presented the supreme commander of the already disintegrating Japanese forces in the Philippines, General Tomoyuki Yamashita, with a formidable problem.

Shortly after the Luzon landings began General Yamashita had issued orders to "suppress" or "mop up" the guerrilla activity in the islands. (It was this order that formed the basis for his prosecution as a war criminal a year later.) In Batangas, however, this was not easily done. The mountainous jungle was the natural habitat for a growing guerrilla movement, and the landings of American forces outside Manila in January put them between Batangas and General Yamashita, who had fled to the northern town of Baguio. This virtually cut Yamashita's communications with the Batanges command.

Nonetheless, having been told that the sup-

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pression of the guerrillas in his area was behind schedule, the commander of a Batangas battalion, Colonel Fujishige, in an attempt to shut off civilian cooperation with the guerrillas, began a campaign of suppression that led to massacre, rape, and torture. An American prosecutor was to repeat the refrain at a trial a year later: "They were massacred—shall we say suppressed!"

The relevance of the Batangas Province massacres by the Japanese in January, February, and March 1945 to the Mylai massacres by Americans twenty-three years later lies not so much in the similarity of the atrocities, but rather in the war crimes trials that followed the Japanese actions and the principles that evolved from those trials. For not only the perpetrators were tried for these massacres, but also General Yamashita himself. As the first major Japanese figure to be tried after the American victory on September 2, 1945, General Yamashita was not charged for ordering the Batangas massacres or even knowing about them, but simply for failing to control the troops under his command.

"The Accused," said the indictment, "a general of the Imperial Japanese Army, between 9 October '44 and 2 Sept. '45, at Manila and other places in the Philippine Islands, while commander of armed forces of Japan at war with the United States and its allies, unlawfully disregarded and failed to discharge his duty as commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against the people of the U.S. and of its allies and dependencies, particularly the Philippines, and he (the Accused) thereby violated the laws of war."

General Yamashita's trial began in late October 1945, barely a month and a half after V–J Day. The prosecution launched its case by parading scores of witnesses who testified to their mistreatment by Japanese troops, particularly in Manila and in Batangas. *The New York Times* reported that "The court continued to hear stories of so many atrocities that people just sat dazed in their seats." But this technique (also used at the Bertrand Russell war crimes held in Stockholm in 1967 to protest American bombing in Vietnam) was to be expected after the opening statement of the U.S. prosecutor, Major Kerr:

"I am frank to say, Sir, that this case will not be an easy one to hear, nor a pleasant one to try. We Americans are a Christian nation; we are even a sentimental nation. It certainly shocks each one of us to confront the truly horrible acts of beings in the form and shape of man that we must present to the commission in this proceeding. . . . [We do not] select instances on the basis that they are the most horrible, the most nauseating, that might be presented to the commission. If we bring before the commission a witness in a stretcher, permanently mutilated, physically ruined for life, it is not because we are endeavoring to impress the commission through the use of shocking evidence; it is simply because the witness has a story of factual information which the commission should hear, and because that witness . . . is a competent and desirable exhibit of the ruthlessness of those who conquered the Philippines."

After several weeks of gruesome tales from Philippine civilians, the trial moved to cross-examine the principals themselves. Colonel Fujishige, the commander in Batangas, was questioned about the killing of women and children and readily admitted giving orders to kill all persons who opposed the Japanese. "There were many instances," he said, "where women bearing arms inflicted considerable damages to my forces. When I was in an automobile, a child threw a hand grenade at me. . . . I told my troops that if they were attacked by armed women and children that of necessity . . . they must be combatted."

Technically, Colonel Fujishige was on safe legal ground. The Hague Convention No. IV of 1907, which served as a main legal precedent for the Yamashita, Tokyo, and Nuremberg trials—as it will in the Mylai trials—supports him: "The inhabitants of a territory (says Article 2) which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops . . . shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war."

The concept of command responsibility, which grew out of the Yamashita case, carries culpability beyond complicity in atrocities. The prosecutor contended only that the accused must have known about atrocities because they were so widespread, just as the American high command in Vietnam must have suspected atrocities there. However, to the prosecution in 1945, it was immaterial if Yamashita knew how his orders were being carried out.

"These orders from Yamashita to 'mop up,' 'suppress' the guerrillas," said Major Kerr, "obviously resulted, in the Batangas area, in the mass killings which followed some time later. Of course, these orders did not say 'massacre all civilians.' He unleashed the fury of his men upon the helpless population, and, apparently, according to the record, made no subsequent effort to see what was happening or to take steps to see to it that the obvious results would not occur—not a direct order, but contributing, necessarily, naturally, and directly to the ultimate result.

"We maintain, Sir, that if the Accused saw fit to issue a general order to suppress guerrillas under circumstances as they existed, according to his own testimony, he owed a definite absolute duty furthermore to see to it that they did not open wide the gates of hatred of his men, leading them to wreak vengeance upon the civilian population. Obviously he did not do that. That is part of his responsibility."

The defense argued that General Yamashita's communications had been cut. The Americans were between him and his Batangas command. His forces were disintegrating. And the guerrillas had exhausted the patience of the Japanese.

Major Kerr: "The defense cries that Yamashita was too far away from the scene of the battle, too far removed from the actual perpetrators, justly to be charged and punished for crimes of those under him. Yet his very government, his entire nation may legally be held responsible—even farther removed from the perpetrators and from the scene of the crime. We say it is in accordance with all the established principles of responsibility in the field of international relations that the commanding officer as an individual be held responsible."

The prosecution not only bore down on Yamashita's responsibility for his troops, it also argued that their actions were an inevitable result of the kind of war the General had waged. Major Kerr: "The Defense saw fit to refer to the victims of the Japanese as the victims of war. Victims of war! Is this warfare? We have another explanation for it. We say they were victims of Yamashita! They are victims of the type of warfare that was conducted by Yamashita, by the troops under him."

On December 7, 1945, four years after Pearl Harbor, General Yamashita was sentenced to hang. Two-and-a-half months later, after the failure of an appeal to the Philippine and U.S. Supreme Courts, in the town of Los Baños, fifty miles from Batangas Province, that sentence was carried out. In subsequent trials sixteen soldiers were tried for their parts in the Taal massacre. Six, including Colonel Fujishige, were hanged; one was shot; two were given life sentences; one was sentenced to thirty years, another to twenty-five years, and a third to twenty years. Four were acquitted. The two platoon leaders, Second Lieutenants Fukuoka and Hosaka, received the lightest sentences, twenty-five and twenty years, respectively. The company commander, Warrant Officer Kobayashi, received a life sentence. The stiffer penalties were reserved for the higher staff officers.

"General Yamashita's record was a blot on the military profession," General MacArthur said shortly before the execution. "Revolting as this may be in itself, it pales before the sinister and far-reaching implication thereby attached to the profession of arms. *The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. . . . When he violates this sacred trust, he not only profanes his entire cult, but threatens the very fabric of international society.*"

In one of the last interviews with Yamashita before his death, the subject of MacArthur was raised, and Yamashita was to say, "After all, it could have been him."

Since the investigation implicating fourteen higher-ranking officers in the Mylai incident, some commentators have argued that the U.S. Army is applying the principles of Nuremberg to itself. However, the Mylai charges do *not* squarely meet the question of war crimes in Vietnam; it would be closer to the truth to say that the Mylai investigation evades the real responsibility. The charges so far are against the instruments of the Pentagon policy in Vietnam, rather than against the policymakers. Nuremberg concentrated on the latter.

War crimes were defined at Nuremberg and Tokyo as follows:

1) Class A: Crimes Against the Peace: Namely, planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a Common Plan or Conspiracy for the accomplishment of any of the foregoing. [The planning of aggressive war was considered the "supreme crime" in the postwar trials.]

2) Class B: Crimes Against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, of persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

3) Class C: War Crimes: Namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment, or deportation of slave labor or for any other purpose, of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

If he is found guilty, Lt. William L. Calley would, by the standards of the Nuremberg, Tokyo, and Yamashita trials, be a low-grade, Class C war criminal. But if Lieutenant Calley is on trial for brutality, so is the search and destroy policy on trial for brutalizing him. In *Casualties of War*, Daniel Lang describes the effect of that policy on American troops:

"Day after day, out on patrol, we'd come to a narrow dirt path leading through some shabby village, and the elders would welcome us and the children come running with smiles on their faces, waiting for candy we'd give them. But at the other end of the path, just as we were leaving the village behind, the enemy would open up on us, and there was bitterness among us that the villagers hadn't given us warning. All that many of us could think at such times was that we were fools to be ready to die for a people who defecated in public, whose food was dirtier than anything in our garbage cans back home. Thinking like that—well, as I say, it could change some fellows. It could keep them from believing that life was so valuable—anyone's life, I mean, even their own. I'm not saying that every fellow who roughed up a civilian liked himself for it . . . he'd start defending what he'd done many hours ago by saying that, after all, it was no worse than what Charlie was doing."

The brutality of the war, however, and the criteria of culpability under the Nuremberg and Yamashita precedents are not limited to the policy of search and destroy. The Mylai area had, according to Maj. Gen. William Peers, who was in charge of the Pentagon's investigation, traditionally been "under Communist domination." It was therefore subject to intense bombardment from the air.

By the end of 1967, said Jonathan Schell, the author of two books on Vietnam, "the destruction of society in Quangngai Province was not something we were in danger of doing. It was something that was nearing its completion. About 70 per cent, by my estimation, of the villages in that province had been destroyed." Most of this destruction, Schell explained, had been done by American aerial bombardment, prompted by reports of village cooperation with the Vietcong.

Most Americans are aware of the impersonal slaughter that takes place from the Vietnamese stratosphere; but many are unaware of its systematic intensity, or of other elements of random brutality:

The TPQ program (night bombings)—Every province in I Corps including Quangngai is authorized five to twelve radar-guided bombings per night. These tactical bomber strikes are based on the scantiest intelligence of enemy activity at a specific map coordinate. A former intelligence agent who worked in this program said enemy hospitals were second only to fixed supply installations when selecting target priorities for TPQ strikes. Destroying enemy hospitals was stressed as a high priority in our Cambodian operations by Vice President Agnew in a recent television interview. And yet the American public was so outraged when several mortar rounds hit our hospital at Camranh Bay early in 1969.

Operation Thor. In a twenty-four-hour period in the spring of 1968, sixty B–52 strikes, the largest number of these "arc light" strikes in the entire war, cut a three-kilometer-wide swath across South Vietnam below the DMZ. No attempt was made to determine what villages lay along this patch. Such are the dimensions of "military necessity" in Vietnam.

Relocation. In the spring of 1967, American reconnaissance planes flew over a ninety-square-kilometer area of the central highlands which was inhabited by the nomadic Montagnards and known as a regrouping area for VC infiltration into the coastal area around Nhatrang and Tuyhoa. The purpose of this mission was to identify every inhabited place. Shortly after the flights, troops of the American Fourth Division moved into the area, rounded up some 4,000 Montagnards, and took them to a newly built village called Edapenang. The Montagnards were relocated so that they could not serve the enemy as bearers and food production personnel, and so the jungle could be opened for unrestricted bombing raids and big operations like Dakto and Hill 875, where American forces sustained 1,654 casualties. Through cultural ignorance we provided water from wells rather than the stream water that Montagnards were used to, built individual family housing rather than the customary long houses, and moved people during their planting season so that they had to be fed for eighteen months. As a result, the population of Edapenang dropped from 4,000 to 1,000. Edapenang was the pet project of the Fourth Division commander in 1967–68, General Peers.

Phoenix program. The emphasis of this operation, which has been incorrectly reported as assassination, is on "bringing in" VC cadremen from villages. One device used toward this end is the "metal trace detection kit," a CIA machine in which ultraviolet light is suppose to detect "tissue aberrations" either on a trigger finger or on the shoulder where a rifle butt would be placed. In 1968 the kit was taken into hamlets in I Corps area, villagers rounded up, a poncho set up like an old-time camera, and each villager forced to submit his body to the test. By an ex-intelligence agent's testimony, all the villagers' hands looked splotchy, and as a consequence the Vietnamese commander ordered them all taken out and tortured with the water treatment until they provided information. The machine required an expert to determine any significant tissue aberrations; there was none on the scene when the agent observed the use of the kit; nonetheless villagers were tortured on the basis of amateur interpretations. When the American agent protested to his commander, the superior shrugged it off. "Oh, what the hell," he said, "it's their show."

It is the high-technology warfare that the United States is waging in Vietnam, not the face-to-face "gratuitous brutality," in Hannah Arendt's term, of Company C that causes the wholesale killing of Vietnamese civilians. It is therefore not surprising that Col. Oran K. Henderson, now charged with making false statements and false swearing, testified to the Pentagon in 1969 that he had seen the bodies of only one woman and two children in Mylai and believed they had been killed by artillery, or that Col. Thon That Kien, the Quangngai Province chief, also tried to convince himself that stray artillery fire had killed all those civilians. Civilian death by artillery or air strike in a free fire-zone is an accident of war; killing civilians with an M–16 is a crime if anyone should dare to press charges.

Where does the culpability for Mylai stop—with Calley, with Westmoreland, with McNamara, with Johnson and Nixon, or with the whole American people? The Hague Conventions of 1899 and 1907 were based on a brand of warfare that could imagine a Lieutenant Calley but not a B–52. And the postwar trials of the Axis figures were careful to avoid charges against the enemy that were applicable also to ourselves. If the Allies had been vanquished in that war, any war trials would surely have centered on the area of aerial bombardment and high-technology weaponry, particularly the saturation bombing of Japanese and German cities and the use of the atomic bomb. Dr. Richard Falk, the international law professor at Princeton, has pointed out the irony that the day the United States signed the charter for the International Military Tribunal at Nuremberg, August 8, 1945, was the day it dropped the atomic bomb on Nagasaki. With this gap left unplugged in the annals of war crimes proceedings, the policy of high-technology warfare has developed in Vietnam without touching the conscience of America.

The Defense Department admits no responsibility. The Peers report devotes an entire chapter to the Pentagon directives and troop information pamphlets regarding the Hague and Geneva conventions and a soldier's duty to respect the Vietnamese and their customs, concerning the need to "handle an enemy captive firmly, promptly, but humanely" and to protect him against "violence, insults, curiosity, and reprisals of any kind." But any Vietnam veteran will tell you that the cards on the treatment of POWs and civilians are handed to the incoming soldier with the same bureaucratic unconcern as are his new fatigues, scrip, and salt tablets.

What is significant, therefore, is not the paper policy but the practice. Which will be more important for the combat soldier: the Nine Rules for humane treatment of the Vietnamese on a card in his wallet, or a pep talk about taking revenge on the gooks the night before an operation into Pinkville?

The fundamental question of the Calley trial relates to the Yamashita trial: Does the kind of war that we are fighting in Vietnam make Mylais inevitable? No Vietnam veteran is shocked by Mylai. He knows that there was more killing at Mylai than elsewhere but that it was not unique in our search and destroy operations. The circle of responsibility goes beyond Calley and his company. (Not that the criminal responsibility need be larger. A crime must have its direct perpetrators.) The political, moral, and command liability will remain unanswered in the trials of those now charged.

The relevant area of consideration is the new concept of justice that the United States introduced at Nuremberg: crimes against humanity. The sheer weight of death and devastation in Vietnam now transcends all political discussion. One million Vietnamese civilians, according to Senator Edward Kennedy, have become casualties of war since 1965. For those crimes no man—not Calley, not Westmoreland, not Johnson or Nixon—stands alone in the dock, but the whole American nation. The technology that is the American wonder at home is the American horror in Vietnam. The American people have approved of its use in both places.

In 1947 the philosopher Karl Jaspers approached the question of German guilt in a way that is pertinent to the question of American responsibility today. He talked of four areas of guilt: criminal, political, moral, and metaphysical. Under his definition, an orgy of accusation about individuals who were responsible for our war policy will not satisfy justice, though those individuals share a higher political liability than General Yamashita.

Jaspers wrote, "We are responsible for our [the Nazi] regime, for the acts of the regime, for the start of the war in this world-historical situation, and for the leaders we allowed to rise among us."

This is the political responsibility that all Americans share. The metaphysical responsibility comes when injustices are committed in our presence with our knowledge. The acceptance of this responsibility, Jaspers says, can lead to a transformation of human consciousness where pride is broken and arrogance is impossible.

"Because of the great diversity in what we believed all these years," Jaspers said to the defeated German people, "what we took to be true, what to us was the meaning of life, the way of transformation must also be different now for every individual. We are all being transformed. But we do not all follow the same path to the new ground of common truth, which we seek and which reunites us. In such a disaster everyone may let himself be made over for rebirth, without fear of dishonor. What we must painfully renounce is not alike for all—so little alike that one man's renunciation may impress another as a gain. We are divided along different lines of disappointment."

The Vietnam War is transforming Americans also, but it is not clear what we will become as a result. Will we allow this country to revel in more vainglorious causes or seek to reclaim our original ideas? Mylai could lead to a new maturity in our recognition that Americans are humans like everyone else, capable of nobility, but also capable of bestiality, and that when our technology places upon us the highest responsibility in the world we must work toward a climate where the nobler instincts can flourish once again.

THE OLD IN THE COUNTRY OF THE YOUNG

Mr. KENNEDY. Mr. President, the United States today has 20 million citizens 65 years of age or over, citizens who have given long service to their

XUM

Nation and now should have the opportunity to live their later years in dignity and freedom from want.

But far too often, our senior citizens lack adequate medical care, comfortable housing, good companionship, and meaningful employment. Nearly 7.5 million persons 65 and over are poor or near poor—constantly struggling to make ends meet at a most difficult time of their life. And many more senior citizens are neglected and lonely, idle, and depressed, for lack of any hope in tomorrow.

Mr. President, in an age with such emphasis on youth and change, action and newness, there is a tendency to forget the obligation to our seniors. We must not allow this to happen.

We should not assume, for example, that when a person reaches the age of 65 he can no longer perform useful work or make a contribution to our society.

In many cases it is just the opposite. Our seniors have acquired a wealth of knowledge and talent and wisdom in a lifetime of work and experiences. They are dedicated to serving society. And they are bitterly frustrated by the free time and lack of useful activity which they face.

As individual service to others continues to be encouraged as a means of solving the problems of our society, it would be to our Nation's benefit to allow this able force of citizens to make a useful contribution. Not only would the Nation be enriched, but the older person's life as well.

In Massachusetts and other parts of the Nation, pilot programs are proving that our senior citizens can lead useful, productive lives, often earning needed part-time income for themselves while making an excellent contribution to their fellow man.

As chairman of the Special Subcommittee on Aging I have worked closely on problems and needs and accomplishments of the elderly. I have introduced the Older Americans Community Service Employment Act, which would stimulate employment of low-income seniors in a wide range of community service activities—as day care assistants, teacher aides, hospital attendants, recreation counselors, companions for other seniors, coordinators in programs for the elderly and many other public service jobs.

I have held hearings both in Massachusetts and in Washington, D.C., on the bill and have found great enthusiasm among older citizens for such programs which would enable them to serve society. Those seniors who are already employed in such work speak enthusiastically of their activities, of their new-found pride and dignity. I feel that more older people should be given a similar opportunity to lead a richer, more meaningful life.

The employment problem alone, however, will not cure all the ills affecting our senior citizens. Improvement of health care and medical services for the elderly, an end to poor and depressing housing, increases in social security benefits, relief from inflationary price rises—all of these would help alleviate the problems facing the elderly. And all of these measures would allow our senior citizens to lead the decent lives they deserve.

In a recent excellent article entitled "The Old in the Country of the Young," published in Time magazine of August 3, many of these problems which confront the elderly are discussed, and as the article notes, many of these injustices can be overcome by a reordering of the values of our society.

Efforts must be made by each individual, as well as by Government at all levels, to make the lives of the elderly useful and productive. The great potential of this large group of citizens must be revealed both to themselves and to others. Communication and understanding among the varying age groups will reveal the unique role these forgotten citizens can and should play in our society. And those rights for which we are striving in this country, such as an end to discrimination and a better life for the underprivileged, are rights of the aged as well as the minorities and the poor. For color and poverty have no age limit.

I ask unanimous consent that the article be printed in the RECORD. I urge that it be read by all who seek equal opportunities and a better life for all American citizens.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OLD IN THE COUNTRY OF THE YOUNG

Edward Albee once wrote a play about a middle-aged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish. The play contains more truth than allegory. One of the poignant trends of U.S. life is the gradual devaluation of older people, along with their spectacular growth in numbers. Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5% of the nation's population in 1850 to 10% today.

While the subculture of youth has been examined, psychoanalyzed, photographed, deplored and envied, few have wanted even to admit the existence of a subculture of the aged, with its implications of segregation and alienation. Strangely enough, the aged have a lot in common with youth: they are largely unemployed, introspective and often depressed; their bodies and psyches are in the process of change, and they are heavy users of drugs. If they want to marry, their families tend to disapprove. Both groups are obsessed with time. Youth, though, figures its passage from birth; the aged calculate backward from their death day. They sometimes shorten the wait: the suicide rate among elderly men is far higher than that of any other age group.

The two subculures seldom intersect, for the young largely ignore the old or treat them with what Novelist Saul Bellow calls "a kind of totalitarian cruelty, like Hitler's attitude toward Jews." It is as though the aged were an alien race to which the young will never belong. Indeed, there is a distinct discrimination against the old that has been called age-ism. In its simplest form, says Psychiatrist Robert Butler of Washington, D.C., age-ism is just "not wanting to have all these ugly old people around." Butler believes that in 25 or 30 years, age-ism will be a problem equal to racism.

> *We have time to grow old—the air is full of our cries*
>
> —SAMUEL BECKETT.

It is not just cruelty and indifference that cause age-ism and underscore the obsolescence of the old. It is also the nature of modern Western culture. In some societies, explains Anthropologist Margaret Mead, "the past of the adults is the future of each new generation," and therefore is taught and respected. Thus, primitive families stay together and cherish their elders. But in this modern U.S. family units are small, the generations live apart, and social changes are so rapid that to learn about the past is considered irrelevant. In this situation, new in history, says Miss Mead, the aged are "a strangely isolated generation," the carriers of a dying culture. Ironically, millions of these shuntered-aside old people are remarkably able: medicine has kept them young at the same time that technology has made them obsolete.

Many are glad to end their working days. For people with money, good health, careful plans and lively interests, retirement can be a welcome time to do the things they always dreamed of doing. But for too many others, the harvest of "the golden years" is neglect, isolation, anomie and despair. One of every four Americans 65 or over lives at or below "the poverty line." Some of these 5,000,000 old people were poor to begin with, but most are bewildered and bitter *nouveaux pauvres,* their savings and fixed incomes devoured by spiraling property taxes and other forms of inflation. More than 2,000,000 of them subsist on Social Security alone.

Job discrimination against the aged, and increasingly against the middle-aged, is already a fact of U.S. life. While nearly 40% of the long-term unemployed are over 45, only 10% of federal retraining programs are devoted to men of that age. It is often difficult for older people to get bank loans, home mortgages or automobile insurance. When the car of a 68-year-old Brooklyn grocer was stolen last winter, he was unable to rent a substitute. Though his driving record was faultless and he needed a car for work, he was told falsely by two companies that to rent him one was "against the law."

> *Youth is everywhere in place,*
> *Age, like woman, requires fit surroundings.*
>
> —RALPH WALDO EMERSON.

Treated like outsiders, the aged have increasingly clustered together for mutual support or simply to enjoy themselves. A now familiar but still amazing phenomenon has sprung up in the past decade: dozens of good-sized new towns that exclude people under 65. Built on cheap, outlying land, such communities offer two-bedroom houses starting at $18,000, plus a refuge from urban violence, the black problem (and in fact blacks), as well as generational pressures. "I'm glad to see my children come and I'm glad to see the back of their heads," is a commonly expressed sentiment. Says Dr. James Birren of the University of Southern California: "The older you get the more you want to live with people like yourself. You want, to put it bluntly, to die with your own."

Most important, friendships are easy to make. One relative newcomer to Laguna Hills Leisure World, Calif., received more than 200 get-well cards from her new neighbors when she went to a hospital in Los Angeles. There is an emphasis on good times: dancing, shuffleboard, outings on oversized tricycles and bowling (the Keen Agers *v.* the Hits and Mrs.). Clubs abound, including Bell Ringing, Stitch and Knit, Lapidary and "tepees" of the International Order of Old Bastards. The I.O.O.B. motto: "Anything for fun." There is, in a sense, a chance for a new start. "It doesn't matter what you used to be; all that counts is what you do here," said a resident of Sun City, Ariz.

To some residents the communities seem too homogeneous and confining. A 74-year-old Californian found that life was flavorless at his retirement village; he was just waiting for "the little black wagon." Having begun to paint seascapes and landscapes at 68, he moved near an artists' colony, where he now sells his landscapes and lives happily with a lady friend of 77.

In silent synods, they play chess or cribbage . . .

—W. H. AUDEN.

In fact, less than 1% of the elderly leave their own states. The highest proportion of the aged outside Florida is in Arkansas, Iowa, Maine, Missouri, Nebraska and South Dakota—on farms and in communities from which youth has fled. In small towns, the able elderly turn abandoned buildings into "senior centers" for cards, pool, slide shows, lectures and pie socials. In Hebron, N. Dak. (pop. 1,137), grandmothers use the balcony of the former J. C. Penney store for their quilting. But there is little socializing among the rural aged, who often subsist on pittances of $60 a month, and become even more isolated as public buses disappear from the highways, cutting off their lifelines to clinics, stores and friends.

A third of the nation's aged live in the deteriorating cores of the big cities. On Manhattan's Upper West Side, thousands of penniless widows in dingy single-room-occupancy hotels bar their doors against the alcoholics and dope addicts with whom they share the bathroom, the padlocked refrigerator and the telephone down the hall. "Nine out of ten around here, there's something wrong with them," says a 72-year-old ex-housekeeper living on welfare in a hotel on West 94th Street. "I get disgusted and just sleep every afternoon. Everybody dying around you makes you kind of nervous." Terrified of muggings and speeding cars, the disabled and disoriented do not leave their blocks for years on end, tipping anyone they can find to get groceries for them when their welfare checks arrive.

Close to a million old people live in nursing homes or convalescent facilities provided by Medicare. A new growth industry, nursing homes now provide more beds than hospitals. They are badly needed. But in many of the "homes," the food and care are atrocious. Patients have even been confined to their beds merely because bed care entitles the owners to $2 or $3 more a day. Mrs. Ruby Elliott, 74, recalls her year in a California nursing home with fear and bitterness: "It's pitiful, but people are just out for the money. That whole time I was among the living dead."

Fewer than half of the country's 25,000 nursing homes actually offer skilled nursing. Arkansas Congressman David Pryor recently visited twelve nursing homes near Washington, D.C. "I found two where I would be willing to put my mother," he said. "But I do not think I could afford either one on my $42,500 congressional salary." Pryor is trying to set up a congressional committee to investigate long-term care for the aged.

How terrible strange
To be seventy.

—SIMON AND GARFUNKEL.

Almost everyone hates to think about aging. Doctors and social scientists are no exception. "They think one shouldn't look at it too closely, as though it were the head of Medusa. It is considered a morbid preoccupation," says one anthropologist. But the acute problems and swelling ranks of the American aged have lately stimulated a number of new behavioral studies that are more scientific than any ever done before. They show, among other thing, that people age at very different speeds and that many changes formerly attributed to age are actually caused by other factors. The cliché that a man is as old as his arteries, for example, has been found to be misleading. It is probably more accurate to say that a man is as sick as his arteries, and that such sickness is caused by diet and stress rather than by age.

The ability of elderly people to memorize and recall new information has been exhaustively tested at the Duke University Center for the Study of Aging and Human Development. They can do it, but they need more time than younger people. Their responses are apparently slowed down by anxiety; an older person's goal is less to achieve success than to avoid failure. Changes in the blood of elderly pupils showed that they were undergoing the physiological equivalent of anxiety without being aware of it. Drugs that changed this physiological happening helped them, and their performances improved. Dr. Carl Eisdorfer, who conducted the experiments, suggests that what initially slowed down his subjects was not so much their age as their attitude toward their age.

Old people may be ridiculed when they try to act young, according to San Francisco Psychologist Frances Carp, it is better to fight age than to accept it. In America today, "acceptance of old age holds out few if any rewards," she says. Those who surrender often become debilitated by a devastating "elderly mystique"—and victims of self-fulfilling prophecies. For example, doctors at the University of Illinois studied 900 old people living at home and found many so sick that they could not walk to the door. They had lived for months without medical attention because they felt that they were old and therefore were supposed to be sick.

Actually, the overwhelming majority of the aged can fend very well for themselves. Only 5% of aged Americans live in institutions; perhaps another 5% remain bedridden at home. True, four out of five older people have a chronic condition. "But chronic diseases must be redefined." say Duke's Dr. Eisdorfer. "I've seen too many depressed people leaving their doctor's office saying, 'My God. I've got an incurable disease.' Chronic illness gets confused with fatal illness. Life itself is fatal, of course, but as far as most chronic illnesses go, we simply don't know what they do to advance death. The role of the doctor has to change. Now that infectious diseases are on their way out, the doctor must stop thinking about cures and start teaching people how to live with what they have."

New findings show that hypochondria, or "high body concern," one of the most common neuroses of the elderly, can often be cured. According to Dr. Ewald Busse, director of the Duke study center, if a man's family "keeps criticizing him unjustly, makes him feel uncomfortable, unwanted, he may retreat into an imaginary illness as a way of saying, 'Don't make things harder for me.

" 'I'm sick and you should respect me and take care of me.' It is clear from our studies that if the older hypochondriac's environment changes for the better, he will too. He will again become a reasonable, normal person. This is quite different from the reaction of the younger hypochondiac, who is much sicker psychologically and much less likely to respond to a favorable change in environment."

Recent studies bear out Sex Researchers Masters and Johnson's findings that men who enjoyed sex earlier in life can, if all else goes well, continue to enjoy it. Questionnaires over a ten-year period at Duke showed that the some men's interest in sex changed little from age 67 to 77, although there was a slight drop in activity. Result: a gradual widening in what the researchers coolly call the "interest-activity gap." A much lower proportion of women continued to be interested in sex after 67, but they managed to keep their interest-activity graph lines close together. "It depends on the individual," an elderly San Franciscan points out. "All ages have sexy people."

People expect old men to die,
They . . . look
At them with eyes that wonder when.

—OGDEN NASH.

A common and unfortunate diagnosis of many aged people is that they are senile, a catchword for a number of conditions. There may be organic brain damage—for example, the brain may run short of oxygen because of impaired blood flow. But many of the "senile" actually have psychological problems. One 70-year-old retired financier, who insisted on calling his successor at the company all the time and had all sorts of paranoid suspicions, was diagnosed as having organic brain disease. A combination of psychotherapy and a new job as treasurer of a charitable organization helped the man to recover completely. Other "senile" patients actually suffer from malnutrition, or have simply broken down out of loneliness, perhaps caused by a temporary overload. As one old man put it: "There is no one still alive who can call me John." Explains Harvard Psychoanalyst Martin Berezin: "The one thing which neither grows old nor diminishes is the need for love and affection. These drives, these wishes never change."

Actually, senile traits are not peculiar to the aged. A group of college students and a group of the elderly were recently rated according to the characteristics of senility, and the students were found to be the more neurotic, negative, dissatisfied, socially inept and unrealistic. The students, in sum, were more senile than their elders. Other studies have shown that the percentage of psychiatric impairment of old persons is no greater than that for younger groups.

But younger people are usually treated if their psychological problems are severe. Says New York Psychologist Muriel Oberleder: "If we encounter unusual nervousness, irritability, depression, unaccountable anger, personality change, apathy or withdrawal in a young person, we make sure that he is seen by a physician. But when those symptoms appear in elderly people, they are considered par for the course of old age. We rarely consider the possibility that elderly people who have had a breakdown can recover." Dr. Berezin successfully treated a 70-year-old woman who had a severe breakdown, her first. She had been picked up for drinking, setting fire to her home and other bizarre behavior, including chalking off a section of the sidewalk and claiming it as her own. In therapy, she revealed that she had yearned all her life for marriage and children. Eventually, she mastered her grief and regrets, settled down and began to enjoy the people around her.

Psychotherapy has never been easily available to the aged. Since it demands so much time and effort, it is considered better to expend it on those who have a long life ahead. There is also the still-powerful influence of Freud. If one's behavior is believed to be programmed in the first years of life, one cannot hope to change that program substantially during old age. (Freud, who contributed to age-ism, was also its victim. At 81, discussing "the many free hours with which my dwindling analytical practice has presented me," he added: "It is understandable that patients don't surge toward an analyst of such an unreliable age.")

. . . I reach my center,
my algebra and my key,
my mirror.
Soon I shall know who I am.

—JORGE LUIS BORGES.

Most psychologists have simply ignored the process of aging. Says Harvard's Erik Erikson: "It is astonishing to behold how (until quite recently and with a few notable exceptions) Western psychology has avoided looking at the whole of life. As our world image is a one-way street to never-ending progress, interrupted only by small and big catastrophes, our lives are to be one-way streets to success—and sudden oblivion." But lately Erikson and other psychiatrists have become interested in all stages of man's development, and the "aging" that goes on at every stage.

One practitioner of "life-cycle psychiatry," Washington's 43-year-old Dr. Butler, believes that the possibilities for psychic change may

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be greater in old age than at any other period of life. "Little attention has been paid to the wish to change identity, to preserve and exercise the sense of possibility and incompleteness against a sense of closure and completeness." When a person's identity is maintained throughout old age, "I find it an ominous sign rather than the other way around. If the term needs to be used at all, I suggest that a continuing, life-long identity crisis is a sign of good health."

Though many believe that age accentuates personality characteristics, Dr. Butler notes that "certain personality features mellow or entirely disappear. Others prove insulating and protective, although they might formerly have been impairing, such as a schizoid disposition." Some doctors suggest that neuroses and some psychoses burn themselves out with age, and note that the rate of mental disorders declines after the age of 70.

Carl Jung, who lived with great vigor until the age of 85, saw aging as a process of continuous inward development ("individuation"), with important psychic changes occurring right up to the time of death. "Anyone who fails to go along with life remains suspended, stiff and rigid in mid-air," Jung wrote. "That is why so many people get wooden in old age; they look back and cling to the past with a secret fear of death in their hearts. From the middle of life onward, only he remains vitally alive who is ready to die with life, for in the secret hour of life's midday the parabola is reversed, death is born. We grant goal and purpose to the ascent of life, why not to the descent?" Erik Erikson agrees: "Any span of the cycle lived without vigorous meaning, at the beginning, in the middle, or at the end, endangers the sense of life and the meaning of death in all whose life stages are intertwined."

Better to go down dignified
With boughten friendship at your side
Than none at all. Provide, provide!
—ROBERT FROST.

The problems of the aged are not their concern alone. Since reaching the age of 70 or 80 is becoming the norm rather than the exception, more and more of the middle-aged—even when they retire—have elderly parents and other relatives to care for. For the "command generation" there are two generation gaps, and the decisions to be made about their parents are often more difficult than those concerning their children. Various community agencies sometimes help, in Manhattan a private referral service is kept busy helping distraught people find the right place for parents who can no longer live at home. One 81-year-old woman was persuaded to go to a nursing home when her daughter, with whom she had always lived, married late in life. To her own surprise, she is happier than she was before, taking great pride in reading to and helping her older roommate. A difficult decision of the middle-aged is how to allot their resources between children and parents and still provide for their own years of retirement, which may well extend for two decades.

The next generation of the aged may be healthier, certainly better educated and perhaps more politically aware. Those over 65 are now a rather silent minority, but in number they are almost exactly equal to the nation's blacks. Since none are below voting age, the aged control a high percentage of the vote—15%. More and more are banding together. The American Association of Retired Persons, for example, helps its nearly 2,000,000 members get automobile insurance, cheaper drugs and cut-rate travel. A more politically oriented group, the 2,500,000-member National Council of Senior Citizens, played a major role in pushing through Medicare. Now the group is lobbying to improve Medicare, which helps the sick but does not provide checkups, by including some sort of Preventicare.

Aside from health, money is the most pervasive worry of the aged; income maintenance is a major need. Private pension plans need attention too. According to one informed estimate, only 10% of the people who work under pension plans actually receive any benefits, usually because they do not stay long enough to qualify. As presently arranged pensions also tend to lock older workers into their jobs and, if they become unemployed, to lock them out. They are then denied jobs because it is too expensive to let them join a pension plan.

Come, my friends,
'Tis not too late to seek a newer world.
—TENNYSON.

Will able 70-year-olds have more opportunities to work in the future? Probably not. Instead of raising the age of mandatory retirement, business and labor may lower it, perhaps to 50 or below—making workers eligible even earlier for social insecurity. Aside from those fortunate few in the professions—law, medicine, dentistry, architecture—most of the people over 65 who are still at work today are farmers, craftsmen and self-employed tradesmen, all categories whose numbers are shrinking. Of course, people cannot work hard forever. Each man ages according to his own clock, but at long last he is likely to lose much of his strength, his drive and adaptability. Witness the gerontocracy that slows down Congress and the businesses that have failed because of rigid leadership. But there are still many areas where the aged can serve and should, for aside from humane consideration, they can provide skill and wisdom that otherwise would be wasted.

New plans to recruit, train and deploy older workers to provide much needed help in hospitals, special schools and elsewhere will be discussed at the White House Conference on Aging scheduled for November 1971. Meanwhile, a few small-scale programs point the way. One is Operation Green Thumb, which hires retired farmers for landscaping and gardening. Another is the International Executive Service Corps, which arranges for retired executives to lend their management skills to developing countries. Hastings College of Law in San Francisco is staffed by law professors who have retired from other schools. A federally financed program called Foster Grandparents pays 4,000 low-income "grandparents" to care for 8,000 underprivileged youngsters. Although they have numbered only in the hundreds, most elderly volunteers in Vista and the Peace Corps have been great assets. "We know about outhouses and can remember when there weren't any refrigerators," says Nora Hodges, 71, who spent two years in Tunisia and is now associate Peace Corps director in the Ivory Coast. "People in underdeveloped countries rate age very highly. When we meet with this appreciative attitude, we outdo ourselves."

Begin the preparation for your death
And from the fortieth winter by that thought
Test every work of intellect or faith.
—W. B. YEATS.

Life would be richer, students of aging agree, if a wider repertory of activities were encouraged throughout life. Almost everyone now marches together in a sort of lockstep. They spend years in school, years at work and years in retirement. Youth might well work more, the middle-aged play more, and the older person go back to school. Former HEW Secretary John Gardner wants to see "mid-career clinics to which men and women can go to re-examine the goals of their working lives and consider changes of direction. I would like to see people visit such clinics with as little self-consciousness as they visit their dentist." As Psychiatrist Robert Butler puts it: "Perhaps the greatest danger in life is being frozen into a role that limits one's self-expression and development. We need Middle Starts and Late Starts as well as Head Starts."

To get a late start does not necessarily require a federal program. Many an enterprising individual has done it on his own. Mrs. Florida Scott-Maxwell, who at the age of 50 began training to become a psychotherapist, recently wrote down her reflections about aging in *The Measure of My Days*. "My seventies were interesting and fairly serene," she noted, "but my eighties are passionate. I am so disturbed by the outer world, and by human quality in general, that I want to put things right as though I still owed a debt to life. I must calm down."

Old age should burn and
rave at close of day.
—DYLAN THOMAS.

How socially involved older people should be is a question in hot dispute among students of aging. Some believe in the "theory of disengagement," which holds, that aging is accompanied by an inner process that makes the loosening of social ties a natural process, and a desirable one. Others disagree. Says Harvard Sociologist Chad Gordon: "Disengagement theory is a rationale for the fact that old people haven't a damn thing to do and nothing to do it with."

After analyzing lengthy interviews with 600 aged San Franciscans, Anthropologist Margaret Clark found that engagement with life, rather than disengagement, contributed most to their psychological well-being. But not when that engagement included acquisitiveness, aggressiveness or a drive to achievement, super-competence and control. To cling to these stereotypical traits of the successful American seems to invite trouble, even geriatric psychiatry. The healthiest and happiest of the aged people in the survey were interested in conserving and enjoying rather than acquiring and exploiting, in concern for others rather than control of others, in "just being" rather than doing. They embraced, Dr. Clark points out, many of the values of today's saner hippies. Similarly, religion often teaches the aged, in spite of their physical diminishment, to accept each day as a gift.

The ranker injustices of age-ism can be alleviated by government action and familial concern, but the basic problem can be solved only by a fundamental and unlikely reordering of the values of society. Social obsolescence will probably be the chronic condition of the aged, like the other deficits and disabilities they learn to live with. But even in a society that has no role for them, aging individuals can try to carve out their own various niches. The noblest role, of course, is an affirmative one—quite simply to demonstrate how to live and how to die. If the aged have any responsibility, it is to show the next generation how to face the ultimate concerns. As Octogenarian Scott-Maxwell puts it: "Age is an intense and varied experience, almost beyond our capacity at times, but something to be carried high. If it is a long defeat, it is also a victory, meaningful for the initiates of time, if not for those who have come less far."

MEDICAL CARE PROVISIONS OF H.R. 17550

Mr. PROUTY. Mr. President, there are many aspects of the medical care provisions of H.R. 17550 which I favor, including, first, the strengthened supervision of reasonable doctors' fees; second, the health maintenance option, and third, coverage for the uninsured. I believe that some of the cost-cutting measures in the bill are wise and necessary.

I hope that Congress will add a provision to cover the cost of out-of-hospital prescription drugs, dental care, and the cost of eyeglasses. I have myself cosponsored bills to include such services.

But there is one objectionable provision in the bill, as passed by the House, which I strongly suggest be eliminated. I am joining with the distinguished Senator from New Jersey (Mr. Williams) in an effort to call the Senate's attention to this problem.

Section 225 of the House-passed bill provides that Federal matching funds under medicaid shall be reduced by one-third for any individual patient after 90 days of care in a skilled nursing home. Present law contains no such cutoff. The purported justification for this cutoff provision is to provide incentives for outpatient care. Thus, section 225 increases by 25 percent the Federal share of medicaid outpatient care and home care services, and also decreases the Federal share by one-third for hospital care after 60 days. It also cuts funds for mental patients after 90 days. These amendments are obviously designed to reduce the growing costs of medicaid, however I fear they do so at the expense of the patient and to the detriment of decent health care, and without any demonstrable savings.

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The House-passed cutoff provision is based on an erroneous premise that patients in nursing homes do not require inpatient care after 90 days but may be cared for at home. Such a sweeping and general judgment cannot be made by lawmakers; it can only be made on a case-by-case basis by the physician. Indeed, over two-thirds of all nursing home patients are found to require more than 90 days of care. I believe that H.R. 17550 already contains adequate strengthened safeguards against providing unnecessary health care by placing limits on reasonable costs, by cutting off funds if the program is abused, and by setting up utilization review committees to evaluate the need for care. If such a review determines that care is necessary after 90 days, it is grossly unfair to reduce the funds needed to provide such services.

The magnitude of section 225's evil is enormous. Medicaid patients account for 60 percent of all nursing home admissions. If one-third of the Federal funds are cut off, the States will be required either to scrape up the money themselves or to turn patients out of bed prematurely. In my own State of Vermont the loss of Federal funds for nursing homes alone would be $429,000. Losses of funds for mental care and hospital care brings the total in Vermont to $1,083,000.

I believe strongly that the Federal Government should not build up expectations only to shatter them. After medicare and medicaid were enacted in 1965 and 1966, hundreds of skilled nursing homes geared up to provide for increased admissions. They have operated for 4 years in reliance on an assumed Federal payment. Now they face a midstream cutoff. I hope that the Senate will recognize the unfairness in section 225 and eliminate it from the bill.

SPORTSMEN RESTORE CEMETERIES

Mr. SCOTT. Mr. President, in recent years, we have read with increasing frequency of senseless acts of vandalism. Recently, in response to the despicable desecration of several cemeteries in Weatherly, Pa., the Lehigh and Lausanne Sportsmen's Club undertook to restore the damaged cemeteries and to prevent a recurrence of this crime. Their justification for their actions was described in inspiring words in an article in the Weatherly Herald.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Area Sportsmen Restoring Cemetery

Cemeteries in the Weatherly RD 2 area which were desecrated by vandals are now being restored by members of the Lehigh and Lausanne Sportsmen's Club.

In St. Joseph's Catholic Cemetery in the Laurytown area, the club members have repaired and replaced the damaged fence and tombstones that were knocked to the ground. The club has volunteered to patrol the cemetery area to prevent further vandalism and will, in the event anyone is caught trespassing on the property, prosecute to the limit of the law.

Though the majority of the club members are not members of the Catholic faith, they are convinced that every man, regardless of race, color or creed, should and must respect the other man's property, his place of worship and his belief and the final resting place of his loved ones.

Above all, they will not stand for desecration of the American flag, whether it be on a lonely grave in a rural cemetery or in the middle of a thriving and growing community.

Contributions to the repair fund may be sent to the club secretary, Charles Neidlinger Jr., at Box 48 in Weatherly.

HANOI'S BAMBOO CAGES

Mr. SAXBE. Mr. President, there are many famous prisons in the world. Throughout history they have stood as symbols of oppression: The Tillianum, where Roman emperors cast their enemies and where Sts. Peter and Paul were confined; Sir Walter Scott's Tolbooth; the infamous Bastille; the Black Hole of Calcutta; Dachau; Buchenwald; Auschwitz.

North Vietnam has no such famous lockups—we do not yet know their names, at all events, although we may later—but to our men held captive by the enemy, the experience is much the same. The bamboo cages which enclose them are as real as those used on prisoners in the Tower of London, hundreds of years ago; the tortures inflicted upon them are as painful as those of the Spanish Inquisition.

We must remind ourselves—and our enemies—that the lack of notoriety of their individual jails does not mean we have forgotten our men held prisoner by Hanoi.

THE ABM AND THE MIRV—ADDRESS BY DR. ROBERT KILMARX

Mr. GOLDWATER. Mr. President, Dr. Robert Kilmarx, who is senior staff member of the Center for Strategic and International Studies at Georgetown University, delivered a most provocative address entitled "ABM and MIRV" in June at the annual alumni seminar.

He puts the country ahead a few years and portrays the position we will find ourselves in if those who care to cut our military budget and particularly hamstring the MIRV are successful.

I have saved this piece for inclusion in the Record at this time because the whole subject of military authorization, including the MIRV, is now before the Senate.

I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ABM and MIRV in the Context of SALT

(By Dr. Robert Kilmarx, senior staff, the Center for Strategic and International Studies, Georgetown University, delivered at the Georgetown University Annual Alumni Seminar, Georgetown University, Washington, D.C., June 12, 1970)

An address on the need for anti-ballistic missiles and multiple, independently targetable reentry vehicles on ICBMs (MIRV) these days is often an invitation to risk the charge of socio-political irrelevance and insensitivity to higher imperatives. Advocates of new weapon systems are often assumed to be cursed by parochial concerns about the "quality of death," technological arrogance and strategic myopia. Seldom has the wrong debate on the wrong issues been held so long, as in this case. It has a life of its own—impervious to reason. It is perhaps a symbol of some form of leadership decay. For this is the age of the facile solution as well as Aquarius.

Since scenarios are the fashion, here we are in 1978: out of Vietnam—and out of strategic options. We citizens blocked the deployment of new strategic weapon systems lest we be provocative, and violate agreements or their prospect. We cut military R&D, lest we impair non-military advances. Many came to damn technology; more to strangle it. We shifted to some of the right priorities in the wrong way and at the wrong pace—innocently hoping we had thereby contributed to peace, social justice and progress at home and "partnership" abroad. "Sufficience" as a guide to military policy we found could be stretched either way. "Partnership" could mean policy paralysis, since our international partners might not share our vision. Our sense of history yielded to a sense of guilt, of inward reassessment, of vain hope. Religious and moral precepts in some cases had infected our statecraft with a disease of unfounded goodness. Gone or obscured were empirical insights of the cold war. Only other wars—on crime, on drugs or on pollution—absorbed our attention. A new, reigning natural law of politics—a new mandate of priorities—a new "brooding omnipresence in the sky" (to quote Justice Holmes)—had stripped our loins of armor—and of national will and confidence, too. Communism, since no longer monolithic, was not viewed as a threat, as if malignant virus would lose its virulence if it took many forms; as if Soviet or Chinese statism or chauvinism, using traditional tools of power politics, buttressed by new and subtle revolutionary techniques was, by definition, a lesser evil than a pernicious ideology with proselytising and acquisitive pretensions. Many accept this view even knowing that avowed foes back their new respectability with meaningful degrees of military superiority or myriad legions. Philosophical love-beads became a powerful weapon. Withdrawal from international commitments was our watchword and an assumed cure for inflation or recession, depending on the portfolio of the beholder. Somehow social justice got caught in this net.

The oracles according to Laird then proved true; the Soviets had developed strategic advantage in Polaris missile submarines, having built 8–12 a year while we had constructed no more than 41 of aging vintage. The Soviet submarine-launched ballistic missile even reached to 3000 n.m.—beyond the range of our hoped for Poseidon. The Soviets had secretly acquired the capability to destroy our 1000 Minutemen ICBM's with SS–9's, each carrying not 5 but over 30 MIRV's with 25 NM or less CEP. Clandestine testing was more difficult to observe as the Soviets had blinded our peaceful satellites and chased away our radar monitoring, ships and planes. We had halted our MIRV deployment long ago because some speech writers and columnists with a "balanced" view had convinced us that there was such a thing as the danger of a *new* arms race with strategic weapons that could now be controlled by skillful diplomacy or even by our own actions. Our ABM deployment had been stopped in Congress at Phase II because influential scientists had overridden their credentials and assumed the garb of military specialists. Politicians sensed the issue while in election heat. The new military prophets and their analytical cohorts in systems trades told us of the technical limitations of ABM, heedless of the fact that hardened detection radar for ABM, booster-phase or mid-course destruct systems, and improved *Sprint* ABM missiles *could* have been developed if others had been permitted. Soon even "laser" would become a dirty word. The political and economic price promised to be incalculable.

And what about SALT? Yes, we had signed an agreement like the President said good Americans should. We had frozen inventories of ICBM launchers, checked the proliferation of Polaris tubes and clipped the wings of AMSA, now the B–1 bomber. Unilaterally we had previously promised to delay development of some major new strategic offensive systems like ULMS for 18 more months while we awaited good news from Vienna. However, the Soviets, meanwhile, accelerated their new weapons tests before an agreement could be reached. This we excused. For we were promised an agreement by our leader. We had done what many in Congress with C–5–itis wanted us to do anyway, for postponing, then cancelling weapons programs is afterall the only way to stop cost growth, schedule slippage and goldplating. We even threw in a clause in SALT about ABM. *They* would defend Moscow; *we* would defend Washington, but we *must* include Congress, too. We had forgotten that uncertainty, diversity and flexibility in the deployment of strategic weapon systems helps to make deterrence work. We ignored the fact that Soviet ABM operational experience exceeded our own, or that their new ABM with a loiter capability was not included. We added a protocol to restrict MIRV, knowing full well that national inspection systems could not tell what changes were made in the business end of a missile without unacceptable on-site inspection. The Soviets were not about to sign until their system had been adequately tested.

We accepted the institutionalized pleas of arms controllers, many of whom often have a quaint approach to such obstinate inspection problems: They ignore them, study them or they accept constraints on blind faith. They seldom get the message that the name of the inspection game is really not just "to catch a thief," but to penetrate and to open Soviet society, to facilitate intelligence overall and to spur on liberal trends. This is not in their department.

We generously borrowed from the text book of the nuclear test ban treaty, believing that an agreement that might deter is better than no agreement at all. We had chosen to ignore the fact that as a result of the nuclear test ban treaty, the Soviets had won assurance that their lead in high yield nuclear weapons could not be matched by the U.S. and that underground testing would permit them to catch up in the sub-kiloton to low megaton range. We forgot past Soviet deception concerning the cut off of production of fissionable materials. We dismissed the significance of the Soviet violation of the spirit of the Space treaty with their development of a fractional-orbital bombardment system (FOBS) that threatened to pin down our bombers in a nuclear exchange. After all, space weapons did not pass our cost-effectiveness tests. We excused the absence of Communist China from the list of signators, looking to the death of Mao to provide a new "open door." As with the nuclear non-proliferation treaty, we felt it was wise to apply only the moral pressures of an overused amorphous pressure group called world opinion to those who would not play our arms control politics, to assume that big power example would ultimately prevail. We gave up CW and BW (Chemical and Biological Warfare) weapons, as too evil to abandon by agreement. We forgot that deterrence, like love, is seldom equal in any union: differences in the system put unlike bounds on the lure of unsanctioned activity.

But back to the present and to the pitfalls of our stake in military weapons progress, ABM and MIRV, with or without SALT. In the United States these days there is little need for a SALT agreement to restrict our military research and development. Our spending for military R&D remained fairly constant until a recent decline, while the Soviets have increased theirs each year by about 10 to 13 per cent. Now they exceed ours. Unless SALT can put a brake on Soviet military R&D progress which is otherwise comparatively insensitive to pressures within Soviet society, the agreement will leave untouched the realms of scientific and technological progress that will become more threatened than either contemporary ABM or MIRV. We should have learned long ago that disarmament by example does not work. In the words of Dr. John S. Foster, Jr., Director of Defense Research and Engineering of the DOD, if present trends continue "the United States will lose its overall world technological and economic leadership. . . . Ten years ago, our total funding for all research and development, public and private (according to the Secretary) was almost twice that of the Soviet Union. Today the U.S. total is only some 20 per cent greater. By the mid-1970's the trends would put us in second position. . . . Looking at defense-related R&D and its application, the Soviet Union is now investing the equivalent of $16–17 billion. We are spending $13–14 billion. "If these trends persist, by the mid-1980's," he hazarded, "the Soviet Union will have a total R&D force of full-time scientists and engineers one-third larger than ours." The Soviet Union is clearly creating a national research and development base larger than ours. We seem to have lost the zeal for technological excellence. This we have done *without* SALT.

As a result, we may well fall hopelessly behind in the development of new weapons concepts that will make present systems as obsolete as the bi-planes and artillery of World War I. Quantum breakthroughs in military technology lie ahead. *We* know the route to take and its portent—so do *they*, It is here that the *real* race must be run or our future national security will be in jeopardy. In the heat of discussion such sensitive areas are never mentioned.

A comforting SALT agreement with the Soviets of its own momentum could further burden our scientific and technical progress although it can have favorable, if transitory, effects in other realms. Our society is particularly vulnerable to the chain reaction effects of arms control agreements on vital elements of military spending and the allocation of national energies, especially in the present climate. For example, if our military budget is slashed beyond $7 billion over the next two years, a step we will probably take even without SALT, further cuts in military R&D are inevitable. This will even weaken our ability to detect SALT treaty violations by advanced means. Important design teams will be broken up. Universities will further yield to the siren call for a divorce from military research. The blow to Lincoln and "I" labs at MIT is the precursor. The reverse brain drain will accelerate. Major corporations will re-focus their profit-oriented efforts to more promising markets, even without Nader. Funding for independent research will be at an end. In-house labs of the government will feel the squeeze and not be able to meet the requirements left unfulfilled. If they try from whence comes the innovation. This is the multiplier effect that is risked in our somewhat capitalistic society in a SALT contract that reflects and makes law but lacks an enforcer.

Reduction of the future mix or level of strategic arms through SALT or without it could also have destabilizing effects on regional balances unless their spokesmen *too* are invited to the table. The Middle East is a case in point. If any of you believe we have a meaningful conventional option in the Med. beyond pin-prick conventional conflict with the Warsaw Pact, I have sad news. A recent visit in Naples at the NATO headquarters called CINCSOUTH has led me to the conviction that the days of "massive retaliation" have returned to that area. And what about NATO's Central Front, if we have to re-target some of our intercontinental attack systems because of agreed force cutbacks or constraints? The conventional defense of the Central Front remains a logistic nightmare. How will our Allies respond to a new, lower plateau U.S. capability, since our strategic nuclear offensive and defensive capabilities have been their *ultimatum* defense? Our much blessed withdrawal from Southeast Asia upgrades the priorities of other areas in which nuclear and conventional weapons are more closely coupled.

The level of strategic weapons capabilities and the danger of escalation of local conflicts should never be viewed as mutually exclusive issues, even to facilitate agreement. Strategic arms limitations * * * from SALT could be low enough to encourage more local risk-taking by the Soviets. What about our ultimate response to the globalization of Soviet naval capabilities in a SALTed world? We cannot close the umbrella without effecting the water too.

But, I come not to bury SALT nor to praise it. Nor do I come to huckster ABM and MIRV but to counsel the large view. The limits as well as the benefits of SALT must be arrayed. The fear of polarity in public discussion must not cut off hard questions from *both* sides. Those who believe we can negotiate realistically from the present prospect of reduced U.S. strength must bear the burden of proof. Those who believe we can insure the sanctity of agreements reached from a level of technological and military inferiority must carry even a heavier cross. In the past, we had sufficient scientific-technological cushion to use as a buffer to overtake quickly a Soviet weapons advance or increase in forces if our estimates of risk or of Soviet intentions were wrong. Now our policy transmission cannot readily put us in high gear because of a weakening technological base.

We must remember that strategic equa-

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tions can be even more sensitive to unilateral constraints than to the outcome of direct international negotiations. The inter-relationship of the two is part of the problem. We must face the fact that arms control is but another region of international conflict; its purposes and rules must be fully responsive to overall national strategy and supportive of the aims that guide DOD. About this, the Soviets have no doubts in their own planning. The dialectics of the process are sometimes lost in our pluralistic system, which relies on checks and balances.

Proceed we must, however if only to reduce in part the risk of global conflict and open up what may become new avenues to Soviet constraints. Tomorrow's equation of power may be worse. To paraphrase the spirit of words delivered by President Kennedy, who knew well the diplomatic advantages of strategic military strength; before my term has ended we shall have tested anew whether a nation organized and *governed* such as ours can endure.

RETIREMENT OF EDWARD E. MANSUR

Mr. HOLLINGS. Mr. President, I think it is fitting that we take note of the retirement of one of the strong arms of the Senate—Edward E. Mansur, our legislative clerk.

Ted Mansur has served this body with efficiency and distinction for nearly 25 years. He has earned the gratitude of us all, and his able services will be sorely missed.

Now Ted Mansur embarks upon a well-deserved retirement. His decision to take leave of us now, while still a relatively young man, mirrors an admirable perspective. While on the job, he gave all his energies to the tasks he performed so well. His enthusiasm constituted a large measure of his success. Yet he realizes that there comes a time in a man's life to enjoy the fruits of his labor and to widen the experiences of his life. Having no desire to set new endurance records in the Senate, Ted Mansur now immerses himself in those aspects of life that too many of us lose sight of in our daily involvement here. In an era when we talk much about the quality of life, we would do well to reflect upon the example of this mature decision. I feel sadness in seeing him go, but I feel happiness in seeing a man realize that retirement can be the beginning of valuable new experiences, a period wherein a man achieves a sense of wholeness.

I join with all the other Members of this body in wishing Ted Mansur well.

I ask unanimous consent that an article on Ted's retirement, published in the Washington Evening Star of August 3, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANSUR RETIRES AT 54: SENATE "VOICE" CALLS IT A DAY

(By William Grigg)

For 23 years, Edward E. (Ted) Mansur has been the voice intoning the Senate rolls . . . "Mr. AI-ken . . . Mr. AL-len . . . Mr. AL-lot . . . counting, and once miscounting, the Senate's votes.

He retired Friday, happy that his tenure has broken no records. His predecessor, "Uncle" John Crockett, stayed on and on for 40 years, afflicted with Senate fever.

When he finally was retired in 1947, he was still wearing frock coats, Mansur recalls. He died shortly after he retired.

Mansur, however, is not yet 55. He has bought a 47-foot ketch worth nearly $100,000, has a good retirement income and a yen to sail the Caribbean Islands.

GOT THE JOB AT 30

"To get me to work again, somebody would have to offer me a lot more money than I'm worth," he said.

He was 30 when he got the job as Chief Clerk of the Senate, which had just gone Republican. He had graduated first in his class at the University of Missouri Law School, had found there were "almost as many lawyers in the phone book as people to use them," and had become interested when the late Sen. James P. Kem, R-Mo., told him about Crocker's retirement.

Scores of radio announcers also heard of the opening and, thinking a good voice for the roll call was all that was necessary, applied. The Senate's Republicans auditioned them in the Senate Chamber.

Mansur won because of his law background and, he says with a grin, because "there was some politics in it."

PUBLISHES DAILY CALENDAR

As chief clerk, and then legislative clerk when the Democrats took over the Senate, Mansur each day has published the Senate's legislative calendar—a listing of pending bills—and has recorded the votes in the Senate.

He hadn't been there long when he recorded a vote wrong, passing an amendment that should have been defeated. Vice President Alban Barkley announced the wrong result before Mansur discovered the error.

The late Sen. Joseph McCarthy, R-Wis., was the author of the amendment and when Barkley later announced that the amendment actually had been defeated, controversy raged for days and some senators wanted Mansur's neck.

SENATE CLOSELY DIVIDED

Those were hard years because the Senate was closely divided and "the Republicans thought it necessary to oppose everything that Truman did," Mansur says.

Barkley was also the last vice president to spend a lot of time presiding over the Senate. After that, Eisenhower made Nixon "assistant President," but Barkley often found out what Truman was doing only by reading it in the newspapers, Mansur recalls.

Debate was stronger then "and when a senator of prominence spoke—Taft or Vandenberg for example—everybody was in there listening and their arguments could change votes."

Today, senators often speak to nearly empty chambers. Mansur thinks they "speak less to influence each other and more to get their positions on the record or to influence the press."

IT'S A GOOD SHOW

Friday afternoon, other Senate staff members came by to shake Mansur's hand. Some of them, much older than Mansur and still working, seemed bewildered that he would voluntarily retire.

"The Senate is such a good show," one said. But Mansur said he was beginning to feel that he had stayed in a movie theater too long and was seeing the same show over.

There are men working for the Senate—and eager to continue—who could be Mansur's father. There are retired newspaper reporters and aging lobbyists who shuffle the hallways of the Capitol, hoping for a nod from a senator who remembers them when.

But Mansur happily slipped the photographs of his family and his boat from under the glass on his desk and went his own way.

VOLUNTEER MILITARY

Mr. HATFIELD. Mr. President, this is the second in a series of prepared testimony which was to have been given before the hearings on the draft before the Senate Committee on Armed Services. It is by William Keeney, chairman of the Mennonite Central Committee Peace Section, and points out many of the problems presented to the conscientious objector by conscription. I ask unanimous consent that Mr. Keeney's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE DRAFT SHOULD BE ABOLISHED

A statement by the Mennonite Central Committee Peace Section

My name is William Keeney. I am the Dean of Bethel College, North Newton, Kansas and Chairman of the Mennonite Central Committee Peace Section. We are an agency of the Mennonite and Brethren in Christ churches and speak from a 450 year old tradition committed to the Christian gospel of peace and the belief that war is sin.

We are testifying today, as we have before, because of our Christian concern for peace. We speak from our experience of the past thirty years as conscientious objectors to conscription. The concerns we express, however, are not merely for ourselves. We speak with the profound conviction that peace is the will of God for all mankind, that this is impossible until the instruments of war are dismantled and the occasions for war removed.

In this vein we have one main message to communicate today. It is our conviction that the conscription system established through Selective Service should be abolished. There are two sets of arguments why we believe the draft should be ended. The first is based on what the draft is and the second is based on how the draft has operated.

I

We oppose the draft first of all because it is the nation's means of conscripting young men to provide soldiers for its military system. Young men are thus forced against their will to become part of the military structure which exists to kill and, of course the contrary is also true—to be killed.

Mennonites believe that human life is sacred, that each person is created in the image of God and that God's ultimate will is for all persons to become his sons. Dead persons cannot become sons of God. The destruction of life is the opposite of God's will that mankind find "life in all its fullness." Our refusal to participate in a system of killing is a witness against the very existence of the military system.

Secondly, the draft is one of the major infringements on the freedom of the individual person. The very organization of the draft forces young men to work in a system of involuntary servitude. In a country which loudly parades its freedom we find it especially ironic that people live as lottery numbers and under the constant fear they will be forced into a situation where they are confronted with the stark choice of killing or being killed.

Thirdly, the draft is intrinsic to maintaining the large military establishment which threatens to overwhelm not only this nation but other nations as well. The 1967 Selective Service Act is a "Military Selective Service Act". We believe that it is the large pool of manpower provided by the draft which enables the executive to make the quick decisions to go to war without Congressional and public discussion.

These are not new convictions among Mennonites. In 1951 the late chairman of the MCC Peace Section, Harold S. Bender, spoke prophetically to this committee:

"I appear rather to appeal to the committee to conclude without further extension the experiment which has been made with peace-time conscription: first, because of its constant danger as the first step in

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a militarization of the mind and spirit of our citizens, as well as of our whole national tradition, with its inevitable threat to freedom of conscience and the democratic way of life; and second, because we fear the baneful influence upon our whole national and international policy at the present juncture of excessive dependence upon military power and measures. It is surely one of the lessons of history that those nations which have most relied upon military might have in the end lost most fearfully. We still believe that it becomes nations to rely more upon good will and spiritual forces than upon guns and bombs, and fear terribly the outcome of the present almost world-wide turning to the most destructive material forces to attain national goals."

Nor are our convictions about the evils of war and preparation for war lightly adhered to. Many of us now live in the United States because our fathers left Switzerland, Germany, and Russia to escape compulsory military service. We still believe strongly that their move was a correct response to those circumstances. Forced conscription is one reason why many of our people have migrated during the past decade from the United States to Canada, Paraguay, Bolivia, Brazil, and Honduras.

These are reasons enough for ending the draft. We are encouraged that many of our fellow citizens, indeed a growing number of those in Congress, fear the effects of militarism and the draft on the quality of life in American society. Not only is the draft an instrument of killing people in far off places, it is an important ingredient in the cheapening view of human life and thereby contributing to the rising violence at home. Those who lose the freedom to choose their lot during the impressionable years of their life are going to be less concerned about preserving freedom during the rest of their lives or perhaps more sadly will lose any notion of what freedom is all about. The draft is not only un-Christian, it is also un-American and should be abolished.

II

Now we turn to the second set of arguments for abolishing the draft—the inequities of the system as we have observed them.

These inequities are well documented. A peace-time draft inevitably discriminates in its provisions for widespread deferments. We have often seen how the person of wealth and status is able to find ways of avoiding military and indeed alternative service because of his position. Indeed we doubt that conscription can ever be justly and equitably administered.

But the inequities we wish to comment on today are those involving conscientious objectors.

Mennonites have historically and for the most part continue to be conscientious objectors to participation in the military. This refusal to bear arms has developed from our belief that killing is abhorrent to God and from our attempt to follow the way of life Jesus taught for all people which includes recognizing the need for governing authorities.

We are not unmindful that the Congress has searched for ways to honor the conscientious scruples of many American citizens. We have certainly been the beneficiaries of such recognition. And now we welcome the growing conscience against participating in war within and without this nation. Yet we are embarrassed and deeply concerned that the provisions for conscientious objection are so little recognized in persons outside the historic peace church tradition.

This is the first discrimination we call to your attention. We have heard and worked with numerous persons who have been refused conscientious objector status or who have had to wage costly legal battles to achieve this status when historic peace church men were readily recognized.

Allow us to illustrate with the case of a young, devout Presbyterian who tried to gain conscientious objector status from his draft board in a Pennsylvania town. His board told him only young men from the Mennonites, Church of the Brethren and Quakers could qualify for such a status. After frequent appeals he was finally granted a I–A–O for noncombatant military duty. But he found such military duty so uncomfortable and unable to get a release as a conscientious objector, he finally joined the migrants for conscience sake in Canada. We Mennonites are distressed and deeply regret this discrimination.

A second discrimination we call to your attention is the simple failure to inform young Americans of the opportunity of conscientious objection and alternative service. Though this has been a feature of the legislation there are vast areas of this nation where such provisions are unheard of. Draft boards and Selective Service do not publicize these alternatives which should be legal rights for all Americans and, therefore, publicized to all Americans. Since conscience is a valued American tradition, objectors should not be subject to any punitive disadvantages because of their convictions.

The third discrimination involving conscientious objectors is the narrow definition of conscience that the legislation and practice entails. Conscience, it has been said is as "American as apple pie". We believe this to be true but far too often both the legislation and the draft boards have refused to recognize the validity of this cherished tradition. While our own conscience is molded in and through the church we do not believe that conscientious objection should be prerogatives for persons of certain doctrinal belief or denominational affiliation. The consciences of those who may not use religious arguments against war as well as the conscience of the person who objects to certain wars as being unjustifiable should be respected. The government should not assume the obligation of determining whose belief is correct. We believe rather that every person who is a sincere conscientious objector should be exempted from military service.

The fourth discrimination is simply the non-recognition of conscientious objectors. Many draft boards do not know how to deal with the conscientious objector. Other draft boards and indeed entire State Selective Service offices do not recognize the legal provisions for conscience. The recent *Study of the Selective Service System* by the Subcommittee of the Senate Judiciary Committee calls this "Lawlessness, plain and simple". The government's inconsistency in administering its own provisions should be sufficiently obvious as to question the integrity of the draft itself.

Finally there is the discrimination that results from requiring an eighteen year old to have well defined convictions regarding participation in the military. We have found that if the new registrant does not immediately secure his conscientious objector status it is always more difficult to secure it later.

CONCLUSION

The conclusion of the Mennonite Central Committee Peace Section is that the draft should be abolished, that the very existence of the draft contributes to the militarism that now dominates American life and threatens the freedom, stability and survival of the world and that the draft has operated most inequitably and being inherently evil cannot be operated otherwise.

This committee knows that the Mennonite churches have always opposed war and military conscription. Though many of us have learned to live with conscription we have always done this with an uneasy conscience. We are appreciative of the alternative service opportunities which have enabled so many to offer a constructive Christian service for peace. Increasing numbers of persons in our brotherhood question the continued acceptance of such an alternative service program, as it represents to them an acquiescence to American militarism. Some of these persons have refused to cooperate with Selective Service; others have moved to other countries. The church respects these convictions and stands with these persons in their Christian faithfulness.

Today we are deeply concerned about the militarization of American life, the impact of war on our national spirit and the erosion of freedom under the impact of war and preparation for war. We appeal now for the reorientation of national values from war to peace, from regimentation to freedom, from militarism to humanity. Our belief is that ending the draft can be a step in this direction. We want to encourage this committee and the Congress this year to turn away from a system that has pervaded American life for thirty years. One of the sources of misery and discontent in the nation and a threat to peace in the world is the draft. It ought to be abolished now.

SENATOR GOODELL PROPOSES THE ESTABLISHMENT OF A UNIFIED TRANSPORTATION TRUST FUND

Mr. GOODELL. Mr. President, for too long, our transportation system—our railroads, our highways, our airports—have expanded without central direction, lacking precisely that element of planning which might have kept our waterways unpolluted, our streets uncongested, and the air we breathe free of smog. This unbalanced system also has developed at the expense of continually underfunded and failing mass transit transportation. It is imperative that we coordinate the various modes of transportation and establish a unified program under which all areas of travel would be funded on a regular and adequate basis.

On July 14, 1970, in testimony before the Senate Committee on Public Works, I proposed the creation of a Unified Transportation Trust Fund. Properly organized, such a trust fund would go far in alleviating the problems of congestion and pollution. Ably directed, such a trust fund would insure that our tax revenues would be utilized effectively. Expertly managed, such a trust fund would be responsive to regional needs, while at the same time providing the apparatus for delivering a sorely needed national transportation system.

Mr. President, I ask unanimous consent that my testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

A Unified Transportation Trust Fund

(Testimony by U.S. Senator Charles E. Goodell before the Senate Public Works Committee, July 14, 1970)

Mr. Chairman, it is time we realize that we cannot solve our transportation problems simply by covering our land with concrete. Our highway program is in need of fundamental restructuring and reform.

Over a decade ago, with the passage of the Highway Revenue Act of 1956, Congress launched an extraordinarily ambitious highway construction program. We committed ourselves to building a 42,500 mile network

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of freeways to link up major population centers, and the federal government has already authorized over $50 billion trying to complete it.

Yet as mile upon mile of superhighway was completed, our railroad passenger service deteriorated; our airports became dangerously congested; and underfunded mass transit systems remained crowded and archaic.

A network of freeways and highways can certainly be one useful part of a balanced national transportation system. However, if it is the predominant component, the entire system can collapse. Anyone who has ever been on the Long Island Expressway at 8:00 o'clock on a week day morning can attest to that fact.

By placing such distorted emphasis on highways, we have made the automobile the greatest single polluter of the air; we have dumped millions of cars on the edges of our cities, and left them to fend for themselves in congested streets; we have uprooted whole neighborhoods to make way for the freeway; and we have bulldozed scenic wonders away.

EXTENSION OF PRESENT PROGRAM

The funding authority for the present highway program expires in 1972.

The state highway commissioners have recommended its extension until 1985, at the staggering cost of $320 billion.

Mr. Chairman, I emphatically disagree with this proposal. It makes no sense to continue to give interstate highways a statutory preference over other modes of transportation for another decade and a half.

As long as the coffers of the highway trust fund overflow while the Federal mass transit program starves, we will be building superhighways to nowhere while our urban areas choke with congestion.

Secretary of Transportation Volpe has recommended that the funding authority for the highway trust fund be extended until 1977. However, he has proposed modifying the program to permit trust money to be spent for safety and highway beautification purposes.

Secretary Volpe's modifications are steps forward. They do not, however, go nearly far enough.

The basic imbalance in our transportation system will not be remedied by improving the details of the highway program. A fundamental restructuring and broadening of the program is needed. That is what I propose.

Mr. Chairman, our nation requires a unified, rational transportation program, supported by a single method of funding. Federal support for different modes of transportation—mass transit, airports, roads—should come from one source of funds and be administered through one program. Different modes of transportation should no longer be supported by competing and separately-funded programs.

I recommend the establishment of a Unified Transportation Trust Fund, after the revenue authority for the highway trust fund expires in 1972.

The Unified Transportation Trust Fund should receive all the revenues that now go into the highway trust fund—gasoline taxes, truck and bus excise taxes and taxes on various automotive parts. The Fund should also receive all the revenues that now go into the recently-created airport trust fund—ticket, gasoline, tire, and air freight taxes, and aircraft registration fees. The Fund might also be supplemented by earmarking other transportation-related Federal taxes—such as the automobile excise tax. An excise tax might conceivably also be imposed on mass transit facilities, the proceeds of which would be added to the Fund.

Once established, the Unified Transportation Trust Fund should support a comprehensive inter-modal transportation program. It should provide funds for the construction of roads, airports, and urban and commuter mass transit systems, in accordance with the particular transportation needs of the regions they serve. Ultimately, the program could be broadened to include construction funds for intercity rail systems.

Moneys from the Fund would be distributed in support of varying transportation modes, in accordance with a national transportation plan developed by the Department of Transportation and approved by the Congress. The national plan would strive to create the balanced national transportation system that now is so grieviously lacking.

The program should involve a major input—both in its planning and administration stages—by regional transportation bodies. This input is essential to assure that the program is truly responsible to regional needs, rather than merely conforming to some bureaucratically-conceived notion of national symmetry.

Such a program would have the following major advantages:

It would eliminate the present imbalance, where there is an excess of money for superhighways and virtually no money for other modes of transportation, such as mass transit.

It would recognize that different areas of the country require a different "mix" of transportation facilities. A rural area that still needed roads, would get roads. A city that needed subways and a new airport, would get these facilities. A suburban county that needed a bus system would get one.

It would be adequately and dependably funded, as the highway program is today. The earmarked transportation taxes would pour automatically into the Fund, thus avoiding the hazards of Congressional budget cuts. This not only assures that there will be enough money to start building a balanced transportation system, but guarantees this money far enough in advance to permit rational forward planning.

It would be conceived as a unified plan, but one which involves full participation in the decision-making process by the regions that will be affected.

RECENT CONGRESSIONAL ACTION ON MASS TRANSIT

Last year, there was considerable discussion about employing the trust fund concept to support urban mass transit. One suggested method was to earmark a portion of the highway trust fund for this purpose.

At that time, I supported trust fund financing for mass transit. I do so today. Only this method assures that a sufficient amount of moneys will be available on a predictable basis. As long as urban mass transit is financed out of general revenues, it will be overpromised and underfunded.

Unfortunately, the Senate did not choose this approach. However, it did adopt the Administration's proposal for $3.1 billion in "contract authority" to finance mass transit. Under this plan, no taxes would specially be earmarked, but once the legislation was adopted, Congress would be contractually committed to appropriate the moneys on a long-term basis. This, it was hoped, would provide the predictability that is so essential for the financing of mass transit projects.

While I preferred the trust fund approach, contract authority is a substantial improvement over the present system of financing mass transit. Accordingly, I supported the contract authority plan. I also introduced one amendment and cosponsored another amendment that would have increased the total amount of mass transit contract authority from $3.1 to $10 billion. Unfortunately, these amendments were not adopted.

Although the House has not yet passed the contract authority legislation, recent action by the House Appropriations Committee threatens to dismantle the contract approach before it is even enacted. The House of Representatives, approving the recommendations of the Appropriations Committee, has approved only $214 million for Fiscal Year 1971 and has avoided granting funds for the long-term contractual approach approved by the Senate. This unfortunate House action continues the existing uncertainties of mass transit funding.

Mr. Chairman, the real solution for mass transit still lies in the trust fund approach. This can best be implemented in the manner I have proposed—by creation of a Unified Transportation Trust Fund that is available for mass transit as well as other modes of transport, in accordance with regional needs.

THE C-5A JET TRANSPORT

Mr. SAXBE. Mr. President, most of us are aware of the sticky financial problems being faced by such major business firms as Lockheed Aircraft Corp., the Penn-Central Railroad, and others. One phase of this problem, at least as it relates to one of our giant defense contractors, is treated in The New Republic magazine of August 1. The article, entitled "The Lockheed Scandal: What Really Happened?" was written by James G. Phillips. Mr. Phillips is a former military editor for Congressional Quarterly and has spent many months researching the subject of defense spending.

In what I thought to be an excellent article, Mr. Phillips treats the issue of the C-5A jet transport from its inception in 1965 to the present. Perhaps his key assertion is that much of the C-5's controversial overrun could have been avoided if the Air Force had really cracked down early in the program. Mr. Phillips writes that of the $2 billion overrun, less than $200 million can be attributed to inflation. Most of the remainder, he asserts, can be traced to the "reverse incentive" caused by the repricing formula between the contractor and the Air Force, often referred to as the "golden handshake."

I ask unanimous consent that this timely article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT REALLY HAPPENED? THE LOCKHEED SCANDAL

(By James G. Phillips)

Air Force Colonel Joe Warren, a crusty cost-efficiency expert, was unmoved by Lockheed Aircraft's attempt to snow him over its C-5A jet transport program. Lockheed's briefing, he wrote Air Force headquarters almost four years ago, was "like seeing the rerun of an old movie—the plot still has drama and suspense, the script was excellent, the acting superb, but the outcome will be the same as it was the first, second or tenth time it was shown. The contract costs will be exceeded." Warren was right. With the Air Force refusing to impose tough cost discipline on a favored aerospace contractor, Lockheed has run up one of the most whopping cost overruns ever experienced on a weapons procurement program. Worse still, there's been no change in the inner workings of the military-industrial complex, which precipitated the C-5 disaster.

New evidence I have obtained indicates that at least $1.5 billion of the $2-billion C-5A overrun was clearly avoidable. In the first place, the Air Force gave Lockheed the contract (probably for the sole reason of keeping the company in business) despite known deficiencies in its design proposal that were sure to lead—and did—to expensive redesign work. Even then, much of the overrun might have been salvaged if the Air Force had clamped down on excessive plant overhead rates and blatant inefficiency on the production line. But despite the early warnings by Col. Warren and other cost experts, top Air Force brass and bureaucrats swept these problems under the rug. At every stage, the Air Force's primary interest was in concealing the problem, not solving it.

The C–5 program was destined for trouble from the beginning, and here's why: the contract, signed in October, 1965, contained a novel provision permitting Lockheed to come in with a low bid to land the program, with the virtual assurance of getting bailed out later by the government in the event of trouble. This provision was called the "repricing formula" by the Air Force and later the "golden handshake" by critics. It allowed the company to offset at least part of its losses on Production Run A of 58 aircraft by recomputing the price agreed on earlier for Run B of 57 planes. Although the second run would be undertaken at the option of the government, it appeared almost certain that the Air Force would want the extra planes and more. Air Force long-range airlift plans called for a 120-plane, six-squadron program. The other five planes would be procured from Run C—another option for the purchase of up to 85 planes at a price to be negotiated later.

The "handshake" clause, based on an extremely complicated mathematical formula, provided essentially that if actual costs of Run A exceeded the original contract "target cost" (contract price less profits) by more than 40 percent, target cost of Run B (set at $490 million in 1965) would be increased by approximately $1.25 for every additional dollar spent on Run A above the 40-percent cost growth mark. Cost increases of less than 40 percent would be financed as follows: for increases of 30 percent or less, Lockheed and the government would share responsibility, with the government paying 70 percent. Lockheed's share would be applied against its projected Run A profits of $128 million, which would be evaporated once costs rose by more than 30 percent. If the Run B option weren't exercised, Lockheed would bear full responsibility for all cost growth over 30 percent. But if the Air Force bought Run B, the "golden handshake" would go into effect once cost growth passed that mark. For cost increases of 30 to 40 percent, the handshake would reimburse Lockheed 87 cents on every additional dollar it spent, and above 40 percent, Lockheed would get back $1.25. (Both the 87-cents and $1.25 formulas, however, were pegged to the number of aircraft ordered under Run B, and lesser amounts than these would be paid if the government bought less than 32 of the Run B planes.)

Once a 40-percent cost increase appeared likely, the handshake loomed as a reverse incentive encouraging Lockheed to be less efficient. At this point, it would be in the company's interest to run up even greater costs on the initial production run in order to make 25 cents profit on every additional dollar it spent. Because of the sharing formula on the first 40 percent of extra costs, the cost growth would have to be astronomical before the handshake could turn Run A losses into an overall profit on the program. (The original target profit agreed to for the Run B option was only $49-million.) But at the same time, catastrophic losses would be impossible unless the Air Force decided not to buy Run B or the company actually lost money on its Run B operation—a prospect that appeared unlikely because aircraft costs per unit characteristically decline as a contractor gains experience with a program. Undoubtedly, this protection against big losses was an important factor in Lockheed's decision to cut corners on its bid.

Desperate for new business, Lockheed's management in early 1965 ordered its staff's lowest cost estimate reduced by 10 percent in order to undercut its competitors—Douglas Aircraft (now McDonnell-Douglas) and the Boeing Co. Lockheed's bid of $1.9 billion for research and production, including Run B if ordered, was $79 million less than Douglas' and $300 million less than Boeing's. The Lockheed proposal expressed a high degree of technical optimism that was unfounded under the circumstances. It also made little allowance for inflation though the Air Force had warned all three contractors to take that factor into account as a normal business risk over the first two years of the contract (after that, the contract provided that inflationary increases would be covered largely by the government). Nor did the Lockheed proposal make allowance for the fact that the C–5 award was the first of a new type of contract called "Total Package Procurement," under which the contractor would commit himself to a fixed price ahead of time for both research and production—a risky proposition that might have given Lockheed pause had it not been for the protection afforded by the golden handshake provision. Although an Air Force Source Selection Board found Boeing's proposal superior in its technical aspects, Lockheed won the contract on the basis of its low cost bid. The entire program was to cost $3.4 billion, including the airframe, engines and spare parts.

In a move to narrow the technical edge held by Boeing, Lockheed had hurriedly adopted certain design changes suggested by the Air Force just before submitting its bid. It had vastly underpriced the cost of these changes, increasing its bid by only $48 million. At least one high-ranking Air Force official told company management that its allowance for the changes was far too low, but Lockheed ignored his advice.

Almost from the start of development work in early 1966, Air Force cost experts assigned to a top-level headquarters management group began citing evidence of a big cost overrun in the making. A. E. Fitzgerald, the deputy for management systems who later was to lose his job after testifying to Congress on the C–5's problems, noted early in the year that overhead rates at the company's production facility in Marietta, Ga., were vastly exceeding target. Col. Larry M. Killpack, chief of the Air Force's Cost and Economic Information Bureau, found by year's end that several key parts of the program were overrun by more than 100 percent. On Dec. 8, Killpack concluded in a memo to Air Force Headquarters that "Lockheed is in serious difficulty on the C–5A." Five days later, Col. Warren penned his memo. All these reports fell on deaf ears.

As Lockheed admitted later, the reason for its early overspending was a massive redesign effort related partly to the last-minute technical changes the company had squeezed into its contract proposal. The most significant of these changes had been enlargement of the wing to meet Air Force requirements for the plane's short-field landing capability. But reconfiguration of the wing brought on weight problems, which required a new round of redesign work. After Fitzgerald learned of the extent of the redesign effort, he reported that these engineering problems almost certainly would mean a heavy cost impact when the plane moved from research to production.

By late 1966, the C–5's Systems Program Office (SPO), the office charged with day-to-day monitoring of the C–5 contract, joined the efficiency experts in their concern over the C–5's mounting costs. The SPO had become alarmed at indications from Lockheed management that the company did not intend to make good on the full contract performance specifications. One of the developments that bothered the SPO was Lockheed's proposal for a "tradeoff," as the company described it, relaxing the weight requirements in exchange for increased engine thrust, to be provided at government expense. The proposal was rejected.

In an extraordinary move, the SPO on Feb. 1, 1967, sent Lockheed a "cure notice" indicating the contract would be cancelled unless Lockheed presented a satisfactory plan for improvement within the next 30 days. It was the first such action ever taken by the Air Force on a major weapons program. Although Air Force Headquarters questioned the advisability of the action, the SPO prevailed. Standby press releases announcing the move were prepared both at Wright-Patterson Air Force Base, Ohio, where the SPO is located, and at Air Force Headquarters in Washington. But both were marked for use only in the event of press inquiry, and when press questions failed to develop, neither was ever released. This was one of the most blatant of all the Air Force's cover-ups and one of the most costly in terms of the public interest. Since the plane had not yet moved into production, disclosure of its problems at this stage might have led to enough pressure to induce the Air Force to switch the contract to Boeing or at least bear down on costs.

The cure notice evoked tremendous concern at Lockheed, which was then preparing a public offering of $125 million in convertible debentures. Within the next three weeks, Lockheed met repeatedly with the SPO but to no avail. With time running out, Lockheed finally swayed the SPO on Feb. 21, by promising to dispatch a top-level technical team from corporate headquarters in California to help the foundering Lockheed-Georgia management resolve the plane's technical problems. The cure notice was rescinded.

Despite the presence of the headquarters technical team, it was business as usual on the production line. Col. Jack W. Tooley, a former Army airlift expert working as a civilian adviser to Lockheed, reported that he observed incredible inefficiency in the plant. "From time to time," he recalled recently, "since I had nothing better to do, I would walk through the main plant, observing what was going on. The number of workers loafing on the job was absolutely unbelievable. In fact, my major contributions to Lockheed probably were these trips through the production line, since workers seeing me without a badge and in a suit and white shirt went back to work, as they were not sure of who I was."

Tooley added that he talked at some length with one of the supervisors on the production line, who told him that he had "40 more men in his department than he needed; that he was getting about six hours' work out of eight hours; that when he went to ten hours and over, the production dropped to five hours." Tooley also said he knew "personally of two cases where the indivdual was making $10 an hour, did not have a degree, was not doing anything, and yet spent 60 hours a week doing it because that is what the contract called for. This can be multiplied by many hundreds of times."

The situation was not much better at General Electric's plant in Evandale, Ohio, where the C–5's engines were under production. Here Fitzgerald also found excessive overhead rates and a large part of the work force loafing. After one trip to the facility in early 1967, Fitzgerald wrote Air Force Headquarters: "I observed a total of 134 people, of whom 35, or 26 percent, appeared to be working. The modal pace of work was quite low, approximately 70 percent of normal. Machine utilization appeared to be about 50 percent on the day shift and lower still on the swing shift." Fitzgerald later told Congress that at least $1 billion of the C–5 overrun could have been saved if the Air Force had required reasonable efficiency and economy of work forces at the Lockheed and GE plants.

Annoyed by the continuous appearance of cost analysts, Lockheed and their sympathizers in the Pentagon began seeking their systematic exclusion from the program. Orders were cut sending Warren to Addis Ababa as Air Attaché. Fitzgerald and other friends of Warren at Air Force Headquarters were able to block that appointment, but Warren was still removed from the program and assigned to a Pentagon computer manager job. Killpack was transferred to Vietnam, and Tooley quit Lockheed-Georgia in disgust.

With its technical problems mounting, Lockheed turned to costly and exotic materials such as titanium to help pare down the excess weight. By now the company had found it was useless to try to wiggle out of contract specifications. Despite some expressions of unhappiness at higher levels, the SPO refused to budge.

Without doubt, the SPO's adherence to the contract dealt Lockheed a stunning blow. When the company had run into production problems on earlier programs, the Air Force would often waive specifications or provide enough contract change orders (sometimes called "contract nourishment" in the trade) to ensure that the company came out well, Lockheed's chief development engineer, on the program later told Securities and Exchange Commission investigators that he never suspected the C–5 contract would be enforced: "As is so frequently the case with multi-layer management," he said, "someone at the top can say do it this way to avoid this, that and another, and these people down below say here's the contract, but that's just a lot of boiler plate and we'll work together." In its 1969 report to stockholders, the company said the Air Force's strict insistence on performance specifications and delivery dates "resulted in expenses by contractor far beyond the original estimate to avoid ever-present threats of cancellation for default. . . . Contract terms were regarded as sacrosanct even though a relaxation of specifications and delivery dates could have greatly lessened costs."

In May 1967, Lockheed moved from research to the production phase of the program with the plane's technical problems far from resolved. At a meeting of the top-level Air Force management group, at least one official complained that more time should have been spent on development. "This is the first major aircraft system," he said, "to begin operational systems development after completing an extensive contract definition phase. The central idea of contract definition is to define achievable performance and to develop realistic schedules and credible cost estimates in relation thereto. Clearly, Lockheed flunks the course on this basis."

Despite continuing SPO concern over the technical difficulties, Lockheed characterized the problems as nonrecurring and refused to acknowledge their potential impact on costs. Late in 1967, Lockheed-Georgia notified corporate headquarters that "the bulk of the program remains before us, giving us ample opportunity for cost savings. . . ." Although Lockheed added a $90 million contingency fund to its cost estimates by the end of 1967, it explained to its auditor, Arthur Young Co., that it was merely being conservative and that the funds would not be needed. Arthur Young's notes indicate unbounded optimism on Lockheed's part. The first indication of a really disastrous overrun on the Lockheed program came in April 1968, when the SPO estimated costs of $2.9 billion through Run B, a $1 billion overrun. The SPO figured Lockheed had known about the cost situation since the early part of the year, since the company at that time had "intensified their efforts to maneuver within the contract framework to get the Air Force to pay for work we contend is already on contract. In addition, they started attempting to limit our visibility on program costs."

Nonetheless, Lockheed insisted the SPO projections were far too high, and it pressured the SPO to change them. SEC investigators found later that Lockheed had threatened to follow the SPO briefing team wherever it went, to shoot down their figures.

But with a decision soon due on the Run B option, Lockheed decided to adopt a low profile and hope that, as before, Air Force Headquarters would not become unduly alarmed at another pessimistic SPO estimate. As the SEC staff put it, the rebuttal package was ready if needed "to help protect Lockheed's position in this respect, but would not be used unless necessary because of the danger of focusing attention on the cost increase." The SPO apparently recognized this same motive in June when it wrote that it was definitely in Lockheed's favor to keep the Air Force "in the dark" on the costs of Run A, because of their potentially adverse impact on a decision to exercise the Run B option.

At this point, however, even the SPO, which had been relatively tough on Lockheed, became concerned over the effect that disclosure of its cost projections might have on the company's liquidity position. Its reports to higher headquarters contained the following notation: "Security considerations. You will see we are estimating that Lockheed will overrun the ceiling price of the contract by a significant margin, that is, they will incur large monetary losses on the program. The SPO has treated this information as extremely sensitive in view of the adverse publicity and stock market implications." SPO said there was no pressure from Lockheed or higher headquarters to insert this warning in its report. It said the suggestion was made "purely and simply because the cost figures . . . were estimates and were not concurred in by the contractor. There was a wide variation between the estimate contained in this report and the contractor's estimate. It was felt that should the Air Force prove to be inaccurate subsequent to wide public disclosure the Air Force would be accused of acting irresponsibly."

Instead, the SPO decided to err on the side of the contractor and let the public be damned. Air Force Headquarters moved quickly to close off possible leaks by directing that the information be limited to top-level reports and be excluded from any document receiving wide circulation. Although Congress had been notified of the SPO's August 1967 estimate of a $331 million overrun, it was not informed of the new projection. Neither was it told of a follow-up study in October, which placed the overrun on the entire program at $2 billion, including $1.5 billion on the Lockheed program. The SEC staff revealed that the Air Force considered rewriting performance specifications at this point to give Lockheed a better break. (Some of the performance specifications were relaxed later, and the Air Force now is planning significant further relaxation in order to avoid another costly redesign of the wing.)

The next episode came in early November, when Richard Kaufman, staff economists for the Joint Congressional Economic Committee's Economy in Government Subcommittee, was setting up a subcommittee hearing on "The Economics of Military Procurement." Kaufman had followed the C–5 program closely and knew of the latest overrun estimate. Although no subcommittee member or staffer had yet contacted Fitzgerald, several Pentagon associates recommended him.

When Kaufman invited Fitzgerald to testify, bedlam broke loose in the Pentagon. Defense Department Comptroller Robert Moot, the Pentagon's top financial officer, warned Fitzgerald that his testimony "would leave blood on the floor." The Pentagon sought to substitute a more manageable witness, but the subcommittee chairman, Sen. William Proxmire (D, Wis.), insisted that Fitzgerald appear. Finally, the Pentagon agreed to let Fitzgerald attend as a backup witness. At the hearing Nov. 13, Proxmire ignored the Pentagon's hand-picked witness and called Fitzgerald immediately to the stand. Fitzgerald confirmed Proxmire's estimate of the $2-billion overrun, leading to his immediate removal from the program and eventual dismissal from his job.

With Congress and the public enraged about the overrun, the Pentagon flatly repudiated Proxmire's figures. Its Public Affairs Office put out a release contending that current estimates for the program were only $4.3 billion instead of the $5.3 billion Proxmire had revealed. Supplementary material requested of Fitzgerald for the hearing record was altered by the Pentagon to show the lower figure. The difference turned out to be the Air Force's omission of some $900 million for spare parts—another item that was badly overrun. The spares were mostly engines and ground equipment—items the Air Force classifies as an operating cost and not as original investment. The Pentagon news release failed to make this distinction, however, thus conveying the impression that Proxmire was overstating costs.

Despite opposition from the Defense Department's Systems Analysis Office, which sought to limit the C–5 program to three squadrons, the Air Force on Jan. 14, 1969, exercised the Run B option, but instructed Lockheed for the time being to limit production to long-leadtime items for only 23 more planes. On grounds of budgetary restraints, the Air Force announced last October that it would curtail the program after completion of 81 planes. With the effect of the golden handshake formula now blunted (because the Air Force was ordering less than 90 planes), Lockheed stood to lose more than $500 million. Contending the Pentagon's exercise of the Run B option required purchase of all 57 Run B planes, Lockheed sued the government for default. (Lockheed now figures it would have broken even on the full 115-plane program.)

The cozy relationships of the military-industrial complex came to light again this spring when Lockheed requested $640 million in emergency financing and Pentagon officials, backed by military enthusiasts in Congress, sought to expedite the company's claim. Even when the Pentagon learned that Lockheed's immediate cash problem had resulted from its commercial program—the L–1011 "airbus"—it still maintained its support of the proposed bailout money. Lockheed was a national asset like the redwood tree.

Even the Securities and Exchange Commission (but not its tough-minded staff) has shown sympathy for the embattled contractor. At the completion of the SEC staff's yearlong investigation of Lockheed's cost disclosures on the C–5 program and alleged illegal dumping of company stock by corporate insiders, the Commission announced June 2 that the investigation "did not disclose evidence of unlawful insider trading." The Commission's terse announcement seemed at odds with the findings of the staff's report. Citing specific instances of heavy selling by top corporate officers at critical junctures in the program, the staff raised the "possibility that this was done on the basis of inside information." Rumors abounded that the staff had recommended indictments; the SEC denied it.

Although the SEC release announced the Commission's decision to study cost disclosures on a number of weapon contracts, including the C–5A, it gave no indication of the staff's considerable misgivings over Lockheed's disclosure policy on the C–5 program. In its report, the staff raised the question of "the adequacy of disclosure in annual and interim filings with the Commission and with the [New York Stock] Exchange, as well as information prepared for public distribution." The staff also raised questions as to the adequacy of Lockheed's description of the cure notice in a registration statement it filed with the SEC in March 1967, covering the $125 million debenture issue. The Commission at first put the staff report under wraps but later made it public under stiff pressure from Congress.

As I said earlier, much of the C-5 overrun could have been avoided if the Air Force had really cracked down. Of the $2-billion overrun, less than $200 million can be attributed to inflation. The rest is due entirely to Lockheed's redesign effort and pure inefficiency on the Lockheed and GE production lines. Even if Lockheed had charged an extra $200–$250 million in the beginning to get its design up to a par with Boeing's (or by that same token if the contract had gone to Boeing), the whole program should have cost no more than $3.8 billion, given reasonable efficiency. Thus about $1.5 billion of the overrun should have been saved. As it is, the Air Force estimates that even the 81-plane program is going to cost $4.6 billion—$1.2 billion more than the original contract estimate for 115 planes. Thus far, the Air Force has spent $2.5 billion on the program and has received one operable plane.

Defense Secretary Melvin R. Laird has sought to prevent recurrence of C-5 type fiascos by setting "milestones" which a contractor must reach before he moves on to the next phase of a weapons program. This policy means little, however, unless Pentagon bureaucrats clamp down on contractor boondoggling. Signs are thus far that they haven't. Pentagon studies already are predicting a $1-billion overrun on Lockheed's S-3A antisubmarine aircraft program, the first major weapons purchase initiated by Laird. Deputy Secretary of Defense David Packard recently succeeded in preempting headlines about that overrun by issuing a non-story that he had warned the Navy to keep close tabs on program costs. Packard acknowledged only a $100-million overrun on the current portion of the contract and did not reveal the present estimate for total cost at completion.

It is too much to expect that Pentagon bureaucrats will move voluntarily to shape up military procurement. That would involve harsh measures against favored contractors and, for the less efficient among them, a bankruptcy or two. The ties that bind Pentagon bureaucrats and the giant contractors—the mutual interest in huge defense budgets, the promise of lucrative jobs in industry for former military and civilian officials, and the feeling that they must stand four-square against an unappreciative public—are simply too strong for that.

Perhaps the only answer is a series of taxpayer suits against government officials who breach the public trust, particularly with respect to concealment of cost problems that could lead to gigantic expenditures later if not brought under control. Not too long ago, the public wouldn't have stood for the C-5 affair. In 1956, T. Lamar Caudle, an assistant attorney general under President Truman, was convicted and sentenced to two years in prison for failing to prosecute tax fraud cases that came under his jurisdiction. The charge on which he was convicted was conspiracy to defraud the government "of the fair services of Caudle." That law ought to be applied to Pentagon bureaucrats.

POLICIES TO BRING INFLATION UNDER CONTROL

Mr. GOLDWATER. Mr. President, one of America's leading economists, Dr. Raymond Saulnier, of Barnard College, Columbia University, testified before the Joint Economic Committee of Congress on July 16.

It is unfortunate that testimony before these important committees is not made more public because it is before these committees that we hear the experts of the country talk on subjects that we are not expert in.

His remarks were addressed to the policies to bring inflation under control, and he makes such cogent arguments for and against certain theories that I feel every Member of Congress should have them available.

Therefore, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY DR. RAYMOND J. SAULNIER

Mr. Chairman: I have the impression from reading press reports that much of the testimony in these hearings has favored an easing of monetary and fiscal restraints and the adoption of an incomes policy to bring inflation under control. Let me give you my reasons for thinking it would be a mistake to endorse this line of policy.

First, there is as yet too little evidence that inflation is being overcome to justify a relaxation of restraint. Indeed, there may have been too much relaxation already. Markets for some industrial materials and some manufactured goods have softened noticeably in the past few months, but the overall trend of prices is still strongly up; what is more important, there has been no slowing whatever in the alarming increase of labor costs. On the contrary, labor cost increases seem to be accelerating.

Actually we are experiencing a veritable explosion of labor costs. On an annual rate basis total compensation costs for all workers in the US private economy were up 7.7 percent in the first quarter of 1970, more than twice normal productivity gains, and new labor contracts are being written with pay and benefit increases in the 12 percent zone. Annual increases in the construction trades are over 20 percent.

The fact that a 7-to-8 percent increase in compensation barely suffices to meet living cost increases is what makes the whole process of wage inflation so pathetic. Taken as a group, workers are gaining nothing in current buying power from these inflationary packages and they are losing money every day through the declining value of their savings. Needless to say, the whole system of retirement benefits is threatened. In the interests of the worker as well as of the public generally, settlements must be brought more nearly in line with productivity gains. A relaxation of monetary and fiscal policy now would not bring that about; on the contrary, it would almost certainly prevent the necessary adjustment from occurring. Increases in compensation now 7-to-8 percent on the average could become 9-to-10 percent, and new contract settlements would move up from 12 to 15 percent. Is it not obvious that this spiral must be stopped? Somehow we must find a way back to wage-increase packages in line with productivity gains. You can be sure that if we fail in this our economy is in for a lot more trouble than it has seen so far, which is already enough.

The situation is made more critical by the fact that a kind of wage explosion is occurring all over the industrialized world. I have just returned from Western Europe and I am appalled by what I find happening there. Like everyone who follows these economies closely, I expected a certain heating-up in 1970. But the heating-up came faster and is more intense than anyone expected. In West Germany, for example, there are labor cost increases, covering many thousands of workers, of 23 percent in 1970. Elsewhere, 15-to-17 percent increases are common—with Italy leading the parade. Moreover, similar increases are forecast for 1971 and 1972, though these expectations may be upset by the economic slowdown that is bound to follow such excesses.

Obviously, these trends must be brought under control, both in the United States and in Western Europe. The question of how to do it deserves top priority by this committee and I believe it deserves top priority also at the EEC in Brussels and at the OECD in Paris. Indeed, a joint investigation conducted on a crash basis, in which the U.S. government would join as an independent participant with EEC and OECD, is urgently needed and I suggest this committee use its influence to have one launched at the earliest possible opportunity.

Unfortunately, overcoming inflation inevitably involves a slowdown in economic growth. It also involves the risk of recession. And it is folly to think that credit tightness and high interest rates will not inevitably be a part of the process. This absolutely fundamental fact must be recognized: as long as monetary policy accommodates the transference of higher wage costs into higher prices the spiral of inflation will continue. In the US economy and elsewhere the spiral will not be checked except by credit restraints plus restraints on spending, public and private, which result in a sufficient slowdown of the economy to stiffen the resistance of employers, including public employers, to inflationary labor cost increases. And the employers must have the support of government in their resistance.

It is not a question of leaping back in one giant step from egregiously inflationary wage settlements to settlements closely in line with productivity improvement. The object should be to work our way back, bit by bit, to a balance between labor cost increases and productivity gains consistent with reasonably stable prices. Inflation having been allowed to gain such momentum, it will take a few years, I fear, to make the adjustment. The process can be speeded considerably, however, if government can win the support of labor—rank and file as well as leadership—in achieving the needed result.

To date, there has been all too little progress in checking inflation. Indeed, I have had to revise my ideas recently as to how much effect there will be from the downturn in the economy, since activity seems to be bottoming out at about its present rate and could be rising again toward the end of the year. The recovery is likely to be slow and bumpy, but there is a high enough probability that aggregate demand will be increasing in the second half of this year in fairly sizeable quarterly jumps to suggest that we will move into 1971 still with a good deal more inflation than is comfortable—probably around 3½ to 4 percent a year, as measured by the GNP deflator. Moreover, a distinct possibility exists that, as the momentum of increases in aggregate demand become greater, the momentum of inflation will be similarly increased. If this is the way things go, it is a sure bet that in the not too distant future it will be necessary to undergo another spell of restraint. It is precisely such an outcome—a US version of stop-go—that is invited by proposals to relax restraints now.

These hearings are designed to develop ways of avoiding such an outcome. Let me outline more specifically the anti-inflation program I believe is needed.

First, although no success in anti-inflation program is possible if money and credit policies are not right, I do not put money policy in first place as an action measure. On the contrary, I put fiscal policy in first place, and I do so because fiscal policy is directly the business and responsibility of the executive and legislative branches of government, and there is little chance of success in a program to overcome inflation unless it is built on a foundation of unquestioned fiscal re-

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sponsibility at the federal level. The budget is the mirror of government and the mirror must reflect the right image—the right image is fiscal strength.

The Congress has a crucial role to play in this—its task in the present situation should be to see that appropriations bills are enacted that will enable the executive branch to hold spending in fiscal 1971 at the fiscal 1970 level.

Second are questions of taxes. I thought it was a mistake to plan abandonment of the surtax in advance of a significant reduction in the cost of the Vietnam war and it still looks like a mistake to me. Accordingly, I should like to see the committee support all reasonable steps to increase federal revenues— hopefully without another long public debate about "overkill." What we need is a budget surplus and, though it will be a man-sized task to accomplish, at least a start could be made by putting the post office on a self-supporting basis through enactment of adequate postal rates. After all, this alone would cut expenditures between $1 and $2 billion a year.

Obviously, it will require more than wiping out the post office deficit to solve our federal fiscal problem. It looks to me as though a beginning should be made with some version of a value-added tax, and I suggest that the committee lend its support to such a move. In my view, we have needs for public services at the federal, state and local level so enormous and of such high priority that we shall need federal revenues far beyond any now in sight. If we do not raise the needed revenues by taxation, and by elimination of low priority spending, we will either fail to meet pressing needs for public services, or we will live for a long, long time in an economy afflicted by the three basic economic evils: inflation, slow growth and direct controls. This is a syndrome we must avoid.

Third, I have on more than one occasion called attention to things government can do to help overcome inflation by the way it operates its own programs. I have in mind specifically the policies followed in procurement and construction, extension and insurance of credit, setting wage floors under Walsh-Healey and Davis-Bacon, setting rates in regulated industries, etc.

In his recent talk on the economy, President Nixon indicated he was establishing a group within the executive branch with the idea of using such programs to help check inflationary developments. Although the announcement got little press attention, it could, if carried out vigorously and imaginatively, be one of the most important steps taken by government in recent years in the fight against inflation. In any case, the new group will need lots of support. It will need support from the White House, and it will need support of the Congress, as well. I was chairman of a similar group in the second half of the fifties, and I know from my own experience that it will not be easy to persuade all divisions of the federal bureaucracy so to conduct their affairs as to moderate rather than exacerbate inflation. But they must be persuaded.

Fourth is monetary policy. Considering the present momentum of cost and price inflation and the extreme precariousness of financial markets, and considering the spectacularly unsatsifactory condition of our balance of payments, it is not easy to see that money policy of late has been an outstanding success. Indeed, the attempt to use Regulation Q to restrain the use of credit, and the veritable explosion of credit outside the banking system to which this led, must be regarded as one of the least successful experiments in the long history of our Federal Reserve System. What is important now is to deal constructively with the present financial situation. In my view, what we need is a credit policy that will, first, reestablish a viable balance in the financial system between commercial financing done inside the banking system and financing done outside the banks and, second, facilitate the funding on an intermediate and longterm basis of the presently excessive volume of shorterm financing.

Simplistic formulas such as a 4 percent per annum growth of the money supply will not help much as a guideline for such a policy even if we could be sure what is meant, as a practical matter, by the money supply. What is needed is a skillful blending of credit ease and credit restraint, which is necessarily something of an inconsistency, unfortunately, but not as much of an inconsistency as it may sound. If there is a basic rule to be followed by the Federal Reserve at this time it is this: See to it that the US economy has enough access to credit through the banking system to avoid a liquidity crisis and to avoid a spiralling downturn but no more than that until there is solid evidence that wage and price inflation is under control.

Fifth and finally, I come to the incomes policies that are much in the news nowadays. It is not easy to comment on these because everyone who proposes them seems to have something different in mind—perhaps that is what gives them their charm. I believe myself in strong presidential leadership on the relation needed between wages, productivity, prices and profits, and I have myself, in an earlier age, helped to compose a certain amount of official rhetoric on the subject. All the same I have deep reservations about much that is currently said on the subject. The one comment I would make is this: as is demonstrated beyond peradventure by the wage explosion occurring now in Western Europe, where incomes policies have been in vogue nearly everywhere for ten years or more, there is no hope at all for controlling inflation through such means in the absence of adequately disinflationary fiscal and monetary measures. The most serious mistake we could make in the United States at this time would be to adopt some version of an incomes policy with the thought that it would be a shield behind which we could safely resume expansionist monetary and fiscal policies. Believe me, down that road lies the bankruptcy of economic policy.

Strong presidential leadership on wages, prices, productivity and profits is another matter. On an earlier occasion I put my views on this as follows:

"There is an important role to be played by political leadership at the White House level in clarifying the objects and methods of the administration's anti-inflation effort, especially to the leadership of labor and business. This is accomplished in part through the President's annual economic message. Additional messages are provided for in the Employment Act, and should be issued as circumstances require. . . . A more dramatic and potentially more effective step would be for the White House to convene annually a summit-type conference of the leadership of business and labor to discuss the state of the economy. . . . It would provide the President and his chief economic aides an opportunity to clarify administration policies and give a frank evaluation of the policies of business and labor. . . . A meeting of this kind is as close, in my judgment, as one should come to government intervention in wage and price decisions, apart of course from interventions mandated in the Taft-Hartley law and related statutes. There is no place in the formula . . . for individual arm-twisting or for assaults on individual industries or companies. And I would try to keep arithmetic out of it. What it would provide is presidential leadership in the best American tradition of shared responsibility between the public and private sectors of the economy."

A program such as I have outlined above would, I feel sure, ultimately overcome inflation. Obviously, it should be accompanied by programs designed to offset unwanted side-effects. But it is a mistake to believe that disinflation can be entirely painless, and it is a mistake to expect that it can be accomplished quickly. Even with a program of the sort I propose, the struggle against inflation will certainly have to continue into 1971. The point is that, in the absence of such a program there is little chance that inflation will be overcome even in 1971.

UNITED STATES STANDS ALONE AMONG MAJOR POWERS IN NOT RATIFYING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on January 30 of this year, the United Kingdom became the 75th nation to ratify the Genocide Convention. With that action, the United States became the only major power in the Western World to refrain from ratifying this convention.

How long are we going to refuse to stand up and be counted? The Genocide Convention was first submitted to the Senate by President Truman in 1949, and full-dress hearings were held by the Committee on Foreign Relations the following year. But for 20 years there has been no action on this whatsoever by the U.S. Senate. For 20 years we have given in to fears that some action by U.S. citizens, whether at home or abroad, might give rise to a charge of genocide and embarrass the country.

Mr. President, it is far more embarrassing for the United States to have to apologize for not ratifying the Genocide Convention.

Mr. President, this country should not have to apologize for such an omission. In the fields of human rights, individual freedoms, and constitutional safeguards we have always prided ourselves on being second to none. In ratifying the Genocide Convention we cannot go wrong; we can only err by abstaining.

It is time we added our name to the list.

Mr. President, I ask unanimous consent that the list of countries that have ratified the convention as of the present time be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF COUNTRIES

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian SSR.

Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federal Republic of Germany.

Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Jamaica, Jordan.

Laos, Lebanon, Liberia, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Viet-Nam, Romania, Saudi Arabia, Spain, Sweden, Syria, Tunisia, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yugoslavia, Unit-

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ed Kingdom of Great Britain and Northern Ireland.*

FEDERAL REVENUE SHARING

Mr. PEARSON. Mr. President, on September 23, 1969, I cosponsored, with the Senator from Tennessee (Mr. BAKER) and 32 other Senators, the proposed Revenue Sharing Act sent to Congress by President Nixon.

This bill (S. 2948) would restore balance in the federal form of government in the United States; would provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; would achieve a better allocation of total public resources; and would provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

Underlying my firm support for the concept of revenue sharing is the basic conviction that strong and financially viable State and local governments are essential not only to a healthy federalism but also to the best possible performance of governmental services. The enactment of a revenue sharing measure would recognize a substantial role for the States and would provide a broad scope for decentralized decisionmaking. If the benefits of American diversity are to be exploited and enhanced, then the Federal Government must aid in creating a fiscal environment that will enable States and localities to exercise wide latitude in determining their own priorities and solving their own problems.

When fully implemented, the legislation will provide a total annual national distribution of $5 billion. At my request the Treasury Department has supplied a breakdown as to the amount of money that will be received by each general government in Kansas.

Based on 1968 population and 1967 revenue and income data, the total annual amount distributed to Kansas will be over $61,500,000 with almost $43,000,000 going to the State government and with over $18,500,000 to local governments.

I ask unanimous consent that the complete table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Total U.S. distribution: $5 billion.

Total Kansas State and local government distribution: $61,733,606.

Percentage that must flow through to local governments: 30.38 percent.

State government share: $42,979,050.

Local government share: $18,754,556.

Total to cities	$7,508,858
Abilene	35,382
Anthony	8,931
Arkansas City	98,715
Atchison	63,401
Augusta	35,791
Baxter Springs	34,700
Belleville	10,090
Beloit	12,612
Bonner Springs	10,430
Caney	12,203
Chanute	28,224
Cherryvale	7,022
Clay Center	41,654
Coffeyville	145,141
Colby	19,907
Columbus	11,385
Concordia	25,292
Council Grove	12,203
Derby	22,020
Dodge City	67,355
El Dorado	79,626
Ellinwood	7,499
Emporia	90,943
Eureka	12,339
Fairway	12,885
Fort Scott	29,042
Fredonia	5,999
Galena	5,045
Garden City	65,242
Garnett	5,999
Goodland	15,884
Great Bend	76,695
Hays	66,264
Haysville	12,953
Herington	12,135
Hiawatha	18,748
Hoisington	15,884
Holton	11,180
Hugoton	11,044
Hutchinson	192,112
Iola	22,974
Independence	41,995
Junction City	73,218
Kansas City	642,191
Kingman	9,544
Larned	24,474
Lawrence	262,671
Leavenworth	123,530
Leawood	22,429
Liberal	61,492
Lindsborg	12,203
Lyons	11,998
Manhattan	95,851
Marysville	17,725
McPherson	37,154
Medicine Lodge	7,431
Merriam	18,202
Mission	26,178
Mission Hills	12,135
Mulvane	11,180
Neodesha	12,135
Newton	90,670
Norton	21,270
Olathe	67,287
Osawatomie	15,475
Ottawa	36,950
Overland Park	69,264
Paola	26,178
Parsons	44,858
Phillipsburg	11,317
Pittsburg	77,717
Plainville	8,113
Prairie Village	39,745
Pratt	30,473
Roeland Park	12,817
Russell	56,925
Salina	235,334
Shawnee	13,498
Topeka	748,677
Ulysses	21,611
Valley Center	7,635
WaKeeney	8,863
Wellington	66,264
Wichita	1,647,676
Winfield	162,934
All other cities with less than 2,500 population	977,534

Total to counties	$10,700,722
Allen County	120,871
Anderson County	78,604
Atchison County	72,332
Barber County	54,811
Barton County	153,662
Bourbon County	70,014
Brown County	84,466
Butler County	185,635
Chase County	46,017
Chautauqua County	41,108
Cherokee County	101,578
Cheyenne County	66,605
Clark County	45,131
Clay County	70,082
Cloud County	87,330
Coffey County	46,426
Comanche County	45,471
Cowley County	139,141
Crawford County	101,101
Decatur County	41,103
Dickinson County	95,715
Doniphan County	46,290
Douglas County	152,162
Edwards County	38,722
Elk County	38,722
Ellis County	128,097
Ellsworth County	40,290
Finney County	80,717
Ford County	108,259
Franklin County	133,210
Geary County	112,213
Gove County	62,378
Graham County	91,147
Grant County	66,196
Gray County	45,335
Greeley County	39,540
Greenwood County	82,967
Hamilton County	49,357
Harper County	71,650
Harvey County	123,257
Haskell County	47,926
Hodgeman County	50,653
Jackson County	63,878
Jefferson County	56,447
Jewell County	57,606
Johnson County	570,200
Kearny County	47,176
Kingman County	70,286
Kiowa County	66,605
Labette County	142,277
Lane County	39,336
Leavenworth County	125,302
Lincoln County	47,789
Linn County	51,675
Logan County	45,812
Lyon County	210,859
McPherson County	156,457
Marion County	92,238
Marshall County	87,466
Meade County	49,835
Miami County	101,169
Mitchell County	43,358
Montgomery County	128,779
Morris County	47,176
Morton County	53,925
Nemaha County	59,856
Neosho County	131,915
Ness County	48,267
Norton County	70,627
Osage County	52,357
Osborne County	45,608
Ottawa County	61,628
Pawnee County	70,286
Phillips County	48,471
Pottawatomie County	61,833
Pratt County	73,218
Rawlins County	40,040
Reno County	238,879
Republic County	79,490
Rice County	97,488
Riley County	100,214
Rooks County	46,290
Rush County	61,288
Russell County	95,975
Saline County	194,975
Scott County	52,834
Sedgwick County	1,195,620
Seward County	167,706
Shawnee County	403,789
Sheridan County	45,199
Sherman County	47,858

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* The United Kingdom ratified the Convention on Genocide on January 30, 1970.

In a notification made on accession, the Government of the United Kingdom extended the application of the Convention to the following territories for whose conduct of international relations the United Kingdom is responsible: Channel Islands, Isle of Man; Dominica, Grenada, St. Lucia, St. Vincent; Bahamas, Bermuda, British Virgin Islands, Falkland Islands and Dependencies, Fiji, Gibraltar, Hong Kong, Pitcairn, St. Helena and Dependencies, Seychelles, Turks and Caicos Islands.

In a notification received by the Secretary-General on 2 June 1970; the Government of the United Kingdom extended the application of the Convention to Tonga.

Smith County	$60, 538
Stafford County	64, 219
Stanton County	45, 335
Stevens County	66, 605
Sumner County	158, 571
Thomas County	48, 744
Trego County	57, 129
Wabaunsee County	38, 586
Wallace County	25, 769
Washington County	67, 969
Wichita County	27, 610
Wilson County	94, 829
Woodson County	40, 018
Wyandotte County	597, 537
Total to townships	544, 976
Baker	136
Center	273
Center	2, 522
Clay	273
Delano	1, 295
Delaware	1, 500
Hill City	273
Kickapoo	1, 363
Manhattan	341
Medicine Lodge	1, 704
Oakley	682
Ogden	2, 522
Palmyra	2, 522
Plainville	68
Reno	1, 773
Riverside	3, 681
Rockford	1, 295
Salem	7, 158
Shannon	1, 773
Shawnee	3, 681
Shawnee	4, 908
Soldier	7, 158
WaKeeney	2, 522
Wamego	273
Washington	68
Wild Cat	341
Williamsport	1, 704
All other townships with less than 2,500 population	493, 164

FATHER HERMAN

Mr. STEVENS. Mr. President, this year marks the 175th anniversary of the Russian Orthodox Church in America. The culminating event will be the canonization of Father Herman of Spruce Island, Alaska. Father Herman, I am informed, will be the first saint of any church ever to be canonized in the United States.

His canonization is especially significant because it illustrates the long and deep-seated adherence to the Orthodox Church in America of Aleut Natives of the Alaska Peninsula, Kodiak, and the Aleutian Islands. Also, the Tlingit Indians in southern Alaska, most notably around Sitka where St. Michael's Cathedral was built in 1816, have a long-established relationship with the Orthodox Church.

Father Herman was a member of the first Russian mission ever to work outside his own country. During a time when fellow Russian adventurers, trappers, and merchants were exploiting resources and enslaving the Aleuts, Father Herman befriended and protected the Natives at the risk of his own freedom.

It is very difficult to research the history surrounding Father Herman because much of what was written about him was written in Aleut or Russian. However, my staff has had the good fortune to work with an expert, Mr. Charles Whittier from our own Library of Congress, on the history of the Russian Orthodox Church, as it was then called, who has compiled a salutory brief biography on Father Herman. I ask unanimous consent that Father Herman's biographical information prepared by Mr. Whittier be printed in the RECORD following my remarks.

On Sunday, August 9, 1970, the final rites of canonization for Father Herman will be held at the historic Russian Orthodox Church of the Resurrection at Kodiak, Alaska. The rites will be conducted by His Eminence, the Most Reverend Ireney, Archbishop of New York, Metropolitan of the Orthodox Church of America and His Grace the right Reverend Theodosius of the Sitka Diocese.

Mr. President, the saintly benevolence Father Herman characterized to Alaska's Aleut people, beginning 175 years ago, yielded a lasting faith in his church that has not diminished today.

It is my hope the canonization of Father Herman will serve to yield new benevolence and understanding to provide the Aleut and other native people of Alaska the rewards of their faith in their church and the rewards of their faith in America.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF FATHER HERMAN

Born in 1756 somewhere near Moscow, Fr. Herman (whose very name is unknown before he entered the monastic life) was received into the great Troitski-Sergievsky[1] Monastery at the age of 16. Later he lived in seclusion in the wilderness near Lake Lodoga. Finally he entered the venerable Valaam Monastery on the Holy Island of Valaam in Lake Lodoga. His dedication to the Virgin and his life of prayer were early noted: an area called "Hermanova" was so designated because to it he would retire in solitary devotions. In 1793 he was among those who volunteered to form the Alaskan Mission, the first mission of the Russian Church outside Russia.

The mission (8 monks and deacons, headed by the Archimandrite Joseph (who was later drowned)) landed at St. Paul's Harbor, Kodiak, in September of 1794. Within a year, over 7,000 native Americans had been baptized, mostly Aleuts. Conflicts developed with the Russian-American Trading Company, headed by Alexander Baranov, over the treatment of the Alaskan natives, whose rights the missionaries upheld. In 1800 Baranov placed the members of the mission under house arrest and forbade contact with the natives. The next year, the missionaries administered the oath of allegience to the Czar to the natives in an attempt to extend imperial protection to them. Threatened with violence by Baranov, the monks withdrew to their compound and refused to hold public services for a year. Between 1808 and 1818, Father Herman, steadfast in behalf of the natives, withdrew to Elovoi (Spruce) Island, where he built a cell and chapel; here he lived in prayer, nursing the sick, feeding the hungry, and ministering to the natives. In time he maintained a small school and orphanage. The island he renamed New Valaam in memory of his beloved Monastery. In 1823 a small church was built, dedicated to the "Meeting of Our Lord." Tales of miracles, healings, and the like surrounded him, in the tradition of the wonder-working saints of the Eastern Church. His reputation for holiness and simplicity of life spread abroad, attracting many pilgrims and visitors, including the great explorer, Bering. Father Herman died in 1837. Popular veneration of his memory has continued to the present day.

In 1867 the first collection of information about him, attesting to his sanctity and wonder-working powers, was compiled and published (in 1868) at the Valaam Monastery in Russia. Further data was made available in the outline of the History of the Russian Mission, published at Valaam in 1894. In 1903 the Russian Theological Encyclopedia compared him with the Desert Saints of the Early Church, noting the aura of sanctity which affected birds and animals in his presence. His corpse was said to have remained incorrupt.

Father Herman represents the flowering of Russian monastic spirituality in America. The survival of Orthodoxy in Alaska has been attributed to the zeal of the first missionaries and of their native converts, the absence of racism in the Russian mission and its leaders, and such contemporary elements as the use of the vernacular (in the liturgy), the cultivation of a self-reliant church, and an indigenous (native) clergy. The Russian American mission derived much of its strength from the leadership of the first Archbishop of the area, Veniaminov, later Metropolitan of Moscow, founder of the Orthodox Missionary Society, and one of the greatest figures in Russian Church history—and the father of Alaskan anthropology. It was Veniaminov who firmly established the policy of protecting native tribal rights and who introduced both Aleut and Tlingit into the liturgy. However, the influence of a life such as that of Father Herman cannot be underestimated in explaining the ardent faith of the natives whose religious traditions have survived to this day, despite many trials.

The shrine raised on New Valaam to Father Herman has been preserved to the present day (with its relics of St. Seraphim of Sarov), partly due to the devotion of a Russian monk who went there in 1935. In the eyes of the natives, Father Herman was already a saint. (Troparia in his honor were in existence in the early 1900's.) He embodied "the qualities which characterised the Age of Saints from the desert of Mesopotamia to the remotest of the Western Isles—ascetism, humility, devotion, unworldliness, sympathy with the weak, both in nature and in humanity, gentleness, spiritual nobility."[2] Such is the message of Father Herman of Kodiak.

FBI INVESTIGATION OF KENT STATE SHOOTINGS

Mr. BYRD of West Virginia. Mr. President, the Akron, Ohio, Beacon Journal, of July 23, 1970, contains an article which reported the FBI had drawn certain conclusions regarding the propriety of the activities of the Ohio National Guard in connection with the slaying of four students at Kent State University. This report has received wide circulation.

It has long been the policy of the FBI not to draw conclusions from its investigations. This is as it should be. An investigative agency should be no more than that—it should collect the facts and report them to proper authorities without any conclusions or other expressions of opinions. This is the way the FBI always has operated and it is the way the FBI operated in connection with its investigation of the Kent State shootings.

I am informed that the FBI conducted a very detailed investigation of the events at Kent State and furnished to the Department of Justice a complete and objective report of the facts it developed, and that the FBI report did not conclude that "six of the Ohio National Guardsmen could be criminally charged." I am also advised that the FBI report did not conclude the shootings "were not necessary and not in order." I believe that such conclusions, if they were made, came from some source other than the FBI. I think it is very important that this matter is made clear, for it is totally foreign to our form of government to have an investigative agency making conclusions concerning the possible prosecution of individulas.

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[1] Founded by St. Sergius of Radonezh.

[2] N. K. Chadwick.

SECTION 225 OF SOCIAL SECURITY AMENDMENTS OF 1970: INCENTIVES, OR RETREAT?

Mr. WILLIAMS of New Jersey. Mr. President, I have already commented on the fine work done by the House Ways and Means Committee and by the entire House in developing and passing H.R. 17550. This bill proposes many far-reaching and progressive improvements to the social security and medicare programs, and it is certainly worthy of the careful attention now being given to it by the Senate Finance Committee.

My earlier statements have dealt with my suggestions for improving social security and medicare coverage still further.

Today, however, I will deal with a provision of H.R. 17550 which I regard as a potential threat to the quality of care available to older Americans under medicaid. I am referring to section 225(a), which—in the name of "Establishment of Incentives for States to Emphasize Outpatient Care under the Medicaid Program"—would actually strike a severe blow at the fundamental purposes of medicaid. In addition, at a time when State governments stand in desperate need of new sources of funding for vitally needed programs, section 225(a) would actually increase the cost of the medicaid programs to the States.

For my own State of New Jersey, the official Department of Health, Education, and Welfare estimate of additional cost is $5.2 million. This may be a conservative appraisal; I have asked for an estimate from the State government of New Jersey. Unofficial estimates, however, put the cost at upwards of $10 million.

How can a so-called "cost-cutting reform" actually increase State costs and decrease quality of care? Here are the major provisions and some discussion of their origins:

Section 225(a) would provide:

First. A 25-percent "bonus" in Federal matching moneys if they elect to treat patients through outpatient service and home health services instead of treating these patients through their nursing home system. As an example the State of New York is presently reimbursed at the 50-percent level in its medicaid program. If the State of New York elected to treat a patient instead through its home health system the Federal government would assume 75 percent of the cost.

Second. A cut in the share of Federal matching funds going to general and tuberculosis hospitals by one-third after 60 days of inpatient care.

Third. A cut in the share of Federal matching funds by one-third, after a patient has spent 90 days in a nursing home; further cuts with the continued tenure of the patient.

Fourth. A cut in the share of Federal matching by one-third after a patient has received 90 days care in a mental hospital with the complete elimination of Federal matching monies after a patient has received 275 days of care in his lifetime.

Apparently, the impetus for 255(a) began on February 27 when President Nixon announced that the Federal Government was in need of a reorganization. He recommended the abolition of some 57 agencies in the Government that had outlived their usefulness, including the much publicized Federal Board of Tea Tasters. Almost hidden in this proposal was the suggestion that the Federal Government has no business in longterm care and that the current medicaid program was in error to the extent that it was paying for services other than medical treatment.

It was projected by the President that cutting out care for the chronically ill would result in a savings to the Federal Treasury of $235 million.

I wish to make it clear, Mr. President, that I am for tight cost controls in all Federal programs and I have no quarrel with President Nixon's efforts at eliminating waste and bringing efficiency to the Government. But I do take strong exception to his cutting back on programs for the elderly which in general had been underfunded in the past. And specifically, I take objection to the Federal Government's summarily pulling out from medicaid and the area of long-term care.

The vast majority of medicaid patients in nursing homes and mental institutions have no home of their own and no family. They have an average age of 85 and suffer from one or more chronic and crippling diseases. They seldom write letters to their Congressman complaining of cuts in the medicaid program.

What is puzzling is that in the early 1960's our hearings were replete with testimony that the States were having difficulty with the financing of long-term or institutional care. This, I recall, was one of the major reasons that the medicaid program was enacted.

In this regard, the medicaid program has been very helpful to the States, although in recent years many States have experienced substantial problems raising their share of matching funds. California and New York, for instance, must raise 50 percent of the cost of their medicaid programs while Mississippi need raise only $1 to receive nine from the Federal Government.

There can be little doubt, Mr. President, that the States and local governments are hard pressed to raise revenues. This is evidenced by escalating real estate taxes which so adversely affect elder citizens.

I must say it is a curious kind of revenue "sharing" which the President is proposing in section 225(a) of the Social Security Amendments. For 5 years the Federal Government courted the participation of States in the medicaid program. Now that they are participating, the Federal Government intends to cut back support of the program to such an extent that the States again will have to bear the huge financial burden of caring for a segment of the population that has no resources of its own and is in desperate need of shelter, treatment, and care. It is unlikely that the States could come up with the funds to make up for the Federal pullout. The size of the Federal cutback as indicated by the administration is to be $235 million.

What inevitably follows for my State as well as the other 49 is that services on behalf of the infirm elderly will have to be reduced. It would be one thing if these programs were substantially funded, but this is not the case. A quick survey of the budgets of the 50 States will clearly indicate that the programs for the infirm elderly are at present clearly and sometimes shamefully underfunded. And these are the programs that we seek now to cut even further.

The proposal also provides for a cut in the share of Federal participation with general and tuberculosis hospitals by one-third after 60 days of inpatient care.

Mr. President, I am well aware that hospital costs have soared and I certainly favor firm cost control measures. However, we must again recognize the health characteristics of the older population as well as their generally low level of income when considering such cutbacks. A long term illness can cause financial disaster to even those elderly who benefit from medicare. Medicaid is a program for the needy and, in some States, the medically indigent. Obviously, this patient will not be able to pay for hospital care if he should need more than 60 days in a general or tuberculosis hospital. The fact that the States cannot afford to bear the full burden of such care should be clear to all of us; what with the number of hospitals closing all across the country and the precarious financial condition of many more such institutions. Many municipal hospitals receive most of their revenue from medicaid. If this proposal stands, how will they pay for up-to-date equipment and well-trained staff?

What will happen to elderly mental patients if section 225(a) goes through? The proposal would cut one-third of the Federal participation after 90 days of a patient's care in such an institution—and after a period of 275 days, will refuse to assume any part of the cost of their care.

Thus, the Government is, in effect, turning its back on the most helpless and unfortunate members of our society. The same is true for the elderly who reside in nursing homes under medicaid. These patients average 85 years of age and, like the elderly mentally ill, are afflicted with many disabilities and maladies which make it almost impossible for them to fend for themselves in the community. Senator Moss will be able to tell us more about what this proposal will do to these patients and to the entire operation of medicaid nursing homes.

Certainly, I can sympathize with the nursing home operators who have written me to express their concern with section 225(a). These people know all too well the precarious condition of State budgets. The following excerpt from a letter I received from Mr. Eugene J.

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Friedman, president of the New Jersey Nursing Home Association, reflects the dismay expressed in similar correspondence from New Jersey and other States throughout the country:

> The provision which gives us concern reduces Federal participation in the cost of skilled nursing care after the first 90 days of such service. This means, in effect, that the States will have to pick up the difference or reduce this care. New Jersey's Medicaid program already is at a minimal level and there is a real question whether skilled nursing care could be reduced here. Thus, there is a strong possibility, if H.R. 17550 becomes law without change in this provision by the Senate, that a new burden will be imposed on the State treasury.

At this point, I feel we should take a close look at the "incentives" which are offered to the States under section 225 (a). On the face of it, a 25-percent bonus to States if they elect to treat patients in their own homes or expand outpatient facilities, looks extremely worthwhile. Many elderly persons suffering from one or more chronic conditions would certainly prefer to be cared for at home by a home health aide. Outpatient clinics should most definitely be expanded and improved.

However, the elderly population represents the lowest percentage of those persons utilizing outpatient services of any kind. And perhaps with good reason. Older people cannot bear the long waits at clinics, the cursory treatment at the hands of overworked staff—many of whom are not trained to deal with the complicated health problems of the aging—and often, they have great difficulty even getting to the clinic due to inadequate and expensive transportation systems. I question the kind of expansion the States would institute for outpatient services to this isolated, often neglected group of Americans.

If the States elect to treat medicaid patients who have used up their allotted 90 days of care in nursing homes, or 275 days of care in mental institutions by utilizing home health services, artificial "homes" in the guise of renovated residential hotels might have to be created.

A great many of these patients, due to their advanced age, have no families and no homes of their own to return to, once discharged from these institutions.

Thus, it would appear that the incentives offered in section 225(a) represent a disguised retreat by the Federal Government, rather than a viable incentive to States to improve the care and services to their older populations.

These and other considerations lead me to speak out against section 225; to ask the Finance Committee in whose charge the present house-passed bill lies, to delete this section.

In closing, one final point. I hope that the administration will review this situation and follow the recommendations put forth by its own task force on medicaid and related programs in the so-called McNerney report released last month.

To quote from some pertinent language in that report:

> Page 36, McNerney Report—"We are aware of the legislative proposal now under consideration to limit care in mental institutions (H.R. 17550). We fully support the Department's commitment to modern concepts of care for the mentally ill and the development and implementation of alternatives to inpatient care in mental institutions, using Title XIX funds where possible. Maximum effort should be encouraged in planning for alternate care, guided by the needs of the patient."
>
> "In such a flexible approach to care based on a patient's needs, an arbitrary limitation on duration of care of patients in mental institutions is inappropriate, and the task force recommends against imposition of any limitation."
>
> Page 142, McNerney Report—"The task force is deeply concerned about the Administration's proposals to reduce the Federal share for skilled nursing home benefits (SNH) after defined intervals.
>
> "In the absence of real alternatives to SNH care such an approach is likely to result in an undesirable contraction of benefits. Moreover it is inappropriate to talk about 'misuse' of SNH beds so long as meaningful alternatives that provide acceptable levels of care across a broad spectrum are not readily available."
>
> Page 12, McNerney Report—"As part of the American welfare tradition—subject to social stigma, grudging public support, inadequate financing and general unpopularity among competing public services—medicaid has suffered the worst of the ills that befall our health care system. In addition to falling prey to the same current inflationary forces that plague the rest of American health care, in some instances medicaid has been forced to pay less-than-adequate prices for frequently less-than-adequate-services—to go hat in hand on behalf of its beneficiaries."

In the face of such recommendations from a task force created by the administration to study this program; and from the evidence presented in my statement, as well as those of my colleagues, one can only hope that this regressive measure will be deleted from the final Social Security Amendments of 1970.

Mr. President, I ask unanimous consent that a statement prepared by the Senator from Indiana (Mr. HARTKE) be printed in the RECORD.

There being no objection, the statement by Senator HARTKE was ordered to be printed in the RECORD, as follows:

EFFECTS OF SECTION 225 OF THE HOUSE-PASSED SOCIAL SECURITY BILL

Mr. HARTKE. Mr. President, the Senate will soon be asked to consider the merits of the House-passed Social Security Amendments of 1970. This legislation, which is now before the Senate Finance Committee, is commendable in many respects. It provides for much-needed improvements in the Social Security program.

However, I am deeply disturbed about one provision in the bill: Section 225(a), "Establishment of Incentives for States to Emphasize Outpatient Care under Medicaid Programs."

According to the Administration, this measure will save the Federal government $235,000,000 by eliminating custodial care for the aged in nursing homes and mental hospitals. President Nixon has said that the original purpose of Medicaid was to provide medical treatment, not long-term care.

Mr. President, I believe this is a faulty argument. First, the actual intent of Title XIX was to provide quality health care as a right, not a privilege, to all Americans in need. As a member of the Senate Special Committee on Aging I have heard testimony at countless hearings which indicates clearly that health care needs of an older person are quite often far different than for a younger individual, because of the high percentage of chronic illness among the elderly, their inadequate income levels and their very serious mobility problems.

Secondly, although President Nixon has said that the States should bear the burden for custodial or long-term care of the aged, the fact remains that the States are hard pressed for funds. This Committee has had reports of excellent nursing homes across the country refusing admission to Medicaid patients because they cannot afford to offer the kind of care these people should receive under the existing rate of pay. This has traditionally been the case. Indeed, a major reason for the enactment of the Medicaid program in 1965 was that States were having problems financing long-term or institutional care for the elderly.

Medicaid is a program for the needy or medically indigent—poor people. If, as Section 225(a) provides, an indigent elderly individual can only receive care in a skilled nursing home for 90 days, or care in a mental hospital for 90 to 275 days, or intensive care in a general or tuberculosis hospital for 60 days, he will be at a distinct disadvantage when his allotted time is up. He certainly is not going to be able to pay for his own extended care—and the States will not be able to pay for any additional institutional care for him. Evidence of this may be found in projections from the States themselves, on losses they will have to bear if Section 225(a) becomes law.

It is estimated that New York will lose $105,000,000; California $20,400,000; and my own State of Indiana estimates a loss of over a million. Compared to the large losses that will be sustained by New York and California, this loss may seem small, but when one considers the condition of most State budgets these days, it means a great deal in terms of services to older people who have no resources of their own. Where are these States (and others) going to get the funds to continue to care for their ailing elderly? Not from the "bonus" offered in Section 225(a) contrary to what we are expected to believe. The bonus to States in this provision is a 25 percent increase in Federal matching funds for expansion of outpatients and home health services.

Nebraska, for instance, will gain $24,800 for home health services under Section 225(a) but will lose $3,185,668 for nursing home care and $399,828 for care of aged mental patients—a total loss of $3,965,772 in fiscal 1971. Projected losses for fiscal 1972 total $4,758,537.

Thus, the "bonus" or the "incentives" as worded in the title of Section 225(a), are in reality simply cutbacks in federal funds.

Moreover, it is important to consider the needs of the population that will be most severely affected by this provision. Most older people receiving services under Medicaid are chronically ill and require long-term treatment and care. For the most part, they are without family and have no home of their own. Obviously, home health services will not help an older mental patient who has spent years in a mental hospital once he is discharged, since he usually has no home to return to. The same is true for Medicaid nursing home patients. Because of their advanced age, they too often have no real "home" and no family.

When considering the "incentive" of increased funds for outpatient services, we should remember that older people represent the lowest percentage of those utilizing outpatient facilities of any kind, all across the country. Why, then, would they suddenly make use of the "expanded" outpatient facilities provided by Section 225(a)? For example, if a hospital expands its outpatient services by hiring more staff and enlarging its facility, a younger person might be able to make use of this expansion. But an older individual who lives perhaps a mile or more away from Hospital X is still going to have difficulty getting to the "expanded" outpatient facility. This will be true in metropolitan urban areas, and in rural settings where the elderly will be further disadvantaged because in such areas the closest clinic may be miles away from the person's residence.

During 1969 I conducted hearings for the Committee on Aging on "Older Americans in Rural Areas". Since my own State of Indiana has a large rural population, this subject is of special concern to me. Mr. President, all of the testimony received in those hearings had direct bearing on my argument here. The elderly are the people who have been left behind in rural America, while their children and relatives move on to hoped-for greener financial pastures in suburbs or urban centers. Most do not drive and public transportation systems are virtually nonexistent, creating an unbearably isolated existence for these people. When an elderly individual becomes ill in rural America, he may have to travel miles to receive medical attention. If he must be hospitalized, or if he requires nursing home care, he may have to wait weeks or even months to be admitted to the overburdened facilities in rural areas. Indeed, if he is unfortunate enough to suffer from mental disorders, as well, the State hospital is often the only resource for him. In many rural States the lack of adequate nursing facilities causes the State hospital to become "home" to the chronically ill as well as the mentally ill.

Home health services could be of great benefit to these rural elderly and I agree that such care should be included under Medicaid and Medicare. This will require a great deal of expansion, however, including the recruitment and training of large numbers of personnel. It has been extremely difficult to recruit physicians and related medical personnel to come and stay in rural America. Recent cutbacks in health care training will not help, but will only serve to make a bad situation even worse.

Thus, I question the reality of such "incentives" as expanded home health and outpatient services to this population group.

It has been suggested that elderly patients who have used up their allotted time in nursing homes, mental hospitals and general or tuberculosis hospitals, be placed in "custodial" or domiciliary type homes, where the care is less costly. There is good reason why such care is less expensive. These facilities are usually simply boarding homes without trained personnel. They provide no medical attention, no skilled nursing and very little attention of any kind. What is provided in such places is food (not always the best) and shelter (not always clean or comfortable). This may well be the type of "home health" care that many of the discharged elderly mental patients and nursing home patients will receive under Section 225(a). If the States are to sustain their losses under Section 225(a), they may have to create "artificial homes" such as these, to make use of their home health "bonus" funds.

If that happens, we may well see a proliferation of such "homes" and a new kind of abuse of the Medicaid program. A strong utilization review committee would certainly be able to control costs, over-utilization and abuses of these facilities under Medicaid and I am happy to see that there is a provision for the same type of utilization review as in Medicare for Medicaid in the Social Security Amendments. If there is such a provision, why the decrease in Federal support? Indeed, there have been abuses under Medicaid, but why should the elderly poor, homeless and infirm, be required to suffer for "crimes" they did not commit? Why should the States have to suffer for the abuses of a few operators and physicians when such abuses did not occur in all States and are relatively few in number?

The "incentives" offered in Section 225(a) are in my opinion, simply a euphemism for the repeal of the adult service categories in the Medicaid program. If this punitive measure is allowed to stand, Mr. President, we will have cut the heart out of the Medicaid program—which offered so much hope to so many low-income ailing old people.

Mr. President, lest I be misunderstood, I would like to state I am in favor of tight budgetary controls, but I sincerely believe this measure to be an exercise in false economy. For the reasons I have outlined above, the Federal government may spend as much—perhaps more—as we are now, in providing services to these people because no true incentives have been offered to the States.

It is my hope that Section 225(a) will be deleted by the Senate Finance Committee before it reaches the Senate floor, and as a member of that Committee I intend to work toward that end.

Mr. MOSS. Mr. President, on July 21, I commented on the House-passed social security bill indicating my support for its general provisions and stating my objections to section 225(a) and its effects. Today I would like to amplify these earlier stated objections.

Section 225(a) has four parts, the first of which promises to the States an additional 25-percent bonus in Federal matching funds if the State will agree to treat medicaid patients through its home health services rather than through its nursing home system. The second part cuts Federal matching funds going to a general or tuberculosis hospital after an individual has received 60 days of care. The third provision cuts the Federal matching share paid to States for nursing home care by one-third after a patient has received 90 days of care and the fourth provision cuts the Federal matching by one-third after a patient has received 90 days of care in a mental hospital. This fourth part also commands that if a patient has been compensated by the Federal Government for a stay in a mental hospital of 275 days in his lifetime, that he becomes forever ineligible to receive any Federal funds going toward his care.

Section 225(a) accordingly is the codification of the Presidential suggestion that the Federal Government does not belong in the field of long term care. With this amendment the Federal Government seeks to withdraw from the field to the tune of $235 million which represents a projected savings in Federal funds.

It should be noted at this point that the amendments relate to medicaid—a program where the States receive matching funds from the Federal Government to help pay for the medical costs of indigents of all ages. It is from the destitute, the needy, and the poor that the Federal Government now seeks to recover $235 million.

Further, the Federal Treasury will gain $235 million by this withdrawal so the States must lose $235 million. The appropriate question then is, Where will the States find the replacement revenue? Suprisingly, however, that is not the question which emerged. The central question under discussion when the House passed the bill was: Do the States really need this revenue in the first place?

It was the contention that the above question can be answered in the negative. It follows logically that if the States did not need the funds initially, the sudden withdrawal of dollars at this point will cause no problems to the States and will have the salutary effect of fattening the Federal Treasury. What is implied is that the States have been spending medicaid funds simply to squander them like the proverbial drunken sailor.

Not only was it implied, it was stated explicitly that some people in the States are more interested in collecting Federal dollars than in the appropriate level of care for medicaid patients.

It is also curious that although section 225(a) contains four subsections as I have enumerated above, only one subsection was discussed at the time the bill passed the House and that is the subsection which cuts funds going to nursing homes by one-third after the patient has been in a nursing home 90 days.

It was argued that the States have become free with Federal medicaid funds and as a result skilled nursing homes in the States are overutilized. As further evidence it was pointed out that nursing homes have become big business and that corporations could not enter the field unless there was great profit to be gained.

Mr. President, it is possible that our skilled nursing homes are overutilized in terms of having patients who do not need medical but only custodial care. But one sound reason for rejecting this premise with regard to medicaid patients is that these patients are indigents—what we used to call welfare patients. They tend to be the oldest residents in nursing homes and with old age most patients have more than one chronic and disabling condition.

This fact reveals the bare bones of the faulty premise on which section 225 is based. The premise seems to be that medical science has advanced to the point that these patients can be "made well," returned to their homes or to institutions where they receive less care at less cost to the Government.

These patients who need the full spectrum of skilled nursing home care probably never will be made well enough to return to their homes and yet the Government has arbitrarily decided that its responsibility to these patients ends at 90 days.

It is recognized that these patients who suffer from chronic conditions and advanced age are expensive to care for and that they require more attention than their younger counterparts. Unfortunately this fact is not taken into consideration when States compute reimbursement rates.

The fact is that medicaid patients in general represent the least profitable class for a nursing home operator. Indeed, many nursing homes have refused to take medicaid patients because rates are so low. Others take patients only out of charity. Still others raise the rates for paying patients to make up for the losses they encounter when they accept medicaid or "welfare" patients.

Unfortunately some of the evidence gathered in our recent series of hearings conducted by my Subcommittee on Long-Term Care indicates that some nursing home operators segregate their "welfare" patients. These medicaid patients grouped together in one wing of a home receive less attention from staff and sometimes separate meals of lesser quality.

The fact is that medicaid reimbursement rates are woefully inadequate. California reimburses at the rate of $14 a day with paying patients averaging $25 a day and up. The State of Michigan pays $14.48 a day for nursing home care while the audited cost of county owned and sponsored nursing homes averages better than $20 a day.

The States are aware that these rates are inadequate and they would like to raise them to reasonable levels but the States collectively have been in desperate straits financially. Many have difficulty raising their share of the matching funds and doubtless they will have far greater difficulty after the proposed Federal withdrawal.

With this background I find it impossible to accept the notion that States are "big spenders," likewise I am not impressed with the argument that States are not interested in the appropriate level of care for their patients.

The States presently have programs of utilization review under their medicare programs and they should all have programs for medical review under medicaid such as are called for in my 1967 amendment to the Social Security Act. To the extent they do not, the Government must assume the responsibility.

For the sake of clarity I refer to Public Law 90–248, section 234(26) which commands the States by July 1, 1969, to establish programs of medical review under medicaid. Medical review teams composed of physicians and other appropriate health and social service personnel make periodic inspections to evaluate each individual patient's need for skilled nursing home care. These teams assess the adequacy of the care being given the adequacy of the services available to promote the maximum physical well-being of patients and inquire into the feasibility of meeting the health care needs of patients through alternative institutional or noninstitutional services.

Mr. President, medical review is called for by a statute which the Congress enacted in December of 1967. The deadline for States to be in compliance with this provision has been exceeded by well over a year and to date HEW has only issued preliminary regulations telling the State how to go about complying with the law. If these regulations were forthcoming and States were to institute these programs as required, we would go a long way toward separating those in these institutions who need medical care from those who can be classified as custodial.

This decision should be made on the site by a team of professionals, evaluating medical, social, and psychological evidence. It should not be made arbitrarily and remotely by dropping the Federal financial ax from the pinnacles of Capitol Hill.

The 25-percent bonus which is offered to the States if they will elect to treat patients through their home health services instead of in a nursing home is another example of this fiscal gimmicky.

At this point let me again make it clear that I appreciate the value of home health services. It was my 1967 amendment—Public Law 90–248, section 224—which made it mandatory that the States have home health programs and outpatient clinics under their medicaid program as of June 30 of this year. Likewise I have spoken out against the restrictive interpretation of "skilled nursing home care" which has had the effect of drying up the medicare home health program.

With the enactment of section 225 these home health services will be much used by the States to take advantage of the additional 25 percent in Federal matching funds. Unfortunately the majority of patients presently in medicaid nursing homes have no home or family to which they can be returned. The spector of the States buying old hotels, creating artificial homes and the bringing in of services is far from fantasy.

It is likewise reasonable to speculate that physicians will continue to solve the nursing home dilemma as they have all through the years. Under the medicare program patients were suddenly rendered incompensible by newly announced regulations all of which were given retroactive effect. To the patient it was the end of federally financed nursing services. The choice facing physicians was whether to return the patient to his home, family, et cetera, or to return him to the hospital. There can be little doubt that physicians resolved the dilemma almost overwhelmingly in favor of returning the patient to the hospital. This fact can be seen by the increase in medicare's average stay in the hospital for 1969–70.

This is more than a matter of passing concern for me since my 1967 amendment had the effect of raising standards in medicaid nursing homes and necessitated the spending of additional dollars by nursing home operators for more nurses and orderlies, for fire safety equipment and dietary services, et cetera. Through the provisions of section 225 the Government has announced that far from helping pay for these additional services, it is going to make substantial reductions in its commitment to the field of longterm care.

These losses to the States will be substantial. If section 225 is passed my State of Utah will lose almost $2 million which is proportionately just as important a loss to us as the loss of $105 million by New York and the loss of $18 million by Oklahoma.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the losses projected by the States if section 225(a) becomes law for those States which have to date reported to me and I ask that it be printed at this point in my remarks.

Certainly it is not inappropriate at this time to raise the question of where will the States come up with replacement revenues. From all the facts I doubt that the States will be able to make up the difference after this precipitous withdrawal by the Federal Government. The obvious conclusion is that services must be cut. Nursing home medicaid reimbursement rates may actually be lowered. Patients in need of nursing care may well once again be relegated to boarding homes.

All of this is bad news to nursing home operators who know all too well the condition of State budgets. Many have had to fight to keep rates at their present level. Nursing home operators know that the enactment of section 225 would mean a giant step backwards—a retreat into the past at a time when they are just beginning to shake off the unsavory reputation that has followed them since their arrival on the health care scene.

But this proposed amendment goes further than to cut funds going to nursing homes. It also cuts Federal funds going to mental institutions by one-third after a patient has received 90 days of care with a full cutoff of funds once an individual has received 275 days of care in his lifetime. Is the suggestion here that mental institutions as well as nursing homes are overutilized? Are many patients in mental institutions who do not belong there? If so where do they belong? In a skilled nursing home for 90 days? Perhaps in a custodial nursing home or maybe they can be served with Home Health Services. All of this is left unclear.

What is clear is that the Federal Government is determined to save $235 million at the expense of the destitute. A patient in a skilled nursing home is on notice that Federal Government responsibility wanes after 90 days. A patient in a tuberculosis hospital has only 60 days of security. A patient in a mental hospital can count on 90 days unless he has used up his lifetime total of 275 days. After these deadlines are reached those in need of long-term care need not look to the Federal Government.

These consequences are staggering to the imagination and they lead me to ask the Senate Committee on Finance to delete section 225(a) of the House-passed bill. As an alternative I ask that they join me in calling for prompt implementation of the provisions of my 1967 amendment which called for programs of medical review under medicaid in each of the States. If HEW were encouraged to issue regulations to advise the States in their efforts to comply with the law we could have a functional program of medical review which would serve the needs of individual patients in insuring that they receive the requisite kind of care, and the needs of the Federal Government could likewise be served in that patients determined not to be in need of skilled nursing home care would be designated to proper facilities.

I say again that the decision should be made by professionals evaluating medical, social and psychological evidence not by the Congress on the basis of financial considerations.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks the resolution on section 225 from the Georgia Commission on Aging.

There being no objection, the table and resolution were ordered to be printed in the RECORD, as follows:

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NURSING HOME CARE TOTAL IMPACT FIGURES FOR EACH STATE REPORTING

	1971
Alabama	$4,000,000
California	20,400,000
Colorado	4,000,000
Connecticut	2,000,000
Georgia	7,400,000
Idaho	818,629
Indiana	*1,041,000
Louisiana	4,250,000
Maryland	5,421,700
Massachusetts	5,000,000
Nebraska	3,500,000
New York	105,000,000
North Carolina	2,500,000
Oklahoma	18,000,000
Pennsylvania	13,100,000
South Carolina	2,734,959
Tennessee	8,000,000
Texas	9,167,230
Utah	2,000,000
Washington	1,288,000
Vermont	1,083,032
Virginia	2,420,000

*Represents only Indiana's projected loss to skilled nursing homes.

RESOLUTION ON H.R. 17550—PROPOSED AMENDMENT TO SOCIAL SECURITY ACT

Whereas, the House Resolution 17550 proposal to amend the Social Security Act contains some commendable provisions for improving the well-being of the elderly and deserves the support of our Senators, there is one section which provides for a reduction in the matching formula for funds states spend in caring for long-term care patients in skilled nursing homes after the patient has spent 90 days (in any year) in a long-term facility;

Whereas, it is the opinion of the Georgia State Commission on Aging that this is an unwise and precipitous proposal at this time;

Whereas, the Georgia State Commission on Aging wishes to call to the attention of the Senators that the poorest of the poor are currently being excluded in many instances from nursing home care because neither they nor their families can afford the supplement which the patient or his family must pay for nursing home care under the present system of funding. It is logical to expect that a reduction in federal matching would place even a greater burden on the meager and non-existent resources of older people:

Therefore, the State Commission on Aging wishes to go on record urging the Senators of these United States to postpone for at least one year any act which decreases the funding formula on indigent patients in long term care, to make during this interceding period of time a full study of the effects of this proposed legislation, and to seek alternatives to assure proper utilization of skilled nursing homes.

Passed in full session at the July 15, 1970 meeting of the Georgia State Commission of Aging.

HUGH W. GASTON,
Chairman, Georgia Commission on Aging.

PRESIDENT'S COMMISSION ON CAMPUS UNREST

Mr. ALLOTT. Mr. President, I have a suggestion concerning the great national quest to understand the young. I suggest that we disband the President's Commission on Campus Unrest and all read the Wall Street Journal.

The President's Commission on Campus Unrest has already heard the testimony of Prof. Sidney Hook, so it is all going to be downhill from now on, anyway. And the editorial page of the Journal contains more good sense on the subject of American youth than is apt to be unearthed by the next 10,000 professional "youth experts" summoned before the Commission.

For example, the Journal's August 3 lead editorial is headlined "Educating the Self," and it concerns this observation:

> Many older adolescents and young adults are pressured by a combination of the draft, the demands of an increasingly complex society and the rising expectations of their parents to prolong formal education well into their twenties. Yet the years from age 17 to 30 are for most people a time of identity-seeking, sometimes in considerable confusion. A wide variety of life experiences may best help a person work through it constructively.
>
> A university campus, needless to say, is not designed to offer such a range of experiences, nor should it be. And if external factors tend to pressure large numbers of young people to remain in school when for many education in the truest sense might better be gained elsewhere, the resulting frustration is all too understandable.

To help ease the confusing pressures on young adults, the Journal suggests four measures.

The first is termination of the draft and establishment of a volunteer army. This is a firm goal of this administration.

The second measure is reform of university admissions policies. Such reform, the Journal suggests, should be twofold. On the one hand, some young people who now automatically go to college—and are restless and unhappy there—should be kept out. And some nonyoung people should be encouraged to go to college.

This latter is particularly important. One of the most unstable and unhealthy things about today's large campuses is that they constitute a most unnatural community. What could be more unnatural, and foredoomer to tumult, than a conglomeration of 30,000 or 40,000 late adolescents in a town of approximately half that number. Senators are invited to contemplate the embattled and exciting town of College Park, Md.

Third, the Journal suggests that we, as a Nation, reassess the current importance we place upon possession of bachelor's degree.

Fourth, the Journal suggests that young people try to understand the rudimentary fact that neither society nor any of its subsidiary institutions—such as institutions of higher education—can give them, ready made, a "meaning" for their lives. Hence it is irrational to rail against colleges and universities which educate but do not give soothing shape to the individual's soul.

Mr. President, the most salient words in the Journal editorial are these:

> Indeed, a long-range solution to the problem of early adult confusion involves change too intangible for government programs.

That is the lesson we all must relearn each day in Government. It is dangerous hubris to assume that Government can deliver all the great commodities of life. Further, this is a lesson which should be learned as an essential catechism by all those who serve on such things as the President's Commission on Campus Unrest.

There seems to be something about service on such Commissions that causes normal men to go lusting after Government solutions to private problems.

Mr. President, so that all Senators may familiarize themselves with the Journal's wisdom, and in the hope that members of the President's Commission may take time from their musings to read the RECORD, I ask unanimous consent that the Journal editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EDUCATING THE SELF

One of the more valid—and infrequent—observations about the problem of the young goes like this:

Many older adolescents and young adults are pressured by a combination of the draft, the demands of an increasingly complex society and the rising expectations of their parents to prolong formal education well into their twenties. Yet the years from age 17 to 30 are for most people a time of identity-seeking, sometimes in considerable confusion. A wide variety of life experiences may best help a person work through it constructively.

A university campus, needless to say, is not designed to offer such a range of experiences, nor should it be. And if external factors tend to pressure large numbers of young people to remain in school when for many education in the truest sense might better be gained elsewhere, the resulting frustration is all too understandable.

There is great soundness to this insight, and for this reason we are pleased to print elsewhere on this page the testimony of S. I. Hayakawa, president of San Francisco State College, which discusses the problem of early-adult confusion in America, and which received too little public notice at the time of its presentation.

At the same time, we must confess to a bit of hesitance over making this point, for it is easily misused. Mr. Hayakawa himself, for example, follows his sound diagnosis with a questionable remedy. He suggests the problem of young adulthood in America might be eased by replacing the draft with a program of compulsory national service for all young people; he ignores the important fact that personal growth is, after all, a deeply personal matter and is best enhanced by personal freedom, not more social management by government.

Indeed, a long-range solution to the problem of early adult confusion involves change too intangible for government programs. It will occur, we think, as both the young and the old gain more tolerance for a notion well enough understood in other societies: That instead of launching himself into some lifelong pursuit at an immature age, a person of 20 or so might do well to spend a couple of years traveling, meeting people, working at various kinds of jobs, or just sitting around and mediating in an attempt to find out what life, for him, is really all about.

It may be argued that such self-education should be left entirely to the individual, that the rest of society need not worry about it. Yet with the problem of the young as serious as it is right now, we are tempted to consider at least a few possible developments which, over the long term, might prove beneficial.

First, rather than establishing a national service program to complement the draft, the Federal Government might do away with the draft altogether and establish a volunteer army. Although the problems are not minor, it is a direction many now favor. In any event, more bureaucratic government involvement in the lives of young people can only serve to deepen the bitterness of the alienated.

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Second, universities might begin to think of implementing strong admissions and other policies designed to admit only those young students who truly understand what academic life involves and who truly have an interest in it. They might also give some thought to the idea that a university need not be an exclusive preserve of the young, but rather a place for people of all ages and situations to come for periods of study at various times of life.

Third, parents of young people and prospective employers of young people might begin to take a different view of the importance of a college degree. To be sure, a college education is essential for some kinds of success, but for other kinds, an understanding of one's self and of the real world may be far more important. And as Mr. Hayakawa suggests, the self-understanding may make a postponed college education far more meaningful.

Finally, the young themselves might somehow gain an increased familiarity with a simple insight that too often seems strangely incomprehensible to them. It is that personal identity, a sense of meaning in life, is not something given by society, but created by the individual. Often it is necessarily an arduous task, and all the more so in a huge nation changing rapidly in a host of ways.

Whether the young and the old can get together in order to accomplish such changes—which, it must be understood, can at best provide only partial solutions—is by no means certain. But surely they are worth some thought, for if the problem of early adult confusion is not to be solved easily, neither can it be safely ignored.

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RETIREMENT OF EDWARD E. MANSUR, LEGISLATIVE CLERK OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Nevada (Mr. Cannon) relative to the retirement of Senate Legislative Clerk Ted Mansur.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Howard W. Cannon

RETIREMENT OF EDWARD E. MANSUR, JR., LEGISLATIVE CLERK

Mr. President, last Friday marked the final day of service to the Senate for one of this Chamber's most widely respected employees, Edward E. "Ted" Mansur.

Ted Mansur has served with distinction as Legislative Clerk of the Senate for the past 23 years. When I came to the Senate 12 years ago, Ted had already established himself as one of the most knowledgeable experts in the field. We in the Senate will certainly miss him.

Mr. President, in saluting Ted Mansur today, I would be remiss if I did not compliment his wife Carolyn and their daughters, Leslie and Carter. I know they are pleased to be able to have more time together with Ted and will enjoy tremendously their hobby of boating.

To Ted and his family, I am delighted to wish Godspeed and to again express appreciation for his contributions to our Nation in his 23 years of Federal service.

BASIC QUESTIONS OF INTERNATIONAL POLITICS

Mr. ALLOTT. Mr. President, during the several important foreign policy debates we have had during the spring and summer, I have been the fortunate recipient of extensive memorandums prepared by Prof. Stefan T. Possony.

Professor Possony is professor of political science and director of the international political studies program at the Hoover Institute on War, Revolution, and Peace at Stanford University. His publications include numerous articles in scholarly journals and such books as "Tomorrow's War," "Strategic Air Power," "International Relations," "A Century of Conflict," "Lenin, the Compulsive Revolutionary," "Strategic des Friedens," "The Geography of Intellect," and "The Legality of the U.S. Action in Vietnam."

In the coming days we will be debating other important matters with vast implications for our foreign policy. What we do about them will be determined, in large measure, by what we think about the most basic questions of international politics.

I have enjoyed and profited from Professor Possony's thinking. I do not agree with all that he says. But I share his concern with the misconceptions that seem to be influencing our estimate of the world's dangers. So that all Senators may profit from his thinking, I shall be placing some of his memorandums in the Record in coming days. Today I ask unanimous consent that three of Professor Possony's memorandums be printed in the Record.

There being no objection, the memorandums was ordered to be printed in the Record, as follows:

Communism and Nationalism

There is a misconception in many minds that nationalism and communism are mutually incompatible or hostile. Historically, American and European nationalisms have been anti-communist in orientation. One of the main roots of resistance against communism has been the notion of national independence and the incompatibility between national self-determination and communist imperialism. Nationalists also have objected to Marx's thesis that the proletarians have no fatherland; to Stalin's thesis that an "internationalist" communist must regard the USSR as his country, right or wrong; to the normal attitude on patriotism by communists who are living in non-communist states; and to the communist doctrine, now usually muted, on the ultimate "merging" of language, cultures, and nations.

Not all of the classical nationalist movements have been strongly anti-communist and some nationalisms in the developing world have cooperated with communists.

The communists themselves are not necessarily hostile to nationalism. Aside from the question of "national communism," the communists always have been meticulous in giving support to national objectives and making full use of the "national factor" in their strategy. In fact, they are past masters in exploiting ethnic differences and struggles. The constitutions of communist states place heavy emphasis on national structure and provide to *most* ethnic groups their measure of "autonomy" and "self-government." The USSR consists of 15 "union republics," which contain autonomous republics, *oblasts,* and *okrugs*. China is divided in autonomous regions, districts, and *hsien*. There are two autonomous regions in North Vietnam.

The emphasis both on "Russian" and "soviet" nationalism was very heavy during World War II, and continues heavy even now. The Maoists also play upon nationalism and they take Chinese chauvinism into full account.

The slogan that the proletarian has no fatherland was never withdrawn but Marx, Engels, Lenin, and Stalin, to name only those, were in many ways nationalists themselves. Marx was called "the Red Prussian" and he favored German unification. He also supported the unification of Italy, and Irish and Polish liberation.

Lenin got involved with the national problems of the Russian Empire during the revolution of 1905. As the communist use it, the concept of "national liberation" is a composite of communist and nationalist thinking: the independent nation is to become socialist, the nation dominated by non-communists is to be "freed" and communized. The communist-ruled nations join in a communist commonwealth.

Lenin wrote: "We would be very poor revolutionaries if, in the great liberation war of the proletariat for socialism, we should be unable to take advantage of any national movement directed at imperialism, in order to sharpen and deepen the crisis."

Lenin and Stalin have given decisive support to such "nationalist" or "fascist" leaders as Kemal Ataturk, Mussolini, Pilsudski, and Hitler. Stalin cooperated with the Kuomintang, and he sought arrangements with German and Japanese military leaders. He supported German nationalism against the nationalism of Poland and France, and Polish nationalism against that of Germany. Mao Tse-tung utilized the strong nationalistic revulsion of the Chinese against the Japanese. Khrushchev and Brezhnev have been supporting Nasser and the Arab nationalists, etc.

In terms of theory, history, and strategy it is therefore wrong to think in an "either-or" pattern. Ho Chi Minh unquestionably was a nationalist, equally unquestionably he was a communist. The same applies to the entire leadership of his party. It does not speak of scholarship if some writers propound the thesis that Ho Chi Minh—who, by the time of his death was the senior leader of the International Communist Movement—really wasn't a communist at all. In Ho's thinking communism and nationalism were combined, but the communist ideology was predominant and included nationalism; not the other way around.

There are differences between various communist leaders and parties, but a person who would put nationalism at the top of his value pyramid, would be purged or would have to break with the International Communist Movement.

Normally, the ally of an enemy is regarded as an enemy also. There may be differences in the degree of secondary or ancillary enmity. For example, we have no current reason to be concerned about Pakistan, which is an ally of Red China; and we don't worry about Hungary, which is an ally of the USSR. Furthermore, it is good practice to try to split a hostile alliance. But as long as an alliance keeps together and persists in active hostility, all of its members are necessarily hostile. We cannot therefore treat North Vietnam as though it were just one single enemy, doing its own thing in splendid isolation. It is a member of an extensive and expansive alliance system, and its allies support it because they believe North Vietnam's actions advance their own objectives.

Alliances are based on predominant harmony or identity of objectives and interests among the partners. The alliances of the Free World are derived primarily from harmony of national interest, e.g., all partners want to preserve their independence. In varying degrees, these partners also are committed to a democratic form of government.

Within the communist world the commitment to communism is basic and divergent national interests, as they exist, for example, between Bulgaria and Yugoslavia, and between Hungary and Rumania, are supposed to be submerged. This principle may break down as it did in the case of Yugoslavia, depending on power-relationships and the strength of nationalist feeling. It is important to realize, however, that the sino-soviet split cannot be explained simply by the ascendancy of nationalist over communist convictions. This split was caused by imperialistic requirements, economic necessities, strategic difficulties, divergencies in strategic concepts, and nuclear problems. It was *accompanied* by a highly significant ideological divergence. Nevertheless, the broad panoply of communism still is covering the two splitters.

The declared intention of *all* communist parties and states is to bring about world communism. Consequently, communist aggression, wherever and whenever it occurs, will serve the central purpose of communist world conquest, regardless of what other purposes aggression may be designed to accomplish, and regardless of whether there will be a single communist *hegemon*. We do *not* know whether the other communist states would hold Hanoi to the conquest of South Vietnam only, or would allow the conquest of the rest of Indochina or would in addition authorize the conquest of Thailand, or conversely would reserve Thailand for China.

The communists do make the difference between big and little brothers, notably in the case of the Great Russians and the Han Chinese. But they also acknowledge the limitations on the strength of each nation.

The question of Thailand seems to be unresolved. Yet there would not be any thought of the Vietnamese conquering Thailand. The take-over of the country is the task of the Thai communists. The question is, what would be Vietnam's role in the seizure of Thailand? Apparently China has staked out for itself the conduct of operations, but a communist-unified Vietnam would have about 30 battle-tested divisions, while China finds it difficult to project its power into Southeast Asia. Even if the Chinese were to run the operation it is pretty unlikely that Peking would consider incorporating Thailand as another province of China. China and North Vietnam could act jointly against Thailand or they might divide the work. Both or neither may grab territory. It is merely certain—or almost so—that neither will rest after victory.

Consequently, the take-over of South Vietnam, Laos, and Cambodia by Hanoi would not mean the end of the conflict. Instead Vietnam, or a new Indochinese communist empire, or China, or all together, would put resources and forces into promoting new "people's wars".

Would we let Thailand go? Or Malaysia? Or India? Is it not simpler to solve the problem in the *smallest* Asian theater that we can find?

That in the end the communist states will fight against one another is entirely likely, but this does not alter the fact that if communist aggression is not stopped, regardless of whether that aggression emanates from a single "conspiracy" or from a poly-centric alliance, it will spread like pollution. It does not even particularly matter whether the aggressor is communist or not. What matters is that there is aggression, that the aggressor is a member of an alliance system that has declared itself to be hostile to the United States, and that successful aggression always tends to spawn new aggression. It also matters that the United States policy has been to oppose aggression as a matter of principle.

ANAMNETIC ANALYSIS

The argument is sometimes advanced that we should tolerate the North Vietnamese aggression, because in so doing we would contribute to the splits within the International Communist Movement. This reminds me of a similar argumentation of the mid-1930's. At that time Italy was attacking Abyssinia, on the grounds, which was not entirely unreasonable, that if France and Britain were entitled to run empires in Africa, so was Italy. Indeed, the Italians needed land more urgently than the other imperialist countries. Of course, an important deal was involved: Mussolini wanted his African empire as a price for allying himself with France and Britain against nazi Germany.

I must confess with considerable embarrassment that in 1935, the pro-Italian argument appeared plausible to me. If Italy had taken a firm position against Hitler, this would have made a considerable and desirable difference. It might have slowed down the nazis and possibly have prevented World War II.

Mussolini was the protector of Austria, my own homeland. I hoped that he would protect his own protectorate—this would have saved the lives of many Austrians, including those who later were forced to fight in an imperialist war against the USSR and succumbed in the battle of Stalingrad.

Abyssinia appeared a small price to pay for peace. I wasn't thinking of sacrificing Abyssinians for Austrians—the presumption was instead that Italy would do the Abyssinians a lot of good. Since the Italians were good colonizers and had no reason to do harm, this thought was not half as far-fetched as the notion that the communist take-over of South Vietnam would be helpful to the South Vietnamese.

The argument turned out to be utterly wrong. It also was immoral—the distant foreigner *was* expected to pay our bill. The Italians, though they were fascists, did not behave too badly but Mussolini did not protect Austria and he did not join the democracies. The totalitarian philosophy drove him into the totalitarian camp with nazi Germany, contrary to Italy's political tradition and geography.

Those who thought as I did had been wrong in treating ideology with contempt although, God knows, few fascists took fascism seriously. Yet Mussolini's way of thinking was completely misunderstod. The irony was that the attempt to make a deal with Mussolini backfired. Both France and Britain experienced serious political crises because appeasement was as yet unpopular. Mussolini, his blackmail accomplished, joined Hitler and continued his aggressions, sometimes against Hitler's wish.

A non-ideological, 18th century image of foreign policy is still very much alive in the minds of advocates of a Vietnam deal.

Analysis of what those advocates say almost invariably shows that they either deny ideology as a policy-making or policy-deciding factor, or else deny it as a factor which creates or maintains alliances and leads to aggression.

The triumphant announcement that there is no or never was a communist conspiracy does not reflect very serious study. It usually is advanced by persons who have not given the matter much thought but who accept the cliché because it sounds plausible. Actually, the denial of conspiracy is rarely directed at the legal concept of conspiracy. It amounts to an *oblique denial that there is such a thing as the International Communist Movement*. The further denial is often added that communism as such is of no significance to American security. Bland assertions that "there is no International Communist Movement" and "communism is no threat" would be regarded as nonsense or evident self-deception. But more or less the same mental impact can be achieved by asserting that there is no communist "conspiracy."

It will be found that such a pleasing interpretation often is paired with the conviction that communism is merely another economic system, the implication being that the United States could just as well live and prosper with different economic arrangements. The elements of communism which really pose a threat to the United States and anybody else, in terms of political institutions, freedom, democracy, law, human dignity, happiness, and sheer protection against torture and survival, are simply ignored. Communist economics indeed are no threat—they don't work. But massive force and power, violence proneness, totalitarian dictatorship, and a firm will to victory—those are very real threats; and they won't go away if we merely resolve not to see them.

The wishful denial of the communist threat leads ultimately to the denial of the reality of communism. By contrast, those who have persuaded themselves that the reality of communism is in no way repugnant, inevitably deny the reality of the communist danger.

Conversely, the inflating of the communist threat and misinterpretations of communist reality also lead to wrong conclusions about the danger in which we find ourselves. Ignoring or belittling, let us say, the terroristic aspects of *all* communist dictatorships including that of North Vietnam results in a false evaluation of those systems. Yet the ignoring of change, for example, in Czechoslovakia, as well as the belittling of the Czech events in 1968, also result in false and self-defeating policies. The evolution which is taking place in the USSR is quite real and promising. Ignoring it is just as wrong as exaggerating it. Judgments about what has changed and what has remained unchanged must not be formulated in generalities, but must be specific. There must be awareness of time factors. A development which looked hopeful two or three years ago may have continued, or it may have stopped. I fail to detect the required sophistication in the Senate debates of these problems.

I am still more surprised that we do not distinguish between the dictatorships and the subjects the dictators are ruling. In the *Congressional Record*, the USSR is customarily referred to as "Russia," yet there is no such state. The citizens of the USSR (a term which does not have the same meaning as "Soviet Union"), and even the dictators in the Kremlin, are usually called "Russians". Yet half of the citizens of the USSR are *not* Russians; only a very small minority among the Russians as well as among the other ethnic groups in the USSR are communists; the Kremlin rulers are not all Russians and those who are, act as Russians, Russian imperialists, soviet imperialists, and international communists. Similarly, there is no evidence whatever that the population of North Vietnam is predominantly communist, or that the communist bosses speak for the people of North, let alone South Vietnam.

This method of looking at partial evidence and of relying on the most hopeful interpretations has been applied to soviet weapons development and to the danger of nuclear war—the axiom is proclaimed that there won't be such a war, and an axiom is necessarily true because it must be true. I simply want to mention this large subject, but I will not deal with it. However, I must stress that the nation as whole and the Senate in particlar seem to be looking at only a small portion of the many activities the communists are engaged in.

There is no awareness of how many guerrilla wars are underway at this moment: Senator Bennett stated that so far the communists waged subversive warfare against 19 countries. They were successful in four cases, and are continuing their efforts in nine countries. The Senator listed six failures—all since the end of World War (*Congressional Record*, May 20, p. 16366). This list is incomplete, but it is long enough.

The psychological operations undertaken by the communists are ignored although thirty years ago there was nation-wide pre-

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occupation with nazi propaganda. The operations that are connected with the war in Indochina, such as the communist guerrilla activities in the Himalayas, or in Malaysia, are ignored.

The Middle East, where the conflict is just as much due to Moscow's instigation as the struggle in Vietnam, is thought about separately in its own waterproof compartment. Neither shooting war is seen as what it really is, namely a part of the confrontation between the USSR and the United States.

To top it all, the very substantial military preparations by the USSR along the borders of Red China, while occasionally reported, have not taken their rightful place in our political consciousness. Hence we don't see either that these shooting wars are part of the confrontation between China and the U.S., as well as elements of the conflict between China and the USSR.

In summary, the communist threat continues and is being *developed* through a bold and ambitious world-wide strategy which, of course, is executed through concrete actions in specific areas at specific times, sometimes through conflicts between communists and anti-communists, sometimes through conflicts instigated between non-communists, and sometimes through conflicts between communists.

The communists have prepared themselves intellectually for this endless contest through attention to dialectics. The habit of dialectic thinking helps to anticipate changes, to work on contradictions, and to relate events and trends on a world-wide basis. They never would think of disconnecting Vietnam from the rest of the world. On the contrary, if there were no connection, they would forge one.

The United States remains intellectually ill-prepared. Our greatest single weakness, it seems to me, is what I like to call *anamnetic analysis*. This type of analysis rests on forgetfulness and selective memory; on partial evidence, obliquity, and embellished facts; and in the last analysis on the rejection of the historical record and of the rules of evidence.

It remains true that the future is unpredictable. But we never will make good decisions if we ignore the lessons of the past and the facts of the present. We can't know what will happen but we can learn that which is known and knowable.

Senators have quoted Confucius to the effect that a man who makes a mistake but does not correct it, makes a second mistake. Quite so. But the first order of business would be to identify precisely what the mistake really was, and not simply to assume that one already knows.

The Meaning of U.S. Strategy

The soviet threat, or more broadly the communist threat within which the soviet factor predominates, has been in existence since 1917 and it became the somewhat belated *raison d'être* of American strategy by 1947. Communist strategy went through several cycles of lowered or increased intensity, or ebbs and flows, as Stalin put it, but on the whole it was strategy of steady and systematic pressure. The success of this strategy is attested by the growth of the USSR's absolute and relative power, the extension of soviet influence on world affars, and the expansion of the communist dominion.

Soviet strategy often is held to be opportunistic and lacking in purpose, but its consistency is, in fact, rather astounding. Despite considerable fluctuations and some very substantial modifications as, for example, in the strength of our deterrents U.S. strategy also has been remarkably consistent and persistent.

U.S. strategy derives its ultimate inspiration from the U.N. charter and that charter's opposition to aggression. War strategy is in essence a national application of the charter against those communist states that would be aggressive. Under Article 51 we are entitled to such self-defense until the U.N. Security Council takes over on the happy day when the aggressor loses the protection of the veto. This day will come only when the USSR opposses aggression by its friends and does not itself engage in aggression.

The United States pursues its strategy in conjunction with many other states, for which purpose it is allied with most of the leading nations outside the communist bloc. These alliances are "mutual" in nature, that is each member is expected to help the other partners. While additional military power has been generated through the alliance systems, U.S. military strength predominates and the security of virtually all allies is basically dependent upon the American guarantee. The United States has aimed at increasing the defense capabilities of its allies, so that it does not need to bear the main burden indefinitely and everywhere. There have been some successes in that direction, but the United States is somewhat overcommitted, while in terms of armaments and participation in security programs, many of its allies remain undercommitted.

There are socio-economic causes of why the defense efforts of many allies are limping, and those cannot be eliminated over night. In some allied states, there is not much political will for contributing a reasonable share to the common defense. Other allies are not satisfied with U.S. performance. The U.S. itself has soft-pedalled its leadership.

For reasons which go beyond the problem of preventing communist aggression, the United States, together with the USSR, adopted the nuclear non-proliferation treaty. The effect of this treaty has been, and necessarily must remain, that the United States assumes the major defense missions within the Free World, whereas the USSR, if it lives up to the treaty, carries that crucial burden within the communist bloc. In the absence of this treaty the explicit and implicit commitments of the U.S. would be reduced but the treaty was accepted in the hope that it would strengthen international security.

The United States also has associated itself with many smaller states, including quite a few countries in the developing world, and it has contributed to their defense capabilities through various aid programs. Some of those countries have been strengthened, others are not yet in a position where they can successfully defend themselves.

Except for the nuclear forces of France and Britain, which are weaker than those of Red China, the U.S. must buy and operate all of the expensive long range strategic systems. But few of our allies have seen fit to help us in opposing the people's war which, according to General Giap, "is the model of the national liberation movement of our times," and which, therefore, poses a threat to every non-communist country. We have regional, multi-lateral, and bi-lateral alliances, but the Free World as such is not organized for common defense, and for all practical purposes the U.S. alone is engaged in multi-regional or global strategy. As the British move out from east of Suez, the situation is becoming more acute.

Within that framework, American strategy has been characterized by three main undertakings: deterrence, containment, and efforts to liquidate the global conflict through negotiation.

Our efforts to deter communist aggression, especially nuclear aggression, have been based on superior strength in long-range and tactical nuclear weapons and sufficient strength in conventional forces. Our deterrence strategy has worked quite well inasmuch as aggression against the United States, Europe, and Japan did not occur. The USSR was not strong enough for major war. Our deterrent posture, however, is weakening in both nuclear and conventional strength and it remains to be seen whether a "balance" of strategic power will be enough to keep the peace. Aside from quantitative relationships such as superiority or inferiority, the ability of the United States to protect and preserve strong strategic forces against nuclear surprise attack remains crucial.

There have been different approaches to the technological and operational implementation of deterrence and conflicting opinions about the economics of reliable war prevention. But so far as I know no expert has argued that deterrence is unnecessary because there is no threat. Nor has there been an articulate opinion to the effect that deterrence cannot work as a strategy or that deterrence would be undesirable.

However, the application of the deterrence doctrine to "limited war" and to "people's war" has always been dubious. Those lesser forms of aggression could threaten the survival of American allies and hence could involve the United States in larger conflicts. Not all areas threatened by this form of aggression are necessarily important to us, but some areas undoubtedly are. The idea that the communists should be dissuaded from launching lesser aggressions, has never been disputed, but the type of deterrence that is applicable to the USSR—namely the threat of nuclear retaliation and the Kremlin's ability to understand this threat—is not applicable to guerrilla commanders and primitive states. Retaliation is unlikely and hardly effective, the threat of reprisals cannot be properly assessed, and guerrillas cannot always be held back.

Accordingly, the United States has undertaken many military moves to drive home the point that those types of aggression do not pay, that they will be resisted, and that the aggressor will be defeated. Deterrence of the global type can be attained *sans* war through forces-in-being and technological maneuver. Deterrence of the local or regional type requires *victory* by the deterring power. If that victory cannot be achieved and if on the contrary, the people's war aggressor wins, it would *not* follow, as General Giap stated, that "the United States . . . can be defeated anywhere in the world". But deterrence would be failing.

Containment is the second strategic undertaking of the United States. This means that if the communist opponent reaches out to take over a country, we will try to repel the attack. The significance is that containment operates when deterrence breaks down. If successful, it re-establishes deterrence and preserves the integrity of the Free World. Containment is, essentially, the antidote to the protracted world revolution. If that revolution were called off, containment would not operate; if the revolution continues, containment is the pre-requisite to its cancellation.

We have not always lived up to this concept of containment which we began to apply in the late 40's to protect Greece, Turkey, West Berlin and West Germany. We did not contain the communist conquest of China (except for Formosa), North Vietnam, and Cuba.

I will not discuss the question of whether we could have prevented the fall of those countries, nor explore why it was our deliberate or inadvertent policy to facilitate the communist take-over of China and Cuba. (We also facilitated Ho Chi Minh's coming to power in 1945, but that was before the containment policy was instituted.)

My point is far more elementary, namely that our troubles with the USSR have been continuous since the end of World War II and that the fall of those three countries to communist domination has not in the slightest mitigated the troubles with the Soviet Union, instead it has exacerbated our diffi-

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culties. In addition, each of the three countries which became communist because we failed to invoke the containment strategy, has concentrated on aggravating the cold war and on stimulating hostility against the United States.

We also dropped containment in the case of Eastern Laos and thereby made possible the subsequent North Vietnamese aggression.

The insight that breaches of containment are inadvisable and that it should be possible to stop some aggressions with limited means led President Kennedy to his preoccupation with "counter-insurgency" and resulted in the massive U.S. involvement in Vietnam under President Johnson. The idea was also that this sort of aggression must not be tolerated against a state whose survival we guaranteed; that we must learn how to contain people's wars effectively and thereby deter the next attacks; and that Mao's, Ho's and Giap's test case must be made to fail.

For a number of reasons we did not do a very good job at this undertaking. We went to Vietnam for excellent reasons but we picked a highly deficient strategy. Consequently, we are now in a situation where we again face a failure of containment, not only in Vietnam itself, but also in the Eastern Mediterranean, where containment is being applied ineffectually. The communist advance is not very visible and it may not be permanent but penetration into the Mediterranean has occurred and heavy political infiltrations have resulted. Hesitant containment has not worked, and the new soviet method of expanding by naval means is baffling our planners.

The strategy through which we were implementing containment in Indochina was counter-productive—I hope we never fight a really strong opponent in the way we fought North Vietnam. Although containment should keep the alliance together, the Vietnam exercise was accomplished by an erosion of our coalitions.

The third undertaking—negotiation—covers many subjects. It need be mentioned merely that three fundamental purposes are involved: First, negotiations deal with those economic and political factors which can be handled diplomatically. Second, negotiations are conducted, hopefully, to achieve some measure of arms control. The question of whether the arms limitations agreements which were concluded, basically, between the U.S. and the USSR, have been *mutually* beneficial or will in the end prove to have favored the USSR unilaterally, has not yet been answered. Much will depend on the internal evolution in the USSR which is beyond the ken of negotiation. Third, continuous communications may facilitate the arrangement of compromise and prevent open conflict between the U.S. and the USSR.

Many of our negotiations have been inconclusive. Some were counter-productive, but others did probably avert catastrophic developments. Yet it has not been possible to negotiate meaningfully on the termination of the conflict. There has been talks with China and North Vietnam, but it would be inaccurate to describe those as negotiations.

Negotiations certainly have not proved to be a panacea to our problems. Much publicity is given to diplomacy, but the efficacy of this technique is overrated. Those who deplore armaments, conflicts, and confrontations usually propose that we should negotiate and negotiate again. This would be an excellent proposition if it were acceptable to our opponents and if the communists were to give up the notion that diplomacy is a conflict technique, which often is designed to cover a military retreat or to substitute a method of conquest cheaper than force.

Negotiations with communists cannot be rendered more effective by perpetuating them, by making known to the opponent that we will do almost anything if he only would talk, by offering major concessions in advance, and by giving the impression that we will allow ourselves to be out-negotiated.

Negotiations cannot succeed if they are our main, let alone our sole effort, instead of being integrated with deterrence and containment.

In other words, we have a well thought-out strategy for which no really attractive alternatives have yet been proposed. The execution of this strategy was not always effective and very rarely efficient. In several instances, we did not carry out the strategy to which we had committed ourselves on a bipartisan basis. In those instances we experienced failure. The aberrations proved the value of the "normal" strategy—the one we had thought through and the one to which we were committed openly.

The main difficulty we experienced with our strategy has been that it is expensive. Yet it is cheaper than would be any of its alternatives, e.g. aggressive war, piecemeal surrender, or capitulation *en bloc*. It also is cheaper than would be a strategy of isolationism which, predictably, would result in the encirclement of the United States.

Another difficulty is that our strategy is not designed to produce quick-fix solutions but must be applied steadily over decades. The American people, including Congress, tend to be impatient. After a while when this strategy is no longer explained over and over again, probably because a psychological saturation point has been reached, its meaning is forgotten. Consequently, our actions are misinterpreted and become erratic and impulsive. We usually return to the old strategy—there is no attractive alternative, as I pointed out—but only after painful set-backs.

This is precisely the sort of behavior which we should avoid in future, because it makes the job more difficult and because the opponents are tempted to miscalculate. *The so-called crisis about Vietnam did not erupt because we have been failing but because we have been succeeding too slowly.* Its main psychological root, at least in the Senate, is impatience—thus it appears to me. I am just as aware of the casualties as anybody else but, again, alternative strategies would be more costly. French strategy in 1940 was based on the concept, "nous sommes avares du sang français". A more realistic strategy would have saved French lives.

A member of Congress expressed his belief that a democracy like the United States cannot engage in protracted conflict because its morale cannot endure. This notion amounts to saying that in a world where protracted conflict is being waged aggressively by totalitarian dictatorships, democracy cannot survive. If democracy has an inborn weakness which precludes effective self-defense, then it is high time to diagnose this defect and cure it. I am personally convinced that democracy is superior to dictatorship in all aspects of statecraft and I want to register the fact that I have never seen any reasonable proof which shows that, from a defense point of view, a democracy is necessarily helpless. On the face of it, the argument if stated as a generality, is silly since democracies have won many gruelling wars. Back in 1939, I debated this very question with British General J. F. C. Fuller, the "father of the tank". I conceded that dictatorships have initial advantages in the preparation and launching of conflict but that subsequently the strong points of democracy should prove decisive. Retrospectively, Hitler and Mussolini did not win; but Stalin did—we helped him.

It is certain that a democracy cannot function well if it is misinformed. During World War II, American public opinion was fully cognizant of the facts of Hitlerism, but it was taught to think naively about Stalinism. Hence the unsatisfactory outcome of that major war.

What is the situation today?

The treatment of the current and developing threats against the Free World and the United States in the American press and in Congress tends to be complacent. There are occasional alarms and warnings but those are not taken too seriously or they are discounted as Pentagon "budgeteering". In the midst of two shooting wars the attitude still prevails that the "cold war" is gradually running down. The threat is not seen as a whole but only in its individual symptoms. For example, connections between the SS-9, the USSR's first-strike missile, and Vietnam, or the inter-relationships between American domestic troubles and the types of our defense programs, are kept neatly separated. It is almost impolite to point out that, at this writing, it is the Kremlin, which is deploying the SS-9, which is pushing rapidly ahead with ultra-modern strategic weapons, which is instigating conflicts in the Middle East, which is supporting the North Vietnamese aggression, which is conducting political offensives in Germany and Italy, and which is supporting Cuba (which in turn is training American revolutionaries).

All this activity is in line with the idea that the communists will "bury" us. We were told that Khrushchev did not mean "burial" in the literal sense; and this explanation tranquilized the United States.

To be sure, Congress and the Executive have taken many steps to preserve and modernize our military strength, and numerous Members of Congress are seriously concerned about current ominous changes in the international power balance. Yet only very few Americans recognize the threat in its totality.

A confused people is not skillful at defense. A people from whom the danger is hidden by paper curtains and television screens cannot sustain long-range strategy. And a people that is subjected to an alternating current of peace and conflict "signals" must tend toward hysteria.

The mechanisms through which the desire for freedom and will power can be significantly weakened have been described by the Pavlovians; and, unfortunately, drugs constitute "technological progress" over orthodox conditioning.

Are we taking our primary problems serious enough? Or are we sublimating them through clichés and concern about secondary problems?

CONGRESSIONAL CHANGES IN THE BUDGET

Mr. ALLOTT. Mr. President, as I have previously promised, I intend to continue to place in the Record the scorekeeping reports prepared with such diligence and scrupulosity by the able Representative from Texas (Mr. Mahon) and the Joint Committee on Reduction of Federal Expenditures of which he is chairman.

We now have available the joint committee's most recent scorekeeping report, cumulative to July 28. It contains three items of special interest.

The first is a survey of congressional changes in the budget, which reads as follows:

Congressional Changes in the Budget

(a) Budget authority for fiscal 1971:

1. House actions to July 28, 1970 on all spending bills—appropriations and legislative—have increased the President's requests for fiscal 1971 budget authority by $7,735,754,000.

2. Senate actions to July 28, 1970 on spending bills—appropriations and legislative—have increased the President's budget authority requests for fiscal 1971 by $4,193,265,000.

3. Enactments of spending bills—appropriations and legislative—to July 28, 1970 have added $2,198,408,000 to the President's budget authority requests for fiscal 1971.

(b) Budget outlays for fiscal 1971:

1. House actions to July 28, 1970 on all spending bills—appropriations and legislative—have added a net of $2,413,052,000 to the President's total estimated outlays for fiscal 1971.

2. Senate actions to July 28, 1970 on all spending bills—appropriations and legislative—have added a net of $2,413,052,000 to the President's total estimated outlays for fiscal 1971.

3. Enactments of spending bills—appropriations and legislative—to July 28, 1970 have added $553,434,000 to the President's total estimated outlays for fiscal 1971.

(c) Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000:

1. House actions to July 28 on revenue proposals total $708,000,000 (including a net of $173,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

2. Senate actions to July 28 on revenue proposals total $757,000,000 (including $439,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,304,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

3. Enactments of revenue proposals to July 28 total $322,000,000, leaving a balance of $4,300,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

Mr. President, the joint committee's report also contains two tables which are of special interest at this time. They are the budget summary on page 5 and the "Supporting Table No. 3"—Revenue proposals affecting the fiscal year 1971 budget on page 13. I ask unanimous consent that these tables be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALLOTT. Mr. President, the story these figures tell is remarkably unambiguous. They are compiled by a bipartisan committee and reflect the competent handling of objective data. The sad fact is that only five of the 14 appropriations bills have passed Congress. Two of them contain congressional action that adds nearly a billion dollars to the President's requests.

The Denver Post of July 27 contained an editorial that shed some much needed light on the question of Congress' real culpability for our current budgetary problems. It comes down hard on the irresponsibility of Congress in adding to the budget—as in the $453 million addition to the education bill and the $541 million addition to the housing funds—without providing either offsetting budget cuts or additional revenues.

Mr. President, so that all Senators may take note of the Denver Post's stern words, I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

Mr. ALLOTT. Mr. President, the story we are now hearing with increasing frequency is that congressional restraint is just around the corner. The theory is that someday in the near future spending restraint will be practiced by those who have recently been busy adding inflationary spending to the President's prudent and responsible requests. According to this theory, fiscal restraint will blossom like the green bay tree when it comes to spending for national defense.

Mr. President, I hope that the big spenders have a better plan than that. It would only compound the damage if, after weakening the economy by fueling the inflationary fires, they were to turn around and try to compensate for this by weakening the Nation's defenses.

This would be the wrong attack on the wrong object with the wrong consequences. The hard fact is that the Defense budget submitted by Secretary of Defense Laird has been pared down as far as prudence permits.

As I have repeatedly emphasized in this Chamber, under Mr. Laird's leadership we have managed to reduce the percentage of the Federal budget devoted to defense. This has been accomplished by a variety of measures. Among the most significant was the administration decision to gear down our military effort to a point at which we would have a capability suitable for a "one-and-a-half-war" strategy, as opposed to the "two-and-a-half-war" strategy which was so generously funded by Congress for the previous two administrations.

Mr. President, is it not clear—from the figures I have inserted in the RECORD today, and from commonsense—that Congress can practice fiscal restraint without nibbling away at our Nation's defenses? The primary responsibility of the Federal Government is to provide for the national defense. Thus, when it comes to apportioning finite resources to the many demands of our complex society, it is shortsighted and irrational to mutilate the defense budget—and thereby mutilate defense planning—to compensate for spending exuberances practiced in other fields of Federal endeavor.

There are many things wrong with the appropriations process as practiced by this Congress. However, until recently it has not seemed that these inadequacies contituted a direct threat to national defense. It now is becoming clear that, for example, the rise in "uncontrollables" in the Federal budget encourages budget cutting to focus on the defense budget. This tendency is only aggravated when Congress goes overboard in spending in other areas—as it has gone overboard in connection with education and housing spending.

In the coming days and weeks and months of what is becoming another long-distance Congress, I intend to keep up a steady conversation—I hope it will not be a monolog—on the appropriations process. I hope that the subject of this conversation will not be Congress' continuing dereliction of duty. I hope that a continuing discussion of the facts—a discussion made possible by the outstanding work of Representative MAHON's joint committee, will itself contribute to an improved track record in the remainder of this Congress.

EXHIBIT 1

SUPPORTING TABLE NO. 3—REVENUE PROPOSALS AFFECTING THE FISCAL YEAR 1971 BUDGET

[In millions of dollars]

	Estimated receipts for fiscal year 1971	Congressional action on fiscal year 1971 revenue proposals to date		
		House	Senate	Enacted
Revenue estimate in the fiscal year 1971 budget	202,103			
Revenue estimates as revised by subsequent proposals and reestimates	204,109			
Adjustments for interfund and intragovernmental transactions and applicable receipts	16,928			
Total gross receipts	221,037			
To be derived from existing revenue legislation	216,415			
Estimated revenues to be derived from proposals in the fiscal year 1971 budget:[1]				
Excise taxes-extension of present rates (H.R. ——):				
Automobiles	[2] 260			
Telephone service	300			
Social security-increase wage base (H.R. 17550)	205	204		
Unemployment insurance-increased benefits (H.R. 14705)	(3)	194	194	[4] 194
Railroad retirement (H.R. 15733)	104			(5)
User charges:				
Aviation services (H.R. 14465 Public Law 91-258)	370	331	318	322
Highways (H.R. ——)	259			
Other (H.R. ——)	24			
Subtotal, revenue proposals in the 1971 budget	1,522	729	512	516
Estimated revenues to be derived from other proposals:				
Estate and gift taxes—acceleration (H.R. ——)	1,500			
Proposed tax on lead used in the manufacture of gasoline	1,600			
Ad valorem tax on cigars (H.R. 1002)		[4] −21		
Wagering tax amendments (S. 1624)			[4] 17	
Currency write-off (S. 3825)	(6)		228	
Total, revenue proposals	4,622	708	757	516

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[1] Without congressional action on each item, estimated receipts will be reduced by these amounts.

[2] Excludes $90,000,000 floor stocks refunds required if legislation not enacted.

[3] No effect on fiscal 1971 revenue: $153,000,000 in 1972, $668,000,000 in 1973, and $719,000,000 in 1974.

[4] Committee action.

[5] Subject to or in conference.

[6] Request assumed budgetary impact in fiscal year 1970.

BUDGET SUMMARY

A SUMMARY OF FISCAL YEAR 1971 AND FISCAL YEAR 1970 FEDERAL BUDGETS—REFLECTING CONGRESSIONAL ACTIONS AFFECTING THOSE BUDGETS DURING THE 2D SESSION OF THE 91ST CONGRESS

[In millions of dollars]

Summary totals	Budget authority (obligational and lending authority) (1)	Budget outlays (expenditures and net lending) (2)	Budget receipts (3)	Budget surplus or deficit (4)
Fiscal year 1971:				
Net total budget estimates as submitted Feb. 2, 1970	218,030	200,771	202,103	+1,332
Net total budget estimates as revised by subsequent budget amendments and release of May 19, 1970	220,722	[1] 205,343	[1] 204,109	[2] −1,234
Adjustments for interfund and intragovernmental transactions and applicable receipts	+16,928	+16,928	+16,928	
Total gross budget estimates	237,650	222,271	221,037	−1,234
Budget estimates not requiring further action by Congress (previously enacted or permanent)	87,706	125,959	216,415	
Prior year's budget authority		(96,484)		
Current (1971) budget authority	(87,706)	(29,475)		
Budget estimates requiring action by Congress	149,944	96,312	4,622	
BOX SCORE				
Effect of congressional action on budget estimates to July 28, 1970 (net changes from the revised budget):				
House	+7,736	+3,105	+29	−3,076
Senate	+4,193	+2,413	+283	−2,130
Enacted	+2,198	+553	+146	−407
Effect of congressional inaction on negative budget and new revenue proposals (see tables 3 and 4, pp. 13–15)	+2,024	+2,134	−4,106	−6,240
Fiscal year 1970:				
Net total budget estimates as submitted Feb. 2, 1970	209,051	197,885	199,386	+1,501
Net total budget estimates as revised by release of May 19, 1970	[3] 210,626	[4] 197,585	196,400	[5] −1,185
Net total budget estimates, as changed by congressional action in the current session	[3] 211,731	198,101	196,200	−1,901
Actual net total as enacted by Congress and reported by the Treasury	[3] 211,731	196,752	193,844	−2,908

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[1] Differs from the revised estimates for outlays ($205,557,000,000) and receipts ($204,303,000,000) in the President's May 19, 1970 statement on current 1971 budget estimates by $214 million for outlays and $194 million for receipts. These amounts are the increases for outlays and receipts included in the President's May 19, 1970 revised budget estimates which are also carried in this report, for scorekeeping purposes, as Congressional additions to the 1971 budget.

[2] The President's May 19, 1970 statement reflects a projected deficit for 1971 of $1,300,000,000 ($1,254,000,000).

[3] Partially estimated.

[4] Differs from the revised estimate for fiscal 1970 outlays ($198,200,000,000) in the President's May 19, 1970 statement by $615 million. This amount is the outlay increase included in the May 19 revisions which are also carried in this report, for scorekeeping purposes, as Congressional additions to the 1970 budget in the current session.

[5] The President's May 19, 1970 statement reflects a projected deficit for 1970 of $1,800,000,000.

EXHIBIT 2

[From the Denver Post, July 27, 1970]

NEEDLING OF CONGRESS JUSTIFIED

President Nixon was being somewhat political when he warned Congress Monday that the people would "turn on" it in the November elections if it continues to appropriate more money than he has requested. The Democrats control Congress, as Republican Nixon is keenly aware.

Nevertheless, beneath the politics the President has a solid point. Max Frankel clarifies it in an article elsewhere on this page.

It is indeed long past time that Congress improved its ways of handling of appropriation bills. Specifically, it should have to add up the amounts it is spending and meet the same budget ceiling it tries to impose upon the President.

It is flatly irresponsible for Congress to add $400 million to the President's budget for education, for instance, without bestirring itself either to find out where offsetting cuts can be made, or else to increase revenues enough to cover the added appropriations.

As things are now, Congress passes each departmental appropriation as it comes along with only the vaguest idea of what total spending will be until the final days of each session.

It makes no serious attempt to set spending priorities between, say, farm subsidies, defense, supersonic transports and education. Instead, Congress sets a spending "ceiling" for the President and leaves to him the politically hot task of withholding spending of some of the appropriations in order to stay under the ceiling.

Then, like as not, when the President does refuse to spend some of the money Congress has allotted, some congressman will rise to criticize the President for invading the prerogatives of Congress.

This is a nonsensical, irresponsible system—if you can call it a system.

It would, as Frankel points out, revolutionize the politics of Congress if that body were to try seriously to set spending priorities for the nation. And the semi-fossilized elders who run Congress are afraid to get into priority-setting—afraid pet projects would get cut out in any rigorous priority-setting process.

The fact remains that the present nonsystem of handling appropriations in Congress is unworthy of any legislative body that wants to be taken seriously.

And President Nixon will be quite justified in continuing to needle Congress until it does improve its handling of its major responsibility—the spending of the people's money.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is the unfinished business before the Senate?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment is one which would change the policy and require that no information concerning the identity or location of the person, company, or corporation to whom any contract has been awarded by the Department of Defense shall be given to any individual, including any Member of Congress, in advance of a public announcement by the Secretary of Defense of the identity of the person, company, or corporation to whom such contract has been awarded.

The amendment provides further:

> On and after the date of enactment of this act, whenever the identity of the person, company or corporation to whom any defense contract has been awarded is to be made public, the Secretary of Defense shall publicly announce that such contract has been awarded and to whom it was awarded.

Recently, a special panel appointed by President Nixon made a strong recommendation that the Defense Department stop the practice of announcing the awarding of these contracts either through Members of Congress or through political organizations back in the States on the basis that such procedure gives the impression that some influence may have been involved in the awarding of the contract.

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I want to make it clear that in offering this amendment I am not suggesting that such has been the case. I merely state that when a Member of Congress makes the announcement those who receive the contract automatically figure, "Well, he must have had something to do with it because he knew I got the contract before the company was even notified."

Also, the company that was the unsuccessful bidder perhaps would feel that the mistake it made was that it did not contact the respective Member of Congress or his congressional delegation.

With this amendment we are trying to eliminate the appearance that some influence may have been exerted with respect to the contracts.

I pointed out yesterday that if a Member of Congress has had anything whatever to do with obtaining a contract, or if the Department of Defense has awarded a contract on the basis of the recommendation of a Member of Congress, they were both in violation of the law which prohibits Government contracts from being awarded on the basis of political pressure or influence. Yet, if a Member of Congress announces the awarding of a contract the industry involved naturally feels that he must have been of some assistance and, likewise, the unsuccessful bidder would feel his mistake was in not having contacted a congressional delegation. The policy which gives the impression that influence peddling is the normal procedure is the policy we are trying to correct.

For this reason I hope that the amendment will be overwhelmingly approved by the Senate.

Mr. STENNIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am heartily in accord with all the purposes as well as the wording of the pending amendment offered by the Senator from Delaware. I think there is a great deal to the reasons he gives. It is a regulatory matter with reference to contracts that may be awarded for the procurement of military hardware which are authorized in the bill.

The amendment has fairness on its face and fairness in its substance. I think things will move better and more smoothly and in a more orderly way if this should be required in the law. In saying that, I do not suggest by any means that there has been any wrongdoing in the past. In fact, I feel certain that there has not been. It is one of the things that we can speculate on. The press has sometimes speculated on it. But, all the evidence I have is that these matters are handled on a very high plane.

Some of the amendments offered to the procurement bill—the part that pertains to procurement—I think are irrelevant. The purpose of the bill being strictly on the question of authorizing military hardware, we should keep it within that field. But this amendment is relevant. It has bearing. It is a reasonable regulation on a minor matter to a degree, but it can be important. I think it will be appreciated by the Department of Defense officials who have to deal with this problem. I am glad to support the amendment. I commend the Senator from Delaware. With his usual perspicacity and perspicuity, he thinks these things through.

Mr. WILLIAMS of Delaware. I thank the Senator from Mississippi for his support.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I want to thank the distinguished Senator from Mississippi for his support. I join him in emphasizing that in offering the amendment I do not in any way wish to give the impression that influence has been used.

I have questioned this procedure several times in years past, but unfortunately I have not been able to get it corrected. This is the first time we have had a convenient bill to make it a legislative procedure. I have no evidence, nor have I had any reason to think there is any evidence, that there has been improper influence used under this administration or in any preceding administrations with which I am familiar, but, as I stated, it is a procedure which does give the appearance that there may have been. It is that point we are trying to avoid.

We all admit and agree that not only should political influence in the awarding of Government contracts not be encouraged but neither Congress nor the administration should condone a policy which gives the appearance that there may be some influence peddling.

It is for this reason that I am offering the amendment in order to change that practice. I feel reasonably certain that the Department of Defense will, likewise, strongly approve of this amendment because it will simplify and reduce their problems as well as the expense of having to go through all the redtape to notify, in advance, the Congressmen, political organization, or political committees back in the respective States.

To that extent, it will save some money in the cost of operation, but, primarily, it is to avoid the appearance and to eliminate the possibility of influence peddling.

Mr. President, I am ready to vote. I understand that we have an order to vote at 12:15 p.m. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hollings). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, the report of the blue ribbon Defense Panel includes many important recommendations which deserve careful study by the Congress and the Executive. At this time I shall not comment upon the merit of the various proposals with one exception. The Panel recommends a long-needed change in the policy of announcing defense contract awards through congressional offices. The longstanding practice of advanced notices to congressional offices has created totally unwarranted implications that congressional offices have somehow been influential in the process of selecting defense contractors. Were this in fact the case, the integrity of the defense procurement process would be gravely jeopardized. Actually, the customary advance notification has been merely a device for permitting those of us in Congress to be the bearers of glad tidings to our constituents, and I no less than my colleagues, have been pleased to convey such good news.

However, the Panel's recommendation is surely well grounded. Even if the process of congressional announcement in no way impairs the impartiality of contract awards, it breeds a cynicism and suspicion that political influence has been brought to bear. While the shortrun benefits of making these announcements may be attractive to those of us in Congress, those benefits are outweighed by the tendency to undermine public confidence in the decisionmaking process of the Defense Department and indeed of the entire Government.

For this reason, I wholeheartedly endorse the Panel's recommendation on this point.

I believe this policy should be applied uniformly, as the Commission urged, and I welcome Senator Williams' leadership in offering this amendment. I hope the Senate adopts it unanimously.

I shall, of course, continue to do everything in my power to see that the workers and employers of Massachusetts are permitted to compete fairly for all Government business.

Mr. HATFIELD. Mr. President, I strongly support the amendment of my good friend and colleague (Mr. Williams of Delaware) to prohibit advance notification of the awarding of defense contracts.

Yesterday, Senator Williams summed up a telling argument in favor of this amendment when he noted that if the Department of Defense did award a contract on the recommendation of a Member of Congress, it is a violation of the law.

When the public reads that a Member of Congress announces an award, it gives the impression that it was through his influence that it was awarded to the particular company. I believe that Congress should help to dispell such ideas by approving this amendment.

Mr. President, I think that we also should examine the possibilities for broadening application of this policy to other Federal grants and awards. We know the staffs of Senators and Congressmen spend time racing to the telephone to be first to announce this grant or that award.

I am not sure at this time how such a policy could be written or implemented. I plan to study this possibility, however, and I urge my colleagues to do so.

Mr. THURMOND. Mr. President, I support the amendment by the senior Senator from Delaware (Mr. Williams), which would permit only the Secretary of Defense to announce contract awards by his Department.

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Presently the practice of allowing Members of Congress advance notice on contract awards is a time-consuming exercise which does not serve any useful purpose.

Also, while the practice is merely a courtesy afforded Members of Congress there is the likelihood the newspaper reader may receive the impression that the award was made through the influence of the Member. Of course such influence is illegal.

This procedure for the handling of DOD contract announcements has been followed by all administrations since I have been in Washington. Earlier this week by passing the Postal Reorganization Act we made an important step in taking politics out of the Post Office Department. Passage of the Williams amendment to H.R. 17123 would help to take a little of the politics out of the DOD by requiring a new procedure for contract announcements.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Senate will now proceed to vote on the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Virginia (Mr. Spong), the Senator from Missouri (Mr. Symington), and the Senator from Maryland (Mr. Tydings), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), the Senator from Michigan (Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), the Senator from Connecticut (Mr. Ribicoff), the Senator from Virginia (Mr. Spong), the Senator from Missouri (Mr. Symington), the Senator from Oklahoma (Mr. Harris), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Hruska), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) and the Senator from Maine (Mrs. Smith) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from South Dakota (Mr. Mundt), the Senator from Maine (Mrs. Smith), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 252 Leg.]

YEAS—77

Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Fong
Fulbright
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—23

Aiken
Baker
Cannon
Dodd
Ervin
Gore
Harris
Hart
Hartke
Hruska
Kennedy
McCarthy
Metcalf
Montoya
Mundt
Pell
Ribicoff
Russell
Smith, Maine
Spong
Symington
Tower
Tydings

So the amendment of Mr. Williams of Delaware (No. 817) was agreed to.

AMENDMENT NO. 819

Mr. COOPER. Mr. President, I send to the desk an amendment to H.R. 17123, which I offer on behalf of myself, the Senator from Michigan (Mr. Hart), and the following Senators:

Mr. Case, Mr. Brooke, Mr. Burdick, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. McCarthy, Mr. McGovern, Mr. Mathias, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Proxmire, Mr. Saxbe, Mr. Schweiker, Mr. Tydings, Mr. Yarborough, and Mr. Young of Ohio.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 1, strike out "$1,031,600,000" and insert in lieu thereof "$838,600,000".

On page 16, line 8, strike out "$322,000-000" and insert in lieu thereof "$192,800,000".

On page 17, beginning with line 15, strike out all down through line 5 on page 18, and insert in lieu thereof the following:

"Sec. 402. (a) No funds appropriated pursuant to this or any other Act may be obligated or expended in connection with deployment of the Safeguard Anti-Ballistic Missile System, or any part or component thereof, at any site other than the two sites at which deployment was heretofore authorized by law (Malmstrom Air Force Base, Great Falls, Montana, and Grand Forks Air Force Base, Grand Forks, North Dakota).

"(b) The provisions of subsection (a) shall not apply to the obligation or expenditure of funds for research, development, testing and evaluation activities carried out in support of any advanced anti-ballistic missile program at sites heretofore established for such purpose."

Mr. COOPER. Mr. President, I am not going to make an extended statement now. The amendment I have introduced is an ABM amendment. I have introduced the amendment, first, for the senior Senator from Michigan (Mr. Hart), for myself, for the Senator from New Jersey (Mr. Case), who is in the Chamber, and for other Senators as cosponsors. A list of the sponsors is attached to the amendment.

Last year our amendment was known as the Cooper-Hart amendment. This year it is known as the Hart-Cooper amendment.

I shall make a brief statement. We have offered an amendment to the military procurement authorization bill 17123.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. Let us have order so that the Senator from Kentucky may be heard.

Mr. COOPER. The Senator from Michigan (Mr. Hart), I, and other Senators—I have already referred to the Senator from New Jersey (Mr. Case), who spent a great deal of work on the bill—have offered the amendment to the military procurement bill to limit deployment of the Safeguard anti-ballistic-missile system to the two sites approved by the Senate last year, at Malmstrom and Grand Forks Air Force bases.

The amendment would not reduce the funds requested for continuation of the deployment at Malmstrom and Grand Forks. It would provide a total of $1,027,200,000, including $35 million for additional Sprints to be used at the approved site, $365 million——

Mr. STENNIS. Mr. President, with the consent of Senators, I insist on order so we can hear. Other conferences are going on. We hear them, but we do not have a chance to hear the speaker.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, will the Chair maintain order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. The sum of $365 million would be available for advance research and development, for research and development of a system specifically designed to protect the Minuteman ICBM force. Such a "dedicated hard site system" has been advocated by many distinguished weapons scientists; and representatives of the Department of Defense have stated in hearings that such a system would provide the most effective protection for the Minuteman deterrent within present technology.

I shall refer particularly to the testimony given before the House Committee on Appropriations, where representatives of the Department of Defense testified that the so-called Safeguard system was to fill in for a few years, but that a hard point system other than Safeguard had to be constructed if the threat to U.S. land-based missiles should be expended.

The Hart-Cooper amendment would strike funds requested for deployment at Whiteman and Warren Air Force Bases, a saving a $322.2 million.

If, as is reported, the SALT talks should result in agreement for no ABM, described as zero ABM, obviously no Safeguard ABM sites would be necessary. If the SALT talks result in agreement on the construction of command centers at Moscow and Washington, as has also been reported, the planned Safeguard deployment at the sites requested by the Department of Defense would of course not be required.

If no agreement is reached in the SALT talks, and SS–9 deployment by the Soviets continues, our amendment would provide funds for the accelerated development of the best means of protecting our Minuteman deterrent. We believe that the development of an advanced ABM system, in the event that the SALT talks should fail and deployment of SS–9 continues, is essential to the security of our country. The continued development of the Safeguard system would not provide an effective system for the protection of U.S. land-based missiles—and for the security of our country.

Well over $1 billion was authorized for Safeguard in 1969. There is a carryover, as of May 31, of $224 million. These amounts, plus this year's authorization, provide ample funds for work on the evolving prototype system at Malmstrom and Grand Forks to keep existing production lines intact, and, by maintaining forward momentum, would provide ample bargaining strength for the SALT talks, the administration requires.

Mr. President, this is a short statement. Our argument will be elaborated by many of the sponsors. We have studied these matters since last year and I should think that the debate could go forward and there would not be a long waiting time until a vote can be taken.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CASE. First of all, I want to say that I appreciate the Senator's permitting me to be associated with him in the sponsorship of this amendment, and his reference to me in his opening statement.

I agree fully that this is the product of many minds, and represents a broad concensus as to the best approach to make this year to the problem. I believe it will succeed. I certainly think it should succeed, because the advice that has come to us from the most knowledgeable scientists in this field makes it very clear that to do more than this amendment would do in the field of an anti-ballistic-missile system at this time would be wasteful of money, energy, and resources, and should not be done.

I commend the Senator from Kentucky for taking the leadership here, as he has so many times in matters that to him are personally distasteful because they represent opposition to an administration which is in the charge of his party and mine. He has never failed and has never hesitated to do distasteful things when he felt they ought to be done, and the leadership he is providing at this time is just another example of his tremendous service to the country in the U.S. Senate.

Mr. COOPER. I thank the Senator.

Mr. President, the Senator from Michigan (Mr. HART) is away today in Michigan, where an election is taking place. Otherwise he would have presented the amendment. He will speak on it as we proceed.

I see that the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who is a sponsor of this amendment, is in the Chamber. He always lends great strength to any cause for which he fights.

Mr. MANSFIELD. Mr. President, I wish to take this occasion to express my support for the amendment just offered by the distinguished Senator from Kentucky (Mr. COOPER). He, together with the distinguished Senator from Michigan (Mr. HART), has furnished significant leadership in this particular area. Others have contributed immensely as well.

May I say that I think the amendment now at the desk goes a long way toward meeting the administration's objectives in developing a relationship between the ABM and the SALT talks now underway in Geneva. As I understand it, the amendment provides for the full funding of phase 1 of the Safeguard program at Malmstrom Air Force Base in Great Falls, Mont., and Grand Forks Air Force Base in Grand Forks, N. Dak. It provides also additional research and development funds covering a continued investigation into an ABM system that would be free of the many technical difficulties already confronted in the development of Safeguard. If adopted, this amendment would not provide funds for Whiteman in Missouri and Warren in Wyoming. But it appears to me that the Hart-Cooper interests have gone about 90 percent of the way in seeking an accommodation with the administration and should satisfy every argument raised that the ABM should be continued at this time to help the SALT negotiations and to put together the components to see exactly what we have. As far as I am concerned, I intend to stand fully behind this particular amendment as the wisest possible alternative to what the administration is seeking in terms of the Safeguard program.

Most importantly, I think this amendment is one which will achieve the greatest and widest support. I believe it has the most validity and would give us the most favorable posture strategically. I would hope that those of us who are interested in this question of the ABM would not be diverted in other directions. I would hope that we could recognize the always prevalent distinction between the possible and the impossible. The best is sometimes the worst enemy of the good. Last year, the Senate devoted great energies and time to study the full ramifications of the ABM—first as a weapons system and whether it could perform its stated mission if deployed; and, secondly, the effects deployment would have on the arms race.

Last year, the President in advocating the deployment of the first two sites stated that any future expansion of these initial sites would be predicated upon the international situation that existed when the time for any future expansion had arrived and the experience that had been gained from the first two sites.

When the first two sites were deployed, this country and the Soviet Union had not even agreed to sit down and talk about the limitation of strategic systems including the ABM. Today, when the consideration of the ABM expansion is before us, not only are we talking with the Soviet Union at Vienna but we are receiving most optimistic reports about the progress of these talks. The international situation seems in this context to have significantly improved.

I don't know what positive information could have developed from the assembly of the components at the first two sites or elsewhere; nothing has really been put together at those sites, and in fact I understand as well that the work is running several months behind.

The pending amendment would provide close to $1 billion of new money for the initial two sites. It is every additional dollar that the administration requested for these first two sites. The amendment does exclude the start of two additional sites until these first two sites are further along so that the Congress and the Defense Department will be able to study just what the experience of the initial assembly has been.

Many of those Senators who are convinced that the Safeguard is technically deficient, that it could not perform its mission even if built exactly to design and operated exactly to specifications, have expressed a willingness to embrace this amendment because of the administration's argument that failure to permit the ABM to be continued could adversely affect the SALT negotiations. In spite of the fact that proceeding with this ABM weapons system could well stimulate the Soviet Union to maintain a comparable bargaining posture by continuing their SS–9 production to keep pace, the combined judgment of the sponsors of this amendment is that we should be willing to commit this additional $1 billion to provide our negotiators every argument they feel they need. A comprehensive SALT agreement would be well worth every dollar to our people and the people now born and yet to be born throughout the world.

To reiterate, under the Hart-Cooper proposal, research and development will be carried on during the course of site construction in Montana and North Dakota; and I think it ought to be said, again and again and again, that the Safeguard ABM system is far from per-

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fect; that the radar component is most vulnerable to attack and if damaged in attack, the whole system fails. As far as the Spartans and Sprints are concerned, they still need vast improvement if they are to perform their respective missions, and as far as the computer component goes, it is far, far from perfect when faced with a program as difficult as is that needed for a missile attack.

To show how difficult the computer problem is, I think I should say, incidentally and in all good humor, that some weeks ago I received a letter signed by several Members of this body, asking for funds to elect a Republican senatorial candidate. It was the product of a computer selection of possible contributors.

The reason I mention this is that this was a simple computer problem to solve; and if a simple problem can generate a computer mistake of that sort, asking a Democrat to contribute funds to a Republican candidate—in violation of Federal law, I believe—just think of how critical—how terribly vital would be the computer function in the far wider and more serious situation involving the ABM.

The fact is research is not completed. It is far from finished. There are bugs in the system. It is imperfect. It is not accurate. These things have to be worked out. And on the basis of the Hart-Cooper proposal, work can go forward on this system, not only during the construction of the ABM sites at Malmstrom and Grand Forks, but also through the use of the additional Safeguard research and development funds outside of the projects themselves.

So I would hope that those of us who are interested in a workable and feasible system and those of us who are interested in the SALT talks as they relate to the ABM, will be aware of how fundamental the Hart-Cooper amendment is. I hope we will not be diverted in other directions or in other ways. I hope that together we can put our whole support and effort behind the Cooper-Hart amendment, which I think accommodates fully each argument proposed by the administration. It takes into consideration the significance of the SALT talks, and it contemplates the construction of a system which, if needed, will be workable—a system which the taxpayers can be assured will return to them a comparable value for what they have expended in tax dollars.

So I commend the distinguished Senator. I am delighted that this is the pending business, and I hope the Senate will give it its most serious consideration.

Mr. COOPER. I thank the Senator. I must say that his short speech has provided the best arguments for our amendment. I am glad that he will be associated in this effort because, he has the knowledge, good judgment, and trust of the Senate.

Approximately 26 Senators have joined as cosponsors of the amendment. I note in the Chamber the Senator from New York (Mr. Javits), who has worked in the development of this amendment every day with good counsel. The Senator from Maryland (Mr. Mathias) is also a cosponsor.

I will provide the list of additional Senators, other than those I have named.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I shall, on a separate occasion, state my views as to why I think it is highly desirable to adopt this amendment in the interests of our country; but I wish to state at this time that the amendment, to my mind, commends itself very highly to the Senate.

I hope Senators will study this amendment precisely because of the reason assigned by the administration for pushing the ABM into new locations now—to wit, that it will represent an aspect of the negotiation with the Soviet Union respecting the limitation and control of nuclear weapons.

We believe—I think it is fair to say that—that the amendment as it stands, as submitted by Senator Cooper, for himself, Senator Hart, and the other sponsors, represents the best contribution which can be made to the success of the SALT talks; that there is a real philosophical and strategic issue here as between us and those who oppose the amendment.

I hope Senators will understand, therefore, that, as is proper and as is compatible with the consequence of this effort, the issue is being met which the administration has raised—to wit, is this or is this not the most conducive to success in the SALT talks?

Our case—which I think we can make—is that the amendment is more conducive to the SALT talks than the approach which the administration would take in respect of broadening the extent of deployment of the ABM.

Mr. COOPER. I thank the Senator. He has made a very effective and telling point—that is, if, as argued, the continuation of the ABM effort is essential to the SALT talks, his efforts to have a system which is effective would be much more important in the SALT talks than the continued deployment of a system which even representatives of the Department of Defense say will not be adequate.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Hollings). The Chair, on behalf of the Vice President, pursuant to Public Law 84-372, appoints the Senator from Illinois (Mr. Smith) to the Franklin Delano Roosevelt Memorial Commission in lieu of the Senator from New York (Mr. Javits), resigned.

ADMINISTRATION OF THE NATIONAL PARK SYSTEM

Mr. BIBLE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1039, H.R. 14114. I have discussed this matter with the majority leader, and it meets with his approval to call it up at this time.

The PRESIDING OFFICER (Mr. McIntyre). The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 14114) to improve the administration of the national park system by the Secretary of the Interior and to clarify the authorities applicable to the system and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed at this point in the Record a detailed explanation of this bill which is contained in the report accompanying the Senate bill, S. 2985, Calendar No. 1018.

There being no objection, the explanatoin was ordered to be printed in the Record, as follows:

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2985) to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The basic purpose of S. 2985, which was submitted and recommended to Congress by the Secretary of the Interior, is to update and clarify the law with respect to the administration of the various units of the national park system. The system has grown and developed both in number and variety over the years—it now consists of some 278 separate units—and inevitably certain of the earlier laws are no longer adequate to cover present-day needs. Enactment of S. 2985 would be of substantial help.

BACKGROUND

No longer does the national park system consist exclusively of natural and scientific areas. Rather, the concept has broadened to include battlegrounds and historic places, as well as areas primarily significant for their outdoor recreation potential. As the system has expanded, its value to the public has increased. Places where nature prevails, or where history has been made, or where some phenomena occurred, or where outdoor recreation needs can be satisfied, cannot be made by man. They can easily be altered or destroyed, but they can also be protected and appropriately administered so that the long-term interests of the public can be served. This is the objective of the national park system to conserve and protect for the edification and enjoyment of the American public—now and in the future—areas and places of national significance.

In the decades which followed the establishment of our first national park in 1872, the Congress enacted statutes providing for the general administration of our parklands. Basic to this administrative authority was the enactment of the 1916 Organic Act of the National Park Service (39 Stat. 535) and the Antiquities Act of 1906 (34 Stat. 225). From these statutes have emerged numerous acts authorizing specific additions to the national park system and various statutes involving their administration, but there has been no updating of the general statutes in the 17 years since the approval of the act of August 8, 1953 (67 Stat. 495).

NEED

All of the 278 areas of the national park system are interrelated—each serves a different specific purpose, but together they serve a common function. As the system has matured, it has added new dimensions to the concept developed during the early years of the program; hence some statutes are not clearly applicable to all units of the national

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park system. For example, the act of 1916 provides that the National Park Service "shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations * * *," but it contains no reference to more recent concepts like national recreation areas, national seashores, or national lakeshores.

Other laws which would be affected by S. 2985 include:

The act of March 4, 1911 (36 Stat. 1253), which authorizes easements to be granted across public lands and reservations, but limits this authority to occasions when such right-of-way traverses "any national park or any other reservation."

The act of June 5, 1920 (41 Stat. 917), which allows the Secretary of the Interior to accept donations of lands and interests in lands "within the various national parks and national monuments" or cash donations "for the purposes of the national park and monument system," but does not extend that authority to other types of areas now within the system.

The acts of April 9, 1924 (43 Stat. 90), and March 4, 1931 (46 Stat. 1570), which authorize the construction and improvement of approach roads to national park and monument areas, but contain no references to other units.

The act of June 3, 1948 (62 Stat. 334), which permits the Secretary to convey to any State or political subdivision any right, title, and interest of the United States to any road "leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic sites administered by the National Park Service," but by a strict construction would not extend that authority to other areas.

The act of August 31, 1954 (68 Stat. 1037), which authorizes the Secretary to acquire lands only "within the existing boundaries of any national park" when funds are donated subject to the condition that they be matched equally with appropriated funds.

The act of July 3, 1926 (44 Stat. 900), which permits the Secretary to afford emergency assistance to people "within the national parks or national monuments," but nowhere else.

The act of March 3, 1905 (33 Stat. 873), which limits by implication the arrest authority of employees of the National Park Service to violations of law in "the national forests and national parks."

The act of May 26, 1930 (46 Stat. 381), which relates to the authority of the Secretary to enter into contracts for services or accommodations within "national parks or monuments"; to provide emergency supplies to concessioners in "national parks and national monuments"; to accept travelers checks tendered for payment of automobile license fees charged at "national parks"; and to use appropriated funds for general expenses related to temporary care and removal of indigents from the "national parks" and in the case of death to provide for their burial.

The act of October 9, 1955 (79 Stat. 696), which establishes the policies concerning concessionaires "in areas administered by the National Park Service."

While it was probably not the intent of the Congress in any of the above examples to limit the application of the law strictly to the specified types of areas of the national park system, the usual rules of construction of these statutes could result in interpretations which would lead to the administration of the system so that it would be almost devoid of uniformity.

Needless to say, these statutes have desirable, useful, and necessary provisions and they should be applicable uniformly throughout the national park system. The fact that the system is now larger and more diversified than it was when these basic statutory authorities were enacted should not operate to minimize their usefulness as administrative tools.

SECTION-BY-SECTION ANALYSIS

Section 1 of S. 2985 emphasizes the common purpose of all units of the national park system and declares that its purpose is to include all such areas in the system and to clarify the authorities applicable to it. Accordingly, section 2 redefines the "national park system" to include all existing areas administered by the National Park Service and all conceivable additions which might be authorized in the future. To the extent that the authorizing legislation for a specific area is inconsistent with the general administrative statutes made applicable to all units of the system, the language of the specific authorization is controlling, but otherwise the basic guidance afforded by the statutes enumerated above would be uniformly applicable.

While sections 1 and 2 enlarge the application of existing general statutes so that they apply uniformly to the administration of the various types of parklands within the national park system, section 3 augments the authority of the Secretary of the Interior in order to facilitate their administration. It sets forth that:

(a) He may provide transportation, incidental to official transportation, for employees and their dependents who reside in isolated areas where commercial transportation is inadequate. It is intended that this authority will be limited strictly to areas where commercial transportation is severely limited and where such transportation would not result in any significant cost to the Government. The committee was advised that this authority will be employed primarily at isolated sites and that it is presently contemplated that it will be extended to Fort Jefferson National Monument, Isle Royale National Park, and the Statue of Liberty National Monument.

(b) He may provide recreation facilities and equipment for employees and their families who reside at isolated locations. It is not the intention of the committee to authorize, by this provision, any elaborate recreation facilities, but it does intend to allow the Secretary to provide simple facilities and equipment which would normally be readily available at less isolated areas. This authority would include such things as games, sporting equipment, books, and other commonly accepted recreation equipment and facilities. The committee recognizes the need for this authority, but it expects it to be used sparingly with a view to providing only for essential recreation needs.

(c) He may appoint advisory committees to permit greater citizen participation in park policies and programs. It is anticipated that this authority will result in the establishment of advisory committees for each of the six regions. In addition, advisory committees may be appointed for specific areas, comparable to those created by law for the Cape Cod National Seashore, Indiana Dunes National Lakeshore, and others. Members of these committees will serve without compensation, but they are allowed necessary travel expenses as permitted by law.

(d) He may purchase special purpose equipment for the use of employees in the performance of their official duties. Presently, the law permits the use of appropriated funds for the purchase of waterproof footwear, but there are many other types of specialized equipment which are needed but cannot be purchased with appropriated funds, for example, safety glasses, safety shoes, and other protective equipment, as well as foul weather gear and special equipment for work in the field. This change confirms the intention of the Congress that the Secretary should have the authority to provide the equipment needed to adequately perform the responsibilities assigned to the employees of the National Park Service.

(e) He may contract for the sale or lease of services and resources (including water) available within an area of the national park system to public or private parties which provide public accommodations to persons visiting the park area, if he determines that reasonable sources are not available. While the legislation does not require these arrangements to be reported to the Congress, it would be advisable to submit such proposals in writing, together with related information, to the appropriate committees for review prior to entering into any legally or morally binding commitments.

(f) He may have air-conditioning units installed in Government-owned passenger motor vehicles. It is contemplated that the principal use of this authority will be to provide air conditioning for park police automobiles and patrol vehicles in areas where working conditions can be substantially improved by their installation. Comparable authority, the committee was advised, has been granted to every police department in the Washington metropolitan area.

(g) He may sell any products or services produced at "living exhibits" at fair market value without regard to the usual rules applicable to the disposal of Federal property. This provision would permit the sale at fair market value of such items as eggs and produce grown at Oxon Hill Children's Farm.

(h) The Secretary would be authorized to provide transportation for children to units of the national park system from nearby communities. Last year, such a program for the Washington, D.C., area proved highly successful in getting children out of the ghetto and into the outdoors in their country's national park units. It met with widespread acceptance and approval.

Section 4 of the bill amends the act authorizing the U.S. Park Police to make arrests within Federal reservations in the Washington metropolitan area. Present law extends this authority only to areas over which the United States has or acquires "exclusive or concurrent criminal jurisdiction," but this requirement is unnecessary since the arrest authority is for Federal crimes on Federal property. It also updates the definition of "the environs of the District of Columbia" to include areas administered by the National Park Service which are located in Charles County, Md., and Prince William and Stafford Counties, Va. At the present time, although the areas involved are administered as a part of the National Capital region, they are technically excluded from the area covered by the statute.

COST

S. 2985, as recommended, does not specifically authorize the appropriation of any funds, but it does authorize the Secretary of the Interior to engage in certain specified activities. Some of these—the authority to pay travel expenses for the advisory committees, the authority to purchase field and special purpose equipment, and the authority to purchase and install air conditioning for a limited number of Park Service vehicles—will result in the expenditure of funds if appropriated. These funds will be included in the requests for annual appropriation along with other requests made for the general operating budget of the National Park Service. Naturally, the amounts involved will vary from year to year.

In implementing the provisions of this legislation, the National Park Service should be alert to keep the appropriate committees advised of its activities.

Mr. BIBLE. Mr. President, Calendar No. 1018, S. 2985, which is the bill reported by the Senate Interior Committee, is basically the same bill as the bill which is now the pending business, with

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two or three exceptions, one of which I think should be commented upon.

This is the section of the bill that provides that the Secretary may furnish transportation to those in the city areas to convey them to the parks and national recreation areas of our country. The House committee felt that this was an undue enlargement of the normal powers of the Director of the National Park Service as such. Accordingly, it deleted this section from the administration bill, and it was commented upon in the colloquy on the floor of the House at the time the bill was discussed and passed. This particular provision was not put in the bill.

I have since talked with the chairman of the House Interior Committee, the distinguished Representative from Colorado, WAYNE ASPINALL, and he feels that this is an area that should have some further consideration. He has no objection—so he stated to me—to this provision being continued for 1 year. Legislative language approved by the House and by the Senate to continue this for a period of 1 year has already been written into the Interior appropriations bill.

In view of the fact that this does not jeopardize this program for fiscal year 1971, and with $50,000 provided for this purpose, I think it is perfectly agreeable to take affirmative action at this time.

I have talked with the chairman of the Senate Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON) and he is in agreement with this procedure.

So I ask that the Senate accept the House version and that the House bill be passed.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 14114) was read the third time, and passed.

Mr. BIBLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent that action on Calendar No. 1018, S. 2985, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the Hart-Cooper amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 2 p.m. today.

The PRESIDING OFFICER (Mr. HOLLINGS). The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to and, at 1:01 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:19 p.m. when called to order by the Presiding Officer (Mr. MCINTYRE).

PERSONAL STATEMENT BY SENATOR FULBRIGHT

Mr. FULBRIGHT. Mr. President, I rise on a point of personal privilege on behalf not only of myself but also a number of my colleagues.

It is always unpleasant to have to bring to the attention of the Senate statements of this kind. But on July 28, Mr. Donald E. Johnson, Administrator of the Veterans' Affairs, spoke to the National Convention of Disabled Veterans in Los Angeles, and I felt that it should be called to the attention of the Senate.

Mr. President, I had asked some Members of the Senate who are mentioned in this speech to be here. I had anticipated speaking at 1:30 p.m. I believe I will make a point of no quorum at this point just to notify them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, as I stated, on July 28, Mr. Donald E. Johnson, Administrator of Veterans' Affairs, spoke to the national convention of the Disabled American Veterans in Los Angeles.

In commenting on significant developments in the field of veterans' affairs, Mr. Johnson somehow overlooked the additional $100 million recently appropriated by the Senate for VA hospitals in 1971. I supported that, of course, along with all the Senators, and one would have thought that the Administrator of Veterans' Affairs would have taken note of that in a speech to the Disabled American Veterans who, above all others, are interested in the improvement of veterans' hospitals.

I could, perhaps, understand this oversight on the part of Mr. Johnson if he had not had the Senate very much on his mind at the time of his speech. However, instead of praise for the Senate's action in increasing the appropriations for veterans' hospitals—an action which was urged by the veterans organizations—the first part of his report on the Veterans' Administration contains an all-out attack on those Senators whose views on the war in Vietnam and foreign policy are not in accord with his own.

Altogether Mr. Johnson refers to a good portion of the Senate, specifically naming, in addition to me, Senators HATFIELD, GOODELL, MCGOVERN, MUSKIE, and PROXMIRE. He also mentions "others of that ilk," referring perhaps to the 58 Members of the Senate who voted for the Cooper-Church amendment, and in another instance cites "Senator HATFIELD, Senator MCGOVERN, and 22 of their cohorts . . ."

Mr. Johnson, no doubt inspired to some degree by the example of the Vice President, refers to Senators as "apostles of retreat and defeat" and "salesmen of surrender."

According to Mr. Johnson, these Senators:

Seek at every opportunity to undermine the President's efforts.

Seek a total withdrawal from our worldwide commitments.

Seek to prevent any action that would even let the United States maintain a parity—with expanding imperialistic communism.

Further, according to the Administrator of Veterans' Affairs, we are "fighting actively in favor of surrender to the forces of communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world."

Mr. Johnson says:

> We are losing the arms race and the maritime race, because of Senators like these.

And, like the Vice President and Captain Hanks, the Navy's prizewinning essayist referred to in a statement by Senator CHURCH June 24, Mr. Johnson is concerned about "vigilance against those who would destroy freedom from within, as well as from without." From his statement he leaves no doubt that he refers to Members of the U.S. Senate, who, in his words are "working diligently to make the United States incapable of defending its allies or itself."

Mr. President, these are extremely serious charges against Members of this body, members of both parties, elected from a variety of States across the Nation.

The Veterans' Administration was established to administer laws benefiting this Nation's veterans. Apparently the Administrator is more concerned with using the VA to beat the drum for an unwise and unpopular war, to promote more and more armaments of dubious value and need, and as a forum for attacking elected representatives of the people in a crude, vicious, and totally unjustified manner.

It is interesting to contrast the rantings of this head of an important bureau with some of the correspondence I have received this week from men in Vietnam. I think the first-hand story they tell is far more significant and truthful than the pejorative propaganda and distortion of this speech.

I do not suggest that the letters I refer to are representative of the views of all our men in Vietnam. They are, however, typical of a very large number of letters I have received in recent months.

I ask unanimous consent that Mr. Johnson's speech be made a part of the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Also, I ask unanimous consent that two of the letters that I have indicated as being representative of a large number of letters that I have received be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. FULBRIGHT. Mr. President, I have deleted the names of the writers, although the originals are on file in my office for anyone who has reason to see them.

I also ask unanimous consent that several letters I have received from representatives of veterans groups and a newspaper article concerning the additional appropriations for veterans hospitals be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. FULBRIGHT. Mr. President, in order to emphasize the point I am making and to save my colleagues' time in going through the entire speech, I wish to read a few excerpts from the speech. I hold in my hand a copy of the speech delivered at the National Convention of Disabled American Veterans on July 28 in Los Angeles. It states:

> While President Nixon continues to seek to unwind the war in Vietnam in ways that will insure that 43,000 American soldiers have not died in vain, there are those in both parties, who for reasons known only to themselves, seek at every opportunity to undermine the President's efforts.
>
> In fact, these so-called Doves have reached the point now where it is not enough merely for them to seek retreat and surrender in Vietnam. Now, they also seek a total withdrawal from our world-wide commitments—withdrawal that amounts to a return to the isolationism of the 1930s—and a cutback in our defenses, both nuclear and non-nuclear, which amounts to a retreat from reality.
>
> Both steps are designed to insure, regardless of the consequences to the freedom and independence of America's allies, that we will become a second-rate world power in the decade of the 70s.
>
> I have no basis on which to challenge the motives of these people—

This very generous man says:

> The Hatfields, the Goodells, the McGoverns, the Fulbrights and others of that ilk—but I do challenge their reasoning.
>
> Someone once said that eternal vigilance is the price of liberty, vigilance against those who would destroy freedom from within, as well as from without.
>
> A willingness to buy and pay for preeminence in the field of national defense is also the price of liberty when we speak of the threat from without.
>
> Yet there are those today—the Hatfields, the Goodells the McGoverns, the Muskies, the Fulbrights and others—who are not willing to pay that price. In fact, they fight actively against it. In fact, they fight actively in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world.

Mr. President, I submit that this is one of the most extreme, distorted and ridiculous statements I have ever seen from any public official, that is, from any man holding a position of importance.

Mr. McGOVERN. Mr. President I wonder if the Senator would yield?

Mr. FULBRIGHT. I certainly do yield.

Mr. McGOVERN. First of all, I want to commend the distinguished chairman of the Foreign Relations Committee for calling this matter to the attention of the Senate. I personally regard Mr. Johnson's speech as contemptuous of the U.S. Senate. I do not know how any high official of the U.S. Government who could make an irresponsible speech of that kind would really think that from here-on-out, if he continues in that vein, he could administer an important Government program that depends on some measure of cooperation and goodwill between the executive branch of the Government and the Members of the U.S. Senate or Members of the Congress.

I do not mean to imply that any Senator is going to punish a Government official because he does not like his views, but it seems to me there must be some degree of good faith and mutual respect existing on the part of officials in the executive branch and those of us who are passing on important proposals here in the Congress.

When Mr. Johnson makes the statement that he does, that none of us are cosponsors of the so-called amendment to end the war—that now includes some 25 Senators—are not willing to pay the price of liberty, I am wondering if he is aware of the fact that numbered among those 25 Senators are 17 combat veterans, many of whom had been under heavy enemy fire in previous wars, including the distinguished Senator from Hawaii (Mr. Inouye), who lost an arm as a combat soldier in World War II, and who is a member of the Armed Services Committee, and who is a cosponsor of the amendment to which Mr. Johnson objects.

But the Senator from Arkansas (Mr. Fulbright), who has been here for many, many years laboring to defend the interests of the United States and to try to bring about a more rational order of our foreign policy, would understandably take special exception to the way he is singled out in this speech. I just want to commend him for what he says here today.

VA ADMINISTRATOR JOHNSON SLANDERS U.S. SENATORS

Mr. President, a few days ago the Administrator of Veterans' Affairs, Mr. Donald E. Johnson, delivered an inflammatory attack on Members of the U.S. Senate who have supported legislation to end the sacrifice of American life and treasure in Vietnam.

His remarks were long on labels. He referred to Senators as "salesmen of surrender," as "apostles of retreat and defeat," as individuals "who fight actively in favor of surrender to the forces of communism and totalitarianism, not only in Vietnam but almost everywhere else in the world," as "unilateral disarmers, defeatists, and neo Neville Chamberlains."

Such charges cannot be left unanswered. They are contemptuous of the Senate itself. They give cause to wonder about the temperance and the maturity of their author, a man who administers programs about which all of us are deeply concerned.

Words which impugn the patriotism of Members of the Senate are serious enough. But it is saddening as well to note that again an office of the executive branch has served as a public platform for unfounded personal criticisms of members of another body of government. This can only erode the cooperation and communication which must exist on the policymaking levels, undermining the efforts of those in both branches who are sincerely committed to the pursuit of peace in both Southeast Asia and the United States. This kind of divisiveness leaves one wondering what has happened to the administration's fading inaugural slogan, "bring us together."

I took the liberty of writing a letter to Mr. Johnson, in which I set forth my own views on his speech and the damage that I thought it would do to our national interests, and I ask unanimous consent that, following the remarks of the Senator from Arkansas, the text of my letter to Mr. Johnson be printed in the Record. I am perfectly willing to read it if Senators would prefer, but to save the time of the Senate, I ask unanimous consent that the letter be so printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. McGOVERN. I thank the Senator for yielding to me.

Mr. FULBRIGHT. I thank the Senator. I think it is especially interesting that this speech was made by the Director of the VA only a short time after the Senate, on motion, I believe, of the Senator from California (Mr. Cranston), had approved an increase of $100 million in funds available for veterans' hospitals. He does not mention that in his speech.

The other point is that he made this speech to the Disabled American Veterans. If there is any group of men, in my judgment, who are not enthralled about the war in Vietnam, it is those who have actually lost limbs and been disabled in combat. It is one thing to serve in a noncommissioned officers club, servicing the slot machines, and another thing to serve on the frontline and have your arms or legs blown off.

To be speaking to disabled veterans in this vein, glorifying our efforts in Vietnam, seems to me to be especially inappropriate, and evidences a man with no sensitivity whatever, either to his audience, to the issues involved, or to the way the Senate has recently acted with re-

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gard to the Veterans' Administration itself.

I do not recall ever seeing a statement of this character made by an official of some importance, as he is, and so much in contrast to statements of his predecessors. Mr. Driver, whom we all know—I do not know whether he had a party affiliation or not but I do not recall any serious criticism of his administration. He certainly never engaged in this type of conduct, nor did his predecessors. They never engaged in this kind of condemnation of the elected representatives of the people. It is, as far as I know, unprecedented for a person in this kind of an appointive position certainly not considered primarily a partisan position, but one that has generally been regarded, if any is in our Government, as nopartisan, to engage in this kind of vitriolic, vituperative attack upon Senators, not only individually but collectively.

Mr. McGOVERN. Mr. President, will the Senator yield again?

Mr. FULBRIGHT. I yield.

Mr. McGOVERN. I am glad that the Senator made the point he did about the Disabled American Veterans, to whom Mr. Johnson directed his remarks, because I get many letters, as I am sure the Senator from Arkansas does—he has referred to some of those he is going to put in the RECORD—coming from disabled veterans of the Vietnam conflict, who write on the basis of their experience—of course, veterans are divided on this issue, just as the rest of us are——

Mr. FULBRIGHT. Surely they are.

Mr. McGOVERN. But many of them have written to me that they do not see anything that justifies the continued sacrifice of American life and limb in Vietnam, that the quicker we can disengage from that conflict, the better, that it was a mistake to go there in the first place, they are impatient with the pace of withdrawal, and that they are impressed with what they believe to be the repressive character of the government in Saigon and its corruption. So I think it is particularly in bad taste that Mr. Johnson, as the head of our veterans program, chose to make this speech attacking the integrity and the commitment of Senators before a group of Disabled American Veterans.

One thing that has always puzzled me is why, from the very beginning of this debate, from time to time there have been people who have talked about how courageous it was to make such and such a type of speech in support of the war effort. I notice Mr. Johnson here refers to those of us who have taken a different view toward the war as "cowardly."

I have never thought that one tested either cowardice or courage by what one said on a public platform. It does not really take very much courage to get up and beat your breast and talk about how we are going to stand firm in Vietnam. It is the soldiers who are out there on the front lines who are really being asked to test their courage. But to talk about being courageous just because you are cheering from the sidelines, urging young men on to their deaths in a war that many of us think is a great mistake—I do not regard that as a test of courage, and certainly I object very strenuously to the label of "cowardly" to those of us who feel, in all good conscience, that it is in our national interest to bring this war to an end.

Mr. FULBRIGHT. What the Senator says is quite right. I shall read one paragraph from one of the letters I am inserting here, from a soldier. It says:

> Myself and many, many GI's I work with are very much opposed to the continuation of this war. As a combat engineer squad leader, I have worked very closely with the infantry on countless occasions. It is my opinion that opposition to the war runs deepest in these overworked, maltreated, deeply respected individuals.

He is talking about men in the infantry as compared with those sitting in offices.

He continues:

> I simply want you to have this letter and others like it to temper the glowing words so many Congressmen have for the dedication to victory of our GI's. It is your words, not those of blind flagwavers, which keep up the morale of so many over here.

In one of the other letters, the writer says:

> Not knowing how to live in a city, the Vietnamese learned to follow the example supplied to them by American G.I.s. America has made available to them a life style as American as Betsy Ross and as deplorable as Watts or Harlem.
>
> America's vices are allowed virtually free reign here. Materialism is rampant. A quiet agricultural nation has been turned into a nation of thieves, dope addicts, prostitutes, alcoholics, and black marketeers.

Then he goes on about the conditions that have arisen as a consequence of the war in Vietnam.

Those men, who are at the grassroots level, see what the war is really doing, not only to themselves and their comrades in arms, but also to the Vietnamese. They have quite a different outlook than Mr. Johnson.

I want to read just two or three other statements from Mr. Johnson's speech. He says:

> We have seen those apostles of retreat and defeat grow bolder in recent months.
>
> And now we have reached the point where some members of the United States Senate have actually purchased television time and newspaper space to lobby for surrender and against those in the Congress who still believe that a peace without honor and justice is no peace at all.
>
> Now it is no longer enough to debate the merits of this great issue on the floor of the Senate. Now the Hatfields and the McGoverns and 22 of their fellow Doves have become salesmen of surrender, selling the "sell-out" like some sell used cars or potato chips.

That is very colorful language. I would say Mr. Johnson is trying to outdo the Vice President.

He continues:

> Senator Hatfield, Senator McGovern, and 22 of their cohorts would nullify what hundreds of thousands of Americans have fought for. In the name of peace they would betray the peace.
>
> In the name of peace they would have America go back on her word, her honor and her commitments.
>
> Let me ask you this question: how many nations that now depend on the United States could ever depend on us again if we quit in Vietnam and turn our Allies over to our enemies?
>
> Let me ask you what this cowardly action would say to the rest of Asia, to Europe, to South America, to Israel?

Mr. President, those are excerpts which simply illustrate what is not only an outrageous indictment of many Members of the Senate, but a speech in very bad taste. It is remarkable to me that such a man should be given the responsibility of administering the great Veterans' Administration, into which we have poured so much treasure and to which so many thousands of our veterans look for their sustenance, especially those who are disabled.

EXHIBIT 1

TEXT OF REMARKS BY HON. DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, AT THE DISABLED AMERICAN VETERANS NATIONAL CONVENTION, LOS ANGELES, CALIF., JULY 28, 1970

National Commander Ray Neal . . . distinguished officers, members and guests of the Disabled American Veterans:

First, may I wish each of you DAV members, and your great organization, a very happy Golden Anniversary.

Having just commemorated—one week ago today—the 40th anniversary of the establishment of the Veterans Administration on July 21st, 1930. I can appreciate more than ever your genuine, justifiable pride in the DAV's half-century of service to America, and to America's veterans, especially those disabled in the service of our nation.

It is because of your half-century of dedicated service to America, and the fact that each of the members of this great organization has suffered disability during time of war, that I would like at the outset to discuss with you briefly the war in Vietnam.

While President Nixon continues to seek to unwind the war in Vietnam in ways that will insure that 43,000 American soldiers have not died in vain, there are those in both parties, who for reasons known only to themselves, seek at every opportunity to undermine the President's efforts.

In fact, these so-called Doves have reached the point now where it is not enough merely for them to seek retreat and surrender in Vietnam.

Now, they also seek a total withdrawal from our world-wide commitments—withdrawal that amounts to a return to the isolationism of the 1930s—and a cutback in our defenses, both nuclear and non-nuclear, which amounts to a retreat from reality.

Both steps are designed to insure, regardless of the consequences to the freedom and independence of America's allies, that we will become a second-rate world power in the decade of the 70s.

I have no basis on which to challenge the motives of these people—the Hatfields, the Goodells, the McGoverns, the Fulbrights and others of that ilk—but I do challenge their reasoning.

Someone once said that eternal vigilance is the price of liberty, vigilance against those who would destroy freedom from within, as well as from without.

A willingness to buy and pay for preeminence in the field of national defense is also the price of liberty when we speak of the threat from without.

Yet there are those today—the Hatfields, the Goodells, the McGoverns, the Muskies, the Fulbrights and others—who are not willing to pay that price. In fact, they fight actively against it. In fact, they fight actively in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world.

They do this in the name of wonderful peace. But they have forgotten that peace is wonderful only if you combine it with freedom.

And they do this also in the name of reordering priorities, of taking money from defense to rebuild cities, end pollution and do all those other good things we want to see done. But they fail to realize that a nation without pollution, without poverty and without problems is also without hope if it cannot defend itself from enemies without. They fail to realize that we can never solve our internal problems if we cannot cope with our external problems.

We have seen those apostles of retreat and defeat grow bolder in recent months.

And now we have reached the point where some members of the United States Senate have actually purchased television time and newspaper space to lobby for surrender and against those in the Congress who still believe that a peace without honor and justice is no peace at all.

Now, is it no longer enough to debate the merits of this great issue on the floor of the Senate. Now the Hatfields and the McGoverns and 22 of their fellow Doves have become salesmen of surrender, selling the "sell-out" like some sell used cars or potato chips.

I refer to the TV and newspaper campaign to pass the Hatfield-McGovern amendment, which will be debated in August on the floor of the Senate.

This is the amendment that would, first of all, stop Americans from fighting in Vietnam and secondly, and most importantly, have them all out of Vietnam by next June, regardless of what the situation is there.

In other words, it's a purely "defeat, retreat and surrender" amendment, one that offers no hope of an honorable peace to America and South Vietnam and one that offers every hope to the Communists of eventual victory.

It is just that simple.

Senator Hatfield, Senator McGovern, and 22 of their cohorts would nullify what hundreds of thousands of Americans have fought for. In the name of peace they would betray the peace.

In the name of peace they would have America go back on her word, her honor and her commitments.

Let me ask you this question: how many nations that now depend on the United States could ever depend on us again if we quit in Vietnam and turn our Allies over to our enemies?

Let me ask you what this cowardly action would say to the rest of Asia, to Europe, to South America, to Israel?

Let me ask you, also, what it would say to Red China and Red Russia and Red Cuba?

What would it say to those who put their faith in freedom?

And what would it say to those who seek to extend the cruel hand of tyranny?

I don't need to give you those answers. You who have fought for freedom and paid a price for this country's honor know the answers.

But let me warn you, win or lose, Hatfield and McGovern and their allies will not stop with merely seeking surrender in Vietnam.

They are already working diligently to make the United States incapable of defending its Allies or itself.

Joined by others, including Senator Proxmire, they seek to cut back—and back—and back on defense spending at a time when Russia is spending more—and more—and more on both offensive and defensive weapons.

As imperialist Communism expands its navies and its merchant marine, as it builds antiballistic missile systems and multiple reentry warheads, the Proxmires and the Hatfields and the McGoverns seek to prevent any action that would even let the Uniited States maintain a parity.

We are behind now in missiles; we will, by the middle of this decade, be behind in submarines, we are losing the arms race and the maritime race, because of Senators like these.

And we will continue to lose so long as they are not told that the American people are still proud—and still love freedom—and are willing to pay the costs of freedom, whatever the price.

We will lose in Vietnam and Asia and Europe and the Americas. And eventually we will lose our own freedoms unless we stop the unilateral disarmers; unless we stop the defeatists and the neo Neville Chamberlains.

There are some in America who never learned from Munich, who never learned from Pearl Harbor, or Korea, who still don't believe Mein Kampf, and who still think that the leaders of the Communist world are nice people, even as Americans die on their orders and from their weapons.

I think it is time now that the American people put an end to this nonsense in Washington. I think it is time they told the world that to Americans peace and freedom are indivisible. I think it is time that Americans who believe in America stood up strong and straight so the Hatfields and the McGoverns and their surrender-minded friends can count them and hear them.

For only by showing them that we, the majority, will settle for no less than a just peace and strong America, can we counter their maneuver to buy peace at any price, including the price of freedom.

In his kind invitation to me to address this convention . . . Commander Neal suggested that you would be interested in a report on the Veterans' Administration.

In making this report . . . I am conscious of other important sources of information which obviates the need for a detailed accounting by me today.

I know that you had the good fortune yesterday to have as the keynote speaker at your convention . . . the distinguished Chairman of the Subcommittee on Veterans Affairs of the Senate Labor and Public Welfare Committee . . . the Honorable Alan Cranston.

And I know that attending your convention is another very distinguished speaker—the man who for so many years has served so ably the veterans of America—the Chairman of the House Committee on Veterans Affairs, the Honorable Olin E. Teague.

You are also fortunate enough—or perhaps I should say farsighted enough—to have such able officials in Washington as John Keller, Jack Feighner, Chet Huba, and their associates . . . to keep you informed of legislative and executive actions . . . prospective as well as current . . . in the field of veterans affairs.

Permit me to highlight a few of those developments in the past year which have had—or will have—the greatest effect on America's veterans and their families who are our mutual concern.

It was particularly gratifying that President Nixon, last September authorized an increase in VA employment of 1,500 persons—most of them earmarked for our Department of Medicine and Surgery.

If you recall, this action came at the time the President was reducing employment elsewhere in the government by about 50,000 jobs.

Then in April of this year the President authorized the VA to request $15 million in supplemental medical care appropriations for the remaining three months of fiscal year 1970.

The President in announcing this authorization on April 2nd—also increased the already record high VA medical care budget requested for fiscal year 1971 by an additional $50 million.

Exactly one week earlier the President signed one of the most important—if not the most important—veteran benefit laws to be enacted this year—PL 91-219—which increased retroactively to February first VA educational allowances by approximately 35 percent.

To me, another of the significant provisions of this 1970 amendment to the G.I. Bill is the provision for an expanded "Outreach" program.

I say "significant" because I sincerely believe that this provision constitutes a congressional vote of confidence in the value and validity of the on-going and growing "Outreach" program initiated by VA.

Also, I say "significant," because of the DAV's invaluable participation in the hometown segment of this program and because of your strong support of the VA's operations on the other "Outreach" fronts in Vietnam, at stateside military hospitals, separation points, United States Veteran Assistance Centers, and through computer-generated, personalized letters to recently discharged veterans.

I know that you are familiar with the results of this unprecedented, massive effort to reach returning Vietnam era veterans to inform them of their benefits and to persuade them—especially the educationally disadvantaged—that for their own welfare, for the future welfare of their families, their communities, and their country, they should use their education and training benefits as well as other benefits.

This effort—especially in the vital area of education and training—is paying off.

For example in this fiscal year we expect that 1.5 million veterans, including disabled veterans, will receive VA education and training assistance.

By the end of Fiscal Year 1971—by next June 30th—when the Vietnam G.I. Bill will be just five years and one month old—the total number of veterans and servicemen who will have participated under this program will exceed the 2,390,000 veterans who trained during the entire 13-history of the Korean Conflict G. I. Bill.

The priority interests of the Disabled American Veterans compel me to turn now to those benefits and services which are of special concern to disabled veterans.

Nearly a year ago, on August 27, 1969 to be precise, the VA endorsed H.R. 370 to increase the VA allowance for specially equipped automobiles for severely disabled veterans from $1,600 to $2,500.

As you know, the House passed this bill last month on June 15th, and it is now pending in the Senate.

The VA grant for paraplegic housing has been increased from $10,000 to $12,500. In that same measure signed into law by President Nixon on June 6, 1969, VA direct loans were increased from $17,500 to $21,000, helping veterans enjoy home ownership in areas where private mortgage financing is not available.

Obviously, Public Law 91–32, prohibiting the reduction of a veteran's statutory disability award which has been continuously in effect for 20 years, had been some time in the legislative mill before I became Administrator of Veterans Affairs. But I was indeed pleased that President Nixon signed this measure into law on the day I was sworn into office, June 23, 1969.

Before concluding with some brief comments about the VA hospital and medical care program, permit me to mention very quickly a few other benefits—improved if not new—that have become reality since your convention last year in Miami.

Public Law 91–96, approved by the President last October 7th, established a new concept for increased payments of dependency and Indemnity Compensation to widows of servicemen and veterans whose death was service-related.

Community nursing home care—at VA expense—and with no limitation as to the length of time such care may be provided, is now authorized for veterans whose hospital-

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ization was pimarily for a service-connected disability.

Complete medical services for a nonservice-connected disability is also now available on an outpatient care basis for any war veteran who has a permanent and total service-connected disability.

My Army outfit in World War II operated—successfully I might add—on the premise "if it's not necessary, it's not authorized."

This past March I determined that it would no longer be necessary for veterans 65 or older to have to disclose financial details in order to be admitted to a VA hospital.

Certainly this was no earth-shaking administrative action on my part, but I think that it does reflect a genuine desire on our part in the Veterans Administration to recognize the dignity and the integrity of our veterans . . . and to deliver the benefits and services which they need with the least possible inconvenience to them.

No "VA stockholders" report to a DAV national convention would be complete without some facts concerning the VA hospital and medical care program.

I do not hesitate to broach this subject before this audience today, because I know of the many "positives" of VA medicine which can, and should, be brought to your attention.

These positives are often overlooked when one's concern is focused on effecting improvements to which any program, including VA medicine, is susceptible.

Consider these facts if you will in evaluating the VA hospital and medical care program.

Today, 94 VA hospitals are affiliated with more than 500 medical, nursing, pharmacy, and social work schools, and graduate departments of psychology.

VA medical education currently provides training for some 32,000 individuals in almost all categories of health services.

About half of the nation's third and fourth year medical students get some part of their training in VA hospitals . . . and from the 2,500 professionals who hold medical school faculty appointments.

Each of VA's 166 hospitals is fully accredited by the Joint Commission on Hospital Accreditation sponsored by the American Medical Association, the American Hospital Association, the American College of Physicians, and the American College of Surgeons.

The Administration's budget of more than one-and-three-quarter billion dollars for VA medical care in Fiscal Year 1971 is the highest in the history of VA medicine.

It is $210 million more than last year's initial budget which was then the highest in history.

It is a fact that this record-high VA medical care budget will enable us to add 5,700 medical employees, and bring our full-time medical employment to nearly 138,000, the biggest work force in the history of the Department of Medicine and Surgery.

It is a fact that in this fiscal year nearly 800,000 veterans, the greatest number in history, will be cared for in VA's 166 hospitals.

It is a fact that the President's record-setting VA medical care budget request for this fiscal year will enable VA to handle more than 8 million expected outpatient visits.

We will also be able to continue and accelerate the opening of coronary and intensive medical and surgical care units. I might point out that nearly half of the VA's hospitals now have intensive and coronary units, compared with only 64 a year ago.

We will increase medical research by more than a million and a half dollars.

We will obligate $120.4 million for construction . . . the largest volume of hospital construction placed under contract in 21 years.

As a result of the additional funds made available and requested for VA medical care last year and this . . . a total of $1,556,000 in additional funds have been allocated to the VA spinal cord injury program.

During the 13 months I have been Administrator of Veterans Affairs I have repeatedly assured audiences such as this that no service-connected disabled Vietnam veteran will lack for immediate, quality medical care in our VA hospitals.

I reiterate this promise today.

More than this, however, I can also tell you today that severely disabled, amputee Vietnam veterans, in addition to the high quality medical treatment and care provided all veterans, will receive the special attention, the understanding, and the morale building support which—despite their uncommon courage—they may need.

Eight of our VA hospitals have now been designated to care for military patients having multiple major amputations, or a major amputation combined with other serious disabilites.

Another 60 VA hospitals will care for patients who have single amputations and no other serious disabilities. Each veteran will have the choice of the hospital nearest his home.

President Nixon has said that "to those who have been injured in the service of the United States, we owe a special obligation."

I promise each and everyone of you this obligation will be met.

Certainly . . . this Administrator of Veterans Affairs . . . and the dedicated, compassionate, skilled men and women in the Veterans Administration with whom I am privileged to work . . . will not rest until this obligation has been met.

I am grateful for the opportunity to be with you today. For your unselfish devotion to the welfare of those injured in the service of our nation cannot help but inspire and sustain me . . . as I seek to serve those who are our mutual concern.

VETERANS OF FOREIGN WARS,
Washington, D.C., July 21, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This is to let you know that the Veterans of Foreign Wars has noted with deep appreciation your remarks on July 6 in support of the additional $100 million for VA hospitals, as provided in the VA appropriation for 1971 (H.R. 17548).

The Senate, after hearing the evidence, has acted by adding $100 million for VA medical programs, and the Veterans of Foreign Wars is strongly urging the House conferees to concur in the Senate action.

You have the sincerest thanks and deep appreciation of the Veterans of Foreign Wars for the significant and vital role you played in having the Senate approve this badly needed additional money, which will help provide the VA with the personnel and services it needs to extend the highest quality medical care for returning wounded Vietnam veterans and disabled veterans of previous wars.

With kind personal regards, I am,

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

EXHIBIT 2

DEAR SENATOR FULBRIGHT: You have been outspoken on your view of the effects of the war in Southeast Asia on America. Let me tell you something about the effects of America on the war in Southeast Asia.

First let me state my credentials: I am a college graduate with a B.S. in biology. I am presently serving in administrative duties in the USAF near Saigon. I have been here almost 2 months.

In the time that I have been here, it has become quite clear that all the things that are wrong with America come to a focus over here. The thing that has ruined this country, perhaps even more so than the war itself, is the importation of something I can only reluctantly call Americanism. Vietnam is an agricultural country. The people, as can be expected, are rather backward in some ways. But I hasten to add that we could learn a few things from their art and craftsmanship. But it is no longer easy to do so. The pure Vietnamese peasant no longer exists. The majority of the people have been forced by the war into giving up their farming to eke out a living in the city as best they can. Saigon is a city designed for a quarter million people. It now houses about 2 million. Under these conditions it is hard for anyone to manage.

Not knowing how to live in a city, the Vietnamese learned to follow the example supplied to them by American G.I's. America has made available to them a life style as American as Betsy Ross and as deplorable as Watts or Harlem.

America's vices are allowed virtually free reign here. Materialism is rampant. A quiet, agricultural nation has been turned into a nation of thieves, dope addicts, prostitutes, alcoholics, and black marketeers.

If many Vietnamese seem to care about nothing but money, as some G.I.s argue, it is because they have learned that from Americans. If life itself has lost much of its meaning to them, they have learned that from us too. Except for a few kind souls, to the last man, Americans here are down on the Vietnamese; criticizing them for flaws we have created in them and which we have ourselves. Thus having degraded them, Americans use that as an excuse for exploiting the Vietnamese further. The G.I.s play them for suckers.

Comment of a shuttle bus driver this morning when viewing an accident where a Vietnamese on a motorcycle was hit by a jeep: "The only thing wrong is he's still alive." It doesn't matter at all if he was a V.C. sympathizer or not. He's just a worthless, thieving (probably) gook.

G.I.s have many ways of denying the humanity of the Vietnamese which is something they want to do because each one of them simply cares about himself, his immediate friends and relatives (in a pinch, just himself) and to hell with everyone else. It's the American way. They are frustrated. They want to go home and take care of their own: Their own T.V.s, stereos, hot cars, yachts. snowmobiles, bars etc.—The Glorious American Standard of Living! (The American Standard of Living at one time, was a good thing to export but it isn't the same anymore. It is the manufactured result of the free exercise of greedy, moral-less advertisers and the companies who solicit their services.) Putting as much physical distance as possible between himself and the Vietnamese and sticking with his cronies, the average G.I. gathers about himself that all-American mark of distinction—material wealth. They buy radios and stereo record players and tape recorders to listen to American music. They set up their own radio station—to listen to American music. They set up an American T.V. station to watch American T.V. All this has the effect of convincing all but the most wary that he's but a block from home. The fact that there is a war going on and people are getting killed and that Vietnamese are starving seems as far away as the other side of the moon.

And the effect on the Vietnamese of being disregarded, spat upon, exploited at every turn, lied to, cheated, mistreated, played

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tricks upon, and treated like rats? At first all they knew was the G.I.s were there. There was little or no attempt at understanding or communication or even just trying to be sincerely friends. After they came to see through our guises of help and friendship, which is all we ever offered, they came to hate us. That is only natural. The next step was to show us that two can play this game and now we have the cowboys. There is a little cowboy, a little resentment in all the Vietnamese for all the havoc we have wreaked while ostensibly trying to help them. When we turn on our hosts and exploit them, play them for suckers, treat them like dirt, buy their women, they appreciate us about as much as they appreciate the V.C. When someone tells you the Vietnamese people want us out of Vietnam, now maybe you know why. I wouldn't want the kind of American we have here in my neighborhood either. You should see the G.I.s flaunting their wealth at everyone; swinging cameras, stereos, radios, porcelain elephants etc. What does that say to a Vietnamese? We have made avid consumers of them all. We have shown them what the dog-eat-dog American way of life is like at its worst.

The thing that should concern you most is the fact that this is all done with the highest government sanction. This base hasn't been hit in quite a while. Do you know why? Another base 15 miles from here gets it every night. They operate combat aircraft while we do not particularly but that isn't the main reason. If this base gets hit Saigon goes off-limits. If Saigon goes off-limits the G.I.s can't go downtown and change their money or sell the things they steal from each other and the black market would be hurting. So to support the black market and to keep the base from being hit Saigon is kept on-limits. There is no reason why anyone has to leave this base. All they ever do in town is get drunk, get in trouble, or participate in the black market. The curfew is 10 P.M. to 6 A.M. but many guys stay somewhere downtown. I know of several who are living illegally off-base. The G.I.s here think nothing of selling out their brothers in the bush by changing money downtown. They tell me even the colonels do it. One soldier told me he caught a guy trying to sell a handgrenade. He also told me pot is the only way you can live in the jungle.

While I am at it let me say a little about the men we lower grade servicemen like to call lifers. Not all career men are lifers. Some are dedicated, decent people but most are just off skid row. But the trouble is the service is setup in such a way that these men are its backbone. The theory is that a man who has many years in a field knows most about it and should be in charge of it. In practice many career men are nincompoops who hardly know enough to come in out of the rain. They do not keep up to date on regulation changes and spend their free time boozing it up in some bar. What they do supremely is supervise. The airmen (in the USAF) under them are the ones who actually do the work and are up to date since they are recently trained with the latest books. Of course when it comes to making up tests for promotion they make them up themselves to ensure their passing them. They write their own glowing performance reports that read like something out of a superman comic book. Incidentally these reports must be typed to perfection regardless of the sheer bunk that they are written with. Appearance is more important. Like Peter Principle says, "An ounce of image is worth a pound of performance". Nowhere is that truer than among the NCOs and officers of the military. In some cases perhaps this is unavoidable but there are a few I really object to. Set yourself up a list of the things you think it would be most important for a man to have if he is going into a war zone. Then compare it with a list of what our soldiers and airmen are given and see if your priorities match those of the military. I think you may be a little bit shocked.

For one thing, in a tropical country as disease laden as this one is, you would expect health and hygiene items to be high on the list. Many of the diseases found in this part of the world are carried by sandflies, mosquitoes, and other insects. Insect repellant should be issued regularly to all troops here. You can buy some in the BX if they have any. For a month since I arrived they didn't. I discovered they have a few bottles hidden away in the local purchase store which is for official purchases only. Mosquito netting should at least be available if not a part of the SEA issue. To my knowledge there is none available. A couple of guys have some but they probably got it down town. Fans are a big help in keeping the bugs off but once again you have to buy one in the BX if and when they have them. In short, for a newly arrived serviceman there is NO protection against the foreign insects and the disease organisms they are host to and when he has just arrived is his most vulnerable time. One would think that in view of this at least the transient barracks where he must stay for a few days would at least be kept fairly well sealed. There are big holes in the screens, the lockers are unlockable (the thievery among G.I.s here is terrific), the floor floods when it rains and the bugs come in, and while you sweat trying to get to sleep the bugs attack any exposed parts and even bite through the sheets keeping you awake. Lack of sleep certainly doesn't help you build up your resistance any either, especially after a 17-hour flight from the states which has your metabolism all messed up anyway.

They spray the base by air around 7 a.m. a couple of times a week so that everybody is up and around and breathing regularly so we get a good dose. I haven't found out what they spray but it doesn't cut the insect population any as far as I can see. Mosquitoes breed in standing pools of water. It is standard procedure stateside to level out depressions to avoid this. There are standing puddles, almost like moats, between each barracks. A mosquito could live his entire life without having to go more than ten feet. In addition to the aerial spraying, a truck comes through the housing area twice a week with some kind of fog. It is sprayed all over a group of G.I.s watching movies in the compound among other things. The bugs persist. It is well known that many of the insects here are resistant to various insecticides. Apparently the stuff they use is ineffective. Malaria pills are supplied in the chow hall but not everyone eats there. Moreover the G.I.s spread rumors that the pills will make you sterile and since they sometimes cause diarrhea they don't take them.

A serviceman is not just a man. He is also a fighting unit. He is responsible not just for himself but for the others he must defend in battle, for the damaged aircraft he can repair or the machine he can run. It is in the interest of the Air Force that its personnel be in condition to accomplish the Air Force mission not just in one man's interest that he stay well. It costs all of us when a man is sick or wounded. There is a mission capability loss. But the policies of the Air Force today do not reflect this kind of practical thinking. It is each man for himself and responsible, apparently, only to himself. You can lead a horse to water but you can't make him drink except in the service where the lives of many others are at stake, you'd better find a way to make him drink.

Just what do the priorities of the service align themselves with? A little looking will disclose that because of the fear of losing its backbone, the supposedly knowledgeable and capable lifers, the service caters to their every whim. Morale is the word they use. It's still considered a morale factor. That's the answer I received when I inquired as to why, in view of the voluminous evidence of how cigarette smoking can and has hurt the Air Force mission through hospitalizations, overburdened medical facilities, loss of materiel through fire and downtime from colds and coughs and many other things, the Surgeon General has not taken steps to reduce smoking among those charged with protecting our interests by eliminating cigarette sales from government facilities, increasing their price or in other ways reducing their easy availability to service personnel. This same argument is used in defense of all the vices committed by the lifers. A simple request that candy vending machines be replaced by oranges, apples and milk machines replace coke machines, made by a dentist's nurse at one base to attempt to cut down on the expense of dental treatments and downtime due to appointments, was apparently ignored. The lifers it seems place a higher value on coke and candy than milk and apples. Well I guess that's to be expected. But do you think the government should follow their juvenile, immature example and sanction it? The service should discourage all debilitating, mission-harming practices but it encourages them right along with physical fitness. All the words in the world don't mean a thing to a smoker who finds cigarettes cheap in the commissary. That's a fine way to protect a nation. I'm glad to know a half-trained band of choking alcoholics is ready to defend me. Maybe the Marines still make men (though I doubt it) and I still question their definition of men, but the rest of the services make pigs or let the men make pigs of themselves and help them do it. Go into any barracks on a Friday midnight.

The black market in Saigon, made possible by the materialistic demands of the American standard of G.I. living, also has U.S. Government sanction it would seem. Why else, when one can get all that he needs and then some on base, should Saigon not be off-limits? Morale again I suppose. G.I. spending in Saigon is a major source of revenue for the V.C. G.I. demands for luxuries in the BX and our employment of Vietnamese dockworkers and drivers ensures that the streets of Saigon are filled with goodies. All this is costing our government fantastic sums of money. And the war profiteers are here too. From PFC all the way up to General, American greed runs rampant. G.I.s here sell their brothers in the field, downgradingly called "grunts", who are fighting for them, by exchanging MPC in Saigon. The G.I. who buys with MPC buys the bullets that kill in the field. They don't care. As long as it's not them or someone they're not concerned about, fine. It's as American as Kinsey.

Apart from keeping the Viet Cong from killing them all, we are doing the Vietnamese few favors. If you ask me, we are using a mighty filthy rag to clean up the mess over here.

If you care about America, you'll do something to change the character of our "representatives" in the service. In the military, some changes can be dictated. For example: tax cigarettes and alcohol and put Saigon off-limits permanently. Teach someone in a high place that giving a baby everything it wants is no way to establish responsibility and discipline or maintain morale. What it does do, you can see here.

Above all get on those creators of the whole American mess—the unscrupulous advertisers who use psychology to exhibit the foibles of human beings for private profit at any cost. Subliminal advertising has been banned from T.V. but what about the unwritten brainwashing that daily is manufactured and fed to the American public by companies with no principle except profit and who use psychological consulting firms to under-

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stand, predict, and control the hapless American? The immoral exploitation of human weakness must be stopped if America is to survive.

So you see there's a much bigger job to be done, at home, by people like you. Take your eyes off the dissension the war is causing and look at your neighbors for what they have become—in Edward Abbey's words "pigs in heaven". Then let's not hear any more about the effects of the war on the American way of life. It's the other way around.

Sincerely,

——— ———.

JULY 18, 1970.

DEAR SENATOR FULBRIGHT: Since this is a letter of support, I needn't elaborate my position. I plan to do so in letters to your critics.

Myself and many many GI's I work with are very much opposed to the continuation of this war. As a combat engineer squad leader, I have worked very closely with the infantry on countless occasions. It is my opinion that opposition to the war runs deepest in these over-worked, mal-treated, deeply respected individuals.

I simply want you to have this letter and others like it to temper the glowing words so many Congressmen have for the dedication to victory of our GI's. It is your words, not those of blind flagwavers, which keep up the morale of so many over here.

I had the privilege of hearing a speech you delivered to a group of summer interns in 1967. I never dreamed I'd be here three years later. You and your colleagues' relentless pressure will hopefully force the country out of this entanglement and encourage more discrete policy making in the future.

Thank you for all your efforts.

Sincerely yours,

——— ———.

EXHIBIT 3

PINE BLUFF, ARK.,
July 16, 1970.

Hon. J. WILLIAM "BILL" FULBRIGHT,
Senator,
Washington, D.C.

DEAR SENATOR: I wish to express my very deep appreciation for your presentation in the Senate on Tuesday, June 9, 1970, regarding the plight of the Veterans Hospitals and for sending me a copy of the Congressional Record of the proceedings regarding your very able presentation.

I used this information in my discussion of the status of pending legislation in Congress, a bill that will add 100 million dollars to the VA medical program, etc., as will be observed by the enclosed newspaper clipping, at our Post meeting Monday night.

Keep up your good work.

With kindest regards and good wishes, I am,

Sincerely,

LARRY FRENCH.

[From the Pine Bluff (Ark.) Commercial, July 16, 1970]

HEARIN-CONNOLLY POST 32 DISCUSSES PENDING HOSPITAL FUNDS LEGISLATION

Larry French discussed the status of pending legislation in Congress that will provide an additional $100 million to the Veterans Administration medical program at the regular meeting of Hearin-Connolly Post 32 Monday night.

He called attention to the support Senator J. William Fulbright of Fayetteville is giving to the matter of additional funds for veterans hospitals.

The post sent Congressman David Pryor of Camden a telegram urging his support of the Senate version of the legislation. Pryor is a member of the Senate-House conference committee considering this legislation.

Reports were made by delegates to the state convention recently held in Hot Springs and the commanders and adjutants conference held Saturday in Little Rock.

DISABLED AMERICAN VETERANS,
Conway, Ark., March 9, 1970.

DEAR SENATOR FULBRIGHT: We, the undersigned members of DAV Chapter #10, Conway, Arkansas, are most concerned about the apparent deterioration of the Veterans Administration medical and hospital programs and we will sincerely appreciate your indulgence and support in correcting this most serious situation.

We are positive a majority of our American citizens and Members of Congress wish to provide the finest medical care and rehabilitation program for the disabled veterans of our great Nation. We also believe it is the intent of the Veterans Administration Department of Medicine and Surgery to provide such medical care.

Reports from reliable sources show serious deficiencies exist in the present operation of the VA Hospitals in Arkansas and the primary cause of such deficiencies is the shortage of funds and medical personnel. Reliable reports show our VA Hospitals had funding deficiencies in the current fiscal year of over 1.3 million in operating 1,900 beds to serve 213,000 Arkansas veterans.

At this time, our hospitals are understaffed and maintenance is poor in many areas. Much of the equipment needs repair and new equipment is badly needed.

Unless immediate and appropriate action is taken to provide sufficient funds for our Veterans Administration Medical Program, it will soon deteriorate to the point of being a second-rate system.

We do not believe the fight against inflation should be at the expense of inadequate care for our disabled veterans. We will appreciate your support and appropriate action.

(Signed by 21 persons.)

DISABLED AMERICAN VETERANS,
Hot Springs, Ark., March 18, 1970.

Hon. J. WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SIR: There was an article in the Hot Springs New Era of March 17 that I would like to congratulate you on.

The article is about the way our Veterans are being treated in our Veterans Administration Hospitals. We here in Hot Springs, as well as every one in Arkansas, are proud of you for speaking out on this subject. We have the same feeling that America must provide the best medical care possible for its Veterans.

I can assure you that this information will be passed on to all our members at our next meeting.

Again may I say thanks for speaking up in our behalf, we do appreciate your feelings very much.

With kind personal regards, I am

Yours very truly,

H. ROSS WISELY,
Commander.

DISABLED AMERICAN VETERANS,
Jonesboro, Ark., March 18, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: So many times so many of us only write to or call upon our Senators and Congressmen when we wish to criticize them for something with which we disagree. I cannot pass this opportunity to express to you my sincere thanks for your recent statements concerning the shortage of funds with which our V.A. Hospitals are being forced to operate with.

We believe that any veteran who has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health.

Thank you again for your efforts in this matter, and we hope that with your help and the many others who are interested in this problem, that the veterans of this nation will be able to receive the medical treatment to which they are entitled.

Sincerely,

CECIL W. STEVENSON,
National Sr. Vice Commander, Disabled American Veterans.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., July 21, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This is to let you know that the Veterans of Foreign Wars has noted with deep appreciation your remarks on July 6 in support of the additional $100 million for VA hospitals, as provided in the VA appropriation for 1971 (H.R. 17548).

The Senate, after hearing the evidence, has acted by adding $100 million for VA medical programs, and the Veterans of Foreign Wars is strongly urging the House conferees to concur in the Senate action.

You have the sincerest thanks and deep appreciation of the Veterans of Foreign Wars for the significant and vital role you played in having the Senate approve this badly needed additional money, which will help provide the VA with the personnel and services it needs to extend the highest quality medical care for returning wounded Vietnam veterans and disabled veterans of previous wars.

With kind personal regards, I am,

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

EXHIBIT 4

TEXT OF AUGUST 3, 1970, LETTER FROM SENATOR MCGOVERN TO DONALD E. JOHNSON

Hon. DONALD E. JOHNSON,
The Administrator of Veterans' Affairs,
Washington, D.C.

DEAR MR. JOHNSON: Your speech before the national convention of the Disabled American Veterans in Los Angeles on July twenty-eighth has just been brought to my attention.

In that address, you directed a verbal assault toward some twenty-six members of the United States Senate. You applied the label "apostles of retreat and defeat" to Senator Hatfield and me and to the twenty-two (the correct number is twenty-three) other sponsors of our amendment to provide an orderly withdrawal of U.S. forces from Vietnam.

Several references were particularly obnoxious. You suggested, for example, that the "Hatfields, the Goodells, the McGoverns, the Muskies, the Fulbrights and others" are not willing to pay the price of liberty and instead "fight actively against it" and "in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world." You referred to our proposal as "cowardly." You say we are "working diligently to make the United States incapable of defending its Allies or itself."

Such simple-minded remarks have no place in the national debate on any issue, certainly not on a matter as costly and divisive as the war in Vietnam. You should be aware, Mr. Johnson, that among the Senators you slurred are at least 17 combat veterans who hold many decorations for their valor and courage under fire. One, Senator Daniel Inouye of Hawaii lost an arm in combat.

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Each risked life and limb in defense of this country. In light of these records, your suggestion that we are not willing to pay the price of liberty reads as a mindless slur far beneath the standards of conduct we should be able to expect from responsible government officials.

Beyond this, I think there is reason for deep concern about the implications of your statement for the programs you are charged with administering. It is my view that the veterans of this country, many of whom have suffered the gravest of injuries and who face severe lifetime disabilities, deserve the full attention of the administrator of their programs. I am surprised that with the enormity of their problems and with the clear inadequacy of present programs, you can find time for vituperation against members of the Senate on an issue not within your area of responsibility.

I do not question or doubt your freedom to express opinions on any issue. It is, however, gravely disturbing to see the highest office in an agency which has always enjoyed broad bipartisan support used as a platform for hysterical political rhetoric. You would do well to recognize the possibility that your enthusiasm for impugning the patriotism of Senators can detract from the attention you can give to veterans programs and thus deplete your effectiveness as an administrator. Instead of attacking Senators who want to end the war in Vietnam, you might be much better advised to concentrate on dealing with the pain and suffering that conflict has brought to thousands of young Americans. As a beginning, I suggest you might well devote more of your time and effort to the improvement of medical care and facilities in some of our veterans hospitals.

Sincerely yours,

GEORGE MCGOVERN.

Mr. MILLER. Mr. President, I have been listening to the colloquy between the Senator from Arkansas and the Senator from South Dakota with interest, and I can well understand why they might regret certain statements being directed toward them by the Veterans' Administrator. But I do think that we ought to put a little perspective on what has been said.

For example, it has been stated that it is unprecedented for a Veterans' Administrator to make such a critical statement. I do think, in fairness, that we ought to make it clear that the criticism was bipartisan; it was not directed at any one party. I think the Senator from Arkansas did point out that members of both parties were involved in the matter to which Administrator Johnson directed his comments.

So while, perhaps, it was unprecedented, I think we can say that at least it was not partisan. But I think we ought to recognize that, while, perhaps, this statement by the Administrator of Veterans' Affairs was unprecedented, he was directing his comments toward an unprecedented proposal. One thing that has disturbed many of us has been that during the 5 years when the previous President was conducting a war in a manner which saw it get bigger and worse, there were no proposals that I can recall that were introduced which would have directed that all troops be out of South Vietnam by a certain date.

In fairness, I must say that the Senator from Arkansas was quite critical of the previous President, and in that respect he has been consistent. But all the other Senators who have been introducing amendments right and left to do something about curbing the President's powers to conduct the war and to fix him with a time by which he had to pull all troops out of South Vietnam were strangely silent while this war was getting bigger and worse.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MILLER. In just a moment.

Along comes a Republican President, who is doing his best to get us out of our involvement in South Vietnam in an orderly fashion and in a way which will live up to commitments which are reflected in the SEATO Treaty, which was ratified here back in 1955 by a good many of the Senators who are still Members of the Senate; and the next thing you know, out come resolutions and amendments to curb his powers, his constitutional powers, and his discretion as Commander in Chief.

It would not be so bad if this war was getting bigger and worse or even if it was at the same level at which the President found it when he took office.

But when it is going in the other direction, when the number of troops in South Vietnam has been reduced substantially, when the President has indicated that many thousands more will come out by next spring, when the number of tragic casualties is down to less than half of what they were a year ago and a third to a quarter of what they were 2 years ago, and when the cost of this war is going down, it seems to me that this is unprecedented for proposals to be introduced to which Administrator Johnson was referring.

One may disagree with the manner in which the Administrator criticized what was being proposed; but I think perspective demands that while this may have been an unprecedented attack by an Administrator on certain Members of the Senate, it has been an unprecedented action by certain Members of the Senate directed at the President of the United States. In that view, I think the suggestion by the Senator from South Dakota that the Administrator's comments were in bad taste might also be directed at the unprecedented action coming from certain Members of the legislative branch. In any event, a great many people in this country are disturbed that for 5 years certain Members of the Senate were silent with respect to introducing resolutions and amendments to curb the President's discretionary powers and to fix a time certain.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MILLER. Now that a Republican President is moving in the right direction, their voices are raised.

So I think that perspective demands that this be said.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. With respect to the idea that it is unprecedented, the Senator apparently has forgotten that the criticism of the preceding President, Mr. Lyndon Baines Johnson, was so severe that he retired from public office.

The Senator insinuates that this is a partisan matter, although he starts out by admitting that there is nothing partisan in Administrator Johnson's remarks because he includes the Republicans as well as the Democrats. To say that this is unprecedented in that I and others did not criticize President Johnson is hardly correct. I think it is generally conceded that the principal reason that President Johnson decided not to run again was the failure of his policy in Vietnam. That was the source of practically all the criticism in which I and others engaged. I do not see how the Senator can possibly say that nobody—including me—in the Democratic Party criticized President Johnson. The fact that it did not take the exact form of the Cooper-Church amendment is simply a matter of a coincidence of events and circumstances.

The fact is that when President Johnson decided not to run, we assumed that with a new administration there would be a different policy. This is one of the reasons why there has been a renewal of the same kind of criticism, only taking a different form. But the same kind of arguments and the same kind of criticisms were made against President Johnson as against President Nixon. To insinuate that I and other Members on this side of the aisle are criticizing this President simply because he is a Republican is absolutely unfounded.

Mr. MILLER. The Senator from Iowa stated specifically—perhaps the Senator from Arkansas was not listening very well——

Mr. FULBRIGHT. I did listen.

Mr. MILLER. The Senator from Iowa stated specifically that the Senator from Arkansas had been consistent in his criticism of two Presidents. That was not the point. The Senator from Arkansas is not saying anything that I have not said so far as he, himself, is concerned, because it is well understood that the Senator from Arkansas was very vociferous in his criticism of the former President, and he has been critical now.

So I do not know why the Senator says that I am making a statement indicating that he is being critical now when he was not critical before. I have just said the same thing the Senator from Arkansas has said, and if he had listened to what I had said, he would understand that.

Mr. FULBRIGHT. I heard that. I know that some of the other Senators included in this were also critical. I was not the only one, by any means. It included many of the same people who are mentioned here.

The Senator from Iowa got off on the merits of the war. I did not intend to argue about the merits of the war. I was calling attention to the propriety or the impropriety, the very bad taste, of an official who is not a partisan appointee, who is not supposed to be serving any particular point of view, especially in an area that is not his responsibility. If it is the Secretary of State or even the

Secretary of Defense who is defending such a policy, it is one thing. But for the head of the Veterans' Administration to become involved in this kind of argument—about something I do not think he knows anything about—and to be so vitriolic, so insulting, so degrading of the Senate itself, because he refers to "cohorts" and large numbers of Senators—seems to me to be very unprecedented and inexcusable. No other man in the Veterans' Administration ever undertook to make this kind of judgment that I ever heard of at any time, under any administration. The Veterans' Administration is generally regarded as being above politics. The VA is to serve the veterans, especially those sick, ill, and wounded. That is what it is for. To come in and make this kind of speech, it seems to me, is utterly inappropriate. I was not trying to make an argument about whether the war was good or bad, just whether a man in that position should make this kind of speech and create controversy even among veterans. As the Senator from South Dakota said, the veterans themselves are divided. Everyone is divided on this question. They are not 100 percent for or 100 percent against the war. It does not help the situation for an agency which is supposed to bring about better health and to bind up the wounded, to get involved in this kind of controversy.

Mr. MILLER. The Senator from Iowa understands what the Senator from Arkansas was getting at. The merits or the demerits of the war are not what are involved here at all. All I wish to do is to point out that if we are talking about things being unprecedented, let us put it in perspective.

The Senator from South Dakota and the Senator from Arkansas refer to this attack upon a number of Senators by the Veterans' Affairs Administrator as being unprecedented. Perhaps it is. I do not know. But I also suggest that the fact that Senators are involved in resolutions and amendments to curb the President's power as Commander in Chief, at a time when he is going in the right direction above all, is unprecedented, too. The Senator from Arkansas minimizes that by saying it is simply the "form" of the criticism that has been going on for a long time. May I suggest to my friend from Arkansas that the form can be terribly important.

I think it is unprecedented for that criticism to take the form of an amendment or a resolution to put a time certain for withdrawing all our troops from South Vietnam. It is just a little too coincidental, it seems to me, that this was not done during the 5 years preceding President Nixon's coming into office when this war was getting bigger and worse. There is no consistency there at all.

I will say again, as I said originally, that the Senator from Arkansas has been consistent, in that he has been a vocal critic—certainly during the later years of the Johnson administration, as well as now. There may be a few other Senators present who also were critical but a good many other Senators were strangely silent even on criticism, and all of them were silent to the point that they were not introducing legislative proposals such as has been done since our new President took office.

Mr. DOLE. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I am pleased to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I shall not defend the Veterans' Affairs Administrator, but would point out that we have had marches on the White House by HEW employees and employees of the Justice Department, who have protested the war and President Nixon's role. I have not heard anyone here protest, or take issue with that activity. The Veterans' Administrator perhaps should have deleted parts of his speech, as these were questionable statements and phrases. Let me point out that we are about to begin debate on an amendment—preceded by an unprecedented maneuver where some of our own colleagues are engaged in a half-million-dollar campaign lobbying many of us here to support the so-called end the war, or as I call it, the lose the peace, amendment.

Five Members of this body on NBC television, on May 12, raised admittedly at least a half million dollars to lobby their own colleagues.

I find no precedent for that.

This was mentioned in the speech by Mr. Johnson, and with that portion of his speech I agree. In fact, we will be discussing at length, what I consider to be a rather unprecedent effort by Members of the Senate to pressure their own colleagues by running paid TV commercials in various States—Missouri, West Virginia, and many other States—Kansas included. There has been a heavy nationwide concentration of TV commercials, in an effort to sell the so-called end of the war amendment, which I repeat should be designated the "lose the peace" amendment.

There have been full-page ads, with the names of 24 or 25 Senators appended, with a flag-draped coffin, which infers that only those 24 Senators want to stop the bloodshed and the remainder, by inference, are for war and against peace.

I happen to believe that everyone in this Chamber is opposed to war, that everyone in this Chamber wants peace. To cloak ourselves with some antiwar designation does not mean that Senator is any more for peace than other Members of this body.

There will be much discussion about this new procedure whereby Members of this body, by public subscription, raise half a million dollars or more, apparently with little or no accounting, and then use the money for television commercials in my State, and many other States, to pressure their own colleagues.

I question the judgment of doing that. If it is true, then perhaps all of us should raise money for some purpose, in an effort to pressure and lobby our colleagues.

I find no precedent for that. That fact is unprecedented. So is the fact there have been marches and demonstrations by Federal employees against President Nixon and President Johnson.

I subscribe to the views expressed by the distinguished Senator from Iowa (Mr. MILLER), that had President Nixon escalated the war in Southeast Asia, or had he failed to keep his word to this body or to the people of America when he announced troop withdrawals, then, of course, maybe, we should heat up the attack and substitute our judgment for that of the President. That is what the so-called amendment to "end the war," or the amendment to "lose the peace" attempts to do.

The President is deescalating the war. He is withdrawing our troops. He has kept his word. Now we find Mr. O'Donnell trying to absolve everyone from blame—everyone, apparently, except President Nixon.

In the next few weeks, there will be much debate about many unprecedented matters which are occurring with reference to the "lose the peace" amendment.

Mr. McGOVERN. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I appreciate the comments just made by the distinguished Senator from Kansas.

I am now happy to yield to the Senator from South Dakota.

Mr. McGOVERN. I wonder whether the Senator would yield to me, not for the purpose of getting into a debate on the merits of Vietnam, which will doubtless be discussed——

Mr. MILLER. I will be happy to yield to the Senator from South Dakota for any purpose whatsoever.

Mr. McGOVERN. I want to ask the Senator from Kansas if he would elaborate on his point with reference to the TV coverage by Members of the Senate.

Do I correctly understand that the Senator's position is that Members of the Senate should not be allowed to purchase time on television?

Mr. DOLE. That is a matter to be determined by the different stations. Apparently some stations decided to sell time for this purpose. NBC accommodated the Senator from South Dakota, the senior Senator from Oregon, the junior Senator from New York, the senior Senator from Idaho, and the junior Senator from Iowa, in their request for nationwide television. NBC gave the Senators the opportunity to raise public funds—over half a million dollars.

Mr. McGOVERN. How does the Senator think we could expect to pay for the broadcast? Does he have a better suggestion? We used 20 seconds of that time to make an appeal to our listeners to help with the cost of the broadcast. There was no way any member of that panel had any idea whether $1 or $1 million would be raised. What we did know was that we had to borrow the money in order to get our message over to the voters. We were denied three times. We petitioned the three networks for public service time, not on a partisan basis

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but to try to present our concern and our answer to the President's position on this very important issue. We were denied that. All the networks said, "No, the President had free time but Members of the Senate cannot have it." Then we said, "Would you sell us time?" Two of the networks said, "No." After some negotiation, the third network, NBC, agreed to sell us the time, provided we could get some $60,000, as I recall it, within the space of 24 hours.

We succeeded in raising part and in borrowing the rest of it. Near the end of the broadcast, the Senator from Idaho (Mr. CHURCH), speaking for all five of us, made a 15- or 20-second appeal to anyone watching that broadcast to help pay for its cost.

I am frank to say that I did not think we would get enough in the way of contributions to pay for the cost of the broadcast. To our surprise, something approaching $500,000—I believe $483,000—was received.

I want to point out to the Senator that there has been a very careful accounting of that money. Every cosponsor of the amendment has been given a periodic account of exactly how much money was received and how much money was spent.

Mr. DOLE. Mr. President, I can find no record in the Office of the Secretary of the Senate.

Mr. McGOVERN. It has been printed in the CONGRESSIONAL RECORD.

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Mr. DOLE. That was not an accurate accounting. It was merely a statement that x dollars had been collected and that x dollars had been spent.

Mr. McGOVERN. Mr. President, an accountant is handling the funds. He is bonded, and a full accounting is given to the U.S. Senate and to the American public on the moneys received and how they are expended.

What I am trying to find out from the Senator is whether he thinks it is wrong for Members of the U.S. Senate who were denied public service time then to go on television with time that is purchased in order to present a particular point of view. Does the Senator think there is something wrong with that?

Mr. DOLE. Mr. President, as I said initially and I will say a great deal more about it in the next few weeks, as far as I am advised, it is unprecedented, unless we go back to the America-First Committee, organized prior to World War II. There was some discussion at that time in the House of Representatives about Members' lobbying activities. It is unprecedented to raise money from the public and use the funds to lobby other Senators. I do not care whether it is a thousand, a half a million or a million dollars. It is unprecedented to use the money to lobby one's colleague for support of a particular measure.

Mr. McGOVERN. Mr. President, in a sense, everything we do is intended to get support for our position. If the Senator feels that is unduly influencing opinion in his State, he can ask for time.

Mr. DOLE. I have asked for time under the fairness doctrine. I have tried to obtain a list of the stations on which the Senator has TV spots. He refused to provide me the list. However, I did send letters to 60 or 70 stations and have through individual requests asked those stations for comparable time.

I do not believe it should be necessary to go to the public to ask for funds to be able to present contrasting views.

I have had favorable responses from 40 or 50 stations.

Mr. McGOVERN. We were denied public service time in which to respond.

Mr. DOLE. That was with the networks.

Mr. McGOVERN. The Senator is correct.

Mr. DOLE. But I have gone to individual stations.

Mr. McGOVERN. But if the Senator is denied his request, as we were, then what, I am curious to know, is his reason for believing it is wrong to pay for the time. What is the ethical problem involved in Senators paying for time as against going on television on free time? I do not quite get the distinction.

Mr. DOLE. There may not be any. However, stations must accept anyone who want to pay for time. If the Ku Klux Klan want to buy some time now for some purpose, they could probably use the Senator's request as a precedent.

I am not certain—and I have read some of the copy in the commercials—whether the Senator is still in the process of raising funds or whether he now has enough money. That is the part that disturbs me as a Senator.

How much money can Senators raise and how much pressure can they bring to bear on their colleagues through the raising of public money at a time of great emotion in this country?

We all want the war to end. There seems to be the viewpoint that only a few Senators want peace and that President Nixon enjoys the war and that, therefore, those who support him must also enjoy the war and be against peace. That is not true.

Mr. McGOVERN. Mr. President, I think the Senator is setting up a lot of strawmen here.

Mr. DOLE. There will be many more raised in the next 2 or 3 weeks—but not strawmen.

Mr. McGOVERN. It is not a question of trying to slander the President. The whole discussion began with the Senator from Arkansas making the point that we do have differences of opinion on the issue and that it is wrong for anyone in high position in the U.S. Government to slander the motive of a Senator on either side of a question.

Mr. DOLE. I think it is also highly questionable for the junior Senator from Kansas or any other Senator to raise money to advertise and establish a staff of 30 or 40 as the Senators now have working on the so-called amendment to end the war. There are so many committees tied up with the effort that one cannot determine which committee does what. Some may be working on newspaper ads. Some may be working on television ads. But they are all aimed at one thing, and that is trying to destroy the credibility of the President, who is trying to end a war he inherited.

Mr. McGOVERN. Mr. President, most of the people are volunteers.

Mr. DOLE. Some are. But some are on the staffs of the Senators.

Mr. McGOVERN. I am sure that the Senator has some members of his staff who support his position in this matter.

Mr. DOLE. I hope so.

Mr. McGOVERN. Mr. President, I do not see anything surprising about that.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MURPHY. Mr. President, I have listened with great interest to the discussion today. I appreciate the point made by the Senator that this is a new practice. It is new to me.

I wonder if we have thought of possibly making, by joint resolution or other proper action, an application for periods of time to be supplied by the networks to be controlled by a bipartisan committee so that when the occasion arises that one committee of the Congress or another feels they would like to make their particular position known to their constituency, the time would be provided. Possibly we could consider a regulation by the FCC. After all, all of the air time does belong to the people.

I wonder if it might not be proper, instead of forcing one impression or argument or another on the people by going out and making a public appeal for funds or borrowing money and going into debt, in order to bring their position forward to consider a regulation to have this time provided and have it controlled properly by responsible leaders on both sides of the aisle so that there might be a public debate or disclosure, shall we say, rather than have it confined just to this Chamber.

Actually this is what it amounts to. It is taking the debate to the people by use of the media. But in the present case it is doing it actually before the debate within this Chamber has taken place. I do not object to that. But I think that it should be a balanced program with an equal opportunity afforded to both sides. Maybe it would not depend then on which side could raise the most money.

It is an unfortunate thing that often nowadays the cost of presenting a message to the public gets out of hand. I wonder if this might not be worthy of proper consideration.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I think there is a great deal of merit in the Senator's proposal.

I would not be prepared to make any final judgment on it other than to say that something along that line seems to me to make sense.

I hope as the Senator from Rhode Island (Mr. PASTORE) begins his hearings on this whole question of public service time, the question of apportioning time between parties and the question of dealing with how major issues can be handled when a bipartisan bloc is lined up on one side of the issue and another bipartisan bloc is lined up on the other side of the issue—something along the lines of what the Senator has suggested—would bear careful examination.

It seems to me to make a considerable amount of sense. I appreciate the Senator raising the point.

Mr. MURPHY. I thank the Senator. If I may respond, I would say one of the things that is of great concern to me is that very often a group of people with the financial ability to put together the money to take out a huge ad in a metropolitan newspaper or several of them and the other side not being able to raise the money does not get to be heard. I would hate to see the day come when the Government of this country could be controlled simply on the basis of who had the most money. That would be unfortunate and a dangerous situation for this country.

Mr. PASTORE. Mr. President, before I make my statement on the conference report, if I may have the attenton of the Senator from California and the Senator from South Dakota, we started those hearings this morning. On July 23 I made an announcement on the floor of the Senate. We had Mr. FULBRIGHT appear before our committee. I reiterate again what I said that day: If there is any Senator with any ideas I hope he comes before the committee to express himself.

THE VETERANS' ADMINISTRATION AND ITS ADMINISTRATOR

Mr. HATFIELD. Mr. President, administration representatives speak across the country in their capacities as Cabinet, agency, department, or commission heads. The Secretary of the Treasury speaks to banking groups, the Secretary of Housing Urban Development to housing groups, the Administrator of NASA to aerospace groups, and the Administrator of the Veterans' Administration to veterans groups.

In his capacity as VA Administrator, it was fitting that Donald E. Johnson spoke last week on July 28 to the national convention of the Disabled American Veterans. We in the Senate know he had many things to report in what he referred to as his "VA stockholders report." On October 23, 1969, the Senate passed the Veterans Education and Training Amendments of 1969, which included a 46-percent increase in educational benefits. That bill passed unanimously, 77 to 0, for there is no Senator who does not have the deepest concern for our country's veterans. This concern we all share has no partisan label. Neither does it fall into the much misused labels of "hawk" or "dove."

I am sure that Mr. Johnson would want to discuss this with the DAV members.

Mr. Johnson also would want to mention the Senate action in increasing the 1971 VA budget by $100 million. We all should recognize the leadership of the Senator from California (Mr. CRANSTON) in this area. I was one of several Senators who spoke in favor of this increase, and I ask unanimous consent that my remarks of July 6 appear at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Mr. HATFIELD. Mr. President, I join the Senator from California (Mr. CRANSTON) in strongly urging the Senate to enact the Appropriations Committee's recommendations for the 1971 Veterans' Administration budget. I am convinced that the $100 million addition to the House-passed bill represents the minimal allocation which effectively will halt deterioration of VA hospitals and will secure measurable improvements in hospital conditions.

The fundamental objective of the Veterans' Administration medical program is to provide the best medical care possible for American veterans. Members of the 5,000-man VA research team have pioneered medical techniques which have made outstanding contributions to medicine. In addition to training more health personnel than any other medical institution in the world, the VA medical program facilitates the rapid dissemination of current medical knowledge.

One additional point should be emphasized: the VA medical program has always provided American veterans with excellent medical care in view of severe fiscal restrictions.

Mr. President, we must now exercise fiscal responsibility by appropriating adequate funds which are requisite to providing the best medical care possible.

For the past 8 months, conditions at VA hospitals have been subjected to a thorough investigation by the Subcommittee on Veterans' Affairs, chaired by the Senator from California (Mr. CRANSTON). These hearings indicate that the VA medical program has been denied reasonable operating funds. Regressive budgets have restricted the expansion of VA research projects, and have accelerated the deterioration of medical facilities.

The principal deficiency of the VA medical program is a shortage of staff members. Personnel-patient ratios at national community hospitals stand at 2.7 to 1; at university hospitals, they climb to between 3.5 and 4 to 1. The ratio for VA hospitals is a meager 1.5 to 1. The Revenue and Expenditure Control Act of 1968, in its blanket application to Federal employees, pushed VA staff employment back to the July 1966 level. Testimony before the Subcommittee on Veterans' Affairs indicates that as an unfortunate consequence, the VA hospitals presently find themselves short 10,000 staff members.

Budgetary limitations have resulted in the repeated deferment of the replacement of aging equipment. One witness who testified before the subcommittee documented the case of a VA hospital where X-ray facilities were, "obsolete, in the worst sense of the word." Forty-three VA hospitals—including thsoe in Amarillo, Tex., Fayetteville, Ark., and Gulfport, Miss.—have no air-conditioning units. In one Tennessee VA hospital, a $500,000 intensive care unit and a $200,000 cardiac treatment unit are idle for lack of funds. Furthermore, hospital directors understandably have diverted funds from equipment purchases and hospital construction in order to hire and pay desperately needed personnel.

One-half of the VA hospital beds are occupied by psychiatric patients. The psychological trauma afflicting disabled veterans of the Vietnam war far surpasses the mental tensions caused by any previous war. Many men who have sustained spinal cord injuries and others who have required the amputation of two or three limbs, have survived this war where they would have died previously. The "wounded to kill ratio" is understandably higher than in prior wars since helicopter evacuation techniques allow a man to be transported in less than 40 minutes' time from the battlefield to a nearby Army hospital, where pharmaceutical knowledge and surgical skills have been vastly updated. The increasing incidence of total disability among veterans, compounded by the belief of many veterans that their sacrifices were in vain, has bred widespread mental disorders.

VA psychiatrists battle these mental diseases with a limited array of medical weapons. The ratio of psychiatrists to psychiatric patients at VA hospitals is incredulously low: one psychiatrist for every 535 patients. In community hospitals, the figure is a much more reasonable one, one psychiatrist for every 25 patients. As a consequence of the crowded VA psychiatric wards, psychiatrists are allowed on the average only 4½ minutes per patient per week. There are now twice as many psychiatric admissions to VA hospitals as there were in 1964, with a psychiatric staff which is only half as large.

Other common disabilities include spinal cord injuries, which afflict 25 percent of the wounded veterans returning from Vietnam, an astonishing increase from the Korean war and World War II figures—6.9 and 3.13 percent. VA medical facilities have proven to be incapable of guaranteeing optimal medical attention. The staff-patient ratio stands at 1.02 employees per patient, while Dr. Howard Rusk, of the Institute of Rehabilitory Medicine in New York, indicates that even with the advanced equipment and therapeutic techniques available in the institute, outstanding patient care requires a ratio of 2.17 to 1, or better than twice the VA figure. Testimony indicates that many patients, who have become greatly demoralized by the irregular attention that they receive, have lost the incentive to participate in vital therapeutic programs. Because paralyzed veterans are highly susceptible to bladder and kidney disorders, for them the distinction between good health and serious illness is often very minute. Constant medical care is imperative for the maximum safety of these patients.

These deficiencies comprise a few of the prominent problems which occur in the VA hospital system. In order to insure that American veterans receive the highest quality medical care possible, these numerous inadequacies must be alleviated.

Mr. President, medical care and attention for American veterans which is consistent with current advances in medical knowledge will become a reality only after the VA medical program is adequately funded.

The Senator from California has conservatively estimated that the Veterans' Administration medical program needs $174 million in addition to the House-passed budget of $1.777 billion. He has concluded that to bring staff ratios to a reasonable level would require $200 million; and yet he recommended only $51 million, a compromise figure which is intended to allow the hiring of an additional 5,000 personnel. Backlogs for necessary equipment purchases total more than $40 million, and a $17 million increase in the research budget would have only brought it to the level suggested by the Department of Medicine and Surgery for the 1970 fiscal year. The $19 million for hospital and domiciliary construction and renovation was warranted by the continual deferral of construction in favor of paying salaries to health personnel.

If the budget were to remain at the level agreed upon in the House, its 7.5-percent increase over the past fiscal year would render it, at best, a status quo budget, granting only negligible improvements in conditions at VA hospitals. Testimony indicates that shortages of funds will compel administrators to weigh the quality of medical services against the quantity of people to whom these services may be provided. Because they refuse to lower their standards below designated requirements set by health agencies, they must close wards as their only alternative. The $100 million compromise recommended by the Appropriations Committee—which represents only 57 percent of the amount which the Subcommittee on Veterans' Affairs found to be desperately needed—is essential in its entirety if significant improvements in the VA medical program are to be realized. The steady erosion of VA programs must be halted before the foundation of the hospital system collapses.

Several critical VA programs have been neglected because of the funding crisis. One way to improve medical care at VA hospitals would be to intensify and expand affiliations between VA hospitals and medical schools. However, valuable programs between medical schools and VA hospitals are dependent upon the assumption that facilities and equipment are comparable in each of the institutions. The results of a study which were submitted to the subcommittee indicate that at a university or university affiliated hospital, only 14 percent of the patients receive less than optimal care. At a nonaffiliated hospital with a residence training program, the study noted that 45 percent of the patients receive less than optimal care, and in proprietary hospitals, that percentage reaches 57 percent. Clearly, a direct correlation exists between the quality of patient care, and training programs which incorporate medical school students. Presently, 94 VA hospitals are affiliated with 80 medical schools, and 39,000 health professionals—20 percent of all physicians and 50 percent of all medical students—receive some VA training.

In order to attract top faculty members to a VA hospital staff, the hospital must have outstanding training and research facilities. The patients in such a hospital then become double beneficiaries. They receive expert medical attention from outstanding physicians, plus the fringe benefit of being attended by the best interns and residents, who naturally follow the outstanding instructors. In order to obtain such high caliber personnel, the VA hospitals must bolster their research programs and must have competitive wage scales—neither of which is possible without increased appropriations.

Mr. President, throughout America, hospitals are plagued by a nationwide shortage of health personnel. Testimony before the Subcommittee on Veterans' Affairs indicates that approximately 9,000 more dentists, 50,000 additional physicians, 145,000 nurses, and 200,000 more allied health professionals are needed in order to adequately satisfy the current national demand for health manpower.

These shortages have been catastrophic for the VA Medical Program. Due to fiscal limitations, salaries of VA health personnel are not competitive with earnings of other professionals in the medical industry. Consequently, VA hospital directors cannot recruit the necessary personnel, and outstanding members of the VA staff often search for more lucrative opportunities elsewhere. Unless salary scales are increased, those medical students with the highest qualifications will not seek employment with the VA, and if the VA is unable to employ the best health professionals, it will also be incapable of providing the best medical care possible.

This problem will not be alleviated by appropriating funds for an additional 5,000 employees at present salary scales. Instead, VA salary scales at every level must be raised in order to compete with earning potentials offered by community and proprietary hospitals. Once reasonable salary bases are secured, additional funds must be appropriated in order to hire additional employees. But to appropriate funds for more staff members at present wage levels is an exercise in futility. It is unlikely that the 1971 6 percent pay increase for VA employees will appreciably increase the size of the VA hospital staffs this fiscal year. Substantial additions to VA staffs will not be made until wage increases make salaries for VA personnel truly competitive.

Another alternative which must be explored is the correlation of medical training which men receive in the Armed Forces with requirements for licensing health professionals. Army medics are currently unable to practice medical skills which they have acquired in the military even though they may be qualified to assist a physician in a limited capacity. One way to relieve the shortage of allied health professionals would be to intensify the training of military medical corpsmen and to make medical licensing requirements compatible with the training they receive. This is not to suggest that qualifications for medical practice should be relaxed. Rather, it means that the skills of men who are qualified must be utilized in order to reduce health personnel shortages.

Mr. President, as we examine the strengths and the weaknesses of the VA hospital system and identify those alternatives and programs which are necessary to recify deficiencies in the program, we must remind ourselves of our obligations to American veterans.

We must recognize that American youth, whether they are drafted or they enlist, are introduced to a new life style when they enter the Armed Forces. Civilian attitudes and habits are incompatible with the rigorous demands of military discipline. Special training and instruction helps them adapt to military life. Conversely, when these men reenter civilian life, they inevitably find that they must make major readjustments if they are to become constructive members of society. As fellow Americans, it is our responsibility to help these men to overcome transitional problems in moving from the military to civilian life, just as we were obliged to provide them with training programs enabling them to adjust to the Armed Forces when they left civilian life. And though it be some small solace, we must guarantee the best medical care and rehabilitory opportunities possible to our disabled veterans, who have made innumerable sacrifices to preserve this Nation.

And yet, Mr. President, the entire fiscal budget for the VA medical program is roughly equivalent to the cost of 1 month of fighting in Vietnam. Paradoxically, the gradual degeneration of VA facilities has been accelerated by the war economy. This war economy has stimulated inflation, which has had drastic effects upon hospitalization programs. With full cognizance of the soaring medical expenses of VA programs, the Federal Government has attempted to retard inflation by shackling the VA to regressive budgets. The natural effect upon the VA hospital system is not to reduce the cost of services, but to instead reduce the number of medical services made available at higher costs.

A standstill budget has restricted research programs which have historically led the medical field in implementing experimental techniques and equipment. A high premium must be placed upon the contributions of research. Allocations which are designated for research projects cannot be reduced because more moneys are required to hire and pay additional personnel.

A few of the many attributes of the VA's research program, which is the largest of its kind in the world, include: the world's most advanced program for the study of mental disease, the development of the Pacemaker, a mechanism which combats heart disease by regulating the heartbeat, projects to investigate the value of the laser beam in surgery, the development of the artificial kidney, the employment of radio isotopes in medical prognosis, the utilization of a computer in the detection of heart disease, the use of surgery as a treatment for cancer, and many other worthwhile programs.

When these research programs decay, top VA scientists search for new research opportunities elsewhere. This destroys the quality of the VA hospital system, and also impedes the advancement of medical knowledge.

One final principle which the Senator from California has articulated must be reemphasized: the cost of providing American veterans with high quality medical attention, equitable educational and vocational opportunities, and reasonable compensation for disability, must be classified as a basic cost of war. Funds are lavishly spent in equipping a man with the weapons of war, and in instructing him in the military way of life. Our attention must instead be focused on enabling American veterans to readjust easily in making the transition from military to civilian life.

Mr. President, the prolonged deterioration of VA facilities and the retardation of VA programs will irreparably stigmatize the VA medical program. The broken morale of a dedicated staff will make the VA objective of providing the best possible medical care for American veterans an illusory goal.

Once again, Mr. President, I must strongly endorse the Appropriations Committee's recommendation for adding $100 million to the House-passed VA budget. I have been informed that in my State of Oregon, this could tentatively mean an additional $1,054,700 to be divided in the following fashion:

Purpose:	*Amount*
Additional general medical care and personnel	$198, 200
Elimination of equipment, maintenance, and repair backlog	761, 400
Elimination of dental case backlog	60, 000
Allied health and intensive care training	35, 000
Total	1, 054, 600

These funds are critically important to the two VA hospitals in Oregon. Without these additional appropriations, the expansion of existing programs and the substantive improvement of medical services will be severely limited.

The recommendations of the Appropriations Committee culminate 8 months of research and six sessions of hearings held by the Subcommittee on Veterans' Affairs. The subcommittee has documented the deficiencies of the program, and has concluded that substantially increased appropriations are necessary in order to improve medical services and programs. The $100-million addition to the House-passed budget must be retained in its entirety, research programs must be expanded, salary levels must be made competitive, and qualified health personnel must be licensed if the deterioration of the VA medical program is to be halted, and if first class medical care is to be provided to American veterans.

Mr. HATFIELD. Mr. President, these are but two examples of actions in the past year that it would have been most appropriate for Mr. Johnson to discuss in his official capacity as Administrator of the VA.

Mr. President, Mr. Johnson did not see fit to confine his remarks to his "VA stockholders report," as he termed it. Instead, he used this platform and used his capacity as a Government spokesman to deliver a ringing attack on a number of Senators.

Before I turn to his speech, I might repeat here what I have said many times before concerning the freedom of speech by Government officials. Certainly all Government officials, be they the Vice President or the Commissioner of Education, should be able to offer their opinions regarding the Vietnam war. In this I have no quarrel with Mr. Johnson's personal beliefs and expressions of these beliefs.

I turn now to the specifics of Mr. Johnson's remarks. He attacked the Hatfield-McGovern amendment—the amendment to end the war—and its cosponsors in language that was inaccurate, inflammatory, and abrasive to those of us he mentioned, both by name and by inference.

Johnson's first notation of the so-called Doves—to use his terms—by name is in the following sentence:

> I have no basis on which to challenge the motives of these people—the Hatfields, the Goodells, the McGoverns, the Fulbrights and others of that ilk—but I do challenge their reasoning.

I can only presume that by "ilk," Mr. Johnson meant the 24 consponsors of the "amendment to end the war." I ask unanimous consent that a list of these Senators appear at this point in the RECORD:

There being no objection, the list of Senators was ordered to be printed in the RECORD, as follows:

COSPONSORS OF THE AMENDMENT TO END THE WAR

Senators Hatfield, McGovern, Cranston, Hughes, Goodell, Bayh, Church, Gravel, Harris, Hart, Hartke, Inouye, Kennedy, Mansfield, McCarthy, Metcalf, Mondale, Muskie, Nelson, Ribicoff, Tydings, Williams, Yarborough, and Young.

Mr. HATFIELD. Mr. President, he then continued, after adding Senator MUSKIE, stating:

> Yet there are those today—the Hatfields, the Goodells, the McGoverns, the Muskies, the Fulbrights and others—who are not willing to pay that price. In fact, they fight actively against it. In fact, they fight actively in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world.

Later he referred to this group as "those apostles of retreat and defeat" and "salesmen of surrender."

Johnson later stated:

> Senator Hatfield, Senator McGovern and 22 of their cohorts would nullify what hundreds of thousands of Americans have fought for. In the name of peace they would betray the peace.

These remarks and similar ones continued for several pages, before Johnson turned to the affairs of the VA of interest to the members of the DAV attending this national convention.

In addition, Mr. Johnson distorted the facts and misled his audience, when he described the Hatfield-McGovern amendment as follows:

> This is the amendment that would, first of all, stop Americans from fighting in Vietnam and secondly, and most importantly, have them all out of Vietnam by next June, regardless of what the situation is there.

This just is not so. I ask unanimous consent that the pertinent section of the amendment and an explanation of the June deadline appear at this point in my remarks.

There being no objection, the text of the amendment and the explanation were ordered to be printed in the RECORD, as follows:

TEXT OF AMENDMENT

. . . *Further provided*, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process. . . .

EXPLANATION

The Amendment sets June 30, 1971, as the date by which the withdrawal of American military personnel should be completed. However, even this is not an inflexible deadline. We have carefully constructed the Amendment to allow for this date to be changed and altered if necessary, provided that Congress gives its approval. Specifically, we state that this time can be changed by Congress voting for a Joint Resolution upon a simple request by the President. Thus, the actual impact of this provision is to involve the Congress in the decision-making process regarding the policies and commitments of our Nation, as is clearly intended by the Constitution.

Mr. HATFIELD. It would be easy for me, Mr. President, to stop here and pound my desk, and demand that Mr. Johnson resign. Instead, I want to raise some questions about Mr. Johnson's future effectiveness.

First, it is well established that a sizable number of Vietnam veterans oppose the Vietnam war and served there against their wishes. Veterans serve on peace groups and support the amendment to end the war across the country. In fact, a group called Vietnam Veterans Against the War placed a large ad in the Washington Post on July 30.

Some of these men no doubt are involved in facets of VA operations. Can they have confidence in the VA for impartial and apolitical operation when they read such comments by the VA Administrator? I have the utmost confidence in the entire VA staff and believe they will operate in an impartial manner. We have no such guarantee, however, that a Vietnam veteran who is active in peace groups would not have grave doubts about the VA in light of Mr. Johnson's comments.

Second, I think the fact needs no elaboration that the VA is a sensitive organ of the Government, and deserves the best we can offer—both in administration and in funding. Soon, the Senate will vote on the conference report containing appropriations for the VA. In my opinion, speeches such as Mr. Johnson's inject a harsh note of disunity and strife into an area we all should support completely. I will vote for that conference report, as I hope all those named specifically, or by inference, also will support it. I raise the question, though, of whether someone making such strong public utterances—and I have no quarrel with his personal convictions—can best serve the many thousands of Veterans in light of these remarks.

In a related area, I think I also should note that the chairman of the Veterans' Affairs Subcommittee, Senator CRANSTON, is one of the original cosponsors of the Hatfield-McGovern amendment. Other members of that subcommittee are Senators YARBOROUGH, RANDOLPH, MONDALE, HUGHES, SCHWEIKER, DOMINICK, SAXBE, and SMITH of Illinois, Senators YARBOROUGH, MONDALE, and HUGHES also are cosponsors of the amendment. These men certainly will not let remarks like those used by Mr. Johnson stand in the way of fair and impartial treatment of the VA by the committee. If I were Mr. Johnson, however, I might question my future effectiveness in dealing with the committee and the staff, in light of the strong language used.

In closing, Mr. President, I ask all Senators to read this speech carefully. Is this a man you want to represent the thousands of dedicated VA members? Can he serve all veterans? Is this a man who has destroyed his effectiveness in dealing with Congress? Is this a man who has used an official platform to peddle political propaganda? We all will form our own opinions. I have mine and I invite my colleagues to form theirs.

Mr. BYRD of West Virginia. Mr. President, regular order.

The **PRESIDING OFFICER** (Mr. CASE). The regular order is called for.

Mr. MILLER. Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The Senator from Rhode Island is recognized.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER** (Mr. CASE). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of July 28, 1970, pp. 26099–26100, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER.** Is there

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objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, the amount agreed to by the conferees totaled $18,009,525,300. This sum is $541,301,800 above the budget estimate. It is $619,313,000 above the amount recommended by the House and $645,494,200 under the sum recommended by the Senate.

More than 50 percent of the total amount provided in the bill—or $9,065,528,000—is for the Veterans' Administration. This amount is $80 million more than the sum allowed by the House, and it is $105 million above the budget estimate. As you will recall, the Senate bill provided $80 million more than the House bill for medical care and $20 million more than the House for the construction of hospital and domiciliary facilities. The Senate conferees were able to retain the full $80 million add-on for medical care but were compelled to give up the $20 million for hospital construction.

Mr. JAVITS. Mr. President, does the Senator wish to yield on particular items or does the Senator wish to complete his statement?

Mr. PASTORE. I will yield at any time; it does not make any difference to me.

Mr. JAVITS. I thank the Senator.

On this particular item, I wish to report to the Senate that it is a matter in which the Senator from California (Mr. CRANSTON) took the lead in the Senate Chamber. I happily joined with him.

The Senator from California and I have two outstanding examples of why this $20 million for construction of hospital and domiciliary facilities was needed and why the situation is so serious. I have in my State the Bronx Veterans' Administration Hospital and the Senator from California has in his State the so-called Wadsworth Los Angeles Veterans' Administration Center. The Bronx Veterans' Administration Hospital is a heartbreaking situation. The physicians, nurses, and other health personnel are trying very hard and striving manfully with insufficient facilities and personnel, attributable to the lack of money, to provide quality health care to our veterans.

There are examples of severe space and equipment shortages, which have had an adverse impact on patient care that are shocking. There are, for example, no day rooms in many wards; the treatment room in the spinal cord injury ward is also used for storage and water pitcher service; the shower and enemy room for the paraplegic and quadraplegic patients is one and the same and the room is not temperature controlled; there is a severe shortage of lab rooms; there is a shortage of therapy equipment in the ADL (active daily living) room where the spinal cord injury patients receive therapy desiged to teach them ambulatory skills and offer necessary daily living skills; and much of the hospital traffic has to go through the wards, which makes a very bad situation for the patients.

These are untolerable and wholly inadequate conditions for providing up-to-date, quality health care for our veterans.

I know of no Senator in the Chamber who would fight harder and more effectively or more vigorously than the Senator from Rhode Island (Mr. PASTORE), but one is greatly affected by the sheer heartbreaking character of the situation itself.

I visited the Veterans' Administration Hospital in Buffalo yesterday. That is a very good hosiptal which is well run. The difference in the demeanor and outlook of the patients is visible but it breaks one's heart to see young men without an arm or without a leg.

Mr. PASTORE. And sometimes without arms and legs.

Mr. JAVITS. Yes. It is the most terrible thing in the world. I spread this on the RECORD only because this is a continuing thing. In a recent survey by Mr. TEAGUE, the distinguished chairman of the House Veterans' Affairs Committee, the deficiency for construction and modernization of the VA hospitals in New York State was revealed to be $12,587,669. Thus $12 million plus deficiency included only the following items: "purchase of new and replacement" equipment and "recurring and nonrecurring maintenance and repair." It did not include funding deficiencies for dental care, recruiting necessary medical personnel, and so forth, which brought the total funding shortages for New York to $25,397,162.

I know the Senator and his conferees have done everything they humanly could do. I hope that by the reiteration of the consequences of these denials we may reach the hearts and minds of some colleagues who may not feel as we do, and that we will have better success in a supplemental, or setting priorities in the expenditure of unobligated carryover construction funds, or on another occasion.

Mr. PASTORE. I will put it this way. The administration, through the Administrator himself, the Director of the Veterans' Administration, was very much opposed to any add-ons to begin with. We had this matter before the full committee and some thought there was sufficient money there. By the way, this is the largest budget ever for the VA. There is no question about it. No one has more of a claim on compassion than the next person. We all love our veterans, and we understand we have to do our very best. No one should be abandoned. Nothing should be sacrificed. If we have to sacrifice anything let us sacrifice everything else and give it to the veterans who are maimed and lying on their backs or confined to wheelchairs in Veterans' Administration hospitals.

The Senator from California (Mr. CRANSTON) made a very fine case before our committee. He dramatized his presentation with these very shocking pictures that were published in one of the periodicals.

Of course, it came down to the question of, "What do you do; don't you have enough?" So we finally decided we would add $100 million on the Veterans' Administration and split it up this way. Incidentally, the President had recommended $50 million before the budget came up. We put $80 million more than was originally agreed to; the House added another $25 million; we added another $80 million and the $20 million for this construction.

With reference to the construction in this bill, there is $59 million plus a carryover of about $61 million. It was felt by the conferees—that is, chiefly on the House side—there was enough money there; that they could do these things the Senator is talking about. If they cannot, it can always be considered later on in the supplemental because we want these things done. But the Senator knows how it is in conference. On one side they feel they should not add one nickel, and you feel you should add $100 million, and it is a Herculean job when you come out with $80 million. If I were going to sacrifice anything I did not want it to be medical care.

They wanted to make it $50 million. I said, "No, we cannot take that back. There was too much feeling in the Senate that it should be $100 million." So we compromised it on that score.

I feel many of the things the Senator is suggesting, as well as the Senator from California and the Senator from Texas, can be done with carryover money, and if it is not enough PASTORE will always be in the vanguard to do the best we can do.

Mr. JAVITS. The Senator is very heartening.

Mr. PASTORE. Including Mr. ALLOTT.

Mr. JAVITS. I said that.

Mr. PASTORE. The Senator from Colorado (Mr. ALLOTT) is the best Republican Democrat I have met yet.

Mr. JAVITS. I am sure the Senator from Colorado and the Senator from Rhode Island will do everything they humanly can. The Senator encourages Senators like my colleague (Mr. GOODELL), the Senator from California (Mr. CRANSTON), and myself when he says they will keep an oversight watch on the situation so that if the money proves to be insufficient, or is not allocated by the Veterans' Administration for priorities which seem urgent and for which funds are depleted, he will be receptive to our coming back and saying, "Look, this is still miserable; it is not being done; help us," and that the Senator will be sympathetic to our plea.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. ALLOTT. I want to express my own concern about this. I think what the Senator from New York has just said is perfectly true. I think it behooves all of us to check on the situation, because no Senator would try to claim a strangle hold on his concern for veterans.

Mr. PASTORE. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. ALLOTT. I yield.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. I was hoping for a while in the conference that we could hold some of the $20 million, but I learned, and it appeared during the course of the conference, that they have $61.4 million in construction money that is a carryover.

I have been interested in this matter because there are some hospitals in the South, for example, that need air conditioning and that do not have it. But the House was absolutely adamant on it.

I think, frankly, the chairman of the conferees did a good job. I did not think we would come out on this particular item with $80 million, considering the circumstances. It is not that the Members of the House are any less concerned than we are; I think it is true that they feel they are in a position to watch this matter closer than even the Senate can.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. GOODELL. I wish to commend both the Senator from Rhode Island and the Senator from Colorado. I know of their deep concern, as we all have, that our veterans be given the proper medical care.

Is it my understanding that House Members felt there was enough funds in the fiscal 1970 carryover carried over, plus what is provided, in the fiscal 1971 request to construct the VA hospitals in California and in the Bronx—two examples of the worst situation in this respect?

Mr. PASTORE. When the Senator asked if it is adequate, let me reply that it is to take care of the needs at the present time, and they made their position very clear. I should state the Director of Veterans' Affairs apparently is conducting a very broad survey of what the needs are. When it comes to the Bronx hospital, I think a brandnew hospital is needed there. It has been there for a long, long time. It does not lend itself to the present situation. It is crowded. But, after all, it is the place where veterans having that particular type of injury are taken care of, because many of the experts live in that neighborhood. That is why these men go there. Some of the best doctors in the field of spinal injuries are there. But the facilities are not as modern as they should be.

In view of the number of disabled veterans, especially because of the new kind of horrible war we are engaged in, in Vietnam, I, myself, think this whole matter should be reviewed and we ought to build modern hospitals in the proper areas. I think the whole situation should be reviewed. It was generally felt that, as far as the needs for this fiscal year are concerned, there was enough from the 1969 appropriation, plus the $61.4 million that is a carryover, to take care of the immediate needs in this field.

Personally, I would rather have seen the $20 million in there, but the House conferees felt that we did not need $100 million. The Senate conferees felt we needed it. We must compromise at a certain point in order to reach an understanding, and we came out with 80 percent of what was in the bill, which I think is a good score.

Mr. GOODELL. I think the Senator did extremely well.

Let me ask the question in a different way. I am sure our House colleagues would appraise the Bronx hospital in the same way the Senator has—that it should be reconstructed. I am sure our House colleagues would not want to see any superficial improvements that were not sufficient either in the Bronx hospital, those in the South, or those in California.

The conferees felt that there is authority for the Veterans' Administration to proceed with the new construction of a hospital for veterans in the Bronx. If there is not enough money in this bill to do it, we will assess some money very soon, either in the supplemental bill or in the next fiscal year. Is that correct?

Mr. PASTORE. It was not talked about in that fashion.

Mr. GOODELL. Is there anything that would inhibit the Veterans' Administration from allocating the money for new construction?

Mr. PASTORE. The Veterans' Administration can use the money in any way it wants. It can plan use of the money in any way it pleases. It can establish its own priorities under the money available to it.

I would certainly hope that the junior Senator from New York would write a very nice letter to Mr. Johnson, explaining his views to him, and call to his attention the urgency with respect to the Bronx hospital.

I regret that I have not visited the hospital, but I shall do so at the first opportunity I have. From what was said about it and the pictures shown, I was not too pleased. I realize that sometimes in the rush of things, perhaps there is a little neglect, but the fact remains that it is not a modern hospital, that it can be improved considerably.

I did not like the idea of cans right next to beds. I do not think anybody planted them. It was said that there was supposed to be a curtain there, which was not drawn and should have been closed. It was claimed that what was taken off the bodies of soldiers was thrown into those cans. In other words, it was not garbage that was in those cans. I do not want anyone to get the wrong impression.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GOODELL. Will the Senator let me conclude this point?

Mr. ALLOTT. I do not want him to leave this point before I can comment on it.

Mr. GOODELL. I will remain.

I served for 9½ years in the House of Representatives, and I know that many Members of the House look very closely at the budget. They are to be commended for it. They want to economize. I also know that none of them wants to economize on veterans.

Mr. PASTORE. That is correct.

Mr. GOODELL. And I believe every one of them, aware of the conditions in the Bronx Veterans' Administration Hospital, would recognize there was a need for a new facility, as the Senator from Rhode Island has said. I believe they would want construction on a new facility to begin immediately. They would not want to go through another fiscal year with the Veterans' Administration having to economize and undertake some superficial changes in the VA hospital while we delayed further the decision to erect a new facility. I hope the RECORD will be made clear. I do not think that I am in any way misrepresenting the feelings of our colleagues in the House. The RECORD should be clear that the Veterans' Administration hospitals should be properly equipped and the Veterans' Administration should go forward with whatever plans are necessary to give adequate care to our veterans.

There seems to be great dispute about whether there is really enough money here to do it or not. I know that House Members often feel, "It is enough money. You can go ahead and construct this new facility," and perhaps they are justified. It is hard to assess that.

Mr. President, many words have been spoken on the floor of this Chamber about our fighting men in Vietnam; about the future policies of this Government in relation to the Indochina conflict. In fact, we will shortly be discussing the so-called amendment to end the war which I have coauthored with other Senators.

Today, however, I want to speak of our wounded men; those men disabled, crippled, maimed, and many crushed in spirit as they lie in veterans' hospitals, inadequately staffed and poorly equipped to meet their rehabilitation needs.

The costs of this medical care, both in human and financial resources, are the hidden costs of the Vietnam war.

The Vietnamese war has become the most crippling and disabling conflict in our history. Sophisticated weapons, guerrilla tactics, land mines, and booby traps cause injuries so severe that over 10 percent would have been fatal in Korea and World War II. Over 275,000 men have been wounded and more than half have been hospitalized. Of those hospitalized, 30 percent of the injuries are spinal cord disorders, causing partial or total paralysis, 28 percent are psychiatric disorders, the highest proportion of any other war, and almost 10 percent are amputations. Permanent disabilities of Vietnam veterans are almost twice as high as the veterans from the Korean conflict and World War II.

The same technology that has caused hideous injuries has also produced lifesaving care. Helicopter evacuation procedures in Vietnam can transport a man from the battlefield to a support hospital within minutes. Unlike conditions in previous conflicts, delicate operations are performed in these field hospitals which can mean the difference between life and death for a wounded soldier. Likewise, military hospitals are well-equipped to perform the health care services necessary for rapid recovery. The Defense Department strives for excellence in the application of technological advances and as a result, since Korea and World War II, a soldier has twice as good a chance of survival.

The technological advances break down when the care of a wounded or disabled man is transferred to the Veterans' Administration upon separation from the service. Even more than other civilian hospitals, the 166 VA hospitals must operate with staff shortages, lack of funds for research, and the ever-in-

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creasing costs for durgs, medical supplies, equipment, and labor. As a result, the VA hospitals are simply not equipped to meet the needs of our returning Vietnam veterans.

Over 5 years ago, our military activity in Vietnam was escalated and geared to wartime procedures. At the same time, the VA installations continued operating under the myth of peacetime. Plans, equipment, and personnel were never expanded and coordinated to deal with the numbers and kinds of injuries that would be sustained in Indochina. Additional clinics for the treatment of paralyzed veterans were not constructed. As a result, they are now hopelessly overcrowded. Recruitment of psychiatric staff was not stressed and now battle trauma accounts for almost 30 percent of the injuries sustained in Vietnam. As a result, psychiatric patients have doubled since 1964 and the staff is half as large. Psychiatric facilities now operate with a patient to doctor ratio of 535 to one while the acceptable ratio is 25 to 1.

In recent years, expansion of facilities and staff has been deferred and delayed because of budgetary considerations. Hiring of personnel in 1968 was held at a 1966 level and now there are fewer full-time personnel than there were 5 years ago. In the meantime, 30,000 more veterans require care. Modernization and construction of facilities have been deferred as a result of the 1969 freeze on Federal projects.

The tragic irony is that the major cause for the austerity budget—a budgetary condition which has resulted in a cutback in veterans' care—has been the war in Vietnam.

The administration requested an appropriation which was reportedly the largest VA budget in its history. The increase was only 7.5 percent or $122 million more than the fiscal 1970 appropriation. The fiscal 1971 budgetary request was barely enough to cover the annual inflationary cost increases of existing services. It could not even begin to meet the increased need of the returning Vietnam veterans.

The Senator from California (Mr. CRANSTON) has been a forceful and compassionate advocate for increased appropriations for proper veterans' care. As a result of a 7-day investigation by his Subcommittee on Veterans' Affairs, on the conditions in our Nation's VA hospitals, he recommended an additional $189 million for the VA appropriations bill.

The Senator from Rhode Island (Mr. PASTORE) with his customary cooperation and sensitivity reported a bill from his subcommittee which earmarked an additional $80 million for medical care and an additional $20 million for construction of hospital and domiciliary facilities.

The conference report, which we debate today, recommends a total of $105 million above the budget request for medical care—$80 million added by the Senate and $25 million added by the House. The appropriation for construction—$20 million—was deleted in conference. It would have provided funds to expedite designs for the air-conditioning of 43 VA hospitals, to modernize the Brentwood VA hospital in California, and to design plans for the replacement of the Bronx, N.Y., and Wadsworth, Los Angeles, VA hospitals.

I regret that this recommendation was deleted by the conference. The conference approved $59 million for construction of hospital and domiciliary facilities rather than $79 million as proposed by the Senate. The unobligated balance carried forward from fiscal 1970, however, is $61.4 million for construction, and this provides a total of $120 million for hospital construction by the Veterans' Administration for 1971.

I urge the Veterans' Administration to reprogram these funds so that the vitally needed replacement and modernization of the VA facilities specifically recommended by the Subcommittee on Veterans' Affairs and the Senate Appropriations Subcommittee on Independent Offices, can be achieved.

In my own State, the Bronx VA hospital must be replaced with modern, efficiently designed facilities. Recently, the conditions in that hospital were the subject of the new controversial May 22 Life article, "From Vietnam to a VA Hospital: Assignment To Neglect." While the veracity of the photographs printed in that article has been in dispute, the conditions in the hospital are shameful.

In a statement, refuting the article, Dr. A. N. Kleinman, director of the hospital said:

> The title "Assignment To Neglect" is a cruel misnomer. Our patients are far from neglected. Considering the handicaps under which we work the quality of care which our patients receive should be classed as "superb"—but we class it only as "good" because of certain handicaps. Yes, we do have shortcomings. The buildings are old, the physical layout of the wards is inefficient, space is limited, and personnel is small in numbers but enormously large in dedication and devotion.

Mr. President, the director and his staff perform exceptionally under the most difficult conditions—conditions mentioned by Dr. Kleinman himself. The quality of care, however, as a result of these handicaps is "good" not "excellent." "Good" service—second-rate service—is an insult to men who have sacrificed active healthy lives in the service of their country. These men deserve nothing but the best care available. Amputees need highly personalized therapy from sensitive staff. They must learn to use artificial limbs—their own having been lost in battle. They need support and encouragement in their efforts to rehabilitate themselves. Those less fortunate—those who have forever lost the movement and sensation in their limbs—require constant care. Every need they have requires assistance from others. All hospital patients are entitled to clean, pleasant surroundings.

In the Bronx VA hospital, excellent care is not given to the patients. The small staff is overworked so that men do not have intensive care. Equipment and clinics are out of date which limit successful attempts at rehabilitation. The wards are overcrowded so that to the veteran privacy and human dignity become luxuries.

Clearly, the physical design of the buildings constructed at the turn of the century, handicaps the delivery of quality care to our wounded veterans.

In hearings before the Appropriations Subcommittee, the Administrator of Veterans' Affairs, Donald E. Johnson expressed the VA concern for the physical conditions in the Bronx hospital:

> Senator PASTORE. Mr. Johnson, you do have some problems in the Bronx Hospital, do you not?
>
> Mr. JOHNSON. Yes, sir, and we admit and do not deny those.
>
> Senator PASTORE. What are these problems?
>
> Mr. JOHNSON. Sir, the number one problem at the Bronx Hospital stems mainly from the fact that it is old, one of the oldest physical plants in the system. There has been a steady and continuing program of modernization, including air conditioning, but the physical arrangement of the hospital does lead to certain deficiencies; and, it probably raises the per diem cost of operation.
>
> Senator PASTORE. Well, now, if these deficiencies do exist, can they be curbed?
>
> Mr. JOHNSON. In the Bronx VA Hospital, yes sir. Their staffing in the 1971 budget will allow improvement and we will put the emphasis on the spinal cord injuries service. This is one area that will be highlighted. The 1971 target allowance, the reference we made to total allocations that are given to the hospital director as a possible target for them to work with, will allow the spinal cord injury service staffing ratio to move up to 1.27, or above what has been the accepted level.

The Administrator mentioned the intended staffing increases. These are desperately needed. In his response, however, he gives no hope for remediation of the major problem—replacement of an old, inefficient building designed for treatment in another era.

Senator CRANSTON held 7 days of hearings on the condition of medical care for wounded Vietnam veterans. The depressing conditions which exist in the Bronx hospital exist in other VA facilities most notably the Wadsworth Hospital and the Brentwood Neuropsychiatric Hospital in Los Angeles, Calif. Forty-three VA hospitals, many of which are located in the hot climates of Texas, South Carolina, New Mexico, Arkansas, Alabama, and Kansas, need air conditioning—a very minimal requirement for quality health care.

These deplorable physical conditions require an urgent response from the Congress and the Veterans' Administration.

The American soldier is given the best training, the best equipment, and the best chance of survival money can buy. When wounded or disabled, he deserves the best medical care money can buy. Unfortunately, this has not been the case. The fighting man has received the benefits of technological breakthroughs and adequate funding. The disabled veteran receives neither. Having done his duty, he is consigned to waste and neglect in an overcrowded ward—he is discarded like a broken tool.

The priorities which foster this inhumane treatment, this outrage, must not continue.

After extensive hearings on the subject, our colleague from California has recommended the immediate attention of the VA to four urgent projects:

Modernization of the Brentwood Hospital;

Replacement designs for Wadsworth and Bronx VA hospitals;

Air-conditioning designs for 43 qualified hospitals.

This is merely a beginning of the task that lies ahead to insure quality care to veterans.

I urge the Veterans' Administration to reallocate its carryover funds from fiscal 1970 to meet these urgent construction priorities, approved by the Senate.

I understand the VA has already committed $1 million for modernization of the Brentwood Hospital. This is a step which encourages me to believe that the VA will begin replacement designs for the Bronx and Wadsworth facilities and the 43 air-conditioning designs.

Any attempt by the Bureau of the Budget to freeze these funds, as it has done in the past, can no longer be tolerated.

The funds for veterans' care, like the funds for other war costs, must be forthcoming from the administration—with priority and without hesitation.

I hope the VA Administrator will be on notice that if they have to have a new facility in the Bronx or in Los Angeles, he ought to make an effort to get it. We can do everything possible to see that he gets the necessary funds if they are not available.

Mr. PASTORE. He ought to ask for it. All the Senator from Rhode Island can say to that is, amen, amen, and amen.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. ALLOTT. I want to read just a sentence from the House report:

> The committee concurs in the full budget request for $59 million. This amount will provide for total obligations of $120,418,000 in 1971 for construction of hospitals and domiciliary facilities, an increase of $88,281,000 over 1970.

Then they go on to say that the plan recommended for 1971 would be the highest level for this program since 1950.

This may be true, and yet it may not be adequate to the needs. The thing I mentioned to the Senator a moment ago was this: this item is not handled as some items even in this bill are handled. The committee has, at times past, in the report mentioned specific facilities which we thought the Veterans' Administration—I am thinking particularly of certain facilities in Florida—should construct; but here they are not named specifically.

So I think the suggestion of the chairman that the Senators from New York call upon the Administrator—who I am sure the chairman and I both agree is very competent and sincere, and anxious to do an outstanding job—call his attention to this matter, and even perhaps inspect the facilities with him and build a case with the Veterans' Administration for a new facility, or at least a study to see if there is any way that it can be brought up to date.

I do not know the facility, so I would not want to comment either way on that. But the point is that there are not in this bill specific designations on certain construction items.

Mr. GOODELL. Mr. President, I thank the Senator from Colorado for his comments, and I am sure the Senator would agree with what the Senator from Rhode Island and I have just discussed here: that if the VA administrator determines that, to have adequate care for the veterans in the Bronx Hospital, they need a new facility, we will try to provide the money for that new facility.

Mr. ALLOTT. That is right, and in that area.

Mr. GOODELL. I thank the Senator.

Mr. PASTORE. I yield to the Senator from Texas.

Mr. YARBOROUGH. I thank the distinguished Senator for yielding.

Mr. President, as a member of the Senate Veterans' Subcommittee for the past 13 years, which is a longer period than any other Member of the Senate has served on the subcommittee, and as its former chairman, I rise to commend the Senate conferees under the leadership of the distinguished chairman of the Senate Subcommittee on Independent Offices Appropriations (Mr. PASTORE) for their hard, efficient work on this important appropriations bill. In particular, I wish to commend the conferees for their success in retaining the $80 million added by the Senate for veterans medical care programs.

It has been pointed out here that this was a monumental task, to retain the $80 million for staffing and supplies in these veterans hospitals. The steadfastness of the conferees on this matter is most commendable.

On an inspection I made in Dallas, Tex., a few weeks ago, I found that the cost of blood plasma had increased 100 percent in just 1 year. The average cost of all services and supplies—and I am excluding labor services—averaging it all out, foods, medicines, blood plasma, and the like, had increased by 24 percent in 1 year. They had no more money, and were doing a monumental job with the facilities they had. They did not cut care and services to wounded veterans; they cut personnel. When someone quit his job, they would not hire another person. They were trying to stretch out their funds in order to get by.

This money provided in the conference report is badly needed. With these funds, the Veterans' Administration can begin the necessary work to raise the standard of care in our country's 166 Veterans' Administration hospitals and 202 outpatient clinics to the level of excellence that our veterans need and deserve.

As the Senator from Rhode Island knows, it is a tragic situation that our hospitals have been forced to function under these conditions. The statement was made by the Senator from Colorado that perhaps the House of Representatives is in better condition to fight this battle than we in the Senate. It is true that the House has a whole Veterans' Committee, with a staff of 18 full-time members.

The Senate Veterans' Subcommittee, so ably chaired for 2 years by the Senator from California (Mr. CRANSTON), has only one professional staff man and one young lady secretary—only two positions.

Yet, this Senate subcommittee, with this small, minimal staff, has investigated and pointed up this situation. It has not been the House of Representatives that has shown this tragic neglect of our veterans at veterans hospitals; it has been this small Senate subcommittee.

Mr. PASTORE. Principally Mr. CRANSTON.

Mr. YARBOROUGH. Principally Mr. CRANSTON, the distinguished Senator from California, has done this. And this staff has not been working on it a long time; it has been accomplished in the last year and a half.

I commend the Senate conferees for the work they have done to insure adequate funds for veterans medical care. This is the least that a grateful Nation can do for those men who have given so much in the service of their country.

This $80 million, when combined with the $25 million added by the House of Representatives, makes a total of $105 million above the President's original budget request for veterans medical care. I urge the President not to veto this bill because of these increases but rather to think of the needs of our veterans and sign this bill and use these funds for their benefit.

The Senator from Rhode Island has pointed out the horrible nature of this war in Southeast Asia. A result of this war is that 12½ percent of all of our wounded veterans are left permanently disabled. This war is producing the highest percentage of veterans who are permanently and totally disabled of any war in American history. Twelve and one-half percent of our veterans are coming back from this war in Southeast Asia totally and permanently disabled. Yet at the time of the investigation of the Senator from California pertaining to veterans hospitals, there were only half as many attendants per hundred veterans as there are in the average hospital over the country.

Of course, I was disappointed that the House did not agree to accept the additional $20 million appropriated by the Senate for construction of Veterans' Administration hospitals.

Mr. PASTORE. But will the Senator agree with me that if we were to retain anything, we should have retained it in medical care?

Mr. YARBOROUGH. In medical care, certainly.

Mr. PASTORE. That is exactly what we did.

Mr. YARBOROUGH. I started to commend the Senator for doing first things first. Before getting these facilities built, we have to get the medical care for the veterans who are already in there. The Senator put first things first. I know the great pressure that the distinguished chairman of the Senate conferees was under in negotiating on these items, and I think that he did an excellent job in working for our veterans. The veterans of this Nation owe a debt of gratitude to Senator PASTORE and Senator CRANSTON, the distinguished chairman of the

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Senate Subcommittee on Veterans' Affairs, for their efforts to improve the medical care in our Veterans' Administration hospitals.

I also wish to commend the Senate conferees for retaining in the bill the $7,401,800 for the construction of the new San Antonio Federal courthouse and Federal office building. This facility is badly needed in San Antonio and on behalf of these people, I thank the conferees for the concern that was shown for this project.

In addition to the increased funds for veterans medical care programs, and the funds for the San Antonio Federal courthouse and Federal office building, the Senate conferees were successful in retaining the $916,000 that I added on the floor of the Senate for the site acquisition and planning of the Denton Post Office. These funds were excluded in the original House version of the appropriations bill. The distinguished chairman of the Subcommittee on Independent Offices accepted my amendment on the floor and put these funds back into the bill. On behalf of the people of Denton who are badly in need of a new post office, I again wish to thank our conferees for retaining these funds.

Mr. TALMADGE. Mr. President, will Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Georgia.

Mr. TALMADGE. I associate myself with the remarks of my able colleague from Texas in complimenting the distinguished Senator from Rhode Island and the conferees, who did such a magnificent job of improving the health care facilities of our veterans hospitals.

I happen to be chairman of the Veterans' Subcommittee of the Committee on Finance, which has jurisdiction over benefits for veterans, their widows, and their dependents. We have taken steps to pass several bills during this Congress to improve their benefits and keep them comparable to the increasing cost of living in recent years.

I also wish to compliment and commend my distinguished colleague, the Senator from California (Mr. CRANSTON), whose subcommittee has legislative jurisdiction of veterans hospital matters. The hearings that he conducted were very helpful, I am sure, to the Senator from Rhode Island and his colleagues on the conference in obtaining sufficient funds to help staff these hospitals.

I have visited a number of them in my own State, and I have been shocked at the shortage of doctors, nurses, and medical personnel and other facilities to take care of our wounded veterans.

This is the least we can do for those men, many of whom have sacrificed their lives and those who did not sacrifice their lives in many instances have sacrificed their health; and I think a grateful nation should always remember that fact, and we should never see our wounded and disabled veterans lack for medical care.

Mr. PASTORE. I thank the Senator, and I agree with him implicitly.

I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Rhode Island for his very able representation of the Senate position in the conference, and also the ranking Republican member of the conference committee (Mr. ALLOTT) and the other members of the conference for their very effective help in this regard. I also thank the Senator from Texas for his remarks about the subcommittee and for his support in our efforts; without his backing, the results being achieved today would have been impossible.

I also want to say to the Senator from Georgia (Mr. TALMADGE) that he, too, was very helpful. In connection with his chairmanship of the Veterans' Legislation Subcommittee of the Finance Committee, he has done some remarkable work. He has just been successful in clearing through the Congress S. 3448 to provide a very badly needed disability compensation increase for service-connected disabled veterans. I was privileged to cosponsor that measure with Senator TALMADGE, and I thank him for his cooperation with me and our subcommittee.

It is very important that the conferees on H.R. 17548 did stand by medical care funding and got the total Senate amount. I agree with Senator PASTORE that that was the most important aspect of the measure as originally passed by the Senate.

When we take the $80 million that the Senate added and stood by and got from the conference and add the $25 million by the House, we have $105 million more available above the budget request for vitally important medical personnel, equipment, and supplies.

It is absolutely urgent now that VA hospitals begin to deliver an adequate level of care throughout the Nation for veterans. I think we have taken the first step, but not all the steps we need to take.

I would like to go over some of the ground already touched upon and ask the chairman of the Senate conferees some questions.

First, I trust that the Veterans' Administration will give full consideration to the proposed breakdown for the $80 million Senate increase which I outlined in my July 6 floor statement based on the Veterans' Affairs Subcommittee's extensive oversight hearings.

Now, I would like to turn to the conference recommendation for the hospital and domiciliary construction item.

Was it the feeling of the Senate conferees that the proposed expenditure for construction of $120.4 million contained in the budget request was about as much as the VA could handle administratively during fiscal year 1971?

Mr. PASTORE. That is the position they took.

Mr. CRANSTON. With regard to the $61.4 million of carryover unobligated balances which the VA proposes to use along with the $59 million in newly appropriated construction money, what is the Senator's understanding with respect to the projects for which this amount of unobligated money will be spent?

Mr. PASTORE. That they have flexibility in planning.

Mr. CRANSTON. And that relates to the carryover money that they have available?

Mr. PASTORE. That is correct—$61.4 million.

Mr. CRANSTON. It is my impression that the VA central office is currently engaged in a total review of construction priorities for fiscal year 1971 for the purpose of arriving at a final allocation of $61.4 million in carryover money.

It is further my understanding that at this time it seems very likely that included in the new reprograming priorities will be the necessary funds to execute designs for replacement hospitals at the Bronx Hospital in New York, which has been the subject of extensive discussion with the two Senators from New York, and the Wadsworth hospital in Los Angeles.

I refer Senators to the hearing record just published regarding our subcommittee inquiring into conditions at the Wadsworth Hospital. Some of the increases have been discussed, and there is a great deal of backup material there. As the Senator from Rhode Island will recall, the unmet needs at these two hospitals, one in New York and one in Los Angeles, were two of the greatest urgencies included in my construction recommendations to the subcommittee on May 27.

Given the enormous amount of national attention focused on the deficiencies in the physical plants at these two hospital locations, I feel that it is essential for the VA to proceed to bring about replacement hospitals at those sites—not just in New York but also in California—as a matter of the highest priority; I hope that the distinguished chairman of the Appropriations Subcommittee would agree with that great need.

Mr. PASTORE. I do. Here, again, I suppose this is a matter of priorities to be established by the administrator. I think it behooves the committee—that is, the legislative committee—and the Senators from New York to address themselves to the Director of the Veterans' Administration so that he may be better informed as to what the priorities are to be.

Of course, I am in no position to say whether the hospital in The Bronx should come first or the hospital in Los Angeles or the hospital in Buffalo or any place else. I am in no position to say that. But I would hope that a responsible director—and I think Mr. Johnson is a responsible director—would do what is right.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JAVITS. I wish the Senator would leave out Buffalo, because Buffalo does have quite a modern structure.

Mr. PASTORE. I have not seen the hospital at Buffalo or the hospital at Denver. I have seen the hospital at Rhode Island. We have a very fine veteran's hospital there. Please do not put me in the position of dictating at this time what should come first. I do not know.

Mr. JAVITS. I just did not want the reference, because they read these things closely. There is no complaint about Buffalo. It is New York City, the Bronx, and Los Angeles.

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Mr. PASTORE. The Bronx is in the jurisdiction of Mr. JAVITS, and Los Angeles is in the jurisdiction of Mr. CRANSTON, and other places may need the same attention.

Mr. CRANSTON. Also with respect to construction, one of my recommendations on May 27 was that the Brentwood Neuropsychiatric Hospital in Los Angeles receive a full remodeling, costing $5 million, in order to give it the potential to function effectively and to compete for badly needed staff in the 1970's.

Yesterday, in Los Angeles, the VA Administrator announced that the $5 million I called for has been committed for this purpose. I am delighted with this development and this responsiveness by the Administrator. It is my understanding that plans are being executed at this very minutes to proceed with that desperately needed remodeling.

There is one final matter regarding construction that I would like to discuss with the Senator from Rhode Island. The Senator will recall that in my construction recommendations to his subcommittee, I included approximately $6 million to provide for air-conditioning designs for the 43 VA hospitals qualifying for air conditioning, but not now air conditioned and without pending designs. Some of these hospitals are in the very hottest parts of our country, and I know that the Senators from the 25 States involved—and indeed all Senators and the American people—would want to expend the funds necessary to see that disabled veterans in these extremely hot places receive medical care in reasonably comfortable surroundings.

What was the thinking of the conferees, and especially the Senate conferees, with regard to these air-conditioning problems and needs?

Mr. PASTORE. We did not go into that detail, but we did say that they had over $120 million and that it was up to them to make sure that they established the right priorities. We did not go into these things detail by detail, to that extent. The strong point that was made by the conferees from the House was that we did have this carryover of $61.4 million, and they thought that many of the things that had been complained about—justifiably so—by Senator CRANSTON and Representative TEAGUE possibly could be included. If it is not enough, I think we ought to give it serious consideration later on. Certainly, in some of these places that are very hot we ought to have air conditioning. The least we can do is to make these wounded men comfortable.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. DOLE. Let me, first, commend the junior Senator from California and the chairman, the Senator from Rhode Island.

I have a great interest in Veterans' Administration and, of course, veterans, particularly with reference to the point just mentioned—air conditioning. Kansas is noted for many things, and one is that it is sometimes a hot place in which to live. The temperature in Wichita, Kans., has been 106 and 108 degrees in the past 2 weeks. We have a very fine Veterans' Administration hospital there without air conditioning.

So I am pleased to join the Senator from California in emphasizing the need for air conditioning at places such as Wichita, and other places which may need it as badly.

Mr. PASTORE. At least, they ought to have what the Senator is enjoying at this moment.

Mr. DOLE. I agree with the Senator.

Mr. CRANSTON. I note that on the list of those hospitals for which I recommended air-conditioning designs for this fiscal year, in my May 27 appropriations testimony, is the hospital at Wichita, Kans. As the Senator from Kansas has pointed out, this facility does not presently have air conditioning.

As I understand it, in addition to the $61.4 million in carryover funds slated to be used for construction this fiscal year, there still remains in that account some $17.5 million in unobligated balances. Would not the Senator from Rhode Island agree that certainly the VA should give most serious consideration during the course of this fiscal year to request the Bureau of the Budget approval to obligate the necessary amounts from these unobligated balances to begin those air conditioning designs in as many of the 43 hospitals as can be effectively carried out?

Mr. PASTORE. Of course.

Mr. CRANSTON. Finally, I would like to urge that the VA make the maximum effort to convince the Bureau of the Budget to provide in fiscal year 1972 a construction budget request of at least the amount requested and approved for expenditure during this fiscal year—$120 million. In my view, it is absolutely necessary for VA construction to be carried out as part of a planned, ongoing, strong program in the years ahead.

I have studied the VA construction obligation record since 1946 and find a very clear pattern; that is, the years of high obligation, such as fiscal years 1948, 1950, 1964, and 1969, invariably preceded and followed by years of low obligation by comparison with the high mark years. Indeed, this was precisely the case with regard to fiscal year 1971, since the obligations for fiscal year 1970 totaled about one-fourth of those now approved for fiscal year 1971.

With all the force that I can muster, and based upon the extensive oversight investigation of my subcommittee, I call upon the President, the Budget Bureau, and the VA, to break this up-and-down pattern in fiscal year 1972 in order to give VA hospital construction the badly needed shot in the arm it requires, and to prevent the continuing deterioration of the overall physical plant situation in the hospital and domiciliary system.

Mr. President, to illustrate my point, I ask unanimous consent to have printed in the RECORD a table showing VA obligations for hospital and domiciliary construction from fiscal year 1946 to date.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE.—*VA hospital and domiciliary construction obligations*

[In millions of dollars]

Fiscal year:	
1946	14
1947	68
1948	225
1949	84
1950	212
1951	104
1952	43
1953	49
1954	23
1955	47
1956	30
1957	22
1958	64
1959	63
1960	35
1961	77
1962	69
1963	72
1964	109
1965	65
1966	44
1967	64
1968	20
1969	106
1970 (estimated)	34
1971 (estimated)	120. 4

Mr. CRANSTON. Mr. President, I note the presence on the floor of the distinguished ranking minority member of the Labor and Public Welfare Committee, the Senator from New York (Mr. JAVITS), who has extended such great cooperation to our subcommittee during its oversight investigation. I also wish to recognize the hard work of the distinguished ranking minority member of the Veterans' Affairs Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), who has participated so ably and fully in our bipartisan subcommittee investigation.

I also wish to express my great appreciation for the tremendous cooperation of the chairman of the Veterans' Affairs Committee in the House, OLIN E. TEAGUE, who has worked tirelessly on behalf of retaining all of the additional funds passed by the Senate and has been an invaluable ally throughout the last 6 months, and especially while the conferees have been deliberating on this most vital matter.

And, as I stated at the outset of my remarks, special tribute is also due the chairman of the full Labor and Public Welfare Committee, the distinguished Senator from Texas (Mr. YARBOROUGH), who also serves as the ranking majority member of the Veterans' Affairs Subcommittee, for his truly outstanding efforts during our oversight investigation and in securing these vital additional appropriations and over the years on behalf of our Nation's veterans.

I thank the Senator from Rhode Island very much for his explanations today, his great work for our veterans in the conference after his work in committee and on floor, and for his many courtesies to me and my subcommittee during this appropriation process. In light of his explanations today in response to questions from myself and other Senators, I believe that the conference recommendations—now adopted by the House—should be agreed to by the Senate.

I urge my colleagues to support the conference report.

Mr. President, once the Senate accepts the conference report and passes the appropriations bill, and if the President decides not to veto the bill, even then our work to improve substantially in this fiscal year the quality of care for our disabled veterans is not at an end. We must seek to insure that all the moneys appropriated for the VA medical and hospital program are fully and promptly apportioned to the VA by the Budget Bureau.

This has not always been the case in the past, and, at this time of impending crisis for the VA, any appreciable delay or cutback in apportionment could be disastrous. Thus, I ask for the support of all my colleagues in the Senate, and particularly of the distinguished Senator from Rhode Island, in remaining vigilant to see to it that the excellent work now begun for VA hospitals is not stymied, unfairly and unjustly, by Budget Bureau notions of needed economies.

Mr. President, I make the plea, which has been made by other Senators, that there be no veto by the President. If it is vetoed, it will mean great uncertainty on the part of veterans and their loved ones as to whether there will be improvements in their care and inevitable delays in the improvement of that care. So I hope no thought will be given to a veto by the President. It would be disastrous for our disabled veterans.

Mr. PASTORE. Mr. President, I have heard it now three times about the President vetoing this bill. I am one of those who do not place any credence in rumors. I do not believe that the President has intimated in any way that he is going to veto the bill. I am sure that when it reaches his desk he will take a good look at it, and that he will realize whatever increases were made over the estimate, No. 1, the $350 million for urban renewal, that we still have left in the authorization for urban renewal more than three-quarters of a billion dollars and that money will not be spent within a year. It has to be planned. But we have to appropriate for it before commitments can be made for the various cities. We all know that many of our cities are in a state of decay. This is a domestic program. We have spent billions of dollars abroad, which does not seem to bother us from time to time. This one time, this is for American cities.

I do not believe that the President will veto the bill. When he gets it, he will take a good look at it. I hope that we do not begin to arouse ourselves over a rumor and get agitated over the fact that the President may veto something he has not yet seen.

Now, what is the next one, the next big increase? It is $350 million for water and sewerage in rural areas. Tell me the President who will veto that? Mr. President, do you know what that means? It means that in the rural areas, where they have to depend upon a cesspool, if this continues, it cannot absorb any more and the area will end up with pestilence. I do not believe that the President will veto the bill because there is in it $350 million for water and sewerage facilities.

What is the next one? The next one is the veterans. I think, myself, that we are getting ourselves overly apprehensive. I would like to wait until Mr. Nixon has a chance to look at the bill. I have every confidence that he will sign it. He has not told me that he would. But, he has not told me that he would not.

After all, I assume that he loves America as much as we do.

Another significant budget funded in this bill is that of the National Aeronautics and Space Administration. The President had requested $3,333,000,000 to fund the NASA programs for fiscal year 1971, and the House had provided $3,197,000,000 while the Senate recommendation aggregated $3,319,303,000. The amount agreed to in conference totaled $3,268,675,000 which is $64,325,000 under the budget estimate, $71,675,000 over the sum recommended by the House, and $50,628,000 less than the sum recently voted by the Senate. For the item, research and development, the budget estimate and the amount recommended by the Senate was $2,606,100,000 while the House allowance totaled an even $2.5 billion. The amount agreed to in conference for this item was $2,565,000,000. For construction of facilities for the space agency, the conference committee agreed to the sum of $24,950,000, and in the conference report, it is spelled out that the addon of $6,675,000 over the House allowance for this item was to be used specifically for the following:

For the isotope thermoelectric systems application laboratory at the Jet Propulsion Laboratory, $1,250,000;

For the earth resources technology laboratory at Goddard, $1,925,000; and

For the nuclear engine test stand No. 2 in Nevada, $3,500,000.

Mr. ALLOTT. Mr. President, will the Senator from Rhode Island yield at that point?

Mr. PASTORE. I yield.

Mr. ALLOTT. There are many things in the bill that I have an interest in—in fact, almost every phase of it, having worked on it so long—that I desire to say just a word about the NASA budget which was cut by the conference committee $650,628,000.

I note that the chairman of the committee has some feeling, that he would like to see emphasis placed in other areas in the space committee, and he makes no bones about it, and states so very frankly.

While I realize the importance of these things, on the other hand, I feel that the NASA has provided such a tremendous forward thrust in science that it is one of the most valuable things we have and we would only deplete it so much, without anything to retain a space system. Almost every phase of it has been cut back. Apollo XIV is now back into January. Apollo XV, I guess, may be indefinitely postponed. There is no talk about sending any people out to further planets, as there once was. But the number of things that has been a fallout of science and to human beings is fantastic. One of the newest valves, for example, in heart operations is a result of the direct application of the technology in science developed from Space Administration.

Just last week I read of a new instrument which tests blood pressure and makes other blood tests which can actually be inserted through a hypodermic needle. It is fantastic that we would be thinking of using instrumentation of the blood by an instrument that is inserted through a normal hypodermic needle.

There is a whole book available which the space agency furnished us on the technological and scientific fallouts now being used.

I was sorry to see the space funds cut. And I say that without apology to anyone, because I think we have to remain in the forefront of science.

The amount we came up with, that the conference committee settled on, was as unsatisfactory to me as some of the figures were unsatisfactory to the Senator from Rhode Island. But this is our legislative process. This is the way we arrive at things.

I hope that come next year we will be able to strengthen the showing of NASA and to bring the people to the realization that NASA is just not a stunt.

Unfortunately, in the early stages of NASA, and perhaps fortunately in some ways, the idea and concept of a man going to the moon and landing on the moon by Apollo became fixed in the minds of a lot of people as a stunt.

This is the most insignificant part of the space program in my opinion.

The scientific fallout and the forward thrust that it has given to our scientific efforts and our research in the United States is a great thing that has been provided us and will continue to be provided us through the years.

We had to settle for a lesser amount. But I must say that I was not happy about it. And I hope that somehow we can accommodate the program within the funds we have.

Mr. PASTORE. Mr. President, I merely want to add to what the Senator from Colorado has said that there was no more valiant protagonist and fighter for his convictions in that conference than he.

For the National Science Foundation, the committee of conference agreed to provide the full budget estimate of $513 million, which is $9,500,000 less than the amount recommended by the Senate. Nonetheless, the conferees did concur with the Senate position by retaining language earmarking $9,500,000 of the funds provided for graduate traineeships.

Another budget of considerable significance funded in this bill is that of the Department of Housing and Urban Development. The conference committee agreed on the sum of $3,643,081,000 to operate HUD in fiscal year 1971. This amount is $650,060,000 more than the budget estimate, $364 million over the House allowance, but $403,790,000 less than the amount recommended by the Senate.

The largest item in the HUD budget was that for the urban renewal programs. The Senate had voted the sum of $1.7 billion while the budget estimate and the House allowance was $1 billion. In the conference, it was a case of an immovable object meeting an irresistible

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force, and in such a situation, there was only one result acceptable—an even split. Consequently, the amount agreed to by the conferees for the urban renewal programs in fiscal year 1971 amounted to $1,350,000,000.

For urban research and technology—the item containing funding for the so-called Operation Breakthrough—there was a $25 million difference between the House and Senate recommendations; $30 million was provided by the House for this purpose and the Senate had recommended the full budget estimate of $55 million. On this item, the House conferees were adamant and the Senate conferees felt that since they did not wish to allow this one item to destroy an excellent conference, they receded to the House position and agreed to the allowance of $30 million for urban research and technology programs in fiscal year 1971.

The other significant item over the budget estimate in the HUD budget was the grants for basic water and sewer facilities. The President had requested $150 million for this item and both the House and Senate had voted $500 million. Consequently, this particular item was not in conference. Thus, a $350 million add-on above the budget estimate was locked into the bill before the conferees had met.

And a final item, Mr. President, would be the amount made available to the Federal Home Loan Bank Board to cover interest adjustment payments, which were recently authorized by Public Law 91-351, approved July 24, 1970. This recently passed statute provided that $250 million was authorized to be appropriated without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal Home Loan Banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. This item was not considered by the House since the budget estimate was sent directly to the Senate and is contained in Senate Document No. 91-85. It was primarily because of this that the Senate was compelled to give up approximately two-thirds of the $250 million it had recommended for the interest adjustment payments.

In this connection, a statement on the part of the managers of the House points out that the $85 million is merely meant to cover the first year of this new program, and that a request for additional funds can be considered when there is a demonstrated need for additional funding and specific plans are developed.

Mr. ALLOTT. Mr. President, if the Senator would yield?

Mr. PASTORE. I yield.

Mr. ALLOTT. Mr. President, I have two items that I would like to discuss extremely briefly.

I was disappointed also that the bill passed by the Senate last year which created an environmental council was not completely financed. Unfortunately, we had to settle, not for the $1,500,000 but we had to settle for $1 million.

The conference committee on the HUD-Independent Offices appropriation bill has recommended an appropriation of only $1,000,000 for fiscal year 1971 for the Council on Environmental Quality, a reduction of $500,000—33 percent—from the $1,500,000 the President requested and which was passed by the Senate. A reduction of this magnitude would have a very serious impact on Council activities. Specifically, the following would result from this cut:

First. Fifty-four personnel spaces—includes about 30 professional staff—are authorized to the Council for fiscal year 1971. Approximately 40 is all that could be funded, a reduction of 14-26 percent. Given the tremendous scope of the subject matter with which the Council will have to deal, however, the proposed staff of 54 represents minimum requirements. Any reduction would seriously impair the Council's ability to develop independent staff competence in evaluating the environmental impact of the myraid of Federal programs or projects the Council must assess, and would limit our efforts in the development and recommendation to the President of national policies to foster and promote the improvement of environmental quality.

Second. Funds—about $130,000—would be eliminated that were programed to continue work—in addition to a current, but preliminary, monitoring contract—on the development of usable indices for environmental status and change and to develop a reliable monitoring system for collecting the data, in order to identify environmental trends. The information to be gained from this study is critical in makng an accurate assessment of the status and trends of the environment in the President's annual report submitted to the Congress each year, as well as assessing how well Federal programs are doing to improve the environment.

Mr. President, I am prepared to say that if we get a further evaluation of the environmental council work and their needs that I am prepared to fight or it in the first supplemental.

I am satisfied that Congress is not going to let this very important Council which was created after much work both by the House and the Senate sit there without the means to provide the leadership and the overall view of environment in this country.

Mr. President, there is another item on the research and technology in Housing and Urban Development Administration which we fought very hard for. The chairman fought very hard. I must say that I did, and some members of the House committee were very much of the same feeling we were.

However, there was a situation here where there was a feeling that some people had been left out of this or not properly advised, perhaps.

This concerns the financing of operation breakthrough, the real breakthrough in housing. It is an absolute necessity.

We have not financed this research as well as we should have. On the other hand, neither have we had for many years an opportunity for the leadership in this field that we have now through Mr. Harold Finger, the Director of Research for HUD and through the present Secretary, Secretary Romney.

The Senate conferees could not succeed in maintaining the $55 million budget request for HUD—research and technology and had to give in to the House for a 45-percent cut to $30 million.

In my opinion this action seriously impairs the Government's ability to develop programs which this Nation sorely needs for the improvement of its housing. Extensive research is needed to overcome urban blight, including abandoned housing, deteriorating neighborhoods, ineffective municipal management, and inadequate public services.

Research and direction is needed to make use of the technology which exists today in industry and which must be brought to bear if we are to solve the housing and urban problems of which we are all aware. Operation Breakthrough, which is the main program under this appropriation, is aimed at the modernization of the housing industry and the application of new and untried methods of developing low-cost housing.

We should not be reducing this appropriation. I believe it should be even larger than the $55 million requested for fiscal year 1971.

Mr. JAVITS. Mr. President, the Senator from Rhode Island has done a great job. I am sure that he has shown for the RECORD the problems of urban renewal.

Here the Senator from Rhode Island—who is my hero in this particular field as he is in so many others—fought a tremendous battle with respect to the necessary increase of the amount which is available for that purpose.

This is a most important program in the new construction to the cities of the United States. And we all know not only the deficiencies in housing in social terms, but also in terms of the economy of the United States which is seriously affected by the shortfall in housing starts and is extremely serious.

Mr. President, the conferees were compelled—and I am sure that is literally true—to cut the Senate increase in the area of 50 percent. They have come up with a figure of $1,350,000,000 which I hasten to point out is 35 percent greater than the amount the House originally offered.

It was certainly a significant improvement, when laid side by side with the $3 billion backlog in urban renewal requirements—a backlog not of my authorship or of my appraisal, but of the appraisal of Secretary Romney of HUD.

We insisted that we have the amount necessary.

Mr. President, this is really tying our hands behind our backs unless it is justified on the issue of national priorities and the economy and things of that score.

Mr. President, I would like to refer to a very interesting analysis, it seems to me, made by the New York Times in an editorial this morning entitled, "How Livable is the City?" Here are some conclusions which I think are critically important on this issue of priorities:

> The typical urban taxpayer—the father of two, making $10,000 a year—paid $19 for

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space exploration last year and only $1 for mass transportation. This taxpayer paid $26 for more Federal highways to accommodate more automobiles and only $4 to fight pollution of both the air and water.

The experience of course in New York City only about a week ago indicates that no longer are we in the hypothetical region of determining whether the city is livable by reason of the debris in its own atmosphere.

Mr. President, I would like to assert—and I beg the Senator to correct me and interrupt me in any way to supplement how I feel about this matter—that we recognize the practical problems which have been faced by the conferees and the extraordinarily gifted contribution of the Senator from Rhode Island. I know the feelings of the Senator from Colorado on this program because he has on occasion had grave reservations about it and know also that without his understanding—I will not use the word cooperation—we would not be here now with a figure of $1,300,000,000. It is a pledge to him to see that this program is properly operated.

Mr. ALLOTT. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. ALLOTT. In this instance cooperating.

Mr. JAVITS. I know how deeply the Senator feels about this matter.

Mr. PASTORE. We were given an ultimatum by the chairman of the House committee that they would not tolerate anything over $200 million. We sat there and got them to agree to $150 million. That is what we were up against. I agree with everything the Senator said. This is one of the priorities. Unless we do something about our decaying cities we will have a decaying society and if that happens, God help our democracy.

Mr. JAVITS. Mr. President, I appreciate the remarks of the Senator from Rhode Island and the Senator from Colorado. I am delighted to hear of the cooperation of the Senator from Colorado. I feel it my duty, in company with Senators coming from large cities which have enormous backlogs on urban renewal programs, to press this issue whenever it presents itself, especially in the supplemental appropriation bill, and we will keep the feet of housing and urban development to the fire on the backlogs and get the facts on the urgency of taking care of at least a part of the backlog. We will not rest content and not accept the fact that $1.3 billion represents the outermost limit of this priority.

On behalf of 18 million New Yorkers and Americans, I affirm for them that this is a fight that we will continue. We will make it on the next supplemental bill and every one after that until there is some recognition of this particular item.

Mr. PASTORE. And the Senator from Rhode Island will stand shoulder to shoulder with the Senator from New York.

Mr. JAVITS. I am sure of that.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD a table indicating the action taken on the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF CONFERENCE ACTION

INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL 1971 (H.R. 17548)

Agency and item	New budget (obligational) authority 1970 [1]	Amended budget estimates of new (obligational) authority 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I								
INDEPENDENT OFFICES								
Appalachian Regional Commission								
Salaries and expenses	$890,000	$958,000	$958,000	$958,000	$958,000			
Civil Service Commission								
Salaries and expenses:								
Appropriation	43,132,500	48,619,000	45,800,000	47,800,000	47,577,000	−$1,042,000	+$1,777,000	−$223,000
By transfer	(7,794,000)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)			
Annuities under special acts	1,265,000	1,180,000	1,180,000	1,180,000	1,180,000			
Government payment for annuitants, employees health benefits	41,185,000	46,523,000	46,523,000	46,523,000	46,523,000			
Payment to civil service retirement and disability fund	230,816,600	(2)						
Federal Labor Relations Council, salaries and expenses	300,000	900,000	700,000	700,000	700,000	−200,000		
Total, Civil Service Commission	316,699,100	97,222,000	94,203,000	96,203,000	95,980,000	−1,242,000	+1,777,000	−223,000
Commission on Government Procurement								
Salaries and expenses	700,000	1,800,000	1,500,000	1,500,000	1,500,000	−300,000		
Federal Communications Commission								
Salaries and expenses	23,925,000	24,900,000	24,725,000	24,900,000	24,900,000		+175,000	
Federal Power Commission								
Salaries and expenses	17,700,000	18,450,000	18,210,000	18,350,000	18,210,000	−240,000		−140,000
Federal Trade Commission								
Salaries and expenses	20,500,000	21,375,000	20,500,000	20,500,000	20,500,000	−875,000		
General Services Administration								
Operating expenses Public Buildings Service	314,222,000	344,153,000	335,250,000	344,153,000	340,350,000	−3,803,000	+5,100,000	−3,803,000
Repair and improvement of public buildings	61,600,000	83,280,000	83,280,000	83,280,000	83,280,000			
Construction public buildings projects	26,533,000	101,664,500	142,024,300	120,672,500	133,560,300	+31,895,800	−8,464,000	+12,887,800
Sites and expenses public buildings projects	11,371,000	14,000,000	14,000,000	14,000,000	14,000,000			
Payments public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses U.S. court facilities	1,250,000	1,463,000	1,000,000	1,463,000	1,000,000	−463,000		−463,000
Operating expenses Federal Supply Service	81,946,000	83,513,000	83,346,000	83,346,000	83,346,000	−167,000		
Operating expenses National Archives and Records Service	22,985,000	24,695,000	24,485,000	24,485,000	24,485,000	−210,000		
National historical publication grants	350,000	350,000	350,000	350,000	350,000			
Operating expenses Transportation and Communications Service	6,678,000	6,478,000	6,478,000	6,478,000	6,478,000			
Operating expenses Property Management and Disposal Service	29,796,000	[3] 33,079,000	31,000,000	31,000,000	31,000,000	−2,079,000		
Salaries and expenses Office of Administrator	1,997,000	1,215,000	1,000,000	1,215,000	1,215,000		+215,000	
Allowances and office staff for former Presidents	335,000	303,000	303,000	303,000	303,000			
Administrative operations fund (limitation on administrative expenses)	(13,800,000)	(28,561,000)	(28,500,000)	(28,500,000)	(28,500,000)	(−61,000)		
Total General Services Administration	561,463,000	696,593,500	724,916,300	713,145,500	721,767,300	+25,173,800	−3,149,000	+8,621,800

Footnotes at end of tables.

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL 1971 (H.R. 17548)—Continued

Agency and item	New budget (obligational) authority 1970[1]	Amended budget estimates of new (obligational) authority 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—Continued								
INDEPENDENT OFFICES—Continued								
National Aeronautics and Space Administration								
Research and development	$3,006,000,000	$2,606,100,000	$2,500,000,000	$2,606,100,000	$2,565,000,000	−$41,100,000	+$65,000,000	−$41,100,000
Construction of facilities	53,233,000	34,600,000	18,275,000	34,478,000	24,950,000	−9,650,000	+6,675,000	−9,528,000
Research and program management	675,400,000	692,300,000	678,725,000	678,725,000	678,725,000	−13,575,000		
Total, National Aeronautics and Space Administration	3,734,633,000	3,333,000,000	3,197,000,000	3,319,303,000	3,268,675,000	−64,325,000	+71,675,000	−50,628,000
National Commission on Consumer Finance								
Salaries and expenses	375,000	500,000	500,000	500,000	500,000			
National Science Foundation								
Salaries and expenses	438,000,000	511,000,000	495,000,000	520,500,000	511,000,000		+16,000,000	−9,500,000
Scientific activities (special foreign currency programs)	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000			
Total, National Science Foundation	440,000,000	513,000,000	497,000,000	522,500,000	513,000,000		+16,000,000	−9,500,000
Renegotiation Board								
Salaries and expenses	4,110,000	4,235,000	4,110,000	4,235,000	4,235,000		+125,000	
Securities and Exchange Commission								
Salaries and expenses	21,416,000	21,916,000	21,716,000	21,716,000	21,716,000	−200,000		
Selective Service System								
Salaries and expenses	75,348,000	76,000,000	75,000,000	75,000,000	75,000,000	−1,000,000		
Veterans Administration								
Compensation and pensions	5,314,400,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000			
Readjustment benefits	1,609,700,000	[4] 1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000			
Veterans insurance and indemnities	7,253,000	5,100,000	5,100,000	5,100,000	5,100,000			
Medical care	1,655,201,000	[5] 1,752,200,000	1,777,200,000	1,857,200,000	1,857,200,000	+105,000,000	+80,000,000	
Medical and prosthetic research	57,621,000	59,200,000	59,200,000	59,200,000	59,200,000			
Medical administration and miscellaneous oprating expenses	17,905,000	19,100,000	19,100,000	19,100,000	19,100,000			
General operating expenses	236,700,000	239,200,000	239,200,000	239,200,000	239,200,000			
Construction of hospital and domiciliary facilities	69,152,000	59,000,000	59,000,000	79,000,000	59,000,000			−20,000,000
Grants for construction of State extended care facilities	4,000,000	7,500,000	7,500,000	7,500,000	7,500,000			
Grants to the Republic of the Philippines	1,362,000	2,000,000	2,000,000	2,000,000	2,000,000			
Payment of participation sales insufficiencies	5,721,000	6,128,000	6,128,000	6,128,000	6,128,000			
Loan guaranty revolving fund (limitation on obigations)	(425,000,000)	Language	(350,000,000)	(350,000,000)	(350,000,000)	(+350,000,000)		
Total, Veterans Administration	8,439,010,000	8,960,528,000	8,985,528,000	9,085,528,000	90,65,528,000	+105,000,000	+80,000,000	−20,000,000
Total, Independent Offices, title I	13,656,769,100	13,770,477,500	13,665,866,300	13,904,338,500	13,832,469,300	+61,991,800	+166,603,000	−71,869,200
TITLE II								
EXECUTIVE OFFICE OF THE PRESIDENT								
Council on Environmental Quality and Office of Environmental Quality								
Salaries and expenses	350,000	[6] 1,500,000	650,000	1,500,000	1,000,000	−500,000	+350,000	−500,000
NATIONAL AERONAUTICS AND SPACE								
Salaries and expenses	549,000	560,000	400,000	560,000	500,000	−60,000	+100,000	−60,000
OFFICE OF EMERGENCY PREPAREDNESS								
Salaries and expenses	5,290,000	[7] 6,005,000	5,290,000	5,890,000	5,890,000	−115,000	+600,000	
Salaries and expenses, telecommunications	1,795,000	3,300,000	1,795,000	3,300,000	2,000,000	−1,300,000	+205,000	−1,300,000
Defense mobilization functions of Federal agencies	3,200,000	3,130,000	3,130,000	3,130,000	3,130,000			
Total, Office of Emergency Preparedness	10,285,000	12,435,000	10,215,000	12,320,000	11,020,000	−1,415,000	805,000	−1,300,000
Office of Science and Technology								
Salaries and expenses	1,958,000	2,175,000	2,000,000	2,175,000	2,100,000	−75,000	+100,000	−75,000
Total, Executive Office of the President	13,142,000	16,670,000	13,265,000	16,555,000	14,620,000	−2,050,000	+1,355,000	−1,935,000
Funds Appropriated to the President								
Appalachian regional development programs	282,500,000	295,500,000	291,500,000	295,500,000	293 500,000	−2,000,000	+2,000,000	−2,000,000
Disaster relief	245,000,000	65,000,000	65,000,000	65,000,000	65,000,000			
Total, funds appropriated to the President	527,500,000	360,500,000	356,500,000	360,500,000	358,500,000	−2,000,000	+2,000,000	−2,000,000

Footnotes at end of tables.

Agency and item (1)	New budget (obligational) authority 1970[1] (2)	Amended budget estimates of new (obligational) authority 1971 (3)	Recommended in the House bill for 1971 (4)	Recommended in Senate bill for 1971 (5)	Conference action (6)	Conference action compared with— Budget estimate (7)	Conference action compared with— House bill (8)	Conference action compared with— Senate bill (9)
DEPARTMENT OF DEFENSE								
Civil Defense								
Operation and maintenance	$49,200,000	$50,100,000	$50,000,000	$51,000,000	$50,100,000		+$100,000	−$900,000
Research, shelter survey and marking	20,050,000	23,70,000	22,000,000	22,000,000	22,000,000	−$1,700,000		
Total, Civil Defense, Department of Defense	69,250,000	73,800,000	72,000,000	73,000,000	72,100,000	−1,700,000	+100,000	−900,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Public Health Service								
Emergency health	4,000,000	3,755,000	3,500,000	3,755,000	3,755,000		+255,000	
Total, title II	613,892,000	454,725,000	445,265,000	453,810,000	448,975,000	−5,750,000	+3,710,000	−4,835,000
TITLE III								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Renewal and housing assistance								
Grants for neighborhood facilities	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000			
Alaska housing	1,000,000							
Urban renewal programs	[8] 1,000,000,000	1,000,000,000	1,000,000,000	1,700,000,000	1,350,000,000	+350,000,000	350,000,000	−350,000,000
Rehabilitation loan fund	45,000,000	35,000,000	35,000,000	35,000,000	35,0000,00			
Low-rent public housing annual contributions	473,500,000	654,500,000	654,500,000	654,500,000	654,500,000			
Grants for tenant services		5,000,000		5,000,000		−5,000,000		−5,000,000
College housing:								
Increased limitation for annual contract authorization	(11,500,000)	(9,300,000)	(7,200,000)	(9,300,000)	(9,300,000)		(+2,100,000)	
(Cumulative limitation for annual contract authorization)	(17,000,000)	(26,300,000)	(24,200,000)	(26,300,000)	(26,300,000)		(+2,100,000)	
Appropriation for payments	2,500,000	2,500,000				−2,500,000		
Salaries and expenses, renewal and housing assistance	39,508,000	45,000,000	41,000,000	45,000,000	43,500,000	−1,500,000	+2,500,000	−1,500,000
Total, renewal and housing assistance	1,601,508,000	1,782,000,000	1,770,500,000	2,479,500,000	2,123,000,000	+341,000,000	+352,500,000	−356,500,000
Metropolitan Development								
Comprehensive planning grants	50,000,000	60,000,000	50,000,000	50,000,000	50,000,000	−10,000,000		
Community development training and urban fellowship programs	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
New community assistance	2,500,000	10,000,000	5,000,000	5,000,000	5,000,000	−5,000,000		
Open space land programs	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000			
Grants for basic water and sewer facilities	135,000,000	150,000,000	500,000,000	500,000,000	500,000,000	+350,000,000		
Grants to aid advance acquisition of land	2,500,000							
Salaries and expenses, metropolitan development	7,980,700	8,700,000	8,000,000	8,700,000	8,000,000	−700,000		−700,000
Total, metropolitan development	276,480,700	307,200,000	641,500,000	642,200,000	641,500,000	+334,300,000		−700,000
Model cities and governmental relations								
Model cities programs	575,000,000	575,000,000	575,000,000	575,000,000	575,000,000			
Salaries and expenses, model cities and governmental relations:								
Appropriation	577,600	700,000	600,000	600,000	600,000	−100,000		
By transfer	(6,750,000)	(9,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(−1,000,000)		
Total, model cities and governmental relations	575,577,600	575,700,000	575,600,000	575,600,000	575,600,000	−100,000		
Urban technology and research								
Urban research and technology	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	−25,000,000		−25,000,000
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	[9] (2,000,000)							
Total, urban technology and research	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	−25,000,000		−25,000,000
Mortgage Credit								
Homeownership and rental housing assistance:								
Homeownership assistance, increased limitation for annual contract authorization:								
1971	(125,000,000)	(140,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(−10,000,000)		
1972		(140,000,000)				(−140,000,000)		
(Cumulative annual contract authorization):								
1971	(195,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)			
Rental housing assis.ance increased limitation for annual author'zation:								
1971	(120,000,000)	(145,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(−10,000,000)		
1972		(145,000,000)				(−145,000,000)		
(Cumulative annual contract authorization):								
1971	(190,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)			
Appropriation for payments	28,500,000	[10] 115,100,000	115,100,000	115,100,000	115,100,000			

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL 1971 (H.R. 17548)—Continued

Agency and item (1)	New budget (obligational) authority 1970[1] (2)	Amended budget estimates of new (obligational) authority 1971 (3)	Recommended in the House bill for 1971 (4)	Recommended in Senate bill for 1971 (5)	Conference action (6)	Conference action compared with— Budget estimate (7)	House bill (8)	Senate bill (9)
TITLE III—Continued								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued								
Rent supplement program:								
Increased limitation for annual contract authorization:								
1971	($50,000,000)	($75,000,000)	($50,000,000)	($75,000,000)	($55,000,000)	(−$20,000,000)	(+$5,000,000)	(−$20,000,000)
1972		(75,000,000)						
(Cumulative annual contract authorization):								
1971	(122,000,000)	(197,000,000)	(172,000,000)	(197,000,000)	(177,000,000)	(−20,000,000)	(+5,000,000)	(−20,000,000)
Appropriations for payments	23,000,000	46,600,000	46,600,000	46,600,000	46,600,000			
Low and moderate income sponsor fund	2,000,000	5,000,000	3,000,000	3,000,000	3,000,000	−2,000,000		
Loans for housing and related facilities for elderly or handicapped families				25,000,000	10,000,000	+10,000,000	+10,000,000	−15,000,000
Salaries and expenses, Federal Housing administration	3,500,000	6,290,000	3,500,000	6,290,000	3,500,000	−2,790,000		−2,790,000
Total, mortgage credit	55,000,000	172,990,000	168,200,000	195,990,000	178,200,000	+5,210,000	+10,000,000	−17,790,000
Federal Insurance Administration								
Flood insurance	2,428,000	6,050,000	5,000,000	5,000,000	5,000,000	−1,050,000		
Fair Housing and Equal Opportunity								
Fair housing and equal opportunity	6,391,400	11,300,000	7,000,000	11,300,000	8,000,000	−3,300,000	+1,000,000	−3,300,000
Departmental Management								
General administration	9,559,500	9,200,000	9,000,000	9,000,000	9,000,000	−200,000		
Regional management and services	11,155,000	14,550,000	13,500,000	14,500,000	14,000,000	−550,000	+500,000	−500,000
Working capital fund	4,338,000							
Total departmental management	25,052,500	23,750,000	22,500,000	23,500,000	23,000,000	−750,000	+500,000	−500,000
Participation Sales								
Payment of participation sales insufficiencies	56,238,000	58,781,000	58,781,000	58,781,000	58,781,000			
Special Instructions								
National homeownership foundation		250,000				−250,000		
Total, Department of Housing and Urban Development—title III	2,623,676,700	2,993,021,000	3,279,081,000	4,046,871,000	3,643,081,000	+650,060,000	+364,000,000	−403,790,000
TITLE IV								
CORPORATIONS								
Federal Home Loan Bank Board								
Interest adjustment payments		[11] 250,000,000		250,000,000	85,000,000	−165,000,000	+85,000,000	−165,000,000
Revolving fund	8,400,000							
	8,400,000	250,000,000		250,000,000	85,000,000	−165,000,000	+85,000,000	−165,000,000
Administrative and non-administrative expenses (Limitation on Accounts of Corporate Funds To Be Expended)								
Federal Home Loan Bank Board:								
Administrative expenses	(5,712,000)	(6,625,000)	(5,750,000)	(6,625,000)	(6,625,000)		(+875,000)	
Nonadministrative expenses	(14,125,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)			
Federal Savings and Loan Insurance Corporation	(384,000)	(408,000)	(408,000)	(408,000)	(408,000)			
Department of Housing and Urban Development:								
Housing for the elderly or handicapped	(1,200,000)	(850,000)	(850,000)	(850,000)	(850,000)			
College housing loans	(1,175,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)			
Public facility loans	(1,055,000)	(1,400,000)	(1,200,000)	(1,200,000)	(1,200,000)	(−200,000)		
Revolving fund (liquidating programs)	(106,007)	(125,000)	(125,000)	(125,000)	(125,000)			
Federal Housing Administration:								
Administrative expenses	(12,950,000)	(13,800,000)	(13,500,000)	(13,500,000)	(13,500,000)	(−300,000)		
Nonadministrative expenses	(110,175,000)	(125,550,000)	(112,000,000)	(125,550,000)	(118,775,000)	(−6,775,000)	(+6,775,000)	(−6,775,000)
Government National Mortgage Association	(5,000,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)			
Total, administrative and nonadministrative expenses—title IV	(151,882,700)	(171,058,000)	(156,133,000)	(170,558,000)	(163,783,000)	(−7,275,000)	(+7,650,000)	(−6,775,000)
Grand total, all titles, new budget (obligational) authority	16,902,737,800	17,468,223,500	17,390,212,300	18,655,019,500	18,009,525,300	+541,301,800	+619,313,000	−645,494,200
Consisting of—Appropriations	(16,902,737,800)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)	(+619,313,000)	(−645,494,200)
Grand total	(16,902,737,800)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)	(+619,313,000)	(−645,494,200)

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[1] Includes all supplemental appropriation acts of 1970.

[2] Sec 103 of the Civil Service Retirement Amendments of 1969 requires the Secretary of the Treasury to make annual payments from general revenues as determined by the Civil Service Commission.

[3] Reflects increase of $600,000 contained in H. Doc. 91-305.

[4] Reflects increase of $275,500,000 contained in H. Doc. 91-312.

[5] Reflects increase of $50,000,000 contained in H. Doc. 91-294.

[6] Additional estimate of $800,000 contained in S. Doc. 91-87

[7] Additional estimate of $600,000 contained in S. Doc. 91-88.

[8] Includes advance funding for fiscal year 1970, provided in 1969 act; $750,000,000 does not include amount contained in 2d supplemental bill.

[9] Provided by transfer from "Urban Research and Technology."

[10] Reflects increase of $10,500,000 contained in H. Doc. 91-273.

[11] Estimate contained in S. Doc. 91-85 not considered by House.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SPARKMAN. Mr. President, I wish to say a word particularly about some of the things already covered here on housing and urban renewal, and more particularly on the subject of research. I do not know whether Senators realize it or not, but for years we have tried to get the enactment of a research program, in the housing agency first, and in the housing department. We have on one or two occasions, had some part of a research program, but finally we provided a Secretary of Housing for Research.

We have a very capable head of that department. We need research in housing. Through the years we have been engaged in housing on a very active and large program since 1934 when the homeowners loan program was first set up. But if there is any activity on which so much money has been spent that did not have an adequate research division other than housing, I am not aware of it.

I have often said that one of the great troubles with housing in this country is that it is the one big industry in which we are building on a retail basis rather than on a wholesale basis on the assembly line.

I wish to relate an experience I had a couple of weeks ago. I went to Corinth, Miss. Secretary Romney was scheduled to go, but the President called on him for something that day which prevented him from going. I went there and saw a complete train that had started from Avon, Conn., and had come all the way down through the country to Corinth, Miss., with, I believe, 26 complete houses being transported on freight cars.

They were brought in there and lifted off. There were four units to a house; four-bedroom houses; and they were put on a trailer and brought up to the site. This housing was being used to replace housing that had been destroyed in the tornado that had struck there a short time ago. I saw those units lifted off and set on a prepared foundation, a unit at a time. The four units were unloaded and put there and they had a complete house except for the wiring and things of that sort in little over an hour's time. I was told, "You see where that house that is being prepared." There were several, but one was set there while we were present. "Day before yesterday this land was covered with rubble left over from the tornado. They came in here yesterday and leveled off the ground, got it to the right elevation, put in the foundation, and put the house in today; and tomorrow the occupants can move in." That is the result of development that has taken place in the field of research and the field of mass production. We need more.

I am sorry the Senator from New York has had to leave the Chamber. We always hear about the need of things to be done in the urban areas. The need is much more than we are able to meet, even with this increase in urban renewal. We are terribly behind in many of the other programs.

The Senator mentioned the very ambitious program Secretary Romney developed, Operation Breakthrough. This was part of the breakthrough down there being used on a disaster basis. If we could get that Operation Breakthrough to operate we could go in and really put in housing for low-income people on a massive scale that would help us catch up and get into a position to meet the goals written into the law of 26 million units to be built by 1978. We have to move along much faster than we are moving now to accomplish that goal, but it can be done.

When we talk about the great need in urban areas, let us not forget the great and tremendous need in rural areas. That is something that has been lacking all through the years. But we have now written this legislation that provides the same type relief in rural areas that is provided in urban areas.

Mr. President, that is all I shall say at this time. However, I do indorse what the Senator from Colorado said with respect to our space program. It is easy to condemn the space program and the great amount of money it costs, but it is something that has a repayment value far beyond what we usually think of because we usually think of the spectacular landing of men on the moon. There is a natural urge on the part of the people of this country to want to continue exploration in space, as we have continued exploration from the time of Columbus.

Mr. PASTORE. Mr. President, I want to say on the breakthrough that the budget estimate was $25 million. There was a $25 million difference between the House and the Senate recommendations. The House provided $30 million and the Senate recommended the full budget estimate of $55 million. We went to conference, and although we tried hard to retain the $25 million difference there was strong resentment on the part of the House manager and it got almost to a stalemate. There was nothing more we could do. I am not critical. We have to keep working. That is how it happened.

Mr. DOLE. Mr. President, when the independent offices appropriation bill came to the Senate floor early this June, I made a strong statement on behalf of the additional $100 million added by the Senate for the Veterans' Administration.

As a veteran who spent more than 3 years in Army hospitals, I understand in a personal way the importance of providing good medical care for all veterans.

I wish to commend Senator PASTORE, Senator ALLOTT, and the other Senate conferees in retaining $80 million of the $100 million in conference. This means the Veterans' Administration will receive $105 million more in fiscal year 1971 than originally requested.

Although $20 million was deleted for the construction of VA hospitals and domiciliary facilities, the conference level for hospital construction is consistent with the administration's request. Furthermore, by adding the unobligated balance of $78,907,000 carried forward for hospital construction from fiscal year 1970, the conference report allows a total of $137,907,000 for hospital construction by the Veterans' Administration in fiscal year 1971.

Mr. COOPER. Mr. President, I wish to make a brief comment on the conference report concerning the appropriation for the Council on Environmental Quality and the Office of Environmental Quality.

The Senate Committee recommended an appropriation of $1.5 million for salaries and expenses of the Council and the Office on Environmental Quality as a single organization. I regret very much that the conferees have reduced the Senate allowance of $1.5 million to $1 million, a reduction of one-third of the President's budget request.

I have noted the remarks of the distinguished Senator from Colorado, the ranking minority conferee (Mr. ALLOTT), and share his concern, that some 54 staff members including some 30 professional staff members would be dropped from the organization's planned activities as a result of the reduction recommended by the conferees.

As the ranking minority member of the Public Works Committee where we have worked in control of air, water, solid waste pollution, I have become familiar with the difficult problems concerning our environment.

The President's Council on Environmental Quality headed by its Chairman, Mr. Russell Train, is of the greatest importance in solving these problems. The work of this group is much too important and too necessary to have its personnel and activities curtailed.

When the House Appropriations Committee held hearings on the budget request of $700,000 for salaries and expenses of the Council it approved the sum of $650,000. Subsequent to these hearings the Council and the Office of Environmental Quality were combined and received a budget recommendation of $1.5 million.

I recognize that the House had no opportunity as the Senate had had, to hold hearings on the added budget request for the Office of Environmental Quality. I hope that the House Appropriations Committee will hold hearings on this request this year and I am pleased to note that the conference report recommends:

> Further hearings should be conducted in connection with any request for supplemental appropriations if further funds are required after pending reorganization plans are finalized.

Mr. President, I am hopeful that this request may be included in a supplemental appropriations bill later this year and that both the House and the Senate will take favorable action.

Mr. GRIFFIN. Mr. President, the conferees have improved this bill considerably from the shape it was in when the Senate voted earlier to send it to conference.

But the conference report still calls for appropriations which would be $541 million in excess of the President's budget request. Although I cannot speak for the White House, I shall be surprised, frankly, if the President does not veto this bill.

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It is not easy to vote against an appropriations bill which includes funds for so many worthy projects and causes. However, there must be some degree of cooperation between Congress and the executive branch with regard to Government spending if we hope to bring inflation under control.

Perhaps a relatively small increase over the budget could be tolerated. But the increase in this bill—more than one-half billion dollars—is too much if the Congress is to be responsible.

Accordingly, I shall reluctantly vote against the conference report. I do so in the hope that this appropriation bill will go back to conference where it can be adjusted to more nearly accommodate the budget and fiscal limitations which bear so importantly on the problem of inflation.

Mr. PASTORE. I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 70, nays 8, as follows:

[No. 253 Leg.]

YEAS—70

Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Ellender
Fong
Fulbright
Goodell
Gravel
Gurney
Hansen
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Saxbe
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Talmadge
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—8

Cotton
Curtis
Dominick
Fannin
Goldwater
Griffin
Thurmond
Williams, Del.

NOT VOTING—22

Aiken
Baker
Cannon
Dodd
Ervin
Gore
Harris
Hart
Hartke
Hruska
McCarthy
Metcalf
Montoya
Mundt
Nelson
Randolph
Ribicoff
Russell
Smith, Maine
Symington
Tower
Tydings

So the report was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the committee amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert "Honolulu, Hawaii, Indianapolis, Indiana, Albany, New York, and Bronx, New York,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$1,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert on page 41 after line 15:

"Housing for the Elderly or Handicapped Fund

"For the revolving fund established pursuant to Section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), $10,000,000, to remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

"SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment."

Mr. ALLOTT. Mr. President, I move that the Senate concur in the House amendments to Senate amendments Nos. 7, 30, 39, and 55.

The motion was agreed to.

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3302.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendment of the House of Representatives to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes which was to strike out all after the enacting clause, and insert:

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

Section 717(a) of the Defense Production Act of 1950 is amended by striking out "July 30, 1970" in the first sentence and inserting in lieu thereof "June 30, 1972".

§ 102. Definitions

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

§ 103. Uniform cost-accounting standards

Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive com-

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pensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

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"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall by June 30, 1971, and each June 30 thereafter, recommend to Congress cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. The Board shall also recommend uniform bid procedures and bid forms for Government agencies to require to be used by all contractors and subcontractors to whom the recommended cost-accounting standards would apply."

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on S. 3302 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. MUSKIE, Mr. MONDALE, Mr. HOLLINGS, Mr. BENNETT, Mr. TOWER, Mr. GOODELL, and Mr. PACKWOOD conferees on the part of the Senate.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2846.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendments of the House of Representatives to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes", which were to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Services and Facilities Construction Act for 1970".

TITLE I—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

AUTHORIZATION OF GRANT PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 101. Part C of the Mental Retardation Facilities Construction Act is amended to read as follows:

"PART C—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"DECLARATION OF PURPOSE

"SEC. 130. The purpose of this part is—

"(1) to authorize grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services for persons affected by developmental disabilities; and

"(2) to authorize grants to assist public or nonprofit private agencies in the construction of facilities for the provision of services for persons affected by developmental disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. (a) For the purpose of providing funds for grants under this part, there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1971, $85,000,000 for the fiscal year ending June 30, 1972, and $105,000,000 for the fiscal year ending June 30, 1973.

"(b) For the fiscal year ending June 30, 1974, and for each of the next fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make grants under section 137(a)(1)(B) with respect to services for which a grant under that section was made before July 1, 1973, and which are eligible for such a grant for the year for which sums are being appropriated under this subsection.

"STATE ALLOTMENTS

"SEC. 132. (a)(1) From the sums appropriated under section 131(a) for each fiscal year to carry out the purposes of section 130, the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall not be less than $100,000.

"(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under this part.

"(3) Sums allotted to a State for a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year; except that if the State plan of a State calls for the construction of a specific facility the Federal share of which will exceed the allotments available to the State for a fiscal year for construction, the Secretary may, on the request of the State, provide that funds allotted to the State and available for such year shall remain available for construction of that facility, to the extent necessary but not to exceed two additional years beyond the year for which the funds were initially allotted.

"(b) Whenever the State plan developed in accordance with section 134 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

"(c) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such other States for such fiscal year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted under this subsection to a State for a fiscal year shall be deemed to be a part of its allotments under subsection (a) for such fiscal year.

"NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

"SEC. 133. (a)(1) Effective July 1, 1971, there is hereby established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereafter in this part referred to as the 'Council'), which shall consist of twenty members to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

"(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(3) The members of the Council shall be selected from persons who are not officers or employees of the United States employed on a full-time basis and who are leaders in the fields of service to the mentally retarded and to other developmentally disabled persons, in State or local government, and in organizations representing consumers of such services. At least five members shall be representative of State or local agencies responsible for services to the developmentally disabled, and at least five shall be representative of the interests of consumers of such services.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twenty members first appointed, five shall hold office for a term of three years, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Secretary at the time of appointment.

"(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

"(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as the Council may require to carry out such functions.

"(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"STATE PLANS

"SEC. 134. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with development disabilities must—

"(1) designate (A) a State planning and advisory council, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary; (B) the State agency or agencies which will administer or supervise the administration of all or designated portions of the State plan; and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

(3) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such nonFederal funds; and (D) there will be reasonable State financial participation in the cost of administering and implementing the State plan;

"(5)(A) provide for the furnishing of a range of services and facilities for persons with developmental disabilities associated with mental retardation, (B) specify the other categories of developmental disabilities which will be included in the State plan, and (C) describe the quality, extent, and scope of such services as will be provided to persons with mental retardation and with other developmental disabilities;

"(6) provide that services and facilities furnished under the State plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(7) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(8) provide that (A) the State planning and advisory council shall be adequately staffed and shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned with services for persons with developmental disabilities; and (B) at least one-third of the membership of such council shall consist of representatives of consumers of such services;

"(9) provide that the State planning and advisory council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

"(10) provide that the State agencies designated in paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in securing facilities and services for persons with developmental disabilities who are residents of such areas;

"(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of developmentally disabled persons in the State;

"(13) provide for the development of a program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

"(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), and assigned priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(15) designate the portion of the State's allotment (under section 132) for any year which is to be devoted to construction of facilities, which portion shall be not more than 50 per centum of the State's allotment or such lesser per centum of the allotment as the Secretary may from time to time prescribe;

"(16) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part; and

"(18) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPROVAL OF PROJECTS FOR CONSTRUCTION

"SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 134 (b) (1) (C), an application by the State or a political subdivision thereof or by any other public or nonprofit agency. If two or more agencies join in the construction of the project, the application may be filed by one or more such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

"(b) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (1) that the application contains such reasonable assurances as to title, financial support, and payment of prevailing rates of wages and overtime pay, (2) that the plans and specifications are in accord with regulations prescribed by the Secretary, (3) that the application is in conformity with the State plan approved under this part, and (4) that the application has been approved and recommended by the State agency designated in accordance with section 134(b)(1)(C) and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

"(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

"WITHHOLDING OF PAYMENTS FOR CONSTRUCTION

"SEC. 136. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency (designated in accordance with section 134(b)(1)(C) of any State, finds that—

"(1) the State agency is not complying substantially with the provisions required by section 134(b) to be included in the State plan, or with regulations of the Secretary,

"(2) any assurance required to be given in an application filed under section 135 is not being or cannot be carried out,

"(3) there is a substantial failure to carry out plans and specifications related to construction approved by the Secretary under section 134, or

"(4) adequate funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith withhold payments for construction from the allotment of such State in accordance with subsection (b).

"(b) If the Secretary makes a finding described in subsection (a), he may forthwith notify the State agency that—

"(1) no further payments will be made to the State for construction from allotments under this part, or

"(2) no further payments will be made from allotments under this part for any construction project or the action or inaction referred to in paragraph (1), (2), projects designated by the Secretary as being affected by (3), or (4) of subsection (a),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction projects may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"GRANTS TO THE STATES FOR PLANNING AND SERVICES

"SEC. 137. (a)(1) To carry out the purposes of section 130(1), the Secretary shall make grants under this section to assist the States in meeting the costs of (A) developing and administering their State plans, and (B) compensation of personnel to provide, in accordance with approved State plans, services for persons with developmental disabilities. Grants under this section with respect to any such service provided under a State plan may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day.

"(2) A grant under this section may be made only to a State which (A) has a State plan approved under this part, and (B) has made an application for such grant in accordance with regulations of the Secretary. For each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973, a grant to a State under this section shall be made from the portion of the State's allotment under section 132 which is not designated in its State plan for construction purposes. For the fiscal year ending June 30, 1974, and each of the next six fiscal years, a grant to a State under clause (B) of paragraph (1) of this subsection shall be made from funds appropriated under section 131 (b).

"(b)(1) A grant under this section for any fiscal year to assist a State in meeting the costs of developing and administering its State plan may not exceed 5 per centum of the State's allotment under section 132 for that fiscal year or $75,000, whichever is less.

"(2)(A) A grant under this section to assist a State in meeting the costs of compensation of personnel to provide services for persons with developmental disabilities may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in subparagraph (B), such grants with respect to any State may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(B) In the case of any State providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for the costs of a State for compensation of personnel providing services for persons in such an area may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(3) For the purpose of determining the costs of a State for compensation of such personnel, costs of a political subdivision thereof or of a nonprofit private agency for compensation of such personnel shall, subject to such limitations and conditions as may be prescribed by the Secretary by regulation, be regarded as costs of such State.

"(c) Payment of grants under this section may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and no such terms and conditions, as the Secretary may determine.

"WITHHOLDING OF PAYMENTS FOR PLANNING AND SERVICE

"SEC. 138. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council (designated in accordance with section 134(b)(1)(A)) finds that—

'(1) there is a failure to comply substantially with any of the provisions required by section 134 to be included in the State plan, or

"(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State council that further payments for planning or services will not be made to the State under section 137 (or, in his discretion, that further payments for planning or services will not be made to the State under that section for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment under that section to the State, or shall limit further payment under that section to such State to activities in which there is no such failure.

"REGULATIONS

"SEC. 139. The Secretary, as soon as practicable, by general regulations applicable uniformly to all the States, shall prescribe—

"(1) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of services for which assistance may be pro-

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vided under this part, and the categories of persons for whom such services may be provided;

"(2) standards as to the scope and quality of services which must be provided for persons with developmental disabilities under a State plan approved under this part;

"(3) the general manner in which a State, in carrying out its State plan approved under this part, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

"(4) general standards of construction and equipment for facilities of different classes and in different types of location.

After appointment of the Council, regulations and revisions therein shall be promulgated by the Secretary only after consultation with the Council.

"NONDUPLICATION

"SEC. 140. (a) In determining the amount of any payment for the construction of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"(b) In determining the amount of any grant under section 137 to assist a State in meeting the costs of planning and of compensation of personnel, there shall be disregarded (1) any portion of such costs which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

CONFORMING AMENDMENTS

SEC. 102. (a) Section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2691) is amended by—

(1) striking out ", and the District of Columbia" and all that follows in subsection (a) and inserting in lieu thereof ", the District of Columbia, and the Trust Territory of the Pacific Islands.":

(2) amending subsection (b) to read as follows:

"(b) The term 'facility for the developmentally disabled' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons affected by one or more developmental disabilities.";

(3) striking out "mentally retarded" wherever it occurs in subsection (d) and inserting "developmentally disabled" in lieu thereof;

(4) amending the first sentence of subsection (h)(2) to read as follows: "The Federal share with respect to any project in the State shall be the amount determined by the State agency described in the State plan, but except as provided in paragraph (3), the Federal share (A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower."; and

(5) adding at the end of the section the following subsections:

"(l) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day-care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual affected by such disability and of his family, protective and other social and socio-legal services, information and referral services, and follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"(n) The term 'regulations' means (unless the text otherwise indicates) regulations promulgated by the Secretary."

(b) Sections 403 and 405 of such Act are amended by inserting "or the developmentally disabled" after "mentally retarded" wherever it occurs.

APPLICATION OF NEW PROVISIONS RELATING TO DURATION OF GRANTS AND FEDERAL SHARE TO CONTINUATION GRANTS UNDER EXISTING STAFFING GRANT PROGRAM

SEC. 103. (a) Effective with respect to costs of compensation of professional and technical personnel of any facility for the mentally retarded for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 141 of part D of the Mental Retardation Facilities Construction Act, subsection (b) of such section is amended to read as follows:

"(b) (1) Grants under this section for such costs for any facility may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs for any such facility may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any mental retardation facility for which a staffing grant was made under section 141 of the Mental Retardation Facilities Construction Act before July 1, 1970, (1) the provisions of subsection (b) of section 141 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection of (b) had been in effect on the date a staffing grant for such facility was initially made, and (2) non-Federal funds made available for costs incurred after the date such grant was initially made but before June 30, 1970, shall not, to the extent they exceed the minimum amount of non-Federal funds required under such subsection with respect to grants for costs incurred after June 30, 1970, be taken into account in applying section 142(a)(3) of such Act to such grants.

EFFECTIVE DATE

SEC. 104. The amendments made by sections 101 and 102 of this title shall apply with respect to fiscal years beginning after June 30, 1970. Funds appropriated before June 30, 1970, under part C of the Mental Retardation Facilities Construction Act shall remain available for obligation during the fiscal year ending June 30, 1971.

TITLE II—AMENDMENTS TO PART B OF THE MENTAL RETARDATION FACILITIES CONSTRUCTION ACT

CONSTRUCTION GRANTS

SEC. 201. (a) The first sentence of section 121(a) of the Mental Retardation Facilities Construction Act is amended—

(1) by striking out "clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which, for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part) and";

(2) by striking out "clinical training" and inserting in lieu thereof: "interdisciplinary training"; and

(3) by striking out "each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970" and inserting in lieu thereof: "for each of the next five fiscal years through the fiscal year ending June 30, 1973".

(b) Such section 121(a) is amended by striking out "the mentally retarded" in the second sentence and the second time and third time it appears in the first sentence and inserting in lieu thereof "persons with developmental disabilities".

(c) Sections 124 and 125 of the Mental Retardation Facilities Construction Act are each amended by striking out "the mentally retarded" each place it appears in those sections and inserting in lieu thereof "persons with developmental disabilities".

DEMONSTRATION AND TRAINING GRANTS

SEC. 202. Part B of the Mental Retardation Facilities Construction Act is amended by redesignating sections 122, 123, 124, and 125 as sections 123, 124, 125, and 126, respectively, and by adding the following new section after section 121:

"DEMONSTRATION AND TRAINING GRANTS

"SEC. 122. (a) For the purposes of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and social problems of children and adults suffering from developmental disabilities, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with development disabilities, including established disciplines as well as new kinds of training to meet critical shortages in the care of persons with developmental disabilities.

"(b) For the purpose of making grants under this section, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971; $17,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973."

SEC. 203. Section 123 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "(a)" after "SEC. 122.", by inserting "the construction of" before "any facility", and by adding the following new subsection at the end thereof:

"(b) Applications for demonstration and training grants under this part may be approved by the Secretary only if the applicant is a college or university operating a facility of the type described in section 121, or is a public or nonprofit private agency or organization operating such a facility. In considering applications for such grants, the Secre-

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tary shall give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college to participate in the programs for which the application is made."

Sec. 204. Section 124 of such Act, as so redesignated by section 202 of this Act, is amended by striking out "for the construction of a facility" and "of construction" in subsection (a) thereof, and by striking out "in such installments consistent with construction progress," in subsection (b).

Sec. 205. Section 125 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "construction" before "funds".

MAINTENANCE OF EFFORT

Sec. 206. Part B of such Act is amended by adding at the end thereof the following new section:

"MAINTENANCE OF EFFORT

"Sec. 127. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds."

CONFORMING AMENDMENTS

Sec. 207. (a) The heading for title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by striking out "THE MENTALLY RETARDED" and inserting in lieu thereof "PERSONS WITH DEVELOPMENTAL DISABILITIES".

(b) Section 100 of such title is amended to read as follows:

"SHORT TITLE

"Sec. 100. This title may be cited as the 'Facilities for the Developmentally Disabled Construction Act'."

(c) The heading for part B of such title is amended to read as follows:

"Part B—Construction Demonstration and Training Grants for University-Affiliated Facilities for Persons With Developmental Disabilities"

And amend the title so as to read: "An Act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes."

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House to S. 2846 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to: and the Presiding Officer appointed Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Murphy, Mr. Prouty, and Mr. Saxbe conferees on the part of the Senate.

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AMENDMENT OF TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3586.

The PRESIDING OFFICER (Mr. Bellmon) laid before the Senate the amendments of the House of Representatives to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, which were to strike out all after the enacting clause, and insert:

Section 1. (a) Paragraph (1) of subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 295h(a)(1)) is amended (1) by striking out "and" after "June 30, 1969;", and (2) by striking out the period and inserting in lieu thereof a semicolon and the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973."

(b) Paragraph (1) of subsection (b) of such section is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1972".

Sec. 2. (a) Effective with respect to appropriations for the fiscal year beginning July 1, 1970, section 792 of the Public Health Service Act (42 U.S.C. 295h–1(a)) is amended as follows:

(1) Subsection (a) of such section is amended to read as follows:

"Basic Improvement Grants

"Sec. 792. (a)(1) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for basic improvement grants under this subsection."

(2) Subsection (b) of such section is amended—

(A) by striking out the subsection heading,

(B) by striking out "(b)(1)" and inserting in lieu thereof "(2)",

(C) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)",

(D) by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973", and

(E) by striking out "(2)" in paragraph (2) and inserting in lieu thereof "(3)".

(3) Subsection (c) is repealed and the following new subsections are inserted immediately before subsection (d):

"Special Improvement Grants

"(b) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for special improvement grants to assist training centers for allied health professions in projects for the provision, maintenance, or improvement of the specialized function which the center serves.

"Special Projects for Experimentation, Demonstration, and Institutional Improvement

"(c)(1) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for grants and contracts for special projects under this subsection.

"(2) The Secretary is authorized, from sums available therefor from appropriations made under this subsection and subsection (b), to make grants to public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions, for special projects related to training or retraining of allied health personnel, including—

"(A) planning, establishing, or developing new programs, or modifying or expanding existing programs, including interdisciplinary training programs;

"(B) developing or establishing special programs, or adapting existing programs, to reach special groups such as returning veterans with experience in a health field, the economically or culturally deprived, or persons reentering any of the allied health fields;

"(C) developing, demonstrating, or evaluating new or improved teaching methods or curriculums;

"(D) developing, demonstrating, or establishing interrelationships among institutions which will facilitate the training, retraining, or utilization of allied health manpower;

"(E) developing, demonstrating, or evaluating new types of health manpower;

"(F) developing, demonstrating, or evaluating techniques for appropriate recognition (including equivalency and proficiency testing mechanisms) of previously acquired training or experience; and

"(G) developing, demonstrating, or evaluating new or improved means of recruitment, retraining, or retention of allied health manpower."

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, subsection (d) of section 792 is amended—

(A) by striking out "basic or special improvement" in paragraph (1);

(B) by inserting "in the case of a basic or special improvement grant," immediately after "(A)" in paragraph (2)(A); and

(C) by striking out "for grants under subsection (c)" in paragraph (3) and inserting in lieu thereof "for special improvement grants under subsection (b) and for special project grants under subsection (c)".

(c) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, section 795(3) of such Act (42 U.S.C. 295h–4) is amended by striking out "as applied to any training center for allied health professions" and inserting in lieu thereof ", as applied to any training center for allied health professions or to any private agency, organization, or institution applying for a grant under section 792(c) or 793,".

(d)(1) Effective with respect to the fiscal year beginning July 1, 1970, sections 794 and 798 of such Act (42 U.S.C. 295h–3, 295h–7) are repealed.

(2) Effective with respect to the fiscal year beginning July 1, 1970 (section 797 of such Act (42 U.S.C. 295h–6) is amended by striking out "793, or 794" and inserting in lieu thereof "or 793".

Sec. 3. (a) Subsection (a) of section 793 of the Public Health Service Act (42 U.S.C. 295h–2(a)) is amended by (1) by striking out "and" after "June 30, 1969;", and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; and $12,000,000 for the fiscal year ending June 30,, 1972; and $12,000,000 for the fiscal year ending June 30, 1973;".

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970—

(1) Subsection (b) of such section is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, organizations, and institutions".

(2) Subsection (c) of such section is amended by striking out "centers" and inserting in lieu thereof "public or nonprofit private agencies, organizations, and institutions".

And amend the title so as to read: "An Act to amend the Public Health Service Act to extend for three years the programs of assistance for training in the allied health professions, and for other purposes."

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House on S. 3586 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Murphy, Mr. Prouty, and Mr. Saxbe conferees on the part of the Senate.

THE YEAR 1963 AND THE WAR

Mr. DOLE. Mr. President, in September of 1963 President John F. Kennedy submitted to an interview by two NBC reporters—Chet Huntley and David Brinkley. In that interview the President expressed public views exactly contrary to those his former aide, Kenneth O'Donnell says he privately held.

I ask unanimous consent to insert in the Record at this point pertinent excerpts from the President's interview of September 9, 1963, and I call particular attention to the last two sentences thereof:

> What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

President Kennedy's NBC TV Interview, September 9, 1963—Excerpts

Mr. Huntley. Are we likely to reduce our aid to South Viet-Nam now?

The President. I don't think we think that would be helpful at this time. If you reduce your aid, it is possible you could have some effect upon the government structure there. On the other hand, you might have a situation which could bring about a collapse. Strongly in our mind is what happened in the case of China at the end of World War II, when China was lost—a weak government became increasingly unable to control events. We don't want that.

Mr. Brinkley. Mr. President, have you had any reason to doubt this so-called "domino theory," that if South Viet-Nam falls, the rest of Southeast Asia will go behind it?

The President. No, I believe it. I believe it. I think that the struggle is close enough. China is so large, looms so high just beyond the frontiers, that if South Viet-Nam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya but would also give the impression that the wave of the future in Southeast Asia was China and the Communists. So I believe it.

Mr. Brinkley. With so much of our prestige, money, so on, committed in South Viet-Nam, why can't we exercise a little more influence there, Mr. President?

The President. We have some influence. We have some influence and we are attempting to carry it out. I think we don't—we can't expect these countries to do everything the way we want to do them. They have their own interests, their own personalities, their own tradition. We can't make everyone in our image, and there are a good many people who don't want to go in our image. In adidtion, we have ancient struggles between countries. In the case of India and Pakistan, we would like to have them settle Kashmir. That is our view of the best way to defend the subcontinent against communism. But that struggle between India and Pakistan is more important to a good many people in that area than the struggle against the Communists. We would like to have Cambodia, Thailand, and South Viet-Nam all in harmony, but there are ancient differences there. We can't make the world over, but we can influence the world. The fact of the matter is that with the assistance of the United States and SEATO [Southeast Asia Treaty Organization], Southeast Asia and indeed all of Asia has been maintained independent against a powerful force, the Chinese Communists. What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw. * * *

WHAT PRESIDENT KENNEDY WOULD HAVE DONE

Mr. GOLDWATER. Mr. President, on the same subject, I had prepared brief remarks, and I should like to present them at this time.

Over the weekend, Life magazine made available to the press excerpts of a book that Mr. Kenneth O'Donnell, former key aide to President Kennedy, has written.

To say the least, his remarks are extremely surprising, and in order to keep history straight, I think that some explanation should be made by either Mr. O'Donnell or the majority leader or both. For example, on September 9, 1963, which was after the President's remarks to Mr. O'Donnell, the President said in a television interview:

> Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the government in Saigon, that we should withdraw.
>
> That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

To add to the confusion of Mr. O'Donnell's statement is the remembrance of the fact that Robert Kennedy supposedly advised his brother to increase the military personnel in Vietnam.

The Washington Daily News of today has a very penetrating editorial on the whole subject which I ask unanimous consent to have printed at this point in my remarks so that my colleagues might have the opportunity to see for themselves some of the questions that the O'Donnell report immediately raised in the minds of many of us, and now I find it in the minds of some of the press, also.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

What Kennedy Would Have Done

Kenneth P. O'Donnell, a key aide to President Kennedy, has just belatedly disclosed that JFK had decided in the spring of 1963 to withdraw all U.S. troops from South Vietnam in 1965.

In a new book, Mr. O'Donnell says the President planned, after his re-election in 1964, to "take the risk of unpopularity" and pullout, even tho "I'll be damned everywhere as a Communist appeaser."

Mr. O'Donnell's version will please people who revere Mr. Kennedy's memory and believe, almost as an article of faith, that he would not have involved this nation so deeply and bloodily in Vietnam.

The O'Donnell report is confirmed by Senate Democratic Leader Mike Mansfield, who is credited with helping "convert" Mr. Kennedy to withdrawal. Even at this surprisingly late date for the disclosure, we don't doubt Mr. O'Donnell's and Sen. Mansfield's word. But we are left with some nagging questions, among them:

Did Mr. O'Donnell, who stayed on in the White House, warn President Johnson, that he was taking a path that Mr. Kennedy had decided against? Why didn't Sen. Mansfield speak up?

How was it that Mr. Kennedy's decision was a secret to his brain trust, the Rusks, McNamaras, Bundys and Rostows, who urged the new President to send troops to Vietnam and pursue the policy of his fallen predecessor?

After he left the White House in January, 1965, and was a private citizen, why didn't Mr. O'Donnell see it as his patriotic duty to alert the country that Mr. Johnson was leading it to what Mr. Kennedy had regarded as disaster?

Whatever Mr. Kennedy had decided, he hardly took the country into his confidence. On Sept. 9, 1963, months after his remarks to Mr. O'Donnell, he said in a TV interview he feared that:

"Americans will get impatient and say, because they dont like events in Southeast Asia or they don't like the government in Saigon, that we should withdraw.

"That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw."

Mr. O'Donnell tells us what Mr. Kennedy intended and doesn't stress what the President did. As a reminder, when Gen. Eisenhower left office in 1960, there were 1,364 U.S. advisers in South Vietnam. Under Mr. Kennedy, the figure grew to 16,575 and American soldiers were fighting and dying in combat.

It's also useful to recall the situation in early 1963, when Mr. Kennedy reportedly decided to withdraw. The war was at a low level, the authoritarian Diem regime seemed solidly implanted, our military was saying that things were looking up, and it was normal to plan to get out in 1965.

In November, however, Mr. Diem was overthrown, with encouragement by the Kennedy Administration. A period of chaos and revolving governments started. The Viet Cong moved to the offensive and began chewing up the South Vietnamese army.

This was a new ball game from spring, 1963. In 1964 a Communist takeover by force of arms was imminent. President Johnson,

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advised by Kennedy holdovers, reacted with a troop buildup. We do not know what JFK would have done. Neither does Mr. O'Donnell.

PROSPECTS FOR SINE DIE ADJOURNMENT PRIOR TO NOVEMBER ELECTIONS

Mr. MANSFIELD. Mr. President, last week I made the prediction that the Congress would have to return after the November election this fall to consider at least the Defense appropriations bill.

I was misinformed of the intention of the House leaders with respect to that appropriations bill. I have been assured by Chairman Mahon personally that the Defense bill will be completed prior to any recess in October.

I would hope, therefore, that the Senate could proceed to the electoral reform, welfare reform, and the appropriations bills prior to the end of October and that the Congress will not need to return after the election in November.

I believe, however, that the legislative program for this Congress should be completed in this Congress, and if we can work together it can be all completed in time for a sine die adjournment prior to the November election.

However, if our work is not completed we will be back after the elections.

Mr. President, I ask unanimous consent to have printed in the Record a statement made by the chairman of the Appropriations Committee of the House, Mr. Mahon, the distinguished chairman of the Committee on Rules, Mr. Colmer, and one of the distinguished Republican leaders in the other body, Mr. Rhodes. All these statements indicate that the House intends to go ahead.

I apologize to them if I said anything which carried the wrong implication because I am just as anxious as anyone else in this body to complete the schedule before the elections, if possible, and will do everything I can in that respect.

But I repeat, if we do not complete the schedule outlined by the elections, then we will, of necessity, have to come back after the elections because it is the intention of the joint leadership to see to it that the administration's program is put through, if at all possible, this year.

There being no objection, the statements were ordered to be printed in the Record, as follows:

[House proceedings, August 3, 1970, p. 26980]

Scheduling of the Defense Appropriation Bill, Fiscal Year 1971

Mr. Mahon. Mr. Speaker, in the Washington Post of yesterday, in a UPI story by John Hall, there is attributed to Senator Mansfield, the Democratic leader of the Senate, certain statements about the defense appropriation bill. I quote the story in part:

"In addition, he (Senator Mansfield) said he had been advised that managers of President Nixon's $72-billion defense appropriations bill do not want to bring it to a vote in the House until after the Nov. 3 election, in which all House seats and 35 Senate seats are at stake.

"Mansfield said he did not know why the House wanted to hold up action on the defense measure."

Mr. Speaker, I am shocked that any such inaccurate information should have been conveyed to Senator Mansfield in regard to the defense appropriation bill. I do not say this in criticism of Senator Mansfield. We are old friends and I have the greatest respect for him. It is simply a case of his having been misadvised.

Senator Mansfield, on March 18, put in the Record of the proceedings of the other body the reporting schedule—which I issued the day before—of the House Appropriations Committee, and applauded our efforts to move the appropriation bills rapidly.

The Committee on Appropriations finished its hearings on the Defense appropriation bill weeks ago, and has wanted to move forward with House consideration of the measure as quickly as feasible. Our March 17 reporting schedule called for the Defense appropriation bill to be approved by the committee on June 3 and to be considered by the House several days later.

We were unable to meet that timetable, or a somewhat later date, because of the failure of the Senate to pass the defense authorization bill, H.R. 17123, upon which many of the items in the Defense appropriation bill are based. Of course, agreement in conference on the authorization would also be required.

The House passed the authorization bill—it having been reported out of the committee by the gentleman from South Carolina (Mr. Rivers) on May 6, nearly 3 months ago.

I earnestly hope that the Senate will, in the very near future, pass the authorization bill, and that any difference between the two bodies can be expeditiously worked out in conference so that we may be able to bring the appropriation bill before the House at the earliest date—and certainly weeks before the election.

I wish to flatly and bluntly repudiate the intimation that the managers of the defense appropriation bill desire to postpone consideration of the defense measure until after the November election. Any such suggestion tends to indicate that the House expects to play politics with an issue involving the security of the Nation. This intimation is unfortunate and must not be permitted to stand.

The defense appropriation bill is the only regular appropriation bill for the current fiscal year 1971 remaining for House consideration. We would like to sweep the slate clean before the August recess, but we have not been able to do so because finalization of action on the authorization bill has not taken place.

I would say further, Mr. Speaker, that after consultation with the Speaker, the majority leader of the House, and the minority leader of the House, I find no intimation whatever that there is any such plan of delay in defense appropriation action in the House.

Mr. Colmer. Mr. Speaker, I take this time in order to congratulate the gentleman from Texas (Mr. Mahon) upon his statement and the manner in which he has expedited the consideration of these appropriation bills.

Time did not permit me to ask him the question, but I wondered if he had discussed this with the distinguished majority leader in the other body, as to whether they still adhere to the program.

Mr. Speaker, it appears to this humble Member of this body that there is a definite movement on foot to prolong this session of the Congress until the very final day of the year.

The gentleman from Texas and others on his committee have expedited these appropriation bills, and there is no reason why we should be forced to stay around here until Christmas again.

Mr. Speaker, in my humble book, this is just another case of the tail wagging the dog, with the other body calling all of the signals. I have a high regard for the Senate majority leader, in fact, I entertain genuine affection for him personally, but I do not feel that he should attempt to run this body too and it is difficult to believe he does.

Mr. Rhodes. Mr. Speaker, I wish to congratulate my good friend, the chairman of the Committee on Appropriations, the gentleman from Texas, on the statement that he just made. I wish to assure him and to assure the House that on the minority side of the Committee on Appropriations and on the minority side of the House there is a definite feeling that we should go ahead with the business of appropriating funds for this fiscal year. We feel that it is incumbent on the House and the other body to do this.

I would like to say to my good friend from Texas at this time that if at any time it appears likely there is some sort of a slowdown on authorizations to make the defense appropriation bill come up after the election, I personally will be glad to go with the gentleman from Texas to the Committee on Rules and ask for a rule waiving points of order so that this appropriation bill could be brought up and the great Department of Defense could be apprised as to what funds it has to operate for the next fiscal year.

Mr. Speaker, I have been amazed and appalled, as I am sure the gentleman from Texas has, at some of the stories I have seen in newspapers and in the communications media concerning the possibility that there would be a movement afoot to load up appropriation bills which have political appeal, with the idea that the last bill will be for the Department of Defense and sufficient cuts could be made there so that there will be a balanced budget. This would in my opinion, be completely irresponsible, and would be playing politics with national security. The Department of Defense bill must not be made a political football and when it is passed it must contain funds adequate for the proper support of our Defense Establishment, with no surplus, but with sufficient funds printed to take care of the defense needs of this country, which, after all, is the most important duty this body has to perform.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 14705 to extend and improve the Federal-State unemployment compensation program. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Bellmon). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of May 5, 1970, p. 14189, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. LONG. Mr. President, I ask unanimous consent that Mr. Frank J. Crowley, Education and Public Welfare Division, Legislative Reference Service, Library of Congress, be granted the privileges of the floor during the debate and consideration of the conference report on H.R. 14705, the Employment Security Amendments of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, this is the conference report on the Employment Security Amendments of 1970. The bill passed the Senate on April 7, 1970, by a vote of 77 to 0. However, before passing the bill the Senate amended it in 43 respects.

Basically, the bill has three principal features. First, it extends coverage of the unemployment compensation program to more than 4,700,000 additional jobs. Second, it establishes a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment. And, third, it improves the financing of the unemployment compensation program. In the process, the bill also makes a number of relatively minor changes in administrative aspects of the unemployment compensation system.

While the Senate made a total of 43 changes in the House text, the large majority of those changes were not controversial; rather they were necessitated because of the passage of time since the bill passed the House. Senators will recall that the Tax Reform Act was before the Senate in November of last year when the House acted on this unemployment compensation bill.

I believe it is fair to say that there are only seven significant amendments in the bill—two of these were floor amendments, four were committee amendments and the last one involved a floor modification of a committee amendment. Of these, the Senate receded on four and the House receded on three. Virtually all of the remaining Senate amendments were agreed to by the House.

Agricultural employees: The most important of the Senate amendments would have extended coverage of the unemployment insurance system to large farms, specifically those employing eight or more workers in each of 26 different weeks during the last year. This Senate amendment would have added 275,000 jobs and 23,000 employers to the unemployment compensation program. The Secretary of Labor testified before the committee that this extension of coverage was the most important unresolved issue in the House bill. I was glad the Finance Committee and the Senate were willing to extend the protection of the system to employees of large farms, and I vigorously defended the committee bill on the floor. Unfortunately, we were not able to persuade the House conferees to accept the Senate amendment or any part of it. They advised us that after the most careful deliberation, they had rejected similar amendments in the House Ways and Means Committee and under those circumstances they were not willing to have it now thrust on them as a Senate amendment. On this important question the only concession we were able to obtain from the House conferees was to make the coverage of agricultural workers the top priority in a special study of the unemployment compensation system called for in another provision of the bill.

Small firms: The Senate bill deleted provisions of the House bill which extended the coverage of the unemployment compensation system to employees of small firms. Under existing law, the Federal unemployment tax does not apply and unemployment benefits need not be extended to employees unless the firm employs four or more persons in each of 20 different weeks during the year. The House bill covered small firms—those either employing one or more workers during 20 weeks in a calendar year, or paying wages of $800 or more in any calendar quarter. The Senate deleted this House provision on the theory that it imposed unnecessarily complicated tax and recordkeeping requirements on many small businesses whose employees could not be eligible for benefits in any event because of the part-time nature of their employment. Nonetheless, the House conferees insisted that there was little reason not to cover this group and they argued that the administrative burdens were not as severe as the Senate had felt. Because they felt so strongly, the Senate conferees yielded to them but only after the $800 per quarter alternative test in the House language had been increased to $1,500. We felt this change would enable very small firms to continue to avoid the tax and recordkeeping burden where benefits for the workers involved would be absolutely minimum. This change provides coverage for 1.3 million jobs and 627,000 employers.

Faculty and research personnel: I am pleased to report that the House conferees did agree to Senate amendments extending the unemployment compensation program to faculty, research, and administrative personnel of State hospitals and institutions of higher learning. This adds about 115,000 jobs to the system. The Senate bill provided that these faculty, research, and administrative staff personnel would not be considered unemployed during the summer months when their school was not in session so long as they had a contract to return to work—either for the same institution or another institution—after the summer recess is over. This, too, was accepted by the House conferees.

Sheltered workshops: The Senate bill had expanded coverage of the unemployment compensation program to encompass so-called clients of sheltered workshops. These are the handicapped people for whom the sheltered working environment is provided. The House bill, although extending the program to cover the staff of these sheltered workshops, had not included the clients themselves. The Finance Committee—and the Senate—felt that their employment should be covered so that they, too, would realize unemployment compensation benefits as a right, rather than have to rely on charity for their sustenance, in the event they should lose their jobs. I regret that the House conferees would not accept this Senate amendment. They argued that it would lead to such increased costs in the operation of sheltered workshops—like the Good Will Industries—that they would be hard pressed to provide employment opportunities for the handicapped. We were not able to salvage any of this amendment, and for that I am sorry. But the House conferees were clearly of the opinion that their bill went as far as they felt it could go at this time.

Local colleges and hospitals: The Senate bill added new language to the House text authorizing the coverage of employees of county or municipal hospitals and institutions of higher education under special rules permitting these institutions to elect to have their employees covered under an agreement to make payments in lieu of taxes. I am pleased that this amendment was agreed to by the House conferees. It permits 436,000 additional jobs to be covered under the system.

Unrelated amendments: Two amendments not related to the unemployment compensation program were added to the bill during Senate debate. Of these one was accepted by the House with a relatively minor change. The other was rejected.

Industrial development bonds: The first of these additional amendments was offered by the senior Senator from Alabama, the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN). It was identical to an amendment the Senate had previously agreed to during consideration of the tax reform bill of 1969. Senator SPARKMAN's amendment was designed to exempt from the registration requirements of the Securities and Exchange Commission any industrial development bonds issued by a State or local government if the interest on that bond remains tax exempt under the industrial development bond provisions of the Internal Revenue Code.

As I have noted, an identical amendment had been agreed to when the tax reform bill was before us last year. It was deleted from that bill because the House conferees felt that since the registration requirement itself was the result of an administrative action, the matter could be corrected administratively.

The chairman of the House Ways and Means Committee personally wrote the Chairman of the Securities and Exchange Commission about the matter shortly after the conference action in December. Chairman Budge replied that while the Securities and Exchange Commission had little objection to the adoption of an amendment to the statute, they felt the situation was such that they could not reverse their earlier administrative action. That being the case, Senator SPARKMAN reoffered his amendment and with relatively minor modification, it was agreed to by the House conferees.

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I might say that a question has developed as to the implications of the conference agreement on certain housing bonds, presently exempt from the registration requirements of the Securities and Exchange Commission.

The conferees did not intend to require registration of any security which is exempt from registration under existing law. Thus, this amendment will not change the exempt status under section 3(a)(2) of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 of bonds or other obligations issued by housing or mortgage finance agencies or authorities of States or local governments to finance programs to provide residential housing or mortgage loans for residential housing where these programs are administered by the agency or authority or by the State or local government.

This amendment does, however, relieve a compliance burden on many State and local governments in their effort to attract and expand business in their communities. It does not affect the Federal revenues.

A number of Senators have announced that they will make an effort to defeat the conference report and demand a further conference with the House on the question of coverage of agricultural workers.

This matter had not been dealt with by the House. But Senators will recall, the Finance Committee added amendments to the House-passed version extending the coverage of the unemployment insurance system to employees of large farms—those employing eight or more farmworkers in each of 26 different weeks during the year. In extending this coverage, however, the Finance Committee carved out an exception for farmworkers employed by "crew leaders"—those who shepherd migratory workers from job to job across State lines as the planting and harvesting seasons come and go.

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It was the committee's thought that this exception was essential if we were to devise a workable plan for adding agricultural employees to the unemployment compensation program. We were convinced that providing coverage for migratory workers raised problems for which we had no solution at this time. We felt that experience with the coverage of a limited group of regular farmworkers might provide experience that would enable us to work out a plan in the future for bringing migratory workers under the system.

Unfortunately, the Senate was not willing to agree to the committee plan. Rather, it insisted on immediately bringing migratory workers within the farm coverage provision. The senior Senator from Delaware, who is also the ranking minority member of the committee, advised the Senate when it was considering that amendment of the many problems involved. He said it raised problems we could not solve. I, too, advised the Senate that there were problems with respect to the coverage of migratory workers for which we had no answers.

It was not a lack of compassion that prompted the committee to omit the coverage of these workers. It was very practical administrative problems. I predicted at the time the Senate agreed to the migratory worker amendment that we would not be able to solve the problems of the migratory worker in conference. As it turned out, my prediction was true.

As a matter of fact, the addition of the migratory worker amendment in the Senate solidified the opposition to coverage of any farmworkers at this time. The House conferees raised a number of questions about the Senate amendment which we could not answer.

Ever since the Federal-State system of unemployment insurance began, coverage of farmworkers has generally been thought of as a desirable objective. And, every time that farmworker coverage has been proposed, we have been told that the administrative problems are too great and that time is needed for a study of the matter.

In the years that have gone by, some limited coverage of farmworkers has been provided in several jurisdictions and studies of the problems involved in specific States have been undertaken. There has, however, been no study of the nationwide problems involved. In the light of all this, it seemed to the Finance Committee that the best way to secure knowledge of what the problems might be was to attack head on and to provide coverage limited to those farmworkers who most nearly equate with the types of employment that are now covered. In effect, we would have provided a nationwide experiment in farm coverage. This we thought was something that could be done. In this, we were more venturesome than our friends on the House Committee on Ways and Means. Acting on the same information that we had, they had decided that even the limited coverage we had proposed in committee was not possible.

In considering farmworker coverage in committee, we had given careful consideration to the special problems presented by migrant farmworkers. We concluded that they should not be covered at this time, and we thought that if migratory farmworker coverage was not provided, the conferees from the Ways and Means Committee might be convinced that they should go along with a proposal for more limited coverage of farmworkers.

As it turned out, the measure that we took to conference included coverage for migratory workers. The inclusion of that provision made our task in conference impossible. However, in the course of the conference, it was also made clear that until a thorough study of the whole farmworker coverage problem was made, no provision for covering farmworkers could be acceptable to the House. We at least were able to get the study started by making specific reference to it in the statute.

In addition to raising these problems, the House conferees were of the opinion that the cost of covering farmworkers would be far greater than we estimated, and that this would involve tremendous subsidization by other employers to pay benefits to farmworkers. They insisted that since they had rejected a farm coverage amendment in the Ways and Means Committee they were not willing to have it thrust on them now as a Senate amendment. And they refused to yield to any degree.

If Senators will look at the good in the conference bill, the improvements that it would make in the unemployment program, I am sure that they will vote for it. The bill extends coverage to a number of groups who are now without protection. It improves the financing of the existing program, and it establishes an extended benefits program for periods when unemployment is high. It seems to me that these are worthwhile improvements which should not be lost in a dispute over a questionable extension of coverage.

But make no mistake about it. If this conference report is not agreed to here today, it will not be agreed to in this Congress. It will be a dead bill. There is virtually no chance that we could get another conference with the House of Representatives. They let a bill comparable to this one die in 1966 because they did not like the Senate amendment

I would like to have prevailed on the farm coverage amendment—I voted for it in committee. But even without it, I believe this is a good bill. With unemployment continuing to rise, it is more important than ever that we get the extended benefits program enacted into law now so it will not be necessary to pass emergency legislation later on. But that is not all the bill does. It also provides coverage of the unemployment compensation program for an additional 4.7 million people who had not previously been protected, and improves the financial structure of the system. These three factors make this a good bill—one that should be enacted.

I have already noted that there has been no nationwide study of the problems involved in extending unemployment insurance to farmworkers. However, an important regional study of the issue is getting underway at the University of Connecticut. This study will cover the northeastern region of the United States consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and Ohio. In the course of the survey farm operators, farm employees, crew leaders, and migrant workers will be interviewed to find out what kind of records employers keep and how much individual employees earn, work, and are unemployed. The information is to be collected in such a way that it should be possible to determine whether farm operators keep, or can keep, the kind of records needed for unemployment insurance; the amount of unemployment taxes that would have been collected had farmworkers been covered and how much in benefits would have been paid to unemployed farmworkers, both because of their farmwork and because of any other work that is covered under present law.

While the survey will not cover the entire country, the area selected for the study should give a fair representation of the problems that might be encountered throughout the rest of the country. The area selected for study has a resident farmworker population and is the northern part of the eastern seaboard route followed by about 50,000 migratory farmworkers. In addition several thousand farmworkers from Puerto Rico work in the region and many resident farmworkers work in more than one State. Thus, the area is broadly representative of the national farm population and the problems in this area should reflect those that would be found throughout the entire country.

I would expect that the results of this study would be of a great deal of help to us in designing a workable program for covering farmworkers. We have been in touch with the people who are running the study and they tell us that they are generally keeping to their original schedule and that we should begin to get early results of the study around the end of this year. If we wait until this study has been completed before taking action on coverage of farmworkers, we should be in a better position to make sound decisions on how coverage should be extended to farmworkers.

Before concluding my remarks, let me advise the Senate that this farm coverage amendment is not essential to provide unemployment insurance protection for farmworkers. By no means, States are perfectly free to go beyond the Federal law and provide coverage for groups which may not be covered. Many have done so in various respects. So far as agricultural workers are concerned, a few States have extended coverage in limited situations. I urge other States to review their own programs and sympathetically consider amendments to cover farmworkers on as broad a basis as they reasonably can and to do so as swiftly as they see fit. I urge them not to wait for a Federal mandate.

Mr. President, this concludes my explanation of the Senate amendments to H.R. 14705.

Mr. SPARKMAN. Mr. President, will the Senator from Louisiana yield at that point?

Mr. LONG. I yield.

Mr. SPARKMAN. I appreciate the explanation the Senator has given. I had prepared an express question that I should like to propound, in order that the RECORD may clearly show largely what the Senator from Louisiana has already explained, if I may present it at this time?

Mr. LONG. Certainly.

Mr. SPARKMAN. Mr. President, I notice that the amendment relating to industrial revenue bonds was changed in the conference committee from the amendment adopted by the Senate. I am particularly concerned lest the amendment might be interpreted to take away rather than to bestow exemptions from registration under the securities laws, particularly with regard to housing, a matter in which I am most interested. I have reviewed the matter and I am of the opinion that this amendment will not change the exempt status under section 3(a)(2) of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 of bonds or other obligations issued by Housing or Mortgage Finance Agencies or Authorities of States or local governments to finance programs to provide residential housing or mortgage loans for residential housing where these programs are administered by the agency or by the State or local government.

I want to ask the Senator from Louisiana, the chairman of the Finance Committee and the manager of the conference report, if he concurs in my opinion?

Mr. LONG. Yes, I do concur. This is consistent with what was intended by the conferees. I have already referred to it in my statement, to make sure that I did agree.

Mr. SPARKMAN. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. CURTIS. I want to commend the chairman of the Finance Committee for the action he has taken with regard to these industrial bonds. It is my understanding that the municipal bonds—I am referring to the State tax-free bonds—have no requirement for registration with the Securities and Exchange Commission but because of the special category of the industrial bonds an Executive order was entered which requires that they be registered. This is a very expensive procedure for the municipalities issuing industrial bonds. In addition to that, the delay involved plus the added expense severely hampers the isuance of bonds for industrial expansion.

I believe that the action taken today, if the conference report is agreed to, will eliminate that requirement in the field of industrial bonds insofar as they are defined as being tax exempt. It is something which is very much needed.

It was a nuisance the way it was. It served no public purpose.

I congratulate the distinguished chairman for his action in the Senate and in the committee as well as in the conference.

Mr. LONG of Louisiana. I thank the Senator from Nebraska.

Mr. SPARKMAN. Mr. President, I join the Senator from Nebraska in his remarks. I want to say this about the chairman of the Finance Committee, that not only was he helpful in the conference, but he has also been cooperative on the floor of the Senate every time this matter has been brought up.

I can say the same thing about the distinguished Senator from Nebraska (Mr. CURTIS). He has been most helpful also. He is one of the leading members of the Finance Committee on the minority side.

Mr. LONG. Mr. President, I thank the Senator. I am extremely happy when a Senator can prevail on something that he has been right about and has been seeking to persevere on for some time.

I salute the Senator. He has been indefatigable in this matter. I am happy that it has finally been accomplished.

Mr. SPARKMAN. Mr. President, we have had a lot of good help. I refer to the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. ALLEN) and the others who have been helpful.

Mr. LONG. Mr. President, I regret that we were not able to prevail in conference on a very significant amendment which was offered by the Senator from Delaware (Mr. WILLIAMS). However, since that time, the Treasury has sought to cooperate with the Senator from Delaware in working out an amendment that the Treasury felt it could endorse.

That amendment was added to a measure yesterday which was passed. It is my impression that the senior members of the House Ways and Means Committee hope to cooperate on that measure.

While we were not able to prevail in this matter, I believe that the Senator's years of efforts in this area will reach fruition as a result of the amendment he was able to send to the House yesterday.

I congratulate the Senator from Delaware that he was able to do something about the interest rate on the series E bonds.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Louisiana. It is true that we have worked out an amendment relating to saving bonds that the senior members of the House Ways and Means Committee will accept. The Treasury Department has likewise approved it.

While I realize that the Senator from Louisiana was not enthusiastic about the proposal when it was first made, I thank him for giving us a chance to let the will of the Senate prevail.

Mr. LONG. Mr. President, as one who did not want to vote for the amendment, I suppose the Senate wanted to do something along that line because it voted for it.

Mr. President, this concludes my explanation of the Senate amendments to H.R. 14705. I hope that the conference report will be agreed to.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I could not be here in the beginning of this discussion today. Did the Senator deal with the amendment which the Senate added on the floor attempting to make the Federal Unemployment Tax Act, applicable to certain groups of agricultural labor?

Mr. LONG. Yes, I did discuss that matter. The House was rather adamant on that provision. Since they had considered it and rejected it, they were unwilling to accept it as a Senate amendment.

The best we could get from them was an agreement on a study that would go forward as another provision in the bill. It will be a matter of priority and we will consider farm coverage again after the study is finished.

Mr. HOLLAND. Mr. President, does the Senator mean in this session?

Mr. LONG. Mr. President, I cannot assure the Senator that it will be considered again in this session. However, any Senator has a right on a future bill,

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as the Senator knows, to raise the matter again.

I am frank to say that the House conferees were very firm on this matter. I hardly believe that they will agree to the matter before the study is finished.

Mr. HOLLAND. Mr. President, as I understand the situation, the existing law will continue. Under the existing law, agricultural labor is exempted from coverage under the Federal Unemployment Tax Act.

Mr. LONG. That is entirely correct. May I say that I, of course, like to see the Senate position prevail, and I voted for farm coverage in the committee and I voted for the bill.

Also, I believe we should keep in mind that the conference report we have here extends coverage to more people than either the Senate or House bill. To that extent, the bill makes a major contribution so that 20 times as many people will be covered under this bill as would have been affected by the farm coverage provision of the bill.

Mr. HOLLAND. Mr. President, the inclusion of any agricultural labor does not appear in the conference bill.

Mr. LONG. No; it does not. The House conferees were very firm on that matter. However, as I say, this bill does provide extended coverage to all unemployed workers covered by unemployment insurance. It provides for up to 13 weeks of additional benefits and adds 4.7 million jobs to those covered under the program.

Mr. HOLLAND. Mr. President, I congratulate the Senator from Louisiana on the outcome of his conference. Frankly, I had felt that the provisions of the Senate bill as applicable to agricultural labor would require further study. I am rather glad that they were eliminated from the bill.

I do congratulate my friend, the Senator from Louisiana, on having gained so many other points and in having made such a clear report on the conference.

Mr. LONG. Mr. President, I thank the Senator.

Mr. President, in that connection, I ask unanimous consent to have printed in the RECORD a tabulation showing the additional jobs to which coverage is extended. I believe that it makes a very impressive list. There would be 4,753,000 additional jobs covered as a result of this legislation.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

JOBS ADDED TO UNEMPLOYMENT INSURANCE COVERAGE BY CONFERENCE VERSION OF H.R. 14705—MAY 5, 1970

Category	FUTA	State
Firms with 1 worker in 20 weeks or $1,500 quarterly payroll	2,302,000	1,132,000
Broader definition of "employee"	360,000	210,000
Narrower definition of "agricultural labor"	205,000	190,000
U.S. citizen employed by U.S. employers abroad	160,000	160,000
Nonprofit organizations	0	2,121,000
State hospitals and institutions of higher education	0	940,000
Total	3,027,000	4,753,000

EMPLOYERS ADDED TO UNEMPLOYMENT INSURANCE COVERAGE BY CONFERENCE VERSION OF H.R. 14705

Firms with 1 worker in 20 weeks or $1,500 quarterly payroll	999,000	490,000
Broader definition of "employee"	(1)	(1)
Narrower definition of "agricultural labor"	(2)	(2)
U.S. citizen employed by U.S. employer abroad	(1)	(1)
Nonprofit organizations	0	18,000
State hospitals and institutions of higher education	0	1,000
Total	999,000	509,000

[1] Employers already covered.
[2] Not available.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ALLEN. Mr. President, I commend the able Senator from Louisiana for the excellent work which he and the other conferees have done with respect to H.R. 14705.

I draw particular reference to the inclusion in the bill as recommended by the conference report of section 401, the exemption of certain industrial development bonds from registration with the SEC.

I recall very well that when this bill was pending before the Senate, an amendment was offered by my distinguished colleague, the senior Senator from Alabama (Mr. SPARKMAN), and the distinguished junior Senator from Tennessee (Mr. BAKER), which would have exempted the industrial development bonds from registration.

The distinguished Senator from Louisiana said on the Senate floor that he would be willing to accept the amendment and take it to conference and seek to work out the matter.

It is with a great deal of satisfaction that the junior Senator from Alabama notes that the matter has been resolved in favor of exempting this type of bond from registration with the SEC.

It did place and does presently place, until the bill presently under consideration goes into effect as a law, an undue burden on small communities seeking to issue this type bond. It makes it almost impossible for them to go this route. H.R. 14705, as amended by the conference report will enable them to obtain much needed financing to allow them to engage in the industrial development of their communities.

I wish to express to the distinguished Senator from Louisiana the appreciation of the cities and towns in Alabama and the people of Alabama for the fine work which he has done and which has been done by Members on the part of the House and on the part of the Senate for agreeing to this conference report.

Mr. LONG. I thank the Senator. I think that the conference action on this matter further demonstrates the good judgment and sincerity of the senior Members of the House Committee on Ways and Means, headed by Chairman WILBUR MILLS of Arkansas.

When this matter was in conference on an earlier occasion their view was that they doubted the necessity for it. When they saw it was necessary they were willing to agree to it. Their good faith was demonstrated, as it has always been demonstrated. I am pleased to say they were ready to agree to this matter when it was demonstrated to them that it was necessary.

Mr. ALLEN. I thank the Senator.

Mr. WILLIAMS of Delaware. Mr. President, the conference report on H.R. 14705, the Employment Security Amendments of 1970, is the best unemployment compensation bill that the House of Representatives and the Senate have been able to agree on after 4 years of disagreement. It contains most of the recommendations made by the present administration and no provisions which they object to. Work on the current bill started in the House last October and in the Senate last March. In this period we were able to overcome the differences which prevented enactment of another unemployment compensation bill in 1966 as well as to iron out the differences which occurred in the course of writing the present legislation.

A number of the differences between the unemployment compensation bills passed by the House and by the Senate were merely technical. There were, however, two major differences which I think are worth talking about. One of these is the provision of the House-passed bill which would have extended unemployment compensation to employees of small firms and the other is the provision of the Senate-passed bill which would have extended coverage to people working on large farms.

With regard to the small firm provision the House passed bill would have extended coverage to firms which employed one or more people in 20 weeks a year or which had payrolls of $800 or more in a quarter. Under the present law, coverage is mandatory only for employers of 4 or more people in 20 weeks. This provision was not in the Senate bill and in the conference the will of the House prevailed and the Senate conferees agreed to delete the provision with an amendment increasing the alternate coverage test from $800 a quarter to $1,500 a quarter.

On the other hand, the provision relating to employees of large farms was a Senate provision which we could not get the House to agree to. Quite honestly. I can understand why the House did not go along with the Senate farm coverage provision. Adoption of the provision in the Committee on Finance was a close thing because we had grave doubts that the provision could be administered. We were sympathetic to the problems of farm employees and farm employers but we thought we would not be doing either of them any favor if we provided them with an unworkable system of unemployment insurance. Accordingly, there was a great deal of sentiment in favor of instructing the Department of Labor to make an in depth study of the problems and the costs involved and to report their recommendations to us, as the conference report requires.

My reservations about this provision

were strengthened when the Senate adopted an amendment which would have extended farm coverage to migrant workers. When the problem was considered in committee, migrant farmworkers were thought to present a special problem for which there was no clear solution.

The majority of the members of the committee who were in favor of some sort of farm coverage recognized this problem and agreed to exclude migrant workers from coverage. We did not know how the coverage of migrant workers could be administered and the administration could not tell us how it would be administered. Therefore, in committee we thought that experience with a limited provision might provide clues for broader farm coverage at a later time.

When the migrant farm workers amendment was before the Senate I did not argue against it on its merits—I thought a good argument could be made as to its merits. I had to oppose it because it was a problem to which we had no solution. We had no solution in the conference and we have none now.

We did, however, take the Senate passed provision to conference where we were met with very firm resistance. Had we not receded on this point, we could not have reached agreement on any bill. And, the action in the House the other day, where the motion to add the Senate passed provision to the bill failed by a vote of 219 to 270, shows that the House conferees represented the will of the majority of that body.

The House has rejected the farm coverage amendment and their conferees have been discharged. If we were to readopt the provision at this time, the unemployment compensation bill would be dead for this Congress.

I think we would not be wise to kill this bill. Senators will recall that in 1966 an unemployment compensation bill failed enactment when the House and Senate were unable to agree on what the provisions should be.

The bill before us represents pretty much what was not in dispute in 1966. We should look at the good which the bill would do. I believe that it is a good bill. It would extend coverage to about 4.7 million people who do not now have coverage, it improves the financing of the present program and it creates a program for paying additional benefits when unemployment is high. This new extended benefits program alone might be reason enough to enact the bill now. There are soft spots in our economy and unemployment is rising. In the past when unemployment was high we had to create ad hoc extended benefits programs and they did not get into operation early enough to get the most out of them. Now we have an opportunity to create a permanent program in advance of high unemployment. Hopefully the program will get little use but the fact is that in at least one State unemployment is now high enough so that extended benefits could be paid.

This is our last chance in this Congress to get an unemployment compensation bill passed. The provisions are all a part of the President's legislative program. They are good provisions, they are needed provisions. I hope that we will adopt this conference report.

Mr. MONDALE. Mr. President, I rise to oppose the conference report on H.R. 14705, the Employment Security Amendments of 1970.

As chairman of the Migratory Labor Subcommittee, I am pleased that Senator SAXBE, ranking minority member of the subcommittee, as well as most other members of the subcommittee, and other colleagues have joined in requesting that the Senate vote against the conference report on H.R. 14705, a bill which extends coverage and improves benefits for some workers under the unemployment compensation system.

We do this not because we are opposed to the provisions in the bill. In fact, we support them in these times of economic insecurity and rising unemployment.

We urge rejection of the conference report because we think that the provisions adopted by the Senate extending coverage of unemployment compensation to farm employers who have eight or more employees in each of 26 weeks during the year should not have been abandoned in conference.

We think it was most unfortunate that farmworker coverage was dropped in conference. The farmworker coverage adopted by the Senate was a very modest beginning. In fact, only 2 percent of all farm employers—approximately 22,000—and 20 percent of all farm employees—approximately 250,000—would be affected by this provision. Relatively few and only the larger agriculture businesses would be covered, and not the small family farmer. This does not go as far as the administration proposal which called for coverage of farm employers who have four or more employees in each of 20 different weeks during the year.

The great majority of the working force is covered by unemployment compensation—over 80 percent of all jobs. Coverage of farmworkers is entirely feasible according to existing studies. Recordkeeping presents no new obstacle, as the agribusinesses involved are already covered under other Federal and State laws requiring records. There is no justification for failing to include farmworkers under the coverage of unemployment compensation.

We therefore urge rejection of the conference report. If successful, we will request that a new conference be convened and that the Senate conferees insist on the farmworker provisions adopted by the Senate.

I think in many respects the report is sound, and in many respects excellent in terms of extending coverage and expanding benefits. It incorporates principles with which I wholeheartedly agree.

But tragically, and once again, adopting this report we will be repeating what is virtually an ancient and tragic mistake of completely forgetting about the migrant and seasonal farmworkers in America for they have been excluded from coverage. And this omission is despite the fact that the Senate, after substantial and heated debate last April 7, 1970, voted to take the first step in the right direction by including the large corporate farms and the migrant and seasonal farmworkers who are employed on those large farms under this unemployment compensation program.

In our effort to oppose the conference report and send it back with instructions to the conferees to include farmworkers, I am joined by the distinguished Senator from Ohio (Mr. SAXBE), who is the ranking minority member of the Subcommittee on Migratory Labor, the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER), who is also a member of the Subcommittee on Migratory Labor, and also the distinguished Senator from New Jersey (Mr. WILLIAMS), who is Chairman of the Subcommittee on Labor, the senior Senator from New York (Mr. JAVITS), who is the ranking minority member of the full Committee on Labor and Public Welfare, and I believe there will be others who will publicly wish to join in this effort.

I think I speak for all of them when I say we deeply regret the necessity for this effort to reject the conference report, but we see once again the neglect of the most desperately poor in American life, who probably work as hard and earn as little for their efforts as any people in America. These are the migrant and seasonal farmworkers who are the most desperately poor by practically any standard, including income, health, nutrition, housing, education, and the right to enjoy the political, economic, and social benefits attendant with living in a given geographical area. These people have been chronicled time after time in some of the great literature on American life, beginning with reports as early as 1901. They have been graphically portrayed in novels such as "Grapes of Wrath."

Again their plight was discussed by the Toland committee in the 1940's in the House of Representatives, then again, they were portrayed in a 1951 report in the Truman administration. Moving television documentaries, beginning with "Harvest of Shame" by Edward R. Murrow, and 2 years ago on educational television in "What Harvest for the Reaper" on migrants in the State of New York. Again, a few weeks ago in an NBC documentary "Migrant—An NBC White Paper."

Then a few days ago in a report by a team of noted doctors who had examined the health conditions of migrant farmworkers in Texas and Florida under the auspices of the Field Foundation, which described conditions that are beyond belief.

And all we are proposing to do here is to take the first step to include the farmworker within the unemployment compensation laws of this country, and to include only a small proportion, affecting less than 20 percent of farm labor and 2 percent of our farms—the large corporate growers, to be sure.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JAVITS. Of course, I join, as the Senator said just a few minutes ago, with him and other Senators, but the Senator mentioned percentage figures, and I am sure he will agree that the percentages should relate to the actual numbered figures. As I understand it, 2 percent of the farm employers represents 23,000 employers and 20 percent of the farmworkers represents 276,000 workers.

Mr. President, I ask unanimous consent that a study made by the Department of Labor may be utilized in this respect by being printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, the unemployment insurance conference report before the Senate today discards one of the most important features of the Senate bill—namely, the coverage of agricultural employees—and the Senate must not perpetuate 30 years of injustice to and discrimination against this class of our Nation's labor force by adopting this report.

For years the Nation's agricultural workers have been the victims of this invidious discrimination. Only recently, in 1966, were they brought under the Fair Labor Standards Act and only in 1950 were they brought under social security.

President Nixon in his message to the Congress of July 8, 1969, recommended limited coverage for agricultural workers and Secretary of Labor Shultz vigorously supported coverage of employers having four workers in 20 weeks. The administration thus sought to cover "agricultural businesses"—those large farms employing more than four workers in 20 weeks, in which it was felt that the employment situation was at least as stable as in comparable industries.

Unfortunately the House Ways and Means Committee narrowly defeated a proposal to cover agricultural employers employing eight or more workers in 26 weeks, and the House bill provided no coverage for agricultural workers.

The Senate Finance Committee bill did, however, provide coverage to farmworkers where an employer had eight or more workers in 26 weeks. As the committee report stated on page 12:

> By limiting coverage to agricultural businesses the Committee believes that the cost of extension of coverage will be reasonable and comparable to cost rates of some currently covered industries.

The Senate bill would provide coverage for 2 percent of the farm employers—23,000—having 22 percent of the total farm work force—276,000—and represented a first step in removing this great injustice to a particular class of our Nation's labor force. I am greatly concerned that this Nation spends $3.7 billion per year in farm subsidies for 2.5 million recipients. It is inconceivable that over 13,000 recipients are paid subsidies greater than $20,000 a year and yet these same large agricultural businesses do not provide the most basic protection to their employees in the form of unemployment insurance. In terms of farm employers only, 2 percent of all farm employers would have been covered by the Senate bill.

Mr. President, the will of the Senate was clearly expressed when, by a record vote of 42 to 36, the Senate adopted an amendment offered by the Senator from Minnesota (Mr. MONDALE) and cosponsored by the Senator from California (Mr. MURPHY) that strengthened the amendments made in the Finance Committee bill. The Senate Finance Committee, in redefining the term "farm employer" used in the Federal Unemployment Tax Act, excluded from that definition the term "crew leaders" and their employees. Thus, the committee exempted from unemployment insurance coverage those agricultural workers who, by virtue of their employer's having eight workers in 26 weeks, would have been covered had they not been working for a "crew leader." The Mondale-Murphy amendment was a modest one and did not extend coverage for agricultural labor beyond that which was intended by the committee bill. The amendment simply recognized and alleviated a potential for abuse by removing the temptation on the part of many employers to appoint a "crew leader" and thereby exempt themselves from the unemployment insurance tax, although they ordinarily would be covered if they employed eight workers in 26 weeks.

The conference committee did not support the Senate position and the conference report, filed May 5, 1970, contains no coverage whatsoever for agricultural labor.

Mr. President, there is no question but that some coverage under the unemployment insurance laws should be extended to farmworkers. Such studies that are available indicate that the benefit cost ratio—benefits as a percent of taxable payroll—for coverage of employees of large agricultural operations would be no more costly than is coverage of other industries.

The benefit-cost rate for calendar year 1967 in California for the canning/processing industry was 10 percent and the rate for contract construction was 8.3 percent. Based upon Labor Department statistics and a special survey conducted in California in 1966, the benefit cost rate for agriculture is 9.5 percent. Under California's elective coverage law, as of December 31, 1968, 765 employers with approximately 18,000 employees had elected coverage and the benefit cost rates for agriculture under elective coverage in 1967 and 1968 were 5.3 and 4.5 percent respectively.

The North Dakota experience involving elective coverage shows similar results with the benefit cost rate comparable to that in other industries. Although the survey was a limited one, four employers with an annual taxable payroll of $10,000 or more had a benefit cost rate of 3.6 percent and the one employer under the North Dakota elective coverage law having eight or more workers in 26 weeks had a 1968 benefit cost rate of 1.7 percent.

In a Connecticut study based upon a special 1960 survey it was estimated that the benefit cost rate for agriculture would be 1 percent as compared with an all industry benefit cost rate of 2.5 percent.

Mandatory coverage for agricultural employers who employed 20 or more workers in 20 weeks was instituted in Hawaii in 1959. In 1968, 35 employers with average monthly employment of 9,815 were covered under the self-financed program—employers pay only for benefits paid which are chargeable to him, rather than contributing to the regular unemployment insurance program—and the benefit cost rate was 1.1 percent. In 1967 the benefit cost rate was also 1.1 percent for these agricultural employers while the benefit cost rate for private industry in Hawaii was 1.6 percent.

Finally Mr. President, the Canadian experience where agricultural coverage is mandatory, for the fiscal years 1967 through 1969 shows a benefit cost ratio of 1.2 percent for agricultural coverage while the ratio during the same period for construction was 2 percent. The Canadian program covers 35,000 employers and has added 62,000 to the insured work force.

Mr. President, as the chairman of our Finance Committee indicated, this bill represents a long overdue step in reforming the unemployment insurance system. The recent Labor Department unemployment figures and the minority report of the Joint Economic Committee underscore my deep concern for this vital legislation. I strongly support this legislation but I feel that it is inexcusable to provide the reforms in this bill to the majority of the Nation's labor force at the expense of our country's agricultural workers. This is particularly true when the Conference Committee could report back a bill within a matter of hours containing limited coverage for agricultural workers.

EXHIBIT 1

STATEMENT ON COVERAGE OF LARGE FARM EMPLOYERS

While employees in the agricultural industry should be covered under the same provisions as all other employees, a provision to extend coverage only to large farm employers, including farm labor contractors (crew leaders), is proposed as an initial step.

By beginning coverage in the agricultural sector with large farm employers, the same gradual approach that was used in the non-agricultural sector would be applied. Available information indicates that it would be feasible to start with coverage on the same basis as the present FUTA provision, i.e. employers of 4 or more workers in 20 weeks. Such a provision would affect about 5 percent of all employers of agricultural labor but 30 percent of all the employment under State unemployment insurance laws.

H.R. 14705 includes no provision for the extension of coverage to employees in agriculture. The House Ways and Means Committee did consider defining a large farm employer as one who employed 8 or more workers in 26 weeks. This provision, while more restrictive than the 4 or more workers in 20 weeks provision, would, nevertheless, follow the same gradual approach used in the non-agricultural sector. Such a provision would extend coverage to only about 2 percent of all farm employers and about 20 percent of all the employment under State unemployment insurance laws.

Many persons are employed in both the agricultural and non-agricultural sectors of the work force. In the past ten years over 30% of all hired workers on farms earned part of their wages in non-farm work.

NUMBER OF PERSONS WHO DID ANY FARM WAGE WORK DURING THE YEAR, 1947-68

[Persons 14 years of age and over]

Year	Number: Total	Number: Farmwork only	Number: Farm and nonfarm work	Percent: Total	Percent: Farmwork only	Percent: Farm and nonfarm work
1947	3,394	1,835	1,559	100	54	46
1948	3,752	2,498	1,254	100	67	33
1949	4,140	2,886	1,254	100	70	30
1950	4,342	([1])	([1])	100	([1])	([1])
1951	3,274	2,410	864	100	74	26
1952	2,980	([1])	([1])	100	([1])	([1])
1953	([1])	([1])	([1])	([1])	([1])	([1])
1954	3,009	2,145	864	100	71	29
1955	([1])	([1])	([1])	([1])	([1])	([1])
1956	3,575	2,544	1,031	100	71	29
1957	3,962	2,947	1,015	100	74	26
1958	4,212	2,918	1,294	100	69	31
1959	3,577	2,421	1,156	100	68	32
1960	3,693	2,368	1,325	100	64	36
1961	3,488	2,356	1,132	100	67	33
1962	3,622	2,342	1,280	100	65	35
1963	3,597	2,450	1,147	100	68	32
1964	3,370	2,094	1,276	100	62	38
1965	3,128	1,983	1,145	100	63	37
1966	2,763	1,685	1,078	100	61	39
1967	3,078	2,017	1,061	100	66	34
1968	2,919	1,852	1,067	100	63	37

[1] Information not available.

Source: U.S. Department of Agriculture, Hired Farm Working Force, 1947–68, Sept. 16, 1969.

BENEFIT COST RATES AND AVERAGE TAX RATES FOR SELECTED INDUSTRIES BY STATE (SELECTED YEARS)

State	Benefit cost rate [1] all industries	Average tax rate [2]: Construction	Average tax rate [2]: Services	Average tax rate [2]: Manufacturing	Estimated benefit cost rate [3] agriculture
Arizona	1.3	1.9	1.5	1.4	3.8
California	2.4	3.5	3.0	2.8	[4] 9.5
Connecticut	2.5	2.4	1.9	2.1	1.5
Nebraska	.9	2.2	.9	1.1	1.6
New York	2.8	2.8	2.2	2.4	3.3

[1] Benefits paid as a percent of taxable wages. For Arizona, Connecticut, Nebraska, and New York: 1959; California: 1967.

[2] Benefit cost rates not available for these industries in all States listed. Average tax rates are only indicative of long range average costs. Consequently, in any given year the tax rate may be higher or lower than the cost rate for that year. Rates shown are for 1961 for Arizona, Connecticut, Nebraska, and New York and for 1967 for California.

[3] Based on special surveys conducted in the States shown. Arizona, 1959; California, 1965–66; Connecticut, Nebraska, and New York, 1960. Estimated cost rates are for a 12-month period prior to the survey date in Arizona, Connecticut, Nebraska, and New York and for calendar year 1967 for California.

[4] Benefit cost rates for selected industries for calendar year 1967 are: canning and preserving fruits, vegetables, and seafoods, 10 percent; contract construction, 8.3 percent.

FARM WORKERS,[1] NUMBER OF FARM EMPLOYERS: SELECTED YEARS

Item	Total	Workers with stated number of farm employers: 1	2	3 or more
Number of workers (in thousands):				
1955	1,890	1,600	215	70
1960	1,900	1,610	220	70
1961	1,940	1,630	230	75
1962	1,945	1,625	225	95
1963	1,950	1,620	230	100
1964	1,960	1,620	235	105
Percent of workers:				
1955	100	85	11	4
1960	100	85	12	3
1961	100	84	12	4
1962	100	83	12	5
1963	100	83	12	5
1964	100	82	12	5

[1] Over 80% of all agricultural employees work for only 1 employer.

Source: Department of Health, Education and Welfare, Social Security Administration, Social Security Farm Statistics.

EXPERIENCE WITH COVERED EMPLOYMENT IN AGRICULTURE

The research studies summarized on page 23 were based on State surveys of farm workers and employers designed to measure the feasibility and cost of covering all farm employers. Other indicators of the cost of farm worker coverage are available, derived from actual experience. This statement covers the experience of Canada and Hawaii where the coverage is mandatory and of California and North Dakota where farm employers have elected coverage.

CANADA

Item	Fiscal year [1]: 1967–68	1968–69	Apr. 1 1969 to Aug. 31 1969
Contributions	$2,097,560	$2,339,500	$994,487
Benefits paid	1,940,471	3,467,444	1,121,171
Benefits divided by contributions	0.9	1.5	1.1

[1] The Canadian fiscal year is Apr. 1 through Mar. 31.

For the total period the ratio of benefits to contributions is 1.2 (for the same period there was a 4.4 ratio for forestry and fishing and 2.0 for construction).

Unlike the proposals that have been considered in the United States, Canadian farm worker coverage is subject to no size-of-firm exclusion. Employment is not insurable if performed for a designated relative or if cash wages are less than $9 a week or if the employee or employer's spouse is self-employed in agriculture. Wages paid for the first 24 days of a temporary worker's employment are excluded from taxation and in any case a temporary worker's wages are taxable only if he has earned at least $250. The program, established March 1, 1967, covers 35,000 employers and has added 62,000 to the insured work force. Reported experience indicates that employer records are adequate and contribution delinquency is 10 percent below the average for other employers.

HAWAII

In 1959 mandatory coverage was instituted for agricultural employers who employed 20 workers in 20 weeks. An employer may elect to contribute under the regular unemployment insurance program or may elect to pay only for the benefits paid which are chargeable to him (self-financed). The majority of all employers and employment is covered under the self-financed program. In 1968, 35 employers with average monthly employment of 9,815 were covered under the self-financed program and 12 employers with average monthly employment of 1,106 were covered under the regular program. Benefit costs are not available for employers under the regular program. However, the benefit cost rate (benefits as a percent of taxable payroll) for self-financed agriculture for 1964–1968 is as follows:

HAWAII

Year	Self-financed agriculture	Private industry
1964	1.0	1.6
1965	1.0	1.3
1966	1.0	1.3
1967	1.1	1.6
1968	1.1	([1])

[1] Not available.

NORTH DAKOTA

The following data reflect elective coverage of agricultural employment in North Dakota.

Number of employing units	120
Average employment	148
Unemployment rate	[1] 13.2
Taxable wages (thousands)	$377.3
Contributions	$23,560
Percent of taxable wages	6.3
Benefit charges (thousands)	$46.9
Percent of taxable wages	12.4
Average weekly benefit amounts	[1] $34.79
Average weeks of benefits	[1] 14.9
Percent of beneficiaries exhausting benefits	[1] 26.0

[1] Workers earning largest portion of their wage credits in agricultural employment.

A distribution by annual taxable payroll shows that employers with relatively large annual payrolls have relatively low cost rates. For example, 9 employers had an annual taxable payroll of under $500 and a cost rate of 66.6 percent while 4 employers with an annual taxable payroll of $10,000 or more had a cost rate of 3.6 percent. Only one of the employers electing coverage in North Dakota had 8 or more workers in 26 weeks. This employer had a benefit cost rate in 1968 of 1.7 percent.

CALIFORNIA

As of December 31, 1968, 765 employers with approximately 18,000 employees had elected coverage under the provisions of the California law. The following is a distribution of the type of agricultural service or operation in which these employees worked.

CALIFORNIA

Type of service or operation	Number of employers	Approximate number of employees
Overall farming operations	90	3,900
Land leveling	65	372
Planting, raising, and harvesting	36	462
Nurseries	27	183
Crop dusting and fertilizing	57	640
Grain and seed cleaning	2	5
Hay baling	17	64
Irrigation—water companies, etc	102	1,046
Field packing	4	137
Roadsiding	21	88
Livestock and dairying	50	413
Mink raising	1	1
Poultry raising	11	65
Poultry hatching	6	47
Packing shed	139	7,753
Dehydrating	3	106
Truckdrivers	92	1,549
Sheepshearing	24	297
Specialized services	18	1,156
Total, approved applications covering agricultural labor	765	18,284

The benefit cost rates for agriculture under elective coverage in 1967 and 1968 were, 5.3 and 4.5 percent respectively.

Other pertinent data of high cost industries in California show the following:

Industry	Average covered employment	Benefits paid per covered job	Benefit-cost rate
Contract construction	274,971	$436	8.3
Packing, processing, sorting, grading, assembling, preserving and canning of fruits and vegetables (includes canning and preserving of seafoods)	76,955	422	10.8
Total, all industries	4,839,950	95	2.4

EFFECTS OF ALTERNATIVE COVERAGE PROVISIONS FOR WORKERS IN AGRICULTURE UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

Size of firm	Estimated number of employers, 1968	Percent of all employers [1]	Estimated annual average employment 1968	Percent of all employment [1]
1 or more at any time	1,300,000	100	1,281,000	100
4 or more in 20 weeks	65,000	5	425,000	33
8 or more in 20 weeks	25,000	2	296,000	23
8 or more in 26 weeks	23,000	2	276,000	22

[1] Rounded to nearest percent.

Source: United States Department of Labor: Bureau of Labor Statistics, Wage and Hour and Public Contracts Divisions, and the Unemployment Insurance Service.

Mr. MONDALE. If I may interrupt there, it is the opinion of the counsel of the Migratory Labor Subcommittee that the number of employees estimated to be covered is actually inflated, because the fact is that the statistics are so loose and vague that the employees are not even accurately counted, and that the tests for coverage, almost by definition, will eliminate many. Thus, in addition to the eight employees for 26 weeks test for the farmer, each employee must meet State eligibility standards for experience in the work force, a test which may be particularly difficult for migrant and seasonal farmworkers to meet.

Mr. JAVITS. Is it not a fact that what we have tried to do, and what we will try to do by rejecting the conference report—and I shall vote against it—is to do what has been done in North Dakota, Connecticut, Hawaii, and Canada, and that the cost ratio to benefits as compared to actuarial expenses on the most hardheaded level fully bears out the fact that coverage of farmworkers would be no more burdensome than is coverage of industrial employees. So there is no reason for cutting it out even on the most hardheaded economic terms.

Mr. MONDALE. That is correct. That is why Secretary of Labor Shultz supported the program as well as many of our colleagues from both parties are in favor of it. I am not so sure they are in favor of rejecting the conference report, but they are in favor of the principle of extending coverage.

Mr. JAVITS. I think when a Senator who may be labeled a conservative joins the Senator from Minnesota (Mr. MONDALE), who may be classified as a liberal, that indicates the breadth of the support of this principle.

The conference report before us involves a very desirable bill. We are all for it except for this glaring omission.

Does the Senator feel, in good conscience—and I feel that way and I think it is very important that we make it clear—that if we rejected the conference report, for the reasons stated, just as the House often says "No," as it has in this case, the conferees would go back and there would reasonably soon come out of conference at least the minimum position of the Senate?

Mr. MONDALE. Yes, I certainly think so. This is a very modest proposal. It is about half what the President of the United States requested. The unemployment benefits would extend only to farmers having eight workers, for 26 weeks. The President's proposal was for covering farms with four workers for 20 weeks. It is clear that only large farms, and not the small family farmer would be affected by the Senate-passed amendment.

After all, what right do the larger corporations—indeed, I think some of them, such as Coca Cola, would agree—to say that their employees should not be covered by unemployment compensation? I think they would agree that they should be covered. It is far too late in history not to include the major corporate farms within the reach of this program.

I am encouraged into believing that the conferees would agree once the Senate confirmed its commitment to farmworker justice. The trouble has been that migrants have been considered expendable. They have no economic power. Who cares about them? They have no political power. They are the forgotten Americans. So it is the easiest thing in the world to forget about them, to compromise them away, but it is the most tragic situation in America.

I believe the conferees on the House side are as aware as we are of the situation and would help us if they thought we meant business.

Mr. JAVITS. I agree with the Senator. It is true that they have no vote, and, as the Senator has said, they have no economic power. The crying need itself has really disturbed this country. Millions of people, young and old alike, feel a deep grievance in their own consciences, because of what we know is happening to these workers. That is why "Grapes of Wrath" and all its progeny have had such a profound effect on America. That is why, when hearings are held on migratory workers—and the Senator from Minnesota has conducted them—there are headlines which catch our eyes and our ears. This, and the fact that the Senator and other Senators will be voting to turn down a highly expanded program of unemployment compensation, it seems to me, indicates that these people do have an impact and that ultimately we will vote to help them.

Mr. MONDALE. I thank the Senator from New York. I yield now to the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. SCHWEIKER. Mr. President, I am pleased to have joined the Senator from Minnesota, chairman of the Migratory Labor Subcommittee, the Senator from New York, and the Senator from Ohio as a cosponsor of this very important amendment.

As the chairman of the subcommittee has pointed out, it is a very modest beginning. Unfortunately, when one sits day after day through these hearings on the migratory problem, he learns that this modest beginning is a very important start as far as those people are concerned.

One cannot help but be impressed by two factors which have placed migratory workers on the bottom rungs of the ladder of American workers and American economic status. Unfortunately, most of them are not represented in the House or in the Senate because of their migratory status. They have no Representative in the House or Senator to speak out for them, because by the time they harvest one crop, they are not qualified to vote in the elections because of their migratory or transitory working conditions. So they have one strike against them, in that they do not represent a constituency which can appeal to their representatives.

Second, and equally important, our committee made great efforts and great strides in agreeing to a few modest proposals, but, unfortunately, there is an administrative and enforcement problem, and it is a lot like aiming at that proverbial moving target. Every time we get a law on the books, by the time we try to enforce it, the worker is gone, nobody is there, everything is forgotten, because the administrator is not on the scene to enforce it, as is the case with the normal worker, and blow the whistle when employers get off base. By the time he gets off base, the worker is in another State, harvesting some other crop or food.

I think that the conscience of America has got to come to grips with this problem. I commend the conferees for what they have done on this bill. I think, with the exception we are talking about here, that it is a good bill. They have done a lot of work.

I realize there are differences between the House and the Senate, and I realize the other body would have to take some action on this proposal. But, having served in the House of Representatives, let me say that the vote there was the largest, to my knowledge, that the migratory worker has ever received in that body. I think at last the House of Representatives is waking up to the fact that we all have a responsibility. I believe that vote is close, in terms of anything that has been done before, to indicating that that body is aroused about this problem.

So I hope that for once we will look at the problem, not in terms of whom we represent or who our constituents are—because I think on that basis probably no one should support the proposal of the Senator from Minnesota—but I think it is important to all of us that, in taking at least this modest step which represents only the bottom rung of the ladder, we awaken to our responsibilities and support the amendment of the Senator from Minnesota.

Mr. MONDALE. I thank the Senator from Pennsylvania. I would like to say at this point how much I appreciate the efforts and the conscientious involvement of the Senator from Pennsylvania in the work of the Subcommittee on Migratory Labor, because this is a thankless sort of work, often misunderstood, but it is really the only forum in the country before which these poor and disadvantaged people can come to be heard, and it is only because of efforts such as those of the Senator from Pennsylvania, that I think there remains some hope that we might yet make a change in their living and working conditions.

I see in the Chamber the distinguished Senator from Ohio (Mr. SAXBE), who has worked so hard as the ranking minority member of this subcommittee, who sat through almost all the hearings and is as familiar as anyone with the nature of this problem.

I am glad to yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, once again I would like to associate myself with the remarks of the Senator from Minnesota, who has chaired this subcommittee and heard, day after day, of the exploitation of migratory labor.

More than the issue of migratory labor is involved, however. I cannot help feeling that the House would accept a token if this matter went back to them. I do not want to see this provision destroyed. As the Senator from Louisiana and the Senator from Delaware have pointed out, we do not want to lose these gains that have been fought out over the years for the great number of workers who are covered in this bill on which we are now in conference. But I believe it is not unreasonable to think that we can have a beginning of coverage for some of the agricultural workers as well.

These are not small organizations we are dealing with; they are big corporations. As the Senator from Minnesota has pointed out, the Coca-Cola Corp. and others of almost that magnitude are the employers that would be brought under this program, and the relatively small number of agricultural workers certainly are entitled to be included.

One of the areas that I was particularly hopeful about, if we could go ahead with this matter, was that of the crew. If there is one group that is exploited, it is the crew, under the crew leader, of which the estimates run that there are as many as 100,000 crew leaders, perhaps 10,000 of whom would be significant; but here we are trying to cover only 1,000 crew leaders.

How does the crew system work? The crew leader pulls up on a street corner, let us say in Florida, or perhaps in New Jersey, depending on the crop, or in Michigan or Ohio, and picks up people off the streets. He takes them out where he has a contract with an operator, and they proceed to work, either on a piecework basis, by the pound, by the bushel, or by the box, and then the farm owner or operator pays the crew leader and he, in turn, is the one who has the privity with the worker that he takes out in the mornings. They like to pay them off every night, because it relieves them of responsibility. Yet the individual crew member could work 365 days a year, and have absolutely no coverage and no benefits.

He is exploited in other ways also. He is charged for the ride out in the bus; he is charged for his lunch; he is charged, perhaps, for a bottle of wine. They are exploited from the time they leave until the time they return.

I think it is not unreasonable to believe that the House would recognize this. I believe they want to cover these people. The President, in his message, asked that we cover the farm workers of any operator who has hired more than four workers for more than 20 weeks. We do not even ask that; we say eight workers for 26 weeks.

If we could do this, it would be a beginning toward covering an area that has long needed attention. I think it would solve some of the miseries. We hear a lot about the migration to the cities. We deplore the fact that, as people crowd into our inner cities, there is no work, there is only demeaning welfare, the problems of housing, and all of that. How much better it would be if they could have some type of unemployment compensation. I am not talking about just migrants, I am talking about residents as well. How much better it would be if they had some type of unemployment compensation which would hold them in the rural areas, where they could survive and search for other employment without being forced by economic circumstance into the city, where they create the tremendous, very hostile problems involved in trying to survive in an environment to which they have never become adapted.

So I think that we should reject this report, go back to the House of Representatives, and ask that they reconsider their position. I certainly commend the Senator from Minnesota for his work pertaining to migrants, and also the Senators who sat on the conference committee and salvaged so much that was of value. I regret that they were not able to sell this agricultural provision, but I believe on a second try they could.

Mr. MONDALE. I thank the Senator from Ohio for his very useful observations, and, of course, for being the most loyal and hard working member on the most frustrating efforts of the Subcommittee on Migratory Labor.

He makes two points that I think are important. In the first place, that the farmworker has been denied for all of these years coverage under most of the modern social and economic legislation that Congress has enacted into law.

For example, in 1970, a State employment security agency will pay a worker who has become unemployed the 50 billionth dollar in unemployment insurance benefits paid since the system was established in 1936. But no farmworker will have received a penny of that $50 billion.

In 1970 alone, employees will receive more than $2 billion in unemployment insurance benefits; but no farm worker will receive a penny of that coverage.

There are some 58 million workers covered by unemployment insurance today, and this conference report will add an additional 4 million, but not a single migrant or seasonal farm worker will yet be covered under this legislation.

We hear the argument that one of the reasons is that we do not know how to cover migratory farm workers, and that more research is needed. But I would remind the Senate, as did the Senator from Ohio, that the President of the United States, Mr. Nixon himself, urged that Congress adopt a more liberal bill, by 50 percent, than the one we are talking about now. The administration urged coverage of farms that had only four or more workers in 20 weeks, and they did not recommend more research.

In a recent letter from Mr. Arnold Weber, Assistant Secretary of Labor, dated May 6, 1970, regarding recently contracted research on coverage of all employees, he said:

> The Department of Labor viewed this research project as providing information that would be primarily relevant to extending farm coverage beyond that which President Nixon had proposed to the Congress in July 1969. The issue of large farm coverage was still before the Congress when this project was approved. The Department felt that there was sufficient data available from earlier studies and experience to demonstrate the feasibility of coverage of large farms, and Secretary of Labor Shultz so advised the Senate Committee on Finance in his testimony on February 5, 1970.

In other words, the Secretary of Labor certifies, in this letter, that in his judg-

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ment—and his is the Department which must handle this legislation—that they are fully convinced that it is feasible, proper, and wise to proceed with this minimal unemployment compensation coverage proposal.

Mr. President, I ask unanimous consent to have the letter from Mr. Weber printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 6, 1970.

Hon. WALTER F. MONDALE,
Chairman, Subcommittee on Migratory Labor, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Mr. Boren Chertkov, Counsel for the Subcommittee on Migratory Labor, asked that we provide you with information on a research project which the Department of Labor has funded, and the relationship of that project to the proposed unemployment insurance coverage of farm workers which was contained in the Senate version of H.R. 14705 and which was supported by the Administration.

The title of the research project is "The Impact of Extending Unemployment Insurance to Agricultural Workers in the Northeastern States." The study is being conducted cooperatively by agricultural econmists from Agricultural Experiment Stations in 13 Northeastern States. The total cost of the project is $1,725,000, of which the Agricultural Experiment Stations will contribute $736,000 and the U.S. Department of Labor $989,000.

The project proposal was formally submitted to the Department of Labor on January 13, 1970, by the NE–58 Technical Committee of the Association of Northeast Agricultural Experiment Station Directors. The project was approved by the Department on February 11, 1970.

A sample of farm employers in the 13 States are being surveyed by mail to obtain data on their farm employment and payroll, their farm operations and other data related to the employment practices on their farms. A sample of workers on these farms will be personally interviewed to obtain data on household characteristics, a detailed one year employment history, and other information pertaining to labor force behavior and participation in unemployment compensation programs.

The Department of Labor viewed this research project as providing information that would be primarily relevant to extending farm coverage beyond that which President Nixon had proposed to the Congress in July 1969. The issue of large farm coverage was still before the Congress when this project was approved. The Department felt that there was sufficient data available from earlier studies and experience to demonstrate the feasibility of coverage of large farms, and Secretary of Labor Shultz so advised the Senate Committee on Finance in his testimony on February 5, 1970.

Farms in the Northeast are generally smaller, and few of them would have been affected by the large farm coverage proposals. Thus, the Department felt that the Northeast is a ideal area to study the feasibility of covering middle and smaller size farms and interstate farm workers. We also felt that the information that was developed would help us in preparing for the administration of benefit payments to farm workers, especially interstate workers, if coverage of large farm employers were enacted. (The coverage provisions of H.R. 14705 do not become effective until January 1, 1972.)

I appreciate your interest in this study. We will be happy to furnish you with more detailed information.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. I want to indicate that I will support the Senator from Minnesota in hoping that the conference report will be rejected.

I should like to review very briefly with the Senator from Minnesota some of the rough statistics, which are only statistics and do not tell the real human dimension of the farm migrant worker problem we have in this Nation.

As I understand, there are approximately 1 million migrant workers in the United States at the present time, and this provision to cover migrant workers in unemployment compensation, which was put in by a rollcall vote in the Senate, would include by rough estimate only about 20 percent of the migrant workers and only about 2 percent of the employers. So it is my understanding that the provision which was adopted by the Senate was really a very modest beginning on what already has manifested itself as being an extraordinarily serious problem in this country.

Mr. MONDALE. The Senator is correct.

Part of the tragedy of the migratory farmworker is that we are not even sure exactly how many there are. Our committee held hearings in which the statistics that are now officially released by the Department of Agriculture on the migratory farmworker were shown to be far from adequate. They admit that they do not have basic data, that they make only spot checks and random samples to accumulate information, and then they extrapolate data from that. They admitted that their own statistics could have wide swings of 20 or 30 percent either way, and even then they are not satisfied. The figures that the Senator from Massachusetts used are the best we have, but we could be off a good deal.

The basic point is that this legislation involves only the large corporate farms, such as Coca-Cola, which was discussed at our recent hearings; and, only a modest proportion of the migrant labor force, perhaps 220,000 or 230,000 at the very most.

Mr. KENNEDY. Furthermore, as I unstand it, the fact remains that these migrant workers are not covered at the present time by the minimum wage laws, the child labor laws, the welfare and food distribution programs, the unemployment compensation laws, or workmen's compensation. The thrust of the amendment we added earlier in the Senate would be to begin to include them in this unemployment compensation program, as they should be included, when they have fulfilled the necessary requirements which are as stated by the Senator from Minnesota.

All that the Senate really did at the time it included this was a very modest start, but it was a recognition that migrant workers in the United States live in desperate kinds of conditions and that they should be protected from many of the ravages which they suffer in too many parts of our country.

I think it is extremely revealing that in many of the States, particularly in California, those who have the most direct contact with the entire migrant worker problem, whether they be Democrats or Republicans, are in complete support of inclusion under unemployment compensation. As the Senator from Minnesota knows, from his work as the able chairman of the Subcommittee on Migratory Labor, there have been strong disagreements about how the migrant worker should be treated. But on this question of unemployment compensation I have been deeply impressed by the uniform support that the proposal to include the migrant worker has received. And support has come particularly from those States which have the greatest contact with migrant workers, which know it best and understand it, and which have the greatest sense of appreciation for the human tragedies of individuals who are affected by the extremely difficult and uncertain working conditions which would be partially remedied by the proposed legislation.

Mr. MONDALE. The Senator is correct.

I do not happen to know where many of these officials stand on the question of rejecting the conference report; but on the merits of the issue of extending unemployment compensation in the form we see it here, it is supported by Governor Reagan, Senators MURPHY, JAVITS, SAXBE, and SCHWEIKER, former Secretary of Labor Shultz, the President of the United States, and by Senator KENNEDY, Senator WILLIAMS of New Jersey, and Senator MONDALE. That should include just about everybody, since so many other of my colleagues have expressed sympathy with the hearings and investigations of the Migratory Labor Subcommittee.

There is absolutely no good reason why farmworkers, the most hard-working Americans and the least paid, should continue to be outside the whole framework of social and economic legislation. We have partially extended minimum wage coverage for those on large farms, but it is widely violated, and is still 30¢ below the industrial minimum. We have social security coverage, but because many times farmworkers are paid in cash without receipt, or paid through unscrupulous crew leaders, and so forth, we figure that thousands and thousands of migrants are not being adequately covered under social security because it is not enforced. We have crew leader registration laws that similarly are being either widely ignored or not enforced.

Only 17 States have any workmen's compensation laws which extend to the farmworker, and most all of those provide voluntary coverage only. A few States have extended unemployment insurance, but on a voluntary basis.

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Even when it comes to child labor laws, there is special legislation for children in the fields, for it applies only during school hours, so that youngsters of any age can work before and after school, and on weekends and in the summer.

The information we have is that farm work is perhaps as hazardous, if not more hazardous, than any other work. Pesticides, mechanical equipment, truck and tractor accidents, all contribute to the dangerous aspects of farmwork. Yet, there is no occupational hazard legislation at all.

So, time and time again, one thing we can be sure of is that the migrant worker is going to be left out, and he is going to continue to be the most desperately off, pathetic, and disadvantaged person in American life. I think that in decent society this misery and exploitation has to stop somewhere.

We have had unemployment insurance for 36 years, and more than $50 billion has been paid out. 80 percent of the work force in this country is now covered, and we want to include about 220,000 farmworkers after all that period, and we are told that we do not know enough about it. I think we know enough to know that we are in the midst of a great national scandal, of a failure of the Nation's conscience, and I think we have a chance to do something about it today.

Mr. KENNEDY. There is very little to add to what the Senator has said so eloquently this afternoon.

I think it might be appropriate to recognize that the average annual income for the migrant worker, as I understand, is $891. They have a life expectancy of some 49 years, which is almost 20 years less than the national average. Their infant mortality rate is about double the national average. The average education completed is less than the seventh grade. Seventy-five percent of their housing is substandard.

These are the rough statistics, as best we can ascertain. The true situation may even be far worse.

I think these statistics support completely the splendid comment of the Senator from Minnesota in talking about the desperate conditions in which these people live. I want to applaud the effort that is being made by the Senator from Minnesota in this endeavor. I support him completely, and I am extremely hopeful that the Senate will follow his recommendation.

Mr. MONDALE. I thank the Senator from Massachusetts.

In light of what has been the continuing and profound interest by the Senator from Massachusetts in this whole problem of disadvantaged, poverty-stricken Americans, he knows full well that no people in America are more disadvantaged than the migrant and seasonal farmworker, and I am proud to have his support in this effort.

I yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. I want to make one point that I believe cannot be emphasized too much in this debate.

I was astounded, after sitting through a number of hearings, to find out that by some quirk of fate, we are actually treating our American citizens who play the role of migratory farm laborers at a lower level of benefits, considerations, and all the other health, welfare, and other considerations which are lacking, worse than a foreign national which we bring into this country to do exactly the same job.

Mr. President, I cannot emphasize this too much, because we are doing this for a specific reason. When a foreign national is to come into this country, the people that are going to use his labor have to sign an agreement with the State and Labor Departments to provide him with certain minimum services and fringe benefits like health conditions, sanitation conditions, living conditions, and minimum pay—and they must pay according to a certain minimum standard, if he is a foreign national. But, if he is an American citizen, and does exactly the same kind of work, he is not covered by that. In fact, we have had witnesses testify before the committee that those who came in from other countries to do similar work to migratory laborers were better treated, had better sanitation, better health, better living and transportation conditions than the American citizen did.

That is a pretty sad state of affairs, in my opinion. When we talk about second-class Americans, the forgotten Americans, and those slogans which may sound trite to us because they are used so often, I do not believe that any other group in that category would be able to show that a foreign national coming into this country to do the same job gets a better deal or gets any more benefits or consideration than the American citizen.

I would just like to make that point.

Mr. MONDALE. I thank the Senator from Pennsylvania very much. One of the most remarkable revelations in our most recent hearings, which underlines the point just made by the Senator from Pennsylvania, was that after the Coca-Cola Co. had acquired a subsidiary named Minute Maid and some years had passed after that acquisition, the president of Coca-Cola sent some of his key personnel to find out how the workers at the subsidiary were living, and how they were being paid.

When reports came back describing minimal living and working conditions, they admitted, and admitted before our committee the other day, that their own workers were treated deplorably, that the working conditions and the pay levels were an utter disgrace. This was the president of the Coca-Cola Co., one of the Nation's largest companies, saying that about his own employees and saying that it was such a disgrace that they had begun a crash program to, in effect, bring those people into the mainstream of American life. I commended this company for their efforts, and their courageous admission that problems exist which must be corrected, and we all look forward to the speedy implementation of their plan for improvements.

But, the imagination boggles at the living and working conditions and standards under which so many of these people have to live, and we have yet to admit to many similar conditions that we must, with a sincere commitment and dedication, eliminate.

Mr. SCHWEIKER. Mr. President, will the Senator from Minnesota yield for a question?

Mr. MONDALE. I yield.

Mr. SCHWEIKER. I should like to ask the Senator from Minnesota if he knows of any other labor group in this country, or workers in any other kind of job, where one can point to a comparison with a foreign national coming to this country, who would get a better deal than the American citizen doing the same job. Does the Senator know of any other situation comparable to that of our migratory workers?

Mr. MONDALE. I know of none at all.

Mr. SCHWEIKER. I think that is a disgrace.

Mr. MONDALE. Maybe the difference is that the foreign national has someone powerful enough to speak up for him; namely, his own government.

But, who speaks for the migratory farmer in this country? Whom does he elect? Who represents him? How does he get the money to send a lobbyist up here?

Where is his economic power, his political clout, or his influence?

The answer is that he is utterly without any power, any influence, or any friends that in any way will form a sufficient majority to even insure such a small pittance as inclusion for a few of their numbers, under our Nation's unemployment compensation system.

That is why we have the sad situation today in which we have a society which has developed so many broad social and worker benefit programs which have left the migratory worker out. He is treated not even as an American citizen. Perhaps all farmworkers might be better advised to move to the British West Indies and then be represented by that government before taking a job in this country. I might qualify that, however, by noting that not even the work contracts covering workers from the British West Indies are adequately enforced, after resulting in situations of near peonage.

Mr. MURPHY. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. MURPHY. As my good colleague from Minnesota knows, California has, I guess, probably more migratory workers, or has as many, certainly, as any other State in the Union.

There is no question in my mind as to the propriety of the concept of the Senator's proposal. There are problems. Studies are presently being made. There are difficulties in administration. I know all of this. I have discussed it at length with my good friend Governor Reagan, and he agrees completely with the concept. He points out that studies are being made as to the proper way in which this can be handled and effectively administered.

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I feel that, as has been pointed out here, this is a problem which has been much neglected. It will create difficulties, I know, and in some areas will create hardships. But, I believe the time has come when the first step should be taken to solve this problem.

As the Senator from Pennsylvania has pointed out, it is unthinkable that a foreign national could come into this country and receive better treatment than our own American citizens doing the same job the foreign national contemplates. Therefore, I shall support the Senator's proposal and hope that if it accomplishes nothing else, it will bring pressure to bear, so that those who have the responsibility will, at long last, face up to the problems and face up to the conditions.

As my distinguished colleague has heard me say so many times, once we have the commitment made in this country, there is nothing that is not possible. Therefore, in the hope that this will signify the commitment, I shall support the Senator's amendment.

Mr. MONDALE. I thank the Senator from California.

Mr. President, I have been privileged to be a cosponsor with the Senator from California in the amendment which was adopted in the Senate last April to the unemployment insurance bill, but which was lost in conference. I think we stated our case there pretty well.

Now, Mr. President, I should like to conclude by quoting a few paragraphs from the New York Times article about the life of the migrants:

> The young Chicano—or Mexican-American—migrant will move with his parents through the citrus groves of Florida or California, stoop over the beans and tomatoes in Texas, hoe sugarbeets in western Kansas, crawl through the potato fields of Idaho or Maine and pick cherries in Michigan, moving with the season and the harvest.
>
> He will sleep, crowded with his family in shells of migrant housing without heat, refrigeration or sanitary facilities. He will splash barefoot through garbage-strewn mud infested with internal parasites and drink polluted water provided in old oil drums.
>
> By the age of 12 he will have the face of an adult and his shoulders will form in a permanent stoop. He will acquire the rough dry skin and the pipestem arms and legs that indicate a lack of vitamins and proteins. He will be surrounded by children infected with diseases of the intestines, blood, mouth, eyes and ears and thus condemned to poor learning records at school—when they are able to attend school at all.
>
> Dr. Raymond M. Wheeler, a Southern physician who had served on a team studying health conditions of the migrants, told the Senators: "The children we saw have no future in our society. Malnutrition since birth has already impaired them physically, mentally and emotionally."

I conclude with his question:

> What has to be done to convince the Congress of the United States that the time has come to put aside its greed, its prejudice, its concern for personal power and prestige?

I know of no group that has been overlooked longer and at a greater cost in human tragedy than the migrant farmworkers of our country.

I hope that today we will agree to include the modest, minimum proposal to extend unemployment insurance compensation to the large corporate farms of this country.

Mr. President, I ask unanimous consent that three recent articles and editorials, which are only a few of many that have recently appeared around the Nation imploring Congress to act, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, July 24, 1970]

PEONAGE IN THE FIELDS

Once again the nation's attention has been drawn to the appalling conditions that exist among the nation's most exploited and miserable workers, migratory farm laborers. This time it is a group of physicians who visited these peons in Florida, Texas and Michigan and who have been recounting the horrors they saw to the Senate Subcommittee on Migratory Labor. As medical men, they have been focusing on the sicknesses that plague the workers as a result of their abysmal poverty, poor housing and lack of medical care.

Unfortunately, there is nothing new in this depressing testimony. Since the Industrial Commission reports of 1901, several generations of governmental and private investigators have told and retold this scandalous story of human misery. Yet little has changed over these seventy years, and—if past precedent is any guide—the national conscience will soon relax again.

But precedent need not be followed. The nationwide sympathy that helped win contracts for unionized grape pickers in California showed that gains can be made in today's more sensitive political atmosphere.

The primary need is for Government action to organize the seasonal farm labor market so that it is confined to a limited number of persons who can be assured decent earnings and acceptable conditions of life and work. That is a long-range goal. In the short run, Congress and the state legislatures have the obligation to give farm workers all the protections now taken for granted by other types of labor; generally applicable minimum wages, unemployment insurance, workmen's compensation, etc. For too long this nation has tolerated inexcusable discrimination against its most needy workers. That toleration must end, and soon.

[From the Washington Post, Aug. 2, 1970]

ONE VICTORY AND THE NEED FOR MORE

The struggle has been going on for so long that many supporters of Cesar Chavez, his farm workers and the national grape boycott may feel a little let down now that a settlement in Delano has been reached. But for the workers themselves, those beaten down over the years by poverty wages, by life in shanties and jalopies, and with no way to freedom, the settlement is both a personal and an economic victory.

On the latter score, the United Farm Workers Organizing Committee now has a contract that calls for $1.80 an hour this year, $1.95 in 1971 and $2.05 in 1972, plus other wage benefits. This, of course, is no sudden transfer to life on easy street, but at least the farm workers of Mr. Chavez are no longer at the mercy of the growers; for many of the latter, mercy was a foreign word.

During his weary battle, filled with fasts and marches which were always non-violent, Mr. Chavez was able to attract a wide national coalition. These included the socialites in Southampton and their famous fund-raiser that produced more fun than funds, Robert Kennedy who called Chavez "one of the heroic figures of our time," George Meany, Black Panthers and ordinary consumers for whom passing up the grape counter at the local market was a solid act of union with the oppressed workers. Touched at their cash register nerve, the growers finally yielded.

As Mr. Chavez knows better than anyone, grape growers are only one group of employers. Only last week, the disclosures of the filth and poverty endured by farm workers in the orange groves of Florida showed how desperately a Cesar Chavez is needed there. In the larger political picture, it is an indictment of Congress that a Chavez is needed at all. As the Catholic Bishops Committee has been urging all along in their dispute, farm workers should be protected by the National Labor Relations Act, minimum wage laws and unemployment insurance programs. But no one is out front doing the legislative work for the poverty-crushed field hands.

In the absence of political aid, the same coalition which helped Cesar Chavez in the grape struggle will doubtless be ready to help in the melon, lettuce, carrot or any other boycott that is called for in the effort to bring justice to those who work the field.

[From the New York Times, July 26, 1970]

MIGRANT WORKERS: A LIFE OF BRUTAL HARDSHIP

(By William Robbins)

WASHINGTON.—For a child born with brown skin in one of the southern tier of states, of farm-migrant parents who speak a different language from most Americans, the future is already charted.

The young Chicano—or Mexican-American—migrant will move with his parents through the citrus groves of Florida or California, stoop over the beans and tomatoes in Texas, hoe sugarbeets in western Kansas, crawl through the potato fields of Idaho or Maine and pick cherries in Michigan, moving with the season and the harvests.

He will sleep, crowded with his family in shells of migrant housing without heat, refrigeration or sanitary facilities. He will splash barefoot through garbage-strewn mud infested with internal parasites and drink polluted water provided in old oil drums.

By the age of 12 he will have the face of an adult and his shoulders will form in a permanent stoop. He will acquire the rough dry skin and the pipestem arms and legs that indicate a lack of vitamins and proteins. He will be surrounded by children infected with diseases of the intestines, blood, mouth, eyes and ears and thus condemned to poor learning records at school—when they are able to attend school at all.

That was the picture of the Chicano's life painted at a Senate subcommittee hearing last week. Dr. Raymond M. Wheeler, a Southern physician who had served on a team studying health conditions of the migrants, told the Senators: "The children we saw have no future in our society. Malnutrition since birth has already impaired them physically, mentally and emotionally."

NO REVELATION

For the Subcommittee on Migratory Labor headed by Walter F. Mondale, Democrat of Minnesota, this was no revelation. The subcommittee has been holding hearings into these problems for a decade. But Dr. Wheeler awakened an audience dotted with the brown faces of a few Mexican-American labor leaders by pointing the finger back at Congress.

"What has to be done to convince the Congress of the United States that the time has come to put aside its greed, its prejudice, its concern for personal power and prestige?" he asked.

The case he made was easily documented. Congress, influenced by the senior members from the farm bloc, has specifically excluded migrants and other farm workers from workmen's compensation, while the migrants' accident rate is 300 per cent of the national average. Though the migrants averaged only 78 days of work for pay of $891 last year, they are specifically excluded from coverage by the unemployment compensation law.

Ironically, as if to underscore Dr. Wheeler's charge, the House of Representatives in passing a bill Thursday broadening unemployment benefits, refused once again to include farm workers.

The minimum wage law has been applied by Congress only to the largest farms and the minimum for farm workers has been set at 30 cents an hour below that for other workers. Employers of migrants who pay by piecework avoid even this minimum.

Migrants and other farm workers also are excluded from coverage by the National Labor Relations Act, which protects the rights of other workers to organize in an effort to improve their lot. And the child labor law does not prevent migrant families from taking their children into the fields to help. When no one is able to work, the family rarely qualifies for welfare aid.

The physicians' testimony was based on study of conditions among migrants in counties in Florida, Texas and Michigan. Dr. Gordon Harper, who visited camps in Michigan, concluded his testimony with an impassioned indictment: "If the only way to insure simple dignity, self-respect and health for our brothers is to wait until they can buy their way into a place in our national sun, that is a terribly sad commentary on the moral economy of our country."

The migrant laborers' life expectancy is 49. Their infant and maternal mortality is 125 per cent of the national average. Their death rates from influenza and pneumonia are 200 per cent—and from tuberculosis 250 per cent—of the national rate. Their wages are too low to cover medical care, while the $15-million that Congress voted for the Migrant Health Act last year is being largely absorbed in the local machinery of the Public Health Service.

The reasons that little has been done for the migrant farmer are not hard to see. The 257,000 migrants are not anybody's electorate. At election time, they are rarely in a place where they can vote. And even in areas where they are most numerous they are a despised minority.

The Senators on the subcommittee accepted the justice of Dr. Wheeler's charge against Congress. "I would like to come away from this hearing with the hope that something is going to happen," Senator Mondale said. "The truth is we have heard all this before."

Mr. HOLLAND. Mr. President, several proposals have been advanced here which are not in accord with the facts as I know them. I do not mean that they have been deliberately misstated. But I do want the record to show the true facts as I know them.

First, I have heard the statement made repeatedly that the Senate bill would simply extend unemployment compensation coverage to the large corporate farms. That may be true in some States. That is not true at all in my State. There are literally hundreds of farmers in my State who are not large corporate farmers, but who do employ the eight workers for the period of 26 weeks or more and who would be covered by the Senate bill. They are no more corporate farmers than are the Senators who are so ardently speaking for the rejection of the conference report.

My two closest neighbors in my hometown of Bartow, Fla., happen to be in that classification. Each of them has more than eight employees who are regular employees on their farms. They are not corporate farmers. They are not even very large farmers by any description that could be given.

I do not think there would have been much trouble with reference to the approval of the Senate committee bill which applied to farmers from that size up, and a great many of them were not corporate farmers.

The trouble in connection with this matter comes from the amendment pressed by the Senator from Minnesota and others which would have included migratory workers within the coverage of this unemployment compensation matter.

Let us state the situation clearly. This means that if I as a farmer were to have an orange grove big enough or an orange grove and a vegetable farm big enough to have eight employees for half a year and needed 50 or 75 or 100 harvesting employees for a period of weeks or months or for varying periods to harvest the crop, but none of them for the long period mentioned by the bill, and if I found it impossible to retain the same harvest hands day after day, but to the contrary had to go to wherever I could to get them—and that happens to be one of the facts of life insofar as the harvesting of our highly perishable crops in Florida is concerned—no telling how many employees we would have had that were migrants. No telling how short a time or how long a time they would have worked. No telling how long a time they would have been in my State working. They might have been there a few weeks. They might have been there a couple of months.

They would then go up into Georgia and South Carolina for the peach crop. They would then go on up in the country, many of them landing in New York or Vermont for the apple harvest or over in Michigan for the cherry picking or in other parts of the country. They move about in such a way as to make the time that they spend in any one place rather small and the keeping of the books and records becomes a rather difficult thing and the combining of these work records an almost impossible thing because of the fact that those migrants worked in so many States and in so many crops and in so many places.

The vice of the bill that passed the Senate on this matter was entirely occasioned by the amendment offered by the Senator from Minnesota, and others, which brought within the purview of the provision of the Senate committee bill the migrant worker. They present a completely different problem from the problem of the eight workers who work for half a year on one farm; they work on literally hundreds of farms and groves.

Maybe the problem in my State is not like that in many other places. However, as the Senator knows, most of our crops are perishable crops. Most of our crops do require the harvesting costs to be much larger than any other kind of cultivation, pruning, fertilization, or other work done in the rest of the year or, for that matter, all of the year.

We have this problem and it makes the bill in the final form in which it passed the Senate objectionable to our people.

My friend the Senator from Minnesota has frequently mentioned Coca-Cola. May I say that Coca-Cola is not typical at all of the average farmers in my State who would be covered by the bill as it finally passed the Senate.

Hundreds and hundreds of good people who support our State and are there a year or more and who do have eight or more permanent workers have this harvest problem. They have to hire migratory workers who, unfortunately, are not regular employees. They will work for one man and will then work for another man. They will work in one community this week and move to another community next week, particularly in the vegetable industry. Usually they will work from day to day for different farmers. If anyone were present, for example, in the town of Belle Glade, in the heart of the vegetable area of Florida, they would find trucks recruiting workers each morning. The workers would pick one truck today, another truck the next day, a third truck the third day, and so on.

Of course, they take considerable time to go fishing in the Florida canals, which is fine. I want them to have some of the privileges of Florida life just as it is. They are better conditioned.

We know that this migatory worker problem is a serious one. We have been trying to solve it for a very long time. I have heard the Senator from New Jersey (Mr. WILLIAMS), who I think has been the most dedicated worker for the migrant worker in the Senate, say on several occasions he found better conditions in Florida in dealing with this situation than he found anywhere else. I heard him say, for instance, that the day-care schools for children of migrants were established first in Palm Beach County, in my State, and had become a regular fixture in many of the vegetable-producing areas of the State.

I heard him say they had hospitalization provided in the vegetable area of Florida, which was the best he found anywhere in any of the States that have this migrant problem to deal with.

I heard him say that so far as education of migrant workers was concerned the best situation he found anywhere was in the area around Homestead, Fla., where there is so much production of vegetables and other perishable crops.

I heard so much about the good things that have been done in Florida. I have heard so much about the high wage scale that prevails there, and it has to because it has to compete with the hotel business, which is in operation at the same time of the year, and to compete with highly paid industries such as the space industry and defense industries which make up such a large part of our industrial life, and the phosphate industry which is so highly organized and has such highly paid workers. So the rate of pay has to be high. Therefore, I am amazed that my friends want to pick out the exceptional things and nontypical things which are picked out by those who produce documentary films of the things typical of the farming situation in my State.

On behalf of my State I wish to say that the two documentary films that have been mentioned relating to Florida, the Murrow film, and the other of 2 or 3 weeks ago by NBC, do not show the typical situation in Florida, and as stated by the Senator from New Jersey (Mr. WILLIAMS), do not paint the typical situation. I regret they do not do so.

I heard my friend, the Senator from Pennsylvania, say something awhile ago which was not directed at Florida but that might have been, in that he said laborers coming in from outside our Nation are paid more than those from inside our Nation who do exactly the same work. I do not know what my friend was referring to, but I can refer to two situations which I happen to know a little about, where the facts are as follows:

We are allowed by the Department of Labor and the Department of Agriculture to bring into Florida about 9,000 cane cutters each year. The only reason we are allowed to do that is because cane cutters cannot be found in the United States who are willing to do that work. What is that work? It is work on one's knees in the muck, cutting the stalks of cane by hand with machetes. It is very, very hard work; it is very disagreeable work. Secretary of Labor Wirtz told us several years ago it would be possible to find domestic workers. He went over to the State so ably represented by the chairman of the Committee on Finance (Mr. LONG), and found 70 of them and brought them back to Florida to cut cane.

When they looked at what had to be done in Florida, where we grow our cane in the muck, they said, "This is not what we call cutting cane. We call cutting cane going along after the machine on harder soil in Louisiana"—which is harder soil than muck—"and we can't attempt this work." The majority of them never went into the fields at all. They went back to Louisiana or somewhere, all at the expense of the growers and they refused to go into the fields. Some of them did go into the fields but in 10 days they had all left except one and he was in the hospital because he cut himself with a machete. He was in the hospital for a good many weeks at the expense of the grower.

It was only then that Mr. Wirtz said:

> I admit we cannot find workers in America to cut cane in the Florida cane fields.

What are the facts? In the first place, one cannot find American workers to do it so it cannot be said that those who are brought in are paid more than American workers to do the same work. There are no American workers to do that work. In the second place, the minimum pay is fixed by the Secretary of Agriculture and it is $1.65 per hour so far as our State is concerned. It was that amount last year and it will probably be more next year; but that is a minimum wage.

The work is piecework. The average pay, I am told, in all sectors of the sugar industry is about $2 an hour for these something like 9,000 workers who come in. From where do they come? They come from Jamaica, Barbados, Trinidad, and some of the smaller islands in the Caribbean. So there is no problem concerning what they receive compared with similar American workers because there are no similar American workers who will do that work.

The second group that I know about are the Basque sheepherders. I inquired about the number of those people brought in to herd sheep. I have inquired several times. The last time I inquired there were 1,700 of them. They are in the arid areas of the West. The Secretary of Agriculture allows them to be brought in for a period of years. They are required to be paid rather good pay. My recollection is they receive $200 per month and full living costs. The reason they are brought in is, again, Americans cannot be found who are willing to keep the sheep, go through those arid areas, and sleep with the sheep in corrals where sheep have to be kept at night. Americans will not do that work so there can be no comparison between the pay of these Basque sheepherders and the amount paid Americans doing the work because few Americans will do that work.

I am told there are some Latin Americans in the southwestern part of our country who will do that work and they are required to be paid at the same rate. Everyone wants to be fair about this matter.

It is hard for one who has lived all his life in the area and who knows something about the situation there to preserve his temper here when statements are made with reference to conditions which are not typical of what prevails. The statements are made by highly reputable Senators, in good conscience, trying to do the right thing. But I do want to say it is not fair and it is not right to pass the bill in the shape it passed the Senate after the amendment was added whereby a farmer—not a big, corporate farmer but an ordinary farmer—who had to have eight workers to maintain his grove or farm, would be responsible for unemployment insurance for those migrant workers who picked the crops. They all prefer local people but there are not enough of them. We have to bring in a great many workers to do the harvest work.

They are not stable workers. Many of them do not stay on any job for any fixed period of time. By the very nature of their work, they do not stay in our State for any long period of time, because they go up and down the country to harvest the perishable crops.

If there is any reasonable way to include them within the coverage of such an act as this, I do not see what it could possibly be.

I want us to be fair to them. I have insisted, with my growers, year after year, that they improve situations in Florida, and they have done so. I have insisted on better housing. Our legislature passed a housing act which was commended here on the floor by the Senator from New Jersey (Mr. WILLIAMS). My legislature has passed health acts which apply to migrants, which have been approved here on this floor. We are always trying to get a better and more uniform handling of the situation. It is being handled decently and properly and in a Christian way by the great majority of our growers. It is being handled inhumanely and improperly, and I think viciously, by some growers. We are attempting to improve that condition every year, and we are doing so.

Now to try to bring about this kind of result by imposing Federal law on an unemployment insurance provision that covers not only regular workers but those who come for a few days during the harvesting season, and do not even stay in one place permanently during that particular harvesting season, but who travel from place to place within one State, is not a reasonable way to handle this problem. I think there are ways to handle it. I think migrant workers can be given permanent legislation that will better take care of them. But I see no reason at all why it was sound judgment for the Senate to adopt the amendment here that puts migrants, uncontrollable as they are as to their time and as to their work, in the same classification with the permanent workers who do abide on the property and who are entitled to have the protection.

It happened that when I was Governor of our State we passed, and I signed into law, a bill giving workmen's compensation to those permanent workers who worked in the packinghouses, the concentrate plants, and other places where the preparation of the crop moves forward. We have not found any way yet, in our State at least, to deal as fairly as that with the migrant workers, though we have tried to take care of them under decent housing laws, under decent health laws, under decent education laws, and, of course, under pay rates that enable them to make excellent pay if they just want to work and earn it and make it.

Mr. President, I commend the distinguished Senator from Louisiana and the other Senators who are with him on the Finance Committee for the kind of bill they brought out of the committee. I wish it had been the provision of that bill that passed on this subject. I wish the amendment offered here by the Senator from Minnesota, bringing the migrants under the provisions of that bill, had not been adopted. I think there would have been no trouble at all if it had not been added on the floor.

I hope that the conference report will be approved. It has great merit in it. It extends coverage, as the Senator from Louisiana has accurately stated, and as the Senator from Delaware has accurately stated, to a greater number than were covered even under the original Senate committee bill. I congratulate them upon the good work they have done.

But I do not think we should send this bill back to conference with the hope of this wrong thing being done—and it would be wrong to try to add the migrants.

There are other ways to handle the problem. I stand ready to help in reaching those ways. But I am not at all ready to include the migrant workers under this unemployment compensation act. The defeat of the provision is due to the inclusion of that unwise amendment, because I am very sure that the work of the committee would have prevailed but for the inclusion of that unwise amendment.

The committee reported a provision that made the unemployment compensation applicable where there were eight workers or more, for 26 weeks during the year; and I do not think anybody would protest at all against that. That certainly did not apply only to large corporate farms. It applied in our State to dozens or hundreds of independent farmers, orchardists, vegetable producers, and to the eight stable and permanently located and good, serving, and honorable workers, in their fields or in their groves.

I hope the conference report will be adopted. I apologize to the Senator for taking so much time. I am trying to uphold his position, because I think he has a good conference bill and I think the Senate should approve it.

Mr. LONG. Mr. President, I shall be very brief about this matter. Four years ago the Senate went to conference with the House of Representatives on a bill of about this magnitude. It involved approximately 60 million workers, and would have extended benefits for an additional 13 weeks during times of recession. That bill died in Congress because there were certain minimal Federal standards which the Senate was willing to accept, and although many States met those standards, organized labor and the administration were so determined to apply some minimal Federal standards as a starting point that they were willing to have that bill defeated rather than accept what had been done in conference. The House was adamant.

We were quarreling about something that involved about 1 percent of what was in the bill. It was, nevertheless, an issue that defeated a bill that was in the interest of the working people of the country and that should have become law.

We face a similar situation today. We have passed a bill that is of benefit, potentially, to 61 million working men, women, and their families. The bill that was reported back brings into coverage about 4.7 million additional jobs, comprising perhaps 80 percent of all the additional jobs which could be covered.

So we are urged to reject the conference report really because we are not able to extend the benefits of this bill to about 250,000 farm and migratory workers, for whom the Senator from Minnesota has expressed sincere concern.

Mr. President, I admire the Senator for his concern about this number of people. But it should be remembered that there are more than 200 times as many workers who would be favorably affected by the passage of this bill as there are for whom the Senator would speak today. It is for those workers that this bill would provide extended benefits; and there are about 20 times as many additional workers who would be benefited with coverage for the first time, to whom coverage would be denied if this bill should fail.

Mr. President, in my judgment the bill would fail, just as a similar bill failed 4 years ago, if this conference report were not agreed to. That would seem very sad to this Senator, to see this bill fail to benefit 61 million people because we were not able to extend the benefits of the bill to cover about 250,000 more.

Mr. President, I know how determined the members of the House Ways and Means Committee are on this issue. They have prevailed on a rollcall vote by a vote of about 219 to 170, and the leaders of that fight on the House floor were the same conferees we had to negotiate with. They are not going to yield on this issue; if the Senate votes the bill down, I say there is every possibility of a repetition of what happened 4 years ago, and 61 million people whose families would otherwise benefit must suffer because we have been unable to benefit 250,000 more. When we are benefiting 61 million workers, I think it would be extremely unfortunate if, in trying to get everything the Senate has sought to do, we failed to get any of it.

That being the case, I think the Senate would certainly want to agree to this conference report.

I would point out that this is not the only provision we have available to us to help these migrant workers. The House of Representatives has indicated that it is willing to help them, under the public welfare system, by passing the family assistance plan we are presently considering in the Senate Finance Committee.

I know of no Senator more willing than I to help people who are willing to work; and that certainly describes the people the Senator from Minnesota would like to assist. In so far as the Senator is correct in saying that the average income of those families is about $890 a year, that family assistance bill could increase the Federal assistance, in cash alone, for such persons to about $1,600 per family. And no Senator who wants to do so would be prevented from offering an amendment, either in the committee or on the floor, to extend food stamps to those people, thereby perhaps increasing their income four-fold, as compared to the figures quoted by the Senator from Minnesota here today.

Furthermore, Mr. President, there is nothing to prevent a State from passing laws to benefit the people that the Senator from Minnesota wishes to help, and some States have. I would urge others to do the same.

If this conference report is not agreed to, we would be performing a disservice to 61 million workers in this country who would potentially benefit from the bill before us. Therefore I very much hope that the conference report will be agreed to.

Mr. DOLE. Mr. President, in 1935, Congress passed the unemployment compensation program as part of the Social Security Act. The purpose of this legislation was to provide a temporary source of income for millions of individuals who had suddenly found themselves out of work. This system was not devised as a handout, but as a means to enable millions of Americans to withstand economic hardship by providing compensation already rightfully earned.

In July 19, 1969, President Nixon, recognizing unemployment compensation's inherent worth, proposed to Congress a bill which would expand its benefits and strengthen its framework.

In his message, the President stated that the purposes of the proposed legislation were "to extend unemployment insurance to 4,800,000 workers not now covered; to end the shortsighted restrictions that stand in the way of needed retraining efforts; and to add a Federal program automatically extending the duration of benefits in periods of high unemployment." Furthermore, he stated:

> In human terms, the recommended changes will enable a worker to weather the adversity of unemployment and to find a suitable job.

The conference report on H.R. 14705 is the congressional response to the administration's proposals. Several changes have been made in the original proposal.

The conference report increases coverage of State and Federal unemployment compensation by 4,750,000 jobs, the biggest single improvement in coverage since the system began in 1935. Of the 4.75 million new jobs proposed to be covered: 1,130,000 are in small business; 210,000 are traveling and city salesmen, and agent commission drivers engaged in the distribution of certain products; 190,000 are in agricultural processing; 160,000 are held by U.S. citizens working for American employers overseas; 2,121,000 are in nonprofit organizations, excluding church-operated organizations, and schools other than a school of higher education; and 940,000 are in State hospitals and institutions of higher education.

Mr. President, there are some who argue that these provisions go too far and others who argue that they do not go far enough.

More specifically, there are those who urge the defeat of this important conference report because it excludes coverage for 250,000 farm employees. Delay and disagreement over this one provision might well endanger the entire bill as in 1966 when similar legislation died in conference for lack of agreement. Sending this bill back to conference may mean that we will have to wait another 5 years to vote on these innovative features.

An important provision of this bill is the extension of the Federal-State unemployment compensation program. Twice, in 1958 and 1961, Congress enacted laws that extended unemployment compensation on a temporary basis during an existing recession. This method of providing unemployment aid during national recessions helped offset the effects of prolonged unemployment, but it provided relief only on a piecemeal approach.

To remedy this deficiency, the President requested that the individual States or the Nation as a whole automatically be eligible for additional unemployment compensation after the exhaustion of regular benefits during periods of high economic unemployment. H.R. 14705 calls for two indexes to trigger the benefits. Nationally, there would be an "on" indicator when unemployment equaled or exceeded 4.5 percent for the three most recent calendar months and a national "off" indicator when unemployment remained below 4.5 percent for each of 3 consecutive months. The State indicator would be "on" for any individual State when, for 13 consecutive weeks, the unemployment rate in the State is 20 percent higher than the corresponding period of the 2 preceding calendar years, provided that the current rate equaled or exceeded 4 percent of covered employment. The State extended benefit period would end when either of these conditions were not met.

The amount of extended compensation a State would be required to pay would be 50 percent of the total regular compensation including dependent's allowances, payable to an established limit. This 50 percent is payable on a 50-50 matching basis with the Federal Government.

Had this legislation been in effect over the past 12 years, the national "on" indicator would have been activated for three periods—1958-59, 1960-62, and 1963, covering a total of 41 months, and extended national benefits would have been available.

In my home State of Kansas, during the years 1958, 1960, and 1961, the State "on" indicator would have applied extended State benefits over a period of 12 months.

Extended benefits would now be available in 10 States if the present bill were now in effect, and if those States had passed legislation providing for participation in the extended program.

When President Nixon introduced this legislation, he stated:

> If the economy were too slow and employment were to rise, this program automatically would act to sustain personal income. This would help prevent a downturn from gathering momentum resulting from declines in purchasing power.

The President introduced this legislation during a period of low unemployment and urged its passage. Now, in a period of higher national unemployment and much severe local and regional unemployment, the case for swift approval of this legislation is clear and convincing. Mr. President, I urge approval of the conference report.

Mr. BENNETT. Mr. President, migrant farm work is like no other work in the world. It is a job here today, and maybe a job there tomorrow. Migrant farm workers never really become a part of the labor force; at best, they are seasonal workers everywhere they go. They are not hired by farm operators to do specific jobs; rather, they are assigned to jobs by crew leaders. The migrant farm worker leaves his work because the crew leader tells him the job is over. He does not look for work; his crew leader looks for work. On any job, he does not know who his legal employer is. Under these circumstances it would be difficult, and perhaps impossible, for unemployment insurance administrators to determine when the migrant was unemployed, when he was available and willing to work, and the circumstance of his leaving his last job.

A migrant worker will work in several States, for perhaps dozens of employers. In each case, he may work 1 or 2 days for an employer and be unemployed for 1, 2, or 3 days. Is he going to be able to claim total or partial unemployment for a rainy day or a rainy week? And if he does, how do you determine when he is available for work and the circumstance under which he left his last job? It seems clear that whatever the worker said, it would be more practical for an employer to show that he was unemployed through his own fault, or that he is not available for work and should not be paid unemployment benefits. This would be in the employer's interest because of the effect benefit payments could have on his experience-rated taxes.

There is always a serious question as to the identity of the employer of a migrant worker. In some cases, the crew leader is really the employer; in others, the farm operator is. But in all cases, there is a reasonable question as to who the employer is. Under social security, this is determined by references to a single Federal law, but under unemployment insurance this would be determined under the laws of the various States. In one State, the employer might be the crew leader—but in an identical situation in the next State, it might be the farm operator. Thus, the legitimate question of who would pay the unemployment taxes, which the committee provision would have avoided, was raised when the floor amendment was adopted. If you are unable to identify the employer under State law, or if there is litigation, the migrant worker would have no effective coverage, regardless of a Federal law saying that he is covered.

You can be sure of one thing about this kind of situation: the crew leader is going to insist that the farm operator is the employer, and the farm operator is going to insist that the crew leader is the employer, because neither one of them is going to want to pay the tax. I might add that the poor migrant worker is not likely to know which one of them was his employer because the question really turns on local law. In either event, the House conferees pointed out that the Senate-passed farm coverage amendment would start off by breeding needless litigation. And the House conferees were not willing to become party to barratry by legislation.

There were also questions as to how the seasonal employment provisions of State laws would apply to migrant workers. In some States, workers engaged in seasonal industries cannot qualify for unemployment benefits outside their regular working season. In other States, there are no such restrictions. Thus, for the migrant worker who works in several States—States with and without seasonal restrictions—it might be necessary to combine his earnings in all States in order to determine the benefits payable for a specific week. For the next week, however, only those earnings in one or two States might be used. Thus, unemployment insurance benefits might have to be revised from week to week because the season in one State might end while the season in another State would start.

We were also faced with the question of how the migrant farmworker would know who his employers had been when it came time for him to claim benefits.

When the migrant worker is employed by the farm operator, rather than a crew leader, he may work for a different employer on each day of the week; and in order to claim benefits, he will have to tell the employment office where he files a claim and who he has worked for throughout the entire year. This would be a tremendous task for an educated man who can read, write and keep records; but for the uneducated semiliterate—and sometimes non-English speaking migrant worker—it would be an impossible task. Moreover, the farm operator would know the near impossibility of a worker ever identifying him and would tend to avoid paying unemployment taxes. Thus, the coverage of migrant workers who are employed by farm operators would probably be a meaningless gesture until such time as administrative techniques are developed for dealing with this problem.

Moreover, when a migratory worker hires himself out directly to a farm operator there is a question of whether he is truly an employee, or an independent contractor. If he is the former, the unemployment tax could apply. If he is the latter, it would not apply; and I must say that when a farmer engages a migrant worker with instructions "to pick all the beans in the field" there is a serious doubt that he is truly an employee.

Then, too, when the migrant family works, there is a question as to who is the employee.

In a lot of cases, it is not a migrant worker alone who does the farmwork. It is the migrant's family: his wife, his older children, and even his 5-, 6-, and 7-year-old children in some cases. The individual family members, however, may not be paid as individuals on the basis of the amount of work done, but the head of the family may be paid for everything done by the family. Under the unemployment compensation laws, the family earnings are not his earnings, and whatever is reported for him might have to be investigated to see how much was earned by him, by his wife, and each of the children. Of course, if each member of the family does enough work to qualify for unemployment compensation, each might be able to qualify for unemployment benefits. However, it would be nearly impossible to determine who earned how much and from whom.

The information presented to the Senate by those who oppose the conference report did not come to grips with these problems, but carefully avoided them. The Senate conferees, however, could not ignore these considerations and even had they been so disposed, the House conferees made certain that the issues were fresh and sharp in the minds of the Senate conferees.

I would have preferred to have salvaged some part of the farmworker coverage amendment, but the House would not yield even one little bit on this issue. We were faced with a take-it-or-leave-it situation in which we could have no bill or a bill without farmworker coverage. This is still the situation. The remaining features of the bill are worthwhile; and I believe that we should take the bill for the good that is in it, rather than let the whole thing go down the drain because it has not everything we would like. What is in the bill is good, and I suggest that we approve the conference report and try again for farmworker coverage after the special study of this issue—called for by the conference agreement—has been completed and analyzed. Perhaps then we can answer the questions which today remain unanswerable.

Mr. CRANSTON. Mr. President, I support the effort of the distinguished Senator from Minnesota (Mr. Mondale) and the distinguished Senator from Ohio (Mr. Saxbe) to reject the conference report on H.R. 14705, the Employment Security Amendments of 1970.

I do so, not because I am opposed to the unemployment insurance system. I believe that, except for the exclusion of farmworkers, this legislation is desirable.

I support this move to reject this conference report because I do support the concept of unemployment insurance, and because I believe the time is long past when Congress can continue to exclude farm labor from the protections and benefits that have been accorded to nearly all of the labor force in the Nation. I believe that farmworkers should have the benefits of unemployment insurance, particularly because their work is seasonal.

During the summer and fall in California, unemployment among farmworkers is reasonably low. In the winter months, however, it is extremely difficult to find any kind of farmwork. Unemployment insurance is clearly the best remedy for the cyclical nature of agricultural employment. In the absence of a reasonable unemployment insurance system, farmworkers are forced into a welfare system which is too often paternalistic and demeaning.

There is no reason why the people who pick our crops, who harvest our food, should be treated as wards of the State or as second-class citizens.

A vote to reject the conference report will put the Nation on notice that the Senate will not tolerate the exclusion of these workers from the conditions enjoyed by other Americans.

Mr. YARBOROUGH. Mr. President, today we have before us a bill of great importance to all American working people. H.R. 14705 embodies the most significant amendments to the Unemployment Compensation Act since its enactment in 1935. Since this program was first put into action during the heart of the depression, it has furnished a measure of stability to those Americans who have found themselves without work.

Unfortunately, the Unemployment Compensation Act, like so many other Federal and State laws, excludes from its coverage farm workers. Probably no other single group of Americans need the protection of the Government more than farm workers, however, through the years, these citizens have been systematically denied the benefits of most Federal labor legislation.

Realizing that the time had come for Congress to face its responsibilities to American farm workers, the Senate included in its version of H.R. 14705 a provision which would extend the coverage of the Unemployment Compensation Act to farm workers who are employed on farms employing eight or more employees in each of 26 different weeks during the year. This provision was not aimed at the small family farmer but rather at the large farmers and growers who hire farm workers, on a regular basis. The Senate recognized that the small farmer who hires workers only during a brief harvest period, would have difficulty complying with the requirements of the Unemployment Compensation Act; therefore, the requirement that the farm employs eight or more workers was inserted to exempt small farmers. In the language of the Senate report:

> The provision would thus not affect the typical family farm or a farm employing more than eight workers for only a brief harvesting season.

This provision is, however, meant to apply to those large farming operations which employ thousands of migrant workers each year, and have, in many cases, failed to provide these workers with decent housing and fair wages.

The Subcommittee on Migratory Labor of the Senate Labor and Public Welfare Committee recently conducted extensive hearings on the plight of migrant workers in America. The evidence produced at those hearings clearly demonstrated that the life of the migrant farmworker is not improving but rather is getting worse. I have visited the homes and working areas of farmworkers in Texas and from my experience with these unfortunate people, I am convinced that the only way to improve the working conditions and lives of farmworkers is for Congress to bring these people under the protection of Federal laws.

The provision contained in the Senate version of H.R. 14705 concerning farmworkers represents a positive step forward in this area. I am deeply disturbed by the conference committee's failure to include it in the final version of H.R. 14705. Because I firmly believe that it is imperative that Congress expand its coverage of the Unemployment Compensation Act to include farmworkers, I shall vote against accepting the conference report and urge all of my colleagues to do likewise.

SUPPORT FOR UNEMPLOYMENT COMPENSATION COVERAGE FOR FARMWORKERS

Mr. GOODELL. Mr. President, with one overriding flaw, the conference report on H.R. 14705 is quite good. That unemployment compensation bill would extend the coverage of the unemployment compensation program to additional jobs, improve the financing of the program, and provide the States with a procedure for obtaining judicial review of adverse determinations by the Secretary of Labor.

The conference bill would, in particular, establish a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment. In this period of recession, I am especially anxious to see that provision enacted.

Nevertheless, I will vote against acceptance of the conference report and for recommital to conference with instructions, because the conference bill fails to cover farmworkers. The Senate Finance Committee amended the bill so as to extend coverage to employees of large farms, those farms which employ at least eight employees during each of 26 different weeks during the year. That provision, which was passed by the Senate, would have covered only 2 percent of all farm employers—approximately 22,000—and 20 percent of all farm employees—approximately 250,000.

Relatively few agribusinesses would be covered under this provision, and only the quite large ones. The original administration proposal, in fact, called for coverage of farm employers who have four or more employees in each of 20 different weeks during the year. It is unfortunate that the conferees did not emerge with that provision.

The Senate also passed an amendment offered on the floor by Senator Mondale to extend coverage to farm crew leaders and their employees-migrant workers. This amendment, together with the Finance Committee's amendment, was dropped in conference.

Given the almost universal coverage of all other members of the labor force by the unemployment compensation system, I believe that it is inequitable to exclude agricultural workers, from coverage, and that there is no justification for the conference bill's discrimination against them.

Accordingly, I will support recommital of the bill to conference with instructions that the two farmworker provisions—the Finance Committee's and Senator Mondale's—are to be insisted upon by the Senate conferees. In recognition of the need for recession benefits, I trust that the conferees will move swiftly and that we will soon see an improved conference bill enacted with provision of extended benefits during periods of high unemployment.

The PRESIDING OFFICER (Mr. Cranston). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG (after having voted in the affirmative). On this vote I have a pair with the Senator from Oklahoma (Mr. Harris). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. PELL (after having voted in the affirmative). On this vote I have a pair with the Senator from Connecticut (Mr.

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RIBICOFF). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from West Virginia (Mr. RANDOLPH), would each vote "yea."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. HRUSKA) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 50, nays 19, as follows:

[No. 254 Leg.]

YEAS—50

Allen
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Holland
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McIntyre
Miller
Moss
Packwood
Pearson
Percy
Prouty
Proxmire
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Thurmond
Williams, Del.

NAYS—19

Case
Cranston
Fong
Goodell
Gravel
Hughes
Javits
Kennedy
Mansfield
McGee
Mondale
Murphy
Muskie
Pastore
Saxbe
Schweiker
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Long, for.
Pell, for.

NOT VOTING—29

Aiken
Baker
Bayh
Cannon
Dodd
Ervin
Fulbright
Gore
Harris
Hart
Hartke
Hollings
Hruska
Mathias
McCarthy
McGovern
Metcalf
Montoya
Mundt
Nelson
Randolph
Ribicoff
Russell
Smith, Maine
Symington
Talmadge
Tower
Tydings
Young, N. Dak.

So the report was agreed to.

Mr. LONG. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader about the future order of business for this week and thereafter; and also to raise the question as to the possible length of this session of Congress.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, it is anticipated that the Senate will turn to the consideration of the pending business, the military procurement bill. The pending question of the pending business is the Cooper-Hart amendment relative to the ABM.

Sometime tomorrow, we will take up the conference report on the Youth Conservation Corps; probably also the legislative appropriation conference report. Neither measure, I think, will cause any difficulty. Then we will go back on the unfinished business.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Does the Pastore rule of germaneness apply when the current business is the Cooper-Hart amendment which is, in effect, to repeal the ABM? Could we speak on other parts of the military procurement bill?

Mr. MANSFIELD. Oh, yes. The whole of the bill is germane, not any particular section; so that if an amendment is pending, it does not mean that Senators cannot discuss any other section of the bill.

Mr. GOLDWATER. At any time of day?

Mr. MANSFIELD. That is correct.

Mr. SCOTT. In order to introduce a conference report or other business during that part of the day in which the rule of germaneness applies, it is necessary to secure unanimous consent; is it not?

Mr. MANSFIELD. No; because the conference reports have priority.

Mr. SCOTT. They are privileged, that is right. What about the introduction of business other than the conference reports?

Mr. MANSFIELD. No; because the conference report time is taken out of the 3 hours under the Pastore rule of germaneness. We will have no trouble, I assure the distinguished Senator from Arizona.

Mr. GOLDWATER. I thank the Senator from Montana.

Mr. MANSFIELD. Now, Mr. President, earlier this afternoon, I made the following statement, let me say to the distinguished Republican leader:

Mr. President, last week, I made the prediction that the Congress would have to return after the November election this fall to consider at least the defense appropriations bill.

I was misinformed of the intention of the House leaders with respect to that appropriations bill. I have been assured by Chairman MAHON personally that the defense bill will be completed prior to any recess in October.

I would hope, therefore, that the Senate could proceed to the electoral reform, welfare reform, and the appropriations bills prior to the end of October, and that the Congress will not need to return after the election in November.

I believe, however, that the legislative program for this Congress should be completed in this Congress, and if we can work together it can be all completed in time for a sine die adjournment prior to the November election.

However—I repeat—if our work is not completed, we will be back after the elections to complete the uncompleted business of the Senate.

Mr. SCOTT. The distinguished majority leader makes the point that certain bills will be considered, and that it is important we act upon them this year. That, I take it, is subject to some additional suggestions from both sides of the aisle. I should like to consult with my colleagues as to those measures which they regard as of such consequence and urgency as might be considered in laying out the program. I assume that the distinguished majority leader would accept that as a suggestion.

Mr. MANSFIELD. Always. And, may I say, there is nothing the majority leader and the Democratic majority would not do to give its utmost support to the President's proposals and to do all we can in our own way to get that legislation through.

Mr. SCOTT. I should like to see that done.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, August 5, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

CRUSADER KHACHADOORIAN

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1970

Mr. MORSE. Mr. Speaker, in the early 1950's, when I was teaching law at Boston University, I had the privilege to meet and get to know a young law student, now State representative to the Massachusetts General Court, Gregory B. Khachadoorian.

Mr. Khachadoorian's performance as a student, his career, and his achievements as a dedicated and effective public servant are especially notable, for he has been almost totally blind since the age of 14.

I was greatly impressed with his ability, his drive and courage, and the concern he displayed for others, despite his own handicap, when I first met him almost 20 years ago, and I was privileged to have had a hand in his decision to enter politics.

I am not surprised that he has been enormously effective in his role as legislator, nor that his efforts for eye safety legislation have had an effect far beyond the boundaries of the Commonwealth of Massachusetts. Indeed, he provides a demonstration of courage and public devotion from which every man—with or without the benefit of sight—can draw great admiration.

It is, therefore, with the deepest respect, and with enormous pride and sincere warmth in being able to call Gregory Khachadoorian my good friend, that I share with my colleagues today the following article from News, the publication of the National Society for the Prevention of Blindness, Inc.:

CRUSADER KHACHADOORIAN

Gregory B. Khachadoorian, State Representative to the Massachusetts General Court from the 7th Middlesex District Arlington and Lexington, and one of the Massachusetts Society's most active and newest board members, credits his legislative career to a blinding accident incurred when he was 14 years old.

Mr. Khachadoorian was working in a garage checking the air pressure in a tire when the split rim flew off the wheel and struck him across the bridge of his nose and eyes causing almost total blindness.

His dreams of a West Point career were brusquely shattered. Undaunted, young Khachadoorian, or "Khachy," as some of his friends call him, pursued his studies with the help of readers and braille, and graduated from the Boston University Law School.

A Boston University law professor, F. Bradford Morse, now a United States Representative from Massachusetts, and Harold Putnam, a legislative aide to Leverett Saltonstall, former U.S. Senator from Massachusetts, encouraged the young lawyer to enter politics. Mr. Khachadoorian, now serving his sixth term as Representative since his 1959 election, has campaigned tirelessly for the enactment of legislation to require protective eyewear for the general public, as well as for students using laboratory and shop facilities in schools.

Alaska was the first state to enact a law based almost verbatim upon the two bills which Representative Khachadoorian had filed in the Massachusetts Legislature in 1967.

Sponsored by ophthalmologist Milo H. Fritz, a member of the Alaska House of Representatives, this law, which became effective in May 1969, provides that "no person may fabricate, distribute, sell, exchange, or have in his possession . . . eyeglasses or sunglasses unless they are fitted with plastic lenses or with glass lenses which are tempered or case hardened." The bill also outlaws frames manufactured of cellulose nitrate or other highly flammable materials.

Connecticut was the second state to enact almost identical legislation, also based on Mr. Khachadoorian's original texts. "This is just the beginning," says Mr. Khachadoorian. He fervently hopes to see such legislation passed in all 50 states, and there are increasing indications that such hopes are justified.

Meanwhile, he continues to press for safety eyeglass legislation in Massachusetts, his native state. The present bills were filed in December 1969 for action by the 1970 Legislature. Actually, three bills will be proposed to the Legislature: 1) mandatory use of hardened glass or plastic lenses, 2) a ban on cellulose nitrate based frames, 3) a bill incorporating both provisions.

Although Mr. Khachadoorian would of course prefer legislation covering all eyeglass and sunglass wearers in 50 states, he believes that a state-by-state approach may possibly be more realistic.

In the course of his continuing campaign in support of his legislative proposals, he addresses industrial, church, school, civic and other community groups. Opposition in the past he says, came mainly from a few ophthalmic manufacturers, although this has lessened considerably.

His staunchest supporter and collaborator is his wife, Mary, a vivacious brunette. They met at the National Braille Press, Inc. in Boston, where she is chief stereotypist. He recalls that he was selling tickets for a benefit ball and, as an inducement, offered to dance with any takers. Mary took him up on his offer, and then on his proposal of marriage, which was celebrated in 1959.

Queried about his hobbies, the 41-year-old legislator unhesitatingly named eating and reading—in that order. His husky, six-foot frame testifies to the pursuit of the former. Mary even attended an Armenian cooking school to learn how to prepare his favorite dishes. His wide scope of interests and knowledge reflect extensive use of the variety of materials now available in braille. An eloquent speaker, he is equally at home in Armenian and Turkish, the former being his mother's native tongue.

Mr. Khachadoorian is a member of the Massachusetts Bar, United States Supreme Court Bar and the United States (Boston) District, and Court of Appeals. He is also a Shriner, Aleppo Temple, and a member of the Lions Club in Arlington, Massachusetts.

In summing up his remarkable career at the halfway mark. Mr. Khachadoorian not only attributes his success to the efforts he made to overcome his handicap, but states, "You could almost say that my handicap became my profession," since he is Chairman of the Advisory Board of the Massachusetts Commission for the Blind, a State Commission.

ORANGE COVE FAMILY HEALTH CLINIC

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 4, 1970

Mr. CRANSTON. Mr. President, an impressive proposal for a family health clinic in a small, agricultural community in the San Joaquin Valley of California, was recently funded with a migrant health grant by the Public Health Service. I supported the proposal and was pleased that it was approved. Some opposition had been expressed by various individuals, many of whom are associated with the medical profession. But the merits of the proposal clearly outweighed the criticisms.

In a recent editorial, the Fresno Bee endorsed the clinic and made some wise suggestions about how the decision to go ahead should be greeted by the various interested parties.

I believe that Senators will be interested in this example of local response to a Federal project. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ORANGE COVE CLINIC CAN SUCCEED

After a flurry of resistance from local physicians, plans are going forward for a federally subsidized clinic which will mainly serve families of seasonal farm workers in the Orange Cove-Dinuba areas of Fresno and Tulare Counties.

The clinic will be operated initially by the Fresno County Economic Opportunities Commission, with a policy board which will include workers, physicians and community representatives.

Local physicians, health officers and others have argued that the clinic proposal was hastily developed and ill-conceived and a clinic would be much more useful elsewhere—and besides, they were not adequately consulted. Their annoyance is understandable up to a point, although the criticism of the project appears to be overstated. It is likely the clinic will, indeed, fill a need and—properly operated—will greatly expand health care opportunities.

The US Department of Health, Education, and Welfare has acknowledged that the private practitioners and health planners have a grievance. It has promised more local participation in the future.

But it wisely has refused to delay the project.

The decision should be accepted in good grace. The physicians have made their point. The most positive thing they can do now is to work closely with the clinic to make sure it does the best possible job. Policy differences will arise, but they can be worked out with good will on both sides.

And if, as the local medical men contend, a health center for seasonal workers is needed more in other sectors than in Orange Cove-Dinuba, they should be working to get the system expanded.

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COMPUTERIZING INFORMATION FOR MEMBERS OF CONGRESS

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. HICKS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: One of the major efforts of the internal workings of the House centers around the computerization of information, to give individual Members, committees, and groups a great deal more information more swiftly than is presently the case.

Considerable excellent work has been done on this program by some Members, but still there is a long way to go. And there are some roadblocks.

It seems to me that a record of the history of the effort to date, where it stands now, and some of the problems involved would be of value. I submit for the consideration of my colleagues the following article from the magazine Government Executive, written by senior editor, Leon Schloss:

CONGRESS NEEDS COMPUTERS—BUT THEY'RE MANY YEARS AWAY

(By Leon Shloss)

HIGHLIGHTS

1—There are more than 4,200 computers in use by the U.S. Government, but only three of them are on Capitol Hill where a Congress, overwhelmed by the information explosion, needs them most.

2—Realization of the need came 10 years ago but little has been done about it despite the best efforts of a number of understanding legislators.

3—There are reasons for the seeming inertia—lack of cooperation by the Executive Branch, the galloping technology of the Automatic Data Processing art, partisan politics—and inertia.

Today, there are more than 70,000 computers in operation in the U.S. alone—more than 4,200 of them in Federal Government service. And of these 4,200, Congress has only three!

Of these three, two are performing worthwhile but relatively insignificant chores. The Senate's is automating the members' mailing lists. The one in the House handles payroll, special accounting and inventory applications. The computer in the Library of Congress is more gainfully employed. Among other things, it yields monthly status reports on 250 major pieces of legislation, with weekly updates, which go to all the members of Congress.

But the information explosion and the growing complexity of the Government demands a much broader utilization of Automatic Data Processing (ADP). There are 30,000 bills before Congress and even the most expertly staffed Congressional offices cannot adequately brief their principals on the status of the legislation. The result is that the Congressman is called to the floor to vote on measurs he knows virtually nothing about.

Just as frustrating to the member is the lack of real-time (right now) information on the budget process. By the time the Federal budget is printed it is practically obsolete.

Meanwhile many states, such as New York, Pennsylvania, Florida, Iowa, Wisconsin, Hawaii and North Carolina, are using computers to yield legislative status and budget information.

But on Washington's Capitol Hill, even the most ardent supporters of introduction of a sophisticated ADP system concede that it will be years, perhaps 10, before this can be accomplished. Who are these supporters and why do they, and others, believe it will take so long?

First, to name the outstanding supporters, whose expertise and opinions will comprise much of the remainder of this article: Rep. Jack Brooks (D-Texas), Rep. Joe Waggoner, Jr. (D-La.), Rep. Robert McClory (R-Ill.), Rep. William S. Moorhead (D-Pa.), Rep. John Brademas (D-Ind.), and Sen. Hugh Scott (R-Pa.).

And, from the Library of Congress' Legislative Reference Service, Robert Lee Chartrand, who was brought on in 1966 as a Specialist in Information Sciences, after seven years in the information technology field with TRW and IBM. Chartrand is the senior representative of the Library on the Working Group on ADP for the House of Representatives.

Recalling that the need for computers in the Congress was recognized in the early '60s and was covered in a bill which the Senate passed in 1969, but on which the House did not act because it carried too many extraneous items, Chartrand traced for *Government Executive* the recent history of the situation:

"Brademas, frustrated by the lack of action on any of the several bills introduced in the House, originated a Resolution which was endorsed by the Democratic Caucus, with the result that the Speaker instructed the House Administration Committee to take action."

"So," Chartrand continued, "a Working Group was appointed by Waggoner, the Chairman of the Administration Committee's Subcommittee on Electrical and Mechanical Office Equipment, comprising Edward J. Mahoney of the General Accounting Office, Thomas E. Ladd of the House Clerk's Office and myself.

"We have drawn on the expertise of the private sector, which has made more than 40 presentations by companies ranging from the nonprofit organizations like the Stanford Research Institute, through the big manufacturers like IBM, to the smaller systems design and analysis companies like Information Systems Corp., and specialty firms dealing in peripheral equipment like the Remote Console Corp."

At press time, Waggoner had announced that he intended, in June, to place under contract one or more companies to determine overall needs of the manager. This was made possible by House appropriation of $500 thousand.

"Meanwhile," Chartrand continued, "we have started a survey to determine Congressional information requirements. We have interviewed about 150 Congressmen and/or their staffs, and hope to get to a total of 250.

"As surveyed, the Congressmen give first priority to real-time bill status; where is the bill in the legislative process and what is its status, are there companion bills, have hearings been held, have committee reports been made? Second, budgetary information including Federal assistance funds—who's spending how much, where and on what?

"Next, we will try to determine the best approach to creation of an efficient information system using the counsel of the University of Michigan's Survey Research Center, and of individuals and of the overall systems management company that is selected.

"At that point, we should know the state-of-the-art well enough to determine existing systems which might be appropriate, and be able to make specific recommendations."

Waggoner wants to create some quick services for the House—an attractive sample to show what a full-scale system could do. He takes a "building block approach," building on existing systems to attain the objective in a rational manner and in context with political reality.

"But," concludes Chartrand, "the development will be under way for many years."

Among the authorities identified earlier none will disagree that establishment of an efficient ADP system for Congress will take a long time—even longer than Chartrand, who they think may be going too fast, envisions. Some of their reasons:

Brooks, whose 1965-enacted bill to "provide for the economic and efficient purchase, lease, maintenance, operation and utilization of Automatic Data Processing equipment by Federal departments and agencies" has saved millions of dollars, suggests that the first essential in "computers for Congress" is a study of the magnitude of Congressional needs. While other Congressmen urge immediate purchase of computers, it is pointed out that while a system could be designed in a matter of months, and hardware moved in in a matter of days, the establishment of a valid data base, without which the computer would stand idle or spew out worthless information, might take years.

A valid data base means careful culling of raw data, with which Congress is now overwhelmed—books, reports, etc. Establishment of too many topical requirements, especially those which involve nonrecurring data, would place an impossible burden on even the most sophisticated electronic equipment. As one member said: "Computers have recurring data, they chew it up. But too much nonrecurring data could outrun the art state, and blow up the machine. We must cut down the flow of data in order to increase the flow of information."

Many, including Brooks, feel that overriding need is for a system which can lock into the Budget Bureau computer system (now being put in operation) so that Congress can receive realtime information on the essentials of the budgetary process. But, as Brooks said three years ago in predicting a $5-billion-a-year savings through effective use of advanced systems design and data processing techniques: "The most advanced data system in the world won't work unless proper data is available from the units of Government at the functional levels. This means that this broad Government-wide effort to improve our budgetary and appropriation cycle will be handicapped until all Federal departments and agencies develop adequate cost accounting systems."

Neither the needed compatibility of systems nor the $5 billion annual savings has eventuated. The Budget Bureau computer system has advanced to a point where it can "reach down" for information on 1,200 items, hopes to increase this figure to 8,000 to 9,000 items. But Congress is not tuned in on a real-time basis.

One Congressional office criticized the Library of Congress for proceeding on an ADP system for the House alone. The spokesman said, logically, the system should cover both House and Senate. But he admitted, ruefully, that "nothing is being done about it." He added: "It is short-sighted to develop independent systems. They probably wouldn't be able to talk to each other, plus the fact that the extra cost of two systems would run into the tens of millions of dollars."

(At press time, Congress appeared ready to approve legislation that would create a joint committee on data processing with wide powers to provide Congress with computers.)

Who is to be made responsible for system design? Brooks' first choice is the General Accounting Office, his second the Library of Congress' Legislative Reference Service.

In early 1969 Brooks introduced a bill to remove the ADP issue from the languishing Congressional reorganization bill. In it he pointed out the long lead time necessary to introduce an Automatic Data Processing system as a major reason for separating the legislation.

Brooks says: "Program budgeting, supported by a modern data processing system, will give the President and the Congress selective control over Federal expenditures far beyond the present capabilities. Nonessential or low priority items could be easily located and dispensed with and the funds allocated to meet priority requirements. Exacting information would be immediately available to the President and the Congress as to how the budget could be altered at any given time so as to have the most desirable impact upon our national economy."

"We must," Brooks continued, "take advantage of these new techniques as soon as possible rather than wait until circumstances force them upon us. Tens of billions in public funds can be saved and a significantly higher efficiency in Government operations can be achieved if we move forward now."

That statement was made on February 28, 1967.

The typical legislator, working a 60-hour week which includes multiple committee duties, chamber debates and votes, and the omnipresent constituents' demands, increasingly operates at a disadvantage. As the then-Senator Hubert H. Humphrey said in the early '60s: "We need more, better or more varied information."

The seriousness of the problem was noted in this statement by a management consulting team studying Congressional functioning: "Congress is burdened by an ever increasing workload. The weight of this workload, as felt personally by legislators, is a serious impediment to a greater Congressional effectiveness." That was in 1965.

Dr. John S. Saloma, writing in 1968 on "Systems Politics: The Presidency and Congress in the Future," predicted that a "number of competitive dimensions in Congress are likely to accelerate acceptance of innovations in decision-making" developed elsewhere. He enumerated:

The built-in tension between authorizing and appropriations committees, both anxious to control program decision.

The publicity incentive for committee and subcommittee chairmen generally to identify themselves with innovations and to push for their implementation.

The perennial Congressional fear that Congress is yielding initiative and authority to the President.

Party competition.

The generational divide between "activist" and seniority Congressmen.

That was in 1968.

As Brooks so presciently said in 1966: "That question is not if ADP will be used in Congress, but when. For many years, there have been suggestions that Congress adopt data processing as part of its operations. Unfortunately, this cannot be done simply by the installation of data processing equipment in the basement of the office buildings. Before ADP can be used efficiently by Congress, it must be effectively established throughout the Executive Branch."

THE 1976 BICENTENNIAL CELEBRATION IN PHILADELPHIA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 4, 1970

Mr. SCOTT. Mr. President, Mr. Al Haas, of the Philadelphia Inquirer staff, recently wrote a column about the planning being done in preparation for the 1976 bicentennial celebration. I ask unanimous consent that the column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEOPLE-TO-PEOPLE SUGGESTED FOR EXPO

(By Al Haas)

The men planning the 1976 bicentennial here are deeply interested in staging a people-to-people affair.

They don't want that trade show feel that usually pervades this sort of international exposition. They want the nations that will participate to get people involved, stimulate an interaction of human beings, not display the tires and cameras their industries produce.

A logical way to help put the emphasis on people during this exposition might be to utilize a very handy source of humanity—the residents of this city.

Amidst all its urban shortcomings and inadequacies, Philadelphia has a huge resource—two million diverse, interesting and potentially educational human beings. It has people from all sorts of ethnic and economic backgrounds and life styles to match.

Why not have exposition tours to neighborhoods which express an aspect of the city's human diversity, in which visitors would simply alight from the bus, walk around and talk with people?

Wouldn't it be an education for a woman from a small white, plains town to talk with another mother in a black North Philadelphia neighborhood? Wouldn't it be a revelation to find out what it's like to raise eight children on a small welfare check in a hot little asphalt canyon where "turf" is gang slang for territory and nothing else?

Wouldn't it be interesting to an Italian exposition visitor to tour an Italo-American neighborhood in South Philadelphia where, in his own language, he could chat about life here and back home?

Wouldn't it be illuminating to a small-town American to learn from a Germantown resident that Philadelphia really isn't a big city, but a political federation of small towns like Germantown, Kensington and Frankford?

It occurred to me that someone from Salt Lake City or Vienna might get a kick out of watching human beings help other human beings in a Get Set Center.

A London bus driver's wife might be interested in how her Logan counterpart makes ends meet.

What I am talking about is utilizing the greatest resource this city has—a huge reservoir of diverse human beings with something human and worthwhile to share with others.

And what would make this kind of utilization more workable than it may seem on the surface is the essentially friendly and outgoing nature of Philadelphians.

This assessment of the typical Philadelphian is admittedly a subjective one. I can't document it. It is just a feeling I have, bolstered by my experience working as a reporter in other towns.

I have found it is a lot easier to knock on someone's front door, or stop him on the street, and talk with him in this town than the others I've worked in.

The man in the neighborhood in this city is typically a friendly person with a sense of humor, a feeling for his little community and the life style it represents, and something to say about it.

It would be a shame to waste this kind of a resource.

THE NEW FARM PROPOSALS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. ALEXANDER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorials which I have previously referred to earlier today:

[From the Memphis (Tenn.) Press-Scimitar, July 23, 1970]

FARM BILL SHENANIGANS

Two weeks ago, the U.S. Senate decided to clamp a $20,000-a-year lid on the amount any farmer could get from the government for taking part in the federal crop control program. It was a good idea, calculated to save the taxpayers $300,000,000 to $400,000,000 a year.

But now the bill is in the House of Representatives—and some rather strange (if predictable) things are happening.

Instead of a $20,000 lid, the House Agriculture Committee has recommended a $55,000 lid for the next three years. And instead of $20,000 per farmer, the lid would be $55,000 per crop.

Thus, a farmer—theoretically at least—could get $55,000 for not raising wheat, $55,000 for not raising cotton and another $55,000 for not raising feed grains.

Save $300,000,000? The latest estimate is $58,000,000, and even that is doubtful if the big corporate farmers find ways to divide their land and collect separate subsidies for each parcel.

Already exempted from the proposed lid by the House Committee are the farms owned by states and municipalities. This means, for example, that Montana could continue to get $640,000 a year from Uncle Same for not planting crops on state-owned land.

There is always the chance, of course, that the $20,000 subsidy limit approved by the Senate will be accepted by the House, as it should be. In fact, the House has accepted (and the Senate rejected) a $20,000 limit twice before.

But the chairman of the House Agriculture Committee, Rep. W. R. Poage, D-Tex., says the big guns of both parties favor the higher figure.

And Agriculture Secretary Clifford M. Hardin, who apparently speaks for the administration, says he'll oppose any lid lower than $55,000 per crop.

Even a $55,000 ceiling is better than the present unlimited subsidy program, which permitted seven corporate farms to collect more than $1,000,000 apiece (one collected more than $4,000,000) from the taxpayers last year.

But the shenanigans will continue as long as the federal government spends billions ($3,700,000,000 last year) to jack up farm prices by keeping crops out of production.

At some point, Congress is going to have to phase out the subsidy program and let the farm market find its own level. Then there won't be any need to build loopholes into the law.

TYRONZA, ARK., *July 24, 1970*.

Mr. CHARLES H. SCHNEIDER,
Editor, Memphis Press-Scimitar,
Memphis, Tenn.

DEAR MR. SCHNEIDER: With reference to the editorial "Farm Bill Shenanigans" which appeared in the Press-Scimitar on July 23, it may not be unreasonable for you to take a stand for limitation of payments under our cotton program, even though such proposed limitation is as un-American as the "hammer and sickle" because it is a camouflaged method of land reform; but it is unreasonable when you base your conclusions on a premise which is false and misleading. This false premise is that cotton farmers are receiving government subsidies for "not planting" cotton.

Under the present cotton program a farmer may receive government funds from two sources. One source is a price support loan based at 20.25c per pound for "Middling 1" cotton, and the proceeds of such loan is considerably below cost of production in the United States. The other source is a price support payment based on the domestically allotted acres *the farmer plants*, the purpose of which is to erase the deficit between cost of production of cotton and the sale proceeds from the open market, plus a reasonable return on the farmer's land, labor and capital. You can verify this statement by checking with the local ASCS office in Memphis. It is implicit in your editorial that you oppose farm programs in general, as you conclude that "At some point, Congress is going to have to phase out the subsidy program . . ." I will admit that this entire problem of farm programs and limitations of payments are too complex to deal with completely in a letter, but there are a few points I would like to call to your attention.

The need for a farm program was initiated in 1789 when our Congress enacted the first tariff act to protect fledgling industry in our United States. By this action, subsidy became one of the oldest economic principles written into U.S. Laws. Subsidy and subsidy-like programs have helped develop U.S. banks, housing groups, colleges, airlines, railroads, waterways, merchant fleets and many other businesses and industries. Your newspaper benefits from what amounts to subsidy from the post office. But without the development of these businesses and industries, including yours and mine, our United States would not be the world power it is today. So subsidies do have their place in this society.

But when the question arises today, "Why can't American farmers operate without a subsidy in a free economy like everybody else?"—the simple answer is that other groups are not in a completely free economy. Industry groups—both management and labor—have a means of acting together for bargaining and strength. Professional people have institutions of control that represent their interests. And there is nothing wrong with this. But the farmer—of all major economic groups—is the only one without a broadly effective means of advancing his objectives in the arena of supply and demand. He pays minimum wages to his farm workers as required by his government; he pays union scale wages in his purchases of farm machinery, autos and trucks, various fuels, rubber goods, insecticides and herbicides, etc.; and he pays taxes to support an economy that includes many other subsidies. How, then, can your American farmer survive when he is buying in a "protected" market unless he, too, is given some "protection" on the sale of his product? The farmer has no means of organizing effectively to regulate prices and production, as industry, labor and the professions do. The individual farmer, operating only one of over 2 million farm units in this country, does not have the power to set prices. Nor is he able by himself to accomplish desired adjustments in production and prices. Even if the farmer had the power to balance production exactly with demand at a certain price level, it might not be good for the national interest to permit this. So, shouldn't the government have the responsibility of helping manage this abundance? And shouldn't the farmer who cooperates in this program—which is in the national interest—be permitted to receive the benefits of the program in which he is participating?

The taxpayer has a right to ask the question, "What benefit does the rest of the country derive from our farm programs?" Some are even going so far—as you are—to urge abandonment of our farm program. Certainly, the taxpayers would be delighted to be relieved of the cost of farm programs. They do cost. Consumers would be pleased to feel that they were going to get unlimited productions at cheaper prices. But very few consumers recognize that the removal of these controls would almost certainly mean less long-time production. We do not have to analyze the entire profit motivation system to state that neither the present American farmer, nor whoever might succeed him—this could be giant corporation farming or a completely socialized agriculture—is going to permanently continue to produce without a reasonable expectation of a moderate profit. Over the years we have sought through farm programs to provide that prospect of profit by attempting to achieve a rough balance between supply and demand. This is the basis for our agricultural policy. We seek to encourage farmers to limit their production to something like the demand for these products. And I think any fair-minded person would agree that the farmers are entitled to have a fair return from their investment and labor if they are to continue to feed and clothe our people at reasonable prices. American consumers are still spending a smaller portion of their disposable income for food and fiber than most of their neighbors around this world.

I would like to emphasize that "Farm policy is not something separate." It is a part of an overall effort to serve our national interest at home and around the world. Agriculture is not an "island"; it is an integral part of our economic continent and national strength. The two basic goals of our farm policy are: Better income for farmers and balanced abundance for our consumers. There is no contradiction between the two. Both goals must be stimultaneously sought and achieved. A farm policy that sought one and not the other would be unrealistic. A farm program which achieved one and not the other would be a failure.

You further confuse your urban readers by emphasizing the theory that one farmer could collect three limitations of $55,000 each. If you will investigate, you will find this number to be insignificant. Could you not serve your readers and your country better by making a better determination of the facts of the farm program before editoralizing about it? Recessions are farm-bred and farm-fed, and what you are proposing—a phasing out of farm programs without phasing out other subsidies and protection—could lead to depression.

In conclusion, I do not wish to be understood as saying that we have no problems as a result of our present farm program. As long as man is in charge of anything, there will be imperfections. But if we expect perfection, and if one by one we counted out people or programs for the least fault, it wouldn't take us long to get where we had no people and no programs with which to live. We see flaws and failings in high places, as well as in people of ordinary pursuits; and if we let ourselves, we could become cynical. What we need is more understanding and more explaining of things. We are all living in an imperfect world of imperfect people; and we shall surely find some disappointment in other people, as they will in us. But the more understanding of each other that we all are, the more we all shall find what we all so much seek—understanding of ourselves.

Agriculture is a major source of the great strength of our country; it contributes much to the economic, physical, and—yes—even the spiritual might of this nation. Let us treat it with the consideration it is due.

Very truly yours,

C. L. Denton, Jr.

ACCOMPLISHMENTS OF CAPT. WILLIAM L. IRONS, A FORMER SENATE PAGE

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 4, 1970

Mr. SPARKMAN. Mr. President, I invite to the attention of the Senate the unique accomplishments of Capt. William L. Irons, one of our former pages. I have watched the achievements of this young man for many years, now, and it is always inspiring to see a young man who has hitched his wagon to a star.

Captain Irons served as a U.S. Senate page in 1957. He then won a 4-year scholarship to the University of Virginia and graduated in 1963 as a Dupont regional scholar.

In 1966 he received a doctorate degree in jurisprudence at Samford University. He then served as law clerk to the presiding judge of the Alabama Court of Appeals.

At the escalation of the Vietnam war, Captain Irons was called to active duty as a Reserve officer with the U.S. Air Force. Since that date his military career has been truly outstanding.

Captain Irons received numerous citations and the Air Force Commendation Medal his first year in military service. In 1968 he won a scholarship to Valley Forge, Pa., to work on the Congressional Medal of Honor project for the U.S. Air Force at the Archives Building at Freedoms Foundation. Captain Irons was personally selected by the judge advocate general of the Air Force to attend the pilot class of the newly established Judge Advocate Professional School at Maxwell Air Force Base, Ala. Last year he was chosen as the outstanding junior officer from over 350 eligible junior officers at Air University, a major air command.

At 24, Captain Irons was chosen for who's who in Alabama demonstrating his talent for leadership in the civilian as well as the military community. He has been cited for his outstanding performance of duties by every commander he has served.

Soon he will be completing his active duty tour, and I think it only fitting that in this age of dissent and rebellion, we honor young men such as Captain Irons, who devotedly met a commitment to the Nation in an hour of crisis. His devotion to duty, leadership, and integrity as a military officer are in the highest traditions of our reserve officers.

As one of our most outstanding junior officers in the Armed Forces, Captain Irons has set an example for the youth of America to follow. Such achievement by this officer reflects great credit on all members of the U.S. Air Force and armed services.

I ask unanimous consent that a brief biographical sketch published in "Distinguished Personalities in the South" be printed in the Extensions of Remarks.

There being no objection, the biographical sketch was ordered to be printed in the Record, as follows:

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IRONS, WILLIAM L.

b/Birmingham, Ala Jun 9, 1941; h/316 Gran Ave Birmingham, Ala; ba/Office of the Staff Judge Advocate Maxwell AFB, Ala; oc/Attorney; p/Dr George V Irons Sr Birmingham, Ala; ed/BA Univ of Va 1963, JD Samford Univ 1966; cp/ Founder Am Trial Lawyer's Assn 1967, Mem Birmingham, Ala and Am Bar Assn; Asst in Research of Rheumatic Diseases for Howard L Holley 1961–62, Asst to Prof Hahn Univ of Va 1962–63; Law clerk for firm of Speir, Robertson & Jackson, 1964–65 and James L Shores Jr Birmingham; Trustee Bankruptcy for US Dist Court Northern Dist of Ala; Clerk Fed Dist Court N Dist of Ala, Southern Div 1961; Mem Research Group Cumberland Sch of Law Samford Univ 1966; Court of Appeals St of Ala Law clerk to Presiding Judge Price; Mem Gov's Staff of St of Ala; Ala Assn of Cert Judge Advocates; mil/Commissioned from Civilian practice as 1st Lt US Air Force 1966, Mem 351st Combat Support Group SAC, Cert Judge Advocate Gen USAF Nat Defense Medal, Presidential Unit Citation Awd and Medal, Presidential Unit Citation Ribbon with Oak Leaf Cluster, Aide-de-Camp to Gov of St of Ala appointed by Adjutant Gen; Capt USAF, Asst Staff Judge Advocate Whiteman AFB, Mo and Gunter AFB, Ala 1967–, Hdqrs 14th Air Force Air Defense Command, Claims Officer Gunter AFB, Reserve Affairs Officer, Proj LITE Officer, Acting Trial and Defense Counsel USAF various Air Force Bases; r/Mem and Past Press SS Class, Teacher SS; pa/Candidate Ala House of Rep 1966, hon/Air Force Commendation Medal 1968, Page US Senate 1957; HS: Euclidean Math Honor Soc, Nat Honor Soc, Ala Boys State 1958; Univ of Va: 4 yr Scholarship, Skull and Keys Polit Soc, Sigma Chi, Numerous Athletic Honors; Cumberland Sch of Law Samford Univ: Annual Freshman Moot Court Competition Law Day Winner 1964, Pres Sigma Delta Kappa; Listed in Martindale Hubbell Law Directory and JAGAR, Candidate for Kuhnfield Outstanding Judge Advocate Award 1968.

FEDERAL CIVILIAN EMPLOYMENT, JUNE 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the June 1970 Federal civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, JUNE 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of June was 2,981,754, as compared with 3,013,194 in the preceding month of May. This was a net decrease of 31,440, due primarily to reduction in temporary census employment, offset by increases in regular seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of June totaled 2,944,147. This was a net decrease of 32,612 as compared with employment reported in the preceding month of May. Employment by months in fiscal 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,049,502	+9,140	
August	3,015,864		−33,638
September	2,945,752		−70,112
October	2,927,741		−18,011
November	2,913,598		−14,143
December	2,912,661		−937
January 1970	2,893,593		−19,068
February	2,892,469		−1,124
March	2,975,192	+82,723	
April	3,053,060	+77,868	
May	2,976,759		−76,301
June	2,944,147		−32,612

Total employment in Civilian Agencies of the Executive Branch for the month of June was 1,724,940, a decrease of 34,388 as compared with the May total of 1,759,328. Total civilian employment in the Military Agencies in June was 1,219,207, an increase of 1,776 as compared with 1,217,431 in May.

The civilian agencies of the Executive Branch reporting the largest net decreases were Commerce Department with 71,658, (reflecting a decrease of 73,496 in temporary employees involved in taking the 19th Decennial Census), and Treasury with 2,447. The agencies reporting the largest net increases were Post Office with 10,515, Agriculture with 8,964, Veterans Administration with 4,668, Department of HEW with 3,121, Interior with 2,888, Transportation with 2,757, and Justice with 1,227.

In the Department of Defense small net changes in major agencies reflect offsetting increases in temporary seasonal (primarily "disadvantaged") employment and general reductions in regular employment.

Total Executive Branch employment INSIDE the United States in June was 2,732,441, a decrease of 16,189 as compared with May. Total employment OUTSIDE the United States in June was 211,706, a decrease of 16,423 as compared with May.

The total of 2,944,147 civilian employees of the Executive Branch reported for June 1970 includes 2,552,565 full time employees in permanent positions—a decrease of 10,885 from the preceding month of May.

The Executive Branch employment total of 2,944,147 includes some foreign nationals employed abroad, but in addition there were 104,159 foreign nationals working for U.S. agencies overseas during June who were not counted in the usual personnel reports. The number in May was 105,811.

Legislative and judicial branches

Employment in the Legislative Branch in the month of June totaled 30,720, an increase of 1,141 as compared with the preceding month of May. Employment in the Judicial Branch in the month of June totaled 6,887, an increase of 31 as compared with May.

Disadvantaged persons

The total of 2,981,754 reported by the Committee for June includes 59,651 disadvantaged persons employed under federal opportunity programs, an increase of 39,973 over the preceding month of May.

SUMMARY FOR FISCAL YEAR 1970—ENDED JUNE 30, 1970

For many years the Committee, in its statement accompanying the monthly personnel report for June—the last month of the fiscal year—has summarized the changes in federal civilian employment during the year ending. Following this practice, changes during fiscal year 1970 are summarized below:

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government was 2,981,754 as of June 30, 1970, as compared with 3,076,647 in June a year ago. This was a decrease of 94,893.

Legislative and judicial branches

Employment in the Legislative Branch in June 1970 totaled 30,720, an increase of 1,143 as compared with June 1969. Employment in the Judicial Branch in June 1970 totaled 6,887, an increase of 179 as compared with June 1969.

Executive branch

Civilian employment in the Executive Branch totaled 2,944,147 in June 1970, as compared with 3,040,362 in June 1969, a net decrease of 96,215 during the year. (Exclusive of the 24,278 temporary census employees on the rolls in June 1970, the net decrease would be 120,493.)

Total Executive Branch employment inside the United States in June 1970 was 2,732,441, a decrease of 63,758 as compared with June 1969. Total employment outside the United States in June 1970 was 211,706, a decrease of 32,457 as compared with June a year ago.

Civilian employment by the military agencies decreased 122,411 during fiscal year 1970, and there was a net increase of 26,196 in employment by the civilian agencies. Employment by civilian agencies in June 1970 totaled 1,724,940 as compared with 1,698,744 a year ago. Civilian employment by military agencies totaled 1,219,207 in June 1970 as compared with 1,341,618 a year ago.

The major change during the fiscal year was the 122,411 decrease in civilian employment by the Defense Department. Among the civilian agencies, decreases were reported by Agriculture with 6,629, Veterans Administration with 3,127, and State with 2,358; and increases were reported by Commerce with 21,765 (reflecting temporary 19th Decennial Census employment of 24,278 in June 1970), Treasury with 5,915, Transportation with 3,408, and Justice with 3,347.

Full-time employment in permanent positions in Executive Branch agencies totaled 2,552,565 in June 1970, as compared with 2,633,762 in June 1969—a decrease of 81,197. Reductions in the Department of Defense totaled 97,163 during the year, offset by a net increase of 15,966 in civilian agencies. Civilian agencies reporting the major increases in full-time permanent employment were Treasury with 6,038, Transportation with 3,493, Post Office with 3,237, and Justice with 2,907. The largest decreases were reported by AID with 1,267 and State with 1,040.

CHANGES IN FEDERAL CIVILIAN EMPLOYMENT

(As of the end of fiscal years 1960–1970)

Federal civilian employment changes, fiscal years 1960–70, in agencies of the Executive Branch—showing defense agencies, civilian agencies, and totals—follows:

Fiscal year-end (as of June 30)	Department of Defense	Civilian agencies (except Defense)	Total
1960	−31,006	+46,808	+15,802
1961	−4,725	+41,062	+36,337
1962	+27,111	+50,292	+77,403
1963	−19,582	+32,621	+13,039
1964	−20,183	−7,780	−27,963
1965	+3,955	+22,590	+26,545
1966	+104,395	−125,511	+229,906
1967	+164,474	+77,443	+241,917
1968	+14,384	+37,979	+52,363
1969	+24,569	−4,822	+19,747
1970	−122,411	+26,196	−96,215

In addition, Mr. Speaker, I include a tabulation excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during June 1970, showing comparisons with June 1969 and the Budget estimates for June 1970 and June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	June 1970	Estimated June 30, 1970 [1]	Estimated June 30, 1971 [1]
Agriculture	83,425	82,912	83,000	85,300
Commerce	25,364	25,427	25,600	26,700
Defense:				
Civil functions	31,214	30,297	30,700	31,000
Military functions	1,225,877	1,129,631	1,165,900	1,110,100
Health, Education, and Welfare	102,941	102,297	102,500	105,100
Housing and Urban Development	14,307	14,661	14,900	16,000
Interior	58,156	59,349	59,300	61,100
Justice	35,106	38,013	37,600	39,100
Labor	9,723	10,217	10,300	10,800
Post Office	562,381	565,618	567,000	585,000
State	24,658	23,618	23,900	23,400
Agency for International Development	15,753	14,486	15,000	14,400
Transportation	60,386	63,879	63,600	70,300
Treasury	79,982	86,020	86,700	93,500
Atomic Energy Commission	7,047	7,033	7,000	6,900
Civil Service Commission	4,970	5,214	5,300	5,500
General Services Administration	36,176	36,400	36,400	36,800
National Aeronautics and Space Administration	31,733	31,223	31,400	30,600
Office of Economic Opportunity	2,856	2,387	2,400	2,500
Panama Canal	14,731	14,635	14,700	14,900
Selective Service System	6,584	6,665	6,600	4,100
Small Business Administration	4,099	4,015	4,100	6,500
Tennessee Valley Authority	11,987	12,657	12,300	13,300
U.S. Information Agency	10,500	9,989	10,200	10,100
Veterans' Administration	147,606	148,497	148,500	150,200
All other agencies	26,200	27,425	27,800	28,900
Contingencies			10,000	15,000
Total	2,633,762	2,552,565	2,602,800	2,597,200

[1] Source: As projected in 1971 Budget document; figures rounded to nearest hundred.

TEXAS MOURNS LOSS OF LEGENDARY NEWSPAPERMAN, HARRY BENGE CROZIER

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, August 4, 1970

Mr. YARBOROUGH. Mr. President, one of the legendary newsmen of Texas, Harry Benge Crozier, died in Austin, Tex., on July 14, 1970. He would have been 79 on July 27, 1970.

Mr. Crozier began his newspaper career in 1912. During his life he held important positions outside the newspaper business, including the position as chairman of the Texas Employment Commission, but writing was always his first love. He was writing a weekly column for the Long News Service at the State capitol until shortly before his death.

One of Mr. Crozier's departures from the newspaper business was in 1956. That year I was a candidate for Governor of Texas. In the first primary, I trailed by 165,000 votes. Mr. Crozier came to work on my behalf for the 1 month prior to the second primary. In that 1 month, we made so much progress that it took weeks after the polls closed for them to declare that I had not been elected.

When Harry Benge Crozier died, newspapers all over Texas noted his passing and recounted his great career both as a writer and in public service.

Mr. President, I ask unanimous consent that the following articles from the Dallas Morning News of July 16, 1970 by Paul Crume; the Austin Statesman of July 14, 1970; two articles from the Austin American of July 15, 1970; the Dallas Morning News of July 15, 1970; the Fort Worth Star-Telegram of July 15, 1970; the San Angelo Standard-Times of July 15, 1970; the Houston Post of July 15, 1970; the San Antonio Express of July 15, 1970; the Waco News-Tribune of July 15, 1970; the Waco Times-Herald of July 15, 1970; the Dallas Times-Herald of July 15, 1970; the Beaumont Enterprise of July 15, 1970; the Abilene Reporter-News of July 14, 1970; the Wichita Falls Herald of July 15, 1970; and by Mary Jane Bode in the Austin Times of July 16, 1970 be printed in the Extensions of Remarks so that the Nation can know of the years of excellent work done by Mr. Crozier and of the high esteem the people of Texas had for him.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HARRY BENGE CROZIER—1891–1970

(By Paul Crume)

They buried Harry Benge Crozier in Austin, Wednesday, and with him a whole kind of Texas journalism. Harry may have been, by the standards of his day, the best political reporter who ever tested the forks of the creek.

He grew up in an old tradition. He was widely known as the reporter who could write the longest stories and the ones closest to a deadline of his day. Nowadays, a beginning reporter is told to make his story as short and as swift as possible. Then, the city editor might tell a reporter of a luncheon-club speaker, "Give us about a column." Russell Lord, I think it was, became managing editor of the New York Times on the strength of writing a complete newspaper page just on Lindbergh's takeoff in the Spirit of St. Louis.

Crozier could write for pages on the simplest of events. The style might get a little florid. You had to patch out the stuff as best you could. But a Crozier story was a fascinating reading experience.

And all the readers who followed him loved Harry.

Harry was fascinated by politics and politicians, particularly Texas politics and Texas politicians, to the end of his days.

Once he was drafted to do a sport story on The News. Arlington Downs was running then, and the Texas Derby was an event which drew thousands of people and most of the politicians of the state to the Texas racetrack. Our 3-man sports staff was already overwhelmed with a baseball playoff. Harry graciously consented to attend the Texas Derby and contribute a story.

As deadline approached, Harry could not be found. He was finally located in the clothes closet of an office which John Rosenfield then occupied. He had isolated himself so that he could think. He apologized for being late.

"I have only finished the first eight pages," he said. "Why don't you take them and edit them, and I will finish up."

The sports staff got the eight pages and read it. It was a classic summation of all the political news Crozier had learned from his political friends.

He had written eight pages and had not yet ever mentioned the horse race.

Harry was a person. There will be nobody around ever like the Concho Kid. It has been said that he was courtly, and he was. But he was something harder to attain. Harry was debonair. It showed in the tilt of his broad-brimmed hat and the lift of his chin, which said, "The slings and arrows of outrageous fortune (he would have used the Shakespearean phrase) will never daunt me, Harry Benger Crozier."

They never did, either, and he endured a lot of slings and arrows.

Harry was a delight to all of us who knew him, and his memory will be green as long as we live.

NEWSMAN CROZIER DIES

Harry Benge Crozier, veteran Texas newspaperman, died in an Austin hospital Tuesday morning after an illness of several weeks. He was 78 years old.

Funeral services are pending.

Crozier had a newspaper career which began before World War I and was interrupted on occasion when he was aide to governmental figures and for other public service. He was a member and chairman of the Texas Employment Commission through the 1940s.

Crozier's only survivor is a sister, Mrs. Horace Smith of Miami, Fla.

DEATH COMES AT 78 TO HARRY CROZIER

Harry Benge Crozier, widely-known Texas newspaperman, died Tuesday in a local hospital. He finally lost a 13-year fight against cancer. He would have been 79 years old July 27.

Funeral services will be at 5:30 p.m. Wednesday at Cook Funeral Home. Burial will be in State Cemetery.

Pallbearers will be Harold Young, Robert Pool, Ernest Boyett, Dr. Horace Smith, Robert Crozier Howe, Lee G. Williams, Stuart Long and Garth Jones.

The family has suggested that friends may wish to make memorial contributions to establish a Harry Benge Crozier scholarship fund at Southwestern University in Georgetown, which he attended.

The service will be conducted by Chaplain Clinton Kersey, chaplain of the Texas House of Representatives.

Though he was a political writer who covered the scene for a large part of the last 50 years, Crozier was more than a reporter. He was also an aide and confidant of political leaders; a publicist; a public servant; a courageous example to others fighting a long battle against cancer; and a friend to many at every level of life.

Gov. Preston Smith, in a statement issued from his office, said that all Texans are deeply saddened by Crozier's death.

"He leaves a legacy of great writing and reporting which is a great credit to the newspaper profession.

"All of us who knew him and respected his immense talent and insight are grieved by his death."

XUM

In August 1965 these friends gave "A Dinner for Harry" in Austin and more than 500 attended. The notables included every kind of figure from a United States senator to a Texas Capitol bootblack, and Harry would have been the last man, to name them in descending order.

Harry Crozier was born in Paint Rock, Concho County, and went to Southwestern University at Georgetown for the purpose of studying law. But he wound up as an assistant in English to a professor named John H. McGinnis who later, like Crozier, worked years for the Dallas Morning News.

Crozier did not finish Southwestern, where he was a classmate of Frank Dobie, who did. Crozier went to San Antonio and in the fall of 1912 got a job as a cub reporter with the Express, thanks to the help of a local politician who had been a cow-puncher with Crozier's dad in West Texas.

In the winter of 1913 Crozier came to Austin to cover his first session of the Legislature (the 33rd). Thereafter in a political and general reporting career that took him from the Express to the Galveston News, the Fort Worth Record and then the Dallas News, he covered nearly every legislative session to the 42nd in 1931. Then he went to New York as director of public relations for the American Petroleum Institute.

Crozier returned to Texas later to become director of information for the state health department but left that post after a year to work for Coke Stevenson who was then lieutenant governor. In 1941 Stevenson appointed him as employer representative on the Texas Employment Commission, and he stepped up to the chairmanship in 1945. He served the commission until a new administration came in in the early 1950s. Then he returned to public relations.

In between stints on the Dallas News he was the paper's city editor for a period and served as its Fort Worth correspondent during the oil booms of Burkburnett and Ranger. He and Tad Moses took over and modernized the Cattleman magazine. In later years he would say that the Cattleman was the greatest compliment ever paid him because it kept for 30 years the format he brought it.

After leaving public service in 1953, Crozier returned to public relations, principally in the political field where he had had much experience.

In 1928 he was with Tom Connally in his successful race for the U.S. Senate, but then was with a loser when Al Smith was defeated for President. He worked in the Willkie campaign in Texas because, while he admired Roosevelt, he was opposed to a third term in principle.

In 1957 the doctors discovered that Crozier had cancer. He underwent nearly 12 hours of surgery on his throat at M.D. Anderson in Houston and for 30 days after he couldn't swallow.

Crozier said later that prompt treatment saved his life. "If I can help the cancer society to get more people to seek prompt treatment, I'll be satisfied," he said.

For the past decade Crozier had been a journalist again, as he was for so many years earlier in the century. He went to work for Stuart Long's news service at the Capitol in 1961 to cover the Senate and write a weekly column, much of it reminiscences of his earlier newspapering days.

Always cheerful though not always well (he had been bothered by ulcers since before he saw military service in World War I), Crozier was never happier than when writing. He continued to contribute to the Long News Service until early this summer when he entered a hospital here. The doctors found that his old foe, cancer, had returned and now was in his lungs.

Twice he was married, to Grace Younger in a union that ended in divorce, and to Ruth Hey, who died in 1965. A son, Kelly, by his first marriage, died after an operation in December 1967.

His only survivor is a sister, Mrs. Horace P. Smith of Miami, Fla.

In his last years, Crozier lived at his farm, Hickory Acres, east of Austin, with his dog, Suzie Q, and various unnamed cats, ducks and chickens.

Legendary Reporter Was Harry

(By Homer Olsen)

Harry Benge Crozier was a legendary Texas newspaper reporter in the Richard Harding Davis-pattern.

As a matter of fact, they were contemporaries and their paths crossed at least once in the early professional years of the Texan and the later period of the more widely known journalist.

Crozier was working on the Galveston News in 1915 when Gen. Frederick Funston sailed into harbor in the transport Kilpatrick, carrying troops bound for possible trouble in Veracruz, Mexico.

Also on board the Kilpatrick, it so happened, were two newspapermen who were perhaps the most illustrious Americans in the business—Richard Harding Davis and Jack London.

They were accompanying Funston to Mexico on the chance that another war might break out. There was no war, of course, but the Galveston visit of the troopship made good copy for Crozier and other Texas reporters on the scene.

As for the distinguished journalistic visitors, Crozier couldn't recall afterward that there had been anything special about them except that both were resplendently dressed. In those days reporters didn't interview other reporters even if they were celebrities (a word hardly applicable to newspapermen of the time), and the Kilpatrick eventually departed without the local reporters writing much if anything about them.

Crozier, while primarily a political writer, was a widely experienced journalist who could cover any kind of story. He began on the San Antonio Express and thereafter the Fort Worth Record (absorbed by the Star-Telegram in 1925) and the Dallas Morning News. He was associated with the Dallas paper longer than any other and did some of his most notable work for it.

As a young reporter on the Express he wrote the story about how the Texas Senate one night in 1913, without formal action of adjournment or notice to hardly anyone at all, packed up and went home. The reason for the exodus was an outbreak of meningitis among the members.

The story of the school fire on Christmas Eve 1924 in Babb's Switch, Okla., in which more than 30 persons died, was considered by Crozier to have been the most dramatic he ever worked on. He covered the assignment for the Fort Worth Record.

Crozier was still on the Record when he was assigned to go to Denison one Saturday to meet a trainload of Eastern manufacturing tycoons on their way to Mexico City. His purpose was to beat (or "scoop") the papers in Dallas where the nabobs were to spend Sunday before proceeding south.

The star reporter met the Easterners who were so captivated by him on the ride into Dallas that they insisted that he accompany them to Mexico at their expense. Crozier had with him only the clothes on his back but the president of a large Dallas department store was persuaded to open up his establishment and call in tailors and fitters on their day off; and the reporter was completely turned out (including dinner clothes) for the week's visit to Mexico City.

Crozier was of less than medium size but possessed a large and exceedingly warm heart, and was well known for his genuine courtliness and flair for style in clothes.

Though he left newspapering for years to do public relations and serve as aide to political leaders, Crozier returned to it in the last decade. But he was never far away from newspaper people and his friends among them were many.

At the famous "Dinner for Harry" in the middle 1960s, in truth, it seemed that about half of the hundreds of people present were newspapermen, though that was not really the case.

For Harry had more friends than the ordinary man acquaintances; and they are the ones who are saddened now by his passing.

Harry Crozier's Rites Wednesday

Austin.—Harry Benge Crozier, former correspondent for The Dallas Morning News and dean of State Capitol newsmen, will be buried at 5:30 p.m. Wednesday at the State Cemetery.

Crozier, 78, died Tuesday morning in an Austin hospital.

The friendly, courtly newsman was a living legend around the statehouse, where he served first as a reporter for the San Antonio Express in 1913. After that, he worked for the Galveston News and was transferred to its Dallas affiliate—The Dallas Morning News. In his early days, Crozier was a fellow political writer with the late E. M. (Ted) Dealey, son of the founder of The Dallas News, and they became lifelong friends.

Gov. Preston Smith said Crozier "leaves a legacy of great writing and reporting which is a great credit to the newspaper profession. All of us who knew him and respected his immense talent and insight are grieved at his death."

Crozier held many jobs and made numerous friends. More than 500 of them, from as far away as New York, attended a testimonial dinner for him in Austin five years ago. Former Gov. Coke Stevenson and U.S. Senator Ralph Yarborough, among others, were on the program.

During Stevenson's political career, Crozier served at times as his public relations man and Gov. Stevenson appointed Crozier to be employer-member of the Texas Employment Commission, where he served from 1942 until July 1953. Stevenson's designation of Crozier as chairman in 1945 so irritated some state senators that they attempted to convene a special session without the governor's call, in an effort to defeat the appointment. The Texas Supreme Court held the session to be invalid, and the next year the Senate in regular session confirmed Crozier's appointment by the necessary two-thirds majority.

Although Crozier left newspaper work several times, he kept coming back to it and was working for Long News Service at the State Capitol until shortly before his death.

At five different times, Crozier said, he has been employed by The Dallas Morning News—"and I was only fired once."

Whether Crozier quit that time or was dismissed was debatable. A managing editor years ago operated in such a high-handed manner concerning an assignment to Crozier that the writer left the paper, despite the efforts of Publisher G. B. Dealey to patch up the dispute.

Once Crozier published a magazine for the Texas and Southwestern Cattle Raisers Association in Fort Worth. During the late 1920's and early 1930's Crozier was public relations director for the American Petroleum Institute in New York.

Despite a lifetime of personal problems and often ill health, Crozier maintained gentle and friendly relationships with a multitude of persons from the highest to most menial positions. He treated each with the same unfailing kindness. For many years, Crozier fought a most successful battle against throat cancer, with the help of medical specialists in Houston, but his death was attributed to newly-detected lung cancer. He

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out-lived his second wife, who died in 1965, and his son, Kelly, a San Angelo public relations man.

Mrs. Horace D. Smith of Miami, Fla., a sister, survives.

A native of Paint Rock, Concho County, Crozier was nicknamed "Concho" during his student days at Southwestern University in Georgetown. A scholarship fund is being established in his memory at Southwestern.

EX-NEWSMAN, OFFICIAL HARRY CROZIER DIES

AUSTIN.—Harry Benge Crozier, longtime Texas newspaperman and former public official, died Tuesday.

He would have been 79 on July 27.

Funeral services were scheduled for 5:30 p.m. Wednesday at a Cook Funeral Home in Austin with burial in the State Cemetery.

Crozier lost his second bout with cancer. Until the latter part of May he was often pointed out as a man who beat cancer, through a throat operation at M. D. Anderson Institute in the late 1950s. Then, in May doctors discovered cancer in his lungs.

Crozier was a native of Paint Rock. His grandfather, William Cocke Young, was a member of the Constitutional Convention before Texas entered the Union. He finished Southwestern University at Georgetown, in 1912 and soon got a job with the San Antonio Express. He first covered the state Capitol for the Express in 1913. Later he worked for the Waco Morning News, Galveston News, the Dallas Morning News and the Fort Worth Record. He edited a magazine for the Texas and Southwestern Cattle Raisers Association, was public relations director for the American Petroleum Institute, and handled public relations for the Texas Centennial in 1936.

Crozier worked in Atty. Gen. Bill McCraw's unsuccessful campaign for governor in 1938 then switched to Coke Stevenson Sr. in the second primary runoff for lieutenant governor. He was Stevenson's assistant and went with Stevenson to the governor's office in 1941. Stevenson appointed Crozier to the Texas Employment Commission in 1942 and in 1945 named him chairman.

The Texas Senate met in a special session and refused to confirm Crozier's appointment as chairman but he took the case to court and the State Supreme Court decided in his favor 5–4. The court said the Senate could not call itself into special session, only the governor. The next regular session of the Senate confirmed Crozier easily, and he served as chairman until 1953. Since 1959 Crozier has been a columnist and political writer for the Long News Service in Austin.

He is survived by a sister, Mrs. Horace D. Smith of Miami, Fla.

In lieu of flowers, friends were asked to make contributions to the Harry Benge Crozier scholarship fund at Southwestern University.

HARRY B. CROZIER SERVICES IN AUSTIN

AUSTIN.—Services for Harry Benge Crozier, 79, will be held at 5:30 p.m. today in Austin's Cook Funeral Home with graveside services at the State Cemetery in Austin.

Crozier, a longtime political columnist, reporter and native of Paint Rock, died about 9 a.m. Tuesday in the Shoal Creek Rehabilitation Center in Austin.

He had been a patient there since last May where he was treated for cancer.

Gov. Preston Smith, commenting on Crozier's death, said: "All Texans were deeply saddened to learn of the passing of Harry Benge Crozier. He leaves a legacy of great writing and reporting which is a great credit to the newspaper profession. All of us who knew him and respected his immense talent and insight are grieved at his death. Mrs. Smith joins me in extending our deepest and most heartfelt sympathy to his sister, Mrs. Horace D. Smith."

Crozier was born on July 27, 1891 in Paint Rock and completed high school there. His father, Henry Crozier, was a one-time cowboy and a Concho County judge. His mother, who died in 1966 in Christoval at the age of 92, was a prominent San Angeloan.

Crozier graduated from Southwestern University in Georgetown in 1914 with a degree in journalism and joined the staff of the San Antonio Express as a capitol reporter in Austin.

He left the Express to work for the Galveston News and later was transferred to the Dallas News, which also was owned by the family that ran the Galveston paper, known then as the Gal-Dal News.

After World War I, during which he served as a machine gunner in the Army before being commissioned, he rejoined the staff of the Dallas News. He left to join the American Petroleum Institute in New York as a public relations officer. When the depression ended his employment there he returned to Texas to work with the Texas Employment Commission in 1942. Prior to joining the commission, he was assistant to Gov. Coke Stevenson.

Although his appointment to the office of the chairman of the employment commission was rejected by a special session of the Texas Senate, the State Supreme Court upheld his appointment by a vote of 5–4. He served as chairman of the commission until 1953, after which he opened a public relations office in Austin. In 1961 he joined the Long News Service in Austin as a political columnist and remained with that news bureau until the spring of this year.

His first wife, Mrs. Grace Y. Crozier of San Angelo, preceded him in death. His second wife, Mrs. Ruth Crozier, died in 1965 and was his former secretary and a native of Mason. His son by his first marriage, Kelly Crozier, died in December of 1967 after a career as a newspaperman during which time he worked for the San Angelo Standard-Times as a night city editor and state editor and then took a position as internal communications manager for General Telephone Co. His widow, Helen, is now a General Telephone Co. employe in San Angelo.

Mr. Crozier is survived by his sister of Miami, Fla.

The family asked that memorial gifts be sent to Southwestern University in Georgetown to establish a Harry B. Crozier scholarship fund.

HARRY B. CROZIER DIES

AUSTIN—Harry Benge Crozier, long time Texas newspaperman, former public official and a friend to everyone, died Tuesday.

He would have been 79 on July 27.

Funeral services were scheduled for 5:30 PM Wednesday at an Austin Funeral home with burial in the official state cemetery.

Crozier lost his second bout with cancer. Until the latter part of May he was often pointed out as a man who beat cancer, through a throat operation at M. D. Anderson Institute in the late 1950s. But last May doctors discovered cancer in his lungs.

Crozier was a native of Paint Rock. His grandfather, William Cocke Young, was a member of the constitutional convention held before Texas entered the union. He finished Southwestern University, Georgetown, in 1912 and took a job with the San Antonio Express. He first covered the state capitol for the Express in 1913.

Later he worked for the Waco Morning News, Galveston News, the Dallas Morning News and the Fort Worth Record. He edited a magazine for the Texas and Southwestern Cattleraisers Association, was public relations director for the American Petroleum Institute, and handled public relations for the Texas Centennial in 1936.

Gov. Coke Stevenson appointed Crozier to the Texas Employment Commission in 1942 and in 1945 named him chairman.

The Texas senate met in a special session and refused to confirm Crozier's appointment as chairman but he took the case to court and the Texas Supreme Court decided in his favor 5–4.

The court said the senate could not call itself into special session, only the governor. The next regular session of the senate confirmed Crozier easily, and he served as chairman until 1953. Since 1959 Crozier had been a columnist and political writer for the Long News Service in Austin.

He is survived by a sister, Mrs. Horace D. Smith of Miami, Fla.

NEWSPAPERMAN HARRY CROZIER LOSES SECOND CANCER BATTLE

AUSTIN.—Harry Benge Crozier, long time Texas newspaperman, former public official and a friend to everyone, died Tuesday.

He would have been 79 July 27.

Funeral services were scheduled for 5:30 p.m. Wednesday at Cook Funeral home with burial in the official state cemetery.

Crozier lost his second bout with cancer. Until the latter part of May he was often pointed out as a man who beat cancer, through a throat operation at M.D. Anderson Institute in the late 1950s. But last May doctors discovered cancer in his lungs.

Crozier was a native of Paint Rock, Tex. His grandfather, William Cocke Young, was a member of the constitutional convention held before Texas entered the union. He finished Southwestern University, Georgetown, in 1912 and soon afterwards got a job with the San Antonio Express. He first covered the state capitol for the Express in 1913. Later he worked for the Waco Morning News, Galveston News, the Dallas Morning News and the Fort Worth Record. He edited a magazine for the Texas and Southwestern Cattleraisers Association, was public relations director for the American Petroleum Institute, and handled public relations for the Texas Centennial in 1936.

Crozier worked in Atty. Gen. Bill McGraw's unsuccessful campaign for governor in 1938, then switched to Coke Stevenson Sr. in the second primary runoff for lieutenant governor. He was Stevenson's assistant lieutenant governor and went with Stevenson to the governor's office in 1941. Stevenson appointed Crozier to the Texas Employment Commission in 1942 and in 1945 named him chairman.

HARRY BENGE CROZIER, VETERAN NEWSMAN, DIES

AUSTIN.—Harry Benge Crozier, veteran newspaper reporter and former chairman of the Texas Employment Commission, died Tuesday of cancer, a disease he battled for more than two decades.

Death came at the Shoal Creek Rehabilitation Hospital where he was admitted after becoming ill last May. Funeral services are pending.

Crozier, 78, worked as a capitol correspondent for the Long News Service since 1961.

He was appointed to the Texas Employment Commission in 1942 and became chairman in 1945, despite refusal of the Senate in special session to confirm the appointment.

Gov. Preston Smith in a statement issued from his office said that all Texans are deeply saddened by Crozier's death.

"He leaves a legacy of great writing and reporting which is a great credit to the newspaper profession.

"All of us who knew him and respected his immense talent and insight are grieved by his death."

The Supreme Court ruled later that only the governor could call a special session and Crozier won the necessary two-third majority for confirmation when the Senate convened in the regular session.

Crozier was honored by friends with a "dinner for Harry" in Austin in July, 1965, with visitors ranging from U.S. Sen. Ralph Yarborough to the late Eddie Posey, the Capitol shoeshine man.

Crozier began his newspaper career with the San Antonio Express in 1913. He later worked for the Victoria Advocate, the Dallas Morning News and the San Angelo Standard-Times.

Taking off for New York in the 1930's, Crozier landed a job as public relations director of the American Petroleum Institute.

In 1939, he became an assistant to former Gov. Coke Stevenson, who later appointed his to the Employment Commission. He also opened a public relations office here after leaving the commission.

Crozier, who lived on his farm on the outskirts of Austin, is survived by a sister, Mrs. Horace D. Smith of Miami, Fla.

Harry Crozier's Funeral Rites at Austin Today

Austin.—Funeral services for Harry Benge Crozier, 78, veteran Texas newspaper man and former chairman of the Texas Employment Commission, were scheduled today.

Burial will follow in the official state cemetery.

Crozier died Tuesday of cancer.

Crozier first covered the state capitol for the San Antonio Express in 1913. Later he worked for the Waco Morning News, Galveston News, the Dallas Morning News and Fort Worth Record.

He was an assistant to Gov. Coke Stevenson and served on the TEC from 1942 to 1953. He was TEC chairman from 1945 to 1953. Since 1959 he had been a political writer for the Long News Service in Austin.

Survivors include a sister, Mrs. Horace D. Smith, Miami, Fla.

Crozier Funeral Rites Conducted in Austin

Austin.—Funeral services for Harry Benge Crozier, 78, veteran Texas newspaper man and former chairman of the Texas Employment Commission, were scheduled today.

Burial will follow in the official state cemetery.

Crozier died Tuesday of cancer.

Crozier first covered the state capitol for the San Antonio Express in 1913. Later he worked for the Waco Morning News, Galveston News, the Dallas Morning News and Fort Worth Record.

He was an assistant to Gov. Coke Stevenson and served on the TEC from 1942 to 1953. He was TEC chairman from 1945 to 1953. Since 1959 he had been a political writer for the Long News Service in Austin.

Survivors include a sister, Mrs. Horace D. Smith, Miami, Fla.

Harry Crozier, Writer, Ex-TEC Chairman, Dies

Austin.—Harry Benge Crozier, long time Texas newspaperman, former public official and a friend to everyone, died Tuesday.

He would have been 79 on July 27.

Funeral services were scheduled for 5:30 p.m. Wednesday at the Austin Cook Funeral Home with burial in the official state cemetery.

Crozier lost his second oout with cancer. Until the latter part of May he was often pointed out as a man who beat cancer, through a throat operation at M. D. Anderson Institute in the late 1950s. But last May doctors discovered cancer in his lungs.

PAINT ROCK NATIVE

Crozier was a native of Paint Rock, Tex. His grandfather, William Cocke Young, was a member of the constitutional convention held before Texas entered the union. He finished at Southwestern University, Georgetown, in 1912 and soon afterwards got a job with the San Antonio Express.

He first covered the state capitol for the Express in 1913. Later he worked for the Waco Morning News, Galveston News, the Dallas Morning News and the Fort Worth Record. He edited a magazine for the Texas and Southwestern Cattleraisers Association, was public relations directors for the American Petroleum Institute, and handled public relations for the Texas Centennial in 1936.

STEVENSON AIDE

Crozier worked in Atty. Gen. Bill McGraw's unsuccessful campaign for governor in 1938, then switched to Coke Stevenson Sr. in the second primary runoff for lieutenant governor. He was Stevenson's assistant lieutenant governor and went with Stevenson to the governor's office in 1941. Stevenson appointed Crozier to the Texas Employment Commission in 1942 and in 1945 named him chairman.

The Texas Senate met in a special session and refused to confirm Crozier's appointment as chairman but he took the case to court and the state Supreme Court decided in his favor 5–4. The court said the Senate could not call itself into special session, only the governor. The next regular session of the Senate confirmed Crozier easily, and he served as chairman until 1953.

Since 1959 Crozier has been a columnist and political writer for the Long News Service in Austin.

He is survived by a sister, Mrs. Horace D. Smith of Miami, Fla.

In lieu of flowers, friends were asked to make contributions to the Harry Benge Crozier scholarship fund at Southwestern University.

Harry B. Crozier Victim of Cancer

Austin.—Harry Benge Crozier, veteran Texas newspaperman, former chairman of the Texas Employment Commission and friend of many Texans big and small, died today. He was 78.

Crozier defeated one attack of cancer through a throat operation a decade ago but cancer struck again in late May and he went to the hospital again. Doctors said he died of cancer of the lungs.

A sister, Mrs. Horace D. Smith of Miami, survives.

Crozier would have been 79 on July 27.

He was a native of Paint Rock. His grandfather, William Cocke Young, was a member of the Constitutional convention held before Texas entered the Union and Young County was named for him.

Crozier got a job with the San Antonio Express soon after graduating from Southwestern University at Georgetown in 1912.

His journalistic career included periods with the Waco Morning News, the Victoria Advocate, Galveston News, the Dallas Morning News and the Fort Worth Record.

He edited a magazine for the Texas and Southwestern Cattleraisers Association and handled various public relations jobs including the Texas Centennial in 1936.

Crozier was chairman of the Texas Employment Commission, appointed by former Gov. Coke Stevenson from 1945 to 1952. Since 1959 Crozier had been a columnist and political writer for the Stuart Long News Service in Austin.

Veteran Texas Newsman Dies

Austin.—Harry Benge Crozier, long time Texas newspaperman, former public official and a friend to everyone, died Tuesday.

He would have been 79 on July 27.

Funeral services were scheduled for 5:30 p.m. Wednesday at Cook Funeral Home in Austin with burial in the official state cemetery.

Crozier lost his second bout with cancer. Until the latter part of May he was often pointed out as a man who beat cancer, through a throat operation at M.D. Anderson Institute in the late 1950s. But last May doctors discovered cancer in his lungs.

Crozier was a native of Paint Rock, Tex. His grandfather, William Cocke Young, was a member of the constitutional convention held before Texas entered the union. He finished Southwestern University, Georgetown, in 1912 and soon afterwards got a job with the San Antonio Express. He first covered the state capitol for the Express in 1913. Later he worked for the Waco Morning News, Galveston News, and Fort Worth Record. He edited a magazine for the Texas and Southwestern Cattleraisers Association, was public relations directors for the American Petroleum Institute, and handled public relations for the Texas Centennial in 1936.

He is survived by a sister, Mrs. Horance D. Smith of Miami, Fla.

Horseman, Pass By

(By Mary Jane Bode)

When we first knew Harry Benge Crozier, 14 years ago, he was the most debonair egg salesman imaginable. The former chairman of the Texas Employment Commission, dean of journalists, publicist par excellence and his beauteous wife, Ruth, raised chickens (and subsequently, eggs) on their Hickory Acres farm near Bergstrom.

Dressed in dapper fashion, with a long cigarette holder seemingly glued to the side of his mouth, Harry would dispense cartons of eggs and discuss politics, literature, poetry and that week's Sunday New York Times.

He disappeared for a while, and we learned he had gone to M. D. Anderson for a cancer operation. It was successful, and in 1961, we ended up as deskmates at Long News Service in the State Capitol.

Our desks are still here, but Harry is gone.

He left Tuesday morning. Oh, he left his desk several weeks ago, but Harry left this world Tuesday morning.

The Dylan Thomas poem kept swirling through our brain:

"Do not go gentle into that good night.
Old age should burn and rave at close of day.
Rage, rage against the dying of the light."

Just like Harry, we had to get someone to help us remember the lines. He always knew what he was looking for when he was writing a column or a recollection, but usually, he'd end up in the Legislative Library, getting Jim Sanders' help in filling in the blanks.

Harry did go gentle. He raged through the last night, struggling for life's last breath, then went to sleep in morning's light, never to awaken here.

We knew Harry Benge Crozier so well. Others knew him just as well. And everyone knew him in a different way. He was not "all things to all men," but something unique to each who knew him.

"Everybody loved Harry," we told his sister, Nina, and her husband, Dr. Horace D. Young. "No," Emma Long said, "it wasn't like that. Harry loved everybody, and they responded to that love."

A native of Concho County, Harry came east to attend Southwestern University at Georgetown, a contemporary there of Frank and Bertha Dobie. His love of the English language was nurtured there, and by 1913 he was covering the Capitol for the San Antonio Express. He became city editor of the Galveston News in 1915; worked for the Dallas News on and off for years, as he quit or was fired, and hired back, and planned political campaigns for everyone from Tom Connally to Coke Stevenson to Ralph Yarborough. In between times, he handled publicity for the Texas Centennial, the American Petroleum Institute, and did so many things no one could keep track of them all.

When some of us decided after the 1965 session of the Legislature to have "A Dinner for Harry," his old friends tried to patch the quiltwork of Harry's life and careers into a whole piece. Impossible, they decided, and the program was presented in sections through the narratives of Stevenson, Yarborough, Stuart Long, Irv Taubkin of the New York Times, Harold Young, Lloyd Gregory, Edmunds Travis and others who had shared portions of their lives with Harry.

Those stories, and the ones told in planning the historic dinner (which remained a secret from Harry until four days before some 400 persons came from as far as Washington and New York and Seattle and Paint Rock to celebrate his existence).

The day after he found out, his dear Ruth died. Many people tried to get him to call off dinner, but he said, "She wanted it, and she helped to plan it and we're going to have it."

The Crozier courage inspired everyone, and the dinner was held.

But his verve, his sparkle began to ebb—slowly at first, then with increasing evidence as his mother, Sally Benge Crozier, passed on the next year, and the following year, the most stunning loss of all: Harry lost his only child, Harry Truman (Kelly) Crozier.

His rod-straight posture began to sag a bit. He didn't laugh as readily. And sometimes, you had to say his name twice to get his attention.

When the horseman of death first tapped him on the shoulder, he said, "Wait awhile. Can't you see I have things to do . . . a column to finish, a book to write, a dog to pet, a cat to feed, a child to admire, a sick friend to comfort, so many things."

A few months were loaned. On May 27, Harry entered Shoal Creek Rehabilitation Hospital. Tuesday morning, the horseman passed by again. And Harry Benge Crozier rode off with him.

WHITTIER COMMITMENT REFLECTS THE HIGHEST IDEALS OF CITIZENSHIP AND RESPONSIBILITY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. WIGGINS. Mr. Speaker, citizens in Whittier, Calif., have proclaimed their commitment to this country in a manner which deserves the attention of concerned Americans everywhere.

While dissenters riot and hardhats respond, the great silent majority frustrate in the belief that they are impotent to do something to encourage responsible change without wrecking the system which permits it.

In Whittier they are doing something. It is easy and it is constructive. It requires no more than a personal commitment and declaration of faith in this country and its historic institutions. If Americans believe in the strength and capacity of the Nation to respond to legitimate change, it will; if we despair and doubt our capacity, we will grow weak to the point of collapse. In short, Mr. Speaker, America will be what we want it to be.

Following is a statement known as the "Whittier Commitment," which reflects the highest ideals of citizenship and responsibility. Others should follow the example of Whittier, Calif., in reaffirming their belief in this country and its capacity to govern well. The item follows:

THE WHITTIER COMMITMENT

We, the undersigned residents of Whittier, reaffirm our faith in our nation, in its people and in the principles of freedom which have guided us since 1776.

We bear witness that this nation is historically committed to morality and integrity in the conduct of its affairs.

We believe in the Constitution and in the democratic form of our republic. As loyal Americans we support our government in helping us find solutions for our problems.

We are dedicated to the perpetuation of the rights we enjoy as citizens, to the rights of all others, and to the responsibilities we accept as free people. Now is the time to unite in common cause to uphold these rights, to assure the safety of all within our borders, and to safeguard those sent by our government to service abroad.

We defend the right of every American to disagree peacefully and to voice his dissent without violating the rights of others.

We invite all Americans to join us in this dedication. By affixing our signatures, we commit ourselves to the betterment of human relations and to the ideal of justice for all mankind.

ODE TO THE FLAG

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. HOGAN. Mr. Speaker, it was my pleasure recently to participate in the dedication ceremonies for a new mail handling facility in Prince Georges County, Md. I had the honor of presenting to the manager of the facility a flag which had flown over the U.S. Capitol Building and over the headquarters of the Post Office Department.

On the program with me was one of my constituents who resides in Bowie, Md., Linda Keys Sheehan, who read a poem which she had written entitled "Ode to the Flag."

In these days when it seems to be the "in" thing for some young people to do to heap abuse upon the flag, it is encouraging indeed for a young person to write with such feeling about our national symbol.

I am inserting this poem in the RECORD at this point:

ODE TO THE FLAG

(By Linda Keys Sheehan)

Our nation's flag is a stirring sight
As it flutters proudly in the breeze.
It's colors of blue, red and white
Means so much to you and me;
Red stands for courage and hardiness
The White means innocence and purity
Blue for justice, perseverance and vigilance
In its promise to keep us free.

This banner stands for a bountiful land,
Its government, people and ideals,
The stripes for the thirteen colonies stand,
Its symbolism is very real.
Each state now is represented
By a star of white on blue.
President Washington first presented
The American Flag to you.

Many brave men have fought and died
To protect it from dishonor and disgrace.
Wives have mourned and mothers have cried
So we could remain . . . The United States.
The sight of this banner brings feeling of joy
Of courage, pride and freedom to all.
A symbol of our nation in all its glory.
On the moon Old Glory stands tall.

WASHINGTON REPORT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BROOMFIELD. Mr. Speaker, in an effort to keep my constituents informed, I am today sending a newsletter to residents of the 18th Congressional District. It summarizes some of the most important work of the 91st Congress and the administration as well as some of the issues in which I have been especially interested. I am grateful for this opportunity to share it with my colleagues:

WASHINGTON REPORT

DEFENSE SPENDING CUT IN SEARCH FOR PRIORITIES

The search for national priorities—where we put our Federal dollars and our national talent—is one of the most difficult challenges confronting Congress this year and one with which I am deeply concerned.

Despite the continuation of the war in Vietnam, we are making progress. In the past two years, there has been a significant shift in these basic priorities, a shift that is certain to continue and intensify as the war in Indochina comes to a conclusion.

It has become popular in some quarters to attack U.S. defense spending as the cause of most of our difficulties at home and claim that money is being diverted from important social programs to make missiles.

As a matter of fact, for the first time in 20 years we are spending more this year for human resource programs than we are for defense. In 1962 the Federal Government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968, that comparison was 45 percent to 32 percent. This year those priorities are reversed with 37 percent for defense and 41 percent for human resources programs.

During the past two years the defense budget has been trimmed back $12 billion. Despite a $6 billion pay increase voted by Congress, another $7 billion cutback is planned in defense spending. I supported all of these reductions and believe that further prudent cuts can be made without jeopardizing our national security. But we must proceed carefully in this search for economy. We cannot afford to lose sight of our real responsibilities as a major world power and we must resist the temptation to return to the isolationism that proved so costly just a few decades ago.

CORPS AGREES TO SPEED FLOOD CONTROL PROJECT

A major step toward eliminating flooded basements in our area was taken with an Army Corps of Engineers recommendation for a $150 million-plus flood control project for the South Oakland-Macomb County area.

The plan calls for widening, deepening and straightening the Red Run-Clinton River channel through South Oakland and Macomb to help speed the run-off of flood waters. Construction will take five-six years.

Originally, it was to take another two years for the Corps to complete its study. Following the 1968 flooding, I joined with local government officials in a concerted effort to urge the Corps to speed-up its timetable. The Corps action means the project will be considered in this year's Omnibus Rivers and Harbors bill and, hopefully, will clear Congress in the near future. You may be assured I will continue to push for early action on this measure.

ISSUES AND VOTES

Postal reform: Voted for legislation providing for creation of semi-governmental postal corporation to take politics out of the

Post Office and run it on a businesslike basis.

Hospitals: Voted to override the President's veto of a $2.7 billion hospital construction bill. Although I have generally supported the President's efforts to reduce Federal spending, I felt hospital construction was the wrong place to cut.

Farm subsidies: Sponsored legislation to phase-out the wasteful farm subsidy program. Supported efforts to place a ceiling on the amount of Federal subsidy payments any one farmer may receive.

ABM: Opposed costly system to build some 25–50 sites at expenditure estimated at upwards of $60 billion. Voted for present limited Safeguard program—less than $2 billion spent for three sites to date—as a bargaining tool with the Soviets at the SALT talks.

Pornography: Bill similar to one I introduced was passed by the House. The bill prohibits pornographic mailings to residences with minors and places the responsibility for determining if a minor may be affected on the sender.

Social security: Voted for a 15 percent increase in benefits last December and an additional 5 percent this year including a provision tying future increases to the cost-of-living.

STEPS TO A CLEANER ENVIRONMENT

"Any square mile of inhabited earth has more significance for man's future than all the planets in our solar system," author Lewis Mumford wrote.

Restoring and maintaining our environment is literally a life and death matter—one that demands immediate action and sustained effort from all of us. I have introduced a number of bills this year which I hope will help improve the job only government can accomplish in this vital area.

Four of my bills deal with water pollution. Briefly, they would provide additional Federal money for construction of sewage treatment plants, establish an Environmental Financing Authority to assist local communities in borrowing to build these facilities, expand Federal water pollution control research grants, and widen Federal jurisdiction and stiffen industrial pollution.

The wastes Reclamation and Recycling Act calls upon the Council on Environmental Quality to study means of accelerating the recycling of such discards as junk automobiles.

Amendments to the Clean Air Act authorize Federal tests of vehicles and engines, regulation of fuel and additives and propose nationwide standards for incinerators and all stationary sources of air pollution.

A bill to amend the Land and Water Conservation Act would authorize the sale of surplus Federal land to state and local governments for parks and recreation purposes at discounts of up to 100 percent.

BROOMFIELD ENVIRONMENTAL LEGISLATION

Clean water: H.R. 16042 provides more sewage treatment construction funds; H.R. 16041 establishes an Environmental Financing Authority to help local communities borrow for such facilities; H.R. 16043 and H.R. 16044 deal with industrial pollution. They expand Federal jurisdiction and provide more Federal water pollution research money.

Clean air: H.R. 16040 regulates vehicle engines and fuel pollution as well as incinerators and all other stationary sources of pollution.

Solid waste: H.R. 16039 calls for studies toward better ways of recycling discards such as junk automobiles.

Parkland: H.R. 16038 authorizes sale of surplus Federal land for creation of local parks and recreation facilities.

TROY BOY IS HOUSE PAGE

Since I have long felt Congressional pages should be selected in competition open to both boys and girls, I was especially pleased that my first nominee turned out to be 16-year-old Ralph Crew of Troy.

An outstanding student and an Eagle Scout, Ralph would have won the job against the toughest kind of competition. When Ralph wrote to me asking about the job, I replied that I would do my best although I had never been granted such an appointment by the leadership of Congress. To my surprise, Ralph was approved and spent a busy June working in the Capitol. He turned in a performance in which his parents, Mr. and Mrs. Eric Crew, and all of us in Oakland County can take pride.

CONGRESS DRAGS FEET ON PRESIDENT'S CRIME BILLS

One of the most disappointing features of this Congress has been its failure to act on the President's crime bills. Its inaction is especially difficult to understand since anti-crime legislation is clearly the area in which Americans want action the most.

More than a year ago, the President submitted a package of thirteen basic anti-crime proposals. That list has now grown to 20 basic bills. Together they make up a comprehensive program dealing with organized crime, street crime, modernization of the courts, gambling, narcotics, the misuse of explosives and pornography. Yet, Congress to date has not enacted a single one of these measures.

Many of these are difficult and controversial proposals touching basic philosophical questions about fundamental rights. They deserve and require the most searching and exhaustive sort of debate. But neither the Congress nor the American people can afford to let these issues bog down merely because they involve tough questions. In my view, Congress ought to vote these measures up or down now and place the highest priorities on criminal legislation.

BROOMFIELD BILL BACKS ALL-VOLUNTEER MILITARY

As one who has long opposed the present Selective Service system, I was one of the first to sponsor legislation more than a year ago calling for a study of an all-volunteer military.

As you know, the Gates Commission appointed by the President for this purpose reported this spring that such a volunteer army was not only feasible but also desirable for this country. The Commission found that an all-voluntary military:

(1) Would cause only a small budget increase, and would actually be cheaper in real economic terms; (2) could be achieved without impairing our ability to meet existing and anticipated troop level requirements; (3) would be adequate to defend the nation, even against a surprise attack; (4) would not result in a more militarized society; and (5) would not vary greatly in ethnic, racial, or economic make-up from the present system. Accordingly, I was pleased to introduce legislation to abolish the draft by July 1, 1971 and to implement the Commission's other recommendations.

PROSPECTS FOR PEACE: VIETNAM, NUCLEAR DISARMAMENT

The search for a lasting peace, still the most important business of our time, is underway in earnest at a number of locations throughout the world. At the request of the President, I visited three of these during a two-week assignment in July—the Strategic Arms Limitation Talks (SALT) in Vienna, the Paris peace negotiations, and the 26-nation Disarmament Conference in Geneva where I served as an adviser to the U.S. delegation.

Most encouraging was the business-like atmosphere at the SALT talks in which the U.S. and Soviet Union are working toward some limitation on nuclear arms. There are indications that there will be some agreement, hopefully by the end of this year, on a "limited" treaty restricting numbers of intercontinental missiles and possibly ABMs.

The term "limited" is really misleading since what is being contemplated would be the most far-reaching restriction on the nuclear arms race in the 24 years we have been negotiating with the Soviets. No one is pretending that the SALT conference will end with mass destruction of existing weapons. Neither we nor Russia trusts each other that much. But there is a real chance for limitations, freezes, or agreements not to build future weapons systems. This would be a truly significant achievement since it would in effect, end the arms race.

The atmosphere at the SALT talks is in contrast to that at the Paris conference where both sides frequently do their negotiating in public with propaganda the principal result. Nevertheless, it is clear that the next several months will see a concentrated effort—at least on our part—to place more and more emphasis on negotiations. This new phase began just before I left for Europe with the appointment of Ambassador David K. E. Bruce as our chief negotiator. Our present Ambassador in Paris, Philip Habib, pointed out in an interview that we have over a period of time placed a fairly full-range of proposals on the bargaining table. These include the promise of total withdrawal of U.S. troops from Vietnam; acceptance of some form of government based on existing political realities in South Vietnam; and, we have agreed to abide by whatever political process can be agreed upon, including internationally supervised elections. In the judgment of those I spoke to in Paris, negotiations still represent our quickest hope for peace in Vietnam.

The 26-nation Disarmament Conference is a continuing forum which moves very slowly but which has produced some significant international agreements, the Nuclear Non-Proliferation Treaty, the treaty to ban placement of nuclear weapons in outer space and a partial nuclear test ban treaty among these. The Conference is expected to reach final agreement this summer on a draft treaty banning the placement of weapons on the ocean floor for submission to the United Nations this fall. The Conference is also working toward a treaty banning chemical and biological weapons and a detailed set of disarmament proposals for the United Nations.

POW'S PRIORITY ISSUE IN PEACE TALKS

During my visit to the Paris Peace Conference, I urged U.S. Ambassador Philip Habib to give maximum attention to the more than 2,000 letters and 10,000 signatures on petitions from the people of Michigan expressing deep concern about American servicemen held prisoner by the North Vietnamese, the National Liberation Front and the Pathet Lao. I told Ambassador Habib that these petitions and letters were a response to the Michigan Prisoner of War Committee from thousands of citizens from all walks of life and every political affiliation and urged that he present them to the North Vietnamese delegates with maximum worldwide publicity. The Ambassador assured me that any negotiated settlement would include priority consideration of the plight of these young Americans.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

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"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

JIM LUCAS BURIED IN QUIET SERVICE AT CHECOTAH, OKLA.

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. STEED. Mr. Speaker, final services were held last Saturday at Checotah, Okla., for Jim G. Lucas, one the State's most outstanding journalists in its history and a military correspondent with few peers.

His firsthand reporting from Vietnam brought home to many what the war there is really like. He never pulled his punches, and he always wrote from experience and with mature judgment.

People like Jim Lucas can ill be spared. It was my privilege to count him a friend as well as to have the benefit of his counsel for many years.

In the Daily Oklahoman July 26 appeared the following article on the final tribute paid him:

JIM LUCAS BURIED BESIDE PARENTS IN QUIET CHECOTAH SERVICE

(By Joseph J. Mays)

CHECOTAH.—From faraway places with strange sounding names, Pulitzer Prize-winning reporter Jim G. Lucas came home Saturday to be buried beside his parents in the green hills of eastern Oklahoma.

Lucas, 56, died Tuesday in Washington, D.C., after a long battle with cancer.

In a quiet service at the small First United Methodist Church, which Lucas no doubt watched being built as a youngster in 1917, he was remembered as a man who knew peace despite his many years as a famed war correspondent.

The church's pastor, the Rev. Paul E. Caskey, opened his service with scripture which included the Lord's Prayer and the Twenty-third Psalm.

"The Lord is my shepherd . . ." seemed to sum up Lucas' life through many perilous moments covering three wars.

Mr. Caskey told the small group of mourners, many of whom included old family friends, that Lucas spoke from the same pulpit during World War II. He said the correspondent's favorite scripture was the tenth verse of the 46th chapter of Psalms. It says in part, "Be still and know that I am God. . . ."

The eulogy was originally scheduled to be given by Gen. Lewis W. Walt, assistant commandant of the Marine Corps, but he could not leave Washington because the commandant was out of the United States.

Representing the commandant was Col. Tom Fields, a friend of Lucas for the past 10 or more years.

Col. Fields said Lucas was "a great American" and said they were at the battle of Iwo Jima together but did not then know each other.

During the funeral Mr. Caskey read an excerpt from a 1944 account by Lucas on the Battle of Saipan. It was published in the Checotah newspaper and said in part, "There have been moments that I did not expect to survive, but the Lord has been good to me."

"He lived this life (as a correspondent) and worked at it," the pastor said.

"I think somewhere if Jim is really happy he is going to be reporting. Reporting the good news," Mr. Caskey said.

At the Greenlawn Cemetery south of Checotah a Marine firing party in dress blue uniforms fired a three-volley salute to the former master-technical sergeant. Then came the playing of "Taps" by bugler Amos Lewis of Tulsa, a member of VFW Post 577, who said it was his 1,159th graveside playing of the farewell piece.

Then two Marine escorts at the head and foot of Lucas' flag-draped casket carefully folded the United States flag and handed it to Col. Fields.

He in turn presented it to Bob Lucas, Lucas' brother, a well-known newspaperman in his own right.

"His spirit we commend to God," the minister said as part of the graveside rites.

Accompanying Col. Fields from Washington was Earl Richard, editor-and-chief of Scripps-Howard Newspapers, the long-time employer of Lucas.

Lucas, who was Checotah's most famous native son, began his news career at Muskogee and was later at Tulsa for several years before joining Scripps-Howard.

His reporting from Korea won him a Pulitzer Prize in 1954, as well as his first Ernie Pyle Award and numerous honors.

PRESIDENT TOUGHENS VIETNAM NEGOTIATING POSITION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BINGHAM. Mr. Speaker, at his press conference last week President Nixon appeared to slam the door on the possibility of a peaceful settlement in Vietnam by negotiation. On Monday morning, Mr. Marvin Kalb, CBS news diplomatic correspondent in Washington, had the following to say on the subject in his "Morning Report":

PRESIDENT TOUGHENS VIETNAM NEGOTIATING POSITION

A hardening of language does not necessarily denote a hardening of position; yet it could. At this point, in the long and agonizing negotiation to end the Indochina War, no one outside of the President's immediate entourage can be sure of Nixon Administration policy; and, in this state of ambiguity, there are more questions than answers, more uncertainties than clarities, more vagueness than vision.

On April 20, a short historic moment ago, it was the President himself who dropped the notion of elections in Vietnam, and instead raised the prospect of a political deal, based on proportional representation. Ten days later, Cambodia intervened in official deliberations here and elsewhere. In the immediate post-Cambodia period, the Administration moved on two fronts to rekindle talk of a political settlement. First, the President announced the appointment of a new Paris negotiator, Ambassador David Bruce; and then Secretary of State Rogers, picking up the President's own theme, began to talk about a 20–80 split or division, of political power in South Vietnam. Whether the North Vietnamese, after almost thirty years of intense warfare, would even consider such a split is, for the moment, beside the point. Rogers tried to raise such an idea with President Thieu during his early July visit to Saigon. Thieu, elated by Cambodian developments would not even hear of conciliatory gestures toward the North Vietnamese. He dug in, sniping publicly at Secretary Rogers, chiding Senators who want peace, predicting first, neither peace nor war, and then an end to the war within three years, followed by a 50-to-60 thousand man U.S. commitment to South Vietnam for many years to come . . . similar to the U.S. commitment to South Korea.

President Nixon could have decided to put the heat on Thieu, but he chose not to. Instead, he has toughened the language of his own negotiating position . . . resurrecting the idea of elections, and sanctifying Thieu's objection to any form of coalition government. Last Thursday, he said the U.S. would neither negotiate nor impose a coalition. Thus the President brought himself side-by-side with President Thieu on negotiations, not leaning on him, and allowing the impression to grow that he is permitting Thieu to lean on the U.S.—and to succeed in this unusual performance.

LAKE MICHIGAN IS NO PLACE FOR A JETPORT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. LANDGREBE. Mr. Speaker, for many months now, we have heard that Lake Erie is dead or dying from the tons of pollutants dumped by municipal sewage plants and by private industry. A large-scale effort will be needed to restore it.

By any reckoning, it would appear logical to assume that if Lake Erie is dying, then Lake Michigan would be next. Lake Michigan has the massive cities of Chicago, Milwaukee, and Gary on its shores, as well as many other smaller cities and many industries.

A great deal of effort is needed to save Lake Michigan from the fate which has befallen Lake Erie. Everyone seems to be aware of this fact, at least almost everyone.

There appears to be one exception—the mayor of the city of Chicago. Despite the many warning signals and indications of a clear and present danger to the ecology of the Great Lakes—and Lake Michigan in particular—the mayor seems bent on delivering the coup de grace to the lake personally.

This death blow would come in the form of an island jetport on Lake Michigan. The idea of such a jetport itself is fantastic, impractical, and expensive. Given the demonstrated danger to the ecology of Lake Michigan, it is unthinkable.

I am one who believes that a third Chicago jetport is necessary, but not in Lake Michigan. There is plenty of good, open land in Northwest Indiana for a jetport, and this is far and away the most logical location for the jetport.

Of course, this would not be located in Chicago itself; it would be located in Indiana. And perhaps this is what has prompted Mayor Daley's incredible idea about a jetport in the lake. Like the fabled dog in the manger, he just cannot stand to see his neighbors prosper.

But this goes beyond mere competition by neighboring States. Lake Michigan is the property of all the people of the

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United States, with a special significance to the citizens of four States—Wisconsin, Michigan, Illinois, and Indiana. It is not the personal fiefdom of the mayor of Chicago.

Mr. Speaker, on July 13, the South Bend Tribune printed an excellent editorial about the lake-killing jetport. I insert the editorial at this point in the RECORD:

BAD IDEA KEPT ALIVE

Mayor Daley and the downtown Chicago business crowd are a stubborn crew. They want a third major airport for the metropolitan area built on an island in Lake Michigan, and they keep pumping life into the scheme despite the dangers it would create for the lake's future.

An array of experts—planners, environmental specialists, and architects—have denounced the idea as unrealistic, fantastically expensive, and perilous because of the pollution and the upset in nature it would cause.

Each time an expert group condemns the scheme, Daley pulls out another report praising the idea. And each time the price tag gets bigger.

Last week the American Institute of Planners, after an eight-month study, urged that the lake site be abandoned in favor of an inland one. Among the land sites proposed are some in northwestern Indiana.

The planners are worried with good reason that if the lake airport were built, commercial pressure would increase for other landfills to house adjacent business. The hunger for building profits could result in desecration of the lake's beauty and cause unknown damage to nature's balance.

Daley immediately countered with a report commissioned by the Chicago Dept. of Public Works, supporting his scheme and denying the dangers to the lake's ecology.

There was a catch in this report, however. Using 1970 prices, it estimated that a diked-in airport site would cost $558 million. That doesn't include hundreds of millions for buildings at the airport and a connecting link to land. Daley had estimated earlier that the whole project would come to $500 million.

Why spend such a vast amount, much of it federal money, on a dubious project? The American Institute of Planners put their finger on that: "Thus far, consideration of the financial benefits to the Chicago central business district and city government appear to outweigh concern about any detrimental effects."

Their report pointed out that a third airport would affect large areas outside Chicago, including northern Indiana, and therefore Chicago alone should not have the determining voice in where the airport should be located. That is exactly what Daley wants, of course.

This maneuvering by the Daley group reemphasizes the importance of Indiana's project to prepare a detailed feasibility proposal for construction of the superjet airport at a convenient location in the northwestern corner of this state.

TRIBUTE TO THE LATE CONGRESSMAN JOHN KUNKEL

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. McCLORY. Mr. Speaker, it was with deep personal sadness that I learned of the passing of my former colleague, Congressman John Kunkel of Pennsylvania. Following my election to the 88th Congress, both Mrs. McClory and I became close friends of John and Kitty Kunkel. Indeed, Kitty Kunkel, as president of the Congressional Club, provided a ready means by which we became adjusted to the environment of our Nation's Capital.

Congressman John Kunkel whose antecedents also served in the U.S. Congress and in other important posts during the formative years of our Nation, was himself a man of many talents and great ability and distinction. John Kunkel bore his mantle of authority with humility and grace. He and his lady, Kitty, made a most attractive couple and during their years in Washington they both contributed much to the life of our Nation both in terms of valuable legislation which Congressman Kunkel helped to produce and in terms of perpetuating our great American heritage to which both Congressman and Mrs. Kunkel evidenced a full measure of devotion.

My personal remembrances serve to make this a sad and tender moment as I reflect on the days when Congressman John Kunkel was in our midst. It is entirely fitting that many of us should express these sad and tender feelings at this time and to communicate to Kitty Kunkel our deep sympathy.

REMARKS MADE BY ADM. JAMES CALVERT, SUPERINTENDENT OF THE U.S. NAVAL ACADEMY, JUNE 2, 1970

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. DANIEL of Virginia. Mr. Speaker, relatives of midshipmen at the U.S. Naval Academy, who on recent occasions had the privilege of hearing the remarks made by Adm. James Calvert, Superintendent of the Naval Academy, found inspiration in his words. The occasions were—the prizes and awards ceremony incident to the graduating class of 1970, held at Annapolis on June 2, 1970; and also the oath of office ceremony held June 29, 1970, incident to the class of 1974 being admitted to the U.S. Naval Academy. Members of the midshipmen's families conveyed to me the wish that every college group in America might have the opportunity of hearing the meaningful message which Admiral Calvert delivered, believing the result would be an entirely different attitude on our college campuses.

Therefore, with a view toward acquainting myself with the contents of the admiral's remarks, I requested copies be made available to me. It is my understanding, however, that his was not a prepared text. Nevertheless, I was fortunate in obtaining the following as prepared from the admiral's notes, affording me the opportunity and the privilege of including them in the RECORD. Hopefully these words may come to the attention of our college youth throughout the country and, in turn, be an inspiration to them:

SUPERINTENDENT'S TALK AT PRIZES AND AWARDS CEREMONY, U.S. NAVAL ACADEMY, ANNAPOLIS, MD., JUNE 2, 1970

Ladies and gentlemen, members of the graduating class, and members of the Brigade—it occurred to me this morning that this will be the last chance that I will have to talk to the Class of '70 and there are a few things I would like to say.

There has never been a time in the history of our nation when so much wrong information has been peddled to so many people of college age. You have heard me say on many different occasions that the strength of a nation lies in its families, in its institutions, and in its traditions, and yet those of you who are aware of what is going on in America's campuses today, realize that these are exactly the three things that are under heaviest attack—our families and the standards that have created them, our institutions, and our traditions.

Speaking now to those of you in the Class of 1970, I would like to ask you to look to your right and to your left. I would like to reintroduce you to some of the most remarkable people that have yet lived in America—your parents, your grandparents, your aunts, and your uncles. These people are the ones who put you in these seats today. Not yourselves, not your high schools, not your teachers, not your coaches—but it was these people who did it. They taught you what discipline, self-discipline, and accountability meant, or you never would have made it here. In addition they have done some other remarkable things which get lost in the dust in these days of realigning our priorities.

In the time that they have lived—most of them since 1910 or 1920 until the present—they have increased your life expectancy by some 50%. They have cut the average working day by one third and they have more than doubled the productivity of each worker in the United States. They have gone far to conquer flu, typhoid, diphtheria, small pox, scarlet fever, polio and a host of other things that made our childhood a terror and that you don't even think about any more.

These people on your right and left lived through the world's grimmest depression. Many of them really knew what it was to be hungry and cold and poor, to really not know where next week's money was coming from. I can remember it clearly—it is an experience that one does not forget.

These people on your right and left fought the grisliest war in the history of the world and when it was over they had the compassion to spend billions of dollars to rebuild Europe and they did it successfully.

Despite all of our faults today, these people have accomplished more in overcoming racial discrimination than any other group in history. They have built more schools, more libraries and more hospitals than all the other generations in the history of the world combined. And so think for a moment before you say, with some of your contemporaries, "We won't accept the values of these people." Gentlemen, their values are pretty damned good—and don't throw them away until you have given it careful thought.

As for institutions which are under attack these days, I would submit to you the United States of America which, in a very real sense, is the only hope of the world for a decent future. Many of those who would tear it down and degrade it do so with a clear knowledge of what they are doing.

And speaking of institutions, there are two of them that we don't talk about around here as much as we should—the United States Navy and United States Marine Corps. They are always with us here at Annapolis. They are so ever-present that it embarrasses us to talk about them—and no one is more aware than I that it is the fashion in many places these days to make fun of them and to run them down. I would like to say, as one who has seen them now for a period of some thirty years, that there are very few institutions in the world that have more to be justly proud of than the Navy and the Marine Corps. To be good officers in these organizations is something for which you should aspire with all the effort and dedication that you know. Tomorrow you will become officers. Whether or not you will be good officers is up to you but it is a goal well worth striving for.

In terms of traditions, before I close, I would like to mention one that is appropriate to this gathering: competition. It is the fashion among those on our campuses who would tear this country down to say that America teaches people to work hard, to study hard, and to kill. Gentlemen, the presence of ladies here this morning makes it impossible for me to reply to that statement the way it ought to be replied to. The United States of America is based on competition. You competed with a lot of other people to get to the Naval Academy and to stay here. All the time you are in the Navy or Marine Corps you will be competing with other people. Competition is proud stuff. Don't apologize for it and don't think it is childish.

Whatever you do after you leave this place, do it with all your heart. If you are going to work, work hard. If you are going to play, play hard. If you are going to compete, compete hard.

OATH OF OFFICE CEREMONY JUNE 29, 1970

I am about to administer the oath of office to you young men as midshipmen in the U.S. Navy. I know that you have had the importance and significance of this oath explained to you, but I ask you to reflect on one aspect of it for a moment—and that is the fact that you "take this obligation freely." Every member of the brigade of midshipmen, and every midshipman over the years, entered this academy of his own volition, of his own free will. And this I trust is the case with each of you. In taking this step you become a part of a very select and extraordinary group of young men. In fact, before you take it—as you sit here at this moment—you are already a very select group. In a year when we had more applicants than any time in the history of the Naval Academy—you have succeeded in gaining admission.

Almost all of you did very well in high school, in academics, athletics, or extracurricular activities. As a consequence, you will find the competition here much tougher. To excel under these circumstances is a wonderful opportunity and challenge.

Here, you will have the opportunity to gain an outstanding college education, and I am sure you are dedicated to that purpose. But your dedication and purpose should extend far beyond that, for here you will also prepare to become leaders of men. From your past experience in school, scouting, or athletics, you may have already learned that before you can lead you must know how to follow, and much of your plebe year will be devoted to developing that ability.

Plebe year and especially Plebe summer is a time of development in a very new and different environment, and you may feel some pressure and stress in the process. Some of you may be a little bit overwhelmed after one day. Some of you are going to get very homesick; homesick for all sorts of things. Some of you, most of you, are going to miss your girl. Some of you are going to be homesick for mom's cooking and some of you are going to be homesick just for an environment where people know you and care about you. We do not know you yet, but we are going to get to know you better each day and, while you may not sense it immediately, we already care about you very much and we trust that as we get to know you better we will care about you more.

If at times you become discouraged, you will not be alone. Many of your classmates will feel the same, although some of them will never admit it, and many of your predecessors, now highly successful graduates, had the same anxieties, doubts, and concerns when they were Plebes.

I wish you well in the demanding but rewarding days ahead. Be serious in your endeavor, but never lose your sense of humor or your enthusiasm for the task at hand. It is tough here. You wouldn't want it any other way. Take it one day at a time, and remember that a lot of other guys who were not super human made it—so can you!

THE 25TH ANNIVERSARY OBSERVANCE OF FRED GETTELMAN CHAPTER 44, DISABLED AMERICAN VETERANS, MILWAUKEE, WIS.

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. ZABLOCKI. Mr. Speaker, yesterday, Sunday, August 2, it was my great pleasure and privilege to participate in the commemorative ceremonies of the 25th anniversary of the Fred Gettelman Chapter 44 of the Disabled American Veterans. The program was impressively conducted by Attorney Robert Schroeder, president of the Military Order of the Purple Heart Service Foundation, and a charter member of the chapter. The principal speaker, Mr. Donald Turek, executive director of the Milwaukee County War Memorial Center, presented a most inspiring and fitting message for the occasion.

The highlight of the evening was the induction of three Army Vietnam veterans: Congressional Medal of Honor recipient, Gary G. Wetzel, who served in the 173d Assault Helicopter Co., Lai Khe, Vietnam; Robert W. Engstrom, 3/5 Cavalry; and Ervin E. Wells, 173d Assault Helicopter Co., Lai Khe, Vietnam.

Fred Gettelman Chapter No. 44 of the Disabled American Veterans of World War II was organized in the city of Milwaukee in 1945. For many years the chapter had a membership of only World War II veterans and was the first, and largest, World War II chapter in the State. Nickolas Cendretta, the first chapter commander, and two fellow officers, Comrade Moltke and Comrade Schneider, attended the Disabled American Veterans National Convention at New York City in July 1945, where they accepted the charter of Fred Gettelman Chapter No. 44. The charter was presented at the first official meeting on August 2, 1945.

Since its organization in 1945, the chapter has grown at a steady rate to a membership of approximately 200 disabled veterans representing both World Wars, the Korean conflict, and the Vietnam war. Chapter No. 44 has set a record over the years for active female membership and at the present time a female disabled veteran of World War II is the senior vice commander.

Throughout its 25-year history, Gettelman Chapter No. 44 has lived up to its goals and objectives by serving the needs and providing for the comforts of wartime disabled and their dependents. In this regard the chapter has distinguished itself at the local, State, and national levels by its record of achievements and services. It would be impossible to enumerate all of the activities of the chapter. Some of the more recent achievements and services—those which are considered to be "above and beyond the call of duty" constitute a most outstanding record of accomplishments.

Gettelman chapter has always been proud of the fine facilities and services at the Veterans' Administration Center at Wood, Wis., and the chapter has concentrated its welfare and service projects at the center. In addition to weekly visitations of the infirm by members and their wives, the chapter has contributed funds, furniture, equipment, and other facilities to the center which help to provide service and comfort to the patients and residents.

Perhaps the best known of these facilities are the shelter and bleachers on the hill overlooking Milwaukee County Stadium, known as "Stadium Hill," or "Mockingbird Hill" as veterans call it because of the echoes they hear from the stadium's public address system. The facility, built and maintained by the chapter, has enabled thousands of patients and residents at Wood to view many baseball and football games without leaving the hospital grounds and at no cost to them.

With the demise of the Milwaukee Braves, and the reduced use of the shelter and bleachers the chapter searched for a new project. They had an idea for a project in their midst and did not know it. Francis Awe, past commander of the chapter, who is blind and a league bowler suggested a new project, known as "blind bowling." With the help of Francis Awe who knew some young blind individuals whose parents are veterans, the chapter organized a bowling team and league which has participated in tournaments in Madison, Green Bay, and Chicago. The chapter also sponsored the league to the national blind bowling tournaments in Louisville in 1968, New York in 1969, and Detroit in 1970. In 1970 the team placed fifth in the class A division.

When the new hospital was nearing completion at the Veterans' Administration Center in the mid-1960's the chapter decided to erect a memorial to remind the patients, residents, and visitors of the chapter's interest in the welfare, comfort, and enjoyment of the veterans. A memorial—consisting of a fountain and planters—graces the main lobby of the hospital. A plaque reads that it was donated jointly by Chapter 44, Disabled American Veterans and Chapter 96 of the Military Order of the Purple Heart.

Gettelman Chapter No. 44 also sponsors a supply booth at annual Wisconsin conventions of the Disabled American Veterans where official DAV merchandise is displayed and sold. It is the only chapter in the Nation providing this type of service.

On the State level, Chapter 44 also has had two members serve as State commanders and several have served as elected and appointed State officers. On the national level, Gettelman Chapter has been awarded three of the top prizes in a nationwide DAV contest for public relations and Americanism, the only chapter in the State of Wisconsin to be honored this way. The chapter has also had remarks appearing in the CONGRESSIONAL RECORD commending its service to disabled veterans and the community.

Gettelman Chapter No. 44 is proud that its members are veterans from all walks of life, including a Federal judge, a county judge, several past State and national commanders of other veterans organizations, and many veterans and citizens who have distinguished themselves and the chapter.

The officers and members are always mindful of those who have assisted the chapter and its programs. For example, a citation was presented to the Gettelman brothers—Fred and Tom—in the name of their father, Fred Gettelman. This was in recognition of Mr. Gettelman's contribution in sponsoring the chapter which bears his name and in honor of the numerous civic and patriotic activities in which he participated.

In 1962, the chapter initiated an award to be made on a statewide basis for "Outstanding Disabled Veteran of the Year." The award is presented in recognition of active service to the disabled and the community. Past Commander Francis Awe was recipient of the second annual award in 1963 at the State convention at LaCrosse.

The current officers are: Comdr. George Anton; Senior Vice Comdr. Mary Ann Gendron; Junior Vice Comdr. John L. Hammel; Treasurer Frank J. Czecholinski; Judge Advocate Robert W. Schroeder; Historian Marvin Gabrielson; Chaplain Clifford Kuehl; Trustees Francis Awe, John S. Hanke, Wesley Wiedenhoeft; Adjutant John Anthony Ruhl.

ETERNAL POLLUTION COULD BE THE SST'S LEGACY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, an article on the front page of Sunday's Washington Post raises serious questions concerning the rapidly deteriorating state of our environment, with particular emphasis on the possible consequences which extensive use of the administration's proposed SST jet aircraft will have on our atmosphere. The 70 distinguished experts who attended the Massachusetts Institute of Technology's Study of Critical Environmental Problems warned that the SST could create a heavy blanket of pollution in the stratosphere which could last "forever." Water vapor in the stratosphere could increase 10 percent worldwide and up to 60 percent over the North American continent, which would be subject to the greatest number of SST flights, as well as the greatest number of shattering sonic booms which are expected to spread a noise-destruction cone 50 miles wide beneath the aircraft.

One scientist at the month-long meeting, contemplating the possible consequences to the earth's stratosphere, stated that "when you change something on a global basis, you had better watch out." He was referring specifically to the expected rise of 6° to 7° in the centigrade temperature of the stratosphere which surrounds the earth.

I have commented often in the past about this project, which I consider to be an insult to the taxpayers of this country and a sad admission by the current administration of just how unwilling they are to place the best interests of the greatest number of our people ahead of high-flying welfare handouts for the powerful few who will build and use the SST boondoggle.

Developers of the first passenger jets did not request that the Government pick up the tab. Yet those behind the SST project hope to receive public handouts, in return for which the taxpayer will receive sonic booms and possibly gray skies or worse forever. The aforementioned article on what this aircraft could do to our climate follows:

SST CALLED THREAT TO CLIMATE

(By Stuart Auerbach)

WILLIAMSTOWN, MASS., Aug. 1.—A high-level environmental study group warned today that supersonic transports could change the world's climate by creating permanent layers of smog in the atmosphere.

The scientists said that gases and particles from a single SST jet would remain for three years in the windless upper reaches of earth's atmosphere. If SST's fly in any large numbers they will create a new layer of stratospheric smog that will remain "forever," they said.

The Massachusetts Institute of Technology's Study of Critical Environmental Problems, concluding a month-long program here, urged a slowdown in plans to produce the SST until scientists determine how it will affect the earth's atmosphere.

This unexpectedly strong recommendation came at a time when the controversial SST program faces close scrutiny by Congress, which is bothered both by its high costs and its possible environmental effects.

Up to now, most concern has centered on the sonic booms produced by the SST—so-called noise pollution. Just last month, William M. Magruder, the SST program manager for the Department of Transportation, said it is "very remote" that the SST could affect world climate.

But atmospheric experts here feared otherwise.

"The stratosphere where supersonic jet transports will fly at 65,000 feet is a very rarefied region with little vertical mixing," they said in the conference's final report.

"Gases and particles produced by jet exhaust may remain there from one to three years before disappearing."

And if SST planes keep adding pollutants to the stratosphere, the upper atmosphere smog will remain forever.

Using Federal Aviation Administration estimates of 500 SSTs in the air by 1990, each flying at 2.7 times the speed of sound, environmental experts here calculated that the jet engines would:

Increase water vapor in the stratosphere by 10 per cent on a global basis and by as much as 60 per cent over the northern hemiphere, where traffic is expected to be the most dense.

Shoot enough particles from sulfur dioxide, hydrocarbons and soot into the stratosphere to double the normal levels globally and increase them by as much as 10 times where there is dense traffic.

This could raise the temperature in the stratosphere by as much as 6 to 7 degrees centigrade. The scientists said they do not know what this temperature change in the stratosphere would mean on earth.

But, warned William W. Kellogg, associate director of the National Center for Atmospheric Research in Boulder, Colo., "when you change something on a global basis, you had better watch out."

Current plans call for prototype supersonic transports to begin flying in 1972. By 1973, Department of Transportation experts said, SSTs should have had 100 hours of flying time—enough to determine whether the federal government should go ahead with its heavily subsidized program.

Both France and Britain are proceeding even faster with the development of supersonic transports.

Even subsonic jet planes create environmental changes. Kellogg reported that Weather Bureau observers at Denver and at Salt Lake City have noted an increase in cirrus clouds since 1958, when the jet age started.

He said these clouds are formed by the usual contrail of a jet—readily visible to anyone watching a jet plane against the blue sky.

The SST recommendation was the strongest to come from the MIT conference, which generally tried to avoid gloomy predictions about the environmental health of the world that have been favored by many experts.

Carroll L. Wilson, director of the study group, said these early warnings about the environmental crisis had served to alert public officials to the dangers facing the earth. But these officials were faced with the lack of basic information needed to plan programs to reverse the trend.

"Relevant data on critical global problems is very poor and this seriously limits our understanding of their meaning," the MIT study group said.

"Far better estimates well into the 21st century are needed in order to assess the expected impact of man on the world ecological system to give him time to take action to avoid crisis or catastrophe"

Wilson and other officials of the study—financed by 11 federal agencies, five foundations and MIT—hoped that its recommendations would influence public policy.

The MIT study—bringing together 70 experts from federal agencies, universities and corporations on the Williams College campus here—focused on global environmental problems "whose cumulative effects on ecological systems are so large and prevalent that they have world-wide significance.

"No world organization is charged with the responsibility to determine the status of the total global environment and allerting man to dangers which may result from his practices."

Among its other findings, the MIT group:

Called for "a drastic reduction in the use of DDT" which has seriously affected the balance of nature in many parts of the world.

Urged the curtailment of the use of mercury and other heavy metals as pesticides and other biological uses because of their potential poisonous nature to many marine organisms and ultimately to human life itself.

As much as 1.5 million tons of oil end up in the world's oceans through leaks from ships, offshore drilling accidents, and industrial wastes. In addition, 3.3 million tons of oil—mostly used in lubricating cars and other machines—are lost each year.

TESTIMONY OF MAJ. GEN. WINSTON P. WILSON BEFORE PRESIDENT'S COMMISSION ON CAMPUS UNREST

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. MONTGOMERY. Mr. Speaker, on this past July 17, Maj. Gen. Winston P. Wilson testified before the President's Commission on Campus Unrest. General Wilson, who is Chief of the National Guard Bureau, presented a very interesting profile on a Guardsman. He also gave some facts on the case of civil disorders to the taxpayers. I would like to share his remarks with my colleagues:

PRESENTATION OF MAJ. GEN. WINSTON P. WILSON, CHIEF, NATIONAL GUARD BUREAU

Mr. Chairman, I appreciate very much the opportunity to appear before this Presidential Commission. I would like to make it clear that I do not come before you to give expert testimony on the educational assumptions, procedures and practices of the institutions of higher learning in this country.

My appearance here today is in my official capacity as Chief of the National Guard Bureau. It is in this role that I qualify as an expert on National Guard affairs. My service with the Guard covers a period of over 41 years. I have been on active duty with the National Guard Bureau since 1950. I have served as both Chief of the Air Division and as Bureau Deputy Chief. I became Chief of the National Guard Bureau in 1963 and am currently serving my second tour in that capacity.

The National Guard Bureau, which was originally established in 1908, does not have a command function; it is a staff and coordinating agency. As Chief of the National Guard Bureau. I do not command the National Guard. Under the Federal Constitution, in time of peace the National Guard belongs to the respective States with the Command vested in the Governor who serves as its Commander-in-Chief. Whenever the Guard is ordered to active duty or called into active federal service, which generally occurs in time of war or during a national emergency, this command passes to the President of the United States.

The function of the National Guard Bureau is to formulate and administer a program for the development and maintenance of Army and Air National Guard units of the 50 States, the Commonwealth of Puerto Rico and the District of Columbia. This is carried out in accordance with current Department of the Army and Air Force policy. As Chief of the Bureau, I report to the Secretaries of the Army and Air Force through the respective Chiefs of Staff. In addition, I serve as principal staff advisor to the Chiefs of Staff on all National Guard affairs.

Section 261, Title 10, U.S. Code provides that the Army National Guard of the United States, and the Air National Guard of the United States are among the reserve components of the armed forces. Section 262 goes on to explain the purpose of the reserve components:—and I quote, "The purpose of the reserve components is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency and at such other times as the national security requires, to fill the needs of the armed forces whenever, during, and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components"—end quote. Section 3078 (and 8078) further specify that "the Army National Guard while in the service of the United States is a component of the Army," and "The Air National Guard while in the service of the United States is a component of the Air Force." Sections 3079 and (8079) provide that—When not on active duty, members of the Army National Guard of the United States (and Air National Guard of the United States) shall be administered, armed, equipped and trained in their status as members of the Army National Guard (or Air National Guard). The Army National Guard and Air National Guard are defined in Section 101 of Title 32, United States Code as: "* * * that part of the organized militia of the several States and territories, Puerto Rico, the Canal Zone, and the District of Columbia, active and inactive, that—

"(A) is a land force (or air force)

(B) is trained, and has its officers appointed under the sixteenth clause of Section 8, Article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense, and,

(D) is Federally recognized.

Thus it can be seen that our National Guard is unique in two respects: First it has the distinction of being the oldest military organization in the United States. Secondly, and more important, it is the only military organization in the United States with a dual responsibility—one to the State, and one to the Federal Government. It is a military organization available to the Governor of a State for use in maintaining the peace and public safety within the State; it is also a military organization available to the President for federal service under certain circumstances. At the present time, the ARNG and the ANG are the only non-regular military units which may be utilized by the President in federal status without first declaring a national emergency.

It is a well-known fact that the National Guard has had more experience with civil unrest than anyone except the legally-constituted local and State law enforcement agencies of the nation. Certainly, in terms of number of times utilized, no other military organization can compare its experience with that of the National Guard. Since January 1968 to the end of May 1970, for example, the National Guard has been utilized 324 times. The number of Guard personnel called up during this period totaled 220,698. On only three occasions during this period was Federal assistance required. All three of them were in April, 1968. At that time—in the aftermath of the assassination of Dr. Martin Luther King—Guardsmen were Federalized and Federal troops were called in to assist at Chicago, at Baltimore and in the District of Columbia.

During the height of campus unrest last May, National Guardsmen were used on 24 occasions at 21 universities in 16 States. You are aware, I'm sure, that the civil disorders create an economic impact on the States, which pay for these operations from State revenues. State costs for the more than 200 times the Guardsmen have been called by Governors to cope with Civil disorders since 1968 amounted to nearly $15 million. The costs are all inclusive, covering pay and allowances for the men, rations, gas and oil for the vehicles, rental charges and other expenses incurred as a result of ordering the Army and Air National Guard to State active duty.

The cost of State active duty for other domestic emergencies, such as floods, tornadoes, missing persons searches, forest fires, and other natural disasters are not included in costs I have cited. Ohio—where the Guard has been used 23 times for disorders since January 1968—leads the country in civil disturbance costs of nearly $2.5 million. The Ohio Guardsmen also were used nine times for natural disasters during this period, at a cost to the State of $155,800. Costs of National Guard active duty in Mississippi for Hurricane Camille came to more than $1.3 million.

Attachment #1 shows the costs State by State. You will note that 11 States, Puerto Rico and the District of Columbia reported no costs. Although the District of Columbia guard has been involved frequently in civil disturbance operations, the costs were borne by the Federal government. Three States—Illinois, South Carolina and Ohio—had costs exceeding $1 million. I emphasize this State responsibility to make certain you understand clearly that neither the Department of Defense nor the National Guard Bureau decide when the Guard will be ordered into action in a State emergency. That's a decision of civilian authority—normally the Governor—when it has been determined that the capabilities of the law enforcement agencies under his control will not be sufficient to cope with the disturbance.

When your Commission Staff invited me to appear before you, they asked for an explanation of a Governor's authority to use the National Guard. In that regard, I believe it's important to understand that the States are empowered to have a National Guard through Article I, Section 8 of the Constitution. In effect, that authority gives Congress the power to organize and discipline the militia. It specifically reserves to the States the authority to train the militia according to the discipline prescribed by Congress. Significantly, Congress—subsequent to the writing of the Constitution—has demanded that the substance and manner of training given the National Guard conform to the training given the active Army and Air Force.

Title 32, U.S.C. provides for the Federal support, inspection, training and discipline of the National Guard. The active Army and Air Force provide the training standards, allocate the equipment, and subject all units and personnel to regularly scheduled inspections to determine their compliance with Federal standards and regulations. This is the process by which personnel (and units) are granted "Federal Recognition" and is prerequisite to all aspects of Federal support to the States in the maintenance of their National Guard. In other words, the National Guard is subject to the same standards of training as any reserve component—only the peace-time management structure is different.

Going back to the Constitution, its authors were careful to grant to Congress only the authority to govern ". . . such Part of them (the Militia) as may be employed in the Service of the United States." The Tenth Amendment clearly indicates that the authority to control the actions of the Militia when not in Federal service is reserved to the States.

The Congressional Record for the first session of the 64th Congress (1915–1916) indicates that there was considerable sentiment for attempting to limit the uses to which a State might put the Guard, particularly strike duty. Nevertheless, the law that Congress passed—the National Defense Act of 1916—contained language providing that nothing in the act was to be construed as limiting the authority of a State to "use" its National Guard within its borders in time of peace. Similar language appears today in section 109(b) of title 32, U.S. Code.

You should be aware, also, that a Governor can seek additional military support by requesting Federal forces. The underlying constitutional authority is the duty of the United States under Article IV, Section 4, to protect each of the states "on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence." This pledge is imple-

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mented by Chapter 15 of title 10, U.S.C., and particularly 10 U.S.C. 331.

As outlined by the Attorney General in a letter to the Governors of the various states on 7 August 1967, the three basic legal requirements for using federal troops to quell domestic violence are—

1. That a serious "domestic violence" exists.

2. That such violence cannot be brought under control by the law enforcement resources available to the Governor.

3. That the legislature or the Governor requests the President to employ armed forces of the U.S. to bring the violence under control. The request by the Governor is essential if the legislature cannot be convened.

I think it is important that you understand that only a very small percentage of National Guardsmen earn their living through full time service with the Guard; most of them work at their own profession or in private industry. Assuming that he works in private industry, chances are he earns between 20 and 25 dollars a day. Whereas, if his rank in the National Guard is a Private First Class and his Governor orders him to active State duty, his pay—except for a very few States which have provided for higher pay and allowances—drops to that of an active Army PFC. The latest pay rate for this rank is less than $8.00 per day. About the only hope this Guardsman has is that his duty will be short and that he won't receive an injury that might prevent his returning to his civilian job. This brings me to the individual National Guardsman himself.

Who is this National Guardsman ordered by State authorities to face unrest on our college campuses or open violence on American city streets? What is the makeup of an average young Guardsman?

He comes from your hometown or the city where you live. If he works, he may be a young businessman or learning a profession. He may be a skilled worker or a college student.

The typical Guardsman I'm talking about joined the National Guard when he was about 21 years old. His present age is about 23. At the time he joined his local unit, he was single or recently married.

Your young Guardsman has completed high school and probably more than one year of college. There is a good chance that he graduated from college just this last year. In any case, he scored high on the mental and physical tests given for enlistment qualification.

By choosing to join the National Guard he has made a deliberate decision about how he would fulfill his military obligation. When our Guardsman joined the unit, he took an oath to fulfill the dual mission I spoke of earlier. In short, he swore to obey the orders of the President of the United States and the Governor of his State.

As a newly enlisted National Guard recruit, this young fellow is ordered to active duty and sent to an active military station, where he receives his initial military training from active duty military personnel.

Every qualified American, under the law, has a choice of the manner in which he will fulfill his military obligation. Charging that a man is "dodging" the draft by joining the Guard or Reserve is no more fair than saying a man volunteering for the Air Force or Navy is evading the infantry. These are choices open to everyone. And the odds of a Guardsman being called to duty for national emergencies have proven to be pretty high. We've had units mobilized in every major conflict the nation has fought, including Vietnam.

The training he receives is identical to that received by the Selective Service trainee and the active Army and Air Force enlistee. In fact, his actual training is accomplished side-by-side with these people. In length, it varies from four months to a year, depending upon his specialty. Much of this training, by the way, is not identified as riot training. Yet, many hours could be considered in that category. I'm talking about the handling of weapons, drill formations, experience with tear gas, for example. Much of this training is valuable preparation for facing any kind of threat.

With his active duty training behind him, he will return to his hometown unit fully qualified in his field and will rejoin his company of about 200 men. Now, he will devote one weekend every month toward increasing his individual proficiency as a member of that unit. The minimal 192 hours of training he undergoes on weekends each year includes an initial 33 hours of specialized riot control training. Additionally, he attends 15 days of annual training each summer. This effort qualifies him for accomplishment of the Guard's dual mission.

Our typical Guardsman has served an average of two to four years in the National Guard. He will remain in the Guard for six years to satisfy his military obligation. About 15 per cent serve beyond that time and become career Guardsmen.

Our career Guardsman is about 30 years old. He is a mature individual, probably a man with growing children. As a Non-Commissioned Officer, he is the backbone of his unit. Chances are, he chose to stay with the Guard because he feels a sense of duty to his country and because he likes comradeship and the sense of belonging to an organization. He earned his stripes through personal leadership and acquiring specialized military skills.

The Guard profile of an average first lieutenant shows that he is about 30 years of age and has spent approximately nine years in the National Guard. This officer is more than likely married with two children and is advancing steadily in his civilian job. His commission was received either through an Officer Candidate School or by appointment based on professional status, such as a doctor, lawyer, dentist or clergyman. The strong points favoring this young officer include responsible leadership, military qualification, personal loyalty and, unquestionable patriotism. Many of our Guardsmen have combat experience from World War II, Korea and Vietnam. That's a quick look at representative Guardsmen.

Now . . . if we look at recent history, it's easy to recognize that we have experienced changes at an unprecedented rate. The fuel for the fire of change is the demand for improvement in human conditions; the demand to eradicate poverty, disease, famine, and the demand to give recognition to the dignity and uniqueness of every individual.

The traditional role of the National Guard in State service has been one of assisting local government to combat the ravages of human suffering when natural disaster—fire, flood, hurricane and earthquake—strikes. In the last 20 years that traditional role has undergone drastic change.

In the case of the National Guard, the starting point for this drastic change goes back to the Civil Rights movement of the 1950's.

This was followed by the extended use of Guard troops as peace officers to protect the rights of ALL citizens during a series of Civil Rights marches throughout the South and on the Eastern Seaboard.

A new dimension to the problem came for the Guard with the explosive 1965 riot in the Watts district of Los Angeles. Two years later, in 1967, came the Camden and Newark riots, followed immediately by the Detroit situation, where the full brunt of what many termed "open warfare in the cities" came to bear upon the American public.

Immediately following the Detroit riots, the active Army and the National Guard developed and implemented new riot control plans in accordance with Department of the Army Field Manual 19–15, titled, "Civil Disturbances and Disasters." Paragraph 6–1 of that manual states: "Units must be effectively trained for operations in any civil disturbance situation to which they may be committed. Such training is designed to give each individual an understanding of the entire subject area and enable him to function efficiently both individually and as a members of a unit. This training must be sufficiently intensive and continuing to develop individuals to the point that they will carry out distasteful and dangerous assignments with disciplined response to orders and an objective attitude." unquote.

On August 9, 1967, I sent a letter to the Adjutants General of all 50 States, the District of Columbia and the Commonwealth of Puerto Rico, instructing them to conduct extensive riot control training during the months of August and September, 1967, in accordance with the requirements of Army Subject Schedule 19–6–(T), dated 7 August 1967. That training consisted of an initial 33 hours of unit and 18 hours of command and staff civil disturbance training. Additionally, all units assigned a civil disturbance mission receive 16 hours of refresher training each year. (See attachment #2).

In a further attempt to provide senior officers with a maximum of training and understanding of civil disturbance situations, the active Army established the Senior Officers Civil Disturbance Orientation Course, known as SEADOC, at Fort Gordon, Georgia. During the period 1968–1969, the National Guard sent 993 senior officers to that course. Civilian law enforcement officers attending the school total 1,464.

During the Spring of 1968, my Deputy Chief, Major General Greenlief, and I personally reviewed all of the States' riot control plans for their effectiveness. In each case the plans revealed the current thinking of Department of the Army in riot control procedures, reflecting the sweeping changes which were brought about after the Detroit situation of 1967.

In reviewing the plans, we and key members of our staff visited most of the States. I can assure you that one could not help but be impressed by the amount of work and coordination that had gone into the planning. We found the States well prepared to meet any possible civil disorder. While there were some equipment shortages, that deficiency—for the most part—has since been remedied. Each State staff had devoted thousands of hours to the task. Coordination had been made with other State and Federal authorities. They met with each other, discussed their problems, established chains of command. Task forces had been determined. Convoy routes had been drawn. Locations of vital points, such as police stations and fire houses had been pinpointed. Details of maintaining activities in the cities, even down to the collection of garbage, had been resolved. In effect, they had done one whale of a job in a short time—and they had done it well, indeed.

The reviewing process for these plans is a continuous operation, geared to pertinent information available to the States and the Bureau. One of the most effective means for upgrading these plans and keeping them current is through the thorough study of the after-action reports submitted by the States following their involvement in a civil disturbance.

I cannot overemphasize the vital interest the Department of Defense and the National Guard Bureau has in all aspects of civil disturbance control. We have under constant review the methods used by all the States for this type of distasteful operation, particularly as they apply to the application of force. A survey of civil disturbance plans conducted by the National Guard Bureau during mid-June revealed that 47 States were conforming with the full intent of the Army's Rules of Engagement. In every plan, strong emphasis was made to apply only the minimum force necessary to attain their objective.

The Active Army's intense interest in civil disturbance control has resulted in a review of paragraph 7-4, Application of Force, of Army Field Manual 19-15. As a result of this review, the manual was clarified to read that—quote "three circumstances must exist before deadly force can be authorized." unquote. The three circumstances, and I quote again, are:

"1. Lesser means have been exhausted or are unavailable.

2. The risk of death or serious bodily harm to innocent persons is not increased by its use.

3. The purpose of its use is one or more of the following:

(a) Self-defense to avoid death or serious bodily harm.

(b) Prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, to prevent sniping).

(c) Prevention of the destruction of public utilities or similar properly vital to public health or safety.

(d) Detention or prevention of the escape of persons against whom the use of deadly force is authorized in subparagraphs (a), (b), and (c) immediately above." unquote.

The new training tactics and techniques were utilized in April, 1968, at which time 71,967 Guardsmen were called out to cope with civil disturbances in 45 cities in 23 States.

On April 12, 1968, the Directorate for Civil Disturbance Planning and Operations, known as the DCDPO, was established in the Pentagon. Basically, this operation is an active Army operation which functions as a liaison and information center at all times. Working closely with the Guard Bureau during State emergencies, the DCDPO, of course, would become a command and control center if and when Guard troops were Federalized or Federal troops were used during a disorder.

The DCDPO maintains an around-the-clock Civil Disturbance Command Center with required personnel, facilities, and the means for acquiring, processing, displaying and disseminating information on possible and current civil disturbances.

Within the DCDPO is a group known as the "Watch Team." It is composed of individuals who monitor any and all civil disturbances throughout the United States. National Guard representatives are a part of the "Watch Team," and thus are constantly aware of any situations involving civil strife. When the National Guard is alerted for a disturbance, all pertinent information is telephoned by State officials to the DCDPO immediately, with subsequent up-dating reports being submitted as the situation develops.

Because of my military position, I am concentrating on the efforts that have been taken by the Guard and the Armed Services. However, I would not want to discuss this topic without paying tribute to the improvements local and State law enforcement agencies have made. They have done a tremendous job. They are, after all, the frontline troops, and we in the Guard go in only to assist them. We work with them as an additional law enforcement resource of the Governor, usually under their able direction and leadership. I can assure you we have found police officials to be dedicated, competent and cooperative.

Guardsmen have withstood the verbal abuse of an angry mob. They have suffered the indignity of many other forms of abuse. I can guarantee you—indeed—that these men would not wish a similar experience on anyone.

I might add that from my experience in watching them and in my reviews of their actions on hundreds of occasions, the single most outstanding impression I get is that they are patient men—professional in action, brave in the face of real danger, and concerned with the protection of the rights of all citizens.

Riot control, civil disturbance operations or whatever one chooses to call it, is one of the most distasteful, thankless and *dangerous* missions the National Guard has.

It should not be forgotten that when the Guard has been called out, a serious emergency exists. By the time we are called lives and property already are in jeopardy. If a dangerous situation—if the confrontation was not threatening to expand beyond the capabilities of the law enforcement agencies, calling upon the Guard by the Governor would not be necessary. I dread to think of what might have happened if the Guard had not been available to the States in some of these cases.

You must remember that Guardsmen are civilian soldiers and airmen who have been summoned reluctantly from their homes and from their jobs in obedience to duty. The dangers they face on duty are real.

This rock I am holding in my hand was one that landed among Guardsmen at Berkeley. It weighs four pounds, and was propelled into the formation of Guardsmen by a powerful, homemade slingshot. Some other devices we have faced up to in these disturbances also are on display here.

When a young man voluntarily enlists in the National Guard he subscribes to an oath that he will support and defend the Constitution of the United States and of his State. Thus, like any other man or woman serving in our armed services, this individual offers his protection to guarantee the human rights—including the right of peaceful dissent—afforded every American citizen. Traditionally our Guardsmen do not take sides. The Guard's protection must extend to everyone. On many occasions Guard troops have lined the streets to protect the civil rights of our citizens. The Selma march is but one example.

The Guard received considerable praise for the professional manner in which it carried out that complex operation in an atmosphere charged with emotion. You can well imagine how any of these situations might lend themselves to emotion. Yet, time after time after time, the Guardsmen have performed their duty calmly and capably.

We have received many commendations for our efforts to restore law and order and for our work in protecting human lives. We have won praise from a President, praise from Dr. Martin Luther King and from thousands of average citizens.

I hope that during my presentation I have shown you that the National Guard is a well-trained, responsive organization which accepts its responsibility with dedication and determination. I hope you will recognize now that Guardsmen are volunteers, prepared to perform both a Federal and a State mission. They are trained in accordance with Federal standards as prescribed by the Congress for the active military services. They are properly equipped to perform their missions. They are supervised and inspected by the active military services to insure they live up to the established standards. They are prepared to carry their weight in combat with a foreign enemy, if that is necessary, and they have proved to be an effective force belonging to the Governor for the augmentation of local and State law enforcement agencies.

I do not envy you in carrying out your commission. You face a challenge of monumental magnitude. I hope that my presentation has helped provide you with a better insight into the National Guard. Again, I thank you, and I stand prepared to assist you in any way I can in the future.

Civil disturbance costs to States

Alabama	$154, 840
Alaska	0
Arizona	0
Arkansas	41, 385
California	675, 712
Colorado	30, 000
Connecticut	180, 000
Delaware	813, 096
District of Columbia	0
Florida	154, 559
Georgia	378, 842
Hawaii	0
Idaho	1, 352
Illinois	2, 293, 338
Indiana	17, 288
Iowa	232, 801
Kansas	102, 140
Kentucky	137, 199
Louisiana	115, 992
Maine	0
Maryland	789, 803
Massachusetts	26, 300
Michigan	870, 640
Minnesota	2, 235
Mississippi	431, 613
Missouri	435, 326
Montana	0
Nebraska	118, 569
Nevada	17, 508
New Hampshire	10, 400
New Jersey	13, 612
New Mexico	22, 855
New York	0
North Carolina	716, 882
North Dakota	79, 192
Ohio	2, 475, 200
Oklahoma	27, 813
Oregon	8, 946
Pennsylvania	595, 957
Puerto Rico	0
Rhode Island	0
South Carolina	1, 036, 603
South Dakota	0
Tennessee	794, 000
Texas	0
Utah	0
Vermont	4, 532
Virginia	0
Washington	0
West Virginia	0
Wisconsin	875, 000
Wyoming	4, 013
Total	14, 685, 543

RIOT CONTROL TRAINING REQUIREMENTS

Civil disturbance training is not given to trainees during the periods of Basic Combat Training (BCT) or Advanced Individual Training (AIT), unless the trainee is qualifying for a Military Police Military Occupational Specialty. In such instances, he receives 12 hours of civil disturbance subjects during AIT.

All ARNG combat and combat support units, and all combat service support units whose missions include support of civil authorities are required by Continental Army Command Regulation 350-1, Appendix XV, Annex AA, to include in their annual training programs a minimum of eight hours of preparatory civil disturbance training for new members, and a maximum of 16 hours of refresher training for the unit. The Continental Army Command Regulation further decrees that unit training programs will not exceed the 16 hours refresher training unless first approved by Commanding General, United States Continental Army Command.

The guidance for civil disturbance training is Army Subject Schedule 19-6, which outlines a 33-hour program of subjects. Army

Subject Schedules are used as guides by the commander to formulate his annual training program.

The Army National Guard commander has the flexibility to exceed the established preparatory and refresher training, without approval of Commanding General, United States Continental Army Command, by conducting appropriate subjects as integrated or concurrent training, or by increasing the length of the Unit Training Assembly, or by utilizing commander's time.

The following table is extracted from Continental Army Command Regulation 310-1 and reflects prescribed subjects and training times:

Subject	Hours ASUBJSCH 19-6	Hours for refresher training[1]	Hours for individual preparatory training[1]
Introduction	1		
Policies and legal considerations	1		1
Military leadership, responsibilities and discipline	2	1	1
Evolution of a civil disturbance	1		1
Control measures and application of minimum force	2	1	1
Riot control agents and munitions	2	2	1
Formations	4	4	1
Communications training	2	(2)	
Antilooting and antisniping measures	4	2	1
Antiarson measures and protection of firefighters	2	1	1
Civil disturbance operations in a built-up area	4	(3)	
Practical exercise (FTX)	8	4	
Total	33	16	8

[1] To be conducted within the period January through May.

[2] Integrate or conduct concurrently.

[3] Integrate into FTX.

GUARDING THE GATES—THE BUREAU OF CUSTOMS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. ROBISON. Mr. Speaker, I am pleased to insert in the RECORD an article which appeared in the July 28, 1970, edition of the Wall Street Journal. This story points out some of the many difficulties faced by the U.S. Bureau of Customs in carrying out its official responsibilities. Although our most pressing concern is to halt the flow of illegal narcotics into the country, the Bureau's responsibilities are far broader. Faced with an enormous and difficult task, the Bureau has demonstrated the resourcefulness necessary to make significant inroads into the problem of stopping smuggling, and I am most pleased to see that Congress has recently provided additional appropriations to allow it to carry on and expand its efforts to stem the flow of illicit merchandise.

The article follows:

CUSTOMS STEPS UP HUNT FOR DRUGS, THREATENING DELAYS FOR TRAVELERS—AGENTS ADDED, BUT TIP-OFFS DEEMED CRUCIAL; INSPECTORS KNOW MOST OF THE TRICKS—BLITZ ON KLM'S FLIGHT 641

(By Thomas J. Bray)

NEW YORK.—For the 92 passengers and eight crew members of KLM flight 641, the trip across the Atlantic from Amsterdam to New York on a recent Wednesday afternoon seemed fast, pleasant and routine—at least until the plane touched down at John F. Kennedy International Airport.

Waiting there was a beefed-up force of several dozen customs inspectors, plainclothes agents and aircraft search specialists. The plane's cargo was escorted under armed guard to a receiving area where it was searched parcel by parcel. Crew members were taken aside, ordered to discard their jackets and thoroughly frisked. All passenger luggage was painstakingly examined—usually only about 30% of incoming passengers have to open their bags for inspection—and the plane itself was gone over with a fine-tooth comb.

The results? No contraband, a few dollars in extra duty and a number of strained tempers. "It's an outrage," said the mother of an 18-year-old Dutch youth who had been whisked into a small search-and-seizure room because of a suspicious-looking looking bulge in his jacket that later turned out to be nothing more sinister than a photographic light meter. "We've traveled all over Europe and never seen anything like this."

TIGHTENING UP

Such sentiments will doubtless be echoed many times over in the coming months. Travelers have traditionally been less than fond of the U.S. Bureau of Customs, which is a branch of the Treasury Department and one of the two major Government services that makes more money than it spends (the other is the Internal Revenue Service). Armed with a hefty appropriation from Congress for about 1,000 additional men, customs is stepping up its campaign against smugglers of narcotics and other contraband at the very time that international travel is building towards its seasonal peak.

"Operation Able," as it's called, isn't intended to duplicate the massive tie-ups that "Operation Intercept" caused along the Mexican border a year ago. Blitz tactics like those used against flight 641 will be limited to flights that agents have reason to believe are being consistently used by narcotics couriers. But customs officials themselves concede that the general tightening up of operations now under way is likely to cause extra delays and aggravations for footsore tourists.

A look as customs at Kennedy airport—overall the nation's single busiest port of entry—tells a good deal about what the traveler is up against this year. It also shows that the oft-maligned but little-understood customs service has its own considerable frustrations to deal with.

A COLOR CODE

Although the customs force of about 300 inspectors, agents and staffers at JFK has been growing about 5% a year, international cargo volume and passenger traffic has been growing at an even more rapid clip. In fact, 3,672,441 travelers passed through the huge JFK International Arrivals Building in the fiscal year ended June 30, up 18.7% from fiscal 1969 and more than double fiscal 1965. Customs officials estimate that during the peak month of August they will be processing about 22,000 arrivals daily.

In June 1968, in an effort to improve the handling of such crushes and end the delays of an hour or more then being experienced by many passengers, the Customs Bureau discarded the old method of examining every passenger's belongings. Now, as passengers move through the checkpoint where passports and health cards are screened, they are given a color-coded card. Most receive a card that instructs a control officer farther down the line to allow them to pick up their luggage and leave the customs area without delay, often within 10 minutes after deplaning. But about 35%, up from 25% prior to the inauguration of Operation Able early last month, receive the "color of the day" (it's changed every day for security reasons) and are channeled into baggage inspection lines.

Not everybody who must undergo baggage inspection is suspected of smuggling. Many are routed through the baggage inspection lines because they have indicated on their customs declarations that they are bringing more than the allotted $100 of dutiable goods into the country. The inspector examines the traveler's acquisitions, determines the duty and sends the individual to a cashier for payment. (Rates vary from 3% for cut jade to 22½% on cotton knit apparel.)

A FALSE COMPARTMENT

But to keep smugglers off balance and discourage amateurs from getting into the field, the passengers who go through the baggage inspection lines also include a large number selected more or less at random. In this category might be a well-traveled businessman who appears overly nervous or (elaborately casual), an expensively dressed dowager returning from three weeks in Paris or an inexpensively dressed young man from the Middle East or South America who says he is visiting the U.S. as a "tourist."

"There are a lot of clues to look for," says a customs official at JFK. "Most are fairly obvious—like the student from a Midwestern college whose passport indicated he had made a number of trips to the Middle East over the past year. When he was sent to baggage inspection, a big cache of hashish was found in a false compartment in his suitcase. He turned out to be a courier for a pusher with a big clientele on campus."

Most of the 400 or so seizures made monthly at JFK fall into three categories: Narcotics, including marijuana and hashish; prohibited items other than narcotics, such as guns or other weapons; and such luxury goods as jewelry, furs or haute couture clothing. That's not to say the routine doesn't vary occasionally. Inspectors at JFK still marvel at a German who tried to get past customs with two miniature Doberman pinschers sewn into the lining of his coat, or the Italian who endured a seven-hour plane ride from Genoa with 16 pounds of salami taped to his waist.

(The dog smuggler was apparently under the mistaken impression that it is illegal to import canines; if vaccinated, the only restriction is a 5% duty. Cured and cooked meats, however, are strictly prohibited.)

One of the most common tricks employed by tourists out to cheat customs is also the easiest to detect—substituting the label of a domestic couturier for that of a foreign apparel maker. For one thing, the sewing job is usually quite amateurish. For another, most customs inspectors spend their apprenticeship in the cargo end of the customs operation; at the end of a year or so, they have little difficulty distinguishing between foreign and domestic styles and weaves.

The range of a veteran customs inspector's knowledge about foreign merchandise is often startling. Harry Singer, an ex-JFK

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inspector who now teaches Customs Bureau recruits at the bureau's new training center on Long Island, recalls the case of a woman who marched up to his counter and declared a diamond bracelet valued at $10,000. Mr. Singer looked at her coolly, then demanded that she produce "the other bracelet." Stunned, the woman opened her purse and pulled out a companion bracelet also valued at $10,000.

A GOOD GUESS

"As soon as I saw the first bracelet, I recognized the pattern as one that Van Cleef & Arpels makes for export—and I also knew that that particular pattern always comes in pairs," says Mr. Singer. "It was only a guess that this lady might have the other one"—but it turned out to be a pretty good guess.

The penalty for cheating can be stiff, although jail sentences usually are reserved for narcotics cases or smugglers of commercial items, such as watch movements. Fraud is extremely difficult to prove where it involves everyday merchandise, agents say, so a system of fines has been worked out that serves both to punish the offender and enrich the Treasury.

If an individual is caught trying to smuggle goods whose total value is up to $500, he is usually fined on the spot up to six times the normal duty. If the value of the goods is more than $500, they are seized by customs inspectors for appraisal by import specialists and even stiffer fines are levied.

Customs agents at JFK recall a well-known show business personality who was caught about a year or so ago trying to smuggle $15,000 to $20,000 worth of clothes and jewelry past inspectors. Her merchandise was seized, she was fined an amount equal to the domestic value of the goods and she was offered a chance to buy back her loot—again at the full domestic price. She declined, and the merchandise was sold at one of the Customs Bureau's periodic—and usually well-attended—auctions in downtown Manhattan.

GIVING KIDS A SCARE

Customs officials insist, however, that they try to avoid a Draconian image. Invariably, the first question asked of a traveler on the baggage inspection line is whether he has anything "extra" to declare beyond what he has listed on his customs declaration. If he says yes, his declaration is amended by the inspector and that's usually the end of it. "Our first interest is in making sure the Government gets what it's due, not in entrapping people," says a customs man.

And although customs officials generally deal as harshly as the law allows with narcotics violators, they have been known to wink at youths caught with small amounts of marijuana that are clearly for personal use. "We'll take them into the search room, flush the stuff down the toilet and scare them a little, but you hate to ruin a kid's life for one lousy cigarette," says one customs agent. (Such treatment may also reflect the fact that U.S. attorneys in the New York area seldom will bother to prosecute such cases).

A smuggler who gets past the passport checkpoint and the inspectors on the baggage line can't afford to breathe too easily. Only 30 minutes after the blitz on KLM flight 641, one of the agents on the plainclothes squad that constantly circulates around the customs area snared a well-dressed young man off a South American flight carrying five one-pound packets of hashish in a tape recorder and in his pockets and undershorts.

The man had been cleared through the inspection line and thought he was free to go when the agent pulled him aside for further questioning. "I don't really know why I stopped him," recalls the agent. "He just looked wrong traveling alone and carrying that big tape recorder."

TV MONITORS

Sometimes, of course, agents deliberately allow a known smuggler to pass through customs untouched in the hopes of trailing him and uncovering his U.S. contacts. Remote-control television cameras with zoom lenses are installed at strategic points around the customs area for keeping an eye on such individuals, and teletypewriters are used to spread the word to inspectors on the baggage lines. The agents also have authority to take over a taxi and operate it if the suspect appears to be headed for the cab line.

The JFK customs force is due to be enlarged substantially under Operation Able, which was conceived primarily as an anti-narcotics campaign. But some question whether this expansion will have much impact on professional narcotics rings, which deal mainly in heroin and cocaine. There is some indication that the big-time smugglers don't try to sneak their goods through the major ports of entry. At JFK, for example, there hasn't been a major seizure of "hard" narcotics in almost six months.

Also, it's evident that the most critical need in the war on narcotics is for improved intelligence. Only 5% of all seizures at JFK—and at most other major ports of entry—are made on the basis of prior information. The rest are made "cold"—that is, as the result of the alertness of an on-the-scene inspector or agent. While this may be a credit to the rank-and-file customs personnel, who are generally considered among the most highly skilled and highly motivated law enforcement authorities in the nation, it also speaks volumes about the need for an enlarged intelligence network.

There are signs that this weakness is being remedied. The Customs Bureau is moving to computerize the mass of data on smugglers and their associates that has been collected over the years, and several outside experts have been brought in at high levels to help strengthen the overall intelligence effort.

Meanwhile, Operation Able, whatever its shortcomings, is producing increased seizures of drugs. In the first six weeks of the stepped-up effort, customs seized a total of 10 tons of marijuana, 40 pounds of heroin and cocaine and 311 pounds of hashish nationwide. This was up sharply from the corresponding period a year earlier, when agents picked up one and a half tons of marijuana, about 17 pounds of heroin and cocaine and 119 pounds of hashish.

AGNEW LIKES HARD, POLITICAL ROLE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BOB WILSON. Mr. Speaker, many news articles and editorials have been written about Vice President SPIRO AGNEW, both for and against him. Carl P. Leubsdorf, in a recent article in the San Diego Union, has captured a rather touching personal view of Mr. AGNEW and his role in our society as a spokesman for the "middle American." I thought the article would be of interest to my colleagues in the House and, with their permission, insert it in the RECORD, as follows:

AGNEW LIKES "HARD, POLITICAL" ROLE

VICE PRESIDENT BECOMES BLUNT SPOKESMAN FOR MIDDLE AMERICA

(By Carl P. Leubsdorf)

WASHINGTON.—Traveling around the country, Vice President Spiro T. Agnew leads a strange, monastic life. Between carefully rationed public appearances, most of his time is spent in a windowless Air Force transport plane or in closely guarded hotel rooms.

Outwardly assured but with an almost diffident manner, the vice president is keenly aware of his role in the Nixon administration and of his ability to command a prominent place in the news media he often castigates.

"I'm the hard political guy—you can't be like Jello," he observed during an overnight trip last week to speak at an education meeting in Denver.

At another point he observed, not altogether in jest, "I haven't said anything controversial all week."

SHOW TWO SIDES

Traveling with the vice president shows two sides of the man. The public—a blunt-speaking champion of Middle American virtues and beliefs. The private—an introspective man deeply concerned with the problems of government and the public image he has acquired.

In recent weeks, Agnew has made a conscious attempt to repair what he feels is a mistaken image, magnified by the media, of a stumbling buffoon who often says the wrong thing. It's something that has haunted him since the 1968 presidential campaign and his often-quoted remarks about "Polacks" and a "Fat Jap" and "if you've seen one city slum, you've seen them all."

He has met privately with representatives of various segments of the media, including those critical of him, and likes to have a small number accompany him on his flying trips in hopes they will see him a thoughtful student of government and of the nation's problems, rather than as the blunt-spoken administration spokesman.

UNFAIR CRITICISM

"I hope that as people get to know me better, as they always do, some of those who feel that I am divisive and harsh will see other sides in me and will see the positive side of my personality," Agnew said during the trip to Denver.

He feels that much of the criticism, from political foes and the press, has been unfair. But he appears to have difficulty coming to grips with the notion that a comment, such as the one about the slums, might be damaging even if literally accurate.

He feels that nothing he has said has had anything to do with contributing to campus unrest which he sees as the result of permissiveness and lack of discipline by the colleges and universities.

Yet he concedes he cannot go safely to any college campus in the country—except possibly in a carefully controlled situation.

Agnew appears to be becoming less sensitive to criticism—even to the point of acknowledging in private that a phrase in a recent speech might have been too strong—and he says anyone in public life must expect some harsh response to his views.

STRONGLY IN TUNE

Agnew's views remain, as before, strongly in tune with those of President Nixon: belief in the success of the administration's efforts in Southeast Asia to extricate the United States from Vietnam while upholding U.S. commitments; a hard-line view that Soviet arms advances must be matched if there is to be any hope of arms control; a conviction that Mr. Nixon has reversed the nation's priorities to put more emphasis on domestic social problems, rather than defense.

Though he came to the vice presidency from two years as governor of Maryland and without prior Washington experience, Agnew feels he is as equipped as anyone to handle the job, and appears supremely confident of his ability to handle anything that might come along, including the presidency.

A political practitioner of what might be called the art of nonpolitics, Agnew shuns the company of the usual sort of political associates, both in his travels and at his destination.

This contributes to a sense of insulation one feels while traveling with Agnew, a sense that goes beyond that which has come to be associated with the presidency and vice presidency in recent years.

DOESN'T MISS WINDOWS

Thus, traveling to Denver in the Air Force transport assigned him—he doesn't mind its lack of windows—Agnew was accompanied by a speechwriter, a researcher, two secretaries, four reporters, more than a dozen Secret Service agents and two regular traveling companions—Dr. William Voss, his personal physician, and Roy Goodearle, who functions as a combination political aide, tour manager and press secretary.

On the three-hour flight, an hour was consumed in chatting with newsmen, much of the rest in playing gin rummy with Voss, with whom Agnew has played for hours on top of hours from Washington to Katmandu.

Arriving at sealed-off Buckley Air Force Base, Agnew talked briefly with Denver reporters, then sped downtown in a five-car motorcade over an unannounced route to the Brown Palace Hotel, not to emerge again until his departure the following day.

He stayed in the Eisenhower suite, a paneled, eighth-floor apartment often occupied by the late president, and spent time working on future speeches and other business.

He made some phone calls, but found time over cocktails—he sipped Scotch and water—to discuss for more than an hour subjects ranging from nudity at rock festivals to his image. His listeners were the four newsmen and two Republican governors, John Love of Colorado and Tom McCall of Oregon.

On a trip to Denver two weeks earlier the vice president stayed two nights and found time for two rounds of golf. That trip also produced a demonstration outsde the hotel that led to violence and serious injury to one policeman.

This time all remained quiet. Agnew dined with Voss and Goodearle and went to bed early.

The next day, he went by a second-floor passageway to the new part of the hotel for his speech to the Educational Council of the States, giving an optimistic view of America.

It had none of the "red meat" he likes to throw to political audiences and the only excitement came when a bank of colored spotlights, encased in steel, tore loose from the ceiling and held only by electrical wires dangled uncertainly over Agnew's head.

TIME FOR A RESPONSIBLE BUDGET

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BROWN of Ohio. Mr. Speaker, when the Joint Economic Committee recently concluded its examination and review of the economy at midyear, the minority members of the committee released a statement which addressed itself to the failure of Congress to exercise its budgetary "prerogatives" by setting reasonable and necessary limits to Federal spending.

The statement further criticized the current congressional methodology of examining the budget's component parts with seemingly little regard for the crucial relationship each of those parts has to the whole. Certainly this kind of fragmented approach to budgeting is inefficient regardless of the prevailing economic climate. Today, in particular, as the administration directs its efforts toward arresting the destructive momentum of inflation, such inefficiencies become decidedly more serious. Legislative imprudence at a time of economic crises can very quickly become fiscal irresponsibility.

There is a great enchantment today with the concept of reordering our national priorities to meet the changing dimensions of our time. Our approach to this task, however, has basically been a rerun of the policy of the last 8 years. The magic response to every social ill seems to be a progressively bigger Federal appropriation. This cannot be characterized as a reordering of our priorities. To reorder the Nation's priorities requires that we examine the obvious economic constraints and then separate the necessary programs from those that are merely desirable. This we have failed to do.

We must realize that the old spend-and-elect philosophy is simply no longer credible. Our reluctance to abandon it, in light of the enormous evidence to its unwisdom, can only lead one to bewilderment. Why must our only answer to the complex problem of modern life be to spend public funds as though there were no tomorrow? We must admit, I think, that a large part of it can only be attributed to political motivations that are, at best, misdirected. Perhaps too, we are overly influenced by the belief that the public expects some form of constant movement from us in an effort to resolve our many national problems. It is as Arlen J. Large wrote in the Wall Street Journal when he spoke of "that elemental force in nature that compels men in public life to do anything but just stand there." Unfortunately this kind of reactive approach to problem solving often leads to exorbitant programs which are neither appropriate nor politically actionable. Ultimately it does damage to both the economy and its intended beneficiaries.

Mr. Speaker, I am including in the RECORD the statement of the minority members of the Joint Economic Committee. Hopefully my colleagues will find wisdom in its observations. It is meant to be purposive not accusatory, suggesting constructive economic imperatives which can aid us in our efforts to make more effective use of our limited financial resources.

The statement follows:

STATEMENT BY MINORITY MEMBERS OF THE JOINT ECONOMIC COMMITTEE

Recently, there has been a movement among some in Congress to recapture certain "legislative prerogatives," particularly in the field of foreign policy. There has been much public debate on this issue. But there is one area of interest to this Committee where those in control of the Congress have abandoned the prerogative of the Legislative Branch in recent years and appear to be repeating this performance again this year. That is the prerogative of defining spending limits for each of the functions of the federal government. This has taken the form of excessive appropriations, while leaving it to the Executive Branch to determine spending limits among the various functions of government in order to meet its budgetary policy. Worse yet, efforts are sometimes made to force the Executive to spend excessive amounts, making it impossible to achieve its budget objectives.

Each year, the Executive constructs a budget with an eye to the overall prospect for and economic effects of revenue, expenditure and lending totals, and Congress breaks down this spending into 13 appropriations bills. Then the Congress proceeds to act upon each measure in isolation, without adequate regard for the effects each given appropriation will have on the budget as a whole. All too frequently, Congress has been preoccupied with the growth of individual trees, while ignoring the implications of a rapidly expanding forest. And the Executive Branch has been forced into the unfortunate position of a woodsman who must thin this forest by pruning someone's favorite trees.

Administrations have approached the task of changing the nature of the budget "forest" in different ways. The Johnson Administration attempted to reorder priorities by recommending that both defense and nondefense programs expand simultaneously, the famous philosophy of "both guns and butter" which wreaked a havoc on the nation's economy that has continued into the present. The inflation engendered by the unusually large deficits of the Johnson years went a long way to eroding the very benefits to the economically disadvantaged which were being sought by federal spending on social programs. The deficit financing of these programs has turned into a boomerang.

The Nixon Administration has taken a different, and in the long run more effective, approach to reordering priorities. The current Administration has shifted resources among competing demands within the framework of a budget aimed toward balance at high employment. To our mind, this approach to re-orienting the benefits of government spending will produce much more lasting and beneficial effects. But it is essential that the Congress match this determination to produce a budget in harmony with the needs of the economy, while redirecting federal objectives.

Congress occupies the controlling position in the budget process, yet does not use its powers in a coherent, relevant fashion. Rationalizing the Congressional budget process does not mean reducing a few appropriations while allowing others to balloon out of control. Nor does budget rationality imply that revenues can be cut substantially without due consideration for the need for appropriations. Rationality in the way the Congress handles the budget each year involves seeing the total budget in its relation to the total needs of the economy, refusing to vote higher appropriations or lower revenues than requested without enacting offsetting budget changes, and specifically, controlling federal spending.

Those in control of the Congress shirk their responsibilities when they demand that the whole budget be somehow different from the sum of its parts. We call upon Congressional leaders to fulfill their responsibilities in this area, and to become the major force in shaping a rational budget policy, both in terms of revenue and outlay totals and component program priorities.

MILLIONS OF INDUSTRIAL INJURIES A YEAR

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, 25 million industrial injuries a year not 2.5 million, the figure commonly used, is what an occupational safety and

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health expert, Jerome Gordon, reported in a study made for the U.S. Department of Labor last week.

Much of the argument against strong safety legislation is based on the theory that you are safer at your job than in your private home or on the public highway.

Mr. Gordon's study makes mincemeat of this theory.

The Daniels occupational safety and health bill (H.R. 16785) contains good language which will eliminate the kind of undercounting which has for so long kept us in the dark about the true dimensions of the problem of industrial injury.

For the first time, under the Daniels bill, the Federal Government would have the full obligation to "keep records of all work-related injuries, diseases, and ailments which arise from conditions in the working environment."

At present, Robert Dietsch, writing in the Washington Daily News for the Scripps-Howard chain, notes:

> If a man slips on a greasy factory floor, breaks two fingers but is back on the job the next day—perhaps assigned to a less demanding task—his injury isn't counted.

This charade will not occur if Congress passes H.R. 16785. The Daily Labor Report in its account of Mr. Gordon's proposal for a "serious injury index" says:

> If statistics were collected for all serious work injuries, and not just disabling ones, the count would include the disabling injuries, all eye injuries, all fractures, all injuries requiring a visit to the doctor, and all those requiring a change in job but with no loss of time.

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Because Congress must soon decide on the merits of two differing bills, I commend to my colleagues the press release by Jerome Gordon, the daily report account of his press conference, the Dietsch article on the same press conference, and the language from both H.R. 16785 and the accompanying House Labor Committee report on the bill:

Twenty-five Million Industrial Injuries a Year

(By Jerome B. Gordon)

Twenty-five million serious injuries and deaths go uncounted in the Nation's workplaces due to improperly run and underfunded programs operated by the Federal government and the National Safety Council. Further, these conditions are perpetuated by industry dominance of private safety standards organizations which literally allow most firms to compose their own records on industrial accidents and hide thousands of serious hazards on the job.

This is the thrust of a controversial 700 page report prepared for the U.S. Department of Labor dealing with an evaluation of the nation's industrial safety statistics. The in depth study was directed by worker safety and health advocate Jerome B. Gordon and a team of systems analysts in the wake of Congressional criticism of job safety and health statistics—a subject of some interest in the Occupational Safety and Health Act now languishing before both the House and Senate.

Job hazards are worsening. The disabling injury frequency rate for firms in Manufacturing as compiled by the Bureau of Labor Statistics reached a level of 18.5 injuries per million man hours of work in 1968—a rate last achieved in 1952!

The study revealed that not only should this rate be higher, but that the yardstick itself is seriously in error. Here are some detailed findings from the report:

A validation of work injuries reported to both the U.S. Bureau of Labor Statistics and the State of California revealed that over 36 per cent of the firms examined actually had "injuries", while reporting "no injuries" to the federal government. The effect is something in the order of an absolute error of between 8 and 10 per cent in the total number of injuries reported. On a national basis, this means that approximately 200,000 disabling work injuries—that is accidents involving one day of lost time from the job beyond the date of injury—beyond the approximately 2.5 million recorded annually are missed.

Seven per cent of all firms surveyed in California in the study admitted having a range of error of between two and 100 per cent of all injuries reported to the government.

The study found that nearly 60 per cent of California firms reporting injury data to the federal government had no formal or informal training in the recording and reporting of work injury information. Nearly eighty per cent of the firms in the survey could not properly classify injury data.

Even more distressing was the record of most survey firms in informing their employees about job hazards. Any employee entering the firms examined in the study would have slightly greater than one chance in ten of receiving any safety training within the first few days in his job on how work safety and health violations and injuries were to be reported.

Changing the "yardstick" produced dramatic increases in the number of industrial injuries and deaths.

Information compiled for survey firms using an alternate work injury measure called the "serious injury index", which combines both disabling and non-disabling injuries, revealed a ratio of ten serious injuries for every disabling injury reported. This means that the current national level of injuries reported by the National Safety Council of 2.5 million disabling injuries should be more like 25 million "serious injuries".

The American Telephone and Telegraph Company, which left the National Safety Council competitions, reported over a three hundred per cent increase in their internal company work injury experience when they adopted a modified version of the "serious injury index".

A Secretary of Labor directed sub-committee of the American National Standards Institute—the nation's primary safety and industrial standards organization—has been wrangling for over seven months over whether to report out the adoption of a modified version of the serious injury index. However, they have been stymied by considerable industry and trade association pressure.

The report also found that the federal program of work injury measurement seriously over-represented both Manufacturing and Larger firms in its sample, further compounding the basic error. The Department of Labor survey had over 28 per cent more Manufacturing firms than was deemed necessary, and had an average number of 63 employees per reporting firm, more than five times the national average of 15. In addition, a major gap in sampling for work injuries was the virtual absence of significant numbers of reporting firms in the Pacific states.

Far more serious, the report contends is the combination of fiscal starvation and unwitting sabotage by the 16 voluntary cooperating states on the effectiveness of the Department of Labor work Injury Survey.

The program currently consists of two full time professionals and is funded at a level of $225,000. The study estimated that the necessary funding to cover both present deficiencies and expand the job safety and health data needs of pending legislation would cost between seven and fourteen times current appropriations—i.e., $1.7 to $3.0 million annually. The Department of Labor in a contradictory move has formally cut out the proposed $500,000 for job safety and health data needs from the Fiscal 1972 budget.

The 16 co-operating states that participate in the program conducted by the Bureau of Labor Statistics have on occasion "sabotaged" data collection by refusing to mail out survey schedules and follow-up on responses. This has resulted in elimination of some important industrial detail on work injuries and has seriously biased survey results. State efforts are not funded by the Federal governments at present, and performance contracts with them are lacking.

The study has several far reaching recommendations to correct these problems.

First, it calls for adoption of strict mandatory job safety and health reporting standards to be developed by the federal government exclusively and uniformly adopted by all states.

Second, it calls for strong federal government intervention in the development and acceptance of uniform accident and disease reporting and recording provisions by all State Workmen's Compensation Boards and Commissions. This has unsuccessfully been attempted for nearly two decades because of strong industrial and state's rights opposition.

Third, adoption of the "serious injury index" concept as a proper yardstick to determine the job safety and health standings of all firms.

Fourth, exploitation of existing federal and state government accident and employment statistics sources, thereby avoiding duplication in filings by firms.

Fifth, experimentation in the use of computer assisted statistical procedures for estimating job safety and health data.

Sixth, funding of expanded Federal and state data collection and processing efforts in the work injury and occupational disease and health field.

Mr. Jerome B. Gordon is an independent management consultant and was former founder and president of Delphic Systems and Research Corporation, which executed the study.

Mr. Gordon has been called as an expert witness to testify on Occupational Safety and Health matters before the U.S. Senate and House of Representatives. In 1969, Mr. Gordon disclosed the vast undercounting of serious accidental pesticidal poisonings and deaths in testimony before the Senate Sub-Committee on Migratory Labor. He is author of a proposal for the significant realignment of federal job safety and health functions. The proposal has three main features:

a. The establishment of a RAND-type of federal corporation to have exclusive responsibility of developing federal job safety and health standards and conducting related research and certification programs.

b. The establishment of a compliance and technical assistance arm of the federal and state governments called the U.S. Occupational Safety and Health Service.

c. The financing of an expanded job safety and health program through a national trust fund deriving proceeds from a tax on employer workmen's compensation premiums.

The proposal has such diverse backing as Senator Jacob Javits of New York, and the AFL–CIO and United Automobile Workers of America.

Study for Labor Department Is Said To Show 8–10 Percent Underreporting of Job Injuries

A private consultant, Jerome B. Gordon, who recently completed a study of the Labor Department's industrial accident statistics for the agency, estimates that they understate disabling injuries by 8 to 10 percent, or 200,000 cases a year.

And if serious work injuries were reported, rather than just disabling injuries (those that cause a loss of at least a day's work), the number would be 1000 times what it is now, or 25 million injuries a year, compared to the 2.5 million reported.

Gordon turned in his report on June 30, 1970, under a $58,000 contract entered into on June 20, 1969. The contract negotiations started while a Democratic holdover, David Swankin, was still director of the Bureau of Labor Standards, which had charge of occupational safety activities for the Department until a recent reorganization.

Fearing that his study will not see the light of day, Gordon obtained the support of the United Auto Workers in calling a press conference to report its results. He had been a witness on the subject during the hearings on occupational health and safety by the Senate and House Labor Subcommittees.

A BLS source said that the report was considered "quite factual and true" and that BLS "acknowledges what he says" but that "resource limitations" probably will prevent anything being done about it.

Gordon blamed what he called BLS' "dismal and unfortunate" failure in its job accident statistics on industry dominance of the reporting programs relied on. BLS statistics are based on reports from 16 states using the American National Standards Institute method of recording and measuring work injury experience, according to a BLS explanation. ANSI has a heavy industry representation and develops safety standards by the consensus method.

The 16 states are Maine, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, Georgia, Florida, Alabama, Indiana, Michigan, Wisconsin, Iowa, and Wyoming, and Arkansas. Two of the most industrialized non-participant states, California and Illinois, are described as having "their own individual system."

Gordon's study covered five state programs relied on by BLS, in New York, Wisconsin, Michigan, Arkansas, and Georgia, and one outside, in California. The estimate of an 8 to 10 percent error in the national statistics was based on the results of the study in California.

If statistics were collected for all serious work injuries, and not just the disabling ones, the count would include the disabling injuries, all eye injuries, all fractures, all injuries requiring a visit to the doctor, and all those requiring a change in job but with no loss of time, Gordon said.

The Daniels occupational health and safety bill (H.R. 16785) provides that the Secretary of Labor in cooperation with the Secretary of Health, Education, and Welfare "shall make regulations requiring employers to keep records of all work-related injuries, diseases, and ailments which arise from conditions present in the working environment."

In its report on the bill, the House Labor Committee said that this language "should be treated as a minimum floor which includes such conditions as work-related loss of consciousness, treatment by a physician (even if the treatment occurs only once and subsequent treatment is by a nurse or medical technician), and records of diseases which are incurred from work exposure (such as asbestosis and silicosis) and which may not be known to an employer until after his employee retires and applies for medical benefits under his retirement plan."

Gordon said that the recommendations made to the Labor Department in his study call for development of strict mandatory reporting standards "exclusively" by the federal government, "strong federal intervention" to get improved reporting under state workmen's compensation laws, use of the "serious injury" concept, elimination of duplication in federal and state reporting, experiments in the use of computers in the reporting, and funding of expanded reporting programs.

Gordon said that BLS's accident reporting is in the hands of two full-time professionals and one in each of the 16 states, and is funded at $225,000. The Department of Labor eliminated an extra $500,000 for job safety and health data needs from the fiscal 1972 budget, he said. He estimated that adequate funding would run to $1.7 million to $3 million annually.

[From the Washington Daily News, July 29, 1970]

HAPHAZARD GATHERING OF DATA: THE UNCOUNTED MILLIONS HURT AT WORK

(By Robert Dietsch)

Ten times as many American workers are injured each year as official reports now show, a report prepared for the Labor Department asserted today.

The $58,000 study, sent to the department a month ago but still not officially released, contends the annual on-the-job injury total is 25 million, not 2.5 million.

This evaluation is expected to be used by industrial unions and Democratic legislators as additional arguments for enactment of a strong occupational safety and health bill this year. Such a measure has been approved by the House Education and Labor Committee and a similar measure is expected to be approved shortly by a Senate Labor subcommittee.

The study, undertaken in June, 1969, was prepared under direction of Jerome B. Gordon and the Delphic Systems and Research Corp., which he formerly headed. In 1969, Mr. Gordon was among congressional witnesses who charged that accidental poisonings and deaths from pesticides were seriously undercounted.

INDUSTRY DOMINATION

Mr. Gordon said the 10-fold undercounting of industrial injuries was the result of "improperly run and underfunded federal government programs" and of industry domination of safety standard measurements and private safety standard organizations.

In general today, an injury is counted in the national total only if the worker is absent from his job the day after he is injured. Thus if a man slips on a greasy factory floor, breaks two fingers but is back on the job the next day—perhaps assigned to a less demanding task—his injury isn't counted.

Mr. Gordon said his study showed that if a more realistic injury index were used (he called his "the serious injury index"), there would be "a ratio of 10 serious injuries for every disabling injury reported today."

The commonly accepted annual death toll from industrial accidents is 14,000. Mr. Gordon said the "actual total is far greater;" however, he said he could not provide a specific figure.

A 300-PERCENT HIKE

The report charged that industry and state gathering of job injury statistics is done haphazardly in many cases. Mr. Gordon said when American Telephone and Telegraph Co. adopted a modified version of his "serious injury index," the company "reported over a 300 per cent increase in its internal company work injury experience."

Mr. Gordon also said that too often "job injury information handed out by the Labor Department and the National Safety Council is accepted as gospel." He charged that "industry sets the standards for the National Safety Council" and implied that industry's main concern is to keep the number of reported injuries low.

The occupational safety and health bill approved by the House committee is much stronger than one proposed by the administration and favored by business organizations.

[From House Labor Committee Report]

REPORTS AND REPORTING

Adequate information is the precondition for responsive administration of practically all sections of this bill. However, at the present time, the Federal Government and most of the states have inadequate information on the incidence, nature, or causes of occupational injuries and deaths. For diseases, the information gap is even larger. Thus, the first action of both the Federal and State Governments should be to remedy these gaps with the institution of adequate statistical programs. The long-standing charade of the Z.16 standard is specifically recognized and rejected by the language of the Committee bill which requires that all deaths, injuries and ailments should be recorded at least once.

To assure the completeness of data, Section 9(c) directs the Secretary of Labor to cooperate with the Secretary of Health, Education and Welfare in devising regulations which implement this goal. The Committee recognizes the fact that some work-related injuries or ailments may involve only a minimal loss of work time or perhaps none at all, thus these might not be of enough value to the Government bodies to require record-keeping thereof. However, the Committee was not offered any statutory language which was not subject to the greater peril of allowing under-reporting. The Committee therefore intends that its language of "all work-related injuries, diseases and ailments" should be treated as a minimum floor which includes such conditions as work-related loss of consciousness, treatment by a physician (even if the treatment occurs only once and subsequent treatment is by a nurse or medical technician), and records of diseases which are incurred from work exposure (such as asbestosis and silicosis) and which may not be known to an employer until after an employee retires and applies for medical benefits under his retirement plan. These latter records may be available or known only to state officials and not to the employer, and thus the employer would have no such record-keeping responsibility; however, in such case, the Committee expects that the Secretary of Labor and the Secretary of Health, Education and Welfare will develop other means by which the Government can carry out their explicit responsibilities to report the incidence of these problems accurately.

At the same time, the Committee recognizes the need to assure employers that they will not be subject to unnecessary or duplicative record-keeping requests and has specifically stated this intent in Section 9(d). To that end, the Committee intends that wherever possible, reporting requirements should be satisfied by having an employer report relevant data only to one Governmental agency and that other Governmental agencies, if any, should then acquire their information from the original agency.

The Committee also intends that the annual reports of both the Department of Labor and the Department of Health, Education and Welfare should contain comprehensive presentations of all this data, together with an analysis thereof so that this Committee and others in Congress may review the adequacy of progress and the possible need for further legislation.

FROM H.R. 16785: INSPECTIONS, INVESTIGATIONS, AND REPORTS

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter upon at reasonable times any workplace where work is performed to which this Act applies; and

(2) to inspect and investigate during

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regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question any such employer, owner, operator, agent or employee.

(b) For the purposes of any investigation provided for in this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914 (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

(c) Each employer shall make, keep, and preserve, and make available to the Secretary such record of his activities concerning the requirements of this Act, and shall make reports therefrom to the Secretary, as he may prescribe by regulation or order as necessary or appropriate for the enforcement of this Act. The Secretary shall also make such regulations as may be necessary to assure that employers keep their employees continuously informed of their rights, privileges, and obligations under this Act. The Secretary in cooperation with the Secretary of Health, Education, and Welfare shall make regulations requiring employers to keep records of all work-related injuries, diseases, and ailments which arise from conditions present in the working environment.

(d) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany any person who is making an inspection under subsection (a) of any workplace.

DEATH OF TWO FINE AMERICANS: DAN A. KIMBALL AND DORIS FLEESON KIMBALL

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. RIVERS. Mr. Speaker, this past week saw an event of great sadness for many of us here in the Capital and for the Nation in the passing of two fine and lovely Americans.

Dan A. Kimball, the former Secretary of the Navy and retired board chairman of Aerojet General Corp., died on July 30. Thirty-six hours later, his dear wife, the nationally syndicated political columnist Doris Fleeson Kimball, followed her husband into death.

Funeral services for the couple were held at the Navy chapel, and burial was in Arlington National Cemetery.

Dan Kimball, a large, energetic, and affable man, was a high school dropout who made good. The son of a Mississippi River steamboat captain, he quit high school in his second year to work in an automobile garage. He then served in the Army Air Corps in World War I.

He went into industry, and when World War II came, he was a company vice president. He became head of Aerojet during World War II and helped to make many substantial contributions to the Armed Forces.

Mr. Kimball, who learned his engineering through correspondence courses, left industry in 1949 at the request of President Truman to become Assistant Secretary of the Navy for Air. At the time of boiling controversies over unification, he performed great service in maintaining the separate roles of all of the Armed Forces. He became Under Secretary of the Navy in May 1949 and was named Secretary of the Navy in June 1951. As such he directed the major expansion of the Navy that followed the start of the Korean war.

After leaving Government service, he returned to industry to head the Aerojet General Corp., and made it one of the outstanding companies in the missile and space fields.

In recent years, as he moved into retirement, Mr. Kimball continued his useful public service. He founded a factory in the Watts area of Los Angeles and made a special effort to hire people without high school educations or with disadvantaged backgrounds. He trained the local Watts people not only in industrial skills, but in management, and turned the factory over to them. He also was helping to develop the University of North Africa in Morocco.

Mr. Kimball and Doris Fleeson were married in 1958, and their marriage was an extremely happy one.

Doris Fleeson established a reputation for precision and for fairness in a newspaper career spanning 40 years. A Washington correspondent for the New York Daily News starting in 1933, she was at one time the only woman covering Franklin D. Roosevelt's campaign.

During World War II she was a war correspondent for Women's Home Companion magazine. After the war she began the syndicated political column which was eventually carried in over 90 newspapers.

Among the many journalism awards she won were the Raymond Clapper Award, the Theta Sigma Phi Headliner Award, and the Missouri Journalism Award. She was a strong advocate of women's rights and was one of the two female reporters who fought successfully to get restroom facilities for women reporters in the Capitol Press Galleries.

Their friends will miss their warm personalities, and the Nation will miss their inspiration.

LATE HONORABLE JOHN CRAIN KUNKEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. EILBERG. Mr. Speaker, I mourn the passing of former Representative John Kunkel of Pennsylvania. John died of a stroke on Monday, July 27, in the Harrisburg Hospital. All who knew him, both inside and outside the Halls of Congress, will always remember his keen mind and cordial manner. He was a member of an illustrious congressional family. His grandfather, John C. Kunkel, was a Member of the 34th and 35th Congresses. His great-grandfather, John Sergeant, was a Member of the House for eight terms. His other great-grandfather, Robert Whitehill, was a Member of Congress in the ninth through 13th Congresses. And his great-great grandfather, Jonathan Dickinson Sergeant, served as a Member of the Continental Congress during the Revolutionary War.

John Kunkel, the man so many of us knew and liked, was a worthy descendant of this distinguished American family. As a boy, he attended the Harrisburg and Phillips Andover Academies and graduated from Yale College and the Harvard Law School. He became a successful farmer, banker, and lawyer. While serving in the House from 1939 through 1951, he was chosen by his fellow Republicans to be head of the Wednesday Night Club, a study group addressed by scholars in many fields. During those years, he became known as the top-ranking bridge player in Congress, according to the records of the American Contract Bridge League; his wife was also a bridge playing champion.

John Kunkel came out of retirement to serve again in the House from 1961 to 1966. Both his wife and he were nearing the lifemaster category when John retired for the last time from Congress in 1966. One of the half-serious reasons John gave for his retirement at that time was that the killing legislative pace set by President Johnson left him no time for playing bridge.

He was a valued and esteemed Member of Congress during all his service here. He was a respected member of the Public Works Committee and, although he was a member of the minority party, was assigned extremely important committee tasks by the chairman. He leaves a wife and many thousands of friends and well-wishers, all of whom will grieve at John Kunkel's passing for a long, long time to come.

VIETNAM TROOP STRENGTHS AND TROOP CEILINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. FRASER. Mr. Speaker, each week the Department of Defense releases a "troop strength" figure for Vietnam. As a note[1] to President Nixon's statement of September 16, 1969 indicates:

> . . . within the authorized ceiling, all units are shown at 100 percent strength. In actual practice, most units are slightly below full strength, so that actual strength normally is less than the authorized ceiling by 1 or 2 percent.

I thought it might be useful for Members to have a brief recapitulation of troop ceiling reductions, as well as a table showing actual—and proposed—reductions in the number of men in Vietnam.

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[1] "United States Troops in Vietnam," *Weekly Compilation of Presidential Documents*, Monday, September 22, 1969, page 1267.

In the following table, comparisons of "troop ceilings" and "troop strengths" on the various target dates established by the President are made. Because the "strength" figures are now determined each Thursday, the dates for these figures do not coincide with the President's target dates.

VIETNAM TROOP CEILING AND TROOP STRENGTH TRENDS

Announced troop ceilings	Actual troop strength	Reduction in ceiling	Reduction in strength	Cumulative strength reductions
549,500 on June 7, 1969	537,500 as of June 7, 1969 [1]			
524,500 as of Aug. 31, 1969	511,800 as of Aug. 28, 1969	25,000	25,700	25,700
484,000 as of Dec. 15, 1969	472,500 as of Dec. 11, 1969	40,500	39,300	65,000
434,000 as of Apr. 15, 1970	425,500 as of Apr. 16, 1970	50,000	47,000	112,000
	406,700 as of July 30, 1970		18,800	130,800
384,000 [2] as of Oct. 15, 1970	374,000 as of Oct. 15, 1970	50,000	32,700	163,500
284,000 [2] as of spring 1971	274,000 as of spring 1971	100,000	100,000	263,500
Total reduction by spring 1971		265,500	263,500	

[1] President Nixon announced his first redeployment of U.S. troops from Vietnam on June 8, 1969.

[2] This line shows the target for further troop reductions.

A TRIBUTE FOR HONORARY PUBLIC SERVICE TO HON. MAURICE H. THATCHER ON HIS 100TH BIRTHDAY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mrs. SULLIVAN. Mr. Speaker, as we travel through life, it is our lot to meet many different kinds of people under every conceivable circumstance. Some we enjoy—some we love—some we admire—some we try to emulate—and some simply perchance pass our way.

It is seldom we meet one who encompasses all of the wonderful virtues we ourselves would like to have. One of our former colleagues, the Honorable Maurice H. Thatcher is that kind of person.

One hundred years young. What pleasure, joy and good he has brought to the thousands and thousands and thousands he has touched during this century. His gentle warmth and concern for all of his fellowmen, coupled with his courtly dignity, has caused many to gravitate to his side and to his causes through the years.

It was a privilege to observe the love and companionship he and his lovely wife enjoyed during their years together and their sharing of the important things in life. They brought a new depth of understanding and affection to the peoples of Panama with whom they lived and worked for so many years.

Much has been written about the accomplishments of Maurice H. Thatcher during his century of service, but I believe one of the highest honors is the announcement by Governor Leber of the Canal Zone that he is the recipient of the first gold medallion for Honorary Public Service. The Panama Tribune, in its editorial column of August 1, 1970, presents the basis for this award and I want to share it with my colleagues.

It is an extreme honor and privilege for me to join in saluting a wonderful man on the attainment of his 100th birthday—Maurice H. Thatcher:

FIRST CANAL GOLD MEDAL—TO FORMER GOV. THATCHER

The first gold medallion struck for Honorary Public Service under the new features of the Canal Incentive Awards Program will be given to Maurice H. Thatcher.

For more than 60 years Mr. Thatcher, the only surviving member of the Isthmian Canal Commission, has rendered conspicuous service to both the administration of the Canal and in assisting all Governors in carrying out their important responsibilities.

Official sources at Balboa Heights revealed that this highest recognition by Canal organization was prompted because of Mr. Thatcher's invaluable assistance in securing enactment of the new Cash Relief bill signed on July 24 by President Nixon.

Mr. Thatcher was a vital and constructive figure among the members of the Isthmian Canal Commission. He served as Chief of the Department of Civil Administration which controlled Canal Zone civil affairs and included the body's representation in its relations with the Republic of Panama and the foreign diplomatic missions accredited to this country.

Even in the period 1910 to 1913 he brought vigor, enthusiasm and an enlightened point of view to civil affairs and to international relations.

From 1922 until 1933 he served in the U.S. House of Representatives from the district of Louisville, Ky. He gave of himself to many causes on behalf of the people of the Isthmus of Panama.

He fathered the legislation creating the ferry service across the Canal, later known as Thatcher Ferry. Then he pressed determinedly to win approval of the U.S. Congress of a law which provided non-U.S. citizen employees of the Panama Canal with disability retirement benefits.

The law enacted in 1944 has extended benefits to thousands of Panamanians, West Indians and retirees of other nationalities.

Mr. Thatcher is a man from whom all men who believe in devotion to duty and dedication to service can take inspiration. The many honors he has won include the Vasco Nunez de Balboa from Panama, Eloy Alfaro Foundation from Ecuador and the Orden de Bolivar from Venezuela.

For his steadfast fidelity to the ideals of Pan Americanism, his constant espousal of good-neighborly relations as a most positive way of life, and his tireless contribution to the realization of tangible benefits for the common people, he has earned a place in the distinguished company of such great Americans linked to the Panama Canal as Col. George W. Goethals, Col. William C. Gorgas, Col. David D. Gaillard and John F. Stevens.

This gallant and indomitable old man has always been a spokesman for those Americans who truly believe in respect of human dignity, social justice for all peoples, and in the ideal of Christian brotherhood.

It has been his special privilege to witness the attainment of practically all of the goals after which he struggled on behalf of human betterment; as well as regards to closer understanding between his country and Panama.

During the past six decades he has always sought a relationship between our two countries based on a mutuality of outlook, interest, and purpose, and has never failed to show an active concern with the welfare and progress of our two peoples.

His many defenses of the rights of non-U.S. citizens on the Canal Zone have exemplified the sympathy, appreciation and friendship so lacking in human relations, though so essential to harmony and understanding in world affairs.

No individual qualifies more for the First Canal Gold Medallion than Maurice H. Thatcher. The Tribune and its readers fully share in this deserving tribute.

SPECIALLY BLESSED, SUPERBLY SERVED

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. HALL. Mr. Speaker, Marvin Vangilder, editor of the Carthage, Mo., Press, has authored a moving and compassionate commentary about a father who has lost his son in battle.

The article follows:

AT A WARRIOR'S GRAVE—SPECIALLY BLESSED, SUPERBLY SERVED

(By Marvin Vangilder)

I saw a man standing alone in the midst of a crowd over the grave of his uniformed son.

It seemed—and it was so—that he bore the weight of all the grief of the ages upon shoulders never designed for such a burden. Yet there was a dignity about him which communicated verities words cannot express.

A father who has lost a son in battle—in Vietnam or in any theater of war in any age—knows a special kind of pain, an excruciating torture which others can only partly help him bear.

Being mortal, he is acutely aware of errors he may have made in the rearing of his son, of lost opportunities for companionship and expressions of the unique fraternity which can exist only in the relationship of father and son.

For these he can only ask—and when he asks instantly receive—the total forgiveness of God.

He is overwhelmed with the knowledge that with the loss of his son he has lost a portion of himself—an extension of his body, his mind, his soul. There is a vacantness within him which time, the patience of his family and friends and the love of God can soothe but cannot fill.

He can find constructive value in that vacant part of himself as he uses it to open the eye of his heart and soul to the pains and frustrations of others. Out of the crucible of death's valley, he thus arises to a finer realm of service, a nobler purpose and a more gentle nature.

But the most powerful emotion within him must be one of intense pride produced by the knowledge that his son has given himself for something greater and more enduring than any man—for the right of all men to choose their own way—for the individual dignity and freedom without which no life has value or purpose—for a tradition of national truth and honesty and decency which expresses man's finest, most angelic ideals—for the preservation of a system which places concern for the individual above the desires of kings or kingdoms—for the opportunity for the sons of other men, over the centuries to come, to rise above the animal character which always holds forth a glittering appeal and to attain nobility of character, each in his own special way—for the standards of justice which have been lifted via a star-spangled banner above a million ramparts throughout the earth by the hands of sturdy, earthy but eternally victorious young men in the commands of all the heroic captains from Washington to Westmoreland and beyond who have dared to man the defenses against international selfishness.

Even in Vietnam, where issues are more confused and purpose is more complex—perhaps especially in this painful morass where the ancient enemy has arisen in a new guise, these are the goals for which young men give themselves.

When a son does so, three must be in the father a humble sense of gratitude that a part of himself can be the means of purifying and ennobling the race; there must be a soul-enriching pride that his son has fallen in battle for an eternal ideal and thereby has risen to the heights of an eternal reward.

He must know that so long as these ideals survive in the bosom of man, whether in hours of triumph or in days of troubled struggle, his son lives on in the flutter of a flag which will not be stilled even when the wind is calm, in the sound of a poignant bugle of truth over a million battlefields and amid the quiet crosses where the real victors of every war—those who gave themselves for something worth the price—are graciously remembered.

For those who give themselves for anything less—the false glamour of being publicly against prevailing standards, the foolishness of narcotic or hypontic techniques of avoiding duty—he can know only pity.

For such a father, surely God has a special sense of love and a shared combination of a grief and pride. For He too gave a cherished Son in such a cause.

Receiving that eternal gift, the father who has seen that part of him which really matters given in combat can hold his head high in the councils of men and declare, "Thank God for my son. He gave himself, but he was not wasted. He was caught up by a noble ideal which cannot die and in it he lives in a special, unending way wherever love and laughter and dignity and justice remain bright flames of hope in the bosoms of men. For this indeed was a man, a giant rising tall and strong above the wasted crowd, a bruised but unbroken vessel of purposeful heroism. In him, as in the very Son of God, love is born again in a realm which knows no shame and where death is a vanquished image engulfed in the one enduring reality which is love itself."

Such a father is specially blessed, for he has been superbly served by a very special son.

XUM

CALIFORNIA'S WATER PROJECT—THE TIP OF THE ICEBERG

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. WALDIE. Mr. Speaker, the U.S. Geological Survey is renowned for its ability to make scientific investigations without the political encumbrances all too frequently encountered regarding major public works projects.

The Corps of Engineers and the Bureau of Reclamation have as their mission the construction of such major projects, thus it is not really in their interest to find scientific flaws which might jeopardize the construction of dams, canals, and the like.

Thus it is mandatory, Mr. Speaker, that there be a system of "checks and balances" to keep some restraint on the builders.

The U.S. Geological Survey recently issued a preliminary report, Mr. Speaker, which may be the cause for the full reexamination on the State-financed California water project, the Bureau of Reclamation's San Luis project, and the Corps of Engineers' proposed projects in the north coast of California, principally the Eel River.

The U.S.G.S. report which shows the relationship of fresh water inflows to the bay to water quality in that body of water may only be the tip of a gigantic iceberg of environmental questions on the above projects.

There are those, Mr. Speaker, who would rather not see the larger part of that iceberg explored. I would number the director of the State department of water resources, William R. Gianelli, and our Governor, Ronald Reagan, among those persons.

Evidence of pressure to suppress and diminish the importance of this report have been manifest since disclosure of its contents was made in May.

However, these efforts are being countered by the tremendous interest and concern of Californians and by alert and extraordinarily able press coverage of this issue.

Mr. Speaker, I would at this time enter into the RECORD two articles which indicate the nature of these efforts to distort the importance of the U.S. Geological Survey and to keep vital facts from the public.

The articles are, "McCloskey Calls Gianelli Reply On Peripheral Canal 'Absurd'" from the Fresno Bee of July 20, 1970, and "Scientists Shy From Canal Fight" from the Oakland Tribune of July 23, 1970.

The articles follow:

MCCLOSKEY CALLS GIANELLI REPLY ON PERIPHERAL CANAL "ABSURD"

(By Michael Green)

WASHINGTON.—Controversy over the possible effects of the proposed peripheral canal on the ecology of San Francisco Bay heated up again today with a fresh exchange between California Water Resources Director William R. Gianelli and Rep. Paul N. McCloskey Jr., R-San Mateo.

McCloskey termed "absurd" statements by Gianelli in response to an earlier letter from McCloskey concerning a recently issued report by the U.S. Geological Survey in the Department of Interior.

The report indicated a "direct relationship," McCloskey said, between pollution problems in the bay and the amount of fresh water inflow from the Sacramento River.

The congressmen said the survey showed pollution decreased when fresh water inflows were high but increased when they were low.

Gianelli dismissed claims by McCloskey and another leading foe of the proposed peripheral canal, Rep. Jerome R. Waldie, D-Contra Costa County, that the report gave official credence to their concern over the effect in the bay of diverting large volumes of fresh water around the delta.

The report had "nothing in it we didn't know before," and did not even mention the peripheral canal, Gianelli said.

In a letter to McCloskey last week, he blamed waste disposal problems in the south bay for the level of pollution.

"The only real solution to the pollution of San Francisco Bay is proper treatment of wastes combined with a regional waste treatment collection and disposal system," he said.

The average volume of water in the south bay for waste assimilation and waste removal is constant and "all of the fresh water in California" could not be expected to play more than a "minor" role in disposing of it, he indicated.

McCloskey replied today that Gianelli's assertion that what is needed are more waste treatment facilities is "absurd."

"That is absolutely wrong because the phosphates to which the USGS report addresses itself are not taken out of water by secondary sewage treatment and no one has ever proposed that the entire 66 sewage treatment plants in the area be upgraded to tertiary status, which would be an immense cost.

"To say that we're not concerned with the inflow of the Sacramento River with regard to phosphates is an absurd statement.

"We've spent over $300 million in the bay in the last 15 years to upgrade sewage treatment plants and we're counting on spending hundreds of millions more in the next decade. But none of that will effect phosphates."

"Both the salinity and the phosphate ingredient of sewage effluent in the south bay are shown by the USGS report to be inversely proportionate to the inflow of fresh water from the Sacramento River," McCloskey said.

"Gianelli's dead wrong."

The congressmen also challenged the implication in another statement by Gianelli that the USGS report might be unreliable and covered only a flood year, 1969, when there was an unusual amount of fresh water flowing into the bay.

"It turns out that 1969 is not unusual at all," McCloskey said. "From 1952 through 1969, a period of 17 years, there are at least 4 years where there have been flood flows of this quantity—1952, 1956, 1958 and 1969."

McCloskey also said there appear to be "even further conflicts" between various statements by Gianelli concerning the significance of the USGS report.

Gianelli said last week the report seemed at first glance "to be in conflict with the vast weight of scientific and technical data" on bay water circulation.

"He now appears to be challenging the accuracy of the report," McCloskey said, "but two weeks ago, he was saying there was nothing in it he didn't already know."

Even earlier, at the hearings of the House conservation and natural research subcommittee in San Francisco, McClosky said, Gianelli testified he had no information to indicate there would be any adverse effect on the bay by building the proposed peripheral canal, and stated he would welcome any such information, but now is rejecting it.

McCloskey has called for the subcommittee to hold new hearings in San Francisco to examine the apparent "conflict" in Gianelli's statement and examine the new information brought to light in the USGS report.

Gianelli wrote McCloskey last week he would "welcome" such hearings and would be pleased to appear but added: "I do not believe you will find the USGS report changes any of the facts I presented to this committee last August."

SCIENTISTS SHY FROM CANAL FIGHT

(By Fred Garretson)

The four U.S. Geological Survey scientists whose study of ancient ocean sediments set off a modern political storm in California appeared before the Bay Conservation and Development Commission yesterday and said they didn't want to get drawn into a political controversy.

The USGS scientists—D. S. McCulloch, D. H. Peterson, P. R. Carlson and T. J. Conomos—have issued a report which has been widely interpreted as proof that operations of the State Water Project will have a catastrophic effect on the environment of San Francisco Bay.

The USGS experts presented detailed scientific findings to an overflow crowd attending the BCDC meeting in Oakland, but under cross examination the government experts said they wouldn't offer conclusions on "political questions."

McCulloch, leader of the USGS team, said, "We are just studying paleosediments" (ancient depositions of silt) and decided to make tests to find out how Bay and ocean currents are depositing sediments, including pollution, today."

Their test showed what was previously unsuspected, that the outflow of the Sacramento River directly controls the salinity and phosphate chemical level in the southern part of San Francisco Bay—that the Sacramento River actually flushes polluting chemicals out of the South Bay.

They also found that ocean bottom currents as much as 18 miles out in the Pacific ocean cause material in the ocean to get sucked back into San Francisco Bay to be deposited on the southeastern shores of San Pablo Bay near Richmond and Pinole.

They spent almost three hours describing the scientific details to the commission. Many commissioners had expressed advance hope that the scientists would come forward with a battle cry to mobilize the Bay Area public to oppose the state water project.

The commission is now making studies of the water project and the controversial Delta Peripheral Canal.

Several commissioners have already made proposals that BCDC oppose construction of the peripheral canal or else demand that enough river water be released to protect the environment of the Bay, even if this means cutting off the Southern California water supply in drought years.

Details of the USGS report were first revealed at a briefing for U.S. Interior Secretary Walter Hickel in May, but the report wasn't released until July.

BCDC Chairman Melvin Lane, who attended the Hickel briefing, said yesterday that, "They (the scientists) are less definite in their conclusions than they were in the briefing for Hickel, particularly in describing the effects of the volume of water flow into the Bay on salinity and pollution."

"At Hickel's briefing I believe they said that reduction of river outflow could turn the Bay into another Lake Erie, but they didn't say that today," Lane said.

ILWU RAPS CUSTOMS SCREENING

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BURTON of California. Mr. Speaker, on June 26, without publicity, the Treasury Department published in the Federal Register proposed regulations pertaining to "Security of Cargo in Unlading Areas." While aimed at reducing incidence of the theft and pilfering of imported cargo, which no one can disagree with, sharp exception has been taken to the scope of the proposed regulations and the manner in which they are being promulgated.

Rather than the method of accepting written comment for 30 days, as the Treasury Department proposed, a matter of this scope and complexity ought to receive full public hearings.

I ask unanimous consent that a pertinent article from July 21, 1970, issue of The Dispatcher, published by the International Longshoremen's and Warehousemen's Union, be included in the RECORD at this point:

ILWU RAPS CUSTOMS SCREENING

SAN FRANCISCO.—Customs regulations issued last month—allegedly to combat pilferage of cargo—are "vague and impractical," would supersede the courts, and might even destroy the Pacific Coast Longshore Agreement, according to a statement by the ILWU titled officers.

In a letter to the Customs Department, the officers also denounced the method by which the rules were issued. They demanded that customs hold public hearings on the rules, rather than merely calling for submission of written statements by interested parties within 30 days.

"The submission of written statements within a 30-day time limit does not provide the kind of arena where the interested parties can seriously debate and resolve the issues involved.

"The ILWU is anxious that open hearings be held. We would participate."

If the new rules retain their present form, the Customs Department may, if it feels that pilferage has become a serious problem in any given port, compel certification of all waterfront employees involved in the handling of imported merchandise under customs jurisdiction.

The same regulations would also apply to employees of bonded warehouses, and thus many ILWU members in commerical warehouses will also be affected by the new regulations.

Workers would be fingerprinted and would have to divulge physical characteristics, military record, employment within the last ten years and arrest record, if any.

CONVICTIONS

They would be issued identification cards to be presented on demand to customs officials. Any longshoreman convicted of a felony or a misdemeanor in connection with theft or pilferage of merchandise would have his badge revoked.

The ILWU officers argued that there is no proof that theft and pilferage is a major problem requiring the certification of longshoremen.

"In the absence of such data, they said, "we can see no good reason, from either the point of view of the union or of the employers, why a procedure as cumbersome and potentially troublesome as this need be imposed within the jurisdiction of the ILWU."

"We seriously doubt," the officers continued, "that a previous felony or misdemeanor conviction for theft or pilferage ought to preclude a person from making his living on the waterfront," adding that such matters are best left in the hands of the courts and penal authorities.

By barring those with such records, the Customs Department would be acting as a super-agency, they said, pre-empting the decisions of the courts.

"It has been our experience that there is insufficient evidence to indicate that people once convicted of such crimes are any more or less likely to repeat such crimes once they are employed on the waterfront."

RACIST

Also, because of historically unfair administration of justice, black people tend to be arrested more than whites. The officers quoted a decision by a Los Angeles federal judge:

"Any policy that disqualifies a potential employee because of their having been arrested once, or more than once, discriminates in fact against Negro applicants."

The officers concluded that "arrest records have no place in the procedure being proposed. They are irrelevant, misleading and racist in point of fact."

BLACKLIST

They also expressed fear that the new regulations could be used as a form of blacklisting, and asked that a clause barring decertification for political reasons or for reasons having to do with labor union affiliation or activity be added.

Also, the letter said, the new customs regulations are superflous because of remedies against theft and pilferage contained in the Pacific Coast Longshore Agreement (Section 17).

"We believe that the contract provisions developed over the years in collective bargaining between the Pacific Maritime Association and the ILWU have been a useful tool in keeping the incidence of pilferage in West Coast ports at relatively low levels."

DESTROY PCLA

Finally, the new regulations might actually destroy the entire collective bargaining relationship between the ILWU and the PMA.

A 1948–51 PCLA addendum states that in the event that hiring provisions of the contract are nullified by some outside source—the government, for example—both PMA and the ILWU shall resist such nullification.

If this fails, the PMA and the ILWU, the contract continues, must try to renegotiate the nullified section for a period of no less than 20 days. "If no agreement is reached, either party can cancel the entire contract by giving five days' notice."

The letter concludes, "We presume that the meaning and implications of such language will not be lost. The proposed regulations threaten to do great damage to the collective bargaining relations which exists within our jurisdiction."

CONGRESSMAN MINSHALL BACKS PENTAGON REFORM

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. MINSHALL. Mr. Speaker, as top-ranking member of the Department of Defense Appropriations Subcommittee, with literally thousands of man-hours devoted entirely to listening to Pentagon testimony, evaluating the complexities of the military behemoth that has grown up across the Potomac, I welcome the recommendations of the Presidential Blue Ribbon Panel which would completely reconstruct the Defense Establishment's command structure.

I think that Gilbert Fitzhugh's declaration, in describing the present situation at the Department of Defense, "Everybody is responsible for everything, and nobody is completely responsible for anything. So there's no way of assigning authority, responsibility, and accountability," is right to the point. I intend to support legislation to implement the Panel's recommendations, and I am confident that my good friend and former colleague on the Defense Appropriations Subcommittee, Secretary Melvin R.

XUM

Laird, can and will put into effect many of the recommendations by administrative decree.

In this undertaking, which could ultimately mean savings of countless billions of dollars as well as increased efficiency, I am pleased to have the editorial support of the Cleveland Press in its July 31 editorial, "Pentagon Reform," which follows:

PENTAGON REFORM

What promises to be a long debate already has been joined over the recommendations of a presidential blue ribbon commission that has spent a year studying the intricate, always difficult and occasionally maddening organization of the Department of Defense.

The panel's findings fill a sizable book and its 113 proposed reforms search out some exceedingly troublesome snarls in the nation's machinery for defending itself.

About some of these proposals there is no argument. Enormous cost overruns on arms contracts have become all too commonplace, and the presidential commission has put its finger on the root of much of the trouble.

"Total package procurement," a contract philosophy where one defense contractor bids in an entire weapons system came into vogue during Robert S. McNamara's stewardship of the Defense Department. It was supposed to encourage efficiency and economy but in fact it often brought waste and inefficiency, and second-rate weapons at wildly inflated prices.

The commission's proposed cure for this is not radical. It urges a quasi-independent test facility that will try out prototypes before huge contracts are let, and will monitor production after they are let. Defense Secretary Melvin R. Laird already has endorsed this principle, and some new speed records should be set in putting it to work.

XUM

There are other proposals that bespeak prompt adoption. One is to end the practice of adding new (and inevitably expensive) gadgets on weapons systems under development or in production. One of the banes of the troubled F111 has been this practice, and if Secretary Laird can follow the commission's blueprint for breaking the habit he should do it.

Some of the panel's other proposals are not so clear-cut, however.

Should the Joint Chiefs of Staff be removed from the combat chain of command as the commission suggested? Should all defense intelligence functions be gathered under one tent in the Pentagon? Is a new satrapy of deputy secretaries of defense going to help efficiency, or simply create a new stratum of bureaucracy? And is that ancient bugaboo, interservice rivalry, always all bad?

Each of these questions is difficult. Each goes into an area where a mistaken judgment could be frightfully expensive for the country. Each merits the most careful study by the best minds, military and civilian, that the country can bring to bear on them.

ILLINOIS IS BEING SHORTCHANGED

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. COLLIER. Mr. Speaker, although the people of Illinois receive approximately 6.4 percent of the total personal income for the 50 States plus the District of Columbia, and pay taxes accordingly, they receive considerably less than that percentage from the various health and welfare programs administered by the Department of Health, Education, and Welfare.

A study of the various data included in the recently printed hearings on Labor-HEW appropriations shows how Illinois has been, is being, and will be shortchanged. Undoubtedly other States also suffer from such discrimination and I hope that some of my colleagues from those States will make similar studies in order to call maximum attention to the absurdity of sending a dollar and a half or $2 to the Nation's Capital in order to get one Federal dollar.

There is not much that those of us who represent such States can do about this ridiculous situation during consideration of the Labor-HEW appropriations bill, as major legislative surgery is indicated. A proposal that merits serious discussion is revenue sharing, whereby a certain percentage of revenue collected by the National Government would be returned to the States to be spent in any manner they pleased, without interference from Washington, D.C. As time went on, some Federal programs could be shifted to the States and some excises, such as, for example, the tax on telephone service, could also be shifted to the States. No State would be required to reimpose the tax if it did not desire to do so.

Reductions in Federal income tax rates could be offset by increases at the State level. Switching of both the tax burdens and the responsibilities for administering the programs would enable the taxpayers to keep a closer watch on how their money was being spent. Expensive programs could be curtailed and impractical activities discontinued much easier at the State level than at the national level.

No program ought to be introduced in every State in the Union just because it has been successful in one or even a dozen States. An activity that is highly successful in part of the country may be a complete failure elsewhere. Let the section that benefits from a successful program assess its own taxpayers and not those of the entire Nation.

Mr. Speaker, the study to which I referred earlier in my remarks follows:

Programs	Actual United States, 1969	Estimated United States, 1970	Estimated United States, 1971	Actual Illinois, 1969	Estimated Illinois, 1970	Estimated Illinois, 1971	Illinois (percent)		
							1969	1970	1971
Grants for comprehensive health planning	$6,711,400	$7,700,600	$7,230,900	$260,900	$299,900	$287,000	3.9	3.9	4.0
Grants for comprehensive public health services	63,709,800	87,235,700	87,235,700	2,719,800	3,888,100	3,888,100	4.3	4.5	4.5
Maternal and child health services awards	38,400,607	38,516,526	46,933,694	1,320,706	1,326,856	1,619,408	3.4	3.4	3.5
Crippled children's services awards	44,617,337	45,219,738	45,712,135	1,529,504	1,518,568	1,546,004	3.4	3.4	3.4
Construction and modernization of hospitals and related health facilities	259,291,081	166,821,779	77,338,051	9,624,188	6,123,740	2,966,106	3.7	3.7	3.8
Old-age assistance	1,172,029,875	1,373,694,000	1,485,666,000	29,535,348	41,938,000	48,510,000	2.5	3.1	3.3
Aid to the blind	51,961,038	58,240,000	60,930,000	1,132,725	1,282,000	1,330,000	2.2	2.2	2.2
Aid to the permanently and totally disabled	426,148,693	513,439,000	577,967,000	21,988,000	27,811,000	31,623,000	5.2	5.4	5.5
Aid to families with dependent children	1,704,919,231	2,119,272,000	2,526,287,000	84,777,412	92,398,000	102,699,000	5.0	4.4	4.1
Medical assistance: Payments to vendors and for State and local administration	2,254,704,511	2,637,365,000	3,092,837,000	90,916,426	107,367,000	124,112,000	4.0	4.1	4.0
Maintenance administration, social services, and State and local training	607,979,898	762,895,000	837,857,000	27,512,770	37,610,000	41,371,000	4.5	4.9	4.9
Child welfare services	44,750,671	44,712,541	44,760,800	1,867,121	1,867,662	1,867,000	4.2	4.2	4.2
Basic State grants program, sec. 2, Vocational Rehabilitation Act	336,150,364	428,814,853	489,870,567	14,500,000	16,773,529	17,227,226	4.3	3.9	3.5
Innovation of vocational rehabilitation services	2,569,996	3,111,378	3,111,378	44,360	157,153	157,153	1.7	5.1	5.1
Construction of community facilities of the mentally retarded	11,761,738	10,024,330	7,859,135	513,046	425,028	299,914	4.4	4.2	3.8
Programs for the aging	15,536,000	12,625,600	12,625,600	582,400	479,700	479,700	3.7	3.8	3.8

WORLD TENSIONS RESPOND TO NIXON

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. ADAIR. Mr. Speaker. Despite the barrage of criticism to which he is subject almost daily, President Nixon has been working steadily—and successfully—to bring about what all of us want—world peace. Today, the outlook is brighter. There are hopeful developments in Indochina, the SALT talks, and in the Middle East. These developments are detailed in the current issue of the Republican Congressional Committee's Newsletter. I commend this article to the attention of my colleagues:

WORLD TENSIONS RESPOND TO NIXON

The Nixon Administration has made progress on three major fronts in its efforts to steer the world away from tensions and promote peace.

When President Nixon took office, he traveled to Europe and to Asia to meet with the heads of foreign governments, and to convey the message that "negotiation not confrontation" was the new U.S. world policy.

As new developments broke last week, his efforts began to pay off:

In Vietnam, the Saigon Government has agreed to accept a coalition government, provided it is freely elected without pressure from the Communists. Mr. Nixon emphasized that the U.S. will insist on safeguards for free elections. Meanwhile, another contingent of 1,600 U.S. troops left Vietnam as the withdrawal plan moved along in schedule and as battle deaths dropped to 77, one of the lowest weekly totals.

In the Middle East the President has proposed a 90-day cease-fire in the air and land warfare along the Israeli-Arab border, so that peace talks can begin. The Arab nations have indicated they will accept the terms proposed by the President. The Israeli Government has accepted with some reservations, notably that assurances be made that the Soviet Union will not utilize the cease-fire to further build up forces in the Arab nations. The talks would be the first real effort to define issues, discuss settlements and get the two sides together.

In the SALT talks, a new U.S. proposal was made that the Soviet Union and the U.S. limit their strategic nuclear missiles to about the number they have now or less. The plan would set an over-all numerical limit on nuclear arms, with each nation deciding on how many ICBMs, nuclear submarines or bombers it would deploy.

The Soviet Union has made no move to accept or reject the Nixon missile-curb plan. Further details will be explained to the Russians this week and an answer is expected after Kremlin officials have had time to study fully the offer.

Mr. Nixon faces a thorny path as a peacemaker in today's nuclear world. But the U.S. has moved off dead center, away from the "armed camp" philosophy of the past eight years, and into the heart of serious talks about stopping the fighting where it is going on, and heading off a world atomic-arms race.

RESULTS OF 1970 QUESTIONNAIRE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BUSH. Mr. Speaker, in May of this year I distributed a questionnaire to approximately 240,000 households in the Seventh Congressional District of Texas, asking for opinions on many of the great issues facing the Nation. More than 34,000 persons responded to the IBM questionnaire, a record return in the 4 years I have conducted the poll.

The results of this survey, tabulated by computer and made available to the news media, clearly indicate the constituents of the Seventh Congressional District are not satisfied with the status quo. They want to see improvement in the operation and service our Government provides. They want the men who represent them to have high ethical standards. And, they want constructive action taken by Congress to see that these needed changes are put into effect.

I make this opinion poll available so that others may see how the people of the Seventh Congressional District feel on these important matters:

CONSTITUENT RESPONSE—GEORGE BUSH QUESTIONNAIRE 1970

[Results in percent]

1. Regarding ethics for Congressmen—A. all details of his finances should be public record. B. financial arrangements that could color his judgment should be public record. C. he need not disclose any of his personal finances.

Answers: A. 31.7; B. 29.9; C. 5.6; No response 32.8.

2. Do you favor lowering the voting age below 21 for federal elections to—A. 18 B. 19 C. 20 D. I do not favor the proposal.

Answers: A. 17.7; B. 55; C 5.0; D. 40.5; No response 31.2.

3. The Welfare System should—A. provide a federally guaranteed annual income B. require all able-bodied adults to be available for or work training before receiving welfare C. be eliminated entirely.

Answers: A. 3.3; B. 58.1; C. 7.2; No response 31.4.

4. Should the Constitution be amended to specify mandatory retirement for Federal Judges and Members of Congress—A. Yes B. No C. Undecided.

Answers: A. 44.1; B. 14-6; C. 9.7; No response 31.6.

5. With respect to pistols (hand guns only) do you favor—A. federal registration B. federal legislation to encourage state licensing C. no change in existing legislation D. relaxation of existing law.

Answers: A. 20.1; B. 21.3; C. 21.1; D. 5.1; No response 32 3.

6. Most effective in combating inflation is—A. Wage and price controls B. Credit controls C. Personal contact by the President with Business and Labor leaders attempting to keep the wage-price spiral in check.

Answers: A. 27.0; B. 19.1; C. 17.3; No response 36.5.

7. Do you favor all-volunteer armed forces—A. Yes B. Yes, but not until the war in Vietnam is over or scaled down drastically C. No, the draft system should be left in operation D. None of the above.

Answers: A. 18.2; B. 16.0; C. 27.9; D. 5.6; No response 32.3.

8. To fund anti-pollution programs in states and cities do you favor—A. Direct expenditure of federal funds only B. Federal aid with matching funds from each state C. State funds only for the projects D. None of the above.

Answers: A. 4.5; B. 47.7; C. 8.7; D. 7.2; No response 32.0.

9. Should chairmen of Congressional committees—A. Be elected by all members of their committee B. Be chosen on a political party basis C. Inherit the chairmanship through seniority.

Answers: A. 56.9; B. 3.7; C. 6.5; No response 32.9.

10. Do you believe the federal government should share a fixed percentage of tax funds with the states—A Yes B. No C. Undecided.

Answers: A. 34.7; B. 17.6; C. 15.3; No response 32.4.

PRISONERS OF WAR

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. TEAGUE of Texas. Mr. Speaker, all Americans are concerned about the welfare of the prisoners of war being held by North Vietnam, and many of us are doing everything possible to call greater public attention to their plight. Hopefully, if world opinion has any effect on the North Vietnamese, a campaign to let the rulers in Hanoi know of our humanitarian concern could have some effect. It is certainly worth trying.

One of the efforts being made is a letterwriting campaign initiated and sponsored by the Tarrant County Wives and Families of Prisoners and Missing in Action. Several of the wives of this organization reside in Fort Worth, Tex., and it has been my pleasure to personally meet many of them and do whatever possible in efforts to obtain information and assist in arranging a trip to Paris for them to meet with the North Vietnamese delegates.

When these POW and MIA wives had a press conference in Fort Worth recently to urge participation in the writing campaign, their request became known to, and impressed a group of energetic, patriotic, and productive young business executives in Fort Worth known as the Action Ambassadors. These men are part of the Fort Worth Chamber of Commerce and are a select group of doers in the true sense of the word. On this occasion they formed a special committee, headed by John Lamond, met with the wives, and took on the project of spreading the word of the writing campaign in every feasible method. This included writing letters themselves, making speeches to other civic groups to request participation, arranging for billboard space, supplying office space when needed, and requesting the mayor of Fort Worth, Hon. R. M. Stovall, to proclaim "Prisoner of War Freedom Week." The mayor complied and encouraged civic participation, writing a letter himself and mailing it to start off the week.

Mr. Speaker, the sparkplug and chairman of the Action Ambassadors is one of Fort Worth's busiest citizens, and most civic-minded businessmen, Mr. Don Woodard. The other members of the Action Ambassadors are of the same mold and they provide the spark that helps the entire community in many and various ways. I know the chamber president, Mr. Harry Werst, though extremely able himself, is grateful for their assistance.

Their continuing efforts to get letters to Hanoi are deeply appreciated by me, and by the wives and families of our prisoners. I join them in urging all Americans to write letters asking for civil treatment and release of these men, by writing to United We Stand, Post Office Box 100,000, Fort Worth, Tex. 76101.

PEACE CORPS WORK IN IRAN TERMED GREAT SUCCESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BOB WILSON. Mr. Speaker, with my colleagues' permission, I would like to place the following article in the RECORD. Written by Mr. Ray McHugh, a distinguished writer for Copley News Service, the article tells of the tremendous achievements of the 200 young Americans working for the Peace Corps in Iran on many diversified projects. It gives me great pleasure to acknowledge the positive efforts of these young Americans, especially since this Nation seems to be so preoccupied with what is wrong with a small segment of our youth.

[From the San Diego Union, Aug. 2, 1970]

PEACE CORPS WORK IN IRAN TERMED A GREAT SUCCESS

(By Ray McHugh)

TEHRAN, IRAN.—Join the Peace Corps and program a computer or help build a university graduate school library in international law or play French horn in a national symphony orchestra.

All this and more is happening here in Iran where the American volunteer program has embarked on one of its most diversified national aid efforts.

"We do a lot more than teach people the abc's," said Charles Duncan of Waukegan, Ill., an English major who served two years here as a volunteer and now acts as a regional supervisor under Paul Zimmerman, a Washington, D.C., attorney who directs the 192 volunteers working here.

Iran has been a Peace Corps "success" country since the first young men and women came in 1964. Since then more than 1,000 U.S. volunteers have served here—men and women of all ages. The Shah of Iran has borrowed features of the Peace Corps for his domestic education corps that with army support is trying to bring literacy, basic hygiene, new farm techniques and rudimentary community development to his nation's 55,000 villages.

In a 1968 speech at Harvard University, the Shah called for a "universal welfare legion" to combat hunger, poverty and social injustice throughout the world.

REQUESTS MORE SOPHISTICATED

As Iran fashions its own domestic attack on basic problems, its requests of the Peace Corps have grown more sophisticated, more diverse.

"This isn't the largest country program," said Zimmerman, who previously had worked with the Peace Corps in India, "but it is certainly one of the most diverse."

The greatest emphasis is still on teachers of English. Eighty volunteers are working for the Iranian Ministry of Education. But 31 are now engaged in city planning and, according to one corpsman, these engineers and architects are handling virtually all the planning projects for the Ministry of Interior outside of Iran's metropolitan areas.

The Ministry of Agriculture is using nine American extension agents. The Ministry of Health has six Peace Corps nurses. Five Americans are engaged in home economics and housing design; five are working on forest and fishery projects; 25 are teaching varied courses in Iranian universities.

William White of San Diego, a business and finance major at the University of Southern California, is one of seven assigned to Iran's developing national tourist organization.

HELPS TO BUILD LIBRARY

Richard Binder of Cicero, Ill., a University of Illinois graduate who aspires to work in the Library of Congress, has spent the last two years helping build and organize the library for the graduate school of international studies at the University of Tehran.

Mr. and Mrs. Gregory Gary of San Diego, graduates of San Diego State College, are teaching English in remote Shahre-Kord. Mr. and Mrs. David Peterson of Plainsfield, Ill., have a similar assignment in Tehran. They are only two of 37 married couples serving in Iran.

Mr. and Mrs. Donald Gehler of Wauwautosa, Wis., graduates of the Julliard School of Music, have one of the most unusual husband and wife assignments anywhere in the Peace Corps. Don plays clarinet and Susan plays the flute in the national symphony. They also teach music.

The French horn spot in the orchestra is filled by Jerry Kempton of Traverse City, Mich.

But where in the Peace Corps is there an assignment to match that of Charles Paine of Warwick, R.I., a young tow-headed engineering graduate of Brown University?

$24 MILLION A YEAR LEASE

Charlie is working as a programmer of five IBM 320 computers that the Iranian government is leasing at a cost of $24 million a year. Teamed with an English computer expert who directs the Tehran data processing center, Charlie is working alongside a small group of Iran's first computer technicians.

"The real need here is for middle-level programmers," said the young engineer. "This is an entirely new tool in Iran and it's going to take time before the country learns how to use and apply it."

THE RIGHT TO READ

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. ASHBROOK. Mr. Speaker, the August 1 issue of the Baltimore Sun carried a timely article on reading improvement by Russell Kirk, the respected educator, author, and syndicated columnist. We hear these days about "the right to read" and about a proposed program in the U.S. Office of Education which would help remedy deficiencies in the reading habits of our children, many of whom, we are told, labor under the handicap of inadequate reading skills. Columnist Kirk recommends a return to the phonetic system which was the method employed traditionally in the schools until a few decades ago. For those in search of more data on this issue, the references to sources of information cited in the column should be helpful.

I insert the above-mentioned column in the RECORD at this point:

SUGGESTIONS ARE OFFERED FOR READING IMPROVEMENT

Regardless of social condition, color, or the quantity of money invested in school plant, it is quite possible for any child of average intelligence to learn to read competently and with enjoyment. (Indeed, most children of less-than-average intelligence can be made literate, too.)

But if fallacious methods of instruction in reading and writing are employed, even the brightest child may sink to the condition of a clumsy lip reader and seem a dullard. Millions of American children, over the past four decades, have been denied true reading skills by being subjected to the silly "look-say" method: the "Dick & Jane" readers and all that rubbish, you know.

Many parents became aware of the decay of literacy almost 20 years ago, when Mr. Rudolf Flesch published his little book "Why Johnny Can't Read." A few years later, other parents perceived how bad reading instruction was in many American schools when they came upon Dr. Arther Trace's book comparing American and Russian school readers, "What Ivan Knows That Johnny Doesn't." Controversy about all this remains one of the most burning issues in public schools everywhere.

To the parent who desires to understand what this dispute is all about, I now commend a brand-new succinct publication of the Council for Basic Education (725 Fifteenth Street, NW., Washington, D.C.). It can be got got 50 cents, and it is entitled "Phonics in Beginning Reading: A Guide for Teachers and Parents."

The phonetic system—that is, learning the sounds that make up words and so becoming able to pronounce and even spell words that aren't already in one's vocabulary—is the only genuine way of acquiring literacy. Yet even today only a minority of American primary schools employ phonics. (Once upon a time, they all did.) This is explained clearly in the CBE's "occasional paper" mentioned above, with overwhelming evidence to support the argument.

Mr. George Weber, writing about "Some Current Issues in Reading" in this pamphlet, concludes that ITA, or the Initial Teaching Alphabet, is ineffectual—and inferior to unadulterated phonetic methods. The ITA has enjoyed some popularity here and in Britain, in recent years, as a kind of halfway house between phonics and look-say; but its employment has been disappointing.

The CBE's pamphlet includes a list of effective phonics programs available to schools. Of some 100 publishers of reading materials for children, only a few emphasize genuine phonics. The readers and programs of J. B. Lippincott Company and Open Court Publishing Company are especially commended. As president of one educational foundation and consultant to three others, this commentator is happy to report that Open Court, Lippincott, and a few other reforming publishers are beginning to make their mark in both public and private schools; but still the large majority of American children are badly taught how to read.

Incidentally, everyone seriously interested in the improvement of early schooling ought to support the Council for Basic Education. One can become a regular member for $5 a year. The council's monthly bulletin, keenly edited by Mr. Mortimer Smith, is terse and mightily informative; and the CBE issues many valuable studies (of other fields than reading instruction, too) from time to time. The CBE operates on a shoestring, for a national organization—a budget of little more than $100,000 per year. * * *

It's not only English that can and should be taught phonetically: This is true of all languages. The Open Court firm (which began as a foundation) recently sponsored a conference at Lake Geneva, Wis., on educational improvement; and I attended, along with Clifton Fadiman and James Koerner and Dr. Arthur Trace and others who have written effectively in this field. I found especially interesting a talk by Professor John Francis Latimer, executive secretary of the American Classical League.

Dr. Latimer described the reinvigoration of instruction in Latin—in "ghetto" schools, of all places. "Inner city" Latin programs have been highly successful in such cities as Washington, Detroit, and Philadelphia. At Northwestern High School, Detroit—where 99 per cent of the pupils are Negroes, at latest formal report on the Latin program there—a full Latin curriculum is maintained, with seven sections taught. Learning Latin properly greatly helps children to improve their reading and writing of English; and Latin can be made a very interesting study, even for very young pupils. Phonetic very young pupils.

The "look-say" illusion about language instruction—intellectually and practically discredited, but still prevalent in most school districts—reduces our reading to a kind of English equivalent of Egyptian hieroglyphics or Chinese characters: one has to memorize single words without any phonetic pattern as a guide. Down with this fallacy of the 1920's! If I hadn't learnt phonics at my mother's knee, I'd not be writing this column, for good or ill.

ADDRESS BY ALOYSIUS A. MAZEWSKI

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. DERWINSKI. Mr. Speaker, in a ceremony held on Friday, July 17, at Independence Hall in Philadelphia, Pa., to commemorate the 90th anniversary of the Polish National Alliance, the president of this outstanding fraternal insurance organization, Mr. Aloysius A. Mazewski, addressed the gathering.

In his address he emphasized the contributions of Polish Americans to the growth of this land and I am pleased to insert his address into the RECORD at this point:

ADDRESS BY ALOYSIUS A. MAZEWSKI

Through its elected officials, and many prominent members from all walks of life, the Polish National Alliance returns today to its place of origin, after completing a 90-year cycle which witnessed unprecedented growth and exemplary fidelity to high ideas of this great fraternity of and for Americans of Polish heritage.

In term of history and tradition, this, for the current generations of Americans of Polish origin, is "Philadelphia Revisited".

This is the moment of renewal of our faith in the greatness and relevancy of the PNA ideals of service in the areas of patriotism, civic activities, cultural pursuits, economic and sociological progress, buttressed by the deepening awareness of our Polish ethnic identity.

This is the moment of our recommitment and rededication to the fixed purposes of Polonia's increasingly meaningful, acknowledged, recognized and rewarded participation in the mainstream of American life.

And for us, mature generations of the Polish National Alliance and, conversely, of American Polonia, this is the moment of truth.

It is incumbent upon us to ask and answer several questions of unmost importance. Namely:—

Are we sufficiently aware and appreciative of the heritage the American pioneers from Poland and the PNA founders have left us?

Are we aware of the great potentialities for the future that are inherent in the PNA ethnic and ideological structure, which, in turn, stems from the deeds, civic wisdom and social virtue of the PNA founding fathers?

Are we ready to carry and to pass on to younger generations the torch of service that illuminated the 90 years of the PNA history and nearly 400 years in the history of Polish participation in the founding, development and growth of our country?

Our answers to these questions must be affirmative.

Standing in this august hall of American Independence, we are scanning the distant horizons of American past to find the wellsprings of our Polish American heritage.

And we see a majestic panorama which starts at Jamestown in Virginia in 1608, and extends to our times.

Our ethnic ancestors were among the founders, developers, and defenders of the first English colony in Amreica. Through the Zaborowskis and Curtius' in the former New Holland and New Amsterdam colonies; through the Sadowskis they contributed much to the exploration and development of Kentucky, Pennsylvania and Ohio.

In a moment, we will unveil at this hall the portraits of Kosciuszko and Pulaski, eminent military leaders in the War of Independence. They, and scores of officers and enlisted men from Poland contributed much to the cause of American freedom.

In the sector of our panorama, depicting the epochal War between the States, we see General Vladimir Krzyzanowski at Gettysburg, Generals Schoeps and Karge on other fronts and hundreds of officers and thousands of enlisted men from Poland.

In the first World War, Polonia gave the United States Armed Forces 300,000 volunteers of Polish origin. More than one million Americans of Polish heritage served in the U.S. Armed Forces during World War Two, many of them, like Colonel Gabreski, gaining heroic stature, many others attaining high ranks of trust and responsibility.

Verily, this historic panorama speaks eloquently of the fact that the Poles were never strangers to America, and that America was never a strange land to them.

The American soil soaked up Polish blood from the earliest days of pioneering explorations and settlements, through all crucial wars, and the skill and knowledge of Polish workers and farmers contributed much to the development of our country. Our fathers and grandfathers were, what we call in present-day semantics, "a silent majority" of hard workers and devoted citizens who knew the value of freedom and appreciated the value of opportunities and who, through their devotion to an ideal, sacrifices and frugality, open the educational gates for their children and grandchildren, so they could enter the mainstream of American life, and contribute even more to the national and cultural fabric of America and to the stamina of its people.

Indeed, our ethnic ancestors in the colonial days and the first decades of the Republic, as well as our grandparents and parents were as Americans in term of patriotism and devotion to the country and its institutions of freedom, as any other group of the Anglo-saxon stock.

And we, as the second, third and fourth generations of Americans of Polish ancestry, must be proud of our Polish American heritage.

The names of Pulaski and Kosciuszko are as American as those of Washington and Jefferson.

In our contemporary America, we contribute much to the stability and security of our nation. It is our historical and traditional heritage to value freedom, and we know from our ancestral experiences that freedom without civic and social responsibilities leads to anarchy and destruction of moral and spiritual values.

Reared in the Polish tradition of the love of freedom steeped in responsibilities, we cherish and respect the principles and values that made America great. That's why you don't see Polish-sounding names among the destructive forces that are trying to rip America apart, and deepening the cleavage of disunity in our nation.

At the far end of our historic panorama, we see limitless vistas of growth, opportunities and service to the ideals, left us as an enduring legacy by the PNA founder—the ideals that withstood the tests of past crises and are today like beacons illuminating our future.

At this moment of our rededication and recommitments to these ideals, we will place a wreath at the base of the Liberty Bell. This revered symbol of American freedom is no stranger to us, either. The Polish National Alliance was active in its restoration and preservation in 1893. In appreciation of this contribution, the Liberty Bell was sounded on many Polish historical occasions—notably on May 3rd, on September 12 to mark Sobieski's victory at Vienna, on October 11th—the anniversary of Pulaski's death, and October 16th—the anniversary of Kosciuszko's death.

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS—JULY 27, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CONGRESSIONAL REFORM

For the past two weeks, the House has been working on the Legislative Reorganization Act of 1970, the first legislative reform bill to be scheduled for floor action since 1946. The bill is the result of more than a year's study by the Committee on Rules, which began its consideration of this matter by examining congressional reorganization proposals introduced by more than 200 Members of Congress, including myself.

While many Members who have been calling for congressional reform consider this bill a disappointment because it does not correct many of the deficiencies of the House, they nonetheless regard the scheduling of the reorganization bill for floor action as a major advance. I welcome the action now being taken on this proposal, and support as well efforts to strengthen it.

Briefly stated the bill attempts to:

(1) Provide Congress with new sources of information and research, including development of an automatic data processing system expansion of the Legislative Reference Service—Congress' research arm, provisions for additional budgetary information, and an increase in committee staff.

(2) Write into the rules of the House democratic and equitable committee practices, many of them now followed by some committees.

(3) Open more committee proceedings to the public and, under strict regulation, permit broadcasting of committee hearings.

(4) Write into the rules of the House several improvements in floor procedure, some already sanctioned by custom.

A wide range of amendments have been and will be offered to the bill, including a series of bipartisan anti-secrecy proposals designed to open House procedures to public scrutiny. These amendments include the recording of heretofore unrecorded "teller" votes, disclosure of record votes in committee, assuring adequate time to review joint House-Senate conference reports, and guarantees of debate time on major amendments to bills.

These anti-secrecy amendments are urgently needed if our legislative process is to be democratised and modernized. Secrecy in the House is corrosive. It undermines the democratic process by denying Members information they need to make intelligent legislative decision and by denying voters information they need to make informed electoral decisions. It also destroys public confidence in the House as a responsive legislative body. It makes the House incomprehensible to the average citizen and contributes to the growing distrust of elected officials.

Two of the most pernicious secret House procedures have to do with the appropriations process and the taking of unrecorded votes on amendments to bills offered on the House floor.

Over the past decade, Congress has appropriated an average of more than $130 billion a year to run the federal government, fund public programs, and carry out national priorities. In each instance, the appropriations process was initiated in and dominated by the House of Representatives. And in each instance, the progress of appropriations leg-

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islation through the House was dominated by secrecy—in hearings, committee votes, hurried House consideration, and secret House-Senate conferences. Such a process concentrates the "power of the purse" in the hands of a few men and makes a farce of the principle of representative government.

Dealing with amendments to bills by unrecorded teller votes needs to be abolished chiefly because the people have a right to know the performance of their elected representatives in Congress. The recording of these votes would also strengthen the House as a representative body by encouraging the participation of more Members at the amendment stage of the legislative process.

The public's right to know is the cornerstone of any democracy. Only when the Congress legislates openly can an elected representative be held accountable to his constituents. The Legislative Reorganization Act of 1970 has my strong support.

I AM THE UNITED STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. WOLFF. Mr. Speaker, Mr. Jess Markel, an outstanding constituent of the Third Congressional District and a longtime friend of mine has made a significant contribution to patriotism. He has written a sensitive and thought-provoking pamphlet on the history of the United States, a history which each one of us should proudly recall. I would, therefore, like to extend my remarks to include this distinguished gentleman's insightful views of what the United States means to him and what it should mean to each one of us, in the RECORD:

I AM THE UNITED STATES

I was born on July 4, 1776, and the Declaration of Independence is my birth certificate. The bloodlines of the world run in my veins, because I offered freedom to the oppressed. I am many things, and many people. I am the United States.

I am 200 million living souls—and the ghost of millions who have lived and died for me.

I am Nathan Hale and Paul Revere. I stood at Lexington and fired the shot heard around the world. I am Washington, Jefferson and Patrick Henry. I am John Paul Jones, the Green Mountain Boys, and Davy Crockett. I am Lee, Grant, and Abe Lincoln.

I remember the Alamo, the Maine and Pearl Harbor. When freedom called, I answered and stayed until it was over, over there. I left my heroic dead in Flanders Field, on the rock of Corregidor, and on the bleak slopes of Korea.

I am the Brooklyn Bridge, the wheat lands of Kansas, and the granite hills of Vermont. I am the coalfields of the Virginias and Pennsylvania, the fertile lands of the West, the Golden Gate and Grand Canyon, I am Independence Hall, the Monitor and the Merrimac.

I am big. I sprawl from the Atlantic to the Pacific, 3 million square miles throbbing with industry. I am more than 5 million farms. I am forest, field, mountain, and desert. I am quiet villages—and cities that never sleep.

You can look at me and see Ben Franklin walking down the streets of Philadelphia with his breadloaf under his arm. You can see Betsy Ross with her needle. You can see the lights of Christmas, and hear the strains of Auld Lang Syne as the calendar turns.

I am Babe Ruth and the World Series. I am 169,000 schools and colleges, and 250,000 churches where my people worship God as they think best. I am a ballot dropped in a box, the roar of a crowd in a stadium, and the voice of a choir in a cathedral. I am an editorial in a newspaper, and a letter to a Congressman.

I am Eli Whitney and Stephen Foster. I am Tom Edison, Albert Einstein and Billy Graham. I am Horace Greeley, Will Rogers, and the Wright brothers. I am George Washington Carver, Daniel Webster.

I am Longfellow, Harriet Beecher Stowe, Walt Whitman, and Thomas Paine.

Yes, I am the nation, and these are the things that I am. I was conceived in freedom and, God willing, in freedom I will spend the rest of my days.

May I possess always the integrity, the courage and the strength to keep myself unshackled, to remain a citadel of freedom and a beacon of hope to the world. I am the United States.

SHIRLEY GRAHAM DuBOIS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mrs. CHISHOLM. Mr. Speaker, I rise today to register a protest in the name of all black Americans over the denial of a nonimmigrant visa to Mrs. Shirley Graham DuBois by the State Department. The daughter of a Methodist minister, Mrs. DuBois was born in Indiana and attended schools in Spokane, Wash., and at the Sorbonne, where she studied music. In the 1930's after returning to the States, Mrs. DuBois taught music at the Morgan College, earned degrees at Oberlin, and worked with theater groups in Chicago and at Yale. From 1941 to 1943, she served as a USO director.

Writing in the early 1930's, Mrs. DuBois become recognized for her biographies of famous black heroes for children. Among those she has written about are: Jean Baptiste Pont Du Sable, George Washington Carver, Phyllis Wheatley, and Benjamin Banneker. Her biography, "Frederick Douglass, There Was Once a Slave," was the winner of a Guggenheim Fellowship and the Julian Messner Award for the best book combating intolerance in America.

Now a citizen of Ghana, but living in Cairo, Mrs. DuBois applied in February to the State Department for a visa, in order to visit Fisk University and to attend to some personal matters. The State Department granted her request, but cited the possible application of eight exclusionary grounds to her case. This referral to the 1952 Immigration and Nationality Act caused Mrs. DuBois' case to require Justice Department concurrence. In rejecting her request, officials at the Justice Department named Mrs. DuBois ineligible under the McCarran-Walter Act which forbids entry to "individuals associated with various subversive activities," section 212-A-28. Mrs. DuBois is 71 years old and one must wonder just how much of a security risk she is. No specific subversive activities were made public, but the Justice Department was apparently referring to the activities of Mrs. DuBois' husband.

William Edward Burghardt DuBois was one of the greatest scholars America has ever produced. Born in Great Barrington, Mass., he earned doctorates in law, arts, philosophy, and literature. In 1905, he was a founder of the NAACP. For 24 years he was editor of the NAACP's monthly magazine, Crisis. Dr. DuBois and his wife were granted Ghanaian citizenship in 1963, 6 months before his death. Although Dr. DuBois, who, in 1963 at the age of 95, joined the Communist Party, had been associated with numerous leftist causes, his wife's political views are unclear, and the Justice Department's denial statement makes her subversive affiliation no more specific. Since Nkrumah's fall, Mrs. DuBois has resided in Cairo, retaining a Tanzanian certificate of identity which is valid for travel in the United States.

I have received many letters of indignation and protest from many black intellectuals, organizations, and individuals. They attack this action against Mrs. DuBois on several grounds. Her husband is hailed as the greatest American black scholar for his achievements in the fields of civil rights and for the historical and sociological studies he has done. They are incensed that his widow cannot return to the country of her birth. For what appears to be the ludicrous assertion that somehow a 71-year-old woman represents a threat to this Government. They are hardly surprised because it is but another manifestation of the oppression and suppression of blacks in this country. Further they point to the frequency with which representatives of such regimes as South Africa are granted free entry.

Shirley Graham DuBois has been invited to speak at Fisk, at Columbia; she is anxiously awaited by many other Americans who wish to know her and to become acquainted with Dr. DuBois through her.

A GREAT CREDIT TO THE UNITED STATES

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. LOWENSTEIN. Mr. Speaker, I am disturbed by the remarks of the gentleman from Iowa (Mr. SCHERLE) about Mr. Richard Blumenthal. I am glad to set the record straight. But I am puzzled and disappointed that none from the President's party has done so.

Mr. Blumenthal was appointed to the White House staff by a Republican President, and his further service in high public office was sought by leading members of the present administration. Surely it is as much in their interest as in Mr. Blumenthal's to make it clear that this administration would not have appointed someone to the White House staff, let alone sought to promote him to an even more responsible position after he had worked for about a year in the President's backyard, if he were the kind of sinister figure described in Mr. SCHERLE's remarks.

I have known Richard Blumenthal for

a number of years. Few words describe him as inaccurately as "sour," "arrogant," "softheaded," and "spoiled." I am sure that anyone who knew him would understand the confidence the President placed in him when he was brought to the White House. Nor am I surprised that high administration officials were enthusiastic about the quality of his work there. He is, as they know, an extraordinarily able person, compassionate and practical, and experienced far beyond most of his peers. It would be difficult to find many people whose integrity, intelligence, and dedication to the highest ideals of public service surpass his. He is a devoted patriot who was on active duty in the U.S. Marine Corps at the very moment he was being attacked here.

That Mr. Blumenthal disagreed with the President on a number of public issues is not an indictment of his loyalty or judgment, nor of the President's. He was not hired to be a rubberstamp. He took no oath to agree with the President forever on everything when he accepted a position in an administration that liked to describe itself as "open" to "new ideas." He served loyally while he was a part of that administration.

Had Mr. Blumenthal been hungry for personal power or unscrupulous in his concern about personal status, he could have concealed disagreements when they developed, and climbed at the cost of conscience. Many ambitious men with less to offer would have done just that. Mr. Blumenthal did not. He sweats it out at Parris Island because he is not that sort of person, while detractors call him "saboteur."

It is a great credit to the United States that we have produced young men of this quality. It is, in fact, one of the most hopeful facts to remember when we are told we must despair of our future.

FOREIGN TRADE RETALIATION—A CASE IN POINT

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BURTON of Utah. Mr. Speaker, Mr. O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy has given a very valuable statement which throws some needed light on foreign retaliation against trade restrictions and draws a distinction between such retaliation and the orderly compensatory procedure provided under GATT. The statement follows:

FOREIGN TRADE RETALIATION—A CASE IN POINT

(By O. R. Strackbein)

A rising chorus of warnings about fearful retaliation against our exports should the trade bill before Congress provide for import quotas, assaults us from all sides. A veritable trade war, it is warned, will erupt should this country adopt import quotas.

If we impose import quotas other countries will jump to their trade weapons, and foreign trade will be thrown into a bristling exchange of reprisals to the woeful loss of all concerned.

The warnings from import and export interests in this country are echoed by threats from abroad as if this country were about to commit the unforgivable sin of rescuing our industries from irreparable loss from imports and our labor from climbing unemployment.

One cry is that other countries will throw up barriers against our exports and thus dry up our markets abroad. Such alarms are freely bandied about, but no hard supporting facts are provided. It is only fair to say that such facts are hard to come by.

However, one clear example is available.

In 1954 the Tariff Commission recommended to President Eisenhower a duty increase on watches as a result of a finding of a serious injury of the watch industry in an Escape Clause action.

An outcry of retaliation was sent up by the Maryland Congressional delegation, joined by an assortment of liberal trade supporters. Maryland cried out because Switzerland, which is the principal source of our watch imports, regularly buys much Maryland tobacco.

The Swiss, it was warned, would be sure to retaliate against imports of Maryland tobacco should the President approve the recommended increase in duties on Swiss watches. Nevertheless the President did increase the watch duty.

A fortuitous fact makes it possible to test the validity of the warnings and threats of Swiss retaliation. Our Department of Agriculture maintains a record of tobacco exports by type of tobacco and by country of destination. What do the export statistics show? They are as follows:

EXPORTS OF TOBACCO, TYPE 32 (MARYLAND TOBACCO)

Year	Country of destination	Pounds	Value
1954	Switzerland	5,817,000	$4,790,000
1955	do	4,976,000	4,151,000
1956	do	7,395,000	5,868,000
1957	do	7,594,000	6,080,000
1958	do	6,452,000	5,260,000
1960	do	6,163,000	5,416,000
1962	do	6,756,000	6,088,000
1964	do	6,897,000	6,467,000

From this record of exports of Maryland tobacco the *failure* of any retaliatory effort that may have been, but probably was not, attempted by Switzerland stands fully confirmed. While there was a significant decline of our tobacco exports to that country in 1955, the first year after the increase in duty on Swiss watches, the considerable rise in exports in the following year merely confirms the vacuity of the claims of reprisal. Thereafter a broken but distinctly upward trend was resumed through the following decade.

Moreover, our total exports of all merchandise to Switzerland did not suffer, as the following short table shows:

EXPORTS TO SWITZERLAND

[In thousands]

1954	$154,385
1955	163,594
1956	221,350
1957	238,562
1958	164,064
1959	188,242
1960	252,661
1961	271,973

The shouts of warnings and threats of retaliation whenever imposition of a quota or an increase in tariff is proposed, in any case, are easily exaggerated, especially where trade is carried on as private enterprise rather than by State trading.

For example, Swiss tobacco import merchants make profits from tobacco imports. A maximum of importation is in their interest. They do not manufacture Swiss watches. If the latter stand to suffer a setback in their export of watches, it is their problem, not that of the tobacco importers. If the watch manufacturers had sought government restrictions on tobacco imports to retaliate against U.S. action, the Swiss tobacco importers would have opposed the effort, since it would have reduced their own business.

Only if trading is a State function, as in totalitarian countries, is retaliation a ready weapon to use, and even then it may not be convenient or profitable. When, however, other private interests than the one clamoring for retaliation would find their toes stepped on, retaliation is more likely to be blocked by politics within the country. Thus, while the hue and cry of threatened retaliation is easily raised, it is not so easily carried into effect. The teeth may be bared menacingly, but the bite is not so sure to follow.

A distinction should, in any case, be drawn between retaliation, on the one hand, and compensation, as provided for in GATT (General Agreement on Tariffs and Trade), on the other. Compensation may be agreed to ahead of time or after a barrier has been imposed. Such compensation supposedly will follow only after due process in the form of orderly procedure and is not in the form of reprisal. It becomes a matter of negotiation. One of the very purposes of GATT was to establish a compensatory mechanism in lieu of retaliation by roughly conforming the compensation to the damage and no more.

The objective was to bring order into trade relations among the nations. Under this principle reparation is made through compensation but its magnitude is to be measured by the damage done; not by an ill-tempered mood of reprisal. Those who now threaten retaliation are in effect enemies of GATT, disavowing its objectives.

This country has, indeed, extended and received compensation in a number of instances over a period of years under GATT.

All of which is to say that all the gnashing of teeth and showing of fangs are mostly acts to serve ulterior ends, and represent the flouting of GATT.

GIVE THEM A BETTER ALTERNATIVE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. ROBISON. Mr. Speaker, I include the following article, "Give Them a Better Alternative," in the RECORD because it deals with an aspect of the drug problem that is closest to us all—drugs on campus. It would appear to me from my reading that the use of drugs is most intense on campuses and among college-age young people, and we should focus our attention on that group to understand the motivations behind drug use and the solutions necessary to halt that use. Perhaps, as this Christian Science Monitor article suggests, we first need to discover the reasons for use and then the alternatives will become more obvious.

I commend this article to the attention of my colleagues:

GIVE THEM A BETTER ALTERNATIVE

(By Trudy Rubin and Curtis J. Sitomer)

BOSTON.—Lynn is a student leader at the University of California, Santa Barbara. She was once given a medal for Sunday school attendance. But as a pot smoker she habitually breaks the law.

Bryan is a drama major at Berkeley. He aspires to the legitimate stage. However, he risks going to prison first. Not only does he smoke marijuana; he sells it—"to help pay my college expenses. And a lot of kids do the same thing."

Lynn and Bryan are scholastically sharp, politically "liberal," and socially suave. They also are part of a generation which is occasionally "strung out" on "speed," "freaked out" on "acid," or "stoned" on "grass."

Drug use on the campus is increasing at a rapid but undefined rate. Many students frankly admit "popping uppers" (amphetamines) to get keyed up for an examination, smoking "grass" or "pot" (marijuana) "to relax" or "be sociable," and taking "acid" (LSD) "for a creative experience."

VIEWPOINTS DIFFER

Although college drug users note few—if any—harmful effects from occasional pot smoking, many admit that habitual use could lead to problems.

"Anyone who uses drugs regularly—marijuana or anything else—isn't going to remain in school very long," says a Berkeley coed.

But views differ.

"Some of my best papers have been written 'stoned,'" insists a University of Southern California fraternity man. "I don't touch the stuff when I'm studying," counters another "Greek." "It's strictly for relaxing—in a social setting."

Heavy drug use is not synonymous with student militancy.

Groups of hard-core political militants—such as the Black Panthers and the Students for a Democratic Society—are known to oppose use of drugs. And Harvard and Columbia University political radicals mostly feel that heavy drug use is the antithesis of the "revolution." This does not necessarily mean they wouldn't smoke pot at a party.

How widespread is drug use?

Several students at Columbia University say unequivocally, "Ninety percent of the kids here have smoked dope (marijuana)." College officials at the University of California at Berkeley estimate that 40 percent of enrolled students at least "experiment" with drugs, particularly marijuana. Students say the percentage is larger.

XUM

When Mademoiselle magazine asked its college-board members in March 1970, whether drugs had replaced drinking on their campuses, an unequivocal "yes" came from girls at Smith College, San Diego State, Vassar, Fordham, and even Brigham Young, among others.

But many other schools, especially in the Midwest and South, reported that drug use, while increasing, was still not a big problem.

At the Universities of Georgia and South Carolina, students told of the increase in apolitical fraternity members who substituted drugs for alcohol at Saturday night parties.

MANY CALLED EXPERIMENTERS

But well over half of these drug users are "experimenters"—persons who have tried one or more drugs (usually marijuana) once or twice—according to Dr. Helen Nowlis of the University of Rochester, one of the leading experts on the campus drug situation.

Dr. Nowlis warns against lumping all drug users together; her "guesstimate" is that "not more than five percent are using drugs as their main adjustment to life."

Casual pot use will continue to grow, says Dr. Nowlis.

While students report LSD use is down on the West Coast, East Coast collegians talk of current interest among heavier drug users in a variety of new synthetic chemicals—mainly hallucinogens—and mostly sold under the incorrect name of mescaline.

Heroin use, while showing slight increase on some urban campuses, is not expected to be a major problem by experts like Dr. Nowlis. "It has a different meaning from pot. It reduces all primary drives and experience," she says, "while the majority of young people want new perceptions."

When a college administration decides to do "something" about drugs it faces an incredibly mixed bag of options. Should the aim be:

To rid the campus of drugs, by punitive means if necessary (which student say would be impossible without jailing a substantial part of the student body)?

To educate students to be more discerning about drugs and in the process perhaps turn them "off" drugs?

To try to treat the medical and psychological problems which confront many users and potential users?

SELF-POLICING PREFERRED

Most colleges soon find there is no clear-cut "solution" to the drug problem.

For one thing, administrators feel it necessary to separate pot use from use of harder drugs. Columbia and other universities have unofficially advised dormitory counselors to overlook pot use and report only the sale of drugs or use of hard narcotics. Even pot pushers are not likely to be the target of university officials, or local law enforcement.

But university officials are tempted to call in the police to control the rise in thefts and narcotics pushers, often outsiders, on campus.

At Columbia, $10,000 worth of goods were stolen from one dormitory during the first two weeks of the 1969 fall term. At both Columbia and Harvard, young street people often "crash" (sleep) in the rooms of students.

"You can't turn a kid down when he asks for a pad, especially in the winter," says an editor of the Crimson. But often these youngsters steal or push drugs to support their habits.

So far neither Harvard nor Columbia has had a police "bust". Both schools, still troubled by memories of student-police clashes, prefer to police themselves. Columbia suspended or expelled at least 12 students over the past year in connection with heroin use; Harvard asked three student pushers (not of heroin) to withdraw.

Harvard students feel confident there won't be a bust. One dealer commented that many students perfer to live on campus because they feel it is safer to use drugs there.

At Tufts University, just 20 minutes from Harvard Square, police raided the campus one early morning in March and arrested 19 students. The bust was triggered by a rash of campus robberies, as well as three student heroin pushers and a fraternity chemist who manufactured hallucinogens and was reported to the police by a fraternity brother.

STUDENTS CHARGE BREACH

Many students claimed the police would not have come on campus without tacit university concurrence. "We felt there was a breach of trust," said one. "There was no warning. The administration didn't enforce drug or alcohol laws all year. Now they give names to the police." Students say that despite the raid, drug use will be back to normal by fall term.

Replies Dean of Students Alvin R. Schmidt: "I don't think the university should be a protective enclave. This protects students from the responsibilities of society."

He feels the only alternative to drug busts is "to whoop up the members of the college community to assume responsibility" for policing drug abuse. He feels that "many students are bothered" about pushers, and "in a way there was a big sigh of relief at the bust."

Students at Tufts and elsewhere do express concern about hard drug pushers. Many, however, are willing to accept small dealers—those who sell drugs to finance their own drug purchases or make some extra spending money. Few students are willing to turn in their peers to the police.

One solution may be an innovation under consideration at an Eastern liberal arts college. If a student is disturbed about a pusher he could report the individual to the administration. The latter would investigate the charge and, if confirmed, would warn the pusher. If he ceased his activity, the matter would be dropped; otherwise, the police could be called in or he could be disciplined by the university.

Dr. Nowlis fears busts and drug policing can become a handy tool by which the older generation can chastise the young. "Particularly at the pot level, we guess that the actual chance of getting caught is 1/500 to 1/1000."

When so few are caught the general reaction is "Why me?" Students perceive this as an attack on them as individuals. So it doesn't become an arrest because of drugs but "because I look like a hippy"—which in many cases is the reason.

This was the student argument at the State University of New York, Stony Brook campus, where students charged a large drug bust was aimed at dramatizing legislative hearings on drugs.

Many administrators feel the spotlight should be focused more on information and treatment and less on policing.

The most immediate problem a university faces is how to treat the health problems of existing or potential drug users. Major universities like Harvard or Columbia usually have fully staffed health and psychiatric services. But many students identify the health service with the establishment. They fear their drug problem may be reported to the police.

OUTSIDERS PROVE VALUABLE

Says Dr. Jerome Brenner, member of the Massachusetts Institute of Technology health service and cofounder of the Cambridgeport Clinic which ministers to the health problems of Cambridge street people, "Students will use the health service if they are clearly aware of the open philosophy of those manning it."

But according to one experienced drug user at Tufts, "Really the only effective way is for kids to treat the problem." During the last school years a small group of Tufts students maintained an unofficial "hot line" in their dormitories which was used by more than 200 students.

They would give advice over the phone or rush to another dormitory to calm someone on a "bad trip." This year, as part of a student-faculty devised drug program, the Tufts administration plans to recognize the "hot line" and distribute the numbers to all students.

Some colleges have found that outside volunteer groups can reach more students than they can.

For example, Berkeley's "Free Clinic"—located just off the celebrated, drug-saturated "hippiedom" of Telegraph Avenue—is one of a score of voluntary groups helping people on "bad (drug) trips."

The Free Clinic's philosophy is "care without barriers." Volunteer workers serve anybody who walks through the door. And they feel little responsibility to report addicts to local authorities.

A number of colleges here maintain "off-campus" drug information centers. UC, Santa Barbara's "Switchboard," located in the heart of troubled Isla Vista, is such an operation. "We're young, hip-looking people. And the kids tend to trust us," says Gail Tennen, a university staffer who donates most of her spare time to this work.

Drug addiction is often seized on by college administrators anxious to show some attempt to "deal" with drugs. But few college administrators on the East or West Coasts are optimistic about the potential success of drug-information thrusts.

REASONS FOR SKEPTICISM

"We had a big symposium on drug abuse last year," confides one University of California dean. "There was good advance publicity. And even then, only 50 students out of 28,000 showed up."

Student users give these reasons for their skepticism about such programs:

Emphasis is usually placed on the negative effects of drugs, particularly marijuana.

"In high school, they showed us films on how pot makes you tremble all over and gets your eyes to water," explains one student. "I hadn't tried marijuana up to that time. But my curiosity got the best of me. The first time I smoked I got a little nauseous, but nothing worse than that," he reports.

Few students believe that marijuana is either addictive or harmful to one's health.

"I've never heard of anyone 'freaking out' on 'grass,'" explains a Berkeley coed.

Antidrug campaigns are seen as based on hypocritical values of the "establishment."

"We're a society of 'pill heads,'" one young man says. "We've had pills in our home ever since I can remember. But since it serves society to outlaw certain drugs, marijuana is illegal. It's an unjust law and most kids just ignore it," he adds.

However, there is a demand for drug education of a certain kind. One good example is a course on "adolescent drug use" taught at Harvard by Dr. Paul Walters, a member of the Harvard health service who has been handling drug problems for 10 years.

COURSE KEPT NEUTRAL

"Most information on drugs is scattered throughout medical, psychological, and pharmacological literature," says Dr. Walters. "Students without help can't find their way. Every two or three months there are new drugs out."

Dr. Walters takes pains to keep his course value neutral. "Any drug education program which lets itself get polarized is dead," he insists. The 125 people in Dr. Walter's course (half the number who applied) include a cross section of the college, and people in the graduate schools of education and law.

Two Harvard seniors who are heavily into drugs and have taken the course, commented: "You can't get reliable information on drugs. There's no information on hallucinogens. In Dr. Walter's course you can learn which drugs are known to be harmful."

Says Dr. Walters, "All I want the kids to do is really question. 'What are you doing, looking for? What does it do for you, for your friends? How? When? I don't ask why. You can't discuss pot with a straight face as a conflict in morals.

"Kids need a lot of education to get them thinking of what drugs are a symbol of . . ."

Some experts envision programs that will try to deal with the causes of drug abuse, as they see them, rather than the symptoms.

Dr. Alan Cohen, once a close compatriot of Dr. Timothy Leary (the "father" of LSD) at Harvard, insists that "people won't abuse drugs if you give them a better alternative—not a substitute."

TREATMENT NEEDS VARY

"Students are looking for meaning in life, self-discovery, investigation into the consciousnes and spirit," says Dr. Cohen, now teaching at John F. Kennedy University in Martinez, Calif. "A whole lot who stop drugs have stopped for reasons which could be called spiritual."

Experts, including Dr. Cohen, have noted that many young people formerly into drugs are now into mysticism, group living, Meher Baba (a pacifist mystic) or organic food diets—all of which are linked to the search for new modes and values of living.

Dr. Cohen, who has been invited to lecture and suggest drug programs at universities varying from Colorado State to Marquette, says a program must be adapted to the nature of the people it aims at. "You treat a pill-popping Greek freak differently from a Harvard student into the Tibetan book of the dead."

"The handwriting on the wall shows religion as an alternative," he adds.

"But it won't be conventional it will be internal." He wants strong courses in essential Judaism and Christianity, and especially in mysticism.

For others the alternatives might be crafts or art (Dr. Nowlis talks of an experimental drama program at one university which involved kids who had been into drugs); or group counseling.

Dr. Cohen stresses four basic principles for any drug program: a sympathetic attitude; relevant information; credible figures; and a lot of emphasis on alternatives.

He adds, "We're trying to provide a bridge to the hope that is missing."

FREE OF CHARGE TO POOR CHILDREN

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. EILBERG. Mr. Speaker, I point with pride to a wonderful program instituted by the Philadelphia Phillies baseball team in cooperation with the Law Observance Committee of the Federal Bar Association permitting disadvantaged youngsters to attend Phillies games free of charge.

For many disadvantaged youngsters the summer is a time for idleness, neglect, and trouble—a long hot summer, but thousands of underprivileged youngsters from Philadelphia and surrounding areas are enjoying a short, cool summer this year thanks to the generosity of President Bob Carpenter of the Philadelphia Phillies Baseball Club.

There are many ideas on how to prevent juvenile delinquency, however, I am convinced one of the most effective ways is to have youngsters engage in constructive activities. There is an old saying that the devil finds work for idle hands. By the same token, children—and adults who keep busy stay out of trouble. By admitting the youngsters to the ball games, they are not only being given something constructive to do, but something worthwhile to anticipate, to enjoy and to remember. The children who are participating in this program have the pleasure of anticipation, the thrill of realization and the joy of pleasant memories. Instead of spending idle time planning mischief, those who have attended can now discuss a pleasant memory and thrilling experience. Thousands of children have already participated and it is anticipated that by the close of the season over 15,000 children will have had the opportunity to see a ball game.

I commend President Carpenter, and his associates, Bill Giles and Paul Callahan, who so ably cooperated in working out the details of implementing the program. I also want to give full credit to Sy Berger of the Topps Chewing Gum Co., Inc., who initiated the concept in behalf of the Federal Bar Association and to the Federal Bar Association's Law Observance Committee, Chairman Harry D. Shargel, who worked with the ball club and youth serving organizations to arrange for the attendance of the children.

EQUALITY OF OPPORTUNITY FOR WOMEN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, it is long past time that we took affirmative action to eliminate those barriers that deny American women equality of opportunity.

In 1961, President Kennedy said:

> . . . prejudices and outmoded customs act as barriers to the full realization of women's basic rights which should be respected and fostered as part of our Nation's commitment to human dignity, freedom, and democracy.

Unfortunately, we have not yet done enough in providing protection for those basic rights. We still have widespread discrimination against women as a class, in matters of equal opportunities for employment, for job advancement, for fair wages, for education, and for housing.

The effect of present discriminatory patterns against women in matters of employment has serious social and economic repercussions. For 1968, 52.9 percent of families headed by a nonwhite woman and 25.2 percent of families headed by a white woman had incomes below the poverty line. The figures for families headed by a male, present a shocking contrast. For families headed by a white male, 6.3 percent are below the poverty line, and in families headed by a nonwhite male the figure is 18.9 percent. The number of families headed by males that were living below the poverty line declined 48.6 percent between 1959 and 1968. However, for the same period, families headed by a white woman only showed a 17.2 decline and families headed by a nonwhite woman showed an actual increase of 7.5 percent.

I am convinced that we need to provide the legislative tools to remove the invidious discrimination which places families headed by women in debasing poverty so frequently. Every worker deserves a wage that will enable him to have enough food and medical care for his family. That the worker is a woman, should not relegate her to the lowest paying jobs and it certainly should not deny her access to a job for which she is qualified.

I am not convinced however, that the good effect which a constitutional amendment would have on eliminating this kind of discrimination is outweighed by the mischief which it would do—especially for those women at the lowest economic stratum.

A constitutional amendment for equal rights for women would most likely bring the drafting of women into the military service and an end to the hard won protection which State labor laws provide for women in the areas of minimum wage, maximum daily and weekly hours, occupational safety, seating, lunch hours and rest periods, industrial home-

XUM

work and nightwork, weight lifting limitations, maternity benefits and guaranteed time-off before and after childbirth with return to employment secured.

Additionally such a constitutional amendment would eliminate the protection which women now have under dower rights. The duty to support a wife, the prior right of mothers to the custody of their children, the possibility of receiving support or alimony, would all be drastically altered and probably eliminated by such an amendment. However, there is a way that we can attack the problem of discrimination against women directly without passing a constitutional amendment that would do more harm than good.

We can enact the Women's Equality Act of 1970. This bill was introduced on June 30 by Congressman MIKVA along with Congresswoman PATSY MINK, a well-respected champion of equal rights for women. I am introducing this bill today, and I strongly support its provisions. It would carry out the legislative recommendations of the Presidential Task Force on Women's Rights and Responsibilities. These recommendations were submitted by the administration last year, but so far no legislative recommendations have come from the White House to implement them. This bill remedies that situation and provides immediate protection for the equal rights of women.

The Women's Equality Act:

First. Amends title II of the Civil Rights Act of 1964 to authorize Federal courts to enjoin sex discrimination in public accommodations;

Second. Amends titles III and IV of the Civil Rights Act of 1964 to authorize the Attorney General to institute suits to eliminate sex discrimination in public facilities and public education;

Third. Amends the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include sex discrimination;

Fourth. Amends title VI of the Civil Rights Act of 1964 to prevent sex discrimination in Federally-assisted programs;

Fifth. Amends title VII of the Civil Rights Act of 1964 to insure equal employment opportunity in the hiring of State and local Government employees;

Sixth. Amends title VII of the Civil Rights Act of 1964 to remove the exemption of educational institutions from Equal Employment Opportunity laws;

Seventh. Amends title VII of the Civil Rights Act of 1964 to provide the Equal Employment Opportunity Commission with cease and desist powers;

Eighth. Amends the Federal Fair Housing Act (title VIII of the Civil Rights Act of 1968) to prohibit sex discrimination in the sale, rental or financing of housing or in the provision of brokerage services;

Ninth. Amends the Federal Fair Labor Standards Act to apply its equal pay provisions to women in executive, administrative and professional positions; and

Tenth. Authorizes the Secretary of Health, Education, and Welfare to make a study and legislative recommendations, within 1 year, to equalize the treatment of women under the Social Security Act, the Internal Revenue Code and the Family Assistance Act. It also requires the Commissioner of Education to survey all educational institutions and report to Congress on any denial of equal educational opportunities because of sex and make recommendations to eliminate any such discrimination.

SANTEE COUNTY WATER DISTRICT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. BOB WILSON. Mr. Speaker, the following is an article by Lew Scarr which appeared in the July 21, 1970, edition of the San Diego Union. It tells about the Santee County Water District's unique waste water reclamation system which is winning acclaim around the world. For nearly a decade, Santee has been laundering sewage water to the point where it is safely used in recreation lakes, for irrigation, and soon for industrial use. I am sure our colleagues will be interested in this important project.

The article follows:

SEWAGE RECLAIMED FOR RECREATION USE—SANTEE'S OWN LAKES ATTRACT INTEREST OF WORLD

(By Lew Scarr)

SANTEE.—Our county's No. 1 tourist attraction probably is the San Diego Zoo, and next to that it may be Sea World and after that it just may be a sewage treatment plant at the far end of an old dry wash.

When it comes to foreign visitors, the Santee County Water District's sewage treatment plant (they prefer waste water reclamation system) may have more drawing power than either Carol the elephant or Shamu the killer whale.

Representatives of 39 foreign countries so far have visited the plant at the mouth of Sycamore Canyon here. Visitors have come from every state in the union and there is a constant stream of school children evoking such later written responses as "the water sure was clean" and "thank you for letting us look at your sewage."

Many of the foreign powers have sent several delegations, Israel and Australia, with water supply problems of their own, have been the most interested, with water-rich Brazil third in line.

The school children may look at a visit to the sludge beds as simply better than a morning with the books, but others come because they have one of two problems sometimes both.

They haven't got water and they don't know where to get it, or they have too much sewage and they don't know where to put it.

Santee, unique almost in this entire world, is solving one by solving the other.

The story, by now is well-known, but, briefly, it began in 1959 when the San Diego Regional Water Pollution Control Board tightened the discharge requirements for effluent from the district's existing sewage treatment plant.

The district could either built a new plant or tie in with the metropolitan sewage disposal system into the ocean. Rising water costs also were a concern.

There is no local water supply. The district is entirely dependent upon the 300-mile importation of water from the Colorado River. By 1972 it will be necessary to supplement this with water from northern California and perhaps by 1990 by water from the Columbia River.

The district has no seasonal storage facilities for its imported water. Water is taken from the aqueduct as needed, an inefficient practice.

On its way to deciding to reclaim its sewage for use as agricultural and industrial water, the district officers argued that water never wears out and that 99.9 per cent of raw sewage is pure water anyway.

Technically the job didn't appear difficult, especially when it seemed certain that the federal government would foot most of the bill. The district feared there would be a lot of unfavorable citizen reaction, an unfounded fear as it has turned out.

And the reason the public has so readily accepted the revolutionary program has been the bonus piece of cake of the entire experiment.

"As to gaining public acceptance," said Edwin H. Houser, manager of the water district, "the best approach appeared to be to overcome the negative connotations of sewage by associating the program with pleasant things that the public enjoys and approves."

It was decided to put the reclaimed water in an attractive setting and invite the public to look at it, sniff it, picnic around it, boat on it, fish in it and swim in it.

And thus the famous Santee Lakes were born. Now on a hot Sunday sometimes 10,000 persons do all of these things on the four of the six lakes now open.

So completely has the public accepted its lakes and the manner in which they were formed that it salutes them annually with the Santee Lakes Festival, this year the 10th annual, June 27–28.

Many residents think water from the plant already flows through the mains of the district. Houser is not sure it ever will.

"There has been too much emphasis on turning the water into potable use," he said. "Actually, the real value of the program may be to use the reclaimed water for agricultural and industrial use and take the strain off the potable system.

Nevertheless, a pilot project is under way at the plant, wholly at government expense, to see how much it will cost to treat the water so it is purer than that arriving from the Colorado River.

Two carbon filters daily are removing taste, odor and color from 100,000 gallons of the already treated water and indeed pouring out potable water that is purer than tap water. It remains to be seen if it can be done profitably.

Meanwhile, irrigation water goes on sale for the first time in about three weeks. There are three immediate customers: Carlton Hills Golf Course, a tree farm and the Mast Park Little League field.

The golf course has been using reclaimed water for some time, but has had to pump it itself. Grossmont College has been waiting patiently but is far down the line.

The cost probably will be $50 an acre foot. It costs district residents $150 an acre foot for imported water.

Houser said the district is looking at the possibility of building a second system to give home owners a crack at the bargain, too.

"It may be," he said, "that we could provide it to them on an unmetered basis so they could use it for their lawns. But there would have to be a schedule so they didn't all turn it on at the same time."

Santee residents say that will be just one more reason for living here. Already they get a break at the lakes. Identified by windshield stickers, they pay only 50 cents to get in; others pay $1.

And the closer they live, the better.

PRISONERS OF WAR—AMERICA'S FIRST PRIORITY

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1970

Mr. RIVERS. Mr. Speaker, on July 30, 1970, in Paris, North Vietnam again rebuffed the efforts of the U.S. spokesman, Ambassador Philip G. Habib, to negotiate seriously on the prisoner-of-war situation. This comes as no surprise. A week prior—July 23—the North Vietnamese also turned a deaf ear to Ambassador Habib's eloquent statement. It is a matter of record that Hanoi has refused all efforts to resolve this humanitarian subject. By its own actions it stands in contempt of the humane standards expressed in the Geneva Prisoner of War Convention of 1949, by which it is bound. As a consequence our brave men in their hands have had to endure many years of internment under conditions that cause the gravest concern.

There may be some who prefer to forget about the prisoners and the conditions under which they are held. I am glad that so many among us in this body have made known their own personal concern about this. We owe it to these men who have given and are continuing to give so much that they be not forgotten. They will not be forgotten.

I commend these statements to the reading of every Member of the Congress because they show the grave concern of the American Government and our people in regard to the prisoner-of-war question. The remarks follow:

OPENING REMARKS BY AMBASSADOR HABIB AT 77TH PLENARY SESSION OF PARIS MEETINGS, JULY 30, 1970

Ladies and gentlemen, from the outset of these talks, we have endeavored to engage your side in serious discussion of the fundamental issues involved in restoring peace in Viet-Nam. We have put before you specific proposals on these issues, and we have offered to discuss your own proposals as well. We have indicated we are prepared to deal flexibly and reasonably with you on all aspects of these proposals in order to arrive at a settlement which will truly allow the South Vietnamese people to determine their own future. We have asked repeatedly that you approach these talks in the same spirit.

Unfortunately, you have presented your demands as preconditions which you call upon us to accept before serious negotiations can begin. As a consequence, you have avoided meaningful discussion of the specific issues themselves.

Last week, for example, we attempted again to engage you in discussion of the urgent and relatively simple problem of proper treatment of prisoners of war. Your reply was completely unresponsive. You continued to avoid discussion of this question, one which need not—and, indeed, should not—be held in abeyance regardless of other developments and issues.

Ladies and gentlemen, renewed efforts for serious negotiation call for a positive and responsive spirit on both sides. They can be successful to the extent that these meetings are not misused for propaganda purposes but rather deal with the fundamental issues on the basis of genuine and relevant negotiation. They can be successful to the extent that there is discussion and agreement on the basis of actions by both sides in favor of peace.

OPENING REMARKS BY AMBASSADOR PHILIP C. HABIB AT THE 76TH PLENARY SESSION OF THE NEW PARIS MEETINGS ON VIETNAM, JULY 23, 1970

Ladies and gentlemen, last week I urged that you be ready to join us in serious discussion of the fundamental issues involved in these talks. Certainly one of the fundamental issues on which such discussion can start immediately is the urgent question of the treatment of prisoners of war. A few weeks ago, you stated the prisoner question can only be settled together, with an overall settlement of the war based on your ten points. You even insisted that we stop raising this issue at these meetings.

Ladies and Gentlemen, the question of humanitarian treatment of prisoners of war cannot be avoided while the war goes on. On the contrary, it is precisely during a war that the question is of utmost importance. This is why there are accepted standards of international behavior toward prisoners, and why these standards must be applied wherever prisoners are held and from the moment of their capture.

You have frequently spoken of the proposals set forth in your ten points. We see nothing in these proposals that precludes serious discussion now of the proper treatment of prisoners of war. Nor do we see anything that prevents you from putting into practice now the accepted international standards.

We see nothing, for example, that prevents you from opening your prisoner of war camps now to impartial outside inspection, as our side has done. We have many times mentioned the need for complete and official identification of all those prisoners of war you hold, and for all these prisoners you hold in South Vietnam, whom you have not only refused to identify at all, but who have never been allowed to correspond with their families despite the statements by your own representatives that they are permitted to do so. The early repatriation of seriously sick and wounded prisoners you hold is yet another matter of immediate concern.

Ladies and Gentlemen, your attitude so far on the prisoner of war issue is incomprehensible to American and world opinion. This is a matter which cannot be held in abeyance. It cannot await the end of the war.

Surely steps can be taken in regard to treatment and release of prisoners of war which would contribute to our renewed efforts here to bring peace to Vietnam.

Mr. Speaker, there is resting in the Committee on Foreign Affairs a bill which I introduced that makes it the sense of Congress that the prisoner-of-war matter be the first order of business at the Paris Peace Conference. That bill is House Concurrent Resolution 499.

The primary reason for this resolution is to notify the leaders of North Vietnam and the National Liberation Front that the Congress of the United States is united with the administration and the American people in demanding an immediate solution of the prisoner-of-war question. Regardless of other matters under discussion, this humanitarian problem, which is totally unassociated with either the military or political settlement of the issues, is, to us, our very first and highest priority.

Hearings have been held on this bill and, in my appearance before the chairman and members of the Subcommittee on National Security Policy and Scientific Development, I have urged them to report this matter favorably.

I am hopeful that this House will have an opportunity to express its feelings on this matter.

SENATE—*Wednesday, August 5, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who hast given us the night for rest and the day for labor and service, grant that we may use all the circumstances of this day to further a righteous order of human life. And as we work may we grow in the graces of the Master of Life.

Grant that we may use success as a way of thankfulness; use failure as a way to better effort; use praise as a way to humility; use disappointment as a way to patience; use pain as a way to endurance; use danger as a way of courage.

Flood our lives with the wisdom and beauty of Thy presence. Grant that the words of our mouths and the meditations of our hearts may be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 5, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that pursuant to the provisions of section 2(a), Public Law 91-354, the Speaker had appointed Mr. ROGERS of Colorado and Mr. WIGGINS as members of the Commission on the Bankruptcy Laws of the United States.

The message announced that the

House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto; and

H.R. 13712. An act for the relief of Vincenzo Pellicano.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye;

H.R. 1697. An act for the relief of Jack Brown;

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1728. An act for the relief of Capt. Norman W. Stanley;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 2241. An act for the relief of John T. Anderson;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 2481. An act for the relief of Comdr. John W. McCord;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3723. An act for the relief of Robert G. Smith.

H.R. 5337. An act for the relief of the late Albert E. Jameson, Jr.;

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9092. An act for the relief of Thomas J. Condon;

H.R. 9591. An act for the relief of Elgie L. Tabor;

H.R. 10662. An act for the relief of Walter L. Barker;

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired);

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.;

H.R. 12622. An act for the relief of Russell L. Chandler;

H.R. 12887. An act for the relief of John A. Avdeef;

H.R. 15118. An act to provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of Ohio Northern University;

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.; and

H.R. 17548. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

XUM

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto; and

H.R. 13712. An act for the relief of Vincenzo Pellicano; to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 4, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

U.S. DISTRICT COURT

The assistant legislative clerk read the nomination of G. Thomas Eisele, of Arkansas, to be a U.S. district judge for the eastern district of Arkansas.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR GOLDWATER TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 20 minutes following the remarks of the distinguished Senator from New Hampshire (Mr. McINTYRE).

Mr. GOLDWATER. Mr. President, I would hope that my comments might fit into the 1 hour and a half of the Senator from New Hampshire, but I understand that the Senator from South Dakota (Mr. McGOVERN) is to participate in the debate. I am not going to debate. I have some brief remarks on the subject in general; and if my remarks could be worked into the 1 hour and a half of the Senator from New Hampshire I would be happy to have that done. It depends mostly on how much time the Senator from South Dakota (Mr. McGOVERN) takes, because the speech of the Senator from New Hampshire is not a long one.

Mr. MANSFIELD. Either way, the Senator will have time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New Hampshire yield briefly to me, without losing his right to the floor, or any of his time?

Mr. McINTYRE. I am happy to yield to the majority leader.

U.S. AIR ACTIVITY IN CAMBODIA

Mr. MANSFIELD. Mr. President, I have been somewhat disturbed by news reports to the effect that U.S. airplanes are being used in close support of the Cambodian Army in hostilities within Cambodia itself.

It was my understanding, based on the President's declaration and promise, that this kind of support would be withdrawn completely from Cambodia itself on June 30, and that activities thereafter would be carried on only in connection with interdicting operations relative to the supply trails running through Cambodia into the area of South Vietnam where U.S. forces would be affected.

I believe the President. I have no doubt he meant what he said. I do not know if he is aware of what is going on in Cambodia at the present time. It seemed to take a little nudging, pressuring, and pulling to get the Pentagon to admit that such was the situation in Cambodia so far as air support of Cambodian troops and their operations were concerned.

I should like to point out to the Senate that if this continues, it could mean that we will have a repetition of what happened in Vietnam; namely, that, first, we will provide air support, then send advisers, then deploy troops, and thus get into a full-fledged war.

I had some grave question about the President's original penetration into Cambodia, but I recognized the fact that he exercised his judgment on the basis of the best information available to him and, thereby, assumed his responsibility as President and Commander in Chief.

As Senators, we likewise have responsibilities. We likewise have to render judgments.

I may be wrong. I hope so.

The President may be right. I hope so.

I should like to read, if I may, a few excerpts from an article published in the Washington Daily News of August 4, 1970, and ask unanimous consent that, at the conclusion of my remarks, the entire article, entitled "No Hurry To Rebuild—Profits, the Cambodian Phoenix" written by James Foster be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. MANSFIELD. The excerpts read:

PHNOM PENH.—A building contractor from California turned up in Cambodia the other day, looked around and seemed satisfied with the destruction he saw.

"When this war's over, it's going to take a lot of work to build this place back up. Business is a little slow at home you know."

While his presence may have been premature, his judgment was not. The war in Cambodia already has taken a heavy toll in property.

The U.S. embassy staff has tripled to more than 50. Marine guards wear sportshirts and loafers in keeping with the officially decreed low profile. U.S. military attaches, their tattooed arms and GI oxfords giving them away, carrying briefcases full of data relevant to next year's $30 million aid program (up from $8 million) under Jonathan Ladd, a former Special Forces colonel called out of Florida retirement.

Mr. President, I hope we are not treading the same primrose path in Cambodia that we have already traveled, to our sorrow, in Vietnam and in other parts of Southeast Asia.

EXHIBIT 1

NO HURRY TO REBUILD—PROFITS, THE CAMBODIAN PHOENIX

(By James Foster)

PHNOM PENH.—A building contractor from California turned up in Cambodia the other day, looked around and seemed satisfied with the destruction he saw.

"When this war's over, it's going to take a lot of work to build this place back up. Business is a little slow at home, you know."

While his presence may have been premature, his judgment was not. The war in Cambodia already has taken a heavy toll in property.

Two key Cambodian cities so far have escaped damage, Phnom Penh has taken no rocket fire. The airport four miles west and two bridges guarding entry on the north and east are untouched. Also spared is Kompong Som, the deep-water port on the southern coast, where the country's only oil refinery is located.

Other cities and villages have not been so fortunate.

And while the situation changes, all but two major highways usually are closed to normal traffic. The exceptions are Highway 5 northeastward to Battambang, a provincial capital, and on to Bangkok; and highway 1 to Saigon.

Many other highways, if not cut by the Viet Cong, are passable only to small vehicles able to thread their way around mine craters and to ford streams near blown bridges. These roads are closed to big trucks that haul fuel, food and arms.

The state railroad paralleling the highway to Battambang is cut in at least two points.

Townspeople seem in no hurry to rebuild because the damage grows daily as the war escalates and as more outsiders become involved.

Authorities confirmed this week that U.S. warplanes are being called in to help with "street fighting." But villagers complain not so much about the mass damage as about low-flying jets stampeding their livestock. Villagers say they waste their time looking for their animals.

The Cambodian high command explained—in a letter to an editor—that modern bombing and strafing tactics require low-altitude flying if the enemy is to be killed.

Militia girls giggle when frisked at a checkpoint. So does the soldier with the enviable job. But there was no giggling when 13 dead and more than 60 wounded of a force of 300 were hauled back from a battle last week, victims of the other outsiders.

Cambodians desiring American goods—a GI canteen or an M16 rifle, perhaps—go to Neak Leung, where South Vietnamese peddle such goods in a street bazaar. Prices are negotiable.

A Belgian shoe manufacturer has set up shop to make combat boots for the Cambodian army.

The Australians donated 50 land cruisers to the Cambodian government and made a public ceremony out of it. The French community in Phnom Penh, one exception to the trend, has dwindled from 5,000 to about 500. All French military advisers and teachers are gone.

The U.S. embassy staff has tripled to more than 50. Marine guards wear sportshirts and loafers in keeping with the officially decreed low profile. U.S. military attaches, their tattooed arms and GI oxfords giving them away, carry briefcases full of data relevant to next year's $30 million aid program (up from $8 million) under Jonathan Ladd, a former Special Forces colonel called out of Florida retirement.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield, if the Senator from New Hampshire will allow me?

Mr. MANSFIELD. I ask unanimous consent that this time not be taken out of the time of the distinguished Senator from New Hampshire.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I do not believe that I know any more details of the reports of the bombing in Cambodia than does the distinguished majority leader, because I think both of us have read only what is in the newspapers.

Mr. MANSFIELD. That is correct.

Mr. GOLDWATER. But I do not recall that the President's statement was an exact statement that we would refrain from the use of tactical air or strategic air support in Cambodia.

As the Senator from Montana well knows, the Ho Chi Minh trails—and there are literally hundreds of them—come down through Laos along the border and continue into Cambodia and then filter into South Vietnam.

As I have said before, the enemy is the same in Southeast Asia, whether he is in Cambodia, Vietnam, Laos, or Thailand.

I recall, in World War II, that we did not hesitate to attack the common enemy wherever we found him. We did not declare a separate war when we went into Italy, Africa, or Normandy, or a separate war in the Pacific as we island hopped all the way up to final victory.

So I think we would expect that there would be occasion when our tactical air would be called upon for tactical support, but mainly for the type of attack or interdiction that we have been engaged in for a long, long time in Laos.

I must say that I have been puzzled on the floor lately to hear distinguished members of the Foreign Relations Committee speaking as if our actions in Laos were something that they had not heard of. Most of these gentlemen have been to Thailand where the operations emanate. They must have visited bases whose only purpose for being was to maintain the bombing of North Vietnam tactically, and now to bomb the Ho Chi Minh Trail.

Unless some evidence comes up that we might be engaged in what could be called indiscriminate bombing—which I do not think we will find—I think that we should not only expect, but should also be willing, to defend the attacks on a common enemy.

I do not quite agree with my friend's analysis of the primrose path, because I would say that when we decided to go into this war, if we had used our airpower reasonably, as it should have been used, this war would not have lasted long enough to get one load of troops over there.

We have continued to refuse to use our airpower, on the part of the Kennedy, Johnson, and, I must say, the Nixon administration, as airpower has been developed and can properly be used.

I would hope that we would not be overly critical before we know more about it. Even if it is the type of bombing that I think it is, I think it is part of this war. I think it is necessary to get our men home and to end this war as fast as we can.

Mr. MANSFIELD. Mr. President, I can appreciate the remarks made by the distinguished Senator from Arizona, who has great experience in the Air Force—none greater in this body and none greater in the Congress, in my opinion. But I would look upon this as indiscriminate bombing. It is a long way from the Ho Chi Minh trails where these operations have taken place. And in my opinion, therefore, there is no connection with the President's thesis.

Furthermore, I see no connection between references to the Second World War, in either the Pacific or in Europe, and the present tragedy in Vietnam which, in my opinion, was a mistake in the first place and has been a continuing tragedy ever since.

It has cost us approximately 53,000 dead and about 285,000 wounded, for a total of somewhere around 335,000 to date, with no end in sight.

I hope devoutly that what is being done in these indiscriminate close support activities of the Air Force in relation to Cambodian battles waged by Cambodian soldiers is not being done contrary to the orders of the President of the United States, who was quite explicit in what he had to say relative to our withdrawal from Cambodia and what activities subsequent to that withdrawal we would continue to undertake.

I have great faith in the words of the President of the United States, and I hope that his orders are being upheld and are not being distorted.

Mr. GOLDWATER. Mr. President, I might say that I am sure the President has knowledge of this. I am sure that if the President felt it was contrary to his promise to the country, this bombing would not be taking place.

I would suggest that it is difficult to tell whether it is indiscriminate bombing or tactical air support. If we are talking about interdiction, there is no set rule as to where interdiction has to take place. If the Communist forces, as we are led to believe, have spread out into parts of Cambodia, I suggest that they have to be supplied. I would suggest that those places might be extensions of the Ho-Chi Minh Trail and if tactical attacks have to be made there, I think it would be to our extreme advantage to continue.

I join the Senator from Montana in saying that I think this war was a mistake, but not in the same way that the Senator infers.

I think that from its inception it has been fought in the wrong manner.

When the decision was made to go into this war, we failed to make the decision to win it. As the Senator knows, having served his country so faithfully in three of the forces—and I might say as an Air Force veteran that I would feel a little hurt if he would not give us a crack at answering him—when one goes out to fight, he is not going to tie one hand behind his back and think he will come back with all of his teeth.

I think that the war has been conducted horribly and that it will go down as one of the worst conducted wars in all our history.

I hope, with the Senator, that this war will come to a quick end and that we never again will engage in a war without at the same time using the muscle we have with which to win it.

Mr. MANSFIELD. Mr. President, may I say that I hope we never engage in a war on the Asian mainland, or anywhere else, unless the security of the United States is threatened. And in my opinion our security is not threatened by Vietnam.

As far as a comparison between the Second World War and this war is concerned, there was a good deal of justification for our entering the Second World War. There was no justification for our entering a war in Vietnam which has now become an Indochina war and may well become a Southeast Asian war.

Mr. President, based on the latest figures furnished me by the Department of Defense, as of July 30, 1970, 284,824 Americans have been wounded, 43,134 Americans have been killed in combat, and 8,283 have been killed in noncombatant activities in Vietnam, for a total death number of 51,417.

If we add the 51,417 to the 284,824 wounded, we get a total number of casualties of over 336,000 in this war, with no end in sight, with no light at the end of the tunnel, with the negotiations in Paris—if we can call them such—on dead center, and with the only ray of hope that I can see being the statement made by Ambassador Bruce on yesterday in which, I believe, if I recall the press accounts correctly, he stated that he had been given either great or wide latitude in his discussions with the other conferees at the Paris negotiations.

Again I want to say—and I say this most respectfully—that I hope with respect to what the President said on June 30—and I believe him—that his orders are being carried out and that in no way, shape, or form, are they being contravened with regard to Cambodia.

I thank the distinguished Senator from New Hampshire for yielding.

COMMITTEE MEETINGS DURING THE SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time the Chair, in accordance with a previous order, recognizes the Senator from New Hampshire for 1½ hours.

B–1—WHICH DIRECTION?

Mr. McINTYRE. Mr. President, I indicated in the course of an earlier review of the actions taken by the Research and Development Subcommittee on the fiscal 1971 budget that I wanted to speak later and in greater depth on a number of specific programs in that budget.

One of these programs is the B–1, the new manned bomber desired by the Air Force as a replacement for the B–52's now in our inventory.

The Air Force describes the B–1 as a four-engine strategic bomber in the 350,000- to 400,000-pound gross-weight class, with the ability to deliver large nuclear or nonnuclear payloads over great distances—more than 6,000 miles. The bomb bay will hold considerably more ordnance than that of the aging B–52's the B–1 will replace. In addition to gravity bombs, the B–1 will have a higher standoff capability than the much larger and slower B–52 because of its greater internal complement of attack missiles. This is the bomber we discussed last year known as the AMSA.

The B–1 program is one of the most expensive now in the research and development stage. The total program cost is already estimated by the Air Force at $9.4 billion, with research and development expenditures themselves predicted to top the $2 billion mark. These estimates will inevitably increase as a result of future inflation in our economy, which is not at present reflected in them. In addition, the estimates do not include operating costs for the B–1, costs of the SRAMS and SCADS which the B–1 will carry, or the tanker investment and operating costs which in an economic sense are an integral part of the costs of the B–1 itself. So even if present B–1 cost estimates are on target, the B–1 will be a tremendously expensive system.

The B–1 program may also be one of the most vital from the standpoint of our national security. Our land-based strategic missiles are becoming increasingly vulnerable to possible enemy attack. Moreover, manned bombers have several capabilities not possessed by missiles of any kind.

Both because of the potential costs of the B–1 and because of its possible importance to our security, it is essential that its progress in the research and development stage be closely monitored by the Congress. In its work this year the Research and Development Subcommittee has reviewed in depth the present status of the B–1 program. As chairman of the subcommittee, I would like to make a detailed report on that review at the present time.

FISCAL 1970 BACKGROUND

In testimony to the Armed Services Committee a year ago, the Air Force stated that initiation of engineering development on the B–1 was planned for November 1, 1969. The $100.2 million requested and appropriated for fiscal year 1970 was consistent with this proposed timetable. Air Force plans then called for an initial operational capability—IOC—for the B–1 of mid-1976.

During the course of the year, however, decisions within the Department of Defense itself resulted in changes in the B–1's proposed schedule. Initiation of engineering development did not occur until June 5, 1970, when an announcement was made that contracts for the program's system integration and engine development efforts had been awarded to North American Rockwell Corp. and the General Electric Co., respectively. Selection of the avionics contractor is not expected now until the fall of 1970.

As a result of these delays, only $35 million of the $100.2 million appropriated last year has been placed on contract to date, and these funds should support both contractors until October 1970. The remaining $65 million of last year's funds will also be available for use in fiscal 1971.

Concurrent with these delays in the use of fiscal 1970 funds, there has been a slippage in the planned IOC date for the B–1 to mid-1978.

SUBCOMMITTEE AND COMMITTEE ACTION

This changed situation was reflected in the Air Force request of $100 million for the B–1 program for fiscal 1971. Had the program proceeded as anticipated last year, additional funds undoubtedly would have been sought.

Notwithstanding this fact, the Research and Development Subcommittee recommended and the committee accepted a $50 million reduction in the Air Force request. The subcommittee had several rationales for this reduction, each of which I would like to discuss in turn.

First. Air Force testimony indicates that our B–52 G's and H's, with certain modifications, will be capable of operation into the 1980's. Accordingly, the mid-1978 IOC date for the B–1, like the mid-1976 IOC date before it, is not critical. It is not clear in any event that the committee's reduction will necessitate a slippage in the mid-1978 date, since the 7-month delay in initiation of engineering development was coupled to a 24-month delay in initial operational capability. Consequently, any additional slowdown caused by the reduction in fiscal 1971 could be offset by a step-up in the presently planned later program.

Second. Since selection of the avionics contractor was not made concurrently with the selection of the systems integration and engine contractors, the specific design of the avionics package will not have been selected for at least 3 months. Once it is selected, an additional period of time will be required to refine the design of the avionics package and to complete the design efforts required to integrate the avionics subsystem, the engine subsystem, and all other minor subsystems and components into the final design of the complete weapon system. These efforts will be time consuming, even without the complications inherent in the development of such an advanced and complex weapon system, and they should require a slower than planned rate of buildup of contractor engineering personnel before fabrication of developmental hardware and major portions of the weapon system should commence.

Third. The development program as presently planned would require $569 million in fiscal 1972 and $560 million in fiscal 1973. The subcommittee was concerned that this very large dollar requirement for fiscal 1972 might be unrealistic in view of the fact that the administration itself plans on cuts in defense spending for fiscal 1971 and fiscal 1972 in the amounts of $1 billion and $6 billion, respectively. The subcommittee doubted whether the $6 billion cut in defense spending in fiscal 1972 would permit support of the B–1 program at a $569 million level, even if this were technically feasible. At a $569 million level, the B–1 program would be the largest single program in the research and development stage and would consume itself a full 8 percent of a $7 billion R.D.T. & E. budget, a questionable allocation of resources. The subcommittee felt that if the program was slowed down in fiscal 1971, its funding curve would peak and level off several months later than planned. This would delay the buildup of contractor effort and expenditures in fiscal 1972, permitting something of a reduction in fiscal 1972 funding.

COST CONSIDERATIONS

Finally, the subcommittee was influenced also by a concern over the long-term costs of the B–1 program and the openness of the Air Force in its discussions with the Congress about the magnitude of these costs.

As I indicated earlier, the presently projected total program cost for the B–1—the cost of both research and development and production—is $9.4 billion. This estimate is predicated on a unit production cost for the aircraft of $29.2 million, still within the $25 to $30 million range projected by Secretary Laird last year.

First. B–1 unit costs. One of the subcommittee's concerns was the reliability of this $29.2 million estimate.

The stability between last year's estimate and that presently being made is not itself any guarantee of reliable cost estimating. For there have been during the past year several changes in the B–1's specifications which, if last year's projection was valid, should have resulted in reductions in the estimated price per copy.

These changes include a 25 percent decrease in the number of SRAM's and SCAD's carried internally and about a 20 percent decrease—from supersonic to high subsonic—in the plane's low altitude speed. Most important, however, the size of the avionics pack planned for the B–1 was greatly reduced—an action which in itself should have produced savings of $5 to $6 million per copy.

Not only does the absence of these savings cast doubt on the validity of last year's estimates. It also lends credence to those who claim that the present $29.2 million projected unit cost for the B–1 is still unrealistically low.

I have heard it argued, for example, that even crude comparisons between the B–1 and other aircraft in our inventory demonstrate the inaccuracy of this $29.2 million estimate. The FB–111, it is pointed out, has a maximum gross takeoff weight and a weight unloaded which is approximately one-third that of the proposed B–1 and has avionics which are slightly less sophisticated. This tends to suggest, the argument goes, that the B–1 should be projected to cost three times as much as the $13 million recently paid per copy for the FB–111. This, of course, would result in a cost per copy for the B–1 of $39 million or 33 percent more than the present estimate.

I must admit in all candor that I do not have the expertise with which to evaluate the accuracy of the present $29.2 million estimate per copy for the B–1. I do know that the FB–111 comparison I have just cited—and similar ones have been made between the B–1 and such planes as the C–5A and the F–15—is very crude indeed.

But the absence of any reduction from last year's estimate despite the various changes made and the history of unreliable early cost estimating associated with so many recent aircraft programs, do, in the opinion of the subcommittee and the full committee constitute grounds for doubt.

And it should also be noted that the cost savings occasioned by the recent reduction in the size of the avionics pack may ultimately be lost. This reduction was made possible only after a conscious decision to design the avionics pack to meet a considerably lower enemy threat than the original pack was designed to counter. Room was left, in conjunction with the cutback, for later avionics growth if the threat necessitates. Thus, while the cutback itself appears to be a wise and cost-conscious decision, it may still prove to be temporary in nature. If so, there will be a cost increase of $5 to $6 million in the B–1's presently planned price per copy, notwithstanding the absence of a similar visible decrease as a result of the cutback itself.

It was the subcommittee's hope that its concern over the possible long term costs per copy of the B–1 would be reflected in the committee report. As the subcommittee envisaged it, the report would call upon the Air Force to conduct, during fiscal 1971, a continuing review of the B–1's specifications, with particular emphasis upon: First, the possibility of further reductions in its high altitude supersonic speed and payload capacity, and, second, the possibility of cost savings and performance improvements being achieved by increasing the B–1's standoff missile launching capability and decreasing its reliance on low-altitude penetration of its targets.

The purpose of such language in the report would have been to make clear to the Air Force the committee's concern that B–1 costs be kept as low as possible consistent with the performance of its mission, in part because the ultimate magnitude of those costs might well determine eventual congressional approval or disapproval of a B–1 production program.

The subcommittee recognized, in making its recommendation of specific areas for emphasis in its proposed review, that considerable attention has already been devoted to them. It recognized, also, however, that many former defense officials have argued against any supersonic speed capability for the B–1, on the grounds that this is of primary utility only in the secondary, tactical role contemplated for the plane, and that elimination of it would result in 20- to 30-percent savings in the B–1's cost per copy.

Similarly, it recognized that the projected payload capacity of the B–1, even after the recent changes, is considerably greater than that of the B–52.

And the subcommittee and the full committee wanted assurance that the concept of a basically standoff missile launching aircraft, rejected after cancellation of the Skybolt project several years ago, had been subject to a thorough recent examination.

I can only regret that the committee report—probably for reasons of space but perhaps also out of a desire to minimize implied criticism of the Air Force—failed to address more fully the question of long term B–1 unit costs. The report does refer to "possible studies" which the Air Force might take along some of the lines I have discussed. I sincerely hope that the Air Force will take it upon itself to pursue a detailed review of the B–1's specifications during fiscal 1971 and that it will report to the committee next year on the results of that review. The slowdown in the B–1 program which the committee has endorsed in major part for budgetary and program management reasons will provide ample time in which to conduct such a review.

Second. Associated tanker costs. The subcommittee was also concerned by the information it uncovered regarding the long term tanker costs which may ultimately be associated with the B–1 program.

The Air Force now states that it intends to use with the B–1 the KC–135 tanker presently servicing our B–52's. It claims that the KC–135's service life will extend into the late 1980's and possibly into the 1990's.

In its original budget submission, however, the Air Force requested $500,000 for fiscal 1971 for use in studies which would directly support the initiation next year of a new tanker development program leading to replacement of the aging KC–135 tanker force.

For some reason or another, the Air Force subsequently reversed its position. The KC–135 is adequate, it maintains, and the study funds had been intended for another purpose all along.

The Air Force does admit, however, that modifications in the KC–135 may be necessary if it is to attain the now projected service life, and if its prelaunch survivability is to be made consistent with that of the B–1. On the latter point, it is a simple fact of life that the KC–135's reaction time from warning of at-

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tack to escape from danger, while consistent with that of the B–52, is considerably less than that projected for the B–1. Just what modifications will be required and what their costs will be is not fully known at the present time.

I also found it interesting, in light of the present official Air Force position on the need for a totally new tanker, to read in the June 20th edition of the Armed Forces Journal that a debate is now underway within the Air Force as to whether a new tanker may really be needed after all. The piece in question, after describing the official position I have just outlined, went on to say:

> But Air Force Officers who will operate the B–1 take a different view. SAC Commander General Bruce K. Holloway told the Journal last week: "We need a new tanker no matter what kind of bombers we have. The problem is not so much the life of the tanker, but we need an aircraft that can offload more fuel."

Some Air Force operations officers, the Journal article concluded, are suggesting the C–5A for the job.

Interestingly enough, Air Force officials staunchly defended the KC–135's ability to offload sufficient fuel in response to questioning before my subcommittee

The reason why the long-range tanker costs to be associated with the B–1 program are so important is very simple. The tanker-to-bomber ratio for the B–1 is expected to be much the same as the 3 to 2 ratio for the B–52, in which case a great many tankers might ultimately be required. The Air Force indicated, in response to a written inquiry addressed to them by my staff, that the procurement of 255 modified C–5A's for use as tankers—if needed—could be expected to cost $27.5 million per copy, for a total cost of over $7 billion. Under the circumstances, I feel that the subcommittee's concern over the lack of hard data regarding tanker costs was well justified.

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It was the subcommittee's hope that the subject of tanker costs also would be dealt with in the committee report. If a $7 billion tanker procurement program is required, the net effect will be to balloon tremendously the real economic costs to the Nation of the B–1 program.

I believe very strongly that Senators and Congressmen should be aware of the program's possible cost implications in determining whether to support its continued funding. Such awareness would have been facilitated had the committee report called upon the Air Force, during fiscal 1971, to conduct an in-house study to determine with greater precision the tanker costs realistically expected to be associated with the new B–1 bomber program. I think it is clear that the Congress will want next year better information both on the need for and possible costs of alternative new tankers as well as the costs inherent in alternative modification programs designed to upgrade the KC–135 fleet. I trust that the Air Force will take it upon itself to provide such information to the committee in conjunction with its budget submissions next year.

A NEED FOR THE B–1?

The committee report, in commenting on the recommended $50 million reduction in fiscal 1971 B–1 bomber funding, stated:

> In making this reduction the Committee wishes to emphasize that it fully supports the concept for the B–1 advanced manned strategic aircraft. The essentiality of maintaining a deterrent posture with a mixture of all three elements of our strategic force—bombers, land-based missiles, and sea-based missiles—is recognized.

Others, I am sure, would argue for a diametrically opposite position—a decision now that the B–1 will not be needed and that it would be safe to dispense with further funding of it.

I myself cannot support either of these positions. In my view, the most reasonable and prudent course would be to suspend judgment on our ultimate need for the B–1, but to proceed now with the plane's orderly and controlled development.

Let me make clear at the outset that I cannot buy all of the arguments generally cited by all-out supporters of the B–1 program.

I question, for example, the importance of its being used in a show of force. While this is a convenient capability to have, it alone would not justify so costly a program.

Nor would the utility of bombers in a tactical warfare role. We are buying a wide variety of tactical aircraft, specifically designed for the performance of this function. Granted that the B–1 would have a greater ton-mile economy than these aircraft, it would make little sense to use the plane in a hostile environment. In almost all imaginable situations, the importance of the target objective sought would not be commensurate with the possible cost in losses of B–1's.

Nor do I want to foreclose further argument about our continued possession of a triple deterrent, composed of land-based missiles, sea-based missiles, and bombers. What we need is a deterrent sufficient and reliable enough to dissuade potential adversaries from launching a nuclear attack against us. And we should develop such a deterrent as cost-effectively as we can.

At the same time, however, the B–1 may well prove to be a necessary part of the sufficient deterrent to which I have just alluded.

For one thing, there might be serious risks involved in reliance solely on a sea-based deterrent.

While our sea-based missiles are secure today, can we be sure they will remain secure always? It has been the history of military technology in recent decades that many things once thought impossible have become realities only a few years later. The ULMS program, endorsed by the committee, is but one example of what we can do and are doing in our R. & D. programs to improve the survivability of our sea-based missile force. But if Soviet technology is allowed to be concentrated in the ASW field, can we be sure that no breakthroughs will occur?

There is another consideration also. An incapacitation of our sea-based missile force might well be achieved without a direct assault on American submarines themselves. Continuous communication with the fleet, absolutely essential to the preservation of its strategic usefulness, might be seriously impaired by a surprise strike on land-based command centers. While our present communications might well be improved, the possibility exists that the low data handling capability of truly secure communications systems would not allow the in-depth communications needed for adequate implementation of our strategic nuclear plans.

Finally, there is the possibility that a solely sea-based strategic force could be made viable—but only at a cost every bit as large as the cost of maintaining additional strategic systems. The ULMS program itself should give us pause for thought in this regard. Its precise cost parameters cannot be estimated at the present time, but it is clearly going to be a very expensive system.

And when one looks beyond a sea-based deterrent, the case for a new bomber has considerable weight. Despite the increasing vulnerability of all land-based strategic forces, there are, ironically, at least two considerations which make manned bombers perhaps more important to our security than they were a few years ago, at a time of lesser vulnerability. I think these points should be considered carefully by those who argue that bombers are outmoded in the present "missile age."

The first consideration is the bombers' recall capability. They can be put in the air, out of danger of enemy attack, without a commitment to release their nuclear payloads.

Bomber critics, of course, have tended to disparage bombers' recall capability, claiming that it is offset by their much slower speed. They point out that it takes less time for a strategic missile to cover the entire distance from its silo to its target than it does for a bomber to deliver its weapons after it is within range of an enemy's air defenses and its recall capability negated. Thus, they argue, one need only wait longer with one's missiles themselves in case of doubt as to whether an attack is underway.

But this argument entirely misses the point. One cannot wait longer with confidence in an age of vulnerable land-based forces. One's alternatives—absent a bomber and its recall capability—are really rather ominous. When blips appear on the radar screens, one must either launch on warning or trust to the survivability of increasingly vulnerable land-based missiles.

Adoption of the first alternative would increase the risk of an accidental nuclear holocaust, a prospect which cannot be tolerated. Yet adoption of the second is scarcely more acceptable. If one is willing to absorb a first strike against increasingly vulnerable land-based missiles, there will come a time when it would be more sensible to simply phase out those missiles and rely exclusively on a sea-based deterrent force.

The second consideration to which I referred a moment ago is one which has received surprisingly little attention. This is the "box phenomenon" whereby land-based missiles and bombers, both increasingly vulnerable by themselves, become less vulnerable if employed together.

Consider for a moment the problem posed for an adversary who contemplates a coordinated SLBM attack on our bombers and ICBM attack on our land-based missiles.

If he seeks to hit our bombers and missiles simultaneously, the ICBM's—which have a much greater flight time—will have to be launched first. When they are picked up on our radar screens, our bombers could be put safely into the air.

If he employs a simultaneous launch instead, any destruction of our airfields—which is itself unlikely until after our bombers have escaped—would provide more than sufficient evidence of a nuclear attack to justify a "launch on warning" of our missiles themselves.

Accordingly, it may well be that our wisest future course would be to increase our reliance on a sea-based deterrent, but to couple this with a gradually reduced land-based force, composed of both missiles and bombers.

It is for reasons such as these, Mr. President, that I believe we should move ahead now with the development of a new manned bomber. The points I have made are by no means exhaustive of all that might be said on the subject. I offer them primarily as points to be considered, well aware of the fact that considerable thought, research, and planning lie ahead before a B–1 production decision can rationally be made.

Surely a factor which will affect that decision as much as any other will be the progress made in the strategic arms limitation talks—SALT—now underway in Vienna. Any number of agreements reached at the talks could have a bearing on our need for the B–1 but I will address myself now to only three possibilities.

One is an agreement on rival ABM systems, the main focus of the talks at the present time. I make no claim of inside information on the present status of these talks. If press reports can be believed, however, we may be headed in the direction of a National Capitol Area—NCA—type ABM agreement, whereby all ABM systems except those in defense of Moscow and Washington would be ruled out.

Such an agreement would be a landmark in Soviet-United States relations. It would do much to curtail a strategic arms race which has been out of control for far too long. By itself, however, it would do nothing to offset the increasing vulnerability of our land-based strategic missiles. Accordingly, it would not clearly eliminate a need for the B–1.

But an ABM agreement might be followed later by an agreement on MIRV's, or an agreement of some other kind reducing the threat to land-based strategic forces. And that agreement, in turn, might be followed by the adoption of antisubmarine warfare—ASW—restrictions, increasing the survivability of our sea-based forces also. Under these circumstances, our need for the B–1 would be significantly reduced.

But agreements of this kind will not be reached in a matter of months. It may well take years before they are worked out and then reduced to writing. Accordingly, while it might be feasible to delay large-scale engineering development of the B–1 for perhaps another year, I believe it would be unwise to do so. Since our security will require the initiation of development either this year or next, it seems far more advisable to begin now and to do so at a more controlled pace. In this way, we may well be able to eliminate costly mistakes which otherwise might occur.

There are those who will argue that a decision to begin development of the B–1 amounts, willy-nilly, to a decision to buy the system. The initiation of development, they point out, will create positions of power, jobs, and profits firmly tied to the program's success, and these, they note, will surely be translated into strong political pressures. Congress itself, they argue, will be reluctant to ever cancel a program in which $2 billion of R. & D. funds have been sunk.

Regrettably, there is some truth in these assertions. The degree of truth will depend in large measure on the ability of Senators and Representatives to familiarize themselves with the factors really affecting our need for the B–1, and it will depend also on their willingness to reject unsophisticated versions of the "sunk costs" argument, their willingness to recognize that whether $2 billion has been spent to date may be less important than whether $10–$20 billion additional should be authorized.

Incidentally, I was quite heartened by the Armed Services Committee's decision to direct termination of the Cheyenne development contract despite the prior expenditure of $168 million on that system. The committee recognized that continuing with the program would entail the expenditure of over $1.5 billion more.

President Nixon spoke in his state of the world message about the necessity of proceeding with programs the ultimate need for which is not established. He said:

> Because planning mistakes may not show up for several years, deferral of hard choices is often tempting. But the ultimate penalty may be disastrous. The only responsible course is to face up to our problems and to make decisions in a long-term framework.

As we proceed with development of the B–1, we must do all we can to assure its availability, should it be needed, at a time and cost within our means. It is toward this end that the work of the Research and Development Subcommittee will continue to be directed.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I want to tell the Senator from New Hampshire that his speech is one of the most useful speeches I have heard on defense procurement. It is useful in many ways. It is obviously an honest statement. It deals specifically with the cost, with the peformance, and with the planning of that weapons system, and it concedes some serious shortcomings. It also goes into careful detail as to why, in the judgment of the Senator from New Hampshire, with all the difficulties involved, this system is necessary.

I should like to ask the Senator from New Hampshire this question: The Senator stated that the projected total programs cost of the B–1 is $9.4 billion?

Mr. McINTYRE. That is the Air Force estimate for research and development and procurement only.

Mr. PROXMIRE. In the light of the Senator's speech today, does he believe that estimate is realistic?

Mr. McINTYRE.. No, I cannot say that it is realistic. In the first place, I doubt whether the $29.2 million estimate per copy for the B–1 itself is realistic. Crude cost comparisons with other aircraft now in our inventory or in development indicate that a more accurate estimate would be $10 million—even $20 million—higher. And when other costs admittedly not included in the Air Force estimate—such as a new tanker—are added in, the real economic costs of the B–1 program might well be $20 billion.

Mr. PROXMIRE. In other words, it could be 100 percent higher than this estimate?

Mr. McINTYRE. Yes.

What the R. & D. Subcommittee is trying to point out is that this is going to be a tremendously expensive program. Just consider inflation for a minute. The program is now looking for an IOC date of 1978. That is 8 years away. Inflation alone will raise the present estimates considerably before then. That is why we are stressing the need to keep costs down. We want the Air Force to study and restudy all alternatives before committing themselves to a final design. This year they have suggested that they do not need supersonic speed at low altitude, but they still want it at high altitude. We want them to consider whether they need it at either altitude.

Mr. PROXMIRE. The Senator does point out some changes that have been made in the specifications. Some people might call them a deterioration of standards and some might call them a change. At any rate, the standards are not as exacting as before, and the Senator points out that the cost per copy should have been reduced by some $5 or $6 million. Yet, the Air Force has maintained that estimate of around $29 million per copy.

Did the Defense Department give any reason why they were unable to reduce the cost, in view of the fact that they are eliminating some of the costly elements involved?

Mr. McINTYRE. The original estimate was what is called a planning estimate. I think that we in the Congress fail to appreciate at times how difficult it is to estimate before any hardware development begins either the exact specs of a system or its exact price. We must give the services some leeway in this regard. At the same time, we do have a right to request "good faith" estimates. I have doubts whether that is what we are getting on the B–1.

So we are asking the Air Force, in effect: "You have reduced your avionic pack by half and have reduced the speed at low altitude and the cost is the same. Why did we not get a reduction?"

Mr. PROXMIRE. What was their answer?

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Mr. McINTYRE. They really have not given a satisfactory answer.

Mr. PROXMIRE. I might conclude—the Senator from New Hampshire might strongly disagree—that this is a concealed overrun. An overrun of at least 30 or 40 percent is involved already, and of course we are 7 or 8 years away from even beginning production. There is already an overrun of 30 to 40 percent.

Mr. McINTYRE. The Senator cannot say that.

Mr. PROXMIRE. Why not?

Mr. McINTYRE. It is meaningful to talk about an overrun on a system only in relation to changed cost estimates on a final design. The design of the B–1 has not yet been finalized, and I think we should encourage further study before it is finalized.

Mr. PROXMIRE. The Senator has conceded that they should have saved $5 to $6 million per copy by this reduction. They have saved nothing. It still costs $29 or $30 million; and it would seem to me, on this basis, that the costs have escalated above the initial estimate. I call that an overrun. One can call it cost growth. Whatever it is, it is higher than it was to begin with.

Mr. McINTYRE. There is no doubt that, so far as the subcommittee is concerned, we were quite surprised to see a reduction in the size of avionics pack and in the low altitude speed and yet no corresponding reduction in the cost per copy.

Mr. PROXMIRE. One of the most shocking revelations of the Senator is the ballooning of the costs with the tanker fleet, which he points out is essential. If we are going to have this, we must have some way of fueling and refueling. The Senator says, on page 7 of his speech, that there is tremendous ballooning of costs.

Mr. McINTYRE. I said the subcommittee cannot really tell whether the Air Force is going to need a new tanker to go with the new B–1 bomber. The Air Force position is that they do not need it, that some modifications have to be made with the KC–135, but that they do not need a new tanker.

The purpose of my proposed study would be to require the Air Force to lay out all the information relevant to an informed judgment on the question. If a new tanker is crucial, we should know this in evaluating the B–1 program. If, on the other hand, it is a comparative luxury, its ultimate purchase really hinging on the availability of overall defense funds and the priority of other defense programs, we should know this, too, in case the Air Force later changes its mind and starts arguing for a tanker. It may well be that it is just too early to say whether a new tanker will be needed. But if that is the case, we should know just what the contingencies really are. After all, it is the possibility of 7 billions of dollars of expenditures which are at stake.

Mr. PROXMIRE. There you get $7 billion on top of the overrun already developed in the B–1 itself—$7 billion. Let me ask——

Mr. GOLDWATER. Mr. President, will the Senator from New Hampshire yield to me at that point for a quick observation?

Mr. McINTYRE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. For the information of the Senator from Wisconsin, I intend to discuss only the tanker question. With all due respect to the subcommittee, as I pointed out to the full committee, there are some real misunderstandings in this field. The remarks of the Senator from New Hampshire do not reflect the thinking of the Air Force at all, and I intend to go into that. As to the avionics package contemplating reducing, I have discussed that with the Air Force, and they have taken a guess, of reducing it from 10,000 pounds to approximately 5,400 pounds, running at $1,200 a pound. However, they are not quite sure which of the sophisticated, as yet, undeveloped equipment they will eliminate, so it is impossible for them to say whether they will actually save money or not.

I want to make that point clear.

Mr. PROXMIRE. I want to ask the Senator, along that line, does he have any additional information that would lead him to believe that the Air Force is seriously considering a request for a new fleet C–5A tanker at a cost of $7 billion? Did they just indicate there is a possibility, or did they indicate seriously looking into that?

Mr. McINTYRE. The best answer I can give the Senator is that the Air Force is not presently planning on a new tanker to go with the B–1. They are talking about modifications in the KC–135. At the same time, they are considering a series of new tanker programs, some involving modifications of existing airframes and others the development of a completely new tanker. The modification of the C–5A is one of these programs. I mentioned it because SAC officers themselves have singled it out for comment. The $7 billion cost of this program is representative of the costs of the other programs also being considered.

But to answer your question more directly, it seems to me that there are two possibilities: first, that a new tanker would be useful but not essential, a preferred alternative to modifications in the KC–135, which has been around as long as the B–52 and is getting to be a rather old aircraft, and second, that a new tanker will be absolutely crucial to the viability of the B–1 itself.

Mr. PROXMIRE. Is my understanding correct that the position of the Senator from New Hampshire is that while a new bomber, the B–1 bomber, may be needed, the subcommittee and the committee are not making a final determination. The final determination may be made later, when more information is developed and that this is, therefore, a tentative determination that is being made now and our options are being kept open. Is that correct?

Mr. McINTYRE. The Senator is correct. The subcommittee feels that under all the circumstances existing today, we should move ahead slowly after additional study, so that we have a cost-effective bomber in the future, if we ultimately need to buy it.

Mr. PROXMIRE. In view of the Senator's position stated on pages 7 and 8 of his speech, to suspend judgment, what happens if Congress deletes the remainder of the $50 million that have been left in? As I understand it, the committee reduced the request from $100 million to $50 million for the B–1. If Congress should eliminate the funds this year for the B–1, why should not this be considered with the notion that we should suspend judgment until the SALT talks, and so forth, are over, to give us a better perspective, if we are not going into production until 1978? I wonder whether this is not an area where we could wisely postpone expenditures.

Mr. McINTYRE. I think the question is important enough that I should tell the Senator that the subcommittee gave careful consideration to the possibility of recommending to the full committee a complete $100 million reduction, on the grounds that additional funding should be held off until the studies we called for were completed.

This alternative was very carefully considered and then rejected. The original Air Force request of $100 million left considerable leeway for reviews of the B–1's specifications over the course of the year. As Secretary Laird himself has stated, additional funds would have been requested for the program by the Air Force if budgetary considerations had permitted. This initial leeway, coupled with the committee's reduction, should leave ample time for further studies before moving out on any final design.

The subcommittee's action is also geared to different possibile contingencies. If the results of the studies so warrant, the Air Force will be under no obligation to spend all the moneys Congress appropriates. After all, it spent only $35 million of the $100.2 million appropriated last year.

But if a final design is fixed upon, there may well be merit in doing at least some preliminary engineering development work this year. The B–52 is expected to last into the 1980's, but this estimate is predicated on certain predictions—as to expected flying hours, for example—which may turn out not to be valid.

And the appropriation of the additional funds will serve another purpose as well. It will make clear to the Soviets that this country takes its national security requirements quite seriously and thus serve as an incentive for some more hard bargaining in SALT. As I said in my prepared remarks, I hope that we will ultimately have no need for the B–1. But we must have it available if we do in fact need it.

And the sooner we move out in developing the plane, the slower we are going to be able to go. If we wait too long, such that a crash program seems needed, there will be a far greater risk of expensive technical problems.

Mr. PROXMIRE. I may ask the Senator, than, inasmuch as he has referred to the fact that last year we appropriated $100 million and only $35 million was spent, so that more than $65 million is unexpended, that this $65 million is available to the Air Force to spend in the coming year.

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Mr. McINTYRE. That is right. That $65 million is available.

Mr. PROXMIRE. I want to thank the Senator from New Hampshire for an excellent speech, one of the most useful I have heard and also very well balanced. He points out some of the problems involved. He concedes that the costs will increase greatly, that the performance is less than originally contemplated, that this will be delivered late at best, and that there are options including—which I did not mention and the Senator did stress—that the B–52's can be, apparently, reconditioned or remodeled in such a way that it can operate into the 1980's. In the 1980's that would give us, of course, more of a cushion than we thought we had in the past, in terms of having an air deterrent to complement our present sea deterrent and our land-based deterrent.

I thank the Senator from New Hampshire very much.

Mr. McINTYRE. I thank the Senator from Wisconsin.

Mr. McGOVERN. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I am happy now to yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I join the Senator from Wisconsin in commending the Senator from New Hampshire (Mr. McINTYRE) for the thoughtful statement he has made here today. I have had a chance to look at it and have it in hand and I want to commend him for what seems to me to be an unusually meticulous scrutiny of the B–1 program that he has brought to us as chairman of the Subcommittee on Research and Development of the Armed Services Committee. I think our gratitude at that point should also go to the chairman of the full Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), whose adoption of the subcommittee approach has made possible what seems to me to be a more extensive investigation than has been the case in the past.

There is no question that while there may be some differences among us, even yet, on the amount of money that has been cut from the proposed B–1 program, I agree with the Senator from Wisconsin that further questions need to be raised about that. Nevertheless, it is perfectly clear that the Senator from New Hampshire has brought a very careful and critical examination to this question.

I think that is particularly important in the research and development stage, over which the Senator from New Hampshire has special jurisdiction, because every important question that we can ask at that point and receive satisfactory answers to has the capability of saving billions of dollars that might otherwise be committed for procurement later on.

Thus, I welcome the Senator's initiative and I want to applaud his diligence. I think he has performed a valuable service not only in terms of national security interests of the country but also a service to every taxpaying citizen in the country.

I have had an opportunity to look at the Senator's statement, as I said, and there are a couple of points on which I should like to raise some questions, if the Senator would care to comment further on them.

First of all, with reference to his suggestion for a study of the design of the B–1, that seems to me to be particularly appropriate. For purposes of its strategic mission, I see little reason, for example, why the aircraft would need to be supersonic.

The explanation always turns to the fact that the supersonic capability would be helpful if the aircraft were called upon to play a tactical role. But, as the Senator knows, we are buying other aircraft for those tactical missions, and I see no evidence that we are planning to reduce the number of tactical aircraft that we would otherwise purchase even if we go ahead on the B–1 program.

Mr. President, I also question the value of the proposed B–1 tactical air situations. If one thinks of no other consideration than the enormous financial loss involved in the loss of one of these planes, it seems to me to raise very serious questions about whether any expensive weapons of that kind should be used in tactical situations.

All the problems associated with the F–111 should convince us that it is extremely risky to try to design an aircraft for more than one major purpose. If the B–1 has the range and payload required for strategic missions, it seems to me very doubtful whether it could cope effectively on a tactical mission with the kind of interceptors it is likely to encounter in conflict.

I think the proponents say that it has been studied and studied to death and that no further examination is needed. I disagree with that statement.

As I said before the Senator from Mississippi came to the floor, I commend him as well as the Senator from New Hampshire for permitting additional study. I wonder if the Senator from New Hampshire, in view of the specific questions I have raised about the tactical purposes that have been described for this plane, would comment and elaborate a little more on why he thinks additional study is needed.

Mr. McINTYRE. Mr. President, I think the thrust of the subcommittee's desire to see additional study on a plane which the Air Force will tell us has been studied to death revolves around questions of cost effectiveness.

I, too, question whether we should design the B–1 for a tactical warfare mission.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. GOLDWATER. Mr. President, I noted the Senator commented on the possible tactical use of this weapon being considered, and I merely refer to the comments of the Senator on page 5 of his speech:

> It recognized, also, however, that many former defense officials have argued against any supersonic speed capability for the B–1 on the grounds that this is of primary utility only in the secondary, tactical role contemplated for the plane . . .

I have sat through many discussions of this B–1, and I have not heard the present Air Force commanders or the present Secretary talk about a tactical use of this airplane. In the first place, the primary weapons system would not lend itself to tactical use. Supersonic speed is the last thing we want in a tactical aircraft. My argument is that the slower the better.

It was not planned. It was talked about in the past. If it has been mentioned at the present time, I have not heard it, and I have discussed this weapons system with the people who will use it. Its use is strategic.

Mr. McINTYRE. Mr. President, I thank my friend, the Senator from Arizona, but I must respectfully disagree. The B–52 was originally designed for a strategic purpose but was reconfigured and was used as a tactical plane and is being used for that purpose today. As Secretary Laird indicated in his discussion of the B–1 program last year, its use in conventional wars is also intended. That, he said, is one advantage of bombers as opposed to missiles.

Mr. GOLDWATER. Mr. President, I disagree that it is confined to tactical use. It is to interdict and deny supplies to the enemy.

If we were able to bomb the sources of supply, it would have an even further role.

It is used for the close ground support of troops and to deny supplies to the enemy. If we had to reconfigure the B–52 to 550-pound bomb use, it would still be used strategically.

Mr. McINTYRE. Mr. President, I defer to the wisdom of the Senator from Arizona and his experience. The distinction I was trying to draw was between the use of a bomber in the strategic nuclear role and its use in conventional warfare. To my mind, this is synonymous with a strategic-tactical distinction.

Mr. McGOVERN. Mr. President, with my own education on this subject, in view of the point made by the Senator from Arizona, if his information is correct—and I am not in a position to question that—that the Air Force has given up the tactical role or even a secondary role for this aircraft, what is the rationalization for building a supersonic bomber? What is the advantage of supersonic speed for a bomber on a strategic mission?

Mr. GOLDWATER. Mr. President, the use to which we say any aircraft is being put—and I have to follow that statement up by saying that the B–52 was for an atomic load. We never thought that it would be for conventional delivery. We do not know the B–1's contemplated use. But I would assume that it would be for use against an enemy far away from us.

With a supersonic speed, at a high altitude and a high speed, we get there in a hurry and with a saving on fuel. The higher we fly, even though we fly fast, we burn less fuel because of the greater altitude.

They would descend, going not more than 200 miles and then release their load and go back into supersonic. High-low-high is the way to get there in a

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hurry and to save refueling. We would make it with probably one refueling going and one refueling coming back.

If we attempt to do it at any altitude below 20,000, which would be low, I would have to guess how many refuelings.

Flying at a high altitude, even with the thrust that these engines would have, would mean a low consumption in pounds of fuel while flying at a high altitude.

I know of the Senator's long experience in World War II in heavy bombers. This would not apply in the case of the B-24's or B-17's, as it would today in bombers like the B-1.

Mr. McGOVERN. I think the Senator would agree that even at supersonic capabilities of a bomber of that kind it could not outrun surface-to-air missiles once it is in the target area.

I am still somewhat puzzled as to what advantage can be had from supersonic capability, if the tactical role is ruled out. Perhaps the Senator will go into that in more depth in his remarks.

Mr. GOLDWATER. I intend to. As the Senator knows from experience, the longer a tactical aircraft can be on its target, the more weapons it can deliver.

While I am not always agreed with in my thesis, the speeds of tactical aircraft in World War II, with an approach speed of 200 to 250 provided a good solid and stable platform from which could be released a large number of weapons, whereas, if you went in supersonically or even at speeds of mach 0.7 or 0.8 you would have only a few seconds on the target and the accuracy would be destroyed.

That is my argument against supersonic tactical aircraft.

Mr. McINTYRE. I wish to comment further on my recommendation of further studies regarding the B-1's speed and its standoff missile-launching capabilities.

It seems to me a supersonic speed for the B-1 is needed only under two conditions: First, if it is going to be used in a conventional warfare role which requires extreme accuracy and deep penetration against sophisticated enemy aircraft; and, second, in an AWACS busting role in the strategic nuclear mission itself.

As regards the first, I indicated in my prepared remarks that I don't think we should design a new bomber for use in conventional conflicts. The advantage of its greater ton-mile economy, as compared with tactical aircraft, would be negated by the fact that we could not rationally afford to lose a $30 million aircraft in an attempt to hit a much less expensive target. Moreover, if you did use the B-1 in conventional conflicts, thereby risking its loss, you'd not only be risking dollars but also the strategic capability for which you sized your B-1 force in the first place.

As regards the AWACS-busting capability in the strategic nuclear mission, supersonic speed assumes importance proportional to the extent to which you insist on deep penetration to your targets themselves. If deep penetration is not required, there is less need for such speed.

It is here that improvements in the B-1's stand-off missile-launching capabilities become relevant, since they would reduce the need for deep penetration.

The Air Force argues, of course, that we tried a stand-off approach in the early 1960's, when we embarked on the Skybolt project with the British. They say it did not work then and it would not work now, or at least not at a cost anything less than that presently contemplated for the B-1 itself.

But references to the Skybolt obscure the issue. The Skybolt was conceived of as a huge ballistic missile, weighing many thousands of pounds. It was, in essence, an airplane-launched Jupiter missile. What I have in mind, and what I think warrants further study, is something very different—a modification of the Subsonic Cruise Armed Decoy, or SCAD, already being developed both for the B-1 and our existing bomber force.

The SCAD is a cruise missile, weighing only a small fraction of the old Skybolt. A great number of them could be carried by a single bomber. SCAD A, now in R. & D., itself has a contemplated range well in excess of 500 miles. I strongly doubt, if this route were followed, that it would be anywhere near as expensive as a Skybolt-type missile.

I think a study should be undertaken showing whether this approach is feasible. I think we should have spelled out very clearly the arguments against it. I think the Congress should be allowed to evaluate those arguments and not have to rely on simple assertions that the approach is ill conceived.

There may, in fact, be merit in the opposing arguments, and I don't want to prejudge the case now. But just as the Navy seems to prefer surface ships to submarines, the Air Force likes to fly over the targets it is going to hit. I am not sure whether this preference is justified, in light of the savings which a subsonic, standoff approach would entail. The Air Force itself admits to a 20 to 30 percent savings. I'm not sure it might not be closer to 50 percent if the B-1 were totally redesigned with this new approach in mind.

Finally, a comment on the Air Force claim that the B-1 has already been studied for 8 long years. It has been, but without the right questions being asked. A supersonic speed, deep-penetration model has been assumed in almost all these studies.

Mr. McGOVERN. The Senator has raised an important new point in connection with the aerial refueling required by the B-1.

As I understand it, the Air Force cited as one of the major attributes of the B-1 the fact that it can take off much more rapidly than the B-52 and, therefore, it reduces the danger of being hit on the ground by missiles launched suddenly. But is it not a fact that the proposed B-1 could not carry out that mission without refueling?

The Senator knows the present tanker we are making, the KC-135, cannot get into the air any more quickly than the B-52. Would it not be the situation, if we move ahead with development of this B-1, that the Soviets or any potential enemy, could target their SLB on the tanker fleet and negate any advantage the bomber had in its first takeoff capability?

Mr. McINTYRE. The Senator raises an important point. We have already discussed it in part. I suspect the Senator from Arizona may have something to say about it in his remarks.

The Air Force claims that the reaction time of the KC-135 could be greatly reduced both by modifications in the plane itself, by positioning crews nearer the aircraft, and by a new basing pattern for the plane. I think that the feasibility of going this route is one thing which should be seriously explored in the study I have suggested.

Mr. McGOVERN. If those modifications could be made with the tanker, why not with the B-52?

Mr. McINTYRE. I am afraid the B-52 has been modified and remodified about as far as it will go, and that this will take it only to the mid-1980's. One purpose of my study is to determine whether the same is true of the KC-135's.

Mr. McGOVERN. What would be the Senator's estimate of developing a fleet of new tankers with the speed and take-off characteristics of the B-1?

Mr. McINTYRE. One of the suggestions was that a modified C-5A could do the job at a cost of about $7 billion. Other alternatives are in the same cost ballpark.

Mr. McGOVERN. I was interested in the Senator's remarks with respect to the elimination of some of the features that have been planned in the original B-1 proposal; the elimination of the low-level supersonic capability, for instance, which the Senator from Arizona referred to a minute ago.

According to the projection, as I understand it that should have resulted in a reduction of $5 million to $6 million in the cost of each of these airplanes; and yet the Air Force, which originally had put an estimate of $25 million to $30 million per plane on the B-1 still is estimating that the cost would be something over $29 million.

Can the Senator shed some light on why there has not been some reduction in the over-all cost if we are eliminating these expensive features that were in the original design? What happened to the savings one could expect in the over-all cost of the plane, in the area of $5 million to $6 million?

Mr. McINTYRE. Of course, as I stated in my speech this morning, this is one of the things that concerned those of us on the subcommittee, and we were asking the same question. I do not think we ever got a satisfactory answer.

We thought this was one of the reasons why the B-1 should be continued to be looked at very carefully.

Mr. McGOVERN. As chairman of the Subcommittee on Research and Development, the Senator from New Hampshire has looked into this question very carefully. In view of the facts that have been brought out this morning and what he knows about the situation, does he

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now believe that, if he would include the cost of a modified tanker, the eventual cost of producing a fleet B–1's will be in excess of $20 billion?

Mr. McINTYRE. I will not argue too much with the Senator's figure of $20 billion.

Mr. McGOVERN. I say, in excess of that.

Mr. McINTYRE. It could be in excess of that. We just do not have the information to know.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point for a question, because it relates to this very matter?

At the bottom of page 29 of the report, subsection (3), it states that the committee will conduct "possible further studies regarding speed and payload capabilities which might result in cost savings and performance improvements."

I know the Senator from New Hampshire can speak only for the subcommittee, and not for the full committee, but I would hope that what is merely a rather vague and indefinite commitment by the committee that possible further studies may be made could be hardened up so that we would be assured that definitely studies of the B–1 will be made, and that a commitment is made to do just this. After all it is perfectly obvious that the estimates of cost range up to $20 billion, and perhaps higher, heaven knows we need more than just "possible further studies."

I see the Senator from Mississippi (Mr. STENNIS) on the floor. If the Senator from New Hampshire will permit it, I would like to ask the Senator from Mississippi a question. I know he has just come on the floor and this is rather sudden.

In connection with the B–1 bomber, on page 29 of the committee report the Senate is told that "possible further studies" will be conducted.

I wonder if that possibly means that they may or may not be conducted, that it is not really a commitment, that it is possible that they will be conducted and possible that they will not be conducted. Can the Senator from Mississippi give us a clearer understanding of what that particular statement in the committee report means?

Mr. STENNIS. Mr. President, first, that shows that there is no closing of the book on that matter. I do not look upon it as anything finally determined yet. The B–1 is evolving. This is all research and development money. It is always the decision of the Congress each year whether or not more money will be appropriated. I want all studies to go on, when it is agreed to and proper. Our committee is blessed with men having particular qualifications in this field. The Senator from New Hampshire is one. The Senator from South Dakota also is qualified.

I look upon this as a weapon system that I think will be needed in the future, and it is now being logged. There is no pell-mell pace, but a step by step pace, controlled by Congress. Of course, this contemplates further studies from all major points.

Mr. PROXMIRE. The question I was asking was, what has the committee done to make sure that such study will be made available to Congress? The report refers to "possible studies." The likelihood of enormous cost increases on the B–1 is so great that I wonder if the Senator could give us greater assurance than just "possible studies."

Mr. STENNIS. Yes. That is what we expect to require for the Senate—studies in all major fields—and, of course, we will have the benefit of it, and any other Members of the Senate will have the benefit of it.

Mr. PROXMIRE. So studies will be required?

Mr. STENNIS. Yes. That is why we are evolving this matter.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield to the Senator from Arizona.

Mr. GOLDWATER. I dislike to keep interrupting, but the question was asked as to why the cost was not reduced because of the low altitude of the bombers. I point out that it is the same engine. It will cost just as much whether it flies at subsonic speeds of mach 0.5 or mach 0.7 or fly at mach 2.1. It is the same engine. I think the cost was put at $2.5 million each. I am taking a guess.

The Senator will recall, from his days of flying in World War II, that we had a top speed, a cruising speed, and a landing speed; and the jet engine has the same problem. If they reduced their supersonic requirements, I agree there would be a sizable saving in engine cost.

Mr. McGOVERN. I was referring not only to the speed capability but the total avionics package.

Mr. GOLDWATER. I agree with the Senator on that. I do not think the Air Force has given a satisfactory answer, and they know my feelings on this.

Mr. McGOVERN. Mr. President, just an additional question to the Senator from New Hampshire. I recall last year there were reports to the effect that one of the reasons why we ought to move ahead on a new bomber of this kind was that the Soviets were developing a new strategic bomber. As the Senator knows, they are now clearly inferior to us in the bomber field. They are relying on what are called the Bison and the Bear, neither of which is supersonic, and one of which is the old turboprop, comparable to the now obsolete B–36 that we phased out of our inventory a good many years ago.

Is there any indication the Senator has that the Soviets now are developing a new strategic bomber similar to the B–1?

Mr. McINTYRE. The last information on this point from the administration was a statement by Secretary Laird before the House Appropriations Committee in February. At that time the Secretary said that the Soviets were developing a "new strategic swing-wing bomber, with better speed, altitude, and radius of action than any of their current medium range bombers." With refueling, it was reported, the bomber could reach some parts of the United States.

So, to answer the question of the Senator directly, it would seem that the Soviets are developing a new bomber, but there is no real indication that it will be as sophisticated as the B–1 presently being planned by the Air Force.

Mr. McGOVERN. I thank the Senator. I remain concerned about the cost of this project as we move ahead on it.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 820

"THE NEW BOMBER IS A BUMMER"

Mr. McGOVERN. Mr. President, I am concerned about the B–1 program for several reasons, all of which suggest to me that we should forgo the additional funds for its development which are retained in the committee bill.

As I will develop more fully at a later time, I think we need more study on the role of bombers in a missile age. Clearly the primacy of the manned bomber in the deterrence role has been long since superseded by missiles, first ICBM's, now the combination of our Minuteman and Polaris forces. Even as insurance of those forces it offers little and probably less than we could accomplish by internal improvements if they do become necessary.

But regardless of how that question may ultimately be resolved, we have two additional causes for moving cautiously at this time. The first is that there is simply no need to move toward the 1977–78 operational date contemplated by the funding level in the bill. The B–52G's and H's presently in force will last well into the 1980's. I noted in the hearings that their durability surprised some members of the Armed Services Committee. In combination with the FB–111's now being procured, they can certainly perform whatever mission remains for the manned bomber until we can make a more thorough evaluation of the bomber's role in the 1980's and beyond, based upon updated assessments of the threat, the results of the strategic arms limitation talks, and other factors. This conclusion is supported by the fact that the Air Force has in the past year downgraded some of the proposed B–1 capabilities, apparently upon a more realistic evaluation of the environment in which it would perform.

Finally, I have grave doubts about the design. As Senator McINTYRE has pointed out, the system as now presented includes costly capabilities which have little or no relation to its mission. The Armed Services Research and Development Subcommittee which he chairs has asked for further study of such issues as whether we should not be aiming primarily for a standoff capability which would eliminate much of the need for low-level penetration. I suspect, frankly, that what we have before us was designed more for the recruiting posters than for a practical national defense posture.

If it is built, the B–1 has the potential for being the costliest single weapons system ever developed by this country. Surely, we should wait for the results of these studies before we accelerate the program. If we move ahead without

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them we may ultimately find that we have made annually-mounting expenditures needlessly, that we have created a contract dependency that will be difficult to end, and that we have invited cost overruns by proposing design changes after the contractor has already locked on to a specific proposal.

The B–1 program has $65 million in carryover from fiscal 1970, an amount that is more than ample to keep it at a highly intensive level of research and development. I propose, therefore, that the additional $50 million left in by the committee be deleted.

Mr. President, for myself and Senator GOODELL, I submit an amendment to H.R. 17123 and I ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. McGOVERN. Mr. President, the Senator from New York (Mr. GOODELL) is also sponsoring this amendment. He has prepared a statement on the B–1, and I ask unanimous consent that it appear in the RECORD at this point.

There being no objection, the statembent of Senator GOODELL was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GOODELL

Mr. GOODELL. I want to thank the Senator from South Dakota (Mr. McGovern) for his leadership in this effort to amend the Military Procurement bill by deleting $50 million in funds for the development of the Advanced Manned Strategic Aircraft, B–1. I support this effort as being thoroughly consonant with the security interests of the nation.

By deleting this year's funds we will not close out research and development on the B–1. There is a carryover of $65 million from last year's appropriations, more than enough to ensure that, we could easily produce a new intercontinental bomber should the need arise in the future.

Right now, however, it is incumbent upon us to review this $50 million in additional funds requested for the B–1 and more for its rescission.

Several considerations warrant this conclusion: First, deployment of an advance manned strategic bomber before 1980 is not urgent. Second, our present strategic bomber force can be upgraded to fulfill the operational capabilities projected for the B–1. Third, a cost-benefit analysis of the program indicates expenses which are excessive when considered against the marginal gains in performance that may or may not accrue from the development and production of the B–1.

Finally, at a time when the nation faces a grave domestic economic situation and when there is no vital security interest at stake, I can see no justification for excess spending on projects of such questionable value as the B–1.

Let us remember that this advanced manned strategic aircraft, B–1 is based on an old mistake, the XB–70. The XB–70 prototypes were built, but then abandoned as unworkable. Today the XB–70 is on display in the Air Museum in Dayton, Ohio. From defense-to-display, the XB–70 cost the American taxpayer $1.4 billion.

Advocates of the B–1 maintain that a mixed strategic force of missiles and bombers increases our security by multiplying the contingencies for which the Russians must prepare. They say a bomber force makes our nuclear arsenal less vulnerable to Soviet attack since it prohibits our enemy from targeting on a limited number of positions. It is difficult for me to imagine how a force of exposed bombers is any more secure than a comparably sized and dispersed force of missiles located in underground silos.

We are told that the B–1 is a revolutionary superior aircraft. Nevertheless, close examination indicates that projected B–1 superiority over existing bombers and proposed modifications can be seriously questioned. Department of Defense analyses state that weaponry and penetration aids are of primary importance in determining the effectiveness of a strategic bomber. The Short Range Attack Missile, the Subsonic Cruise Armed Decoy, and new penetration systems are all designed to fit the B–52 and F–111 as well as the B–1. The characteristics of the carrier are relevant only when they affect penetration capability, and it is precisely here that the B–1 has failed to meet its original expectations. Envisioned as having supersonic dash capability, the B–1 will be able to achieve only subsonic speed at these low altitudes. Furthermore, modifications in the basic B–52 design have produced the G and H models which will operate into the 1980's, well into the lifetime of the proposed B–1.

Since it appeared that the proposed B–1 will not make a vital contribution to the nation's security, we must ask if the marginal utility it may or may not provide will justify the massive costs entailed by the program. Already we have witnessed steadily rising RDT&E estimates, as well as soaring production figures. These cost overruns early in the life of the plane portend yet another boondoggle along the lines of the C5A and XB–70. The complexity of the avionics package on board offers another opportunity for increased spending. Already one-half of the electronic equipment has been cancelled until the plane becomes operational. Ancilliary spending on necessary support planes, weapons and penetration aids should not be discounted just because it falls outside the development of the carrier plane itself. In short, many people who have studied the program conclude that overall expenses may double to $25 billion. Can the nation reasonably afford such spending on a weapons program that will not substantially increase our security? It is my contention that it cannot.

I am hopeful that debate on the McGovern Amendment which I am cosponsoring to delete $50 million for the B–1 will prove the soundness of this effort and will pave the way for passage.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Arizona.

BOMBERS AND TANKERS

Mr. GOLDWATER. Mr. President, first I wish to compliment the distinguished Senator from New Hampshire (Mr. MCINTYRE) on the fine work that he is doing in the heretofore unexplored regions of research and development, in which I think we are going to see our greatest savings made. I have not always agreed with the Senator's conclusions, but I compliment him and his staff on the work that has been done—almost starting from scratch, I might say, last year—and I hope that he continues in his diligent work in this very little explored field, which we both know is very, very complicated, and filled with walls we have to climb over and tunnels we have to crawl through to get at the causes for the high expenditures we have had over the years.

I have listened with interest to the remarks of the Senator from New Hampshire on the B–1. He was gracious enough to notify me of his intention to bring this matter to the Senate floor, and was gracious enough to send me a copy of his remarks. That is why I am able to speak from a prepared text today.

The Senator from New Hampshire is, as we all know, a man experienced in military research and development and served this year as the chairman of the Subcommittee on Research and Development. I, therefore, commend the bulk of his remarks to the Senate. In particular, his exposition of the value of maintaining the TRIAD of bombers, ICBM's, and submarine-launched missiles is as clear an exposition as I have heard in some time. His understanding of the need to start now on an orderly development of the B–1 is to me very sound.

I might at this point speak for a short while on a subject that I did not intend to bring up today, but it has been stated to us in committee by the Air Force that the B–52's can fly well into the 1980's—perhaps until 1984—but what they have not told us, and what we have not found out, is how much it is going to cost us to keep flying each B–52 that much longer. I have asked them to do some research on this subject, and they told me they would, because I have a feeling that by the time that we keep those planes flying into the 1980's, they are going to cost us a total investment in each plane which will be very close to the total final cost of the B–1.

We went through an experience with the B–47, which was a medium bomber, where we had to rebuild the wings because of fatigue. We do not know yet what the state of fatigue is in the wings of the B–52. Frankly, some of them have flown longer than we thought they would. But we are beginning to learn, as we update the plane from year to year with new weaponry and avionics, as we have to modify the bomb bay to accommodate new types of weapons, and particularly as we are able to develop, as the Senator indicates—and I have great interest in it—a long-range standoff missile, which today seems doubtful because of the extreme wait involved, though nevertheless we are working on it, how much the cost will be.

As I say, they are making a study of this for me, and I hope to be able to present it to the Senate sometime during this debate.

I add, too, something else that had slipped my mind: the replacement of engines. These are old jet engines. We buy them today at greatly increased cost over the originals. While we are fortunate in being able to get a long life out of jet engines today, those used in combat, particularly over Vietnam, are much shorter lived.

The Senator expressed some reservations, and in view of his eminence in this matter we are all obliged to pay heed to his concerns.

At this time I want to pay heed to his concern over costs for tankers to permit aerial refueling of the B–1. At the outset, let me say that I believe his concern is unwarranted. After carefully reviewing the evidence presented to the subcommittee, I cannot see how the Senator maintains this concern.

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I am, furthermore, distressed by the use of innuendo in the Senator's remarks that the Air Force is not being forthright with the Congress. I have looked into this matter in some depth, because it has come up in the past. I would like to report what are the facts. They may not suit the desires of those who wish, for their own purposes, to hang the albatross of a new tanker about the neck of the B-1, but they are the facts:

First, the Air Force has continuously and consistently planned for the B-1 on the premise it would be supported by the KC-135 tanker aircraft. The original performance specifications for the B-1 were established around the KC-135 capabilities and all subsequent investigations have been worked on this assumption.

Second, based upon the basic performance capability and the various missions which the B-1 might be required to fly, it has been determined that the B-1 force could be supported by the programed force of KC-135's committed to the Strategic Air Command. Comprehensive analyses show that mission objectives can be readily achieved with a force of B-1's performing to these specifications and supported by available KC-135's

Third, confidence that the KC-135 will be available in the same time frame as the B-1 has been demonstrated by critical evaluations of KC-135 service life remaining. Analysis performed as late as 1969 show that SAC's KC-135 tankers, incorporating only the currently programed modifications, can be expected to perform until at least the 1985-89 time frame.

With regard to General Holloway's statement quoted in the June 20 issue of the Armed Forces Journal, the general was correctly quoted. I believe it would be useful to understand the context of his remark. After rechecking this matter with the general himself and others in the Air Force, I can report that the point being made was that we would still have a mix of B-52's, FB-111's, and B-1's in the late 1970's. However, the more B-1's we have in the above bomber mix, the fewer tankers and less tanker off-load would be required, because the B-1 will have better range at low altitudes than either the B-52 or the FB-111. If we should buy enough B-1's to replace all B-52's on a one-for-one basis, we would not need a tanker with greater capacity than the KC-135. One of the specific design requirements for the B-1 is that it will be capable of deeper target penetration with less tanker support than our current B-52's.

The distinguished Senator from New Hampshire correctly states that the safe escape times from a nuclear explosion which are normally attributed to the KC-135 are compatible with the escape times of the B-52. He also correctly alludes to the shorter escape time projected for the B-1. Comparative data of this nature, along with specific comments pertinent to potential KC-135 modifications were provided to the Research and Development Subcommittee in response to direct questions by the subcommittee staff. Contrary to contentions of the Senator from New Hampshire, specific cost estimates for KC-135 modification were also provided.

Specific responses to the question of modifying the KC-135 fleet to reduce the escape time included cost estimates associated with some modifications, the first being thrust augmentation.

I might say in this connection that they have changed the KC-135's ability, now, to start all its engines separately, to the B-52's ability to start one engine and then, by bleeding air off that one engine, start all the other engines simultaneously. This would provide a greatly increased B-1 escape time, because all the engines would start automatically as the pilot puts his foot on the lower rung of the ladder to climb into the aircraft, at least for those planes that would be on standby alert.

Other modifications include hardening the tail structure of the aircraft and providing a quick start capability. The purpose of such modifications would be to decrease vulnerability to weapon effects and decrease the exposure time prior to launch and during the critical phase of flight immediately after launch.

For the most part, modifications of this nature involve state of the art technology and off the shelf equipment. In the event the threat warrants such action, these modifications could be performed at reasonable expense.

More important, however, is the significant reduction in escape time which can be attained through the use of revised alert procedures, coupled with the quick start capability I previously mentioned. The cost estimates associated with these two actions are quite modest and the resultant escape time may well be adequate without the other, more extensive modifications outlined above.

I might say also, Mr. President, that I do not think we are talking about waking up and hearing an alarm some morning, without having had any previous indication, that we might be ready to go to war. We had this information prior to Pearl Harbor, but we did not use it. I am sure we will not fail to use it in the future.

So, as the time might approach where war might open, our tankers could be airborne at all times, providing, as we do in South Vietnam, a 24-hour service station flying thousands of feet above the land.

Let me deal now with the questions raised by the Senator regarding a $500,000 item for studies on advanced tanker capabilities. He is simply incorrect when he states that these studies "would directly support the initiation next year of a new tanker development program." The facts are these:

There is a planning document that shows an allocation in fiscal year 1970 of $500,000 for air tanker advanced development. Actually, the money for 1970 was not spent, and the Air Force intends to use it in 1971 for studies exploring the utility of multiple booms on KC-135's for in-flight refueling of fighter aircraft. In other words, the study money is not to be spent this year on an advanced tanker for use by strategic bombers, but for research on refueling fighters.

To explain it a little better, instead of having one refueling boom or probe, they would have a multiple number of stations enabling the tanker to refuel several fighters at a time, quickening the time that the tactical aircraft could get back on target. As Senators know, the Air Force uses refueling quite extensively in a variety of mission areas.

In later years, I am sure the Air Force will perform continuing studies of ways to improve and modernize the existing tanker fleet as well as study the need for new tankers in relation to other needs within a constrained budget. This is only right and proper. But to infer from this study effort that the B-1 will require a new tanker is just not correct, nor is it fair.

Finally, there is the implication by the Senator that the Air Force has plans for a $7 billion program to procure a tanker version of the C-5A. This is both untrue and unfair. It is untrue because there is no such program. It is unfair because information supplied by the Air Force has been misused. The Senator's staff submitted the following question to the Air Force:

> If the Air Force were *directed* to procure a new tanker, what options would it consider and what, roughly, would be the respective unit production costs of each?

The Air Force gave a classified response to this question with a list of five aircraft. But the response was not intended to imply that these tankers are needed for the B-1 or any other program.

In summary, the distinguished Senator from New Hampshire has apparently raised a sincere concern over the ultimate fate of our strategic deterrent and our Nation. However, I am puzzled over his concern about plans for expenditures on a new tanker and his apparent reluctance to use information provided to him in response to direct query by members of his staff. The relevant facts are easily checked and would hopefully ease the degree of concern which the Senator has expressed.

Mr. President, I intend to discuss the B-1 at greater length as we go along. I merely wanted to reply to this portion of the Senator's well rounded speech this morning.

I might just comment in reply to some of the questions that are constantly raised about cost overruns. It seems to me that in the domestic programs we do nothing but pass supplemental bills to handle cost overruns. In fact, as I recall the health, education, and welfare bill, and yesterday unemployment, and many, many others, I cannot recall a single program that has been passed in keeping with the budget.

So we have to assume that even in domestic programs we have giant overruns.

I would hope that some of my colleagues in this body who are so concerned with the overruns and expense of military equipment would concern themselves with the tremendously expanding cost of the domestic programs which have gone up over a thousand percent, while the defense budget has increased and it has now decreased; and according

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to information which will appear in the Record in other remarks which I will make today, this year's will be the lowest in percentage to the gross national product at any time in our history.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. One more point: This is a system that has long been needed. When I was in this body before, I recall listening to Secretary McNamara promise us that the next year would bring plans for an answer, and now we are getting it. One of the big reasons, I might say, is the fact that Secretary McNamara did not believe in research and development. Consequently we have, for the first time in my memory, in aviation, an airframe waiting for an engine. It has always been the other way around. We had engines that we did not have airframes to match. These engines have to be developed and researched prior to that, and then they have to be tested.

I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I say to the Senator from Arizona that again and again, not just this morning, but previously, he has raised the point that some of us have been very critical of defense spending but have been quite uncritical of much bigger increases in nondefense spending. I think that to some extent that is a point well taken. I think we have not concentrated as much attention as we should in the area of excessive spending, for example, in transportation, highway trust fund, and many other areas.

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I invite the Senator's attention to a report of a subcommittee of the Joint Economic Committee which will be released within the next 2 weeks, which details some of the waste in transportation we have in this country.

I also invite the Senator's attention to a statement I am going to make during the morning hour on the conclusions of some of the leading scientists in the world on the environmental pollution we are going to get from the SST, which is not a defense appropriation, but for which an appropriation of $290 million is asked this year, an additional nondefense, domestic spending item on which I think we can cut back.

I think the Senator is correct in calling attention to this, but I think many of us have worked to cut down excessive spending in other areas in addition to defense. I think the Senator is right in saying that we have not been as critical, perhaps, as we should have been in some of these areas.

Mr. GOLDWATER. I look forward with great interest to hearing the report on the SST, because I have equally as prominent scientists who will pooh-pooh the idea that one SST, or if we make all 300 of them—which they have to make in order to break even—will produce any pollution of air or sound.

This is pretty much like bringing in some of our well known corporation presidents in this country who argue that this war has caused this inflation. I have remarks for the Record today which I hope will bring this matter into focus.

So I am looking forward to the Senator's continued good work in all these fields. I was not necessarily referring to him, but I think if he checks his voting record, he might find places where he slipped a little in approving too high a request.

Mr. PROXMIRE. I keep very close track of this, and last year I voted for a very sharp reduction—I mean a sharp reduction—in President Nixon's proposals for domestic spending, as I did in the Eisenhower proposals for spending when he was President, and as I did with President Kennedy and President Johnson. I have consistently done that, both in domestic spending and in military spending.

Mr. GOLDWATER. I am happy to hear the Senator say that. I recall when he introduced approximately $23 billion worth of bills.

Mr. PROXMIRE. That was the interpretation of Ezra Taft Benson and some other people who did not understand what those bills would do. Authorities I had showed they would save $9 billion. That was a conservative estimate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GOLDWATER. I yield.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Arizona be permitted to proceed for an additional 10 minutes and that, notwithstanding the expiration of the morning hour at 12 noon today, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; that following the yielding of the floor by the able Senator from Arizona and upon the completion of the period for the transaction of routine morning business, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOMBERS AND TANKERS

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. McINTYRE. I should like to say to the distinguished Senator, who is a long-experienced member of the Committee on Armed Services, that I thank him for his kind remarks about the Subcommittee on Research and Development.

I think he is wise enough to know that this is a very difficult area for us to probe. We do not want to go beyond the pale of what is appropriate and proper.

I think his remarks relative to the KC–135 are informative and helpful.

I probably will put in the Record today a short statement, sort of in rebuttal. I will send a copy to him.

Most of all, I appreciate the Senator's support in the committee, in the full committee, where we are trying to take hard looks and where I certainly do not have the expertise in my background that I wish I did have. But I think we are making some progress in trying to scrutinize these programs. The B–1 program is one that, as I said in my speech, we must continue to monitor at all times so that we do not have any duplication of the tremendous cost growths we have run into.

I ask unanimous consent that my rebuttal statement be allowed to appear in the Record at this point:

There being no objection, the statement was ordered to be printed in the Record, as follows:

REBUTTAL STATEMENT OF SENATOR McINTYRE

Mr. President, I have studied with care the remarks of the distinguished Senator from Arizona in response to my earlier remarks. I would like to make only a few brief points in rebuttal of them.

(1) The Air Force *has* reversed itself during the past six months as regards its request for funds in fiscal 1971 to study the development of a *new* tanker. I trust that the following chronology will serve to clarify this point:

The "Descriptive Summary" submitted by the Air Force in February in support of the fiscal year 1971 budget estimates states that the $500,000 in the fiscal 1970 program covers completion of "studies of simultaneous, multiple station refueling for a single tanker and resolution of technical uncertainties on re-engining the B–52 G–H." It also states the program planned for the $500,000 requested in fiscal 1971 "is to perform studies that will directly support an FY 1972 go-ahead on a *new* tanker alternative."

General Glasser, when he appeared before the Senate Armed Services Committee on March 12, 1970, stated, "We are this year requesting funds in the amount of $500,000 to conduct studies of an advanced tanker . . ."

The $500,000 shown in the budget as being available in fiscal 1970 was not available but was anticipated to be funded by reprograming. General Pitts, in support of General Glasser, stated that same day that "A prior approval reprograming is now being processed through DOD which will request authority from the Congress to initiate this (Advanced Tanker) program in fiscal year 1970." This reprograming action was not approved by the Congress.

Then, by letter dated June 12, 1970, signed by Col. William B. Arnold, Chief, Congressional Investigations Division, Office of Legislative Liaison, a package of twenty-four answers was provided in response to questions asked by the Subcommittee on Research and Development. Question No. 11 asked "Why is the Air Force requesting $500,000 for the study of a new tanker in FY 1971?" The Air Force answer, which is printed below is the first evidence that the Subcommittee was advised that the funds were not to be used to study an advanced tanker. It came, interestingly enough, only after the Subcommittee began expressing some concern about long-range tanker costs.

The $500,000 in Fiscal Year 1971 is for studies exploring the utility of multiple booms on KC–135s for refueling TAC fighter aircraft. The study money is not to be spent on an Adanced Tanker for use by strategic bombers (KC–X) but for research on advanced refueling concepts; as advanced concepts are studied for all existing systems for which a continuing need is envisaged.

In the future, the Air Force will continue to perform studies of ways to improve and modernize the existing tanker fleet as well as the study of the need for new tankers in relation to other needs within a constrained budget. It should be noted, however, that the Advanced Tanker Program Element does not presuppose the development of a new tanker since other alternatives such as modification of new production airframes could also result in an advanced capability tanker.

(2) While the Air Force did submit cost estimates in response to questions from my staff regarding possible modifications in the KC–135, these cost estimates were not complete, covering only some of the modifications referred to. I felt that far more complete data was required before an intelligent assessment of total modification costs would be possible. This absence of complete information was one of the reasons I have called for further study of this whole tanker issue. The Senator from Arizona himself, rather than provide hard data, has merely repeated the unsupported Air Force assertions that the modifications in question are "quite modest" and can be performed at "reasonable expense."

(3) Finally, as regards a $7 billion dollar C–5A tanker procurement program. I have never claimed that it is the present plan of the Air Force to adopt such a program or that it will necessarily adopt it in the future. The statement in my prepared remarks was as follows:

> The Air Force indicated, in response to a written inquiry addressed to them by my staff, that the procurement of 255 modified C–5A's for use as tankers—*if needed*—could be expected to cost $27.5 million per copy, for a total cost of over $7 billion.

It is my belief that neither I nor my staff misused the information furnished us by the Air Force in making this statement. In light of the changed Air Force position on the need for funds to study a new tanker this year and develop one starting next year, I wanted to probe deeper as to whether such a tanker would in fact be needed in the foreseeable future and what its costs would be if needed. So, I submitted the following question to the Air Force:

> If the Air Force were *directed* to procure a new tanker, what options would it consider and what, roughly, would be the respective unit production costs of each?

I asked the question in this manner to avoid an Air Force response saying simply that no new tanker procurement was being planned or was under active consideration at the present time.

In answer to my question the Air Force indicated what I already suspected—that alternative new tanker programs have been given some consideration by it. The answer listed several alternative programs, each with a specific buy and specific total cost. One of these alternatives was the KC–5A approach I mentioned. I referred to that program specificially because it is the stated preference of the Strategic Air Command. The costs of the other programs mentioned—involving the 707 and 747 airframes as well as new airframes to be developed—are also in the multi-billion dollar range.

Mr. President, I am not trying to "hang the albatross of a new tanker about the neck of the B–1." When the Air Force first states it needs a new tanker and then changes its mind, and when it is obvious that alternative programs have been sufficient consideration to make specific cost and buy estimates possible, the matter is one which warrants raising. That is why I have asked for a study in this area and why I still believe that such further study is essential.

Mr. GOLDWATER. I could not agree more with the distinguished chairman of the subcommittee. I might say to him and also to my good friend from Wisconsin that the most valuable changes which have come about in the Armed Services Committee, in my estimation, have been not the total shift, but the shift in emphasis away from, "Do we need it?" to "Can we afford it?"

In this respect, the staff has been augmented by men who are experienced in auditing work and in cost problems. I can assure my friend from Wisconsin that I am not proposing to speak for the distinguished chairman, the Senator from Mississippi (Mr. STENNIS), but this goes on constantly.

The weekend before last, I went out to the McDonnell-Douglas plant in St. Louis for two purposes. One, to inquire into the simulator, and the other to inquire as to how they were getting along with the F–15 with relation to the milestone process, which they agreed to, and they are well within the bounds. I think that is a great improvement over the contracts we have been letting over the past 8 or 10 years, one of which resulted in the terrible condition of the Lockheed Aircraft Corp., even though we will get a good airplane out of it.

Had this type of program been put into effect 10 years ago, we would not have been faced with the cost overruns other than those occasioned by increases in the cost of living, inflation, and so forth.

The Senator from Wisconsin is due a great deal of credit in this field. I do not always agree with him, but at least he had the courage to step where others had no courage to step. I salute him for that, even though we will proceed to stand up and debate each other at great length on other subjects.

Mr. President, my time has about expired, but I did mention the other point in my statement today, about the Peace Through Law Committee which has again this year published a rather complete and extensive and well studied book and made it available to all Members of Congress—certainly to Members of the Senate.

Last year, I took the trouble to study that book carefully and to write comments where I felt they were due; namely, where mistakes and misstatements had been made.

I have only spoken today on the initial subject, of their approach to spending and some of their conclusions which I feel are erroneous and misleading. I have also prepared a report which I call "Comments on the B–1 Section in the Report on Military Spending by Members of Congress for Peace Through Law," released July 15, 1970, and reads as follows:

I—THE NEED FOR BOMBERS

The opening paragraph of the summary of the peace through law report states that:

> With all the destructive deterrent power represented by American ICBM's and SLBM's, it is worth considering whether the manned bomber should have any role at all in future U.S. strategic posture. This question deserves much more scrutiny than it has received thus far, especially since discussions to date pretty much assumed the need for a bomber and have gone more to the kind of bomber to be acquired.

The Members are, of course, correct in saying that the future role of the bomber in our strategic posture deserves the most careful scrutiny. But the Members are laboring under a serious misapprehension if they think that this question has not been thoroughly considered and discussed in the executive branch, as well as the Congress. In fact, the arguments advanced in the report against the B–1 and bombers generally, were all debated last year in the Senate. And, they have been repeatedly studied and analyzed in the executive branch, and discussed with the appropriate congressional committees, for at least the last 5 or 6 years. Nevertheless, the issue is certainly important enough to warrant a penetrating reexamination each year.

It is interesting to note that while the bulk of the report is devoted to a refutation of arguments in favor of a continuing role for the bomber in our strategic force posture, the report very carefully avoids an outright refutation of the mixed force concept itself. In this respect, the members displayed commendable prudence.

There is every reason to believe that the role of the bomber will be much more important in the future than it has in the recent past. Four or five years ago we enjoyed a wide margin of strategic superiority over the Soviet Union—with or without bombers. That margin of superiority has now been greatly narrowed, and within the next 5 years may actually be eliminated or reversed, unless SALT is successful, or we greatly increase our strategic forces. Since the prospects for SALT are uncertain and major force increases are unlikely at this time, we must continue to rely for our deterrent in the foreseeable future on a combination of strategic weapons systems, each of which not only contributes directly to our overall retaliatory capability but also serves to enhance the survivability and effectiveness of the others.

To this end, bombers in our strategic forces make a unique contribution. In combination with land- and sea-based missiles, they provide a hedge against future technological developments which might severely degrade the capabilities of any one of the major elements of our strategic offensive forces. They provide insurance against an unlikely, but possible, gross failure in our strategic missile systems. Together with strategic missiles, they compound and frustrate Soviet first-strike attack planning, and make the Soviet defensive task much more difficult and costly. They are more appropriate and useful than strategic missiles for less than all-out nuclear wars, and they comprise the only major element of our strategic offensive forces which can be used in conventional wars. Finally, their presence in the force provides the United States with a greater degree of flexibility in arms negotiations.

Contrary to the impression left by the military spending report, these are all very compelling reasons for wishing to retain bombers in our strategic forces posture.

Twice in little more than a decade we have been confronted by major changes in the Soviet threat which have seriously increased the vulnerability of our strategic deterrent. Many Members of the Senate may recall that late in the

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1950's the emergence of the initial Soviet ICBM threat cast grave doubts on the survivability of our bombers, which were then the backbone of our strategic deterrent. It was estimated by the SAC commander at the time that with a force of 150 ICBM's the Soviets could destroy virtually all of our bombers in a surprise attack. The solution, then, was to construct the ballistic missile early warning system—BMEWS—disperse our bombers over a greater number of bases, and place a portion of the force on 15-minute ground alert—the warning time promised by BMEWS.

Now, with the continued massive buildup of the Soviet ICBM force, especially the SS–9's, our land-based missiles as presently deployed may become vulnerable to surprise attack. Here, again, a number of solutions are at hand and one of them, the deployment of Safeguard for the defense of Minuteman, is already being actively pursued. Several others—including a new "hard point" anti-ballistic-missile—ABM—defense system to compliment Safeguard, further hardening of the existing Minuteman silos and deploying the missiles in a mobile or moveable mode—are the subject of intensive research on costs and capabilities.

Similarly, the continued buildup of the Soviet SLBM force may in time increase the vulnerability of our alert bomber and tanker forces as presently deployed. To cope with this threat the Air Force has already installed new coastal radars for early warning, and is now developing a satellite system which will provide even earlier warning of an SLBM or an ICBM launch. In addition, the alert bomber and tanker forces are being dispersed over a still greater number of bases. And, if deemed necessary later, the alert force could be deployed exclusively at interior bases, away from the more vulnerable coastal areas. Beyond these measures is the option offered by the Safeguard ABM system. If fully deployed, this system would still further reduce the vulnerability of the alert bomber force.

Although, today, our Polaris submarines appear to be virtually invulnerable to Soviet attack, that may no longer be true 5 or 6 years hence. We all know that the Soviets are building a large number of modern nuclear-powered attack submarines each year and are rapidly improving the other elements of the anti-submarine-warfare—ASW—forces. In fact, Secretary Laird has recently reported that by the early 1970's the submarine construction rate could reach 10 to 14 units per year, of which a large percentage would be nuclear powered. In his judgment, "a combination of technological developments and the decision by the Soviets to undertake a worldwide ASW effort might result in some increased degree of Polaris/Poseidon vulnerability beyond the mid-1970's". He went on to say:

> That is one of the reasons why we are proceeding with the research and development for a new sea-based missile system. . . . Undersea Long range Missile System (ULMS).

Thus, the lesson to be drawn here is a very old one, namely, that we should never place all of our eggs in one basket. It should be clear to anyone who has seriously thought about this survivability problem, that no one of the three major elements of our retaliatory force should ever properly be considered entirely, or even largely, invulnerable to Soviet attack. Consequently, the only prudent course we can follow is to continue to hedge against future developments by improving and retaining in the force all three elements—land and sea-based missiles and bombers.

The committee studiously avoids coming to grips with this extremely vital issue.

Another increasingly important reason for retaining bombers in our force, which the committee's report completely ignores, is that they greatly complicate Soviet "first strike" attack planning. That is, if the Soviets want to attack our land-based missiles and bombers at the same time with their ICBM's and SLBM's respectively, they have two basic choices: First, launch their ICBM's first, then their SLBM's, so that both arrive over the targets simultaneously, or second, launch both forces simultaneously.

If the Soviets make the first choice, then our bombers would have ample time to clear their bases before the SLBM warheads arrive. Our new over-the-horizon early warning system has already extended the warning time of an ICBM launch well beyond the 15 minutes provided by the line-of-sight radars of the ballistic missile early warning system; the satellite system will extend it further.

If the Soviets make the second choice, then there would be an interval of about 10 to 15 minutes between the detonation of the first SLBM warheads over our bomber bases and the arrival of the first ICBM warheads over our Minuteman silos. This would give the President enough time to launch our ICBM's before they could be attacked. Whether he would do so under those particular circumstances is, of course a matter which would have be decided at that time. But the fact remains that the decision to launch our ICBM's could be made, transmited and excuted within that 10- to 15-minute time interval, and then Soviet planners would have to take that fact into account in their calculations.

Thus, the presence of bombers and land-based missiles in the force greatly enhances the retaliatory capabilities of both. And, by confronting the Soviets with two mutually exclusive "first strike" alternatives, either of which would be highly risky for them, we greatly strengthen our strategic deterrent. The central objective of our strategic posture, after all, is to deter a Soviet nuclear surprise attack upon ourselves and our allies.

A third reason for retaining bombers, which the committee acknowledges as valid, is that a mixed force compels the Soviets to spread their resources over two different types of defenses, instead of concentrating them on one—or diverting more resources to offensive forces. While the committee is quite correct in stating that this objective can be achieved with a relatively small force, that is not the determining factor in the size and character of the force required. It is simply one good reason why bombers should be retained in our strategic forces.

The committee unfortunately confuses the issue of "missile unreliability." No one now argues that missiles are unreliable. But the fact still remains that we have never fought a war with strategic missiles. We have with bombers. We know what bombers can do and cannot do. And this is very important. The credibility of our strategic force, as a whole, Is greatly enhanced by the presence of bombers. They provide insurance that our force will be able to perform its functions under all conceivable circumstances, including an unlikely, but possible, gross failure in our missile systems.

In this connection, we should not be misled by calculations which purport to show that bombers are not as cost-effective as missiles. Such calculations are always based on the assumption that missiles arrive first, and then the bombers. Thus, the bombers are assigned the "clean up" role, after the major targets have been attacked by missiles. But if bombers are applied first, as would be the case if missiles fail, then they turn out to be quite cost-effective in these calculations. Considering our current strategic forces on normal day-to-day alert, the bombers are loaded with about 35 percent of our tactical capability compared to 50 percent for ICBM's and 15 percent for SLBM's.

The committee's report hardly does justice to the "flexibility" argument. While the primary objective of our strategic forces is to deter the Soviet Union, or any other nation from launching a nuclear attack upon the United States and its allies, that is not the only objective of those forces. As President Nixon points out in his foreign policy report to the Congress in February 1970:

> The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe.

Inherent in this broader purpose of our strategic forces is a capability to conduct a limited, controlled nuclear exchange, which, hopefully, could be terminated before it escalates to an all-out exchange. This type of capability can best be provided by bombers. Missiles, once launched, are irrevocably committed and they impose on the opponent a very compressed reaction time—both of which serve to invite uncontrolled escalation. Bombers, in contrast, can be launched and recalled. They can attack designated targets with greater precision—that is, there is much less chance of their going astray—and they provide the opponent with much more time to consider his response, or to react in a deliberate, carefully controlled manner.

Bombers would also be particularly

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useful in third area conflicts—such as, Communist China—both in a nuclear and conventional bombing role. In contrast to missiles, bombers can be recycled repeatedly, and because air defenses in those areas are far less formidable than in the Soviet Union, bombers could be employed in sustained campaigns without the expectation of unacceptable losses.

This factor will assume a much greater importance once China acquires a significant nuclear capability, including ICM's. The deterrent task would then be much more difficult because China as well as the Soviet Union would have the capability to strike directly at the U.S. homeland. Our strategic forces would then have to be prepared to retaliate decisively against both China and the Soviet Union. Or, they might be called upon to retaliate against Communist China only, while maintaining their deterrent against the Soviet Union. In this latter case, bombers would be especially valuable, since, in contrast to missiles, they could be used repeatedly against China and still constitute a part of the deterrent against the Soviet Union.

Bombers, in contrast to missiles, can also be used in nonnuclear wars. In this respect, they are unique among our strategic weapon systems. They, alone, have the flexibility and capability to support our national objectives across a wide range of possible conflicts—from a quick show of force, to small scale conventional wars to global nuclear wars. Strategic bombers operating from bases within the continental limits of the United States could provide the initial support for an overseas ally under attack, while our tactical aircraft, either land or carrier based, are being deployed to the combat theater.

This capability could prove to be of even greater importance in the future if the trend toward the use of fewer U.S. overseas bases and forces continues during the 1970's. The strategic bomber, because of its range, could very well become our only immediately available capability for timely application of force in many parts of the world. Although of secondary importance to its operational utility, the bomber is also the least costly method for delivering conventional ordnance to long ranges. Furthermore, this conventional capability could be provided with but a temporary and minor degradation of our deterrent posture.

It is for all of these reasons, in combination, that bombers should be retained in our strategic forces for as far into the future as we can discern the threat.

II—THE NEED FOR A NEW BOMBER

While the committee report is somewhat ambiguous on the need for bombers generally, they are clearly opposed to the full scale development of a new bomber at this time. The reasons stated in the "summary" of the report are as follows:

> First is the simple lack of necessity for operational capability before the end of the decade, deriving from the attributes of existing bombers and from the assured sufficiency of U.S. missiles into that time period. Second is the probability that a less costly bomber could be developed without loss of the most important capabilities contemplated for the B–1—service as a low-flying platform for the launch of stand-off missiles. Retention of the basic B–52 design with some modification would be one option, and it has also been suggested that the C–5's potential for service in this area should be investigated. Third is the fact that current budgetary pressures demand that expenditures be delayed or forgone in every possible case.

Elsewhere in its report the committee quotes the Defense Department as saying:

> There appears to be no reason why the B–52G's and H's cannot be maintained through 1980, if that should prove necessary.

This statement is quite true. But the B–1 is intended to serve in the force during the decades of the 1980's and 1990's. By 1980, the earliest B–52G will be more than 21 years old and the latest B–52H about 17 years old.

With regard to the FB–111, only 60 operational aircraft are now planned. Moreover, the FB–111 has nowhere near the capacity of the B–52, not to speak of the B–1. It has always been considered an interim strategic bomber and never as a replacement for the B–52.

As the committee correctly noted, the B–52's were not designed for low level operations. Very extensive structural modifications were required over the years to keep them in a safe operating condition. Furthermore, new avionic equipment had to be installed to maintain their effectiveness against the steadily improving Soviet air defenses. In total, about $3 billion has been invested in the B–52 force—including structural modifications, capability improvements and depot maintenance—to keep it operationally safe and effective.

Even so the B–52 is not an optimum aircraft for low altitude operations. It is more subject to the effects of low altitude turbulence in terms of loss of aircraft control and airframe damage from fatigue. Another decade of flight at low altitude might well result in some structural damage which would require even more extensive and costly structural modifications than have been made in the past.

Accordingly, it is only a matter of time before the B–52 G/H's will have to be replaced. Given the long lead time involved in the development, production, and deployment of a new intercontinental bomber—about 8 to 10 years—it is not too soon to start an orderly development program now.

Furthermore, the B–52's incorporate an aircraft technology dating back to the early 1950's. Although the engines and the avionics in the newer B–52's have been updated, the airframe is basically the same as the early B–52's. Aircraft technology has advanced enormously since that time and a much more efficient and effective bomber can now be built. The B–1, with better inherent stability, better terrain avoidance equipment, better control systems for low altitude flight and a high tolerance to low altitude turbulence, could operate safely much closer to the ground than the B–52. The normal speed of the B–1 at low altitude would be about 60 percent greater than the B–52, an important factor in penetrating interceptor defenses. And, it would have a far better navigational accuracy and, therefore, much better accuracy with the short range attack missile—SRAM—than the B–52. Thus, the B–1 would be able to cope with an even more advanced low level surface to air missile—SAM—system than the current Soviet SA–3.

But perhaps more important, the B–1 would also have a much better penetration capability than the B–52 against a possible new Soviet "look-down, shoot down" air defense system involving the use of airborne warning and control aircraft and very high performance interceptors. One such interceptor, the Foxbat, may have already entered production and the first few may be deployed this year. And we have reason to believe that the Soviets are also working on the other elements of a "look-down, shoot down" air defense system just as we are.

The extensive deployment of such an air defense system by the Soviet Union would present our bombers with a formidable threat. The employment of subsonic cruise armed decoy—SCAD—together with electronic countermeasures, would help to alleviate that problem, since this subsonic cruise armed decoy, if successfully developed, would look like a bomber to the Soviet ground and airborne radars. But even so the penetration problem would still be very serious for our B–52's.

The B–1, by virtue of its much greater speed at high altitude and much smaller radar cross-section, would have a much better chance of penetrating at least the leading edge of the Soviet air defenses undetected. The effective radar range of a Soviet airborne warning and control aircraft would be considerably shorter against a B–1 than against a B–52. And, the B–1 could move through the extended defense area considerably faster than a B–52, at high or low altitude. This latter feature would be particularly important if the Soviets deploy a large force of Foxbats, which have a top speed at high altitude of about Mach 3.

Indeed, if the Soviet air defense threat becomes much more severe in later years, our bombers may have to be equipped with air-to-air missiles for self defense, as the committee report suggests. The B–1, because of its greater volume and weight carrying capacity, would lend itself much more readily than the B–52 to the provision of such a self-defense capability. In fact, the B–1 would be much more suitable for the installation of any type of new equipments, since provisions can be made for them in the original design of the airframe. Moreover, their installation in the B–52 would still leave us with a very old basic aircraft by the 1980's. If we are to make these large new investments in avionics, and other equipment, it would seem far more prudent to install them in a new aircraft which would have a much longer and more certain life expectancy.

In addition to its better penetration capabilities, the B–1 would also have better prelaunch survival characteristics than the B–52. It will be specifically designed for quick reaction launch and will be hardened, to the extent feasible, against nuclear effects. It will also be capable of being widely dispersed, thus compounding an already difficult enemy targeting problem.

The committee is quite correct in stating that, "the KC-135 tanker upon which it—the B-1—would rely for refueling is not blessed with a similar capability." The Air Force is well aware of that problem, and if the SLBM threat becomes severe the tankers could be modified for a quicker start capability, or relocated on interior bases. Accordingly, the committee incorrectly concludes that massive new expenditures on a new supersonic short-takeoff tanker will be required.

The above quotation also reflects a basic misunderstanding of the aerial refueling task. Tankers assist in optimizing the penetration tactics of a bomber force. They accomplish this by supplying the fuel necessary for low-level penetration to deep targets, and the subsequent recovery with appropriate fuel resources. However, this aerial refueling is accomplished at subsonic speeds, prior to penetration of the enemy's defensive system. The tanker aircraft is not designed for supersonic flight, and there is no foreseeable need for such a design. Moreover, the B-1 is designed to be used with the KC-135 and has always been planned for such use. A commitment to B-1 development does not entail a commensurate commitment to a new tanker aircraft.

The suggestion that a markedly lower cost solution to the new strategic bomber problem may be found, is entirely without foundation. The Defense Department has spent the better part of a decade and several tens of millions of dollars seeking such a solution. The idea of using a large transport aircraft as a standoff missile launching platform was intensively studied in the early 1960's. It was rejected because the Soviets could push out their peripheral defense to a point where the standoff missiles could no longer reach most of their targets. And, in fact, that is precisely what the Soviets are now in the process of doing. Consequently, any new bomber designed to serve in the decades of the 1980's and 1990's should primarily have a capability to penetrate the Soviet air defenses, and that capability the B-1 will have in very great measure.

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A modified version of the B-52 would be grossly inadequate for the 1980's and 1990's, for the reasons discussed earlier. And, a B-52H, even without major modification, would cost probably twice as much now than it did 10 years ago when it was in production.

Nevertheless, the Defense Department is well aware of the current budgetary pressures mentioned in the committee's report. In contrast to some large development programs in the past, a continuing review of design specifications in relation to costs will be maintained throughout the development phase of the B-1 program. Adjustments in specifications will be made where the cost to achieve them is not commensurate with the performance benefits to be gained. Also, a series of development milestones will be established for each of the three major work areas—aircraft, propulsion, and avionics. These milestones will be used to measure progress and to provide a technical basis for decisions to proceed with succeeding phases of the program. Milestones will also be identified in the development process to serve as reference points for the updating and verification or production cost estimates. A cost trace will be maintained throughout the program.

Moreover, the B-1 development program is geared to a very deliberate and orderly schedule. First flight will occur 4 to 5 years after the award of the engineering development contract, which took place in early June. And, no commitment to production is planned until first flight is achieved. Thus, the Congress will have ample opportunity to review the progress and costs of the program before a decision on production need be made.

The total cost to completion of the R.D.T. & E. program is now estimated at about $2.3 billion in 1970 dollars. Although no procurement program has as yet been approved, the Air Force estimates that to provide about 200 aircraft in operational units would cost about $7 billion in 1970 dollars, including initial spares and the necessary additional aircraft for training, attrition and command support. Thus, the total acquisition cost for a program of that size is estimated by the Air Force at about $9.3 billion.

The committee's report shows an estimated acquisition of $9.8 billion for about 250 production aircraft. But in either case the cost per unit, including R.D.T. & E., would be about $40 million. This is about twice the price of the Boeing 747 airliner quoted in the committee's paper; which presumably also includes the cost of development. Since the B-1 is expected to be only about two-thirds the size of the 747—based on the committee's figures of 500,000 pounds for the 747 and a corrected figure of 360,000 pounds for the B-1—the cost per pound would be more than 2½ times that of the 747. Thus, the Air Force estimate already reflects a reasonable allowance for the greater complexity of the B-1, as compared with the 747.

With regard to the alleged downgrading of the B-1 specifications, the committee's report is quite inconsistent. On the one hand the members complain about the cost of the B-1 on the other hand they complain about the elimination of marginal performance characteristics which are not considered worth their costs. The B-1, as presently planned, will be fully capable of performing missions for which it is being developed, and that is the important point. There are many other characteristics which it would be nice to have in this aircraft, but they are not essential to the proper performance of its mission and are not included in the current design.

Another inconsistency in the report is the committee's contention on the one hand that we have a large enough missile force even without bombers, and on the other hand that we ought to buy more missiles instead of the B-1. But what we really need to insure is the continued diversification of our strategic forces, so that at all times we are properly protected against unexpected shifts in the threat. This matter is discussed in part I of these comments on the report.

And, it should be clearly understood that the Defense Department is not developing the B-1 in order to maintain a bomber superiority over the Soviets. That argument is entirely inconsequential and is not worthy of any further comment.

Whether or not we will want to go forward with the production of the B-1 will depend upon future developments in the Soviet strategic threat as a whole, and, of course, the outcome of the strategic arms limitation talks now in progress. In any event, we will still be several years away from a decision on production. Continuing with engineering development at this time will keep open, at a relatively reasonable cost, the option to replace the B-52's by the early 1980's. It would, therefore, serve as a hedge against further unfavorable developments in the Soviet as well as the Chinese Communist threats, which might require a major upgrading of our manned bomber capabilities. Given the precariousness of the present strategic balance, it would be highly imprudent to weaken or foreclose that option.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. LONG). Under the previous order, there will now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

THE B-1 BOMBER

Mr. STENNIS. Mr. President, quite briefly, I want to thank the Senator from Arizona for his very fine coverage of the matters which he has discussed this morning, as well as to commend him for further discussions that he may make.

The Senator from New Hampshire (Mr. MCINTYRE) went over the entire B-1 matter with great minuteness.

Just for the information of the Senate, and I want the RECORD to show this, the B-1 was debated around the committee table twice—on 2 separate days. I recall that two votes having been taken, some additional information came in and there was great consideration of it. Finally, it was put in its final form here, on the $50 million of new money.

That illustrates that these things are not taken just because they are asked for. They are not taken on presumption or on assurance. We act on the facts.

The facts are that we developed this—as the Senator from Arizona said—with our staff members who know the subject matter, in addition to the knowledge that the membership itself has. That is the least that we should do, of course, because the public is entitled to that. The membership here is, too.

I want to say one word, as it was mentioned several times during the course of debate this morning, about the matter of the overruns.

I think, Mr. President, it must be made clear, overall, that "overrun" is a bad word, which is being misapplied some, with reference to the cost of these weapons.

The cost of an overrun, or excessive amounts of money, would, ordinarily, apply to the building of a house, which could have an overrun of 40 percent. In that case, while we might think of that as being bad management, waste, bad judgment, incompetence, or something like that contributing to it, that is certainly not the case with reference to our weapons systems, especially those in the beginning stage, such as the B–1.

There is no design of the plane settled on as yet. They have not even decided what the final form of the design, contour, capacity, weight, and what all will be. Thus, there could not be any overruns now, anyway, as that word is ordinarily being used. Until we settle the design and know something about what we are going to try to build into a bomber, we do not find a starting point to figure a so-called overrun, or an actual overrun for the future.

The word "overrun" is thrown around here and used in connection with waste, long before there is any basis for establishing a line as to where an actual overrun might begin.

There is no bad faith in that on the part of any Senator. The press uses that term, too, and they do not do so in bad faith. It is just an undefined item in military construction. We are not trying to build just a house. Many parts of intricate weapons are just ideas in the beginning, just as Alexander Graham Bell had an idea for the transmission of the human voice, and look how far that has come, from his crude apparatus in the beginning to the present vast telephone system in this country.

Thus, we could hardly figure an overrun on Alexander Graham Bell's initial apparatus to what is now the local telephone. I do not believe that is a far-fetched illustration.

I think we have had a very fine debate here this morning.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. I yield.

Mr. PROXMIRE. The distinguished Senator raises the overrun question regarding the B–1. In the course of my discussion with the Senator from New Hampshire, I asked him about the fact that that plane is still costing $29.5 million per copy in spite of the fact that there have been certain changes that should save $5 million to $6 million per copy. I asked the Senator from New Hampshire to explain this discrepancy in the cost of the plane. I asked him why this was not an overrun in the sense that if we were getting the same plane it would cost more money, inasmuch as the saving was not reflected in the cost, he said that he had asked the Air Force again and again to explain it, but they could not do it.

If this is not a matter of mismanagement but a matter of inflation, or some other logical reason, it seems to me it can be explained. Why cannot they give us some reasonable explanation? We should have it. The Senator from New Hampshire said there was no explanation, even though he persistently asked the Air Force about it.

It seems to me whether it was a cost overrun, a cost growth, a miscalculation, whatever it was, the fact is that the planning estimate on which the Senate, in good faith, went ahead with the B–1 last year and provided an appropriation of $100 million was wrong and in error.

I cannot understand why, under the circumstances, we should not honestly and properly call it an overrun. If that term is wrong, I shall be delighted to change it and use another term.

Mr. STENNIS. Mr. President, I do not know the Senator's question. But I have tried to explain that these development stages were so uncertain. They change one and decide to put on certain avionics. That does not work and they then decide to put on another one. That does not work. In the process, they decide that they will not put any avionics feature into the bomber. So it is dropped out all together. That is the process of what I call experimentation.

Mr. PROXMIRE. I understand that. This is $5 million or $6 million for each copy, every single plane, as I understand it.

Mr. STENNIS. Mr. President, at some point there, after they get through with a lot of this experimentation, we can find a valid base upon which to figure it. We can figure if there is actually an overrun.

That is my point. As long as we have these vagaries and there is experimentation being carried out and abandoned and changes made, there is no proper base on which we can figure an estimate.

When we do get our design, we have something then on which to base an estimate. That is where the strict accountability starts, as I see it.

Mr. PROXMIRE. Mr. President, I think that is very useful. What has happened in the past is that we have been told we can go ahead and buy a weapon system. In this case we were told the cost would be about $9.5 billion. We assumed that would be the cost. If we were told that it was a guess and that it could be twice as large or 50 percent larger, we might very well have taken a different view on appropriations.

Mr. STENNIS. Mr. President, I emphasize that in these early stages I do not think we can get what I would call an estimate.

I was the man who used the word "guess," and not the Senator from Wisconsin, but some other Senators on his side, jumped on that word "guess."

That is what it looks to me to be when these matters are in their early stages.

Mr. PROXMIRE. Mr. President, certainly the Senator would agree that when we have something like the C–5A with a contract agreement for $3.4 billion and an increase in that amount, that that is different from what we are discussing now with the B–1.

Mr. STENNIS. There is a great difference.

Mr. PROXMIRE. That was an overrun. It was an increase over the contract price.

Mr. STENNIS. On the C–5A they started with the research and went into the research and development and other stages. So there are elements in there when that uncertainty was prevailing. However, after the design was adopted and agreed on, from then on out, there has to be soundness in their figures. We have to allow for inflation and salary increases and adding some changes there.

In the first part of the work there is uncertainty and there are no definite lines.

Mr. PROXMIRE. Mr. President, in the case of the C–5A there were two problems. One was that it was decided to go ahead on the basis of the estimate. The second is that the contract was awarded to a particular company because they bid low. The Air Force finding was that Boeing had a better plane while Lockheed had a better price. So the contract went to Lockheed solely on its lower price. It turned out to be a buy-in. It was an overrun that can be very damaging to the taxpayers.

Mr. STENNIS. There are overruns, I agree. My point is that we have to get the right point to start the figures from.

I thank the Senator from Wisconsin.

Mr. President, I yield the floor.

AMERICAN PRISONERS OF WAR

Mr. SAXBE. Mr. President, if it is indeed true—as St. Paul contended in II Corinthians—that we walk by faith, not by sight, then surely, the families of our men now held prisoner by the North Vietnamese live in perpetual shadow, for the enemy gives no sign of abiding by the Geneva Convention. If the simple act of releasing the names of prisoners, or allowing the delivery of mail between families, is too much to ask, then it can truly be said that the forces of inhumanity have triumphed at last.

PUBLICITY CONCERNING MANSON TRIAL

Mr. SAXBE. Mr. President, I have been interested, as we all have been, in the statement made by the President concerning the Manson trial and the reaction to that statement.

I am sure it was an inadvertent statement. And I am quite certain that it is regretted by all that the statement was made. But it brings to our attention a situation that is not unique.

Having had considerable experience as an attorney general, and I say that particularly with respect to one of the nationally discussed cases, the Sheppard case, and prejudicial error in regard to publicity, I cannot help tying it in to what is happening in the Manson case and pointing up that if we are to be limited on the trial of serious crimes as to prejudicial error, we are never going to be able to try some of these people by the standards set by some courts and injustice will triumph.

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It points up further that we need to change our rule and to accommodate ourselves to the innovations in communications throughout the United States and throughout the world, as far as that is concerned.

In the Sheppard case, if we recall, it was contended, and successfully, in a habeas corpus case, that the jury was prejudiced because of newspaper publicity.

This matter has been raised in a famous Louisiana case that I am sure the present Presiding Officer (Mr. LONG) is familiar with.

It has been raised in numerous other cases, everything from confessions on TV to more or less the editorial comments of newspaper editors.

In the Sheppard case, if this rule had been strictly applied at the time of trial, no county in our State would have been capable of trying this man, because all people had seen the newspapers and television and heard the radio reports of this crime.

The Sheppard case was very similar to the Manson case in that the whole world is aware of the crime that was committed at the Tate residence, is aware of the existence of this group, and is aware of the confession of one of the participants.

Where would we expect to get someone who is completely free of any knowledge of the case? We are not concerned here about opinions. We are concerned about knowledge of the case.

I submit now, as I did then, that if we expect to get a jury that is completely free of any knowledge or opinion, perhaps, in a case as notorious as this case or the Sheppard case, we will wind up with a jury of idiots, because only they would live in such a manner as to be completely out of touch with the news media as it exists today.

Perhaps we should have a jury bank established, in which we would put a certain number of people away each year and keep them isolated or in cold storage, so to speak, to get completely blank minds concerning the events that have happened within that year.

If we limit it to a year, we would have to speed up the trials as we have them today. I think it is unrealistic. We find ourselves, in our effort to be completely fair and to live within the original concept of the English common law and our jury system, working with an impossible situation which is entirely weighted on the side of the accused.

As I have stated many times, we are dealing with a system today where we, as the prosecutor and as the State representing the people, are outgunned. We are outgunned at every level. We are outgunned at the police level because we do not have adequately paid and adequately trained police. We are outgunned at the prosecution level. I think Time magazine this week commented on the judicial breakdown in New York City. They have a backlog of cases that is such that if all the judges sat all day on the existing backlog it would take 2½ years to catch up. The odds there are 200 to 1 that a person who commits a serious crime will ever go to the penitentiary.

We add to this confusion by saying we have to have a completely blank-minded jury, and with respect to prejudice, whether it be by the editor of a newspaper, by the prosecutor, or by the President, if an opinion is expressed which the jury hears about, we have to wipe out the proceedings and start over again.

As a matter of fact, the attorneys in this case say the defendants should be set free forever because it would be impossible to have a fair trial. If one were to go by some of the decisions on cases of this type, that would be true. What a terrible mistake it would be if the accused in this case should go free and not face a jury and not face a judge in the matter with which they are charged because of the statement of an individual, whether it be the President, me, or anyone whose knowledge they would come in contact with. If we are willing to go down this road in our search for justice and say, "Well, we cannot get a jury free of prejudice," and the person charged goes free, we are going to have to live with this type crime.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, we are going to deserve exactly what we get because our zealousness for the rights of the accused, which we are all interested in, has completely blotted out the reality of a different set of conditions today.

I think the judge made a wise decision to proceed with the trial. Obviously the accused hopes to benefit by holding up a copy of the headlines so the jury would be aware of the President's statement. If that is so, the carefulness with which they have been kept during the trial is going to be pierced by this exposé by the accused to the jury, which would be completely out of keeping with the concept of justice when he would profit by his own act in holding up this newspaper. I think the judge has acted wisely, but it brings to our attention something we have too long avoided. What are these rules? What should we be doing in this area?

Of course, first, we have to have a more speedy trial. Perhaps we need the British system which provides that nothing shall be reported concerning the accused in a newspaper. If we were to do this and did not have speedy trials, we would do a great injustice to all our people.

I hope we will respond by some realistic action, not just by our courts, but, also by our legislative bodies, which gives us the power and the tools to make justice work by speedy trial, by adequate presentation of evidence, by good prosecutors, well paid and full time, and by speedy trials, and, if necessary, as many judges as we need.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A REQUEST THAT SUPREME COURT RECONVENE TO CONSIDER DESEGREGATION IN SCHOOLS

Mr. STENNIS. Mr. President, total and massive integration has been and is being forced on the schools in the school districts in the South by the Federal Government even before the Supreme Court of the United States has decided, clarified, and laid down the law with respect to many basic practical problems which are involved. In many instances, school trustees have been required to take drastic action to bring about racial balance in the individual school, including the wholesale busing of children away from their neighborhood or community schools in the middle of the school year, thus almost totally disrupting, interrupting, and ruining the school year for countless thousands of children. These requirements are made of schools that are already integrated, so the purpose is racial balance.

Let me make my point very clear. In a concurring opinion in Northcross against Board of Education of Memphis, decided March 9, 1970, Chief Justice Burger stated that he believed the High Court should bring clarification to the legal "confusion" which now dominates the school desegregation question. The Chief Justice said:

> I would do this on the basis that the time has come to clear up what seems to be a confusion, genuine or simulated, concerning this Court's prior mandates.

These are not my words. This is what the Chief Justice said. He also said:

> As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented, including whether as a constitutional matter any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; to what extent transportation may or must be provided to achieve the end sought by prior holdings of the Court. Other related issues may emerge.

Mr. President, here is the Chief Justice with his solemn responsibility saying these points have not been decided by the Court and that they should be decided. Nevertheless, after the Court was augmented to its full membership, and all members were hale and hardy and sitting on the Bench, the Supreme Court did not face up to the issue in the Northcross case, where there were only seven members on the Court at the time. Now there are nine members. In addition there is a long line of cases clamoring for decision from Memphis, Charlotte, Norfolk, Richmond, and a long list of smaller districts.

Despite this and the statement of the Chief Justice which I have quoted, the Supreme Court later adjourned for 3 months and will not convene until October.

I do not speak disparagingly of the Court, as such. I am pointing out here that according to the belief of the Chief Justice, these matters have not been fully considered, decided, or defined and

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they should be. Nevertheless, this recess is scheduled for 3 months and that critical 3 months is the very period when the Department of Justice is moving full tilt upon these school districts all over the South to make this total massive integration for the term beginning in September before the Court even reconvenes.

Mr. President, we can have differences of opinion about how a case should be decided, but there should not be any difference of opinion about the fairness, it seems to me, in a situation like this. If the Government is not going to function during that period, then these requirements should be suspended during that period.

As I say, I speak with great deference to the Supreme Court as an institution, and with respect to each member of it; but something must be done in my humble opinion.

Frankly, I think that in the interest of fairness to the South and to the entire country, the Department of Justice should select an appropriate case or cases to be heard by the Court, and make a strong plea for the Supreme Court to reconvene before October and before the next school session begins, and decide the issues which the Chief Justice said should be resolved. They are not issues I have said should be resolved; they are questions the Chief Justice said should be resolved.

This is not without precedent. The Constitution does not provide that the Supreme Court must take a long recess. It is just a custom, a practice. There is no requirement, and there is nothing in the Constitution about it. Also, I think it is the duty of the Supreme Court to decide as soon as possible the question of the legality or illegality of segregated schools outside the South.

The basic point which I am making is that some of these cases should be taken to the Supreme Court and there should be a definitive decision on the points which Chief Justice Burger himself has said should be decided.

Despite the fact that the law on these "basic practical problems" is not clear, the Court has adjourned until October, far beyond the opening dates of schools. As a result, the "basic practical problems" mentioned by the Chief Justice will not have been decided before school reopens, and the school people in the South will again be left holding the bag. Basic justice and fairness, I think, demand that we not condone this situation.

In addition, I think it is the duty of the Supreme Court to decide just as soon as possible the question of the legality or the illegality of segregated schools outside of the South. By refusing to face up to this question the High Court has given the legislative and executive departments of the Federal Government an excuse for taking the position that they will not act in the areas outside the South until the Supreme Court has passed upon the legality or the illegality of the school policies involved. As a result, the failure of the Supreme Court to act in such a case is institutionalized into the law and is relied upon by Government agencies in failing to move in northern and eastern school districts.

We have found that when the question of desegregating the schools outside the South reached the point of decisions for the people in non-Southern States that they decided that they were not willing to accept for themselves what they are now imposing on the South. Thus, as of now, the "political decision" is to continue the desegregation pattern in and against the South but leave the other areas of the country virtually immune.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, this makes the proceedings, as of now, a sham, as between one part of the country and the other.

Mr. President, in conclusion, I again assert that the Department of Justice should select a proper case or cases and take them to the Supreme Court and make a strong request that the Supreme Court reconvene this summer before the next session of school starts and decide both the "basic practical problem" mentioned by Chief Justice Burger in his Northcross opinion and also the question of whether or not segregation of children in the public schools in States outside the South is legal or illegal. These questions must and should be decided as promptly as possible and the failure to decide them adds to the chaos and confusion already existing. It also contributes to the injury being inflicted on the South while other areas of the country are allowed to go almost scot-free as far as desegregation is concerned.

But of the two, the need to get some definite determination on the constitutional questions as pointed out by the Chief Justice, in the South, before the schools have to reconvene in September, is by far the greater emergency of the two subjects I have mentioned.

I plead for some kind of response to give us the guidelines and the determination of the constitutional questions as mentioned by the Chief Justice of the United States, and in time to be of benefit in the lower courts, before the next school terms start.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I shall be glad to yield if I may first ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I would like to say, without at all going into the merits of the controversies that the Senator and I have had our agreements and disagreements on, that I do agree with what the Senator from Mississippi has said in reference to the comments of the Chief Justice.

We have many things that are wrong in the North, and particularly with the de facto segregation situation. The problem is a national problem. I would like the Supreme Court to act on it as soon as possible. Decisions in the gray areas, the as yet unexplored legal questions which need to be met and charted, ought to be made as soon as possible, so that all of our people may know where they stand, what is expected of them, and how they must conduct themselves in this great search for an equality of treatment and improvement in our educational system. I thank the Senator for yielding.

Mr. STENNIS. Mr. President, the Senator from Pennsylvania has a fine understanding of the law and a fine understanding of the human elements involved and is a great supporter of education, so I am most grateful to him for his interest.

I may say that I get telephone calls. Last night I got a telephone call from a school district in my State that has been in compliance since 1964, Vicksburg, Miss. Their school plan had been approved by HEW then and they had understood that their amended plan had been approved by HEW several weeks ago. All of a sudden they heard a news broadcast that they are going to be included in the lawsuit. They heard it on television. They do not know what to do or where to turn.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I aline myself with the distinguished minority leader. This is a question which has been bothering me for years. Why is it that the Supreme Court has to take 3 months off every year? It is a coequal branch of the Government. Does the President of the United States take 3 months off? Does Congress take 3 months off?

I understand the Associate Justices get salaries of $60,000 a year, and I think the Chief Justice gets $60,500 a year, but I have read in the newspapers that many of them take long trips during the 3-month recess, with work piling up.

What applies to the Supreme Court applies to the appellate courts and the district courts as well.

It is my belief, and it has been for many years, that these members of the judiciary, who are protected all the way through, ought to consider at least operating under a 1-month recess schedule rather than a 3-month recess year after year after year, decade after decade after decade, while the work piles up—which they were appointed to attend to, just as our work piles up and which we are elected to attend to.

I think something should be done about it and that the initiative should be taken by the Justices and judges themselves. There is no justification for a 3-month recess.

Mr. SCOTT. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. First, Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I know, as we labor here, that at times we are a lit-

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tle sympathetic to ourselves, but the job is here, and we have to do it, and the public would not excuse us if we did not hew the wood which had piled up awaiting our efforts.

I believe that the present Chief Justice would not, for himself, object to a longer court term. I think the court has followed lackadaisical ways, over the decades, as the distinguished majority leader has said; but $65,000 is a lot of money. It is not really contemplated that the public pay that salary for 9 months out of the year but for all of the year. The backlog in the Supreme Court is immense and is of concern to all our citizens. The backlog in the lower courts certainly contributes to the criminal minded, who believe that the longer their cases are delayed, the greater their chance of avoiding being held responsible for their acts.

While I have no criticism of the Supreme Court as such in this context, I think a colloquy of this kind is the only proper and legitimate way of communicating to another branch of the Government the feeling of the executive, which is working all the time, and of the legislative, which is working all the time with very limited recesses, that we would respectfully submit to them that they might assume some additional burden of labor and of effort and put their own fine, brilliant, collective talents—all nine of them—to a more continuous use so that the country will bask in the effulgence of the Court over most of the year rather than deny us the privilege of enjoying or not enjoying their edicts and ukases over a truncated period.

I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. STENNIS. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STENNIS. I yield to the Senator from Montana.

Mr. MANSFIELD. May I also say, in connection with the 3 months that they take off, they do not contribute anything to their retirement, and when they retire they get their full salary anyway.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I certainly am not qualified, on the basis of experience, to participate in such a learned colloquy as has taken place on the floor, but I would like to observe, nevertheless, that if the members of the Court were to take advantage of the 3-month recess in order better to understand the temper of the country, to appreciate the difficulties of trying to apply the laws as they are handed down by the Supreme Court, insofar as the activities of prosecuting attorneys are concerned, it might not all be a lost effort.

I call attention to the fact that it seems, in the opinion of many, as though in recent years the Court has almost demanded nothing less than complete excellence on the part of the prosecution. If, at any step along the way, from the time a person may have been observed in the commission of an illegal act until he is arrested, arraigned, and brought to trial—if there is any place along that entire series of steps that less than complete compliance with the law has characterized the efforts of the prosecution, the thrust of many of the Court's decisions seems to be that the case must be thrown out, and the accused turned loose.

I speak with some first hand knowledge when I say this. In Wyoming, during the time I was Governor, I had occasion to witness the reaction that resulted from the fact that a young man who murdered a baby sitter, and admitted it, had not been accorded one of the protections called for by the Court: he did not have an attorney present when he made a confession, which he voluntarily made. There was no doubt at all about his guilt; and yet, because of that slightly less than full compliance with all of the processes which the Supreme Court says must characterize the efforts of the prosecution, he was turned loose.

So I say, with all due respect, that if the members of the Court were to become more familiar with the difficulty that has been imposed upon the law enforcement officials of this country in trying to comply with some of the rather extreme positions that I think have been taken by the Court, the summer recess might not all be lost.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may have 1 additional minute to conclude.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STENNIS. I thank the Senators for their very fine response.

I illustrate, Mr. President, with a school district—and there are many of them—crying for better definitions, better constitutional guidelines, and more definite guidance from the other courts. Moreover, this school district—Vicksburg, Miss.—has been in compliance for 6 long years. It has been complying with HEW and all that they exact, as I understand the facts.

Now, less than 4 weeks before time to open school, they are jerked up here and hauled into court about this matter, with the question of constitutional guidelines going begging for an answer while the Supreme Court remains on vacation.

I think we could not have a more desperate or more regrettable situation existing for the youth of our country, black and white, than we are faced with right here, as illustrated by these remarks.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to be permitted to proceed for 6 minutes in the morning hour.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SCIENTISTS VOICE GROWING CONCERN OVER THE SST

Mr. PROXMIRE. Mr. President, I call to the attention of the Senate a very alarming statement by some very distinguished scientists:

> A feeling of genuine concern has emerged from [our] conclusions. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences.

This statement on the SST represents the conclusion of a month long study by a group of scientists, professionals, and public officials on critical environmental problems. The study, known as SCEP, was sponsored by the Massachusetts Institute of Technology and chaired by Carroll L. Wilson, professor of management at MIT. Approximately 100 scientists and professionals, with expertise in meteorology, atmospheric chemistry, oceanography, biology, ecology, geology, physics, engineering, economics, social sciences, and law, participated in the study. They came from 17 universities, 13 Federal departments and agencies, three national laboratories, and 11 nonprofit and industrial corporations.

Mr. President, if the SCEP conclusion were made about some brandnew proposal Congress was considering for the first time, I doubt whether anyone in this Chamber would contemplate voting for it. At a time when we all are acutely aware of the need to safeguard our air, our water, and our right to a peaceful existence, it would be be the height of folly to embark upon such a project in the face of such a warning.

But unfortunately, Mr. President, the SST is not a new project. Funding for this project has been going on since the early 1960's, with some $700 million already spent. This is certainly no justification for throwing good money after bad. But it has evidently provided a powerful argument for continuing SST funding in prior fiscal years—despite the fact that ultimate Government costs for the SST will probably run in excess of $4 billion; despite the fact that we are still short of the 20-percent mark in funding the SST; and despite the fact that the Government is clearly receiving the raw end of the deal in a "heads I win, tails you lose" contract with the SST manufacturers.

Somehow, Mr. President, the SST is not regarded in the same vein as other projects funded by the Federal Government—such as urban renewal, hospitals, pollution control, model cities, or education. The SST represents progress. In the name of progress, it seems we must expect to tolerate a certain amount of environmental pollution.

But how much, Mr. President? The MIT study found that a fleet of 500 SST's flying 7 hours a day could produce "increased temperatures in the stratosphere with possible increase in surface temperatures." Does the American public have to put up with that, in order to have a plane which will benefit fewer than 1 percent of our population? The study group also found that the SST's could produce "increased clouds from water vapor." Will the public tolerate this too?

What is more, the study group makes it quite clear that these effects could well be on a global scale:

> Clearly such consequences are on a global scale even though the most pronounced effects would be felt where the highest density

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of traffic existed, i.e., the North Atlantic Ocean.

Mr. President, how much more do we have to hear?

Last year the ad hoc committee on the SST, consisting of top-ranked officials from President Nixon's administration, warned of "a significant increase in cirrus clouds" and of "a significant increase in the relative humidity from a fleet of SST's." It also cautioned that these effects could "alter the radiation balance" and possibly affect "the general circulation of atmospheric components."

This spring Chairman Russell Train of the Environmental Quality Council told the Joint Economic Committee that the water vapor emitted by the SST's "would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature," and that the water vapor "would react so as to destroy some fraction of the ozone in this part of the atmosphere." The effect of destroying the ozone, Chairman Train said, could be "that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased."

And just a few days ago, the Airport Operators Council wrote to the Transportation Subcommittee urging the Senate to hold up funds for the SST until acceptable noise limits can be met. Referring to the fact that the SST's sideline—airport—noise is at least several times louder than existing jets, the Council told the subcommittee that:

> It is completely unrealistic to believe that the public would permit or tolerate the introduction of an SST which requires new and larger airports.

Mr. President, from the President's ad hoc panel, to Chairman Train, to the Airport Operators Council, and now to the MIT study group, the warnings are all the same: the SST is a potential environmental monster, and there is no way now known of alleviating its impact on the environment.

I urge the Senate, as strongly as I possibly can, to heed the advice of those who have studied this project very closely. I urge the Senate not to appropriate any more funds for the SST when the Department of Transportation appropriations bill (H.R. 17755) comes to the floor.

I might point out that we are asked to appropriate this year $105 million to reduce air pollution, and $290 million for the SST, to increase air pollution.

Mr. President, I ask unanimous consent that the summary of the findings by the MIT study group, a description of the background of the MIT study, a list of the participants in the study, and an article published in the Milwaukee Journal of August 2, 1970, entitled "SST Worries World Panel of Scientists," be printed in the RECORD.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

GENERAL DISCUSSION OF THE STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS (SCEP)

(Sponsored by Massachusetts Institute of Technology)

BACKGROUND OF SCEP

The need for the 1970 Study of Critical Environmental Problems (SCEP) was perceived in June 1969 in discussions among a number of scientists, professionals, and public officials. In examining the status of governmental and non-governmental preparations for the 1972 United Nations Conference on the Human Environment, they concluded that an initiative such as SCEP would provide an important input into planning for that Conference and for numerous other national and international activities.

The Steering Committee which planned the Study during the Fall of 1969 and Spring of 1970 was chaired by Carroll L. Wilson, Professor of Management at M.I.T., and included John L. Buckley, Office of Science and Technology, Executive Office of the President; Richard A. Carpenter, Chief, Environmental Policy Division, Legislative Reference Service; Raymond L. Bisplinghoff, Dean, School of Engineering at M.I.T.; Raymond F. Baddour, Chairman, Department of Chemical Engineering at M.I.T.; George W. Rathjens, Professor of Political Science, M.I.T.; Richard S. Morse, Senior Lecturer, School of Management, M.I.T.; William H. Matthews, Department of Political Science, M.I.T.; Thomas F. Malone, Professor of Physics, University of Connecticut; Roger Revelle, Director, Center for Population Studies, Harvard University; and Paul M. Fye, Director, Woods Hole Oceanographic Institution.

By mid-November 1969, the Steering Committee had chosen as the topics for the Study those problems arising from the impact of man's activities on the global environment. Unlike many environmental problems of more immediate or local concern, global problems such as changes in climate and in ocean and terrestrial ecosystems had not been subjected to intensive study and examination. SCEP was developed to fill that gap.

The Steering Committee felt that a one-month, multidisciplinary study of these complex problems would provide citizens, public policymakers, and scientists with an authoritative evaluation of the present status of scientific understanding of present or potential harmful effects of world-wide pollution. But in addition to evaluation, the Study was also undertaken to develop specific recommendations for new programs of focused research, monitoring, and action which will be required if more definitive information is to be obtained and if potential crises are to be recognized and averted. It was also hoped that if such a multidisciplinary and systematic study of this specific set of global problems proved effective in raising the level of informed public and scientific discussion of and action on these issues that this Study might serve as a model for similar multi-disciplinary efforts which could attack many of the other critical problems of our time.

During the Winter and Spring of 1969–1970, support for the Study was sought and obtained, participants were invited, and extensive background preparations were undertaken. These background materials included approximately two hundred papers and articles of which about one-fourth were prepared especially for SCEP. The Study was conducted between July 1 and July 31 of 1970 at Williams College in Williamstown, Massachusetts.

CONDUCT OF SCEP

Approximately forty scientists and professionals participated in SCEP for almost the entire month of July 1970. In addition, about thirty other part-time participants attended for periods ranging from one to three weeks and made substantive contributions to one or more SCEP Work Groups. The Study was also greatly aided by the work of another tended for varying lengths of time as con- thirty scientists and professionals who at- sultants or observers.

SCEP participants represented expertise in over a dozen disciplines including meteorology, atmospheric chemistry, oceanography, biology, ecology, geology, physics, several branches of engineering, economics, social sciences, and law; and they were drawn from seventeen universities, thirteen Federal Departments and agencies, three national laboratories, and eleven non-profit and industrial corporations. The research and rapporteurial staff of the Study included eleven graduate and law students from three universities.

SCEP concentrated on the global climatic and ecological effects of several specific pollutants in the atmosphere-land-ocean system. The SCEP Report will present the scientific and technical judgements of the participants on the present status of understanding of several global problems. In addition, SCEP explored procedures and programs of focused research, monitoring, and action which will be required to understand further the nature of potential threats to the global environment so that effective action can be taken to avert future crises. The major findings and recommendations of SCEP are briefly outlined in the accompanying document and will be discussed in more detail in the SCEP Report.

The Study began on Wednesday, July 1, 1970, at Williams College in Williamstown, Massachusetts. During the first two days, several participants made presentations to the assembled group which established the framework for the month-long effort. By Friday, Work Groups for the first full week of study had been identified. These five Work Groups, which met during the first week (July 7–12), were concerned with evaluating present knowledge of the rates, routes, and reservoirs of several pollutants which might have harmful global effects. Two of the Groups were concerned with routes and reservoirs in the atmosphere and the oceans. The other three Groups developed the data base for the Study by determining the sources and rates of relevant pollutants from three major sectors of man's activities—industrial wastes; domestic, agricultural, and mining wastes; and energy products.

During the second full week of the Study (July 13–19), the participants divided into four Work Groups—Climate Effects, Biosphere Effects (on ocean and terrestrial ecosystems), Baseline Measurements and Monitoring, and Implications of Change. These Work Groups continued into the third week and then the participants mixed to some degree to develop recommendations for programs of focused research, monitoring, and action. The first three days of the fourth week (July 27–29) were devoted to adoption of Work Group reports and conclusions and recommendations developed by SCEP.

PUBLICATION OF RESULTS

The SCEP Report will be published by the M.I.T. Press in mid-October 1970. In the late Spring of 1971, a series of edited volumes will be published by the M.I.T. Press which will include many of the working and background papers produced by or for SCEP. Comprised of papers signed by the individuals or small groups which produced them, those volumes will provide the substantive support for the summaries contained in the Report.

The SCEP Report will be divided into two major sections. The first section will be a distillation of major findings and recommendations developed by the various Work Groups of the Study. That section will be, in a broad sense, the SCEP Report. All those attending the Study had an opportunity to examine these conclusions and the papers on which they were based, but all participants had neither the time nor the expertise required to make an independent judgment on each and every area discussed in the first section. Therefore, it should not be assumed that each Study participant subscribes to every statement in the Report.

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The second section of the Report will contain the reports of the seven SCEP Work Groups (several first and second week Work Groups combined to write single reports). These Work Group reports were developed through intensive, full-time discussion and study by the Group members. In some cases, these deliberations continued for the entire Study period. Those reports represent the consensus of the members of the individual Work Groups and will be signed by those members. The first section of the book will be based exclusively on findings and recommendations contained in the Work Group reports.

SUPPORTERS OF SCEP

The following Federal Departments and agencies, private foundations, and organizations supported the Study through preparation of background materials and professional participation in the Study and funded the Study through grants or contracts:

Agricultural Research Service; Department of Agriculture.

Atomic Energy Commission.

Department of State.

Environmental Science Services Administration; Department of Commerce.

Forest Service; Department of Agriculture.

National Aeronautics and Space Administration.

National Air Pollution Control Administration; Department of Health, Education, and Welfare.

National Science Foundation.

American Conservation Association.

Ford Foundation.

Rockefeller Foundation.

Sloan Foundation.

Center for the Environment and Man.

Massachusetts Institute of Technology.

In addition, the following Federal Departments and agencies and organizations provided support for SCEP through preparation of background materials and professional participation:

Coast Guard; Department of Transportation.

Federal Water Quality Administration; Department of Interior.

Fish and Wildlife Service; Department of Interior.

National Academy of Sciences.

National Center of Atmospheric Research.

Oak Ridge National Laboratory.

RAND Corporation.

American Electric Power.

Chemical Construction Corporation; Boise Cascade Corporation.

Consolidated Edison Corporation of New York.

ESSO Research and Engineering.

General Electric.

The extraordinary support provided by the above organizations and many persons within them and by numerous other individuals contributed greatly to the deliberations of SCEP.

STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS (SCEP) (SPONSORED BY MASSACHUSETTS INSTITUTE OF TECHNOLOGY, JULY 1–31, 1970)

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Norman Sohl, Geological Survey, Department of Interior, Washington, D.C.

Kurt Stehling, National Marine Resources Council, Executive Offices, Washington, D.C.

Lyle Tiffany, Bendix Corporation, 3300 Plymouth Road, Ann Arbor, Michigan.

Thomas Winter, Staff Member, Council on Environmental Quality, Washington, D.C.

Harold Yates, Director of Satellite Experimental Laboratory, National Environmental Satellite Center, FOB 4, Environmental Sciences Services Administration, Suitland, Maryland.

Harry G. Woodbury, Consolidated Edison, 4 Irving Place, Room 1405-S, New York, New York 10003.

Summary of Major Findings and Recommendations, Study of Critical Environmental Problems (SCEP)

(Sponsored by Massachusetts Institute of Technology)

The findings and recommendations in this document were developed by SCEP Work Groups through intensive, full-time discussion and study during the month of July at Williams College, Williamstown, Mass. Each statement has been subscribed to by all members of at least one Work Group. All those attending the Study had an opportunity to examine these conclusions and the papers on which they were based, but all participants had neither the time nor the expertise required to make an independent judgment on each and every finding and recommendation. The summary was presented July 30–31 at the conclusion of the study.

SST'S IN THE STRATOSPHERE

Discussion of findings

The stratosphere where supersonic jet transports will fly at 65,000 feet is a very rarified region with little vertical mixing. Gases and particles produced by jet exhaust may remain for one to three years before disappearing.

Using FAA estimates of 500 SST's operating in 1985–90 mostly in the Northern Hemisphere, flying seven hours a day, at 65,000 feet, propelled by 1,700 engines like the GE-4 being developed for the Boeing 2707-300, we have estimated the steady state amounts of combustion products using GE calculations of the amount of such products because no test measurements exist. We have compared such amounts on a steady state basis with the natural levels of water vapor, sulfates, nitrates, hydrocarbon and soot. All are believed to form fine particles. We have also compared these levels with the amounts of particles put into the atmosphere by the volcano eruption of Mt. Agung in Bali in 1963.

In our calculations we used jet fuel of 0.05% sulfur. We are told that a specification of 0.01% sulfur could be met in the future at higher cost.

We do not believe that CO_2 resulting from such operations is likely to affect the climate. We are genuinely concerned about the possibility of increased stratospheric cloudiness, and about the fine particles, even using the calculated amounts given us by GE.

Clouds are known to form in the winter polar stratosphere. Two factors will increase the future likelihood of greater cloudiness in the stratosphere due to moisture added by the SST. First is the increased stratospheric cooling due to the increasing CO_2 content of the atmosphere. Second is the closer approach to saturation indicated by the observed increase of stratospheric moisture.

The largest engine whose combustion products have been actually measured in static ground tests was the P&W JT9D used on the Boeing 747. It's fuel consumption rate is one third that of the GE-4. Combustion products from such tests of the JT9D, leading to particles, were much greater than the calculated values for the GE-4.

It is claimed that the particle formation is very small at 65,000 feet. Very, very little is known about reactions under such conditions. One guess is now as good as another.

Depending upon the actual particle formation, the effects of 500 SST's could range from a small, widespread continuous "Agung" effect to one as big as "Agung".

The temperature of the equatorial stratosphere (a belt around the globe) increased 6–7°C and remained at 2–3°C above its pre-Agung level for several years. No apparent temperature change was found in the lower troposphere.

Clearly such consequences are on a global scale even though the most pronounced effects would be felt where the highest density of traffic existed, i.e. the North Atlantic Ocean.

Conclusions

SCEP concludes with respect to contamination of the stratosphere by products of SST's that:

1. CO_2 creates no problem.
2. Global water vapor may increase 10%; increases in regions of dense traffic may go up 60%.
3. Particles from SO_2, hydrocarbons and soot may double pre-Agung global averages and peak at ten times those levels where there is dense traffic.
4. Effects on climate could be increased clouds from water vapor; increased temperatures in the stratosphere with possible increase in surface temperatures.
5. A feeling of genuine concern has merged from the above set of conclusions. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences.

Recommendations

1. That uncertainities about SST contamination and its effects be resolved before large scale operation of SST's begins.
2. That the following program of action be commenced as soon as possible:
   - a. Begin to monitor the lower stratosphere for water vapor and particles and develop means to measure SO_2, NO_x and hydrocarbons.
   - b. Determine whether additional cloudiness will occur in the stratosphere and the effects of such changes.
   - c. Obtain better estimates of emission of combustion products under simulated flight conditions and under real flight conditions at the earliest opportunity.
   - d. Using data resulting from a, b, and c, estimate effects on weather and climate.

SST WORRIES WORLD PANEL OF SCIENTISTS

WILLIAMSTOWN, MASS.—Scientists from the United States and Europe, after meeting for a month at Williams College here on the environmental problems, recommended Saturday that large scale operation of supersonic transport planes be delayed until serious questions about the SST's potential for environmental contamination are answered.

The scientists, concluding their study of global pollution, its effects on the earth and its climate, indicated that regular stratospheric flights by such planes could cause an increase in cloud formation and stratospheric temperatures, with unpredictable consequences.

Environmental pollution has become a heated question, with political overtones, in the debate between advocates and opponents of the supersonic jet. The more than 40 scientists and professionals in the group here emphasized that their concern was based solely on scientific observations in various parts of the world.

EFFECTS UNKNOWN

Fine particles from the jet engines exhaust would tend to double global averages of such particles, with unknown effects, the scientists said. The particles, which will be distributed in the lower level of the stratosphere where the first jets will fly, will warm the stratosphere by reflecting sunlight.

The preliminary report of the scientists' efforts recommended that a monitoring program be set up to measure the lower stratosphere for water vapor quantities and to measure sulfur dioxide, nitrogen oxide, and hydrocarbons, which make up most of the fine particle matter.

The report followed a recent recommendation by William Magruder, who is in charge of the SST program for the U.S. government, that a $43 million study of the SST's environmental impact be made. The SST project is awaiting Senate action on a $240 million appropriation.

INDIRECT EFFECTS

The teachers, scientists and professional men gathered here, who were recruited under sponsorship of Massachusetts institute of Technology, also studied and reported on other aspects of worldwide pollution. These included contamination by DDT and other persistent pesticides, mercury, oil and fertilizers and waste nutrients.

The study was primarily concerned with indirect effects of pollution on man through changes in climate, ocean ecology or in large terrestrial life systems.

Among the study group's findings:

The effect of the increasing quantities of carbon dioxide in the atmosphere (believed to raise temperatures by the "greenhouse effect") has resulted in little climate change in this century and future consequences are not known.

Calculations show that the earth's oxygen supply has remained fairly constant and that burning all the world's recoverable fossil fuels would result in an oxygen reduction of only .15 of 1%.

The effect of DDT on oxygen producing phytoplankton in the ocean is negligible.

About 1.5 million tons of oil are introduced into oceans each year by ships, offshore drilling and accidents.

The increasing use of fertilizers and the growing quantity of animal and human wastes will cause destructive runoffs of nutrients in rivers and streams, causing overfertility and oxygen depletion, unless recycling technology is soon developed.

Findings of the study group, it is hoped, may provide a better planning base for the United Nations Conference on the Human Environment in Stockholm in 1972 and will also help in planning for other national and international environmental conferences.

Evidence of the scarcity of data on environmental problems was frequently noted in the summary.

"This is a question there are no available data on," was the comment several group leaders made as they explained their findings to newsmen at a two day briefing.

Because of this knowledge gap, the scientists urged establishment of sophisticated monitoring facilities to determine facts about air and water pollution and routes that pollutants travel.

Global computer models showing atmospheric motion and ocean-air interaction were recommended. A drastic reduction in DDT use was strongly urged, with a recommendation that subsidies be furnished to countries unable to afford the more expensive, nonpersistent pesticides.

Mr. PROXMIRE. Mr. President, I yield the floor.

THE FARM LABOR SITUATION IN CALIFORNIA

Mr. MURPHY. Mr. President, I rise at this time to make a few observations with regard to a condition that has been very much in the news in my State during the past several weeks. It has to do with labor contracts that affect the farmworkers in the State of California.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks two articles, the first entitled "Lettuce 'War'; Battle Between Teamsters and Chavez Looms," published in the Los Angeles Times of August 5, 1970, and the second entitled "Chavez Checked as Farm Labor Boss by Teamsters," published in the Los Angeles Herald-Examiner of July 29, 1970.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, I should like to point out that I am concerned about these reports. As a former labor man, probably one of the few Members of this body who has ever been in a labor union, and without question one with longer experience in labor unions, certain things disturb me about these highly publicized contracts.

Many of the problems I have foreseen and talked about in the past several years are coming to pass. We are given the impression that everything is settled and all is going to be peaceful and productive. I do not think this is exactly the case. One very serious possibility is the problem of a jurisdictional dispute which is now building up between the United Farm Workers Organizing Committee and the Teamsters Union, both of which have been active for many years in the areas of the agriculture business in California.

Almost lost in the triumphant announcements by the United Farm Workers Organizing Committee is the fact of the signing of a contract by the Teamsters which covered approximately 5,000 fieldworkers in the Salinas Valley. Salinas Valley is only a name to the people in the Midwest and on the east coast. It has a beautiful name and is a lovely valley. Most of the lettuce that is sold across the country comes from Salinas.

It seems that the Teamsters Union has gone in and signed contracts just as the United Farm Workers Organizing Committee has gone in and signed contracts with those growing table grapes. The thing that concerns me most is the fact that in both cases the desires and the rights of the farmworkers have been forgotten, seemingly. I do not know that there has been any election in which the worker had a chance to say whether or not he wanted to join a union or have a union represent him in bargaining for his working conditions.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. MURPHY. I ask unanimous consent that I may proceed for an additional 3 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MURPHY. I do not know of any case in which the same farmworker has been given the opportunity to say whether he wanted to be represented by one union or another union. In other words, the individual is being treated, if at all, as a chattel, completely at the mercy of what we in labor used to call a "sweetheart" contract. That is a situation in which the labor organizer goes in and makes a deal with the boss, and the right of the worker is not considered.

We had that condition in Hollywood many years ago, when two gangsters from Chicago came in with a contract to represent everybody in the entertainment industry. Some of us who were employed in the entertainment industry at that time, such as the present Governor of the State of California and the present senior Senator from California, opposed this. We said, first, we did not want to be represented by gangsters. We wanted to have a union of our own choosing. This we brought about through the organization of the Screen Actors Guild.

So this impending jurisdictional war concerns me.

Now we are faced with the impending possibility of a long, drawn-out jurisdictional dispute between two groups, where the rights of the individual, the prospective union member, are not considered. Equally important, the housewife, who has to make here budget work in the marketplace, will have to pay extra money for all the produce she goes to the market to buy. If the jurisdictional dispute becomes serious enough, she even may not be able to purchase certain produce she wants.

Mr. President, while these charges and countercharges and threats of lawsuits are highly publicized, I wish that consideration would be given to a bill on which I have worked very hard for the last 2 years, S. 2203, the Consumers Agricultural Food Protection Act of 1970. It would do away with the "law of the jungle" in the agricultural area and provide, I believe, a proper, equitable, fair, and practical manner in which the rights of all concerned could be considered including those of the consumer. At the same time, it would provide for proper organization where the farmworkers want to be organized and for proper collective bargaining, and for the rights and consideration of all concerned would be properly protected.

EXHIBIT 1

[From the Los Angeles Times, Aug. 5, 1970]

LETTUCE "WAR": BATTLE BETWEEN TEAMSTERS AND CHAVEZ LOOMS

(By Harry Bernstein)

The surprise collapse of grower resistance to the unionization of California's lettuce workers has sparked what may be an all-out war between the Teamsters Union and Cesar Chavez' farm workers union.

After decades of bitter resistance, nearly 100 California growers who produce the bulk of the nation's lettuce crop gave in without a struggle to the Teamsters' request to represent field workers.

The agreements between lettuce growers and the Teamsters were reached within the last two weeks, simultaneous with Chavez' historic victory in unionizing the state's table grape growers after a five-year strike-boycott.

Chavez' AFL–CIO United Farm Workers Organizing Committee had reportedly planned to move next into the melon industry. But the Teamster agreement with lettuce growers has forced a change in strategy, and Chavez has moved his headquarters to Salinas to lead the fight against the Teamsters and growers, a UFWOC official said.

CLAIM TO REPRESENT 9,000

The Teamsters claim to represent 9,000 lettuce field workers' while UFWOC says it has 12,000 grape pickers in its membership.

Chavez and his supporters see the Teamster pacts as a deliberate move by the growers to strangle the still-small farm workers' union just as it is burgeoning in the wake of the table grape victory.

Larry Itliong, assistant director of UFWOC, said the Teamster agreements were "a stab in the back of our union."

He said plans are being made to strike lettuce growers, and possibly use the boycott weapon which was so successful in forcing grape growers to recognize UFWOC as bargaining agent for field workers.

The intensity of the motions involved in the fight was evidenced by a speech Chavez gave Sunday to a mass rally of an estimated 2,500 farm workers in Salinas at the end of a march from Delano to protest the lettuce growers' contracts:

"No longer can a couple of white men sit down together and write the destinies of all the Chicano and Filipino workers.

"CALLS IT 'GREAT TREASON'

"What has happened in the past week is a great treason against the aspirations of men and women who have sacrificed their lives for so many years to make a few men (growers) rich in this valley.

"And it is especially tragic that another labor union should submit itself to this kind of conspiracy to keep farm workers from rightful representation by a union they so overwhelmingly want."

Chavez then called on Gov. Reagan to set up a secret ballot election to let the lettuce workers decide which union they want.

A spokesman for the lettuce growers said no elections among field workers are needed because "we have contracts with the Teamsters Union, contracts which were arrived at after bargaining talks that began when the Teamsters began discussing renewal of their contracts covering truck drivers and others who do not work in the fields."

He said the new contracts cover a five-year period, and provide for a $1.85 hourly minimum wage, plus annual raises of 6%.

Teamster officials remained silent in the face of the attack from Chavez and Itliong, but their position is well-known in labor circles.

The Teamsters argue that they have long represented over 60,000 workers in California canneries, packing sheds and other phases of food processing and shipping.

Therefore, they contend, anything that Chavez does to affect farm production in the fields inevitably affects Teamster members in the canneries, packing sheds and shipping operations.

"In signing contracts for field workers, then, we are merely protecting the interests of our members in food processing and shipping, one Teamster source explained.

And he predicted that most California growers in all phases of agriculture are now ready to sign contracts with the Teamsters.

A prominent grower, who asked that his name not be used, said "This is no sweetheart deal. We don't want any union for field workers. But if there is going to be one, we would rather have our workers represented by a union we have known for years in contract negotiations for nonfield workers."

COMPARES UNIONS

Another said, "The Teamsters are a responsible, disciplined organization while Chavez' UFWOC avoids traditional trade union methods."

To Chavez, these replies are all part of a desperate move by the growers to stop him and his AFL–CIO union at any cost.

In 1967, the Teamsters and UFWOC clashed over union representation at the Di Giorgio and Perelli-Minetti farms, but when UFWOC won elections there, the Teamsters backed away and signed a peace treaty with Chavez.

The treaty was effective for only one year, but Itliong said that Chavez was told by the Teamsters "that we have a gentlemen's agreement to continue the treaty so that the Teamsters leave field workers alone while we stay out of the canneries and packing sheds."

PRIDE IN REPUTATION

Teamster Union officials take pride in their reputation among many growers as a "traditional trade union" in contrast to the reputation of Chavez, who is accused often of being a fanatic.

And some Teamsters contend privately that it is this contrast in reputations which helped them get the contracts for lettuce workers.

Chavez, who once fasted 25 days to call attention to his strike-boycott, does not object to his reputation as a radical, although his supporters say it is ridiculous to denounce his methods as not being "traditional trade union tactics" since it was those tactics which won the table grape fight.

In fact, Chavez told a reporter the other day that he would "feel complimented if you called me a fanatic. The only ones who make things change are fanatics. If you are not a fanatic around here, you can't cut it."

And he is clearly determined not to surrender to the organizing efforts by the Teamsters, even if it means using the elaborate worldwide machinery he set up to promote the table grape boycott.

At present, that machinery is being used "to make the grapes sweet again," he says, meaning that the boycotters are now pushing the sale of union-labeled grapes in markets across this country and abroad.

The Teamsters can make a strong argument for their interest in organizing field workers, and the 1.9-million member union has enough strength to make the contest with Chavez and the UFWOC a serious one.

But once again, Chavez seems to have gained at least a propaganda advantage in one of his battles.

In the grape dispute, he had the image of a dedicated, almost saintly man working for $5 a week, plus minimal expenses, in the fight against wealthy grape growers.

Now his friends picture Chavez and UFWOC as the small David fighting the Goliath of the giant Teamsters Union and the lettuce growers.

Undoubtedly, efforts will be made to bring peace before a full-scale labor war breaks out in the lettuce fields.

But as of now, the lines of battle have been drawn and the final outcome is far from certain.

[From the Los Angeles Herald-Examiner, July 29, 1970]

CHAVEZ CHECKED AS FARM LABOR BOSS BY TEAMSTERS

Spread of a move by the United Farm Workers Organizing Committee to control farm labor in California appeared checked today after the Teamsters Union was named collective bargaining agent for crop workers in five northern counties.

The surprise agreement between shipper-growers of the Salinas and Santa Maria Valleys, and elsewhere, extends for five years. The California Council of Growers termed it "a big breakthrough" against the forces of Cesar Chavez's United Farm Workers Organizing Committee.

Some 7500 workers in lettuce, carrots, celery, strawberries, onions, tomatoes, and more than a dozen other crops, now fall under the bargaining aegis of the Teamsters.

"Chavez's attempts to organize field hands in crops other than grapes has been frustrated by this contract," said Herb Fleming and Rich Freeland, officials of the Growers Council. "This is a master agreement, covering the majority of growers in the state's No. 1 agricultural area."

Hitting back at Salinas press conference,

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Chavez called it "a Pearl Harbor sort of attack," claiming collusion between the Teamsters and producers. He said he would file suit against "an unholy alliance."

Chavez announced immediate picketing of farms from Salinas through Monterey, Santa Cruz, San Luis Obispo and Santa Barbara Counties following signing of more than 200 growers with the Teamsters.

West Coast Teamsters head Einar Mohn refused to reveal terms of the surprise agreement, saying a statement is under preparation. One Salinas lettuce shipper said it provides a wage floor pegged at the prevailing $1.75 an hour paid harvesters, open to early negotiation.

Growers Council spokesmen said that obviously Chavez was "beaten to the punch" by a move covering everything from multimillion-dollar leaf crops down to such specialties as broccoli and garlic.

Previously, the Teamsters had not moved heavily into farm labor in the Salinas Valley. Only two past efforts, both successful, to unionize local producers are credited to the Teamsters by farm-association representatives.

"The top architects of this conspiracy are Einar Mohn and Gov. Ronald Reagan," stated Chavez. He claimed his UFWOC represented 95 per cent of the field workers in the Salinas area. He called the Teamsters-grower contract in direct violation of "an explicit agreement" by the Teamsters in 1967 that they would not organize field workers.

Herb Fleming, president of the Growers-Shippers Assn. in Salinas, called the 95 per cent figure untrue. Through the Council of Growers, he said that Chavez currently has no operative contracts in the valley, other than with grape producers.

In Los Angeles, a Teamster official claimed that the 1967 agreement related to grapes only.

Governor Reagan had no comment to make on the situation, other than that the collusion charge was "patently ridiculous," and to point out that Chavez recently refused the governor's offer to introduce the state's Conciliation Service into the grape conflict.

FCC—FAIRNESS OR BIAS?

Mr. DOLE. Mr. President, yesterday, discussion on the floor concerned remarks made by Donald E. Johnson, Veterans' Administration Administrator, in a speech to the DAV National Convention in Los Angeles on July 28.

Because of the furor raised, I would now call attention to what I believe is a unique letter, and share it with my colleagues. In fact, I would like to go a step further and let what I say here suffice as the reply to that letter.

Let me first say, it was written on Federal Communications Commission stationery and was signed by one, Gary Gerlach, who identifies himself as legal assistant to Commissioner Nicholas Johnson. I can only assume that he speaks for the Commissioner.

Mr. President, one thing that makes Mr. Gerlach's letter unique is that the Federal Communications Commission for which he works is an arm of the Congress. Another is that in that capacity he accuses me of being "pro-war."

It is not often that an employee of an arm of the Congress officially accuses a Member of the Congress of seeking to inaugurate a prowar television campaign. In fact, it is not often that a Member of Congress is accused of being prowar. We may differ here on what is the best way to end the war in Vietnam, but I know of no Senator who, per se, is prowar.

However, this does not bother Mr. Gerlach. His opening sentence is—

> I read with interest in the July 27 issue of *Broadcasting* of your campaign to get prowar spots on stations across the country.

Mr. President, I would hope that Mr. Gerlach can substantiate what he says I am doing.

For his edification I would like to take a moment and explain what it is I am doing.

The Amendment To End the War Committee and sundry allied groups are running on television a number of slick, professional prepared spots aimed at convincing American citizens that, if the McGovern-Hatfield amendment does not pass, the war in Vietnam will continue indefinitely.

Now, I happen to disagree with that premise. Like Senators HATFIELD and McGOVERN I, too, want peace. But like President Nixon, I want peace, not a pullout. I want a peace with honor and justice. So, do most of the Members of the Senate. For that reason, I have asked those TV stations running the McGovern-Hatfield spots for time to reply under the fairness doctrine, which states that both sides of any controversial issue must be fairly presented.

I will have more to say about this in a later speech, but now I wish to get on with Mr. Gerlach's letter.

His next paragraph warns me that if I am successful in gaining equal time under the fairness doctrine, that many so-called peace groups will have the right to seek equal time to reply to me.

Now this may be, however, most of them are associated in some manner with the Amendment To End the War Committee. If they have a right to time I do not begrudge it to them. But I do resent being warned against seeking time to reply to McGOVERN-HATFIELD on the grounds that other so-called peace groups will then get more free time.

Finally, Mr. President, Mr. Gerlach tells me he is enclosing a recent Commission opinion on the matter because—

> I thought you might like to bring yourself up to date.

The inference is obvious in that last snide remark. Mr. President, I should like to pose a question: How can we expect impartial and honest interpretations of the broadcasting code and of the laws when we depend on FCC employees who show an obvious antagonism toward some Members of the Senate and an equally obvious bias against the views they espouse.

I strongly believe, Mr. President, that Mr. Gerlach is a detriment to the Federal Communications Commission and has placed himself in a position where he is unable to serve honestly or effectively.

Incidentally, I should point out here that he is not what he implies. Though he calls himself Mr. Johnson's legal assistant, files at the Commission show that he was graduated from Harvard this summer, is not a member of the bar, and is, in fact, classified as a "legal trainee."

It is obvious, Mr. President, that his training has included courses in neither manners nor veracity.

I do not call for his resignation, Mr. President. I do not believe he should be offered that chance. I do call, however, on Commissioner Johnson to fire him in the best interests of the Commission and the industry it serves if Commissioner Johnson is unaware of his letter.

If Commissioner Johnson was aware of the letter when it was written, then I believe he should examine his own conscience carefully to see if he can continue to serve as an effective and unbiased member of the Commission.

I ask unanimous consent to have Mr. Gerlach's letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATION COMMISSION,
Washington, D.C., July 30, 1970.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: I read with interest in the July 27, 1970, issue of *Broadcasting* of your campaign to get pro-war spots on stations across the country.

Ironically, there are many peace groups in the country who wish you well, for if you can establish yourselves under the Fairness Doctrine you will in turn help achieve access to the media for peace groups such as San Francisco Women for Peace, the Baltimore Friends, and Businessmen Against the War. These groups and many more have prepared spots ready to roll—all they need is your interpretation of the Fairness Doctrine.

You'll find enclosed a recent Commission opinion on the matter. I thought you might like to bring yourself up to date.

Sincerely,

GARY G. GERLACH,
Legal Assistant to Commissioner Johnson.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOAN TO CORN BELT POWER COOPERATIVE, HUMBOLDT, IOWA

A letter from the Administrator, Rural Electrification Administration, reporting, pursuant to Senate Report No. 497, on the approval of a loan to the Corn Belt Power Cooperative of Humboldt, Iowa for financing certain generation, transmitting and related facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON LOAN TO CENTRAL IOWA POWER COOPERATIVE, MARION, IOWA

A letter from the Administrator, Rural Electrification Administration, reporting, pursuant to Senate Report No. 497, on the approval of a loan to the Central Iowa Power Cooperative of Marion, Iowa, for financing certain generation, transmission and related facilities (with an accompanuying paper); to the Committee on Appropriations.

PROPOSED DISTRICT OF COLUMBIA MOTOR VEHICLE SAFETY ACT OF 1970

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, in order to promote increased traffic safety, and for other purposes (with accompanying papers; to the Committee on the District of Columbia.

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REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on the assurances needed that cost of the Celio-Mead transmission line project will be recovered, Department of the Interior, dated August 5, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for accelerating construction and reducing cost of low-rent housing, Department of Housing and Urban Development, dated August 4, 1970 (with an accompanying report); to the Committee on Government Operations.

ENROLLED BILL SIGNED

The **PRESIDENT** pro tempore (Mr. ALLEN) announced that on today, August 5, 1970, he signed the enrolled bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papaya, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

S. 4083. A bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes (Rept. No. 91-1070).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

S. 3418. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine (Rept. No. 91-1071).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

S. 704. A bill to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act (Rept. No. 91-1072).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 431. Resolution to print as a Senate document the report "Manpower and Training Needs for Air Pollution Control" (Rept. No. 91-1073);

S. Res. 432. Resolution to provide additional funds for the Committee on Appropriations;

S. Res. 437. Resolution authorizing the printing of additional copies of part 1 of hearings by the Committee on Commerce on "Consumer Protection" (Rept. No. 91-1074); and

S. Res. 438. Resolution authorizing the printing of additional copies of part 2 of hearings by the Committee on Commerce on "Consumer Protection" (Rept. No. 91-1075).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 4187. A bill to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; to the Committee on Armed Services.

(The remarks of Mr. INOUYE when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GRAVEL:

S. 4188. A bill to amend title 23, United States Code, relating to highways, in order to authorize the construction of marine highway facilities as part of the Federal-aid primary or secondary system; to the Committee on Public Works.

(The remarks of Mr. GRAVEL when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT:

S. 4189. A bill to amend the Communications Act of 1934 to provide for television broadcasting of certain evening proceedings of the House of Congress; to the Committee on Commerce.

By Mr. CRANSTON:

S. 4190. A bill to amend Section 235 of the Housing Act of 1968; to the Committee on Banking and Currency.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the Record under the appropriate heading.)

S. 4187—INTRODUCTION OF A BILL TO CONVEY CERTAIN LANDS TO THE STATE OF HAWAII

Mr. **INOUYE**. Mr. President, I introduce a bill that would authorize an exchange of land between the State of Hawaii and the Department of the Army.

The Army land involved in this exchange is located at Fort Ruger on Oahu and consists of approximately 57 acres located near the State-administered Leahi Hospital. In exchange for this parcel of land, the State will transfer to the Army approximately 700 acres near the Tripler Army Hospital. Two hundred and twenty-five acres of this land can be used for housing, of which 180 will be so utilized.

This transfer is important to the well-being of my State, and I believe that this bill merits the sympathetic consideration of the Congress. It is the hope of university officials that the Fort Ruger site will become the location of the State medical complex, which will include the University of Hawaii School of Medicine, hospital, and laboratories. Some of these facilities already exist, but an expansion of the center will require a large increase in the number of buildings. Medical officials hope that the construction of the medical complex will enable the university to expand its program. In this era of a severe shortage of medical personnel, I think this goal should be encouraged by the Congress.

The land which the Army will in turn receive is located close to Tripler Army Hospital. It is actually a much larger tract and is better suited for military housing than Fort Ruger, which is several miles away across the city of Honolulu, since it is closer to the major military bases.

The land to be transferred to the Army is currently owned by a Hawaiian estate. The Hawaiian Legislature has already demonstrated its commitment to this project by giving the State authority and funds to purchase the land that will be transferred.

This bill will cost the Federal Government nothing. Under the terms of my bill, the exchange must be equivalent in value. However, since the State will also be required to prepare the land in a manner similar to the site which the Army is surrendering, the actual cost to the State for purchase and preparatory services will be more than the market value of the Fort Ruger site. Appraisals and negotiations are currently being undertaken now.

The objective of this bill is important. I hope that the Congress will give the measure its sympathetic and rapid approval.

The **ACTING PRESIDENT** pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4187) to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands, introduced by Mr. INOUYE, was received, read twice by its title and referred to the Committee on Armed Services.

S. 4188—INTRODUCTION OF A BILL RELATING TO THE CONSTRUCTION OF MARINE HIGHWAY FACILITIES

Mr. **GRAVEL**. Mr. President, I introduce legislation to authorize the construction of marine highway facilities as part of the Federal-aid primary and secondary highway systems.

The pressing need for this legislation became evident during the joint Commerce/Public Works Committee hearings in Juneau, Alaska, on July 10, 1970. However, this legislation would also have application in many other areas of the Nation.

In 1963, the State of Alaska took a bold step in enlarging the range of its surface transportation system—the initiation of the Alaska Marine Highway. The system was first instituted in southeast Alaska, a region where the glaciers and mountains of the mainland and islands of the Alexander Archipelago have made conventional vehicular transportation between communities either prohibitively expensive or physically impossible. In 1964, another segment of the system was initiated in southcentral Alaska.

The first four ferries used on the Alaska Marine Highway, plus the necessary terminal facilities, were financed by an $18 million bond issue authorized by Alaska voters in 1960. In 1966, the State's voters approved a further expenditure of $15.5 million for the purchase of two additional vessels, the lengthening of an existing vessel, and new and expanded docking facilities.

The Alaska Marine Highway was conceived and is now operating as a substitute for conventional Federal-aid highways. At the present time, it provides the only means of vehicular travel between communities in southeast Alaska, including to and from the State capital; between Kodiak and the mainland; between Seldovia and road-connected towns on the Kenai Peninsula;

and between isolated communities on the Gulf of Alaska.

Much of Alaska's basic industry, particularly its fisheries and wood products segments, is located in relatively isolated coastal communities. Since statehood, these towns have expanded rapidly and their need for regular vehicular transportation to enable the movement of goods and personnel became increasingly evident. Yet, because of a variety of physical barriers, conventional highway and bridge connections were either not immediately feasible or were beyond existing technology. A Marine Highway System was therefore selected by the State as the only financially feasible means of connecting these isolated coastal communities with existing "normal" highway routes.

The Marine Highway System was initiated as a transportation service in the same manner that a formal highway would be constructed, not primarily as a moneymaking venture. The system is presently being subsidized by the State at an annual rate of approximately $2 million. However, if the capacity of the major—Southeast—route is not expanded to meet rising demand and to provide a means of increasing revenue, the State will find it increasingly difficult to maintain a tolerable subsidy level.

In short, the system is a substitute for Federal-aid highways and, as such, should be authorized funding under title 23 of the United States Code relating to highways. It has become an integral part of Alaska's transportation network, serving as the "wheels" not only for the movement of Alaskan goods and services, but also for increasing numbers of tourists visiting our State.

The Marine Highway System has provided a successful demonstration of the potential of such a system. However, Alaska's citizens have expended more than $33 million, unmatched by any Federal contribution, for capital improvements in the system and are currently subsidizing it at a rate of approximately $2 million per year as a substitute for highway linkages which do not exist.

Marine highway facilities are a vital and essential element in vehicular transportation, not only in Alaska but also in many other areas of the country. As such, they are deserving of assistance under the Federal aid to Highways program for the construction of new vessels, for the building of loading ramps and bridges, and for comprehensive long-range planning of the various systems in relation to existing and future land highway routes and to the general vehicular movement of traffic on the Nation's waterways.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred.

The bill (S. 4188) to amend title 23, United States Code, relating to highways, in order to authorize the construction of marine highway facilities as part of the Federal-aid primary or secondary system, introduced by Mr. GRAVEL, was received, read twice by its title and referred to the Committee on Public Works.

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S. 4190—INTRODUCTION OF A BILL TO AMEND SECTION 235 OF THE HOUSING ACT OF 1968

Mr. CRANSTON. Mr. President, in 1968 the Congress passed and the President signed into law the Housing and Urban Development Act of 1968. As you know, there are many innovative and constructive provisions in that act.

One of the most creative provisions is contained in section 235. Under that section, low-income persons with little or no cash are given the opportunity to fulfill the American dream of homeownership.

The mortgage on the so-called 235 homes are insured by FHA and all of the interest on the mortgage but 1 percent is paid by FHA. This FHA interest subsidy allows a low-income person to move into a home with no more than $200 as a downpayment.

Clearly, the program has provided an opportunity for many families to own homes who otherwise would not have that opportunity.

Since the passing of the Housing Act of 1968, more than $165,000,000 has been spent by FHA for the purchase of new and existing housing under section 235.

This represents a total of 186,756 units which were purchased with the assistance of section 235 funds.

In my home State of California, over $11.3 million has been expended since 1968 for section 235 subsidies. The actual housing represented by this figure is 12,508 units.

Although a large percentage of the funds spent under section 235 were for the construction of new housing, a substantial amount of this money was used to assist families to buy existing dwellings.

Since 1968 a total of $22,856,562 was used to assist families to purchase existing housing, representing a total of 29,743 units assisted throughout the country.

In California, $2,511,600 was used for FHA mortgage subsidies on existing housing under section 235.

With these funds—9,758 new units were assisted and—2,760 existing units were assisted.

Last Thursday, Congressman WRIGHT PATMAN revealed that many of the existing dwellings sold throughout the country under section 235 were substandard. Moreover, he revealed that large profits were being made on these dwellings by speculators.

I am shocked that the FHA has allowed funds appropriated by the Congress to help eliminate slums to be used instead to perpetuate slums.

There is no excuse for one penny of the taxpayers' money to go into the pocket of speculators while many of our low-income persons are again—under the guise of a Federal program—denied the opportunity to live in a decent home.

FHA appraisers have the primary responsibility to make sure that a home sold under 235 is not over appraised. Clearly if some speculators are making a 100-percent profit on 235 homes as charged by Congressman PATMAN, someone at FHA has fallen down on the job.

The law is clear that the Secretary shall prescribe regulations to prevent profiteering by speculators in housing assisted under section 235. Section 235(g) reads as follows:

> The Secretary shall prescribe such regulations as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed.

I would hope that Secretary Romney of HUD and Commissioner Gulledge of FHA will take immediate steps to see to it that the mandate of Congress contained in section 235(g) is carried out.

In addition to the responsibility of preventing undue profits on section 235 homes, I believe that FHA also has the responsibility of insuring that any home purchased under that section is a decent safe and habitable place to live. For too long we have allowed cruel hoaxes to be played on the poor and downtrodden in our society. I for one feel that the hoaxes must be stopped.

As noted by Congressman PATMAN, many families purchasing homes under section 235 have upon moving into their homes discovered unsafe and unhealthy conditions. Many of these homes have unsafe wiring, unsafe and leaky roofs, peeling paint, cracked foundations and floors, and lack fundamental facilities in the bathroom.

Clearly, we cannot continue to allow taxpayers' dollars or buyers hard earned savings and salaries to be squandered on homes which contain fundamental defects.

Today, I am introducing legislation which is intended to make sure that any existing home purchased under section 235 is in good condition.

Under section 1 of my bill, the seller of an existing dwelling under section 235 is required to give a warranty to the buyer that the dweling being sold complies with all health, safety and zoning requirements of State and local law. Moreover, the seller must warrant that the dwelling complies with any additional requirements set forth by FHA.

Under section 2 of my bill, if an existing dwelling sold under section 235 is found in the breach of the warranty required under section 1, the FHA is required to reimburse the purchaser for any reasonable expenditures which he may incur in correcting the defects.

The last section of the bill requires the seller of any existing dwelling under section 235 to deliver to the purchaser a written statement of the appraised value and a notation of any condition in the building needing repair.

I know that the legislation I am introducing today will not guarantee every purchaser of a section 235 house that it will be free from all defects.

However, I do feel that this legislation will encourage sellers of 235 housing to take steps to remedy known defects before their houses are marketed.

I hope and trust that the overall effect of this legislation will be to get more families in decent housing at reasonable prices.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4190) to amend section 235 of the Housing Act of 1968, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, S. 235 is amended by adding at the end thereof, a new subsection as follows:

"(m) with respect to housing assisted under this section, be it enacted that—

"1. Where the mortgage involves an existing dwelling the seller or such other person as may be required by the Secretary shall deliever to the mortgagor a warranty that the dwelling complies with the requirements of all state laws, or local ordiances or regulations, relating to the public health or safety, zoning or otherwise, which may be applicable thereto and that it complies with the requirements of any standards made applicable thereto by the Secretary.

"2. If an existing dwelling financed by a mortgage insured under this Section contains defective conditions in breach of the warranty required under paragraph (1) of this subsection, the Secretary shall compensate the purchaser for the reasonable expenditures required to correct such defective conditions and may recover from the seller such amounts paid to the purchaser.

"3. With respect to any existing dwelling, the seller, or any other person designated by the Secretary, shall deliver to the mortgagor prior to the completion of the sale along with a written statement of the appraised value a notation of any conditions in the building needing repair or any similiar drawbacks considered by the Secretary in arriving at the appraised value. The Secretary shall make available to the seller or other designated person all information needed to make the required notation."

ADDITIONAL COSPONSOR OF A BILL

S. 37

Mr. HANSEN. Mr. President, I ask unanimous consent that at the next printing, the name of my colleague from Wyoming (Mr. MCGEE) be added as a cosponsor of S. 37, to authorize the Secretary of the Interior to construct and operate and maintain the Polecat Bench area of the Shoshone extensions unit, Missouri River Basin project, Wyo., and for other purposes.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

SENATE RESOLUTION 439—RESOLUTION REPORTED TO PAY A GRATUITY TO AUBREY P. WILKERSON, JOHN P. WILKERSON, DANIEL S. WILKERSON, DAVID J. WILKERSON, AND OLVIN M. WILKERSON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 439); which was placed on the calendar:

S. RES. 439

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Aubrey P. Wilkerson, John P. Wilkerson, Daniel S. Wilkerson, and David J. Wilkerson, sons; and to Olvin H. Wilkerson, stepson of Eleanora V. Wilkerson, an employee of the Senate at the time of her death, a sum to each equal to one-fifth of one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 74

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of Senate Concurrent Resolution 74, to affect the treatment of prisoners in South Vietnam.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

AMENDMENT NO. 820

Mr. MCGOVERN (for himself and Mr. GOODELL) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. MCGOVERN when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 821

Mr. BROOKE submitted an amendment, intended to be proposed by him, to House bill 17123, supra, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 822 AND 823

Mr. BYRD of West Virginia submitted two amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

NOTICE OF HEARING ON ENFORCEMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. WILLIAMS of New Jersey. Mr. President, last year Congress enacted the most comprehensive coal mine health and safety law in the Nation's history. Since enactment, however, there have been numerous complaints about the enforcement of this law. In fact, it has been alleged by many of the men who work in the mines that they were better off under the old inadequate law than under an improperly enforced new law.

In June, these grievances led to a series of work stoppages in the coal fields of Pennsylvania. At that time, the subcommittee held hearings in Washington, Pa. and Centerville, Pa., at which time I heard firsthand from the miners the complaints about the administration of the law.

Fortunately for the Nation's power supply those work stoppages ceased shortly after our hearings.

I have also met with coal miners here in my office and most recently in Charleston, W. Va., where the subcommittee held hearings last week. I might also note that a work stoppage was in progress in West Virginia's coal fields at that time. Since then, it is reported that most mines are back in operation.

It is my understanding that since the enactment of the law, the Bureau of Mines had conducted fewer inspections than in the same period last year. And, unfortunately, there have been more fatal injuries than in the same period as last year. This is completely inexplicable to me and cannot continue.

The Subcommittee on Labor, in fulfilling its legislative overview responsibilities, will hold hearings on the enforcement of the Federal Coal Mine Health and Safety Act of 1969 at 9:30 a.m. on Thursday, August 6 in room 4232, and Friday, August 7, in room 4200.

ADDITIONAL STATEMENTS OF SENATORS

SENATE INTERNS VISIT HOSPITALIZED VETERANS

Mr. MILLER. Mr. President, acting on their own initiative, a group of Senate interns has organized a visit to our hospitalized veterans at Walter Reed Hospital this Saturday.

The interns have enlisted the support of several Senators, some of whom will accompany them to the hospital on Saturday.

The organizers and the other interns who have indicated they will go to the hospital are deserving of the highest commendation. Whether this endeavor receives publicity is beside the point, although I hope they do get some press notice. What is important is that young people are demonstrating in clear and unmistakable terms that they care. Their concern is being expressed in their willingness to give up the beach or a sightseeing trip in order to bring some friend-

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liness and warmth to the lives of these veterans, hospitalized and far away from relatives and friends.

The undertaking involves no politics; it crosses partisan lines, as it should. They come from offices both of Republicans and Democratic Senators. They have the support both of Democrats and Republicans, including Senators Muskie, Brooke, Percy, Hughes, Fong, Goodell, Bellmon, Cranston, Murphy, Saxbe, Schweiker, and Mansfield.

I would urge that all Senators support this worthy endeavor.

WASTE IN GOVERNMENT SPENDING

Mr. MANSFIELD. Mr. President, exposing waste in Government spending is perhaps one of the most important endeavors that could be undertaken. One who has undertaken that chore with the greatest effectiveness is the able and distinguished Senator from Wisconsin (Mr. Proxmire). Last Sunday's edition of the Boston Globe featured an article about Bill Proxmire's outstanding efforts in this department, comparing his record with that achieved by President Truman during the wartime investigations into Government contracts while still a Senator.

I ask unanimous consent that the article, entitled, "Will Proxmire Follow in Truman's Footsteps?" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Will Proxmire Follow in Truman's Footsteps?

Back in World War II, Sen. Harry S. Truman first came to national attention because he was the tireless chairman of a Senate committee that investigated scandals arising from war contracts. His effective work in keeping to a minimum the waste of taxpayers' money resulted in his becoming Vice President in 1945 and entering the White House the same year.

If exposing the waste of billions of dollars in Defense Department funds still means anything, Sen. William Proxmire (D-Wis.) could be in a fair way to repeat Mr. Truman's performance. Just as tireless and effective as was Mr. Truman, Sen. Proxmire has been at it for years.

Tomorrow the General Accounting Office will issue a 121-page report revealing that the Federal government's own watchdog is unable even to estimate how many billions of gallons of fuel supplies sent to Southeast Asia are missing or stolen. The report is the result of an investigation requested by Sen. Proxmire after receiving a letter from John McGee.

McGee is, or was, a civilian oil inspector for the Navy who had earlier uncovered, while stationed in Bangkok, the theft of millions of dollars worth of US fuel in Thailand. His "reward" was a transfer with practically no warning, to make-work job in Arlington, Va. There he described himself as "radioactive" and said, "They won't look at me. They won't talk to me." Only pressure from Sen. Proxmire's office won him a long-overdue promotion recently, but he is still regarded as a black sheep.

In the coming weeks the US Senate will be hearing about more such scandals as it begins sustained debate on a bill authorizing $19.2 billion in weapons procurement and Pentagon research in the current fiscal year. Expenditures for ABM and MIRV missiles will be part of it.

Last week the Administration prepared in two ways for that debate. It made public the report of a presidential commission calling for a major overhaul of the Pentagon. And Secretary of Defense Melvin R. Laird ordered that his department adopt a "fly before buy" policy, to make sure that a prototype of a weapons system actually works before going into production with it.

This action, perhaps unintentionally, spoke volumes about what has been wrong for so long with the Pentagon. And while he naturally did not name Sen. Proxmire, the latter has been a persistent critic of the Pentagon's procurement policies and, in particular, of the Lockheed situation.

The subject of the Lockheed Aircraft Corporation is sure to come up in the Senate debate. Lockheed, the nation's No. 1 defense contractor, is in serious financial trouble, and the appropriation bill includes a highly controversial $200 million "contingency fund" for Lockheed which 24 of the nation's major banks are insisting on before loaning Lockheed another $100 million which they want the government to guarantee.

Sen. Proxmire has vowed to fight both the loan guarantee and the $200 million appropriation.

It should be quite a battle. And it may well go to the very roots of the military-industrial complex against which President Eisenhower warned the nation in his Farewell Address a decade ago,

One can read the sordid details of the Lockheed scandal in the Aug. 1 issue of The New Republic. It is a story of costs far in excess of those agreed on, with the government bailing out the firm every time. Lockheed's C–5A jet transport program was an unmitigated disaster, with at least $1.5 billion of its $2 billion cost overrun clearly avoidable. "Thus far," reports James G. Phillips, "the Air Force has spent $2.5 billion on the program and has received one operable plane!" Is it any wonder Secretary Laird now speaks of "fly before buy"?

Perhaps even worse than the waste of money was what happened to those who merely reported it to their superiors. Air Force Col. Joe Warren first blew the whistle as a cost-efficiency expert four years ago. He kept it up. Finally orders were cut sending him to Addis Ababa. This was blocked by friends, but he was still removed from the Lockheed program and assigned to a Pentagon computer manager job. Col. Larry M. Killpack was transferred to Vietnam. Col. Jack W. Tooley, a civilian adviser who had reported incredible loafing and inefficiency, quit in disgust.

Throughout all this, the press was deliberately bamboozled. Finally A. E. Fitzgerald, the Pentagon's deputy for management systems, was asked to testify before Congress, and the Pentagon hit the panic button, warning him his testimony "would leave blood on the floor." It tried to substitute another witness, but Proxmire ignored the latter and called Fitzgerald, who confirmed Proxmire's estimate of the $2 billion overrun. Fitzgerald was immediately removed from the program, and later fired.

With the Senate debate now begun, the nation has not heard the last of the Lockheed scandal. Nor has it heard the last of Sen. Proxmire. He is a modest man and his official biography in the latest Congressional Record says only: "William Proxmire, Democrat, of Wisconsin; married to Helen Hodges Sawall."

Some day it may be longer than that.

AIR POLLUTION: THE MENACE GROWS, BUT STILL NO ACTION

Mr. PROXMIRE. Mr. President, this morning's Washington Post contains a number of excellent articles which reflect the truly frightening state of affairs in which we find ourselves regarding the pollution of our air. For some time, now, we have heard ominous warnings that we were facing an air pollution crisis. At first, these warnings made interesting news. People talked about them in ominous tones. Soon, however, these warnings began to lose their freshness, and we began to lose interest. Ecology and the whole issue of the environment was labeled as just another fad—an issue, which like all others appears briefly in the press, and then fades away as everyone loses interest. This process goes unnoticed with most issues. Unfortunately, some issues do not just go away. Air pollution is one of them. Despite all our claims that we have lost interest in the issue, air pollution continues to get worse.

Several articles in this morning's Post point up the immediate threat. The first, an excellent commentary by Nicholas von Hoffman, reviews our efforts to date to curb air pollution. In the articles, Mr. Hoffman recounts the complete failure of these efforts. The lack of progress is truly appalling. In another article, entiled "Air, Water Pollution Warnings Issued," the problem was brought down to the local level. According to the Metropolitan Washington Coalition for Clean Air, we can expect much worse smog during the coming months than we experienced last week. A shift in weather patterns will lead to massive buildups of pollutants which could last for weeks. Finally, an editorial entitled "Clean Air and Automobility," pointed up the need for immediate action by the District government to restrict the operation of automobiles within the downtown area.

I ask unanimous consent that these three excellent articles be printed in the Record. I commend them to all Members of Congress who are concerned about the need for strong, decisive action to curb air pollution before it is too late.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Air, Water Pollution Warnings Issued: River Sports Hazardous

(By Stuart Auerbach)

Washington health officials warned yesterday against water skiing or other sports that put a person in contact with water from the polluted Potomac River and other local waterways.

Health Director Dr. Raymond L. Standard also cautioned against eating fish caught in the river unless they are thoroughly cooked to kill any potential germs.

"I wouldn't eat them," said Arnold Speiser, who is in charge of the city's water quality control program.

Although Potomac pollution has been an issue for more than 20 years and swimming has been banned there for at least that long, yesterday's statement is the strongest warning yet by a local health agency to restrict water sports on the river.

The health officials singled out four areas on the Potomac where they said untreated sewage flows into the river. Standard said much of this is caused by mixing of sanitary and storm sewage in an overloaded sewer system, "due in part to the expanding suburban population" whose sewage flows into District facilities.

These areas are:

The foot of 36th Street NW., where a continuous discharge of sewage has flowed for a

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month into the river just west of Thompson's Boat Center.

Water Street NW, at Potomac and 36th Streets.

27th and I Streets NW., where the overflow goes into Rock Creek on its way to the Potomac.

13th Street and Ridge Place SE, where obstructions such as sticks and rags cause occasional overflows into the Anacostia River.

"These areas should be avoided by boaters and fishermen, and parents are urged to caution their children accordingly," Standard said.

Speiser said the water in the Potomac and other rivers in the area is so polluted that no one should let his body come in contact with it.

He specifically listed swimming, wading, and water skiing as "water contact sports" to be avoided, and added that sailing and canoeing constitute "a gray area." Some sailboats and kayaks, he said, sit so low in the water that people in them "approach water contact."

Tests in the Potomac show that a fecal bacteria found in raw sewage is more than 10 times the allowable limit for human contact with water.

Spiser said there should be no more than 200 fecal coliform (a bacteria found in the human intestine) per 100 milliliters (one-tenth of a quart) of water. The average sample from the Potomac ranges from 2,000 to 3,000 organisms per milliliter.

Fall To Be Harder on Lungs

(By Aaron Latham)

Respiratory illnesses were up sharply last week when a noxious cloud of dirty air covered Washington, and clean-air crusaders warned yesterday that this was only the beginning.

They predicted that fall would be worse, with longer, more severe air pollution crises.

The Metropolitan Washington Coalition for Clean Air told a press conference that this fall and next spring weather conditions will favor buildups of pollution blankets that will lie on Washington and other cities without moving.

James Sullivan, Clean Air's weather adviser, said that in the summer the sun tends to "burn off" pollution while winter brings winds to clean the air.

But as the sun grows cooler this fall, he predicted more and more stagnant masses of polluted air.

Winter should bring some relief, but as the winds die down, pollution is expected to increase in the spring.

The gloomiest forecast was not for the immediate future but for the next 15 years.

By 1985 half of all passengers will have to ride buses or trains—not cars—if the city is even to hold pollution at its current level, the coalition said.

The coalition, an arm of the District Tuberculosis and Respiratory Disease Association, reported that Prince Georges General Hospital had 84 asthma patients brought to its emergency room last week, double the weekly average.

Children's Hospital, Washington Medical Center, Georgetown Hospital and the Washington Sanitarium and Hospital also reported increases in emergency cases brought on by dirty air.

The coalition said that a check with private physicians showed an increase including respiratory problems and eye irritation.

John S. Winder, director of the coalition, said that those seeking medical help represented only a small portion of the total numbers who had health problems aggravated by dirty air last week.

Last week's cloud of pollution was caused by a temperature inversion. Normally the air closest to the earth is warmer than that at higher altitudes. As this warmer air rises and cools, it carries away pollutants.

But last week the cool air was on the bottom while the warmer air rested on top like a lid, trapping pollutants next to the earth.

There have always been inversions, especially in the fall and spring, but they did not become pressure cookers for polluted air until cars and industry began pouring forth carbon monoxide, sulfur dioxide and other deadly wastes.

Last week, the Washington area recorded some of the highest air pollution levels since a coordinated monitoring system was established three years ago.

The coalition said that the District government asked both the Potomac Electric and Power Co. and the Hopfenmaier rendering plant to cut back their activities but that neither complied with the request.

The rendering plant said that it did shut down for a short time last Tuesday but refused to say how long.

Pepco said that they could not cut back burning the coal and oil, which produces their electricity, because their customers demanded a record amount of power last week.

The coalition, which opposes the construction of the Washington freeway system, predicted that by 1985 freeway traffic would dump an additional 200 tons of pollutants a day into the air.

Daniel Fisher of the coalition argued that the proposed freeway system was in violation of the National Environmental Policy Act since to date it has not conducted the "study of environmental impact" required by the law.

The Politics of Pollution

(By Nicholas von Hoffman)

Each year the air grows worse. These past few days New York, Philadelphia, and Baltimore have been under gas attack. It happens to every city in every season, and it's getting worse. We can look forward to what our ineffectual officialdom will call an "unfortunate atmospheric incident," a really horrible inversion that seals off one of our major cities, killing thousands of people at a crack rather than what we have now—the invisible shortening of our life spans.

You will be reassured to know that, in the event of such a contingency, the federal government is ready with no stand-by emergency plans whatsoever. There is no preparation to evacuate older people, infants, persons with lung diseases or severe allergic reaction to the toxic gases which are replacing the atmosphere that millions of evolutionary years have accustomed us to.

Although a chemical warfare attack launched from Detroit's automobile factories is much more a certainty than a Russian missile assault, our civil defense apparatus isn't plugged into any plan to repel environmental assault. Washington is completely unready.

The annual budget for the National Air Pollution Control Administration is $100 million, which is less than what it costs to build the flight deck of one of those militarily useless atomic aircraft carriers. Mr. Nixon, Mr. Laird and many of our other officials who style themselves leaders, yap like milk-starved puppies about national security and, yet, leave the nation defenseless against real and immediate theats. We're ripe for an ecological Pearl Harbor, and if it comes by air, the National Air Pollution Control Administration will have exactly 1,050 employees—counting messenger boys and secretaries—to throw into battle.

Although our officials have spent billions on early warning systems, DEW lines and spy-in-the-sky satellites, no such system exists to monitor the quality of air over the United States. Our computers are stuffed with information about subversives, bad credit risks and holders of public library cards, but if the National Air Pollution Control Administration wants to know what the breathing is like in Boston, there's no automatic system of telemetry; they must phone up and hope the municipal authorities are collecting air samples. The NAPCA isn't national and hasn't got the power to control the smoke given off by the District of Columbia garbage incinerators.

Like godless, international, materialistic communism, bad air is a problem that can't be licked at the local level. Washington must do something, but in every aspect of the problem, it's failing. New York City is screaming it wants low-sulfur, North African oil for its electric generating plants. But that would mean loosening up on the oil quotas and cutting high-sulfur, South American-Rockefeller oil out of the market, so let New York scream.

Between 60 and 80 per cent of air pollution is directly attributable to cars. The Nixon administration killed off its suit against the automobile manufacturers for conspiring to withhold anti-smog devices, deliberately settled out of court, leaving the public with nothing but bronchitis and a wracking cough.

The June issue of *Environment* points out that cars could be made considerably less hazardous to health if the manufacturers were forbidden to outfit them with grand prix racing motors: "The major obstacle facing the automobile companies in their attempts to solve the emission problem is their commitment to large automobiles, with large, high-speed, high-compression engines. A change to smaller cars with smaller, low-compression engines would accomplish more than all of their anti-pollution efforts to date."

The Detroit engine not only throws more garbage out of its exhaust into the air, but also, the magazine says, demands the most lethal kind of gasoline, which is loaded with anti-knock compounds, high and low speed additives, scavengers, deposit modifiers, anti-oxidants, metal deactivators, anti-rust agents, anti-icing agents, detergent additives and lubricants. And we have to breathe all of that bleep.

Beyond failing to regulate the death-dealing capacity of automobiles, the fine gentlemen who run the country are still hard at work accommodating the monsters. Since 1947, the year we got serious about beginning to choke ourselves to death, all the governments of the United States—local state and national—have spent $249 billion on highways. The largest single source of this money is the inviolate Highway Trust Fund, which is so holy that, in years when some of it is left unspent, the Treasury is actually obliged to pay interest on the unused portion of this vast amount of dough which flows from the federal tax on cars, tires, gas, etc.

Sen. Gaylord Nelson (D-Wis.) remarks that no other government activity gets this kind of treatment, not even the war budget. The Senator has calculated that 75 per cent of all the moey spent by the government on transportation in the last generation has gone into highways, while one per cent has gone into urban mass transportation; yet 84 per cent of all automobile driving is short trips, commuting to work, going to the store, taking the kids to school, the kind of things that mass transit can do without ruining our lungs.

Clean Air and Automobility

With smarting eyes we read last week that Tokyo has a bad air pollution problem, too. There is comfort in shared misery. But now we read that Tokyo is doing something about it—it is banning all cars from 122 of its busiest streets on Sundays, the busiest shopping day in Japan—and we have yet to hear of any drastic new measures our lethargic city is taking. Or the federal government, for that matter. It would be tragic and irresponsible if, just because, thank heaven, last week's smog has cleared, our officials were to clear their minds of its potential hazards as well.

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Hot air inversions and double inversions, such as this city and the entire Atlantic seacoast experienced last week, can recur at any moment, meteorologists say. Hot, poisoned air can get trapped as easily as fresh winds arise to dispel it. It can happen in fall just as it happened in summer.

We are therefore supporting the appeal of Environmental Action, the antipollution lobby that coordinated last April's Earth Day (which in contrast to some, seemed to us a wholly constructive "confrontation") to work toward curbing combustion engines in our major downtown centers. Or rather, we support "pollution free" downtown areas "in principle," as the diplomats say, recognizing that in actual fact this city, for one, is not ready for any such drastic measure until the Metro, ideally supplemented by steam-engined buses, can bring people downtown to enjoy the delights of car-free shopping and city bustle—plus clean air.

By "working toward" we don't mean more evasive weaseling. We mean, first of all, that this city and region take a hard look at the instant lessons of Tokyo. One of them, it appears, is that by banning automobiles in just one congested area, the downtown pollution level has dropped to half the normal reading. Tokyo has a lot of polluting industry. Washington does not.

The other lesson is that banning cars from shopping districts, contrary to conventional merchant wisdom, does not hurt but considerably helps business. As city planner Victor Gruen has argued for years, "Not even a Cadillac, has ever bought a nickel's worth of merchandise." Car-free shopping streets, as Fresno and more recently the merchants along New York's Fifth Avenue (where cars are now banned on Saturdays) have found, draw large crowds. People can crisscross freely and shop on impulse. In Tokyo, sales ran as much as 50 per cent above the usual figure.

What follows from these lessons is that we can and should be far bolder and more decisive about curbing the automobile, rendering it less noxious and returning downtown streets to the people. Yes, we know. Our federal government is working on all this. But there is also no doubt that local government, in this area and elsewhere, can do more to hasten the day when we can breathe freely again.

Why can't this city, for instance, ban cars from at least one downtown shopping street—the F Street Mall seems ideal—on Saturdays, as part of the "Go Downtown" promotion? Why couldn't the City Council pass an ordinance to encourage, if not enforce, commuter car pools? If we double the number of passengers in private automobiles, we automatically halve the amount of carbon monoxide in the air. Why can't we pass local laws, as the California State Senate did last year, that prohibit the use of gasoline combustion engines three years from now? And why, among other things that might be done, can't we demand that Metro construction be speeded with emergency funds? An increase of three million tons of sulphur dioxide in the Washington area is surely an emergency.

We admit that such efforts may turn out to be largely symbolic. But we are not yet ready to admit that the declared will of citizens as expressed by their local government is but a futile gesture.

NATIONAL DISARMAMENT PROGRAM IS DANGEROUS

Mr. GOLDWATER. Mr. President, in an article published recently in the Arizona Republic, columnist Joseph Alsop reports that the United States is "oozing" into a program of national disarmament so dangerous that it presages an upset in the world power balance. Needless to say, the upset described by Mr. Alsop would be unfavorable to the United States and beneficial to the Soviet Union.

As he explains it:

> The current crisis-center of the bad news, of course, is to be found in the Middle East. But in totality, the bad news consists of a huge web of facts stretching from the Kremlin outward around most of the world.

The major point of Mr. Alsop's article is his belief that President Nixon is almost helpless in the face of these grim facts.

The article is so important, that I ask that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record. as follows:

NIXON'S CHIEF FAILURE AS THE PRESIDENT

(By Joseph Alsop)

Washington.—"Vietnam? Oh, that's the only place where the news is really very good!"

This literal quotation from a very high official of the Nixon administration is pretty luridly revealing. It does not reveal untruthfulness, however. The news from Vietnam really is very good, although it is little reported and seldom understood. And before the summer's end, with any luck at all, the news from Vietnam should get a lot better.

What the quotation reveals, rather, is the enormous difference between the way this country's affairs now look to the insiders and the way the same affairs look to the outsider. Here, in truth, is President Nixon's chief failure in office to date.

The President is being blamed for all sorts of other failures, with great vociferousness. His failure to scuttle-and-run in Vietnam has probably given the most displeasure; although his failure to ignore military realities, pre-Cambodia, has aroused much indignation, too. Then Sen. Strom Thurmond says he has failed the South. The Negro leaders answer that he has failed the blacks. And so it goes.

But a president's primary task is to lead, and especially to lead the country when the going gets really rough. All the commonly charged failures, cited above, have to do with problems that will sort themselves out in time. On present prospects, moreover, they will sort themselves out without doing fatal damage to this country or to any of this country's vital interests overseas.

Meanwhile, the very bad news from all sorts of places, except Vietnam, quite clearly threatens to do fearful damage to this country and its vital interests overseas. This was what the high official was thinking about when he made the above remark.

Essentially, all this news concerns the truth of an immense and appallingly dangerous upset in the whole world balance of power. This upset will surely occur, moreover, unless the United States does something drastic to stop it.

The current crisis-center of the bad news, of course, is to be found in the Middle East. But in totality, the bad news consists of a huge web of facts, stretching from the Kremlin outward around most of the world. This web will be tackled in a forthcoming series in this space.

For present purposes, however, the important point is the President's apparent helplessness in the face of these grim facts that so horribly worry the insiders. It is as though Vietnam had somehow used up all the President's time and largely exhausted his resources of sturdiness and courage.

So we are dithering about the Middle East. We are oozing into a program of national disarmament so grave that the Sixth Fleet may have to be pulled out of the Mediterranean. And in many other ways we are doing nothing about the huge web of facts abovementioned, although these facts clearly presage the kind of unfavorable upset in the world-power balance that this country has never in its history experienced.

In this situation, to be sure, the President deserves both sympathy and understanding. We are oozing into the most dangerous kind of national disarmament, for instance, for two interacting causes, both very hard for the President to tackle.

One cause is the built-in annual increase in spending for social purposes, for which the President and his budget-boss, George Shultz, have got to find the money somewhere. The other cause is the concerted attack on the national defense, from many political quarters, which makes it far easier to cut defense spending than any other kind of spending.

Or take the main current crisis point, as another illustration. In the Middle East, as the Soviets themselves are passing the word, this country faces a problem that is worse, in some ways, than the problem that the Kremlin created for itself by gambling on the Cuban missiles. And if the problem is not successfully solved, Israel will be the first casualty, but the most vital American and Western interests will also be fatally damaged.

Yet what would happen if the President proclaimed a national emergency, reinforced the Sixth Fleet and warned of possible mobilization? Or what would happen if the President asked for large increases in indirect taxation (as he would probably like to do) in order to meet our defense and social needs?

The fact is that he now faces a dilemma that resembles Stanley Baldwin's. But it is better to tell a deaf country the plain truth, and to ask an unwilling country to make the needed efforts, than to choose the horn of dilemma that Baldwin chose in the early 1930's.

U.S. FRIGATE "CONSTELLATION"

Mr. MATHIAS. Mr. President, the oldest American ship constructed for the Navy, the U.S. frigate *Constellation*, appears to have another first. Since it was decommissioned by the U.S. Navy in 1955, the ship has been under the sole care of the citizens of Maryland. Unlike the U.S.S. *Constitution*, which is still commissioned and thus manned by Navy personnel, the restoration of the U.S. frigate *Constellation* is a civic project.

The *Constellation*, which was constructed in Baltimore, was launched in 1797, 9 weeks ahead of the *Constitution*. By reading the ship's log, one can follow the course of American seapower.

It was the *Constellation* that captured *L'Insurgente* and sank *La Vengeance*. She carried the first marines to Tripoli to end the maraudings of the Barbary pirates, and her swiftness earned her the nickname, "Yankee Race Horse."

The proud ship is now open to visitors at pier 4 in Baltimore. The Metropolitan Civic Association and the Ensign C. Markland Kelly, Jr., Memorial Post No. 174 of the American Legion, both of Baltimore, are working hard for the issuance of a commemorative postage stamp in 1972 in tribute to the 175th anniversary of the *Constellation*. I am pleased to have supported their efforts, and I am hopeful that this distinguished vessel, now a national historic landmark, will be appropriately commemorated through the issuance of a special stamp in 1972.

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OIL IMPORT QUOTAS: THE OIL LOBBY'S FINEST HOUR

Mr. PROXMIRE. Mr. President, this month's Washington Monthly contains an excellent and revealing article on the oil lobby by my Legislative Assistant, Martin Lobel. The article cites chapter and verse on the lobby's successful attempts to maintain a massive Federal subsidy for the oil industry consisting of such devices as permitting the offsetting of tax payments to foreign governments against their Federal tax liability; allowing all intangible costs of oil exploration and development to be written off for tax purposes in 1 year; condoning State production controls which regulate supply and demand rather than conserve oil; and finally—the principle subject of the article—regulating the importation of cheaper foreign oil at great cost to the American consumer.

Every thoughtful Senator will want to read this article because it gives a clear example of how an industry can buy benefits worth billions with just a few cents on the dollar through campaign contributions to indvidual candidates as well as the party in power. The article is a very serious indictment of a system of governing that permits a high pressure, highly paid, lobby to distort national aims and purposes for its own selfish ends through a misuse of such terms as "in the national interest" and "for national security purposes."

Fortunately the American people as well as their elected representatives are more than ever before looking behind sloganeering labels for true substance. We are all beginning to ask is this or that or the other program truly in the national interest. Mr. Lobel's article shows clearly that the oil industry fails this test when it is applied to the import quota program. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED, WHITE, BLUE AND GOLD: THE OIL IMPORT QUOTAS

(By Martin Lobel)

The American consumer pays high prices for oil products so that the United States can save its oil in the interest of national security—but the nation is using up its oil faster than is the rest of the world.

The consumer pays more for oil so that the oilmen will search more diligently for oil—but they aren't spending as much time looking as they used to.

The consumer is denied access to all but a fraction of the cheap oil produced overseas by American companies—even though the consumer, in his role as taxpayer, subsidizes those companies' payments to foreign rulers for the right to extract that oil.

These are highlights of the oil import quota system—a federal giveaway that has grown to be by far the largest of the public favors granted to the oil industry. The current estimate is that oil quotas alone cost the public $5 to $7 billion a year, and that the bill will grow to at least $8.4 billion by 1980. For the consumer at the gas pump that means, today, close to an extra 5.7 cents a gallon.

The expensive absurdities of the oil quotas have not gone entirely unnoticed. Complaints from consumer-oriented Senators, such as Hart, Kennedy, Muskie and Proxmire led in 1969 to the reluctant formation of a Presidential task force to study oil imports. Early this year the task force recommended a shift from quotas to tariffs that would have reduced the amount of the giveaway. President Nixon then sent the task force back to the drawing board with instructions to report again after the November election—ample time for the oil industry to demonstrate its generosity to Republican candidates. (Ample time also for the oil lobby to work on Congress for some additional insurance. At present, a simple executive order could alter or abolish the program; but the oilmen have already pushed a bill through the House Ways and Means Committee which would require an act of Congress to change the quota system.)

The struggle over the import quotas is taking place against the background of a long government involvement in the oil industry, an involvement that has always failed to meet its stated objectives, but has always met the desires of the industry. Each subsidy obtained by the industry has only weakened its ability to compete, requiring further subsidy, so that the American oil business today is an economic cripple dependent on government support—a wealthy welfare case.

COME IN THE BACK DOOR

The history and operations of the oil import quota program illustrate the ability of special interests to get what they want by administrative fiat and to retain it because few people are aware of what is going on. Establshed 11 years ago by President Eisenhower, the program was immediately decked out in the unassailable armor of national security and later brought within the provisions of the Trade Expansion Act of 1962. Ostensibly, the restrictions imposed on the importation of oil from abroad were for the purpose of encouraging the development of sufficient available domestic reserves to meet any shortage caused by an interruption in the flow of foreign oil.

The real reason for the establishment of the quota system was considerably less lofty. It was simply that oilmen in the United States were having trouble competing with imported oil. Partly by design, American wells produce at a comparatively slow rate; and the result is that domestic crude oil costs East Coast refineries roughly $3.90 a barrel, while comparable oil from the Middle East costs only about $2.25, including freight and tariff.

Rather than argue for assistance on the floor of Congress, under public scrutiny, the oil industry managed to prevail on President Eisenhower to help them out through the back door by means of an executive order. Today, the industry is still careful to discuss the program in the most pious of terms. "It is almost incredible," wrote Kerryn King, Texaco's vice president for public relations, in a fund-raising letter not long ago, "how many Congressmen are willing to sacrifice the national security of this country to the siren song of low-cost foreign oil. Those of us in the oil industry know that the strength of our nation is dependent on an adequate supply of energy that cannot be cut off, interdicted, or held back according to political whim or national emergency. . . ."

Few people in the government have ever realized what the import quota system entails. Only those most intimately involved knew the extent to which profit, not emergency preparedness, was the issue. "The imposing of import quotas on oil," Sherman Adams writes in his memoirs, "was primarily an economic decision."

The quota program limits imports east of the Rockies to 12.2 per cent of estimated domestic production. For the five states west of the Rockies, the limit is the estimated difference between demand and domestic supply. Domestic producers are fully protected from foreign competition since imports are limited to the oil needed *after* all domestic oil is sold. In practice, foreign oil constitutes about 20 per cent of total U.S. oil consumption—about one billion of five billion barrels used annually—because of special exemptions like the one for residual oil. Residual oil, which is a cheap crude product, is used by utilities, industrial plants, apartment and office buildings, schools, hospitals, and other institutions. It has been exempt from restrictions since 1966, primarily because of its low profitability and the political power of its users.

The right to import any portion of the oil quota into the protected American market is indeed valuable, for it gives the importer a margin between the world price and the U.S. price for crude oil worth about $1.50 a barrel. The government could have decided to sell the import licenses to domestic refiners at $1.50, reaping a turnover profit of about $1.5 billion on annual imports of one billion barrels. This bonanza could then have been returned to the taxpayers in the form of lower taxes or lower deficits—take your pick. Instead, the government decided to *give* the import licenses to the oil industry, allowing the beneficiaries to gather a double profit from the protected market: higher prices for oil produced domestically *and* the profit on retailing imported oil at the high domestic prices.

Import quotas are figured by the Interior Department's Oil Import Administration, which is headed by ex-Oklahoma oilman Jake Simmons, and "allocations" are made to refineries on a sliding scale: the smaller the refinery, the larger the percentage of its output that may derive from imported oil. Import tickets (each ticket representing permission to acquire one barrel) are allocated to all domestic refineries, including those too far inland to economically use foreign oil. Forbidden to sell their rights to the oil, these inland refineries "exchange" their import tickets with refineries on the East Coast, receiving in return the equivalent value of domestic oil—usually that produced in the inland area by affiliates of the coastal refinery.

The import quota system might be slightly more tolerable if it worked—that is, if the maintenance of high prices gave oil producers enough incentive to explore for new sources of domestic oil. It doesn't. On the contrary, import quotas protect a labyrinth of state proration laws which have proved inefficient, perhaps even counterproductive, as stimulants to oil discovery.

Proration, or the setting of quotas for domestic production, is the oldest form of government intervention in the market mechanism of the oil industry. The practice grew out of the wasteful methods which characterized oil extraction until after World War I. Before that, oil producers often engaged in mad scrambles to get oil out of the ground, regardless of waste, because the courts had established that any number of drillers could tap a single pool of oil and that the riches belonged to whoever pumped them up.

Oklahoma enacted the first conservation statute in 1919, but such legislation was largely ignored in the Twenties because high oil prices made producers extremely wary of any regulation. The federal government prodded the states and oil companies toward conservation measures during the roaring years, partly by hinting to the fiercely independent oil corporations that they were overlooking the virtues of regulating production. The Oil Conservation Board, created by President Coolidge in 1924, pushed this line through such documents as the February, 1929, report, whose principal recommendation was: "Federal legislation which shall (a) unequivocally declare that agreements for the cooperative development and operation of single pools are not in violation of

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the Federal Antitrust laws, and (b) permit, under suitable safeguards, the making in times of overproduction, of agreements among oil producers for the curtailment of production."

Conservation legislation lay dormant until the Depression and the discovery of the East Texas oilfield (1930) drove oil prices as low as 10 cents a barrel in another round of cutthroat drilling and heavy waste. Oklahoma, Texas, and Louisiana began to enforce laws designed to stop the physical waste by setting maximum efficient rates (MER) of production. Such MER proration sets quotas for all rigs drilling into a single reservoir, so that each rig can pump efficiently.

MER proration is undoubtedly the most benign of the government interventions in the oil market, for its conservation provisions were sorely needed. But the machinery of conservation was extremely vulnerable to a second kind of proration—market demand—which used conservation regulations to curtail production in the interest of artificially high prices. Texas led the way with the Market Demand Act of 1932, allowing the Texas Railroad Commission to expand its duties as the administrative arm of MER proration to prevent "economic" waste by rationing production to meet demand. In effect, the Railroad Commission held together a cartel of Texas oil producers, restricting output and raising prices. Other oil states followed suit, and by the end of the Depression the proration system was too lucrative to be abandoned. Enforcement of the state restrictions has been aided by the Connally "Hot Oil" Act, which prohibits interstate shipments of oil produced in excess of state regulations.

The oil companies and oil state officials employ some of the most specious economic reasoning on record to deny that market demand prorationing has any price-fixing effect. They argue that the restrictions merely insure that no more oil will be supplied than consumers demand. Thus, William J. Murray, Jr., chairman of the Texas Railroad Commission, told the Senate Subcommittee on Antitrust and Monopoly that "market demand proration simply means that the production of crude oil will be restricted to that amount which, when refined into petroleum products, will supply the needs of all the consumers of the nation for each and all of the multitude of petroleum products." He ignored the basic economic law of supply and demand—if the price is low, users will demand more oil. In reality, the major oil companies set a high non-competitive price for crude oil, and then the state regulatory authorities protect that price by making sure no excess oil is produced.

By the end of World War II, prorationing had insulated the domestic oil industry from competitive price cutting. At the time, foreign oil did not seem to be a threat to domestic prices. In 1948, the United States produced about two-thirds of the world's crude oil and possessed one-third of the world's proven reserves, so *we* set the trends in world petroleum prices. We imported only about 200 million barrels annually; few foreign companies could produce oil more cheaply than the Americans. A decade later, in 1958, the United States produced only one-third of the world's oil and possessed one-ninth of the proven reserves. New oil fields were opening in Canada, North Africa, and Kuwait. The proration system held U.S. oil prices up, even though the prevailing world price began a long downward trend. High American prices, combined with rapidly growing domestic consumption, caused imports to triple over the 10-year period.

The oil industry realized that domestic prices could not be kept high without protection from inexpensive foreign oil. Having built market demand proration on the back of conservation measures, the crowd from Texas determined that yet a third form of government intervention was required—import quotas to make sure that a free market would not operate. This was sold to the public (insofar as it was impossible to avoid saying anything) on the grounds that domestic production was essential to national security and high prices stimulated the discovery of new oil reserves.

NOTHING OF VALUE

The high prices have not succeeded in protecting the domestic supply. Each year, Americans consume more than one-third of the 14-plus billion barrels of oil used in the world. We do so by using about one-ninth of our reserves, at high prices, while the rest of the world uses only 1/39th of its collective reserves, at low prices. The margin between U.S. and world prices has continued to grow behind the barrier of the quota program as foreign oil prices fall. A barrel of Arabian light crude, for example, could be delivered to the United States for $2.48 in 1959, $2.08 in 1963, and $1.87 in 1966.

United States proven oil reserves, which had risen from 20 to 30 billion barrels between the end of World War II and 1958, are still at about 30 billion barrels, and we are now using oil more rapidly than it is being discovered. Seismographic crew time, a measure of the basic oil seeking activity in the industry, has declined from about 7,000 crew weeks per year in the middle Fifties to 3,337 crew weeks in 1967. The success ratio of wildcat drillings has declined.

Moreover, government intervention in the oil market actually discourages the seeking of new low-cost oil. State proration restrictions exempt small wells from the quotas and restrict larger wells in proportion to their size. Thus, small marginal producers are allowed to pump at full capacity, but large producers, who are more efficient because of economies of scale, must restrict their output. The result is that average costs are much higher than they would be in a free market. There is accordingly less loose capital which might be used on exploration. Furthermore, underuse of existing capacity reduces the industry's inclination to seek new sources. And underutilization has often been quite extensive. In 1968, for instance, proration required that Texas wells be shut down 201 days, or 55 per cent of production time. In 1962, Texas wells were shut down 268 days, or 73 per cent of production time.

The import quota system was to have provided an additional spur to exploration, since the revenues from the import tickets would be largely devoted, in the industry's reasoning, to the quest for cheap oil. But that never happened, for the federal government decided to allocate the tickets to the *refiners*, not to producers. The distinction would not be important if most domestic exploration were done by the integrated major companies such as Standard Oil and Gulf, which can shuffle funds at will among their subsidiary producers, refiners, distributors, and retailers. But nearly 80 per cent of onshore exploratory drilling is done by non-integrated independent producers, who receive no benefit from import tickets. As one independent Kansas producer put it, "Giving import tickets to refineries is like giving a grain subsidy to the miller." The result is that the refinery makes higher profits, but the scattered thousands of oil producers have little incentive to increase production. In fact, far from helping the small producer, the quotas put him at a disadvantage in competing for the lucrative domestic sources, offshore and Alaska, with the major companies who are in effect capitalized by the quota subsidy.

As the Kansas oilman's statement demonstrates, the petroleum industry is not unified in its support of the present import quota system. The independents, who originally pushed for the program because their small size made them vulnerable to foreign competition and because they had no holdings of foreign oil, are now split over the issue. The independent refiners ardently support the quotas, becoming nearly apoplectic whenever anyone verbally tampers with the import ticket system. Independent producers, however, find that much of the government money is siphoned off elsewhere and are consequently disgruntled, but they cannot agree upon an alternative. Several small producers have suggested that the government directly subsidize the exploration for new pools of cheap oil. Such subsidized wells could then be capped as stand-by sources of oil for emergencies.

The major oil companies see little humor in the capping proposal. It threatens their profits from domestic production. The majors have found that they benefit enormously from the quota system—world markets continue to expand for their foreign oil, while domestic price supports augment their coffers at home. They have it both ways, and the major oil companies (the top five of which had *net* incomes of more than $5 billion in 1967) combine with the independent refiners to provide the muscle of the import quota lobby.

The petrochemical companies (including Union Carbide, DuPont, Monsanto, Dow, and Olin Mathieson) which make plastics, chemicals, fibers, and rubber from oil derivatives, object to the system because it deprives them of access to cheap raw materials, making competition in the international petrochemical markets difficult. Their opposition, however, could probably be quieted by special dispensations from the quotas.

COUNTING OIL'S BLESSINGS

For the American taxpayer, the import quota system is a disaster. The import ticket program provides an indirect transfer payment of $1.5 billion from taxpayers through the federal government to the oil companies. In addition, a 1970 study for the White House Office of Science and Technology estimates, the import quotas transfer $4.3–$5.6 billion from consumer pockets to the oilmen by protecting their cartel-level prices for domestic petroleum. Thus, the total cost to consumers is estimated at $5.6–$6.9 billion per year. There are slightly lower estimates, such as the 1969 Office of Emergency Preparedness figure of $5.2 billion (and which, to illustrate the influence of the industry, was the first cost analysis of the program ever made). Even this conservative estimate means the average American family of four paid $96 more for oil in 1969 than it would have without the quota system, although on a state-by-state basis the cost varies from a high of $228 in Wyoming to a low of $44 in Hawaii.

The quota systems (domestic proration and import restriction) are far from the whole blessing bestowed by the government upon those who traffic in black gold. There is, of course, the oil depletion allowance, which, before it was reduced this year, transferred $2.25–$2.8 billion from taxpayers to the oilmen, according to different estimates. Now, after a fierce Congressional debate, which somehow fixed the bounds of discussion around whether to leave the depletion alone, reduce it from 27.5 percent to 20 percent, or compromise, the 22 percent depletion affords the oilmen only $1.6–$2.5 billion.

As another incentive to discover more of that low-cost domestic oil, the government throws the "intangibles" allowance on to the heap of subsidies. This provision of the Internal Revenue Code allows oil producers to capitalize all the intangible costs of oil exploration and development; lease rentals, wages, fuel, power, materials, supplies and repairs. The oilmen get special treatment in that they can write off these items in one year (whether the exploration is suc-

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cessful or not), whereas other businesses must depreciate them over a period of years.

Finally, the government allows the major oil companies to write off their "tax" payments to foreign governments dollar-for-dollar against their U.S. income tax liability (*not* their taxable income). These payments, which are often in the range of 85 cents per barrel, would be treated as rents or royalties—normal costs of doing business—if they took place within the United States. Oil companies generally do not bargain hard over these royalties, since they pass the entire cost on to the American taxpayer.

There is a superordinate layer of absurdity to the foreign tax credit arrangement. National security, when defined for purposes of the import quota, requires that we forego the much lower prices on foreign oil. But the foreign tax credit law is defended with the argument that the Russians or some other unscrupulous foreign power will get the oil if we don't. In other words, national security demands that the American taxpayer underwrite the acquisition of foreign oil that national security prohibits him from using.

In addition to insulating the oil industry from competition and subsidizing its activities, the federal government allows the oil industry to virtually escape paying taxes. In 1965, the Internal Revenue Service found that only 44 to 51 per cent of the oil industry's actual income—depending on how one treats the foreign credit—was considered taxable, whereas 97 per cent of the actual income of all other manufacturing concerns was considered taxable. In 1968, the petroleum refining industry paid only 11 per cent of its pretax earnings in federal income taxes, whereas other industries averaged 40.8 per cent. There are some particularly egregious tax blessings among corporations with foreign oil holdings. Atlantic Richfield Company, for example, reported net income of $377,942,000 from 1965 through 1967 but paid no federal corporate income tax. Texaco reported a net income of $892,986,000 in 1967 and paid only 1.2 percent in corporate income tax.

The economic return to the citizenry for this package of goodies for the oil industry hovers around zero, and there are costs not included in the list above, such as oil slicks. Oil slicks come from offshore drilling, most of which would not be economical without the import quota system and domestic prorationing. The average offshore oil well costs nearly $250,000, while the average onshore well costs about $60,000. Drilling in the ocean stems from one of the true economic costs of oil quotas: artificially high prices allow otherwise inefficient operations to stay in business. Residents of Santa Barbara and the Gulf Coast can chalk up their recent disasters to the import quota system.

The economics of the quota system, indeed of the entire oil industry as it relates to the government, are so patently contorted that the oilmen must owe their favors to some cruder, less refined science. Such a massive boondoggle must rest on political foundations, where raw clout and the mystical shroud of national security can dignify the sourest of frauds.

The national security argument has always been the backbone of the rationale for import quotas. In dissenting from the 1970 report of the Cabinet Task Force on Oil Import Control, Secretary of the Interior Hickel and Secretary of Commerce Stans objected that reducing quota protection "would risk the national security in fundamental respects. It would make us dependent on insecure foreign supplies by discouraging the exploration and development necessary to build our own reserves of oil and gas." These two Cabinet members, who generally represented the oil industry on the task force, also managed to conclude that reducing governmental controls to let the price of domestic oil fall toward world market levels was "not only impractical, but would be a further retreat from a free market."

The task force had a difficult time conceiving of a situation in which foreign oil supplies could be cut off long enough to threaten the United States. A nuclear exchange would be short-lived, and refineries at home would be much more vulnerable to "interruption" than foreign supplies of crude petroleum. In order to make even a strained security argument, the task force had to postulate a prolonged, World War II-type conventional war, or an international political conspiracy against the United States. The prolonged conventional war was considered (a) unlikely, (b) unlikely to persist without nuclear exchange, (c) unlikely to persist without rationing, and (d) unlikely to persist without a major increase in domestic oil production.

The political conspiracy hypothesis has at least three weaknesses. First, the boycott would require the sustained cooperation of at least six diverse governments (Saudi Arabia, Libya, Kuwait, Iran, Iraq, and Algeria) to even approach effectiveness. Major producers such as Venezuela, Canada, Nigeria, Indonesia, and Mexico, would still be exporting. Second, the conspirators could not boycott only the U.S. (we could get oil from our allies), but would have to boycott most of the major world markets. On these two grounds, the Cabinet task force concluded that "a difficult world supply problem would arise only if all or most of Middle Eastern and North African supplies were to be cut off to all major markets." The third weakness, of course, is that most oil exporters could not shut off their buyers for very long without destroying their own economies. Many Middle Eastern countries derive more than 50 per cent of their GNP from oil exports.

Short-term crises could scarcely produce a security crunch. The petroleum industry normally maintains production stocks of 1.5 billion barrels, or about three times the *annual* oil requirements of the military at the peak of World War II. Anyhow, there may be plenty of domestic oil. One possible source is the petroleum which can be extracted from shale. Witnesses before Senator Philip Hart's subcommittee on Antitrust and Monopoly estimated that the richest shale deposits in Colorado alone contain about 600 billion barrels of oil more than 100 years' supply at current consumption rates.

Even if there were a massive, prolonged curtailment of foreign oil combined with no major new domestic oil pools, removing import quotas would not lower domestic production below emergency needs. The Charles River Report for the Office of Science and Technology estimated that free trade in oil would lower the price of crude petroleum to about $1.75 per barrel and increase domestic consumption to 5.9 billion barrels. Of the 5.9 billion barrel figure, 3.4 billion barrels would be produced in the United States and 2.5 billion would be imported. Of the imports, 1.3 billion barrels would come from the Middle East and North Africa, 1.0 billion from Venezuela, and 0.2 billion from Canada. The report estimated that one year's total embargo of Middle Eastern and North African oil could be offset by increased production in the United States, Canada, and Venezuela from existing reserves. The Cabinet task force concurred in this general assessment of the national security argument for import controls. Its report found that if the Middle East were to shut off oil for one year in 1980, we could still supply 104 per cent of our domestic oil needs without rationing.

In short, with appropriate estimations of the countervailing factors, with crosscutting discounts for unforeseen negative developments, and with conservative estimates of operations requirements and foreign power macro-intentions, the national security argument may be classified as idiocy.

THE THREAT OF REFORM

The structure of the quota program was clearly not sturdy enough to survive unquestioned forever. As the public slowly awakened to some of the most glaring incongruities, pressure for change began to build up. The catalyst was Machiasport.

Machiasport is a little town in a depressed county of Maine. Its only economic asset is that its harbor, among the best on the East Coast, can accommodate the largest oil tankers yet envisioned. It was this harbor which, early in 1968, caught the eye of Occidental Petroleum Corporation as a potential solution to some problems of its own. Occidental, a newcomer to the ranks of the majors, had gigantic reserves of low sulfur oil in Libya, but, because it had no refineries, it lacked acces to the rich American market. Machiasport offered a way in; and Occidental was so anxious that it was willing to share some of the bounty with New England consumers. In the summer of that year the state of Maine, on behalf of the company, applied to the Department of Commerce for the establishment of a foreign trade zone at Machiasport into which oil could be freely imported, refined, and then "exported" into the U.S. If it were granted the right to ship 100,000 barrels a day of home heating oil, residual oil, and gasoline into the New England market, Occidental pledged, it would give a 10 per cent price reduction and about $7 million a year to a conservation fund.

Obviously, this scheme had great appeal to New Englanders. It would promote economic development, alleviate the shortage of home heating oil, and lower oil prices throughout the region. Just as obviously, the other major oil companies were made nervous about the possible disruption of their marketing patterns. During the long wait for a decision on the Occidental proposal, which has still not been made at this writing, the industry girded itself for a fight. It was not long in coming. For after many years of ignoring the subject, unwelcome attention and opposition were developing in Congress.

Galvanized by Machiasport, New England Congressional representatives vigorously attacked the quotas. Senator William Proxmire also took up the cudgel against subsidizing an entire industry to the point of inflation. Senator Hart provided the forum in the Antitrust and Monopoly subcommittee hearings for attacks on the quota system by a number of academic economists.

Two groups led the fight to retain tight oil import controls: the independent producers and the major integrated companies. They were represented by the Independent Petroleum Association of America and by the more powerful American Petroleum Institute, headed by a former member of the House Ways and Means Committee, Frank N. Ikard.

The oil lobby hit upon a familiar method of burying a problem one doesn't want dealt with—have it studied into obscurity. Frank Ikard and Mike Haider, Chairman of both the API and Standard Oil of New Jersey, met with Arthur M. Burns, Counsellor to the President, to request such a study. On March 25, 1969, the President announced the appointment of the Cabinet-level task force to investigate oil import controls. It was composed of Secretaries of Labor Commerce, State, Treasury, Defense and Interior, and the head of the Office of Emergency Preparedness. Secretary of Labor George J. Shultz (now director of the Office of Budget and Management), a noted economist, was to serve as chairman. The staff of the task force gave the industry something of a shock. It was headed by Harvard law professor Phillip E. Areeda, who proceeded to appoint a collection of lawyers and economists generally acknowledged as both brilliant and independent of the industry.

The oil industry began to have serious misgivings about having pushed for the study in the first place. Industry concern over the fate of the quota system grew so intense, in fact, that at one point the companies appeared willing to accept a cut in the oil depletion allowance in return for saving the quotas. Although not the most extravagantly sacrificial gesture on their part, this offer nevertheless won them the sympathy of Representative Wilbur Mills, whose Ways and Means Committee was then mulling over legislation that included the depletion cuts. Mills sent a telegram to the task force, urging them to be lenient. As the members of the task force met in theoretically secret session to consider the staff recommendations, they were reminded who supported the Republician Party with money and votes. Attorney General Mitchell is said to have told Chairman Shultz, "Don't box the President in." The oil state Senators and Congressmen inundated the White House with expressions of support for the oil industry. The squeeze was on.

At the moment of truth the task force recommended that the quotas be replaced by tariffs which would keep domestic prices at about the same level they were before the last price increase. However, the task force report was something of a Trojan Horse for reform. Tariffs, although not giving the consumers any direct benefit, do have same advantages over quotas. The tariff system would offer an environment in which any company that wanted to compete could do so and might even be tempted to cut prices—the situation most feared by the oil industry. It would also allow the federal government to set oil prices directly rather than letting the oil states set them and thus would give consumers at least the chance to be heard. And, finally, tariffs would put into the federal Treasury the $1.5 billion a year that now goes to the oil companies via the import tickets. All this was more than enough to set the industry against the task force proposal.

Choosing a specific level for the tariff was where political reality weighed heavily on the members of the task force. The majority rejected the professional staff's recommendation of a tariff that would let the price of oil sink from $3.90 a barrel to $2.50 a barrel, which would have been a considerable gain for the consumer. Chairman Shultz went along with the professional staff. (The struggle over the import quotas did not deter the industry from seeking ever greater gains. In March of this year, it raised the price of gasoline by one cent a gallon, an added cost to the consumer of $800 million a year. This was in keeping with the philosophy set forth by oil consultant Richard J. Gonzalez of Houston that "the import program must not be perverted to impose unauthorized price and profit controls that would be discriminatory against the petroleum industry . . . and contrary to the national interest.")

President Nixon seized on the fact that the report was not unanimous as a reason for "restudying" the issue. He also set the date for ultimate decision after the November elections and named his campaign manager, John Mitchell, as chairman in place of Shultz, who had voted for low tariffs. These circumstances gave the impression that the President's message to the oil industry was "fill 'er up." The President seemed to be saying that, unless the industry heaps high its campaign contributions, he might consider the proposal to abandon quotas.

The sheltered oil industry is clearly unwilling to give up its government subsidy for, as is well known, living on welfare saps the ability to compete, instead, the oilmen prefer to reurn a small portion of their favors to the party in power giving consumers the rare honor of paying protection money for their own exploitation. All that remains to be determined, when the campaign contributions are added up, is this: what is a proper payment for subsidies worth five billion dollars a year?

A BALANCING ELEMENT IN POLITICS

Mr. DOLE. Mr. President, during this session of the Senate I have had occasion, as have many other Senators, to comment on certain statements, viewpoints, and positions of the Vice President. On several issues, I have felt Mr. Agnew has displayed a blunt honesty which has too long been missing from the Washington scene. I have always felt the Vice President is motivated by the highest principles, and I feel that his remarks—especially those concerning the news media—have lent a much-needed element of rebuttal and balance to the political dialog in this country.

I find it somewhat remarkable that those whose voices went so long unanswered by any opposing spokesmen have reacted to the Vice President with such indignation and such hypocritical accusations of intimidation and prophesies of impending facism.

John P. Roche, in a column published by the Washington Post today, has interpreted Vice President Agnew's role in the political process with a much less dramatic but eminently more sensible pen than many of his colleagues in the publishing world.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Agnew's Polemics Bring Balance to U.S. Politics

(By John P. Roche)

I wondered how long it would take for the high theorists to catch up with Spiro Agnew. Now the parade of analyses has officially begun with a New York Times Magazine piece by Arthur Schlesinger, Jr., and one can predict that before the year is out every journal in the Western world will feature a similar exercise. It will be discovered that Agnew is a symbol of American "status displacement," a paradigm of the "paranoid style" in American politics, a model of the "authoritarian personality," and—of course—a harbinger of "facism."

This is good, clean fun and keeps a number of people off the streets, but one can anticipate with considerable accuracy that the results will tell us more about the anxiety of the authors than about Spiro Agnew. Take, for example, the statement that "Agnew is terrifying dissenters" (or TV producers or professors or effete snobs). I can easily imagine a dissenter being terrified by a tough cop or a longshoreman or a hard-hat. But only a person born terrified could possibly flee an onslaught by the Vice President of the United States. It is in the same class as fear of college presidents.

Take the quote from Orson Welles that Schlesinger seemed to take seriously. Asked how anyone today could scare people the way his "War of the Worlds" radio drama did 30 years * * * say unlimited air time to Spiro Agnew." It is possible that Agnew scares hell out of Welles, but again I submit that this tells us something about Welles, not Agnew.

The key to Agnew's success is not that he touches some profound psychic nerve in the American character, triggering authoritarian, fascist reflexes. It is rather that he has provided some rough entertainment, some polemical balance to American politics. I don't know who started the rumor that Americans thrive on consensus—perhaps President Lyndon Johnson, who had his own patented consensus in mind and was delighted to let others have *his* way. In fact, Americans have always looked on politics as a body-contact sport and were by 1969 extremely bored by the one-sidedness of the match.

Everywhere the average citizen looked from about 1966 onward, the President and his administration were getting the leather. The antiwar groups escalated their rhetoric to a level that would constitute sedition just about any place else in the world. When you turned on the tube, what did you see? Some militant calling the President a "murderer" and calling for a revolution.

Americans, contrary to rumor, are not passionate devotees of sedition laws (or, for that matter, of any other kind of laws). But when the rhetoric gets rough, they expect a good verbal brawl with two contenders in the ring. Thus when the antiwar spokesmen started laying it on the Johnson administration, the citizenry waited for some solid counterpunching. But aside from a reference to "nervous nellies" and a couple of other side shots, the President "hunkered up like a jack rabbit in a hailstorm." This was no bout!

Into this polemical vacuum came Spiro Agnew. Actually his first "hard" speeches were pretty mild, say, by comparison with any of FDR's assaults on his opponents. By 19th century standards, Agnew wouldn't even have made it into the big ring. But his victims responded as though they were en route to labor camps, and the populace suddenly awoke to the fact that a brawl was on. Agnew achieved the status of a dragon killer without ever drawing his sword. He became first-class entertainment.

Yet the American people are quite capable of keeping their categories straight. Asked if they think Agnew is doing a good job, a majority will say "yes"; asked if they think he would make a good President a majority will say "no." Their attitude reflects that of the frontier woman in Abe Lincoln's story who saw her husband wrestling with a bear: "Go it husband," she would yell—then "Go it bear!" The jackrabbit in a hailstorm is not the American ideal of a politician, and Spiro Agnew is capitalizing on our fondness for a scrap, not our desperate quest for an authoritarian womb.

NATIONAL BLOOD DONOR MONTH

Mr. MATHIAS. Mr. President, I invite the attention of Senators to the impending crisis threatening our time-honored voluntary blood donor system. Some disturbing facts have been revealed to me, and I should like to share them with the Senate. Blood banks throughout our Nation are facing critical shortages. Since blood is a living resource which cannot be manufactured or synthesized, this situation demands our serious attention.

In the fall of 1969, representatives of the American Association of Blood Banks testified at hearings conducted by the House Committee on Ways and Means and estimated our current need for blood at more than 6,500,000 units, or pints, annually. This need is increasing at the rate of 10 to 12 percent a year. We have been told that each year one out of every 80 Americans will require a blood transfusion. The rise in the number of auto accidents, the casualties of the Vietnam war, the increasing longevity of persons with blood diseases—all these factors contribute to the heightened demand for blood supplies.

Yet in the face of this growing demand, we are unfortunately being confronted with diminishing sources of supply. It has been estimated that while more than 90 million Americans between the ages of 18 and 60 are medically eligible to donate blood, only 3 percent actually do so. What is more, it is becoming increasingly difficult to recruit voluntary donors.

The situation is particularly acute in the large cities of the East. Not long ago in one major city over two-thirds of the blood used was supplied by voluntary donors. Now, however, more than 50 percent must be bought from commercial donors, many of whom are reported to be more likely candidates for transmission of the dreaded hepatitis virus. Very disturbing are the findings of a recent National Institute of Health study. Out of 110 open-heart surgery patients, 51 percent of those who received commercial blood were found to develop hepatitis—whereas the disease occurred in none of the recipients of volunteered blood.

Every day, researchers are discovering vital new uses for blood and blood plasma. Unless we can supply ever increasing quantities of these essential resources, we shall seriously undercut our breakthrough medical advances, such as organ transplants, transfusion treatment of cancer, and prevention of hepatitis and measles.

The need for blood grows more crucial every day. From 12 to 20 pints of blood are necessary to prime the heart-lung machine used in open-heart surgery. An artificial kidney machine requires eight pints of blood just to start. The victim of a serious gastrointestinal hemorrhage may need as many as 40 pints of blood. Replacement transfusions are a matter of life or death for infants born with the RH incompatibility factor.

Why is it that in this Nation we must rely so heavily on commercial donors, with the greatly increased risk of transmitting debilitating viruses? Part of the problem may stem from confusion in the minds of many as to where the responsibility lies for blood donation. We live in a society which makes great demands on our time, such that unless the life of a friend or loved one is in danger, it becomes all too easy to shift the responsibility to someone else. Many of us may regard the donation of blood as an unpleasant experience, one to be avoided unless absolutely necessary for the survival of someone near and dear. But by avoiding our responsibility, we ignore the fact that blood cannot be manufactured, and that blood reserves, which can be stored safely for only 21 days, must be constantly replaced.

What is vitally needed are new approaches, increased communication to alert the public to the need for increased voluntary blood donations. For this reason, Mr. President, I am pleased to give my support, as a cosponsor, of the Senate resolution this year to establish a "National Blood Donor Month." The month to be so designated is January when the Nation has repeatedly faced especially critical shortages of blood, owing to the sharp reduction of potential donors because of the high incidence of respiratory illnesses.

Americans have long been known for their public-spirited support of humanitarian and community-minded causes. Volunteering one's blood represents one of the highest and most personal forms of giving. I am confident that the establishment of "National Blood Donor Month" will have significant impact in awakening Americans to this urgent need.

STRICTER REGULATIONS BY CIVIL AERONAUTICS BOARD NEEDED FOR CHARTERS

Mr. GRAVEL. Mr. President, the recent unfortunate experience of many students in Europe this summer which resulted from the bankruptcy of World Academy, a tour operation in Cincinnati, Ohio, and the consequent disappointment of thousands of young people who had paid for a summer of study and travel abroad underscores, in my opinion, the need for stricter regulations by the Civil Aeronautics Board with respect to charters.

An initial step toward more stringent regulations in this area was taken recently when the CAB announced its proposals which call for more vigilant and forceful efforts in the future in order to preserve the essential distinction established by Congress in 1962 between scheduled and supplemental air operations.

The law passed at that time required the Board to maintain the difference between individually ticketed services and charter services and to make certain that individually ticketed passengers would not be permitted to pass themselves off as members of a charter group. There was no distinction intended between the scheduled and supplemental carriers insofar as charters were concerned; the proposed provision would apply to all classes of carriers operating pro rata charters.

The international air transportation policy recently issued by the President is most timely in reasserting the difference between supplemental and scheduled operations and to make certain that the carriers, both scheduled and supplemental, adhere to the distinction which separate them. The text of the policy statement clearly sets forth these distinctions as follows:

> Scheduled services are of vital importance to air transportation and offer services to the public which are not provided by charter services. Only scheduled services are expected to offer regular and dependable frequent schedules, provide extensive flexibility in length of stay, and maintain worldwide routes, including routes to areas of low traffic volume. Substantial impairment of scheduled services could result in travelers and shippers losing the ability to obtain these benefits. Accordingly, in any instances where a substantial impairment of scheduled services appears likely, it would be appropriate, where necessary to avoid prejudice to the public interest, to take steps to prevent such impairment.

The statement clearly underscores the philosophy adopted by the Congress that the supplemental carriers should "supplement" and not duplicate the scheduled system. This is precisely what the Board is attempting to do—to prevent a distortion of the charter principle and, at the same time, prevent an undermining of the scheduled system.

By preventing practices which blur the distinction between scheduled and supplemental operations, the Board is carrying out a mandate established not only by Congress, but by the international air policy enunciated by the President.

THE FB-111

Mr. GOLDWATER. Mr. President, during the course of the current debate much will be heard about the FB-111. In fact, I intend to speak at some length on the subject myself.

It is interesting to note, however, that last week the first FB-111 returned to SAC after completing its inspection proof test and mod cycle. Since that time, the 340th Bomb Group at Carswell has made seven training flights. They expressed themselves as most pleased with its operation.

Last week the first TAC airplane to complete the inspection was ferried to Nellis Air Force Base by Colonel Bobbett of the 474th Tactical Fighter Wing. Both SAC and TAC have now resumed F-111 combat training activities.

I always like to go, as they say, to the horse's mouth to get to the truth of anything, and there is no better way to get it when talking about airplanes than discussing them with the men who fly them. The Fort Worth Star-Telegram in its issue of July 20, 1970, indicates what many of us close to the Air Force have known for a long time, that the men who fly this airplane think highly of it. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FB-111'S GIVEN HIGH PRAISE BY MEN WHO FLY THEM

(By Ernest White)

Who likes the FB111?

The pivot wing plane built by General Dynamics-Fort Worth has its critics, but the persons who fly and maintain the planes are not among them.

Col. David Chacey, cigar-puffing commander of the 340th Maintenance Section at Carswell Air Force Base, said "I have been in the bomber business most of my life and have never seen anything like it."

Lt. Col. James L. Hodge, an Air Force veteran with 16½ years of avionics, said he has nothing but praise for General Dynamics: "This is the first plane in which maintainability was engineered into the airplane."

Master Sgt. Ward Hogue uses two words when he talks about the plane: "Utterly fantastic."

"It's a digital world now," Hogue said as he explained some of the highly complicated digital computer systems of the F111.

Col. Kenneth Green, commander of the 340th Bombardment Group, says the FB111 is the first plane used by the Air Force which makes the navigator feel he is part of the crew. Previously, he said, the navigator has been put in a dark corner with his instruments, away from the other crewmen.

XUM

In the FB111, Col. Green said, "the navigator is just as knowledgeable of the plane's systems as the pilot."

Col. Green said the first ride an experienced navigator takes in an FB111 during a Terrain Following Radar flight "is good for a gulp factor." TFR flights are made at low levels with the plane flying itself over obstacles, like mountains, without the pilot touching the controls.

Maj. Bob Reynolds, an instructor, stated, "I am thoroughly impressed with the complete program. It is a more stable airplane and can operate very well on short fields, and with the TFR system it is quite effective."

"I would take the F111 because of the TFR, Reynolds replied. "Sure you could fly at 60,000 feet and get to the target faster, if you got there at all. The TFR system is the best piece of navigation equipment that I have ever seen."

MRS. MAXINE VANDEN, VOLUNTEER TO WALTER REED HOSPITAL

Mr. MATHIAS. Mr. President, recently I read a story in the Washington Sunday Star which illustrated to me the capacity of man for goodness—a capacity which far too often we forget. Every week for over 3 years—for no more reward than "just a smile and a thank you"—Mrs. Maxine Vanden of Savage, Md., visits hospitalized veterans at Walter Reed Hospital.

After losing one son in Vietnam and finding another wounded, Mrs. Vanden began her hospital rounds as a living memorial to her eldest son, Marine Cpl. Thomas O. Green.

One of the most gratifying aspects of her work is the fact that many individuals and companies have joined her initial efforts.

I ask unanimous consent that the feature article about Mrs. Vanden be printed in the RECORD. I hope that the story of her visits may be an example for others.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LIVING MEMORIAL TO HER SON TOMMY

(By Ruth Dean)

Maxine Vanden probably doesn't think of herself as "a profile in courage," but her husband George, and youngest son Kirk think so, and so do about 150 hospitalized veterans at Walter Reed Hospital.

The blonde mother with eyes the color of corn flowers and sunshine smile has been visiting six wards at the Army hospital for the last three-and-a-half years as "a living memorial" to her eldest son, Marine Cpl. Thomas O. Green, killed in Vietnam in November, 1965.

It was the wounding just a year later of her second son, Army Capt. Ronald A. Green, that started Mrs. Varden on her hospital rounds.

BITTERNESS

"I'd accepted the death of the first one, but I wasn't prepared for a second blow in a year. When Ronnie was brought back wounded I felt bitterness," she recalled.

"I'd worked hard to raise the three boys. Kirk was 8 and at the age when he hero-worshiped his two brothers. Now all of a sudden something had happened to both of them.

"All I could think was that I had no right to inflict my bitterness on him. One had died for his country, and it wasn't my right to take that away from him.

"They wouldn't let me see Ronnie. An 81-millimeter mortar had gone off three feet behind him and his leg wounds were so severe they had to keep him in isolation for four months to avoid any danger of infection, even from his family."

As she sat in the sunny kitchen of her Savage, Md. home individually wrapping the pieces of pie and cake she takes on her hospital visits, she recalled:

"Those were hard days, long days of waiting. So, for time consumption I started visiting Ward 35, where the amputees are."

It was about then that she and her husband, a National Security Agency employe, began thinking of a fitting memorial for her son.

"We hadn't decided just how we would remember Tommy. I don't believe in marble and grass. They don't do a lot for humanity and in five years who would know that boy's name on a plaque," she said.

So the Vandens chose Mrs. Vanden's visits to the hospital as "a living memorial" to Tommy and set aside $15 a week with which to purchase edibles like popcorn, candy and bubblegum to take to the men in the ward.

GOODY CART

"I didn't feel it was right to solicit, and it was hard work at first stretching that $15," she said. "But soon word got around, and people came to me with things to take to the men. Some brought me money.

"Now I visit six wards with my goody cart and still spend only $15 a week to feed 150 men. I'm not a religious fanatic but I believe in bread coming back upon the waters. A chain grocery store in Laurel gives me surplus pies, cakes and doughnuts each week. And people call bringing me books and magazines all the time.

"I found that visiting these men was good therapy. I forgot my own troubles," Mrs. Vanden said. "There's a lot of humor, a lot of good times and very little gloom in those wards, and so much courage."

Mrs. Vanden realizes she is one of several civilian volunteers who donate their efforts to the hospital in addition to the regular staff of more than 200 Red Cross volunteers.

Jokingly she says the Red Cross calls her "their competition."

"I kind of sneak in and sneak out," she says of her Sunday afternoon stint through the wards.

She has two rules she abides by. She observes the hospital's visiting rules to the letter, and she doesn't make a definite commitment to be there at a certain time, or day.

Usually Mrs. Vanden chooses Sunday to visit "so I won't interfere with hospital routine, and because parking's easier." Her day begins at 7:30 a.m. when she goes to her kitchen to pop the popcorn, and bag it. "It takes about six pounds of popcorn and four pounds of margarine," she said with a laugh.

The "goody lady" arrives at Walter Reed, usually accompanied by son Kirk, about 2 p.m. to begin her six-hour rounds. With his help she loads the goodies from the car trunk onto an aluminium hospital cart. Then they're off up the corridor. She heads first for Ward 35, "my home base" she affectionately refers to it now.

She goes to each bed, often with a different occupant from the previous week because of the rapid send-home turnover, and repeats her cheery spiel of her cart's wares.

When they ask how much they owe her, she grins and says: "Just a smile and thank you."

BRIEF VISITS

Sometimes she'll tell one she had a son in this hospital a few years ago, more times not because she keeps visits brief.

She sees an old friend and stops by his bed to ask how his leg is. She learns he's been on home leave and is back for an operation on the other leg. He is cheery and kids with her, but like so many of the others it is all too brief a light moment in a long, long day.

In another ward, a veteran in a chest cast chides her on her fattening wares. "Don't give me too many of those sweets," he jokes, "or I'll pop this cast right open!"

A patient in the paraplegic ward marvels: "You've got everything on that cart," and finds the detective mystery he's been looking for. Mrs. Vanden jiggles a coffee can containing a miniature jigsaw puzzle for takers, and another patient eagerly raises his hand.

Another patient kiddingly calls her cart "the traveling PX" and it is almost that. In an old straw handbag she carries bubblegum, and chewing gum for those diet watchers. And in what she calls her "grab bag" she carries an assortment of key chains, pencils, note pads and gadgets.

"I brought you some blueberry pie," she calls to a blind, one-armed young man who lies face down on a Stricker frame electro bed, which allows him to be turned without disturbing him.

And to another she says, "take two pieces. It's not mother's pie; it's just bakery and I know only the filling's worth eating."

Her rounds include the officers' ward where her son Ronnie was hospitalized. She likes to point out the room where he was. And to recall the happier moments after the dark months of waiting when "my husband and I couldn't get in the door because of the student nurses crowded around it."

MARRIED NURSE

Ronnie married an operating room nurse he met at Walter Reed, and both volunteered to go to Vietnam, he for the second time she's proud to relate. They're back in the States now.

By the time she drives around to the separate building where the eye patients are, sometimes to leave a box of cakes if it's getting late, it's close to 8 o'clock.

When a friend notes she's spent nearly six hours straight on her feet, she laughs and recalls how she almost wore out another friend who told her "Maxine, you must have the constitution of a plough horse!"

Mrs. Vanden feels her "living memorial" to Tommy, coupled with the knowledge that Ronnie is all right now, has wiped away all the bitterness she once had.

As for the war itself, she says: "I've tried very hard not to get involved in the pros and cons. I want peace just as everyone else does. But the dissent about the war has been upsetting to me."

"All a mother can do is teach her children right and wrong, and I'm glad both my sons were men enough to make their own decisions.

"A lot of youngsters go through life giving absolutely nothing to humanity; then they're killed in an auto accident and what have they left behind. I'm pleased my sons felt loyal enough to their country to serve it.

"It would have wounded me deeper to see a son I'd worked for and reared, creep out of the gutter than to see him laid to rest with honor."

INTERNATIONAL CONFLICT AND THE GENOCIDE CONVENTION: THE NEED FOR SENATE INITIATIVE

Mr. PROXMIRE. Mr. President, the section on individual rights and responsibilities of the American Bar Association has made many significant points in favor of Senate ratification of the Genocide Convention. In their recent report on the convention, they discuss the convention and its relevance to all mankind. As they so eloquently state, one massive horror anywhere on earth affects everyone and every country; and the kind of issue comprehended by the term "genocide" is nearly always associated with threats to or breaches of international peace or security.

The chief example of genocide, which gave rise to the convention, was the massive and comprehensive extermination of at least 6 million Jews by the Nazis during the Second World War. This was, most certainly, one of the worst holocausts that the world has ever seen.

Just a glance at some of our more recent disputes, such as between India and Pakistan, between Nigeria and Biafra, the Greeks and Turks on Cyprus, between black and white in Rhodesia and South Africa, between Arab and Jew in the Middle East shows dramatically how closely ethnic hatreds, national combat, and world peace are tied together. Thus, the relevance of concern over genocide, seen as an international problem, cannot be ignored. When genocide is seen as a threat to international security and peace, its occurrence anywhere in the world is as much a matter of international concern as is the spread of nuclear weapons.

The responsibility for ratification rests now, after 20 years, on the shoulders of all of us. We must take the forward step to peace that is so long overdue. As the world shrinks in size, and the interdependency of nations becomes more evident, we must act on our responsibilities as a world power. As Chief Justice Warren has said:

> We as a nation should have been the first to ratify the Genocide Convention. . . . Instead, we may well be near the last. . . .
>
> This sad record and the responsibility for it lie squarely with those who have a parochial outlook on world problems. They have failed to measure the element of change in the world. They have failed to recognize men and their institutions do not stand still in the face of great changes. We are not so uncertain of ourselves and our future that we cannot make our institutions conform to our needs as a progressive people.

INTERNATIONAL PROBLEMS FACING THE NATION

Mr. ALLOTT. Mr. President, Prof. Stefan Possony, director of the international studies program at the Hoover Institute on War, Revolution, and Peace at Stanford University, has been kind enough to prepare for me a series of memorandums setting forth his views on various aspects of the most vexing international problems facing the Nation.

So that all Senators may be exposed to Professor Possony's thinking, I ask unanimous consent that two of his memorandums be printed in the Record.

There being no objection, the memorandums were ordered to be printed in the Record, as follows:

Pointless War?

On May 18, Senator Church stated that the United States spent over a 100 billion dollars on this "pointless war" in Vietnam. He added: "It honestly can be said that never in the history of our country has so much been spent for so little." I believe myself that we spent too much in Vietnam and that the objectives we are looking for can be obtained at lesser cost.

It is well known that, for example, the selection of bombing targets was not done professionally. I do not imply that destructiveness and lethality are the criteria of effective bombing; far from it. Twenty years ago I published a text book on selective bombing which, to a large extent, was based on the findings of the United States Strategic Bombing Survey. In Vietnam we ignored many of the lessons that were learned in the strategic air war against Germany and Japan. We did not lack professionals but those men were often over-ruled, sometimes from ignorance.

Some limitations were imposed because of legitimate political considerations, others were due to the unsatisfactory command structure which has developed during the last decade. The air weapon was often used skillfully (for example at Khe Sanh) but, on the whole, a reduction of effectiveness was imposed by the top civilian echelon. The rationale of this self-denial was very shaky.

I think the U.S. Army has a long way to go before it will make optimal use of guerrilla forces which are the key instrument of ground operations in most Asian theaters. The Army probably needs a special guerrilla command. It also is a pity that the pioneering work in the field of civic action which was done in I Corps area by the Marine Corps was not followed up. The original technique may now have been overtaken by events but we still have much to learn about "economic weapons" and related tactics.

This list could be lengthened but I do not care to discuss operational strategy. I agree that the overall price tag was too high.

I emphatically disagree that we accomplished little in Vietnam. How do we measure such accomplishments? Do we measure the distance from the starting point or from the ideal goal? How do we estimate time requirements?

In such measurements it is necessary to ask oneself first, what the enemy was trying to do in 1965. Their aim, briefly, was to take over the whole of Southeast Asia including Thailand, to seize Indonesia and Malaysia, and to initiate operations in the Philippines and India, not to mention diversions in Africa and Latin America.

This world-wide strategy did not get very far. The communists had correctly estimated that the battle for South Vietnam was decisive for the entire undertaking—and this battle was *not* won. I do not ascribe the strategic failure of the communists exclusively to our intervention in S. Vietnam, but I affirm that without the U.S. intervention in South Vietnam, the communists would have achieved very substantial successes. They probably would have seized Indonesia, one of the richest areas in the world; if so, a larger conflict probably would have been unavoidable.

I accept the objection that this is an "iffy" argument. But the contrary assertion that nothing was achieved is equally as "iffy". If our strategic achievement is to be evaluated, we must consider the enemy's plan, we must take into account events that occurred throughout the region, and we must assess the happenings in the battle zone. If we only gaze at the fact that this very difficult conflict is not yet terminated (and while gazing forget that counter-insurgency is always time-consuming), the analysis is anamnestic, i.e., incomplete.

Military successes are never the sole cause of important events, but military events always are very potent contributing factors. If our intervention in South Vietnam only "contributed" to protecting Indonesia against communist take-over, it would have paid for itself.

I will now add that the escalation in Vietnam severely aggravated the sino-soviet conflict and was followed by the soviet military deployment along the Chinese borders. In a hearing of March 17, 1970, I presented the data to the Senate Internal Security-Sub-Committee.

It should, furthermore, be added that the combined impact of the U.S. intervention, the communist failure in Southeast Asia and Indonesia, and the soviet deployment against China have been major inputs into the "cultural revolution". No doubt, Mao launched this incredible undertaking for many reasons, but it was obviously one of his objectives to steel his followers for the conflict against "social imperialism" and "capitalist imperialism". The cultural revolution, of course, destroyed the magic of Maoism and discredited the myth that the Maoist regime is forever going to rule China.

I doubt very much that these portentous events would have taken place if, once again, we had abandoned containment, had disregarded our commitments and had sacrificed S. Vietnam.

I will not discuss what was accomplished in South Vietnam. If despite the war, we increased the GNP, as we did despite inflation, and created the "Honda economy", we didn't do so badly. Some of the articles inserted by "dovish" Senators illustrate the economic improvements impressively even when their authors don't want to admit them. (See Robert Shaplen's piece in *Congressional Record*, May 22, 1970, pp. 16759–16763.)

What is the value for the United States if the population of South Vietnam which is not much smaller than that of California, is saved from a terroristic and totalitarian dictatorship and is permitted to grow into a modern and functioning free state? The tendency of many liberals—who are persuasive proponets of political liberty—to ignore this elementary point and to seek refuge in a rather superficial version of *Realpolitik*, is hard to understand and even harder to swallow.

The notion that in Vietnam we are fighting for a very small stake and that that country is not worth our efforts, is based on a rather elementary misunderstanding of strategy. Battlefields rarely possess intrinsic value. What was the intrinsic value of Waterloo or Valley Forge? The Suez Canal had an intrinsic value during World War II but its fate was decided at El Alamein, the value of which was zero. Japan fell because of naval battles in the Pacific and of surface battles for small islands whose value was negligible.

It is a strategic advantage if the decision for a big area can be achieved through battle in a small area. Surely, a small battle is cheaper than a big battle. Battles in thinly populated rural areas also are cheaper than battles in industrial areas. Why complain if such a situation prevails?

For that matter, South Vietnam does not lack value. Value is a relational term and the question is—value for whom? The United States obviously doesn't need South Vietnam, but for Hanoi, whether acting alone or as a stalking horse for China, South Vietnam with its capable manpower, its food, and its potential as major food producer, as well as its geographic position, is indispensable if the communists want to establish control over the whole of Indochina and South Asia.

Laos is the key to South Vietnam, the unification of Vietnam under Hanoi is the preliminary to the seizure of Thailand, which in turn is the bridge to the very substantial resources of Burma, Malaysia, and Indonesia. I don't want to spin out this simple course in geography. The artichoke strategy could easily be applied through a different sequence. I am making this argument on purely geographical terms without any implications pro or con with respect to the so-called domino theory. The resources of Southeast Asia are large and South Vietnam is the place where the decision is presently being made whether those resources will be controlled by the communists or will be utilized by the local people themselves.

Robert S. Elegant recently interviewed S. Rajaratnam foreign minister of Singapore (*San José Mercury*, June 9, 1970). Rajaratnam expanded his thesis "admittedly 'not very original,' that history is entering the 'Pacific Age,' having passed through the Mediterranean and Atlantic Ages.

"All the powers are now represented on the shores of the Pacific, where the destiny of mankind will evolve. Raja hopes cooperation will spring from the unprecedented gathering of representatives of major civilizations. He fears 'confrontation' if the U.S. withdraws from the new arena of world history, shrunk by technology to the 'proportions of a lake.'

"' . . . Can the United States really opt out of Asia?' he questions. 'For to opt out of Asia is to opt out of the Pacific; to opt out of the Pacific is to opt out of world history. It can opt out politically and emotionally, but it cannot remain unaffected for better or worse, by what happens on the other side of the Pacific.

"'History will not come to an end merely because the Americans have withdrawn from the arena. It will be made by others more determined to go on with the game—for the smaller countries, the game of survival; for the bigger countries, the relentless pursuit of global influence. The big power with the will to carry on the struggle' (Russia, China and Japan) 'will determine the course of world history, even for those who think they have opted out'."

Singapore is a unique spot for gaining an overview of Asia as a whole.

As a country we understand the importance of Western Europe and to a somewhat lesser extent that of the Middle East. We hardly understand the significance of East Asia, nor of the confrontation of the two communist super-powers with one another and with Japan, now the second power of the Free World. Strange though it may seem, Americans don't quite grasp the implications of the fact that the United States, too, is a Pacific power.

Senator Stevens has ably re-stated the so-called domino theory. (*Congressional Record*, May 28, 1970, pp. 17396–17400.) He explained that "there are two conditions which must be present if the 'domino theory' is to apply. First, there must be a series of contiguous states whose geography and ethnic and political structure provide no substantial opposition to engulfing conquest. Second, there must be a force with the desire and the ability to carry on this extended conquest."

Senator Stevens stressed the importance of ethnic factors, geographic obstacles like high mountains and open seas, the nationalist orientation of Hanoi, the lack of a North Vietnamese navy, and Hanoi's unwillingness to be "an extension of Chinese will in Southeast Asia". He concluded that "while the 'domino theory' does extend to Indochina and northeastern Thailand, it does not extend outside this area". This area includes—in terms of Hanoi's "desire and ability for extended conquest"—the Mekong river basin. But, the Senator argued, "North Vietnam's national interests are not served by expeditionary incursions into southwestern Thailand or Malaysia. Nor does North Vietnam have the navy to carry revolution to the Philippines."

I agree that the entire Mekong river basin is at stake—and this would be dangerous enough. But the domino theory is applicable to an area *larger* than assumed by Senator Stevens. In ethnic terms, quite a few Thais are living in North Vietnam, Laos is a Thai state, and so is the Shan state in Burma; there also are several millions of Thais in southern China. The Thais are more numerous than the Vietnamese and a conflict between the two groups is likely. The North Vietnamese would, therefore, be interested in communizing and/or dismembering Thailand.

This single addition renders to Senator Stevens' parameters the contention of the domino theory—namely that conquest would be continued—more significant.

I agree that North Vietnam's own territorial ambitions are limited. But Hanoi wants communist neighbors and will be desirous to instigate communist expansion. It will be eagerly facilitating the operations of communist guerrillas and helping them wherever feasible. The unrest created by a major communist victory would produce the climate in which the guerrilla operations that already are underway would prosper. High mountain ranges and open seas are no obstacle to exporting people's wars. North Vietnam has been providing training to Palestinians and Algerians. The exporting is done mostly by propaganda which nullifies geographic hindrances. The North Vietnamese can place instructors and "cadres" anywhere throughout the entire region, and they wouldn't need to take care, alone, of the logistics indigenous forces require.

Senator Stevens' analysis is logical and it defines the minimum range of *Hanoi's* intentions, assuming Chinese concurrence. But the scope of intended *communist* conquest would be much larger. The Lao Dong party is not the only communist combat party in Southeast Asia.

VIETNAM AND ISRAEL

A majority of U.S. Senators have come out in support of supplying aircraft to Israel. But if it is right to help Israel, why is it wrong to help Vietnam? If the Israelis are right in attacking the areas from which they are being struck, why is it wrong for us to attack the communist staging bases in Cambodia?

Israel does not own more resources than Vietnam. It does have a productive agriculture and an excellent industry which, predictably, would fall to pieces if the country were destroyed. (Israel's aviation industry is now on the same level as that of Italy.) Israel is ahead of Vietnam which, however, will develop its agricultural resources and light processing industry.

In terms of manpower, Vietnam is substantially larger than Israel. The educational levels of Vietnam, although they have been lifted during the war, still are low. The Vietnamese are very gifted and in due time will greatly improve the quality of their manpower. About 80% of their school-age children are now going to school.

In terms of location, Israel is close to the Suez Canal which is important, but otherwise Israel is not a significant location in the Middle East: Israel could disappear in the Dead Sea and there wouldn't be much change in the geography of the Middle East. This remark is directed at phoney yardsticks that are used to measure the importance of an area. Size, place, topography, and the whole set of physical data are important, but they should not determine strategy.

Some Senators have pointed out that Israel has a growing and modern democracy, while the South Vietnamese government, which usually is described in pejorative terms, is not to their liking. Thus Senator Goodell (*Congressional Record*, May 19, 1970, p. 16086) explained that Israel is a democracy, "a tiny democracy", which is fighting all alone against the "intrusion of the Soviet Union." This is correct. He added that "we sent American troops into a civil war within South Vietnam." The Senator regarded this assessment as not debatable at all and said: "If there were a civil war in Israel, I wouldn't be in favor of sending American troops into that civil war."

This is unsatisfactory thinking: (1) The utilization of "civil war" in international aggression is improper. (2) The full communist strategy can hardly be described as *only* a civil war in South Vietnam: it also embraces North Vietnamese military operations in South Vietnam, Laos, and Cambodia. (3) The North Vietnamese instigated the civil war in South Vietnam. Since these are two different states such instigation is an act of international aggression. (4) The two states are ethnically more or less the same but this does transform the international conflict into a civil war, just as little as the German aggression on Austria was a civil war or a war between Syria and Lebanon would be civil war. (5) The South Vietnamese *also* are fighting against forces which are supported by the USSR. (6) Since the Palestinian Arabs were or are citizens of the same state as the Israelis, there also exists a civil war element in the Middle East conflict, in spite of the fact that there are ethnic differences. One can argue about the respective importance of the external and internal factors in the two conflicts, yet in *both* cases insurgency is related to external aggression and is a tool of an external aggressor.

Note that in terms of U.S. security, it does not matter one whit whether the communists conquer through the technique of civil or international war. Strategically speaking, the means are really irrelevant, and only the outcome counts.

The point that "the Government of Israel is a democracy," was made by six Senators in a letter to President Nixon urging him to sell aircraft to Israel. (CONGRESSIONAL RECORD, pp. 16875–16876.) I am quite willing to given an A— or A+ grade to the government of Israel, but there are people who would discern a far lower grade. I have been told that there are some Arabs who believe the Israeli government shouldn't exist at all . . . In any event, the United States does not engage in military operations as reward for excellence in government but for the attainment of strategic purposes.

I do not question the judgment of professors and Senators who would give D or F grades to the Saigon government, but personally I would not grade in this fashion. If I have a student from a university in a developing country, I surely don't grade him as severely as a graduate from Harvard or Stanford. This type of grading is actually difficult; and it is easy to misunderstand foreigners.

Israel is not much older than South Vietnam, but from the very start it incorporated the know-how of a modern democracy. The Israeli state was established in 1948 but it was not at that time created from scratch, and it already had a large stable of first-class administrators. By contrast, South Vietnam was created from scratch in 1954, in the sense that the state organisms had to be built from the bottom up and the top down, and that a modern political structure had to be carved out of a Confucian society organized largely in the form of autarkic and self-reliant isolated villages. The new state had to overcome enormous diffculties and obstacles such as lack of cadres, ethnic and religious diversity, private armies, lack of communications and schools, etc., etc. Israel had its military and ethnic troubles but it never lacked cadres, roads, schools, capital, and help.

It is easy to say the Vietnamese should have done a better job. Unfortunately, the critics never mention that communist guerrillas systematically murdered government officials, village leaders, policemen, teachers, and educated people. No less than 50,000 cadres were killed—an equivalent of 600,000 persons in comparative American terms. Moreover, there was war. Thus, the development of a modern state in South Vietnam was rendered triply difficult. Not surprisingly, there is a long way to go.

In the face of the difficulties they were facing, the South Vietnamese have done a rather remarkable job. Who says they should have reached perfection after 16 years of unceasing trouble and against the power of military traditions? What is *any* person's authority for such criticism?

Six Senators who wrote to the President in favor of Israel, believe that the U.S. "must disengage from the Indochina war." One reason for the differential treatment is that Israel only wants to buy "the military equipment she needs to defend her freedom." I applaud this, too, and I know a little bit about economic hardships in Israel. But Vietnam has a *per capita* income of $140, against Israel's income of $1,400, and it has little chance to earn enough dollars soon.

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Do we subordinate strategy to the purchasing power of our allies?

The Senators "are concerned that the Soviet Union may be misinterpreting the spirited national debate in America . . . as a sign that our nation will not take effective steps to protect our vital national interests in the Middle East." It follows from this excellent statement: (1) It is mandatory to prevent communist miscalculation. (2) Since delivery of aircraft to Israel is designed to "protect our vital national interests," presumably the Senators would advocate such delivery also if Israel would not pay. (3) Vital national interests must be defended; and obviously we have major vital interests in the Far East.

Consequently, the statement that "South Vietnam, Cambodia and Laos ask that we give them . . . the military equipment to defend their own forms of repression against other forms of repression," is irrelevant, aside from being a gratuitous insult. If the communists must be warned off in the USSR, they also must be warned off in East Asia, and they must not be stimulated to further aggression.

Even if the South Vietnamese are not as non-repressive as the Israelis, they are not guilty of aggression. They simply want "to *defend* their *own* forms of repression," while Hanoi wants to impose its form of repression on others.

The arguments for protecting our national interests in the Middle East are neither better nor worse than those for protecting our interests in Southeast Asia and the Far East. National interests must be protected wherever they are threatened. Period.

The courting of American defeat is *not* a way of defending national interests.

The structure and performance of a government must necessarily be a factor in our strategic calculations. But this factor must be assessed with objectivity. I will not even start presenting a comparison between the governments of South and North Vietnam. If South Vietnam is "corrupt" because there is fixing and nepotism, is this a reason to turn it over to a totalitarian dictatorship? The doves avoid the question. If, naturally, totalitarianism is no improvement, then, if one deplores Saigon's deficiencies, the logical conclusion would be to help South Vietnam overcome its handicaps and shortcomings. This is what we have been doing.

Let those who think that the communist dictatorship is preferable to a fledgling and struggling democracy, be happy with their predilection. But I do not accept such persons as spokesmen for freedom and democracy.

Mr. George W. Ball, former Under Secretary of State, formulated four questions which, in his judgment, must be answered to decide for or against deployment of U.S. military forces. (CONGRESSIONAL RECORD, p. 17044.)

"(1) Is the geographical area at issue vital to the United States national interest?" The answer is "yes" for both Vietnam and Israel, despite significant differences in the underlying situation. But the question is formulated far too narrowly because the case for help to Israel is only secondarily geographical or geopolitical: the *primary* arguments are moral and political. If the question is properly enlarged beyond location and material factors, the case for Vietnam will be seen in a more revealing perspective.

"(2) Does the struggle threaten to result in the extension of the power of one of the great communist powers beyond the post-war lines and in a manner that could seriously affect the power balance on which world peace still unhappily depends?" The answer to the main thrust of the question is that the fall either of Vietnam or Israel, or both, would increase communist power and would have dangerous repercussions all over the world. But the question is improper. (a) It should not have been restricted to "the great communist powers" but it must apply to all *aggressive* communist powers, for many obvious reasons including the need to deter aggression by proxy. Note that on the strength of Mr. Ball's criterion, the U.S. would not have any reason to help Israel. (b) The criterion of the "post-war lines" seems to reflect the existence of an often suspected secret understanding on Soviet and U.S. spheres of influence. I'll let this pass but if we adhere to this particular rule, we should ask for the freeing of *North* Vietnam. (c) Peace does not depend on the balance of power—we have such a balance now, and there are two shooting wars plus 30 war areas. CONGRESSIONAL RECORD, p. 18230.) This list does not include Berlin and Czechoslovakia, nor the strategic nuclear contest. Peace depends, at this stage of world history, on the United States and its allies in time reclaiming *superiority* of power.

"(3) Is the physical terrain such that the military power of the United States could be effectively used?" We can use our power everywhere and we can develop optimal armaments for every environment. That we sometimes fail to adjust quickly to a particular situation, is another matter. We have demonstrated that we are able to use our military power effectively *both* in Southeast Asia and in the Middle East.

"(4) Does the political regime governing the area under attack have a sufficiently solid base to support the introduction of U.S. military power?" Yes for Israel; and yes for South Vietnam since we effectively introduced U.S. power into the area. This question begs the question, so to speak. We may have overriding interests to move into a political no-man's land. Should we abstain from helping a country because the communists just knocked out its government—should we thus *reward* them for insurgency? And can't we help a knocked-about government to solidify its base?

Mr. Ball has had "intensive past experience" in foreign affairs, and no one would doubt this. But when he drew up his questionnaire, he did not sufficiently draw on this experience. He favors, without specifying the means, containment of Soviet aggressive moves in the Middle East. Yet his own criteria do not fully support his recommendations. He is right, of course, that we must contain the Soviets in the Middle East, but his checklist is not good enough. This list was formulated as a rationale for leaving Indochina. Mr. Ball is caught in a glaring contradiction.

It is too bad that our strategy in Vietnam must suffer from confusions which, if there were less emotion, could be sorted out easily. The argument that we must get out of Vietnam to help Israel is invalid because if there are good reasons to abandon Vietnam, there would be good reasons to abandon Israel or, conversely, if there are good reasons *not* to abandon Israel, there would be good reasons to continue helping Vietnam. But the proponents of "down on Vietnam, up on Israel" overlook one key fact: if the country accepts defeatism as its national policy in Vietnam, this same defeatist policy will, inevitably, be applied to Israel.

ANOTHER VIEW OF THE POPULATION BOMB

Mr. DOLE. Mr. President, population increase is a subject which has lately been treated to much publicity and no little emotional fervor. Many studies have been made, and numerous headlines have proclaimed grim warnings of a population "bomb" or "explosion" which threatens the very future of mankind.

While the world-wide trend of population growth, especially in some of the underdeveloped coutries, raises many serious questions, a clear-sighted and unemotional view of the issues involved is highly important to any sound policy decisions in this area.

An article by Dr. Thomas Jermann, of Rockhurst College, published in the Kansas City Times, was recently carried by the National Observer. Dr. Jermann takes an essentially unalarmist approach to population growth and points out some interesting facts which have been somewhat obscured by recent publicity and rhetoric.

I ask unanimous consent that the article, published on July 25, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGURES TELL ANOTHER STORY: IT'S TIME TO DEFUSE POPULATION "EXPLOSIONISTS"

(By Thomas C. Jermann)

(NOTE.—Dr. Jermann is a professor of history at Rockhurst College, Kansas City, Mo. This essay originally appeared in the Kansas City Times.)

Americans have been overwhelmed by an avalanche of scare rhetoric about the "population explosion." We have been assured that it is not only the greatest problem facing the world, but also our greatest problem.

The rhetoric goes something like this: If growth rates continue unchecked, in 600 years there will be one person for every square yard of the earth's surface. In 900 years a building 2,000 stories high covering the whole world will be needed to house the immense throng. The exploding U.S. population will keep pace: 375,000,000 Americans by A.D. 2000, 939,000,000 by 2050, and 2,350,000,000 by 2100.

BIRTH RATE DECLINES

Explosionists advocate unprecedented measures to stem the force of this impending tidal wave of humanity. Suggested solutions for the United States range from tax disincentives to nearly unlimited abortion and eventual government control.

All of this is in the face of a steadily declining birth rate in the United States. The birth rate and the number of babies born each year from 1957 to the present are:

Year	Births	Rate
1957	4, 308, 000	25. 3
1958	4, 255, 000	24. 5
1959	4, 295, 000	24. 3
1960	4, 257, 850	23. 7
1961	4, 268, 326	23. 3
1962	4, 167, 362	22. 4
1963	4, 098, 020	21. 7
1964	4, 027, 490	21. 0
1965	3 760, 358	19. 4
1966	3, 606, 274	18. 4
1967	3, 520, 999	17. 8
1968	3, 470, 000	17. 4

The birth rate has declined every year from a high of 25.3 per 1,000 in 1957 to a low of 17.4 in 1968. The latter figure is the lowest in U.S. history.

The death rate, at 9.6, has remained almost unchanged in the last 20 years. As our population grows older (which is beginning to occur in consequence of the smaller number of babies born each year) the death rate must eventually rise to 15 in accordance with our life expectancy of 70 years.

(If, in the face of the declining birth rate, the death rate remained at 9.6 permanently, everyone could expect to live to be 104 years old.)

AN OVERCAPACITY

A total of 800,000 fewer babies were born in 1968 than in 1961. The consequences of

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this have not yet been fully appreciated, but these figures mean that in 1976 there will be 800,000 fewer third-graders in the nation's classrooms than there are today. This is not a hazy prognostication, because these children have already been born. There will be an *overcapacity* in teachers, schools, and educational facilities.

In view of these declining numbers and the recent record-low birth rates, it is probable that the U.S. population is already moving toward stabilization. It has become apparent that the Census Bureau's 1967 population estimates for the year 2000 are already outdated and must be revised sharply downward.

These estimates varied from a high of 398,000,000, to an intermediate range between 336,000,000 and 308,000,000 to a low of 283,000,000. The high and the intermediate estimates now seem to be completely out of the question; even the low estimate may be too high. Some demographers now think that the U.S. population will stabilize around the year 2000 at 245,000,000 to 265,000,000.

EXTENDING TOO FAR

The impact made by the explosionists results partly from their extending trends far into the future. Such lengthy extensions are invalid, for they assume that all population factors will remain constant. Since population factors have a way of not remaining constant, the longer a "trend" is extended, the greater is the likelihood of error.

It is possible, moreover, even with the use of reasonably short extensions, to achieve forecasts that contradict those of the explosionists. One can note, for example, the "trend" in the U.S. birth rate from 25.3 in 1957 to 17.4 in 1968. If this "trend" is extended only 22 years into the future, the birth rate will be down to *zero*.

Similarly, the birth rate declined steadily from 30.1 in 1910 to 18.4 in 1936. If in 1936 this "trend" had been extended only 39 years into the future, births in the United States would have ceased altogether by 1975. This is not only invalid, but ridiculous. Such procedure is, however, not nearly as ridiculous as extrapolations that are mechanically extended for 600 or 900 years.

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The chief danger, however, in the scare rhetoric of alarmists is that they tend to reduce many of our major problems to numbers of people. They thus divert attention away from the actual *causes* of the problems. To the extent that the distortions and half-truths find credence, they will retard much-needed solutions.

CRIMES AND CROWDS

The ever-increasing rates of violent crime are attributed to population growth and density. If crowded conditions cause crime, the most crowded areas of the world might legitimately be expected to have the highest crime rates.

Holland, for example, where people are crowded together at a density of almost 1,000 per square mile (compared with 57 per square mile in the United States), should be a very dangerous place indeed. The Dutch, however, who have one of the lower crime rates in the Western world, seem to be unaware of their predicament. Perhaps they have not yet read such books as Paul Ehrlich's *Population Bomb*.

To take another example, Great Britain has 50,000,000 people crowded into an area smaller than California. On the basis of the explosionists' rhetoric it is hard to understand why there are fewer murders in the entire British Isles every year than there are in Chicago or Cleveland, or greater Kansas City. These examples suggest that population density, *in itself*, does not produce crime.

HINDERING REFORMS

There is danger, however, that irresponsible scare tactics may divert public attention to mere numbers of people. Progress in eliminating slums may be retarded, increased educational and vocational assistance may be delayed, and much-needed reforms in prisons and courts may not be undertaken.

Another favorite theme of the explosionists is environmental pollution. This is, of course, a problem of paramount importance. It cannot, however, be reduced to mere numbers of people. Although more people produce more pollution, they also produce the wealth and the technology to combat it. The crucial factor is determination. Alarmists, by directing attention solely to numbers of people, tend to obscure the fact, admittedly unpleasant, that combating pollution requires large sums of money.

Oversimplification is heard even from government officials. Robert H. Finch, former Secretary of Health, Education, and Welfare, when asked what people could do on a voluntary basis to improve the environment, said: "I would begin by recommending that they start by having only two children."

This is not the heart of the problem. If population growth in the United States ceases today, rivers will remain ecological slums, and air over some cities will remain unbreathable until massive and costly efforts are undertaken to remedy these deplorable conditions. To the extent that environmental problems are obscured by simplistic rhetoric, they will continue to go unresolved.

CONGESTION IN CITIES

Finally, the explosionists delight in deploring the ever-increasing crowds in our cities and in our national parks. They ignore the fact that a large part of the urban congestion is a result of the continuing flight from the farm to the city. Fewer farmers are producing more food on less total acreage. As a result of the continuing exodus from the country, one-third of the counties in the nation are losing population; more and more of the populace is being concentrated in metropolitan areas.

Forty-four Kansas and 49 Missouri counties lost population between 1960 and 1966. The latter state, with 69,000 square miles of territory, has three-fifths of its people concentrated in two urban areas. Similar concentrations of people are occurring throughout the United States.

It is apparent that more cities are needed, not merely additional growth in a few metropolitan areas. Most of all planning is needed, so that the cities, new and old, will not be hampered by unrealistic political boundaries, segregated housing, and antiquated transportation systems.

VISITORS TO NATIONAL PARKS

National parks, as noted by population alarmists, are much more crowded than they were just a few years ago. Attendance has in fact increased by 450 per cent in fewer than 20 years while the population increased by 30 per cent. These figures might suggest all of the following: (a) we are indeed becoming an affluent society, (b) camping is becoming more and more popular, (c) we need more national parks.

Some developing countries have severe population problems. The United States does not. The serious difficulties facing our nation can only get worse if they are simply reduced to numbers of people. Crime, environmental pollution, and urban congestion cannot be eliminated by such simplistic thinking.

It is time to deflate the "population bomb" rhetoric so that we can have a clear view of the real problems.

PROCLAMATION OF LIBERTY

Mr. MATHIAS. Mr. President, in a time of tension and anxiety, one of the prime sources of turmoil is a lack of trust among Americans. The problem is not that we may disagree, but that we often fail even to listen to one another. In his sermon on the Fourth of July weekend, the Reverend Emmanuel J. Hoover, of Zion Lutheran Church, Middletown, Md., reaffirmed the fact that sincerity is essential if man is to live up to his ideals.

The text of his sermon was based on a quotation from Leviticus:

> "Proclaim liberty throughout all the land unto all the inhabitants thereof!"

In his sermon, Pastor Hoover has captured the essence of true liberty, a condition which can never be achieved until we learn to respect what each other says. One of America's greatest heritages is her ability to accomodate a great diversity of people with liberty for all. Pastor Hoover discussed the essential point, that we must consider our country "above partisan and political interests and considerations." I ask unanimous consent that his thought-provoking sermon be printed in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

With Liberty and Justice for All!

This weekend we celebrate the 194th anniversary of the founding of our nation with the signing of the Declaration of Independence and the formal beginning of the War for Independence.

One hundred and ninety four long years have gone by and America has developed into the world's greatest nation, having come to be known throughout the world as "the land of the free!"

There have been many American flags displayed this weekend in apparent commemoration of that event of one hundred and ninety four years ago. We have been encouraged to display the flag at our homes and on the rear and side windows of our automobiles in an effort to revive the sagging of patriotism evident in our land. All of this is fine, if, when we display we really believe what it represents and symbolizes; otherwise, it is gross hypocrisy and a cover-up!

When we salute the flag we say: "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all!" If we really believe those words, then we have a right to fly the flag, and to fly it as briskly and as often as we may desire. But if we do not really believe those words, then we have no right to fly the flag, for then to fly the flag becomes sheer hypocrisy; saying by the outward display of the flag that we are believers in what it symbolizes when in our hearts and minds we do not so believe. And this is what the younger generation says concerning many of us of the older generation—that we are guilty of hypocrisy! By which they mean that we say many things we do not do, that we say many things we do not believe, so that they see us as guilty of gross hypocrisy.

Our nation was founded by religious men. If you will study the Declaration of Independence, the U.S. Constitution, and all the early documents leading up to them, you will find in each an overt recognition of the part God plays in the life and destinies of men and nations. God played a most important role in the events which led to the founding of America.

This Leviticus text, perhaps 2800 years old, is the Biblical text inscribed on the Liberty Bell. Our founding fathers took a text from the Bible and had it inscribed on the Liberty Bell when they had it made: "Proclaim liberty throughout all the land unto all the inhabitants thereof!" This was not a new idea; it was an old idea, as old as the world because it existed in the mind of God. All men, by God's Will, are to be free, and nations are to administer justice impartially for the benefit of each individual man. Liberty and justice are not just for a few, a privileged few; they are for all people, for all the citizens of the land, and for aliens too! God revealed those truths 2800 years ago, but it has taken hundreds and hundreds of years for them to become evident reality for many peoples. America was probably the first nation, and possibly the only one, to inscribe these words of the text on a bell which was to ring out liberty and justice for all its people!

It required 2800 years for God to develop a nation which came to be known as "the land of the free!" Other nations contributed to this historic development: there were the Greeks with their City States and ideas of freedom, and there were the British with their Magna Charta. But liberty is a precarious business. Nations which have had liberty and freedom have had to care for it, because liberty and freedom can easily erode and vanish. It takes eternal vigilance and the kind of ingredients which go into the making of true and lasting liberty!

America didn't just happen to happen! America became what she is because of the character of the people who founded America and who have kept America and the American dream alive through one hundred and ninety four years of history. They were people who believed that in America liberty should be proclaimed throughout all the land to all the inhabitants thereof. If everybody in America today believed this, we would not be the divided nation we are. We are a divided nation because there are groups of citizens who do not believe that liberty should be proclaimed throughout all the land to all the inhabitants thereof. If the Liberty Bell were to be struck today, many would insist that the Leviticus inscription be eliminated!

Some folks want liberty and justice for themselves but are not in the least concerned about the same for others. There are groups that want liberty and justice to maintain their selfish interests, but who couldn't care less about liberty and justice for the other groups in our society. Selfish interest groups who look out for their own welfare primarily and who do not consider the welfare of the nation as a whole constitute one of the major weaknesses in our American society today. Lobbies and lobbyists can very easily be dedicated not to what is good for America but solely what is good for the special interest they represent. Lobbying can easily become the most selfish expression of political exploitation. The result of much such selfish expression and self-seeking can be the erosion in liberty and freedom!

The Liberty Bell didn't ring very long until it suffered a crack, and someone has suggested that we have a crack in the Liberty Bell today! It is quite true; America's Liberty Bell is cracked and is not sounding a clear and resonant call for liberty and justice for all! No longer do we seem willing as a united people to proclaim liberty throughout all the land to all the inhabitants thereof!

America was known for many years as "the melting pot of the world." People came here from all lands and continents. They spoke diverse languages and represented differing cultures. Here in the land of freedom and opportunity, after a generation or two, they were assimilated into our citizenry and many of them came to be recognized for unique contributions they gave to the life of the nation. Among these immigrants were many of our immediate ancestors.

But we seem to have ceased being the world's melting pot; instead of being assimilated into a living union and commonwealth, we now seem to stand in opposition to one another and to withhold goodwill and opportunity to one another, especially so if the color of our skin is different. There are groups and individuals in America today who, looking back to the past, think of the wonderful life in America of fifty or seventy five years ago, an America which was much different and more desirable for living than the America of today, an America in which people did tolerate one another and respected differing opinions; and they wish to go back to that America, to the manifest patriotism which reigned in those former years. Well, we can go back to that America if we will but fulfill the same conditions which created that America of fifty or seventy five years ago, if we are willing to work together, to understand one another, to love one another, and if we really will believe with our heart and soul in the freedom and justice for all for which the American flag stands!

There is a consistency between what we say when we repeat this ancient text from Leviticus and when we pledge allegiance to the American flag, and what we confess in both instances is among the noblest acts and sentiments of man. It represents God as having a position of recognition and honor in the history and life of our nation: "One nation—under God!" Some citizens will hang out the flag on national holidays, affirming that they believe this nation's life is built on a recognition of God, but they themselves are never found at worship in any House of God helping sustain the godly foundations of the nation—all of which has something of the air of hypocrisy about it! For to say that this is a nation under God and then refuse to do your little bit to keep God and the Will of God alive in the life of this nation is indeed hypocritical, is to forfeit one's right to display the flag, because then one doesn't really believe in this truth and ideal which the flag symbolizes.

To display the flag is to believe in the unity of America: "One nation, ..., indivisible!" This is to mean that priority is given to the nation above all other national goals or local loyalties. The flag says that America is for "all the inhabitants of the land! Americans are united regardless of the color of skin, of financial position, of educational attainment, or of political opinion. All groupings and allegiances are subservient to the unity of the nation. In the true America no distinctions are made where unity, love and loyalty to nation is involved. And this is one of the great things we say when we salute the flag. Groups may separate us, but the nation should unite us. If we are a divided nation, you see, it is because some of us have fallen prey to the temptation to put local, sectional or group interests ahead of national interests, and to the degree we have done this we have violated the pledge of allegiance to the flag and nullified the will of God as set forth in the ancient Leviticus commandment to "proclaim liberty to all the people!"

There is something genuinely un-American about permitting local, sectional or personal interests to divide us as a people. In America there should be no North or South, no capital or labor, no rich or poor, no black or white to disrupt our unity or to delay the achievement of our national goals and ideals. And we will believe this if we are honest when we salute our flag and seriously consider God's Will for all men.

To genuinely salute the American flag means to accept the ancient Leviticus text as God's command to us as a nation: that here liberty and justice shall be proclamied and administered evenhandedly to all. The flag of our nation was bought with a great price; it is not something cheap, to be spit upon and torn into rags. Men by the thousands have died for the nation, believing in what the flag symbolizes: their blood is represented by the red stripes. The white stripes are emblematic of the pure and lofty ideals for which our nation stands. And the blue should represent the loyalty of the living to those ideals for which our dead heroes shed their life blood. A great deal of dedicated living and heroic dying is represented in the American flag; purchased at such a price, we dare not treat it lightly or desecrate it lightheartedly. Our loyalty does not mean perfect acceptance of the nation as it may be, but rather to the nation's high and lofty ideals toward which we should always be striving. It is not a blind loyalty, such as is evident in such catchwords as: "America: Love it or Leave it! but a loyalty which ever works to make America's performance more faithfully duplicate and attain its ideals. We dare never forget that America stands under the vast judgment of God just as do individual men, but we seem to have lost this sense of the judgment of God in the affairs of nations. One of the truly great traits of Abraham Lincoln was that he believed devoutly that God sits in judgment upon nations, as well as He sits in judgment upon individual men and women.

We are called upon always to try to make America live up to the high and lofty ideals represented by our flag and historic documents—the ideals that liberty, freedom and justice shall be proclaimed from one end of the nation to the other end, to every single citizen and inhabitant thereof.

There are many American citizens who consume civil, economic and political liberty for themselves, but who are not willing to grant simillar liberties to the poor and underprivileged among our citizenry. At times when our government has tried to elevate the living standards and educational opportunities for the thirty million Americans living in Appalachia and in our ghettos, we have found some of our most highly privileged citizens among the most vocal opponents. We are not all equal when it comes to economic and social opportunity; anyone who has been closely and sympathetically identified with the poor of our land, the depressed of Appalachia, the ill-treated American Indian, or the down-graded Mexican-Americans, knows full well that these inhabitants of our land do not have the opportunity, they do not have the freedom, to develop themselves into the most constructive citizens possible in a worthwhile society. That's the heart of liberty—not license, not freedom to do as we please, or to be what we want to be—but freedom to become what we ought to be, freedom to become the best we can possibly be, to be elevated in mind ennobled in positive usefulness in the society of man.

Yes, true Americanism consists in more than the periodic display of the flag. Not everyone who displays the flag is a good American, but only they who work daily in life to make America a better and a more democratic society, who strive to assist their fellowmen in realizing the ideals and hopes expressed in the flag. These ideals, rooted in Jewish and Christian history and teaching, can be summed up in Jesus' great commandment: "Love God fully and love your neighbor as you love yourself!" Christ's love consists of goodwill, tolerance and an understanding helpfulness towards our neighbor—it means liberty, justice, goodwill, and a helping hand for every soul striving to climb upward!

So, to truly obey this Leviticus command and to genuinely display the flag, one must not be viciously opposed to, must not hurt or harm a fellow citizen in any manner, but, as Luther said, must seek to assist him, to understand him, to wish only the best for him, and to put the most charitable construction on what he does and says!

This means that in America we will not call each other derogatory names and separate ourselves into opposing groups; but white and black, rich and poor, citizens and aliens, educated and illiterate, will live and work together, side by side, in understanding helpfulness, living and letting live, striving to achieve together what we cannot achieve alone—the American dream and the dream of God for all mankind!

"I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all!"

"Proclaim liberty throughout all the land, unto all the inhabitants thereof!"

So, if you believe in these American ideals, go home and display your flag as a testimony to your faith in these ideals. But if you do not genuinely believe in these ideals, then go home and take down the flag you may be displaying, wrap it up in moth balls and store it in your attic until the time comes when you may be able to truthfully display it. But don't be guilty of hypocrisy!

FUSION POWER: EXCITING PROMISE

Mr. GRAVEL. Mr. President. An article of exceptional interest to everyone who is concerned about the brownouts, and the power shortage, and the environmental consequences of generating electricity, appeared in the June issue of Fortune magazine. Pleasurable and exciting to read, the article describes "the hot new promise" of fusion power.

Unlike nuclear reactors, whose inherent dangers result from their production of intensely radioactive byproducts in enormous quantity, controlled thermonuclear fusion will be inherently safe. The radioactive threat from early fusion model will be several hundred thousand times less than from the present and planned nuclear reactors. It is possible that later fusion models might produce no radioactivity at all. Furthermore, their heat-conversion efficiency might be as high as 90 to 95 percent, which would virtually eliminate the thermal pollution problem associated with reactors.

How many years away is fusion power? That largely depends on the funding which Congress provides.

It appears possible that, if there were a "crash program" in fusion research like the well-funded one in reactor research, fusion power might catch up and pass reactor development. It must be remembered that all the nuclear power reactors now operating and going into operation are still experimental models, and that it will be another 15 years before the first big breeder reactors are working, if they ever do.

It is impossible to compare the speed of fusion development with the speed of reactor development, which is receiving about four times more Government money. However, Dr. C. M. Van Atta, of the Lawrence Radiation Laboratory, thinks that kind of fusion feasibility could be demonstrated in 5 years, if there were money now.

Unfortunately, the Atomic Energy Commission has funded fusion research at a static level for the last 10 years—which means a decreasing effort under inflation. Russian manpower in fusion research is reportedly five times the American level.

I am certainly not the only Member of Congress who is dismayed by the meager ceiling set on fusion research again this year by the AEC authorization. On June 18, 1970, the House Appropriations Committee Report No. 91–1219 for Public Works, including atomic energy, stated the following:

> The committee has long been concerned at the slow pace of the development of this program which, if successful, could be the answer to the energy problems facing the Nation and the world . . . The committee hopes that future budget submissions will make more adequate provision for acceleration of this research and development effort.

I ask unanimous consent to place the well-written Fortune article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Hot New Promise of Thermonuclear Power

The best index of a nation's living standard is the average amount of energy at the disposal of each citizen. Energy underlies most of the necessities; it is needed to produce fertilizers, extract materials, distribute goods, dispose of wastes, and supply warmth, among other things. But assuming that populations and living standard around the world will generally increase, future societies appear headed for energy starvation if they have to rely on present energy sources. As time goes by, it will take more and more energy to obtain a given amount of benefit. Materials will be won from lower-grade ores at a larger cost in energy. Food will be transported from farther away. More energy will be consumed in the disposal or conversion of wastes, many of which are themselves byproducts of the energy-conversion process.

Two methods of energy conversion should become available late in this century for averting at least this particular crunch. The closest to hand is the fast-breeder fission reactor, the technical and economic feasibility of which seem assured. The other, and potentially far better, is controlled thermonuclear fusion. In some ways complementary to the breeder, in some ways competitive, the fusion principle is inherently safer and cleaner. And if direct conversion of fusion energy to electricity can be achieved, as many now believe, civilization might obtain its energy at a price far lower than ever imagined. But hopes for fusion power have to be tempered: eighteen years of broad internaitonal effort and at least a billion dollars spent have yet to bring nuclear fusion to the stage that nuclear fission reached twenty-eight years ago when the first self-sustaining reaction went critical on a University of Chicago squash court.

Both fission and fusion take advantage of the fact that atomic nuclei have an optimum size range in which the forces that hold a nucleus together and the forces that tend to tear it apart are most nearly in equilibrium. This size range lies near the middle of the periodic table of elements and represents the state at which the least possible energy is needed to hold all the nuclear components together. Heavy nuclei such as uranium will decay radioactivity or fission (i.e., split) in an attempt to reach this state, giving off energy in the process. Similarly, very light nuclei, such as hydrogen and helium, will fuse together, giving off energy in the process also.

While the heavy nuclei teeter on the brink of spontaneous fission, however, the light nuclei put up heavy resistance to fusion. The reason is that it is hard to bring them into contact—each possesses a positive electric charge, so they repel each other. The principal task of thermonuclear-fusion technology is to overcome this repulsion, or coulomb barrier, by physically forcing the nuclei into violent collision.

In atomic accelerators this collision contact is accomplished by firing nuclei at one another like bullets. In the hydrogen bomb it is done with violent temperature produced by a fission-bomb "trigger." In the sun it is accomplished by means of tremendous heat and pressure produced by the sun's own gravitational force. The main hopes of fusion research have been pinned upon processes that somewhat resemble the sun's except that magnetic forces are substituted for gravity.

THE FOURTH STATE OF MATTER

In several respects, initiating a self-sustaining fusion reaction is analogous to guilding a fire: the kindling flame must be hot enough and be held long enough; fuel must be closely spaced to heat itself and keep the fire going. But the fuels used in the fusion fire are like no others. The fuel upon which most research has been done to date is a combination of deuterium and tritium, the two heavy isotopes of hydrogen. Other combinations are possible—deuterium will fuse with deuterium or with isotopes of helium, for example—but the deuterium-tritium reaction is easiest to ignite.

At the temperatures required for fusion ignition, on the order of a hundred million degrees, all materials have not only long since vaporized but ionized—i.e., broken up into a mixture of negatively charged electrons and positively charged nuclei. This mixture, called plasma, resembles a gas in some respects, but it is often regarded as a fourth state of matter because it has some properties unlike gases, liquids, or solids. Plasma's unique properties are simultaneously the only hope for fusion and yet so maddeningly complex that only recently, after years of effort with expensive research apparatus and computers, have theorists begun to comprehend its behavior.

For fusion, this violently expansive fuel must be compressed into a small volume, yet kept from contact with ordinary matter, which would chill the plasma instantly. It might be impossible to accomplish this except for one fortunate property of plasma: it consists of independently moving electrically charged particles, which means it can be deflected to a limited extent by magnetic fields.

The main efforts of fusion researchers over many years have gone into arranging magnetic fields as "bottles" for plasma. Such bottles fall into two general types. In the "open" type, squeezing fields of magnetism form the sole "stopper" preventing plasma from escaping out the ends of a tube. In the "closed" type the tube is bent into a doughnut shape, or toroid, and here the purpose of the magnetic fields is to confine the plasma to the middle of the tube, away from material walls.

Even in the best of circumstances, no such magnetic bottle can be perfect. There will always be some leakage of plasma particles striking one another and bouncing off in directions that the fields cannot inhibit. This irreducible rate of leakage, called "classical diffusion" because it is explainable by well-established theory, represents the ultimate goal of all magnetic confinement schemes, even though controlled fusion is theoretically possible at a higher rate of leakage. Such classical confinement has recently been achieved.

Confinement alone is not enough, however. Generally speaking, fusion theorists calculate that they also need a plasma density of 10^{14} to 10^{15} particles per cubic centimeter (i.e., a hundred trillion to a thousand trillion particles per c.c.). Actually even the higher figure is a near-vacuum compared with air at sea level, which is 100,000 times denser. This plasma must be heated to a temperature above 60 million degrees. And particles must remain confined for an average of a tenth of a second or more before diffusing out. To a limited extent these parameters are variable: higher density can partially compensate for shorter confinement time or lower temperature, etc., and different sets of standards apply in different types of confinement schemes. A common rule of thumb for a fusion reactor capable of producing more energy than it consumes is Lawson's criterion, named for British physicist J. D. Lawson. For net power, according to his formula, the product of the density times the confinement time must equal or exceed the figure 10^{14} (a hundred trillion).

AFTER THE PERHAPSATRON

In the earliest days, before much existed in the way of plasma theory, researchers were innocent about the immensities of their tasks. The U.S. Government initiated a highly classified program in 1952 under the lighthearted code name Project Sherwood. The name was a pun on the answer, "It sure would," to the question, "Wouldn't it be nice if we could achieve nuclear fusion?" One early reactor attempt, designed largely out of optimism and happy guesswork, was dubbed Perhapsatron.

Lightheartedness dissolved after Perhapsatron and numerous successors were turned on. For plasma simply refused to be confined: no matter what the shape or the strength of the magnetic bottle, it always managed to wriggle free before the nuclear fire could kindle. In the earliest machines, which were open types, the particles simply escaped out the ends or through weak regions in the magnetic fields. In later, more elaborate devices of the closed type they appeared to interact electromagnetically in unanticipated group behavior. This enabled the particles to ignore the fields altogether or actually to receive a magnetic kick that drove the plasma to the chilling walls.

As time went on, the fear began to plague many of the Sherwood scientists that they were up against a law of nature, a law as implacable as the thermodynamic principles that, for instance, preclude the possibility of perpetual-motion machines. The fear arose largely from a relationship that had been announced in the early Forties by the American physicist David Bohm, who had been doing research on plasma and magnetic fields for purposes not related to fusion. Bohm discovered that plasma usually diffused through a magnetic field at a rate that was related to the temperature and strength of the field. The equation appeared to be a reflection of the cooperative behavior of plasma particles. When Bohm's equation was applied in context with Lawson's criterion of density and temperature for successful fusion, the equation always predicted that confinement time would be at least a hundred times too short for fusion.

More ominous yet was the actual behavior of the plasma. At first, as new machines and new principles were tried, confinement times gradually increased. But by 1954 they had climbed to just about exactly the level predicted by Bohm—"Bohm time," as it was called—and there they stopped. And, from then on, no matter what new apparatus was tried, no matter how temperatures and magnetic fields were altered, the maximum confinement never exceeded Bohm time.

From 1952 to 1958 the American Sherwood researchers fought the battle of plasma confinement in secrecy. Meanwhile, in the U.S.S.R. and Great Britain, similarly classified fusion programs were also in trouble, as were smaller unclassified programs in other countries. It turned out later, in fact, that all these independent efforts had been pursuing remarkably similar approaches, and, of course, encountering the same elusiveness in plasma. Word of each other's troubles did seep out over the grapevine, however, and in 1958 the Soviet Union proposed wholesale reclassification of all fusion research. The proposal was accepted by all the countries. At first simply a huddling together for warmth in the face of chilling difficulties, the worldwide fusion effort has demonstrated itself to be an exemplary case of open international cooperation for general benefit.

Initially, the U.S. program was the largest and contributed the most in the way of theory and accomplishment. But for more than a decade now, funding in the U.S. program has remained nearly level despite inflation and increasing need for larger, more expensive research apparatus. Next year the Atomic Energy Commission's funding for fusion amounts to $28,600,000. In the same period the size of the Soviet program has steadily increased until now it is three times larger than the U.S. program in manpower. It also contributes the most in the way of progress.

After declassification revealed that their troubles were universal, the scientists realized the inappropriateness of their trial-and-error approach to fusion. In the absence of detailed theoretical knowledge about plasma behavior, expensive machines were being put together just to see what would happen. Most programs went back to plodding research aimed at understanding the complicated behavior of plasma in the presence of magnetic fields.

BEATING BOHM TIME

By the mid-Sixties some hope was glimmering through the gloom. Soviet physicist M. S. Ioffe had proposed a way to place special exterior magnets around the plasma so that the plasma particles always encountered stronger and stronger opposing magnetic fields whenever they tried to escape. This proved useful in improving confinement in some Soviet devices. Shortly afterward, two American devices independently employed a similar "magnetic-well" principle. One of these was at the University of Wisconsin, the other at General Dynamics' General Atomic Division (which was sold to Gulf Oil in 1967 and renamed Gulf General Atomic). Both of these devices demonstrated that they could confine plasma for roughly thirty Bohn times. Still, the plasma was far too cold and dilute to be very interesting from a fusion standpoint.

The most significant step came early last year when researchers at Russia's Kurtchatov Institute announced that one of their machines, called Tokamak 3, had confined an even hotter, denser plasma one hundred Bohm times, though both plasma density and temperature were still too low by a factor of about ten. The Soviet claim met with considerable skepticism, since plasma measurements are notoriously difficult to make and interpret. A British team, whose members were recognized as leading experts in plasma measurement, was invited to examine the performance of Tokamak 3, while the fusion world awaited in suspense. When the British team returned last fall it announced that far from overstating their achievements, the Russians had actually done better than they claimed.

Though some mystery still attend the precise reason why Tokamak works as well as it does, in general, physicists believe that the secret lies in the way fields from separate magnet systems cross each other, an arrangement called "shear." The result is a spiraling combination of fields that apparently breaks up the troublesome group behavior of plasma particles.

Even before the British team returned last year, the AEC was already sufficiently impressed to have begun work on two variations of Tokamak. One is Ormak at Oak Ridge National Laboratory. The other is an elaborate modification of the expensive Stellerator C device at Princeton. Other Tokamak-type machines are planned at M.I.T., the University of Texas, and Gulf General Atomic.

Tokamak's success is merely one sign of a general thaw that has set fusion progress in motion again. By now, several entirely different approaches to plasma confinement have been reporting steady progress. Early this year Gulf General Atomic announced that its new apparatus had confined plasma some 300 Bohm times—close to the long-sought classical confinement. At the Lawrence Radiation Lab the open device called 2X has almost achieved classical confinement for that type. Meanwhile progress is also being made in the long-neglected areas of plasma temperature and density. At the Los Alamos Scientific Laboratory another open machine called Scylla is regularly achieving densities and temperatures in the fusion range, though confinement times are much too short.

Most of the new optimism, then, stems not so much from Tokamak or any other specific success as from the grasp of basic plasma principles the successes represent. Most heartening of all, none of the principles discovered rules out ultimate success for controlled fusion. "Nature is not against us in this work," exults Dr. Robert Hirsch, until recently acting director of the AEC's controlled-fusion program. "It appears that all we have to do is be careful and do the right things."

This burgeoning of plasma theory and new ideas has brought a need for new apparatus to extend experience, a resurgence of interest in empirical research, and a new impetus to move toward an actual prototype fusion reactor. All this really spells hardware, and hardware, of course, always spells money. "We're now at the point where a lot of money could do a lot of good," says Hirsch. "We could triple the size of the program over the next five years and still not waste money—something we couldn't have said a year ago."

THE THREE UNCERTAINTIES

But, cautions Dr. Herman Postma, director of fusion research at the AEC's Oak Ridge National Laboratory, scientific feasibility is scarcely the whole story. Postma identifies three overarching uncertainties that stand in the way of actual commercial reactors, and scientific feasibility is only the first. The second is engineering feasibility, specifically whether a practical reactor can be built with real materials and real engineering techniques. To illustrate the severity of the engineering challenge, Postma points to the virtually unexplored question of whether a fusion reactor could long survive its own radioactivity. When deuterium and tritium—the "easiest" of fusion fuels to ignite—react together, some 80 percent of the energy produced emerges in the form of very-high-speed neutron particles.

Man has never dealt with very energetic neutrons in such abundance, but engineers know that the sheer impact will damage virtually any solid material over time. In

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most metals, neutrons shatter the crystalline structure, reducing strength to nearly that of chalk. Another common symptom of neutron damage in a material is swelling, due to the presence of tiny helium bubbles created by the transmutation of atoms deep inside the material. If a deuterium-tritium reactor is to become a practical reality, materials must be found for vacuum-chamber walls and magnet structures that can withstand powerful stresses despite neutron damage, and designs must be developed that minimize damage from swelling. M.I.T. engineering professor David Rose believes that the neutron problems may ultimately prove at least as troublesome as plasma confinement itself.

Related to engineering feasibility in some respects is Postma's third unknown: economic feasibility. The justification usually offered for fusion research in earlier days was the promise of low-cost power. The premise was that fuel costs would be but a fraction of the cost of the energy equivalent in any other fuel. Nowadays, most of those involved in fusion tend to avoid discussions of what fusion power will actually cost if and when the technical problems are solved. The reluctance stems partly from a conservatism instilled by fusion's long history of disappointments. But it also reflects a little better grasp of both the knowns and the unknowns that have emerged with the sharp-pencil stages—as opposed to the arm-waving stages—of fusion engineering.

Last September, for the first time, scientists, engineers, economists, and others sat down together in a large international conference at England's national Culham Laboratory for nuclear research and engineering. Much of the conference was devoted to economic and engineering considerations of fusion power. One thing that surfaced at Culham is that the capital cost of the plant itself, not the cost of the fuel, will determine whether fusion power will be cheaper than, say, power from a breeder reactor. Even more than is the case with other power sources, the unit costs of fusion power will decline with increasing plant size, therefore the economics may turn on how big a reactor can be, this side of folly. A big fusion plant even promises to be less difficult to design than a small one. For one thing, some of the difficulty of confinement time automatically tends to solve itself, because it takes a longer time on the average for a plasma particle to get to the walls of a big chamber than a small one. Even at the present state of knowledge, suggests Lawrence Lab's Richard Post, it would probably be possible to build a reactor of the toroidal variety that would actually produce power. The trouble is, he adds, that the plasma chamber and magnet system alone might occupy roughly the space of a baseball infield.

The most detailed cost estimates for fusion power so far were presented at Culham by M.I.T.'s David Rose, who also has broad experience with fission plants and breeders. According to Rose's broad-brush estimates, a fusion plant is most likely to match the cost of power from breeder reactors—expected to drop to around 2.5 mills per kilowatt by 1990—when the fusion plant has a generating capacity of between 2,000 and 10,000 megawatts. By comparison, today's largest existing thermal-power reactors are still under 1,200-megawatt capacity and Grand Coulee Dam produces only 1,974 megawatts. New plant capacities, to be sure, have been increasing tenfold every twenty years since the beginnings of the industry, and most of the new nuclear plants now ordered for the early Seventies will be in the 1,000-megawatt category.

THE END OF THE STEAM AGE IN POWER

Doubts about the economic viability of fusion power—and many conventional assumptions about what is and is not economically feasible—would alter radically if *direct* conversion of fusion energy to electric power could be developed. Most proposed schemes regard the fusion reactor simply as a source of heat, equivalent to a fossil-fuel furnace or a fission reactor. In such a "conventional" approach, the heat would be produced by the impact of the reaction's neutron, proton, and electron byproducts within a "blanket" of some molten material surrounding the reacting plasma. The blanket material would then be used to heat water or some other working fluid in a more or less conventional thermal-cycle electric plant.

But in principle fusion is uniquely capable of a far more elegant approach. In the early Fifties, Richard Post was trying to find ways to offset the disadvantages of open devices (Post's specialty), which are inherently "leakier" than closed devices. He thought of turning the leak to advantage. Much of the energy released from fusion—especially from fuel combinations other than deuterium and tritium—emerges in the form of charged particles, such as electrons and protons, traveling at very high speeds. Since electric generators and the flow of electricity through a wire also involve moving charges, Post reasoned that it ought to be possible, in effect, to pump electricity from the reaction into wires, bypassing the costly, inefficient steam cycle.

RUNNING AN ACCELERATOR BACKWARD

Several hypothetical designs for accomplishing this direct conversion have been proposed. One envisoned by Post would employ a reactor of the open type. During the reaction the leakage of charged particles from one end of the plasma chamber would emerge into a 100-yard-long, fan-shaped vacuum chamber surrounded by magnets. Guided by the magnets, the particles would be collected upon electrodes, charging the electrodes to high voltages. The scheme resembles a nuclear-particle accelerator, but one that is being driven in reverse to produce electric current rather than consume it.

The potential advantages are several, an obvious one being high efficiency. According to laws of thermodynamics discovered more than a century ago, the ultimate efficiency of any thermal device such as a steam engine or turbine generator depends upon the difference between the operating temperature inside the engine and the surrounding outside temperature. Melting points of materials in conventional devices limit temperatures and therefore efficiencies, which rarely exceed 40 percent today. The other 60 percent of the energy is lost as waste heat, the pollutive effects of which are a source of so much worry about power generation. But magnetic fields don't melt, so a fusion direct-conversion device could be driven by temperatures of hundreds of millions of degrees—and, in principle at least, heat-to-electricity conversion could approach 100 percent efficiency.

The cost of the heat source and generating equipment in today's very large electric plants runs to about $90 per kilowatt of electric-generating capacity. But according to some calculations, these costs could be reduced to about $20 per kilowatt through Post's direct-conversion scheme. Many of the economic advantages of direct conversion would also apply in small-scale plants, severing fusion's ties to mammoth reactors.

Direct conversion would work best with fuel combinations such as deuterium and helium 3, which need higher temperatures to ignite and impose severer confinement problems. Most fusion researchers have been too involved in getting even the "easy" deuterium-tritium reaction going to take on a more difficult combination and exotic methods of power generation as well. Recently, however, with emerging confidence in achieving fusion and preliminary experimental evidence that the principles of direct conversion are sound, Post's scheme is getting a lot more attention.

Setting aside the question of direct generating costs, the decisive justification for pursuing fusion diligently is that it promises to be a much better neighbor than its fossil or fission competitors. Fossil plants especially the coal-burning variety that will predominate for many years to come, emit a variety of air pollutants, despite expensive measures to remove them (see "Some Burning Questions About Combustion," FORTUNE, February). Associated with their operations must be elaborate transport arrangements to supply fuel and remove ash, or else the plants must be located near the fuel source and hence some distance from the power market.

Fission plants have less cumbersome fuel logistics and, except for a troublesome waste-heat discharge in today's designs, they present fewer pollution problems in normal circumstances. Inherent in the fission process, however is a certain possibility that a cooling-system breakdown can occur. Without expensive precautions, the result could be a meltdown of the fuel elements and, in the worst circumstances, a release of radioactivity to the atmosphere. The problems will be particularly acute in the case of fast breeders. These have tightly packed, critically placed fuel elements, thin as knitting needles. Elaborate automatic controls will be needed to damp out touchy tendencies toward surges of power. Huge volumes of exotic coolants such as liquid sodium, must be pumped through the core to extract the heat from the confined space. Even a small obstruction in the flow can result in a fuel meltdown like the one in 1966 that disabled the pioneering commercial breeder, Detroit Edison's Enrico Fermi plant.

Other aspects of fission operation embody other hazards. For instance there is the large amount of highly radioactive materials that a fission reactor core represents just sitting there. And periodically the fuel elements must be removed and transported somewhere else for chemical processing to extract spent fission products and newly bred fuel.

A fusion reactor, by contrast, appears inherently safe. It contains no more than a second's worth of reacting fuel at any instant and there is no possibility of a runaway. Even assuming some disaster—internal failure, bombing, or earthquake—fusion is still about a million times safer. In terms of volume of radioactive materials and the length of time that they would be retained by the human body if ingested, a 5,000-megawatt fusion reactor presents roughly the same degree of radioactive hazard as a 5-kilowatt fission reactor. Among the most hazardous fission wastes are strontium 90 and iodine 131, both of which the body tends to incorporate into its structure. The primary radioactive component in a fusion device would be tritium, most of which the body eliminates relatively quickly.

A DOWNTOWN REACTOR

In the new era of environmental concern, fusion safety and environmental advantages should wield increasing economic leverage. Not only should they result in lower plant costs and insurance premiums, but they should also permit fusion plants to be located closer to power markets. If generating costs decline as promised, then transmission and distribution costs will assume far more significance. Thus whether a fusion reactor can actually put cheaper electricity into the transmission line than, say, a breeder may become less important than the economies that spring from the fusion plant's siting flexibility.

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In a number of interesting ways, moreover, fusion could muster a combination of benefits greater than the sum of the parts. If, as seems realistic, a fusion plant proves sufficiently innocuous to be located within city limits, it could actually bring about a sharp diminution of other forms of pollution as well. Between two and three times as much energy in the U.S. goes directly into heat for buildings, households, and industrial processes as goes into the production of electric power. Proposals have often been advanced for using the waste heat from power production for these purposes, and in a few places such as New York this is now done. Most such schemes, however, run afoul of the prohibitive expense of transporting heat—in the form of either steam or hot water—more than a few miles. But, according to recent calculations by Oak Ridge engineer Arthur Fraas, assuming that a fusion reactor could be sited near a downtown area, it might even pay to operate it at less than top electrical efficiency simply to get more useful heat. One advantage of a combined power-heat utility would be both cheaper power and cheaper heat—as well as, of course, a drastic reduction in the dirt and air-pollution threats from conventional residential and industrial heating. Oak Ridge engineers calculate that steam produced in association with power production in this manner might be generated at an average cost of around 5 cents per million B.T.U. versus present-day costs of around 75 cents.

Demand for such heat is not necessarily as seasonal a matter as might be supposed. Air conditonng, whose surging growth imposes the greatest demand on straining power grids, can just as easily be accomplished with heat as with electricity. Many heat-driven air-conditioning systems are already in use. Some are driven by steam turbines, others operate on the absorption principle used in old-fashioned gas-burning refrigerators.

ROUND AND ROUND THE WATER GOES

The potential economic and environmental advantages to urban communities of having a downtown fusion reactor go beyond cheaper electricity and heat. Conventionally, fresh-water and sewage-treatment systems have been regarded as separate entities, each with its own aesthetic and environmental drawbacks. But one way to purify water—whether seawater or sewage—is simply distillation, a process that automatically brings it to drinking-water standards. This, after all, is the ultimate process used by nature itself in purifying and distributing water through evaporation and rainfall. At present, water distillation is usually regarded as prohibitively expensive, except in some locales that have to use desalted seawater. But if the sewage-treatment and water-supply problems are considered together with a large-scale local heat-electricity utility, the economic equation changes. Existing water and sewerage systems in Philadelphia, for example, represent an investment of some $375 million. But Fraas has estimated that a distillation plant to perform all sewage treatent, producing potable water in the process, could be attached to a fusion electric-heat utility plant for an additional cost of only $50 million—so long as the plant were not too far away from the city.

Considerably more speculative is an ingenious new suggestion for putting fusion energy to work upon the problems of resource shortage and waste simultaneously. About a year ago, physicist Bernard Eastlund and electrical engineer William Gough, both on the AEC's fusion-research management staff, proposed that the leakage of fusion plasma from confinement might be put to use as a kind of ultimate blowtorch, valuable for many other purposes than electricity and heat. Among other things, they suggested, such a "fusion torch" would be capable of converting any substance, including garbage, right back to its constituent elemental atoms: pure oxygen, carbon, hydrogen, iron, silicon, copper, and so forth. Then through a variety of methods it would be possible to collect and sort these elements for total re-use. By the year 2000, according to the extrapolations of Eastlund and Gough, a city of ten million could simultaneously derive its electricity from fusion and recoup the costs of its waste disposal by selling the waste's constituents.

THE EFFECT OF GARBAGE ON WEATHER

The whole idea of the fusion torch has, to be sure, generated considerable skepticism from other scientists. Some are appalled by the immense amount of energy that would be required, say, to dissociate garbage into high-speed atoms and then to sort these out and re-collect them. But the torch's proponents contend that most of the energy could be recovered as heat and used to generate electricity. In any case, they add, the combined problems of resource scarcity and waste disposal will eventually make waste recycling inevitable. They challenge their critics to come up with a better approach. As one example of the magnitude of the problem, they point to oft-used estimates that by the year 2000 the U.S. alone will be faced with getting rid of some 400 million tons of municipal refuse annually. Today the most advanced method of disposal is usually considered to be incineration. But incinerating 400 milion tons of refuse would not only leave 100 million tons of ash, but even worse, it would consume 300 million tons of oxygen and would produce, among other things, 444 million tons of carbon dioxide. Already, carbon dioxide from fuel combustion is looked upon with worry because of possible effects it might have upon the world's weather.

The practicality of such ideas as those of Eastlund and Gough and Fraas remains to be proved, of course, as does the practicality of fusion itself. But if current energy, resource, and waste-disposal arrangements continue, future communities appear headed for sharply diminishing returns on additional energy. Dr. Alvin Weinberg, director of Oak Ridge Laboratory, foresees that to provide the present U.S.-scale standard of living for the global population after the year 2000 would require the capacity to produce the equivalent of 20 kilowatts of energy of all kinds per person. (Capacity in the U.S. now amounts to about 10 kilowatts per citizen, while the worldwide average is about 1.5 kilowatts.) Weinberg further calculates that at this future worldwide rate of consumption, all the known and reasonably assured reserves of fossil fuel—coal, oil, and gas—would last but thirty years, while the reserves of nuclear fuel, if "burned" in reactors of present-day type, would last only a few decades longer. In any case, current energy-conversion practices—the primary sources of chemical, radioactive, and thermal afflictions in the environment—would appear intolerable if practiced on the scale that Weinberg envisions. Without more abundant but at the same time cleaner energy, life on Weinberg's globe appears to face a future as bleak and curt as microbial existence on a spoiled apple.

Weinberg points out that if fusion is possible, bringing it to the stage of full-scale power production could scarcely cost more than one day's share of the U.S. gross national product. If energy production involves the very survival of man on this planet, as it appears to, the price would be a bargain.

"THE POLITICS OF PEACE" BY SAM BROWN

Mr. McGOVERN. Mr. President, the August issue of the Washington Monthly, a magazine of increasing importance and excellence, carries a most perceptive article entitled "The Politics of Peace," written by Sam Brown, former coordinator of the Vietnam Moratorium.

Mr. Brown's article reveals that he is adding to his brilliance, already recognized, a new political maturity that will make him an increasingly effective force in American politics. He calls for a recognition of the fact that many Americans "make political decisions largely on issues of tone and style rather than on the basis of rigorous foreign policy analysis."

Recognizing this political fact of life, Mr. Brown appeals to those interested in reversing our disastrous course in Indochina to give more attention to the political methods and tools they use as a means of reaching a broader spectrum of Americans.

I do not agree with all of Mr. Brown's observations, and especially his tendency to give primary importance to student dissent and to underestimate the importance of congressional initiatives in the antiwar movement of the past 5 years. It may also be true that Mr. Brown does not fully appreciate yet some of the frustrations and limitations which confront Members of Congress in efforts to compete with the President in affecting the course of American foreign policy and American public opinion.

Because I agree, however, with the essential thrust of most of what Mr. Brown has had to say in his article, and because I am hopeful that my colleagues in Congress and other citizens will read what he has to say, I ask unanimous consent that this perceptive article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF PEACE

(By Sam Brown)

When I visited the North Vietnamese and NLF representatives in Paris last February, they made it clear that they had never counted on the American left to end the war. Madame Nguyen Thi Binh, the foreign minister of the Provisional Revolutionary Government (of the NLF), remarked that she found student radicals very sectarian and reluctant to touch political power. She continued that the confused assortment of political objectives on the left—from legalizing marijuana to overthrowing the government to providing free abortions—dilutes the political impact of the peace movement. The result, she suggested, is that the Vietnamese people and American soldiers carry the burden of America's social problems. Insofar as unrelated issues are tied to the peace movement, weakening it, Vietnamese people and American soldiers die every day because the peace movement has exported the costs of America's social problems to Asia.

I found these Vietnamese revolutionaries far more thoughtful than most young American revolutionaries. Their private conversation was radically different from their strident, ideological press releases, and they seemed to bear little malice toward the American people. They didn't express hatred for

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Middle America, or even for the soldiers in Vietnam. The negotiators seemed to be tough-minded realists, who expect a long war and don't believe that America is anywhere near collapse. In short, these communist leaders are very connected to reality, where political self-delusion can cost people their lives.

One such delusion within the American peace movement has been the notion that we can retain private dimension of political morality for ourselves. We define the significance of peace rallies in such a way that we cannot lose our purity. So if Jerry Rubin or the Black Panthers offend people from a peace platform, we conclude that Jerry Rubin's style is his own business and the Black Panther platform is logically separable from the war—therefore the offended people should pay attention to the anti-war political message independently of its context. We cannot be responsible for their confusion or stupidity.

Thus doves reason that they have the best of situations: if the war ends, they can take credit for political effectiveness; if it continues, they have personally separated themselves from the war policy. The problem, as Madame Binh pointed out, is that there is no private realm for people dealing with the politics of war. The significance of our acts in the peace movement is politically determined, not privately defined. Every time a 16-year-old high school student steps off the curb for a demonstration, there is a political effect. The war may be nearer or further from its end, according to the political impact of his action. This places an awesome responsibility on those who lead others into action.

The responsibility will be increasingly important as it becomes clearer that President Nixon is committed to some kind of non-defeat in Indochina which he calls "winning the peace." There is no evidence in his history that he could withdraw all troops from Vietnam and stop all bombing if doing so would be described as a defeat. This means that building peace politics is not superfluous. American, Cambodian, and Vietnamese bodies are still being blown apart every day, and only a peace movement which reaches Richard Nixon's constituency can stop it. Doves must find lessons in the past five years of anti-war activity to avoid both the errors of previous strategies and the fiction that the war will dissolve of its own accord. Neither Vietnamization nor a naive peace movement can end the war.

Since November, 1969, the President and Vice President have used the apolitical purism of many committed peace people to split the non-moral opposition to the war away from the anti-war activists. They realize that most American voters make political decisions largely on issues of tone and style rather than on the basis of rigorous foreign policy analysis. The right wing of potential peace supporters—those opposed to the war for a variety of non-moral reasons, ranging from its economic cost to the futility of seeking a conventional military victory—tend to cave in to Presidential authority, especially when the tone of his message is more congenial and positive than that of the doves who hold that we cannot grind an honorable peace out of a dishonorable war. The potential peace voters respond favorably to the calm, authoritative demeanor of the President behind the mahogany desk during a television broadcast, and they like neat, clean, thoroughly American behavior. They don't like long hair, campus protest, or, in short, anything which irritates the nerve endings of middle-class values. They may dislike the war, but they dislike radicals far more. Moreover, they inherit this country's anti-intellectual legacy, so that if the President calls for "team spirit" and the peace movement calls for "communal solidarity," they go with the President. For them, "communal solidarity" smacks of the red specter and academic snobbery.

The Middle Americans who favor an early end to the war hold the political balance between continued Nixonian Vietnamization or worse, and an early end to the war. A substantial majority of them would vote for "withdrawal from Asia as rapidly as possible commensurate with the safety of the troops" if the arguments pro and con were presented in equivalent styles. But the President can commune and communicate with the non-ideologies who want to end the war, and his message is not one of rapid withdrawal but of "winning the peace" and avoiding humiliation. And except for the 1968 campaigns and a brief moment last October 15, the peace movement has *not* been able to talk with, or feel with, its potential allies. The apparent result is that the President has disarmed his domestic critics while the peace constituency has grown larger than ever. I think he will lose on his peace-with-victory tightrope in the long run; but for now, even after Cambodia, the combination of support for this President and a peace majority is another paradox in the string of Catch-22 insanities which have characterized the war—prepared by a liberal President who spoke of ending the Cold War, begun by a President elected on a peace platform, waged by executive order to export democratic self-determination to half of another country, escalated in the interest of protecting the troops, and continued on the grounds that it is the shortest road to peace.

Those of us in the peace movement who have worked for five years on campuses, in campaigns, and in community activities like the Moratorium bear a large share of the responsibility for our alienation from the potential doves in Middle America. The fact that they support the President in a crunch follows partly from historical accident, partly from errors in political judgment by the morally committed, and partly from a lack of courage among the politically astute.

Insofar as the split within the peace movement stems from the student base of most anti-war activity, historical accident is largely to blame. I do not think students would have taken themselves seriously as a political force had the war not begun during the civil rights movement. In the early Sixties, young people learned that voting and precinct meetings were not the only effective forms of political activity, that extra-legal demonstrations worked in the face of a moral horror, and that American leaders often displayed both cowardice and hypocrisy in race relations. The civil rights movement, with all its implications about American politics, was almost a necessary condition for anti-war activism on the campuses.

It was also important that the war was begun by a Democratic President, for Lyndon Johnson's presence in the White House silenced many of those who are now doves against a Republican President. Hubert Humphrey, Arthur Goldberg, Edmund Muskie, Larry O'Brien, Adlai Stevenson III, Birch Bayh—none of the party establishment came close to breaking with Johnson. Even the intellectual community, which might have been expected to provide some leadership was so closely tied to the Administration that its members—McGeorge Bundy, Francis Bator, Richard Neustadt, Zbignew Brezezinski, and so on—were reluctant to speak out at first. So were the foreign policy experts, such as Roswell Gilpatric, George Ball, Averell Harriman, and Cyrus Vance. The result was that students were the original peace constituency almost by a process of elimination. Through the draft, we felt the war with the kind of harsh self-interest which motivates most political activity. The first major anti-war demonstration took place in front of the White House in the spring of 1965, organized by SDS. Senators Morse and Gruening spoke, sealing the alliance between students and brilliant eccentrics. When Eugene McCarthy announced his candidacy in November of 1967, everyone assumed that students would be his most consistent supporters, although all the pros, including Robert Kennedy, advised McCarthy against stressing student support.

To say that students have formed the core of anti-war activism does not mean that young people are overwhelmingly dovish relative to other age groups. That is part of the silent majority myth. But I do think that young peace activists tend to have made certain moral judgments about the war, beyond pragmatism. This is a source of strength for the peace movement in that it provides the strongest motive for opposition to the war and also removes the recurrent trap of wavering doves: the victory wish. People who believe that the war is immoral are not tempted to dampen their activity when a vision of conquest is dangled before their eyes. In fact, most of us who have worked to end the war for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States. It would convince many Americans that the war was right and that it could be successfully repeated elsewhere. Also, a military triumph would go a long way toward replacing the Jeffersonian-revolutionary image of America as a place of hope with a Roman image of this country as a conquering empire.

If the conviction of young people has been a source of strength, it has also been responsible for much of the self-containment of the peace movement. And the significant fact is not that active dissent began on the campus, but that it has largely stayed there.

When anti-war activities began on the campuses, most of us were convinced that political education could end the war and that America was sufficiently biased against foreign conflicts to make it impossible for the government to wage war with substantial internal opposition. The draft forced us to confront the war early; and since we reached our decision to oppose American Vietnam policy largely through an intellectual process, we were confident that the country could do the same. So there were teach-ins on Vietnam in 1965 and 1966, and the Vietnam Summer of 1967 was originally called Teach-Out, a campus effort to reach into the community.

The weaknesses of the citizen education campaign became apparent very soon. For one thing, students presupposed a level of basic knowledge about Vietnam that simply didn't exist in most voters. If, in 1965, a student went to a doorstep and the lady said, "I don't know, the President knows more than we do," he became quickly frustrated with such blind deference in the face of facts about the war.

Students found that most voters employed a contorted decision-making process to analyze American involvement in Vietnam. It seemed that they should have been against the war until they knew enough about the issues to argue for it. Instead, people supported the war until convinced that America was wrong, placing the burden of proof on the students and then being fairly complacent about studying the evidence. Many students found it morally repugnant that a citizen could support Lyndon Johnson's war without having read Bernard Fall, the Vietnam hearings, or even Douglas Pike and the SEATO Treaty, without knowing the history

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of the Viet-Minh or of French colonialism in Indochina, and knowing little about Ho Chi Minh, Marshal Jean De Lattre, or Ngo Dinh Diem.

It became quite easy for students to react against Lyndon Johnson's use of Middle America's historic anti-intellectualism with a kind of academic chauvinism readily learned from prominent professors. Thus is followed that since every intelligent person was against the war, anyone who supported LBJ was a fool, immoral, or both. With President Nixon reduced to visceral patriotism and respectable demagoguery to carry the war, the argument has been pushed to its conclusion: that people who support the war for immoral or irrational reasons should not count. This judgment is often felt but seldom expressed, because it runs headlong into the left's emphasis on participatory democracy. Unfortunately, irrationalities matter in democratic politics, and peace is not here just because we want it, or even if we can demonstrate on paper that it's a good idea. In order to build a successful peace movement, one must believe that Middle America should count, even after a week's canvassing in Ogallala, Nebraska, or Peoria, Illinois. The alternative is to join with classical aristocrats, who find the paper ballot a rather crude and absurd method of making political decisions.

Students found it difficult to break the ethos and life style of the campus in order to spend their time in homes and businesses. Canvassing operations and education campaigns require a great deal of organization and commitment to work which is generally tedious. A demonstration, on the other hand, only requires going someplace for a few hours, at least for the non-organizers. The atmosphere at a demonstration is one of a communion of peers, often with recreation and a heady emotional sense of solidarity. Moreover, the civil rights movement had given demonstrations an overtone of moral outrage, and that was precisely the message that the peace movement wanted to communicate: that the Vietnam War is a moral outrage.

Unfortunately, anti-war demonstrations did not succeed in dramatizing the moral aspects of the war, largely because the war was taking place halfway around the world. The sit-ins in the South could demonstrate the moral imperatives of the civil rights movement. One could see the violent clash of behavior against principle, and the connection to the law was clear. Peace demonstrations at draft boards and troop shipping stations attempted to make the same point regarding Vietnam, but the appeal to conscience was too vague or too strained. McGeorge Bundy and Robert McNamara were tucked away in an impeccably proper bureaucracy. They never delivered any napalm in person, and certainly never wore the coarsely hostile face of a Bull Connor.

Civil rights demonstrations had another advantage: they could appeal to the political self-righteousness of 75 per cent of the country in order to defeat the South. This was a significant political lever which the anti-war movement has never had. In order to accept the idea that the Vietnam war is immoral, one must admit that his whole country is capable of perpetrating great wrongs and that he himself is partly culpable. This is difficult for any of us to do. It is far more difficult than deciding that the South's brutal racism is immoral in the face of the non-violent courage of Martin Luther King.

Vietnam demonstrations also developed a high existential content, especially as the war dragged on beneath Ruskian platitudes. At some point it became necessary for all of us to do something, regardless of the political effect, in order to separate ourselves from the government. This year's May 9 demonstration was a good example. There had to be some response to the Cambodian invasion and Kent State. Because something had to be done and peace people knew how to produce demonstrations, a quick demonstration was put together. The May 9 rally in Washington was cathartic for everyone already committed against the war—a communion of the wounded, complete with a mass swim-in in the Lincoln Memorial reflecting pool and speeches about every conceivable issue on the left. But the rally had little political effect on those not already on our side.

The failures of demonstrations as a peace tactic tended to restrict the morally-based anti-war movement to the campus. And, during gestation on the campus, it continually moved toward the left. The enemies became generalized into the System and the solution into revolution. Anyone who added a new plank to the canons of the left was considered purer than his predecessor, and the movement shifted in order to identify with its purest elements. People became unwilling to accept those opposed to the war for less comprehensive reasons. They had to be written off as opportunists and moral reprobates.

This is the first vicious cycle of the student peace movement: the longer it fails to end the war, the farther left it moves, splintering itself into multiple groups in the process, which in turn makes it more difficult to develop the new constituencies necessary to end the war.

I cannot argue strongly for a single-minded peace strategy without considering the emotional costs. Obviously, there are reasons for leftward sectarian impulses, growing out of the history of the Sixties—when this country identified many domestic problems and solved almost none. There is good reason for a healthy cynicism. A young person in this country has seen little but war, the draft, riots, racism, assassinations, pollution, and governmental ineptness since he came into political awareness. A person who is 21 has dim memories, if any, of the early Sixties, when there was a great deal of hope in America.

On a deeper level, there is a strong sense among young people of alienation from the values which built the American economy—impulse repression, acquisitive drive, and status mobility. These frustrations add up to a strong motive for believing that America's problems are insoluble, and that the war is but a symptom whose termination will be of little use.

Finally, there is a feeling that the war cannot be ended on terms other than the Carthaginian Peace acceptable to the Veterans of Foreign Wars. Obviously, any tough-minded political discipline toward ending the war is senseless if the chances of success are zero. The existential alternative is to keep one's purity, protect one's life style, and demonstrate a personal separation from the war policy.

This is a dilemma for those who believe that the war is wrong: defeat appears likely and recommends that people withdraw into a personal purity, while ending the war requires that people move toward Middle America and become politically effective.

To unravel this problem, I think a few false issues must be separated out. First, personal appearance, language, and life style have nothing to do with the substance or purity of one's political views. Behavior that is offensive to Middle America neither establishes nor identifies real political differences; it merely offends Middle America. Burning the flag or shouting obscenities at an anti-war rally is for many doves a shortcut for the years of hard work which would make real political enemies on substantive issues. If done for its political effect, such action creates needless liabilities and fosters the self-deception that one is politically righteous in proportion to how much he is despised.

Another kind of false purism follows from an inquisitional tendency on the left to exclude as many people as necessary to insure the holiness of the group. This is the opposite of the political instinct, which is to include as many people as possible in the interest of achieving an objective. You take your allies where you can, not necessarily making heroes of them, but keeping them in the camp.

It's very dangerous to generalize a personal code of moral absolutism into politics. Many of us cannot accept the draft for this war on personal, moral grounds. But I find it ethically untenable to suggest that everyone who doesn't agree with us is automatically immoral—unworthy of respect and human consideration.

Such absolutist judgment would represent a curiously non-situational ethic for a generation which accepted and popularized situational ethics in sexual relationships. Middle America is still sexually Victorian on the whole, but politically pragmatic, while students are politically absolutist and sexually situational. One could, as Richard Nixon has, drive a truck through the gap.

On either side of this gap, the combatants act like members of the old religious sects, where different rules govern one's conduct toward people outside the group as opposed to those within it. Thus, it becomes possible for an honest, fair-minded judge to display a total disregard for due process in dealing with a long haired radical. On the other hand, it is possible for people on the left—whose internal ethic calls for a loving ethos, an understanding of human weaknesses, concern for the poor, and non-violence—to direct blind hatred toward Middle America, to call people pigs, to glorify militance, and to display considerable cultural condescension toward "hewers of wood and drawers of water," from tobacco farmers to cab drivers to hard hats. The response is obvious.

Sect-like behavior is the source of a second vicious cycle within the peace movement. People in the middle respond to the sign language involved and to the external codes of conduct, not the internal ones. Sectarian violence on the left is the most salient aspect of what the press calls a peace-youth cult.

Perhaps strategic violence in the antiwar movement is yet another legacy of the civil rights movement, during which young people have seen that pompous official statements on the futility of violence consistently ring false against the scramble of politicians to throw money and concern into any urban riot area. But most Americans don't feel guilty about the war, nor do they feel that young demonstrators are its victims. Again, the moral imperatives of the peace movement have been different and weaker than those of civil rights. In any case, I find political violence wrong in principle, and anti-war violence is also strategic nonsense, creating even more needless enemies than flag-burning.

Sectarian violence on the left is the complement of the hard-hat phenomenon on the right. They represent the culmination of the familiar process of polarization.

The real crux of the dilemma over protecting principles comes when it is necessary to make judgments about issue priorities—to choose among contending goals in the interest of effectiveness. This is particularly difficult for young people, who dislike the notion of effectiveness itself because it represents to them the very craving for success that alienates them from America. They have seen too many allies announce with super-

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cilious dignity that they are going to be effective within the system and then drown all moral commitment in self-advancement.

Many older doves not so alienated from success or the work ethic are also wary of the effectiveness trap. Some can remember the Cold War Fifties, when liberals adopted Brooks Brothers suits to "effectively" protect those falsely accused by Joe McCarthy. And liberals continued to adapt themselves to the times until they decried the missile gap in 1960 so they could be effective in making social reforms and finally began the Vietnam war to demonstrate that they were more flexibly effective anticommunists than the hawkish Republicans. In a sense, the trap is responsible for the whole Vietnam mess; for the last generation of liberals made an ideology of effectiveness and finally came to believe in their own tactical compromises.

In order to handle the effectiveness trap, people must have enough self-confidence to believe that the steps necessary to end the war will not erode their commitment to other issues. Adopting a style that does not offend Middle America is itself no compromise of principle. The danger comes when liberals transform Brooks Brothers suits into political disaster, and today's doves must be able to tell when an acceptable style becomes a substantive sell-out.

People must also believe that the war can be ended. Otherwise, they join many students in the non-effectiveness trap—if you decide that it is impossible to win on anything, it makes sense to go down to defeat shouting the pure gospel on as many moral issues as possible. If, on the other hand, doves decide that the peace movement can in fact end the war, then the purest anti-war position is the one which ends the war fastest without compromising the principle that the war is wrong. That position would undoubtedly be tough-minded in that priorities must be chosen and sacrifices made in the interest of ending the war. Jerry Rubin may have to be excluded from a platform to keep John Lindsay, because, coldly, Lindsay is far more politically valuable than Rubin in any successful anti-war strategy. The position would also be painful—it would even be necessary to cultivate dovish potential among racists. But the position would also recognize the daily blood-cost of the non-effectiveness trap.

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I think everyone who has a moral commitment against the Vietnam war feels some of these drives toward left sectarianism. Certainly I do. On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged this war really should be treated as war criminals. There must be a certain point in the midst of an insanely malevolent situation at which any sane person wants to become a maniac. Discipline and caution appear deceitful.

But despite past frustrations and failures, I think that political self-discipline is precisely what is necessary to end the war. My own feeling is that this war *is* in fact less intellectually intractable than the long-run problems of pollution or the distribution of wealth in America, and less emotionally deep-seated than alienation from the Protestant work ethic or the overwhelming problem of race. But it throws up an enormous psychological barrier to the perception of these problems, simultaneously draining the nation of lives, resources, hope, and conscience. Therefore, I think that ending the war is a necessary first step toward meeting more difficult problems, even though ending the war may mean short-run sacrifices of efforts to cope with them.

Also, you have to have faith that the American people will choose the more humane political path when confronted with clearly stated alternatives, and then you work to state the peace choice persistently in the most acceptable style. Until you lose that faith permanently, left sectarianism must be regarded as politically foolish, and only lack of courage causes people who believe so to remain silent.

These realities have been clear for some time. They were paramount in the plans for the Vietnam Moratorium, drawn up in the spring of 1969, when the politics of Vietnam were considerably less carnal than they are now. Nixon and Agnew had not wrapped their policy in the flag, nor had polarization proceeded to the point at which many hawks would cheer the killings at Kent State. But it was clear, at least to our ideological minds, that the President was not going to withdraw from Vietnam quickly and blame the consequences on the Democrats. This option, which so many commentators thought likely because of its "peacemaker" attractiveness and the fact that it would direct any McCarthyite backlash at the Democratic Party, was rejected in favor of a Presidential desire for an outcome with victory written on it somewhere. It seemed that he was going to get out of Vietnam as slowly as possible, while selling the idea that he was getting out as fast as possible.

By spring, many doves had recovered enough from the doldrums of the 1968 campaign to consider new peace initiatives. Jerry Grossman, a Massachusetts businessman, first suggested the outlines of what became the Moratorium. Beginning with a student base, because that was all we could count on, we wanted to develop a single-issue citizen organization with sufficiently eclectic appeal to create a majority for withdrawal from Vietnam.

When we announced the Vietnam Moratorium in June of 1969, the four coordinators felt that it would indeed take a great deal of political self-discipline to succeed with our strategy: to gradually attract new peace constituencies on the right without either making unacceptable compromises or cutting off the left. We had to avoid following the ADA path (drifting to the right ideologically *without* gaining new support) and alienating the left at the same time.

The Moratorium plan for October 15 was to start on the campuses and organize outward into the community, seeking to slowly build peace constituencies. The public message was immediate withdrawal, which was then a radical position relative to the entire American political spectrum. We hoped to start in October with one day's cessation of "business as usual" and increase the moratorium period cumulatively by one day each month until the war ended. The initial call and the founding statement were very centrist documents. We tried to set a moderate tone in everything—from the choice of the word "moratorium" rather than "strike" to our constant encouragement of activities that would appeal to people just to the right of our student base—such as vigils, church services, candlelight ceremonies, and community canvassings. If we had started with more money, more visibility, or more Congressional support, we would have deemphasized our campus base even more; but, lacking all three, we had to organize from the campuses outward. Our specific targets for October were the social groups which had displayed sympathy for the peace movement—the clergy, women, senior citizens, doctors, lawyers, and educators—and we also attempted to reach labor unions and minority groups.

Across the summer of 1969, we received little press coverage and less support from Congressmen and Senators. David Mixner did most of the browbeating on the Hill and got nothing but smiles and encouragement from everyone but the handful of consistent doves, such as Congressmen McCloskey, Adams, Brown, Reid, Edwards, Koch, Ryan, Fraser, Riegle, and Ottinger and Senators McGovern, Hughes, McCarthy, Hatfield, and Goodell. There was a perceptible lack of raw courage on the part of most elected officials. Part of it was rationalized by the "extended honeymoon" argument that President Nixon would extricate us from the war if he had time enough. There was also a strong reluctance to criticize the President, growing out of a contagious inability to distinguish between the office and the man in it.

Two things happened in the fall of 1969 to make a summer's worth of low-profile organizing pay off in October. One was the Labor Day recess, when most Congressmen went home and discovered a great deal of disgruntlement with the war. They often found anti-war activities being supported by surprisingly "straight" people. Congressmen react very quickly to broad-based constituent pressure, and endorsements came in rapidly during September.

Also, Congressmen react to an informal perception of national mood, which they get from the media. Washington is a funny town, and things often occur largely because the right people say they will. Averell Harriman began saying that he thought the Moratorium was a good thing, and so did Ramsey Clark. Bernard Nossiter wrote an article in *The Washington Post* in which he struck a favorable tone and anticipated widespread activity on the 15th. A few columnists responded, and soon the mood became right in Washington. With the luck of this favorable mood, we convinced enough media people that a lot of things really *were* going to happen on October 15. Once the media began doing Moratorium previews, Congressmen with sensitive noses for publicity began to nibble at the Moratorium in the interest of a good headline. Most people on the Hill want to be helpful on the day they can get big press coverage but not otherwise, or the next day.

October 15 was far more successful than we had even hoped, as Moratorium activities took place in more than 500 towns across the country and on most of the nation's campuses. The events were well covered, the tone was good, and many new groups were brought in. There were a lot of professionals: 700 attorneys in Boston, 25,000 people at a Wall Street rally, businessmen in Chicago, government and social workers, advertising and publishing people. Walter Reuther and Roy Wilkins participated, and the Moratorium was endorsed by many of the establishment Democrats who had been so reluctant to break with Lyndon Johnson over the war. There was a great deal of euphoria within the ranks of local Moratorium groups, and we at the national office found that success spawned an atmosphere of hope that new constituencies could be won over and that the movement would snowball. Although October was far bigger than we anticipated in terms of national impact and therefore did not fit in well with our plan of escalating peace actions, the four coordinators were quite optimistic.

Within a month the bubble had burst. The President's speech of November 3 and the reputation of the Mobe (New Mobilization Committee to End the War in Vietnam) neutralized many of the new peace activists in the Congress. Many of them felt that they had done their bit for peace in October and that it was prudent to coast for a while. The New Mobe leaders—Ron Young, Stewart Meachem, Cora Weiss, Fred Halstead, Richard Fernandez, and others—did their best to establish a non-violent commitment through the press, short of excluding hard left groups from the platform; but many people in Congress and the press still chose to see them as simply a bunch of Trotskyites, socialists, draftdodgers, and militants. They conjured up visions of the leaders of the Pentagon march of 1967 and the Chicago demonstrations of 1968 descending on Washington for November 15, 1969.

The mood in Washington before November 15 was very tense. The press dwelled on the threat of violence, the Administration stalled negotiations on demonstration permits, and the citizens of Washington were afraid to open their doors to peace marchers. Meanwhile, we tried unsuccessfully at the Moratorium to keep our activities on November 13 and 14 separate from the Mobe's large demonstration in Washington. But the Moratorium became a generic term for all anti-war activity, including the big march. We decided to support the Mobe activities, partly because we thought they clearly intended to have a non-violent demonstration, and partly because the events were going to happen anyway and would reflect on the whole peace movement. We doubted the wisdom of centralized marches and demonstrations at that time, but we found it impossible on balance to publicly criticize or abandon the demonstration of November 15, thereby splitting the peace movement and isolating the demonstration's sponsorship farther to the left.

The weekend of November 15 came off well, even with the Weathermen in town. On Thursday their leaders came to the Moratorium requesting an "expression of fraternal solidarity" in the form of $20,000. In return, they offered to give us an expression of fraternal soildarity by making the case for non-violence at the Weathermen strategy sessions. We refused. The next night there was a great deal of window-breaking around Dupont Circle and an assault on the South Vietnamese embassy (reportedly led by a police agent known as Tommy the Traveler). The police responded with tear gas and billy clubs. The Saturday crowd of some 300,000 was peaceful—governed, by its own mood of flower-calm protest. There were no confrontations with the police (in fact, there was scattered fraternization) until the demonstration at the Justice Department against the Chicago conspiracy trial. Before 4:00 p.m. on Saturday there were no arrests—very unusual for a crowd that large.

But the tone was still wrong. The press focused on Saturday because it was going to be big and virtually ignored the impressive two-day March Against Death. Almost 50,000 people walked from Arlington Cemetery past the White House to the Capitol steps in a continuous, single-file procession. Each person carried a candle and a placard bearing the name of an American GI killed in Vietnam or of a dead Vietnamese or a destroyed village. The placards were dropped in coffins at the steps of the Capitol as the candles were blown out. But the press concentrated on the big demonstration, previewing it with speculation about the extent of violence and reviewing the day with crowd estimates and the usual line about the day's being generally peaceful with a few spicy violent actions by radicals.

The Saturday crowd was overwhelmingly young, partly because many young people had been angered by the President's first super-patriotic defense of the war in his November 3 speech. The Vice President made his barroom debut on November 13 with his first roundhouse at the media. The wedge was driven between the young moralists and the temperate pragmatists. The latter were partly neutralized by the November polemics from the White House, so they stayed away in even greater numbers than non-students usually stay away from demonstrations.

After November 15, Middle America saw the peace movement more than ever as a youth-based effort, with a sizable element of what seemed to them to be kooks, freaks, and lazy hippies. They saw it that way, even though it was largely untrue, and what they saw became operative for skittish Congressmen. Between then and the Cambodian invasion, virtually no one on the Hill did any peace work. Even committed doves were asking to be let off from speaking engagements on April 15. That is not only a bitter commentary on the state of the peace movement but also an indictment of the responsibility of traditional leaders on vital questions of peace and war. They were coming to *us* to be let off, and we were going to them pleading for support. We couldn't agree on a strategy, but it was generally assumed that we would provide the initiative and they the support. The world was upside down.

This is a third kind of vicious cycle within the peace movement: if you can't get straight, Middle American, Congressional support, the peace movement is seen largely as a youth cabal, which makes it impossible to attract Congressional support. Only a fortuitous national mood with the proper temperate tone or strong Congressional leadership can overcome that problem.

If polarization and the peace movement's youth identity had removed Congressional support after November, the Moratorium was also afflicted with fatigue. November 15 was a hard act to follow. There was a kind of huge peace orgasm in Washington that Saturday, and everyone went home to sleep it off, convinced that the war would never end if that demonstration had no effect. For the previous several months, families had been strained and studies neglected to generate the enthusiasm and organization for two months' demonstrations. The people were simply tired and resigned to the nation's acceptance of Nixon and his Vietnamization program.

There was also a fairly strong backlash against October 15, which took place in many little towns and went largely unreported. There were many places where October rallies had been put together in rather bizarre fashion by people regarded locally as the oddball biology teacher, the left-wing minister, and the kooky lady. After November, patriotic solidarity rose to attack such people by firing teachers who wore black armbands, harassing participating students, and passing anti-demonstration ordinances. We spent a great deal of time trying to help the victims of this backlash.

We had trouble generating any enthusiasm out of the national office, and we really didn't have much to give. We discovered that our plan for a continuously building peace movement had succumbed to the cyclical rhythm of campus protest, the political season being fall and spring. December Moratorium activities were small in most places, and we abandoned the idea of escalating the Moratorium period each month. We fell back, regrouped, and made plans for a series of spring actions at income tax time focusing on the cost of the war.

During the period between November and April, the other coordinators and I found ourselves trying to cope with some of the Moratorium's failures, and recognizing new ones. For one thing, I became convinced that there was a serious lack of long-term commitment among many students. Time after time, students came to the national office arguing that the system had failed to respond to their efforts, but it almost always turned out that the students' efforts had consisted of little more than canvassing for a weekend in a 1968 primary, attending an October rally, and participating in some marches. They had not yet accepted the fact that ending the war would take a long time and a great deal of dirty work.

The Moratorium also had severe bureaucratic problems. The organizational structure followed from a kind of three-pronged anti-authoritarianism within the peace movement. There was a good deal of genuine intellectual anti-authoritarianism among those who had been active long enough to see an Administration composed of all the great humanitarian liberals in the country start a war, who had personally witnessed the Mississippi Freedom Democrats' challenge being sold out (by Hubert Humphrey) at the 1964 Convention or who had found the CIA in control of the National Student Association in 1967. Who wouldn't develop an anti-leadership bias? This source of anti-authoritarianism inspired a great deal of the enthusiasm for McCarthy in 1968.

There was a purist branch of anti-authoritarianism, which taught that organizational discipline was in fact essential to the cause—but only after one made absolutely sure that the leadership was selflessly concerned with the pure gospel and not playing petty reform politics. The problem was that the Moratorium *was* playing reform politics in the sense that we were seeking political alliances with anyone against the war. We didn't feel we were operating in the wheeler-dealer school of political self-advancement, but some of the activities of the Moratorium clearly resembled traditional political bargaining. I considered that part of being serious about ending the war.

Finally, there was the normal amount of scrambling for leadership posts in all the Moratorium offices. People always debunked and frequently deposed the leadership if they felt they could do a better job.

The leadership problem was inherent in any organization of people who were peers in age, especially since there was no one of stature to offer himself as a full-time organizer for peace. Unlike 1968, there was no candidate to rally around. At the Washington office, we felt that young people always respond better and work harder if they have a part in formulating their objectives. At the same time, we felt that organizational efficiency is wiped out unless you reach a kind of consensus that discipline is necessary for operation. Otherwise, it's really impossible to organize a worth-while canvassing campaign, for example, where discipline is critical for getting people where they are supposed to be, at the right time, with the right opening lines, and with the information processed so that it will be useful.

The leadership question was most important in dealing with the left. I found it absolutely imperative that the Moratorium define itself away from the hard left in order to regain the constituencies we had reached briefly in October.

But White House polemics had made it futile for us to try to organize these groups because we were tied to what Middle America regarded as militants. Strategy aside, the labels pinned on the peace movement made it impossible to establish a credible commitment to non-violence, which was important to all four of us at the national office. It was incredible to me that President Nixon had managed to label us as the source of violence in the United States. Every month, he in effect takes $30 from every American taxpayer to ship across the Pacific Ocean along with 20,000 draftees. This is the installment payment on the 400 or so caskets and several thousand amputees and cripples that come back across the ocean each month. Every month tons of bombs are dropped on Vietnamese villages at the President's order, and yet he can find 10 sticks of dynamite on West 12th Street in New York and speak as though the apocalypse were upon us because the peaceniks are at it again.

One of the reasons the President can get away with such nonsense is that many of us in the peace movement failed to dissociate ourselves strongly enough from violence on the left. While I thought it morally necessary to separate ourselves from those who advocate violence, I found it very difficult to do. After the Dupont Circle violence of last November 14, I said for publication that I thought those people should be arrested and processed for criminal charges. I also said that it is outrageous to gas, beat, and press inflated multiple charges against window-breakers and petty vandals, but that part never got reported. The press stories came out to the effect that I thought the people had gotten what they deserved. Similarly, I've said on numerous occasions that the country will fall apart of internal hemorrhage if the war is not ended, and it always comes out: "If the President doesn't end the war, we're going to tear the country apart."

Splitting from the left was one of those tough, grisly decisions forced upon the peace movement by the politics of war. Although I couldn't buy the purist argument that only the hard left deserved credit for peace activities (an argument used to exclude people like Senators Harris and Mondale), it was personally difficult to break with friends in the Mobe and politically dangerous to split the peace movement when the chances of attracting real Congressional leadership seemed so low. And it also involved clear responsibilities for what happened afterwards, because I believe that if the hard left is really isolated, it will be repressed. If the moderate peace leadership stands up and says, "We intend to create a peace organization with a strong commitment to nonviolence," the political impact of that will be to say "and that makes us a lot different from those kooks." No matter how hard you emphasize to the press that you will fight for the civil liberties of the people on your left, they will divide the groups into good guys and bad guys, leaving the latter fair game for Mitchell and Kleindienst.

It almost takes the press clout of the President to draw fine distinctions in the media. At the Moratorium, we could draw the coverage, but we could never really control how it came out. This made it impossible to move to the right without baiting the left with Agnew rhetoric, which we refused to do.

The responsibility question weighed heavily in our strategy sessions this past winter, even though we may have vastly overestimated the Moratorium's effectiveness as a buffer between the government and the Mobe. We have argued for some time that we on the left have to take responsibility for the consequences of what we say. When William Kunstler says we've got to overthrow the government by force, but not by violence, to a 15-year-old kid that means break windows and throw bricks. You can't retreat into academic distinctions between moral force and physical violence after speaking on a political platform.

All these problems—Nixonian polemics, Vietnamization, fatigue, the question of the left, bureaucracy—plagued the Moratorium during the peace movement's "low profile" period from November until Cambodia. At the Washington office, we tried to resist the opening to the left which tempts all groups on the left that don't hold power. In order not to become another SNCC or SDS, the national coordinators had to repeatedly say no to the left options within the Moratorium. David Mixner was the toughest on this question, and I was second house rightist. Local Moratorium offices commonly fought the same battles that were going on in the Washington office.

Two conclusions became obvious in April. First, the national Moratorium office was more of a burden on the local groups than a help. We were in danger of becoming peace bureaucrats, full of jurisdictional squabbles and petty fights, with no sense of joy or purpose in what we were doing. So we decided to do what all stale organizations should do—disband, and let the good local groups survive on their own and the bad ones fade away.

The second conclusion was more fundamental: that our strategy was right but that our base was wrong. I am convinced that it is not possible to build a successful peace movement simply on a student base. Not enough students have the stature, capacity, or inclination to run a tightly-disciplined peace movement, which would be required to make them effective and keep them moving toward Middle America. Even if such an organization were possible, students alone would be unable to attract a majority of the American people to any politically effective peace position. Students can have an impact since most Americans still don't want to hate their own children. But you must have strong leadership off the campuses to set the tone and direction of the anti-war effort and to give it hope.

This second conclusion made it easier to go to Capitol Hill in April and tell the hesitant doves that if they cared about peace in Vietnam *they* could provide the leadership. Through the entire history of peace politics, Congressional doves had very seldom spent a full day's effort on the war. They gave speeches on occasion. But within the Senate there was no organization, no regular meetings, no commitment to get together and sublimate their egos to produce a piece of legislation, no serious intention to debate the war on the floor of the Congress, no effort to raise the money to use television in response to the President, none of that. This was particularly galling right after the Carswell vote in April when these same Senators had come from nowhere to beat him with hard work and internal organization. They had also undercut the moderate peace leadership and the new constituencies of October. In October, we had one resource to use in dealing with the left—we could deny them speakers and publicity if they didn't move toward the center. But in April we had no cards: a rally of 80,000 people was held in Boston with no control over hard-left factions because our support on the Hill had evaporated.

Our message had paltry effect compared with the invasion of Cambodia, of course. But even Cambodia failed to provoke the kind of leadership necessary to move the Congress and take the war to the country. The initial spurt of enthusiasm in the Congress, especially in the Senate, has largely ebbed. Regular meetings of anti-war Senators have ceased, and there is little evidence of the cooperation or initiative necessary to effect a strategy to end the war.

The outline of a successful anti-war strategy, it seems to me, is clear: the appeal must be made in such a way that Middle Americans will not ignore the substance of the argument because of an offensive style. Support for such an appeal exists. After all, immediate withdrawal is not a radical proposal in this country today, and careful analysis of the polls shows that all political stances on the war must be couched in terms of reaching the quickest possible termination. This indicates that a quick political settlement or immediate withdrawal can become a majority position if the message is presented in a strong but palatable fashion.

While peace activists should not underestimate potential support for an anti-war position, we should also avoid underestimating President Nixon's commitment to some sort of victory in Southeast Asia. I believe that the President's "new" image as a cool, neutral majority-maker, a consummate politician who responds and shapes rather than leads, considerably understates his ego commitment to the war. We are dealing with a man who has a full-time awareness of himself as history—the first President ever to name his own doctrine, the Nixon Doctrine, which I suspect was motivated as much by the simple desire to place his name on the books as to enunciate whatever its meaning is. We are dealing with a man who felt called upon by the world to issue a "State of the World" message, to dwell upon its historic primacy, and to quote himself 27 times in the document while citing all other human beings in history only three times (all three of these quotations were of Secretary of State Rogers agreeing with the President). The President has read the history books and knows that the great Presidents of the United States won wars. He even knows what room of the White House was used to announce the great wartime decisions.

These ego commitments are very harsh terms in which to describe a crucial motive for the Administration's continuation of the war, but I find no others which make as much sense. There is no more plausible way to explain why the President did not end the war right after he came into office, with little or no political risk. Nor can I otherwise explain his total aversion to Congressional moves toward sharing the political responsibility for ending the war.

The President's personal commitment to the war helps explain why he goes for the political groin to justify his actions. He uses patriotism and the flag, which are deep-seated loyalties for most Americans, to stimulate support for a war which clearly calls forth no such loyalties. He uses the media presence of the Presidency to characterize the opposition as near traitors. I think the President has won a large part of the Vietnam debate in the past merely by naming the teams. When it's the Silent Majority versus the Loud-Mouthed Militants, the Silent Majority wins every time. He and the Vice President have also managed to sell the incredible notion that the press of the United States is leftwing. People who believe that have obviously never attended a convention of the American Society of Newspaper Editors, where the sentiment is overwhelmingly conservative, verging on outright jingoism.

Since the country drifts toward impatience for withdrawal as the war drags on, the President will have to continue seeking the jugular if he clings to the victory wish. This is one of the greatest dangers to the peace movement: for when the dialogue over the war is degraded past a certain point, it ends. (Liberals should remember the converse: that when the dialogue is elevated to certain level of generality, involving, for example, petty squabbles over doctrinal minutiae, then the talk goes on forever without action.) People can no longer talk to each other, and confrontations based on tribal sign language become the norm. In all political likelihood, most of Middle America would line up with the President in any such jungle warfare.

The atmosphere of debate over Vietnam is already so debased that it will be very difficult to take the high road to offer the American people the kind of positive tone and hope which would stand out by contrast with the President's increasingly defensive and visceral statements. It will be impossible to do so without very strong leadership. I suppose that is the heart of my feelings about the peace movement—that the strategy can be devised, that the constituency is there, but that these assets are useless without strong, non-student leadership. The money will follow evidence of leadership. If my analysis of President Nixon's objective in Vietnam is on the right track, the task will be very difficult, but all the more imperative.

The leadership must have the media presence to counter the President's enormous TV influence. Someone must respond to his smears on the patriotism of doves. A figure like Harold Hughes would have great impact if he said in effect: "Look here, Mr. President, we're not talking about campus bums. We're talking about whether Vietnam is worth continued killings and maimings. I fought through Europe in World War II and consider myself as American as anyone, but that was 25 years ago. And the fact is that Vietnam stands between us and everything America hopes to become." The leadership must be willing to talk about Vietnam in terms that will appeal to Middle America—to rename the teams so that we start on ground zero with the hawks, rather than at an emotional disadvantage.

Part of the new message must be the destruction of the silent majority myth. The only clear lesson of the polls is that most Americans want an end to the war. If the President were to use television to justify withdrawal on the grounds that we had done all we could or that the South Vietnamese government was corrupt and unworthy of support, I believe he would receive 70 per cent support. The silent majority is largely produced by the American propensity to defer to the President. In March of 1968, for example, the Gallup poll showed 40 per cent for and 51 percent against stopping the bombing of North Vietnam. After President Johnson stopped the bombing, the polls showed 64 per cent for and 26 per cent against his decision. The silent majority appears quite malleable.

Not only must the silent majority argument be exposed as a sham, but the popular characterization of doves as militant, long-haired kids and the silent majority as middle-aged and middle-class must be dispelled. Young people as a group are not more dovish than old people, nor do overeducated eggheads tend to be more dovish than "the folks." In fact, the polls show that college-educated people in their twenties are consistently more hawkish than older non-college graduates, by a significant margin of about 20 per cent.

In addition to establishing a tone acceptable to Middle America, renaming the teams, and destroying Presidential myths, the peace leadership should use the media to make becoming a dove more psychologically attractive to Middle Americans. Prior emphasis on the moral aspects of the war has meant that the first psychological step toward an anti-war position has of necessity been the admission that the United States is somehow evil. Since many people are unable to make that jump, an admission of American guilt should not be asked of all potential supporters. To the extent that we in the peace movement have played down the pragmatic arguments for peace, we have weakened our case—and lessened our chances of ending the war. It is in no way inconsistent with our moral opposition to the war to lay much greater stress than most of us have as yet on the great practical benefits of peace.

This new peace leadership should be composed of Senators, Congressmen, governors, mayors, businessmen—all the straight people who are willing to make a firm and unequivocal commitment against the war. The spokesmen should be those most visible and most attractive to Middle America, those who can speak intelligently about the war with strength rather than condescension or aloofness.

The five co-sponsors of the Amendment to End the War already have a list of some 75,000 people who responded to the Senator's television special after Cambodia, which could be the beginning of a peace constituency. What is needed is commitment from a large number of people willing to cast a "bullet" vote for peace. This commitment may be less organized than a party or formal corporate structure.

The new peace leadership must make it clear that it is in for the duration—until the end of American involvement in Indochina. The cyclical activity of the anti-war movement has had a double disadvantage in the past: during periods of upswing, the peace movement has overestimated its effect and thus paved the way for subsequent acute frustration and resignation; during the downswing, the government has underestimated latent anti-war sentiment, and this has possibly contributed to adventurism.

If the focus of the peace movement could be shifted to the new and long-awaited leadership, young people would be far more effective politically. I don't think we have to hide who we are, or even what we say. We should merely recognize the fact that the political balance on the war is held by people with different life styles. Students could be a left, moral pressure on the coat-and-tie leadership. Students could make it clear to Richard Nixon that *they* will write his history and that all wars are not heroic. They could make it clear that there are *costs* held against those who wage this war. Those who wage the war should be constantly reminded that they are responsible for a moral horror—like the British Viceroy in colonial India. Every time the Viceroy showed his face in public, he saw a silent Indian holding a sign which read "Assassin." Lyndon Johnson and Richard Nixon should be subject to the same treatment. We should make them aware that there are large numbers of people in this country who hold them responsible for criminal activities and who believe that those who wage the war cannot cast off the responsibility merely by leaving office.

There is no assurance at present that a new peace leadership is forthcoming, although recently several prospective leaders have been leaning toward conscience and away from conservative careerism. If these people were to emerge, I believe that it is quite possible to build a peace constituency and create a national atmosphere in which it would not be possible to wage the war. This would be partly a matter of national mood, which is highly volatile and heavily influenced by unexpected events.

A renewed peace movement would also exercise political clout, apart from its impact on the nation's war temperature. The National Rifle Association is an unpleasant model; but if a tiny fraction of the population can stop gun control with organization and the bullet vote, then the peace movement can stop the war. The new constituency would have obvious potential in 1972.

All these ruminations have been predicated on certain traditional assumptions: that people's political opinions should count, that democracy can be made to work, that there is enough good will left in the country to make it work, and that given a choice between rational alternatives, Americans will choose the most humane course. At the same time, the American people have shown that they will not respond favorably to violence committed in the name of ending the war, or to a version of democracy that romanticizes about participation of the poor and the black but ignores the middle, or to peace advocates who think demonstrations are a substitute for the sustained work of peaceful persuasion.

But the "system" should not be applauded even if the war were to end tomorrow. For five years, it has provided no real way for people to express their views on a war which was presented to them as a test of manhood. The system provided no public debate over whether we should enter the war, but instead permitted our leaders to involve us by stealth. This critical failure gave inertia to the propagation of the Vietnam war and sneaked the flag onto the battlefield—leaving the peace movement at an enormous political disadvantage. The system has provided poor information to voters and little active leadership for a position of obvious principle.

If the war is now ended by political action, as I believe it can be, some will undoubtedly argue that the system has vindicated itself. That argument, however, is self-deceiving; for in many crucial respects our system has already failed and requires radical reconstruction.

But that is premature retrospection. If the war can be ended only with such self-delusion, we should end the war now and fight the delusions later.

APPROVAL RATING OF THE PRESIDENT RISES

Mr. **STEVENS.** Mr. President, to the Ancient Order of Nixon Haters in the Nation's Capital, the news out of Princeton, N.J., last week merits an emergency session of the security council. According to Dr. Gallup, the most reliable and respected of pollsters, the President's approval rating has risen 6 points in 4 weeks. This percentage roughly translates into 7 million potential voters who have, over 4 weeks' time, changed their opinion of President Nixon from unfavorable to favorable; and 5 million actual voters who have changed their minds and concluded that—18 months after his inauguration—Richard Nixon is doing a good job as President of the United States.

There was no moon landing last month, no summit conference, no smashing domestic victory over Congress, no dramatic upsurge in the economy that can explain away this startling increase in the President's approval rating. There was nothing; nothing at all—except Cambodia.

If Gallup is on the mark, then the great majority of Americans listened patiently to the unanimous conclusive opinion of the national networks, Time Magazine, Newsweek, the New York Times, the Washington Post, Life, and Look that Cambodia was a political disaster and an international blunder and concluded that the national media were feeding them hogwash.

In 18 months there has been no sharper divergence of view on a greater issue than that between the President of the United States, almost alone on one hand, and all the "respected national opinion" on the other on the matter of Cambodia. The issue was clearly drawn. Mr. Nixon contended repeatedly that the most controversial decision of his Presidency was morally right, strategically necessary and militarily successful. The national media, the academic community, many articulate voices in the U.S. Senate, in chorus, argued that Cambodia was a blunder for Nixon and a disaster for the United States.

Now the final returns are in. The President has carried the country in a landslide.

After two martinis in Georgetown, they must be asking one another, "What

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is going on here?" One wonders if the national media are getting the message.

From these returns it seems that President Nixon knows the people of this country better than do the editors of the national magazines, or the national press, or the national networks. If there is a credibility gap worth noting it is the gap between what the national media are telling America and what America believes. That gap appears large enough to drive the 1st Air Calvary through—straight into Cambodia.

If the trend continues, for every clever wordsmith "wowing 'em" with his SPIRO AGNEW watch at Lennie Bernstein's, 10 middle Americans are going to be walking around sporting Frank Stanton timepieces.

Who would have predicted it? Eighteen months after taking office, a year after the traditional presidential "honeymoon" is over, Richard Nixon, the "minority President" who could win only 43 percent of the vote, the first President since Zachary Taylor to assume office and find both Houses of Congress in the hands of aggressive hostile majorities, the man who gave America SPIRO AGNEW, the man who nominated Haynsworth and Carswell to the Supreme Court, the creator of "Nixonomics" which the eggheads claim has slowed the economy while increasing unemployment, the politician who is supposed to be "writing off" the Northeast, the "black, the poor and the young"; this selfsame fellow, with a bureaucracy of 2.5 million waging guerrilla war against his programs, with the national media "pushing" his vocal opposition, with the Senate and House of Representatives blocking him at every turn, with the academic community seething with indignation and hostility toward him, with the "best of our young people" rioting against him—this President Nixon is on the rise in the national polls to a point where six of every 10 Americans think he is doing a fine job as President. With this opposition, the wonder is that he even survives.

This development is among the great ironies of politics. Fifteen years after Mr. Nixon was tarred with the label "Tricky Dick," his word is believed by the American people on critical matters and the national media that tarred him are not believed. Ten years after the JFK debates that made the association of Richard Nixon and television something of a national joke, the President's occasional use of television time to go directly to the people on major issues is considered an "unfair" advantage over his Democratic opponents.

So, today, the craftier minds in the national media are asserting that a President should not be given prime time when he requests it. CBS is busy trying to establish a new "right" for the Democrats to attack and criticize, in free grants of prime time, any appearance of the President on television. Mr. Nixon should take this rather cynical enterprise as a compliment. For, in trying to block the President's access to the people, the national media are advertising not only his mastery of the media, but its own lost credibility, its own diminished standing in the eyes of the public—a standing richly deserved.

AID TO AMERICAN EDUCATION

Mr. MATHIAS. Mr. President, last week, during the debate on the education appropriation bill for 1971, I expressed concern that the funds for student aid might be insufficient. As the costs of higher education continue to soar, it is vital for us to increase all forms of student assistance to keep college doors open to all who seek a higher education.

Our current economic situation makes an increase in student assistance funds even more important than under normal circumstances. Inflation, unemployment, a tight money market, and budget restrictions have compounded an already serious situation for the student that depends on outside aid in order to attain school.

I am pleased to share with Senators one case in which Government funds from the higher education act allowed a young man to continue his training. I hope we shall continue to provide adequate funds to meet the obviously increasing demands.

I ask unanimous consent that the letter of Mr. Roy R. Thomas of Lanham, Md., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LANHAM, MD.,
June 26, 1970.

Hon. CHARLES McC. MATHIAS, Jr.
U.S. Senate, The Capitol,
Washington, D.C.

DEAR SENATOR MATHIAS: Rev. James J. Kortendick, S.S., Chairman of the Department of Library Science, has advised that I have been awarded a fellowship at The Catholic University for the academic year 1970–71. Without this financial aid under Title II–B of the Higher Education Act, I would not be able to afford this valuable training. I wish to express through you my appreciation to the American people for this educational opportunity and urge that it be made available to others in the years to come. I am sure that the other Fellows, Miss Maris Mangano (Merrick, N.Y.), Miss Marguerite Sheehan (Princeton Junction, N.J.), Miss Carol Tome (Plains, Pa.), and Mrs. Martha Sullivan Young (Rochester, N.Y.), concur.

Very truly yours,
ROY R. THOMAS.

GUIDELINES ON DRUG ABUSE

Mr. WILLIAMS of New Jersey. Mr. President, Dr. Sylvia Herz and Mr. Simeon F. Moss, of the Essex County School System in New Jersey, have forwarded to me a copy of a pilot drug abuse education program which they have developed for their local system.

I am impressed with the realistic and understanding tone of the guidelines and the awareness demonstrated of the psychology of the youth the program is designed to reach.

These guidelines are simple, to the point, and flexible. Included at the end of the guidelines is a bibliography of real value and a list of locations to contact should an individual, whether adult or student, desire information or help on a drug-related problem.

Mr. President, I ask unanimous consent that the guidelines and other attached information be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PILOT PROJECT ON DRUG ABUSE PREVENTION IN THE ESSEX COUNTY SCHOOL SYSTEMS

JUNE 23, 1970.

To: Superintendents, Principals (elementary, junior high schools, senior high schools), Chairman, Secondary School Principals' Roundtable; President, Guidance Directors' Roundtable; Supervisors of Health, Physical Education and Safety; President, Essex County Council of PTA Associations.

PREAMBLE

The following Guidelines were developed prior to passage of Assembly Bill 1056 which provides for a three-phase drug education program for New Jersey secondary school teachers and students—the first phase of which will begin in July. Under the program established and backed by an act of the State Legislature—drug education will become part of health education curriculums early next year.

Since many school-parent-community drug abuse programs have already been initiated and others are currently in the process of organization, these Guidelines have been designed to aid both those programs already developed and those now being planned.

We also suggest that the rationale of these Guidelines be utilized as a supplementary tool for school personnel in their consideration of the many approaches to the multifaceted problems of drug abuse.

GUIDELINES ON DRUG ABUSE: PREVENTIVE TECHNIQUES

The Multi-University Interdisciplinary Council on Drug Abuse of Essex County which is coordinated through the County Superintendent's office has developed a five-pronged program, experimental in nature, which is currently awaiting funding. In the meantime, the following suggested Guidelines and Preventive Techniques are proposed to you for use in the development of more specific drug prevention programs for your local school district.

The committee is fully aware that the drug problem is one that cannot be totally resolved within the educational community and that it is a problem which merits the full consideration of all segments of our society.

It is generally acknowledged, nationally, that the ease of availability of drugs is not limited to the high school nor to the junior high school, but has penetrated to the elementary school level as well. An expressed awareness of the drug problem by school administrators and their active efforts to share with both parents and community a responsibility for a positive approach to its solution, should be our first step in grappling with this social epidemic.

What we have attempted to do here is to outline to you the present thinking in the area of drug education in the hope that all may profit by the positive lessons that have been learned. We have also touched upon those negative aspects of drug education which, in our opinion, might detract from the presentation of a meaningful drug abuse program in your community. We are also hopeful that constructive feedback will result through our mutual exchange of information on this subject.

In this section we will comment briefly on the types of speakers, films and literature on drug abuse which, in our opinion, have the most positive appeal to students.

1. There art many self-syled authorities on drug abuse. We recommend great caution in the selection of speakers regardless of whether or not they are paid for their services.

2. Caution must be observed in speaker selection. No matter how well intentioned or informed they may be, many speakers by their approach tend to "turn students on to drugs" rather than "turning them off." Speakers of this type should be avoided.

3. A speaker who is highly authoritarian or rigid in his presentation should be avoided. Students usually do not respond to this type of speaker and profit very little from, what in many other respects, might be a good presentation.

4. Appeals by speakers to students based on fear, the illegality of drugs, or the harmful effects of drugs on the body have usually proved to be ineffectual. Punishment by incarceration alone is not a solution to the drug problem as evidenced by the high rate of recidivism among drug offenders (70%-90%).

5. A person with a basic knowledge of the drug scene with its attendant socio-cultural causative implications, who can gain rapport with students by effective presentation of material which has student appeal, and develops confidence and mutual rapport, is the type of speaker to be sought.

6. There is little evidence to support the thesis that drug education alone will stop its abuse. Moreover, most studies have indicated that students are generally well informed on drugs, their properties and the effects upon abuse.

7. It is recommended that before exposing a large segment of the school's pupil population to a speaker, film, posters or literature on drug abuse, that a pilot study be conducted with a small group of students. A reaction and evaluated student reaction from this smaller group can be secured by asking the following questions:

a. What did you think of the speaker, film (etc.)?

b. Did you learn anything that you did not know before? What?

c. Do you agree with the message that the speaker, film, etc. conveyed? Explain.

d. Do you feel differently about drugs as a result of your exposure to the speaker, film, etc.? If yes, what is the difference?

e. How do you think the rest of the group reacted?

8. After its value has been properly assessed, all aforementioned media—speakers, films, literature, etc., should be subjected to immediate follow up. Follow up can best take the form of small group discussions with as little formal leadership (either by staff members or students) as possible. The purpose of the small group discussions should be to stimulate as much interchange between students as possible after the *formal* presentation has been made.

9. From such discussions there may evolve student groups that will take a strong stand against drugs. There is already such a junior high school student group being formed in Essex County called "Not Me" which originated in West Orange. This is an excellent development, since it lessens the peer group pressures to conform to drug usage and makes available a positive sub-group to which a student can develop a sense of belonging.

10. "Rap Sessions" among secondary and junior high school students where they ventilate a multiplicity of problems—family, educational, social, sexual—should be encouraged in a nonauthoritarian-free discussion type of setting. These sessions should take place during free periods or at other appropriate times during the school day.

The "Rap Session" technique currently appears to be the most effective in appeal to young people, since it provides a forum for the ventilation of the multiple frustrations of youth through open and free expression. Further, it helps students realize that their "problems" are not unique. Often they get a clearer insight into their own grievances as they objectively listen and assist their peers in solving their problems. Personal growth is fostered through this process of group dynamics.

The type of person selected to lead this type of discussion should be chosen carefully and should be apprised of the goals to be achieved and of his nonauthoritarian supportive role as a group leader. It is suggested that, perhaps, the students themselves could select a rapport-creating faculty member (teacher, guidance counselor, nurse, etc.) to sit in on their discussions. With proper training senior high school students might be used as leaders of junior high groups, and junior high students could lead an elementary group. Such group interactions would offer the advantage of age proximity in peer relationships. It is suggested that in time an open ended course which will provide the essential human relations elements for coping with youth's perplexities (growing up, overcoming the difficulties of "making it" in today's world) might become part of the required curriculum of the public schools. A course of this type would be unstructured except for certain obvious stated goals. To be fully effective, parents must be involved in separate and later in coordinated parent-student-teacher workshops, not only to open channels of communication among all groups but also to better enable each group to assist the other in life-style functioning and in their varied interrelationships.

We all recognize that students must be heard. We must offer to them a means for direct communication with us. Barriers that have been raised which have created impersonal relations among the child, his parents, and the community, and with it hopelessness and alienation, must be struck down. We must recognize that drugs are a "symptom" of our times in an already pill-drug-oriented culture. It offers to our youth an escape from reality in our highly competitive multi-problem-faceted and nuclear space-orientated society.

In general, an awareness, flexibility and recognition of the need for social change on the part of established institutions is the greatest single factor that can help bridge the generation gap and, in turn, alleviate the frustrations and hopelessness of alienated, drug-oriented youth. In seeking the cooperation and innovations of youth in implementing change on all levels within the existing framework—educational, political, economic, social, religious—the relevant alternatives to drugs for young people are offered in significant and challenging aspects of living by personal contribution to society in a meaningful way.

11. As a general rule of thumb, it is recommended that immediate lines of communication be opened among parent, child and school and that proper referrals be made when it is apparent that a child is using drugs.

a. In cases where the teacher first becomes aware of the student's involvement with drugs, the parents should be informed.

b. In cases where a parent seeks the teacher or school's assistance when she is first to discover that her child is a drug user, appropriate counseling should be given to the parent by the school.

Differences: Experimentation versus addiction

When faced with a problem of drug abuse, school personnel should recognize that there is a difference between drug experimentation and the serious hazards of drug addiction. There should also be some awareness on the part of educators that there is also a difference in the treatment accorded. There has been wide dissemination in the literature and by the communications media on the various types of drugs. No attempts will be made here to categorize the "soft drugs" (marijuana, amphetamines, barbiturates, LSD, etc.) or the "hard core narcotics" (heroin, opium, cocaine, opiates, etc.) with their respective properties and effects upon abuse. This information is easily attainable.

Accurate and informative literature on drug abuse can be obtained from many agencies. Recommended selected readings on Drugs and Drug Abuse are appended to these Guidelines.

Informational exchange and clearing house

Direct contact with the Coordinator through the Essex County Superintendent's office can best serve as a clearing house for the drug education programs in this County. We can offer you feedback through our monitoring and evaluating the programs now being carried on by many school districts both within and without Essex County. We also hope that if you have adopted approaches or programs that have been successful in coping with the drug problem in your area, you will let us know about them. Conversely, if you have projected a program that did not work out, we'd like to have others profit from these experiences as well. We hope that our lines of communication will be continuous and in both directions.

Sylvia Herz, Ph. D.
Coordinator, Pilot Project on Drug Abuse Prevention for Essex County School Districts.

Simeon F. Moss,
Essex County Superintendent of Schools.

Note: These Guidelines may be reproduced for wide use both within your schools and the community.

Sources of Information

The following pamphlets may be received from the Government Printing Office, Washington, D.C. 20402:

Drugs of Abuse—Reprint from July-August issue of FDA papers. 20c each.

LSD: The False Illusion—Reprint from July-August issue of FDA papers. 15c each.

Drugs and Your Body—FDA Pub. 52. $1.00 each.

Handbook of Federal Narcotic and Dangerous Drug Laws—Bureau of Narcotics and Dangerous Drugs publication. 50c each.

Drug Abuse: Game Without Winners—Department of Defense. 50c each.

Community-Based Treatment Programs for Narcotic Addiction—Public Health Service publication. 5c each.

The Up and Down Drugs—Public Health Service, Publ. 1830. 5c each.

Marijuana: Some Questions and Answers—Public Health Service Pub. 1829. 5c each.

LSD: Some Questions and Answers—Public Health Service Pub. 1828. 5c each.

Narcotics: Some Questions and Answers—Public Health Service Pub. 1827. 5c each.

Traffic in Opium and Other Dangerous Drugs—Annual report of Narcotics and Dangerous Drugs. 40c each.

Narcotics and Drugs—A list of 58 publications concerning drugs from various government agencies that are sale items from the GPO. Single copy free.

Drug Dependence: Its Significance and Characteristics—Single copy free from Bureau of Narcotics and Dangerous Drugs, 1405 I Street, NW, Washington, D.C. 20537.

What You Should Know About Drugs and Narcotics—Associated Press, 50 Rockefeller Plaza, New York, N.Y. 10020. $1.00 single copy.

Drug Abuse Education: A Guide for the Professions—American Pharmaceutical Association, 2215 Constitution Ave., NW, Washington, D.C. 20037. $1.00 single copy.

The Courier—The UNESCO Magazine. May

1968 issues. UNESCO Publications Center, U.S.A. 317 E. 34 Street, New York, N.Y. 10016. Single copy 50c.

Drugs on the College Campus—National Association Student Personnel Administrators, International Inn, Suite 405, 5440 Cass Ave., Detroit, Michigan 48202.

What We Can Do About Drug Abuse—Public Affairs Pamphlet #390, Public Affairs Pamphlets, 381 Park Avenue South, New York, N.Y. 10016. Single copy 25c.

Drug Abuse: The Empty Life—Smith, Kline & French Laboratories, Bureau of Narcotics and Dangerous Drugs, 1405 I St., NW, Washington, D.C. 20537. Single copy free.

"Behavioral Patterns in Sex and Drug Use on the College Campus,"—Sylvia Herz, Ph.D, in *The Journal of the Medical Society of New Jersey,* January 1970.

"Drug Menace: How Serious"—"*U.S. News and World Report,*" May 25, 1970; pp. 38–42.

Drug Facts—Booklet produced by AT & T, April 1970. Copies available through Public Relations Dept. Western Electric Company, Newark, New Jersey.

CENTERS AND REFERRAL AGENCIES

Odyssey House, 642–6550, 61 Lincoln Park, Newark, New Jersey. Eighteen-month psychiatrically oriented therapeutic community for the treatment and prevention of drug addiction; staff is a combination of professionals and ex-addicts working cooperatively.

Mt. Carmel Guild Program, 623–5313, 9 South Street, Newark, New Jersey. Has 2 programs: one for the older addict and one for the teen-age addict.

N.J. Rehabilitation Commission Project for Drug Addicts, 648–2765, 19 No. Harrison Street, East Orange, New Jersey. Under the State Department of Labor and Industry.

DARE (Drug Addict Rehabilitation Enterprise), 642–7411, 211 Littleton Avenue, Newark, New Jersey. Self-help enterprise: program provides follow-up on the addicts for 5 years after they leave. Speakers are available.

The New Well, 242–0715, 173 Belmont Avenue, Newark, New Jersey. Reentry program for ex-addicts. Speakers are available.

Integrity, Inc., 642–9287, 45 Lincoln Park, Newark, New Jersey. Re-entry house for ex-addicts. Private program.

Liberty House, 624–8421, 2, 481–3220, 154 Broadway, Newark, New Jersey. Essex County Outreach Centers of the N.J. Regional Drug Abuse Agency. Speakers are available.

N.J. College of Medicine and Dentistry, Drug Abuse Clinic-Martland Hospital, 643–880, Ext. 713, 714, 65 Bergen Street, Newark, New Jersey. Will provide speakers and classes for teachers, parents and students with a prearranged fee.

Family Service and Child Guidance Center, 675–3817, 115 So. Munn Avenue, East Orange, New Jersey. Agency serves the Oranges, Maplewood and Millburn. Several aspects of the center's operations are in the area of drug abuse; counseling provided.

Church of the Holy Communion, 763–2355, So. Orange Avenue and So. Ridgewood Road, South Orange, N.J. A new service. The Church is sponsoring an office of the Pastoral Counseling Service of Northern New Jersey; a non-sectarian, non-profit corporation passed on by the N.J. Department of Institutions and Agencies. Service provides resources for counseling, referrals, education and training under the supervision of pastoral counselors. There are no geographical, creedal, ethnic or racial restrictions. Fees are determined on consideration of income and number of dependents.

Day Care, 675–1554, 49 So. Munn Avenue, East Orange, New Jersey. A private community day treatment mental health center for people emotionally ill as an alternative to hospitalization. There is provision for drug-oriented individuals.

Prospect House, 674–8067, 214 Prospect Street, East Orange, New Jersey. A community service agency. For young people who have been hospitalized and after care service—includes those of the drug subculture.

DICKEY-LINCOLN SCHOOL POWER PROJECT NEEDED

Mr. MUSKIE. Mr. President, we in Maine repeatedly see our efforts to establish a public power project in New England rebuffed by private power interests. The current crisis in New York should underscore the error in the private companies' contention that they can produce enough power. The Lewiston Evening Journal spelled out the need for the Dickey-Lincoln School project explicitly in an editorial published on July 30. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOT WEATHER AND DICKEY

This hot weather certainly is emphasizing the problems some of the heavily populated areas along the eastern seaboard are having with respect to procuring sufficient electrical power. Right along the private power companies in this region and some of their congressional stooges have insisted that private power alone can meet the demand for power. This has been the gist of their basic argument against the Dickey-Lincoln School federal power proposal.

We wonder if these unyielding opponents of Dickey feel rather uncomfortable when reports of power problems come in as they have during the current heat wave.

If there is no need for a project like Dickey, how is it that New York's mighty Consolidated Edison Co. had to request Tuesday that major buildings users cut back on the use of air conditioners to reduce voltage and to purchase more than a million kilowatts from sources outside the city?

If Dickey is a lot of foolishness and uneconomical, as opponents claim, why is it that the New England Power Exchange, made up of the region's private utilities, had to reduce voltage by 5 per cent Tuesday, and in some instances on Monday as well? Wouldn't some power from a hydroelectric source such as Dickey have been a valuable resource these past few days?

We suggest New England and Middle Atlantic state citizens might give some thought to these questions. If they do so they may conclude their congressmen should be voting for rather than against Dickey.

CARLESS TOKYO

Mr. MATHIAS. Mr. President, with the air pollution in our own cities at such a high level in the last week, we may have lost sight of the international scope of the problem. President Nixon spoke of this in his news conference of July 30, 1970.

The people of Tokyo were among the worst sufferers from the thermal inversion. Last Sunday, as a result of their experience with the smog, the idea of making parts of Tokyo temporarily carless gained wide acceptance.

I ask unanimous consent that articles published in the Baltimore Sun and the Washington Post on August 3 describing that event be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CARLESS GINZA DISTRICT IS A HIT IN TOKYO

(By Thomas Pepper)

TOKYO, August 2.—At 1 P.M. cars were banned from the main street of the Ginza shopping district here, and by 1:05 workmen had set up potted plants, beach umbrellas, makeshift sidewalk cafes and ice cream stands. Then hordes of people began to swarm onto the street.

The occasion was this city's first attempt at removing all cars from certain shopping districts on Sundays and holidays, and, except for a few grumblers who complained that Tokyo was simply copying New York, the idea was taken up with a vengeance.

FIRST ATTEMPT

At the Ginza, Tokyo's most fashionable shopping area, bikini-clad girls handed out cool washcloths, television cameramen interviewed passers-by, mothers wheeled their babies down the street in strollers, bands played and someone arranged for a traditional-style folk-dance. Banners overhead proclaimed the day a "Horiday Purominado", or "Holiday Promenade."

Although virtually every Japanese city has its own covered shopping arcade, where cars and motorcycles have always been forbidden, today's festivities marked the first attempt to ban cars from a major thoroughfare in Tokyo.

Four separate shopping areas were affected. Besides Ginza, they were Shinjuku, a satellite railroad junction famous for department stores, bars, and hippies; Ikebukuro, another railroad junction with slightly less fashionable stores and bars, and Asakusa, once the most successful night-life area in Tokyo, but now a bargain-basement style market for blue-collar workers and farmers.

Ryokichi Minobe, Tokyo's governor, first proposed the auto ban last spring, but could not get merchants and department stores executives to go along with it; they feared a drop in sales.

POLLUTION HELPED

The idea suddenly caught on a few weeks ago, when muggy summer weather accentuated the air pollution and when New York city's "Carless Sundays" received wide publicity on Japanese television. A congratulatory message from Mayor John V. Lindsay was published in this morning's *Asahi Shimbun,* Japan's largest newspaper.

Like other fads that are picked up in Japan, the idea of an auto ban has been described and pored over in endless detail.

Newspapers published maps showing not only the streets to be blocked off, but also the exact numbers of square meters of pavement affected and air pollution meters, calculated to register the amount of carbon monoxide on the carless streets, were set up in the full view of pedestrians. Accompanying charts gave an hour-by-hour reading, complete with comparisons of earlier readings taken when cars were permitted.

Police said that as many as 20 times the normal number of Sunday shoppers roamed the four carless areas today, and pollution officials said that the carbon monoxide level was less than half the normal amount.

TOKYO CURBS THE CAR, BEATS THE SMOG

TOKYO, August 2.—Tokyo closed 122 of its busiest streets to cars today, and for a short while part of the world's most populous city was free of the exhaust fumes that have plagued it recently.

Tokyo's anti-pollution campaign took on a carnival air as thoroughfares in four important shopping districts were cleared of traffic and turned over to throngs of pedestrians for a few hours.

It was part of Tokyo Gov. Ryokichi Minobe's campaign to show the 11.5 million residents what life could be like without the

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noise and stench of the internal combustion engine.

The experiment will be repeated every Sunday and public holiday for an indefinite period. Sunday is normally a busy shopping day here.

The improvement in the air was dramatic. Meters recording carbon monoxide levels nosedived, and for a few minutes in the West Tokyo area of Shinjuku the needle rested on zero.

In the world-famous Ginza shopping and entertainment district of downtown Tokyo, the pollution level dropped to two parts per million—about half the normal 4 p.m. Sunday reading.

Although no recordings were made in two other heavily traveled areas of the city, Ikebukuro and Asakusa, the air was reported to be less smelly than usual.

Their eyes, throats and noses punished by weeks of stinging smog, Tokyo residents responded enthusiastically to today's experiment.

About 750,000 people were reported by police to have thronged the traffic-free streets.

In Ginza, they sat in temporary sidewalk cafes, were offered cold wet towels and free ice cream by bikini-clad girls and watched a folk dancing troupe from southern Japan. Police said crowds at some places were 20 times greater than usual.

The Mitsukoshi department store said it had 200,000 shoppers, compared with a usual Sunday figure of 130,000. Sales ran 50 percent ahead of the usual figure, store officials said. Officials at the Matsuya department store said that "sales are just about like Christmas."

The store estimated that it had 160,000 visitors. Ginza's third big department store, Matsuzakaya, said sales were 35 per cent ahead of normal for Sunday.

In Shinjuku, the promenaders became entangled in a march by two rival left-wing student factions who converged on the same spot for a fund-raising drive. Police watched from the sidewalk, but there was no trouble.

Signs proclaiming "Shinjuku Beautiful Day" sprouted on stores along the street, where business was reported better than ever. Ginza merchants vetoed a similar street closure last year because they feared it would damage business.

Minobe told newsmen tonight he hoped the next step would be to extend the street closure to Saturdays and then perhaps for limited periods during the week.

Meanwhile, Tokyo's antipollution police squads will be back in action Monday stopping vehicles throughout the city for spot checks on exhaust emission.

New regulations in force since yesterday allow a carbon monoxide density of up to 4.5 per cent in vehicles less than a year old and 5.5 per cent in those older.

Two hundred drivers have already been instructed to repair their vehicles or face a fine of up to 30,000 yen ($85).

MILITARY SPENDING

Mr. GOLDWATER. Mr. President, on Friday, July 31, my friend the distinguished Senator from Oregon (Mr. HATFIELD) placed in the RECORD some 25 pages of summary from a 150-page report on military spending. It was explained that the report was a product of an organization called Members of Congress for Peace Through Law and was prepared by more than 25 Senators and Representatives.

Mr. President, I believe we are all acquainted with this organization and its long and exhaustive list of criticisms of the Defense Establishment which it reported in the last session of Congress.

This year, as last year, I am impressed with the enormous amount of research and effort that went into its preparation. I also surmise that the 150-page report must have been a highly expensive project.

Be that as it may, I find in this truly outstanding piece of work many misstatements of the fact and numerous dangerous and faulty conclusions about our Military Establishment and various weapons systems maintained by it. In the days ahead I plan to direct my attention to various portions of this report to highlight for Congress and the public some of its major deficiencies. Today, I merely wish to announce my complete and thorough disagreement with the report's conclusion that some $8 to $13 billion can be cut from administration defense requests for the current fiscal year. Today, also, I would like to devote some attention to a portion of the summary entitled "Economics and Defense Spending."

Mr. President, quite predictably this critical report places almost every economic ill in this Nation at the door of defense spending. It insists that military spending is not only the major cause of inflation but is itself a major victim in terms of increasing the cost of its own operations. This is a popular theory which almost completely ignores the fact that nondefense spending played an even greater role in the development of inflation. I should like to point out, Mr. President, that immediately after World War II, the Military Establishment was largely dismantled and outlays fell precipitously from $80 billion in 1945 to between $12 and $13 billion annually from 1948–50. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time—that is between 1953 and fiscal year 1971 as proposed by the President—defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare, and labor increased 944 percent, for all other functions 182 percent.

More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of gross national product to about 7.2 percent.

In other words, the share of Federal revenues and of the gross national product allocated to national defense has been cut almost in half since 1953. Most of the huge savings were applied to social purposes, and of these education was one of the main gainers.

From this it is easy to see that the cause of price inflation today is not something that can be blamed exclusively on military expenditures.

Mr. President, I ask unanimous consent to have printed in the RECORD a study of my own which I had conducted into the subject of "Defense Expenditures, Inflation, and the 'Peace Dividend.'" I ask unanimous consent to have printed in the RECORD a table showing national defense outlays as expressed as a percentage of total budget outlay and as a percentage of the gross national product.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEFENSE EXPENDITURES, INFLATION, AND THE "PEACE DIVIDEND"

The Vietnam war and miscalculations in estimating its costliness and adjusting federal tax and expenditure policies accordingly contributed, along with other expanding government programs, to increasing deficits in the federal budget, starting in 1966. President Johnson, in his Budget Message of January 1967, proposed a temporary 6 percent surcharge on individual and corporate income taxes, to take effect on July 1, 1967. As the pace of economic expansion accelerated, the President renewed the request for a temporary 10 percent surcharge in January 1968. The Congress finally approved a temporary surcharge in June 1968. By that time the government faced a fiscal 1968 deficit of over $25 billion.

It would be entirely wrong, however, to attribute the total increase in federal spending, the deficits in the budget, and the accelerating inflation after 1965 solely to the increase in military spending. Actually federal spending in non-military areas was increasing rapidly, as was private civilian demand, particularly business expenditures for plant and equipment. It was the increases in total demand, both government (civilian and military) and private demand, placed upon an economy operating at full employment that caused accelerating inflation. As the present Assistant Secretary of the Treasury for Economic Policy, Dr. Murray L. Weidenbaum, stated before the Joint Economic Committee in 1967: "The basic explanation [for the accelerated price rises] would appear to be . . . that the increases in government civilian and military demand, coupled with the continued expansion in business expenditures for new plant and equipment, exceeded the capacity of the economy to supply goods and services in 1966 at then current prices."

Former Chairman of the Council of Economic Advisers Arthur M. Okun stated in April 1968, in a speech at the National Press Club in Washington: "The upswing in demand since 1967 has produced our present disturbing 4 percent rate in price increases."

Another former Chairman of the Council, Dr. Gardner Ackley, who preceded Dr. Okun, pointed out in a speech to the 74th Congress of American Industry, sponsored by the National Association of Manufacturers, in New York, December 5, 1969: "To be sure, most inflations are touched off by an increase in aggregate demand that puts too much pressure on productive resources."

Dr. Arthur F. Burns, Chairman of the Federal Reserve Board, commented on inflation before the American Bankers Association in May 1970. He pointed out:

> What are the sources of the inflationary bias that is presently troubling us? On a first view, the root of the difficulty seems to be the broadening of the social aspirations that have been shaping our national economic policies, and especially the commitment to maintain high levels of employment and rapid economic growth. . . .
>
> Another source of inflationary pressure in recent years has been the rise of governmental expenditures for social welfare. The consequences for the Federal Budget in the United States have been dramatic. Since fiscal year 1965, Federal expenditures for health, income security, veterans' benefits, education and manpower, and community development and housing have more than doubled. . . .

The present world-wide inflationary trend may thus be ascribed to the humanitarian impulses that have reached such full expression in our times.

TRENDS IN FEDERAL EXPENDITURES

It is significant to note that, since fiscal year 1965, social welfare expenditures in the federal budget have more than doubled.

The data in the following table and the two charts illustrate what has been happening with respect to federal expenditures, both military and otherwise, and the growth of the economy. As the table shows, total expenditures of the federal government have risen as a percentage of total economic output (GNP) from 17.3 percent in 1965 to an estimated 21 percent in 1970. Both defense and non-defense expenditures have been rising, but non-defense expenditures have risen at a more rapid rate than defense expenditures. In 1965, defense expenditures accounted for 7.1 percent of GNP. After a rapid acceleration up to 8.8 percent in 1968, it is estimated they will decline slightly and account for about 8.3 percent of GNP in 1970. Non-defense federal expenditures rose rather steadily from 10.2 percent of the GNP in 1965 to 12.7 percent in 1970. Non-defense expenditures thus took an additional 2.5 percentage points of GNP during this period while defense expenditures accounted for only an additional 1.2 percentage points. Thus, of the increased amount of GNP represented by federal expenditures, those for non-defense purposes took twice as much as those for defense.

Also it is worth noting that military expenditures as a percent of total federal expenditures have declined from approximately half of total expenditures in 1960 to under 40 percent of total expenditures estimated for 1970. The exact reverse is true for non-military expenditures, which rose from 50 percent to 60 percent of total expenditures in the decade.

GROSS NATIONAL PRODUCT AND FEDERAL EXPENDITURES (CALENDAR YEARS 1960–70)

[Dollars in billions]

Calendar years	Gross national product	Total Federal expenditures (NIA basis) [1]	Total expenditures as percent of GNP	Defense: Expenditures (NIA basis) [1]	Defense: Expenditures as percent of GNP (NIA basis) [1]	Defense: Expenditures as percent of total Federal expenditures	Nondefense: Expenditures (NIA basis) [1]	Nondefense: Expenditures as percent of GNP (NIA basis) [1]	Nondefense: Expenditures as percent of total Federal expenditures
1960	$503.7	$91.3	18.1	$45.0	8.9	49.3	$46.3	9.2	50.7
1961	520.1	98.0	18.8	46.7	9.0	47.7	51.3	9.8	52.3
1962	560.3	106.4	19.0	50.5	9.0	47.5	55.9	10.0	52.5
1963	590.5	111.4	18.8	50.4	8.5	45.2	61.0	10.3	54.8
1964	632.4	116.9	18.5	50.9	8.1	43.5	66.0	10.4	56.5
1965	684.9	118.5	17.3	48.9	7.1	41.3	69.6	10.2	58.7
1966	749.9	131.9	17.6	54.4	7.3	41.2	77.5	10.3	58.8
1967	793.5	154.6	19.5	67.7	8.5	43.8	86.9	11.0	56.2
1968	865.7	172.4	19.9	75.8	8.8	44.0	96.6	11.1	56.0
1969	932.3	186.7	20.0	78.9	8.5	42.3	107.8	11.5	57.7
1970 (estimate)	944.0	198.1	21.0	77.9	8.3	39.3	120.2	12.7	60.7

[1] National Income Accounts basis.

Source: Economic Report of the President, 1970, pp. 79, 177. Special Analyses, Budget of the United States, fiscal year 1971, p. 18.

The change in the composition of federal expenditures is even more dramatic. National defense and international affairs expenditures reached about 68 percent of total federal outlays back in fiscal 1953. They have been declining steadily ever since and are currently estimated at about 38 percent for fiscal year 1971. The Vietnam war expenditures only momentarily slowed the decline in this curve. However, social welfare expenditures have risen steadily as a percent of total outlays throughout the entire period since fiscal 1953. Even with the increased military expenditures for the Vietnam war taking place, social welfare outlays continued to rise year by year—though at a reduced rate from fiscal year 1966 until 1969, and then more rapidly.

There has been a changing position of federal expenditures for national defense and international affairs on the one hand and all domestic programs on the other. National defense and international affairs have declined rather steadily with only a slight interruption from 1965 through 1968, whereas domestic programs have continued to rise. By 1963, expenditures were divided about 50–50 between these two categories. In the fiscal year 1971, domestic programs will consume about 62 percent of total outlays and national defense and international affairs only about 38 percent.

MONEY SUPPLY TRENDS

The increase in government and private demand since 1965 was accompanied by highly expansionary monetary policy, particularly in 1967 and 1968, that made the acceleration in prices possible by validating the demands of business, consumers, and government.

The Joint Economic Committee of the Congress, in its report, The Federal Budget, Inflation, and Full Employment in November 1969, stated: "When total money demands are rising sharply, a monetary policy that accommodates them in the face of limited supplies [of goods and services] means that prices will rise."

The situation was even more cogently summed up by Professor David Meiselman of Macalester College, in testimony before the Joint Economic Committee in October 1969:

"The current inflation is the result of excessive total spending for goods and services by both government and the private sector. Whatever may have been the merits of a cost-push explanation of other periods of inflation, there is now essentially unanimous support for the position that recent inflation has been the result of too much total demand.

"For most of the period between 1965 and 1968, the very time government expenditures were rising rapidly for both military and non-military purposes, the Federal Reserve followed a highly expansionary monetary policy as evidenced by the high rate of growth of the money supply, which, in turn, led to a sharp increase in private expenditures as well. *In fact, on the basis of historic norms, Federal Reserve actions alone (for example, the 7% to 8% sustained increase in the money supply, currency and demand deposits, in 1967 and 1968) would have caused inflation even if government spending had not increased so sharply or if the government spending had been matched by enough of an increase in tax rates between 1966 and 1968 to have maintained balance in the high-employment budget,* instead of the 15 billion dollar deficit that evolved by mid-1968 from rough balance in the high-employment budget two years earlier." [Emphasis added.]

The accompanying table illustrates the close correlation between changes in the money supply (currency in hands of nonbanking public, plus demand deposits) and changes in prices. The rapid growth in money supply in 1967 and 1968 resulted in rapidly rising prices by 1968. The relationship is even clearer when groups of annual data are compared. For example, in the period 1955–65, money supply grew at an average annual rate of 2.1 percent and prices rose at an annual rate of 1.6 percent. In the decade 1960–69, money supply increased at average annual rates of 3.9 percent, prices at annual rates of 2.4 percent. In the final half of the decade of the 1960s, money supply grew at a 4.6 percent annual rate and prices at a 3.8 percent rate.

MONEY SUPPLY AND PRICES

	Money supply [1]	Annual rate of change	Consumer price index	Annual rate of change
1955	135.2		93.3	
1956	136.9	1.3	94.7	1.5
1957	135.9	−.7	98.0	3.5
1958	141.2	3.9	100.7	2.8
1959	142.0	.6	101.5	.8
1960	141.1	.6	103.1	1.6
1961	145.5	3.1	104.2	1.1
1962	147.5	1.4	105.4	1.2
1963	153.1	3.8	106.7	1.2
1964	159.3	4.0	108.1	1.3
1965	166.7	4.6	109.9	1.7
1966	170.4	2.2	113.1	2.9
1967	181.7	6.6	116.3	2.8
1968	194.8	7.2	121.2	4.2
1969	199.6	2.5	127.7	5.4
1955–65		2.1		1.6
1960–69		3.9		2.4
1965–69		4.6		3.8

[1] Currency in hands of nonbanking public plus demand deposits adjusted.

Source: Economic Indicators, prepared for the Joint Economic Committee by the Council of Economic Advisers.

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In December 1968, the Federal Reserve began slowing the money supply growth from an annual rate of over 7 percent that prevailed in the last half of 1968. Money supply grew at an annual rate of only 4.4 percent in the first half of 1969 and then, from June 1969 through the end of the year, there was almost no increase (0.6 percent at annual rates). In the first half of 1970, the money supply has been allowed to grow at a little over a 4 percent rate.

Coupled with this sharp reduction in money supply growth since the end of 1968, the budget has been brought into approximate balance. From a deficit of $25.2 billion in fiscal year 1968, the budget had a surplus of $3.2 billion in fiscal 1969. The results of this change of monetary and fiscal policy have removed excess demand and begun to slow the rate of inflation. But it will take some time to get back to the moderate rates of increase in consumer prices we experienced in the early 1960s.

To refer again to Dr. Gardner Ackley in his December 1969 speech to the Congress of American Industry, he stated:

"An inflation develops a momentum which makes it extremely difficult to stop. I fear that the present inflation has such a momentum and that the slowing down of price increases will be more gradual than we wish and more gradual than many seem to think. . . .

"In my view, we will be lucky to get the rate of increase in the GNP deflator much below 4 per cent by the end of 1970; but it should continue to decline thereafter even with a new pickup in the pace of economic activity."

He went on to add: ". . . Let's be sure we learn our lesson from this time. Let's be sure not to permit an inflationary spiral to get started again, through mistakes of fiscal or monetary policy. We must learn to use fiscal policy more flexibly than we have used it in recent years."

THE "PEACE DIVIDEND" OR USES OF NATIONAL OUTPUT

Much has been said about a so-called "peace dividend" that will provide resources for various domestic programs, assuming reduced Vietnam hostilities permit substantial further cuts in defense expenditures. Obviously substantial cuts in military expenditures might, in the short run, free up some funds to be used elsewhere. However, given the growth of other existing federal programs and the probable size of further defense cuts, such funds could well be insignificant amounts.

The Council of Economic Advisers, in the Economic Report of the President, 1970, projected potential full employment output for the economy through 1975 and balanced this with claims on this output by the federal government, state and local governments, and the private sector of the economy. With respect to federal expenditures, the Council assumed only the costs of existing federal programs and new programs already proposed by the administration. The private economy was estimated on the basis of incomes available to individuals under a full employment economy, assuming the present tax laws and a savings rate of about 6.5 percent of personal disposable income. State and local spending was estimated on the basis of expected population growth to 1975 and growth in GNP. The following table, stated in 1969 prices, illustrates the tightness of the situation over the next five years.

GROSS NATIONAL PRODUCT, 1969, AND PROJECTIONS FOR 1970-75

[Billions of dollars, 1969 prices; calendar years]

Claim	1969, actual	Projections					
		1970	1971	1972	1973	1974	1975
Gross national product available	932.3	944	980	1,042	1,103	1,150	1,200
Claims on available GNP	932.3	944	980	1,042	1,100	1,144	1,188
Federal Government purchases	102.0	93	89	88	87	87	86
State and local government	112.7	116	120	125	131	137	142
Personal consumption expenditures	576.0	594	620	654	704	735	769
Gross private investment	141.7	141	152	166	178	186	192
Business fixed investment	99.3	103	105	111	116	120	125
Residential structures	32.2	29	34	40	46	49	49
Other investment	10.1	10	14	15	16	17	18
Excess of claims	0	0	0	0	−3	−6	−12

Note: Projections are based on projected Federal expenditures (see table 14) and their influence on various components of GNP.

Detail will not necessarily add to totals because of rounding.

Source: Council of Economic Advisers, Economic Report of the President, 1970, p. 79.

As explained in the Economic Report of the President, 1970, the data are ". . . sufficient here to show that the existing, visible, and strongly supported claims already exhaust the national output for some years ahead. This is not to say that no other claims will be satisfied, or that claims included in these calculations should have preference over claims not recognized here. The basic point is that if other claims are to be satisfied some of those recognized here will have to be sacrificed."

Developing this same point related specifically to the Federal budget, Assistant Director of the Budget Maurice Mann, in a paper delivered to the American Statistical Association in New York on May 1, 1970, pointed out that:

The projections in the fiscal 1971 budget indicate that Federal revenues will increase by $64 billion during fiscal years 1971–1975—from $202 billion to 266 billion—and that outlays will increase by roughly $44 billion—from $200 billion to $244 billion. The outlay projections take into account the 1975 cost of current programs and the initiatives proposed by the President in the 1971 budget, as well as planned program savings.

A quick calculation shows that $22 billion is the residual amount in fiscal 1975 between projected outlays and revenues. In other words, $22 billion would be the amount available in the budget in 1975 if there are no new initiatives in the 1972, 1973, or 1974 budgets—no major program cancellations or reductions, no other new programs, no changes in the tax laws, and no surpluses to help reduce strains on financial markets. This is highly unlikely. Moreover, it is also unlikely that all the assumptions on which the projections are based will turn out to be accurate. There is no question but that $22 billion is only a nominal amount of funds to accommodate the demands being placed on the Federal Government. Moreover, no excess funds will be available in fiscal 1972, largely reflecting the fact that the second-year costs of 1971 initiatives are relatively great and that revenue growth will be somewhat less than normal."

Chairman Paul W. McCracken of the Council of Economic Advisers, testifying last month before the Joint Economic Committee, brought home the same point.

"The recovery of the economy added to its normal growth will greatly increase the revenue-yielding base. But what is truly amazing is the extent to which this increase is already committed, by tax reductions scheduled under the 1969 Act and by a seemingly irresistible flood of expenditure increases built into existing legislation. The dominant, persistent budgetary problem of our time will be to hold expenditures in line with what the people are willing to pay for. We cannot afford to be diverted from that task."

In the light of these projections and statements and in the light of the cuts already made in the defense budget, it does not appear that there is much room for substantial new federal commitments for domestic programs to be realized from further reductions in military expenditures and without tax increases.

GROSS NATIONAL PRODUCT (GNP), AND U.S. GOVERNMENT TOTAL BUDGET OUTLAYS AND OUTLAYS FOR NATIONAL DEFENSE FUNCTION FOR FISCAL YEARS 1939 TO 1971

NATIONAL DEFENSE OUTLAYS ARE ALSO EXPRESSED AS A PERCENT OF TOTAL BUDGET OUTLAYS AND AS A PERCENT OF GROSS NATIONAL PRODUCT

[Dollars in billions]

Fiscal year	GNP	U.S. Government total outlays [1]	Outlays for National Defense Budget		
			Total	As percent of total budget	As percent of GNP
1939	$87.6	$8.84	$1.07	12.1	1.2
1940	95.0	9.05	1.50	16.6	1.6
1941	109.4	13.25	6.05	45.7	5.5
1942	139.2	34.0	24.0	70.6	17.3
1943	177.5	79.4	63.2	79.6	35.6
1944	201.9	95.0	76.8	80.8	38.0
1945	$216.8	$98.3	$81.3	82.7	37.5
1946	201.6	60.3	43.2	71.6	21.4
1947	219.8	38.9	14.4	37.0	6.5
1948	243.5	33.0	11.8	35.8	4.8
1949	260.0	39.5	12.9	32.7	5.0
1950	263.3	39.5	13.0	32.9	4.9

Footnotes at end of table.

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Fiscal year	GNP	U.S. Government total outlays [1]	Outlays for National Defense Budget		
			Total	As percent of total budget	As percent of GNP
1951	$310.5	$14.0	$22.5	51.1	7.2
1952	337.2	65.3	44.0	67.4	13.1
1953	358.9	74.1	50.4	68.0	14.0
1954	362.1	67.5	47.0	69.6	13.0
1955	378.6	64.4	40.7	63.2	10.7
1956	409.4	66.2	40.7	61.5	10.0
1957	431.3	69.0	43.4	62.9	10.1
1958	440.3	71.4	44.2	61.9	10.0
1959	469.1	77.1	46.6	60.4	9.9
1960	495.2	74.9	45.9	61.3	9.3
1961	506.5	79.3	47.4	59.8	9.4
1962	$542.1	$86.6	$51.1	59.0	9.4
1963	573.4	90.1	52.3	58.0	9.1
1964	612.2	95.8	53.6	55.9	8.8
1965	654.2	94.8	49.6	52.3	7.6
1966	718.5	106.5	56.8	53.3	7.9
1967	771.0	126.8	70.1	55.3	9.1
1968	827.6	143.1	80.5	56.3	9.7
1969	900.6	148.8	81.2	54.6	9.0
1970 [2]	960.0	156.7	79.4	50.7	8.3
1971 [2]	[3] 1,010–1,015	154.9	[4] 73.6	47.5	7.3

[1] Total U.S. Government outlays for fiscal years 1939 through 1958 are based on the administrative budget basis. For fiscal years 1959 through 1971 total U.S. Government outlays are based on Federal funds included in the unified budget. The unified budget includes Federal funds and trust funds, whereas in the administrative budget trust funds were not included. Federal funds outlays in the unified budget and expenditures in the administrative budget concept, though not identical, are generally comparable. For more detailed data, see special analysis B of the special analyses, Budget of the United States, fiscal year 1971.

[2] Estimated amounts.

[3] Estimate of gross national product for fiscal year 1971 is based on an assumed increased combined price increase and actual economic growth of approximately 5½ percent over the prior year.

[4] While the estimated budget outlays for the national defense function are stated as $73,600,000,000, the Federal budget contains an estimated expenditure of $1,400,000,000 for military and civilian pay increases, not included in the defense function referred to above. Military personnel and civilian employees of the Department of Defense represent approximately 75 percent of the total of military and civilian employees of the Federal Government. On this basis it might be assumed that approximately $1,000,000,000 of the pay increase allowance of $1,400,000,000 eventually will be accounted as national defense function outlays. If national defense outlays were $76,600,000,000, they would represent 48.2 percent of total Federal funds and 7.4 percent of the estimated gross national product.

Sources: U.S. Bureau of the Budget. U.S. Department of Commerce.

DEDICATION OF ANNAPOLIS COAST GUARD STATION

Mr. MATHIAS. Mr. President, on Friday, the 26th of June, I was pleased to deliver the dedication address at the ceremonies opening the U.S. Coast Guard, Annapolis Station, in Anne Arundel County, Md.

In serving my country during World War II, the Coast Guard was my first home. It has been satisfying to note its progress over the years. The Annapolis Station, serving the Chesapeake Bay area, exemplifies this growth and the commitment of the Coast Guard to effectively serve those who go to sea.

In the years ahead the Coast Guard will be given additional responsibilities in the field of pollution control. I am confident that they will discharge these duties in the same competent manner that they have other duties in the past.

Joining me in dedicating the new facilities were Representative ROGERS C. B. MORTON, Adm. Merlin O'Neill, Adm. J. D. McCubbin, Rear Adm. E. C. Allen, State Senator John W. Steffey, Capt. L. A. Levine, the Reverend Joseph T. Hemighaus, and the Reverend Leslie L. Fairfield. These and so many others are to be congratulated for their support for this project over the years. The fine facilities reflect credit on their efforts.

I ask unanimous consent that the article by Ed Metcalfe, describing the events of that day, published in the Annapolis Evening Capital, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COAST GUARD DEDICATES ANNAPOLIS STATION

(By Ed Metcalfe)

With small craft warnings in a lowering sky above and Sen. Charles Mc. Mathias offering praise below, the Coast Guard dedicated its new Annapolis Station yesterday.

The facility replaces the houseboat which served the Annapolis area, working from Vosbury Marina.

Capt. L. A. Levine, commander of Coast Guard Group Baltimore, presided at the dedication which opened with an invocation by the Rev. Joseph T. Hemighaus, assistant rector of St. Mary's Roman Catholic Church, Annapolis. Rear Admiral E. C. Allen, Jr., commander of the Fifth Coast Guard District, welcomed guests.

Some 300 guests, among them Rep. Rogers C. B. Morton, Sen. John W. Steffey, Delegates Aris Allen and William Mathews, representing Gov. Marvin Mandel, then listened as Senator Mathias said the "area of operations to be served by the new Annapolis station is the busiest area of water in the state and one of the busiest on the entire East Coast."

He noted that, while "commercial traffic has decreased by one-half in recent years, recreational boat traffic has risen by 800 percent."

He termed the facility one of the "busiest and most challenging duty stations on the coast," while tracing its growth from 1957 when the total station was one 40-foot utility boat with a crew of five to the new station, which has a fleet of six boats, a helicopter pad and a crew of 21.

Located off Thomas Point Road south of Bay Ridge, the new station will serve the Chesapeake Bay from Love Point to Chesapeake Beach.

A 10-acre site, the station has a multipurpose main building which houses a mess, berthing, shops, garages and communications areas for the chief warrant officer and 21 enlisted men.

An entrance channel from the bay has been dredged for a distance of 3,000 feet, 50 feet wide, and is six feet deep. Navigational markings have been provided. A 160-foot pier has been constructed.

The communications center in the main building is conveniently concentrated in a console which permits the man on watch to guard both AM and FM marine frequencies. The antenna near the main building is 135 feet and is said to provide marked improvement in reception and transmission. There is also a teletype which is connected with similar equipment at all other Coast Guard stations within the group.

There are also two three-bedroom units for the station commanding officer and his executive petty officer. Several additional housing units are planned.

The station cost $600,000. It was built by Dunton, Inc. of Annapolis, which built the station, and by Lexington Construction Co. of Annapolis, which built the housing.

Music for the event yesterday morning was provided by the Annapolis High School Band. Though officially on vacation, band members volunteered to play for the occasion.

Benediction was said by the Rev. Leslie L. Fairfield, assistant minister, St. Anne's Episcopal Church, Annapolis.

After the ceremony, guests were invited to tour the station and join the official party for refreshments.

LIKELY IMPACT OF PROPOSED MEDICAID CUTBACKS ON MENTALLY ILL OLDER AMERICANS

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly of the Senate Special Committee on Aging, I wish to express deep concern about section 225(a) of the social security amendments of 1970, as passed by the House of Representatives on May 21.

The title of section 225(a) is: "Establishment of Incentives for States To Emphasize Outpatient Care Under Medicaid Programs."

If this section lived up to its name, it would be worthy of support rather than rejection. Outpatient care, after all, is usually far less expensive than institutionalization and it is more beneficial to the patient when applied appropriately.

But, in the name of economy, section 225(a) could cause serious problems for those older Americans in need of care because of chronic illness. It would put heavy economic pressure upon State government, which would—in all likelihood—be forced to lower the quality of care available to the elderly. And it would deal a crippling blow to the usefulness of medicaid for those most in need of its protection.

My colleagues from the Special Committee on Aging—Senators WILLIAMS of New Jersey, MOSS, HARTKE, and PROUTY are addressing their remarks to the potential impact of 225(a) on nursing homes, general hospitals, home health programs, and the health care for the elderly in rural areas.

My remarks will deal primarily with a proposed cutback in care for those older Americans in mental institutions. The Federal matching would be reduced by one-third after a patient has received 90 days' care; Federal funds would be completely eliminated after a patient had received 275 days of care.

This would mean an estimated loss of $500,000 for my own State of Maine. Significantly, mental health services will suffer the greatest blow—somewhere in the neighborhood of $250,000 to $300,000.

Section 225(a) simply does not take into account the special problems and needs of the elderly patient population in mental institutions.

The National Institute of Mental Health reports that in 1968 there were 775,000 persons aged 65 and over residing in institutions, or 4 percent of the total elderly population. Of these, 135,000 were in psychiatric institutions; the majority in State and county mental hospitals—15.5 percent—and 1.6 percent in VA hospitals, and under 1 percent in private mental hospitals.

In a paper delivered before the 1970 summer institute for advanced study in gerontology at the University of Southern California this July, Dr. Richard Redick, of the biomentry branch, National Institute of Mental Health, said:

> If one talks about the institutionalized aged population with mental disorders, rather than the aged population in mental institutions, then a minimum estimate of the total mentally ill aged in institutions would be 365,000 or almost half the total institutionalized population.

The National Institute of Mental Health has reported the results of studies showing that anywhere from 15 to 25 percent of elderly individuals living in their own residences also suffer from some degree of mental impairment. A minimum of 8 percent of this group are known to be severely impaired.

Mr. President, if States face a decrease in Federal matching for care of such patients in mental hospitals of 33⅓ percent after a 90-day stay, the result may very well mean a reinstatement of the backward "snakepit" treatment of the 19th century. Or, State hospitals may discharge elderly patients to "alternate care" facilities on a wholesale level. And what are these "alternatives"?

Foremost among likely placement categories for elderly discharged mental patients are nursing homes. But another provision of section 225(a) limits Federal matching funds for skilled nursing care for medicaid patients to 90 days.

Medicaid patients are already being turned away by some nursing homes which cannot afford to give quality skilled nursing care at the present level of Federal support.

What is the other "alternative?"

The community?

Where 62 of the 165 operating community mental health centers face a denial of Federal funds?

Where the lack of trained geriatric personnel in outpatient hospital clinics makes a mockery of such care to the older population?

Where boarding homes run by well-intentioned but untrained sponsors house sick, lonely old people?

Where mentally impaired older persons wander the streets, confused and frightened, open to mugging and attack?

A boarding home, no matter how clean, spacious and well-run, does not provide the kind of treatment which allows for continued growth and rehabilitation. Home health aides are not trained to notice, or to treat, symptoms of disturbed behavior. Such symptoms—obvious to a geriatric psychiatrist, trained nurse or a geriatric social worker—are attributed to "senility" or just old age. Thus, the patient lapses back into his old behavior and left more or less alone, his condition may worsen to the point where he returns again to the State hospital. He becomes, in effect, a body in the State hospital system—90 days here, 90 days there—never receiving the kind of treatment and care his condition requires. Ultimately, his treatment will cost the State and Federal governments thousands of dollars.

A well thought-out, coordinated system of mental health—providing intensive treatment in the State hospital, continued care in a nursing home, home for the aged, or in the community through accessible and well-staffed mental health centers—would be a far more realistic, humane, and less costly solution to his problems than the proposed section 225 (a) cutbacks.

Mental illness experienced by older people is usually not of short duration. Mental disorders among the elderly are also often closely linked with physical illness. Moreover, limited and inadequate income makes it impossible for most older Americans to avail themselves of expensive private psychiatric services in the community. Additional difficulties such as inadequate transportation, fear and embarrassment at being treated for mental illness, and an increasingly isolated life-style, create further obstacles to community mental health care for this population group. This can be verified by the fact that even though 15 to 25 percent of older persons living in their own homes are known to be suffering from some degree of mental disorder, only 2 percent of the older population utilizes outpatient mental health facilities.

Perhaps the heading of section 225—"establishment of incentives for States to emphasize outpatient care under medicaid"—has meaning for younger persons who have the mobility and good physical health to make use of existing outpatient facilities. But, considering the facts and figures about mental illness and the elderly, it would appear that this section is misleading and I believe, punitive, for the older members of our population.

President Nixon has urged us to eliminate "outmoded and nonessential Federal programs" in order to "save" $2.5 billion during the next fiscal year by eliminating or changing programs which he called "obsolete, low priority, or in need of basic reform."

The "alternatives" which exist today to psychiatric hospitalization are clearly inadequate—and if the stipulations in the social security amendments are allowed to stand, I shudder to think of future "alternatives."

During the past 10 years, State hospitals have been actively rehabilitating patients and many have been discharged to the community. However, hospitals have experienced great difficulties in finding adequate placement for this older patient group—many of whom have completely lost family ties and friendships. The community they return to after 10 to 20 years in a State hospital is a very different place from the one they left years before. This patient needs some form of continuing care, even after he leaves the hospital.

While I agree that the medicaid program is in need of basic, constructive reform, I see section 225(a) as a move toward retrenchment rather than reform. I do not believe we can draw an arbitrary line between long term care and intensive treatment for the elderly. Mental illness among older persons often requires long term medical and psychiatric care. And, I can hardly agree that the provision of quality mental heath care to elderly Americans is a "nonessential program." I would also question whether such care constitutes a low-priority program.

Mr. President, we must be especially careful, lest we "throw the baby out with the bath" in reforming medicaid. For if we cut back funds to States for desperately needed services without considering the effect on every segment of the population, that is exactly what we will be doing.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. LONG). Is there further morning business? If not, morning business is concluded.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY, AUGUST 7, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAYH TOMORROW MORNING AND FRIDAY MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the disposition of the reading of the Journal on tomorrow morning, and on Friday morning next, the able Senator from Indiana (Mr. BAYH) be recognized for not to exceed 30 minutes on each day.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. LONG). The Chair now lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement

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of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selective Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. MONTOYA. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16915) making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BURDICK). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 29, 1970, page 26396, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MONTOYA. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) wanted to be heard before the conference report is adopted. He has been notified, and he will be here shortly.

Let me say at this time that the printed conference report on the legislative branch appropriation bill for fiscal year 1971 is available for examination by all Senators.

Briefly, Mr. President, the conference figure agreed to for the overall bill is $413,054,220. This sum is $835,433 under the Senate bill and $66,404,990 over the House bill; but, as Members know, the House bill did not contain the Senate items, which is customary procedure. These totaled $65,499,464, which included appropriations for the Senate Office Buildings, the Senate Garage, a reappropriation of $125,000 for completion of the speech reinforcement system installation in the Senate Chamber, and the $510,000 allowed in the Senate bill for the purchase of the Plaza Hotel property, with which the Members are already familiar. Nevertheless, the net conference figure is $8,360,679 under the budget estimates submitted in the amount of $421,414,899 for all items in the bill.

I believe this conference report reflects a reasonable compromise, Mr. President, and the changes are explained therein. However, the major reductions relate to the Legislative Reference Service of the Library of Congress and the General Accounting Office.

For the Legislative Reference Service, a compromise figure of $5,178,000 was determined upon. This is $108,800 below the Senate-passed bill and $165,000 over the House-passed bill, and will permit the employment of 40 new personnel during the fiscal year for this Service.

For the General Accounting Office, the compromise reached was $74,020,000, a decrease of $730,000 from the Senate bill and an increase of $308,000 over the House bill, and will allow an additional 200 new employees for the fiscal year.

If there are any questions, I shall be glad to respond to them.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New Mexico yield?

Mr. MONTOYA. I yield.

Mr. BYRD of West Virginia. I want to express my appreciation for the good work that the Senator from New Mexico has done as chairman of the Senate conferees and also as chairman of the subcommittee.

May I say that the work assigned to the Senator and his subcommittee is rather a thankless task.

Yet, it is work that has to be done, and the Senator from New Mexico (Mr. MONTOYA) in his excellent manner has shown his usual diligence, his dedication to his work, and his fine grasp of the subject matter.

In my judgment, he is not only one of the Senate's best presiding officers—to which I shall now allude incidentally—but he is also one of the best Appropriations Subcommittee chairmen we have. I have had the occasion to observe and work with him on the Senate Appropriations Committee now for several years. I know of his tenacity and about the zeal with which he approaches his work. He does a superb job in every assignment. Members of the Senate recognize this. He has excellent relations with all members of the Appropriations Committee and of the Senate.

We like him. We have confidence in him. We respect his ability and integrity. Of equal importance he has good relationships with Members of the other body, in which he served ably before coming to the Senate. I think this is a combination of the things that are required to make a good chairman of an appropriations subcommittee. And it is the key to being an effective Senator.

I know of no subcommittee in which there is more work to be done than in an appropriations subcommittee. Certainly the Senator from New Mexico has shown by his handling of this and other difficult bills and conference reports that he is equal to any task that may be assigned to him at any future time in the Appropriations Committee on which he so ably serves and in which capacity his seniority is rapidly growing.

So, again, I want to commend and express my appreciation to the Senator from New Mexico. The people of the Nation are indebted to the Appropriations Subcommittee chairman, (Mr. MONTOYA). Especially indebted are those of us in the Senate who daily recognize his good work, not only on this bill, which is of such importance to the Senate, but also with respect to all of the many committees and subcommittees on which he serves.

Mr. MONTOYA. Mr. President, I thank my friend, the Senator from West Virginia, for those very fine words.

I might say that I have enjoyed working with him. I have seen his great ability displayed in the Appropriations Committee as well as on the floor. He has been a very good tutor and a good influence for me.

I thank him and am most grateful for his remarks about my chairmanship of the subcommittee.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. PROXMIRE. Mr. President, as a member of the Subcommittee on Legislative Appropriations, I commend the Senator from New Mexico. This is a difficult bill because every Member of the Senate and every Member of the House is involved in it and concerned about it. It affects our own operations.

I am especially concerned about this, however, because, as the Senator will recall, the Appropriations Committee recommended to the Senate $35,000 for the beginning of an economic analysis operation by the Joint Economic Committee. The Senate increased that amount to $50,000. We had demonstrated a beginning need for $125,000 to make it effective.

The reason this is so important is that economic analysis including component cost-benefit studies is the only way in which we can wisely reduce spending and know what we are doing and know the economic effects of a better program and how to choose the one which will do the job for less money.

We have in the transportation area an option coming up on whether to extend very greatly the highway program at a cost of literally billions of dollars—some people estimate it will be over $320 billion in the next 15 years—or of putting less emphasis on that aspect and more on mass transit. We have several other options that are available.

No economic analysis is likely to be made in the Congress, unless our Joint Economic Committee is given the capacity to conduct task studies. This is only one example of many, where this kind of capability could save literally billions.

I know that the Senator from New Mexico is aware of this problem. I know that he tried hard in the conference to get the $50,000 that the Senate provided.

I am deeply disappointed that this figure had to be cut back. I thank the Senator. He did return with something. He did not revert to zero. The House provided nothing. The House was not aware when it first acted that the committee had asked for it.

I want to get this not on the basis of getting additional staff for our commit-

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tee—that would be an inexcusable reason. I want to get it to make the information contained in this analysis available to Congress so that we can cut expenses in the future in the wisest way.

Mr. MONTOYA. Mr. President, we did try hard to sustain the Senate figure of $50,000. Only after considerable argument and presenting the justification that the Senator from Wisconsin was an ardent watchdog and that he wanted to serve the interest of economy through this additional facility for investigation were we able to prevail upon the House to sustain the compromise figure of $30,000.

We tried hard in conference to sustain the full figure of $50,000.

I am aware that the Senator is making legislative history on this matter for presentation of perhaps a better figure for next year. If the Senator is able to prove to our satisfaction that the additional money will be expended for useful and productive purposes, we will be more than happy to look into any additional requests for the next fiscal year.

Mr. PROXMIRE. Mr. President, I thank the Senator very much. It is my very conservative conviction that in the event adequate funds were provided, say altogether maybe a couple of hundred thousand dollars, for this kind of economic analysis of our programs, we could literally save billions of dollars a year. And I do mean billions of dollars a year. The payoff is not merely 100 to 1. It is 1,000 to 1, or more.

I know the Senator did as good a job as he could under the circumstances. I thank him. I am grateful for his openmindedness to this kind of an appeal next year.

Mr. MONTOYA. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert:

"INQUIRIES AND INVESTIGATIONS

"For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $456,625 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $7,341,580, including $200,000, to be available for obligations incurred in fiscal year 1970."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment, as follows: At the end of said amendment, add a new paragraph, as follows:

"For payment to Alice C. Kirwan, widow of Michael J. Kirwan, late a Representative from the State of Ohio, $42,500, to be immediately available."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum of $272,243 proposed by said amendment, insert "$253,110."

Mr. MONTOYA. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 23, 32 and 35.

The motion was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation which gives the amount of the budget estimates, the amount of the House and Senate bills, and the final amount which has just been agreed to by the two Houses.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, 1971 H.R. 16915

SUMMARY OF BILL

Item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	House bill	Senate bill	Conference action
SENATE					
Vice President and Senators					
Compensation of the Vice President and Senators	$4,696,365	$4,707,200		$4,707,200	$4,707,200
Mileage, President of the Senate and Senators	58,370	58,370		58,370	58,370
Expense allowance, Vice President, Majority and Minotiry Leaders	16,000	16,000		16,000	16,000
Total, Vice President and Senators	4,770,735	4,781,570		4,781,570	4,781,570
Salaries, officers and employees					
Office of the Vice President	334,413	367,263		367,263	367,263
Office of the President pro tempore		44,165		44,165	54,165
Offices of the Majority and Minority Leaders	117,676	176,514		176,514	176,514
Offices of the Majority and Minority Whips	75,628	90,228		90,228	90,228
Office of the Chaplain	18,915	18,615		18,615	18,615
Office of the Secretary	1,843,834	1,816,240		1,816,240	1,816,240
Committee employees	4,420,734	4,420,734		4,420,734	4,420,734
Conference, Majority	127,239	127,239		127,239	127,239
Conference, Minority	127,239	127,239		127,239	127,239
Administrative and clerical assistants to Senators	27,134,684	27,909,141		27,909,141	27,909,141
Office of the Sergeant at Arms and Doorkeeper	5,409,767	5,713,520		5,713,520	5,713,520
Offices of the Secretaries to the Majority and Minority	216,372	216,372		216,372	216,372
Total, salaries, officers and employees	39,826,501	41,027,270		41,027,270	41,027,270
Contingent expenses					
Senate policy committees	520,560	522,860		522,860	522,860
Automobiles and maintenance	55,020	55,220		55,220	55,220
Furniture	31,190	31,190		31,190	31,190
Expenses of inquiries and investigations	[1] 7,309,270	7,341,580		7,341,580	7,341,580
Folding documents	51,015	51,015		51,015	51,015
Mail transportation (motor vehicles)	16,560	16,560		16,560	16,560
Miscellaneous items	5,801,796	6,188,736		6,188,736	6,188,736
Postage	120,133	120,133		120,233	120,233
Stationery	377,850	377,850		378,100	378,100
Communications	15,150				
Total, contingent expenses	14,298,544	14,705,144		14,705,494	14,705,494
Other, Senate					
Legislative counsel	413,220	415,130		415,130	415,130
Payment to widow of deceased Senator	49,500				
Total, other	462,720	415,130		415,130	415,130
Total, Senate	59,358,500	60,929,114		60,929,464	60,929,364

Footnotes at end of table.

Item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	House bill	Senate bill	Conference action
HOUSE OF REPRESENTATIVES					
Gratuities, deceased Members	$85,000		$85,000	$127,500	$170,000
Salaries, mileage for the Members, and expense allowance of the Speaker					
Compensation of Members	20,121,000	[3] $20,165,950	20,165,950	20,165,950	20,165,950
Mileage of Members and expense allowance of the Speaker	180,000	[3] 200,000	200,000	200,000	200,000
Total, Members compensation and mileage	20,301,000	20,365,950	20,365,950	20,365,950	20,365,950
Salaries, officers and employees					
Office of the Speaker	151,850	163,490	163,490	163,490	163,490
Office of the Parliamentarian	163,175	163,175	163,175	163,175	163,175
Compilation of precedents of House of Representatives	14,540	14,540	14,540	14,540	14,540
Office of the Chaplain	19,770	19,770	19,770	19,770	19,770
Office of the Clerk	2,305,000	2,527,590	2,500,000	2,500,000	2,500,000
Office of the Sergeant at Arms	3,200,000	3,320,905	3,300,000	3,300,000	3,300,000
Office of the Doorkeeper	2,395,000	[4] 2,602,615	2,575,000	2,575,000	2,575,000
Office of the Postmaster	688,770	720,645	720,000	720,000	720,000
Committee employees (standing roll)	6,000,000	6,050,000	6,050,000	6,050,000	6,050,000
Special and minority employees:					
6 minority employees	182,885	188,730	188,730	188,730	188,730
House Democratic Steering Committee	60,350	60,350	60,350	60,350	60,350
House Republican Conference	60,350	60,350	60,350	60,350	60,350
Office of the majority floor leader	128,050	128,050	128,050	128,050	128,050
Office of the minority floor leader	118,560	118,560	118,560	118,560	118,560
Office of the majority whip	96,515	96,515	96,515	96,515	96,515
Office of the minority whip	96,515	96,515	96,515	96,515	96,515
2 printing clerks for majority and minority caucus rooms	18,745	20,630	20,630	20,630	20,630
Technical assistant, office of the attending physician	16,845	18,540	18,540	18,540	18,540
Official reporters of debates	357,015	357,015	357,015	357,015	357,015
Official reporters to committees	354,410	[5] 438,885	438,885	438,885	438,885
Committee on Appropriations (investigations)	1,015,000	[6] 1,015,000	1,015,000	1,015,000	1,015,000
Office of the Legislative Counsel	488,995	526,000	526,000	526,000	526,000
Total, salaries, officers and employees	17,932,340	18,707,870	18,631,115	18,631,115	18,631,115
Members clerk hire					
Clerk hire	47,850,000	48,200,000	48,200,000	48,200,000	48,200,000
Contingent expenses of the House					
Furniture	240,000	307,000	300,000	300,000	300,000
Miscellaneous items	5,010,000	5,575,000	5,875,000	5,875,000	5,875,000
Government contributions	4,000,000	[7] 4,300,000	4,300,000	4,300,000	4,300,000
Reporting hearings	325,000	373,750	373,750	373,750	373,750
Special and select committees	6,900,000	6,800,000	6,800,000	6,800,000	6,800,000
Telegraph and telephone	3,650,000	3,920,000	3,650,000	3,650,000	3,650,000
Stationery (revolving fund)	1,308,000	1,308,000	1,308,000	1,308,000	1,308,000
Postage stamp allowances	320,390	320,390	320,390	320,390	320,390
Revision of laws	38,000	38,000	35,000	35,000	35,000
Leadership automobiles:					
Speaker	15,750	15,750	15,750	15,750	15,750
Majority leader	15,750	15,750	15,750	15,750	15,750
Minority leader	15,750	15,750	15,750	15,750	15,750
New edition of the District of Columbia Code		150,000	150,000	150,000	150,000
New edition of the United States Code	150,000				
Total, contingent expenses	21,988,640	23,139,390	23,159,390	23,159,390	23,159,390
Total, House of Representatives	108,156,980	110,413,210	110,441,455	110,483,955	110,526,455
Joint items					
Joint Committee on Reduction of Federal Expenditures	55,000	61,000	61,000	61,000	61,000
Contingent expenses of the Senate					
Joint Economic Committee	511,640	542,900	542,900	592,900	572,900
Joint Committee on Atomic Energy	433,055	434,640	434,640	434,640	434,640
Joint Committee on Printing	228,030	236,110	236,110	272,243	253,110
Total, contingent expenses of the Senate	1,172,725	1,213,650	1,213,650	1,299,783	1,260,650
Contingent expenses of the House					
Joint Committee on Internal Revenue Taxation	607,715	657,715	657,715	657,715	657,715
Joint Committee on Defense Production	118,800	118,800	118,800	118,800	118,800
Total, contingent expenses of the House	726,515	776,515	776,515	776,515	776,515
Office of the attending physician					
Medical supplies, equipment, expenses, and allowances	70,800	77,300	77,300	77,300	77,300
Capitol police					
General expenses	134,000	134,000	134,000	134,000	134,000
Capitol Police Board	900,000	885,800	880,000	880,000	880,000
Total Capitol Police	1,034,000	1,019,800	1,014,000	1,014,000	1,014,000
Education of pages					
Education of congressional pages and pages of the Supreme Court	112,307	112,310	112,310	112,310	112,310
Official mail costs					
Expenses	10,161,000	12,066,000	11,244,000	11,244,000	11,244,000
Statements of appropriations					
Preparation	13,000	13,000	13,000	13,000	13,000
Total joint items	13,345,347	15,339,575	14,511,775	14,597,908	14,558,775
ARCHITECT OF THE CAPITOL					
Office of the Architect of the capitol					
Salaries	881,000	[8] 938,800	938,600	938,800	938,800
Contingent expenses	50,000	50,000	50,000	50,000	50,000
Total Office of the Architect of the Capitol	931,000	988,800	988,800	988,800	988,800

Footnotes at end of table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1971 H.R. 16915—Continued

SUMMARY OF BILL—Continued

Item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	House bill	Senate bill	Conference action
ARCHITECT OF THE CAPITOL—Continued					
Capitol Buildings and Grounds					
Capitol buildings	$2,182,900	$2,459,600	$2,431,600	$2,442,526	$2,442,526
Reappropriation				125,000	125,000
Extension of the Capitol	2,275,000				
Capitol grounds	902,300	881,800	881,800	881,800	881,800
Senate office buildings	3,456,300	3,852,500		3,855,000	3,855,000
Extension of additional Senate Office Building site	1,250,000	510,000		510,000	510,000
Senate Garage	80,000	80,000		80,000	80,000
House office buildings	5,599,000	6,165,000	6,165,000	6,165,000	6,165,000
Acquisition of property, construction, and equipment, additional House Office Building (liquidation of contract authority)	(107,000)				
Capitol Power Plant (operation)	3,532,800	[9] 3,915,300	3,915,300	3,915,300	3,915,300
Expansion of facilities. Capitol Power Plant (liquidation of contract authorization)	(300,000)	(50,000)	(50,000)	(50,000)	(50,000)
Total, Capitol buildings and grounds	19,278,300	17,864,200	13,393,700	17,974,626	17,974,626
Library buildings and grounds					
Structural and mechanical care	1,057,000	1,593,200	1,555,200	1,555,200	1,555,200
Reappropriation	60,000		89,500	89,500	89,500
Furniture and furnishings	350,000	369,000	350,000	350,000	350,000
Library of Congress James Madison Memorial Building	2,800,000	15,610,000	15,610,000	15,610,000	15,610,000
Total, Library buildings and grounds	4,267,000	17,572,200	17,604,700	17,604,700	17,604,700
Total, Architect of the Capitol	24,476,300	36,425,200	31,987,200	36,568,126	36,568,126
BOTANIC GARDEN					
Salaries and expenses	623,800	672,800	672,800	672,800	672,800
LIBRARY OF CONGRESS					
Salaries and expenses	20,375,000	22,520,000	21,330,000	21,573,100	21,573,100
Copyright Office, salaries and expenses	3,398,000	3,694,000	3,548,000	3,594,500	3,594,500
Legislative Reference Service, salaries and expenses	4,549,000	5,484,000	5,013,000	5,286,800	5,178,000
Distribution of catalog cards, salaries and expenses	7,887,000	9,087,000	9,000,000	9,000,000	9,000,000
Books for the general collections	750,000	800,000	800,000	800,000	800,000
Books for the law library	140,000	140,000	140,000	140,000	140,000
Books for the blind and physically handicapped, salaries and expenses	7,030,000	7,598,000	7,598,000	7,598,000	7,598,000
Organizing and microfilming the papers of the Presidents, salaries and expenses	132,000	136,000	136,000	136,000	136,000
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	1,603,000	2,148,000	2,148,000	2,148,000	2,148,000
U.S. dollars	213,000	239,000	229,000	229,000	229,000
Total, Library of Congress	46,077,000	51,846,000	49,942,000	50,505,400	50,396,600
GOVERNMENT PRINTING OFFICE					
Printing and binding	30,300,000	32,000,000	32,000,000	32,000,000	32,000,000
Office of the Superintendent of Documents, salaries and expenses	10,045,400	13,005,000	11,382,000	11,382,000	11,382,000
Selection of site, and general plans and designs of buildings		3,934,000			
Payment to GPO revolving fund		[10] 22,100,000	22,000,000	22,000,000	22,000,000
Total, Government Printing Office	40,345,400	71,039,000	65,382,000	65,382,000	65,382,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	68,641,000	74,750,000	73,712,000	74,750,000	74,020,000
Grand total, new budget (obligational) authority	361,024,327	421,414,899	346,649,230	413,889,653	413,054,220
Consisting of—					
1. Appropriations	360,964,327	421,414,899	346,559,730	413,675,153	412,839,720
2. Reappropriations	60,000		89,500	214,500	214,500
Appropriation to liquidate contract authorization	(407,000)	(50,000)	(50,000)	(50,000)	(50,000)
Memorandum—					
1. Appropriations and reappropriations including appropriations for liquidation of contract authorizations	361,431,327	421,464,899	346,699,230	413,939,653	413,104,220

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[1] Does not include $345,000 authorized to be transferred from "Salaries, Officers and Employees" in the 2d Supplemental Appropriation Act, 1970 (Public Law 91-305).

[3] Includes $93,000 in H. Doc. 91-305.

[3] Includes $15,000 in H. Doc. 91-273.

[4] Includes $31,830 in H. Doc. 91-305.

[5] Includes $84,475 in H. Doc. 91-305.

[6] Includes $65,000 in H. Doc. 91-305.

[7] Includes $550,000 in H. Doc. 91-305.

[8] Includes $16,000 in H. Doc. 91-305.

[9] Includes $277,000 in H. Doc. 91-305.

[10] Contained in H. Doc. 91-273.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On July 23, 1970:

S. 980. An act to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes; and

S. 3978. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

On July 24, 1970:

S. 1520. An act to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers;

S. 3430. An act to amend the Peace Corps Act to authorize additional appropriations, and for other purposes;

S. 3685. An act to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; and

S. J. Res. 88. Joint resolution to create a commission to study the bankruptcy laws of the United States.

On July 29, 1970:

S. 2601. An act to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes.

On July 31, 1970:

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act;

S. 885. An act to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peoria, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission dockets numbered 314, amended, 314-E and 65, and for other purposes;

S. 1046. An act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver and for other purposes;

S. 1456. An act to amend section 8c(6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising;

S. 3274. An act to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards; and

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

REPORT ON STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–372)

The PRESIDING OFFICER (Mr. Long) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I am pleased to transmit to the Congress the Sixth Annual Report on the Status of the National Wilderness Preservation System, and to affirm this Administration's intent to pursue the objectives of the National Wilderness Act aggressively in the coming months.

Wilderness is a magnificent part of the American heritage. The wilderness that witnessed the nation's birth no longer spreads from one ocean to the other, but neither has it all been tamed. Many of these untamed lands, majestic reminders of primeval America, have been reserved and now comprise the National Wilderness Preservation System. We must do more now to preserve additional areas of this priceless national heritage.

During 1969, I signed into law the addition of two new units to the National Wildnerness Preservation System. However, I am convinced that in the past we have moved too slowly, in both the executive and the legislative branches, towards the goal of completion of our national wilderness system.

I have asked that the Secretaries of Agriculture and the Interior begin immediately to augment their efforts in the study of possible wilderness areas, as directed by the Act, and to accelerate the study schedules which they have been following. I have asked them to review their needs for additional resources and will ask the Congress for any additional funding which may be needed to make this new wilderness effort possible.

On the legislative side, the Congress now has before it twenty wilderness proposals transmitted by the previous Administration and endorsed by this Administration. Early action on these measures would represent the quickest way to expand our wilderness system. Therefore, I urge the Congress to give speedy and favorable consideration to as many of these proposals as possible at this session of the Congress.

I look forward to the next annual report on the wilderness system, confident that I will be able to report substantial and encouraging progress on both the study and the enactment of wilderness proposals. I cannot stress too strongly my conviction that we must push vigorously ahead to preserve for future generations the opportunity to enjoy the singular encounter with nature which only wilderness can provide.

Richard Nixon.

The White House, *August 5, 1970.*

REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Long) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

Transmitted herewith is the Twenty-first Semiannual Report of the National Aeronautics and Space Administration.

Richard Nixon.

The White House, *August 5, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Long) laid before the Senate a message from the President of the United States submitting the nomination of J. Fred Buzhardt, Jr., of South Carolina, to be General Counsel of the Department of Defense, which was referred to the Committee on Armed Services.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 2 p.m., with the understanding the Chair may call the Senate into session before that time.

The motion was agreed to, and at 1:29 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 p.m., when called to order by the Presiding Officer (Mr. Goldwater).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Widnall, Mr. Mize, and Mr. Blackburn were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney;

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette;

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 17123, and the pending question is on agreeing to amendment No. 819.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

YOUTH CONSERVATION CORPS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other

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purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GOLDWATER). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of July 28, 1970, pages 25600-25601, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, as chairman of the Senate conferees, I would like to make the following statement in support of the action taken by the conference committee with respect to S. 1076, to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps. The Senate passed this bill last year. The House amended it in certain respects which, in the judgment of the Senate, warranted a conference on the differences.

Both the Senate bill and the House amendment provided that the Corps will be open to "youth of all social, economic, and racial classifications." The House version contained additional language that members of the Corps shall represent "all segments of society." The conference retained the language common to both versions and adopted the additional House language in order to emphasize the intent of both Houses that the Corps be composed of youths representing as broad a cross section of American society as possible.

The statement of policy and purpose in the Senate bill limited the areas appropriate for Corps activities to areas administered by the Secretaries of the Interior and Agriculture. The House amendment contained no such limitation. Because those two Secretaries are charged with the administration of the program and most of the lands appropriate for Corps activities, the conferees decided to adopt the limitation imposed by the Senate version.

The Senate bill provided a minimum age of 14 for members of the Corps. The House amendment specified a minimum age of 16. The value of exposing the younger teenagers to the outdoors and to conservation practices was acknowledged and was balanced against a desire to assure that Corps members will be sufficiently mature to make substantial contributions to and receive significant benefits from the program. The conference committee adopted a minimum age of 15 in an effort to compromise our differences.

The Senate bill provided that a preference should be given to disadvantaged youth in the selection of Corps members. The House amendment did not contain such a preference. The conferees decided that a preference for disadvantaged youth might result in the Corps being composed entirely or almost entirely of such youths, thus detracting from the objective of both Houses that the Corps be composed of representatives of varied social, economic, and racial backgrounds. Therefore, although it is the intent and belief of the conferees that disadvantaged youth should be significantly represented in the Corps, the conference report does not contain a statutory preference for them. We expect these young people will make and receive real contributions as a result of this program.

The Senate bill also contains a preference with respect to temporary supervisory personnel for "primary, secondary, and university teachers and administrators, and university students pursuing studies in the education and natural resources disciplines." The House amendment did not contain such a preference. The conferees acknowledged that those individuals would be among the most suitable temporary supervisory personnel because of training, experience, and availability, but decided to exclude any specific provision favoring them in order not to exclude or discourage other qualified persons from participating or seeking to participate in the program as supervisory personnel. Again, however, we feel these people will be most interested and best suited to assist in this program.

The Senate bill included in the program youth of both sexes in section 2(a). The House amendment mentioned in both section 2(a) and section 2(b) that the program should include youth of both sexes. The conference report adopts the House language to make clear that both young men and young women are intended to be included in the Corps. The Senate intended this to be the case.

The Senate bill required Corps activities to take place only on lands under the administrative jurisdiction of the Secretary of the Interior or the Secretary of Agriculture such as national parks and forests. The House amendment allowed Corps activities to take place on all public lands. The conference report adopts the Senate version, which will simplify administration without sacrificing program objectives.

The House amendment directed the Secretary of the Interior and the Secretary of Agriculture to "arrange directly or by contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for 5 years for transportation, lodging, subsistence, other services and equipment for the needs of the members of the Corps in fulfilling their duties." The Senate bill merely allowed the Secretaries to arrange for such services and equipment. The intent of the additional House language was to allow the Secretaries discretionary authority to contract with appropriate agencies and organizations to operate Corps projects. The conference report adopts the Senate language with respect to support services and adds a new sentence to effect the intent of the House language.

The Senate bill provided for use of vacated civilian conservation centers and other unoccupied facilities under the jurisdiction of the Departments of the Interior and Agriculture, as well as unoccupied military facilities—upon approval of the Secretary of Defense—for the purposes of the Corps. The House amendment permitted the use of any unoccupied Federal facilities, whenever economically feasible. The conference report provides for the use of any Federal facility where economically feasible, but only upon approval of the Federal agency responsible for administering the facility.

The Senate bill required a report from the Secretaries of the Interior and Agriculture within 1 year of the date of enactment indicating "the feasibility of" initiating a cost-sharing youth conservation program with State natural resource conservation, or outdoor recreation agencies. The House amendment required an identical report, except that the report would indicate "the most efficient method for" rather than "the feasibility of" initiating such a program. The conference report reflects the language of both versions by calling for the report to indicate "the most feasible and efficient method."

Mr. President, this conference report represents the finest tradition of the legislative process. I commend the Chairman of the House Committee, the Honorable CARL PERKINS of Kentucky, and his colleagues for their fairness and cooperation. I believe we have a good bill and I am happy to recommend it to the Senate, the President, and our Nation's young people.

Mr. ALLOTT. Mr. President, I just want to say a word or two about this matter. We had a very felicitous conference committee meeting on the bill. We were able to arrive at agreements on these various matters.

One thing in particular the House did not wish to have in there was the provision we had in the bill that "primary, secondary, and university teachers and administrators, and university students pursuing studies in the education and natural resources disciplines" be preferred in the handling of these students. The feeling in the House, and I must say I agree, is that there are many people who would make excellent teachers and instructors in these outdoor programs who would not necessarily fall within the categorical description the Senate placed in the bill. I agree with this position. I do not think we should preclude by any means those classifications the Senate put in the bill; but on the other hand there are a great many able leaders and instructors who do not fall within that category. I am glad this was handled as it has been.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. JAVITS. We are now heavily engaged in the Committee on Labor and Public Welfare in writing a manpower training bill. One of the aspects of the manpower training bill relates to public service jobs. We have great differences of opinion between the minority and the majority, but it seems clear that some element of public service jobs will be included.

Will the Senator give us some view from the committee, which I think would be very useful, as to the degree of legislative oversight to be exercised, to be sure there is in this operation the input which should come from agencies dealing with manpower problems?

If we obtain all we are looking for, it would now all be concentrated under the Department of Labor.

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Would the chairman or the ranking minority member give us some assurance that in this pilot plan operation, of which I approve, every effort will be made for the right hand to know what the left hand is doing and that every effort will be made to have input of experience, knowledge, and so forth, of the departments responsible for the proposed new manpower training program?

Mr. ALLOTT. I yield to the chairman of the committee.

Mr. JACKSON. We have in the Committee on Interior and Insular Affairs, on the Special Subcommittee on Legislative Oversight, a distinguished ranking member of that committee, the distinguished Senator from Colorado (Mr. ALLOTT), one other Senator, and me.

We intend to follow this program very closely, if for no other reason, that it is a pilot program. We will have to make a decision later on regarding the extension and the expansion of the program.

I believe what we have worked out here covers an area of employment that is unique and pertains, of course, to the natural resource area of our country, the lands owned by the Federal Government and managed in the Department of Agriculture and the Department of Interior.

In addition, there is the ongoing effort here of trying to provide for an orientation for these young men and women during the summer months of June, July, and August. We want them to be educated and trained to better understand nature, wildlife, and the environment as a whole.

XUM

Therefore, this program, I wish to say to my distinguished friend from New York, is unique in that respect. We have carved out an area here that is not new; it is an area where during the 1930's the Civilian Conservation Corps made great progress in one of the finest programs in the area of resource protection ever developed.

We have modified that. We have covered the youth 15 years of age to 18 years of age during the summer months only. I believe very strongly and firmly that this program has to be related to the Job Corps and other efforts aimed at hiring the youth; but we are not moving into any area of duplication, and we will follow it closely.

Mr. JAVITS. I thank the Senator. That is important.

Mr. ALLOTT. I agree it is important. We have kept this in the confines of the 2 departments concerned, with no idea of moving over into the general manpower area or the jurisdiction of the Committee on Labor and Public Welfare.

Mr. JAVITS. I wish to tell both Senators I do not care if you do move ahead if that is the important thing to do, but I want this program made as relevant as possible to the taxpayers' money being spent in manpower. We have a $2 billion bill proposed in the Committee on Labor and Public Welfare and we may learn a lot from this $3.5 million experience.

As Senators know, and I have had support from them, I have fought for the summer job program. Again, there is a relevancy. I want to be sure that we will see that the input of everything going on is a part of this program and it may be that other programs should in part yield to this program, but let us not treat this as some isolated effort. I am not jealous of our jurisdiction. Let us get the benefit of manpower training just as you should get it in other departments.

Mr. ALLOTT. Mr. President, I concur in what the Senator has said.

By reason of the very nature of the places where this would occur there would always be, no matter what the money available, a certain limitation on what can be done on the youth conservation program in this area. I agree it is something we will have to watch and watch very closely and see that it works.

By way of observation, I thought the Civilian Conservation Corps got to be a little bit obnoxious at the end; but at the same time I can take the Senator out into parts of the West today and show him contouring that was done by the Civilian Conservation Corps which is still present. It can still be seen. One can see what has been done for the grasslands and the vegetation there. That is the sort of thing we can do with this program, by helping to bring about a permanent foundation for the country.

Mr. JAVITS. Mr. President, I am thoroughly in agreement.

Inasmuch as I am so heavily involved in the other manpower program, I want to be sure that this would work both ways; that is, receiving the benefit of everything they learn in manpower and being able to absorb everything from the manpower area.

We just voted public service jobs this morning. I am not in complete agreement with it, but it is in the bill, for both rural and urban areas.

I thank the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. STEVENS. Mr. President, I have just a few comments to make. I think the importance of the bill has been overlooked in some ways. As far as my State is concerned, over one-half of the public lands of the United States are in Alaska. This is a step in the right direction in putting into Alaskan public lands the concept of the Civilian Conservation Corps. My generation does not necessarily look on the Corps with the same feeling as some of my colleagues because we have seen the public parks and facilities created during that period by the Corps and, by and large, they were very good.

I am hopeful that the administration will examine carefully the objectives that have been set forth by the chairman and the ranking member of our committee. They will notice the provision that states, "wherever economically feasible—military facilities shall be utilized for the purpose of the Corps."

There are many vacant military bases that have been abandoned, such as the NIKE sites and other bases that have recently been closed, which are very susceptible to use by the Corps; and the $3.5 million should not be used for the physical plant in carrying out this pilot project.

If it is, it will not go very far, and we, who have half the public lands of the United States, may not get to participate in the program unless they use the abandoned facilities that are still ready and available and could be used for the period of time contemplated by the pilot project.

I hope we will be back next year—if not then, in 2 years—to expand the program and make it much more meaningful to my State.

I thank the Senator for yielding.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JACKSON. Mr. President, may I express my deep appreciation to the senior Senator from Colorado (Mr. ALLOTT) for his strong support of this program, as well as the senior Senator from Alaska (Mr. STEVENS).

The senior Senator from Alaska, of course, has long been concerned with the possibility of using young men and women in connection with our public lands administered by the Departments of the Interior and Agriculture, because of the great opportunities in Alaska. I want to commend him for his support in making this legislation possible.

Mr. YARBOROUGH. Mr. President, the establishment of a Youth Conservation Corps will be most beneficial to this country. As a cosponsor of S. 1076, I am most pleased to endorse the conference report on this legislation. I urge Senators to join me in voting for the adoption of the report.

This legislation establishes a pilot Youth Conservation Corps program for young men and women, 15 to 18 years of age. The program will be administered in the Departments of the Interior and Agriculture. These young Americans will participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges, and other Federal lands.

The benefits of this program are many. It will give the youth of the Nation, who are our greatest national asset, an opportunity to engage in educational and constructive labor on our public lands. The development and improvement of our public lands will benefit all people.

There is great concern throughout the Nation for the maintenance of our natural environment. The young have been in the forefront of the move to save the environment. This program provides an opportunity for our youth to direct this concern into constructive and productive efforts. At the same time, this work will enhance their understanding of the natural environment and its relationship to them.

In this time when the overwhelming majority of our population is urban, it is very important that we provide opportunities for the young people to get out of the cities and onto the land, into the forests and parks, and to give them a deep appreciation for these great natural treasures which are theirs.

These young people will be performing a great variety of useful projects. They will work on timber stand improvement, trail maintenance, wildlife habitat improvement, basic soil and water conservation projects, and maintenance and construction of campgrounds and picnic facilities.

Mr. President, I cannot think of a better way to instill a deep and lasting appreciation of our natural heritage in a young person than to give him the opportunity to plant a tree, or build a camping facility, or to clear a trail. This personal involvement will yield many long-lasting benefits.

This is an excellent program, and I am hopeful that this 3-year pilot project will later be developed and expanded so that any young person who wishes to do so will have an opportunity to participate.

Mr. President, I urge the Senate to join me in support of this beneficial legislation and to adopt the conference report.

Mr. JACKSON. Mr. President, I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the ABM is once again before the Senate. A full year has passed since we voted, on August 6, 1969, to approve Safeguard phase I by initiating deployment at Grand Forks and Malmstrom Air Force Bases.

The last year has seen many changes, a number of which should have an important influence on the issue of whether to approve an additional site to protect our land-based deterrent. The central changes I have in mind are well known to many Senators and, before we vote, I hope they will be known and seriously considered by us all:

In the last year the Soviet threat to our land-based deterrent has significantly increased, at a rate that has exceeded the intelligence projections made a year ago;

By action of the Armed Services Committee, under the chairmanship of our distinguished colleague, Senator STENNIS, Safeguard has been confined to defense of the deterrent; authorization of a thin area defense has been specifically denied;

Contrary to the expectations of many opponents of Safeguard, the SALT talks have convened and made substantial progress toward agreement covering ABM defenses and offensive strategic weapons;

In the last year Safeguard has made excellent technical progress.

I shall discuss these developments in some detail now and in the course of the debate over the continuing deployment of Safeguard. The point I wish to emphasize is that there have been major changes since last year both in Safeguard itself and in the circumstances that surround the issue of its further deployment. I am hopeful that the debate this year will reflect these changes. To my mind they make affirmative Senate action on the further deployment of Safeguard more desirable and necessary than ever.

THE SOVIET STRATEGIC THREAT

The alarming increase in the Soviet strategic forces was discussed last year in great detail, especially in the closed session of the Senate. While I wish I could report that the threat has tapered off, as many of us hoped and some believed would happen, the inescapable fact is that the Soviets are deploying offensive weapons at a very considerable cost to themselves and at a rate that has exceeded last year's pessimistic projections.

The most disturbing increase in Soviet deployment has been in their land-based missile force, particularly the large SS-9. Last year many of us were concerned at the prospect of 1,300 Soviet ICBM's. This year we are concerned even more deeply because the number completed or under construction is now in excess of 1,450. This contrasts with 1,054 U.S. land-based strategic missiles.

Unfortunately, the contrast just begins with total numbers of launchers. Even more disturbing is the fact that the total megatonnage that the Soviets can deliver against U.S. targets with this large and increasing force is several times our own.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question, or would he——

Mr. JACKSON. I would prefer to wait until I finish, if my good friend would not mind.

Mr. BYRD of West Virginia. Surely.

Mr. JACKSON. This advantage in "throw weight" means that the Soviets will be able to deploy MIRV's with sufficient yield and accuracy combinations to destroy our Minuteman missiles in their hardened silos. When the Soviets succeed in perfecting a MIRV device, each SS-9 launcher, of which the Soviets now have operational or under construction more than 280, would be capable of delivering three 5-megaton warheads at intercontinental ranges. The reentry pattern of the present triplet warhead extensively tested on the SS-9 may already threaten individual Minuteman silos. The unfortunate fact is that by the mid-1970's the Soviets may be in a position to destroy all but a few tens of our Minuteman missile force, if this force remains undefended.

This gloomy projection was before the Senate last year. I hope that some of those who did not take it seriously then will reconsider their position now, in light of the intervening Soviet increases.

Mr. President, what is perhaps most ominous about the growth in the Soviet SS-9 force is that the SS-9 is an extremely inefficient weapon for retaliating against cities. For this purpose the Soviets have available more than 800 SS-11 and SS-13 missiles similar to our Minuteman and perfectly adequate as a deterrent force. While the SS-9 is inefficiently designed as a deterrent weapon, it is extremely well adapted to a counterforce role. It is this fact—the capability of the SS-9 to destroy hardened missile silos—that cannot be ignored in deciding our strategic posture and the future security of our deterrent force.

A few months ago there were some reports in the press and elsewhere that the Soviets had stopped deploying strategic missiles. The hopes built upon these reports were profoundly disappointed early last month when Secretary Laird announced that recent intelligence confirmed several new starts of the SS-9 and other offensive missiles. To make matters worse, the newly discovered SS-9's had been started after the second phase of the SALT talks was underway in Vienna.

The Soviet buildup of land-based offensive missiles has been paralleled by an equally rapid expansion of their Y-class submarine force. The Soviets are expected to have, within the next 2 years, an operational force of from 24 to 30 Polaris-type boats, and they are presently constructing these submarines at a rate of 8 to 10 per year.

Mr. President, more than a recitation of these disturbing numbers is necessary to appreciate the magnitude and direction of the growing Soviet threat. Some other facts must be considered:

The Soviets have carried out extensive and highly successful test programs of both offensive and defensive strategic weapons systems in the last year;

The Soviets have continued to invest more in military research and development than we have, and have sustained a strategic budget that exceeds our own;

The Soviets, with a smaller GNP than ours and a serious deficiency of consumer goods, have now invested approximately $9 billion in SS-9's alone—a figure that exceeds our entire strategic offense and defense budget for fiscal year 1971;

The Soviets have conducted extensive tests of various ABM components in the last year while continuing work on the ABM system deployed around Moscow.

The central fact around which the debate over the deployment of Safeguard should revolve is that the Soviet Union has continued to support, at great cost, a comprehensive, dynamic program of strategic weapons procurement that shows no sign of slowing down. On the contrary, the hopes of those who last year urged that we wait and see whether the Soviet buildup would continue have been bitterly disappointed.

THE SAFEGUARD PROGRAM

Mr. President, the authorization we are now debating is for the continuation of the two phase I sites at Grand Forks and Malmstrom Air Force Bases and the initiating of an additional site, identical to the others except that it will not include a PAR radar, at Whiteman Air Force Base in Missouri. In addition to these three sites, all at Minuteman bases, the committee has provided for advanced preparation at Warren Air Force Base in Wyoming, to keep open the option of a timely addition of a fourth Minuteman defense site, should this prove necessary. As I mentioned earlier, under the leadership of its able chairman, Senator STENNIS, the committee has limited the mission of Safeguard to the defense of the deterrent. By eliminating the four additional sites requested by the administration, the committee has specifically prohibited a thin nationwide area defense.

This is a major change in the Safeguard program, Mr. President. And in making this change the committee has, to my mind, completely removed any reason for objecting to Safeguard on the grounds that the Soviets will find it "provocative." The Soviets are well aware of Safeguard's capabilities. They know that Sprint missiles and Spartan missiles with their limited ranges constitute no threat to either their population or their offensive missiles—so long, of course, as these offensive missiles remain in their silos. Moreover, the Soviets are well aware that since Safeguard offers only incidental protection to the tiny fraction of our population living on or near one of the Air Force bases where Safeguard will be installed, the Soviet assured destruction capability will in no way be imperiled. In short, although Safeguard is a more effective way of protecting our deterrent than superhardening our missile silos—an alternative recommended by some opponents of ABM—it is certainly no more provocative, alarming, or destabilizing.

I should perhaps add, Mr. President, that none of those scientists who testified on ABM this year or last ever argued that a hard-point defense of our Minuteman bases would be provocative. Nowhere in the large body of testimony before the Armed Services and Foreign Relations Committees can the argument be found that to defend our missile sites would be destabilizing.

In these annual debates on military procurement, Mr. President, we often hear the arms race explained in terms of an action-reaction cycle. Now I do not deny that there is some truth in this explanation, but I think it is only a partial truth. For an arms race can develop as much through a cycle of inaction-reaction as action-reaction.

We have seen the inaction-reaction cycle at work for the last several years. While U.S. offensive deployments have remained constant since 1965, and while the U.S. strategic budget has been steadily declining, the Soviets have been spending increasing sums and adding to their force of ICBM's and missile-firing submarines. The point has now come where it would be dangerously foolish to indulge in continued inaction that might well stimulate continuing action on the part of the Soviet Union.

As a means of insuring that we retain a convincing second-strike capability, Safeguard has the great virtue that it does not—unlike the deployment of more offensive weapons—threaten the Soviet deterrent. I am therefore at a loss, Mr. President, to understand the reasoning of those opponents of ABM who have urged that we should add to our Minuteman or Polaris force, rather than protect a smaller, and therefore less threatening, offense. As for the suggestion that we should base our security on a policy of launch on warning as an alternative to deploying ABM, I can only say that I have heard few proposals in my time in the Senate that exceed this one in irresponsibility.

SALT TALKS

Mr. President, Senators may recall that in June of 1968, during debate on the military construction authorization bill, some Senators expressed the fear that if we authorized an ABM, the Soviets would refuse to join us in strategic arms limitation talks. We had been trying to get the Russians to agree to these talks for 18 months, and the feeling of many opponents of ABM seemed to be that if we went ahead with the Sentinel program, this would kill any hope of the Russians accepting our offer. Well, we voted on a Monday to begin the construction of Sentinel, and on the following Thursday, Mr. Gromyko announced the willingness of his government to take part in the talks.

Again, during the debate on Safeguard last summer, we heard opponents of the system argue that if we approved the administration's request for phase I deployment, this might cause the Russians to change their minds about the talks or prevent the talks from yielding an agreement even if they got underway. But as we all know, the SALT talks began last November, and I personally have been encouraged by the progress that has been made.

In other words, Mr. President, twice in the past the fear that an ABM deployment would damage the prospects for an agreed limitation on offensive and defensive systems has proved groundless, and nothing has happened since then to make me believe that this fear is not as groundless now as it was before. On the contrary, I remain convinced that deployment of Safeguard is an essential condition for the SALT talks to succeed.

The feeling of some Senators seems to be that if the Senate now refuses to authorize Safeguard deployment at an additional site, the Soviets will interpret this as a gesture of goodwill, and that in response they will adopt a more flexible and cooperative attitude in the talks than they might otherwise. It seems to me much more likely, however, that the Soviets would interpret such a refusal on our part as a sign that this country is not committed to preserving a secure deterrent; and I think that would be a dangerous idea for them to get.

The large force of Soviet SS-11 and SS-13 missiles—more than 800—together with their expanding fleet of missile-launching submarines, constitutes for the Russians an assured retaliatory capability. The question, therefore, arises: Why have the Soviets built so many of their very expensive SS-9's, and why are they continuing to build them at such a fast rate? We can never be absolutely sure about the answer to this question, of course, but we can make a reasonable inference on the basis of what we know about the SS-9's great accuracy, the large payload it is capable of carrying, and the fact that under certain MIRVing options, the SS-9 could become a very effective silo-killing weapon. But whatever Soviet desires or intentions may be, there is no doubt that their program, if continued, will produce a first-strike capability unless the United States takes appropriate countermeasures. I, therefore, submit that nothing could harm the chances of an agreement coming out of the SALT talks more than an abrupt halt in the impetus of the Safeguard program.

Mr. President, Safeguard is the best available countermeasure, and if the Senate suddenly arrests the rate of Safeguard's deployment, it will in effect be removing the incentive to the Russians to stop producing their SS-9's. Safeguard is the central continuing strategic program we have at this point in time. We are not building any more Minuteman missiles, and none are planned. We are not building any more Polaris submarines, and we have decided not to broaden Safeguard's mission of hard-point defense to include a thin area defense. I ask: If the Senate stops the forward motion of the Safeguard program, what are our negotiators in the SALT talks going to offer the Russians as an inducement to stop building their SS-9's?

As I see it, Mr. President, a convincing active defense of our deterrent says this to the Soviets. It says:

> We intend to keep our second-strike capability; we do not intend to allow you to acquire a first-strike capability. If you want to keep on building SS-9's, that's your business, but for every additional SS-9 that you buy, we are prepared to offset it.

Safeguard as a responsive and dynamic program can say precisely that to Moscow.

My hope—and I think that it is a reasonable hope—is that the Soviet leadership will thereby understand that it is simply a waste of scarce resources for them to continue deploying SS-9's or other missiles of this type, and that they will, therefore, turn to the alternative of serious negotiation to limit both offensive and defensive systems.

While I am on the subject of the effect that Safeguard can be expected to have on the SALT talks, I should like to answer an objection that is sometimes made to our going forward with a third site at this time. This objection is that it would be a waste of money to begin deployment at the Whiteman site, since the ABM components there, as well as the ABM components at Malmstrom and Grand Forks, may well have to be totally or partially dismantled in the event of an agreement between us and the Russians to limit the level of antimissile defense. The first thing to be said about this objection is that it is by no means certain that the SALT talks are going to succeed. If they fail, if the Russians refuse to accept a reasonable ceiling on the number of their offensive ICBM's, including a reasonable ceiling on their SS-9's and comparable ICBM's, then we are going to need the full four-site Safeguard program, with ABM components not only at the three sites I mentioned earlier but at Warren Air Force Base as well. Indeed, if the talks should fail and the threat should continue to grow, we may have no choice but to undertake additional measures—possibly including a supplementary program of dedicated hard-point defense—to protect the credibility of the American deterrent.

This said, Mr. President, I can only add that if the SALT talks succeed, I for one will not consider whatever small sum has been spent on Safeguard as wasted money. My view is that in spending this money, we will be improving the chance of success in reaching a significant arms control treaty; and I, personally, would pay a very high price to do that.

Let me speak plainly: Any Senator who is tempted to vote against the proposed deployment of Safeguard must understand the risks that are involved for the President's negotiating position at the SALT talks.

TECHNICAL PROGRESS

Mr. President, the Safeguard program made impressive technical progress last year in the development of the several system components. The development record includes the following:

Spartan test program: There have been eight successful tests of the Spartan missile since January 1969. There have been only two failures, both from known and now corrected causes.

Sprint test program: Since January 1969, there have been 15 tests of the Sprint missile of which 10 have been complete and three partial successes. As in the case of the Spartan, the two failures resulted from known faults which have now been corrected. Both the Sprint and Spartan test programs have been exceptionally productive and successful.

Perimeter acquisition radar—PAR: The PAR radar, as is well known in the scientific community, is well within the state-of-the-art. Since the summer of 1969, there has been a limited engineering test model in operation at the manufacturer's plant. By September of this year approximately 95 percent of the components for the PAR will be released for production.

Missile site radar—MSR: The MSR has been successfully operating under test at the Kwajalein facility since September 1968. It has a remarkable record of meeting or bettering most of its design specifications. It has actually tracked ICBM's fired from Vandenberg Air Force Base.

Software development: The software is constantly undergoing test routines at Meck Island where, after 20 months of close adherence to schedule, it remains perfectly on schedule.

Mr. President, I report this excellent record of progress in the Safeguard system development because I wish it to be clearly understood that the experience of the last year has been fruitful. Nothing that we have learned in the last year suggests to our systems planners and designers that successful development and deployment of the system is any way in doubt.

At the same time it would be idle to assume, and foolish to argue, that there might not be developmental problems. No new system can ever be developed without changes, modifications, the exploitation of potential improvements and the like. To single out routine development problems, of which Safeguard has been remarkably free, as an argument against a new system—any new system—is to approach new technology with all the wisdom and foresight of the proverbial ostrich.

There has been some talk recently about completing the two sites authorized last year before initiating deployment at the third requested this year. According to this view, we should wait until the mid-1970's before beginning the completion of the Safeguard defense of the deterrent.

Mr. President, I can assure my colleagues that if the Soviets would agree to wait until at least the mid-1970's before deploying any additional offensive missiles, I, for one, would seriously consider waiting to finish the two approved sites before going on to deploy a third at Whiteman Air Force Base. Unfortunately, we can have no assurances that the Soviets will accommodate our desire for a leisurely defensive deployment program. We cannot wait, Mr. President, because there is no evidence whatever that the threat will wait.

I have no doubt that we could increase our confidence in the likely effectiveness of, say, the antipoverty effort if we were to try all of its individual programs on an experimental basis first, waiting until all the results were in before implementing the programs on a significant scale. But the ravages of malnutrition will not wait while we experiment with food stamp programs any more than the threat to our security will wait while we experiment with Safeguard. The degree of confidence we have in the effectiveness of Safeguard is high—certainly high enough for prudent men to approve the recommendation of the Armed Services Committee.

Mr. President, I began by calling the attention of my colleagues to the changes that have taken place since we debated the decision to deploy Safeguard a year ago. The threat has changed, unhappily for the worse. The Safeguard program has been changed by your Armed Services Committee so that it is now limited to the defense of the deterrent. The diplomatic context has changed with an impressive record of serious discussion in the SALT talks. The technical development has proceeded satisfactorily in a most orderly fashion.

I hope the debate in the Senate this year will reflect the new facts and the new situation.

I shall be surprised, for example, to hear Senators assert that Safeguard is provocative to the Soviets. Since we have acted in committee to limit the system to the defense of our missile sites, it can hardly be considered a provocation.

Since this defense in no way diminishes the Soviet Union's retaliatory capability, I hope it will not be argued that the Soviets are forced to respond to Safeguard. Unless they wish to acquire the capability to destroy our deterrent, the Soviets should be indifferent to our efforts to protect the Minuteman force.

Again, I shall be astonished to hear opponents of Safeguard argue that there is no threat to Minuteman, as some did last year, while also arguing that land-based missiles are obsolete because they are irretrievably vulnerable.

These are but three of a litany of arguments made against Safeguard last year which, if they were not then foolish, certainly are now.

Mr. President, the country is experiencing a wave of hostility to the military at the moment, a hostility that makes fair and objective debate on a question of defense spending a difficult thing to achieve. From the belief that we have been doing too little to solve our domestic problems—a view that I share with many Senators—it is all too easy to pass to the belief that we have been spending too much on defense. It is too easy in the present climate of opinion to persuade ourselves that an attack on the Pentagon is an attack on pollution or poverty. It is too easy to slip into the view that if we could only drastically cut back on our military spending, these problems would somehow melt away.

Mr. President, I believe that this country is rich enough in moral and material resources to provide for its security and solve its domestic problems as well. I am confident that the Senate will reject the counsel of those who would endanger that security and the prospects for a negotiated arms control agreement simply to achieve a pyrrhic victory over the Pentagon.

Mr. President, I ask unanimous consent to have printed in the RECORD the section of the report of the Armed Services Committee on the Safeguard anti-ballistic-missile system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDATION AND REPORT OF THE SENATE ARMED SERVICES COMMITTEE, JULY 14, 1970

SAFEGUARD ANTI-BALLISTIC-MISSILE SYSTEM

The need for Safeguard

The Committee has examined with concern the continued expansion of Soviet strategic forces which pose a serious potential threat to the American land-based deterrent. The United States cannot permit such a threat to develop without taking suitable countermeasures to provide for the continuing survivablity of sufficient strategic weapons for credible retaliation and confident deterrence.

Even if the Soviets should not install additional missile launchers, the present number already depolyed or under construction constitutes a delivery capability which, with *qualitative* improvements, would pose a serious threat to our land-based Minuteman deterrent in the mid-1970's. These qualitative improvements, which are well within Soviet capabilities, include an improved accuracy for the SS–11 and an accurate MIRV on the SS–9.

Preferable to an increase of American offensive forces, especially at this stage of serious arms control negotiations, is the addition of further anti-ballistic missile defenses to protect the land-based deterrent. The Committee hopes that the Strategic Arms Limitation Talks will succeed in stabilizing the strategic balance; but prudence demands that the United States take appropriate measures to guarantee the survivability of our retaliatory capability.

The Committee shares the President's judgment that defense of the U.S. deterrent in no way jeopardizes the security of the Soviet deterrent and, in fact, provides additional incentives for the Soviet Union to enter a substantial arms limitation arrangement.

Committee recommendation

The Committee has decided to confine the authorization for the continuation of the Safeguard program to those sites devoted to the defense of the deterrent. Thus the Committee has approved continuation of the Phase 1 sites at Malmstrom and Grand Forks, as well as full deployment at Whiteman and advanced preparation at Warren Air Force base.

In taking this action, the Committee wishes to establish the primacy of active defense to increase the survivability of the land-based deterrent. By striking from the authorization the House approved administration request to proceed now to advanced preparation of four area defense sites, the Committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against Chinese Communist ICBM attack.

While the impact of the Committee's action on the Safeguard authorization is only $10 million, the long term effect, should this decision be perpetuated in subsequent years, is substantial.

Present circumstances do not justify a diversion of our resources from the primary task of defending the deterrent to the less urgent objective of providing a defense against the evolving Chinese Communist threat. Whether the development of a thin area defense is a wise response to a future Chinese nuclear capability remains to be demonstrated.

It is the Committee's considered judgment that the proposed deployment, sufficient for our national security requirements and conducive to strategic arms control, deserves the full support of the Senate.

General summary of funding for Safeguard system

The budget request contains a total of $1.459 billion (including military construction) for the Safeguard Anti-ballistic Missile System. Of that amount $1.359 billion requires authorization.

The bill as reported recommends authorization of $1.349 billion. The Committee, in restricting advance site preparation to Warren only rather than the five sites requested, reduced the authorization by only $10 million. However, the Committee action, based on the current situation, will reduce the total projected acquisition cost (Research and Development, Procurement, and Military Construction) from $10.7 billion for the twelve site deployment of $6.5 billion for the four site deployment protecting only the Minuteman deterrent, an ultimate savings of $4.2 billion.

Moreover, of the $6.5 billion total projected cost for the four site Minuteman defense, about $2.2 billion has been obligated and would not be recovered even if the program were terminated. Thus the remaining cost of the four site Minuteman defense is $4.3 billion. It should be emphasized that the total authorization recommended by the Committee amounts to $1.349 billion for fiscal year 1971.

SAFEGUARD PROGRAM FOR FISCAL YEAR 1971 RELATED ONLY TO PROTECTING THE DETERRENT AND NOT AREA DEFENSE

[In millions of dollars]

	Phase 1	Phase 2				Total
		Due to added SPRINTS at GF and MALM	Due to the Whiteman site	Due to advance prep Warren	Due to other	
Authorization:						
R.D.T. & E.	365.0					365.0
Procurement	457.4		178.0	[1] 15.0		650.4
Family housing	8.8					8.8
Military construction	161.0	35.0	120.4	.4	8.4	325.2
Subtotal in bill	992.2	35.0	298.4	15.4	8.4	1,349.4
Other not subject to authorization:						
Procurement	.6					.6
Military construction	8.0		6.1	[2] 3.0	2.9	20.0
Operations and maintenance	42.0				11.0	53.0
Military personnel	12.0				2.0	14.0
Subtotal	62.6		6.1	3.0	15.9	87.6
Total ABM program	1,054.8	35.0	304.5	18.4	24.3	1,437.0

[1] Defense request for advance preparation for 5 area sites was $25,000,000.

[2] Defense request for advance preparation for 5 area sites was $15,000,000.

Use of fiscal year 1971 procurement funds for Safeguard

The $650.4 million in new procurement obligational authority is contained in the total Army request for missile procurement. The bill itself does not specify the use to which the procurement funds would be put.

The supporting information furnished to the Committee by the Department of the Army states that the planned procurement for fiscal year 1971 is as follows:

1. Sprint missiles and Launch Equipment (Grand Forks).

2. Spartan missiles and Launch Equipment (Grand Forks).

3. One Perimeter Acquisition Radar (Malmstrom).

4. Two Missile Site Radars (Malmstrom and Whiteman).

5. One Missile Site Radar Data Processor (Whiteman).

6. Partial funding for training equipment.

7. Equipment for the Ballistic Missile Defense Center and the Tactical Software Control Site.

8. Advanced procurement for the Grand Forks, Malmstrom and Whiteman sites and Advanced Preparation for one additional site at Warren.

Prior and future funding

The major items to be procured with prior fiscal year funds are as follows:

1. One Perimeter Acquisition Radar and Data Processor (Grand Forks).

2. One Missile Site Radar and Data Processor (Grand Forks).

3. One Missile Site Radar Data Processor (Malmstrom).

4. Initial Equipment for the Ballistic Missile Defense Center.

5. One Perimeter Acquisition Radar Data Processor (initial use at Tactical Software Control Site; final use at Malmstrom).

6. Partial funding for training equipment.

The remaining major procurement items for Modified Phase 2, as approved by the Committee, subsequent to 1971 are as follows:

1. Sprint Missiles and launchers for the Whiteman site and augmentation of Grand Forks and Malmstrom sites.

2. Spartan Missiles and launchers for Malmstrom and Whiteman sites.

3. Total complex at the Warren site if deployment is subsequently authorized.

Technical considerations

In an effort to assess the capabilities of the Safeguard system, the Committee heard extensive testimony on its technical effectiveness. The Committee believes that the technical reservations brought to its attention (e.g., radar blackout, radar discrimination, refraction and the like) have been given proper consideration by the Department of Defense, and concurs in the judgment of the Department that such developmental problems as may remain are capable of solution within the overall system design.

The Committee wishes further to note that many of the technical limitations on the system are associated with, and only pertain to doubtful, uncertain and high-risk modes of attack against it; strikes of the nature that one would expect from an adversary requiring a high-confidence attack strategy should not seriously degrade the technical performance of the system, given the levels of offensive threat presently projected. Should the threat increase beyond present projections, the Committee would look to supplementary components as a means of assuring that an adequate retaliatory deterrent would survive attack.

The Committee is convinced that a considerable measure of protection of the Minuteman force will result from deployment of Safeguard at the scheduled Minuteman complexes. The Committee is of the opinion that the Soviets would be unlikely to attack the Minuteman force unless they were certain to destroy all but a few tons of missiles. In this event, a planned Soviet attack would first encounter *the entire inventory* of Safeguard interceptors before destroying those missiles that come under Safeguard's protective cover. The number of Minuteman thus protected is substantially larger than has been suggested by some critics who have assumed that the Soviets would allow three hundred Minuteman to survive a first strike against the force.

The Committee evaluated the possible need to supplement Safeguard should the Soviet threat to Minuteman grow beyond the levels which Safeguard is designed to counter. The Committee accepts the view that the relevant criterion for the evaluation of a system of active defense is not the defense cost per Minuteman silo saved, or the relationship between the cost of the protection and the cost of the missile itself. It is, rather, a comparison of the cost of the defense to the cost of the offense to offset that defense.

In considering supplementary components to augment Safeguard defense of Minuteman against high attack levels that might possibly evolve if the Soviets *both expand and qualitatively improve* their ICBM forces, the Committee also examined alternatives to Safeguard for the defense of Minuteman. The alternatives fall into two classes. First, there are the interim systems which are derived by modifying existing air defense systems or air-to-air weapons systems. These modifications, when carefully engineered and tested to establish confidence in their performance equivalent to Safeguard are unlikely to be available any earlier than Safeguard. An even more serious deficiency is that the lower radar power and slower intercepter missiles designed for attacking aircraft make these interim systems very "brittle"; i.e., relatively minor changes in the threat make these interim systems useless, and these interim systems could not be upgraded to accommodate those changes in the offense which would render them useless.

The second class of alternative ABM systems for defense of Minuteman are the "dedicated" hardsite defenses made of new components optimized for defending Minuteman.

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Development of this kind of system is being initiated by the Department of Defense in fiscal year 1971, but it is unlikely that such a system can be deployed and operational until several years after a three or four site Safeguard defense of Minuteman. The delay would result in an unacceptable risk in the 1975–1980 time period. However, the development of new dedicated hardsite defense components should be undertaken so that the Safeguard defense of Minuteman could be augmented if necessary. The Committee notes that Safeguard will have a continuing useful life even if augmented in response to a threat which exceeds its design capability.

Finally, the Committee observes that many of the arguments offered in opposition to Safeguard are directed at the defense of population against the Communist Chinese threat rather than the defense of the land-based deterrent. Technical criticism of the PAR radar for example, while far from compelling with respect to defense against a Chinese Communist threat, is even less important a consideration to the system capabilities to protect Minuteman missile sites. Concern that the Soviets would react to Safeguard deployment by additions to their offense is unfounded if the mission of the Safeguard system is protection of the deterrent. The premise that the system must work perfectly is not applicable when defending the deterrent forces since only a fraction of that force must survive to assure successful retaliation.

The Committee wishes to emphasize that defense of the deterrent is the only proper alternative to the proliferation of our offensive forces. The wisdom of increasing our security in this manner—by defending a fixed force rather than adding to it—is central to the subject of stable deterrence. In this way only can we manifest our concern for the legitimate security of our adversaries, while discouraging them from attempting to acquire a first-strike capability.

Safeguard and the SALT talks

It is the position of the Committee that the authorization of further ABM deployment to protect the strategic deterrent is not prejudicial to the SALT talks. Nowhere in the extensive hearings of the Committee or its Subcommittee on Strategic Arms Limitation Talks was the view expressed that defense of the deterrent would adversely affect the current negotiations. On the contrary, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency and others argued forcefully that unilateral termination of the Safeguard program would undermine the American negotiating posture and diminish, rather than increase the likelihood of a successful agreement.

The importance of Safeguard to an agreement at SALT should be self-evident. As one of the central limitations to be negotiated in conjunction with limitations on offensive forces, Safeguard is essential to the American position. Without Safeguard the Soviets would have little incentive to agree to constrain increases to their offensive forces. The progress thus far in the SALT talks has served to confirm the view that Safeguard is essential to their successful conclusion.

While the Committee would welcome an agreement that would obviate the need for Safeguard, there can be no assurances that such an agreement will be reached. In the event of an agreement Safeguard could be halted and, if necessary, such construction as might have been completed could be dismantled. Should our best efforts to achieve agreement fail, however, Safeguard would be an important element in the maintenance of a secure deterrent force. To delay the modest deployment authorized for fiscal year 1971 would, in the opinion of the Committee, put the SALT talks, and our national security, at risk.

Mr. GOLDWATER. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. GOLDWATER. I want first to congratulate the distinguished Senator from Washington for what I consider to be the wisest statement made on the floor of the Senate on this subject in both debates that we have experienced.

I hope that the Senate will have the Senator's extreme experience in this field for as many years to come as it is possible, because I can see a continuing opposition by those in our country and those in Congress who are dedicated to the unilateral disarmament of our country.

I hope that the Senator is around for many, many years to give us the kind of backing and assurance we need.

I have one question, though, that I do not quite understand.

On page 3 of the statement, the Senator says in the third paragraph:

> Mr. President, what is perhaps most ominous about the growth in the Soviet SS–9 force is that the SS–9 is an extremely inefficient weapon for retaliating against cities.

Later on the Senator speaks about the great accuracy of this weapon. I wonder what caused the Senator to draw that conclusion.

Mr. JACKSON. Mr. President, if the SS–9, which has a throw weight of 25 megatons, were designed as a second strike weapon, they would not be wasting that much payload or fissionable material to attack so-called soft targets, or cities.

The obvious inference here is that this kind of system has the capability of destroying hard targets. These, of course, include Minuteman silos. Otherwise, why would they build a weapon system capable of delivering 25 megaton warheads or three 5-megaton warheads at an adversary?

What they would do, for retaliatory purposes, would be to have a series of missiles with a lower yield which would more than take care of cities.

Mr. GOLDWATER. Mr. President, I understand. I thank the Senator from Washington for explaining that. I have one more question that the Senator did not cover in his report.

Would I be correct in assuming that at the same time the Soviets have been very rapidly and dangerously improving their offensive capability, they have also made some extremely important improvements in their defensive capability?

Mr. JACKSON. The Senator is correct. They have been effective in developing an ABM capability since about 1957, when they first undertook to develop such a system.

They started to deploy it, as I recall, in the Leningrad area in about 1962. They now have some 64 launchers in the Moscow area.

In addition, and this is the significant part, they are engaging in an active program of research and development. They are doing a lot of testing. It is quite clear that they are in the process of developing a new generation of ABM's.

I would add further that there is the so-called Tallinn system. This system was named for the capital of Estonia.

That system in the past has been considered by some as having a potential ABM capability. The majority view in the past has been that it was capable of intercepting only air breathers, meaning, of course, primarily aircraft.

I think there is a serious question at the present time as to whether this system, which is deployed all over Russia and is part of the largest defense system the world has ever known, could indeed have an ABM capability.

I believe there are those who feel quite strongly about this. This view is becoming more prevalent in the intelligence community.

Mr. GOLDWATER. I thank the Senator for yielding. In closing, I again thank him not only as a Senator but also as an American for making this brilliant disclosure on the floor today.

I hope that our colleagues who have not been able to hear the Senator will read his statement in the RECORD. I can assure them, being a student in this field myself, that they cannot learn about this matter quicker than by reading what the Senator had to say. If they do read it, I am confident that the vote will be overwhelmingly in favor of it.

Mr. JACKSON. Mr. President, I thank my colleague, the Senator from Arizona, for his kind and generous remarks.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JACKSON. Mr. President, I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I, along with the Senator from Arizona, thoroughly appreciate the work that the Senator from Washington has put into his presentation. The presentation was extremely fine. There are a couple of points that I thought perhaps a colloquy might further develop.

In the statement, the Senator approaches the SS–9 as a first-strike potential. He refers to the SS–11 and the SS–13 as retaliatory forces.

Is it not true, however, that the SS–11 has the capability of being used on hardsite targets, Minuteman targets, as well as the SS–9's?

Mr. JACKSON. The Senator is correct. Improved accuracy on the SS–11 would make this a definite possibility.

Mr. DOMINICK. So, we are actually facing not only an increase in the SS–9 production over what was estimated during the debate of last year, but we are facing an increase in the SS–11's, both as estimated in regard to its range and also in regard to its increased accuracy.

Mr. JACKSON. The Senator is correct. In the SS–11's, there have been increases that have not been contemplated. The same is true of the SS–13's. This is in addition to the new sites that have been discovered that are referred to in my remarks on the SS–9.

Mr. DOMINICK. Mr. President, I have been constantly struck, as I am sure the Senator from Washington has been, by the arguments of some of those who have spoken in opposition to the ABM. When we ask them what should be done in the way of offsetting the increasing threat from the Soviet Union or the Red Chinese, almost inevitably, the answer one gets is that, "We ought to increase the number of Minutemen or increase the number of Polaris submarines."

These are obviously offensive weapons. Is that not correct?

Mr. JACKSON. The Senator is correct. I cannot think of anything more provocative than to exercise that option at this point and proceed with offensive systems when the other option of providing for an active defense is available.

Mr. DOMINICK. I think that really we ought to make this point over and over again. What we have been doing is holding our strategic force relatively stable for a large number of years, while the Soviets in the face of that—and they do know what we are doing, and we might as well acknowledge that—have rapidly increased their offensive forces. It has not done any good—as many of the opponents of the ABM have argued—to try to show the Soviets that we are exercising good faith by not increasing our offensive weapons. They are going ahead anyway.

Mr. JACKSON. The Senator is correct. Not only have they increased the numbers, but the most disturbing aspect of those numbers pertains to the yield accuracy and MIRV potential of those missiles.

They now have operational or under construction over 1,450 to our 1,054.

The significant point that I want to make very clear here is that the destructive capability of the 1,450 exceeds our land-based capability by several fold.

This is the most disturbing aspect of what they are doing.

Mr. DOMINICK. Mr. President, I remember that the Senator from Washington and myself discussed this point several years ago, saying that on a projection, this could happen. I remember that many opponents of this system and other strategic systems that we have been considering say that it never would happen, that it could not happen, that we would obviously be predominant in all phases.

The Secretary of Defense indicated the other day that by the middle of the 1970's, at the present rate of Soviet expansion compared with our defense weaponry, they would be superior to us in every single phase of armament. Does the Senator agree with that?

Does the Senator agree with that?

Mr. JACKSON. I do. I think that an examination of the Soviet strategic forces and what is going on in connection with those strategic forces makes it very clear to me; and as I said last year and before that, the Soviets are determined not only to offset our land-based deterrent, but also they are determined to offset our bomber capability, and our Polaris missile capability.

I think it is clear, as I have indicated here, that they now exceed us in number and megatonnage in land-based missiles.

It is clear if they continue to turn out the Polaris-type submarines—the Y class submarines with 16 missiles per boat, by mid-1975 they will have more Polaris-type boats than we, probably around 50.

I indicated that within the next 2 years they will have 24 to 30, and they are turning out approximately 10 a year. So they will exceed our Polaris capability.

In addition, as Admiral Rickover has pointed out in one single year the Soviets turned out five highly sophisticated different type attack submarines. These are attack submarines designed to nullify our Polaris force at sea in the 1970's.

Then their Polaris force, of course, makes it possible during the same time frame—that is, 1974–75—to reach every one of our SAC bomber bases. This places in jeopardy our SAC bomber force.

When one looks at that picture, it is not very encouraging. Therefore, one must undertake every necessary step to make sure that the American nuclear deterrent—sea-based, our manned bombers, and our ICBM's—is credible to the adversary.

Mr. DOMINICK. I certainly appreciate the comments of the Senator from Washington and I hope the country does.

I saw in a recent news release, I believe it was yesterday or the day before, that the Soviets have again started to build their FOB—that is the fractional orbit bombardment system—which uses the SS–9 as a launcher. This is something we do not have at all in our armament. It could create a satellite system over this country which, upon being triggered, could launch a nuclear weapon which, I understand, could strike within 3 minutes.

Mr. JACKSON. The Senator is correct.

Mr. DOMINICK. This is an extremely dangerous type situation we face.

The other thing that bothers me is the size of their attack submarine fleet, which is very, very large, as I understand, in comparison to what we have; and which is the most efficient method they have yet found of trying at least to track our Polaris submarines; so if they get good enough at that they could keep track of where we are, even under water.

Mr. JACKSON. I think it is clear the Soviet strategic effort is not confined to offsetting our Minuteman land based ICBM capability; they are going after all three deterrents, including bombers and sea-based forces.

Mr. DOMINICK. As I understand the situation with which we are faced on the floor, an amendment is pending or about to be offered, and I am not sure, which would cut out phase 2 as authorized by the committee. Is that correct as to the situation at the moment, as far as the Senator knows?

Mr. JACKSON. I believe the amendment has been offered and that it is the pending business.

Mr. DOMINICK. I have not seen it and I have not heard it thoroughly explained, but if my recollection is correct, this amendment would simply cut out some $300 million authorization for phase II. Is that correct, as far as the Senator knows?

Mr. STENNIS. The amendment would eliminate all funds for that part of phase II as reported by the Committee on Armed Services.

Mr. DOMINICK. And yet what we are talking about is the defense against this continued growth of the Soviet threat, and this year's actual spending under that authorization is estimated by the Department of Defense as being somewhat under, as I recall it, $50 million.

Mr. JACKSON. I believe it is $40 million.

Mr. DOMINICK. $40 million.

Mr. STENNIS. Yes.

Mr. DOMINICK. It would seem that if we agreed to this amendment we would certainly be gambling on the good faith of the Soviet leaders which certainly has not been proven from past history, at least from my point of view, and I would believe from the point of view of the people in Czechoslovakia. I believe they would agree with that assessment also.

I thank the Senator. I think the Senator has done a masterful job in presenting the ABM case.

Mr. JACKSON. I thank my good friend from Colorado for his excellent comments and questions.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, our committee is certainly indebted to the Senator from Washington, as is the entire membership of the Senate and the entire Congress, for his wonderful background of knowledge in connection with this problem and the complications that go with the entire matter, including his detailed knowledge of the situation with respect to the ABM system and more particularly, the one we are developing now. I think the Senator made a splendid statement in presenting the data necessary to get a grasp of the picture. Another thing that has been so well put together have been the alternatives, which make it as clear as a bell. I highly commend the statement to every Member of this body for reading and for analysis.

I know the Senator's statement will reach not only the membership of this body but a great number of the staff.

I think the facts about the Soviet increase have been well put together and well stated. It sticks out like a pointed arrow with a warning signal on top of it.

I wish to address myself to a question which comes up about what is left in the bill and what it can be used for. I will do this in the way of a question.

Included now in this $1.027 billion is $365 million which the Senator from Kentucky said the other day "would be available for advance research and development, for research and development of a system specifically designated to protect the Minuteman ICBM force."

It is extremely important to understand that the $365 million is required for what we call "Safeguard." Without the $365 million for research and development, the deployment at Grand Forks and Malmstrom could not effectively take place.

Is that a correct statement about the facts?

Mr. JACKSON. This is definitely my understanding. It is in direct support of the phase I Safeguard.

Mr. STENNIS. Yes. It is in a different account but it is just the same. As a practical matter it is for those two sites I have mentioned at Malmstrom and Grand Forks.

Mr. JACKSON. In any new weapons system the first phase always includes the ongoing R. & D. requirements as a part of the initial system and it is car-

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ried that way in this account, as it has been in other weapons systems accounts.

Mr. STENNIS. I emphasize, too, that the $365 million is a part of the funds required to continue the deployment at Grand Forks and Malmstrom. Contrary to what the Senator from Kentucky inferred, the funds would not be available for research and development for a new system, and that is my point. I call that to the attention of the Senator from Kentucky. We want to be sure we are talking about the same thing. This $365 million goes with the Safeguard and not for any new system. That is my only point.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JACKSON. To follow the Senator's able statement, the $365 million requested includes the funds necessary to complete work on the MSR. It includes funds for the development of the PAR. It includes funds for the development and testing of the Sprint and Spartan interceptors. It includes funds for the software without which Safeguard could not be built.

In sum, without these funds, Safeguard would be effectively dead. In other words, the money cannot be used for any other purpose than provided for in the bill and as submitted by the administration, and that is in support of the two sites the Senator from Mississippi mentioned earlier.

In short, there is no program under which these additional funds could be used for any other R. & D. effort.

I think there is a misunderstanding here, and I think it ought to be clarified.

Mr. STENNIS. That is the only reason why I bring it up, particularly at this time, to make sure that we get together on this $365 million. I agree that it is for the purposes the Senator has already indicated. It buys test targets for the Spartan and Sprint missiles. It buys Spartan and Sprint missiles for flight testing. It pays for range documentation for missile testing. This money is in the bill for those purposes, and those purposes alone, and will not be spent for any other purpose.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. COOPER. I regret that I did not hear all of the distinguished Senator's speech, but I have glanced quickly through a copy. I appreciate, as do all of us, his work in the Armed Services Committee for our country and his vast knowledge in this field.

I would like to speak to the question raised by the Senator from Mississippi (Mr. STENNIS). I start by saying, as I did last year, that we appear to be talking about different types of systems to protect the missile bases. The Senator speaks of Safeguard, and I speak of an advanced antiballistic missile system.

The Senator from Mississippi asked if there was any way, other than on Safeguard, on which the $365 million could be spent. As I understood the Senator from Washington, he said "No." I would like to ask the Senator from Washington and the Senator from Mississippi if in the hearings before Armed Service Committee there was a discussion of what is termed a "hard-point system."

Mr. JACKSON. Yes, indeed.

Mr. COOPER. I have read the hearings dealing with such a system and also the very comprehensive hearings held by the subcommittee of the Committee on Appropriations of the House of Representatives, under the chairmanship of Mr. MAHON. I found on page 591, and following pages of the House report, the section entitled "Hard Site Defense System."

The point we are making and expect to debate on this amendment is that the $365 million for research and development ought to be spent on a hard point missile site defense system which would protect missile sites. Last year we were told by the Department of Defense, and it was said again and again on the floor of the Senate, that the system was ready to deploy. The argument was made, "Let us not wait; let us deploy this system to protect our missile sites." The truth of the matter is that a year has passed and there has been no deployment, and in that time the Department of Defense, including the Secretary of Defense, including Assistant Secretary Johnson, who, I understand, directs the program and Mr. Gilstein, a scientist in the Department of Defense, testified that the Safeguard system would be inadequate to meet a threat posed by the Soviet Union through a growing deployment of the SS–9.

Is it not a fact that money in this bill has been set aside for work upon small radars, for work upon smaller Sprints, and upon a new system which is designated a hard site defense system?

Since last year a great many of the questions we raised are now agreed to by the Department of Defense and by the proponents of the bill.

The first argument for this system was that as Sentinel it would protect people and cities. Then the proposal came before us in a new guise, to protect against missiles launched accidentally and against the Chinese threat. The Armed Services Committee has abandoned the Chinese threat argument. Since last year the Department of Defense has admitted that the Safeguard system will not protect our missile sites. It is spoken of as a transition system. This testimony is in the hearings.

There is $1 billion in this bill for deployment at the two sites, which our amendment does not touch. Over $1 billion, including a carryover of $224 million, was obligated last year. No question of leadtime is involved. No question of an ongoing Safeguard system remains. Over $2 million has been made available for the two sites in phase I.

What we are arguing, as we argued last year, is that if the SALT talks fail—and I hope they will not fail—and the Soviets continue to deploy the SS–9 system and the other systems mentioned, then, for the security of this country and for the security of its people, it would be a mistake—it would be more than a mistake, it would be a dereliction of our duty to the people, to spend money on a system which the Department of Defense is saying will not work if the threat continues. That is the argument we make.

This year we heard, in the Foreign Relations Subcommittee chaired by the Senator from Tennessee (Mr. GORE), scientist after scientist—some heard before the Senate Armed Services Committee; some before the House Committee on Appropriations—testified almost unanimously, that this Safeguard system will not work.

The Senators on the committee have good information, and know that the scientists gave many reasons why Safeguard would not work. For instance, with one MSR covering a field, soft as it is, it could be destroyed by one SS–11, eliminating protection for the entire field.

The Defense Department is engaging in a program to develop small radars. It has also been stated that Safeguard missiles exploding at greater heights than advanced and smaller Sprints, which could be detonated closer to the earth, would not give as good protection and these scientists also testified that the advanced system would be a cheaper system than Safeguard.

Mr. JACKSON. Mr. President, will the Senator yield for a moment?

Mr. COOPER. I yield.

Mr. JACKSON. Just for the purpose of trying to clarify my understanding with that of my good friend from Kentucky, I have before me the statement the Senator made at the time the amendment was introduced. He said:

> The sum of $365 million—

Referring to the R. & D.—

> would be available for *advanced* research and development, for research and development of a system specifically designed to protect the Minuteman ICBM force. Such a "dedicated hard site system" has been advocated by many distinguished weapons scientists.

I think there is a misunderstanding here, and maybe we can clarify it.

The $365 million, as we have it in the bill before us, is for research and development in support of Safeguard phase I. This means that the $365 million is necessary to develop the system for the two sites that have been authorized: Malmstrom in Montana and Grand Forks in North Dakota.

We have looked into this question of a system of hard-site defense in some detail, and I fully respect my good friend's position on the need to get into this subject.

The Armed Services Committee held hearings on this subject when we were going through the whole Safeguard program for this year, and approved $58 million requested by the administration for the purpose of R. & D. on hard-site defense.

The fact is that this program—the hard-site defense program—is adequately funded. After the statement was made, I wanted to be certain about the adequacy of these funds, so I contacted the Department of Defense. The Defense Department has informed me that it is not certain whether the program in question can get organized so as to effectively spend even the entire $58 million we have approved in the committee for fiscal year

1971. The addition of more funds would, the department informs me, "pretty much result in chaos."

In short, Mr. President, there is no program for hard-site defense under which these additional funds can be used. That is the judgment of the Department of Defense, and that was our judgment, I might say, when we held the hearings.

I wanted to make this statement because I think there is a misunderstanding as to the purpose of that $365 million for research and development.

When we start work on a new weapons system, we always include, at the outset, as a part of the initial system, funds carried under research and development. Then after that, it moves out of that phase to include ongoing so-called series production, which is no longer carried as research and development.

I believe, in order to be helpful here, that that is where the misunderstanding may have originated. I did want, Mr. President, to make very clear the meaning of the $365 million in the budget.

I emphasize again that in addition to that $365 million, there is $58 million for hard-site defense research and development. This is separate and apart from the other amount, and appears in the budget of the Advanced Ballistic Missile Defense Agency.

I thought my friend from Kentucky would like to have that explanation. I realize that the $365 million carried as research and development might have been construed as being a flexible sum of money that could be used for all aspects of research and development in connection with missile defense. But the facts are, as I say, that the $365 million is a specific research and development supporting fund for Safeguard, for the two sites that I referred to earlier.

I hope that will be helpful to the Senator.

Mr. COOPER. Does the Senator mean to say that that the funds could not be used for any research to improve the original design of the Safeguard system, or to modify it in any way?

Mr. JACKSON. It can be used to improve the components going into those two sites, MSR, PAR, Sprint, Spartan, data processing and software and testing and evaluation, but it is not an experimental research and development program for hard point defense

Because this hard-site defense is more in the area of the unknown, we deliberately put it in a separate category. Those funds are to be found in connection with the $58 million that I referred to earlier.

I want to say to my good friend—and I know how frugal he is on these matters—that the Department has assured us that they may not be able to spend that entire $58 million, let alone $365 million, more for this purpose.

Mr. STENNIS. In context with that point, Mr. President, will the Senator yield to me?

Mr. JACKSON. I yield.

Mr. STENNIS. The $58 million to which the Senator refers, as a matter of fact, is over in the research and development account, and not connected with procurement, as the bill is kept. It is in pure research and development, and for advanced work beyond the Safeguard concept; is that not correct?

Mr. JACKSON. The $58 million is for the Army Advanced Ballistic Missile Defense Agency.

Mr. STENNIS. Yes.

Mr. JACKSON. And that is separate and apart from the $365 million that is for research and development in support of the components going into those two sites, one in Montana and one in North Dakota.

Mr. STENNIS. If I may make this statement—and I think this is carefully put together—the major share of the $365 million is for the testing and evaluation phase of the Safeguard development. This is the part that shows the system will work, which confirms that Safeguard will do the job that it is intended to carry out. Although it is in R. & D., it is really development.

Mr. JACKSON. Let me be as clear and direct as possible: if we take the $365 million and divert it from Safeguard R. & D. to "advanced" R. & D., phase 1 is dead.

Mr. STENNIS. Yes.

Mr. JACKSON. I mean it is dead, period; we have killed the technology, including the sites in Montana and North Dakota. I cannot think of a more simple explanation of what would happen if that $365 million were to be used for "a dedicated hard-site system."

Mr. STENNIS. I will agree that that is correct. It kills it dead, if you take out the $365 million, as I understand it.

Mr. JACKSON. The Senator is correct, absolutely. It means that the phase 1 program for Montana and North Dakota cannot go forward.

We do have the funds in the bill for hardsite R. & D., and I commend the Senator from Kentucky for raising this point about the need for research and development on a hard-point defense. I simply thought it was essential that Senators understand what would happen if the $365 million were singled out for the purpose of hard-point defense.

Mr. COOPER. Mr. President, I wish to respond briefly.

I say, with the greatest respect, to the Senator from Washington (Mr. JACKSON) and the Senator from Mississippi (Mr. STENNIS), and also the Senator from Colorado (Mr. DOMINICK), that I know that they have served long upon the Armed Services Committee, they have access to very detailed information and are dedicated to their work. But I must say that, after 3 years of misinformation from the Department of Defense and two administrations about the purpose of Safeguard and its mission, we should look very carefully at what is being offered now. I believe it only natural that the Senate members of the Armed Services Committee would begin to question very closely statements regarding the purpose and the effectiveness of this system.

I said earlier—and the Senator is aware of this—that the anti-ballistic-missile system was first offered to Congress and to the American people as an area defense system to protect the people. Nothing pulls at one's heart more than such a claim. Two years ago it was the burden of the argument for the Sentinel. It was argued that it would save 5,000 or 10,000 or more Americans. And who can argue with that? But we knew it would not provide such protection.

Then Secretary McNamara came to Congress with a modified Sentinel. It was to protect our Minuteman missiles sites. It was to protect against the Chinese threat. It was to protect against an accidental launch. How the Senate argued the necessary protection of the people of this country against the Chinese threat. The committee has dropped the argument of Chinese threat.

Now we are approached as last year with the argument that Safeguard is hard site, hard point missile defense. Last year the Department of Defense would not budge from its position that this was ready and an adequate defense, and we could not delay any longer.

But even last year the Department of Defense was beginning to work on alternatives on an advanced system contradicting what was said last year. $158 million is made available for an advanced system, is it not?

Mr. JACKSON. It is $58 million.

Mr. COOPER. For special hard point defense.

I should like to read from the hearings of the House Committee on Appropriations. I will place the entire exchange in the RECORD, because I do not want to quote the chairman of the committee, Mr. Mahon, out of context. I do not know what his views are about this Safeguard system, and it would be unfair for me to quote him out of context. This is the question Mr. MAHON asked of Dr. Gilstein of the Department of Defense on page 160 of the hearing record:

> It generally has been agreed that Safeguard was not, as now conceived, really adequate to defend Minuteman against a Soviet attack that might come with just the numbers of weapons they have today. So, what threat are you talking about over and above the one the Secretary of Defense has been discussing?
>
> Dr. GILSTEIN. We are talking about the growth threat that goes beyond the ——— time frame. This involves a possible carrying of ——— reentry vehicles per booster of the SS–9 class, rather than three per booster as they are now showing in their R. & D. phase.

Now I refer to Mr. Johnson, Assistant Secretary of the Army, on page 161. He was asked the question by Mr. WYMAN:

> What is wrong with it?

He is talking about Safeguard.

Mr. Johnson replied:

> The decision to deploy it would be a function of the growing threat. The decision to develop it is associated with the fact that it is very clear that, should he choose to develop the multiple warhead approach and to upgrade the accuracy of his SS–11 so they now become silo attackers, should he choose to do that, then it is clear you will need it. It would be inappropriate to wait to have the development ready until you see him doing that. So, the decision to proceed with the development is that it is a rather straightforward attack that he could provide if he developed along the lines of the multiple vehicles and the upgraded SS–11's. Therefore, the development, we feel, should proceed. The deployment decision then depends upon your intelligence in the out years.

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Of course, so long as all the money is put into the development of Safeguard components, which witnesses say is inadequate to defend our ICBM missile sites, money will not be available for the development of a hard point system which even Department of Defense officials say is necessary if SS–9 is continued to be deployed. It may be argued that time will be lost in the development of our advanced system. I should like to read what Dr. Gilstein said about this. On page 162 he was asked this question:

> Is it more or less in the scientist's mind at the present time?
>
> Dr. GILSTEIN. It is more than that. It is in operating condition in various facilities. The data processors exist. The software for the processors is being written. The processes are starting to be demonstrated. The technology for much of the radars, the phased array antennas, the crossfield antenna tubes, modulators, and so on, also exist as components. They exist in full scale right now and have been demonstrated. An integrated radar has not been made.

At another point in the hearing—unfortunately, I cannot put my hand on it at this time, but I will supply it for the RECORD—a witness was asked whether there would be any significant time between the deployment of Safeguard, as it has been described for us last year and this year, and an advanced system; and the answer was there would be no significant time. I will insert the colloquy in the RECORD.

My point is this: The Senator is concerned about the continued deployment of SS–9 and other weapons systems, and I am, and I think all of are who have heard the testimony on this subject. Suppose the SALT talks fail and deployment continues? Shall we end up with a system which leading scientists say will not be able to protect missiles? We are arguing that whatever money is in the bill for research and development should go on improvements in the Safeguard system, whatever they may be. My judgment is that the Department of Defense has made the decision to move away from Safeguard to an advanced system, but it is not frank enough to say the decision is made.

Mr. JACKSON. Mr. President, first, let me see if I can clarify one or two things. There is nothing new about research and development in connection with hard point defense. It dates back almost a decade to the first studies and research in 1961. I have a complete list here of the effort up to date. I think there are some 61 studies and contracts concerned with hard point defense, going back to an ARPA study in 1961. This is only a partial list of the programs on the subject initiated within the Department of Defense since 1961.

The point of the discussion my good friend from Kentucky referred to is that the necessity of deploying a hard site defense is tied to what the Soviets do. Obviously, if the Soviet threat exceeds the capability of Safeguard, then the need to take additional steps to protect the deterrent, of course, will be essential. One such step might be to augment Safeguard at the proposed four sites. Another might be to supplement it by adding on to Safeguard a dedicated hard-site system.

What we are doing here is trying to deal with the current situation, the known situation. I do not know what the Soviets will do. I am sure, looking into the future, that if they go ahead and expand on a very large scale, there may be a need to go beyond, possibly, an active defense, and we may well have to take steps to add to our offensive capability.

What we are trying to do here is, No. 1, to protect the credibility of the American deterrent, to protect the security of the United States, and to give to the President a steady hand in negotiating for arms limitation with the Soviets.

Now, if these things fail, then we have to take whatever steps beyond that which are necessary to protect the security of this country.

I am only suggesting here that there are options available. We are now implementing one option. All of these things are relative. As we look ahead, we may have to take and exercise additional options, depending entirely on what the Soviet threat turns out to be.

My good friend from Kentucky knows that a year ago in debate, both in the open and closed sessions, the general feeling was, on the part of many Senators, that the growth of the SS–9 threat, at least, would taper off or stop.

We now know that, of course, even during the period of the SALT talks, even in the midst of the Vienna talks on SALT, the Soviets were then and there starting new SS–9 sites.

These are disturbing facts, which seem to me to have a direct bearing on what we do here in connection with the ABM.

I did wish to emphasize that the hard point approach, the hard point research and development effort, is not new and that it has been going on all these years. It has to be geared to the ongoing threat. We hope that threat will come to an end with some kind of understanding in Vienna or Helsinki.

ORDER OF BUSINESS

Mr. HANSEN. Mr. President, has the rule of germaneness expired?

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair would inform the Senator from Wyoming that the rule of germaneness has expired and the Senator is recognized.

Mr. HANSEN. I thank the Chair.

MR. JOHNSON, VETERANS' ADMINISTRATION ADMINISTRATOR

Mr. HANSEN. Mr. President, I have read with interest the remarks on the floor yesterday regarding a speech made by the Veterans' Administration Administrator, Mr. Donald Johnson.

Without discussing the merits of the McGovern-Hatfield amendment or Mr. Johnson's reaction to it, let me say I hope I did not read between the lines of the RECORD an implied threat that Mr. Johnson will be given a hard time when next he appears before a congressional committee on behalf of the veterans.

I am sure we can all agree that the McGovern-Hatfield amendment and the welfare of America's living veterans of all wars are two different matters.

I am confident that no Senator would let his anger at Mr. Johnson affect his feeling for the welfare of those who have so nobly defended our country's interests in Vietnam, Korea, and throughout the world.

REDUCTION OF AIR POLLUTANTS FROM EXHAUSTS OF AUTOMOBILE ENGINES

Mr. HANSEN. Mr. President, last week, I witnessed here in Washington a demonstration of a simple but highly efficient method for bringing about the reduction of air pollutants coming from the exhaust of automobile engines.

Atlantic Richfield Co., one of the country's leading petroleum-energy firms, invited me to a special showing of a system developed to help individual motorists contribute to the reduction of a major source of air contamination in our congested cities.

This progressive company is making a positive contribution in the direction of cleaning the air we breathe before we are no longer able to breathe it and, in my judgment, is to be highly commended.

On C Street, just outside the New Senate Office Building, I saw skilled technicians, in less than 10 minutes, diagnose the volume of certain air contaminants coming from the exhaust pipe of a car and recommend simple, relatively inexpensive corrective measures.

Atlantic Richfield has invested more than $1 million in this program, assembling its "Clean Air Caravan"—a fleet of vehicles equipped with sophisticated exhaust analysis systems, and manned by competent personnel. Units from the "Clean Air Caravan" have been made available to provide the motoring public with exhaust emission analysis—as a public service, at no charge—in such metropolitan areas as Los Angeles, Chicago, Pittsburgh, San Francisco, Sacramento, Dallas, District of Columbia suburbs, and have been scheduled for a number of other cities within the next couple of weeks.

Since June 15, when this system was introduced in Los Angeles, more than 20,000 drivers around the country have had their cars tested. I am told that the reaction of motorists to this service has been very enthusiastic. There is no doubt in my mind that this enthusiasm is sparked by Atlantic Richfield's sincere, noncommercial operation of the "Clean Air Caravan." When a driver receives an account on the condition of his car with advice for improving it, there is no effort made to promote the company's products, according to reports.

The analysis hardware for this operation consists of a group of infrared and electrical sensing units that quickly measure carbon monoxide and unburned hydrocarbon emissions at idle and normal engine operating speeds, and a pollution control valve testing system.

Sun Electric Corp., Chicago, manufacturer of electronic automotive testing equipment, is the developer of the exhaust emission tester.

The hydrocarbon and carbon monoxide analysis processes were developed through an intensive effort between Atlantic Richfield and Sun Electric.

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The analysis procedure is relatively simple: While the car engine is running, a metal guide is inserted into the exhaust tailpipe, a unit for electrically measuring engine speed is clamped onto a spark plug wire, and another device is attached to the engine oil filter opening. All of these lead to the analysis equipment. Panel instrumentation measures hydrocarbon parts per million and percentage of carbon monoxide in the exhaust, engine r.p.m., and pressure level of the crankcase ventilation system.

From the instrumentation readings, trained service personnel can determine the existence of such discrepancies as an improper air/fuel mixture, dirty air filter or a plugged pollution control system—all contributors to exhaust pollutants through inefficient fuel combustion and all usually easily corrected by simple adjustment or part replacement.

A fouled spark plug and broken spark plug wires are other malfunctions that can often be detected through the system.

It is important to recognize that the procedure I have been talking about gives each motorist a share of the credit for environmental gains accomplished. The technicians can analyze and advise on corrective measures, but the actual cleanup of pollutants is accomplished by each motorist taking prompt action as advised. Naturally, the cars in most need of improvement will show the greatest gains.

Let me quote one top Atlantic Richfield executive:

> The "Clean Air Caravan" is a result of recent research activity, but Atlantic Richfield early recognized the need for controlling exhaust pollutants. In 1960, an extensive program was initiated to control nitrogen oxide emissions using an exhaust gas recirculation technique.
>
> These activities reflect our company's concern for the solution of pollution problems—not only in the air we breathe but also in water and in our visual environment.
>
> We also consider that individual citizens have a share in environmental responsibility. The "Clean Air Caravan" helps each motorist make a meaningful response to the pollution challenge by correcting problems in his own car.

Atlantic Richfield Co. is to be congratulated for its progressive, public-minded policies in this major effort toward cleaner air. In my opinion, this is an excellent example of the cooperation between government and industry that is necessary to overcome many of the problems facing us in the United States today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance, was read twice by its title and referred to the Committee on Labor and Public Welfare.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. HART. Mr. President, we are in a sense resuming a debate that is not new to this Chamber, the debate on the deployment of the Safeguard antiballistic missiles.

While the system we debate today is the same as the system the Senate authorized by a one-vote margin last August, events or a lack of events have changed, to some degree, the emphasis of the debate.

Yesterday, Senator Cooper and I introduced an amendment dealing with Safeguard. That amendment was cosponsored by Senators Case, Brooke, Burdick, Church, Cranston, Eagleton, Goodell, Gravel, Harris, Hartke, Hatfield, Inouye, Javits, Kennedy, Mansfield, McCarthy, McGovern, Mathias, Mondale, Muskie, Nelson, Pell, Proxmire, Saxbe, Schweiker, Tydings, Yarborough, and Young of Ohio.

In order to spell out the effect and meaning of that Safeguard amendment, I will briefly outline what the amendment does and then cite events of last year which affect this debate.

The administration requested $1,359 billion to continue deployment at Grand Forks, N. Dak., and Malmstrom, Mont., the sites approved last year; to purchase additional Sprint missiles for those sites; to begin site preparation at Whiteman Air Force Base, Mo., and at Warren Air Force Base, Wyo.; and to begin preparations at four additional sites which the Pentagon admitted would be part of a thin area defense.

The Senate Armed Services Committee reduced that request $10 million by striking the authorization for the four sites officially dedicated to an area defense.

Our amendment would reduce the authorization by an additional $322 million, striking all funds for the Missouri and Wyoming sites, but leaving authorization to continue deployment at Grand Forks and Malmstrom and to add Sprint missiles at those sites.

Our amendment then would authorize an expenditure of $1.027 billion, or about $332 million less than requested by the administration.

The amendment was drawn with certain recent events in mind.

Despite last year's argument that deployment was needed at Grand Forks and Malmstrom to work out bugs in the system, Congress is asked to expand the system with little or no work having been accomplished at those sites.

Last year, despite the contention of Safeguard opponents that the system was not likely to work, and if it did, that it could be easily overcome, supporters of Safeguard urged approval because it was "the best we have." This year, Pentagon officials admit that the system can be overwhelmed, and want additional funds to develop new radars and to purchase additional interceptor missiles.

Last year, arms limitation talks—SALT—were a hope. This year, the talks are in progress and a worthwhile agreement is the hope.

Last year, we were told that we needed authority to deploy two Safeguard sites as a bargaining chip for SALT. This year, we are told we need additional Safeguard sites as bargaining chips.

Against this background, Senator Cooper and I do not consider this amendment so much a compromise as a rational, modest but important effort to help stem the ever escalating arms race and, specifically, to stop the momentum of this particular weapons system.

To those who believe we should seek to strike all money except for research and development, let me emphasize that a vote for this amendment in no way endorses what we opposed last year.

Rather, we are addressing ourselves to the critical questions of stopping the momentum of a weapons system which, if fully developed, could cost—and you can almost name your favorite big figure—as much as $50 billion, and of stopping the momentum of an arms race, which, with each new escalation, decreases rather than increases the national security.

To those who say that increased costs resulting from any delay in moving ahead with what has been called phase II of Safeguard will offset any immediate savings, we reply that an ultimate expenditure of $50 billion and deployment of a weapons system which could push the arms race to the ultimate destruction of the world should not be decided on whether a savings of $300 million may or may not evaporate.

And to those who wish to push that argument, remember that the same could be said for pennywise-pound-foolish reductions in expenditures for urban re-

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newal, mental health, hospitals, and education.

Mr. President, before turning to specific questions about our amendment, I think it might be helpful if we try to define exactly what we are debating.

In rejecting the Pentagon's proposal for Safeguard sites dedicated to an area defense, the Senate Armed Services Committee said:

> The committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against Chinese Communist ICBM attack.

Mr. President, I agree with that conclusion.

However, as shall be developed later, I do not agree with the contention of the committee that the sites at Malmstrom, Grand Forks, Whiteman, and Warren can be considered solely or even chiefly as devoted to the defense of deterrent.

For the sake of clarity then, we should not use interchangeably, as the committee report appears to do, the terms "Safeguard" and "defense of deterrent."

The question at hand is neither whether we may need at some time in the future a hard-point defense of our deterrent, nor, as indicated in the committee report, "unilateral termination of the Safeguard program."

Rather, as I indicated previously, we are debating critical questions of momentum.

In a world increasingly threatened by nuclear extinction with each new round of the arms race, does the Senate wish to take a small step to slow the momentum of a race to oblivion?

In a nation which must do more to fight pollution and poverty, which must do more to improve its delivery of health care, to fight crime, to build housing, does the Senate wish to take a small step to slow the momentum of a weapons system of doubtful reliability and at best of marginal need which, if fully deployed, could cost as much as $50 billion?

The Senate can take those steps by voting for our amendment to stop deployment of phase II of Safeguard.

And the Senate can vote yes on the amendment if it answers these two questions in the negative:

First. Is phase II of Safeguard vital to the success of SALT?

Second. Is phase II of Safeguard vital to the national security?

Let me deal with those questions in order

SAFEGUARD AND THE ARMS RACE

Mr. President, a discussion of the relation of Safeguard to the arms race can be divided into two parts.

First, does the United States need to expand the Safeguard system to strengthen chances of securing an arms control agreement which promises a real limitation on arms development and deployment?

And second, does deployment of Safeguard affect the arms race?

Mr. President, history does not indicate that the policy of arming to disarm holds much promise. To the contrary, the arms limitation agreements we have reached with the Soviet Union have been preceded by the absence of such a policy.

Those conclusions are not mine alone, but are based on research developed by Adrian S. Fisher, dean of the Georgetown University Law Center and former Deputy Director of the U.S. Arms Control and Disarmament Agency.

In June of 1946, the United States, with a monopoly on nuclear weapons, attempted to negotiate the Baruch plan. The plan would have established international control of the production, development and use of nuclear material.

Based on the reasoning that we should expand Safeguard to win concessions at SALT, it would appear that our overwhelming strength in 1946 would have put pressure on the Soviet Union to accept our proposal.

Of course, the opposite happened. Fearful that the United States intended to relegate Russia to a second-class power, Moscow declined to agree and began an intensive effort to catch up in the nuclear arms race.

In 1957 after the launching of Sputnik, Moscow, dealing from a position of strength, sought an agreement limiting strategic nuclear delivery systems.

Based on the reasoning that we should expand Safeguard to win concessions at SALT, it would appear as if the Russians' overwhelming strength in 1957 would have pressured us into accepting their proposal.

Of course, the opposite happened. Fearful that we might be relegated to a second-class power, we declined to agree and began an intensive effort to catch up in the race for nuclear delivery systems.

However, when President Eisenhower sought a treaty to maintain the Antarctic a nuclear-free zone, he did not embark and this Nation did not embark on a program to deploy nuclear weapons in the Antarctic.

And today we have an agreement not to place nuclear weapons in the Antarctic.

When President Kennedy sought a treaty banning atmospheric testing of nuclear weapons, he did not embark and this Nation did not embark on an accelerated program of atmospheric testing. To the contrary, he announced that not only would the United States suspend all such testing so long as other nations did not test, but he promised that this Nation would not be the first to resume testing.

Under the argument that we should expand Safeguard, that statement should not have been made, but today we have an agreement controlling atmospheric testing of nuclear devices.

When President Johnson sought a treaty to control the proliferation of nuclear weapons, he did not launch and this Nation did not launch a program to give nuclear arms to other countries.

To the contrary, the U.S. Senate, under the leadership of Senator PASTORE, helped create the atmosphere which resulted in the signing of a nonproliferation agreement.

During the negotiations, Moscow expressed concern that under one guise or another, the United States might seek to transfer nuclear weapons to West Germany.

The Pastore resolution commended the President's efforts to negotiate a nonproliferation treaty. The wording of that resolution, combined with its legislative history, and the expressions of the Senator from Rhode Island in the course of the hearings helped convince Moscow that we had no intention of transferring nuclear arms to West Germany.

Under the reasoning that we should expand Safeguard, that resolution should not have been passed; the proper course would have been to amend the Atomic Energy Act to permit the transfer of nuclear weapons to other countries. But today, because of our restraint at the time, we have a nonproliferation treaty.

Mr. President, on April 9 of this year the Senate passed, by a vote of 72 to 6, a resolution urging the President to seek an immediate suspension by the United States and the Soviet Union "of all offensive and defensive nuclear strategic weapons systems."

Mr. President, the Senate should support rather than undercut the intent of that resolution, a resolution in keeping with actions taken in the past which have helped lead to arms limitation agreements.

Mr. President, we can support the intent of that resolution, we can remain consistent with its expression of a desire to halt the arms race by voting against deployment of phase II of Safeguard.

In doing that, we leave the President with a formidable bargaining chip he says he needs—the sites at Grand Forks and Malmstrom—but we make clear to the world that we are not anxious to escalate the arms race.

In that way the Senate would be acting in a responsible way to help slow the momentum of that race to oblivion.

To those who fear that an expression of a desire to end the arms race might be interpreted as a sign of weakness, I say that Moscow knows the big bargaining chip is not found in partial deployment of a system of doubtful reliability, but is found in the uncontested authorization request for research and development on a more effective defensive system and in the awareness that if SALT fails, such a system will undoubtedly be installed.

Those who contend that deployment of Safeguard as proposed by the Senate Armed Services Committee is not provocative and will not escalate the arms race cannot have it both ways.

Either Safeguard is provocative and a bargaining chip, or it is not provocative and is not a bargaining chip.

If Safeguard is not provocative, even supporters of phase II of Safeguard must admit that the argument that phase II is needed as a bargaining chip does not hold water.

If Safeguard is provocative, then supporters of phase II must admit deployment threatens to escalate the arms race, and must weigh that danger against what history tells about the value of arming to disarm.

It seems to me that Safeguard is provocative. Let me explain.

The national security of this country and of the Soviet Union is built on the ability of the nuclear deterrent of each nation to inflict an unacceptable amount of damage on the other even after being subjected to attack.

Any weapons system that downgrades the effectiveness of one nation's deterrent upsets the balance and forces that nation to develop a new weapon to restore the balance.

An area defense system which is designed to protect cities could, if it worked, downgrade the deterrent value of existing weapons.

For that reason, while a hardpoint defense of deterrent missiles may not escalate the arms race, deployment of an area defense will.

The Senate Armed Services Committee contends that by eliminating the four sites designated for area defense, it has made clear that Safeguard is for defense of the deterrent.

Unfortunately, words in a committee report do not change the fact that Safeguard components were originally designed to provide area defense.

Unfortunately, the words of the committee report do not change the testimony of Pentagon witness after Pentagon witness that the sites at Warren and Whiteman, as well as the sites at Grand Forks and Malstrom, can be building blocks for an area defense.

The Pentagon made quite clear its intentions for Safeguard when, in response to a question submitted by the Armed Services Committee, it wrote:

> In one sense, we have already started the area defense at the two sites authorized last year for Phase I because those two sites contribute to all the objectives the Safeguard system, if fully deployed, would meet. They would protect not only Minuteman but they also form an integral part of the area defense of the entire country. (Page 289, Authorization for Military Procurement, Research and Development, Fiscal Year 1971, Hearing before Senate Armed Services Committee)

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I submit that the strategic planners in Moscow have every reason to accept the position stressed over and over again by ranking Pentagon officials.

Dr. W. K. H. Panofsky, Director of the Stanford Linear Accelerator Center, put the situation well when he submitted this statement to the Senate Armed Services Committee:

> I disagree with the statement that "Safeguard poses no threat to the Soviet deterrence." I agree that Phase I and Phase II–A of Safeguard clearly do little to "protect the population." However, the announced policy of covering the country with an anti-Chinese ABM designed to avoid damage if at all possible, signals an intent to go further. Just the fact that Safeguard is poorly designed for its announced objective of defending the deterrent, and the policy of an anti-Chinese "virtually infallible" defense emphasizes to the USSR that retaining the option of expansion to a thick city defense is an important ingredient of the Safeguard decision.
>
> Also, most of the pro-ABM public witnesses have made it unmistakably clear that they view the entering wedge role of Safeguard toward a city defense against the USSR as its most important function, the President's statements notwithstanding. (Page 2320, Authorization for Military Procurement, Research and Development, Fiscal Year 1971, Hearing before Senate Armed Services Committee)

And to use the words of Defense Secretary Laird:

> The fundamental driving force in an arms race is what one country perceives as possible objectives of another country's actions. (Associated Press luncheon, New York City, April 20, 1970.)

Secretary Laird and his assistants have spelled out in great detail the possible objectives of deploying Safeguard, and those possible objectives would clearly escalate the arms race.

SAFEGUARD AND THE NATIONAL SECURITY

Mr. President, it has been said that the question of going ahead with phase II of Safeguard is a policy question as to whether we should pursue the weapon which offers the greatest prospect of protecting our land-based ICBM deterrent force.

I do not agree, for posed in that way, the questions of whether our total deterrent is endangered and whether Safeguard will provide any real protection are ignored.

If, indeed, our total deterrent were threatened, and if indeed Safeguard would provide significant protection, one would have to weigh the effect of deployment of phase I on the arms race against the extent of the threat to our national security.

But neither of those contingencies is correct.

Let us assume that phase I and phase II of Safeguard work and are fully deployed. A chart prepared from public information by Dr. Panofsky and printed on page 2222 of the Senate Armed Services Committee hearing on this bill, shows the following:

If Moscow limits itself to producing SS–9 missiles at its present rate, our present ICBM land-based deterrent would be threatened at the start of the next decade. At that point in time, Safeguard would provide some protection, but by continuing production of SS–9's, Moscow shortly would have enough missiles to overwhelm Safeguard.

If the Russians increase the rate of production, or improve the accuracy of the SS–9, or go to MIRV's, all of which they would be most likely to do if they were intent on going for a first-strike capability, they would have the capacity to overwhelm Safeguard before it is deployed by mid-decade.

If a SALT agreement results in a leveling of missile deployment, then Safeguard will not be needed.

In other words, for upwards of $12 billion we will be purchasing a defense system which will be effective only if the Soviet Union follows a very narrow range of options, and even then, only for a very short time.

This fact was in essence admitted by several Pentagon witnesses when they testified in support of authorizations needed to finance research on more effective ways to protect our land-based deterrent.

Let me cite just three examples from testimony given the Senate Armed Services Committee.

Dr. John S. Foster, Jr., Director of Defense Research Engineering, made the following statement:

> Mr. Chairman, it is true that a level of offense can be obtained that will overwhelm any defense. Secretary Laird and others of us in the testimony have said that the Soviet offensive force could grow to the point where the Safeguard Phase II deployment level could be overwhelmed.
>
> To guard against that possibility, we have initiated in the fiscal year 1971 program the development of a smaller and less costly radar to provide point defense for the Minuteman fields.
>
> Should the threat continue to grow, we would have the opportunity to deploy these smaller radars in larger numbers than the MSR's, so that they could cope with a significantly increased threat.

Lt. Gen. A. W. Betts, Chief of Research and Development, said:

> The reason that we have a considerable increase this year (in research funds) is that a decision has been made that we should protect our options for the future possibility that the Soviet threat to Minuteman will continue to advance beyond that which could be handled by the Safeguard system, and in the event that it does, and the decision is made that we need to put a hard site defense of a greater capability in the Minuteman fields than we now have as we plan Safeguard, then we would want the technology that is represented by these developments. (Page 815, Authorization for Military Procurement, Research and Development, Fiscal Year 1971, Hearing before Senate Armed Services Committee).

The third witness, Secretary of the Air Force Robert C. Seamans, Jr., said:

> If the Soviets continue to increase the threat, it may prove more cost effective to rely upon a broader mix of defensive measures—close-in hard point defense, hardening, and multibasing, as examples. (Page 908, Authorization for Military Procurement, Research, and Development, Fiscal Year 1971, Hearing before Senate Armed Services Committee)

Now let me turn to the question of whether our total deterrent is in danger.

Our deterrent rests with ICBM Minuteman missiles, nuclear submarines, strategic bombers, and a vast array of tactical nuclear weapons located abroad.

Only if all of these deterrents are endangered, and only if all of them can be wiped out simultaneously, can a strong case be made for the need to defend our Minutemen.

That case has not been made and, I suspect, cannot be made.

But even if one fears that the impossible can happen, and even if one believes that we should spend $12 billion for a defense which can only be effective if the Russians refuse to exercise any of several options, and then only for a short time, one must still answer the very serious technical objections raised against Safeguard.

In brief, there are a large body of scientists and technicians who believe that the computer which will direct Safeguard missiles cannot work with the reliability required to provide a credible defense.

There is considerable doubt within the scientific community, acknowledged by the Pentagon, that the system will significantly increase our defense posture because the radar which directs the Safeguard missiles is easier to destroy than the Minuteman missiles Safeguard is supposed to protect.

Finally, persons experienced with developing sophisticated weapons systems point out that such systems have almost always required rigorous and realistic field testing and sometimes actual use to iron out all the bugs, and I think it is safe to say that Safeguard is one of the most, if not the most, sophisticated weapons system ever proposed.

Unless we are willing to subject Safeguard equipment to missile attacks, it will never be tested as it should.

Mr. President, the objections which argued against deployment at Grand Forks and Malmstrom last year argue even more strongly against expansion of the system this year.

I do not think it is incorrect to suggest that some members of this body supported deployment at Grand Forks and Malmstrom last year on the grounds that useful knowledge on eliminating operational bugs could be developed by actual field deployment.

Now, however, with little or no work done on the site authorized last year, the Pentagon is asking us to approve an expansion of the system.

This request we made despite this statement made last year by Secretary Laird:

> So to those who are concerned about whether the SAFEGUARD system will work, I would say let us deploy Phase I and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapon system is first deployed. Since it will take five years to deploy the first two sites, we will have ample time to find the solutions through our continuing R&D effort to any operational problem that may arise. And only then will we be in a position to move forward promptly, and with confidence, in the event the threat develops to a point where deployment of the entire system becomes necessary. (Page 237, Senate Armed Services hearings, 1970, on S. 3367)

I, for one, remain unconvinced that there is any great need to hurry into deployment on an untested system costing billions of dollars and which, if allowed to grow as envisioned in the Pentagon, can only escalate the arms race and the arms budget of both this nation and the Soviet Union.

Rather, I am convinced that the Senate should take a small step to slow the momentum of the race to oblivion. Normally, we make such pleas on behalf of generations to follow, but in this case, there may be no generation to come.

Rather, I am convinced that the Senate should take a small step to slow the momentum of an expensive weapons system of doubtful reliability and at best of marginal need.

We can do no less for a nation which must do vastly more to fight pollution and poverty, to improve its health care delivery system, to achieve educational excellence, to fight crime, to build needed housing and all the rest of the litany of nonmilitary domestic needs, the failure adequately to respond to which can more effectively destroy our future than any threat from overseas.

We can take those steps by striking authorization for expansion of Safeguard from this bill—the step that is proposed by the amendment offered by the Senator from Kentucky and myself, and many others.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. COOPER. Mr. President, I congratulate the Senator from Michigan upon his address to the Senate today on the amendment which he has offered, and in which I have joined with a number of other Senators. As always, his approach has been one based upon reason and experience, and made in good temper. I have no doubt, as the debate proceeds and he continues to draw upon his knowledge and experience and present it to the Senate, that it will have great effect. I know that, in discussions with a number of Members of the Senate who are concerned about this problem, he has shown his desire to reach a solution that would protect the principle in which he so strongly believes—one which would also be considered reasonable by other Members of the Senate, and one that would not in any way damage our country's position in the SALT talks.

I will ask the Senator if he does not consider that the acceptance which the amendment offers of the action that was taken last year, one which appropriated more than a billion dollars for phase I of the Safeguard system, plus the billion dollars that will be authorized this year in the pending bill—provide a very ample and generous position for any use of the SALT talks.

Mr. HART. Mr. President, first I thank the Senator from Kentucky for his kind comments, and remind my colleagues that it was he who initially undertook this fight several years ago. We are all delighted to be with him, and hope this time he can have a measure of success.

Now to his question. I think the argument can be made that casting the authorization in the form this amendment would cast it makes the chip, if there is such a chip, stronger than proceeding either as recommended by the administration or by the Armed Services Committee, by authorizing them to concentrate their efforts on what the kinks are.

Actually, there are those two sites provided for in phase I. Undertaking to develop this Safeguard system, to me—and I am sure to the Senator from Kentucky as well—would provide a stronger, more compelling kind of poker threat than advancing without any experience or feedback yet from phase I to phase II.

As Secretary Laird, last February a year ago, said:

> So to those who are concerned about whether the Safeguard system will work, I would say let us deploy Phase I and find out. . . . Since it will take five years to deploy the first two sites, we will have ample time to find the solutions through our continuing R&D effort to any operational problem that may arise. And only then will we be in a position to move forward promptly, and with confidence, in the event the threat develops to a point where deployment of the entire system becomes necessary.

If he was sound then, he is sound now in providing, as this amendment does, the tools to proceed at phase I along with basic research, we believe, that would make stronger and not weaker the chip, if indeed there is any validity to the argument.

Mr. COOPER. I would appreciate the Senator's comments about the threat which is talked about so much. If it should become a reality, would not the preservation of a deterrent and the security of our country be better assured by the amendment we offer, rather than the continuing deployment of a system which almost the entire scientific community admits is faulty and many in the Department of Defense have stated in testimony is inadequate?

Mr. HART. I believe, and we believe, that it would enhance the security and better safeguard the security of this Nation.

I thank the Senator.

Mr. COOPER. I thank the Senator from Michigan.

Mr. PELL. Mr. President, I congratulate the senior Senator from Kentucky and the senior Senator from Michigan on their amendment, of which I am proud to be a cosponsor. I trust that with their skilled management, the amendment will prevail.

HANOI'S CRUEL TREATMENT OF PRISONERS OF WAR

Mr. PELL. Mr. President, we have seen evidence on many occasions that the deliberations of this body do not pass unnoticed in the capital of North Vietnam. For that reason, I should like to address myself to a subject of intense concern to every American—indeed, to every humane person anywhere in the world—and one where the true interests of our adversaries in Hanoi happen to be identical with our own. If the leadership in Hanoi could only be brought to recognize where their own advantage lies in this matter, much needless pain and suffering might be lifted from the lives of many innocent victims of the unfortunate conflict in which we are mutually engaged.

I refer, of course, to the plight of the many hundreds of American servicemen either missing in action or known to be captives in Vietnam. At this moment we cannot even be certain how many of these men are alive or dead. The total of captured and missing is somewhere in the neighborhood of 1,500. But the authorities in North Vietnam continue to treat the names of captured Americans as though they were military secrets—to the deepening distress and anguish of the wives, parents, and children innocently involved. As one wife so poignantly pleaded of the North Vietnamese delegation to the talks in Paris:

> You should at least be willing to tell me whether I am a wife or a widow.

The unfortunate families of these men, in order to foster exchanges of the pathetically limited information which comes to us, have formed the National League of Families of American Prisoners of War and Missing in Action in Southeast Asia. I had the honor of attending the opening of an office and communicatons center in the building of the Reserve Officers Association right across from us here in the Capitol. Their appeal

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is to the conscience, not only of their countrymen, but of men of goodwill throughout the world. I hope they will have the wholehearted support of the Congress and of the executive officials of our Government; certainly they shall have mine.

In this regard, we are assured by the Department of Defense that all benefits which accrue to families of service members are extended equally to the families of those missing in action or known to be captured; also the rights, privileges, or benefits of a serviceman's family are the same whether the man is a prisoner of war or is listed as missing in action. Full pay and allowances continue in either case. I believe that this is the least we can do for those who have sacrificed so much, and I pledge, personally, to support the efforts of any family to assure that its rights are fully honored.

As a Member of the U.S. Senate and of the Foreign Relations Committee, I have never hesitated to question either the wisdom or the justice of my own country's actions in this conflict. For example, I was an early and strong opponent of the bombing sorties into North Vietnam. I believed that they would prove to be counterproductive; that they would contribute more to prolonging the war than to shortening it. Furthermore, of those Americans now prisoners of war or missing in action, more than half are pilots or crewmembers of aircraft downed over North Vietnam during those bombing raids.

My opposition to those raids was not then popular with the leaders of my own party who were responsible for the decisions I opposed, nor with a substantial number of my own constituents. But such was my honest conviction, and I felt obliged to express it. In all matters pertaining to the war in Vietnam, I have endeavored to act without consideration of political consequences, with a maximum of objectivity, and yet with—in the words of the authors of the Declaration of Independence—"a decent respect for the opinions of mankind."

All this is worth mentioning today only because it should be made clear that those of us who opposed the policies which produced the capture of our POW's are as concerned—are as passionately interested—in their welfare as those who originally advocated the same policies. I hope this fact will not be overlooked in Hanoi.

There are, I suggest, only three principal concerns which might reasonably influence a government's policy for dealing with prisoners of war. They are: First, a fundamental concern for law and decency; second, the attempt to achieve some military objective; and, third, the pursuit of some political goal. If I were speaking now to the government of North Vietnam, I would argue that their present treatment of war prisoners is harmful to their own self-interest not merely on one of the grounds I have mentioned, but on all three.

In the first instance, how can any nation fail to gain advantage from honoring international agreements into which it has solemnly and voluntarily entered? For the basic human rights of prisoners of war are not merely matters of subjective judgment; they are clearly and explicitly spelled out in the Convention on Protection of Prisoners of War concluded at Geneva in 1949 and acceded to by North Vietnam in 1957. The same convention was ratified by the United States in 1955 and by South Vietnam in 1953, so that it is legally binding on all of the combatants in the present hostilities. That the convention represents the collective judgment of mankind on minimum standards of justice and decency is indicated by the fact that it was signed by more than 125 parties, including more than 100 members of the United Nations. Can any power which seeks international recognition and support hope to further its own interests by continuing disdain for such an overwhelming body of world opinion?

The convention is quite specific. In addition to the right to recieve mail and packages and to send a minimum of two letters and four cards each month, the Geneva convention specifies minimum standards of detention, diet, and hygiene. It requires repatriation of the ill or seriously wounded. It specifies that the detaining power shall accept the offices of some neutral power or respected international organization such as the Red Cross as a protective power for the prisoners. And it requires that the detaining power provide the names of the prisoners it holds to their families and to the neutral power or the International Committee of the Red Cross.

That the Government of North Vietnam has steadfastly ignored these and all other provisions of the Geneva convention is too well documented to require detailing here. It is sufficient to repeat that they:

Refuse to release the wounded and sick;

Refuse to identify the prisoners they hold, with the result that hundreds of wives, children, and parents do not know whether their loved ones are dead or alive;

Refuse to allow a reasonable level of correspondence or delivery of packages to the POW's; and

Refuse to permit inspection of its POW camps by the International Committee of the Red Cross, which regularly inspects all POW camps in South Vietnam.

It has been suggested that, since no officially declared state of war exists between our two countries, Americans are not subject to the protection of the convention. But article 2 of the Geneva convention, to which North Vietnam acceded on June 28, 1957, explicitly provides that—

> It shall apply to all cases of declared war *or any other Armed conflict which may arise* between two or more of the High Contracting Parties, *even if the state of war is not recognized by one of them.*

It would be hard to recall an international agreement whose purpose was spelled out more clearly.

Attention has also been called to the reservation put forward by the Government of North Vietnam to article 85 of the convention, with the suggestion that Hanoi's present conduct toward prisoners may be somehow justified by that reservation. This, too, is insupportable. The article in question states in its entirety:

> Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

North Vietnam declined to accept this article as written, specifying instead that—

> The Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted for war crimes or for crimes against humanity, in accordance with the principles laid down by the Nuremberg Court of Justice shall not benefit from the present Convention, as specified in Article 85.

This reservation cannot be used to justify Hanoi's present course because, in its own words, only those "prisoners of war prosecuted and convicted" for war crimes or crimes against humanity are to be denied protection by the convention. Despite a great deal of rhetorical propaganda about "war criminals" and so forth, there have been no prosecutions and no convictions of American POW's by North Vietnam, even under its own laws or in its own courts. American POW's are, therefore, entitled to all their rights under the Geneva convention by Hanoi's own definition of those rights.

The record is clear: under any possible interpretation of law or history, North Vietnam, by her continued violation of the basic rights of prisoners of war, holds herself aloof from the most fundamental humane instincts of the community of nations—and does so in violation of a solemn compact into which she entered voluntarily with more than 100 other nations. I confess that it is impossible for me to imagine how her leaders could expect such actions to work for the advantage of their country.

Another consideration which might reasonably influence the treatment of war prisoners, I have suggested, is the hope for military advantage. And on this ground, too, the present policy of North Vietnam seems to me to work clearly against Hanoi's own best interests. Ill treatment of prisoners is to the military disadvantaged of any belligerent. The expectation of such treatment only redoubles the enemy's determination to fight to the end. It encourage in him the attitude stated long ago by Plato that—

> He who allows himself to be taken prisoner may as well be made a present to his enemies; he is their lawful prey, and let them do what they like with him.

Military advantage gained from the treatment of prisoners of war has invariably stemmed from applying the principles of leniency and justice, not those of harshness and vengeance. In World War II, for example, the Allies took great pains to give their prisoners humane treatment and to advertise this fact to the enemy. Interrogation of German POW's who surrendered voluntarily showed that an overwhelming majority of them expected good treatment, in spite of strenuous efforts by the German Government to make them believe otherwise.

If the Government of North Vietnam pursues its present course in hope of

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military gain, therefore, I suggest that its policy is as unwise as it is inhumane.

A third consideration which might affect the conditions of detention for POW's is some hope of political gain on the part of the captor. One line of reasoning is that, if Hanoi waits long enough, the anxiety and frustration of the prisoners' families will turn to bitterness and frustration of the American people toward their own government. They will blame, not Hanoi, but Washington's obstinacy over the settlement of the war for the prisoners' plight. This, in turn, will increase pressures from the American people for ending hostilities.

I sincerely hope that no such thought is taken seriously by the authorities in Hanoi. In fact, no course of action could be more counterproductive. Continuing maltreatment of POW's in North Vietnam—and the deepening doubts such treatment creates about the nature and intentions of the Hanoi government—could easily become the largest single obstacle to peace. Conversely, few acts could redound more to Hanoi's credit than an immediate decision to honor the repeated pleas of the Secretary General of the United Nations, the Vatican, the International Red Cross, and the governments of scores of nations—not to mention the most important and saddening voices of all: those of the parents, wives, and children who now live in unrelieved doubt and torment because of a policy which produces no advantage for the government which pursues it.

Let us have done with legalisms and logic chopping. All prisoners of war taken by the United States and other non-Communist forces in South Vietnam are treated, not only in strict accordance with the Geneva convention, but with a liberality which goes even beyond that convention. Under the convention, for example, guerrilla forces are entitled to prisoner-of-war status only if they are subject to a commander, carry arms openly, wear a uniform or other distinctive sign recognizable at a distance, and comply with the laws and customs of war. By those standards, a great many Vietcong would not qualify. They are, however, uniformly afforded prisoner of war status by both the United States and South Vietnam.

There are currently six POW camps in South Vietnam. U.S. military advisers are assigned to all of them and each is regularly inspected by the International Committee of the Red Cross to make certain that the rights of some 33,000 prisoners, under the Geneva Convention, are enforced. In a formal statement to the General Assembly of the United Nations last November, the U.S. delegate, Dr. Rita E. Hauser, observed:

> The United States understands that every country believes that it is right and its enemy wrong. But . . . the Geneva Convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard.

We know that there have been documented cases of maltreatment in the POW camps of South Vietnam. But these complaints were lodged by the International Red Cross which, in contrast with the North, has full access to the prison camps of the South and is in a position to protect the prisoners from a continuation of such abuses. As our delegate to the United Nations also said:

> Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the Allied command has made every effort to ensure that the Convention is applied.

We ask no more from North Vietnam in regard to prisoners under their control.

I would hope that the leaders of North Vietnam would soon recognize that their cruel treatment of war prisoners is a treatment which not only horrifies public opinion throughout the world, but which is also harmful to the long-term interests of Hanoi itself. When this realization occurs to them, then we can hope for a change of heart and policy.

To help bring about that realization, it would be most helpful if our friends in France, Sweden, and other countries would make their humanitarian voices heard in Hanoi with the same vigor they have shown in criticizing our own policies in Vietnam.

Mr. JAVITS. Mr. President, I should like to compliment the distinguished Senator from Rhode Island (Mr. PELL) for a very fine, studied, and considered statement on this very vexing prisoner-of-war issue. I heard his speech and I think he did a very fine job.

Let us hope and pray that they listen and, even more importantly, that our own allies listen.

Mr. PELL. I thank my good friend from New York.

CULEBRA

Mr. JAVITS. Mr. President, over the course of the last several months, the plight of the residents of a tiny American island in the Caribbean—Culebra—has come increasingly to public attention.

Culebra is part of the Commonwealth of Puerto Rico, and its citizens are American citizens. Yet much of the island has for years been owned by the Navy, and it is now used for practice firing of naval ordnance to the increasing dismay of the Culebrans.

As a Senator from New York, which has many residents of Puerto Rican extraction, and as a former member of the Commission on the Status of Puerto Rico, I have taken an interest in this matter, and I am pleased to say that others, including some of my colleagues here in the Senate, the Governor of my State, and members of the press, have likewise taken an interest.

Governor Rockefeller recently released the following letter to the Secretary of Defense:

Hon. MELVIN R. LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.:

I am in full sympathy with our American Citizens on the island of Culebra off Puerto Rico who object to the use of Culebra by the U.S. Navy for Target Practice. Surely, the Navy can find an uninhabited spot for testing missiles, bombs and shells rather than disturbing the tranquillity and safety of a place that is home to over 700 people. On behalf of thousands of Puerto Ricans in New York State who sympathize with the residents of Culebra, I strongly urge that the Navy curb its plan to lease more of the island, find another firing range and restore the Culebrans their peace.

Sincerely,

NELSON A. ROCKEFELLER.

Both the New York Times and the Washington Post have editorialized against the Navy's use of this island, and I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 10, 1970]

CULEBRA AND GOLIATH

Can anyone really believe that the only suitable target area in the entire Atlantic Ocean for testing a new generation of guided missiles and glide bombs is a 7,000-acre island off Puerto Rico which 726 American citizens call home? So says the United States Navy, which already owns a third of the island of Culebra and now intends to lease and eventually buy another third.

What the Navy has really wanted to do for fifteen years is to buy all of Culebra and resettle the island's residents elsewhere. But Culebra is a municipality of Puerto Rico and can be dissolved under the Commonwealth's Constitution only by vote of its residents. A survey indicates that 95 per cent of the Culebrans oppose the Navy's current expansion plan and at least 75 per cent want the Navy to pull out altogether.

Under existing conditions, Culebrans must cope with a nerve-wracking, noise-pollution problem from shelling, bombing and low-flying Navy jets. Culebrans find their freedom of movement curtailed by Navy maneuvers and security requirements, their economy and development menaced by the Navy's expansion plan.

As part of what they Navy calls the "inner range portion" of the Atlantic Fleet Weapons Range complex, Culebra unquestionably offers substantial advantages for the development of new systems. What is equally obvious is that the Navy for a long time remained insensitive to the rising resentment of the Culebrans and dragged its feet on examining possible alternatives to the use of this inhabited island.

It would be a salutary example of what one likes to think the United States is still all about if the mightiest Navy in the world now decided on its own to weigh anchor and go elsewhere to explode its new arsenal, leaving 726 poor islanders in peace and quiet.

[From the Washington (D.C.) Post, July 4, 1970]

WHY BOMB AN INHABITED ISLAND?

It is time that high-level attention be paid to the controversy over Culebra. The Navy, which already owns about one third of this 7,000-acre island in the Commonwealth of Puerto Rico, is trying to obtain another third of it so as to expand its training operations there, with the installation of a Walleye missile target on the immediately adjacent small island of Culebrita. The move is bitterly resisted by most of the 726 inhabitants and many other Puerto Ricans on the ground that the use of the island as a target has already made life there almost intolerable.

The Puerto Rican Civil Rights Commission has described the military training operations on Culebra as "excessively intense, continuous, irregular and dangerous." The cattle business on the island is said to have been virtually ruined. Fishing has been gravely

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impaired, and since these two industries have been the chief source of income for the families living on the island, the economic impact of the shelling and bombardment has been severe. Equally troublesome is the effect on education. One teacher reports that the school buildings "tremble with every explosion" and that the children are too frightened, distracted by noise and plagued by loss of sleep (from the night bombing) to give serious attention to their studies.

Repercussions from this use of an inhabited island as a target have spread far beyond Culebra itself. Many Puerto Ricans see in it evidence of a general lack of sensitivity in Washington to commonwealth problems. Tensions on the island have risen notably since the shelling and bombing on Culebra have been stepped up. A columnist for the San Juan Star recently suggested that if Congress should grant the Navy's request to take over more of the island it "could swing popular sentiment toward independence or at least away from statehood more effectively than anything else."

Aside from the injustice of inflicting conditions akin to warfare on the people of Culebra, therefore, the Navy's policy threatens to complicate the relations between the United States and the commonwealth. Just now those relations are in a delicate state. Sentiment in favor of independence has been growing along with sentiment for statehood, although a substantial percentage of the people still seem to favor the existing commonwealth status. It would be most unfortunate if the government in Washington should unduly influence the outcome of the debate now going on in regard to Puerto Rico's future by continuing a shortsighted and inhumane policy in Culebra.

The need for good relations between Puerto Rico and the United States will remain an imperative of the future whether the commonwealth is retained or statehood is requested. For one thing, the Roosevelt Roads Naval Base is the second most important naval installation in the Carribean. For another, the relations between Washington and San Juan are enormously influential in our dealings with the rest of Latin America. Even though the Navy finds Culebra a convenient area for its training operations, we simply cannot afford as a nation to get into the posture of putting bombs ahead of people.

Mr. JAVITS. Mr. President, I have little doubt that, if this kind of Navy target practice took place in close proximity to inhabited portions of a State represented in this Senate, the Senator from that State would insist—and rightly so—that, if there were any alternative, the practice be terminated and that the Navy find an uninhabited place to test its weapons.

But Puerto Rico has no Senator, and yet it has the whole Senate, whose responsibility it is to protect the rights, tranquillity, the safety of every American citizen.

Because of that responsibility, I have written to the Secretary of the Navy about this matter, and I have also urged the chairman of the appropriate Senate subcommittee to investigate it and to see if this intrusion on the lives of, and danger to, the Americans living on Culebra is really unavoidable, or if the Navy can and should find alternative sites for the use of the Navy.

I hope very much that the Navy will likewise seek to adjust its practices, voluntarily, to the legitimate needs and aspirations of the people of Culebra.

RECOGNITION OF SENATOR GURNEY AND SENATOR GOODELL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on completion of the remarks by the able Senator from Indiana (Mr. Bayh) tomorrow, the Senator from Florida (Mr. Gurney) be recognized for not to exceed 30 minutes; and that upon the conclusion of his remarks, the Senator from New York (Mr. Goodell) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER (Mr. Williams of New Jersey). Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, August 6. 1970, at 10 a.m.

NOMINATION

Executive nomination received by the Senate August 5, 1970:

Department of Defense

J. Fred Buzhardt, Jr., of South Carolina to be General Counsel of the Department of Defense.

CONFIRMATION

Executive nomination confirmed by the Senate August 5, 1970:

U.S. District Court

G. Thomas Eisele, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

HOUSE OF REPRESENTATIVES—*Wednesday, August 5, 1970*

The House met at 12 o'clock noon.

Father John T. Creed, St. Margaret's Church, Saugus, Mass., offered the following prayer:

Heavenly Father, almighty and eternal God, we ask Your blessing on these Members of the House of Representatives.

Bestow on them Your guidance in order that they might perform their duties in helping all God's people who are in need. Lord, we call upon Your Holy Spirit to assist those who are educating our youth so that they might be well prepared to take on the many responsibilities that a great nation demands of its people.

We further beseech You, O Lord, to help our Nation to unite that, regardless of race, color, or creed we may be truly one nation under God.

This we ask in Your name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On July 10, 1970:

H.J. Res. 1284. Joint resolution authorizing the President's Commission on Campus Unrest to compel the attendance and testimony of witnesses and the production of evidence, and for other purposes.

On July 13, 1970:

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 5000. An act for the relief of Pedro Irizarry Guido; and

H.R. 12858. An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States.

On July 16, 1970:

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 16739. An act to extend until July 3, 1974, the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines;

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes; and

H.J. Res. 224. Joint resolution to change the name of Pleasant Valley, Canal, Calif., to "Coalinga Canal."

On July 17, 1970:

H.J. Res. 746. Joint resoltuion to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History.

On July 23, 1970:

H.R. 11766. An act to amend title II of the Marine Resources and Engineering Development Act of 1966.

On July 22, 1970:

H.R. 2036. An act to remove a cloud on the titles of certain property located in Malin, Oreg.

H.R. 7618. An act to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.

On July 24, 1970:

H.R. 7517. An act to amend the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees of the Canal Zone Government, and for other purposes.

H.R. 16595. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

On July 29, 1970:

H.R. 12758. An act to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes.

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On July 31, 1970:

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes.

H.R. 14453. An act to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

On August 1, 1970:

H.J. Res. 1328. Joint Resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

H.J. Res. 1336. Joint Resolution to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14705) entitled "An act to extend and improve the Federal-State unemployment compensation program."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2846) entitled "An act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Murphy, Mr. Prouty, and Mr. Saxbe to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3302) entitled "An act to amend the Defense Production Act of 1950, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Sparkman, Mr. Proxmire, Mr. Muskie, Mr. Mondale, Mr. Hollings, Mr. Bennett, Mr. Tower, Mr. Goodell, and Mr. Packwood to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3586) entitled "An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Murphy, Mr. Prouty, and Mr. Saxbe to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 84–372, appointed Mr. Smith of Illinois to the Franklin Delano Roosevelt Memorial Commission in lieu of Mr. Javits, resigned.

FARM SUBSIDIES MILK THE TAXPAYERS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today we are to vote on the farm bill which provides an expenditure of $3 billion a year for the next 3 years but does little in the way of uplifting the small farmer or helping the consumer. It is just a continuation of the old farm program, which has spent over $40 billion and has not solved the problems of fair prices for either the farmer or consumer.

There is something wrong with a system that provides $3 billion annually to finance price supports and to pay farmers not to grow crops when there are hungry people in our own country and in the world. This $3 billion budget compares poorly with the meager $104 million budget the Congress has approved for the school milk program which President Nixon had recommended be cut out entirely as an economy measure.

At last, and for the first time, the House Committee on Agriculture has recommended that a limitation be placed on payments that can go to any one farmer. Unfortunately, the committee still has been too generous with the larger producers and placed the ceiling at $55,000 per crop. What this, in fact, means is that a single producer could receive as much as $165,000 for the three crops covered by the program. With 25 million Americans living below the poverty line, it is irresponsible to give away such large sums of the taxpayers' money to a single individual or farming corporation. It is for this reason that I am supporting the amendment being offered by the gentleman from Illinois (Mr. Findley) to place the ceiling at $20,000 per crop, although I believe this to be still too high. This reduction would save the taxpayers an estimated $250 million a year.

I am also cosponsoring and supporting an amendment being offered by our distinguished colleague, the gentleman from Illinois (Mr. Mikva) to provide that any farmer receiving payments of over $5,000 in farm subsidies would be required to certify that he is in compliance with all applicable Federal, State, and local employee health and safety laws. For years the Federal Government has been paying subsidies to the farmowners, with little regard for the farmworker, forcing many of these people without skills to migrate north placing a great burden on the cities' welfare programs. Surely, the Government has the obligation to demand some minimum standards to protect farmworkers just as the farmowners receives assistance themselves. Those who would particularly benefit from this amendment would be the migrant workers who today are completely without protection and so many of whom are living under the most inhumane conditions.

Mr. Speaker, if either of the amendments fails, I will vote against the bill.

WHO WILL BELL THE CAT?

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, we may yet get to the bottom of the mystery of who in the Federal Establishment is responsible for prosecuting violations of the new airline ticket tax secrecy law.

As I am sure everyone recalls, breaking down taxes and air fares was made illegal, as of July 1, by Public Law 91–258, the Aviation Facilities Expansion Act. The stricture applies to both advertising and ticket forms, and violations are theoretically punishable by $100 fines.

Not surprisingly, a number of travel agents doubt the constitutionality of this prohibition, since it would appear to infringe on our free speech guarantees. Some agents would like a court test, and one, David Peters of Beverly Hills, Calif., has solicited my help in finding an agency that will bring charges against him. On the date the law took effect, Mr. Peters defied the secrecy requirement, by detailing fare and tax information on a ticket blank. He is disappointed that now, more than a month later, no one has tried to bring him to justice.

Last July 24 I explained Mr. Peters' problem in a letter I wrote to Commissioner Randolph W. Thrower of the Internal Revenue Service.

Mr. Thrower has advised me that the Peters case has been referred to the Chief Counsel for the IRS, and that they will be in touch with me again at an early date.

If the IRS is half as aggressive as its reputation would indicate, Mr. Peters should get his day in court after all.

URGING SUPPORT OF CONTE-FINDLEY AMENDMENT TO FARM BILL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, yesterday's much-discussed letter from the President on farm subsidies was sent because it was demanded.

If I have ever seen a weak endorsement, this letter is it. First, the President says he will "abide the congressional judgment." He has not rejected my amendment.

Second, the President refers to "these technical reasons" as his basis for supporting the committee limitation. Well, the fact is that not one single technical reason was even mentioned in the President's letter. And for good reason—there are none.

The only significance of this letter is that it indicates the very deep concern the President feels for getting a farm bill through the Congress this year. I share that concern and support the bill except for the subsidy limit.

And for that reason, I would note that without the lower $20,000 ceiling, many of our urban colleagues will reject this bill.

The President nowhere rejects the $20,000 limit. The administration can live with it, and the people demand it.

Therefore, I urge my colleagues to support the Conte-Findley amendment.

DEMOCRAT BIG SPENDERS

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, we have heard a lot of talk from the Democrat big spenders recently on how they are really fiscally responsible and how all they want to do is reorder priorities.

But let us face it. What they really want to do is spend bigger and bigger chunks of the average man's income for him.

It is typical of the Democrat big spenders that they always think they know how to spend money better than the man who has earned it.

As a result, since the end of World War II the Democrat big spenders have increased the total tax bite on the average man from 25 to 33 percent.

From one-fourth of his income to one-third.

And at the same time they have given us an inflation that allows the wage earner to buy even less with what they leave him.

The big spenders have reordered priorities all right. And we are all feeling the effects.

PERSONAL EXPLANATION

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, on rollcall No. 251 on August 3, 1970, I was necessarily detained in my office with constituents when the rollcall began. As a result when I reached the Chamber a few minutes later the rollcall had been concluded. I favored this legislation as my prepared remarks for the Record that day indicated and would have been recorded as voting "aye" save for the reason hereinabove set forth.

MR. O'DONNELL'S LACK OF VERACITY

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I do not know what purpose Mr. O'Donnell had in the statements he made in the Washington Post and Life magazine. But I can testify that he is a bona fide liar, and I have affidavits, or can get them, to prove it. He must have certificates to that effect, because I caught him in a lie with both President Kennedy and President Johnson, and I had him appear before both Presidents in my presence and told him that he was a liar and had him admit it. So I can testify that I would not believe anything he said if he had his hand on a stack of Bibles 5 feet high.

THE EQUAL RIGHTS AMENDMENT

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute.)

Mrs GRIFFITHS. Mr. Speaker, I take this time only to remind the Members that on Monday, August 10, I expect to call up the equal rights amendment. The motion to discharge the committee will be the first thing in the calendar. I hope that all of you are here, and I hope that the amendment unanimously passes this House.

THE NEED FOR COAL EXPORT EMBARGOES IS CRITICAL

(Mr. HARSHA asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, due to work stoppages, a critical shortage of domestic coal supplies has occurred, threatening the health and welfare of many citizens of the Ohio Valley region. At this time, as I understand the problem, there are approximately 150 to 200 Ohio Valley area mines shut down, a situation that leaves approximately 20,000 workers without a source of income. This problem, alone, warrants concern and action by the Congress. However, I would like to point out some of the resultant complications that have developed.

Because of the mining cessation, business and industry in the river valley are beginning to feel the economic pinch of the thousands of unemployed. At the same time they are forced to contemplate additional unemployment if the coal crisis is not resolved.

Unless the coal production is returned to its full capacity, industries in the Ohio Valley region will be forced to curtail their operations, which will, as I said, add to the growing number of unemployed. As a specific example, Armco Steel Corp. which operates plants in Middletown, Ohio; Ashland, Ky.; and Houston, Tex., is a major user of coal from the area in their coking process for making steel. At the present time, their stockpiled coal supply is depleted to the point that company estimates indicate production cutbacks will have to be initiated in approximately 10 days. The three steel plants I mentioned earlier employ a total of 17,000 people, all of whom would be directly affected.

At the same time, other business and industry will also be directly affected. Electric power shortages will be imminent, threatening the proper functioning of such vital services as hospitals, medical centers, and other emergency treatment facilities. Likewise, needed governmental services are also threatened.

The hospital directors, the steel industry representatives, and other business representatives have recognized the crisis that is upon us. They have appealed to me in a jointly signed letter to seek action to resolve the shortage of coal.

Since these work stoppages involve approximately 20 percent of the Nation's coal production, thus indicating the enormity and gravity of the situation, I am attempting to find a solution to this critical problem.

I have telegramed Mr. William D. Lee, Administrator of the Business and Defense Services Administration in the Department of Commerce requesting immediate imposition of export embargoes on coal. I suggested that such embargoes should be continued until such time that coal mining and production are returned to capacity.

Because of the serious national consequences that will face us if this situation is not immediately rectified, I am urging my colleagues to take similar action in urging Federal officials to impose the necessary restrictions to eliminate these critical coal shortages.

KIDNAPING OF AID POLICE ADVISER DAN MITRIONE

(Mr. HALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, Mr. Dan Mitrione was 50 years of age yesterday, and he is the father of nine children. He is the U.S. AID police adviser to the Government of Uruguay, and as you know was kidnaped July 31 on his way to work at the U.S. Embassy, and brutally shot by a group of MNL Communist terrorists in Montevideo.

Mr. Speaker, two notes purported to be from the kidnapers have been received. One describes the gunshot wound as entering the right side of his sternum, and exiting through the left armpit, the kind of wound that most probably occurred while he was lying on his side.

The other note, in Mr. Mitrione's own handwriting, said he was being interrogated "deeply" by the kidnapers. The kidnapers admitted in their note that Mr. Mitrione was being interrogated, "as his condition permitted."

Now, Mr. Speaker, as a physician I would say that I believe that such a wound is apt to introduce severe infection that would be difficult to control. Mr. Mitrione happens to also be allergic to penicillin. The treatment of the wound of this kind would normally be handled in a hospital any place in the world, and not by butcher shop type of surgery or emergency treatment. The very inhumanity of holding this wounded American official, and interrogating him while he is recovering is appalling. Every American should join in expressing his indignation and demand that Mr. Mitrione be released and given hospitalization immediately. This holding for ransom, or for the release of convicted murderers, bank robbers, and kidnapers under the law of that sovereign nation, must cease.

Mr. Speaker, as a legislator I say that it is time that this Government, and all civilized governments, condemn terrorism as a means of political action. I call on the press of America to stop adherance to a double standard, of raising cain on the one hand about the Con Son prison, and maximum security cages for captured Communists, and on the other hand letting instances such as this go by without alerting the American public.

The SPEAKER. The time of the gentleman has expired.

CONCERN FOR KIDNAPING OF DAN MITRIONE

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, I would like to take this opportunity to associate myself with the expression of concern and indignation voiced by my distinguished friend, the gentleman from Missouri, in connection with the kidnaping and holding for ransom of Dan Mitrione by the dissidents in the South American republic of Uruguay.

It so happens that Dan Mitrione is a native of my own city of Richmond, Ind. He was formerly the police chief there and I know him well. He is a distinguished public servant and very high-grade American citizen. It is indeed an unfortunate thing that an American who goes abroad to serve his country as Dan Mitrione has done should be subjected to this type of terroristic activity.

I sincerely hope that everything feasible will be done to secure his early release and to relieve the concern of his family, with whom I have been in close touch since this unfortunate occasion arose.

RIGHTS OF LAW-ABIDING CITIZENS MUST NOT BE FORGOTTEN

(Mr. DEVINE asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, assuming but not deciding that the President may have made a mistake in judgment or made a poor choice of words when he referred to the Manson case, I think we, too, here may be committing a mistake in making political trial out of this incident. Sometimes like the courts, we become preoccupied with the rights of the wrongdoers and forget the rights of those law-abiding, hard-working, respectable American citizens who constitute about 97 percent of the population.

Those persons who always plead and cry about the poor criminals or the poor persons charged with crime should not overlook the fact that there are many, many safeguards provided for under our Constitution. I am speaking not only as one who has been involved in law enforcement in the past but also as a former prosecuting attorney. Persons are not picked up and charged with crime just on the whim of a police officer. If a person is arrested, there is probable cause. Then he goes before a hearing magistrate who again must determine whether there is probable cause. If the magistrate feels there is, there is next a grand jury hearing to determine whether or not there is probable cause, and whether the person did, in fact, commit an offense. After this an indictment may or may not be returned, and after the indictment the person is presented in the court to enter his plea to the charges, and he then has an opportunity to be provided with counsel, if counsel is not available to him because of financial conditions. He is then given a choice of a trial by jury or court trial with counsel; and in order to be convicted he must be convicted beyond a reasonable doubt and unanimously by a jury ,all 12.

The comments of the President notwithstanding, let us think also about the rights of the law-abiding citizens in this country, and not become too preoccupied with the "rights" of the wrongdoers.

EFFECT OF PRESIDENT'S COMMENT ON THE PROSECUTING ATTORNEY

(Mr. CORMAN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. CORMAN. Mr. Speaker, in connection with the comments by the gentleman from Ohio (Mr. Devine), I think the specific worry in the case just referred to is what happens to the poor prosecutor who is attempting to get a conviction in this case, the effect on that case and on the prosecution by the comment?

APPOINTMENT OF CONFEREES ON THE BILL S. 3302 AMENDMENT TO DEFENSE PRODUCTION ACT OF 1950

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3302), an act to amend the Defense Production Act of 1950, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Mr. Patman, Mrs. Sullivan, Messrs. Reuss, Ashley, Widnall, Mize, and Blackburn.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1376) on the resolution (H. Res. 1065) to provide funds for the Committee on the Judiciary, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 1065

Resolved, That the additional expenses of conducting the studies and investigations authorized by H. Res. 93 of the Ninety-first Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $30,000 including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee and approved by the Committee on House Administration.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The SPEAKER. The gentleman from Ohio is recognized for 1 hour.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Does this deal with one investigation or with all investigations being carried on by the committee?

Mr. HAYS. It deals with all investigations, I say to the gentleman. This committee had originally $370,000 for the 2 years of this Congress, which is much less than many other committees of similar size and jurisdiction. They saw they were running short because of added investigations put on them. They came in, and the committee unanimously decided to give them this amount.

Mr. GROSS. I thank the gentleman for his explanation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF EXPENDITURES INCURRED BY SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1377) on the resolution (H. Res. 1115) authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. Res. 1115

Resolved, That the expenses of conducting the investigation authorized by H. Res. 1062, Ninety-first Congress, incurred by the Special

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Committee To Investigate Campaign Expenditures, 1970, acting as a whole or by subcommittee, not to exceed $70,000, including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia if not otherwise engaged.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

Committee amendment: On page 1, line 5, strike out "$70,000" and insert in lieu thereof "$60,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF TWO POSITIONS CREATED BY HOUSE RESOLUTION 543, 89TH CONGRESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1378) on the resolution (H. Res. 1117) relating to the compensation of two positions created by House Resolution 543, 89th Congress, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 1117

Resolved, That, until otherwise provided by law, effective as of January 1, 1970, the per annum (gross) rate of compensation (basic compensation plus additional compensation authorized by law) of each of the two positions referred to in House Resolution 543, Eighty-ninth Congress, shall not exceed the annual rate of basic pay for level IV of the Executive Schedule of section 5315 of title 5, United States Code. The contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

The SPEAKER. The gentleman from Ohio is recognized for 1 hour.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Is this a salary increase for certain individuals?

Mr. HAYS. That is correct.

Mr. GROSS. Would the gentleman state what the positions are?

Mr. HAYS. I am not sure of the titles of the positions. I guess one would call it Secretary of the House Democratic Steering Committee and of the House Republican Conference. This would allow the pay of those gentlemen, at the discretion of the Republican Conference and the Democratic Steering Committee, to be set at a ceiling $2,000 higher than it is now. It would allow, if those two bodies so decide, the raising of these two men $2,000 above what they are getting.

Mr. GROSS. What are the salaries now?

Mr. HAYS. $36,000.

Mr. GROSS. And this would raise them to $38,000?

Mr. HAYS. This would permit them to be raised to $38,000.

Mr. GROSS. Of course, this would also increase their retirement and other fringe benefits?

Mr. HAYS. It would carry with it whatever the new salary carried with it at that level in the executive scale.

Mr. GROSS. $38,000?

Mr. HAYS. Yes. There are a lot of people downtown making that too. We never get much of an argument about them.

I am not going to argue the merits of the case. I will just say to the gentleman, that is the fact, and there we are.

Mr. HALL. Mr. Speaker, will the gentleman yield to me on this subject?

Mr. HAYS. I will not say I will be delighted, but I yield.

Mr. HALL. I appreciate the gentleman yielding. As he so often cautions a Member, I do so at my own risk.

Mr. HAYS. If the gentleman will permit me, I am afraid this time it is at my risk; but go ahead.

Mr. HALL. Mr. Speaker, I have been long concerned about the culmination of events in which we find ourselves, concerning not only the President's pay, which I believe was one of the greatest mistakes that ever happened in the way and time it came about, but also the pay of Members, and the fact that we decided to vote on whether or not to recess for Easter a year ago in 1969 without voting on our own pay increase.

Now then, we have had a long series of pay increases for Members and functionaries, and we have had increases in our own clerk hire. When I go back home—and I just completed a primary yesterday—the one thing concerning the people more than anything else is stopping the spiral of inflation and what their elected officials are doing to what used to be known as the public trust, toward enhancing their own benefits. To my way of thinking, thinking this over specifically for these individual employees of the House—and I will say to the distinguished gentleman that I have been consulted about them by various Members, and I do understand there is a tradeoff here with equal opportunity for both sides and that it is not a partisan question—but I think we are making a terrific mistake in increasing the salaries when, in fact, we should be retrenching those that have gotten out of hand, including our own. I am strongly opposed to this resolution.

Mr. WAGGONNER. Mr. Speaker, a point of order. The gallery is not in order.

The SPEAKER. The Chair will state to those in the gallery that they are guests of the House. The Chair is not admonishing them at this time, but it calls to their attention that no manifestation of approval or disapproval can be evidenced, because it violates the rules of the House.

Mr. DICKINSON. Mr. Speaker, before the question is put will the gentleman from Ohio yield to me?

Mr. HAYS. I will yield, but first I would like to make a comment myself.

I have observed over the years that everybody is opposed to anybody getting a pay increase unless it is them. I suspect that the people in the gallery who have exhibited their concern about this would be among the first, if they belong to a labor union, to try to get a settlement which would increase their pay.

Mr. Speaker, fighting inflation is not a one-man job or a job that the Congress can do by itself. In fact, raising the salaries of Government employees, I would like to say to the gentlemen, has become a "must" because of the standards set in other places outside the Government in order to keep Government employees at a par, where they can continue to exist.

I am not talking about these two specific cases, because they have to be judged on the merits of the people holding the particular jobs. I am here as an agent of the committee presenting the resolution. But I would say that it has been my experience that everybody is against a pay increase for everybody but themselves.

Now I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, it is my recollection when this resolution came up in the committee there was a difference in the two salaries that were to be paid. One was to be $38,000 and one was to be $36,000, if I remember correctly. They have both been changed to $38,000 now as a limit. Is that correct?

Mr. HAYS. As I understand the legislation, this would set the top limit at $38,000, although it is within the discretion of the Republican conference and the Democratic steering committee to set them at any point below that if they see fit.

Mr. DICKINSON. I understand it, but it is my recollection of the committee effort that the figures were not the same as they are here today. The Democratic figure was set at $38,000 and the Republican figure was at $36,000. That was the way it was reported out.

Mr. HAYS. May I say to the gentleman that was my understanding, but on a rereading of the legislation it looks to me as though we were laboring under a misapprehension there and that this particular bill says each of the two positions, and it mentions the Executive Schedule, level IV of section 5315 of title 5 of the United States Code. That level IV, with all of this rigmarole that I just read, sets them both at $38,000.

Mr. DICKINSON. That is the point I was trying to make. This is not what we approved, according to my recollection of the action we took yesterday. I did not vote for it. As a matter of fact, I opposed it in the committee. However, the resolution presented in the committee did not raise it to $38,000 for both. It raised one to $36,000 and one to $38,000. It is not what we voted on yesterday, and I think we should refer it back to the committee.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

This is, of course, a resolution that would affect both sides of the aisle.

Mr. HAYS. May I say to the gentleman before he proceeds any further that this is a reform bill, if that makes any difference.

Mr. ANDERSON of Illinois. Well, I am

not sure whether the element of reform is involved, but I was under the same impression, frankly, as the gentleman from Alabama (Mr. DICKINSON) when this matter was discussed with me informally off the floor some time ago. What we were talking about was a level of $36,000 rather than $38,000. And, incidentally, the corresponding official in the House Republican Council is not paid at anything near that rate at the present time. I personally would not want to interpose any veto from my own personal point of view on what you may want to do on that side of the aisle with respect to setting salaries for the Executive Director of your Democratic Steering Committee. However, I do feel obliged to say that when this matter was discussed with me that I clearly understood that the top figure was $36,000 rather than $38,000. And I am wondering, in view of the confusion that seems to exist, or some misunderstanding on the floor today, if it would not be wise to withdraw this matter from consideration temporarily so that we can have some meeting of the minds.

Mr. HAYS. I would say to the gentleman from Illinois that the people who sponsor the resolution do not want to withdraw it, and I do not intend to withdraw it on my own volition. But let me say to the gentleman—and I think perhaps I can clear up some of the confusion that appears to exist—that I certainly was not participating in any attempt to mislead anybody that the minority person get less money. I understand that he gets less money than the majority.

Let me say to you that this is not a very enviable position for the gentleman who is speaking to you. I can say to you that I think some of the salaries around here are too high for some people who do less work than the people we are talking about. For example—and I am not attempting to make this an issue at all—but as you know, on the minority side—and we had it when we were in the minority—we have, you might say, shadow ministers for Doorkeeper and for Sergeant-at-Arms, and for the Postmaster. And these people, I do not know what they do, if anything, but they get paid within $2,000 of what the fellow who is actually doing the work is getting. You know that the two men we are talking about are really working, and they produce. And if we are going to talk about withdrawing and reforming and more understanding, maybe we ought to reform the whole thing. But at the moment this is the only issue before the House.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield further?

Mr. HAYS. I yield further to the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I certainly want to agree with what the gentleman has just said with respect to these positions, we are not talking about people who are just perfunctory officials. In the case of the gentleman who is the executive director of the House Republican Conference, he is a man who has an advanced degree and an earned doctorate, and he works full time and supervises a fairly large staff of volunteer and semivolunteer employees, so I do not apologize to anyone in view of his academic achievements and responsibilities to recommend a salary limit of the kind being talked about. I would appreciate, however, some final clarification for the record here today as to whether or not we are talking about $38,000 or $36,000; it is still not clear to me.

Mr. HAYS. I clarified that, may I say to the gentleman, at least three times. We are talking about $38,000.

It has been customary—and do not ask me why—but it has been customary that the minority man, maybe because he works with fewer people, I do not know, get a couple of thousand dollars or so less than the majority. That is the way it is with the Doorkeeper. The Doorkeeper gets a certain figure, and the shadow Doorkeeper—I do not know what to call him, and I do not care—but the man who would become the Doorkeeper if the minority party became the majority party, and who is here ready to assume that job some time, is getting paid $2,000 less than the Doorkeeper. I did not set that differential. I do not know who did. It was that way when I came here. But that is the custom, and I think that is how the misunderstanding arose that we would assume that the minority man would get $2,000 less. I am not saying he should, I am simply saying that he can get the same salary, and that the Republican Conference will make that determination.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, I appreciate the gentleman yielding.

I can testify, as has the gentleman from Illinois with respect to the executive director of the Republican Conference, that the Executive Director of the House Democratic Steering Committee is one of the most able and dedicated House employees. A tireless worker with exceptional talents and with an outstanding educational background, his is one of the most responsible jobs in the House. For over 20 years he has been a valued employee. He formerly occupied a senior position on the staff of the Committee on Banking and Currency. He has been of invaluable assistance to the Speaker of the House and to myself as well as to all the leadership and to the chairman and members of the Democratic Steering Committee.

But I do not think that is the key point. I do not think the key point is whether we are paying officials and employees of the House too much or too little. I do think it is necessary and fair that we consider an adjustment in their salaries when an adjustment is in order. In my view, this is the key point with respect to this resolution.

The administrative assistants of the leadership of the House of Representatives, as all members of the leadership know, receive $36,000 a year as a maximum subject to the discretion of the employing authority.

I think all Members of the House also know that the elected officials of the House receive more than $38,000. This resolution will be an intermediate salary position for these individuals who serve a much broader spectrum of the House than one single leader.

It seems to me a fair reappraisal of the entire structure, and I say that without reference to the individuals concerned and I say it without any reference to what should be done with regard to the total salary structure.

I urge my colleagues to support the resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for one brief comment?

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I want to congratulate the distinguished majority leader. I think he made a very fine statement and one with which I find myself in agreement.

We are not talking today about a general pay raise for all employees or for a great number of people. We are talking about two specific positions, one on the Democratic side and one on the Republican side, responsible positions filled by responsible people. And for the reasons that the gentleman has given and some of the other things that I said earlier I will support the resolution offered by the gentleman.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. I yield to the gentleman.

Mr. DICKINSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, according to the rules of the House would a point of order lie to this bill inasmuch as it is not as was reported out of the committee yesterday, and is not identical? Would a point of order lie at this point?

The SPEAKER. The resolution is already under consideration and there has been debate.

Any point of order against its consideration would come too late at this time.

Mr. DICKINSON. I thank the Speaker.

Mr. HAYS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 90, nays 285, not voting 55, as follows:

[Roll No. 255]

YEAS—90

Albert
Alexander
Anderson, Ill.
Annunzio
Aspinall
Barrett
Bell, Calif.
Berry
Bevill
Bingham
Boggs
Boland

Brademas
Brooks
Brown, Calif.
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Caffery
Celler
Cohelan
Corman
Daniels, N.J.
Davis, Ga.
Dingell
Donohue
Edmondson
Edwards, La.
Eilberg
Fascell
Feighan
Flood
Flowers
Ford, Gerald R.
Fraser
Friedel
Fulton, Tenn.
Garmatz
Gonzalez
Green, Pa.
Halpern
Hamilton
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Holifield
Hosmer
Johnson, Calif.
Jones, Ala.
Kazen
Kluczynski
Leggett
McClory
Macdonald, Mass.
Madden
Matsunaga
Meeds
Mink
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Podell
Price, Ill.
Rees
Reifel
Reuss
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Sisk
Steed
Teague, Tex.
Thompson, N.J.
Udall
Waggonner

NAYS—285

Abbitt
Abernethy
Adair
Adams
Addabbo
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Ayres
Beall, Md.
Belcher
Bennett
Betts
Biaggi
Biester
Blackburn
Blanton
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Farbstein
Findley
Fish
Fisher
Foley
Foreman
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hastings
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lowenstein
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morse
Morton
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neal, Ga.
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NOT VOTING—55

Anderson, Tenn.
Baring
Blatnik
Bolling
Brasco
Burleson, Tex.
Cabell
Carey
Casey
Clark
Clay
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Dowdy
Erlenborn
Evins, Tenn.
Fallon
Flynt
Ford, William D.
Gallagher
Gilbert
Gray
Howard
Ichord
King
Long, La.
Lujan
Lukens
McCarthy
McEwen
Meskill
Ottinger
Pelly
Pollock
Powell
Quillen
Riegle
Rosenthal
Rostenkowski
Roudebush
Ryan
Stafford
Symington
Taft
Thompson, Ga.
Tiernan
Tunney
Weicker
Wright
Young

So the resolution was rejected.

Mr. ANDREWS of Alabama, Mr. FLOWERS, Mr. ANDREWS of North Dakota, Mr. COWGER, Mr. FINDLEY, and Mr. CULVER changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR OPERATION OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1379) on the resolution (H. Res. 1145) providing funds for the operation of the Select Committee on Small Business, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1145

Resolved, That the further expenses of conducting the study and investigation authorized by H. Res. 66 of the Ninety-first Congress, incurred by the select committee appointed to study and investigate the problems of small business, not to exceed $50,000 in addition to the unexpended balance of any sum heretofore made available for conducting such study and investigation, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF "EDUCATION IN ISRAEL" FOR USE OF SELECT SUBCOMMITTEE ON EDUCATION

Mr. HAYS. Mr. Speaker, by direction of the Committee on Rules, I submit a privileged report (Rept. No. 91-1380) on the concurrent resolution (H. Con. Res. 679) authorizing the printing of additional copies of "Education in Israel" for use of the Select Subcommittee on Education, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. CON. RES. 679

Resolved by the House of Representatives (the Senate concurring), That there shall be printed concurrently, ten thousand additional copies of the report of the Select Subcommittee on Education entitled "Education in Israel" for the use of the Select Subcommittee on Education.

With the following committee amendment:

On page 1, line 2, strike out the words "printed concurrently," and insert in lieu thereof the word "reprinted."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SIXTH ANNUAL REPORT ON STATUS OF NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-372)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress the Sixth Annual Report on the Status of the National Wilderness Preservation System, and to affirm this Administration's intent to pursue the objectives of the National Wilderness Act aggressively in the coming months.

Wilderness is a magnificent part of the American heritage. The wilderness that witnessed the nation's birth no longer spreads from one ocean to the other,

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but neither has it all been tamed. Many of these untamed lands, majestic reminders of primeval America, have been reserved and now comprise the National Wilderness Preservation System. We must do more now to preserve additional areas of this priceless national heritage.

During 1969, I signed into law the addition of two new units to the National Wilderness Preservation System. However, I am convinced that in the past we have moved too slowly, in both the executive and the legislative branches, towards the goal of completion of our national wilderness system.

I have asked that the Secretaries of Agriculture and the Interior begin immediately to augment their efforts in the study of possible wilderness areas, as directed by the Act, and to accelerate the study schedules which they have been following. I have asked them to review their needs for additional resources and will ask the Congress for any additional funding which may be needed to make this new wilderness effort possible.

On the legislative side, the Congress now has before it twenty wilderness proposals transmitted by the previous Administration and endorsed by this Administration. Early action on these measures would represent the quickest way to expand our wilderness system. Therefore, I urge the Congress to give speedy and favorable consideration to as many of these proposals as possible at this session of the Congress.

I look forward to the next annual report on the wilderness system, confident that I will be able to report substantial and encouraging progress on both the study and the enactment of wilderness proposals. I cannot stress too strongly my conviction that we must push vigorously ahead to preserve for future generations the opportunity to enjoy the singular encounter with nature which only wilderness can provide.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1970.*

TWENTY-FIRST SEMIANNUAL REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-314)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

Transmitted herewith is the Twenty-first Semiannual Report of the National Aeronautics and Space Administration.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1970.*

AGRICULTURAL ACT OF 1970

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER. The Chair requests the gentleman from Illinois, Mr. PRICE, to temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill H.R. 18546, with Mr. PRICE of Illinois (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday the Clerk had read the committee amendment, beginning on page 1, line 5, and ending on page 2, line 24.

Mr. POAGE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have spent considerably more time on the preliminaries than had been anticipated. I believe, therefore, it is fair to tell the House that it is the intention of those charged with handling this bill to try to complete work tonight, no matter how long we go.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I should like to indicate my full support for the statement made by the gentleman from Texas, that we ought to finish this bill today.

Mr. POAGE. I appreciate the gentleman's statement. While I do not see the majority leader at present, it is my understanding he concurs in that viewpoint.

In order to do that, I would call attention to the fact that we are now entering on a discussion of a most important amendment. I believe we should have adequate time to discuss this amendment.

However, it would be my purpose when it has become evident that there has been a reasonable discussion of it to ask unanimous consent that we fix a time. I will not do that for some time to come, but I do expect to do it at a proper time, and I want the House to understand we are going to try to bring this thing to an end rather than let this run interminably.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I am glad to yield to the gentleman.

Mr. HALL. I believe the gentleman knows that I have an amendment in the nature of a substitute that I would like to offer for explanatory purposes.

Mr. POAGE. Yes.

Mr. HALL. I thoroughly concur in the plans the gentleman and the majority and minority leaders have just expressed. I do not intend to take a lot of time with my amendment, nor to press it unduly, but I do want time to present it. I would like to ask the distinguished chairman of the Committee on Agriculture if he would prefer that that be offered when recognized under the first title, or at the conclusion of the Clerk's reading of all the bill by title, which the gentleman from Missouri would prefer; although I do not want to be caught in a forced limitation of time.

Mr. POAGE. It would be perfectly satisfactory to me either way, but if I may suggest, it seems to me it is always wise to offer such a substitute first rather than last, because if you wait until the last, everybody will be anxious to quit this place and you will get no consideration of it at that time.

Mr. HALL. I thank the gentleman for this opinion—"A word to the wise is sufficient."

Mr. POAGE. As to the matter of limitations, Mr. Chairman, I think this is the crux of this bill. This is the one point on which there is a substantial difference, but it could cause a breakdown in the whole bill. The entire idea of limitations is based on an erroneous theory of what we are limiting. What are you limiting? They say that we are going to limit the amount of money which one man can get. What are you limiting? You are actually limiting the payments to any one individual who is participating in the program. We want these people to participate in the program. The whole success of the program is based on participation. There will not be any compulsory requirement for balancing supply and demand under this bill. The only way that you can get a balance between supply and demand under this bill is through widespread participation in the program.

Now, if we want a bill and if we want it to work, we want participation, and we want it from everybody. It does not make any difference, really, whether it comes from a large man or a small man. The result is just the same whether you take the water out of the bunghole or out of the spigot. It reduces the amount in the barrel by just the same amount.

Do we really want the large producers to participate? That is the question. The Secretary says that he wants them to participate, and I think we all want them to participate. Unless there is reasonable participation, as a matter of fact, none of these programs will work and you will be wasting about $3.5 billion.

I just want to call the attention of the House to the fact that you did what I thought was wise just a few minutes ago and saved $4,000, and I was one who voted against that resolution. However, let us try to save $3 billion or $4 billion here. That is what is involved. It is between $3 billion and $4 billion. If you waste it by making the program ineffectual, you had better not spend it. Your program cannot be effective if you are going to try to drive all of those large growers in the United States out of the program, because then they will be producing too much of those commodities that are in surplus such as wheat and feed grains and will not be producing

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enough of those commodities that are in short supply like cotton.

You will simply not have that balance which the Secretary is attempting to achieve in this bill. All of the argument that we should reduce these payments is based on the assumption that we are giving them something. These payments, as a matter of fact, have not been so high and they will not be so high under this bill as to be very attractive to a great many people.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. POAGE was allowed to proceed for 3 additional minutes.)

Mr. POAGE. I have a statement from the Department of Agriculture pointing out that during the calendar year 1968, which is the last year for which we have all of the figures, of the large growers of cotton in the United States only 50 percent, only 50 percent, took advantage of all of the retirement payments which they could have received had they participated to the extent they had a right to do.

In other words, they did not put in as much land as they could have put in and received payment for it. If they had thought it was a profitable deal, if they had thought the payment under this program was entirely profit, if they thought it was a giveaway, would they not have taken the additional money? But they felt—at least half of them felt—that it was not worth while to participate to the full extent, and they did not—and these are the figures of the Department of Agriculture, and any of you can come up here and look at them if you wish to.

Wheat growers were even less interested. Of wheat growers 85 percent did not take the maximum.

Now, on feed grains it is true that there were only 27 percent who failed to take the maximum, so on feed grains a large portion of them did participate.

It seems to me that indicates very clearly that those people were not getting something given to them, they were getting a payment that might or might not recompense them for the loss which they would sustain in joining with their neighbors in balancing our supply and demand. And that is what this whole bill attempts to do—to balance supply and demand.

To propose a limitation of anything lower than $55,000 would, according to the Secretary of Agriculture, jeopardize the chances of bringing about that balance.

Now we have given all Members a chance to vote on a $55,000 limitation so that any man or woman who feels that he or she must vote for limitations has that opportunity now. We have offered the opportunity to place a limit of $55,000, which we hope we can live with. We cannot, as the Secretary says, and as the President says, effectively live with something less than that. So we provide the way here, where all of you who feel you must vote for a limitation will have an opportunity of voting directly for a limitation. But now in voting for limitations do not destroy the bill by going so far with this demand for limitations that you make the bill ineffective. I plead with you to adopt the $55,000 limitation rather than something lower.

AMENDMENT OFFERED BY MR. LOWENSTEIN TO THE COMMITTEE AMENDMENT

Mr. LOWENSTEIN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. LOWENSTEIN to the committee amendment: On page 2, line 3 strike "$55,000" and insert in lieu thereof "$10,000."

Mr. LOWENSTEIN. Mr. Chairman, I have been deeply impressed as a new Member by the diligence that has marked the way the Agriculture Committee has done its work. I have appreciated the opportunity of working with the committee under the leadership of its distinguished and hard-working chairman and ranking minority member. I wish I had been able to contribute more effectively to its deliberations, and I am still hopeful that I will be able to vote for a farm bill.

Sound agricultural legislation is in the interest of every American, wherever he may live, and, if we could agree on a bill that would be fair to small farmers and to taxpayers and consumers, it would be a great service to the whole Nation. Unfortunately, the committee bill, even if the committee amendment were added, does not meet this standard. There are a number of troublesome features in the bill, but the most serious—serious enough to be fatal, as far as I am concerned—is the failure to cope adequately with the problem of payment limitations.

It is true that the committee amendment is a step forward—a significant step inasmuch as it accepts the principle of payment limitation. But the limitation is too high and the loopholes too great for it to stop the abuses that have grown up and that undermines the validity of the whole support program. We represent particular constituencies here, but we are also responsible for the general good of the country, and the committee amendment, in my judgment, falls far short of protecting the broader interests of taxpayers, consumers, and small farmers. It holds out the real possibility—the real danger—that something will be adopted that will look like a payment limitation, that will sound like a payment limitation, that will in fact be called a payment limitation, but that will not really limit payments very much.

My amendment meets only one part of that problem. If it is adopted, I hope we will proceed to adopt the language of the Conte-Findley amendment to close loopholes and prevent what has been called slippage. If we do these things, I believe we will have a farm bill that will be fairer to farmers and fairer to all our citizens.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the distinguished gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to take this opportunity to compliment the gentleman from New York for the work that he has done in the Agriculture Committee. I realize he has offered this amendment in the committee for $10,000 and also for $20,000. And I compliment him for all of the labor that he has put into getting a sensible farm limitation subsidy payment.

I have worked with the gentleman for untold hours. He knows the subject matter well. He has done his homework and he certainly deserves a great deal of credit.

I am sorry however that I am going to have to oppose the gentleman on the $10,000 provision although I feel that $10,000 is not too low. But I am also practical enough to realize that this House has twice on a rollcall vote passed a $20,000 limitation. I feel that the House will again pass a $20,000 limitation here today.

I am very, very much opposed to the $55,000-per-crop limitation. The Secretary of Agriculture said that it will save the taxpayers only $48 million. Compare that to the $20,000 limitation which will save the taxpayers $177 million.

Also, Mr. Chairman, the amendment that has been offered by the gentleman from New York does not contain any language to prevent slippage. Under the committee bill, under the $55,000-per-crop limitation there will be slippage.

I want to explain what slippage is.

A farm—corporation farm or an individual farm or a family farm can get around this law by subdividing his land and giving it to his children or to his friends or setting up 10 small dummy corporations and thereby getting around this limitation on the payment.

The substitute amendment which I will offer, after the gentleman from New York has concluded his remarks, calls for a $20,000 per crop limitation. It also has language in it which will prevent slippage. It also will include wool—which the committee amendment and your amendment does not include. Also it includes a limitation which will apply to the States and municipalities, which the committee amendment does not, and which also your amendment does not contain.

As I say, I think the gentleman's amendment has a great deal of merit but it does not have these refinements and therefore I will offer a substitute after the gentleman from New York has spoken, which will provide for a $20,000 per crop with language that will prevent farm splitting to get around the amendment.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for 5 minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the courtesy of the distinguished majority leader.

I appreciate also the generous remarks of my colleague, the unusually able gentleman from Massachusetts, whose substitute I will support wholeheartedly should my amendment fail. It is a sound proposal, and we are all indebted to him and to the distinguished gentleman from Illinois (Mr. FINDLEY) for their notable

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contributions to the effort to develop a sound farm program. I would prefer $10,000 as the limitation per crop, but $20,000 is an acceptable compromise that would make it possible to support the bill.

But it is nevertheless true that a limitation of $10,000 per farm per crop is a larger subsidy than we grant to individuals in almost any other sector of the economy.

It has been suggested that with the $55,000 limitation we would have wider participation in the support program. I would suggest that if participation is a major concern, the great beneficiaries—the corporations that get hundreds of thousands of taxpayers' dollars as a reward for not growing things—those giant "farms" are not going to participate under a $55,000 ceiling any more than they would under a $20,000 ceiling. Only the loopholes that permit slippage may encourage their participation. If that is to be the criterion, I cannot see how any ceiling could be acceptable.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I am happy to yield to the very distinguished gentleman, the chairman of the committee.

Mr. POAGE. What does the gentleman suppose will happen to the land of those who do not participate? When a man who is under the cotton program does not grow cotton next year what would happen to that land? What would he grow on it?

Mr. LOWENSTEIN. I suppose he would have to make a choice of whether to grow some other crops or not to use the land.

Mr. POAGE. How can he afford not to use the land? If you are in California your land is worth $1,000 an acre and you are going to have to use it for some productive purpose.

Mr. LOWENSTEIN. Right.

Mr. POAGE. What other crop can the gentleman suggest that the farmer go into so that there would not be caused an oversupply in the other crop?

Mr. LOWENSTEIN. That is not the primary problem. Unfortunately what the subsidy program is doing as it now operates is to give ever larger farms ever large subsidies, without making it easier for the average small farmer to continue in business.

Mr. POAGE. The gentleman has not stayed with the question I am asking. I am asking what will happen if we divert cotton land into corn. We would have too much corn, would we not?

Mr. LOWENSTEIN. Correct.

Mr. POAGE. We would have more corn. We would simply move the problem from one crop to another, would we not?

Mr. LOWENSTEIN. What I am trying to point out——

Mr. POAGE. The effect is simply to move the problem from one crop to another, but you would still have the problem.

Mr. LOWENSTEIN. But if you follow that logic to its conclusion it could become an argument against subsidizing anything, couldn't it?

Mr. POAGE. No, it is not an argument against subsidizing anything. It is an argument against driving growers out of the program so that they will grow these or some other crop without any program whatever.

Mr. LOWENSTEIN. But the program has not worked out as it was intended to. The purpose of the program was never to set up a subsidy system under which a small number of farmers would receive half a million dollars or more while the small farmer was being driven off the land anyway. If the program is to succeed, don't we have to remember what it is intended to achieve? Obviously payment limitations are not going to cure all the ills of the farm program, but isn't it clear that we must at least start toward a program that will help the small farmer to operate, not add to the likelihood that he will fall prey sooner or later to these giant farms that keep getting larger and larger?

Mr. POAGE. If the gentleman will yield further, I answered that question previously; I am sorry the gentleman did not hear it. Obviously these larger farmers today are not getting the kind of profit out of the subsidy that the gentleman is suggesting, because only 50 percent of the large cotton farmers saw fit to take advantage of all of the subsidy that they could draw under existing law. Obviously, if they were going to get such a bonanza as the gentleman has suggested, they would have drawn as much as they could. But they did not do so because they thought it would not pay even under present circumstances.

Mr. LOWENSTEIN. But the distinguished chairman misses the point of my question, which I am sorry he did not hear, which is, why should we continue to subsidize a few farms to the tune of hundreds of millions of dollars? If that is not in fact a bonanza, what is it?

Mr. POAGE. We provide the program in order to make the farm program work, and the farm program can work only if we are able to bring about a balance, even though a rough balance, between supply and demand. Bringing these farms into the program we do achieve that balance. We have achieved a rough balance over a good many years, and I have no reason to believe we will not be able to continue to achieve that rough balance if we bring all of our farms into the program. But if we leave out those who account for the largest part of the production, then we are not going to bring about the balance between supply and demand which both producers and consumers need.

Mr. LOWENSTEIN. My difficulty is I do not see how it can fairly be called a "balance" when, as under the present program, some subsidies are so enormous that a sort of landed corpocracy takes over more and more of the land while everyone else flees to the cities. I do not want to imply that a $1,000 ceiling will solve this problem. What I am saying is that higher ceilings do not solve it either, and create serious new problems in the process of not solving it. I want to call attention to Prof. John Schnittker's studies and conclusions on these matters. As you know, he is one of America's distinguished agricultural economists, experienced in government as well as in academia and on the land itself. His views should carry great weight with anyone concerned about developing a sound farm program, and he supports amendment now being discussed.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to my friend from Indiana.

Mr. JACOBS. I was just wondering, hearing the colloquy, apparently the paramount objective for the country, according to the chairman, is the program. I am wondering if the gentleman in the well thought there was anything that should take precedence over program, such as the free enterprise system.

Mr. LOWENSTEIN. What we ought to be trying to achieve is a program that will protect the legitimate interests of all the people, including those who want to stay on farms. The program as proposed would prevent the kind of balance which the chairman says he seeks and which I believe he is seeking.

SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY TO THE COMMITTEE AMENDMENT

Mr. FINDLEY. Mr. Chairman, I offer an amendment in the nature of a substitute for the committee amendment.

The Clerk read as follows:

Page 1, beginning on line 5 and continuing through the end of page 2; strike the Committee Amendment and insert in lieu thereof the following:

"TITLE I, PAYMENT LIMITATION

"SEC. 101. Notwithstanding any other provision of law—

"(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by Titles III, IV, V, and VI of this Act for the 1971, 1972 or 1973 crop of the commodity shall not exceed $20,000.

"(2) The term 'payments' as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4) The Secretary shall issue regulations defining the term 'person' and prescribing such rules and further limitations as he determines necessary to assure a fair and reasonable application of such limitation and to prevent the circumvention or evasion of such limitation, whether the circumvention or evasion be attempted by means of the subdivision of farms, production allotments or bases thereof through sale or lease, or by other means; *Provided*, That the provisions of this Act which limit payments to any person shall be applicable to lands owned and operated by states, political subdivisions, or agencies thereof."

Mr. FINDLEY. Mr. Chairman, I urge acceptance of my substitute amendment instead of the amendment offered by the gentleman from New York (Mr. LOWENSTEIN) for several reasons.

First of all, the Lowenstein amendment fails to remedy weak language in the committee amendment dealing with the problem of evasion or circumvention, also known as slippage, and it also leaves the

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exemption in the committee amendment to State and public agencies. Under the Lowenstein amendment, a government agency such as the Arkansas Prison Farm, for example, could continue to get large sums of money each year in excess of the limitation figure.

The second reason that I urge for my substitute instead of the lower figure recommended by the gentleman from New York (Mr. LOWENSTEIN), is that the Lowenstein amendment is at the level of $10,000 per commodity, and while this is very appealing for a number of reasons, I feel that the middle, moderate position represented by my substitute at $20,000 is far to be preferred.

Members on my side of the aisle may recall having heard about the letter from President Nixon cautioning against a limitation that is too low. I feel, myself, that the figure presented in the amendment offered by the gentleman from New York (Mr. LOWENSTEIN) at this time is in that category. At the same time, the $20,000 level has been thoroughly researched in studies. It has been the subject of a great many surveys of constituent opinion as well as surveys of more general public opinion by various periodicals. The impact of the limitation at $10,000 and the public reaction to this impact, therefore, has not been measured.

As I mentioned yesterday, my substitute is actually a bipartisan joint product. It could just as well have been offered by several other Members of the House, and especially by my colleague, the gentleman from Massachusetts (Mr. CONTE) as well as by a number of Democrats who, through the years, have been urging a limitation on payments.

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This substitute does include tight language to prevent the evasion of the limit. It puts State and public agencies under the same limit as farmers and it is backed by carefully prepared, carefully drafted, thoroughly tested draft regulations, and this, I feel, is a vitally important item. If Members will turn to yesterday's RECORD on page 27141, they will find therein an insertion by the gentleman from Massachusetts (Mr. CONTE) which includes the draft regulations that we worked out together in consultation with various officials in the U.S. Government, as well as the Library of Congress.

How does the $20,000 figure compare with the committee amendment at $55,000?

First, the $20,000 level will save a lot more money. The committee amendment, assuming no evasion whatever, will cut the program cost by only $50 million. Of course, there will be evasion because there is not tight language in the committee amendment to deal with that problem.

But the Findley-Conte substitute, if we wish to refer to it that way, by the most conservative estimate would save $171 million. I assume that all Members have before them, if they wish, the text of this substitute amendment, because it was placed in the RECORD yesterday. The text of it has been freely circulated around for some time.

I might say that the $171 million saved by means of the substitute amendment would be available for pressing constructive needs. I believe we are all aware of the pressures on the Federal budget at almost every point. This would free $171 million for such purposes.

Second, I should like to make the point that it is not a fair assumption to state, as the gentleman from Texas did, that this would necessarily force out the big producers. In fact, the Under Secretary of Agriculture under Orville Freeman stated that a limitation of this sort would not interfere with the effective operation of these commodity programs.

The CHAIRMAN pro tempore (Mr. SMITH of Iowa). The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 5 additional minutes.)

Mr. FINDLEY. Mr. Chairman, John Schnittker, Under Secretary of Agriculture under President Johnson and previous to that under President Kennedy, initiated a study of payment limitations. In November, 1968 the results were published. They made it very plain that limitations at this level would not hurt the programs.

The farmers who would be affected would have a choice to continue to plant, as they had before, or to cut back in the planting, but I do not believe it would be a fair assumption to say the farmer would be forced out of the program or indeed would get out. I believe most of them would plant the same amount of cotton as they had in the past.

Third, a very important aspect of this substitute amendment is that it would help to improve public acceptance of farm programs. Big payments at the $55,000 a year level to giant farm operations tend to give farm programs a bad name. Under my substitute amendment payments of this size would be a thing of the past. Management decisions of commercial farms would be geared more than at present to the market and less to Government programs.

Fourth, the limit at $20,000 is a level that is clearly without any question acceptable to the executive branch. The President's letter of yesterday to the gentleman from Oklahoma (Mr. BELCHER) while stating a preference for the $55,000 level, certainly did not exclude acceptance of the $20,000 level.

It is interesting to read in the committee report Secretary Hardin's letter to Mr. POAGE stating:

> Whatever limitation of payment is supported by your Committee up to $55,000 per crop will be supported by me.

I understand, now that the committee has fixed the limitation at $55,000 in their recommendation, why Secretary Hardin would see fit to bind himself to that level, but prior to that binding he did say he would support any limitation up to $55,000.

The $20,000 limit I feel is an idea whose time has come. Dozens of Congressmen have surveyed their districts. They have found it popular among city people and among rural areas alike.

Progressive Farmer, a magazine that circulates entirely in the land of cotton, took a survey last year and found that 71 percent of the farmers responding to the survey favored a limitation on payments and by far the preferred level was below $20,000 a year.

Newspapers of all sizes all over the country have called for the $20,000 limit.

The Senate has now accepted this level. Will the House sustain its position taken on three prior occasions on record votes, or will it do otherwise? Will it use the convenience of the teller vote to duck the issue and reject the amendment that it has supported on three previous occasions? I think to do so would be disgraceful. It would make the House appear to bend to pressure by big cotton interests and use the shelter of nonrecorded teller votes to duck proper responsibility.

Mr. Chairman, there is talk about whether or not farm program payments are welfare or something else. Well, welfare is not the best word to use, but the income that farmers get from the marketplace must be distinguished from Government payments. No matter how you dress it up, Government payments are personal income support. They can be justified only to the extent that they help farmers as people and as the heads of families. That is why a payment limitation is sound social policy and why a $20,000 limit makes a lot more sense than one of $55,000.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman. Yes.

Mr. WAGGONNER. I thank the gentleman for yielding.

I am quite interested in his closing remarks. He made many arguments to justify reducing the limitation payment from $55,000 to $20,000 and completed his statement by saying that to do so would be sound social policy. I thought we were concerned here with a farm bill and something good for the agriculture industry. I did not know we were legislating in a social way here today.

Mr. FINDLEY. I will say to the gentleman that whenever the U.S. Government spends dollars extracted at great pain from the taxpayers it should see to it that those dollars are spent on appropriate social objectives.

Mr. WAGGONNER. Will the gentleman answer one question: Is the purpose of this bill to provide sound agricultural legislation or social legislation?

Mr. FINDLEY. It is to help the farmers who need help.

Mr. WAGGONNER. Then, he is wrong about it being sound socially.

Mrs. MAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Illinois has just made reference to the fact that he wants this program administered io such a way that it will have good social results. I certainly cannot disagree with that statement. I intend to confine my remarks against the gentleman's amendment to just one area, since the other arguments on the payment limitations level have been and will continue to be well expressed.

I would call your attention to the fact that in the committee bill, when we provided for $55,000 payment limitation, the committee included language in section 101 to exempt States and political subdivisions of the States from these payment limitations. This was done to permit public bodies in various States owning farmland to continue to serve State and local taxpayers. In so doing the committee did not intend and it does not intend that State agencies be used during the life of this act as a subterfuge by individuals subject to payment limitations or to avoid or to reduce these limitations.

I would point out under the amendment offered by the gentleman from Illinois this exemption is not included. The money that is now going to schools, prisons, State hospitals, and other public institutions in many States would not be exempt from this ceiling payment limitation.

In my own State of Washington where the money has been earmarked traditionally for our schools, the losses there would be very considerable, hundreds of thousands of dollars, that would have to be picked up by the taxpayers. There are many other States that would be severely hurt by the fact that this exemption from limitation has not been provided for in the amendment offered by the gentleman from Illinois (Mr. FINDLEY) on limitation. But it is provided for in the committee amendment.

For this reason, as well as many others expressed by my fellow members on the Committee on Agriculture, I am in opposition to the $20,000 limitation amendment, and I will support the $55,000 committee amendment limitation.

THE PENDING FARM BILL

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, this is a critical moment in the consideration of this legislation, and in my judgment it is a critical moment in the history of agriculture.

THE 1965 FARM ACT

This is the fifth year of the program that began as a result of the Farm Act of 1965. In 1965 Congress passed a bill which pulled the rug out from under the market price of certain farm crops, and set up a system of direct payments to farmers to bridge the gap between market price and the cost of production.

Now, that was a decision of the Congress. It was not necessarily a decision of the farmers.

As a result of the 1965 act—which has operated with some considerable success—the market and loan price of cotton was cut from about 30 cents per pound to about 22 cents or less. I am speaking in general terms as the value of cotton varies as a result of differences in staple length and quality.

The direct payment to farmers was set up by Congress to help cover the cost of production and make room for a possible profit. There was no guarantee of a profit but the system made allowance for a possible profit.

I considered the direct payment system to be extremely dangerous and it was largely because of this dangerous innovation that I voted against the 1965 act.

OPPOSITION TO PAYMENT LIMITATION

It is now being proposed in the amendment that a $20,000 limitation be put on the payment to the farmer on any crop.

This would force the larger producers who do the principal job of providing food and fiber to consumers at a minimum price to do one of two things.

First, the large producer could stay out of the program and produce to the full extent of his capability. This would inundate, this would engulf the small producer, causing a drastic reduction in his allotment because of the overproduction of the larger producer who was no longer in the program. It would put the smaller producer out of business, or it would require an increase in the government payment to an extent that would be impractical.

On the other hand, if the larger producer decided not to increase his production of his customary crop, he would go into other fields of crop production.

And you may be sure that he will do one of these two things because he has the land, he has the equipment, and he has an investment of many thousands of dollars.

If he shifts to other crops, and remember that this is a big producer with a lot of land, this would violently disrupt the markets of producers of other crops. This would create an imbalance which would be highly damaging to farmers generally, especially the small farmer. Is that not obvious?

And it would be damaging to consumers who would now be confronted with chaotic conditions in the supply of agricultural products.

UPSETTING THE BALANCE OF AGRICULTURE

Today it is popular, indeed necessary, to talk about the environment, to talk about ecology. We do not want to see the balance of nature upset. We are told, and correctly so, that this threatens our very survival. We are warned of the dire consequences of disturbing the delicate balance of nature.

What then are the proponents of this amendment undertaking to do? What would be the result of their effort?

Under the payment limitation as provided in the amendment, a tremendous imbalance in agriculture would occur. Millions of acres are involved and this payment limitation amendment would have a devastating impact on the finely tuned balance of American agriculture. Do not forget that American agriculture has done a tremendous job in meeting our requirements both at home and abroad and in keeping us at the top in a field where it is essential that we stay on top.

To create an imbalance in agriculture by a deliberate action of the Congress would be intolerable, inexcusable, and unacceptable. It would bring chaos in farm-related industry and labor involving billions of dollars as well as millions of workers.

No Member is detached from this program just because he lives in the heart of a great city. Every Member is heavily involved in what would happen as a result of this amendment and he cannot afford to see an imbalance created which would jeopardize his constituents and the industry, the labor and the consumers which he represents.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

Mr. MAHON. Mr. Chairman, this is a broad aspect upon which we must cast our votes on this issue today. Yes, such an amendment creating this imbalance and bringing forward this chaos would jeopardize the security of the consumer who has through all of these years had the benefit of an assured supply of quality products for which the producer himself has been paid a very minimum price.

The small farmer who gets $1,000 in a direct payment is not assured of a $1,000 profit. The large producer who, let us say, gets $100,000 in a direct payment is not assured of a $100,000 profit. Indeed, neither the small producer nor the large producer is assured of any profit at all.

The object of the Government payment is to assist the producer in meeting the cost of production and hopefully in making some kind of profit if market conditions and weather conditions and other conditions are favorable. But in so many cases conditions are unfavorable and people are not able to hold their own in agriculture. There are many instances of great adversity and so we have failures and bankruptcies. We must not place further impediments in the way of successful agricultural enterprise.

Mr. Chairman, this Nation which depends so heavily on agriculture for power at home and abroad cannot afford to create an imbalance in agriculture which would in turn tend to destroy the greatest agricultural machine in the world—a machine which has meant so much to America in time of war and in time of peace.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I am glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Apropos of the gentleman's comments on profits, I would like to call to the attention of my colleagues a situation involving an average farm in eastern Colorado. In 1968 a farmer received approximately $17,000 in payments from the U.S. Government. On his tax return that year he showed a net income of $2,400. I asked him how he lived, and he said, "Off depreciation." This man has been farming wheat for 40 years.

Mr. MAHON. My friend makes a good point. What we are combating today is not what I would call a lack of interest; it is misunderstanding, misconception. What we are combating today is action which would tend to disrupt the finely tuned machine of agriculture. We do not want to slow this machine down. We do not want to destroy it. It is essential to our security and our success in the future and in all the major efforts of this country to do all the things we want to do for the poor, the weak, and citizens generally that we underpin our economy with a successful agricultural machine. We have it today. Let us keep it.

Mr. Chairman, under leave to extend my remarks, I am taking the liberty of

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quoting from remarks which I made in the House on yesterday:

> Mr. Chairman, the new farm bill now before the House is a compromise of many views. I think it is fair to say that generally speaking the pending bill is not enthusiastically supported by rank and file farmers and farm organizations. A major problem is that the current farm law expires at the end of this year and Congress and the administration are under heavy responsibility to come forward with farm legislation.
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> * * * * *
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> We are indeed confronted in the field of agriculture with very serious problems. I regret to say that I am fearful that we have seen the best farm programs that we will ever see. But, I would hope that we have not come to the end of farm programs which with all their faults and shortcomings, have been helpful in enabling the producers to do an outstanding job for the consumers.
>
> I know that there are those who will speak, and there are those who have spoken today in favor of drastic payment limitation amendments. Mr. Chairman, I want to reassert my unalterable opposition to payment limitations on farm programs. One of the reasons why the programs of the past, with all their faults, have been workable has been that they have operated with the objective of fairness to producers in all parts of the nation and to the big and the little producer alike.

I am certainly not enthusiastic about this bill. I would much prefer a continuation of the farm law substantially in its present form but the Committee on Agriculture has found it impossible to agree on this course of action. The debate on the bill before us indicates that beyond a doubt there is no remote possibility of continuing substantially the farm program which we now have.

Under these circumstances, the problem is to get the best bill that we can. It is better to have something than nothing. And it is with that thought in mind that I expect to vote for this bill if the $20,000 limitation is not imposed.

OPPOSITION TO PAYMENT LIMITATION

I want to make it clear again that I oppose all payment limitations, but between the $55,000 limitation and the $20,000 limitation, I would support the higher amount. If there is to be a limitation I would prefer one higher than the $55,000. I do recognize the reality that a majority of the Members of the House favor a limitation on farm payments.

It is regrettable, Mr. Chairman, that it is never possible to secure perfect legislation. It is regrettable that Members are compelled to either vote for nothing by way of legislation or to vote for something which contains certain provisions which are objectionable.

American agriculture, I say again, is of vital importance to this country and it seems to me imperative that the House take affirmative action today and send to the other body a bill upon which the other body can work its will.

I would hope that in the other body the limitation would be eliminated or raised. It must be recognized that the future course of this legislation is unpredictable. Each Member of the House will have a further opportunity to vote again on the new farm program in the form of a conference report before it can be enacted into law.

We cannot tolerate the possibility of eliminating all farm legislation and we who believe in the necessity of some sort of farm legislation, imperfect as it may be, will find it necessary to move this bill into the other body for consideration there.

Mr. MAYNE. Mr. Chairman, I rise in support of the Findley amendment.

The CHAIRMAN pro tempore. The gentleman from Iowa is recognized.

Mr. MAYNE. Mr. Chairman, I rise in support of the $20,000 per crop limitation amendment offered by the gentleman from Illinois (Mr. FINDLEY). I have voted for a $20,000 limitation on payments the last three times the issue has been presented to the House and believe I am one of only three members of the House Committee on Agriculture to do so. I certainly want to commend those of my colleagues on the committee who are now with the committee amendment supporting a limitation in any amount for the first time. The committee amendment proposing as it does a limitation of $55,000 per crop is a great improvement over no limitation at all. It will eliminate the most flagrant abuses of the 1965 act, individual payments running into millions of dollars apiece for corporate farms and other large farming units. But while a limitation of $55,000 is certainly a step in the right direction, it does not in my considered opinion go far enough. I believe the need for the lower limitation of $20,000 voted by this House on two previous occasions has been even more conclusively demonstrated since those earlier votes, and there is a stronger case for the $20,000 limit now than there was when it was passed by record votes of 230 to 160 on July 31, 1968, and 224 to 142 on May 27, 1969. I am, therefore, again supporting the $20,000 per crop amendment offered by the gentleman from Illinois (Mr. FINDLEY) and cosponsored by the gentleman from Massachusetts (Mr. CONTE).

One of the principal reasons for ending huge payments is that they tend to throw a shadow on all payments to farmers, no matter how necessary and legitimate, thereby discrediting the entire farm program and jeopardizing its continuance. The taxpayers of this country rightfully resent tax funds being drained off in individual payments of hundreds of thousands, even millions of dollars, and part of this resentment is unfairly rubbing off on the small and moderate-sized farmers for whom this program was originally intended. These large payments are jeopardizing the very existence of the entire farm program, and must be eliminated now if the program is to command sufficient public support for continuance on a reasonable basis. As I warned in this Chamber in May of 1969, annual payments of more than $20,000 are hurting, not helping the family farmer. They are subsidizing the gigantic agricultural combines, corporate and otherwise, which have been gobbling up family-sized farms and driving farmers from the land by the hundreds of thousands. I said then and I repeat now that we should not be misled by the arguments that payments of over $20,000 are helping small- or medium-sized farmers in any way.

Large payments are accelerating the growth of larger and larger farm units whose owners are encouraged to acquire more and more of their neighbor's land through the use of huge subsidies. Government checks are being used as the downpayment to buy up family-sized farms with more and more farm families being driven from the land. Many of them then move to great cities where they are ill equipped to make the necessary adjustments to the complexities of urban life.

Escalating Government payments are not the only reason for this alarming trend but they are certainly a contributing factor. Fewer and fewer farmers have been receiving larger and larger payments, which certainly subverts the intention of most Congressmen who voted for the 1965 act. The independent family farmer finds himself caught in a vicious cost-price squeeze and in increasing danger of being cannibalized by corporate and other farming combinations subsidized by big payments.

The urgent need to put the brakes on the ascending spiral toward bigger payments is painfully evident in my own State of Iowa. USDA figures show that the number of Iowa payees receiving more than $20,000 in feed grain payments rose from only 12 in 1967 to 110 in 1969. That is more than ninefold in 2 years. Nationwide the increase was even more dramatic—from 80 in 1967 to 1,450 in 1969. The vast majority of Iowans, farmers and nonfarmers alike, deplore these large payments whether they occur in Iowa or elsewhere in the country and want them stopped. A statewide poll taken by the Des Moines Register in May of this year showed 3 out of 4 Iowa farmers favoring a limitation of payments. The average annual limit suggested by these farmers was about $11,000. Only 3 percent suggested a limit of $25,000 or higher.

I am convinced after considering all available surveys on the subject that a $20,000 limitation will not have any adverse effect on the feed grain program, but will in fact strengthen it. Probably the best known study on this subject was that made by Under Secretary of Agriculture John A. Schnittker at the close of the last administration. This was kept secret during Secretary Orville Freeman's tenure at the Agriculture Department and not made public until the spring of 1969, after both Mr. Freeman and Dr. Schnittker had left the Department. The conclusion of the Schnittker report was as follows:

> Payments to producers under existing price support and acreage control programs for feed grains, wheat, cotton, wool, and sugar could be limited to around $20,000 per farm for all payments, or to $10,000 per program without serious adverse effects on production or on the effectiveness of production adjustment programs.

The study further concluded that such a limitation would result in a budget savings ranging from $200 to nearly $300 million.

A second study was undertaken by Horace D. Godfrey while Administrator of the ASCS within the Department of Agriculture under the Johnson administration. Godfrey likewise concluded:

> Feed grain production would not be expected to increase materially under a $20,000 limitation.

His study based on 1967 data revealed that payees receiving over $20,000 in feed grain payments farmed 800,000 corn base acres, or only about 2 percent of the feed grain base.

Other studies have reached similar conclusions. Arnold Paulsen, a professor of agricultural economics from Iowa State University, in the December issue of the American Journal of Agricultural Economics stated:

> The U.S. Department of Agriculture could administer effectively and achieve the intent of any one of several forms of payment limitations.

On the best evidence available, it appears that payees receiving more than $20,000 are farming only about 2 percent of feed grain base acres. I believe we should immediately end all subsidization over $20,000 of this very small percentage of large operators. This will strengthen and redirect the farm program so that it can better serve the great majority of American farmers and the consuming public. I therefore urge all Members to vote in favor of the $20,000 limitation amendment.

AMENDMENT OFFERED BY MR. JACOBS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE COMMITTEE AMENDMENT

Mr. JACOBS. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY) for the committee amendment.

The Clerk read as follows:

> SEC. 101 of the substitute amendment. Strike subsection (1) and insert in lieu thereof:
>
> "(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by titles III, IV, V, and VI of this act shall not exceed $20,000 for the 1971 crop, $10,000 for the 1972 crop, or $0.00 for the 1973 crop."

Mr. JACOBS. Mr. Chairman, when I was growing up in my hometown of Indianapolis, there was a small grocery store just off the corner of 49th and College. It was called Ford's Family Market. Indeed it was a small family grocery store. Many years ago that store went out of business, and now, just three blocks to the south, on 46th and College, there is a large supermarket.

And speaking of Ford's, there was a time in my hometown in Indianapolis when there was a large number of manufacturers of automobiles.

They no longer manufacture automobiles, because bigness came to America, and bigness came to my hometown.

I remember sitting in that gallery in 1949 and listening to my father speak to this body, and suggest, in 1949, that sooner or later the U.S. Government was going to have to start weaning the farm program in this country.

Mine is a weaning proposal. The limitation in payments for the crop of 1971 to $20,000, and then for the crop in 1972 to $10,000, and then for the crop in 1973 to zero dollars. It seems to me quite appropriate that we do some weaning before our 200th birthday in 1976. That way, by 1976 we can be all grown up.

I urge the adoption of an amendment to the substitute amendment.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I believe as an absolute fact that if what the gentleman proposes is agreed to there will not be many farmers in this country to supply the supermarket in his hometown, in which he takes so much pride, because with money being what it is today, and without a Federal program, there will not be any financing for farmers to grow the produce to supply the food and fiber needed for this country.

Mr. JACOBS. I thank the gentleman for his contribution. He is entitled to his theory.

They say, "If you want to find out what the cowboy will do when he gets drunk, find out what he did the last time he got drunk."

The last time we did not have subsidies to small family groceries in this country what happened was that we had giant chain supermarkets develop. The gentleman shops at them, and I shop at them.

The last time we did not have subsidies to those who were manufacturing the old Marmon automobiles and the Stuttz Bearcat and all the others, the automobile industry did not go out of business, but they started producing automobiles at a price even I can afford.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. JACOBS. I yield to the gentleman.

Mr. WAGGONNER. In sum and substance, what the gentleman is saying is that the big supermarkets are OK but the farmers who follow the same procedure are unacceptable; is that it?

Mr. JACOBS. What is wrong with big farmers?

Mr. WAGGONNER. I thought this was the effort. I thought this was the hue and cry, to do something about the big farmers.

Mr. JACOBS. The gentleman apparently is mistaken, if he thought that was my effort. I do not have any objection to Ford, General Motors, American Motors, or the big companies. I have no objection to the A. & P. I have no objection to the Standard grocery chain.

I do want the antitrust law, to be sure they do not narrow down to one.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. JACOBS. I yield further.

Mr. WAGGONNER. Will the gentleman answer a question? Who requires assistance and financing on the farm today first, the big farmers which some people are critical of, the people like General Motors, or the little man, the farmer who is at the mercy of the marketplace?

Mr. JACOBS. The answer to the gentleman's question is in my best judgment nobody "requires" that Federal assistance. That is the reason why I have offered this weaning amendment.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I have trouble accepting the gentleman's view on this matter. We provide for minimum wages, we subsidize publications, we use antitrust laws to help small business. We give assistance of one sort or another to all sectors of the economy so people will not have to live below certain minimal levels.

Mr. JACOBS. Who provides the minimum wages?

Mr. LOWENSTEIN. We have laws requiring payment of minimum wages for most workers. In fact, I favor raising floors and expanding the scope of the coverage.

Mr. JACOBS. Do we appropriate money to pay somebody those minimum wages?

Mr. LOWENSTEIN. The formulas to help people achieve a decent standard of living vary with different sectors of the economy. We provide food for some of the people who are hungry. We provide money for people thrown out of work, for people too old or too young to work—not enough money in many cases, but the principle is clear.

Mr. JACOBS. Let me ask the gentleman a question. For the people for whom food is provided, under welfare programs and so forth, on what basis is it provided?

Mr. LOWENSTEIN. On the basis of need.

Mr. JACOBS. The need is because they cannot get work. Does not a person have to prove he cannot get work before he can receive those payments?

Mr. LOWENSTEIN. Not always.

Mr. JACOBS. He does not?

Mr. LOWENSTEIN. There are various programs. Sometimes we even say, "If you cannot earn enough you will be given subsidies." That is generally considered an enlightened view of the obligation of a wealthy, civilized society.

Mr. JACOBS. A person "needs" to pay the rent. But a person does not "need" to farm if it is not economic.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana has expired.

Mr. JACOBS. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

Mr. POAGE. Mr. Chairman, reserving the right to object—and I am not going to object to the gentleman's request—I do want to serve notice that we are going to have to move along. I simply want to suggest that we have been very liberal, and we do not want to make every one of these a 10-minute speech. If we do, we will be here until 12 o'clock tonight.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Chairman, I simply make the point that in my district if somebody is put out of work because of the economy, a fellow earning $140 a week last week and this week he is out of work, then I know of no subsidy program, other than the unemployment insurance program, which will assist him. If the gentleman wants to speak about unemployment insurance as applied to the farm problem, he might have a point.

Mr. LOWENSTEIN. What I do not

understand is why the gentleman from Indiana thinks it is preferable to provide unemployment insurance than to help people to work for a living wage, even if they want to work on farms. We should be greatly relieved that some people prefer to work on farms.

Mr. JACOBS. It works in different ways. We have kept people at work who were in the small grocery stores, who were in the small automobile manufacturers in my hometown, and who were in small drugstores doing something useful. I thought the free enterprise system rewarded efficiency. Quite often bigness does achieve efficiency. However, I do not see how we can shovel back the tide in the country by a subsidy program, because it obviously has not worked. I heard the gentleman himself say in the well a few moments ago that it is not retarding bigness in the farm industry. It continues to march on.

Mr. LOWENSTEIN. That is because this kind of legislation encourages bigness, even rewards it, at the expense of everyone else. How can anyone say that it helps small farmers for us to appropriate enormous subsidies to large farmers? I want to stress that my amendment is the reverse of an effort to undercut small farmers. It is an effort to help them. I think they are important to the country, and my argument is not with them.

Is it the gentleman's position that it is in the interests of the United States to have no small farmers? Otherwise, I cannot understand his reasoning.

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Mr. JACOBS. I do not know whether it is in the interests of this country to just have General Motors, Ford, Chrysler, and American Motors, and whatever. But I know it is inevitable and I recognize a reality. That is exactly what made this country great. We are kidding ourselves if we think differently. Perhaps this is not the case in other countries, but I recognize reality here, and I call for antitrust laws and for the regulation of bigness. But I do know that bigness is here and you will not shovel back the tide of bigness with a shovel full of Federal dollars.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. WAGGONNER. Mr. Chairman, I do not have any idea as to what the nature of the contracting business is of the gentleman's relative in the construction business, but just for example—should he be in the home construction business, I do not think the gentleman would stand there and say, if he is in the home construction business—I do not believe he would say that they do not benefit from the housing subsidies that the Government provides while they are engaged in that business.

Mr. ALBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the distinguished gentleman from Indiana made a speech which has pointed up, I think, one of the main problems before us.

First of all, we will not get rid of farm legislation by tapering off on the subsidies. We have several statutes on the books which would become operative if this particular program went out of existence. We must enact a farm bill this year; otherwise the 1958 act will become operative. This will mean that the Government will have to make huge investments in support prices that it would not have to pay under the proposal before us. It will mean bulging warehouses again with all the attendant expense to the Commodity Credit Corporation.

It would mean chaos for the taxpayers and chaos for American agriculture. We would be going back to an era that we have already passed. It would take a lot more than a simple amendment to this bill to get rid of the total agricultural legal structure on the statute books of this country.

Mr. Chairman, I believe personally that the theory of limitations is not a good one. I come from a district that is partially rural and partially industrial. The farms in my district are from small to middle sized. I do not believe there is one single farmer in my district who would draw the $55,000 payment limitation. I have been told that there are four who might draw more than $20,000, and a very few who would draw more than $10,000.

What we are trying to do in order to save American agriculture is to bring supply and demand into line, and we cannot do that if we only plug up the large holes. We must get as many farmers as possible in the program if we are going to keep agricultural prices reasonably stable in our country, and for the past several years we have kept them reasonably stable.

Had I been writing this bill I would not have put any limitation on payments because I think it is more important to the country that we bring supply and demand into line than it is that we worry about a few payments to a few individuals, even though some of the payments seem very large to us and to many of our constituents. Excessive limitation will be injurious to the consumer. They will tend to put some of our most efficient producers out of the program.

Yesterday's Wall Street Journal reported that many of the big California cotton farmers are already thinking of going into fruit and vegetables, where there is already a surplus. This is one of the problems, it seems to me, that we are going to find ourselves facing if we do not go along with the committee on this bill.

This is not a perfect bill. It certainly is not my bill, but I am going to support the committee because I believe that the agricultural programs we have had since the agricultural act of 1938 was first passed have done as much as any other laws that we have ever enacted to maintain a reasonable degree of prosperity in this country, and to keep the American consumer the best fed and best clothed person in the world at the lowest percentage of his income.

I trust that we will vote down all of these amendments to the committee amendment, and that we will pass the bill as presented to us by the great Committee on Agriculture.

Mr. CONTE. Mr. Chairman, I rise in favor of the Conte-Findley substitute amendment, and I move to strike the requisite number of words.

Mr. Chairman, at the outset I would like to read the names of the 41 cosponsors of the Conte-Findley amendment. They are as follows:

Messrs. Brock Adams, Edward P. Boland, Daniel Button, James C. Cleveland, Jeffery Cohelan, Barber B. Conable, John C. Culver, James J. Delaney, Harold D. Donohue, Mrs. Florence Dwyer.

Messrs. James C. Corman, Marvin L. Esch, Dante Fascell, Hamilton Fish, Jr., Donald M. Fraser, Robert N. Giaimo, Michael Harrington, James F. Hastings, Ken Hechler, Edward I. Koch.

Messrs. Allard K. Lowenstein, Joseph M. McDade, Ray J. Madden, Abner J. Mikva, Joseph G. Minish, F. Bradford Morse, Lucien N. Nedzi, Richard L. Ottinger, Bertram L. Podell, Albert H. Quie.

Messrs. Tom Railsback, Ogden R. Reid, Henry S. Reuss, Peter W. Rodino, Jr., William F. Ryan, Fernand J. St Germain, Fred Schwengel, Robert T. Stafford, Robert O. Tiernan, G. Robert Watkins, William B. Widnall, Glenn M. Anderson.

Mr. Chairman, as I have done now in 2 previous years, I take the floor today to call upon this body to once again make crystal clear its determination to put an end to the scandal of huge farm subsidies.

This substitute, which was jointly filed, will limit payments to individual producers to $20,000 per crop. In the past, the House has twice accepted my amendments to limit total payments from all three programs to $20,000.

Mr. Chairman, in 1968 this body adopted my amendment by a vote of 230 to 160. That 70-vote margin was increased by 12 votes when my similar amendment was again adopted last year. I believe the margin will be even greater today.

I think it is clear, therefore, that a solid majority of the House does not need to be persuaded on this issue. But there is another reason why the time has come for this reform. It was provided us a year ago by Agriculture Secretary Hardin himself. In testimony before the Senate Appropriations Subcommittee, he revealed that in 1968 nearly two-thirds of all subsidy payments to cotton producers were, to use his own words, "income supplements."

Nearly half of the wheat payments were also nothing but income supplements. In other words, these funds were not needed for resource adjustment or production control purposes.

What a revelation it would be, Mr. Chairman, to some desperately poor family, that we in the House have voted to assist with $1,600 a year, to know that two-thirds of the $4.4 million collected by the J. G. Boswell Co. in 1969 was an income supplement. That means about $2 million of that amount went to provide some family assistance to the Boswells. We can apply the same arithmetic to Giffen, Inc., which collected $3.3 million, or to South Lake Farms which got by with only $1.8 million.

If those at the other end of the economic scale truly realized what was going on, they would be marching here en masse to demand an equal share of the spoils.

There were eight corporate giants in

all, Mr. Chairman, who raked in over a million dollars last year. How can we continue this bonanza for a few while millions remain in the grip of hunger and malnutrition?

Who are some of the others in the privileged group getting large payments?

There is the Delta & Pine Land Co., a British-owned corporation in Mississippi, which last year received a subsidy of more than $700,000.

There is the State of Montana which collected over $640,000. Are these the small farmers who need our help?

Mr. Chairman, for some time I have called for an end to subsidies to our overprivileged oil industry in the form of the depletion allowance and the oil quota system. But Standard Oil in California, not content with these traditional bonanzas, has claimed over $120,000 in farm subsidies.

As shocking as these large payments are, we must remember that they go to just a small segment of all those participating in the payments program. Less than four-tenths of 1 percent of all producers will be affected by my amendment. Even so, this amendment will save up to $170 million.

With a farm policy that makes a mockery of our national priorities, it is not surprising that some of its beneficiaries show a sense of humor in selecting their corporate names. Two farms in California, each collecting nearly $50,000 in subsidies, are known as bonanza farms. When we consider the list of those collecting in the millions and hundreds of thousands, perhaps we can forgive the Mississippi producer who receives a mere $36,000 for calling his operation shoestrings plantation.

But this is really no place for humor, Mr. Chairman, for we know that millions of our fellow Americans are not even living on a shoestring.

The time has come to end a program that does not benefit the small farmer, and redirect these funds to assist the rural poor.

The time has come to take a long overdue step in the battle against inflation.

Finally, Mr. Chairman, the time has come to restore the faith of many who are questioning the order of priorities as we in the Congress see them.

Let us seize this time and put an end to this national scandal.

Mrs. DWYER. Mr. Chairman, agriculture is still one of America's largest industries. As such, it generates jobs for over 40 percent of our population—either by supplying raw materials for work or by providing a market for the commodities produced. Therefore, we in the Congress surely cannot ignore the health of an industry which directly affects so many people.

Historically, agriculture has been a protected industry. Government payments have been made to bring about desirable resource adjustments and to supplement farm income while allowing price support loan levels to reflect the world price levels.

In recent years, however, the subsidy program has become a national disgrace, a boondoggle, a system where the rich become richer, and the poor only poorer.

The subsidy program costs approximately $3.5 billion per year and benefits about 2.5 million farmers. Most of these individuals receive annual payments slightly above $1,000 and 33⅓ percent of these receive less than $500. Further, the millions of very poor farmers receive only 10 percent of the Federal payments for assistance.

On the other hand, less than 4 percent of the farmers receive about 33⅓ percent of the total payments. In fact, a single corporate farm receives approximately $4 million annually from the Government. In Mississippi, in 1 year 817 large farmers received $38.3 million in direct subsidies, while the State received only $10 million from the Federal Government for aid to dependent children. Surely something is wrong here. Not only has the program become a bonanza for the rich, but it is throwing our other priorities out of line.

In view of this shocking situation, I was delighted the other body of Congress attached a much needed amendment to the 1971 agriculture appropriations bill, limiting payments to an individual producer to $20,000. This amendment was offered by Senator RALPH SMITH of Illinois, and was approved by a vote of 40 to 35. It was identical to an amendment voted by the House in years past.

Mr. Chairman, there has been a sharp increase in recent years in the number of farm subsidies. The number of checks for amounts over $20,000 received by farmers has increased 60 percent since 1966, shot up 30 percent in 1969, and is expected to increase even more this this year. This is certainly a tremendous drain on the U.S. Treasury, and I am firmly convinced we must start reversing this runaway trend that began in the 1960's. The Government's efforts have since only assisted the well-to-do and given credence to the absurd argument that more Government funds, rather than sound farm policy, will bail agriculture out of its current problems.

The committee's recommendation to limit payments to $55,000 per crop is certainly a step in the right direction, and I commend the members for recognizing that a limitation must be established. However, I believe we should reduce the payments even further. The amendment to limit payments to $20,000 is long overdue. I have voted for it before, and I intend to do so once again today.

Mr. FISH. Mr. Chairman, for the third time since I entered the Congress, we in the House face the issue of limiting farm subsidies. I have consistently supported a $20,000 ceiling. The agriculture bill before us contains a $55,000 ceiling.

What is the difference?

A $20,000 limitation will save the American taxpayer conservatively $171 million. Only $48 million will be saved the taxpayer at the $55,000 limitation figure.

The amendment I favor is comprehensive, covering all payments except loans and purchases.

It is ably written to prevent evasion through devices like subdividing, production allotments, or otherwise. It mandates regulations by the Secretary of Agriculture to prevent circumvention of the intent of Congress.

The present farm subsidy payments in my opinion are indefensible. Hundreds of millions of taxpayers' dollars serve only to encourage large corporate farms. These subsidies are an embarrassment to farmers in the Hudson Valley, and in central New York.

The measure before us—to limit payments of $20,000—is the best hope of reforming an inquitable farm subsidy program.

Mr. ABERNETHY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Mississippi is recognized.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the chairman of the committee.

Mr. POAGE. I should like to see how many more Members wish to speak on these amendments. I think we must agree to some time limitation. I see there are something like 17 or 18 Members standing. I wonder if we can agree to vote on the amendment and all amendments thereto at 3:30 p.m.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. BELCHER. Mr. Chairman, I object. There are so many Members standing, including myself, as ranking member of the committee, I would suggest to the chairman that we go along a little longer.

Mr. POAGE. All right. We will continue.

Mr. ABERNETHY. Mr. Chairman, I do not know of a more difficult problem year after year that is visited upon this House than the consideration of the Farm Bill. This is a very sad and unfortunate fact.

It is not to be dramatic, however, when I suggest to the Members of this House that of all the sciences in the world, agriculture is the greatest science of all. Were it not for that science, which has been known longer to man than any other, and which had its beginning with the beginning of time, we would not be here today. This earth would be rotating in the universe, just as numerous other planets, as nothing more than a parched sphere.

As the chairman of the great Committee on Agriculture has said and as others have said, there is no other industry as important, to those of you who want to live, as agriculture. Unless we do our part to approach its problems fairly and to keep agriculture alive, resulting burdens of hunger will be visited upon every family from coast to coast and from Canada to the gulf, in the ghettos and in the rural areas.

I do not like the approach of this program. I will be frank with you. I recall when this program was first brought to the Congress in 1965 I did not support it.

We knew that this day would come, when each and every farmer would be compelled to hide his face and walk into the county agricultural office and pick up his check. We knew he would be left in a state of embarrassment. We knew that their names would be exposed in the papers and that they would be looked upon

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as people who were receiving a kind of ugly subsidy from the Federal Government. But it passed and we now appear to be stuck with it.

I guess I represent myself when I get home to be an expert in the field of agricultural legislation. An expert I understand is a person who is a long way from home. But really I am not expert enough to suggest an acceptable substitute for this program. I just do not know what to substitute for it.

Mr. Nixon, when he campaigned, suggested he hoped to have a substitute. He was honest and sincere about it. Secretary Hardin, when he came in, felt he might have a substitute, and he was honest and sincere about it. Both of them were searching and digging for something different. We have been doing the same. No one has been able to come up with a substitute—even those who offer these amendments.

Bear in mind, Mr. Chairman, that these experts—and I do not say that in any tone of criticism—who offer these amendments are not against payments. As I said yesterday, my friend, the gentleman from Illinois (Mr. FINDLEY) is for payments. He used to serve on our committee. Regrettably, he left our committee and went over to Foreign Affairs. And with all due deference to the gentleman from Illinois, I do not know of any larger subsidies than those which he brings to the floor for people other than American citizens. I am not needling my friend. I am just talking facts.

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The same is true of my friend, the gentleman from Massachusetts (Mr. CONTE) who serves on foreign aid appropriations.

The CHAIRMAN pro tempore. The time of the gentleman from Mississippi has expired.

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent that I may proceed for 5 additional minutes.

Mr. ARENDS. Mr. Chairman, reserving the right to object, what was the request?

The CHAIRMAN pro tempore. The request was that the gentleman might proceed for an additional 5 minutes.

Mr. ARENDS. Mr. Chairman, I shall not object to this request, but I shall be constrained to object in the future.

Mr. CONTE. Mr. Chairman, reserving the right to object, I would like to ask the gentleman in the well if he is going to give me a chance to have a colloquy with him, if he is going to use my name.

Mr. ABERNETHY. I want to be fair with the gentleman. I will do my best.

Mr. CONTE. Mr. Chairman, the gentleman will have to do better than that.

Mr. ABERNETHY. Mr. Chairman, I assure the gentleman from Massachusetts I will do my best.

Mr. CONTE. Mr. Chairman, I withdraw my reservation of objection.

Mr. HAYS. Mr. Chairman, reserving the right to object, I am curious in connection with this reservation to know if there is any subsidy for any silver manufacturing companies in the country. I understand there is an indirect subsidy, and I understand the gentleman from Massachusets gets very interested in that when it comes up. I have heard that around, but I did not know, but I just thought I would ask.

Mr. ABERNETHY. I do not know. I think there is.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, as I said, my friend, the gentleman from Massachusetts (Mr. CONTE) is a delightful person. He is not against farm payments. He is for farm payments. He simply wants to put a limit on them. And he has a very popular thing going in the press. It is of great political benefit to him. But bear in mind he is not doing his thing to his own people. He is doing it to some who are far removed from his own political district. He has all to gain and nothing to lose.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman very briefly, please.

Mr. BOGGS. Mr. Chairman, the gentleman from Massachusetts referred to me yesterday when I was off the floor and he wanted to know how I stood on the $55,000 payment. I want the gentleman to know I support it wholeheartedly, without reservation.

Mr. ABERNETHY. Mr. Chairman, I thank the gentleman from Louisiana.

Mr. Chairman, let me get along a little further now. My friend, the gentleman from Massachusetts (Mr. CONTE), is not against subsidies. He is not against foreign aid subsidies. He appropriates foreign aid to foreign countries. I am one who enjoys appropriating for Americans. Foreign aid is what we used to call UNRRA. This is IN–RA we are working for now. This bill is for home folks for Americans. We want to keep a few of these dollars for our own people, for those who are trying to feed the people of Massachusetts and Illinois, and people all over our great land.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield briefly.

Mr. CONTE. I have a very brief observation.

First of all, I wish the gentleman would cut out of the farm program as much as I supported cuts of in respect to the foreign aid bill this year.

Mr. ABERNETHY. If the gentleman will just give us as much as they get in foreign aid, we will not have any problem.

Mr. CONTE. The second point is in answer to the gentleman from Ohio. I do not know what he is talking about. I am interested in the silver fight. Johnson wanted to take the silver out of the quarter and the half dollar, and serve on the committee handling the appropriations for the Bureau of the Mint. That is where I became interested in saving our silver that was going to speculators, rather than the consumer.

Mr. ABERNETHY. I might also say, while the gentleman is on his feet, he as a member of the subcommittee on post office appropriations has not done anything to cut that big fat subsidy going to Reader's Digest, which I understand runs to several million dollars a year.

Mr. CONTE. The gentleman from Mississippi realized my committee merely appropriates and has nothing to do with legislation.

Mr. ABERNETHY. My friend from Illinois (Mr. FINDLEY) is an able member. He represents 13 fine rural counties. I believe the largest town in his district is about the size of the largest town in mine. Neither of us have large cities.

Do Members know how much money goes into his district from this program? His farmers up there received last year the huge sum of $22,386,900; and none of it was returned.

He has fixed the cutoff level at $20,000, because that covers every farmer in his district that is, all but 21.

Is that right, or not?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I have asked the gentleman; is that right?

Mr. FINDLEY. I cannot answer, unless the gentleman yields.

Mr. ABERNETHY. I cannot yield except for an answer to my question.

Mr. FINDLEY. Mr. Chairman, did the gentleman ask me a question?

Mr. ABERNETHY. I do not yield.

Mr. FINDLEY. A parliamentary inquiry, Mr. Chairman.

Mr. ABERNETHY. I do not yield, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman declines to yield.

Mr. FINDLEY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from Mississippi yield for a parliamentary inquiry?

Mr. ABERNETHY. If I can get more time, I will, Mr. Chairman.

I ask unanimous consent that I may proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. I yield to the gentleman from Illinois.

Mr. FINDLEY. If I understood what the gentleman asked correctly, it was that only one received a payment in excess of $20,000?

Mr. ABERNETHY. Twenty-one.

Mr. FINDLEY. Twenty-one did receive in excess of $20,000?

Mr. ABERNETHY. Right.

Mr. FINDLEY. The gentleman is certainly correct.

Mr. ABERNETHY. All right. Then only 21 out of 27,540 farms in the gentleman's district would be affected by his amendment.

Mr. FINDLEY. I might add, I have never voted for the payment yet.

Mr. ABERNETHY. In other words, he has fully taken care of all of his farmers but 21.

I am not going to misstate it. According to the Department of Agriculture, there are 27,540 farms in the gentleman's district. He has a farm district, and he is taking care of every last one of them; that is, all but 21. That means he is taking care of 27,519.

I do not blame him. This is great for him.

And he is a good footman, too, because he beat his colleague (Mr. CONTE) to the well here today and won the honor of offering the Findley-Conte amendment, or the Conte-Findley amendment, depending on which gentleman wins the race to the clerk's desk.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Ohio.

Mr. HAYS. If everybody he has taken care of votes for him, it does not really matter whether the 21 vote against him.

Mr. ABERNETHY. That is right. The gentleman is really an astute politician.

Mr. FINDLEY. I thank the gentleman.

Mr. ABERNETHY. I may need his help one of these days, and I shall certainly send for him.

Now, the chairman of the Appropriations Committee made one of the most important statements to be made here today.

If we should cut back to the level as he says, of the Findley amendment, and force many farmers out of the crops which they are now growing, what are they going to do? They have the land. They have these expensive pieces of farm machinery, the costs which have multiplied several times in recent years.

Does anyone believe they will put that machinery out under the shed and let it rust away?

I will suggest to the Members what they are going to do. They are going to other crops and thus create surpluses therein. There is nothing else they can do.

My friend from Iowa, Mr. MAYNE, who supports the Findley amendment, has taken care of all his people, also, that is, all but six—no, seven. I do not want to misquote the accurate figure. He has taken care of all but seven. He will not lose but seven of his farm votes when he gets home. This he does in supporting the Findley amendment.

I will tell the Members what the large cotton farmers are going to do if the amendment is adopted. They are going to put their land into soybeans and corn. What else can they do? Then what will your feed grain farmers do? Do you not see how this Findley-Conte thing upsets the balance we have in agriculture?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

Mr. ABERNETHY. No, I cannot yield now.

We would double the problem for the feed grain farmers and the wheat farmers. And this we do not want to do.

If the Members want to kill this bill, such will result in costing our Government a lot more money than we are spending now. I am not just talking off the top of my head. After having lived with this tough assignment for nearly 26 years, I know what I am talking about. I know where we are going to land. We will return to a program that costwise will make the cost of this one look like a thin dime.

If you defeat this bill you will invoke an old program that will mine millions of dollars out of the Federal treasury. Do not make this mistake. I know the headlines on the Findley amendment read well in the papers. I know they look good at home and I know they will get you some votes.

I am not against politics. I like votes myself. But at the same time I want to eat and eat well. I am not going to quarrel about the food surpluses we sometimes have in this country. Neither should you. My goodness. Would not Russia, China, and Cuba like to have the food surpluses we have today? Would they not like to have what we have? Why do you condemn these farm people for doing the best job that is done food production-wise anywhere in this world?

Agriculture is our greatest industry. It is our most important industry. You, all of you, need this bill. You need what it will produce—adequate food and fiber to feed and clothe this great Nation. I urge you to vote down the amendments and support the bill.

Mr. MYERS. Mr. Chairman, I rise in opposition to the amendment to the substitute amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield to me for a brief observation?

Mr. MYERS. I will but very briefly.

Mr. CONTE. I just want to make one point. The gentleman from Mississippi mentioned foreign aid. I would like to ask him the question how could he stand here and talk like that when a British company is getting $700,000 a year in farm subsidies from Mississippi if that is not the biggest foreign giveaway I do not know what is?

Mr. MYERS. That is brief enough. I yield no further.

Mr. Chairman, I can understand why many voices are raised this afternoon which are opposed to these big payments, because I think it is politically popular this afternoon to be opposed to all payments. Frankly, the majority of the people do not understand exactly what is involved here this afternoon. If I were selfish, I must say, in my own congressional district it would be popular for me to rise in opposition to the payments.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. MYERS. Not at this time. I will in just a moment.

However, I recognize every voter and every taxpayer in the Seventh Congressional District of Indiana is a consumer of agricultural products. Every meal they eat comes from the agricultural efforts of this country. Much of the clothing that they wear comes from agriculture, also. Today, as has been frequently said, we are eating cheaper than we have ever eaten in the history of our Nation. That is the issue that we are confronted with today, and that is what we are speaking about here today. Do we want to continue to keep a healthy agriculture? The proponents of these amendments to the committee amendment I think have failed to recognize the thrust of the bill. It is simply this——

Mr. BOGGS. Will the gentleman yield at that point?

Mr. MYERS. At this particular time I will not, but I will shortly.

The thrust of this bill is this: it is not to keep any one farmer on any one farm, but it is to keep agriculture healthy and to keep the agricultural economy healthy so that any farmer through his own efforts and his own work may make a fair return on his investment and for his labor. That is all this is for. But if you change this by putting in a limitation of anything less than $55,000, it will destroy the system and the program will not work.

My good friend from Indiana, who proposed to make every farm a big farm, such as the big chainstores, which is exactly what he is proposing. Is he taking care of his city constituents? Oh, sure. They will pat him on the back this election year, but how about next year and 5 years from now when there are just a very few farmers or farm units that will be farming in this country? Then his constituents and yours and mine will be paying a lot more for the food to provide for the Nation.

I mentioned the gentleman's name, and I must yield to him.

Mr. JACOBS. That is not what happened in the automobile industry. All my constituents buy cars.

Mr. MYERS. Cheaper than they ever bought them before?

Mr. JACOBS. More can buy now than in the 1920's. And that is because of the bigness of the industry.

Mr. MYERS. You have not bought one lately, then.

Mr. JACOBS. The gentleman said it is cheaper to buy food now than ever before in the history of this country. I cannot buy it any cheaper. I know in my grocery store at the corner it has gone up about 10 percent in the last year and a half.

Mr. MYERS. I bought a car and it cost me 10 to 15 percent more than it did 2 years ago.

I yield to the gentleman from Louisiana, Mr. BOGGS.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. BOGGS, Mr. MYERS was allowed to proceed for 2 additional minutes.)

Mr. BOGGS. I thank the gentleman for yielding. I appreciate his yielding to me.

I think that the gentleman and the gentleman from Mississippi have covered the case. As far as I know, today there is not a farmer in my district that has any subsidy. I represent an urban and a suburban district.

But I know that the people in my city of New Orleans cannot prosper if agriculture does not prosper. I remember when cotton, corn, food and fruit products were selling for nothing in my town. You could go to a grocery store and buy food much cheaper than you can today, but you had nothing to buy it with. We literally had starvation in the country.

Mr. MYERS. But in percentage of disposable dollars I question if this country ever has had cheaper food and fiber than we do today.

Mr. BOGGS. That is right.

If the gentleman will yield further, let me make one further point, a point that the gentleman from Mississippi made about soybeans, because we have gone into soybean production in Louisiana in a tremendous way, and it is a very profitable crop. And we are arguing right now, right in the Committee on Ways and Means to keep that profit in this country.

I would like to make one further comparison. It is estimated that one man hour of labor in the rice fields of the United States is equivalent to 4,000 man

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hours of labor in Southeast Asia. That is the difference in the efficiency of American agriculture and Asian agriculture. The people who support these amendments could very well spell the death knell to one of the most efficient industries in the world.

Mr. MYERS. I think that is true. And if we want to keep agriculture healthy, and if we want to make sure that there is competition in agriculture, we must keep the farmers out there on the farms, both large and small. If we put this limitation in, what is going to be the result? There will be large farm complexes—and my friend, the gentleman from Massachusetts (Mr. CONTE) knows that there is a city named Holyoke in his community that gets almost $10 million in HEW funds, and gets $24.5 million in all Federal funds, a city of a little over 50,000 population.

I wonder if the gentleman would be interested in placing a $20,000 limitation on each one of those Federal appropriations, and each one of those Federal authorizations for that community on their Federal funds? I think it is just as logical. Because we have large units that are producing food for our Nation, should we penalize them by not buying their production rights. If we are to keep production and consumption in balance, and we must do this, we must not place a lower limitation than $55,000.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding. The gentleman from Indiana (Mr. JACOBS) commented about the health of the automobile manufacturing industry. I believe that the record speaks for itself in that the Studebaker Co. found it necessary to move from his own State of Indiana to Canada, and I believe they received a subsidy for going.

Mr. MYERS. Mr. Chairman, I think that generally speaking we want to have a competitive arrangement for all industries and wherever we have lost competition in our great American system the consumers and the taxpayers of this Nation have lost. This is what the primary purpose of this bill really is: to keep the farmers going and an opportunity for them to make a profit within the system, and again this is not a guaranteed annual income for the farmer, although I am sure that many of the folks back home think that it is.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, I am not at all sure I can add anything particularly to this discussion that has not already been said. I know that the Chairman of the Committee desires to seek a time to vote on these amendments, and I join with the gentleman in that desire.

I would simply like to say, though, that the matters that we are discussing at this particular time will determine whether or not we have a farm program for the next 3 years that will be of any benefit to American agriculture.

Yes, I recognize that I represent a district which, percentagewise, will be hurt more by payment limitations than any other single district, as far as I know, in the Nation. The only possible exception would be the adjoining district to me, that of my good friend and colleague, the gentleman from California (Mr. MATHIAS).

The speech by the gentleman from Massachusetts is similar to many others because this issue is a very popular dead horse to beat. I happen personally to be opposed to any kind of limitation. I believe morally and equitably it is wrong. But I am a political realist. I recognize that many of us pledged last year when we had this discussion that we would support a limitation. So after long and arduous effort in committee we finally came up with an amendment which called for a limitation of payments and that limitation is $55,000.

I sought a $100,000 limitation because frankly I think that in itself was most restrictive, if we are going to allow the program to work. But finally after a great deal of work and effort we did compromise at $55,000.

I can assure you that it is going to hurt a great many people and it is going to dislocate a good deal of agriculture, and particularly in my own State, and, I know for a fact, in so many other States. But we are prepared to try to live with it.

Anything below this in my opinion will destroy the program. It will make it totally unworkable and force people to go completely out of the program, and produce less of a particular commodity, or go into another commodity that is already somewhat in balance and consequently destroy that balance.

Let me go further and tell you that it is going to mean a real period of difficulty for the American farmer. Today a man who receives a $100,000 subsidy in my own area has to go to a bank to make a production loan and borrow money from the bank to make that crop. Do you know how the banker determines whether or not he is going to get a loan? The first question is, What is your Government payment?

Some of these people seem to have some idea that this is money that is stuck down in a pocket. This money does not go into the pocket. This money goes to pay for irrigation costs, to pay taxes, to pay labor and to purchase farm machinery. Over one-third of all the farmers in my district last year could not repay their production loans to the bank. Bankruptcies have doubled in the first 6 months of this year over last year. This is the problem we are faced with.

Let me cite another situation. I received a letter the other day that started out like this—Dear Mr. Congressman, I am 74 years old and I need your help.

That letter was postmarked in a town in New Jersey. The reason he was writing to me, I found, was because he owned 40 acres of land in my district and had just received a letter from the farmer who had been leasing and farming his land. This farmer told the elderly gentleman that substantial limitations were going to be put into effect; thus disrupting his operation and consequently, he could no longer lease his land.

The elderly gentleman, apparently by telephone from New Jersey had tried other sources to lease the land, and he found that other people were in the same situation.

I got a similar letter the other day from a person over in Virginia. The point is that we have heard a lot of discussion about $20,000, $10,000, $5,000 or $55,000, which basically, as I say, I am opposed to because I think they are wrong morally and equitably. We are attempting with the $55,000 limitation to keep enough people in the program. Thus making it possible for them to participate and maintain some stability. Keeping them not only from upsetting these commodity areas but moving into other areas where they would destroy and upset the balance of consumption as against production.

So I would plead with my colleagues regardless of where you live or what you do, that the stability of the American agricultural industry is terribly important to this country. I, for one, am old enough to remember the 1930's and I hope and plead with you to defeat these amendments and support the committee amendment.

To conclude my remarks on this amendment, I would like to bring to the attention of my colleagues an article that appeared in yesterday's edition of the Wall Street Journal. This article points out the drastic effect of a $20,000 limitation on the total California economy.

Text of Wall Street Journal article follows:

MOVE TO CURB SUBSIDIES FOR KEY CROPS PERILS MARKETING PROSPECTS FOR OTHER COMMODITIES

(By James E. Bylin)

Congressional moves to limit farm subsidy payments for some key crops are threatening to jolt the marketing prospects of a number of other agricultural commodities.

"We have to grow something," says William Balch, executive vice president of Heggblade-Marguleas Co., the farming subsidiary of Tenneco Inc.

The trouble is that in some areas, including California's sprawling, fertile San Joaquin Valley, whatever the farmers are likely to turn to is probably already in excess supply. "Raising something else could create economic chaos," one major grower says.

Congressional action imposing some sort of subsidy limit is expected this year. The House Agriculture Committee has recommended legislation that would impose a $55,000-a-crop ceiling on the amount of Federal price-support subsidies that a farmer could receive for cotton, wheat or feed grains.

A similar measure has been introduced in the Senate, but no action has been taken. The Senate's sentiments already have been expressed in a rider attached to the fiscal 1971 farm appropriations bill that it passed.

That proposal, which is expected to be dropped in conference negotiations with the House, would impose a $20,000-a-farm subsidy limit.

Under a price-support subsidy, the Government guarantees the price that farmers will receive for crops grown on alloted acreage. The allotment setup, which forces some land into nonproduction of a subsidized crop, is used to control the volume of certain commodities.

It is generally anticipated that the House will lean toward the lower $20,000-a-crop limit. House members who are preparing to vote this week on the $55,000-a-crop pro-

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posal, are expected to be informed that the Nixon Administration "can live with anything between $55,000 and $20,000," a White House source says.

LOWER CEILING PREFERRED

Nixon advisers are convinced that a lower subsidy limit would be preferable, because it would aid the budget with greater reductions in subsidy outlays, principally for cotton. A $20,000 figure is seen saving $15 million to $250 million in 1971, while a $55,000 limit would produce a theoretical saving of $58 million in the initial year. More than $3 billion in direct subsidies was paid to farmers last year.

Besides California, the money pinch would be felt chiefly by farmers in Arizona, Arkansas, Mississippi and North Carolina. Even the state government of Montana would be affected. George Lackman, Montana's agriculture commissioner, says the state received $641,000 last year in wheat subsidies for state-owned land leased to sharecroppers.

Montana used its subsidy income for state aid to local school districts, and the subsidy limitation "could seriously cripple our school fund," asserts Mr. Lackman. But he is hoping Congress will make an exception of the subsidies paid to the state and keep the payments coming in. "We're a state government dealing with the Federal Government," he declares.

In California, the nation's leading farm state, growers last year received $122.8 million in direct aid. Of the total, $99 million came under programs that would be affected by the proposed legislation. Cotton subsidies totaled $80.2 million last year; the subsidy for feed grains was $12.6 million, and for wheat the Government paid $6.2 million.

Most farmers didn't qualify for the aid, but many of those who did cashed in big. Of the 25 biggest subsidy payments paid across the country last year, 15 were paid to farmers in California, and all but one of them operated in the San Joaquin Valley. One collected $4.4 million last year.

In all, more than 300 California growers received more than $55,000 individually in subsidy payments last year; they collected a total of $28 million. About 1,000 growers received more than $20,000 each; their take last year was $49 million.

That may sound like loose change in California, whose farmers annually produce more than $4 billion of commodities. But agricultural experts envision the impact reverberating throughout the farm economy if subsidies are curtailed.

SWITCHING FROM COTTON

The key concern is that switching by cotton growers to other crops would throw those markets into turmoil. Says one agricultural economist: "With the exception of premium wine grapes, every crop in California is in excess—and you can't grow premium wine grapes in the San Joaquin Valley. It doesn't take much to kill a market. Almonds, cling peaches—where they're already pulling out trees—and others are all having a hard enough time now balancing supply and demand."

Most growers say they're in a quandary over what steps to take. "I don't think any of us know what the future holds," says Jack Wolf, secretary of Giffen Inc., a San Joaquin Valley farm operator that received $3.8 million in payments last year, the second highest total. Mr. Wolf reiterates that "there's hardly another crop you can name that isn't in full supply now."

But the land is too expensive to stand idle, says Mr. Balch of Tenneco's Heggblade-Marguleas unit, whose operations include Kern County Land Co., which received nearly $1 million in cotton subsidies last year. It grows 17,000 acres of cotton.

Heggblade-Marguleas, Mr. Balch says, might diversify its cotton acreage into specialty crops, including table grapes, tree fruits such as nectarines and plums, and vegetables, in an effort to soften their market impact. "But a great number of people are thinking this same way right now," he says. "We would create some real economic dislocations," he adds.

Some growers already have pushed into other crops in anticipation of subsidy cutbacks, but they feel no more secure.

ONE GROWER'S WORRIES

In Coalinga, a western San Joaquin Valley community, Jack Harris Inc. started growing tomatoes four years ago and has about 2,000 acres in the crop. But Mr. Harris, the owner, is still growing 2,800 acres of cotton, and he received $476,000 in subsidies last year. "Without the payments, we would have been out of business two or three years ago," he says.

Mr. Harris, who also raises such crops as safflower and operates a cattle-feeding business, says he can't increase his tomato acreage further because of soft demand. "We might try some vegetables, but they're very high risk," he says. "We'll probably have to curtail our operations for a few years and see what develops."

Mr. Harris expects to return his cotton lands, which are leased, to their owners and cut in half his work force, which ranges from 100 to 500 workers, depending on the time of the year. Yet, he says that the cotton subsidy also helped support his other crops, and he doesn't know whether he can stay in business. "We'll find out," he shrugs.

According to Mr. Harris, the subsidy reductions are "going to affect many business people in agriculture—from the dry-goods man to the service station operator. Farmers haven't been keeping these subsidies. They've been spending them." He also argues that, by setting subsidy limits, Congress will "just be holding an umbrella over the small, inefficient farmer."

If Mr. Harris doesn't think he can expand his tomato plantings, a major California crop, that's fine with Robert Holt, executive director of the California Tomato Growers Association in Stockton. California traditionally produces more than two-thirds of the nation's tomatoes processed into juice, catsup, sauce and the like. Mr. Holt frets that tomatoes may loom as a logical alternative to the cotton growers.

For one thing, tomatoes can be harvested the first year, unlike grapes and tree fruits, which demand several years to reach production.

PROBLEMS WITH TOMATOES

Mr. Holt says "a number of other things have dovetailed together," including a new tomato variety "that can withstand the rigors of temperatures in areas where cotton has been the main crop." Cheaper water supplies from the California Water Project also encourage tomato production, he says.

Diverting cotton land to tomatoes "would compound for our problem," Mr. Holt declares. That "problem" stems from 1968, when tomato processors offered an inviting $35 a ton for tomatoes. Growers responded by disgorging a record 4.9 million tons, swamping canneries and creating huge carryover supplies. The supplies continue to plague processors. "We're still cussing that one," Mr. Holt says. The price dropped to $27 a ton last year, and production fell to 3.5 million tons. This year, the price is $25 a ton and production will again be reduced; acreage planted in tomatoes has been cut to 141,000 this year from 154,000 in 1969.

Mr. Holt hopes the lower acreage in tomatoes eventually will drive the price back up. But that plan could be thwarted if erstwhile cotton growers turn to the crop. "And there's enough mechanized equipment available to constantly overproduce market demands," he says.

The one crop that cotton growers say they couldn't grow if subsidy limits are imposed, is cotton. California, with its massive farm units operated with factory-like mechanization to help offset the higher costs of land, water taxes and labor, produces about 12% of the nation's cotton. The 1969 yield was about 1.6 million bales valued at nearly $200 million. But "some of our folks are going bankrupt now even with subsidies," asserts John Reynolds, executive vice president of the Western Cotton Growers Association.

The Federal bankruptcy court in Fresno, which covers five big farm counties in the San Joaquin Valley, reports 28 farmers primarily cotton growers, filed bankruptcy proceedings in the first six months this year. During both 1969 an 1968 the full-year total was 31.

Gene Egan, a vice president of Producers Cotton Oil Co. of Fresno, figures that 60% of the nearly 700,000 acres in cotton could be hit if the ceiling is $20,000 and about 30% if the limit is $55,000. His company gins cotton, makes cotton seed oil and also provides financing for many growers.

The average cost to produce cotton in the valley, Mr. Egan estimates, is nearly 32 cents a pound. The world price, he notes, is about 22 cents a pound. The cotton subsidy is in the form of a 16.8 cents payment a pound. But it applies only to 65% of a grower's cotton allotment. "Over 100% production, it figures out to 10.92 cents per pound," Mr. Egan says. "So, if you take the world price of 22 cents a pound, you come up with 32 cents, or about break even. Some of course, produce at a smaller cost and some are over that," he adds.

San Joaquin Valley growers historically have specialized in a long-fiber cotton that once commanded a premium of four cents or five cents a pound over the world price, making it a highly profitable crop. But competition from long-fiber strains developed in other states and the lower-cost synthetic fibers have reduced that premium to only a penny or two, crimping profit margins all the more, the cotton people complain.

One farm economist speculates that some growers will try to grow cotton without subsidies, at least for one year. Instead of careful and costly row planting and intensive hand care, he says, the growers may "just throw out their cotton seed and if it comes up, fine." While yields and quality undoubtedly would be reduced, he says, the growers might discover they can raise a break-even crop, maybe even turn a small profit.

I would also like at this time to indicate my strong support of the bill if we can keep it substantially in its present form. I recognize that there are many national organizations in opposition to the bill who propose to represent your constituents. One of these is the American Farm Bureau Federation. At this point, I would like to incorporate into the RECORD copies of telegrams from some of my constituents, representing many of my local organizations, including my county farm bureau. These are in support of this legislation:

FRESNO, CALIF.,
July 31, 1970.

Congressman B. F. SISK,
House Office Building
Washington, D.C.:

Strongly urge your support Omnibus Farm bill as reported out house agricultural committee cotton growers overwhelmingly support this bill as opposed farm bureau or coalition bills.

DICK MARKARIAN,
Chairman, Cotton Dept., Fresno County Farm Bureau.

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BAKERSFIELD CALIF.,
Aug. 1, 1970.

Hon. B. F. SISK,
Rayburn House Office Building,
Washington, D.C.:

New farm bill essential to California agriculture. I urge your support of H.R. 18546 as approved by the House AG committee with no less than $55,000 payment limit.

Any less payment limit would force thousands of additional acres out of cotton, wheat and feed grains into fruits, nuts and vegetables already in over supply in California

WILLIAM F. MCFARLANE,
Chairman of the Board.

FRESNO, CALIF.
July 31, 1970.

Congressman B. F. SISK,
House Office Building,
Washington, D.C.:

I urge you to support omnibus farm bill as report out of the House Agriculture Committee.

F. C. FRED MACHADO,
Vice President, Fresno County Farm Bureau.

August 4, 1970.

B. F. SISK,
House Office Building,
Washington, D.C.:

As you know the people of your district are greatly concerned with general economic conditions in California. Agriculture has a large bearing on the state's overall economy. Within agriculture cotton is California's major cash crop bringing in over two hundred million dollars annually. Our company furnishes financing and or processing services for approximately 16 percent of the cotton produced in California. Through this exposure it is our considered judgment that a payment limitation under 55,000 will wreck the California cotton industry and destroy a major section of our state's economy. While we are opposed to any limitations and while we know that even a 55,000 limitation will bankrupt many large farmers, we recognize that some limitations appears inevitable. However, as a member of congress representing the people of California you should recognize that any limitation lower than fifty-five thousand will have a disastrous affect on the state's overall economy. I respectfully urge you to support a minimum limitation of 55,000 as proposed in H.R. 18546 and supported by the Secretary of Agriculture and the President. If you cannot do so, or if you feel the Congress will adopt a lower level, then I urge you to work to recommit the bill and let agriculture live for one year under the 1958 act which does not provide any direct payments to the cotton farmer.

J. B. MAYER,
President, Producers Cotton Oil Co.

FRESNO, CALIF., *July 31, 1970.*

Representative B. F. SISK,
House Office Building,
Washington, D.C.

Urge you to support the new agriculture bill as reported by the House committee. The cotton section of this bill, H.R. 18546, has been developed over the last 18 months with the cotton growers organizations of the Nation, members of the House Committee on Agriculture, and officials of the U.S. Department of Agriculture. We have met together on literally scores of occasions, working out legislation.

This bill is not everything everybody wanted but it probably represents the best that could be worked out. It has the overwhelming approval of the cotton growers' organizations in the Nation.

Even though the $55,000 limitation will pose a major disaster to thousands of acres of California farmland and the thousands of people employed on them and employed by the businesses which supply them, it too has been accepted.

But the lower limitation of $20,000 proposed, would affect half the cotton acres in California. It would be highly discriminatory to California agriculture and economy.

California, according to USDA figures, receives around $84 million farm subsidy payments. A $20,000 limitation would cut that total down 45%. On the other hand, Illinois which receives, according to USDA figures, $195 million in subsidy payments would be cut less than 1% by the $20,000 limitation.

For the stability of California agriculture and economy we urge support of the H.R. 18546 program as recommended by the committee and supported by the USDA for the 3-year period.

At that time its effect can be assessed and, if possible, improved.

JACK STONE, *President,*
Western Cotton Growers Association.

Mr. BELCHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the last speaker said that his district would be hurt if this bill is passed.

My district is not going to be hurt so far as any payment is concerned because I am not going to get any of it.

But you know this is the best issue on earth for a candidate against you to demagog on—because, and listen, I can make a louder speech than the gentleman from Massachusetts and I can wave my arms just as hard about what a horrible thing the agriculture bill is. Well, I can make the same kind of speech about foreign aid that the gentleman voted for and I did not vote for. But not one time have I ever offered an amendment to the foreign aid bill which would limit payments to $20,000, and he has not, either; $199 billion has been spent on foreign aid, and not one time has anybody wanted to limit that to $20,000. It is possible that if these American farmers were some kind of foreigners, no amendment would be offered to limit payments to them to $20,000 either.

I have not heard anyone propose a $20,000 limit on social welfare; $68 billion is spent by the Federal Government on social welfare. The gentleman from Illinois—and I would not want to make this admission even when I represented farmers—indicated that these farm payments were social welfare. Well, he has 16,000 farmers in his district who he says are getting social welfare. I do not know how he is going to explain it to them, but those farmers do not think that they are getting social welfare. At any rate, if they are getting social welfare, they are not getting $68 billion. In addition, the States of the Union spent $58 billion more on social welfare, with no $20,000 limitation.

Regardless of all the opportunities to make political speeches about a limitation of $20,000 or anything else—and I know that those who represent city districts have a hard time possibly explaining a vote for a limitation above $20,000 or, you might say, a vote against $20,000—you just have to make one of two choices: Do you want to have a depression? Do you want to have less business, less employment, less prosperity in your district that you can deny you had anything to do with?

If you vote for the $20,000 limitation, and it brings a depression, the chances are nobody will be smart enough to charge you with doing it, but in your own conscience you have got to know that you helped bring on that depression by a vote for $20,000.

In my opinion, when you buy a reduction of production, you should pay whatever the amount is worth. The man who gets $20,000 has a certain size investment, maybe $250,000. The man who gets $750,000 probably has a $3 or $4 million investment in his farm, and it is necessary for him to get that kind of payment or he must either raise tomatoes, vegetables, or something else, or go completely out of the farm business.

I represent an industrial area. But I want to tell you sincerely that the reason we arrived at a figure of $55,000 is that by the most careful analysis we could make, $55,000 was a limit which would probably keep a successful farm program. Anything lower than that we feel will probably make the farm program unsuccessful, and if you do, you are going to have to pay more relief and social welfare than you are paying the farmers of the gentleman from Illinois at the present time.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(By unanimous consent, Mr. BELCHER was allowed to proceed for 1 additional minute.)

Mr. BELCHER. Mr. Chairman, with all the sincerity that I possess, I want to tell the Members that the best we can do for our district and for our country and for the prosperity of our constituents is to vote for a $55,000 limitation, which will keep some kind of prosperity in the country and put the farmers into a position so they will not have to go to the cities and go on relief, and so our workers will have a $34 billion market to sell their products in.

Mr. MELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is a long way from Ingomar, Mont., to Boston, Mass. a couple thousand miles. Ingomar, is on the Milwaukee Railroad and I am told that a few years ago, it was the largest shipping point for wool in the United States and probably in the world—that was Ingomar. It was a thriving town then. They had banks and hotels and everything one would expect to find for the hungry and thirsty on those dry plains of Montana. From 100's of miles around the sheep were trailed there to the shearing sheds, which were owned by the Milwaukee Railroad, and there they were sheared in the summer, and the wool was shipped. In the fall the lambs were also shipped from there. That was a long time ago.

Now all that is left is the Jersey Lily, where the people who are hungry and thirsty still go, and the depot and the school. That is the Ingomar of 1970. The shearing sheds still stand, but they are no longer owned by the Milwaukee Railroad, which has sold them because of declining number of sheep. The sheds along with the corrals and pens and the sheep scales are owned privately. Ingomar is no longer a great shipping point for wool, and no longer is it a shipping point for the many, many thousands of sheep that decades ago were loaded there.

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This is a declining industry and it has been a declining industry for some time. During the Eisenhower years, in 1954, it was made a national priority to try to revive a dying industry, sheep and wool. This Congress in its wisdom, with the administration backing it, set up what is known as the Wool Act, the wool program. It was not a surplus crop then, and it is not a surplus crop now.

Just why it gets into the amendment proposed by the gentleman from Massachusetts, and the gentleman from Illinois, I do not know, because the remainder of their amendment seems to be dealing with surplus crops. It is a national priority, and a national incentive program to try to get more wool and lamb and sheep production.

The Wool Act is not financed directly out of the Treasury as such. The Wool Act is financed by the tariffs collected on wool and wool products that are brought into this coutnry.

I do not believe that the gentlemen who have proposed the amendment have looked at this in the correct light. I think the wool, title III, as in their amendment, should be stricken. I shall offer such an amendment at the proper time.

Because of the school lands owned by Montana, the State of Montana has been singled out as being a recipient of large payments. The State of Montana does not farm one acre. It is not involved in the program as such. But the school land of Montana is still owned by the State and much of that is leased to individual farmers who do farm it. They, the farmers, receive the payments on their share of the crop, and the State receives its share of the payments on its share of the crop.

Who is the beneficiary here? The schoolchildren of Montana are the beneficiaries, because these are school lands, and the money goes to the schools to relieve some of the tax burden. I think it is fine for the gentleman from Massachusetts and the gentleman from Illinois to cite the example of how much money somebody is receiving, but they are mixed up here when they say the State of Montana receives $660,000 as an individual. What happens to the money? The taxpayers receive same help on school taxes—and there are 700,000 people, all the people in Montana that benefit because the payments for leased school land goes for school purposes reducing the local school taxes.

Again, at the proper time either I or the gentleman from Washington, my colleague on the committee, will offer an amendment to exempt State school lands and State lands in general from this substitute amendment proposed by the gentlemen from Massachusetts and Illinois.

Mr. POAGE. Mr. Chairman, again I should like to see how many Members desire to be heard on this amendment and the pending amendments. Perhaps we can agree to fix a time to vote. We do not seem to have more than twice as many as we had the last time.

I wonder if we could agree to close all debate on the pending amendment and all amendments thereto at 4 o'clock. I ask unanimous consent to do so.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WHITTEN. Mr. Chairman, I object.

MOTION OFFERED BY MR. POAGE

Mr. POAGE. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 4 o'clock.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. Smith of Iowa). The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Do I correctly understand that we are closing debate at 4 o'clock on the Lowenstein amendment?

The CHAIRMAN pro tempore. On all amendments pending.

Mr. WAGGONNER. Mr. Chairman, was not the Findley motion offered as a substitute, rather than an amendment?

The CHAIRMAN pro tempore. It was a substitute amendment.

Mr. WAGGONNER. Then debate will not close at 4 o'clock, will it?

The CHAIRMAN pro tempore. There is a committee amendment pending. The limitation of debate applies to the committee amendment and all amendments thereto, including the substitute and amendment thereto.

The Chair will recognize Members standing at the time the limitation of debate was entered into for approximately three-quarters of a minute each.

The Chair recognizes the gentleman from Texas (Mr. Price).

Mr. PRICE of Texas. Mr. Chairman, I am going to explain as best I can, why I believe the $20,000 limitation on payments is not justified.

As I spoke yesterday in regard to this, it amazes me that we have so many experts on the farm problem when so few have participated in the art of agriculture. As a farmer and rancher myself, I find very disturbing the ideas and philosophies some people have in regard to agriculture.

As I said yesterday, I oppose any limitations on farm payments. Being a political realist, however, and realizing full well that the city Congressmen would join together and undoubtedly impose a limitation on farm payments, I reluctantly agreed to support the $55,000 ceiling arrived at by the Agriculture Committee. This was not an off-the-wall figure, it was the product of a great deal of agonizing effort on the part of individuals within and without the Government. And it is a figure that will realistically limit farm payments without wrecking the farm program.

Mr. Chairman, during the general debate on the Agriculture Act of 1970, I have heard the question raised, how would limiting payments to $20,000 destroy the farm program? Let me answer this question once and for all. Farming is a risky, low-profit business. Those who think farmers are fat cats who lie back and rake in Government subsidies have another think coming.

Given the cost-profit squeeze in agriculture today, many individuals are leaving the farms and seeking their livelihood elsewhere. As evidence of this in the last 20 years the population in this country has increased by 36 percent while the farm population has decreased 50 percent. During this same period, the number of farms has dropped from 5.7 million to 2.9 million and the decline continues.

The current condition of the American farmer can also be well depicted by examining his earning position relative to nonfarm sectors of the economy. Since 1950 the hourly earnings of manufacturing workers have risen by 131 percent. Since 1950 corporate dividends have increased 235 percent. In contrast to these success stories, the farmers' average return in 1967 to 1969 was 3 percent below what it was 20 years ago using 1947 to 1949 as a base period. Moreover, modern-day prices received for the three major farm crops; corn, wheat, and cotton, are actually considerably lower than those received two decades ago. For example, the average price received for corn last year was $1.12 per bushel. Twenty years ago, it was $1.68.

Mr. Chairman, the facts speak volumes, the farmer in America is not fully sharing in the economic growth of the country. He is providing the food and fiber that is underpinning this growth; he is providing the momentum that fuels this growth; but, he is not reaping the rich harvest he so justly deserves. When I say the farmer provides the momentum for economic growth. I mean just that. The agriculture sector of this great country has become a mighty machine. It produces the richest and most diverse harvests of any nation in history. It provides food in such abundance that the average American spends only 16.5 percent of his disposable income on food. At the same time, the agriculture sector generates jobs either directly or indirectly for nearly 40 percent of the work force. It employs more people than the steel, auto, utilities, and transportation industries combined.

The ability of the agriculture sector to provide the underpinning and momentum for our economic growth depends on the courage, resourcefulness, and initiative of the hardy few who are willing to risk their lives and their fortunes in the risky business of farming. To survive in the face of mounting costs for equipment, land, labor, facilities, and supplies, farmers have had to expand their operations and take every advantage of the economies of scale. As a result in many areas of the country, such as the Texas Panhandle, it is common for man to farm whole sections of land where in his father's time, men normally described their operations in terms of acres.

It is this fact, that farming has become big business, that the prime sponsor of the amendment to limit farm payments to $20,000—Mr. Conte and others, seem singularly unwilling or unable to recognize. Perhaps his vision is limited to the farming conditions in his State, a State that has only 126,219 acres tied up in farming. In Texas we farm 35,778,092 acres. If this is the case I would suggest the gentleman expand his horizons. If, on the other hand, it is local votes rather than acres he is counting, I would suggest it is more important for this Nation to feed its people than it is to elect particular individuals to public office.

The other chief sponsor of the amendment to limit farm payments to $20,000 is the gentleman from Illinois (Mr. FINDLEY). In contrast to the gentleman from Massachusetts, he does come from a farming State, Illinois contains almost 25 million acres of farmland. On its face, one would think he would know full well the condition of the farmer in America; however, when the conditions in his State are examined, it is discovered that his concern is also limited by local conditions.

Despite the fact that the gentleman from Illinois has more farmers in his district than practically any other Member of Congress, only 21 of his farmers stand to lose any money by the $20,000 payment limitations. Could it be that he has drawn the ceiling in his amendment to protect only his constituents? Could it be that he has advocated and pursued a course of action that is in reckless disregard of the consequences on the farmers outside his district, or the American people for that matter?

Mr. Chairman, the plain unadorned fact of the matter is that if this amendment were adopted and a $20,000 ceiling set on farm payments, the larger, more efficient producer would be unable to participate in the Federal farm program and still cover his overhead, much less make a profit on his investment. He would have no other choice than to determine what crops he could grow most efficiently and plant them fence to fence. This would force the smaller farmers who were participating in the farm program to economic ruin. It would destroy the delicate bonds of the farm program which match farm production with the consumption needs of this Nation. It would create new gluts on the market. It would dislocate the farm economy in so many ways that the economic tidal wave what would be created could well swamp the rest of the economy and drive the Nation smack into a devastating depression.

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The history of the United States is fairly clear that nationwide depressions begin on the farms. When I was growing up there was an old saying that went like this: "Depressions in this country have always been farm bred, farm led, and farm fed." I predict, and I hate to be a prophet of doom, but I predict that if this Congress adopts the amendment to limit farm payments to $20,000, it may well have sown the seeds of our economic ruin.

In closing, Mr. Chairman, I would like to briefly comment on the farm bill itself, because I fear its merits are being obscured by the payments limitations issue. As I said yesterday, this bill is a compromise bill. It represents, not what I or anybody else on the committee thinks is the ideal program, rather it represents a bill that reflects the political and economic realities of the times. It is a bill that hopefully will help farmers produce food and fiber at a reasonable return on their labor and their investment. It is also a consumers' bill in the basic sense of the word; because the operation of the bill will help insure that the American consumer continues to pay reasonable prices for abundant and nutritious foods.

Mr. Chairman, out of the $7 billion that has been appropriated for agricultural expenditures in fiscal year 1971, only about $3.5 billion goes to farming. The remainder is allocated for food stamps for the poor, school lunch programs, surplus commodity, and distribution programs. I want to emphasize the fact that only $3.5 billion is spent on the farm program itself; that is, out of every Federal dollar, 1.75 cents goes toward providing the seed money for the national harvest.

I ask you all to search your minds. Is there any other industry in this Nation or this world that does so much for so little? Would you forsake American agriculture, our horn of plenty, for the sake of political profit? I hope not. I pray not.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. STEIGER).

(Messrs. RHODES, BERRY, and ANDERSON of Illinois yielded their time to Mr. STEIGER of Arizona.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the Findley-Conte amendment to limit price support payments to $20,000 per commodity. In doing so, I am fully aware that this is no simple issue, and that it is certainly not a matter of moral right or wrong. I do know, however, that the current practice of making hundred thousand and even million dollar payments to a tiny minority of corporate farms is an enormous drain on the treasury and is giving the entire farm program an exceedingly bad public image. Because of this, I believe that a real solution to the farm morass will mean moving back to a considerably freer market situation, and greatly curtailing or even eliminating the present multibillion-dollar payment program.

So in making a decision on this amendment, my concern is entirely pragmatic: What will be the practical effect of a payments ceiling? I must say that those colleagues of mine so strenuously opposing this amendment have left a most confusing impression on this score. One gentleman from a cotton growing area in the South has said it will drive planters out of the program; moreover, because the market price is so far below the costs of production they will be driven out of cotton entirely. And what is worse, go into soybeans and bankrupt the entire state of Illinois.

Another gentleman from a cotton growing area in the West has argued just the opposite. He asserts that although the proposed ceiling will drive farmers out of the support program, it will not drive them out of cotton. Indeed, quite the contrary. Once unleashed, they will plant cotton from fence row to fence row—soon inundating the entire State of California with cotton bales.

Now which of the gentlemen is correct? Certainly they both cannot be. My own view is that they both exaggerate considerably. If we pass this amendment it will not lead to the collapse of the farm program; not everyone will switch to soybeans nor will everyone plant their farms from fence row to fence row. The probable result will be that everyone, especially the large farmers will be made quite uncomfortable. And, in my view, that is precisely what we need. So long as individuals are content with the present jerry-built structure, we are never going to get the fundamental reevaluation and overhaul of the farm program we so desperately need. If the passage of this amendment will both save the hard-pressed Federal Treasury a quarter billion dollars and spur long overdue action toward revamping our basic agricultural policy, I think it is especially worthy of support.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the chairman and I thank the gentlemen who have yielded their time to me.

Like everybody else, I want to bring into perspective for you what we are doing here, and I want to do it from my point of view. I do have cotton farmers in my district and I am concerned about them. This is a political issue, but, let us face it, the gentleman from Massachusetts has railed to you about the grower who gets millions of dollars in subsidies and about that heinous English organization that gets $700,000. Well, I have news for you. The Committee on Agriculture has already killed them off. The $55,000 limitation takes care of them. That is done. To use the gentleman from Illinois' own figures and one of the many information sheets that he sent around to us, as he calls them, he indicated the reason why he wants to go to $20,000 is because there would be two fellows nationally under the three-crop payment plan who would get $165,000. Then there would be 32 people who would get $110,000. Then there are going to be 12,000 farmers who would get $55,000. I think using those figures as logic he then said that therefore we have to go to $20,000. Well, I am telling you what will happen to those 12,000 farmers. He has told them that for political expediency and because it is politically sexy for me to talk about those 12,000 farmers with a $55,000 Government payment, that I am going to set the level at $55,000. But he did not think about the banks in those little towns that would get wiped out and he did not think about the implement dealers and the schools that would not get the school taxes and about $1,500 an acre of land that would go to $300. He should not think about them, either, because it does not affect him and he will get votes by not doing it. But it is up to the rest of us to think about those people. Yes, the consumers will suffer and the farmers will suffer, but if these farm communities suffer, the entire State has to suffer, and if those States suffer, then other States have to suffer. Recognizing that it is not just a farm problem and recognizing that we have already killed off the million-dollar recipient, because the committee did it when they passed the $55,000 limitation, and recognizing that from here on in you are simply haggling and you are supporting something just to make political points and with no other merit to it—recognizing that, I believe you all know how you should act. I urge you not to do that and I urge you to support the $55,000 limitation.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, it would be much better if we had ideal circumstances surrounding agriculture today, but these circumstances do not exist. Why and quickly now because time does not permit more do we have to have a subsidy from the Federal Government? Simply because we have problems in agriculture, and we of the Federal Government have said to the man who owns land, who owns equipment, who has been and still must pay taxes on this land and equipment, who has been farming that land and utilizing that equipment, that "you cannot farm your land any more," we have put him out of business. So when he cannot longer do with his as he chooses we by way of a subsidy payment partially compensate him for damage done.

Everybody agrees that some subsidy is in order. How much? That is the question. We, I readily admit, need some limitation. Why $55,000? Because there is a difference in crops. The people who live in the middle west and who raise feed grains know that it costs them some $35 an acre to get the grain ready for harvest, but it costs us in the South $140 to $150 an acre to get cotton ready for the harvest, and that is the reason a $20,000 limitation will not do, and cover all crops with fairness and equity. For this reason and others, Mr. Chairman, I support the committee amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, as a grain and livestock farmer, I find myself in a unique position and with mixed feelings. However, as a farmer I do support the $55,000 limitation, and I will tell you why.

I can visualize very easily the large farmers who would be penalized under this $20,000 limitation, and the problem that it would create. Who is the biggest contributor to the surplus we have in the marketplace? No one else but the big farmers naturally.

Now, if we do not offer some enticement, some incentive for these large farmers to participate in the feed grain programs, it will be disastrous for the little farmers because they are the ones who will suffer. No one will allow their high priced, high taxed land to remain idle.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Montana (Mr. OLSEN).

(By unanimous consent, Mr. MELCHER yielded his time to Mr. OLSEN.)

Mr. OLSEN. Mr. Chairman, I wish to associate myself with the remarks made by my colleague, the gentleman from Montana (Mr. MELCHER) just a few moments ago. I want to add something to them.

Mr. Chairman, I was the attorney general of Montana for 8 years, and as such I was on the land board that managed the school lands.

The States of Montana, Washington, and Oregon have been very diligent in managing their school lands, and they have, I believe, managed them more diligently than any other States in the Union. And the money does get to the schools. One-third of the crop that comes from the farming of school lands gets to the schoolhouse.

So, Mr. Chairman, I not only stand here in support of the committee's position on the $55,000 limitation, but I stand here also in support of the committee's position that the school land should be exempt from that limitation because that money does go to the schoolhouse, it does go to the schoolchildren, and I know, because I have witnessed this, and that is through the diligence of at least three States, their great diligence in preserving the gift of the Federal Government for the establishment of the common school system.

I hope, for that extraordinary reason, that we would vote for the committee limitation, and that we would vote for the committee's exception for school lands.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Georgia (Mr. FLYNT).

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would like the record to show that I am opposed to the Findley amendment, and all other amendments thereto.

(By unanimous consent, Mr. STEPHENS yielded his time to Mr. FLYNT.)

Mr. FLYNT. Mr. Chairman, I thank my colleague, the gentleman from Georgia, for yielding his time to me.

Mr. Chairman, I support the committee bill. I support the committee bill as amended. I oppose all amendments thereto.

Some of our colleagues today think that a surplus of farm commodities is a bad thing. Well, let me say to my friends from the great urban cities of America, who do not understand agriculture and the problems of agriculture that they are the ones who should be most thankful that we do have a surplus of agricultural commodities in the United States.

Mr. Chairman, there is a very thin line between surplus and scarcity. If this surplus that we have, and I am proud that we do have, should be transformed into a scarcity many Americans would go hungry for want of food, and the price for that food might be doubled or tripled within 30 days' time.

I wish the time would come when we had no need for susidies or agriculture payments of any kind. But until that time comes I want to do my part to help to maintain a viable and strong agricultural economy in the United States. I want an agricultural economy based on surpluses. I do not want an agricultural economy that is based on a scarcity of food for the mouths of the American people.

The bill as reported by the Committee on Agriculture is sound and I support it without apology.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I come from a district composed primarily of a large and populous city but which includes also some farm areas. But I think that I am properly representing my constituents in the city area when I support the interests of the farm areas because I have within my district the Turning Basin of the great Port of Houston, which is one of the greatest shipping points for farm products.

I think many of us who live in industrial and city areas have a strong interest in the health of agriculture. For this reason I have always voted against a fixed cutoff point for support payments to farmers, and I will vote against such limitations today except that contained in the committee amendment.

I took the same position that I take today on May 27, 1969, when the Conte-Findley amendment was before us. I refer to my statement at that time respecting the basic reasons for the price-support program. I also said at that time:

> Nevertheless, there are abuses. The price support program should be overhauled.

The bill before us does substantially change the price-support approach. It does not pay farmers directly for leaving land out of cultivation but pays certain support payments based on production which do, it is true, result in land being left out of cultivation. However, a farmer cannot under this bill be paid for simply not producing as was true in the past.

Also, with the committee amendment the inordinately high farm support payments are eliminated. There is a $55,000 limitation per crop.

As in so many other fields we must here strike a reasonable balance.

We must recognize, on the one hand, that the purpose of the production payments is to stabilize prices by restricting production of certain commodities, so that overproduction does not depress the price of the commodity. On the other hand, we must recognize that extremely large farmers, because they are big, are better able to ride out a bad year and they are not so much at the mercy of the market as are the small farmers.

I would be reluctant to tamper with the committee's balance of these interests. The committee has decided that this latter factor justifies a cutoff at $55,000. It is evident that the committee believes that if the cutoff were put at any lower figure several inequities and several undesirable results would occur.

First, it would be unfair to cut off production payments at a level of, say, $20,000 so that a farmer with extensive lands and heavy investments would be unduly restricted in production payments as compared to his smaller neighbor who could produce closer to the potential of his land and equipment. The result would be, of course, a higher unit price of production for the larger farmer.

Second, a cutoff at such figure would tend to cause the large farmers to move into the field of production of other commodities where his production payments were cut off with respect to a given commodity. Thus he would tend to glut the market in these other fields.

Whatever the weaknesses of our farm program, farmers have been able to work under it and to develop a total agricultural operation which is far more efficient than that of the Soviet Union or any other nation with a program comparable in size. It is for these reasons that I support the committee bill and the committee amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Chairman, in response to the comment of the gentleman from Oklahoma about limiting welfare payments to $20,000, I know an elderly blind lady who is on welfare and she has just informed me that she would accept that $20,000 limitation.

Also I would like to suggest to those who for years have talked about leading this country down the road to socialism that the amendment I have offered will lead this country up the road to capitalism.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, I support the Conte-Findley amendment for a $20,000 limitation. I believe the farm program can still work well at that level. That is as high as the payments ought to be without scaling them down.

I think any problems that exist with reference to wool or school land can be taken care of in the other body, if they are problems.

The way the vote will be called after the time limitation, we are going to have to vote on amendments without any corrections because there will not be any time to discuss any corrections being offered.

As I have watched the problem of limitations through the years I have come to the conclusion that we should have a sliding scale of limitations like we have on sugar. But since that is not possible the $20,000 limitation comes closer to what I think is proper and equitable than the $55,000 limit.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. Fisher).

Mr. FISHER. Mr. Chairman, I rise in support of the committee version which imposes a $55,000 limitation on payments under the farm program, and in opposition to the pending amendment—which includes wool in the limitation.

I think the $55,000 figure is a reasonable figure, considering all the complications and implications that are involved. By operating under that limitation for a year or two the Congress will then be much better able to determine more accurately its feasibility and the overall effect the limitation will have on the production of food and fiber.

In regard to wool—it really has no place in this amendment. It is not included in the committee amendment. In limitation efforts in the past it has not been included. It is not included in the Senate limitation recently added to the agricultural appropriation bill. Wool, like sugar, is a deficiency commodity. Our national policy is to encourage more production of wool, not less production. In fact, that is the stated purpose of the National Wool Act—written into the law.

Long ago wool was officially declared to be a strategic commodity, in terms of national security. In case of war, if submarine activity should cut off our long supply lines from New Zealand and Australia—as must be anticipated, our essential wool supply would become extremely critical. Hitler was once quoted as saying he lost the battle of Stalingrad because of shortage of woolen clothes for his troops. So, wool is a critical, strategic, and highly essential commodity not only for normal uses but for national security as well.

Wool growers in this country have had quite a struggle. During the Truman administration the tariff on raw wool was cut by 25 percent. That reduction enabled our friends in Australia and New Zealand to produce, transport, pay the lowered duty, and sell their wool in this country at a price below our cost of production. That was the findings of the Tariff Commission following an exhaustive hearing some 20 years ago. And the Commission recommended an import fee to close that gap between imported prices and our actual cost of production.

At that time the Eisenhower administration recommended instead what became the National Wool Act, and it has been in effect ever since. It has worked fairly well. As I have said, the entire concept of that program is to encourage more production. Now we find that concept, in effect, coming under attack by the Findley amendment.

It just happens that the wool market is in quite a slump at this time, which accounts for a relatively high incentive cost—paid for, incidentally, out of duties collected from excessive importation of foreign wool and woolen products. Wool prices have a way of going up and down.

Perhaps next year the domestic price will be much better, and the cost of the program reduced accordingly. In an 11-year period, payments ran from a low of 15 percent to a high of 47 percent. I can tell you this: No wool producer in this country is making much if anything at this time out of his operations, even with the incentive support.

I think it is fair to say that if you favor the National Wool Act—its concept of encouraging more wool production, you would be expected to oppose the Findley amendment. The amendment should be defeated.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. Gude) is recognized.

Mr. GUDE. Mr. Chairman, I rise in support of the Conte-Findley amendment. This is an essential step in our efforts to reorder our national priorities. The farm subsidy program has become a symbol of institutional lag. Designed to meet the crisis of the 1930's, it now provides massive payments to the successful farmers it helped to grow, but only a pittance to the large numbers of invisible poor on the farm. We need to redirect and reinvigorate our farm program, and I have grave doubts that this legislation meets this need.

But at the very least, we can try once again to reduce the payments received by a handful of the most affluent producers. This year, the other body has followed our lead and approved a $20,000 limitation on farm subsidies. Let us reaffirm our support of a limit on Federal largesse, and our commitment to reform that will give both the average farmer and the average taxpayer a break.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. Edmondson).

Mr. EDMONDSON. Mr. Chairman, I rise in support of the committee bill.

Mr. Chairman, I recognize this bill is far from perfect and leaves unanswered some of our major questions on farm policy.

Nevertheless, it appears to be the best legislation available to us at this time, and I know the committee has worked long and hard on its contents. The $55,000 limitation is undoubtedly a compromise of the strong views prevailing on this question, and will accomplish the major objective of those who farm a limitation without doing total violence to the program to stabilize farm prices and production.

I will therefore support the committee position and the committee bill, with the hope that the next Congress will provide improved solutions to some of the long-time problems of the American farmer.

(By unanimous consent, Mr. Edmondson yielded the remainder of his time to the gentleman from Oklahoma, Mr. Belcher.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. Miller).

Mr. MILLER of California. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, I rise in support of the Lowenstein amendment and the Findley-Conte amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Chairman, a major premise of farm legislation is that it is not in the national interest to drive small farmers off the farm. We would do that if there were no subsidies. We do that when we give enormous subsidies. So I favor a reasonable subsidy, at least till some better system is devised and implemented. Now the distinguished chairman and the overwhelming majority of the committee support a ceiling of $55,000 and insist that a lower ceiling would destroy the farm program. But why is $55,000 a reasonable ceiling and anything less than that disastrous? The studies I have seen do not support that notion. In fact, they indicate that there would be relatively few farms affected, though the savings to the taxpayer would be substantial. Is the taxpayer who supports all these programs to be forgotten in the interest of a few corporate farmers? On the contrary, it seems to me sound economics and sound morality to stop paying large subsidies to people who do not need them while other people go hungry and millions more are crushed by taxes and inflation.

In short, the substance of the arguments against my amendment today has been an argument against any payment limitation at all, and if we end up without a reasonable and enforceable payment limitation, I think greater social and economic inequities will result from extending the farm program than from abandoning it. If we come to that situation, I will be obliged to vote against the bill. If we cannot have a farm program that is fair to small farmers—and to consumers and taxpayers generally—we should have no farm program at all. We would thus have arrived willy-nilly at Mr. JACOBS' conclusion, which I for one would regret.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

(By unanimous consent, Mr. ABERNETHY yielded his time to Mr. WHITTEN.)

Mr. WHITTEN. Mr. Chairman, I thank my friend and colleague, TOM ABERNETHY, who made such a fine argument on this matter.

This is not a relief program for agriculture. It is not a payment to agriculture. This is an effort to maintain farm purchasing power by maintaining farm income on a somewhat comparable level with the cost of what the farmer must buy. Unfortunately, this generation does not remember the cause of the last depression, which was led off as all depressions have been by a breakdown in farm income. When farm purchasing power went down, it pulled the rest of the economy down.

In our country, in order to keep a healthy economy, we must keep a balance between industry, agriculture and labor. For years we tied agricultural prices to 90 percent of parity, which means prices comparable with the prices the farmer had to pay for things he bought which, of course, included the cost of labor. As minimum wages and bargaining power of labor unions increased, the cost was passed on by industry to the buyer to maintain a balance so important to our economy; farm prices, or raw material prices, were supported at a somewhat comparable level—except, of course, in the case of perishable commodities, where section 32 funds were used to buy up surplus—30 percent of import duties.

Unfortunately, the 1965 act provided that as labor continued to get higher minimum wages by law and by collective bargaining provided by law increased its average minimum wage to $2.96 an hour, agricultural prices were permitted by law to sag to even less than 50 percent of parity; and the Congress promised to make up the difference in what has been called throughout this debate "checks from the Treasury." I said at the time of passage of the act that the Congress would either renege during the years of the act or cut it back when the next agricultural act passed; and that is what efforts are being made to achieve today.

Keep in mind that the farm program was initially passed to restore purchasing power to agriculture, so essential if we were then to have an economic recovery; for as I have stated it was the break in agricultural prices and income which led to the depression of the 1920's and so with all others.

Let us review the facts:

The value of agricultural products dropped from $18,328 million in 1920, to $12,402 million in 1921. As a result, 453,000 farmers lost their farms, all reflected by failures of local banks.

In 1928 prices were: wheat, $1; cotton, 18 cents; and corn, 84 cents. By 1931 wheat was 38 cents; cotton, 5.5 cents; and corn, 32 cents. The Dow-Jones Stock Price Averages followed by declining from a high of 381.2 in September to a low of 41.2 in July of 1932.

Farm income and resulting real purchasing power has already dropped more than 50 percent on the farmer's investment since 1940, from 7.1 percent to 3.10 percent. The warning signs are out.

Now, why cannot we get this story over? Perhaps too few are willing to study history; or perhaps it is because the news media is focused on the 95 percent of nonfarmers. Whatever it is, the story must be gotten over, for the sake of all.

What I say to you today is that you are not limiting a grant or a gift to the farmer or the agricultural producer, you are dealing with a part of his cost and all his profits; and if you do scale back the Government payment you are leaving him helpless in an economy where labor and industry are protected and their take of the consumer dollar is ever increasing. Then just as certain as happened in the late 1920's you are inviting the biggest depression imaginable.

If this were merely a gift, any amount would probably be big enough. But this is a matter of cutting back farm income, which means farm purchasing power with all its adverse effects on every one. If the Conte-Findley amendment is passed, estimates show the farmer can buy only 20 percent of the equipment and other materials he purchases today. If he, industry's biggest customer, cannot buy, industry cannot hire, labor cannot work, taxes would not be paid, and so it would go.

We should vote for the committee bill, which perhaps goes too far itself. Certainly we should defeat the Conte-Findley amendment, which is predicated on an erroneous concept that this provision for the farmer is a handout.

If you want to invite disaster, cut down the purchasing power of agriculture. The results will be on your heads if you pass these limitations without restoring farm prices and volume drastically reduced since 1965.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized.

(By unanimous consent, Mr. GOODLING yielded his time to the gentleman from Oklahoma, Mr. BELCHER.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I urge everyone to vote for the Conte-Findley amendment to strike a blow for economy, to help stop inflation, and to save the taxpayers $177 million a year.

I would like to answer one thing the gentleman from Mississippi, (Mr. ABERNETHY) my good friend, said—and I say that sincerely. The gentleman talked about my district getting subsidies. I challenge the gentleman to tell me which if any in my district get any subsidy, and which subsidies I have ever voted for.

The Mississippi Delta area receives some of the largest subsidies in the United States, and yet it has one of the highest poverty rates in the United States. Can the gentleman rationalize that?

I hope all my colleagues will march up the aisle, as they have in the past, and put some sensibility into this runaway program.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I do not have more than a handful of people in my district who receive more than $20,000, in commodity payments, but I would tell my colleagues I have a serious question about the effectiveness of the agricultural programs if anything lower than the committee amendment is adopted.

I think a certain political or perhaps cultural problem is reflected by Members who do not have substantial agriculture in their districts and are seemingly not concerned about its welfare. These Members seem to think that adopting these amendments is an effective way to cut the budget, but I think they will find such action will redound to the detriment of their constituents in the urban and suburban districts around the country.

I strongly urge those on the floor to oppose the Findley-Conte amendment, and the Jacobs and the Lowenstein amendments. The committee amendment at $55,000 is as low as we should go.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Chairman, we have had a long, hard argument. We always have a long debate on the farm bills. I think it has been carried out at a very high level. I just want to tell the Members that I believe that anything less than $55,000 is not going to get us a successful farm program, and I believe that without a successful farm bill and program, every single solitary district in the United States is going to suffer.

I never try to tell another Member of Congress how to vote. I want all the Members to use their very best judgment and let their conscience be their guide and vote their sentiments on this bill.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. POAGE) to close the debate.

Mr. POAGE. Mr. Chairman, many feel they must vote for a limitation of payments of some kind. I think limitations are unwise. I do not think there is any necessity for any limitation, but many sincerely believe there should be.

The committee has given us an opportunity to vote for a limitation, and at the same time to use a figure which the Secretary of Agriculture and the Committee on Agriculture feel will be practical and

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one through which we think we can make the program continue to work.

We have a choice between that kind of limitation and one which the Secretary says will not work, and one which all of us who have studied agriculture feel will not work, and one which no single farmer I know of thinks will work.

I think the choice ought to be to vote down all these limiting amendments to the committee amendment and to support the committee amendment for $55,000. This committee amendment takes care of all this talk about the millionaires, and takes care of all this talk about how some people have so much money. It cuts everybody down to a $55,000 maximum, and everything will be achieved that Members say they want to have achieved.

Mr. BOLAND. Mr. Chairman, I rise in support of the Conte-Findley amendment. Designed to stop what is probably among this country's most profligate wastes of the taxpayer's money, the amendment would set a ceiling of $20,000 per crop on subsidies to individual farms. The ceiling now, as you know, is virtually limitless. Many giant farm operations—operations so lucrative they rank with some of our biggest industries—receive yearly subsidies well into the hundreds of thousands of dollars. When first before the Congress, the farm subsidy program was heralded as a means of protecting the small farmer against the vicissitudes of the market. The program, we were told, would maintain what was then a venerable American institution: the small family farm.

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It has not worked out that way. The program now lavishes money on the big automated farms—farms that can amply afford to stay in the black without Government subsidies. The small farmers, meanwhile, receive subsidies almost trivial in comparison to their needs. The small farm is vanishing, driven out of the agricultural marketplace by the competition. The big farms, conversely, are booming.

Only a cursory glance at the farm subsidy program's statistics shows a need for wholesale reform—or, perhaps, even abolition.

The committee bill, as it now stands, proposes a $55,000 limit on crop subsidies. This figure is plainly too high. The Conte-Findley amendment would more than halve the committee's ceiling, lowering it to the far more reasonable sum of $20,000. It would, moreover, place the subsidy limit on wool as well as the three crops cited in the committee's bill: wheat, feed grains, cotton.

Another distinction between the committee provisions and the Conte-Findley amendment—a distinction that is probably the most significant, in fact—warrants mention here. The committee bill encourages what can be interpreted as lenient enforcement of the ceilings. The amendment, quite to the contrary, demands far more rigorous enforcement.

It is high time the Congress eliminated abuses in the farm subsidy program.

We can start on that job today.

The CHAIRMAN pro tempore. All time has expired.

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Chairman, am I correct in understanding that the first vote will come on the Lowenstein amendment to the committee amendment, which would have the effect of reducing the payment to $10,000?

The CHAIRMAN pro tempore. That will be the first vote.

Mr. FINDLEY. Then the second vote will come on the amendment to the substitute amendment offered by the gentleman from Indiana (Mr. Jacobs)?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. FINDLEY. Which would go down to $5,000 a year.

Then the next vote will be on the substitute amendment, which provides the limitation of $20,000?

The CHAIRMAN pro tempore. The gentleman is correct.

The question is on the amendment offered by the gentleman from New York (Mr. Lowenstein) to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN pro tempore. The question now occurs on the amendment offered by the gentleman from Indiana (Mr. Jacobs) to the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF ARIZONA TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE COMMITTEE AMENDMENT

Mr. STEIGER of Arizona. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. Steiger of Arizona to the substitute amendment offered by Mr. Findley: At the end thereof insert the following:

"(5) The Commodity Credit Corporation is authorized to make long-term low-cost loans for those persons whose payments are reduced under this section and who wish to convert to other crops, said loans not to exceed a total of $100,000,000; said loans to be repaid including interest computed at a sum not less than 1 percent above the cost to Commodity Credit Corporation."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. Steiger) to the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. MELCHER TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE COMMITTEE AMENDMENT

Mr. MELCHER. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. Melcher to the substitute amendment offered by Mr. Findley: In section 101(1), enumerating titles of the bill to which a limitation shall be applicable, strike the Roman numeral "III".

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Montana (Mr. Melcher) to the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. MELCHER TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE COMMITTEE AMENDMENT

Mr. MELCHER. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. Melcher to the substitute amendment offered by Mr. Findley: On line 20 of the Findley substitute strike "means semicolon" and substitute therefor "means period" and strike the remainder of lines 20, 21 and 22 and substitute therefor the following:

"*Provided,* That the provisions of this act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed, or leased for farming primarily in direct furtherance of a public function as determined by the Secretary."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Montana (Mr. Melcher) to the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment to the substitute amendment was rejected.

The CHAIRMAN pro tempore. The question now occurs on the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman pro tempore appointed as tellers Mr. Findley and Mr. Poage.

The committee divided, and the tellers reported that there were—ayes 134, noes 161.

So the substitute amendment to the committee amendment was rejected.

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mikva: On page 2, after line 24, add the following new section:

"Sec. 102. No person shall be entitled to receive any payments (as defined in section 101) which exceed in the aggregate $5,000 under the programs established by titles III, IV, V, and VI of this Act, unless—

"(1) he pays each person employed by him (other than a member of his immediate family) at a rate not less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, and

"(2) he is in compliance with all applicable Federal, State, and local laws, ordinances, and regulations pertaining to the health and safety of his employees, and

"(3) the Secretary of Labor certifies in writing that the recipient is in compliance with the requirements of paragraphs (1) and (2) of this section."

POINT OF ORDER

Mr. POAGE. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore (Mr. SMITH of Iowa). The gentleman will state the point of order.

Mr. POAGE. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Illinois on the ground that it is not germane. It is not germane to the fundamental purpose of this legislation, which is to adjust agricultural production to national consumption.

It proposes to amend a statute—section 6(a)(1) of the Fair Labor Standards Act of 1938—which is not in this bill, or for that matter is not even under the jurisdiction of the Committee on Agriculture.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. MIKVA) desire to be heard on the point of order?

Mr. MIKVA. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. MIKVA. Mr. Chairman, I would say in support of the amendment that this is a limitation on the subsidy payment that can be made. Title I itself is a payment limitation title and this is another limitation on those payments.

The amendment does not amend the Fair Labor Standards Act in any way. No one is required to pay $1.60 an hour. The only requirement is that if he desires to obtain more than $5,000 in subsidies then he must comply with the payment of $1.60 and with all health and safety regulations.

So I would say Mr. Chairman, that it is germane to the rest of the section and that it does not amend any other statute.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The gentleman from Illinois (Mr. MIKVA), has offered an amendment as a new section of title I of the bill. The committee amendment just adopted established an annual ceiling on payments to producers of upland cotton, wheat, and feed grains. The amendment offered by the gentleman from Illinois would add a new section to require that producers receiving such price support payments, including producers of wool, may not receive payments aggregating over $5,000 unless first, such producers pay all persons employed by them—other than relatives—not less than the minimum wage prescribed by the Fair Labor Standards Act; and second, such producers certify annually that they are in compliance with all applicable employee health and safety laws.

The Chairman has had an opportunity to examine the gentleman's amendment and would call attention to a decision by Chairman Cox on June 18, 1935—RECORD, page 9579. In that instance, to a bill providing assistance to farmers through the contractual benefits conferred upon them by the Agricultural Adjustment Act, and amendment prohibiting agreements under provisions of that act unless such contracts established certain minimum wage rates and maximum hours for farm laborers was held not germane.

The Chair feels that this precedent is controlling, that the amendment offered by the gentleman from Illinois is not germane, and therefore sustains the point of order.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA of Illinois: On page 2, after line 24, add the following new section:

"SEC. 102. No person shall be entitled to receive any payments (as defined in sec. 101) under the programs established by titles III, IV, V, and VI of this Act, unless—

"(1) he is in compliance with all applicable Federal, State and local laws, ordinances, and regulations pertaining to the health and safety of his employees, and

"(2) the Secretary of Labor certifies in writing that the recipient is in compliance with the requirements of paragraph (1) of this section."

POINT OF ORDER

Mr. POAGE. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore. The gentleman will state the point of order.

Mr. POAGE. Mr. Chairman, I make the point of order that the amendment is not germane. It does not go to the purpose of the act and that on the contrary it seeks to impose regulations of another statute without amending the other statute, that it comes clearly within the same ruling of Chairman Cox.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. MIKVA) desire to be heard on the point of order?

Mr. MIKVA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. MIKVA. Mr. Chairman, I would say in defense of this amendment that this does not impose any additional requirement on anybody at all.

This amendment does not change any existing statute at all. What it says is that we will not give Federal subsidies to anybody who is violating existing law. It is therefore very germane to the bill at hand.

We are simply taking the position that if this amendment is adopted that Federal funds ought not to be used to support scofflaws.

I do not know anything that is more germane to the purpose of this bill than to see to it that Federal money is limited solely to those who comply with existing law.

This does not increase the jurisdiction of any agency in terms of present existing laws. It simply says that no one is entitled to receive Federal funds unless they are complying with existing laws.

I urge that the amendment is germane.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Illinois has offered an amendment adding a new section in title I of the bill. The amendment would prohibit all price support payments under titles III, IV, V and VI of the pending bill unless the producer is in compliance with applicable laws and regulations pertaining to the health and safety of employees.

The Committee already has before it the committee amendment which imposes an overall payment limitation. The pending amendment would add a complete prohibition on payments if certain conditions are not met.

The Chair feels that in view of the concept already introduced into the bill by the committee amendment, the further amendment offered by the gentleman from Illinois is germane. The Chair overrules the point of order.

Mr. MIKVA. Mr. Chairman, as I stated in support of the germaneness of the amendment, the amendment would not add to the requirements of law as far as any farmer is concerned. It simply provides that before the farmer can receive any Federal subsidies under this bill, there ought to be a certification that he is in compliance with all existing health and safety ordinances and regulations.

I would consider this a tenth-of-a-loaf amendment. My own preference, as I indicated when I first introduced this subject during general debate, is that all farm employees ought to be covered by all present Federal laws pertaining to wages, hours, safety, and health. The man whose income is insufficient to feed his family does not get much solace from the fact that he works for a farmer rather than a factory owner or a miner. I would have preferred that the minimum wage standards now pertaining to some farm employees should also pertain to the employees of those farmers who received subsidy payments in excess of $5,000.

But if we cannot get that, at least we ought to say that no Federal money ought to be used to encourage and enhance a farm operator who violates existing law.

I might say to the members of the committee that there are many cases in point. I have before me as an exhibit that was introduced in a lawsuit in California a list showing instance after instance of farm operators who received subsidies and who violated existing State and Federal health and safety laws.

For example, there was one farm operator in California who received $697,000 in 1969, $341,000 in 1968, and $622,000 in 1966, who on some four different occasions was investigated and inspected by California health investigators, and it was found that there were no toilet facilities on his farm, no hand-washing facilities, no drinking water, all in violation of existing California law.

We are paying people subsidies, Federal money to encourage and enhance their capacity to violate State law. I do not know anything that would do more for State rights than to say to all farm operators that we are not going to give them the wherewithal to ignore existing State and local health and safety ordinances and regulations.

Here is an instance of a farm operator who received subsidies in 1969 of $1,788,000; in 1968, $1,777,000.

In instance after instance we see the grossest kind of violations of existing health and safety standards: no toilet, no hand-washing facilities, no drinking water.

These are farm employees. These are people who are working on these farms being denied the fundamental protection of their own State, local and Federal regulations, and the farm operators who are doing it are getting Federal money to help them to do it.

I suggest that the amendment is merely a small step toward saying, "We are not going to give subsidies to people who violate the existing laws of their State or their local municipality or the Federal Government."

The amendment does not cure any of the fundamental deficiencies we have heard debated before, but at least it would take the Federal Government off the wrong side of an argument about health and safety and would see to it that Federal moneys are reserved for those who are willing to abide by the law.

Mr. Chairman, I include a list of the cosponsors of my amendment:

COSPONSORS OF MR. MIKVA'S AMENDMENT

Messrs. Abner J. Mikva, James G. O'Hara, George E. Brown, Jr., Bob Eckhardt, Edward I. Koch, Robert Nix, Philip Burton, Michael Harrington, Mario Biaggi, Ed Roybal, Allard K. Lowenstein, Thomas M. Rees, Ogden R. Reid, William F. Ryan, Frank Thompson, Jr.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is, of course, one of the most difficult situations with which we have to deal. This is like asking when we will stop whipping our wives, because this has an appeal to everyone of us to say that a man should not be paid for violating the law.

But there is the question of the burden of proof, and that is quite important to our system of jurisprudence. We had an example just yesterday of the question of the presumption of innocence. I believe the people of the United States are really quite strong in their belief that there is a presumption of innocence. I believe the gentleman who just offered this amendment would be one of the first to advocate a complete presumption of innocence.

I do not believe there should be a statutory obligation placed upon the farmer to prove he is innocent of violating the law. I think, of course, the burden of proof should be the other way, and that if he has violated the law, fine him, penalize him. I do not believe the farmer or anybody else should be allowed to go without penalty for violating the law, but I do not believe the burden of proof should be on the farmer to prove he is innocent, as the gentleman's amendment does. It requires every farmer to come in and prove his innocence before he is entitled to receive his payment.

I think this amendment indicates the futility of trying to write this kind of bill on the floor. This amendment was not submitted to the committee. The first amendment was, and that one was ruled out of order, but this one was not.

I am not really finding fault with the gentleman's thought, but his mechanics are all wrong.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, would the chairman agree the substance of this amendment was in the amendment that I showed to the committee?

Mr. POAGE. No, the chairman will not agree with that at all, because, although I think the gentleman has done it inadvertently, he has shifted the burden of proof, contrary to the American way of carrying out our courthouse procedures. I think he has done a thing contrary to my understanding of American jurisprudence. I do not want to be a party to it.

I think the gentleman has also done a thing he does not realize. What he is doing is seeking to penalize those farmers who are growing the three basic crops. This bill and the payments the gentleman is talking about go only to the growing of the three basic crops of cotton, corn, and feed grains. Those are the very crops where we do not have a great deal of hard labor. The great bulk of the hard farm labor is used in fruits and vegetables and specialty crops, and not in these three crops with which we are concerned here. What we are doing is discriminating against the very people who are not involved in the situation that the gentleman is concerned about. He really wants his amendment to go to the fruit and vegetable growers. That is really where the gentleman wants to go, but he applies it to the cotton and corn and feed grain growers.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, we have a similar requirement to that proposed by the gentleman from Illinois in the Davis-Bacon and the Landrum-Griffith laws and almost all school aid legislation, including the poverty program, and I believe the gentleman has generally favored these limitations in the past. There is an obligation on the part of people to show affirmatively, and not as a result of any trial or charge made against them, but as a condition precedent to their entering upon certain duties or obligations or receiving funds, that they are in compliance with all laws that would affect their federally financed operations and activities.

Is the gentleman suggesting to this House that the great American farmer, whom we have always believed to be at the very foundation of the values and concepts this country has been built upon, will have greater difficulty complying with the laws that are passed for all of us, and to observe them, than this group of people?

Mr. POAGE. Yes, I certainly am, because certainly the farmer is in no position to have the accounts that the industrial operations of America have. He simply does not carry his accounts that way. Certainly I am suggesting there is a difference, a very big and very important difference, and one which apparently has never occurred to a great many Members of this House.

Mr. SCHERLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, whenever we talk about health and safety it is like supporting motherhood and the flag. It is a little difficult to be against it.

However, I do feel there is a proper place for both. The proposal made by the gentleman from Illinois in this bill is definitely not the proper place.

As a member of the Committee on Education and Labor, and the ranking minority Member on the Labor Subcommittee, we had before our committee a bill now before the Rules Committee, on occupational health and safety. We have discussed and debated that bill in the committee for over 6 months. The bill now rests before the Rules Committee subject to hearings.

All of the worries over the problems the gentleman from Illinois has expressed—that can take place or have taken place—is covered under that bill.

There is another problem that concerns me at this time. The gentleman makes reference to State laws. I hesitate to see the Federal Government once again overshadow and oversee States rights. I believe there is enough law enforcement on the State level. If these safety laws exist on the State level—they should be enforced on the State level. They should not come to the Federal Government and say that we should establish an agency by which these laws should be controlled.

I also feel that the farmers are going to be penalized, because all the farmers are not included in this measure, as they are in the Occupational Health and Safety bill.

I ask the Members of this House at this time to refrain from any support of this proposal. The Occupational Health and Safety bill will be before the House soon, and at that time we can make all the adjustments that are needed.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come from a district that has no farmers in it. It includes Greenwich Village and the upper East Side of Manhattan. It is probably the most urban district in the country. There are to the best of my knowledge no constituents I represent who will be assisted by this amendment.

I will tell the Members why I rise to proudly say I am a cosponsor of the amendment and to speak in favor of it. It was about 30 years ago when the picture "The Grapes of Wrath" played in the movie houses across this country. I believe everybody remembers the "Okies," so-called and so well depicted, with respect to what was happening on many farms of this country. It made a great impression on me as a young boy.

I am a city boy. Really, I have been on very few farms in my lifetime. I visited several Iowa farms last year with JOHN CULVER, but other than that, never before. Those farms were modern and comfortable but I have never forgotten the farms described in the movies in the 1930's and the farmworkers who worked them. And I always believed that something should be done to prevent human beings from being so ill treated and housed as have been some farmworkers throughout the years.

It would appear from some of the statements made on the floor by Members speaking in opposition that what this amendment seeks to effect is something new, that it affects conditions which we ought to study or think about. One might get the impression perhaps

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the conditions sought to be remedied do not exist.

But the Members and I know that every 2 or 3 years there is an exposé in the newspapers about the terrible conditions that exist in the various States—in my own State, the State of New York, and other States. There are few States that are free of what we are talking about, particularly when we talk about the plight of the migratory workers. The fact is that many do not have sanitation facilities and decent housing provided for them.

Then everybody says, "Well, it is a terrible thing, and we have to do something about it, and we will study the problem."

Then nothing happens.

Then a bill comes to this floor which has provisions giving to farmers $55,000 in Federal subsidies, and an amendment is offered which says, "Well, listen. If, Mr. Farmowner, you want $55,000 in Federal moneys, we expect you at least—at the very least—to abide by the State and Federal laws that govern your employees."

We are not talking about the minimum wages in this amendment, although we should be.

We are just saying you ought to provide them with adequate sanitary facilities and decent housing. We say to you, "Mr. Farm Owner, if you are not willing to do that, then the American public is not willing to subsidize you." I do not think that is an unfair request to make of a farmowner or an unfair request to make of this Congress to say let us be fair to everybody. We hear about fairness to the farmowner. How about the farmworker? It seems to me this is the opportunity to tie him in—one with the other. The farmowner has a $55,000 subsidy. Surely then he has a commitment that he ought to abide by the laws of the land insofar as it affects his farmworkers. That is why I support this amendment.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. KOCH. Yes. I yield to the gentleman.

Mr. ROBERTS. Let me say first that I appreciate the gentleman yielding.

To start with, this $55,000 that you are talking about does not apply to very many farmers. My brother and I, for example, own about 1,000 acres of land, and that is a pretty good hunk of land. We get $490 each as I recall for cotton and grain. Our tenants get twice that much because we rent on that basis. The point I want to make, though, to the gentleman who has not been around farms very much, he says, is that the farm owners do not live in luxury, themselves.

Mr. KOCH. They do not have running water and they do not have sanitary facilities?

Mr. ROBERTS. At least one-third of them have no sanitary facilities.

Mr. KOCH. If my colleague will permit me, I do not know anything about his farm, but I dare say that your brother or whoever else is working that farm probably has those facilities. I would be shocked if he did not have running water. And the fact is that the amendment provides that employees be given the minimum services that the law now requires. And it is not your farm that is going to have a problem.

Mr. ROBERTS. The gentleman would just be shocked, then, because that is the situation.

Mr. KOCH. That your brother is not providing these minimum facilities? I would be surprised.

Mr. ROBERTS. One-third of the farms do not have sanitary facilities, and we cannot do anything about that so long as you limit Farmers Home Administration water and sewer grants and loans.

Mr. KOCH. The amendment says "those farms that are not willing to provide the minimum facilities already required by law" shall not receive the subsidy. This amendment does not mandate additional services to be provided. It merely says "those facilities that are now required by law should be provided to the farm worker" if you in turn want to get your $55,000.

Mr. ROBERTS. I thank the gentleman. I just want to say to him that if I got that $55,000 payment, he feels all farmers receive, I would sure get those facilities, just as soon as I get the FHA water project by my farm. I thank my friend from New York for yielding.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would appreciate the attention of the author of the amendment because I would like to have a little colloquy with him in connection with this amendment.

Very frankly I find myself sympathetic to the desires of the gentleman from Illinois in connection with his amendment. In fact, I was considered sympathetic with the original amendment he offered had we been able to modify it some and had we been able to make it germane, we could have stricken out the overtime provisions, which frankly I do not think will work in connection with farms.

The reason why I rise to ask the gentleman a couple of questions and engage in some colloquy with him at the present time has to do with part 2 of section 102 as he proposes it where he says the Secretary of Labor certifies in writing that the recipient is in compliance with the requirements of paragraph 1 of this section. If I can just briefly explain what I would like to have the gentleman comment on, of course, the amendment would preclude any farmer from receiving any kind of payment or even being considered to be in compliance with any kind of a provision of the present act until the Secretary so certifies. Now, the burden, then, is upon the Secretary of Labor, not the Secretary of Agriculture, and then the Secretary of Labor has to certify. I want to ask the gentleman what he feels the Secretary of Labor is going to have to know before he certifies compliance, because there are, as the gentleman knows, several million farms in this country.

I do not have any idea as to how many people are going to be needed under this, but I am sure there would be an army of people going out checking on this before the Secretary certifies them—or is he going to certify them merely by guess and by gosh?

Mr. MIKVA. Will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I would say in response to the gentleman's inquiry that the Secretary can certify on the basis of a sworn statement filed by the farm operator that he is in such compliance, and unless the Secretary is in receipt of any evidence to the contrary that would suffice.

Mr. SISK. Is the gentleman saying that Mr. Jones, who is a farmer in x State, has complied as best he knows how under this program, and that then unless the Secretary has knowledge otherwise, that he will automatically certify him? In other words, is he saying that he is going to automatically certify a farmer unless proof has been developed that he is not in compliance?

Mr. MIKVA. Based on a sworn statement by the employer that he is in compliance. That is the way the Davis-Bacon Act works, and many other programs under the Federal law work, where a sworn statement from a person involved is sufficient unless evidence to the contrary has been received.

Now, if somebody files a sworn statement which is false, he is subject to penalties.

Mr. SISK. But the farmer is not filing any statement, there is nothing for the farmer to file; this is strictly something that the Secretary of Labor is going to certify to. I am interested in how much information he is going to have to have before he makes such a certification, and I am just wondering how many people are going to get involved in here going around checking on this, if he is going to insist on actually checking with each farmer before he certifies them.

Mr. MIKVA. There is ample analogy for a procedure such as I suggested under Federal statutes like the Davis-Bacon Act, and others, where a sworn statement of a proposed recipient or a proposed contractor is sufficient unless there is evidence to the contrary. There is no large army of investigators going around, snooping around. Where there are instances where a farm operator is in notorious violation, and he files a false statement, knowing it to be false, then he is subject to penalties under Federal law.

Mr. SISK. I do not find anything in the gentleman's amendment that requires a farmer to file anything.

Mr. MIKVA. I am stating that the Secretary could set up such a system, similar to that established under countless other statutes. The whole program would be subject to the Administrative Review Act, and the farm operator would be fully protected, and the Secretary would not have any large army of investigators going about such as the gentleman is talking about.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. SISK was allowed to proceed for 3 additional minutes.)

Mr. SISK. Mr. Chairman, I hesitate to impose on the time of the Committee. And further, let me say to my good friend, the gentleman from Illinois, and others who may be interested in this amendment, I have a great deal of sym-

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pathy with it. I do not desire to see any farm operation that is the kind of farm operation such as mentioned by the gentleman where they would receive one dime from the Federal Government.

The gentleman has cited some farms in California, and I would like to find out the names of any farms that are in compliance or involved in the programs covered in here, and I am speaking of cotton; that is, I believe, about the only program in my State where such a certification has ever been made, that it was not in compliance, because there is really little labor involved on the cotton farms in California; they are all mechanized entirely. I recognize that we have had a problem in the fruit areas, and we have had a problem with the grape pickers, and we have had a problem in many areas in vegetables and fruits, and other commodities, but here we are not dealing of course in that area at all; we are dealing with a completely different type of agriculture, and an entirely different commodity.

I would like to support the gentleman's amendment, and I would support it if he would, instead of saying the Secretary of Labor, he would make it the Secretary of Agriculture, but I do not support the amendment when it has the Secretary of Labor in it. I think that is entirely wrong; I think it imposes a burden that he simply could not fulfill.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. MIKVA. I thank the gentleman for his comments.

I can only say that the Secretary of Labor already enforces the Fair Labor Standards Act as to those farm employees that are covered; so this is not giving some new jurisdiction to the Department of Labor. In fact what the gentleman suggests would be to take away existing jurisdiction from the Department of Labor, which I would be reluctant to do.

Also I would say to the gentleman that I have communications about California farm operators who are receiving subsidies—not fruit growers—who are in violation of existing California laws.

Mr. SISK. I would certainly want to see whether they are in compliance with the law. We do have State laws which will bring them into compliance. All we have to know is about where the farm is.

Mr. MIKVA. I would be very glad to help the gentleman.

Mr. SISK. I assure the gentleman that we would help to see that they come into compliance.

Mr. Chairman, I hope the amendment is voted down because I do think it is unworkable as presently written.

Mr. WALDIE. Mr. Chairman, I too rise in opposition to the amendment. I was in favor of the proposal as it was originally explained to me. But I must confess that one of the strongest and persuasive arguments against it was the one made by the chairman of the committee the gentleman from Texas, where he suggested that the burden of proof is essentially what is involved here.

Were the gentleman's amendment limited solely to violation of Federal law or regulations there would be some sense to tie a Federal program of subsidy to compliance with Federal laws and regulations.

But it just seems to me to make far less sense to tie into compliance conformity to local or State laws without requiring a conviction, and satisfy objections as to the burden of proof.

I voted against a similar proposal that has been before this House involving student loans where we suggested that we not subsidize students who are convicted—in that instance of wrongdoing during student demonstrations. We had a similar program where we required certification by the universities of compliance with certain rules and regulations before we would subvent to them Federal assistance.

I voted against those also because I felt it was an unwarranted intrusion of the Federal Government into what are essentially local matters.

I would vote for this amendment were it tied solely and exclusively to failure to comply with Federal regulation or law but when it is extended to certification that a farmer is not violating a local ordinance or a State law it just seems to me that the chairman of the Committee on Agriculture's argument that burden of proof is an essential ingredient that requires demonstration of fair play and equity to be consistent with the position I took in voting against the restriction upon students and upon universities, upon which their Federal grants were dependent, that it requires equal consistency in this instance.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I was going to take the floor to make the same comments which the gentleman has made, but he has made them much better than I could.

I subscribe to what the gentleman has said and think the gentleman has drawn the line very well and he has brought out the parallel very well as regards to the student situation, and more importantly as to the question of the burden of proof.

Mr. Chairman, I hope the amendment is voted down.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT of Texas as a substitute for the amendment offered by Mr. MIKVA of Illinois: On page 2, after line 24, add the following new section:

"SEC. 102. No person shall be entitled to receive any payments (as defined in sec. 101) under the programs established by titles III, IV, V, and VI of this Act, unless—he certifies under oath that he is in compliance with all applicable Federal, State and local laws, ordinances, and regulations pertaining to the health and safety of his employees."

This provision shall be subject to enforcement by the secretary of labor under such processes as he shall establish.

Mr. ECKHARDT. Mr. Chairman, the difference between this amendment and the Mikva amendment is that it provides just as the last speaker has pointed out that the same rule shall apply with respect to farmers as applies with respect to universities and with respect to students and scholarships. They are required, in order to receive Federal assistance, to be in compliance with Federal and State laws, and all they need to do to show that they are in compliance is to file a statement under oath to the effect that they are. The processes of enforcement are then given to the Secretary of Labor. The major enforcement measure would be to bring an action for perjury or for false swearing against a person who is actually engaged in an offense. The processes would be directed at that sort of procedure.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from California.

Mr. SISK. I do think the gentleman's language would improve the amendment, but I still have a question. As I understood my colleague from California (Mr. WALDIE) a little bit ago, he pointed out, for example, that the language could be in compliance with all applicable Federal laws pertaining to, et cetera. I would be inclined personally to think that that would probably be a good thing. I raise the question as to the obligation of a Federal agency to investigate in connection with local and State laws, and I would appreciate my friend's comment. I know he is knowledgeable in that area. That is the question I am concerned about.

Mr. ECKHARDT. I have had some experience in this area, because as director of the Southwestern Regional Office of the Coordinator of Inter-American Affairs during the Truman Administration, I had something to do with the migratory labor question in my State and in the southwest region, and I know the distinguished gentleman from California has vast experience in that field in his State. Also in the Texas Legislature I have had experience with such laws as, for example, safety regulations on trailers carrying cotton to the gin.

We have provided in States quite lenient laws, but those lenient laws should nevertheless be enforced. Actually the Federal Government frequently does not touch this agricultural field by specific laws in the field. It seems to me that this amendment reflects the height of good relationships between the State and the Federal governments in the enforcement field. What we are doing is not changing State laws. We are letting them be as lenient as the State may desire. But we are requiring that the person who is operating under them, swear that he is in compliance under them.

I would not want to Federalize regulations regarding agriculture in the States. But I would like to see persons comply with that whole fabric of law that is made up of both Federal and State law.

Mr. SISK. If the gentleman will yield further, I appreciate his comments. Again, as I indicated when I made my statement on the floor, I am sympathetic basically with what the gentleman is seeking to do. I have some question, as I have said, particularly where we tie in, for example, with local laws, and in a sense it then becomes a burden, as I understand, upon the Secretary of Labor to determine, if a question arose, local laws and ordinances as well as State laws.

As I have said, I recognize that the gentleman has had a great deal of experience in this area. That is the only question I would have with the gentleman's revised amendment.

Mr. ECKHARDT. Would the gentleman support the amendment if the reference to State law was deleted?

Mr. SISK. Frankly, I see nothing wrong with the revised provision the gentleman has offered. Personally, I cannot speak for the committee or anyone else——

Mr. ECKHARDT. Would the gentleman who offered the original amendment care to comment?

Mr. MIKVA. I would support the substitute as the gentleman has proposed it, if that would satisfy the objections that have been raised here. I certainly do not like to place any heavy burden on the farmer.

Mr. ECKHARDT. As the gentleman from California has proposed?

Mr. MIKVA. As the gentleman from Texas has proposed.

Mr. ECKHARDT. Mr. Chairman, I urge that the substitute be adopted. It is a very reasonable and restricted amendment.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the very able chairman of the committee.

Mr. POAGE. Unfortunately, I have not had an opportunity to see the gentleman's amendment. That is no fault of his. He could not pass it around.

It is my understanding that the amendment offered by the gentleman from Texas would still require the Secretary of Labor to enforce the laws referred to, not the Secretary of Agriculture. Certainly I am in favor of requiring everyone, farmer, or anybody else, to obey the law. There is certainly no objection at that point.

I would be perfectly willing to go along and require a certificate as to obedience of the law on the part of anybody who is going to get public money.

But I think the whole matter should be left with the Secretary of Agriculture, and I do not propose to transfer the enforcement of agricultural law over to the Secretary of Labor. That is a matter of agricultural payments.

Mr. ECKHARDT. Let me say to the able chairman, whom, incidentally, I have supported throughout and whose bill I strongly recommend, I do not believe the question of who enforces it is nearly as important as the gentleman may think, because the way the amendment is now drafted, the major enforcement would be by the U.S. attorney, in a suit on a count of perjury. All the Secretary of Labor would do under these circumstances would be to act as the person who determined whether or not there was a likelihood that a violation occurred.

Mr. POAGE. Then if it is not that important, why not let the Secretary of Agriculture make that determination and submit it to the district attorney?

I agree the district attorney has to carry on the prosecution.

Mr. ECKHARDT. Would the gentleman then support it?

Mr. POAGE. Certainly I will support the idea that anyone whom the Secretary of Agriculture finds in violation should not be paid.

Mr. ECKHARDT. I suspect if we change the word to "Secretary of Agriculture," the Secretary of Agriculture would police the amendment, but the U.S. attorney would bring an action to find whether or not anyone was guilty of false swearing.

Mr. POAGE. I see no difficulty with that.

Mr. ECKHARDT. Mr. Chairman, I would ask unanimous consent to alter the amendment so as to read "Secretary of Agriculture."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MIKVA. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ECKHARDT. Mr. Chairman, may I say I think the objection is perhaps well taken. I think the Secretary of Labor would be the person who would be best prepared to investigate a violation of safety requirements. I merely offered this as an accommodation, but I still think the amendment is good, and I still repeat it makes very little difference whether it is the one Secretary or the other, except from the standpoint of efficiency of enforcement.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I still find myself unable to support this approach, because I can easily envision a farmer swearing he is in compliance with what the laws are of which he is aware, and then find himself in a lawsuit, and then a trial. If it is found he was not in compliance, he is not only guilty of a violation, and suffer a loss of payment, but he may also be guilty of perjury.

I think the gentleman is absolutely correct that the man is not only losing his payment, but the man is taking the risk not only of being in violation of the law, but of subjecting himself to a charge of perjury.

Mr. ECKHARDT. I would say if the illegal act is a matter of whether there is a violation of the State or Federal law or not; if this is the matter to be enforced, and the person would be charged with knowledge of the law and would be guilty even if he did not know the law. But if the charge is perjury, he must do it intentionally, so the objection the gentleman is making would have obtained against the original provision, but it does not against the amended provision.

Mr. EVANS of Colorado. I have heard the gentleman use the word "perjury" in the context with his amendment.

Mr. ECKHARDT. That is right, but an element of perjury is intent to misstate. But a man who makes a wrong statement erroneously and without knowledge of his misstatement is not in violation of title 18, section 1621 of the United States Code which says that to be guilty of perjury one must "willfully and contrary" to his oath state or subscribe "any material matter which he does not believe to be true."

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

I merely want to say, after hearing the discussion by my colleague from Texas (Mr. ECKHARDT) that I would be prepared to accept the substitute amendment he has offered so long as it stays in the language he has stated; that is, that whatever enforcement processes and whatever procedures are to be established are to be under the jurisdiction of the Department of Labor. I say this because I do not believe that this amendment ought to change the existing balance between the Department of Agriculture and the Department of Labor. What current farm employees are under Federal law are under the jurisdiction of the Department of Labor.

As my colleague from Michigan suggested, we do not look to the FAA to handle airplane employees, and we do not look to the Department of Transportation to handle transportation employees, so we ought not look to the Department of Agriculture to handle what fundamentally is a labor jurisdiction problem.

I will support the substitute amendment offered by my colleague from Texas.

The CHAIRMAN pro tempore. The question is on the substitute amendment offered by the gentleman from Texas (Mr. ECKHARDT) for the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. ECKHARDT) there were—ayes 37, noes 58.

So the substitute amendment was rejected.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HALL: Strike out all after the enacting clause and insert the following:

TITLE I—PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive annually under the program established under Title IV of this Act shall not exceed $20,000.

(2) The term "payments" as used in this section means cropland restoration payments but does not mean loans or purchases.

(3) The Secretary shall isssue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided*, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all

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that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following:

"(d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order; and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of one to three years, which will be automatically updated each year. In the event a producer holding a base allocated under this clause (f) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future updating of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases, or future updating of bases. Bases allocated to producers under this clause (f) may be transferable under an order on such terms and conditions, including those which will prevent bases taking on an unreasonable value, as are prescribed in the order by the Secretary of Agriculture. Provisions shall be made in the order for the allocation of bases under this clause (f)—

"(i) for the alleviation of hardship and inequity among producers; and

"(ii) for providing bases for dairy farmers not delivering milk as producers under the order upon becoming producers under the order who did not produce milk during part of the representative period, and these new producers shall within ninety days after the first regular delivery of milk at the price for the lowest use classification specified in such order be allocated a base which the Secretary determines proper after considering supply and demand conditions, the development of orderly and efficient marketing conditions and to the respective interests of producers under the order, all other dairy farmers and the consuming public. Producer bases so allocated shall for a period of not more than three years be reduced by not more than 20 per centum; and

"(iii) dairy farmers not delivering milk as producers under the order upon becoming producers under the order by reason of a plant to which they are making deliveries becoming a pool plant under the order, by amendment or otherwise, shall be provided bases with respect to milk delivered under the order based on their past deliveries of milk on the same basis as other producers under the order; and

"(iv) such order may include such additional provisions as the Secretary deems appropriate in regard to the reentry of producers who have previously discontinued their dairy farm enterprise or transferred bases authorized under this clause (f); and

"(v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall ninety days later, pursuant to the provisions of section 8c(5)(D) of this Act, be provided with respect to milk delivered under the order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they were marketing milk during the representative period on the same basis as other producers under the order on the effective date of order provisions authorized under this clause (f): *Provided*, That bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

The assignment of other source milk to various use classes shall be made without regard to whether an order contains provisions authorized under this clause (f). In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision shall be made for reducing the allocation of, or payment to be received by, any such producer under this clause (f) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers. Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (f) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminately separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

(b) The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

(c) Nothing in subsection (a) of this section 201 shall be construed as invalidating any class I base plan provisions of any marketing order previously issued by the Secretary of Agriculture pursuant to authority contained in the Food and Agriculture Act of 1965 (79 Stat. 1187), but such provisions are expressly ratified, legalized, and confirmed and may be extended through and including December 31, 1971.

(d) It is not intended that existing law be in any way altered, rescinded, or amended with respect to section 8c(5)(G) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and such section 8c(5)(G) is fully reaffirmed.

(e) The provisions of this section shall not be effective after December 31, 1973.

SUSPENSION OF BUTTERFAT SUPPORT PROGRAM

SEC. 202. Effective only with respect to the period beginning April 1, 1971, and ending March 31, 1974—

(a) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk".

(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND TO VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by changing "December 31, 1970" to read "December 31, 1973" both places it appears therein.

DAIRY INDEMNITY PROGRAM

SEC. 204. Section 3 of the Act of August 13, 1968 (Public Law 90-484; 82 Stat. 750) is amended by striking out the words "June 30, 1970.", and inserting in lieu thereof the words "June 30, 1973."

TITLE III—EXTENSION OF TITLES I AND II OF PUBLIC LAW 480

SEC. 701. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83-480; 7 U.S.C. 1736c), is amended by striking the words "December 31, 1970." and inserting in lieu thereof the words "December 31, 1973.".

TITLE IV—CROPLAND AND WATER RESTORATION

SEC. 401. This Title may be cited as the "Cropland and Water Restoration Act of 1970".

DECLARATION OF POLICY

SEC. 402. The Congress finds that the production of large supplies of food and fiber without holding the soil in place and returning the plant foods taken from it constitutes improper land use, unnecessarily depletes our natural resources, and depresses prices and the income of farm families. It is hereby declared to be the policy of the Congress and the purpose of this Cropland and Water Restoration Act of 1970 to create a market for restoring the national cropland in direct proportion to the rate it is being used and depleted and to bring the supplies of farm products into line with current demand in order to (a) encourage the farmer to return to the soil that potential to produce which has been taken from it in the production of crops; (b) hold the soil in place to prevent its erosion by wind or water; (c) provide irrigation through the building of flood-controlling farm ponds; (d) increase per family farm income; (e) decrease the public costs of maintaining farm programs; and (f) preserve the high quality of food and fiber at reasonable prices for the consumer. To effectuate the policy of Congress and the purpose of this Act, programs are herein established to assist farmers in (1) diverting to soil restoration that portion of their cropland which according to local costs and markets is not fertile enough to produce a profit; and (2) carrying out a voluntary program of soil, water, forest, and wildlife conservation in return for a fair payment for work done until, in the opinion of the farmer, such land can earn a greater profit by producing for the consumer.

PART I—LAND RETIREMENT AND SOIL CONSERVATION

SUBPART A—ANNUAL DETERMINATION—VOLUNTARY LAND RESTORATION—AND PAYMENTS IN CASH

SEC. 403. Beginning with the 1971 crop year the Secretary of Agriculture is authorized and directed to establish and carry out a long-term cropland and water restoration program. In formulating and administering such program—

(a) The Secretary shall each year make and announce an annual determination of—

(1) the estimated total cropland available for the production of crops in the United States in that year;

(2) the total acreage of farm cropland necessary to be retired and devoted to soil-conserving uses in order to bring the total estimated annual production plus the anticipated release from the Commodity Credit Corporation stocks into balance with the estimated annual disappearance of soil-depleting commodities;

(3) the acreage that can be retired effectively and economically in the respective year;

(4) the net soil fertility balance of that used and lost in crop production against that returned in plant food fertilizers; and

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(5) the amount of money to be offered in the cropland restoration market to bring about a balance between supply of agricultural products and the anticipated demand for them.

(b) The Secretary is authorized to enter into contracts covering periods of one or more years but not to exceed ten years, with producers determined by him to have control for the contract period of the farms covered by the contracts, if such producers agree to retire and devote to soil-conserving uses any or all farm cropland. The Secretary shall determine and announce the period within which such contracts will be entered into. This period shall be of sufficient duration to provide an opportunity for maximum producer participation. The Secretary shall encourage the retirement of whole farms and shall provide full opportunity for producers of all commodities to participate voluntarily in the cropland retirement program. The Secretary shall place a maximum limitation on the percentage of total cropland which may be retired and devoted to soil-conserving uses in any State or county if he finds that such action is necessary to prevent the cropland restoration program from having an unduly disruptive effect on the economies (including production) of counties and local communities. Any cropland retired and devoted to soil-conserving uses under the cropland restoration program established pursuant to this title shall be deemed in subsequent years to have been planted cropland for the purpose of establishing cropland history.

(c)(1) The Secretary shall make an annual restoration payment to producers who (A) retire and devote cropland to soil-conserving uses with proper management pursuant to subsection (b) of this section, and (B) otherwise comply with the cropland restoration program as set forth in this title.

(2) The Secretary shall determine the rate of restoration payments that will provide producers with a fair and reasonable annual return on the land retired and devoted to soil-conserving uses after taking all relevant factors into consideration, including (A) the incentive necessary to achieve voluntary participation in the program, (B) the loss of crop production on the retired acres, (C) any savings in cost which result from not planting crops, (D) the estimated profit margin of crop production on the designated acres, (E) continuing farm overhead expenses, and (F) the cost of establishing a conservation practice on the retired acres, and (G) the cost of planting, fertilizing, and plowing under a suitable restorative crop capable of returning the lost fertility to the soil.

(3) The rate on lands determined in accordance with the preceding paragraph shall be adjusted on a State, county, and individual farm basis in such a manner as the Secretary determines will facilitate the practical administration of the program. The lands to be covered by contract shall be determined by a competitive-bid procedure whereby a producer wishing to obtain a contract shall specify the percentage of the rental rate applicable to his farm which he is willing to accept.

(d)(1) The Secretary shall compensate producers for participating in the cropland restoration program through cash payments. The Secretary may make payments not to exceed fifty per centum of any payments to producers in advance of determination of performance.

(2) In order to assist producers in the establishment of soil-conserving uses on cropland retired under the cropland restoration program, the Secretary shall coordinate such program with the agricultural conservation program established pursuant to the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590 et seq.).

TERMS AND CONDITIONS OF CONTRACTS WITH PRODUCERS

SEC. 404. (a) Under any cropland restoration contract which is in effect for two or more years, the producer shall agree—

(1) to establish and maintain with proper management for the contract period protective vegetative cover (including but not limited to grass and trees), restorative crops and the plant food necessary to grow them, water storage facilities or other soil-, water-, or forest-conserving uses (orchards and vineyards) on an acreage of land which is specifically designated at the time the contract is entered into and which has been regularly used in the production of crops (including crops such as tame hay, alfalfa, and clovers), which do not require annual tillage;

(2) to allow to remain fallow, idle, and in the production of crops (including tame hay, alfalfa, and clovers) which do not require annual tillage throughout the contract period, an acreage of the remaining cropland on the farm which is not less than the acreage normally allowed to remain fallow, idle and in the production of crops which do not require annual tillage on such remaining acreage;

(3) not to harvest any crop from the acreage established in the protective vegetative cover, excepting timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals;

(4) not to graze any acreage established in protective vegetative cover;

(5) not to adopt any practice, or divert lands on the farm from conservation, woods, grazing, or other noncropland use, to any use specified by the Secretary in the contract as a practice or use which would tend to defeat the purposes of the contract;

(6) to abide by regulations prescribed by the Secretary with respect to the planting of crops during the contract period for later harvest or use; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of this title and to facilitate the practical administration of the cropland restoration program, including provisions relating to control of insects, rodents, and noxious and other objectionable weeds.

(b) In the event that the Secretary determines that there has been a violation of the contract (including the prohibition of grazing on retired acreage) at any stage during the time such producer has control of the farm and that such violation is of such a substantial nature as to warrant termination of the contract, the producer shall forfeit all rights to payments or grants under the contract, and shall refund to the United States all payments and grants received by him thereunder (for contractual time period). In the event that the Secretary determines that there has been a violation of the contract but that such violation is of such a nature as not to warrant termination of the contract, the producer shall accept such payment adjustments, and make such refunds to the United States of payments received by him, under the contract, as the Secretary may determine to be appropriate.

SUBPART B—ANNUAL CROPLAND RESTORATION PROGRAM TERMS AND CONDITIONS

SEC. 405. Effective beginning with crops planted for harvest in the calendar year 1971, and notwithstanding any other provision of law, the Secretary is authorized to formulate and carry out an annual cropland restoration program under which producers shall be compensated for producing tons of a suitable soil-building crop as designated by the Secretary. To be eligible for such compensation, the producer shall not harvest any other crop from or graze the acreage on which a designated crop is incorporated into the soil. The acreage in which such crops are incorporated into the soil shall be in addition to any acreage devoted to the cropland restoration program authorized under subtitle A of this title. The annual cropland restoration program may include such terms and conditions, in addition to those specifically provided for herein, as the Secretary determines are desirable to effectuate the purposes of this subtitle and facilitate the practical administration of the program.

COMPENSATION OF PRODUCERS

SEC. 406. Producers shall be compensated for participating in the program through payments in cash. Compensation shall be at such announced rate or rates per ton of the crop as the Secretary determines will provide producers with a fair and reasonable return for participating in the program. In determining the rates of payment per ton, the Secretary shall take into consideration the need to (1) enable producers to participate voluntarily in reducing excessive production of argicultural commodities, (2) encourage producers to use fertilizer, minerals, and other plant nutrients in such a way as to restore to the soil the fertility lost in past crop production, (3) increase the crop yield of the soil and thereby decrease the costs per unit of products produced in future years, (4) provide water for irrigation by building suitable ponds to hold excessive rainfall, (5) hold the soil in place by terraces, suitable crops, and all other proper land and water management practices, and (6) assure consumers of a continuous, adequate, and stable supply of nutritious food and fiber at fair and reasonable prices. The Secretary may make such annual adjustments in the rates of payments as he determines necessary to achieve the purposes of the program.

SUITABLE CROPS

SEC. 407. Any suitable crop shall be designated by the Secretary for compensation under the program after he determines within the science and "state of the art" locally adopted that by its growth and yield, a substantial degree of soil restoration would be accomplished through its incorporation in the soil. Factors to be considered by the Secretary in making their determination shall include, but not be limited to, the following: (1) wholesome and nutritious food for consumers, (2) the control of insects and plant diseases, (3) industrial users, (4) soil retention and regeneration, and (5) such other factors as he may determine.

SUBPART C—GENERAL PROVISIONS

PROTECTION OF TENANTS AND SHARECROPPERS

SEC. 408. In the formulation and administration of programs under this title, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments or compensation under this title, and including such provision as may be necessary to prevent them from being forced off the farm. Applications to participate in any such program shall specify the basis on which the landlord, tenants, and sharecroppers are to share in such payments or compensation, and no contract under any such program shall be entered into unless such basis is approved by the County Agriculture Stabilization and Conservation Committee and incorporated into the contract. The standards prescribed by the Secretary for the guidance of county committees in determining whether any such basis shall be approved shall include the requirement that consideration be given to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the contract and the basis on which they would have shared in such crops or the proceeds thereof.

PENALTY FOR GRAZING OR HARVESTING

SEC. 409. Any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of a contract entered into hereunder shall be subject to a civil penalty equal to 50 per centum of the compensation payable for compliance with such contract for the year in which the violation occurs. Such penalty shall be in addition to any amount required to be forfeited or refunded under the provisions of such contract, and shall be recoverable in a civil suit brought in the name of the United States.

AUTHORIZED PERIOD OF CONTRACT AND EXPENDITURE—APPROPRIATIONS

SEC. 410. (a) The Secretary is authorized to formulate and announce programs under this Act and to enter into contracts thereunder with producers during the three-year period 1971–1974 to be carried out during the period ending not later than December 31, 1984, except that contracts for establishment of tree cover may continue until December 31, 1989.

(b) The period covered by any contract shall not be less than one year and shall not exceed five years, except that contracts for the establishment of tree cover may extend for ten years.

(c) There is hereby authorized to be appropriated the sum of $3,000,000,000 for each of the fiscal years ending June 30, 1971, 1972, and 1973, including amounts as may be required to reimburse the Commodity Credit Corporation for its actual costs.

TERMINATION AND MODIFICATION OF CONTRACTS

SEC. 411. The Secretary may terminate any contract with a producer by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest. The Secretary may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of this title and to facilitate the practical administration of the cropland restoration programs.

REGULATIONS

SEC. 412. The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this title.

PART II—REPEAL OF AUTHORITY FOR ACREAGE ALLOTMENTS, MARKETING QUOTAS, AND MARKETING CERTIFICATES ON WHEAT, AND ACREAGE ALLOTMENTS ON CORN—PRICE SUPPORT ON WHEAT, CORN, OATS, RYE, BARLEY, AND GRAIN SORGHUM

SEC. 413. Notwithstanding any other provision of law, effective with the 1971 crops of wheat, corn, oats, rye, barley, and grain sorghum, sections 321 through 339 of parts II and III of subtitle B and sections 379 (a) through 379 (j) of subtitle D of title III of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U.S.C. 1281 et seq.), are repealed. Parts IV, V and VI of subtitle B are redesignated as Parts II, III, and IV, respectively, and subtitle F is redesignated subtitle D.

SEC. 414. Effective with the 1971 crop of wheat, the Act of May 26, 1941, as amended (Public Law 74, Seventy-seventh Congress, 55 Stat. 203), is repealed.

SEC. 415. Effective with the 1971 crops of wheat, corn, oats, rye, barley, and grain sorghum, sections 327 and 328 of the Food and Agriculture Act of 1962 (Public Law 87–703, Eighty-seventh Congress) are repealed.

SEC. 416. Effective with the 1971 crops of corn, oats, rye, barley, and grain sorghum, section 105 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note), is amended to read as follows:

SEC. 105. (a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1971 crop, price support shall be made available to producers for each crop of corn at 90 per centum of the average price received by farmers, excluding payments in kind made by the Secretary, during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins, adjusted to offset the effect on such price of any such years: *Provided,* That the level of price support for any crop of corn shall not be less than 75 per centum of the parity price therefor.

"(b) Beginning with the 1971 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghum at a level which relates to the level at which price support is made available for corn as the feed value of such commodity relates to the feed value of corn."

SEC. 417. Effective with the 1971 crop of wheat, section 107 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445(a)), is amended to read as follows:

"SEC. 107. Notwithstanding the provisions of section 101 of this Act, beginning with the 1971 crop, price support shall be made available to producers for each crop of wheat at the United States farm price equivalent, as determind by the Secretary, of the average world market price during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins, with premiums and discounts as indicated by the market to reflect milling and baking quality: *Provided,* That the level of price support for any crop of wheat shall not be less than 75 per centum of the parity price therefor."

PART III—GENERAL PROVISIONS

FEDERAL IRRIGATION, DRAINAGE, AND FLOOD CONTROL PROJECTS

SEC. 418. Section 211 of the Agricultural Act of 1956, as amended (7 U.S.C. 1860), is amended (1) by striking "three years" each time it appears therein and inserting in lieu thereof "thirteen years", and (2) by adding after the words "soil bank provisions of the Act" in subsection (b) of the phrase "and under title I of the Cropland and Water Restoration Act of 1970".

RESTRICTION ON SALES BY THE COMMODITY CREDIT CORPORATION

SEC. 419. Section 407 of the Agriculture Act of 1949, as amended (7 U.S.C. 1427), is amended—

(a) by changing the period at the end of the fourth sentence to a colon and adding the following: "*Provided,* That beginning with the date of enactment of the Cropland and Water Restoration Act of 1970, the Commodity Credit Corporation shall not make any sales (except sales offset by equivalent purchases of wheat, corn, oats, rye, barley, grain sorghum, soybeans, or flaxseed at less than 125 per centum of the current support price for any such commodity, plus reasonable carrying charges."; and

(b) by deleting the seventh sentence.

VOLUNTARY RELINQUISHMENT OF ALLOTMENT

SEC. 420. Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

Mr. HALL (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read inasmuch as it has been distributed to all Members and copies are available and I shall explain it and that it be printed at this point in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Chairman, I shall not repeat everything that has been said about this amendment in the CONGRESSIONAL RECORD. I do refer Members to the RECORD, pages 27191 and 27203 for yesterday.

We have heard quite often that there are some defects in the bill before us. I want it understood that I am for this bill. I want it understood that I am for it with or without amendments.

I would like to take some time, however, to explain an idea whose time has arrived, Mr. Chairman. I hope that it will be a relatively quiet interlude. I shall in my rather terse explanation, which I hope will be succinct, cite pages in the distributions that have been sent to each Members with a "Dear Colleague" letter. I shall also refer to the charts from time to time in my explanation.

Mr. Chairman, briefly this amendment in the nature of a substitute leaves title II intact, concerning the base I dairy plan. Title VII becomes title III. It eliminates titles III, IV, V, and VI and substitutes therefor, what I have referred to and introduced as a cropland water restoration bill in the form of H.R. 13717 in the current Congress and for the past two Congresses. It retains title VIII and all thereafter.

Now, Mr. Chairman, the backone of this proposed legislation is soil and water restoration and the incentive to accomplish both with a realistic profit margin for the farmer. That would insure the farmer adequate income, stabilize consumer prices, restore the basic soil and water resources, and not bleed the American taxpayer to death.

How does it work? The essential feature of my bill or this amendment is the second market concept. In actual operation the alternate market or the second market, as it is referred to here, would buy tons of a suitable crop which by its growth and yield would give the farmer the choice of selling to the Government or otherwise disposing of the crop on the market without Government payment.

Second, it would do this in any amount of tons that the farmer wants to sell. I have suggested on this chart a progressive one-fifth of his acreage that he would voluntarily put into crop restoration each year.

Third, it would happen at a price announced each year but above an approved standard such as a minimum wage, parity, or share of his cropland.

Fourth, it could be grown on any part or on all of his cropland as decided by the farmer.

Finally, it would improve the degree of soil restoration and water conservation at the point of infall, and would be paid for by the farmer.

Let me give the members of the committee an example.

The "second market," or "alternate market" would offer to use sweet cover or its equivalent according to the state of the art, growing alone for 1 year and plowed under, and provide an established amount, say, of $25 a dry weight ton, which amount could be determined by the Secretary of Agriculture each year. If the farmer had a pond approved

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by the Soil Conservation Service for irrigation, row crop hydrology, flood control, or other practices of special value, the suitable crop would be worth an established amount plus a bonus of perhaps an extra $5, or $30 per dry weight ton of cover crop plowed under. The weight per acre would be figured on the spot by the farmer's own county ASCS agent for the farmer to accept or reject, and then he would have four offers.

This program would offer a fair additional money reward for good farming, not a stingy amount of money relief for idle land, as in the soil bank, not large sums of money for surplus control to those on rich land where there is no problem, and only one third as much involved on poor land needing fertility, water, and money to buy them. It would keep the Nation's soil immediately ready for an emergency call by the Government; namely, the Secretary of Agriculture.

The "second market" concept would buy only proved and delivered results regardless of the political power a group might have, or the richness of the soil. It does not pay for storing large amounts of surplus products, nor for large sums for giving it away later.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Hall was allowed to proceed for 5 additional minutes.)

Mr. HALL. Mr. Chairman, the program pays at a minimum wage, or "parity" level, for the services it buys from the farmer. Any product he grows which yields less net income per acre is at once a surplus, so he shifts farming efforts and the troublesome land into the "alternate market," or "second market" provided by the Government for developing his own soil and water resources to a higher level, or an economic level where he can afford to engage in the law of supply and demand on the open market place.

Since yield per acre, market price, transportation and local costs are all factors in net profit, a change in any one of them can cause acres to be shifted into or out of production under the "second market" concept.

This is far more flexible than any directive delivered from Washington could ever be, because the individual farmer makes the decision on his own farm.

Another result would be a permanent system for agricultural production with little or no competition from off-the-farm people such as rich city dwellers, who use farms as a tax dodge, and who either already own rich land or can restore soil and water resources as an experiment or a hobby to make it so, and thereby gain income tax relief. In our substitute, if the land should become rich, beyond our food and fiber needs, industry can through research and development always find new uses for the products it will grow, or produce at a low cost, to make them into products people will need.

Other uses for any extra land and/or credits could well be environmental controls to hold insects and diseases in check; restoration of wildlife habitat; ponds for farm and community water supplies where nitrate poisoning in wells has become a health hazard; the preservation of virgin stands of grasses and timber; and beautification in general, to name a few.

One final advantage, Mr. Chairman, to the "alternate" or "second market" is that the administration costs will be less.

This amendment provides an authorization for $3 billion. Actually the estimate for needed appropriations is $2.6 billion in the first year of its implementation.

There would only be one crop to measure. Participation would be checked only on those farms selling to the "second market"—that is, to the Government or alternate market. There would be no surplus to measure and give away. There would be no "cost sharing" for fertilizer, lime, terraces, and many other activities now requiring many more people, than were needed a few years ago.

What I have offered Mr. Chairman, is a prescription, mixed and compounded by "men of the soil," a prescription that might not be a complete cure for the situation, but one that could act as a "shot" to help get the patient back on his feet, so that he could do some of his own doctoring, and perhaps not only lick, but even heal his own wounds; thus alleviating the necessity of "round the clock" nursing, from his "big brother" in Washington.

Mr. Chairman, I hope that this distinguished committee will accept this amendment and start on this new departure in the history of farm legislation—and I hope that we can implement these procedures without further delay.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Missouri has presented this basic plan on other occasions. Personally I want to say I think there is much merit in it. I think he pretty well described it the other day when he said that it was an idea whose time had not come—and I do not believe the time has come for this.

I do not believe that it can be enacted into law. I think that to attempt to do so at this hour would confuse the situation and would but jeopardize this piece of legislation which we think can be enacted and will be helpful.

For this reason I urge that we vote down the proposed substitute.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, with the gentleman from Texas, the chairman of the Committee on Agriculture, I agree that there is much merit in the plan offered by the distinguished gentleman from Missouri (Mr. Hall), and I commend him. But it falls short of the farm program, whose time came a good many years ago—the McNary-Haugen program for farmers. It stops short of what ought to have been done with respect to agriculture long, long ago, and that is a cost of production program.

The McNary-Haugen bill provided for cost of production in a two-price system, as the gentleman from Texas I am sure remembers—a bill that was twice passed by the Congress and unfortunately and regrettably twice vetoed—by a Republican President, I am sorry to say.

In my opinion, we never would have gotten into the dregs of the depression of the 1930's had we had the McNary-Haugen plan with its two-price system providing the cost of production for the food and fiber necessary to sustain the people in this country, and the world market or dumping price for surpluses, except a reasonable reserve.

I have heard much today about supply and demand as a determinant of farm prices. Supply and demand has never worked for farmers and it never will in providing constant and fair returns.

We had supply running out of ears in the 1930's in the depression, and we had demand on every hand for the products of the farmers. What went wrong? What was wrong with supply and demand? It was the medium of exchange. Supply and demand will never work for agriculture or for any other element of our economy or our society unless the medium of exchange is in adequate supply and well distributed.

That is the only way that the law of supply and demand will ever work.

The trouble during the depression may be likened to crossing a river. There were not the boats or dollars to get those in need across the river to the farmers on the other shore who had the food and fiber. Neither could the farmers find the dollars or boats to cross the river to obtain the products of industry and labor. That was the failure of supply and demand.

So here we are again with another patchwork farm program, and I support it for what it is worth. But it will never do the job as far as agriculture is concerned. There has also been talk today about corporation farming. Let me tell you where I think that must be resolved—in the State legislatures, and with a graduated land tax. If the States do not want corporation farming, they do not have to accept it. Let them establish the family-size farm, and from there progressively increase the taxes on large land holdings and tax the corporation farms out of existence, if that becomes necessary. That is the way to solve the problem of corporation farming.

Mr. Chairman, I support this bill, for the farmers of America cannot operate today without some protection in an economy that is subsidized and regimented around them.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. Hall).

The amendment in the nature of a substitute was rejected.

(Mr. FRASER asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. FRASER. Mr. Chairman, my colleagues have heard a great deal about how our farm commodity programs help the farmer.

But what about on the other end of the spectrum? What about the consumer? What do these programs mean from his standpoint?

I have considered this question carefully and believe the evidence strongly underscores the point that farm programs do benefit the consumer.

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Americans are eating better today and for less cost in relation to income than ever before—despite the dire predictions of farm programs opponents down through the years.

Today, our farm programs guarantee the American consumer the world's most stable supply of food, and also help assure high quality. That is a basic reason for having farm programs—to insure an adequate supply of high-quality food. This has been a motivating force for these programs for 35 years, since May 12, 1933, when the first of the adjustment programs went into effect with the Agricultural Adjustment Act.

Payments are the most controversial aspect of these programs, but since payments are an important means of implementing the legislation, let us take a careful look at their value to the public.

First, these payments are necessary in carrying out our national policy of stabilizing farm production in the interest of both farmers and consumers. They enable farmers to meet national production goals, thus preventing large and dangerous surpluses. We ask farmers to divert this land to conserving uses. They give up income-producing use of some land, and they spend money to devote that land to conserving uses. In return—and this is only fair—we compensate farmers with payments. So the payments are not donated; they are earned.

They are earned just as surely as payments to a computer manufacturer are earned for carrying out a Government contract.

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What is the benefit of balanced production?

To the American family, on the average, it means that about 16.5 percent of its take-home pay will be spent on food—the lowest percentage anywhere in the world. British families spend more than 25 percent; the French almost 30; the Japanese more than 40 percent; and in Ghana the figure is almost 60 percent. Americans spend more for housing and home furnishings than for food.

Because American agriculture has become the greatest production plant in the world, it now takes only 1 hour of factory work to buy 3.3 pounds of beef, a half a pound more than in 1960; and it gets him 25 percent more pork, 20 percent more milk and 13 percent more potatoes.

The proportion of disposable income spent for food by American consumers dropped between one-fourth and one-third in the past 20 years. During the same period, the proportion of disposable consumer income received by farmers for the food they produced and sold was cut in half. Today, farmers receive only 5½ percent of disposable consumer income for their food products, compared with 11 percent in 1947.

The Department of Agriculture reports that if farm prices had kept step with increases in the general level of food prices over the past 20 years, consumer expenditures for food would be well over $32 billion more.

Over that 20-year period, consumers would have paid about $100 billion more for food.

The farmer has become so efficient that now one farmer feeds himself and 43 others. Consumers benefit significantly from this because this efficiency releases millions of Americans from agriculture to produce television sets and appliances and razor blades—an infinite variety of goods and services. Our efficiency in agriculture plays a significant role in helping us maintain the highest standard of living any people have ever known.

So I speak today for the farmer in the consumer's interest. For unless his enormous contribution to abundance is recognized—and unless his ability to provide a continuing flow of abundance is safeguarded, then the consumer stands in danger of losing the abundance he enjoys—and takes for granted today.

If we do not adequately compensate the farmer for the abundance we enjoy, then we cannot expect our agricultural system to survive. Central to our national farm policy is our fear of concentrated power over our food supply—our support for a stable and able-bodied rural citizenry.

Early in our history, we split up the big holdings of land that had been granted by kings to their favorites. We gave squatters the right to take over certain lands. We gave publicly owned land to homesteaders and to agricultural colleges. We provided research, extension education, publicly financed credit and finally price support and production adjustment programs. When surplus production caused many farmers to lose their land and threatened all of them with financial disaster, all thinking Americans recognized the situation as a personal crisis for all citizens. Our policy has permitted us to maintain the family-sized farm as the most efficient production unit. This policy must be continued.

Today, Americans should know that agriculture's ability and tendency to produce itself into depression is still a very grave threat to our whole economy.

This is why sound farm legislation is consumer legislation in the most profound sense.

These programs are designed to provide a fair economic return to rural America. We have found that farmers—acting alone—cannot obtain balanced production. We have learned from sad experience what happens when farm production gets out of balance. Farm income goes down. Government costs go up if there is any farm program at all. And America as a whole pays the price.

I think there is more method than madness in some of the blind attacks we have observed on these programs. We have heard the payment provisions attacked as a billion-dollar boondoggle. They have been described as the vehicle on which the farmer takes the taxpayer on the so-called hayride. But the time has come to put the pitchfork in this balloon of fantasy.

Stop and think when you hear these criticisms. What alternatives do the opponents of the program propose? What is their solution? What would they have us do that we are not now doing?

These are embarrassing questions, for there is an all-too-obvious answer. Their proposal is to do nothing. They find the payment provisions of the programs a convenient handle for the whip.

We know what would happen if the programs were lost. Prices and net income would undergo fantastic decline. More than rural America could bear, and still remain a viable part of the economy.

We know that aside from the damage to farmers and consumers, the American business and labor community would suffer a terrific blow. Three of every 10 jobs in private employment are related to agriculture. Six million people work to provide the supplies farmers use for production and family living. In fact, agriculture remains our Nation's biggest industry. It employs more people than public utilities, the steel industry, the automobile industry and transportation combined. About 8 to 10 million people have jobs storing, transporting, processing, and merchandising the products of agriculture. A crippled agriculture would require fewer—not more—workers and suppliers.

It also would require fewer products from industry. Farmers are spending more than $38 billion on goods and services to produce crops and livestock and another $12 billion for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other products and services.

In the best of all worlds, the Congress would be considering a different bill today. Many of us would have preferred an extension of the 1965 act. But we have got to have a responsible bill in this session, and this is legislation we can all work with.

The American farmer is making a great contribution to the health and welfare of all Americans. So will these farm programs. That's why H.R. 18546 deserves our support.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following:

"(d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order; and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of one to three years, which will be automatically updated each year. In the event a producer holding a base allocated under this clause (f) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future updating of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases, or future updating of bases. Bases allocated to producers under this clause (f) may be transferable under an order on such terms and conditions, including those which will prevent bases taking on an unreasonable value, as are prescribed in the order by the Secretary of Agriculture. Provisions shall be made in the order for the allocation of bases under this clause (f)—

"(i) for the alleviation of hardship and inequity among producers; and

"(ii) for providing bases for dairy farmers not delivering milk as producers under the order upon becoming producers under the order who did not produce milk during part of the representative period, and these new producers shall within ninety days after the first regular delivery of milk at the price for the lowest use classification specified in such order be allocated a base which the Secretary determines proper after considering supply and demand conditions, the development of orderly and efficient marketing conditions and to the respective interests of producers under the order, all other dairy farmers and the consuming public. Producer bases so allocated shall for a period of not more than three years be reduced by not more than 20 per centum; and

"(iii) dairy farmers not deliverying milk as producers under the order upon becoming producers under the order by reason of a plant to which they are making deliveries becoming a pool plant under the order, by amendment or otherwise, shall be provided bases with respect to milk delivered under the order based on their past deliveries of milk on the same basis as other producers under the order; and

"(iv) such order may include such additional provisions as the Secretary deems appropriate in regard to the reentry of producers who have previously discontinued their dairy farm enterprise or transferred bases authorized under this clause (f); and

"(v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall ninety days later, pursuant to the provisions of section 8c(5)(D) of this act, be provided with respect to milk delivered under the order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they were marketing milk during the representative period on the same basis as other producers under the order on the effective date of order provisions authorized under this clause (f): *Provided,* That bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

The assignment of other source milk to various use classes shall be made without regard to whether an order contains provisions authorized under this clause (f). In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision shall be made for reducing the allocation of, or payment to be received by, any such producer under this clause (f) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers. Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (f) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

(b) The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

(c) Nothing in subsection (a) of this section 201 shall be construed as invalidating any class I base plan provisions of any marketing order previously issued by the Secretary of Agriculture pursuant to authority contained in the Food and Agriculture Act of 1965 (79 Stat. 1187), but such provisions are expressly ratified, legalized, and confirmed and may be extended through and including December 31, 1971.

(d) It is not intended that existing law be in any way altered, rescinded, or amended with respect to section 8c(5)(G) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and such section 8c(5)(G) is fully reaffirmed.

(e) The provisions of this section shall not be effective after December 31, 1973.

SUSPENSION OF BUTTERFAT SUPPORT PROGRAM

SEC. 202. Effective only with respect to the period beginning April 1, 1971, and ending March 31, 1974—

(a) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk".

(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND TO VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by changing "December 31, 1970" to read "December 31, 1973" both places it appears therein.

DAIRY INDEMNITY PROGRAM

SEC. 204. Section 3 of the Act of August 13, 1968 (Public Law 90-484; 82 Stat. 750) is amended by striking out the words "June 30, 1970.", and inserting in lieu thereof the words "June 30, 1973."

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open for amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENTS OFFERED BY MR. POAGE

Mr. POAGE. Mr. Chairman, I offer a series of technical amendments relating to several titles, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. POAGE: On page 5, line 8, strike out "deliveryinɡ" and insert in lieu thereof the word "delivering".

On page 10, line 12, strike the word "section ()". and insert in lieu thereof the word "section (e)".

On page 10, line 20, after the word "Loans" insert the words "and purchases".

On page 23, line 13, after the words "crop of wheat" insert the words "may be reduced by the amount by which the actual total".

On page 28, line 20, after the words "for loans" insert the word ", purchases,".

On page 50, line 1, strike lines through 4 and strike the figure "(2)" on line 5.

On page 50, line 11, and page 50, line 14, strike the figure "(k)" and insert in lieu thereof the figure "(l)".

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Texas.

The amendments were agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—WOOL

SEC. 301. The National Wool Act of 1954, as amended, is amended as follows:

(1) Designate the first two sentences of section 703 as subsection "(a)", and, in the second sentence, delete "1970" and substitute "1973".

(2) In the third sentence of section 703, delete the portion beginning with "The support price for shorn wool shall be" and ending with "*Provided further,* That the" and substitute "The", designate the third sentence as subsection "(b)", change the period at the end thereof to a colon and add the following: "*Provided,* That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for shorn wool shall be 72 cents per pound, grease basis.".

(3) Designate the fourth and fifth sentences of section 703 as subsection "(c)", change the period at the end of the fifth sentence to a colon and add the following: "*Provided,* That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for mohair shall be 80.2 cents per pound, grease basis.".

(4) Designate the sixth sentence of section 703 as subsection "(d)".

(5) Designate the last sentence of section 703 as subsection "(e)".

TITLE IV—WHEAT

SEC. 401. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, section 107 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 107. Notwithstanding any other provision of law—

"(a) Loans on each crop of wheat shall be made available at such level, not in excess of the parity price therefor, as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

"(b) If a set-aside program is in effect for any crop of wheat under section 379b(c) of the Agricultural Adjustment Act of 1938, as amended, certificates, loans, and purchases shall be made available on such crop only to producers who comply with the provisions of such program."

SEC. 402. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, sections 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, are further amended to read as follows:

"SEC. 379b. (a) The Secretary shall provide for the issuance of wheat marketing certificates for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates. The face value per bushel of domestic marketing certificates for the 1971, 1972, and 1973 crops of wheat shall be in such amount as, together with the national average market price received by farmers during the first five months of the marketing year for such crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop.

"(b) The domestic wheat marketing certificates shall be made available for a farm on the number of bushels determined by multiplying the domestic allotment for the farm for the crop to which such certificates relate by the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans and certificates on wheat, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the domestic wheat allotment for the farm as may be specified by the Secretary, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971 and 1972 crops to limit the acreage planted to wheat on the farm to such percentage of the domestic wheat allotment as he determines necessary to provide an orderly transition to the program provided for under this section. The Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and to plant and harvest on the set-aside acreage guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or any other commodity which he finds is not in surplus supply, subject to such terms and conditions as he may prescribe: *Provided,* That the payment rate with respect to the additional set-aside acreage devoted to any such crops shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, and the payment shall be the rate which would otherwise be applicable if such acreage were devoted to conservation uses. The Secretary shall not permit the grazing of the set-aside acres except under such terms or conditions as may be prescribed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended: *Provided*, That such committees shall not permit grazing during any of the five principal months of the normal growing season, nor shall such committees permit the harvesting of crops from the set-aside acreage.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the certificates authorized in subsection (b), available to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(3) The wheat program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this subsection (c), he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on wheat, marketing certificates, and payments under this section shall be made available to producers on such farm only if the producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of certificates issued and of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

"(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the issuance of certificates and the making of loans, purchases, and payments, the Secretary may, nevertheless, issue such certificates and make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(f) The Secretary shall issue certificates to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at preliminary face value per bushel equal to 75 per centum of the Secretary's estimate of the face value of certificates to be issued with respect to such crop, and the face value of certificates so issued shall not be reduced if the face value as finally determined is less than the preliminary face value.

"(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(h) Marketing certificates issued under this Act and transfers thereof shall be represented by such documents, marketing cards, records, accounts, certifications, or other statements or forms as the Secretary may prescribe.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"SEC. 379c. (a)(1) The farm domestic allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim a national domestic allotment for each crop of wheat not later than April 15 (August 1, 1970, for the 1971 crop) of each calendar year for the crop harvested in the next succeeding calendar year. The national domestic allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop. The national domestic allotment for any crop of wheat shall be apportioned by the Secretary among the States on the basis of the apportionment to each State of the national domestic allotment for the preceding crop (for the 1971 crop, on the basis of the apportionment of the national acreage allotment for the 1970 crop), adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(2) The State domestic acreage allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the domestic wheat allotment for the preceding crop (for the 1971 crop, on the basis of the apportionment of the wheat acreage allotment for the 1970 crop), adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(3) The farm domestic allotment for each crop of wheat shall be determined by apportioning the county domestic wheat allotment among farms in the county which had a domestic wheat allotment for the preceding crop (for the 1971 crop, among farms in the county which had a wheat acreage allotment for the 1970 crop), on the basis of such allotment, adjusted to reflect established crop rotation practices and such other factors as the Secretary determines should be considered for the purposes of establishing a fair and equitable allotment. Notwithstanding any other provision of this subsection, the farm domestic allotment shall be adjusted downward to the extent required by subsection (b).

"(4) Not to exceed 1 per centum of the State domestic allotment for any crop may be apportioned to farms for which there was no domestic allotment for the preceding crop (for the 1971 crop, to farms which had no acreage allotment for the 1970 crop) on the basis of the following factors; suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm domestic allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

"(5) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for a domestic allotment under subsection (a)(3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a)(4).

"(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

"(b)(1) If for any crop the total acreage of wheat planted on a farm is less than the farm domestic allotment, the farm domestic allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm domestic allotment, but such reduction shall not exceed 20 per centum of the farm domestic allotment for the preceding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has a domestic allotment, such farm shall lose its domestic allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the domestic allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to such wheat because of drought, flood, or other natural disaster or a condition beyond the control of the producer shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans or to feed grains for which there is a set-aside program in effect considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

"(2) Notwithstanding the provisions of subsection (b)(1), no farm domestic allotment shall be reduced or lost through failure to plant the farm domestic allotment, if the producer elects not to receive payment for such portion of the farm domestic allotment not planted, to which he would otherwise be entitled under the provisions of this Act."

SEC. 403. Effective only with respect to the marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) by deleting in the first sentence of section 379d(b) the words "During any marketing year for which a wheat marketing allocation program is in effect," and substituting "During each marketing year,";

(2) by adding at the end of section 379d (b) the following:

"Notwithstanding the foregoing, the Secretary is authorized to temporarily suspend the requirement for export marketing certificates for the period beginning July 1, 1971, and ending June 30, 1974. The Secretary shall refund, for the duration of the suspension, to the processor or to the exporter the cost of the marketing certificates on all flour exported. For the purpose of such refunds, the wheat equivalent of the flour exported may be determined on the basis of conversion factors authorized by section 379f, even though certificates had been surrendered on the basis of the weight of wheat."

(3) by adding at the end of section 379e the following:

"Notwithstanding any other provision of this Act, Commodity Credit Corporation shall sell marketing certificates for the marketing years for the 1971, 1972, and 1973 crops of wheat to persons engaged in the processing of food products but in determining the cost to processors the face value shall be 75 cents per bushel."

SEC. 404. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) sections 331 through 339 shall not be applicable to the 1971, 1972, and 1973 crops of wheat;

(2) by adding in section 378 a new subsection (e) to read as follows:

"(e) The term 'allotment' as used in this section includes the domestic allotment for wheat."

(3) by adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat." and

(4) by adding in the first sentence of section 385 after the words "parity payment," the words "payments (including certificates) under the wheat and feed grain set-aside programs,".

SEC. 405. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, section 706, Public Law 89–321 (79 Stat. 1210), is amended as follows:

(1) by adding in the first sentence after the words "the Soil Conservation and Domestic Allotment Act, as amended," the words "or the Agricultural Act of 1949, as amended,"; and

(2) by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat."

SEC. 406. Public Law 74, Seventy-seventh Congress (68 Stat. 905), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1971, 1972, and 1973.

SEC. 407. The amount of any wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1971 crop of wheat production of the 1971, 1972, or 1973 crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for the current crop on the farm by the yield established for the farm for the purpose of issuance of domestic marketing certificates. The provisions of such section shall continue to apply to the wheat so stored to the extent not inconsistent therewith.

SEC. 408. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity, the Agricultural Act of 1949, as amended, is further amended by adding in section 408 a new subsection (k) as follows:

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT AND FEED GRAINS

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat and feed grains under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat and feed grains under this Act."

SEC. 409. Section 407 of the Agricultural Act of 1949, as amended, is further amended effective only with respect to the marketing years for the 1971, 1972, and 1973 crops of the commodity as follows:

(1) by deleting in the third sentence the language following the third colon and substituting the following: "*Provided*, That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye, respectively, at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges."

(2) by deleting in the fifth sentence "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and substituting "current basic county loan rate (or a comparable price if there is no current basic county loan rate)", and

(3) by deleting in the seventh sentence ", but in no event shall the purchase price exceed the then current support price for such commodities," and substituting "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use."

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: On page 11, line 4, insert the following new subsection (c):

"(c) The total average rate of return per bushel made available to producers participating in the program formulated under sections 379b, and 379c of the Agricultural Adjustment Act of 1938, as amended, on a quantity of wheat equal to 208 per centum of the wheat marketing allocation for the 1970 crop, through loans, domestic marketing certificates, estimated diversion payments and estimated returns from export marketing certificates (if such certificates are in effect) shall not be less than 70 per centum of parity."

Mr. MELCHER. Mr. Chairman, I think all of us too often fail to recognize the people who are kind to us and the people who are important to us to let them know we appreciate that, and we appreciate their actions and their consideration. I would like at this time to make it clear to my colleagues in the House and to the chairman of the Committee on Agriculture and to the ranking minority member of the committee, the gentleman from Oklahoma, that I have the highest respect for them, and I believe they have been fair and considerate and knowledgeable on matters of agriculture as we considered them in our committee. I can state as a young Member and one who would like to see changes in the House procedures, that if we had adopted the rule that would permit members of the committee to vote for their chairman, I would have been one of those who would have voted for our current chairman.

I give this as a prelude to the remarks I am going to make, to make sure that all Members understand what I am going to say is not a reflection on the integrity or the fairness or the conduct of the committee.

But, Mr. Chairman, all of this talk we have had yesterday and some today about the 18 months of toil in that committee and about a delicate balance being worked out to arrive at a bill—they are really high-sounding phrases, but they do not represent the facts. This bill is an accommodation. It is an accommodation for cotton. The facts are that after wheat and feed grain, after these sections were chiseled down in the subcommittee and in the full committee,

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cotton come out pretty well: First, cotton is going to have 400,000 more acres to plant next spring, and second, the price in 1971 and 1972 and 1973 for cotton will be about as good as it is now—35 to 37 cents, and third, skip row will count as set-aside.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. The support price will be 2 cents under what it is now. Actually, at 35 cents the price will be 2 cents under what it is now. I do not see how the gentleman can say they will be doing better. I know the gentleman thinks it is a fact.

Mr. MELCHER. I can say to the gentleman from Mississippi, I am interested in the cotton farmer receiving a better return for his product. I would hate to see him get a lesser return.

The bill states, on page 44, at line 20:

> The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 15 cents per pound, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

With a price of 22 cents, if 15 cents is paid, that would be 37 cents. There is no return after the 15 cents has been paid.

I hope that is the case for cotton, because I know the cotton farmers are struggling, too.

Fourth, skip row is to count as set-aside under the bill for cotton farmers—a distinct advantage compared to wheat and feed grain farmers.

Fifth, last, there is assurance by the Secretary of Agriculture to cotton interests that conservation base acres, which have been greatly reduced in the Southern States and other States since 1966, will not be tampered with.

This is hard bargaining, but it is bargaining not as a group, of the commodity groups, of the old traditional groups of cotton, feed grains and wheat working together to hammer out a farm bill. No, cotton found a lover, and that is the administration, and it left its two old friends, wheat and feed grains, to strike up a romance, and a romance that could have been quite short lived this afternoon if the Findley-Conte amendment had been adopted on payment limitations.

But that was the delicate balance in this bill that was described. That was the compromise that was worked out. The Secretary of Agriculture is to get his set-aside, this set-aside program, in the bill and along with that he is to get low rates on grain, to bring the price of grain down to the world levels.

In return for that mess of pottage the Secretary and the administration, with a letter from the President, were supposed to deliver the votes.

The CHAIRMAN pro tempore. The time of the gentleman from Montana has expired.

(By unanimous consent, Mr. MELCHER was allowed to proceed for 5 additional minutes.)

Mr. MELCHER. In return for that, Mr. Chairman, the President with his letter, the Secretary with his urging were to deliver the votes of the House minority leader and the sheep that follow him to help defeat that amendment, the Conte-Findley amendment.

Well, that is the way it came out.

I believe the committee amendment is a good amendment on payment limitations, and it recognizes some vital points that are extremely important to Montana; namely, wool and State school land, so I am not lamenting the death of the Findley-Conte amendment which treated these two points harshly.

We heard yesterday that there should be no amendments offered to this bill—that would upset this delicate balance, that would throw the bill's fate into jeopardy or kill the bill. That is not quite the truth. It hinged on the Findley-Conte amendment as to whether or not this bill was to be killed .

What we need is a lot of amendments to this bill to do something about grain prices. I have offered one for wheat, and I will support my colleague from Minnesota on his amendment on feed grains.

While everything is going up in this country, while inflation is most cruel to agriculture, while the number of farmers is decreasing rapidly, while wheat and feed grains are selling too cheaply, this Congress is told that we have to pass this bill in this form that will force down the prices for wheat and feed grains.

We do not have the assurance, as cotton does, that grain prices will remain nearly the same. We do not have any assurance and indeed we know that price stability is not in the bill for wheat and it is not going to be in the bill for feed grains and that we will not get an appreciable increase in acreage for our farmers. I would hope that the Secretary's set-aside, if we pass this, works well. However, those of us in the wheat country who have looked at the farms that have been cited by the Department of Agriculture as typical cannot see the increase in wheat acreage that has been touted as a benefit of the set-aside program. We have nothing like skip row in cotton to count as set-aside acres to permit us to grow the same amount of our crop, either wheat or barley, while at the same time setting aside acres as demanded in this bill.

Mr. Chairman, I implore you to heed the talk that we have had concerning the effects of lower farm prices and lower farm income and the effects on our general economy. I implore you to support a reasonable amendment that I have offered to assure the wheat people and in turn the feed grains people by the following amendment the same level of income that they now have. It will not cost more than we are paying on the 1970 crop. It does not improve grain farmers' income as should be done, but the amendment does hold the line for our farm producers rather than lower income as the bill does for grain farmers.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I want to congratulate the gentleman on his statement and rise in support of his amendment.

Mr. Chairman, I rise in support of the amendment by the gentleman from Montana (Mr. MELCHER). The bill which we have been debating in this House is one which many Americans think pertains only to agriculture—the 5 percent of our population who make their livelihood from farming.

That simply is not the case. While this legislation is called the Agriculture Act of 1970, and while it contains a feed grains program, a class I base plan extension, cotton programs, and other such provisions, the fact is that this legislation has an impact on our entire economy and the entire Nation, both rural and urban.

Agriculture is still our Nation's No. 1 industry. It employs almost 5 million workers and its assets total about two-thirds of the current assets of all corporations in the United States. It uses more electricity than is consumed in the cities of Baltimore, Boston, Chicago, Detroit, and Washington, D.C. It is also, unfortunately, a convenient whipping boy for those, in and out of Congress, who do not understand just what the farm programs are all about.

It is often apparent that some of my colleagues from urban areas continually view farm programs as boondoggles which unjustly enrich the American farmer at the expense of everyone else.

The fact is, however, that farm programs are meant to stabilize food production, to guarantee an adequate supply of food for our people, to provide us with a reserve in times of national emergencies, and to help feed hungry people throughout the world. In most instances our farm programs have succeeded in meeting these goals.

One goal they have not fully reached is the stabilization of farm income at a level which would allow a decent standard of living across rural America.

Farmers have been caught in a vicious cost-price squeeze since 1953. In the past 10 years interest rates have gone up 300 percent and taxes about 200 percent. The parity ratio which describes the relationship between the prices paid by farmers and the prices received by them is equal to its lowest level since 1933—about 74 percent.

I have heard some of my urban colleagues say that the whole farm program ought to be tossed out because some of these programs are not working as well as they ought to. I readily grant that there are many problems with the farm program and there are many problems with this bill, but to allow that the whole program ought to be thrown out because of some abuses is shortsighted. It is just as shortsighted to call for the wiping out of the entire farm program because it has some deficiencies as it would be to call for the total elimination of the model cities program or the medicare program or the poverty program because portions of those programs are not working as well as they should.

I have not been here long, but in the time I have been here I have many times seen urban Members of this House ask for support from rural Congressmen on

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programs which are not at all understood in rural America. Today I am asking my urban colleagues to turn the coin around. City legislators say, and rightly so, that all Americans are responsible for helping to solve city problems and that rural legislators have an obligation—moral and otherwise, to explain the needs of urban America to rural people. I am simply asking urban legislators to remember that it is also true that every Member of this House has a similar obligation to rural America. Part of the job of a legislator—the most important part in the last analysis is the task of acting from time to time as a public educator to explain distasteful or complicated programs or problems to our constituents for the good of the entire Nation. And just as I have an obligation to explain the problems of the urban ghetto to my constituents, so do the urban Members of this House have an obligation to explain the complexities of the farm program and the needs of rural America to their constituents.

We cannot afford to have another false division arise in this country caused by urban and rural legislators taking cheap shots at programs designed to aid parts of the country not similar to their own.

Mr. Chairman, this bill before us today does nothing about the threat of huge conglomerate corporation farms and is a poor bill in many other respects. About the best that can be said of it is that it is better than no bill at all. There are some sections which need substantial overhauling. I am most dubious about the weakening of the concept of parity which, up to now, has allowed our farmers to attain some degree of income stability, in favor of an untried formula which may in the end lead to increased production and more surpluses, more Government costs, more confusion and less assistance to rural America.

Serious deficiencies certainly exist in this bill—especially in the feed grains and the wheat sections of the bill. It seems to me that both the amendment offered by the gentleman from Montana (Mr. MELCHER) regarding the wheat features, and the amendment by the gentleman from Minnesota (Mr. ZWACH) regarding the feed grains section ought to be adopted, simply because past experience, especially under Agriculture Secretary Benson should have taught us by now that we need some measure of income protection for the American farmer if we are to stablize farm supply and avoid the surpluses of the past.

This bill needs overhauling, and I intend to vote for these and other amendments which will do just that. If they are adopted, and we are able to make a basically defective bill somewhat more palatable, it will make support for this bill much easier. If they are not, then we will be faced with the question of whether we should vote against the bill, or for it in the hopes that the Senate can make it a better bill. This will obviously be a very difficult choice. Adoption of this amendment could make that choice much easier.

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this, as is sometimes the case, puts me in a, frankly, very uncomfortable position. The gentleman from Montana is a very highly respected member of our committee. No one works harder. What he proposes to do would be beneficial to the wheat farmers of this country, and we all want to benefit them because they need the benefit and need it more than this bill provides. But I have to speak against this amendment because it would violate what the Bureau of the Budget and the Department of Agriculture and my understanding of what the White House have said they can back in regard to this bill. Provisions very similar to this were proposed at various times during the hearings which developed the bill before us. The present law, which does expire and will not be in effect when the law we are acting on now becomes effective, provides $1.84 as a floor blend price for wheat. If I understand what the gentleman's amendment would do, this would make a floor blend price or floor for wheat of $1.974, and this does not stay within the guidelines of what the Bureau of the Budget has said can be provided for agriculture.

Mr. MELCHER. Will the gentleman yield?

Mr. PURCELL. Yes. I yield to the gentleman.

Mr. MELCHER. I do agree with the chairman of the Livestock and Grain Subcommittee that it would provide legislation for $1.97, but would my chairman answer me this question: Is that not the blend price that exists right now?

Mr. PURCELL. If I remember correctly, that is either the blend price that is in existence now or it is in that neighborhood. This I think is true.

Mr. MELCHER. Would the gentleman further yield?

Mr. PURCELL. Yes. I yield to the gentleman.

Mr. MELCHER. If we should extend the 1965 act, would not this be the price that wheat farmers would receive for their 1971 crop and substantially at the same cost to the Treasury as the 1970 crop would be? In other words the cost to the Treasury would be approximately the same but farmers would receive a higher return?

Mr. PURCELL. Well, if the 1965 act were to be extended, which, of course, is not what we are doing, then, if the administration of the present law continued the same—and it would not have to—then, of course, the expenditure of the Government and the cost of the price of wheat would be what it is now.

But that is my point. These things were tried and tried again during the hearings of the subcommittee that I am honored to be chairman of. This we did not get agreement on because we were not able to pass it through the whole committee in the final analysis, and therefore for the sake of getting the whole bill as it now exists—and I think that is more important than—and I hate to say this—than this amendment would be—I am asking the Members of the House to vote against this amendment.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, I appreciate the fairness of the gentleman in supporting the committee bill. If we had not had an agreement and got a balance, regardless of what the gentleman thinks, because we never did get a balance from him, we would not have had a bill at all. And I know that the gentleman in the well would have probably supported this amendment had it been voted up in the committee, and the opportunity to pass the bill with that in it, but the gentleman from Texas has known all the time that we have to get enough support to pass this farm bill.

Therefore I want to congratulate the gentleman from Texas (Mr. PURCELL) regardless of his own views, which he expressed very clearly, in going along with the bill that we now have. And again I want to congratulate the gentleman for the position he has taken right now to stand by the agreement, and in staying with us, and I am staying with it.

Mr. SEBELIUS. Mr. Chairman, would the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I thank the gentleman for yielding, and I wish to associate myself with the remarks of the gentleman from Texas, and I appreciate the remarks the gentleman has made here today, and I thank the gentleman.

Mr. PURCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Montana (Mr. Melcher.

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE V—FEED GRAINS

SEC. 501. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 105. Notwithstanding any other provision of law—

"(a) (1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level, not in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

"(2) The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and the other factors specified in section 401(b), and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

"(b)(1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and, if designated by the Secretary, barley. The payment rate for corn shall be at such rate as, together with the national average market price received by farmers for corn during the

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first five months of the marketing year for the crop, the Secretary determines will not be less than $1.35 per bushel. The payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(2) The payments with respect to a farm shall be made available on 50 per centum of the feed grain base for the farm and shall be computed on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per centum of the feed grain base. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed grain base, such farm shall lose its feed grain base. Any such acres eliminated from any farm shall be assigned to a national pool for the adjustment of feed grain bases as provided for in subsection (e) (2). Producers on any farm who have planted to such feed grains not less than 90 per centum of the portion of the feed grain base on which payments are made available shall be considered to have planted an acreage equal to 100 per centum of such portion. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans or to wheat considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feed grain or soybean program.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feed grain base for the farm as may be specified by the Secretary, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971 and 1972 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section. The Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and to plant and harvest on the set-aside acreage guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or any other commodity which he finds is not in surplus supply, subject to such terms and conditions as he may prescribe: *Provided*, That the payment rate with respect to the additional set-aside acreage devoted to any such crops shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, and the payment shall be the rate which would otherwise be applicable if such acreage were devoted to conservation uses. The Secretary shall not permit the grazing of the set-aside acres except under such terms or conditions as may be prescribed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended: *Provided*, That such committees shall not permit grazing during any of the five principal months of the normal growing season, nor shall such committees permit the harvesting of crops from the set-aside acreage.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(3) The feed grain program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on feed grains included in the set-aside program and payments under this section shall be made available to producers on such farm only if the producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by dought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of payments under this section among producers on the farm on a fair and equitable basis.

"(e)(1) For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums and, if designated by the Secretary, barley in 1959 and 1960.

"(2) The Secretary may make such adjustments in acreage under this section as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and in addition in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm. The Secretary shall, upon the request of a majority of the State committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, adjust the feed grain bases for farms within any State or county in order to establish fair and equitable feed grain bases for farms within such State or county: *Provided*, That except for acreage provided for in subsection (b)(3), adjustments made pursuant to this sentence shall not increase the total State feed grain acreage. The Secretary is authorized to draw upon the acreage pool provided for in subsection (b) (3) in making such adjustments. Notwithstanding any other provision of this subsection, the feed grain base for the farm shall be adjusted downward to the extent required by subsection (b)(3).

"(3) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: suitability of the land for the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. No part of such reserve shall be allocated to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for feed grains. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the prop years 1959 and 1960 for purposes of this section.

"(f) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(g) The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 32 cents per bushel for corn, with comparable rates for grain sorghum and barley, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(h) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this section.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation."

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of this title be dispensed with, and that the title be printed in the RECORD and open to amendment at any point.

The CHAIRMAN per tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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AMENDMENT OFFERED BY MR. ZWACH

Mr. ZWACH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZWACH: On page 26, line 17, strike the words "together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will not be less than $1.35 per bushel." and insert in lieu thereof the following: "when added to the level of the loan established pursuant to subsection (a)(1), will equal not less than 77 per centum of the parity price per bushel."

Mr. ZWACH. Mr. Chairman, I offered this amendment in committee. It was defeated by a vote of 11 to 15. I feel impelled and compelled to point out what I consider a basic weakness in this present bill that will result in reduced farm income.

First let me say how fortunate are we and our constituents that we are talking about an abundance, and not about scarcity and hunger. This is most fortunate for us and for our constituents. We are also talking about the miracle people of America, who have enabled us to use less of our income for food than any people at any time anywhere in history.

This amendment will do three specific things that I feel are fundamental.

First of all it will reinsert the parity concept that has been in our farm laws for a long time. Continuously your constituents in the cities send to the country products that we buy—the biggest purchaser in America—at higher and higher prices.

This amendment will allow the producers in America to ride with the punch of higher costs. It ought not to be frozen at a given level when we are assured that freight rates, and there have been three raises recently, and truck rates and taxes and labor and every cost, the input in agriculture, is on the up side.

The second and even more serious defect that this amendment will correct is that it provides for loans at zero percent to 90 percent of parity.

Now, first of all no one ought to give to any administrator who is not responsible to the people the right to set a figure at zero percent to 90 percent of parity. It is not allowed under the present law and it would not be allowed under the law to which we would revert if we did not pass any legislation.

My amendment would not affect in any way the amount of money that would go out to the farmers, to the producers, this year. It would do this. It would give about the same amount of money to the 50 percent of the production that receives payment. But the loan would be increased on the balance. The loan would not go to lower levels, where I expect it to go, at world or below world prices.

The last thing that America needs is less input into its countryside segment.

The last thing that our cities need is less input into the countryside segment.

All of our countryside people will come to your cities and then we will be in the same state that every country experienced before they went down to decay and went down in history.

So this is very important that the loan rate, the ever normal granary rate, the thing that guarantees you as consumers an adequate cushion of supply and provide that we will not need to go hungry.

Mr. KLEPPE. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman.

Mr. KLEPPE. Mr. Chairman, I want to compliment the gentleman now in the well. He has done a lot of work and a lot of thinking on the feed grain section of this bill. He knows and understands it well.

I want to tell him and the Members of the House that I support the gentleman's amendment.

I would like to point out Mr. Chairman, that it is very possible that time will prove the dollars that will flow to the feed grain farmers under the provisions of the bill we have before us will be as good or better than if the amendment is adopted.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota has expired.

(By unanimous consent at the request of Mr. KLEPPE, Mr. ZWACH was allowed to proceed for an additional 1 minute.)

Mr. KLEPPE. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman.

Mr. KLEPPE. I just want to finish this comment. It is very possible that the provisions we have in the present bill will do as good or better than with the gentleman's amendment. But I want him to know that I do support his amendment.

(By unanimous consent Mr. ZWACH was allowed to proceed for 3 additional minutes.)

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman.

Mr. SKUBITZ. Mr. Chairman, I want to commend the gentleman on his amendment. I shall support it. I hope that we will be more successful with it than we were on the Melcher amendment.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. Mr. Chairman, I yield to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Chairman, on page 25, lines 13 and 14, where it states "average transportation costs to market" it is my understanding this language will be considered by the Secretary in relating grain sorghum loan and supports to corn. It is also my understanding that the intent of the committee is that the Secretary will only use this factor, to the extent absolutely necessary, to keep grain sorghum prices competitive and in areas where there are no freight costs against the grain, it would not be a factor, and in the other areas only on the grain that is transported to markets elsewhere.

Mr. ZWACH. As the gentleman knows, sorghum, barley, and oats are related with regard to the loan exactly as it is to corn. They are set accordingly.

Mr. Chairman, I have one more point I want to make. If the loan rate goes down, the release rate for Commodity Credit stocks will also go down, and we will compound the problem that we are working on here. This amendment would retain a reasonable loan, and therefore would not put into effect a lower release rate of Commodity Credit stocks. I feel that this 1-2-3 approach is tremendously important to countryside America, which just cannot stand further reductions in income.

Mr. NELSEN. Mr. Chairman, I rise in support of H.R. 18546, the Agricultural Act of 1970. As we all know, this massive farm bill contains provisions pertaining to wheat, feed grains, cotton, dairying, bees, peanuts, wool, and other U.S. farm commodities. Like many farm bills before it, it is highly controversial. Obviously, it is not easy to satisfy everyone with such a comprehensive, omnibus package.

But it is important that we recognize it took the House Agriculture Committee and the Nixon administration more than 18 months to sufficiently resolve differences among competing farm voices in order to permit any legislation of this nature to be brought to the House floor. Even as it is, we cannot be certain of adequate support from the powerful urban bloc to pass this bill. Considering these complications, if we do not accept this measure, however inadequate, I do not believe this Congress will enact any further farm program this year. That would be very bad news to a number of farmers who have been utilizing this program in my district.

In my own State of Minnesota, agriculture is our leading industry. According to most recent statistics, among all the States, we rank sixth in total cash farm income derived from agricultural sales. We stand first in the Nation in the production of butter, nonfat dry milk, sweet corn for processing, oats, and numbers of turkeys raised. We stand second in production of American cheese, hay, and sweet clover seed. We stand third in the Nation in production of milk, honey, green peas for processing, and flaxseed. We stand fourth in production of sugar beets and rye. We stand fifth among American States in production of corn, pigs, and barley. We are sixth in rank in terms of our cash farm income, including Government payments, as well as in the production of soybeans and potatoes. Minnesota also ranks among the 10 top States in the production of several other farm commodities.

I am particularly proud of the role of the farmers of the Second Congressional District whom I represent in setting this record for Minnesota. Among all 435 congressional districts in the United States, our own Second District ranks fourth in soybean production; sixth in corn production; eighth in flax, oats, dried milk, and butterfat production.

In 1968, Second District farmers ranked ninth in numbers participating in the feed grains program among all U.S. congressional districts, and 30th in numbers participating in the ACP program.

These accomplishments in Minnesota have been achieved almost entirely by family farmers, not by big, corporation-style operators. But this record of output in itself suggests why so many farmers consider it necessary to have a program of the type we consider today in order

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to limit production, stabilize supplies, improve market prices and farm income, and build a competitive base on which to expand foreign trade opportunities.

Insofar as this particular bill, H.R. 18546, is concerned, I stand in general agreement with yesterday's observations by our fellow colleague from Minnesota, Congressman JOHN ZWACH, who is one of the most thorough students of farm legislation serving on the House Agriculture Committee.

Certainly, I am pleased at the inclusion in the bill of JOHN'S amendment designed to assure dairymen outside class I dairy marketing order areas of competitive access and equal reimbursement for sales in class I markets. As a dairyman myself, I have long favored the reduction of barriers which have existed to the interstate shipment of quality milk, and this feature should be helpful to many Minnesota dairymen, particularly since 85 percent of the milk production of the upper Midwest must look to other areas for a market outlet.

There are other improvements relating to recreation, which are commendable.

However, like JOHN, I am much concerned about several provisions relating to the feed grains program in particular. During several previous administrations, we saw Commodity Credit Corporation grain stocks inappropriately dumped on the open market, depressing prices to grain producers, elevator operators, and the entire grain trade. This practice had the effect of making the floor the ceiling on prices under the program, and it was disastrous to farm income. To many of us, this weapon was used to make farmers the scapegoats for inflation and it was ridiculous, since farm prices have remained nearly constant for more than 20 years while every single farm cost has risen dramatically. Yet H.R. 18546 continues the provisions of present law which permit the CCC to dump Government-owned stocks at prices only slightly above Government loan rates. This feature should be changed.

Additionally, as the Farm Bureau has also pointed out, the measure is discriminatory in its treatment of different crops. The cotton set-aside is guaranteed, but the Secretary of Agriculture is given unlimited discretion in determining the amount of set-asides applying to wheat and feed grain producers.

I also share the view that it is wrong to eliminate the parity concept in relation to feed grains, and consider it inadvisable to provide the Secretary of Agriculture with the exclusive right to peg a loan rate from zero to 90 percent of parity.

All attempts to make these changes failed. But in any case, it seems to me we have little choice but to support this package on final passage. The U.S. Government has been involved in the field of agricultural legislation since the 1930's. To pull the chief prop out from under farmers now, without any kind of adjustment period, would in my judgment be ill-advised. Unlimited production without any kind of controls would lead immediately to increased production. Increased production would lead to enormous stockpiles and market gluts. Market gluts would lead to sorrily depressed prices. And further depressed prices would end the farm careers of hundreds of thousands of family farmers struggling bravely to hang on.

Mr. RANDALL. Mr. Chairman, I support the amendment by the gentleman from Minnesota (Mr. ZWACH) because I am convinced the head of this current administration promised almost the same kind of concept in the campaign of 1968. Of course, it is not my duty to assist Mr. Nixon in redeeming his campaign commitment. Yet, as a Member of Congress that has supported every piece of farm legislation since coming to the Congress in 1959, I know that several former Congresses have indulged in the implied promise made to our farmers that we would continue to provide them with a program which contained the concept of parity.

Oh, I know there has been no expressed covenant written out and resolves in a resolution by Members, but nonetheless all the programs in the past have contained in one form or another the concept that when the cost of production of farmers goes up, in other words the things they have to buy goes up, then the Government farm program carried a clause which would make up this difference.

No matter how we try to soften the language to describe our commissions and failures if we do not write in the concept of parity in H.R. 18546, known as the Agricultural Act of 1970 then we are reneging on our previous commitment. In other words, we are welshing out on our farmer promise.

Mr. Chairman, parity is something that may be a little difficult to explain to the city dweller. Synonyms of the word includes such words as equivalence, similarity or approximation. By definition the concept has been defined as a condition as being equivalent. As the word is used in agricultural programs it means the equality of purchasing power maintained from time to time as conditions or circumstances change.

It is not hard to understand why the parity feature was not written into the bill. To do so would have been to buck a powerful combination including the Bureau of the Budget, the President of the United States, the Secretary of Agriculture, and several members of the Agriculture Committee who seemed to think they had to go along with the views of the administration.

I support the parity amendment because, first, it is a reasonable amendment providing for 77 percent of the parity price per bushel. Moreover, it is fair. If we are going to have a farm bill that will be of any value in terms of increasing the income of the farmer then the parity concept must be adopted. Mr. Chairman, I strongly support the amendment by the gentleman from Minnesota (Mr. ZWACH).

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PURCELL. Mr. Chairman, I suppose that with honor comes some unpleasant moments. Sometimes I do not know which is worse or worth the most.

Nothing would please me more than to vote with the gentleman from Minnesota and others who have spoken in favor of this amendment. But again, as I said a moment ago, in regard to the amendment to the wheat section, this is a provision that was fought long and hard in our subcommittee—and it prevailed there, incidentally—and it was heard in great detail before the whole committee.

This concept, this provision, was turned down there, and it is the responsibility, I think, of those of us who feel that we must have a farm bill to maintain the whole farm picture rather than to succumb to the temptation of voting for some of these very attractive amendments at this time. This bill does, for the first time in recent years, not follow the concept of parity. This is a very important factor to the farmer. It is just as important to those of us who feel that we understand that, but inserting 77 percent of parity in this bill at this time would make the other sections be less in balance than they are, and regretfully I feel that all of us who want a farm bill for all America should vote against this amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to my colleague from Texas.

Mr. KAZEN. I could not follow the gentleman's reasoning in saying that we would not have a farm bill if this amendment were adopted.

Mr. PURCELL. I can assure the gentleman that we will not have one whether he follows my reasoning or not if this amendment is adopted.

Mr. KAZEN. Will you explain that to me? I cannot understand why we would not have a bill.

Mr. PURCELL. As I explained a moment ago, the Bureau of the Budget has disapproved this concept, the Secretary of Agriculture has disapproved this concept, the House Committee on Agriculture has disapproved this concept, and I can assure the gentleman that some very significant support would go away from this bill if that concept were accepted. I am sorry to have to say that.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentlewoman from Washington.

Mrs. MAY. The gentleman has said that often with honor come unpleasant moments. Oftentimes also positions, honor, courage, and statesmanship go unnoticed. I would just like to point out that the gentleman in the well, Mr. PURCELL, the chairman of the Subcommittee on Livestock and Feed Grains, is taking a position of great statesmanship and courage. As the ranking minority member of his subcommittee, I know full well that he and the others of us on that subcommittee worked long and hard to incorporate provisions into the wheat and feed titles that today we must vote against in the interest of passing a farm program. I would like to thank the gentleman for showing this type of leadership, and I deeply appreciate it.

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Mr. PURCELL. Mr. Chairman, I thank the gentlewoman from Washington.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield briefly to my very good friend, the gentleman from Minnesota.

Mr. ZWACH. Mr. Chairman, I would like to say to my fine chairman of the Feed Grains and Livestock Subcommittee, with whom we have worked so long, I think the gentleman has made a fine argument for this amendment.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, I would say the gentleman has made a good argument for this amendment, but if he had made that 2 or 3 weeks ago in the committee, there would not be a bill on the floor today. I think the gentleman in the well gave up more things that he wanted than almost any member of the committee. He did that in order to get out the bill.

We do that to get out a bill, to get agreement. We all have to give up some things to get it to the floor. When we get to the floor and start as individuals to try to get back those things we wanted, which if we had gotten them in the committee would have resulted in no bill, I do not think that is quite playing fair with the rest of the committee. But I congratulate the chairman of the subcommittee, the gentleman in the well, for his fairness and his steadfastness in supporting this bill, which we all agree to.

Mr. PURCELL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I ask that this amendment be defeated.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin, Mr. ZWACH.

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE VI—COTTON

SEC. 601. The Agricultural Adjustment Act of 1938, as amended, is amended effective beginning with the 1971 crop of upland cotton as follows:

(1) Sections 342, 343, 344, 345, 346, and 377 of the Act shall not be applicable to upland cotton of the 1971, 1972, and 1973 crops.

(2) A new section 342a is added to read as follows:

"NATIONAL COTTON PRODUCTION GOAL

"SEC. 342a. The Secretary shall, not later than November 15, of the calendar years 1970, 1971, and 1972, proclaim a national cotton production goal for the 1971 and subsequent crops of upland cotton. The national cotton production goal for any year shall be the number of bales of upland cotton (standard bales of four hundred and eighty pounds net weight) equal to the estimated domestic consumption and estimated exports for the marketing year beginning in the calendar year for which such national cotton production goal is proclaimed, plus an allowance of not less than 5 per centum of such estimated consumption and estimated exports for market expansion except that the Secretary shall make such adjustments in the amount of such production goal as he determines necessary after taking into consideration the estimated stocks of upland cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 per centum of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of upland cotton needed in the United States and in foreign cotton consuming countries and, in addition, to provide an adequate reserve for purposes of national security."

(3) Effective only with respect to the 1971, 1972, and 1973 crops, section 344a is amended as follows:

(1) subsection (a) is amended to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary shall (1) permit the owner and operator of any farm for which a farm base acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm for transfer to such farm; and (2) permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him: *Provided*, That any temporary transfer of farm acreage allotment by lease or by owner approved by the county committee to take effect during the period 1966 through 1970 for a term extending beyond 1970 shall be approved pro rata on the basis of the farm base acreage allotment for the farm from which the transfer is made, but no temporary transfer by lease entered into after March 15, 1970, shall be approved for 1974 and subsequent crops."

(2) subdivisions (ii), (iv), (v), and (vi) of subsection (b), the last sentence of subsection (b) and subsections (e) and (h) shall not be applicable to the 1971, 1972, and 1973 crops: *Provided*, That no farm allotment may be sold or leased for transfer to a farm in another county unless the Agricultural Stabilization and Conservation Committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for the county from which such transfers are being made (1) finds that a demand for such acreage allotments no longer exists in such county and (2) approves any transfers of allotments to farms outside such county.

(4) Section 350 of the Act is amended to read as follows:

"BASE ACREAGE ALLOTMENTS

"SEC. 350. (a) The Secretary shall establish for the 1971, 1972, and 1973 crops of upland cotton a national base acreage allotment. Such national base acreage allotment shall be announced not later than November 15 of the calendar year preceding the year for which the national base acreage allotment is to be effective. The national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basic of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal, except that such national base acreage allotment shall be eleven million five hundred thousand acres for the 1971 crop and in the case of the 1972 and 1973 crops shall be in such amount as the Secretary determines necessary to maintain adequate supplies.

"(b) The national base acreage allotment for each crop of upland cotton shall be apportioned by the Secretary to the States on the basis of the acreage planted (including acreage regarded as having been planted) to upland cotton within the farm acreage allotment or the farm base acreage allotment, whichever is in effect, during the five calendar years immediately preceding the calendar year in which the national cotton production goal is proclaimed, with adjustments for abnormal weather conditions or other natural disaster during such period.

"(c) The State base acreage allotment for each crop of upland cotton shall be apportioned to counties on the same basis as to years and conditions as is applicable to the State under subsection (b): *Provided*, That the State committee may reserve not to exceed 2 per centum of its State acreage allotment which shall be used to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments and to prevent hardships.

"(d) The Secretary shall adjust the apportionment base for each county as may be necessary because of transfers of allotments across county lines.

"(e)(1) The county base acreage allotment for the 1971 crop shall be apportioned to old cotton farms in the county on the basis of the domestic acreage allotment established for the farm for the 1970 crop. For the 1972 and each subsequent crop of upland cotton the county base acreage allotment shall be apportioned to old cotton farms in the county on the basis of the farm base acreage allotment established for such farm for the preceding year. The county committee may reserve not in excess of 10 per centum of the county allotment which, in addition to the acreage made available under the proviso in subsection (c), shall be used for (A) establishing allotments for farms on which cotton was not planted (or regarded as planted) during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; and (B) making adjustments of the farm allotments established under this paragraph so as to establish allotments which are fair and reasonable in relation to the factors set forth in this paragraph and abnormal conditions of production on such farms, or in making adjustments in farm allotments to correct inequities and to prevent hardships. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the Agricultural Act of 1970.

"(2) If for any crop the total acreage of cotton planted on a farm is less than the farm base acreage allotment, the farm base acreage allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm base acreage allotment, but such reduction shall not exceed 20 per centum of the farm base acreage allotment for the preceding crop. If not less than 90 per centum of the base acreage allotment for the farm is planted to cotton, the farm shall be considered to have an acreage planted to cotton equal to 100 percentum of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, or other natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton: *Provided*, That for the purpose of this paragraph, the Secretary shall, in the event producers of wheat or feed grain are per-

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mitted to do so, permit producers of cotton to have acreage devoted to soybeans, wheat, or feed grain considered as devoted to the production of cotton to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the cotton or soybean program.

"(3) If no acreage is planted to cotton for any three consecutive crop years on any farm which had a farm base acreage allotment for such years, such farm shall lose its base acreage allotment.

"(f) Effective for the 1971, 1972, and 1973 crops, any part of any farm base acreage allotment on which upland cotton will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the farm base acreage allotment for such farm and may be reapportioned by the county committee to other farms in the same county receiving farm base acreage allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of upland cotton, land, labor, equipment available for the production of upland cotton, crop rotation practices, and soil and other physical facilities affecting the production of upland cotton. If all of the acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used to make adjustments in farm base acreage allotments for other farms in the State adversely affected by abnormal conditions affecting plantings or to correct inequities or to prevent hardship. Any farm base acreage allotment released under this provision shall be regarded for the purpose of establishing future farm base acreage allotments as having been planted on the farm and in the county where the release was made rather than on the farm and in the county to which the allotment was transferred: *Provided*, That, notwithstanding any other provision of law, any part of any farm base acreage allotment for any crop year may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided herein. Acreage released under this subsection shall be credited to the State in determining future allotments.

"(g) Any farm receiving any base acreage allotment through release and reapportionment or sale, lease, or transfer shall, as a condition to the right to receive such allotment, comply with the set-aside requirements of section 103(e) (4) of the Agricultural Act of 1949, as amended, applicable to such acreage as determined by the Secretary.

"(h) Notwithstanding any other provision of this Act, if the Secretary determines for any year that because of drought, flood, other natural disaster, or a condition beyond the control of the producer a portion of the farm base acreage allotment in a county cannot be timely planted or replanted in such a year, he may authorize for such year the transfer of all or a part of such cotton acreage for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of upland cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm base acreage allotment transferred under this subsection shall be regarded as planted to upland cotton on the farm and in the county and State from which transfer is made for purposes of establishing future farm, county and State allotments."

SEC. 602. Effective beginning with the 1971 crop of upland cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (e) reading as follows:

"(e)(1) The Secretary shall make available for the 1971, 1972, and 1973 crops of upland cotton to cooperators loans at such levels as will reflect for Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the estimated average world price for such cotton. The loan level for any crop of upland cotton shall be determined and announced not later than November 15 of the calendar year preceding the marketing year for such crop.

"(2) In addition, the Secretary shall make available to cooperators payments on the 1971, 1972, and 1973 crops of upland cotton. The payments shall be at such rate per pound as, together with the national average market price for Middling one-inch cotton, micronaire 3.5 through 4.9, in the designated spot markets during the first five months of the marketing year for the crop, the Secretary determines will be equal to 35 cents, except that the rate of payment so determined for the 1972 crop and the 1973 crop, respectively, shall be adjusted by multiplying the amount thereof by the ratio of (i) the estimated production on the national base acreage allotment for the 1971 crop at the time the payment rate for the 1971 crop was announced to (ii) the estimated production on the national base acreage allotment for the crop for which the rate is being determined. The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 15 cents per pound, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(3) Such payments shall be made available for a farm on the quantity of upland cotton determined by multiplying the acreage planted within the farm base acreage allotment for the farm for the crop by the average yield of the acreage planted to upland cotton during the three preceding years adjusted by the Secretary for abnormal yield in any year caused by drought, flood, or other natural disaster: *Provided*, That payments shall be made on any farm planting not less than 90 per centum of the farm base acreage allotment on the basis of the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary dtermines was not planted to cotton because of drought, flood, other natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton.

"(4) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm base acreage allotment for the farm as may be specified by the Secretary (not to exceed 33⅓ per centum of the farm base acreage allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. The Secretary may permit cotton or other commodities to be planted on the set-aside acreage to such extent and subject to such terms and conditions as he may prescribe.

"(5) The upland cotton program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(6) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on upland cotton and payments under this section shall be made available to the producers on such farm only if producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate, or modify any such agreement entered into pursuant to this subsection (e)(6) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities.

"(7) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing on a fair and equitable basis, in payments under this section.

"(8) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(9) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this Title.

"(10) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(11) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection."

SEC. 303. Effective only with respect to the period beginning August 1, 1971, and ending July 31, 1974, the tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by deleting all of that sentence from the beginning to and including the words "110 per centum of the loan rate, and (2)" and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 110 per centum of the loan rate for Middling one-inch cotton, micronaire 3.5 through 4.9, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges and (2)".

SEC. 604. Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting a colon in lieu of the period at the end of the first sentence and adding the following: "*And provided*, That for the 1971, 1972, and 1973 crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 103(e)."

SEC. 605. Effective only with respect to the

1971, 1972, and 1973 crops the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) By adding in section 378 a new subsection (d) to read as follows:

"(d) The term 'allotment' as used in this section includes the farm base acreage allotment for upland cotton."

(2) By adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

(3) By adding in the first sentence of section 385 after the words "parity payment," the words "payments under the cotton set-aside programs,".

Sec. 606. Effective only with respect to the 1971, 1972, and 1973 crops, section 706, Public Law 89–321 (79 Stat. 1210) is amended as follows:

(1) By adding in the first sentence after the words "the Soil Conservation and Domestic Allotment Act, as amended." the words "or the Agricultural Act of 1949, as amended,"; and

(2) By adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

Sec. 607. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity, the Agricultural Act of 1949, as amended, is further amended by adding in section 408 a new subsection (k) as follows:

"REFERENCE TO TERMS MADE APPLICABLE TO UPLAND COTTON

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for upland cotton under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for upland cotton under this Act."

Sec. 608. Section 203 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1971, 1972, and 1973 crops.

Sec. 609. The Secretary shall file annually with the President for transmission to the Congress a complete report of the programs carried out under this title. Such report shall include the amount of funds spent, the purposes for which such funds were spent, the basis for participation in such programs in the various States, and an appraisal of the effectiveness of the programs.

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read and printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE VII—EXTENSION OF TITLES I AND II OF PUBLIC LAW 480

Sec 701. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83–480; 7 U.S.C. 1736c), is amended by striking the words "December 31, 1970." and inserting in lieu thereof the words "December 31, 1973.".

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many of my colleagues have asked me where do we go from here with respect to the $20,000 payment limitation? I would like to say a few words on what happened here today and where we go from here. We may have lost a skirmish but not the main battle.

I, for one, am going to vote against the entire farm bill.

The battle is still not lost. We still have the agricultural appropriation bill which is in the Appropriations Committee. It will have to come to the floor of this House, and it has in it an amendment limiting farm subsidies to $20,000, passed by the Senate. At that time, if I am recognized, I am going to move that the conferees be instructed to accept the Senate amendment.

Second, we have this bill. If it passes and goes to the Senate, it is possible the Senate will not accept the $55,000 limitation and will cut it down to $20,000, in which case again when the bill comes back here, we will have an opportunity to make a motion to instruct the conferees.

One of the things that was proven beyond any reasonable doubt here today was the strong argument we had last week for the recording of teller votes. How could 70 or 80 or 90 votes for a $20,000 limitation per farm disappear over a year's span, or even a 2-year span, when this House twice, on record votes, voted a much tougher limitation than the one we had today. The one we had today was $20,000 per crop and not $20,000 per farm. If anything came out of this debate today, it was a need for change in the rules for teller votes. Teller votes must be recorded, so as to prevent all types of ball games as we witnessed today. I am sorry that some of the strongest advocates of this rule change, did not see fit to come here today for the teller vote on my amendment.

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the Chairman a question. It is my understanding that, based on current prices for cotton, the loan rate under this bill would be set at 18.7 cents for the 1971 and 1972 and 1973 crops.

Mr. POAGE. Yes, I believe that is correct. I believe there was a discussion of various other levels.

Mr. PRICE of Texas. I thank the Chairman.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

I will not take 5 minutes, Mr. Chairman, but I want to clear up a little bit of a mystery in the mind of the gentleman from Massachusetts (Mr. Conte) about how his votes disappeared. I voted for the $20,000 limitation last year, and I voted against it this year, because Mr. Conte made just one too many speeches and convinced me I had been in error in voting with him the first time.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Committee on Agriculture, I rise in support of H.R. 18546, generally referred to as the farm bill. This connotation, of course, carries a certain amount of truth. But, I call to the attention of the Members of the House that the subject encompasses far more than farm legislation. For emphasis, permit me to remind the Members of the House that agriculture is the single, largest customer of industry in our entire economy. I remind you that statistics show a rapidly declining farm population. This has been brought about by economic factors which prove that the average or small farmer is no longer receiving a fair return on his investment of time, money and labor.

H.R. 18546 does not include certain features which I think would have been most desirable for an ideal farm bill, that is, the concept of parity and further, a floor under parity supports. But, I have come to the conclusion, Mr. Chairman, that in the precarious position that the American farmer is in today, the bill before us is far better than no bill at all. Therefore, it is my intention to support it in the hopes that it will eventually replace present farm legislation which expires December 31 of this year.

To my urban friends who are Members of this body, I ask you to think carefully regarding the need for farm legislation. To those concerned with the problems of the ghettos, I reminded you that many of these problems have been created by a mass migration from the farms of the South and Midwest to the crowded areas of your cities. To those of you who are duly concerned with the plight of the poor and believe that the food stamp program is rendering a great assistance to this underprivileged group, please consider that if American agricultural production sinks to a level where we would find ourselves with an acute shortage of food, then obviously, food stamps would become worthless.

So, I ask you for these and other considerations, to join with those of us concerned with American farm problems in passing and sending on to the Senate, H.R. 18546.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE VIII—GENERAL AND MISCELLANEOUS

LONG-TERM LAND RETIREMENT

Sec. 801. Section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, is amended—

(1) By inserting "(A)" after "Sec. 16(e) (1)".

(2) By inserting in the first sentence after "For the purpose of promoting the conservation and economic use of land" the following: ", and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms,".

(3) By inserting in the first sentence after "is authorized to enter into agreements," the following: "during the calendar years 1971, 1972, and 1973,".

(4) By striking out the proviso at the end of paragraph (1) and inserting in lieu thereof the following: "*Provided*, That any agreements entered into under this section after July 1, 1970, shall prohibit grazing of such acreage."

(5) By inserting a new subparagraph (B) at the end of paragraph (1) to read as follows:

"(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity

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with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The Secretary may also provide for payment in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary and the Secretary of the Interior shall jointly appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom they may consult on this program, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in the program by assisting the Department of Agriculture (a) to provide technical assistance for wildlife and habitat improvement practices, (b) to review applications of farmers for the public land use option and select eligible areas based on desirability of wildlife habitat, (c) to determine accessibility, (d) to evaluate effects on surrounding areas, (e) to consider esthetic values, (f) to check compliance by cooperators, and (g) to carry out programs of wildlife stocking and management on the acreage set aside. The Secretary and the Secretary of the Interior shall jointly issue regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance."

(6) By adding at the end of paragraph (2) the following: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

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(7) By adding at the end of paragraph (4) the following: "Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest."

(8) By adding at the end of paragraph (5) the following: "The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements."

(9) By adding a new paragraph (6) to read as follows:

"(6) For the purpose of obtaining an increase in the permanent retirement of cropland to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in rural areas in acquiring cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions consistent with and at costs not greater than those under agreements entered into with producers, provided the Secretary determines that the purpose of the program will be accomplished by such action. The Secretary also is authorized to share the cost with State and local governmental agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. The term 'rural areas', for the purpose of this subsection, shall not include any area for use by any city or town which has a population in excess of 5,500 inhabitants. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of $250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

(10) By striking out the last sentence of paragraph (7) and substituting the following: "In carrying out the program, the Secretary shall not during any of the fiscal years ending June 30, 1971, through June 30, 1973, or during the period June 30, 1973, to December 31, 1973, (A) enter into agreement with producers which would require payments to producers in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (B) enter into agreements with States or local agencies under paragraph (6) which would require payments to such State or local government agencies in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made."

MARKETING QUOTA EXEMPTION FOR BOILED PEANUTS

SEC. 802. The last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957 (7 U.S.C. 1359 note), is amended to read as follows: "This amendment shall be effective for the 1957 through 1973 crops of peanuts."

VOLUNTARY RELINQUISHMENT OF ALLOTMENTS

SEC. 803. Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

INDEMNIFICATION FOR BEEKEEPERS

SEC. 804. (a) The Secretary of Agriculture is authorized to make indemnity payments to beekeepers who through no fault of their own have suffered losses of honey bees after January 1, 1967, as a result of utilization of economic poisons near or adjacent to the property on which the beehives of such beekeepers were located.

(b) The amount of the indemnity payment in the case of any beekeeper shall be determined on the basis of the net loss sustained by such beekeeper as a result of the loss of his honey bees.

(c) Indemnity payments shall be made only in cases in which the loss occurred as a result of the use of economic poisons which had been registered and approved for use by the Federal Government.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(e) The Secretary is authorized to issue such regulations as he deems necessary to carry out the purposes of this section.

(f) The provisions of this section shall not be in effect after December 31, 1973.

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered, read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: On page 52, line 3, strike out the word "1973" and insert in lieu thereof the following: "1973, in order to achieve a goal of 10 million acres each year,".

On page 55, line 22, and page 56, line 3, strike out the figure "$10,000,000" and insert in lieu thereof the following: "such amounts as the Congress may provide annually in appropriations acts,".

Mr. SCHERLE. Mr. Chairman and Members of the House, as a working livestock and grain farmer, I have an understanding of agriculture. For a long time it has been my conclusion that if we could offer the farmers of this country a dual approach to a farm program perhaps we might be much closer to a solution of the present farm problem.

The two approaches would actually give the farmer opportunities to participate in either a retirement or feed grain program.

As provided under the law at this time, we have what is known, under the feed grains section, as a set-aside program. My proposal would include a long-range retirement of acres. This in essence would cut down on production and alleviate some of the problems caused by our crop surpluses.

This is similar to what we now have under the set-aside program and as this bill implies, would help us to reduce the cost to the farmer himself, because he would participate just about the same as he is now. He will retain his machinery. He will buy his fertilizer. His cost will remain the same because he will still be in a position of operating his own farm. He will contribute not to a surplus but to a reduction, because by receiving his payments through a farm program he will not produce as much as if he were turned loose.

Last but not least, he would still be an asset to the community in which he lives, because he will not retire his entire farm, but just a portion as he did under the feed grain program.

I would also support a return to the concept of the advance feed payments. The elimination of it this year caused many hardships to both the farmer and the other members of the agribusiness community.

The other approach I have in mind is one talked about for many years, a long-range retirement system of taking out additional acreage. Various farm organizations have talked about $40 million or $50 million or $60 million. Under the present bill now offered to us in the House, there is a simple pilot program of acreage retirement of $10 million.

Well, gentlemen, a pilot program of this nature involving $10 million would not take any more than 500 acres out of production at this time. It is infinitesimal and would not serve any purpose at all.

The average farmer today in the United States is about 55 years of age.

Young people face great obstacles in getting into the farming trade. High interest rates, huge operating expenses, and the difficulty in obtaining labor are just some of the barriers facing the agricultural producer.

In establishing a long-range retirement a farmer and his family can reside and retire on that farm. They would not have to move into the city, thus adding to the urban problems existing today. Furthermore, the farmer's opportunities there are limited. His skills are not as marketable. This man is entitled to his birthright, and should be allowed to stay on the farm. If we have a farm program as here envisioned, he would be allowed to retire on the farm. This system would be based primarily on age.

In addition, if your mail runs about the same as mine, you know that we find many farmers today whose sons, because of the pressure of service, have to leave the farm and serve in the military. That would be my second priority with regard to land retirement. Surely the local county ASC committees can work it out. A simple system such as we have with regard to these two programs, the feed grain program and set-aside program, will help take care of this. The farmers would have an opportunity to decide for themselves what they want. We will cut down on the surplus in the marketplace. They can retire on their own farms and they will not be a burden on the cities.

Ladies and gentlemen, I think by giving the farmers this kind of an opportunity this will be the first phase of a new approach to the entire problem. Under the old cropland adjustment program, which expires this year, many people would make application for this. All of this land would not go out of one community and thus cause a problem as far as the merchants in that area are concerned. This would also fall under the jurisdiction of the local ASC committees. Here for the first time we would have an approach to taking 10 million acres out with a new system. This comes in addition to the present feed grain program and the farmers have an opportunity here that they never had before to choose which approach they want.

Mr. Chairman, during the current fiscal year final payments will be made on the last conservation contracts. Cost of the program was $2.6 billion.

While that $2.6 billion over a period of 15 years represents only about two-thirds of the annual cost of current commodity payments programs, it is a sizable expenditure of funds. Taxpayers have a right to know whether the results justify the expenditures.

Probably one of the best summaries of the results of the conservation reserve can be found in the hearings of Senate Appropriations Subcommittee on Agriculture for fiscal 1970. On March 28, 1969, Carroll G. Brunthaver, acting ASCS Administrator, inserted into the RECORD the following:

> On the basis of a field survey early in 1966 on the use of land on which conservation reserve program contracts had expired at the end of 1963 and 1964, it has been estimated that about one-half of the former conservation reserve acreage has remained in protective cover (grass, legumes, trees, or water storage areas.) Therefore, it is estimated that about 14 million acres of permanent land use adjustment (to conserving uses) has been accomplished. Of the latter, about 2.1 million acres were planted to trees and about .3 million acres were covered to wildlife habitat and water storage.

This means that, while it cost some $2.6 billion over 15 years to retire up to 28.6 million acres of cropland for varying periods of time, 14 million acres of land which might otherwise be in crop production are in soil building or soil and water conserving uses—even after the program is over and no more payments are to be made.

Present authority for CAP expires at the end of 1970. The so-called Hardin consensus bill includes only a small authorization for CAP. In working on a new farm bill, the House Agriculture Committee has tentatively agreed to cut back the authorization for CAP from $225,000,000 to only $20 million.

There is no evidence to support the statement that an expanded CAP would create "ghost towns." In fact, there is evidence to the contrary. Between 1955 and 1960, the big soil bank years, the farm population declined 13 percent. Under annual diversion and income support payments farm population declined 17.1 percent between 1960 and 1965. Between 1965 and 1970 it declined 16.7 percent.

Whole-farm retirement would reverse the current trend toward a decline in rural population. Under current programs an undercapitalized, older, or physically impaired farmer finds himself in a position of having to sell his farm—usually to a neighbor who uses the farm to expand his operation. Generally this means that the farmer selling out not only leaves his farm home but many times has to leave the community entirely to find occupational alternatives. Under CAP a farm family could retire their land and remain in their farm home. With the annual retirement payments they receive each year for the life of the contract as a base of income, they would be far less apt to be forced to leave their community. While they would not be customers for machinery and supplies as before, they would remain customers of the soft goods and service industries of the community and would continue to support local institutions such as schools, churches, and recreational facilities. In essence, a land-retirement family in a community of the future, is much better than no family at all.

In the past, quite understandably, urban Congressmen have been reluctant to vote for programs that seemingly "pay farmers to do nothing." But with a growing awareness of the importance CAP can play in fighting pollution, conserving natural resources, and maintaining open spaces—and especially when CAP can serve as an alternative to huge compensatory payments under present commodity programs—this attitude can and is being changed. Passage of adequate funds for the CAP program should be properly considered as an investment in the future of this country.

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it was not my intention to say very much throughout the consideration of this bill. The provisions in the law we are considering and that the gentleman from Iowa is speaking of involves a pilot project which again was worked out in great detail so as to have it limited. Up to 10 million acres taken out would be going back to the old soil bank days. This would bring about the danger of grazing on subsidized land and bring cattle production into an off-balance situation. Again, this goes past the provisions that have been thoroughly thought out by the committee. It will provide areas of wild weeds, and jackrabbits would have a field day on unkept land, and we would have 10 million acres of land with rodents running around infesting that land and other areas adjacent to it. In my mind and in the minds of many of us who have given a great deal of study to this, this is the best way to give the final death knell to many agricultural communities.

I understand what the gentleman said, namely, that it would take out old farmers and let people have a place to live. Some of these people have their children going off to the military for service, which is true. The fact remains that you take purchasing power away from rural agricultural America. This is the most devastating thing that can be done to the rural areas.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentioned in his statement that the fields would grow up to weeds, and that the rodents would be running around. That is illegal under the present system now. All these acres under diverted acres cannot be grazed, they are diverted acres, they must be mowed, the weeds have to be kept down, so I do not think the statement the gentleman made is necessarily correct.

Mr. PURCELL. It is against the regulations to let the soil bank acreage grow up to Johnson grass and cockleburs, but the facts are they are growing up to Johnson grass and cockleburs, and that is the area where rodents are developing.

So I cannot help what the regulations are—they are not being enforced now, and I do not believe they would be in the future.

Mr. SCHERLE. If the gentleman will yield further, I think that is a policy that should be enforced at the county ASC level, and in our county in my State they can be assessed a fine for doing that, and that is not the habit insofar as the State of Iowa is concerned. Those lands are kept in good shape. If they are not in Texas, then it is the fault of the local system.

Mr. PURCELL. I might say to the gentleman from Iowa that maybe we in Texas grow better Johnson grass and cockleburs than they do in Iowa. But I have found this to be very devastating, and I would emphasize also the effect that this approach has to the rural communities, to the towns it takes out, and of families being removed from the area.

Mr. KLEPPE. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman in the well because I think the gentleman has explained the details that we went into in our subcommittee on this question.

I just want to be identified in opposition to the amendment.

Again I thank the gentleman for yielding.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, with or without limitations on support payments American agriculture is in trouble. We in Congress should be very cautious how we rock the boat in these stormy seas.

Before making the tough decisions posed by this bill we ought to take a long, hard, unemotional look about where we are going and what these decisions mean. When we talk about agricultural policies and payment limitations we tend to think in terms of dollars or theories or laws. These things are important but we also ought to be thinking in terms of farms and people and the economies of our States and regions. In this spirit I want to talk a little today about a place most of my colleagues have never heard of.

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It is called Pinal County, located on the fertile desert plain between Phoenix and Tucson. It is populated by 65,000 fine people whom I have the honor to represent.

Among the seven counties in Arizona which produce cotton, Pinal would be hit hardest by a $20,000 payment limitation. Of the State's 210,913 acres of upland allotment, Pinal has 82,021. The $20,000 limitation would drop this to 47,468 acres.

In Pinal in 1969, of the county's 433 farmers, 228—52 percent of the total—drew checks of more than $20,000. With the amendment, therefore, we are aiming a gun directly at more than half the farmers in this one Arizona county. In that same year there were 79 farmers who drew more than $55,000 and are, therefore, threatened by the bill as it currently stands.

As we debate here today, then let us remember that we are talking about farmers whose investments and careers may very possibly be wiped out. And if you wipe them out you are going to deal heavy blows to towns like Casa Grande, Coolidge and Eloy whose economies are largely farm-based.

Of all the personal income in Pinal County, 86 percent comes from labor. And of this labor income you can attribute more than 25 percent to agriculture. We are today threatening to drastically reduce this heavy labor dependency on agriculture and perhaps send more people packing for Pheonix, Tucson, and other metropolitan centers.

Even without payment limitations the cost-price squeeze has seen some 25 percent of the county's farmers go out of business between 1964 and 1970. Meanwhile, those left are trying to diversify away from one crop agriculture. They need time to do this. We are going to cut many farmers, incomes in this Congress. We ought to think carefully before cutting below the bill's $55,000 limitation.

The prices received for products by almost every segment of our economy have gone up in the last 20 years. Only farmers receive less. While the prices they pay go up, the prices they get go down. In 1950 cotton prices were 39 cents per pound; the figure today is about 22 cents.

Before we leave Pinal County let me tell you about some of these huge farming operations. One of them last year received more than $335,000 in price support payments. The name of this farm is Ak-Chin Farms. Now before you get outraged at this Ak-Chin payment of $336,796 let me tell you just who this "farmer" is.

In the first place, it is not a "he"; it is a "they." "They" are 300 Papago Indians who were advised to pool their lands and talents and energies. They did and they put their tribal lands into Ak-Chin Farms and today it is the only industrial enterprise on the reservation. It grows cotton, grain, and cattle. It employs some 90 Indians. Thanks to Ak-Chin Farms per family income has risen to $4,200 a year which makes the Ak-Chins better off than some of their Indian brethren. The Ak-Chins own and operate this enterprise. They face the same price squeeze hitting farmers everywhere. In addition, their ground-water table keeps dropping so pumping costs rise. The last thing they need at this point is a slap by Congress.

Then there is a Gila River Farms and you might be shocked by this outrage because it received $303,898 in support payments. Is this a big fat corporation of absentee landlords? No, it is a combined operation, similar to Ak-Chin, put together by the Gila River Reservation Indians. And so it goes with the Salt River Pima-Maricopa Indians with a like operation in Maricopa County and a somewhat different but equally complex arrangement on the Colorado River Reservation in Yuma County where the Indians have chosen to lease out agricultural lands to non-Indian growers who pay the tribe rent and who employ some tribal members.

Pinal agriculture is, of course, not limited to Indians. One of my old grower friends called me recently to say he is now selling insurance—life not crop. This is a man who loves to farm, who has devoted his best years to a career in farming, who farms well, and who last year received more than $100,000 in ASCS payments. He is selling insurance to make ends meet and if you knew this man and his family you would mark him as one well steeped in the old American virtue of thrift. Now he contemplates even tougher blows, a reduction in the amount of payments he can receive for his cotton.

These cotton farmers are in trouble because the cost of growing cotton is about 32 to 35 cents a pound. The market price is about 20 cents a pound which, together with the payments, brings a return of 35 cents a pound—equal to or only very slightly above the farmer's actual costs.

Let me tell you about another Pinal operation, one near Eloy. A construction worker purchased 160 acres back in 1936. Over the years he expanded his operation to a 4,500-acre farm with 15 irrigation wells. When he died in 1966 his widow continued the operation.

Writes the company's bookkeeper in a plaintive letter:

> We produce about 3,000 bales of cotton, 1,000 acres of wheat and 500 tons of barley annually. There are about 25 steady employees composed of one Negro, 12 Papago Indians, 12 of Mexican derivation and I am the 'Anglo' with the title of bookkeeper. Many of us have been employed for 20 years.
>
> Any limitation under $150,000 will put us out of business.

Let us remember we are dealing today with not just the owner of this farm but its management and its employees.

While not all of Pinal County's farmers are Indians or potential bankrupts, some of them are. And when we use a meat-ax approach to payment limitations we hurt the kind of people I am talking about just as well as we hurt the rich farmer caricature so often set forth in the press.

The gentleman from Illinois and the gentleman from Massachusetts who have been so closely identified with these payment limitations are both friends of mine and men I admire. I mean no criticism of them and their motives when I suggest that it is a lot easier to be indignant about big farm payments when you come from the kind of States they come from than when you represent a place like Pinal County.

Let us compare the effects of the $20,000 limitation in my State compared to Illinois and Massachusetts.

Bear in mind that cotton, in order to be produced in my State, must be grown in large units to achieve the greatest efficiency. This is true even with unlimited program payments. The high cost of water and mechanized production and chemicals needed to raise a product that sells below cost creates problems for this industry that are sometimes not understood in other areas. Agriculture in Arizona labors under handicaps not present in Illinois and other States. In Illinois, for example, agriculture is prosperous on the smaller units which are self-sustaining to a large degree. Many of the inputs do not have to be purchased from industry but are produced on the farm. A hog operation in Illinois is dependent almost wholly on the feed that can be grown on the same farm.

Let us compare the corn program with the cotton program for a minute. In corn the Government loan itself is more than the cost of producing corn. On the other hand, the loan program for cotton is a great deal below the cost of production. So the payment on corn is in a sense a clear profit. But in cotton when the payment is added to the loan the return is at best only slightly above cost.

Yet the limitation rifle shoots at the cotton farmer simply because he must be large to produce efficiently.

What happens in Illinois under a $20,000 payment limitation? The entire State's payment totals $184,659,834. A $20,000 limitation would only reduce this by $1,422,612 or 0.75 percent. Compare this with what happens in Arizona. Out of a total payment of $44,233,878 we would lose $23,263,499. That is more than 52 percent.

The subject of payment limitations, if you come from Massachusetts, is almost academic. Its total payment last year was $86,430—note that carefully. This happens to be the same amount the State would get under the amendments proposed because the fact is there is not a single farmer in Massachusetts who would be affected in any way.

I would like to make one thing perfectly clear—if I may borrow that expression. I have been critical of farm programs for a long time. In fact, not too many years ago I wrote a piece advocating that farm programs be phased out and even had legislation drafted to do just that and to return to free agriculture over a period of several years. But if the Congress decides that our farm programs are unsound and that farm subsidies are bad, then let us go to free-market farming and be done with it. But let us not back into such a decision by refusing to face the issues and the injustices squarely. If we are to have free enterprise farming, fine, but let us not entertain halfway measures which merely penalize the big efficient farmers who do the most for the consumer, perhaps forcing them into bankruptcy, while continuing to subsidize small and inefficient operators, who make consumer prices high.

I have never really understood the philosophy behind the payment limitation sponsored by my two distinguished friends. I would really like to ask them a question and do it by way of an analogy.

When society decides that a road should be built it takes land by condemnation if necessary. Suppose it happens that on one farm the new road will go right across and take 100 acres, while on an adjacent farm the road just cuts across a corner and takes only 10 acres. Society determines that each of the owners should be compensated for the land taken, and the first farmer can go to any court in America and get 10 times the amount paid the second farmer.

Now that same society may determine that we ought to limit agriculture production—set aside some farmland from production. My friend from Illinois says that is fine and we will compensate the farmers. However, he says the small farmers should be paid for all the land set aside. But the big farmer is paid for only some of the land he no longer uses to grow crops.

Is that fair?

The times have placed an enormous responsibility on those of us serving here today. What we do has a great effect on the future or even if there is a future, one could say.

One of our chief concerns is the realization that the Nation has a fast-growing population in a world of too-fast growing population. We hear talk of worldwide famine by 1975, of greater and greater stress between the "haves" and the "have nots" of the world and among our own people. Even in our own country, as one of the committees heard last year, "One of the most frightening processes at work in America is the increased intensity of competition for resources of all kinds. Competition for land brings out the essential features of this phenomenon."

Let us exercise some caution here today by not overreacting in such a way as to make things tougher for a lot of people big and small, rich and poor, as they try to fit themselves into a changing social and economic life.

The Indian enterprises I have mentioned, the other growers and the small agriculture-based towns of my district are racing to diversify their operations and their economies. The towns of Pinal County, for example, have established industrial parks in partnership with the Indian tribes and are working hard to attract manufacturing and service enterprises.

These fragile economies need time to strengthen so it behooves us to be mindful of new problems we may impose.

Mr. PURCELL. Mr. Chairman, I ask the Members to vote against this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RAILSBACK: On page 55 in title VIII, delete subsection (10) beginning on line 15 and ending on page 56, line 9, and insert in lieu thereof the following new subsection (10):
>
> "(10) By striking out the last two sentences of paragraph (7) and substituting the following: 'The Secretary shall not during any calendar year enter into agreements with producers hereunder covering more than six million acres of cropland plus the number of acres of cropland by which agreements entered into in calendar years 1971 and 1972 cover a smaller number of acres than authorized for such years.' There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

Mr. RAILSBACK. Mr. Chairman and members of the Committee of the Whole, our amendment is directed at what we feel is inadequate appropriations or authority in long-term retirement programs.

I would direct the attention of my colleagues to page 58 of the committee report and to the first full paragraph thereon. I quote:

> There is an urgent need to conserve and improve the natural resources of our farmland—Soil, water and woodland—and to provide more opportunities for recreation, improve wildlife habitat, and help abate pollution. There are also many farmers throughout the country who need to retire from farming but are unable to do so without assistance.

Under our amendment, up to 6 million acres per year could be subjected to long-term retirement agreements for the purpose of promoting the conservation and economic use of land and of assisting farmers who because of advanced age, poor health, or other reasons desire to retire from farming.

Under the present cropland adjustment program, local public agencies can be given Federal grants to assist in acquiring cropland for open spaces, natural beauty, wildlife or recreation facilities, and prevention of air and water pollution. This fine program, the Greenspan program, according to the table on page 59 of the committee report accounted for only 7,740 acres across the country in 1966–1967, the last year the program was active. These are acres with a purpose. We propose a reemphasis on this program.

A related program is the cropland conversion program whereby agreements are effected with producers to convert designated cropland to other income producing uses, such as grazing, recreation, wildlife, and other conservation uses.

The chart on page 58 of the committee report gives a revealing insight as to how little of the total of 59.4 million acres under diversion is due to either the Greenspan or the cropland conversion program. Less than 50,000 acres, or in other words, one one-thousandth, was under the cropland conversion program last year. We think that these two programs which have been obviously slighted, are designed not just to take land out of production, but to put it to a positive socially beneficial use, and we want to reemphasize these very desirable programs.

The USDA's original bill called for increasing the cropland conversion program budget from $10 million to a new level of $50 million per year. The Farm Bureau proposed a mandatory retirement of 10 million acres per year for 5 years and a total of 50 million acres. There is, unfortunately, no such program in the committee bill. We need land retirement to help fight pollution and to preserve nature. We need it to assist smaller farmers to give up some of their land and to be able to retire on what is left. We need it for many reasons, but the only way it is adequately treated in the committee bill is to pay farmers under the commodity programs.

Where the committee has in its own words "limited both the Greenspan and the cropland conversion programs"—see page 58 of the committee report—we seek, instead, a reasonable expansion of these programs. Our amendment would make possible the long-term adjustment of a total of 18 million acres of cropland.

Under present cropland adjustment agreements, the average per-acre cost to the Government has been about $20. This is a rather reasonable cost I am sure all would agree. If an increase to about $25 an acre could be expected, and it may be, under our amendment the maximum total cost would be $150 million, and that could provide a maximum of 8 million acres each year for retirement.

I would remind my colleagues that what we are talking about are not brand-new programs, they are existing and proven. Under the old law a ceiling of $225 million was in effect. The committee has provided only $20 million in its bill. We propose, instead, an open-ended authorization but with a limitation on the amount of acreage. These programs have been on the books and the machinery is there to operate these programs at a re-

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alistic level. We are not talking about giveaway or wasteful payments; these are reasonable and needed efforts to take cropland out of production and put it to use in conservation and other ways of benefit to rural communities, not just to one businessman or farmer.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment my colleague, the gentleman from Illinois, on offering this amendment. It represents a definite improvement in the act, for several reasons. First of all, it is a way to bring about resource adjustment, preserving freedom of planting for the farmer on remaining acres.

Second, it brings about this resource adjustment at a price to the taxpayer just a fraction of what such adjustment costs in other provisions of this act.

Mr. Chairman, I compliment the gentleman and urge support for his amendment.

Mr. RAILSBACK. I want to thank my friend and colleague, the gentleman from Illinois.

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, again I could just say what I tried to say a few moments ago in regard to the amendment offered by the gentleman from Iowa (Mr. Scherle).

This is the Farm Bureau approach to retiring acreage and retiring farmers—and it will accomplish both. It will retire acres, to be sure, and retire farmers, too.

I would agree with my colleague, the gentleman from Illinois (Mr. Findley), that he and the Farm Bureau will retire these farmers about as fast as any system that has been worked out.

This is an approach that will violate the grazing balance that this country has.

This will, from a political standpoint, I can assure everyone who is concerned about it, bring into play the cattle people who are very concerned about things of this kind.

It is not in agreement with the budget. We have had an agreement on it to this point, and about the same reasons that have been stated before with regard to increasing this farm retirement concept would apply here.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding. I want to say to the gentleman that originally my draft of the amendment contained a provision which would strike, I think it was called, the Price amendment, which would prohibit any grazing. Upon reconsideration, I took that part out, so actually the so-called Price amendment, which relates to grazing, would still be in effect and grazing would not be permitted on those retired acres.

Mr. PURCELL. I understand that, but when you have retired acres sitting around to the extent of 6 to 10 million, it is hard to convince cattle people that they will sit there forever and grazing will not be developed on them.

Again, Mr. Chairman, it is an area that has some appeal, but this is a part of the bill that has been worked out in great detail and has the kind of balance that, if it can be held, will provide for the American farmer a program and the consumer the kind of protection that is the best we can get at this time. I ask for defeat of the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois is recognized.

Mr. ANDERSON of Illinois. Mr. Chairman, let me first commend the distinguished chairman of the committee, the gentleman from Texas (Mr. Poage), and the ranking minority member, the gentleman from Oklahoma (Mr. Belcher), for their diligent labors in producing this compromise measure. Considering the number of conflicting views, the force with which they were presented, the variegated nature of the agricultural economy, and the complexity of this legislation, it is quite miraculous that any bill was agreed upon at all. Obviously, few are entirely happy with this bill, but that is generally the fate of compromises on vital issues. I certainly would have liked to have seen a number of changes, yet I rise in support of this bill because the alternative would be, as the Secretary of Agriculture and the distinguished committee members have pointed out, a reversion to unworkable and possibly disastrous arrangements contained in the permanent law. This bill will allow us to avoid such uncertainty and ill effects, and will provide a reprieve in which a fundamental decision can be made as to what kind of farm program we are to follow in the decade ahead.

Mr. Chairman, I stress that a fundamental clarification and alteration of agricultural policy is something that cannot be delayed indefinitely. The present program has clearly not produced the results that its exponents promised; moreover, it has become so costly that there is a growing danger the entire farm program may be swept under in an emotional antisubsidy binge fueled by those who neither understand nor sympathize with the plight of the agricultural sector.

As a number of the Members correctly pointed out yesterday, commodity payments are not a form of "farmers' welfare," nor are they purely income supports measures; they are, in fact, aimed at managing the supply of commodities so that huge surpluses do not drive price levels to rockbottom, and at helping the farmer to cover his costs of production that otherwise would not be met at current low market levels.

That these elementary facts have been so completely distorted and obscured in clouds of reckless and demagogic rhetoric should be ample warning that we are going to have to cast out in a basically new direction if we are to have a farm program that is both workable and effective, and, at the same time, capable of maintaining public support and confidence.

I believe the present bill is an initial step in that direction. First, as Chairman Poage pointed out yesterday, it moves us almost completely away from the concept of paying for not planting. The payments under the terms of this bill are going to be on production and not on land that is idle. In the past, this has been a most difficult practice for the public to understand and one that readily kindles the old American distaste for paying people for doing nothing. By moving away from it we are taking an important step to decrease the suspicion and hostility that surrounds the farm program.

Second, by imposing a payment limitation of $55,000, we are making a further effort at eliminating those aspects of the farm program which are most vulnerable to criticism. As much as we need to find ways of balancing supply and demand for agricultural commodities and of assuring adequate prices and incomes for farmers, I simply do not see how we can continue to make hundred thousand and even million dollar payments to large corporate farms given the present squeeze on the budget.

Third, by ending the quota system this bill provides both desperately needed flexibility for farmers and the promise of moving back to a more market-controlled system of agriculture. After a farmer has met his "set-aside" requirement, under these new provisions he is free to utilize his remaining cropland as he sees fit.

In a way, this provides the farmer with a taste of both worlds. By providing generous price support payments on that portion of his crop going to the domestic market we assure him that his costs will be met and that he will make some margin of profit for his efforts. At the same time, by removing acreage quotas we afford him the opportunity to attempt to efficiently produce additional nonsupported increments for the export market. It is true that the margin between costs and income for the export market will be thin. But if anyone can make a go of it, it is the wheat farmer who efficiently produces an incremental addition to his supported crop, and not the corn farmer who adds a small amount of wheat as a secondary crop, as is often the case under the present acreage quota system. One Member has expressed this quite well: This measure will help us to get wheat production back into the Wheat Belt and corn production back into the Corn Belt where these respective crops can be most efficiently and successfully produced. However gingerly, this bill begins to move us back toward the market and I hope we continue to move in that direction in the future. In the meantime, it will provide a useful pilot run before we retreat too hastily to the "free market" as some segments of the agricultural community would have us do.

Having pointed to these desirable aspects of the bill, I want to make clear that I believe it contains a number of serious deficiencies. The first is that it does little to limit the capacity of the Commodity Credit Corporation to dump surpluses on the market whenever the price level begins to rise. If we are to

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return to a freer agricultural market, we are going to have to have prices which will meet the growing costs of agricultural production. But prices are never going to rise so long as the CCC can keep them at an artificially low level.

Second, the cutback of the cropland reversion authorization from an annual level of $225 million to a token level of $10 million is, in my view, the most regressive feature of the entire bill. I am not one who argues that annual diversion is a wholly useless venture; but clearly if we are going to reduce production to levels at which there is an effective demand, then the "whole farm" approach to cropland retirement is essential. Instead of sharply curtailing funds available for this purpose we should be expanding them. I want to strongly emphasize my dissent from this portion of the bill. I therefore strongly support the amendment from the gentleman from Illinois (Mr. RAILSBACK), to provide for the retirement of 6 million acres.

Third, this bill does nothing about the condition of the marginal farmer. We are all agreed that the central cities are totally incapable of absorbing additional migrations from rural areas. Yet this is precisely what will happen if we do not come up with adequate measures to aid those millions of very small farmers who benefit hardly at all from these commodity payment programs. I would suggest that measures to deal effectively with this problem become a first, rather than a last, priority in the development of any future farm legislation.

Let me conclude by reaffirming my support for this compromise farm bill. It eliminates some of the worst aspects of the old program, it protects the incomes of farmers, and it points us back to a more market-oriented agricultural economy. Though it has a number of serious deficiencies, I am sure that they can be lived with until we can get a thorough reorientation of our general farm program.

Mr. QUIE. Mr. Chairman, I too will support the Railsback amendment. I supported the Scherle amendment that was offered, and after it was defeated, I thought I should stand up and see if we can get some more support for this type of amendment.

I would say to the extent the six million acres proposed under the Railsback amendment are retired, there will be that much less for the cotton and wheat and feed grain farmers to set aside, so those who want to produce can, and those who do not can get out. It will tend to be most desirable to those farmers who are retired in a position where they can stay on that farm. Instead of renting their farms for somebody else to produce on, they can stay retired, put this farm in this program and live on their farms and keep the weeds down, kill the rodents, and keep the lands so they will be a pride to the community. It will be a tremendous appeal to the sportsmen, because wildlife will grow to a greater extent on idled land and be more available for those who love to hunt. It will take out only 6 million acres a year which surely will not be disruptive. It will bring more land retirement for less money.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman. I think he has made an effective argument in behalf of the amendment.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I, too, agree with the gentleman from Illinois, and the gentleman from Minnesota on the Railsback amendment. This amendment takes a step in the right direction. I think we ought to start now to see if we can move objectively toward solving part of our farm problems.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(On request of Mr. SCHERLE, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Maryland.

Mr. MORTON. Mr. Chairman, I am very much for the Railsback amendment. I believe in the East and in those areas where farming is not highly specialized, this amendment will provide great flexibility and benefit to small farmers. It will also tend to keep the farmer on his land. It will preserve it as a great national resource for development later on when we need it. I hope this amendment passes.

Mr. POAGE. Mr. Chairman, how strange it is, after we bring in a bill containing the very provisions which the Secretary of Agriculture has approved that we should have this situation—where those of the Secretary's party are so anxious to disrupt the agreement so carefully worked out. This bill would meet the requirements of the Bureau of the Budget and of the President.

How strange it is that we find this situation where the Secretary's friends, I hope they are his friends, come in here and try to tear down his work. I do not owe any political allegiance to the Secretary, but Secretary Hardin has made a real effort to help work out a good bill, and I think we have a good bill. It is a bill, I think, that will achieve a great deal.

There is much to be said, of course, in behalf of land retirement. If we had unlimited funds we could retire all kinds of land, but it depends on how much we want to spend. This proposes $18 million additional expenditure. If we want to spend it, of course, it would be fine to do it just as it would be nice to put up some fountains in front of the Capitol, along with hummingbirds, but it would be costly, and we would have to take care of that expense.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. POAGE. Not at the moment. I hope the gentleman will let me finish my comment. The gentleman has had a great deal of time.

Mr. Chairman, the program provided in this bill is well balanced and one we ought to be willing to support in its entirety, but now we are getting along in the shank of the afternoon, and we find some are coming in here and claiming we ought to be doing something for the sportsmen and ecology and everybody else.

Therefore, we are going to spend any amount of money. We are going to wreck the program which the Secretary and the committee worked out. Instead of carrying out the kind of program the Secretary has suggested, we are going to come in here and rake up the Farm Bureau program and pass it.

Of course, that can be done. The author of one of these amendments—I get them confused, because we have defeated one and now have another of the same kind before us, says, "yes, this is just half the Farm Bureau program."

We did not follow the Farm Bureau program. The committee has brought in a bill which attempts to bring about a balance on another basis or approach. It is the approach of the Secretary of Agriculture and of this administration. It is also the approach of the Committee on Agriculture. I believe they have all together brought us a good program.

I am really depressed that so many of those who should be supporting the Secretary here seem to try to undercut him and try in some way or another to destroy this program which he has endorsed.

I hope we will pass this bill. This is a good bill, as many have said. It is a good, sound program. Let us pass it and not try to embarrass it with some other kind of program.

Mr. PURCELL. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to my colleague from Texas.

Mr. PURCELL. If we are to take out an additional 6 million acres, at $25 an acre, this would be an added $150 million, I believe.

Mr. POAGE. I believe that is right.

Mr. PURCELL. It would run from $130 million to $150 million in addition.

Mr. POAGE. I want to apologize. I was merely quoting the gentleman sponsoring the amendment, when he said $18 million. I believe it does figure out at about $150 million. It is a tremendously increased expenditure and has not a thing in the world to do with this sort of a program.

It may be perfectly desirable by itself. I am not suggesting it is not desirable. I believe it would be fine to have a swimming pool in the backyard of everybody, but we do not have that kind of money, and it ought not to be in a farm bill.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the distinguished chairman for yielding. I am sure he did not do this intentionally, but it is my understanding—and I believe the Members of the House should know this—that this paltry figure which we now have ended up with, $10 million for these programs, was not recommended by the Department of Agriculture. They came in with $50 million, is that not correct, for these programs?

Mr. POAGE. They agreed this was the best bill that could be brought out and that they were supporting this bill.

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Mr. RAILSBACK. That is not my question.

Mr. POAGE. We have talked with the Secretary and with the Department for months and months. I do not know all that has been suggested. I confess it may well be that somebody suggested spending a billion dollars for recreation. I do not know.

But I do know that when it came to writing the bill, this is the bill on which there was agreement, and there was no agreement to add $150 million to it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The question was taken; and on a division (demanded by Mr. RAILSBACK) there were–ayes 14, noes 58.

So the amendment was rejected.

Mr. ANDERSON of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I intend to vote for this new agricultural bill but only with the gravest of reservations. I shall vote "aye" on final passage simply because there is no other alternative presented to us—either it is this bill or a reversion to the 1958 farm program, which would be disastrous.

Though every effort has been made to cloud the matter, let there be no doubt that this bill deserves but one title—"The Nixon Farm Bill." The Secretary of Agriculture, Mr. Hardin, chose a very unusual course, to put it kindly. Steadfastly refusing to publicly come forward with any complete farm bill whatsoever, he chose instead to do his steering and manipulating during a highly unusual series of executive and night sessions. Most of the House Agriculture Committee—my friend and colleague, ED JONES, in particular—did the best they could. This applies, I am sure, to the distinguished chairman, the gentleman from Texas (Mr. POAGE). But they were not dealt with fairly by Mr. Hardin. He went underground—operated subrosa—to avoid avowed fatherhood of this legislation. Then, suddenly, after 15 months of work by the House Agriculture Committee, this fatherless child is rushed to the House floor. Yes, Mr. Chairman, despite the subrosa proceedings and the frantic rush, this bill deserves only one title—"The Nixon Farm Bill."

When the true light of day comes through—when more and more of our smaller family farmers go broke and are driven from the land, when the vested interest features come truly to light, when we approach the brink of a full-fledged farm-fed depression—let us not forget to recognize this bill for what it is—the Nixon farm bill.

AMENDMENTS OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I have two amendments, which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois that the amendments be considered en bloc?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. FINDLEY: Page 57, beginning on line 21, insert:

"SEC. 805. The Secretary is directed to establish not later than January 1, 1971, an inventory for each state which will show:

"(1) The cropland other than conserving base which was diverted under a program or tilled in the crop years 1968 or 1969 or prior to August 1 in 1970; and

"(2) The total conserving base in 1970.

"Only the acreage in subsection (1) shall be eligible as set aside under the various provisions of this Act.

"Acreage left unplanted because of skip-row practices shall not be eligible as set aside.

"Any downward adjustment of individual farm conserving bases must be offset by upward adjustments on other farms within the state."

Page 57, after line 21, add the following new section:

"SEC. 806. Notwithstanding any other provision of this Act, the Secretary shall not permit grazing or harvesting of any acreage diverted or set aside pursuant to this Act, except where he determines such action is necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities."

POINT OF ORDER

Mr. POAGE. Mr. Chairman, I make a point of order against the amendments.

Mr. Chairman, I reserve the point of order and make a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. POAGE. Mr. Chairman, the first reading was an amendment that the gentleman had talked about introducing and, as I understood it, he was not going to introduce it. The latter part was the amendment that I understood was going to be introduced and which was discussed with me. I did not want to raise a point of order about it, but I understood the first part was not going to be introduced. Is the gentleman introducing both of these?

The CHAIRMAN pro tempore. The gentleman from Illinois obtained unanimous consent to have them considered en bloc.

Mr. POAGE. Mr. Chairman, I renew my point of order because clearly it is past the point to which they were relevant.

The CHAIRMAN pro tempore. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. FINDLEY. Mr. Chairman, this comes under the general provisions title of the bill. The conserving base concept applies to wheat, feed grains, and cotton. So it seems to me sufficient to offer the amendment under the general provisions title rather than to offer three separate amendments. Inasmuch as the subject matter of this amendment is dealt with in its entirety by the bill itself, it seems to me to be fairly germane.

The CHAIRMAN pro tempore. The Chair has examined the amendments. We are now on title VIII, general and miscellaneous provisions of the bill. It is the opinion of the Chair that the matter referred to in the amendments do refer to matters that can be considered in the general and miscellaneous provisions of the bill and are germane thereto. Therefore, the Chair overrules the point of order.

The gentleman from Illinois is recognized for 5 minutes in support of his amendments.

Mr. FINDLEY. Mr. Chairman, I regret that the gentleman from Texas (Mr. POAGE) thought there was a misunderstanding here, because that is the last thing in the world I want to have between us. I do recognize the temper of the committee at this point. We are not going to accept amendments. It is pretty well agreed on the part of the leadership on both sides of the aisle that they will defend the committee product against any amendment. I understand that. But there are some weaknesses in the bill I want to make a record on. That is why I did want these two amendments in the record.

The amendment first read relates to the conserving base scandal.

And I use the word "scandal" advisedly because, as I explained in my statement yesterday, the conserving base has been whittled away in the 3-year period ending in 1969 from a total of 123 million acres in this country down to a total of 100 million acres. What happened to these 23 million acres? These represent downward adjustments in the conserving base requirements from the various farmers who participated in these programs. The farmers got off an obligation which they should have been kept to and at a great deal of cost to the taxpayers. In fact, it is my estimate that the leakage in this conserving base has added $1 billion a year annually to the pressures on the USDA budget.

The other amendment which I believe the Clerk read relates to the built-in abuses of the set-aside concept in this bill. We are starting out this year with a brandnew idea, the set-aside concept. Well, in the early years of the feed grains program we found that the base for the feed grains program was expanded to the tune of 7 million acres beyond the original 1959–60 figure.

What is going to happen now on the set-aside concept? Are we going to have a similar expansion of the base established at great cost to the taxpayers? My proposal is that the Secretary establish an inventory of acres eligible to be considered for set-aside. It has a provision to prohibit the counting of the land left unplanted under the skip-row practice as set-aside acres.

On my second amendment, if we are going to set acres aside at heavy cost to the taxpayers those acres should not be planted, they should not be harvested for any purpose. And that is the purpose of these two amendments, and I urge their adoption.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, the gentleman from Illinois pointed out his understanding in respect to the amendments. I appreciate that frank statement, but I think we should oppose these amendments.

I would urge the Members to vote against them.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Illinois (Mr. FINDLEY).

The amendments were rejected.

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Mr. TEAGUE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, I rise in support of the Agricultural Act of 1970. I commend Secretary Hardin, the Department of Agriculture, and the members of the House Agriculture Committee for the time they have spent and the patience they have exercised over the past 18 months to achieve the compromise necessary in the draftsmanship and presentation of this bill. We all know that the passage of this legislation will leave certain farm problems unresolved, but taken as a whole the bill represents a step forward for the farmer and the Nation. I would have been more pleased had we adopted the Findley payments limitation amendment and the Zwach feed grains amendment.

A major advantage of this legislation is that it will permit the individual farmer greater flexibility in deciding what crops he wants to plant in order to maximize his income within the wheat and feed grain programs. I am particularly pleased with the dairy section of the bill and the class I base plan. The class I base plan as adopted by the committee, and clarified by the Zwach amendment, will eventually reduce the cost of the price support program.

To those who would vote against this bill because it does not do all we had hoped for, I ask them to reconsider. I do not think any of us want to see American agriculture revert to the 1958 law, which Republicans and Democrats alike opposed. Going back to the 1958 act would cause an increase in food prices felt by every consumer in America. Furthermore, a reversion to the 1958 act would have an adverse effect on farm income. We must assure the continuing growth of farm income if we are to realize the continuing industrial and economic growth of America. Three out of every ten working Americans are employed directly or indirectly in agriculture.

The average American spends only 16½ cents per dollar of his take-home pay for food. This amount is the lowest spent on food in any country of the world. In many countries 50 percent or more of an individual's income goes to the purchase of food. These statistics are a tremendous tribute to the efficiency of our farm programs and to Americans engaged in agriculture.

I urge my colleagues to pass this legislation so that we can get on with the business of developing further reforms in our agriculture legislation rather than stepping backward to 1965 or 1958.

Mr. TEAGUE of California. Mr. Chairman, apparently I will have the motion to recommit, and I will take about 1 minute to explain what form it will take.

It will propose to strike from the bill everything except the wool section and the dairy sections and the Public Law 480 program. These are longstanding, well-proven, and insofar as I know involve noncontroversial programs.

The controversial and the expensive parts would be stricken. This would result in the savings to the taxpayers, a net savings to the taxpayers, according to the Department of Agriculture, of approximately $1 billion per year.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: Add at the end of the bill:

"SEC. 805. The Secretary of Agriculture is directed to plan and develop methods of reducing costs of transportation on grains, including use of unit trains and rail to water routings, and to adjust County loan rates on wheat and feed grains to reflect such savings to producers."

Mr. MELCHER. Mr. Chairman, I will not need the entire 5 minutes.

I will refer to the points that are covered in the amendment and will ask for an affirmative vote on it.

This is not a controversial amendment at all and so far as I know it has no enemies on this floor. There are no added costs by having the amendment.

Yesterday I told you of coal that moved from Colstrip in my home county in Montana to Cohasset, Minn.—over a thousand miles, moved in a unit train at a cost of $2.72 per ton, as compared to grain moving the same distance on the same railroad at five or six times that amount.

I point this out because this is a new concept in modern transportation on rail, to have the unit train, to move most quickly with one commodity from point to point.

The railroads like the unit trains. I think the Department of Agriculture would appreciate being directed to investigate and study the possibility of using unit trains and unit shipments on water in moving grain to market or to export ports.

That is the purpose of the amendment. There is no added cost.

This offers some promise and some hope that after a study and after planning developments that the Department will find it feasible to move CCC stock at savings in transportation costs.

The amendment does require that the savings, if they come into being, will be reflected back to the grower, the producer, through higher county loan rates on grains.

I think it would aid exports and I think it would aid the farmers if it is feasible and if it comes about. This is an area of progress in which we can all join together by putting this into this bill and directing the study by the Department of Agriculture.

I ask for your favorable vote on the amendment at this point.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Montana (Mr. MELCHER).

The question was taken and on a division (demanded by Mr. ABERNETHY) there were—ayes 27, noes 37.

So the amendment was rejected.

Mr. BELCHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to explain what the effect of the recommittal motion will actually mean. A vote on the recommittal motion will be a vote on the entire bill. If the recommittal motion is sustained there will be no farm bill as such.

And I will say that the gentleman from California is absolutely honest and sincere in offering this motion. He has been opposed to all farm bills ever since I have been a member of the committee and he is conscientious and sincere about it. He is trying to stop this bill and destroy it in a legitimate manner. He has always operated in the committee completely above board without in any way dodging the issue.

So as he told you here awhile ago it means that it strikes out everything in the bill so far as wheat, feed grains and cotton is concerned.

So I hope you will keep that in mind when you vote on the motion to recommit.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, I hestiate to bring this up, but I understand there is a big story in the newspapers about the House taking a stand for economy and refusing to raise the salary of an employee around here by $2,000. I am going to vote, I guess, for the farm bill. I think I can do it because I voted to raise the fellow $2,000. So, therefore, I guess I can vote for $55,000 subsidies.

The rest of you have to make up your own minds accordingly.

Mr. HAGAN. Mr. Chairman, I urge passage of H.R. 18546, the farm bill to replace the 1965 Food and Agriculture Act which expires at the end of this year.

The majority of people in my First District of Georgia generally agree that this type of basic legislation is urgently needed, if agriculture is to continue to meet the requirements and needs of the consumers in this country.

This cannot be done, if we in Congress do not act to correct the glaring disparity between the low prices received, and the total cost of production to our farmers.

According to Secretary of Agriculture Clifford Hardin, the bill under consideration would hold Government aid at "approximately the same total figure." Otherwise, Secretary Hardin says, the necessary money "must come from the market in the form of higher prices."

I submit that positive and favorable action is needed on the farm bill, to help make it possible to overhaul our farm programs, to bolster and up-grade agriculture, and to prevent an upward spiral in farm program costs.

I urge this action in the best interests of the consumer and the producer.

Mr. SKUBITZ. Mr. Chairman, I do not intend to spend my time reviewing the great role that the farmer has played in making this Nation—the best clothed and best fed nation in the world. You know it. I know it. The farmers know it too. One difference, they are getting sick and tired of praise and promises. What they want to know is—when is the farmer going to share in the economic growth of this country? When is he going to get

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a fair price at least comparable to what he pays for goods and services?

When are the consumers of this country going to wake up to the fact that the food they buy is a bargain when compared with the price other peoples of the world pay for food? That the farmers' share of the consumers' dollar is getting smaller and smaller. Today 16 percent of the consumers' take-home pay goes for food as compared with 20 percent just 10 years ago. When are the urban dwellers and their representatives in Congress going to learn that when food prices go up it is not the farmer that is getting the increase? It is the fellows between the farmer and the consumer. For example, in 1950, 47 cents of the retail dollar went to the farmer. Today he is getting less than 39 cents.

When are the city merchants, the industrial workers, and the urban dwellers going to wake up to the fact that while the farmers make up only 5 percent of our population, they are buying approximately $37 billion worth of the goods and products produced by their city brothers? When are the oil and steel workers going to realize that the commercial farmers buy 5 percent of the steel produced and 11 percent of all the petroleum produced? When are the urban dwellers going to learn that 6 million of their jobs are directly related to the machinery, chemical and supply industry and that 14 million more have jobs directly related to food and fiber processing and marketing?

When is Congress and the President going to wake up to the fact that in 1947 the gross farm income was $34 billion and the realized net income was $17 billion? Twenty years later the farmers' gross income was $51 billion and his net dropped to $14.7 billion, while interest rates have gone up nearly 300 percent—taxes more than doubled—industrial wages doubled and tripled—yet the parity ratio is about 75 percent just what it was during the depression years. Without a healthy agriculture industry our manufacturing industry and the very future of our economic system can be torn to shreds. The patience and endeavor of the American farmer has reached the breaking point.

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Too many Americans—and that includes Members of Congress—look at the farm problem as something that does not affect them. Well, American agriculture is still America's No. 1 industry. It generates 40 percent of the employment, directly or indirectly. If the farmer cannot buy, industry cannot produce. Make no mistake, Mr. Chairman, a sick agriculture means a sick economy. If the farmer does not receive a fair price, for his products, he cannot buy the products which industry produces. He cannot service his debt, he cannot buy the fertilizer, pesticides, and machinery he needs. He cannot provide for his children's education or other needs.

Without adequate farm legislation, perhaps a million farmers in America would soon be forced out of business, leaving the industry to large corporate farms financed by insurance companies, conglomerates, and public subscription stocks and bonds.

For 25 years now, the farmer has seen his prices go down while the prices he pays for the goods he needs go up, up, and up. The committee report has stated the farmers' case far better than I. It reads as follows:

> We all know that farmers have historically bought in a protected market. They pay the American price for everything they use. They sell in a free or competitive market. They receive prices fixed by producers in lands where the wage scale is only a fraction of what it is in our country. It has been repeatedly pointed out if farmers could buy in a completely free market they would have no right to ask for assistance, but if they must continue to buy in a controlled market, they must either sell in such a market or the government must make up at least part of the difference.
>
> Whatever things the farmer buys to meet his production needs must include the cost of our high American wage scale. These costs are constantly going up. Already labor leaders have recommended an increase in the minimum wage to $2.00. On the other hand, the price of most farm products is actually lower today, per pound or per bushel, than they were twenty or twenty-five years ago.

Using the year 1946 as a measuring rod we find that the cost of food rose from 100 to 196, housing 100 to 190, clothing 100 to 168, transportation 100 to 222, medical care 100 to 275, hospital service 100 to 759, Federal taxes 100 to 286, State taxes 100 to 623, local taxes 100 to 478, wage rates in manufacturing 100 to 312. What about agriculture during the same period? The price the farmer received went from 100 to 119. When we add Government payments the farmer's price went from 100 to 127. What about the prices he pays for goods? They went from 100 to 187. Any wonder that farmers are caught in a squeeze?

Of one thing I am sure, keep driving the farmers to the wall and he may go broke but he will eat. I am not so sure that my city brethren will.

Mr. Chairman, I wish to commend the gentleman from Texas (Mr. POAGE), and the gentleman from Oklahoma (Mr. BELCHER), and the other members of the Agriculture Committee for the hard work they have done on this farm bill. The committee has worked with the Department of Agriculture for over 18 months in an effort to report legislation that is workable, equitable, acceptable to the Congress and the administration. The committee has worked in a statesmanlike manner to report a bill—a bill which any member would change if given the opportunity and with the assurance that it would not kill the bill.

If I were writing a farm bill, of course, there are changes I would make. I would retain at least one feature of the 1965 act, and insure that the loan rate has some relation to parity prices on commodities. Farmers should not depend upon the cost of production in Australia or Canada or France or Argentina to set their loan levels. In all these countries, agriculture is subsidized anyway, and American farmers should receive a return based upon their actual cost of production. But this bill does not retain a parity-loan rate ratio, for reasons the committee has considered compelling.

Further, the bill as reported puts a payment limitation per crop at $55,000. I believe the $55,000 limit is too high. I will support an amendment to lower the level.

I have received scores of letters and wires urging me to support the coalition bill or the Farm Bureau proposals. Neither of these bills are before us today. I am told they were considered by the Agriculture Committee and neither could muster the strength to receive favorable committee action.

I think the able chairman of the committee, Congressman POAGE, expressed the views of a realist when he said:

> The only farm bill that can possibly pass is that which we work out between the committees, the administration, the Republicans, and the Democrats. There isn't one group that can pass a farm bill today.

I think he could have added that the only bill that could be passed is one that could generate a sufficient number of votes from the ranks of our urban representatives to secure a majority.

NOW WHAT DOES THIS BILL PROVIDE?

The wheat section of the bill provides for 100 percent of parity on wheat produced for domestic consumption. The bill also provides that wheat farmers will receive 75 percent of their estimated payment as soon after July 1 as possible, to provide them with working capital to prepare their seedbed for the coming fall season.

The wheat farmer will also have increased flexibility in the planning of his own farming operation, for the "set-aside" provision of this bill, to become fully operative in 1973, permits a farmer to plant whatever he chooses on his cropland acres after complying with the program's "set-aside" or diversion of a percentage of his cropland for conservation purposes.

The bill also provides for a wheat and feed grains substitution program, of special benefit to Kansas producers.

As the committee has reported this legislation, feed grains farmers will be permitted to continue their program of diversion for payment. A payment of not less than 32 cents a bushel for corn, with corresponding rates for grain sorghum and barley, are also provided. The feed grains farmer will also be permitted to participate in a "set-aside" program permitting more flexibility in farm planning. Beginning in 1973, after 2 transition years, the feed grains farmer will be permitted to plant whatever he chooses on his cropland acres after diverting a specified acreage for conservation and limited cropping purposes.

Mr. Chairman, a good many farmers are disappointed that the so-called coalition bill was not reported for consideration today. A good many people in rural America believe that the coalition bill provides minimum income protection for American agriculture today. Many believe that the committee legislation, on the other hand, will not provide the American farmer with the return he deserves for his production.

After 18 months of consideration, the Committee on Agriculture decided that this Congress, 80 percent of which is composed of Members from urban and suburban districts, would not approve the coalition bill. The Committee on

Agriculture defeated the coalition bill in committee and refused to report it to the floor.

The committee insists that this bill is the best that can be produced with a chance to secure the approval of the administration and enough of the urban and rural Congressmen to secure its passage. It is this or nothing. This is not a threat—or a promise—but a fact of life. I am inclined to agree. However, I shall support amendments to approve the lot of the wheat and feed grain producers.

Now, Mr. Chairman, the Agriculture Committee also considered the so-called Agricultural Adjustment Act of 1969, supported by the largest farm organization of all, the American Farm Bureau Federation. But the committee rejected that approach as well, after full consideration, for it believed that the Farm Bureau program could not pass this House.

Farmers must have a bill—not merely a political issue. You cannot feed your children on a political issue. You cannot buy machinery for production with a political issue. You need a fair return for your commodities to do that, and the Agricultural Committee after 18 months has rejected those approaches to farm programs that were doomed to defeat on the House floor. If I am any judge of the mood of this body, the committee is right.

Mr. Chairman, what would happen if the Congress were to fail to enact a farm bill this year? Many believe that present programs, under the Food and Agriculture Act of 1965, would continue in operation.

They are mistaken. If we have no farm bill this year, the 1958 act, as amended, would become operative. The 1965 farm program with diversion payments and wheat certificates would expire before the 1971 crop year.

Under permanent farm law, the act of 1958, wheat farmers would be faced with a referendum on marketing quotas.

If marketing quotas were approved by two-thirds of the farmers voting—the quota system would go into effect through individual farm allotments. Land-use penalties would apply for failure to make mandatory diversion. There would be no diversion payment.

Wheat marketing certificates would be paid to producers—domestic certificates plus the loan would provide between 65 and 90 percent of parity. Processors would be required to pay full value for the certificates. There would be no authority for wheat-feed grains substitutions. Even with referendum marketing quota approval, there would be an immediate loss of income to the wheat farmers of some $1 billion for the 1971 crop year.

Now if the referendum rejected quotas, there would be no land-use penalty, no quotas for marketing, no wheat certificates, and no diversion payments. Price supports through loans and CCC purchases would be available to those complying with an allotment of only 50 percent of parity. Under these conditions, the wheat farmers' income would drop between $1.5 and $2 billion the first year of operation.

Mr. Chairman, under the permanent farm law, the feed grains farmer would be no better off. Under permanent farm law, the feed grains producer would receive no diversion, no price-support payments, no corn bases. Price support would depend wholly upon loans and CCC purchases. But the Secretary would be required by law to set loan levels between 50 and 90 percent of parity, at a level low enough to discourage surpluses. Needless to say, without 40 million acres of diverted feed grains land, the price would be driven down to 50 percent of parity in a year or two.

Worse, the soybean market would be destroyed, for millions of currently diverted acres of feed grains land would be planted into soybeans in a desperate effort by farmers to maximize their incomes. We would probably have to restrict the production of soybeans in a year or two.

Mr. Chairman, this is not the bill I would have drafted. American agriculture is getting the short end of the stick. But like my colleagues from rural America, I must face the facts of life. I shall vote for amendments to improve the position of the wheat and feed grains farmers, first, as to income and second, as to freedom to operate his own farm. I shall vote to reduce the annual ceiling of $55,000 per crop on payments to producers of cotton, wheat, and feed grains. In the final analysis, I shall vote for the bill. Agriculture cannot afford to return to the provisions of the 1958 law.

Mr. BURKE of Florida. Mr. Chairman, I rise in opposition to H.R. 18546, the "so-called" bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities.

Mr. Chairman, where in this "bale of hay" is there any improvement for the American taxpayer, or for that matter where is there any improvement over the past bungling, cumbersome, bureaucratic farm bills of the past?

Certainly all Americans should, and must recognize the outstanding contributions that our farmers have made in the past and which they wish to make in the future. To suggest, however, that the passage of H.R. 18546 is essential for the security of our farmers—to prevent an all out farm depression—it seems to me, if true, will only forestall the inevitable.

I do not think this outlook is true.

Our American farmer has never feared competition and he does not fear it now. The time has come when we should bring out in the open just who will be best served by the passage of this bill—the small farmer or the large corporate farmer.

If the past farm programs have been subject to criticism why is it good as the American farm program for tomorrow?

I want to commend Chairman POAGE and Congressman PAGE BELCHER, the senior minority member of the committee as well as my other distinguished colleagues who serve on the House Agriculture Committee. They have worked long and hard under difficult circumstances. I know, because during the 90th Congress, I, too, served on their committee. At that time, however, many of us reluctantly agreed to go along with the then existing farm program because we felt that further hearings later would result in an entire new farm program.

Certainly the discontent felt with the farm program then is not any less now.

But, alas, and alack, we find ourselves today not with a new farm program but with the same old program under which the Government would continue farm subsidies at current rates of almost $3.7 billion annually and further extend further features of the law.

What happened to the legislation which was talked about that would improve farmers' income by sales in the marketplace instead of keeping the farmers dependent on Government subsidies?

Must the taxpayer and our American farmer be forever strapped with Government bloated bureaucracy programs?

The American farmer does not want the Government crutch offered by the farm program under H.R. 18546. I believe that he wants to be cut free from the shackles of bureaucratic farm controls. The time has come when his voice and that of the taxpayer should be heeded, especially now in these times of increased deficits.

Mr. CHAMBERLAIN. Mr. Chairman, yesterday I introduced legislation incorporating the dairy provisions contained in title II of H.R. 18546, the Agricultural Act of 1970.

I did this because, although I have reservations with respect to other provisions of the bill as reported by the Committee on Agriculture, it is my opinion that title II is acceptable, and I wish to make it clear that it would have my support as a separate measure.

The broad implications of the bill as a whole, I believe, outweigh any consideration that can be given any one of its parts however meritorious.

After a long and difficult study of more than a year by the Committee on Agriculture, we are asked to accept this bill as the best that can be had under the circumstances. As true as this may be, and that remains to be seen, such an argument does little to recommend the bill on its intrinsic merits. In the final analysis, it is either a good bill or a bad one—a good compromise or a bad compromise—a part of the solution or a part of the farm problem.

It is apparent that, although the committee struggled valiantly, the bill before us today amounts to little more than a continuation for 3 more years of the same old policies and programs which have provided far too little in the way of income protection for many of our farmers and has failed to live up to its promise to hold down the cost of the program to the U.S. taxpayer, many of whom are also farmers.

While I recognize the ramifications of our farm problems, I cannot help but feel that we need a new direction in the area of farm legislation. From discussions I have had over the years with farmers in the Sixth Congressional District of Michigan, I believe that this new direction should be away from Federal controls and compensatory payments for nonproduction. Because of this, on October 22, 1969, I joined in sponsoring legislation, H.R. 14469, that would provide for an orderly 5-year phaseout of such controls and payments.

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This is the time to act, not 3 years from now. I urge the House to reject H.R. 18546 and thereby lay the foundation for more genuine reform in our farm program.

Mr. LEGGETT. Mr. Chairman, the bill before us is not without merit. But on balance I feel I must oppose it.

As we know, this bill is opposed by both the National Farmers' Union and the National Farm Bureau. I think their objections are well founded.

Very briefly, it seems to me this bill would have the effect of imposing wage-price controls on agriculture while leaving the rest of the economy unregulated. This would be neither fair nor effective; obviously, controls must cover all major industries if they are to have the desired effect.

By eliminating price floors under the loan program, by giving the Secretary of Agriculture almost unlimited discretion in setting loan levels—all the way down to 0—passage of this bill would constitute a congressional abdication of responsibility to provide some security for the farmer.

By removing price protection, this bill will decrease farmers' market income and increase dependence on the Government. This is not going to help us hold down Government expenditures in the long run.

Finally, the "acreage set-aside" program is a replay of the 1965 "diversion" program. We have found this approach to be too easily circumvented and, therefore, ineffective.

Mr. Chairman, for these reasons and others I oppose this year for the first time the Committee legislation and farm program.

Mr. SCHWENGEL. Mr. Chairman, today we are again considering farm legislation that is the result of compromise, except this time, I believe there is too much compromise. The bill we face today is a bill which would establish the farm program for the next 3 years, and once again apparently none of the grassroots farm organizations support the bill. Some would like to see it pass the House, but do not let them fool you, they want to work on it in the Senate. I do not want to give them that option. I want to change this bill, which I consider an insult to the American farmer, to make it acceptable when it leaves this Chamber. I am sick of being placed in a situation in which I must vote for a poor bill or have no bill at all and no effective programs for the farmer.

Once again the program with which we are presented has been influenced too much by politics and not by a desire to attack the real problems which confront us. For example, the cry goes up that food prices must be kept down, and I certainly agree, but I also reply that many of those who cry the loudest can't hear the farmer whose techniques have made possible the lowest food prices in the world—only 16½ percent of the American dollar is spent on food. He cries that his adjusted income has actually fallen 6 percent in the last 20 years. Surely we owe this man the courtesy of producing legislation which will not only improve his position in the short run, but which will look into the future and begin to move in the right direction in the long run.

As a conscientious legislator from one of the most productive agricultural districts in the United States, I am truly in a dilemma when faced with a choice between the kind of bill that is currently on the floor and the prospect of returning to the permanent provisions of the 1958 act. In this situation, the record will show that I will support all attempts to improve this bill. Basically, I want to assure the farmer that we are interested in his welfare in the future and to offer him legislation that reaches beyond the 3 years covered by this act. In this regard, the gentleman from Illinois (Mr. RAILSBACK), and I will support an amendment to strengthen the long-term land retirement provisions of the bill. This type of legislation, involving the conservation reserve aspects of the program, is one of the things that many of the farm organizations have been pushing for and which has been virtually ignored in the current bill. This amendment, which would permit the Secretary to increase the conservation reserve by up to 6 million acres a year, is designed to protect and rebuild the soil. The importance of this type of action has come to public attention lately with the antipollution crusade, of which this is certainly a basic part. Land so retired would have a change, at long last, to recover from misuse which it has suffered as a result of inadequate knowledge of the damaging effects of pesticides and other such factors.

Along this line, there is no doubt in my mind that one of the most effective actions which can be taken would be the completion of a comprehensive watershed program in rural areas across the country. This would probably be a greater contribution to the solution of the problem of pollution and deterioration of our resources than any other single action. This is not a program to be covered in this type of legislation, but I mention it as part of a comprehensive solution which would have to include the conservation reserve program I referred to earlier.

I come now to the most publicized provision of all, the various proposed payment limitation. I realize that this is a very emotional issue, but it is also an economic issue. Much of the public outcry, most of us know, has resulted from some misunderstanding of the total problem. I have studied this problem extensively, as have many of you, and I have reached a conclusion, one that this body has already reached on two occasions. I cannot support a limitation higher than the $20,000 ceiling as proposed in the amendment offered by my distinguished colleague (Mr. FINDLEY). None of the arguments against this amendment, it seems to me, are based on anything more than political considerations. No program for the average farmer will, in my view, be adversely affected by this limitation. The benefits that will accrue will far outweigh any problems which might arise. A clearly inequitable situation will be set right, and the public will be able to believe that the Congress does not always act on the demand of special interest. Unless this is passed, I will find it extremely difficult to vote for final passage of the bill.

Let me reiterate my basic point in this discussion. I am tired of being faced with legislation which does not address itself to the total interests of the American farmer. I want to see a return to a stronger reliance on the marketplace so that the farmer need not depend on the Federal Government for his livelihood. This would, at least, prevent the kind of dilemma which confronts us now, in which the permanent law would actually be worse than the provisions of what I consider to be a very poor bill. If nothing else, we could then vote against poor programs without endangering the situation of the farmer. We need a farsighted, long-range plan such as the conservation reserve amendment, to begin to move in the right direction.

Certainly there are worthy provisions in this bill. I note in particular those covering the dairy and wool programs, as well as the Public Law 480 programs. These are supported by the farmers involved, and I think it would be tragic to place them against the other farmers who oppose this bill. Let us get them together by amending this bill to make it acceptable to the broad spectrum of the farm population. I am asking only that the real problems of the American farmer be considered, and that this bill result in programs that are in his interest. I firmly believe that if this can be achieved, the entire country will benefit.

Mr. SCHADEBERG. Mr. Chairman, the consideration of H.R. 18546, the Agriculture Act of 1970, has to be one of the strangest situations confronting the House since I was first privileged to represent the First District of Wisconsin in 1961.This legislation is being touted as a good bill, yet it satisfies neither those who are in full agreement with Government support payments, production controls, acreage allotments, and marketing quotas, nor those who feel we should phase out Government support of agricultural production through a gradual transition to the market system.

Although most legislation is at most a compromise between differing factions, representing divergent opinions on how things ought to be, the farm bill we are considering today is, as one editorial writer put it, "neither fish nor fowl." While there are those who claim the bill is a new approach to the problems of the farm, it is at best a temporary substitute.

Yet, it must be admitted that it is far better than the farm legislation of 1958 to which we would return if the bill presently under consideration is not acted upon. Too much is at stake not to pass even a mediocre farm bill, even one such as this which leaves much to be desired.

It is common knowledge that the farm economy is the basis of a healthy national economy. Agriculture is the Nation's largest business, employing 4.6 million workers, more than the combined total employment in transportation, public utilities, steel, and automobile industries.

Agriculture's assets total $307 billion, or one-half of the market value of all

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corporation stocks on the New York Stock Exchange. Production assets for each farmworker are about $50,000—approximately double that of each manufacturing employee.

Farmers spend over $50 billion annually. The statistics go on and on. But the fact of all of these statistics is that with four out of 10 employees in private industry engaged in the agricultural sector, we can ill afford to revert, by default, to the farm programs of 1958. Those programs would be unrealistic for the seventies and inadequate to meet even the minimum needs of those who produce our Nation's food. I had hoped, and I believe the farmers of our Nation had hoped, that this House would come up with a new approach to farm programs rather than a reshuffling of the old ones.

To be sure the 1958 programs did something for the farmers without which perhaps our agricultural economy would be in shambles. But, at the same time, they made a very important segment of our economy dependent upon the Government for its survival. I voted for the extension of the agricultural act the last time because I thought that this Congress would come up with a new kind of approach that would reward effciency rather than discourage it and that would not give support to those in agriculture for not raising crops, but for conserving and preserving their land for future use. I supported unlimited payments then because I felt that they were the only realistic position to make under that program. It is evident that a bold new approach to our agricultural problems is not going to be taken, therefore. I intend to support a limitation of payments of $20,000 per farm.

I am casting my vote in favor of this bill not within the framework of something good as against that which has been found wanting. Rather, I am choosing the lesser of two evils. I certainly would not want to be a partner to the forcing of our farmers to live under an outmoded 1958 program which seems to be the only alternative to the passage of this bill. I would not want to be a partner in the reduction of farm income, thereby, conceivably destroying thousands of the 40 percent of the Nation's jobs that are related to the agricultural industry and possibly trigger a serious depression.

While I can understand the reasoning for coming up with an omnibus farm program, it is always difficult to make a decision when part of the bill dealing with certain segments of agriculture, such as dairy, are acceptable to our farmers, while other parts are found wanting.

Mr. Chairman, I shall return to my district not happy over the action taken by the House in its efforts to assist the agricultural segment of our Nation, but rather feeling that I did my best for the farmers of the First District by voting for the bill when no other acceptable alternative was available.

Mr. BUSH. Mr. Chairman, I support the agriculture bill reported by the House Agriculture Committee. This is not a bill that has everyone completely satisfied. But, its passage will prevent a lot of people from becoming very unhappy.

The bill passed out of the House Agriculture Committee by a vote of 27 to 6. It had the support of such distinguished Texans as the chairman of the Agriculture Committee, the Honorable BOB POAGE; the Honorable BOB PRICE; the Honorable ELIGIO DE LA GARZA, and the Honorable GRAHAM PURCELL.

The increasingly urban orientation of this country and its elected representatives makes legislating a farm program increasingly difficult. People just do not understand the program. They forget that the basic reason for the program is the fact that for a long time in our history the marketplace did not provide enough money to the farmer to pay for the cost of producing food, cotton, and so forth. For example, it costs between 28 and 32 cents to produce cotton. The world market price for cotton is 22 cents. So, we have a farm program that pays 35 cents for cotton so that this country will not be dependent upon foreign sources for its textile mills and so that a relatively stable market can be maintained for the product. All this bill really does is enable the farmer to continue to operate.

I, for one, do not feel that the American public wants to be dependent upon imports for food nor do I feel they want to pay much more for food than they already do. The 16.5 percent of disposable income paid by the average American family at the grocery store is a bargin unequaled in the world.

The bill before us today attempts to refashion the farm program and to strengthen this segment of the economy while preventing an upward spiral in farm program costs. The bill abandons the old philosophy of paying for not planting. The payments under the terms of this bill are going to be on production and not on land that is not producing. This is a big step in the right direction.

A lot has been said over the past few years about farm subsidies. While I do not claim to be an expert on the farm program, I have studied it and I do know that subsidies are a very emotional issue and one that very few understand. A substantial portion of the production in this country comes from the top 10 to 20 percent of our growers. No farm program will work without their cooperation. So the payments, if we are going to have a farm program, must provide sufficient incentive to bring these operators under the program. At the same time, the program must provide an incentive to the farm operator to improve his operation. A low limitation simply does not provide this incentive. A program without this kind of incentive would only lead to inefficiency and it is the very efficiency of the American farmer that has made the cost of food so inexpensive to the American consumer. As President Nixon stated in his letter yesterday to the Honorable **PAGE BELCHER**:

> It would poorly serve the country to develop a farm program, then impose so severe a limitation as to impair its effectiveness.

The Agriculture Committee feels that a $55,000 limitation would not impair the effectiveness of the farm program. I respect their judgment and will support this limitation of payments.

Mr. HALPERN. Mr. Chairman, I rise in strong opposition to H.R. 18546, the Agricultural Act of 1970. This bill is unsatisfactory because it does not help the farmer or the consumer. The income of the majority of farmers will be allowed to decline, and the consumer will continue to have to pay record high prices for agricultural commodities.

If we examine this bill carefully, we find that cotton producers will benefit enormously at the expense of wheat and feed grain producers. Cotton presently brings about 18 cents per pound, but if this bill is passed producers will receive 35 cents per pound, double their present compensation. In contrast wheat and feed grain producers will only be assured one-half or less of their production. This inequality of benefits between these crops is completely unfair.

This bill proposes an outrageously high limitation of $55,000 per crop to be paid to an individual producer. This limitation which affects only a minute proportion of farms, about 1,000 out of 3 million, does nothing to help the hundreds of thousands of low-production, low-income farmers who really need assistance. There is something radically wrong with our payments program when the 264 largest agricultural producers receive an average annual subsidy of $200,000 and the 540,000 others receive average annual aid of only $100. If we are going to appropriate billions of dollars we should see that those who need it most, receive it.

I support the amendment to title I of the bill to reduce this limitation to $20,000. This is adequate compensation for producers and will save the American taxpayer well over $160 million. In view of the fact that both the House and the Senate have both previously approved a $20,000 limitation, it would be a criminal misappropriation of taxpayer dollars to allow a limitation of $55,000.

The present bill is unjustly weighted in favor of certain crops and neglects others. In my own State of New York, where 40 percent of land is devoted to agriculture, a State that is second in the Nation in the production of apples and dairy products, only five farmers received assistance of over $20,000 last year. Compare this with Texas where land is devoted to high compensation crops like cotton, wheat, and feed grain; over 2,500 Texas farmers received Government assistance of over $20,000. This is an outrageously disproportionate distribution of funds.

I urge you all to join with me in opposition to this unfair, inadequate bill. I believe that by allowing the 1965 Agricultural Act to expire we will be taking a constructive action and performing a public service for all Americans, farmers and consumers alike. If the present act expires, programs already authorized by public law, basically the Agricultural Act of 1938 as amended in 1958, will be put into operation. This will mean more reliance on loans to farmers and less on Government payments. The final solution must be a thorough overhaul of the payment program and a greater reliance on Government loans to farmers.

Mr. COHELAN. Mr. Chairman, I rise in strong support of the Conte-Findley substitute amendment to title I of H.R.

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8546, the Agriculture Act of 1970. This amendment has been explained quite well by my distinguished colleagues from Massachusetts and Illinois.

I do want, however, to offer my firm support to this amendment. I am one of the original co-sponsors of this amendment.

I listened with interest yesterday and today to the debate on this bill. Nothing, however, in this debate has convinced me either that the committee's $50,000 limitation is sacrosanct or represents good Federal agricultural policy. Indeed, the debate reconfirmed my own view that the $20,000 per crop limitation which, incidentally, includes all crops, is a much more realistic figure. If I had my way—I would probably go for an even lower figure, but I think $20,000 represents a reasonable compromise.

I am especially pleased that the $20,000 limitation covers each crop and that there is specific provision in this Conte-Findley substitute to cover transfers of land so that there can be no evasion on the per crop limitation.

My information suggests very strongly that the $20,000 per crop limitation will not adversely affect any but the largest farms. Even with the $20,000 limitation there will be a considerable amount of money still in the Commodity Credit Corporation.

It is my strongly held feelings that the best state of affairs would be to abolish the agricultural subsidy program over a period of 5 to 10 years. All Members must remember that the money in the commodity credit corporation—the $3½ billion in this Commodity Credit Corporation—is one of the uncontrollables of the budget. It is money that must be spent. From my perspective this money could better be spent on our pressing domestic problems. I think it is imperative that we return to a free market.

I am not unmindful that this might adversely affect the nonprofitable farms or the small farmer. But I feel that a limited budget dominated by $180 billion in uncontrollable expenditures and our present societal needs: our cities, our educational system that we cannot afford the luxury of this $3½ billion price support program.

Thus I support the Findley-Conte amendment and I am hopeful that this will be but a first step in removing artificial price supports for our farm products.

There is another feature in this bill that is particularly upsetting to me Mr. Chairman. This is the set-aside program. As correctly pointed out by the gentleman from Illinois (Mr. FINDLEY) there are huge gaps in the set-aside program. A careful reading of the bill indicates that set-aside acres can be used to grow crops again or that marginal or scrub land can be put into conservation projects.

Thus it is imperative that within the agriculture bill there be some restrictions that only productive lands will be used. It is esitmated that if the bill is enacted as written that 10 million additional acres will be put in the set-aside program at a cost of perhaps $250 million. This would unconscionably increase an already unacceptable farm program. Thus I support the Findley amendment which would attempt to only have productive land placed under set-asides.

Mr. Chairman, without the Conte-Findley amendment with the $20,000 limitation per crop and a reworking of the set-aside feature, I cannot consciously support the agriculture bill before us today. If the gaps in this bill are not closed, I intend to vote against the bill as I have in the past. There is, Mr. Chairman, no recourse, I submit, than repeal of these price support programs. We are taking steps today to attempt to move in this direction. I can only hope that future Congresses will take up the burden and finish this necessary work.

Mr. RANDALL. Mr. Chairman, I support H.R. 18546 but without the enthusiasm which would be present if it were a better bill.

A fellow Member who represents an area which contains many family farmers, like our own district, when asked if he would support this bill replied yes, it is a heck of a lot better than nothing at all and I guess I will have to be for it for that reason. I am sure this kind of an attitude embodies the thinking of many of those who classify themselves as farm Congressmen.

Action on this bill culminates a lot of hard work. By some it is viewed as quite an achievement because for several months early this year there prevailed a general belief there would be no farm legislation of any kind.

The general philosophy of this bill is quite similar to the principal objectives of earlier enactments. Basically it tries to achieve a balance of supply and demand between production and consumption. We can all agree that if there is over production this means waste. Without going into the details of the bill we recognize the new description of "set-asides" is but another form of voluntary withdrawal of land that carries a potential production capacity.

Quite frankly, I am disappointed there is no direct parity concept except in the instance of wheat. Of course, the proponents say they had parity in mind when they worked out the $1.35 price support and the guaranteed payment of 32 cents on 50 percent of the base. It is easy to say such a formula maintains parity but it is not really and truly parity no matter how you slice it because such is a fixed price while parity slides up or down depending upon the cost of production.

I am not sure statistics are always helpful but since this has been referred to by some as a consumer bill and by others as a farmers bill, there is no use to try to explain away the fact that at the producers level the price farmers receive for beef is only 16 percent more than in 1950 and 12½ percent more for pork than in 1950. Thus it is suggested, this is how much more money the farmer receives for his livestock and as well the additional cost the consumer pays. But such statistics are really meaningless because since 1950 there has been a recorded inflationary increment of more than 30 percent. Taken in this light it means the stockowner is actually getting 15 percent less for beef and 18 cents less for his pigs than in 1950 while he still pays 30 percent more for everything he buys. That is why there should have been some provisions for parity if we have any real concern about the income of our farmers.

During the debate on this bill, as during the debate at other times when we were considering limitation of payments, it seems it has suddenly become fashionable for those who represent the population of big cities and even those who represent suburban areas to be against the farm program. It is the old story of an effort to array the interest of the consumer against those of the producers. This is such a short-sighted viewpoint. Surely those who know any economics at all know that if the thousands of small farmers fail to make ends meet there could well develop a farm recession or even a farm depression such as we have not witnessed for many years in this country. When something like that happened in the early 1930's it made it almost impossible for our economy to be rejuvenated during those post-depression days. How many times do we learn the lesson that a recession and even a full blown depression may originate out in the rural areas but it soon comes to town. This means the adverse effects of farm decline are felt keenly by the inhabitants of every big city.

Because of prevailing belief by big city Congressmen that somehow they are pleasing their constituency if they oppose farm legislation, I suppose it is hopeless to expect to have a really effective or beneficial piece of farm legislation.

And when those who represent farm areas find ourselves bucking the powerful combination of the Bureau of the Budget, the President of the United States and the Secretary of Agriculture then it is little wonder the farm bill does not contain all the features that would be of real help to our family farmers.

H.R. 18546 may not be the best kind of farm legislation but by the margin of that number of votes by which it may pass we will be saved from being in the worst farm situation ever experienced because no matter how bad it may be it is just that much better than no new farm legislation at all.

We must have a vehicle to serve as the carrier of later additions which appear in the final bill. Today, the bill we pass will be something that we have agreed to in the House and which hopefully may be improved upon in the other body.

I know it will be a long time before Utopia in farm legislation but until that time comes I have no choice but to support H.R. 18546 now before the House even though I recognize that it does much less than enough for our farmers.

Mr. DONOHUE. Mr. Chairman, I support, as I have on the two previous occasions when it was presented and approved here in this House, this pending amendment, which I have cosponsored, to place a limit of $20,000 upon the individual

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subsidy payments to our farmers. As a matter of observation, it would appear that, unless this limitation is accepted, there are a great many Members here who would be inclined to seriously doubt the overall impact of the bill as the best projection, in the public interest, that this House can legislatively achieve.

I believe that the general public is very well aware, now, that under present law, there is no limit at all on the amount a farmer grower can be paid by the Federal Government for not planting crops. Repeated evidence and publicity has been submitted and generated throughout the communications media that under the present "no limit" subsidy, five payments of more than $1 million each were paid out by the Government, last year, for the three crop categories involved—cotton, wheat, and feed grains. On their face, these figures, and a tremendous number of other substantial payments, are so unconscionably large, as virtual taxpayers bonuses for not producing, that they have caused the American consumer to lose their confidence in this very complicated program to give the members of our farm industry the reasonable encouragement they need, at minimum charge to the American taxpayer.

Let us realize that, all told, through the working of present Government production control programs, no fewer than 50 million acres were idle last year. Simply put, this means we are faced with a continuing procedure whereby fewer and fewer farmers are growing more and more food and fiber on smaller and smaller acreages. Meanwhile, despite the fact of abundant supplies, the cost of staples at supermarket counters remains very high and, thus far, there seem to be very few, if any, workable plans projected to correct this topsy-turvy situation, which is not good for the great majority of farmers and is certainly not helpful to the great majority of American consumers.

Nobody, I am sure, argues that farmers must be penalized for the advances of farm technology and his own efficiency. Surely and truly, they have as much right to a fair return on their labor and investments as any other group in our society. The basic challenge that we face here, I think, is the projection of a type of limited and equitably applied subsidy that will tend to insure both adequate income to farmers and as low prices as possible to consumers.

Our present agony of inflation, affecting every American, heightens the necessity and our legislative obligation to seek and find a just and equitable support program, and the establishment of a $20,000 farm payment limit represents a giant step toward that economically wholesome objective in the overall national interest.

Mr. CONTE. Mr. Chairman, as requested earlier, I want to include some extraneous matter at this point in the RECORD.

As I have said many times, an essential ingredient for the success of any payment ceiling is that it be administered rigorously to prevent evasion by such means as subdividing of large farms into smaller units.

In order to establish the legislative history indicating that there should be firm efforts to prevent evasion I inserted in the RECORD yesterday, at page 27141 a number of suggested regulations for the Secretary of Agriculture to implement.

I have stressed that only a privileged few producers would be affected by a ceiling of $20,000 per crop—only 9,042 or less than four-tenths of 1 percent of the total of over 2.3 million producers in these programs. I include at the close of these remarks a list of key facts regarding the $20,000 ceiling which break down this information for each of the programs affected, and a table indicating the number of producers affected in each State.

Finally, Mr. Chairman, as I have said many times, the overwhelming number of taxpayers, including many family-sized farmers support a realistically low ceiling. I want to share with my colleagues a small sampling of the literally hundreds of letters from people from all over the country that I have received in support of my efforts to limit these giant farm subsidy payments.

The material referred to follows:

KEY FACTS RE $20,000 PER CROP PAYMENT LIMITATION

NUMBER OF PRODUCERS RECEIVING CHECKS OF $20,000 OR MORE

	1968	1969	Percent increase
Cotton producers	5,249	6,194	+18
Feed grain producers	877	1,482	+69
Wheat producers	741	1,123	+52
Wool producers	282	243	−14
Total affected		9,042	

TOTAL PAYMENTS TO PRODUCERS RECEIVING $20,000 OR MORE IN 1969

	Total payments	Amount in excess of $20,000 per producer
Cotton producers	$262,623,000	$138,743,000
Feed grain producers	48,212,000	18,572,000
Wheat producers	34,131,000	11,671,000
Wool producers	7,681,000	2,821,000
Potential reductions in Government expenditures with $20,000 limitation		171,807,000

PERCENTAGES OF PRODUCERS AFFECTED BY $20,000 LIMIT

Cotton producers	1.4 percent of 445,155.
Feed grain producers	0.1 percent of 1,641,863.
Wheat producers	0.1 percent of 995,331.
Wool producers	0.1 percent of 193,371.
Total	0.4 percent of 2,318,862

PERCENTAGES OF TOTAL PRODUCTION AFFECTED BY $20,000 LIMIT

Cotton production	31.7
Feed grain	2.9
Wheat	4.0
Wool	12.5

NUMBER OF PRODUCERS RECEIVING $20,000 OR MORE

From each of 2 programs (1969)	390
From each of 3 programs (1969)	8

PRODUCERS RECEIVING $20,000 OR MORE FROM SPECIFIED PROGRAMS, 1969

State	Cotton	Feed grain	Wheat	Wool	Total
Alabama	244	5			249
Arizona	541	33	1	8	583
Arkansas	633		2		635
California	883	93	46	24	1,046
Colorado		36	91	16	143
Delaware					
Florida	2	5			7
Georgia	178	31	1		210
Hawaii					1
Idaho		1	81	23	105
Illinois		108	2		110
Indiana		78			78
Iowa		110	1		111
Kansas		54	94		148
Kentucky		7			7
Louisiana	288				288
Maine					
Maryland		3			3
Michigan		8			8
Minnesota		52	6		58
Mississippi	1,313	5	1		1,319
Missouri	65	78			143
Montana			143	8	151
Nebraska		120	14	1	135
Nevada	2		3	9	14
New Jersey					
New Mexico	96	79	53	9	237
New York		1			1
North Carolina	38	14			52
North Dakota		4	49		53
Ohio		18	2		20
Oklahoma	29	6	37		72
Oregon		2	69	2	73
Pennsylvania		7			7
South Carolina	201	6			207
South Dakota		12	25	2	39
Tennessee	82	3			85
Texas	1,599	480	176	67	2,322
Utah			12	14	26
Virginia		2			2
Washington		3	212	5	220
Wisconsin		18			18
Wyoming			2	55	57
U.S. total	6,194	1,482	1,123	243	9,042

EDMORE, N. DAK.

I am writing you concerning the Farm Bill and the limit on payments. I see by the newspaper that you are for a small limit. I hope you will stick with it and get the limit lowered to help the small farmers.

I am a family-sized farmer with a section of land in North Dakota. My payment this year after taking or cutting my wheat and feed grains came to $5,200. Last year the payment was $3,900 because I didn't cut my wheat acres. My income taxes this winter came to about what I was making farming. I talked with many of my neighbors and they were in the same situation: clearing about what the payment was. So you see the family farmers need this program. The government should help us to make a living and produce cheap food for the consumers. But does it owe the large farmers a large amount so that they can make money on the farm program.

I know a lot of large farmers that are farming land just for the government payment. If we had a small limit, under $10,000 or maybe even as low as $5,000, which is what the welfare figures report that a family needs for a decent living, the large farmers could raise all they want on the world market.

So I hope you will insist on a small limit, because if you can't help the small farmer, at least don't help the large ones over-run us. Thank you.

ARNNOLD INGULSUND.

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Plymouth, Ind.

I wish you success in your fight for lower farm subsidy limits. This is a particularly bad time to continue such a waste of money.

This program should not guarantee profits at the Taxpayer's expense.

Bernhard F. Tellkamp.

Rockwell, Tex.

I wish to offer my support to curb the farm subsidy graft racket. I think the $20,000 proposal could even be cut in half. I think you should urge your colleagues to slow down on so much graft that has lasted far too long.

J. H. Dunn.

San Diego, Calif.

I listened as you talked today, over FABC Los Angeles, and on the Michael Jackson program.

I appreciate, so much, your efforts and superb intelligence on these farm subsidies, that I was impelled to sit right down to thank you.

You have much courage since you are well aware of the opposing forces against you . . . I am encouraged to know we have men such as you in Congress. Thank you.

Mr. and Mrs. Ferd S. Thebus.

Pittsburgh, Pa.

You are not from our bailiwick, but we support your challenging the $55,000 farm subsidy.

Mrs. Mary Jo Lilly.

Trenton, N.J.

I am pleased that a Congressman from my native state is zeroing in on the "fat cat farmers waxing rich on farm subsidies."

It is good to know you are making this effort in the interest of people who work for wages and salaries.

Mr. Peter Contardo.

Cullman, Ala.

Congratulations on your leading the drive in the House to go along with the Senate in putting a $20,000 limit per crop in the new farm bill.

Won't you please try to come up with a bill more helpful to the small farmer. Actually that was the purpose of the farm program in the first place.

Mrs. Edna E. Arnold.

Fairfield, N. Dak.

In a recent local paper it was stated that you were in favor of a $20,000 Agricultural payment ceiling that possibly will be decided in the near future. . . . I to favor the $20,000 ceiling.

Walter Hlebechuk.

Goldsboro, N.C.

According to news reports you and Rep. Findley are in favor of limiting the ceiling on annual federal subsidies to farmers to $20,000 per crop. That is quite enough and I agree that this should be the limit.

Our national debt and our federal spending are too high in many areas now. Already there are rumors that taxes will have to be increased next year if the federal budget deficit is too high.

As a taxpayer I am in favor of reducing the federal budget and federal spending now before we have a deficit and your effort to limit subsidies to farmers is an excellent way to start.

I hope that your effort to limit the subsidies is successful.

Mrs. Elizabeth N. Wright.

Marysville, Kans.

In our local newspaper yesterday we read that the Agriculture Committee has supported a $55,000 farm subsidy ceiling on each crop. The past weeks the news has been a $20,000 ceiling. There is a vast difference in this.

Also in this article it said you were opposed to the $55,000 ceiling and called it ridiculous. And we want to tell you how glad we are that someone in Congress has a little intelligence.

We are small ordinary farmers, growing wheat and grains and own and operate a 400 acre farm, but there are times when we don't make expenses and feel it is past time for the Agriculture Committee to do something about this. Unless there is, five years from now the farmers will be these men who receive this $55,000 subsidy. Our understanding of the subsidy payments was to help keep the farmer alive instead of helping the rich.

The farmer has lost all pride, and farm prices are at depression level with expenses higher each time you pay them. We often feel that no one cares about the farmer, and then we read about your remark showing us you are concerned and it gives us a lift. Thank you.

Mr. and Mrs. Don Breeding.

Navasate, Tex.

Thank you for your work in opposing the continuation of the farm subsidies as they have been paid the past several years.

Please hold out for a maximum of $20,000 to any farmer or farm for all crops. Also please include in the new program clear rules against subdividing ownership to circumvent the rules. Thank you.

Mr. W. E. Gibson.

Mr. DENNIS. Mr. Chairman, the farm bill of 1970 presents me with a very difficult vote.

On the one hand I believe in the American farmer, and the farm way of life, as fundamental to American society, and I realize that the farmer pays for everything he buys in a protected and subsidized market, and that he has rarely been able to achieve his fair share of American prosperity.

On the other hand my basic personal philosophy is against Government subsidies and is predisposed in favor of private enterprise and a free market. Moreover, in a poll of the 10th Indiana District which I recently conducted, 62.3 percent of those replying favored a gradual phase-out of all farm price supports, and 87.2 percent favored the limitation of any support payments which might be made to a maximum of $20,000 per farm, even though it may well be true that such a limitation would ultimately operate to make any Government payment program unworkable in practice. Again, I am far from being satisfied that the expensive and complicated farm bill of 1970 would in fact operate successfully to the satisfaction of our farming people.

My decision to vote no is made easier by the fact that the largest and most influential farm organization in our area—the Farm Bureau—is actively opposed to this bill; while the coalition of other farm organizations, although not in agreement with the Farm Bureau, is nevertheless also highly critical of this legislation.

We are, in fact, presented with the anomaly of a farm bill which largely lacks farm organization support and which is presented as a compromise package, not particularly satisfactory even to its proponents, yet to be accepted without any change or amendment by the House of Representatives. This compromise, I think it fairly may be said, is not one particularly favorable to the interests of the Indiana feedgrain farmer. I believe that the Committee might produce a sounder bill, and one more to the interest of our farming people, if this measure is defeated.

I make no claim to being any sort of expert on agricultural legislation; but I believe that one day we must face some fundamental decisions in this area. The Farm Bureau advocates a gradual phase-out of government payments and a return to the free market. The farm coalition tends to accept substantial farm subsidies as a more or less permanent way of life. The present bill does not meet or resolve these fundamental issues. It continues, essentially, for a 3-year period, a farm program which all agree has been exceedingly expensive to the taxpayers, while few contend that it has been highly satisfactory to the farmer, and no one claims that it has solved the agricutural problem.

Much hard and earnest work went into this bill; but its chief accomplishment is to postpone hard decisions—as it is hoped—until after the 1972 elections. This, if it works, is, in its way, not a negligible accomplishment. But it is insufficient to gain my support for a measure of doubtful efficacy and dubious philosophy, which has failed to obtain the support of most of my constituents—including a majority of those who live and work upon the farm.

The **CHAIRMAN** pro tempore. If there are no further amendments, under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Smith of Iowa, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, pursuant to House Resolution 1165, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. TEAGUE of California. I am, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Teague of California moves to recommit the bill H.R. 18546 to the Committee on Agriculture with instructions to report the same back forthwith with the following amendment: Strike out all of titles I, IV, V, VI and VIII, and renumber titles II, III and VII as titles, I, II and III respectively.

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Mr. **POAGE**. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the "nays" appeared to have it.

Mr. **TEAGUE** of California. Mr. Speaker, regretfully, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 218, not voting 45, as follows:

[Roll No. 256]

YEAS—167

Adair
Adams
Addabbo
Anderson, Calif.
Ashbrook
Barrett
Beall, Md.
Bell, Calif.
Bennett
Betts
Biaggi
Biester
Bingham
Boland
Bow
Bray
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Fla.
Button
Byrne, Pa.
Carey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Dennis
Derwinski
Devine
Dwyer
Edwards, Calif.
Eilberg
Esch
Eshleman
Farbstein
Fish
Ford, William D.
Frey
Fulton, Pa.
Gibbons
Gilbert
Goodling
Green, Pa.
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Hosmer
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Kee
Keith
Koch
Kyros
Landgrebe
Latta
Long, La.
Lukens
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
Mailliard
Marsh
Martin
Melcher
Minish
Minshall
Monagan
Morse
Mosher
Nix
O'Hara
O'Neill, Mass.
Ottinger
Patten
Pettis
Pike
Pirnie
Poff
Price, Ill.
Pucinski
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Rousselot
Roybal
Ruppe
St Germain
Sandman
Satterfield
Saylor
Scheuer
Schmitz
Schneebeli
Scott
Shipley
Slack
Smith, Calif.
Smith, N.Y.
Staggers
Stanton
Stokes
Stratton
Sullivan
Taft
Talcott
Teague, Calif.
Vander Jagt
Watkins
Whalen
Whalley
Widnall
Wiggins
Williams
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Zablocki
Zion

NAYS—218

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Belcher
Berry
Bevill
Blackburn
Blanton
Blatnik
Boggs
Brademas
Brinkley
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Celler
Clark
Collier
Collins
Colmer
Culver
Daniel, Va.
Davis, Ga.
de la Garza
Denney
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Green, Oreg.
Griffin
Gross
Hagan
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Hathaway
Hays
Hébert
Henderson
Holifield
Horton
Howard
Hull
Hungate
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kleppe
Kluczynski
Kuykendall
Kyl
Landrum
Langen
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
McCloskey
McClure
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mink
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pepper
Perkins
Philbin
Pickle
Poage
Podell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rooney, N.Y.
Ruth
Schadeberg
Scherle
Schwengel
Sebelius
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Snyder
Springer
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taylor
Teague, Tex.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
White
Whitehurst
Whitten
Wilson, Charles H.
Winn
Yates
Zwach

NOT VOTING—45

Baring
Bolling
Brasco
Burleson, Tex.
Casey
Clay
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Erlenborn
Evins, Tenn.
Fallon
Fulton, Tenn.
Gallagher
Goldwater
Gray
Hawkins
Ichord
Karth
King
Lujan
McCarthy
Meskill
Nedzi
Pelly
Pollock
Powell
Quillen
Rostenkowski
Roudebush
Ryan
Stafford
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Weicker
Wilson, Bob
Wright
Young

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Karth for, with Mr. Hawkins against.

Mr. Dent for, with Mr. Burleson of Texas against.

Mr. Ryan for, with Mr. Evins of Tennessee against.

Mr. Brasco for, with Mr. Young against.

Mr. Nedzi for, with Mr. Wright against.

Mr. Clay for, with Mr. Tunney against.

Mr. Conyers for, with Mr. Fallon against.

Mr. Stafford for, with Mr. Fulton of Tennessee against.

Mr. Diggs for, with Mr. Casey against.

Mr. Erlenborn for, with Mr. Dawson against.

Mr. Lujan for, with Mr. Quillen against.

Mr. King for, with Mr. Thompson of Georgia against.

Mr. Goldwater for, with Mr. Cunningham against.

Until further notice:

Mr. Thompson of New Jersey with Mr. Weicker.

Mr. Gallagher with Mr. Cramer.

Mr. Tiernan with Mr. Roudebush.

Mr. Daddario with Mr. Meskill.

Mr. Ichord with Mr. Pollock.

Mr. Rostenkowski with Mr. Pelly.

Mr. Gray with Mr. Bob Wilson.

Mr. Baring with Mr. McCarthy.

Mr. Symington with Mr. Powell.

Mr. **TALCOTT** and Mr. **YATRON** changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **GERALD R. FORD**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 212, nays 171, not voting 47, as follows:

[Roll No. 257]

YEAS—212

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Belcher
Berry
Betts
Bevill
Blackburn
Blatnik
Boggs
Boland
Bow
Brinkley
Brock
Brooks
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Celler
Collins
Colmer
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Denney
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Evans, Colo.
Feighan
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fuqua
Galifianakis
Garmatz
Gettys
Gonzalez
Green, Oreg.
Griffin
Griffiths
Gross
Hagan
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Hathaway
Hays
Hébert
Henderson
Holifield
Horton
Hull
Hungate
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kleppe
Kluczynski
Kuykendall
Kyl
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Lukens
McClory
McCloskey
McClure
McCulloch
McFall
McKneally
McMillan
MacGregor
Mahon
Mann
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills
Mink
Mize
Mizell
Mollohan
Montgomery
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pepper
Perkins
Pickle
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Ruppe
Ruth
Schadeberg
Scherle
Schwengel
Sebelius
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Taylor
Teague, Tex.
Thomson, Wis.
Udall
Ullman
Vigorito
Waggonner
Wampler
Watson
Watts
White
Whitehurst
Whitten
Wilson, Charles H.
Winn
Wylie
Zwach

NAYS—171

Adair
Adams
Addabbo
Anderson, Calif.
Ashbrook
Ashley
Barrett
Beall, Md.

XUM

Bell, Calif.
Bennett
Biaggi
Biester
Bingham
Brademas
Bray
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Button
Byrne, Pa.
Carey
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Daniels, N.J.
Delaney
Dellenback
Dennis
Derwinski
Devine
Donohue
Dwyer
Edwards, Calif.
Eilberg
Esch
Eshleman
Farbstein
Fascell
Findley
Fish
Flood
Ford, William D.
Frey
Fulton, Pa.
Gaydos
Giaimo
Gibbons
Gilbert
Goodling
Green, Pa.
Grover
Gubser
Gude
Haley
Halpern
Hanley
Hanna
Harrington
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Hosmer
Howard
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Kee
Keith
Koch
Kyros
Landgrebe
Leggett
Long, Md.
Lowenstein
McDade
McDonald, Mich.
McEwen
Macdonald, Mass.
Madden
Mailliard
Marsh
Martin
Melcher
Mikva
Minish
Minshall
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Nix
O'Hara
Ottinger
Patten
Pettis
Philbin
Pike
Pirnie
Price, Ill.
Pucinski
Reuss
Robison
Rodino
Roe
Rooney, Pa.
Rosenthal
Roth
Rousselot
Roybal
St Germain
Sandman
Satterfield
Saylor
Scheuer
Schmitz
Schneebeli
Scott
Shipley
Slack
Smith, Calif.
Smith, N.Y.
Staggers
Stokes
Stratton
Talcott
Teague, Calif.
Van Deerlin
Vander Jagt
Vanik
Waldie
Watkins
Whalen
Whalley
Widnall
Wiggins
Williams
Wold
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Zablocki
Zion

NOT VOTING—47

Baring
Blanton
Bolling
Brasco
Burleson, Tex.
Casey
Clay
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Erlenborn
Evins, Tenn.
Fallon
Fulton, Tenn.
Gallagher
Goldwater
Gray
Hawkins
Ichord
Karth
King
Lujan
McCarthy
Meskill
Nedzi
Pelly
Pollock
Powell
Quillen
Reid, N.Y.
Rostenkowski
Roudebush
Ryan
Stafford
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Weicker
Wilson, Bob
Wright
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Burleson of Texas for, with Mr. Karth against.

Mr. Evins of Tennessee for, with Mr. Dent against.

Mr. Hawkins for, with Mr. Ryan against.

Mr. Young for, with Mr. Brasco against.

Mr. Wright for, with Mr. Nedzi against.

Mr. Tunney for, with Mr. Clay against.

Mr. Fallon for, with Mr. Conyers against.

Mr. Fulton of Tennessee for, with Mr. Erlenborn against.

Mr. Casey for, with Mr. Diggs against.

Mr. Blanton for, with Mr. Stafford against.

Mr. Quillen for, with Mr. Reid of New York against.

Mr. Lujan for, with Mr. King against.

Mr. Thompson of Georgia for, with Mr. Goldwater against.

Until further notice:

Mr. Thompson of New Jersey with Mr. Cunningham.

Mr. Daddario with Mr. Meskill.

Mr. Gallagher with Mr. Pelly.

Mr. Gray with Mr. Roudebush.

Mr. Rostenkowski with Mr. Pollock.

Mr. Tiernan with Mr. Cramer.

Mr. Ichord with Mr. Weicker.

Mr. Baring with Mr. Bob Wilson.

Mr. McCarthy with Mr. Symington.

Mr. Powell with Mr. Dawson.

Mr. BUTTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter in connection with the bill just passed.

The SPEAKER pro tempore (Mr. ANDERSON of Tennessee). Is there objection to the request of the gentleman from Texas?

There was no objection.

CHANGE OF LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time for the purpose of advising Members as to the program for the remainder of this week. I see the distinguished minority leader is present.

Mr. Speaker, on tomorrow the first important order of business will be the conference report on the Postal Reorganization and Salary Adjustment Act, H.R. 17070.

That will be followed by consideration of the bill (S. 1933) Railroad Safety and Hazardous Materials Control, under an open rule with 2 hours of debate. The bill has been previously announced on the program for this week.

May I further advise the Members that we will not have a session on Friday of this week, but we will certainly have one next week.

THE PERIPHERAL CANAL—COME HELL OR LOW WATER

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I was more than a little concerned to read in the current newsletter of the California Water Resources Association that a high official of the Department of Interior has expressed his "excitement" about a controversial public works project that has yet to come under the scrutiny of the Environmental Quality Council.

James Watt, Deputy Assistant Secretary of Interior for Water and Power, told a meeting of the Los Angeles Chamber of Commerce that this project, the proposed Peripheral Canal, is "urgently needed by both State and Federal water conservation programs."

He also praised the "thorough procedures" used by the State of California in evaluating the Peripheral Canal and went so far as to say, "We in Washington are excited about this project."

One can only deduce from Mr. Watt's comments before his Los Angeles audience—and I might add at this time that the Metropolitan Water District of Southern California which is well represented on the Los Angeles Chamber of Commerce Water and Power Committees, is a principal beneficiary of the Peripheral Canal project—that it is his belief that the proposed project will encounter little hindrance from the Secretary of Interior prior to being sent to the Congress for authorization.

Equally disturbing to me, Mr. Speaker, were Mr. Watt's comments regarding those concerned Californians opposed to the Peripheral Canal project.

According to the California Water Resources Association newsletter, Mr. Watt "warned that extremist views of some nature preservationists are 'pushing the pendulum too far.' "

I find Mr. Watt's comments premature at best both as to the merits of the project itself and to the "thoroughness" of the State in evaluating the Peripheral Canal feasibility report.

The chairman of the Environmental Quality Council, Mr. Russell Train, just last week informed me of the concern of the council with regard to the environmental impact of the Peripheral Canal. He wrote me that he has directed his staff to undertake a study of the project and is awaiting a report from the Bureau of Reclamation on the environmental aspects of the project in compliance with section 102 of the Environmental Protection Act of 1969.

All these things, Mr. Speaker, would seem to support the contention that the proposed Peripheral Canal has probable questionable environmental defects that warrant a thorough study.

Additionally, Mr. Speaker, subsequent to Mr. Watt's speech in Los Angeles, the U.S. Geological Survey issued a report which indicates that diversion of Delta fresh water inflows through the Peripheral Canal to the proposed Federal and State water projects, will result in dimunition of water quality in San Francisco Bay.

The Peripheral Canal is the conveyance system whereby this diversion will be accomplished.

Mr. Speaker, the Peripheral Canal feasibility reports sent to the State of California and evaluated by the State does not contain any data as to the effect of the canal on bay water quality. Yet the U.S. Geological Survey report makes this relationship between the canal and the bay quite clear.

I would say that this omission detracts from the glowing commendation of the State's "thoroughness" given by the Deputy Assistant Secretary, Mr. Watt.

Finally, Mr. Speaker, I think it is important to question Mr. Watt's qualifications for making such a sweeping and in my opinion, premature, statements.

Mr. Watt formerly served as Secretary of the Natural Resources Committee of the Chamber of Commerce of the United States and headed the chamber's efforts to undermine the water quality legislation passed by the Congress under the previous administration.

At hearings held by the Senate Interior Committee on the nomination of Walter J. Hickel as Secretary of Interior, Senator EDMUND S. MUSKIE said:

> Mr. Watt has been in the forefront of those who have undertaken to challenge the authority of the Secretary of the Interior to require secondary treatment and to adopt what has been referred to as the nondegredation rule.

Senator MUSKIE said he had reviewed the chamber's—Watt's—brief that was solicited or obtained by the chamber on the matter of nondegredation and challenging the Secretary of Interior, and said:

> If the point of view of the Chamber of Commerce of the United States on these two points were to be adopted, in my judgment it would destroy the water quality standards program as it is now established in law.

Subsequent to the hearings, and to the confirmation of Secretary Hickel by the Senate, Mr. Watt was hired on a temporary consultant basis. On February 11, 1970, then—Under Secretary Russell Train was reported in the New York Times to have said of Watt:

> We have no intention of putting him in a policy-making position.

However, Senator WILLIAM PROXMIRE said it was his understanding that Watt would be given a permanent post in the Interior Department.

Mr. PROXMIRE said:

> I think the appointment of a man who is so identified with the private interests can only create a credibility gap between your (Hickel's) statements of concern for the public interest and your actions as Secretary of Interior. (New York Times, February 11, 1970.)

Watt was later appointed to his present post as Deputy Assistant Secretary for Water and Power.

I am concerned, Mr. Speaker, that perhaps Deputy Assistant Secretary Watt is speaking for the administration and that the Peripheral Canal, despite evidence of grave environmental consequences and despite the concern of the Environmental Quality Council about these consequences, has been preordained to be "urgently needed" and that it has evoked "excitement" in Washington.

I would take this opportunity, Mr. Speaker, to renew my strong desire for a full environmental study into this project, especially in the light of the conclusions of the recent U.S. Geological Survey report, and that the feasibility report of the project be reexamined with this new evidence.

I would further hope that Deputy Assistant Secretary James Watt controls his exuberance about public works projects—at least until it is demonstrated that they are worthy of even the least amount of enthusiasm, a demonstration that cannot be made about the Peripheral Canal.

PRESS RESPONSIBILITY

(Mr. WIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIGGINS. Mr. Speaker, I wish to address the House on the subject of press responsibility.

Two days ago, the President spoke to a group of newsmen in Denver about the press coverage of criminal trials. The thrust of the President's remarks was that the news media should, in the public interest, exercise self-restraint.

During the course of these remarks, the President referred to Charles Manson, a defendant in a pending murder trial in California, as "guilty, directly or indirectly, of eight murders."

The President was wrong in making that comment but subsequent events have clearly demonstrated that the President was correct in urging commonsense restraint upon a sometimes reckless news media.

It is not normally improper for an individual to hold or express a belief in the guilt of an accused. One would assume that someone holds such a belief, else Manson would never have been arrested, a criminal complaint filed, and have been brought to trial on the charge of murder.

The evil is not in expressing a belief in the guilt of an accused; but, rather, in conveying that view to the jury in such a manner as to prejudice the impartiality of their deliberations.

The President spoke to a small group of newsmen a thousand miles from the Manson trial. He did not say a word to the jury or anyone else connected with that trial. But the press has been veritably shouting the words of the President into the ear of anyone connected with that trial without letting up, for 2 days—and for what purpose?

Because of the prominence of the President of the United States, one must concede that he should have withheld his opinion of Manson's guilt. His error, however, is not in passionately believing in Manson's innocence. His error was in not recognizing that the press would irresponsibly carry his words to the courtroom and possibly prejudice the accused thereby.

The President's statement was news, our friends in the Press Gallery are murmuring. The news, and it is relatively unimportant news, is the President's lapse of judgment to the possible prejudice of a criminal defendant. His exact words are not necessary to the story, and to repeat them in dramatic headlines can only be intended to sell newspapers or prejudice the defendant. It demonstrates an utter and reckless abuse of the unique power accorded the media by the first amendment. The Los Angeles Times has a particularly heavy cross to bear, in this case.

The point may be illustrated by an example. Suppose the President had in a moment of high emotion uttered an obscenity. It is perhaps minor news that the President would swear under pressure; but is it necessary to the story to print the obscenity in the headline? Of course not. For to do so would perhaps be harmful to others.

So it is in this case.

In the final analysis, the court will rule in the Manson case whether or not his right to a fair trial has been prejudiced by this furor. But when the dust is settled, and the press has printed its last inflammatory headline, and the defense counsel, shouting like spoiled children to the press, have given up efforts to provoke a mistrial, there will be time to reflect upon where the real irresponsibility lies.

It is hoped that the press will learn from its conduct in this tragic affair. Criminal trials are not intended to be publicity sideshows. They do not exist to sell newspapers or to entertain the public. The trial of a criminal case deals with the serious business of determining the truth under circumstances of fairness and justice to the accused. With the apparent acquiescence of the defendant and perhaps his counsel, the press in this case has done its very best to prejudice the Manson jury.

I hope it has not succeeded.

PRESIDENT'S STATEMENT ON MANSON TRIAL

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, the gentleman from California just made the most amazing speech I have ever heard in the 30 years that I have been in the House of Representatives. He is blaming the press of this country for the President of the United States in a public address on television declaring to the whole world that a man on trial is guilty.

I happen to be a member of the bar. I have been for well over 30 years, since 1937. What the President did is indefensible, inexcusable, unexplainable, and obviously he has prejudiced the trial.

There are former district attorneys sitting here. I see the gentleman from Alabama (Mr. GEORGE ANDREWS), sitting here. He was a former district attorney. There are also former U.S. attorneys in this body. To me it is amazing that the gentleman from California (Mr. WIGGINS, would have the effrontery to defend this action of the President of the United States.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I cannot imagine how the press of the United States could have been more derelict in its duty had it not carried the words of the President of the United States made about a man's guilt or innocence during a trial.

Mr. BOGGS. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I include herewith editorial comments on the subject:

[From the New York Times, Aug. 5, 1970]

MR. NIXON'S LOOSE TALK

Speaking extemporaneously on important issues can be a dangerous practice for any President, as President Nixon proved Monday with his assertion that one of the defendants in the Sharon Tate murder case "was guilty, directly or indirectly, of eight murders without reason."

The White House press secretary swiftly issued a "clarification" of this remark, and the President himself several hours later retracted it altogether. But the clarification and retraction could not undo the damage. It is self-evident that if the President of the United States publicly states his belief that an accused man is guilty, then that man has an unfair burden in trying to defend his innocence before a jury. The only thing that

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prevented an immediate mistrial in this instance was the judge's confidence that the precautions he ordered would keep the jurors from learning of the President's remarks. However, the alleged killer has now undone those safeguards by flaunting a newspaper with a banner headline on the Nixon statement before the jury.

Not the least puzzling aspect of this episode is that Attorney General Mitchell stood silently at Mr. Nixon's side while he made his highly prejudicial comment. The country is entitled to expect that its chief law officer would have acted at once to rescue the President from so serious a gaff.

Nevertheless, the ultimate responsibility lies with Mr. Nixon. Although he is a lawyer, he has practiced over the whole of his career far more politics than law. He approaches the discussion of most public questions, not with the sensitivity to the nuances of language and the habitual caution of an experienced lawyer, but rather with the breezy metaphors and attention-getting if inexact analogies of the politician.

Quite apart from his specific comments on the Tate case, Mr. Nixon's remarks about Congress's "batting average" on crime bills and about "good guys and bad guys" in Westerns were inappropriate to the seriousness and complexity of any useful discussion of the responsibility of the press in reporting crime or of the problem of enhancing popular respect for law and order. His political intent was clear enough. It was to attack the Democrats on the crime issue and to put himself on the side of judges and the police, of improved law enforcement and, by association, of the "good guys" in Western films.

But President Nixon made scant contribution to the elucidation of any serious issue. Every good newspaper gives painstaking attention to the unending tension between the public's right to know about a major crime and a defendant's right to an unprejudiced trial. No paper can ever be sure it strikes a perfect balance in that effort to protect two often contradictory constitutional rights, but it is no help for the President to set his own example in imbalance. Similarly, the press and the public have to weigh the necessity of apprehending and convicting criminals against the harm which can come from "third degree" police methods or misplaced zeal by a prosecutor or judge. In both these fields, discrimination and discrenment are everything; loose talk worse than nothing.

[From the New York Times, Aug. 5, 1970]

WASHINGTON: MAKING THINGS WORSE THAN THEY ARE

(By James Reston)

WASHINGTON, August 4.—Ever since President Jefferson announced that Aaron Burr was guilty of treason in the Gen. James Wilkinson conspiracy case (he was later acquitted), Presidents of the United States have been in trouble over careless or ill-considered public remarks.

Accordingly, there is nothing particularly new about President Nixon's recent statement that Charles Manson, the hippie cultist now on trial in California, "was guilty, directly or indirectly, of eight murders without reason."

Like former Attorney General Herbert Brownell, who got in trouble during the Eisenhower Administration for passing judgment in the Harry Dexter White case, Mr. Nixon merely talked before thinking, and is entitled to a presumption of innocence, which he later granted to Mr. Manson.

THE NEWS CONFERENCE

The incident raises, however, the old question of how to protect the President of the United States in these days of instant news from unintended and potentially damaging blunders during extemporaneous news conferences.

Every President since Herbert Hoover has become increasingly casual or bold about talking to reporters. Mr. Hoover insisted on written questions at his news conferences; Franklin Roosevelt banned them at his first press conference, but insisted that his answers be reported in the third person. With the advent of television, news conferences were first taped in advance for release later, but Mr. Nixon has insisted on addressing the reporters "live" on TV and without notes.

He is a master of the art and the political advantages are obvious. He conveys the impression of controlling a wide range of complicated subjects and of facing his critics manfully under difficult and often dangerous conditions.

THE PRESIDENT'S STAFF

But Presidents, like baseball pitchers, don't always hit the mark. Unlike Jefferson, who assured the Congress in writing that Aaron Burr's "guilt is placed beyond question," Mr. Nixon merely stumbled into the guilty charge against Manson and then hesitated about setting the record straight.

It is odd that a President, trained in the law, should have violated the elemental presumption of innocence, particularly during a lecture on the majesty of the legal process, but what is even more surprising is why his staff did not protect him in time to keep the blunder from going out on the national television.

Attorney General Mitchell was at his side. He and other members of the President's official family realized what had happened, but either they hesitated to make it clear to the President in time or the President's instructions were not carried out accurately by Ronald L. Ziegler, the White House press secretary.

Accordingly, the correction was not made until four hours later when the Presidential plane got to Washington, and even then the big jet was circling Andrews Air Force Base to get the correction in order.

The interesting thing here is that the President's original charge of guilt was not going out on live network television. It was being taped for release later. Thus, the blunder could easily have been corrected before the damage was done. The question, therefore, is whether the staff was alert and confident enough to tell the President what had happened, and if so, why Ziegler came back with a mystifying "clarification."

The relations between a President and his staff are private, and nobody can be quite sure whether Mr. Nixon's staff is timid or intimidated. It is certainly intelligent, but in this case something obviously slipped.

WHY NOT LATER?

Beyond this, it is not quite clear why these Presidential news conferences cannot always be taped and checked for bloopers before they are released. After all, even the football games have instant replay, and even Congressmen have the right to revise and extend their remarks in the Congressional Record.

The trouble is in catching up with charges after they are made, even when corrected. Albert J. Beveridge, writing in *The Life of John Marshall*, says of Mr. Jefferson's charge against Burr:

"The awful charge of treason had now been formally made against Burr by the President of the United States. This . . . at once caught and held the attention of the public, which took for granted the truth of it . . ."

Mr. Nixon's slip, of course, is not comparable, but it was recoverable, and the odd thing was that the President and his staff were still trifling with it four hours after the accident.

[From the Evening Star, Aug. 5, 1970]

NIXON'S BAD GUYS

President Nixon's spectacular assignation of guilt to the chief defendant in the Sharon Tate murder case is subject to a broad range of interpretation. Those most inclined to dismiss the presidential gaffe will put it down as an innocent slip of the tongue, erased completely when his press secretary explained that Mr. Nixon was referring to the "alleged guilt" of Charles Manson rather than to the proven thing. Nixon-haters will see a malevolent disregard of the rights of accused persons, and of the cherished presumption of innocence before conviction.

The possible effect of the Nixon remark on the ability of the Tate defendants to get a fair trial is for the court to decide. The judge so far has refused to declare a mistrial.

We presume the President's essential innocence in the unfortunate affair. Elsewhere in his Denver remarks he spoke feelingly of the need for preserving fairness in the judicial system. But, indicative of a verbal habit that played a part in the Manson lapse, he spoke several times of "the guilty"—rather than just "the accused"—as deserving of fair trials.

Even Mr. Nixon's most extreme detractors give him credit for thinking like a lawyer—putting details in logical order to make an effective case for his viewpoint. It is obvious, though, that the President is not in the habit of thinking and talking like a lawyer specializing in criminal defense. His clients have been his own political positions and government policies, rather than people of all shades of culpability who run afoul of the police.

Having made this allowance for the President's human error and his more consuming interests in foreign affairs and national economics, we still think he is answerable for a bit more than a slip of the tongue. Insertion of the word "alleged" does not take the curse off the failure of sensitivity that led him to discuss the Los Angeles murder trial in the first place. A President, commanding the immense powers of the federal government, has no business talking in public about a case that is pending before a jury. Besides saying that Manson was guilty, Mr. Nixon used strong language to castigate the two defense lawyers who were jailed overnight after being held in contempt of court.

Then there was the implication in the President's remarks that, in their reporting of criminal prosecutions, newspapers and television broadcasts are glamorizing criminals. This, we contend—as one of the newspapers trying to present an honest picture of our society—is a bum rap. Singularly mystifying is the President's belief that Manson, in particular, has been made to appear "glamorous." We've gotten a different impression of the public reaction to the sensational case.

The President's recollection of a John Wayne western he had just seen did little to support his case against glorifying crime. Mr. Nixon spoke wistfully about the celluloid world in which "the good guys come out ahead . . ., the bad guys lose." But the President must deal with a world in which bad guys and good guys are not always distinguishable, in which most people are a mixture of good and bad and in which basically well-meaning citizens do irrational or destructive things.

In his Denver talk, the President started out well, with a call for congressional action on crime legislation, and ended well, pleading for public support of the nation's system of justice. Between the beginning and end, however, he took a curious route.

WHAT THE PAPERS SAY

Newspapers round the nation and overseas reacted fairly predictably to President Nixon's blunder over the "guilt" of Charles Manson in the Tate-Labianca murders. A UPI roundup of editorial opinion included the following papers.

The Atlanta Constitution: "In truth, the President simply blundered. He's human.

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But he still doesn't seem to grasp the role of the press in a free society. He wants the press to tell it his way. But a free press insists on trying to tell it like it is.

The Detroit Free Press: "The nagging point about the President's faux pas is that it may reflect an underlying attitude more worrisome than this particular mistake. His failure to add 'alleged' to his remarks suggests that he may think the presumption of innocence more a technicality than anything else."

The New York Daily News: "The President was a victim of Murphy's Law—if anything can go wrong, it will. The word alleged would have averted all the ensuing hullabaloo."

The New York Times: "He approaches the discussion of most public questions, not with the sensitivity to the nuances of language and the habitual caution of an experienced lawyer, but rather with the breezy metaphors and attention-getting, if inexact, analogies of the politician."

The Philadelphia Inquirer: "A slip of the tongue is understandable. But the comments leave a bad taste in the mouth not only because of his injudicious remarks, but also because of his apparent eagerness to find fault with the media."

The Chicago Tribune: "Suggestions that restrictions be placed on news media are absurd when the highest executive officers in the nation convey the impression that they have prejudged defendants who have yet to have their full day in court."

The Guardian, London: "It is hard to recall a presidential boo-boo quite so appalling as Mr. Nixon's judicial lapse."

The Arizona Republic: "The Nixon statement again put the Administration clearly on the side of law and order. The President spoke for the vast majority of Americans when he criticized the defense lawyers for their contemptuous attacks on the judge.

"He told the absolute truth when he said a new respect for the legal system would have to be created, or the system would be destroyed."

[From the Washington Daily News, Aug. 5, 1970]

THE TRIAL AND THE "SLIP"

Between them, the President of the United States and the defendant, Charles Manson, managed to throw Mr. Manson's Los Angeles murder trial into sorry disarray, at least temporarily.

The President, in an off-the-tongue comment at a Monday press conference in Denver, casually declared Mr. Manson "guilty, directly or indirectly, of eight murders, without reason."

And while the White House lumberingly was trying to undo this indiscretion, Mr. Manson displayed a newspaper for the jurors to see. The paper had a big headline on the Nixon imprudence.

The only possible purpose of this mischief by Mr. Manson was to trap the court into declaring a mistrial, which the defense lawyers already had demanded purely on the basis of the President's statement.

Since the jury had been secluded, without access to any news, the Judge denied the first defense motion. But after Mr. Manson's brazen stunt, he polled the jurors, all but one of whom said he had caught a glimpse of the headline. But all said they still could act impartially.

As a lawyer, Mr. Nixon knows better than to "convict" any defendant while he still is on trial. He simply was overwhelmed by his own enthusiasm in demanding more help from Congress in combatting crime.

What he said about the Manson case was not at all necessary to the points he was trying to make. He goofed. And the goof, regardless of Mr. Manson, could impinge on the President's reputation for tact and equilibrium. Others may indulge loose tongues, but not a President.

Rightly or wrongly, everything a President says becomes an international event. And nearly every President at some time has spilled a remark he would rather disown. Mr. Nixon now has taken his turn at overtalk and he is not likely to forget it for some time.

WOMEN'S RIGHTS AMENDMENT

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following statement regarding the women's rights amendment by my constituents, Dr. and Mrs. Robert Logan of Santa Barbara, Calif.:

WOMEN'S RIGHTS AMENDMENT

On the surface, the Women's Rights Amendment looks reasonable and relatively innocuous. However, research by numerous psychiatrists, psychologists, sociologists, and anthropologists, reveals that it would be detrimental to society. We therefore urge you to oppose the bill and also suggest that you repeal the "sex" provision from the 1964 Civil Rights Act. In researching, we found that the word "sex" was added to the Civil Rights Act almost as a joke by an 81 year-old congressman, Howard W. Smith of Virginia and that it brought a good deal of laughter from the house. It was considered a generous gesture toward women. It seemed like an insignificant matter, and congressmen have more important issues to be considering than women's rights. However this issue and its ramifications of increased broken homes and insecure children could produce one of the great disasters in American history. Such a Women's Rights Amendment would ultimately undermine the integrity of the family and deprive infants and children of a secure home.

It is vital that more citizens understand the meaning of these women's rights bills and their impact on society. We urge you as congressmen to oppose this bill on August 10, and give citizens time to understand it and express themselves. Housewives have had little opportunity to speak on these bills. Housewives have no unions and no lobbys. The vocal and militant women's liberation groups in no way represent the women of our country.

We feel that the vast majority of women do not want the equal "right" to be drafted as the current amendment proposes. (If housewives had unions—there would be a militant! voice against this.)

We should not be misled by the Feminists statements that do have validity. They camoflage their resentment for men and their frustrations in being women by making statements that most women do approve of: "There ought to be a woman on the Supreme Court", "It is self-denigrating for women to accept the image of being a sexual object".

The nature of their underlying philosophy and its potentially tragic result should be clearly recognized: They scorn man as head-of-the-house, and they degrade the role of wife and mother. These attitudes constitute a grave threat to the integrity of the family.

After reading Mrs. Betty Friedan's book a few years ago, many wives and homemakers wondered what kind of a marriage Mrs. Friedan could have with her negative attitudes toward men, marriage and homemaking. It was interesting to learn that her marriage ended in divorce a year ago. And now Mrs. Friedan is on the trail to "restructure" society so that other women can follow her path.

Feminists are clamoring for equal rights. Of course women must have equality under the law. But there are physical, emotional and social aspects and differences that must be considered. The large majority of our women are also wife, mother and homemaker. Some consideration must be given for these roles and certain privileges should be allowed which are not given male workers. Therefore, state laws intended to protect women workers should not be wiped off the books as the current amendment proposes.

To have equal opportunity for employment of career women and men—yes, in most situations. But when a woman becomes wife and mother the situation changes dramatically. To have equal opportunity for employment for mothers vs. men, society must be willing to place a six-week old baby in a full-time day-care center so that the mother may be assured of her job six weeks after delivery.

Most social scientists agree that in a competitive industrial society there can be no economic equality (between families) or sexual equality (between male and female) except as parenthood is taken into account by some sort of allowance for children and as a supplemental institution shifts the load of child-care from the individual worker to the social group. For complete sexual equality child-care must be shifted from the home to the institution.

Do we really want institutional care of our young? (The President's Commission on the Status of Women in 1963 made such a recommendation and some public funds have been going in this direction ever since.) Would 50% of Americans really vote to have government care for children ages one to four? Do we care about the future of the family and the mental heath of future citizens?

Rather than let the militant feminists push our government into passing bills to further feminist thinking, (And most of them are self-haters who have failed at making home very likely because they lacked proper upbringing and home life.), we propose that our nation have a "Children's Bill of Rights or Amendment". Someone must speak for this silent group.

A "Children's Bill of Rights" should include:

(1) The right to be loved and cared for by a Mother, or an adequate mother substitute.

(2) The right to a good home with a father and mother who love their children and each other.

(3) The right to a thorough, wide and stimulating education.

Vocational education and training activities of our government should give a priority to males and not females. Colored males especially need this upgrading far more than white or colored women. Much of the crime in our country is caused because negro males haven't had opportunities. (Often women have taken jobs that might be theirs). This Women's Rights Amendment is subtly undermining the family by making it more difficult for men to be head-of-the-house and provider, and thus promoting a matriarchy. (A book we are currently writing called "The Joy of Marriage" shows the importance of having man as provider and leader.)

We must elevate the role of wife-mother-homemaker if the family is to survive as a healthy institution. The very salvation of the nation depends upon the homemaker. We could do without nearly every other vocation in the world but that of homemaker. The homemaker's identity and self-worth is being underrated by the feminists who call her the stay-at-home fool who is hoodwinked by the big-bad-advertiser! If Mothers relearned the art of communicating with teenagers we would likely reverse our staggering drug problem.

The role of housewife must be given respect and recognized for its social importance. It deserves the status of other vocations:

(1) vacation guaranteed two weeks per year (possibly the government could subsidize)

(2) a week-end away from home every 3-4 months

(3) ½–1 day off per week with complete freedom. Certainly a mother needs relief from the constant care of youngsters. She will reap psychological and physical benefit from these vacations and be a much better mother when she returns. Men and women in the business world get the variety of office, home and vacation. The homemaker often only has one setting day after day. If a mother can't afford the above vacations, the government might subsidize. (Day care centers, if necessary for widows should be privately run and not a government's obligation. Parents should take responsibility for their own children age one to four.)

The 1968 manpower report of the President stresses that family stability should be a primary objective of government policy. But what specifically can do that? More houses? In part, yes; and Secretary of Housing and Urban Affairs George Romney is working to provide thousands of houses for the needy—giving people a feeling of personal responsibility in home ownership. President Nixon has presented an outstanding anti-crime proposal. There were, however, two very pertinent issues which he failed to deal with. The most important is that of the broken family. (The second is violence on film.) A leading columnist said that the broken family is something that no President can do much about. But is this true? We believe that if enough people wrote their President and leaders and expressed concern, priority could be given to the family.

Proposals for strengthening the family might include:

(1) Provide pre-marital counseling (at government expense—this would eliminate the need for so many day-care centers, for women would be happily married, not divorced and in need of someone to care for their children.) This counseling could be effective in preparing young people for marriage. Once introduced to counseling they may seek it more readily during marriage, for the little crises.

(2) Require couples to renew their marriage license just as they do their driver's license. Renewal might require an eight-week course for both husband and wife separately or together. Premarital and college courses are helpful but during courtship so often "love is blind" and it isn't until after a few years of marriage that problems become manifest. Possibly churches, and various Adult Education programs could be enlisted to provide such courses.

(3) Provide TV Programs on marriage relationships. (Just as we have had programs on driving safety recently.) Perhaps having a psychiatrist lead a marriage group-therapy class on TV.

(4) Requiring a course for every couple that has children, on how to be an understanding parent. Possibly based on books like Haim Ginott's "Between Parent and Teenager."

This type of a program would be far more effective and pertinent than the Russians' system for discouraging divorce. They have the highest divorce rate of any country, and have simply legislated increasingly higher fees for each subsequent divorce! (Russians have a greater problem with adultery and alcoholism from "equality marriages".

But we are close behind Russia with one out of three families falling apart. Our situation has almost reached a state of national emergency. The inspiring inauguration theme of President Nixon was "bring us together again". If we could successfully carry this theme to the families of our country most of our other social problems would be resolved. The soundness of our nation and the perpetuation of the race itself depends upon a happy and stable home. President Calvin Coolidge challenged us in the 1920's when he said, "Look well to the Hearthstone. Therein lies all hope for America."

PRESIDENT JOHN F. KENNEDY INDICATED PUBLICLY THAT THE UNITED STATES SHOULD REMAIN IN SOUTH VIETNAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, for some reason beyond my comprehension one of President Kennedy's closest aides has chosen this moment in history to attempt to put the entire blame for the Vietnam war on the shoulders of the late President.

He tells us, according to Life magazine and the Washington Post, that President Kennedy would have pulled all American troops out of South Vietnam in 1963—at a time when it was still feasible—except that he reportedly feared the political consequences of such a move.

For that reason we are told he intended to wait until after the 1964 elections and then pull them out. Tragically, 1965 never came for President Kennedy and the subsequent escalation of the war made it impossible to do in 1969 what was possible in 1963.

I believe the story is phony, Mr. Speaker. The President—any President—must put the good of the Nation ahead of the political consequences of any policy or action. President Nixon is doing this now in winding down the war in such a way that a lasting peace will be a reality. President Kennedy did what he thought was right.

Just 2½ months before his assassination, President John F. Kennedy indicated publicly that the United States should remain in South Vietnam.

On September 9, 1963, the President was interviewed by Chet Huntley and David Brinkley—a one-time television team.

I append to these remarks pertinent excerpts from that 1963 interview:

PRESIDENT KENNEDY'S NBC TV INTERVIEW—SEPTEMBER 9, 1963 (EXCERPTS)

Mr. HUNTLEY. Are we likely to reduce our aid to South-Vietnam now?

The PRESIDENT. I don't think we think that would be helpful at this time. If you reduce your aid, it is possible you could have some effect upon the government structure there. On the other hand, you might have a situation which could bring about a collapse. Strongly in our mind is what happened in the case of China at the end of World War II, where China was lost—a weak government became increasingly unable to control events. We don't want that.

Mr. BRINKLEY. Mr. President, have you had any reason to doubt this so-called "domino theory," that if South Viet-Nam falls, the rest of Southeast Asia will go behind it?

The PRESIDENT. No, I believe it. I believe it. I think that the struggle is close enough. China is so large, looms so high just beyond the frontiers, that if South Viet-Nam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya but would also give the impression that the wave of the future in Southeast Asia was China and the Communists. So I believe it.

Mr. BRINKLEY. With so much of our prestige, money, so on, committed in South Viet-Nam, why can't we exercise a little more influence there, Mr. President?

The PRESIDENT. We have some influence. We have some influence and we are attempting to carry it out. I think we don't—we can't expect these countries to do everything the way we want to do them. They have their own interest, their own personalities, their own tradition. We can't make everyone in our image, and there are a good many people who don't want to go in our image. In addition, we have ancient struggles between countries. In the case of India and Pakistan, we would like to have them settle Kashmir. That is our view of the best way to defend the subcontinent against communism. But that struggle between India and Pakistan is more important to a good many people in that area than the struggle against the Communists. We would like to have Cambodia, Thailand, and South Viet-Nam all in harmony, but there are ancient differences there. We can't make the world over, but we can influence the world. The fact of the matter is that with the assistance of the United States and SEATO [Southeast Asia Treaty Organization], Southeast Asia and indeed all of Asia has been maintained independent against a powerful force, the Chinese Communists. What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. I commend the gentleman on his statement. As a Member of the House, I attended leadership meetings at the White House with President Kennedy throughout his Presidency, meetings to which Mr. O'Donnell was not privy, and I never at any time heard any such discussion as appears in the article in Life magazine to which the gentleman has referred.

I might say further that the references in the article, the snide references, to former President Johnson are equally untrue, and I thank the gentleman from Michigan for setting the record straight.

DISTRIBUTION OF FEDERAL TAX DOLLARS TO THE STATES

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the President has proposed legislation that would provide for distribution of Federal tax dollars to the States with no strings attached. This essential bill has been gathering dust in the files of the Committee on Ways and Means.

Our State and local governments are finding it increasingly difficult to raise the revenues necessary to support needed operations. Property taxes long ago gave way as a source of revenue, and more and more local jurisdictions have had to resort to the income tax. States entered this field even earlier as their other revenue bases proved inadequate.

The Federal revenue sharing program would, in its first phase, provide the States with an increase in unrestricted revenues so that each government could determine how the funds could best be utilized. The program would also require that a certain percentage of the funds be shared with local governments.

If the revenue sharing concept is fully

developed, the allocations should permit gradual phaseout of State and local income tax collections. The legislation that is finally enacted should have this long-term goal in sight.

We have seen a vast buildup of bureaucratic personnel, paper, and buildings here in Washington and elsewhere to administer the many Federal programs. Much of this proliferation of Federal people and things is due to the monumental amount of requirements placed on an applicant for a Federal grant. Channeling funds back to the States and bypassing this bureaucratic mess would mean more dollars to provide for more of the needs of the people.

Moreover, it makes no sense to me to have three income tax collectors come knocking at my door. It would be far more efficient to let the mighty Federal tax collector in a sense collect for all three through expanded operation of the revenue sharing concept.

Last year, the New York Legislature enacted a revenue sharing program of its own. During my State's current fiscal year—April 1, 1970–March 31, 1971—local jurisdictions will receive substantial sums of new united aid. I am enclosing in the Extensions of Remarks a description of the State of New York's revenue-sharing program.

It is imperative that the Federal Government begin a similar program as soon as possible. I sincerely hope that my colleague from Arkansas (Mr. Mills) will see the wisdom of the revenue-sharing concept and begin hearings on the very near future.

EMERGENCY BRIDGE REPLACEMENT PROGRAM

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, I would like to take this time to urge my colleagues in the Congress to adopt an emergency bridge replacement program to aid States with a preponderance of antiquated secondary road system bridges.

In my State of West Virginia, for example, we have more older bridges proportionately than any other State in the Nation, and most are not over Federal highways and thus not eligible for Federal repair money.

The President's Task Force on Bridge Safety found West Virginia with 3,982 bridges built prior to 1935 and 1,633 bridges built after 1935.

To bring West Virginia's "deficient" bridges up to adequate standards would cost $169 million.

Only one other State—Virginia with 4,475 pre-1935 bridges and 3,976 post-1935 bridges—has more of its bridges over 35 years old than under.

On a national basis there are approximately 88,900 bridges described as critically deficient and another 900 locations where new crossings must be constructed over major waterways.

The cost of the program, if started right now, would be more than $18 billion.

But a major portion of the critically deficient bridges not included in the Federal aid system of highways are also not included in the system of highways under the control of the States, and therefore without substantial Federal aid they probably never will be replaced.

A bill under consideration would provide 90 percent Federal funding for bridges included in the Federal highway system but nothing for those secondary road bridges which are not included.

We desperately need a program to aid in the repair and replacement of secondary bridges, especially in West Virginia where we have so many of them.

Of the 9.1 million square feet of deck area on West Virginia bridges, some 1.7 million square feet are considered deficient.

And in addition, there are now plans for building 13 new bridges across major waterways in the State at a cost of $14 million.

Our rural areas form the lifelines to our cities and we cannot allow them to remain isolated because of unsafe bridges.

STATEMENT BY ALEXANDER HEARD, CHANCELLOR, VANDERBILT UNIVERSITY, ON COMPLETION OF HIS MISSION AS SPECIAL ADVISER TO THE PRESIDENT

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on July 27, 1970, on pages 25836–25839, I inserted in the Congressional Record the text of the summary by Dr. Alexander Heard, chancellor of Vanderbilt University, of his views of his recent assignment as special adviser to the President on the problems plaguing American universities.

In addition, I inserted the texts of several memorandums that Dr. Heard and his coadviser, Dr. James Cheek, sent to the President during their temporary term of service from May 8 through June 30, 1970.

Mr. Speaker, I am pleased now to be able to report that the complete texts of the statement of Dr. Heard, a summary of his activities in connection with his mission as special adviser, copies of recent commentaries on campus issues, and an outline of topics on recommendations to the President, are now available.

Because of the widespread interest in several reports on the parts of Drs. Heard and Cheek, I insert them at this point in the Record and I hope that Members of the House and Senate will, in view of the great importance of the subject, find it possible to read them.

The material follows:

STATEMENT BY ALEXANDER HEARD

I am issuing this statement pursuant to a suggestion made by the President to me on July 17 that a summary be released of the activities undertaken by my associates and me, along with the texts of the principal memoranda we have sent to him commenting on campus conditions. I am also, with his agreement, including a brief outline of subjects on which recommendations were made, but not the details of the proposals.

On May 8, the President asked that I serve as Special Advisor to help keep him "fully and currently informed on the thinking of the academic community and especially of the young." I was "to help present to this Administration the views and sentiments of the campuses around the country." The President later also asked that I recommend ways he might in the future keep better advised on campus affairs. These two requests constituted my assignment. It was not my function to investigate individual campuses nor to make recommendations to anyone other than the President or his representatives.

On the urging of academic colleagues, who had proposed to the President that he make such an appointment, I accepted the assignment as an adviser on campus affairs to the President (not as his representative to the campuses). The President asked that the assignment run through the summer. I accepted it until June 30. The Danforth Foundation of St. Louis, Missouri, has covered the expenses of the professional staff, through a grant to Vanderbilt University. Salaries of this staff have been paid by their regular employers.

Shortly after going to the White House, I was joined by James E. Cheek, President of Howard University, who since that time has had the same access to the President as I. Working with us in later weeks were John Gaventa, senior student and president of the student body, Vanderbilt University; Miss Gail Gordon, White House summer intern, senior student, Smith College; Charles V. Kidd, Director, Council on Federal Relations, Association of American Universities; and John Searle, Professor of Philosophy, University of California, Berkeley. Supporting clerical and stenographic staff was provided by the White House.

The usefulness of our mission can doubtless best be appraised after a period of time. Even so, observers are likely to measure what they see and don't see against their own hopes and standards, without knowledge of what might or might not have occurred otherwise. Moreover, events themselves are sometimes the best instructor.

From the beginning, the President and many of his staff have made us welcome and have shown hospitality to the purposes of our novel mission. Dr. Cheek and I have had more access to the President than I anticipated when I came, and all we could reasonably expect. I have spent over eleven hours with him in sessions of various kinds. We have submitted memoranda totaling some 50 single-space pages, not including exhibits, and he gave evidence of reading them. Our exposure to other high officials of the government has been extensive (as detailed below.) The President asked me in Cabinet meeting to circulate as "command reading" to all members of the Cabinet the memorandum of June 19 that is quoted in full below. He asked members of the Cabinet to arrange for my colleagues and me to meet with their senior staff in each department, which we did to the extent time permitted. We have been an "embassy" within the White House, courteously accorded opportunities enjoyed by regular staff. In a sense, we have had the privileges of the White House accompanied only by the responsibilities we imposed on ourselves.

I will not attempt to predict what action the President will take on particular proposals made to him or the extent to which we may have affected his general thinking. Nor do I think it useful to estimate what influence Dr. Cheek and I may have had on actions taken by him or others in the recent past. He or I, or both of us, recommended, for example, that the President sign the voting-rights bill, that the tax status of segregated institutions be re-examined by the Internal Revenue Service, that the Internal Revenue Service and the Justice Department work with the American Council on Education to develop guidelines for permissible political activity on campuses, that the Justice Department intervene in Jackson during the tense weekend of the burials of the youths killed at Jackson State College, that

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the President meet on two occasions with college and university chief executive officers, that he confer privately with students when he visited Knoxville, Tennessee, in May, and that a national commission be created to inquire into the Kent State and Jackson State tragedies.

In some cases, of which these are illustrations, the actions taken accorded with the recommendations. We were pleased with these responses. On other occasions, proposals were made which, for one reason or another, were not followed—for example, my suggestion made immediately after arriving in Washington that the President confer with the Special Committee on Campus Tensions of the American Council on Education which had issued an informative report in April, a copy of which I sent to the President.

The President made clear to us his serious concern over campus developments. He has displayed openness and a searching interest in what we had to say about campus beliefs, attitudes and behaviors, the conditions that underlie them, and their significance for public policy and national leadership. I judge the mission to have been worthwhile. If I had known on May 8 what I know now, I would still willingly have undertaken the assignment.

The Commission on Campus Unrest, created under the Chairmanship of Governor Scranton following the tragedies at Kent State University and Jackson State College has, unlike my own mission, a comprehensive charge, including "to identify the principal causes of campus violence, particularly in the specific occurrences of this spring." I believe its work can be a compatible follow-on of my mission. It is equipped to address the phenomena of campus violence in depth and on a broad front. At the President's request, we have made our files available to the Scranton Commission. President Cheek is himself a member of the Commission. Another of our group, John Gaventa, has become a member of its staff. We will forward to the Scranton Commission future communications sent to my office and will continue to assist in any way possible.

Attached are three addenda to this release: (1) a summary of activities; (2) copies of written commentaries on campus conditions given to the President in recent weeks; and (3) an outline of topics on which recommendations were made to the President.

I. SUMMARY OF ACTIVITIES

A. Input from campuses

We met with groups from approximately 35 campuses which came to Washington following May 8, along with a large number of individuals familiar with campus conditions. We received several hundred pieces of unsolicited mail conveying views and suggestions, some 40 resolutions and statements from colleges and other organizations, numerous analyses, reports, speeches, and other commentary, and a range of petitions and recommendations.

We held a one-day conference in Washington to discuss ways to improve government-campus communications, and another one-day conference in Washington to discuss ways to expand governmental and political opportunities for young people. Both sessions were attended by individuals invited from in and out of government, in and out of Washington.

Through the U.S. Office of Education a questionnaire was circulated to a sample of 240 campuses across the country soliciting an account of events in May on each of those campuses. Returns were received from 193.

At my suggestion, the American Council on Education commissioned Louis Harris & Associates to survey opinion among a representative sample of students on four-year campuses during the latter part of May. The results of that poll are currently being made public by Harris.

We met with a substantial number of representatives of educational organizations located in Washington, including the President and Directors of the American Council on Education.

B. Consultations in Washington

We have conferred with numerous individuals in and out of government. These individuals included the then Secretary of Health, Education, and Welfare, Mr. Finch; the Secretary of Agriculture, Mr. Hardin; the Secretary of the Interior, Mr. Hickel; the Attorney General, Mr. Mitchell; the then Secretary of Labor, Mr. Shultz; and the leadership in the Congress, Senators Mansfield and Scott, Speaker McCormack and Representative Ford.

We conferred from time to time with other Members of Congress in both parties in both Houses, and with officials such as the Commissioner of Internal Revenue, Mr. Thrower; the Director of the National Science Foundation, Mr. McElroy; the Director of the Selective Service System, Mr. Tarr; and Elliot Richardson, first as Under Secretary of Sate and later as Secretary of HEW. Various meetings were held with personnel from the Department of State, HEW, the Peace Corps, the Teacher Corps, the Civil Service Commission, the National Science Foundation, the National Institutes of Health, the White House Conferences on Children and Youth, etc.

I had an extended meeting with the Attorney General and senior members of his staff in the Department of Justice. Colleagues joined me for meetings with the Secretary and senior staff in the Departments of Agriculture and Commerce. At the invitation of John Ehrlichman, Assistant to the President for Domestic Affairs, on June 11 we also spoke to the "Sub-Cabinet," Presidential appointees below the level of Secretary, meeting in the Department of State Auditorium. We also met with FICE, the Federal Interagency Committee on Education, on June 22.

C. White House consultations

I met with the President in nine sessions related to our mission. President Cheek has been with me in the seven sessions held since he joined our mission. In each instance, one or more of the President's staff was also present. Two meetings concerned with campus unrest were set up independently, one on May 21 with representatives of the American Bar Association (35 minutes) and one on June 8 with eight young White House staff members who had visited college campuses (75 minutes). Two of the sessions were with presidents of colleges and universities invited to confer with Mr. Nixon, one on May 20 of presidents from predominantly black colleges (125 minutes) and one on June 22 of presidents from a wider range of institutions (90 minutes). Four private sessions were held with the President, on May 12 (90 minutes), May 28 (45 minutes), July 7 (120 minutes), and July 17 (25 minutes). On June 24, I appeared before the Cabinet in session with the President (65 minutes).

At the invitation of the Vice President, I met with him and two of his staff for a 90-minute conference. I met later with his staff for a conference of similar length. At my request, the Vice President received a group of faculty from the University of Minnesota. I was present when he met them for slightly over two hours.

My associates and I have conferred frequently with members of the White House staff, doing business at one time or another with two dozen or so of them. My most significant relationships were with Messrs. Ehrlichman, Finch, Garment, Kissinger, and Moynihan. At Mr. Ehrlichman's request, President Cheek and I met on June 2 with his Domestic Affairs staff. Throughout, we also exchanged memoranda with members of the White House staff.

We have not submitted a formal, written "report" to the President. Our written communications with him have consisted of several memoranda. Three principal memoranda were submitted prior to appointments with him as briefing papers. It is from those four memoranda that the following pages come. In reading them, please remember that they were prepared at different times and for different purposes. They were designed to serve as basis for discussion, not as comprehensive treatments of a topic. Since part of my mission was to present information on campus views and sentiments, the observations often simply report attitudes held by others. On occasion, my own conclusions or those of my associates are given. At other times, the "we" means all of us in the country. The context will usually make clear who is referred to.

Please pay special attention to the *"Notes to Press"* that have been added to the text for the purposes of this release.

II. COMMENTARIES

A.

(*Note to Press*: Following is given the text of a memorandum from me to the President dated June 19. The memorandum reports certain student attitudes and was given to the President prior to a meeting with a group of college and university presidents held on June 22, to serve as a basis for questions he might explore with them.)

Seven million students enrolled in colleges and universities are on the threshold of adult citizenship. Millions more in high school and junior high school soon will be. What they believe, how they behave, will inevitably shape decisively future life in the United States and our domestic tranquility this coming September.

We do not believe that our national government really understands that a *national* crisis confronts us. The condition cannot be conceived as a temporary, aberrational outburst by the young, or simply as a "campus crisis" or a "student crisis." Because of its immediate and potential consequences, the condition we face must be viewed as a national emergency, to be addressed with the sense of urgency and openness of mind required by national emergencies. The characteristics of evolving student thought—the characteristics, not their origins, are treated here—help illuminate the condition we face.

(*Note to Press*: Please note particularly the characteristics here portrayed are not offered as describing all college students. The student population is itself divided and often intensely polarized. The qualities described below reveal, according to our analyses, present and developing characteristics of a large and important segment of students.)

1. The Meaning of May: A Big Shove Leftward

The Cambodian action (followed by the Jackson State and Kent State killings) sharply intensified feelings among students already protesting the war and showing disaffection with society generally. More important, Cambodia provoked and exposed anti-war and societal discontents among large numbers of students of normally moderate and conservative political viewpoints. Before Cambodia, many of us on the campuses believed that deep disaffection afflicted only a small minority of students. Now we conclude that May triggered a vast preexisting charge of pentup frustration and dissatisfaction.

A poll conducted for the American Council on Education at the end of May provides significant empirical evidence of widespread anti-war feeling, concern over domestic failures, disaffection with government leaders, and loss of confidence in the basic institutions of our society. The poll sampled opinion on a representative variety of 50 four-year campuses, seeking thus to reach a representative sample of students. (It was conducted by Louis Harris and Associates, the only organization found able to make the poll on short notice. George Gallup was unable to do so. The full report of the poll will be provided to your staff on completion.)

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Of those questioned, 48 percent said they had actually taken part in anti-war protests in May; 62 percent believed themselves more politically active than a year ago; 76 percent said they feel basic changes in the system will be necessary to improve the quality of life in America.

(*Note to Press:* Many of our conversations and written communications were private ones with students or others who did not claim to speak for their institutions. Dr. Cheek and I have not made any individual institution the subject of any commentary, report, or recommendation to the President. Where institutions were cited for illustrative purposes as in two places in the following paragraph, and the information came from private sources, the illustrations have been omitted in this release. In each case where this is done, it is so indicated.)

The testimony of delegations visiting Washington that we interviewed (from about 30 campuses across the country) and the many hundreds of letters received strongly support these conclusions. Students from agricultural schools (for example, . . .) and engineering schools (for example, . . .) said they had previously been politically inactive, but were now among the protesters. Some student sentiment favoring U.S. policies in Southeast Asia is visible, but the general effect of May was one of radicalizing as well as politicizing student opinion across the board. One senses that from the best of our young comes the worst of despair. The University of Minnesota's Regent Professors wrote:

"A frightening picture is seen by those of us who work daily with college students. We find among our bright, hard-working, ambitious, well-read students a widespread distrust of their government, a growing despair about the political process, a mixture of fear and resentment toward America's leadership. These are not lazy, violent irresponsible rebels—they are competent and conscientious young people, quietly pursuing their studies to be physicians, businessmen, lawyers, engineers, psychologists, biologists."

2. The Integrity of Intentions

As baffling as student behavior often appears, we cannot discount its motives. "All students want to do is to restore the real ideals of democracy for which the United States has stood for in the past," so said one. Another, crying for what he called a sense of humanity, deplored viewing war solely in military terms (winning or losing) instead of in human terms (death and suffering).

Though often emotional and egocentric, the passions of idealism produce not only brave heroes on the battlefield but also determined fighters in the struggles for social change. Whatever one may think of its origins or consequences, the idealism of college students toward domestic and overseas problems embraces an increasing willingness to abandon the conventional postures of national and personal interest. (The mood is familiar to those of us who went to college in the 1930's.) There is a humane concern for victims of racial discrimination, for those who suffer in the urban ghetto, for the poor in Appalachia, and for those who die—under whatever flag—in Southeast Asia. According to a nationwide survey conducted at Swarthmore College, students' draft status seems to have little relation to his position for or against the war. (*Note to Press:* The survey was done by Professor Kenneth Gergen and Mary K. Gergen, Psychology Department, Swarthmore.)

The strain of idealism in college students helps to explain the intensity of beliefs and the vigor of actions rooted in those beliefs. Student behavior that to some seems simply "unpatriotic" may be intended by the student as the highest form of patriotism. Not my country right or wrong, argues such a student, but my country, if she is right, and to set her right, if she is wrong.

3. The Emerging Class Consciousness of Students

The self-identification by college students as a separate class in society is assuming extraordinary proportions. A student class may well become a structural feature of our political scene, remaining after present issues are ended.

Student class "solidarity" stems in important measure from the conviction of many students that they do not find sympathy for their concerns or understanding of their problems among older people, from the belief that older society brings unwarranted sanctions against them for wanting to be different (e.g., objections against unconventional appearance, use of marijuana, etc.), and from the perception that "society" improperly imposes burdens upon them which, having had little part in their imposition, they do not wish to carry (the draft and "irrelevant" college curriculum being most often cited). One student observed that if he were working in a factory he would be viewed as an adult, but while in college, he is "viewed as a little boy."

Whether easily understandable by older persons or not, we are still faced by a new fact of political life: growing class consciousness among students. For effective national government, this constituency requires attention and understanding just as do farmers, organized labor, veterans, blacks, etc. This group, however, has much ambition, much energy, and more future than the others. Student class consciousness has been growing for some years, but the Cambodian crisis catapulted it into something approaching a national political movement. The crisis also threw a sizable percentage of previously moderate and apolitical students into the arms of the radical elements in the university community. This class consciousness leads very easily to another quality.

4. Fears and Facts of Repression

Men of wide experience and goodwill ask, "What is this repression I hear about? Where is it? Certainly no one is repressing criticism of the government. What is being repressed?"

Perhaps the matter can be understood by reference to Jackson State and Kent State. To most Americans, they were exceptional events, tragic and to be deplored, but accidental and unusual. To the disaffected, they are the norm. The disaffected regard the safe and easy expression of dissent as the exception, and they see the killings as an expression of the American system of authority. Here is a paragraph written by a professional psychologist from Vanderbilt who was reared near Jackson, Mississippi, which he visited after the killings:

"Jackson State College students now find themselves in a great dilemma. They are nearly paralyzed by the fear that any sign of demonstration or protest may be prejudged as a sign of disorder that will result in murder and massacre. On the other hand, they feel an increasing urgency to be heard, to express their feelings as human beings, and to experience the dignity and freedom that characterize the new humanness. Many feel they must bow to the system epitomized in the Mississippi Highway Patrol, or risk death in a struggle for a new level of personal freedom."

Perhaps we understand how this comes to be on a black campus in Mississippi. Yet, with the development of class consciousness, similar feelings of fear and persecution have developed among students in general. The Vanderbilt professor further observes, "I believe these turbulent interactions of fear, anger, shame, and despair on the one hand and the desperate search for personal integrity and freedom on the other hand now characterize a large and rapidly growing nationwide segment of students, other youths, and adults."

Fifty-eight percent of the students in the poll agreed with a statement that, compared to a year before, the United States had become a highly repressive society, intolerant of dissent. Among the goals chosen for many of the student strikes in May appears the demand "that the United States Government end its systematic repression of political dissidents."

Among the evidences of repression often cited are: "police brutality," in a variety of forms ranging from hostility toward demonstrators to the alleged unjustifiable assaults of the Black Panther Party; curfews; prohibitions against assembly of more than a limited number of persons; sledgehammer statements by public officials impugning the motives of dissent; and discouragement of outspokenness on grounds of protocol or propriety. The arrest of students and faculty after your speech in Knoxville for "disrupting religious service" is taken as evidence, as are the attacks by construction workers on students in New York and on the veteran and his family in St. Louis.

5. Intellectual Intolerance on Campuses

Some students are guilty of a brand of repression of their own. Its roots include distrust and self-righteousness. Intolerance of contrary opinion on certain campuses has become a virulent form of anti-intellectualism, sometimes involving violent and disruptive attempts to silence opposing views. Said a . . . undergraduate: "You can't go around worrying about freedom of speech and of access when something like Cambodia is going on."

This intolerance poses as great a threat from within to the educational freedom of our campuses as they face from without.

In emphasizing campus intolerance, I also emphasize that on many campuses dissent has been expressed with high loyalty to concepts of free speech, open forum, and intellectual freedom. Strong efforts by students and faculty to moderate the heat, restrain emotionalism, and keep the way open to expression of all viewpoints have been notable on many campuses.

6. Lack of "Responsiveness" by Government

Young people have always been impatient, if only because of their shortened time perspective.

But even from an adult perspective, educational and governmental institutions are often sluggish. When leaders and institutions do not appear to move effectively toward solution of problems, the result, as expressed by the current President of the Ripon Society, is "a frightening feeling of frustration, betrayal and impotence among students of all philosophical outlooks. Students are exhausted with a war which has offered victory just around the corner for all the years of their political awareness." Says a professor of government from . . . : "If the best of our young men and women now in colleges and universities believe strongly that Government is unresponsive, that it is not an instrument through which they can work, the future of the country is indeed grim."

The apparent ineffectiveness of our institutions in solving the great problems of the day—e.g., the war, racism, environmental decay—is as great a cause of disaffection as are any of the problems themselves.

7. Lack of "Credibility" in Government

A student pleaded: He wanted to believe his government, but how could he? It lied when the U–2 was shot down, when the Bay of Pigs was invaded, repeatedly about Vietnam.

Disbelief, added to fear of repression and lack of responsiveness, produces an immense skepticism of government. Only 19 percent of the students surveyed believed that troops would really remain in Cambodia for only six to eight weeks; only 25 percent believed the Administration had been frank with the

American public in the handling of the war; only 21 percent thought the Cambodian move would actually shorten the war. Skepticism produces basic distrust, polarization, and disaffection.

8. The "Validity" of the Whole System

Students ask: How can a system of government that produces a Vietnam and is unable to rectify it be valid? Are we really a good country? For many, Cambodia was the conclusive negative reply.

About 70 percent of college youth had serious doubts about the action. That war *has* been going on for nearly all their politically conscious lives. Add to this the other tensions and unfulfilled expectations of the society. Sixty-five percent of students said that our troubles stem from economic competition as a way of life; 78 percent said that the United States lacks a sense of values, is too conformist and materialistic. Serious students of government, including some political leaders themselves, worry whether we *can* solve the problems of race, poverty, health, environmental contamination, foreign war, and all the rest. Unlike previous crises in our recent history, not just individuals and policies are being questioned, but the political system itself.

9. "One More Chance"

Frustrated, disillusioned students are saying, "The system has one more chance." They are not always clear on when and how they will know whether the system has successfully used that chance—except that ending the war this summer would earn high marks. What if the system does not measure up? Some say revolution; some say they will leave the country; others say they don't know.

It does seem clear that the political activation stimulated in May will have a residual effect, leaving students more sensitive politically, more determined to take a part in the governmental process, and feeling more deeply about a range of issues. At present, a significant proportion of students say that they will direct their energies through ordinary political channels. Fifty-nine percent of those who participated in recent protests and 39 percent of all students surveyed, say they plan to participate this fall in campaigns for "peace candidates." As one letter put it, "The vast majority of moderate students see this as a desperate effort to challenge the revolutionaries and radicals and to make the system work." If those efforts are condemned, or receive no encouragement, and apprehensions about the war continue to deepen, then, as President James Hester of New York University put it, "We can expect the hardcore radicals to gain influence and increasingly violent demonstrations to take place."

The situation is beyond partisan politics. Not surprisingly, over three-fifths of the students surveyed perceived no real difference between the Democratic and Republican parties. More significantly, few present-day political leaders have extensive student support. Loyalty to existing institutions and faith in the country are crucial contemporary issues.

10. Black Students

The national emergency our nation faces is more acute for black students, by several powers of magnitude, than for other students. The fact of their lives and their sense of deprivation multiply their fears and frustrations and bitterness. We will be addressing you separately about their special emergency.

B

(*Note to Press:* A second long memorandum dated July 6 was sent to the President for the two purposes stated below. The material pertaining to the first purpose is here quoted in full.)

This memorandum does two things. *First,* it states why we believe it essential that you and members of the Administration develop as deep an understanding as possible of moods and beliefs on our campuses—and in the black community, where attitudes and behavior connect closely with the moods and beliefs of black students: *Second,* it recommends procedures to help do this during the next 12 months.

Youth and black attitudes are uniquely important to governing the United States in the 1970's.

1. The segment of black and white young people who are baffled, disillusioned, and angered are at a crucial psychological and intellectual stage in their lives, a stage that shapes lasting personal attitudes and convictions. Many talented individuals who have futures of potentially great social influence are affected. That fact alone behooves the nation's leadership to understand them and to be understood by them.

The percentage of students attending four-year institutions who are disaffected is sufficiently large to warrant concern. Look at these illustrative results from the survey made for the American Council on Education by Louis Harris during the period May 20–26, 1970. (A copy of the survey report is attached as Tab A.) (*Note to Press:* Please don't call us for copies. We have none left.)

Of the students interviewed, 17 percent characterized themselves as "conservative" or "far right" and 27 percent as "middle-of-the-road," a total of 44 percent of the sample. Among these:

[In percent]

Conservative or far right	Middle-of-the-road	
70	75	Agreed that "until the older generation comes to understand the new priorities and life style of the young, serious conflict is going to continue" (p. 37).
47	64	Agreed that "our troubles all stem from making economic competition the basis of our way of life" (p. 42).
50	27	Agreed that "except for a few radicals, most young Americans are satisfied with the direction in which America is heading" (p. 48).
57	66	Believed that "basic changes in the system will be necessary to improve the quality of life in America,"—92 percent of the blacks believed this (p. 55).
62	45	Agreed that "the recent protests and violence are a sign of serious disintegration of American society." (This and the following responses are not included in the attached report. The tabulations from which they are drawn are available to your staff.)
35	41	Believe that "it is possible to have a violent revolution in the country which would overthrow our government."
9	13	Believe that such a revolution "stands a real chance of succeeding."

These are only the *conservative* and *moderate* students. The responses from students who classify themselves as "liberal" and "far left" reveal much greater disaffection. Even with substantial sampling errors, the basic point would remain: Among an important segment of citizens on whom the future goverance of the nation inevitably will in part depend, there is significant lack of confidence in the present state of the United States.

2. We are warned on all sides that events of this summer will determine which colleges and universities open this fall, and under what conditions. A widening of the war will make it impossible for some institutions to operate normally. The residual activating effects of May promise, in any event, to keep issues alive (e.g., ROTC) and campuses tense. The elections will further agitate and politicize the campuses.

(*Note to Press:* These comments were made privately. By making them public, we do not wish to encourage the possibilities of their becoming true.)

Several dozen campuses experienced violence in May. The killings at Jackson State and Kent State heighten explosive tensions in many locales. Young blacks are on edge everywhere. Backlash and polarization add to the compound of volatility.

We have been exposed to much sober argument that our international policies simply must in the future take greater account of factors affecting what we shall call internal U.S. security. You are better acquainted than anyone else with the painful competition for the funds that finance domestic programs that affect the social health of the nation, and hence its internal security. On another front, however, the quality of feelings that lead citizens to reject order and normal authority, that lead to violence and other disruptions, are not easy to comprehend secondhand.

That is why we see the need for you to judge at close range the varieties of thought and feeling that pervade the academic and black communities. When disaffection is so widespread among conscientious, patriotic people that ability to govern in accordance with traditional precepts is called into question—and many believe this is now the case and will continue to be—the symptoms and the sources of the trouble need your personal analysis.

3. The young may be trying to tell us things we ought to hear. You should have the chance to evaluate firsthand the assumptions of those who reach different conclusions from yours about Southeast Asia. The views of youth and the trends they represent have grave political and social consequences. Effective execution of foreign policy and maintenance of respect in the world are both hampered by dissent at home.

(*Note to Press:* Please note that the following reference to a "communications gap" does not refer simply to difference in vocabulary but also to difference in assumptions and definitions. See the section following the next paragraph called "A Student's View.")

The "generation gap" and "credibility gap" are really largely a communications gap. A communications gap results when those who seek to communicate use different assumptions and definitions. A nationwide poll taken last October showed 81 percent of respondents saying that "the anti-war demonstrators may not be entirely right, but they are raising real questions that ought to be discussed and answered." It is hard to discuss and answer without a common language. Tab B, "A Student's View," suggests some of the sources of the communications gap and of the seemingly indelible differences over policy.

A student's view

This memorandum addresses three questions we have heard discussed around the White House about student attitudes and their relationship to Administration policies. We have sought to compress here the views of a "composite" student. Something like these views are held by significant numbers of activated students, although obviously not by all such students. We report these views as an aid to understanding the questions being asked, not to imply their validity nor to question their validity.

I. *Why do the President and disaffected college youth have trouble "communicating" about Vietnam?*

At least four factors are at work.

First, the President uses words that mean one thing to him but something different to many students. For example, he has emphasized that he and students both want "peace." By "peace" students mean an end of the killing immediately. To them the

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President seems to mean not that but "a just peace" and "self-determination for South Vietnam," which they see as probably meaning maintenance of a pro-American regime in Saigon, continued U.S. military presence in Southeast Asia, and whatever military action is necessary to produce these ends.

Exacerbating this difficulty is the belief of many students (shared, it is fair to say, by many nonstudents) that the course we are on has no real chance of success. They do not believe Hanoi can be induced to negotiate. They find unthinkable using enough military power to force Hanoi to negotiate. They believe the longer we keep fighting the more difficult the U.S. position becomes at home and before world opinion. They believe our leaders must understand this, and consequently when those leaders do not act accordingly by "getting out," they must be either blind or evil. Frustration to the point of fury builds up from watching us follow, at an enormous cost in human life, a policy they believe to be leading nowhere. When the President explains that we must act in Cambodia to protect the lives of American fighting men, they argue that it would be better protection to bring the men home.

The President's admirable remarks in St. Louis on June 25, 1970, showed insight into student idealism and compassion for their anxieties. The phrase "to *win* peace," however, does not describe a proper goal in the eyes of some students.

Second, what the President regards as successes, students often regard very differently. Reducing the troop level in Vietnam by sometime in 1971 to something over 200,000 men seems to many in government a formidable achievement. The President so proclaims it. Yet to the young, who face the draft and think on the time scale of youth, these withdrawals seem wholly inadequate. Their attitude should not be mistaken for that of a draft-dodger in World War II. They are not seeking to avoid personal danger. Rather, they abhor personal involvement in a war they perceive as "immoral." Hence, a plan to have a troop level of over 200,000 men next year, and possibly indefinitely, seems intolerable—to the point that some of them say they would prefer to kill and be killed in a revolution at home to being involved in an immoral war abroad.

Third, to some students, the President appears not to understand the nature of the crisis that has come over the country. He speaks of "deep divisions" in the country. But "deep divisions" suggests a serious disagreement in a stable society, a matter of different groups holding different opinions, whereas students perceive the situation in radically different terms. They see not just differences of opinion, but rather the whole social order as being in a state of erosion. In the St. Louis speech the President said, "we should do something about it and not allow that division to become something that eventually could erupt and destroy a society." The student says the division is already erupting and destroying the society.

The President's visit to the Lincoln Memorial on May 9 was a splendid act. Reports got about, however, that the President passed pleasant queries about surfing and football. That offended students who felt immersed in a national tragedy, like telling a joke at a funeral.

Fourth, and this really underlies the other points, the President and some students proceed from vastly differing assumptions. The Persident says "America has never lost a war," as if "winning" or "losing" were the important consideration. He seems to them to hold attitudes derived from the Cold War, such as the domino theory, and to view Communism in Southeast Asia as a source of danger to America. Wrongly or rightly, many of our best informed students do not share these assumptions.

The President speaks of maintaining "national honor" and implies that this can be done through military power. Students distressed with the failure of their country to achieve all its ambitious ideals at home and abroad think of "national honor" as something yet to be attained. They see the Vietnam war and its effects at home as obstructing fulfillment of their concept of national honor. Just as an earlier generation fought in World War II to *preserve* the nation's ideals, they want to end the war to help *attain* the nation's ideals.

The President presents the goal of "self determination" for South Vietnam as a rationale for our military involvement. To students the cost is too high, so much too high as to make the war "immoral." A faculty member wrote from . . . :

". . . at the root of the opposition to the war in Indo-China is the moral revulsion to the carnage undertaken in our name. Peasant societies are subject to the most awesome destructive technology that man can devise; huge areas are depopulated into free fire areas; defoliants, pesticides, and herbicides scorch the earth, and bomb craters create a moonescape; great masses of people are uprooted from their ancestral lands and turned into refugees in their own countries, and war spares neither the elderly nor the women and children. Surely such death and devastation are out of proportion to whatever objective we might hope to achieve."

II. *Why are students not impressed by Soviet atrocities such as the invasion of Czechoslovakia?*

The apparent insensitivity of students to Soviet actions and to evils in the Soviet system is at least partly explainable by considerations like these: *First*, they feel that by the wrongness of our own policies, such as the war in Vietnam, we have lost our moral standing to condemn other countries. *Second*, there is an obsession with our own problems, a feeling that our own crises should occupy all our attention. *Third*, the fear of Communism is less than existed a decade ago.

Students perceive the Czech invasion as one more evil action by a powerful imperialist government, but they don't perceive it as a threat to the United States. Since the Sino-Soviet split, they see Communism as consisting of different and often competing national governments and styles. The Russians appear to repress their satellite countries, but students see that fact as parallel to American domination in its sphere of influence (the Dominican Republic, Guatemala, economic exploitation, etc.). They see the Russians as, no better than we, maybe not as good, but feel more responsibility for our actions than for those of foreign powers.

III. *How do they compare the United States with other countries generally?*

Instead of viewing the United States as in competition with other great powers, or as being potentially threatened by them, the students we speak of tend to be suspicious of all national powers, including the United States. As the President said in his "State of the World" message on February 18, 1970, "Today, the 'isms' have lost their vitality—indeed the restlessness of youth on both sides of the dividing line testifies to the need for a new idealism and deeper purposes." A generational loyalty appears to develop, a loyalty to young people internationally, that transcends national loyalties.

A tendency toward an *absolutist* conception of moral values helps to make it impossible for these students to be satisfied with the comparative superiority of the U.S. in striving for social justice and equality. Rather than emphasize what is good about America, most students emphasize what could be better about America (which frequently appears to be merely an emphasis on what is wrong with America). Therefore, any form of injustice and inequality, such as is evident in our racial problems, is taken as an indictment of the entire social system, regardless of its improvements over the past, or its relative superiority over other societies.

C

(*Note to Press:* Because Dr. Cheek and I were advising the President, we concerned ourselves primarily with the relationship of Federal Government actions and policies to campus beliefs and events. To put our conversation in broader perspective, I sent him the following statements in a memorandum, dated July 16. All language except that pertaining to specific recommendations is included.)

In seeking to understand the "causes and cures" of student disaffection, perhaps an imperfect analogy to human illness helps. There are symptoms, particular ailments that produce the symptoms, and a general level of susceptibility to illness. Many of the observations and recommendations made by President Cheek and me to you have concerned symptoms—the seriousness of prevailing discontent and hostility. When fever is raging, the first therapeutic need is to reduce it. We have also had a few things to say about the next need, to attack the conditions that produce the symptoms—the policies and actions of colleges and universities of other types of private institutions in society, and of government. Since our mission has been to advise the President, we have focused our observations and suggestions on what you and the U.S. Government might do, rather than where our attention usually is, on ourselves.

We have not addressed systematically the conditions of "susceptibility," the worldwide assertion of individual personality against institutions and traditions, which sometimes manifests itself as a crisis of authority and self-discipline. I will not speak of this last matter except to applaud your own awareness that we are dealing with a social condition found in all categories of nations. That condition is doubtless related to contemporary existential thinking, and also—among other things—to erosion in all cultures of stabilizing influences of family, religion, education, historical tradition, etc. This erosion, in turn, is probably a consequence of magical increases in mobility, communications, and the rapidity of institutional change.

Certain factors at work are beyond your influence. Certain factors that lead to campus disruption are beyond the control of the college or university president. The painful part is that when the campus comes apart, regardless of the reasons, the campus president gets the blame, and often the gate—simply because he couldn't make the show go. Even those who think he did right desert him because he could not get enough others to do right, too. (One must not only be right, but also succeed!) Similarly, if the U.S. has a sustained, serious, national campus crisis, an unwelcome share of the "responsibility" may be assigned to you simply because there is a problem and you are in office.

Educators have a lot of work to do for themselves. At my first meeting with you on May 12, George Shultz said, profoundly, that the big question now is "What is a university for?" American colleges and universities are being forced to make basic reappraisals of their purposes and working requirements. If we in education are smart enough and lucky enough, we will largely lead the reappraisal and take whatever actions are indicated ourselves. Much inventive energy will be directed by able and dedicated persons to answering George Shultz's question, and also to creating and maintaining (or recreating) the conditions of intellectual freedom necessary for any of the basic functions of a college or university to be performed well.

Your principle of Federal "non-interference" in internal educational affairs is wise. As educators assess their own processes, however, remember that colleges and universities are so much a part of national life that they can never do this alone. The American university is probably the central secular institution in our society, aside from government itself. In our day, more aspects of our national life ultimately depend on the university than on any other type of institution. Inevitably, many persons outside of education will be involved in the processes of reassessment and change, the Federal Government not least among them.

Federal policies shape higher education, in ways intended and anticipated by both government and educators, and sometimes with side effects not foreseen by either. The G.I. Bill of Rights after World War II, subsidy of medical and scientific research after 1951, subsidy of graduate education through the National Defense Education Act of 1958, construction loans and grants, tax policies to encourage private donations, and all the rest, were designed by the Federal Executive and Congress—in proper exercise of their functions—to achieve national objectives. In clear ways like these, as well as for more general reasons, Federal policies directly affect what colleges and universities do, and how they do it. In years ahead, Presidents of the United States will probably need to look at higher education through more concerned and sophisticated eyes than deemed necessary or appropriate in years past.

Higher education can accept a share of responsibility for the symptoms that have concerned our mission—distrust of government, frustration on campuses, etc.—but its doing so should not obscure the role of Federal policies in producing these symptoms.

One campus representative after another has emphasized his deeply held conviction that, as long as our "national priorities" remain unchanged, no improved Presidential communications or understanding will soften tensions and dissipate alienation and disaffection. The tough version says that the only communication that counts is action, and the only action that counts is "getting out" of Vietnam and applying ourselves more effectively to home difficulties.

To describe or predict a condition is not to favor it. To foretell the near or distant future is very difficult. It does appear to me and my colleagues that if the Vietnam war is thought to "expand" (as was the case with the Cambodian action), the consequence will probably be further internal campus turmoil including some violent protest, increased radicalization of many students and some faculty, alienation of large numbers of presently moderate students, and the intensification of hostile reactions both on and off the campuses to these developments. As during last May, it would be difficult for some institutions to operate normally.

When the war is brought to an end, the salient issue, though not the only issue, of radical student protest will have been removed. Only when that happens can steps to restore the confidence of the disaffected young in the political system be most effectively taken. Though most students feel that student activism will continue, an end to the war will reduce the volume and volatility of campus dissent.

If involvement in Southeast Asia continues generally its present course, with periodic, moderate decreases, steps to restore confidence on the campuses in the the effectiveness of public policies, and to bring the country together, ought to have, and appear to have, certain qualities.

First, students, blacks, and others who are disillusioned simply must feel that their President has sincerely listened to them, listened with an ear willing to learn from them. They want assurance that he has given thought to their feelings and views, and even though not always agreeing with them, has taken those feelings and views seriously into account in making national decisions.

Second, the policies adopted and steps taken that respond to concerns of the disillusioned must be recognized and understood by them as doing just that—if their confidence is to be restored. In other words, measures taken that benefit, for example, American blacks, must be clearly identified and communicated so that those concerned know what has been done and for what purposes.

Third, the measures adopted must also add up to a sense of national leadership and common purpose. They must also have the subtle psychological element that somehow conveys the feeling that we are moving forward together.

All of this is easier to say than to do. The recommendations in my memorandum of July 7, 1970, and the comments on vocabulary difficulties under its Tab B, are designed to help. So are the recommendations later in this memorandum on engaging youth in government and improving communications.

Some realist might well ask whether the students, faculties, blacks, and the others warrant all this energy and emphasis. They do. The importance of the symptoms that have concerned us, and their causes, goes beyond manifestations of unrest and protest. Power takes many forms in society. We are familiar with military power, financial power, governmental power, political power in organized groups, and other effective influences. *Intellectual power ought not to be forgotten.* Time and again in the world's history, ideas have prevailed over other forms of power, from the teachings of Jesus through those of Tom Paine and Karl Marx to those of Adolph Hitler. *Intellectual power* is at work in new ways in the United States. New ideas are challenging established ways—which is the most important fact of all to be acknowledged and understood.

(*Note to Press:* The following paragraph opened the section on recommendations.)

Young people, in all their variety and conditions of organization, need to be viewed as full-fledged constituents of government. Effective participation in politics and government by them increases their understanding of government (and therefore often their patience with it), increases their acceptance of the results of community decision-making processes (local, state and national), and increases their influence over substantive policy, thereby sometimes improving the quality of public decisions.

D.

(*Note to Press:* This memorandum was prepared by Dr. Cheek and was dated July 22, 1970. Much of its content was discussed with the President prior to that date. All language except that pertaining to the recommendations is included.)

This memorandum is provided as a follow-up to the several memoranda that Chancellor Heard and I have provided in connection with our special mission on colleges and universities. The justification for providing a separate memorandum on the "Black Institutions and Black Students" lies in the fact that while these institutions are faced with the same general problems and issues that face all institutions of higher learning, they are sufficiently distinctive to warrant special consideration and attention.

No effort is made in this communication to treat the subject systematically or in great depth. What this memorandum does seek to do is to provide you with a quick overview of the context in which the condition of black institutions and black students can be viewed and to highlight some specific aspects, which hopefully, may clarify some questions. Specific recommendations for your consideration are included.

I. General overthrow

"Campus unrest" among black students has its genesis in and is related to the total socio-economic situation of black Americans in 1970. It represents in microcosm the macrocosm of opinion, feelings and attitudes of the black communities in general across the country. The frustration, anger, outrage, fears and anxieties of black students are expressive of the same feelings and emotions which exist among a large spectrum of the black population—"moderate" as well as "militant." Today there is not an appreciable difference between the feelings and attitudes of these generalized categories; the principal difference may lie in the degree of faith each has in the ability and willingness of the government (Federal) to be responsive to the legitimate goals and aspirations of black Americans.

Black students and black institutions of higher learning also must be understood and seen in the context of the overall contemporary struggle of black Americans.

In the latter 1960's, especially among the college age population, the struggle of black Americans began to shift its focus from that of "civil rights" to "social justice."

This is not to suggest that "civil rights" did not—and does not now—remain a concern, but the ethos and spirit of "social justice" are grounded largely in issues related to equity, opportunity and human dignity. The emergency of concepts of "black power," the increasing emphasis upon black pride, black identity, black unity, black studies in the universities, etc., are all expressive of this changing focus among black college students, and to some extent among other segments of the black population.

It can be said that civil rights dealt with issues of being American citizens and directed its interest toward changes in the law. Social justice, however, grows out of the consciousness of black Americans *as human beings* and as members of a society whose principles are founded in the honoring and preserving of human rights, human liberties and human equality.

In sum, what has been called the "black revolution" can be characterized as more fundamentally in the spirit and character of the original "American Revolution."

There is among the black students much of the rhetoric, passion and commitment that characterized the original "radicals" in the 1700's who are national heroes and regarded as our "founding fathers."

Black Americans see themselves today in relation to their government in much the same way as Hamilton, Jay, Madison, etc., saw themselves in relation to the "Mother Country." There is beginning to emerge among the black leadership a delineation of the grievances against the "establishment" which echoes the "Declaration of Independence."

The achievement of the goals of social justice will be harder to achieve than those of civil rights. The issue of civil rights addressed itself to changes in our laws; that of social justice addresses itself to the character of the American society. The fulfillment of social justice will require a fundamental redistribution of the nation's opportunities, rewards, benefits, and powers. Such a redistribution must affect all minorities—the disadvantaged and disprivileged segments of our society—but, because black Americans are the largest and currently the most volatile of such groups, immediate attention must be given to their needs and grievances; and, in so doing, the other minorities that are disadvantaged and dispriveleged can also be accommodated.

In the struggle for social justice, *educational opportunity is vital and strategic.* The rewards, benefits and powers of the society—which black Americans now seek—depend for their realization on *equity* in the opportunity of access to education beyond the high school, and on the successful completion of such education. Higher education leading to the standard or traditional degrees is critical as opposed to technical and vocational training for this segment of the black population. The "Booker T. Washington philosophy" will not do and every effort must be avoided to suggest that this approach represents national policy in educational opportunity for black youth.

II. Specific Observations

The following specific observations may be helpful:

A. The new black outlook

There are special characteristics that differentiate the mood and posture of the black college community from the broader higher education community. The attitudes and postures of the black college community are based on past and present experiences with racially defined issues. These issues are more sharply drawn by the fact that most of these colleges are in the South. Though progress has been made, the underlying inequities based on racial issues have been harder to endure. As many students view it, no promises are the norm. Where promises are made, broken promises are the expectation. In any period there is cynicism and skepticism. The students and faculty hope for the best and prepare for the worst.

Against this background the war in Vietnam is an additional issue that aggravates and intensified feelings already there. If the war ended today, however, and the draft ended the day after that, it would not significantly reduce the feelings of cynicism and distrust among black college youth or the potential for more unrest. In fact, the ending of the war without some accompanying dramatic attention to their historic problems would increase their feelings of doubt that the basic institutions in the society will be responsive to their needs and to those of their colleges.

Higher education for many black youth increases their intellectual grasp of the current inequities and how deeply embedded they are in the fabric of American life. Thus they feel more keenly how difficult it will be to achieve equality of income, housing and equal education for their future offspring. A stronger sense of history among this generation of black youth impresses them with how long and hard it has been for their parents and grandparents to get this far. They are now re-evaluating all the basic strategies used by the established civil rights groups. The black community is in what might be described as a "generational transition" with respect to the question of how best to achieve social justice and equal status as citizens and as human beings. This "generational transition" began before the Vietnam war and before this Administration took office. There is then, an opportunity for this Administration to take advantage of this searching for new strategies among black youth. Students say there are "political wolves" in the South and "political foxes" in the North—which means that these young black students have no strong allegiances to traditional political alliances or strategies. They are looking for what works and what gives them some sense of control in working out new directions—as against those new directions worked out by others, e.g., "liberal" social planners.

B. Police-student relations

Another special characteristic of the problems of unrest on black college campuses is the nature of student perceptions of all law enforcement agencies. Decades before the current antipathy between white college youth and policemen, black students viewed police officers with suspicion, hostility and fear. Very few black persons in southern communities expect fair treatment at the hands of law enforcement agencies. College students come out of those communities. It is of great importance and significance to these youth that so many black persons in the South have been murdered in the last decade and so few convictions for murder have occurred. Some of the more cynical black students had only the comment "now they know how it feels to be black" after the police-student confrontations in Chicago in 1968 and after the Kent State slayings last May. When such things happen to white students it creates greater fear as to what will happen to black students at the hands of the police and the national guard. Jackson State, following the Augusta slayings, confirmed their worst apprehensions.

C. The Higher Education Opportunity Act of 1970

The approach to student unrest on black college campuses must deal with the fact that the status and the financial support patterns of the black colleges are an extension of the students' own unequal status and needs. These students have struggled through many handicaps to get to college and in finding ways to survive there. Half of them come from small towns and rural areas in the South, the sources of the congestion and social dynamite in the hearts of our major cities. Two-thirds of them come from families with less than $5,200 family income, compared to 60 percent of the national college population with family incomes of $10,000 or better. Most parents of black college freshmen have less than a high school education, a third of the fathers went only as far as grade school, and a third of both fathers and mothers are domestics or laborers—yet these families are producing college freshmen, not delinquents or welfare cases.

When one talks about initiative, determination, and sheer grit within the American social order, these college freshmen represent tens of thousands of miracles based on just those qualities, and precious little else. Somehow these families have given their children the guts and fortitude to stick it out in poorly equipped and understaffed high schools and to go on to enter college.

The great needs of these students make clear the correctness and foresight of the policy expressed in the Higher Education Opportunity Act of 1970 in targeting subsidized loans and outright grants to students from low income families. Implementation of this legislation is vital to maintaining and increasing the opportunity of higher education for black youth.

III. A Note of Recommendations

Detailed recommendations were made to the President on a number of subjects. Some of them proposed particular assignments for named individuals. Implementation of some of the proposals might be handicapped by making them public. All of the recommendations, like the comments on campus conditions reported above, were drafted as private communications to the President.

Among the subjects on which we made recommendations are the following:

A. That the President increase his exposure to campus representatives, including students, faculty, and administrative officers, so that he can better take into account their views, and the intensity of those views in formulating domestic and foreign policy.

B. That the President designate a senior staff member in the White House to have special responsibility for White House liaison with higher education.

C. That the President arrange for the considerable knowledge of higher education already available in United States government agencies, especially the Department of Health, Education, and Welfare, to be put more readily at his disposal.

D. That the President increase his exposure to representatives of the Black community and other racial minorities.

E. That the President take initiatives welcoming young people into political and governmental processes.

F. That the President initiate an assessment of youth opportunity programs in the Federal government, looking toward their enrichment and better utilization.

G. That the President take steps to improve two-way communications with the campuses of the country through activities in which he, White House staff members, and others in government participate.

H. That the President and others undertake to understand the fears of "repression" among certain groups in our country and to understand the realities underlying those fears.

I. That the President use the moral influence of his office in new ways designed to reduce racial tensions and help develop a climate of racial understanding.

J. That the President increase involvement of blacks in domestic policy formation and develop an ongoing Federal mechanism for research and action on minority problems.

K. That the President act immediately to provide additional student aid funds for the coming academic year to economically disadvantaged students.

L. That the President seek to provide special additional assistance during the coming academic year to those institutions primarily serving black youth.

M. That the President make a long-term commitment to assist predominantly black colleges and universities to enable these institutions to increase their enrollment and improve their academic programs.

From time to time Dr. Cheek and I have made other recommendations to the President, orally or in writing.

NATURAL GAS AND OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BUSH) is recognized for 10 minutes.

Mr. BUSH. Mr. Speaker, exploration for oil is a very risky business. Only one out of nine exploratory wells encounters any trace of oil or gas. And, only one out of every 50 exploratory wells produces enough oil or gas to repay its costs. It is clearly in the national interest that we find gas and make it producible. One of the big factors in producing gas is the wellhead price. If it is too low, there will be no incentive—no matter how great the demand—to produce it.

Domestic oil from within our own borders is our only secure source of petroleum. The degree of lack of comprehension by the critics of the oil industry of this one essential fact is to me the tragedy of the whole problem. Because of the opposition to this industry and the incentives necessary to make it work, we have seen a retardation in the development of new domestic oil reserves and as a result are rapidly approaching the time of maximum deliverability from all of our domestic petroleum reserves.

Thus, this Nation is facing a critical shortage of natural gas. Petroleum now supplies each U.S. citizen with almost three-quarters of his total energy needs and of this amount about 40 percent is in the form of natural gas. The demand for energy from natural gas is increasing. The supply is not. The share of natural gas in total U.S. power use has risen from 15.5 percent in 1947 to approximately 40 percent this year. During 1961 the petroleum industry drilled over 46,800 wells in the United States. Last year only 30,800 wells were drilled and I can see no reason why this downward trend will not continue.

There is no adequate substitute for natural gas. Coal production is in short supply and our projected nuclear energy plants are lagging so far behind that they will not be able to meet our demands.

To freeze gas and bring it in tankers to the east coast would cost five to eight times the current wellhead price of gas in Texas. And, what happens to this Nation if our base load supplies of natural gas come from a country subject to constant revolution and subversion?

Tanker rates that were, only a few months ago, less than $1 per barrel from the Eastern Mediterranean area to the east coast of the United States are now approximately $2.50 per barrel and more for replacement oil from the Persian Gulf. This transportation charge, when added to the price of the oil, results in competitive domestic oil from Texas and Louisiana being laid down on the east coast at prices that were less than oil from the Middle East.

The rapidly increasing prices for imported crude oil should serve to warn those who would import liquified natural gas by tanker that their prices also may be subject to sudden rise.

The tanker shortage not only affects the crude oil at east coast refineries but it affects equally the consumers of fuel oil in the East and North Central portion of this country. As a consequence of sophisticated petrochemical technology the national output of plain heavy residual fuel oil is low and decreasing every year. We now consume approximately 1.8 million barrels each day of residual fuel oil but only manufacture 700,000 barrels. The remaining 1.1 million barrels are imported by tanker from foreign sources. Here is where the real squeeze is developing from the tanker shortage. There is not enough natural gas to substitute for the unavailable fuel oil. The large interstate pipeline companies cannot supply their existing customers. So not only is fuel oil not available as a replacement for gas, more gas is needed to replace the gap caused by the shortage of fuel oil.

Geological authorities in whom I have confidence state that tremendous reserves of oil and gas are yet to be found on this continent and on the submerged lands of the Outer Continental Shelf. I have urged the Secretary of the Interior to hold the lease sales for offshore western Louisiana at an early date. Alaska has promise, but it will be years before any great volume of crude oil and natural gas found in the Prudhoe Bay area will be available in this country.

Clearly the decline in exploration must be reversed. Last Wednesday at the Federal Power Commission hearing in Midland, Tex., I urged the Federal Power Commission to:

First. Remove the low ceiling prices for natural gas sales previously set for Texas. If prices are to be regulated, market forces should be the key factor for determination, rather than use of cost data which reflects only past, not future conditions.

Second. Review the whole question of regulation of gas prices at the wellhead. Legislation to free the individual gas producer from utility ratemaking control would, to my way of thinking, do much to stimulate the exploration for gas.

Third. Take all steps possible to expedite the resolution of price-setting proceedings. Hearings have taken from 5 to 8 years to complete. This delay, with its resultant uncertainties for both consumers and producers, has contributed to our present situation.

Fourth. Do everything possible to reduce the uncertainty which now plagues the gas industry. Producers find it difficult to arrive at long-term decisions concerning investment in exploratory activities when their expectations as to future prices may prove ill-founded. The Commission has in the past reduced prices which producers could receive for gas sales even though the contracts under which these sales were made had been certified years earlier by the Commission. Reliance by the industry upon its long-term contracts would go far toward encouraging the search for new supplies.

Today, along with 17 of my colleagues, I am introducing a Sense of Congress Resolution takes into account this critical gas shortage and suggests that the answer lies in less regulation and a return to the free market pricing of natural gas. This resolution would go a long way, in my opinion, toward inducing the FPC to take the steps I suggested in the hearings in Midland. At this time, Mr. Speaker, I would like to have the text of the resolution printed in the Congressional Record, as follows:

Resolution Relating To the Protection of Consumer Supply of Natural Gas

Whereas a shortage of natural gas exists in some areas of the United States;

Whereas this shortage will spread to other areas of the United States during the coming months unless immediate corrective action is taken;

Whereas severe hardship would accompany such shortages;

Whereas it is in the best interest of the Nation and of the consumer to alleviate this shortage by securing adequate domestic supplies of natural gas to meet the present shortage and future demands for natural gas;

Whereas natural gas is a desirable fuel because it pollutes least of all fuels;

Whereas the Federal Power Commission regulates the price of natural gas paid to the producer of natural gas;

Whereas the main cause of the shortage of natural gas in the United States is the low price paid to the producer;

Whereas exploring for natural gas is a relatively high risk endeavor;

Whereas there must exist adequate economic incentives for those who explore for natural gas;

Whereas one necessary incentive is the assurance that the price received by the producer will be high enough to reward the high risk of invested capital;

Whereas the free market mechanism is the best method for determining the price to be paid to the producer for his gas;

Whereas the Federal Power Commission intends to reconsider the price of gas to be paid to the producer under contracts entered into by the producer after June 17, 1970; and

Whereas the urgency of the situation requires immediate action: Now, therefore, be it

Resolved, That for the above reasons and in consideration of the above facts, the House of Representatives hereby goes on record that it favors the free market mechanism as the most desirable method for determining the price of natural gas to be paid to the producer of natural gas; that the present price of natural gas as determined by the Federal Power Commission is too low to provide the necessary economic incentives to explore for new reserves of natural gas; and that it is in the best interest of the Nation and the consumer to allow the price of natural gas to be paid to the producer to seek its own level in the free market as this would tend to guarantee continued existence of adequate supplies of this desirable fuel.

Mr. PRICE of Texas. Mr. Speaker, I rise to commend the distinguished gentleman from Texas for his interest in this issue and to join with him in cosponsoring this legislation expressing the concern of the House of Representatives over the current domestic natural gas shortage.

I have discussed this matter at some length with my good friend and colleague (Mr. Bush). As a result of our conversations, I sent out a joint letter to several other Members whom we thought might also be interested in this issue, We were both pleased and gratified that 16 of our colleagues shared our concern, and we welcome as cosponsors of the resolution:

Jim Collins, Page Belcher, Ed Foreman, Laurence Burton, John Paul Hammerschmidt, Keith Sebelius, Garner Shriver, and John Wold.

George Mahon, Robert Poage, Ed Edmondson, Earle Cabell, Omar Burleson, O. Clark Fisher, G. V. Montgomery, and Graham Purcell.

We also hope that other concerned members will join us in this nonpartisan effort to encourage the resolution of the natural gas shortage problem.

According to recent reports, the 12 major interstate gas transmission companies will be unable to meet an estimated demand of 3.1 billion cubic feet of natural gas per day for this coming winter. Even given the possibility that this figure includes some duplication in supply patterns, it is still a staggering deficiency. It means that many homes this winter, particularly those in the Northeastern United States, will be without sufficient supplies of natural gas.

This shortage will not disappear overnight. Given the economic conditions in the petroleum exploration industry and current Federal Power Commission regulations, it may well take 4 to 6 years before new gas reserves can be established.

It appears that Federal Power Commission policies have contributed much to the current shortage. To be fair to the Commission, however, all of these policies were not of its own doing. Certain of them were imposed on the Commission by virtue of court orders, and decrees, and changing times. Be that as it may,

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though, it is clear that FPC pricing policies are outdated and stand in sore need of revision. For the short run, I would recommend an immediate 10-cent-per-thousand-cubic-foot hike in natural gas prices at the wellhead. In the long run, I would suggest that the price for natural gas could best be established by the unfettered operation of the open market.

Mr. Speaker, the present shortage in natural gas reflects the folly in Government's interfering with the operation of the free market system. I am confident the market system has the strength and ability to resolve this problem if only we give it the opportunity.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In the past 30 years over $2 billion has been spent in the United States to conquer cancer. The number of people with cancer who are saved has increased from 1 in 5 in 1940 to 1 in 3 today.

CANNED FOODS ARE NOT GOOD INDEFINITELY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 5 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today asked the Federal Trade Commission to enjoin the national canners from continuing to deceive the public with claims that canned foods are good indefinitely.

The average person believes that food cannot deteriorate in a vacuum. The canners have been spending vast amounts through their trade association to play on the public's confusion.

The Department of Defense has done studies which developed specific storage lives for canned and baby foods and thus contradict the canners' claim. The studies, used by PX's with respect to food sold to civilian dependents as well as for military rations, were done by Natick Laboratories of Natick, Mass., and are based upon laboratory and field testing, work done by the University of Georgia, and technical data provided by individual canners.

The canners give the Department of Defense one set of data and turn right around and through their trade association attempt to convince the public of the direct opposite.

Even if contradictory evidence were not available, the canners would still be guilty of unfair and deceptive practices since they have no evidence upon which to base their claims.

A recent FTC ruling requires technical claims to be backed up with scientific evidence. Representatives of the canners association told my office they had no scientific studies to justify their claim and simply relied upon experience.

They did, however, attempt to justify their claim by producing a Food and Drug Administration factsheet, which turned out to have been based upon information supplied by the canners association, and which is being rewritten.

Many canned items are being sold far after the time they should have been removed from the shelves. A case of strained baby meats recently purchased by a woman in Baton Rouge, La., turned out to be 8 years old, despite a storage life of 18 months. A case of mayonnaise purchased by a woman in Pennsylvania included five rancid jars more than 2 years old. Mayonnaise is good for 6 months. A suburban Chicago woman recently purchased a can of 5-year-old chicken. Canned chicken is good for 3 years.

I have previously introduced H.R. 17005, legislation to require the dating of packaged foods and filed a petition with the FTC to accomplish the same objective.

This situation demonstrates why canned foods should be included in any open dating regulations or legislation.

The housewife who finds many canned items spoiled when she opens them may think she is just having a run of bad luck if she listens to the canners association. I have asked the FTC to act so that she will know that all these years she was not the only one having such bad luck.

I insert in the Record at this point my letter to the Federal Trade Commission, U.S. Armed Forces shelf life regulations based on Natick Laboratories' studies, and related material.

August 5, 1970.

Hon. Caspar W. Winberger,
Chairman, Federal Trade Commission,
Washington, D.C.

Dear Mr. Chairman: Food industry advertising and promotional material conveys much of the information the consumer relies upon in determining what she buys and how and when she uses it. This is especially true of canned foods, an understanding of which requires complex laboratory testing and lengthy studies. The average person is confused about the properties of a vacuum and even more so about the properties of the vacuum can which, in terms of commercially available food products, is not a total vacuum.

The National Canners Association, 1133 20th Street, N.W., Washington, D.C. 20006, is the trade association representing the canning industry. It is also one of very few major trade associations which does not make its budget public.

In its advertising and promotional material, which is circulated to schools and the Federal government as well as to the general public, the association claims that canned foods will last "indefinitely." A typical example is found in the association publication entitled "Know your canned goods." To the question, "How long will canned foods keep?", the publication answers "Indefinitely, if nothing happens to the container to cause a leak. . . ."

The Canners Association claim is flatly contradicted by shelf life schedules produced by Natick Laboratories of Natick, Massachusetts, an experimental facility under the jurisdiction of the U.S. Army. Over the last 20 years, Natick has conducted numerous tests on storage lives of virtually all food items, civilian and military. In its latest findings published as Army and Navy regulations, applicable to sales by military PX's to military dependents, Natick sets forth specific shelf lives not only for perishable and semi-perishable foods, but for baby and canned foods as well. For perishable and semi-perishable foods, for which industry shelf life tables are available, there is general comparability on the figures.

The assessment of shelf lives by Natick is based upon information from its own laboratory and field tests; surveys conducted for it by the University of Georgia, and testing and information provided them by various canned food manufacturers. The canners have been giving Natick one set of data, upon which it has been able to develop specific shelf lives for canned foods, then turning right around and through their trade association have been attempting to convince the public of the direct opposite; that, in effect, canned items do not have specific shelf lives.

The head of the Reaction Mechanism Group of the Food Chemistry Division of Natick Laboratories told my office that while canned foods which have been stored for a long period may be technically safe to eat and even contain nutritional value, because of the change in taste, smell and appearance, like sour milk, few would find it appealing.

He told my office that unlike most perishable and semi-perishable foods, canned foods do not suddenly spoil, but that change in color, smell and appearance take place gradually over a period of time, and occur as a result of 1) the presence of even a token amount of oxygen; 2) chemical reactions even in the absence of oxygen; and 3) reactions between the food and the material composing the can.

The Natick shelf lives are based upon the point in time at which the food item should reach a condition making it generally unacceptable to a human being as food even though it may be safe and nutritious. A brief summary of the above conversation appears in the attached letter.

It appears to me that the National Canners Association is attempting, through its claim that canned foods are good "indefinitely", to play on the complexity of the subject matter to deceive and mislead the public as section 5 of the Federal Trade Act defines "unfair and deceptive advertising." I urge the Commission to instigate proceedings to enjoin the Canners Association and the individual manufacturers from continuing this deception.

Even if contradictory, independent evidence were not available I believe the canners would still be guilty of unfair and deceptive practices since they have done no scientific testing to verify their claims.

The Commission in its hearing notice of July 6, 1970 in the Matter of Pfizer, Inc. (Docket No. 8819), states that by making certain advertising claims "respondent represents, and has represented, directly or by implication, that each of that statements respecting the pain relieving properties of the said product has been substantiated by respondent by adequate and well-controlled scientific studies or tests prior to the making of such statements." Such a situation applies to this situation.

Representatives of the National Canners Association told my office that they had no studies on which to base their claim and simply relied on "experience." This is particularly surprising as the Canners Association operates an extremely well-equipped laboratory.

In response to an inquiry from my office as to the basis for their claim that canned foods are good "indefinitely," the representatives of the National Canners Association produced

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a publication copyrighted by them in 1929, which had only an intangible bearing on the question, and upon which they indicated they were not relying. When pressed, they produced a quote from a fact sheet produced by the Food and Drug Administration. A subsequent check with FDA produced evidence that this fact sheet, revised in 1969, was partially based upon information provided by the Canners Association, and that the fact sheet was currently being revised in connection with this question. Finally, the two representatives of the National Canners Association admitted that their organization had not conducted any scientific studies to verify their claim and simply relied upon "experience."

I believe this situation falls under the precedent set by the Pfizer case, and even without taking into account the contradictory evidence, should be declared an unfair and deceptive practice within the purview of section 5 of the Federal Trade Act as above stated.

Commission action to correct this deception is important, not only to enable the consumer to better plan her purchasing and potential storage of canned and baby foods, but to make the food retailer aware of the limited shelf life of such foods.

I have uncovered many examples of canned items being sold at or far after the time they should have been removed from the shelves according to the Natick data. A case of strained baby meats purchased in May, 1970 by a woman in Baton Rouge, Louisiana turned out to be eight years old, despite a shelf life of 18 months. A case of mayonnaise purchased by a woman in Pennsylvania included five rancid jars more than two years old. Mayonnaises are good for six months. A suburban Chicago women recently purchased a can of five year old chicken. Canned chicken is good for three years. My own staff studies found many Washington supermarkets selling soup a year to a year and a half old.

The housewife who finds many canned items spoiled when she opens them, may think she is just having a run of bad luck if she listens to the Canners Association. I urge the Commission to act so that she will know that all these years she was not the only one having such bad luck.

This situation further documents the need for quick action on my petition of June 9, 1970 requesting a rule to require the last date a food item can be sold to appear on the label. That rule (or any legislation) should most certainly apply to canned foods as well as to perishable and semi-perishable items. I ask the Commission to incorporate by reference this letter and the accompanying documents into the record of that petition.

With kind regards, I am

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

[From the Technical Manual for Storage and Material Handling for the Departments of the Army; the Navy, the Air Force, U.S. Marine Corps; and the Defense Supply Agency, June 17, 1969]

CHAPTER 5—STORAGE OF SPECIAL COMMODITIES

TABLE I.—*Storage life of frozen subsistence at 0°F or below*

[Approximate storage life, months]

Apples	18
Apple juice, concentrated	30
Asparagus	10
Bacon: [2,3]	
Slab, type I	5½
Slab, type II	12
Sliced, type I	1½
Sliced, type I, vacuum packed	3
Sliced, type II	2¼
Sliced, type II, vacuum packed	4½
Beans:	
Green	10
Lima	14
Wax	10
Beef: [2]	
Boneless, fabricated (without ground meat)	10
Boneless, fabricated (with ground meat)	8
Carcass, wholesale cuts	10
Corned	6
Dried, sliced	12
Ground	4
Ground patties	3
Liver, whole or portion cut	4
Tongue, fresh	4
Tongue, cured or smoked, type 1	6
Tongue, cured or smoked, type 2	4
Blackberries	18
Blueberries	18
Bologna: [2,3]	
Lebanon	8
50 percent beef	3–4
60 percent beef	3–4
75 percent beef	6
Boysenberries	18
Bread dough [2]	6
Bread yeast raised (and rolls fresh) [2]	6
Broccoli	14
Brussels sprouts	11
Butter prints and patties [2]	12
Carrots	24
Cauliflower	14
Cervelat: [2,3]	
Dry	6
Soft (thuringer)	3–4
Cherries, RSP	24
Chicken: [2]	
Parts, cut up, ready-to-cook	8
Whole, ready-to-cook	10
Clams, shucked [2]	9
Corn	24
Corn on the cob	9
Cream [2]	8
Dates	12
Duck [2]	10
Eggs:	
Whole (including table grade) [2]	9
Whites [2]	12
Yolks, sugared or salt added [2]	12
Fish, fillets, portions, steaks (varies with species) [1]	3–9
Frankfurters—50 percent beef, 50 percent pork: [2,3]	
Type I, carton	½
Type I, flexible package	1
Type II, carton	2½
Type II, flexible package	6
Type III, flexible package	12
Type III, can with thaw indicator	15
Grape juice, concentrated	24
Grapefruit juice, concentrated	24
Grapefruit-orange juice, concentrated	24
Grapefruit sections	12
Greens, leafy	14
Hams: [2]	
Boneless, cooked	6
Smoked, bone in	6
Ice cream, sherbets or ices [2]	9
Lamb: [2]	
Boneless, fabricated	6
Carcass, wholesale cuts	8
Slices, chops	6
Telescoped	8
Lemon juice, concentrated	18
Lime juice, concentrated	18
Lime juice, single strength	18
Lobster tail [2]	8
Lobster, whole [2]	8
Luncheon loaf [2,3]	3–4
Margarine, prints and patties [2]	12
Meal, precooked (TV dinners, pot pies, etc.) [1,6]	6
Milk fat anhydrous [2]	12
Milk, pasteurized, homogenized [2]	1
Milk, pasteurized, homogenized, sterilized [2]	3
Milk, whole, concentrated [2,4]	9
Okra	12
Orange juice, concentrated	24
Oysters [2]	9
Peaches	18
Peas:	
Black eyed	12
Dehydrofrozen	14
Green	14
Peas and carrots	14
Peppers	12
Pies, fruit, baked and unbaked [2]	4
Pineapple	12
Pineapple juice, concentrated	24
Pizza shells [2]	6
Pork [2]	4
Diced	4
Loin, boneless, fabricated	4
Slices, chops	4
Wholesale, cuts	6
Potatoes, white, french fries	12
Rabbit [2]	
Ready-to-cook	6
Ready-to-cook, cut up	5
Raspberries	24
Rhubarb	24
Salami: [2,3]	
Cooked	3–4
Dry	5
Sausage: [2,3]	
Liver	3–4
New England style	4
Pork, bulk style	3
Pork links	
Type I, carton	3–4
Type II, carton	2
Type III, carton	3
Type III, can	9
Pork, precooked	3–4
Pork and beef, precooked	6
Scallops [2]	8
Shrimp [2,7]	
Raw, peeled/unpeeled	8
Raw, breaded, molded	8
Soups [5]	12
Spinach	14
Squash, summer	24
Strawberries	18
Succotash	12
Sweet goods, yeast raised [2]	2
Topping, dessert	24
Turkey [2]	
Boneless, cooked	9
Boneless, raw	8
Whole, ready-to-cook	10
Veal [2]	
Diced	6
Boneless, fabricated	6
Carcass, wholesale cuts	8
Semi-boneless	8
Vegetables, mixed	10
Waffles [2]	1

[1] Any evidence that meal has been thawed is reason for discarding.

[2] Many of the products listed herein are also storable under chill conditions (above 32° F.). See 5.5.1.1.4.

[3] These products suffer deteriorative changes as a result of freezing. If frozen storage is necessary, storage times indicated will tend to minimize rancidity development.

[4] Storage life above 0° F. is 4 months.

[5] Cream style soups which have broken down during freezing will be satisfactory when heated.

[6] These meals may be used for their intended purpose up to 9 months after date of pack provided surveillance inspections performed at least every 30 days subsequent to the 6 months period result in the product being accepted for consumption.

[7] The quality of frozen shrimp will deteriorate within 30 days if held between 14° and 18° F.

TABLE II.—CHILL STORAGE OF PERISHABLE SUBSISTENCE

Item	Average freezing point	Accepted storage temperature	Preferred relative humidity (percent)	Approximate storage life (days)
Artichokes, globe	30	32	90-95	30
Apples	29	32	90	(2)
Apricots [3]	30	32	85-90	7-14
Asparagus, fresh [3] [10]	31	32	95	10
Avocados:				
Cold tolerant [3]	31	40-45	85-90	28
Cold intolerant [3]	31	55	85-90	14
Bacon: [9]				
Slab, type I		32-35	85-90	42
Slab, type II		32-35	85-90	70
Sliced, type I		32-35	85-90	14
Sliced, type I, vacuum packed		32-35	85-90	21
Sliced, type II		32-35	85-90	21
Sliced, type II, vacuum packed		32-35	85-90	35
Banana:				
Green	31	56-58	90-95	7-10
Ripe		56-58	85	2-4
Beans:				
Green or wax	31	45-50	90-95	8-10
Lima, unshelled	31	32	85-90	14-21
Beef: [9]				
Carcass and wholesale cuts		32-35	85-90	10-14
Corned		32-35	85-90	9-11
Dried, sliced		32-35	....	28-42
Ground		32-35	85-90	4
Tongue, fresh		32-35	85-90	35-42
Tongue, smoked		32-35	85-90	35-42
Beets, topped [11]	30	32	90-95	30-90
Berries, black rasp, straw [3]	31	32	90-95	5-7
Blueberries	30	32	90-95	14-21
Bologna: [9]				
Lebanon		32-35	85-90	60
50-percent beef		32-35	85-90	12
Broccoli [3]	31	32	90-95	7-10
Brussel sprouts	31	32	90-95	21-28
Butter, prints and patties		32-35	<55	30
Cabbage:				
Red	31.7	32	90-95	21-42
Summer types	31	32	90-95	21-42
Winter types	31	32	90-95	90-120
Cake, fresh:				
Layer		35	80-85	7
Loaf		35	80-85	10
Coffee		60	80-90	5
Cantaloup:				
Hard ripe [6]	30	36	85-90	15
Fullslip	30	32-34	85-90	5-14
Carrots: [11] [20]				
Mature, topped	30	32	90-95	120-150
Immature, topped	31	32	90-95	28-42
Casaba melon	30	45-50	85-90	21-42
Catsup:				
Boat, envelopes [17]		50	80-90	180
Cup, foil pouch [17]		50	....	365
Cauliflower [11]	31	32	90-95	14-28
Celery:				
Northern grown [11]	31	32	90-95	60-90
California or Florida [11]	31	32	90-95	35-42
Cervelat: [9]				
Dry [10]		32-35	75-80	45
Soft (thuringer)		32-35	85-90	14
Cherries, sweet [3] [10]	29	32	90-95	10-14
Chicory	31	32	90-95	10-30
Chives, potted	30	35-45	90-98	14
Cheese:				
Blue veined, natural		32-35	70-75	135
Cheddar, natural		32-35	70-75	360
Cottage	30	32-35	....	14
Mozzarella, natural		35	70-75	30
Processed - American, pimiento or Swiss:				
Loaf	16	32-35	70-75	240
Sliced		32-35	70-75	180
Parmesan, natural		32-35	70-75	180
Provolone, natural		35	70-75	180
Romano, natural		32-35	70-75	180
Swiss, natural		32-35	70-75	360
Chocolate drink	29	32-35	....	7
Clams, shucked		32-35	....	4
Cookie dough		32	....	90
Corn on the cob, top-iced [3]	31	32	90-95	4-8
Cranberry:				
Fresh	30	36-40	90-95	30-90
Sauce, cup [17]		50	....	180
Cream:				
Half and half, including filled	31	32-35	....	7
Sour, cultured	31	32-35	....	14
Table, including filled	31	32-35	....	10
Whipping	31	32-35	....	10
Whipping, sterilized	31	35-50	....	360
Cucumbers [6]	31	45-50	85-95	14-21
Dates, pitted, cured:				
Cane sugar types	1	32	70-75	360
Invert sugar types	5	32	75	180
Doughnuts, cake and yeast		60	80-90	3
Eggs, shell:				
Fresh	27	32	88-92	120
Oil processed	27	32	88-92	180
Eggplant [3] [6]	31	45-50	85-90	10
Frankfurters, 50 percent beef, 50 percent pork: [9]				
Type I, carton		32-35	85-90	10
Type, I, flexible package		32-35	85-90	21
Type II, carton		32-35	85-90	14
Type II, flexible package		32-35	85-90	35
French dressing, cup, boat or envelope	31	50	80-90	90
Fruitcake, fresh		40	50-60	300
Garlic, dry	30	32	65-70	180-240
Grapefruit [16] [17]	30	50	85-90	28
Grapefruit, September to February harvest [16] [17]	30	60	85-90	28
Grapes:				
American, types [4]	30	32	85	21-28
European, types	28	30	90-95	90-180
Greens:				
Endives, kale and romaine [11]	31.9	32	90-95	14-21
Collards, parsley, mustard, turnip [3]	31	32	90-95	7-10
Ham: [9]				
Cured, canned, type 1		32-35	60-65	180
Cured, canned, type 2		32-35	60-65	270
Boneless, cooked		32-35	85-90	28
Smoked [10]		32-35	85-90	28
Honeyball melon	30	45-50	75-85	21-28
Honeydew, melon	30	45	75-85	21-28
Horseradish, prepared	30	32	....	90
Jams, jellies, preserves:				
Boat, envelope [17]		50	80-90	180
Cup, foil pouch [17]		50	....	365
Kohlrabi [3]	30	32	90-95	14-28
Lamb, carcass, wholesale cuts [9]		32-35	85	7-10
Lard, service style		32-35	55	120
Lettuce, individually wrapped in polystyrene film [12]	31	32	95	14-21
Lobster, live, in water		33-50	....	7
Lemons [5]	30	55	85-90	30-120
Limes	29	48-50	85-90	42-56
Luncheon loaf		32-35	85-90	14
Margarine, prints and patties [1]		32-35	<55	60
Meal, combat, individual		32	50	[22] 7
Milk:				
Buttermilk	31	32-35	....	14
Chocolate flavored	29	32-35	....	7
Chocolate flavored, sterilized	29	32-35	....	360
Concentrated	29	32-35	....	6
Fluid, pasteurized, all types	30	32-35	....	7
Fat, anhydrous		32-35		180
Mustard:				
Boat, envelope [17]	30	50	80-90	90
Cup, foil pouch [17]	30	50	....	270
Nectarines	30	32	90	14
Okra	29	45-50	85-95	7-10
Onions: [18]				
Bermuda, dry	31	32	65-70	42-56
Globe, dry	30	32	65-70	180-240
Green, top-iced	30.4	32	90-95	10-14
Spanish	31	32	65-70	30-60
Oranges:				
California [20]	30	40-44	85-90	35-56
Florida [20]	30	30-32	85-90	60-90
Temple	30	38	85-90	10
Orange juice	30	32		21
Oysters, shucked in ice		32-35	....	4
Parsnips	30	32	90	60-120
Peaches [3]	30	32	90	14-21
Pears [3] [7] [8]	29	29-31	90-95	(8)
Peas, unshelled	31	32	90-95	7-14
Peppers, sweet	31	45-50	90-95	8-10
Pepperoni, dry [6]		32-35	75-80	28
Persian melons	31	45-50	75-85	7-14
Pies:				
Fruit, fresh		35	80-85	3
Fried, fresh		35	80-90	5
Pineapple:				
Mature, green [6]	30	50-55	85-90	14-21
Ripe [3]	30	45	85-90	14-18
Plums	30	32	90-95	21-28
Pork, wholesale cuts [9]		32-35	85-90	5
Poultry, all forms		32-35	90-95	5
Potatoes, sweet (cured at 85° F.) [3] [6]	30	55-60	85-90	120-180
Potatoes, white: [14]				
Early crop, uncured	31	50	85-90	60-90
Early crop, cured before storage	31	40	85-90	120-150
Late crop	30	40	85-90	240
Potatoes, white, irradiated, LPPD	30	40-45	85-90	360
Pumpkin	30	50-55	70-75	60-180
Radishes:				
Spring, topped, poly bag	31	32	90-95	21-28
Winter, topped	31	32	90-95	60-120
Rhubarb	30	32	90-95	14-21
Rolls, brown and serve		32	80-85	21
Rutabagas, topped	30	32	90-95	60-120
Salad dressing, cup, boat, envelope [17]	31	50	80-90	90
Salmon steaks		32-35	85-95	28
Salami: [9] [10]				
Dry		32-35	75-80	60
Cooked		32-35	85-90	14
Sausage: [9]				
Liver		32-35	85-90	14
New England style		32-35	85-90	10
Pork links:				
Type I		32-35	85-90	14
Type II and III		32-35	85-90	21
Pork bulk		32-35	85-90	14
Scallops		32-35	....	4
Shallots	31.7	32	90-95	10-14
Shortening compound, can, carton, cube		32-35	<55	1,800
Shrimp, unpeeled, in ice		32-35	....	14
Sirup, imitation maple, cup, boat or envelope [17]		50	80-90	365

Footnotes at end of table.

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TABLE II.—CHILL STORAGE OF PERISHABLE SUBSISTENCE—Continued

Item	Average freezing point	Accepted storage temperature	Preferred relative humidity (percent)	Approximate storage life (days)
Spinach [3]	31	32	90-95	10-14
Squash:				
Fall and winter [15]	30	50-55	70-75	120-180
Summer	31	32	85-90	10-14
Swiss chard [3]	31	32	85-90	10-14
Tangerines	30	31-38	90-95	14-28
Tomatoes:				
Green [3,6]	31	55	85-90	14-42
Ripe	31	50	85-90	8-12
Turnips	30	32	90-95	120-150
Veal and calf sides, wholesale cuts [9]		32-35	85	6
Watermelon [3]	31	36-40	85-90	14-21
Yeast, bakers:				
Active dry		32	50	18
Compressed cake		32	80-83	0

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[1] Soybean oil margarine is considered by some authorities to be less stable than cottonseed oil margarine.

[2] The length of time apples can be held successfully in cold storage will vary with the variety, with the district where grown, as well as with their condition when harvested. The following data show about how much time different varieties as grown in regions to which they are adapted require to reach full-eating-soft condition when picked at proper maturity and stored immediately at 32° F.

Variety	Storage period (months) Normal	Storage period (months) Maximum
Jonathan	2 to 3	4.
Grimes Golden	2 to 3	4.
McIntosh	2 to 4	4 to 5.
Golden Delicious	3 to 4	6 (8*).
Courtland	3 to 4	5.
Delicious	3 to 4	6 (8*).
Rhode Island Greening	3 to 4	6.
Baldwin	4 to 5	6 to 7.
Stayman Winesap	4 to 5	5 to 6.
York Imperial	4 to 5	5 to 6.
Northern Spy	4 to 5	6.
Rome Beauty	4 to 5	6 to 7.
Winesap	5 to 7	8.
Yellow Newton	5 to 6	8.

*Stored in polyethylene film bag liners (unscaled).

[3] Commodities not recommended for export but which are suitable for immediate use by shore activities and by ships in port or shortly after sailing.

[4] Not recommended for export since the European type of grape from California with better keeping quality is available during the same period.

[5] Foothill grown lemons store better than coastal grown lemons, especially late picked; at receiving markets only "strong" lots of lemons should be stored and frequently inspected.

[6] Damage will result if item is stored at lower temperature than indicated.

[7] For best ripening pears should be held at about 65° F. for 2 to 3 days prior to serving.

[8] Pears—Length of time at various temperatures for safe storage of certain varieties of pears at shipping point and after shipment to market.

Storage treatment and variety	Length of storage period (months)	End of storage period
Stored immediately after harvest at 30° to 31° F.:		
Angouleme	3 to 5	November to January.
Anjou	5 to 6*	February to March.
Barry	6 to 8	March to May.
Bartlett	1½ to 3	August to October.
Bosc	3 to 3½*	November to December.
Clairgeau	2 to 4	November to January.
Comice	2 to 3	November to December.
Easter Beurre	5 to 7	March to May.
Flemish Beauty	3 to 4	December to January.
Fereile	6 to 8	March to May.
Glo Morceau	5 to 7	February to April.
Hardy	2 to 3	September to November.
Howell	3 to 4	November to December.
Kieffer	2 to 3	September to November.
Winter Nelis	6 to 7	March to May.
Stored at 30° to 31° F after 12-day transit period (not pre-cooled):		
Bartlett	0 to 1	July to September.
Bosc	2*	November.
Clairgeau	2 to 4	October to December.
Easter Beurre	4 to 6	January to March.
Winter Nelis	2 to 4	October to January.
Stored at 30° to 31° F after 12-day transit period (precooled):		
Anjou	4 to 5*	March.
Bartlett	1½ to 2	July to September or October (depending on date of harvest).
Hardy	2 to 3	October to November.
Comice	2 to 3*	November to December.
Bosc	2 to 3	October to December.
Clairgeau	3 to 6	November to February.
Easter Beurre	5 to 7	March to May.
Winter Nelis	6 to 7	March to May.

*The storage life of Anjou, Bose, and Comice pears may be extended for an additional 1 to 2 months by packaging in polyethylene bag liner. USDA—Agricultural Handbook No. 66—September1954.

[9] Carcasses and cuts: Quarters, carcasses, and cuts of beef, lamb and veal should be hung or placed on racks when in chill space. If such items are in a solid frozen condition when received, stow compactly as possible in the freezer space. Frozen, boneless beef should be stacked compactly. Veal carcasses or cuts, particularly of the lighter weights and lower grades, are subject to rapid deterioration. Holding time of such items in the chill space should be held to a minimum. Fresh chilled pork cuts should be treated as highly perishable.

Variety meats and sausage: Such items are highly perishable. Hold storage time to a minimum.

Cured and smoked meat: The keeping qualities of cured and smoked meats depend upon the type of cure, the length of the smoking period, and the method of packaging. The storage life of such items is further influenced by the condition of the storeroom with regard to humidity, temperature and sanitation.

Growth of mold and development of rancidity in hams and bacon can be retarded by stowing such items in the chill space for current consumption and in freezer space for seasonal stocks. Since the growth of mold on cured and smoked meats is favored by the presence of condensed water, excessive humidity should be avoided. If the relative humidity is higher than recommended, it is essential that good circulation of air be maintained.

Hams and bacon which have been individually wrapped on one or more layers of paper have a tendency to retain upon the surface of the meat any moisture which may have come from the product after wrapping. This moisture, in a measure, stimulates mold and bacterial growth. If hams so wrapped are held at temperatures of 45° F. or above for a considerable length of time, mold and slime will form on the surface of the meat. Surface slime and mold make the ham unattractive and unpleasant to handle, but do not necessarily indicate spoilage. Accordingly, such products should be carefully inspected to determine how far the mold has penetrated. In most cases, where only the surface is affected, the mold can be removed from the meat by brushing with a stiff-bristled brush, wiping with a clean cloth moistened with a vinegar or salt-water solution, and allowing to air dry. When the mold growth is heavy it may be trimmed away. If the ham does not have deep cracks or abrasions, the meat underneath the surface usually is found to be perfectly sound and wholesome. When mold growth or spoilage is evidenced deeply between the muscles and around the bone, a survey is usually necessary.

[10] Very susceptible to mold growth or surface. Inspect and wipe often.

[11] This item keeps better unwashed.

[12] Export pack only for ships and oversea shipments. Ice packed lettuce will encourage the growth of mold on other commodities. The storage life shown for lettuce is lengthened substantially by trimming closely and wrapping heads individually in polystyrene film.

[13] This commodity should not be stored with items such as apples and grapefruit since they will acquire an onion taste. Compartments should be kept dark.

[14] Early and intermediate crop potatoes may possess better or poorer keeping qualities than potatoes shown on the table. Many lots of early potatoes are too immature for export and some intermediate crop potatoes are not suitable for export because of poor quality and condition. Extreme care must be exercised in the selection of potatoes for export from the middle of May to the middle of August. The quality and condition of available supplies must govern the final choice between old and new crop stock for export during the first part of this perid and such factors also must govern the choice of stocks of new crop potatoes for export later in this period.

[15] Winter storage varieties such as Hubbard.

[16] The refrigerated storage of Florida grapefruit is not recommended for more than a limited period and then only if the fruit is inspected at intervals. Grapefruit very susceptible to rind pitting and aging at comparatively low temperatures, especially at 38° F. (as compared with 32° F.). At higher temperatures, such as 50° F. the rapid development of decay is troublesome.

[17] Keeping time in uncontrolled storage (dry storage) is less than 3 months because of desiccation.

[18] Sweet cherries packed in sealed polyethylene bag liners can be stored for up to 21 days.

[19] Asparagus held too long at 32° F. is subject to chill injury. The butts of asparagus should be placed in an absorbent material during storage.

[20] Carrots may become bitter if stored with fruits which give off ethylene, such as apples and pears.

[21] Polyethylene liners will extend storage life an additional 7 to 14 days.

[22] Cold intolerant, most Florida grown varieties. Cold tolerant, most California varieties.

[23] 7 years.

TABLE III.—DRY STORAGE OF SEMIPERISHABLE SUBSISTENCE [1]

Item	Keeping time in months (approximate)			
	Packaging	40° F.	70° F.	90° F.
Almond paste	Can	36	9	3
Antioxidant compound, food service	Bag	60	36	24
Apple:				
Regular pack	Can	72	36	24
Pie style, dehydrated	do	36	24	12
Butter	Can/jar	48	18	10
Sauce	Can	72	36	24
Baby food, strained	Jar	36	18	12
Dehydrated (instant)	Can	36	24	12
Dietetic pack	do	66	42	15
Junior food	Jar	36	18	12
Juice	Can	60	36	12
Dehydrated [11]	do	60	36	18
Single strength	do	60	36	12
Apricots:				
Regular pack	do	60	33	12
Baby food, strained	Jar	30	18	9
Dietary pack	Can	56	30	12
Dried	Carton	24	3	1
Freeze, dehydrated	Can	24	12	5
Apricot nectar:				
Regular pack	do	48	24	10
Freeze dehydrated	do	24	12	5
Asparagus	do	60	36	12
Baby formula preparation	do	24	12	3
Bacon:				
Sliced	do	48	18	12
Sliced, irradiated	do	48	30	12
Sliced, prefried	Can/flexible pkg	48	30	12
Bakery mixes	Can	48	36	9
	Bag/carton	12	6	3
Baking powder	Can	24	12	6
Baking soda	Carton	indef	indef	indef
Barley, pearl	Bag/carton	36	24	12
Banana, baby food, strained	Jar	24	12	6
Beans:				
Dried [12]	Bag/carton	24	12	9
Green, baby food, strained	Jar	30	18	9
Green, regular	Can	60	36	12
Green junior food	Jar	30	18	9
Green, dehydrated	Can	84	60	24
Kidney	do	72	48	24
Lima	do	72	48	24
Lima, dehydrated	do	60	36	18
Sprouts	do	48	24	10
Wax	do	60	36	18
White, dehydrated	do	48	24	6
White with pork in sweet sauce	do	72	42	24
White with pork in tomato sauce	do	60	36	12
Beef, liver, pork or veal:				
Baby food, strained	Jar	30	18	9
Junior food	do	30	18	9
Beef:				
Broth, baby food, strained	do	30	18	9
Chunks with natural juices	Can	60	42	30
Corned	do	60	42	30
Diced, raw, dehydrated	do	60	36	18
Flakes and shaped, raw, dehydrated	do	60	36	18
With gravy	do	60	42	30
Patties, dehydrated	do	60	36	18
Beef steak, raw, dehydrated	do	60	36	18
Beets:				
Baby food, strained	Jar	24	12	6
Junior food	do	24	12	6
Regular pack	Can	48	24	10
Berries, black, etc	do	40	22	9
Beverage base:				
Cocoa, liquid	do	36	24	6
Cocoa, powder	do	60	24	12
Imitation, liquid	Bottle	48	9	6
Powder	Envelope	60	24	12
Blueberries	Can	36	18	9
Cabbage:				
Cooked, dehydrated	do	72	36	18
Raw, diced, dehydrated [11]	do	60	24	12
Candy:				
Caramel	Box	12	9	4
Coated (bridge mix)	do	24	12	4
	Can	60	35	12
Hard	do	60	24	12
Starch Jelly	Box	24	12	6
Carrot:				
Baby food, strained	Jar	36	25	12
Junior food	do	36	25	12
Puree	Can	72	42	24
Regular pack	do	72	42	24
Catsup:				
Regular pack	Bottle	48	24	12
	Can	36	18	9
Dehydrated	Envelope/can	72	24	6
Cereal:				
Baby food, strained, barley	Container	24	12	6
Quick cooking	Carton	12	12	6
	Can	36	12	6
Ready to eat, prepared	Package	24	12	6
Sugar coated	do	12	12	6
Cheese:				
Cheddar, processed	Can	60	36	12
Cottage, dehydrated	do	24	12	9
Grated	Container	18	6	3
Processed, American, dehydrated	Can	36	15	6
Cherries:				
Dehydrated	do	48	24	12
Dietetic pack	do	36	18	9
Maraschino	Jar	24	18	9
RSP (red sour pitted)	Can	24	18	9
Sweet, dark	do	42	24	12
Sweet, light	do	56	30	12
Chewing gum	Carton	9	4	2
Chicken:				
Dehydrated	Can	60	36	18
Regular pack	do	60	36	18
Baby food, strained	Jar	30	18	9
Chili con carne:				
Without beans	Can	48	36	24
Dehydrated, with beans	do	60	36	18
Chili sauce	Bottle	48	24	12
Chocolate, cooking:				
Semisweet chips [10]	Package	36	18	6
Unsweetened [10]	Carton	48	24	12
Chocolate sirup, beverage	Can	60	24	12
Clams	do	48	18	9
Cocoa, natural	Carton	36	18	9
	Can	60	24	18
Cocoanut, prepared:				
Sweetened	do	36	18	6
	Container	24	6	1
Unsweetened	Bag	24	6	1
Coffee:				
Instant	Envelope	36	18	9
	Jar	60	36	24
Roasted and ground	Pouch	9	2	1
	Can	18	12	5
Cookies	Carton	6	4	2
Corn, cream, and whole grain styles	Can	72	42	24
Corn, dehydrated, LPPD, cooked or uncooked	do	48	24	6
Corn chips	Package	1	½	¼
Cornmeal	do	36	12	6
	Can	36	24	18
Crackers:				
Graham	Carton	4	2	1
Oyster, soda	do	6	4	2
Cranberry sauce	Can	48	24	12
Cream:				
Coffee type, 18 percent fat	Container	12	12	3
Whipping, 30 percent fat [7]	do	12	3	1
Substitute	Can/envelope	60	36	12
Whipping, dry	Can	8	6	4
Cream of tartar	Container	indef	indef	indef
Currants, dried	Carton	24	12	6
Custard, pudding, baby food, strained	Jar	15	9	6
Dessert powder:				
Gelatin, based, all flavors [14]	Can	60	36	12
	Container/package	36	12	6
Starch, based, all flavors [14]	Can	60	18	6
	Container/package	30	12	6
Instant, all flavors [14]	Can	60	18	6
	Carton	30	12	6
Ice cream mix:				
Paste	Can	24	12	4
Powder	do	36	15	6
Icing mix	do	60	24	6
Inhibitor, mold, bread and rolls [14]	Bag	12	9	3
Jam, fruit	Can/jar	48	18	10
	Package	24	12	6
Jelly, fruit	Can/jar	48	18	10
	Package	24	12	6
Lard, service style	Carton	12	6	3
Lemon juice, dehydrated [11]	Can	60	36	18
Lime juice, single strength	do	30	18	9
Luncheon meat	do	60	36	24
Macaroni [14]	Carton	48	36	24
Malted cereal sirup	Can	60	24	12
Margarine	do	60	24	9
Marmalade	Jar	48	18	10
Marshmallow	Container	12	9	1
Mayonnaise	Can/jar	10	6	4
Meal, combat, individual	Case	60	24	12
Meringue powder	Can	48	24	1
Milk:				
Chocolate (cocoa flavored)	Envelope	60	24	12
Chocolate, sterilized [10]	Can	12	6	3
Dry, nonfat	Can/drum	60	24	9
Evaporated [8]	Can	24	12	6
Filled, dry, including chocolate	do	24	12	6
Malted dry	do	60	24	9
Whole, dry	do	60	24	9
Whole, sterilized	do	12	6	3
Mincemeat	do	36	24	9
Molasses	do	60	18	12
Monosodium glutamate	Container	indef	indef	indef
Mustard, prepared	Can/jar	36	18	9
Mushrooms	Can	56	30	12
Noodles:				
Chow mein	do	6	2	1
Egg [14]	Carton	36	24	9
Nuts:				
Shelled, roasted	Can	60	24	12
Unshelled	Bag	12	6	2
Okra	Can	48,	24	10
Olives:				
Green	Jar	36	24	12
Ripe	Can	36	24	12
Olive oil	do	18	6	4
Onions, dehydrated	do	48	24	12
Orange juice:				
Dehydrated (instant) [11]	do	60	36	18
Single strength	do	48	36	18
Parsley, dehydrated	do	18	9	6

Footnotes at end of table.

		Keeping time in months (approximate)		
Item	Packaging	40° F.	70° F.	90° F.
Egg mix, dehydrated	Can	60	34	15
Eggs, whole, dry	do	60	36	18
Emulsifier, bread and rolls	Bag/can	18	12	6
Figs	Can	48	24	12
Fish, dehydrated:				
Patties	do	60	36	18
Squares	do	60	36	18
Flavoring:				
Imitation maple or vanilla	Bottle	indef	indef	indef
Nonalcoholic, lemon, orange, peppermint, rum.	do	24	18	6
Rye	Fiberdrum	12	6	3
Tablet, imitation maple or vanilla	Bottle	indef	indef	inde
Flour:				
Rye [18]	Bag	30	12	3
Wheat, hard or soft [2]	Can	48	18	6
	Bag	30	12	3
Food coloring	Bottle	indef	indef	indef
Food packet:				
Abandon aircraft [3]	Can	60	40	20
In flight	Carton	60	24	12
Long-range patrol	Case	84	30	6
Survival, abandon ship	Carton	84	84	72
Survival, aircraft, liferaft	Can	84	84	72
Survival, general purpose	Carton	60	48	24
Frankfurter	Can	60	48	30
Fruitcake	Box	10	6	1
Fruit, candied	Jar	12	6	3
Fruit, cocktail	Can	56	33	12
Fruit mix, freeze dehydrated	do	24	12	6
Fruit puree	do	48	24	10
Fry mix, breading	Bag	24	12	6
Garlic:				
Dehydrated	Can	36	24	12
Dry	Box	5	4	3
Gelatin, plain, edible	Container	60	36	24
Grape juice:				
Dehydrated [11]	Can	60	36	18
Single strength	do	30	18	9
Grapefruit:				
Regular pack	do	56	30	12
Juice, dehydrated (instant) [11]	do	60	36	18
Juice, single strength	do	48	36	18
Grapefruit—orange juice blend:				
Dehydrated [11]	do	60	36	18
Single strength	do	48	36	18
Ham chunks	do	60	48	30
Hamburgers, without gravy	do	60	42	30
Hominy:				
Grits	Container	36	12	6
Whole	Can	60	36	18
Honey, extracted	Jar	36	24	12
Horseradish, dehydrated	Bottle	36	24	6
Peaches:				
Baby food, strained	Jar	30	18	9
Dietetic pack	Can	56	33	15
Regular pack	do	60	36	18
Slices (freeze dehydrated)	do	24	12	6
Peanut butter	Can/jar	60	36	12
Pears:				
Baby food, strained	Jar	33	20	9
Dietetic pack	Can	60	36	12
Freeze dehydrated	do	24	12	9
Regular pack	do	66	40	15
Peas:				
Baby food, strained	Jar	33	20	9
Blackeyed	Can	66	42	18
Dehydrated, cooked/uncooked	do	60	24	12
Dried [12]	Bag/carton	24	12	9
Green	Can	66	42	18
Peppers, green, dehydrated	do	60	24	12
Pickles:				
Cucumber, cured	Jar	36	24	12
	Can	24	12	6
Cucumber, fresh pack	Jar	27	18	9
	Can	18	9	4
Mixed	Jar	36	24	12
	Can	24	12	6
Relish	Jar	36	24	12
	Can	24	12	6
Pie filling, prepared fruit, apple, cherry, peach. [5]	do	36	12	6
Pimentos	do	48	36	18
Pineapple:				
Dietetic pack	do	48	24	9
Freeze dehydrated	do	24	12	6
Juice, dehydrated	do	60	36	18
Juice, single strength	do	60	36	12
Regular pack	do	60	33	12
Plums:				
Dietetic pack	do	48	24	9
Regular pack	do	56	30	12
Popcorn, unpopped	do	96	36	24
	Carton	2	¼	⅛
	Cello bag	24	3	1
Pork chops, raw, dehydrated	Can	60	36	18
Potato:				
Chips	Package	1	½	¼
	Can, air	4	2	1
	Can, nitrogen	24	12	1
Sticks	Can	36	24	12
Sweet	do	56	30	12
Potato—Continued				
Sweet, instant, dehydrated	do	48	24	12
White	do	56	30	11
White, dehydrated	do	48	30	18
Prunes:				
Baby food, strained	Jar	15	9	6
Dehydrated/pitted (low moisture)	Can	24	12	9
Dried	do	36	18	9
Dried, soaked	do	24	14	5
Pumpkin	do	56	27	11
Raisins, dried	do	36	18	9
Ration supplement aid station	Case	60	36	18
Rice:				
Instant [14]	Carton	36	18	6
Milled [14]	Bag	36	24	9
Parboiled [14]	Container/bag	24	12	6
Salad dressing [4]	Can/jar	8	5	3
Salad oil [9]	Can	24	12	6
Salmon	do	60	30	12
Salt:				
Celery, garlic, onion	Container	60	36	12
Substitute	Envelope	indef	indef	indef
Table [5]	Bag envelope	indef	indef	indef
Sauces, hot, kitchen, meat, soy, or Worcestershire.	Bottle	48	24	12
Sauerkraut	Can	36	18	9
Sardines	do	48	18	9
Sardines in tomato sauce	do	24	15	8
Sausage, pork, link	do	60	36	24
Shortening compound: [10]				
Bakery type [9]	Can/cube	60	24	12
Deep fry, cooking type, fluid	Can	60	24	12
Deep fry, cooking type, plastic	do	60	24	12
General purpose, regular	Can/cube	60	24	12
General purpose, high stability	do	60	30	18
Shrimp	Can	48	18	9
Shrimp, dehydrated	do	60	36	18
Sirup:				
Blended	Can	60	24	12
Maple, sirup, imitation	Bottle/can	60	24	12
Soup:				
Baby food, chicken, strained	Jar	30	18	9
Beef noodle, dehydrated	Package	48	18	9
Chicken, chunk, dehydrated	Can	60	36	18
Chicken, noodle, dehydrated	do	60	24	12
	Package	48	18	9
Condensed [13]	Can	48	36	12
Cream of onion, instant, dehydrated.	Flexible package	24	12	6
Cream of potato, instant, dehydrated.	do	24	12	6
Green pea, instant and simmer types, dehydrated.	Package/can	24	12	6
Lima bean, instant, dehydrated	Can	60	30	12
Onion, dehydrated	do	60	30	12
	Package	24	12	6
Ready to serve	Can	48	36	12
Tomato-vegetable with noodle, dehydrated.	do	48	24	9
Vegetable, dehydrated	Package	24	12	6
Soup and gravy base:				
Beef flavored	Can/jar envelope	48	24	12
Chicken, flavored	do	48	24	12
Ham, flavored	do	48	24	12
Sour cream sauce mix	Can	24	12	4
Spaghetti [14]	Carton	48	36	24
Spices, seasonings, herbs [8]	Can	60	36	12
	Container	36	18	3
Spinach:				
Baby food, strained	Jar	30	18	9
Dehydrated, cooked	Can	60	24	12
Junior food	Jar	30	18	9
Regular pack	Can	56	33	12
Puree	do	56	33	12
Starch:				
Corn, edible	Carton	60	36	24
Pregelantized edible [16]	Can/bag	indef	indef	indef
Sugar:				
Brown [17]	Carton	36	18	4
Confectioners [17]	Carton/bag	36	18	6
Refined, granulated [17]	Bag/can, envelope	indef	indef	indef
Sugar substitute	Envelope	indef	indef	indef
Tapioca [14]	Carton	60	48	24
Tea:				
Black, bags or loose	Can/carton	36	18	12
Instant	Envelope	36	18	9
Tomato:				
Juice, concentrated 3+1	Can	36	18	9
Juice, single strength	do	36	24	15
Paste, instant, dehydrated	do	60	36	12
Paste, regular pack	do	36	18	9
Puree	do	42	30	10
Regular pack	do	48	30	12
Topping, dessert: Dehydrated	do	36	24	6
Tuna:				
Dehydrated	do	60	36	18
Dietetic water pack, no added salt	do	48	24	12
Oil pack	do	60	30	12
Water pack	do	48	24	12
Turkey:				
Dehydrated	do	60	36	18
Regular pack	do	60	36	18

Footnotes at end of table.

TABLE III.—DRY STORAGE OF SEMIPERISHABLE SUBSISTENCE [1]—Continued

Item	Packaging	Keeping time in months (approximate) 40° F.	70° F.	90° F.
Vegetable:				
Baby food, mixed, strained	Jar	30	18	9
Juice, single strength	Can	36	24	15
Vinegar:				
Liquid	Bottle	48	30	18
Synthetic, dry	Flexible bag	24	12	6
Water	Can	indef	indef	indef
Wheat base [14]	Bag	48	36	12
Yeast, bakers, active dry	Can	6	1	¼
Yeast food	Bag	48	24	6

[1] In general, relative humidity 50 to 55 percent. Metal cans are susceptible to rust and most boxed or bagged food to mustiness or molding above R.H. 60 percent.

[2] Flour should be stored under cool, dry conditions. The major problem is protection against dampness, insects and rodents. Low temperatures, 32 to 40° F., protect against insects. Humidity greater than 70 percent leads to mustiness. Best storageconditions are at 52 to 55° F., 50 to 65 percent relative humidity.

[3] Designed to be edible after one month at 140° F.

[4] Separates at high temperatures or after freezing.

[5] Humidity above 90 percent will cause caking. "Caked" salt is usable.

[6] Above 100° F. there is complete loss of flavor in less than 6 months. "Whole" spices keep longer than "ground" spices.

[7] Guaranteed to whip only if stored below 50° F.

[8] Cases should be turned every 30 to 60 days to prevent separation of butterfat. Separated or grainy milk can be used for cooking.

[9] When held below 32° F. may show solid material which will disappear on warming.

[10] If held above 90° F. changes may occur in texture unfavorable to normal creaming properties.

[11] Store at cool temperatures below 75° F. during first 3 months.

[12] High temperatures harden, high humidity causes molding.

[13] Cream style soups break down on freezing, but are not spoiled.

[14] Highly susceptible to damage by moisture.

[15] Freezing alters appearance of starch thickening. Baking restores desirable appearance.

[16] Do not store near other material capable of imparting odor to chocolate.

[17] Keeping time based on relative humidity not more than 60 percent. For storage longer than 1 month, sugar should be covered with tarpaulins and not stored on damp or concrete floors or near cold walls.

[18] Rye flour loses its most delicate flavor after 2 months at 40° F., 1 month at 70° F. and 1 week at 90° F. After this time further flavor change is very slow. It is said that only experts can detect this first, subtle flavor change.

[19] These items should be stored at temperatures below 72° F. For long holding, chill storage is recommended. Do not freeze.

DEPARTMENT OF THE ARMY,
U.S. ARMY NATICK LABORATORIES,
Natick, Mass., July 29, 1970.

Mr. ELLIS LEVIN,
Legislative Assistant to Congressman Leonard Farbstein, House Office Building, Washington, D.C.

DEAR MR. LEVIN: To summarize our telephone conversation of last Friday, 24 July 1970, the following answers are provided to your 2½ questions:

(1) What is meant by shelf-life?

Shelf-life is the average period of time during which a food retains most of those qualities for which it is purchased and consumed. It is generally dependent upon the temperature, packaging, and processing which the food has experienced. Unprocessed foods are generally subject to microbial spoilage which in some fresh fruits and vegetables is similiar to over-ripening. Spoilage of this type is readably recognizable and therefore does not present a major problem to the consumer.

Processed foods, particularly canned foods, but also including frozen and dried food items, are largely prevented from microbial spoilage by their processing. Therefore, chemical deterioration is the principal factor which determines shelf-life of these foods. Changes brought about by chemical reaction in processed foods including those of appearance, including the appearance of the inside of the container; color; flavor; odor; and texture: For example, a canned food item stored in room temperature over a long period will exhibit progressive staining of the interior of the can, darkening of the surface of the fruit pieces and the juice, development of metallic flavor and softening or mushiness of texture. At higher temperature these changes occur more rapidly; at lower temperature, more slowly. None of these changes grossly affects the nutritional value of the food, but they have a major influence on consumer acceptability.

The meaning of shelf-life, then, is somewhat different for each class of food items depending upon the kinds of changes under which the food undergoes while on the shelf. For processed and preserved foods, shelf-life in general is that period during which the slow chemical deterioration is, in sum, not sufficient to cause rejection. A special case exists for canned foods of high acidity. In addition to other chemical changes a tin-acid reaction produces hydrogen gas. With time this gas displaces the original vacuum in the can and ultimately causes the can ends to swell and bulge. This swelling, although of different causation, is, in appearance, indistinguishable from microbial spoilage in improperly processed cans. Although the contents of these swollen cans are quite safe to eat, consumers generally are unwilling to take the risk. In summary then, shelf-life is that period of time during which a food item remains acceptable to the consumer, and therefore, saleable. For most commercial establishments, planned shelf-life is somewhat less than the maximum period for the food to allow some time for additional storage by the purchaser.

(2) How is shelf-life determined?

It is clear from the above that shelf-life determinations must be made separately for each class of foods. Since it appears from our conversation that your principal interest was in canned foods, this portion of the discussion will be devoted primarily to shelf-life determination in canned foods. It was stated above that during storage canned foods change little in their nutritional quality. The sole exception to this are some losses in water soluble vitamins and some randicidy in high fat dry or cold packed foods. The principal changes are those in sensory quality and the external appearance of the can. Since it can be taken as almost axiomatic that canned foods are safe to eat so long as the can remains intact, shelf-life determination for canned foods are usually made by controlled studies of can failure rates. Can failures are defined as chemical swelling or corrosive pin holding. Test packs of foods, in cans appropriate to each, are made and stored at controlled temperatures to determine their rates of can failures. Shelf-life is then established at some period before appreciable failure is expected to occur.

Are canned foods good indefinitely?

In the sense of "fit for human consumption", all canned foods are good for as long as the can remains intact. Some few cold packed or dry items packed in cans undergo chemical changes, principally oxidation of their lipid components, during which off-flavors, which most people find distasteful, develop.

Rarely, then, would one call these foods good indefinitely. The vast majority of canned foods including fruits, vegetables, meats and combination items remain good as long as the can remains intact. For the most part, the American canning industry packs for one year in the distribution channel and one year in the home, with sufficient additional shelf-life in the can to accomplish at least twice this with safety.

Canned foods packed for military use have been stored, to my certain knowledge, for as long as 22 years during which time the contents remained "fit for human consumption". This is not to say that they were in appearance, flavor, and texture highly acceptable.

A short list of reference material used to establish the shelf-life list in TM743-200 is appended. Copies of "Long Term Storage of Military Rations" and of TM743-200 are being mailed under separate cover.

It was a pleasure to talk with you on this subject for which I have been the Army Specialist for 15 years. If I can be of any further assistance to you or Congressman Farbstein, please call upon me.

Very truly yours,

A. S. HENICK,
Reaction Merchanisms Group, Food Chemistry Division, Food Laboratory.

[From "Focus on Canned Foods," National Canners Association (Fifth Edition)]

ANSWERS TO SOME QUESTIONS ASKED ABOUT CANNED FOODS

How long will canned foods keep? Indefinitely, if nothing happens to the container to cause a leak. Extremely long periods of storage at high temperatures may result in some loss in color, flavor and appearance, although they will remain wholesome. Long storage at high temperatures will also cause some loss in nutritive value. So, if it is feasible to use and replace at regular intervals, there is little point in storing foods for several times their regular maximum utility. From the standpoint of best utilization it is probably best to have a regular turnover, say once a year.

[From "Know Your Canned Foods" (Third Edition), National Canners Association]

THIS TO REMEMBER

How long will canned foods keep? Indefinitely, if nothing happens to the container to cause a leak. They are thoroughly heat processed. Extremely long periods of storage at high temperatures may result in some loss in color, flavor and nutritive value. We recommend that canned foods be stored in a fairly cool area . . . away from steam pipes or radiators. (See 5.) Place on shelves, or put cases on racks rather than directly on the floor.

[From "Interesting Facts About Canned Foods" National Canners Association]

HOW LONG WILL CANNED FOODS KEEP?

Canned foods will keep just as long as nothing happens to the can or jar to make it leak.

[From Food and Drug Administration Factsheet]

SOME QUESTIONS AND ANSWERS ABOUT CANNED FOODS

How long will canned foods keep? Canned foods will keep as long as nothing happens to the container to make it leak. Extremely long periods of storage at high temperatures may result in some loss in color, flavor, appearance, and nutritive value, but the foods will remain wholesome. A regular turnover about once a year is best.

PANAMA CANAL: SOVEREIGNTY AND MAJOR MODERNIZATION—SEQUEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the question of what should be done concerning the Panama Canal is now actively before the Congress in two important respects:

First, the transcendent question of safeguarding our indispensable sovereignty and ownership of the Canal Zone and Panama Canal; and

Second, the problem of the major increase of capacity and operational improvement of the existing canal.

For the first, more than 100 Members of the House have introduced identical resolutions opposing any surrender in regard to this priceless asset of the United States. As to the second point, that of the major modernization of the canal, identical bills have been introduced in both House and Senate. All other interoceanic canal questions, however important, are irrelevant and should not be allowed to confuse these two major issues.

In testimony before the House Subcommittee on Inter-American Affairs on August 3, 1970, in connection with its inquiry into Caribbean policy matters, I made a carefully prepared statement on the interoceanic canal question, urging prompt action by the House on House Resolution 593 and expressing my readiness to lead a march of all the sponsors of this and other identical resolutions and other members interested in continued U.S. control over the Panama Canal to the offices of the chairman of the Senate Committee on Foreign Relations to request time for each member to oppose any surrender at Panama by treaty.

Mr. Speaker, based upon an extensive correspondence from various parts of the United States, I believe that I reflect the feeling of the people of our country when I say that if they had a vote on this vital subject they would reject overwhelmingly any proposal to cede U.S. sovereignty and ownership of the Canal Zone and Panama Canal.

In presenting my statement, I appended to it a "Memorial to the Congress" prepared by a distinguished group of knowledgeable Americans, which, in condensed form, gives the essentials of the problem and what they consider the proper course of action.

In order that the information brought forth in the two documents may be readily available to all Members of the Congress and the Nation at large, I include both as parts of my remarks, and invite attention to my statement in the Record of July 28, 1970, on "Panama Canal: Sovereignty and Major Modernization" in which the texts of current measures before the Congress referred to in the two papers were quoted.

The two indicated documents follow:

STATEMENT BY REPRESENTATIVE DANIEL J. FLOOD BEFORE HOUSE SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS, AUGUST 3, 1970

The interoceanic canal problem, in its overall aspects, is an immensely complicated subject. Yet, if reduced to its central issues, it is relatively simple.

Whenever the canal question comes up for national attention, two subjects for debate always develop: (1) site, and (2) type.

After a memorable struggle in 1902 known as the "battle of the routes", the President and the Congress, in the Spooner Act of that year, decided in favor of the Panama site and authorized the acquisition by treaty of the perpetual control of the Panama canal with the Canal Zone to serve as its protective frame. Such control of the Zone was the absolutely necessary prerequisite demanded by the Congress and the Nation before assuming the large financial obligation involved in the construction and defense of the Panama Canal.

Later, in 1906, the President and the Congress, after thorough study and scorching debate, made a second great decision in favor of the existing high level lake and lock type canal, which was constructed. History has established the wisdom of that determination, economically, operationally, technically, and environmentally.

Today, the Panama Canal is in another era of decision. There are two major issues:

First, the transcendent question of safeguarding our indispensable sovereignty and ownership of the Canal Zone and Panama Canal; and

Second, the problem of the major modernization of the canal. All other interoceanic canal questions, however important, are irrelevant and should not be allowed to confuse these two major issues.

As to sovereign control, it must be emphasized that, because of its strategic position as the crossroads of the Western Hemisphere, the Isthmus of Panama has always been, and always will be, an object for predatory designs. Its loss to a potential enemy power is unthinkable, as recognized by the more than 100 members of the House who have sponsored identical resolutions opposing any surrender at Panama.

The problem of modernization depends upon the reaffirmation by the Congress of our national policy as to Canal Zone sovereignty and Panama Canal control. The best way, in fact the only way to effect such policy, is to maintain our present treaty rights and modernize the existing Panama Canal according to the well known Terminal Lake—Third Locks Plan that was developed in the Panama Canal organization during World War II and eventually approved by President Franklin D. Roosevelt as a post war project. This plan, it should be especially noted, calls for a major increase of capacity and operational improvement of the existing canal and does not require the negotiation of a new treaty with Panama which is a paramount consideration.

Many able and well informed engineers, navigators, geologists, economists, biologists, nuclear physicists, defense and other experts strongly support the plan as offering the best solution of the canal problem. Such modernization should provide a capacity of 40,000 vessels a year at a minimum, including vessels of larger size, and identical bills to provide for it have been introduced in both House and Senate. Moreover, previous Governors of the Canal Zone have approved the plan in principle and the present Governor has expressed his belief that it is in the interest of the United States that the existing Canal be "operated, maintained, defended and augmented as necessary".

In official discussions of modernization plans, there is still mention of the 1939 Third Locks Project along with the terminal lake proposal. Such mention is confusing, for the original Third Locks Project does not provide for the elimination of the Pedro Miguel Locks, and would perpetuate and compound the bottleneck at these locks. Any plan that fails to eliminate them is unworthy of any serious attention whatever.

At this point, it is well to record that the total net investment of the taxpayers of our country in the Panama Canal enterprise, including defense, from 1904 through June 30, 1968, was more than $5,000,000,000. This sum, if converted into 1970 dollars, would be a far greater sum.

In these general connections, its is important to remember that the much propagandized and costly sea level proposal hinges on ceding U.S. sovereignty over the Canal Zone and Canal to Panama before constructing any new canal; and that a new canal, if constructed at the taxpayers' expense, would also be given to Panama without the least compensation.

The Chairman of the current Atlantic-Pacific Interoceanic Canal Study Commission, the Honorable Robert A. Anderson, a leading sea level project advocate, was the chief negotiator for the discredited 1967 treaties. Notwithstanding this fact, he still heads our diplomatic team now reopening treaty negotiations with Panama.

Throughout their treaty negotiations the members of our diplomatic team have steadily ignored the provisions of Article IV, Section 3, Clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress (House and Senate) and not in the treaty making power of our government (President and Senate). In addition, our negotiators have also ignored the responsibilities of the United States under the Hay-Pauncefote Treaty and the rights of Colombia under the Thomson-Urrutia Treaty. As to these, shipping interests in Great Britain have already made known their opposition to the proposed surrender at Panama, and Colombia has announced that it will defend its rights. In fact, the Colombian Government for many months has been collecting documentary material in the United States concerning the canal question.

The foregoing facts, together make favorable action on the pending sovereignty resolutions a matter of the greatest importance. In the interest of avoiding a possible misinterpretation of the resolutions, I would suggest changing the term "Panama Canal Zone" in the first whereas clause to "Canal Zone and Panama Canal" and the words "said canal" in line 4 of the resolve on p. 3 of the resolution to "said Canal Zone and Panama Canal."

An example of the application of the wise Constitutional provision previously cited is the 1955 Treaty with Panama, which authorized conveyance to that country of valuable U.S. Property in Panama, including the Panama Railroad terminal yards and passenger stations in Panama City and Colon, *subject to the enactment of legislation by the Congress.* It is appropriate to state that the the House stepped into that situation and rescued the main line of the railroad from liquidation. Had it not been for such action by the House this vital rail link, which would be so urgently needed in event of interruption of transit, would have been abandoned.

In regard to a sea level project, either in the Canal Zone or in Panama, that ancient idea would involve a new treaty with a huge indemnity and greatly increased annuity.

The 1939 Third Locks Project, authorized primarily for defense reasons, at a cost of $277,000,000, did not require a new treaty. Construction on it started in 1940 and was suspended in May, 1942, with a total expenditure of $76,357,405, largely on huge lock site excavations at Gatun and Miraflores, which are still usable. The current enlargement of Gaillard Cut, now nearing completion, was estimated to cost $81,257,097. Together, these two projects total more than $137,000,000 toward the major modernization of the existing Panama Canal, which is too large an expenditure to be swept under the rug.

The solution of the problem of increased

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capacity and operational improvement of the Canal was developed as the result of World War II experience in the previously mentioned Terminal Lake-Third Locks Plan for the existing canal. This can be accomplished at relatively low cost and, like the Third Locks Project, does not involve the negotiation of a new treaty with Panama.

An important angle in the Panama Canal situation is that the Canal Zone has served many times as a haven of refuge for Panamanian leaders seeking to escape assassination by their political enemies. The most recent example of the use of the Zone as an asylum was on June 8, 1970, when three colonels and a sergeant of the Panamanian National Guard escaped from prison in Panama City and found safety in the Zone—an island of security in a land of endemic revolution and endless political turmoil, and which today is without a constitutional government.

Another case of such use of the Zone territory was by Senora Torrijos, wife of Brig. Gen. Omar Torrijos, on December 15, 1969, when she fled to the Canal Zone during an abortive revolt against her husband, the caudillo of Panama.

Mr. Chairman, I cannot stress too strongly that were it not for the Canal Zone under United States soverign control, some of the most brilliant leaders of Panama would have died by assassination. If the United States ever surrenders the Zone to Panama as contemplated in the proposed new treaties the Panama Canal would become a political pawn for Panamanian politicians and the Canal Zone the scene of guerilla warfare with its inevitable cruelty and tragedy.

For many years, the Caribbean has been recognized as the Mediterranean of the Americas. As far back as 1960, in an address to the House, I described it as our fourth front and the Panama Canal as the key target for the communist conquest of that strategic basin. Subsequent events since then have justified my worst fears. The surrender by the United States of the Canal Zone and Canal would inevitably result in a communist takeover of Panama, as occurred in Cuba, which would include the Canal itself. With our country having given up its legal rights in the premises, it would be powerless to oppose. Moreover, within the last year Soviet missile-capable submarines and surface vessels stationed in Cuba have been sighted in our fourth front. For these and many other reasons, some of them related to the security of the Panama Canal, the Southern Command with headquarters in the Canal Zone should be maintained as essential to the Hemispheric security and not reduced in importance.

Fortunately for the United States, respected leaders in various parts of the Nation have studied the Canal problem and recently expressed their views in a "Memorial to the Congress". This, in precisely stated terms, describes the problem involved and outlines a program of action. Because of its quality, I append it as part of my remarks and urge that it be studied by all members of the committee.

Finally, I would summarize some of the principal lessons from my many years of study of the Panama canal question:

We have a fine canal now but it is approaching capacity saturation—not obsolescence.

We know how to maintain and operate it.

We know how to increase its capacity and operational efficiency as demonstrated by experience.

We have a workable treaty with Panama, although partly abrogated through ill advised surrenders.

We have defended the lives of our citizens in the Canal Zone and the Canal itself by the use of our authority.

We have now reached the point where, if we do not make known our determination to hold on to this priceless asset of the United States, we may lose it to Soviet power, as happened at the Suez Canal.

Accordingly, I urge prompt action by this Subcommittee on the pending Panama Canal sovereignty resolutions and the printing of 1967 hearings along with the present hearings.

Such action should enable early adoption by the House of the resolutions and open the way for the long overdue major modernization of the Panama Canal. Moreover, such action by the House would serve notice on the Executive Branch of the determination of the People of the United States to retain full control of the Panama Canal.

With such resolutions adopted by the House, should the proposed treaties be sent to the Senate for ratification, some of my colleagues on both sides of the aisle and I wish to lead a march by all the sponsors of the resolutions and other members interested in continued U.S. control over the Panama Canal, to the Senate Committee on Foreign Relations to request time to be heard in opposition to the proposed treaties.

MEMORIAL TO THE CONGRESS: COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL, 1970

Honorable Members of the Congress of the United States:

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express our views:

1. The construction by the United States of the Panama Canal (1904–1914) was one of the greatest works of man. Undertaken as a long-range commitment by the United States in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, August 7, 1969, temp. pp. H7187–90), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tools that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

2. Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant from Panama (Hay-Bunau-Varilla Treaty of 1903), all privately owned land and property in the Zone were purchased from individual owners, and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22).

3. The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

4. In 1939, prior to the start of World War Two, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The current program for the enlargement of Gaillard Cut is scheduled to be completed in 1970 at an estimated cost of $81,257,097. These two projects together represent an expenditure of more than $157,000,000 toward the major modernization of the existing Panama Canal.

5. As the result of canal operations during the crucial period of World War Two, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake-Third Locks Plan. This conception includes provisions for the

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, to permit uninterrupted operation of the Pacific locks during fog periods.

6. Competent, experienced engineers have officially reported that "all engineering considerations which are associated with the plan are favorable to it." Moreover, such solution:

(1) Enables the maximum utilization of all work so far accomplished.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable demands for damages that would be involved in a Canal Zone sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that would be caused by removing the fresh water barrier between the oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

7. All of these facts are paramount considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty angles. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake-Third Locks Plan require a new treaty.

8. In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1960 to cost $2,368,500,000, exclusive of indemnity to Panama, has long been a "hardy perennial," and according to former Governor of the Panama Canal, Jay J. Morrow, it seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite its engineering impracticability. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the United States taxpayers.

9. Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the com-

pletion in 1967 of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This provision vests the power to dispose of territory and other property of the United States in the entire Congress (Senate and House) and not in the treaty-making power of our Government (President and Senate).

10. It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State have been, and are yet engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Canal Zone project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world shipping.

11. Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal, and

(2) The major modernization of the existing Panama Canal.

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Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States which aim at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

12. In the First Session of the 91st Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution.

13. Starting on October 27, 1969 (Theodore Roosevelt's birthday), more than 100 Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization.

14. The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. Clearly, the recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approaches to the Panama Canal, and as was accomplished in the case of the Suez Canal. The real issue as regards the Canal Zone and Canal sovereignty is not United States control *verus* Panamanian, but United States control *versus* Communist control. This is the subject be debated in the Congress, especially in the Senate.

15. In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions; also similar action by the Senate.

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching capacity saturation.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, Calif. Formerly Chairman, President's Council of Economic Advisers.

Dr. John C. Briggs, Tampa, Fla., Chairman, Department of Zoology, University of South Florida.

William B. Collier, Santa Barbara, Calif., Business Executive with Background of Engineering and Naval Experience.

Dr. Lev E. Debriansky, Alexandria, Va., Professor of Economics, Georgetown University.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of California Authority on Latin America.

Cmdr. Carl H. Holm, Miami Beach, Fla., Business Executive, Naval Architect and Engineer.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Dean Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University President, Panama Canal Society, Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics, University of California.

Howard A. Meyerhoff, Tulsa, Oklahoma, Consulting Geologist, Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keeffe, Washington, D.C., Assistant Professor, George Mason College, Formerly Research Associate, The American Legion.

William E. Russell, New York, N.Y., Lawyer, Publisher and Business Executive.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Ad. T.G.W. Settle, Washington, D.C., Formerly Commander, Amphibious Forces, Pacific.

Harold L. Varney, New York, N.Y., Editor, Authority on Latin American Policy, Chairman, Committee on Pan American Policy.

B. Gen. Herbert D. Vogel, Washington, D.C., Consulting Engineer, Formerly Deputy Governor, Panama Canal Zone.

R. Ad. Charles J. Whiting, La Jolla, Calif., Attorney at Law.

(Institutions are listed for identification purposes only.)

THE ALLIANCE FOR PROGRESS AND AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, it is a fact that more than 50 percent of the people in Latin America earn their livelihood from agriculture. It is also a fact that production of food is just beginning to increase at a rate faster than the growth of their population. When these truths are viewed on the ninth anniversary of the Alliance for Progress, August 17, 1970, we begin to realize the tremendous uphill battle that has raged in the large-scale cooperative effort to meet the needs of millions of people in Latin America.

Successes in the field of agriculture have mounted in these years of the Alliance. Over 1 million families have benefited to date; more than $210 million in loans for credit and production inputs have been provided by the Agency for International Development; realistic pricing policies are being instituted; the use of fertilizers and modern seeds is becoming more diverse; and technical skills and tools are reaching more of the people. The number of students in agricultural schools in Latin America rose from 13,000 in 1960 to 40,000 last year, reflecting the expansion of facilities for agricultural education. All countries have inaugurated agricultural planning agencies and are at work to standardize testing of soils with a view to improve production by the use of plant food chemicals. AID provides training or technical support to these agencies. Further, the response of AID to increasing requests for assistance in the various aspects of marketing has continued.

All of these inputs have helped to increase total food production in Latin America under the Alliance by 35 percent, largely due to acreage explosion, but also attributable to the increasing effectiveness of local agricultural institutions.

New and exciting developments in the entire field of agriculture are challenging man's ability to adapt this new knowledge in the struggle against needs. On this anniversary of the Alliance for Progress, giant steps are being taken to help close the gap between food production and population growth.

SUSTAINING OUR FRUITFUL PARTNERSHIP WITH SOUTH KOREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Charles H. Wilson), is recognized for 10 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, during the Easter recess, I made a short personal trip to the Far East at no expense to our Government. I had originally planned to visit Korea, Hong Kong, and the Osaka Trade Fair before returning to work in my district. However, I found developments in Korea so interesting and important that I decided to forego visiting Hong Kong and Japan. Through the good offices of Mr. Yungsoo Shin, publisher of Korea's Seoul Economic Daily, I received the unusual opportunity of meeting with President Park Chung Hee, Premier Chung Il Kwon, K. W. Kim, director of Korea's Central Intelligence Agency, and numerous top-level cabinet officials. During my stay in Seoul, from March 29 to April 1, Korea was in the midst of a mini international crisis posed by the seizure of a Japanese passenger plane by militant Japanese students. Both President Park and CIA Director Kim took time to receive me during the height of the emergency.

I am certain that many of my colleagues in the House are familiar with the facts of Korea's economic resurgence during the past 17 years, and most spectacularly in the past few years under President Park's leadership. In meetings with our ambassador, General Michaelis, commander of the Eighth Army and of United Nations Forces in Korea, plus their staffs and other American officials, the opinion of Korea's leaders and their policies was unanimously favorable. Should the current trend continue, there is no doubt that Korea will shortly be economically self-sustaining, and the living standard of its 30 million people will continue to rise dramatically.

Yet this trip to Korea brought home to me the importance of America's role as her ally. Our military personnel in Korea are full of praise for the Korean armed forces, the caliber of its officer's corps, its high level of professionalism and firm anticommunism. Should the Communist North launch an allout attack as in 1950, South Korea's troops will be adequately prepared to resist. But if the North Koreans, with their vastly superior air force, should first launch an attack upon South Korea's air defenses, as both American and Korean military personnel fear, then the South would be hard pressed indeed to resist. American air defense is vital to South Korea's existence as a free nation, and for that reason both Korean and American officials are concerned about the strength of our commitment to the Republic of Korea, especially in the light of the recently proclaimed "Nixon Doctrine" in Asia.

That the Communists are probing for weaknesses is unquestionable. Even as I was talking with Korea's Minister of Defense, reports were brought in to him of the capture of two armed North Korean agents on Korea's east coast. A great number of such armed provocateurs have been captured in the past 2 years, especially by the vigilant home guard or militia, in the coastal areas and countryside. Although the Government feels that it has been highly successful in detecting these Communist agents—indeed, the capture of one or more of them is a daily occurrence—nevertheless this brought home to me the fact that the Korean Republic is still under siege at this moment.

Another incident revealed to me just what kind of allies the Koreans are. During the height of the crisis over the kidnaped airliner with its 138 passengers aboard, I was with Korean officials as they attempted to cajole the sword-carrying radicals into releasing the passengers before proceeding to their destination in the north. There is one aspect of that affair that I do not believe has been discussed here in America. When asked why they did not just let the airplane go to Pyongyang with its hostages rather than risk their lives, the director of the Korean CIA and other officials solemnly told me that the presence of the two Americans onboard the craft was the determining factor in their actions, for they did not want to see the North Koreans place the United States in the same humiliating position that the seizure of the U.S.S. *Pueblo* had. Rather than to see America subject to blackmail and threats from the North Koreans, the South Koreans felt it was vital to work on their own initiative to persuade the Japanese hijackers to release their captives. This clearly shows that the Koreans do not see themselves as a "client state," but instead view their relationship with us as a two-way street in which they are prepared to act on our behalf just as we have acted on theirs. When the chips were down, they acted swiftly and ungrudgingly to preserve our interests, as indeed they have in Vietnam. I left Korea more than ever convinced that the South Koreans are our worthy allies.

In conversations with President Park, as well as with numerous other officials and private citizens, I was repeatedly asked about the significance of the Nixon doctrine for American policy in Korea. Would the United States unwittingly lead the North Koreans to believe that America would not support the South in the event of a Communist invasion? I assured my hosts that such a turn of events is most unlikely. While we are scaling down the number of U.S. troops remaining in that part of the world, the United States has not forgotten that the Korean conflict was the first armed clash in a world divided bitterly between East and West. We have invested heavily in the future of Korea—an investment which included the blood of our men slain there in its defense.

The considerable aid which we have given the South Koreans since the early 1950's, coupled with the progress which these spirited and industrious people have made for themselves, underscores the need for the United States to exercise extreme caution while encouraging the somewhat fragile South Korean nation toward self-reliance. I believe such caution is present. Although the administration's decision to cut back troops in South Korea appears firm, I am confident that the President and his advisers fully realize how much is at stake. They have already made it clear that we will not withdraw this portion of our troops hastily, but only when the well-trained South Korean forces are fully prepared. From my own experience during my visit, I know these preparations will be thorough. I am persuaded that we are on the right track in our supportive efforts on behalf of South Korea.

As audacious as they are, I think that the North Koreans understand that an attack on their neighbors to the south would hold the gravest consequences for them. North Korea's continuing devotion to adventuristic foreign policies and belligerent posture has for years kept both the United States and its South Korean allies on the alert. We will maintain that alert. To do anything less would waste our worthwhile, bilateral attempts to aid South Korea in her nation building and squander our fruitful partnership. This we are not prepared to do, because such actions would constitute a tragic mistake for our two nations and for world peace.

CONGRESSMAN YATRON ANNOUNCES POLL RESULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. YATRON) is recognized for 10 minutes.

Mr. YATRON. Mr. Speaker, my first public opinion questionnaire has been tabulated and I would like to take this opportunity to share the results with my colleagues in the House of Representatives.

This opinion survey was mailed to approximately 25,000 residents of the Sixth District who specifically asked to be included on my special mailing list, nearly 9,200 of whom responded. This 37-percent response, well above the number who usually participate in polls of this kind, clearly indicates that the people of Berks and Schuylkill Counties are deeply interested in the major issues of the day and are willing to convey their views to their elected Representatives.

Mr. Thomas A. Coyle, president of Systems Associates Inc., a Reading-based computer consulting company, served as a technical adviser in tabulating the results of this poll.

The questionnaire consisted of two main sections: issues and priorities. The issues included inflation, pollution, social security, crime, Indochina, foreign policy, welfare, consumer affairs, and farm subsidies. In addition, I asked each person to list five issues in terms of their relative importance.

In the second part of the poll, I asked them to indicate whether Government spending should be increased, decreased, or held at present levels in the following areas: Vietnam, defense, welfare, space programs, pollution control, agriculture, aid to education, programs for the poor, aid to the cities, crime prevention and control, and health.

Before I insert the complete results into the RECORD, I would like to draw some conclusions about their significance.

Most people in my congressional district regard the economy as the top-priority issue facing our Nation today. Moreover, nearly 85 percent feel the Federal Government has failed to curb inflation and the rising cost of living.

More than 75 percent want us to do more, and if necessary spend more, to control air and water pollution.

Nearly two-thirds favor an increase in social security benefits.

Most people want to increase spending for crime prevention and control, although 66.2 percent feel that lenient Supreme Court decisions are the main cause of the high crime rate.

Sixty-seven percent said they are opposed to President Nixon's welfare bill and its key section, the guaranteed annual income.

Some 72.5 percent declared that present consumer protection laws are inadequate.

Fifty-three percent expressed the view that we should reduce farm subsidies.

A narrow majority of 50.1 percent said that the Federal Government should spend less on the space program.

A decisive majority indicated a willingness to appropriate more for health and education.

Most people want to reduce defense spending in general and expenditures for the Vietnam war in particular.

Nearly 64 percent declared we should

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reduce our military commitments around the world.

On the Indochina question, although 28.6 percent of those responding believe we should seek a military victory, nearly 68 percent favor the withdrawal of American forces and a total of 37 percent feel we should accelerate our policy of troop withdrawals.

Mr. Speaker, this public opinion poll has proved to be extremely useful in measuring more precisely the attitudes of my constituents on the major problems confronting the 91st Congress. I know it will help me provide the people of the Sixth Congressional District with effective representation in the days and months ahead.

Under unanimous consent I include the results in the RECORD at this point:

MAJOR ISSUES

1. *Inflation.*—Do you feel that the Federal Government is effectively curbing inflation and the rising cost of living?

	Percent
a. yes	10.4
b. no	84.7
c. no opinion	4.9

2. *Pollution.*—With respect to controlling air and water pollution, the Federal Government is doing:

	Percent
a. too much	2.1
b. too little	76.6
c. enough	19.0
No opinion	2.3

3. *Social security.*—Do you believe that Social Security benefits should be increased?

	Percent
a. yes	64.9
b. no	24.8
c. no opinion	10.3

4. *Crime.*—With respect to the high crime rate, what do you regard as the *main* cause?

	Percent
a. poverty and high unemployment	12.5
b. lenient Supreme Court decisions	66.2
c. failure of prisons to rehabilitate criminals	6.7
d. increasing use of drugs	10.4
No opinion	4.2

5. *Indochina.* (Vietnam, Cambodia and Laos).—In Indochina the U.S. should:

	Percent
a. increase military operations to secure a military victory	28.6
b. continue the present rate of troop withdrawal	30.7
c. increase the rate of American troop withdrawal	17.2
d. withdraw all of our forces immediately	19.8
No opinion	3.7

6. *Foreign policy.*—Some people believe that we should reduce our military commitments abroad. Do you thing this is a good proposal?

	Percent
a. yes	63.9
b. no	28.8
c. no opinion	7.3

7. *Welfare.*—President Nixon has proposed a new welfare plan featuring a "guaranteed annual income" for poor people. Do you think this is a good idea?

	Percent
a. yes	25.3
b. no	67.4
c. no opinion	7.3

8. *Consumer affairs.*—Do you feel that the laws designed to protect the consumer are:

	Percent
a. adequate (no legislation needed)	15.7
b. inadequate (new legislation needed)	72.5
c. no opinion	11.8

9. *Farm policy.*—With respect to Federal farm policy, I would favor:

	Percent
a. maintaining present programs	24.3
b. providing greater Federal support to farmers	12.7
c. providing less Federal support to farmers	53.1
d. no opinion	9.9

10. *Priorities.*—Would you please number the issues listed below in what you feel is their proper order of importance, from 1 to 5 (most serious to least serious):

	Percent
a. economy (cost of living, inflation, etc.)	39.0
b. Vietnam	33.4
c. crime	10.7
d. poverty	1.5
e. pollution	6.8

Federal spending should be:

NATIONAL SPENDING PRIORITIES

[In percent]

	Increased	Decreased	Held at present levels	No opinion
1. The Vietnam war	13.1	57.4	25.1	4.4
2. Other defense spending	9.4	47.6	38.1	4.9
3. Welfare programs	19.3	42.2	33.1	5.4
4. Space programs	8.3	50.1	37.3	4.3
5. Pollution control	75.8	4.3	16.0	3.9
6. Farm programs	12.3	47.5	33.5	6.7
7. Aid to education	44.2	17.7	36.7	4.4
8. Programs for the poor	37.7	17.8	39.2	5.5
9. Aid to cities	28.2	23.9	42.2	5.7
10. Crime prevention, control	82.1	2.7	12.1	3.1
11. Health programs	57.0	5.9	33.4	3.7

DON'T KILL AGRICULTURE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, agriculture has become one of the controversial subjects in the field of legislation. This is due to the high cost of food, plus the fact that most Congressmen and Senators are city minded rather than rural minded. Actually, only a fractional part of the high cost of food can be blamed on the farmer. Most of it stems from handling and shipping charges. But the effect of these factors has been to create an atmosphere in Congress which is unfriendly to agricultural programs. This is unfortunate because agriculture is an essential part of the American way of life. The American farmer has established unheard of records of production and he is able, on comparatively few acres, to supply the agricultural needs for our Nation and much of the world. Much of our Nation's strength and independence has always stemmed from this agricultural capability, and it continues to be an important factor.

For years there has been subsidy for farmers. The farmer is not alone in this situation. Most American industry is subsidized in one way or another, including such giants as airlines and oil. It has long been accepted that without farm subsidies, prices to the consumer would jump to an unacceptable extent and that the farming industry in the United States would perish. Nevertheless, farm subsidies are constantly under attack. The present program expires this year. It is now before Congress for renewal. Essentially, H.R. 18546, the bill now under consideration, is a continuation of the acreage control subsidy program, but even that is in trouble. The principal change in the current bill is the limitation on the amount which can be paid to a single individual or corporation for nonproduction. There are big producers who now draw payments which run more than a million dollars annually. The present bill establishes a limitation of $55,000. This generally will be applauded and I support it. A continuation of the farm program appears to be necessary if we are to have a strong farming industry and acceptable standards of living on the farms. Although decreasing, agriculture is America's largest single industry, and rural values, now generally overlooked, are a very important factor in the life and traditions of the Nation.

This bill, as I stated, is primarily an extension of current agriculture programs. There is great need for a new program designed to check the rural exodus which now is significantly affecting our country. The present farm bill will not accomplish this goal. There has been in recent years a tremendous shift in population from rural and small-town communities to the cities, to the detriment of both. Simply stated, people have left the farms and small towns because they thought the cities provided a better opportunity for a livelihood. For some of them, it has meant going on relief instead of working for a living and that, too, is unhealthy. I have long been convinced that one of the most important objectives of our age would be a reversal of this rural exodus to bring people back to the smaller communities and away from the city slums. If this is done, it will be necessary to provide more wholesome living conditions, more jobs, better jobs, and opportunity for the young.

This is something that should concern government very much, but I see little to indicate real interest. If government will begin to place more emphasis on a reversal of the rural exodus by the establishment of programs which encourage small industries or recreation programs and help to provide jobs and to improve living conditions, much can be accomplished in a most important area. Possibly in time this would serve to reduce some of the requirements for farm subsidies.

RUSSIA COULD DESTROY THE ILO

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the International Labor Organization has for many years been a respected organization which attempts to improve the lot of the workingman worldwide. It first originated in the days of the League of Nations and it is now an important agency of the United Nations. The United States pays 25 percent of the cost of its operations. This is about par. For some reason, the State Department feels obligated to commit us for the lion's share of the operating costs of most activities in which we engage.

Russia pays 10 percent. However, Russia's participation in the ILO is farcical as there are no trade unions in Russia of the type that the free world knows. Labor organizations there operate simply for propaganda purposes and to indoctrinate working people with communistic pronouncements. Russia's presence in ILO has been characterized more and more by propaganda activities against the United States. By threatening to withhold their payments, they have been able to push the organization around to the point that its effectiveness has been seriously damaged.

Now comes the crowning affront to organized labor. A Russian has been selected for one of the two or three top administrative posts in the organization. This was accomplished through action of the newly selected British head of ILO. With a representative in that position, Russia would exercise much greater control over the operations of ILO and conceivably could succeed to the position of Director General. The House Appropriations Subcommittee, which deals with appropriations for U.N. organizations, has launched a strong protest. Nevertheless, the appointment has been made. An effort is now in progress to withhold U.S. funds from ILO. This is language that international organizations can best understand.

COASTAL PLAINS REGIONAL COMMISSION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, some years ago I participated in the establishment of the Northwest Florida Development Council under the auspices of the Economic Development Administration. Its principal objectives are to coordinate the resources of member counties and to utilize the best talents of all for the advancement of each portion of the district. It has accomplished some good and I think its potential continues to be excellent. However, its requirements are such that some of northwest Florida's counties have not been able to participate. Now there is under consideration a regional commission which would encompass all of northern Florida. It would broaden the work now being done by the development council and attempt to stimulate the development of natural resources throughout the area. This is not a proposal solely to bring additional Federal dollars into the State, for this alone cannot solve the problem of lagging economic development. Nevertheless, there would be available the help of technical assistance and supplementary grants. There would also be demonstration projects, training areas, special studies of other needs. It is hoped to encourage a systematic program of public interest which stimulates private investment to bring about improved economic conditions within the counties which are lagging and to close the income gap which now exists between counties. I have long known that the improvement of any portion of our district helps all of it. But we need activity directed to specific areas. Some of our counties cannot now provide significant opportunities for their young people and many of these have to leave their homes in search of opportunity. This situation we want to correct. The meeting we are holding in Tallahassee this morning is an effort to explore the potentialities of a regional commission which will embrace most if not all of north Florida, and which it is hoped can improve opportunity in the areas which need it most.

The significant thing is that north Florida counties now are eligible to affiliate with the Coastal Plains Regional Commission as part of an economic development region. The Coastal Plains region includes parts of North Carolina, South Carolina, and Georgia, but has not heretofore extended into Florida. This extension has now been recommended by the Secretary of Commerce and concurred in by Governor Kirk. The Coastal Plains Regional Commission seeks to strengthen the economy of the area which it serves through Federal grant-in-aid programs and independent authority to provide technical assistance, demonstration projects, and training programs. Such a program seeks to improve an area by taking advantage of its natural resources. In north Florida, this would mean improving the marine resources, timber and agricultural resources, tourism, and other activities which are natural to the area.

A meeting will be held in Tallahassee on August 8 by officials of the Coastal Plains Regional Commission and interested officials and citizens of the north Florida counties in which we believe an excellent potential exists for development. In connection with this meeting, I would be remiss if I were not to express appreciation for the work of our distinguished colleague, the Honorable WILLIAM C. CRAMER, in securing the necessary congressional approval for this undertaking and for his enthusiastic support of the program. I wish to call attention also to the very helpful efforts of my distinguished colleague, the Honorable DON FUQUA, in developing plans for the meeting which is to be held in his district and for his continuing and helpful efforts to improve the economy of his district and of our State.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, yesterday I commented on the failure of the House to proceed with adequate speed on the Legislative Reorganization Act of 1970. The following article from the Cedar Rapids Gazette of July 30 indicates the same feeling:

FEAR REORGANIZATION OF CONGRESS MAY DIE

WASHINGTON.—The house has sidetracked temporarily a congressional reorganization bill, giving rise to fears the measure might die of neglect.

Rep. Sisk (D-Calif.), the bill's floor manager, predicted the house may not get back to it until after the Aug. 14–Sept. 9 recess.

"I would like to go ahead with it now," Sisk said. "I would like to stay with it until it is finished and I hope to do that when we return."

The 140-page bill embodying some proposed major changes in ancient congressional procedures was laid aside Wednesday after being sporadically debated for almost three weeks.

SOME ADDED

Some big amendments were added during that period, but more than 100 pages remain to be discussed and many amendments are pending.

The announced reason for laying the measure aside was to make it possible for action on other legislation between now and the start of the recess.

There is a possibility, Sisk said, that the bill might be brought up again late next week.

Some colleagues said they fear the bill will get caught in a time squeeze. The house plans to take some more time off before November when the entire membership for the 1971 session is up for election.

If it passes the house, the bill must be approved by the senate before it can become law. Any changes made by the senate would require its return to the house and a possible time-consuming conference committee.

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Most of the changes would go into effect when the new congress convenes next January.

But one of its leading backers, Rep. Bolling (D-Mo.), said he does not share the concern that the bill might be caught in an adjournment logjam. Bolling and others contend that when members go home they may discover their constituents will demand congress streamline its procedures.

Since it started debate, the house has added amendments permitting broadcasting of some committee meetings, requiring committee to make public major votes taken behind closed doors, and curbing use of nonrecord votes on major amendments.

Even if the bill fails to become law, many of the changes could be included in the house rules without senate approval.

Mr. Speaker, we simply must regain the confidence of the people of this Nation, and the way to achieve that goal is prompt and meaningful action on the Legislative Reorganization Act of 1970.

RESULTS OF POLL CONDUCTED BY THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, recently the International Association of Fire Fighters conducted a post-card poll of the presidents and

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secretaries of its 1,200 local unions regarding the President's actions in Cambodia.

The poll drew an interesting response.

On the first question, Do you approve of the recent actions taken by President Nixon in Cambodia? the response was yes, 1,245 and no, 187.

The second question was: The AFL-CIO executive council has voted to uphold President Nixon on his action in Cambodia. Do you agree with this position? The answer was yes, 1,288 and no, 184.

Apparently, Mr. Speaker, America's firefighters appreciate a President who is willing to do what is necessary to prevent a blaze, despite the heat that may be applied by a local minority.

FEDERAL REVENUE-SHARING PROGRAM

(Mr. BIAGGI asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BIAGGI. Mr. Speaker, because of the urgent need to enact legislation that would provide for a Federal revenue-sharing program, I would like to bring to the attention of my colleagues a brief commentary on the State of New York's revenue sharing program. I hope it will contribute positively to the discussion of this new fiscal concept.

State-Local Revenue Sharing Program Aids Counties, Cities, Towns, Villages

New York State's local governments will receive an annual share of the State's personal income tax collections as a result of a new revenue sharing program developed by Governor Rockefeller and the State Legislature.

The new program, Chapter 142 of the Laws of 1970, provides that beginning in 1971 the State of New York will share annually 21 per cent of its personal income tax collections with counties, cities, towns and villages.

In a joint statement announcing the new revenue sharing program, Governor Rockefeller, Senate Majority Leader Earl W. Brydges, and Assembly Speaker Perry B. Duryea pointed out that this annual sharing of the State's personal income tax collections will allow local governments to participate in the growth of the State's largest revenue source.

TO INCREASE ANNUALLY

The total revenues received by the State's local governments under this program will automatically increase each year as the total State personal income tax collections increase.

During the current State fiscal year, which is April 1, 1970, to March 31, 1971, the total amount of regular per capita and special city aid distributed to the State's local governments is expected to be $151.9 million.

During the State's 1971–72 fiscal year, under the new state-local revenue sharing program, the total of such general grant aid to local governments will rise to an estimated $598.5 million, which is an increase of 70 per cent over the preceding year.

During the State's 1971–72 fiscal year, under the new revenue sharing program, the villages of the state are expected to have their total general grant aid increased from the prior year's $9.1 million to $14.1 million; the towns, from $41.1 million to $70.4 million; and the counties from $20.9 million to $27.6 million.

As to the cities, which now receive per capita aid and special city aid, the new revenue sharing program is expected, during the State's 1971–72 fiscal year, to increase such general grants to New York City from the prior year's $207.6 million to $365.6 million, and to the remaining "Big Five" cities (Albany, Buffalo, Rochester, Syracuse and Yonkers) from $33.5 million to $54.6 million. General grant aid to all other cities in the State would increase from a total of $39.7 million to $66.2 million.

The 21 per cent local government share of the State's annual personal income tax collections will be distributed under a new two-part formula.

1. The first part of this revenue sharing formula provides that beginning April 1, 1971, and annually thereafter, 10½ per cent of the State's personal income tax collections during the preceding State fiscal year will be paid to all counties, cities, towns and villages which now participate in the State's regular per capita and program.

The share of each local government will be determined by: A—First computing the regular per capita said share to which such individual local government would be entitled under present law, B—Increasing this regular per capita aid share of such individual local government by a percentage equal to the percentage by which the total 10½ per cent of the State's personal income tax collections exceeds the total regular per capita aid payments which would otherwise be made in 1971–72 to all local governments in the State under the present law.

2—The second part of this revenue sharing formula provides that beginning June 25, 1971, and annually thereafter, an additional 10½ per cent of the State's total personal income tax collection during the preceding state fiscal year will be shared by all cities in the State which were in existence as of April 1, 1968. This amount will be apportioned to each city on the basis of the percentage that the total population of the individual city bears to the total population of all cities in the State.

All State aid payments to counties, towns and villages under this new state-local revenue sharing program will be made in four equal installments during the fiscal year of each local government. These payments will be made at the same times as under the present program.

As to the aid payment schedule for cities under the new program, the regular State per capita aid payments will be made, as in the past, in four equal installments during the fiscal year of each city. The increased per capita aid for each city, as well as that city's proportionate share of the 10½ per cent of the State's personal income tax collections, allocated solely to cities, will be made on June 25 of each year, starting in 1971.

The new revenue sharing program also contains a provision which will protect any county, city, town and village in the State from any loss in general grant aid in the 1971–72 State fiscal year.

Without this provision, individual local governments might have received less aid in 1971, either through a loss of population as shown in the 1970 federal census or through the use of 1969 full valuations of taxable properties (instead of, for example, 1961 valuations), and 1969 personal income data, in computing their aid payments as required by existing law.

HOW IS THAT AGAIN?

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, two college presidents are currently basking in a press-created limelight on the basis of their attacks on the administration and its so-called responsibility for the turmoil on the Nation's campuses. The vituperation of the Heard and Cheek attack is predictable: College administrators and "educators" in general are not used to accepting responsibility for anything more than spending other people's money, in larger and larger amounts. For the President to suggest that college decorum is a college responsibility and not that of the Federal Government, is unheard of and unthinkable in this day when big Government is supposed to solve every problem, everywhere.

One could dismiss the Cheek and Heard irresponsibility were it not for the obvious delight of the press in finding and making heroes of anyone who attacks the President. Fortunately, the anti-Nixon press bias is not total and on occasion one finds a calmer assessment of the facts of the case.

An editorial in this morning's Wall Street Journal sets the record straight on the history of college turmoil and the Nixon administration's alleged responsibility. I trust our colleagues' minds are not closed to this short historical fact-finding tour by the Journal. The editorial follows:

How's That Again?

A short and not very inclusive chronology:

1964: "Free speech" demonstrations over rules about political speeches break out at the University of California at Berkeley. Sit-in demonstrators occupy the Administration building, Governor Edmund Brown orders their removal and 796 students are arrested.

Two-time political loser Richard Nixon emerges from somewhere to stump for Barry Goldwater. Spiro Agnew completes his third year as chief executive of Baltimore county.

1965: Berkeley's "free speech" movement becomes the "filthy speech movement," as demonstrators back the free use of obscenity. Demonstrations, on a smaller scale, appear at other campuses, and the press and public bodies start to analyze the "new student revolt" and "new student left."

Richard Nixon practices law in New York, and Spiro Agnew finishes another year as Baltimore County executive.

1966: Student strike at Berkeley proves abortive, but anti-draft demonstrators hold the University of Chicago administration building for three days. Anti-war Harvard students surround and stop a car carrying Secretary of Defense McNamara, shout him down when he tries to answer their questions.

Richard Nixon stumps successfully for Republican Congressional candidates. Spiro Agnew is elected governor of Maryland.

1967: Disruptive demonstrations occur at California, Columbia, Harvard, Illinois, Iowa, Johns Hopkins, Michigan, Minnesota, Oberlin, Princeton, Stanford, Wisconsin and others.

Richard Nixon tours Europe, Asia and Latin America; Spiro inaugurated in Maryland.

1968: Columbia University erupts as blacks and the Students for a Democratic Society occupy several buildings to protest a proposed gymnasium location; police are called and a student strike closes most classes. A study by the National Student Association counts 221 major demonstrations at 101 colleges and universities between January 1 and June 15. S. I. Hayakawa pulls the plug on the demonstrators' sound truck at San Francisco State College.

Richard Nixon and Spiro Agnew win the November election.

1969: Order is restored at the University of Wisconsin by 1,900 National Guardsmen. Swarthmore President Courtney Smith dies of a heart attack while awaiting a faculty

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committee studying demands of students occupying the admissions office. Harvard deans dragged out of the admistration building by students opposing retention of ROTC on the proposed noncredit basis. Students at Cornell University demand a fully autonomous "Afro-American College," occupy the student union building and, feeling threatened, arm themselves with guns.

Richard Nixon and Spiro Agnew are inaugurated in January. The new President announces a policy of withdrawing troops from Vietnam.

1970: Yale University suffers a student strike over the torture-murder trial of Black Panthers in New Haven. Hundreds of campuses erupt to protest the American attack on Communist sanctuaries in Cambodia. After three nights of violence at Kent State University, National Guardsmen open fire and kill four students. Two students are also killed at Jackson State College.

President Nixon appoints a special commission to probe into the basic causes of campus unrest. The drift of the testimony is that it's caused by Richard Nixon's policies and Spiro Agnew's rhetoric.

A FUTURE MODEL FOR THE MIAMI POLICE DEPARTMENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, when the appropriation for the Law Enforcement Assistance Administration was considered by this House, I urged upon my colleagues the great importance of increased funding. I felt then, as I do now, that the money we spend now to attack crime will be more than repaid as it will strike out against the root causes of crime and civil disturbance before the loss of life and property in our country becomes even worse than it is now.

The Miami Police Department, under the able leadership of Chief Bernard Garmire, is an innovator in the use of new techniques and emphases in law enforcement. Aside from helping to obtain $20 million in aid from the city of Miami to facilitate an improvement program for the Miami Police Department, Chief Garmire has set out some cogent ideas regarding this important matter. His article, "A Future Model for the Miami Police Department" was published in the June issue of Miami Interaction. I welcome the opportunity to commend this new approach to my colleagues at this time:

A FUTURE MODEL FOR THE MIAMI POLICE DEPARTMENT

(By Bernard Garmire)

During the past five years, public attention has focused increasingly upon the issues of crime and the administration of justice. The police service has come under particular scrutiny because it is the most visible element of the justice system, and because it has the primary responsibility for law enforcement and prevention of crime. Public attention upon the police has resulted in a greater awareness of police problems and a greater willingness on the part of the constituency—perhaps even to the point of a mandate—to provide the police with adequate support. Numerous election campaigns can be cited to demonstrate the existence of such a mandate, *e.g.*, crime in the streets became a national issue in both the 1964 and 1968 Presidential elections.

DIRECTION OF POLICE TECHNIQUES CHANGING

Accompanying the increase in public concern about crime and the justice system—particularly the police role in that system—has been the increase in scholarly and governmental attention. Three Presidential commissions have examined, at least in part, the problems of police. Scholars who have long neglected the police role in society are now turning their efforts toward an examination of that role. Research and development institutions are experimenting with new concepts, techniques, and tools specifically designed for the police service. In short, we are experiencing a "knowledge" explosion in the police service.

One immediate consequence of such a phenomenon is that accepted doctrines of policing are no longer valid, and the new doctrines are either not thoroughly tested or, if tested, not generally disseminated among administrators throughout the police service. A second consequence relates to dissemination in that there is so much relevant information about new techniques, concepts, and tools—scattered all over the nation and in a multitude of different institutions—that a single police agency cannot by itself become aware of more than a small part of that information.

Therefore, a police administrator who has the opportunity to acquire extensive financial support if he can submit programs and projects, is on the horns of a dilemma. On the one hand, he can submit programs and projects with which he is familiar but which are simply extensions of traditional practices; or, on the other hand, he can attempt to survey new developments and take the risk of submitting ideas which have promise but have not been fully tested or are not representative of the best thinking in the field. In the former, the administrator runs the certain risk of investing monies in projects which will become obsolete. In the latter, he runs the risk of investing monies in projects which may fail because they are not fully tested, or are second rate, because he was not aware of the best projects in the field. In any event, the investment of large sums of public monies in obsolete, untested, or second rate projects will result in disaster for the administrator, the police department, and the community.

It was with these constraints in mind that the Police Department submitted a $20 million program for inclusion in the City of Miami's total $129 million bond issue. The primary goal of the police bond program is to develop a model or "modern" Police Department.

Attempts have been made to establish model or modern traffic units, juvenile units, etc.; but, no one has attempted, or had the resources to develop a *model department*. Given adequate financial resources along with sufficient expertise, it can be done. If we can develop "model cities" why can we not develop model police departments to serve model cities? The benefits to the community will be commensurate with the resources applied.

It is not that crime cannot be controlled; rather, it is that the volume of crime exceeds the quantity and *quality* of resources heretofore applied to its control. But, I do not mean to imply that the mere acquisition of physical resources such as computers, communication systems, etc. will result in crime reduction and elimination. Crime is the product of a myriad of social, economic, and political factors, and until the root causes of crime are resolutely and effectively dealt with, our society will be riven by crime and its attendant violence. The police mission, at least as historically and legally defined, is directed at the symptoms of crime rather than the disease itself. Other agencies in the administration of justice and in society at large must seek to eradicate the disease. May I add, parenthetically, that time is running out for us because of our collective tendency to provide words rather than deeds in response to the social problems of crime and violence. However, the physical resources we are requesting will enable the police to carry out their mission, and thereby provide the time, hopefully, for the other agencies to respond to the root problems producing crime.

MODEL OF POLICE DEPARTMENT SUBMITTED

There is no such thing as a model police department anywhere in the nation, or in the world for that matter. Therefore, we cannot describe the precise elements which will constitute the model, but we can suggest its dimensions and basic components. We can do no more than suggest because of: (1) the "knowledge" explosion in the police field alluded to above; and (2) our limited knowledge of what the future will provide in terms of new demands upon the police service and new developments to meet those demands.

Therefore, what the Department submitted was a skeletal concept for a modern police department which was fleshed out by several requests for the types of facilities, equipment, and systems which would constitute the basic components of a modern department. All the items incorporated in the bond program are in use now in either police departments or industry, or both, but they are not yet anywhere integrated into a total system specifically designed to serve a particular police department. What we have attempted to do is to pull all the items together into a total system and its supporting subsystems.

Essentially, what is proposed for the modern Miami Police Department is the acquisition of the basic facilities and equipment—conventional and sophisticated—to provide the capability to produce any kind of specific system that is necessary. Again, referring to the "knowledge" explosion and to our limited expertise in technical areas, we cannot specifically list the precise details of the systems to be ultimately developed, e.g., a complete description of a vehicle locator device to include unit specifications, supporting facilities, and detailed costs. What we can do, however, is indicate the purpose of such a device and the basic equipment available, *e.g.*, a vehicle locator device functions to locate all police vehicles within a specific degree of accuracy to provide police commanders a means of more efficiently dispatching cars to answer citizen calls for police assistance, thus conserving manpower and time; such a device will involve the use of a computer, communications equipment, cathode ray tubes, etc.

The capability which we wish to develop will be such that it can respond to technological advances in the police service, chances in the concept of the police role, and the changing needs of a growing community. We can state with some degree of confidence that no matter what the foreseeable future brings in the form of technological advances, such technology in the police application will be built around two components: computer systems and electronic communications systems. In short, a modern police department will provide capacity for response to technological advances and flexibility for response to changing community needs.

The mere addition of increased numbers of police officers is not the answer to 20th Century crime problems—particularly, when they will be fed into a system that is based on archaic concepts and supported by an obsolescent technology. We are striving *not* for an increase in personnel, but rather for an increase in the quantity and quality of concepts and technology to support existing personnel and enhance their effectiveness.

Although the purpose of this article was primarily to articulate the fundamental rationale underlying the Police Department's submission in the City bond issue, a brief description of some of the systems and technologies involved might be in order. As pre-

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viously indicated, the basis of the modern police department will be a computerized information handling system and an electronics communications system. Some of the specific subsystems supporting the major systems are: Document Originating System, Document Retrieval System, Video Tape File, Video Microfilm File, Suspect Modus Operandi Data File, Suspect Offense Comparison, Electronic Dispatch System (Command and Control System), Police Management Information System, Geographic Index System, Car Locator System, and a Message Switching System. These systems will be supported by approximately $3 million worth of peripheral equipment. The total cost for the systems and equipment just described will be $7 million.

In terms of additional equipment to complement the computer and electronics systems, the bond program provides for the acquisition of such items as helicopters, closed circuit television monitors, mobile teleprinters, portable radios, mobile crime investigation units, and numerous other items. Total cost for this part of the bond program is $1.6 million.

A new police building is an integral element of the bond program. The building is proposed to meet the needs of the City of Miami to at least the year 2000. The type of building envisioned is not a traditional police structure; rather it is a modern administrative office building. A jail is not incorporated in the building because it is believed that the operation of a jail is the function of corrections, not police. The building will be designed in such a way as to emphasize that the police are a part of the community, not a quasi-military institution apart from the community. Building cost is $11 million.

Finally, $400,000 is requested for professional consulting and planning assistance to develop and implement the systems and technologies incorporated in the bond issue.

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CRIME STATISTICS SPEAK FOR THEMSELVES

It is customary to accompany bond proposals such as this with detailed documentation of needs. In fact, it appears that a formula must be applied which says that for x number of dollars requested, there must be x number of pounds of paper work justifying the request. We would submit that in the areas of crime, violence, and the police, justification for increased support of police services has been more than amply documented. Public opinion polls indicate that the average man in the street, including minority groups, perceives that crime in all its manifestations is the paramount domestic concern. Research has indicated that the public's perception of the prevalance of crime has led to changes in basic life-styles. Research has also demonstrated that the police are attempting to cope with 20th Century problems with 19th Century concepts and technology. Simply stated, the modern police department proposal is offered as an opportunity to develop 20th Century capability for response to 20th Century problems.

However, to bring the point home a few illustrations will be offered:

The major crimes (Part I Offenses—murder, rape, robbery, aggravated assault, burglary, larceny over $50, and auto theft), based on trend projections computed from the past five years experience in Miami, will increase nearly 40% (38.6%) from 1969 to 1974—20,635 to 28,600 Part I Offenses!

Certain crimes which have a definite impact on the public consciousness are rape and burglary. Based on the same trend experience of the past five years in Miami, rape will increase 89.2% and burglary 67.2% in the next five years, 1969–1974.

Traffic statistics based on trends and computed for the next five years indicate that Miami will experience a 34.5% increase in total accidents, a 44.9% increase in total injuries, and an 80.3% increase in total fatalities.

Projected population growth in Miami for the next five years will be much less than the projected crime increase. Population will increase somewhere around 9% to 10%. Quite obviously, the crime increase will be greater than population increase and this is just for *reported* crimes. Studies indicate that one-half or more of the crimes go *unreported*.

It should be noted that for the funds the City of Miami invests, a possibility exists of receiving a significant amount of grant-in-aid monies from the federal government. Without going into detail, suffice it to say that through the Safe Streets Act of 1968, the Juvenile Delinquency Act of 1968, and the various statutes administered by Health, Education and Welfare, Housing and Urban Development, and Department of Transportation, funds exist. If the concept of a modern police department is given substance by local support, then the federal government can be induced to assist. The federal government is particularly interested in supporting innovative projects and has demonstrated this in the past through generous funding programs. What is suggested here is the same thing except in terms of project scope. Previously, in the case of the police, the scope has been restricted to functional projects or to projects which embrace one part of the whole. What we are suggesting is funding for the whole—an entire police department.

CHALLENGE TO CITIZENS

If the citizens of Miami are willing to finance a $20 million expansion, renovation, and improvement of their police department, the federal government could not ignore this kind of effort on the part of local government. Additionally, we could offer the federal agencies the opportunity to participate in an ongoing experiment of tremendous dimension. The Miami Police Department could become the "police laboratory" for the nation. Thus, an investment of $20 million could result in an ultimate investment, through federal assistance, of a significantly larger sum. The direct beneficiaries of such a program would be the citizens of Miami.

Now, we must address the question. "If a modern department is developed, what is the pay-off?" Unfortunately, the question cannot be answered in the positive sense, *i.e.*, if x millions are invested in a police department, then the crime rate will be reduced by x amount, which will in turn produce enough benefits through decreases in injuries and property loss to equal the original investment. In a computer laboratory and using a sophisticated, statistical method, a statement such as the above could be made. Whether the statement would be validated in the real world as opposed to the "laboratory" is problematic.

Therefore, if we are to be honest and realistic, we can only answer the question of pay-off in a negative sense. A great body of literature exists to prove that crime is increasing relatively and absolutely, that the police service has been bypassed by the technological revolution, and that although there has been a substantial increase in the number of police in the past twenty-five years, the battle against crime is being slowly, but inexorably lost. Common sense tells us, therefore, that if the past and present systems have not been effective, then new systems must be developed.

The modern police department concept carries with it the implicit assumption that if police are supported by an adequate technological base, guided by enlightened philosophies of crime prevention, and given adequate financing, police will have a *realistic chance* of coping with the crime problem. We are convinced this assumption is valid, and we are willing to put our professional reputations on the line in support of that assumption. We are not willing, however, to promise that we can reduce crime by any specific percentage; nor, are we willing to promise that every dollar invested will result in a dollar's saving through reduction of crime. To promise this would be to deceive the public and ourselves; furthermore, it would be the epitome of professional irresponsibility. We think the modern police department will achieve our expectations, but the final answer lies in the future. Unfortunately, we are not soothsayers—only ordinary men confronted with an extraordinary task.

TIME TO SPEAK OUT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, at a time when our Nation is beset by many divisive issues, it is both refreshing and essential to draw upon the experience of leaders outside government so that the wisdom of those close to the common man may be of benefit to all of us.

Jacob S. Potofsky, general president of the Amalgamated Clothing Workers of America, AFL–CIO, is just such a man. He has been a part of the organized labor movement for many decades and is better able to express the views of this important segment of our population than any man I know.

At the 27th biennial convention of the clothing workers, Mr. Potofsky addressed himself to the needs of our country and proposed some meaningful areas in which government could and should respond now. His defense of the right to dissent and his commentary on the alienation of government from the needs of many sectors of the population are an eloquent testimony to the urgent priority we must now establish in the areas of public welfare, respond to the young, and the termination of war abroad. We would all do well to heed the advice he offers. It is for this reason that I am grateful for the opportunity to insert his remarks in the Record and to commend them to my colleagues at this time:

Time To Speak Out

Our country is facing one of the darkest periods of the century. We are beset by a host of problems—more complex, more perilous and more numerous than at any time in recent history.

The war in Southeast Asia is escalating without end in sight; more of our boys are being killed and maimed. The blight of our cities is becoming worse with every passing day; pollution is increasing; our natural resources are being wasted; inflation is continuing at an intolerable rate; unemployment is increasing daily; prices and interest rates are soaring; dissent is discouraged and intimidated; our young people are frustrated, alienated and angry; our foreign friends are bewildered by our actions; extremism of right and left is becoming a part of our daily life; and our country is more bitterly divided than it has been in a century or more.

TIME TO SPEAK OUT

This is a sad and sorry picture. It can be remedied only if we begin by having the courage to look honestly at these issues. It is time to speak out. This is what I shall attempt to do.

I shall therefore talk principally about Vietnam because it underlies practically all our troubles. Vietnam is a vital key to war or peace in the world. On its swift end may well depend the very preservation of our own democratic way of life. And everything that we cherish lies in balance on the developments in that area.

I am not suggesting that the American public is of one mind about Vietnam. Because that is so, it is important to analyze the issue as rationally as possible.

Now, let's see what are the facts.

Vietnam has cost us almost 50,000 of our young and almost 300,000 wounded and maimed.

A week before last, more of our soldiers were killed than in any week during the past nine months.

It has disrupted the lives of millions of our young who were inducted in that war.

It has brutalized and demoralized our soldiers on a scale never before experienced.

We have devastated a land that we are trying to save; villages and towns have been destroyed; uncounted numbers of innocent Vietnamese have been killed or uprooted.

This war has already cost us more than $100 billion; yes, $100 billion.

The President recently vetoed a measure of Congress providing one and a half billion dollars more for education, on the ground that it is inflationary. Yet, at the same time, we are spending more than 2½ billion dollars a month on the war in Vietnam.

How topsy-turvy things are! Money for education is inflationary but money for killing is considered by some to be right.

But $100 billion is not the only cost.

We shall have to pay interest on that $100 billion probably indefinitely, and the interest bill alone in the future will be tens of billions of dollars.

We have been in Vietnam for almost nine years. We have bombed Vietnam, North and South, with more explosives than were used in World War II. Think of all that bombing against a small country. Yet it appears that the military will of the North Vietnamese and the Vietcong has not been broken.

MILITARY VICTORY A QUESTION

It has become questionable whether a military victory will ever be possible—a fact that even the generals are now admitting.

General Ridgway—the former UN and U.S. Commander in Japan, Korea and Far East, and later Army Chief of Staff, said some time ago:

"We should repudiate once and for all the search for a military solution and move resolutely along the path of disengagement."

On April 20, the President gave the nation a reassuring report that "everything is going well and we are in sight of a just peace." He announced at the same time an intention to withdraw 150,000 troops within a year. Yet, only nine days later, with nothing substantially new developing on the military scene, the President widened the war in Cambodia and renewed the bombing of North Vietnam—a complete re-escalation of the war.

One may ask: why the panicky rush? Why didn't he consult with the Congress about this? There was plenty of time. Was he afraid that the Congressional and public opposition would veto the military eagerness to go into Cambodia? After all, Congress has a Constitutional responsibility in these matters, too.

Our invasion in Cambodia means that all the tragic errors of escalation are being repeated. We are being plunged deeper and deeper into the pit of disaster.

CONGRESSIONAL RESPONSIBILITY

That is why we support the efforts of those courageous and truly patriotic American Senators who have sponsored legislation designed to bring to a speedy end the most disastrous war in our history. Let us pray that success may crown their efforts.

The Congress must exercise its Constitutional responsibility of not leaving the war-making decisions to the President alone. To do so would spell the abdication of its responsibility.

The Cambodian invasion is tragic on other grounds as well. For example, it may undermine or threaten the success of the arms control negotiations and talks in Vienna. And the success of these talks is vital to the peace of the world.

Another damaging consequence of the Cambodian maneuver is the definite weakening of American power to influence the situation in the Middle East. I need not remind you what a powder keg that is. The Middle east may blow up again.

Israel's security is an over-riding moral imperative of the world. Yet the Soviet Union freely sends arms, planes, missiles, technicians and pilots into Egypt to support Egyptian and Arab belligerency. Direct Soviet intervention in the Middle East has already stimulated Egyptian offensive action along the Suez Canal.

Do you believe that the Soviets would have dared to risk such brazen intervention into Egypt—particularly after its brutal invasion of Czechoslovakia—if we were not bogged down in Vietnam?

One must ask: "How did our country get so involved in Southeast Asia? What is the explanation?"

I suggest that there are two explanations underlying our activities in Vietnam. One is the dominant role of the military, and the other is the enormous profitability of war.

MILITARY-INDUSTRIAL COMPLEX

It is probably a fact that never before in our history have the military and their allies in defense industries possessed such power in our nation. This military influence even worried President Eisenhower after his long experience as a general and as President. And if anyone had intimate knowledge of this military-industrial connection, President Eisenhower was the one.

President Eisenhower said in his farewell speech (January 18, 1961):

"We must guard against the acquisition of unwarranted influence . . . by the military-industrial complex . . . We must never let the weight of this combination endanger our liberties or democratic processes . . ."

Yet, that is exactly what happened.

The record of military miscalculation in Vietnam is terrifying.

Our so-called military experts have made one costly mistake after another. They have asked us to swallow their forecasts of victory through escalation far, far too often. They have asserted that their special sources of secret intelligence should command complete and unquestioning support. But their dismal record of failure has lost them their right to a blank check from the American people. We have all paid, and are still paying dearly, for their mistakes—and how much longer? Who knows?

Now we come to the other half of the military-industrial complex. If profits were taken out of war, we would have fewer and shorter wars. I have no hesitation in saying that if profits were taken out of the Vietnam war—profits shared by industrialists here and by the new crop of millionaires in Saigon—the Vietnam war would have been a dim memory by this time. All the talk about saving democracy for the South Vietnamese would have vanished into thin air by this time. Pious cries of security and patriotism are too often the mask for profiteering patriots. Let us never forget that.

The military are responsible for the staggering increase in defense expenditures from 12 billion dollars in 1948 to 80 billion this year—an increase of 700 per cent.

Senator William Proxmire established that military spending could be cut by $10 billion a year without impairing national security. The waste runs into billions more.

An Air Force efficiency expert testified on the enormously inflated costs of a Lockheed plane for the Air Force, amounting to $2 billion. You know what happened to him? He was fired for telling.

Over 2,000 former officers of the rank of colonel or navy captains or higher were employed by the leading military contractors. I don't have to tell you what that means.

The former Research Chief of the Pentagon called on Congress to halt the growth of the United States military machine before it became a Frankenstein monster that could destroy us.

WASTE VERSUS SECURITY

Do you know what happened when Congress was asked to scrutinize defense spending more closely? The President appointed a blue-ribbon panel to serve as a watchdog over the Pentagon. But do you know who was on the blue-ribbon panel? Eight of its members have interests of more than a billion dollars in defense-related industries. Instead, what we desperately need is the most critical, intensive examination of every aspect of defense spending industries.

Let us not mistake waste for security. The true American patriot is not the one who wants to increase defense spending. The true American patriot is the one who wants every dollar spent on defense to be spent effectively, not wastefully—and not for the benefit of defense profiteers.

We want an America which is strong—strong not only militarily, but economically, politically, diplomatically, and above all, humanly.

Now let me turn from the military arena to our domestic scene. What has the Vietnam war done to us at home?

The war has done great damage to the spirit of America. There is a bitter and ugly mood in the nation. A climate of fear has descended upon our land. The war has set men against each other. The war has caused division between the people and their government. It has aroused suspicions and false accusations. It has brought back some of the evils of McCarthyism—an evil which it took us years to overcome, and which we had all hoped would never reappear.

Today, we have tapped wires, political snooping, secret informers—all of them the marks not of a democracy but of a police state.

Our Bill of Rights is in danger of erosion. Until we have peace, our very democratic processes are threatened.

Today those who oppose war are attacked for their lack of patriotism. Dissent is confused with disloyalty. Yet high government officials try to intimidate our newspapers and radio and TV.

THE RIGHT TO DISSENT

Let us bear this important fact in mind. Dissent is the spur to reform. It is in troubled days that the rights of the dissenters must be upheld if the liberties of the many are to remain safe.

Let us not forget that our nation's greatness springs from the vision of greater freedom for all, not restricted liberties for some. We must carry the torch of freedom against the forces of dark suspicion and fear.

When the war ends, we can hope that we will be able to establish our democratic priorities once again. But it may take much longer to recover from the spiritual effects of this military disaster.

One of the greatest tragedies is what has happened to our youth, so many of whom have lost much of their faith in our leadership and in our democratic system. Students are not saints, but neither are they bums or rotten apples!

Their frustrations and alienation have become intense. Some have resorted to violence—and in some cases, such as in the tragedy at Kent State and Jackson State, they have been met with inexcusable violence.

It is unfortunate that it took these tragedies to wipe out the indifference with which the problems of the young were met in high places.

I do not wish to be misunderstood. Violence must be condemned. It is self-defeating and leads only to more violence.

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VIOLENCE LEADS TO CHAOS

Those who practice violence—whether they be young or old—whether they be white or black—whether they be students or national guard, or police or workers—must recognize that they are all contributing to chaos. If history teaches one thing, it is that chaos is followed by periods of the iron fist. After the chaos, no one knows what kind of dictatorship will emerge. We do not have to be reminded how Hitler came into power.

Let me say one word to the youth, to our young—for they are our most precious asset. Meet the challenge that faces you not with violence but with practical, constructive action. Choose the traditional way of democracy, the peaceful way. Become active this summer and fall in the election campaigns; work with labor to elect candidates who will help end the war in Vietnam speedily. Help not only end the war, but enable America to meet its domestic needs.

Years ago, students used to be excused from school to harvest the crops in the fall. Today, why not let them out of school to harvest votes?

I hope that we will give our youth the right to vote in national elections.

It will bring the talents and energies of our young into the normal democratic processes. Today, the educational levels of our young people are so much higher than they were before. They are old enough to fight and die in Vietnam; they are old enough to work, to marry, to pay taxes, yet they are denied the basic right to participate in our democratic society—the right to vote.

As a matter of fact, by depriving 18, 19 and 20 year olds of the right to vote we are contributing to one of the causes for their despair.

The 18-year vote is overdue and should be passed by Congress this year.

BYPRODUCTS OF WAR

There are many other consequences of the Vietnam War.

The 30 billion dollars a year we spend for war cripples our financial ability to deal with serious domestic needs.

Every warplane built for Vietnam means we cannot build a new high school.

Every shipment of guns costs us public housing for our cities.

Every tank and truck means a cutback in our war on poverty.

Our needs are almost without end. Our resources of water and air are being polluted at such a rapid rate that the very life of civilization is in danger.

To reclaim our air and water will cost billions of dollars, to build advanced disposal plants, to change the way we burn our fuels, to create new and cleaner sources of power.

We must spend those billions of dollars if we are to preserve life itself—but today we are spending those billions on tanks and ammunition for Vietnam—almost $3½ million every hour of the day and night.

NEED DECENT HOMES

One of the most serious national needs is housing for those of moderate income. We need officially 2,600,000 new units of housing each year just to keep up with our population growth, but we are building less than half. In some cities, including New York, our stock of housing is slowly growing smaller at the very time when our needs are increasing.

We will never solve the crisis of our cities until we start a massive housing program.

But today inflation has driven up the cost of housing beyond the means of private enterprise to build it, and the war has robbed our government of the funds to build it.

As a result, we are not building middle- or low-income housing to meet our needs, and our cities continue to deteriorate.

Many of our citizens—blacks, Puerto Ricans, Mexican-Americans and others—have not been given equal opportunity. Some of their needs must be met through laws requiring an end to discrimination in voting, jobs, housing and education. These laws must be enforced vigorously and fairly.

TO WIPE OUT GHETTOS

But some of the needs of minorities can only be met by new expenditures for schools and housing and medical facilities to wipe out the ghetto slums from the face of the land. So long as we have a war budget and inflation, we will not have the funds that are needed for these purposes. Until we have peace, we will not be able to make substantial progress in reducing poverty and ending all trace of discrimination and bringing all people into a first-class citizenship.

My friends, the quicker we extricate ourselves from the war in Vietnam, the sooner we can attend to these urgent needs.

There are other costs of war as well.

Working people in America do not need an economist to tell them about inflation. We feel and see inflation every time we walk into a supermarket or barber shop or movie theatre. We feel and see inflation when we buy a car, or look around for a modest home to buy—those who can afford it —or get a bill from a doctor or hospital.

Despite wage increases negotiated by trade unions for every major industry during the past five years, workers' real wages have gone down instead of up.

There appears to be no end to the inflationary spiral. Despite the Administration's repeated predictions to the contrary, the battle against inflation has been lost! It is estimated that it won't take many more years before our present dollar will lose a third of its purchasing power.

Inflation is a direct consequence of our swollen wartime economy—and so are the steps taken by the Administration to halt inflation. One of these steps has resulted in the highest level of interest rates in more than a century. The government had to borrow more than 100 billion dollars for the Vietnam war. This has resulted in an escalation of interest rates, with the result that every purchase became more costly. The cost of money affects every nook and cranny of our lives.

If the war continues, interest rates may go so high that the government may find it difficult to finance the war and even minimum domestic requirements. That will mean higher taxes and more will be taken out of our pay envelopes.

Between inflation and high interest rates, many businesses will have to close down or face bankruptcy.

We don't need dictionaries to tell us when a recession comes. It is here right now—it is here!

UNEMPLOYMENT AND INFLATION

What do you think will happen when businesses close down? More and more unemployment. Those still working will be working fewer hours. Take home pay will go down and down.

I ask you, who is the first to lose his job when unemployment rises? Is it the President of General Motors or Dupont? Of course not! It is the working man, and what is worse, it is likely to be the least skilled, the member of a minority group, the person who has the least savings to fall back on, and the one who has the most difficult time to find a new job.

Neither inflation nor recession affects all equally. It is those of modest means—workers, retired people—who are hardest hit by both. If this trend continues, social tensions are bound to be aggravated. Both inflation and recession are a direct result of the war, and we will not end them until we end the war.

Two years ago we faced the challenge of a Presidential election. The trade union movement met that challenge with all its energy and determination, and almost singlehandedly made it one of the closest elections of modern times. Nevertheless, despite our efforts, the election was lost.

The 1970 elections will be a battlefield for the control of Congress, particularly the United States Senate. In the elections of six to 12 years ago, a number of remarkable liberals came to the Senate from marginal states—men who might never have won except for the unusual liberal landslides of those years.

This year, no one has any expectation of a liberal landslide, and, as a matter of fact, a number of those Senators face very difficult reelection races. One of them, Senator Ralph Yarborough, of Texas, the chairman of the Senate Labor Committee and one of our liberal champions, has already lost to a conservative in the primary.

The labor movement must meet this challenge with all its resources. These Senators depend to a large extent on organized labor, because the support which used to come from their party has sharply declined. Only the trade union movement survives as a strong, nationwide institution to support liberal candidates.

I know I do not have to urge the officers and staff members of the Amalgamated to greater political efforts, for it was under Sidney Hillman's leadership that the labor movement first became active in political education and we have continued to devote ourselves wholeheartedly to this important task.

ACHIEVEMENTS AND CHALLENGES

So, delegates, I have talked this morning mostly about challenges, not achievements. The fact is, that we have much to be proud of. We have given working people a strong voice in their own destiny. In the course of our years, we in the Amalgamated have built institutions to provide many of the necessities of a decent life—health insurance, pensions, education, housing, medical care, and much more.

But this is no time to rest on our achievements. The challenges that confront our country and indeed the world, are overwhelming. If we do not meet them, our way of life, and civilization itself could be in mortal danger.

We, as Amalgamated officers, and members, represent a cross section of American working people, men and women from every area of the nation, from big cities and small towns and villages, from North and South, from the East Coast and the West Coast. Our membership works in factories and stores and service establishments. We represent every nationality and every race and religion.

Delegates, I am convinced that our members, like all working people, and like the majority of all Americans, want peace. They want peace now, without delay. They want peace without further military adventures, without more killing.

So I call on you today, to bring up all your reserves of strength and dedication to our noblest ideals and goals.

PEACE, NOT WAR

We must strive to impress upon our government that the people of our country and of the world want and demand an immediate commitment to peace, not war.

We must bend every effort to influence our military leaders that death and destruction must come to an end, that the way of weapons is not our way.

I do not talk of peace next year. I talk of peace now. The hour is late and the country's danger is great.

This is the hour of decision.

Our nation needs peace now. The world needs peace now.

Let us all be united to help achieve that inspiring goal.

(*The audience stood and applauded.*)

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LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—VIII

(Mr. FARBSTEIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FARBSTEIN. Mr. Speaker, on July 9, Jewel Food stores, the fourth largest chain in the country, and one of the fastest growing, announced its intention to make the meaning of many of the food codes found on its items available to its customers.

In so announcing its decision, Jewel stressed the fact that they fully expected to economically profit from this move by attracting the intelligent shopper who is concerned about the freshness of the food she buys.

One of Jewel's representatives told my office that they expected to have to readjust their ordering procedures initially so that they would not be left with out-of-date food. On the other hand, they fully expected that once the initial adjustment had been made, they would have little difficulty.

This analysis contrasts markedly with the views expressed by the official spokesman for the grocery industry, the National Association of Food Chains, which vehemently opposes the open dating of foods. The association says open dating will increase the price of food. They, of course, have made the same statement about every proposed consumer reform. They contend that if the consumer knows the freshness of all items she is able to examine in the supermarket, she will choose the one with the latest date, and the store will have to discard large amounts of food.

Jewel's answer on this subject is, I believe, quite enlightening. They say that letting the consumer know how fresh an item is will restore confidence in the freshness of their foods. I really think this is what open dating is all about. For if a consumer knows a product is fresh, she is not going to take the time or trouble to scrutinize every item in the store to find one which may be 1 day fresher.

Open dating will affect the grocery store owner who sells out-of-date food differently, if he is inefficient, than it will if he is deliberately selling stale food.

The New York City experience with dating of milk demonstrates that open dating compels the inefficient store manager to become more efficient. He has no choice. As Jewel Food stores say, he must start watching his inventory turnover and do his ordering accordingly. Once he adopts efficient practices, not only will open dating not hurt him, but since he has become more efficient, it may not only improve his trade but also his profits.

The store owner who deliberately sells out-of-date food for whatever reason, will, of course, be economically hurt by open dating, for he will not be able to sell stale food any more.

Jewel is to be commended by taking this pioneering step in making the meanings of many of its codes known to its customers. I understand other chains in Washington and Chicago are also planning on adopting similar policies.

But I do not think Jewel went as far as it could in making freshness information available in a form in which the shopper can readily use it. To begin with, the translated codes cover only a very small part of the items in a grocery store.

The beginning of the Jewel Coding Guide divides all food items into four groups based upon the length of their shelf lives. It is interesting that almost all of the items in the first group of foods, those with the shorter shelf lives, have translations while almost none in the fourth group have translations. Among the items not translated are baby and canned foods.

With a few exceptions, all the codes and their translations are being listed by the store in a book on the customer service desk, far from the items themselves. Why are not all codes made understandable on the packages themselves? I doubt if more than a few customers will regularly use the information contained in the book.

The store should clearly stamp the last date on the label that the food item could be sold.

This is what legislation which 59 other Members the House have joined me in introducing calls for, and what a petition I filed with the FTC requests.

If Jewel is sincere about making food freshness information available to the consumer, it will not only adopt open dating for its own items, but will fight for Government action to require it on all packaged and canned food.

I insert at this point in the RECORD the Jewel Rotation Guide and Code Book, which lists the translations of many of the food codes found on products sold in Jewel stores as well as related material. Unfortunately, Jewel would not make this guide directly available to me and I had to secure it from other channels.

It should be pointed out at this point that many of the codes apply only to Jewel products while others which apply to a manufacturer's item may only apply to that item in certain areas or as it is sold to certain supermarkets.

The materials follow:

ROTATION GUIDE AND CODE BOOK

ROTATION OF MERCHANDISE

(Revised May 18, 1970)

It is extremely important that all merchandise in your store is rotated at one time or another to insure that your customers receive the freshest merchandise possible. Fresh merchandise insures satisfied customers will return week after week. These customers are also some of our best advertisers.

A regular program of rotation should be established for all grocery items. Grocery items can be divided into four groups for this purpose.

Group I: Items to be rotated each time the shelf is stocked. (Particular attention should be paid to the codes on the package so that the oldest merchandise is sold out first.)

Bakery Products.
Flour.
Cake & Pie Mixes.
Pancake Flour.
Nut Meats.
Cookies & Crackers.
Potato Chips & Snacks.
Cigarettes & Tobacco.
Milk & Milk Products.
Dairy Products.

Codes for all the major manufacturers' products for this group are listed in this manual.

Group II: Items to be rotated once each month or whenever the shelf is low at stocking time.

Prepared Foods—Dried Pkgs.
Pet Food—Dry & Semi Moist.
Peanut Butter.
Baby Food—Cereals.
Canned & Dry Milk.
Coffee—Regular & Instant.
Tea.
Baking Supplies.
Desserts.
Dried Fruits & Vegetables.
Beverages.
Dried Macaroni Products.
Breakfast Food.
Gum & Candy Bars.
Packaged Candy.
Salted Nuts.
Health & Beauty Aids.
Frozen Foods.
Salad Dressings.
Instant Potatoes.

Some of the codes for these items are listed later in this manual.

Group III: Items to be rotated once each quarter or whenever the shelf is low at stocking time.

Soup—Dried.
Jellies, Jams & Preserves.
Olives—Glass Pk.
Mustard & Sauces.
Baby Food—Jars.
Cocoa & Cocoa Drinks.
Molasses & Syrups.
Shortening & Oils.
Spices & Extracts.
Fruit & Vegetable Juices.
Diet Foods.
Vinegar.

Group IV: Items to be rotated twice each year or whenever the shelf is low at stocking time. Particular attention should be paid to this group as far as unsalable merchandise is concerned.

Canned Soup.
Prepared Foods—Canned.
Canned Fish.
Catsup.
Sugar & Salt.
Soap Products.
Nylons.
Canned Pet Food.
Canned Olives.
Pickles.
Canned Fruit & Vegetables.
Laundry Supplies.
Household Supplies.
Paper Products.

***Deal Packs and Off Label Packs*—should be sold as soon as they are received regardless of normal rotation procedures. In these cases, you want to pass these savings on to your customer as soon as possible so that you can maintain your competitive advantage.**

Jewel manufactured or Jewel labeled products should receive special attention with respect to rotation. Private label merchandise is one of our strongest assets in grocery items. Proper rotation will assist in maintaining our fine reputation for the finest quality in Private Label.

The Basic Jewel Code is an Expiration Code as opposed to most manufacturers' codes that are date of manufacture codes. However, the Four Digit Jewel Code has several variations as to the method of reading. Some of these variations are as follows:

(a) Add the first and last digit for the month. Read the middle two digits for the day. (This code is used on all Barrington manufactured items).

(b) Hillfarm Fluid Milk Products uses the

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four digit code as follows—outside digits read off-sale date in suburbs, the inside digits read the off-sale date in the city.

(c) Gaymonts Yogurt uses a similar four digit code that is read as follows—1st and last digit reads the month, the middle two digits the date, i.e. 1142=December 14.

(d) Daisy Brand Yogurt uses a four digit code that is read as follows—first two digits=month, second two digits=date.

Codes for Group I items:

Dry groceries:

Nut meats

Jewel: All Jewel products have the standard Jewel code used on Barrington manufactured items.

Evon: The code is as follows:
2E=February 21, 1970 Expiration.
2 is the period (January 25 to February 21).
E is the year (1970).

The following is a list of Evons 1970 and 1971 Periods:

1970 E

1. Dec. 28 to Jan. 24.
2. Jan. 25 to Feb. 21.
3. Feb. 22 to Mar. 21.
4. Mar. 22 to Apr. 18.
5. Apr. 19 to May 16
6. May 17 to June 13.
7. June 14 to July 11.
8. July 12 to Aug. 8.
9. Aug. 9 to Sept. 5.
10 Sept. 6 to Oct 3.
11. Oct. 4 to Oct 31.
12. Nov. 1 to Nov. 28
13. Nov. 29 to Dec. 26.

1971 (F)

1. Dec. 27 to Jan. 23.
2. Jan. 24 to Feb. 20.
3. Feb. 21 to Mar. 20.
4. Mar. 21 to Apr. 17.
5. Apr. 18 to May 15.
6. May 16 to June 14.
7. June 15 to July 10.
8. July 11 to Aug. 7.
9. Aug. 8 to Sept. 4.
10. Sept. 5 to Oct. 2.
11. Oct. 3 to Oct. 30.
12. Oct. 31 to Nov. 27.
13. Nov. 27 to Dec. 25.

Potato chips and snacks

Jays foods: The code is as follows:
Day of year.
i.e. 347=347 day or Dec. 13th.

Frito Lay: The code is as follows:
Month—Day—Plant.
i.e. 1110=January 11
1=January
11=Day
0=Plant.
Note: Jan=1.
Feb=2.
Mar=3.
Apr=4.
May=5.
Jun=6.
July=7.
Aug=8.
Sept=9.
Oct=0.
Nov=N.
Dec=D.

General Mills: The code on snacks is a color code that appears as dot on the top and side of the package.

The sequence of colors is—Green, Orange, Black, Red, Blue and Yellow then a repeat. Black coded package must be sold before Red, Blue or Yellow. These items carry a 6 month shelf life.

Jewel Maid: The code is as follows:
Normal expiration code (Variation(a) in previous paragraph.)

Nabisco Pretzels: The code is as follows:
Shift—Plant—Day of Year.
i.e. 1L103=April 13.
1=Shift.
L=Plant.
103=day of Year=April 13.

Cigarettes and tobacco

Philip Morris: The code is as follows:
Month—Year.
i.e. 101=Oct., 1971.
10=October (10th Month).
1=1971 (Last digit of year).

American Tobacco: The code is based on the word "Ambidextrous" plus a letter for the year, that is
A=Jan.
M=Feb.
B=Mar.
I=Apr.
D=May.
E=June.
X=Jul.
T=Aug.
R=Sept.
O=Oct.
U=Nov.
S=Dec.
AI=Jan. 1970.
I=1970.
J=1971.
K=1972.
L=1973.

Brown and Williamson: The code is as follows:
Year—Month.
I.e. OE=May, 1970.
O=1970.
E=May (F=Jun, G=Jul, etc.).

R. J. Reynolds: The code is as follows:
Month—Year.
i.e. AJ=Jan 1970.
A=Jan (Feb=B, Mar=C, etc.).
J=1970 (1971=K, 1972=M, etc.).

Liggett and Myers: The code is based on the words "Quality Smoke", plus a number for the year.
Q=Jan.
U=Feb.
A=Mar.
L=Apr.
I=May.
T=Jun.
Y=Jul.
S=Aug.
M=Sept.
O=Oct.
K=Nov.
E=Dec.
i.e. E1=Dec 1971.
0=1970.
1=1971.
2=1972.

P. Lorillard: The code is based on the words "BLACK OR WHITE" plus a number for the year.
B=Jan.
L=Feb.
A=Mar.
C=Apr.
K=May.
O=Jun.
R=Jul.
W=Aug.
H=Sept.
I=Oct.
T=Nov.
E=Dec.
i.e. K2=May 1972.
O=1970.
1=1971.
2=1972.
3=1973.

Cookies and crackers

Crackin Good: The normal Jewel Code appears and is an Expiration Date. It is read as Variation (a) previously mentioned.

Salerno: The code is based on a weekly number and the product is unsalable 12 weeks after that date.

Nabisco: The code is as follows:
Shift—Plant—Day of Year.
i.e. 1B103=April 13.
1=Shift.
B=Plant.
103=103 day or April 13.

Flavor Kist: The code is as follows:
Month—Date—Shift.
i.e. C 122=March 12.
C=March.
12=12.
2=2nd Shift.

Sunshine: The code is as follows:
Month—Date—Plant (Expiration date).

The months are assigned letter codes as follows:
Jan=M.
Feb=N.
Mar=O.
Apr=P.
May=Q.
Jun=R.
Jul=S.
Aug=T.
Sep=U.
Oct=V.
Nov=W.
Dec=X.
i.e. Q6D=May 6, 1970.
Q=May.
6=6th.
D=Plant.
i.e. Q2520D=May 20, 1970.

When you find 3 or 4 numbers between the letters, disregard the first two.
Q=May.
2=Forget.
5=Forget.
20=20th Day.
D=Plant.

Sunshine is an expiration code date.

Keebler: The code is as follows:
Day & Plant or Plant & Day.
i.e. 35A or A358.
358=358th day of year—Dec. 24, 1970.
A=Plant.
This is manufacture code date.

Flour, cake mixes, and pancake mixes

(All are Manufacturing Dates Except Jewel)

Pillsbury: The code is as follows:
Month—Year.
i.e. B70=February, 1970.
B=2nd Month—February.
70=Last two digits of year—1970.

Duncan Hines: The code is as follows:
Week—Year—Plant.
i.e. 0270B.
02=2nd Week of year.
70=Last two digits of year—1970.
B=Plant of Manufacture.

Swansdown: The code is as follows:
Shift—Year Day—Line.
i.e. A00993=April 9, 1970.
A=Shift of Manufacture.
0=Last digit of year—1970.
099=Day of year (99th)—April 9th.

Jewel Maid: The code is as follows:
Outside digits=Month.
Inside digits=Day.
i.e. 2182=April 18, 1970.
2—Plus last digit=4 or April.
1
8 Day of 18th.
2
(NOTE.—This is an expiration code.)

Ceresota: The code is as follows:
Mill—Year—Day of Year.
i.e. T0150=May 30, 1970.
T—Mill=Topeka.
0=Year=1970.
150=150th Day=May 30.

General Mills: Gold Medal & Betty Crocker, the code is as follows:
Month—Year—Day—Plant.
I.e. A019T=June 19th, 1970 (G.M. year begins with June=A, July=B, etc.).
A=Month—Jun.
0=Year—1970.
19=Day—19th.
T=Plant.
Jun=A.
Jul=B.
Aug=C.
Sep=D.
Oct=E.
Nov=F.
Dec=G.
Jan=H.
Feb=J.

Mar=K.
Apr=L.
May=M.

Aunt Jemima and Quaker flours: The code is as follows:

Year—Plant—Date—Dash—Month.
I.e. 0A16–C.
0=1970.
A=Plant.
16=16th Day.
—=Dash.
C=March.

In addition, each package carries the letter identifying the month on the top.

IMPORTANT GROUP II CODES

Breakfast foods

Kellogg Cereals: The code is based on a numbering system 1 thru 12, representing the months of the year.

i.e. 11=November.

Post cereals: The code is as follows:

Year—Day of Year.
i.e. 9239=August 27, 1969.
9=1969.
239=239 day (August 27).

Quaker Oats: The code is as follows:

Year—Plant—Date—Month.
i.e. 9L17F.
9=1969.
L=Plant.
17=17th Day.
F=June (Month begins with January as "A", February=B, etc.).

Big "G" cereals: The code is based on a color system of a dot on the package top and side. The sequence of colors is—Green, Orange, Black, Red, Blue and Yellow. Then the sequence is repeated.

i.e. Black should be sold before Red, Blue or Yellow.

Nabisco cereals: The code is as follows:

Year—Day of Year.
i.e. 0103=April 13, 1970.
0=1970.
103=103rd day (April 13).

Ralston cereals: The code is as follows:

Year—Month.
i.e. 02=March, 1970.
0=1970.
2=March.
Note:
01=Jan.
—01=Feb.
02=Mar.
—02=Apr.
03=May.
—03=June.
04=Jul.
—04=Aug.
05=Sept.
—05=Oct.
06=Nov.
—06=Dec.

Dry and semi-moist dog foods

Ken-L products: The code is as follows:

Year—Plant—Date—Month.
i.e. 0R05B.
0=1970.
R=Plant.
05=Date.
B=February (Month begins with January as "A", February=B, etc.).

Milkbone: The code is as follows:

Year—Date of year.
i.e. 0103=April 13, 1970.
0=1970.
103=103rd day (April 13).

Friskies: The code is as follows:

Plant—Month—Year—Date.
i.e. JG030=July 30, 1970.
J=Plant.
G=July (Month begins with January as "A", February=B, etc.).
0=1970.
30=30th (This would be a single digit for the first through the ninth).

Ralston: The code is as follows:

Year—Month.
i.e. 01=January, 1970.
Note:
01=Jan.
—01=Feb.
02=Mar.
—02=Apr.
03=May.
—03=Jun.
04=Jul.
—04=Aug.
05=Sept.
—05=Oct.
06=Nov.
—06=Dec.

Vets: The code is as follows:

Month—Date—Year.
i.e. 2010=February 1, 1970.
2=February.
01=1st Day.
0=1970.

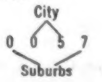
General Foods: the code is as follows:

Year—Day of Year.
i.e. 0165=June 14, 1970.
0=1970.
165=165th Day of Year (June 14th).

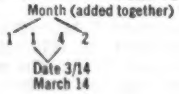
(NOTE.—All dry dog foods have a 6 month shelf life.)

MILK CODES

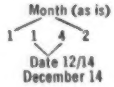
Hillfarm Fluid Milk Products



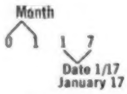
Hillfarm Cottage Cheese Sour Cream Sour ½ & ¼



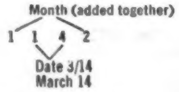
Gaymonts Yogurt



Daisy Brand Yogurt



Topsy Turvy Yogurt



All of the above products are out of code at midnight on the given dates.

JEWEL MAID BREADS, COMMERCIAL BREADS, AND CAKES

Jewel Maid: All Jewel Maid breads which are packaged and sealed with a kwik-lok seal are coded with a color code system. This code has a two-day shelf life which reads as follows:

[In store, code, and out of code]

Monday, red, Wednesday before opening.
Tuesday, white, Thursday before opening.
Wednesday, blue, Friday before opening.
Thursday, red, Saturday before opening.
Friday, white, Sunday before opening.
Saturday, blue, Monday before opening.

All other Jewel breads, rolls, and sweet goods carry a standard Jewel code which consists of four digits. The sum total of the first and four the digits represents the month. The center two digits represent the date of expiration.

Example—Bread coded 8042 is out of code on October 4th.

Brownberry-Catherine Clark's: The tie color indicates the date of pick-up as follows:

Green=Monday.
Red=Tuesday.
Orange=Wednesday.
White=Thursday.
Blue=Friday.
Yellow=Saturday.
Brown=Sunday (Monday Pickup).

Castle: All products have two day code. Castle products will have the same code system as Wards. There are three numbers on each item. Number on the left is the month. The two on the right are the date the product is to be removed from the shelf.

Example—407 means the month (April or October) and the morning of the 7th the product should be picked up. It is not to be sold on the 7th.

[Month and first digit]

January or July	1
February or August	2
March or September	3
April or October	4
May or November	5
June or December	6

The tabs on the poly-bagged products from Castle indicate the day the merchandise was put into the stores:

Monday, pink.
Tuesday, white.
Wednesday, gray.
Thursday, blue.
Friday, green.
Saturday, yellow.

Continental—Wonder Bread: Continental uses a combination of color codes, letter codes, and number codes depending on the item.

Wonder Bread, 2 day code.
English Muffins, 4 day code.
French Rolls, 4 day code.
Bread:

Code, in store, and pick up

W or Red, Monday, Second trip Tuesday.

O or White, Tuesday, Thursday before opening.

N or Blue, Thursday, Saturday before opening.

E or Yellow, Friday, Monday before opening.

R or Green, Saturday, Monday before opening.

English Muffins: Two numbers indicate the last selling day of product. Twelve would be January 12 to be picked up on January 13. Four day code.

Interstate—Butternut Bread (two day code): Ties are used as the code for all bag bread units by color.

White Bread:

Code, in store, and pick up

Black, Monday, 2nd trip Tuesday.
Blue, Tuesday, Thursday morning.
Red, Thursday, Saturday morning.
White, Friday, Monday morning.
Yellow, Saturday, Monday morning.

Variety bread: Pick up code is delivery date plus two. Example—delivery on April 5 would be coded for April 7 and would be picked up that morning. It is not to be sold the day of the seventh.

New Process—Holsum Bread (two day code):

Code, in store, and pick up

Green, Monday, 2nd trip Tuesday.
Yellow, Tuesday, Thursday morning.
Red, Thursday, Saturday morning.
Blue, Friday, Monday morning.
White, Saturday, Monday morning.

New Process—Sweet Rolls:

1. Three digit code—740.
2. Middle number is the month—740 (4=October or April) (1–6 January to June and 1–6 July to December).
3. Transpose the third number 0 in front of the first number 7 to determine the pick-up date (074).

Example—Code 740 would be picked up the morning of October 7th.

Pepperidge Farm: Breads have a two-day shelf life. Dinner rolls have a four or six-day code.

Bread and rolls are coded with a fraction type code which indicates the last day of shelf life on the product. For instance, the code 1/5 would indicate that this item should

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be removed from the shelf on the 15th of the current month.

Silvercup: All items carry a two day code.

Any bagged bread product is coded by tie color.

Code, in store, and pick up

White, Monday, 2nd delivery Tuesday.
Yellow, Tuesday, Thursday morning.
Blue, Thursday, Saturday morning.
Red, Friday, Monday morning.
Black, Saturday, Monday morning.

Conventional wrap white bread is coded on the end seals.

Code, in store, and pick up

S, Monday, Thursday.
L, Tuesday, Thursday.
V, Thursday, Monday.
E, Friday, Monday.
R, Saturday, Monday.

Ward Baking (Tip Top Breads): All breads on a two day code. All bagged bread from Wards is coded with a colored wire twist tie that closes the bag.

Code, in store, and pick up

Red, Monday, Second delivery Tuesday.
White, Tuesday, Thursday before opening.
Blue, Thursday, Saturday before opening.
Green, Friday, Sunday at closing.
Yellow, Saturday, Monday before opening.

The variety breads not in a bag and all cake items are coded with the expiration date—the bread on the end label and the cake on the label. The method of coding is as follows:

There are three numbers in the labels, the first number indicates the month beginning with the number one in January and graduates to the number six in June. In July it reverts backs to one and goes to number six in December. The remaining two numbers indicate the day due out. For example, the code 310 would indicate the item to be picked up March or September 10th.

Gonnella: All Gonnella bread products carry a one day code. Delivery on one day with pick up on the first delivery of the next day.

McKee Baking—Little Debbie Snack Cakes: On all Little Debbie Cakes there is a quality control number on the bottom of the carton. The last four numbers in this series of numbers refer to the code expiration date. For example, the quality control number—10Y1206 would tell us that this merchandise should be picked up on December 6th. The first two numbers being the month and the last two numbers referring to the day.

Hostess Cakes—(48 hour code on all Hostess cakes):

Code, in store, and pick up

5, Monday, Wednesday A.M.
1, Tuesday, Thursday A.M.
2, Wednesday, Friday A.M.
3, Thursday, Saturday A.M.
4, Friday, Monday A.M.

Hostess pies have the same code except for pecan pies which are delivered on Thursday and Friday and are out of code on Monday A.M.

Dolly Madison Cakes: Dolly Madison runs an eight day code on their merchandise. However, Jewel has a five day code; therefore, subtract three from the code shown on the merchandise.

The Dolly Madison code is as follows: All cake and donut varieties have a two number code—16–23. The first number designates the date the merchandise is to be taken off the market, the second number is insignificant for retail sales.

Example: Merchandise coded 16–23 is taken off the market the 13th of the month according to Jewel's coding requirements. Code 16 indicating pick-up date for Dolly Madison but less three days for Jewel. Pies and donut gems have a one number code—16 which would indicate Jewel's pick-up date to be the 13th (Dolly Madison code less three for Jewel).

Fasano Pies and Cakes: All Fasano pies and cakes have a three day code based on an alphabetical coding system. The first letter represents the month and the last one or two letters refer to the day.

Example—The code CAD would refer to March 14th.

CODE BOOK

This Dairy Department Code Book contains code examples of the dairy products currently available to your store. Jewel's reputation for freshness and quality has been built during the years by adhering to these code policies. Proper rotation and observation of all codes guarantee your customers the best products they can obtain.

There are three (3) basic Jewel codes:

JEWEL CODE

(Expiration date)

Example—1152—March 15

Add the first and last digits for the month of the year. Read the second and third digits for the day of the month.

Remove product from sale the day following the code date.

MANUFACTURING CODE

(With shelf life)

Properly interpreted, the code shown will give you the date the product was packaged. To this date, add the number of "Shelf Life" days shown in the "Unsalable After' column for that product. After that date, remove the product from sale.

MANUFACTURING CODE

(Without shelf life)

Certain cheese items, such as Jewel Fresh Cut Cheese, do not have specified "Shelf Life" days. The code refers to the day of packaging and the product should be removed from sale when mold or other damage occurs.

All the code examples used in this book are designed to read a date of March 31, 1969.

Item and code example	Type	Unsalable after	Salvage code
ORDER GUIDE PAGE 1A			
Butter—All (Jewel code).	E	Code date	V
ORDER GUIDE PAGE 1B			
Margarine:			
Bluebrook (Jewel code).	E	Code date	Z
Imperial	M	90 days	W
Good Luck		120 days	
Imperial Diet (C319X—C = month of year; 31 = day of month; 9 = year; X = plant location).		90 days	
Chiffon	M	do	W
Chiffon Soft (J9CB1—J = plant; 9 = year; C = month of year; 31 = day of month).			
Fleischmann's	E	Code date	Y
Blue Bonnet			
Fleischmann's Soft			
Blue Bonnet Soft (3-31—3 = month; 31 = day of month).			
Allsweet (Jewel code).	M	120 days	Y
Jewel Corn Oil (Jewel code).	E	Code date	Z
Mazola	M	120 days	X
Diet Mazola (C31—C = month; 31 = day of month).			
Parkay	M	150 days	Y
Parkay Soft (90D9 (Kraft code)—90 = day of year; D = plant; 9 = year).			
Southern Roll (90P9—90 = day of year; P = plant; 9 = year).	M	90 days	Z
Wilson Lard (3C111—3=1st digit of day; C=manufacturer; 1=2d digit of day; 13=month of year; (January=11, February=12)).	M	Code date	Z
ORDER GUIDE PAGE 2A			
Miscellaneous items:			
Cherry Valley orange juice (Jewel code).	E	Code date	Z
Eversweet orange juice (Jewel code).	E	do	Z
Borden orange juice drink	E	do	Z
Tip-n-Whip Topping (No code).		180 days	Z
Sta Wip Dessert Topping (Jewel code).	E	Code date	Z
Gaymonts Sour (3C31—3=plant; C=month; 31=day of month).	E	do	Z
Deans Sour Delite (Jewel code).	E 9	do	X
Cypress Garden Citrus Salad (5C1—CABNS; 5=production shift; C=chilled plant; 1=year (A=1961); C=month of year; AB=day of month; N=plants; S=product).	M		Z
Milrose Fruit Jubilee (M909—M=Michige; 90=day of year; 9=year).	M	90=120 days	Y
Bays English Muffins (Jewel code).	E	Code date	Z
Corkette Cream Garlic Dressing (C=March).	M		W
Sta-Wip Coffee White (Jewel code).	E	Code date	Z
Mother Hubbard Cheese Cake (Jewel code).	E	do	Z
Thor's Cocktail Sauce (090T9—090=day of year; T=plant information; 9=year).	M	100 days	Z
Ricotta Cheese (Jewel code).	E	Code date	Z
Noon Hour Herring (Jewel code).	E	do	Z
Sau Sea Shrimp Cocktail and King Crab Cocktail (3J31—3=month of year; J=year; 31=day of month).	M	60 days	Z
Noon Hour Horse-Radish (Jewel code).	E	Code date	Z
Iverson Pumpernickel 331—3=month of year; 31=day of month).	M	60 days	Z

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Item and code example	Type	Unsalable after	Salvage code
GlenEllyn Horse-Radish (Jewel code).	E	Code date	Z
ORDER GUIDE PAGE 2B			
Dough products:			
Pillsbury (March 31).	E	do	Y
Crackin' Good (March 31).	E	do	Y
Borden Biscuits (March 31).	E	do	Y
ORDER GUIDE PAGE 3A AND 3B			
Cream cheese:			
Jewel Cream Cheese (A3 31—A=plant; 3=month of year; 31=day of month).	E	do	Z
Kraft Philadelphia (90D9).	M	60 days	Y
Processed cheese:			
Kraft Processed Cheese (all) (90D9).	M	210 days	Y
Jewel Processed American (0909—090=day of year; 9=year).	M	90 days	Z
Sargento Burger-Cheese (3J31B—3=month of year; J=year; 31=day of month).	M	120 days	Z
House of Gold Burgercheese (090=day of year).	M	90 days	Z
Fresh cut cheese:			
All Jewel (331—3=month of year; 31=day of month).	M	Mold	Z
Lomke Brick (No code).		do	Z
Stella Boccini (None).		do	Z
Wisconsin Colby Longhorn (90=month).	M	do	Z
Schreiber (all) (090D9—090=day of year; D=plant; 9=year).	M	do	Z
ORDER GUIDE PAGE 4A AND 4B			
Sliced natural cheese:			
Jewel Sliced (all) (3J31C—3=month of year; J=year; 31=day of month).	M	do	Z
Kraft Sliced (all) (90D9).	M	120 days	Y
Jewel kitchens salads:			
All varieties (Jewel code).	E	Code date	Z
Sealtest Puddings (0331B2—03=month of year; 31=day of month; B2=plant information).	E	do	X
Peter Piper Salads (Jewel code).	E	do	Z
Foil Yeast (P0331—P=pick-up date; 03=month of year; 31=day of month).	E	do	W
Fleischmann's Dry (March 31).	E	do	W
Red Star Yeast (Dry) (March 31).	E	do	W
ORDER GUIDE PAGE 5A AND 5B			
Snack cheese items:			
YeOlde Tavern (all) (03319—03=month of year; 31=day of month; 9=year).	E	do	Z
Gaymonts Dips (C31—C=month; 31=day of month).	E	do	Z
Cheez Whiz (90D9).	M	210 days	Y
Mohawk Valley Limburger (90D9).	M	264 days	
Dean's Spreads (Jewel code).	E	Code date	X
Kraft Jar Spreads (90D9).	M	264 days	Y
Woodys Spreads (3J31—3=month of year; J=year; 31=day of month).	M	150 days	Z
Chunk cheese:			
Viking Baby Munster (Case code 3-31-9).	M	120 days	Z
Miss Wisconsin (all) (Case code 0331—03 = month of year; 31 = day of month).	M	Mold	Y
Cracker Barrel (all) (90D9).	M	134 days	Y
Maybud Baby Gouda			
Purity Party Edam (None).		Mold	Z
Milwaukee Beer Kaese (0909—090 = day of year; 9 = year).	M	do	Y
Baronet (331—3 = month of year; 31 = day of month).	M	do	Z
House of Gold Edam (090 = day of year).	M	90 days	Z
Semi-perishable cheese:			
Velveeta Kraft American (90D9).	M	154 days	Y
Chef's Delight Loaf (R90E—R = year; 90 = day of year).	M	90 days	Y
Swisstar Plain Gruyere (None).		Mold	Z
Zingg Variety Gruyere		do	Z
Eagle Brand Neufchatel (A3 31—A = plant; 3 = month of year; 31 = day of month).	E	Code date	Y
Kraft Whipped Cream Cheese (90D9).	M	120 days	Y
ORDER GUIDE PAGE 6A AND 6B			
Grated cheese:			
Kraft Grated (all) (90D9).	M	210 days	Y
Stella Grated (all) (3 9—C = month of year; 9 = year).	M	180 days	Z
Pizza cheese:			
Frigo Scamorze (090=day of year).	M	90 days	Z
Stella, Shredded 909—90=day of year; 9=year).	M	90 days	Z
Snack cheese items:			
Stell Blue Cheese, Sticks (909—90=day of year; 9=year).	M	do	Z
Camembert Lierderkranz (March 31).	E	Code date	Y
Miss Wisconsin Blue (Jewel code).	E	do	Y
Kraft Limburger (90D9).	E	120 days	
Kraft Party Dips (90D9).	M	154 days	Y
Dorman Sliced Smoked 3J31—3=month of year; J=year; 31=day of month).	M	Mold	Z
Swisstar Sliced Swiss Danistar Tilsitter (33169—3=month of year; 31=day of month; 69=year).	M	do	Z
Louis Rigal Roquefort (90D9).	M	do	Y
Frenstar Roquefort Danistar Blue Cheese (None).		do	Z
Gold Crown Port Salute (None).		do	Z
Bonbel Wedge (None).		do	Z
Sargento Variety Pack 3J31—3=month of year; J=year; 31=day of month).	M		
Austrian Alps Cheese (None).		do	Z
ORDER GUIDE PAGE 7			
Eggs (all) (Jewel code).	E	Code date	V

Note: All code dates are designed to show an expiration date of Mar. 31, 1969.

CODE DATE

Day of month	January	February	March	April	May	June	July	August	September	October	November	December
1	0.001	0.032	0.060	0.091	0.121	0.152	0.182	0.213	0.244	0.274	0.305	0.335
2	.002	.033	.061	.092	.122	.153	.183	.214	.245	.275	.306	.336
3	.003	.034	.062	.093	.123	.154	.184	.215	.246	.276	.307	.337
4	.004	.035	.063	.094	.124	.155	.185	.216	.247	.277	.308	.338
5	.005	.036	.064	.095	.125	.156	.186	.217	.248	.278	.309	.339
6	.006	.037	.065	.096	.126	.157	.187	.218	.249	.279	.310	.340
7	.007	.038	.066	.097	.127	.158	.188	.219	.250	.280	.311	.341
8	.008	.039	.067	.098	.128	.159	.189	.220	.251	.281	.312	.342
9	.009	.040	.068	.099	.129	.160	.190	.221	.252	.282	.313	.343
10	.010	.041	.069	.100	.130	.161	.191	.222	.253	.283	.314	.344
11	.011	.042	.070	.101	.131	.162	.192	.223	.254	.284	.315	.345
12	.012	.043	.071	.102	.132	.163	.193	.224	.255	.285	.316	.346
13	.013	.044	.072	.103	.133	.164	.194	.225	.256	.286	.317	.347
14	.014	.045	.073	.104	.134	.165	.195	.226	.257	.287	.318	.348
15	.015	.046	.074	.105	.135	.166	.196	.227	.258	.288	.319	.349
16	.016	.047	.075	.106	.136	.167	.197	.228	.259	.289	.320	.350
17	.017	.048	.076	.107	.137	.168	.198	.229	.260	.290	.321	.351
18	.018	.049	.077	.108	.138	.169	.199	.230	.261	.291	.322	.352
19	.019	.050	.078	.109	.139	.170	.200	.231	.262	.292	.323	.353
20	.020	.051	.079	.110	.140	.171	.201	.232	.263	.293	.324	.354
21	.021	.052	.080	.111	.141	.172	.202	.233	.264	.294	.325	.355

XUM

CODE DATE—Continued

Day of month	January	February	March	April	May	June	July	August	September	October	November	December
22	0.022	0.053	0.081	0.112	0.142	0.173	0.203	0.234	0.265	0.295	0.326	0.356
23	.023	.054	.082	.113	.143	.174	.204	.235	.266	.296	.327	.357
24	.024	.055	.083	.114	.144	.175	.205	.236	.267	.297	.328	.358
25	.025	.056	.084	.115	.145	.176	.206	.237	.268	.298	.329	.359
26	.026	.057	.085	.116	.146	.177	.207	.238	.269	.299	.330	.360
27	.027	.058	.086	.117	.147	.178	.208	.239	.270	.300	.331	.361
28	.028	.059	.087	.118	.148	.179	.209	.240	.271	.301	.332	.362
29	.029		.088	.119	.149	.180	.210	.241	.272	.302	.333	.363
30	.030		.089	.210	.150	.181	.211	.242	.273	.303	.334	.364
31	.031		.090		.151		.212	.243		.304	.335	.365

Note: During leap year (i.e. 1968) add 1 day to any day after February 28 to determine "pull" date. Example: March 1st=60th day of year; in leap year it would be the 61st day of the year.

JEWEL FOOD STORES,
Melrose Park, Ill., July 23, 1970.

Mr. ELLIS LEVIN,
Care of Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. LEVIN: In reference to your request to Robert Jones for copies of our Rotation Guide and Code Book, I must inform you that it is not our policy to distribute this book to anyone outside our employees and as reference copies in our stores for the following reasons:

This information—including our own codes, those codes supplied to us by manufacturers, and our product Rotation—to the best of our knowledge is applicable only to Jewel Food Stores, and therefore, not relevant for any other store.

Codes are subject to frequent change and we cannot be responsible for maintaining the accuracy of books that are not in our possession.

The manufacturers' codes contained in the books apply to products in our stores and are not necessarily the same for other stores and all areas.

These books have been prepared for the use of our store personnel and our customers and are not intended to be, nor should we make them available for any use which might enable them to be, used in any way that might raise questions about codes on merchandise that might be found in stores of our competitors.

Also, there is the possibility of typographical errors in the book and we do not wish to distribute erroneous information.

While it is not possible to comply with your request for a copy of the Rotation Guide and Code Book, we will attempt to answer any specific questions which you might have with reference to this publication.

We appreciate your interest in our Code Information program.

Sincerely,

WM. H. NEWBY,
Director, Public Relations.

JEWEL COMPANIES, INC.,
Melrose Park, Ill., July 15, 1970.

Hon. LEONARD FARBSTEIN,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. FARBSTEIN: Enclosed is information regarding the Jewel Food Store's coding education program which I indicated in a recent letter would be forthcoming. In short, it will provide in-store reference information for customers in the form of signs explaining codes in four departments—Fresh Meats, Processed Meats, Dairy and Snacks—as well as making available for customer use a code reference book listing all codes of Jewel and other food manufacturers whose products are sold at Jewel. This coding information is designed to enable customers to personally check freshness so they may be assured of selecting only the best food for their families.

I hope the enclosed information explaining the Jewel coding program will be of interest to you.

Sincerely,

DONALD S. PERKINS.

JEWEL ANNOUNCES CODE INFORMATION PROGRAM

"Freshness is a Jewel tradition," Harry G. Beckner, Jewel Food Store President stated in announcing the inauguration today of in-store code dating reference information for customers.

Jewel is the first major food store group in the nation to initiate a coding educational program for consumers. The program, to be an expanding and continuing effort, starts this week with signs explaining codes in four departments—Fresh Meats, Dairy and Snacks. Specific examples used are actual fresh meat, bacon, hot dogs, refrigerated biscuits, butter, potato chips and pretzel rings.

In addition, a code reference book listing all codes of both Jewel and other food manufacturers whose products are sold at Jewel is available for customer use at the Customer Service Desk. This code book is organized by merchandising groups and lists code explanations by brands, indicating whether the code is the date of manufacture or the expiration date for sale of the product.

Beginning Thursday, July 9th, a series of weekly ads will direct attention to coding information.

Beckner stressed the fact that freshness of the items offered customers has long been a concern of Jewel, the company philosophy being customers should be able to purchase merchandise with confidence that it is fresh. He further pledged that it is Jewel's responsibility to take every precaution to make certain nothing but fresh, wholesome food is offered for sale. "Coding systems are the key to controlling freshness and Jewel strictly observes the codes," Beckner continued.

The consumer educational program announced today is designed to enable customers to personally check freshness so they may be assured they are selecting only the best for their families.

"Efforts are currently underway in cooperation with manufacturers to supply and standardize coding procedures so both customers and store personnel will find it even easier to recognize coding information and be guaranteed product freshness," Beckner concluded.

[From the Chicago Sun-Times, July 10, 1970]

JEWEL DECODES SYSTEMS FOR DATING FOOD

(By Camille Jilke)

Jewel Food Stores announced Thursday it will translate the codes that food companies use to indicate the freshness of a product.

Joseph F. Grimes, Jewel's vice president of sales, said customers would be able to determine for themselves whether food was outdated. He said Jewel would discard any outdated food customers found.

An aide to Rep. Leonard Farbstein (D-N.Y.), who has introduced legislation that would require simple dates, said Jewel is the first major food-store chain in the nation to translate the codes for customers.

Grimes said the codes of some of the most popular items in the fresh meats, processed meat, dairy and snack departments will be explained on signs in the stores.

He said books listing the codes of all products sold at Jewel will be available to use at customer service desks.

The codes indicate to retail stores the date a food product was manufactured or the date it should be taken off the shelf.

For example, a Nabisco pretzel box that has "1L103" written on it was manufactured by shift 1 at plant L on the 103d day of the year, or April 13.

For Jewel Maid bread with "kwik-lok" seals, the color of the seal indicates the day of delivery.

The symbol "0057" on a Hillfarm milk carton means the milk should be taken off the shelf at midnight on the fifth (05) day (middle two digits) of the month in Chicago or the seventh (07) day (first and fourth digits) in the suburbs.

At a press conference at Jewel headquarters, in Melrose Park, Grimes said Jewel has strictly observed the codes even though they were unknown by the public.

Grimes said he did not expect translation of the codes to result in the sales of only the freshest merchandise.

Farbstein's proposed legislation would require labels on all food that could deteriorate to have clear letters and numbers announcing the last day the item would be safe to sell.

Ellis Levin, Farbstein's legislaitve assistant, said the legislation would cost nothing to enforce because consumers would enforce it.

Levin said his investigation showed outdated food is sold throughout the country to all socio-economic levels.

[From the Chicago Tribune, June 10, 1970]

JEWEL TO LET BUYERS IN ON STOCK CODES

Shoppers who have been curious about the meaning of cryptic letters and numbers stamped on grocery products they buy will be let in on some secrets by Jewel Food Stores.

Jewel, stating it is the first major chain in the country to do so, announced yesterday that it is initiating an educational program in all its stores this week to explain some of the codes to its customers.

CONCERNED ABOUT CONCERN

Joseph A. Grimes, vice president for sales, said that the action was being taken to minimize any concerns that consumers might have about product freshness.

"We need to make it clear to the shopper that she shouldn't have her confidence shaken," said Grimes.

Every supermarket item carries a code of some type, Grimes said, and Jewel customers will be able to check their meaning in a master "rotation guide and code book" at customer service desks.

SIGNS TO BE POSTED

Specific informational signs on coding are being posted in four departments to initiate the program on a product basis, he said. These are for fresh meats, processed meats, dairy and snacks. The number 4113 stamped on a package of Jewel hot dogs means that the product should be removed from the shelf by July 11.

The date is determined by adding the first and fourth digits, the 4 and the 3, to arrive at the seventh month, July, and by not adding the second and third digits to get the 11th day of the month.

Another sample of Jewel's freshness coding was Pillsbury dough products, which are stamped at the manufacturing plant with a visible selling expiration date.

Officials said efforts currently are under way in cooperation with manufacturers to supply and standardize coding procedures so both customers and store personnel will find them easier to recognize.

OTHERS TO BE ADDED

Other items will be added to the four initial departments as customer interest warrants, they said.

Jewel's master code book shows how complicated the situation is. Not only do different manufacturers in the same product line have different codes, but they change them from time to time.

Some represent the day of manufacturing, others the pickup date, or the plant number, or the shelf life.

[From the Chicago Daily News, July 9, 1970]

FOOD-PACKAGE CODES: STORES BARE TRADE SECRETS

(By Isabel Du Bois)

Jewel Food Stores Thursday began opening up some trade secrets to housewives—how to interpret the code dating on food packages.

Harry G. Beckner, Jewel president, said, "in-store code dating reference information" charts have been posted throughout Jewel stores.

"We're the first major food store group in the nation to initiate a coding educational program for consumers," Beckner said.

Charts explaining the coding system are displayed in various departments.

Here's how the system works:

A housewife picks up a package of hot dogs and discovers the code date is 4113. To find out what that means, she must add the first and last digits, which together represent the month of the year, in this case 7 or July. The 11 represents the day of the month by which the product must be removed from the shelf.

To be certain she is getting fresh bread, the housewife must turn to a color code, a seal on the end of the package.

Red means Monday, white Tuesday, blue Wednesday, red Thursday, white Friday and blue Saturday.

The decoding information will be available for all of Jewel's own products, Beckner said.

In addition, shoppers may check a code reference book listing all codes of all food manufacturers whose products are sold by Jewel.

The book, available at customer service desks, indicates whether the code is the date of manufacture or packaging or the expiration date for the sale of the product.

"Coding systems are the key to controlling freshness," Beckner said.

[From the Chicago Today, July 9, 1970]

SHOPPING A FRESH BALL GAME

Jewel Food stores announced a program today to enable their customers to tell how fresh a product is by reading coded dates on cans and boxes.

Jewel President Harry G. Beckner said the chain will begin a coding education effort employing signs in stores, advertisements and code reference books available at customer service desks.

The code books list explanation by brand, indicating whether the code is the date of manufacture or the expiration date after which the product should not be sold, Beckner said.

This week, signs in stores will provide code translations in four departments—fresh meats, processed meats, dairy products and snack products, Beckner said at a press conference at Jewel headquarters, 1955 North av., Melrose Park.

Codes have appeared on food products for many years to indicate when freshness will expire, or to cite the date of manufacture. They are designed to help retail food store personnel regulate product freshness.

Joseph Grimes, Jewel vice president of sales, said Jewel's code educational program was not started to relieve stores of product freshness responsibility.

"We're just trying to help the customer understand the codes," Grimes said.

Jewel is the first major food store chain in the nation to offer a code educational program for customers. Beckner said:

"Efforts are under way to cooperate with manufacturers to supply and standardize coding procedures, so both customers and store personnel will find it even easier to recognize coding information and be guaranteed product freshness.'

REPLY OF CONGRESSMAN LEONARD FARBSTEIN, DEMOCRAT, OF NEW YORK, TO WMAQ RADIO EDITORIAL

Radio station WMAQ recently carried an editorial praising Jewel Food Stores for making food coding information available to the customer.

While I fully share this station's view of the supermarket's move in making codes understandable, I do not think they went as far as they could have in making this information available in a form in which the shopper can readily use it.

With a few exceptions, all the codes and their translations are being listed by the store in a book on the customer service desk, far from the items themselves. Why are not all codes made understandable on the package itself? I doubt if more than a few customers will regularly use the information contained in the books.

The stores should clearly stamp the last date the food item could be sold on the label.

This is what legislation which 59 other Congressmen joined me introducing calls for, and what a petition I filed with the Federal Trade Commission asks.

If Jewel is sincere about making food freshness information available to the customer, it will not only adopt open dating for its own items, but will fight for government action to require it on all packaged foods.

BROADCAST BY MR. HARRY D. JACOBS, JR., GENERAL MANAGER

You should know when you are buying stale, unappetizing and potentially unsafe food products. Store managers know by coding information when a particular can or package should be taken off the shelf. But they have kept the code a secret, and with no way for the customer to check, food products have been known to stay on store shelves long past the expiration date. WMAQ believes all food stores should make this coding information available to their customers. But so far only one, the Jewel supermarket chain, has done so. Last week it announced that effective immediately managers would make decoding information available to customers on request. Stores have frequently argued that to do so would increase already rising food prices. Jewel executives say "no," rather that store operations will become more efficient.

WMAQ Radio urges those of you who shop at Jewel to use the decoding information and to let the manager know you appreciate it. We also urge those of you who shop at another store to ask the manager for their decoding information.

It's the best way to be sure the food you buy is fresh.

LEAVE OF ABSENCE

By unanimous consent, leave of abscence was granted as follows to:

Mr. MAILLIARD, for next week, on account of official business.

Mr. GRAY (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHERLE) to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. FOREMAN, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. WATSON, for 10 minutes, on August 6.

Mr. BUSH, for 10 minutes, today.

(The following Members (at the request of Mr. STOKES), to revise and extend their remarks and to include extraneous matter to:)

Mr. FARBSTEIN, today, for 20 minutes.

Mr. FLOOD, today, for 15 minutes.

Mr. HAMILTON, today, for 10 minutes.

Mr. CHARLES H. WILSON, today, for 10 minutes.

Mr. YATRON, today, for 15 minutes.

Mr. MATSUNAGA, today, for 10 minutes.

Mr. FARBSTEIN, on August 6 for 20 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCMILLAN and to include extraneous matter.

Mr. KLUCZYNSKI and to include extraneous matter.

Mr. SISK, to include extraneous material in connection with the debate on the farm bill.

Mrs. DWYER, following Mr. CONTE's remarks in the Committee of the Whole today on the Conte-Findley substitute amendment.

Mr. FISH, following Mr. CONTE's remarks in the Committee of the Whole today on the Conte-Findley substitute amendment.

Mr. BOLAND, to revise and extend his remarks immediately prior to the vote on the Findley amendment.

Mr. NELSEN to extend his remarks following those of Mr. ZWACH, with respect to the CCC release price, today.

All Members (at the request of Mr. SCHERLE) 1 legislative day to revise and extend their remarks on the subject matter of Mr. BUSH's special order, today.

Mr. RANDALL to revise and extend his remarks prior to the vote in Committee of the Whole on amendment offered by Mr. ZWACH.

(The following Members (at the request of Mr. SCHERLE) and to include extraneous matter:)

Mr. SPRINGER.
Mr. BROYHILL of Virginia.
Mr. GUDE.
Mr. BLACKBURN in five instances.
Mr. FULTON of Pennsylvania in 10 instances.
Mr. HOGAN.
Mr. ADAIR.
Mr. BOB WILSON in two instances.
Mr. JONAS.
Mr. WYMAN in two instances.
Mr. ESCH.
Mr. DON H. CLAUSEN.
Mr. WOLD in three instances.
Mr. LANGEN in two instances.
Mr. NELSEN.
Mr. REID of New York.
Mr. BIESTER.
Mr. MYERS in two instances.
Mr. HALL.
Mr. FOREMAN.
Mr. HORTON.
Mr. DERWINSKI.
Mr. BUSH.
Mr. ASHBROOK.

(The following Members (at the request of Mr. STOKES), and to include extraneous matter:)

Mr. ROGERS of Colorado in two instances.
Mr. HULL.
Mr. O'NEILL of Massachusetts in two instances.
Mr. BOGGS.
Mr. ROSTENKOWSKI.
Mr. NIX.
Mr. PATTEN in two instances.
Mr. LOWENSTEIN in six instances.
Mr. O'HARA.
Mr. WOLFF.
Mr. GALLAGHER.
Mr. HOWARD.
Mr. JOHNSON of California in two instances.
Mr. RODINO.
Mr. GONZALEZ.
Mr. PICKLE in two instances.
Mr. GIAIMO in two instances.

XUM

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; and

S. 3136. An act to confer United States citizenship posthumously upon Guy Andre Blanchette.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye;

H.R. 1697. An act for the relief of Jack Brown;

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1728. An act for the relief of Capt. Norman W. Stanley;

H.R. 2209. An act for the relief of Carlo DeMarco;

H.R. 2241. An act for the relief of John T. Anderson;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 2481. An act for the relief of Commander John W. McCord;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3723. An act for the relief of Robert G. Smith;

H.R. 5337. An act for the relief of the late Albert E. Nameson, Jr.;

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9092. An act for the relief of Thomas J. Condon;

H.R. 9591. An act for the relief of Elgie L. Tabor;

H.R. 10662. An act for the relief of Walter L. Parker;

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired);

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.;

H.R. 12622. An act for the relief of Russell L. Chandler;

H.R. 12887. An act for the relief of John A. Avdeef;

H.R. 15118. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University;

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.; and

H.R. 17548. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Thursday, August 6, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2278. A letter from the Secretary of Defense, transmitting reports of violations of section 3679 of the Revised Statutes, pursuant to the provisions of section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

2279. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on professional and scientific positions established in the administration as of June 30, 1970, under the authority provided in 72 Stat. 426, 429, pursuant to 75 Stat. 785, 791; to the Committee on Post Office and Civil Service.

2280 A letter from the Secretary of the Interior, transmitting a report on Department of the Interior grants to nonprofit institutions and organizations for support of scientific research programs during calendar year 1969, pursuant to section 3 of Public Law 85–934; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

2281. A letter from the Comptroller General of the United States, transmitting a report on the assurances needed that the cost of the Celilo-Mead transmission line project will be recovered by the Department of Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 1065. Resolution to provide funds for the Committee on the Judiciary (Rept. No. 91–1376). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1115. Resolution authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House; with an amendment (Rept. No. 91–1377). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1117. Resolution relating to the compensation of two positions created by House Resolution 543, 89th Congress (Rept. No. 91–1378). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1145. Resolution providing funds for the operation of the Select Committee on Small Business (Rept. No. 91–1379). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 679. Concurrent resolution authorizing the printing of additional copies of "Education in Israel" for use of the Select Subcommittee on Education; with an amendment (Rept. No. 91–1380). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 18801. A bill to amend section 826b of the act of March 3, 1901 (D.C. Code, sec. 22–2204), to cover unauthorized use of vehicles by a bailee; to the Committee on the District of Columbia.

By Mr. DON H. CLAUSEN (for himself and Mr. MAILLIARD):

H.R. 18802. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH:

H.R. 18803. A bill to amend title 13, United States Code, to provide for a middecade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. SPRINGER (for himself, Mr. Gerald R. Ford, Mr. Morton, and Mr. Broyhill of North Carolina):

H.R. 18804. A bill to amend the Communications Act of 1934 to provide for television broadcasting of certain evening proceedings of the Houses of Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 18805. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 18806. A bill to amend the Federal Aviation Act of 1958 to provide for the control and abatement of pollution by aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAIR:

H.R. 18807. A bill to assure performance of obligations undertaken by operators of international tour groups; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan (for himself and Mr. Vander Jagt):

H.R. 18808. A bill to establish improved programs for the benefit of producers and consumers of dairy products and wool, and to extend the Agricultural Trade Development and Assistance Act of 1954, as amended; to the Committee on Agriculture.

By Mr. DELLENBACK:

H.R. 18809. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 18810. A bill to provide partial reimbursement for losses incurred by commercial fishermen, as well as allied sport fishing camps, as a result of restrictions imposed on domestic fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH:

H.R. 18811. A bill to extend for 2 months the period within which the Secretary of Commerce is required to report the decennial census tabulation of total population by States for the apportionment of Representatives; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 18812. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

By Mr. PEPPER (for himself, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Ashley, Mr. Barrett, Mr. Bingham, Mr. Brown of California, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Clark, Mr. Donohue, Mr. Dowdy, Mr. Dulski, Mr. Eckhardt, Mr. Eilberg, Mr. Fraser, Mr. Gallagher, Mr. Gilbert, Mr. Hanley, Mrs. Hansen of Washington, Mr. Hicks, Mr. Helstoski, and Mr. Howard):

H.R. 18813. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Johnson of Pennsylvania, Mr. Kyros, Mr. Morse, Mr. Murphy of New York, Mr. Nix, Mr. Schwengel, Mr. Sebelius, Mr. Vander Jagt, Mr. Vanik, Mr. Weicker, and Mr. Wright):

H.R. 18814. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. REID of New York:

H.R. 18815. A bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war; to the Committee on Veterans' Affairs.

H.R. 18816. A bill to establish the statutory maximum interest rate at 6 percent for Veterans' Administration guaranteed and direct loans and to expand authority to make direct loans to veterans where private capital is unavailable at the statutory interest rate; to the Committee on Veterans' Affairs.

H.R. 18817. A bill to amend section 1811 of title 38, United States Code, to raise the limit on the amount of direct housing loans which may be made by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 18818. A bill to provide veterans residing 100 miles or more from Veterans' Administration facilities the option to receive hospital care in facilities other than Veterans' Administration facilities, and for other purposes, to the Committee on Veterans' Affairs.

H.R. 18819. A bill to amend title 38 of the United States Code in order to provide additional beds and special units in Veterans' Administration hospitals for the care and treatment of veterans afflicted with alcoholism or drug addiction, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 18820. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WOLFF (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Brasco, Mr. Lowenstein, and Mr. Rosenthal):

H.R. 18821. A bill to provide for a program of Federal financial assistance for the installation of noise suppression devices on aircraft to suppress aircraft noise pollution; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 18822. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FISH (for himself, Mr. Hastings, Mr. Smith of New York, Mr. Conable, Mr. Horton, Mr. Pirnie, Mr. Button, and Mr. Robison):

H.R. 18823. A bill to establish an improved program for the benefit of producers and consumers of dairy products; to the Committee on Agriculture.

By Mr. FULTON of Pennsylvania:

H.R. 18824. A bill to elevate status of U.S. military personnel and develop a voluntary system of meeting U.S. military manpower needs; to the Committee on Armed Services.

By Mr. HOWARD:

H.R. 18825. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. JACOBS:

H.R. 18826. A bill to amend the act of July 16, 1914, to limit the number of chauffeur-driven passenger motor vehicles provided officers of the Federal Government, and for other purposes; to the Committee on Government Operations.

By Mr. MacGREGOR:

H.R. 18827. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 18828. A bill to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

By Mr. RARICK:

H.R. 18829. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain uncompensated services of attorneys and physicians; to the Committee on Ways and Means.

By Mr. SATTERFIELD:

H.R. 18830. A bill to amend title 38 of the United States Code to provide that no Veterans' Administration hospital or domiciliary facility shall be constructed, acquired, or altered unless such action is first approved by the Committee on Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. WAMPLER:

H.R. 18831. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY (for himself, Mr. Goodling, and Mr. Reifel):

H.R. 18832. A bill to provide for the establishment of the Carlisle Indian School National Monument in Carlisle, Pa.; to the Committee on Armed Services.

By Mr. ZION:

H.R. 18833. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. BELCHER (for himself, Mr. Steed, Mr. Jarman, Mr. Edmondson, and Mr. Camp):

H.J. Res. 1342. Joint resolution to proclaim "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.J. Res. 1343. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GUBSER:

H. Con. Res. 699. Concurrent resolution to provide for a joint session of Congress to discuss problems relating to U.S. citizens who are being held as prisoners of war in foreign countries; to the Committee on Rules.

By Mr. COLLIER:

H. Res. 1171. Resolution to express the sense of the House of Representatives that the U.S. maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Res. 1172. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. PATTEN (for himself, Mr. Abbitt, Mr. Addabbo; Mr. Biaggi, Mr. Buchanan, Mr. Byrne of Pennsylvania, Mr. Don H. Clausen, Mr. Clark, Mr. Eilberg, Mr. Farbstein, Mr. Friedel, Mr. Goldwater, Mr. Hays, Mr. McKneally, Mr. Miller of California, Mr. Rees, Mr. Rosenthal, Mr. Scheuer, Mr. Rodino, Mr. Annunzio, Mr. Helstoski, Mr. Sandman, Mr. Daniels of New Jersey, Mr. Roe, and Mr. Leggett):

H. Res. 1173. Resolution expressing the sense of the House of Representatives with respect to balance of power in the Middle East; to the Committee on Foreign Affairs.

By Mr. BUSH (for himself, Mr. Price of Texas, Mr. Belcher, Mr. Burleson of Texas, Mr. Burton of Utah, Mr. Cabell, Mr. Collins, Mr. Edmondson, Mr. Fisher, Mr. Foreman, Mr. Hammerschmidt, Mr. Mahon, Mr. Montgomery, Mr. Poage, Mr. Purcell, Mr. Sebelius, Mr. Shriver, and Mr. Wold):

H. Res. 1174. Resolution relating to the protection of consumer supply of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. LUKENS:

H. Res. 1175. Resolution expressing the sense of the House of Representatives with respect to balance of power in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VAN DEERLIN introduced a bill (H.R. 18834) for the relief of Karl E. Neathammer, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ENFORCED BUSING OF SCHOOL CHILDREN IN VIRGINIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 5, 1970

Mr. BYRD of Virginia. Mr. President, I can say with candor that rarely, if ever, during my 23 years in public office have I seen the people of Virginia so disturbed and so embittered as they are about the prospective compulsory busing of children away from their neighborhood schools.

I feel that it is the obligation of the Department of Justice to support the expressed will of Congress in opposition to enforced busing.

A prohibition against enforced busing was included in the Education Appropriation Act of 1970 approved last week by Congress and now awaiting final action by the President.

It is of great significance that Congress last week spoke loudly and clearly. This makes timely, I feel, a letter which I wrote to the Attorney General of the United States.

I ask unanimous consent that my letter of August 4, 1970, addressed to the Honorable John N. Mitchell, the Attorney General, be published in Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., August 4, 1970.

Hon. John N. Mitchell,
Department of Justice,
Washington, D.C.

My Dear Mr. Attorney General: The crisis in the school situation in Virginia has reached such serious proportions as to require immediate action by the Department of Justice.

There are seven Federal court suits now pending against school boards, including major ones in Richmond, Norfolk, Lynchburg and Roanoke. In at least four of these suits the compulsory busing of children away from their neighborhood schools is the central issue.

It hardly need be said that the school systems involved are threatened with chaotic conditions. No one knows in these communities how or what to plan for the new school year which opens in September. Indeed, no one knows whether the schools will be able to open and operate as required by the constitution and laws of Virginia.

No thoughtful Virginian seeks to reopen the basic issue resolved by *Brown* v. *Board of Education*. Desegregation is the policy of our Virginia schools and this has been progressing in an orderly manner, and on a substantial scale, predicated primarily on a freedom of choice program which accorded to each child and his parents a reasonable option.

Now that such programs have been held invalid in southern states, the demand is for instant and complete racial mixing without regard to neighborhood patterns, the availability of school and transportation facilities, or the deep feelings of the parents and children concerned. The proposed method of accomplishing this end is by the arbitrary uprooting and busing of children.

Moreover, when the enforced mixing of races pursuant to a prescribed formula becomes the dominant end of public education—as now appears to be the objective—we are witnessing a perversion of the educational processes. These processes have been developed with great care and cost. They have been of great benefit to the community and country.

The Congress, recognizing all of this, has at least twice recorded its opposition to achieving racial balance by enforced busing. In the 1964 Act authorizing suits by the Attorney General (upon receipt of a complaint), the Congress provided:

". . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance . . ." 42 U.S.C.A. 2000c–6.

A similar prohibition against enforced busing was included in the Education Appropriation Act of 1970 approved last week by the Congress and now awaiting final action by the President. Section 209 states:

"No part of the funds contained in this Act may be used to force any school or school district . . . to take any action to force the busing of students; . . . or to force the transfer or assignment of any student . . . to or from a particular school over the protest of his or her parents or parent."

It is of great significance that the Congress last week spoke loudly and clearly. This makes timely, I feel, this letter to you.

It is my understanding that President Nixon also has expressed the opposition of the Executive Branch of the government to this form of coercion.

Finally, I am informed that the Supreme Court has not held that the Constitution requires any such action.

We thus appear to be in a most remarkable posture.

The Legislative and Executive Branches of the Federal Government oppose enforced busing. The Supreme Court has not held that this is required by the Constitution. Yet lower Federal courts continue to decree busing in the South, and in my state of Virginia, there appears to be every prospect of enforced busing decrees becoming effective any day.

Is there such a state of paralysis in the Government that the expressed will of the Congress and the President is not being enforced—at a time when public education, the rights of citizens, and, indeed, the wellbeing of our communities are endangered?

1. *Oppose enforced busing*. I respectfully request that you, on behalf of the United States, take appropriate action in the Virginia cases to oppose the enforced busing of children (i) as being a denial of the constitutional rights of such children and their parents, and (ii) as being contrary to the will of the Congress as expressed in the Acts above cited.

2. *End the double standard*. It is time, in the interest of elementary fairness and of assuring a renewal of respect for our system of "equal justice under the law", that the double standard with respect to school integration be ended.

That such legally enforced hypocrisy exists, no one doubts—as Senator Ribicoff of Connecticut so eloquently stated some months ago. The legal standards with respect to school integration should be the same in all states. There can be no moral or legal justification for one vindicative set of rules in the South and a different and a much more lenient set of rules for other areas of the country.

The Department of Justice is the agency of the government most responsible for assuring both equal justice and respect for law. I respectfully request that you take such steps as may be necessary to bring an end to this unprecedented double standard which so degrades the quality of justice in our country.

More specifically, I feel that it is the obligation of the Department of Justice to support the expressed will of the Congress in opposition to enforced busing.

I am informed that the Justice Department is a party to the Norfolk Suit. It is not my purpose to comment on any particular litigation but rather to address the overriding principles with which I am concerned. If, as I believe, the Justice Department has not yet taken a strong and unequivocal position against enforced busing and against the double standard, it is urgently necessary that you do so now. This is necessary to resolve the conflicting and chaotic condition being imposed upon public education, and also to sustain and implement the expressed will of the Legislative and Executive Branches of government.

In recent years, the Justice Department has been imaginative and innovative in making its voice heard effectively on behalf of civil rights. The issue here involved is one of basic civil rights—of both white and black pupils—not to be forced, against their wills, to be transported away from their own neighborhood schools to accomplish arbitrary and theoretical concepts of enforced racial mixing.

I can say with candor that rarely if ever, during my long public service, have I seen the people of my state so disturbed, frustrated and embittered. This public attitude does not reflect—certainly to any major extent—opposition to racial integration of the schools.

This unprecedented opposition results, rather, from the traditional American resentment of (i) extraordinary invasion of personal liberty, (ii) enforced separation of children from neighborhood life and activity, and (iii) a policy so widely regarded as

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a capricious attack on freedom and, indeed, public education itself.

In view of the urgency and dimensions of this crisis, I would be grateful—as would the people of Virginia—for your prompt and effective action to protect the rights of the parents and children of Virginia.

Sincerely,

HARRY F. BYRD, Jr.

SOUTH CAROLINA FRESH PEACH WEEK

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. McMILLAN. Mr. Speaker, as vice chairman of the Agriculture Committee I am naturally interested in all phases of agriculture. Last week here in the Nation's Capital, the South Carolina Peach Council and Promotion Board in cooperation with the Agriculture College of Clemson University, made it possible for the Members of the House and the Senate to enjoy tree ripened South Carolina peaches. Members of the delegation and their staffs were supplied with this very delectable fruit, both fresh and in the form of a wonderful fresh peach cobbler, prepared by the bakers of the Senate and House Restaurants. I want to acknowledge Mr. Kermit Cowan and Mr. Joseph Diamond, managers of the House and Senate restaurants for their fine cooperation in producing the finest fresh peach cobbler that I have ever tasted.

Mr. Speaker, the South Carolina peach orchards now number into the thousands and the number of fruit bearing trees are just under 2 million—latest available figures. South Carolina is now second only to California in number of peach producing trees with our high speed interstate highway systems, as well as the new mechanical methods of harvesting our fruit, the great eastern markets are all within 20-hour delivery distance for fruit harvested in the sandhills of eastern South Carolina to the foothills of the great Smoky Mountains in the northwest section of our great State.

Among the many fruit farmers who have contributed so much to the peach industry in South Carolina, many are active as officers and directors of the Peach Council and Promotion Board. They are as follows:

H. D. Barnett, president; Richard Taylor, first vice president; Allen Belcher, second vice president and treasurer; Ben Boatwright, executive secretary; directors: Tracy Childres, Manning Shuler, Toy Hyder, Ralph Thompson, Vincent Caggiano, E. C. Black, J. M. Vann, Tracy Gaines, Maynard Watson, Pat Chappell, Burney Chappell, Frank Bush, J. Calvin Rivers, Jr., Jerrold Watson, and Cleveland Holmes.

The South Carolina Peach Council can boast of three national presidents of the National Peach Council; namely, Mr. Paul Black of Spartanburg, Mr. Mark Boatwright of Johnston, and Mr. Tracy Gaines of Inman.

I should also like to thank the following gentlemen, without whose help it would have been impossible to organize "South Carolina Peach Week":

Dr. William H. Wiley, dean, Clemson University College of Agriculture; Dr. T. L. Senn, head, Clemson University department of horticulture; Roy J. Ferree, horticulture department—peach specialist—Clemson University; Mr. John D. Ridley, area agent, horticulture, of Spartanburg, and Mr. J. Whit Gilliam, county agent of Edgefield, S.C. Transportation for the fruit was donated by Mr. L. G. DeWitt. The orchard-ripe fresh peaches were donated by Mr. E. R. Taylor of Greer, Mr. Louis Caggiano—Sunny Slope Farms—of Cowpens, Mr. Bobby Dandy—Cox Farms—of Greer, Mr. Woodrow C. Cash of Cowpens, Mr. James R. Sease of Gilbert, Mr. L. D. Holmes & Son of Johnston, Van Brothers of Trenton, Mr. Carroll Clark of Trenton, and G. C. Holmes & Son—South "C" Farms—of Johnston.

Mr. Speaker, in closing my remarks, I wish to commend the efforts of the entire agriculture industry of South Carolina. They are striving to produce better quality food efficiently and economically. They are doing their part to help provide better nutrition to an evergrowing consumer market.

RESULTS OF A PUBLIC OPINION POLL CONDUCTED IN THE FOURTH DISTRICT OF INDIANA

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. ADAIR. Mr. Speaker, the results of my recent public opinion poll conducted in the Fourth District of Indiana have just been compiled and I would like to share them with my colleagues. In my view, the opinion trends are significant in view of the problems we face today. These results are based upon approximately 18,000 responses from the people of the Fourth District, in addition to the hundreds of letters written by concerned constituents who wanted to expand on their views. The results were as follows:

[In percent]

	Yes	No	Undecided	No vote
1. Do you support President Nixon's decision to destroy the Communist sanctuaries in Cambodia?	78	14	6	
2. In order to encourage industry to install antipollution devices, would you favor granting tax credits for compliance and fines for failure to comply?	72	15	8	5
3. Do you favor returning a certain percentage of Federal tax revenue to State and local governments to relieve pressure on local tax resources as proposed by President Nixon?	76	14	7	3
4. Regarding Student Disorders, which course do you think Congress should take?				
(a) Stop all Federal funds to schools whose administrators fail to curb disorders?	52	18	6	24
(b) Deny Federal aid to individual students committing these disruptions?	80	4	1	15
(c) No Federal intervention?	11	32	4	53
5. Many suggestions have been made for curbing inflation. What do you favor?				
(a) Curtail Federal spending?	70	4	4	22
(b) Raise taxes?	6	41	4	49
(c) Control credit?	45	8	6	41
(d) Wage and price control?	45	18	7	30
6. Do you favor continuation of the Federal farm price support legislation?	31	41	18	10
7. Do you favor changing the present lottery system for military service to an all-volunteer army?	43	39	12	6
8. Do you favor lowering the voting age to 18 or 19 or 20? If your answer is "yes", circle one of the above.	46	46.1	7.9	....

Of those who favored lowering the voting age: 26 percent favored 18 as the age; 53 percent favored 19 as the age; 17 percent favored 20 as the age; and 4 percent made no selection.

PROPHETS OF DOOM ARE LOSING BATTLE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. MYERS. Mr. Speaker, I read this last week an article which was most interesting and in my opinion, most appropriate. At a time when so many in our Nation are reciting all the wrongs in this country and finding fault with everything and everyone it is refreshing to read an article like this. The author has proposed that people take action through more self-help. Not only do I agree with this philosophy, but I take extra pride in that the author is my wife's uncle.

The editorial follows:

PROPHETS OF DOOM ARE LOSING BATTLE

(By Dan Murphy)

Maybe you'd like to know that in my case, at least, the prophets of doom are losing the battle. Often I don't even listen to their scare talk anymore. After all, I too observe . . . and I like most of what I see.

The Nader types find death and destruction everywhere . . . in the meat they eat, the cars they drive and the dolls their babies play with. Phooey. We do have meat to eat, which beats rice. Maybe the car needs more padding, but I prefer it to a rickshaw, wheelbarrow or bicycle.

A West Coast professor is raking in fantastic fees for telling us we'll drown in our own wastes within 20–30 years. If he'd run a scythe around a 40-acre field some summer day, he'd find there is lot of nice, clean space left . . . kept that way for 100 years by people who both understand and appreciate nature.

Protect the consumer, the gloomies cry. Okay. There are some crooks, both buyers and sellers. But I have a credit card from a bank I've never seen, telling me and millions of others that we are basically honest.

My watch keeps time, my roof doesn't leak, my perma-pressed pants need only a little pressing. Wheaties may not make me a cham-

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pion, but they taste good. My suits last a long, long time.

People nearly always return a smile. I know at least 300 youngsters who wouldn't know a jail from the Taj Mahal. I can phone anyone I know in the 48 states for a dollar . . . and most of them still speak to me.

This evening, in my own yard, I saw a woodpecker, a robin and a sparrow sharing the same tree with a squirrel . . . not a chirp about DDT.

My 25-year-old typewriter makes a satisfactory noise when I work. My youngsters not only demonstrate affection but they're good house painters.

Most of the people I know solve problems, rather than complain. In fact, most people actually enjoy their work. (I've often wondered if those who won't work enjoy not working.)

So the pessimists can peddle their overstuffed worries elsewhere. The pursuit of fear, misery and trouble has become profitable for some people.

I'm finding my share and more of happy days on this earth. Good things happen like clockwork. It is even going to rain, one of these days. Want to bet?

SOCIAL MAN IN CONFLICT WITH HIS ECONOMIC SELF

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BIESTER. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the text of a thoughtful article written by one of my constituents, David P. Eastburn, president of the Federal Reserve Bank of Philadelphia, on what he perceptively calls the conflict between "The Social and Economic Man." The article originally appeared in the New York Times, Sunday, August 2, 1970. I commend it to my colleagues:

POINT OF VIEW: SOCIAL MAN IN CONFLICT WITH HIS ECONOMIC SELF

With attention focused on violence in the Parrot's Beak, Kent State, and countless city streets, there is danger of losing sight of a desperate conflict underlying much of the violence. This is the conflict between Economic Man and Social Man.

Each of us, of course, is both Economic and Social Man. Each of us is concerned with making a living and with living with his fellows, but the mix varies, and it is there that the source of conflict lies. Those who are 90 per cent Economic Man see today's world differently from those who are 90 per cent Social Man. Many, in whom the proportions more nearly approach 50–50, are torn apart by conflicting beliefs. And so we have a kind of national schizophrenia which is both divisive and debilitating.

It is easy, of course, to overdraw the contrast between economic and social values, but as a first approximation, let us consider the following shorthand description of characteristics and concerns:

Economic man	*Social man*
Production	Distribution
Goods & services	People
Money values	Human values
Work & discipline	Self-realizaiton
Competition	Cooperation
Laissez faire	Involvement
Inflation	Unemployment

Economic Man tends to be concerned primarily with producing goods and services, with quantitative problems. He is largely responsible for the doubling in the nation's real output over the past quarter of a century. Ironically, however, his very success has made it possible for Social Man to gain a sympathetic hearing for his concerns about the distribution of output and the quality of life. The turning point for many was the appearance of Prof. John Kenneth Galbraith's "The Affluent Society" in the late nineteen-fifties. Professor Galbraith made a persuasive argument that the problem of production in this nation had been solved. It is no coincidence that the war on poverty followed in the nineteen-sixties, and concern for the environment promises to be the issue of the nineteen-seventies.

Economic Man embodies many of the values of the Establishment, which youth today finds so distasteful. He believes that a relatively free pursuit of self-interest has served his nation well; that self-interest in a market economy is expressed largely in monetary terms; that monetary rewards are directed by competition to the efficient and enterprising; and that the Puritan ethic of hard work and self-discipline is still a major guidepost to the good life.

Social Man sees the good life reached by a quite different route. He stresses people rather than things; human rather than monetary values; and freedom not to pursue one's self-interest but to realize one's true individuality by involvement in a cooperative way in solving society's problems.

Obviously, these are caricatures, not carefully toned portraits, yet it is precisely because such black-and-white conceptions exist that much of the current conflict is possible.

Consider, for example, the present effort of the Federal Government to steer a narrow course between inflation and recession. This task is made particularly difficult because of the clash of economic and social values.

In the nineteen-twenties, the problem was simpler. When inflation got out of hand, the orthodox solution was to clamp down on the economy. In the ensuing recession, men were unemployed but prices came down. Recession was believed to be not only inevitable but a necessary purgative; it was the bitter medicine we had to take for living it up.

The Great Depression changed this view. It brought home the tremendous costs of idleness, the psychological maiming of a whole generation. Consequently, the nation resolved in the Employment Act of 1946 to prevent a recurrence of such disaster. The idea of the inevitability of milder recessions persisted during the nineteen-fifties, however.

In the nineteen-sixties the public began to hope that recessions might be avoided altogether, and as the decade proceeded, this hope was increasingly bolstered by unprecedented success in keeping the economy growing. It was about at this time also that the nation became increasingly conscious that everything was not well socially. And as prices rose at a quickening pace in the latter sixties, public authorities became confronted with a dilemma more perplexing than ever before: how to curb inflation without incurring recession. The dilemma is now in its acute phase.

Economic Man is on one side. He has been telling the authorities: hang on; don't let up on efforts to curb inflation until you really have it licked; if this means recession, better pay the price now than a bigger one later.

Social Man is on the other side. He fears that a recession will hurt most those who are already disadvantaged. When unemployment rises, as it must when the economy slows, those who are laid off first are the unskilled; efforts to recruit workers from the ghetto are suspended. Social Man, therefore, is inclined to trade inflation for jobs.

It is not exactly clear why these positions are held as firmly as they are. There are economic and social costs in both inflation and recession. Both ultimately can destroy our economy. Both cause severe distress to important groups in society (10 per cent of the population, for example, is over 65, many on fixed incomes that are eaten up by inflation; 7.6 per cent are working poor, many of whom are put out of work in recession). The fact is, however, that Economic Man tends to be concerned primarily about inflation and Social Man about recession, and so an issue of great significance to the entire nation has tended to become polarized.

Social Man must convince Economic Man that this Nation cannot prosper unless action is taken to solve social ills. A great deal of progress has already been made.

Economic man may not be aware, however, of one valuable benefit from social action: it can enhance the possibility that public authorities might achieve a stable economy. Unemployment compensation and minimum income maintenance provide buffers between the disadvantaged and recession. Better training and education make it possible for those who are disadvantaged at present to hold their own in recession. If public authorities could gain more assurance that their actions will not bear down unfairly on the poor and greater confidence that their economic policies will not have severe social side effects, they could move with more vigor and effectiveness against inflation whenever it threatened. Social action, in short, promises Economic Man not only expanding markets in which to sell his wares but a more stable economy in which to produce them.

At the same time, Social Man needs to understand what to Economic Man is a central concept of life: opportunity costs. This is the concept that everything has a cost in terms of opportunities foregone. Resources are scarce and once a decision is made to use them for one purpose, they are no longer available for another. One opportunity cost of reading this article, for example, is not simultaneously being able to read one of the others in this newspaper.

Economic Man, by and large, has learned to live with this principle. He is constantly forced to use the resources at his command—money, people, technology—in the best possible way to get the best possible results. His success in doing so determines his success as a businessman. He makes his cost calculations carefully; he sets priorities. He has developed a degree of patience and a way of looking toward the long run in evaluating progress and results. Social Man, by and large, has yet to get the message. Perhaps because of his "human" approach, he tends more often to look at small parts of the picture, see specific problems that could be met with relatively small expenditure, and to press for their solution without realizing the cumulative implications of his proposals. With so many things needing doing, he is impatient for results. If Economic Man can—without dulling the edge of the drive for social betterment—convince Social Man that everything cannot be achieved at once, he will have gone a long way toward a constructive resolution of today's conflict.

Resources are expendable, but in the short run, attempts to do too much, to solve all our social problems and still satisfy our inexhaustible desires for material things will only produce inflation. Limited resources force us to make hard decisions about priorities.

In the longer run, it is possible to meet rising social needs without sacrificing material comforts; the slices may be the same, but the pie can be bigger. Social Man's best hope is to work with Economic Man toward the kind of dynamic economy that will make such a happy solution possible.

Both Economic Man and Social Man have a vital role to play. Social problems cannot be solved without a strong and growing economy, and we cannot prosper economically if we continue to have large parts of the population not sharing in the fruits of production.

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TESTIMONY OF REPRESENTATIVE DURWARD G. HALL ON THE PANAMA CANAL

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. HALL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my testimony before the subcommittee of the Committee on Foreign Affairs, U.S. House of Representatives on August 4, 1970, for the information of all:

TESTIMONY OF REPRESENTATIVE DURWARD G. HALL ON THE PANAMA CANAL

Mr. Chairman, it appears that this nation has become "obsessed" with the idea of giving up control of the Panama Canal. It is my considered judgment that such action if accomplished would contribute greatly toward smoothing the roadbed over which the juggernaught of international communism would travel.

We have given away the Island Iwo Jima and plan same for Okinawa—our hard won and most strategic base in the Pacific.

We have given away Wheelus Air Force Base, undoubtedly its tarmac will soon become a favored resting place for aircraft bearing the hammer and sickle.

Now comes the news that the President has appointed Mr. Daniel W. Hofgren, a man whose credentials as a negotiator are at best suspect, to be a special representative of the United States for the Interoceanic Canal negotiations, with the rank of Ambassador.

Mr. Chairman, I think it is time that the Congress makes it perfectly clear that this nation has no need for a negotiator. The Congress should make perfectly clear, once and for all: We are there, we intend to remain there and, in the language of today, the sovereignty of the Panama Canal itself—is unnegotiable. It's time we made crystal clear that this involves U.S. territory, and hence is a constitutional prerogative of the House and entire Congress.

I have joined with my colleagues from Missouri, Pennsylvania, and Ohio in introducing legislation that would arm the President with the sentiment of the House of Representatives, and that of the American people in any future negotiations with the Government of Panama over the status of the Canal Zone.

It is essential that this be done so that a re-occurrence of the abortive proposed 1967 treaty does not come back to haunt us. As many may remember this proposed 1967 treaty contained provisions that ceded additional rights of the Canal Zone to Panama, gave Panama joint administration, increased our annual payments to Panama, raised tolls and forced the United States to share its defense and police powers with Panama. When the text of this treaty was published there was a hue and cry throughout the United States opposing its provisions. At that time about 150 members of Congress introduced or co-sponsored resolutions expressing the sense of the House that it was the desire of the American people that the United States maintain its sovereignty and jurisdiction over the Canal Zone. The same language exists in the resolution we are introducing today. Public indignation ran so high that the 1967 draft treaty was never sent to the other body for ratification. I ask that those hearings be made a part of this hearing record!

Mr. Chairman, it is now over two years later. Much has transpired. A military junta is now ruling Panama. A new administration has taken over the reins here in Washington. On the other hand, much has remained the same. Castro is still preaching and exporting revolution in Latin America. American property is still being expropriated "south of the border." Many people both here and abroad call for the surrender of American bases and rights throughout the world. The Panamanian Government is aware of this and is now willing to make another attempt to negotiate a new treaty. They know that they have *nothing* to lose, and *everything* to gain. They no doubt feel that if they obtain concessions from us as they did in the negotiations for the 1967 treaty, they can obtain them again in any new round of negotiations.

I am also confident that the citizenry of this country know and comprehend the strategic importance of the Canal Zone. As a member of the House Committee on Armed Services I was *particularly* concerned about the possible effect of the 1967 treaty on both the subjects of national security and hemispheric defense. The importance of the Canal Zone as a bastion on our "southern flank" cannot be overrated. Without our control of the Canal Zone the possibility of a potentially hostile regime in Panama denying access of the transferring of our naval forces from ocean to ocean ever grows. The loss of this access could destroy a link in our defense chain and could produce a disaster. It is particularly inappropriate in this time of contingency expectancy around the world.

Mr. Speaker, intertwined with the aspect of *national security*, is the equally important area of *hemisphere defense*. The Canal Zone under our control and jurisdiction serves as an outpost thwarting the perverted ambitions of Castro, Moscow and Peking. Our presence serves as a constant reminder of our determination to stop subversion in Latin America. I ask, would Panamanian control of the canal serve a like purpose? I think the answer is obvious.

Besides military considerations, the *commercial* considerations must also be examined. A Communist or hostile government could completely close the canal to United States shipping. Over sixty-five percent of all United States shipping passing through the canal annually either originates or terminates in United States ports. The added shipping costs, as well as the curtailment of shipping would be astronomical in the event this facility was denied our use.

Besides paying the price for increased shipping costs, the United States taxpayer could possibly be forced to surrender his aggregate investment of over $5,000,000,000 which would constitute the biggest single "give-away" in recorded history. I cannot envision the American people wishing to write off this huge public asset, without some reasonable and tangible compensation in return. Let's at least put the question to them!

Mr. Chairman, I am happy to inform you that many Members of the House of Representatives are in total agreement with the statement I have made here today, and I remind you that no other branch of the Government has the feel or the knowledge of the electorate as does the membership of the House.

It is imperative that all who are concerned do everything in their power now, to prevent the surrender of our right to the control of the Panama Canal. We cannot sit idly by and watch the Panama Canal become another Suez.

MORE ABOUT RHODESIA

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. LANGEN. Mr. Speaker, on July 1, I made a statement before this body to shed light on recent events concerning the status of Rhodesia and her struggle for recognition among the comity of nations. At that time I emphasized several important points; namely, that Rhodesia adequately fulfills the criteria for acknowledgment as an autonomous state, that Rhodesia is not the "threat to world peace" and the "bogeyman" that some would have us believe, and that the present U.S. policy of confrontation and nonrecognition are gravely injurious to our best interests.

At this time, I am pleased to share with my colleagues a recent article by the noted columnist, James J. Kilpatrick, which further strengthens my convictions that we have been led down the wrong path. It is my urgent hope that the newly elected British Government will put a quick end to the discredited and pointless policies of enmity and ostracism toward Rhodesia, and that the United States will have the wisdom to follow suit.

The article follows:

U.N. IMPOTENCE MATCHES ITS HYPOCRISY

(By James J. Kilpatrick)

NEW YORK.—The U.N. Security Council went through one of its recurring exercises in huffing and puffing a few days ago, the better to build up its wind, and wound up, as usual, by sweating hypocrisy from every pore.

The object of these dumbell exertions was South Africa, or more accurately, South Africa, France and Great Britain. The nominal purpose of the resolution finally adopted 12–0, was to condemn violations of the embargo on shipment of arms to South Africa. But South Africa pays no more attention to the Security Council than a great dane pays to a playing pekingese. France is the largest supplier of arms to South Africa, and finds it profitable to stay that way. Britain's new Conservative government last week voted to resume limited arms shipments.

The council's impotence as to South Africa is matched by its impotence as to Rhodesia. The only difference is that United Nation's hypocrisy toward Rhodesia, a small country, is meaner and more contemptible than its hypocrisy toward South Africa, which is large.

Last month the U.N. special committee on enforcement of Rhodesian sanctions brought in its third report. This bulky paper, running to 337 pages, is quite unintentionally one of the funnier documents of the summer. The United Nations, it will be recalled, has formally ostracized Rhodesia from the family of nations as a punishment for her multiple sins. These sins are, first, that Rhodesia had the indecency to secede from the British Commonwealth; second, that her franchise falls short of one-man, one-vote; and third, that Rhodesia constitutes a threat to the peace.

The first and second sins are none of the United Nations' business. The third is a transparent falsehood. Yet Rhodesia remains, in theory, utterly isolated from the commerce of the civilized world, an "illegal regime" that must be starved and whipped to its knees.

Somehow the sanctions have not worked out that way. As the committee unhappily acknowledged, the sanctions "have not been fully effective and have not led to the desired results." And why is this? It is because much of the world is paying less and less attention to them. Reports of evasions, far from declining in number, are soaring; there were 60 such reports last year. But 31 countries, including 27 members of the U.N., will not even answer the committee's mail.

It is all very sad. Plainly, the illegal regime is thriving. By Britain's own estimate, Rhodesia's export trade—in the very teeth of the sanctions—jumped from $227 million in 1968 to $336 million in 1969. Immigration to Rhodesia is increasing. Last year a record 254,000 tourists strolled the streets of Salisbury.

The Rhodesia government will not have the kindness to die. It has announced plans for more airfields, public parks and game preserves to attract even more visitors. And in the private sector, sighed the committee: "the illegal regime is reported to have completed five new hotels in 1969, with more than 20 major hotel projects in various stages of implementation."

When does the show stop? An honest United Nations, applying moral suasion to the world as it is, could perform a useful purpose. But nothing of value is gained so long as the United Nations proclaims empty embargoes and imbecile sanctions upon a world as the world is not.

ACTIONS, NOT TALK, WILL CHANGE NATION

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. SIKES. Mr. Speaker, the lead editorial in the Pensacola News Journal of Sunday, August 2, elaborated in a most effective way on the need to translate the views of youth into constructive, not destructive, action. It makes good sense and good reading. I respectfully urge my colleagues to give full thought to its message:

ACTIONS, NOT TALK, WILL CHANGE NATION

Jack Anderson said it.

U.S. Rep. Bob Sikes endorsed it.

And we could not agree more.

It is time for the youth of the nation, so verbally concerned with the state of the world, to translate their views into direct action—not the destructive action with which we are all too familiar, but constructive action.

Anderson, who writes a daily syndicated column which appears in The Pensacola News, recently made this appeal to youth:

"Stir the starry-eyed from their pseudoromantic dreams; rouse them to their feet; inspire them to substitute deeds for dreams. Invite the militants down from their soapboxes; challenge them to exchange their rhetoric for practical solutions."

"Fill your Summer with constructive, not destructive, activity. If you can find no great cause, settle for a small cause. In Salt City (for instance) white Mormon teenagers mowed lawns, washed cars, sold baked cooks, cleaned garages and did yard work to raise more than $25,000 to help build a Negro church.

"You can do as much. Organize a project of your own; roll up your sleeves; pitch in and do something worthwhile."

This column struck the right note with Congressman Sikes, who took the trouble to repeat it in his weekly report from Washington.

It also strikes the right note with editors of this newspaper, who have been urging a similar course for some time in these columns.

Though West Florida has been fortunate in having been spared, largely, the agonies of racial and student dissent which have marred so much of the nation over the past few years, we are certain this is not because of lack of concern by our young people.

They are concerned.

And rightly so.

For while there is much in this nation that is good—and we happen to prefer it to all other nations—there is no doubt there are many areas which could stand improvement.

Yet we are convinced the only way these improvements can be made is through action, not rhetoric; through example, not polemics.

Are the elders intolerant? Is this wrong? Then show it is wrong—by practicing tolerance.

Are the elders hypocritical? Is this wrong? Show it is wrong—by practicing honesty.

Are the elders not peaceful? Is this wrong? Show it is wrong—by being peaceful.

According to John D. Rockefeller III, in a recent speech, "Young people today are committed to values of love, human dignity, individual rights and trust in one's fellowman . . ."

But their elders see little of love in blatant and casual sex, in rock-and-bottle throwing confrontations; see little respect for human dignity in those shouting obscenities and epithets at those who disagree with them; see little respect for individual rights in campus seizures, the burning of private buildings and public institutions, in shouting down speakers; little trust shown by those who will not believe most people are basically decent and are trying to work out solutions. . . .

In West Florida, as elsewhere, the elders have their share of intolerance, hypocrisy, greed, lust—all the base emotions of humankind.

We also have our share of decency, respect, honesty, and love.

Yet if our youngsters hope to make a better world they must demonstrate they do, indeed, have more of the latter and less of the former than their elders—and they can't do it by talking.

In West Florida, also, we have our share of social problems: Inadequate housing, environmental pollution, racial disharmony, inept politicians, even some unemployment.

And youngsters can do something about it.

As Anderson points out, if there are no great causes at the moment, then find smaller ones.

Clean the roadways. Join the fight on pollution. Work to elect politicians who are honest, sincere and capable—even if you can't vote, you can campaign, help convince those who can.

No jobs? Create them. Find your own. Do yard work—or, as in one case we read about, form a corporation to build treehouses for youngsters to play in.

The opportunities, in this great nation of ours, in our own West Florida, are limited only by the lack of imagination, the lack of dedication of each individual.

With imagination, with dedication, the possibilities are endless.

The Escambia High School Rebelaires, a talented and entertaining choral group which left Pensacola Saturday for a three-week concert tour in Europe, provide this community with an excellent and highly commendable example of positive effort.

The youngsters worked long hours to raise $25,000 for the Summer tour, and their appearance overseas will be an inspiration for all Pensacolians who are troubled by unrest among many of today's youth.

Faced with the money-raising challenge six weeks ago, the students used their initiative and energy in a variety of enterprises to collect funds voluntarily. We are proud they made it—and this sort of challenge and ultimate victory proves that today's American youngster is willing to battle the odds for positive achievement.

The world can be a better place. You—youngsters and elders alike—can start making it a better place by contributing something positive, as Escambia High's Rebelaires contributed, instead of talking.

LEAGUE OF POW/MIA FAMILIES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BOB WILSON. Mr. Speaker, recently the families of U.S. servicemen who are prisoners, or missing and believed to be prisoners, in Southeast Asia, opened a new Washington headquarters. Their goal is to generate increased public concern about the prisoners and missing men, and to stimulate growing public involvement in programs designed for this purpose.

It was my pleasure to be present at the ceremonies in which these brave wives and parents formally opened their new office. They are located at 1 Constitution Avenue NE., just across the street from the New Senate Office Building, in space which has been donated to them, rent-free, by the Reserve Officers Association.

The organization, now incorporated as the National League of Families of American Prisoners and Missing in Southeast Asia, is one that all citizens can warmly endorse. But I am particularly proud of the league because it had its genesis in my district under the leadership of Mrs. Sybil Stockdale, who is serving as chairman of the board. Mrs. Stockdale has been indefatigable in her efforts to shed new light on the prisoner issue, and to insure that Americans are made more fully aware of the terrible plight these men have now suffered for periods of 4, 5, 6 years, as well as the dreadful anguish of their wives, children, and parents.

All of us in the Congress should be doing whatever we can to support the League of Families, as well as seeking new initiatives of our own.

It is my understanding that the league currently is attempting to win approval from the House and Senate leadership for a joint meeting of the Congress devoted solely to the prisoner issue. I, for one, certainly would support such a meeting.

The league's Washington office is manned by the national coordinator, Mrs. Iris R. Powers, mother of a missing Army warrant officer; and by two Air Force wives, Mrs. Joan Vinson and Mrs. Mary Jane McManus, whose husbands are missing or imprisoned.

Their first newsletter has just gone out to families throughout the United States, and I am tremendously impressed by the scope of activities they have undertaken and are planning to undertake. I know that all Members will be interested in the wonderful work of this humanitarian, nonprofit organization. For the benefit of those who may not have seen the league's newsletter, I have extracted some of the material which I think Members will find of particular interest. The excerpts follow:

EXCERPTS FROM NEWSLETTER OF LEAGUE

Prime Minister.—We met here in D.C. with Prime Minister Olaf Palme of Sweden, and made a strong plea for him to try, and try again, to reinforce his contacts with North Vietnam and its allies, in efforts to obtain humanitarian treatment for our men. At his request, we have furnished him with a list

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of all the prisoners and missing men. He said he will try to help (but quietly, and out of the public spotlight). We told him that if he sincerely wants to improve Swedish-American relations, as he has stated, there would be no better way of accomplishing that purpose than his determined help in solving the POW/MIA problem.

Mayor Washington.—When we learned that D.C. Mayor Walter Washington and Mrs. Washington were to make an around-the-world trip, visiting with foreign official press, and business and women's groups in a number of countries, we arranged to talk with him before his departure, and asked that both he and Mrs. Washington raise the prisoner issue whenever possible in their meetings. We consider that every personal contact anyone can make abroad will serve our cause.

Opening Ceremonies.—We formally opened our D.C. office with a press conference and open house, both of which drew outstanding attendance. You may have seen the excellent CBS coverage, quoting Sybil as saying that POW/MIA families "have worked too long out of their living rooms and kitchens" and that the new office will give the League the ability to better coordinate its activities, broaden communication with family members, and stimulate improved press-coverage and public involvement. We also were able to focus attention on the *omissions* from the so-called "complete list" of prisoners North Vietnam reportedly gave the Committee of Liaison. We did this by presenting one wife (as a typical example of many other families) who has photographs of her husband released by the communists at the time of capture, although his name *did not* appear on the list. This effectively punctured the spurious North Vietnamese claim. And, at the same time, we reminded the press that many hundreds of others have never been identified at all and have never been allowed to write.

Senate Signatures.—To help support a Junior Chamber of Commerce petition signing drive, we took part in a kick-off signing ceremony in the Senate, with 22 Senators placing their names at the top of the petition, in a matter of 35 or 40 minutes, as they scurried back and forth from an important debate on the floor. Senator Dole was especially helpful in rounding up colleagues to sign the petition, and many in the group were members who are pegged as "doves."

Meeting with Speaker.—On July 10, six of us met with House Speaker John McCormack to seek his assistance in obtaining a Joint Meeting of Congress devoted to the POW/MIA issue. This could be the most important forum we might ever obtain, particularly with all of the foreign ministers and ambassadors in attendance, as well as possible live TV coverage. Sybil told the Speaker, in part, "There could be no more stirring evidence of our national concern for man's humanity to man than a joint meeting of Congress focused on the forgotten Americans of the Southeast Asia war." The Speaker promised to give the matter "most serious consideration."

Other Leaders.—On July 24, we met with the House Majority and Minority Leaders, Representatives Carl Albert (Okla.) and Gerald Ford (Mich.) to urge them also to support the plea for a joint meeting. Reaction was excellent. They both said they would endorse the meeting. We are arranging similar meetings with the Senate leadership and with other influential members of both the House and Senate.

Donations.—Most of you know by now of Vice President Agnew's generous donation to the League of $12,500, representing his "royalties" from the sale of Agnew wristwatches and sweatshirts. We were invited to the White House to accept the checks. Other donations also have been coming in, in amounts ranging from $1 to $100.

News Media Trip.—Three of our members—Candy Parrish, Kathy Plowman, and Jane Tschudy—traveled to New York to talk with editors of magazines, TV networks, and other media. In three days, they accomplished more than they had dared hope. Examples: ABC will present a "special" on September 14; NBC is considering a spot on their First Tuesday program; Ladies Home Journal has promised an article with (hopefully) a tear-out letter for readers to mail in expressing concern (then a later follow-up after delivering the letters to Paris); Priscilla Buckley of National Review will do an editorial, and there may be a possibility of William F. Buckley's devoting one of his hour-long television shows to the POW/MIA issue. The gals who made the trip performed an outstanding service, and we will keep similar projects moving at carefully spaced intervals. Unrelated to the New York trip, but of like interest, the League has been interviewed by Dan Green of the National Observer, who is preparing what we hope will be a major POW/MIA story. George Fielding Eliot, the noted author, has written an article for distribution in the Family Magazine on 25 August (supplement to medium-size circulation newspapers).

Speakers.—We know that one of our most valuable assets is the articulate, dynamic League member. We're fortunate in having so many in this category, and we plan to make good use of them. We are working out details for a solidly organized Speakers' Bureau and are making contacts for our gals to speak as often as possible to both national and international groups.

MIA Emphasis.—Much of the attention that has been given to the POW/MIA problem by the press and public has been directed at the prisoners held in North Vietnam, and to various negotiations and contacts with the government in Hanoi. Some of this is due to the fact that the curtain of secrecy has not been held so tightly in place by the North Vietnamese, and the press (and, therefore, the public) has been given more frequent glimpses of the prisoners and prison conditions in North Vietnam. The result has been disheartening for those families whose loved one is imprisoned or "missing" and believed to be imprisoned by the Viet Cong, the Pathet Lao, or other communist forces. They cannot help but feel "left out" when they see press accounts or public campaigns, or petitions or letter-drives which are directed only at Hanoi. We recognize the need to stimulate more interest in and more publicity about those who are imprisoned or missing in other places than Hanoi, and we will be working to find new ways to publicize their plight, and to try to assure that letters, petitions, campaigns, etc., are beamed at these areas, and to assure that the news media are constantly reminded about these men, the conditions under which they are held, and the fact that they have *never* been identified nor allowed to write to their families. But, of course, we certainly will not neglect those captured or missing in the North. *All* of the prisoners and missing will get our undivided attention.

Billboards.—We are working on a national billboard project. We want to develop the best possible billboard presentation—one that will have a dramatic and compelling impact on the public. Our plan is to perfect the billboard design, get it into production, and send the basic materials to local communities throughout the nation.

News Media Project.—Similarly, we are preparing a nationwide and foreign news media campaign. The materials will be put together professionally and with the same care as the billboard material. When the program is ready to go, you also will be able to help in the fulfillment of this project—as we supply the materials.

Encouragement.—We have just had delivered to our office from the White House, a magnificently framed picture with three large photographs of members of the League, taken with President and Mrs. Nixon. The inscription, signed "Richard Nixon" and "Patricia Nixon," says, in part: "You have our deep admiration for your courage and determination and our prayers for early success in our mutual endeavor to reunite your families."

MR. AGNEW'S POLEMICS BRING BALANCE TO U.S. POLITICS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. SPRINGER. Mr. Speaker, I append herewith a very penetrating article by John P. Roche in today's issue of the Washington Post about the Vice President which I am sure many of my colleagues will want to read:

AGNEW'S POLEMICS BRING BALANCE TO U.S. POLITICS

I wondered how long it would take for the high theorists to catch up with Spiro Agnew. Now the parade of analyses has officially begun with a New York Times Magazine piece by Arthur Schlesinger Jr., and one can predict that before the year is out every journal in the Western world will feature a similar exercise. It will be discovered that Agnew is a symbol of American "status displacement" a paradigm of the "paranoid style" in American politics, a model of the "authoritarian personality," and—of course—a harbinger of "fascism."

This is good, clean fun and keeps a number of people off the streets, but one can anticipate with considerable accuracy that the results will tell us more about the anxiety of the authors than about Spiro Agnew. Take, for example, the statement that "Agnew is terrifying dissenters" (or TV producers or professors or effete snobs). I can easily imagine a dissenter being terrified by a tough cop or a longshoreman or a hard-hat. But only a person born terrified could possibly flee an onslaught by the Vice President of the United States. It is in the same class as fear of college presidents.

Take the quote from Orson Welles that Schlesinger seemed to take seriously. Asked how anyone today could scare people the way his "War of the Worlds" radio drama did 30 years ago, he said "give unlimited air time to Spiro Agnew." It is possible that Agnew scares hell out of Welles, but again I submit that this tells us something about Welles, not Agnew.

The key to Agnew's success is not that he touches some profound psychic nerve in the American character, triggering authoritarian, fascist reflexes. It is rather that he has provided some rough entertainment, some polemical balance to American politics. I don't know who started the rumor that Americans thrive on consensus—perhaps President Lyndon Johnson, who had his own patented consensus in mind and was delighted to let others have *his* way. In fact, Americans have always looked on politics as a body-contact sport and were by 1969 extremely bored by the one-sidedness of the match.

Everywhere the average citizen looked from about 1966 onward, the President and his administration were getting the leather. The antiwar groups escalated their rhetoric to a level that would constitute sedition just about any place else in the world. When you turned on the tube, what did you see? Some militant calling the President a "murderer" and calling for a revolution.

Americans, contrary to rumor, are not passionate devotees of sedition laws (or, for that matter, of any other kind of laws). But when the rhetoric gets rough, they expect a good verbal brawl with two contenders in the ring. Thus when the antiwar spokesmen started laying it on the Johnson administration, the citizenry waited for some solid

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counterpunching. But aside from a reference to "nervous nellies" and a couple of other side shots, the President "hunkered up like a jack rabbit in a hailstorm." This was no bout

Into this polemical vacuum came Spiro Agnew. Actually his first "hard" speeches were pretty mild, say, by comparison with any of FDR's assaults on his opponents. By 19th century standards, Agnew wouldn't even have made it into the big ring. But his victims responded as though they were en route to labor camps, and the populace suddenly awoke to the fact that a brawl was on. Agnew achieved the status of a dragon killer without ever drawing his sword. He became first-class entertainment.

Yet the American pepole are quite capable of keeping their categories straight. Asked if they think Agnew is doing a good job, a majority will say "yes"; asked if they think he would make a good President a majority will say "no." Their attitude reflects that of the frontier woman in Abe Lincoln's story who saw her husband wrestling with a bear: "Go it husband," she would yell—then "Go it bear!" The jackrabbit in a hailstorm is not the American ideal of a politician, and Spiro Agnew is capitalizing on our fondness for a scrap, not our desperate quest for an authoritarian womb.

FREEDOM IS A RESPONSIBILITY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. JONES of Tennessee. Mr. Speaker, the American Legion Auxiliary in Trenton, Tenn., recently sponsored an essay contest in the city's schools on the subject of freedom. The winner of the contest was Don King, an eighth grade student at Peabody High School and son of Mr. and Mrs. Allen King of Trenton. I request that his winning essay be printed at this point in the RECORD:

FREEDOM IS A RESPONSIBILITY

"When men like George Washington fought the Revolutionary War, they fought not only for their freedom, but for the freedom of their descendants as well. Many men like Nathan Hale gave their lives for their country.

"I regret that I have but one life to give for my country."

"I know not what stand others may take, but as for me, give me liberty or give me death."

Words such as these reflected the feelings of many. In other countries many have died for the freedom of others. Even now, the U.S. is involved in a war for the freedom of South Vietnam. Millions died in both the World Wars. These men gave their lives for a cause and a privilege we take for granted. Some, who remember vividly the oppression in concentration camps of World War II, still thank God every day for the freedom they now possess.

Many Americans today do not know what a great gift they have. How many people in communist countries would gladly trade everything they own for their freedom?

Those that have died in wars have entrusted to us the sacred responsibility of both maintaining our freedom and obtaining freedom for others. There have been quite a few countries and probably will be more in the future who would not have freedom if the U.S. was not in existence.

Also we must think of freedom within our own country. Our Congressmen make our country's laws. Who elects the Congressmen? We do, of course. Indirectly, then, we are responsible for the laws we made. What would happen if we put a communist in Congress, or in the White House. Such a tragic mistake could well end in the death of our country as we know it.

Anyone can see for himself that there are communists in our country now. Some are harmless. Some aren't. The C. I. A. and the F. B. I. have on file plenty of cases in which communists were the key characters. No doubt many of the riots that are constantly occurring had "commie" leadership behind them.

Recently Vice-President Spiro Agnew has been making speeches against the "hippies". He urges that the state governments try to rid themselves of these "crackpots". It is our responsibility, if they are a threat to our freedom, to rid our country of them.

All these reasons, and more, give us cause to fight for our freedom. The United States has been like a mother to us. If our own loving, devoted mother were threatened wouldn't we fight for her? So ought we to fight for our country's freedom. May God be with her.

CONDEMNATION OF THE COMMUNIST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. DERWINSKI. Mr. Speaker, a very emphatic defense of the American system and proper condemnation of the Communist system was carried in the Saturday, August 1, Polish American. I believe this editorial makes its point quite well and therefore I insert it into the RECORD:

FREEDOM WORKS BETTER

"Greedy businesses" in the capitalistic system are often chosen as scapegoats for environmental pollution. The environment issue has become one more tool in the arsenal of those who would like to rework the American economic system to conform more closely to the statist system of other lands where private citizens are virtually the property of the state.

But, surrendering to even the most tyrannical form of state socialism won't bring an environmental millennium. This fact is emphasized by a press release from Prague, Czechoslovakia. The release comments on an article in a Czechoslovakian newspaper telling how air pollution is threatening to wipe out the evergreen forests of northern Bohemia. Notes the release, "Although not so intended, the article amounts to a refutation of the Communist claim that socialism, by its very definition, protects nature from depredation." The damaged forests mentioned in the article cover more than 300 square miles. It is easy to imagine the uproar that would be raised in the U.S., within the shelter of our free press, if 300 square miles of choice recreational forest land were threatened with destruction from environmental pollution.

Under the freedom of capitalism, the pressures to curb environmental pollution within the limits permitted by a growing population is irresistible. U.S. industries have had no choice but to move ahead as rapidly as possible in meeting environmental problems. As private enterprises, they cannot ignore the wishes of customers who are also the public. Where the state is master, the wishes of customers and the public carry very little weight.

"TIMELY OBSERVATIONS": MARK EAGLETON WAS A CITIZEN WHO DID HIS DUTY

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. HULL. Mr. Speaker, a great American and Missourian passed away recently. The Honorable Mark Eagleton, father of Missouri's distinguished junior Senator, THOMAS F. EAGLETON, was a courageous fighter for the best principles of our American democracy and he will be acutely missed by the many thousands of persons who loved and admired Mark Eagleton.

Under leave to extend my remarks in the RECORD, I include an excellent "Timely Observations" column which appeared in the St. Joseph, Mo., News-Press eulogizing Mr. Eagleton:

"TIMELY OBSERVATIONS": MARK EAGLETON WAS A CITIZEN WHO DID HIS DUTY

Going through life with its tortuous ways, its stumbling blocks, its deceptions, its disappointments, one all too rarely meets a man who is so outstanding as to make a lasting impression as to ability, accomplishment, genuineness, and extreme devotion to public welfare. Mark Eagleton was such a man. He died unexpectedly Saturday night.

This newsman first came to know Mark Eagleton 27 years ago when he was a correspondent at Jefferson City and a sordid task faced the Senate of Missouri. The question was whether a senator from St. Louis should be expelled on the ground he had solicited a bribe. He denied the allegation. Mr. Eagleton, skilled and highly reputed lawyer of St. Louis, was the man retained by the Senate to prosecute the expulsion case. It was not a duty to his liking; he accepted it solely because he thought he should get involved in the interest of the public welfare.

The accused senator was a powerful man. He had political roots deep not only in St. Louis but also in other parts of the state. No one ever thought it would be easy to prove he should be expelled. A Senate committee of three—one of them State Senator Francis Smith from St. Joseph—called on Mr. Eagleton at his summer retreat in Michigan and prevailed upon him to direct the prosecution of the expulsion action. Only a true sense of duty could have won him to the task.

Strong legal opposition was retained to fight the expulsion, and the Senate floor became a forum for a bitter battle over whether the accused senator actually had solicited a $1,500 bribe to work as a senator in behalf of legislation to aid the cosmetology business. There was no shadow boxing; legal and political fists were bared. It was a burly battle. It was the first time in a century that the Senate has sought to expel one of its own.

Only Mark Eagleton was fully aware of the pressure being exerted to soften up the prosecution, to go easy on the accused senator. Some of the backers of the senator stopped at nothing. There is a memory of Mark Eagleton standing on the Senate floor and relating how threats had been made against him and his family, including one to kidnap his young son, Tom, if the prosecution was not halted. But Mr. Eagleton, speaking with tears on his face, told the Senate he could never acquiesce.

Young Tom Eagleton, he was 13 then, probably was the only one who got any type of pleasure out of that interlude. He had a bodyguard—a policeman who went to parochial school with him, remained with him on

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the playground, and accompanied him home to watch him until bedtime. The Senate trial of one of its members ended only when the accused solon resigned, pleading worry by relatives.

The Senate had absolved itself, kept clear its jealous record of keeping its name for integrity intact. And Mark Eagleton, with his vigorous handling of the matter, was the man largely responsible for removing any blemish from the so carefully-guarded precept of the Senate of keeping its actions and its membership above suspicion.

Mr. Eagleton served as president of the St. Louis board of police commissioners and also of the St. Louis board of education. Outstanding lawyer, fine citizen, he lived to see his son, Thomas F. Eagleton, elected as St. Louis circuit attorney, attorney-general of Missouri, lieutenant-governor of the state and then United States senator—all before young Eagleton was yet 39.

Mark Eagleton made many notable contributions to St. Louis and to Missouri. He represented the very best in dedicated citizenship. Peace to his fighting spirit.

SIX MILLION MENTALLY RETARDED TO BE HELPED BY HOUSE BILL

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. ESCH. Mr. Speaker, I want to take this opportunity to commend the House for its overwhelming passage of the Mental Retardation Facilities and Community Health Centers Construction Act, H.R. 14237.

The unanimous approval of this legislation illustrates, once again, the firm commitment which we have as a nation to improving the lives and the chances of the 6 million persons who are mentally retarded. This legislation, and strong programs in the States throughout the Nation, provide a hope that the majority of our mentally retarded citizens can become contributing members of society. This legislation bespeaks our determination that the mentally retarded will no longer be condemned to a life in an institution or a life of despair and complete dependence on others.

Additionally, we have recognized the special needs of the 2.5 million Americans suffering from neurological disorders—such as epilepsy and related disorders, cerebral palsy, and neurological impairments from childhood. This bill recognizes that they must not be lumped with the mentally retarded, for their problems are different. At the same time, it makes a commitment to help them solve their problems.

I am particularly pleased with the support which H.R. 14237 will give to the University-Affiliated program additional support. The University Affiliated Facilities are a major factor in our increasing ability to deal with the retarded in a rational manner. Their interdisciplinary cooperaton has provided new expertise in dealing with the broad problems of all sorts which a retarded person faces—social, psychological, medical and so forth. These programs will be vital in increasing the numbers and quality of trained professionals in the fields of mental retardation and neurological disorders.

It has been my great pleasure to work with the program at the University of Michigan in this regard. I view it as one of the most exciting and interesting efforts with which I have had the privilege to work. It has already been highly influential in modernizing Michigan's programs in this regard. This legislation will enable it to make even greater contributions.

I am hopeful that the differences between the House and Senate versions of the bill can be quickly resolved and that this legislation can be signed into law in the near future. It will be a major step in aiding the developmentally disabled to live fuller and more productive lives.

AFGE—A GREAT UNION

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. NIX. Mr. Speaker, the 22d Convention of the American Federation of Government Employees, AFL-CIO, opened this morning in Denver, Colo.

Representing over 650,000 Federal employees in every department and agency of the Federal Government, both at home and abroad, the American Federation of Government Employees is the largest industrial-type union of Federal employees ever to have existed in the history of the United States. The AFGE today includes among its dues-paying membership of 325,000, lawyers, doctors, diplomats, nurses, meat inspectors, truck drivers, machinists, stenographers, helicopter pilots, river dredgers, prison guards, and just about every kind of profession and occupation which exists in the Federal service. Only postal employees, who are organized on a craft and not an industrial or general basis, are not included among the membership of the AFGE.

Thus, I believe one can say that the union is truly representative of Federal employees throughout the Federal service.

I myself have had the privilege to serve continuously in the House of Representatives since May 20, 1958. I have seen, during this period of service four different Presidents of the United States. I have seen this country in peace and in turmoil and, as a result, I have had the opportunity to come to know the character of many men, as the challenges of events tested them and placed them before opportunities for greater growth or for decline.

One of the organizations which has grown phenomenally during those 12 years is the AFGE. When I entered the House of Representatives, in May 1958, the AFGE had a dues-paying membership of approximately 56,000. Today, 12 years later, it has six times that dues-paying membership and it represents 12 times as many Federal employees as it did in 1958.

Opportunities come in life, it is true, but they must be discovered by men of foresight and they must be converted from possibilities into facts. Dynamic men use these opportunities as soon as they arise. They are thus the makers of the precedents of history.

In the area of Federal employee unionism, the American Federation of Government Employees is most fortunate that it elected John F. Griner to its presidency in 1962. For earlier that year, on January 17, 1962, President Kennedy has issued Executive Order 10988, setting up for the first in history an Executive direction for the handling of labor-management relations throughout the executive branch. Thus that was the year of the great new opportunities.

Mr. Griner saw this opportunity and, under his dynamic leadership, he undertook a pace of employee union activity of unprecedented vitality. Between June of 1962 and June of 1970, a period of 8 years of his presidency, the American Federation of Government Employees added over 220,000 dues-paying members. It became the fast growing union in the AFL-CIO.

The union also immediately began to articulate its functions in every department and area of the Federal Government. We ourselves saw a great burst of activity, in the repeated appearance of Mr. Griner before the committees of the House and Senate, especially the House Post Office and Civil Service on which it is my privilege to serve. In fact, there were times when it appeared to me that Mr. Griner lived on Capitol Hill, he was so often appearing there to represent the interests of Federal employees.

As a member of the House Post Office and Civil Service Committee for many years, I am in an especially strategic situation to observe the effectiveness of the representatives of Federal employee leaders who are seeking legislation on behalf of their constituents. Outstanding among them, in my opinion, is John F. Griner. Not only has he appeared more often than anybody else, but his statements and his arguments have been always objective, thorough and enlightening.

His choices of legislative representatives were equally wise. Over this period of time, the AFGE was represented on the Hill by such eminent men as John McCart, Thomas Walters and, at the present time, by two of the finest men I have known, Carl K. Sadler and James H. Lynch. I have the highest respect for the skills of these men and I can understand why the AFGE has had such major successes in its legislative program.

As an example, the House has before it today H.R. 17809, a bill designed to establish for the first time a statutory basis for the setting of the wages of prevailing rate employees. These number close to 800,000 human beings when one adds to their number the employees of nonappropriated funds, who are also included in the terms of this bill. I know I am not slighting any other union or employee group when I state that, if it were not for the AFGE, this bill would not have progressed as far as it has. Since the Senate is also ready to act on this bill in the near future, it appears that a major step will have been taken

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in this session of Congress to bring those legal rights to wage grade employees which have been lacking to them since the establishment of the United States. Just for his role in this single piece of legislation, John Griner deserves the deepest thanks of all wage grade employees.

Classified, Foreign Service, and Department of Medicine and Surgery employees also are deeply indebted to the AFGE. As recently as July 28, Mr. Griner appeared to testify on H.R. 18403, H.R. 13000 and H.R. 12124, bills designed to implement the Federal employees' pay comparability system and to establish a new procedure for assuring that Federal employees have a fair and objective governmental mechanism to eliminate the failures of the past to achieve comparability.

I believe that Mr. Griner's statement on classified pay is a classic example of direct, forthright, and honest comment. My colleagues on the Post Office and Civil Service Committee were most impressed, once again, with his command of the facts and with his intelligent and cooperative attitude. As I supported him and the AFGE in the progression of the wage grade bill through committee to the floor of the House, in the same way I shall help to advance legislation for the classified, Foreign Service and Department of Medicine and Surgery employees so as to provide them with true comparability.

The list of other bills on which Mr. Griner has testified is so long that it would require an index or directory of the bills before the Post Office and Civil Service Committee merely to list them. I shall not elaborate further on them than to say that they cover retirement, hospitalization, and medical benefits, overtime, classification, per diem, the protection of the privacy of Federal employees and a host of other matters. In brief, everything with which the House Post Office and Civil Service Committee has dealt has been of interest to the AFGE and to Mr. Griner.

Mr. Speaker, I am sure that the membership of the House will agree with me that Congress is helped very much when organizations like that of the AFGE give us their views and share with us their experience. I am sure that the membership will also agree with me that we have been most fortunate to have had a man of Mr. Griner's caliber working with us for the last 8 years.

In closing, I wish to express here my own best wishes to the American Federation of Government Employees and hope that their 22d Convention is as fruitful as their past conclaves have been. I regret that I am unable to attend and, for that reason, I am taking the opportunity of making this statement to inform them that I am there in spirit and that I shall always be interested in the welfare of Federal employees.

To the American Federation of Government Employees, and to all its officers, staff, and members, I say, "Good fortune and greater progress than ever before on behalf of all Federal employees."

THE FAILURE OF VIETNAMIZATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. OTTINGER. Mr. Speaker, in an August 1 editorial in the New York Times Senator EUGENE MCCARTHY very clearly exposed the fallacy behind the theories being put forth by the administration regarding Vietnamization. I urge my colleagues to read this penetrating analysis and insert it in full at this point in the RECORD:

TOPICS: THE FAILURE OF VIETNAMIZATION BY ANY NAME

(By Eugene J. McCarthy)

Vietnamization, like the proverbial cat, seems to have at least nine lives, about five of which have already been lived. Vietnamization was tried first by the French nearly 20 years ago. On May 10, 1970, General Henri Navarre, formerly commander of the French forces in Indochina, said: "Vietnamization is an old idea. It was the basis of my own plan when I was sent to Indochina in 1952."

Jean Lacouture, in "Vietnam: Between Two Truces," published in 1965, wrote that the policy of "yellowing" (*jaunissement*) the war was the subject of debate "throughout the entire Indochinese war and particularly after the assumption of command by General de Lattre in 1951-52."

The French leaders who pressed for Vietnamization argued that if the Vietnamese Army could be trained and equipped to take over the job of pacifying and defending French-held territories, French troops would be freed to end the war by defeating General Giap's Vietminh Army. The French were able to take the offensive—and went on to defeat at Dienbienphu.

After the United States under President Eisenhower took over from the French in 1955, our first program of Vietnamization through training and equipping the South Vietnamese Army was initiated. By 1966, when military assistance to Vietnam had grown so large that it was removed from the foreign aid budget and incorporated into the Defense Department budget, the United States had spent over $1.6 billion on the South Vietnamese Army.

Under President Kennedy, new policies of "counter-insurgency" and "pacification" were announced. Major Robert K. G. Thompson, the British anti-guerrilla "expert," was brought in as an adviser. Although 16,000 troops were sent to Vietnam by President Kennedy, he insisted on the Vietnamization of the war. In one of his last comments on the situation, he said: "It is their war. They are the ones who have to win it or lose it . . ."

JOHNSON'S ESCALATION

During the 1964 campaign, President Johnson promised the American people that he would not send American boys to do the job that Asian boys should be doing. Toward the end of the Johnson Administration, the training of South Vietnamese to secure "pacified" areas was emphasized. American combat troops were to be free for search-and-destroy missions against the North Vietnamese main force units. Almost to the letter, this was a restatement of the Navarre strategy of 1953.

When President Nixon took office, there were a half million American troops in South Vietnam. Within the first year of his Administration, he too announced a new policy of Vietnamization although the definition of "Vietnamization" was slightly changed. Secretary of Defense Melvin Laird, in a speech given on Oct. 1, 1969, explained the difference.

POLICY DIFFERENCES

Under the Johnson Administration, according to Secretary Laird, "Vietnamization" meant "de-Americanizing" the war. In the Nixon Administration, he said, "Vietnamization" would mean "Vietnamizing" the war. There is, he said, "an enormous difference between these two policies." He did not explain these differences nor have they become clear in the ten months since that speech was given.

Vietnamization is being presented to us in a new form by the Nixon Administration. It is no longer limited to Vietnam itself but is being extended into Cambodia and other parts of Southeast Asia. Vietnamese are now killing Vietnamese and Cambodians. Cambodians are killing Vietnamese and Cambodians. Thais, we assume, are, or will be, killing both Vietnamese and Cambodians and, in return, we must assume that some Thais will be killed by Vietnamese or by Cambodians.

It was, after all, the inability of the South Vietnamese Army to fight effectively, even after more than ten years of training and equipment by the United States, that prompted the dispatch of combat troops in 1965. Even if through a resurgence of morale the South Vietnamese Army could be made into an effective military force—and the objective stated by one American general of changing the color of the corpses was achieved—there would still be the question of whether Vietnamization is desirable or defensible.

Asians would be killing Asians with American arms. Defoliation and destruction of crops would continue; villages be destroyed; refugees be "generated"; casualties continue.

The United States would still have moral responsibility for the war, for continuing the war and sustaining it. We would have made of the Vietnamese Army essentially a mercenary army, if we accept the Rusk and Nixon statements, fighting to protect the interests of the free world.

One must ask how many times we will announce and attempt new policies of Vietnamization before we acknowledge failure and attempt a genuine political settlement by negotiating an end to the war in Vietnam.

RESULTS OF OPINION POLL

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. ROGERS of Colorado. Mr. Speaker, I recently submitted to my constituents a request for their opinion as it relates to the fighting in Southeast Asia.

The questions asked were short and direct to the point, and my responses were exceedingly good. I am pleased to report the results of the returns that I received. The questions and percentage of the answers to each of the questions is as follows:

The sending of troops into combat in Vietnam (June 8, 1965):

	Percent
I approved	34.5
I disapproved	59.7

The Vietnamization of the South Vietnamese war effort:

I approve	75.8
I disapprove	15.8

The rate of withdrawal of American troops from Vietnam:

Is about right	54.0
Is too slow	21.5
Send them all home now	25.0

The sending of American troops to Cambodia:

I approve	56.9
I disapprove	43.2

"HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS and I wrote to President Nixon indicating our concern for the President's failure to give audience to black representatives or consideration to the problems of black Americans.

This week, the American Council on Education, in its weekly publication "Higher Education and National Affairs"—August 2, has outlined the situation of Federal funding for black colleges and universities. The findings and recommendations of the Federal Interagency Committee on Education are briefly summarized in this account. The FICE has shown, after a study of the facts documenting the flow of Federal higher education money, that black higher education institutions receive only 3 percent of the education funds available.

I commend these findings to the attention of my colleagues since it is one more illustration of the way Government policy so often works against equal opportunity—whether in education, jobs, or housing. Mr. Speaker, we have asked the President to take notice of such situations. We have suggested that the Nixon administration should invite audience with black representatives and elected officials and become aware of the severe alienation of many black Americans—much of which falls at the door of the White House. The President must act—he must respond to the urgency of the unmet needs of 25 million American citizens. The account follows:

BLACK COLLEGE SHARE OF HIGHER EDUCATION FUNDS SAID 3 PERCENT

A study of Federal funds received by American colleges and universities in Fiscal Year 1969 shows that the traditionally black colleges received $119.5 million, or three percent of the total. Most of the money for black colleges—$87.3 million—came from HEW. The rest came from 15 other Federal agencies and departments (see accompanying table).

The unusual analysis of the Federal funds was made by the Federal Interagency Committee on Education (FICE) at the request of the Administration following complaints last year from presidents of black colleges about their share of Federal higher education money.

The FICE report, submitted to the White House, states that while total Federal funds provided to black colleges "is not insignificant, it is relatively small when contrasted with the support the Federal Government grants to other minority groups." It notes that Federal programs currently provide $125 million to educate at the precollege and vocational levels the children of 500,000 American Indians living on reservations. It also states that $87 million was provided in 1970 to assist Cuban refugee families.

"It is important to realize that many Federal programs exclude the black colleges . . . because most Federal education funds are aimed at graduate training and research," the report points out. It notes that only 15 black colleges have graduate programs leading to the M.A. in a discipline other than education and only Howard University routinely grants the Ph.D.

As reported earlier, former HEW Secretary Robert H. Finch said President Nixon has agreed to a reprogramming of funds at HEW during the current fiscal year to boost the total amount of money received by black colleges to more than $100 million (see Vol. XIX, No. 26).

FICE said in its report that most support for black colleges comes from human resource agencies, and that agencies devoted essentially to scientific development provide the least. Besides HEW, the agencies providing the most money to black colleges last year were the Department of Housing and Urban Development, Office of Economic Opportunity, National Science Foundation and Department of Labor. The remaining 11 agencies provided approximately $3 million altogether.

The report says that its findings "destroy a long accepted but false assumption: that all black colleges are ignorant of Federal programs, fail to participate in those available, or compete inequitably with white schools." The report adds:

TOTAL AMOUNTS ALLOCATED BY FEDERAL AGENCIES TO TRADITIONALLY BLACK AND TRADITIONALLY WHITE INSTITUTIONS, FISCAL YEAR 1969

[Dollar amounts in thousands]

Agency	Institutions			Percent of total to black
	Black	White	Total	
Atomic Energy Commission	$59	$120,973	$121,032	0.05
Civil Service Commission	0	0	0	0
Department of Agriculture	494	155,506	[1] 156,000	.3
Department of Commerce	146	4,768	4,914	3.0
Department of Defense	0	292,406	292,406	0
Department of Health, Education, and Welfare	87,259	2,411,272	2,498,531	3.5
Environmental Health Service	(78)	(20,797)	(20,875)	(.4)
Health Services and Mental Health Administration	(3,976)	(270,563)	(274,539)	(1.4)
National Institutes of Health [2]	(5,215)	(872,680)	(877,895)	(.6)
Office of Education	(75,852)	(1,181,148)	(1,257,000)	(6.0)
Social and Rehabilitation Service	(2,138)	(66,084)	(68,222)	(3.1)
Department of Housing and Urban Development	16,934	283,738	300,672	5.6
Department of the Interior	190	31,863	32,053	.6
Department of Justice	$204	$6,278	$6,482	3.1
Department of Labor [3]	1,715	32,831	34,548	5.0
Department of State [2]	354	958	1,310	27.0
Department of Transportation	0	13,204	13,204	0
National Aeronautics and Space Administration	694	127,706	128,400	.5
National Endowment for the Arts	38	488	526	7.2
National Endowment for the Humanities	286	2,446	2,732	10.5
National Science Foundation	3,463	363,537	367,000	.9
Office of Economic Opportunity	6,869	67,018	73,887	9.3
Peace Corps	750	5,663	6,413	11.7
Smithsonian Institution	0	0	0	0
Veterans' Administration	28	1,768	1,796	1.6
Total	119,483	3,922,421	[4] 4,041,904	3.0

[1] Preliminary fiscal year 1969 data collected by the Committee on Academic Science and Engineering for its survey, Federal Support to Universities and Colleges.

[2] Data for fiscal year 1968, the latest year for which totals are available.

[3] Figures shown exclude $1,815,059 going to Washington Technical Institute, which received the funds for the District of Columbia in lieu of a State agency.

[4] Total includes grants and loans to all institutions.

"The fact is that many do participate well in all programs which support undergraduate institutions. Indeed, black colleges often are more successful in obtaining Federal grants than are traditionally white schools in certain parts of the country. Nonetheless, they could do better, and because of their modest resources and limited private support potential, should be considered in a special category by the Federal Government."

FICE concludes its report with the following specific recommendations:

Short range:

1. The White House should convene a conference of Federal officials, representing all agencies having education programs, and administrators of the black colleges. The conference should include an explanation and review of all Federal support programs, and establish means by which the Federal agencies and the colleges can maintain easy communications.

2. The Administration should request Federal agencies to review their education funding programs and make a special effort to redirect more of their funds to undergraduate education in general and to black colleges in particular. To help accomplish this, the Administration should create an interagency review panel (which would include a black college policy group) to work with black college representatives in determining types and amounts of support relevant to the particular needs of each institution.

3. The Administration should request the Federal agencies to inaugurate program orientation and proposal-writing workshops pertaining to specific programs having relevance to black colleges. Subsequently, the agencies should solicit preliminary proposals from these colleges which should be reviewed informally and returned with criticism prior to final submittal. This proposal-review is a long established practice for other institutions which customarily results in more funded proposals and correspondingly higher institutional morale.

4. The Administration should instruct the Federal agencies that wherever possible they should utilize black colleges as out-stations for agency-funded centers of inquiry, research and program development.

5. The Administration should request the regional offices, particularly Atlanta and Dallas, to appoint educational representatives to maintain liaison with the black colleges. Further, the regional offices should encourage the use of these colleges as sites for conferences and places for an interchange of personnel and ideas.

Long range:

1. The President should appoint a national advisory council on black affairs to meet

periodically with him. Membership should comprise eminent black national leaders including a substantial number of black college educators. The council should advise the Federal Government on ways to involve black colleges in relating to society's broad needs and to become a prime resource for developing intellectual and professional leadership, such as in law, the health professions, industry, commerce and community affairs.

2. The Administartion should move towards the elimination of all matching fund requirements at colleges enrolling a large proportion of students disadvantaged in either economic or academic terms. The requirement for matching funds has always been a major obstacle to maximum participation of black colleges in Federal programs.

3. The White House should direct appropriate Federal agencies to propose new legislation or revisions to existing legislation which have relevancy to the economic plight of black students and to the special needs of black colleges. Such proposals should include a new program of direct student support, instituted grants and expansion of the current Development Institutions Program administered by the Office of Education.

The proposed National Foundation for Higher Education most nearly relates to needs for broad support. The Foundation, if established by Congress, and provided ultimately with funds approaching one billion dollars annually, would undergird an adequate institutional support program across the collegiate spectrum.

4. The Administration should fund a National Center for Higher Education Information to provide directory and counseling service to collegiate institutions on available support programs in the executive branch. This center could add to and utilize the current Federal computer bank and data sources. The center specialists could assist college and university faculty in reviewing programs appropriate to their situation and approaching program directors for guidelines. This center would constitute a locus for academic referral to Federal agencies, and it would be of special usefulness to black colleges.

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CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS—AUGUST 5, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

"THE LIST JUST KEEPS GETTING LONGER"

(By Congressman LEE HAMILTON)

Recently, a Ninth District resident said to me: "Congressman, we never seem to solve any of our problems. The list just keeps getting longer."

The Nation's list of problems is formidable: *a war we cannot win, or end; pollution which threatens our environment; crime, which threatens our safety; rising prices and unemployment; urban congestion and rural stagnation, and racial unrest and campus disorder, to name a few.*

Because of the magnitude and complexity of these problems, some observers are saying the American spirit is ailing under the sheer weight of them. They say that Americans always have been optimistic about the future of their country, but lately that faith has faltered.

Their assessment strikes me as too gloomy. But I do think all of us must do our best to understand the implications of the changes which these problems are bringing upon us, and the impact they are having on the American people.

People are deeply concerned about the economy. When unemployment, prices, interest rates go up; and profits, stocks and real income go down, Americans become nervous, and understandably so.

Since taxes and government spending have a great impact on the economy, they want those of us in government to do a better job of collecting and spending tax revenues. They want tax relief and tax equity—that is, assurance that Americans in similar economic circumstances will pay about the same tax.

They want a saner sense of national priorities . . . enough money for national security, but not for monstrous military expenditures . . . adequate funds to stop the fouling of our natural environment . . . adequate funds to improve the quality of education and health care . . . funds to fight crime, but not for government programs of questionable value.

The American people understand our global responsibilities as a world power, but they reject the idea that America must be the policeman of the world.

These changing times demand of all of us in public life less rhetoric and more candor . . . fewer promises and more performance . . . less talking and more listening.

At the same time, the people are asking for a "piece of the action." They are suspicious of being shut out from the decision-making process, both in the political party and in government.

As your Ninth District Congressman, I am obligated to report to you my approach to these issues. I have no illusions that my suggestions will be the best, or the only answers in every case, but to fail to deal with them would be to fail my responsibility as your Congressman.

THE ECONOMY

Our national economic goals should be: adequate growth; high productivity and employment, and price stability.

It is not difficult to achive any one of these goals, but it is a monumental task to achieve all at the same time. The statistics of recent months point out our failure to master this most important domestic problem.

We have experienced the highest inflation in many years . . . the highest interest rate in a century . . . a slowdown in real growth . . . rising unemployment.

The government, by pursuing policies of balance, flexibility and moderation, can change that picture. These are some of the needed steps:

1. The government should balance its budget, and government expenditures should be vigorously restrained.

2. Tax reform must be continued, aimed at a more equitable and reliable revenue system. This job was begun with the 1969 Tax Reform Act, but not completed.

3. An "incomes policy" should be established, with guideposts for wage and price increases. A strenuous effort must be made to have the voluntary cooperation of labor and business leaders in their day-to-day decision-making processes.

4. The competitive market must be allowed to operate more freely through strict enforcement of antitrust laws, the relaxation of import restrictions which increase domestic prices, better government purchasing procedures, and a wholesale review of the subsidy and administered-price structure.

5. Specific inflationary bottlenecks, as in housing and health services, should be eliminated. Manpower training in the health field should be accelerated, and monetary policies should be adopted to ease the spiraling home mortgage rates.

6. Government should pursue an aggressive manpower policy, providing job training and placements to meet the labor force demands and employment to those who want it.

7. Monetary policy should allow moderate growth in money supply in line with real growth. The level of interest rates should be eased. Selective credit control may have to be employed.

Action along these lines would create an appropriate economic climate and enable private enterprise to meet our economic needs.

REFORMS

Our democratic process is being tested by new and complex challenges. People are not at all sure that the government can meet these challenges. All of us become frustrated when we feel that government is not responsive to our needs or when we feel the political processes are impotent.

No person should be shut out from the decision-making processes of this nation.

The list of institutions which need reform is long. Some of the places where changes are needed are:

1. Congress should be modernized and streamlined. The seniority system should be modified to emphasize ability, not tenure . . . the appropriations process should be made more open . . . non-policy business should be delegated . . . the procedures of the Congress should be computerized and modernized.

2. Our national political parties must be open to all the people, and political participation in campaigns widened. We must reform party structures which have not changed substantially for the last 100 years.

3. The Electoral College should be abolished. The time has come to elect this country's President by direct, popular vote. We can no longer take the chance that the Presidential candidate with the most popular votes loses the election.

4. Revenue-sharing efforts should be started to bring government revenues closer to the population. A portion of Federal tax revenues should be turned over to State and local governments, to spend on deserving programs, with a minimum of Federal supervision and control.

5. Our military draft system is faced with the dilemma of "Who serves when not all serve?" We must remove as many inequities in this system as we can now, and move as quickly as possible to an all-volunteer army.

6. Tax reform, begun by the Congress in 1969, is essential to maintain taxpayer confidence in the system. We must be sure that those with substantially the same incomes pay the same tax, to make general tax reductions possible, and simplify the tax code.

7. The Post Office Department should be reorganized into an independent, self-contained postal service—outside politics. It should operate on a sound financial basis, giving managers freedom to manage, and offering realistic career opportunities.

The democratic system is not an achieved state or a resting place. It is a process, a living tissue. The institutions which make up our system are not inviolate. They must change to meet the demands of the times.

POLLUTION

The Nation is stirring itself to express its concern about the environmental crisis . . . and none too soon. Every river system in America is polluted to some degree. Americans discard enough trash each year to fill up the Panama Canal nine times. Millions of tons of pollution are spewed into the air each year.

Some experts believe that the "point of no return" is a decade or less away. It is time to act, and our efforts should include such steps as:

1. Funding: Providing and budgeting adequate funds for pollution control at all levels of government.

2. Education: Expanding the educational effort to reach citizens, both at school and

in the community-at-large, on what needs to be done to preserve our environment.

3. Polluters Must Pay: Initiating a nationwide system of effluent charges on polluters, with the fine based on the amount and danger the pollutant poses to the environment.

4. Congressional Oversight: Creating a joint Congressional committee to oversee all Federal activities in pollution control and help to plan and implement future action.

5. Enforcement: Streamlining enforcement procedures to assure polluters their activities will be met with swift and financially painful action.

6. Governmental Cooperation: State and local units must form stronger partnerships to combat pollution. Since pollution does not begin or end at city limits or state lines, regional and interstate cooperation also must be expanded.

7. Research: More research is needed to find new alternatives in dealing with our pollution problems. Just as importantly, we must expand the know-how we have already in dealing with these problems.

The crisis is upon us, and it demands a positive response. The direction we take now will move us quickly towards the control of pollution—if we act positively—or towards possible extinction—if we let matters drift.

CRIME

Crime—the fact and the fear of it—continues to erode the quality of American life. The FBI reports the rate of increase of serious crimes in the United States for the first three months of 1970 up 13 percent over the first three months of 1969.

The first responsibility of any government is the safety of its citizens. In our democracy, the principal responsibility for dealing with crime rests with the State and local communities. However, the Federal government must help. I support a broad-based attack on crime which does not infringe upon local responsibility, including:

1. Increased Funding: The Law Enforcement Assistance Administration provides financial and technical support for local and State police agencies. It has never received adequate funding. This effort must be given priority budgetary consideration.

2. Court and Penal Reforms: With a "return" rate of 70 percent among criminal offenders, it is apparent our penal system has serious shortcomings. I have introduced legislation to improve penal facilities and methods at all levels of government and provide new controls over probationers, parolees and those found not guilty by reason of insanity.

I also have introduced legislation to require quicker trials for those charged with Federal violations. We need also to ease the load on overburdened criminal court judges and to press for sound court management at all levels of government.

3. Juvenile Crime: Crime rates are nearing a 10 percent annual increase among juveniles. Such efforts as the Juvenile Delinquency Prevention and Control Act of 1968, which authorizes block grants to States to combat this growing menace, must be given new emphasis and adequate funding.

4. Dangerous Drugs: With statistics indicating that more and more offenders have histories of drug use, we must move to curtail the trafficking of drugs in this country, and internationally. More education on drug abuse is needed, and the root causes of drug abuse must be brought under increased scrutiny.

5. Organized Crime: Statistics show that nearly $100 billion a year is reaped by organized crime in gambling and loan sharking alone. The Organized Crime Bill of 1969, which has passed the Senate, would do much to cut into these lucrative, but vulnerable activities. I support and urge its passage.

6. Social Problems: We cannot expect police action, the courts, or tough laws alone to eliminate crime. Coupled with a national strategy against crime, we must work to correct the social conditions which help to breed crime.

In all of our efforts we must seek both justice and order.

FOREIGN POLICY

World peace is the goal of United States foreign policy, and how to organize it is the great question of that policy.

A steady and reasoned American foreign policy will shun both isolation and global intervention. Like it or not, America is involved in the leadership of the world, and cannot withdraw from that involvement. America must take the lead in maintaining stability in the world. Although every world event may affect it, not every event will affect it vitally, and we must be able to distinguish between the two.

I recommend that a steady and reasoned American foreign policy should:

1. Maintain our economic and military strength.

2. Define our national interests carefully and use our power carefully.

3. Maintain a minimum of commitments by engaging ourselves abroad only to protect vital interests.

4. Encourage regional and international cooperation as an expression of the new nationalism of developing countries.

5. Aid selected developing nations, but without giving them more aid than their public servants can administer.

6. Create a liberal trade policy without creating undue burdens for American manufacturers and producers.

7. In Vietnam, the U.S. should seek a negotiated settlement, and end the war by an orderly disengagement of American military forces which will protect the future position of the U.S. in world affairs, assure the safety of American forces now in Vietnam, and encourage the prospects of a safe return for American prisoners of war and the safety of Vietnamese citizens.

FARM PROGRAM

The average farmer does not receive his fair share of the Nation's prosperity—a prosperity he has done much to create. His income is about two-thirds of the income of the city dweller, and the cost-price squeeze continues to hurt him.

To achieve the goal of a fair income for the farmer, I support these steps:

1. A move in the direction of a market-oriented economy, protecting and improving the farmer's income by reducing surpluses, and, if necessary, making payments to the farmer to insure his income. Farm payments should be limited, however, to $20,000 per producer per year.

2. Provide marketing research, better information, bargaining, marketing arrangements and cooperative buying and selling for the farmer. Safeguards must be enacted to protect the farmer from deceit, unfair competition and fraud in the marketplace, however.

3. Expand world trade, extending at the same time maximum self-help assistance to foreign countries to bring them into the world market.

4. Adjust cropland to retirement and less intensive uses such as grazing, forestry and recreation.

5. Increase negotiability of acreage allotments and marketing orders.

6. Extend long-term credit to young farmers.

7. Give the farmer more direct voice in government by adding to the President's Council of Economic Advisers an agricultural economist.

RURAL AMERICA

The "forgotten Americans" reside in our rural areas. In rural America, there are fewer jobs, poorer schools, more substandard housing, and less adequate health facilities. The Nation's concern should be focused on rural problems to the same extent that it is now focused on urban problems. Only when the problems of the cities and of rural America are seen as part of the whole—linked together—will progress be made.

To help revitalize rural America, I recommend the following steps:

1. Attract new industry and expand present industry by tax incentives, loans, insurance and grants to industry which will locate and expand in rural America.

2. Provide regional information centers, so that communities applying for Federal assistance would have only to apply to one agency to see if their needs could be met, rather than fill out numerous forms for innumerable agencies.

3. Overhaul manpower policies to provide better job information, improved job training and counseling, and focusing on such critical fields as health, education, recreation, and conservation.

4. Help insure adequate health, education and recreation facilities and the people to staff them.

5. Increase the development of rural water and sewer systems, without which a community cannot develop.

6. Insist that economic opportunity funds and other government funds be spent at the same per capita level in rural America as in urban America.

7. Develop a simple and reliable channel of communication between Washington and rural America. The development of a competent and reliable community organization is crucial for success.

8. Utilize a representative from the Federal government to point out programs to potential initiators of applications, encourage them to participate, and be prepared to give technical assistace on the applications. The skill of the professional planner is needed in rural America.

9. Encourage regional planning and modernization of state and local governments to make assistance more effective and government more responsive to the people of rural America.

10. Reduce the massive outmigration from rural America by providing loans and loan guarantees to encourage private investment, vocational training, health care, hospitals, and public investment in roads.

The complexity of the problems of rural America preclude the success of a single program or approach. It calls rather for a concerted and coordinated attack across the board spectrum of problems which face rural America.

ISRAELI HISTORY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, one of my constituents, Mr. Sidney Kortez, of Arlington, has requested me to insert the following two articles, which he prepared and which the Northern Virginia Sun printed, in the CONGRESSIONAL RECORD. He is of the opinion that the House of Representatives should have the benefit of his historical research into the legal foundations of the present State of Israel. I honor his request to petition the Congress to present his views and request these articles be printed in the RECORD:

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LET EACH HAVE A NAME

The New York Times of Apr. 2 has an "Open Letter to Kosygin-Nasser & Co." from Mr. Sol A. Dann of Detroit, Mich. It proposes that Jordan's name be changed back to "Palestine."

The Palestine Mandate covered 10,000 square miles west of the Jordan River and 35,000 lying to the east. In 1922, Great Britain, the mandatory trustee, took the entire area east of the Jordan River out of the mandate, calling is Transjordan, and setting it up as an Arab kingdom under the Emir Abdullah, grandfather of the present King Hussein. In 1948, Transjordan seized 2,000 square miles of Western Palestine and called the combined area "Jordan." This seized portion was occupied by Israel in 1967.

The word "Palestine," as Mr. Dann points out, is not of Arab derivation. It was concocted from the word "Philistine" by the Romans who wished to erase from memory the claim of the Bible that the Jews had rights there. Since the destruction of the Jewish state by the Romans in the year 70, Palestine never has constituted an independent political entity. The Romans left no legal successor. The Arabs, who conquered it in 634, were in possession for a relatively short time, when it passed successively to the rule of the caliphs of Damascus, the caliphs of Bagdad, the Tulinide governors of Egypt, back to the caliphs of Bagdad, then to the Egyptian Ikshidi princes, and finally to the caliphs of Cairo. After 1071 Palestine was subjected to non-Arab conquerors, the Kurds, the Crusaders, the Mamelukes, and finally the Turks. In 1923, by the Peace Treaty of Lausanne, the Turks surrendered their rights to the Allied Powers.

Since the Jews were conquered after bitter resistance and continuously, by word and act, have asserted their claim, it follows, according to Oppenheim's International Law (5th edition, London, 1937, Volume I, Page 456), that the Roman conquerors never established a clear title to Palestine. The old Jewish claim, moreover, received renewed vitality in the Palestine Mandate of the League of Nations, according to which there is "the historical connection of the Jewish people with Palestine," providing "grounds for reconstituting their national home in that country."

Since 1071, there has been no Arab rule in Palestine until "Transjordan" was unilaterally, i.e. without international sanction, given to Arabs by Britain. Unlike the Jews, the Palestine Arabs never struggled for their independence; they submitted to every conqueror and thus acquiesced in their domination. Even in 1917, when the Arabs of the desert revolted against Turkish rule the Palestine Arabs took no action and the majority continued to fight for the Turks.

It is a myth that the Arabs were in uninterrupted possession of Palestine for centuries. This ignores the facts of Arab immigration into the area, including that resulting from economic development by Jews. Nevertheless, Arabs have rights here which have begun for the first time to regard themselves as "Palestinians," implying that the existing Arab states no longer speak for them. The Jordanians are also Palestinians. Arabs can choose from any one of 18 separate Arab States if it is a question of language (and no other viable definition of the word "Arab" exists). If the Roman bequest of "Palestine" finds Arab, rather than Philistine, heirs, well and good. It might give them a psychological lift if the Hebrew name "Jordan" is supplanted. Let the State of Israel have the Hebrew name and the Arabs the Palestinian name.

SIDNEY KORETZ.
Arlington.

IGNORANCE OF PAST NETS CONFUSION

According to Sen. J. W. Fulbright, chairman of the Senate Foreign Relations Committee, as stated on a "Face the Nation" TV program on July 5, the United States has no "formal commitments" to come to the aid of Israel. But Sen. Mark Hatfield, in a speech in the Senate on June 16, had said that "We have legal and political commitments to Israel." How he came to this conclusion is hard to fathom, judging from a "compilation of the history of the Middle East" which he had inserted into the Congressional Record consisting of some 15 pages, a prelude to his speech. Judging from his account, the State of Israel is primarily the result of "broken promises" made by Great Britain, with about four pages devoted to the doubtfully relevant exchange of letters between the Sherif Hussein, then of Mecca (but later forcibly expelled by Ibn Saud), and Sir A. H. McMahon, British High Commissioner at Cairo. Palestine, by name, is nowhere mentioned in this correspondence. It has been accepted by the best authorities, that Palestine was specifically excluded in whatever pledges Britain made to support Arab independence. In one place in Sen. Hatfield's insertion, there is a mention that the Balfour Declaration was "directly incorporated, almost verbatim, in the League of Nations mandate," but in general the relevant international law in favor of the establishment of a Jewish National Home in Palestine is omitted.

It is a bit presumptuous to treat of the British Declaration of Nov. 2, 1917, the so-called Balfour Declaration, "in favor of the establishment in Palestine of a national home for the Jewish people," without examining the concrete institutions which its acceptance by the highest international authority at the time, the League of Nations, set up to implement it. A good summary is found in "Palestine, A Study of Jewish, Arab, and British Policies," published for the Esco Foundation for Palestine, Inc. (Yale University Press, 1947) on pages 234–240. The primary purpose of the League of Nations Mandate for Palestine, as expressed in its preamble and its articles, was to promote the establishment of the Jewish National Home. This document was framed in the Jewish interest, and the imperative obligations placed upon the Mandatory, i.e., Great Britain, were in favor of the Zionists. It is significant that the word "Arab" did not once appear, and that the native Palestinians were referred throughout as "non-Jews." The Mandate, although designed to facilitate the establishment of a Jewish national home, made full provision for the rights not only of the individual inhabitants of Palestine but of the non-Jewish communities.

This was formally incorporated into international law by the League of Nations on July 24, 1922. It had the concurrence of all the enlightened nations of the world. President Woodrow Wilson had already expressed approval of the Balfour Declaration, and added, as reported in the New York Times of March 3, 1919, that he was "persuaded that the Allied nations, with the fullest concurrence of our Government and people are agreed that in Palestine shall be laid the foundations of a Jewish commonwealth." On Sept. 21, 1922, President Harding signed a Joint Resolution of Congress expressing support of the Jewish national home in Palestine. On Dec. 3, 1924, the United States and Great Britain, signed a treaty, whereby, the United States, a non-member of the League of Nations, became a party to its Palestine Mandate. Technically (although downgraded by our State Department) this Treaty was the fundamental law underlying United States relations with Palestine for almost a quarter of a century.

Is it any wonder that two United States Senators can't get straightened out between them what are or are not present formal commitments of the United States when they ignore or are ignorant of its past commitments? This is not a good harbinger of the time when Congress will take over from the President the conduct of our foreign policy.

SIDNEY KORETZ,
Arlington.

NAPHCC QUESTIONS HUD'S MODEL PLUMBING CODE PROMOTION

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I have been advised that on June 24 of this year, the National Association of Plumbing-Heating-Cooling Contractors, NAPHCC, meeting in its 88th annual convention in New Orleans, La., unanimously adopted a resolution strenuously opposing the enactment by State and local jurisdictions of the Basic Plumbing Code published by the Building Officials and Code Administrations International.

It has also come to my attention that NAPHCC contends that the Department of Housing and Urban Development has considered designating this code as a "nationally recognized model code" and therefore may require certain jurisdictions to adopt parts or all of the code in order to obtain recertification of their workable programs for community improvement.

NAPHCC also maintains that the code is not trully a nationally recognized code and never has been; and that it was adopted without notice to the NAPHCC or representatives of the plumbing-heating-cooling industry.

In light of these developments, I am concerned that such may have a possible adverse effect upon small business and local jurisdictions. Because of my strong and continuing interest in small business, I am bringing these reports to the attention of my colleagues and the Department of Housing and Urban Development. It is my sincere desire that plumbing codes not be designated as nationally recognized without the most careful consideration of the effects upon small business and local jurisdiction.

I include the text of the NAPHCC resolution at this point in the RECORD:

NATIONAL ASSOCIATION OF PLUMBING-HEATING-COOLING CONTRACTORS RESOLUTION

Whereas, the organization known as the Building Officials Conference of America or BOCA was at one time a co-sponsor together with the National Association of Plumbing-ican Public Health Association, acting under Heating-Cooling Contractors and the Amer-the auspices of the American National Standards Institute (then known as the American Standards Association) to revise the *National Plumbing Code*, until BOCA in 1967 deserted this venture in order to publish its own plumbing code; and

Whereas, in 1968 BOCA did proceed to publish, over the most strenuous objections of the NAPHCC, an inferior work known as the *Basic Plumbing Code;* and

Whereas, the U.S. Department of Housing and Urban Development has been so misinformed as to call the *BOCA Basic Plumbing Code* a nationally recognized model code and to require that cities and counties throughout the United States having Workable Programs throw out their existing codes and adopt the BOCA code as an indispensable condition of retaining eligibility for federal money; and

Whereas, BOCA has just recently amended the definition of plumbing to exclude all plumbing installations whatsoever beyond a line five feet outside the foundation walls of a building or structure, as well as all installations of gas piping; chilled water piping in connection with refrigeration, process and comfort cooling; hot water piping in connection with building heating; and piping for fire sprinklers and standpipes; and

Whereas, this action on the part of BOCA was taken without notice to the NAPHCC or representatives of the plumbing-heating-cooling industry, thereby causing untold confusion and disruption in construction industry practice and endangering the health and safety of the public by providing that a large volume of plumbing work can be performed by unlicensed and untrained personel; now, therefore, be it

Resolved, that the National Association of Plumbing-Heating-Cooling Contractors oppose the recognition of the *BOCA Basic Plumbing Code* as a national model code and that such opposition shall be strenuously expressed to HUD, BOCA, and all other interested parties; and be it further

Resolved, that the secretary transmit a copy of this resolution to the Honorable George W. Romney, Secretary of Housing and Urban Development.

RESULTS OF PUBLIC OPINION SURVEY IN NORTH CAROLINA'S NINTH CONGRESSIONAL DISTRICT

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. JONAS. Mr. Speaker, under leave to extend my remarks in the appendix, I include the results of my annual public opinion survey among residents of North Carolina's Ninth Congressional District.

Participation in the survey this year set a new record for the people of our district. A total of 21,479 responses have been received from the people of the ninth district. The previous record was set in 1968 when 17,000 citizens participated, so the performance for 1970 shows a 29-percent increase in citizen participation in this very significant survey of voter attitudes. This demonstrates, more than anything else I can think of, the concern of the American people over the critical issues facing this country today. As usual, many of those responding availed themselves of this opportunity to express themselves on these issues and others by way of comments elaborating upon their "yes" or "no" answers.

I make a special effort to keep abreast of the thinking of my constituents. The use of an annual questionnaire is one way, among many, that is used. I find this to be an effective way for the people down home to make their views known to me with the assurance that those views will receive consideration. Thus they are able to participate in the process of government.

The responses to this questionnaire were tabulated by Data Management, Inc., of Springfield, Va. The results from this tabulation follow:

PUBLIC OPINION SURVEY OF NORTH CAROLINA'S NINTH CONGRESSIONAL DISTRICT

[Answers in percentages]

1. Do you approve of the actions taken by President Nixon in Cambodia?

Yes	77.9
No	19.3
No answer	2.8

2. Should the United States—

Continue the present policy of gradual withdrawal of troops and the Vietnamization of the war?	48.5
Begin immediately the total withdrawal of all American military forces from Vietnam and Cambodia?	22.5
Step up military activities as necessary to achieve a military victory in Vietnam?	27.0
No answer	2.0

3. Do you favor converting to an all-volunteer force?

Yes	49.8
No	44.4
No answer	5.8

4. Should 18 year olds be allowed to vote?

Yes	36.2
No	61.5
No answer	2.3

5. Should spending for the Space Program be—

(a) increased?	10.9
(b) continued at the present level?	34.9
(c) decreased?	46.1
No answer	8.1

6. Do you favor compulsory busing if that is required in order to achieve approximate racial balance in the public schools?

Yes	8.1
No	90.1
No answer	1.8

7. To control inflation, would you favor—

(a) continuation of present policies?

Yes	19.0
No	15.4
No answer	65.6

(b) wage, price, and credit controls?

Yes	29.4
No	16.5
No answer	54.1

(c) reducing federal spending?

Yes	64.4
No	9.2
No answer	26.4

8. Would you favor the federal government guaranteeing a minimum annual income to every American family?

Yes	14.9
No	81.8
No answer	3.3

9. Do you favor increasing postal rates to reduce the Post Office Department's deficit—

(a) on first class mail?

Yes	8.6
No	37.9
No answer	53.5

(b) on other classes of mail?

Yes	54.3
No	16.5
No answer	29.2

(c) on all mail?

Yes	24.2
No	33.2
No answer	42.6

VIETNAM TROOPS SUPPORT PRESIDENT'S CAMBODIAN DECISION

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BLACKBURN. Mr. Speaker, my attention has recently been drawn to a letter that was written to the Valdosta Daily Times, Valdosta, Ga.

The letter, by Mrs. Sonja N. Bracewell, contains excerpts of a letter she received from her husband who was serving in Cambodia.

Mr. Speaker, of late those who had opposed President Nixon's decision to send troops into Cambodia have been strangely silent. Their silence, I feel, is due in large part to the success of the Cambodian incursion.

The success of this incursion is told by Captain Bracewell in his letter to his wife. He also tells of the rising morale of our troops in South Vietnam as a result of this offensive while deploring the actions of those in the United States who would "sell us out."

I believe his words will be of interest to all Members of the Congress, whether they support or oppose the President's action. Therefore, under leave to include extraneous material, I hereby enclose Mrs. Bracewell's letter to the Editor of the Valdosta Daily Times.

VALDOSTA, GA.,
June 11, 1970.

EDITOR,
The Valdosta Daily Times,
Valdosta, Georgia.

DEAR SIR: The following excerpts are from a letter, dated May 30, 1970, just received from my husband, Capt. James P. Bracewell, Headquarters & Headquarters Troop, 7th Armored Sqdn., 1st Air Cavalry, who is on his second tour of duty in Viet Nam. We read of so many being against the Cambodian invasion that I feel burdened to share his feelings with you and the Times readers.

"You're right about my outfit still mixing it up in Cambodia. You're also right about "B" troop. They've been hit pretty hard—but then we all have. Vinh Long (Capt. B's location) hasn't been attacked in nearly a month now. We're really hurting the enemy in this Cambodian activity. We're splitting their units, cutting off their supplies, and causing them so much confusion they don't know which way to turn. I sort of expect them to try to hit some of our bases pretty hard here in the Delta. They have to do something to try and draw us away from their sanctuaries in Cambodia. We're ready for them though, and they'll pay a heavy price if they hit us. I don't think they can afford to take the kind of loss we'll give them. In the past, they sustained heavy losses, but they always had replacements readily available just across the border. Since we cleaned out the "Parrot's Beak", we denied them a clear path for reinforcements and supplies. Honestly, this move into Cambodia has done more for the war effort than any steps we've taken before. We, who are over here, are a lot safer because of this decision, and most of us are thankful that our Commander-in-Chief has given us the opportunity to meet the enemy on *our* terms for a change. Some of us are dying for this cause, and now we're beginning to feel that it's not in vain. I only hope they don't stop us now that we are moving.

Since the beginning of the Cambodian

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push, my opinion of some of the Vietnamese units has grown steadily higher. Watching the ARVN Armored Cavalry units in Cambodia brings to mind the thunderous charges made by the horse cavalry in the old days. The U. S. advisors have done a remarkable job of assisting these units, and they are the unsung heroes of this whole war. They are the men who are making the President's Vietnamization plan a success. Now I firmly believe that the Vietnamese people will be able to stand up against any aggressor much sooner than I ever thought possible. Of course, I can only speak for myself, but I believe that if the Vietnamese forces in the other parts of the country are progressing as well as they are here in the Delta, we will be able to withdraw our forces in total in the near future. Of course, we must continue to support these people with our advisors as well as our money for quite a while. What we, the soldiers, need most of all is the support and faith of the people of the United States. It is a terrible thought that our own people in our own beloved nation cannot see the absolute necessity of our being here—and *staying* here until the job is done. Many of my soldiers have returned to Vietnam from special leave in the States, and told me how they were afraid to wear their uniforms in the streets of America! You know how proud I've always been of my uniform, because I felt that it identified me as a member of a noble profession whose sole duty is to protect and defend the greatest nation in the world and all her interests. I cannot comprehend why a soldier, who has risked his life day after day for a year or more, must be subjected to ridicule and persecution in the very country he has risked his life for when he returns home.

What on earth has happened to patriotism? Where is that great American spirit of the past? We are looking like complete asses in the eyes of other countries all over the world! God help me to keep the faith I've always had in my country. I just pray that the people of the United States will wake up, and live up to the responsibilities of being the greatest nation of all!

I had to get this off my chest. I could have gone on and on!

Thank you Mr. Editor.

Sincerely,

SONJA N. BRACEWELL.

XUM

ONE HUNDREDTH ANNIVERSARY OF LOYOLA UNIVERSITY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, on July 1, 1970, the House passed House Resolution 1036, commemorating the 100th anniversary of Loyola University.

This school numbered 37 students when classes started on September 5, 1870, with a faculty of four Jesuit priests. These Jesuits had the theory that a liberal education designed to educate the "whole man" was essential. We can be thankful that this same philosophy prevails today in the university's 11 colleges and schools which are located on six campuses. This is a university which can and does accommodate the individual, exposing him to all aspects of life.

The basic goal of this university was best summed up by Pope Pius XI when he said:

> The true Christian, product of Christian education, is the supernatural man who thinks, judges, and acts constantly and consistently in accordance with right reason.

The man who always does what he believes is right is, unfortunately, becoming as extinct as the bald eagle. It is reassuring to have a school interested in conservation—the conservation of man.

It was Dr. Victor C. Ferkiss, a political scientist at Georgetown University, who recently shocked the scholastic world when he said:

> My thesis is starkly simple: Modern civilization and perhaps the human race is on the verge of extinction. Meanwhile, the universities, supposedly civilization's torchbearers, are almost without exception standing passively by while mankind plunges heedlessly toward disaster.

It is my thesis that Loyola University is one of the last of "civilization's torchbearers." It is my hope that it will continue this noble crusade in the years to come.

Loyola University is the largest Catholic school in the country, and it has certainly helped the professional community of Chicago. Eleven percent of Chicago area attorneys have graduated from Loyola. The medical school is responsible for 20 percent of Chicago's doctors, and the dental school for 51 percent of Chicago's dentists.

Mr. Speaker, at this point I would like to submit several newspaper articles pertaining to Loyola University and its many fine accomplishments over the years. I trust that my colleagues will find these articles interesting and stimulating:

[From the Chicago Tribune, Sept. 28, 1969]

LOYOLA SETS CELEBRATION OF CENTENNIAL—URBAN WOES PARLEY BEGINS TOMORROW

(By Sara Jane Goodyear)

Loyola university will begin its official centennial celebration this week.

In the months ahead, thousands of the school's alumni and friends will attend academic symposiums and centennial dinners.

FOUNDED IN 1870

The Rev. Arnold J. Damen founded the university in 1870 on a plot of prairie more than a mile from the center of town. It was called St. Ignatius college then and was located at 12th and May streets, next to Holy Family Catholic church, which Father Damen had founded 13 years earlier.

When Father Damen welcomed the first class of 37 students, the new school had a faculty of four Jesuit priests whose aim was to give the students a liberal education designed to develop the whole man.

The school has attempted to pursue this philosophy thru the years as it has expanded to 12 colleges and schools on six campuses with a total enrollment of more than 13,000 students.

PREPARE TO MOVE

Preparations to move the school from its initial location began in 1906 when the school bought a 25-acre site between Sheridan road and the lake north of Devon avenue. The gradual relocation to the present Lake Shore campus took place in the next 16 years.

The building at 12th and May streets became St. Ignatius High School.

Expansion has continued at a steady pace as first one and then another of the university's campuses was established. There are five campuses in the Chicago area and one in Rome. Loyola has grown to become the largest Jesuit university in the United States.

SYMPOSIUM TO BEGIN

Observance of the centennial, which is focused on the theme, "Knowledge in the Service of Man," will begin with a major academic symposium, "Man in the Urban Complex," which will be held tomorrow thru Wednesday in the John B. Murphy auditorium, 40 E. Erie St.

Among those who will participate in this symposium on urban problems are Dr. Philip M. Hauser, director of the population research center and professor of sociology at the University of Chicago; Walter P. Reuther, president of the United Auto Workers; John Kenneth Galbraith, Paul M. Warburg, professor of economics at Harvard University and former ambassador to India; and Whitney M. Young, Jr., executive director of the National Urban league.

The symposium is the first of five to be held as part of the centennial observance. Others are "The Brain and Human Behavior," to be held Wednesday thru Friday; "Current Evolution of Man's Sense of Values," Jan. 5 thru 7; "Freedom and the Human Sciences," Jan. 7 thru 9; and "Higher Education—Unity or Diversity," April 6 thru 8.

More than 1,200 alumni, honorary degree recipients, and guests are expected to attend a centennial alumni dinner Wednesday in the Pick-Congress hotel. This is the first of three major dinners which will be held in connection with the centennial. The Rev. James F. Maguire, university president, will deliver the main address.

[From the Chicago Tribune, Apr. 23, 1970]

LOYOLA'S CENTENNIAL

This spring Loyola university of Chicago rounds out its 100th year. We are glad to raise our voice in the chorus of congratulations to this highly useful Chicago institution, which has taken seriously its motto "Knowledge in the Service of Man."

The modest college which opened for the first time in September, 1870, at 11th and May streets survived the Great Fire with its physical plant unscathed. As early as 1874, THE CHICAGO TRIBUNE said of Loyola, "This valuable college is growing in numbers and is now one of the most prominent institutions of learning in the city."

By 1970 its growth has enabled Loyola to describe itself as the largest Catholic university in the country, and to claim more than half this area's dentists, more than a third of the area's social workers and public school principals, and a substantial proportion of our physicians and attorneys among its alumni. From freshman year thru a variety of professional schools, Loyola has provided the opportunities by which generations of Chicagoans have qualified themselves for influential and useful roles in society.

Among the names of Loyola alumni who have made a mark in government are Carter H. Harrison Jr. [mayor of Chicago], Judge Philip L. Sullivan, Judge Augustine J. Bowe, Judge Roger Kiley, Judge William J. Campbell, and Congressmen Daniel J. Ronan and Edward J. Derwinski. Men and women of comparable distinction have moved from Loyola's classrooms into a variety of careers. This many-sided institution has a physical presence on Chicago's far north side lake front, on the near north side, in Maywood, and even in far away Rome [where Loyola has the largest American study center in Europe]. An urban university serving a primarily local population, Loyola deserves grateful recognition from all Chicagoans.

A Jesuit institution, with its every president from the Rev. Arnold Damen to the incumbent Very Rev. James F. Maguire signing himself S. J. [Society of Jesus], Loyola university is both Catholic and catholic—a servant of a particular church and a servant of the entire metropolis. "This valuable college," as we called Loyola in 1874, can enter its second century with pride in its achievements since its first 37 students assembled a hundred years ago. A little college has become a university big in size and service.

[From the Chicago Tribune, Nov. 21, 1968]

CENTENNIAL FETE READIED BY LOYOLA UNIVERSITY—CELEBRATION SET THROUGH 1969–70 SCHOOL YEAR

Loyola university will mark its centennial year with a celebration to run thruout the 1969–70 school year.

Centennial plans were announced yesterday by the Very Rev. James F. Maguire, Loyola president, at a press conference in Mayor Daley's office. Also present was Chief Judge William J. Campbell of federal District court, chairman of the school's centennial committee.

Daley expressed confidence that Loyola's second hundred years would be "as great as her first century of leadership," adding that Chicago is "grateful to this university whose sons and daughters have contributed so much to the progress of this city, the state of Illinois, and the nation."

Father Maguire cited the university's founder and first president, the Rev. Arnold J. Damen, for showing "remarkable foresight when he chose Chicago as the center for higher learning. Time has proved how wise he was in his choice."

"The centennial year will be a time of commemoration and reflections," said Judge Campbell, "a time to determine how we can best continue to serve young minds as we enter the second century."

Theme of the centennial will be "Knowledge in the Service of Man," said Father Maguire.

The theme will be carried out thru five symposiums beginning next September. Titles are "Man in the Urban Complex," "The Brain and Human Behavior," "Current Evolution of Man's Sense of Values," "Freedom and the Human Sciences," and "Higher Education—Unity or Diversity."

Loyola opened on September 5, 1870 at 12th and May streets in a building which later became St. Ignatius High School. The university moved to its main lake shore campus by 1920.

LOYOLAS CENTENNIAL

That Loyola University of Chicago will observe its 100th anniversary during the coming academic year was announced at a press conference yesterday by Mayor Daley, the Very Rev. James F. Maguire, president of Loyola, and Judge William J. Campbell, chairman of Loyola's centennial anniversary committee.

Loyola University opened its doors Sept. 5, 1870, but, of course both that event and the observance of its centennial require extensive advance planning. Yesterday's press conference was but the public first step in a parade of events extending through the spring of 1970.

Thus today we have occasion to say what bears saying any day: that any city counts its institutions of higher learning among its most important blessings, and specifically that Chicago rejoices in looking back on a century of service by Loyola and ahead to more than a century of further significant service.

Especially notable at Loyola are its dental school (the oldest in the state, and the training ground of more than half of Chicago-area dentists); its school of social work (the first such school in an American Catholic university); its guidance center (one of the few accepting autistic children as outpatients); its institute of industrial relations, and its schools of medicine and nursing. Its creativity is by no means spent. In recent years Loyola has established a liberal arts center in Rome, a doctoral program in classical studies, and a new department of anthropology.

Loyola's new medical and dental center adjacent to Hines Veterans hospital in Maywood, to be in full operation by 1970, will be a third major site for Loyola, in addition to its campuses in Rogers Park and on the near north side at Lewis Towers. Candidates for the priesthood study at yet other campuses, in North Aurora and Niles.

"Knowledge in the Service of Man," the theme of Loyola's centennial, expresses the devotion of this Jesuit institution to service not only of a Catholic constituency but of society at large.

"JOE OESCHGER—ENDURANCE WAS HIS SPECIALTY"

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, this year marks the 50th anniversary of the longest baseball game ever played in major league history and this past weekend the gentleman from North Carolina; Mr. WILMER "VINEGAR BEND" MIZELL, and I had the distinct honor and privilege of paying tribute to the only surviving pitcher of that historic, recordingsetting game.

Mr. Joseph Oeschger, a very close, lifelong friend and constituent of mine from our hometown of Ferndale, Calif., holds the distinction and the world record of having pitched 26 innings in one afternoon—a game he did not even know in advance that he would be pitching. Joe was a starting pitcher for the Boston Braves and the "longest game" was played between the Braves and the Brooklyn Dodgers in Boston on May 1, 1920. Both Joe and Dodgers' pitcher Leon Cadore, now deceased, went the entire distance.

This past Friday evening, many of Joe Oeschger's friends, admirers, and fellow athletes met in Eureka, Calif., to recount that historic game and pay our respects to Joe. It was truly a memorable evening with congratulatory messages from America's No. 1 fan, President Nixon, Baseball Commissioner Bowie Kuhn, Senator GEORGE MURPHY, Sporting News, and many other sports and baseball "greats".

At O. H. Bass' Townhouse, over 250 people including most of Humboldt County's greatest names of yesteryear in the sports field were present to pay their tribute to Joe and his very lovely and vivacious wife, Nancy. Joe was obviously moved by the experience. His wife, Nancy, told me after the dinner:

> Don, Joe has received many honors and a great deal of recognition throughout his career, but this program, tonight, was the crowning event of all.

And Joe Oeschger said:

> It is very gratifying to know that people still recognize and appreciate your efforts for an event that took place 50 years ago.

Yes, Joe, we will always remember the event because, as "VINEGAR BEND" MIZELL said. "This is a record no one will ever break." But, more importantly we will never forget the outstanding character and the great image you have projected to young and old people alike. You have been an extraordinary counselor and have provided inspiration to hundreds of thousands of people, and, in particular, the present Congressman for the First District of California.

Mr. Speaker, I am taking the liberty of inserting in the RECORD today, an account of the "longest game" which I believe will be of historic interest to my colleagues and to those who read the RECORD regularly. I am also including the messages from President Nixon and Commissioner Kuhn.

At 78, Joe Oeschger is a hearty giant of a man—a man to match the giant Redwoods of Humboldt County where he makes his home. His has been a lifetime of service to people; especially young people with problems whom Joe has been helping ever since he left the major leagues, as he distinguished himself in a second career—that of coaching and education.

I am truly proud to be representing Joe Oeschger in the Congress of the United States.

The messages and account follows:

Mr. JOSEPH OESCHGER,
In care of
Congressman DON CLAUSEN,
Townhouse, Eureka, Calif.

Warmest greetings and congratulations on the 50th anniversary of your record pitching performance for the old Boston Braves, in an age when sports records are broken almost every day, it is not often that we have an opportunity to honor someone whose athletic achievements have endured for half a century. As a baseball enthusiast and as one who has enjoyed the experience of meeting you, I am pleased to join your many friends and fans in this tribute. Best wishes for a pleasant evening and for a happy 79th birthday next May.

PRESIDENT RICHARD M. NIXON.

Mr. OESCHGER,
In care of
Congressman DON CLAUSEN,
Townhouse, Eureka, Calif.:

I am pleased to join your host of friends and admirers to pay tribute to you tonight in recognition of your superlative, iron-man pitching feat of 50 years' standing, a record that has withstood the test of time and onslaught of numerous pitching greats.

BOWIE KUHN,
Commissioner of Baseball.

[From the Sporting News, May 16, 1970]

50 YEARS AGO—LONGEST GAME EVER IN MAJORS

(By Jack McDonald)

CHAPALA, Mexico.—This year marks the 50th anniversary of the longest game played in the majors.

On an overcast afternoon in old Braves Field, Boston, May 1, 1920, the Brooklyn Dodgers and Boston Braves battled 26 innings to no decision.

This memorable contest developed into a mound duel pitting Joe Oeschger against the late Leon Cadore. Both went the entire distance. After they had come within an inning of pitching three regulation-length games in a single afternoon, umpire Harry McCormick called it on account of darkness.

The score was 1–1. On the heels of the epic battle, an enterprising New York haberdashery firm put out a necktie which it advertised as "the longest tie in history." It had the inning score and the batteries stamped on it. The tie sold like hotcakes until the novelty wore off.

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Fifty years later, Oeschger still gets letters from fans from all over the country asking for his autograph and sometimes for his personal reminiscences of the game. A good-natured guy, Joe has big stacks of box scores of the contest mimeographed and he signs each copy, but the supply of these sheets always runs out.

RECORDS, MORE RECORDS

Not only was this 1920 game a record for length of innings, but it created records within records. One of these was Oeschger's having held his opponents scoreless through the final 21 innings. In the seventh, he retired the side on three pitched balls, a great saving of strain on his arm. Earlier in the season, he had struck out the side on nine pitches.

Oeschger had come to the Braves from the Giants, who had traded him and Casey Stengel for pitcher Art Nehf. Joe was a big, strapping righthander over six feet tall and weighing over 200 pounds. He was 28, and had been pitching in the majors for seven years and was right in his prime when he pitched this game.

He is still a giant of a man, hale and hearty at 78, his broad shoulders still straight as a die. He now spends most of his time fishing and hunting around his home at Ferndale, Calif., north of San Francisco.

His German parents were early settlers in California. His mother, Marie, celebrated her 100th birthday last March 29 at Livermore, near San Francisco. Joe's younger brother, George, 68, once pitched for the Pirates. He was the fire chief in Weed, Calif., until his retirement.

Joe was a recent visitor to Mexico, where he helped his wife, Nancy, do research on a book she is writing. A graduate of the University of Madrid, Nancy authored a previous one called "Mothers of the Spanish Conquistadores," published in Spain and widely circulated throughout Mexico. It was while visiting the writer's home on the shores of Lake Chapala that Joe took time out to recall some of his impressions and reactions of the 26-inning game.

First off, he has been asked perhaps 10 thousand times in the last 50 years if his long pitching stint didn't damage his arm.

SOME GREAT WRITERS

"People started putting that question to me the very next day," the affable Joe said. "Boston had some wonderful baseball writers in those days—Bill Cunningham, Nick Flatley, Burt Whitman. They were an erudite group and I used to enjoy reading the Shakespearean vernacular they put into their baseball reporting. They all predicted I'd never pitch again. They said my arm wouldn't be worth a plugged nickel after the long strain I had just put on it."

But Oeschger did pitch again, eight days later, and he won.

"I missed a turn, yes," he said. "I would have been ready to work in rotation, but the next day I pulled a leg muscle running around the park and Manager George Stallings let me skip a turn. But my arm was okay."

And it is a matter of record that the following year, 1921, he had his best season, winning 20 games. He pitched five more years, retiring of his own volition because he wanted to teach school.

Nobody kept count of the number of pitches he threw in the long contest, but Joe doesn't believe it was more than 250, in what was tantamount to three regulation games in one afternoon. Only nine of these pitches became Dodger hits. Cadore, his opponent, gave up 15 hits, but Joe insists that pitching honors were about a standoff.

JUST A LITTLE WEARY

"I don't say I wasn't a little tired after those 26 innings, but I have been more fatigued in some nine-inning games, when I got into a lot of jams," he said. "They are what wear a pitcher out. There weren't too many tight situations in this long game.

"Pitchers didn't work so much on hitters in those days. I mean they didn't go for strikeout records. The hitters guarded the plate more. I had a live fast ball and in this game I threw very few curves. And I rarely threw more than half a dozen warmup pitches. After about the 12th inning, I only took a couple."

Joe hadn't known he was going to pitch that day. Stallings often kept his starting pitcher a secret until time for batting practice.

"It rained most of the morning," Joe recalled, "and we didn't think there was much chance of the game being played. But there was a standing rule that we must report to the clubhouse, even if it was pouring. Leslie Mann, my roomate, and I had a leisurely breakfast in the old Brunswick Hotel of Boston's Back Bay section and then headed for Braves Field about noon. Our trainer, Jimmy Neery, gave me a rubdown.

"This game was played on a Saturday. Since I went to church every Sunday, Manager Stallings, very superstitious and a player of hunches, liked to pitch me on the Sabbath, figuring the good Lord would be on our side. But when he posted the lineup in the dugout, I was the starting pitcher. I was glad to get the assignment because in a previous start against Brooklyn I had lost, 1-0, in 11 innings, and I was eager to even things up, particularly since Cadore had been my pitching rival in that one and was to be my opponent again.

STALLINGS IN CHARGE

"Stallings was great on holding skull sessions and to this day I can remember our clubhouse meeting that day. The manager went over the Dodger lineup and batting order. It went something like this:

"'Ivy Olson, second base—strictly a pull hitter, Bernie Neis, right field—Good fast-ball hitter and base-stealer. Jimmy Johnston, third base—Fast-ball hitter with dangerous base-stealing instincts. Zack Wheat, left field—Exceptionally good hitter with a tendency to pull ball to right field. Hi Myers, center field—Fast and a good bunter. Wally Hood, center field—Strictly a left-field hitter. Ed Konetchy, first base—Hits to all fields, slow runner. Chuck Ward, shortstop—No long-ball threat, but hits to all fields. Ernie Krueger, catcher—Good pull hitter; always play third baseman and shortstop toward the line. Rowdy Elliott, second-string catcher—Good fast-ball hitter.'"

The crowd this day was small because of the threat of more rain. The Dodgers went into the lead in the fifth inning.

"I was to blame for letting the run score," Joe said. "I started the inning off badly by pitching too carefully to Krueger, a good pull-hitter. I walked him. Cadore then followed with a sharp bounder to the mound. In my anxiety to get the double play, I juggled the ball long enough to let Krueger reach second and had to content myself with throwing out Cadore at first base. Then, after getting two strikes on Ivy Olson, he got a broken-bat single just over the head of our shortstop, Rabbit Maranville. It scored Krueger.

"We evened the score in the next inning, the sixth, when (Wally) Cruise hit a terrific line-drive triple against the scoreboard in left field and scored on (Tony) Boeckel's single."

NO MORE SCORING

There was to be no more scoring throughout the long contest. The Braves had a chance to win in the ninth when they filled the bases with only one out, but Charley Pick hit into a double play, sending the game into extra innings. From here on it developed into an endurance contest, Cadore with his good curve ball vs. Oeschger with his fast one, which he fired with full speed, especially in the final innings when it was getting dark.

"I think the most critical inning for me was the 17th," Joe went on. "The Dodgers filled the bases with only one out, but a great play by Hank Gowdy saved my neck. Elliott grounded sharply to me. I threw to the plate, forcing Wheat, but Gowdy's throw to first to complete the double play was wide. Wally Holke lost the ball momentarily and big Konetchy tore for home, but Holke recovered the ball and fired it back to Gowdy at home plate. Hank took the throw at full reach flung himself bodily across the baseline and tagged Konetchy out as he came barreling in. This brought the small crowd to its feet with a cheer that could be heard to the Charles River.

"I was beginning to feel a little tired by the 18th, but the players on our bench, particularly Maranville and Gowdy, kept buoying up my spirits by telling me, 'Just one more inning, Joe, and we'll get a run for you.' Stallings never did ask me if I wanted to come out, but if he had, my answer would have been an emphatic no."

Ball parks weren't lighted in those days and it was getting dark. After consulting the two managers, umpire McCormick called the game.

HITTERS WERE GRIPING

"It was the hitters who were squawking to end it," Joe said. "I certainly didn't want it to stop and I don't think Cadore did."

The game, which had started at 3 p.m., was called at 6:50—an elapsed time of 3 hours and 50 minutes for 26 innings. The longest game in modern times was the memorable 23-inning battle in 1964 at Shea Stadium between the San Francisco Giants and the Mets. This one consumed seven hours and 23 minutes. The rival managers, Casey Stengel and Alvin Dark, used a combined total of 41 athletes as against only 22 for the longer 1920 game. Stengel and Dark also used 10 pitchers while both Oeschger and Cadore started and finished.

Oeschger has a deep respect for Stallings, who in 1914 had brought his "Miracle Braves" from last place on July 15 to win the N. L. pennant by 13 games, then crushed the "invincible" Philadelphia Athletics of Connie Mack in the World Series.

"I admired him for his leadership," Joe said. "His intense desire to win inspired his players. He was very superstitious. Bats had to be placed in exact order and kept that way, especially during a rally. The drinking cup had to hang just so on the water cooler spigot. He hated pigeons. Rival players used to torment him by scattering peanuts in front of our dugout and Stallings used to wear our arms out having us throw pebbles at the pigeons to chase them away.

A SHARP DRESSER

"He seldom wore his uniform in the dugout and was always impeccably dressed in street clothes. He was a real southern gentleman, a native of Haddock, Ga., near Macon. He was educated at VMI and Johns Hopkins and had intentions once of becoming a doctor. I think his father was a general in the Confederate Army."

Oeschger was a graduate in engineering of St. Mary's College when it was located in Oakland. He went right from the campus to the Phillies. After retiring from Organized Ball, he got a degree in education at Stanford University. For 27 years he taught physical education at Portola Junior High School in Butchertown, one of the poorer sections of San Francisco, where Lefty O'Doul was born and raised.

"I turned to physical education because I thought my baseball background was too valuable to throw away," Joe explained. "I liked working with kids. My compensation was that I might have helped, in a small way, to straighten some of these boys out. When I see the success many of them made, I feel more than repaid."

XUM

THE ALL-TIME MARATHON

Dodgers	AB.	R.	H.	PO.	A.	E.	Braves	AB.	R.	H.	PO.	A.	E.
Ivy Olson, 2b	10	0	1	5	8	1	Ray Powell, cf	7	0	1	8	0	0
Bernie Neis, rf	10	0	1	9	0	0	Charley Pick, 2b	11	0	0	6	11	2
Jimmy Johnston, 3b	10	0	2	3	1	0	Leslie Mann, lf	10	0	2	6	0	0
Zach Wheat, lf	9	0	2	3	0	0	Walton Cruise, rf	9	1	1	4	0	0
Hi Myers, cf	2	0	1	2	0	0	Walter Holke, 1b	10	0	2	42	1	0
Wally Hood, cf	6	0	1	9	1	0	Tony Boeckel, 3b	11	0	3	1	7	0
Ed Konetchy, 1b	9	0	1	30	0	0	Rabbit Maranville, ss	10	0	3	1	9	0
Chuck Ward, ss	10	0	0	5	3	1	Mickey O'Neil, c	2	0	0	4	1	0
Ernie Krueger, c	2	1	0	4	3	0	a-Lloyd Christenbury	1	0	1	0	0	0
Rowdy Elliott, c	7	0	0	7	3	0	Hank Gowdy, c	6	0	1	6	1	0
Leon Cadore, p	10	0	0	1	12	0	Joe Oeschger, p	9	0	1	0	11	0
Totals	85	1	9	78	31	2	Totals	86	1	15	78	41	2

Dodgers	0 0 0	0 1 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0 0	—1
Braves	0 0 0	0 0 1	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0 0	—1

a-Singled for O'Neil in ninth. Runs batted in—Olson, Boeckel. Two-base hits—Maranville, Oeschger. Three-base hit—Cruise, Stolen bases—Myers, Hood, Sacrifices—Hood, Oeschger, Powell, O'Neil, Holke, Cruise. Double plays—Olson and Konetchy; Oeschger. Holke and Gowdy. Bases on balls—Off Cadore 5, off Oeschger 4. Struck out—By Cadore 7, by Oeschger 7. Wild pitch—Oeschger, Left on bases—Dodgers 11, Braves 16. Umpires—Bill McCormick and Eugene Hart. Time of game—3 hours, 50 minutes. Official scorer—Paul Shannon.

DORIS GARST OF DOUGLAS, WYO., THE STORYTELLER NAMED SHANNON

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. WOLD. Mr. Speaker, much of the writing being done today is pessimistic, heartless, without theme or plot, and lacking in warmth.

Therefore, it is particularly delightful to make the acquaintance of an author that brings both enjoyment and knowledge to the reader.

Such a writer is a woman from Douglas, Wyo. Since 1937 when she began writing, Mrs. Doris Garst, has completed 45 historical novels and is looking forward to finishing No. 46. Adult readers as well as children take pleasure in reading these historical novels.

The July 26, 1970, issue of Empire magazine, had an excellent article by Zeke Scher, entitled "The Storyteller Named Shannon." It accounts the fascinating story of Mrs. Garst. I insert the article in the RECORD at this point:

THE STORYTELLER NAMED SHANNON

(By Zeke Scher)

When attorney Joe Garst saw one of his young sons walk into a pool hall across the street from his Douglas, Wyo., law office to peddle *The Denver Post,* he blew his stack—at his wife. That evening at home, Garst unleashed his displeasure.

"If you didn't waste so much time writing, the children wouldn't be in pool halls," Garst told his wife.

Mrs. Dorothea (Doris) Garst never talked back to her husband—she says—especially when he criticized her for writing too much. But to promote domestic tranquility she decided to restrict her writing to hours when the children were in school and hubby was at the office.

She *never* considered eliminating her writing because that was something she *had* to do.

In the mid-1930s Doris Garst had three teen-agers—Warren, Joseph II and Barbara—to take care of, plus a three-level home at the corner of 5th and Cedar Sts. in Douglas. She also had an insatiable desire to tell stories to young people. Perhaps this desire stemmed from her failure to get to college and become a licensed teacher. Perhaps it was her early experience of being a temporary teacher and principal for four years after high school. Whatever it was, she wanted to communicate with school-age children.

Adventurous men of the pioneer West—the men who made American history—fascinated her. She figured that if she could write what she herself would like to read, youngsters would like it, too. So as a first project she researched the life of Wyoming's most famous resident, Buffalo Bill.

A case of scarlet fever launched *The Story of Buffalo Bill* and an amazing literary career. In the spring of 1937, 12-year-old Barbara Garst was just completing elementary school when she became ill. Father Garst took the two boys and checked into a downtown hotel. Health authorities quarantined the girl and her mother for 30 days in the home.

Between nursing and sleeping, Mrs. Garst found time to type her first book manuscript. Buffalo Bill sold to the first publisher she approached, Bobbs-Merrill Co. The publisher, however, had one slight misgiving. The byline, Doris Garst, was sort of, you might say, ungentlemanly. Who would buy a rugged Buffalo Bill story by a Doris?

Mrs. Garst accepted the inevitable gracefully and set about finding a male pen name. Her stepfather, Wesley Shannon, provided the solution. In 1938 the book world welcomed a new Wyoming author, Shannon Garst. There were no pictures or announcements that Shannon was a woman, but Doris didn't hide the fact either. Everybody knew Shannon was a she, at least in Douglas.

With a minimum of fanfare Mrs. Garst began an incredible production of Western historical novels and biographies, turning out an average of two a year into the 1960s, all aimed at the 10-to-15-year-old age group. She has just completed No. 45.

Last month, on a bright sunny day at the Community Club south of Douglas, friends and dignitaries assembled for a testimonial luncheon to honor 76-year-old Doris Garst. "Her books have enriched the lives of readers of all ages, not only in Wyoming but throughout the world," it said on a plaque she received. In a way it was a sad farewell party. After 54 years in Douglas, Mrs. Garst in August will move to Denver for her health.

Many friends spoke. Mrs. Estelle Stacy, only woman in the United States who runs a contract drilling company and Wyoming's GOP national committeewoman, described Doris as "a nationally known author, a good friend and a good neighbor who has attained great distinction.

Everett Copenhaver, 72, Wyoming state auditor and a Douglas rancher for 25 years, drove up from Cheyenne to represent the governor in honoring Mrs. Garst. There were the mayor, chamber of commerce officials, many friends with kind words and kisses. Doris nearly cried.

"I do thank you all," she said slowly in response to all the warm sentiments. "I'm supposed to be able to deal with words. But words fail me. Words can't express how I feel. You make me ask 'Why oh why did I ever plan to leave Wyoming?' I will be back. Thank you from the bottom of my heart."

Slowed down by three strokes in the past two years—her husband died in 1965—Mrs. Garst is giving up the home the couple built a half century ago, where her children grew up, where her 45 books were born. At the urging of her sons and daughter, she will accept the easier life of a Denver condominium. But she's far from retiring. She still has to write.

Just completed is *Great Indian Tribes and their Chiefs* which with her previous book, *Pontiac,* are pending publication.

"My next project is a biography of Ben Holladay, the stage coach operator," she says. "Then I want to do one I'll call *Stage Coach Days.* You see one book leads to another. And I want to do a biography of Chief Washakie. Those will keep me busy for three years. I want to do more books on trappers."

Mrs. Garst's formula—simple yet exciting stories about characters of the West—filled a void in children's libraries. Her early books on Buffalo Bill, Kit Carson, General Custer, Sitting Bull, James Bowie, Crazy Horse and Chief Joseph, among others, continue to sell and to produce royalties.

For example: The book on Kit Carson brought her $470 the first year, 1942. Royalties have continued each year since then, hitting a high of $1,515 in 1966. *Buffalo Bill* has fluctuated, going over $1,000 in four years and then dropping to $319 in 1968.

A short novel, *Cowboy Boots,* in 1946 (only nine of her books are fiction) proved her best seller, going over $1,000 in six years and hitting $3,086 in 1947. A modern-day heroine's biography, *Amelia Earhart,* brought the top single-year royalty, $8,254 in 1966 (compared to only $664 in 1947 when published).

"The secret is that children keep coming up," she says. "And they seem to like my books year after year."

The Denver Public Library lists 35 Garst titles—and more than 350 volumes. While most of the books are in the juvenile section, 11 titles are carried in adult history, biography and fiction. A library spokesman said all the Garst books are popular and re-orders are frequent.

The Junior Nook of the Converse County Library in Douglas was named the Shannon Garst Room in 1968 and it displays many of its 200 Garst volumes on shelves there. "The kids read them constantly," says Librarian Milton Lefler.

Much of the pleasure in catering to the young generations comes from the steady flow of fan letters, usually forwarded to Douglas by the publishers. And predictably most of the letters come addressed to Mr. Shannon Garst.

Harper & Row forwarded one last December from Brian McGimsey of Fayetteville, Ark. It said:

"Dear Mr. Shannon: I have read many of your books and I thought they were well put and written. Give my thanks to Mr. Jack Merryweather for his illustrations. Tell him I said so for me. Now back to you. I hope you write some more books because I'll be right here in Fayetteville, Arkansas, ready to read it when you publish it."

Hastings House sent a pencilled letter from Stephen Avner of Ft. Ord, Calif.:

"Dear Miss Shannon Garst: I read your book *A Horse and a Hero.* It is a real good good book. I don't own a horse but I love to ride them. I don't ride horses very much. My family and I and some relatives went to the Grand Tetons last year and we rode horses for two hours. It was fun and just beautiful. If you haven't been up there try and go

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some day. My family and I will be going to Athens, Greece, next June."

A Northglenn, Colo., girl avoided the gender problem in a letter last January forwarded by E. M. Hale & Co.:

"Dear Shannon Garst: I am reading your book called *Crazy Horse*. I enjoy the book very much. I like the way the pictures are drawn. They make the book more interesting to read and look at.

"Sincerely yours, Patricia Alvarez, 1241 E. 105th Place."

Greg Boyd, 11, of Trenton, Mich., read *Red Eagle* and wrote: "I like your stories a lot. I'm going to read a lot of your books. I hope you will send a picture of you. I have one brother and two sisters."

Greg probably was surprised by the picture he got. His letter had been addressed to *Mr.* Garst. The Douglas lady says that she has never been told that someone was disappointed to learn she is female.

"I always tell them I'm a woman when I answer their letters and I hope they're not too upset," she says. "I really don't think the name Doris would have sold as much as Shannon. Man still prevails in our soicety—but we're slowly winning."

Mrs. Garst feels the wildly independent streak she found in the Western pioneers is out of place in modern woman. "I think women have overdone it in their pitch for equality," she says. "I don't think a woman will ever be President, but they will do quite well at other political offices."

Doris Garst was born July 24, 1894, at Ironwood in northern Michigan. Her German-born father, Julius Jensen, was a bookkeeper. Her mother was an Austrian with the colorful name of Zinta Anna Von Diltz. They moved to Denver in 1898 "because Michigan was so cold."

The father became manager of several gold mines in Colorado. When Doris was 17, the Jensens were divorced (her father was killed in a 1924 Central City mining accident). In Doris' third year at Denver's East High School, her mother married Wesley Shannon, a fruit rancher, and they moved to Hood River, Ore.

At 18 she was graduated from high school in Oregon and obtained a temporary teaching certificate good for four years. The first year was in a country school for grades 1 to 4. The next year she had 31 pupils and all eight grades. "That's when gray hairs started," she says.

At 20 she became principal and teacher of grades 5 to 8 in Estacada, a farming village in central Oregon. When her teaching certificate expired, she was out of a job. Finances had prevented her from attending college to qualify for a regular certificate.

She went to Portland, Ore., and got a clerking job at Gill's Book Store. After five months there, she passed a civil service exam and adventurously accepted an appointment as clerk at the U.S. Land Office in Douglas, Wyo.

Within a year she won a proposal from a dashing young Douglas lawyer named Joseph Garst and on Sept. 1, 1917, they went to Hood River to be married. She continued in the land office for another year before devoting full time to housewifely chores in the house the couple built.

Joseph II was born Feb. 8, 1920, and he's now a petroleum engineer in New York. Warren arrived Sept. 21, 1922. He's director of wildlife photography for NBC-TV's *Wild Kingdom* program and recently won an Emmy award. Mrs. Charles (Barbara) Spurlock was born May 29, 1924, and is a Lander, Wyo., housewife.

Doris' urge to write surfaced as the children got into school and permitted her time to attempt some short stories, selling a few "for not very much." She promoted her own education by taking summer courses in English and writing at the University of Colorado.

"I've done most of my research right here in our own county library, which is exceptional for Western Americana," she says. "I'd visit about the country when I could and my husband would go along on some trips, like to Annie Oakley's old stomping grounds in Ohio."

Annie Oakley and *Amelia Earhart* are the only women subjects among Mrs. Garst's 45 books. "Women didn't live such adventurous lives in the old days," she says. "It's much more exciting for women now."

Thomas Wolfe is her favorite author, "probably because his books are autobiographical and I love to read biographies of writers." Among Western characters she prefers Jim Bridger and Chief Washakie.

"Bridger didn't give up so quickly when fur trading died," she says. "He stayed on set up a trading post and lived among the Indians. He was a good friend of Chief Washakie who was a great and wise Indian and a true friend of the White man."

A distinctive feature of Mrs. Garst's books is an abundance of colorful dialogue among the leading characters despite the paucity of tape recorders and reporters among the frontiersmen and Indians of the 1800s. This resulted in a termination of relations with one publisher, Harcourt, Brace & Co., when it invoked a ban on direct quotations of imaginary conversations.

"I can't write a textbook," Mrs. Garst says. "I have to make the characters realistic. In researching history you can get so close to a character that you *know* what he was thinking and what he said.

"You think about the subject all the time when you're writing. In fact, I do some of my best 'writing' after I go to bed. In the morning I remember the 'conversations' and write them down."

It will come as a shock to Shannon Garst fans that the author of those rough-and-tumble tales of the Wild West has never shot a gun. And as for riding the range: "I've been on a horse three times and every time the horse ran away with me. I think they sensed I was scared to death. So I decided to write about them. That's safer!"

NIXON CHALLENGED ON BLACK APPOINTMENTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. EDWARDS of California. Mr. Speaker, the problem of Government credibility takes on special significance for black Americans. To a substantial extent we have yet to gain the faith of this segment of our Nation. Black Americans are justifiably disillusioned that they have—up to the present—received a series of public relations maneuvers masquerading as positive, concrete change.

On August 1, Clifford L. Alexander, former Chairman of the Equal Employment Opportunity Commission, issued a statement countering claims by Nixon administration spokesmen that more blacks have been appointed to significant positions by this administration than by Kennedy or Johnson. In his concise and well-documented statement, Mr. Alexander shows such claims to be simply untrue. I would like to set the record straight, so to speak, by including Mr. Alexander's statement in today's CONGRESSIONAL RECORD:

The Real Story on Minority Appointments Under Nixon

President Nixon's flunkies for a year and a half now have tried to create an impression of progress where none in fact exists. They have tried to create for the consumption of the American public an idea that President Nixon has outperformed his predecessors in the appointment of blacks to significant positions in the executive branch of the federal government.

There are two very fundamental things wrong with the approach taken by Nixon and his minions.

The first, and most important, is that comparisons are not the way to improve the basic positions of blacks in this nation. Nixon or any other American president should strive to fill the gap that has been created by years of exclusion. It is clear evidence of a lack of good intentions to continually make comparisons to past administrations when talking about what one is doing *today*.

It, of course, is also true that President Kennedy and, after him, President Johnson, made the significant breakthroughs that caused any new hiring to be "easier" than it was in the past. Once the breakthrough is made, then the erroneous myths that stick in some white minds about "finding qualified ones" automatically disappear.

The second reason the Nixon people should quit saying they have out-performed Johnson and Kennedy is that they are lying.

Let me list now the categories of jobs where the Nixon administration has not made any appointments:

To this date President Nixon has failed to initiate any new and significant high-level policy positions for blacks. President Johnson named the first black to the cabinet, a housing expert, Robert Weaver. Thurgood Marshall was the first black named to the Supreme Court. Andrew S. Brimmer was the first black named to the Federal Reserve Board, which, in the field of economics, is equivalent to the Supreme Court.

I had the honor of being the first black named to head an independent commission, the Equal Employment Opportunity Commission.

President Nixon has not nominated blacks to the cabinet level. To hear him talk, you would think that he was the innovator, but in fact he has not even come near keeping up with the record of his two Democratic predecessors—both of whom felt that more needed to be done than they accomplished.

In the area of judicial appointments, President Johnson in one day appointed four black judges. To date, in his 18 months in office, President Nixon has not even appointed four black federal judges throughout the United States.

More important, in an area where innovation would be helpful, President Nixon has not appointed a black judge in the South. Never in the history of this nation, where more than half the black population lives, has a black sat on the federal bench. If President Nixon were honestly interested in giving equal opportunity to blacks, he could do so tomorrow by placing a black on any federal bench in the South.

A year ago President Nixon virtually promised during a meeting with black publishers that he would appoint a black to the Federal Communications Commission. Here many decisions are made that affect America's picture of minority aspirations, but the President reneged in his promise to the publishers and appointed Dean Burch to the then-vacant FCC chairmanship. Several of the publishers and other black leaders wrote to the President when a new vacancy became open this year. Again, there were indications the President would appoint a black to the Federal Communications Commission. Unfortunately, as is typical of this

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President and his spokesmen, the deeds do not equal the words. Instead, the President appointed a lawyer from HUD, Sherman Unger, to fill the vacancy of Kenneth Cox.

The regulatory commissions have not seen any blacks appointed under Mr. Nixon. He had an opportunity to make a black Republican, Howard Jenkins, head of the NLRB, but, no, though Mr. Jenkins has a distinguished career as a labor expert, as a commissioner, and as a Republican, a white was chosen instead. What Mr. Nixon and his crowd have done is to create an impression of progress where none exists.

In fact, there has been retrogression in the field of minority appointments. The total number of appointments to significant positions in the Johnson years is considerably higher than the 150-odd that the Nixon administration claims for its period in office. What is worse is that, of the 150 that Nixon claims, 24 are Foreign Service officers who take a competitive examination and are supposedly protected from political influence or patronage claims. Of the 150 he claims, almost half are holdovers from the Johnson administration. Of the 150 he claims, some are non-professionals, or secretaries, by anyone's definition, not policy-making positions.

To date, Mr. Nixon has appointed no black to the cabinet; none to the Federal Reserve Board; none to the Supreme Court; a total of only three to all federal courts throughout the entire United States and none to a regulatory commission. He has appointed fewer black assistant secretaries than Johnson and Kennedy. He has appointed no black undersecretaries in any department of the federal government. He has failed to place any black in a significant position in the White House.

Yes, Mr. Nixon, we are taking you at your word. We are watching your deeds, not your words. Your deeds are clear. They do not include the hiring of blacks in significant positions in the federal government.

MEDICAL PERSONNEL SHORTAGE

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. O'HARA. Mr. Speaker, a number of us in this House feel that a medical crisis is upon this Nation; that we are desperately short of doctors and other medical personnel, and that the Federal Government's efforts and assistance in this field should be dramatically increased.

A short time ago an effort was made on the floor of the House to provide a substantial increase for medical manpower programs. Unfortunately, that effort failed.

At the present level of funding, shortage of doctors—and experts say we need an additional 50,000—will not decrease, but indeed will worsen.

Recently I received a letter from an old friend, Dr. Michael J. Brennan, president of the Michigan Cancer Foundation. I found his letter an eloquent exposition of the need for more and better trained medical personnel. I recommend it to my colleagues and ask that the pertinent portions thereof be printed in the Record:

July 28, 1970.

The Honorable James G. O'Hara,
House Office Building,
Washington, D.C.

Dear Jim: I am vastly encouraged to read the speech which you made to the Congress on the nation's manpower crisis in health and the general state of the health budget on Wednesday, July 8, 1970.

As you know, I have been involved in cancer research and in medical education for some twenty years, and now as the director of the Michigan Cancer Foundation, I find myself involved in public health activities of a very wide scope.

There is no question that we shall fail to achieve resolution of the problems of rising costs and inadequate medical services in this country without very substantial increases in available medical manpower. Our society and our economy will certainly eventually be seeing that only by increasing the rewards for the nursing and allied health professions will we be able to draw large numbers of young people towards them. So far as the medical profession itself is concerned, there never has been a lack of applicants, and of qualified applicants. The attraction of this profession exceeds the opportunities for monetary rewards which it provides. Men have been willing to make substantial sacrifices on their own part and for their children to make entry into this profession possible. It is, therefore, a great tragedy that we have never been able in this country to develop the training facilities required to match the high level of willingness to undergo the prolonged and demanding training as so many young men and women are willing to undertake. As we look at the projected health manpower needs of the country, we see that we are many thousands short of those whom we should be graduating, roughly 50,000 short in the present year, and even with the most optimistic projections, we shall continue to be somewhere in the order of 25,000 short ten years from now in the number of young people we should be graduating in medicine. Numerous consequences have flown from this, including parasitization by American society of poorer and less capable societies for medical manpower needs. Of all the world's nations, certainly America ought to be able to export physicians, and it could do a great deal of good with respect to its international relationships by expanding its medical training facilities and research support to the level where one could come here from other countries, take his training and return, bearing with him knowledge and commitments which become a part of one's life during the course of medical education and post-graduate experience.

Whereas many throughout the world now doubt the genuine humanistic concern of American society, nothing could do more to correct that impression than those steps which are within our reach and which are relatively straightforward and simple, and which could elevate our reputation in the care of the ill and our contribution to that work in other nations as well as in our own.

In my field of cancer research and treatment, we see before us a terrible shortage of men fully capable of giving high quality medical care to patients with neoplastic disease. This work is not an easy kind of work, and it is discouraging and demanding as few things are in medicine. Nevertheless, we have more young men applying for fellowships than we can find support to train.

As a member of the National Advisory Council for the Regional Medical Programs and as Chairman of the Michigan Association for Regional Programs' Regional Advisory Group, I see numerous opportunities and initiatives going to waste in the coordination of medical work and in the training of new people for this work, simply by reason of a lack of funds. It is not that the will is not there, or that the candidates are not at the door, but simply that we have never given the appropriate priority to these expenditures in the construction of our budget. I am Chairman of the Subcommittee of the Regional Medical Programs which allots training fellowships for persons who wish to specialize in the treatment of cancer. We had twice as many applications as we could support this year for that kind of training, and I am sure that we would have had even more qualified applicants if there had not been such a state of discouragement throughout the academic and research field in cancer about the level of support that one can look forward to, and therefore the wisdom and worthwhileness of going to the difficulty of submitting applications and encouraging candidates towards this work.

We are anxious at the present time to apply to all of the poor in the metropolitan Detroit area the benefits of the Papanicolaou smear for the early detection of cervical cancer. There is no funding to help us to do this, and there is no funding available to help us to train more of the cytotechnicians we need in order to make this very useful procedure widely available.

We have recently identified the presence of a virus in human milk in young women which is identical in form and general character to viruses responsible for breast cancer in animals. To pursue this work properly requires the building now of a virus isolation facility in which we can with some safety raise large quantities of this virus from human milk. The development of a safe and competent facility for this work would take an expenditure of some $450,000. Through the generosity of the people of metropolitan Detroit, we shall be able in the early part of next year, hopefully, to undertake construction of an additional laboratory for the Michigan Cancer Foundation that will help in some degree in the exploitation of the fine leads that we have now on the control of breast cancer. This $4,000,000 project is going to have to be supported entirely by local funds and it is a tragedy that a community with the initiative to go to this length in support of cancer research cannot receive some help and assistance toward the development of new and appropriate additions to these projected laboratories from national sources, inasmuch as the work to be done in them is certainly not only in the interest of the Detroit community, but of the nation as well.

Many are at a loss to determine where we shall find opportunity for employment for so many young people, particularly those in the racial minorities. Who is going to be hurt most by the withdrawal of federal loans for medical students and nursing students? Certainly, my son who desires to go into medicine will be supported by us to the best of our ability and even undergo major hardship if necessary in achieving his goals. We have been blessed in having available to us the resources with which to make such an effort and to assist him, but certainly equally deserving and competent boys whose parents do not have the resources are now shut off from medicine by this economic barrier and that is especially true amongst people in the racial and national minority groups.

PROBLEMS OF STUDENT UNREST

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. GUDE. Mr. Speaker, when a prominent educator speaks out on the problems of student unrest and campus disorder which create fissures in the bedrock of society, it behooves us to listen.

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This appeal to intellectual stability and reason was made by President George H. Williams, president of the American University, at the commencement of Northern Illinois University on June 6, 1970. I commend this address to my colleagues:

PROBLEMS OF STUDENT UNREST

One reliable indicator of the state of the nation may be the temper of its commencement addresses. If this is so, the gulf that divides our people is broader and deeper than at any time since Lincoln.

The voices of commencement should—and often do—reflect the concerns of young people, and, therefore, the concerns of our future. The voices of commencement this year are angry and, in many instances, unreasonable—or bitter.

But we had better listen. We had better understand what we hear. Only then can we maintain our ability as a nation to disagree without being disagreeable.

Americans, perhaps for the first time, are losing their collective sense of humor—not that there is humor in war or crime or poverty or pollution; but then a sense of humor is never really tested except in the face of desperate circumstances.

Americans, perhaps for the first time, are losing the sense of unity that has, in the past, drawn disparate people and philosophies together in the face of threatened disaster. Our commitment to common goals is being shaken by divisive disputes over better ways to achieve them. And the fundamental unity that has been our best guarantee against political violence and repression may be crumbling. And this is because many people point out the difference between the ideal of American life and the reality of our times, because many others assert their distrust of change or their disdain of methods that advocates of change pursue.

We have, as a nation, learned how to shout at each other, but we have forgotten how to talk to each other. We know how to hear, but we have lost the ability to listen. We are more preoccupied with the ideas of confrontation than with the confrontation of ideas.

Too often, we impugn the motives of those with whom we differ and attribute our differences to the lunacy of extremes at both ends of the political, social, or economic spectrum. We seem intent on tearing our nation apart. And it is all so purposeless and so self-defeating.

The accumulated bankruptcy of leadership that has brought us to this day cannot, and must not, be assigned to one man, to one party, or even to one institution. The roots are deeper than that.

Each Sabbath our churches are empty or nearly so. Those few that prosper in attendance attract and hold relatively few of the young, for the language and ritual of formal religion are not the language and experience of war and race and national priority that so preempt the concern of the young. Where have the churches failed?

Our colleges and universities existed until recently in relative isolation from the problems of the world about them. Our graduates have been more attuned to making a living than to making a life. The allegiance of university faculties has been less to enrichment of their students and more to advancement of a professional competence. Where else have they failed?

Our government, at all levels, which so many criticize and increasing numbers reject, is too often the private preserve of leadership by default, thriving on the inability or the unwillingness of dedicated men and women to pay the price of being involved. Meaningful political participation does not extend to those who seek to vote, as they are sought out to defend and to die for their country. Too often they do not contribute to the definition of the urgent issues facing us, nor are they invited to challenge long-held and critically unevaluated premises on which political policy is formulated. Where else has our political process failed?

Business and the professions and the unions maintain a counsel of deception in which their public affirmation of opportunity for all is belied by a principle of no room at the top for minorities and, in some cases, not even room at the bottom. Concentration on quantity overshadows creative impact on quality of life. Material reward is the measure of success. Where else have they failed?

And the family, which in the final analysis is the place where the example of unity and love must be set, if ever it is, is disintegrating or radically changing in the influence it exerts. It is not permissiveness we have to fear, but the absence of love and consideration for all in the family—and for all in the family of man. Where else has the family failed?

Unless we recognize the failures of which these are but illustrations, we cannot hope to restore the confidence that must be the basis of constructive dialogue among our people—people who too often are equally right and equally wrong.

The need is not, as some suggest, for getting tough. Violence breeds repression, and repression begets violence. Together, they spell disaster for democracy.

What we have not tried fully and fairly is getting decent. Legitimate concerns will not be met by the violence-prone academic bullies on the campus any more than by the inflammatory rhetoric of those off the campus who play on fear or appeal to vindictiveness.

If America can resolve its differences by resort to reason anywhere, it is on the campuses of its colleges and universities. But we must remember that it is not only our colleges and universities that are being tested. It is a test of men and women who, at this time in their lives, are on those campuses.

As one reviews this campus year from the perspective of expectations, these may have been our finest or our worst hours—but more likely both.

When violence threatens to overwhelm reason at your university, or mine, or any other, there is no effective appeal except to the members of the university community itself if enduring results are sought. The glory of the university lies in the very defenselessness that makes it easy prey for those who seek to change its character by intimidation from within or from without. A university's commitment to truth and objectivity, and its determination to perform its educational mission may be guaranteed temporarily by transforming the campus into an armed bastion—but only at the price of sacrificing its nature as a university.

When none will rise to its defense and exert the power of moral persuasion that isolates and rejects violence, then that university has already been superseded by a new institution. Call it what you will, it is not a university. And so it is with our nation.

Our universities are not perfect—perhaps even the contrary. But the process by which a university grows and achieves is the process of reasoned judgment. Cowardice, lies, rocks, and bombs are natural partners in the assault on reasoned judgment; and only a few need to attack when the knowledge beforehand is that defense must not be in kind. And so it is with our nation.

But who will speak *for* the essential process of reasoned judgment? Too often, not even a few. They are possessed of a different kind of cowardice—seeking to avoid personal involvement at any cost, including the denial or sacrifice of the values they pretend to revere.

For many, perhaps too many, confrontation is a physical thing—abuse and insult, bricks, fists, tear gas, or, in the extreme, bombs and bullets. All are to be deplored.

The real confrontation is intellectual, and it is much more dangerous. Rocks in the hands of petty tyrants may break windows and draw blood. But thus it has ever been. Windows may be replaced, juvenile slogans erased, and wounds healed. But the violence done to truth and objectivity and ideas cannot be so easily overcome.

For few, perhaps too few, the counsel of reason and of peaceful change is the course chosen against the alternative of intolerance and violence. The voice of moderation is too seldom heard and heeded, and, indeed, is all too often absent from our campuses and from our commencements. And so it is for our nation.

Others will come after you to this great university, and you can leave the fight for civility and reason to them. Your job is done when you receive the diploma you came to get—a kind of honorable discharge from the war against injustice and inequity. A modest annual gift to the alumni fund will more than cover what you owe. Or will it?

But some few of you, and if we are fortunate many, will go on to a quiet kind of greatness in which men and women are committed to a patriotism of peace and to the brotherhood of mankind and to enduring human dignity for all. Let those who think these goals unrealistic remember that they have not been tried and been found wanting. They have not yet been tried.

Perhaps if there is determination to try them, the time is not too far away when commencement addresses will signal a different state of the nation—in which anger is replaced by understanding and the turmoil of these times will give way to renewed confidence and achievement for a reunited nation.

GROWING PROBLEM OF NOISE POLLUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. WOLFF. Mr. Speaker, last Friday three of our colleagues, Representatives ADDABBO, BIAGGI, BRASCO, and I held a hearing in Mineola, N.Y., on the growing problem of noise pollution from jet aircraft. We were seeking new approaches to this unhealthy and distracting noise that is especially bad in New York because of the proximity of two of the world's busiest airports, Kennedy and LaGuardia.

We heard from the following people: Martin Gach and Dr. John Powers for the Federal Aviation Administration; John Wiley for the Port of New York Authority; James Pyle for the Aviation Development Council and a number of elected officials from Nassau County.

Since the statements presented by these local officials were all to the point and all worthy of the Members' consideration I insert my remarks and include those statements in the RECORD. Also I wish to include letters received from certain village mayors who were unable to accept our invitation to the hearing but who did write briefly on this subject:

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Statement of Hempstead Town Presiding Supervisor Ralph G. Caso for Jet Noise Conference

Gentlemen: Forgive me if my words seem weary; I can't hide that numbness of fatigue and frustration that I feel when I address myself to the problem of jet noise. For the past 10 years I have been up to my hip boots in the enduring battle to eradicate jet noise. Pay a visit to the five towns area of my town—the town of Hempstead—and you'll know immediately that the struggle goes on.

We tried back a few years ago to legislate locally against jet noise but, as many of you know, the air interests dragged the Hempstead Town anti-noise ordinance excruciatingly through layer upon layer of courts until finally it was decreed that jet noise regulation is a federal prerogative.

So now we've begun to move on a national level to meet the problem of jet noise head on. More about that later. I am pleased to say that local efforts have not been abandoned altogether. Recently, at my request, New York State Attorney General Louis Lefkowitz announced plans to file suit against 58 airlines and the Port of New York Authority, operator of Kennedy International and La Guardia Airports. I hope to testify as a friend of the court in that suit which aims to have jet noise declared a public nuisance. A court decision in our favor will initially enable the beleaguered victims of jet noise to file suit for damages. In the long run, hopeful, it will convince the air industry of the economic advisability of developing a quiet jet engine.

That's really what I would like to discuss today. A few years ago a blue ribbon presidential panel investigated jet noise and concluded that the development of a quiet jet engine is technologically feasible; it was just a matter of money. Gentlemen, and I particularly point to the congressional representatives here today, I would suggest that the initiative for curbing jet noise must be seized by Congress. The federal government must, in concert with the air industry, appropriate sufficient monies to research, develop and install quiet jet engines. Let's face it, the aircraft is here to stay, it is a keystone of our nation's progress, and this is as it should be. I am no enemy of air transportation.

Where to find the money? Frankly that's a problem for the administration and the congressional leadership, but I would not hesitate to urge that you consider diverting the staggering sums appropriated for the development of the super-sonic transport, the SST.

To date more than $623 million in federal money has been poured into the SST program and experts estimate the national commitment to this flying white elephant will total several billions before it ever gets off ground; and I mean that quite literally.

The threats that this plane poses to our environment—jet noise, sonic boom, pollution of the stratosphere—are staggering. I shudder to think of a huge plane streaking across the country leaving in its wake a coast-to-coast string of broken windows and shattered nerves.

Let's dump this ill-conceived project and use the money to come up with the quiet engine. And while you congressmen are at it, how about consideration being given to a longtime proposal of mine to give the U.S. surgeon general's office power to regulate jet noise? It's going to take a medically oriented agency to understand the significant physiological and psychological effects of jet noise on the helpless sufferers on the ground.

More than 60 years ago Dr. Robert Koch, Nobel Prize-winning bacteriologist, warned: "The time will come when man must fight merciless noise as the worst enemy of his health."

It would not be melodramatic to state that time is just around the corner.

The Federal Aviation Agency, which has scandalously disregarded the public interest to play ball to the air industry, has demonstrated total insensitivity to the problem and inability to solve it.

I also urge that further consideration be given to another old proposal of mine—the creation of a wetport five miles out in the Atlantic Ocean to take the traffic away from congested areas. And how about considering the construction of the metropolitan area's fourth major jetport at a place like Stratford Shoals in the Long Island Sound just off the Connecticut coast. Two projects that are breathtaking in scope but well within the realm of the American technological genius.

And finally, permit me to make a pitch for membership in the National Organization to Insure a Sound-controlled Environment—NOISE. Founded last year this group, which I head as national president, aims to act as a pressure bloc on the national level to speak with one voice for the millions in the country who daily suffer the intolerable burden of jet noise. Municipalities, organizations and individuals from coast to coast are joining our ranks. Several of the congressmen here today addressed our organization in Washington shortly after it was formed last fall, so you know what I'm talking about.

Gentlemen, the people who must live under the planes—and I notice that their numbers increase daily—are growing restless. The air industry has stated it feels it cannot survive if it must spend large sums on noise suppression. I submit to you that, if I gauge the mood of the people correctly, the air industry will not survive unless it moves forthrightly to curb the horrendous screech and roar of its jet engines.

Statement of Glen Cove Mayor-Supervisor Andrew J. Di Paola

Congressman Wolff and members of the congressional committee: As Mayor and Supervisor of the City of Glen Cove, which lies in a holding pattern for Kennedy Airport and in the flight path for LaGuardia Airport, I want to thank you for sponsoring this hearing to focus on the problem of jet noise pollution, which is affecting the physical and mental well-being of so many of our Nassau County citizens.

The whining scream of the jets, as they zoom hour after hour over our homes at minute-and-a-half intervals, as you well know, has made life in the summertime virtually intolerable for residents of many of our communities from the south to the north shore and across the breadth of the island. Our people are running out of patience and, I say to you, that the Federal Aviation Administration has run out of time.

Gentlemen, the Federal Noise Abatement Act, which you played such an important role in enacting into law, was signed by President Johnson on July 24, 1968, exactly two years ago. What has happened since this act decreed that the administrator of the Federal Aviation Administration, after consultation wtih the Secretary of Transportation, shall prescribe standards for the measurement of aircraft noise and sonic boom and shall prescribe such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise and sonic boom?

The answer, as you know all too well, is exactly nothing has happened. The airlines insist that muffling jet engines is too costly and they will continue to fall back on that argument just as long as the governmental agencies with the power to order them to reduce noise refuse to exercise that power.

It took the FAA, until November, 1969, more than one year after the law was passed, and after considerable prodding from public officials such as yourself, to even admit that it was technically feasible to reduce jet noise. At that time, the FAA promised to issue new regulations in 1970, limiting noise from the most widely used planes such as the 707. But Mr. John Shaffer, the FAA administrator, said that it would take two years to write such rules and another four years to fit these planes with noise suppressors.

At the same time, the FAA approved its first noise abatement regulations which would govern the new jumbo jets, with one very jumbo exception, the 747. The FAA said that noise regulations won't apply to them until January 1972 . . . at which time 90 percent of those on order will be already flying.

I say to you that the FAA is flouting the law of this land, the FAA has committed a betrayal of the public trust, it is apparent that the FAA has failed to regulate in the public interest. It is time for a full scale investigation of the FAA by the House Interstate and Foreign Commerce Committee and by the Senate Commerce Committee. Mr. Shaffer's 8-year timetable for enacting a duly promulgated law of the land must be subject to scrutiny and to re-ordered priority.

It is high time that regulatory agencies started to regulate the industries they are supposed to regulate in the public interest, and stop acting as apologists for them. The FAA is not the only regulatory agency that should come under congressional review. We must ask what has been the role of the port authority and of the civil aeronautics board in defending the public interest. Again, the answer is that the airlines industry is not complaining.

I would like to ask the representative of the port authority here today to tell us what criteria are used to determine if there is an over-abundance of service to a particular area. What is the need for three airlines running planes to Chicago every hour from all three airports, if there aren't that many passengers going to Chicago every hour? Why do we need so many half or three-quarters empty jets going to Miami during the summer months? Friends of mine who saw their son off on a teen-tour to the west, three weeks ago, told me that when they got to the airport the tour leader couldn't tell them exactly what flight the boy was going on, because they were going student standby to Denver. They needed a flight with 37 empty seats to accommodate all the kids. If they couldn't get on one, they would get on another, because there were so many leaving within one hour, mostly empty.

If the airlines are not going to be compelled to make their flights quieter. Perhaps they can be compelled to make them fewer. I can think of no quicker method of reducing jet noise than simply reducing the number of jets in the air, and at the same time servicing the public, both on the ground and in the air, better. Why are planes now stacked a minimum of one-hour on almost every take-off and landing out of LaGuardia and Kennedy? Who is looking out for public safety and sanity? Why can't night flights be curtailed, as you have asked, and is done in so many other airports? Are these trips necessary?

The whole matter of C.A.B. assignment of routes should be re-examined. The C.A.B. demands that minimum service of routes be enforced, but what about maximums?

I call on the port authority to institute an immediate freeze on the number of flights in and out of the New York airports and to come up with a feasible reduction plan that would provide noise relief for people on the ground and relieve take-off and landing trauma for people stacked up in flights in the air. I ask that this be done before there is the kind of accident which the air controllers have told us could easily happen in the overworked skies above our heads. Let us investigate, for once, before a tragedy.

Obviously, long range solutions are needed.

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too. The wetport, which has been talked about for the past few years, could become a reality, if we re-ordered our priorities and made it the must-do project it should be; a fourth metropolitan area jetport, if some nearby willing community can be found, would help, provided we did not again let every airline duplicate the services it is already providing at Kennedy, Newark and LaGuardia from the new port; and condemning land for corridors, as has been suggested along some of the Kennedy-Airport areas in Queens, could provide some long-range relief.

However, we cannot wait for these solutions, drastic action is required now. If the Federal Government is ready to spend billions in public money to develop a supersonic transport for the airlines, it ought to be able to compel the airlines to spend some money for homeowners who live under the flight paths to get a decent night's sleep; and it ought to be able to compel the regulatory agencies to see that the airlines do it.

Testimony of Peter A. Korn

Congressmen Wolff, Addabbo, Brasco and Biaggi. My name is Peter A. Korn, City Manager of the City of Long Beach, New York. I am pleased to have this opportunity to appear before you to speak on the deafening and deadly problem of jet noise pollution.

Because of Long Beach's proximity to J.F.K. International Airport, jet noise pollution has become an alarming problem to our community. The greatest impact of the super-jet age is being felt in communities like ours, which are contiguous to Kennedy Airport, where the greatest number of domestic and international flights originate and terminate. By mid-1970, no less than 19 airlines will be operating out of Kennedy with "747" flights, in addition to fleets of 265-passenger tri-engine air buses.

This increased air traffic will intensify the disturbances currently plaguing our population and will cause even greater disturbances to television reception, schools, meetings and religious services and the basic process of living. It will also impair the sleep of countless Long Beach and South Shore residents, affecting their health and hearing and, quite possibly, as the meagre scientific knowledge is beginning to indicate, reduce their very life span.

In the City of Long Beach, our Jr. High School graduation was disrupted by overhead aircraft noises. Churches and Synagogues must interrupt their services, and judges have been unable to be heard while conducting court. People are being disturbed time and again by countless and continual noise attacks from planes. Sleep has become a nightmare. When jets approach Kennedy Airport, all thinking and living processes become suspended while sensory perceptions are tuned to the deafening sounds of the jet engine roar, and when that eases, we tune in on the distant roar of the next approaching plane 50 seconds away. The problem of jet noise pollution in Long Beach has become so prevalent that many individuals have requested something be done about it. One such individual said, "There are times when some planes, either by their size, speed, or altitude, create a sort of concussion when flying over our house—to the extent that we feel as though a blow has been struck on the roof." This condition is intolerable.

Many aspects of our society are to blame for this problem. Aircraft and engine manufacturers are at fault because they have spent more money and time on extending the life of the 707's and developing the 747's and subsequent jets, instead of refitting aircraft engines with silencers. Our Federal Administration is at fault for not creating and enforcing adequate laws, and eliminating unnecessary air flights.

Gentlemen, the time for studies, meetings and hearings is past. The time for immediate action by our Federal Representatives is here. I therefore urge you to initiate the necessary legislation for the effective control and abatement of jet noise pollution plaguing the City of Long Beach, all of Nassau County, and the rest of our Nation.

In conclusion may I say that we recognize we are three months away from the first Tuesday after the first Monday in November? All we ask is that you maintain the intensity of your devotion to this cause later in the year and in the years ahead. We only ask that you "love us in December as you love us in July."

Thank you for this opportunity to speak before you.

Statement by Donal M. Mahoney

We in local government are deeply concerned about the total assault of the human senses of all forms of pollution—be it odor, aesthetics, or noise. A growing pattern of complaint is coming into Town Hall from residents in many areas whose outdoor living style has been curtailed because of repeated noise bursts coming from low-flying jets, and who are finding their sleep disturbed because of the cacophony. Unfortunately we have no answers and no available genie to force airplanes to disappear.

The problem of jet noise is not one with which local government can effectively deal. We can certainly add our voice of complaint, and in so doing bring whatever prestige we may have to bear. But for some positive action and relief we must appeal to the Federal government in the form of the Federal Aviation Authority, and to our representatives in the United States Senate and Congress.

We urge that Federal monies in sufficient quantity be allocated for research that will produce engines much quieter than those now being used commercially. We do not feel cutting down on engine power in landing and take-off, as is reported now, is wise from the standpoint of safety of passengers.

We urge that immediate attention be given to the practicality of building landing and take-off strips out into the water, thereby removing the sound impact from the populated areas surrounding metropolitan airports on the eastern and western seaboards. In the process of investigating the feasibility of such action, we might also direct the attention of the Federal government to the use of inert refuse for creating the bulwark of such strips, thereby assisting not only in the battle against noise pollution but in the battle against waste disposal.

And we urge that the FAA come up with a pattern of landing and take-off which utilizes water approaches to the maximum and creates a fairly distributed radial pattern for the balance. No single community should be forced to bear the brunt of an ever-increasing air traffic necessary to our way of life.

In speaking as a representative of the Town of North Hempstead, I am well aware of the fact that a local municipality cannot offer substantial assistance in solving the problem. We do, however, wish to officially go on record in offering whatever positive assistance and governmental machinery we can. The assault on the eardrums and nervous systems of metropolitan area residents must be halted.

Statement by Mayor William R. Fleischer

The opportunity to address you gentlemen today is much appreciated. I have long desired to get all those responsible for our jet noise problems together in one room.

On Memorial Day weekend of this year, succeeding waves of aircraft, operating at intervals of 45 seconds to 1½ minutes and at an altitude of approximately 1500 feet, proceeded to bombard the residents of East Hills and the Greater Roslyn area:

This bombardment continued for approximately 19 consecutive hours during the course of just one day and consisted of whining, shrieking, deafening, frightening, threatening, penetrating and shrill noises.

These noises were of such intensity that it was impossible to carry on a normal conversation in one's own home.

These sounds were of such intensity that any attempt at outdoor activity became an endurance contest, with our residents as sure losers.

These noises were of such intensity that we found it impossible to carry on normal living under these circumstances.

This intolerable condition proceeded on an almost continuous basis throughout the month of June.

In the past, East Hills and the Greater Roslyn areas have had more than their share of aircraft noise as a fairly steady diet. But we have never been subjected to such an incessant and concentrated barrage. This community is not requesting that we be isolated from jet noise at the expense of others. We have, however, asked answers to these specific questions.

Why, commencing with the Memorial Day Weekend, were we the target of hordes of aircraft flying at approximately 1500 feet? . . . this never occurred before.

Why have we been the target of identical occurrences at periodic times since then? . . . this never happened before.

Why has this community been selected? We are not in close proximity to Kennedy Airport. We were here long before the airport came into being. Our residents deliberately chose to move into East Hills and the Greater Roslyn area to achieve a peaceful, suburban atmosphere away from all forms of air pollution.

These questions are not unique to our area.

These are the same questions that most cities and many villages are asking throughout the country.

We have received an explanation from the FAA with regard to why many more aircraft than usual appeared in our area. The explanation given was that a computer "fouled up", resulting in Runway 22, which immediately affects this area, being used as much as 19 consecutive hours during a 24-hour period.

The FAA, very recently, recognizing that we were getting more than our fair share of noise, has stated that they would attempt to reduce the use of Runway 22 to no more than 8 hours in any 24-hour period. While we appreciate this relief, this is small solace, Gentlemen. I submit, that accepting this pledge given us by the FAA in good faith, that 8 hours is far too much . . . that 4 hours is much too much . . . that any prolonged overflight of any duration is totally unbearable.

Obviously, then, the ultimate solution is not moving the noise from one community to another or alternating the noise pattern. This is not a local problem but is, in fact world-wide.

Let me quote from a recent letter to Senator Charles Goodell, written by George M. Garry, Director of the FAA:

"We have attempted during the past ten years to procedurally reduce the impact of aircraft noise on the communities and we find that we have practically exhausted any further major relief techniques than can be realized through such efforts. It is our belief that only through further technical advances at the noise source and through additional efforts by local officials in the management of efficient and compatible land use can further relief be forthcoming."

Gentlemen, you have the authority to require the airlines to retrofit present aircraft and set a time period for its accomplishment. But how can you realistically set this standard when no such suppressant device exists at the present time?

Why hasn't the FAA and the Congress moved vigorously to develop a noise suppressant device in order to retrofit present aircraft? We fully understand that the 747 and the DC-10 are not quite as noisy as the older aircraft. However, the noise levels from these newer planes are still shattering.

Why hasn't the FAA and the Congress moved to develop a quiet engine for future aircraft? We have noted that under the auspices of NASA a quiet engine project is on stream and is supposedly to be accomplished by 1972.

In this context, the Congress empowered the Federal Aviation Administration in July 1968 to issue aircraft noise standards, stating further that any proposed regulation must be economically reasonable, technologically practicable and appropriate for the particular type of aircraft and aircraft engine. In November 1969 the FAA regulations were amended to limit the noise levels for future subsonic airplanes. The FAA has stated that they are preparing similar regulatory action to limit the noise from subsonic aircraft and the current jet fleet even though the latter may require extensive and expensive modifications. Let me quote from a letter written by Dr. John O. Powers, FAA Acting Director of the Office of Noise Abatement, written to a resident of East Hills:

"We realize that what we have accomplished to date does not reduce the noise you experience every day, but we have taken the first step forward to prevent further escalation of the aircraft noise problem and are proceeding toward reduction of the noise levels you are now experiencing."

I submit, Gentlemen, that all these are just beautiful words . . . that in fact you are bogged-down. . . . The procedure for noise abatement is going at a snail's pace and, at that, I am being extremely generous.

Continuing at this rate of progress, I predict that every citizen of the United States in the not-too-distant future would have to live underground in order to escape from the aircraft noise pollution.

Our population is on the increase.

According to the United States Bureau of Census, our current population as of May 1, 1970 is 205,022,000.

As of 1975, their projection is for 219,366,000.

As of 1980, 235,212,000.

As of 1990, 270,770,000.

The use of air travel is increasing by leaps and bounds. Efforts at placing a fourth jetport within the New York-Metro area and in fact, similar efforts at sites throughout the United States, have been stymied because people throughout our country are appalled at the destruction of our environment. Our citizenship cries out for an end to environmental pollution. This, inevitably, leads to one conclusion.

The FAA and the Congress must enact a crash program to develop a noise suppressant device to retrofit present aircraft and to develop a quiet engine. This must be done now.

It is past time for lip service. It is past the time when we can permit the airline industries to dictate our policy. The FAA, Congress, and all of our elected representatives, must assume the leadership role and insist that this emergency program be accomplished now.

You gentlemen, must put the muscle behind this request. Communities throughout the United States object vigorously to this crushing invasion of their privacy and request and, in fact, demand your immediate assistance and cooperation in obtaining prompt relief from this unendurable situation.

For our part, we intend to pursue this matter at every level until such time as our objectives are achieved.

STATEMENT OF WILLIAM D. DENSON

I appear here as a Mayor of the Village of Lawrence, New York, a community that has been endowed by the good Lord with scenic beauties and natural facilities not possessed by other communities. In short, the Village of Lawrence is a most desirable place to live. It has but one detraction. It is within the path of the planes that take off and land at Kennedy airport.

Your continued efforts to alleviate the intolerable noise nuisance suffered by all of our residents demands my respect and the fervent hope that you will continue these efforts.

Kennedy International Airport—contiguous to our Village borders—represents a noise factor that menaces the health of everyone, regardless of age, in our community—but the greatest sufferers are the young school children and the aged, the former because of the constant and increasing din during their school hours, when teachers must pause every two or three minutes to allow planes flying overhead to pass, so that their pupils can hear. At night, their study hours are interrupted and their sleep disturbed. The aged, who certainly are entitled to the peace and quiet of their homes, are shocked out of their normal and needed rest hours. Conversation, meals and rest must be at the whim of the flow pattern of shattering aircraft noise, which emanates from the planes landing and taking off at two minute intervals.

Our open Board of Trustees meetings, held publicly in the Village Hall at stated times, must be governed by the constant interruption of airplane noise, and a meeting which should take not more than two hours, runs double that time because of the airplane noise which forces each speaker to await for the planes passing, so he can be heard.

We now know, through Mr. John H. Shaffer, the FAA Administrator . . . "that noise around major airports would grow steadily louder in the foreseeable future, despite the promise of quieter planes now in production."

Please believe that as the Chief Executive of Lawrence, I can testify to the fact that these noise levels long ago passed the bearable limits, and alleviation of this nuisance represents the firm resolve of all the municipalities who are so endangered. We seek the aid of any agency—private, governmental, or civic, in our attempts to combat the evil thrust upon us.

There was a time before the problem had been properly researched during which it was thought that no abatement of the noise level was possible without sacrificing safety. For this reason the Courts accepted the evil along with the supposed advantages of an air transport system. But now it is apparent that the progress of science has alleviated the noise condition by utilizing devices known as supressors. These supressors are expensive and according to the airlines are prohibitive when considered in relation to the return received upon the investment made by the airlines.

It is thus apparent that relief, to a large degree, is boiled down to a matter of dollars and cents. If it *is not true* that the employment of sound supressors is economically not feasible, then the airlines should be required to equip their planes with these devices and end the intrusion made by the airlines upon the individual rights of the citizen to peace and quiet. On the other hand, if it *is true* that the utilization of noise supressors is not economically feasible then the responsibility for relief lies at the door of the Federal Government, because the Courts have held that the control and conduct of the airlines is a matter that lies exclusively within the province of the Federal Government and not subject to Town or Village control. Since this control is within the province of the Congress of the United States it is up to the Congress of the United States to alleviate the problem which it has seen fit to impose upon our citizens.

This relief may take the form of a Federal subsidy to aid these economically impoverished airlines to meet the financial responsibility that would be required to equip present planes of the airlines with the noise suppressing devices. This Federal aid is a small price for the Federal Government to pay in order to rectify the invasion of the private rights of the citizens of Lawrence and other areas adjacent to busy airports. This aid should be considered as a part of the price the government must pay in order to insure pre-eminence in the field of air transport.

The first thing required is for Congress to exercise a more direct control over the implementation of the legislation that has been passed to handle the noise abatement problem. The legislative process is not without teeth sufficient to achieve a consumation of the purposes sought by the legislation that it passes.

The second most important aspect of the solution to this problem is to require the airlines to utilize those scientific aids which have been developed to abate the insufferable noise presently emitted by the planes.

Finally, the third and perhaps the most important aspect of the problem is a sympathetic and fair disposition by the Congress of the apparent, but not real, conflict between the rights of the airlines and the rights of the individuals whose interest they are to serve.

Respectfully,

WILLIAM D. DENSON,
Mayor.

INCORPORATED VILLAGE OF
GARDEN CITY,
Garden City, L.I., N.Y., July 28, 1970.

The Honorable LESTER L. WOLFF,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WOLFF: Thank you for your letter of July 23, 1970 advising that you have scheduled a hearing at 9:30 a.m., July 31, at the Nassau County Board of Supervisors Chambers in Mineola on the subject of jet noise and inviting me to submit a statement in behalf of the Village of Garden City.

Although Garden City is not directly in the Kennedy or La Guardia Airport traffic patterns, deviation from those patterns often results in our Village being subjected to jet noise of considerable magnitude. My wholehearted sympathy is with the residents in those communities directly in the flight patterns and of closer proximity of those airports. It is my understanding that the jet noise problem will be compounded and become even more severe as larger planes are put into service.

The Village of Garden City joins with its neighboring communities in urging that Congress and the appropriate federal agencies bend every effort to bring about a solution to this serious problem of jet noise.

My best personal regards.

Very truly yours,

FREDERICK H. SCHNEIDER,
Mayor.

VILLAGE OF GREAT NECK ESTATES,
Great Neck, N.Y., July 29, 1970.

Hon. LESTER L. WOLFF,
Nassau County Board of Supervisors Chambers, Mineola, New York.

DEAR MR. WOLFF: I regret very much my inability to attend the meeting on July 31. The problem of jet noise is one which has been

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receiving increased attention in our village. We have had many letters complaining about the annoyance caused by the re-routing of air traffic to La Guardia.

Our village has been represented at several meetings of the Town-Village Aircraft Safety and Noise Abatement Committee held under the direction of Ralph G. Caso, Presiding Supervisor, Town of Hempstead and we are very much in accord with the goals of that organization. We heartily endorse the action which is being taken by the Attorney General's office against the Port of New York Authority and the various airlines.

With best wishes for success in the campaign against jet noise, I am

Respectfully,

JEAN MARGOULEFF,
Mayor.

VILLAGE OF NORTH HILLS,
Manhasset, N.Y., July 30, 1970.

Hon. LESTER L. WOLFF,
156A Main Street, Port Washington, N.Y.

DEAR CONGRESSMAN WOLFF: Thank you very much for your letter of July 23rd, 1970 relating to the proposed hearing to take statements from the Federal Aviation Administration, the Port of New York Authority and members of the Nassau County Board of Supervisors relative to jet noise and its associated problems.

This is certainly a problem which we in the Village are deeply concerned about. However, unfortunately, the Mayor will be out of the country at the time of the hearing and will not be able to attend. He has asked me to write this letter to you and express his regrets.

Very truly yours,

JOHN P. CLEARY,
Village Attorney.

WHAT IS THE TRUTH?

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. FOREMAN. Mr. Speaker, on Monday morning I read in the newspaper that a former aide to President Kennedy claims that the President was ready to withdraw from Vietnam in 1963 but did not because he feared the political consequences here at home.

Mr. Speaker, that is indeed an interesting statement. It says, in effect, that President Kennedy was more interested in saving his political hide than he was in the lives of American soldiers.

I have been waiting for 2 days for someone to refute what Mr. O'Donnell has said. But the only thing we have is the public record, which shows that time after time President Kennedy said there was a need for the United States to support South Vietnam.

Are we to believe now that what the President said publicly was not so and that only Kenny O'Donnell knows the truth? And are we to believe that he has disclosed this out of a high-minded sense of history and not because he is running for public office.

Mr. Speaker, I am sure when President Kennedy made Kenny O'Donnell his closest confidant he never, never knew where Mr. O'Donnell's ambitions would take him. With friends like this, any President may be better off isolated.

SUPREME COURT NEEDS PORNOGRAPHY RULING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. COLLINS. Mr. Speaker, down in Texas our neighbors have become more and more concerned about pornography. As one good friend said the other day, "I can remember way back in public when air was clean and sex was dirty."

But sex in the public life, in the movies, on the newsstands, has no limits today.

Our forceful editor, Felix R. McKnight, summed it up forcefully in his analysis of July 22 in the Dallas Times Herald.

Here is McKnight's comment on pornography:

The other day in Boston Municipal Court a judge sentenced a defendant for selling dirty, poronographic literature—and the words of Chief Justice Elijah Adlow could be the catalyst of a national explosion.

Justice Adlow leaned over the bench to tell the defendant, and a nation, that, in effect, he didn't give a tinker's damn about U.S. Supreme Court decisions on obscenity.

"I refuse to live by rules made by men who have lost their heads by being elevated too high," he said. "The Supreme Court has put its endorsement on filth and we in this city will continue to entertain a little decency . . ."

Judge Adlow's defiance reflects a formal expression of the feelings and opinions of a vast number of American citizens.

A big majority of normal folk are being pushed around by endless court maneuverings built upon thin personal opinions handed down by some members of the Supreme Court.

It is this majority of five, sometimes more, that interprets "art" and "social value" into filthy films and dirty publications. It makes it all legal, even if clothed in see-through dress. And it breeds permissiveness that is gnawing at a nation's morals.

It is this sleazy, protective arm that gives arrogant "courage" to a young hippie couple sprawled on the University of Texas campus mall—"courage" to lie wrapped in a blanket, gaily toss it off to expose an act of sexual intercourse as a group of visiting high school delegates to a statewide meeting pass nearby.

It is the binding decision by the highest court that hammerlocks City Atty. Alex Bickley of Dallas as he attempts to rid the city of so-called "theaters" that show cheap, motel-made 16mm films that are nothing more than sordid shots of sex acts.

There are Bostons and Dallases all over the country going through the same frustrating experience of attempting to fight obscenity.

It takes direct, forceful action such as has been recently displayed by Dallas Dist. Judges Snowden Leftwich and Owen Giles to bring obscenity cases to the test stage.

Courts and juries should deliver the final decisions in orderly process of law. It is not for newspapers or private citizens to prejudge or pre-empt constitutional rights. But we can applaud when a court enforces its contempt powers and also directs that evidence upon which to base decisions must be produced in the courtrooms.

Nor do we believe the high court will be unheeding to such a point. Some recent decisions have encouraged observers to feel that the Supreme Court itself may have felt that it has gone too far—may be ready to cut back on some of its more permissive rulings. It is about time.

GALLAGHER POINTS TO TWO EXAMPLES OF RISING CONCERN OVER PRIVACY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. GALLAGHER. Mr. Speaker, the Louis Harris poll released on Monday, August 3, states that 34 percent of the American people have concern about invasion of privacy. I believe that when I began my privacy studies in 1964, that figure would have been considerably lower, for as I have often stated, my fundamental purpose has been to create a climate of concern in which effective measures could be taken to protect this precious and, unfortunately, rapidly disappearing right. As an indication of just how much privacy Americans have lost, I take pleasure in inserting in the RECORD the cover story of the July 27 Newsweek. Entitled "The Assault on Privacy," it points out in compelling terms the extremely interdisciplinary nature of the privacy invaders. It also contains strong evidence for a major, fully funded, and fully staffed congressional effort in the area of preserving Bill of Rights guarantees. I have offered such a proposal: House Resolution 717 to create a Select Committee on Technology, Human Values, and Democratic Institutions.

Mr. Speaker, I ask my colleagues to read these two documents as additional reasons for the Congress to launch a major effort to assure that freedom will be the birthright of future generations of Americans, as it was the birthright of this generation.

THE ASSAULT ON PRIVACY

SNOOPS, BUGS, WIRETAPS, DOSSIERS, DATA BANKS—AND SPECTERS OF 1984

At the age of 54, Sigmund Arywitz was a healthy American success story. He was making $30,000 a year as executive secretary and treasurer of the Los Angeles County Federation of Labor, AFL-CIO, his family was sound, his reputation high on all counts, and he had just finished eight prestigious years in Sacramento as state labor commissioner under Gov. Edmund G. (Pat) Brown. But something was awry. In the space of one year, five Los Angeles department stores refused Sig Arywitz charge accounts, and a major car-leasing company turned him down for credit—even though he had a walletful of oil-company and other credit cards and had always paid his bills on time. "At first I was furious," Arywitz recalls. "I am in a sensitive job, the question of my reliability and integrity is important. I *knew* I had good credit. But after a while I relaxed. I figured that if the department stores didn't want my account, the hell with them. My wife wouldn't spend as much."

But the puzzle—and the cloud—persisted. An agent at a second car-leasing firm told him, "Well, with your job and salary, we'll take a chance on you despite your bad credit rating." *What* bad credit rating? "You've sure got a lot of lawsuits on file against you," the agent explained. Given that clue, Arywitz used his influence to pry loose from the car-leasing company the source of the credit slur. And then it all came out. During his eight years in Sacramento as labor commissioner, Arywitz had been listed for the record as the plaintiff or defendant in hundreds of lawsuits

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filed by or against the state labor department. All this time, deep in the innards of a Los Angeles credit bureau, some benighted sleuth was sloping daily through the law journals, noting that a surpassingly feisty citizen named Arywitz had got jammed up in yet another colossal legal action. The credit bureau sold its "information" to every local institution that asked for a credit check on Sigmund Arywitz—namely the five Los Angeles department stores and two car-leasing companies.

In the circumstances, and given the happy ending, the whole incident could be looked at—and laughed off—as a mostly comical contretemps between modern man and his complex society. But encounters of the sort have proliferated to a point where the elemental right to privacy stands in serious danger—where some concerned Americans are in fact asking whether it may not be dying. Over the past twenty years, the U.S. has become (partly of necessity and mostly for good reasons) one of the snoopiest and most data-conscious nations in the history of the world. Big merchants, little merchants, tax bureaus, police organizations, census takers, sociologists, banks, schools, medical groups, employers, Federal agencies, newspapers, motor vehicle bureaus, insurance companies, clubs, mail-order houses, credit bureaus, pollsters, advertisers, mortgage lenders, public utilities, the armed forces—every blessed one of them and scores of other organizations have been chasing down, storing and putting to use every scrap of information they can find about all 205 million Americans, singly and in groups.

The country could not function as it does without this activity. Poured into huge computers, swapped with mountains of other data from other sources, tapped at the touch of an electronic code button, these vast reservoirs of personal information make it possible for government to collect taxes, for banks and schools and hospitals to serve millions of customers and students and patients, for restaurants and airlines and stores to extend immediate credit to people they've never seen before.

But somewhere in the roil of expanding population, vast economy, foliating technology and chronic world crisis, individual Americans have begun to surrender both the sense and the reality of their own right to privacy—and their reaction to their loss has been slow and piecemeal. "The individual is being informationally raped," says Dr. Arthur Miller, a University of Michigan law professor whose career has been given over to the defense of privacy. "The government, credit bureaus, the police and others have their fangs in this guy. They each have their piece of information about this guy, and he doesn't have access to the information."

Rape, of course, is a scare word, and designedly so. But the case file is thick with data supporting Miller's view:

Stephen Blumenthal, a clerk at the Chesapeake & Potomac Telephone Co. of Richmond, Va., told the Senate judicial proceedings subcommittee recently that he and his fellow employees enjoyed listening in on subscribers' phone calls. "Some of the deskmen would cut in on the local chapter of SDS to see what was happening," Blumenthal said. "I liked to monitor whorehouses."

Leon Sanders, a 40-year-old radio newsman, was stuck with a bad-risk reputation in 1964, when the credit bureau of Greater Shreveport erroneously reported that his car had been repossessed—and kept on reporting it despite three letters to the contrary from the Ford Motor Co. Sanders left Louisiana and moved from Dallas to Waco to San Antonio, dogged at every step by the bum credit rap. In San Antonio, when a Ford dealer repossessed a car simply because he had heard about the earlier "repossession," Sanders sued him. But the dealer was a major advertiser on the San Antonio radio station where Sanders worked, and the station fired Sanders. Finally, Sanders gave up and moved back to Center, Texas, his boyhood hometown. "It's made it almost impossible to live in a contemporary society based on credit," he said last week. "We had to live on a pay-as-you-go basis. But I'm okay now in Center. People here have known me all my life and they take my word over that of some credit company."

Mrs. Tomlin Brown, head of the Avis G. Williams branch of the DeKalb County, Georgia, public library, was approached two weeks ago by a man with Internal Revenue Service credentials and asked to identify "users of certain militant and subversive material"—books on explosives, for example, or biographies of Che Guevara. Mrs. Brown replied that her records were kept on microfilm and that it would take hours to pull out a few names. Well, could she keep a record in the future by "flagging" certain dangerous books? "At that point I hit the roof," Mrs. Brown said. "People who come into my library are not going to have to worry about somebody telling Big Brother." IRS denied that its men had ever requested names of readers of "subversive" material, or that the agency was conducting some kind of national reading surveillance. But librarians in Milwaukee, San Francisco and Kansas City soon came forward to say that they had been asked for similar information either by IRS or their local police. "The library's records are public," an Atlanta IRS man argued, and T-men routinely consult public records. Had IRS stopped to consider whether it was invading anybody's privacy? "It never even occurred to us," said the IRS man. "We've done so much of this in comparable situations, and there's never been this kind of furor."

The list of abuses swells. In recent months, whole new mountains of dossiers have piled up alongside the older, quasi-legitimate lodes of information. The U.S. Army was discovered to be keeping a file of ostensible potential disturbers of the peace (Joan Baez, Dr. Benjamin Spock, the NAACP) in addition to its 7 million routine files on the loyalty and criminal status of every present and former soldier, civilian employee or contractor. In California, Pacific Telephone and Telegraph Co. declined last week to say whether it was monitoring more or fewer calls than the 27 million private calls it monitored in 1965. The Retail Credit Co. of Atlanta, which is mostly in the business of supplying confidential reports to employers and insurance companies, fattened the total number of files in its inventory to 70 million; the Hooper-Holmes Bureau, Inc., which concentrates without exception on derogatory information, keeps 9 million dossiers.

Even these compendiums may prove to have been small, rather primitive beginnings. TRW Credit Data, a computerized subdivision of TRW Inc. based in Anaheim, Calif., is adding 50,000 new files a week to its present hoard of 40 million and expects within five years to have a dossier on every American who ever applied for credit anywhere. And in Washington, NASA has awarded Honeywell, Inc., a contract to develop a laser-storage technique that will allow one 4,500-foot magnetic tape to record and instantaneously feed back the equivalent of twelve pages of information apiece on every single person in the U.S. "In a very short time everyone's life and history will be available at the flick of a computer button," says Prof. Andre Moenssens of Chicago's Kent College of Law. "We may end up with 1984 long before we actually get there."

The traditional, largely unarticulated Anglo-American notion of privacy has been threatened repeatedly since the end of World War II, not because Big Brother has been getting surlier but because the technology has been getting more acrobatic. Three separate information-gathering tools—electronic-eavesdropping equipment, psychological testing and the electronic computer—have come to maturity in the past two decades, and each of them opens up a new box of heretofore unavailable data.

Or at least generally unavailable data. Repressive governments have been snooping on their citizens from the time of the Spartan secret police and the Roman Empire's *frumentarii* down through the Inquisition, Napoleonic France and on to today's totalitarian states. It has always been possible for a government (and more recently a corporation, or an angry wife's lawyer) to put together a remarkably complete dossier on an individual—by tailing him, searching all records, talking to his friends and enemies. But this process is enormously expensive and time-consuming. And one used to feel a bit flattered and *distingué* to rate a dossier.

In the past two decades, good old American ingenuity and know-how have democratized the process and brought the dossier within reach of the common man—and his wife. Along the way the U.S. has badly clouded its position as a nation whose citizens have always been automatically guaranteed certain large measures of privacy. The Constitution itself makes no mention of any right to privacy, but the highest courts in the land have always assumed it: the Supreme Court in 1880 forbade even Congress from looking into "the private affairs of the citizen," for example, and much more recently the Warren Court used the unwritten doctrine of privacy to void state laws prohibiting the dissemination of birth-control information.

There is no libertarian so staunch, however, that he does not recognize that the claims of privacy change with society. "The idea that privacy can't be invaded at all is utopian," says Charles Fried, a professor at Harvard Law School. "There are amounts and kinds of information which previously were not given out and suddenly they have to be given out. People adjust their behavior and conceptions accordingly."

The central question is whether Americans have been pushed and cajoled into changing their behavior and conceptions too much too soon for their own good—whether they have succumbed too pliantly to the debatable charms of wiretaps, in-depth questionnaires and other up-to-date invaders of the body private. It is a subtle matter. "There is no great mastermind putting this together for some malevolent purpose," says New Jersey Democratic Rep. Cornelius E. Gallagher, the House's foremost defender of privacy, "but the tendency with rising technology is to use it."

The government-approved telephone tap, cautiously employed during World War II to keep track of spies and saboteurs, is thought to have become so common a police and FBI practice by the late '50s that it was used against every corner bookmaker. Libertarians reacted with some indignation to these secret taps—especially after it got out that J. Edgar Hoover had kept a steady ear on the late Martin Luther King Jr.—and Congress specified in 1968 that the Justice Department, FBI and state and local police could use electronic surveillance only with a court order. Attorney General John Mitchell disclosed last week that his department has more than doubled the previous year's total of 33 court-ordered taps, but this figure is next to meaningless. State and local police also run their own taps: New York authorities alone admit having had 191 of them last year. The Federal government, moreover, reserves the right to tap secretly in the interests of "national security," and nobody (not even Hoover) has any idea how many phones are bugged in all in violation of the law. The only real protection for personal privacy is a spreading mistrust of telephones.

The advent of psychological testing was

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another large postwar dubiety. It certainly seemed a good idea for schools to screen the hordes of bright new faces for signs of emotional trouble—if only to get help for those who needed it. It also made apparent sense for employers to weed out the zanies before they got on the payroll, if possible, and for the Air Force to keep the Strangeloves out of SAC. All this the test-givers promised to be able to do, as well as predicting which man could withstand stress, lead his troops through a coffee break and stay out of trouble with his secretary.

For a while the psychological accountants seemed ubiquitous, extending their services beyond the schools and business into government—where they ran into trouble. Congressional bulldogs—notably Gallagher in the House and Sam Ervin of North Carolina in the Senate—began getting wind of tests in which NASA employees were asked how often they shined their shoes and job applicants at two other agencies were quizzed on whether they had ever had sexual relations with animals. Form 89, a standard application blank, asked about bed-wetting; a State Department secretary was called upon to discuss her own constipation, if any, and possession by evil spirits.

Partly as a result of this sort of exposure—and partly from the discovery that psychological testing doesn't predict a man's performance terribly well—there has been a sharp curtailment of testing by government. In addition, several state governments have surrendered some important jurisdictions they used to assume—legal controls over the sexual lives of adult homosexuals, for example, are gradually being loosened, and abortion is rapidly becoming a private practice, not a criminal one. Largely because of Sam Ervin's wrath, the executive branch of the Federal government under Lyndon Johnson stopped twisting the arms of Federal employees to get them to buy savings bonds, and department heads stopped the practice of putting pressure on employees to give their free hours to designated worthy causes.

All of this represents a fairly enlightened decade's work on the barricades of privacy—and it leaves most persons that much less prepared for the massive flanking attack by that much-paragraphed miracle worker and friend, the electric computer. The computer itself is no enemy—merely an incredibly spacious, incredibly fast adding-machine-cum-filing-system. Without it, the whole nation would have choked on paper by now—or would have had to gear its prosperity back to the number of business transactions that could have been handled by nonelectronic means. Computers are superefficient, in their way. Santa Clara County, Calif., installed a central computerized system for county records, and found that certain property records were duplicated in no fewer than thirteen different county departments—at who knows what cost.

Unhappily, it is the very speed and range of the computer that has made it such a menace. A computer can store—and call up at an instant's notice—billions of items of information, and this is equally true whether it is doing high-speed calculations for astronomers or (through recently developed computer "languages") keeping files on the personal idiosyncracies of thousands of business employees. And it is the nature of an institution, government or private, to use this kind of capacity just because it's there, in a kind of spiral of self-justification. "As information accumulates, the contents of an individual's computerized dossier will appear more and more impressive and will impart a heightened sense of reliability to the user," Professor Miller has written. "A computerized file has a certain indelible quality."

Just how indelible is the stuff of hundreds of contemporary horror stories. An agent for Atlanta's Retail Credit Co., the largest of the rent-a-dossier companies, testified to a Senate subcommittee in 1969 that he was expected to complete sixteen investigations a day, allowing 10 to 15 minutes per file on such questions as whether the subject is a heavy drinker, whether he takes part in "radical movements and demonstrations" and other information of a highly subjective nature. Despite the likelihood of errors, Retail Credit has always done its best to prevent subjects from correcting (or even seeing) their own dossiers. Until 1968, businesses or insurance companies had to promise not to reveal where they got their information. After some embarrassing hearings before Gallagher, Retail Credit deleted that clause from its contracts but wrote a letter with its new contracts saying blandly: "We, of course, are not suggesting any substantial departure from established business practices. If people were sent to us indiscriminately, this would impose a considerable problem and need of additional time."

Some victims of these self-assured dossier companies have been scarred for life. Mike Goldgar, now 51, was chairman of two companies, including a string of Southern retail stores called Dejay Stores Inc., nine years ago, when Dun and Bradstreet put out a misleading credit report on him. When D&B continued to circulate the reports, Goldgar phoned the company president in New York—thereby calling down a vendetta on himself by infuriated D&B agents in Atlanta. A memo saying "He really started something by calling Brackett" (D&B's president), went into D&B files in Atlanta, and by the end of 1962 D&B had finished Goldgar.

When Goldgar took a Caribbean vacation, Dun and Bradstreet hinted that he would not return. They wrote a false letter to New York University requesting information under the guise of a "national security" check. Finally they engineered a phony bankruptcy petition against Dejay, in effect ruining the company's reputation so thoroughly that it really did go bankrupt in late 1962. Goldgar and his companies sued and finally won $6,610,000 when the case came to trial last year, but Goldgar's health is bad, his savings are badly depleted, and Dun and Bradstreet is still fighting the verdict in court.

Even without the sort of malice that came down on Goldgar, thousands of citizens are harassed, humiliated and victimized by the failure of computerized companies to keep up the human side of their rapidly expanding operations. An electronic billing error by a credit-card company or an oil company inevitably draws a protesting letter from the customer, but these firms have clerical resources for dealing with only a fraction of the complaints. So the questions go unanswered, the computers keep spinning out the same unjust bills (automatically enclosing ever rougher threats as time goes by) and finally the whole thing gets turned over to collection agencies whose only function is to get the money. One credit-card holder, a 38-year-old Boston psychiatrist, just concluded a three-year battle with a major credit-card company over an entirely ectoplasmic $3,000 charge. The company's agents telephoned the doctor scores of times while he was seeing patients, they sent a threatening telegram and numerous dunning letters. Even after he hired a high-priced lawyer, it took the lawyer eight months to get a straight reply from the company's lawyer—and even after the company acknowledged that the whole three-year nightmare had been its fault, it weasled (until after a reporter made inquiries) on paying the doctor's legal fees or promising him a written acknowledgement of its error.

Although computer foul-ups at the credit-card companies are common knowledge and large in number (Newsweek Sept. 15, 1969), local and regional credit bureaus routinely accept whatever information the credit-card companies give them—and the companies never seem to acknowledge error. Once the deadbeat mark goes down against a citizen's name, it stays there, following him from state to state, summonable in as little time as fifteen seconds from the memory banks of the computers. What isn't summoned is the all-too-frequent explanation—that somebody mixed up two names or forgot to record a payment, or that the computers went bonkers.

With a few exceptions, the major credit bureaus have resisted attempts at regulation, have decried the proposal that they send out copies of credit reports to those affected (as British companies are routinely required to do by law), and have discouraged anything that would allow victims to come in and correct their own files. While residents of Illinois can delete wrong information if they happen to hear about it—and the New York and California legislatures are considering similar "fair credit" bills—in most states the bureaus still go unregulated and unchallengeable.

The miraculous speed and capacity of the computer are good for recording a great deal of information other than a man's credit-card bill. The average American trails data behind him like spoor through the length of his life—school records, health, tax and Army records, employment records, mortgage and business records, marriage and divorce records, legal records, sometimes even a few newspaper clippings. In earlier, less cluttered days, all these measurements of a man's performance were compartmentalized, scattered and most likely incomplete, and he could leave a bankruptcy or a nervous breakdown well behind him if he chose. The computer complicates that. To demographers, sociologists, cops, statisticians and government planners of all kinds, the computer seemed to radiate a data-filled dream, an informational Valhalla in which everything that was known about everybody would be consigned to one purring bank of magnetic tapes, tended by the priests of computer systems analysis. This also happened to be a dream that gave most libertarians and members of Congress the runaway tremblies, however, and the proposal for a National Data Center was fairly forcibly laid to rest in 1967.

The matter is trickier than that. Even Ralph Nader, who pays for his hotel rooms by cash when he checks in rather than own a credit card, speaks up for the government's right to collect data. "With a complex society we can't make intelligent policy decisions without information," he says. "We've got to have data. The issue is to separate individual names from simple data." With and without separating the names, government on all levels has in fact been linking up computers in many different departments and agencies. Twenty-five states exchange computerized tax data with IRS; the National Crime Information Center runs a two-way information flow with state police in 48 states and with most large cities. The FBI also takes 25,000 reports a year from private credit bureaus, and IRS the same number. "Government has greatly increased its use of computers," says Professor Miller, "and they have pushed toward compatibility. In point of fact, we do now have a National Data Center."

As critics feared, government everywhere has been less than tender with the rights of citizens in its files, especially in the essential matter of removing names from data. The FBI transmits "rap sheets"—criminal bookings—between local and regional law-enforcement centers and FBI headquarters. "Some 30 to 40 per cent of the FBI's rap sheets show arrest records, but not reversals or court acquittals," says Arthur Miller. "As far as the rap sheet is concerned, the man has a record. And the way things work even now, credit bureaus can get their hands on those rap sheets." Ironically enough, the one government agency that has always been scrupulous in regard to privacy is the Census Bureau, but even Census ran into heavy criticism for its long list of questions this year, notably the one about bathroom facilities. The criticism is perhaps a mark of the times; the question on plumbing is not only a valid one (it gives the best measure of the nation's standard of housing) but also appeared on the 1960 census without disturbing anyone at all.

State governments seem to be even less fastidious than Washington. The California Department of Motor Vehicles sells for 40 cents an item to all comers most everything it knows about California autos and the people who own them—name, address, age, sex, physical description, marital status, driving record, make and license of car, even whether the driver needs glasses. Eleven private California firms take space in the DMV building (three of them, including Bank of America, rent-free), and some of them are in the business of sort of pretending to be state agencies—reselling 40 cents information for $2 an item. Auto-insurance companies also make enthusiastic use of these records.

Many private information-gathering agencies are as slipshod as the worst government bureaus, of course, and some are a good bit more venal. One Chicago outfit, called the American Security Council, keeps a card file of 6 million names, including "peaceniks, draftcard burners, pseudo-intellectuals"—all in all, according to its brochure, the "largest private collection on revolutionary activities in America." (Maybe so, maybe not: the Church League of America, based in Wheaton, Ill., says it has a million more names on file than ASC—a treasure trove including anyone who ever "wrote an article attacking and ridiculing a major doctrine of the Christian faith or the American way of life.") ASC is tax-exempt and abnormally respectable—its members include National Airlines, Inc., Sears, Roebuck and Co., Quaker Oats Co., at dues up to $1,500 a year—but its real business is blacklisting. "Some of our members have contracts to the Department of Defense, and they have to be able to show that they have done the proper checking on their employees before they are hired," says ASC administrative director William Lambie. Despite the damage it can do to purse and reputation, ASC refuses to let subjects see their files or correct mistakes. Says Lambie: "It would drive us absolutely nuts if we had people coming in all the time to check their files."

All these public and private Everests of unchecked, unchallenged and mostly unregulated personal records call out clearly enough for some sort of cogent set of standards and guidelines to operate by. "Eventually we have to set up an agency," says Sam Ervin, "to regulate the computers like the ICC regulates transportation—an agency that can regulate what goes in, who has access, standards for removing derogatory information." A tough new bill in the House, sponsored by Missouri Rep. Leonor Sullivan, would correct many credit-bureau abuses, but it may be too tough to get out of committee. Gallagher himself has two vigorous bills before the House, but it would be a help in the meantime if his colleagues would just vote him some money. He has fought the lone fight for privacy for five years on a single Congressional appropriation of $65,000, the most economical campaign since Joshua's at Jerico. Several private institutions have study projects going on the subject—notably one headed by Columbia University Prof. Alan Westin for the National Academy of Sciences.

It may be that privacy will turn out to be an irresistibly clean political issue, like environment. "A civil libertarian is just as interested as a states'-rights man like Strom Thurmond," says Arthur Miller hopefully. Whatever the politics, the essential nobility of the cause shines clearly enough. A man needs to know, as the late legal philosopher Edmond Cahn wrote, that there is a private place where he "can resume his native stature . . . away from the haughty state, the frown, the putting forth of the finger, and the oppressive policings of social order. He can open his collar there and can give vent to his own particular daydreams, his mutterings and snatches of crazy song, his bursts of obscenity and afflatus of glory."

How To Stop Worrying and Love The Computer

In an endearing little book called "The Analytical Engine," published six years ago, the physicist and science writer Jeremy Bernstein recalled the career of Charles Babbage, a wondrous nineteenth-century English mathematician, engineer and genius of sorts who devised the cowcatcher and the speedometer and who once wrote to Lord Tenneyson: "Sir, In your otherwise beautiful poem ['The Vision of Sin'] there is a verse which reads

Every moment dies a man,
Every moment one is born.

It must be manifest that if this were true, the population of the world would be at a standstill. In truth the rate of birth is slightly in excess of that of death. I would suggest that in the next edition of your poem you have it read—

Every moment dies a man,
Every moment 1 1/16 is born . . .

I am, Sir, yours, etc."

Such a man was heaven-sent to invent the high-speed digital computer, and in fact Babbage did his best. He spent the last four decades of his life in a monomaniacal attempt to build an Analytical Engine that could perform every single arithmetical function without any human guidance except the feeding of instructions and the throwing of the switch. For all the ungainliness of its gears, levers and cranks, Babbage's machine was almost unbelievably sophisticated. Like most modern computers, it was designed to have four interconnected parts—a memory bank, a computation section, a control center and what we would call an input-output system. And the whole thing was to be programed with punch cards, a method that a Frenchman had devised to control the machine-weaving of rugs.

Babbage's thinking had outraced the world's technology; what he really needed to make his engine go, was the vacuum tube—which wasn't invented until 1906. Even then, the tube sat around unheeded by mathematicians until the urgency of complex war projects led them to try to put together a machine that would do huge computational jobs at unprecedented speeds. The vacuum tube was ideal because its circuitry is changed from charged to uncharged, from "one" to "zero," in a millionth of a second—and a large enough number of these changes, in controlled sequence, could manage any computation. ENIAC I appeared in 1946, and Sperry Rand's UNIVAC I made the computer famous when NBC used it on election night in 1952 (and called the result on the button).

Bits: In 1954, the world's first business computer (a UNIVAC) was delivered; today the worldwide total is probably more than 100,000 (two-thirds of them in the U.S.). Computers still deal only in two numbers—one or zero—but the giant new machines approach speeds of 1 billion "bits" per second, a hundred thousand times faster than UNIVAC. Miniaturization has enabled the machines to store incredible amounts of information on small magnetic disks or tape, and computer "languages" permit them to "talk" to human programmers on punch cards and to handle complex sequences of instructions.

Computers almost never make mistakes on their own, but they are helplessly dependent on the reliability of the information and instructions fed into them. When the Beachslick Oil Co. sends you a wrong bill, the reason is that the computer got fed a punch card carrying wrong information—either because the key-punch operator made a mistake or because *he* was misinformed. When you then write back to protest, Beachslick's keypunch operators can only search your envelope for your check—if any—and punch the amount you've sent into the machine. The machine matches your payment against what it had been told earlier you owed; if you haven't paid up, the machine spews out another bill the next month. All your arguments fall on deaf ears, because neither the computers nor the key-punch operators have been programed to deal with them.

Ploys: Still, you are not quite helpless. A cabal of computer mathematicians at Harvard has worked out several ways of wiping out the machines entirely, plus a couple of gentler ploys adaptable to general use. It does no good to jump up and down on the punch card in your golf shoes before you send it in, because the operators will just punch another card. But, some dataphobes suggest tearing the card in four pieces and stapling it to the corner of a letter sent by registered mail to Beachslick's president. More subtly, say the Harvardmen, you can simply make a couple of random holes in the punch card, exactly the same size and shape as the other holes, and send it back as usual. The computer, they say, will check your altered card with its own memory tape, will notice the discrepancy and will get very nervous. If your friends are all doing the same thing to their Beachslick punch card, so much the better. Move the extra holes around from month to month, say the thinkers; the idea is to create an impression of many random, nonpersistent errors in the computer. Says one of the Harvards: "They'll get paranoid. Many random mistakes are the industry's Achilles' heel. This system will work to destroy them."

It may even work so well that Beachslick Oil will hire some real humanoids to answer your letters.

Invasion of Privacy Worries 34 Percent: Poll

(By Louis Harris)

One in three Americans (34 per cent) feels that his privacy is being invaded, that people are trying to find out things about other individuals that "are not any of their business." Heading the list of suspect practices are "computers which collect a lot of information about me," "businesses which sell things on credit" and "the government when it collects tax returns."

The issue of the invasion of personal privacy has become the subject of Congressional investigations and widespread comment. It has been claimed that with growing computer storage capabilities, dossiers on individuals could in effect be kept on a whole roster of information, thus threatening basic rights guaranteed under our system.

A large majority of the public (62 per cent), however, does not share these apprehensions. The minority in a nationwide cross section of 1362 who expressed worry did so over a widely diverse list of alleged invasion of privacy, differing considerably among persons in various walks of life. (The remaining 4 per cent were "not sure.")

The groups in the population who complain most of their privacy being violated can be found in the South, among men and among those with the most education. Persons in smaller towns tend to be concerned more than those in big cities. Here are some of the principal areas in which some Americans said that they felt their privacy was being invaded:

One in five (19 per cent) answered in the affirmative to the question whether he felt his privacy violated by "computers which collect a lot of information about you." Computer data banks are a worry mainly among the affluent sector, those with a better education who live in the suburbs.

On the other hand, businesses which demand information before giving credit, a source of worry to a comparable 19 per cent, are singled out to a much larger degree by low-income whites and blacks.

Peeping Toms, "people looking in your windows," are a source of discomfort to 17 per cent of the public, but mostly to young women who live in cities and in suburban areas.

Highest concern about possible government prying through tax returns, singled out by 17 per cent, can be found among those with higher incomes and older people.

But "people listening in on your telephone conversations," suspected by 15 per cent of the public, is most worrisome to young people who live in rural areas where party lines are still used.

—The U.S. Census, which is being taken this year, is viewed as an invasion of privacy by 14 per cent of the public, but is particularly a concern of Negroes and persons who live in small towns.

—Public opinion poll-takers are thought to be a threat to privacy by one in ten, but particularly trouble Southerners and voters who classify themselves as independent in their politics.

—Social Security forms worry 8 per cent of the public, but are believed by blacks to be an invasion of privacy much more than among white people.

To determine specific concerns over privacy, people were asked: "Do you feel your privacy is being violated by the following?"

SPECIFIC VIOLATION OF PRIVACY

[In percent]

	Is violated	Not violated	Not sure
Computers which collect a lot of information about you	19	71	10
Business which sells you things on credit	19	75	5
The Government when it collects tax returns	17	79	4
People looking in your windows	17	80	3
People listening into your telephone conversations	15	81	4
People overhearing your conversations with other people	15	81	4
The Government when it takes a census	14	84	2
Employment interviewers	11	83	6
Neighbors who gossip about your family	10	86	4
Public opinion polltakers	10	86	4
The Government when filling out social security cards	8	86	6
Hotel and motel phone operators	6	80	14
People over you in your work	5	90	5

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SENATOR KENNEDY'S ROLE IN SETTLING THE GRAPE STRIKE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BOLAND. Mr. Speaker, Senator EDWARD M. KENNEDY's work in achieving an amicable settlement to the California grape strike is just now becoming public knowledge. Senator KENNEDY's contributions were many, ranging from getting grapes back on the shelves of chain supermarkets to providing medical attention for the strike leader when a back disorder took him out of negotiations.

A column by Richard Stewart, published August 2 in the Boston Globe, outlines Senator KENNEDY's role in ending the strike.

Mr. Speaker, I put Mr. Stewart's column in the RECORD at this point:

KENNEDY ASSIST FOR GRAPE PICKERS

(By Richard Stewart)

WASHINGTON.—Sen. Edward Kennedy has quietly played a behind-the-scenes role as a mediator between the table grape growers and grape pickers in California.

Partly through his efforts, a large percentage of the grape growers in the state have now signed contracts with Cesar Chavez, grape pickers allowing for collective bargaining, raising wages and contributing to health and welfare funds.

Through his contacts in the business community, Kennedy has also encouraged several of the major food chains to once again display on their counters the table grapes that are shipped in boxes marked with union labels.

The key to whatever success can be attributed to Kennedy's work in the negotiations is the fact that he had friends on both sides of the issue.

One was Chavez himself. When Chavez was bedridden with back problems and unable to take an active role in the grape strike, Kennedy dispatched Dr. Janet Travell, former physician to President Kennedy, who got Chavez back on his feet.

The other was one of the state's biggest, and most successful table grape growers Lionel Steinberg of Riverside, Calif. Steinberg, a Democrat, had been active in President John Kennedy's election campaign in 1960.

It was Steinberg, who had long felt that the grape pickers had a right to collective bargaining, who first enlisted Kennedy's aid in May, 1969. But that initial effort failed when some of the pickers feared that a contract signing with only 10 growers might give the public the impression that the grape boycott was over. Chavez never did attend the month-long negotiations with a Federal mediator.

This spring, Steinberg decided to try to make a break-through on his own and enlisted Kennedy's aid for a second time. Kennedy appealed to Chavez to negotiate with Steinberg alone.

At 3 a.m. on March 30, Steinberg and Chavez signed the first table grape growers contract with labor.

Reached at his California office, Steinberg acknowledged Kennedy's role in the dispute. He said "Kennedy's knowledge of me and his understanding of the background in the strike probably contributed to Chavez' interest. He also established my credibility with Chavez."

Steinberg said Cong. John Tunney (D-Calif.) also figured in getting both sides together.

Soon two or three other growers agreed to sign and by the end of the growing season last month about 85 percent of the growers in the Coachella Valley in Riverside County had signed labor contracts.

Chavez' grape strike, Steinberg acknowledged, was "the most effective boycott in labor history." It had destroyed the Eastern markets at a time when inflation had imposed a cost-price squeeze on the growers.

The combination of the two had reduced the number of table grape growers from 250 in 1963 to 85 in 1969 and reduced the growing acreage from 13,000 to 8000 acres.

Another 700 acres have been taken out of production this year.

Convincing the large chain stores to once again sell the grapes—they were under constant pressures from outraged citizens—posed another problem.

The chains feared they would be caught in a squeeze between the union and non-union growers and were reluctant to order the grapes. One of the biggest chains in the Midwest, the Jewel Co., refused to take any grapes.

But Kennedy initiated telephone calls to executives in several of the major chains such as Stop & Shop and A & P and they eventually agreed to take grapes packed in boxes with union labels.

Enough markets have now opened to union growers that this year grape growers were able to make a small profit.

The problem that remains is to educate the housewife to the fact that those grapes she now sees on store counters can be bought without any moral pangs.

And if she isn't sure, she can always ask.

Kennedy aided Chavez again in June during a strike by Chavez forces against the cantaloupe growers.

The strike was being nullified because Mexican laborers were being used to harvest the crop despite the fact that the state of California had certified that a labor dispute was in progress.

Chavez enlisted Kennedy's aid to block the use of the Mexican "scab" workers.

Kennedy called the Immigration department and within one hour every port of entry from Mexico was closed to Mexicans destined for the cantaloupe fields.

TEACHER'S DAY ESTABLISHED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. EDWARDS of California. Mr. Speaker, perhaps the most significant factor in the future of our Nation is education. Teachers play a major role in shaping the thoughts, ideals, and goals of our youth; they shall, to that extent, determine the direction of our society. The city of San Jose and the Santa Clara County Board of Supervisors have made a significant gesture toward the recognition of the critical role played by teachers in our society by setting aside a day to honor our teachers for the contributions they are making to our national welfare every day of the year.

The following are the resolutions passed by these bodies setting aside September 28, 1970 as "Teacher's Day:"

TEACHER'S DAY COMMITTEE,
San Jose, Calif.

Mr. EDWARDS: Here are two copies of proclamations by city & county. If you do not already have and would like additional information, please let me know.

SUE HUGHES,
Teacher's Day Coordinator.

PROCLAMATION OF THE CITY OF SAN JOSE

Whereas, Teachers are the engineers of the future of our nation, who are entrusted with the important job of formulating the thoughts and ideals that help determine the future of our children; and

Whereas, They are responsible for the guidance and direction influencing the desires, ambitions and goals of young minds; and

Whereas, Because of the great responsibility facing teachers, we feel that recognition for their outstanding work among the young people of today is long overdue;

Now, therefore, I, Ronald R. James, Mayor of the City of San Jose, do hereby proclaim September 28, 1970, as "Teacher's Day" and urged the citizens of San Jose to recognize the contribution that teachers are making to our national welfare.

RESOLUTION OF THE SANTA CLARA COUNTY BOARD OF SUPERVISORS

Whereas, the teachers in our public and private schools have the immense responsibility in our society of educating the youth; and

Whereas, the quality of this education is primarily dependent on the ability and dedication of the teachers.

Now, therefore, be it resolved by the Board of Supervisors of the County of Santa Clara that it does hereby proclaim September 28, 1970 as Teachers Day in order that this community may honor its teachers.

GEORGE SZELL—1897–1970

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. MINSHALL. Mr. Speaker, the greatest conductor since Toscanini is dead. George Szell has joined those musical immortals whose heartstrings are a lute. He had only to raise his baton to erase for his listeners, through the magic of music, the sorrows and troubles of the world.

Tributes in many languages and from men and women in all walks of life are pouring in to honor George Szell's memory. We in Cleveland who took such tremendous pride in having this man of genius in our midst find it difficult to reconcile ourselves to the loss of one who made music a rampart against the cacophony of these strife-filled times.

Both of our Cleveland newspapers have been eloquent in honoring his memory. I am pleased to associate my own sense of bereavement with their impressive eulogies:

[From the Cleveland Press, July 31, 1970]

SZELL LET MUSIC SPEAK FOR HIM

(By Frank Hruby)

We heard of George Szell's death as we drove home from Blossom Music Center last night where the Cleveland Orchestra under his colleague, Pierre Boulez, had just completed another of its Blossom Festival concerts.

It seemed unbelievable that the man who had put Cleveland on the musical map of the world and who had been so very active until just a few weeks before his death, was gone.

My last conversation with him, one of several during the orchestra's concert tour of Japan in May, was typical both of his directness and his confidence that his music would speak for itself.

As we stood in the lobby of the Hotel Osaka Grande (I was about to leave for Cleveland while the orchestra finished its tour) I asked him if he had a word or two for his public back home.

"No," he replied without a moment's hesitation, "your reviews of the orchestra and its reception here will say all that is necessary.

In his last press conference—in front of about 15 Japanese newspapermen and another 10 photographers—he appeared somewhat tired. But then, so did everyone else, for the orchestra's overseas plane had been three hours late the night before, then landed at another city, requiring a two or three-hour bus ride into the small hours.

Even so, he fielded the questions gracefully. Whenever a question came along that involved a value judgment of his own work, he deftly avoided it by referring to someone else in the Cleveland party.

He appeared to be in particularly good form for the opening Japanese concert in the Osaka Festival Hall. It went well, as has been reported, and this was reflected in his demeanor as the concert drew to a close.

As he came back for encores and bow after bow he was delighted that his orchestra had moved the usually stolid Japanese to a standing ovation.

It was a good sign, he said after the concert, that the tour would be an artistic success, which it was.

Thus George Szell goes to his reward, the sound of his success and that of the orchestra almost literally still ringing in his ears. It was a success he carefully masterminded for the orchestra during his 24 years here.

A grateful Cleveland which watched him change a fine orchestra into a great one will indeed miss him.

GEORGE SZELL—A MASTER BUILDER

(By Jim Frankel)

George Szell was a builder in both the spiritual and physical senses. His particular gift was his ability to do both so well.

On coming to Cleveland in 1946 his first task was to rebuild the orchestra, which had been experiencing instability following the departure of Artur Rodzinski.

But painstakingly and, perhaps to some, ruthlessly, he built a new orchestra man for man.

He expected virtuoso performances from each player, because only through superb musicianship could he faithfully convey a composer's intentions to the listener.

And thus the Cleveland Orchestra began to acquire the reputation it has today.

"The so-called Cleveland sound is a homogeneous, chamber-music sound—a classically noble string tone perfectly blended with singing woodwinds and exquisitely clear brasses," wrote Joseph Wechsberg in the New Yorker magazine two months ago.

"Szell has so forcefully emphasized lucid phrasing and clear articulation that these have become second nature for his orchestra," Wechsberg added.

The passion that guided Szell was the highest fidelity to the composer's truth. He never ceased studying scores, always searching scores, always searching for the essence of the composer's meaning. It was a rare combination of intellectual power and emotional sensitivity.

This was Szell, the spiritual builder.

But George Szell also was canny enough to know that good music needed audiences, and that to build audiences, organization was important.

After succeeding in fashioning his vast symphonic instrument, he decided a permanent chorus was necessary. So he imported the nation's top choral conductor, Robert Shaw, who developed the Cleveland Orchestra Chorus. This expanded the repertoire, added glamour and musical excitement—and produced sell-out crowds.

Then there was the interior of Severance Hall. Accoustically it was unacceptable to Szell in the age of phonographic high fidelity. So the faded blue carpet was removed and the stage reshaped so the sound of music would have the highest fidelity possible. It was a wondrous change.

Szell also was mindful of the next generation. He felt that the children deserved the same high standards as he set for adults. So he changed the leadership of the famed children's concerts.

This was one of Szell's more painful acts in Cleveland, but in his search for musical truth he felt it was necessary.

Finally, there is Blossom Music Center—the great physical monument to Szell the music builder. It was just two years and 10 days before his death that he conducted the opening concert in what has been described as the most sophisticated summer music pavilion in the world.

It is a fitting house for the orchestra that Szell built.

George Szell died on a Thursday night—the orchestra's big night of the week—while his men were performing at Blossom.

Even in death, George Szell was the master of precision and timing.

[From the Plain Dealer, Friday, July 31, 1970]

FEAR, ADMIRATION, AWE STIRRED BY SZELL'S BATON

Dr. George Szell was the last of the old maestros. He was the last survivor of the Beecham-Koussefitzky Reiner-Toscanini generation of stern orchestral disciplinarians who earned from their players admiration for their musicianship along with fear, respect and awe for their tempers.

Dr. Szell was born in Budapest June 7, 1897, to an upper middle-class Hungarian-Slovakian couple. His father was head of a company that provided private-police protection for the city's gentry.

His interest in music showed early. It was said that at four he would slap his mother's wrist when she struck a wrong note on the piano. It is certain that he began serious study at 7, and soon was known by the admiring nickname of "The New Mozart."

He studied in Vienna and Liepzig with such greats as pianist Richard Robert and composer Max Reger. One of his fellow students under Robert was the youthful Rudolf Serkin, who later became a favorite Szell partner in concerto performances.

Szell made numerous public appearances as a child prodigy pianist and already was beginning to compose music, too. Then one summer when he was 16 he was at the summer resort of Bad Kissingen when the conductor of the visiting Vienna Symphony fell ill. The young Szell, who had been hanging around the orchestra, was asked to conduct. He did, and continued for more than 57 years.

It was composer Richard Strauss who persuaded the teen-age Szell to take up conducting as a career. Strauss also opened doors for him, securing for him his first post as conductor at Strasbourg in 1917. There followed posts in Darmstadt, Dusseldorf and finally Prague.

Most of his own compositions date from those days. There was a symphony, lyric overture, piano quintet, rondo for piano and orchestra (which he played in public at the age of 11) and, most notably, a set of variations for orchestra on an original theme (his wife later was to call this one "very Straussian and well put together.")

Szell reached the conducting big leagues with a post as assistant conductor at the Berlin State Opera, which he held from 1924 to 1929. In 1927 he began teaching in Berlin's Hochschule fur Musik, and was, at the same time, guest conducting all over Europe.

His career as a pianist had not been neglected. At 17 he had played the Beethoven "Emperor" Concerto with the Berlin Philharmonic and he was becoming increasingly known as a Mozart player.

In 1929 he accepted a post as head of the Prague German Opera and held it for eight years, gradually widening his guest conducting appearances. He had made his American debut in 1930 as guest with the St. Louis Symphony.

Like so many other German musicians, Szell felt the political pressure building up with the rise of Hitler to power. He went to Glasgow in 1937 to assume leadership of the Scottish Orchestra, and never lived year-round in Germany again. (He never saw his

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parents again, either. Presumably they died in a Nazi concentration camp, since the Szells were Jewish).

The Scottish Orchestra disbanded after about a year, and Szell spent the 1938–39 season conducting in Australia. He drifted back to the United States and was marooned there by the start of World War II.

These were lean years for the Szells. He had married Helene Schulz in 1938. It was his second marriage, a previous one having ended in separation.

To keep alive Dr. Szell accepted a teaching job in the opera workshop of New York's New School for Social Research and also taught theory at the Mannes College of Music.

His big break came when Toscanini invited him to guest conduct the NBC Symphony. It was the first assignment in America to match Szell's growing international stature. From that point his career traveled in an uninterrupted upward path.

His next big break was his debut on the podium of the Metropolitan Opera House. The opera was "Salome" by his former patron, Strauss. The date was Dec. 9, 1942. He stayed at the Met for four years, giving widely acclaimed readings of Wagner and Strauss, plus fine performances of "Boris Godounoff," "Don Giovanni" and "Otello."

In 1946 when Erich Leinsdorf, after completing his Army service, decided not to seek reappointment as conductor of the Cleveland Orchestra, Dr. Szell, who had made a deep impression in guest appearances during Leinsdorf's absence, was offered and took the job. He left the Met's regular staff, though he continued guest appearances there until 1954.

He saw the Cleveland position as an opportunity to take a good orchestra and mold it into exactly the type of ensemble he always had dreamed about.

This he proceeded to do after first demanding and getting complete artistic carte blanche from the orchestra's board. He increased the group's size over the years from 82 to 110 and relentlessly drove it until it broke into the Boston-New York-Philadelphia axis of America's top orchestras. He lengthened the Winter season from 18 to 26 weeks and brought to the orchestra the Szell hallmarks of absolute clarity of texture, perfect balance among the choirs and fidelity to the printed note.

Stories about his temper are legion—and many of them are true. His career path was marked by squabbles and the acid comments of those who had run afoul of him. His final break with the Metropolitan in 1954 was typical. He simply sent a letter to Rudolf Bing stating that under "present conditions" he did not wish to continue there, and that was that. The exact nature of the "conditions" never was explained publicly, but the break-off has been held up by critics of the Met as a perfect example of the company's failure to retain top-flight conductors.

Someone once remarked to Bing that "George Szell is his own worst enemy."

"Not while I'm alive," the quick-witted Met Opera manager replied.

In 1962 Szell started a transcontinental feud by abruptly breaking off a guest conducting stint in San Francisco and denouncing the city's cultural climate ("the worst I have seen in 50 years as a conductor.")

When culture-proud New York asked his opinion of the then spanking-new Philharmonic Hall, he called it "an insult to music" and suggested it be torn down. He once halted a concert at Severance Hall in midmeasure and scolded his audience for coughing too much. Only when the coughing subsided did he start over. He once caused a minor flurry at Severance by condemning as "trash" the music played at concerts for school children.

He did not hesitate to fire, on the spot, the orchestra's well-respected first oboe, Marc Lifschey, after a rehearsal spat over Lifschey's intonation.

Szell sometimes was criticized for the conservative cast of his programs. He had, in his time, conducted a good deal of modern music, including the world premieres of operas like Rolf Liebermann's "Penelope" and Wener Egk's "Irish Legend", but he always relied heavily on the 19th-century Central European classics of Beethoven, Brahms, Dvorak and the like.

He once declared that it was his specialty not to have any specialty, but always to adapt himself completely to the intentions of whatever composer was before him. Once he remarked happily, "Every day new people come to life who have never heard Beethoven's Fifth. They are a small benefit of the population explosion."

Artists who played with and under him testify unanimously to his complete musicianship. A magazine once characterized him thus: "He remains an Old World personality, bridging two cultures and finding imperfect footing in the new one whenever he runs into anyone less serious and dedicated than he is himself."

He made a specialty of sight-reading at the piano the full orchestral scores of new music, a feat he drilled into the young conductors he brought to Severance Hall for training.

Each spring, as soon as the Cleveland season ended, Szell would head for Europe where he mixed golf and relaxation with a few guest conducting appearances. By arrangement with a string of hotels on the continent he got the same rooms each summer. For years he was a summer fixture at the famed Salzburg Festival.

Dr. Szell became an American citizen in 1946 and a resident of Shaker Heights in 1951. He enjoyed cooking, but found little time for it, and liked to refer to himself as a "suburbanite" and a Clevelander. Said he once: "We musicians are very fortunate, for we make our living doing the thing we like best to do."

When Szell took over the Cleveland Orchestra there were many who felt Cleveland would be a mere stepping-stone to the conductorship of the New York Philharmonic. His frequent and lengthy guest conducting engagements with that orchestra and the fact that he maintained an apartment in New York kept that rumor alive during his entire Cleveland tenure.

But he enjoyed nothing more than showing off his Clevelanders to sellout crowds of cheering New Yorkers on annual Eastern tours. When Leonard Bernstein resigned as conductor of the Philharmonic, Szell's name figured prominently in gossip about a successor. Szell did consent to become interim musical adviser to the Philharmonic pending selection of Bernstein's successor, but he never wanted the top job itself. It eventually went to Pierre Boulez, who also held the concurrent title of principal guest conductor in Cleveland.

Szell led the Cleveland Orchestra on four triumphant foreign tours—in 1957, 1965, 1967 and 1970. The greatest of these was the 1965 trip, a 10½-week journey through Russia and Europe. The three-week 1970 tour earned the orchestra great acclaim in music-hungry Japan at the Osaka World's Fair.

In his early years in Cleveland Szell made many public appearances as a pianist, but these were abandoned after about the middle 50s. Then in 1968 he suddenly appeared as pianist on a widely-acclaimed recording of Mozart sonatas with violinist Rafael Druian, his concertmaster at that time. The record showed that his gifts as a pianist were intact.

Szell's complete command of the Cleveland Orchestra muted any talk of an eventual successor. At various times in recent years the names of Stanislaw Skrowaczewski and Boulez have been suggested, but both appear to be fully occupied with their own international careers.

Szell had been extremely active over the years as a recording artist and he leaves a rich legacy of recordings with the Cleveland Orchestra, the London Philharmonic, Vienna Philharmonic, London Symphony, Czech Philharmonic, New York Philharmonic, Berlin Philharmonic, the Concertgebouw of Amsterdam and other groups. A prized rarity of many collectors is a recording of two Mozart piano quartets in which Szell appears as pianist with members of the former Budapest String Quartet.

David Wooldridge, in his 1970 book "Conductor's World," calls Szell "a musician to whom all compromise is utterly alien... But for all his dispassionate objectivity, there is about Szell a quality of the intellectual which is very engaging, and he will on occasion permit himself a certain dry humor which betrays a sharp sense of wit."

Perhaps the shrewdest summing-up of the Szell impact was made in this sentence by former Plain Dealer music critic Herbert Elwell: "His reputation for being a severe disciplinarian has not brought him the kind of affection received by personalities of a warmer, more lenient nature, but nobody ever achieved distinction without rigorous standards."

SZELL'S DEATH CALLED LOSS TO MUSIC WORLD

Clevelanders last night mourned the death of Cleveland Orchestra director George Szell.

"The world of music has lost a great master," said Frank E. Joseph, chairman of the Musical Arts Association, who was with Dr. Szell when he died at the Hanna House of University Hospitals.

"The Cleveland Orchestra has lost a great conductor and I have lost a great friend."

Thomas Vail, publisher and editor of The Plain Dealer said, "Dr. Szell was a giant in the world of music and was the principal architect in making a fabulous orchestra one of the greatest in the world.

"His death will be deeply felt but the orchestra he helped to build is so great that it will continue on its high level as a tribute to him and to the people of Cleveland who supported him."

Mayor Carl B. Stokes said he was "deeply saddened by the death of one of Cleveland's finest and most renowned citizens."

Stokes said "the loss of Dr. Szell is most tragic, not only for this city which drew (upon) his talents and became internationally recognized as the home of the world's finest orchestra, but also to the world of classical music in which he so magnificently performed."

The mayor said "the heritage he has left us in musical enrichment will be an everlasting monument to this city and to his memory."

"I'm sure we all realize this is a great loss not only to Cleveland but to the entire world," said Francis A. Coy, president of the May Co. and a member of the board of trustees of the Musical Arts Association. "I'm going to miss him as a warm friend and an outstanding figure in the musical world."

"It's almost like living in 1865 when someone asks you about Lincoln's assassination," said Walter M. Halle, board chairman of the Halle Bros. Co., and Musical Arts trustee.

"This is one of the greatest losses to this community in its cultural area that we've had. He's a loss to the world as much as he is a loss to Cleveland.

"He has a most extraordinary influence from every point of view. His great forte was understanding and transmitting that understanding through his music. He had a way of imparting this to people he was directing which was unique in his field."

"It will be a terrible job to fill his place," said Walter K. Bailey, vice president of the

Musical Arts Association. "It's a great loss to the orchestra and to the city."

Szell: He Tasted Greatness

Few men did more to enhance Cleveland's reputation than did the late George Szell. To many people around the world he and the Cleveland Orchestra symbolized the city.

Szell brought musical greatness to Cleveland and he put that greatness on display every time he stepped on the conductor's podium in Severance Hall or in a concert hall anywhere.

Of all Cleveland's attractions, its symphony orchestra has ranked among the highest. Szell, more than any other person, was responsible for this standard of excellence.

His reputation was that of a stern taskmaster, a demanding conductor who would settle for nothing less than the best. This approach did not win him endearment, but it resulted in musical perfection. His flawless craftsmanship was widely admired.

In his 24 seasons as conductor of the Cleveland Orchestra, Szell rebuilt the ensemble according to his own rigorous specifications. Before coming here in 1946, he already had earned acclaim in his native Europe as a conductor and pianist.

Szell represented a link with the great maestros of the past. He was part of a generation of musical giants who have all but disappeared. His own career as a conductor was very much influenced by the famous composer Richard Strauss, who helped him get his first position.

Szell will be best remembered for what he leaves behind—the Cleveland Orchestra. Seldom has a richer legacy been left to a city.

[From the Cleveland Press, July 31, 1970]

Public Service to Pay Tribute to George Szell

As a crescendo of tributes to George Szell from the world's musical greats were pouring into Cleveland today, plans for a public memorial service Monday at 4 p.m. at Severance Hall were being made.

Words of sorrow were expressed today by such music notables as Leonard Bernstein, Pierre Boulez, William Steinberg and Eugene Ormandy.

The full Cleveland Orchestra, which Szell so flawlessly maneuvered to world fame, will play at the memorial service.

The Szell funeral and burial will be private, and the family has suggested donations to the orchestra's pension fund instead of flowers.

Dr. Szell, 73, died at 9:50 last night at University Hospitals where he had been under treatment for a heart attack.

Though it was known that he had been ill since returning with the orchestra from a triumphant concert tour in Japan, news of his death while the orchestra was playing at Blossom Center last night stunned musical circles.

William Steinberg, the 71-year-old conductor of the Boston Symphony said, "The music world has suffered a great loss in the passing of George Szell, who was my life-long friend and colleague.

"We always were in close touch wherever we were. His utmost characteristic was that his was the greatest musical integrity and he did not hesitate to put this forth in whatever he undertook. His representation of the classics belongs to the exemplary expressions in our weird times in which musical values get shakier every day."

Steinberg will include the funeral march from Beethoven's Eroica Symphony in tonight's Boston Symphony Concert at Tanglewood, Mass. as a tribute to Szell.

Tonight's performance by the Philadelphia Orchestra of Beethoven's Ninth Symphony at Saratoga, N.Y. will be dedicated to Szell, Stanislaw Skrowaczewski will conduct.

Eugene Ormandy learned of Szell's death after conducting the Philadelphia Orchestra at Saratoga last night. Friends say Ormandy took the news very hard and had a difficult night because of it.

Ormandy said today, "The world has lost one of the great musicians, one of the great conductors and one of the great intellectuals of our time. And I personally have lost a dear friend."

Former secretary of state Dean Rusk said, "The loss of George Szell is a grievous one, not only for the people of the United States but for the entire world. He and his orchestra gave us an unforgettable evening in Washington when he came to help celebrate United Nations Day. It was only one of many rich contributions he made to the life of this nation."

"The world of music has lost a great master. The Cleveland Orchestra has lost a great conductor. And I have lost a great friend," said Frank E. Joseph, president of the Musical Arts Assn.

"We are all extremely saddened," said Associate Conductor Louis Lane.

"What Dr. Szell has meant to us as individuals will certainly be something we will want to live up to as long as we play," said Concertmaster Daniel Majeske.

"Dr. Szell's death means a great loss to the world of music; also, I have lost personally a good friend," said Pierre Boulez, the orchestra's principal guest conductor. "He helped my conducting career greatly." Boulez is now conductor of the New York Philharmonic.

HURRICANE CELIA

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BUSH. Mr. Speaker, I think everyone in this room should commend the Federal Government for the action it took in responding to the emergency situation created in Corpus Christi, Tex., by Hurricane Celia.

At the time the hurricane struck, Secretary of Commerce Stans, Small Business Administration Administrator Sandoval, and Chairman Castillo of the Cabinet Committee on Opportunity for the Spanish Speaking were in El Paso, Tex., attending a conference on minority business enterprise. President Nixon appointed Secretary Stans and Administrator Sandoval as his special emissaries and they were among the first to reach the scene.

Mr. Sandoval immediately declared the area an SBA disaster area. He called 75 people to the scene from other SBA offices. In addition to the regular office in Corpus Christi, four other offices were opened in the area. All were put on the alert to handle these special claims.

Secretary Stans immediately put full Economic Development Administration emphasis on helping the people in the area solve the problems caused by the hurricane. By special order, applications for EDA funds from the area were given privileged status.

Both Secretary Stans and Administrator Sandoval promptly reported their findings from the inspection trip to President Nixon who immediately labeled the area a national disaster area enabling the people in and around Corpus Christi to benefit from all of the Federal Government's disaster assistance programs.

Further, Secretary Stans contacted Secretary Romney who dispatched HUD personnel to the site to help with the housing shortage and dislocations ensuing from the disaster.

Mr. Speaker, the purpose of my remarks today is to commend these two men and their agencies for the speed with which they responded to the needs of the people in the Corpus Christi area in this emergency situation. Needless to say, other agencies of the Federal Government, such as the Coast Guard and the Treasury Department, are doing a remarkable job in aiding victims in the area. But, these two agencies—Commerce and SBA—gave, it seems to me, exceptional assistance to the situation, at the very highest level, which I feel should be given recognition by the Congress and by the people of Texas.

ACCENTUATING PARENTAL RESPONSIBILITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. ASHBROOK. Mr. Speaker, to cope with the problem of an increasing crime rate among the young, the suggestion has been made from time to time that the parents be held legally responsible for the violations of their offspring. One community, Madison Heights, Mich., a suburb of Detroit, has enacted such a law, and to date the results are promising.

The Baltimore Sun of August 1 carried an Associated Press story on the new approach in Madison Heights which I am inserting at this point in the Record:

Jail Threat to Parents Cuts Youth Crime

Madison Heights, Mich., July 31.—Police are getting better co-operation from parents and the number of youthful repeat-offenders seems to have dropped since passage of a law making parents legally responsible if their children commit two crimes a year, say officials of this Detroit suburb.

Upon conviction, parents can be given a maximum penalty of 90 days in jail and a $500 fine.

No parents in the middle-income community have been prosecuted since the law was passed in January. But, police, city and school officials say the effects of the ordinance are noticeable.

Police said they had no statistics yet, but that the law has produced a greater co-operation from parents whose children break a law.

Patrolman Bernard Michrina, in charge of the Police Department's juvenile detail, said that parents "who before came in my office and gave me greater resistance or refused liability for what their children have done, now seem to take better control of the family situation."

Patrolman Michrina said of the 100 juve-

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niles brought into his office in a month, he warns the parents of about 5 of them about the law and the need to better control their children.

REPEATERS REDUCED

"My repeaters seem to have dropped off considerably," said Patrolman Michrina, who said that only one family had faced the possibility of going to Municipal Court on the charges.

The youth involved had committed some vandalism and then had been involved in a firecracker incident. The second charge, however, was not brought against the youth.

Mr. Michrina said after several talks with the parents, it ended up by them "saying they were glad we had" the ordinance.

Mr. Michrina said parents and youngsters disagree about the law.

"I found parents herald the law as wonderful and the majority of students think the ordinance is unjust and should be banned," he said.

Mayor Monte Geralds said he knew of no other city in the nation with such an ordinance.

NADER GROUP CITED

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. HOWARD. Mr. Speaker, in the 5 years that I have been privileged to serve in this distinguished body, I have had the pleasure of working toward the same goals as Ralph Nader on several important projects.

Four years ago, our mutual concern was automobile and tire safety. Congress passed legislation requiring certain safety features on cars and minimum Federal safety standards for tire construction and durability. Ralph Nader was one of the leaders in that fight.

More recently, a project which I have worked on and which Mr. Nader has championed is the "air bag," an inflatable occupant restraint system, which protects riders in an automobile collision. His focus has continued to expand with the creation of the Center for Auto Safety and the Professionals for Auto Safety.

Mr. Speaker, Ralph Nader has continued to press forward with his efforts to represent the average citizen, the little man, who has at best a weak voice in Governmental regulatory processes. But more than that, Mr. Nader has worked to instill this constructive, public interest orientation in the youth of our Nation. An article in the Asbury Park Press for Sunday, August 2, 1970, offers an excellent insight into Mr. Nader's young people and their work. I wish to include this in the RECORD as a tribute to Mr. Nader and his "Raiders," but more importantly for perusal by my fellow Members:

NADER'S RAIDERS ARE INTERNS IN SERVING THE PUBLIC INTEREST

WASHINGTON.—Here comes the Nader's Raider, girded with justice and armed with virtue, sallying out to succor the Citizen in Distress. The knavish bureaucrat thinks on his misdeeds, and fear turns his bones to jelly.

Any young applicant who nurses that fantasy about Ralph Nader's Center for Study of Responsive Law is put straight in a hurry. The crusader image gets in the way of work and the organization wants to shake it.

"It's not simply a matter of good and evil. You want to go beyond just catching somebody sleeping on a couch or stealing $10,000," says George Locker, 20, of Ardsley, N.Y., who in the center's terminology is not a Raider but a summer Intern.

He is one of 200, mostly students, who have been chosen from 3,000 applicants to spend 10 weeks or more scrutinizing big corporations and government agencies to see how well they serve the public interest.

But the center, a nonprofit institution with Nader as managing trustee, general overseer and adviser, has more in mind than studies. It aims to train and foster what amounts to a new profession, the public interest specialist.

"We expect these three summer months to be not simply an exciting interlude in the life of the student, but the beginning of a career of involvment," says a statement defining the program.

After a summer of digging, interns, project directors, and center staff members will compile reports on what they have found. Previous reports have often been sharply critical, but the center insists it is not after scandal.

"We don't go in looking for faults. That would destroy the spirit of objective research," says Philip Volland of Buffalo, N.Y., an Oberlin College junior and an administrator for the summer program.

"We try to evaluate, and to be as objective and truthful as possible."

It is a sober approach, not attractive to the romantically inclined. An intern's day has all the drama of 16 hours with a government document, and often it amounts to just that.

Take the day of Locker and his roommate, Peter Adams, 22, of New York. They are friends from the State University of New York at Stone Brook, and both are working on one of the 15 summer projects, a study of the Interior Department's Bureau of Reclamation. Like many interns, they receive no pay from the center. They make do on $600 each from a study grant.

Work begins with a visit to headquarters, a four-story brick house replete with turrets, staircases, and odd corners that recall some of the gothic governmental arrangements some researchers are probing. Then it's off to government buildings in search of books, pamphlets, files, and occasionally an interview with an official.

Like most interns, they find most officials and staff friendly and cooperative, sometimes a little professorial. The interns try not to alarm them.

"I introduced myself to one very nice gentleman and he said, 'Oh, what did we do wrong?' " says Locker.

"They sort of feel you're a cop. But I haven't met any openly hostile people."

"There is a lot of cooperation within the agencies," says Volland. "The people in the agencies are generally interested in finding out how effective they've been."

But the interns are told also that attitudes may change over the summer. Growing trust may encourage one official to open up; another may feel the researchers are getting too close for comfort.

A typical afternoon for Locker and Adams is devoted to digesting material gathered in the morning. One day's harvest for Locker, whose assigned specialty is the Reclamation Bureau's involvement in planning and building hydroelectric dams and generators, includes:

A two-volume Federal Power Commission survey, a copy of the FPC 1969 annual report, a treatise entitled "Federal Regulation of the Electric Power Industry" by the FPC, Proceedings of the National Electric Power Policy Conference, a copy of the Federal Power Act and a statement of the FPC chairman before a Senate subcommittee.

In the evening, Locker and Adams read some more, compare notes and get to bed around midnight. That goes on seven days a week.

"The main difference between the weekend and the rest of the week is that you don't have appointments," says Locker.

One day for Barry Wilner of Short Hills, N.J., might begin at nearby Rockville, Md., talking with the man who lets research contracts for the National Air Pollution Control Administration. Wilner, a second-year law student at Georgetown University, and five other young lawyers, a scientist and a girl who knows mass transit, are framing a study of the government's dealings with "think tanks"—outside consulting firms.

The man gives Wilner a fat computer tabulation of contracts and a vacant office to sit in. Wilner picks 30 or 40 titles that look interesting, then goes into the contracts themselves.

Perhaps "Analytic Studies in Air Pollution," $289,913, to IRW Inc., or "Study of Reaction Kinetics of Limestone-Dolomite with Sulfur Dioxide in a Disperse Solid Contractor," $385,340, to Battelle Memorial Institute.

Wilner is not interested in the chemistry, but in the anatomy of the contract; how did it go to the contractor; how much was bid by whom; what kind of facilities and staff does the contractor have; what kind of record?

After four or five hours with the legal jargon, he goes home, writes a memo on what he has learned, any ideas he has had. Later in the evening, at 8 or 9, there is a project conference.

"I'm going to be living with this project much more intensely than I would with any subject in school," says Wilner. "It's a happy summer doing the work, but there's so much material to cover you really don't have time to do anything else."

What looks to the uninitiated like a small, well-defined area of inquiry has a way of mushrooming, Locker explains.

Starting cold in mid-June, Locker soon found he would have to learn not only about the Reclamation Bureau and power but about how the state and federal governments sell power, who pays how much for electricity, practices of the private power industry, licensing practices, the Tennessee Valley Authority. And he is just beginning.

"To master the whole thing is the equivalent of doing a Ph.D. dissertation in 10 weeks," Locker says.

"We'll be pretty tired by the end of the summer," says Adams. "There's always a nagging doubt that we're biting off more than we can chew."

The center itself has undertaken an ambitious summer. Two years ago there was one small task force; last summer there were 105 workers and five major projects. This year there are 200 interns, 15 projects in Washington, D.C., California, Georgia, Maine, and New York, and a budget of $150,000, most of it in grants from small foundations.

How good are the reports? Detractors chuckle at what they see as a futile attempt to get to the bottom of a complex situation in a few months with a handful of relatively inexperienced personnel. They point out how easy it is for some organizations to cover up—either by withholding information or by offering it in such volume that it is impossible to go through.

A spokesman for the Food and Drug Administration, whose agency was accused in a recent report of laxness in enforcement and of general subservience to the food processing industry, said "another half year of researching and editing and they might have had something.

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"In general, we think the report has a lot of things in it that were valid, a lot of things that were changed a long time ago, a lot of things that were being changed when the report was made and a lot of things that were just plain not true."

Asked for specific examples, the spokesman said he could not recall any.

Defending the reports, Theodore Jacobs, executive director of the center, says: "As far as not being able to do an in-depth study in 10 weeks, that's not our purpose. Experience has proven that we can get sufficient information to do an important study in the time given.

"There is so much available to say, that merely skimming the cream is enough to yield a sufficient and valuable study."

Observers point out that the FDA study whatever its limitations, brought to light many such items as the pigeonholed internal memo on cyclamates—dated about nine months before restrictions on the artificial sweeteners were imposed—in which an FDA scientist called strongly for curbs on their use.

Even critics acknowledge that the studies perform a service in informing the public, and charges of inaccuracy are rare. Nader himself points out that in his position he can't afford to be wrong.

The complaint heard most often is of moralizing and rhetoric in the reports, which at times lapse from clinical language.

A study of the federal air pollution agency, for example, characterizes President Nixon's support of a controversial proposed bridge over the Potomac as irresponsibility "almost on a par with the nomination of Judge G. Harrold Carswell to the Supreme Court."

But it takes more than simple scientific curiosity to attract intelligent people to months of slogging through data for a maximum sum of $900 and an average of $450. It takes a sense of mission.

"Something must be done," says Wilner, echoing the words of other interns. "Something has to be done to investigate this tremendous growing bureaucracy that's mismanaged with such consistency."

On the other hand, the interns are far from revolutionary madmen.

Interns are chosen for analytical ability, personability, awareness of social problems, expertise in some area and proven ability to work hard—including grades. Wilner is a Phi Beta Kappa, Locker, a B-plus student with varied outside interests. About 80 percent of the interns have done or are doing graduate work. They are interested in how things run.

"It's the structure that perpetuates what's wrong or what's right in America, rather than any individual political career," says Wilner. "You have to know how the structure is set up."

Wilner likes "dealing with concrete things rather than ideology. It's not going down in front of a bureau and demonstrating—although that has its efficacy. But I feel more comfortable working here."

The career pattern of public interest advocate has not yet emerged fully. But Wilner expects he will be dealing with something like urban affairs; Locker plans to go to law school and thinks of forming an organization similar to the center.

"Nader's working on social change in 10 to 20-year terms," says Adams, who is going on to graduate school in public administration. Most activist students, he says, "even the ones who are doing political action now, with some exceptions they aren't getting into political organizations for the long range.

"Nader is trying to persuade people that there are things that can be done—that change is not only not impossible but really not all that difficult.

"If you can learn to do this in 10 weeks," Adams says, "you can do it again."

LOUIS "SATCHMO" ARMSTRONG

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. BOGGS. Mr. Speaker, at the recent Newport Jazz Festival in Newport, R.I., thousands of jazz lovers gathered from all over the world. They came to delight in and to enjoy this indigenous American music and also to celebrate the birthday of one its foremost practitioners, Louis "Satchmo" Armstrong.

Louis Armstrong was born in New Orleans, La., in 1900. For 70 years, almost, he has been playing the trumpet and earning the admiration and affection of millions of people all over the world. He is, indeed, our "Ambassador of Good Will," and it was fitting that he celebrated his 70th birthday at a jazz festival, with a trumpet in his hand, in the company of his many friends and admirers.

I am inserting in the RECORD several articles describing the birthday celebration of this gifted artist from New Orleans:

SALUTE TO SATCH

(By Leonard Feather)

Just as Louis Armstrong's contribution to jazz has been a source of inspiration to millions, the occasion of his 70th birthday has brought the world a little closer together, in gratitude for his arrival at this milestone and for our fellow-membership with him in the human race.

To a few who salute him here at Newport, Louis is a contemporary. To others, those in their middle years, he is a generation removed yet central to the memories of adolescence. Neither of these groups need be told what Satch has meant, still means, always will mean in terms of the very foundation of jazz as an art form.

Accordingly, one addresses oneself to those who constitute a majority of the present constituency. To them, Louis Armstrong is a figure seen on late night television, chatting with Carson or Cavett, singing Mame or Hello Dolly, mopping the most famous brow in the world, then sitting down and telling stories that make young whites blanch and young blacks mutter, while older viewers smile understandingly, because Louis is a product of a certain America which, in his own oblique way, he has helped to make a little more livable for all of us.

To the young, Louis may be a father or grandfather figure, an historic image to be respected, a clown to be put down, or perhaps a coalition of all these. It is regrettable that those to whom even Miles Davis is an elder of jazz cannot make their way, as some of us happily could, through the long time tunnel that began with Louis, then evolved through the Red Allens and Roy Eldridges to the Hacketts, Gillespies, Terrys, Newmans and the thousands more whose debt to Louis is beyond calculation.

Heard in the dazzling sonic context of today's cornucopia of sounds, Armstrong's music is simple and negotiable enough not to seem to require any examination. Yet to mature record collectors, students and historians, to trumpeters (yes, and saxophonists and pianists and singers and arrangers) who had to go through Louis to arrive at themselves, his magistral horn and nutmeg-grater throat reveal hidden subtleties just as meaningful, just as relevant even today, as the busiest solo by the most abstract and exploratory innovator of the decade now upon us.

Jazz was still essentially a folk music, barely beginning to take on an air of urban sophistication, when the Armstrong of the classic Hot Five blues records in the late 1920s, followed closely by Louis the renovator of popular songs in the early '30s, turned the music world around. It wasn't just the sheer-silk purity of sound, nor the totally personal phrasing, nor the way he grabbed that high C in West End Blues and held on to it for four slow-tempo measures. It was a certain mystique that grew up around Louis, that elevated him even in the shoddiest of musical settings to the rank of genius, the first improvising genius in the history of jazz. More than that, it was his power to create out of elementary chord sequences a new and utterly entrancing melodic line. Once committed to records, it would be imitated note for note by musicians from San Francisco to Stockholm.

I once observed that there are in fact three Louis Armstrongs. There is Louis II, the incomparable musical influence, a catalyst who represented the zenith of the improvisatory art. This was the Armstrong of Gully Low Blue, Struttin' With Some Barbecue, the original Basin Street Blues, and in due course Ain't Misbehavin' and I Can't Give You Anything But Love and all the others that took him from Chicago to Harlem to Broadway to Piccadilly. Better known, of course, is Louis III, the show-business personality, the symbol to whom the adjectives beloved and inimitable are invariably applied, the wide-eyed character whose antics were immortalized on the screen when he teamed up with Bing Crosby for Pennies from Heaven in 1936, and the dozens of movies that later perpetuated the stereotype while affording us a small and eagerly received measure of the music.

Less familiar to his public, not well known even to those who believe they have pierced the facade of Louis III, is the human being, Louis I, a black American born back o' town in New Orleans, the family man, the idol of his neighbors.

The scene at which I became fully aware of Louis I was the Mardi Gras Parade of 1949, at which he realized his lifelong ambition to become King of the Zulus in the black segment of the parade. Two days before Shrove Tuesday, Louis and his combo, with Fatha Hines and Jack Teagarden and Sid Catlett, played a concert at Booker T. Washington Auditorium. During the show several dignitaries of the Zulu Social Aid and Pleasure Club crowned Louis king. It was the first time in the 33 year history of the club that the Zulus had reached out to bring a nonresident member home for coronation, instead of crowning the usual undertaker, merchant or porter.

On the morning of the parade, a motley group gathered outside Louis' hotel, many of them in tattered clothes, clearly hoping for a handout (and few of them waited in vain).

While Satch took care of the indigent well-wishers, the streets were lined solidly with blacks and an occasional white. The balcony projecting from the funeral home, a major stop en route, was packed to the last square inch, since it overlooked the grandstand that was to receive the king. The babble in the streets grew to pandemonium as the parade came into view and Louis' float arrived.

After waving to the wildly cheering multitude, the King was helped off the float. He wore traditional blackface makeup (still acceptable in 1949), a crown, a long black wig, a red velvet tunic trimmed with gold sequins. A big cigar was stuck in his mouth; he carried a silver scepter. As he edged slowly through the mob to the upper echelons of the funeral home, a frail little old lady hugged him. This was Mrs. Josephine Armstrong, Louis' grandmother. She bore her 91

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years with pride as newsreel cameras whirred and the spirit of the celebration reached its height.

This was not the Louis who had played for Europe's royalty, nor the Satchmo for whom they had lined the streets of Tokyo with flowers. This was Louis I, the kid who used to run coal carts along the back streets, the cat they called Dippermouth back when he went on up to Chicago in 1922 to join King Oliver's band and start on the upward spiral. For the real, humble Louis, it was a hero's homecoming.

It is necessary to understand this Louis in order better to appreciate what went into the creation of Louis II the jazzman's idol and, perhaps inevitably, Louis III, the global conqueror.

Because of public demand, it was logical that in due course Louis would concentrate more on his singing and offer us less of the matchless horn than musicians and critics would have wanted. But Louis the pragmatist has long known what the public loves most and has long provided them with his guttural transmutations of popular songs of the day.

Blowing a horn on long strings of one-night stands, sometimes in unbearably hot or excruciatingly cold foreign climates, is not the most comfortable way to spend one's advancing years. Time duly caught up with Louis and in 1968 he fell ill. Far sicker than most of us knew ("We almost lost him," says Lucille Armstrong), he emerged from a harrowing year of convalescence and resumed, a few months ago, a pattern of occasional appearances as a singer.

Whether or not the golden horn is ever blown again in public, whether he works or uses the leisure he has long deserved and too long postponed, Louis has long since earned our lasting love and respect; he has no more dues to pay.

Many years ago Murray Kempton wrote of him that "He endures to mix in his own person all men, the pure and the cheap, clown and creator, god and buffoon . . . like the Mississippi, pure like its source, flecked and choked with jetsam like its middle, broad and triumphant like its end."

Happy seventies, Louis.

Musical Events: Newport Notes

Friday, July 10th: Newport, as Henry James discovered, can make a philosopher of anyone. Its contrasts do it: airborne eighteenth-century houses within calling distance of bloated, eighteen-nineties mansions; CinemaScope skies, capable of simultaneously displaying a line squall and a clear three-quarter moon; a rocky, blowing coast and acres of asphalt parking lots; oceanic meadows and jumbled back streets; and those venerable opposites—Trinity Church and Touro Synagogue. All of which led me back this evening to the philosophical speculation about every fat man's containing a thin man struggling to get out, which immediately suggested the Newport Festival and its resident thin man, jazz. For sixteen years, the Festival has continued to put on pounds, with its increasing number of acts (many musicians bitterly resent this assembly-line programming and, economics willing, have long since forsworn the Festival), its longer and longer concerts (no ear can intelligently absorb more than three hours of uninterrupted music, but some Newport concerts last *six* hours, its growing gaggle of m.c.s., and its many do-nothing groups. And yet every once in a while the thin man escapes. He certainly did tonight. The evening was designed as a celebration of Louis Armstrong's seventieth birthday, on July 4th, but it was a lot more than that. (The only eulogistic claims came from Senator Claiborne Pell, who appeared to forget Armstrong's name at the climax of his encomium, and from Armstrong himself, who, in the middle of singing "Just a Closer Walk with Thee" with Mahalia Jackson, suddenly switched to "Hello, Dolly!," to Miss Jackson's consternation.) The ten-strong Eureka Brass Band, from New Orleans, opened the evening. Its members had room to roam around the stage as if they were marching, and the acoustics suggested the group's glorious reverberations when it parades through one of the narrow streets in the French Quarter. Cap'n John Handy, the irrepressible seventy-year-old alto saxophonist, who seems to have absorbed everyone from Sidney Bechet to Charlie Parker, was on hand, and there were a snare drummer (Clé Frazier) and a bass drummer (Booker T. Glass) who between them managed sliding boomlay-boom patterns that any bebop drummer would admire. Bobby Hackett brought on a faultless quintet (Benny Morton, Dave McKenna, Jack Lesberg, Oliver Jackson), and it was a delight to hear Hackett's Armstrong-Beiderbecke bells alongside Morton's climbing, worrying melodies. Then a beguiling group called the New Orleans Ragtime Orchestra appeared. It was put together earlier this year by Lars Edegran, a Swedish pianist who has been working in New Orleans for the past four or five years, and it consists of trumpets, clarinet, trombone, violin (William Russell, the great New Orleans jazz scholar), and the leader's piano, bass, and drums. It is a facsimile, right down to the arrangements, of the ragtime band led by John Robichaux in New Orleans before the First World War. (Ragtime, an elegant, complex, non-improvised music that flourished, mostly in the form of piano music, from 1900 to 1920, was one of the mainsprings of jazz.) It is a warm, gentle ensemble music (there are no solos) that moves along in waltz time or two-four time and accomplishes that spooky trick of making one feel nostalgic for an era and place and way of life one has never known. Particularly memorable among the numbers played were "St. Louis Tickle" (1904) and "Creole Belles" (1900). The Ragtime Orchestra was followed by six sterling trumpeters who in various ways were brought into being by Armstrong—Joe Newman, Hackett, Jimmy Owens, Wild Bill Davison, Ray Nance, and Dizzy Gillespie. ("Louis Armstrong's station in the history of jazz is unimpeachable," Gillespie announced before playing, "and I would like to thank him for my livelihood.") Each, in top form, played two numbers, backed by McKenna, Larry Ridley, and Jackson, and the finest moments were offered by Gillespie in a slow, languorous "Ain't Misbehavin'" and in "I'm Confessin'," in which he sang an affectionate mock-parody of Armstrong; by Hackett's "Thanks a Million;" by both of Davison's numbers (he is, I suppose, wholly out of fashion, but, in his rampaging, bent-note way, he is admirable); and by Owens' superb "Nobody Knows the Trouble I've Seen," in which he played the tune in the low register, unobtrusively changing a note here and an accent there, which resulted in a first-rate piece of improvisation that sounded like straight melody. After Nance's second number, Armstrong himself appeared, and sang three numbers, accompanied by the rhythm section and Hackett's glancing obbligatos. Armstrong is still recuperating from a nearly fatal illness and he is not allowed to play his trumpet for more than an hour a day. But he looks fit and composed, and he was in excellent voice. The ovation was tumultuous, as was fitting for the man who made jazz a majestic music.

After the intermission, the Preservation Hall Jazz Band, made up of the nucleus of the Eureka Brass Band, played five stirring numbers, then gave way to Mahalia Jackson, who sang magnificantly, thereby raising a curious point of musical physiology. Small singers are apt to sound delicate and even remote, while large ones are almost always formidable. The last time I heard Miss Jackson, three years ago, she had lost a great deal of weight and her enormous voice had dwindled to a magisterial whisper. Now she has regained most of that weight, and with it her voice. Her first six numbers were stunning, and when she got to "Just a Closer Walk with Thee" she became almost savage. Her statuesque stage presence is celebrated, but in "A Closer Walk" she charged back and forth, growled, danced, shouted, and clapped her hands, and when Armstrong joined her she almost swallowed him. And after the "Hello, Dolly!" aberration had been swept aside and the two of them began "When the Saints Come Marching In," the results were empyrean.

Saturday: This afternoon's concert started at noon and ended, about fifteen hours later, around six. The first three sets were in "workshop" form, and they involved two violinists, four trumpeters, and four drummers, who played and then answered questions, most of which went like "Are you planning any more albums?" or "Did you go to music school?" Of the violinists, Jean-Luc Ponty and Mike White, Ponty was by far the more impressive. A classically trained player, he has the tone and technique that most jazz violinists lack, and his reading of the old "Yesterdays" was, with its John Coltrane colorings, rich and assured. The trumpeters (Owens, Gillespie, Newman, and Nance) played onstage while the drummers (Philly Joe Jones, Elvin Jones, Jo Jones, and Chico Hamilton) played at the back of the field, and after the trumpeters' first number, a good "Sunny," I went over to hear the drummers. They were, with the exception of Philly Joe Jones, who was neat and forceful, in a desultory, self-absorbed mood. Jo Jones appeared baffled, Chico Hamilton was stiff, and Elvin Jones was inconclusive. The trumpeters were followed onstage by a Rocklike Japanese quartet, led by Sadao-Watanabe, whom George Wein, who runs the Festivals, described as the Charlie Parker of Japan. Elvin Jones' quartet and Chico Hamilton's quartet went by, and so did a quintet led by Gary Burton. Keith Jarrett was on piano with Burton, and in the first number he played a fascinating, out-of-tempo solo that touched on Debussy and Schubert and Bill Evans. By this time, it was five o'clock and my battery was dead. Still another group was scheduled, but I went back to my hotel to recharge and watch the swallows, relish the openness of Newport, and bring on the evening.

The thin man got out for a while tonight, and it was exhilarating. Kenny Burrell, accompanied by Ridley and Lenny McBrowne, opened the proceedings, and then acted as a rhythm section for Dexter Gordon, the forty-seven-year-old tenor saxophonist, who has spent most of the past decade in Europe. Absence sometimes jams the memory, and I had forgotten how persuasive Gordon was in the early fifties, when, combining elements from the styles of Coleman Hawkins and Lester Young and Charlie Parker, he constructed the model later followed by Sonny Rollins and John Coltrane, who in turn brought along almost every tenor saxophonist who has appeared in the last fifteen years. Gordon has the ironwood tone that is now commonplace among tenor saxophonists, and an equally familiar amelodic way of phrasing that is made up of pitching runs, espaliered blocks of notes, and chameleon rhythms. There are few open places in his solos, which, with their cathedral-like intricacy and weight, are difficult to absorb at one hearing. He is a consummate musician who goes after the mind and not the emotions. He was, according to the hair-raising logic that governs most of the programming at the Newport Festivals, allowed only two numbers, but they were just about perfect. (The irrelevant Japanese group that played this

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afternoon had more time.) The second one, "Darn That Dream," was closed with a stately, winding coda that recalled some of the weighty proclamations Coleman Hawkins liked to end his slow ballads with. The violinists, augmented by Ray Nance, reappeared, and Nance, playing an unabashedly soaring blues and a "Summertime" that was so intense it leaned on the listener, took the cake. Dizzy Gillespie's new group played five predigested numbers, and then accompanied Don Byas, the fifty-seven-year-old master tenor saxophonist, who, like Gordon, has long been based in Europe. Byas, who is one of the most proficient admirers of Hawkins' operatic side (Hawkins was myriad; mere facets of his style often provided entire foundations for other players), was also allowed just two numbers, but they were spacious enough to reveal his curving melodic lines, his Southwestern tone (a yearning, big-bellied quality shared by Herschel Evans and Buddy Tate), and his ability to swing very hard. He also demonstrated that innate, dowagerlike assurance and poise that seem unique to the best of the musicians who came up in the thirties. Next, Nina Simone, who has become more interested in the message in her songs than in the singing of them, posed here and there about the stage for a half hour, and then made way for a blessedly short set by Herbie Mann, a flutist who is also good at posturing, and his group. The evening was closed by the Ike and Tina Turner Revue, a funny, churning ensemble that consists of a nine-piece band led by Ike Turner, who plays guitar; the Ikettes, a female trio that dances and sings; and Mrs. Turner, who is beautiful and a fine shouter. The materials were gospel-soul-funk-blues, and I lost track of them when I got to watching one of the Ikettes, a tall, angular girl who liked to turn left when her compatriots turned right and who kept her mouth in a steady O, either because she was out of breath or because of sheer astonishment at finding herself where she was.

Sunday: There are always one or two please-the-people-and-make-a-buck concerts at the Newport Festival, and tonight was a dandy. Eddie Harris, a fashionably hard tenor saxophonist, started things, and then backed a young and extremely talented composer named Gene McDaniels, who sang a couple of his own songs. He is a sharp, eloquent lyricist, and the best of his songs, "The Silent Majority" (pronounced "majoaratee"), had, among other necessary things, a couplet about the silent majoaratee "gathering around the hanging tree." Les McCann, the pasha of soul-soap music, came on. He was followed by Leon Thomas, the singer and yodeller. Thomas should attempt "The Star-Spangled Banner;" the results might be definitive. More soul soap, this time from the Adderley Brothers, and then Buddy Rich appeared. He looked gray and tired and his band sounded the same. He did, though, get off a series of stunning four-bar breaks on a medium blues. They knocked one's wind out, and few drummers have known how to do that. Ella Fitzgerald finished the program, and she provided further proof that a singer's weight is to the voice what yeast is to bread. She has slimmed down considerably and so has her voice. It was the high, bobby-sox quality of her "Tisket-a-Tasket" days, and it made all her songs, which ranged from "Satin Doll" to "Raindrops Keep Falling," sound piping and pale.

Most of this afternoon belonged to the thin man, but not until the appearance of Roberta Flack, a singer-pianist in her late twenties. She is a handsome, poised performer, she has a rich, steady contralto, her phrasing runs in the gospel tradition, and she has an electrifying sense of dynamics. Her first five numbers were roomy and subdued, and then she let loose on "Reverend Lee," a funny, affecting song by Gene McDaniels about God's sorely tempting a preacher. Her handling of the words "Reverend Lee," repeated a dozen times during the song, was magic. Each time they came out differently, but in the best version she made the two words into ten, jamming some syllables together, separating others, and all the while granting almost each letter a different note. It was a goose-pimpling display of melismatics. Then Bill Cosby, one of the champion people, brought on his twelve-piece Badfoot Brown and the Bunions Bradford Marching and Funeral Band. It is made up largely of Los Angeles musicians, and includes a tenor saxophonist, a trombonist, two fender bassists, three guitarists, two pianists, an organist, and two drummers. In the first two numbers, the band accompanied Shuggie Otis, a sixteen-year-old blues guitarist and the son of Johnny Otis. He played a slow blues and a medium blues, and they were spectacular. The first was full of yearning and misery and pain (he is a motionless performer who smiles steadily, and the contrast between his coolness and the passion pouring out of his guitar was hilarious), and the second was a glistening celebration of cheerfulness and good feeling. Then the Bunions Bradford came on, and for forty-five minutes played one number, apparently arranged by Cosby, that was, though too long, comic and ingenious and unique. It also swung as hard as anything I've ever heard. Most of the instruments were electronics, and the piece, which was blues-based, included samplings of just about everything good that has been invented in the past decade and a half by the "new thing" school, by Charlie Mingus, by the Modern Jazz Quartet, by John Coltrane, by Miles Davis, and by the best rock groups. The tempo went up and down, there were dozens of slamming breaks, there were improvised duets, mountainous organ-chord climaxes, snatches of wild blues shouting (by the organist, Stu Gardner), a walking-bass passage, and a section in which the organist sang and played a rheumy, a-cappella "White Christmas," which was startlingly interrupted several times by drum duets. Cosby conducted the piece with such intensity and precision and humor that one had the impression that he was *playing* the band.

Monday: Over forty thousand people attended the Festival, despite uncertain weather and despite its being one day shorter than usual. Even better news is that the audience was made up largely of kids, who had come not to be sociological but to listen. Maybe the end of the tunnel is in sight.

[From the Washington Post, July 23, 1970]

TEN THOUSAND HONOR "SATCH" AT NEWPORT JAZZ FESTIVAL

(By Hollie I. West)

NEWPORT, R.I.—Louis Armstrong brought 10,000 shouting and clapping persons to their feet last night as he walked on stage to open the 17th annual Newport Jazz Festival.

It was a happy crowd, vociferous in its admiration. The night was all Satchmo's.

Musicians from all over the country were on hand to pay tribute to Armstrong, who turned 70 on July 4. Celebrations have been held in several cities since his birthday and others are planned.

The world's best-known jazzman and frequently called America's greatest ambassador of good will, Armstrong sang three songs, "When It's Sleepy Time Down South" (his theme song), "Pennies From Heaven" and "Blueberry Hill."

He came back to close the program with Mahalia Jackson. As they sang "Just a Closer Walk With Thee," there was a torrential cloudburst.

The downpour lasted five minutes. The crowd, soaking wet, stood fast and shouted for more. A jubilant Satchmo, joined by a host of New Orleans musicians, gave them "Hello Dolly" and "Mack the Knife."

He performed all with a gusto that belied the kidney infection he suffered almost two years ago and that has kept him from appearing in public recently. As expected, he did not play his trumpet because of his convalescence.

Armstrong looked trim and immaculate—conservatively cut brown suit, yellow shirt, a rust tie.

Accompanying him were cornetist Bobby Hackett, pianist Dave McKenna, Bassist Jack Lesberg, and drummer Oliver Jackson.

Hackett described himself as the "number one Louis Armstrong fan" before playing "Thanks a Million," an Armstrong hit.

Joining him in a trumpet tribute were Dizzy Gillespie, Wild Bill Davison, Jimmy Owens and Ray Nance, all of whom played two pieces, each associated with or written by Armstrong.

Gillespie said: "Louis Armstrong's station in jazz is unimpeachable. If it hadn't been for him there wouldn't be none of us."

The formal program got underway last night with the Eureka Brass Band, a New Orleans street and funeral ensemble, marching on stage. The group, led by trumpeter Percy Humphrey, performed "St. Louis Blues," "High Society" and several other classics in jazz history.

The New Orleans jazz tradition, in which Armstrong started performing more than 50 years ago, held center stage. Armstrong was born in the Crescent City, as was Mahalia Jackson who joined in the salute last night.

Also performing were the Preservation Hall Jazz Band, the New Orleans Classic Ragtime Band, and the Cap't. John Handy Band.

The skies above the festival field were heavily overcast this morning, but George Wein, the show's producer, brushed off a gloomy weather forecast of rain.

In a quip that augured the enthusiastic response of the crowd last night, Wein declared: "Even if it does, those will be just tears of happiness from heaven for Satch."

[From the Providence Journal, July 11, 1970]

"SATCHMO" ARMSTRONG HONORED AT NEWPORT

(By James T. Kaull)

Jazz made its annual long pilgrimage to Newport last night, this time from its far-off ignition point in New Orleans, home of the renowned Louis Armstrong.

The tribute to "Satchmo" Armstrong drew more than 7,000 listeners to Festival Field for the opening night of George Wein's 17th annual jazz festival.

Although the figure of 5,000 was posted by festival officials early in the evening, the seating sections appeared to be filling constantly as the concert wore on, until about half of the 15,000 seats appeared to be filled.

The mixture in the hillside amphitheater was one of an unusually coherent musical program, midsummer muggy weather and a restrained, well-behaved crowd.

Last night belonged to Louis Armstrong, who caused the same electric thrill among the audience as he did in his first festival appearance in Freebody Park 15 years ago.

Now, Armstrong is 70 years old, plays the trumpet only infrequently, but is still the same vigorous showman.

That gravelly, growly voice, unlike any other on the face of the earth, gave a long drawnout chuckle of greeting as Armstrong strode onstage last night while a chorus of trumpeters was running through his favorite tunes.

As one, the audience rose in an ovation. Losing no time over sentiment, Louis croaked his way through "Sleepy Time Down South," "Pennies From Heaven" and "Blueberry Hill."

The occasion was a belated observance of his 70th birthday, which fell on July 4.

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Thus far, on the basis of one night, the 1969 experience of occasionally unruly crowds appears to have receded. Newport Police Chief Frank Walsh and his assistant chief, Jeremiah D. Sullivan, said the first night throng was peaceful and orderly. Not a single arrest at the field was reported as of late last night.

But the police officials added that it was too early to judge what the whole three-day festival would bring.

One thing it brought was "soul food" for the first time: red beans and rice sold by a New Orleans restaurant at the festival refreshment stands.

And it brought a delegation from the volunteer civic group, entitled Together, which offers help in Providence with drug problems. Three young people staffed an information table on the grounds.

During the program, a telegram of greetings from Governor Licht was read by Mr. Wein.

Sen. Claiborne Pell continued a tradition originally set by the late Sen. Theodore Francis Green and welcomed the fans to Rhode Island, paying particular tribute to Armstrong, whom he called "the maestro of us all."

The New Orleans vein predominant all night was continued by the Preservation Hall Jazz Band which has its headquarters in a hall that is dedicated to preserving the best of the oldtime music.

Billie Pierce on piano and DeDe Pierce on trumpet provided the spark and Cie Frazier on drums set the pace for a long, well-received set.

Then it was time for Mahalia Jackson, the gospel singer who has not appeared in Newport since the festivals were located in Freebody Park. But this was an occasion when she could offer her own soulful homage to a friend and fellow-artist.

Wearing a floor-length blue gown, Miss Jackson ignored some temporary microphone troubles as she filled the night air with religious laments and songs of joy.

Armstrong returned with the entire company for a finale.

Just as Satchmo joined Miss Jackson, a sudden, very brief spurt of rain began to send many of the audience home.

He sang "Hello Dolly" and ended with "When the Saints Go Marching In" as the massed musicians played behind him. Notable among the newcomers at this juncture was trombonist Tyree Glenn.

The concert ended at 11:40 p.m., an unusually early windup for the marathon Newport shows.

Highlighting the first half of the program was a "trumpet choir," partly heavenly and partly diabolic, which paid steadfast honors to Armstrong. In fact, the whole night showed more attention to a single theme—the roots of jazz—than any Newport jazz night in memory.

After an all-together run on "Sleepy Time Down South," Bobby Hackett played an Armstrong favorite, "Thanks a Million," which was heard, if recollection can be trusted, in one of Louis' early movie appearances.

Joe Newman spoke gracefully of his debt to "Satchmo" and gave a silvery-toned, beautifully-phrased version of "Way Down Yonder in New Orleans."

Dizzy Gillespie, muttering, "Who's going to follow that?" as Newman stepped Bach, proceeded with a side-splitting parody of the Armstrong vocal style on "I'm Confessin'," and wound up with a piercing high trumpet call.

Wild Bill Davison on "Dem Dere Eyes," Jimmy Owens, who said he was the youngest Armstrong-worshipper in the "choir," and Ray Nance followed with solos.

With this group and earlier with Hackett's own quintet, pianst Dave McKenna emerged as one of those unsung heroes who seem to crop up in Newport every season. He is a big man with an extraordinary "sure" and thoughtful way of playing, either in brief solos or in accompaniment.

Far from incidentally, McKenna is a Rhode Islander, too, and was born in Woonsocket, it was learned in a backstage chat with him.

The Hackett quintet, featuring a trumpeter who was raised in Rhode Island, also included Benny Morton, trombone; Jack Lesberg, bass, and Oliver Jackson, drums. All won merit badges.

This was sophisticated jazz, but Hackett chose every number for its association with Armstrong and New Orleans. Among them were rarely-heard pieces such as "Swing That Music" and "Some Day You'll Be Sorry."

A Newport first of extreme antiquarian interest was the New Orleans Classic Ragtime Band, directed by, of all persons, a young Dane, Lars Edergran, who succeeded in reviving this almost-lost music recently. Ragtime plus gospel music made up the earliest jazz as producer George Wein told the audience. It was a sound that Armstrong heard as a child.

William Russell, an old New Orleans violinist, furnished the lead, with a brass and woodwind ensemble filling in the harmonies.

The tunes were from the early 1900s, played from sheet music and bearing evocative names: "St. Louis Pickle," "Dusty Rag" and "Creole Belles."

The night began with a part of the New Orleans jazz canon as pure in its own way, as a Shakespearean sonnet. The meter was in four beats, however, and the sound was from the Eureka Brass Band, led by a strutting, sash-wearing grand marshal, Willie Humphrey.

This is one of the traditional street marching bands that plays somber music on the way to the graveyard and a rollicking dance of triumph on the way home.

Percy Humphrey on trumpet was the leader, waving his platoon into action on "St. Louis Blues," "Bourbon Street Blues" and a two-four march which was ensemble playing at its best.

Jim Robinson on trombone was among the standouts.

All in all, it was a Newport jazz evening to rank among the better festival shows—and, as producer Wein had said earlier, one in which music, played and listened to, was the sole and whole purpose.

FESTIVAL FACTS

What—The Newport Jazz Festival.

When—Today and tomorrow, July 11–12.

Where—Festival Field, Newport, Rhode Island Today, noon to 6 p.m. *Trumpet workshop*—Dizzy Gillespie, Joe Newman, Jimmy Owens, Clark Terry. *Drum workshop*—Art Blakey, Chico Hamilton, Elvin Jones, Tony Williams. *Violin workshop*—Mike White, Jean-Luc Ponty, Ray Nance.

Today, 3 p.m.: Concert with Gary Burton, Keith Jarrett, Sadao Watanabe Quartet, Chico Hamilton Quintet, Tony Williams Lifetime, Elvin Jones Trio.

Today, 8 p.m.: Ike and Tina Turner, Nina Simone, Herbie Mann, Kenny Burrell, Dizzy Gillespie, Don Byas, Jean-Luc Ponty, Ray Nance.

Tomorrow, 1:30 p.m.: Bill Cosby with Badfoot Brown and the Bunions Bradford Marching and Funeral Band, Roberta Flack, Albert King, Shuggie Otis, The Fourth Way.

Tomorrow, 8 p.m.: Ella Fitzgerald, Buddy Rich and His Orchestra, the Les McCann Trio, the Eddie Harris Quartet, the Cannonball Adderley Quintet, Leon Thomas Quartet.

Tickets—Prices for evening concerts at $4.50, $6, $7 and $10. The Saturday afternoon session is $4, all seats. Sunday afternoon prices are $4.50, $5.50, $6.50 and $10. Parking on festival grounds is $1.

[From the Newport (R.I.) Daily News, July 11, 1970]

Seven Thousand Jazz Fans at Opening of Festival Cheer "Satchmo"

(By William F. A. Bryant)

Afternoon showers yesterday and the threat of rain last night kept paid attendance at the opening night of the 1970 Newport Jazz Festival at about a third of the field's 18,000 capacity, but it was a night to remember for Louis "Satchmo" Armstrong, fellow jazz performers and an estimated 7,000 spectators.

Although the festival box office reported a paid attendance of only 5,000, festival impressario George Wein termed last night "the greatest musical night we have ever presented." The festival paid a "New Orleans Tribute to Louis Armstrong" who celebrated his 70th birthday July 4.

Some ticket agencies did not report their sales in time for last night's attendance figures, Festival Treasurer Arnold London said today. The festival box office posted a 5,000 paid seat attendance early last night, but spectators kept entering in a steady flow until an estimated 7,000 persons were inside Festival Field.

Sales for tonight's performance are "fairly brisk," London said this morning. He added that based on this morning's sales, he does not expect a sellout crowd tonight. The threat of rain may keep some persons away, as it did last night.

The night's only shower during the festival was a sudden three-minute cloudburst that announced Satchmo's appearance for the closing numbers of the performance. Thunder and loud ovations proclaimed Satchmo as the undisputed jazz ambassador to the world.

Spectators huddled together in the rain as they stood to get a better view. Rain didn't hamper their enthusiasm as they heard Satchmo sing numbers like "Hello Dolly," "Mack the Knife" and "When the Saints Come Marching In."

Some of New Orleans' greats were there with him. Mahalia Jackson, Dizzy Gillespie and Bobby Hackett honored "The Satch." The Eureka Brass Band, the New Orleans Classic Rag Time Band and the Preservation Hall Jazz Band joined in last night's tribute.

Gillespie, Hackett, Joe Newman, Wild Bill Davison, Jimmy Owens and Ray Nance got together to form a New Orleans gospel favorite, "Just a Closer Walk With Thee."

Police and festival security men reported the crowd was orderly. All reported a "very quiet night." Police reported four arrests last night, two of them downtown.

Middletown police reported only one arrest and it was for a motor vehicle violation. State police reported no arrests. Security Director John West reported "no major problems."

A few minor problems were encountered in the Girard Avenue area. Perimeter lighting went off during the first hour of the performance but was restored about 9 a.m. During the darkness a few spectators outside the field who wanted to get inside without paying grabbed the chance. They clambered up the outside chain link fence and scrambled over a wooden fence to enter the field.

A festival spokesman explained the lights went out because a new switching system had caused some confusion. He emphasized the lighting equipment was not faulty.

No drug problems were reported last night. A Providence based Drug Crisis Information Center, named Together, reported numerous inquiries but no incidents. A non-profit organization started in April, Together had a small tent set up in the concession area of the field.

Together is run by volunteers who have had training or experience with drugs. The organization's policy is not to take a stand on drugs, but to inform persons of the facts and let them make their own choice. "We had no problem cases tonight," a spokesman reported, "but we expect we will be able to help someone before the festival is over."

Besides distributing information on marijuana, stimulants, narcotics, tranquilizers and hallucinogens, the organization tries to help persons having "bad trips."

Lt. William Janes of the Newport Police Department summarized the feelings of security men and police last night when he said, "If we get three days like this, it will be great."

This afternoon's festival schedule, from noon to 6 p.m., includes Violin, Drum and Trumpet Workshops until 2:30 p.m. and performances by the Sadao Watanabe Quartet from Japan, the Elvin Jones Quartet, the Chico Hamilton Quartet, the Gary Burton Quartet and Keith Jarrett, and Tony Williams Lifetime.

Tonight's schedule, starting at 8 p.m., includes Ike and Tina Turner, Nina Simone, the Dizzy Gillespie Quintet, the Kenny Burrell Trio, the Herbie Mann Quintet, Dexter Gordon, Don Byas and the Fiddlers.

Sunday schedule, starting at 1:30 p.m., includes Bill Cosby and Badfoot Brown and the Bunions Bradford Marching and Funeral Band, The Fourth Way, the Roberta Flack Trio, Shuggie Otis, Albert King and the Nucleus.

Sunday night's schedule starting at 8 p.m., includes Ella Fitzgerald, Buddy Rich and his Orchestra, Cannonball Adderley Quintet, the Eddie Harris Quartet, Les McCann Limited, and the Leon Thomas Quartet.

About 1,000 Rhode Island youngsters will attend the Jazz Festival afternoon performances through the cooperation of the Governor's Youth Opportunity Council and Mrs. George Wein.

Samuel L. DiSano Jr., coordinator of the council, said the 12–16 year-old youths were selected on a statewide basis from various Community Action Program Agencies. These include Progress for Providence, Tri-Town, Blackstone Valley C.A.P., Inc., Cranston C.A.P. Committee, Inc., Self-Help, Inc., New Visions for Newport County, Warwick C.A.P., and the East Providence Mayor's Commission on Youth. These agencies will provide transportation and supervision.

[From the Newport (R.I.) Daily News, July 11, 1970]

THEN THE RAINS CAME: OPENING NIGHT HITS JAZZ HIGH NOTE

(By Jane Nippert)

Last night's opening performance of the 17th Newport Jazz Festival was truly a memorable occasion, an evening of pure enjoyment, with no discordant notes to mar its perfection.

Its ending was a bit sooner than expected, because of the rain. It had fallen earlier in the day and the skies were threatening much of the evening. Into each festival it seems some rain must fall, and fall it did—suddenly and heavily—near the end of some wonderful gospel singing by the magnificent Mahalia Jackson. She was singing a song she dedicated to Louis Armstrong, who was what the program was all about, when the skies opened up.

Armstrong, she had told the audience, had given America and the world jazz, and her song was "Just a Closer Walk with Thee." She poured her whole wonderful self into the song. Her hairdo came undone, but she remained oblivious to even that portion which fell in front of her face.

As the rains came, so came Armstrong back on stage and slowly each of all the other wonderful performers for a grand finale consisting of such famous Armstrong numbers as "Hello, Dolly," "When the Saints Go Marching In," "When It's Sleepy Time Down South" and "Mack, the Knife."

While the evening was a tribute to Louis Armstrong, so was his performance a tribute to his public, which has held a special place in their hearts for him for years. He is a performer of the old school, that exerted its personalities as well as its musical talents to entertain audiences. When he beams that wonderful smile of his—which is almost constantly—he makes the audience feel happy.

As we noticed the happy mood prevailed throughout the evening, we thought of all the conflict and strife that beset our country and the world and decided if Schlitz could go on contributing to such programs as that of last night in enough places, many of the present tensions would be overcome. Of course, we'd all have to drink more Schlitz—which could perhaps produce a near-beer for the minors—but we could all sit there together—young and old, of various colors and tongues—and enjoy something together.

Especially poignant to those of us in the audience last night who consider ourselves friends of festival producer George Wein and his lovely wife was the all too possible fact that this festival may be the swan song of the Newport Jazz Festival. As Sen. Claiborne Pell pointed out last night, the festivals gather together the young people. The Jazz Festivals gather those of all ages, many of whom don't care to tour mansions and can't afford a yacht to race, but they bring money into the community.

Back to the program, it consisted chiefly of New Orleans musicians playing their type of jazz, with quite a lot of Satchmo's own compositions.

First we had the Eureka Brass Band, directed by Percy Humphrey, trumpet leader. Their numbers included "St. Louis Blues" and what we think was "Bill Bailey" but in real Dixieland style. The band members included 78-year-old Jim Robinson, a trombonist; Lionel Ferbos, trumpet; Orange Kellin, clarinet; Capt. John Handy, saxaphone; Paul Crawford, trombone; Alan Jaffe, bass horn; Cie Frazier, drums; and Booker T. Glass, bass drum. They were joined by Billie Pierce, who not only plays a mean piano but gave forth with some fine vocal numbers during the evening, and DeDe Pierce on the trumpet.

Quite a few of the performers played with more than one group during the program. The Eureka Brass Band and the Preservation Hall Jazz Band had much the same performers. Willie Humphrey, the grand marshal of the former, did his bit by strutting and dancing around on stage.

Then there was the Bobby Hackett Quintet with Hackett on cornet, Benny Morton on trombone, Dave McKenna on piano, Jack Lesberg on bass, and Oliver Jackson, drums. They started off with "Undecided" at a fast pace, then a nice slow "Some Day You'll Be Sorry," and then "Swing That Music." Hackett, by the way, was born in Providence, right here in Yankeeland, but he's spent most of his life playing in Dixieland bands.

Then came "The New Orleans Classic Rag Time Band" led by a most youthful looking Lars Edergran on the piano. Wein said the band had never been heard at any festival outside New Orleans. Their music was quite different, unique. One song sounded a lot like a schottish. William Russell, no youngster but can really make the violin swing, announced the numbers and said most were composed about the turn of the century. Their appearance showed the good programming on the part of the producer, as they were quite a switch on what had gone before. James Preoust played bass with the group, which included others from the Eureka Brass Band.

The Trumpet Choir followed. Wein said trumpet players really owed it all to Armstrong. This group paid more tribute to Armstrong than any others. They played his numbers, each soloing in one or more numbers by Satchmo. First there was "When It's Sleepy Time Down South," just wonderful and great for reminiscing. Then Hackett played his favorite, "Thanks A Million," before Joe Newman played a fantastic "Way Down Yonder in New Orleans." Newman recalled his father had been a piano player and he used to crawl under the piano as a little boy and fall asleep waiting for Armstrong to come on to play. And then there was Dizzy Gillespie, practically a festival fixture, clowning around as usual.

Dizzy said on his tour for the State Department he had played Armstrong's "I'm Confessin." He later played the tape for Armstrong, who "rolled on the floor." When he started to sing it, one could understand Armstrong's reaction. His trumpet playing was really phenomenal, especially as he kept blowing higher and higher notes, as urged by the others.

Wild Bill Davison played his favorite, "Them There Eyes." Jimmy Owens, much younger than the others, played his really jazzed up version of "Mack, the Knife," Dave McKenna on piano, Larry Ridley of bass, Oliver Jackson on drums, Benny Morton and Tyree Glenn on trombones lent him fine support. Then Ray Nance followed at a slower pace and sang, "I'm in the Market for You."

"Heebie Jeebies" and "Jeepers Creepers" followed before a truly beautiful "Nobody Knows the Trouble I've Seen."

When Armstrong made his first appearance, he received a standing ovation just for walking on stage. When he started off with "Sleepy Time Down South," one could almost picture the South of years ago when steamboats plied up and down the Mississippi. It's a plaintively beautiful song anyway you look at it. He also sang "Pennies From Heaven" and "Blueberry Hill."

After intermission came the Preservation Hall Jazz Band and it was marvellous with the players enjoying it as much as the audience. They played for a long time with no let-up of interest on the part of the audience or themselves, George Wein himself joined them on the piano for a slow, bluesy number.

Then there was Mahalia Jackson, clad in a long-sleeved aqua gown trimmed with white jeweled design. Giving her excellent support were Gwen Lightner on piano and Cleveland Clancey on organ.

It certainly was a wonderful evening.

THE MEDICAL PERSONNEL SHORTAGE

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. MOLLOHAN. Mr. Speaker, I have cosponsored a bill to relieve the shortage of physicians, dentists, and other medical personnel in small communities and other medically deprived areas.

This bill provides that the Government will repay the entire educational debt to any physician, dentist, or optometrist who agrees to work for 3 years in an area which lacks sufficient medical personnel.

As critical shortages in other medical fields are established, the Secretary of Health, Education, and Welfare could add new categories to the original listing.

The annual cost of such a program could not be immediately gaged but that if every 1969 medical school graduate were to enroll in the program the cost would not exceed $130 million.

If one of every 10 graduating physicians, dentists, and optometrists enrolled in this program there would be more than 3,000 new medical professionals dis-

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persed in medically deprived areas at the end of 3 years.

This would not only benefit the areas themselves, but it would afford graduating doctors the chance to begin practice debt-free.

The bill would be especially applicable to West Virginia which has a desperate need of physicians and the ones she does have are concentrated—47 percent—in four counties: Cabell, Kanawha, Monongalia, and Ohio.

It would take at least a doubling of our present number of 1,515 doctors to bring adequate medical care to all West Virginians. Only 476 of the State's physicians are general practitioners.

MYLAI, KATYN, AND DACHAU

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. WYMAN. Mr. Speaker, why the disproportion in the publicity given Mylai as contrasted with such horrors by the enemy as Auschwitz, Dachau, or Katyn Forest? Captive nations bear witness to the loss of freedom by millions of good peoples.

The American presence in Vietnam is in the cause of freedom for its people. It honors a solemn commitment breached by Communist aggression. Mylai was a tragedy, but it should neither be overplayed by the news media nor construed as an indictment of the American presence there.

In this connection, the following editorial from the Manchester, N.H., Union-Leader of July 22, 1970, is significant:

KATYN AND MYLAI

We find it rather intriguing that the "liberal" news media that are relishing every report involving atrocities allegedly committed by GIs in South Vietnam are the same news media that are ignoring the fact that this is Captive Nations Week—with the painful thoughts of man's inhumanity to man that the occasion summons forth.

None are more painful than the memory of a horrendous crime which occurred exactly 30 years ago in the Katyn Forest near Smolensk. The "liberal" media, with their now legendary political myopia, can cluck their tongues over the killing of a few hundred South Vietnamese civilians and attribute guilt—before all the facts are even established—but they do not now, and never have, concerned themselves with the Communists' massacre of some 10,000 Polish officers by direct order of Soviet authorities in 1940.

The "liberal" media, of course, have no hesitation about reciting the litany of Nazi war crimes—nor should they hesitate on that score—but they seem to prefer to doubt any similar crime when attributed to the barbarians on the Left, just as they demonstrate a cavalier attitude toward Communist atrocities in Vietnam—the discovery of the mass graves near Hue, for example.

The Nazis, of course, would have had no compunction over murdering 10,000 Polish officers, had it served their purpose at the time. After all, they sent more than 3,000,000 Polish Jews to their death in the gas chambers of Oswiecim and Majdanek. But the facts just happen to demonstrate that the Katyn Forest crime, which Moscow blamed on the Nazis, was perpetrated by the Communists when Smolensk was under Russian control.

Atrocities are indefensible regardless of who commits them. But during this Captive Nations Week, we urge all Americans to turn their attention to the "liberal" news media's double standard in this regard.

For that matter, many Americans who are forced—by reasons of geographical location—to rely solely on the "liberal" media probably are unaware that this is Captive Nations Week by act of Congress and presidential proclamation—and we wonder how many Americans, who parrot whatever they are told about the shocking events at My Lai, have ever even HEARD of the Katyn Massacre, one of the most barbarious official acts authorized by any government in the history of mankind.

ADDRESS DELIVERED BY HIS EXCELLENCY CHARLES LUCET

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the fine address delivered by His Excellency Charles Lucet, Ambassador of France to the United States, at the presentation of the Cross of the Legion of Honor to Astronaut James A. Lovell, Jr., on July 29, 1970, at the French Embassy in Washington, D.C., before a distinguished company.

Ambassador Lucet's remarks on this fine occasion recall to each of us the remarkable flights of Gemini VII and Gemini XII in which Commander Lovell took part in exciting new space firsts, and on Apollo 13 lunar flight in which Commander Lovell acted as commander.

This high honor is fitting for the commander of Apollo 13, who demonstrated the leadership, courage, and presence of mind that helped bring that amazing flight safely to earth and a successful conclusion.

The address follows:

ADDRESS DELIVERED BY HIS EXCELLENCY CHARLES LUCET

It is a great and signal honor for me to have received instructions from the President of the French Republic to present to you today the insignia of the Chevalier of the Legion of Honor and thereby to introduce you to our highest national order.

You are aware, Commander, of the admiration, anxiety and fervent attention with which people in France, all French people, followed your exploits as they did those of the earlier astronauts.

As pilot of Gemini VII, you and Colonel Borman succeeded in making the first space rende-vou in December 1965. You were to do still better in November 1966 on board Gemini XII when you successfully took the first photos of a solar eclipse seen from space.

Then came the time of the Apollo missions. Allow me to tell you humbly that I was at Cape Kennedy on December 21, 1968 for the firing of Apollo VIII. The first manned space vehicle launched by the Saturn V rocket. I shall always remember the unforgettable sight of this majestic take-off into space. A frequent visitor to Cape Kennedy. I was there again in July 1969 for the count-down of Apollo XI, a historic date for mankind—man's first steps on the moon. Armstrong, Aldrin and Collins are also Chevaliers of the Legion of Honor.

I also want to say, Commander Lovell, and the French people agree with me, that we all thought the flight you commanded, that of Apollo XIII, was just as remarkable and just as admirable.

You and those who accompanied you, Haise and Swigert both had to face the greatest crisis that men have ever known, the explosion of the two oxygen tanks that happened midway between the earth and the moon.

We have always admired in all circumstances American efficiency and the unbelievable precision of American technology. But, in that case, it was something else. It was no longer a question of machine but of man's courage, sang-froid and presence of mind.

With the help of mission control at Houston and all the services of NASA and I would like to pay tribute to the head administrator, Dr. Thomas Paine, you were able, in the face of unbelievable danger, to bring back the capsule and its occupants to the appointed area at the appointed time. We were extremely concerned but your calm and achievement were beyond compare. Sometimes half failures are greater than victories. You have given us an unforgettable lesson. Even, when in space exploration all machines, product of our industry showed themselves as fallible as we are ourselves, you have proved that whatever the circumstances, man, man's boldness and sang-froid can have the last word.

From your example, like that of the astronauts who went before you and those who will come after you, we know that space can be conquered and explored and, in a way, the moon, dreamstar of poets, the first stop in this exploration, is now the suburbia of the earth and very soon will be the starting point of new ventures.

You have opened unparalleled perspectives to fire the imagination of men who will always want a new frontier to conquer. This frontier, thanks to you, is now named the starry sky.

Of course, the prodigious conquest has not changed from one day to the next, man's state of mind and his smallness. There are still conflicts among us, wars and violence. But we know, and it is literally true, that it is sufficient to look up to the sky to see where our destiny lies, to know where the reconciliation of mankind may be made. Space with all its dangers seems to us all now an unlimited field for true international cooperation.

You have shown us the way. You have shown greatness in adversity. Please accept the heartfelt thanks of us all.

This is why, in the name of the French people and the French Government, whose admiration for you and your colleagues is boundless, I shall now say the traditional words.

DISCONTINUE USE OF DRAFTEES IN INDOCHINA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. MIKVA. Mr. Speaker, of all the absurdities of an absurd war, the least justifiable is the policy which continues sending draftees—involuntary conscripts—to fight an undeclared war while volunteer, professional military men are assigned to duty in the United States and to noncombat areas overseas.

Recently the idea of prohibiting the

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further use of involuntary draftees in the war in Indochina has been gaining support. Last year our colleague from New York (Mr. RYAN) offered an amendment on this subject. Earlier this year in the other body, Senators HUGHES, CRANSTON, GOODELL, and MCGOVERN offered Senate amendment No. 651 to H.R. 17123 which would bar the use of draftess in any combat area unless Congress specifically declares a national emergency, or unless the draftee had volunteered for combat duty or had voluntarily extended his tour of duty in the Armed Forces. Later Senators NELSON, PROXMIRE, and HUGHES offered Senate amendment No. 754 to H.R. 17123 which would specifically bar the use of draftees in South Vietnam, Laos, or Cambodia.

But the support for this eminently fair and rational idea is not limited to Democrats or to liberals. Earlier this week the Senate minority leader himself, Senator SCOTT, took the floor of the Senate to announce his support for the idea of prohibiting the use of draftees in Indochina. Senator SCOTT mentioned that the noted conservative columnist, Mr. William Buckley, had also endorsed this idea. On July 30, my colleagues from Michigan (Mr. BROWN, Mr. MCDONALD, and Mr. VANDER JAGT), from California (Mr. DON H. CLAUSEN), and from Puerto Rico (Mr. CÓRDOVA) sponsored H.R. 18719, to prevent assignment of draftees to involuntary duty in combat areas.

I would hope that this idea is one on which all of us—Democrats and Republicans, liberals, conservatives and middle-of-the-roaders—can agree. We should agree that however much longer troop withdrawals will take, the remainder of this war should be fought by professional volunteers, not by involuntary conscripts.

There are three recent developments which make it possible realistically to consider a congressional ban on the use of draftees in Indochina, a ban which will not hamper or impede the President's withdrawal or negotiating plans. First, the administration has already announced that by next April we will have withdrawn another 150,000 troops. Second, the number of draftees serving in South Vietnam was already well below this 150,000 figure in March of this year—before the President announced his most recent withdrawal plan. The figure then was 111,000, and it is probably considerably lower today. Thus, by April of next year, we will have withdrawn at least 40,000 more troops than we now have draftees serving in South Vietnam. We can withdraw all our draftees and then some.

Finally, the President has already announced to the Congress and the Nation his intention to seek $2.5 billion in annual salary increases for military personnel as a first step in the transition to an all-volunteer Armed Forces. These pay increases are principally for servicemen with less than 2 years' service and will presumably result in an increase in the number of volunteers—as opposed to draftees—in the Armed Forces. Thus, their availability for service in Vietnam will also be increased. This ought to make the use of draftees there unnecessary.

President Nixon has said that his policy is one of disengagement. Events since May of this year have shaken the confidence of the American people that this is, in fact, the direction of our policy. Passage of some kind of limitation on the use of draftees in South Vietnam would reaffirm the commitment of Congress to the President's announced objective of disengagement. It would simultaneously remove one of the most agonizing aspects of that war: the involuntary service—and death—of military conscripts who have not indicated their willingness to serve in Vietnam and who are often vehemently opposed to our involvement there.

It is my hope when the military appropriations bill is considered by this body later this year, that we can work out some mechanism to effect this momentous and salutary policy change which is now gathering ever wider support. I believe that all Members who favor this idea should mention their support for such an amendment to our colleague from New York (Mr. RYAN), who has already announced his intention to offer an amendment to the defense appropriations bill to limit the use of draftees in Vietnam. I am most hopeful that with the growing support which this idea has had, we will be able at least to bring an end to the involuntary service of military conscripts in this undeclared war.

POLITICAL BROADCAST ADVERTISING

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. HOGAN. Mr. Speaker, I would like to call the attention of my colleagues to a recent WWDC editorial discussing the political advertising legislation which is scheduled for action this week.

This editorial makes the very valid point this bill will not limit political advertising, only political broadcast advertising. If this body truly wants to limit and reform the expenditure of campaign finances on political advertising, then, I believe, we should take a closer look at the pending legislation and broaden the scope of its effectiveness before it becomes the law.

The editorial follows:

POLITICAL BROADCAST ADVERTISING

Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on July 25, 1970. We welcome comments.

There is a bill before the House of Representatives which would serve to reduce the cost of political advertising on radio and television, and perhaps limit the amount that could be spent by candidates in broadcasting.

The rationale behind this legislation is that campaign costs are too high; but, the bill does *not* limit political *advertising*, only political broadcast advertising. Is there any doubt that campaign dollars not spent in broadcasting will simply be spent in other media, which, remember, are not limited in any way. No doubt in *our* mind.

We were therefore not surprised to note some newspapers in other cities editorially endorsing this legislation. After all, not only is their ox not being gored, but to continue the metaphor, their calf is about to be fatted.

But the worst of it is not that broadcasting is being discriminated against, nor that our competition will derive financial benefits from this discriminatory legislation . . . the worst is that the public is being buffaloed. The public is being sold a patent medicine which is patently worthless. It will not—cannot by any stretch of the imagination—solve the problem of high campaign costs. The money saved in broadcasting will simply be spent elsewhere.

The public has the right to be concerned about the high cost of political campaigns. It also has a right to expect from its Congress a fair and effective solution, not a political copout, which will earn the applause of broadcasting's competition whose nests will be feathered, but which will accomplish nothing else.

Thank you for your interest.

PRESIDENT JOHNSON'S CONTRIBUTIONS IN THE SIXTIES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. PICKLE. Mr. Speaker, one of the most significant axioms concerning man's effort to live on this planet is that the greatest crises offer the greatest opportunities. But this is a proposition seldom invoked, for the great opportunities are lost to all but those who possess the wisdom to see beyond the current crisis, and the courage and sheer energy required to move toward a greater scope of action.

Such men do appear from time to time, however, and I submit that our former President Lyndon Baines Johnson belongs among their ranks. Faced with intensifying and unending crises on both domestic and foreign fronts, he went ahead, with total disregard for his personal welfare, to move beyond the present and lay in treaty and in legislation and in action foundations which both help point the way to ultimate solutions to many of those crises and offer our Nation greater latitude in dealing with the problems of the future.

A recent article by Alistair Cooke in the Guardian Weekly, the airmail version of the Manchester Guardian, throws interesting lights on the subject of the sixties.

Mr. Cooke says:

> There has never been a time when so many Americans despaired of their own past and present and renounced their old cocky boast to roll up their sleeves and face the toughest job. The one consolation must be that in the sixties . . . Americans at least began to grapple with the real problems of their society, horrendous though they may be.

Whatever one's judgment on the sixties may be, one thing is clear: The rhetoric stopped and the action began.

I am pleased to reprint Mr. Cooke's remarks in the RECORD at this point:

PRESIDENT JOHNSON'S CONTRIBUTIONS IN THE SIXTIES

In time the sixties, like the gay nineties and the roaring twenties, will no doubt acquire their distinguishing epithet. As a beginning, we might quite simply suggest the word ghastly.

This is not said lightly or cynically. In 37 years experience of the United States, from the pit of the Depression to the apotheosis of President Richard M. Nixon, I have known no stretch of American life so continuously disheartening as the six lean years that were so dreadfully announced by the shots in Dallas and were echoed in Watts and Detroit and Newark, that reechoed on the motel balcony in Memphis and the hotel pantry at Los Angeles, and rumbled obscenely on the streets of Chicago and through the stadiums of the Presidential election campaign.

That, to be fussy, leaves four preceding years of what may now be seen as the fool's paradise of the Kennedy era; which is what I truly believe it to have been.

Vietnam was practically heralded by the ringing, and ringingly hollow, boast of the Inaugural: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty." After six years of opposing their Roman might to a foe that, like Gibbon's earlier "barbarians . . . were inured to encounters in the bogs," even the most belligerent hawks in the Pentagon admit to America's capacity to fight no more than "two and a half wars," not by any remote possibility the 43 wars which the United States is by treaty bound to undertake.

In 1960 the United Nations announced the Development Decade as an urgent mission whereby the rich nations would start to close the gap with the poor. At the end of the decade U Thant had nothing better to report than that the gap had widened alarmingly, and that what lies ahead for many of the poor nations is a reign of famine and revolution.

In 1961 John Kennedy announced, to universal applause, the Alliance for Progress, the high-minded disbursement of billions of dollars to Latin America. Today, with no sign of a Latin American economic union, and with the population growth-rate as headlong as ever, the sour prediction of an eminent Colombian economist has been fulfilled: "Twenty billion dollars in ten years will help us to stand still."

In 1963, only a month or two before his assassination, John Kennedy looked back numbly on nearly a hundred Bills—for public housing, civil rights, Medicare, public health, land conservation, model cities, tax reform, etc., etc.—that were petrified in the appropriate committees of Congress. A notable political scientist and an admirer of Kennedy wrote a book called "The Democratic Deadlock." It might well be that the Congressional system is too torpid, too unresponsive to the pace of essential reform, to be able much longer to steer the country towards a governable United States. But in 1963 much of this deadlock had to be attributed to Kennedy's fatal incapacity to respect the sincerity of his Congressional opponents, to trade one conviction for another, and to retain the friendship of the vital committee chairmen who had once opposed him.

Probably the best thing that happened in the political life of the nation during the decade was Lyndon Johnson's healing gift with friend and foe and his consequent ability to put through the eighty-ninth Congress between January and October of 1964 a volume of domestic reforms which, in a period of easy affluence and Congressional complacency, far surpassed that given to Franklin Roosevelt in the depth of the Depression by a frightened and submissive Congress. And this was done on top of huge appropriations for defence, which took up about half ($46.9 billions) of the total budget ($119.3 billions).

It is conceivable that if there had been no Vietnam Johnson would have moved, with his rogue-elephant's strides, into the transformation of urban life, the purifying of air and water, and the lifting up of the Negroes into the equality which he came to first reluctantly and then with the vigour and passion of a convert. It has to be remembered that the Civil Rights Bills, from Eisenhower first to Johnson last, were his doing; and in the most wasteful episodes of rioting and violence it should not be forgotten that more was done in Johnson's five years to liberate the Negro than in the previous 350 years, exactly, of his subjection. It is, plainly and tragically, not enough. But it is, in an historical view, a great deal.

But whenever we begin to take comfort, to hope for a new era of radical reconstruction (of the cities of the state legislatures, of the protection of what we now call "the environment") we stumble into Vietnam. The continuing curse of it is that it has almost ceased to be an issue in itself, it is like some technological monster in a horror movie that terrifies and befouls all the life around. Until it is over, we shall not know whether the will, as well as the money, is available to bind up the cities' wounds, to advance the Negro with a "deliberate speed" that he will accept as the best that can be done.

It is possible that the Negro, and the radical youth, black and white, are already too cynicised—by Vietnam, by widespread corruption in state and in municipal government, by the respectable inroads of the Mafia, by the climate of violence—to accept any longer the habit of creative compromise that is essential to effective government of the people by the people and which, in truth, has been the genius of the American system since its founding. Perhaps by now there are not enough believers left to rescue and reform the system. If this is so, what seems to be the most fearful possibility is a dogged reaction by the middle-class mass, and the arrival of fascism by popular democratic vote.

Other nations have their hippies and their rock culture, their drugged youth and their "alienated" students, the Babylonian heritage of the sixties, plunging its unhandleable populations into headier and headier materialism. Only America has suffered the traumatic disillusion, in ten short years, of losing its status as the beneficent leader of the world and turning into a giant, writhing in its own coils, suspect, frightened, and leaderless.

There has never been a time when so many Americans despaired of their own past and present and renounced their old cocky boast to roll up their sleeves and face the toughest job. The one consolation must be that in the sixties, after two decades of enjoying a self-deception that is common to all the "developed" nations, the Americans at least began to grapple with the real problems of their society, horrendous though they may be.

NEW EXTREME LEFT THREATENS OUR FREEDOM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. WOLD. Mr. Speaker, Tuesday's Washington Post contained a UPI story out of New York City headlined "N.Y. Bank Damaged by Pipe Bomb." The article recounted another crime of violence—the bombing of a branch office of the Bank of America. Fortunately, no one was injured. According to the article:

> Police said a six-inch pipe bomb was wrapped in a red, white, and blue flag with a white star. The debris was cleaned up by the time the bank opened and workmen replaced the doors.
>
> About five minutes after the 3:45 a.m., blast, a male called the Daily News city desk: "This is a Weatherman. Listen close. I'll only say it once. We have just bombed the Bank of America. We left a Vietcong flag. We did it in honor of the Cuban revolution and our brothers who died on the Isla Vista. Tell (Attorney General) John Mitchell that no matter what he does, we cannot be stopped."
>
> Sunday was the 17th anniversary of the Castro revolution.

Without a doubt, the bombing of the New York bank is part of a calculated plan to destroy this society, this Nation. Yet it rated only a page 3 story.

Just who are these people who are attempting to destroy America?

The facts are clear. The culprits are "the new left"—the "neofascists" of the 1960's and the 1970's.

Let us look first at their words and then at their deeds.

Abbie Hoffman, 31, a member of the Chicago Seven, is quoted in the April 16, 1970, edition of the Saratogan of Saratoga Springs, N.Y., as saying:

> Burning down a bank does more to fight pollution in this country than any goddamn teach-in next week will ever do . . . The only courts we have left in this country are in the streets . . . The hippies have to get guns and defend their communes.

Rennie Davis, 29, also a member of the Chicago Seven, said at Columbia University that—

> The sixties was a time of sit-ins—the seventies will be a time to burn the banks.

At this point I request unanimous consent to insert at the end of my remarks an article from the July 22, 1970, issue of the Washington Post. It is very pertinent to my remarks because it contains the statement of a member of the Illinois Crime Commission, Charles Siragusa, that student activists have been conducting bombmaking workshops since 1968.

I take special note of Mr. Siragusa's comment that "well-calculated guerrilla warfare has become an integral part of the SDS (Students for a Democratic Society) strategy."

What are the fruits of these terrorists?

In the 15-month period between January 1969 and April 1970, this country suffered a total of 4,330 bombings, 1,475 attempted bombings, and 35,129 threatened bombings.

This cruel form of terrorism accounted directly for the deaths of 40 people and accounted for $21.8 million in property damage. Countless others were put in imminent danger of physical injury or death.

Mr. Speaker, there is no doubt in my mind that the more radical elements of the "New Left" are fanatically dedicated to the destruction of this Nation. Their hatred of our society extends to every segment. It includes their parents, schools, fellow men, and country.

Tom Hayden, a founder of SDS, had this way to say about the purpose of the revolution:

> We haven't any. First we will make the revolution; then we will find out why.

Mr. Hayden has been quite successful. He was an active participant in the violence at Berkeley in 1964–65 and laid the groundwork for the 1968 closure of Columbia University.

I think it is fair to raise the question, Mr. Speaker, "What is the connection between student radical groups in the

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United States and the Communist Party?"

It may not be direct. The student groups may not be acting on the direct orders of Peking or Moscow. But at this point they are without a doubt acting in concert since their goals are the same—the destruction of our way of life.

We know that new left activists visit Communist countries where they receive training and encouragement. We also know there are Communists in the leadership of the student radical movement.

This information was clearly documented in April hearings of the House Committee on Internal Security.

One of the most obvious links in the chain is Communist Cuba.

In his 1968 campaign President Nixon stated that Cuban Premier Castro "must be made to understand that 'Havana cannot remain forever a sanctuary for aggression and a base for the export of terror to other lands . . .'."

The evidence indicates that Cuba is serving as the base for guerrilla operations against the United States.

An editorial in the March 18, 1970, issue of the Chicago Tribune summarizes in detail the use of Cuba as a training base for anti-American activities.

In light of the bombings of the Bank of America in New York I would draw special attention to the last four paragraphs of the editorial:

> Ralph Featherstone, one of the two black terrorists who were killed by a bomb they were transporting in an automobile in Maryland last week, attended a revolutionary conference in Cuba in 1968. Mark Rudd, organizer of the riots that almost destroyed Columbia University in 1968, had made a pilgrimage to Cuba. So had Jerry Rubin and David Dellinger, two of the seven defendants in the recent riot-conspiracy trial here. They were convicted for their part in efforts to disrupt the Democratic convention in 1968.
>
> Cathy Wilkerson and Kathy Boudin, who failed to show up in Chicago Monday for their trial on charges of attacking the police in a Grant Park riot last October, were reported to have visited Cuba. Both fled from a palatial townhouse in New York which had been converted into a bomb factory, when it was wrecked by an explosion in which three of the terrorists were killed.
>
> The violent Weathermen faction of Students for a Democratic Society, the Revolutionary Youth Movement II, the pro-Peking Progressive Labor Party, and other "New Left" revolutionary groups are collaborating with the Black Panther party and other Negro extremists in a campaign of class warfare and guerrilla terrorism. In their so-called "free universities," they study the aims and techniques of guerrilla warfare in an urban setting.
>
> The recent wave of bombing explosions and bomb scares is just a sample of what a few thousand trained terrorists could do. The cities are particularly vulnerable to such guerrilla tactics as terrorist bombing, destruction of key elements of the power grids, and disruption of communications and transportation. Obviously Castro is well aware of this potential if the State Department is not.

At this point, Mr. Speaker, I would like to draw your attention to an SDS project to send American volunteers to Cuba for the ostensible purpose of cutting sugarcane. The so-called Venceremos (we shall overcome brigade) is mentioned in the 1969 report of the House Committee on Internal Security. I ask unanimous consent that the House Committee's report on the groups be inserted in the RECORD.

The committee report makes clear the purpose of the sugarcane cutters:

> The real purpose of the sugar brigade project . . . is to propagandize the so-called blessings of the Cuban socialist (i.e., communist) revolution under Castro's forced-draft economies . . . SDS pointed this out when its article stated that "the duty of every revolutionary is to make the revolution" a slogan adopted as Cuba's new concept of "internationalism" and which had been expressed in the Second Declaration of Havana.

Mr. Speaker, 200 young Americans journeyed to Cuba with the first Venceremos brigade. An additional 500 traveled to Castro-land with the second brigade. At the moment efforts are being made to finance a trip for an additional 500 young Americans.

Needless to say, I am concerned.

I am happy to see the Senate Permanent Investigating Subcommittee shares my concern and has started an investigation of the Venceremos activities.

I also have been conducting an investigation of this group. Early this month, at my request, a member of my staff visited a fund-raising activity held to raise funds to get members of the group to Canada from where they would take a boat to Cuba.

My investigation shows that many of the persons hoping to travel to Cuba are youthful idealists who have not the slightest idea of what they are getting into. I hesitate to cast a shadow on their efforts by calling them dupes but the facts prove they are being led. There is no doubt in my mind that these people will be indoctrinated in communism and in violence while in Cuba.

The sponsors of the trip, the leaders of the trip, and the Cuban Government are clearly dedicated to one thing—the overthrow of the United States.

I am particularly concerned about the activities of the upcoming 3d Brigade. According to press accounts, the first two brigades actually cut sugarcane. There is no doubt that they received intensive political indoctrination but there is some doubt as to whether they actually received paramilitary or guerrilla training.

I insert an article by Newsweek correspondent Min Yee who journeyed to Cuba with one Venceremos contingent.

From my investigation, however, I have learned that the 3rd Brigade is not going to work in the sugarcane fields. Rather, they are going to the "Isle of Youth." Little is known about this place other than the cryptic comments of Castro:

> The Isle of Youth is adding a new dimension to our revolution—a place where, unburdened by the traumas of capitalism, they can develop their potential to the fullest.

At any event, the Isle of Youth is a place where the Communist youth elites of Cuba undergo total immersion in a model Communist society.

I am horrified that American youth are apparently going to be allowed free access to partake of this experience. It bodes only evil for the United States.

In this Nation we can tolerate a great deal. Dissent provides for growth. Diversity is the norm. There is, however, a limit to just how far we can go. Freedom is not license.

Any government, and that includes our own, is entitled to take steps to protect itself from persons and groups that would violently destroy itself.

That is especially true for the United States for we have a free society. We have institutions that allow for peaceful change. The greatest and most important method of dissent is that which can be resorted to only in free countries: the free and secret ballot.

But the members of the new left repudiate the ballot. They desire only to destroy. But we must not let this small violent minority deny freedom to this generation of Americans and to generations still unborn. We have an obligation to protect this freedom both for ourselves and for our children.

Who can forget the lessons of 1932 in Germany where a violent majority used legal methods to destroy freedom? We must not let it happen here.

The articles follow:

SCHOOLS FOR BOMBERS REPORTED TO HILL UNIT

(By Lawrance L. Knutson)

An Illinois investigator told Senate investigators yesterday some members of Students for a Democratic Society have conducted workshops on bombmaking regularly since a 1968 meeting in Boulder, Colo.

Charles Siragusa, chairman of the Illinois Crime Investigating Commission, urged the government to classify official publications on how to make explosives to prevent them being used by subversive groups. Such pamphlets now are available through the Government Printing Office.

He recommended enactment of new federal laws to restrict sales of explosives and incendiary devices and to punish violators who "illegally cause damage to life, limb or property."

Secretary of the Interior Walter J. Hickel, meanwhile, announced administration proposals for legislation to control sale of explosives.

The law would require federal licensing of explosives manufacturers and dealers, positive identification of buyers, and safe storage.

Illegal use of explosives and trafficking in stolen explosives would become federal offenses with maximum penalties of 10 years' imprisonment and $10,000 fines.

Commenting on the "Days of Rage," in Chicago's streets in October 1969, Siragusa told the Senate Permanent Subcommittee on Investigations:

"Well-calculated guerrilla warfare has become an integral part of the SDS strategy."

Siragusa said the radical Weatherman faction of SDS appears to have gone underground in order to carry out a campaign of sabotage, and claimed the group had established relations with the Black Panthers, the Young Lords and other militant groups.

Other witnesses, all representing the explosives industry, recommended the federal licensing of makers and users of dynamite. They stressed their belief that manufacturers should not solely be singled out and said legitimate users of high explosives would have no objection to obtaining a license.

CUBAN SUGAR BRIGADE

Romerstein also reported that SDS had undertaken a project to organize a brigade composed of 300 Americans who, in two groups, would be sent to Cuba to harvest its 1970 sugar crop. One section would leave in late November 1969, the other in late January 1970.

An SDS resolution concerning the same

program had been proposed by three of its members according to the June 18, 1969, issue of *New Left Notes*. A cursory reading of the proposed resolution revealed that the true motive behind this aid program to Red Cuba was not simply to "morally and materially support Cuba in the critical sugar harvest of 1970."

The real purpose of the sugar brigade project, as the article explicitly reveals, is to propagandize the so-called blessings of the Cuban socialist (i.e., communist) revolution under Castro's forced-draft economics. Cuba, said by SDS to be the first so-called liberated territory in the Americas, adheres to a foreign policy based on violence directed at the "liberation" of other Latin American nations. SDS pointed this out when its article stated that "the duty of every revolutionary is to make the revolution," a slogan adopted as Cuba's new concept of "internationalism" and which had been expressed in the Second Declaration of Havana. Moreover, *New Left Notes* reiterated the strategy developed by the former high Cuban official, the deceased Che Guevara, Castro's roving ambassador of revolution, when he called for "two, three, and many Viet-nams."

Lastly, these American sugarcane cutters would be educated, the article stated, in the art of international revolution directed against imperialism (i.e., the U.S.). Their so-called education would be "accomplished through a well-developed education and propaganda program." The ostensible humanitarian motive for the Cuban trips fades perceptibly when contrasted with the other stated objective behind this fraud—that is, a scheme to expose 300 Americans, of whom some may be genuinely motivated, to the "application of communist principles on a day-to-day basis."

CUBA: THE NEW LEFT CUTS CANE

In an attempt to achieve a record sugar harvest this season, Fidel Castro has mobilized hundreds of thousands of Cubans and sent them into the cane fields. The Cuban Prime Minister has also called for volunteer workers from abroad. In response to this invitation, youthful radicals in the U.S. formed the first *Venceremos* (We Shall Overcome) Brigade last fall and headed for Cuba. Since then 1,000 American youngsters, including a second Venceremos Brigade, have made the trip. Among the members of one recent contingent was NEWSWEEK correspondent Min Yee, whose regular beat is San Francisco. Min Yee's report follows:

They had come, for the most part, out of the ranks of American political activism. Among them were miniskirted coeds from Berkeley, studious Trotskyites from Los Angeles, chicanos from California, Weathermen from New York and Chicago, blacks from East Oakland and Harlem. It was a kind of New Left collage of SDS, Socialist Labor, Progressive Labor, Communist Party-U.S.A., women's liberation, Revolutionary Youth Movement-2, the black Che-Lumumba wing of the C.P., yippies, crazies—and just plain romantic revolutionaries.

Despite the differences in their backgrounds, political affiliations and age, there was among the brigade members a common denominator. For they had joined together in what they considered to be an act of political defiance—to break "the American imperialist blockade of Cuba." And they wanted to participate in the historic "10-million-ton harvest," which, if attained, would "strike another blow at American imperialism."

The trip began with a 65-hour, knee-cramping bus ride from San Francisco, and when we arrived in Mexico City we were tired and a bit depressed. But when a halting English voice announced the boarding of our Cubana Airlines flight to Havana, the group cheered, applauded, whistled and ran to the exit doors, surging onto the tarmac and scrambling up the ramp into the Russian turboprop. "Take me to Havana," laughed one youth, brandishing his briar pipe in a mock re-enactment of a hijacking.

WELCOME

A few hours later we landed in Havana, and after an airport cocktail party of daiquiris and cake we were bused eastward from the capital to the brigade camp near the town of Aguacate. "Welcome home," said a Cuban comrade as he grabbed my arm. Bleary-eyed but exhilarated, we were then welcomed by the camp director, a square-faced young man named Javier Ardizones. "The name venceremos was earned by the first American group by its attitude, and it was earned by all of you by your decision to leave the United States to come and help Cuba. Venceremos!"

Then we were shown around the camp. Set in the middle of a spacious plain surrounded by rolling hills, it had more than 50 field tents, a mess hall, various offices, an outdoor theater and other recreational facilities. Twenty of us were assigned to each tent, in which there were ten iron-frame double bunks. It was, all in all, pretty plush by Cuban standards, and some of our people were not too happy to hear that Cubans in nearby camps had to sleep in hammocks.

CANE

The day was a full one. We were jolted out of bed at 5:30 to the bouncy martial strains of "*De Pie*" (On Your Feet). There was a breakfast of *café con leche* and one or two rolls, and then—dressed, for the most part in work clothes handed out by the Cubans—we marched off with our black-handled Spanish machetes to the cane fields 2 miles away. Cutting, once you got the hang of it, was routine—but hard. When we first arrived at the camp, work hours ran from 7 a.m. to 11 a.m., and from 3 to 6 p.m. Several days later, however, the Cubans who ran the camp told us that we would probably like to extend the afternoon session by starting at 2 p.m. The announcement received an ovation, but later in the day I heard such complaints from brigade members as "It should have been a collective decision."

Work procedures soon produced the first open clash between the brigade and the Cubans—actually between women's liberation members and the Cubans. Traditionally in Cuba, the men cut the cane and the women stack it. Our women's lib people were not about to have any such divisions. They wanted to cut side by side with the men, and the Cubans had to give in. It took some of these gals half a dozen whacks to cut through a stalk of cane, and from anything but a women's lib point of view that was nonproductive.

And, to the Cubans, the name of the game was production. The best way to cut more cane, they preached, was not through individual competition, as in the capitalist system, but through socialist "emulation." Theoretically, this meant that you were supposed to emulate the most productive members of the brigade. Still, it was hard for the Americans, radical as they were, to abandon the spirit of competition—especially since by nightfall the day's production statistics were always posted. My unit was the fastest of the newer ones. "But we shouldn't boast about it," said one comrade. "Yeah," replied another, "we can keep quiet about it. But we know we're better."

CAUCUSES

After work hours there was remarkably little sleeping around between the guys and the girls and, since the Cubans had made it plain that we were not there for another Woodstock, hardly any use of drugs. But there was an almost continuous round of caucuses: black caucuses, chicano caucuses, Anglo caucuses, yellow caucuses, Third World caucuses, Puerto Rican caucuses and women's lib caucuses. Some of the discussion in the non-white caucuses involved racist acts or comments by white brothers and sisters in the brigade. The displays of "racism"—largely unconscious—ranged from things like a white not touching someone of color to not taking a bite from a dark brother's orange. Or comments about Cuban food such as "I can't eat this crap."

Another subject frequently discussed in some of these caucuses was the presence of Randall Richard, a staff reporter for The Providence (R.I.) Journal, free-lance photographer Ron Alexander and myself in the brigade. We had made no secret of our journalistic connections when we signed up for the trip, and most of the members of the brigade were not against our being along with them. But some of the radical-radicals wanted control over the stories we intended to write. They wanted them written collectively in the camp and sent from there—and this I refused to do. As a result, I got into a number of nasty confrontations. "You work for NEWSWEEK," someone would say, "and so you work for the pig media. You're a pig, man."

I had listened with detachment when I heard the word "pig" hurled at cops back home. But it was an altogether heavy scene at the camp to hear it aimed at me. "Take my picture and you're dead, pig," I was told on a number of occasions, and one day someone tried to smash my camera lens, but only managed to get the filter. "The only reason you still have your equipment is because you're in Cuba," one young woman told me. "In the States, I would have broken every piece of it." To which I responded that I would have broken every piece of her. Curiously, all the people who gave me a hard time were whites.

TENTMATES

Randall Richard, the Providence reporter, was getting much the same treatment. He told me that he slept with a machete under his mat—and I couldn't blame him. I would have done the same if it hadn't been for the fact my notes and photographs—as well as my personal address book—were confiscated. And Ron fared even worse. When the customs officials discovered that he had a Havana phone book in his bag, they put him up against a wall and searched him bodily.

The whole character of our departure could, at best, be excused as an enormous misunderstanding. At its worst, it was an indication of the fragmentation of the Movement in America—a microcosm of the tension, mistrust, paranoia, scape-goating and disorganization which is the New Left.

It was with such reflections that we boarded a Cuban ship and set sail for Canada. Almost six days later, we went through U.S. customs in Toronto. "Where have you been, fellows?" asked the American officer. "Cuba," we answered. "Bring anything back with you?" he asked. We told him we had not. But actually we had come back with conflicting emotions about Cuba and the New Left.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

AUGUST AT THE SMITHSONIAN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events for the month of August 1970 of the Smithsonian Institution. Once again, the Smithsonian has scheduled many excellent events, as well as a number of special summer activities.

I strongly urge my colleagues and the American people to visit the Smithsonian Institution and take advantage of the many planned activities and events:

AUGUST AT THE SMITHSONIAN

CALENDAR OF EVENTS

Saturday, 1

Exhibition: *Today and Tomorrow in Space*. Space Art by Robert McCall, Arts and Industries Building through August 15.

Sunday, 2

Demonstration of African Music and Dance. 3–5:30 p.m., National Portrait Gallery.

Tuesday, 4

Lecture: *Thomas Nast Paintings*, by Mrs. Janet Flint. 11 a.m., National Collection of Fine Arts.

Wednesday, 5

Informal Concert: A 45-minute performance of piano trios of Mozart and Brahms. 1:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Films: *Out There, a Lone Island* and *Korea*. 7:30 p.m., Auditorium, National Museum of History and Technology.

Thursday, 6

Creative Screen: *Art of the 60's*. Continuous showings on the half-hour from 11 a.m. to 2:30 p.m., at the National Collection of Fine Arts.

Friday, 7

Mr. Zip Through Cartoonists' Eyes. Exhibition of cartoons drawn for the Post Office Department by widely syndicated artists. In the Hall of Philately, National Museum of History and Technology, through early October.

Artists Abroad. 50 paintings and sculptures by Americans who studied abroad under the Institute of International Education Sponsorship. National Collection of Fine Arts through September 7.

Saturday, 8

Creative Screen: *Art of the 60's*. Repeat. See August 6 entry for details.

Saturday, 15

Mohandas Gandhi. Memorial exhibition commemorating the birth of the great Indian leader. 3rd Floor, National Museum of History and Technology through October 12.

Wednesday, 19

Informal Concert: 45-minute performance using instruments from the Smithsonian's collection. 1:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Thursday, 20

Creative Screen: The Ivory Knife. Continuous showings on the half-hour from 11 a.m. to 2:30 p.m., at the National Collection of Fine Arts.

Moon Rocks. Photographic exhibit showing Smithsonian scientists conducting research on lunar samples and results of the study. Foyer Gallery, National Museum of Natural History through Labor Day.

Saturday, 22

Creative Screen: The Ivory Knife. Repeat. See August 20 entry for details.

Vibrating World. 50 black and white photographs help to explain cymatics—the structure and dynamics of waves in fibrations. Complex and orderly patterns are formed and many peculiar undulations and surface effects are seen. Arts and Industries Building through October 12.

SUMMER HOURS

Smithsonian Museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily. Museum of History and Technology: 10 a.m. to 9 p.m. daily through August.

HOURS AT NATIONAL ZOO

Gates open 6 a.m.—Close 6:00 p.m.

Buildings open 9 a.m.—Close 6:00 p.m.

Dial-a-museum—737–8811 for daily announcements on new exhibits and special events.

Dial-a-Phenomenon—737–8855 for daily announcements of satellite passages and worldwide occurrences of short-lived natural phenomena.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs, 381–5911. Deadline for September Calendar: August 8.

Mailing list requests and change of address should be sent to the Smithsonian Calendar, 425 Smithsonian Institution Bldg., Washington, D.C. 20560.

FOREIGN STUDY TOURS

In 1970

The Smithsonian has organized several special tours concerned with archaeology, the arts, museums, private collections, and natural history, for members of its Associates Programs.

Northern Italy: Palladian tour of Venice, Vicenza and Verona. Leaving September 14th for two weeks, with a third week free for members arrangements at will in Europe. (Itinerary available, waiting list only.)

No-tour Tour: BOAC Excursion—Dulles/London/Dulles. October 2–23. $247.00. Make your own arrangements for three weeks travel in Europe.

In 1971

Sicilian Archaeological Sites and Opera in Italy: February 1–22, with visits to the opera houses of Palermo and Catania in almond-blossom time, Trieste, Venice, Naples, Rome, Milan: good seats assured and backstage visits. Under the direction of Mrs. Constance Mellen of The Washington Opera Society.

East African Safari and Cruise: March 20 to April 15; five days in game reserves; two-week cruise to visit the Seychelles Islands, Aldabra Island, and others in the Indian Ocean; sailing from and returning to Mombasa. (Itinerary available.)

Cyprus & Asiatic Turkey: May 13–June 3, for three weeks; visiting archaeological sites in central and Southern Turkey, as well as better-known excavations near the West Coast; an extended itinerary fanning out from four centers with comfortable hotels: Nicosia, Izmir, Alanya, and Ankara. Under the direction of John J. Slocum.

Palladian Architecture in Ireland: May 31 to June 15; seminar on preservation techniques and methods; visits to private properties. In co-operation with the Irish Georgian Society. Under the direction of Dr. Richard H. Howland.

France: No-tour tour; an extremely inexpensive excursion via Air France, June, for three weeks; members plan and pay for their own arrangements in Europe.

South America: August; a tour of Colombia, Ecuador, Peru and Brazil, with emphasis on archaeology, old and new architecture, museum and private collections, plus a short visit to the Upper Amazon.

Russia: September 20 to October 12. An unusual tour that includes Armenia, Samarkand, Kiev, Vladimir, and Novgorod besides extended visits to Moscow and Leningrad. (Itinerary available.)

For itineraries and details please write to Miss Susan Kennedy, Smithsonian Institution, Washington, D.C. 20560.

SMITHSONIAN RESIDENT PUPPET THEATRE

Confetti, presented by Bob Brown Marionettes. This production, which continues through September 7, is a half-hour of merriment aimed to delight children and adults alike. Summer hours: 11 a.m., 1 p.m. and 3 p.m., Wednesday through Sunday. Reservations are advised and can be obtained by telephoning 381–5241. The Puppet Theatre is located on the third floor of the National Museum of History and Technology and is produced by the Smithsonian's Division of Performing Arts.

MUSEUM TOURS

National Collection of Fine Arts: Weekday tours 11 a.m. and 1 p.m. For advance reservations and full information, call 381–4188 or 381–6100; messages 381–5180.

National Portrait Gallery: Tours of the permanent collection of the National Portrait Gallery and special tours may be arranged by calling 381–6106 or 381–6161. Tours will be given by special appointment only.

Museum of History and Technology: Highlight Tours of the Building—Meet at the Pendulum.

Weekday tours arranged through Office of Academic Programs call 381–5680, 381–5019. Early American Furnishings—Monday through Friday

First Ladies Gowns—Monday through Friday

Ceramics—mornings by request

SUMMER ADVENTURE

Sponsored by the Smithsonian Associates

Mineral and gem collecting (August 27–30). Three days of collecting in quarries of northwestern Maine, under supervision of Dr. Thomas Feininger, Smithsonian mineralogist. For information call 381–5159.

Arts and Industries Building

1. *Art Protis*—closing indefinite.
2. *Moon Rock*—closing indefinite.
3. *Polish Folk Art*—through September 21.
4. *Dorothy Liebes Retrospective*—through September 28.

Museum of History and Technology

1. *Voyage of the U.S.S. Manhattan*—through August 31.
2. *Women and Politics*—closing indefinite.
3. *Laser 10*—through Labor Day.
4. *The Demand for Water*—through September 15.

Museum of Natural History

1. *South African Costumes*—closing indefinite.
2. *Vanishing Totems of Alaska*—closing indefinite.
3. *Malay Archipelago*—through September.
4. *Coral-Eating Starfish*—indefinite.
5. *Indian Images*—through August 31.
6. *Reptile Behavior and Feeding Habits*—through September 8.

Freer Gallery of Art

1. *Whistler's Landscapes and Seascapes*—closing indefinite.

National Portrait Gallery

1. *Language of African Sculpture*—through September 7.

National Collection of Fine Arts

1. *Thomas Nast's Grand Caricaturama*—through August 31.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m. on radio station WGMS (570 AM & 103.5 FM). The weekly *Radio Smithsonian* program presents music and conversation growing out of the

Institution's exhibits, research, and other activities and interests. Program schedule for August, under the theme, "A Summer of Music," is:

2. *Recital of 20th Century Piano Music by Pierre Huybregts.*

9. *The Princeton Chamber Orchestra.*

16. *Tarr and Kent Concert.*

23. *The 1970 American Folklife Festival, Part I.*

30. *The 1970 American Folklife Festival, Part II.*

Radio Smithsonian is also heard on WAMU–FM (88.5), Tuesdays at noon; WETA–FM (90.9), Mondays at 9:30 p.m.; and on WNYC–AM/FM in New York City.

BLOODBATH PREDICTED IN WAKE OF U.S. WITHDRAWAL FROM VIETNAM

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. MYERS. Mr. Speaker, I would like to share with my colleagues the warning of a young constituent who is now stationed with the Joint U.S. Public Affairs Office in Saigon. His observations are significant, I believe, when contrasted with those who continually call for our immediate and precipitous withdrawal from Vietnam:

DEAR CONGRESSMAN MYERS: I don't know if you remember me or not, but a couple of years ago I was active in the Victory in Vietnam movement at I.U., and we exchanged letters at that time.

I am now working as a writer/editor in the North Vietnam Affairs Division of JUSPAO, and among my duties is the requirement to closely follow the North Vietnamese press and radio, and to read hundreds of captured documents every month.

Perhaps at no time in our history has a major problem been surrounded by so much misinformation and misunderstanding as has the Vietnam war. From my current vantage point—and because I spent 5 years at IU specializing in Vietnamese Studies—I feel I have a better understanding than most people.

I am working at present on a detailed study of the Viet Cong tactic of assassination. My study has led me to conclude that if the communists are allowed to take over Vietnam, something on the order of 3 to 5 million people over here are going to be in danger of being killed. Daily I see captured directives complaining that many of the "traitors" and "puppet administrative officials" who have been sentenced to be "punished" are "still alive."

I know of no one who enjoys what is presently taking place in this war-torn land. Certainly, I would rather be home with my new bride than over here. However, those who urge that we abandon these people in the interest of "peace" and of saving lives, just simply do not know what they are talking about. The bloodbath that will follow an American pullout before the Vietnamese are ready to assume the full burden of the war will dwarf what is presently taking place here.

As a constituent who has been more than casually interested in the Vietnam question—I returned here for my third trip in January—I want to ask you as my representative in government to please do not betray these people. Please, do not vote to pull us out of here—millions of people have accepted our word that we would protect them, and it is largely because of their confidence in us that they now find themselves under sentence of death by the communists. To betray our promise at this time would consign many of Vietnam's finest and most courageous people to death. It would further completely destroy my faith in our system of government, and my pride in my country as the defender of the weak.

THE AMERICAN IMAGE ABROAD

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. WYMAN. Mr. Speaker, once there was a book called "The Ugly American." It set forth many reasons why Americans were not liked in foreign lands no matter how much they did for the people in those lands.

Years ago—1948–49—I served as first counsel to the first joint congressional committee set up to watch over the Marshall plan spending in Europe. In this assignment I traveled in Europe and the Middle East to see how things were going and submitted reports to then committee chairman, the late Honorable Pat McCarran, advising that the seeds of the ugly-American-to-be were being planted by what some Americans were doing.

For example, in Greece American staff employees and economic mission representatives were riding around the streets in Paul Hoffman's new Studebakers—Hoffman was then head of the Economic Recovery Administration—blowing their horns to move the populace off the streets so they could get by, a populace that for the most part had no cars, and mightily resented the American opulence.

No matter what we do in Vietnam for the Vietnamese or otherwise, we are still foreigners—still unwanted, and in some respects even hated. One does not need to go to Vietnam to know that this is almost bound to be the case. It would be the situation with almost any foreign presence but perhaps particularly Americans because of their insistence on material comforts in contradistinction to a majority of the people of South Vietnam.

I do not know that this means that we ought to get out of Vietnam any faster for President Nixon's withdrawal is now geared to the military situation and the capability of the South Vietnamese to defend themselves from an even more hated presence—Communist infiltration from North Vietnam or possibly Red China. But it is an indication of what ought to become fairly well settled American foreign policy, which is that the American presence in terms of either too much money or too many people in other lands should be sharply curtailed in future years lest we become even more unpopular than we already are.

I commend the recent report appearing in the Sunday New York Times to the thoughtful consideration of readers in the RECORD in this connection:

AMERICANS IN VIETNAM FIND THEMSELVES HATED

SAIGON.—If there are any truly hopeful or complacent Americans still left in the huge United States mission here, last week should have made it more difficult than ever for them to believe that they are loved, even liked, or occasionally appreciated by the South Vietnamese. For the politicians, the university students, the angry Buddhists, the adolescents who hate the war and refuse to be pulled into it, the working class man who blames inflation on the foreigners, are all trying in different ways to tell him how they feel.

Anti-Americanism in South Vietnam is most particularly seen and sensed in Saigon, but only because peasants in the countryside have fewer chances to express it. Since 1965, when the buildup of United States military forces began, few Americans here thought it would all be rosy between the two races. But fewer still thought the day would come when a warning would be issued by the United States Embassy for staff members not to travel alone in Saigon because of recent acts of violence against Americans. Last month, Vietnamese students here pulled an American M.P. from a jeep, beat him, and burned the vehicle.

After the embassy warning—in which employes were advised to travel in pairs—officials were embarrassed by the attention it drew to a problem they, naturally, would wish to conceal. An embassy spokesman said last week the warning was actually more of a precaution than the result of specific anti-American attacks (on which no figures, of course, were available) but it was too late to convince anyone.

UGLY MOOD

The warning makes sense. The mood of the Vietnamese in Saigon has been increasingly ugly since last May. There are fewer Americans in Vietnam—in Saigon, too—but those that are here are hated more. It is unsafe, even stupid, for a foreign woman to walk alone after 9 p.m. even in the heart of downtown Saigon. Boys riding in pairs on Honda motorcycles will try to snatch her handbag. The same boys will also try, and nearly always succeed, in cutting camera straps on the shoulders of Americans, and even pulling off wristwatches from the arms of men. Theft is not the only reason: What happens in Saigon is not quite the same small mean crime that happens so often in New York. Here, it is a way of getting back, of showing the Americans that the Vietnamese can threaten them, too.

The Americans are hated now because they have, for so long, told the Vietnamese how to win the war. Despite such assurance, the war is a long way from being won. It is the Americans who advise on so many things—how to be a mayor, how to run a detention center, how to burn marijuana, how to pacify a village and how to blow it to pieces if that also is called for—that the Vietnamese ache to be left alone and to divorce themselves from their well-meaning but tiresome allies.

Some Vietnamese hate because the Americans are bigger, richer, smugger, calmer, because they have ice, telephones, helicopters, medicines, cars and the conviction that they are right, even when surrounded by the wreckage of their plans and the failures of their charts promising certain victory and peace.

The Vietnamese are not always fair or honest in their grievances. They rarely blame themselves for lack of leadership, for the mess in their own country in the last 15 years. They will not admit that they, too, want money and Salem cigarettes, hot water and tape recorders and Hondas. But the grievances against the Americans are there and growing.

CAUSES OF ANGER

The B–52 bombing raids, the air strikes on villages where there might have been Vietcong but maybe not, the incidents of cruelty by United States troops, the Phoenix program, have made many Vietnamese angry and outraged. The victims of American actions are very numerous, indeed.

But even the Vietnamese who have never been injured or deprived because of Americans have caught the fever.

Anti-Americanism is strongly espoused by the Opposition deputies in the National Assembly, as is their campaign against the Government of President Thieu. They boast about it, as though at long last they were ready to make their own decisions, pay their own bills, accept their own risks.

There is the feeling here that President Thieu rather enjoys their attacks on American policy. His opposition says to the world what his political position prevents him from ever expressing. In fact, there are few Vietnamese who do not feel that the Americans really have gotten them into more trouble—forgetting their Government's call for help in 1965. A typical comment comes from a newspaper publisher and prominent National Assembly deputy: "I don't know what might have happened to us if the United States had not intervened but I do know they have made the war worse."

HOUSE OF REPRESENTATIVES—*Thursday, August 6, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of his might.—Ephesians 6: 10.

O God and Father of us all, we thank Thee for our homes and pray that Thou wilt bless all who live within our family circles. We are grateful for Thy mercies which daily attend our days, for food, clothing, and shelter, for the warmth of our affections and for the ties that bind us together.

Help us so to live each day and so to love one another that we may never be afraid or ashamed but always may our hearts be happy, our thoughts good, our words gentle, our deeds genuine, and our hands ready to help.

Daily renew our strength, replenish our love and restore our faith that we may face life bravely because we face it together. As we come to family reunion day this Sunday deepen our love for one another and for Thee that love may reign in every room in our hearts and rule in every room in our homes.

In Thy Holy Name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16915) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate concurred in House amendments to Senate amendments numbered 23, 32, and 35 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1076) entitled "An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes."

APPOINTMENT OF MEMBERS TO THE NATIONAL PARKS CENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91-332, the Chair appoints as members of the National Parks Centennial Commission the following members on the part of the House: Mr. ROGERS of Colorado, Mr. OLSEN, Mr. SAYLOR, and Mr. SKUBITZ.

APPOINTMENT OF MEMBER TO THE BOARD OF VISITORS, U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 194(a), the Chair appoints as a member of the Board of Visitors to the U.S. Coast Guard Academy the gentleman from Connecticut (Mr. MONAGAN) to fill the existing vacancy thereon.

THE INVESTIGATION OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(Mr. WYMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. WYMAN. Mr. Speaker, in a public account of the first 60 days' activities of the House Judiciary Subcommittee chaired by the gentleman from New York (Mr. CELLER), charged with the investigation of certain allegations concerning activities of Associate Justice of the Supreme Court Douglas, for some reason failed to include an outline of recommended procedures submitted by me in May specifically in response to prior request by Chairman CELLER.

Inasmuch as the Celler subcommittee has now made this report public, I am including in the RECORD today in an extension of remarks a copy of this letter of May 6 in full.

To this day it appears that this subcommittee has failed to call a single witness, or to take a single word of testimony under oath.

Conceived in deceit in that the resolution that it is operating under was offered as a palpable subterfuge, to avoid House Resolution 922 and companion resolutions containing cosponsors this so-called investigation by the Celler subcommittee makes a mockery of the responsibilities of this House to meaningfully investigate impeachments.

Yesterday the chairman announced that there were going to be three phases to the investigation, and that phase I had been concluded.

This phase staging is a palpable stall, to protract and drag out this investigation of Justice Douglas until this House is out of session and it is too late to do anything about it in this 91st Congress.

Mr. Speaker, the charges that have been made are quite serious ones. I believe testimony should be taken under oath in a public hearing by an independently and objectively minded committee. I hope this body will act to see that this is done without further delay.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, I rise to indicate my concern over the progress made to date with respect to the Legislative Reorganization Act of 1970. While I certainly do not want to prejudge the progress we will make next week, our record last week and this week was not good, considering the importance of this legislation.

The subcommittee chaired by the gentleman from California (Mr. SISK) and our colleague Mr. SMITH of California, have labored long and hard to bring this bill to the floor. The debate so far has been full, fair, and constructive. However, I would hope that we would not let the initiative for true reform be lost by dragging out our discussions over a prolonged period of time.

Mr. Speaker, it would be my hope that we will devote the major portion next week to the passage of meaningful congressional reform bill.

THE PRINCIPAL FIGURE IN THE BOOK "THE REAL MAJORITY"

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, I am intrigued by the interest generated by the new book, "The Real Majority," coauthored by Richard Scammon and Ben Wattenberg.

Several noted pundits, including Stewart Alsop, Richard Harwood, Frank Mankiewicz, and Tom Braden, have referred to the principal figures in this book, a "47-year-old housewife from the outskirts of Dayton, Ohio, whose husband is a machinist."

Since this lady resides in my congressional district, I took the liberty of checking her political alliance. I am informed, Mr. Speaker, by the board of elections that she is not registered and therefore, not eligible to vote in the November 3 election.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

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The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 258]

Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Baring
Bell, Calif.
Blanton
Boggs
Bolling
Bray
Brock
Burleson, Tex.
Burton, Utah
Caffery
Celler
Chisholm
Clay
Collier
Conte
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Edwards, La.
Erlenborn
Evins, Tenn.
Fallon
Flynt
Ford, William D.
Foreman
Fulton, Tenn.
Galifianakis
Gilbert
Goldwater
Gray
Hathaway
Hébert
Holifield
Ichord
Jones, Tenn.
King
Kleppe
Kuykendall
Long, La.
Long, Md.
Lujan
McCarthy
May
Meskill
Ottinger
Passman
Pollock
Powell
Price, Tex.
Quillen
Rarick
Reifel
Robison
Rostenkowski
Roudebush
Roybal
Ryan
Scheuer
Stafford
Symington
Taft
Teague, Tex.
Tiernan
Tunney
Weicker
Whitten
Wold
Wright

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON AMENDMENT TO TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

APPOINTMENT OF CONFEREES ON MENTAL RETARDATION BILL

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2846) an act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, with a House amendment thereto, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON H.R. 17333, INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce, have until midnight tonight to file a report on H.R. 17333, the Investment Company Amendments Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ROGERS PRAISES FDA'S MOVE ON DRUG ABUSE

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, during hearings on drug abuse legislation the Subcommittee on Public Health heard some alarming testimony on how diet pills have been channeled into the drug subculture.

Amphetamines, the main ingredient in diet pills, are one of the most abused drugs in our society today and unfortunately, are becoming more so each day.

The diet pills are produced legally because they serve a purpose according to many physicians. Amphetamines are used and are effective over a short term in the treatment of obesity, according to medical testimony.

But these pills have been used by millions of persons, both young and old, as pep pills. In fact, we have heard that more than half of the production of amphetamines is funneled off into the illegal drug market.

During these hearings, I asked the Food and Drug Administration to study the possibilities of limiting amphetamines to the accepted medical uses. These are for treatment of narcolepsy, hyperkinetic children, and short-term use for diet control. I also asked that the labeling be changed to warn of the potential danger of developing a dependency to amphetamines. I personally feel that if we are able to control amphetamines and channel them only to use in medically approved situations, we will be able to successfully eliminate part of this Nation's drug abuse problem.

I was pleased to see that Commissioner Charles Edwards has stated he plans to move against the illegal use of amphetamines by urging tighter control over the manufacture and distribution of amphetamines, by establishing new labeling, and by warning that amphetamines lose their effectiveness to cut appetites after a very short period.

I am also pleased that he has asked industry to join in this battle by voluntarily cutting back on production of amphetamines.

I think that the action taken by Dr. Edwards will prove most effective and I am pleased that FDA has taken a positive step in controlling this widespread problem. Commissioner Edwards has taken leadership of FDA in this matter in a positive way and should be highly commended by a grateful public.

PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT AUGUST 7 TO FILE REPORTS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, August 7, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 17070, POSTAL REORGANIZATION

Mr. DULSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 3, 1970.)

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after 16 separate meetings and 2 weeks of strenuous and difficult negotiations, the committee of conference has compromised the differences between the House and the Senate on H.R. 17070, the Postal Reorganization Act.

The conference substitute was approved by the other body 3 days ago, on a rollcall vote of 57 to 7.

The conference report represents the very best agreement that possibly could have been worked out in the light of the extremely strong positions of the conferees for both Houses on the principal differences considered in the conference.

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In my judgment, this final agreement is a reasonable one. Further, it represents a thoroughly practical and workable charter for the truly meaningful postal reform that the American public demands.

NEW LAW SETS THE STAGE

This law sets the stage for improving materially the efficiency of postal operations, improving the legitimate interests of all postal employees, and working to the general welfare of the Nation.

What this unprecedented legislation provides is the mechanism. The responsibility for making it work and providing improved postal service for our Nation will lie with the management and the postal employees in the new agency.

Improved mail service depends upon everyone up and down the line. That means not only the carriers, clerks, and other employees in the field but also top management at all levels—headquarters, regional, and local.

The opportunity is unprecedented for both employees and management. The eyes and ears of the Nation and the Congress will be focused on what these parties do with this opportunity.

ONE WAY TO GO—FORWARD

There should be only one way to go—and that is forward.

I will not dwell on our long and often tedious committee deliberations throughout both sessions of the 91st Congress. Suffice it to say that the final result, as embodied in the conference report, is a most worthy product of the best in our democratic process.

At the outset, it is important to make clear that the Senate version of the bill made no material changes in the majority of the fundamental policy decisions contained in the House-passed bill.

The amendment approved in the other body adopted the entire broad postal policy written in the House.

Except for the title "Board of Governors," the House provisions are retained for the creation, membership, procedures, powers, and duties of the governing body, chief operating officials, and Advisory Council of the new Postal Service.

DEALS WITH SHORTCOMINGS

As the Members will recall, the two greatest shortcomings that have hindered postal efficiency long have been recognized to be the lack of modern facilities and the failure of adequate financing in all elements of postal activities.

The Senate version incorporated the House provisions for modernization of facilities and equipment, including borrowing authority and budgetary policies, all substantially as written in the House.

The Senate version also conformed to the House provision for establishing a true revolving fund—called the Postal Service fund.

All revenues and other postal incomes will be placed in this fund and will be available for payment of expenses of the Postal Service free of limitations on appropriations and apportionment.

KEYSTONE TO MODERN SERVICE

While these provisions were not in conference, I cannot too strongly emphasize their importance as the keystone of a truly modern postal service.

Finally, it is to be recognized that this legislation deals generally with two broad aspects of postal affairs. One covers the operation and management of the postal establishment and the service it performs for the public. The other covers the rights and benefits of the 750,000 postal employees who do the actual work.

The new policy provisions for the management, operation, modernization, and financing of the postal establishment are, of necessity, more extensive than the provisions for employees.

With these management provisions, we are embarking on a completely uncharted course. They represent a radical departure from tradition and longstanding practice.

NEW DAY FOR EMPLOYEES

It is equally true that we are breaking with the past in terms of postal employee rights and benefits and the avenues through which they are protected and strengthened as needed.

I believe we all understand and appreciate the legitimate aims of the employees with greater certainty than is the case with respect to this sweeping reorganization of the Postal Service itself.

Therefore, I know it is a source of real satisfaction to my colleagues, as it is to me personally, that most of the House labor-management provisions were embodied in the Senate-passed bill.

Then the differences were resolved in conference so that the total package conforms in all material respects to the House version.

HOUSE VIEWS PREVAIL

The general powers and duties of the Postal Service and the citation of other statutes that will apply likewise conform generally to the House provisions.

The only exceptions are, first, the continuation of the traditional entitlement of the blind to operate vending stands; and second, the application, with necessary exceptions, of the public information requirements in title 5, United States Code.

The Senate also accepted House provisions to continue many existing laws, including:

Printing of illustrations of stamps;

Postal service at Armed Forces installations;

International postal and money order arrangements;

Cooperation with other Government agencies;

Private carriage of letters;

Debts and collections;

Transportation of international mail by air carrier;

Settlement of claims for damages;

Nonmailable matter, including master automobile keys;

False representations and lotteries;

Unlawful matter;

Prohibition of pandering advertisements;

Penalty and franked mail;

Free postage and other mailing privileges of members of the Armed Forces;

Mailing privileges of blind or physically handicapped persons; and

Size and weight limits on parcel post.

TRANSPORTATION PROVISIONS

In the field of postal transportation, the minor differences between the provisions in the House and Senate versions have been resolved relating to surface and water transportation.

A special word is in order, however, with respect to the differing versions governing transportation of mail by air.

I fully recognize and respect the jurisdiction of the Committee on Interstate and Foreign Commerce, and the responsibilities of the Civil Aeronautics Board, in the total field of air transportation. I think that this is fully demonstrated by the record.

However, as chairman of the Committee on Post Office and Civil Service I, too, have a clear and immediate responsibility.

OUR COMMITTEE HAS RESPONSIBILITY

This is a responsibility of the Postal Service and to the public it serves for the development of new policies, including correction of glaring deficiencies in provisions for mail transportation which now adversely affect service to the public.

It should be understood that the delays in mail service which cause the most complaints from the public do not occur in the post offices—they occur in transportation.

The air transportation provisions carefully written in our committee bill were replaced in the House with a provision that does nothing at all toward speeding mail service through full and meaningful use of our vast air transportation complex.

It would leave the Postal Service exactly where it stands today—in an unsatisfactory position.

NEEDED FURTHER OPTIONS

The Senate version gave some recognition, at least, to the very pressing needs of the Postal Service in this regard. It provides certain very limited additional avenues for the Postal Service to contract for air transportation—avenues that are sorely needed.

At the same time, it does not abridge or interfere either with the jurisdiction of congressional committees having overall air transportation jurisdiction, or with the responsibilities of the Civil Aeronautics Board.

It merely provides a minimum forward step toward improved mail transportation by air by reconciling the postal needs with the general congressional policy in the field of air transportation.

In summary, Mr. Speaker, the conference agreement is a sound and workable measure that will serve well the public interest.

WORKABLE AND TRUE REFORM

It is the end result of 18 months of most diligent endeavor by your Committee on Post Office and Civil Service—a period when there frankly were doubts at times whether we ever would produce a real postal reform bill.

The controversies many times were bitter, and usually were frustrating.

But today we have a postal reform bill.

I am proud to be the chief sponsor of this landmark legislation. It differs from my original concept, but I accept that as part of the orderly legislative process.

My aim from the outset has been to achieve postal reform. The conference substitute is indeed postal reform.

I think it is fair to say that while the bill pleases no one completely, it satisfies most everyone.

Mr. Speaker, I urge the adoption of the conference agreement.

Mr. CHARLES H. WILSON. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from California.

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to compliment the chairman of the committee, the gentleman in the well (Mr DULSKI) for the outstanding job he has done in leading the House Committee on Post Office and Civil Service during the long time this bill has been under consideration. I think the patience of the gentleman from New York (Mr. DULSKI) and the work of the very capable staff that worked alongside of him in bringing this bill to the point that it is today, should be commended, and that theirs has been an outstanding achievement.

Mr. Speaker, I believe the fact that this bill was passed out of the committee by only one vote shows that neither the administration nor any of the large and powerful postal organizations were writing a bill that suited them, and them alone. I believe the committee exercised its authority as a legislative body in a proper and responsible way, and I agree with the chairman of the committee that we have here a landmark piece of legislation that is a good piece of legislation, and one that will give us a start in rectifying what wrongs may have been in the postal department in the past.

Again, Mr. Speaker, I commend the gentleman in the well, and hope that we can pass this legislation today by an overwhelming vote.

Mr. DULSKI. Mr. Speaker, I thank the gentleman for his remarks, and as chairman of the Committee on Post Office and Civil Service I can say that the gentleman from California has contributed greatly to the bill that we are passing here today.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the charman for his leadership.

I would like to ask: How can we be sure that this Postal Rate Commission will be able to stand up for the public interest against the tremendous pressures which will be exerted, and not simply become a toothless tool of the third class mailers and others for whom rates are set, such as the Interstate Commerce Commission and many other Federal regulatory agencies have become?

Mr. DULSKI. As the gentleman knows, since he is very much interested in this legislation and proposed an amendment during floor debate, the independence of the new Rate Commission is greatly strengthened by the conference substitute.

We considered the provisions of both bills and took the best features of each. I can assure the gentleman that the President of the United States should appoint a Rate Commission that will look out for the best interests of the public.

Mr. HECHLER of West Virginia. I hope that the Committee on Post Office and Civil Service and the chairman intend to follow this up and make sure that the Rate Commission is indeed independent of outside pressure.

We in Congress know the nature and extent of pressures which are brought on Congress in connection with the fixing of postal rates. The third-class mailers offered to put a large plant in my district, employing large numbers of West Virginians, if I would stop working for higher rates on junk mail. Now that we have an independent Postal Rate Commission, you can just imagine the pressures which will be generated against the members and staff of that Commission in an attempt to get the kind of postal rates that special interests desired. In such a situation, the public interest will suffer, and most particularly those who mail personal, first class letters will be forced to shoulder the burden of rate increases.

This is why the situation demands that the Postal Rate Commission be composed of men of courage and integrity, who will refuse to talk with these special interest groups except in formal public hearings, and who will fight to protect the public interest.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman.

Mr. UDALL. Mr. Speaker, the gentleman from West Virginia raised a very important point about all these lobbying pressures about rates that come into focus on members of our committee and the Congress.

Now that we are going to have this transfer and depend on these rate commissioners, I am going to call on the President and I hope my friend from West Virginia and others will join me—I am going to call on the President to appoint men who will make a break with this tradition of the past and make sure that we have a model regulatory agency, and an agency that has rules about ex parte communications and an independence of attending industrial functions and full disclosures of finances and things of this sort so that we can have a model agency. Otherwise it will be going down the road that the gentleman has described.

Mr. HECHLER of West Virginia. I appreciate the remarks of the gentleman from Arizona. It is absolutely necessary that the steps he has outlined be carried out. We have seen many laudable attempts to protect the public interest founded on the rocks of administrative neglect. The coal miners of West Virginia had their hopes raised with the passage of the Federal Coal Mine Health and Safety Act of 1969, yet that act has not been enforced, and miners have gone to their deaths in uninspected mines which the law requires be inspected at least once every 5 working days. In countless other areas, the policies enunciated by Congress have been undercut as a result of powerful pressures successfully applied to the process of enforcement.

I therefore will join in a strong appeal to the President of the United States to appoint men of courage and integrity, and issue strict orders insuring that the members of the Postal Rate Commission operate in the public interest. This Commission must not be isolated from information, but must be insulated against pressure.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr DULSKI. I yield to the gentleman.

Mr. HAWKINS. Mr. Speaker, first I would like to commend the gentleman now in the well for an excellent report and for the work that he has done in this field.

It is my understanding that the Senate version did contain a provision which would make applicable to the employees the provisions of title VII of the Civil Rights Act and the President's Executive order prohibiting discrimination in employment.

Is that contained in the Senate version and, if so, is it contained in this conference version?

Mr. DULSKI. Do you mean in the conference report?

Mr. HAWKINS. Yes, is it in the conference report?

Mr. DULSKI. No, it is not.

Mr. HAWKINS. Was the Senate version retained?

Mr. DULSKI. No, it was not.

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to say to the distinguished chairman of our committee and to the gentleman from California that as a conferee I requested the Senate to reconsider its position. The Senate reconsidered and receded and agreed to accept the House version which permits any charge or complaint of discrimination by virtue of age, sex, national origin and so forth to still be heard by the Civil Service Commission where as I pointed out the procedures with reference to the hearing of such complaints is much more adequate and affords much more protection to the person who is complaining.

Whereas, the Senate version of the bill was most restrictive.

As a matter of fact, as an additional benefit, by having such authority rest with the Civil Service Commission, is that at this point such complaints are usually processed by the Post Office Department rather than the Civil Service Commission within 6 months whereas a hearing under the Equal Employment Opportunity Commission would take at least 22 months.

Furthermore, if we adopted the procedure recommended by the Senate, all that the Equal Employment Opportunity Commission would do would be to have an informal hearing, and upon the conclusion of that hearing it would recom-

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mend to the person who felt aggrieved, if he was right and the Commission agreed with him, to institute suit in the U.S. district court or the circuit court of appeals, I do not recall which one was recommended.

Whereas under the House version with the Civil Service Commission retaining authority and not only would they set an informal hearing, but if that claimant was found to be right by the Civil Service Commission, he would be advised to file a complaint and again informal hearings would be had and, after that, there would be a hearing before a referee who would recommend his findings to the Commission. Finally, the party would be advised to institute a suit.

I think due process was afforded in a much better way under the Civil Service administrative handling of the matter than would have been the case in referring the matter to the Equal Employment Opportunities Commission.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield further, I would not like to take this time to debate the merit or lack of merit, in my opinion, of a civil service type of hearing. I think the matter has thoroughly been gone into by a subcommittee of the Committee on Education and Labor. The full committee has reported out a bill which will transfer the duties of that commission to the Equal Employment Opportunities Commission, together with cease and desist, which would correct some of the elements discussed by the gentleman from New Jersey as to the deficiencies under existing law. I recognize that this is an issue which is somewhat certainly coincidental to the main thrust of this legislation, and this is not the time to try to decide that issue.

I would simply like to say at this time, however, that a bill will shortly be before this body which will provide for these employees a full and effective hearing before the Equal Employment Opportunities Commission, and when the bill to which I have referred, which is coauthored by the gentleman from New York (Mr. REID) and myself, is reported, I hope it will be considered on its merit when presented before the body. But at this time I would like to point out that I believe in receding from this particular provision we are, to some extent, giving to these employees a rather limited hearing, one which the Civil Service Commission itself has said there has been a lot of foot-dragging on by various agencies. I certainly hope that this will be corrected, and that in the near future this body will have an opportunity to work its will on this particular subject.

Mr. DULSKI. The chairman can be assured he will have my support.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. In presenting the conference report, if I understood the gentleman correctly, he made a favorable statement on behalf of the House-passed position, and said that generally the provisions of the House bill had been retained. I appreciate the need for postal reform. I wonder if the gentleman could explain, in the statement of the managers on the part of the House, wherein it states that the difference between the House bill and the substitute agreed upon in conference that by actual count in 46 instances the House yielded as evidenced by statements therein by paragraph stating, "The conference substitute adopts the Senate provision," or "The conference substitute conforms to the Senate position," and only in 14 instances does it say the same about the House position. This would seem to me not to jibe with the general feeling of euphoria that the House position prevailed, if in the items in contention between the two bodies there was such a lopsided disagreement of 46 to 14. Would the gentleman comment on that and perhaps explain it for the Members?

Mr. DERWINSKI. Mr. Speaker, will the Chairman yield to me to point this out to my dear friend from Missouri?

Mr. DULSKI. I yield to the gentleman from Illinois.

Mr. DERWINSKI. What we did, may I advise the gentleman, was to yield to the Senate on all the little matters and we maintained the major items in effect—right-to-work, for example, which the gentleman was concerned about. So the 46 to 14 numerical count does not give the true picture. We were gracious to the Senators on the little things, and on the very major items, the guts of postal reform, why, we heroically upheld the House position.

Mr. HALL. If the gentleman will yield further, the beautifully turned out and properly attired gentleman from Illinois reassures me. I only wish that his sartorial elegance could be borne out by fact.

I am wondering, Mr. Speaker, if he is referring to such items, which I do appreciate, as retaining the right to reform?

Mr. DULSKI. To what page of the report is the gentleman referring?

Mr. HALL. Right now I am reading from page 79, the next to the last paragraph, where it states:

> The conference substitute adopts the Senate provision with an amendment eliminating Members of Congress from membership on the board.

I realize, Mr. Speaker, there may have been good and adequate reasons for that, but I have great difficulty in reading the statement of the managers on the part of the House and making that "gee" with the fact that, for example, there is no right of veto, which I consider a constitutional requirement of Congress for postal rate determination by the Postal Rate Board.

If we are going to take all the Members of Congress off the Advisory Council or the Postal Rate Board and wipe out—by yielding, and saying that no such is contained in the conference report—the right of appeal to Congress or the right of final determination over and above any Postal Rate Board or indeed, the Postal Service which we have always had since we threw tea into Boston Harbor and fought King George because of the Stamp Act, in the first place; I do not see how we retain any of our constitutional prerogatives, let alone the right of this body vis-a-vis the other body in Congress.

Mr. DULSKI. Mr. Speaker, let me answer the distinguished gentleman from Missouri. When the conference took up this matter, we agreed to require a unanimous vote of the Board of Governors to override postal rates recommended by the Rate Commission. The conferees felt that they have insured complete independence for the Postal Rate Commission, subject only to judicial review or, after commission reconsideration at the request of the governors, such modification as is directed by unanimous written action of the governors.

So we felt that we are not only keeping out politics, but we also have insured the independence of the Rate Commission which we expect to be composed of experts.

I think it is a good compromise. As for the points of difference, I did not count all of them. They were many small items. Maybe someone did keep track of them, I did not. I thought the entire gist of H.R. 17070, as approved by the House, was pretty well retained in the final bill.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. I did keep track and I have had the advantage of the gentleman's own report of the conference.

As far as keeping politics out of it is concerned, I think this is commendable, unless that becomes a matter of inverse politics. Then I think that is damnable instead of commendable. I still wonder, with the Advisory Council looking over their shoulders, if we have not, in fact delegated the authority, which I think is unconstitutional.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I and deeply grateful to the gentleman from New York, the chairman of the Committee on Post Office and Civil Service, for yielding to me at this time.

Mr. Speaker, I support this conference report and urge its prompt adoption.

I also wish to commend the chairman and the members of the Committee on Post Office and Civil Service for what I consider to be one of the truly great accomplishments of this Congress. The postal reform bill, which we send to the President today, will stand as a landmark in the history of the U.S. postal service.

This legislation is the product of sincere, dedicated, bipartisan effort. Those efforts began with general studies in the last administration and moved ahead with President Nixon's specific legislative proposals of May 1969 and April 16, 1970.

Today we reach the end of a journey of tremendous legislative accomplishment by sending the postal reform bill to the President for his signature.

While the final conference agreement before the House represents a fine compromise between the work of the House and the work of the Senate, it basically embodies all the recommendations of

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President Nixon resulting from the unprecedented negotiations between the administration and the postal unions after the end of the March postal work stoppage. This includes, of course, the 8-percent additional pay raise for all Post Office Department employees.

Shortly after he was inaugurated, President Nixon pledged that his administration would move to abolish the political patronage system which has plagued the Post Office Department for nearly two centuries. That was accomplished by administrative action of the Postmaster General early last year. Under the provisions of this legislation there will be a permanent barrier against any resurgence of partisan politics in the Postal Service.

The Post Office Department is to be reorganized as an independent establishment in the executive branch and is purposely insulated from direct control by the President, the Office of Management and Budget, and the Congress.

The new postal system is intended to be self-supporting. It will have continuity of top management, with all the management tools and flexibility needed to properly manage. It will have appropriate controls over its expenses and its revenues. It will have a workable means of raising the necessary funds for facilities and capital improvements.

The new Postal Service will herald a new era of dignity and respect for postal employees who will be able to sit down at the bargaining table with management and bargain collectively over pay, fringe benefits, and the conditions of their employment.

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The end result of this massive reorganization of the antiquated Post Office Department can only be as the President anticipated—"a truly superior mail service."

I am proud to have been a cosponsor of this legislation.

Again, Mr. Speaker, I emphasize that this legislation which comes to us today for final approval after many, many months of long, tedious efforts by the committee will stand as a monumental legislative achievement of the 91st Congress.

Mr. DULSKI. I thank the distinguished minority leader for his kind remarks.

Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Speaker, for many months reorganization of the Post Office has been building a head of steam—like a locomotive throbbing, in place, at the station. Shortly, the train, with the grand hopes of all of us who have worked these past months assembling postal reorganization, will pull out of the station speeding the new package of postal reform down the track.

But by giving the go signal today, we should not imagine our job in Congress is done. It will be imperative we man the switches along the way to keep the postal express on schedule and headed down the track that will lead to better public service.

Congress being alert at the switches is all the more imperative when one views the vast powers and prerogatives being granted to the engineers of this new independent executive agency.

Consider, as has already been spoken here, that the congressional caution light of postal rates veto is switched off. The power to raise up to $10 billion in bonded indebtedness, guaranteed by the credit of the United States, is being invested in the postal service. Congress has also relinquished its oversight on wages, benefits, and working conditions for nearly 800,000 postal workers. Remember, every leadership in the Post Office Department in recent times—in the last 30 years—has opposed wage increases. The Congress has had to improve wages, and twice by overriding Presidential vetoes.

Political influence, for good or bad, though removed from the service, could now be replaced by business cronyism, and both the ordinary patron and business users of the mail may find themselves in an unhappy plight if the new agency runs its railroad like some I have seen where the paying passenger is ignored and the freight shipper gouged.

The warning whistle has been sounded many times during past months of debate. It was sounded as recently as last Monday on the Senate floor by Senator YARBOROUGH. He had printed in the RECORD the 5-year plan of operation for the new postal service. In essence it calls for a reduction in employees, wages, and service to the tune of $1 billion a year.

I say to those of you from rural areas—as I am from—that it takes few brains to figure where service will first be reduced, unless we form a vigilant guard against such erosion.

Now, then, with all that criticism, I want to say that essentially I agree with the postal reform and reorganization, and I salute the fine job done by the committee chairman, Mr. DULSKI, and my other colleagues on both sides of the aisle.

I cannot send this legislation on its way without a warning to the new operative heads that if its service is not foremost in their operation as it has been for nearly 200 years then the Congress will take back the powers it has given them.

I sincerely feel that the best parts of this legislation are the overdue increased benefits to employees and the ability to raise money for new buildings and mechanization.

It also protects preferred rates for the next 10 years for religious organizations, charities, libraries, educational and scientific institutions, labor and veterans' organizations, country newspapers and other worthy groups. If additional protection is needed I am convinced that we can look at this provision again in the next 10 years to come and rewrite it according to the needs of the time.

An unfortunate omisison from the postal legislation is the improvement of provisions for transportation of mail. However, as you all know our good friend from West Virginia, HARLEY STAGGERS, the chairman of the Committee on Interstate and Foreign Commerce, promised an early consideration of the needs of the Post Office on this subject and that promise is a great relief to me. When I first came to the Congress I could get my newspaper from Montana in 3 days but now it takes 5 days. That newspaper is not in the hands of the Post Office Department more than 4 hours, but it is in the hands of the transportation service for 4 or 5 days.

Mr. Speaker, I have always supported legislation to improve the mail service. The creation of the Research and Engineering Bureau, as a matter of fact, was the result of one of my bills. So I support this measure today, but with an honest and sincere appraisal of its faults, its dangers, and the need for Congress to man the switch handles that will control the future track of the Postal Service.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished minority member of our committee, Mr. CORBETT.

Mr. CORBETT. Thank you, Mr. Speaker.

Mr. Speaker, this bill, when it becomes law, and I am sure it will, is going to change the control of the Post Office as it has been for 181 years. This is a tremendously important step.

As the gentleman from Montana pointed out, I think there are many danger signs that ought to be emphasized. This reorganization bill will almost undoubtedly result in higher rates and/or decreased services. It could be drastic. If the eventual goal of reaching a break-even point is to be reached, the governors of the Post Office are going to have to make some very radical changes. Likewise they are going to have to prove, and prove quickly, that they can manage the Post Office better than it is now being managed or their bonds are going to be awfully hard to sell. However, with all of that there has been an insistent demand for postal reform. It is in response to that demand that all of this work both in committee and in conference happened. I believe that the report embodies as good a piece of legislation as we could come up with at this time. Again it is certain that for many, many years there will be revisions and amendments proposed to the bill we are passing here today. As I understand it the Postmaster General has already announced that he wants to have certain amendments introduced. The chairman of the committee, Mr. DULSKI, performed an admirable job. The conference was long and laborious and sometimes quite frustrating. At times it looked as though we would be hopelessly deadlocked. We have finally hammered out this legislation here. I signed the report, Mr. Speaker, and I have to recommend its passage but I do share the concern of many that this is not going to complete the job. We are going to have to be back at it time after time. Where we have made mistakes or placed our trust falsely we are going to have to change it.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I will be happy to yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding, as I would like to explain why I am going to vote against this conference report.

As pointed out in separate views in the House report on the bill as it passed originally, almost unlimited authority was given to the new Postal Service without legislative oversight by the Congress.

The conference report has now gone further in that now we have completely given up our veto power over postal rates. As the bill passed the House, the Congress had the right by a majority vote to override any change in postal rates. That right has now been removed in the report and, if the cost of first-class mail goes from 6 cents to 10 cents or even 15 cents, or if the service deteriorates, there is nothing we can do about it except to amend or repeal this bill. I think it is much better not to pass legislation than to later attempt to repeal it.

Mr. Speaker, those who vote in favor of this bill may have difficulty in explaining to constituents later why they can do nothing about increases in rates or elimination of service. Let me add that roughly one-fourth of all civil service employees will lose the protection of the merit system with the passage of this bill. This protection, that has built up slowly, will be eliminated with a single bill.

In my opinion, all Government agencies and officials should be responsible to the people or their elected representatives. That is not true of this new creation.

Mr. Speaker, again I thank the gentleman for yielding and urge the defeat of the conference report.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, there is no need to say that I was sadly disappointed and disillusioned when a provision which had been voted upon the floor of the House overwhelmingly, and on which I was assured that if it came to a record vote would have been defeated so badly that the committee decided they would not take a record vote on it—and we argued the point on our side that not only was it an invasion of the jurisdiction of the Committee on Interstate and Foreign Commerce, but it is an abrogation of the laws which were brought forth in 1938 to correct the very evils that these gentlemen have put back in the bill.

I said that crime and corruption and payments of all kind were then in effect, and they had to pass a bill to stop this, and this full committee then goes right back over to the Senate and puts it back in again. And they can make contracts without bidding, and that is against any law we have in the statute books.

There is no competition. They can make a contract under the table. They can do as they want. I say it is wrong that they can bid on anything they wish in that manner.

Since this was taken out of the bill, the House conferees should not have allowed it to come back into the bill. But it is in the bill.

Now, I am not going to try to recommit it, but I do want to say that if this is allowed to continue in this House, that from now on the different committees just might as well say, "Well, I am legislating today, but some other committee will legislate on these same fields," and I just think it is wrong.

I furthermore wish to say to you that on that very day when this was done, a Member of the House said to me, "This will be put back in the bill." I am not indicting anybody; if the shoe fits, they can wear it. He said that this would be put back in the bill. And he offered to bet me any amount of money—and I am looking to see if that gentleman is here right now, but he is not. He was here a minute ago.

He said he would bet me any amount of money that this would be back in the bill. He said, "I know, I overheard a conversation."

Well, if that is the kind of thing we do here when the House votes overwhelmingly that it should throw something out and then it comes back here in the same way, then I say—what is going to happen in the next few years is the same—crime and corruption and bribery and so forth is going to take effect.

During the consideration of the postal reform bill by the Committee of the Whole House, the House adopted an amendment to the transportation of mail by air section which was designed to preserve the jurisdiction of the House Interstate and Foreign Commerce Committee over the transportation of mail by air and to continue the present regulatory system under the control of the Civil Aeronautics Board. I stated then that the crucial issue was the preservation of the air transport system and the protection and safety of the citizens who travel the airways. Any chipping away of the Civil Aeronautics Board's authority, any division of responsibility, must ultimately have a detrimental effect on air safety and the air transport system. We have a great stake in air safety and the preservation of the air transport system. The Members of this body overwhelmingly agreed with this position and rejected the provisions which would have divided the Board's responsibility over air transportation regulation with the Postmaster General.

I was shocked to learn that a majority of the House conferees ignored the wishes of this House and refused to work for the House position. Not only that, they went even farther and made every possible effort to give the Postmaster General even more power over air transportation than the Senate had approved.

This situation leads me to raise the question of whether we have omitted an important step in our House procedural changes. If this House rejects a provision of a bill on the grounds it was not considered by the proper committee, how can the House be properly represented in conference by the committee which put the provision in the bill in the first place? If the House conferees make no effort to sustain the position of the House, we obviously need a change in our rules so that the House is represented as to those issues on which it took a decisive jurisdictional position by conferees from the other committee affected. We have precedent for that and I think we should have followed it in this case. Obviously the House did not do that because it expected its conferees to go out and represent the House—not the Postmaster General or the Senate.

The postal reform bill, now almost a reality, contains language very similar to that rejected by the House. This language would give the Postmaster General contracting authority with some limitations; would, in effect, make a substantial change in the Federal Aviation Act of 1958; and would infringe on the jurisdiction over the transportation of mail by air vested in the House Interstate and Foreign Commerce Committee 32 years ago, which committee has guided the air transport industry well. I see no reason to parcel out jurisdiction or fragment responsibility. Division of responsibility and a lack of central control is what led to the enactment of the Civil Aeronautics Act of 1938 and its reenactment as of 1958. This House may think it is taking a forward step in postal reform but I can assure you it is taking a backward step in the regulation of air transportation.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. MOSS. Mr. Speaker, I want to join my distinguished chairman in protesting not only the invasion of the jurisdiction of the Committee on Interstate and Foreign Commerce, but also the great mischief that is being done by permitting rates to exist in the air transport industry as a result of the authority given to the Postmaster General here to enter into contracts, as has been indicated, without any bidding procedures, without the appropriate hearings on the merit of the rates that are proposed.

This can damage an industry that is of the utmost importance to this Nation—an industry which at this moment is in difficulties and it could damage it greatly.

I think this is a perfect example of the fact that if this House is going to permit through conference what it will not permit under its own rules, the taking of the jurisdiction, then the committee having jurisdiction with that compensatory matter should be permitted to have conferees join in the conference so that there is adequate representation and expertise laid on the line in the deliberations.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. PICKLE. Mr. Speaker, I want to remind the House that when this bill was brought before us recently it contained a provision that would allow the Postmaster General to negotiate and that was put in without checking with the Committee on Interstate and Foreign Commerce, obviously, obscuring our jurisdiction because of the fact that another subcommittee of our own committee held some hearings on the bill pertaining to rates. We had before us representatives of both the CAB and of the Postmaster.

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We specifically asked the Post Office—Did you have a problem either as to the scheduling of rates or the mail? He said "No—no."

We asked the chairman of the CAB if they had filed any protests with him complaining about the outrageous treatment as a result of the poor treatment and handling of mail. The chairman said, "No—no. They have had no protests."

Obviously, this bill was designed to give the Postmaster General this kind of authority.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. STAGGERS. Could the gentleman from New York yield me some additional time?

Mr. DULSKI. Mr. Speaker, the time is all allotted and I am sorry I cannot yield further to the gentleman.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS), a member of our committee.

Mr. GROSS. Mr. Speaker, I am pleased to say that I can point to one good feature of this conference report. And that, I am sure, happened quite by accident.

The House bill, in repealing and completely rewriting title 39 of the United States Code, with nearly 200 pages of complicated legalistic jargon, managed to end the whole thing with a preposition. The conference substitute corrected the grammatical error. Somewhere, I am sure, some strict constructionist will find solace in this accomplishment.

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Otherwise, Mr. Speaker, if there was any possible way for 14 conferees, arguing around the conference table in 16 long, tedious sessions, to make a bad piece of legislation even worse, the conferees found a way to achieve this remarkable objective.

I have been involved in the complex problems of the Post Office Department for a long time. As I stated on the House floor when this bill was originally before us in June, I have sponsored and supported legislation intended to solve the most acute problem areas in the Department, to make it more responsive to the needs of the American people, and to permit it to keep pace with technological progress.

However, I simply cannot in good conscience support the so-called "total reform" concept that is here being finally rammed down the collective throats of the American people, and which, under the guise of "reform", will so seriously alter the concept of postal service that I predict the wrath of the American taxpayers will rise up in the years ahead to force future Congresses to put the pieces back together again.

Here we have what is unquestionably the most vital of all services rendered to the people by their Government being removed completely from any control by the people or by their elected representatives.

The new Postmaster General—the absolute czar of the new postal service, the operating head in whom all power and authority vests—will hold a position unique in the annals of American Government.

For the first time ever we will have a bureaucratic head of a major Government service, appointed by and serving at the pleasure of a politically-oriented parttime commission of nine persons. No elected representative of the American people, either in the executive or legislative branches, will have any authority over the appointment or the removal of this agency head. This, I suppose, is "total reform." But how "total" and how irresponsible can you get?

Mr. Speaker, as the Members of this body well know, it is generally an unpopular, uphill fight to oppose anything that comes here wrapped up in a package labeled "reform." Yet, I would like to trudge uphill, at least a short way, to point out to the Members a few of the items they will be buying if they approve this "total" reform package.

For many years we have heard over and over that the really serious problem in the Post Office Department is the fact that it is riddled through and through with politics and political influence. The original bill, proposed by the administration, took care of this problem with a few short paragraphs of well-sounding but meaningless phraseology.

I offered in committee, and the committee accepted, a specific and detailed prohibition against all political recommendations involving not only original appointments, but all other personnel actions in the postal service, including transfers, promotions, assignments, designations, and so forth.

My language was carefully drafted so that there could be no loopholes whatsoever. The applicant was specifically prohibited, under threat of disqualification, from seeking such recommendations; the postal service was prohibited from accepting any; and every politician in the country was prohibited from making any.

So what happened in conference? Incredibly enough, Mr. Speaker, the conferees voted to water down the strict prohibitions against political influence contained in the House bill. They voted to write back into law, specifically applying to the new postal service, the identical provisions of existing law which not only permit, but which encourage, the political "advisor system" under which postal employees have lived and worked for over a hundred years.

This conference agreement, which I anticipate the President will sign while heralding the end of political control of the postal service, contains a very clearly worded section permitting any applicant for a position in the postal service or for promotion, transfer, assignment, and so forth, to go out and actually solicit recommendations, and another section which permits and encourages anyone so solicited to send such recommendations provided they are concerned only with the applicant's "residence and character."

Lest anyone have any doubts whatsoever, Mr. Speaker, it is this so-called "residence and character" provision now in section 3303 of title 5, United States Code, which was the foundation upon which political influence flourished in the postal service for all these decades.

In essence then, the conferees, by their actions, despite any disclaimers to the contrary, have taken care to make sure that political recommendations, for what they may be worth, are permitted in the new postal service.

In this connection, I might also point out, Mr. Speaker, that quite significantly, the strict antinepotism amendment which we enacted in 1967 to apply governmentwide, to all agencies, bureaus, and personnel, including Members of Congress, does not apply to this new postal service. I suggest that the clean, fresh breeze that was to waft in with the advent of this new postal service will turn out to be as polluted as ever with politics, cronyism, personal patronage, and nepotism.

The Members of this body should also know that this conference substitute completely and quite effectively abolishes any congressional control whatsoever over postal rates—either permanent or temporary. As the bill passed the House, every postal rate increase proposal had to be sent to the Congress and could become final after 90 days only if either House by majority vote had not disapproved. This last vestige of congressional control over postal rate taxes is gone from this final bill.

And, I might remind my colleagues that if the Congress had not controlled postal rates this year we would already have a 10-cent first-class stamp as proposed by the administration in April.

The present Postmaster General, Mr. Blount, testified earlier before our committee that a postal rate increase was essentially a tax increase and had the same effect on the economy and on the taxpayers as a tax increase.

How then can this Congress possibly justify delegating to an unresponsive bureaucratic machinery the authority to levy postal rate taxes upon the American people? I suppose the answer, again, is that it can be justified if it is done in the name of reform.

One additional item in this hodgepodge package of reform needs to be unraveled. Let us look at how the conferees treated the problem of the deficit-ridden Post Office which the reformers have listed as the second most acute problem after politics.

It is quite simple. The conferees decided to provide a $1 billion per year automatic siphon from the Federal Treasury. We will, if you please, Mr. Speaker, be getting rid of the deficit in the Post Office, in addition to raising rates, through an annual appropriation for public service in the amount of $800 million, plus a so-called revenue foregone appropriation of about $200 million—a nice fat, comfortable subsidy by any standard. It does not take a lot of acumen to figure out that the new postal service can be self-sustaining—completely free of deficit—as long as it has a pipeline out the backdoor pumping up money from the public well.

Mr. Speaker, it is probably fitting that with the dog days of summer upon us, we here and now take the postal service from the American people, from the Congress, and from all reasonable controls, and launch it free of politics, free of debt, free of controls, and, certainly, free of service obligations to work its will on our American society.

Mr. Speaker, if the Senate had not already acted on this conference report I would offer a motion to recommit with instructions that the conferees go back into session and report legislation that would restore the language which the House previously approved, giving either body of Congress the authority to reject postal rate increases if a majority of either the House or Senate was dissatisfied.

What would be the situation if an agency in the executive branch of Government wrote the tax laws, completely bypassing the Ways and Means Committee and every other committee of the House and Senate, and with Congress powerless to do anything about the taxes thus levied by the Executive?

Postal rates are no less than other taxes, levied upon the American people.

In conclusion, Mr. Speaker, I am convinced beyond any doubt that this so-called reform legislation will result in less postal service to the American public and at a much higher cost.

I am unalterably opposed to the conference report.

Mr. DULSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I am somewhat at a disadvantage following the gentleman from Iowa, because this microphone is still smoking from the vehemence of his poetry. However, I wish to emphasize to the Members that the distinguished gentleman from Iowa is known for his imagination and, therefore, his description of the bill is a bit different from my interpretation.

I believe this bill is monumental reform in the truest sense of the word. I believe this bill is the most impressive domestic legislation this Congress has enacted. What it really does is provide for a self-financing, efficient postal service with modern management and labor relations, with the dead hand or the live hand of politics removed. It has the support of the postal unions. It has the support of the postal department. It has the support of outstanding citizens who have worked for years for postal reform. Even Larry O'Brien has put aside partisanship to support this bill.

We have something here which is worthy of congressional support.

I agree that the gentleman from Iowa has properly alerted us to possible pitfalls. Under the provisions of the bill we will maintain legislative oversight, and of course jurisdiction, and it will be necessary for our committee to make refinement in this new postal service structure as experience and developments demonstrate the need.

I trust the Members will properly disregard the criticism of the Interstate and Foreign Commerce Committee members who are apparently more interested in their committee jurisdiction than they are in having the public receive better mail service. Our committee has quite properly relinquished a great degree of its jurisdiction in the interest of better mail service for the American public.

The point that has not been stressed too often is the failure of Congress to adequately provide for the facilities and equipments needed to move the mail. Therefore, we had to provide for the self-financing of the Postal Service. I am confident that the improvement in service will be recognized by the public and the necessary adjustments in rates will be in proper proportion to improved service.

May I again reemphasize the key points of the bill?

The Postal Reorganization Act establishes the "U.S. Postal Service" as a self-financed establishment within the executive branch of Government.

An 11-member Board of Governors is given all authority of the Postal Service. Nine Governors are appointed by the President with the advice and consent of the Senate. Not more than five Governors may be from the same political party. The Governors select the Postmaster General who will be the operating head of the Postal Service, and who will also serve on the Board. These 10 Board members elect a Deputy Postmaster General, who also serves on the Board. The nine Presidentially-appointed Governors serve 9-year terms. The Postmaster General and the Deputy Postmaster General serve at the pleasure of the Presidentially-appointed Governors.

The new Postal Service will become operative within 1 year from the date enactment of the act.

All employees of the Post Office Department are transferred to the new Postal Service, which will be known as the Postal Career Service. Current employees of the Post Office Department are also eligible for promotion or transfer to positions in other agencies of the executive branch for which they are qualified.

Political recommendations or influence is prohibited for any appointment, promotion, transfer, or designation in the new Postal Service. This includes appointment of postmasters and rural carriers. Such personnel actions will be based on merit and qualification.

Collective bargaining procedures, as in private industry, will prevail in the Postal Service in setting wages, hours of work, and other fringe benefits. Labor-management relations in the Postal Service will be subject to the National Labor Relations Act, with certain exceptions. Postal Service employees will be covered by the strike ban provisions of Federal employees and will continue under full coverage of the civil service retirement system. Postal employees will be free to join or to refrain from joining a labor organization.

When the postal service is operative, the National Labor Relations Board shall decide in each case the appropriate unit for collective bargaining, and the successful organization shall receive exclusive recognition. During the transitional period, the Post Office Department will begin collective bargaining with labor organizations currently holding "national exclusive" recognition.

Supervisory and other managerial organizations may consult and participate directly with the Postal Service in planning and development of policies and programs. Supervisory organizations will not have collective bargaining nor the right of veto on any decisions. One item to be negotiated during the transition is the "compression" factor, whereby a postal employee will be able to reach the top of his pay grade within 8 years instead of 21. An 8-percent pay increase, for all Post Office Department employees, is authorized, retroactive to April 16, 1970.

An independent Postal Rate Commission is established, composed of five Rate Commissioners appointed by the President, but not subject to Senate confirmation.

The Postal Service will initiate rate changes and request a decision by the Rate Commission. After conducting hearings and full review, the Rate Commission will issue a decision to the Board of Governors of the Postal Service.

Any differences in rate decisions will be settled by judicial review or by reconsideration. The Board of Governors by a unanimous vote may modify decisions of the Rate Commission, taking into account postal policy and the need for sufficient revenue.

Temporary rates may be installed under the following procedure. If the Rate Commission has not acted by the 90th day after it has received a request for changes, the Board may place into effect temporary changes in rates, fees, or service classifications. However, any temporary change may not exceed an increase of one-third of the existing rate and shall not be effective longer than 30 days after the Rate Commission transmits its decision to the Board of Governors.

The special consideration now given nonprofit organizations in rates will continue. Rates for nonprofit organizations could be raised in increments over a 10-year period, but the rate at the end of that period could not exceed the "demonstrably related" cost, or the out-of-pocket cost to the Postal Service of processing, transportation, and delivery. Overhead costs would not be charges to these mailings.

Free mail for the blind and handicapped will continue under this legislation and the costs for these services will be appropriated by the Congress.

Public service appropriations to the Postal Service for the first 8 years will equal 10 percent of the amount appropriated to the Post Office Department for fiscal year 1971—$800 million. This appropriation is intended to meet the requirement that the Postal Service maintain service in rural areas and other areas where post office and other services provided by the Postal Service are not self-sustaining. At the end of the 8 years, this appropriation will be reduced by 1 percent a year until it reaches 5 percent of the 1971 figure, and at that time the Postal Service shall decide whether it can further reduce or eliminate the appropriation.

Long-term borrowing authority is given the Postal Service for modernization and development of postal facilities. The bill authorizes the borrowing of money either from the Secretary of Treasury or upon the open market in an amount not to exceed $10 billion out-

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standing in bonds at any one time. This borrowing authority is subject to an annual limitation upon the net increase in debt of $1.5 billion for capital improvements and one-half billion dollars for operating expenses. The Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service up to $2 billion.

The bill provides that the postal service should refrain from expending funds or engaging in any practice which restricts the use of new equipment or devices, or to enter into any such agreements, other than an agreement under the collective bargaining provisions of the bill.

This is sound legislation. This is the result of 18 months hard work by a committee that maintained a truly bipartisan approach.

I am confident the Members of the House will approve this conference report by an overwhelming vote.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. HOGAN. I should like to associate myself with the remarks of the gentleman in the well.

Mr. Speaker, as a member of the House Post Office and Civil Service Committee, I have become aware of the need for sweeping reforms in postal policies and operations. The committee held extensive hearings. These were followed by long hours and lengthy consideration by members of the committee.

The major problems of the existing and very antiquated postal service were found to result in a chronic deficit operation while the quality of service has deteriorated and costs to the American public has continued to increase. On the internal side, working conditions are poor and sometimes primitive, and career prospects are bleak, resulting in extremely low morale among the employees. Hopefully the legislation embodied in the conference report before us today will correct these conditions.

In summation, I feel the committee under the chairmanship of the distinguished gentleman from New York (Mr. DULSKI), has done an outstanding job on this legislation, which, if enacted into law, will provide the necessary basis for a vastly improved and modernized postal service which is of vital importance to the continued growth and well-being of our Nation and its economy.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the distinguished gentleman from Illinois yielding to me, and want to associate myself with his remarks and urge adoption of the conference report.

This conference report is monumental in scope and purpose. The new Postal Service represents a significant reform of Government. Better service and better conditions for employees will not happen overnight. But the time to begin is now and is found in the bill before us now.

We will have for the first time the removal of politics from the Post Office—a goal for which I have worked since coming to the Congress. We will have labor management negotiations for the first time so that employees will have an opportunity to bargain collectively. We will have the needed funds for capital improvements in the Post Office. All of this will come from adoption of the conference report.

The action today is historic, and I commend the members of the conference committee, President Nixon, Postmaster General Blount and former Postmaster General O'Brien, for their leadership and initiative.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to associate myself with the remarks of the gentleman in the well.

Mr. Speaker, I have reviewed carefully the conference report which resolves the differences between the House and Senate versions of the Postal Reorganization Act. In my opinion, this reform of the postal service should result in benefits for all of the citizens of the Nation. Indeed, this reform of the Post Office Department seeks to pattern the postal service after our highly successful business and industrial operations.

The removal of political influence from the appointment of post office personnel should, in itself, contribute to the stability and improved quality of the postal service operations. Authority as well as responsibility is lodged in a Board of Governors which appears to be quite comparable to a corporate Board of Directors.

Mr. Speaker, I expect to see many innovations and improvements in the delivery of mail and in the ancillary activities of the postal service. Final passage today of the Postal Reorganization Act fulfills another promise of President Nixon and of this administration. It seems appropriate to observe that this is another example of the broad policies of reform which this administration is following both with respect to our domestic and foreign affairs.

Mr. Speaker, the approval of this conference report represents a landmark legislative accomplishment of which the 91st Congress can be justifiably proud. I want particularly to compliment my colleague from Illinois (Mr. DERWINSKI) for his constant and constructive support of the principles which are embodied in this new law. While this measure is receiving overwhelming bipartisan support and reflects both Republican and Democratic initiatives, it should be recorded particularly that this administration has produced both the wisdom and the courage to carry this legislative change to full fruition.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. Will the gentleman leave his remarks in the record?

Mr. DERWINSKI. Yes.

Mr. HAYS. I just want to know, because I will be around when the gentleman has to eat them.

Mr. DERWINSKI. The gentleman is a youthful Member. He has been here for many years and I appreciate his support and confidence.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Michigan.

Mr. DINGELL. I should like to commend my friend from Iowa (Mr. GROSS) for having made an outstanding presentation against this bill.

Mr. DULSKI. Mr. Speaker, I yield the remainder of our time to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, we near the end today of a long road.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I urge the adoption of the conference report and I commend the gentleman in the well for his outstanding work on this legislation for a long period of time.

I thank the gentleman for yielding.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I understand that this bill leaves the Postal Service as a little island in the whole Federal Government exempt from the antinepotism law.

Mr. UDALL. Yes; this was a staff error. We caught it only the last day in conference.

I join with the gentleman from Iowa (Mr. GROSS) in deploring this. I pledge my cooperation in seeing to it that this situation is corrected at the earliest possible moment.

The gentleman from Iowa who has just spoken was the author of that amendment originally, and largely responsible for it being in Federal law. I regret very much that this is not to apply to the new Postal Service.

Mr. Speaker, we near the end of a long road, today. There are cynics and skeptics who believe that this new postal organization will fail. No one can say it will not. But I have high hopes.

I believe we have done a really responsible thing. I do not know whether this new system will work, but I know the old system was not working. I felt it was time that the American people and the Congress tried something else.

It has been suggested by my friend from Iowa (Mr. GROSS) that we will have higher rates. Let us face it. We will have higher rates under this new system. We would have had higher rates under the old system.

I hope, as we go down the road through the years and as this begins to work, we will judge its performance and its rates against what might have occurred had we not passed this bill. The fact is that in meeting our responsibility we were going to have to adjust rates.

We voted for a $1 billion pay raise this year, and earlier, for postal em-

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ployees, and the money has to come from somewhere.

I expect some great things out of this bill, and I believe that will come about.

Let me hit three or four of the highlights.

Seven hundred and fifty thousand postal employees will no longer have to come hat-in-hand to this Congress every year in what some have called "collective begging." They will now have collective bargaining. They will be able to bargain with all the dignity, honor, and power they have as other labor organizations do. This year there will be collective bargaining under this bill, which will reduce from 21 years to 8 years the time it takes a clerk or a carrier to get to top pay.

I have a telegram here which I believe all Members received, on behalf of the seven national postal unions representing 700,000 postal employees, saying that the passage of this bill is necessary. They oppose all amendments. They urge that the conference report be adopted.

Despite the cynics and the skeptics—and this is the second important thing, as we start down this road—we are going to remove the evil influence of politics from the Post Office Department. No longer will Members be involved in appointments, promotions, and hiring. No longer will we see the kinds of situations in which the Postmaster General is one of the key political advisers of the President. We will have a professional, with a long-range contract, whose only goal will be the best possible postal service.

No longer will the Postal Department, when this bill becomes law, come last in the battle of the budget for funds for modernization, for capitalization, and for research.

The Postal Service will be able to raise up to $10 billion to get the kind of modern plants it needs to do the job. Never again will the Congress and its committees ever have to wrestle with these terrible conditions of rate settings, with the lobbyists in the halls, while we are trying to protect the public interest. We set up guidelines and say what our rate system ought to be and then we will leave to the professionals the job of coming up with the numbers so that each class of mail will have to pay its own way.

Mr. Speaker, I strongly urge my colleagues to support this conference report. I want to say to my good friends on the Committee on Interstate and Foreign Commerce, the men who spoke from that committee, who are some of the best Members in this House, that we have not done much in this bill for the Committee on Interstate and Foreign Commerce to get excited about. We took out the nonscheduled airlines, which was a major objection they had. In the second place, the Postmaster General has said that he cannot use this provision. So we should not be alarmed or defeat the conference report because of this.

Mr. Speaker, some 15 months ago I introduced a bill which would have changed the Post Office Department into a nonprofit Government Corporation. At that time I stated that it would probably take at least 2 or more years before the proposal would become law.

Yet here we are and this House has before it, for final approval, a bill which substantially reforms the Post Office Department much as I originally proposed.

I feel a certain amount of pride at this point because, on January 3, 1969, Congressmen HAMILTON, WALDIE, and myself, introduced H.R. 1382, the first postal reform bill having the kinds of changes we have before us today.

This moment must also be viewed historically. The Post Office Department is the oldest Cabinet position of them all. Benjamin Franklin was our first Postmaster General going all the way back to 1774. So we are truly making a historic change here today. A fundamental structure of American Government is abolished and a new Postal Service will take its place.

Let me highlight just a few of the remarkable and I think wholesome changes we will have brought when this bill becomes law:

The 750,000 postal employees will no longer have to come hat in hand to Congress in annual collective begging. They will have the dignity and power other labor unions have across the bargaining table. And the first round of unprecedented Federal employee collective bargaining this year is mandated to end the ridiculous step advancement system which requires a man a minimum of 21 years to reach top pay as clerk or carrier. One worker of every six employed today is employed by State, Federal, or local government. This legislation may well point the way for resolution of public employee disputes in future years.

With one stroke we will have virtually removed 750,000 fine Americans from political influences on hiring and promotion. We will have removed Senators and U.S. Representatives and all kind of political party officials from the pressures of political friends seeking appointments and advancement in the postal service. No longer will it be possible for a Postmaster General to be as in past generations, the major political adviser to the President.

No longer will the postal service, desperate for capital to modernize, expand and research new methods, have to come in last at the budget table. Its managers can issue bonds for the kind of huge new construction program which I anticipate over the next decade or so. The postal service will be able to sell properly situated downtown marble monuments and build new, efficient properly located facilities.

Never again, hopefully, will Congress and its committees have the impossible job of setting postal rates under the relentless pressures of the lobbyists for the big mail users, a process in which the public interest in fair rates and each class paying its own way, often was overshadowed. In this bill we have outlined the principles on which a fair rate structure is to be built; we have delegated to impartial professionals in a new postal rate commission the job of coming up with the right rates to meet those congressional guidelines and standards.

As a Member of this House who has been closely involved in this entire effort, I feel it is important that we understand exactly what is being accomplished by our vote today. This is too important a moment to simply agree to pass this bill on to the President without reflecting, in some detail, exactly what the managers of this bill have tried to accomplish.

You have before you the statement of the House managers in which appear the major provisions of the bill the conferees decided upon. Let me share with you as part of the legislative history, some of my views, bearing directly on the intent of this legislation.

We began by agreeing that the principal problem facing the Post Office Department was one of no control. There is now no real control over the costs incurred by the Department, especially in the area of labor costs, and there is little control over the price charged for the services rendered. A major goal of the conferees was to establish in postal management the requisite tools to accomplish these aims.

Therefore, the first step was to establish a structure which could begin to regain control over the operations of this huge establishment of 750,000 employees.

Thus we established a Board of Governors and authorized them to run the Postal Service and to appoint the necessary executive officers to perform the daily functions of the Service. At the same time, by specifically noting in our discussions that the Postmaster General could also chair the Board of Governors, we provided that the responsibilities lie with the Postmaster General as the primary operating head of the service.

We noted in our discussions that the Board consists of part-time employees whose duty it is to provide overall policy guidance except in that special case of rate-setting, where the authority of the Governors is paramount.

Both bills originally presented to the conferees envisioned that the Presidentially appointed Governors would serve on a part-time basis. Since they are expressly permitted to engage in outside employment as other special Government employees may do, their compensation was set as a combination of a yearly retainer of $10,000 and a fee of $300 for each meeting they attended up to a limitation of 30 meetings per year—60 during the first 2 years.

We created this new structure with explicit directions that they engage in collective bargaining with recognized employee organizations, while retaining special guarantees for our veterans who work for the Postal Service.

The long-standing preference eligible rights, guaranteed by law, cannot be changed by any collective bargaining. Therefore, it was decided that when the Postal Service administers an examination to fill a position, preference eligibles will receive the five and ten point credits now provided by law in the case of Civil Service examinations for entrance into the competitive service. In addition, we continued the guarantee that veterans who are preference eligible will retain the special reemployment rights and appeal rights they now have.

The collective bargaining we speak of in this section is historic. It sets a new standard for Federal employ-labor rela-

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tions which should reap benefits for employee and employer alike. We have established a system which should allow the employees to enter this new era with renewed vigor and a determination to make the Postal Service one of the finest careers a man can aspire toward.

Let me emphasize that the success or failure of this new Service will depend to a large extent on the good will of the employees. They must work hand-in-hand with the management team to accomplish the common goals.

This teamwork is especially essential for the supervisory and managerial workforce. As an integral part of the management team, they must work closely with the Postmaster General to accomplish the needed reforms all agree must occur. We have, for the first time, given management the tools they need to create an effective supervisory force. The supervisors will now be able to supervise and working, with management, the Service will be much improved.

That is why the conferees unequivocally decided that the supervisors, as part of management, had no need for any form of collective bargaining. What they did need was specific language which guaranteed to their recognized professional organization, the ability to consult with management prior to any personnel decisions which might affect their members. The important thing to recognize is that the supervisors can now look to management and really know they are part of that side of employee-employer relations. In this way, both the Postal Service and the employees will be benefited.

Let me observe that there has been great speculation about the future of postal unions under this new authority. I am convinced that it is in the best interest of the Postal Service to ultimately have one large union representing all employees subject to collective bargaining.

While the Senate had provisions in its bill to allow only national craft recognition, the House allowed the National Labor Relations Board to decide the appropriate unit. In the conference, the House version prevailed. Some have interpreted this to mean that we believe the NLRB should decide on local units as appropriate units for purposes of collective bargaining. Nothing could be more mistaken. What the conferees meant is that the NLRB should apply those guidelines normally applied in the private sector and decide the appropriate unit on that basis. They should not look to the fact that the House prevailed in this area as any indictor of preference for national or local units, craft or otherwise.

During the conference there was a great deal of discussion of the personnel section of this legislation and there seemed to be unanimity of feeling that this was the key to success for the new Postal Service. If employee-management relations can get off to a good start, from the very beginning, there will be an attitude of good will that cannot but help in other areas of postal operations. It is my hope that both sides will go into the first collective bargaining sessions with this in mind.

The second major section of the bill dealt with the transportation of the mail. The Post Office Department has historically been hampered in their ability to move the mail due to general lack of contract authority at rates less than those set by the independent regulatory agencies.

The House bill originally gave the Postal Service the needed flexibility in the area of surface transportation. We have been fortunate to continue that flexibility in this final version. However, we were unable to substantially broaden the Postal Service's authority in the area of air transportation. One basic reason was the insistence that the CAB could be responsive to the needs of the Service if only they were requested to act.

I would hope that the Postal Service, working with the CAB, can provide the necessary air service to move the mail as expeditiously as possible. At the same time, I would hope the CAB would not saddle the Postal Service with outrageous and exorbitant rates that would have to be paid in order to get the necessary service. Working together, with both sides acting in good faith, there is a possibility that the American citizenry will finally get the kind of service they deserve. I will be watching this phase of the new Postal Service carefully and will not hesitate to suggest additional legislation if the Postal Service continues to be hampered by lack of flexibility and control in the area of air transportation of mail.

A vital part of this bill, which goes to the very heart of postal reform, is the method of setting new postal rates. In the bill before you, we establish a Postal Rate Commission composed of five men appointed, without Senate confirmation, by the President.

From the very beginning, there was widespread agreement between House and Senate conferees that Congress should lay down broad policy guidelines and that we leave the application of those policies to full-time, professional rate commissioners. It was emphasized that Congress must be taken out of the ratemaking procedure once and for all. The reason for this is clear: Fixing postal rates under intense lobbying pressures, as done in the past, produces neither fair and adequate rates, nor does much to strengthen the role of Congress.

The key point, of course, is not just to rid Congress of this ratemaking process but to also create a mechanism that will prevent future injustices from occurring at the Rate Commissioner's level.

It would be just as harmful to move the arena of unethical influence over postal rates from the Congress and then allow those same influences to permeate the Rate Commission structure.

Therefore, as a general statement, I would hope the President would urge and require that his appointed Rate Commissioners be covered by, adopt and enforce for their employees, a stringent model code of ethics that could ultimately cover the entire range of administrative and regulatory agencies.

This model code would require complete financial disclosure prior to appointment and thereafter on a regular basis. All ex parte contacts would be limited and complete public records kept of those that did occur; any meetings, conventions, et cetera attended by employees and Commissioners would be strictly monitored and most importantly, all votes taken by the Commissioners would be made public.

Above all else, the President must make sure that his appointees to this Commission not only be clean and above suspicion in all respects, but that they avoid the appearance of improper qualifications or behavior during their term of office.

These kind of regulations may seem unduly harsh, but, in the light of recent disclosures at the Interstate Commerce Commission and elsewhere, they seem even more necessary.

The Rate Commission we establish by this bill is designed to provide the expertise and hearings necessary to present to the Board of Governors the best possible set of recommended rates in line with the policy guidelines established by this bill.

So that the Members understand exactly how postal rates would be changed, let me outline a typical rate procedure for you.

First of all, the Board of Governors of the Postal Service would review their needs in terms of finances, services, marketability of their product, et cetera, and then present to the Rate Commissioners their recommendations for a rate change.

This recommendation could be broad-based dealing with changes in many different classes of mail, or it could be a small, single-shot rate change, which would affect only a single, specialized class of mail.

Upon receipt of this proposal by the Postal Service, the Rate Commission would promptly begin hearings on the request, allowing those persons interested in the proposal ample time to make their views known.

The Rate Commission would then submit their initial recommendation back to the Board of Governors for approval. The Board could accept each individual rate recommendation or it could selectively accept one and reject another.

If it rejected some of the recommendations of the Rate Commission, they would be returned for further action by the Commission. It could hold further hearings or make adjustments in its initial recommendations.

At some point soon after, the Rate Commission must send back to the Board its final recommendations. The Board then would either place them in effect or, by unanimous written action, modify the Rate Commission's final recommendations. Under these procedures the final authority for rate changes will be vested in the Board of Governors of the Postal Service.

I emphasize this point because there has been some confusion about the power of the Board of Governors to modify rates recommended by the Rate Commission. Because this is a matter in which the House modified its original position, I would like to clarify the meaning of the modification provision which is included in the conference version.

The bill originally passed by the House would have authorized the Board of Governors to modify a recommendation by a majority vote, consistent with the record before the Rate Commission and the requirements of the act.

The conference report, however, permits modification only upon the written concurrence of all of the Governors holding office and only if the Governors expressly find that—in the words of the act—

> The rates recommended by the Commission are not adequate to provide sufficient total revenues so that total estimated income and appropriations will equal as nearly as practicable estimated total costs.

Although this modification power is by no means what had originally been included in the House bill, it is a significant power which is important to the Postal Service. Should the Governors all find—in the exercise of their independent discretion—that the revenues which are likely to be produced from a recommendation of the Rate Commission are not sufficient to meet estimated costs—in any particular class or all classes totaled together—after appropriations have been taken into account, they may make a change.

During the conference there was considerable debate between House and Senate conferees about the modification question. We agreed to the Senate language only on the understanding that it provides a meaningful opportunity for all the Governors to change a recommendation which, in the sound exercise of their judgment, they find produces insufficient revenue.

This finding does not require the Governors to prove that the recommendation produces insufficient revenue—something which would be impossible for them to do before the rates have actually been placed into effect for a period of time. Instead it requires a reasonable finding, supportable and an appropriate exercise of discretion by the Governors, that the recommendation is likely not to produce the required revenue.

Proceeding on with our typical rate case—if, after the Board of Governors had placed the new, permanent, rates into effect, some mailer felt these were unjust, he could appeal them to the U.S. Court of Appeals. After complete judicial review, the courts could decide the rates were OK and they would stay in effect. If, on the other hand, the court found the rates illegal, they would send the whole matter back to either the Board or Commission for further action.

One other feature of this procedure is the authority of the Postal Service to set into effect temporary rates. These rates can go into effect 90 days after the proposal is sent down by the Board to the Commission for action. The purpose of a temporary rate is to encourage the Commission and the witnesses before the Commission to expedite the proceedings and not create unnecessary delays.

It also allows the Postal Service to get the necessary operating revenues as soon as possible. This rate is a temporary one which cannot exceed one third of the permanent rate then in effect for the class and no court is authorized to suspend this temporary rate in any way, shape, or form.

It is hoped that the Rate Commission will act judiciously and expedite all rate hearings so that no temporary rate has to remain in effect very long. But the rate may remain in effect until the Commission produces recommendations and if that takes a long time, the temporary rate stays in effect. This authority of the Board in setting both temporary and permanent rates is important when we recall that one of our original goals was to provide meaningful controls in the hands of management as to the price of the services that they render to the American public.

In order to guarantee that these charges would be based on fair and equitable standards for each class of mail, be it for the ordinary citizen or for the big commercial mailer, we insisted that each would pay at least the "demonstrably related costs."

This phrase, while finally deleted in the final bill, was used throughout the conference to express the feeling that each class of mail pay those direct or indirect costs attributable to it.

We agreed that the principle of the House bill be included in the final version of the legislation. This would establish a "floor" for each class of mail equal to costs called "demonstrably related costs" in the House version and "attributable costs" in the final version. Such costs consist of those costs, both direct and indirect, which vary over the short term in response to changes in volume of a particular class of which, even though fixed rather than variable, are the consequence of providing the specific class or service involved. The committee felt that such costs were capable of objective determination and proof either by empirical observation or deductive analysis. In addition to this threshold requirement, the legislation provides for a judgmental assignment of some part of the remaining costs. The judgment as to what portion of institutional costs should be borne by each class is to be made in the light of the criteria in the bill.

I have dwelt at length on this section because I believe it goes to the heart of what we are trying to do by giving management some responsibility and prerogatives.

It is true we have created an independent establishment within the executive branch and named it the Postal Rate Commission, but at the same time, there is an explicit intermingling of the Commission's function with that of the Postal Service. While it is not a total relationship as envisioned in the House-passed bill, it is enough of a relationship to maintain the necessary management prerogatives as to setting postal rates, which was the cornerstone of the House section on postal rate setting.

Another fundamental concern which was expressed in the House-passed bill was the notion that, at some point, the Postal Service ought to modernize enough to no longer need a subsidy from the General Treasury. We agreed that some moneys were needed during the transition from an entity dependent on subsidies to one that would be self-sufficient. Therefore, we wrote in a 7 year declining subsidy.

The Senate, on the other hand, insisted on a permanent subsidy of approximately a billion dollars per year.

In the final version, the principle of the House version prevailed. We specifically extended the transition time to 13 years, but said that at the end of that time, the Postal Service can reduce the appropriation to zero.

It was my intent, in approving of that compromise, that the Postal Service ultimately stop coming to Congress for annual appropriations and create a self-sufficient enterprise. In fact, I would hope that, as time goes on, the Postal Service might not even need all the money we have authorized during the next 13 years and might so notify the Appropriations Committees of the Congress.

Before leaving this discussion of specifics, let me mention three other minor, but important areas, decided in conference.

UNIFORM RATES FOR SEALED MAIL

The legislation provides, in section 3623(d), that the rate for classes of letter mail sealed against inspection should be "uniform throughout the United States, its territories, and possessions." The principal purpose here is to insure the nondiscriminatory injunction of section 403(c), so that no city or place in the United States or in its territories or possessions, should be required to pay more for the delivery of its mail to other citizens in the United States just because of its remoteness or distance from the continental United States or its centers of population.

The language is not intended to prohibit imposition of a variable surcharge for special handling. Neither is it intended to prohibit rates based upon distances where transportation is a significant factor, as in parcel post—which is not under present law sealed against inspection—or in air parcel post or heavy first-class pieces entitled to air parcel post rates as provided in former section 4253(b) of title 39, even though such mail is presently sealed against inspection. A distinction is drawn between the requirement for uniformity in section 3623(d) and the provision in section 3683, where it is specifically provided that the rates for books and similar material shall not vary with the distance transported.

INDEPENDENT AUDIT OF POSTAL SERVICE

Section 1202(d)(2) of the House bill required the Postal Service to include with its reports to Congress a profit-and-loss statement with a certificate made by competitively selected independent public accountants as to whether the statement fairly presents the results of operations and whether it shows the costs and revenues of the various kinds of service in accordance with generally accepted accounting principles.

Section 2108(e) of the Senate bill requires an annual certification by certified public accountants of the accuracy of financial statements used in determining and establishing postal rates. The conferees adopted the language of the Senate provision with an amendment requiring the certification to be made as to the statement covering the transactions of fiscal year 1972 and each succeeding year. The requirement for competitive selection of the certified public accounting firm was eliminated, but the nature of the certification required was substantially the same under both bills, and the Senate language was accepted as the simpler formulation.

APPLICABILITY OF EXECUTIVE ORDER 11478

During consideration of this conference report by the Senate there was considerable discussion about whether Executive Order 11478 on Equal Employment Opportunity in the Federal Government would apply to the new Postal Service. Because the matter of the application of Executive orders is one which may prove to be important in the future, I want to take this opportunity to clarify the legislative intention in this regard.

Section 410 of title 39 of the United States Code as revised by the Reorganization Act makes inapplicable to the Postal Service all Federal laws in the area of personnel except those which the act specifically makes applicable. One provision of existing law which is specifically made applicable, however, is section 7151 of title 5 of the United States Code, which reads as follows:

> It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy.

This general nondiscrimination policy therefore applies to the Postal Service as well as to all other agencies of the Federal Government.

The question considered during the Senate debate was whether an Executive order adopted under this applicable provision of law would apply to the Postal Service. To answer this question, one must turn again to section 410 of the act which states that no regulation issued under certain chapters and sections of title 5—which include the provision quoted above—shall apply to the Postal Service "unless expressly made applicable.

This language was written into the bill for a very definite purpose. Although we considered it important to include the Postal Service in the coverage of various provisions of general law governing personnel matters, we wanted to make sure that regulations—other than those adopted by the Postal Service itself—would not apply to the Postal Service by inadvertance. In other words, we wanted to preserve as great a degree of independence for the Postal Service as possible, while retaining the full possibility that existing regulations could be amended by those issuing them in the first instance to cover the Postal Service if such amendment were thought to be in the public interest.

In adopting this statutory and regulatory framework we of course assumed that some regulations—whether in the form of Executive orders of the President or issuances by the Civil Service Commission—would be amended to cover the Postal Service. Principal among these of course is the Executive order dealing with equal employment opportunity. While it would be the responsibility of the Postal Service to implement the policy of non-discrimination even in the absence of the Executive order, it is our full expectation that the President will act expeditiously to insure that this Executive order is in fact amended so that employment in the Postal Service will continue to be covered by its provisions.

Mr. Speaker, as one who has been deeply involved in postal reform I submit that we have produced a really meaningful bill. During the coming years, I am sure modifications will be necessary, omissions will be discovered and corrected, but the Post Office and Civil Service Committee will still be in business to oversee the new operation and to resolve these problems.

In conclusion, I want to thank my chairman, Congressman DULSKI, for his yeoman effort in guiding this legislation through the conference committee. He has been completely honest and sincere in his approach, completely fair even when he personally disagreed, and the American people owe him a debt of gratitude for helping so much to achieve real postal reform.

Mr. SEBELIUS. Mr. Speaker, I want to take this opportunity to commend the members of the conference committee for their work on the postal reform bill. Two provisions of major importance that were not written into both the House or Senate versions of postal reform legislation are now part of this bill.

I am referring specifically to the section which guarantees each postal employee the right to join or not join a union and to the section dealing with the use of the postal service to distribute pornographic material. The bill to modernize our postal system and improve postal service is now complete with these two sections intact.

I feel it is most appropriate that with this legislation to reform and improve our postal service we also protect the rights of our postal workers and the rights of individual citizens and their families across our Nation.

As stated in this legislation, any person may now on his own behalf or on the behalf of his children, file a statement through his local postmaster that he desires not to receive sexually oriented advertisements through the mails. No person shall mail or cause to be mailed any sexually oriented advertisements to any individual whose name and address has been on this list for more than 30 days.

The guidelines for filing this statement will soon be available to all citizens just as soon as this bill becomes law and the Post Office Department establishes the necessary procedure.

In addition, the smut dealer can no longer hide behind a cloak of secrecy. Any person who mails sexually oriented advertisements is required to place on the envelope his name, address and such mark or notice as the Postal Service may prescribe.

It seems to me that with this legislation, the Congress has enacted a measure of real significance to every American family. We need to undertake a full-scale educational campaign to develop public awareness regarding each individual's right to protect himself and his family from the flow of unsolicited pornographic material.

I urge my colleagues to support this legislation and join me in developing a public awareness that will protect American homes against unsolicited pornographic material.

Mr. ANDERSON of California. Mr. Speaker, after careful analysis of the postal reform conference report, I have concluded that it has only one worthwhile and necessary provision that justifies an affirmative vote—the 8-percent increase in pay for postal workers. I strongly endorse the pay-raise provision. I feel that, because of the economic plight of the postal workers and their urgent need for this increase, I must vote for the so-called Postal Reform Act, but I do so with great reservation.

While I strongly endorse the pay increase for postal employees and, in addition, while I realize the need to improve the postal system, I feel that these are two separate issues and should be dealt with separately. While I favor an 8-percent pay raise for postal workers in order to bring them up to at least a decent standard of living, I am opposed to the provisions in this act which will further remove the post office from the people it was established to serve.

This act creates an 11-member Board of Governors who are encharged with the responsibility of running the postal service. The 11-member Board—nine of which are appointed by the President for 9-year terms of office with the two remaining Governors being appointed by the Board—will be so far removed from public scrutiny that they will be capable of operating a dictatorship of sorts. This creation is not reform, but, instead, is a completely undemocratic, and unresponsive organization which will answer to no one for their actions.

In addition to the Board of Governors, the Postal Reform Act creates an independent Postal Rate Commission. This five-member Commission, each appointed by the President for a 6-year term of office, will be confirmed by no one, and, like the Board of Governors, they will be responsible only to themselves. Their sole responsibility will be to raise money for the operation of the Post Office. How will they produce the revenue? Obviously, they will increase the price of stamps. But will they increase the rates for junk mail? I doubt it—the burden for putting the Post Office on a pay-as-you-go basis will fall on the user of first-class postage.

Mr. Speaker, I feel that the Post Office—the oldest Department in Government, created by the first Congress—was established to serve the public. Its purpose has been to deliver mail rapidly and at a minimal cost to the user. Under the new Postal Reform Act, the emphasis has now been changed—the newly created Postal Service is now charged with the responsibility of delivering mail without losing money.

I, too, am alarmed at the tremendous deficit that is incurred by the Post Office each year, but I contend that if we increased the rates for those classes of mail that do not pay their own way, then we would cut the Post Office deficit substantially. Presently, first-class postage pays nearly twice the cost of handling and delivery. The second-class mail pays only one-half the cost of handling and delivery. If we are going to place the post office on an economical basis, let us have each class of mail pay only its cost of handling and delivery; let us not have first-class mail subsidizing the second and third classes of mail.

Mr. Speaker, the first "reform" to be made by the new Postal Service will be a "reform" of the first-class rates. The administration has already recommended an increase in the cost of first-class postage from 6 cents to 10 cents—later revised to 8 cents. Mr. Speaker, I do not agree that raising first-class rates—rates which already cover nearly twice the costs of handling and delivery—is "reform." I, for one, am bitterly opposed to such an increase.

My second objection to the new postal service is the lack of control, the lack of accountability. Mr. Speaker, I favor removing the Post Office from politics. I have long felt that employment and advancement should be based on what a person knows, not who he knows. Long ago we did just that by placing the Post Office under the civil service provisions. But, under the Postal Reform Act, who controls the Post Office? Certainly not elected officials, for Congress has turned over its control of postal matters to a select group of handpicked bureaucrats who are responsible to no one but themselves and the special interest groups that lobby for their appointments.

Once the rate commissioners establish rates, they can only be overruled by the Board of Governors and then only by a unanimous vote. Congress has no say in the matter.

In order to save money and operate at a profit, the Postal Service will surely consider eliminating the following services:

First. The discontinuation of 6-day mail delivery and Saturday window service.

Second. The discontinuation of mail delivery to individual addressees at such locations as colleges, and trailer courts.

Third. The replacement of fourth-class post offices with contract offices.

Fourth. The discontinuation of air transportation for first-class mail to points within 750 miles.

Fifth. The cutting back of wages and jobs for postal workers.

Mr. Speaker, I support measures which will improve mail service; and I support the pay increase for postal employees. However, Mr. Speaker, I am opposed to the procedure by which the low pay of the postal workers is used as a vehicle, to ram through a bill which is certainly not "reform" and will surely remove the Postal Service from the control of the people.

Mr. CRANE. Mr. Speaker, I commend my distinguished colleagues who represented the House of Representatives in the conference on the bill, H.R. 17070.

I believe that this legislation will mark a significant improvement in the operation and function of the postal service of the United States. At this time, I would particularly call the attention of my colleagues to section 7 of the pending bill. This section provides for a 2-year study of those portions of titles 39 and 18 of the United States Code which deal with the private carriage of first-class mail. The text of section 7 follows:

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 6 of title 39, United States Code (as enacted by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the United States Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

As my colleagues may recall, on March 26 I introduced a bill, H.R. 16691, which would repeal these sections of the United States Code. My remarks in support of this legislation appear on page 9516 of the CONGRESSIONAL RECORD of March 26, 1970.

This bill was offered as an amendment to the present bill (H.R. 17070) on June 18 by the gentleman from Kentucky (Mr. CARTER), the gentleman from Tennessee (Mr. DUNCAN), my colleague from Illinois (Mr. MIKVA) and myself. Our amendment was not successful.

Section 7 of the pending bill will provide an opportunity for a thorough investigation of the question of the private carriage of first-class mail. When the opportunity presents itself, I will offer to testify on this subject, and I ask that a letter which I have sent to the Postmaster General be inserted in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 6, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: I commend you for your perseverance in seeking meaningful reform of the postal service. I believe that Section 7 of H.R. 17070 is particularly significant. This section, as you will recall, provides for a two-year investigation by the Board of Governors of the United States Postal Service of the restrictions on the private carriage of letters.

This question was the subject of my bill, H.R. 16691, which your department has previously commented on.

When the new Board of Governors begins their study of this question, I will be most pleased to offer any assistance which I might be able to provide in pursuing your "complete study and thorough reevaluation" of these provisions of existing law.

Thank you for your continued courtesies, and I lock forward to working with you in this area in the future.

Sincerely,

PHILIP M. CRANE,
Member of Congress.

H.R. 17070 is a step toward meaningful postal reform, and one of the main reasons that it is, is because of the provisions of section 7.

Again, I commend my colleagues, the Members from the other body and the administration for wisely including this provision in the postal reform bill. I am confident that this opportunity will be utilized to thoroughly investigate the very important question of competition for first-class mail, and to render a meaningful report back to the Congress.

Mr. FUQUA. Mr. Speaker. There is no question that there are many things wrong with the postal system of this Nation. Today we are voting on a postal reorganizational bill which is supposed to get at the heart of these problems—and let me say that this measure will not scratch the surface.

There is one thing I know for certain, the postage rate is going up and the American people will pay more for less service.

What has been needed all along has been for modern management and modernization demanded by the administration through the office of the Postmaster General. I think a great deal is promised by this new system, and I think is will deliver very little.

Frankly, I believe that the Congress, the President and the management of the postal system have been responsible—and a part of that fault lies with the apathy of the American people. We have allowed archaic work rules and methods to hold sway in 1970—methods which might have been adequate in 1940, but probably not since then.

We have not provided an incentive program for postal employees. I am totally in favor of a program where there can be advancement within the ranks and I think that there needs to be pay incentives for young men in the postal service to strive to achieve and succeed. The pay rates have often been such that a man could remain in a job with little responsibility and come close to the salary range of the man upon whose shoulder the real workload was placed.

Our rate structure has certainly left much to be desired. I could not count the number of times I have complained bitterly about the rate for "junk mail" which is carried at a portion of its cost while the average citizen has to pay his or her way with first class service.

Yes, there are some real problems in the Postal Service.

No, this measure will not solve them.

We are sweeping the problem under the rug and it is going to come back to haunt us. It may well be that we will be faced with some other proposal in the not too distant future of like magnitude.

I predict that this reorganization will simply mean increased cost without increased efficiency. It is my opinion that it may well prove a detriment to the men and women of the Postal Service.

It is my feeling that this measure does not meet the problem. It is for that reason that I cast my vote against its approval.

Mr. ANDERSON of Illinois. Mr. Speaker, I want to extend my firm support for the postal reorganization bill that has emerged from conference deliberation. The conferees are to be commended on their painstaking effort in reconciling the many differences between the two versions of this historic and complex piece of legislation. Of course, there are a few changes, for instance, on the size and duration of the Government subsidy to the new postal corporation, the procedure for rate changes, judicial review, the provision for a congressional veto, and others; but basically the bill remains the sound and long overdue measure for the reorganization and modernization of our archaic postal system approved by this body in June. We were aware for more years than it is comfortable to admit that it was a scandal and an outrage that the most industrialized and affluent Nation in the world could muster no better than an inefficient relic of the 19th century for handling the mail. Now that we have at last liberated the postal service from the inertia of tradition, patronage, and politics, we can look forward to the kind of modern postal service the Nation so desperately needs and deserves.

I am particularly pleased that the conference retained the so-called Henderson-Gross amendment to the House bill. It would have been ironic indeed if we had removed political interference and meddling from the system only to open the door to arbitrary interventions in the management of the new corporation by labor leaders, made inordinately powerful by the compulsory union membership. By giving every employee the right to choose whether or not to join a union, we have avoided setting a bad precedent for the Government service, and have gone a long way toward insuring that the postal unions do not stray beyond their proper and constructive role of representing their membership in negotiation over wages and conditions of work.

XUM

I would be remiss, however, if I did not express my strongest disappointment over the fact that the conference committee cut the very heart of an amendment I introduced during the House consideration of the Postal Reform Act. My amendment provided that the new postal corporation shall not enter into any collective-bargaining agreement which restricts the introduction of new techniques or devices which may reduce the cost or improve the quality of the postal service. The aim of this amendment was to insure that nothing stood in the way of the adoption of the most modern and efficient technological improvements. The conference bill includes the language of my amendment but exempts collective-bargaining agreements. But that is about like saying that everyone shall obey traffic laws except those driving autos. This exemption destroys the very purpose of the amendment which was to avoid the union featherbedding and resistance to technological innovation that is having such adverse effects on the railroad, construction, and other industries. Why in this day and age we must continue to tolerate these kinds of practices I simply fail to understand? I want to register my strongest dissent to the shortsightedness on the part of the conference committee regarding this matter.

Mr. RANDALL. Mr. Speaker, at this point about the best some of us can say is that we will see, what we will see, what we will see. If such a statement calls for interpretation it means that only time will tell how long the American people will put up with the kind of postal establishment which will become a reality upon adoption of this conference report.

Having made such a comment almost any listener would be entitled to inquire why a bill that contained so little that was desirable and so much to be desired would pass by such a substantial majority when approved by the House on June 18, and why this conference report will face such a little bit of opposition today?

Clearly, the answer lies in the fact that most Members are intently interested in seeing that justice be done promptly by providing equitable pay for that sizable army of letter carriers and clerks who have served faithfully and with dedication to their duties. Because of the many pronounced threats of a Presidential veto this bill is the only vehicle by which these patient and long-suffering postal employees can receive their sorely needed and much deserved 8-percent pay increase which is justifiably made retroactive to April 17, 1970.

In commenting on H.R. 17070 at the time of its passage on June 18, 1970, I pointed out that the Congress could have just as well proceeded along the lines of H.R. 4 which would have provided for complete modernization of postal facilities. This bill would have allowed the Department to take advantage of applications of automation and to go ahead with research to try to develop devices which would read addresses like a human being. The same bill would have made it possible to fund improvements by the issuance of bonds rather than from annual appropriations.

But no, then and now the great majority of the Congress seemed intent upon turning our entire postal operation over to some unelected appointees which I now predict may very well become unresponsive appointive officials so far as carrying on the time-honored concept that the Post Office Department is a service institution rather than a commercial operation.

While I am apprehensive of these appointees changing the entire structure from a service operation to a business institution I am downright frightened as to the future of our postal rates. H.R. 17070 may have been imperfect as we sent it to the Senate. As far as postal rates are concerned as we rush headlong to adopt the conference report today, H.R. 17070 is a really bad bill. Before conference, at least one body of the Congress had an exercise of the right of veto over exorbitant postage rate increases even if it did take a two-third vote. As we proceed to adopt the conference report today even that veto power has been relinquished and turned over lock, stock and barrel to a rate commission.

Why then is there no enthusiasm and why is it with the greatest of reluctance that we accept this conference report and let it become law? As I mentioned above, it is the last train available to carry the deserved postal pay increases. Many Members will support this conference report because back in their minds is the recollection of the thousands and thousands of letters they received from those who insisted that there must be some kind of postal corporation or some independent establishment or some other new front created carrying a beautifully descriptive name to replace the old Post Office Department.

Well-meaning and good-intentioned businessmen noted that because of the vast increase in the volume of mail the service has slowed down. They were willing to try almost anything. I am sure it would be a worthwhile effort for all of us to keep a record of our constituents who had written in so adamantly in favor of some kind of new postal authority. After this new concept of an independent postal establishment is in operation for a while I predict it will be an interesting exercise to listen to the reaction of these very same constituents and compare their new complaints with their former views particularly after the Board of nine appointees decides to change the Post Office from an institution of service to a commercial organization either by curtailing service or by raising the postal rates sky high which, under the provisions of this conference report, Congress will be helpless to forestall.

For the foregoing reasons I am entering into the RECORD today my doubts and misgivings about this new postal establishment which I submit is too important to the American people to be left to a board of appointees no matter who they may be. As I said on June 18, when we passed the bill, I predict that after H.R. 17070 is put into operation, it will either be repealed or repealed in part not too long thereafter. The only way I can find it possible to vote for this conference report is with the knowledge that what we do today is not irrevocable. Thank goodness, that what the Congress does it may later undo.

Mr. DULSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken and there were—yeas 338, nays 29, answered "present" 1, not voting 62, as follows:

[Roll No. 259]

YEAS—338

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver

Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lowenstein
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—29

Abernethy
Ashbrook
Brooks
Carter
Dingell
Fisher
Fountain
Fuqua
Griffin
Gross
Hall
Hays
Kazen
Landgrebe
McMillan
Mahon
Mink
Patman
Pickle
Poage
Roberts
Rousselot
Saylor
Scherle
Schmitz
Skubitz
Teague, Tex.
Whitten
Young

ANSWERED "PRESENT"—1

Scott

NOT VOTING—62

Anderson, Ill.
Anderson, Tenn.
Baring
Bell, Calif.
Berry
Blackburn
Blanton
Bolling
Bray
Brock
Burleson, Tex.
Caffery
Clay
Collier
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Edwards, La.
Erlenborn
Evins, Tenn.
Fallon
Flynt
Fulton, Tenn.
Gallagher
Goldwater
Gray
Holifield
Ichord
Jones, Tenn.
King
Kleppe
Kuykendall
Leggett
Long, La.
Lujan
McCarthy
May
Meskill
Ottinger
Passman
Pollock
Powell
Purcell
Quillen
Rarick
Reifel
Robison
Rostenkowski
Roudebush
Ryan
Stafford
Symington
Taft
Tiernan
Tunney
Weicker
Wold
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Taft for, with Mr. Scott against.

Until further notice:

Mr. Holifield with Mr. Goldwater.
Mr. Burleson of Texas with Mr. Cramer.
Mr. Blanton with Mr. Kleppe.
Mr. Dent with Mr. King.
Mr. Evins of Tennessee with Mr. Bray.
Mr. Gray with Mr. Bell of California.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Passman with Mr. Blackburn.
Mr. Long of Louisiana with Mr. Cunningham.
Mr. Tiernan with Mr. Collier.
Mr. Anderson of Tennessee with Mr. Anderson of Illinois.
Mr. Caffery with Mr. Berry.
Mr. Daddario with Mr. Meskill.
Mr. McCarthy with Mr. Clay.
Mr Ottinger with Mr. Davis.
Mr. Tunney with Mr. Conyers.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Purcell with Mrs. May.
Mr. Ichord with Mr. Reifel.
Mr. Wright with Mr. Lujan.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Ryan with Mr. Pollock.
Mr. Symington with Mr. Weicker.
Mr. Rarick with Mr. Wold.
Mr. Flynt with Mr. Quillen.
Mr. Fallon with Mr. Stafford.
Mr. Gallagher with Mr. Robison.
Mr. Leggett with Mr. Diggs.
Mr. Baring with Mr. Powell.

Mr. SCOTT. Mr. Speaker, I have a live pair with the gentleman from Ohio Mr. TAFT. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous material on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

RAILROAD SAFETY AND HAZARDOUS MATERIALS CONTROL

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1139) providing for the consideration of the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1139

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and to read such amendment in the nature of a substitute by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) and reserve the balance of my time.

Mr. Speaker, House Resolution 1139 provides an open rule with 2 hours of general debate for consideration of S. 1933 to provide for Federal railroad safety, hazardous materials control and for other purposes. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of S. 1933 is to promote safety in all areas of railroad operations and reduce deaths and injuries to persons and property.

The Secretary of Transportation is authorized to prescribe regulations for all areas of railroad safety and conduct necessary research and development. He is given emergency power to prohibit the use of any facility or equipment he determines to be unsafe.

The Secretary is to make a 1-year study of grade crossings and railroad rights of way and report to Congress.

The States are authorized to regulate in any area of safety until the Secretary acts with respect to the particular subject matter and they are authorized to assist the Secretary by conducting investi-

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gative and surveillance activities. The Secretary is authorized to provide up to 50 percent of the cost of such State activities and, in the event of a violation, any State participating may seek compliance with Federal regulations in U.S. district courts if the Secretary has not acted within 180 days of such violation.

Injunctive relief is provided and civil penalties are provided ranging from $250 to $2,500 for any violation of a Federal regulation.

The Secretary is to make an annual report to Congress not later than May 1 of each year.

Appropriations are authorized up to $21 million for each of fiscal years 1971, 1972 and 1973.

In addition, appropriations are authorized up to $1 million for each of fiscal years 1971, 1972 and 1973 for a hazardous materials technical staff and a centralized reporting system for hazardous materials accidents within the Department of Transportation. The Secretary is to review all aspects of hazardous materials transportation and report to Congress annually not later than May 1.

Mr. Speaker, I urge the adoption of the resolution in order that the bill may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the Rules Committee for this rule, which is unusual and almost unique in that it does not waive points of order on any language in the bill. In other words, as I understand it, is a completely open rule, and I wish to commend the Rules Committee for this most unusual action. I thank the gentleman for yielding.

Mr. MADDEN. I wish to thank the gentleman from Iowa for his kind words of commendation.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I am delighted to have this rule printed, but I am a little concerned because I find nothing in the rule or in the bill referring to the Interstate Commerce Commission. Is this bill or is this action of the Secretary of Transportation to supersede the rights which Congress by law has given to the Interstate Commerce Commission to regulate safety on the railroads?

Mr. MADDEN. Mr. Speaker, I will yield to the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) to answer that question.

Mr. STAGGERS. Mr. Speaker, I might respond to the gentleman that I do not think we yield anything. We have tried to make this stronger and put it in a different department to make it stronger, to save lives.

Mr. SAYLOR. I understand that is the intention of the bill, as it came from the gentleman's committee. If that is the purpose of it, I am delighted to support it.

Mr. LATTA. Mr. Speaker, the primary purpose of the bill is to promote safer railroad operations, including the reduction of accidents and the resulting injuries and deaths and the reduction of property damage caused by accidents involving any carrier of hazardous materials.

The bill gives authority to the Secretary of Transportation to prescribe regulations in all areas of railroad safety and to conduct any necessary research development, testing, and training projects which may be necessary.

States may also regulate concerning railroad safety in any area in which the Secretary has not acted, but Federal regulations, if they exist, will preempt State action.

Under the bill, States may assist the Department of Transportation in carrying out its regulatory and investigative responsibilities. States, in order to participate, must be certified in writing by the Secretary, who may provide up to 50 percent of the costs of the State program. Only the Secretary may determine to assess penalties for discovered violations and this authority may not be delegated to the States which participate in the regulatory program.

Penalties are provided for all violations. Fines of from $250 to $2,500 for each offense are authorized. Further, the Secretary is empowered to seek injunctive relief in the appropriate district court.

The bill also deals with the transportation, by any carrier, of materials which are hazardous if allowed to escape from their containers. A staff of technical experts in this field is authorized within the Department of Transportation and a requirement of reporting all accidents involving such materials is instituted. The Secretary is empowered to conduct a study of the transportation of all hazardous materials and to recommend steps to insure the safe movement of such materials.

The bill authorizes appropriations for 3 fiscal years—through 1973—to carry out the provisions of the bill. For each fiscal year, $22,000,000 is authorized.

There are no minority views. The administration supports the bill.

Mr. Speaker, I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 1933, with Mr. ANNUNZIO, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Subcommittee on Transportation and Aeronautics of our full committee held hearings on S. 1933 and other bills relating to railroad safety over a 4-day period last March. After receiving a unanimous report from the subcommittee, the full committee, on May 27, unanimously reported the bill before you.

The purpose of this legislation is to promote safety in all areas of railroad operations, and to reduce accidents, deaths and injuries to persons, and to reduce the damages caused by the presently increasing problems concerning accidents involving all types of carriers of hazardous materials. As you know over the years there have been several railroad safety statutes. You will find them set forth beginning on page 40 of our report. Among them are the Safety Appliance Acts, the Signal Inspection Act, the Accident Reports Act, and the Hours of Service Act. It is my understanding that these have served well, and the bill would continue each one of them. However, collectively, they do not establish a broad-enough safety program at this time. There are no uniform State safety programs. There are no uniform State safety regulations. We have nationwide rail transportation, but we do not have a nationwide rail safety program.

A quick review of our report or the printed hearings, I believe, will demonstrate most convincingly that we must enact an overall Federal safety law now. Train accidents have increased for the 12th consecutive year, 1969 is up over 1968 by more than 500 accidents; 2,299 persons were killed and over 23,000 were injured in the past year. We have had grade-crossing accidents ever since we have had trains, but now we are plagued with broken wheels, broken rails, and deteriorating roadbeds.

I am sure you are all aware that our common carriers, and particularly our trains, oftentimes carry highly flammable and poisonous cargo. On New Year's Day in 1968 there was a derailment in Indiana involving such cargo, and it led to an intense fire and the explosion of a tank car. The town's major industry was destroyed, the town was evacuated for 2 days and the water supply, because of cyanide pollution, required health protection measures for months. Miraculously, there were no fatalities but that is luck—not safety.

Now I would like to summarize the framework of the legislation before us. As I said, all existing railroad safety laws will remain in effect. The framework of this new bill authorizes the Secretary of Transportation to prescribe regulations for all areas of railroad safety and to conduct necessary research, development, testing evaluation, and training. He will have emergency powers to pro-

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hibit the use of facilities or equipment which he determines to be unsafe. There will be a 1-year study and report on the problem of grade crossings and rights-of-way.

I would like to emphasize that the States will have an effective role under this legislation. We believe that we have that role in the proper perspective as reported. The States may regulate in any area of railroad safety until the Secretary acts. After the Secretary has acted, the States may still regulate with respect to essentially local hazards. The States may also assist the Secretary by conducting investigative and surveillance activities on his behalf. These activities will be conducted through certification or agreement with the Secretary. The Secretary can provide up to 50 percent of the cost of the State program, but the Secretary retains the authority to assess penalties. As to enforcement this is vested in the Secretary. However, the States can seek compliance with Federal regulations if the Secretary has not acted within 180 days after a violation.

Under title III which deals with the hazardous materials control part of the problem, there are provisions for a technical staff and a centralized reporting system. There has to be a better means of communications as to all aspects of hazardous material transportation. Our record indicates that local police and fire authorities oftentimes are not even aware that hazardous materials are coming through their town, nor what substances are involved. In case of an accident, this puts them in a position of having no way of knowing what chemicals or firefighting materials to use on the explosions and fires such as the one I mentioned in Indiana. The reported bill calls for better records and communications in this area.

The cost of this program under the 3-year authorization which we reported totals $22 million for each year.

I believe that we have a highly necessary bill here, and I urge all of you to support it. I think that a 2-hour open rule will be sufficient.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the railroad industry is plagued with many ills. Most have reached epidemic proportions and any of them could bring on the demise of the most venerable of our modes of land transportation. Many of the problems are economic and this gives rise to other problems. But whether it arises as a cause or as an effect the crisis in railroad safety demands immediate attention.

Based upon the testimony brought out in our committee we could stand here all afternoon citing examples of the breakdown in safety on the Nation's railroads. We could present statistics and comparative figures on losses and injuries which would convince the most skeptical observer that safety has been breaking down. But a discussion of how it got this way is academic. Here it is and we must act promptly.

The history of railroad safety measures and legislation is confused and spotty. Over the years situations have been met with specific responses. General attention to the broad regulation of safety practices has been lacking. The result is a body of law which leaves many blank spots and the present situation shows only too clearly what has happened there. Even the titles of some of the older acts such as the Locomotive Inspection Act and the Ash Pan Act sound archaic. They have been useful and are the result of many hard fought campaigns in the past. This bill would keep all of them intact but attempt to establish an administrative device for building on and around them. The result should be a broad and comprehensive safety law. Derailments and equipment failures are direct dangers to the personnel who must work with them as well as to the public, despite diminishing passenger traffic.

The bill gives the Secretary of Transportation authority to issue regulations covering the broadest range of railroad safety. This will pose problems of an administrative nature where existing safety laws which will remain in force cover some of the same ground. It is expected that the Secretary will make the necessary adjustments to avoid outright conflicts. The main idea is to obtain full coverage of all safety programs whether formerly under Federal jurisdiction or otherwise. In the last 2 years we have observed the occurrence of more and more derailments, some of them involving extremely hazardous substances. Lives have been lost, towns have been evacuated, and property losses have been in the millions of dollars. Solving this problem and making certain that roadbeds are adequate for the traffic they will bear is not something that is merely desirable, it is mandatory. Uniform regulations must be forthcoming and must be rigidly enforced. In this regard the bill provides that Federal regulations will override all others. States may enforce regulations in those areas not covered by the Federal regulations and they may also take charge of purely local hazards.

To insure uniform enforcement it will be carried out principally by Federal authorities. States will be called upon to investigate and to carry out surveillance activities. These will be done under the terms of certificates somewhat like those provided in the Natural Gas Act issued by the States to the Federal Government or under direct contracts for such assistance. By doing so States will qualify for financial assistance covering one-half of the cost of the State railroad safety program. Assessment of penalties will remain a Federal function but if violations occur and for some reason the Secretary does not act, a State may, after 180 days have gone by with no action, go directly into Federal court and request enforcement by appropriate means.

It should be noted that any regulations regarding safety will necessarily involve personnel activities. This can become a touchy subject and when the railroad safety bill was first proposed it immediately became a major issue. When qualifications of employees become obvious factors in safety then they cannot be ignored and the Secretary must take them into account in his actions under the law. No one will argue against this general principle but it will be difficult at the time to decide. To make sure that the close calls are not subject to arbitrary action, the applicable provisions of the Administrative Procedures Act include a right to an oral presentation. As to further limitations upon rash action the bill also provides that existing safety data must be taken into consideration in prescribing rules. The Railway Labor Act is in no way changed or affected by this bill.

Originally the committee determined that initial rules should come forth very quickly, in fact only a few weeks after this debate. Reality dictated that somewhat more time should be allowed and a better product demanded. Consequently we finally provided for a 1-year period for the Secretary to put together the initial rules under this new law. They should be good enough to endure on the subjects they cover. More rules on other and newer subjects will be forthcoming from time to time thereafter.

There will be times when an emergency situation will make it suddenly clear that certain equipment is unsafe. When this occurs, the Secretary can and certainly should ban the use of such equipment on short notice. The bill provides authority for such action.

A constant source of concern is grade crossings. They are the sites of numerous accidents. They are also the source of constant bickering within political jurisdictions and between political jurisdictions. This bill does not pretend to have all the answers and therefore provides for a 1-year study of all phases of this sticky problem. At the same time, however, we recognize that the Secretary of Transportation already has extensive responsibility in the area of traffic safety and highways. He is directed to use his office to coordinate these activities and bring about optimum coordination and cooperation among political entities. This is a big order but it is within the charter of the Department of Transportation and we have a right to expect that it be tackled.

Title III of this bill deals with the control of hazardous materials. Compared with the remainder of the bill, it appears relatively insignificant but this is hardly the case. Restrictions on moving such substances are not new. Overall safety problems complicate them. The Secretary must consider all of these and make proper recommendations for changes in the law or operating procedures. But even more important, in the handling of hazardous substances and accidents involving them, is the presence of proper information at the right place at the right time. Today there is no serious attempt to educate and inform law enforcement and firefighting forces about the exact nature of the dangers they will face, much less an effort to make them aware of the proper methods to combat the menace. The bill before us today anticipates a change in this regard and along with the dissemination of appropriate information to all concerned parties it recognizes the need for the gathering and use of specific information on shipments of such substances. If local officials have no inkling that dangerous materials will be moving through the area, it is impossible for them to be prepared or to know what can effectively be done in the case of an emergency.

To carry out the provisions of this bill, it provides for authorizations in the sum of $21 million per year for 3 years and an additional $1 million for the same period to carry out the hazardous substances provisions.

This bill treats a subject vital to the national interest. It cannot entirely please every element or group concerned with its operation, but it does try to be evenhandedly fair to everyone while still creating a framework for reaching the goal—railroad safety. I think it does this and I recommend that the House accept the committee version of the bill.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. PICKLE) a member of the committee.

Mr. PICKLE. Mr. Chairman, today, the House has the opportunity of passing the first truly national railroad safety bill. Today, the House has the opportunity of eliminating the possibility of patchwork regulations and substituting instead a clear-cut national program—a program which will be flexible enough to respond quickly as our investigations develop potential hazards in this transportation industry which is vital to this Nation.

There is a strange bit of irony in this bill. Actually, the railroads offer one of the safest modes of transportation. However, when an accident occurs, the combination of mass and speed are catastrophic. Therefore, the need is clear.

This need, however, has been a matter of deep concern and some controversy for several years. In my opinion, the legislation we offer today is a good example of the creative compromise in legislation. Today's bill is a consensus version which embraces labor and management and which furthers the Federal-State partnership.

Our committee recognizes the important role which States can play in a national framework. In fact, the committee has written in language which actively brings States into the picture. This bill not only permits State participation in the administration of the Federal safety program, but it also allows the States the right to inspect to see that Federal safety regulations are carried out and the Federal Government pays half the bill for the State's active participation.

Perhaps the most beneficial aspect of this legislation is that, unlike the Senate version, this bill precludes the possibility of 50 different sets of safety regulations from 50 different States. We take away the potential for patchwork and jig-saw puzzles in the area of railroad safety.

Already, there are several Federal safety bills in existence. This bill does not do away with these bills because they have withstood the test of time. Each of these bills has adequately added to the overall safety of railroad operations. In fact, many of these existing bills are designed for employee safety. We do not repeal any portion of the Railway Labor Act, and the matters of collective bargaining pertaining thereto.

However, today's legislation goes beyond the limits of employee safety. The committee has drafted a bill which is truly a consumer or public safety bill. We pay special attention to the dangers in shipping volatile chemicals and explosives by rail. In this bill, we attempt to offer protection to the casual bystanders who still throng beside the tracks to hear the lonesome whistle of the freight train—along with an occasional passenger train. For too long, we have had no Federal research or control in the important areas, for example, of design and manufacture of train wheels, maintenance of track and roadbed, and standards throughout the industry.

Here again, the State is actively intertwined as a working partner with the Federal Government. It will be the State, the unit closest to the ground, which conducts the investigation, which submits the recommendations, which finds the problem before the disaster strikes.

Contrary to some speculation that this version of the Railroad Safety Act cuts across State jurisdictions, the States can still take action in three methods. First, the State can continue and initiate legislation in areas of safety not covered by Federal regulations; secondly, the State can deal directly with hazards of essentially local nature; and thirdly, the State can keep the Department of Transportation with their feet to the fire. For example, if the State inspector finds a violation and he reports it to the Secretary of Transportation, the Secretary must act within 180 days or the State is fully authorized to seek compliance with Federal regulations in U.S. District courts. Thus, the State has the opportunity to cut through red tape which might develop on a national scale in order to alleviate local conditions.

Ready responsiveness is built into this bill. I say this because we have created the avenues whereby the Secretary of Transportation can effectively deal with safety hazards by instituting regulations rather than having to wait for the slow groan of the legislative process. Under this bill, the Secretary has the capacity and the authority to issue these regulations as soon as his investigations are clear.

As an important adjunct, for the first time, the States are clearly given the power to initiate legislation in areas which have not been touched by these regulations and these State legislative efforts will remain in effect unless and until such time that the Federal Government institutes its own regulations. This is an important advance and recognition of State governments.

Mr. Chairman, perhaps the most dramatic aspect of this bill is the section dealing with hazardous materials. For the first time, we are creating and funding a staff under the Secretary of Transportation which will centralize a reporting and researching system for hazardous materials accidents.

Also, we are not content to merely file a suggestion and let it die a natural death. This bill institutes an annual review and report to the Congress on all aspects of hazardous materials transported by rail. To do this, we have authorized $1 million for each of the next 3 fiscal years.

Mr. Chairman, I submit that the Commerce Committee has reported out a strong bill with a national character. We have spent months on this bill and, although not everyone is 100 percent behind the bill, both labor and management do support the version before us today. I say to you that this is national and uniform in scope and should be enacted. I much prefer this approach to the Senate version which still leaves a hodegpodge approach whereby the industry and the public would be subjected to varying regulations within each State. If we are to pass a national safety bill, let it be one similar to this bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I fully support S. 1933, the Railroad Safety and Hazardous Materials Control bill. As the bill states:

> The purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

I want to commend the Committee on Interstate and Foreign Commerce on sending us this most important piece of legislation. As the committee points out in its report:

> There has been a widening gap between the desirability of safety and the achievement of safety. The record presented in the hearings on this legislation leads to the unqualified conclusion that there can be, should be and must be a substantial upgrading of the level of railroad safety.

And the record is indeed grim. Last year alone there were over 8,000 rail-related accidents involving lives and property and the trend of accidents is increasing. I fully agree with the committee that, "such a trend should be reversed," and I am confident that this legislation will go a long way in helping to reverse that alarming trend.

The committee report goes on to point to the virtual lack of uniform State regulations and therefore the need for broad-scale Federal legislation, "with provisions for active State participation to assure a much higher degree of railroad safety in the years ahead."

Consideration of this legislation today is especially timely in light of the current controversy over the transportation by rail of deadly nerve gas for dumping in the Atlantic Ocean. The committee report observes that:

> Accidents involving these hazardous materials, many of an alarming nature, have frightened the public, the industry and public officials everywhere. The prospect of a major catastrophe is a continuing threat.

Given the past incidence of rail accidents involving hazardous materials, it is no wonder that such a storm of controversy has gathered over the nerve gas shipment. It will no longer do to ask Americans to hold their breath and pray whenever there is a shipment of hazardous materials passing through their com-

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munity. The public expects and deserves more than empty words of assurance that there is no danger of a catastrophe occurring. Such catastrophes are a matter of historical fact and will continue to occur unless we provide adequate safeguards to prevent their recurrence.

To cite just one recent tragic example in my own State of Illinois, a train derailment in Crescent City in June of this year set off explosions in 12 tank cars containing liquified petroleum gas which in turn wiped out 30 businesses, 14 homes, and caused $2 million in damage. Miraculously, no one was killed though many could easily have been.

The legislation which we are considering today would go far in alleviating the possibility of such future catastrophes by granting the Secretary of Transportation the authority to prescribe uniform Federal rail safety standards and by establishing a hazardous materials technical staff in his office to deal exclusively with this problem.

Another area of great concern to me is that of grade crossing accidents. Reporting on June 30, 1969, the Secretary's Task Force on Railroad Safety pointed out that:

> Grade-crossing accidents rank as the major cause of fatalities in railroad operations. They account for 65 percent of the fatalities resulting from all types of railroad accidents, and rank second only to aviation mishaps in severity. Annually, about 4,000 accidents produce approximately 1,600 deaths, which is also a matter of major public concern.

The task force goes on to report that since 1958, the trend in crossing accidents has been upward. One reason for this continuing accident rate is the fact that only 20 percent of the 225,000 grade crossings in this country are protected with automatic devices. The task force has therefore recommended an expanded program of grade-crossing safety with early attention given to the development of improved crossing protection at lower cost utilizing new sources of Federal funding to finance the program.

Mr. Chairman, recognizing that sufficient funds will not be immediately available either from Federal or State sources to construct automatic devices at all the unprotected crossings, I would like to pass on a suggestion which has been made to me by one of my constituents and has been introduced in bill form at various times by the distinguished minority leader (Mr. FORD) and the gentleman from Iowa (Mr. GROSS). The proposal is to require, by Federal regulation, that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night by approaching motor vehicles. The proposal is aimed at reducing the number of accidents caused by motor vehicles running into the sides of trains at road crossings at night.

In a letter to the House Interstate and Foreign Commerce Committee, dated February 28, 1963, the Chairman of the Interstate Commerce Commission at that time said of this proposal:

> Such markings on cars would make them more conspicuous at night under most conditions, and in all likelihood would tend to reduce appreciably the number of accidents of this nature. It is, therefore, our opinion that provision for this type of protection at unguarded grade crossings would be worth the expense involved. It would be considerably less costly than grade crossing eliminations or the installation of most rail-highway protective devices.

Mr. Chairman, I want this proposal to be a part of the legislative history today so that the Secretary of Transportation will give it serious consideration in formulating the Federal railroad safety regulations pursuant to this act. The problems of unmarked rail crossings is particularly acute in rural areas such as my own where they are so numerous and where such accidents are not infrequent. I think that by marking railroad cars in such a way that they are easily visible at night, we will be doing a great deal to reduce the number of unnecessary accidents which occur each year, many of which do occur at unmarked crossings at night.

And so, Mr. Chairman, I enthusiastically urge the passage of this Federal Railroad Safety Act of 1970 in the interest of improved railroad safety and the protection of all Americans from railroad-related accidents.

Mr. BROWN of Ohio. Mr. Chairman, I take some personal pride in the passage of this legislation even though I do not serve on the Subcommittee on Transportation and Aeronautics where it was considered. It is patterned to a great extent after suggestions I made to officials of the Department of Transportation almost 2 years ago from today.

My suggestions at that time sprang not alone from the fact that I was serving then, as I am now, on the Interstate and Foreign Commerce Committee, but because on August 13, 1968, my hometown of Urbana, Ohio, had to be partially evacuated because of the wreck of 18 cars of a Penn Central train three blocks from the center of that city of 12,000. Seven of those 18 cars, hitched in sequence, contained class A explosives, military powder and ammunition, belonging to the Department of Defense. The possibility of a destructive explosion existed and the city officials of my community acted with wisdom and speed.

Unfortunately, they experienced some difficulty with the railroad, the Department of Transportation, and the Department of Defense in getting immediate answers to their necessarily frantic inquiries. But the answers were finally forthcoming. And with the cooperation of all three elements and the alert community leadership of Urbana safety director, Tom Watson, Mayor Tom Asterino, local police and fire officials and others, a possible tragedy was avoided and inconvenience was kept to a minimum.

It must be observed, however, that the Department of Transportation and its National Transportation Safety Board and Federal Railroad Administration and the Department of Defense were not as ready then to handle this and similar situations as they will be when this legislation finally becomes law. But they are better organized than they were then thanks to procedural steps which could be improved without the necessity of new or modified laws.

Many of these steps and many of the recommendations in this law had their origination with questions raised and suggestions made to me by the Urbana city officials following this accident. I passed those questions and suggestions on to the Departments of Transportation and Defense, along with some ideas of my own. I think this is a good example of how law and procedure can be made responsive to local considerations which have national implications.

And I might also observe that this incident at Urbana occurred in the waning days of the Johnson administration. When the Nixon administration and another party took power in the executive branch, the matter was not forgotten or ignored. A sound legislative proposal to deal with this problem and other matters was sent to the Congress from DOT and the result is the legislation we have before us today.

The hazardous materials control title of this bill—title III—provides for a technical staff and centralized reporting system within the Department of Transportation to deal with accidents involving hazardous materials. It also provides for a review by the Secretary of Transportation of all aspects of hazardous materials transportation and calls for an annual report to the Congress by May 1 of each year on this subject. One million dollars is provided for each of the fiscal years 1971, 1972, and 1973 to carry out the assignments of this title.

An even broader title—title II—of the bill supplements existing rail safety statutes and regulations giving the Secretary of Transportation authority to prescribe regulations for all areas of railroad safety and prohibit the use of any facility or piece of equipment which he determines to be unsafe. It also provides for a 1-year study and report to Congress on the problem of eliminating and/or protecting grade crossings and rights-of-way in densely populated areas. This title also sets out State authority and powers and sets penalties for violation of existing Federal regulations. Under the bill, $21 million is authorized for each of the next three fiscal years to implement this title.

In connection with title II, I am sure each of us has had some tragic grade crossing accident which has taken lives in our district. Similarly, I assume most congressional districts throughout the Nation have experienced right-of-way accidents or derailments which have destroyed property and cost lives. While such occurrences are not as dramatic as an accident causing the destruction or evacuation of a whole community, they are tragic, costly and, hopefully, unnecessary. I hope we have been able in this bill to take a small step toward resolving some of these problems and urge support of it by my colleagues. The experiences in my district could occur in yours any day. This bill will help prevent them from occurring.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. FRIEDEL).

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Mr. FRIEDEL. Mr. Chairman, I rise to wholeheartedly support this bill. The Subcommittee on Transportation and Aeronautics that I have the honor to chair, under the leadership of the outstanding gentleman from West Virginia is justly proud of this measure that we have presented to the House.

The Rail Safety Act of 1970 is the first national comprehensive railroad safety act in the history of this Nation. It has in my view coordinated and combined all the previous safety statutes that we have passed over the years. These laws have served well but we need to update and coordinate our rail safety program and provide the Federal Rail Administration with a modern statute under which they can assure the Nation rail safety. Our record in recent years in this area has been very bad. Rail accidents have increased consecutively over the last 12 years. In 1969, we have 500 more accidents involving railroads than we had the previous year. In 1969 almost 3,000 people were killed and 23,000 people were injured in railroad accidents throughout the country.

All Members of this body, I am sure, are aware of some of the major accidents which have occurred recently and how whole towns were placed in an emergency crisis situation as a result of a broken rail. The bill we have before us today will go a long way in eliminating these accidents. The Secretary, acting through the Federal Rail Administration will have the tools to conduct the necessary research and development that is needed in our rapidly changing technology involving the railroads. A partnership will be arranged between the States and the Federal Government whereby the Federal Government will be in a position to provide up to 50 percent of the cost of improved enforcement of railroad safety practices.

An important feature of the bill, that I have a special interest in is in the area of pedestrian safety as it relates to railroad operations. This bill authorizes the Department of Transportation to seek new ways to eliminate the grade crossing problem and to develop new techniques in protecting pedestrians in densely populated areas along railroad rights-of-way. Too many children, who are usually trespassing, have been seriously injured in this way.

Under title III of the act, we will at last take a major step in providing, within the Federal Government, for the needed professional and technical talent required to evaluate and advise on the movement of hazardous materials. In this area we address ourselves, of course, to situations such as the current problems involving the movement of obsolete nerve gas rockets to be disposed of by the Army in the Atlantic ocean. For far too long, the Government has not had the capability to evaluate and analyze the safety aspects in such hazardous movements. Under this bill, we will now have this capability.

I commend the bill to the membership and congratulate all of my colleagues who worked so hard within the Interstate and Foreign Commerce Committee in producing this worthy and needed legislation.

Mr. ROTH. Mr. Chairman, I rise to express my wholehearted support for S. 1933, the railroad safety measure.

How could I do otherwise when the primary purpose of the legislation is to:

Promote safety in all areas of railroad operation;

Reduce railroad accidents;

Reduce deaths and injuries to persons, and

Reduce property damage caused by accidents involving any carrier of hazardous materials.

These are most impressive objectives. And they are vitally needed because railroad train accidents are increasing too sharply every year. Something must be done to reverse this trend, and the measures proposed in S. 1933 constitute the most positive approach to accomplish a reversal.

The most serious accidents involving movement of trains, locomotives, or cars, where more than $750 damage was done to railroad equipment or right-of-way, increased by 6 percent in 1969 over 1968. And they have more than doubled since 1961. The 1961 total was 4,149, while in 1969, the railroads suffered from 8,543 such accidents.

The human toll is distressingly high. In 1969, there were 178 railroad employees killed and 16,758 injured in these accidents.

As bad as it is, this is only part of the grim accident situation. There is another, very serious aspect to consider.

There is a tremendous growth in the use, nationwide, of a variety of extremely flammable, explosive, highly reactive, and poisonous substances. These must be transported, much of it by railroad, taking it along countrysides and through urban areas, large and small. The very presence of these substances constitutes an extreme hazard to the population. And occasionally these shipments go beyond being a hazard and become a disaster. The names Dunreith, Ind.; Everett, Mass.; and Laurel, Miss., will stand in the record books for all time as examples of this growing menace.

Mr. Chairman, such accidents, and the potential threat in the transportation of these dangerous and exotic substances, present a new dimension in transportation safety.

We cannot afford to continue to suffer the high volume of ordinary railroad accidents, with their grim toll of deaths and injuries. And, we cannot afford to ignore the threat that the movement of volatile, highly toxic materials has brought on.

The laws on the books today, many of them half a century or more old, are obviously inadequate to cope with the growing number of accidents on railroads and even more inadequate to deal with the menace of movements of hazardous materials. The bill before us, S. 1933, is intended to correct these inadequacies and I feel that it will.

The proposal also provides for a study by the Secretary of Transportation of the problem involved in railroad grade crossings. The Secretary is to report in 1 year on the problem of elimination of such crossings and for the allocation of the cost of their elimination.

This is an area in which I have a particular interest, particularly in connection with grade crossings involving the new high-speed railroad service between Washington and New York. These high-speed train movements over grade crossings constitute a frightening hazard to both highway and rail vehicles and their passengers. The people of my State, Delaware, are quite conscious of this hazard, as I know the people of other areas must be. In fact I introduced legislation last year to correct this problem. I am certain that the Secretary of Transportation will place the high-speed railroad crossings high on his priority list for positive and early attention.

Mr. Chairman, it is for these reasons that I am compelled to support S. 1933, and I urge my fellow Representatives to accept this measure.

Mr. REID of New York. Mr. Chairman, I rise in strong support of S. 1933, a bill which will extend Federal responsibility and authority in the area of railroad safety. In September of 1969, I introduced similar legislation in bill H.R. 13889.

Railroad safety and service standards have seriously deteriorated in recent years. I have received many letters from my constituents who are daily commuters on the Penn Central which indicate growing concern over the safety of that railroad. I believe that it is clear that we need more stringent and more comprehensive safety standards on all of our railroads, and active enforcement of these standards once they are promulgated.

According to the report of the Task Force on Railroad Safety, submitted to the Secretary of Transportation on June 30, 1969, there were 8,028 train accidents in 1968, compared to only 4,148 in 1961. The Department of Transportation reports that there were approximately 8,259 accidents in 1969. The American public is certainly rightly concerned when railroad accidents have more than doubled in the last 8 years.

While Federal regulations will not prevent train accidents, it is my view that the need for additional Federal standards in all areas of railroad safety is apparent. According to the report of the task force, at the present time "Federal statutes do not cover the trucks, wheels, and axles of railroad cars nor their design, construction, or maintenance. Bridges and tunnels are not subject to Federal regulations, and no Federal authority governs track and roadbed. There is no general authority to promulgate standards for employee qualifications, physical requirements, and training, nor to prescribe uniform railroad operating rules."

It is my understanding that the railroad industry is the only transportation industry in the United States which presently is not subject to comprehensive Federal safety regulations. There is in existence a patchwork of rail safety laws, each of which applies to a specific safety hazard. According to the Senate Commerce Committee's report on the present bill, "some 95 percent of the causes of accidents on railroads are in no way covered by Federal statutes or by State law." It is my view that this extraordinary gap in regulation must be closed immediately by Federal action.

The present bill goes far toward this end. It authorizes the Secretary of Transportation to prescribe regulations for all areas of railroad safety, and to conduct the necessary research, development, testing, evaluation, and training in order to bring about a truly safe railroad system. The Secretary may also prohibit the use of any facility or piece of equipment which he determines to be unsafe. Most importantly, the Secretary, with the assistance of the States, will be authorized to conduct investigative and surveillance activities.

Furthermore, special attention is given in the bill to the problems of transportation of hazardous materials. The Secretary is authorized to review all aspects of this problem. Concerning the problem of grade crossings, which account for some 65 percent of the fatalities from all types of railroad accidents, the Secretary is to report to the Congress in 1 year on the need for protecting and eliminating such crossings.

In order for these regulations to be effective, they must carry with them civil penalties which are sufficiently large to discourage violations. Such penalties are provided in the bill, ranging from $250 to $2,500 for violation of any Federal regulation. Adequate funds are also necessary for these regulations and procedures to be effective, and I am pleased that the bill authorizes some $21 million for each of the next 3 fiscal years toward making these improvements.

In closing I would add that it is becoming more clear that the railroads could play an important role in the public transportation of this Nation in years to come. I am hopeful that, as a result of safety legislation and regulations promulgated thereunder, rail service will be upgraded to the point where travelers in this country will once against find it safe, reliable, and efficient to use our railroads on a large scale. Only when this happens will we begin to solve the problems of traffic jams on our highways and ease the pollution of the air by automobiles.

I therefore strongly urge the House to act favorably on this crucial piece of legislation.

Mr. PRICE of Illinois. Mr. Chairman, all of us are concerned with improving safety conditions. The intent of this legislation is to reduce railroad related accidents and injuries—both to property and persons. The inclusion of provisions that allow for the enactment of safety regulations and the initiation of research and evaluation in the area of railroad safety are the tools that can promote safety.

Of special importance to my area is the section that makes provision for efforts to be made toward finding a solution to the problem of grade crossing. There are too many on-grade crossings in densely populated areas in Illinois. These have been the cause of numerous accidents and injuries to pedestrians, not to mention the outrageous traffic jams. At many crossings, several times a day, traffic is delayed an average of 30 to 40 minutes. In an urban area, this is an absurd situation.

The passage of this bill will eliminate such dangers and inconveniences. I urge its passage today.

Mr. MOLLOHAN. Mr. Chairman, we have an opportunity today to extend safe and healthful working conditions to an industry where financial conditions have impaired safety for the public and the employee alike—the railroad industry.

Here more than any other industry, the deterioration of rolling stock and rights-of-way beds have contributed to an excessive death and injury toll. More than 16,000 railroaders were injured in the pursuit of their duties last year and nearly 200 were killed by on-the-job accidents. This alone would warrant the extension of Federal law into the area of railroad safety beyond its present role, but there are other considerations that make the passage of this act mandatory.

Unlike other industries, the railroad industry's activities result in a great many accidents which involve nonrailroad customers and employees. Last year alone more than 2,000 nonemployees were killed in railroad accidents. Of these 2,000 deaths, only six were passengers and the remainder were neither employees nor passengers.

Mr. Chairman, no one can have observed the reports of the financial distress of the railroads without finding that deferred maintenance on both trackage and rolling stock constitutes a major source of internal financing in the rail industry. The surprise is that the accidents which have occurred have not resulted in more death and destruction than we have witnessed.

This legislation will go far toward correcting this situation. It will give us the tools to begin the job of comprehensive safety control in our country's most vital transportation industry.

The House action to give the President discretionary authority over the stabilization of prices, rents, and wages and salaries is the second time in 2 years that the Congress has given the President vast powers to deal with inflation. The first grant of power came in late December 1969 in a housing bill—H.R. 13939. This bill gave the President the power to direct the Federal Reserve Board to institute selective credit controls

The House passed H.R. 17880 which would give the President discretionary authority over prices, rents, wages and salaries, by allowing him to stabilize them at levels prevailing on May 25, 1970. The authority expires on February 28, 1971.

The credit control legislation was passed at a time when the prime interest rate had climbed to 8½ percent and the Government was estimating its increased borrowing costs on the debt to be close to a billion dollars. Presently, the cost of servicing the debt is nearly $1.4 billion higher than originally estimated.

These two pieces of legislation give the President virtually dictatorial controls over the economy should he choose to exercise them.

Mr. CONTE. Mr. Chairman, the bill before us, S. 1933, deals with a subject with which we all have become increasingly concerned—and justifiably so. It is a subject which I have studied carefully and extensively during hearings before the Transportation Appropriations Subcommittee, on which I am the ranking minority member.

It was for this reason that I introduced H.R. 14417, the administration's rail safety bill, on October 20, 1969. The problem requires strong legislative action. A brief look at some of the statistics will show why.

To begin with, railroads provide a basic form of freight transportation, moving about 767 billion ton-miles of freight in 1969. This constitutes about 40 percent of all intercity freight in the country including that moved by motor vehicle, inland waterway, oil pipelines, and airways.

The accident rate for this volume was about 11 accidents per billion ton-miles, or to put it more graphically, 8,437 accidents. In addition, volatile and explosive substances are contained in the cars and involved in many of the accidents.

Train accidents involving over $750 in damage have increased for the 12th consecutive year. Totals for 1969 surpass the previous year by more than 500 accidents. There were 8,543 accidents, a 6-percent increase over the 1968 total of 8,028 and a 60-percent rise over the last 5 years.

Of the total, 485 accidents resulted in casualties—up 12 percent from 1968. There were 178 employees killed and 16,758 injured. In 1968 the comparable figures were 146 killed and 17,600 injured. For all classes of persons, including highway-grade-crossing casualties, passengers and trespassers, there were 2,299 killed and 23,356 injured in train accidents during the past year.

We are all aware of the tremendous growth in the transportation of hazardous materials. The committee report—House Report 91–1194—mentions some. For example, a derailment of 15 tank cars of propane gas at Laurel, Miss., on January 25, 1969 resulted in an explosion and fire that fatally injured two residents, hospitalized 33 others, destroyed 60 homes, caused widespread property damage, and also caused the evacuation of over 1,000 townspeople.

I might note, Mr. Chairman, that derailments are a problem all over. In the First District of Massachusetts, which I represent, we are very concerned.

During hearings on the fiscal 1970 bill before the Transportation Appropriattions Subcommittee, I pointed out that from February 23, 1967 to August 4, 1969 there had been 38 derailments in Berkshire and Franklin Counties. Many of these derailments occurred in the same place, such as East Deerfield and Charlemont.

Most of these involved the Boston & Maine Railroad. To illustrate the situation even further, I mentioned a few derailments that occurred in 1969. They were:

August 4, 1969—Penn Central at Hinsdale;

August 1, 1969—B. & M. at East Deerfield;

July 27, 1969—B. & M. at Charlemont;
July 23, 1969—B. & M. at North Adams;
July 4, 1969—B. & M. at East Deerfield;
May 7, 1969—B. & M. at East Deerfield;

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April 26, 1969—B. & M. at Charlemont;

April 24, 1969—Penn Central at Pittsfield; and

March 16, 1969—B. & M. at Greenfield.

And just the other day in Richmond, Mass., on July 25, there was an explosion of a Penn Central diesel. I requested an investigation of that explosion, and locomotive inspectors from the Federal Railroad Administration have agreed to conduct it.

Existing law and regulations are not sufficient to deal with this ever-increasing problem. For this reason, the Secretary of Transportation appointed a rail safety task force early in 1969 under the chairmanship of the Federal Railroad Administrator. The task force made a unanimous report on June 30, 1969.

The report concluded that cause of train accidents are almost evenly divided among defects in or failure of track and roadbed, defects in or failure of equipment, and human error. It also concluded that existing Federal and State rail safety regulations do not in most instances provide standards for track, roadbed, equipment, employee training and qualifications, or rules governing safe railroad operations.

In addition, it found that accident reporting and investigation practices are deficient, and that available statistics are insufficient to determine the primary or contributing causes of accidents. The task force also found that rail safety research is inadequate, sporadic, and uncoordinated.

The unanimous recommendation was that broad Federal regulatory authority over all areas of railroad safety be enacted.

Other recommendations were that administration of the rail safety program be through a Federal-State partnership, that adequate research and employee training programs be developed, and that a study be made of ways to improve safety at grade crossings.

The need for action is now. The bill before us is designed to meet that need. Therefore, Mr. Chairman, I suppport it and urge my colleagues to do likewise.

Thank you, Mr. Chairman.

Mr. DULSKI. Mr. Chairman, I rise in support of the pending bill, S. 1933, dealing with railroad safety and control of hazardous materials.

I commend the Committee on Interstate and Foreign Commerce for bringing this measure to the floor.

The need for action is clear and urgent. The list of railroad accidents have been growing at an alarming pace and the Federal agencies involved have been powerless to cope with them.

Everyone recognizes the problems of the railroad industry, the revolutionary change in travel patterns, and the lack of flexibility in rail operations which has added its complications.

No one wants to kick an industry when it is having massive economic troubles. But, on the other hand, neither can we stand idly by and allow the laxity in safety to persist as it has developed on the railroads across the country.

I introduced rail safety legislation (H.R. 11573) in May of last year. I urged action at that time and I renewed my plea to the committee last January.

The pending bill is far reaching and I believe that it will give to the proper agencies the tools they need to begin coping with the rail safety problem.

Just as I would concede that the postal reform bill we passed in the House earlier today is no alltime panacea, neither would I imply that the pending measure is a panacea in its own way.

Both, however, are long, long steps in the right direction. In the light of operating experience, both likely will need further refinement another day.

The rash of rail accidents in recent years has taken a heavy toll—not perhaps as high a toll in human life as would have the case a few years ago when the roads were operating so many more passenger trains, but still too many lives.

Indeed, it is not just the passengers and crews on the railroads whose lives are in jeopardy. There also are the thousands of lives of those who live or travel alongside the railroad rights-of-way.

Because of faulty rails and equipment, cargoes of dangerous or deathly materials have been dumped from the tracks and endangered entire communities. I wish I had kept track of the instances, but in any event, they have become too commonplace. Local authorities repeatedly have had to evacuate entire communities because of rail accidents.

Just recently near our Capital City, a train was derailed and did considerable damage only a short while after a high-speed metroliner had sailed along the same track. In this case, the train passengers were spared—but not the residents along the right-of-way.

A most important title of the pending bill is that dealing with control of hazardous materials. Such control is vital, supervised by an experienced technical staff and utilizing a centralized reporting system.

Mr. Chairman, I support fully the pending bill, S. 1933, and urge its passage.

Mr. STAGGERS. Mr. Chairman, at this time I want to compliment the chairman of the subcommittee (Mr. FRIEDEL) and the whole subcommittee for the diligent work they have done on this bill. They held several days of hearings, and spent many days marking up, and they have done a great job.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute, printed in the bill as an original bill for the purpose of amendment by title.

The Clerk read as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PURPOSE

SEC. 101 DECLARATION OF PURPOSE.

The Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE II—RAILROAD SAFETY

SEC. 201. SHORT TITLE

This title may be cited as the "Federal Railroad Safety Act of 1970".

SEC. 202. RAIL SAFETY REGULATIONS

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railway Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for cral presentations.

(c) The Secretary may, after hearing in acordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard esablished under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

SEC. 203. EMERGENCY POWERS.

If, through testing, inspection, investigation, or research carried out pursuant to this title, the Secretary determines that any facility or piece of equipment is in unsafe condition and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

SEC. 204. GRADE CROSSINGS AND RAILROAD RIGHTS-OF WAY.

(a) The Secretary shall submit to the President for transmittal to the Congress, within one year after the date of enactment of this title, a comprehensive study of the problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way, together with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program proposed as a result of such study.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this title and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem, as well as measures to protect pedestrians in densely populated areas along railroad rights-of-way.

Sec. 205. State Regulation.

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

Sec. 206. State Participation.

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad facility, equipment, rolling stock, or operation, established under this title as of the date of the certification;

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him of each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary.

The Secretary shall retain the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding $750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with a State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, rolling stock, or operation. An agreement entered into under this subsection, or any provision thereof may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section, or entered into an agreement under subsection (c) of this section, the Secretary shall pay out of funds appropriated pursuant to this title or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

Sec. 207. Enforcing Compliance With Federal Railroad Safety Rules, Regulations, Orders, and Standards

In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injuctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 180 days after the date on which such violation occurred, a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title within the State where the violation occurred, may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order, or standard. The court shall have jurisdiction to enforce compliance with such rule, regulation, order, or standard by injunction or other proper process to restrain further violation thereof, or to enjoin compliance therewith. The provisions of this section shall not apply with respect to the payment or collection of penalties incurred as a result of such violation or in any case in which the Secretary has affirmatively determined, in writing, that no violation has occurred.

Sec. 208. General Powers.

(a) In carrying out his functions under this title, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons, as he deems necessary to carry out the provisions of this title.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions, and circumstances relating to accidents investigated under subsection (a) of this section, but may delegate such authority to any office or official of the Board or to any office or official of the Department of Transportation, with the approval of the Secretary, as it may determine appropriate.

(c) To carry out the Secretary's and the Board's responsibilities under this title, officers, employees, or agents of the Secretary or the Board, as the case may be, are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title, or by any State agency which is participating in investigative and surveillance activities pursuant to section 206 of this title, shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.

Sec. 209. Penalties.

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any

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rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than $250 nor more than $2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(d) In any action brought under this title, subpenas for witnesses who are required to attend a United States district court may run into any other district.

SEC. 210. INJUNCTIVE RELIEF

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 207 of this title, have jurisdiction, subject to the provisions of rules 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

SEC. 211. ANNUAL REPORT.

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administration of Federal railroad safety rules, regulations, orders, and standards issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206(a) of this title which were rejected, in whole or in part, by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to carry out the provisions of this title not to exceed $21,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE III—HAZARDOUS MATERIALS CONTROL

SEC. 301. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Control Act of 1970".

SEC. 302. GENERAL AUTHORITY.

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall, within six months after the date of enactment of this title—

(1) establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped;

(2) establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law-enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this title shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials;

(2) a list of relevant Federal standards in effect or established in such year;

(3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code;

(4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and

(5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section

shall contain such recommendations for additional legislation as the Secretary deems necessary.

SEC. 303. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to carry out the provisions of this title not to exceed $1,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE IV—MISCELLANEOUS

SEC. 401. SEPARABILITY.

If any provision of this Act of the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispsensed with, and that it be printed in the RECORD and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: On page 17, on line 11, after the word "injuries" add "and health hazards".

Mr. WOLFF. Mr. Chairman, all of us who have had occasion to ride a train recently know that if State health standards for passenger service do exist, they are obviously not being met. Perhaps other States and localities are faced with the same haphazard administration which has confronted the Long Island Railroad which services my district.

The L.I.R.R. escape State scrutiny on service standards because of a convenient relationship with the Metropolitan Transportation Authority that owns and operates the L.I.R.R. Thus, we on Long Island have no public agency, neither the Metropolitan Authority nor the Public Service Commission to which we may turn for the enforcement of minimum standards on the L.I.R.R. The amendment would require Interstate Commerce Commission assumption of the responsibility of establishing health service standards and end the disgraceful treatment of Long Island's 100,000 commuters among other riders of this Nation's railroads.

We all know that there are some Federal safety regulations concerning trackage, brakes, couplings and the like, and these are certainly proper and necessary. However, isn't the American commuter also entitled to minimum safety standards in such additional areas as adequate lighting—both on board trains and in the stations? Is it not a basic fact of health that filthy restrooms, either on board trains or in the stations breed disease? Should not every train and each station be required to have available

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minimum first aid equipment in case of an emergency?

Mr. Chairman, I believe we must grasp the opportunity presented to us by this bill to require that all trains shall be subject to periodic inspections to insure that seats are securely in place and that all doors open and close as they were designed to do. Of course emergency doors should be checked—but realistically, are the doors not found at the normal entrances and exits more important?

Before I conclude my statement today I would like to underline one additional area of safety which I believe has been neglected and is worthy of the Members' consideration.

That is, that the single most dangerous practice in railroads today is the complete disregard for overloading of passengers upon commuter trains. There are maximum capacity regulations for every public facility imaginable except the railroads. Nightclubs, restaurants, theaters, even stadiums are covered by legislation restricting the number of patrons who can utilize these facilities at any one time—for obvious safety reasons—yet there are no corresponding standards regulating the Nation's railroads.

It has been made abundantly clear by the Governor of my State, and other officials of other States that they are either not interested in providing adequate minimum standards for the railroading passengers of America or, as in the case of New York, they are not equal to the task. I believe we must turn to the Federal Government for help. Nothing short of Federal intervention in the form of minimum health and comfort standards will help us meet this crisis.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the intent of this section is to insure the safe transportation of hazardous materials, to which the gentleman from New York has offered an amendment. The gentleman's amendment is either redundant or it brings in questions of health that are not related here because the Public Health Service Act in section 361 covers all of these factors, and if we want to make any amendment regarding this matter, we certainly should have to amend the Public Health Service Act. This amendment certainly does not belong in this bill, and if we are going to amend this part, it should be in the Public Health Service Act.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. WOLFF. The declaration of purpose here indicates that we are trying to protect people from injury and death.

I take it that you would consider injury to health just as important, regardless of how the injury is sustained?

Mr. STAGGERS. Yes, we do, but as I said, that is covered in section 361 of the Public Health Service Act, and if there is to be any amendment in that respect, it would have to be to that section and it would not come under this section dealing with the transportation of hazardous materials.

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. WOLFF. The section here only adds hazardous materials as an additional part of the purpose.

Mr. STAGGERS. Yes, I understand that.

Mr. WOLFF. This is supposed to be the entire purpose of the bill.

Mr. STAGGERS. If you have an amendment in that respect, it should come on the Public Health Service Act because they do have jurisdiction over this, and they have their regulations and it is so regulated under section 361 of the Public Health Service Act.

Mr. WOLFF. Obviously, it is not being enforced.

Mr. LOWENSTEIN. Mr. Chairman, I want to commend my distinguished colleague the gentleman from New York (Mr. Wolff) for introducing this useful amendment, and join with him in urging its adoption.

No one suffers from the shabby condition of the Nation's passenger trains more generally than the commuter. He is exposed to uncomfortable, unhealthy, and unsafe conditions at outrageous prices. He usually gets the worst equipment and service. The only things most commuter lines are first in are their general unreliability and their proclivity for avoidable accidents. No other part of the railroad industry needs stringent regulation more urgently, and no part receives less. The Federal Government behaves as if it were more concerned about the health and safety of cattle moving in interstate commerce than it is about the health and safety of people moving from Westchester or Long Island to New York City.

Nowhere do more railroad riders suffer more inconvenience and greater risks than do those of us hapless enough to have to ride the Long Island Railroad. But the lack of interest and, in some cases, the deliberate obstructionism of railroad officials when it comes to providing adequate service for commuters is not limited to Long Island. It has become a general embarrassment to the reputation of American business and know-how, and a general nuisance in most of our metropolitan areas. The situation requires increased Federal supervision, and this amendment is a good way to start providing it.

Mr. HOWARD. Mr. Chairman, today I join with my distinguished colleague from Connecticut (Mr. Weicker) in sponsoring legislation which will protect the health and safety of the American people while at the same time provide for an improvement in the rail transportation system.

Government safety experts point out that derailments have risen 105 percent in the last 7 years, and the cause has been primarily defects in the rails and improper maintenance. The frightening rise in derailments throughout the Nation calls loud and clear for some progressive measure to be taken. In my own district, a derailment on June 24 dumped 300 tons of sand next to the tracks.

One needs only to point out that authorities have ordered 53 communities evacuated since 1964, after derailments of trains carrying hazardous materials to bring home the fact that this is a situation that we cannot continue to ignore. I am particularly concerned over the reports of hazardous conditions of the tracks in Freehold Township since trains loaded with ammunition and other explosives use these tracks for shipments to the Earle Ammunition Depot. The dramatic rise in derailments shows us that the possibility of a major disaster is ever present. Only last year we were successful in preventing the Army from transporting obsolete nerve gas by rail across New Jersey for dumping off the Jersey coast, and today a similar train is progressing toward the southern coast of the United States.

Having the Federal Government acquire, operate and maintain all rights-of-way of American rail carriers presents a seemingly desirable alternative to the current practice and definitely should be thoroughly considered.

It would seem to assure a high degree of safety.

But safety is not the only reason behind this bill, albeit an important one. It is a very vital need to realize the importance of rail lines as the basis for future mass transit systems. Assuring a properly maintained right-of-way, owned by the Federal Government, surely will reduce the costs of the future system as well as giving impetus to the development of that system.

Mr. Chairman, this bill would also require the Secretary of Transportation to study the advantages of a single transportation trust fund which would require coordination of all transportation systems within each State and on a national level. Obviously, those who would benefit from such a trust fund would have to contribute to the fund, either directly or indirectly, much in the same way that highway users now contribute to the highway trust fund. The advantages of having one, coordinated transportation trust fund are obvious, in that the different transportation planners would be working together rather than at cross purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Wolff).

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Annunzio, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, pursuant to House Resolution 1139, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

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The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 358, nays 0, not voting 72, as follows:

[Roll No. 260]

YEAS—358

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—72

Alexander
Anderson, Ill.
Anderson, Tenn.
Baring
Beall, Md.
Bell, Calif.
Berry
Blanton
Bolling
Bray
Brock
Burleson, Tex.
Caffery
Celler
Clay
Collier
Conyers
Cramer
Cunningham
Daddario
Dawson
Dent
Diggs
Edwards, La.
Erlenborn
Esch
Evins, Tenn.
Fallon
Farbstein
Flynt
Fulton, Tenn.
Goldwater
Gray
Halpern
Hébert
Holifield
Ichord
Jones, Tenn.
King
Kleppe
Kuykendall
Long, La.
Lujan
McCarthy
May
Meskill
Miller, Calif.
Ottinger
Passman
Pirnie
Poff
Pollock
Powell
Quillen
Rarick
Reid, Ill.
Reifel
Robison
Rosenthal
Rostenkowski
Roudebush
Ryan
Stafford
Symington
Taft
Thompson, Ga.
Tiernan
Tunney
Weicker
Wold
Wright
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Anderson of Illinois.
Mr. Hébert with Mr. King.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Fulton of Tennessee with Mr. Kuykendall.
Mr. Blanton with Mr. Esch.
Mr. Burleson of Texas with Mr. Goldwater.
Mr. Caffery with Mr. Cramer.
Mr. Passman with Mr. Kleppe.
Mr. Miller with Mr. Bell of California.
Mr. Long of Louisiana with Mr. Lujan.
Mr. Jones of Tennessee with Mr. Quillen.
Mr. Gray with Mr. Cunningham.
Mr. Dent with Mr. Halpern.
Mr. Evins of Tennessee with Mrs. May.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Celler with Mr. Clay.
Mr. Daddario with Mr. Meskill.
Mr. Tunney with Mr. Conyers.
Mr. Anderson of Tennessee with Mr. Poff.
Mr. Edwards of Louisiana with Mr. Pollock.
Mr. Flynt with Mr. Collier.
Mr. Ottinger with Mr. Diggs.
Mr. Rarick with Mr. Brock.
Mr. McCarthy with Mr. Dawson.
Mr. Yates with Mr. Powell.
Mr. Tiernan with Mr. Symington.
Mr. Alexander with Mr. Berry.
Mr. Ichord with Mr. Bray.
Mr. Rosenthal with Mr. Pirnie.
Mr. Baring with Mrs. Reid of Illinois.
Mr. Wright with Mr. Reifel.
Mr. Ryan with Mr. Robison.
Mr. Stafford with Mr. Roudebush.
Mr. Thompson of Georgia with Mr. Taft.
Mr. Weicker with Mr. Wold.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, AUGUST 8, TO FILE REPORT ON H.R. 17333, MUTUAL FUNDS BILL

Mr. STAGGERS. Mr. Speaker, earlier in the day I asked that the Committee on Interstate and Foreign Commerce have until midnight to file a report on the mutual funds bill, H.R. 17333. Now I ask unanimous consent that the committee may have until midnight Saturday night, August 8, to file that report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 17711, AMENDING DISTRICT OF COLUMBIA COOPERATIVE ASSOCIATION ACT

Mr. McMILLAN submitted the following conference report and statement on the bill (H.R. 17711), to amend the District of Columbia Cooperative Association Act:

CONFERENCE REPORT (H. REPT. 91–1381)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

John L. McMillan,
John Dowdy,
Don Fuqua,
Ancher Nelsen,
Joel T. Broyhill,
Managers on the Part of the House.
Joseph D. Tydings,
William B. Spong, Jr.,
Thomas F. Eagleton,
Charles McC. Mathias, Jr.,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment added a new section (sec. 2), not included in the House bill, which authorized the District of Columbia Council from time to time to provide by regulation for the exemption from chapter 33 of title 28. District of Columbia Code, any mortgage or loan insured or guaranteed under the National Housing Act or chapter 37 of title 38, United States Code, which is subject to regulation by an officer or agency of the Federal Government.

The conference agreement adopts the Senate provision.

John L. McMillan,
John Dowdy,
Don Fuqua,
Ancher Nelsen,
Joel T. Broyhill,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week if any, and the schedule for next.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will ask to go over until Monday upon announcement of the program for next week.

There is no further business for this week.

We are listing all the business for next week under Monday and the balance of the week, and we will get as much done each day as possible.

On Monday, there is a motion to discharge the Committee on the Judiciary from the consideration of House Joint Resolution 264, proposing an amendment to the Constitution relative to equal rights for men and women.

Monday is also District day, and there will be four bills:

H.R. 18619, District of Columbia Delegates Act;

H.R. 18725, to establish a Commission on the Organization of the Government of the District of Columbia, and

H.R. 18782, to reorganize the government of the District of Columbia, and

H.R. 13113, to designate the "Light Horse Harry Lee Bridge."

Then we will have H.R. 15913, to amend the Land and Water Conservation Fund Act, under an open rule, with 1 hour of debate:

H.R. 18434, political broadcasting amendments, subject to a rule being granted;

H.R. 18110, Comprehensive Health Planning and Services Act, subject to a rule being granted;

H.R. 17570, heart disease, cancer, stroke, and kidney disease amendments, subject to a rule being granted;

H.R. 8298, water carrier mixing rule, under an open rule, with 2 hours of debate;

H.R. 17809, prevailing rate pay system for Government employees, subject to a rule being granted;

H.R. 18185, Urban Mass Transportation Assistance Act, subject to a rule being granted;

H.R. 17795, Emergency Community Facilities Act, subject to a rule being granted;

H.R. 17654, Legislative Reorganization Act of 1970, on which we will continue consideration; and

H.R. 18583, Comprehensive Drug Abuse Prevention and Control Act, subject to a rule being granted.

Mr. Speaker, this announcement is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

We again advise Members that the recess or adjournment will be from the close of business Friday, August 14, until noon on Wednesday, September 9.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Florida.

Mr. PEPPER. I just wanted to inquire: Am I justified in the assumption that the mixing bill could be taken up on Tuesday?

Mr. ALBERT. Of course, it could be. It is privileged.

We have for consideration following the District bills the bill to amend the Land and Water Conservation Fund Act, from the Committee on Interior and Insular Affairs, and the gentleman from Colorado (Mr. Aspinall) advises that he expects that it will be disposed of quickly.

The political broadcasting amendments might require quite a bit of time.

We have been advised that the two health bills—the Comprehensive Health Planning and Services Act, and the heart disease, cancer, stroke, and kidney disease amendments—from the Committee on Interstate and Foreign Commerce should not take too much time.

Those are to be followed by consideration of the water carrier mixing rule bill, which I believe would probably come on Wednesday. We would like to get to it as soon as we can.

Mr. PEPPER. On Tuesday or Wednesday, so that there will be some assurance it will be disposed of before the recess?

Mr. ALBERT. We have it down ahead of several important bills. We certainly want to get to the bill following the water carrier mixing rule bill, which covers the prevailing rate pay system for Government employees, and also consider the Urban Mass Transportation Assistance Act, as well as the other bills on the program.

Mr. PEPPER. I thank the gentleman.

ADJOURNMENT OVER TO MONDAY, AUGUST 10

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NIXON ADMINISTRATION PLAYS POLITICS WITH CRIME PROBLEM

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, the administration continues to play politics with the serious national problem of crime by devoting its energies to criticizing Congress instead of offering cooperation on legislation designed to get to the heart of the problem.

The President seeks to blame Congress for the alarming rise in the crime rate which has gone up sharply in recent months. He talks of unpassed bills, but he fails to mention that administration waffling on the most meaningful of legislation, the Safe Streets Act and 1970 amendments, is responsible for its delayed passage. He fails to mention that his Attorney General opposed adequate funding of the assistance to State and local crime fighters and courts. He fails to mention that the administration has sent its spokesmen to the Senate to oppose key provisions of this legislation.

The administration prefers to seek partisan gain by its misleading rhetoric. Long before Richard Nixon discovered crime as a political issue, a concerned Congress was passing legislation related to the problem.

Some of us recall that it was once Ramsey Clark, then the Attorney General and a distinguished one, who was being blamed for the Nation's crime. Some of us remember the implications that a new Attorney General would be appointed to curb crime. All of us know that crime fighting is, and should remain, a local responsibility.

Now, with Ramsey Clark out of office and his new Attorney General witnessing alarming increases in the crime rate,

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Mr. Nixon, in the old Murray Chotiner fashion, has sought another whipping boy. It is long past time for the President to quit his negative political thrusts, and devote the Presidential energies to the positive solution of the crime problem rather than to a publicity program aimed at discrediting Congress. The people are too intelligent to be fooled by this ploy.

If the President is serious about fighting crime, he will put the weight of his office behind the Safe Streets Act as passed by the House, instead of cynically opposing it for partisan political purposes.

THE REFUSE ACT CAN CONTROL POLLUTION

(Mr. MONAGAN asked and was given permission to address the House for 1 minute.)

Mr. MONAGAN. Mr. Speaker, the Refuse Act of 1899 is good law for assisting pollution control and environmental improvement. It should be used to the fullest degree. The act directs the Justice Department to prosecute violators of the act. The Department should follow this injunction.

I have long been concerned with the hazards of water pollution. Since my entry into Congress in 1959, I have supported every major pollution control bill which has come before the House for consideration. I have found, through examination, the Refuse Act of 1899 to be a very practical and potentially useful measure to prevent pollution and to control pollution in our environment. Its use would greatly facilitate fixing of responsibility on the culpable party or parties and would put all persons on notice that the maintenance of a healthy environment and water are matters clearly in the public interest.

I have introduced legislation in several Congresses which would amend and strengthen the Refuse Act of 1899. The amendment I propose would authorize the Government to recover the cost of removing obstructions from navigable waters and to hold negligent boat owners liable for resulting pollution as well as for endangering navigation. It would also provide penalties against the boat owners in instances of negligence endangering desirable marine aquatic or other plant and animal life of the navigable waters of the United States. This is needed. Again, I state, the Refuse Act of 1899 is a good act. Let us use it—let us improve it, in order that we may remove hazards that may impair our health and environment.

The general philosophy of the 1899 act is now being considered and enacted into law by many State legislatures. The State of Michigan enacted a statue which will become effective October 1, under which a citizen could ask the courts to shut down a polluter, including the State, for contaminating a waterway, and challenge the regulations of State agencies which the citizen believes may be too lenient to the polluter.

In the use of such statutes there must be a considered rational balancing of benefits and risks. Emergency reaction tends to be overaction. Emergency banning, which restricts the manufacture, sale and use of established market products may cause economic, industrial and agricultural disruptions which would not have occurred if proper and necessary consideration were given the problem by past or present administrations. I urge the present administration to constructively aid governmental, industrial and agricultural polluters to overcome their problem. At the same time, I urge the adminstration to carry out rather than ignore its responsibility under existing law as provided in the Refuse Act of 1899.

FRASER PROPOSES JOINT COMMITTEE ON INTELLIGENCE

(Mr. FRASER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FRASER. Mr. Speaker, I am introducing today, for myself and Mr. WHALEN, a bill to establish a Joint Committee on Intelligence. A companion bill is being introduced in the Senate by Senators MCCARTHY and HATFIELD.

The joint committee would consist of seven members each from the House and Senate. The Armed Services Committees and Foreign Affairs or Foreign Relations Committees of each house will provide two members each. The remaining six members of the joint committee would be selected from the Congress at large.

The bill requires that the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, Army Intelligence, Navy Intelligence, Air Force Intelligence, the Bureau of Intelligence and Research of the Department of State, and other services engaged in foreign intelligence keep the joint committee fully and completely informed of what they are doing. All bills relating primarily to those agencies would be referred to the joint committee.

Further, the joint committee would seek to insure that covert action programs are as few as necessary to guarantee the national security. It would also aim to see that such programs are not inconsistent with publicly expressed national policy. Two members of the joint committee would serve, at the invitation of the President, as members of the U.S. Intelligence Board, a coordinating group composed of representatives of the above agencies as well as the intelligence components of the AEC and FBI. Finally, the joint committee would have full power to subpena witnesses, and would make recommendations, by bill or otherwise, concerning matters before it.

The need for improved oversight of the intelligence community has never been more urgent. The emminent British historian, Arnold Toynbee, commented recently on the decline of the CIA's reputation. He said:

> For the world as a whole the CIA has now become the bogey that Communism has been for America. Wherever there is trouble, violence, suffering, tragedy, the rest of us are now quick to suspect that the CIA has a hand in it. Our phobia about the CIA is, no doubt, as fantastically excessive as America's phobia about world Communism; but in this case too, there is just enough convincing evidence to make the phobia genuine.

Whether this phobia is justified, is difficult to verify. Hard, sure facts are rare with regard to the intelligence community, and this is in part understandable. Complete and accurate information is vital for sound policy decisions; since certain data cannot be acquired openly, clandestine procedure is sometimes necessary.

It is questionable, however, whether this veil of secrecy must cover everything, right down to the clipping of foreign newspapers. Unnecessary covertness by the intelligence community does not inspire public confidence.

A wholly different question, moreover, is the extent to which these agencies have expanded beyond mere collectors of information and have become executors—or formulators, some have charged—of policy. It was perhaps this fear that caused President Truman, in 1963, to call for an end to the CIA's operational duties, stating that that agency has "cast a shadow on our historic position" as a free and open society.

Examples come to mind all to readily. Orders to "terminate with extreme prejudice" the employment of a Vietnamese double agent; the overthrow of governments in Iran in 1953, Guatemala in 1954, and a questionable role in the ouster of President Diem in 1963; the funding of the National Student Association; the use of AID as a cover-up for its activities in Laos—there does indeed seem to be a "shadow" cast by the CIA, a shadow just dark enough to make the world's "phobia" genuine.

But the CIA is not alone. Army intelligence has maintained—and continues to maintain—huge files on political dissidents within our own borders. The missions of the *Pueblo* and *Liberty*—the latter of which resulted in the death of 33 crewmen—were directed by the National Security Agency. And Patrick McGarvey, a former officer of the CIA and DIA, describes in the current issue of a national magazine the DIA's "don't-make-waves" attitude toward misleading intelligence estimates from Vietnam.

The purpose of the joint committee would not be to hinder the CIA or any of the other intelligence agencies in the performance of their duties. Everyone appreciates the importance and sensitivity of their missions.

It would not seem unreasonable, however, for a small handful of the elected representatives of the people to have more than a casual knowledge of the intelligence community's activities. These agencies are intimately involved in foreign policy. Congress is given a clear-cut constitutional role in the making of that policy—the legislative branch is charged with concurring to treaties, declaring war, and raising and supporting armies. To carry out these functions responsibly, Congress must make judgements on the moral and political advisability of various kinds of American foreign involvement.

It is impossible, however, for the Congress to make such judgements on a growing number of executive activities abroad without a much fuller knowledge of what the intelligence agencies are doing. The current congressional oversight structure simply yields no guarantee that anyone in Congress has sufficient information to affirm the legitimacy of these agencies' activities. Without that information, Congress cannot meet its constitutional obligations; with it, unconstitutional excesses by the executive branch—and all the agencies within it—are less likely.

True, four different congressional committees currently have some role in the oversight of the CIA. Given the somewhat haphazard "watchdog" framework, they are undoubtedly doing the best they can, and the joint committee would not aim to undermine their authority. But the House Armed Services Subcommittee for the CIA met only twice this year and twice last year. The corresponding group in the Senate met once last year and twice this year. In neither House has either of the four committees ever issued any report describing the extent of its oversight work. And the agencies they "oversee" have a total budget in the billions and manpower in the tens of thousands—the exact figures are classified.

Mr. Speaker, a Joint Committee on Intelligence will not solve all these problems overnight. Nor would it attempt to try. But it has become evident that the present "watchdog" structure would be well supplemented by this addition. Improved congressional oversight, with increased public trust at home and abroad, can only enhance the performance of these agencies.

I hope this matter receives consideration by the House.

The resolution we are introducing follows:

H. Con. Res. 700

A concurrent resolution to establish a Joint Committee on Intelligence, and for other purposes

Resolved by the House of Representatives (the Senate concurring), That there is established a Joint Committee on Intelligence (hereafter, in this concurrent resolution, referred to as the Joint Committee) to be composed of seven Members of the Senate to be appointed by the President of the Senate, and seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than four members from either the House or the Senate shall be members of the same political party. Of the seven members to be appointed by the House of Representatives, two shall be members of the Committee on Foreign Affairs, and two shall be members of the Committee on Armed Services. Of the seven members to be appointed by the Senate, two shall be members of the Committee on Foreign Relations, and two shall be members of the Committee on Armed Services.

Sec. 2. (a) The Joint Committee shall make continuing studies of the intelligence activities and problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government. The Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Bureau of Intelligence and Research of the Department of State, Army Intelligence, Navy Intelligence, Air Force Intelligence, and other services engaged in foreign intelligence activities shall keep the Joint Committee fully and currently informed with respect to their activities. The Joint Committee shall seek to eliminate unnecessary competition and duplication of effort by the services engaged in foreign intelligence activities.

(b) All bills, resolutions, and other matters in the Senate or House of Representatives relating primarily to the agencies referred to in subsection (a) and to any other agency engaged in foreign intelligence activities shall be referred to the Joint Committee.

(c) The Joint Committee shall seek to insure that covert action programs are as few as necessary to guarantee the national security and that such programs are not inconsistent with publicly expressed national policy.

(d) The Joint Committee shall make continuing investigations and studies, and shall make recommendations, with respect to the practices and methods used in the intelligence services to classify information.

(e) Two members of the Joint Committee, one a member of the House and the other a member of the Senate, shall be appointed by the chairman to serve, at the invitation of the President, as representatives to, and nonvoting members of, the United States Intelligence Board.

(f) The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the Joint Committee or (2) otherwise within the jurisdiction of the Joint Committee.

Sec. 3. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a chairman and vice chairman from among its members.

Sec. 4. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

Sec. 5. The Joint Committee is empowered to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government on a reimbursable basis with the prior consent of the heads of the departments or agencies concerned.

Sec. 6. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman.

Sec. 7. The Joint Committee shall take special care to safeguard information affecting the national security.

SITUATION IN NORTHERN IRELAND NEARLY BEYOND REDEMPTION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, for the sixth night in a row, Northern Ireland has been rocked by riots. The press accounts read like the battle reports from Southeast Asia. The fact is, the ill-will on both sides and the failure of the British Government to properly mediate the dispute have resulted in a situation that is nearly beyond redemption.

Several weeks ago, I informed this body that I had requested the United Nations Commission on Human Rights to investigate this situation. I have just received a letter from the official in charge at the U.N. informing me that the Subcommission on the Prevention of Discrimination and Protection of Minorities will take up the Northern Ireland question when their meeting begins next Monday. I only hope this U.N. investigation is not too late.

As each day of violence unfolds, it becomes more and more apparent that the solution to the very serious Northern Ireland suppression of its Catholic minority will have to be a political one. Although the long sought after civil rights have been granted to everyone as far as the law is concerned, fanaticism on both sides continues to block a final settlement of differences.

This fanaticism is being stoked to the breaking point by the continued radical, anti-Catholic ravings of Ian Paisley. Although a public official holding the public trust, he shows no interest in maintaining the dignity of the law or preserving order in his country. His words and deeds are meant to incite, not unite, the populace.

Paisley's defiance of law and order was recently brought home when he opposed two bills being considered in the Northern Ireland Parliament. The measures would have discouraged rioting by providing sentences up to 5 years for engaging in riots and make "incitement of hatred" a punishable offense.

His reaction to the bills was so repugnant to his colleagues that he was suspended for the day. As the sergeant-at-arms led him out, he shouted:

> Lend me your sword and I'll decapitate a few of them before we go.

As long as the religious antagonism between the two factions exists, no real peace will come to Northern Ireland. The Catholics will be afforded a large measure of political control over the country under the new laws. They now form approximately one-third of the population and their share is on the rise. Should they come into the majority, the Protestant suppression over the years will help push radical leaders among the Catholics into power.

It certainly behooves those in power today to be mindful of the future. Every effort should be made to insure a peaceful and complete integration of both religious factions. Fanaticism on both sides must be condemned and curtailed.

Northern Ireland has the industrial potential to build a strong economy that will mean better jobs and income for all citizens. The present conflict and the ever increasing Protestant sectarianism is blocking this development.

I only hope that the majority in power today will see the wisdom of orderly change and a fair share for all, so as to spare themselves much undue suffering now and in the future. Should the Protestant leaders fail to follow such a course

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of action, without a doubt the British Government should abolish the Northern Ireland Government and install a fair and impartial ruling body based on equal opportunity and justice for every citizen.

WHY NO GREAT OUTCRY FOR U.S. POW'S?

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I am inserting into the RECORD today an article by Columnist Victor Riesel, from the Birmingham News, of Wednesday, July 29, 1970, entitled "After Much Ado on 'Tiger Cages'—Why No Great Outcry for U.S. POW's?"

I feel that Mr. Riesel has made a telling point: That while we do well to decry the conditions of the "Tiger Cages" in South Vietnam, we need a great hue and cry for our 1,500 POW's and missing-in-action American soldiers, whom the Communists will not even let us know are living or dead, whose rights they have so callously abused, and who have been subjected in many cases to such terrible treatment in Communist prison camps.

I commend this article to the reading of my colleagues. I would say if we could have even an expression of outrage on their behalf equal to that which has been raised with respect to the "Tiger Cages" it would be a great step forward for our prisoners of war in Southeast Asia.

The article follows:

WHY NO GREAT OUTCRY FOR U.S. POW'S?

(By Victor Riesel)

NEW YORK.—Right. Those tiger cages in the Poulo Condor (Con Son) prison are rotten. Their guards are sadistic. The torture is white heat hell and monkey-sized cells are not for humans. Right.

But where amid the outcry is there a strong voice sobbing for the American prisoners of war held by the government in North Vietnam, caged by the underground Communist cadres in Laos and imprisoned by the Viet Cong in South Vietnam?

There is a voice, scarcely heard amid the din of those who always are horrified by Saigon's depredations and never once take Hanoi as a personal insult.

The voice is that of Ross Perot, the Dallas computer genius whom the public recalls mostly as the man with the magic electronic touch who lost over $100 million daily for over a week last May.

I talked with Mr. Perot the other day shortly after he had used the transcontinental telephone to urge his South Vietnamese friends to clean up Con Son.

"Over 1,500 American prisoners of war are rotting in North Vietnam, Laos and South Vietnam," said Perot who has flown the world, knocked on all doors, beseeched all diplomats including the utterly inscrutable Oriental envoys from Hanoi now in Paris, Stockholm and once in Cambodia.

"These men are kept in bamboo cages, caves, holes, chained to trees and held in solitary confinement. Some of these men have been prisoners longer than any other prisoner of war in our nation's history.

There are scores of diplomats who know these grimnesses. There are Americans who have been to Hanoi (they shuttle in regularly) and who know or should have known of the caged Americans.

Like the 21 protesting senators, they bleed over the tiger cages—though some Arkansas prisons are well up in that dark league. Yet they will not antagonize Hanoi with a single harsh word or even appeal for the Americans' freedom, or even a quiet demand for the list of prisoners' names so young women will know if they are wives or widows and kids will know if they have a dad.

"The North Vietnamese have very little interest in the prisoners of war," Perot continued. "They will agree that upon completion of interrogation, a prisoner of war loses all military significance and becomes a burden to his captor, using food, facilities and guards.

"As for food, the American prisoners live on a diet of fish heads, pumpkin stew and pig fat. I had this diet prepared for a number of newsmen. No one sampled it. You would have to be starving to eat it."

Yet some of the American soldiers, Marines and airmen have been in the bamboo cages for more than six years. Is a bamboo cage more safe a haven, more comfortable a prison than a concrete tiger's den?

Yet nowhere but in the U.S. is a voice or two raised in their behalf. One of those voices is that of the longshoremen's leader, Johnny Bowers, tough but soft toned, icy but run through with the compassion of a man who can't stand being shackled himself.

Since April 13, "Johnny," executive vice president of the 110,000-member International Longshoremen's Assn. (AFL–CIO) has asked the Soviet government at least to get the list of prisoners' names from its ally, North Vietnam. Never has Mr. Bowers raised a "hard hat" issue in his attempted dialogue. On that day he wrote to Soviet Ambassador Anatoly Dobrynin, offering to end the union's boycott of Soviet ships in Atlantic and Gulf Coast and Great Lake ports if the USSR would help.

Johnny Bowers is a bargainer. His men, he said, would unload one Soviet freighter or luxury liner for every five American prisoners of war which the Russians could convince Hanoi to release. But all "Johnny" got was a loud silence.

However, not so silent has the Soviet Press and radio been on the "tiger cages." And Hanoi's daily Nhan Dan has excorciated the Con Son prisons. And they say that American congressmen have not seen anything yet in South Vietnam. Now would be the time for these congressmen to petition Hanoi—on strictly a humanitarian, not political basis—for the chance to see Hanoi's prisons, pens and cells used for Americans and their own political prisoners.

In effect, this is what Ross Perot has been urging during his chartered flights across the world.

"The North Vietnamese consider the 1,500 prisoners of war unimportant," Perot related to me. "In one conversation they said, 'Why all this fuss over just 1,500 men? These prisoners are unimportant.' I tried to explain to them that in our country every life is precious, and that 200 million Americans can become deeply aroused over 1,500 helpless men being starved, tortured and beaten."

The North Vietnamese replied that they did not believe Mr. Perot.

"Your nation has lost over 40,000 men in this war," they told Perot. "Yet, after years at war, most of the American people have not become aroused in any way, either for or against the war. Why should we believe that your people care about just 1,500 prisoners?"

In this the enemy will be proven right if the horror billowing up over the tiger cages is not matched by an outcry for the well-being of Americans in bamboo cages.

SPANISH BASE AGREEMENTS

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, I take this time to congratulate the Department of State on having the courage to go forward and accomplish the agreement between the United States and Spain providing for the continued American use of military bases in Spain.

Anybody who will take the time to look at a map will see that Spain is the anchor stone of the free world position in Europe and a key element in free access to the Mediterranean Sea. The Mediterranean Sea, of course, is crucial to the continuation of free world influence in the Middle East and is crucial to our ability to continue to support our allies in the southern flank of Europe.

This agreement is an extension of an agreement that has been in force since 1953. The agreement has worked well, it has been of invaluable benefit to the free world, and the Spanish Government has fully lived up to all its commitments under the agreement.

I have many times stated on the floor of the House and I have stated at meetings of the NATO Parliamentary Conference that I believe Spain should be admitted as a full partner in NATO. I have said frankly to the representatives of Western European governments that it is not logical to exclude Spain from NATO on the basis of past enmities between leaders of European governments and the Spanish Government.

These agreements have been sharply criticized and the cost of them overstated by some people who are more concerned about the governments they do not like in the western world than about the threat of Soviet communism. But anybody who will take the time to look at the awesome buildup of Soviet naval power and the frightening extension of that power in the Mediterranean in the past few years will see very quickly that our bases in Spain become more vital with each passing year.

To block the continued use of those bases would be to perform a valuable service for the Soviet Union.

These agreements cover two air bases and the naval station at Rota. Their value to our national defense is well worth the cost, and I might add that any action to strengthen the Spanish air force is a valuable addition to the anti-Communist forces in Western Europe.

In my years in this body, I do not recall that I have congratulated the Department of State an excessive number of times. I congratulate the Department now.

AGREEMENT WITH SPAIN

(Mr. FRASER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRASER. Mr. Speaker, I listened with interest to the distinguished chairman of the Committee on Armed Services congratulating the Department of State on its decision to speed up the signing of an agreement with Spain.

What concerns me about this agreement is the prospect that it contains a new military commitment by the United States Government to Spain.

The National Security Policy and Scientific Developments Subcommittee of the Committee on Foreign Affairs, headed by the gentleman from Wisconsin (Mr. ZABLOCKI), has been holding hearings on when the President should have the right to deploy American forces abroad in armed combat. One of the conclusions that emerges from these hearings is that if this Congress cares about this country, it had better start taking a long hard look at executive agreements made by the President without the advice or counsel of the Congress and which result in new commitments for using American forces abroad.

It may be that this is a wise agreement. But, it may be, too, that it is not a wise agreement, taking into account the overall interests of the United States. I, for one, do not congratulate the Department of State or the President for apparently speeding up action on the agreement with Spain in a deliberate effort to circumvent hearings and inquiry by the the Congress. Such congressional inquiry is the only opportunity the people of America have to exercise some control or restraint over the President's making these commitments.

REPORTING POLLUTION SOURCES

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, today I am introducing a bill that would require federally subsidized air pollution control agencies to report publicly all sources of air pollution from commercial or industrial activities, the amounts and nature of that pollution.

The public has a right to know who is polluting its environment. The disclosure of such information should not be a matter of choice with the regulatory agency, but a matter of course.

The need for such legislation was pointed up recently in a suit by three University of Santa Clara law students against the Bay Area Air Pollution Control District. Last February the students, Phillip Sims, William Bassett, and Derek Simmons, sued BAAPCD to force it to disclose the identity of major industrial polluters in the Bay Area. BAAPCD was reluctant to disclose the information. The suit was lost on a technicality. However, in response to public opinion generated by the lawsuit and the editorial criticism of local newspapers, BAAPCD did voluntarily release a part of the information in March. It announced the names of major Bay Area industries who were in contining violation of the district's regulations. It did not disclose those operating under district-issued variances.

This belated and reluctant disclosure was a token to the public's right to know. Tokenism is unacceptable. The public's right to know is, or should be, inviolable. It is a cornerstone of our democratic society. They should know how their tax dollars are being spent and whether they are getting the job done. In fiscal year 1970 the BAAPCD received $210,000 in Federal funds under the Clear Air Act. Ten California agencies received more than $2 million total. The public has a right to know whether that money is being used effectively to clean up the air.

As helpful background for my colleagues, I am placing in the RECORD several articles from the San Jose Mercury and the Long Beach Independent-Press Telegram and a copy of the bill introduced today. If my colleagues find that the proposal has merit, I invite their support.

The articles follow:

BAY AREA POLLUTERS NAMED; OIL REFINERIES TOP THE LIST

(By Tom Harris, Mercury Staff Writer)

SAN FRANCISCO.—Two oil company refineries—Phillips Petroleum and Standard Oil—are two of the biggest single sources of air pollution in the Bay Area.

Figures released for the first time by the Bay Area Air Pollution Control District Wednesday showed that emissions from the Avon and Richmond plants account for more than 6.5 per cent of the total contaminants under its jurisdiction.

Together with the total estimated tonnage of contaminants discharged into the air by seven other firms which violated district regulations last month, they represent more than 11 per cent of the district's polluted air.

In order of their contribution to the district's total emissions in tons per day and with percentages in parentheses, they are:

Phillips Petroleum Co., Avon 90.1 tons (3.3 per cent); Standard Oil Co., Richmond, 89 tons (3.2 per cent); American Smelting & Refining Co., Crockett, 79 tons (2.9 per cent); Shell Oil Co., Martinez, 41.6 tons (1.5 per cent); Collier Carbon & Chemical Co., Rodeo, 6.2 tons (.2 per cent); Sequoia Refining Corp., Hercules, 4.8 tons (.17 per cent); Lloyd A. Fry Roofing Co., San Leandro, 8 tons (.03 per cent); and American Standard Co. (smelting) of Richmond and Chevron Chemical Co., Richmond, both .5 tons and .018 per cent.

The figures were released in line with the district's recently modified public disclosure policy. That change, in turn, was in response to citizen demands that it publish similar figures for all major sources, whether they have violated regulations or not. The district still faces court action over the unlimited release of pollution records.

Even though the figures purport to be the most recent information the district has at its disposal, they are still based on estimates made in 1968. Source figures for 1969 will not be published until sometime in June.

The initial release was not intended to identify the nine sources named as the biggest in the district, but they were the first major violators to come under provisions of the new policy. Similar disclosures are expected monthly.

But even while the district was releasing the listings based on total weight of the contaminants, it was being chided by a Stanford graduate student for oversimplifying and distorting air pollution problems and for misleading the public in the process.

The presentation by Ned Groth, leader of a Stanford workshop on air pollution for the past five months, urged that each contaminant be considered separately, rather than bunched together into a conglomerate reading. He also asked that more importance be paid to the toxicity and danger to health of each pollutant.

A close check of the individual contaminant percentages in Wednesday's list of violators seemed to bear Groth out.

Three plants, for instance—Phillips, Standard, and American Smelting—contribute more than 16.5 per cent of the total nitrogen oxides in the district. That is one of the most poisonous and potentially dangerous substances among air contaminants.

There was also a substantial individual contribution to the total amount of sulfur oxides in the air, with American Smelting accounting for 18.4 per cent; Phillips 12.2 per cent, and Standard 9.2 per cent. Together, they put out 39.8 per cent of the total sulfur oxides, a substance that corrodes metals, bleaches paints, damages vegatation and is injurious to the respiratory system of humans.

The measuring formula suggested by the Stanford biological science leader, attaching a weighted factor to toxicity and health danger based on state standards, showed a startling change in contributions of industry and motor vehicles.

District officials in the past have insisted that vehicles cause 71 per cent of the pollution here, but Groth's breakdown, based on the district's own figures, shows that vehicles cause only 43.3 per cent and industry 48.6 per cent.

[From the San Jose Mercury, Apr. 3, 1970]

"TELL ALL" BEST POLICY

The Bay Area Air Pollution Control District, however reluctantly, is beginning to give the public a peek into the ways of the smoggers, and what is revealed is at once frightening and intriguing.

Under a new district policy emission records of firms which violate district anti-pollution regulations are thrown open to public scrutiny. This week, the district listed nine such firms on its "smog list." Not surprisingly, a pair of oil refineries led the list.

More important, perhaps, the public disclosure policy is provoking increased public interest in air pollution and greater public determination to see that the danger is ended, or at least lessened substantially. This, of course, is what public disclosure is designed to do, and it serves to underline the need for broadening existing policy.

The district is facing court action designed to force it to list all smoggers by name, total tonnages and nature of contaminants—regardless of whether the individual pollution sources are in compliance with control regulations or in violation of them. It is greatly to be hoped that the courts order this broad disclosure. It is sure to be useful in two ways.

First, of course, it provides both a focus for and a stimulus to public pressure on the pollution sources. Such public pressure is the only force likely to have much effect in the long run. Obviously, voluntarism hasn't worked; neither has the fear of enforcement by the BAAPCD accomplished much in the past 15 years.

Second, and perhaps equally important, full public disclosure will enable the public better to understand the dangers of particular types of pollution—and again concentrate the greatest efforts on the points of greater danger.

For example, a Stanford University study team urged the BAAPCD this week to give greater emphasis to individual contaminants, rather than lump them together in a conglomerate report. The study group noted, after a five-month survey, that some pollutants, for example the oxides of nitrogen, have much greater toxicity than others. A firm which produced a great amount of hydrocarbon smoke, viewed in this context, might actually present a smaller danger to public health than a firm which produced lesser amounts of the oxides of nitrogen and sulfur.

Using this weighted scale, the Stanford group noted that the automobile's share of Bay Area smog production would drop from 71 per cent to 43.3 per cent, while industry's share would rise to 43.6 per cent. Industry, it

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will be recalled, is wholly under the jurisdiction of the BAAPDC.

Smog is not a simple phenomenon, and there is no simple or easy way to fight it. That is why it is so important for the public to know as much about it as possible. That is why full disclosure of emission data is essential to the public health.

[From the Independent Press-Telegram, July 25, 1970]

A PROGRAM FOR CLEAN AIR

(By Gilbert Bailey)

NOTE.—This is the final article of a seven-part series analyzing factors that worsen the smog situation and representing corrective remedies. This newspaper published a Smog Table Tuesday through Saturday; today the table appears on Page C–9.)

Air pollution can be halted in the Los Angeles basin . . . the air can be returned to its quality of 1940 or earlier.

The quality of the air entering the basin, cleansed as it is by 5,000 miles of ocean, is the best in the world. All that has to be done is to control the pollution sources, all of them, within the basin itself.

There is no such comprehensive control program. Witness today's skies.

On the basis of numerous interviews with pollution control experts and on the basis of data developed in this series, the following emerges as the minimum acceptable air pollution control program. This program—effected at municipal, county, state and federal levels—is a start. It is not the final solution.

First, every Los Angeles Basin vehicle operator should have his engine's emission control system tested, and possibly repaired. Atlantic Richfield, as a special service, is making such tests available free at selected shopping centers.

Second, while so-called smog free gasolines are relatively ineffective in fighting pollution lead-free gasoline should be purchased whenever possible. Even so, functioning control devices are far more important than the type of gas used.

Lower horsepower cars should be purchased.

Care should be taken in the use of the auto and other pollution causing machines including electrical appliances, which create need for smog-producing power plants.

Finally, the concerned basin resident should contact his representative on the board of supervisors—the man who has first-level responsibility for smog in the basin—and his state legislator and his representatives in Congress to demand action.

On a county level the Board of Supervisors should call for a full-scale independent review of the operations of the Los Angeles Air Pollution Control District and its hearing board. This would be to determine how the district's operations can be improved and why, after 22 years and $60 million in expenditures, there is still intolerable smog in the district.

As much of the review as possible should be public and it should include testimony, backed by all the facts available, from authorities such as Dr. Kenneth Watts of the University of California at Davis, who have predicted "killer smogs" for the basin. If such predictions are based on facts, then the public needs those facts NOW. If they are not based on fact, then the public should know that too.

In addition, the district's statistics, open to question as they are, should be verified by a thorough scientific study of air pollution in the basin. This study should be conducted by an air pollution control laboratory such as the one at the University of California at Riverside. More information must be developed in special areas such as reduced visibility traceable to particulates.

Robert Chass, Los Angeles air pollution control officer properly has been critical about the failure of motor vehicle exhaust controls. However, Chass' responsibility and the responsibility of the district is for control of industrial sources—all sources other than the automobile. That responsibility should not be ignored because of the failure of the auto manufacturers to do their job.

Chass should be instructed to draft further regulations of industry, including oil refineries, chemical plants, power plants and foundries. Gasoline spills at service stations should be controlled. Some further regulations are now being studied; those studies should be broadened and speeded, and new regulations applied within the year.

No more fossil fuel generating plants should be allowed within the Los Angeles Air Basin, including Orange County. Nuclear plants must be built to fill the electrical power needs of the area.

Incumbent on officials as the final step in the program at the district level is to require air polluters to file reports on their pollution with the district. This should cover sulfur dioxides, lead, fluorides and any other contaminants for which monitoring is practical.

Beyond the purview of the APCD, a rapid transit system similar to that in the Bay Area is needed. Voters should support such a district, if they wish to breathe wholesome air.

On the state and national levels, new legislation should be implemented, as recommended by Chass. This would require auto makers to test emission controls on a go, no-go basis on the assembly line and to guarantee the device for no less than 25,000 miles.

State officials should divert gas tax funds, now used only for highways, to rapid transit and to fighting air pollution. A state constitutional amendment could authorize the diversion or a bill by State Sen. Alfred Alquist to raise the gas tax could accomplish the same objective.

The state and the federal governments, should require auto manufacturers at their own expense to provide cars for testing on a regular basis and should actually test car emissions at various mileages on a mass basis to determine the actual level of pollution.

Congress should pass legislation to require all air polluters to report their pollution and to require all air pollution control bodies that use any federal funds to report the sources of pollution within their jurisdiction and on the type and quantities of emissions from each source. Such legislation will be offered in the U.S. House of Representatives shortly by a group of California representatives headed by Don Edwards, D-San Jose.

At present federal air pollution control inspectors do not have the right to enter private property to check on violations. They would be given that right.

Additional powers should be given to the National Air Pollution Control Administration so that it can step in when local or state governments fail to control pollution.

The federal standards on carbon monoxide, particulates, nitrogen oxides and hydrocarbons should be strengthened and Detroit should be told to clean up the auto or face increasing economic penalties. Leaded gasoline should be phased out as Detroit changes its engines to no longer require such gasolines.

Finally, the federal government should help finance additional air pollution research and necessary rapid mass transit systems. Again, such funds could come out of gasoline taxes.

This program is incomplete. It is only a start, but it is a start. There could be a stronger program: Cease building new roads and use the funds for rapid and mass transit, tax cars further until they are no longer practical to drive, provide other means of transportation, and require polluting industries to either shut down or stop polluting.

The decision as to whether there will be air fit to breathe in the Los Angeles Basin should not rest in the hands of the polluters or of the politicians. It should, and does rest in the hands of the people, who make their wishes known by action or inaction.

Clean air has been the birthright of all mankind. It no longer is; instead the child born today must breathe poison. But for how long!

What do you want to breathe?

(A bill to amend section 105 of the Clean Air Act to require each air pollution control agency receiving a Federal grant for support of air pollution control programs to provide information and data on air pollution sources within its jurisdiction)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 of the Clean Air Act (42 U.S.C. 1857c) is amended by adding at the end thereof the following:

"(d) Within 60 days after the date of enactment of this subsection, the Secretary shall establish regulations requiring each air pollution control agency having a grant under this section to prepare and submit periodically (but not less frequently than once each calendar year) a list identifying all known stationary sources of air pollution from commercial or industrial activities within the jurisdiction of such agency, indicating the nature and amounts of pollutants discharged from each such source (or, if the agency cannot provide such information with respect to any source, the reasons why it cannot), and providing such other information as the Secretary may deem necessary or appropriate. All such information shall be published in the Federal Register so that all interested parties may be informed of the nature, sources, and extent of air pollution within the jurisdiction of such agency, thus enabling such interested parties to judge the adequacy of applicable standards, regulations, plans and programs for preventing and controlling such air pollution. Regulations issued by the Secretary under this subsection shall provide that each affected agency shall submit the first such list as soon as practicable after the date it receives a grant under this section, and, in the case of an agency having a grant on the date of enactment of this subsection, not later than 180 days after the date of the promulgation of the first such regulations by the Secretary."

FOREIGN TRADE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, there is an old adage that exchange of surplus goods between nations of the earth is common gain. That adage is as true today as it always has been.

Throughout my business and political life I have tried to encourage foreign trade. It is vital to a prosperous national economy and nowhere more than in my own native State of Washington and in my home port city of Seattle.

Before I was elected to Congress, I visited the Philippines, Japan, and the Far East urging increased trade across the Pacific, and I helped sponsor and initiate an International Trade Fair to help carry out this idea.

But, Mr. Speaker, favoring exchange of goods between the nations of the world is not support for any nation dumping its products on the markets

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of another nation so as to close the factories and throw high living standard workmen such as we have in America out of work.

To stop this practice, quotas on imports are not the best answer. Competition, and by that I mean fair competition, is desirable to lower living costs and combat monopoly.

A better answer than import quotas is found in other protective arrangements. For example, Japan and the United States have negotiated a voluntary plan. Japan, of course, protects its industry more than any nation on earth, but the Japanese are practical and no more intelligent traders exist on this earth.

The Japanese steel industry was flooding our market and our great steel plants were closing. Under these circumstances and rather than force the United States to institute protective measures, a voluntary agreement covering imports was negotiated. Such a compromise has not fully made either nation happy, but it prevented more drastic action.

Mr. Speaker, for years I have studied proposals to create formulas to protect our industries and workers and also the consumers of America. Likewise, I wanted a plan to protect other nations, so as to assure that they shared in the growth of America.

Fortunately, I have wanted to assure that a two-way flow of trade goes across the docks of our great ports while at the same time assuring that low living standard nations not force our factories to close.

Mr. Speaker, the ideal would be completely free trade, except for defense and our high standard of living. We must maintain our industries and not permit foreign nations to disrupt our economy.

I am not an advocate of high tariffs nor do I advocate low quotas. Rather, I am for fair competitive trade and the more the better.

Mr. Speaker, the products we produce as a nation plus all that which we import, less our exports, is the measure of our standard of living; but, only if the people have jobs and can buy and consume these products in the marketplace.

If foreign exporters dump foreign low-wage goods in our country to the extent it closes our factories, then our living standard goes down. There must be a proper balance so as not to flood our markets. Instead of indiscriminate dumping, let us arrange to share our economic growth and prosperity with other nations and buy their goods so they have dollars to buy our goods including our superior civilian transport airplanes.

Let us keep our ports and docks busy and also let us keep our factories open and men and women working.

What America must have, Mr. Speaker, is balanced trade.

WE HAVE NO REASON TO LOSE FAITH

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **HANLEY**. Mr. Speaker, at this time, when our Nation is weighed down by a number of seemingly insoluble problems, it is important to recall America's underlying strength—a strength of spirit that stems from individuals and radiates into all areas of American life.

I am happy to share with my colleagues in the House the remarks of my good friend, the Honorable Arthur Levitt, comptroller of the State of New York, delivered before a meeting of the Allied Printing Trades Council in Albany and printed in the August 4, 1970, issue of the Syracuse Post-Standard:

THE STRENGTH OF AMERICA: WE HAVE NO REASON TO LOSE FAITH

The text of a speech delivered last Thursday by Arthur Levitt, state comptroller, before a meeting of the Allied Printing Trades Council in Albany, reached our desk yesterday. It makes such uncommonly good sense that we believe it would give everyone a spiritual lift to read it. We are glad to break a precedent by presenting it in full:

WHAT OF THE FUTURE?

It is time we talked about the strength of America, and not about all the things we think wrong with her.

And I am inspired to do this, because of your own history in the enlightened labor movement of our nation. Your economic power is two-fold. Not only has the union label affected every market of the nation, but your own buying power has become a major part of our whole economy.

This is as it should be. But your economic power must be related to the general health and prosperity of our nation. Forgetting the value of the dollar for a moment, what about our moral and civic values? Is Society in America really sick, or is the sickness mainly in the eye of the critic? Are you investing your labor in a sound enterprise—our national life itself?

In my own opinion, we have no reason to lose faith in the greatness of our nation. I do not say we should shut our eyes to social problems. I simply want to strive for a balance. I do not believe that campus disorders really reflect the majority of our students. I do not believe the struggle for civil rights means unending civil strife, when it is balanced by the common sense of the American people. I do not believe our communities will decay from overpopulation and pollution, when balanced with the capacity we have for scientific planning and for civic action.

We are like a giant, caught napping occasionally but powerful when the need arises. And we have been napping, perhaps, in relation to many problems which are now potentially explosive. Now that we are awake, are we really strong and prepared?

America was never stronger in my opinion. I do not speak of our military might, of which I know very little, nor do I speak of our vast national wealth, of which I have very little. I speak this morning about the inner strength we have as a free and responsible people. I speak of hundreds of our cities, thousands of our villages, and many more thousands of our towns all across the face of America, each vibrant with group after group of spirited citizens.

Sometimes we call this neighborliness, sometimes fraternalism, sometimes community spirit. Surely it is all these things, but I think it is also much more—it springs from the land in which we live, it thrives on the free society in which we move, and it matures in the full sunlight of what we know to be our national destiny. We can be thankful that this destiny has nothing to do with dominion over other peoples, and nothing to do with conquest over other nations. The true destiny of America is the destiny of the smallest town within her borders—the desire to live peacefully, to work honorably, to worship according to conscience, and to prosper according to merit.

Each person sees this inner strength of America in his own way. It may be in your schools, and the opportunities open to young people; it may be in your family or in your work, or in the rewards of creative skills; it may be in community organizations and the opportunity to serve and to be served.

In my own way, I see the good of America in public life.

Despite the occasional bad side to politics, despite the occasional betrayors of the public trust, we have basically honest government throughout our nation. I know of no more dedicated people than the career public servants on my staff. Much of our State business is done on personal trust—the word of one officer to another, sometimes just by telephone, and regardless of party differences. Most public officers want to do the right thing, if they can but see the right. It is not always easy.

And I speak not only of those who are paid to serve, but of those who are unpaid. I have been pleasantly surprised over the past years by the many bankers, lawyers, editors, college professors, accountants and labor leaders who have willingly donated their services to my Department without thought of personal gain. They have served on committees, worked on legislation, and advised on investments. Not one has ever submitted a bill, or asked for a reward in any other form. They have come from all major political parties, and from every area of the State. Here is the richest resource of our democracy: the deep capacity of all of the people to serve all of the nation.

By saying all this, I do not shut my eyes to very serious problems we have not yet solved. For example, our very prosperity has brought on the disease of inflation. And this brings me back to a remark I made at the beginning, when I referred to the value of the dollar. While most Americans are enjoying higher and higher levels of income, we must remember our fellow citizens, and particularly our older citizens, who are living on fixed incomes.

In summary, it seems to me the basic point is clear: America is strong, but we need all of our strength to solve our problems. Even such a problem as inflation can be solved if we unite in our efforts—government, industry and labor. In saying this, I am well aware that we cannot expect labor to hold the line, alone, in an upward trend of the economy. What we must seek is a nationwide solution, without unfair advantage to any group.

You and I need have no fear of the future so long as we have the spirit and the will to go forward with the great destiny of our nation.

FOOD AND DRUG ADMINISTRATION SHIRKING RESPONSIBILITY ON AMPHETAMINES

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **PEPPER**. Mr. Speaker, I rise to call to the attention of you and my colleagues the announcement made by the Commissioner of the Food and Drug Adminstration yesterday, which accused the drug industry of shirking its responsibility by not helping to prevent abuse of amphetamines. As you know, hearings that have been held by the House Select Committee on Crime over the last few months, have shown exactly that point. Our hearings amply demonstrate that production of amphetamines in the

United States vastly exceeds the legitimate needs of this country. We have received testimony from the National Institute of Mental Health that there are over 8 billion dosage units manufactured annually. This figures out to 40 doses for every man, woman, and child in this country. Other evidence collected shows that over 50 percent of this so-called legitimately manufactured product is diverted into illegal channels.

As FDA Commissioner Charles Edwards properly indicated, there are really only three acceptable medical uses for amphetamines; two of them rare. The two rare conditions being narcolepsy and hyperkinetic children and a possible third allowable use would be suppressing appetite; however, this latter use should be limited to a period of a few weeks to prevent the patient's developing a psychological dependence on this drug.

Mr. Speaker, as Dr. Sidney Cohen, Director of the Narcotic Addiction and Drug Abuse Division of the NIMH, told our committee last November, the number of amphetamines needed to treat these diseases would be a few thousand a year, not the 8 billion which are now produced annually. Dr. Cohen went on to state that 99 percent of the total production that ends up being legally prescribed is used for weight control or as a mood elevator. The first use is highly questionable after 1 or 2 weeks; and in light of the dangers of abuse, the second use should probably never be attempted, except in rare instances. In fact, our hearings have shown the disturbing trend to overprescribe this drug because of the extravagant claims made by drug manufacturers. Mr. Speaker, 8 percent of the prescriptions written in this country are for amphetamines.

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As my colleagues know, the street term for high dosage injection of amphetamines is "speed," and most of us have heard the phrase "speed kills." If it does not kill, it can well cause malnutrition and undermine an individual's health because of irregular sleeping and eating patterns. There was also numerous reported cases of brain damage. The abuse of this substance has spread in alarming proportions to most of the communities of this Nation.

Mr. Speaker, for the above reasons, I was happy to see the announcement by the Commissioner that legal moves will be made later this week, calling for changes in labeling of amphetamine products that will restrict their allowable medical claims and strengthen the warning on possible hazards. The reduction and amount of prescriptions written for this drug will, of course, be some help. However, I feel that these steps still are not adequate to deal with the problem of this dimension. Earlier this year a bipartisan majority of the House Select Committee on Crime came to the reluctant conclusion that manufacturing quotas would have to be imposed on amphetamine production in this country. These bills are known as H.R. 16123 and H.R. 16151. They are now before the Interstate and Foreign Commerce Committee and it would be my hope that our colleagues on that committee would adopt the stricter controls advocated in those bills.

Mr. Speaker, in my opinion, Commissioner Charles Edwards' new directive is a hopeful first step, but in my opinion, inadequate to solve the problem. We of the Congress will have to do more.

It would appear that the Nation's drug industry has been reluctant to get its own house in order. Failing substantial voluntary measures on their part to curtail unneeded production of this dangerous drug, we who are charged with the responsibility of seeing to the public health and welfare will have to do it for them.

BIRTHDAY TRIBUTE TO THE HONORABLE WRIGHT PATMAN

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I rise today to congratulate and extend my best wishes to Hon. WRIGHT PATMAN, distinguished chairman of the House Banking and Currency Committee and Representative of the First District of the great State of Texas, on the occasion of his 77th birthday.

In November it will be 42 years since WRIGHT PATMAN won his first election to Congress from Texas. In those 42 years he has earned universal respect and admiration for his dedication and concern for the needs and interests of the "little man" in America, for his profound knowledge of our banking and currency system, and for his life-long record of courage and principle in fighting for causes he knew to be right despite the fact that these worthy causes were often opposed by some of the most powerful interests in our land.

It has been my privilege to serve on Congressman PATMAN's Banking and Currency Committee since I was first elected to Congress in 1965, and during this time, I have witnessed his determined and untiring efforts to champion the cause of the little people of America. Indeed, Congressman PATMAN is not afraid of anything.

When he first tried to enlist in the armed services in World War I, he was turned down because of a heart defect. He persisted and finally was enlisted as an Army private. Rising through the ranks, he became a first lieutenant in a machinegun battalion, and gave outstanding service to our country during those turbulent war years.

In 1928 he ran for Congress at the height of the Ku Klux Klan's power in an area of Texas where they were then strongest, and he won despite the Klan's fierce opposition.

In 1936, although the administration in power was opposed, he took a stand for the soldiers' bonus and in the face of overwhelming odds, won this battle, too. As a result of his efforts, bonus certificates were paid to the extent of $2 billion during the rockbottom days of the depression.

As chairman of the House Banking and Currency Committee, he has tangled with the most powerful monied interests in America. He has been author and sponsor of some of the most progressive and outstanding legislation to be passed in the last 40 years, and he is known as "father of the credit union." He played a crucial role in passage of the landmark Truth-in-Lending Act and, more recently, in House passage of the administration's welfare reform proposals.

Texans are devoted to WRIGHT PATMAN, and they have reason to be proud of that devotion. Representative PATMAN could have run for—and won—a seat in the Senate, but he chose not to run because he loved the House, and because he felt he could serve the people of his district and his State better here.

In his years of service in Congress, WRIGHT PATMAN has never failed this trust. He has served with honesty and dedication the people of his district and his State, and our Nation as well. As chairman of the House Banking and Currency Committee, he has been one of the most eminent leaders in Congress in this century.

I am proud to be his colleague, and to have had the opportunity of knowing him, working with him, and having the benefit of his wise counsel and advice. Once again, I add my birthday congratulations to those of his wonderful family, his legion of friends, his colleagues and his constituents, and I wish him continued good health and many more years of outstanding public service.

ARTS AND HUMANITIES

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, in this era of rapid and complex technological change, when our attention is constantly drawn to urgent domestic problems and international crises, moments of beauty seem all too fleeting and things of value all too fragile. Yet there is much of this country's culture to be enjoyed. Indeed, the beauty and pleasure derived from music, and art, for example, can be shared by all of our people, young and old, rich and poor, black or white. This mutual pleasure and appreciation provides a kind of communication and promotes greater understanding and a high sense of common interest among all peoples.

Creativity in the arts and humanities plays a vital role in the health of our Nation, and due to the enormous dedication and constant efforts of an extraordinary lady, Nancy Hanks, the National Foundation on the Arts and Humanities is accelerating its efforts to enrich American life and extend cultural opportunities to all Americans.

It is no small tribute to her intelligence, her vitality, and her deep belief in the importance of assisting and supporting artistic and humanistic developments, that there is growing congressional endorsement of the role of the Government in sustaining the arts. Due to her efforts, moreover, there is a significantly greater interest in and appreciation of the arts and humanities as an essential part of a meaningful life.

I have had the privilege of knowing Miss Hanks for a number of years. She assumed the chairmanship of the Foundation on the Arts and Humanities last year and brought to it extensive experience in the arts—both as the former head of the Associated Council of the Arts, a private organization which supports the arts, and as the director of a study sponsored by the Rockefeller Fund which resulted in a comprehensive report on financing of the performing arts. That study contributed significantly to the formation of the National Council on the Arts.

Miss Hanks' devoted and energetic leadership of the National Foundation has brought her increasing admiration and appreciation as evidenced by Marquis Childs' column which appeared in the Washington Post of August 1, 1970. I include it at this point in the RECORD.

PERSONABLE PERSUADER UNTIES HILL PURSESTRING FOR THE ARTS

Score a small triumph for the Nixon administration, and it is a triumph that could have a long reach. Congress has appropriated for the National Endowment for the Arts $40 million, which is twice the amount for the previous year.

The triumph owes a lot to a personable persuader who has made a strong impression since she arrived on the Washington scene last October. Nancy Hanks, chairman of the endowment, talked to more than 200 members of the Senate and House in making the case for the appropriation.

Lobbyists for more materialistic goals have reason to envy that record. Miss Hanks brings very special qualities to her task. She is an attractive woman with intelligence and perception that are evident without being in the least assertive.

The President took six months to come up with a replacement for Roger L. Stevens, the first chairman, who resigned after five years of guiding the federal government's grant program in the arts. Suspicion grew that he meant to leave the post vacant. Then the choice fell on Miss Hanks, to almost unanimous approval.

Shortly after her appointment the question arose as to how much to request from Congress in the coming fiscal year. There was a long flap over whether it should be $8 million or $10 million. After all, help for the arts—theater, ballet, music, painting—from Uncle Sam is something pretty radical. An old story in Western Europe where the arts have long been endowed, it is a new venture with us where political suspicion of anything as fancy as ballet and long-haired music runs deep.

The decision was finally reached to go for double. Miss Hanks and Presidential Assistant Leonard Garment played a leading part in that decision. And Miss Hanks promptly went to work on a list of Senate and House members who might be subject to persuasion.

She made the case again and again that the arts are not something remote and esoteric to be cherished by a special few with rarefied tastes. They are directly related to the quality of life. One of the chief aims of the endowment is to encourage relationship in every way possible—to get the arts out of the stuffy environment of concert halls and into the parks and streets. Relieve the tedium, the boredom, the emptiness of much of existence in a mechanized society—that is a principal objective of the endowment today.

It is not that the problems of the concert hall, and they are serious problems, are ignored. The nation's 88 symphony orchestras—28 major orchestras with budgets over $500,000 and 60 metropolitan orchestras with budgets under $500,000—have been going steadily in the red. While the endowment obviously cannot underwrite all the deficits, grants of $50,000 each were made to five orchestras for projects considered of outstanding national significance.

The contrast with practices abroad is startling. Austria with a population of 7,500,000 subsidizes music and the theater to the tune of about $35,000,000 a year, and as a consequence the performing arts are a foremost tourist attraction. But Miss Hanks believes we're on the way, with broad congressional acceptance of the role of the federal government in sustaining the arts as an enrichment of life.

Just out of Duke University with a Phi Beta Kappa key, Miss Hanks came to Washington in 1951 as a member of the staff of the Office of Defense Mobilization. That was when the Korean War was going full blast. She later went to work for Nelson Rockefeller when he was Under Secretary of Health, Education and Welfare and followed him to the White House when President Eisenhower asked Rockefeller to set up a series of foreign policy panels.

Outside government, with the magic of the Rockefeller Brothers Fund in New York, Miss Hanks was executive secretary in charge of naming a series of panels to do studies in a variety of fields. One of them was in the arts. And Miss Hanks herself directed the study that ended with a landmark report, "The Performing Arts: Problems and Prospects."

The report stimulated a lot of activity. One result was formation of the National Council on the Arts, of which Miss Hanks is today chairman. It is closely allied with the endowment. Cities and towns across the country formed their own councils, sponsoring a variety of programs.

Miss Hanks is descended in a line not too clearly defined from the Nancy Hanks who was Abraham Lincoln's mother. But she recalls with a glint of humor that the fame of a name owes a lot to a famous trotting horse, Nancy Hanks, a legend throughout the South. At 41, Miss Hanks is on the way to becoming one of this capital's Quiet-spoken movers and shakers.

USIA POLL RESULTS

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I regret the refusal of the U.S. Information Agency to release the results of a poll it commissioned in several countries to determine world reaction to the dispatch of American troops into Cambodia.

I had hoped that Mr. Frank Shakespeare, Director of the USIA, would agree that the American people should know the results of this poll, which they paid for and which has considerable significance if we are to make intelligent decisions about the validity of the President's policies in Southeast Asia.

It is very hard to understand how national security could be jeopardized by telling the public the results of this poll, unless it is assumed that national security is best served by protecting the American people from facts. But we do not make such assumptions in this country, and with good reason. In a democracy the formulation and implementation of sound policy depends on the public's having access to basic information, especially information they pay to collect.

That is why I have favored for many years the release of the results of all polls taken by the USIA. If there are occasions when they should be kept secret, these should be the exceptions rather than the rule. That is clearly not the case with the poll we are talking about today.

We usually know whose interest is being protected when agencies of the Government say it is not in the national interest to release information that could have no conceivable effect on national security. It is rarely the public interest, the only interest about which the Congress should be concerned.

I call again on the USIA to change its policy regarding the release of these polls. There is, may I repeat, no valid security reason nor any requirement under the law that they be concealed. As a beginning, Mr. Shakespeare should act immediately to provide the American people with the results of the particular poll I have mentioned today.

REFLECTIONS ON HIROSHIMA DAY

The SPEAKER pro tempore (Mr. BROWN of California). Under a previous order of the House the gentleman from California (Mr. HOSMER) is recognized for 30 minutes.

Mr. HOSMER. Mr. Speaker, 407,316 American servicemen were killed and 607,846 were wounded during World War II. That war ended just short of 25 years ago with Japan's formal surrender on V-J Day, September 2, 1945. But Japan actually had surrendered almost 3 weeks earlier, on August 14. Her surrender was triggered by two world-shaking events just days earlier: the atomic bombing of Hiroshima on August 6 and of Nagasaki on August 9. Prior to that the Japanese firmly intended to carry the war on and on and on until their entire homeland was captured foot by deadly, bloody foot by invading U.S. soldiers, sailors, and marines.

How ironic it is that today, August 6, 1970, the 25th anniversary of the atomic attack on Hiroshima, should be an occasion for degrading and vilifying the United States by some who enjoy the gracious bounties of its citizenship and who enjoy it in part because 1,078,162 Americans were casualties of World War II. How tragic it is that, with the hazy hindsight of a quarter century, some people have forgotten the end and choose only to remember the means.

In earlier times we celebrated V-J Day in thankful remembrance of peace after 3½ years of slaughter and misery in the Pacific. Today, and particularly on next Saturday, it is "Hiroshima Day," to be marked by protest demonstrations and disorders and marches on some of our outstanding American scientific institutions.

Several weeks ago I obtained a copy of a crude handbill distributed at the University of California at Berkeley announcing a meeting to plan "Hiroshima Day" protests at the Lawrence Radiation Laboratory locations at Berkeley and at Livermore. The handbill was distributed by an organization calling itself SESPA—Scientists and Engineers for Special and Political Action. It listed among its objectives the "commemoration of those who died by U.S. atomic weapons." A similar clamor is scheduled at Los Alamos Scientific Laboratory in New Mexico.

These and like events in the United States and elsewhere in the world are 180° out of phase with reality. Although estimates vary, the combined total of Japanese casualties at both Hiroshima and Nagasaki did not exceed twice that many Americans, 250,000 men of our invading forces, would have perished.

It is more fitting that on "Hiroshima Day" we give thanks for these large numbers of Americans who were spared, who lived to return home and perhaps even to father some of today's protesters who might not have been born except for the event they decry and the page in our history they would erase. And, too, the Japanese people might realize that their dead at Hiroshima and Nagasaki died so that for each of them one or two or even more of those living would not die during a prolongation of the war. This is a perspective on history that ought to be utilized when we seek to characterize events of 25 years ago.

President Truman's decision to use the newly developed atomic bomb on the Japanese home islands has been debated for 25 years now, and it probably will be debated for at least another 25. It was a complicated and extremely difficult decision, one not easily understood or appreciated today.

Some argue in retrospect that the decision to drop the atomic bomb was unnecessary because Japan was ready to surrender anyway. This is not the fact. Others contend that a demonstration of this awesome weapon somewhere in the Pacific would have frightened the Japanese into surrender. This is erroneous. All evidence at the time of decision, July 1945, not August 1970, indicated that only a direct military use of the atomic bomb would bring Japan's ultramilitarist faction to its knees. In light of their fierce public statements, there was no assurance that even this would work.

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For example, the Potsdam Proclamation of July 26, 1945, had fallen on deaf ears in the Japanese Cabinet. Prime Minister Suzuki issued a statement rejecting out of hand the Allies' appeal for surrender, vowing that his nation would fight on to total victory.

The possibility of demonstrating the bomb was carefully considered. Henry L. Stimson, Truman's Secretary of War, had been intrigued by the idea of using the bomb without causing any casualties. A special committee was formed to analyze all implications—military, political, and scientific—of the A-bomb. It considered this proposal from every angle. It finally concluded that no technical demonstration was likely to bring an end to the war. The Joint Chiefs of Staff also considered the idea, and not one of them could support it.

For one thing, A-bombs were essentially untried, and the uranium and plutonium fuel was extremely scarce in mid-1945. "Wasting" one of our few atomic weapons with a demonstration was felt to be unnecessarily risky. Second, despite the assurance of the scientists and the demonstration of an atomic test device in New Mexico, there was little assurance that the complicated device in bomb configuration would actually work.

Consequently, it was almost unanimously agreed that the options boiled down to a large-scale invasion of the Japanese islands; to a naval blockade and saturation bombing; or to use of the atomic bomb.

Plans for the invasion had already been drawn up, and General MacArthur was assembling his force in the Philippines. I was a member of that force as second in command of a large assault transport. We knew what was in store for us. When I learned that the bombs had been dropped and that Japan was surrendering, I felt like a man in death row who receives a clemency. So did everyone else involved.

The invasion plan called for an amphibious assault on the southern island, Kyushu, in November of 1945, followed by an attack on Tokyo and the main island of Honshu by March of 1946.

Up to 1 million Americans would take part in the invasion and one-quarter to over a half million of them were expected to become casualties before the Japanese mainland was subdued. This was to be one of the most dangerous and costly operations ever deliberately planned in military history. And, the numbers of dead and wounded on the Japanese side amongst military and civilians were expected at least to equal and, more realistically, exceed those on the American side by a considerable margin.

The Japanese military still had upward of a million men in its home army, plus a large well-armed home guard, plus a large armada of kamikaze planes. Military control of the government was still firm. In April, hundreds of Japanese had been arrested and imprisoned for suggesting surrender. And there was no evidence that their battlefield morale was weakening. If anything, Japanese soldiers were becoming even more fanatical.

As an alternative, conventional bombing was scarcely less awful than an atomic bomb. In March 1945, a huge B–29 raid on Tokyo had killed 78,000 people, burning out 16 square miles in the heart of the city and even boiling the water in Tokyo's canals. Such an offensive would have required months of bombing almost all major Japanese cities and hundreds of thousands of deaths. We would have, in effect, laid all of Japan to waste. Also weighing against this idea was history. Saturation bombing of major cities, in addition to being a gruesome kind of warfare, had largely failed. Experience in England, Germany, and even Japan had never resulted in a surrender.

President Truman thus was left with but one alternative, albeit an unpleasant one—use of the atomic bomb in the hope that it would bring a swift and decisive end to the war.

It can be noted that even after two A-bombs had devastated Hiroshima and Nagasaki, the Japanese Cabinet was still not ready to quit. It took a wholly unprecedented "imperial decision" by the Emperor to effect the surrender. Even then, shortly after the attack on Nagasaki, a coup was attempted in the Imperial Palace to prevent Japan's surrender.

While we may still debate those events and decisions of 25 years ago, it is clear to me that to use the atomic bomb was the only viable alternative to additional months of bloody war and thousands, perhaps even millions, more American and Japanese casualties. The atomic bomb was a fact of life in 1945. If it had not been dropped on Japan in August, even if it had not been tested in New Mexico on July 16, 1945, this weapon still would not have been suppressed. If we had not developed the bomb first, the Russians would have.

In looking back, it is important to remember that over the intervening 25 years, no one has ever again used a nuclear weapon in anger, perhaps because of the shock of Hiroshima and Nagasaki. For that we can be thankful and pray that it never has to happen again.

For the fact of Japanese surrender, and whatever prompted it, I am personally grateful. Along with hundreds of thousands of other veterans of the war in the Pacific, I may owe my life to it. Or, I may owe to it the fact that I am not living out my days in a broken body at some lonely veterans hospital ward.

HAPPY 101ST BIRTHDAY TO MRS. THEODOSIA SEARCY LOWREY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina (Mr. WATSON) is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, next Monday a delightful resident of my State, Mrs. Theodosia Searcy Lowrey, will celebrate her 101st birthday.

Although a native of Arkansas and a resident of Mississippi for many years, Mrs. Lowrey has been a resident of Greenville, S.C., for the past 20 years, living with her daughter, Miss Sara Lowrey, a retired Furman University professor.

Mrs. Lowrey has been closely alined with the field of education nearly all her life and has left an indelible imprint upon the lives of unnumbered young people throughout this Nation.

At 16 she began college at Blue Mountain College in Mississippi and while an undergraduate there married the president of that college and the son of its founder, William Tyndale Lowrey.

She continued her studies and received a B.A. from Blue Mountain. For the next 45 years she was first lady at a number of colleges in Mississippi including Hillman, Mississippi College, and Gulf Coast Military Academy school at which she also taught.

After all her children were grown, Mrs. Lowrey returned to college and at the age of 60 earned her M.A. at Mississippi College.

For years after her formal association with colleges ended, Mrs. Lowrey continued her interest in education and tutored youngsters.

Throughout most of her life she has been active in the League of Women Voters and the American Association of University Women. She has voted in every election since women were given the vote and plans to do the same this year.

Her only regret is that she cannot vote for her grandson, Congressman JOHN H. BUCHANAN, JR., of Alabama, an esteemed friend of mine and a most distinguished Member of this body.

Recently, Mrs. Lowrey cut the tricentennial birthday cake at the opening of the Piedmont Expo-Park in Greenville and received a plaque from Gov. Robert McNair congratulating her upon her life over the past 100 years. South Carolina is indeed proud of this lovely and outstanding citizen, and I am honored to single her out for special recognition on this, the eve of her 101st birthday. May God continue to bless her.

Mr. WHITTEN. Mr. Speaker, in these days of hurry, hurry, and rush and rush, all too seldom do we pause to honor those who have contributed so much to the finer things of life, to the molding of character while leading the way to education. In view of the needs of the hour I am especially proud to join here today in paying tribute to Mrs. Theodosia Searcy Lowrey who on August 10 will celebrate her 101st birthday. Mrs. Lowrey for 45 years presided as first lady of colleges throughout Mississippi.

A native of Arkansas, Mrs. Lowrey came to Mississippi at the age of 16 to attend Blue Mountain College. While still an undergraduate, she married William Tyndale Lowrey, who a year earlier, in 1885, became the school's president following the death of his father, Gen. Mark Perrin Lowrey, founder of Blue Mountain.

For 45 years thereafter, Mrs. Lowrey served as first lady at colleges in Mississippi including Hillman, Mississippi College, Blue Mountain, and Gulf Coast Military Academy. While her husband was president of Hillman, Mrs. Lowrey was administrator of that school and she has taught at Hillman and Blue Mountain.

Mrs. Lowrey took courses periodically and, at the age of 60, received her master of arts degree from Mississippi College.

Last year on her 100th birthday, Mrs. Lowrey returned by jet to Mississippi from South Carolina, where she now makes her home, to be with her family.

Mrs. Lowrey has been active in civic affairs and for many years has been a member of the League of Women voters and the American Association of University Women. She has voted in every election since women have been permitted to vote.

Since severing her formal association with colleges, Mrs. Lowrey has continued to be interested in the educational field, tutoring youngsters and doing research for her daughter, Miss Sara Lowrey, a college professor, lecturer, and author.

Mr. Speaker, many Members know Mrs. Lowrey contributed much to the people of a number of generations in my State. Much of such contributions were at Blue Mountain College, a fine Baptist College of which my wife is a graduate and her mother before her.

Professor Ellitt, a relative of mine, taught there for many years. One of my predecessors, a Congressman from the Second District, was Hon. B. G. Lowrey, an outstanding legislator. Today Hon. JOHN BUCHANAN, a grandson of Mrs. Lowrey is a distinguished Member of this Congress.

Mr. Speaker, I wish Mrs. Lowrey many happy returns of the day and congratulate her for her wonderful contributions to the people of Mississippi and of the Nation.

Mr. GERALD R. FORD. Mr. Speaker, may I join in these felicitations to Mrs. Theodosia Lowrey on the occasion of her 101st birthday. I extend my heartiest congratulations to Mrs. Lowrey on this happy anniversary of her birth, and I want to express my congratulations, also, to my esteemed colleague, JOHN BUCHANAN, on having chosen such a fine and venerable lady for a maternal grandmother.

It is an interesting coincidence that Mrs. Lowrey was born just 101 years before the House of Representatives is scheduled to act on a constitutional question concerning equal rights for women.

The many illustrious accomplishments of Mrs. Lowrey's teaching career and talented life were achieved in spite of this alleged discrimination—goodness knows what she might have attained had she enjoyed equal rights.

But on this occasion we celebrate an accomplishment all men envy, and few will ever equal: and that is to have lived 101 vital years, and still be a useful and valuable member of society.

A happy, happy birthday to Theodosia Lowrey. And may God bless you on this auspicious anniversary.

Mr. BUCHANAN. Mr. Speaker, 1 year ago it was my privilege to travel to New Albany, Miss., with other family members to join in the celebration of my grandmother's 100th birthday. She, herself, had jetted there from her home in South Carolina.

On that occasion, as a part of a brief ceremony, I read Solomon's beautiful tribute to a virtuous woman as recorded in the 31st chapter of Proverbs.

It seemed to me then, as it does now, that this constituted a perfect description of the beloved matriarch of my family of whom we are all extremely proud.

It is gracious and kind of the gentlemen from South Carolina and my other colleagues to pay tribute to her this day. On behalf of the family I would like to express our sincere and heartfelt gratitude.

It also seems fitting and proper for me to respond not only with a statement of appreciation but to join in the words of scripture in rising up to call her blessed.

Her zest for life, her gentle wisdom, and her unfailing sense of humor are but a few of the reasons she has been an inspiration not only to her children, but to the many other people whose lives she has blessed in more than a century of living.

She finishes the first year of her second century on earth with the same sharp knowledge and interest in world affairs and people which has marked her life through the years.

She remains an active member of the American Association of University Women and the League of Women Voters.

Through many years, first as the wife of a college president and then the mother of a distinguished college professor at Baylor University and then at Furman University, she has not only been of great assistance to each in their work, but has formed many friendships with young people all over the world and remains, to this day, herself, the youngest and most delightful of them all.

The fine sense of humor which has brought so much joy to those about her is still in tact, and her fine mind continues to be in daily use.

With gratitude to my colleagues I join, Mr. Speaker, in their tribute to a virtuous woman "for her price is far above rubies."

Mr. EDWARDS of Alabama. Mr. Speaker, August 10 marks the 101st birthday of a lady who has given much to the South, Mrs. Theodosia Searcy Lowrey.

Mrs. Lowrey was born in Arkansas but moved to Mississippi to attend college. She married the president of Blue Mountain College and for 45 years spread her influence through colleges in that State as first lady to the president, administrator and teacher.

She is now residing in South Carolina where she was recently honored by being asked to cut the tricentennial birthday cake at the Piedmont Expo-Park.

Her influence, however, is not limited to the States in which she has lived.

She is the grandmother of my colleague the Honorable JOHN H. BUCHANAN, JR., of Birmingham, whose father has been a noted Baptist minister and civic leader for 50 years and whose mother, Mrs. Lowrey's daughter, was active in church activities, including teaching Sunday School for many years.

I wish Mrs. Lowrey the best on her 101st birthday and congratulate her for her life's work in the South.

JUSTICE FINALLY PREVAILS AT THE SAN FRANCISCO PRESIDIO

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, I have entitled this speech "Justice Finally Prevails at the San Francisco Presidio."

On June 30, 1970 the U.S. Army Court of Military Review overturned the last of the mutiny convictions of those who had come to be known as the "Presidio 27" and affirmed a verdict of guilty on the lesser included charges of disobedience of the lawful order of a superior commissioned officer. So ended a long drawn out battle in which the Army legal system patently failed in its duty to serve the ends of justice.

At this time in our nation's history, true justice in military proceedings is especially important. At present, there are nearly 4 million men in the Armed Forces, many of them unwillingly. They are seeing at first hand, an institution which is increasingly under attack. These men often acquire life long attitudes during their years in the service. For many, this is their first exposure, at close hand, to any legal system. If they see a military justice system which operates at the whims of men in positions of power and

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does not impartially and effectively strive toward a true determination of the facts and a just disposition of cases, they can hardly be blamed for getting the impression that true justice is unattainable in our society.

All around us, constituted authority is under attack, some legitimate and some merely destructive. At this time, if that authority does not wish to foster a disregard and disrespect for law, it is most important that it function in a just manner so as to deserve respect and support.

Over the past year because of a number of episodes our military service has lost prestige. Gen. Stanley Swede Larsen, in his management of the Presidio trials in San Francisco has played no small part in that reduction of military prestige.

On March 18, 1969 last, I discussed the mutiny trials on the floor of this House and was joined by many of my colleagues from California and elsewhere in expressing doubts about the quality of military justice as shown in this series of cases.

The conditions at the Presidio stockade were long known before the supposed mutiny. An editorial from the San Francisco Chronicle of March 28, 1968, which I entered in the RECORD outlined the situation graphically. The stockade was consistently overcrowded. Captain Lamont, confinement officer, testified that the stockade population was over its expanded limit of 103 men for 52 days preceding the October 14, 1968 protest. On that date, the population reached 140.

Men were forced to live in areas too small to be called humane, even by Army regulations. This blatant disregard by the Army of its own rules led to further troubles. The stockade had rations for only 104 men. As Roy Pulley, one of the prisoners testified, the food shortage was so acute as to cause him to be "hungry all the time." The stockade was filthy; sanitary standards were ignored. The toilets were plugged up continually and human excrement floated in the shower areas. Many of the men in the stockade, by the Army's own records, were psychologically unfit for service. Many had been recommended for discharge. The guards on duty were mostly untrained in confinement work in violation of Army regulations in effect. There were repeated complaints that the provost, Sergeant Woodring, abused his authority and physically abused prisoners or condoned such action.

What was most appalling and frustrating was that there was no attempt by the authorities to remedy the situation and no way to legally effectively express complaints. The Army grievance procedure seemed to be at best haphazardly run and at times nonexistent. Repeated complaints were ignored.

Here we have the situation—a stockade run by General Larsen with absolute disregard for Army regulations intended to protect the interests of the prisoners. The men in charge were not just insensitive to the grievances of the men but in many cases were the cause of the grievances.

There seemed to be no procedure open to the prisoners to present their case. In this atmosphere Pvt. Richard Bunch, confined for the simple offense of being a.w.o.l., was shot and killed while running from a work detail. Private Bunch had a history of mental disturbance, and had left notes which I earlier introduced in the record which indicate this was a deliberate suicide, a deliberate suicide attempt on his part since he had expressed hope he would be shot. He was shot in the back by a shotgun carried by one of the guards.

On October 14, 1968, 27 men left morning formation chanting and singing, and they sat down on the lawn in a circle and asked to see their commanding officer. I might point out that they sat down in the center of the stockade with many guards having automatic weapons trained upon them. Captain Lamont appeared, and one of the men read him a list of grievances which included, No. 1, that they requested a psychological evaluation of all guards before their employment in the stockade, in accord with army regulations in effect.

Second, they requested that the conditions be improved in the way of cutting down overcrowding, inadequate plumbing, the rationing of food, in accord with army regulations.

Third, they wanted an end to shotgun arming of the guard details.

And at this time I would like to point out the striking resemblance between the complaints as recommended by these men at the time they sat down in alleged mutiny and the recommendations made by the subsequent Army blue-ribbon panel that was later formed by Army Secretary Resor.

In item No. 2 of their recommendations they recommended that the arbitrary space allowance of an overall capacity of 250 square feet per prisoner be removed, and that a more realistic criteria be established for the allowance of space in the design and construction of new permanent stockades.

Seven, they recommended that, wherever steps are necessary, they be taken to insure that personnel assigned to stockades are equipped in terms of training, experience, maturity, et cetera.

And in recommendation No. 19, they recommended that work details outside the enclosure of the stockades be encouraged, and that the use of armed guards on such details be eliminated.

The commander of the stockade at this point read the men the Code of Military Justice, particularly the section concerning mutiny, and then ordered them to return to their buildings.

I might point out that he had determined in advance the charge with which he was going to charge them, and with which he deemed that they were guilty. He was drowned out by their chanting on both occasions, and the order was not obeyed.

The military police then took the men back into the building. All were nonviolent, and the demonstration was over in 30 minutes. Unless there were other motives involved in the case, than merely serving the ends of justice, no one would expect this illegal but hardly serious demonstration could be called a mutiny. However, the commander of the 6th Army, General Larsen, chose to make this case an example to others who might consider registering protests of any kind during their tour of duty in the Army.

For proof of mutiny, concert in action and intent to override military authority must be shown. This admittedly illegal demonstration does not fit this definition. It was a nonviolent response to intolerable conditions. I might add it was certainly relatively short. It was not an attempt to override military authority, but rather an appeal to it for a redress of grievances.

Mr. Speaker, at this point I would like to insert into the RECORD a portion of the pilot opinion of the Court of Military Review handed down last June 16, 1970, in which it overturned the mutiny conviction of Nesrey Dean Sood, one of the men involved in the demonstration.

I ask unanimous consent to insert this court conclusion in the RECORD at this point.

The SPEAKER per tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The material referred to follows:

SUFFICIENCY OF THE EVIDENCE

Without further recital of the facts, I will now move to a consideration of the factual sufficiency of the evidence on which the Government relies to support the finding of guilty of mutiny.

Mindful that a concerted intent to override lawful military authority is a requisite element which must be proved, the facts of this record shout its absence. The words and deeds of the appellant and his co-actors do not evince, either singularly or collectively, any intention to usurp or override military authority. Rather, the common thread of evidence throughout this entire voluminous record demonstrates an intention to implore and invoke the very military authority which they are charged with seeking to override.

The record evinces a collective intent to defy authority by refusing to obey Captain Lamont's order. As mentioned earlier a collective intent to defy authority, as here, falls far short of a collective intent to usurp or override military authority. The former is not shorthand for the latter. This record does not reflect any direct evidence of personal involvement on the part of appellant Sood other than his membership in the group. Apart from the activity of the group in defying the authority of Captain Lamont, there is no evidence in this record to suggest that appellant did or said anything to manifest an intention to override or usurp military authority. On the contrary, following the demonstration he walked away from the group under his own power when he was in turn signaled by a military policeman to enter building 1213. No member of the group overtly resisted or defied the military policemen, nor was the authority of the commanding officer or anyone else supplanted. The factual recital clearly shows that Captain Lamont had absolute and unfettered control over the incidents of his command although his specific orders to the inmates were disobeyed. The inmates' demonstration was nonviolent and they did not cast aside all control.

These men did not respond to the inhumane conditions of the stockade and the death of their fellow prisoner as hardened criminals might have by killing a guard or trying to take over the stockade. Their response was rather to petition constituted authority, to dramatize their condition, and to do what they could to improve conditions at the facility. Some expressed hope that their plea would fall on more receptive ears after it reached those above Captain Lamont. But, in fact, the attitude of the higher-ups was already known. Lt. Col. John Ford, Presidio provost marshal, earlier had flatly denied all charges of mismanagement of the stockade and asserted:

> These allegations are just the result of prisoners having it too easy. They have too much time to sit around and try to build up a case that they should be let out. None of these charges can be substantiated because they just are not true.

General Larson supported this position.

Lieutenant Colonel Ford's denial is put in a different light when one reviews the extensive improvements made at the Presidio stockade immediately after the protest. Extensive renovation was done. New rooms and buildings were constructed. Medical and sanitary facilities were improved. The staff was increased. Training was begun for the prisoners and staff. If this extensive list of improvements were required after the alleged protest, the stockade could not possibly have been up to regulations before October 14, 1968.

It is worth noting that on November 19, 1968, about one month after the mutiny, Lieutenant Colonel Ford received the Army's Merit Unit citation for outstanding performance by the unit under his command.

General Larson no doubt was quite proud of his performance and I understand he is still in full charge of the 6th Army at the Presidio.

When the commander of a unit feels a crime may have been committed by someone in his command, he is to appoint an officer to conduct a pretrial article 32 investigation to see if the charges are substantiated by the evidence and in civilian terms to see if the person should be charged. In this case, three different men were appointed. The first, Capt. Richard Millard recommended that there be no mutiny charges, instead urging charges of willful disobedience. As he wrote in his report which I earlier inserted into the RECORD:

> The charge of mutiny under article 94 does not apply to the facts of 14 Oct. 1968. There are three elements to the offense of mutiny, one of which is the intent to override lawful military authority. The element absent in the present case. . . .
>
> As far as a deterrent to crime is concerned, I feel that a 6 month sentence . . . is an adequate deterrent against demonstrations such as the one that occurred 14 Oct. 1968. If it is not, then the focus of command should be to those conditions which lead to such demonstrations.

His recommendations were not binding on the commander and were ignored. Captain Millard as a practical matter wrote the final decision that was adopted by the court of appeals in these trials a year later, that I intended to insert in the RECORD.

A second officer, Capt. James Bander, also recommended the lesser charge of willful disobedience. Finally, the third officer appointed recommended mutiny and through this irregular procedure of a non-unanimous recommendation by the investigating officers, General Larson had his way and had one man to support his position.

This result came as no real surprise. The term "mutiny" had been bandied about for several days before the demonstration by Captain Lamont, Sergeant Woodring, and Lieutenant Colonel Ford. During the demonstration, before Lamont gave his crucial order to the men to disperse, Sergeant Woodring, though at the time unaware of the requirements of the mutiny statute, labeled it a mutiny. So did the lieutenant, commanding at the demonstration. Obviously, the commanders wanted this charge preferred and worked until they got it.

I stated in the original special order on this matter over a year ago that what had happened in fact constituted an entrapment, and I include that statement again at this point in the RECORD:

> The confinement officer admitted that he was aware of the pending demonstration the night before but did nothing to prevent it. He admitted that his plan of action was that they should be charged with mutiny. He probably, and with prior consideration, refused to follow the standard operating procedure so as to inflame the situation. He probably guided the situation so as to create an incident and to permit it to get out of control. I would call this entrapment. This is an example of the most dangerous and most deplorable conduct on the part of the U.S. Army that I have ever had the misfortune to observe.

The actual trials present vivid examples of the miscarriages of justice which can occur under the present military justice system, especially in court-martials in which the commander assumes a personal interest. The commanding general who is preferring the charges appoints the jury, the defense counsel, and the prosecutors. The accused may have civilian counsel if he can afford it. However, at the very least, the prosecutors and the jury are men under the command of the man who is bringing the charges and will later evaluate their performance as officers and make recommendations on possible future promotions. The defense counsel does not apply to an impartial judge for subpenas for witnesses, but must obtain them from the prosecutor. In these trials, the prosecution refused to issue subpenas for two witnesses the defense counsel believed were essential to its case.

The selection and composition of the jury showed still another defect in the system. The juries were heavily loaded with infantry and intelligence officers. When the accused did exercise his option and request that one-third of the jury be enlisted men, the commander, as is usual practice, appointed only seasoned senior enlisted men. The possibilities of facing a jury with a cross section of rank and attitudes is virtually nonexistence. When the jurist is challenged for cause, the rest of the jury votes to see if he should sit on the case.

In Bob Sherill's book, "Military Music Is to Music as Military Justice Is to Justice," which I would commend to everybody who has time to read the CONGRESSIONAL RECORD, he points out that our military justice is to justice as military music is to music, and he cites the following colloquy from the trial:

> DEFENSE ATTORNEY. Colonel, do you believe in the right to demonstrate?
>
> COLONEL. No.
>
> ATTORNEY. Maybe you didn't understand my question. Let's forget about the Army for a moment. Do you believe that civilians have the right to express their views in peaceful demonstrations in support or in opposition to an official policy?
>
> COLONEL. No.
>
> MILITARY JUDGE (interrupting). Colonel, you know the Constitution provides that right.
>
> COLONEL. I don't care.
>
> ATTORNEY. OK. We'll challenge him for bias.

In a case considering the propriety of a demonstration this is considerable bias. The officers on the jury voted to accept this man and the military judge was powerless to prevent it.

This, I submit, is the kind of Army leadership that led to this debate.

The procedures outlined with examples from these trials show the many opportunities for command influence in this case and it was apparent from the very beginning. Three article 32 investigations were instituted until the desired charge was returned. Defense efforts were hampered. Juries contained friends of the commander. Harsh sentences were urged by the prosecution.

As Capt. Brendan Sullivan, one of the military defense counsels, said right after the first trial:

> If the conditions at the stockade were a scandal then the Army has two scandals on its hands: the stockade and the way military justice is applied here. In these proceedings it's been captains trying to enforce the code against the wishes of majors, colonels and at least one general. Whom do you think the odds favor?

The announcement of the first decisions and sentences on February 13 and 14, 1969, brought an outcry from the public: Louis Osczepinski received 16 years, at hard labor, Larry Reidel, 14 years, and Nesrey Sood, 15 years. As the public outcry continued and Congress took notice, the convening authority, General Larsen and the Judge Advocate General of the U.S. Army, General Hodson reduced the sentence of Nesrey Sood to 7, then 2 years at hard labor. The reduction of the early sentences served as a cue for later courts-martial which meted out much less severe sentences to the "mutineers." Command influence was obvious as some of the men tried later received sentences of 15 months instead of 15 years. The Army brass finally began to realize what kind of a legal mess the commanding general of the 6th Army had gotten them into.

I hope we in the Congress contributed significantly to the public pressure which forced the reductions of these sentences. However, the military justice system should be such that it is not open to outside pressure, be it political or otherwise.

When this is the case and courts-martial are tried before an impartial forum, in an adversary contest between equal opponents, there will be no need for political pressure. As I said at the time:

> I believe that the evidence in this case indicates very strongly that there has been passion, anger, and all the things that should be separated from judicial administration.

The Army commanders in the 6th Army area had become so sensitive to criticism, that when legitimate protests concerning the stockade system were voiced in an illegal, but nonviolent way, they were viewed as an attack on the whole system of Army discipline. They felt compelled to crush this protest with the heaviest charges available to them and make this an example to all others. Holding the possibility of 15 years in prison over the head of every enlisted man who disobeys an order, can only be described as terror tactics. In reality, as some of the recent cases concerning Vietnam massacres have shown, there are times when unthinking blind obedience to orders is not to be desired. The Mylai coverup was subject to the same pressures, no doubt. The Con Son tiger cages lack of disclosure and the lack of protest by military personnel undoubtedly has been subjected to the same kind of harassment from inside the military.

The public outcry also prompted the Secretary of the Army Resor to appoint the Special Civilian Committee for the Study of the U.S. Army Confinement System, who made recommendations, as I mentioned earlier. The committee concluded that the problems of the Army's operation of its confinement system were manifold and included the following:

An almost threefold increase in stockade population between January 1964 and March 1969:

A definite and significant lack of adequate confinement facilities;

An insufficient effort to expand, construct and modernize Army confinement facilities especially in the CONUS;

A definite and significant inadequacy of personnel, officers and enlisted men, to effectively operate Army stockades;

A lack of sufficient constructive programs to successfully handle, train, and rehabilitate prisoners for return to military status or civilian life; and

A projected increase in prisoner population between 1969 and 1975 that would aggravate existing problems to the point of being overwhelming unless solutions are forthcoming.

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I would like to insert into the RECORD the major conclusions and recommendations of the committee at this point, including their 35 recommendations for upgrading of stockades generally throughout the United States, as well as seven recommendations for improvement of correctional training facilities, six recommendations on disciplinary barracks, three recommendations on regulation and control, and eight recommendations respecting organization and management:

CONCLUSIONS AND RECOMMENDATION OF COMMITTEE

SUMMARY OF MAJOR CONCLUSIONS

In its study and evaluation of the Army's confinement facilities, the Committee was mindful of the stated objectives of the overall Army Correction Program. Essentially, these objectives are corrective rather than punitive. The Committee was mindful, too, of the Army's expressed concern for providing rehabilitation and incarceration in the fairest, most enlightened and most humane manner possible. While there were numerous examples of superb leadership and dedication at all levels, of sound organization principles, and of maximum utilization of resources, the Committee found that the Army fell short of meeting its goals in many respects. The following conclusions refer to these deficiencies.

Stockade operations are hampered by serious personnel inadequacies in terms of the maturity, training and experience of assigned personnel. There are too many officers and enlisted men with little or no training in confinement or correctional work. Too many custodial personnel look upon their assignment as undesirable, boring, and unrewarding. And all too many personnel are detailed to temporary duty at stockades for short periods, thus creating high turnover. Further, Army stockades make very little use of civilian personnel in such fields as education, social work and counseling.

The Committee considered the use of armed guards as supervisors of prisoner work details outside the confines of stockades to be a dangerous practice.

Permanent stockade buildings are poorly designed and have many features which are inconsistent with modern correctional standards.

Some temporary stockade buildings are in reasonably good condition; others are in a sad state of repair. Many temporary stockades have small, makeshift and inadequate facilities for programs and activities. One of the most common deficiencies of temporary stockades is the lack of dayroom space. Another is the lack of individual cells and small bays. Questionable use of fences topped with barbed wire to divide enclosures into sub-compounds was evident as were excessive use of wire, locked interior gates and manpower to prevent escapes. Further, most administrative and disciplinary segregation sections did not meet acceptable standards.

There is a paucity of complete and accurate statistics on the prisoner population of Army stockades, and an even greater lack of information on the characteristics of prisoners. Practically all stockade prisoners are young and many of them are markedly immature in their emotional make-up, judgment and self-control. From 80 to 90 percent of them are charged with or convicted of absence without leave. However, there are those confined for drug addiction, sex deviation and the like who are in need of more medical, psychiatric or other individualized treatment than they are receiving.

In many stockades there are too few motivated, trained and experienced NCO's assigned as counselors. In some stockades counseling service is virtually nonexistent. With few exceptions, stockades require additional fully qualified professional counselors and social workers.

One of the most difficult problems facing stockade commanders is providing meaningful work for prisoners. While many commanders are resourceful in this area, each should have the services of at least one civilian who is knowledgeable, resourceful and experienced in developing work projects appropriate for facilities with a rapid turnover of unskilled labor. Commanders, too, have need of staff members trained and skilled in developing vocational training and occupational therapy activities, and recreational programs.

Adequate psychiatric services are lacking in practically all stockades, and there is wide disparity in the amount of other medical assistance available. But the failure to provide adequate psychiatric services is the more serious. Emotionally disturbed and physically sick prisoners need more attention than is now provided.

In many instances, prisoners in disciplinary segregation are not receiving even the 15 minutes of daily exercise required by regulations. The exercise period for such prisoners should be increased. The Committee concludes, too, that the present restricted diet for men in disciplinary segregation is overly-severe and should be discontinued.

While the Committee was most favorably impressed with the Army's Correctional Training Facility, it concurs with the recommendation of the commander of that installation that the program be broadened to include Military Occupational Specialty (MOS) training and additional research. Further, those trainees scheduled for administrative separation should live apart from those to be restored to duty.

At the Army's Disciplinary Barracks, the Committee found a competent staff whose primary interest was the rehabilitation of the prisoners lodged there. Their efforts in this regard would be greatly enhanced by giving the Commandant authority to withhold execution of punitive discharges and to suspend forfeitures of pay. The prisoner employment program could be expanded, too, by using a work-release program similar to that of the Federal Bureau of Prisons. And last, but not least, the renovation and modernization of the Disciplinary Barracks' old facilities should be continued.

The Committee was cognizant of the requirements imposed on the Army to protect meticulously the rights of those incarcerated. In doing so, however, judicial review occasions prolonged delays. These delays are costly to the Army, and sometimes unjust to the prisoner. Another cause of concern is the lack of uniformity in dealing with soldiers recently apprehended for AWOL or other offense. All too frequently the disposition of these men, particularly at Special Processing Detachments, is dependent on the subjective judgment of young and inexperienced officers.

It is clear that the Army is justifiably concerned with the confinement of offenders. But it is not so evident that there is as much concern for the prevention of offenses. Could the Army do a better job of rapidly identifying the unfit and unsuitable, and discharging them before the offense is committed? The Committee feels such is the case. And could the Army show more concern for the innumerable problems of the young enlistee or inductee who fully intends to serve honorably but is apt to go AWOL impulsively? Counseling by trained junior officers and NCO's at the company level during the first few months of training would pay large dividends.

The Committee's studies and observations lead to the belief that the problems of the Army Correction Program are so broad, complex and delicate that substantial changes in organization are required to cope with them. A well-balanced formula of centralized control of a decentralized system should be practiced to yield continuity, coordination and uniformity. Authority and responsibility for the management, control and treatment of military offenders should be vested in a separate correctional command at the highest possible level. Related organization changes should be made at Army area and post levels. Further, to enhance the opportunity for a realistic factual base for policy decisions, the Committee concludes the Army has need of an advisory committee on research and statistics of correctional administrators, statisticians and researchers. It is recommended, too, that a civilian committee of experienced correctional administrators be established to serve in a consultant capacity to the Army Correctional Command.

RECOMMENDATIONS

In furtherance of the above conclusions, the Committee makes the following recommendations:

Stockades

1. It is recommended that the "Fort Knox Stockade Plan" be replaced for all future construction by a new approved plan more consistent with contemporary correctional and confinement concepts. (9 ff., 14)[1]

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[1] Figures in parentheses following each recommendation denote page numbers where subject material is covered and recommendation is repeated in the report.

2. It is recommended that the arbitrary space limitation on overall capacity of 250 square feet per prisoner be removed and that more realistic criteria be established for the allowance of space in the design and construction of new permanent stockades. (12 ff., 14)

3. It is recommended that all temporary structures now converted to stockade use in CONUS be replaced with modern specially designed facilities. (12 ff., 14)

4. It is recommended that in planning new modern stockade facilities careful consideration be given to flexibility in both uses and capacities to accommodate changing needs brought about by fluctuations in the numbers of men in the Army. The reorganization proposals in chapter VI, if implemented, will affect facility planning—especially when the regional concept is being developed. (9 ff., 14)

5. It is recommended that the practice of using armed guards as supervisors on work details outside the confines of the stockades be discontinued. (16 ff., 24)

6. It is recommended that appropriate steps be taken to insure that the staffing pattern provided for by Table of Organization and Equipment 19–500G is placed in effect at the earliest possible date. Commands responsible for the operation of stockades should be given deadline dates by which time such facilities will be fully and appropriately staffed. (22–24)

7. It is recommended that whatever steps are necessary be taken to insure that personnel assigned to stockades are equipped in terms of training, experience and maturity for the task of supervising and participating in the rehabilitation of Army prisoners. The practice of assigning immature soldiers as prisoner guards without any specific training for such an assignment and for a relatively short period of time has contributed greatly to the Army's confinement problems. (16 ff., 24)

8. It is recommended that the military personnel turnover among stockade staff be reduced to a minimum by maximum stabilization of tours of duty. Personnel assigned to stockades should be assigned for a normal tour of duty. This is especially a problem in the Continental United States where many personnel assigned to stockades may spend only from a few weeks to a few months at such assignment. (19, 24)

9. It is recommended that the work schedule on personnel on stockade staffs be similar to and involve no longer time than that imposed on other post personnel. The Committee feels that the nervous strain, anxiety and tension involved in assignment to stockades are greater than other post duty. (21, 24)

10. It is recommended that civilians be employed in the operation of stockades wherever appropriate, thus providing for greater continuity in the administration and operation of stockades. Civilians can readily be used in many positions in stockades very probably at a lower cost to the government than through the utilization of military personnel. (22, 24)

11. It is recommended that there be an increase in the number of Reserve and/or National Guard units whose mission is the treatment and custody of prisoners in confinement. Such a policy would insure the ready availability of trained personnel wherever the strength of the armed forces is substantially increased. (21, 24)

12. It is recommended that a training program be provided to insure that all personnel assigned to stockade duty have appropriate training. For enlisted personnel coming in contact with prisoners, the correctional MOS (95C) should be mandatory. (19 ff., 24)

a. Additionally an ongoing inservice training program should be provided to insure that all personnel are fully trained and work as a team. A variety of training resources and devices are available, including mental health personnel assigned to base hospitals, nearby colleges or universities, state operated correctional facilities, and the U.S. Bureau of Prisons.

b. Provide travelling teams of trainers who would go from stockade to stockade conducting special intensive staff development training for all personnel assigned to stockade operations.

c. Make it possible for persons assigned to stockades to participate in professional meetings where they could learn of and discuss rehabilitative techniques in general use in civilian confinement facilities.

d. Provide specialized training as appropriate for personnel such as counselors, social workers, and key supervisory and administrative personnel.

13. It is recommended that consideration be given to the establishment of a correctional training academy at Fort Riley or Fort Leavenworth to supplement the training programs now being conducted at Fort Gordon. (21, 25)

14. It is recommended that consideration be given to developing ways and means for coordinating the correctional and confinement training programs in all the services in the Defense Establishment. (21, 25)

15. It is recommended that prisoners requiring continuing psychiatric or medical management and treatment or extended diagnostic procedures not be confined in stockades, and that other appropriate facilities be provided at each post. It seemed to the Committee that provision for a security ward in the post hospital would be a reasonable and feasible solution to the problem. (28, 30)

16. It is recommended that sufficient trained counselors be made available in all stockades to permit counseling services to be provided in accordance with Technical Bulletin 36, Office of The Provost Marshal General. (31 ff., 43)

17. It is recommended that appropriate training be provided for counselors before they are assigned to such duty, and that an ongoing inservice training program for counselors be established. (32 ff., 45)

18. It is recommended that provisions be made for professional direction of the counseling services. In the larger stockades such services should be under the direction of a commissioned officer, preferably one with a background in the behavioral sciences. Additionally, more leadership in this area should be exercised by Army commands. (33, 45)

19. It is recommended that work details outside the enclosure of the stockades be encouraged, and that the use of armed guards on such details be eliminated. (33 ff., 45)

20. It is recommended that legal changes be made, if necessary, to permit commingling of prisoner classification in work details. (33, 45)

21. It is recommended that in each stockade with 150 or more prisoners civilian administrative and technical personnel be employed or assigned to assist in the development of work programs. (34, 45)

22. It is recommended that the Army put forth a continuing effort to find ways to make greater use of the resources of Federal Prison Industries, Inc., in developing work opportunities for stockade prisoners. (34, 45)

23. It is recommended that there be continuous coverage in each stockade by medical doctors, corpsmen, and related emergency medical and para-medical services. (34, 45)

24. It is recommended that the Army provide as much psychological and psychiatric clinical service as good professional standards call for in each stockade. In most installations the Committee believes that such services are inadequate. (34–35, 45)

25. It is recommended that the cells or rooms provided for administrative segregation be adequately secured, but that they not be so designed and equipped as to take on the character and atmosphere of places of punishment. (36, 45)

26. It is recommended that cells for administrative or disciplinary segregation either be brought up to the standards set forth in Army regulations or that their use be abandoned. (36, 45)

27. It is recommended that administrative segregation not be used as a lesser form of punishment but only for the protection of the prisoner, or for the safety and good order of the stockade, or during the period required for the preliminary investigation of a case. It is further recommended that all cases in administrative segregation be subject to continuing review by the Commanding Officer of the confinement facility with a view to reducing the use of these facilities to a minimum. (36, 45)

28. It is recommended that a mature, experienced NCO be in immediate charge of the administrative and disciplinary segregation cell sections at all times. It is further recommended that professional personnel such as physicians, chaplains, and counselors give special attention to prisoners confined therein and that administrative authorities see to it that all needed professional services are provided. (35 ff., 45)

29. It is recommended that a study in depth be made in all stockades to evaluate the use being made of disciplinary segregation and possible alternatives. Related to such a study there should be an analysis of the use of deprivation of privileges as a disciplinary measure. (38 ff., 46)

30. It is recommended that the restricted diet in disciplinary segregation be abolished and that the regular ration be served in amounts consistent with the sedentary condition of the prisoners, but in no case less than 2100 calories per day. (38–39, 46)

31. It is recommended that the amount of physical exercise outside the cell for men in disciplinary segregation be left to the discretion of the Correctional Officer, but that it not be restricted to less than 1 hour in each 24 hour period. (38, 46)

32. It is recommended that the post educational centers be made responsible for the educational needs of the men in the stockades, and that funds and resources be specially allocated for this purpose. (40 ff., 46)

33. It is recommended that the library services at the stockades be enlarged and strengthened. (43, 46)

34. It is recommended that the Frankfurt Stockade be deactivated, without waiting for the completion of the new stockade in Fuerth, Germany, and prisoners at the Frankfurt Stockade be transferred to the Mannheim Stockade as soon as that stockade can accommodate them without overcrowding. (55, 57)

35. It is recommended that the Nuernberg Stockade be deactivated, without waiting for the completion of the new stockade in Fuerth, Germany, and prisoners at the Nuernberg Stockade be transferred to the Mannheim Stockade as soon as that stockade can accommodate them without overcrowding. (55–57)

Correctional training facility

1. It is recommended that the Correctional Training Facility be continued with no fundamental changes in its basic philosophy, policy and mission, or in the program of military and motivational training by which it seeks to accomplish its mission. It is recommended that continuous analysis and appraisal of its program and procedures be carried on with a view to determining how they can be improved, especially in the direction of meeting the needs of the individual trainee. (60, 72)

2. It is recommended that the Research and Evaluation Division (Provisional) of the Correctional Training Facility be provided with funds for equipment and personnel to enable it to conduct research of value not

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only to the Correctional Training Facility, but also the Army, other Armed Services, governmental agencies, and civilian institutions and agencies that are concerned with problems of confinement and corrections. The Division should be enabled particularly to provide expeditiously complete and accurate data by which the effectiveness of the Correctional Training Facility's operations and the Army's total program of dealing with military offenders can be appraised. (65, 71)

3. It is recommended that the commanders of all stockades and other facilities which transfer men to the Correctional Training Facility maintain close liaison with that Facility, in the order that their selections of those to be transferred will be made with full knowledge of the Facility's capabilities and operations. (68, 70, 71)

4. It is recommended that the Commandant of the United States Disciplinary Barracks be authorized to withhold the execution of punitive discharges in order that, among other benefits, more men may be transferred from the Disciplinary Barracks to the Correctional Training Facility as trainees to prospective restoration to duty. (68, 71)

5. It is recommended that necessary funds and personnel be made available to the Correctional Training Facility to conduct a structured and well-staffed program for refresher training of trainees with military occupational specialties and for training ot others for MOS qualification as an integral part of the entire training program. (70, 71)

6. It is recommended that the Commander of the Correction Training Facility be authorized to separate, in living quarters and in all activities, men being processed administratively for separation as unsuitable or unfit from the men undergoing training for restoration to duty. (70, 71)

7. It is recommended that the Army as a whole accept the Correctional Training Facility as an essential element of the Army's prorgam to conserve all possible manpower. Commanders and other personnel of units to which the trainees restored to duty are assigned should receive and treat them as soldiers who have been officially given honorable status and are entitled to the quality of leadership that is the right of all soldiers. (70, 71)

Disciplinary barracks

1. It is recommended that a work-release program for selected prisoners, similar to those operated by federal, state and county institutions, be studied and implemented. (97ff., 99)

2. It is recommended that the Disciplinary Barracks' pre-release and after-care program be encouraged and expanded. (84, 99)

3. It is recommended that the Commandant of the Disciplinary Barracks be delegated authority to suspend all or a portion of forfeitures of pay and to withhold execution of punitive discharges. This recommendation is made in the belief that such authority carefully administered would be a powerful morale factor, and would facilitate rehabilitation and produce an incentive for restoration to duty. This would be completely possible if the Commandant were authorized to withhold execution of a punitive discharge until completion of sentence. It is noted that the Department of the Navy now follows a procedure under which the execution of a punitive discharge is stayed until an individual is released from confinement for separation. (99)

4. It is recommended that parole of prisoners be utilized to a greater degree, in line with the knowledge that the chances of a man succeeding after release are enhanced if he is under strict and helpful parole supervision. (IV.29, 85, 99)

5. It is recommended that the reassignment and transfer of senior officers of the Disciplinary Barracks be staggered so that continuity of policies and operating procedures is not disrupted. (79, 99)

6. It is recommended that more funds be provided the Disciplinary Barracks to continue its program of renovation and modernization of the institution's old facilities. (80, ff., 99)

Regulation and control

1. It is recommended that a limit by law or regulation be placed on the amount of time a case can be held for final review. (101–103)

2. It is recommended that prisoners awaiting trial and those adjudged be given an opportunity to waive their rights to be kept separated from sentenced prisoners, or that the law or regulation requiring separation be changed. (101, 103)

3. It is recommended that oversight and control of Special Processing Detachments be placed in the Office of The Provost Marshal General. (103 ff., 105)

Organization and management

1. It is recommended that the Army take steps to review its standards, criteria and procedures for induction and enlistment with a view to initiating new screening methods aimed at eliminating at the point of intake a larger proportion of men unsuitable for service. (109–110)

2. It is recommended that the Army provide trained counselors in every company-sized unit containing substantial numbers of young, first-term soldiers. In addition, special training in counseling techniques for senior noncommissioned officers and company officers should be provided. (110)

3. It is recommended that the Army reexamine its policies and procedures for the apprehension of deserters and AWOL's, and that consideration be given to a stepped-up campaign of apprehension. (110-111)

4. It is recommended that an Army Correctional Command with substantial independent status be established under the Office of The Provost Marshal General, to be headed by a general officer, who would have under his direction all personnel and all activities—other than those of a judicial nature—concerned with the supervision, management, confinement and correction of Army personnel charged with or convicted of violations of the Uniform Code of Military Justice. (The recommended organization structure is shown in figure VI.1.) (113, 115)

5. It is recommended that there be established regional correctional training facilities for all offenders with sentences in excess of 30 days. (114–115)

6. It is recommended that a new organizational pattern for the management of military offenders at Army posts be authorized and established as soon as the Army Correctional Command becomes operational. This envisions the establishment of a new command position of correctional marshal at each post in Continental United States which maintains a stockade and a special processing detachment. (See Figure VI.1.) (114, 115)

7. It is recommended that the Office of The Provost Marshal General continue to conduct frequent inspections of the overseas stockades to insure that their management and the control and treatment of their population are consistent with the management, control and treatment in stockades within the United States (115)

8. It is recommended that a civilian committee of experienced correctional administrators be established to serve in a consultant capacity to the Army Correctional Command. (115)

Research and statistics

1. It is recommended that the Army take steps to implement and make operational the specially designed information system (WAMPOIS) concerning military offenders to provide essential data to the decision makers and administrative personnel of the system. (117)

2. It is recommended that the Army appoint an Advisory Committee on Military Offender Research and Statistics, composed of a balanced mixture of Army correctional administrators, statisticians, correctional researchers from advanced civil systems, and specialists in computerized information system design. (117 ff., 118)

The committee found major deficiencies in the confinement system including, in too many cases, inadequate training and screening of personnel, inadequate information on the problems and background of the prisoners and treatment of their problems, and inadequate training, work programs, and facilities for the prisoners.

The appeal process has finally yielded a more appropriate charge and sentence for those involved in the incident on October 14, 1968. The opinion of the Court of Military Review in the first case that came before it is revealing for its straightforward assertion that neither on points of law nor sufficiency of fact does the evidence in the cases support the mutiny convictions. Its reads in part:

> Reversal of the principal offense charged is required as a matter of law by reason of trial judge error. Reversal is also required as a matter of fact for each of the cases.

I wish to enter the entire opinion in the RECORD at this time for each of the cases:

CM 420276: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, Filed and entered, Clerk of Court, U.S. Army Court of Military Review, June 16, 1970.

United States v. Private (E–1) Nesery D. Sood, U.S. 56–827–338, SSAN: 546–58–0541, U.S. Army, Special Processing Detachment, Presidio of San Francisco, California 94129.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California (G. R. Robinson, Military Judge)

Sentence adjudged 13 February 1969. Approved sentence: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for 7 years (By Action of The Judge Advocate General of the Army dtd 18 March 1969, CHL reduced to two years).

Appellate Council for the Accused: Paul N. Holvonik, Esquire, Cpl. Paul C. Saunders, JAGC.

Appellate Council for the United States: Cpt. Salvatore A. Romano, JAGC; Cpt. David K. Fromme, JAGC; Maj. Edwin P. Wasinger, JAGC; Col. T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge.

The appellant was charged, in conjunction with twenty-six co-accused, with the offense of mutiny which allegedly occurred on 14 October 1968 at the Presido Stockade, Presidio of San Francisco, California.

He pleaded not guilty at the trial below but was convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894.

The trial lasted six days and on 13 January 1969 he was sentenced to dishonorable discharge, to a term of confinement for 15 years and to accessory punishments. At the first level of appellate review, the convening authority, on 17 March 1969, reduced the sentence by approving a lesser sentence of dishonorable discharge and a term of confinement for 7 years and accessory punishments. The following day, 18 March 1969, The Judge Advocate General of the Army invoked his statutory authority [10 U.S.C.

§ 874] and reduced the term of confinement to a period of two years. The appellant's case is now before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

Following the lengthy trial below, appellate defense counsel urges eighteen assignments of error together with an argument on sentence appropriateness for our appellate consideration. Each error assigned is not related here because our disposition today renders some of them moot. Some of the errors assigned are without merit and others warrant discussion. Apart from our consideration of the errors assigned, the Congress has charged this Court which it created with the grave independent responsibility of determining the correctness, both in law and in fact, of the appellant's conviction and his sentence. Article 66, Code, supra, 10 U.S.C. § 866.

STATEMENT OF FACTS

On 11 October 1968, a prisoner in the post stockade, Presidio of San Francisco, was shot and killed by a guard when the prisoner attempted to escape from a work detail. That evening the aroused prisoners protested the killing and a disturbance ensued. On the same evening, Captain Lamont, the confinement officer, addressed the prisoners, as did Sergeant Woodring, the stockade provost sergeant, and quieted them by giving the inmates an explanation of the shooting. Scores of complaints of abuse had been previously lodged against the guards; complaints of racial abuse, complaints of inadequate rations, complaints of overcrowding and sanitary conditions. In short, tension in the stockade was running high on several days next preceding the date of the alleged mutiny.

On 14 October 1968, a formation was held at the Stockade, Presidio, San Francisco for the purpose of assigning prisoners to work details and for sick call. The formation consisted of approximately 80 to 90 prisoners. When the first name for sick call was called by the sergeant in charge, approximately 25 to 30 prisoners left the formation en mass, and proceeded to a grassy area within the stockade walls where they sat in a circle. The appellant was in this group of prisoners. As they left the formation, the prisoners were chanting and singing "Freedom, freedom, we want freedom"; "We Shall Overcome." While sitting in the circle the prisoners continued the chanting, saying in unison: "We want Colonel Ford", the Provost Marshal; "We want Lamont", the confinement officer; "We want Terence Hallinan", an attorney; "We want Glass"; and "We want the press." The arms of the prisoners were linked and some held their fingers in a "V".

Captain Lamont arrived at the stockade shortly thereafter and was informed as to what had taken place. After calling the provost marshal, Captain Lamont conferred with the provost marshal operations officer about getting extra manpower to "cope with the situation." The provost marshal operations officer also made arrangements to get a photographer.

A company of about 75 military policemen arrived, dressed in helmets, web gear and carrying night sticks. Fire trucks also arrived on the scene. After the military policemen were in place, Captain Lamont then approached the group of prisoners and directed a photographer in taking pictures for purposes of identifying the members of the group. Captain Lamont, standing approximately five feet from the group then asked the prisoners for their attention and began reading the discussion of mutiny from the Uniform Code of Military Justice. At this point prisoner Pawlowski stood up and addressed Captain Lamont and informed him that he wanted to read a list of grievances to him. The group of prisoners became quiet. Prisoner Pawlowski said:

" 'Captain Lamont, we want the elimination of all shotgun-type details here at the stockade'; then he said, 'Two we want a psychological evaluation of all custodial staff, people who work here at the stockade, prior to their being allowed to work here: and three, we want improved sanitation facilities' ".

After listening to three grievances Captain Lamont again asked the group for their attention repeating the request two or three times. He then attempted to read the mutiny discussion again but could not be heard or understood. Both Captain Lamont and Prisoner Pawlowski were talking at the same time. Captain Lamont continued in his attempts to get the group's attention and as he began reading from the Code the chanting by the group started again. As the captain raised his voice to be heard, the chanting rose louder.

Frustrated in his attempts to gain the attention of the group and in reading the mutiny discussion, Captain Lamont left the compound and positioned a military police vehicle close to the fence perimeter at a distance of about 50 feet from the group. Using the microphone in the vehicle, he twice asked the group for their attention and began reading the mutiny discussion from the Code.

He then gave the group a direct order to return inside building 1213. He repeated the order two or three times. Captain Morris, who was standing about ten feet from the group of prisoners which included the appellant, heard Captain Lamont's order.

None of the prisoners from the group complied with the order to return to the building. Military police who were standing by were then dispatched and began taking the prisoners into the stockade building. None of the members of the group physically resisted the military police and some began walking back to the building when it was indicated that they were next to go into the building. The accused was one of those prisoners who entered the building on his own power. Other members of the group had to be dragged or carried into the building.

TRIAL JUDGE'S INSTRUCTIONS

Appellate defense counsel urges that the judge prejudicially erred in his prefinding instructions on the essential elements of the offense of mutiny. The thrust of his contention on the claimed instructional deficiency is that the factfinders were not told that a conviction requires a finding that the appellant's intent to override lawful military authority was shared by at least one other coactor.

Government counsel contends that the judge's instructions clearly delineated the requisite shared intent. The Government relies heavily on the proof of intent in the record and says that such proof taken together within the instructional framework fairly conveyed an instruction on the challenged element of a shared intent. The correctness of the trial judge's instructions may not be measured by the quantum of proof of the requisite intent. Rather, the precise question must be answered by an examination of the instructions.

Turning to the instructions relevant to the precise question before us, the trial judge instructed the factfinders on the elements of a non-violent type mutiny with which we are here concerned. He instructed:

"Now, it is not necessary in order for you to find the accused guilty of this offense that you find each of the 26 mentioned individuals are guilty. However, as to the offense of mutiny as here charged and alleged, it is necessary that the accused in conjunction with at least one other person, acted in a concert of action, and I shall define 'concert of action' later."

* * * * *

"Now, in either type it is necessary that there be a concert of action and that there be an intent to override or usurp military authorities. In other words, with the military there are no degrees of mutiny as such, but there is a technical distinction between the two types, and the accused here is charged with a non-violent type of mutiny, and in order to find the accused guilty of the offense as alleged, the court must be satisfied by legal and competent evidence, beyond a reasonable doubt, that each of the following elements have been established by the government:

"One, that on or about 14 October 1968, at the Presidio of San Francisco, California, the accused had knowledge of and refused to obey an order of Captain Robert S. Lamont, to enter the Stockade Building 1213;

"Two, that the accused refused to obey the order and acted in concert with another person or persons; that it, with at least one other individual alleged in this case, did in conjunction with one or more or all of the 26 individuals named in the specification before you; and

"Three, that the accused so acted with the intent to override lawful military authority.

"The court is further advised that the term 'in concert with' means together with another person or persons in accordance with a common intent, design or plan, whether or not this intent, design or plan was preconceived.

"However, you are advised that where several persons are proved to have acted in concert in the commission of a crime and thus have combined for the same unlawful purpose, the acts and declarations of the one co-actor in pursuance of the common act or design are admissible against any other co-actor on trial for the crime. When once an unlawful combination is established, the act or declaration of one accomplice in the prosecution of the enterprise is considered the act or declaration of all and, therefore imputable to all. All are deemed to assent to, or command, what is said or done by any one in furtherance of this common object.

"Thus, if you find beyond a reasonable doubt that the accused voluntarily acted in concert with other prisoners pursuant to a common plan or enterprise to commit the offense of mutiny, the acts and declarations of any one co-actor pursuant to this common plan or enterprise may be considered by you and given such weight as you feel that the evidence deserves."

After delineating these elements the trial judge admonished the court members:

" I would like to caution you that the mere joint disobedience of orders unaccompanied by an intent to override lawful military authority does not constitute mutiny, and that mere disobedience of orders does not necessarily, in and of itself, furnish evidence of such an intent, though under the proper conditions it may."

Code, supra, Article 94, 10 U.S.C. § 894, provides:

"(a) Any person subject to this chapter who—

"(1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny; . . ." (Emphasis supplied)

In United States v. Duggan, 4 USCMA 396, 15 CMR 396 (1954), the United States Court of Military Appeals exhaustively considered the mutiny article of the Code and there pointed out that the mentioned article embraced two distinct types of mutiny. One involves the creation of violence of disturbance with intent to override or usurp authority. This form of mutiny may be committed by a single person and in that case the specific intent mentioned need be only a singular one. The other form of mutiny with which we are here concerned, embraced by the article may be committed by the persistent refusal to obey lawful orders or otherwise do one's duty with a shared intent to override or usurp lawful military authority.

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This latter form of mutiny, which both parties at trial concede is the basis of the charge here, "requires both collective action and a collective intent to override military authority". United States v. Woolbright, 12 USCMA 450, 31 CMR 36, at 38 (1961). Simply, there must be concert of action and concert of intent. Mutiny is "the gravest and most criminal of the offences known to the military code", (Winthrop, Military Law and Precedents, 2d Ed. (1920 Reprint) at 578), and the Congress today recognizes it as the gravest of military crimes by authorizing the sanction of the death penalty. A persistent refusal in concert to obey lawful orders coupled with a specific concerted intent to override lawful military authority has been long recognized in military law as constituting the heinous crime of mutiny. Its most distinguishing feature, however, is the requirement of mutuality of a specialized intent to usurp or override military authority. As Colonel Winthrop noted:

"It is this intent which distinguishes it from the other offences with which, to the embarrassment of the student, it has often been confused both in treatises and General Orders." (Winthrop, supra at 578)

The type of alleged mutiny before the court today "requires concerted action with at least one other person who also shares the accused's intent to usurp or override lawful military authority". United States v. Woolbright, supra. The absence of this shared intent aspect would mean that a mere joint disobedience of orders or a joint refusal to do duty would constitute mutiny.

United States v. Woolbright, *supra*, teaches, and the trial judge correctly recognized in his instructions, that a mere joint disobedience of orders does not constitute mutiny. Yet, the trial judge failed to instruct that the offense of mutiny, as here, requires *a concert of intent* as well as a concert of action. His instructions read as a whole erroneously puts the emphasis on a collective intent to disobey orders rather than the concerted intent to override military authority. In a conviction for mutiny, as here, it is the latter intent which controls and not the collective intent to do the act of disobeying. In summary the trial judge instructed that the crime of mutiny required (1) that the accused had knowledge of and refused to obey an order; (2) that the accused refused to obey the order and *acted* in concert with another person or persons and (3) *the accused so acted* with the intent to override lawful military authority.

The judge then instructed that "in concert with" meant in accordance with a common intent, design or plan, whether or not preconceived. Measured by these instructions the factfinders could have erroneously convicted the appellant of mutiny if they found: a. that the appellant disobeyed the order in question, b. that he disobeyed in concert with another, and c. that the appellant alone, had the intent to override lawful military authority by such disobedience. This was the very error condemned in Woolbright. He failed to instruct the factfinders that in order to convict they must find a concert of intent to override military authority as well as a concert of action. Absent an instruction on this essential element of a concerted intent, a finding of guilt as to mutiny is not permissible. The judge's instructional deficiency gives rise to another prejudicially erroneous instruction which he gave with respect to the admissibility of the acts and declarations of co-actors in pursuance of the common act or design. Mutiny involves a specialized conspiracy. Since no instruction was given as to the requisite concerted intent to usurp or override military authority, of necessity it follows that the statements of any one actor would not be admissible against any other for the purpose of imputing a concerted intent. See paragraph 140*b*, Manual for Courts-Martial, United States, 1951 and 1969. Simply stated, the specific intent to override military authority by any single co-actor may not be imputable to all co-actors absent an instruction and proof on a shared intent to override military authority. United States v. Woolbright, supra.

His agency instruction, which declares otherwise in this context, creates a fair risk of misleading the factfinders to believe that the requisite intent to override military authority could be imputable. These instructional failures are prejudicial error and reversal is required.

Although reversal is required because of the mentioned instructional deficiencies, the appropriateness of a rehearing on the mutiny charge requires consideration. I conclude that the interests of justice would not be measurably served by ordering a rehearing on the charge of mutiny.

SUFFICIENCY OF THE EVIDENCE

Without further recital of the facts, I will now move to a consideration of the factual sufficiency of the evidence on which the Government relies to support the finding of guilty of mutiny.

Mindful that a concerted intent to override lawful military authority is a requisite element which must be proved, the facts of this record shout its absence. The words and deeds of the appellant and his co-actors do not evince, either singularly or collectively, an intention to usurp or override military authority. Rather, the common thread of evidence throughout this entire voluminous record demonstrates an intention to implore and invoke the very military authority which they are charged with seeking to override.

The record evinces a collective intent to defy authority by refusing to obey Captain Lamont's order. As mentioned earlier a collective intent to defy authority, as here, falls far short of a collective intent to usurp or override military authority. The former is not shorthand for the latter. This record does not reflect any direct evidence of personal involvement on the part of appellant Sood other than his membership in the group. Apart from the activity of the group in defying the authority of Captain Lamont, there is no evidence in this record to suggest that appellant did or said anything to manifest an intention to override or usurp military authority. On the contrary, following the demonstration he walked away from the group under his own power when he was in turn signaled by a military policeman to enter building 1213. No member of the group overtly resisted or defied the military policemen, nor was the authority of the commanding officer or anyone else supplanted. The factual recital clearly shows that Captain Lamont had absolute and unfettered control over the incidents of his command although his specific orders to the inmates were disobeyed. The inmates demonstration was nonviolent and they did not cast aside all control.

The Congress has conferred factfinding power in this Court which we invoke today on the factual question of the appellant's guilt of the alleged offense of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

In the exercise of our appellate responsibility and power "recognizing that the trial court saw and heard the witnesses" we are not convinced beyond a reasonable doubt that the appellant Sood entertained in concert the requisite intent to usurp or override lawful military authority.

Accordingly, reversal of the principal offense charged is required as a matter of law by reason of trial judge error. Reversal is also required as a matter of fact. However, the evidence of record is amply sufficient to support, as a lesser included offense, willful disobedience of the lawful command of a superior commissioned officer.

Accordingly, only so much of the findings of guilty of the Charge and specification as finds that the appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

Reassessing the sentence on the basis of the above-indicated errors and on the entire record the Court affirms only so much of the sentence as provides for bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for one year.

Senior Judge PORCELLA and Judge BAILEY concur.

Official: William O. Morris, Captain, JAGC, Clerk of Court.

CM 420444: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.

United States *v.* Private (E-1) Louis S. Osczepinski, RA 11 823 156, SSAN; 081-40-4437, and Private (E-1) Lawrence W. Reidel, RA 18 963 282, SSAN: 546-70-5766, both of US Army, Special Processing Detachment, Presidio of San Francisco, California 94129.

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review, June 17, 1970.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California 94129 (G. R. Robinson, Military Judge)

Sentences adjudged 15 February 1969 Approved sentences: *Each Accused:* Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for five (5) years. (As to each accused: By Action of The Judge Advocate General, dtd 29 Apr 69, so much of sentence pertaining to confinement at hard labor as is in excess of confinement at hard labor for 2 years is remitted)

Appellate Counsel for the Accused: Capt. Bernard J. Casey, JAGC; Capt. Thomas R. Maher, JAGC; Lt. Col. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Capt. Benjamin G. Porter, JAGC; Maj. William A. Pope, II, JAGC; Maj. Edwin P. Wasinger, JAGC; Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge:

The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 25 other persons at the Presidio Stockade, Presidio of San Franciso, California on 14 October 1968. At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellant review. Article 66, Code, supra, 10 U.S.C. § 866.

Our decision in United States v. Sood, CMR (ACMR 1970) is dispositive of the case of the appellants at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellants' intent to usurp or override military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus the cases at bar are insufficient as a matter of law and reversal is required. Additionally, here as in United States v. Sood, supra, we hold the cases of these two appellants to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the trial judge error and on the entire record is reassessed.

The Court affirms:

As to appellant Oszczepinski, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for nine months.

As to appellant Reidel, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for six months.

Senior Judge Porcella and Judge Bailey concur.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

CM 420896: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.

Before Porcella, Bailey and Hagopian Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review, June 17, 1970.

United States *v.* Private First Class John D. Colip, U.S. 56 836 917 (570–74–7128), U.S. Army, Transient Company, U.S. Army Personnel Center, Oakland, California 94626.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio or San Francisco, California 94129 (R. W. Snyder, Military Judge).

Sentence adjudged 28 February 1969. Approved sentence: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for four years, and reduced to the lowest enlisted grade, E–1 (By action of The Judge Advocate General of the Army, dtd. 26 June 69, so much of the confinement at hard labor as is in excess of two (2) years is remitted).

Appellate Counsel for the Accused: Cpt. David S. Cooper, JAGC; Cpt. Thomas R. Maher, JAGC; Ltc. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Cpt. Salvatore A. Romano, JAGC; Maj. Edwin P. Wasinger, JAGC; Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Per curiam:

Our decision in United States v. Sood, No. 420276 (ACMR June 1970) is dispositive of the case of the appellant at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellant's intent to usrup or overrides military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus the case at bar is insufficient as a matter of law and reversal is required. Additionally, here as in United States v. Sood, supra, we hold the case of this appellant to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and specification as finds that appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

Reassessing the sentence on the basis of the trial judge error and on the entire record the Court affirms only so much of the sentence as provides for bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for nine (9) months.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

[CM 421117: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.]

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review.
June 29, 1970.

United States *v.* Privates (E–1) Ricky L. Dodd, TSN 56 841 789, Harold J. Swanson, 552–70–1540, and Edward O. Yost, 560–58–2275, all of US Army, Special Processing Detachment, Presidio of San Francisco, California 94129, and Private (E–1) William G. Hayes, 545–68–4594, US Army, Correctional Holding Detachment, Presidio of San Francisco, California 94129

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California (J. G. Lee, Military Judge).

Sentences adjudged 28 March 1969. Approved: *DODD:* Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for five years (TJAG remitted CHL in excess of 2 yrs; and S/A changed DD to BCD). *SWANSON:* Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for three years, and reduction to grade of E–1 (TJAG remitted CHL in excess of 2 yrs.). *YOST:* Bad conduct discharge, forfeiture of all pay and allowances, confinement at hard labor for nine months, and reduction to grade of E–1. *HAYES:* Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for two years, and reduction to the grade of E–1.

Appellate Counsel for the Accused: Cpt. Paul C. Saunders, JAGC, Cpt. Monte Engler, JAGC, Cpt. Bernard J. Casey, (Hayes, only) Ltc. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Cpt. James S. Mathews, JAGC, Maj. William A. Pope, II, JAGC, Maj. Edwin P. Wasinger, JAGC, Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge:

The appellants were tried in common ana stand convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 23 other persons at the Presidio Stockade, Presidio of San Francisco, California on 14 October 1968. At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

Our decision in United States v. Sood, —— CMR —— (ACMR 16 June 1970) is dispositive of the case of the appellants at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellants' intent to usurp or override military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus the cases at bar are insufficient as a matter of law and reversal is required. Additionally here as in United States v. Sood, supra, we hold the cases of these appellants to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the trial judge error and on the entire record is reassessed.

The Court affirms:

As to appellant Dodd, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for eight months.

As to appellant Swanson, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for seven months.

As to appellant Yost, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for six months.

As to appellant Hayes, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for seven months.

Senior Judge Porcella concurs.

Judge Bailey absent.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

[CM 421558: U.S. ARMY COURT OF MILITARY REVIEW, WASINGTON, D.C.]

Before Porcella, Bailey, and Hagopian, Appellate Military Judges.

Dated, Filed and entered Clerk of Court U.S. Army Court of Military Review.

United States v. Private (E–1) Michael E. Murphy, 545–80–7141 and Private (E–2) Laurence J. Zaino, TSN 15–748–369, both of US Army, Special Processing Detachment, Presidio of San Francisco, California 94129

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California 94129 (R. L. Jones, Military Judge)

Sentences adjudged 24 June 1969. Approved sentences: MURPHY: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for one year.

ZAINO: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for two years, and reduction to Private E–1 (By dir of S/A 2 Apr 70, the unexecuted port of sentence of Zaino, remitted, except for that port of CHL served and that port of the forfeitures applied).

Appelate Counsel for the Accused: Cpt. Paul C. Saunders, JAGC, Cpt. Monte Engler, JAGC, LtC. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Cpt. James S. Mathews, JAGC, Maj. William A. Pope, II, JAGC, Maj. Edwin P. Wasinger, JAGC, Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge:

The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 25 other persons at the Presidio Stockade, Presidio of San Francisco, California on 14 October 1968. At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

Our decision in United States v. Sood, —— CMR —— (ACMR 16 June 1970) is dispositive of the case of the appellants at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellants' intent to usurp or override military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus, the cases at bar are insufficient as a matter of law and reversal is required. Additionally, here as in United States v. Sood, supra, we hold the cases of these two appellants to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and Specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the trial judge error and on the entire record is reassessed.

The Court affirms:

As to appellant Zaino, a sentence of bad conduct discharge, forfeiture of all pay and allowances, confinement at hard labor for (7) months, and reduction to the grade of Private E–1.

As to appellant Murphy, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for eight (8) months.

Senior Judge Porcella concurs.

Judge Bailey absent.

Official:

William O. Morris,
Captain, JAGC, Clerk of Court.

[CM 421750: U.S. Army Court of Military Review, Washington, D.C.]

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review.

United States *v.* Private (E1) Stephen R. Rowland, 556–70–4281, U.S. Army; Private (E1) Roy A. Pulley, 555–80–2635, U.S. Army; Private (E1) Alan L. Rupert, 585–28–8594, U.S. Army; Private (E1) Danny R. Seals, 562–64–9895, U.S. Army; Private (E1) Richard B. Stevens, 545–78–3744, U.S. Army; all of Special Processing Detachment; Private (E1) Richard N. Duncan, TSN, 56 829 186, U.S. Army; Private (E1) Michael J. Marino, 567–60–2175, U.S. Army; Private (E1) Francis E. Schiro, 262–86–7567, U.S. Army; Private (E1) Buddy J. Shaw, TSN 18 920 140, U.S. Army; Private (E1) Ernest C. Trefethen, 062–40–3599, U.S. Army; Private (E1) Danny L. Wilkins, 561–74–3765, U.S. Army; Private (E1) Patrick A. Wright, 551–74–7286, U.S. Army; all of Correctional Holding Detachment; and Private (E2) Richard L. Gentile, 144–38–4174, U.S. Army, Headquarters Company, Sixth U.S. Army Special Troops, all of Presidio of San Francisco, California 94129.

XUM

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California 94129 (J. A. Hagan, Military Judge).

Sentences adjudged 7 June 1969. Approved sentences: Rowland & Shaw: Dishonorable discharge, forfeiture of fifty dollars a month for fifteen months, confinement at hard labor for fifteen months and reduction to the lowest enlisted grade; Rupert; Schiro; Trefethen & Wright: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for one year, and reduction to the lowest enlisted grade; Duncan: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for twelve months, and reduction to the lowest enlisted grade; Marino & Pulley: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for fifteen months, and reduction to the lowest enlisted grade; Stevens: Dishonorable discharge, forfeiture of fifty dollars a month for twelve months, confinement at hard labor for twelve months, and reduction to the lowest enlisted grade; Wilkins: Dishonorable discharge, forfeiture of fifty dollars a month for nine months, confinement at hard labor for nine months, and reduction to the lowest enlisted grade; Seals & Gentile: Bad conduct discharge, forfeiture of all pay and allowances, confinement at hard labor for six months, and reduction to the lowest enlisted grade.

Appellate Counsel for the Accused: Capt. Paul C. Saunders, JAGC; Capt. Monte Engler, JAGC; Col. Daniel T. Ghent, JAGC.

Appellate Counsel for the United States: Capt. Merle F. Wilberding, JAGC; Capt. James S. Mathews, JAGC; Capt. Benjamin G. Porter, JAGC; Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge: The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny,[1] in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 14 other persons at the Presidio Stockade, Presidio of San Francisco, California on 14 October 1968.[2] At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

The Congress has conferred factfinding power in this Court which we invoke today on the factual question of each appellant's guilt of the alleged offense of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

In the cases at bar, Government counsel seeks to factually distinguish the instant cases from those of United States v. Sood, ——CMR——(ACMR 16 June 1970) and its companion cases which were disposed of by this Court on the basis of our factual holding in *Sood, supra.*

Government urges that the facts here, unlike those in *Sood, supra* and its companion cases, amply demonstrate concerted insubordination on the part of these appellants. They reason that the factual proof of concerted insubordination in these cases is equated to the factual existence of a concerted intent to override lawful military authority. This record indeed factually evinces concerted insubordination on the part of these appellants, but Government's argument misses the mark. Their contention was put to rest in our decision in United States v. Sood, supra. Here, as in *Sood, supra:*

"The record evinces a collective intent to defy authority by refusing to obey Captain Lamont's order. As mentioned earlier a collective intent to defy authority, as here, falls far short of a collective intent to usurp or override military authority. *The former is not shorthand for the latter.*" United States v. Sood, supra. (Emphasis added).

The factual basis of this Court's decision in United States v. Sood, supra, is dispositive of the case of each appellant at bar. What was said there is apropos here:

"Mindful that a concerted intent to override lawful military authority is a requisite element which must be proved, the facts of this record shout its absence. The words and deeds of the appellant[s] * * * do not evince, either singularly or collectively, an intention to usurp or override military authority." *Sood, supra*

In the exercise of our appellate responsibility and power "recognizing that the trial court saw and heard the witnesses" we are not convinced beyond a reasonable doubt that the appellants entertained in concert the requisite intent to usurp or override lawful authority. 10 U.S.C. § 866. Rather, the common thread of evidence throughout this entire voluminous record demonstrates an intention on the part of these appellants to implore and invoke the very military authority which they are charged with seeking to override.

We hold today that the evidence in this record, consisting of eighteen volumes, is insufficient as a matter of fact to support a conviction of mutiny. Thus, reversal is required. The evidence of record, however, is amply sufficient to support the lesser included offense of willful disobedience of the lawful command of a superior commissioned officer.

Accordingly, only so much of the findings of guilty of the Charge and specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the entire record is reassessed.

The Court affirms:

As to appellants *Rowland* and *Shaw*, a sentence of bad conduct discharge, confinement at hard labor for eight months, and forfeiture of $50.00 per month for eight months.

As to appellants *Pulley* and *Marino*, a sentence of bad conduct discharge, confinement at hard labor for eight months and forfeiture of all pay and allowances.

As to appellants *Trefethen, Wright, Schiro* and *Rupert*, a sentence of bad conduct discharge, confinement at hard labor for seven months, and forfeiture of all pay and allowances.

As to appellant *Gentile*, a sentence of confinement at hard labor for six months, and forfeiture of $50.00 per month for six months.

As to appellant *Seals*, a sentence of bad conduct discharge, confinement at hard labor for six months and forfeiture of all pay and allowances.

As to appellant *Stevens*, a sentence of bad conduct discharge, confinement at hard labor for seven months, and forfeiture of $50.00 per month for seven months.

As to appellant *Duncan*, a sentence of bad conduct discharge, confinement at hard labor for seven months, and forfeiture of all pay and allowances.

As to appellant *Wilkins*, a sentence of bad conduct discharge, confinement at hard labor for six months, and forfeiture of $50.00 per month for six months.

Senior Judge Porcella and Judge Bailey concur.

Official:

William O. Morris,
Captain, JAGC, Clerk of Court.

Between June 16, 1970, and June 30, 1970, all mutiny convictions were thrown out and findings of guilty on lesser included charges were affirmed. The Court of Military Review reduced the confinement of the men by as much as 15¼ years from their original sentences.

No one was given more than a year at hard labor. All those who had earlier received dishonorable discharges had these reduced to bad conduct discharges.

All the men are now out of prison.

Three of the men, sensing what was to happen, escaped from custody in late 1968 and have never stood trial, and are at large at this time. One can hardly blame them for this revolt against clearly intolerable and unjust conditions, and unjust trial procedure.

These men clearly should be given some type of amnesty.

The Court of Military Review dismissed all charges against one of the men on grounds he was not mentally responsible for the offense alleged.

The protest did serve a useful purpose by calling Washington's attention to the intolerable conditions in the stockades around the country. I would hope the recommendations of the committee will be carefully considered and that the Army will soon ask for legislation for their implementation, if that is required.

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[1] The appellant Seals, however, was acquitted of mutiny and found guilty of the lesser included offense of willful disobedience in violation of Article 90, Uniform Code of Military Justice, 10 U.S.C. § 890.

[2] The instant cases are the last of the alleged mutiny cases tried at the Presidio of San Francisco.

The military appeals process finally, 20 months after the incident, delivered an equitable verdict in these cases. Yet the men were still subjected to a travesty of justice. They were confined in military prisons after they should have been released. If they were paroled and their service time was up, they could not be discharged from the Army until the appeal process was completed. They are forever labeled unjustly as mutineers, as serious criminals, and had to endure the mental anguish of what obviously was an ordeal.

This all cannot be wiped away by a long delayed reversal on appeal. Such injustices cannot be allowed to be repeated.

At this point, Mr. Speaker, I request permission to insert in the RECORD a detailed account of the cases of each one of these men and their sentences, and the modification by the convening authority, the modification by the Judge Advocate General, and finally the modifications that were finally effected by the Court of Military Review.

Mr. Speaker, I would ask unanimous consent to include these analyses at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The information is as follows:

PRESIDIO MUTINY TRIALS—COMPLETE RECORD

1. Louis Osczepinski—

Sentenced 14 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. Confinement at hard labor for 16 years.

Convening authority—General Larsen—Commanding General 6th Army: Reduced confinement to 5 years—14 April 69.

The judge Advocate General—Major General Hodson—29 Apr. 69: Reduced confinement to 2 years.

The Court of Military Review—17 June 1970: Dismissed charge of mutiny; Convicted of lesser included offense of willful disobedience of the lawful order of a superior commissioned officer. Sentence reduced to: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. Nine months at hard labor.

Commandant's parole had been given 28 Feb. 1970.

2. Larry Reidel—

Sentenced 14 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 14 years at hard labor.

Convening authority—Gen. Larsen—24 Apr.. 69: reduced confinement to 5 years.

The JAG Maj. Gen. Hodson—29 Apr. 69: reduced confinement to 2 years.

The Court of Military Review—17 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 Months at hard labor.

3. John David Colip—

Sentenced 28 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 4 years at hard labor.

Convening authority—23 June 69: approved the sentence.

The J.A.G.: reduced confinement to 2 years.

The Court of Military Review—17 June 70: Dismissed mutiny charge: Convicted of wilful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 9 months at hard labor.

4. Ricky Dodd—

Sentenced 27 March 69—mutiny charge; 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 6 years at hard labor.

Convening authority—28 July 69: reduced confinement to 5 years.

The J.A.G.—4 Aug. 69: reduced confinement to 2 years.

The Court of Military Review—29 June 70: Dismissed mutiny charge; Convicted of wilful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

Commandant's parole had been given 24 March 70.

5. Billy Hays—

Sentenced 27 March 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 2 years at hard labor.

Convening authority: approved sentence.

The J. A. G.: approved sentence.

The Court of Military Review—29 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

6. Harold Swanson—

Sentenced 27 March 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 3 years at hard labor.

Convening authority: approved sentence.

The J.A.G.: reduced confinement to 2 years hard labor.

The Court of Military Review—29 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

Commandant's parole had been given 14 March 70.

7. Ed Yost—

Sentenced 27 March 69—mutiny charge: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 9 months at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—29 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 months hard labor.

Had been released from confinement 17 Nov. 69.

8. Michael Murphy—

Sentenced 24 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 1 year at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—26 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

Had been released from confinement 3 Apr. 70.

9. Larry Zaino—

Sentenced 24 June 69— mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 2 years at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—26 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad Conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

Had been released from confinement 7 Apr. 70.

10. Nesrey Sood—

Sentenced 13 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 15 years at hard labor.

Convening authority—17 March 69: reduced confinement to 7 years at hard labor.

The J.A.G.—18 March 69: reduced confinement to 2 years hard labor.

The Court of Military Review—17 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 1 year at hard labor.

11. Larry Sales—

Sentenced 6 June 69—acquitted on mutiny charge, convicted of failure to obey a lawful order: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 3 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—22 May 70: Dismissed all charges on the ground that not satisfied he was mentally responsible for the offense alleged.

12. Keith Mather—escaped 24 Dec. 68: not captured.

13. Walter Pawlowski—escaped 24 Dec. 68: not captured.

14. Linden Blake—escaped 27 Feb. 68: not captured.

15. Richard Gentile—

Sentenced 6 June 69—mutiny charge: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. No punitive discharge; 2. Forfeiture of $50 pay for six months; 3. 6 months hard labor.

16. Richard Marino—

Sentenced 6 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 15 months hard labor.

Convening authority: approved sentence.

The' J.A.G: approved sentence.

The Court of Military Review—30 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

17. Roy Pulley—

Sentenced 6 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowance; 3. 15 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

18. Stephen Rowland—

Sentenced 6 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of $50 pay per month for 15 months; 3. 15 months at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 pay per month for 8 months; 3. 8 months hard labor.

19. Buddy Shaw—

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of $50 per month for 15 months; 3. 15 months at hard labor.

Convening authority: aproved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 pay per month for 8 months; 3. 8 months hard labor.

20–24. Richard Duncan, Alan Rupert, Francis Schiro, Ernest Trefethen, Patrick Wright.

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 12 months at hard labor.

Convening authority: approved sentences.

The J.A.G.: approved sentences.

The Court of Military Review—30 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

Alan Rupert had received a Commandant's parole 3 March 70.

25. Danny Seals—

Sentenced 6 June 69—acquitted on mutiny charge, convicted on charge of willful disobedience of the lawful order: 1. Bad

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conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review 30 June 70—approved.

26. Ricky Stevens—

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of $50 pay per month for 12 months; 3. 12 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 per month for 7 months; 3. 7 Months hard labor.

27. Danny Wilkins—

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of $50 per month for 12 months; 3. 12 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 per month for 6 months; 3. 6 Months hard labor.

Mr. LEGGETT. Mr. Speaker, many important lessons can be drawn from the experiences of these cases. The rule of law and the use of punishment can be justified on many grounds; however, the mutiny convictions were indefensible on all of them.

The law can function as a deterrent to future acts. However, when the punishment becomes so out of proportion to the severity of the crime, as it did in these cases, so as to clearly be unjust and unenforceable, the punishment fails as a deterrent, and the Army looks ridiculous, including Gen. Stanley Larsen.

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The treatment of the case and the men cannot be seen as an effort to protect the moral fiber of society, of the Army or of the individual men. Subjecting them to the inhuman conditions of the Presidio Stockade and the injustice of the trials could serve no such purpose. Authoritarian responses are not effective ways to improve public or private morality.

The rule of civil law allows people to know the consequences of their acts—which acts are disapproved by society and which will bring punishment. However, military law, as evidenced by this case, is so arbitrary and variable in its application and severity of punishment as to fail totally as a deterrent.

Revenge is the most likely motive of these mutiny charges, revenge for drawing attention to intolerable conditions and, in a nonviolent way, expressing dissent and protest within the Army. The use of law for personal revenge is not something to be encouraged or even allowed in civilized society. General Larsen deserves the severest criticism that we can bring upon him, and certainly has deserved everything that he has received, although I am yet to hear the Army formally chastise him.

The Army criminal justice procedure and confinement operations were obviously unacceptable and need drastic improvement.

The trials were open to too much command influence, since all power rested in the men in the direct chain of authority from the commanding officer. No one standing outside this line of authority had the power to counter the wishes of the zealous commander. I might point out that there were people in Washington in very high positions who wanted to intervene and modify the charges as pending.

Juries were stacked. Unequal resources were available to the defense and prosecution. It was not an adversary proceeding of equal opponents which we hold to be one of our best cherished constitutional traditions.

Military justice procedural guarantees may be adequate for some cases or most cases that do not have political overtones. However, these cases show how easily a zealous commander can impose his own politics on a nonpolitical trial.

Drastic reforms are needed which will establish an independent impartial power in the courtroom in the person of the military judge. He should have the power to issue writs and subpenas. The military courts and independent prosecutors, not the commanding officer, should conduct pretrial investigations and decide if charges are to be pressed. The rights of servicemen should be protected in the courtroom in the same way as those of civilians are. The man who enters the Armed Forces to defend the Constitution should not be required to give up its protection. What is needed is a new blue-ribbon commission now appointed by Secretary Laird to review and report on our system of military justice.

The commanding general of the 6th Army, in his zeal to suppress all protests within this command, began with a small prison grumble over intolerable stockade conditions and blew it up into a nationwide scandal, which hurt the Army, the Nation, and the men involved. The men were charged with a crime far beyond that warranted by the evidence. The law was used to satisfy the wishes of the commander. When the law is used for any purpose and not impartially administered, justice is not served and all involved suffer. The ramifications of the case and the public interest in it show that all of us have much at stake here. The Army disregarded the spirit of its own legal system and fostered an increased contempt for law at a time when we can ill afford it. The Army by its actions has done the country a great disservice and the men involved a great injustice.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I am glad to yield to the distinguished gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I simply want to say that in the time I have been in the House of Representatives I have not heard many statements as comprehensive, as careful, and as necessary as the one the gentleman has made today. I am grateful to the gentleman, as I know many other Members are, for doing such a remarkable job of compiling this sad record, and for working so hard to see these wrongs corrected. Without his efforts and the efforts of Fred Gardner and a very few other people, the miscarriage of justice at the Presidio would not have been reversed, and precedents would have been allowed to stand that would have been the cause of future injustices.

I wonder if the gentleman has recommendations about how Congress might act to protect enlisted personnel from similar situations that might arise in the future?

Mr. LEGGETT. I want to thank the gentleman for his contribution and for his contribution a year ago that helped to stimulate the command authority to reverse some of these decisions. I suspect in retrospect perhaps these men have not been charged in vain because if you take a long look at the situation they did stimulate the creation of the blue-ribbon panel and did stimulate the better than 50 to 75 recommendations by the blue-ribbon panel to make the military service live up to the regulations in effect and actually to expand them.

But I would say that certainly this has not cured the situation. I have received information in my office just over the past week that the Navy Department and the Marine Corps have continued to keep prisoners in stockades in excess of authorized numbers, and have modified those numbers rather radically during times whenever a congressional investigation has been programed.

I think that this is a situation that we constantly need to review. And as I said a year ago, that when a forum's dirty linen is hanging out usually it is in their punitive incarceration mechanisms.

I think conclusively that the greatest history of the United States is in our prisons, because that history is still there. Prisons are made to last a long time, and we have got in this country almost all of our original correctional facilities save a few.

So I think that this is something that Congress ought to address itself to further. The Armed Services Committees of both Houses, I am not satisfied have fully addressed themselves to this problem. And I would suggest particularly now the views expressed in Bob Sherrill's book and some of the other treatises. One of those that I could recommend is by Fred Gardner, which is titled "The Unlawful Concert," which is in a paperback. I could also recommend the full report of the Special Civilian Committee for the Study of the U.S. Army Confinement System. It not only includes 50 recommendations, but 133 pages of report in addition to that.

I would hope we could stimulate the formation of a blue-ribbon committee made up of prosecutors and defense lawyers from inside and outside of Congress, to try to overhaul our system of military justice, because it does not really make a lot of sense to enforce the Escobito case and some of the other constitutional guarantees by the Supreme Court in the civilian area, and then ignore those guarantees of appointment of counsel at the appropriate levels of all our military trials, as is currently practiced. I would think a blue-ribbon panel could address itself to those very important procedural safeguards, and to see that everyone has those guarantees in the military service, particularly in cases of serious crimes.

Mr. LOWENSTEIN. Mr. Speaker, if

the gentleman will yield further, I want to support his suggestion about a blue-ribbon panel. Some of us who have looked into problems of violence, racial tensions, and dissent—problems relating to the application of the Uniform Code and to conditions in stockades on various bases around the country—and who have discussed some of these problems with Defense Department officials including Secretary Laird, have come to the same conclusion the gentleman has.

We cannot undo the injustice done to the man involved, but we must try to make something positive come out of what everyone now concedes was an inexcusable miscarriage of justice at the Presidio. The first step in that direction would be the creation of a panel empowered to make recommendations about how to prevent such abuses of power in the future. If we do not press for basic changes now, we assure a continuation of a myriad of lesser injustices on military bases everywhere and invite recurrences of massive ones like the one at the Presidio from time to time. Apart from questions of morality, the continuation of the present situation in this regard does a great deal to undermine the morale of the armed services, and that can hardly be said to contribute to the security of our country.

Mr. LEGGETT. I want to thank the gentleman for his additional remarks. It does bring in mind that many times these prosecutions are brought because men exercise their alleged right of dissent. This is a matter to which the individual services have addressed themselves.

I am not acquainted with any uniform rules for dissent or uniform rules for the expression of rights under the Constitution promulgated by the Office of the Secretary of Defense.

I am aware of some very outstanding analyses and recommendations made by the Department of the Army. But I am not knowledgeable that those recommendations have been implemented throughout the Army or even adopted by other branches of service.

Certainly a blue ribbon panel appointed in this general area could address itself to that particular problem as well and perhaps recommend some general regulations which the members in the armed services could come to understand, as an armed services bill of rights as they don the uniform of Uncle Sam to protect its freedom around the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

A $20,000 FARM PAYMENT LIMITATION

Mr. FINDLEY. Mr. Speaker, yesterday afternoon on a teller vote the House voted by a margin of 161 to 134 not to accept my substitute which would have imposed a $20,000 limitation of individual farm payments, but instead accepted a limit at $55,000. Some may have viewed this as but another victory for big cotton interests in the South, Southwest, and Far West, and I must admit that in the moments immediately following the vote, I was somewhat glum myself.

With the dawn of a new morning, however, I think we can all take great satisfaction in one aspect of the action of the House yesterday. As I look back over the 8 years that I have offered amendments limiting payments to giant farm producers, I can see great progress was achieved yesterday. While the limitation voted yesterday was not as low as I would have preferred, nevertheless it does represent substantial progress—progress which would not have been made had it not been for efforts made in the past.

It is clear that the only reason the Department of Agriculture and the House Agriculture Committee finally agreed—after tortuous negotiations—to any limitation at all was because of the pressure put on them by a Congress impelled by public opinion.

Big cotton interests knew that a $20,000 limit would be imposed upon them if they were unsuccessful in their attempt to set a higher level.

Progress has also been made in building numerical support for a meaningful limitation on payments to big farm producers. During the early 1960's when I offered similar limitation amendments, it was hard to muster even 60 votes in favor of such a proposal. At one time the vote was as low as 47.

Yesterday, however, support for my amendment and the $20,000 level was the greatest total ever cast in a teller vote on a payment limit amendment. One hundred thirty-four Members walked through the tellers in favor of the lower limit. Previous to that time, the largest teller vote in favor of a $20,000 limitation was 112. Progress is being made each year, and it will continue to be made.

On reflection, then, when I consider the progress that has been made since 1963 when I first offered an amendment limiting payments to farmers, I do find some hope in yesterday's limitation. It is a hope for future farm programs, a hope I shall pursue at every opportunity, just as I have in the past. When the next bill dealing with agricultural matters is before Congress, I shall be prepared to again offer an amendment limiting big farm payments.

The following is a chronology of amendments to restrict big payments to farm producers which I have offered in past years:

June 6, 1963: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Act for fiscal year 1964. (Congressional Record, p. 10411):

"On page 33, after line 12, insert the following:

"SEC. 607. None of the funds provided herein shall be used to pay the salary of any officer or employee who negotiates agreements or contracts or in any other way, directly or indirectly, performs duties or functions incidental to supporting the price of Upland Middling Inch cotton at a level in excess of 30 cents a pound."

The division vote was 105 in favor—131 against.

January 26, 1965: Amendment offered by Representative Paul Findley to the appropriations for the Commodity Credit Corporation Act (Congressional Record, p. 1185):

"On page 2, line 3, strike the period at the end of the sentence and insert the following:

"*Provided*, That no part of this appropriation shall be used to formulate or carry out any price support program providing further payments during the fiscal year 1965 to any person, partnership, firm, joint stock company, corporation, association, trust, estate, individual, or other legal entity, pursuant to the provisions of section 348 of the Agricultural Adjustment Act of 1938, as amended."

The division vote was 45 in favor—105 against.

August 19, 1965: Amendment offered by Representative Paul Findley to the Food and Agricultural Act of 1965 (Congressional Record, p. 21061):

"On page 54, line 25, insert the following:

"SEC. 707. Notwithstanding any other provision of law, the total amount of payments made by the Secretary to any producer or producers on any farm under the provisions of titles II, III, IV, V and VI of this act shall not exceed $25,000 in calendar year 1966 or in any calendar year thereafter. In the case of any producer or producers owning, operating, or controlling more than one farm, the limitations set forth in the preceding sentences shall apply to such producer or producers. For the purpose of this section the term 'producer' shall mean an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof and the term 'payments' shall include price support payments, diversion payments, incentive payments, rental payments, and the value of both domestic and export wheat marketing certificates."

The division vote was 59 in favor—144 against.

April 26, 1966: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1967 (Congressional Record, p. 8962):

"On page 21, on line 23, strike the period, and insert a colon and the following:

"*Provided*, That none of these funds shall be used to make payments exceeding in the aggregate $100,000 to any sugar producer."

The amendment was rejected on a voice vote.

June 6, 1967: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1968 (Congressional Record, p. 14853):

"On page 34, line 18, after the word 'hereof' strike the period and insert the following:

"*Provided further*, That none of the funds appropriated by this Act shall be used to formulate or carry out price support or commodity programs during the period ended June 30, 1968, under which the total amount of payments in excess of $25,000 would be made to any single recipient as (1) incentive payments, (2) diversion payments, (3) price support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, (6) cropland adjustment payments, and (7) compliance payments."

The division vote was 47 in favor—136 against.

May 1, 1968: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1969 (Congressional Record, p. 11281):

"On page 33, line 5, after the word 'hereof',

"*Provided further*, That none of the funds appropriated by this Act shall be used to formulate or carry out price support or commodity programs during the period ending June 30, 1969, under which the total amount of payments in excess of $10,000 would be made to any single recipient as (1) incentive payments, (2) diversion payments, (3) price support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, and (6) cropland adjustment payments."

A teller vote was taken with 79 in favor—129 against.

July 31, 1968: Amendment offered by Representative Paul Findley to the extension of the Food and Agriculture Act of 1965 (Congressional Record, p. 24402):

"Sec. 2. Such Act is further amended by adding at the end thereof the following new section:

"Sec. 710. Notwithstanding any other provision of this Act, effective with the 1970 crop, annual payments made pursuant to provisions of Titles II, III, IV and V shall not exceed in the aggregate $10,000 to any single recipient."

The division vote was 71 in favor—115 against.

March 12, 1969: H.R. 8773, a bill introduced by Representative Paul Findley to limit payments to farmers, increase the authorization for food stamps, and increase water-sewer grant authority for rural communities:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food and Agriculture Act of 1965, as amended, is amended by adding at the end thereof the following new title:

" 'TITLE IX—LIMITATIONS ON PAYMENTS

" 'Sec. 901. Notwithstanding any other provision of law, beginning with the 1970 program for wool, feed grains, cotton, wheat, cropland adjustments, and sugar, the total annual amount of any payments made to any farm under such programs shall not exceed $20,000, nor shall any payment for any such single program exceed $10,000.'

"Sec. 2. Section 16a of the Food Stamp Act of 1964, as amended, is amended by striking the figure '$340,000,000' and inserting in lieu thereof '$440,000,000' and by striking the figure '$170,000,000' and inserting in lieu thereof '$220,000,000.'

"Sec. 3. Section 306(a)(2) of the Agricultural Act of 1961, as amended, is amended by striking the figure '$50,000,000' and inserting in lieu thereof the figure '$150,000,000'."

May 26, 1969: Amendment offered by Representative Silvio Conte and supported by Representative Paul Findley to the agricultural appropriations bill for fiscal year 1970 (Congressional Record, p. 13757):

"On page 22, line 17, strike the period and insert the following:

" '*Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970.' "

A teller vote was taken with 112 in favor, 100 against.

June 9, 1970: Amendment offered by Representative Paul Findley to the Agriculture Appropriations Bill for fiscal 1971 (Congressional Record, p. 18997):

"An Page 23, line 8, after the word "regulations", strike the period, add a colon and the following:

"Provided further that none of the funds appropriated by this act shall be used during the period ending June 30, 1971 to formulate or carry out a 1971 crop-year program under which the total amount of payments to a person would be in excess of $20,000."

The amendment was rejected on a voice vote.

August 5, 1970: Amendment offered by Representative Paul Findley to the Agriculture Act of 1970 (Congressional Record, p. 27454):

"Strike the Committee Amendment beginning on page 1 and insert in lieu thereof the following:

"Title I—Payment Limitation

"Sec. 101. Notwithstanding any other provision of law—

"(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by Titles III, IV, V, and VI of this Act for the 1971, 1972 or 1973 crop of the commodity shall not exceed $20,000.

"(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules and further limitations as he determines necessary to assure a fair and reasonable application of such limitation and to prevent the circumvention or evasion of such limitation, whether the circumvention or evasion be attempted by means of the subdivision of farms, production allotments or bases thereof through sale or lease, or by other means; Provided, that the provisions of this Act which limit payments to any person shall be applicable to lands owned and operated by states, political subdivisions, or agencies thereof."

A teller vote was taken with 134 in favor—161 against.

THE BLACK PANTHERS: LIBERALS TO THE RESCUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, it is almost unbelievable to witness the effort of the American liberal community to whitewash one of the most radical, dangerous groups this Nation has even seen. I am speaking of the violence-prone, revolutionary Black Panthers. Our major media has embarked on what appears to be a systematic campaign to paint them as romantic Robin Hoods. One is reminded of the concerted effort of the New York Times to make Fidel Castro appear as a folklore Robin Hood who would lead the Cuban people out of their captiviity. Just as the left was wrong on Castro, they are dead wrong on the Black Panthers. No amount of brainwashing can side the brutal un-American nature of the Black Panthers.

The New York Times, along with best selling magazines like Time and Life have presented a distorted view of the Panthers and their radical activities. A good example is the news report in the December 9, 1969, New York Times which stated:

> The Los Angeles police and members of the Black Panther party fought a four-hour gun battle here today following a pre-dawn raid on Panther headquarters. Three policemen and three Panthers were wounded but there were no fatalities.

The article reported this incident like it was a tea party. Think of the implications of this. The police properly and legally raid the militants' headquarters based on valid information about illegal weapons. The Panthers engage in a shoot-out with the police and it is made to appear like a football game in which there was a stand-off. Police, incidentally, found two submachineguns, 12 rifles or carbines, eight hand guns and several hundreds rounds of ammunition.

The illegal conduct of the panthers—shooting at the police who were conducting a raid to protect the safety of the community—is glossed over. The Times article quotes a local Negro leader as saying: "This is part of a national plan of political repression against the Panthers." Thus the brain washing goes. Bear in mind, there was a shoot out with the police for 4 hours. This is treated like the plaintiff-defendant adversary proceeding in a court which the average, nonviolent citizen would use.

Just an isolated example? Time magazine in its April 6, 1970 issue prints a picture of a sympathetic figure, Bobby Seale, with the caption "We must civilize white America." Roy Wilkins, usually responsible, explains away violence in his syndicated column with the statement:

> If some among them (Black militants) exceed the bounds, they should be met with understanding firmness, rather than punitive action.

This for those who set out to assassinate police, blow up buildings and establish sniper perches in big city buildings.

Whitney Young tries to shift the blame by telling a cheering audience in East Harlem, to quote the New York Daily News of October 27, 1969, that: "White middle-class America has a minibrain." The director of the National Urban League branded most white middle-class people as "affluent peasants," culturally and educationally deprived racists who have continued to hold the black man down.

Mary McGory wrote in the Washington Evening Star that the Panthers had unity in adversity and advances the theory that the Panthers were winning sympathy among blacks and whites.

Charles G. Hurst, president of Malcolm X Junior College, part of the Chicago junior college system, says he respects the Panthers because "they have made none of the compromises my generation made." He thinks Panthers are merely demanding genuine equality of economic opportunity and justice for black people. He hedged a little by saying:

> While their methods of advancing the black cause aren't mine, I've never doubted the depth of their social concern and love of the people.

And so the propaganda mill goes on and on.

Rev. Ralph D. Abernathy, speaking at the funeral of Panther leader Fred Hampton, killed under circumstances still under investigation, declares that the black community would "make a shrine" of the place where Hampton was killed and ventures this eulogy:

> I don't think you'll rest in peace, Freddy, because there isn't going to be any peace.

The National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower, fails to come close to putting the Panthers in their proper perspective. It even credited them with helping young blacks to maintain good report cards and keeping

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Oakland, Calif., "cool" during racially tense periods.

Society is blamed, the white community is blamed, good hardworking black Americans are blamed—everybody but the Panthers and their radical, Communist-connected leadership.

The liberal news media credits the Panthers with helping cool a protest rally at Yale in May of this year. Scant attention is given to the obscene, vitriolic speeches of the Panthers like David Hilliard but there was cooing over the fact that there was no violent weekend. Why should there be at Yale? President Kingman Brewster had already lined up with the Panthers in suggesting that it would probably be impossible for a Panther to get a fair trial in America.

Hundreds of universities throughout the country pay honorariums up to $1,000 and $1,500 to visiting Panthers who speak in violent, obscene rhetoric to cheering students. I have been present at two such speeches and it is impossible in standard English to convey the depravity of their rantings. I heard Eldridge Cleaver speaking at George Washington University here in Washington. He started out his speech by saying:

> I came here to tell you that George Washington was a mother ——— liar.

That was just the start and rather tame by comparison to the rest of his tirade.

Enlisted in the cause to publicly baptize the Panthers and excuse away their excesses are such respected liberals as Arthur Goldberg and former Attorney General Ramsey Clark. Leonard Bernstein hosts a swank party for the Panthers and suddenly it becomes chic in leftwing circles to carry on a dialog with the radical militants. On and on the liberal grist mill turns.

In its February 6, 1970, issue, Life magazine carries a feature article about Eldridge Cleaver who was visited in Algiers, where he is a fugitive from justice, by Gordon Parks. Parks treated the fugitive with kid gloves—almost a respect and reverence—and at one point wrote:

> He gently massaged the boy's (his son) back. In the soft, rain-filtered light from the sea, he looked like any other father trying to burp his child. But his mind was on a tragic more violent thing—the killing of his fellow Panthers. Fred Hampton and Mark Clark, by Chicago police. "It was cold-blooded murder," he said in a low, caustic tone.

Of course it was murder from the Panther point of view. Anything done by society at any time or any place to or against them is criminal, an act of repression or white racism. Like the Communists who have a semantic interpretation of every word from "peace" to "treaty," the Panthers talk in a different language. This language can be understood by anyone who tries. The liberal press evidently has not tried or is covering up.

Gentle people? Listen to Panther "chief of staff" David Hilliard last December 2:

> Richard Nixon is an evil man. This is the ——— ——— that unleashed the counter-insurgent teams upon the Black Panther Party. This is the man that's responsible for all the attacks upon the Black Panther Party nationally. This is the man that sends his vicious, murderous dogs out into the black community and invade upon our Black Panther breakfast program, destroy food that we have for hungry kids and expect us to accept —— like that idly. —— that —— ——— man, we will kill Richard Nixon, we will kill any ——— that stands in the way of our freedom. We ain't here for no —— peace, because we know that we can't have no peace because this country was built on war. And if you want peace you got to fight for it.

Gentle people? Listen to Eldridge Cleaver as he was interviewed by Mike Wallace on CBC, January 6, 1970:

> WALLACE. What purpose is served by talking of shooting your way into the Senate of the United States, taking off the head of Senator McClellan and shooting your way out? . . .
>
> CLEAVER. The goal is to take Senator McClellan's head. . . . I can't just walk in and take his head . . . so to me I think that would mean shooting my way in and shooting my way out . . .
>
> WALLACE. But right now we are at the point of trying to understand. When the American people hear that you want to shoot your way into the U.S. Senate, take off the head of a Senator——
>
> CLEAVER. And take off the head of Richard Nixon.

Take one small example. I could cite scores of them. Michael Tabor, a Panther, was being tried earlier this year in New York City on a bombing conspiracy charge. He did not cooperate with the court and showed defiance in his entire testimony. Questioned by Assistant District Attorney Joseph Phillips, Tabor spoke in the usual semantic terms which Panthers use. Right is wrong, up is down, in is out—if you only believe that way. Killing a policeman can be defensive if you consider them an oppressor, and so forth. But, listen to his own words in answer to the assistant district attorney:

> Q. Is it your testimony that you only used a knife?
>
> A. I never used a knife during the course of these, what you refer to as being crimes.
>
> Q. Well, do you refer to them as being crimes?
>
> A. No, I don't.
>
> Q. What do you refer to them as?
>
> A. I refer to crime as being the exploitation of poor people by filthy rich, money mad, avaricious capitalist pigs.
>
> Q. What do you describe the criminal activities I have asked you about?
>
> A. I describe them as being the result and the product of my oppression and my exploitation that instilled in me a profound and desperate need to escape that oppression, and in the course of doing so, I used the drug, heroin, which had the tendency to produce euphoric delusions which served to cloud and obscure my nauseous and disgusting reality. I became a member of the Cloud Nine Society.

Thus, what society calls a crime is not considered a crime by the Panthers. Murder can easily be twisted into self-defense. One Panther went so far as to talk about "liberating the peoples' goods." He was referring to what you and I would call outright larceny—stealing food and clothing from small stores.

If then, Mr. Speaker, the liberal community has succeeded in creating a belief that there is a plot against the Panthers and there is really nothing all that wrong with the militant group, what is the truth about the Panthers? Having studied their activities very closely since their inception, I will detail their background and record more clearly so they can be understood.

HISTORY OF THE PARTY

The Black Panther Party, established in 1966 in Oakland, Calif., as a local group to protect black people against alleged police brutality and the oppression of the black people of the United States, continues to be, according to FBI Director Hoover, the most dangerous and violence prone of all extremist groups in our Nation. Viewing the Government of the United States as racist and charging that "the American racist has taken part in the slaughter of over 50 million black people," the BPP advocates and practices guerrilla tactics and the stockpiling of guns and explosives to be used against this country's custodians of law and order—the local police. As Mr. Hoover stated in his March 5, 1970 testimony before a House Appropriations subcommitee, BPP attacks have not been limited to the police. While falsely claiming their intent to protect the black community, Panthers have, in fact, assaulted and threatened Negro citizens who have tried to assist the police. Neighborhood stores have been forced to "contribute" food, supplies, and money under fear of Panther violence. Many other persons have been the victims of these hoodlums as shown by the fact that in 1969 alone 348 BPP members were arrested for serious crimes including murder, armed robbery, rape, bank robbery, and burglary. With the aid of radical left-wing groups in the United States and cooperating with various Communist and left-wing governments abroad, leaders of the BPP, flaunting their Marxist-Leninist and Maoist philosophies, have declared the BPP to be a vanguard group in the revolutionary struggle with world revolution its eventual goal.

Since its inception as a local group, the BPP has grown into a national organization with some 30 chapters now established in various cities, with an estimated 800 to 900 hardcore members and supporters numbering in the thousands.

As previously stated, the BPP was originally formed to protect against claimed police brutality in addition to combating oppression of the black people. The Panthers were organized by the 10x10x10 method of recruiting. Each of the initial 10 men were to be squad leaders and were to recruit 10 men for himself, they in turn to form their own squads. By this method the black community was to be policed by BPP members who in effect sought to police the police.

When, on October 28, 1967, Huey Newton allegedly shot and killed Officer John Frey of the Oakland, Calif., Police Department, and was subsequently sentenced to 2 to 15 years imprisonment, the future of the BPP seemed very much in doubt. In early 1968 the BPP elite decided to add three extremist figures to its ranks, namely, Stokely Carmichael as prime minister, Rap Brown, as minister of justice, and James Forman as minister of foreign affairs. The backgrounds of Carmichael and Brown are well known,

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but James Forman was later to be remembered for his black manifesto, which sought to assess white religious denominations sums of money as reparations to the black communities. Carmichael, Brown, and Forman have since parted company with BPP.

The BPP elite also decided that Newton's birthday, February 17, 1968, should be celebrated with rallies both in Oakland and Los Angeles with such luminaries as Carmichael, Brown, and Forman present. Both events, in Oakland on the 17th and Los Angeles on the 18th, provided a much needed shot in the arm for the BPP financially, organizationally, and psychologically. The addition of Carmichael, Brown, and Forman, along with the two birthday celebrations proved to be the necessary catalyst needed to reverse the fortunes of the BPP and launch it on its way nationally.

In May, 1969, the BPP issued a call for a "Revolutionary Conference for a United Front Against Fascism" to be held in Oakland, Calif., July 18–21, 1969. In anticipation of the event the BPP paper devoted several articles to the forthcoming conference and quoted extensively from speeches delivered in 1935 by Georgi Dimitroff, to the 7th World Congress of the then existing Communist International. Ray "Masai" Hewitt—most often called just Masai—presently the minister of education, set forth qualifications for attendance at the conference:

> First, you've got to be against Fascism, second you can't be anti-communist.

He also revealed the hope that one of the major results of the conference would be "community control of the police," and announced that the program would begin with "the circulation of petitions based on this demand." Speakers at the conference included Herbert Aptheker, theoretician of the Communist Party, U.S.A., Charles R. Garry, the Panthers' chief attorney, William Kunstler, the Panthers' attorney on the east coast, Jeff Jones of the SDS and others.

A top priority of business at the conference was the establishment of the National Committee to Combat Fascism—NCCF—branches of which the Panthers sought to establish in various cities. The NCCF today is actually the organizing and political arm of the BPP, and in cities where no BPP chapter exists, Panther activity is carried on through the NCCF office. According to Director Hoover, the NCCF, along with the Black Community Information Centers, are mere subterfuges to conceal actual Black Panther sponsorship.

The Panthers revolutionary conference came on the heels of the 19th National Convention of the Communist Party, U.S.A., which met in a plenary session at the Towers Hotel in Brooklyn on May 3, 1969, at which time they unanimously adopted resolutions on the black liberation movement in the United States. The CP's resolution concerning the Panthers stated in part:

> Be it resolved that our party, wherever possible, join forces and initiate cooperation with the Black Panther Party . . . That we actively support the Black Panther Party in its determined effort to survive and develop.

It was not surprising, then, that some attendees of the conference in July were reportedly disenchanted with the close ties the Panthers seem to have built with the Communist Party.

Other domestic alliances, mostly of a temporary nature, indicate further the radically leftist trend the BPP has taken in recent years. A short merger with the Student Non-Violent Coordinating Committee—the Committee has since dropped the "Non-Violent" from its title—began in February 1968, and ended in August of that year.

At its national convention in June 1969, the Students for a Democratic Society—SDS—expelled its progressive labor party faction for "failure to support the Black Panther Party, the NLF and other Revolutionary struggles." When SDS declined to go along with the Panthers' proposal to circulate petitions calling for community control of the police in white communities, the Panthers broke with the SDS.

Members of the Black Panther Party were among speakers at the 8th national convention of the Young Socialist Alliance in November and December 1968. The YSA is the youth arm of the Socialist Workers Party, a dissident Communist organization with a Trotskyite orientation.

The National Emergency Civil Liberties Committee was cited as a Communist front under its old name, Emergency Civil Liberties Committee, by the House Committee on Un-American Activities Committee and the Senate Internal Security Subcommittee. The NECLC assisted three Panthers who were arrested in New York in January 1969. A defense fund was set up, and according to the Guardian of February 1, 1969, contributions to the Panther Defense Fund should be sent to Gerald Lefcourt at the NECLC office in New York City.

In 1968 the BPP formed a coalition with the Peace and Freedom Party. During the 1968 election the PFP ran candidates for national and State offices with Eldridge and Kathleen Cleaver, Bobby Seale, and Huey Newton as candidates. After the arrest of the 21 New York Panthers, the PFP held several rallies to raise bail funds, and to protest the indictment of the Panthers and the amount of bail which had been sent. Contributions were to be sent to the PFP in New York City.

On the international level, the BPP has greatly broadened its relationships overseas in the past several years. The May 25, 1969, issue of the BPP paper declared:

> We must have international allies in order to succeed.

Panther alliances or efforts at mutual cooperation have been extended to Communist China, Cuba, Algeria, and more recently to North Korea and with the National Front for the Liberation of South Vietnam—NLF-Vietcong. In a release of July 14, 1970, FBI Director Hoover commented on the BPP's relationships with Communist and radical allies abroad. He noted that Eldridge Cleaver is presently living in Algiers, had traveled to North Korea last September and has also developed close ties with Al Fatah, the Arab guerrilla organization. This relationship has influenced the Panthers to a point where they have issued a flood of anti-Zionist and anti-Semitic propaganda and leaves no doubt that they are solidly behind Al Fatah, the Arab terrorist organization. According to Mr. Hoover, the Black Panthers have also made it a point to praise the government of North Korea on many occasions, to criticize United States "imperialism" in the Orient, and to brag that the Party is now recognized by such "revolutionary governments" as North Vietnam, North Korea, and Cuba.

The present international development of the BPP is not at all surprising in view of BPP pronouncements. In typically totalitarian fashion, the BPP conveniently ignored the oppression of the Chinese people since 1949 by the Chinese Reds and adopted as their motto a quote from Mao Tse-tung's "Little Red Book":

> We are advocates of the abolition of war; we do not want war; but war can only be abolished through war; and in order to get rid of the gun it is necessary to pick up the gun.

In February 1970, the national office of the Black Panther Party further emphasized its sympathy for other wars of liberation abroad and its Marxist-Leninist orientation:

> The Black Panther party stands for revolutionary solidarity with all people fighting against the forces of imperialism, capitalism, racism and fascism. Our solidarity is extended to those people who are fighting these evils at home and abroad. Because we understand that our struggle for our liberation is part of a worldwide struggle being waged by the poor and oppressed against imperialism and the world's chief imperialist, the United States of America, we—the Black Panther party—understand that the most effective way that we can aid our Vietnamese brothers and sisters is to destroy imperialism from the inside, attack it where it breeds.

The revolutionary theme was further expounded by Huey Newton in the Black Panther of February 17, 1969:

> As far as blacks are concerned, we are not hung up on attempting to actualize or express our individual souls because we're oppressed not as individuals but as a whole group of people. Our evolution, or our liberation is based first on *freeing our group*. . . .
>
> A people who have suffered so much for so long at the hands of a racist society, must draw the line somewhere. We believe that the Black communities of America must draw the line somewhere. We believe that the Black communities of America must rise up as one man to halt the progression of a trend that leads inevitably to their total destruction . . .

In true Marxist-Leninist fashion Newton continues:

> The Black Panther Party is a vanguard group leading the revolutionary struggle, playing a part in it, because this is world revolution; all colonied people are now resisting. To work as one of the administrators of this revolutionary action, you have to view yourself as an oxen to be ridden by the people. This is what the Black Panther party teaches—that we should all carry the weight, and those who have extreme abilities will have to carry extremely heavy loads.

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Eldridge Cleaver, the party's minister of information, now in Algeria to avoid outstanding criminal charges here in the United States, indicated in an interview with CBS's Mike Wallace which was viewed in the United States on January 6, 1970, that a war of liberation from the "Fascist imperialist social order" in the United States would have to be fought and that he expected to be a part of it even if he has to slip back into the country.

BPP PLATFORM AND PROGRAM

The 10 points of the BPP platform and programs were adopted in October 1966, and continued in their original form until revised in the July 5, 1969, issue of "The Black Panther." The revision indicates no doubt the new "world outlook" of the BPP as enunciated by the International Communist Movement down through the years. Point 3 was changed from "We want an end to the robbery by the white man of our Black Community" to "We want an end to the robbery by the Capitalist of our Black Community."

Following are the 10 points of the BPP platform and program:

BLACK PANTHER PARTY—PLATFORM AND PROGRAM

WHAT WE WANT—WHAT WE BELIEVE

1. We want freedom. We want power to determine the destiny of our Black Community.

We believe that black people will not be free until we are able to determine our destiny.

2. We want full employment for our people.

We believe that the federal government is responsible and obligated to give every man employment or a guaranteed income. We believe that if the white American businessmen will not give full employment, then the means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. We want an end to the robbery by the CAPITALIST of our Black Community.

We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules was promised 100 years ago as restitution for slave labor and mass murder of black people. We will accept the payment in currency which will be distributed to our many communities. The Germans are now aiding the Jews in Israel for the genocide of the Jewish people. The Germans murdered six million Jews. The American racist has taken part in the slaughter of over fifty million black people; therefore, we feel that this is a modest demand that we make.

4. We want decent housing, fit for shelter of human beings.

We believe that if the white landlords will not give decent housing to our black community, then the housing and the land should be made into cooperatives so that our community, with government aid, can build and make decent housing for its people.

5. We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in the present-day society.

We believe in an educational system that will give to our people a knowledge of self. If a man does not have knowledge of himself and his position in society and the world, then he has little chance to relate to anything else.

6. We want all black men to be exempt from military service.

We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

7. We want an immediate end to POLICE BRUTALITY and MURDER of black people.

We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We therefore believe that all black people should arm themselves for self-defense.

8. We want freedom for all black men held in federal, state, county and city prisons and jails.

We believe that all black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

9. We want all black people when brought to trial to be tried in court by a jury of their peer group of people from their black communities, as defined by the Constitution of the United States.

We believe that the courts should follow the United States Constitution so that black people will receive fair trials. The 14th Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical and racial background. To do this the court will be forced to select a jury from the black community from which the black defendant came. We have been, and are being tried by all-white juries that have no understanding of the "average reasoning man" of the black community.

10. We want land, bread, housing, education, clothing, justice and peace. And as major political objective, a United Nations-supervised plebiscite to be held throughout the black colony in which only black colonial subjects will be allowed to participate, for the purpose of determining the will of black people as to their national destiny.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

Some aspects of the BPP's 10 points should be examined.

Huey Newton's column in the Black Panther was entitled "In Defense of Self Defense" and appeared regularly until he began his prison sentence. Excerpts from his July 20, 1967, column demonstrate clearly where the many black leaders, who have labored within the system for many years to improve the status of the black community, stand in relation to the BPP. Newton began his July 20 column with these words:

> Historically, the power structure has demanded that Black leaders cater to their desires and to the ends of the imperialistic racism of the oppressor. The power structure has endorsed those Black leaders who have reduced themselves to nothing more than apologizing parrots. They have divided the so-called leaders within the political arena. The oppressors sponsor radio programs, give space in their racist newspapers, and have shown them the luxury enjoyed only by the oppressor. The Black leaders serve the oppressor by purposely keeping the people submissive and passive—non-violent.

At another point he states:

> The Black people realize brutality and force can only be inflicted if there is submission. The community has not responded in the past or in the present to the absurd and erroneous, deceitful tactics of so-called legitimate Black leaders. The community realizes that force and brutality can only be eliminated by counter force through self defense.

It is clear from the above that one objective of BPP leaders is to sow dissension in the black community. Those Negro leaders who have striven long before Newton arrived on the scene to improve, within the framework of our society, conditions of the black community are classified by Newton as "apologizing parrots." Newton and the BPP, having diagnosed the nature of the malady, prescribe with infallibility their subversive and violent remedies and the "we want freedom" of point one of the platform means the "freedom" of the black community to join their camp—or else.

A good example of BPP philosophy was illustrated in Rockford, Ill., as reported by the Rockford Register-Republic of June 8, 1970. The Panther defense captain Harold Bell stated that the Panthers make no distinction between white and black policemen:

> We don't want any black police running around our community if we can't control them. If we can control them, we can relate to them, but we can't relate to these madmen running around murdering and killing.

Once again we see the one-way street of BPP thinking wherein the black community means in actuality the Panther-controlled black community.

Another serious effect of the BPP philosophy on Negro youth is the insidious attack on the principle of personal responsibility which is all but negated by BPP doctrine. Inspector Benjamin Lashkoff of the intelligence unit of the San Francisco Police Department emphasized this dangerous effect on black youth in his testimony before the McClellan subcommittee:

> The Black Panther in San Francisco has been successful in recruiting young blacks—school dropout types—because it gave the young blacks a sense of direction and a sense of belonging. They made it appear through their propaganda to this type of youth that whatever crimes he or she may commit, he or she was doing so not because of their own weaknesses and desires but due to the oppression and poverty foisted upon them by the so-called white ruling, white establishment.

Further compounding the danger, as Inspector Lashkoff points out, is the possible moral motivation which black youths can attach to every violation of law:

> This has given the black hoodlum a sense of righteousness when he steals a car, shoplifts, holds up a store or in any other way commits a crime against the establishment, for he believes that he is then committing the crime for the benefit of the black people in this country.

The theme is further emphasized in the widely distributed BPP propaganda film, "Off the Pig," a section of the commentary of which was quoted in an Evans-Novak column in the Washington Post of January 14, 1970:

> The whole black nation has to be put together as a black army, and we gonna walk on this nation, we are gonna walk on this racist power structure, and we gonna say to the whole damned government, "Stick 'em up, —. This is a holdup." We come for what's ours.

THE BPP ELITE

The Black Panther Party was founded by Huey P. Newton and Bobby George Seale. According to press accounts, Newton and Seale first met in Oakland in 1961; subsequently Seale affiliated with the Revolutionary Action Movement—RAM—a violence oriented group which made the headlines several years ago when three of its members were convicted of conspiring to blow up the Statue of Liberty, with the Liberty Bell in Philadelphia, and the Washington Monument in the Nation's Capital later to be destroyed.

By the end of 1965, Seale had disassociated himself from RAM, and in 1966 he and Newton conceived the idea of establishing the Black Panther Party for Self-Defense. Eldridge Cleaver became the third member of the select trio when he joined the organization early in 1967.

Before reviewing the purpose for which the BPP was founded, a brief background on Seale, Newton, and Cleaver should be helpful in judging the true nature of the organization.

Huey P. Newton is presently serving a 2- to 15-year sentence in California for the murder of an Oakland police officer. Newton's record dates back to 1963, and he has been arrested 12 times on charges ranging from disturbing the peace to murder. In 1964, he received probation for stabbing another man. He was continued on probation when he pleaded guilty to assault and battery on a police officer, on March 17, 1966.

At the time of the alleged murder of Officer John Frey of the Oakland Police Department, Newton was on bail from a May 1967, charge of interfering with a Richmond, Calif., police officer who was attempting to arrest another Black Panther.

As the minister of defense of the BPP, Newton has made many public statements calling for violence and bloodshed. Here is one which appeared in the July 20, 1967, issue of the Black Panther, the BPP newspaper:

> When the masses hear that gestapo policemen has been executed while sipping coffee at a counter, and the revolutionary executioners fled without being traced, the masses will see the validity of this type of approach to resistance.

Bobby George Seale, cofounder of the BPP, was given a 6-month sentence and a bad conduct discharge from the U.S. Air Force for drinking on duty and disrespect to a noncommissioned officer. On March 17, 1966, he received 1 year probation for battery on a police officer. In October 1966 he was given another year's probation for assault with a deadly weapon. On May 2, 1967, Seale took part in the siege of the State capitol. For this offense he was placed on 3 year's probation which was subsequently revoked and he was sentenced to 5 months in the county jail.

As chairman of the BPP, Seale has urged Negroes to place shotguns and 357 magnums in their homes to use against the pig cops.

Bobby Seale, it will be remembered, was one of the eight defendants in the Chicago Eight trial stemming from the 1968 Democratic National Convention. After repeated obscene and contemptuous outburst in the courtroom, he was shackled and his trial finally postponed. Seale is currently accused of complicity in the trial of Alex Rackley, a Black Panther suspected of being an informer and who was brutally tortured and shot to death. Several days ago a 90-minute tape which recorded the actual torture session was played in the New Haven courtroom, graphically portraying the brutality of which some Panthers are capable.

The third member of the Panther hierarchy to attain notoriety is Leroy Eldridge Cleaver who is presently a fugitive from justice on a Federal warrant for unlawful flight to avoid confinement for attempted murder of a police officer in Oakland, Calif., on April 6, 1968.

Cleaver's criminal record dates back to 1950 when he was 15 years old. At that time he was convicted of burglary and petty larceny. Since that time he has spent most of his life in prison, after convictions for narcotic violations, concealed weapons, and several charges of attempted murder and rape. After his release from prison, Cleaver went to work for the leftist radical magazine Ramparts, and in that magazine, following the death of Martin Luther King, wrote:

> Now there is the gun and the bomb, dynamite and the knife, and they will be used liberally in America. America will bleed.

In addition to Newton, Seale, and Cleaver, other kingpins in the BPP are David Hilliard, chief of staff, Emory Douglas, Jr., minister of culture and revolutionary artist and Donald Lee Cox, chief of the underground field marshals of the BPP.

Hilliard's arrest record dates from 1962 and includes charges ranging from traffic violations to assault with intent to commit murder. On February 25, 1968, Hilliard was charged in Berkeley, Calif., with conspiracy and carrying a loaded gun. On April 6, 1968, he was charged along with Cleaver and other members of the BPP with ambushing and attempting to murder two members of the Oakland Police Department, which charge was later dropped.

Douglas' arrest record dates from 1960 with several arrests for civil disobedience. He was arrested May 2, 1967, along with Cleaver, Hilliard, Seale, and other members of the BPP when they staged a siege on the State capitol in Sacramento. Further comment will be made about Douglas in relation to his role as revolutionary artist.

Donald Lee Cox as chief of the underground field marshals is a key organizer of the party and is personally responsible for buying many weapons for use by party members. In part 19 of the McClellan subcommittee hearings, Capt. John E. Drass of the Metropolitan Police Department of Washington, D.C., testified as to Cox's role in the BPP. Captain Drass, since January 1968 had been on loan from the Metropolitan Police Department to the McClellan subcommittee to investigate and research the organization structure, operations, and membership of the Black Panther Party. He stated that between October 21, 1967, and April 3, 1968, Cox and six other members bought 75 automatic handguns from Shim's army store in Reno, Nev. Cox, according to Captain Drass, also bought high-powered rifles in Los Angeles. Thirteen of the handguns Cox bought have been recovered on other members of the BPP involved in confrontations and shoot-outs with the police.

In the course of his investigation with the McClellan subcommittee, Captain Drass, while in Mobile, Ala., interviewed an adult and a child who personally stated that on July 26, 1968, Donald Lee Cox, together with Stokely Carmichael and a third subject by the name of William Hall, traveled to that city and while there Cox conducted a school for young Negroes to teach them to make fire bombs. The child who was interviewed had personally attended the classes. Captain Drass testified that after the classes fire bombings increased and had become more sophisticated. At the time of his testimony, Captain Drass stated that 126 fire bombings had taken place at that time, amounting in millions of dollars of damage.

The January 10, 1970, issue of the Black Panther carries an article by Cox which illustrates the dedication to anarchy which impels BPP leaders. One excerpt from the article reads:

> Our Chief of Staff (Hilliard) was perfectly right in saying, we will kill anyone who stands in the way of our liberation and that goes for Richard Nixon and his mama.

The hierarchy of the BPP at the present time consists of:

Huey Newton, minister of defense.

Bobby Seale, chairman.

Eldridge Cleaver, minister of information.

David Hilliard, chief of staff.

Don Cox ("DC"), field marshall.

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Raymond "Masai" Hewitt, minister of education.

Emory Douglas, minister of culture.

Kathleen Cleaver, communications secretary.

Judi Douglas, deputy communications secretary.

ORGANIZATION

A Black Panther document in the possession of the Senate Permanent Investigations Subcommittee outlines and identifies the BPP's national organizational structure, dividing the BPP into a three-level structure. The first level is the national central committee, the second is the central staff of any State chapter, and the third is the central staff of any local city branch or chapter. The State structure at the second level is very similar to that of the national offices. The highest office at the State level in most cases is the deputy to the minister of defense. In a local city branch of the Black Panthers, the highest ranking officer is the defense captain, followed by field lieutenants and secretary to the central staff. Local chapters seldom follow this structural system, however. Titles and offices in some areas are different from others and there have been substantial changes in personnel. Local leadership changes constantly.

A Panther recruit must undergo a training period of 6 weeks before actually becoming a member. During this time he is required to acquire a gun and a beret. He must learn to be proficient in field stripping of weapons and must participate in firing practice. During this training period he must attend political education classes and carry out assignments in political propaganda.

Until May 1968, the BPP was confined to the San Francisco Bay area. Since then it has branched out and formed chapters in Los Angeles, Sacramento, and San Diego, Calif.; Seattle, Wash.; Denver, Colo.; Houston, Tex.; Des Moines, Iowa; Omaha, Neb.; Detroit, Mich.; Indianapolis, Ind.; Chicago, Ill.; Minneapolis, Minn.; New York City; Boston, Mass.; Jersey City, Newark, and Lakewood, N.J.; Baltimore, Md.; Philadelphia and Pittsburgh, Pa.; and other locations. Attempts are being made to organize chapters in numerous other locations throughout the United States including but not limited to Alabama, Mississippi, and North Carolina.

The above listing is subject to change. For instance, during recent hearings of the House Internal Security Committee on the BPP, ex-Panther Donald Berry testified that the Detroit chapter of the BPP was closed after a Panther was killed during a meeting of 14 Panthers at BPP headquarters. However, BPP influence is still exercised through the local office of the NCCF.

The Kansas City Star of May 4, 1970, reported that the Black Panther Party was disbanded in Kansas City and a new organization, Sons of Malcolm, which supports "the struggles of the Black Panther Party" has been organized.

As to the size of BPP membership, it is difficult to ascertain for the BPP never publicizes the number in its ranks. Captain Drass, previously mentioned, stated in June 1969, in his testimony before the McClellan subcommittee:

> The exact numerical membership of the BPP is not known. It is estimated that the number does not exceed 4,000. The subcommittee has the names of about 2,000 identified members and has obtained the arrest records of approximately 350 officers and members of the BPP. Of this number, about 90 percent have been convicted of crimes of violence.

On March 5 of this year, Director Hoover stated:

> Originating in 1966 in Oakland, Calif., it expanded its activities all across the country forming over 40 chapters. Following a purge of its members, it deliberately reduced its chapters to approximately 30 but now once again it is steadily growing. Its estimated membership consists of 800 to 900 hard-core guerrilla-type members with many thousands of supporters in the major urban areas of the Nation.

PANTHER PROJECTS

The BPP program includes various projects designed to reach the black community and win converts to their cause. Perhaps the most famous is the "free breakfast for children" program where the "Black Panther coloring book" first appeared. Other projects provide medical assistance and free clothing, and attempts to combat the use of drugs in the community have been made at various BPP chapters. Education classes are conducted for the study of Franz Fanon's book, "The Wretched of the Earth" and Mao Tse-tung's "Quotations From Chairman Mao Tse-tung" which the BPP claims explain the use and meaning of violence in a political context. The party proclaims that it is the duty of the black intellectuals to read and absorb "Che Guevara, Regis Debray, and other revolutionary fighters and writers to learn the military means successfully employed by minority populations to win their freedom."

In addition, the BPP in July 1969, announced that its free breakfast program would be replaced during the summer months by liberation schools. The July 5, 1969, issue of the Panther paper, in an article entitled "Liberation Means Freedom," explained that the liberation school is the "second of many socialistic and educational programs that will be implemented by the Black Panther Party to meet the needs of the people." At the same time, the BPP announced that it would be starting community political education classes in the evening for adults.

The BPP breakfast program was initiated in January 1969, in the San Francisco Bay and Oakland areas and since that time has spread to chapters in other cities. As ex-Panther Donald Berry of Detroit testified before HISC, this device is a means of reaching and indoctrinating children, turning them against the local police and preparing them for future membership in the BPP. In the case of Detroit there were at one time three centers, two churches and a recreation center, which provided facilities for the BPP breakfasts. The program was reduced to one location due to Panthers failing to clean up after the breakfasts, failing to keep their assignments to make the breakfasts, and using the food for the personal use of Panthers instead of for the children. Another former Panther, Barron Howard, who also testified before HISC, stated that the breakfast program in Indianapolis lasted but three weeks due to misappropriation of donations by Panthers for their personal use.

PANTHER RHETORIC

Last Sunday's issue of the New York Times reported that New Haven police had arrested seven men at the Black Panthers' headquarters, charging that much of the sniper fire in the city recently had been traced to members of the BPP. One of those arrested, Robert Hudson, 23 years old, was said by the police to have fired a .22-caliber rifle at a policeman from the ledge of the Black Panther headquarters at 135 Barbour Street. Hudson was charged with conspiracy to commit murder, while the other men were charged with possession of marihuana and violation of the narcotics laws.

This is but the latest episode in the violence-oriented activities of the BPP. The newspapers have carried daily accounts of two trials currently underway in New Haven, Conn., and New York City concerning BPP operations. In New Haven, on July 23, "a spellbound jury listened for 90 minutes today to the gasping, whimpering voice of slain Black Panther Alex Rackley, 24," according to correspondent Sam Roberts of the New York Daily News. Charged in the killing is Lonnie McLucas of the BPP, with Bobby Seale, BPP national chairman, and seven other Panthers charged with complicity in the murder. It is indeed unfortunate that those BPP supporters who explain away BPP extremist beliefs and activities with a convenient reference to the word "rhetoric" were not present in the New Haven courtroom to hear the Rackley tape. After being tortured, Rackley was shot to death in a swamp about 20 miles from New Haven.

In the New York case 13 Panthers are accused of conspiring to bomb department stores, police stations, the New York Botanical Gardens in the Bronx, subway switching stations, and a Queens district school office. A graphic example of the BPP vendetta against law enforcement officers was brought to light when Joan Bird, one of the 13, was reported by a police detective witness to have told him that she had been part of a plan to kill police in January 1969, "to prove herself."

Another case involving the BPP and possibly similar to the brutal torture and death of Alex Rackley concerns a 20-year-old Negro, Eugene Anderson, whose skeleton was found in a Baltimore, Md., park last October. On May 1 of this year 11 men and a woman were indicted by a Baltimore grand jury on charges ranging from murder to mayhem in connection with Anderson's death. According to press accounts, officials claimed that he was kidnaped and kept captive in a house the 2 days of July 10 and 11, 1969. They said he was tortured and maimed with a hot-heated knife then carried to the park where he was shot several times. The killing was linked to the Black Panthers by an FBI tip last November, the police stated. The prosecution urged that bail not be granted to any of the 12 defendants, six of whom were then still at large.

On April 23, 1970, an organizer of the

New York branch of the Black Panther Party was convicted of having shot to death a stranger on an East Bronx Street last year in a case of mistaken identity. The convicted man was Edwin Ellis, a 28-year-old public relations coordinator for the Black Panthers in New York and the editor of the Liberator, a black militant magazine.

The Anaheim, Calif., Bulletin reported on June 19, 1970, that Arthur DeWitte League had been sentenced to 5 years to life for the second degree murder a year ago of police officer Nelson Sasscer. Officer Sasscer, 24, had stopped League and a companion for a routine pedestrian check: when League, a Black Panther Party member, shot him in the stomach with a .38 revolver. According to the police, both men involved in the shooting were top Panther leaders of the Santa Ana chapter. Officer Sasscer, a policeman for only 13 months, had been the department's rookie of the year in 1968. He was the fireman of the year in Baltimore in 1967, and had won several decorations in Vietnam.

STILL MORE RHETORIC

A Chicago Tribune survey in December 1969, disclosed that during the last 6 months of that year members of the Black Panther Party had been implicated in the killing of three policemen—this included Officer Sasscer mentioned above—the permanent paralyzing of another, and the wounding of 24 others.

On July 31, five policemen were wounded in Chicago in a gun battle near Panther headquarters at 2350 Madison. The battle began after two policemen had stopped to question a youth standing in front of the building and holding a shotgun.

On the night of September 7, Patrolman Leslie Edward Clapp of the South Los Angeles County Highway Department and his partner, William Sisson, were cruising in an unincorporated area near Gardena, Calif., when they stopped a car with a burned-out taillight. One of the three occupants fired a shot from a revolver, and the three occupants got out, continuing to fire at Clapp who had been hit, wounding him again in the knee and abdomen. The suspects fled into a nearby home and attempted to use a woman and her small son as hostages to escape police. Although the woman was shot once in the shoulder by the fugitives, police captured them by shooting out the tires on their getaway car. The three, all charged with attempted murder, were members of the Los Angeles chapter of the Panthers. Officer Clapp has been permanently paralyzed from the waist down since the incident.

A gunfight on Chicago's South Side between police and Panthers on November 13, 1969, resulted in the deaths of two policemen. Policeman John Gilhooly, 21, of the Wabash district died from gunshot wounds in the face and neck. Grand Crossing Policeman Francis G. Rappaport, 32, the father of three, was killed by shotgun blasts in the gun battle in and around a vacant building at 5801 Calumet Avenue. During the battle, one Panther was killed and seven other policemen wounded.

Several days ago the Senate Permanent Subcommittee on Investigations issued a staff study of terroristic attacks against law enforcement facilities and officials in the United States. Following is a listing of the various incidents which involved the Panthers and the police which the study cautions should not be construed as a complete listing of such acts during the period of its review from 1968 to July of 1970. Nor has any attempt been made in the study to fully identify the assailants. Thus, the shooting of Officer Sasscer, mentioned above, is not linked to the BPP in the staff study, and how many of the 226 injuries and 23 deaths of police officers listed in the study can be traced to BPP members has not been ascertained at this time. Here is a sampling of attacks against police involving BPP members as it appeared in the subcommittee's review.

On August 5, 1968, in Los Angeles, policeman stopped a car for wanted check; four Negro male Black Panther Party members opened fire, wounding the policeman; policeman returned fire and killed three BPP members.

On August 8, 1968, in Los Angeles, the police traded shots with Black Panther Party members; no injuries.

On November 13, 1968, in Berkeley, Calif., a policeman was wounded by shots fired by a Black Panther Party member.

On November 19, 1968, in San Francisco, three policemen were wounded, two critically, in noon shootout with Black Panther Party members identified as fleeing from an $80 gas station robbery.

On April 28, 1969, in San Francisco, police were assaulted when they entered Black Panther Party headquarters in the Fillmore District.

On June 15, 1969, in Sacramento, police received sniper fire following dispersal of Black Panther Party group; seven police slightly wounded by shotgun pellets.

On July 25, 1969, in Los Angeles, three police officers were questioning two persons when a fourth policeman saw two persons preparing to fire on policemen. Eight admitted Black Panther Party members were arrested for conspiracy to murder four Los Angeles police officers.

On December 8, 1969, in Los Angeles, police raid Black Panther Party headquarters; 4½-hour gun battle erupts with three policemen injured, one critically. Three BPP members received minor injuries.

On April 17, 1970, in Oakland, an Oakland police van carrying two officers and four prisoners was ambushed by a group of men armed with fully automatic weapons. Both officers were wounded severely. A chase ensued between police and assailants. The assailants threw fragmentation grenades at the persuing police cars heavily damaging them. Two of the assailants were captured. One of them was a captain in the Black Panther Party. His fully automatic weapon used in the ambush was traced; it had been stolen from a bunker at a military reservation.

On December 7, 1968, in Denver, Colo., a Negro male was arrested at BPP headquarters for assault on police officer and pointing a rifle at a passing police cruiser.

On Sept. 24, 1968, in Jersey City, N.J., three policemen were injured by members of the Black Panther Party after they had stopped the police car.

On September 20, 1968, in Seattle, Wash., a police detective was physically assaulted by 12 Black Panther Party members.

WEAPONS AND THE BPP

The July 3, 1967, issue of the Black Panther carried an article by Huey Newton which recommended and commented on suitable weapons for the BPP:

> Army .45—Army .45 will stop all jive.
> Carbine—Carbine will stop a war machine.
> 12-gauge Magnum shotgun with 18-inch barrel—Buckshots will down the cops.
> P–38—P–38 will open prison gates.
> 357 Magnum pistols—357 will win us our heaven, and if you don't believe in lead, you are already dead.

Captain John Drass of the Washington, D.C., Police Department, in his appearance before the McClellan subcommittee offered as evidence a BPP document on armament information with instructions that—

> Every Black Panther Party Member *must* have a functional piece and at least one thousand rounds of ammo. Every Panther in training must acquire a piece within their six week training period. All Party members who do not have a piece are on one months suspension and they must acquire a piece or they will be *expelled* from the party.

Director Hoover in his March 5, 1970, testimony, referred to an article from the Black Panther, which cautions Panthers against the use of small-caliber weapons and recommends instead a high-powered rifle with "enough killing force to knock the pig out of his shoes at a distance of three or more blocks." The article concludes with the statement, "The only good pig is a dead pig."

That the above emphasis on weapons is not another example of BPP rhetoric was proved by Mr. Hoover in the above-mentioned statement:

> In conjunction with arrests made at Panther offices over the past 2 years, authorities uncovered 125 machineguns, sawed-off shotguns, rifles, and hand grenades, together with thousands of rounds of ammunition. They also found 47 Molotov cocktails plus homemade bombs, gunpowder, and an accumulation of bayonets, swords, and machetes.

Reporter Ronald Koziol wrote in the Chicago Tribune of December 23, 1969:

> Federal and local police have traced 375 guns purchased by members of the Black Panther party in Reno, Nev., and Milwaukee in the last two years.

In his testimony before the McClellan subcommittee, former Panther Larry Clayton Powell testified that larger arsenals were kept in homes of Panthers and a small arsenal was located in the national headquarters in Berkeley, Calif. He further stated:

> An arsenal might consist of a couple of cases of rifles, a few grenades, handguns, and ammunition. Some of the weapons in the arsenals are M–16's, a government piece. Others are AR–15's, a model of the M–16, that can be bought across the counter and turned into a fully-automatic weapon.

Powell also commented on the distribution of the weapons:

> The guns in the arsenal would at times be distributed to members who could not

afford one but who wanted to be armed. When a gun is distributed to a member, it is still the property of the party. When weapons are distributed they are quickly replaced. Most of the weapons in the arsenal are purchased, but many are stolen.

FINANCES

The BPP has many and varied sources of contributions and other means for acquiring funds. Each chapter is required to sell a certain number of the BPP newspaper with part of the proceeds going to the national headquarters at Oakland and the remainder being retained by the chapter and the seller. Honorariums for speeches given at high schools, colleges, and universities has proved to be a lucrative source of funds, with some honorariums reaching as high as $1,900 with transportation costs also paid by the sponsoring organization. In calendar year 1969, 189 appearances were made by BPP members at educational institutions in contrast to 1967 when only 11 appearances were made by BPP speakers.

Another source, according to Mr. Hoover in his FBI appropriations testimony of March of this year is the charity of well-heeled individuals sympathetic to the BPP cause. A leading movie actor has contributed at least $1,000 and a well-known movie actress has reportedly given as much as $8,000 to the BPP. Negro entertainer Dick Gregory stated publicly that he sent $1,500 to the Panthers. In addition to outright donations, a gimmick which brings in additional bucks is the legal defense fund benefit. According to the New York Times and the New York Post, the wife of composer-director Leonard Bernstein gave a cocktail party for the BPP in her home. In excess of $10,000 was collected in cash and pledges at the function which was attended by the Bernsteins, Otto Preminger, the film director, Mrs. Peter Duchin, wife of the orchestra leader, and Mrs. Sidney Lumet, wife of the film director. Bernstein himself promised to donate the proceeds of his next concert, a sum he indicated would be in four figures.

Others who were invited to the Bernstein affair included Mrs. August Heckscher, wife of New York City's administrator of parks, recreation, and cultural affairs; Mrs. W. Vincent Astor; Mr. and Mrs. Harry Belafonte; Sheldon Harnick, the lyricist; Richard L. Feigen, the art dealer; Roger Wilkins, nephew of Roy Wilkins, executive director of the NAACP; Dr. Harold Taylor, former president of Sarah Lawrence College; Burton Lane, the composer; the Reverend Robert L. Pierson, the Episcopal minister who has been active in the civil rights movement; and Mrs. Arthur B. Krim, whose husband is the film executive and Democratic fund raiser. The above listing of personalities, as reported by the New York Times of January 15, 1970, also included Mrs. Moss Hart—Kitty Carlisle—City Councilman Carter Burden, Jr., and Ossie Davis, all of whom were not present due to conflicting engagements.

A $15,000 donation to the BPP was made in December 1969 by a member of the Committee of Returned Volunteers—CRV—a protest group consisting mainly of former Peace Corps members.

In addition to the above, Mr. Hoover stated in his testimony that the Union Theological Seminary of New York City—as of March 5, 1970—was considering plans to pledge seminary stocks and bonds in the amount of $400,000 to be used as bail bond for three of the "Panther 21." The "Panther 21" refers to the 21 members of the Black Panther Party who were indicted on April 21, 1969, in New York City for conspiring to commit murder and arson.

A former member of the BPP in Los Angeles and Oakland, Calif., Larry Powell, commented on the source of BPP in his testimony before Senator MCCLELLAN'S Senate Permanent Investigations Subcommittee:

> The party gets its money from the defense funds; propaganda, such as posters, newspapers, et cetera; speaking engagements, armed robberies, and donations. We were also supported by the Peace and Freedom Party, who we had a coalition with, SNCC, who we had a merger with, the Black Students Union, Young Socialist Alliance, and ODAC. Also, they were receiving large donations from members of the advisory committee, a part of the Black Panther Party. The committee consists of many people who are in positions where they are well known either locally or nationally, or internationally; and they become members because they are sympathetic to the cause. Some well known figures are actors and actresses, doctors, and political figures.

In April of this year, the New York Times reported that a Harvard microbiologist who won the 1970 Eli Lilly award for being the first to isolate a pure gene said tonight that he was turning the $1,000 honorarium over to the Black Panther Party. He said he was giving the money to the Panthers to help "an organization which I believe is making some important contributions to changing society so that it serves the people."

Another source of assistance who apparently has more information on the merits of the Black Panthers than the rest of us have been able to acquire are Dr. and Mrs. Fern Wood Mitchell who, according to the Washington Post of June 18, 1970, held "the first known white-sponsored benefit cocktail party in Washington for the Black Panther Defense Fund." Said Dr. Mitchell: "They're the only—blacks who are doing something."

Radical leftist groups also kick into the BPP kitty. A main source of funds for the BPP in Los Angeles, Calif., is the Los Angeles Friends of the Panthers, which is a group composed of white individuals including Donald Freed, a leader of the new left, and Shirley Sutherland, a Canadian and the daughter of the leader of a minority political party in Canada.

OTHER FORMS OF ASSISTANCE

Other sources, in their own ways, have rendered assistance, other than monetary, to the cause of the BPP. On her recent visit to the United States Bernadette Devlin, the Irish crusader or insurrectionist—whichever one prefers—was given the key to the city of New York by fun city's erstwhile Mayor John Lindsay. Bernadette provided additional fuel for those who have labeled her as left-wing by turning the key to the city over to the Black Panthers.

New York's Democratic Coalition asked that some of the indictments against various Panthers be quashed.

Last December a commission was set up by Roy Wilkins of the NAACP and former Supreme Court Justice Arthur J. Goldberg to make a national study of the clashes between the police and the Black Panthers. The commission's budget called for an outlay of $150,000 which would be realized, it was hoped, with substantial help from the Ford Foundation. When the Ford Foundation declined to help, the NAACP in April of this year, kicked in $50,000 to save the commission. Ramsey Clark was named head of the panel's steering committee.

As was to be expected, the American Civil Liberties Union—ACLU—jumped into the fray and prepared for the commission a study of illegal police harassment and denial of BPP constitutional rights although the study found that no Federal conspiracy against the BPP was involved.

One cannot fault the above organizations and individuals for seeking to have uniform standards of justice applied to all citizens, including members of the BPP. But to ignore the violation by BPP members of the civil rights of other citizens certainly is open to question. For instance, the ACLU, in preparing the above-mentioned report, surveyed nine metropolitan areas and received reports from 18 ACLU affiliates. One might have a higher regard for the ACLU if it had used its machinery to also establish to what extent the civil rights of merchants had been violated by the threats and repression of Black Panthers in their shakedowns of business establishments. How much money had been extracted from businessmen or how much food had been "contributed" under threats of reprisal.

ACLU also contributed to the BPP cause another example of its questionable legal expertise when David Hilliard, BPP chief of state, was arrested for threatening the life of President Nixon at an antiwar rally last November 15 at San Francisco's Golden Gate Park. Hilliard was reported to have said publicly that "We will kill Mr. Nixon."

To Hilliard's defense came Paul Halvonik, an ACLU attorney, who opposed the Federal indictment on the grounds that the Nixon threat was rhetorical. Halvonik was reported by the press to have said that "the U.S. Supreme Court has held that political hyperbole, even when the talk is about the President's life, is protected by the first amendment."

At least one well-known educator came to the defense of the BPP and impugned the U.S. judicial system when Yale University president Kingman Brewster stated that he was "skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States." State Superior Court Judge Herbert S. MacDonald answered Brewster by charging that the president of Yale and the demonstrators in New Haven created the very atmosphere which they then claimed prevented a fair trial for the Black Panther defendants in the Alex Rackley case.

XUM

XUM

BPP REVOLUTIONARY ART

Toward the middle of April 1969, the San Francisco police came into possession of the now famous children's Black Panther coloring book. Distributed to children attending the BPP breakfasts in three different locations in San Francisco, the coloring book depicted law enforcement officers as pigs and showed both children and adults shooting police. Captions on the cartoons were as extreme as the actual pictures: "The only good pig is a dead pig," "Off the pig beautiful black men!", "Power comes through the barrel of a gun."

The use of art by the BPP was explained by Emory Douglas, Jr., the minister of culture and revolutionary artists of the BPP in the May 18, 1968, issue of the Black Panther:

> We the Black Panther artists, draw deadly pictures of the enemy, pictures that show him dead or at this death door—his bridges are blown up in our pictures—his institutions destroyed—and in the end he is lifeless—"

After pointing out that the Panthers at the present time do not have the same technical equipment—tanks, automatic weapons, or semiautomatic weapons, and so forth—as the U.S. imperialists, and in order to create an atmosphere for the vast majority of black people, who, will feel they have the right to destroy the enemy, Douglas, whose cartoons are signed "Emory," states:

> So, here is where we began to create our revolutionary art—we draw pictures of our brothers with stoner guns with one bullet going through forty pigs taking out their intestines along the way—another brother comes along, rips off their technical equipment; brothers in tanks guarding the black house and the black community—also launching rockets on U.S. military bases—Minister of Justice H. Rap Brown burning America down; he knows she plans to never come around; Prime Minister of Colonized Afro-America Stokely Carmichael with handgrenade in hand pointed at the Statue of Liberty; preaching we must have undying love for our people; LeRoi Jones asking, "Who will survive in America?" "Black people will survive in America"—taking what they want—Minister of Defense Huey P. Newton defending the black community—two pigs down two less to go.

Until she was replaced in March 1969, Joan Lewis, under the pen name of Matilaba assisted Douglas in the revolutionary art department. She was replaced by Mark Teemer whose name appears on the cartoons appearing in the Black Panther coloring book.

Finally, if one still is doubtful about the extreme nature of BPP art, this directive of Emory Douglas from the above-mentioned article of May 18, 1968, should be remembered:

> We must draw . . . pictures that show black people kicking down prison gates—sniping bombers, shooting down helicopters, police, mayors, governors, senators, assemblymen, congressmen, firemen, newsmen, businessmen, Americans—.
>
> We shall conquer without a doubt.

CONCLUSION

No amount of liberal rhetoric can gloss over the true nature of the Black Panthers. They are a violent, desperate group which represents a threat to all Americans, black and white. No white organization which advocates terror can be tolerated by decent Americans. No black organization which advocates terror can be tolerated by decent Americans. That the Panthers should be received so gratuitously by the American left must cast doubt on their mental processes or their standards. Surely, the majority of good, honest black Americans do not sympathize with the Panthers. To their credit, they reject the racist appeal of the organization which claims to speak for them. Law-abiding black Americans and law-abiding white Americans are as one on this issue.

To look behind the rhetoric and examine the reality is the urgent need of every American interested in law and order, social justice and progress. A better understanding of the Panthers can help in this regard and I hope that these remarks accomplish that goal.

TRIBUTE TO MRS. THEODOSIA SEARCY LOWREY ON HER 101ST BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. MANN) is recognized for 10 minutes.

(Mr. MANN asked and was given permission to revise and extend his remarks.)

Mr. MANN. Mr. Speaker, I rise today to pay tribute to a remarkable citizen of the city of Greenville, S.C. I refer to Mrs. Theodosia Searcy Lowrey, who, on Monday, will celebrate her 101st birthday.

She is a lady who has contributed much to the field of education in this country and to the enhancement of the joy of living of all those people whose lives she has touched.

She is a native of Arkansas who has spent many years in Mississippi, where she was the wife of a man who served as president of four Mississippi colleges.

She came to South Carolina several decades ago, where she has been an asset to our State. She has been living with her daughter, Miss Sara Lowrey, who is a noted lecturer, author, professor, and former head of the Speech Department of Furman University.

Mrs. Theodosia Lowrey has done research in recent years for her daughter's work, and continues to stay active in the League of Women Voters and the American Association of University Women.

As Members know, Mr. Speaker, South Carolina is celebrating its tricentennial this year. Emphasis on the first 100 years was placed in the Charleston area, for the second 100 years in the Columbia area; and for the third 100 years in the industrial Piedmont, of which Greenville is the hub.

Several weeks ago we dedicated in Greenville an expo park as a part of that celebration, and Mrs. Lowrey cut the tricentennial cake. At that time Governor McNair presented her with a plaque and cited her for her contributions during the last 100 years.

We are fortunate to have Mrs. Lowrey as a resident of Greenville in my district. She has voted in every election since women have had the privilege of voting. She has voted Democratic in every election. She voted for me 2 years ago.

I suspect, though, that if she lived in Alabama she might have cast a Republican vote, because sitting in this audience today is her grandson, a Congressman from Alabama, Mr. JOHN BUCHANAN, Jr. She tells me that in spite of his party he thinks rather clearly most of the time.

Mr. BUCHANAN. Mr. Speaker, will the distinguished gentleman yield?

Mr. MANN. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I want to thank my colleague for his very gracious eulogy of a person who to me has been for all the years of my life a truly great lady and one who has been a blessing to society and a joy to her family, starting now into her second century. She is a person of great wit and wisdom. Her sole deficiency is the fact that according to my mother, whose mother she is, had grandmother had her way I would be the only Republican in the Congress.

I thank the gentleman for his very gracious tribute and must say, relationship to the contrary notwithstanding, I share his high view of this great and gracious lady and thank him for saying so on the floor of the House.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield to the gentleman from Iowa.

Mr. SCHERLE. I, too, would like to offer at this time my heartiest best wishes to Mrs. Lowrey, an outstanding citizen of Greenville. Since she is going to celebrate her 101st birthday, as a birthday present to the Republican Party perhaps she will vote straight Republican this year.

Mr. MANN. Since I have no opposition I cannot be counted upon to politic her too hard, but I hope she stays in line.

THE 1970 CAPTIVE NATIONS WEEK AND A SPECIAL HOUSE COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, another successful Captive Nations Week observance has been conducted and completed both nationally and internationally. Despite the euphoric and dangerous effects of Moscow-sponsored "peaceful coexistence" and a misguided "detente" psychology, citizen groups in all sections of our country rallied to emphasize again the stark reality of the captive nations and their basic strategic importance in the world conflict between Soviet Russian imperio-colonialism and the forces of freedom and democracy. In Asia and elsewhere, the annual observance was impressively staged.

In his appeal to our Members for the long-awaited implementation of the Captive Nations Week Resolution, Dr. Lev E. Dobriansky, of Georgetown University, and also chairman of the National Captive Nations Committee, stressed the urgent need for the creation of a Special House Committee on the Captive Nations. One of the essential reasons given for such a committee is "the appalling ignorance on the part of a sizable portion of our youth regarding 1 billion souls in totalitarian captivity." In addition to serving other paramount objectives, the work of a special committee would contribute heavily in offsetting and counteracting both the ignorance and misleading propaganda handicapping some of our youth today.

To cite a few examples of the activities engaged in during the week's observance, I commend the following to the attention of our Members: First. Proclamations by Gov. Raymond P. Shafer of Pennsylvania, Gov. Preston Smith of Texas, and Gov. Deane C. Davis of Vermont; second, a penetrating article titled "Annual Captive Nations Week Spotlights Soviet Union's Tyranny and Hyprocrisy," which was written by Fr. Denis Dirscheri, S.J., and appeared in the July 16, 1970, issue of the Washington Catholic Standard; third, a theme-setting press release by the National Captive Nations Committee on "The 27 Captive Nations Also Honor America" and a telegram from Dr. Phan Huy Quat, chairman of the Vietnamese chapter of the World Anti-Communist League in Saigon; fourth, the program of the Philadelphia Captive Nations Committee, including a pamphlet "Why—Captive Nations Week?" resolutions, and addresses by the Honorable Perrin C. Hamilton and Dr. Austin J. App; and fifth, a news release on the New York City observance and several press items and an editorial in Svoboda, the Ukrainian Weekly section of July 11:

PROCLAMATION

CAPTIVE NATIONS WEEK—JULY 12-19, 1970

By a joint Resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July as Captive Nations Week and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

The President of the United States of America has by such proclamation invited the people of the United States to observe this week with appropriate ceremonies and activities.

The citizens of the Commonwealth of Pennsylvania are fully aware of and grieve the plight of those made captive under the heavy yoke of Communism.

It is our purpose to demonstrate to the peoples of the captive nations the support of the people of the Commonwealth of Pennsylvania for their just aspirations for freedom and national independence.

It is deemed appropriate to call for a public observance of this occasion so that our knowledge and sympathies may be declared.

Therefore, I, Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania, do hereby proclaim the week of July 13-19, 1970, as Captive Nations Week in Pennsylvania.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this first day of July, in the year of our Lord one thousand nine hundred and seventy, and of the Commonwealth the one hundred and ninety-fourth.

By the Governor:

RAYMOND P. SHAFER,
Governor.
JOSEPH J. KELLEY, Jr.,
Secretary of the Commonwealth.

OFFICIAL MEMORANDUM

(By Preston Smith, Governor of Texas)

AUSTIN, TEXAS.

In its thrust toward world domination, communist imperialism has deprived many millions of people of Central and Eastern Europe, Asia and even the Western Hemisphere of human rights and fundamental freedoms. Silenced, but unconquered, these people will never cease to struggle for their inalienable right to a free life.

The national security and well-being of the citizens of the United States is dependent on the continued desire for liberty and justice on the part of the people of these captive nations.

By action of Congress, the third week of July has been designated as Captive Nations Week. It is fitting that we observe this period in tribute to the fight for freedom and in recognition of the natural interdependency of the people and nations of the world.

Therefore, I, as Governor of Texas, do hereby designate the week of July 12-18, 1970, as Captive Nations Week in Texas.

In official recognition whereof, I hereby affix my signature this 30th day of June, 1970.

PRESTON SMITH,
Governor of Texas.

A PROCLAMATION

STATE OF VERMONT,
Executive Department.

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Servia, Slovenia, Tibet, Cossackia, Turdestan, North Vietnam, Cuba and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week of July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with the support for the just aspirations of captive peoples for freedom and independence,

Now therefore, I, Deane C. Davis, Governor of the State of Vermont, do hereby proclaim the week commencing July 12, 1970 as Captive Nations Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 10th day of July, 1970.

By the Governor:

DEANE C. DAVIS,
Governor.
FREDERICK W. REED,
Secretary of Civil and Military Affairs.

ANNUAL CAPTIVE NATIONS WEEK SPOTLIGHTS SOVIET UNION'S TYRANNY AND HYPOCRISY

(NOTE.—This is Captive Nations Week. As part of its observance, the following article was written by Father Dirscherl, who is a doctoral candidate in Russian studies at Georgetown University. He has spent three summers at the Institute of Contemporary Russian Studies, Fordham, N.Y., and four summers at the Russian School, Middlebury College, Middlebury, Vt.)

(By Fr. Denis Dirscherl, S.J.)

The Soviet Union, like the United States, is currently taking a census of its citizens. And if all predictions are on target, results will show that Russians make up less than half of the actual population. This fact has important implications for the nationality problem, a touchy situation at best.

The Soviet Union, unlike the United States, is divided into 15 republics, in large measure, along national and ethnic lines. For instance these include the Armenian, Georgian, Latvian, Lithuanian, and Ukrainian republics.

FEDERALISM

To be sure, the actual redivision of that vast land once called Russia into a sort of "federalism" by the early Bolsheviks was motivated, above all, by interests of winning over the various ethnic groups to the revolutionary cause. A new age was supposedly symbolized by a new title for the land—Union of Soviet Socialist Republics, or the Soviet Union for short.

"Self-determination" was and is still proclaimed today for all the various republics and nationality groups within the Soviet Union. Indeed, each republic has its own constitution and state apparatus, and accordingly has the right to secede from the union if it wishes. But after over 50 years the 15 major groups have little of the freedom or sovereignty promised them by Lenin and each succeeding regime. When all the propaganda is pushed aside, the title "Soviet Union" remains a misnomer, a cover for the same old Russian Empire in a new form.

U.S. EMPHASIS

Realizing the vulnerability of the Soviet Union to the nationality issue, a group of Americans decided a little over a decade ago to focus attention on this crucial problem. Gradually centers throughout the United States and abroad increased in size and devoted themselves to emphasizing the fact of "captive nations" within the Iron Curtain. One of the major rallying factors behind this movement was the sensitive nature of this problem to the Soviet oligarchy.

One of the spearheads behind the Captive Nations notion is Prof. Lev Dobriansky of Georgetown University. He helped originate the idea of a yearly observance in the late fifties. The idea was so persuasive that President Eisenhower signed a special resolution for Captive Nations Week into public law.

OPEN SENSITIVITIES

The central thrust of the Captive Nations concept is the critical need of every free nation to keep the injustices and oppressed conditions of people everywhere before their eyes. It urges every free person not to become immunized by the routine or monotony of everyday life, to open our sensitivities to all people without the free exercise of authentic self-determination.

This notion is doubly difficult to appreciate because we live in an era of acute self-introspection here in the United States. But in spite of our current propensity to too much "mea-culpism" the Captive Nations notion warrants some special consideration.

The Czech and Hungarian pleas to the outside world of 1956 and 1968 still ring in the ears of those living outside the Russian yoke, but to little avail. Russian troops and indiscriminate use of their heavy armor easily routed the forces of freedom. Here it is paradoxical to note that though the Soviets base their world outlook on Marx's philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters.

Writing for the New York Tribune, April 19, 1853, Marx says: "What had to happen?

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The ignorance, the laziness, the pusilanimity, the perpetual fickleness and the credulousness of Western governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's covetous power-policies have a long tradition. "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin. Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of Imperialism, Pan-Slavism, and Oriental Despotism. Of course this part of the Marxian corpus is not available to the public in the Soviet Union.

The reaction to these oppressive conditions in the Soviet Empire has been prepared through centuries of apathy under the Czars. Recourse to law, moreover, has little place in the Soviet Union in the crucial areas. Dissent or disagreement have ways of being turned against the individuals who espouse them.

The Soviet response to Yuli Daniel and Andrei Sinyavsky, who were sentenced in 1966 to labor camps for "slandering" the state, is still fresh. There is the case also of former Major General Peter Grigorenko who was packed off to an insane asylum for his civil rights activities.

One of the most daring of the attacks on Russification is Ivan Dzyuba's "Internationalism or Russification." In his book Dzyuba suggests that the people of the Soviet Union have already had their minds dulled to the state's injustices, to the mass resettlements, the dispersement of the population and economic inequities. The Ukraine has always been one of the testing grounds for the NKVD because of the Ukrainians' love for independence and resistance to arbitrary rule of the Soviets.

There also is the case of Vyacheslav Chornovil, who in the fall of 1965 was assigned to cover trials of some Ukrainian intellectuals. In the process he saw the travesty of law by the courts, and for making his views known, he was sentenced to a forced labor camp. His letters were smuggled out along with letters, petitions, and diaries of the many victims in labor camps.

"FULL OF LIES"

Other Soviet citizens have spoken out against the "system" at their own personal peril. Nuclear physicist Andrei D. Sakharov, the author of "Progress, Coexistence and Intellectual Freedom," has called for greater collaboration between the United States and Soviet Union. Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and recently spirited off to prison, has emphatically declared: "I am against the system from organic revulsion. I cannot listen to the Soviet radio. I cannot read Pravada. It is crude, stupid and full of lies."

Only recently a wave of protest highlighted the Soviet practice of taking political prisoners to mental hospitals to discredit the personalities involved. Alexander Solzhenitsyn assailed this practice, as "a variant of the gas chamber, and even more cruel." Another critic revealed his own despair: "I hate my own people. They are like cattle. They always have been. They always will be."

Captive Nations Week is a fitting time to recall and realize that the Soviet empire is grossly insecure and suffers pangs of inferiority, hiding as it does behind the facade of concrete walls, empty wastes and no man's lands. Such oppression is surely destined to be short lived. The human spirit will not long tolerate it, as such observances at Captive Nations Week remind the Russians of this shattering truth.

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The 27 Captive Nations Also Honor America

In a statement on the 12th Captive Nations Week Observance, the chairman of the National Captive Nations Committee, Dr. Lev E. Dobriansky of Georgetown University, declared today, "Though many Americans are unaware of it, the 27 captive nations in Central Europe, the USSR, Asia and Cuba also honor America. Deprived of freedom and themselves voiceless, they honor America's freedom role in history with more ardent fervor and hope in their hearts than can be found in numerous segments of our own populace."

The Captive Nations Week observance is based on the 1959 Congressional resolution signed into Public Law 86–90. It was this resolution that, according to the then Vice President Nixon, proved to be a major irritant and a source of fear to Khrushchev and the Kremlin. Because of its anti-empire and pro-national freedom contents, the resolution has been vehemently attacked by Moscow and its satraps ever since. President Nixon's Proclamation of the Week, July 12–18, emphasizes the principles of independence and freedom for all the captive nations. Seventeen other Free World nations observe the Week, including the Republic of South Vietnam.

Advocating a policy of Asianization, rather than Vietnamization, of the war in Vietnam and Southeast Asia, Dr. Dobriansky, who authored the Captive Nations Week resolution, reiterated a point made in his appeal to Congress last week, "One of the most alarming aspects regarding the war in Southeast Asia, where all the familiar Red techniques had been successfully tested decades ago in Eastern Europe, has been the incapacity of many to perceive this Red aggression in terms of the *domino fact* of cumulating captive nations." He added, "The basic and determining issue in Southeast Asia is whether the U.S., as the Free World leader, displays politico-moral responsibility and has the fortitude to prevent the addition of more nations to the long list of captive nations under Red domination or, as twice in this century, it falters in the use of its power and will be forced to pay a heavy price later. After both World Wars deficiencies in U.S. foreign policy contributed to the emergence and aggregation of captive nations."

A Congressional Record pamphlet reprint on *Captive Nations In The 70's*, circulated by NCNC, the Ukrainian Congress Committee of America and other groups, lists the captive nations and asks "Who's next? South Vietnam? Laos? Cambodia? Israel?" The professor pointed out, "Captive Nations Week is an appropriate time to engage in some hard thinking. If there were no captive nations in what is called the USSR—such as Ukraine, Georgia, Armenia, Azerbaijan, Cossackia and North Caucasia—there couldn't possibly be an imperialist Russian penetration into the Middle East." "The errors of the past are catching up with us now," he said, "and yet, strangely enough, how few really appreciate the fundamental fact that the exploited captive nations have served as springboards for further Russian and Red Chinese expansionism and aggressions."

In NCNC's appeal to Congress, Members were urged to create "a Special House Committee on the Captive Nations, which would unquestionably offset the appalling ignorance of our youth and others regarding the captive nations." They were also urged to move for reconsideration of the Freedom Academy bill in view of the intensification of Red political warfare on our own terrain.

LEV E. DOBRIANSKY,
Chairman.

SAIGON,
July 18, 1970.

DR. LEV DOBRIANSKY: Warmest greetings to NCNC on Captive Nations Week. We support your heroic struggle and sincerely pray for enslaved peoples liberation from Communist tyranny.

DR. PHAN HUY QUAT.

Captive Nations Week Observance, 12th Anniversary Held by Philadelphia Captive Nations Committee

PROGRAM

4:00 P.M.—Motorcade—Led by Dr. Ivan Skalchuk, Ukrainian Congress Committee of America, Philadelphia Chapter.

6:00 P.M.—

1. National Anthem.
2. Invocation—Rev. Kajatonas Sakalauskas, Representing His Eminence John Cardinal Krol.
3. Opening Remarks—Austin J. App, Ph.D., Chairman, Philadelphia Captive Nations Committee.
4. Reading of President Richard Nixon's Proclamation—Mr. Juocas Janulaitis, Lithuanian American Community of U.S.A.
5. Reading of Governor Raymond P. Shafer's Proclamation—Mr. Charles Gazdzik, Polish American Congress of Eastern Pennsylvania.
6. Reading of Mayor James H. J. Tate's Proclamation.
7. Address—Hon. Perrin C. Hamilton, Member of Governor Shafer's Cabinet.
8. Introduction of Guests of Honor and Representatives of Nationalities—Mrs. Margit Rohtla, Secretary, Philadelphia Captive Nations Committee.
9. Reading of Resolutions—Miss Gundega Jurgans, The Council of Latvian Churches and Organizations in Philadelphia.
10. Benediction—Rev. Juhan Suurkivi, Pastor of Estonian Community of Philadelphia.

Ceremony of placing Captive Nations Wreath at the Liberty Bell in Independence Hall.

Master of Ceremonies—Mr. Ignatius Billinsky, Executive Vice Chairman, Philadelphia Captive Nations Committee.

Captive Nations Week—July 12–18, 1970

"I, Richard M. Nixon: President of the United States of America, invite the people of the United States of America to observe the Captive Nations Week with appropriate ceremonies and activities and I urge them to give renewed devotion to the just aspirations of all people for national independence and human liberty . . ."—President RICHARD M. NIXON.

WHY CAPTIVE NATIONS WEEK?

To preserve freedom in the U.S.A.

To promote freedom in the enslaved World.

To make all aware of those who lack freedom.

To give hope to those who aspire to freedom.

THESE ARE THE CAPTIVE NATIONS

Albania, Armenia, Azerbaijan, Byelorussia Bulgaria, Mainland China, Cossakia, Croatia, Cuba, Czechia, East Germany, and Estonia.

Georgia, Hungary, Idel-Ural, Latvia, Lithuania, North Caucaria, North Korea, North Vietnam, Outer Mongolia, Poland, Roumania, Serbia, Slovakia, Slovenia, Tibet, Turkestan, and Ukraine.

To believe that we may preserve our freedom while these nations remain enslaved is foolish and suicidal indeed. Each and every American must understand and take part in the battle to keep man a free and independent being under God. The battle is here and overseas; within our boundaries in education and material assistance; overseas in the giving of hope and eventual aid. For now, every crack in the Iron Curtain must become an echo chamber for freedom's voice.

The Soviet Union presents on the outside a formidable and cohesive front. However, all is not well! All persecutions, deportations, breaking up and rotation of families, brainwashing and strict censorship has been incapable of stilling the ever present, innate desire for freedom and independence. The curtain opens now and then and the truth flashes through.

Entire nations are enslaved and suffering under the heavy yoke of Russian Communism. Since 1917 this control for the minds and bodies of men has been waged by the Reds. Unbelievable slaughters in Hungary, Ukraine, Poland, China, Vietnam and elsewhere have been the rule, not the exception. Their sufferings are beyond comprehension. Common sense justice demands that we preface any request for "peaceful coexistence" with consideration of the plight of these Captive Nations.

The main hope for freedom and independence for these nations rests with us.

We must support the efforts of U.S. government to make South Vietnam and Cambodia secure in freedom.

We must never forget what is happening and never cease efforts to work towards its eventual end.

When we turn our backs on the Captive Nations, we decide to allow the suffering of victims today and of yet unborn millions tomorrow.

It is for this reason we celebrate Captive Nations Week. We must remind ourselves constantly that our freedom is insecure while others are enslaved. We, individually and through our representatives, must do everything possible in the cause of freedom. To fail in this duty, we will not only condemn these people to their fate, but we will condemn ourselves to a final surrender of our freedom by default.

Greater Philadelphia Captive Nations Week Resolutions Approved by Acclamation at the Mass Rally at the Independence Mall, Philadelphia, July 12, 1970

Whereas, th3 U.S. Congress on July 17, 1959 requested the President annually to proclaim the third week of July Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world"; and

Whereas, President Richard Nixon proclaimed July 12–18 "Captive Nations Week," and Governor Raymond P. Shafer did so for Pennsylvania, and Mayor James H. J. Tate did so for Philadelphia; and

Whereas, the twenty-two nations enumerated by Congress as "captive in 1959—Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria. Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia. Turkestan, North Vietnam"—are if anything more communistically enslaved than ever, including now Cuba off our shores, with South Vietnam and Cambodia imminently threatened; and

Whereas, 1970 marks the thirtieth tragic anniversary of unprovoked Soviet Russia's military occupation and subsequent annexation and incorporation of Estonia, Latvia and Lithuania into the Soviet Union; and

Whereas, 1970 marks the thirtieth tragic anniversary of Soviet Russia's massacre of 15,000 Polish officers and leaders at Katyn and the twenty-fifth of its cutting Europe in half with a barbed wire "Iron Curtain" through the heart of it; and

Whereas, Soviet Russia and Red China have agitated for the independence, not only by peaceful but also by violent means of the African and Asian peoples, and nearly all of them have been granted their independence; and

Whereas, the nations mentioned above—subject to the Sino-Russian colonialism, have historically proven their capacity for self-government;

Now therefore be it resolved by the Captive Nations Committee of Greater Philadelphia and this assemblage gathered at historic Independence Mall this July 12, 1970,

That the U.S. government officially and publically urge Soviet Russia to grant at long last to its own captive nations the same independence it has demanded for Western colonial territories; and

That all U.S. negotiations and treaties with Communist bloc governments should meet the test of advancing, rather than impeding the liberation of the captive nations and should never in effect make America a partner of the oppressive puppet regimes; and

That the U.S. should as much as possible direct its own and the Free World's cultural and economic bridges with the Communist bloc directly to the captive populations and minimize those with the puppet governments; and

That the U.S., while renouncing its own use of force to liberate the captive nations, recognizes the inalienable right of enslaved peoples as a last resort to have recourse to force to liberate themselves and will regard realistically conducted freedom movements within the captive nations benevolently and provide whatever moral and even economic support be feasible; and

That, while the U.S. renounces military force to liberate the captive nations, it will resolutely employ it to prevent any other free nations being taken over by Sino-Russian communism; and

That President Nixon's action to save Cambodia and his determination through negotiation or Vietnamization, or military force to make South Vietnam secure in freedom be warmly endorsed, and that all necessary steps will be taken by the U.S. government to stop Russian penetration of the Middle East; and

That the House of Representatives should establish a Special Committee on the Captive Nations and initiate a Congressional Review of U.S. policy towards the U.S.S.R.; and

That a Captive Nations Freedom Stamp Series should be inaugurated and a Freedom Academy founded; and finally

That copies of these resolutions be transmitted to the President of the United States, the Secretary of State, both senators from Pennsylvania, all representatives of the Greater Philadelphia area, and to the newspapers, radio and television stations of the area.

Presented by the Captive Nations Committee of Greater Philadelphia

Austin J. App, Ph.D.,
Chairman.
Margit Rohtla,
Executive Secretary.
Ignatius M. Billinsky,
Executive Vice Chairman.
Albert Bagian,
Treasurer.

The Proper Role of America

(Remarks of Hon. Perrin C. Hamilton, Pennsylvania Secretary of Property and Supplies)

How appropriate for us to recognize the captive nations of totalitarian Communism here at Philadelphia's Independence Hall—the birthplace of freedom for the New World and the purpose of our gathering here today is to honor those brave patriots in the countries known as the captive nations. We applaud those who were successful in freeing themselves from the oppressive tyranny of alien forces; but we must also pay homage to those not so fortunate who today live under systems not of their own choosing.

Those who remain in the territorial boundaries of those countries we call the captive nations—who for reasons of fate, finance or fortune are not free to seek the fulfillment of their ideals or dreams in a democratic way.

It is not enough to acknowledge this problem and to pray for its adequate solution. Rather, we, as a humane society, must alert ourselves to continually protecting areas of national enslavement. Thus, it is my purpose today to set before you another troublesome and potent geographic area of concern.

The United States foreign policy is dedicated to international containment of dictatorial communism. It is because of this very philosophy that President Kennedy committed American troops to South Vietnam. For the same reason, President Nixon believes that American disengagement in that area of tremendous world tension is possible only by a program of successful vietnamization now. We have seen much disagreement with the moral commitment to that posture. It seems very clear to me that America as the leading world power is obligated to protect in other portions of the world, any attempt to attain self-determination. Our ultimate goal in South Vietnam is not a military or a political victory. But rather the creation of a climate in which the will of those people is expressed in a free and open election.

How ironic it is that those same critics of our Far East policy are the primary instigators of our political and military involvement in the ever increasingly tense conflict in the Middle East. No amount of chicanery or clouding of the issues can be tolerated. War is never popular or desirable. But the issues are clearly drawn. We cannot fear confrontation with the Communist bloc in the Far East and tolerate it in the Middle East. America must be dedicated to protecting the rights of free people the world over—not just when the cause is popular.

We are now seeing an intensification of hostilities in the Middle East which should raise the same philosophical questions about our involvement there as have been raised about our Asian policy. If we believe in the fundamental principle of containing totalitarianism, we cannot selectively oppose one conflict while supporting another. We must be prepared to accept our responsibility as the leading world power by assuming our proper role.

In order to assure that armed conflict between the super powers (the United States and Russia) does not occur in the Middle East, we must dedicate ourselves to maintaining the balance of power.

If the Communists continue to help build up the war machinery for the Arab nations, it shall become our responsibility to increase our support of the free democratic state of Israel. After all, our support of the South Vietnamese is to guarantee the right of self-determination against totalitarianism; we could be expected to do no less for our other world allies.

As you can see, freedom is in such rare quantity in the world that it is so highly desired. We are obligated, then, not only to jealously defend our own brand of democratic principle, but we must keep our bargain in helping others who are attracted to our way of life by giving them a chance. I am not taking a position in the Middle East struggle, but rather prefer to point out that unless we harden our opposition to the spreading disease of godless and devastatingly monstrous oppressiveness, we are in danger of allowing societies to be plucked and placed in that ominous basket known as captive nations. It is of very little difference to me whether the country in question be South Vietnam, Israel, or the Arab nations; our concern must be less genuine in each of these troublesome areas.

Thus it is our moral obligation not only to recognize and praise the heroic freedom fighters in Middle and Eastern Europe, nor to offer moral sanctuary to those fortunate enough to have escaped such tyranny, nor to offer our most genuine prayers to those confined by territorial borders; but to be a nation strong enough to provide the hopes of the still uncommitted and uncaptured that we have vested interest in their security and self-determination. Let me make it crystal clear that I am not talking about political or territorial gain for the United States: I am speaking about the expansion of our American dream to other continents for their own gain. Let there be no country added to

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the already too long list of captive nations. Let us continue the American ideal—to fight the difficult fight—to dream the impossible dream—to continue the struggle against enslavement of free people—whoever and wherever they may be!

The Colonialism of the Iron Curtain Must Go Too

(By Austin J. App, Ph.D., Chairman, Captive Nations Committee of Greater Philadelphia)

As chairman of the Greater Philadelphia Captive Nations Committee, I warmly welcome all of you to our twelfth Captive Nations Observance. Congress, as you know, on July 17, 1959, asked the President to proclaim such an observance every third week in July "until such time as freedom and independence shall have been achieved for all the captive nations of the world."

The Christian colonial powers west of the Iron Curtain have virtually freed all their former colonies. Rhodesia, in Africa, is the latest to have declared its independence. No British tanks rolled in to mow down the patriots for freedom.

But behind the Iron Curtain not one of the twenty-two nations enumerated as enslaved in the Congressional Resolution has been liberated in the Union of Soviet Socialist Republics. But when in 1968, one of them, Czecho-Slovakia tried to exercise a small measure of independence, Soviet-Russian tanks rolled in in August and Soviet Battalions keep their guns trained to force the Czechs and Slovaks to remain Red colonies "voluntarily". In 1956, the same was done when the Hungarians wanted to be free; in 1953, when the people of East Berlin heroically aspired to freedom.

Our Observance today in simple terms calls on free men everywhere to demand of Soviet Russia and Red China that they free their captive peoples behind the Iron Curtain exactly the way the Western Nations have freed their colonies in Africa and Asia.

THE OFFICIAL PROCLAMATIONS ARE APPRECIATED

It is of the greatest importance for us of the Committee and for all the friends of the Captive Nations that President Richard Nixon implemented the Congressional Resolution of 1959 by proclaiming the third week of July Captive Nations Week. We of Pennsylvania and Greater Philadelphia are especially grateful that on July first Governor Raymond P. Shafer issued a proclamation and on July 7 Mayor James H. J. Tate did so.

The annual Captive Nations Observance and the Presidential and other proclamations constitute a valuable commitment on the part of America to the ideal of liberation for the Captive Nations. They are our public testimony that America means to get realized the principle of self-determination for which our Government sent us to fight in two world wars. They are candles of hope in the tragic post-Yalta era of the Berlin Wall and the Iron Curtain, hope that America the self-proclaimed crusader for life, liberty and the pursuit of happiness has not forgotten the Captive people nor will unprotestingly let Soviet Russia enslave them.

EVERY WEEK SHOULD FOSTER THE IDEAL OF LIBERATION

But praiseworthy as the governmental proclamations for Captive Nations Week Observance are, our statesmen and our communications media and all of us individually should keep the flame of liberation for the Captive Nations burning every week of the year. Partly due to communistic propaganda, the nations west of the Iron Curtain have long freed their colonies. It is more than late for the western governments to tell Soviet Russia in reverberating tones, before the world court of opinion that we expect them to liberate their colonial people, too, and now!

The West must never stop reminding Moscow that it is more than thirty years ago since Stalin shamefully ravished and subjected the Baltic nations, and killed the flower of Polish intelligence, 15,000 of them at Katyn, more than forty years since he starved to death four million Ukrainians in order to subject Ukraine to colonialism, twenty-five years since he perjured the Atlantic Charter and enslaved Hungary, Rumania, Bulgaria, Czecho-Slovakia, and half of Germany. The bosses of the Kremlin must be told day in and day out that Stalin is dead—but that instead of liberating the nations he subjected to slavery, they constructed the Berlin Wall. They must be told that the Wall of Shame is the first time in history rulers put up a wall and barbed wire entanglements, not to keep enemies out, but to keep their own people in, which reduces these Captive Nations to huge concentration camps!

In the tone which Vice President Agnew uses so effectively against subversives and rioters at home, our statesmen must keep telling the rulers of Soviet Russia that the Captive Nations in the USSR and behind the Iron Curtain must be given their self-determination. They must remind the Red tyrants that until they liberate their occupied countries they are hypocrites and liars if in the UN or elsewhere they denounce the West for racism or colonialism.

WE MUST SHAME THE REDS WITH THEIR OWN PROPAGANDA

We of the Captive Nations Committee do not ask more than that our government turn Soviet Russian propaganda about liberation pointedly against them themselves. We only ask our government to accuse them honestly where they accuse the West dishonestly.

When for example in September 1969 President Nixon appealed "for the help of the U.N. members—including Russia" in negotiating a peace in Vietnam, how did Soviet Russia respond? With an insulting "Nyet." Within twenty-four hours Soviet Foreign Minister Andrei Gromyko not only said Russia would not help but called America's help to South Vietnam unjust and aggressive. Worse than that, he boasted that Moscow was proudly increasing its aid to North Vietnam to "liberate" the South Vietnamese from America! He called on the U.N. to demand the withdrawal of all troops from occupied territory and the "discontinuation of all measures to suppress liberation movements" (See U.S. News, Sept. 29, 1969).

But did our statesmen immediately turn around and demand that Soviet Russia makes a start by pulling its troops out of occupied Czecho-Slovakia and Hungary, and East Berlin, and the other nineteen countries named in the Congressional Resolution of 1959. They did not. They spent their energies lamely defending our part in protecting South Vietnam.

And this insulting language to the United States occurred only a year after the Soviet Russian tanks had bloodily invaded Czecho-Slovakia and USSR troops were quartered upon this tragic country World War I was to have made free.

Could our statesmen not have said, if Soviet Russia sends material allegedly to promote liberation in countries that do not want it, then America will be ready to send aid to peoples who have proven that they want liberation—like the East Berliners, the Hungarians, the Czecho-Slovakians, the Poles and the Ukrainians?

But we would be content if our government and those of the other Free countries, and our news media, would merely at long last speak up and demand liberation for the Captive Nations from Soviet Russia. Liberation can be achieved either by fighting or by talking. So far the free world has not really tried talking. Richard Nixon once said: "We will never write off the millions of people enslaved behind the Iron Curtain. Their freedom shall always be our objective." If it is our objective, and we do not want a third world war to achieve it, then we must encourage the captive nations to agitate for their freedom, and we must keep pressing upon Soviet Russia its duty to free them, not once a year, but all year around. Even the tyrants of the Kremlin cannot forever resist concerted world opinion, when it is right, and when it is insistent.

Observances of Captive Nations Week in New York City

(News release of Ukrainian Congress Committee of America, Inc.)

New York, N.Y.—Captive Nations Week, initiated in 1959 on the basis of a Joint Resolution of the U.S. Congress (Public Law 86–90), will be observed this year between July 12 and 18. A series of programs and manifestations throughout the country will be held under the auspices of the National Captive Nations Committee (NCNC), under the chairmanship of Prof. Lev E. Dobriansky of Georgetown University, Washington, D.C.

Congressmen Daniel J. Flood (D., Pa.) and Edward J. Derwinski (R., Ill.), members of the NCNC, issued a special letter on June 26, 1970 calling on the American press to publicize the event "so that your constituents may be afforded the opportunity of advancing for world freedom the natural alliance between ourselves and the one billion captives under totalitarian Red rule."

President Richard M. Nixon, Governor Nelson A. Rockefeller and Mayor John V. Lindsay will issue special proclamations of Captive Nations Week, calling for nationwide support of this important event.

CAPTIVE NATIONS WEEK IN NEW YORK CITY

In New York City a series of events is being planned by a Coordinating Captive Nations Committee under the chairmanship of the Hon. Matthew J. Troy, Sr., chairman of the N.Y. Chapter of the NCNC, in cooperation with the American Friends of the Anti-Bolshevik Bloc of Nations (AF–ABN), Americans to Free the Captive Nations, and the Conference of Americans of Central and Eastern European Descent (CACEED).

The following observances will be held:

Thursday, July 9, 1970, at 11:00 A.M. at City Hall (Blue Room): Presentation of Captive Nations Week Resolution by Mayor John V. Lindsay to representatives of the captive nations organizations;

Saturday, July 11, 1970 at 10:30: Special Services at Temple Emanu-El;

Sunday, July 12, 1970, at 10:00 A.M.: At St. Patrick's Cathedral—Solemn Mass presided over by His Eminence Terence Cardinal Cooke. The celebrant will be the Most Rev. Joseph M. Schmondiuk, Bishop of the Ukrainian Catholic Diocese of Stamford. A special sermon will be delivered by Rev. Raymond J. de Jaegher. The Mass will be accompanied by the St. John the Baptist Ukrainian Catholic Choir of Newark, N.J., under the direction of Prof. M. Dobosh.

At 1:00 A.M. there will be Special Services at the Cathedral of St. John the Divine, where a sermon will be delivered by Canon Edward West.

Sunday, July 12, 1970, at 11:30 A.M. a Protest March on Fifth Avenue to 72nd Street, and at 12:00 o'clock a Captive Nations Week Program at the Bandshell in Central Park under the chairmanship of Michael Piznak, New York attorney;

Sunday, July 19, 1970, at 1:00 P.M.: Assembly at the Statue of Liberty, and at 1:30 P.M. a Captive Nations Week Manifestation with a program, including addresses by representatives of various groups, dedicated to the freedom and independence of all the captive nations.

Both programs, at the Central Park Bandshell and at the Statue of Liberty, are being coordinated by Dr. Roman Huhlewych, chair-

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man of the United Committee of Ukrainian Organizations of Greater New York, a branch of the Ukrainian Congress Committee of America.

Captive Nations Week To Be Observed Across the Nation

Washington, D.C.—Thousands of Americans across the nation, including traditionally large contingents of Ukrainians and members of other nationality groups, will take part in various programs and events staged in conjunction with the Captive Nations Week beginning Sunday, July 12.

Rallies, parades, motorcades and other forms of public demonstrations will be held in the course of the week observed in line with Public Law 86–90, adopted by U.S. Congress in 1959. The law calls for a Presidential proclamation of the Week which has become a traditional vehicle for manifesting continued concern with the plight of millions of captives held under Communist domination.

Joining the President will be State Governors and City Mayors who are expected to issue similar documents designating the third week in July as the Captive Nations Week. The U.S. Congress sets aside one day for public observances and statements on this occasion.

Acting as the coordinating body for the nation-wide observances is the National Captive Nations Week Committee which is headed by Prof. Lev E. Dobriansky. It has its headquarters in Washington, D.C.

Congressmen Asked To Take Part in CN Week

Washington, D.C.—In a letter addressed to House and Senate members, Dr. Lev E. Dobriansky, chairman of the National Captive Nations Committee and President of the Ukrainian Congress Committee of America, announced that on the basis of Public Law 86–90 (The Captive Nations Week Resolution), the twelfth annual observance of the Captive Nations Week will be held throughout the country and in 17 other free nations during July 12–19.

HOUSE OBSERVANCE

Under a special House order, Congressman Daniel J. Flood has arranged for the observance in the House on Wednesday, July 15.

"The purpose of the observances is to demonstrate to a questioning world our firm adherence to the principle of national self-determination as perpetuated by our unique Revolution," explained Dr. Dobriansky.

In calling out for Congressional support, he continued "we urge you to speak out on this occasion in behalf of the natural alliance for world freedom that exists between ourselves and the over two dozen captive nations under totalitarian Red rule."

"Both the House Document on the Tenth Anniversary of the Captive Nations Week Resolution, 1959–1969 and the reprint "Captive Nations in the 70's," which you have received, stress the strategy of our enemies to have us, with Pavlovian effect, give up on this one-third of humanity as we, in the deceptive atmosphere of "peaceful coexistence" and with increasing imbalance, implode more and more deeply into our internal problems, even to the point of some callously acceding to the addition of more peoples to the long list of captive nations. One of the most alarming aspects regarding the war in Southeast Asia, where familiar Red techniques had been successfully tested decades ago in Eastern Europe, has been the incapacity of many to perceive this Red aggression in terms of the domino fact of cumulating captive nations. They may still come to this realization in the Middle East.

"Ironically enough, as all reports at this stage show, the captive nations in Eastern governments of the free world to undertake measures in the United Nations to insure that the "Declaration on the Right of Peoples and Nations to Self-Determination," adopted in 1952, the "Declaration on Granting of Independence to Colonial Countries," adopted by the U.N. on October 14, 1960, and the Universal Declaration of Human Rights, adopted on December 10, 1948, are applied to all the captive nations as enumerated in the U.S. Captive Nations Week Resolution of July 17, 1959.

Finally, we appeal to the American people to take an active part in the Captive Nations Week observances of July 12–18, 1970 and to manifest their unstinting support and sympathy for the just aspirations of all the captive nations of Europe and Asia, to express their full understanding and to pledge them moral support in their unequal struggle for freedom and national statehood.

Liturgy, Parade, Rally Slated for CN Week in New York

New York, N.Y.—New York's 12th Annual Captive Nation Week observances will be initiated here Sunday, July 12, at 10:00 a.m. with a Divine Liturgy of the Ukrainian Catholic Rite at St. Patrick's Cathedral celebrated by the Most Rev. Joseph M. Schmondiuk, Ukrainian Bishop of Stamford and presided over by Archbishop Terence Cardinal Cook.

The Liturgy will be preceded by an assembly of all participants at 9:00 a.m. in front of the Plaza Hotel on 5th Avenue and 59th Street from where all groups will proceed in a parade formation to the Cathedral.

During the Liturgy at St. Patrick's the responses will be sung by the well known choir of St. John the Baptist Ukrainian Catholic Church in Newark, N.J., under the direction of Michael Dobosh.

The Rev. Raymond J. De Jaeger, who once was held captive in Red China, will deliver the sermon.

Following the Mass at the Cathedral a rally will be held at Central Park's Bandshell on 72nd Street at 11:45 a.m.

The program will include addresses by the Hon. Matthew J. Troy, chairman of the Captive Nations Week Committee of New York, Dr. Ivan Docheff, chairman of the American Friends of the Anti-Bolshevik Bloc of Nations, and Mr. Mario Aguilera, chairman of American Friends of Captive Nations, as well as guest speakers.

However, the greater part of the rally will be given over to the attractive folklore entertainment. The performance will be provided by the Ukrainian dancers from Astoria, L.I., under the direction of Mrs. Elaine Oprysko, the Byelorussian Chorus "Kalina" conducted by Mr. Javery Bonsovets, and by a Rumanian dance group.

The week-long observances of Captive Nations Week in New York will be concluded the following Sunday, July 19, at 1:00 p.m. with a rally at the Statue of Liberty.

According to the committee, all Americans are invited to lend their support to this year's observances which have been enacted into law by the 86th Congress of the United States as Public Law 86–90, and in this manner bolster the plight of the subjugated peoples of the world.

Chicago Plans Parade, Rally To Mark CN Week

Chicago, Ill.—Like Ukrainians in other cities throughout America and the free world, the Ukrainian community of Chicago is planning a large turnout for the local observances and celebrations of the upcoming Captive Nations Week, July 12 through 18, it was announced here last week.

Working in cooperation with the National Committee, the Chicago Captive Nations Committee is sponsoring a rally and a parade for Sunday, July 18.

The parade is to march up Chicago's famous State Street with many dignitaries and city officials, including Mayor Richard Daley, organizations of the 22 national groups making up the Captive Nations Committee and a contingent of Vietnam war veterans slated to participate.

Chicago Ukrainians, who have been active in the annual observances since 1959, will once again come out in full strength this year with their veterans groups, youth organizations, and church and civic clubs marching in the pre-rally parade with their colorful Ukrainian costumes and floats.

Following the parade, the activities will move to Chicago's Conrad Hilton Hotel, where the rally will be addressed by Gen. Mark Clark and by U.S. Senator Ralph T. Smith.

To Hear Legislators

Washington, D.C.—Two prominent members of the U.S. Congress are scheduled to speak in the lecture program of Georgetown University's American Foreign Policy Forum.

Congressman Edward Derwinski (Illinois) will address the Forum on the subject of "Captive Nations" on July 14 and Senator Peter H. Dominick (Colorado) will speak on "Defending the Free World in the 70's" on July 15.

The Forum is sponsored by the Georgetown University Summer School and by the Institute on Comparative Political and Economic Systems.

Dr. Lev Dobriansky, professor of economics at Georgetown and president of the Ukrainian Congress Committee of America, is director of the Institute.

The Plight of Captives

For the twenlfth consecutive year now, many Americans regardless of their ethnic origin, religious or political convictions join in what is lawfully designated in this land as the Captive Nations Week.

The observance, held in every major city of America and now extended to seventeen other countries of the free world, has become a rallying point for all who cherish freedom and defend fundamental human rights—a concern that they voice in behalf of the silenced millions held captive by the Red totalitarian regimes.

Twelve years seems like a long time and it may appear as if the Captive Nations movement on this side of the Iron Curtain has done little to alleviate the plight of the peoples yearning for freedom. Not so.

There are growing numbers of people who are becoming aware of the menace that is communism—its Russian or Chinese brand notwithstanding—and what its designs are on the rest of humanity. It is precisely the accentuation of the captive peoples' struggle and aspirations that prevents the list of communism's victims from growing despite the fact that some of the West's leaders fail to comprehend the necessity of drawing the line on Red expansionism.

Equally important is the movement's repeated reminder that Moscow's wishes to the contrary the non-Russian nations of the USSR must not be relegated to the status of permanent slavery nor must the infamous Berlin wall be recognized as a permanent line of demarcation that fences off the nations of Eastern Europe from the rest of the world.

This is the thrust of the Captive Nations Week message that if need be must be repeated for the next twelve years until the walls of the Red prison begin to crumble. If anything, the message must be voiced louder and clearer that even those who do not wish to listen are compelled to heed it.

STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, there has been much thoughtful commentary on the present state of decline of our environmental quality. There have also been—especially in recent months—a series of exclamatory statements about the seriousness of various environmental problems.

These latter statements have tended to reinforce a note of doomsday philosophy that is developing in this country today. Such forms of exaggeration do serve one purpose in catalyzing public attitudes toward pursuit of environmental quality.

However, many of us in this body are now realizing that the polemics of pollution have, perhaps, served their purpose.

For this reason, I would like to bring to the attention of my colleagues a summary of major findings and recommendations of a recent summer Study of Critical Environmental Problems—SCEP.

This monthlong summer study was organized by the Massachusetts Institute of Technology with the support of 11 Federal departments and agencies, and by four private foundations.

A group of over 70 distinguished scientists and professionals from many disciplines, representing the academic, government, and private sectors, participated in this study at Williams College in Williamstown, Mass., during the month of July.

The objective of the study was to assess the global climatic and ecological effects of pollutants in the atmosphere-land-ocean system. The study analyzed the present state of knowledge in this area and extensively explored procedures for understanding, monitoring, and abating these effects.

Mr. Speaker, one of the major recommendations of this study group—which has already appeared in the press—was to the effect that the SST program should be delayed until its probable effects on the world's atmosphere are determined.

This single recommendation has, perhaps, overshadowed the other important recommendations included in this report which relate to more broad-scale, and potentially more harmful, environmental effects.

I, therefore, encourage close scrutiny of the findings and conclusions of this especially important study effort:

SUMMARY OF MAJOR FINDINGS AND RECOMMENDATIONS

SCEP FOCUS ON GLOBAL PROBLEMS

In order to most effectively use the finite resources and time available for SCEP it was necessary to limit the scope and character of the problems which were chosen for intensive investigation. SCEP focused on environmental problems whose cumulative effects on ecological systems are so large and prevalent that they have world-wide significance. Thus the Study was primarily concerned with the indirect effects of pollution on man through changes in climate, ocean ecology, or in large terrestrial ecosystems.

In general, local and regional environmental problems, the first order effects of population growth, and the direct health effects of pollution on man were not considered by the Study. This choice does not imply that these latter problems areas are not of critical concern. Indeed, they are so important that many organizations are deeply concerned with studying and ameliorating those local and regional problems. However, no organization is charged with the responsibility for determining the status of the total global environment and alerting man to dangers which may result from his practices. SCEP attempted to perform this function.

The existence of a global problem does not necessarily imply the need for a global solution. The sources of pollution are activities of man which can often be effectively controlled or regulated where they occur. Most corrective action will probably ultimately have to be taken at the national, regional and local levels.

THE PROBLEMS STUDIED

The global environmental problems studied by SCEP were:

Climatic effects of increasing carbon dioxide content of the atmosphere.

Climatic effects of the particle load of the atmosphere.

Climatic effects of contamination of the troposphere and stratosphere by sub-sonic and super-sonic transport aircraft.

Ecological effects of DDT and other toxic persistent pesticides.

Ecological effects of mercury and other toxic heavy metals.

Ecological effects of petroleum oil in the oceans.

Ecological effects of nutrients in estuaries, lakes and rivers.

For these topics, the following general questions were addressed:

What can we now authoritatively say on the subject?

What are the gaps in knowledge which limit our confidence in the assessments we can now make?

What must be done to improve the data and our understanding of its significance so that better assessments may be made in the future?

What programs of focused research, monitoring, and/or action are needed?

What are the characteristics of the national and/or international action needed to implement the recommendations of the Study?

CARBON DIOXIDE IN THE ATMOSPHERE

Discussion of findings

All combusion of fossil fuels produces CO_2. It has been steadily increasing in the atmosphere at 0.2% per year. Half of the amount man puts into the atmosphere stays and produces this rise in concentration. The other half goes into the biosphere and the oceans, but we don't know the partition in uptake, as between these two reservoirs.

CO_2 from fossil fuels is a small part of the natural CO_2 which is constantly being exchanged between the atmosphere/oceans and the atmosphere/forests. We have very little knowledge of such amounts.

The projected 18% increase resulting from fossil fuel combustion to the year 2000 might increase the surface temperature of the earth .5°C; a doubling of the CO_2 might increase mean annual surface temperatures 2°C. Surface temperature changes of 2°C could lead to long-term warming of the planet. These estimates are based on a relatively primitive computer model with no consideration of important motoins in the atmosphere, and hence are very uncertain but they are the best we have.

If we had to stop producing CO_2, no coal, oil, or gas could be burned and all modern societies would come to a halt. The only possible alternative is nuclear energy, whose by-products may cause serious environmental effects. Also, we don't have electric motor vehicles to be propelled by electricity from nuclear energy.

SCEP believes that direct climate change in this century resulting from CO_2 is small but its long term potential consequences are so large that much more must be learned about future trends of climate change if society is to have time to adjust to changes which may be necessary.

Recommendations

1. Improvement of our estimates of future combustion of fossil fuels and the resulting emissions.

2. Study of changes in the mass of living matter and decaying products.

3. Continuous measurement and study of the carbon dioxide content of the atmosphere in a few areas remote from known sources—specifically four stations and some aircraft flights. We particularly recommend that the existing record at Mauna Loa Observatory be continued indefinitely.

4. Systematic study of the partition of carbon dioxide between the atmosphere and the oceans, and biomass.

5. Development of comprehensive global computer models which include atmospheric motions and ocean-atmosphere interaction to study:

Circulation, clouds, precipitation and temperature patterns for expected CO_2 levels.

Effects of stratospheric cooling.

FINE PARTICLES IN THE ATMOSPHERE

Discussion of findings

Fine particles change the heat balance of the earth because they both reflect and absorb radiation from the sun and the earth. Large amounts of such particles enter the troposphere (the zone up to 40,000 feet) from natural sources such as sea spray, wind blown dust, volcanoes and from the conversion of naturally occurring gases—SO_2, NOx and hydrocarbons—into particles.

Man puts large quantities of sulfates, nitrates and hydrocarbons into the atmosphere which become fine particles and include special species, such as urban smog.

Particle levels have been increasing as observed at stations in Europe, North America, and the North Atlantic, but not over the Central Pacific.

We do not know enough about the optical properties (reflection vs. absorption) of particles to know whether they produce warming or cooling of the earth surface.

Recommendations

1. Studies to determine optical properties of fine particles, their sources, transport, and amounts in both troposphere and stratosphere, and their effects on cloud reflectivity.

2. Extending and improving solar radiation measurements.

3. Study of feasibility of satellite measurements of particle concentration and distribution.

4. Monitoring from ground and aircraft—10 fixed long-term stations and 100 stations for short-lived particles.

5. Develop atmospheric computer models which include particles.

THERMAL POLLUTION

Although by the year 2000 we expect global thermal power output to be six times the present level, we do not expect it to affect create "heat islands" and as these grow larger, global climate. Over cities it does already they may have regional climatic effects and they should be studied.

ATMOSPHERIC OXYGEN—NON-PROBLEM

Atmospheric oxygen is practically constant. It varies neither over time (since 1910) nor regionally and is always very close to 20.946%. Calculations show that depletion of oxygen by burning all the recoverable fossil fuels in the world would reduce it only to 20.800%. It should probably be measured every ten years to make sure that it is remaining constant.

EFFECTS OF PRESENT JET AIRCRAFT

Observers all over the world have watched a jet contraill spread out to form a cirrus cloud. Observations at Denver and Salt Lake City show a systematic increase in such clouds since the advent of jets. Although they seem to be only regional there is a possibility that they may have broader effects and should be studied.

SST'S IN THE STRATOSPHERE

Discussion of findings

The stratosphere where supersonic jet transports will fly at 65,000 feet is a very rarified region with little vertical mixing. Gases and particles produced by jet exhaust may remain for one to three years before disappearing.

Using FAA estimates of 500 SST's operating in 1985–90 mostly in the Northern Hemisphere, flying seven hours a day, at 65,000 feet, propelled by 1,700 engines like the GE–4 being developed for the Boeing 2707–300, we have estimated the steady state amounts of combustion products using GE calculation of the amounts of such products because no test measurements exist. We have compared such amounts on a steady state basis with the natural levels of water vapor, sulfates, nitrates, hydrocarbon and soot. All are believed to form fine particles. We have also compared these levels with the amounts of particles put into the atmosphere by the volcano eruption of Mt. Agung in Bali in 1963.

In our calculations we used jet fuel of 0.05% sulfur. We are told that a specification of 0.01% sulfur could be met in the future at higher cost.

We do not believe that CO_2 resulting from such operations is likely to affect the climate. We are genuinely concerned about the possibility of increased stratospheric cloudiness, and about the fine particles, even using the calculated amounts given us by GE.

Clouds are known to form in the winter polar stratosphere. Two factors will increase the future likelihood of greater cloudiness in the stratosphere due to moisture added by the SST. First is the increased stratospheric cooling due to the increasing CO_2 content of the atmosphere. Second is the closer approach to saturation indicated by the observed increase of stratospheric moisture.

The largest engine whose combustion products have been actually measured in static ground tests was the P&W JT9D used on the Boeing 747. Its fuel consumption rate is one third that of the GE–4. Combustion products from such tests of the JT9D, leading to particles, were much greater than the calculated values for the GE–4.

It is claimed that the particle formation is very small at 65,000 feet. Very, very little is known about reactions under such conditions. One guess is now as good as another.

Depending upon the actual particle formation, the effects of 500 SST's could range from a small, widespread continuous "Agung" effect to one as big as "Agung".

The temperature of the equatorial stratosphere (a belt around the globe) increased 6–7°C and remained at 2–3°C above its pre-Agung level for several years. No apparent temperature change was found in the lower troposphere.

Clearly such consequences are on a global scale even though the most pronounced effects would be felt where the highest density of traffic existed, i.e. the North Atlantic Ocean.

Conclusions

SCEP concludes with respect to contamination of the stratosphere by products of SST's that:

1. CO_2 creates no problem.

2. Global water vapor may increase 10%; increases in regions of dense traffic may go up 60%.

3. Particles from SO_2, hydrocarbons and soot may double pre-Agung global averages and peak at ten times those levels where there is dense traffic.

4. Effects on climate could be increased clouds from water vapor and increased temperatures in the stratosphere with possible increase in surface temperatures.

5. A feeling of genuine concern has emerged from the above set of conclusions. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences.

Recommendations

1. That uncertainties about SST contamination and its effects be resolved before large scale operation of SST's begins.

2. That the following program of action be commenced as soon as possible;

(a) Begin to monitor the lower stratosphere for water vapor and particles and develop means to measure SO_2, NO_x and hydrocarbons.

(b) Determine whether additional cloudiness will occur in the stratosphere and the effects of such changes.

(c) Obtain better estimates of emission of combustion products under simulate flight conditions and under real flight conditions at the earliest opportunity.

(d) Using data resulting from a, b, and c, estimate effects on weather and climate.

DDT AND RELATED PERSISTENT TOXIC PESTICIDES

The ecological effects which have been identified with DDT are both general and specific. In general, the use of pesticides on crops generally requires continued and increased use of different and stronger pesticides. This is the result of a complex ecological system in which the reduction of one pest and innocuous (to man) predators allows new pests to become dominant. Specifically, the egg shells of many birds are becoming thinner reducing hatching success. In several species, these effects now seriously threaten reproductive capabilities. Damage to these predators in ecological system tends to create a situation in which pest outbreaks are likely to occur.

The concentrations and effects of DDT in the open oceans are not known. There are no reliable estimates and no direct measurements have been made. It is known that large amounts leave the area of application through the atmosphere and are transmitted through the world and some portion of this falls into the oceans.

DDT collects in marine organisms. Detrimental effects have not been observed in the open ocean but DDT residues in mackerel caught off of California have already exceeded permissible tolerance levels for human consumption. It is known that reproduction of fresh-water game fish are being threatened, but such failures are not expected in commercial marine fish because they have small eggs with little yolk. The effect of DDT on the ability of ocean phytoplankton to convert carbon dioxide into oxygen is not considered significant. The concentration necessary to induce significant inhibition exceeds expected concentrations in the open ocean by ten times its solubility (1 ppb) in water.

Eliminating the use of DDT without a corresponding increased use of alternative pest control techniques would result in severe effects on developing countries from food and health points of view.

Recommendations

1. We recommend a drastic reduction in the use of DDT as soon as possible *and* that subsidies be furnished to developing counties to enable them to afford to use non-persistent, but more expensive pesticides.

2. In order to obtain information about the concentrations and effects of DDT in the marine environment, a baseline program of measurement should be initiated. This might involve taking about one thousand samples at selected locations and analyze them over the course of a year. A full-scale monitoring program should await the results of such a program.

MERCURY AND OTHER TOXIC HEAVY METALS

Discussion of findings

Many heavy metals are highly toxic to specific life stages of a variety of organisms especially shellfish. Most are concentrated in terrestrial and marine organisms by factors ranging from a few hundred to several hundred thousands times the concentrations in the surrounding environment.

The major sources of mercury are industrial processes and biocides. There are many other possible routes but little data exist about the rates of release to the environment.

Recommendations

1. Pesticidal and biocidal uses of mercury should continue to be drastically curtailed, particularly where safer less persistent substitutes can be used.

2. Industrial wastes and emissions of mercury should be controlled and recovered to the greatest extent possible, using available control and recovery methods.

3. World production, uses, and waste products should be carefully monitored.

OIL IN THE OCEAN

Discussion of findings

It is likely that up to 1.5 million tons of oil are introduced into the oceans every year through ocean shipping, offshore drilling, and accidents. In addition, as much as two to three times this amount could eventually be introduced into waterways and eventually the oceans as a result of emissions and wasteful practices on land.

Very little is known about the effects of oil in the oceans on marine life. Present results are conflicting. The effects of one oil spill which have been carefully observed indicate severe damage to marine organisms. Observations of other spills have not shown such a marked degree of damage.

Potential effects include: direct kill of organisms through coating, asphyxiation, or contact poisoning; direct kill through exposure to the water soluble toxic components of oil; destruction of the food sources of organisms; incorporation of sub-lethal amounts of oil and oil products into organisms, resulting in reduced resistance to infection and other stresses, or in reproductive successes.

Recommendations

1. Much more extensive research is required to determine the effects of oil in the ocean. Past and future oil spills should be systematically studied beginning immediately after they occur so that a comprehensive analysis of the effects can be developed over time.

2. Political and legal possibilities should be explored which would necessitate the conversion to Load-On-Top techniques by those oil tankers which do not use this method.

3. The possibility of recycling used oil should be explored.

NUTRIENTS

Discussion of findings

Eutrophication of waters through over-fertilization (principally with nitrogen and phosphorus) produces an excess of organic matter which decomposes removing oxygen and killing the fish. Estuaries are increasingly being eutrophied. Pollution of in-shore regions eliminates the nursery grounds of fish including many commercial species which inhabit the oceans.

Most (as much as 70%) of the phosphorus causing overenrichment of water bodies comes from municipal wastes. In the U.S. 70–90% of the total phosphorus in these waters comes from detergents. Rural land run-off contributes the remainder (approximately 30%). The principal contributor is runoff from feed lots and manured lands with natural runoff playing a relatively small role.

Trends in both nutrient use and loss are rising. Fertilizer consumption is expected to increase greatly in both developed and developing countries in the next decade increasing the nutrient runoff from agricultural lands. Concentration of animal production will continue with the result that losses of nutrients from feed-lot runoff will quadruple by 2000. Urban concentration is projected to triple and urban waste production to quadruple by 2000 meaning greater potential loss of nutrients directly into coastal waters.

Recommendations

1. Develop technology and encourage its application to reclaim and recycle nutrients in areas of high concentrations, such as sewage treatment plants and feedlots.

2. Avoid use of biostimulants and biotoxins which are discharged in large quantities into air or water. For example, reformulate detergents to eliminate or reduce waste phosphates, but be certain they degrade and do not poison the ecosystem.

3. Effect, through appropriate institutions, control of nutrient discharges in natural regions such as river basins, estuaries, and coastal oceans.

WASTES FROM NUCLEAR ENERGY

It has taken our full efforts to probe in some depth a few questions. We decided deliberately to omit consideration of others of great importance. One of these is the problem of perpetual management of the large quantities of radioactive wastes which are by-products of nuclear power.

No other environmental pollutant has been so carefully monitored and contained. Yet as we look back on our intense examination of the effects of the products of fossil fuel combustion we have become aware of our neglect of different classes of pollutants which will grow greatly in quantity in the next 30 years.

We call to the attention of one of the sponsors of SCEP, the AEC, our decision to omit this item from our agenda and our concern about the subject.

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Recommendation

That an independent, intensive, multi-disciplinary study be made of the trade-offs in national energy policy between fossil fuel and nuclear sources, with a special focus on problems of safe management of the radio-active by products of nuclear energy leading to recommendations concerning the content and scale and urgency of needed programs.

GENERAL CONCLUSIONS AND PRINCIPLES

In studying the specific problems outlined above, SCEP reaffirmed the conclusions and principles which underlie the ecological, social, and political implications of most critical environmental problems efforts to examine or ameliorate the effects of these problems should include explicit recognition of the considerations.

ECOLOGICAL CONSIDERATIONS

An estimate is needed for the ecological demand, a summation of all of his demands upon the environment, such as the extraction of resources and the return of waste. Such demand-producing activities as agriculture, mining, and industry have global annual rates of increase of 3, 5, and 7% respectively. An integrated rate of increase is estimated to lie between 5 and 6% per year, in comparison with a population rate of annual increase of only 2%.

Natural ecosystems still provide us many services. At least 99% of the potential pests of man are held to very low densities by natural control. Insects pollinate most of the vegetables, fruits, berries, and flowers, whether they be wild or cultivated. Commercial fish are produced almost entirely in natural ecosystems. Vegetation reduces floods, prevents erosion, and air-conditions the landscape. Fungi and minute soil animals work jointly on plant debris and weathered rocks to produce soil. Natural ecosystems cycle matter through green plants, animals and decomposers, eliminating wastes. Organisms regulate the amount of nitrates, ammonia, and methane in the environment. On a geological time scale, life regulates the amount of carbon dioxide and oxygen in the atmosphere.

The functions of ecological systems connect the impact of man upon the environment with the services supplied by nature. Ecological impairment eventually leads to a loss of such services. The health and vigor of ecological systems are easily reduced if (1) general and widespread damage occurs to the predators, (2) substantial numbers of species are lost, or (3) general biological activity is depressed. Most pollutants that affect life have some effect on all three processes.

To prevent further deterioration of the biosphere, and to repair some of the present damage, action is urgently needed. In addition to a variety of specific recommendations such as those accompanying the specific problem areas, *SCEP recommends* that the following activities be developed in national and international programs:

(a) Technology Assessment: An information center that centralizes data on products of industry and agriculture, especially new products and new increases in production. Such a center will also identify potentially hazardous materials, and promote research on their toxicity and persistence in nature.

(b) Environmental Assessment: An information center that centralizes data on the distributions of pollutants, and on the health and pollution loads of organisms.

(c) Problem Evaluation: A think-center to evaluate problems on the basis of the above information, to determine the urgency for action, and to identify options.

(d) Public Education: A service center to present the results of the above in simple form, and to distribute such materials to educational institutions and the news media.

SOCIAL AND POLITICAL CHANGES

SCEP has concentrated on a few global problems. The main thrust of our recommendations is to gather more information about pollution of the planet. This information would improve our understanding of the impact of man's activities on the earth's resources of air, water and those on land, that is, the Ecological Demand of man's activities. Relevant data on critical global problems is very poor and this seriously limits our understanding of their meaning.

We have tried to estimate scales of world activities to the year 2000. In very few areas is there reliable data for projections. Indeed much data about world activities today in areas of importance to this Study have been found fragmentary and contradictory. Far better estimates well into the 21st Century are needed in order to assess the expected impact of man on the world ecological system to give us time to take action to avoid crisis or catastrophe.

We have looked beyond the gathering of data and its interpretation to the question of how remedial action may be taken. Unless information leads to action to abate or control pollution it is largely useless.

Earlier in our history, the prevailing value system assigned an overriding priority to the first order effects of applied science and technology: the goods and services produced. We took the side effects—pollution—in stride. A shift in values appears to be under way that assigns a much higher priority than before to the control of the side effects. This does not necessarily impart a reduced interest in production and consumption. When the crunch comes, when the implications of remedial action and the choices that must be made become clear—will we have second thoughts? Or will we bog down in confusion and frustration? Will we hold to our course, insisting that our society make a more thorough and imaginative use of its resources of science and technology, its organizational skills, and its financial resources in an effort to achieve an optimal balance between the production we need and the side effects which we must bring under control? We hope the answer to these questions is in the affirmative.

The problem of action is compounded because contributions to global pollution come from activities in countries all over the world. Action to control depends upon agreed data on amounts of pollution and their harmful effects. Actual control will depend upon national action by governments. It is not enough that the U.S. exercise control. If others pollute our common resources of the air and oceans the perils remain. This challenge is before the United Nations Conference on Man and the Environment in Stockholm in 1972. We hope that the SCEP Reports will form useful inputs to that Conference and that the SCEP Study model may be applied to other critical problems of the environment.

BILL FOR MULTINATIONAL ACTION TO CONTROL AND ERADICATE NARCOTIC DRUGS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which would urge the executive branch to take significant action in stemming the flow of illegal drugs into the United States and throughout the world. This bill will act as companion legislation to H.R. 18398, a bill I introduced last month which would suspend foreign aid to any nation which fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully.

The 1970's must become the decade which sees the end of the steady flow of narcotics into the United States. As our distinguished colleague BILL MAILLIARD has said:

> No section of our country is immune to drug abuse. It infects the suburbs as well as the inner city.

Nor can we afford to look at drug abuse purely as a national problem; the problem is now worldwide and, to combat the threat, international cooperation and action are required. The legislation which I am introducing would direct the executive branch to take the following steps:

First. Specify that at least 10 percent of the voluntary U.S. contributions to the United Nations Development Fund be used solely for the establishment of a multilateral program designed to halt illegal international traffic in narcotics.

Second. Instruct U.S. representatives to international organizations and programs to support the development, under U.N. auspices, of multilateral efforts aimed at both the illegal production and illegal traffic in narcotics.

Third. Direct the permanent U.S. Representative to the U.N. to urge that body to promptly draw up a protocol to the 1961 Convention on Opium to empower the U.N. to collect, investigate, and publish information relating to illegal production and traffic of narcotics.

Fourth. Instruct the permanent U.N. Representative to work toward a new international convention to regulate the production of, and international traffic in, synthetic and semisynthetic drugs.

Fifth. Consider withholding assistance to those countries refusing to cooperate with U.N. efforts.

The problem of hard narcotics use is worldwide, and the United Nations is the proper body for directing international control. However, in order to do so, it must have the cooperation of all nations involved.

This additional legislation will be an important step toward eradicating drug abuse. It is an important step in facing squarely up to a problem we can no longer afford to ignore.

CAPTIVE NATIONS WEEK OF 1970 UNDERSCORES NEED FOR A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, we Americans are indeed fortunate in having an annual Captive Nations Week because it gives us pause to contemplate some basic realities of international life. In all sections of our country, as well as in a dozen and more foreign countries, the impressive observation of the 1970 Captive Nations Week again brought home to our fellow citizens the realities of the captive nations themselves, the persistence of the cold war, and the methodical unfolding of Soviet Russian strategy in Western Europe, the Middle East, Asia, and the Americas.

Those participating in the nationwide observance have resolved to campaign hard for a much-needed Special House Committee on Captive Nations. For propaganda as well as other reasons, Moscow and its satraps regard as a top objective a growing apathy and indifference on the part of our people toward the captive nations, particularly those in the Soviet Union itself. The attainment of this objective would provide them with an enormous psychopolitical base of security to advance further their aggressive penetrations into the free world. A special committee, as proposed in dozens of resolutions, would deny them this security and also contribute heavily to our own, both without and within.

The 1970 Captive Nations Week was observed in a variety of ways. To illustrate some of them, I direct the attention of my colleagues to the following examples: First, proclamations issued by Gov. Richard B. Ogilvie of Illinois; Gov. Kenneth M. Curtis of Maine; and Gov. William G. Milliken of Michigan; second, the program in Los Angeles, a release in Indianapolis, and a New York Daily News account of an observance on July 13; third, a July 9 item in the NC News Service on "Captive Nations Week Asks: Is U.S.S.R. Really Russian?" and a July 16 news report in America of the Philadelphia Observer; and fourth, an article on the captive nations in the July 5 Manion Forum issue.

The material follows:

PROCLAMATION OF THE STATE OF ILLINOIS

Since 1918 communist forces have subjugated more than half of the countries of Europe and Asia, denying the people their national independence and right of self-determination.

In 1959 the United States Congress and President Dwight D. Eisenhower, recognizing the importance of focusing attention on the plight of these peoples, designated the third week in July as Captive Nations Week. This year will mark the eleventh anniversary of the week.

Therefore, I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim July 13–18, 1970, as "Captive Nations Week" in Illinois and urge all citizens to support the people of the captive nations in their quest for liberation, and to commend and assist those in the free world who are striving so that others may also enjoy the blessings of freedom and democracy.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this eighteenth day of June, in the Year of Our Lord one thousand nine hundred and seventy, and of the State of Illinois the one hundred and fifty-second.

RICHARD B. OGILVIE,
Governor.

PROCLAMATION OF THE STATE OF MAINE

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim that the week commencing July 12, 1970 be observed as "Captive Nations Week" in the State of Maine, and call upon the citizens of Maine to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this seventh day of July, in the Year of Our Lord, One Thousand Nine Hundred and Seventy, and of the Independence of the United States of America, the One Hundred and Ninety-fifth.

KENNETH M. CURTIS,
Governor.

PROCLAMATION OF THE STATE OF MICHIGAN

The United States stands as an inspiration to freedom-loving peoples of the captive nations of the world.

The citizens of the United States possess a warm understanding and sympathy for the aspirations of the nearly 100 million East and Central Europeans in such countries as Poland, Hungary, Czechoslovakia, East Germany, North Korea, North Vietnam, and others, who are daily subjected to the harsh cruelties of a Communist government.

Captive Nations Week, since its inauguration in 1959, has been a rallying point for all who love freedom and defend fundamental human rights and has symbolized the solidarity of free people in the United States and their East and Central European brethren living under Communist rule.

The tragic events in Czechoslovakia, and the trend toward Stalinism in the Communist countries which invaded Czechoslovakia, make the solemn observance of Captive Nations Week 1970 all the more necessary and appropriate.

The citizens of Michigan share the aspirations of all the captive nations for their national independence. We pledge our continued efforts to promote the right of self-determination and restoration of freedom, human rights, and dignity for all the peoples of the world.

Therefore, I, William G. Milliken, Governor of the State of Michigan do hereby proclaim the week of July 12–18, 1970, as "Captive Nations Week" in Michigan, and urge every Michigan citizen to observe this week with appropriate activities, expressing their sympathy for those who are not fortunate enough to possess the freedom of America.

CAPTIVE NATIONS WEEK IN LOS ANGELES, CALIFORNIA

(Sponsored by Americans for Freedom of Captive Nations)

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

DWIGHT D. EISENHOWER,
Captive Nations Week—1959.

There are some Americans who think That Captive Nations Week should be soft pedaled or forgotten, I strongly disagree.

Americans must continue to make known their deep concern about the people of the captive nations and convey this message to the captive world.

Americans should continue to make known their refusal to accept the regimes imposed upon these unfortunate victims of tyranny.

Americans should continue to promote the basic human rights and fundamental freedoms which are the God-given rights of all people—and not talk of them only when it may be expedient to do so.

Americans must never accept the view that freedom is foreclosed for the now enslaved peoples of the world. Consistent with our own national interests, America should constantly explore all avenues that might lead to a lessening of their plight.

Let us continue to inform the captive peoples of our full and uncompromising support for their unquenchable goal of national and individual freedom. Let them ever know that Americans are dedicated to the furtherance of freedom throughout the world.

Let us keep faith with the people of the captive nations.

GERALD R. FORD,
House of Representatives.

CAPTIVE NATIONS WEEK PROGRAM, SATURDAY, JULY 11, 1970, 11 A.M., ON THE STEPS OF LOS ANGELES CITY HALL

Master of ceremonies: Robert Dornan.
Welcome: Mayor Sam Yorty.
Greetings—distinguished guests:
Senator George Murphy.
Assemblyman Carlos Moorehead.
County Supervisor Ernest E. Debs.
Councilman Louis R. Nowell.
Chancellor, Pepperdine College, Dr. William S. Banowsky.
Guest speaker: Dr. Lev E. Dobriansky,

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Chairman, National Captive Nations Committee, Washington, D.C.

Captive Nations: Armenia, Bulgaria, Byelorussia, Croatia, Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Ukraine.

OTHER HIGHLIGHTS DURING CAPTIVE NATIONS WEEK

July 10, 1970, 11:00 a.m.: Press Conference, Opening Captive Nations Week, Hollywood Roosevelt Hotel.

July 11, 1970, 3:30 p.m.; Invitational Meeting Sponsored by Walter Knott at Independence Hall, Knott's Berry Farm, Buena Park, California.

July 13, 1970, 10:00 a.m.: Americans for Freedom of Captive Nations Committee, Presentation to Los Angeles City Council, City Hall.

July 18, 1970, 10:00 a.m.: Parade to Hungarian Freedom Fighters' Monument, McArthur Park.

July 19, 1970: Captive Nations Day of Prayer in the Church of Your Choice.

July 20, 1970: Opening of Captive Nations Exhibit, City Hall Rotunda, Ribbon Cutting Ceremony, 4:00 p.m.

July 20 to July 24, 1970: Captive Nations Display, City Hall Rotunda.

Everyone invited to attend and participate in these activities and especially urged to come dressed in their native costumes.

The Captive Nations—America's Best Friends and Unused Weapon

THE INDIANAPOLIS STAR,
Indianapolis, Ind.

TO THE EDITOR OF THE STAR: This is the 11th anniversary of Captive Nations Week which was first established during the Eisenhower administration. But for many Captive Nations it is the 50th year under the yoke of Godless Communism. This family of Captive Nations extends from Central Europe through the Soviet Union out to Asia up to the coast of the United States, to Cuba. These nations are being subjected to a new wave of political repression, religious oppression, economic exploitation, revived secret police brutalities, and life in concentration camps. With that in mind, the Captive Nations ask you to ponder critically the message of those who speak about the "mellowing" of Communism, and examine carefully the people who carry that message. If you do not know who they are, the Captive Nations offer the answer: "These are Communist agents".

There is no question about the fact that nobody works for us in the Kremlin. On the contrary behind the walls of Kremlin there is only one thought: how and when to bury us. On the other hand the Kremlin has many people in the United States including some Senators working for them. All this may sound unbelievable, but it is reality. If the editor of Moscow's Pravda wants to attack the United States, the only thing he has to do is to cite Senator Fulbright and some of his colleagues.

That fact makes the job of the Captive Nations extremely difficult. They know that they could be America's best weapon because most of them are within the Soviet Union. Not only are they neglected, but even more the United States gives to their usurpers billions of American dollars thus prolonging and intensifying their slavery. It is really frustrating that this would be our policy for the 70's.

There are many nations in Africa who were granted the right for self-determination, but nobody cares to raise the question of self-determination for those Captive Nations who were free for hundreds and hundreds of years of their existence, and who contributed so much to culture and civilization.

It is interesting to note that the tides of anti-Communism are spreading in every one of those Captive Nations, even in the Soviet Union. That is the main reason why Communist tyrants are tightening their control. That is why every pro-Communist gesture of American officials is a knife in the back of these courageous protesters in the Soviet Union and other enslaved countries.

The Indiana Committee for Captive Nations will end this year's Captive Nations Week observance with a Church Service and Concert at the Christian Church: 1401 E. 49th Street on Sunday the 19th of this month at 8:00 PM. Pastors of different denominations will participate. One of them Rev. Paul Voronaeff, who spent many years in a Siberian concentration camp will speak and show some slides. Admission free.

IVAN M. JAKOVLJEVIC,
Vice President, the Indiana Committee for Captive Nations, Inc.

JULY 9, 1970.

[From the New York Daily News, July 13, 1970]

Ex-Captive Priest Tells of Red Peril

The 11th annual observance of Captive Nations Week was touched off yesterday with a warning by a priest—a former prisoner of the Chinese Reds—that Communist leaders have two primary goals—"the systematic destruction from within of the United States and the Catholic Church."

The Rev. Raymond J. de Jaegher, who was a missionary in China for 20 years and who is now vice chairman of the New York-based Free Pacific Association, made his comment at a special Eastern Catholic Rite Mass at St. Patrick's Cathedral. The Mass was offered by the Most Rev. Joseph M. Schmondiuk, bishop of the Ukrainian Catholic Diocese of Stamford, Conn. Cardinal Cooke presided.

After the Mass, participants in the observance marched up Fifth Ave. to the bandshell in Central Park, where they heard speeches and watched various national dances.

Michael Pizniak, an attorney who is vice chairman of the Ukrainian Congress Committee, told the gatherings of about 1,000 that American youth should direct its criticism away from the establishment and toward the "tyranny of communism."

"Captive Nations Week" Asks: Is U.S.S.R. Really Russian?

(By Denis Dirscherl, S.J.)

WASHINGTON.—The Soviet Union, like the United States, is currently taking a census of its citizens. If all predictions are on target, the results will show that Russians make up less half the population. This fact has important implications for the nationality problem, a touchy situation at best.

The Soviet Union, unlike the United States, is divided into 15 republics, mostly along national and ethnic lines. They include the Armenian, Georgian, Latvian, Lithuanian and Ukrainian republics.

The actual redivision of that vast land once called Russia into a sort of "federalism" by the early Bolsheviks was motivated, above all, by a desire to win over the various ethnic groups to the revolutionary cause. A new age was supposedly symbolized by a new title for the land—Union of Soviet Socialist Republics, or the Soviet Union for short.

"Self-determination" was and is still proclaimed today for all the various republics and nationality groups within the Soviet Union. Each republic has its own constitution and state apparatus and, accordingly, has the right to secede from the union if it wishes.

But after more than 50 years the 15 major groups have a little of the freedom or sovereignty promised them by Lenin and each succeeding regime. When all the propaganda is pushed aside, the title "Soviet Union" remains a misnomer, a cover for the same old Russian Empire in a new form.

Realizing the vulnerability of the Soviet Union to the nationality issue, a group of Americans decided a little over a decade ago to focus attention on the problem. Gradually centers throughout the United States and abroad increased in size and devoted themselves to emphasizing the fact of "captive nations" within the Iron Curtain, observing an annual "Captive Nations Week" (July 12–18 this year). One of the major rallying factors behind the movement was the sensitive nature of this problem to the Soviet oligarchy.

It is paradoxical to note that though the Soviets base their world outlook on Marx's philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters.

Writing for the New York Tribune on April 19, 1853, Marx said: "What had to happen? The ignorance, the laziness, the pusillanimity, the perpetual fickleness and the credulousness of Western Governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's covetous power-policies have a long tradition: "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin. Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of imperialism, pan-Slavism and oriental despotism. That part of the Marxian corpus is not available to the public in the Soviet Union.

Reaction to oppressive conditions in the Soviet Empire was prepared through centuries of apathy under the czars. But dissent or disagreement have ways of being turned against the individuals who espouse them. The Soviet response to writers Yuli Daniel and Andrei Sinyavsky was to sentence them in 1966 to labor camps for "slandering" the state. There is also the case of former Maj. Gen. Peter Grigorenko, who was packed off to an insane asylum for his civil rights activities.

One of the most daring of the attacks on Russification is Ivan Dzyuba's "Internationalism or Russification." In his book Dzyuba suggests that the people of the Soviet Union have already had their minds dulled to the state's injustices, to the mass resettlements, the dispersement of the population and economic inequities. The Ukraine has always been one of the testing grounds for the NKVD secret police because of the Ukrainian's love for independence and resistance to the arbitrary rule of the Soviets.

There is also the case of Vyacheslav Chornovil, who in the fall of 1965 was assigned to cover the trials of some Ukrainian intellectuals. In the process he saw a travesty of law by the courts, and for making his views known he was sentenced to a forced labor camp. His letters were smuggled out along with the letters, petitions, and diaries of many others in labor camps.

Other Soviet citizens have spoken out against the "system" at their own personal peril. Nuclear physicist Andrei D. Sakharov, the author of "Progress, Coexistence and Intellectual Freedom," has called for greater collaboration between the U.S. and Soviet Union. Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and who was recently sent off to prison, has emphatically declared: "I am against the system from organic revulsion. I cannot listen to the Soviet radio. I cannot read Pravda. It is crude, stupid and full of lies."

Recently a wave of protest has highlighted the Soviet practice of taking political prisoners to mental hospitals to discredit the personalities involved. Alexander Solzhenitsyn assailed this practice as "a variant of the gas chamber, and even more cruel." Another critic revealed his own despair: "I hate my own people. They are like cattle. They always have been. They always will be."

Captive Nations Week has put its focus on the Soviet empire as being grossly insecure and suffering pangs of inferiority, hiding behind concrete walls and no man's lands.

[From the Philadelphia American, July 16, 1970]

Motorcade and Manifestation Marks Philadelphia Captive Nations Week Observance—800 Attend Rally at Independence Mall After Riding in a Motorcade of 200 Cars Across the City

Philadelphia, Pa.—Captive Nations Week Observances have already been traditional in Philadelphia, Pa. For eleven years since 1959, they have taken place every year and have been sponsored by the local Captive Nations Week Committee consisting of following organizations: Armenian Revolutionary Federation of America, Cossack National Liberation Movement, Cuban Club of Philadelphia, Estonian Committee of Philadelphia, Federation of American Citizens of German Descent, American Hungarian Federation, The Council of Latvian Churches and Organizations, Lithuanian American Community of U.S.A., Polish American Congress, Ukrainian Congress Committee of America, Young Americans for Freedom. The Committee is headed by Prof. Dr. Austin J. App, chairman, Mr. Ignatius M. Billinsky, executive vice chairman, Mrs. Margit Rohtla, secretary, and Mr. Albert Bagian, treasurer.

This year's observances took place on Sunday, July 12, and they started with a motorcade assembling near Girls High School at Broad St. and Olney Ave. at 4:00 p.m. From there the motorcade of some 200 cars, decorated with flags representing the captive nations and anti-communist signs, and escorted by motorized police and sound-trucks, proceeded along Broad and Chestnut Sts. Music and speeches explaining the purpose of the manifestation were broadcast through loudspeakers. The motorcade was led by Dr. Ivan Skalchuk, chairman of the local chapter, Ukrainian Congress Committee of America, and the Ukrainian section of the motorcade was headed by Mr. Wasyl Zabrodsky.

At 6:00 p.m., some 800 representatives of the national groups, members of the Captive Nations Week Committee and Guests of Honor assembled at Independence Mall to protest the plight of Captive Nations under Communist domination. National groups with their flags were standing as honored groups with flags and rostrum decorated by the symbolic wreath of Captive Nations. Native-costumed groups with flags and rostrum with honored guests made an unforgettable and symbolic picture with the Independence Mall in the background.

The Rally was opened by Mr. Ignatius M. Billinsky, the Committee's executive vice chairman, who was master of ceremonies. After the National Anthem had been sung and Invocation had been delivered by Rev. Kajatonas Sakalauskos, a representative of His Eminence John Cardinal Krol, Prof. Dr. Austin J. App delivered an address which we present as the editorial in this issue of "America."

In turn, proclamations of the Captive Nations Week, issued by Pennsylvania's Governor Raymond P. Shafer and Mayor James H. J. Tate were read by the members of the Committee. The main address at the Rally was delivered by Hon. Perrin C. Hamilton, member of Governor Shafer's Cabinet which is also published in this issue of "America."

Introduction of Guests of Honor and Representatives of Nationalities was made by Mrs. Margit Rohtla, Secretary of the Philadelphia Captive Nations Committee. Flags representing captive nations were displayed one at a time by native-costumed girls as Miss Gundega Jurgans of the Council of Latvian Churches and organizations in Philadelphia read a resolution listing 22 nations enumerated by Congress as captive in 1959. The Rally ended with Benediction, delivered by Rev. Juhan Suurkivi, pastor of the Estonian Community of Philadelphia.

A wreath-laying ceremony followed the Rally and was held at the Liberty Bell in Independence Hall with Prof. Dr. Austin J. App speaking on the analogies between the liberation struggle of the American people and that of the Captive Nations.

On the occasion of the Captive Nations Week, His Excellency the Most Rev. Ambrose Senyshyn, OSBM, Archbishop of Philadelphia and Metropolitan of Ukrainian Catholics in the USA issued a Pastoral Letter asking the clergy and the faithful to pray for the termination of the captivity of the Ukrainian and other peoples. In all Ukrainian churches Divine Services were celebrated with this intention.

In the afternoon hours on Friday, July 10, girls in national costumes were distributing leaflets explaining the significance of the Captive Nations Week and the plight of Captive Nations under Communist domination on the streets of Philadelphia. On Sunday, at night, television and radio stations brought coverage of the manifestation. Local papers covered it in their news-stories on Monday, July 13.

[From the Manion Forum, July 5, 1970]

Living on Borrowed Time—Continued American Security Cannot Be Purchased at the Price of Other People's Slavery

(By Dean Clarence E. Manion)

This 4th of July weekend is a most appropriate time to appraise the condition of human liberty here and all over the world. At this point the United States of America is just six years away from the two hundredth anniversary of its historic (1776) Declaration of Independence. A Federal Government commission is already planning an appropriate celebration, but pragmatic political bookmakers are quietly predicting that the celebration will never take place.

Other prophets are not so quiet. On the contrary, our loudest, highest paid, and best publicized platform speakers—Jerry Rubin, Abbie Hoffman, David Dellinger and their contemptuous defense lawyer, William Kunstler—have been giving big campus audiences proud and profane assurances that the United States must and will be completely destroyed forthwith. The public desecration of the Star Spangled Banner is now an established, climatic characteristic of their performances.

The most ominous feature of these obscene speeches is the fact that each of them is almost invariably followed with a standing ovation by the youthful audiences. The irony of all this comes full circle with the recollection that all of these blatant exhibitionists are fugitives from justice meted out by a duly constituted court of the United States. Their criminal trial, verdict of the jury and sentences by the court have served merely to give each of them a big microphone for the amplification of their violent program for the seditious destruction of the lives, property and government of the American people.

The inability of our free civilization to defend itself against this kind of inflamatory, anarchistic nihilism is a bad omen for the continued celebration of our once "glorious" Fourth of July.

For our current holiday-conscious and often otherwise unconscious celebrants of this great day, let me break in with an assurance that there is immeasurably more at stake here than the possibility of another "lost weekend."

The murderous assault of the Rubin-Hoffman-Dellinger-Kunstler-SDS axis upon American civilization is not just a destructive end in itself. On the contrary, in its true perspective it shows up as a calculated attempt to break through the infamous Berlin Wall from its *east* side and to flood the free world with the slime and slavery of Communism.

This is the inevitable but presently disguised consequence that looms up behind the broadly based and progressing destruction of all that is implicit in the American Fourth of July. Thus, for our adequate understanding, this particular anniversary of American liberty must be considered in the context of human freedom all over the world.

It is appropriate therefore that this year our official annual observance of Captive Nations Week will begin next Sunday July 12, just when our big celebration of American freedom will be tapering off.

What are the Captive Nations? The answer is spelled out graphically in Public Law 86–90, passed unanimously by the Congress of the U.S. on July 17, 1959. This is the quickest and most effective way to begin our homework on the precarious condition of human liberty throughout the world today.

The full text of this historic Congressional Resolution follows. Please note that North Viet Nam is one of the more than 20 nations named in 1959 as having been captured and enslaved by the Communists at that time. Others, like Cuba, have been snared into the Communist corral since.

"Public Law 86–90, Providing for the Designation of the Third Week of July as 'Captive Nations Week'

"Adopted by the 86th Congress of the United States of America in July, 1959

"Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

"Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

"Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

"Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

"Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet Nam, and others; and

"Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

"Whereas the desire for liberty and independence by the overwhelming majority of

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the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized and requested to issue a Proclamation designating the third week of July, 1959, as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world."

Later, that same day (July 17, 1959) President Eisenhower issued the first annual Presidential proclamation called for by the resolution. He repeated the Congressional denunciations of the aggressions of Soviet Communism and designated the week beginning July 19, 1959, as the first Captive Nations Week. He urged the people of the U.S. to observe such week with appropriate ceremonies; to study the plight of the Soviet dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations for their freedom and independence.

It may or may not have been mere coincidence that during the week of July 19 to July 26, 1959, Vice President Nixon was scheduled to make his famous trip to Moscow for a "cultural exchange" with the redoubtable "Butcher of Budapest," Nikita Khrushchev.

The unexpected news of the Captive Nations Resolution and the Presidential proclamation caught Khrushchev in, of all places, Poland, one of the least captivated of all the Captive Nations where the frank and revealing resolution pinched his badly exposed nerve of tyranny and elicited a wild cry of pain.

Khrushchev's one-track conspiratorial mind now read but one thing into the coincidence of Nixon's trip to Moscow and the Captive Nations Resolution, namely, that the U.S. was finally determined to exploit the long ignored issue of liberation behind the Iron Curtain which, as every Communist well knows, was then, as it still is, the Achilles Heel of the Red conquest.

Immediately Khrushchev screamed an outraged protest against this "direct interference in *the Soviet Union's internal affairs,*" if you please, thereby admitting to the Poles and to the entire world that the Captive Nations Resolution was correct in its declaration that the Kremlin had actually swallowed the sovereign independence of all the nations named in the resolution and that the one devlopment Khrushchev feared more than anything else was the possibility of violent and painful Soviet indigestion.

The fact that Vice President Nixon and his official coterie of "cultural exchangers" were blissfully innocent of any such sensible design could not be credited by such a dyed-in-the-wool conspirator as Nikita Khrushchev, who throughout the long period of his Kremlin dictatorship never managed completely to plumb the great depth of our ingenuous naivete in dealing with his destructive designs upon America and the world.

Khrushchev knew that he had previously sent Mikoyan and Kozlov to the United States to make Communist propaganda. He assumed therefore, and naturally, that Nixon was coming to Moscow to make propaganda for freedom.

What really shook him up was our unprecedented effrontery in timing Nixon's visit to coincide with the explosive psychological depth-bomb that Khrushchev saw wrapped up neatly in the Captive Nations Resolution.

Unfortunately, Nikita was wrong about the purpose of Nixon's visit, and during his frequently humiliating interchanges with Khrushchev in Moscow, Mr. Nixon finally convinced the tyrant of our sincerity by inviting Khrushchev and obtaining his consent to visit the United States during the following September.

For the oppressed by hopeful Communist captives throughout the world, Khrushchev's warm welcome here by the President of the United States took most of the cream from the top of our Captive Nations Resolution. Nevertheless, the unanimous finding of fact by Congress that the murderous Communist conquest of human freedom and the consequent "mockery of the idea of peaceful coexistence" with Communist governments was undeniable in 1959 and remains undeniable today.

This is why this upcoming 12th Congressionally directed recurrence of our Captive Nations Week observance may well be our last clear chance to strengthen the enfeebled sinews of our own liberty with healing injections of truth from the unanimous unrepealed 1959 resolution of Congress.

For we must remember that the Captive Nations Resolution is not just a gesture of sympathy for the one billion victims of the Communist conquest. The resolution is much more than that.

This 1959 declaration by Congress on the menacing wickedness of Communist enslavement is the logical, appropriate and official application of the unanimous 1776 declaration of our Continental Congress on the subject of God-given human liberty.

The validity of the second—the 1959 declaration—sits squarely upon the authority of the first one, which we made in 1776, and without this moral and philosophical validation the Captive Nations Resolution would have been precisely what Khrushchev said it was, namely, a gratuitous interference in the Soviet Union's internal affairs.

For unless the power of earthly governments is restrained by "the laws of nature and of natures God," as our Declaration of Independence says it is, then the fate of human beings everywhere is up for grabs by tyrants under "the old rule, the simple plan, that he shall rule who has the power and he shall keep who can."

Unfortunately, during the eleven years that have elapsed since it was passed, our Government has done literally less than nothing to implement the Captive Nations Resolution—the boldest profession of our faith in freedom since 1776.

The reason for this shameful neglect was the immediate, continued and determined opposition of our controlling cult of pragmatic liberalism to all manifestations of anti-Communism in general and to its forthright documentation in the Captive Nations Resolution in particular.

For instance, the *Washington Post* very promptly (July 24, 1959) called the Congressional resolution and the President's approval of it "a bad idea." "The observance," the *Post* continued, "bears some resemblance to the misleading and empty 'liberation' policy enunciated as a political slogan in 1952. At some point," the editorial concluded, "we are going to have to deal with Mr. Khrushchev on a basis of equality."

Unfortunately, the *Post's* policy for faith in Communists rather than faith in God and God-given freedom has consistently and officially prevailed. And so, *for our failure to encourage the revolutionary anti-communist liberation of the captive people of North Viet Nam in 1959, we are now face to face with the pro-Communist "liberation" of the United States by the outspoken unrestrained advocates of obscenity, murder, arson, and wholesale universal destruction.*

For 25 years we have been buying our own temporary security by prostituting our birthright of self-evident truth with official sanctions for the progressive enslavement of other people. Now our own time is running out 1984 threatens to move in ahead of 1976. Perhaps you should read the Captive Nations Resolution again before we are forced to join the club.

The Captive Nations Resolution proves that Soviet Russia started our unfortunate war in Viet Nam which it is now projecting into the United States.

Has President Nixon forgotten what happened to Vice President Nixon in Moscow in July, 1959?

Why does our State Department still continue to ignore the hard facts about Communist enslavement and the one true formula for world peace that the Captive Nations Resolution contains?

Must we too become a captive nation?

Thousands of key people need to read this timely speech by Dean Manion. Order them in quantities. Send them to your stockholders, school teachers, public officials, state and national, or direct the Manion Forum to mail them for you.

THE ADMINISTRATION INFLATION-RECESSION

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, despite the best efforts of our Republican friends, the inescapable facts presented by the latest figures on unemployment and price increases cannot be denied.

A clear picture of this administration's inflation-recession can be obtained by reading the financial pages of any newspaper. The Washington Post for August 5 is an excellent example. In columns side by side you will find these headlines: "Jobless Rate at 6 Percent in 24 Cities" and in the next column, "Big Steel Slates Fall Price Boosts."

There you have it in a nutshell: Recession on one hand, inflation on the other. It all fits in with the pattern of Republican economics: Everything that should be going down is going up; everything that should be going up is going down.

With the national jobless rate at 4.7 percent of the civilian labor force, we see this rate increasing to 6 percent—the highest in 5 years—in 24 key cities. Nationwide, we had a total of 4.7 million workers listed as unemployed at the end of July—an increase of 1.8 million since Mr. Nixon took office.

Meanwhile, inflation continues as prices steadily rise. United States Steel has just announced new price increases for tin mill products to go into effect October 1. As we all know, one price increase calls for another—and the inflationary spiral goes on, in the midst of a nationwide recession.

On top of all this, we are daily subjected to phony charges about this Congress being a "spendthrift" Congress. These charges were the topics of two excellent columns: One, by William V. Shannon in the New York Times of

July 27, and the other, by Clayton Fritchey in the Evening Star of August 3. I am inserting them in the RECORD and commending them to the attention of my colleagues:

CONGRESS TAKES LEAD IN ECONOMICS ON BUSINESS

(By Clayton Fritchey)

In one respect, at least, the students are more wrong than right about the business community. Most business leaders are not, as charged, Vietnam hawks. But the students would be "right on" if they cited businessmen for being hawks on the equally ineffective war against inflation. Most have gone every step of the way with the administration in this hapless operation.

In contrast, some of the most prominent business leaders led the opposition to the Cambodian escalation, many taking time to come to Washington to lobby in person on Capitol Hill against the intervention. Recently, in a follow-up, 100 executives from as many national corporations flew to Washington to support the McGovern-Hatfield amendment to end the war.

Speaking for the Corporate Executives Committee for Peace, Paul Woolard, vice president of Revlon, Inc., said, "The best thing we can do for our economy and our country is liquidate this war."

Wheelock Whitney, the head of a large investment banking firm, added, "The true villain is the war . . . it imperils our whole way of life."

A new Fortune magazine poll of executives of the 500 largest companies shows how widespread the anti-war feeling is in the business world. Only 26 percent gave President Nixon good marks on Vietnam. Conversely, however, it showed a much higher percentage supporting the President's economic policies despite the recession.

So, if the students want to criticize business, they ought to switch their complaint to the economic front. It is simply inexplicable that business leaders have not offered any organized resistance to a government policy which, in the name of fighting inflation, has reduced profits, cut productivity, put people out of work, and squeezed $200 billion in value out of the stock market—and then, after all that, has not reduced inflation.

The end result of this policy is so dismal that the administration, even without prodding from business, is beginning to back off from it. With the start of the fall congressional election campaign only a few weeks away, the administration has begun a propaganda drive to convince the public that the recession has "bottomed out," a vague phrase intended to suggest that the worst is over, or nearly over, and things ought to begin picking up.

The evidence to support this is flimsy, at best, and even administration spokesmen are careful to say that there will probably be more unemployment before there is less, that inflation will continue, and that no substantial improvement in the GNP (Gross National Product) can be expected before next year.

Soothing words from Washington may help the administration in the coming election, but they are not an acceptable answer to the country's economic plight. It is intolerable to allow the economy to go on sagging when it ought to be growing at the rate of $50 billion a year, or $100 billion, allowing for inflation. If the White House won't act decisively, Congress ought to step in.

Fortunately, it already has to some extent. If the recession is really bottoming out, some of the credit should go to Congress for continuing to support, over administration opposition, various domestic programs which have the effect of stabilizing the economy.

"A Congressional Medal of Honor should be given by Congress to Congress," says Prof. Paul Samuelson, a long-time adviser to presidents and former head of the American Economic Association. "If Congress had not overcome Nixon administration resistance to increased Social Security benefits, and to government pay increases, then by the analysis of the Department of Commerce itself we would not have had in the second quarter a razor thin rise in the real Gross National Product."

Nixon has frightened some of the legislators on Capitol Hill by his campaign against "big spenders," but if Congress has any doubt that it is on the right track politically, it need only look at the latest Gallup poll, which shows that, on the question of keeping the United States prosperous, the vote is 44 to 29 against the President.

MR. NIXON ON SPENDING

(By William V. Skannon)

As both a politician and a football fan, President Nixon knows that an aggressive offense is the best defense. He has taken the offensive against critics of his economic strategy who believe that with high prices, high unemployment, and no economic growth, this Administration has managed simultaneously to combine several of the worst effects of inflation and deflation.

In a statement issued a week ago, President Nixon focuses on inflation and warns that prices cannot come down if Congress insists upon appropriating more money than he requested in his budget. He attacks frontally the argument that what is needed is a cut in defense expenditures and a change in national priorities. Mr. Nixon asserts: Let's set the record straight. We have changed our national priorities."

In support of his assertion, the President points out that for the first time in twenty years, his budget provides more spending for human resources (41 percent) than for defense (37 percent). He compares his budget in this regard with the budget of President Kennedy in 1962 and of President Johnson in 1968.

These comparisons are significant because they at least reveal the Administration's sensitivity to the debate over national priorities. Without quibbling over these comparative statistics, two important qualifications have to be made with regard to the Kennedy budget of 1962. First, since Congress had not acted upon a long list of President Kennedy's educational and social welfare proposals, it was obviously not possible to spend money on programs that had not yet been approved. Secondly, the nation's economic performance in 1962 was decidedly unsatisfactory. The gross national product was rising but unemployment was even higher than it is now. That is why President Kennedy eventually proposed a major tax cut the following year.

JOHNSON'S RECORD

The comparison with President Johnson's record in 1968 is also instructive in a way in which Mr. Nixon did not intend. By then, Congress had approved the far-reaching social program which the Kennedy Administration had sought, as well as others formulated by Mr. Johnson. By then also, the economy had benefited for four years from the stimulating effect of the tax reduction which President Kennedy requested. Because of the enormous growth of the economy in the Kennedy-Johnson years, President Johnson could fight a sizable war in Vietnam and yet devote a smaller percentage of the national budget to defense than Mr. Kennedy had six years earlier.

THE EISENHOWER YEARS

Both the Kennedy and Johnson Administrations made errors in managing the economy, but by correctly concentrating on economic expansion, they helped bring about real increases in living standards and in education and welfare programs. The Eisenhower Administration, preoccupied with the perils of inflation, especially during its second term, achieved a dismal record of slow growth and two recessions in its last four years.

President Johnson and the Democratic-controlled Congress of 1967–68 share the blame for inducing inflation by fighting a war without promptly imposing sharply higher taxes. Although President Nixon now talks of facing "hard figures" and possible "painful measures," his statement shows no evidence that he is any more willing than his predecessor to choose either of the two grim options—to end the war or to run a war economy.

Vietnam and the inflated military budget are the true breeders of inflation, not only in direct budgetary costs but in the even larger invisible costs of diverted manpower and wasted resources. Nigging cuts in social programs cannot reach the source of the economy's troubles, indeed, with the population steadily growing and unmet urban needs accumulating, the nation has to have more schools, more hospitals, more housing and more people to man the social services. These requirements grow as inexorably as interest on the national debt.

To attack Congress for spending money on schools and hospitals may be good politics if the President is only concerned with shifting the blame for inflation. But if he is interested in raising real living standards and reducing the scandalous level of unemployment, he will join Congress in approving higher social expenditures. If he is interested in reducing inflation, he will do so by stopping the war in Vietnam and materially cutting back on military programs. Wars and stable prices do not go together. Not even the most adept economic juggling or facile rhetoric can conceal that fundamental incompatibility.

THE AMERICAN CHALLENGE

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, last Thursday the Joint Economic Subcommittee on Foreign Economic Policy, of which I am chairman, was privileged to hear testimony from a distinguished European, Mr. Jean Jacques Servan-Schreiber.

Mr. Servan-Schreiber is the publisher of the French newsweekly, L'Express; a newly elected member of the French National Assembly, and author of "The American Challenge," an excellent book which I can recommend highly.

Mr. Servan-Schreiber's remarks before our subcommittee were reprinted last Sunday in the Washington Post. His visit to this country and views in general are also the topic of a column by Hobart Rowen in today's Washington Post.

I am including them in the RECORD for the benefit of my colleagues:

LOOKING PAST OUR GOOF IN VIETNAM

(By Jean Jacques Servan-Schreiber)

Economics and politics have become so interwined that one cannot be considered without the other. Thirteen years ago I wrote a book, "Lieutenant in Algeria," recounting a tragic drama in whose grip my country experienced a foretaste of human degradation, economic bankruptcy and the ominous stirrings of military power.

With due respect, but also with friendly concern, we cannot be indifferent to your predicament in Vietnam. If this great republic were to be overwhelmed by the kind of national crisis that overcame France in May of 1958, the consequences for Europe and the world would be incalculable. They would spell disaster for our own economies and for our security.

The end of the war in Indochina and then, at tremendous national cost, the end of the war in Algeria, reopened our road to salvation. We have learned the futility of attempts, by a country like mine or yours, to impose our own ideals on other continents.

For those of us who love America, who remember how generously you participated in our rescue and reconstruction, it is painful to see this country tear at the fabric of its social life. No matter how sternly we criticize your actions and illusions in Indochina, we instinctively know that the United States has, within the moral fiber of its people and its youth, the means to cure this cancer.

NO MERE TANTRUM

Vietnam is an aberration. What must mobilize our energy and ingenuity is the need to preserve and reform the industrial society in which we live. Only if we dare to make this reform sufficiently profound and rapid will we save our peoples from all-consuming anarchy.

The growing rebellion against certain features of the new industrial state is deeply rooted and potentially violent. Those who dismiss it as an ill-humored tantrum of youth are being naive. From the radicalism of the young stems a deeply felt conviction that a system which allows the excesses of economic competition to ride herd over social life is basically immoral.

Herein lie the roots of rebellion, roots which cannot be eradicated by the elders in a fit of blind rage. Those who run the great multinational corporations know the sincerity of their children's concern. They get it at the breakfast table every morning.

Yet it is clear that the modern market economy, with its freedom of private initiative and the bracing energy of competition, is a powerful tool for material progress. This tool must be at the service of society. Man cannot, after centuries of poverty and servitude, be allowed to sink back to the status of a mere object, a cog in an aimless machine of production.

This quest for human dignity in our contemporary economy is not a Utopia. It is the essential role of politics. Reform without revolution is possible; and it is the duty of our generation, in Europe and in America, to bring it about.

Like church and state, economic and political power must be separated as much as possible if each is to fulfill its mission. The best judges in matters of investment and profitability are generally the entrepreneurs, not the state. Public ownership of means of production has been irrevocably discredited by the experience of the Communist East.

Private industry must be allowed to perform to the full its function as a factor of material progress. Politics has another and more crucial role: to consecrate itself to the service of man—the worker—rather than to the efficiency of production—the corporation.

THE LOVE OF MONEY

The ferociousness of competition among business enterprises is a locomotive of innovation, development and enrichment. It must be given full play. But the main goal of politics is to prevent this ferociousness from hurting man himself.

If those who lord over industry are also to be those who by their influence dictate the direction of political life, then we will inescapably fall into the most bitter and dangerous social upheavals. The separation of economic and political power is, therefore, a primary task for the future.

The great British economist John Maynard Keynes wrote in the '30s that "the essence of capitalism is the preponderance of the role of money in society, and the love of money by the individual." It is this that we must extirpate from our social system with human generosity and solidarity. This reformist objective is a worthy and urgent mission for the '70s.

The intensified conduct of business across national borders has augmented the benefits and the miseries of the capitalist system. The development of corporate activity on a global scale by firms such as IBM, Ford, Siemens, Fiat, Phillips and Lafoarge make for more efficient productivity and a wholesome cross-fertilization of intelligence, talent and creativity. Consequently it is a force for social well-being. But because of the worldwide empires which they are carving out for themselves, the multinational corporations are also able to create a new jungle.

Widely spread out in their component parts and commanded from geographically remote bases, they account to no single national authority. And since international law is feeble, or nonexistent, they are free of international authority as well. Fraudulent or undisciplined organizations, often operating with funds invested by unsuspecting people of modest means, enjoy far-ranging immunity from any meaningful form of regulation or supervision, unless you consider Panama or Liechtenstein acceptable legal systems.

Profit-making activities which draw undue advantage from tax havens, holding company privileges, the weaknesses and contradictions of international tax enforcement and other loopholes without any redeeming economic function, rob society of much of the material abundance created by the market economy and the dynamism of legitimate multinational business. That portion of the available wealth which should go into collective investment for the benefit of all (health, education, housing, transportation, etc.) is too often diverted into hands where it is not needed and where it does not belong.

THE AMERICAN "PRESENCE"

Some of us see models in the institutions which you developed during the momentous days of the "New Deal": the Securities and Exchange Commission, for example. But we are also afraid of the awesome size and vigor of your business institutions, and we must take steps in our own defense.

Consider the fact that the real value of American investments in the European Common Market currently stands at close to $40 billion. American subsidiaries control 95 per cent of the total production of integrated circuits, 80 per cent of electronic calculators and 30 per cent of automobiles.

Because the process of integration on the Continent is so slow, and so heavily obstructed by nationalistic considerations (my own country being a principal offender), it is difficult to develop a coordinated policy vis-a-vis the multinational corporation. The European countries vie with each other for a larger share of these investments, occasionally offering generous subsidies and tax concessions. When General Motors was denied the privilege to build a plant in Alsace, it was immediately welcomed across the border, to use German workers and supply the French market under the preferred tariff structure of the European Economic Community.

Our capital markets are also dominated by American-controlled institutions. Indeed, the banking centers of London, Frankfurt and Zurich seem to be at the mercy of the mighty, and occasionally not so mighty, Eurodollar. And it is an extraordinary paradox that the savings of Europeans are used to finance the acquisition of local industries by U.S. companies.

In 1959, for example, American borrowings in Europe stood around $500 million; in 1967, they reached $2.6 billion. During the same period, the proportion of U.S.-generated funds to finance investments in Europe fell from 25 per cent to 16 per cent.

I mean to be neither nationalistic nor chauvinistic in pointing out the drama of this situation and the patterns which it announces for the future. American investments are welcomed in Europe. They stimulate the efficiency and energy of our own economies. But we cannot help being disturbed by the form of the invasion in certain sectors.

Our industries are still too unsophisticated to stand up against the multinational American giants in face-to-face competition. This is demonstrated by the fact that European companies which venture into the U.S. market with operating subsidiaries are hardly able to hold their heads above water.

Penetration into a foreign country, which is a natural by-product of the multinational phenomenon, cannot go without a commensurate sense of social responsibility. The multinational corporations must show greater sensitivity than they have to conditions prevailing in the host country. What is good for General Motors may be good for America, but not necessarily for Belgium or Holland.

A TENDER SWORD

Happily, the world is no longer as polarized as it used to be. Strong centrifugal forces are at work both in the East and in the West. Russia, no less than America, is learning the limitations of military might and developing dangerous internal cracks. The empire over which it presides is discovering the inevitable link between economic progress and human freedom. This is the tender sword which will open the East.

In the last few years, the Eastern countries have given evidence of their desire to become integrated into the world economy. Communist planners are groping for new techniques to improve the competitive position of their economies and the standard of living of their people.

Under these new conditions, international cooperation becomes imperative. If the Eastern countries wish to participate in the feast of industrial development, they can no longer afford the luxury of splendid isolation and the suppression of creative freedom. This process must be helped along, for it can help to reopen the East.

As Europeans, we view the East in the light of the economic and cultural indivisibility of the Continent rather than its ideological cleavage. While the longing for civil and intellectual liberties in the Communist societies still remains unfulfilled, a manifestation of national identity and a rejection of the dogmas of the past is clearly in evidence. Indeed, the Gaullist notion of "Europe des Patries" has touched a more responsive nerve in the Eastern than in the Western part of the Continent.

MUTUAL HELPFULNESS

It is becoming increasingly clear that in the '70s Europe will have a much more important economic and moral role to play than in the two previous decades—a very special role, since our old Continent, at least that part of it which lies to the West, no longer aspires to the dream of world empire. It has learned from bitter experience that military conquest brings no rewards. Within this experience lies a lesson which can help you.

A major task at the other end of the Atlantic is the construction of a federalized Europe, one which is larger, more self-sufficient, socially more just and democratically more compatible. In this you can help us.

Priority must be given to East-West reconciliation, the road toward which objective passes through active coexistence, economic and industrial cooperation and broader exchange of products, ideas and men. This is an enterprise which we shall tackle together.

By far the greatest challenge is the passion of youth, admirable in its motivation, dangerous in its frustration. The quest of the young for dignity, sincerity and truth in our generation is one of the two great

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sources of human energy. The other source is industry.

Both are highly progressive and liberating forces. If we allow them to remain as they are today, on a collision course, the future will be dark. If we forge their alliance by reform, then we will have met the challenge of our generation.

Dollar's Dominance Helps Unify Europe

(By Hobart Rowen)

Jean Jacques Servan-Schreiber, the dynamic Frenchman who aspires to lead France one day, talked earnestly on his recent visit here of a federalized Europe. Based on an enlarged Common Market of 10 or 12 countries, he says, it could happen in five years.

Not all European politicians may be as sanguine as Servan-Schreiber, but there are important trends in that direction, not the least of which is a yearning for a common currency in Europe that would rival the monopoly now held by the U.S. dollar in international transactions.

Europeans historically have resisted the idea of a monetary "union," on the theory that a common currency would mean the surrender of national monetary sovereignty.

But the establishment of the Common Market, and its success over the years, is beginning to erode many of the fears. The West Germans, perhaps, have been the leaders in a drive for European unity and the diminution of nationalism. And with de Gaulle removed as the dominant voice in French politics, there is a better chance that France will think along the same lines.

Prof. Robert Triffin points out in an article in the current Morgan Guaranty Bank letter—in which he speaks favorably of the common currency idea—that the notion of integration "is now being accelerated by the feeling that it may offer the only practicable way to regain monetary sovereignty already lost to the United States."

Europe, however, is probably not ready for a real common currency; it is not prepared yet for total political integration, a common defense, and a unified budget for all of Europe. The most that might be accomplished is a sort of weak Federal Reserve System, with one central bank set up for the EEC, and "regional" banks set up in the various countries issuing their own local currency as legal tender.

No major European country is likely soon to abandon a fixed exchange rate with the U.S. dollar, or to stop holding dollars in its reserves. But even a limited central bank idea would be a symbolic gesture of underlying fears about the dollar and of American economic power.

Most Americans are not aware of the degree of bitterness that exists in European banking and financial circles over the dominance of the U.S. dollar. It is not simply a French phenomenon, although national pride may be wounded more easily in Paris than elsewhere.

The way Europe looks at the situation, Uncle Sam runs a nearly continuous balance of payments deficit; and to finance that deficit, European countries that trade with us must hold increasing amounts of dollars in their official reserves.

The dollar, Servan-Schreiber insisted in his "Defi Americain" (The American Challenge) is a menace; it enables American corporations to "invade" foreign countries and dominate their economies.

This is, to be sure, an oversimplification. Judd Polk, of the United States Council of the International Chamber of Commerce, recently made a good case for the multinational company feared by the Servan-Schreibers abroad, and narrow-minded labor unions here.

Polk said that the international company is not a new phenomenon, but (in its growth) a reflection of the internationalization of production:

"The state of industrial technology—and very much including instantaneous world electronic communication and computers—has created the situation in which for the first time men have been in a position to treat the world itself as the basic economic unit in pursuing that core economic problem: making the best use of its resources."

What it gets down to, of course, is that the Europeans feel that they are entitled to a bigger say in deciding how to make "the best use" of world resources. The multinational companies operating in Europe may draw on European raw materials, power, men, and even management. But the basic corporate policy-decisions are likely to be made in New York—that's the irritant.

Would a common currency help? For technical reasons, it probably would help European nations fight on a collective basis the impact of U.S. balance of payments deficits that they feel unable to cope with individually.

But whether a common currency would make for stronger corporations based outside of the United States is debatable. Fortune's listing of the 200 largest such industrial combines shows that despite rapid growth (especially in Japan) the foreign companies have a long way to go.

It is really difficult to counter Polk's argument that we had better get used to thinking of the world as one economic unit, rather than separate areas of big power influence—whether that influence be American, Russian, Japanese, or European. This truth necessitates putting aside the xenophobia that still dominates many governments.

In a new book ("The European Challenge") by Louis Armand and Michael Drancourt to be published later this month two prominent Europeans argue that "Europe is no longer Europe but just a piece of the world."

Armand and Drancourt suggest, like Polk, that the big forward steps in communications and technology, most of them originating in this country, force a change in the way business and society can be organized. The goal for Europe, they suggest pragmatically, is to use the fruits of technology wherever they originate.

"Whether the subject be trade, or travel, or nuclear attack," say Armand and Drancourt, "the whole planet is now the frame of reference."

A TRIBUTE TO RAZOR SMITH

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, a year ago my best and oldest friend, Razor Smith, of Camp Hill, Ala., died. His name was Horace but since he was always thin as a rail from boyhood, we called him "Razor." When I came fresh from the country to Camp Hill, at 10 years of age, and entered the fifth grade, I met this boy and I liked him and he seemed to like me, although he was somewhat older than I and he was one of the most prominent boys in school. I met him one morning soon after our acquaintance at the overhead bridge. He got off of his pretty, blue bicycle and stopped to talk to me. I looked with envious eyes upon his bicycle and asked if I could ride it. He smiled and asked me if I knew how to ride a bicycle. With assurance I told him yes. He let me get on it on the crest of the bridge. I lasted to one end of the bridge, a few yards away and fell sprawling with his pretty bicycle on top of me. I had never ridden a bicycle before. He laughed heartily and said that was all right. This episode was the beginning of a friendship as dear and close as boy and boy and man and man can have. As boys we played and worked and fought side by side. Through our years of manhood that friendship ripened and bound us together "like hoops of steel."

When I was nominated to the U.S. Senate in 1936 it was he who arranged a celebration in Camp Hill, Ala., where I grew up. It was "Claude Pepper Day" and he fathered it and he was proud that his friend had become U.S. Senator. When my father died he took a collection of funds from the merchants of Camp Hill, where my father was once chief of police, to send flowers. He had a monument erected over the grave of my deceased little sister for me. He was a one-man public relations army for me. Wherever he went he had to tell them about his friend, Claude Pepper. He had me back to Camp Hill to deliver a commencement address to the graduating class of the Camp Hill High School which he and I attended and he arranged for a reunion of my high school class. He always remembered my birthday and I his and we constantly corresponded. When he passed away he had a birthday congratulation from me which he was never able to see.

When I became a Senator I took him on trips and to Democratic national conventions. Whenever I could I went to Camp Hill to visit him and we would talk about old times—times when youthful dreams stirred our hearts and we would sit on the wall outside his father's home in the moonlight and let our imagination lift us into the days and the great world of the future and revel over what we might do and be in that romantic era.

Razor was a great athlete, a great leader of boys in the little league or in professional baseball. He had no fear on the playing field, as a soldier or in the battles of life or, indeed, at last in the face of death. As he lay near the end and aware of it, he said "I am not afraid. The Lord and I have an understanding."

When Razor, the best friend of my youth, went away he left a deep loneliness in my heart for he was taking with him so much of the past and so much of me. The world can never be quite the same again without Razor. Yet, Razor will always be in my memory and my heart. When such a friend passes one understands how rich he is to have one real friend. Razor never attained much of the world's goods nor acquired fame or impressive title but I have never known a greater man than Razor. He had the stuff of greatness in him.

I think of Razor as I read the lines translated by Arthur W. Ryder from the Sanskrit entitled "True Friendship":

True Friendship

'Tis hard to find in life
A friend, a bow, a wife,
Strong, supple to endure,
In stock and sinew pure,
In time of danger sure.

False friends are common. Yes, but where
True nature links a friendly pair,
The blessing is as rich as rare.

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To bitter ends
You trust true friends,
Not wife nor mother,
Not son nor brother.
No long experience alloys
True friendship's sweet and supple joys;
No evil men can steal the treasure;
'Tis death, death only, sets a measure.

May there be his like again.

A beautiful and deserving tribute was paid to Razor at his funeral by Dr. Buford M. McElroy, Sr., who was Razor's minister at the time. He caught the spirit of Razor in his movingly eloquent words. I ask, Mr. Speaker, that Dr. McElroy's funeral tribute to Razor appear following my remarks in the RECORD.

The tribute follows:

A TRIBUTE TO MR. W. H. "RAZOR" SMITH, AUGUST 7, 1969

On one occasion Jesus said, "He that would be great among you, let him be your servant." We are gathered here today to pay tribute to one whose service has enriched this community and this church across the years.

There are many fine things we could say about Mr. Smith—he possessed a radiant smile and a quick wit; he was a gentle, unaffected man who loved people without calculating the cost; he gave to others from a heart which overflowed with generosity; His life was committed to the Lord he loved and the God he served.

No greater comfort can come in the hour of death than the knowledge that here rests a good and godly man.

The worth of this man's life can be stated simply—he invested in people. He loved and served others as a devoted husband, an unfailing friend, a faithful churchman.

Mr. Smith was first of all a devoted husband who with his wife established a Christian home. In this day many are whispering that all dignity has gone out of life. This statement holds no truth unless dignity has gone out of our homes. Mr. Smith has rendered us a great service. In the latter years of his life, his home offered an inspired example for those who hope to found their domestic relationships on the Christian principles of love and faith.

The pastoral visits I made with Mr. Smith were always a pleasant pastime. At 73 he was a young man at heart, full of life and laughter. Mr. Smith was a man who never met a stranger. His winsome smile and gracious manner won him many friends but he had a special relationship with children and young people. A grin tugged at the corners of his mouth and laughter danced in his eyes as he reminisced of his little league ball players. He spoke of their achievements with the unabashed pride of a father and in a very real sense he was a second father to hundreds of little leaguers, many of whom are now grown with families of their own. As Mr. Smith spoke of his experiences as a group of boys which has not faded in the passing years. His patience and love for youngsters paid many dividends. Perhaps paramount was his Auburn all-star team which played so well it went to the little league world series in Pennsylvania, which within itself is little less than a modern miracle. A great testimonial to a wonderful life of service to youngsters.

One who gives so unselfishly to young people will not find the result to be financial success or outer acclaim. Yet Mr. Smith realized he had invested in blue chip stock. His face radiated the kind of warmth and fulfillment which comes only to those who have drunk deeply from the cup of life and having come to the end of the way looks back and ascertains that life itself has been infinitely worthwhile.

Mr. Smith loved this church and for many years was an active member. In recent years he served as a trustee and as president of the men's Bible class until his health forbade him to continue this responsibility.

Ironically enough, last week we were talking together in his hospital room about the Christian life and we began to speculate about what heaven must be like. Mr. Smith said, "I'm not worried. The Lord and I have an understanding." Today, I place a great deal of confidence in that statement.

Let no one here this day believe this good life of service rendered shall be for nought. During the past week, I have been reading the book *Promises to Keep*. It is the story of the life of Dr. Tom Dooley, written by his mother, Agnes Dooley. Tom Dooley was called home by his Master at thirty-four years of age. You will remember him as the young Navy doctor who went overseas to the Orient.

There his heart was touched by the lack of medical care for these people. Out of his perseverance and his heart, he created with others the whole program of Medico.

At the height of his concern for others, and during the fever of his activity of humanitarian love, Tom Dooley discovered that he had a deadly disease within his own body. It was at that same time, ironically enough, that the teen-agers were singing the song that one occasionally hears, "Hang down Your Head, Tom Dooley, Poor Boy You're goin' to Die."

It is a folk song about a boy who was going to be hanged. But in a deep Christian note, the children of Fort Worth, Texas, sent a letter to Tom Dooley, the doctor. They had written a parody using these words:

Lift up your heart, Tom Dooley,
Your work will never die,
You taught us to love our neighbor
And not just to pass him by.

We'll pray for you, Tom Dooley
Your cure and your patients' too,
We'll send in our dimes and dollars,
For work that's left to do.

Lift up your head, Tom Dooley,
Lift up your head, don't cry,
Lift up your head, Tom Dooley,
'Cause you ain't agoin' to die.

And he didn't. He spent his last days upon the earth with a rosary in his hand. He was of another Christian faith, and he still lives; but he lives in more than just his presence with His Maker; for there has been stirred within the hearts of many sensitive doctors and others a concern for other people. Mr. Smith, too, has left us to meet His Maker, but he has left behind a legacy of love and service we shall not soon forget.

Death is not the end of existence. Anyone can know that if we invest our minds, our skills, our hearts, our moments to the God of life, we are investing in eternal stuff. Who can really measure the gifts that have been given to us by those who no longer walk the earth? Most of us, if we only knew it, have within the finer parts of our minds and hearts and beings the gifts of people who no longer breathe. Those things invested for the God of life do not die. We affirm that those who live their lives for Him live forever.

This is not just preacher talk. This is probing at the depths of the meaning of our existence. God plants within the human mind and heart—just as in a migrating bird—that wistful longing for home. Every man at some quiet moment of his life gets the flash of recognition that somehow his existence and his being are made for more than the earth upon which he dwells. Because he has come to know that God by name as a Shepherd in His Son Jesus Christ, he can say, "Yea, though I walk through the valley of the Shadow of death, I will fear no evil, for Thou art with me."

Our Apostle's Creed begins with the words "I believe in God the Father Almighty, Maker of Heaven and earth." It ends with the affirmative, "I believe in the life everlasting." These affirmations are in the right order. We believe in the life everlasting just because we believe in God. We believe in God with all the wonder of who He is and as an insight into His holy purposes and His love.

In this hour we are attempting to say we are grateful for Mr. Smith's life. We are better because he walked this way.

We have come to this moment that we might throw our arms of love about each other, giving strength one to another. Finally and best our only consolation is to feel God's strong arms of love about us, bearing us up lest we fall.

To the family we are saying, don't try to understand just now, just be everlastingly thankful that he was yours and you were his.

To the friends—We'll remember that a loved one has gone on down the way and soon we too shall join him. We'll serve while we may and with all our might, for no one knows when his service will be ended.

To God we offer a prayer of thanksgiving for one whom life of love and service has blessed our days.

Let us pray.

O God, who dost bring thy children out of darkness and the shadow of death, we thank thee for this dear departed one in whose love we were blessed, and in whose tenderness we were healed. May the sureness of his nearness to us and the certitude of his nearness to thee quiet our anxious spirits. In Jesus' Name we pray. Amen.

FRANK GRAHAM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am grateful for the privilege of joining in tribute to one of the most Christ-like men I have ever known—Frank Graham. This man truly walks with the angels. His life has been dedicated, whether in the leadership of youth, in public office, or international service. He has given of himself unstintingly to every task he undertook because he loved his fellow man. That love has ever beamed out of his beautiful face. It has been in the warm clasp of his hand, in the words that came out of his noble heart. Frank Graham has always lifted men to walk on higher ground. He has made those better with whom he has worked and who come within the circle of his charm. He was brutally deprived of his seat in the U.S. Senate which he richly adorned but he had the Christian grace not to be bitter, not to lose the cheerful word or the radiant face which bespoke a beautiful soul.

Frank Graham yet lives, thank God, and long may he live to add quality and character and courage to a world which so much needs these rare virtues. And Frank Graham will ever live—live in the lives of innumerable young people who came under the spell of his teaching or his influence; live in the institutions he has built or bettered; live in great works of which he has been the architect and the skilled craftsman; live in the annals of his time for his historic deeds and live in countless hearts which he has touched and stirred.

Frank Graham, I salute your greatness and your goodness. I salute you as a friend. God bless you and keep you.

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TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Before 1940, Americans spent about $4 billion on recreation and now that figure is over $30 billion.

ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, because it deals with a matter concerning the rights and the constitutional responsibilities of all Members of the House, I am inserting herewith the text of a letter which I wrote last July 29 to the distinguished gentleman from New York, chairman of the Committee of the Judiciary and of its special Subcommittee on the Impeachment of Associate Justice William O. Douglas:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Upon learning from news reporters that you or your Special Subcommittee had, last Friday, removed the confidential classification from the Report dated June 20, 1970 and made it generally available to press and public, I availed myself of a copy.

I am deeply concerned both by its contents and by the fact that I was never officially advised of the unwarranted threat and attack it contains upon me and other Members who have pressed for a thorough and objective investigation of Associate Justice William O. Douglas, as is their right and duty. I refer particularly to the last three paragraphs of Judge Rifkind's letter.

While I am aware that the document in question is largely the work of a few members of your staff, it bears the imprimatur of the Special Subcommittee and the names of all five of its Members. Moreover, it is my understanding that it was distributed to the full Committee on the Judiciary at its Executive Session on June 24 last, without any advance opportunity for the Members to read it and with little or no discussion of its contents except as they related to a 60-day extension of time for the staff "investigation." It was also promptly leaked to the press.

I am shocked, Mr. Chairman, that my position on this question could be so misstated and my relations with your Special Subcommittee so misrepresented. Indeed it is difficult to tell from this document whether the Special Subcommittee staff has been engaged in investigating the behavior of Justice Douglas or the behavior of the Minority Leader of the House of Representatives, and more than 100 other Members of both political parties. I have always admired the courteous consideration of the Dean of the House for his colleagues, and have been particularly appreciative of our personal friendship and working relationship.

Knowing of your dedication to fairness and facts, whatever your own previously held opinions, may I cite some of the errors and flaws in this Report to which I take particular exception:

(1) Page 2, paragraph 4, states that "although H. Res. 920 does not contain a statement of charges, it encompasses all the charges made by Mr. Ford in his speech to the House." This may be the opinion of the drafter of H. Res. 920 but it is not mine. Mr. Jacobs' Resolution of Impeachment (a word which curiously does not appear on the cover of this Report) clearly excludes any misbehavior which is unconnected with judicial office or which is not construed to be a high crime or misdemeanor in the Constitutional sense. The careful wording of Mr. Jacobs resolution resolves in a single phrase the historic and continuing debate over the "good behavior" provision of Article III, section 1, to which you yourself referred in your letter to me of May 15, 1970. As is well known, my position is that the Constitution sets "good behavior" as a *separate, additional,* and *more exacting* standard for the Federal Judiciary. This argument is central to my April 15 speech and it is neither "encompassed" by Mr. Jacobs' resolution nor entertained by the authors of this Report.

(2) I am particularly disturbed, Mr. Chairman, that in relating my response of May 20, 1970 to your request of May 15 for my views on the foregoing subject, the authors of this Report deliberately omitted my first three paragraphs—which are fully responsive to your question—and included only my last two paragraphs which, standing alone, appear to be evasive and argumentative. Here and in other instances the Report seemingly seeks to portray me and other Members urging thorough investigation of Justice Douglas as being uncooperative and contributing little to the Special Subcommittee. In my opinion, it is the duty of an investigating staff to ferret out facts for the benefit of the Members of the House of Representatives, and not the duty of the Members to feed evidence to the staff. Nevertheless, I have endeavored to provide you and your Special Subcommittee with certain investigative leads which were not disclosed in my April 15 speech, or which subsequently came to my attention. It is disheartening to have my communications with you edited and twisted in this staff document, while the attorneys for the accused and for Mr. Albert Parvin have their letters reproduced in full. It must be equally disheartening to Mr. Wyman to be singled out for failure to respond to your request when the most important paragraphs of my response were deleted and his excellent letter of May 6 was omitted entirely. In light of the general tone of this document I seriously question whether it would be advisable for any Member to turn any information over to this staff. (I append hereto a complete copy of my May 20 letter with the deleted paragraphs marked.)

(3) Page 4 of the Report, after acknowledging numerous resolutions by Mr. Wyman and other Members were referred to the Committee on Rules, states as follows: "Inasmuch as the charges against Associate Justice Douglas in H. Res. 922 and the related resolutions, challenge the same activities and conduct that were criticized by Representative Ford in his speech, the Special Subcommittee on H. Res. 920 has included Mr. Wyman's charges in its investigation."

This poses first a question of jurisdiction, since H. Res. 920 (Mr. Jacob's Resolution of Impeachment) is all that has definitely been referred to the Committee on the Judiciary. But beyond the jurisdictional question the quoted statement is simply untrue. There are very considerable differences of scope, emphasis, and specifics, between the activities of Justice Douglas cited in the premises of H. Res. 922 (Mr. Wyman et al.) and my report on the conduct of Justice Douglas which I made to the House on April 15. Much appears in H. Res. 922 that is not mentioned in my speech and vice versa. Both the Wyman resolution and the text of my April 15 speech are appended to this printed Report. They were independently developed and the staff's efforts to treat them as redundant is in my judgment a serious misrepresentation of both.

(4) Pages 2, 3, and 4 of the Report presume and purport to summarize in five categories my April 15 "charges" against Justice Douglas. In fact, my April 15 speech was not intended as a formal presentation of "charges" but, as I stated in preface, as a report to the House of my personal and independent inquiry into the law of impeachment and the behavior of Mr. Justice Douglas. It was my hope that a bipartisan Select Committee should investigate all the facts and allegations about Mr. Justice Douglas, of which I had reported only those which to me appeared most serious, significant and worthy of further inquiry.

Although I never reduced my own speech to specific "charges," whoever did so in this Report grossly distorted my position both by phraseology and by the omission of my important qualifications, and most of all by completely ignoring my basic "charge"—that Justice Douglas' behavior has been less than good, and that this brings the Supreme Court and the entire judicial process into disrepute.

Of the five "charges" to which your staff has reduced my April 15 speech one (E) relating to the Center for the Study of Democratic Institutions cannot be fairly construed as a "charge" at all. It is necessary to inquire into the Center because of its close relationship with the Albert Parvin Foundation while Justice Douglas was associated with and advising both. This becomes relevant to Justice Douglas' practicing law and the propriety of his extra-judicial moonlighting, but constitutes no separate "charge" or criticism of the Center.

My other "charges" are summarized as (A), (B), (C), and (D), with increasing misrepresentation. In charge (B) the Report utterly ignores the careful qualifications I stated regarding the First Amendment rights of free speech and free press. In charge (C) the Report includes the irrelevant fact that a caricature of President Nixon appears in *Evergreen* magazine, but makes no mention of my straightforward concession that it is within the bounds of "legitimate political parody."

The portfolio of erotic photographs in *Evergreen* magazine, copies of which presumably are available to the Subcommittee staff, are described blandly as "nude photographs that are characterized by Mr. Ford as 'hard core pornography'." As you know, Mr. Chairman, several of these photographs portray sexual perversion between male and female nudes. The least an objective summarizer should have done was describe them in my own words. The Report, on the contrary, suggests to anyone unacquainted with *Evergreen* magazine that I am a prude who objects to artistic photographs and a partisan incensed by irreverent cartoons of President Nixon—precisely contrary to clear statements in my speech.

Charge (D) represents the most significant distortion of my speech. In a total of ten paragraphs the Report presumes to summarize four "charges" from data which I presented to the House by way of preface to what I termed prima facie evidence "far more grave." This "far more grave" portion consumed almost one-fourth of my total text. And all this is compressed in the Report to five paragraphs under charge (D). There it is not only inadequacy but inexcusably presented to misread my meaning.

I could cite several examples of this but the worst is found on page 3 of the Report, as follows: "These associations (with Albert Parvin, alleged international gamblers, and the Albert Parvin Foundation) allegedly re-

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sulted in practicing law in violation of Section 454, Title 28, U.S. Code, Practice of Law by Justices and Judges." I am unable to fathom the meaning of this sentence but my speech contains no such contention.

(5) The account of the Special Subcommittee's treatment of information which I personally supplied concerning former employees and officials of the Parvin-Dohrmann Company is related in two separate sections of the Report with the result that my cooperation is concealed and minimized. On page 25, it is stated that my Legislative Assistant, Robert T. Hartmann, supplied your staff with the names of six former employees. In fact, upon my instructions Mr. Hartmann on May 20 supplied your staff with *seven* names, one of whom was the "former" official of the Albert Parvin Company" mentioned on page 15. Prior to this I had personally given this information to Members of the Special Subcommittee and my assistant handed your staff investigators a Xerox copy of my original handwritten notes. Incredibly, the Report claims that "the Subcommittee *independently* received" the information concerning the seventh prospective witness referred to on page 15.

The Report takes two pages to describe the alleged difficulties encountered at the Department of Justice with respect to its investigative file on this key prospective witness. Neither is any credit given me for arranging, at your request and that of Mr. McCulloch, your June 9 conference with the Attorney General which I understand helped to resolve this problem. There is no doubt in my mind that this individual, and others, must be questioned under oath in the course of any complete investigation.

Now, Mr. Chairman, may I comment briefly upon certain questions of law and procedure which, after reading the Report, leave me puzzled to say the least. On page 1 the Report states that "thus far all potential witnesses have been cooperative" so no subpoenas have been necessary. By what legal logic does the staff reach this extraordinary conclusion? How can the *appearance* of cooperativeness ensure that the potential witness is telling the truth, much less the whole truth? The truly "uncooperative" witness probably would plead self-incrimination and provide no information whatsoever. The purpose of the subpoena power in Congressional and other investigations is to produce testimony under oath and subject to the penalties of perjury. I cannot perceive how you can conduct a meaningful investigation, "neither witch-hunt nor whitewash" as promised, without obtaining sworn testimony and the production of private records other than those conveniently volunteered by the accused and his associates.

The Report barely mentions on page 10 the expert and thoughtful letter which Mr Wyman sent you on May 6 concerning proper investigative procedure. On page 12 the Report notes but does not detail an 11-page submission on June 1 by Judge Rifkind, attorney for the accused, entitled "Role of Counsel and Related Procedural Matters." Without questioning the right and duty of counsel to attempt any and every advantage for his client, Justice Douglas, I must respectfully inquire whether Judge Rifkind's unchallenged memorandum has been accepted by the Subcommittee and is currently guiding the staff investigation. Obviously Mr. Wyman's suggestions are not.

It seems to me that both submissions should have been included in this Report and should now be made available promptly to all Members of the House, together with the procedural guidelines which the Special Subcommittee is in fact observing.

Particularly disturbing is the apparently inadvertent disclosure on page 50 of the Report in the next to the last paragraph of Judge Rifkind's letter, wherein he states:

"We have responded, at this point, to all allegations made with some degree of particularity. Since the gentlemen who made the charges have not yet accepted the subcommittee's invitation to produce by May 8, 1970, evidence to support their allegations, there may remain one or two charges insufficiently defined to make an answer possible."

How did the attorney for the accused on May 18 know (1) that the subcommittee had invited other Members of Congress to submit evidence to support their allegations by May 8 and (2) whether they had or had not replied to this invitation?

Clearly, here is tacit admission of improper communication between the attorney for the accused and the staff of the Special Subcommittee with respect to *internal communications among Members of the House of Representatives.* This paragraph also indicates a future expectation on the part of Judge Rifkind that he will be advised of the contents of communications by Members of the House to the Chairman of the Subcommittee concerning charges against his client.

The adversary proceeding of a formal impeachment trial by the Senate clearly permits the accused and/or his counsel to be advised of the charges against him. When such charges are still unformulated and unappraised by the whole House or even by the Full Committee on the Judiciary no such right exists. *Counsel for the accused does not sit in the Grand Jury Room.* If any such procedure is being pursued by the Special Subcommittee, or clandestinely by the staff, the result can only be a *sweeping whitewash of every allegation as it appears.*

In summary, this Report clearly demonstrates that while the demand for a full investigation of the conduct of Justice Douglas has truly been a bipartisan effort, the normal safeguards of the two-party system are not functioning in the staff investigation undertaken by the Special Subcommittee. Those Members who have publicly gone on record for a full investigation into the conduct of Justice Douglas are not, obviously, properly represented at the staff level in this investigation. They are not, it seems, represented at all.

From cover sheet to its final sentence before the Chronology on page 26, the staff Report betrays a basic and persistent distortion of the true role of a House committee investigation in the Constitutional process of impeachment. It states:

"Hopefully, during this period (60 days), the Subcommittee will receive all the information it needs for a final assessment of the validity of the charges against Associate Justice William O. Douglas."

The function of the subcommittee is not to make a *final* assessment. It is to present all the available and relevant facts and evidence to the Members of the full committee, in the first instance; and to the Members of the House of Representatives in the final instance. Only the House as a whole has the power of impeachment, and even this is not a *final* assessment.

The final assessment of the *validity* of the charges is made in the Senate sitting as a court of impeachment. From this there is no appeal. The preliminary assessment required of the House as a whole is whether the charges and prelimniary showing of evidence are of sufficient gravity to warrant a formal trial in the interests of both the public and of the accused.

The concluding sentence and the whole tenor of this Report seem to envisage the Special Subcommittee's investigation as the start of a series of judicial proceedings and appeals, with adversary rules applicable all the way—at least to the benefit of the accused. Thus, an appeal may be taken from the Special Subcommittee to the Full Committee and then to the whole House. Under his curious concept, the United States Senate would become the *Supreme Court* of impeachment. Much as this role might please some in the other body, it is not at all the Constitutional concept.

In impeachment, the Senate is the *sole* court, original and final, judge and jury. The role of the House at no time becomes judicial in character; it is investigator, grand jury and (if it votes to impeach) prosecutor at the bar of the Senate. This is clearly established by the Constitution and by all the precedents. Significantly, it is totally ignored in the final phrase of Judge Rifkind's letter to the Chairman of the Special Subcommittee:

"I very much appreciate the opportunity you have given us to expose the lack of merit in the allegations and to vindicate the reputation of Mr. Justice Douglas."

In conclusion, Mr. Chairman, may I express the hope that your staff Report—the confidential nature of which is explicable only on the basis of its bias—does not reflect the attitude of your Special Subcommittee or of yourself.

No one knows better than I the legislative workload which still burdens the Committee on the Judiciary. It was for this reason, rather than any lack of confidence in your thoroughness or fairness, that I openly favored a bipartisan Select Committee with an indedependent investigative staff to undertake this important and wide-ranging inquiry. It was for the same reason that I requested that those Members who favored the Select Committee alternative be permitted staff representation to augment your regular staff and to ensure that their rights and their viewpoints would be protected and properly presented. Clearly, they are not.

I gave my informal agreement to a 60-day time extension for your investigation because no responsible Member of the House, on a Constitutional question of this moment, would wish to act in haste or in the absence of every available element of testimony and evidence. But I have grave reservations whether this will ever be obtained under the cursory and one-sided proceduers revealed by this staff Report.

As I previously advised you (in the portions of my letter deleted from the Report) I am not only continuing my personal search for relevant information but am obtaining authoritative legal opinions both in response to your specific requests and otherwise, which I shall make available to the House at the proper time. In the interim I most respectfully renew my request for access to the information being amassed by your Special Subcommittee, adequate staff representation, public hearings and the inclusion of all pertinent documentary materials in the public report of the committee.

While I anticipate that you may not be disposed to change your position on some of my requests, I respectfully submit that as a minimum I be supplied with every item of information and copies of all communications between the Special Subcommittee and the Accused and his Counsel, Judge Rifkind, and be given the courtesy of an opportunity to respond to such communications prior to their inclusion in a printed document or their consideration by the Members of the Special Subcommittee or the full Committee on the Judiciary.

I also respectfully request that this letter be made available as soon as practicable to all Members of the Special Subcommittee with the suggestion that they reexamine the June 20 staff Report in the light of my comments. I must also ask that all my correspondence with you in this matter be made available to the Members of the Special Subcommittee in full context and not in part or in paraphrase. I would think this courtesy should apply to similar communications from other Members.

Please be assured of my continuing and warm personal respect and regard.

Sincerely,

GERALD R. FORD.

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Mr. Speaker, I also insert an earlier letter I wrote to the chairman on May 20 and two news reports which were enclosures to my July 29 letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1970.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of May 15, requesting my views on the meaning of the "good behaviour" clause of Article III, Section 1 of the Constitution with reference to impeachments of members of the Federal Judiciary.

I am indeed aware that this question has been vigorously debated throughout our history. My own review of the background of impeachments and my views on "good behaviour", supported by some distinguished opinion in the other body on the occasion of the last impeachment trial, occupy perhaps one-third of my April 15 speech to the House. A marked copy is enclosed.

I am also aware that Judge Rifkind, who is retained by Associate Justice Douglas, has taken public exception to a single sentence from my argument, which states not so much my personal opinion as what I believe to be a fair summary of the few precedents. Judge Rifkind has branded this "a subversive notion" and I am happy to have your calmer conclusion that it is legitimately arguable.

With very real respect, however, I submit that it puts the cart before the horse to argue the law in this specific instance in the absence of all the facts. It certainly is possible that a more compelling and learned summary of precedents and prior argument on "good behaviour" can be made than the preliminary one I have made; indeed, I am in the process of doing exactly that. This will be useful, however, only in the context of the evidence and testimony which I have every confidence the Special Subcommittee will fully develop in its investigation for the information of the House. As previously stated I stand ready to cooperate in every way in getting the truth and the whole truth on the record in this matter.

It is my conviction, Mr. Chairman, that when all the facts are known the Members will have little difficulty in deciding whether or not they square with the Constitutional standards of judicial conduct.

Warm personal regards,

GERALD R. FORD.

[From the Los Angeles Times, June 25, 1970]

ACCUSATIONS DENIED BY DOUGLAS' ATTORNEY—LETTER TO IMPEACHMENT PANEL ANSWERS MISCONDUCT CHARGES AGAINST JUSTICE

(By Thomas J. Foley)

WASHINGTON.—The attorney for Supreme Court Justice William O. Douglas has issued a point-by-point reply to charges of misconduct against Douglas.

The attorney also has indicated he believes House members who launched the charges may have violated the American Bar Assn.'s code of professional responsibility.

Answers to charges launched against Douglas by House Minority Leader Gerald R. Ford (R-Mich.) were made by former Judge Simon H. Rifkind in a letter to the special House judiciary subcommittee investigating possible impeachment proceedings against the justice.

A 53-PAGE REPORT

The letter was part of a confidential 53-page report made Wednesday by the subcommittee to the full House Judiciary Committee. The subcommittee requested and was granted another 60 days to complete its study. Both groups are headed by Rep. Emanuel Celler (D-N.Y.).

The subcommittee said more than 1,000 documents had been studied and more than a dozen persons interviewed since it began its investigation two months ago.

"Much remains to be done before the special subcommittee will be in a position to render a final assessment on the validity of the charges that have been made," the report said.

Rifkind is a senior partner in a New York law firm that includes former Justice Arthur J. Goldberg, former White House aide Theodore Sorensen and former Atty. Gen. Ramsey Clark.

His letter was submitted to the subcommittee May 18 along with a 138-page brief answering Ford's charges and a three-volume compendium of 555 documents from the files of Douglas and groups involved in the charges.

In his letter Rifkind said, "I must say that the exhaustive inquiry we have concluded to date has totally vindicated my own faith in the integrity and character" of his client.

He said Douglas, in his tenure on the court since he was appointed by Franklin D. Roosevelt in 1939, "has participated in the effort to give genuine meaning to a Bill of Rights which too often in the past was honored more in the breach than in the observance."

LIBERAL RECORD

Douglas' defenders contend that the attack on his out-of-court activities primarily was motivated by his liberal record on the court.

Ford has said he will insist that the subcommittee make public all pertinent information and documents when it reports to the House this summer.

In his letter Rifkind said, "Those who have attacked this great man of American law ought carefully to examine Canon 9 of the ABA's code of professional responsibility which warns that 'a lawyer shall not knowingly make false accusations against a judge.' "

Whether this would apply to charges made in the House under the privilege of immunity was not immediately known. Both Ford and Rep. Louis Wyman (R-N.H.), who authored a resolution with 115 other members asking for the investigation, are lawyers.

Taking up the charges, Rifkind noted that Ford and Wyman attacked Douglas' recent book, "Points of Rebellion," which the congressmen characterized as advocating rebellion.

Rifkind, in turn, characterized the attack as a demand for an inquisition into Douglas' thoughts and beliefs and said it was "not only profoundly subversive of the First Amendment but is based upon an inexcusable distortion of what the justice actually wrote."

The second charge involved the reprint of part of the book in a magazine, Evergreen Review, immediately following a multipage section of photographs of naked men and women in furious forms of sexual intercourse.

Rifkind said "Whatever may be the merits or demerits of Evergreen Review, the justice did not authorize its editors to reprint a portion of his book. Pursuant to its standard contractual rights, Random House, one of the nation's most prestigious publishers, made the decision. If that was a mistake, it was not a mistake made by the justice."

LIBEL SUIT

A third attack centered on Douglas' ruling in favor of magazine publisher Ralph Ginzburg in a libel suit brought by Senator Barry Goldwater (R-Ariz.) a year after another Ginzburg magazine published a Douglas article on folk singing.

Rifkind said Douglas had no reason to stay out of the libel case, as Ford argued. "The record demonstrates that Mr. Justice Douglas has been exceedingly scrupulous with respect to disqualification in those cases where he had some meaningful 'connection' to the parties or the transaction involved."

The other charges grow out of Douglas' $12,000-a-year position as president of the Albert Parvin Foundation, founded a decade ago by Parvin, a Los Angeles hotel supplier and part of whose income was derived from a mortgage on a Las Vegas gambling casino.

[From the St. Louis Post-Dispatch, June 28, 1970]

PANEL STILL AWAITING JUSTICE DOUGLAS DATA

WASHINGTON, June 27 (AP)—Despite repeated requests, the Department of Justice still has not supplied information concerning Justice William O. Douglas to the House committee investigating impeachment charges against him.

It has only been in the last week that tax information requested by the committee nearly two months ago has been made available by the Internal Revenue Service.

Because of the delays in getting such information, the committee has asked and been given 60 more days to complete its inquiry and assess the validity of the charges against Douglas.

The difficulties and delays in gathering information from the Government are detailed in a report by the committee to the House Judiciary Committee, which set up the special investigating panel in response to demands from more than 100 House members. The report was made available to a reporter.

NIXON'S ASSURANCE

The committee asked President Richard M. Nixon on April 29 to authorize any government agencies with information bearing on Douglas to make it available, and on May 13 received Nixon's assurance there would be full co-operation.

Despite numerous telephone calls to the Justice Department and a personal visit with Attorney General John N. Mitchell last June 9, the committee said it still has not received the information it wants from the department.

The Internal Revenue Service, it said, requested an executive order from Mr. Nixon before it would release the tax information the committee sought. The order was signed by the President June 13 and last Monday the IRS notified the committee that it had 250,000 documents the committee could look at.

The documents were reviewed by the IRS in its investigation of Albert Parvin, the Albert Parvin Foundation and Parvin-Dohrmann Co. Douglas served as the salaried president of the foundation from 1961 until 1969.

The Securities and Exchange Commission, which has litigation pending against Parvin-Dohrmann Co. in connection with some of its securities transactions, promptly delivered its documents to the committee May 11.

The committee report discloses that the panel has conducted numerous interviews, collected extensive information on its own and received a voluminous file from Douglas through his attorney, Simon H. Rifkind.

In a letter to the committee, included in the report, Rifkind said his own investigation of Douglas' affairs "has totally vindicated my own faith in the integrity and character of this man . . ."

Rifkind supplied the committee also with a 138-page legal brief answering point by point charges made against Douglas by House Republican minority leader Gerald R. Ford of Michigan in a speech April 15.

Ford cited Douglas's authorship of the book, "Points of Rebellion," his position as the salaried head of the private foundation, his participation in a court case involving a magazine publisher from whom he had received a $300 fee and the appearance of one of his articles in a magazine containing nude photographs.

CALLED DISTORTION

Rifkind, in his letter, said Ford's attack on Douglas's book "is not only profoundly subversive of the First Amendment but is based upon an inexcusable distortion of what the justice actually wrote."

Rifkind accused Ford also of "a flimsy attempt" to link Douglas with gambling figures through some of the business associates of Parvin and the activities of Bobby Baker, former Senate majority secretary who has since been convicted of tax evasion and fraud.

Douglas has never been associated with Baker, Rifkind said, and the Parvin Foundation has no connection with "the international gambling fraternity"—as Ford called it

In accepting a $12,000 salary from the foundation, Rifkind said, Douglas was following a long-established precedent. Other justices, most recently Chief Justice Warren E. Burger and Justice Harry Blackmun, have received compensation from foundations, he said.

"It is disquieting to me," said Rifkind, "that in a major congressional address an effort should be made to impugn the integrity of an associate justice of the U.S. Supreme Court by the assertion of one misstatement after another . . ."

Mr. Speaker, finally I would like to insert a press release issued on August 5, yesterday, by the distinguished chairman (Mr. CELLER) which constitutes an indirect reply to at least part of my peaceful protest:

STATEMENT OF SPECIAL SUBCOMMITTEE ON JUSTICE DOUGLAS INVESTIGATION

Representative Emanuel Celler, Chairman of the Special Subcommittee on H. Res. 920, and of the Committee on the Judiciary, made the following statement on behalf of the Subcommittee members with respect to the activities of the Special Subcommittee and the procedures applicable to this investigation. The members of the Special Subcommittee on H. Res. 920 are: Emanuel Celler (New York), Chairman; Byron G. Rogers (Colorado); Jack Brooks (Texas); William M. McCulloch (Ohio); and Edward Hutchinson (Michigan).

Mr. Celler said:

"Since its appointment on April 21, 1970, the Special Subcommittee, and its staff, has worked carefully and assiduously to examine each lead and to ferret out all pertinent facts that are relevant to the charges that have been made on the conduct of Associate Justice William O. Douglas.

"A comprehensive report on the status of the Special Subcommittee's investigation was made on June 20, 1970. Since its First Report, the Special Subcommittee has pursued this investigation in the Department of State, the Central Intelligence Agency, as well as the Department of Justice. In addition, numerous conferences have been held with representatives of the Internal Revenue Service, the Central Intelligence Agency, with Ed Levinson, and with individuals related to the leads to information that previously had been provided by Representative Gerald R. Ford. Further, the Special Subcommittee has continued its examination of the files of Justice Douglas.

"The Special Subcommittee has not delayed or hestitated in any respect in its attempt to collect all relevant documentary and factual materials.

"The Special Subcommittee, however, has not received full cooperation from some of the Executive Departments. Such cooperation is essential for expeditious resolution of the issues. This lack of cooperation has impaired the ability of the Special Subcommittee to complete its assigned task.

"On June 20, 1970, the Special Subcommittee requested the Department of State to provide relevant documentary and factual material. As of August 5, 1970, no information had been supplied by the Department of State pursuant to this request.

"The CIA was requested on June 22, 1970, to provide relevant documentary and factual materials. On July 15, 1970, Richard Helms, Director, wrote a letter in response to the Special Subcommittee's request, but declined to furnish any documentary or factual materials from the CIA's files. Three conferences have been held with representatives of the CIA in an effort to arrive at a mutually satisfactory accommodation by which materials and information in the files of the CIA could be made available for this investigation. The CIA has to date furnished nothing from its files.

"Department of Justice cooperation is in essentially the same posture that was described in the First Report of the Special Subcommittee. There have been further conferences and correspondence with Attorney General Mitchell, but as of August 5, 1970, the Department still has not supplied the documentary and factual materials the Special Subcommittee has requested.

"These delays and obstructions have hampered the Special Subcommittee in this investigation and hindered the completion of its task. In the light of the lack of cooperation from the Executive Branch, criticism of the Special Subcommittee is not justified.

"A brief summary of the procedures that have been adopted by the Special Subcommittee in this investigation is appropriate. Impeachment of a member of the United States Supreme Court is a serious matter and should not be undertaken irresponsibly or in the absence of complete knowledge of all relevant facts. In this investigation, the Special Subcommittee seeks to avoid any criticism of partisan politics. Every effort is being made to pursue this investigation in a professional, objective and orderly manner.

"As the First Report makes clear on page 1, the Special Subcommittee on H. Res. 920 has been appointed and operates under the Rules of the House of Representatives. During the initial stages of this investigation, the Special Subcommittee will operate under procedures established in paragraph 27, Rules of Committee Procedure, of Rule XI of the House of Representatives. These procedures will be followed.

"Phase I of the Special Subcommittee's investigation is a preliminary inquiry to collect all of the documentary and factual materials that bear upon any of the charges within the scope of H. Res. 920. To this end, the Special Subcommittee has requested information from every other known source who may be in a position to provide relevant materials.

"In Phase I, the investigation is *ex parte*. The purpose of the preliminary inquiry is to enable the Special Subcommittee to determine what course of action it can recommend to the full Judiciary Committee on the basis of the facts. The preliminary inquiry is analogous to the investigation that is necessary to make a determination that sufficient facts exist to warrant bringing matter to the attention of a Grand Jury.

"Phase I is not yet completed. Sources, primarily in the Executive Branch, that possess relevant information thus far have not complied with the Special Subcommittee's requests. Until these factual materials are supplied to the Special Subcommittee, the preliminary inquiry stage of this investigation cannot be completed.

"Phase II is the next step in the investigation. When the Special Subcommittee is satisfied that the facts indicate that an impeachable offense may have been committed, a recommendation will be made that the Judiciary Committee authorize the formal proceedings that look toward the impeachment in the Senate of a United States Supreme Court justice. Public hearings would be in order in Phase II.

"Prior to public hearings, the Special Subcommittee would adopt procedures appropriate to the particular facts and circumstances of this case. Such procedures would involve resolution of such questions, among others, as:

"The role of counsel for the parties;

"Whether public hearings should be conducted by the Special Subcommittee or by the full Judiciary Committee;

"Applicable hearing procedure rules, including the right to cross examine witnesses;

"Whether hearing sessions should be open or closed.

"During public hearings in an impeachment investigation, of course, testimony would be under oath. Attendance by relevant or material witnesses would be compelled by subpena.

"Phase III would come at the conclusion of the Judiciary Committee's investigation. In Phase III, the Judiciary Committee would render its report to the House. The Report would contain a recommendation on H. Res. 920. If warranted, the Judiciary Committee Report would contain a specific statement of the charges to be submitted to the Senate.

"This statement reflects the current status of the Special Subcommittee's investigation and the procedures that are being followed. All of the members of the Special Subcommittee hope that greater cooperation will be forthcoming and that delays that impair the Special Subcommittee's progress may be removed so that a definite recommendation shortly may be made to the Committee on the Judiciary."

Mr. Speaker, I am gratified by this degree of progress in the investigation and will continue to cooperate in every way for a full, fair, and open inquiry, without fear or favor, for the information of the House of Representatives and the American people.

BULLDOZING INTERSTATE HIGHWAY THROUGH CHARLESTON, W. VA.

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, people throughout the Nation are recognizing that bypassing a city is far preferable to bulldozing an interstate highway through the center of a city. In the case of West Virginia's capital city, plans call for converging three interstate highways and a four-lane Appalachian highway through the center of Charleston, W. Va. Under unanimous consent, there follow two articles on this subject from the magazine City and the August 1 issue of Afro-American:

IN THE PATH OF THE INTERSTATES

"The American Dream," writes "Road to Ruin" author A. Q. Mowbray, "is to drive from coast to coast without encountering a traffic light." The key to the dream is, of course, the Interstate Highway System, a network of freeways that now covers 29,000 miles and has another 13,000 in the offing. Now 70-per-cent complete, at a cost so far of $38.8 billion—the largest single public works project in history—the system is coming under increasing attack. Its opposition is chiefly from city dwellers decrying the disruption of neighborhoods, disappearance of parklands, and destruction of historic sites in its path.

The recently intensified wave of public reaction reflects the fact that states tackled the easier rural segments of the Interstate System first and then later began trying to push freeways through built-up city and suburban areas. (Last year 81 per cent of all residential displacements for freeway purposes residents were urban.) Today's vociferous opposition reflects too the nation's growing concern with the environment. In at least 16 cities—including those shown on these pages—civic opposition is now holding up about 150 miles of Interstate construction.

In most controversies, the responsiveness of government is proving greater at the federal than the state level. The state selects the highway routes, but the federal government has added some safeguards to the original 1956 law implementing the Interstate Highway System. Congress gave the first aid to relocation problems in 1962 legislation requiring the states to offer advisory assistance in finding other homes for those displaced by the road builders. The federal government also promised to pay a share if the state helped to pay moving expenses. At that time only eight states had any such provision for assistance.

Further aid was extended in the 1968 Highway Act when Congress stipulated that displaced homeowners be repaid up to $5,000 for the difference between the acquisition price for the old house and the cost of replacement. This year Secretary of Transportation John Volpe took an even more dramatic step as he decreed that the federal government will not provide funds for new roads or other transportation projects until new housing has been found for persons displaced. The Volpe directive aims to meet what historically is the biggest reason for public protest: that people in the path of a new road are moved out with no place to go. (Federal Highway Administrator Francis Turner estimates that federal-aid highway displacements will average 25,000 dwellings annually for the years immediately ahead.)

Protection for parklands and recreation areas, wildlife areas, and historic sites was added in the 1966 act establishing the Department of Transportation. Section 4(f) says the Secretary shall not approve any project using such land unless there is "no feasible and prudent alternative" and unless there is "all possible planning to minimize harm" to the area. This section of the law is today forming the basis for appeals in Memphis and San Antonio where highways threaten two of the nation's most beautiful urban parks. It was cited in April by Secretary of the Interior Walter J. Hickel in withholding permission to construct a section of I–95 on the southwest outskirts of Philadelphia until steps were taken to preserve the Tinicum tidal marshland, a privately owned wildlife refuge forming a prime nesting and feeding ground for waterfowl in the northern Atlantic flyway.

Former Secretary of Transportation Alan Boyd tried to strengthen the role of public opinion in highway planning by putting into effect a requirement for two seperate public hearings—the first to provide for comments before a route was selected, the second to be held after the highway was designed. Although a public hearing had been mandatory in federally financed projects, the practice of many highway departments was to delay public hearings until the plans for the highway were so far along that any major change in route would be economically unfeasible. The state highway departments have been roundly criticized for putting economic costs ahead of human costs, and even with the new dual-hearing procedure, the state is not directed to heed the opinions expressed.

A strong new ally to the environment-over-mileage crowd has been added to the Department of Transportation: the Assistant Secretary for Environment and Urban Systems, J. D. Braman. Taking the new post in 1969, Braman was not unfamiliar with local problems with the highway; as mayor of Seattle, he had his own troubles with I–90, described by a leading architect as "a 12-lane ditch" across the city. Secretary Volpe's decree on the 1968 act's relocation provisions along with Section 4(f) and provisions in the National Environmental Policy Act of 1969, furnish the authority for the new office to get into the local squabbles. Its involvement currently is largely as arbitrator in controversies among local and state interests, but for the long range the office is searching for new techniques or mechanisms in transportation planing for urban areas that will obviate the kind of confrontations sparked by the Interstate System.

One member of the Environment and Urban Systems staff has succinctly stated the difference between this office and the Federal Highway Administration: "We don't see it as a failure if every mile of the Interstate isn't built."

(The Federal Highway Administration, overseer of the nation's massive highway-aid program, has been trying to win over the forces of opposition with such promotional prose as: "The budding basketball star of tomorrow could be a kid who learned how to dribble, pass, and shoot because an Interstate highway came through his neighborhood. And this same youth, who wiled away hours of his life wondering what to do next, can now cavort on a basketball court laid out under a structurally modern viaduct.")

The first example of successful citizen opposition to the invasion of cities by highways was set by San Francisco in 1959 when its irate citizens stopped construction of the elevated Embarcadero Freeway in midair. Since then, revolts have followed in Baltimore, Washington, Indianapolis, Cleveland, Philadelphia, New York, and elsewhere. In some the tide did turn against the highways: Mayor John Lindsay took the disputed Lower Manhattan Expressway off the planning maps; the elevated expressway that was to divide New Orleans' historic Vieux Carre from the riverfront was cancelled by Secretary of Transportation Volpe after a 10-year struggle.

But in Philadelphia, Morristown, N.J., and Nashville, the roads ran over the opposition. The Southwark Expressway rammed through Philadelphia's oldest settlement, razing historic houses and isolating the "Old Swede's" Church. Opposition from mayor, city council, and then-Interior Secretary Stewart Udall couldn't keep six-lane I–287 from plowing through the heart of Morristown. In Nashville, the fight went to the U.S. Appellate Court, but I–40 was permitted to take a wide loop through the center of a stable black community, where it wiped out all Negro-owned businesses on one side of the main business street and isolated the other side from customers.

In cities where the issue still hangs in the balance, two state governors have given antihighway forces reason to hope. In February, Massachusetts Governor Francis Sargent ended, at least temporarily, the bitter controversy over I–695, Boston's proposed Inner Belt. He called a halt to a pending $5.5-million study to fix the route. "I have decided not to approve it," he stated. "It is too expensive. It would take too long—and most important, it would consider only *where* and *how* to build expressways, not whether to build them at all." He announced plans instead to launch a Balanced Transportation Development Program to integrate road-building with mass transit and study other, innovative means of moving goods and people.

In April, Cleveland got a similar reprieve as Ohio Governor James Rhodes responded to six years of bipartisan efforts by requesting the state highway department to abandon plans for the segment of I–290 affecting Shaker Lakes and the Shaker Heights residential area.

The extraordinary attraction of the Interstate System to the states is its offer of federal funding on a 90–10 matching basis. The federal portion comes from the Highway Trust Fund, which also provides support for the construction of primary and secondary highways on a 50–50 basis. This even-matching partnership dates back to 1961 with the first bill to establish a federally aided highway program; half the states have no other highway program of their own. One quirk of the Interstate System funding is that the 90–10 money is available only for new routes; improvement of older routes can get only 50–50 funds. The 90-per-cent lure has been irresistible to state officials who wanted to show progress for the smallest investment.

The trust fund itself is fed by gasoline, oil, and tire taxes collected by the states. Each state naturally wants to benefit from its share of the tax money it sends to Washington, so the pressure is on to build more new highways. Each has three years to come up with highway projects to "obligate" the funds. So far no state has returned any of the 90–10 money; when San Francisco refused further freeway construction in 1966, its portion of the funds simply reverted to the state of California and made it possible for highway engineers to plan more Interstate mileage for Los Angeles.

Under present legislation, the Trust Fund is scheduled to go out of existence in 1972. Since work on the Interstate and other federal-aid systems will extend well beyond that date, this year will call for decisions on the future of the fund. Where highways and cities are in conflict, there has been clamor for change in the legislation to permit flexibility in the use of the tax revenues. Right now with the Trust Fund an exclusive conduit of money for highways, the cities have no comparable source of assistance for development of public transit or other solutions to the problems of urban transportation.

Significantly, DOT's office of Environment and Urban Systems is concerned not only about problems with highways, but about all forms of transportation facilities: airports, high-speed ground transportation, underground mass transit. It is in a position to evaluate the whole concept of transportation and the application of federal sharing funds. Back in 1967, then-Mayor Braman told Congressional hearings that there must be equitable funding of all forms of transportation, including nonhighway needs, and that the transportation decision of each city must be made at the local level.

The call for local decision-making is echoed by concerned citizen Helen Leavitt in her recent book "Superhighway—Superhoax." She writes, "There is no simple panacea, universally applicable to all of our major cities, that will solve our transportation problems. Each city needs and indeed is entitled to, its own particular solution to its own problems."

But on the state level it is still unusual to encounter the kind of recognition exhibited by the governor of Massachusetts, who told his constituents in February: "Four years ago I was the commissioner of the Department of Public Works—our road-building agency. Then, nearly everyone was sure highways were the only answer to transportation problems for years to come.

"We were wrong."

Triangle: Area Fights To Save Its Life

Charleston, W. Va.—The latest strategy in the embattled Triangle Community's fight to save itself, is a proposed boycott of downtown merchants who refuse to give their support to efforts to reroute interstate highway T 77 scheduled to run through the community.

Already Triangle residents, involved in the fight to save their community since 1965, have faced bulldozers and policemen, have been gassed and arrested.

Fifty youths blocked the bulldozers path when they moved into the Triangle * * *. Fourteen were arrested and placed on $5,000 bond. Bonds were later reduced with two exceptions.

But only buildings were destroyed, and a delegation of Triangle residents in Washington, last week, won reconsideration for their cause with Department of Transportation Secretary John Volpe.

But that reconsideration involved only a three-day request not to destroy any more buildings until a DOT representative could ascertain if adequate relocation facilities were available.

According to the report made to Volpe, adequate provisions had been made, despite the indignant complaint of Mrs. Gloria Blanton.

"I was in bed asleep and they came and told me they're going to tear my house down," she said standing on the street in her bathrobe. She said she had received no eviction notice.

The Secretary's temporary order was based on the fact the there were indications that the people whose homes were to be torn down had adequate housing elsewhere.

He must still make a decision on whether the highway can be routed diffently without disrupting the over-all plan. Triangle residents feel this can be done.

Gov. Arch Moore, Charleston mayor Elmer Dotson and state highway commissioner William Ritche do not think so.

"The time for changes in location has passed," the mayor said sometime ago.

Clinton Black, program * * * of the Progressive Association for Economic Development told AFRO, it is getting rather late in the game for the community. But in the years since the struggle began in 1965, he said the Triangle has developed a sense of unity and community that is rare. P.A.E.D. is an arm of Rev. Leon Sullivan's OIC program.

Six community organizations participated in the battle to save the area. They are the Triangle Improve Council, People's Coalition, Save The Triangle Committee, The Legal Aid Society, NAACP and American Civil Liberties Union.

* * *

The fact that large numbers of people would block bulldozers with their bodies, face tear gas and imprisonment, would seem to indicate the development of something in Triangle which should be saved.

And it would seem to be the intention behind the new Environmental Quality Act of 1969 which says any federally supported program may be changed if it has a "deteriorating effect on the environment."

But officials in the DOT seem to feel this legislation may have come too late for Triangle. Plans have been finalized, contracts let and these things once started are difficult to stop.

But the boycott, the hard-won support of City Council, and the relatively broad community support, evidenced by those who put up their property to bail out the demonstrators, may be able to turn the tide and save the Triangle yet.

THE 10TH ANNIVERSARY OF MEDICAL-HOSPITAL SHIP SS "HOPE"

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, 1970 marks the 10th year of service for the SS *Hope*, the floating hospital that has carried doctors, nurses, and medicine around the world to thousands of suffering persons. Under unanimous consent, there follows an article printed in the Saturday Review, "Decade of Hope, Legacy of Health" by Richard L. Tobin, dated April 4, 1970, concerning the mission of the SS *Hope*.

Projects like the SS *Hope* present positive alternatives in foreign policy. Direct assistance, as opposed to military spending, is a more effective means of aiding other countries, especially the underdeveloped nations mentioned in the article:

Decade of Hope, Legacy of Health

The year 1970 celebrates the first decade of the good ship *S. S. Hope*, that fabulous unofficial medical-hospital envoy that has done so much to create good will for and a legacy of health from the United States. In the past ten years *Hope's* doctors, nurses, and technicians have trained 5,415 physicians, surgeons, dentists, nurses, and technical experts in foreign lands; treated 130,618 persons overseas; conducted 13,956 major operations; benefited nearly 3.5 million underprivileged people through immunization, examination, and other services; and distributed over 2,530,000 cartons of milk. Since *Hope's* first voyage, 1,578 American medical personnel have served with the project. The *S. S. Hope* has been in Tunisia since last September and will return to the United States next July. Meanwhile, shore programs continue in five of the countries already visited by the great hospital ship—Peru, Ecuador, Nicaragua, Colombia, and Ceylon. Other follow-up programs have been completed in Indonesia, Vietnam, and the Republic of Guinea. It's been quite a ten years!

In Ceylon, *Hope* has just concluded its most comprehensive treatment and teaching program to date. Some 70,000 children received immunization against tetanus, whooping cough, and diphtheria—three particular devils in that warm region. More than 3,000 patients were treated in the ship's dental department; the medical staff took care of 1,700 patients aboard ship and, with Ceylonese counterparts, completed some 2,280 operations. During the Ceylon visit, *Hope's* permanent staff of 135 U.S. specialists conducted educational exchange programs with more than 1,150 Ceylonese medical and paramedical counterparts on board ship and throughout the island.

Perhaps most dramatic of *Hope's* contributions in Ceylon was open heart surgery. Working hand in hand with Ceylonese surgical specialists, *Hope's* thoracic surgeons performed heart-valve replacements, which marked a milestone in the history of the island nation. These and many another operation conducted in Colombo General Hospital attracted wide attention in the Ceylonese press as each new surgical procedure was first performed by U.S. physicians, with Ceylonese surgeons assisting. Local surgeons operated in subsequent cases with *Hope* physicians assisting. The day before the *S. S. Hope* departed for the United States, long, snakelike lines formed on the docks, made up partly of people seeking last-minute relief from their suffering and partly of those who wished to thank the permanent staff for its miraculous services to an island population that rarely sees a doctor of any sort.

Soon after the arrival of *Hope* at the port of La Goulette, Tunisia, for a ten-month training and treatment mission, unprecedented rains inundated much of southern Tunisia, leaving 100,000 Tunisians homeless and 500 dead. In ten days Tunisia received the equivalent of ten years' rainfall, and typhoid quickly became a major threat. Project Hope vaccinated more than 76,000 flood victims and trained twenty-five vaccination-sanitation teams to go on from there. No visitor or ship could have arrived at a better time or have performed a greater public health service.

Over the past decade, Project Hope has successfully completed teaching and treatment programs in the fields of medicine, dentistry, and auxiliary medical specialties on four continents. The ship of Hope has visited Indonesia, South Vietnam, Peru, Ecuador, Guinea, Nicaragua, Colombia, Ceylon, and, most recently, conducted a project at home in the United States—with Mexican-Americans and Navajo Indians in Arizona. In Ganado, Arizona, Hope is developing a broad program including the assumption of full administrative responsibility for the fifty-five-bed Sage Memorial Hospital. Hope is sponsoring an associate arts nursing program in the Navajo Community College with a degree to be recognized by the state's bureau licensing authorities. To the normal medical curriculum Hope has added required subjects taught locally by Indian faculty members—this because Project Hope has learned by now that it is absolutely essential to enrich technology training with instruction leading toward a reverence for the history and traditions of the host culture.

Obviously, you won't find the *S.S. Hope* listed in any book of great fighting ships or glamorous cruise boats. She's a white, 15,000-ton vessel, originally the U.S. Navy ship *Consolation;* her 520 feet brim and bulge with operating rooms and the very latest in hospital equipment, including beds for 108 patients and a machine that converts powdered milk into one-pint liquid cartons. How far along our world would be toward the elusive dream of peace if all the ships that now carry atomic weapons, that can shell a beach, sink a convoy, and escort troops, were built and assigned to do what *S.S. Hope* has done in good neighborliness in a single decade. At the cost of a single day's military spending by the United States we could operate twenty *S.S. Hopes* around the world for a whole year with fantastic dividends for peace and a growing legacy of health from the world's kindest traveler.

PERMISSION FOR BANKING AND CURRENCY COMMITTEE—TO HAVE UNTIL 6 P.M., AUGUST 8, TO FILE CONFERENCE REPORT ON S. 3302

Mrs. SULLIVAN. Mr. Speaker, the managers on the part of the House ask unanimous consent that the House Banking and Currency Committee have until 6 p.m., Saturday, August 8, 1970, to file the conference report on S. 3302, an act to amend the Defense Production Act of 1950, and for other purposes.

The SPEAKER pro tempore (Mr. Brown of California). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gray (at the request of Mr. Albert) for today, on account of illness in the family.

Mr. Robison (at the request of Mr. Gerald R. Ford) for today, on account of illness in family.

Mr. Reifel (at the request of Mr. Gerald R. Ford) through August 14, on account of personal matters.

Mrs. Sullivan, for August 10 and 11, on account of business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legisla-

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tive program and any special orders heretofore entered, was granted to:

Mr. Leggett for 1 hour today.

(The following Members (at the request of Mr. Scherle) to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 10 minutes, today.

Mr. Ashbrook, for 1 hour, today.

(The following Members (at the request of Mr. Flowers) to revise and extend their remarks and include extraneous matter.

Mr. Lowenstein, for 60 minutes, today.

Mr. Mann, for 10 minutes, today.

Mr. Flood, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Boggs in two instances and to include extraneous matter.

Mr. Hechler of West Virginia to revise and extend his remarks made on the postal reorganization conference report.

Mr. Anderson of Illinois (at the request of Mr. Springer) immediately following the remarks of Mr. Pickle in the Committee of the Whole today.

Mr. Brown of Ohio (at the request of Mr. Springer) immediately following the remarks of Mr. Anderson of Illinois in the Committee of the Whole today.

Mr. Whitten, to follow the remarks of Mr. Watson.

All Members (at the request of Mr. Scherle) to revise and extend their remarks on the subject of Mr. Watson's special order, today.

(The following Members (at the request of Mr. Scherle) and to include extraneous matter:)

Mr. Berry.

Mr. Burton of Utah in five instances.

Mr. Horton in three instances.

Mr. Derwinski.

Mr. Duncan in two instances.

Mr. Wyman in two instances.

Mr. Steiger of Arizona in two instances.

Mr. Reid of New York.

Mr. Scott.

Mr. Langen.

Mr. Foreman.

Mr. Widnall.

Mr. Ashbrook in two instances.

Mr. Zwach.

Mr. Rousselot in two instances.

Mr. Quie.

Mr. Keith in two instances.

(The following Members (at the request of Mr. Flowers) and to include extraneous matter:)

Mr. Eilberg.

Mr. Matsunaga.

Mr. Mollohan in five instances.

Mr. Hathaway in two instances.

Mr. Roybal in six instances.

Mr. Long of Maryland in five instances.

Mr. Murphy of New York,

Mr. Dorn in three instances.

Mr. Mikva in two instances.

Mr. McCarthy in 10 instances.

Mr. Koch.

Mr. Charles H. Wilson.

Mr. Culver in three instances.

Mr. William D. Ford in two instances.

Mr. Daniels of New Jersey.

Mr. Waldie.

Mr. Hagan in two instances.

Mr. Olsen in two instances.

Mr. O'Hara in two instances.

Mr. Zablocki in two instances.

Mr. Rostenkowski in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 16915. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17070. An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1076. An act to establish a pilot program in the Departments of Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.) under its previous order, the House adjourned until Monday, August 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2282. A letter from the Secretary of the Interior, transmitting a report on activities carried on by the Geological Survey outside the United States during the period January 1 through June 30, 1970 pursuant to 43 U.S.C. 31(C); to the Committee on Interior and Insular Affairs.

2283. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on studies of the control of health hazards from electronic product radiation and other types of ionizing radiation, pursuant to section 357 of the Radiation Control for Health and Safety Act of 1968; to the Committee on Interstate and Foreign Commerce.

2284. A letter from the Secretary of Health, Education, and Welfare, transmitting the 1969 annual report on the administration of the Radiation Control for Health and Safety act of 1968; to the Committee on Interstate and Foreign Commerce.

2285. A letter from the Commissioner Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2286. A letter from the President, Panama Canal Company, transmitting a report on claims paid by the Company under the authority of section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 during fiscal year 1970; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2287. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in reclaiming usable parts from excess aircraft, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee of conference. Conference report on H.R. 17711 (Rept. No. 91-1381). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 18835. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mr. EDWARDS of California (for himself, Mr. Waldie, Mr. McCloskey, Mr. Roybal, Mr. Anderson of California, Mr. Leggett, Mr. Moss, Mr. Burton of California, Mr. Cohelan, Mr. Hawkins, Mr. Rees, Mr. Corman, Mr. Brown of California, Mr. Charles H. Wilson, Mr. Hanna, Mr. Van Deerlin, and Mr. Tunney):

H.R. 18836. A bill to amend section 105 of the Clean Air Act to require each air pollution control agency receiving a Federal grant for support of air pollution control programs to provide information and data on air pollution sources within its jurisdiction; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 18837. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 18838. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GAYDOS:

H.R. 18839. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. McCARTHY:

H.R. 18840. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. MIKVA:

H.R. 18841. A bill to amend the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 18842. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 18843. A bill to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON (for himself and Mr. Yatron):

H.R. 18844. A bill to provide for drug abuse and drug dependency prevention, treatment, and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 18845. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYATT:

H.R. 18846. A bill to amend the Internal Revenue Code of 1954 to make it clear that independent truck dealers and distributors who install equipment or make minor alterations on tax-paid truck bodies and chassis are not to be subject to excise tax as manufacturers on account thereof; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Patman, Mr. Udall, Mr. Wyatt, Mr. Friedel, Mr. Waldie, Mr. Morse, Mr. Eckhardt, Mr. McKneally, Mr. Matsunaga, Mr. Shriver, Mr. Ullman, Mr. Conte, and Mr. Boland):

H.R. 18847. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. QUIE:

H.R. 18848. A bill to prevent the assignment of draftees to active duty in combat areas without their consent; to the Committee on Armed Services.

By Mr. QUIE (for himself, Mr. Ayres, Mr. Erlenborn, Mr. Esch, Mr. Dellenback, Mr. Scherle, and Mr. Steiger of Wisconsin):

H.R. 18849. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; to the Committee on Education and Labor.

By Mr. TUNNEY (for himself and Mr. Van Deerlin):

H.R. 18850. A bill to direct the Attorney General to establish quotas for the production in the United States of depressant, stimulant, and hallucinogenic drugs and to establish controls on the export of such drugs from the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.J. Res. 1344. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STOKES:

H.J. Res. 1345. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mr. Whalen):

H. Con. Res. 700. Concurrent resolution to establish a Joint Committee on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. McCARTHY:

H. Con. Res. 701. Concurrent resolution on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H. Con. Res. 702. Concurrent resolution on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H. Res. 1176. Resolution to express the sense of the House with respect to troop deployment in Europe; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MEEDS:

H.R. 18851. A bill for the relief of Mrs. Anita Lingho Tong; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 18852. A bill for the relief of Maximo Espinal; to the Committee on the Judiciary.

H.R. 18853. A bill for the relief of Guy Lubroth; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 18854. A bill for the relief of Jose De Jesus Robles; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 18855. A bill for the relief of Usto E. Schulz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

566. The SPEAKER presented a petition of the National Council of the YMCA, relative to abolition of the draft, which was referred to the Committee on Armed Services.

SENATE—*Thursday, August 6, 1970*

The Senate met at 10 a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, from whom cometh every good and perfect gift, bestow upon all Members of the Senate the gifts of prudence, fortitude, and patience that in framing policy and enacting laws they may be guided by eternal truth and right, for the enhancement of the Nation and the advancement of Thy kingdom. Aware that the care of the many must ever rest with the few, keep them keen in mind, strong in heart, humble in the use of power that they may serve the common good of "One Nation, under God, indivisible, with liberty and justice for all."

Through Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., August 6, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 5, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from New York (Mr. Goodell), there be a period for the transaction of routine morning business with a time limitation of 3 minutes in relation to statements therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY, AUGUST 10, 1970, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON ON MONDAY, AUGUST 10, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday morning next, August 10, 1970, after the disposition of the Journal, the Senator from Missouri (Mr. Eagleton) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. Bayh) is now recognized for 30 minutes.

Mr. NELSON. Mr. President, will the Senator from Indiana yield to me briefly?

Mr. BAYH. I am happy to yield to the Senator from Wisconsin.

SUBMISSION OF TWO AMENDMENTS TO THE CLEAN AIR ACT, S. 3229

AMENDMENTS NOS. 824 AND 825

Mr. NELSON. Mr. President, I submit two amendments to the Clean Air Act, S. 3229, and ask that they be printed and lie on the table.

The ACTING PRESIDENT pro tempore. Without objection, the two amendments will be printed and will lie on the table, as requested by the Senator from Wisconsin.

Mr. NELSON. Mr. President, the first amendment would permit the States to set automobile emission standards more stringent than those which would be set by the Federal Government under the bill. The second amendment would direct the Secretary of Health, Education, and Welfare to immediately begin testing alternatives to the automobile internal combustion engine. It requires further that for the 1975 model year, the test results shall become the basis for standards to be set by the Secretary on emissions from the automobile. Under the amendment, the Secretary, in addition to considering the test data showing the most satisfactory emission characteristics and satisfactory performance of the alternative engines, shall also base his judgment upon the ability of automobile manufacturers to improve the technology available at the time these standards are set.

Finally, Mr. President, I invite the attention of my colleagues to an article in this morning's Washington Post which reports that 15 States have filed suits in the Supreme Court to require automobile manufacturers to take steps to end the pollution from the automobile. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTO MAKERS SUED OVER AIR POLLUTION

Fifteen states filed suits in the Supreme Court yesterday to force the big four automobile manufacturers to equip cars with better pollution control equipment and to provide pollution-free engines "at the earliest feasible date."

The states complained that for 17 years the major car builders conspired among themselves to squeeze out any competition for making and installing motor vehicle pollution control devices in violation of the Sherman Antitrust Act.

The suit asked the high court to:

Order the defendants to start a "crash program" to produce pollution control devices superior to those now installed and to develop a pollution-free engine as soon as possible.

Require the defendants to install at their own expense pollution control devices on all their cars sold during the past 17 years.

The suit was filed by the states of Washington, Illinois, Arizona, Colorado, Hawaii, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, Ohio, Rhode Island, Vermont and Virginia.

The defendants are General Motors, Ford, Chrysler, American Motors and the Automobile Manufacturers Association.

The states alleged in an information sheet accompanying the suit that "a direct relationship has been established between the containants . . . in motor vehicle emissions and chronic respiratory diseases, carcinogens, liver and kidney disorders and a wide variety of tumors."

The states and their residents could never be paid back enough to undo the damage, the suit contended.

The plaintiffs said the best date for installation of pollution control devices would be "that date by which pollution-free engines would have been produced but for the conspiracy alleged in the complaint."

The plaintiffs said they brought the suit in the Supreme Court because "there is no other suitable forum . . . in which all plaintiff states can bring this single action and obtain adequate and timely relief."

The suit said it intended for pollution control equipment to encompass equipment designed to reduce pollutants through control of emissions from the exhaust system, the crank case, the carburetor, or the fuel tank.

As for the alleged conspiracy, the suit contended the big four agreed among themselves that all research and development of such equipment should be done on a noncompetitive basis. The automakers agreed to seek a joint appraisal of patents submitted to any one of them and agreed to a cross-licensing set-up in case any one were licensed, the suit contended.

The 15 states also alleged the automakers agree to set a specific date for installing the equipment and at least three times after that agreement decided to try to delay further the installation of the equipment.

S. 4191—INTRODUCTION OF A BILL—COMPREHENSIVE REVISION OF THE UNIFORM CODE OF MILITARY JUSTICE

Mr. BAYH. Mr. President, on July 1, I spoke on the floor of the Senate about the urgent need for reform of our system of military justice, and I outlined the reforms I believe are necessary. Today, I am introducing legislation embodying these reforms, the Military Justice Act of 1970, a comprehensive revision of the Uniform Code of Military Justice.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

The bill (S. 4191) to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. BAYH. Mr. President, the quality of the military justice system is perhaps more important today than ever before. The men now in uniform serve in an army which has changed substantially over the years. Most of these men will not see combat. Many of them live off post and serve in a military capacity only during normal working hours. In many ways there is an increased similarity between military service and skilled civilian occupational pursuits. We cannot afford to subject these men to a second-rate system of military justice.

Moreover, there are now nearly 4 million men under arms. Most of these men are young and impressionable, and some will be confronted with American justice for the first time while serving in the Armed Forces. The 1969 report of the Judge Advocate General of the U.S. Army noted that in the Army alone there were 76,320 courts-martial, 94 percent which resulted in convictions. If we are to preserve the integrity of our civilian system, we must see to it that these men return to civilian life with a view of criminal justice that recognizes the fundamental principles of fairness and human dignity. We must see to it that no man is convicted and confined, his life perhaps ruined, without having been accorded full procedural and substantive safeguards.

In light of the increasing importance of the military justice system, we must review its quality, and the fundamental question of its fairness.

The most serious shortcoming in our military justice system is the danger of undue command influence over courts-martial, which may impose numerous penalties, including dishonorable discharge, lengthy imprisonment, or even death. In courts-martial, the commander determines whether to prosecute, controls the court-martial procedure, and plays an integral role in the appellate process. He authorizes searches and arrests, convenes the court-martial, and decides whether the accused serviceman shall remain in pretrial confinement. He chooses the prosecuting attorney and, in some instances, the defense counsel. Finally, he chooses the men to serve as members of a court, the military equivalent of jurors, reviews the findings and sentence, and decides whether a sentence to confinement shall be deferred pending appeal.

In addition to the danger presented by command influence, the military justice system denies a defendant other rights fundamental to a free society. He may be denied credit for time spent in confinement before trial. His military counsel may be precluded from seeking collateral relief. He must apply to the prosecuting counsel, rather than the independent military judge, for subpoenas.

These shortcomings must be remedied, and they must be remedied now. We ask our young men by the millions to give their time and their energies to strengthen our national defense. And we have asked them by the tens of thousands to give their lives on our behalf. I believe we can delay no longer in giving these men a first-class system of military justice.

The need for reform is urgent. But reform cannot be allowed to come in a piecemeal fashion. Individual, pathwork alterations might well suffice to plug some of the smaller gaps in the system. What is urgently needed, however, is a comprehensive revision of the uniform code, a reform which will make military justice conform as nearly as possible to the civil system we find in our State and Federal courts.

The legislation which I am introducing today is such a reform. It is a comprehensive revision of all parts of the Uniform Code of Military Justice dealing with courts-martial, from the moment of arrest to the final disposition of appeals and the completion of confinement. I believe that this proposal would insure every American serviceman the kind of speedy, fair and impartial judicial system to which he is entitled.

Mr. President, I would like briefly to explain the bill's major provisions and to give an example of how the revised

Code would apply to a typical court-martial proceeding from beginning to end.

First, the bill would eliminate all forms of command influence over the court martial process and proceedings. It would vest in a separate and independent Court Martial Command the crucial powers to convene courts-martial; to detail military judges, defense, and prosecuting attorneys; and to choose the members of the court—the jury.

Such an independent command is absolutely essential to a fair system.

The Uniform Code of Military Justice was a landmark reform and an important step forward in insuring the fundamental fairness of military justice and that code does contain a number of provisions designed to increase the rights of an accused serviceman by reducing the commander's influence over the court-martial procedure. Thus, the code prevents a commander from convening a court-martial if he has a "personal interest" in the case or if he is "the accuser," and prevents him from censuring, reprimanding, or admonishing any court member, law officer, or counsel with respect to the findings of a court or for the sentence imposed or in any manner attempting by unlawful means to influence the action of a court-martial or any member thereof. But we have not yet provided the full measure of protection required. As long as the commander makes all decisions, there is a continuing possibility of improper command influence, and the right to a fair and impartial trial remains in jeopardy.

The commander controls the whole court-martial process. He continues to have and to exercise the authority and responsibility to appoint a subordinate to conduct a preliminary investigation.

The officer appointed by the commander to conduct an investigation under article 32 is subject to all of the inherent pressures of a command whose legitimate concern is discipline. This procedure appears to be incompatible with the fundamental principle of civilian jurisprudence which provides that no person should be subjected to a criminal trial unless the prosecutor can demonstrate to an impartial magistrate or grand jury that there is probable cause to believe, first, that a crime has been committed and, second, that this crime was committed by the accused.

The recommendations of the officer conducting the article 32 investigation, as well as those of the commander's legal officer, are not binding upon the commander and are purely advisory. As a result, military law suffers from the absence of any binding legal decision as to the allocation of prosecutorial resources. The regard for efficient allocation of prosecutorial resources and the evenhanded administration of justice which characterize the typical U.S. attorney or State district attorney's office is, therefore, reduced in the military system.

In those instances where the accused is entitled to military legal counsel, the choice of those available to defend the accused remains generally in the hands of the commander. In addition, the commander chooses the counsel who prosecutes the case. The possession of this power to choose the defense counsel and the prosecutor gives the appearance of permitting the commander, by manipulating the choice of personnel, to control the outcome of the case.

Unlike the civilian system, where the accused is entitled to trial by a jury of his peers selected at random, the commander is empowered, virtually without limitation, to choose the members of a court-martial—those who serve in effect, as jurors. While an accused enlisted man is entitled to request that one-third of the court be composed of enlisted men, the selection of those enlisted men who are to serve in the event of such a request is in the hands of the commander. The practice of selecting only senior noncommissioned officers, who are considered more severe than commissioned officers, has been upheld by the Court of Military Appeals. And, while he is required to select those best qualified, there is nothing to preclude a commanding officer from selecting officers known by him to be particularly strict or notably hostile to certain types of alleged offenses. This entire system of selection gives the impression of a "hand picked" jury and is clearly incompatible with the history and theory of trial by jury.

The Uniform Code of Military Justice provides that military appeals are to be heard initially by the convening authority who ordered the trial in the first instance. Although in theory this procedure provides an additional level of appellate review, in practice it has become a time-consuming formality—in one case, the convening authority took no action for 10 months and thereby delayed judicial appeal for that period. And in most cases its results are foregone conclusions. Moreover, it encourages some courts-martial—even when instructed to disregard the commanding officer's review authority—to adjudge automatic maximum sentences so that the commander may reduce the sentence if he so desires. This is clearly an inappropriate and undesirable procedure.

The power to place a soldier in confinement pending trial is also in the hands of the commander. This system, which permits the commander to act virtually without supervision or review has the potential for arbitrary and vexatious action and gives the appearance of unfairness.

This independent Court Martial Command would take over the functions now performed by the commander. The Court Martial Command would be under the administrative supervision of the Judge Advocate General and would be divided into regional commands. It would have four divisions, prosecution, defense, judicial, and administration.

The prosecution division would function much as the U.S. Attorney's office functions in the Federal courts. It would receive complaints from any interested person, investigate them, and prefer charges only if it felt that there was sufficient evidence to convict the accused of the charges brought against him. But the determination of the prosecution division that the accused should be brought to trial would not be final. Just as in the civilian system, the accused would have to be brought before an independent judge—in this case a military judge. The judge would have to determine whether there was probable cause to hold the accused for trial.

After the preliminary hearing and the determination by the judge that the charges should not be dropped, the prosecution division would refer the case to a summary, special, or general court-martial, as it thought appropriate. The prosecution division would also be responsible for detailing trial counsel—the prosecutor—to courts-martial trials.

The judicial and defense divisions would be made responsible for detailing military judges and defense attorneys to courts-martial trials. The bill specifically provides that members of the judicial and defense divisions would be responsible only to the chiefs of their respective divisions, and to the Judge Advocate General. This provision assures that the prosecution division will not be able to influence the actions of the defense or judicial divisions. The performance of the members of the latter two divisions is to be rated by members of that division alone.

I might point out, Mr. President, that under present practice the commander on any military post is the one who looks at the record. He also is the one who determines job ratings and decides whether his men are promoted.

I was on the west coast yesterday. Just merely by chance, I was seated next to an eminent attorney of one of the larger cities. In the course of the luncheon conversation, we got around to the military justice system. It so happened that this man had served as defense counsel on one occasion and had been ordered by his commanding officer to take steps which he thought were entirely out of step with justice in a military case.

I do not want to prolong the story, but I think it is important to put this into the CONGRESSIONAL RECORD so that other individuals throughout the country that have had this experience might bring it to the attention of Congress. Then we will all realize the importance of this problem and breathe some fresh air into it through legislation so that we might really have justice in our military system.

The administration division would be made responsible for picking at random the members of the court, for such general administrative duties as are now performed by the trial counsel, and for detailing or employing court reporters and interpreters.

The establishment of this independent command, and the consequent abolition of the office of "convening authority," as that term is now used in the code, will eliminate any possibility or appearance that the commander, by manipulating the choice of personnel, could control the outcome of a particular case. In addition, the proposal will do much to preclude the institution of charges for what may appear to be arbitrary reasons, provide for the efficient allocation of prosecutorial resources, and insure the pro-

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fessional drafting and processing of formal charges.

The establishment of this separate command will not jeopardize the maintenance of discipline. I think this is important. We need discipline in our armed forces. Any person, including the commander, would be entitled to refer charges to the prosecution division for possible trial. In addition, the commander will retain the nonjudicial punishment powers granted to him by article 15. Thus, the commander will be empowered to punish minor breaches of discipline by means of the power he now possesses, and he will be able to refer more serious offenses to the prosecution division.

Second. When a man is accused of a crime, all of the power and resources at the command of the State are brought to bear against him in an attempt to deprive him of his liberty against his will. To prevent the Government from using the resources at its disposal unjustly, significant control over the accusatory process and the trial proceedings must be granted to independent and impartial judges.

Although the Military Justice Act of 1968 created an independent military judiciary, military judges lack many of the powers which are necessary if they are to play a significant role in the military justice process. For example, military trial judges may lack the "all writs" power exercised by civilian judges, such as the power to issue writs of mandamus, prohibition, and coram nobis.

Unlike their civilian counterparts, military judges lack the ability to utilize the contempt power as a means of controlling those individuals outside the courtroom whose conduct constitutes a direct threat to courtroom discipline and to the right of the accused to a fair trial.

Accordingly, this bill would grant to military judges at the trial level the power to issue all writs necessary or appropriate in aid of their jurisdiction, as now provided in the All Writs Act. Military judges would also be given the power to punish for contempt, power which is now possessed by the Federal judiciary. Punishment would be limited to confinement for not more than 30 days or a fine not to exceed $100 or both.

This bill would also give powers over sentencing to the professional judges. At present, the Uniform Code empowers the members of a court-martial to adjudge sentences. The members of a court are not experienced judges. Due to the restrictions imposed by article 37 of the Code upon the type of instruction which members may receive, they often cannot and do not become familiar with the intricacies of the sentencing process. As a result, to quote the 1969 report of the Judge Advocate General:

> The sentences adjudged by court members run the gamut from being so severe as to hamper rehabilitation to being too light to permit effective rehabilitation or to have any deterrent effect.

Perhaps at this time, it would be appropriate to make two observations. I recommend to my colleagues in the Senate a careful perusal of this 1969 Judge Advocate General's report. I feel that this is a professional study by the Army's top lawyers of the system of military justice.

I do not agree with all of the conclusions in that report. I feel certain that the Judge Advocate General will not agree with all the recommendations I am making here today. But I think it is important for the Senate and the Congress and the country to know about the serious study that has been given to this problem.

Also, I would like to say a word of tribute for our colleague, the Senator from North Carolina. The Military Justice Act of 1968 was the most recent amendment to the Uniform Code of Military Justice.

That act is typical of the legislative record which has been compiled over the years by our colleague from North Carolina. I know of no Senator who has given more attention and study to the problems of servicemen confronted by our system of military justice than the Senator from North Carolina. I hope he will continue to do so and that he will direct attention to the proposals I have made today. I think the Senator from North Carolina, who is one of the true experts in this field, can help us make great strides toward the accomplishment of our goal.

In many civilian cases, if the court were to impose the minimum sentence provided by law for a defendant found guilty of the commission of an offense, the demands of justice and equity would not be served. Accordingly, in such cases, the sentencing authority, the judge, suspends the sentence. In the military system, cases which would justify suspension of the sentence also occur. However, the sentencing authority, the members of the court or the military judge, lack the power to suspend a sentence.

Under this bill the sentencing power, including the power to issue suspended sentences—but not including sentences of death—would be transferred to the military judge. The judge would only be allowed to impose a death sentence if the crime was one for which the Code specifically allows that penalty, and if the court-martial's members unanimously recommended that penalty. The final decision would be up to the judge, however. The recommendation would not be binding upon him. This change would place the power to sentence in the hands of the men who are in a position to develop the expertise required, in the words of the Army Judge Advocate General, to "strike a reasonable balance between the frequently competing factors of deterrence and rehabilitation." Moreover, it would bring military justice procedures into accord with the Federal civilian practice and the practice in the large majority of State courts.

Third. The proposed legislation would extend to servicemen certain basic rights now accorded their civilian counterparts.

The Uniform Code of Military Justice would be amended to provide for the appointment of a member of the defense division of the independent trial command upon request immediately following arrest. Procedurally, this would be accomplished at a formal hearing following arrest similar to the presentment required by rule 5 of the Federal Rules of Criminal Procedure.

The subpena power—the power to compel the attendance of witnesses and the production of documents—is made available to civilian defendants through an impartial third party, the trial judge, in order to prevent the State from presenting only the evidence most favorable to its attempt to prove the guilt of those it accuses of the commission of a crime. To accord accused servicemen the same protection, the bill which I introduce today will transfer the subpena power from the trial counsel—the prosecutor—where it now resides, to military trial judges and the requirement that expected testimony be revealed in advance would be abolished.

Under this bill, both prosecution and defense counsel would have to show that the subpena was necessary to an adequate presentation of their case. This provision would eliminate even the appearance that the prosecutor could abuse the subpena power by limiting the ability of the accused to effectively present his defense.

The Uniform Code of Military Justice provides that no serviceman may be tried for the same act both by court-martial and in a Federal court, regardless of which trial occurs first. However, the code does not prevent a serviceman from being tried for the same act in both military and State courts, thus leaving open the distinct possibility of equally severe double jeopardy.

The bill would extend to servicemen the complete protection accorded civilians against double jeopardy by prohibiting trial by court-martial after trial in a State court for the same act, and vice versa.

Under present law, the power to authorize the search of military persons or property on a military installation is exercised solely by the commanding officer. This officer may be the same individual who determines whether to prosecute, controls the court-martial procedure, and reviews the findings and sentence. It is true that the commander must have "probable cause" to authorize a search and that the standards established by the Court of Military Appeals have in some cases exceeded those applying to civilian courts. However, the probable cause need not be proven to an independent authority until the court-martial itself, and there are no affidavits or other evidence available as to the probable cause at the time the search is authorized.

In the civilian justice system, however, the power to authorize searches and to issue arrest warrants is vested in an independent magistrate. In order to make the military system conform to the civilian process, the bill would vest the power to issue search and arrest warrants in the military judges, and take it away from the commanding officer.

Under present law the only procedure for determining whether the accused should be held for trial is the investigation provided by article 32. This investigation is normally conducted by an officer who is subject to the influence of the commander pressing the charges.

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Furthermore, this officer is usually not trained in the law and is therefore often incapable of adequately appraising the legal sufficiency of the evidence presented to him. For this practice, the bill would substitute an initial investigation by the prosecution division of the charges. If that division determined that there was enough evidence, it would bring the accused before a military judge. The judge would then determine whether there was probable cause to hold the accused for trial and set bail or its military equivalent. Furthermore, he would be given the power to summarily dismiss legally or factually insufficient charges. The accused would have to be brought before the judge within 24 hours after arrest.

The practical availability of collateral relief would also be affected by this bill. Unlike civilian attorneys, military defense lawyers may seek relief in Federal courts only if given permission to do so by their immediate legal superior, the staff judge advocate. Thus, an accused who has civilian defense counsel, who is not subject to this control, may seek necessary relief in the civilian courts while an accused who is represented by a military lawyer may be inhibited in the attempt to obtain the same relief.

This bill would empower military defense attorneys, at Government expense, to seek collateral relief for their clients in civilian courts when appropriate, and would thereby make the availability of this form of relief independent of the ability of the accused serviceman to employ civilian counsel.

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Fourth. The right to trial by individuals selected at random, some of whom may possess attitudes and prior experience similar to those of the accused is a fundamental tenet of American jurisprudence. In accord with this principle, the bill I am introducing would establish a system of random selection for members of general and special courts-martial.

The Senator from Maryland (Mr Tydings), has proposed that for general courts-martial we should eliminate the requirement that two-thirds of the members be officers and establish a limited system of random selection of courts-martial members. I support this reform, but I believe it should be expanded and that it should include special as well as general courts-martial. Special courts-martial outnumber general courts-martial by more than 20 to 1, and they can give such serious—and permanent—punishment as bad conduct discharges. Furthermore, I believe that the random selection should be made from among all members of the command in a manner similar to the selection process followed in the Federal judicial system.

It is especially important that enlisted men be more adequately represented on courts-martial. For it is enlisted men who are being tried in these proceedings. The Army tried more than 68,000 men last year. Of those prosecuted, only 63 were officers, less than one-tenth of 1 percent. Given this great discrepancy in the number of officers and enlisted men who go to trial, it is essential that more enlisted men serve on the courts so that the accused can be judged by a jury of his peers.

I have no doubt that enlisted men could serve with honor on these courts-martial. This bill would require all members of the court to have served on active duty for a year or more. A high percentage of enlisted men possess a high school education and a substantial minority are college education—over 15 percent of those men who enlisted last year were college graduates. Thus, there should be little fear that the inclusion of enlisted men as members of courts-martial will result in the inclusion of men unqualified to serve as jurors. Moreover, the fact that the members will be selected at random will insure that the members of the courts-martial will reflect the different experiences and attitudes possessed by the various members of the community. Today's soldiers are part of a different kind of army, much of it engaged in a far different kind of conflict than we knew a generation ago. If they are to be tried for military crimes—and without in any way suggesting that the guilty be excused—they have the right to be judged by those fully familiar with the kind of army we have, the kind of war it is fighting.

Mr. President, I wish to reiterate that point. I think it is important to see that those who commit inexcusable military crimes are punished. But at the same time we must be certain that those who determine guilt or innocence be able to make that determination with full comprehension of the environment and ordeal of the accused at the time the crime was committed.

In addition, in order to make the military system of selecting court-martial members conform more closely to the civilian jury selection system, the number of peremptory challenges would be increased to three per side—and per accused in a joint trial—in a special court-martial empowered to adjudge a bad conduct discharge and six per side in a general court-martial—10 per side in a capital case. The number of peremptory challenges in a special court-martial not empowered to adjudge a bad conduct discharge will remain at one per side.

Mr. President, I think it important that a quick aside be interjected at this point. I know that no Member of the Senate would attach little significance to a sentence of a bad conduct discharge. I remember that when I was in the military such a discharge seemed the worst thing that could happen to me. But I really did not know how burdensome a bad conduct discharge could be until I came to the Senate and received petitions from constituents who had been given bad conduct discharges. It is a serious penalty—it goes with a young man until he is an old man, until the day he dies.

I think we need to make certain that we give adequate protections to those who have to face such a dreadful penalty.

Fifth. The power to confine a citizen against his will is surely one of the most significant powers possessed by the Government. This power ought to be exercised only under the most stringent conditions and only pursuant to the most rational and enlightened procedures. Accordingly, my proposed legislation contains a number of provisions designed to modernize military confinement and sentencing procedures and policies.

The powers to decide whether an accused serviceman should be subject to pretrial confinement and to deter sentence to confinement pending appeal would be transferred from commanding officers to the independent military judges. A presumption in favor of release, which would seem to present no threat to military discipline and which would enable the accused to perform military duties and to utilize the time to prepare his defense, would also be established.

Of course, that presumption could be overridden by the judges.

The judge's rulings would be appealable as interlocutory matters to the U.S. Court of Military Review.

If the military judge decided to confine the accused prior to trial or pending appeal, the accused, like nonmilitary criminal defendants, would be entitled to full credit toward any sentence eventually imposed.

I wonder how many of us realize that if a civilian is confined to jail prior to trial and then is found guilty, the time he has served, sometimes 6 months, sometimes 9 months, is applied to the penalty meted out by the court; but that is not true of the GI or naval officer who is thrown into the stockade or the brig. For some reason or another we have omitted the seemingly obvious point that the time spent in pretrial detention should be deducted from the punishment meted out after trial. I hope we can correct that injustice by adopting this provision of the proposed reform.

The legislation also provides that all those confined—including those awaiting trial or appeal—are to be permitted to participate in work, exercise and rehabilitation programs wherever adequate facilities are available.

Finally, the committee composed of judges of the U.S. Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation—representing the Coast Guard—would be directed to study and suggest revisions in the current table of maximum punishments. This study would be conducted with a view toward identifying and correcting apparent inequities and establishing, if possible, subcategories based upon differences in elements of culpability. The study would also include an examination of the advisability of retaining the President's power to alter or suspend the table of maximum punishments as to particular geographical areas or to suspend the table for particular crimes. The committee would be directed to report to Congress within 1 year of the date of enactment of the bill.

Sixth. A somewhat antiquated appellate process creates unnecessary delays and imposes a heavy burden upon the judges of the Court of Military Appeals and other officials involved in the processing of appeals. My legislation is intended to improve this situation in several ways.

It would, as noted above, eliminate review by the convening authority. And as a result cases which are now heard by the military courts only after a long delay for convening authority would now be appealed directly to the courts.

Furthermore, the Uniform Code of Military Justice would be amended to allow the Judge Advocate General of each service to review the findings and the sentence of a court-martial not reviewed by the Court of Military Review.

In addition, the bill would empower the Supreme Court of the United States to issue writs of certiorari to the Court of Military Appeals. The Court of Military Appeals is the highest court in the military justice system and its decisions often involve important questions of individual constitutional rights. The ultimate resolution of these important questions of constitutional law ought to be the responsibility of the court which is, in all other cases, considered to be the final arbiter of meaning of the Constitution. Review of military decisions by the Supreme Court should create no fear of granting the power of review to civilians outside of the military system because the Court of Military Review may be composed in part of civilians and since the Court of Military Appeals is, by law, composed only of civilians.

Finally, in order to allow the Court of Military Appeals to hear additional cases and to provide for continuity, the revised Uniform Code of Military Justice would increase the number of judges who sit on this court to nine and empower the court to sit in panels of three judges each. This will triple the time available for the court to deal with its heavy workload with no great increase in cost.

Seventh. There are four other aspects of the military justice system which perhaps should be modified. Rather than delay those reforms which can and should be enacted immediately, section 4 would direct a special committee composed of judges of the Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation for the Coast Guard to study these problems and to recommend solutions within 1 year of the date of passage of the act.

Specifically, the committee would be directed to study: First, the possibility of eliminating summary courts-martial; second, the desirability of transferring jurisdiction over some absence offenders to the Federal courts; third, methods, other than those I have outlined, of eliminating delays in the appellate process; and, fourth, methods of handling prisoners who complete the service of sentence to confinement prior to the completion of appellate review.

Mr. President, some critics of the military justice system so distrust the military's capability in this area that they would abolish or virtually abolish the power of the services to punish civilian-type felonies in time of peace. I have made the proposals which I have outlined above in the belief that the time for such drastic surgery has not yet arrived. Few civilian crimes are tried in the military courts. The special civilian committee for the study of the U.S. Army confinement system has estimated that of the prisoners placed in confinement by the military, at least 85 percent and perhaps as many as 90 percent are men who have either absented themselves without leave or deserted. These, of course, are crimes uniquely within the purview of the military courts. Another 3 to 5 percent are imprisoned for other military type offenses, such as disrespect of a superior officer, failure to obey a lawful order, and breaking restriction. While these figures do not include the number of men tried and acquitted or tried and not sentenced to confinement, it does appear that the total number of men who are processed by the military justice system for civilian offenses is very small. I believe that these men would be adequately protected if the reforms I have suggested were to be enacted into law.

Moreover, the Supreme Court and the Court of Military Appeals have decided that court-martial jurisdiction does not extend to civilian dependents or employees abroad in time of peace, whether they are accused of capital or noncapital offenses. In addition, the Supreme Court has decided that court-martial jurisdiction extends only to these individuals who are members of the armed services both at the time of the commission of the offense and at the time of trial. Finally, the Supreme Court, in the recent case of O'Callahan against Parker, has decided that members of the Armed Forces can be court-martialed for service-connected crimes only. Indeed, it is possible that the O'Callahan case will be clarified shortly by the Relford against Commandant, now pending in the Supreme Court. Under these circumstances, and with the hope of enactment of significant reforms, I do not believe that further curtailment of court-martial jurisdiction over civilian-type offenses is appropriate at this time.

However, I do believe that reform is necessary and desirable. The enactment of the Military Justice Act of 1966 clearly resulted in an improvement of our system of military justice. Experience has already revealed, however, that the enactment of this important legislation did not sufficiently reduce the effects of command influence—of justice by fiat—and did not succeed in guaranteeing to our men in uniform the same rights and safeguards provided their civilian counterparts. Greater reform is urgently required.

Military commanders should not be concerned that the more equitable system of justice created by my proposed legislation will serve to undercut the discipline which we all recognize as necessary to an effective armed force. Indeed, experience has taught us that inequitable laws spawn disrespect for the law, and disrespect in turn eventually leads to disobedience. Moreover, for relatively minor matters—matters of discipline rather than criminal law—the commander will retain the well-established powers of nonjudicial punishment granted to him by article 15 of the Uniform Code of Military Justice.

My proposals will not, I believe, greatly increase manpower requirements beyond the increases which have already occurred in order to implement the Military Justice Act of 1968. Rather, I believe that they will enable the Armed Forces to utilize present legally trained personnel more efficiently and effectively. Moreover, any desirable increase in personnel could be met by the enactment of legislation designed to improve the retention rate of experienced legal officers. On December 2, 1969, the House passed H.R. 4296, providing for professional pay for judge advocates. This bill and its counterpart, S. 2674, introduced by the Senator from Hawaii (Mr. INOUYE) is now pending before the Senate Armed Services Committee. The enactment of this legislation by the Senate would do much to solve the retention problem.

Mr. President, I believe that the legislation which I have introduced will help create a better system of military justice, a system which will not only bear scrutiny but which will invite admiration.

Mr. President, I hope that the Senate can give immediate attention to this matter. A I mentioned earlier, we have today an army of 4 million young men. Most of these young men are going to come in contact with military justice in one form or another while they are serving their country. If we are to create, at an early age, the respect for the law which these young men ought to take back into civilian life, I think it is imperative that we see that justice is justice, whether it is civilian or military. I recommend the consideration by our colleagues of this important piece of legislation as a way in which we can establish true justice in the military.

Mr. President, I ask unanimous consent to have the bill, a brief section-by-section explanation of the bill's major provisions, and a hypothetical case indicating how the bill would work printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. without objection, the bill and material, requested by the Senator from Indiana, will be printed in the RECORD.

The material ordered to be printed in the RECORD is as follows:

S. 4191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Justice Act of 1970."

SEC. 2. Articles 1 through 76 and 138 of the Uniform Code of Military Justice are repealed, and the following sections are substituted in lieu thereof:

SUBCHAPTER I. GENERAL PROVISIONS

Sec.	Art.	
801.	1	Definitions
802.	2	Persons subject to this chapter
803.	3	Jurisdiction to try certain personnel
804.	4	Dismissed officer's right to trial by court-martial
805.	5	Territorial applicability of legal officers
806.	6	Judge advocates and legal officers
806a.	6a	Court-Martial Command

§ 801. Art. 1. Definitions

In this chapter:

(1) "Judge Advocate General" means, severally, the Judge Advocates General of the Army, Navy, and Air Force and, except when the Coast Guard is operating as a service in the Navy, the General Counsel of the Department of Transportation.

(2) The Navy, the Marine Corps, and the

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Coast Guard when it is operating as a service in the Navy, shall be considered as one armed force.

(3) "Commanding officer" included only commissioned officers.

(4) "Officer in charge" means a member of the Navy, the Marine Corps, or the Coast Guard designated as such by appropriate authority.

(5) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(6) "Cadet" means a cadet of the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(7) "Midshipman" means a midshipman of the United States Naval Academy and any other midshipman on active duty in the naval service.

(8) "Military" refers to any or all of the armed forces.

(9) "Accuser" means a person who signs charges, any person who directs that charges nominally be signed by another, and any other person who has an interest other than an official interest in the prosecution of the accused.

(10) "Military judge" means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26).

(11) "Law specialist" means a commissioned officer of the Coast Guard designated for special duty (law).

(12) "Legal officer" means any commissioned officer of the Navy, Marine Corps, or Coast Guard designated to perform legal duties for a command.

(13) "Judge Advocate" means an officer of the Judge Advocate General's Corps of the Army or the Navy or an officer of the Air Force or the Marine Corps who is designated as a judge advocate.

(14) (Omitted)

(15) "Convening the court-martial" means ordering to the place of trial at the appointed time, those persons selected as potential court members pursuant to Article 25 for the trial of such cases as may be brought before them.

(16) "Court-Martial Command" means a separate and independent command established pursuant to Article 6a, located for administrative purposes in the office of the Judge Advocate General of each service, and subdivided into one or more Regional Commands.

(17) "Regional Command" means a subdivision of the Court-Martial Command with direct responsibility for the administration of military justice within such geographical jurisdiction as the Secretary concerned shall by regulation established.

(18) "Initial Appearance" means the taking of a person subject to this chapter before a military judge, pursuant to section 832 of this chapter.

§ 802. Art. 2. Persons subject to this chapter

The following persons are subject to this chapter:

(1) Members of a regular component of the armed forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the armed forces; inductees from the time of their actual induction into the armed forces; and other persons lawfully called or ordered into, or to duty in or for training in, the armed forces, from the dates when they are required by the terms of the call or order to obey it.

(2) Cadets, aviation cadets, and midshipmen.

(3) Members of a reserve component while they are on inactive duty training authorized by written orders which are voluntarily accepted by them and which specify that they are subject to this chapter.

(4) Retired members of a regular component of the armed forces who are entitled to pay.

(5) Retired members of a reserve component who are receiving hospitalization from an armed force.

(6) Members of the Fleet Reserve and Fleet Marine Corps Reserve.

(7) Persons in custody of the armed forces serving a sentence imposed by a court martial.

(8) Members of the Environmental Science Services Administration, Public Health Service, and other organizations, when assigned to and serving with the armed forces.

(9) Prisoners of war in custody of the armed forces.

(10) In time of war, persons serving with or accompanying an armed force in the field.

(11) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons serving with, employed by, or accompanying the armed forces outside the United States and outside the following: the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

(12) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons within an area leased by or otherwise reserved or acquired for the use of the United States which is under the control of the Secretary concerned and which is outside the United States and outside the following: the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

§ 803. Art. 3. Jurisdiction to try certain personnel

(a) Subject to section 843 of this title (article 43), no person charged with having committed, while in a status in which he was subject to this chapter, an offense against this chapter, punishable by confinement for five years or more and for which the person cannot be tried in the courts of the United States or of a State, a Territory, or the District of Columbia, may be relieved from amenability to trial by court-martial by reason of the termination of that status.

(b) Each person discharged from the armed forces who is later charged with having fraudulently obtained his discharge is, subject to section 843 of this title (article 43), subject to trial by court-martial on that charge and is after apprehension subject to this chapter while in the custody of the armed forces for that trial. Upon conviction of that charge he is subject to trial by court-martial for all offenses under this chapter committed before the fraudulent discharge.

(c) No person who has deserted from the armed forces may be relieved from amenability to the jurisdiction of this chapter by virtue of a separation from any later period of service.

§ 804. Art. 4. Dismissed officer's right to trial by court-martial

(a) If any commissioned officer, dismissed by order of the President, makes a written application for trial by court-martial, setting forth, under oath, that he has been wrongfully dismissed, the President, as soon as practicable, shall convene a general court-martial to try that officer on the charges on which he was dismissed. A court-martial so convened has jurisdiction to try the dismissed officer on those charges, and he shall be considered to have waived the right to plead any statute of limitations applicable to any offense with which he is charged. The military judge may, as part of his sentence, adjudge the affirmance of the dismissal, but if the court-martial acquits the accused or if the sentence adjudge, as finally approved or affirmed, does not include dismissal or death, the Secretary concerned shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issue.

(b) If the President fails to convene a general court-martial within six months from the presentation of an application for trial under this article, the Secretary concerned shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issue.

(c) If a discharge is substituted for a dismissal under this article, the President alone may reappoint the officer to such commissioned grade and with such rank as, in the opinion of the President, that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances.

(d) If an officer is discharged from any armed force by administrative action or is dropped from the rolls by order of the President, he has no right to trial under this article.

§ 805. Art. 5. Territorial applicability of this chapter

This chapter applies in all places.

§ 806. Art 6. Judge advocates and legal officers

(a) The assignment for duty of judge advocates of the Army, Navy, and Air Force and law specialists of the Coast Guard shall be made upon the recommendation of the Judge Advocate General of the armed force of which they are members. The assignment for duty of judge advocates of the Marine Corps shall be made by direction of the Commandant of the Marine Corps. The Judge Advocate General or senior member of his staff shall make frequent inspections in the field in supervision of the administration of military justice.

§ 806a. Art. 6a. Courts-Martial Command

(a) There is established in the Office of the Judge Advocate General of each armed force an independent command known as the Courts-Martial Command. Such command shall function under the administrative supervision of the Judge Advocate General of the armed force concerned, and each such command shall be divided into four separate divisions as follows:

(1) judicial division;

(2) prosecution division;

(3) defense division; and

(4) administration division.

(b) The judicial division of any Courts-Martial Command shall be responsible, under such rules and regulations as the President may prescribe, for the detailing of military judges by military judges, including the detailing of such judges to courts-martial trials.

(c) The prosecution division of any Courts-Martial Command shall be responsible for detailing trial counsel and assistant trial counsel (when appropriate) to courts-martial trials; in addition to such other responsibilities as are set forth elsewhere in this chapter.

(d) The defense division of any Courts-Martial Command shall be responsible for detailing defense counsel and assistant defense counsel (when appropriate) to represent persons entitled to such representation under this chapter. Such military investigators as shall be required for the proper performance of its duties shall be assigned to the defense division of the Courts-Martial Command.

(e) The administrative division of any Courts-Martial Command shall be responsible for convening courts-martial, detailing or employing qualified court reporters for courts-martial trials and for any military commission or court of inquiry.

(f) The Judicial Division and the Defense Division shall be located in the Court-Martial Command for administrative and logistic purposes only. Members of these divisions shall be subject to the command

and control of the Chiefs of the respective divisions, and the Judge Advocate General of the appropriate armed force, only.

(g) Each Court-Martial Command shall be subdivided into one or more Regional Commands which shall have direct responsibility for the administration of military justice within its geographical area, as designated in appropriate regulations by the Secretary concerned.

SUBCHAPTER II. APPREHENSION AND RESTRAINT

Sec.	Art.	
807.	7	Arrest
808.	8	Arrest of deserters
809.	9	Imposition of restriction
810.	10	Restriction of persons charged with offenses
811.	11	Reports and receiving of prisoners
812.	12	Confinement with enemy prisoners prohibited
813.	13	Punishment prohibited before trial
814.	14	Delivery of offenders to civil authorities

§ 807. Art. 7. Arrest

(a) Arrest is the taking of a person into custody or otherwise impairing his freedom of locomotion in any significant way under the authority of this chapter.

(b) Any person authorized under regulations governing the armed forces to arrest persons subject to this chapter or to trial thereunder may do so upon reasonable belief that an offense has been committed and that the person arrested committed it.

(c) Commissioned officers, warrant officers, petty officers, and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this chapter and to arrest persons subject to this chapter who take part therein.

§ 808. Art. 8. Arrest of deserters

Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or possession, or the District of Columbia may summarily arrest a deserter from the armed forces and deliver him into the custody of those forces.

§ 809. Art. 9. Imposition of restriction

(a) Restriction is the restraint of a person by an order, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) No person may be ordered into arrest or confinement except for probable cause.

§ 810. Art. 10. Restriction of persons charged with offenses

Any person subject to this chapter charged with an offense under this chapter shall be ordered into restriction or confinement only as provided in sections 815 and 832 of this chapter.

§ 811. Art. 11. Reports and receiving of prisoners

(a) No provost marshal, commander of a guard, or master at arms may refuse to receive or keep any prisoner committed to his charge by a military judge pursuant to section 832 of this chapter.

(b) Every commander of a guard or master at arms to whose charge a prisoner is committed shall, within twenty-four hours after that commitment or as soon as he is relieved from guard, report to the commanding officer the name of the prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

§ 812. Art. 12. Confinement with enemy prisoners prohibited

No member of the armed forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces.

§ 813. Art. 13. Punishment prohibited before trial

Subject to section 857 of this title (article 57), no person, while being held for trial or the result of trial, may be subjected to punishment or penalty other than restriction or confinement upon the charges pending against him, nor shall the restriction or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during that period for infractions of discipline.

§ 814. Art. 14. Delivery of offenders to civil authorities

(a) Under such regulations as the Secretary concerned may prescribe, a member of the armed forces accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent military authority, be returned to military custody for the completion of his sentence.

SUBCHAPTER III. NONJUDICIAL PUNISHMENT

§ 815. Art. 15. Commanding officer's nonjudicial punishment

(a) Under such regulations as the President may prescribe, and under such additional regulations as may be prescribed by the Secretary concerned, limitations may be placed on the powers granted by this article with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this article to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the armed forces under this article if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. A commanding officer authorized to exercise the powers under this article may, if authorized by regulations, delegate such powers to a principal assistant.

(b) Subject to subsection (a) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial—

(1) upon officers of his command—

(A) restriction to certain specified limits with or without suspension from duty, for not more than 30 consecutive days;

(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command—

(i) restriction to quarters for not more than 30 consecutive days;

(ii) forfeiture of not more than one-half of one month's pay per month for two months;

(iii) restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

(iv) detention of not more than one-half of one month's pay per month for three months;

(2) upon other personnel of his command—

(A) if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;

(B) correctional custody for not more than seven consecutive days;

(C) forfeiture of not more than seven days' pay;

(D) reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(E) extra duties, including fatigue or other duties, for not more than 14 consecutive days;

(F) restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days;

(C) detention of not more than 14 days' pay;

(H) if imposed by an officer of the grade of major or lieutenant commander, or above—

(i) the punishment authorized under subsection (b) (2) (A);

(ii) correctional custody for not more than 30 consecutive days;

(iii) forfeiture of not more than one-half of one month's pay per month for two months;

(iv) reduction to the lowest of any intermediate pay grade if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(v) extra duties, including fatigue or other duties, for not more than 45 consecutive days;

(vi) restrictions to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

(vii) detention of not more than one-half of one month's pay per month for three months.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two or more of the punishments of restriction to quarters, confinement on bread and water or diminished rations, correctional custody, extra duties, and restriction may be combined to run consecutively in the maximum amount imposable for each. Whatever any of these punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment. For the purposes of this subsection, "correctional custody" is the physical restraint of a person during duty or nonduty hours and may include extra duties, fatigue duties, or hard labor. If practicable, correctional custody will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.

(c) An officer in charge may impose upon enlisted members assigned to the unit of which he is in charge such of the punishments authorized under subsection (b) (2) (A)-(G) as the Secretary concerned may specifically prescribe by regulation.

(d) The officer who imposes the punishment authorized in subsection (b), or his successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (b), whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. He may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating—

(1) restriction to quarters to restriction to other specified limits;

(2) confinement on bread and water or diminished rations to correctional custody;

(3) correctional custody or confinement on bread and water or diminished rations to extra duties or restriction, or both; or

(4) extra duties to restriction;

the mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating forfeiture of pay to detention of pay, the amount of the detention shall not be greater than the amount of the forfeiture. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(e) A person punished under this article who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (d) by the officer who imposed the punishment. Before acting on an appeal from a punishment of—

(1) restriction to quarters for more than seven days;

(2) correctional custody for more than seven days;

(3) forfeiture of more than seven days' pay;

(4) reduction of one or more pay grades from the fourth or a higher pay grade;

(5) extra duties for more than 14 days;

(6) restriction for more than 14 days; or

(7) detention of more than 14 days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist or lawyer of the Marine Corps, Coast Guard, or Department of Transportation for consideration and advice and may so refer the case upon appeal from any punishment imposed under subsection (b).

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(f) The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(g) The Secretary concerned may, by regulation, prescribe the form of records to be kept of proceedings under this article and may also prescribe that certain categories of those proceedings shall be in writing.

SUBCHAPTER IV. COURT-MARTIAL JURISDICTION

Sec.	Art.	
816.	16	Courts-Martial classified
817.	17	Jurisdiction of courts-martial in general.
818.	18	Jurisdiction of general courts-martial.
819.	19	Jurisdiction of special courts-martial.
820.	20	Jurisdiction of summary courts-martial.
821.	21	Jurisdiction of courts-martial not exclusive.

§ 816. Art. 16. Courts-martial classified

The three kinds of courts-martial in each of the armed forces are

(1) general courts-martial, consisting of—

(A) a military judge and seven members; or

(B) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;

(2) special courts-martial consisting of—

(A) a military judge and three members; or

(B) only a military judge, if one has been detailed to the court, and the accused under the same conditions as those prescribed in clause (1) (B) so requests; and

(3) summary court-martial, consisting of one commissioned officer.

§ 817. Art. 17. Jurisdiction of courts-martial in general

(a) Each armed force has court-martial jurisdiction over all persons subject to this chapter. The exercise of jurisdiction by one armed force over personnel of another armed force shall be in accordance with regulations prescribed by the President.

(b) In all cases, departmental review, where that review is required under this chapter, shall be carried out by the department that includes the armed force of which the accused is a member.

§ 818. Art. 18. Jurisdiction of general courts-martial

Subject to section 817 of this title (article 17), general courts-martial have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized by this chapter. General courts-martial also have jurisdiction to try any person who by the law of war is subject to trial by a military tribunal and may adjudge any punishment permitted by the law of war. However, a general court-martial of the kind specified in section 816(1)(B) of this title (article 16 (1)(B)) shall not have jurisdiction to try any person for any offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.

§ 819. Art. 19. Jurisdiction of special courts-martial

Subject to section 817 of this title (article 17), special courts-martial have jurisdiction to try persons subject to this chapter for any noncapital offense made punishable by this chapter and, under such regulations as the President may prescribe, for capital offenses. Special courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter except death, dishonorable discharge, dismissal, confinement for more than six months, hard labor without confinement for more than three months, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for more than six months. A bad-conduct discharge may not be adjudged unless a verbatim record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial.

§ 820. Art. 20. Jurisdiction of summary courts-martial

Subject to section 817 of this title (article 17), summary courts-martial have jurisdiction to try persons subject to this chapter, "except officers, cadets, aviation cadets, and midshipmen, for any noncapital offense made punishable by this chapter. No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate. Summary courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter except death, dismissal, dishonorable or bad-conduct discharge, confinement for more than one month, hard labor without confinement for more than 45 days, restriction to specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay. Summary Courts-Martial will be convened by, and officers detailed to be summary courts-martial by the Chief of the Administration Division of the Regional Command concerned whenever a case is referred to trial by Summary Court Martial by the prosecution division of the Regional Command concerned.

§ 821. Art. 21. Jurisdiction of courts-martial not exclusive

The provisions of this chapter conferring jurisdiction upon courts-martial do not deprive military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by military commissions, provost courts, or other military tribunals.

SUBCHAPTER V. COMPOSITION OF COURTS-MARTIAL

Sec.	Art.	
822.	22	Who may convene courts-martial
823.	23	(Omitted)
824.	24	(Omitted)
825.	25	Who may serve on courts-martial
826.	26	Military Judges
827.	27	Detail of trial counsel and defense counsel
828.	28	(Omitted)
829.	29	Absent and additional members

§ 822. Art. 22. Who may convene courts-martial

Courts-martial may be convened by the Chief of the Administration Division of the Regional Command or his designee within that division.

§ 823. Art. 23. (Omitted)

§ 824. Art. 24. (Omitted)

§ 825. Art. 25. Who may serve on courts-martial

(a) any member of the armed forces who has served on active duty for one year or more is eligible to serve on general and special courts-martial for the trial of persons who may lawfully be brought before such court for trial. Any commissioned officer may serve as a summary court-martial.

(b) Members of a general or special court-martial shall be selected on a random basis from among all those eligible persons permanently stationed within the geographical limits of the Regional Command convening the court-martial unless the Secretary concerned prescribes by regulation the selection of court members from geographical areas smaller than the limits of the Regional Command. Any such regulation shall be consistent with the principle of randomness. The selection of court members shall to the maximum extent practicable, follow the procedure prescribed for the selection of Federal juries.

(c) No member of an armed force is eligible to serve as a member of any court-martial when he is the accuser, a witness, or has acted as an investigating officer or as counsel in the same or a related case.

§ 826. Art. 26. Military Judges

(a) The Judicial Division of the appropriate Courts-Martial Command shall assign at least two military judges to each Regional Command for a period not less than six months. A military judge shall preside over each court-martial referred to him for trial by the Prosecution Division of the Regional Command. He shall—

(1) rule finally on all matters of law,

(2) rule finally on all motions, and

(3) except as otherwise provided in this chapter, decide all other questions raised at the trial of the accused.

In any case referred to him for trial, the military judge shall impose sentence on the accused and shall have authority to suspend or remit any such sentence. In any case tried without a military judge, the senior ranking military judge within the Regional Command concerned shall have authority to suspend or remit any sentence imposed.

(b) A military judge may issue all writs necessary or appropriate in aid of his jurisdiction and agreeable to the usages and principles of law.

(c) No person other than the Judge Advocate General or his designee within the Judicial Division of the Courts-Martial Command of the armed force of which any military judge is a member shall prepare or review any report concerning the effectiveness, fitness, or efficiency of such military judge.

(d) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

(e) No person is eligible to act as a military judge in a case if he is the accuser or a witness or has acted as investigating officer or a counsel in the same or a related case.

(f) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court.

§ 827. Art. 27. Detail of trial counsel and defense counsel

(a) For each general and special court-martial, the Chief of the Prosecution Division of the Regional Command or his designee within that division shall detail a trial counsel, and the Chief of the Defense Division of the Regional Command or his designee within that division shall detail a defense counsel, and such assistants as the Chiefs or their designees shall deem appropriate. No person who has acted as investigating officer, military judge, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

(b) Trial counsel or defense counsel detailed for court-martial

(1) must be a judge advocate of the Army, Navy, Air Force, or Marine Corps or a law specialist of the Coast Guard, who is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; or must be a member of the bar of a Federal court or of the highest court of a State; and

(2) must be certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

§ 828. Art. 28. (Omitted)

§ 829. Art. 29. Absent and additional members

(a) No member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused except for physical disability or as a result of a challenge or by order of the military judge for good cause.

(b) A general court-martial shall be composed of seven regular members and at least one alternate member, selected pursuant to § 825 of this chapter. If any regular member of a court-martial is absent, he shall be permanently replaced by an alternate member, providing that the alternate member had been present at all previous open sessions of the court-martial. If a seven-member quorum cannot be maintained pursuant to this article, a mistrial shall be declared, and the case shall be returned to the prosecution division of the Regional Command for such further proceedings as it may deem appropriate.

(c) A special court-martial shall be composed of three regular members and at least one alternate member selected pursuant to § 825 of this chapter. If any regular member of a special court-martial is absent, he shall be permanently replaced by an alternate member, providing that the alternate member had been present at all previous open sessions of the court-martial. If a three-member quorum cannot be maintained pursuant to this article, a mistrial shall be declared and the case shall be returned to the prosecution division of the Regional Command for such further proceedings as it may deem appropriate.

**(d) If the military judge of a court-martial is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of section 816 (1) (B) or (2) (B) of this title (article 16 (1) (B) or (2) (B)), after the assignment of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

SUBCHAPTER VI. PRE-TRIAL PROCEDURE

Sec.	Art.	
830.	30.	Charges and specifications
831.	31.	Compulsory self-incrimination prohibited
832.	32.	Initial Appearance; preliminary examination
833.	33.	Forwarding of charges
834.	34.	Conforming the charges to the evidence
835.	35.	Time of trial

§ 830. Art. 30. Charges and specifications

Charges and specifications shall be preferred in writing by the Chief of the prosecution division of the Regional Command or his designee within that division, if he has reasonable cause to believe that an offense has been committed by the person to be charged.

(1) Any person may refer to the prosecution division of the Regional Command any matter for the purpose of investigation or prosecution.

(2) The Chief of the prosecution division of the Regional Command or his designee within that division may, on his own initiative, cause any matter to be investigated with a view toward prosecution. Investigations with a view toward prosecution may be coordinated between the prosecution division of the Regional Command and any authorized investigative body.

§ 831. Art. 31. Compulsory self-incrimination prohibited

(a) No person subject to this chapter may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(b) No person subject to this chapter may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.

(c) No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(d) No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in a trial by court-martial.

§ 832. Art. 32. Initial appearance; preliminary examination

(a) Within 24 hours after any person is arrested under the authority of this chapter, or within 24 hours after charges are preferred against any person under the authority of this chapter, whichever even occurs first, the accused person shall be taken before a military judge authorized by the Judicial Division of the appropriate Court-Martial Command to commit persons charged with offenses under this chapter. Any statement made by an accused person held in violation of this article shall be inadmissible in a trial by court-martial unless objection to such statement is affirmatively waived by the accused person at trial.

(b) Any person not charged with an offense punishable by this chapter within 24 hours after his arrest under the authority of this chapter shall be forthwith released until such time as charges are preferred.

(c) The military judge shall inform the accused of the charges against him, of his right to be represented by a civilian lawyer if provided by him, or a military lawyer of his own selection if such lawyer is reasonably available, or by a lawyer detailed by the defense division of the Regional Command, and of his right to have a preliminary examination. The military judge shall also inform the accused that he is not required to make a statement and that any statement made by him may be used against him. The military judge shall allow the accused reasonable time and opportunity to consult counsel and shall admit the accused to bail, in accordance with regulations prescribed by the Secretary concerned or may impose such restrictions on the accused in lieu of bail as he determines necessary to reasonably insure the presence of the accused for trial.

(d) Under the proceedings provided for in this section the accused shall not be called upon to plead. If the military judge determines that a specification does not state an offense punishable by this chapter, he shall dismiss the specification without prejudice. If the accused waives preliminary examination, the military judge shall forthwith refer the case to the prosecution division of the Regional Command for such further proceedings as it deems appropriate. If the accused does not waive preliminary examination, the military judge shall hear the evidence within a reasonable time. The accused may cross-examine witnesses against him, discover the evidence against him, and may introduce evidence in his own behalf. If from the evidence it appears tc the military judge that there is probable cause to believe that an offense under this chapter has been committed and that the accused has committed it, the military judge shall forthwith hold him to answer in a court-martial otherwise the military judge shall discharge him. The military judge shall admit the accused to bail in accordance with regulations prescribed by the Secretary concerned or may impose such restrictions on the accused in lieu of bail as he determines necessary to reasonably insure the presence of the accused for trial. Denial of bail may be appealed in an interlocutory manner to the Court of Military Review. After concluding the proceeding the military judge shall transmit all papers in the proceeding, his findings, and any bail taken by him to the Regional Command.

§ 833. Art. 33. Forwarding of charges

(a) When any person has been charged with an offense under this chapter the charges against such person shall be forwarded by the military judge to the prosecution division of the Regional Command together with a summarized record of the preliminary examination, if one was held, and other allied papers, within eight days after the conclusion of the preliminary examination if one was held, or within five days after the initial appearance if preliminary examination was waived. The Chief of the

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prosecution division or his designee within that division shall determine whether there is sufficient evidence to bring the accused to trial on such charges and whether such charges should be referred to a general, special or summary court-martial for trial.

(b) In any case in which the prosecution division determines that there is sufficient evidence to convict any person of the charges brought against him, it shall refer the case to trial by the appropriate level court-martial and shall promptly notify the administrative, judicial and defense divisions of the Regional Command, in addition to the accused and his civilian counsel, if any. The Administrative Division shall convene a court-martial pursuant to § 833 of this chapter as soon as practicable thereafter.

§ 834. Art. 34. Conforming the charges to the evidence

If the charges or specifications are not formally correct or do not conform to the substance of the evidence presented at the preliminary examination, if one was held, or in the allied papers, formal corrections, and such changes in the charges and specifications are needed to make them conform to the evidence may be made by the prosecution division of the Regional Command, provided that the change does not either change the nature of the offense charged or increase the severity of the punishment.

§ 835. Art. 35. Time of trial

In time of peace no person may, against his objection, be brought to trial or be required to participate by himself or counsel in a session called by the military judge under section 830(a) of this title (article 39(2)), in a general court-martial case within a period of five days after the initial appearance or in a special court-martial within a period of three days after the initial appearance.

SUBCHAPTER VII. TRIAL PROCEDURE

Sec.	Art.	
836.	36.	President may prescribe rules
837.	37.	Unlawfully influence action of court
838.	38.	Duties of trial counsel and defense counsel
839.	39.	Sessions
840.	40.	Continuances
841.	41.	Challenges
842.	42.	Oaths
843.	43.	Statute of limitations
844.	44.	Former jeopardy
845.	45.	Pleas of the accused
846.	46.	Opportunity to obtain witnesses and other evidence; search and seizure
847.	47.	Refusal to appear or testify
848.	48.	Contempts
849.	49.	Depositions
850.	50.	Admissibility of records of courts of inquiry
851.	51.	Votings and rulings
852.	52.	Number of votes required
853.	53.	Court to announce action
854.	54.	Record of trial

§ 836. Art. 36. President may prescribe rules

(a) The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals may be prescribed by the President by regulations which shall, so far as he considers practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the United States district courts, but which may not be contrary to or inconsistent with this chapter.

(b) All rules and regulations made under this article shall be uniform insofar as practicable and shall be reported to Congress.

§ 837. Art. 37. Unlawfully influencing action of court

(a) No person subject to this chapter may censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case. The foregoing provisions of the subsection shall not apply with respect to (1) general-instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, of (2) to statements and instructions given in open court by the military judge or counsel.

(b) In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial or appellate tribunal.

§ 838. Art. 38. Duties of trial counsel and defense counsel

(a) The trial counsel of a general or special court-martial shall prosecute in the name of the United States and shall be responsible for supervising the administration division of the Regional Command in its preparation of the record of the proceedings. All records of trial shall be prepared as expeditiously as possible.

(b) The accused has the right to be represented in his defense before a general or special court-martial by civilian counsel, if provided by him, or by military counsel of his own selection if reasonably available, or by counsel detailed by the defense division of the Regional Command. Should the accused have counsel of his own selection, the defense counsel and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the military judge or by the president of a court-martial without a military judge.

(c) In every court-martial proceeding, the military defense counsel may, at any time, at government expense, seek such collateral relief as he deems necessary to protect the rights of the accused in any court having jurisdiction to grant such relief.

In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he considers appropriate.

(d) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by section 827 of this title (article 27), perform any duty imposed by law, regulation, as the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

(e) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by section 827 of this title (article 27), perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

§ 839. Art. 39. Sessions

(a) At any time after the case has been referred for trial by a general or special court-martial pursuant to § 838 of this chapter, the military judge may, subject to section 835 of this title (Art. 35), call the court into session without the presence of the members for the purpose of

(1) hearing and determning motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty, including motions to suppress evidence;

(2) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the court;

(3) if permitted by regulations of the Secretary concerned, holding the arrangment and receiving the pleas of the accused; and

(4) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 836 of this title (article 36) and which does not require the presence of the members of the court.

These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

(b) When the members of a court-martial deliberate or vote, only the regular members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

§ 840. Art. 40. Continuances

The military judge may, for reasonable cause, grant a continuance to any party for such time, and as often as may appear to be just, at any time after a case has been referred to trial pursuant to § 83.

§ 841. Art. 41. Challenges

(a) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge, or, if none, the court, shall determine the relevancy and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(b) Each accused and the trial counsel are each entitled to one preemptory challenge at any special court-martial trial if a bad conduct discharge may not be adjudged by the court at the trial; and each accused and the trial counsel are each entitled to three preemptory challenges at any special court-martial trial if a bad conduct discharge may be adjudged by the court. Each accused and the trial counsel are each entitled to six preemptory challenges at any general court-martial; except that each shall be entitled to ten preemptory challenges if the death penalty may be adjudged by the court. The military judge detailed to any court-martial trial may not be challenged except for cause.

§ 842. Art. 42. Oaths

Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken once for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary concerned.

§ 843. Art. 43. Statute of limitations

(a) A person charged with desertion or absence without leave in time of war, or with aiding the enemy, mutiny, or murder, may be tried and punished at any time without limitation.

(b) Except as otherwise provided in this article, a person charged with desertion in time of peace or any of the offenses punishable under sections 919–932 of this title (articles 119–132) is not liable to be tried by court-martial if the offense was committed more than three years before charges are preferred pursuant to section 830 of this title.

(c) Except as otherwise provided in this article, a person charged with any offense is not liable to be tried by court-martial or punished under section 815 of this title (article 15) if the offense was committed more than two years before the charges are preferred pursuant to section 830 of this title, or before the imposition of punishment under section 815 of this title.

(d) Periods in which the accused was absent from territory in which the United States has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this article.

(e) For an offense the trial of which in time of war is certified to the President by the Secretary concerned to be detrimental to the prosecution of the war or inimical to the national security, the period of limitation prescribed in this article is extended to six months after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

(f) When the United States is at war, the running of any statute of limitations applicable to any offense under this chapter—

(1) involving fraud or attempted fraud against the United States or any agency thereof in any manner, whether by conspiracy or not;

(2) committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States; or

(3) committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or Government agency;

is suspended until three years after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

§ 844. Art. 44. Former jeopardy

(a) (a) No person may, without his consent, be tried a second time for the same offense.

(2) No person may be tried by court-martial for any offense if he has been tried for substantially the same offense in any state court or in any court of the United States; and no person may be tried for any offense in any state court or any court of the United States if he has been tried for substantially the same offense by court-martial.

(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this article until the finding of guilty has become final after review of the case has been fully completed.

(c) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the military judge or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this article.

§ 845. Art 45. Pleas of the accused

(a) If an accused after arraignment makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty.

(b) A plea of guilty by the accused may not be received to any charge or specification alleging an offense for which the death penalty may be adjuged. With respect to any other charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge a finding of guilty of the charge or specification may be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

§ 846. Art. 46. Opportunity to obtain witnesses and other evidence; search and seizure

(a) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the President may prescribe. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be the same as that which courts of the United States having criminal jurisdiction may lawfully issue and shall run to any part of the United States, or the Territories, Commonwealths, and possessions. All requests to compel witnesses to appear and testify and to compel the production of other evidence shall be submitted to the military judge. Subpoenas shall be signed by a military judge, and shall be issued upon a showing by either party that the witness or evidence is necessary to an adequate prosecution or defense. A refusal by a military judge to issue a subpoena shall be appealable as an interlocutory matter to the Court of Military Review of the service concerned.

(b)(1) The authority to issue orders to conduct searches and seizures of persons and property subject to the provisions of this chapter in connection with any offense prohibited by this chapter may be exercised only by military judges in accordance with regulations promulgated by the President.

(2) No search or seizure of persons or property shall be ordered by any military judge except in writing upon probable cause supported by written affidavits and particularly describing the person or place to be searched or the person or thing to be seized.

(3) No other search or seizure is authorized, except as may be necessary to protect the life of a person making an arrest under the authority of this chapter, or to prevent the destruction of evidence.

§ 847. Art. 47. Refusal to appear or testify

(a) Any person not subject to this chapter who—

(1) has been duly subpenaed to appear as a witness before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(2) has been duly paid of tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the United States; and

(3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpenaed to produce;

is guilty of an offense against the United States.

(b) Any person who commits an offense named in subsection (a) shall be tried on information in a United States district court or in a court of original criminal jurisdiction in any of the territories, Commonwealths, or possessions of the United States, and jurisdiction is conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than $500, or imprisonment for not more than six months, or both.

(c) The United States attorney or the officer prosecuting for the United States in any such court of original criminal jurisdiction shall, upon the certification of the facts to him by the military judge, commission, court of inquiry, or board, file an information against and prosecute any person violating this article.

(d) The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses.

§ 848. Art. 48. Contempts

(a) A summary court martial, provost court, or military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

(b) A military judge of a court-martial shall have power to punish by fine or imprisonment, at his discretion, such contempt of its authority, and none other, as—

(1) misbehavior of any person in his presence or so near thereto as to obstruct the administration of justice;

(2) misbehavior of any of the officers of the court-martial in their official transactions; and

(3) disobedience or resistance to the lawful writ, process, order, rule, decree, or command of the military judge.

(c) Punishment under this section may not exceed confinement for 30 days, or a fine of $100, or both.

§ 849. Art. 49. Depositions

(a) At any time after charges have been preferred as provided in § 830 of this chapter, any party may take oral or written depositions unless a military judge forbids it for good cause.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

(d) A duly authenticated deposition taken upon reasonable notice to the other parties so far as otherwise admissible under the rules of evidence, may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or military board, if it appears—

(1) that the witness resides or is beyond the State, Territory. Commonwealth, or District of Columbia in which the court, commission, or board is ordered to sit, or beyond 100 miles from the place of trial or hearing;

(2) that the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

(3) that the present whereabouts of the witness is unknown.

(e) Subject to subsection (d), testimony by deposition may be presented by the defense in capital cases.

(f) Subject to subsection (d), a deposition may be read in evidence in any case in which the death penalty is authorized but is not mandatory, whenever the Chief of the prosecution division of the Regional Command or his designee within that division directs that the case be treated as not capital, and in such a case a sentence of death may not be adjudged by the court-martial.

§ 850. Art. 50. Admissibility of records of courts of inquiry

(a) In any case not capital and not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial or military commission if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(b) Such testimony may be read in evidence only by the defense in capital cases or cases extending to the dismissal of a commissioned officer.

(c) Such testimony may also be read in evidence before a court of inquiry or a military board.

§ 851. Art. 51. Voting and rulings

(a) Voting by members of a general or special court-martial on the findings shall be by secret written ballot. The junior member of the court shall count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(b) The military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question is final and constitutes the ruling of the court. However, the military judge may change his ruling at any time during the trial. The military judge of any court-martial shall have authority, on motion of the accused or on his own motion, to order the entry of judgment of acquittal of any charge or specification against the accused after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such charge or specification.

(c) Before a vote is taken on the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offence and charge them—

(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

(3) that, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) that the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the United States.

(d) Subsections (a), (b), and (c) do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings. The military judge of such a court-martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

§ 852. Art. 52. Number of votes required

(a) (1) No person may be convicted of an offense for which the death penalty is made mandatory by law, except by the concurrence of all the members of the court-martial present at the time the vote is taken.

(2) No person may be convicted of any other offense, except as provided in section 845(b) of this title (article 45(b)) or by the concurrence of two-thirds of the members present at the time the vote is taken.

(b) No person may be sentenced to suffer death for an offense in this chapter expressly marked punishable by death except upon the recommendation of all the members of the court-martial. Such recommendation shall not be binding on the military judge.

(c) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for the finding.

§ 853. Art. 53. Court to announce action

A court-martial shall announce its findings and the sentence, if it is a summary court-martial, to the parties as soon as determined.

§ 854. Art. 54. Record of trial

(a) Each general court-martial shall keep a separate record of the proceeding in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection. If the proceedings have resulted in an acquittal of all charges and specifications in a sentence not including discharge and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain such matters as may be prescribed by regulations of the President.

(b) Each special and summary court-martial shall keep a separate record of the proceedings in each case, and the record shall contain the matter and shall be authenticated in the manner required by such regulations as the President may prescribe.

(c) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated.

SUBCHAPTER VIII. SENTENCES

Sec.	Art.	
855.	55	Cruel and unusual punishments prohibited
856.	56	Maximum limits
857.	57	Effective date of sentences
858.	58	Execution of confinement
858a.	58a	Sentences: reduction in enlisted grade upon approval

§ 855. Art. 55. Cruel and unusual punishments prohibited

Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by any court-martial or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

§ 856. Art. 56. Maximum limits

The punishment which a court-martial may direct for any offense may not exceed such limits as the President may prescribe for that offense.

§ 857. Art. 57. Effective date of sentences

(a) Whenever a sentence of a court-martial as lawfully adjudged includes a forfeiture of pay or allowances in addition to confinement not suspended or deferred, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the Court of Military Review. No forfeiture may extend to any pay or allowances accrued before that date.

(b) Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the military judge, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement. Any period during which the accused is held in confinement before or during trial shall be deducted from any period of confinement to which the accused is sentenced, unless the confinement of the accused during such period was imposed pursuant to the sentence of a previous court-martial trial. Such deduction shall be made by the commanding officer of the confinement facility wherein the accused's confinement is served.

(c) All other sentences of courts-martial are effective on the date ordered executed.

(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the military judge detailed to the trial of the accused may defer service of the sentence to confinement. Deferment shall be granted unless it affirmatively appears likely that the accused would flee to avoid confinement or would be a danger to the military or civilian community. Denial of deferment shall be accompanied by a written statement signed by the military judge detailing his reasons for such denial. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time for good cause by the military judge who granted it. A denial of the application of an accused for deferment of service of sentence pending appeal of his conviction may be appealed by the accused, as an interlocutory matter, to the Court of Military Review.

§ 858. Art. 58. Execution of confinement

(a) Under such instructions as the Secretary concerned may prescribe, a sentence of confinement adjudged by a court-martial or other military tribunal, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the armed forces or in any penal or correctional institution under the control of the United States, or which the United States may be allowed to use. Persons so confined in a penal or correctional institution not under the control of one of the armed forces are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District of Columbia, or place in which the institution is situated.

(b) The omission of the words "hard labor" from any sentence of a court-martial adjudging confinement does not deprive the authority executing that sentence of the power to require hard labor as a part of the punishment. Persons confined either before or after trial in penal or correctional institutions under control of the armed forces, or confined in any other facility under the control of the armed forces, shall be permitted to participate in work, regular physical exercise, and rehabilitation programs whenever facilities for such purposes will permit.

§ 858a. Art. 58a. Sentences: reduction in enlisted grade upon approval

(a) Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a court-martial sentence of an enlisted member in a pay grade above E–1, that includes—

(1) a dishonorable or bad-conduct discharge;

(2) confinement; or

(3) hard labor without confinement;

reduces that member to pay grade E-1, effective on the date the sentence is ordered executed.

(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or disapproved, or, as finally approved, does not include any punishment named in subsection (a) (1), or (3), the rights and privileges of which he was deprived because of that reduction shall be restored to him and he is entitled to the pay and allowances to which he would have been entitled, for the period the reduction was in effect, had he not been so reduced.

SUBCHAPTER IX. REVIEW OF COURTS-MARTIAL

Sec. Art.
859. 59. Error of law; lesser included offense
860. 60. (Omitted)
861. 61. (Omitted)
862. 62. (Omitted)
863. 63. Rehearings
864. 64. (Omitted)
865. 65. (Omitted)
866. 66. Review by Court of Military Review
867. 67. Review by Court of Military Appeals
868. 68. (Omitted)
869. 69. Review in the Office of the Judge Advocate General
870. 70. Appellate counsel
871. 71. Execution of sentence; suspension of sentence
872. 72. Vacation of suspension
873. 73. Petition for a new trial
874. 74. Remission and suspension
875. 75. Restoration
876. 76. Finality of proceedings, findings and sentences

§ 859. Art. 59. Error of law; lesser included offense

(a) A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

§ 860. Art. 60 (Omitted)

§ 861. Art. 61 (Omitted)

§ 862. Art. 62. (Omitted)

§ 863. Art. 63 Rehearings

(a) If the Judge Advocate General or his designee, or the Court of Military Review disapproves the findings and sentence of a court-martial, the Chief of the prosecution division of the Regional Command in which the accused was originally tried may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing. If the findings and sentence are disapproved and a rehearing is not ordered, he shall dismiss the charges.

(b) Each rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon a rehearing the accused may not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

§ 864. Art. 64. (Omitted)

§ 865. Art. 65. (Omitted)

§866. Art. 66. Review by Court of Military Review

(a) There is established in each service a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges, appointed by the Judge Advocate General of the service concerned. Each Court of Military Review shall be located for administrative purposes in the Office of the Judge Advocate General of the service concerned, but shall be otherwise independent of all other military command and control with respect to the performance of its judicial function. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judge assigned to the court will serve and which military judge assigned to the court will act as the senior judge on each panel.

(b) The administrative division of the Regional Command within which the accused was tried shall refer to a Court of Military Review the record in every case of trial by court-martial in which the sentence extends to death, dismissal of a commissioned officer, cadet, or midshipmen, dishonorable or bad-conduct discharge or confinement for one year or more.

(c) In a case referred to it, the Court of Military Review may affirm only such findings of guilty and the sentence or such part or amount of the sentence as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, it may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

(d) If the Court of Military Review sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

(e) The Court of Military Review shall prescribe rules of procedure for practice before it, and shall establish rules for the qualification of attorneys admitted to its bar.

(f) No judge of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other judge of the same or another Court of Military Review, and effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces if qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces shall be retained on active duty.

(g) No judge of a Court of Military Review shall be eligible to review the record of any trial if such judge served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted or served as military judge, trial or defense counsel of such trial.

(h) Judges of a Court of Military Review shall be deemed military judges for the purpose of § 836(a) (2) of this chapter.

§ 867. Art. 67. Review by the Court of Military Appeals

(a) (1) There is a United States Court of Military Appeals established under article I of the Constitution of the United States and located for administrative purposes only in the Department of Defense. The court consists of nine judges appointed from civil life by the President, by and with the advice and consent of the Senate, for a term of fifteen years. The terms of office of all successors of the judges serving on the effective date of this Act shall expire fifteen years after the expiration of the terms for which their predecessors were appointed, but any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Not more than five of the judges of the court may be appointed from the same political party, nor is any person eligible for appointment to the court who is not a member of the bar of a Federal court or the highest court of a State. Each judge is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals, and is eligible for reappointment. The President shall designate from time to time one of the judges to act as chief judge. The chief judge of the court shall have precedence and preside at any session which he attends. The other judges shall have precedence and preside according to the seniorly of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The court may prescribe its own rules of procedure and determine the number of judges required to constitute a quorum. A vacancy in the court does not impair the right of the remaining judges to exercise the powers of the court.

(2) Judges of the United States Court of Military Appeals may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, or for mental or physical disability, but for no other cause.

(3) If a judge of the United States Court of Military Appeals is temporarily unable to perform his duties because of illness or other disability, the President may designate a judge of the United States Court of Appeals for the District of Columbia to fill the office for the period of disability.

(4) Any judge of the United States Court of Military Appeals who is receiving retired pay may become a senior judge, may occupy offices in a Federal building, may be provided with a staff assistant whose compensation shall not exceed the rate prescribed for GS–9 in the General Schedule under section 5332 of title 5, and, with his consent, may be called upon by the chief judge of said court to perform judicial duties with said court for any period or periods specified by such chief judge. A senior judge who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu of retired pay) and allowances for travel and other expenses as a judge.

(b) The Court of Military Appeals shall review the record in—

(1) all cases in which the sentence, as affirmed by a Court of Military Review, affects a general or flag officer or extends to death;

(2) all cases reviewed by a Court of Military Review which the Judge Advocate General sent to the Court of Military Appeals for review; and

(3) all cases reviewed by a Court of Military Review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review.

(c) The accused has 30 days from the time when he is notified of the decision of a Court of Military Review to petition the Court of Military Appeals for review. The

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Court shall act upon such a petition within 30 days of the receipt thereof.

(d) In any case reviewed by it, the Court of Military Appeals may act only with respect to the findings and sentence as affirmed or set aside as incorrect in law by the Court of Military Review. In a case which the Judge Advocate General orders sent to the Court of Military Appeals, the action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, that action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action only with respect to matters of law.

(e) If the Court of Military Appeals sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

(f) After it has acted on a case, the Court of Military Appeals may return the record to the Court of Military Review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President or the Secretary concerned, the Judge Advocate General shall take action in accordance with that decision. If the court has ordered a rehearing, but the Judge Advocate General or his designee within the court-martial command finds a rehearing impracticable, he may dismiss the charges.

(g) The Court of Military Appeals and the Judge Advocates General shall meet annually to make the comprehensive survey of the operation of this chapter and report to the Secretary of Defense, the Secretaries of the military departments and the Secretary of Transportation the number and status of pending cases and any other matters considered appropriate.

(h) Whenever the court determines it necessary to expedite the business of the Court, it may divide itself into three separate panels each consisting of three judges.

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§ 868. Art. 68 (Omitted)

§ 869. Art. 69. Review in the Office of the Judge Advocate General

Every record of trial by summary, special, or general court-martial, in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by section 866 of this title (article 66), shall be examined by the Judge Advocate General, or his designee. The Judge Advocate General, or his designee, may set aside the findings and sentence in any case and may in any such case, expect where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the Judge Advocate General, or his designee, sets aside the findings and sentence and does not order a rehearing, he should order that the charges be dismissed. If the Judge Advocate General, or his designee, so directs the record of trial in any such case shall be reviewed by a Court of Military Review in accordance with section 866 of this title (article 66), but in that event there shall be no further review by the Court of Military Appeals. Notwithstanding section 876 of this title (article 76) the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused.

§ 870. Art. 70. Appellate counsel

(a) The Judge Advocate General shall detail in his office one or more commissioned officers as appellate Government counsel, and one or more commissioned officers as appellate defense counsel, who are qualified under section 827(b)(1) of this title (article 27 (b)(1)).

(b) Appellate Government counsel shall represent the United States before the Court of Military Review or the Court of Military Appeals when directed to do so by the Judge Advocate General.

(c) Appellate defense counsel shall represent the accused before the Court of Military Review or the Court of Military Appeals—

(1) when he is requested to do so by the accused;

(2) when the United States is represented by counsel; or

(3) when the Judge Advocate General has sent a case to the Court of Military Appeals.

(d) The accused has the right to be represented before the Court of Military Appeals or the Court of Military Review by civilian counsel if provided by him.

(e) Appellate defense counsel may seek relief in any court, at government expense, if he deems such relief appropriate to safeguard the rights of an accused.

§ 871. Art. 71. Execution of sentence; suspension of sentence

(a) No court-martial sentence extending to death or involving a general or flag officer may be executed until approved by the President. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him, except a death sentence.

(b) No sentence extending to the dismissal of a commissioned officer (other than a general or flag officer), cadet, or midshipman may be executed until by the Secretary concerned, or such Under Secretary or Assistant Secretary as may be designated by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of any part of the sentence as approved by him. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

(c) No sentence which includes, unsuspended, a dishonorable or bad-conduct discharge, or confinement for one year or more, may be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals.

(d) All other court-martial sentences, unless suspended or deferred, may be ordered executed by the chief of the prosecution division of the Regional Command within which the accused was tried.

(e) In cases reviewed by the Court of Military Review, no sentence may be ordered executed until 30 days have elapsed from the date the decision of that court was served on the accused.

§ 872. Art. 72. Vacation of suspension

(a) Before the vacation of the suspension of a special court-martial sentence which as approved includes a bad-conduct discharge, or of any general court-martial sentence, a military judge shall hold a hearing on the alleged violation of probation. The probationer shall be represented at the hearing by counsel if he so desires.

(b) The record of the hearing and the recommendation of the military judge who conducted the hearing shall be sent to the prosecution division of the Regional Command for further action. If the suspension is vacated by that division, any unexecuted part of the sentence, except a dismissal, shall be executed, subject to applicable restrictions in section 871(c) of this title (article 71(3)). The vacation of the suspension of a dismissal is not effective until approved by the Secretary concerned.

(c) The suspension of any other sentence may be vacated by a military judge pursuant to such regulations as the Secretary concerned may promulgate.

(d) A death sentence may not be suspended.

§ 873. Art. 73. Petition for a new trial

At any time within two years after affirmance of a court-martial sentence by the Court of Military Review, or if review by the court were not held, by the Judge Advocate General or his designee, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

§ 874. Art. 74. Remission and suspension

(a) The Secretary concerned and, when designated by him, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures other than a sentence approved by the President.

(b) The Secretary concerned may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

§ 875. Art. 75. Restoration

(a) Under such regulations as the President may prescribe, all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing.

(b) If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the Secretary concerned shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(c) If a previously executed sentence of dismissal is not imposed on a new trial, the Secretary concerned shall substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the President alone to such commissioned grade and with such rank as in the opinion of the President that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances.

§ 876. Art. 76. Finality of proceedings, findings, and sentences

The appellate review of records of trial provided by this chapter, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this chapter, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review or affirmation as required by this chapter, are final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in section 873 of this title (article 73) and to action by the Secretary concerned as provided in section 874 of this title (article 74), and the authority of the President.

§ 938. Art. 138. Complaints of wrongs

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the Judge Advocate General of the armed force of which the officer against whom it is made is a member. The Judge Advocate General shall examine into the complaint and is authorized to take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

SEC. 3. Chapter 81 of title 28 of the United States Code is amended by adding at the end thereof the following section:

§ 1259. Court of Military Appeals; certiorari

Cases in the United States Court of Military Appeals may be reviewed by the Supreme Court by writ of certiorari.

SEC. 4. (a) There is hereby established a special committee to be composed of the judges of the United States Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation. The committee shall conduct a thorough study with respect to—

(1) the table of maximum punishments prescribed by the President for offenses punishable under chapter 47 of title 10, United States Code, with a view to (A) recommending improvements therein, (B) identifying and recommending corrective actions for apparent inequities in such table, and (C) recommending the establishment of subcategories of offenses, where appropriate, based upon differences in degree of seriousness of the offenses;

(2) the advisability of legislation which would limit the authority of the President to alter or suspend the table of maximum punishments as to particular geographical areas and to suspend the table with respect to particular offenses;

(3) the desirability of eliminating summary courts-martial from the military justice system;

(4) the desirability of transferring to the district courts of the United States jurisdiction of certain cases involving desertion and other unauthorized absences from the armed forces;

(5) further means of improving and eliminating undue delays in the appellate process of military justice; and

(6) appropriate action in the case of any prisoner who has completed serving his sentence prior to the completion of appellate review of his case.

(b) The committee shall submit a written report of the results of its study to the President and to the Congress, together with such recommendations as it deems appropriate, not later than one year after the date of enactment of this Act.

SEC. 5. The provisions of this Act shall become effective on the first day of the —— calendar month following the month in which this Act is enacted, except that section 4 shall become effective upon enactment.

THE MILITARY JUSTICE ACT OF 1970: SECTION-BY-SECTION ANALYSIS OF MAJOR PROVISIONS

Section 1. The Act may be cited as the "Military Justice Act of 1970."

Section 2. The Uniform Code of Military Justice would be recodified with the following changes:

ARTICLE 1

Section 9. Technical changes would be made to reflect the fact that charges are brought by the Prosecuting Division of the Courts Martial Command and no longer need be sworn to.

Sections 15–18. New definitions of "convening a court-martial," (see Article 22), "Court Martial Command," (see Article 6a), "Regional Command," and "presentment," (see Article 32), would be added.

ARTICLE 4

Technical changes would be made to reflect the fact that military judges now impose sentence in general and special courts-martial.

ARTICLE 6A

The Act would add a new Article 6a to the Code establishing an independent trial command within each of the armed forces. This Courts-Martial Command would be composed of four divisions: Judicial, Prosecution, Defense, and Administration, and would function under the administrative supervision of the Judge Advocate General of the armed force concerned. The Prosecution Division would be responsible for determining whether or not there is sufficient evidence to convict any person of the charges brought against him, for bringing the accused before a military judge for preliminary hearing (art. 32), and for referring the case to trial. (art. 33). It would also be responsible for detailing trial counsel to courts-martial trials (art. 6a). The Judicial and Defense divisions would be made responsible for the detailing of military judges and defense attorneys to courts-martial trials. Both of these divisions would be independent of all local control and any other control apart from their own division and the service Judge Advocate General. The Administrative Division would convene the court-martial pursuant to art. 1, sec. 15, and art. 25, and would be made responsible for the performance of such general administrative duties as are now performed by the trial counsel and for detailing or employing court reporters and interpreters. The Defense Division would be empowered to utilize such military investigators as shall be required.

ARTICLE 7

Apprehension would be redesignated arrest, in conformity with the common law designation of that term.

ARTICLE 9

Restraint would be redesignated as restriction, in conformity with the changes in article 7.

ARTICLE 10

Would be amended to provide for pretrial confinement only in accordance with the new procedure established by article 32 of the Act.

ARTICLE 11

Technical changes would be made to conform with the procedure of article 32.

ARTICLE 15

Amended to reflect the fact that the Act would eliminate the general court-martial jurisdiction of certain commanding officers.

ARTICLE 16

General courts-martial would consist of a military judge, or a military judge and seven members. Special courts-martial would consist of a military judge, or a military judge and three members. Special courts martial without military judges would be abolished.

ARTICLE 17

A technical amendment would reflect the fact that review by the convening authority has been eliminated.

ARTICLE 19

Technical amendments would conform to changes in article 16, requiring a military judge at all general and special courts-martial.

ARTICLE 20

A technical amendment would conform this article to the new procedure whereby a case is referred to trial by the Prosecution Division of the Regional Command. (see art. 33).

ARTICLE 22

Technical change would be made to conform to the new definition of convening a court martial, which is only an administrative task (see art. 1, sec. 15).

ARTICLE 23, 24

Articles 23 and 24 of The Code would be repealed. This would be made necessary by the establishment of The Courts-Martial Command and the change in the convening procedure.

ARTICLE 25

Would be amended so as to provide for a system of random selection of members of special and general courts-martial. The random selection system would be established by regulation by the Secretary concerned and would, to the maximum extent practicable, follow the procedure prescribed for the selection of Federal juries.

ARTICLE 26

Would be amended to reflect the fact that military judges would be detailed by the Judicial Division of the Courts-Martial Command and not by the authority authorized by present law to convene courts-martial. In addition, the Article would expand the powers of military judges so that they would be empowered to impose sentences. The judge could not impose the death penalty except upon the unanimous recommendation of the court-martial. Military judges could also suspend sentences and issue all writs necessary or appropriate in carrying out the functions within their jurisdiction.

Article 26 would also be amended to reflect the fact that military judges would be rated for effectiveness, fitness or efficiency of performance as military judges only by the Judge Advocate General or his designee.

ARTICLE 27

Would be amended to provide for the assignment of trial counsel and defense counsel by the Prosecution and Defense divisions respectively of the new Courts-Martial Command.

The qualifications for trial and defense counsel would apply to both special and general courts-martial.

ARTICLE 28

Would be repealed as unnecessary due to the creation of an Administration Division within the Courts-Martial Command.

ARTICLE 29

Would be amended to reflect the fact that the convening authority no longer controls trials. It would also establish procedures for trials in which a quorum of the court is not maintained.

ARTICLE 30

Would be amended so that only the Chief of the Prosecution Division could prefer charges. He could take such action only if he had reasonable cause to believe that the accused committed the offense in question. This would make the military system much like the present federal system.

The Prosecution Division also would receive and investigate charges.

ARTICLE 32

Would be amended to provide for a pretrial procedure similar to that established by

Rule 5 of the Federal Rules of Criminal Procedure. It would also require such an initial appearance before a judge within 24 hours of arrest or within 24 hours after charges are preferred.

ARTICLE 33

Would be amended to reflect the transfer of the power to decide to hold a court-martial to the Prosecution Division of the Courts-Martial Command, and to set up time limits for the forwarding of charges.

ARTICLE 34

A new article 34 would be substituted, dealing with the conformity of the charges to the evidence and reflecting current case law.

ARTICLE 35

Technical changes would be made to conform with the requirement of Article 32 that the accused be informed of the charges against him at the initial appearance.

ARTICLE 37

Technical changes would be made to reflect the fact that the courts-martial are no longer convened by the commanding officer.

ARTICLE 38

Would reflect the fact that the Administration Division would prepare trial records.

Article 38 would also be amended so as to permit military defense counsel, at government expense, to seek such collateral relief as he deems necessary to protect the rights of the accused in any court having jurisdiction to grant such relief.

ARTICLES 39, 40

Articles 39 and 40 would be amended to conform to changes in articles 16 and 33.

ARTICLE 41

Article 41(b) would be amended to increase the number of peremptory challenges to members of a court-martial. At any special court-martial empowered to adjudge a bad conduct discharge, each accused and the trial counsel would be entitled to three peremptory challenges. At any general court-martial not empowered to adjudge the death penalty, the trial counsel and each accused would be entitled to six peremptory challenges. At any general court-martial empowered to adjudge the death penalty, each accused and the trial counsel would be entitled to ten peremptory challenges.

ARTICLE 42

Would be amended to make it clear that the Secretary concerned would prescribe regulations requiring oaths by all civilian and military personnel to be taken only once.

ARTICLE 43

Would be technically amended to conform to article 30's provisions for preferring charges.

ARTICLE 44

Would be amended to prevent trial for the same act by court-martial and in a State court regardless of which trial occurs first.

ARTICLE 45

Would be changed to allow a plea of guilty, which has been approved by a military judge, to be entered immediately without vote. The requirement that such a procedure be permitted by the regulations of the Secretary concerned would be eliminated.

ARTICLE 46

Would be amended to vest the subpoena power and the power to authorize searches and seizures in the military judiciary under appropriate standards. The refusal of a military judge to issue a subpoena would be appealable as an interlocutory matter to the Court of Military Review.

ARTICLE 48

Would be amended to vest the power to punish for contempt in the military trial judiciary. Military trial judges would be granted the power to punish only: (1) the misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice; (2) misbehavior of any of the officers of the court-martial in their official transactions; and (3) the disobedience or resistance to the lawful writ, process, order, rule, decree, or command of the military judge of the court-martial. Punishment would be limited to confinement for not more than 30 days or a fine not to exceed $100 or both.

ARTICLE 49

Article 49 would be amended to reflect the elimination of the convening authority's power over a court-martial.

ARTICLE 51

This would be in part a technical amendment designed to reflect the transfer of the sentencing authority from the members of a court-martial to the military judge, and, in part, a substantive amendment to grant to military trial judges the power to enter a directed verdict of acquittal if the evidence is insufficient to sustain a particular charge or specification.

ARTICLE 52

Article 52(b) would be amended to require the unanimous recommendation of all members of a court-martial after conviction, before a judge could impose the death sentence for any offense specifically made punishable by death under the Code.

Article 52(c) would be amended to eliminate the references to tie votes, since they would no longer be possible. (see article 16).

ARTICLE 53

Would be technically changed to reflect the fact that military judges now impose sentences in all but summary courts-martial.

ARTICLE 54

Would be amended to eliminate special treatment for general and flag officers.

ARTICLE 57

Article 57(b) would be amended to grant the accused credit towards a sentence for the time spent in pretrial confinement. Under present law he is not granted credit for this time.

Article 57(d) would be amended to reflect the transfer of the power to defer sentence pending appeal to the military trial judge. This power is now vested in the convening authority. A denial of an application for the deferral of sentence would be appealable, as an interlocutory matter, to the Court of Military Review.

ARTICLE 58

Would be amended so as to provide that persons confined prior to trial or pending appeal would be entitled to participate in work, regular physical exercise, and rehabilitation programs wherever facilities for such purposes will permit.

ARTICLES 60–62

Articles 60, 61, and 62 would be repealed because the power of initial review would be removed from the convening authority.

ARTICLE 63

Would be technically amended to reflect the transfer of the power of initial review from the convening authority to the Court of Military Review or the Judge Advocate General. (See articles 66, 69).

ARTICLES 64, 65

Articles 64 and 65 would be deleted, to reflect the transfer of the power of initial review out of the convening authority.

ARTICLE 66

Would be amended to reflect the termination of the review power of the convening authority and to insure the independence of the Court of Military Review. The Court would also be allowed to establish its own rules of practice.

ARTICLE 67

Would be amended to provide for the expansion of the Court of Military Appeals from three judges to nine and to empower the court to sit in panels of three. Would also be technically amended to reflect the transfer of the power of review and of the power to convene a court-martial from the commanding officer.

ARTICLE 68

Would be omitted, reflecting allocation of responsibility to the Regional Command rather than branch offices.

ARTICLE 69

Would be amended to provide a form of appellate review by the Judge Advocate General or his designee of summary, special, or general courts-martial resulting in conviction and sentence which are not automatically reviewable by a Court of Military Review pursuant to article 66. The Judge Advocate General or his designee would be empowered to set aside the findings and sentence, order a rehearing, direct the dismissal of the charges, or to direct review by a Court of Military Review.

ARTICLE 70

Would be amended to make it clear that appellate counsel may seek relief in civilian courts at government expense.

ARTICLE 71

Would be amended to defer execution of sentences for 30 days, if the case is reviewed by the Court of Military Review.

ARTICLE 72

The procedures for the vacation of a suspended sentence would be modified. Prior to the vacation of the suspension of a special court-martial sentence which as approved included a bad-conduct discharge or of any general court-martial sentence a hearing would be conducted by a military judge not by, as under present law, the officer exercising special court-martial jurisdiction over the probationer. The record of the hearing and the recommendations of the judge who conducted the hearing would be forwarded for decision to the prosecution division of the Regional Command, and not, as under present law, to the officer exercising general court-martial jurisdiction over the probationer. All other suspended sentences could be vacated only by a military judge detailed for that purpose and not, as under present law, by any authority competent to convene a court of the kind that imposed the sentence.

ARTICLE 73

Would be amended to reflect the changes in review procedures.

ARTICLE 138

Would be modified to provide that complaints of wrongs are to be forwarded to the Judge Advocate General for action, rather than to the general court-martial convening authority as provided by existing law.

Section 3: This section would give the Supreme Court jurisdiction to review decisions of the Court of Military Appeals by writ of certiorari.

Section 4: The Act would establish a special committee composed of the judges of the United States Court of Military Appeals, the Judge Advocates General of the Armed Forces and the General Counsel of the Department of Transportation to study the following: (1) the table of maximum punishments prescribed by the President pursuant to the authority granted to him by the Code with a view to recommending improvements, identifying and recommending corrective action for apparent inequities, and recommending the establishing of subcategories of offenses, where appropriate, based upon differences in degree of seriousness of the offenses; (2) the advisability of legislation which would limit the authority of the President to alter or suspend the table of maximum punishments as to particular geographical areas and to suspend the table with respect to particular offenses; (3) the desirability of eliminating summary courts-martial from the military justice system; (4) the desirability of transferring to the district courts of the United States jurisdiction over certain cases involving desertion and other unauthorized absences from the armed forces; (5) further means of improving and eliminating undue delays in the appellate process of military justice; (6) the appropriate action in the case of any prisoner who has completed serving his sentence prior to the completion of appellate review of his case. The committee would be directed to report to Congress and to the President within one year of the date of enactment of the Act.

Section 5: This section would establish the effective date of the Act.

How the New Code Will Work

In order to illustrate how the new Code will work, let us take a hypothetical example of a soldier arrested for a crime, and let us follow him through the court-martial procedure as I have proposed it.

Suppose that Private Jones were arrested (Art. 7(a)) by the military policeman late at night for committing a crime on-post. The arresting MP immediately notified a representative of the Prosecution Division of the local Regional Court Martial Command, and the investigation was immediately coordinated between investigative and legal personnel (Art. 30(a). Private Jones declined to make a statement about the offense (Art. 31), but had likewise declined to exercise his right to the presence of a lawyer.

Within 24 hours of Jones' arrest, the military police brought him before a local independent military judge (Art. 32(a)), who advised him of his rights, including his right to have a preliminary examination (Art. 32 (c)), set bail pursuant to regulations, and appointed free counsel from the Defense Division. The Judicial and Defense divisions of the Regional Command are independent of all local control, and indeed of any control in the Court Martial Command except within their own division (Art. 6a(f)). In addition, the judge required that Jones be formally charged by the Prosecution Division at that time and examined the charge to see that it stated an offense. If Jones had not been charged within 24 hours after arrest, he would have been ordered released until he was charged (Art. 32(b)).

Jones requested that counsel be appointed for him, and after consultation with counsel he decided to request a preliminary hearing (Art. 32(d)). The judge set this hearing for two weeks hence, and instructed Jones' counsel that if he needed it, he could request a continuance in order to prepare his case (Art. 40). The judge also ordered that Jones be restricted to his company area. Since this restriction was not particularly onerous, Jones decided not appeal it to the Court of Military Review as an interlocutory matter.

Two weeks later, a preliminary hearing was held before the same judge who presided at the presentment. The government was represented by a lawyer from the Prosecution Division, and the defense was represented by a lawyer from the Defense Division (the same lawyer who had been advising Jones all along (Art. 6a(c) (d)). A summarized record of the proceedings was made by a court reporter assigned by the Administration Division of the Regional Command (Art. 6a(3)). At this hearing, Jones had a right to confront his accusers, to cross examine witnesses against him, and "to discover the evidence against him" (Art. 32(d)). He also had the right to present evidence in his own behalf.

When the hearing was over, the judge found that there was probable cause to believe that Jones committed the crime charged and so within 8 days, the judge transmitted the case, including the summarized record, to the Prosecution Division of the Regional Command for trial (Art. 33(a)). The prosecution division decided that there was sufficient evidence upon which to prosecute, and that a general court-martial was the appropriate level trial, and so it "referred" the case to trial by a general court martial, and notified all parties concerned (Art. 33 (b)). Likewise, it notified the Administration Division to "convene" a court-martial, that is, to order members of the armed forces within its geographical jurisdiction to appear at the appointed time for a court martial (Art. 1(15)). This selection was made on a random basis, and was done without regard to rank (Art. 25(b)).

In the meantime, Jones had been arbitrarily picked up from his company area, and he was being held incommunicado in the post stockade. His military counsel filed a petition for a writ of habeas corpus with the local military judge, but it was denied without reason (Art. 26(a) (2)). An appeal to the Court of Military Review and to the Court of Military Appeals likewise failed (Art. 66 (i)). Since the trial date was approaching and Jones' lawyer needed to talk to him, the military counsel then filed a petition for a writ of habeas corpus and for injunctive relief in the local federal district court (Art. 38(c)). There, after a hearing, Jones was ordered released.

A search warrant had been obtained earlier in this case by a request from the prosecution division to a military judge (Art. 46 (b)), supported with a written affidavit from a military policeman making out probable cause to search, and partcliularly describing the thing to be seized and the place to be searched (Art. 46(b) (2)).

Before trial, Jones had an opportunity to present to the military judge motions, to suppress the evidence obtained by this search and other motions to suppress, and the judge ruled on them (Art. 39(a) (1). Also, Jones requested that the military judge subpoena his mother from the next county to appear as a character witness for him. The judge found the request reasonably necessary to insure an adequate defense, and so he signed the subpoena (Art. (46(a)). If she failed to appear, the judge could have punished her for contempt. (Art. 48(b) (3)).

When the trial began, Jones had a right to challenge six jurors preemptorily, as did the government (Art. 41(a)). The judge ruled finally on all challenges for cause. Since enough court members had been summoned to appear by the Administration Division, seven jurors plus one alternate were selected.

Upon conviction, the judge heard evidence in extenuation and mitigation, and passed sentence on Jones (Art. 26(a) (1)). At this time, Jones asked the judge to defer his sentence to confinement pending appellate review, but the judge denied the request (Art. 57(a)). The judge, however, accompanies his denial with a written statement pointing out that in his opinion, Jones would likely flee to avoid confinement, because he has previously been convicted of an absence offense (Art. 57(a)). Jones, counsel appealed this determination as an interlocutory matter to the Court of Military Review (Art. 57(d)), and since the judge's determination was reasonable, the appeal was denied.

During all the time Jones was in confinement, he was able to take part in rehabilitative programs conducted by the stockade (Art. 58(B)), and all time spent in confinement following his arrest was deducted from the sentence eventually imposed (Art. 57(b)).

The record of trial was expeditiously prepared by the Administration Division of the Regional Command under the supervision of the Trial counsel (Art. 38(a)), and when completed, was forwarded without further review at this level directly to the Court of Military Review (Art. 66(b)).

The Court of Military Review functioned as an intermediate level military court, statutorily independent of command control with respect to its judicial functions (Art. 66(a)), and having the power to issue all writs, (Art. 66(i)), to review matters of fact and law, and to review the appropriateness of the sentence. When the case was appealed automatically to this court, appellate counsel assigned to the Office of the Judge Advocate General were appointed to represent Jones, upon his request (Art. 70).

When the Court of Military Review affirmed Jones' conviction, Jones had a right to appeal further to the Court of Military Appeals, since his original sentence included a punitive discharge, or confinement for a year or more (Art. 67). Pending that appeal, Jones' sentence was not executed (Art. 71(c)). A panel of three judges from the nine-member Court of Military Appeals (Art. 67) also affirmed Jones' conviction.

If Jones and his counsel had considered that a significant constitutional issue was still unsatisfactorily resolved in his case, they could have petitioned for a writ of certiorari to the Supreme Court (28 USC § 1259), and Jones could have been represented before that court by appointed military counsel (Art. 70(e)).

Summary of Major Reforms Contained in the Proposed Military Justice Act of 1970

The proposed legislation would:

(1) Establish an independent courts-martial command composed of four divisions: defense, prosecution, judicial, and administration, thereby removing defense and prosecuting attorneys from the control of the accused's commanding officer.

(2) Grant a number of important powers to military judges:

(a) the power to "issue all writs necessary or appropriate in aid of . . ." their jurisdiction as provided in the "All Writs" Act now applicable to all Federal judges;

(b) the same contempt power as is now possessed by the Federal judiciary and

(c) the power to authorize searches and issue arrest warrants, a power now available only to the commanding officer.

(3) Extend to servicemen certain basic rights now accorded their civilian counterparts:

(a) the right to appointment of an independent defense counsel upon request immediately following arrest;

(b) the right to a formal hearing similar to the hearing required by Rule 5 of the Federal Rules of Criminal Procedure before an independent military judge within 24 hours of arrest, to determine whether there is probable cause to hold him for trial;

(c) the right to obtain subpoenas from an independent military judge, rather than from the prosecutor who now holds sole power to issue subpoenas;

(d) the right to protection against trial by court-martial after trial in a state court for the same act, and vice-versa; and

(e) the right of military defense attorneys to seek collateral relief for their clients in civilian courts when appropriate, relief currently available only if the accused serviceman has civilian counsel.

(4) Establish a system of random selection for members of special and general courts-martial, and abolish the requirement that two-thirds of the members of such courts-martial must be officers.

(5) Modernize military confinement and sentencing procedures and policies by:

(a) transferring from the commanding of-

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ficers to independent military judges the power to release an accused serviceman pending trial or pending appeal;

(b) granting complete credit for pretrial confinement towards any ultimate sentence;

(c) eliminating the power of the convening authority to review sentences and findings, a procedure that has become, in many cases, a time-consuming formality;

(d) transferring the sentencing power, with the added power to suspend sentences, from the members of the court (the "jury") to the military judges in all cases, thereby placing this power in the hands of men who can develop the requisite expertise; and

(e) permitting all confined servicemen—including those awaiting trial or appeal—to participate in work, exercise and rehabilitation programs wherever adequate facilities are available; and

(f) directing an existing code review committee to study and suggest revisions in the current table of maximum punishments.

(6) Modernize the appellate process to eliminate delay and excessive workloads by:

(a) permitting the Judge Advocate General of each service to review cases not automatically reviewable by the Court of Military Review;

(b) empowering the Supreme Court to issue writs of certiorari to the Court of Military Appeals; and

(c) enlarging the Court of Military Appeals from three to nine judges and authorizing it to sit in panels of three judges each.

(7) Direct the existing Code review committee to study and, within one year, to recommend solutions in four additional areas;

(a) the possibility of eliminating all summary courts-martial;

(b) the desirability of transferring jurisdiction over some absence offenses to the Federal courts;

(c) additional methods of eliminating delays in the appellate process; and

(d) means of dealing with prisoners who complete the service of their sentence to confinement prior to the completion of appellate review.

Mr. BOGGS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

At this time, under the previous order, the Chair recognizes the Senator from Florida (Mr. GURNEY) for not to exceed 30 minutes.

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S. 4197—INTRODUCTION OF THE MOTOR VEHICLE DISPOSAL ASSISTANCE ACT

Mr. GURNEY. Mr. President, I introduce, on behalf of myself and Senators' SCOTT, THURMOND, BOGGS, FANNIN, COOPER, BAKER, DOLE, and PACKWOOD, a bill which would establish a "Motor Vehicle Disposal Assistance Act." This bill would afford a practical means of disposing of junked and abandoned motor vehicles. It would provide Federal financial assistance to the States to carry out programs approved by the Secretary of HEW to remove abandoned and junked motor vehicles which are a blight to our Nation.

The junked motor vehicle, which is the most obvious and noticeable solid waste disposal problem nationwide, includes the growing unsightly accumulation of junked automobiles, buses, and trucks encircling our cities, and scattered in fields and vacant lots in less populated areas. As President Nixon said in his message to Congress on environmental quality of February 10, 1970:

> Few of America's eyesores are so unsightly as its millions of junk automobiles.

Unfortunately, when old cars die, they do not fade away. I think we can all agree that the constant increase in per capital generation of solid wastes, stimulated by growth of production, and coupled with a rapidly increasing and affluent population, is responsible for the Nation's present environmental crisis. More and more junk motor vehicles have become visible eyesores around the country.

Here are the dimensions of the problem: At the present time, there are a total of 105,403,557 registered vehicles in the United States. The current annual retirement rate is approximately 7.9 million motor vehicles. The number of motor vehicles processed for scrap each year is between 6 and 7 million. Therefore, we can safely say at least 1 million motor vehicles each year and perhaps more are added to the visible junkpiles around the country. Nobody knows exactly how many rusting hulks are strewn across the American countryside but current estimates run between 15 and 20 million. The number of motor vehicles in auto wrecker's yards which have little or no parts value, added to the number of abandoned vehicles, added to the current number of motor vehicles annually retired which the scrap dealers do not process, comes to approximately 8 and 12 million rusted, unprocessed hulks which dot the landscape. Quite obviously, the scrap gap is widening.

In dealing with problems of air and water pollution, the problem is of such complexity and magnitude that solutions require long study and research, complex plans, and huge amounts of money. This is not true in the case of solid wastes such as junk motor vehicles. The root of this problem is a tangible high concentration of salvageable material which we can subject to any kind of processing we choose. Although discarded motor vehicle hulks constitute a small fraction of the waste disposal problem in terms of tonnage, they are higher in metal recycle value than most waste materials. They offer a tremendous incentive for the 33,000 auto wrecking yards and 1,800 scrap processors currently operating across the country. With the aid of these excellent facilities the problem can and must be solved.

We must rid our Nation of the use and discard syndrome. Old motor vehicles not only detract from the beauty of our country but also represent a significant source of valuable material for which our national need is growing. Presently, 60 percent of all the rubber, 20 percent of all the steel, 10 percent of all the aluminum, over 7 percent of the copper, 13 percent of the nickel, 35 percent of the zinc, and over 50 percent of the lead consumed in the United States go for automotive use. Quite obviously junk motor vehicles are truly "a resource out of place."

We must act now to take the necessary steps to recycle the ever growing number of worn-out hulks back into the steelmaking process at an increased rate—a move which would aid in changing our national eyesores into national assets." With this aim in mind I am introducing a bill to establish a "Motor Vehicle Disposal Assistance Act" to provide aid to the States in retrieving junked motor vehicles and processing them for scrap.

This bill would offer Federal financial aid to the States and extracontinental territories administered by the United States to execute programs to remove junk motor vehicles from public thoroughfares, junk yards and remote rural areas. Funds would be allotted to each State in an amount which bears the same ratio as the number of motor vehicles registered in such State bears to the number of such vehicles in all the States. The portion of any State's allotment for a fiscal year which will not be required will be reallotted no later than the 10th month of that fiscal year to other States in proportion to their original allotment.

Under this plan Federal regulations are to be established to spell out requirements for State participation. Such guidelines would include requirements to provide for the administration by a pubic agency in the State of a junked motor vehicle disposal plan to provide for the efficient removal to scrap processing facilities of junked motor vehicles. States would also provide an efficient means of transferring title of junked motor vehicles—or other evidence of ownership of such vehicles in States not requiring title certification—to public agencies or private business concerns charged with the responsibility of processing such motor vehicles.

The criteria established under the section on State plans will also include, after thorough study and evaluation by the Secretary of pertinent information available from authoritative sources—as DOT, HEW, Interior, Commerce, President's Council on Environmental Quality, the Institute of Scrap Iron and Steel—a description of the most efficient means of processing junked motor vehicles as well as the average cost of such processing.

Payments under this act will be made from a State's allotment to any State agency which administers a plan approved by the Secretary of Health, Education, and Welfare. Payments from a State's allotment with respect to the cost of carrying out its State plan will equal 50 percent of the costs for any fiscal year. In other words, half will be Federal; the other half will be State. The Federal share for the total cost of carrying out this plan will be $20 million per year, for fiscal years 1971 through 1974.

With the assistance of this bill, operators would be able to reach out for about-to-be abandoned cars before they are scattered across the land. Within a few years the huge accumulation of junk could be shrunk to nothing. The ultimate goal would be a smooth flow of old cars back to steelmaking facilities without intermediate stops on city streets, junkyard stockpiles, or in the woods off a country road.

This plan was discussed briefly in committee meetings before the Committee on Public Works this year, as well as in the report on S. 2005, the "Resource Recovery Act of 1970." I have decided to offer it as a bill at this time because I think the plan is balanced, flexible, fundable, and easy to administer, and fills a very real and pressing need.

Mr. President, I feel this plan will assist the States in a twofold fashion. First, it will aid the States, which in most cases lack the financial resources to carry on a meaningful program on their own initiative. Second, this financial assistance should provide the needed incentive to pass State legislation dealing with junked motor vehicles, legislation, I might say, which is presently pending in nearly half of the 50 States.

Several months previous my colleague, the distinguished Senator from New York (Mr. JAVITS) introduced a bill dealing with the same problem area. It is my hope that upcoming hearings which have been promised by the chairman of the Public Works Committee will determine which of the bills is the most efficacious and that some significant legislation will come out of this Congress to deal with this mounting problem of junked and abandoned motor vehicles.

I ask unanimous consent that the bill which I now introduce be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and, without objection, the bill will be printed in the RECORD in accordance with the Senator's request.

The bill (S. 4197) to encourage States to establish junked motor vehicle disposal programs, and for other purposes, is as follows:

S. 4197

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this title may be cited as the "Motor Vehicle Disposal Assistance Act."

APPROPRIATIONS AUTHORIZED

SEC. 2. There is hereby authorized to be appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, and $20,000,000 for the fiscal year ending June 30, 1974.

GRANTS TO STATES

SEC. 3. The Secretary is authorized to make grants to State which have State plans approved by him, to pay the Federal share of the cost of carrying out motor vehicle disposal plans.

ALLOTMENTS TO STATES

SEC. 4. (a) From the sums available for the purposes of section 3 for any fiscal year, the Secretary shall allot not more than 2 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Canal Zone. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of motor vehicles registered in such State bears to the number of such vehicles in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Canal Zone.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Secretary determines will not be required to carry out the State plan for that fiscal year shall be realloted not later than the tenth month in such fiscal year, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Secretary estimates such State needs and will be able to use for such period for carrying out its State plan approved under this Act, and the total of such reductions shall be similarly realloted among the States whose proportionate amounts are not so reduced. Any amount realloted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The number of motor vehicles registered in a State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

STATE PLANS

SEC. 5. (a) Any State desiring to receive its allotment of Federal funds under this Act shall submit a State plan consistent with such basic criteria as the Secretary may establish. Such plans shall—

(1) provide for the administration by a public agency in the State of a junked motor vehicle disposal plan designed to provide for the efficient removal to scrap processing facilities of junked motor vehicles;

(2) provide assurances that a State law substantially in accordance with requirements established by the Secretary, after consultation with the Attorney General, has been enacted or will promptly be enacted by such State designed to provide an efficient means of transferring title of junked motor vehicles (or other evidence of ownership of such vehicles in States not requiring title certification) to public agencies or private business concerns charged with the responsibility of processing such motor vehicles;

(3) provide assurances that the State agency will pay from non-Federal sources the remaining costs of such program;

(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State agency (including such funds paid by the State agency to any agency of a political subdivision of such State) under this Act; and

(5) provide for making such reasonable reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

(c) Criteria established under this section shall include, after consideration by the Secretary of the latest and best information available, a description of the most efficient means of processing junked motor vehicles, the average cost of such scrap processing, the requirements set forth in paragraph (2) of subsection (a), and other information as the Secretary deems relevant and necessary.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) In order to carry out the objective of this Act, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this Act.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

PAYMENTS

SEC. 7. (a) Payments under this Act shall be made from a State's allotment to any such State agency which administers a plan approved under section 5. Payments under this Act from a State's allotment with respect to the cost of carrying out its State plan shall equal 50 per centum of such costs for any fiscal year. In determining the cost of carrying out a State's plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

WITHHOLDING OF GRANTS

SEC. 8. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Secretary may authorize the continuance of payments with respect to any projects pursant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

DEFINITIONS

SEC. 9. As used in this Act—

(1) the term "person" includes any individual, corporation, company, association, firm, partnership, society, or joint stock company;

(2) the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purpose of this Act upon a finding that to do so is in the public interest;

(3) the term "junked motor vehicle"

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means any motor vehicle which the owner desires to dispose of, including derelict motor vehicles;

(4) the term "derelict motor vehicle" means any obviously abandoned vehicle which has component parts missing, is inoperable, or is worth less than $100 in value;

(5) the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

(6) the term "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

Mr. PACKWOOD. Mr. President, I am pleased to join several of my colleagues in the Senate in cosponsoring with Senator GURNEY legislation which would allow the Federal Government to assist the States in combating one of our Nation's most serious waste disposal problems. The Motor Vehicle Disposal Assistance Act would provide for Federal financial assistance to the States in their efforts to dispose or recycle wornout automobile hulks.

In recent years, the magnitude of the problem of junked cars has increased dramatically. Junked autos are a national disgrace and a threat to our environment. With the increasing retirement rate of used cars, the challenge to local authorities will continue to rise at an accelerating pace. There are roughly 15 million to 20 million junked cars in the United States today and current estimates predict that by 1975 the retirement rate will reach approximately 8 million cars per year. An example of the effect of this increase is seen in New York City, where there are 18 times more cars abandoned today than there were a decade ago.

The problem is particularly acute in our major metropolitan areas, where zoning restrictions and land costs are such that it is difficult to find room for the storage of large numbers of vehicles. In our major cities, one car is abandoned every 30 minutes. In Chicago, the rate is two every 15 minutes.

Due to the fact that the problem of junked cars is most severe in our large metropolitan areas, many people have mistakenly assumed that rural areas are not affected by abandoned autos. I can assure you that no section of our country is immune to this problem.

In my home State of Oregon, for example, approximately one out of every 25 registered motor vehicles is abandoned. As might be expected, the problem is most acute in Multnomah County, the area with the highest population density in the State. The more sparsely populated areas of Oregon have also been affected, but the problem is of a slightly different variety. One of the most irritating sights imaginable is to see a restful and beautiful countryside blighted by the motorized monster, the wornout automobile. These vehicles also are deposited in Oregon's lakes and streams, thus impairing fish life and destroying the natural beauty of these areas.

It is clear that the problem of abandoned automobiles presents a challenge which must be met. The Highway Beautification Act of 1965, which provides for the screening and fencing of automobile junkyards, has helped to soften the effects of the problem, but it is only a temporary solution. Action must be taken now to come to grips with the root of the problem.

It is primarily the responsibility of the States and municipalities for making sure that these autos do not become a permanent part of the scenery. But I also know that the Federal Government must share the responsibility. After all, millions of autos are purchased in one State and then abandoned in another. It stands to reason that the Federal Government must take the initiative and State and local governments must follow suit if we are to solve one of our most severe problems. I think this is a step in the right direction.

This legislation would allow the States to share with the Federal Government the costs of removing junked motor vehicles to scrap processing facilities.

In this way the Federal Government will be able to assist the States in improving the quality of life which we all share.

Mr. DOLE. Mr. President, I join the junior Senator from Florida (Mr. GURNEY) in cosponsoring the Motor Vehicle Disposal Assistance Act. Passage of this legislation is necessary to halt the disastrous growth of piles of junked automobiles that presently litter our landscape.

A feature article written by Jim Lapham, appearing in the August 2 issue of the Kansas City Star Sunday magazine, provides an accurate description of the already tragic proportions of our solid waste disposal problems.

We have recently passed the Resource Recovery Act to aid us in the solution of this most urgent problem.

Mr. Lapham's article reports that a study has been conducted by the Kansas City Metropolitan Planning Commission that finds solid waste matter generated in the Kansas City metropolitan area is expected to increase about 40 percent in just the next 10 years. This figure will increase to 100 percent by 1990.

The article specifically points out:

> Waste carried from residential, commercial and industrial sources in the Kansas City area now totals 1,083,000 tons a year and is expected to reach 2,400,000 tons by 1990.

Kansas City is not an exception to the problem of solid waste disposal. All areas of the United States are threatened (some far worse than Kansas City) by this menace created by accumulated waste.

Passage of the Motor Vehicle Disposal Assistance Act would be an important step toward the elimination of this eyesore and would contribute to the development of a comprehensive approach to our solid waste disposal problems.

Mr. BYRD of West Virginia subsequently said: Mr. President, at the request of the Senator from Florida (Mr. GURNEY), I ask unanimous consent that the bill (S. 4197) designated as the "Motor Vehicle Disposal Assistance Act" be referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOODELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

At this time, under the previous order, the distinguished Senator from New York (Mr. GOODELL) is recognized for not to exceed 20 minutes.

STRENGTHENING OF LAWS ON CAMPAIGN FINANCING: AMENDMENTS TO THE ELECTION REFORM ACT OF 1970

AMENDMENTS NOS. 826 AND 827

Mr. GOODELL. Mr. President, the purchased election corrupts our democratic process.

It substitutes government by money for government by consent of the governed.

It replaces the techniques of merchandising products for the techniques of persuading people on the merits of issues.

It makes the chief qualification for office a man's money or access to money, not his talent, integrity, and grasp of the issues.

Mr. President, the dynamics of the elective process has been revolutionized by television. TV advertising can bring about instant recognition for the candidate who can afford an extensive campaign to "sell" his image. For a challenger facing an entrenched opposition, this is certainly not without its advantages. It is, however, clearly susceptible to abuse.

The greatest abuse can be that of stultification—of reducing a political contest to the level of a sales pitch for a new type of plywood.

The effectiveness of the democratic process requires the fullest public access to a rational discussion of the issues.

Television is uniquely able to provide a focus for this discussion—through televised debates that bring out the views and accomplishments of opposing candidates. Unfortunately, in most cases debates reach too few people.

Television is, unfortunately, able to thwart intelligent discussion through the abuse of slick, packaged selling techniques. A candidate with slight qualifications but a large budget can too easily succumb to the temptation of TV sloganeering—of skirting the issues and selling himself in catchy 30-second spots that conceal more than they reveal. The real victim of this tactic is the public, which finds itself voting for an ad agency's skill, not a candidate's qualifications.

Congress is now dealing with one aspect of this problem. Several months ago, the Senate passed a bill to limit the amount of money a candidate could spend on radio and television advertising. I voted for this bill. Regrettably, the House thus far failed to pass this legislation.

Congress has still not confronted the broader problem: the need for adequate disclosure of all campaign finance.

Full disclosure enables the public to know who is backing a candidate.

Full disclosure enables the public to know who is attempting to win public office merely by outspending his rivals.

The existing law covering Federal elections attempts to require some disclosure. It fails, however, in a number of vital respects. Unfortunately, Federal law only covers a very minimum aspect of primaries; it provides for no Federal disclosure for primaries whatsoever. Disclosure should be required both before and after the primary or election. The primary, as recent history shows, is where the most blatant cases of overspending can occur.

Our campaign financing laws have not been completely overhauled for more than two decades. Legislation is needed to eliminate the glaring loopholes in the statutory requirements of public disclosure of campaign financing.

Mr. President, I am extremely pleased to note, therefore, that the Committee on Rules and Administration has favorably reported S. 734, the Election Reform Act of 1970, introduced by Senator CANNON.

This bill is essentially the same campaign reform legislation which passed the Senate overwhelmingly in 1967. The Senate committee bill also contains a new title III providing alternative tax benefits for individuals making contributions to candidates or committees—a concept which I have long supported.

It is particularly gratifying to me that the Senate will have an opportunity to act on this legislation this year. Since 1966, as a member of the House Administration Committee, I have introduced strong measures to reform our outmoded laws on campaign financing. Most of the provisions in the Senate committee bill are identical to those in the bills I have authored since 1966 in a bipartisan effort in the House with former Congressman Robert T. Ashmore, Democrat, of South Carolina. Regrettably, the Ashmore-Goodell Election Reform Act, as it was known, was never scheduled for floor debate in the House after it was finally reported by the House committee in June 1968. Not even a locked-in, all-night session in the House of Representatives in the fall of 1968, after I came to the Senate, managed to take action on this long overdue legislation.

One of the first bills which I introduced in the 91st Congress on January 15, 1969, was S. 77, the Federal Clean Elections Act. S. 77 is the same as the Ashmore-Goodell bill, in the form that it was reported out of the House Administration Committee.

It has always been my firm conviction that a system of free elections in a democratic society is best served by requiring meaningful and timely public disclosure of political candidates' sources of financial support. American voters have a right to have a true picture of where a candidate is getting his support. This has been the underlying philosophy of the bills which I have introduced.

Both my bill, S. 77, and the Senate committee bill, S. 734, contain similar provisions to correct obvious loopholes in existing law. They clearly extend the coverage of contributions and expenditures to the full range of the Federal elections process. They require candidates and political committees to make complete and detailed reports of their campaign finances on a periodic basis. Individuals are also required to report their campaign expenditures in excess of $100. It is clearly stated that the reporting requirements apply not only to campaign contributions, but also to direct expenditures made by individuals and private groups on behalf of a candidate. Thus the law could no longer be avoided by having wealthy backers buy television time, supply transportation, or pay for other campaign costs instead of making contributions.

Under existing law, no person may contribute more than $5,000 to any Federal candidate or political committee in a calendar year. However, this limit can be avoided by contributing to several political committees supporting the same candidate. Both bills close this gap in the law by providing that no person can contribute more than a total of $5,000 to any one Federal political candidate or to political committees substantially supporting that candidate.

Existing law places a limit on the total amount of money a congressional candidate or a political committee may spend on Federal elections. However, these limits make no allowance for the size of the constituency involved, and have been virtually unenforceable. Removal of existing spending ceilings would encourage full disclosure. The major commissions convened during the past decade to recommend changes in our campaign finance laws have endorsed a repeal of these ineffective limits. Accordingly, both my bill and the Senate committee bill repeal these limits.

In this connection, the Special Committee on Congressional Ethics of the Association of the Bar of the City of New York—in a recent comprehensive work entitled "Congress and the Public Trust"—is one of the numerous study commissions which has recommended repealing these limits. The committee, however, has suggested that such repeal might leave one loophole remaining—the possibility of a wealthy candidate spending excessive amounts of money on his own campaign. I will therefore introduce an amendment today which limits to $25,000 the amount a candidate for Congress may spend for his own campaign for nomination or election during any calendar year. This provision was not included in the original Ashmore-Goodell bills which I have introduced in the past.

In accordance with the philosophy of full public disclosure, my bill and the Senate committee bill substantially increase data collection and public reporting. Detailed financial reports are required, and this data would be summarized and made available for public inspection.

Nonetheless, there is one crucial difference between my bill and the Senate committee bill: the mechanism for enforcement.

One of the amendments which I propose today to the committee bill, S. 734, would create an independent "watchdog" agency to fully enforce the law.

The Senate committee's bill maintains the role of the Clerk of the House and the Secretary of the Senate with respect to receiving reports and disseminating information to the public. In my view, this is not an effective means of administering laws on campaign financing. The Clerk of the House and the Secretary of the Senate have neither the staff, funds, nor enforcement authority to do the necessary job. In addition, the Senate committee bill would place new responsibility on each of these offices, and some of them would be duplicative. Unless the Clerk and the Secretary voluntarily agreed to work out these responsibilities jointly—and there is no guarantee that this would occur—it could result in a tremendous amount of unnecessary effort.

My amendment would create a five-member bipartisan Federal Elections Commission, appointed by the President and confirmed by the Senate, with full powers to enforce the act. It is critically important that a strong, impartial administrative mechanism for implementing the disclosure provisions be established. The Commission would receive, tabulate, and make required reports available for public inspection. The Commission also would have the important functions of prescribing the form and method of reporting, and of summarizing and publishing the data it receives. This will help assure that data is supplied in proper form, and that information on campaign spending is disseminated to the public.

This proposal would not just establish "another Commission." This Commission will give "teeth" to the act by virtue of its powers to investigate alleged violations—either on its own initiative or at the request of an aggrieved candidate. The investigative and subpena powers of the Federal Trade Commission are given to this Commission. In case of continued violation, the Commission can issue orders to correct the injury occasioned by the violation.

Only through the creation of such an independent agency, with the needed staff, funds, and authority, can our campaign financing laws be adequately enforced.

There has been widespread support for a number of years for the creation of such an independent Commission. Recently, two more prestigious study commissions have recommended that my proposal be adopted. The Special Committee on Congressional Ethics of the Association of the Bar of the City of New York stated in its recommendations that "A Federal Elections Commission should be established to administer this law," and specifically cited my proposal as the model for such legislation.

The 20th Century Fund task force on financing congressional campaigns, in its recently released report, "Electing Congress: The Financial Dilemma," also recommended the establishment of my proposal. The Task Force had this to say about the need for such a Commission:

> No agency is now responsible for supervising compliance with federal campaign finance regulations. The Secretary of the

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> Senate and the Clerk of the House are the statutory repositories for campaign spending reports but they do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed. Further, there is no office that keeps records and provides information about political contributions and expenditures of committees seeking to influence federal elections.
>
> There is no federal agency that regularly investigates serious charges of illegal conduct during a campaign. Nor is there any agency competent to give legal advice about campaign activities. We believe this administrative void must be filled if campaign finance regulations are to be effective.
>
> We recommend the establishment of a bipartisan federal elections commission to administer regulations affecting federal campaigns. The commission should audit and publicize all campaign finance reports and report possible violations, including late filing, to the appropriate enforcement agencies for action. The commission should have the staff, resources, and independence to do the jobs assigned to it. It should have the power to investigate charges of illegal activity in federal campaigns, to subpoena evidence, and to establish uniform accounting and reporting procedures for political committees.

It should also be pointed out that the Justice Department has given its support to my proposal for a Federal Elections Commission. Assistant Attorney General William H. Rehnquist, Office of Legal Counsel, in testimony before the Committee on House Administration on May 6, 1970, on H.R. 12773—a bill almost identical to my bill, S. 77—states:

> The Department of Justice favors Title II to the extent that it places the administration of the Act in the hands of an independent Commission, insulated from outside pressures. This desirable feature of the bill, we think, not only creates the appearance of impartial enforcement, but increases the likelihood of vigorous enforcement.

On July 17, 1970, the Washington Post reported a similar endorsement by Assistant Attorney General Will Wilson, Chief of the Justice Department's Criminal Division.

Mr. President, I might add that one alternative proposed to an independent Commission would entrust the reporting and auditing requirements with the Comptroller General in the Accounting Office.

I can see little merit in this alternative. The GAO is an auditing agency of the Federal Government, operating as an arm of the Congress for the purpose of overseeing the expenditure of funds for ongoing Federal programs. The monitoring of campaign finances is unrelated and inappropriate to the work of the GAO.

Most important, the Comptroller General himself does not regard his agency as the appropriate one to do the job. In 1967, when the Senate considered this proposal, Comptroller General Elmer B. Staats opposed this proposal. In a letter of June 14, 1967, he supported the establishment of a separate agency as embodied in my bill. Mr. Staats said:

> Accordingly, while we agree that there is a need for legislation along the general lines proposed in S. 1546 we strongly recommend that administration of its provisions be vested in a separate agency of the Government to be established for the express purpose of dealing solely with the problem the proposed legislation is designed to meet. We would, therefore, favor the establishment of a "Federal Elections Commission" as provided by the so-called Ashmore-Goodell bill, H.R. 18162, 89th Cong. 2d sess.

Mr. President, the second amendment which I am offering today would place a $25,000 limit on a congressional candidate's spending from personal funds for his nomination or election campaign during a calendar year. This proposal was recently recommended by the Special Committee on Congressional Ethics of the Bar Association of the City of New York.

The need for this amendment is quite clear.

A wealthy candidate, able to spend his own funds without limit, can place a less affluent opponent at a great disadvantage. It could deter a qualified man from entering a race because he feared being eclipsed by an opponent's expensive campaign in which he could not realistically compete. I do not believe that a candidate who has personal wealth should be penalized for his good fortune; I merely maintain that he should not have a built-in advantage because of a potential loophole in the law.

Under existing Federal law, a candidate is prohibited from spending more than $5,000 for a House race and $25,000 for a Senate race—although in reality this can be easily circumvented through expenditures made by political committees supporting him. There are no such restrictions in primary elections.

The total limitation of $25,000 for a primary or general election appears to be a reasonable amount. My bill and the Senate committee's bill place a total limit of $5,000 on the contribution which every other contributor may make to a candidate's campaign. If the ceiling on expenditures is repealed, then the congressional candidate himself could spend as much of his own wealth as he wanted to. Why should we not place some reasonable limit on the candidate himself as well?

This proposal is an integral part of the total reform of our campaign financing laws provided by my bill and the Senate committee's bill.

It complements the restriction on the $5,000 ceiling on contributions and the repeal of expenditure ceilings. It prevents a possible loophole from being opened, and insures that we will have enacted a realistic reform measure.

Mr. President, our system of regulating campaign financing is one of virtual nonregulation. While we allow this issue to lie buried, campaign spending continues to spiral. Blatant cases of overspending occur with increasing frequency, and the American voter is the one who suffers because he is deprived of the opportunity to choose his representatives in a rational manner. We must act, and we must act now.

Mr. President, I ask unanimous consent that the text of my amendments to S. 734 be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 826 and 827) are as follows:

AMENDMENT No. 826

Beginning with line 1, page 11, strike out all to and including line 4, page 11.

On page 11, line 5, strike out "(i)", and insert in lieu thereof "(g)".

On page 11, line 8, strike out "(j)", and insert in lieu thereof "(h)".

On page 11, between lines 10 and 11, insert the following new section:

"FEDERAL ELECTIONS COMMISSION

"SEC. 202. (a)(1) There is hereby created a commission to be known as the Federal Elections Commission (referred to hereafter in this Act as "Commission"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) A person may not be appointed to the Commission—

"(A) if at the time of his appointment he was not a member of a major political party, or

"(B) if his appointment results in more than three persons from his party being members of the Commission.

For purposes of this paragraph, the term "major political party" means a national political party whose candidate for President received either the largest or the next largest popular vote in the preceding presidential election.

"(3) One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years, beginning from the effective date of this title, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(b) If there is a vacancy in the Commission which has existed for more than ninety days, the remaining members of the Commission may not exercise any of the powers of the Commission until such vacancy is filled, but in such case the Executive Director of the Commission may exercise any duties previously vested in him by the Commission. Except as provided in the preceding sentence, three members of the Commission shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) (1) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 3109 of title 5, United States Code.

"(2) The Commission shall, in accordance with chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such other officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions.

"(3) The Executive Director shall be the

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chief administrative officer of the Commission. He shall perform his duties under the direction and supervision of the Commission, and the Commission may delegate any of its functions, other than the making of regulations, to him.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of sections 7324 and 7325 of title 5, United States Code, notwithstanding any exemption contained therein.

On page 11, line 12, strike out "Sec. 202", and insert in lieu thereof "Sec. 203".

On page 12, line 24, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission in accordance with published regulations".

On page 13, line 2, strike out "Sec. 203", and insert in lieu thereof "Sec. 204".

On page 13, lines 8 and 9, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission".

On page 13, lines 11 and 12, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission".

On page 13, line 12, strike out "he prescribes", and insert in lieu thereof "it prescribes".

On page 14, line 17, strike out "Secretary or Clerk", and insert in lieu thereof "Commission".

On page 14, line 20, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission".

On page 15, lines 1 and 2, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission".

On page 15, line 4, strike out "Sec. 204", and insert in lieu thereof "Sec. 205".

On page 15, line 8, strike out "Secretary", and insert in lieu thereof "Commission".

On page 15, line 12, strike out "Clerk", and insert in lieu thereof "Commission".

On page 15, lines 18 and 19, strike out "Secretary", and insert in lieu thereof "Commission".

On page 27, line 20, strike out "Secretary or Clerk", and insert in lieu thereof "Commission".

On page 17, line 22, strike out "Secretary or Clerk", and insert in lieu thereof "Commission".

On page 18, line 8, strike out "Sec. 205", and insert in lieu thereof "Sec. 206".

On page 18, line 12, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission".

On page 18, line 14, strike out "204", and insert in lieu thereof "205".

On page 18, line 19, strike out "Sec. 206", and insert in lieu thereof "Sec. 207".

On page 19, line 1, strike out "Secretary or Clerk, as the case may be", and insert in lieu thereof "Commission".

On page 19, line 3, strike out "Secretary or Clerk", and insert in lieu thereof "Commission".

On page 19, line 5, strike out "204", and insert in lieu thereof "205".

On page 19, line 10, strike out "Secretary or Clerk, as the cause may be", and insert in lieu thereof "Commission".

On page 19, line 21, strike out "Sec. 207", and insert in lieu thereof "Sec. 208".

On page 20, line 12, strike out "Secretary", and insert in lieu thereof "Commission".

On page 20, line 17, strike out "Sec. 208.", and insert in lieu thereof "Sec. 209. (a)".

On page 20, lines 17 and 18, strike out "Secretary and Clerk, respectively", and insert in lieu thereof "Commission".

On page 21, line 23, strike out "he", and insert in lieu thereof "it".

On page 22, line 4, strike out "he", and insert in lieu thereof "it".

On page 22, line 16, strike out "he", and insert in lieu thereof "it".

On page 22, after line 25, insert the following new subsection:

"(b) For the purpose of any audit or investigation provided for in paragraph (11) of subsection (a) or in subsection (c) of this section, the provisions of sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) are hereby made applicable to the jurisdiction, powers, and duties of the Commission, or any officer designated by it, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

"(c) Any candidate who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation which shall include an investigation of reports and statements filed by the complainant, as well as of the matter complained of. If, on the basis of such investigation and after affording due notice and opportunity for a hearing on the record, it determines such a violation has occurred, the Commission shall issue an order directing the violator to take such action as the Commission determines may be necessary in the public interest to correct the injury occasioned by the violation. Such action may include requiring the violator to make public the fact that a violation has occurred, and the nature thereof, and may also include requiring the violator to make public complete statements, in corrected form, containing information required by this title. The Commission may also take action to correct such an injury by making public the fact that a violation has occurred, and the nature thereof, and may also make public complete statements (prepared by the Commission itself and its officers and employees) containing the information required by this title.

(d) Any party in interest who is aggrieved by a determination of the Commission under subsection (c) may, within sixty days after such order is issued, file with the United States court of appeals for the circuit in which he resides or in the United States Court of Appeals for the District of Columbia circuit a petition for review of the action of the Commission in issuing the order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission thereupon shall file in the court the record of the proceedings on which it based its action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Commission, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence, and the Commission may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The court shall have jurisdiction to affirm the action of the Commission or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Any action brought under this section shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this section).

"(e) Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 45(l)) shall apply to violations of orders of the Commission in the same manner as it applies to violations of orders of the Federal Trade Commission.

"(f) In the performance of its duties under this Act, the Commission shall coordinate its activities with the activities of the Comptroller General under the Presidential Election Campaign Fund Act of 1966.

On page 23, line 3, strike out "Sec. 209", and insert in lieu thereof "Sec. 210".

On page 23, line 4, strike out "Secretary or Clerk", and insert in lieu thereof "Commission".

On page 23, line 9, strike out "Secretary or "Clerk", and insert in lieu thereof "Commission".

On page 24, line 10, strike out "Sec. 210", and insert in lieu thereof "Sec. 211".

On page 24, line 15, strike out "Sec. 211", and insert in lieu thereof "Sec. 212".

On page 24, line 19, strike out "Sec. 212", and insert in lieu thereof "Sec. 213".

On page 24, line 23, strike out "Secretary and Clerk", and insert in lieu thereof "Commission".

On page 25, line 4, strike out "Sec. 213", and insert in lieu thereof "Sec. 214".

On page 25, line 10, strike out "Sec. 214", and insert in lieu thereof "Sec. 215".

On page 25, line 18, strike out "Sec. 215", and insert in lieu thereof "Sec. 216".

Amendment No. 827

Intended to be proposed by Mr. Goodell to S. 734, a bill to revise the Federal election laws, and for other purposes,

On page 1, line 9, strike out the words "and 610", and insert in lieu thereof the words "610, and 614".

On page 8, between lines 14 and 15, insert the following new section:

"Sec. 107. (a) Chapter 29, title 18, United States Code, is amended by adding at the end thereof the following new section:

"614. Expenditures by candidates for Congress

"'(a) Whoever, being a person who is a candidate in any election for nomination for election, or election, as a Senator or Representative in, or Resident Commissioner to, the Congress of the United States, makes expenditures exceeding $25,000 in the aggregate in any calendar year, from assets to which he holds legal title, in support of or on behalf of his candidacy in that election shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"'(b) For the purposes of this section, an expenditure made by the spouse or a minor child of a person shall be deemed an expenditure made by such person.'."

"(b) The sectional analysis at the beginning of chapter 29, title 18, United States Code, is amended by adding at the end thereof of the following new item:

"'614. Expenditures by candidates for Congress.'."

On page 8, line 15, strike out "Sec. 107", and insert in lieu thereof "Sec. 108".

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Hughes). Pursuant to the previous order, there will now be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements made therein.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Positions Established by the National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the positions which the Administration has established as of June 30, 1970 (with an accompanying report); to the Committee on Aeronautics and Space Science.

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for July 1969 to May 1970 (with an accompanying report); to the Committee on Banking and Currency.

Report on Studies Conducted Relative to the Control of Health Hazards From Electronic Product Radiation and Other Types of Ionizing Radiation

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on certain studies conducted relative to the control of health hazards from electronic product radiation and other types of ionizing radiation, dated January 1, 1970 (with an accompanying report); to the Committee on Commerce.

Report on the Administration of the Radiation Control for Health and Safety Act of 1968

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the administration of the Radiation Control for Health and Safety Act of 1968 dated April 1, 1970 (with an accompanying report); to the Committee on Commerce.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in reclaiming usable parts from excess aircraft, Department of Defense, dated August 6, 1970 (with an accompanying report); to the Committee on Government Operations.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Allen) announced that on today, August 6, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney;

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette;

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. GOLDWATER. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 42 flag and general officers in the Army, Navy, Air Force, and Marine Corps.

I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Edward J. Miller, and sundry other officers, for temporary appointment to the grade of brigadier general in the Marine Corps;

Homer S. Hill, and sundry other officers, for temporary appointment to the grade of major general in the Marine Corps;

Rear Adm. Raymond E. Peet, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. James F. Calvert, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Brig. Gen. Roy M. Terry (colonel, Regular Air Force, chaplain) U.S. Air Force, for temporary appointment in the U.S. Air Force in the grade of major general;

Darrell M. Trent, of Kansas, to be Deputy Director of the Office of Emergency Preparedness;

Vice Adm. Ralph W. Cousins, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy;

Brig. Gen. Herbert R. Hackbarth, Brig. Gen. James M. Roberts, Jr., and Brig. Gen. Leonard S. Woody, U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army, to be majors general;

Col. Richard C. Allgood, Jr., and sundry other colonels, U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army, to be brigadiers general:

Col. Wilbert A. Allen, Army National Guard of the United States officer, for promotion as a Reserve commissioned officer of the Army, to be brigadier general;

Brig. Gen. Jack W. Blair, and sundry other Army National Guard of the United States officers, for appointment as Reserve commissioned officers of the Army, to be majors general; and

Col. Ferd L. Davis, and sundry other Army National Guard of the United States colonels, for appointment as Reserve commissioned officers of the Army, to be brigadiers general.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYH:

S. 4191. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Bayh when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. YOUNG of North Dakota (for himself, Mr. Burdick, Mr. McCarthy, Mr. Mondale, and Mr. McGovern):

S. 4192. A bill to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contributes to food control; to contribute to improved water quality and reduce stream sedimentation; to contribute to improved subsurface moisture; to reduce acres of new land coming into production and to retire lands now in agricultural production; to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Young of North Dakota when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. STEVENS:

S. 4193. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 4194. A bill to make Section 236 homeownership payments available to a cooperative housing project financed under State or local programs; to the Committee on Banking and Currency.

By Mr. SMITH of Illinois:

S. 4195. A bill to amend the Truth in Lending Act with respect to consumer credit transactions in which credit is extended for agricultural purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Smith of Illinois when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. Jackson):

S. 4196. A bill to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a Development Plan for certain areas between the White House and the Capitol, to further the purposes for which The Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Allott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GURNEY for himself, Mr. Scott, Mr. Thurmond, Mr. Boggs, Mr. Fannin, Mr. Cooper, Mr. Baker, Mr. Dole, and Mr. Packwood):

S. 4197. A bill to encourage States to establish junked motor vehicle disposal programs, and for other purposes; to the Committee on Public Works, by unanimous consent.

(The remarks of Mr. Gurney when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. HARTKE:

S. 4198. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Finance.

(The remarks of Mr. Hartke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 227. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

(The remarks of Mr. Tower when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 4192—INTRODUCTION OF A BILL TO ESTABLISH A WATER BANK PROGRAM

Mr. YOUNG of North Dakota. Mr. President, in May of last year, I introduced in the Senate S. 2257, legislation to establish a water bank program. At that time I stated that such a program was vitally needed to assist in development of comprehensive, long-range plans for the conservation and development of our natural resources.

My colleague, Senator Burdick, and the Senators from Minnesota, Senators Mondale and McCarthy, joined in sponsoring the bill at that time. Identical legislation was introduced in the House of Representatives, and on July 16, 1970, the House Merchant Marine and Fisheries Committee ordered the bill favorably reported.

As a result of their hearings, the House committee recommended some minor changes in the legislation. I feel it would be well to have these before the Senate at this time, so I am introducing today a revised water bank program proposal which incorporates these changes. I am pleased to say that I am again joined by my colleague, Senator BURDICK, the Senators from Minnesota, Senators MONDALE and MCCARTHY, and the Senator from South Dakota, Senator MCGOVERN.

Throughout the Nation today landowners and public and private agencies are faced with the necessity to plan the use and development of our land and water resources. There are a good many options to be considered, however, in many cases, once a decision is reached and a plan is embarked upon, the process is irreversible. In many instances, these decisions lead to the loss of a valuable natural resource for all time.

We are all aware of the problems facing the Nation's farmers. They are caught in a cost-price squeeze that daily drives more and more of them from the land. In North Dakota alone, we are losing about 1,000 farmers per year.

In order to stay in business and provide an adequate living for themselves and their families, farmers are continually seeking to lower their costs, reduce their risks and improve their efficiency. One of the most common ways of doing this has been to improve the land resources available to them. Often this has meant the use of conservation practices such as strip cropping, well planned crop rotations, the planting of shelterbelts and other measures. At other times, it has meant the drainage of natural wetlands.

This drainage has, generally speaking, been the farmers' only means of improving the return available to him from land in which he has made an investment, on which he pays taxes, and which represents an integral part of his unit.

This drainage, however, often represents the loss of a valuable natural resource to society as a whole. These wetlands are a valuable source of wildlife production. They help retain runoff waters that add materially to flood control and they help maintain water table levels so essential to meeting the ever expanding demand for municipal and industrial water supplies to support an expanding population.

It has long been recognized that the dilemma presented by these apparently conflicting interests cannot be solved without some public action. The legislation we are introducing today is aimed directly at providing such a solution.

By 1950, about half of the wetlands of the prairie pothole region of the United States had been drained. This is considered to be the prime waterfowl producing area of the country. This drainage has continued in recent years, and recent surveys indicate that in my own State, landowners are draining almost 45,000 acres of wetlands each year.

Mr. President, this is a very serious problem. Many public and private agencies have recognized it as such and I believe the Water Bank Program proposed in this legislation would be a great step forward in providing a solution to these problems. In North Dakota this proposal has the active support of the National Farmers Organization, North Dakota Farm Bureau, North Dakota Farmers Union, Greater North Dakota Association, North Dakota Stockmen's Association, North Dakota Wildlife Federation, North Dakota Water Users, the Garrison Conservancy District, and the North Dakota Association of Soil Conservation Districts.

In brief, this program would provide landowners with an economic alternative to drainage. It would establish a program whereby they could enter into contracts with the Federal Government limiting the use of wetlands and thereby leaving them in their present condition.

I sincerely feel that this would be a positive step toward conserving and maintaining a rapidly disappearing natural resource. There is much merit to this legislation, and I would like to urge prompt and favorable action on it.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4192) to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contributes to food control; to contribute to improved water quality and reduce stream sedimentation; to contribute to improved subsurface moisture; to reduce acres of new land coming into production and to retire lands now in agricultural production; to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning, introduced by Mr. YOUNG of North Dakota, for himself and other Senators, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

S. 4195—INTRODUCTION OF A BILL TO AMEND THE TRUTH-IN-LENDING ACT WITH RESPECT TO CREDIT EXTENDED FOR AGRICULTURAL PURPOSES

Mr. SMITH of Illinois. Mr. President, I am introducing today a bill to amend the Truth-in-Lending Act as it applies to the extension of credit for agricultural purposes. I believe my bill will greatly simplify many unnecessary procedures now required, but at the same time retain essential provisions of the act, insuring meaningful disclosure of credit information.

The Truth-in-Lending Act was passed just over 2 years ago. Since July 1, 1969, when the basic provision, chapters 2 and 3, took effect, the law has proven to be a highly effective means of informing borrowers of the cost of money. Its purpose was solely to require a standard disclosure of the terms of credit transactions, with the aim of achieving the better-informed use of credit. I believe it has gone a long way in doing just that.

The Board of Governors of the Federal Reserve Board was empowered to issue detailed regulations to implement the act, and through its regulation Z, it has done an able job of providing, for the first time in this country, a standard method of computing the interest rate on transactions for credit.

Two of the most meaningful and most essential requirements were that the document evidencing transaction disclose the total finance charge, and the finance charge expressed as an annual percentage rate.

Even as it was first written and later enacted, however, the truth-in-lending bill was never plenary in scope: While it required "each creditor" to disclose specified information to "each person to whom consumer credit is extended," section 121(a), at least seven categories of transactions were excluded from the act: Extensions of credit for business or commercial purposes and to government or governmental agencies, and to organizations were specifically exempted. Also excluded were transactions in securities or commodities by broker-dealers registered with SEC, as well as transactions under public utility tariffs regulated by State governments. Finally all non-real-property transactions where the total amount to be financed exceeds $25,000 were made wholly exempt from the requirements of the act.

One purpose of the bill was aimed at unscrupulous merchants and loan institutions who victimized inner city ghetto residents to disclose the details of their transaction so that the victims would at least know exactly what the loan or credit cost.

A particular practice in the ghetto precipitated a salient provision of the act: The right to rescind chattel mortgages on the residence of the borrower. Widely published in the press during the time Congress was considering this legislation was the nefarious practice of certain unprincipled "building contractors" in the Washington metropolitan area. These individuals went from home to home in low income communities pressuring cash-short homeowners to redecorate the exterior of their homes by adding expensive aluminum siding. The cost often ran into the thousands of dollars, but by guile and misrepresentation, these unscrupulous salesmen persuaded the homeowner that by "just signing a few papers" the money could be raised without difficulty. The "papers" of course, consisted of a chattel mortgage on the house which was promptly discounted to a bank. Once the repair work was done, the salesman disappeared and the homeowner was left with large monthly payments to the bank-mortgager. If he was unable to meet the payments, as he often was, the bank foreclosed on the mortgage leaving the debtor homeless. In many documented cases, it was evident that the homeowner had no idea he was mortgaging his home simply to put on aluminum siding or weatherboarding.

Thus when the framers of the Truth-in-Lending Act were drafting the law, a provision was inserted providing that in the case of a transaction where a security interest is retained or acquired in real property the person to whom credit is extended shall have the right to rescind the agreement for a period of three

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business days after the transaction is made, or the disclosures delivered to him. Thus a measure of protection, it was thought, would be provided by giving the obligor the chance to examine the papers in detail and change his mind if he desired.

Although in 1968 when the act was passed, Congress gave special consideration to some transactions it overlooked the unique characteristics involved in the extension of credit for agricultural purposes.

Because the very nature of farm loans and credit is so vastly different from virtually any other kind of credit—for instance, retail merchants' revolving credit accounts, or house repairs involving a chattel mortgage on a residence—it soon became clear that while national across-the-board standards fulfilled important needs in the non-agricultural sector, many of these provisions were manifestly inappropriate for farm loans made for agricultural purposes.

The inappropriateness of the section 125 requirement that on a credit transaction using as security the residence of, the borrower be required to wait three full business days to rescind the transaction before the transaction can be consummated, is illustrated by the typical farm loan: Most farmers use their farm as security for borrowing, and since their dwelling house is generally located on these premises, all the requirements of section 125's rescision come into play. In the normal situation—a situation enjoyed by virtually all farmers and ranchers, the loan institution is a local country bank or production credit association with whom the borrower has had dealt for years. It is nothing less than absurd to require these parties to delay the consummation of credit transaction three full business days because of an ill-drafted inclusion meant to apply to radically different circumstances. Several Illinois constituents have written to me on this specific point and many say they have never heard of any farmer exercising his right to rescind the transaction under 125. All this provision does for agriculture is delay unnecessarily the free flow of farm commerce—and at the same time earn—how ever unintentionally, the well-deserved resentment of both creditor and farmer.

A second significant omission, and an unfortunate inconsistency in the Truth-in-Lending Act, is its failure to treat farm loans and credit in the same way that other business loans are treated. Credit transactions for business and commercial purposes other than real property transactions are exempt if the total amount to be financed exceeds $25,000.

The patent anomaly of excluding business loans over $25,000 while, at the same time, failing to make a similar provision for credit extended for agricultural purposes should have been evident in 1968, but it was not.

Likewise, minor provisions relating to circumstances where "one or more periodic rates" are used—127 (a)(4) and (b)(5)—or the "total finance charge exceeds 50 cents"—127(b)(6)—have proven to be unnecessarily burdensome for both borrower and lender.

A further problem with the act insofar as agriculture is concerned has already been remedied by the Board of Governors of the Federal Reserve Board. Very often lenders extend credit with an arrangement for repayment to be based on the time of the farmer's harvesting of crops or sale of livestock. Clearly an agreement cannot be drawn for repayment by a specific day, of money borrowed to plant wheat when the wheat crop may not mature by that day; or repayment of a loan to purchase feeder pigs when the pigs are not sufficiently fat by a specified day, or the market is down on that day. Both farmers and lenders recognize this interminable factor and simply regard it as incapable of exact determination beforehand. As a consequence, some of those disclosures required by the Truth-in-Lending Act which are incapable of ascertainment are covered by an amendmend to regulation Z issued by the Federal Reserve Board November 6, 1969.

To correct other inadvertent coverage under the act, however, legislation is required.

Mr. President, I certainly do not claim to be the first one to take note of the oversights in the Truth-in-Lending Act, or even the first to introduce legislation to cure the defect. In fact, to date I have counted no less than seven bills—all introduced in the House—which seek to resolve this problem. Their solution, however, is a drastic one—they exempt agricultural loans entirely from the purview of the act. Under these proposals, and all seven are identical, lenders would not be required to disclose any information required under the act whatsoever; not even the total finance charge nor that charge expressed as an annual percentage rate.

In my judgment the solutions proposed in the House go too far: No reputable farm lending institution should object, for instance, to a nationally standardized disclosure of interest rates, or to disclosing the total finance charge, or to itemizing additional charges not a part of the finance charge, or to providing the borrower with the number, amount, and due dates of payment.

In my bill, I have sought to avoid exempting entirely agricultural loans and, at the same time, relieve farm borrowers and lenders of onerous, unnecessary, and time-consuming parts of the act which never should have applied to agriculture in the first place. Here is what the bill provides:

First. Section 104 is amended so that all credit transactions other than real property transactions which involve credit for agricultural purposes where the total amount to be financed exceeds $10,000 are exempted completely. The present law contains no such exemption whatever.

Second. Section 125, establishing a 3-day delay to provide the borrower with a right to rescission where the lender acquires or retains a security interest in real property used as the residence of the borrower is likewise amended to exempt entirely any consumer credit transactions in which a loan is extended for agricultural purposes.

Third. Section 127 (a) and (b), dealing with open-end consumer credit plans, is amended to require only disclosures specifically applicable to agricultural loans, and omits the unnecessary and burdensome minor requirements discussed earlier.

Altogether, it is my hope that the changes proposed in my bill amending the Truth-in-Lending Act will achieve the dual purpose of relieving the farm borrower and lender from broad-scale requirements of the act never properly applicable to agriculture in the first place, and at the same time, preserve the positive advantages or meaningful disclosure which the act presently affords.

Mr. President, I urge the Banking and Currency Committee to consider this measure as early as possible and to report it favorably to the Senate. I ask unanimous consent that the text of this bill be printed in the RECORD following these remarks.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4195) to amend the Truth-in-Lending Act with respect to consumer credit transactions in which credit is extended for agricultural purposes, introduced by Mr. SMITH of Illinois, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by striking out "$25,000" and inserting in lieu thereof "$25,000 ($10,000 in the case of transactions involving credit for agricultural purposes)".

(b) Section 125(e) of such Act (15 U.S.C. 1635(e)) is amended by striking out the period and inserting in lieu thereof the following: ", or to any consumer credit transaction in which a loan is extended for agricultural purposes."

(c) Section 127(a) of such Act (15 U.S.C. 1637(a)) is amended—

(1) by striking out "Before" and inserting in lieu thereof "Except as hereinafter provided, before"; and

(2) by adding after the last paragraph thereof a new sentence as follows: "In the case of an open and consumer credit plan under which consumer loans are to be extended only for agricultural purposes, the creditor shall disclose to the person to whom credit is to be extended the information, to the extent applicable, prescribed in paragraph (1), 2), (3), and (5)."

(d) Section 127 (b) of such Act (15 U.S.C. 1637 (b)) is amended—

(1) by striking out "The creditor" and inserting in lieu thereof "Except as hereinafter provided, the creditor"; and

(2) by adding after the last paragraph thereof a new sentence as follows: "The statement transmitted to the obligor in connection with an open end consumer credit plan under which consumer loans are extended only for agricultural purposes, shall include, to the extent applicable, the information prescribed in paragraphs (1), (2), (3), (4), (7), (8), (9), and (10)."

S. 4196—INTRODUCTION OF THE "FEDERAL CITY BICENTENNIAL DEVELOPMENT CORPORATION ACT OF 1970"

Mr. ALLOTT. Mr. President, today I am introducing for the distinguished chairman of the Senate Interior and Insular Affairs Committee (Mr. JACKSON) and myself a bill to establish the Federal City Bicentennial Development Corporation. The purpose of the Development Corporation is to provide for the preparation and carrying out of a development plan for certain areas along Pennsylvania Avenue between the White House and the Capitol.

In 6 short years this country will celebrate its bicentennial anniversary as an independent nation. As Senators know, Philadelphia, Pa., has been designated as the focal point for this celebration. But this anniversary also provides a fitting occasion to undertake the long overdue restoration of certain areas in our Nation's Capital.

Presidents Kennedy, Johnson, and Nixon, have appoined various groups to study and prepare plans for the revitalization of Pennsylvania Avenue. I believe that the idea of combining public and private endeavors is the best way to implement these plans.

The Corporation, established by this bill, will seek to promote residential and commercial activity along Pennsylvania Avenue. It is planned to mesh this activity with the present and future governmental revitalization.

In order to achieve this purpose the Corporation has the usual corporate powers, along with the power of eminent domain and the authority to borrow from the U.S. Treasury. Such loans will have to be authorized in the usual appropriation process.

Mr. President, a similar bill has been introduced in the House of Representatives. It is my hope that Congress will enact legislation this year in order that the Federal City Bicentennial Development Corporation may begin its operations in the near future.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4196) to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a Development Plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes, introducted by Mr. ALLOTT (for himself and Mr. JACKSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 4198—INTRODUCTION OF A BILL TO PROVIDE FOR AN EQUITABLE SHARING OF THE U.S. MARKET

Mr. HARTKE. Mr. President, today I am introducing a bill to provide for a healthy and growing U.S. electronic industry, and the orderly encouragement of imports within a framework of fair competition. This bill allows foreign competition but does not permit foreign manufacturers enjoying low labor costs and American technology to destroy the American electronic industry. Initially, my bill limits the import of electronic products and components to the levels existing in recent years. At the same time, however, it provides for the adjustment of permissible imports if the domestic consumption of a particular product or component increases or decreases. This insures that U.S. consumers will not suffer price increases because of short supply. The bill also provides that the Secretary of Commerce shall allocate these imports to particular countries based on their past imports, but also permitting him to give due account to special factors among them favoring those nations which have no greater restrictions than our own.

The phenomenal growth of the electronic industry has obscured a growing weakness. Most everyone is aware that the electronic industry has expanded in only 20 years from a $1 billion to a $25 billion industry. Few, however, seem aware that great parts of the domestic electronic industry exist in name only; that more and more electronic production is being done abroad with U.S. firms being merely distributors. Although the electronic industry is considered a growth industry, employment is decreasing. From 1966 to the first quarter of 1970, 50,000 workers have lost their jobs in the radio, TV, and electronic components industry.

Looking at a specific segment of this industry, we see a consistent pattern of increasing unemployment and declining employment opportunity.

From October 1966 to October 1969, factory worker employment in the radio and TV receiving equipment industry declined 17 percent, a loss of 24,500 jobs. Included in these figures are the loss of 1,300 jobs at Ford-Philco in Philadelphia. These figures do not include a more recent loss of approximately 1,000 jobs at Warwick Electronics in its Illinois and Arkansas plants—to Mexico; the closing down of Emerson Radio in Jersey City, with a loss of 1,250 jobs—absorbed by Admiral, with a plant in Taiwan; the layoff of 3,000 workers by Zenith Radio, with 4,000 additional jobs moving to Zenith's Taiwan plant in 1971. Nor does it include a job loss of 1,000 at General Electric.

In electronic components and accessories, between October 1966 and October 1969, factory employment declined by more than 20,000 workers. In both industries, the job loss totaled 44,600, or, adding the more recent layoffs in Warwick, Emerson, Zenith, and G.E., over 53,000.

In still another major industry, office and computing machines, total employment rose by 30,000 but factory employment increased by no more than 400. The average annual growth rate in computer shipments is 15 percent, but industry firms increasingly export component parts for assembly in overseas plants. In the case of electronic desk calculators, American firms like Friden and Burroughs now have such machines made for them in Japan, under the Friden and Burroughs brand names and in accordance with their specifications. The loss of the entire desk calculator industry to Japan is only a matter of time. Thousands of jobs will disappear in the process.

As jobs disappear, imports increase; in 1967, $125.5 million worth of TV sets were imported to the United States; 1969 TV imports are estimated to be about 300 million units, a 46-percent increase from 1968 and a 140-percent increase from 1967. According to preliminary figures, Japan alone exported to the United States 880,000 color and over 2,200,000 black and white TV sets, constituting more than 15 percent of the U.S. color and more than 40 percent of the U.S. black and white TV market.

In 1967, the value of radio receiving sets, radio-phonograph combinations and parts imported into the United States totaled $243 million. Estimates for 1969 range between $410 to $420 million. It is now estimated that from 85 to 90 percent of all radios sold in the United States are imports. In fact in a recent advertisement, General Electric announced that it was the only remaining domestic manufacturer of radios.

In product after product, domestic production is on the verge of disappearing. The continuance of declining domestic production and increasing imports can only further aggravate our already imperiled balance of trade. As a whole, the electrical industry has always been a trade surplus industry, but this may not be true in the very near future. In 1960, the ratio of exports to imports was 3.8 to 1. This ratio fell to 1.9 to 1 in 1966, and to 1.4 to 1 in 1969. In consumer electronics, the estimated 1969 trade deficit is more than 3 times the $285 deficit of 1966. This deficit represents the most successful transporting of men and material since the Normandy invasion. Unfortunately, in this case, we have been transferring key growth segments of the electronic and companion industries to foreign countries. We have been exporting jobs, leaving only unemployment at home.

This exporting of jobs abroad is frequently justified on the base of excessive wage demands by American workers. Undoubtedly, U.S. wages are higher than those paid in Taiwan and South Korea. But before one adopts the easy excuse and ready cliche of immoderate wage demands for the flight of American industry let us look at the facts.

First, it hardly seems reasonable for wages in the United States to be equal to those paid abroad. If wages in the electronics industry were reduced to the legal minimum of $1.60, they would, with fringe costs added, still be more than double the wage with fringe benefits paid in Japan. Payment of the minimum wage to American workers would still result in labor costs 8 to 12 times as much as the prevailing labor costs in Singapore, Hong Kong, South Korea, and Taiwan, and 5 times as high as prevailing labor costs in Mexico. Does anyone believe we should try to compete with such foreign producers by paying American workers only 15 to 20 cents an hour as is done in Taiwan?

We should consider the reasonableness of American wage demands within the

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context of the American not Taiwan economy. From an American perspective, it is clear that worker productivity in the electrical/electronics industry, about 4 percent a year, far exceeded worker total wage and fringe benefit gains. Since annual productivity gains were more than 1 percent higher than wage/fringe benefit gains, increases in domestic labor costs cannot be used to justify the closing of domestic plants and the relocation of U.S. plants overseas.

In the past, the U.S. industry remained competitive, even though foreign producers enjoyed much lower labor costs, because of our technological superiority. The rapid growth of the U.S. electronic industry was largely attributable to traditional American inventiveness and initiative. Just from 1957 to 1965, the leading electronics and communications firms invested $23 billion in research and development. This investment resulted in a plethora of valuable patents and the electrical marvels of today. Now, however, that technical know-how developed at great cost to the American taxpayer is being handed over to foreign producers at little or no cost. The conduit for the transfer of American technology is the multinational corporation. These corporations transfer their resources from country to country for their maximum financial benefit, not necessarily for the good of the U.S. worker. In the past 25 years, U.S.-based multinational firms established an estimated 8,000 foreign subsidiaries, mostly in manufacturing. The annual foreign output of these multinational firms ranges between $120 billion and $200 billion, a total greater than the total output of any nation on the globe, with the exception of the United States, the Soviet Union, and possibly Japan.

Let me cite some examples of the loss of American technological competitive edge. General Electric in November 1969 licensed the Japanese company, Matsushita, for use of its patent 3,122,610, which involves the production of FM-type radio receivers. In 1967, G.E.'s license to Matsushita covered a parallel phase-detector circuit for TV receiving sets. A few months earlier, the same license was granted to Toshiba and Nippon Columbia. G.E. has licensed Japanese firms to produce optical gunsights, radar systems, transistors, and semiconductor elements, capacitors, lamps—including mercury and infrared lamps, television receiver converter circuitry, color photographic camera systems, steam-turbine electric generators, and so forth.

RCA has licensed Japanese firms in the following components, products and processes, among others: magnetic memory cores, electron microscopes, electrostatic cameras, AM/FM transistor radios, color picture tubes, photoconductors and photoconductive elements, X-ray analyzers, radio, tape recorder and TV sets, loudspeaker devices, "monolithic integrated circuits," and so forth.

Western Electric has licensed Japanese firms in components, products, systems and processes which include: thin-film devices for semiconductor systems, semiconductors, solid electrolytic capacitors, transistors, central telephone exchange equipment including data processing and subscriber telephone handling systems.

Other American companies that have licensed Japanese firms include: Westinghouse, IBM, Sperry-Rand, CBS, Bendix, Zenith Radio, Fairchild Camera & Instrument, Allis Chalmers, Singer Co., Texas Instruments, and so forth. The licensing agreements cover color picture tubes, video tape recorders, computer data processing devices, navigational instruments, planar semiconductors including integrated circuitry, ceramic capacitors and micro-electronic equipment parts, pump turbines, and so forth. While the United States loses its technological advantage, foreign countries offer other inducement for American firms to locate abroad. For example, Taiwan offers foreign companies a 5-year holiday from income tax and low taxes thereafter. Cheap labor, mobility of resources, favorable interest rates, tax loopholes, immunity from various regulations and other concessions not available in the United States, are powerful forces driving U.S. production abroad.

It is time for the United States to recognize the new economic realities and to adopt measures to protect the American economy and the American worker.

The new economic reality is that all too often American finance and technology used abroad is competing with American workers. The new economic reality is that a great deal of what is traditionally considered foreign trade is a form of nonmarket trade, a trade between parent and subsidiaries in different countries. In such nonmarket trade, the prices at which goods such as parts, components, and finished product change hands are governed chiefly by taxation and accounting advantages obtainable in the various countries where the corporation is located. It is these new economic realities that justify new economic approaches.

Recently some people have warned about a possible trade war. What they do not recognize is that for some time, the United States has been engaged in an undeclared trade war: a trade war we are losing; with American workers being the first casualties.

Mr. President, my proposed legislation has the support of the International Union of Electrical, Radio, and Machine Workers, the International Brotherhood of Electrical Workers, and the International Association of Machinists. Together, these organizations represent nearly 2,225,000 workers. I ask unanimous consent that an analysis of my bill prepared by the IUE and my bill be printed in the Record at this time.

The PRESIDING OFFICER (Mr. Saxbe). The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the Record.

The bill (S. 4198) to provide for an equitable sharing of the United States market by electronic articles of domestic and of foreign origin, introduced by Mr. Hartke, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 4198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total quantity and value of consumer electronic products and accessories of foreign manufacture, including, but not limited to, television receiving sets, radio receiving sets, phonographs, record players, tape recorders, and chassis and accessories for such products, remote control devices, antennas and antenna rotators, and any combination of the foregoing, and citizens band transceivers, which may be entered, or withdrawn from warehouse, for consumption during any calendar year shall not exceed the quantity and value of such articles entered, or withdrawn from warehouse, for consumption during the calendar year 1966: *Provided,* That, commencing with the calendar year beginning with January 1, 1970, the total quantity and value of such articles which may be entered, or withdrawn from warehouse, for consumption for each ensuing calendar year shall be increased or decreased by an amount proportionate to the increase or decrease (if more than 5 per centum) in the total United States consumption of such articles during the preceding calendar year in comparison with consumption for the year 1966 as determined by the Secretary of Commerce.

Sec. 2. The total quantity and value of electronic components of foreign manufacture of the classes or kinds used in the manufacture of consumer electronic products, including, but not limited to, capacitors, resistors, inductors, transformers, coils, yokes and chokes, tuners, connectors, loudspeakers, TV picture tubes, electron receiving tubes, transistors and other semiconductors, record changers, turntables and tone arms, magnetic tape, and fractional horsepower motors, which may be entered, or withdrawn from warehouse, for consumption during any calendar year shall not exceed the average annual quantity and value of such articles entered, or withdrawn from warehouse, for consumption during the three calendar years 1964–1966: *Provided,* That, commencing with the calendar year beginning January 1, 1970, the total quantity and value of such articles which may be entered, or withdrawn from warehouse, for consumption for each ensuing calendar year shall be increased or decreased by an amount proportionate to the increase or decrease (if more than 5 per centum) in the total United States consumption of such articles during the preceding calendar year in comparison with the average annual consumption for the three-year period 1964–1966 as determined by the Secretary of Commerce.

Sec. 3. (a) The quantities and values of any consumer electronic product of foreign manufacture which may be entered, or withdrawn from warehouse, for consumption during the balance of the calendar year in which this Act becomes effective shall be equal to that proportionate per centum share of the imports of such article for the year 1966 which the number of days remaining in the calendar year bears to the full year.

(b) The quantities and values of any electronic component of foreign manufacture which may be entered, or withdrawn from warehouse, for consumption during the balance of the calendar year in which this Act becomes effective shall be equal to that proportionate per centum share of the average annual imports of such article for the years 1964–1966 which the number of days remaining in the calendar year bears to the full year.

Sec. 4. The Secretary of Commerce shall determine and allocate the allowable quantities and values of consumer electronic products of foreign manufacture and electronic components of foreign manufacture which may be entered, or withdrawn from warehouse, for consumption among supplying countries by category of product on the basis of the shares such countries supplied by category of product to the United States market during a representative period, except that due account may be given to special factors which have affected or may affect the trade in any category of such articles. In making such allocations among supplying countries, the Secretary shall give special weight to and favor the position of supplying countries which impose on imports of consumer electronic products and electronic components originating in the United States for entry into their countries conditions no more restrictive than those, including the provisions of this Act, imposed by the United States on such products of the manufacture of those countries when imported into the United States. The Secretary of Commerce shall certify such allocations to the Secretary of the Treasury.

SEC. 5 The Secretary of Commerce shall, upon the application of any interested party, determine whether there is sufficient production in the United States of any consumer electronic product or electronic component in conjunction with the imports of such article specified in this Act to meet estimated annual consumption of such article, and if a deficiency is found to exist, determine the increase in imports of such article required to meet such deficiency in the ensuing calendar year. The Secretary of Commerce shall certify such determination to the Secretary of the Treasury.

SEC. 6. The President is authorized to enter into negotiations with other governments for the purpose of consummating agreements to provide for orderly trade in consumer electronic products and electronic components in a manner consistent with the policy of this Act of providing equitable access to the future growth of the American market for both imported articles and articles of domestic origin. The President by proclamation may increase, decrease, or otherwise limit the quantity and value of such electronic articles from such country which may be entered, or withdrawn from warehouse, for consumption in conformance with such agreements.

SEC. 7. Notwithstanding the foregoing, the quantity and value of any such electronic article which may be entered, or withdrawn from warehouse, for consumption during any quarter of the calendar year shall not exceed the proportionate per centum share which the total quantity and value of imports of such electronic article accounted for during the like period of the calendar year ended December 31, 1966.

SEC. 8. All determinations by the President and the Secretary of Commerce under this Act shall be final.

SEC. 9. This Act shall become effective upon enactment.

The analysis, presented by Mr. **HARTKE**, is as follows:

ANALYSIS OF SENATE HARTKE'S BILL PREPARED BY THE IUE–AFL–CIO

The recent increase in the unemployment rate among American workers has aggravated an already serious problem of unemployment caused by the growth of foreign imports into our domestic market. This increase of imports during the 1960's was particularly pronounced in the consumer goods and one industry especially hard hit has been the electronics industry. What is most disturbing is that the imports continue to grow rapidly. While a number of electronic consumer products are already largely imported, still other products will soon also be manufactured abroad for the most part.

There are benefits to this country as well as to the importing countries in the development and growth of foreign trade. To achieve such benefits certain domestic problems can be tolerated. What has happened, however, in the electronics field is that the growth of imports has been so substantial as to severely dislocate the domestic industry, putting many workers out of jobs and virtually eliminating domestic production of such basic consumer items as radios and black-and-white TV receivers. What makes this uncontrolled situation undesirable is that the price advantage of the imported products largely rests upon the lower labor costs involved in the foreign production.

Most of the electronic consumer products are finding expanding domestic markets. There is certainly room for an orderly growth in imports that will not continue the serious adverse domestic impact of the recent past. This bill will provide a framework for such an orderly growth of imports. American manufacturers who want to continue manufacturing electronic consumer goods in this country deserve such a bill. American workers whose livelihood is at stake need such a bill. Most of all, this country needs such a bill to avoid further aggravations of an already serious problem.

Section 1 of the bill provides that the total quantity and value of any consumer electronic product and accessories of foreign manufacture that may be imported (or released from storage) for domestic consumption in any calendar year shall not exceed the quantity or value in which that product was imported (or released from storage) for domestic consumption in 1966. The proviso specifies that if the domestic consumption of an article increases (or decreases) more than 5% from the 1966 level, then the ceiling on imports of that article will be adjusted in an amount proportionate to the change in domestic consumption.

Section 2 of the bill parallels Section 1 with respect to electronic components of foreign manufacture of the types used in the manufacture of consumer electronic products. The base period here is the average for the three calendar years 1964–1966 inclusive.

Section 3 of the bill provides that during the year in which the bill becomes effective the formulas utilized in Sections 1 and 3 of the bill shall be applied but the amount of the base domestic production used to calculate the maximum on imports shall be reduced to the proportion of the base year or years consumption which corresponds to the proportion of the calendar year remaining in which this bill is enacted.

Section 4 of the bill provides that the Secretary of Commerce shall allocate to importing countries a share of the allowable imports of consumer electronic products and components of particular types based upon the amount of past imports of such products by such countries during a representative period. The Secretary is permitted in his allocation to give due account to special factors which have affected, or may affect, the trade in any types of electronic articles. The Secretary is to give special favorable weight in the allocation process to foreign countries which have no greater restrictions on imports into their countries from this country upon their imports of such articles. The Secretary is to certify to the Secretary of the Treasury the allocations made under this Section.

Section 5 of the bill provides that the Secretary of Commerce, upon any interested party's application, determine whether domestic production of any article involved in this Act in conjunction with imports allowed under this Act is adequate to meet estimated annual consumption of the article. If a deficiency in domestic production is found, the Secretary is to determine the increase in imports that is required to eliminate the deficiency on the next calendar year, and to certify his determination to the Secretary of the Treasury.

Section 6 authorized the President to enter into agreements with foreign countries to provide for orderly and equitable access to our domestic markets in accordance with this Act. In accordance with any such agreements, the President may by proclamation adjust the amounts of imports allocated to foreign countries pursuant to this Act.

Section 7 of the bill provides that the release into our domestic markets of imported articles covered by this Act shall be regulated on a quarterly basis.

Section 8 of the bill provides that the determinations of the Secretary of Commerce and President under the Act shall be final.

Section 9 provides that the bill is effective upon enactment.

SENATE JOINT RESOLUTION 227—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING THE SECOND SUNDAY OF OCTOBER OF EACH YEAR AS NATIONAL GRANDPARENTS DAY

Mr. TOWER. Mr. President, I wish to bring before the Senate today a matter which I feel is deserving of the official consideration of the Congress. For many years we have paused to honor and pay tribute to the mothers and fathers in this country, but we have not formally recognized those who contribute so much to our strength and heritage—our grandparents.

In this time of rapid change—when diversity has become a way of life, it is important to consider that which we hold in common. Let us call it the human condition. We have all loved and hated, realized dreams and been disillusioned, achieved and faltered. Eventually, we have come to realize that only the aging process has been able to properly bring these life forces into perspective so that understanding and true wisdom are possible.

But even as aging brings maturity, with it also comes a lessening of activity—and it is here that we must not let ourselves be deceived. Physical decline is not indicative of an outdated mind. Many a strong spirit or keen sense of judgment has been overlooked by the young, whose attentions are too often drawn only to the demonstrative in their midst.

Grandparents harbor a lifetime in their minds—a rich, valuable set of experiences and observations. They are wardens of a wisdom that comes from years of dealing with life's inconsistencies while simultaneously trying to bring and contribute something of themselves to life. This contribution is, in part, sharing their knowledge and experiences with those closest to them, and I am sure that the majority of us have benefited from this inheritance. Those of us who are fortunate enough to have known our grandparents will recall these exchanges as both enjoyable and positive character-building influences.

I feel that this Nation should pause to focus national and personal attention on our Nation's grandparents and for this reason am introducing this day a joint resolution to designate the second Sunday in October as National Grandparents Day. I urge my colleagues to join me in requesting the President to set aside this time to pay appropriate homage to those loved ones whom we otherwise honor and respect in our everyday lives.

The PRESIDING OFFICER (Mr. FULbright). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 227) to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day," introduced by Mr. Tower, was received, read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New York (Mr. Goodell) I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. Case), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Oklahoma (Mr. Harris), the Senator from Oregon (Mr. Packwood), the Senator from Texas (Mr. Tower), and the Senator from Ohio (Mr. Young) be added as cosponsors of S. 3596, to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. McCarthy), I ask unanimous consent that at the next printing of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women, the names of the Senator from Utah (Mr. Bennett) and the Senator from North Carolina (Mr. Jordan) be added as additional cosponsors.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 223

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Missouri (Mr. Eagleton), I ask unanimous consent that at its next printing, the name of the Senator from Maryland (Mr. Mathias) be added as a cosponsor of Senate Joint Resolution 223, to authorize and request the President to issue annually a proclamation designating January of each year as National Blood Donor Month.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 78—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE ON INTELLIGENCE, AND FOR OTHER PURPOSES

Mr. McCARTHY. Mr. President, I submit for appropriate reference, for the Senator from Oregon (Mr. Hatfield) and myself, a concurrent resolution to establish a Joint Committee on Intelligence.

Representatives Fraser and Whalen plan to introduce the same resolution in the House today.

The proposed committee, to be made up of seven Members of the Senate and seven Members from the House of Representatives, would provide stricter congressional oversight of intelligence agencies.

There long has been need for Congress to exercise increased supervision of intelligence operations, particularly over the Central Intelligence Agency. The influence of CIA operations on foreign policy has been demonstrated repeatedly over the years.

In my judgment this congressional responsibility can best be carried out by establishing a Joint Committee on Intelligence, as proposed in the resolution Senator Hatfield and I are submitting today.

The PRESIDING OFFICER (Mr. Tower). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 78), which reads as follows, was referred to the Committee on Armed Services:

S. Con. Res. 78

Resolved by the Senate (the House of Representatives concurring), That there is established a Joint Committee on Intelligence (hereafter, in this concurrent resolution, referred to as the Joint Committee) to be composed of seven Members of the Senate to be appointed by the President of the Senate, and seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than four members from either the House or the Senate shall be members of the same political party. Of the seven members to be appointed by the House of Representatives, two shall be members of the Committee on Foreign Affairs, and two shall be members of the Committee on Armed Services. Of the seven members to be appointed by the Senate, two shall be members of the Committee on Foreign Relations, and two shall be members of the Committee on Armed Services.

Sec. 2. (a) The Joint Committee shall make continuing studies of the intelligence activities and problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government. The Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Bureau of Intelligence and Research of the Department of State, Army Intelligence, Navy Intelligence, Air Force Intelligence, and other services engaged in foreign intelligence activities shall keep the Joint Committee fully and currently informed with respect to their activities. The Joint Committee shall seek to eliminate unnecessary competition and duplication of effort by the services engaged in foreign intelligence activities.

(b) All bills, resolutions, and other matters in the Senate or House of Representatives relating primarily to the agencies referred to in subsection (a) and to any other agency engaged in foreign intelligence activities shall be referred to the Joint Committee.

(c) The Joint Committee shall seek to insure that covert action programs are as few as necessary to guarantee the national security and that such programs are not inconsistent with publicly expressed national policy.

(d) The Joint Committee shall make continuing investigations and studies, and shall make recommendations, with respect to the practices and methods used in the intelligence services to classify information.

(e) Two members of the Joint Committee, one a member of the House and the other a member of the Senate, shall be appointed by the chairman to serve, at the invitation of the President, as representatives to, and nonvoting members of, the United States Intelligence Board.

(f) The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the Joint Committee or (2) otherwise within the jurisdiction of the Joint Committee.

Sec. 3. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a chairman and vice chairman from among its members.

Sec. 4. The Joint Committee, or any duly authorized subcommittee thereof is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

Sec. 5. The Joint Committee is empowered to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government on a reimbursable basis with the prior consent of the heads of the departments or agencies concerned.

Sec. 6. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman.

Sec. 7. The Joint Committee shall take special care to safeguard information affecting the national security.

SENATE RESOLUTION 440—RESOLUTION REPORTED INCREASING THE LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution (S. Res. 440); which was referred to the Committee on Rules and Administration:

S. Res. 440

Resolved, That the Committee on Armed Services hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 6, 1970, he presented to the President of the United States the following enrolled bills:

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

AMENDMENT OF THE CLEAN AIR ACT—AMENDMENTS

AMENDMENTS NOS. 824 AND 825

Mr. NELSON submitted two amendments, intended to be proposed by him, to the bill (S. 3229) to amend the Clean Air Act in order to extend the authorizations for such Act, to extend the provisions of title II relating to emission standards to vessels, aircraft, and certain additional vehicles, and for other purposes, and to provide for a study of noise and its effects, which were ordered to lie on the table and to be printed.

(The remarks of Mr. NELSON when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

REVISION OF THE FEDERAL ELECTION LAWS—AMENDMENTS

AMENDMENTS NOS. 826 AND 827

Mr. GOODELL submitted two amendments, intended to be proposed by him, to the bill (S. 734) to revise the Federal election laws, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. GOODELL when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

LOGJAM IN THE COURTS

Mr. SAXBE. Mr. President, the article I am about to submit for the RECORD speaks quite eloquently for itself. It was published in the current issue of Life Magazine and deals with what I regard as one of our major domestic problems, the alarming backlog in our courts, the inadequacy of a system that has not kept pace with the times.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"LOGJAM IN OUR COURTS"

(By Dale Wittner)

The criminal courts of troubled urban America are failing. Like once-fearsome scarecrows put out to keep away birds of lawlessness, they are tattered by neglect, familiar and even accommodating to professional hoodlums and incorrigible terrorists of society who walk free for months and years, waiting for trials that never come. To the innocent, the poor, the uneducated to the victims of crime and witnesses to it, and to honest policemen, many big-city courts are already a sham and a broken promise. So strained, so clogged with humanity have they become that substantial justice is only an occasional, almost accidental, product. A system drafted nearly two centuries ago to protect four million people does not work for 200 million. Until it does again, until swift and equal justice is restored, the prospect for law and order in the streets will not improve.

In every major city the symptoms are the same. Crime increases at an average rate of 14% a year, more than doubling every six years. Court backlogs of pending cases, which 10 years ago were measured in weeks, now add up to months and years. Harried judges, prosecutors and public defenders are forced to treat each case like a piece of unimportant manufacture on an endless assembly line. Prosecutions are haphazard. Justice is the subject of bargaining. The possibility of punishment diminishes—and with it, respect for the law.

If the criminal courts are in bad shape in almost every city, the place to see the chaos most clearly is New York, the nation's largest city. There, sheer weight of numbers has bowed the system to the breaking point and criminal justice has already lost its cherished precepts: the protection of society, the presumption of innocence, a speedy trial, a careful search for truth. Human beings are suffering—tens of thousands of them. But the true extent of New York's breakdown is seen in a dreadful array of facts:

Felonies—such as murder, armed robbery, aggravated assault, rape and burglary—increased more than threefold during the 1960s while New York City's population remained almost constant. In the same period the regular inmate population of state prisons, where convicted felons must serve their sentences, *fell* from almost 20,000 to about 14,000.

The city's police force has grown steadily to more than 32,000 men, by far the largest in the nation. Yet the odds *in favor* of a criminal escaping arrest for a felony remain about four to one. For those arrested, the chances of avoiding punishment have actually increased: barely one in five is ever brought to court on a felony indictment. The rest are released for lack of evidence or prosecuted for less serious misdemeanors, for which the average sentence is less than four months in a city prison.

For the one criminal in 20 unlucky enough to be indicted, there is still a 10-to-one chance that the chrages will be reduced before trial, especially if he is willing to plead guilty.

Thus the appalling arithmetic is that in New York City if you commit a felony, the chances of being arrested, indicted, found guilty on the original charge and then going to prison are a great deal less than one in 200.

In the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000, only 608 felony trials were completed. For misdemeanors and violations, the figures were almost as bad: 18,000 sentenced to jail out of 450,000 cases.

The Criminal Court began 1969 with a backlog estimated at more than half a million cases. During the year, 20 new judges were added to alleviate congestion. Yet by the start of 1970, the backlog had risen to almost 700,000 cases and was increasing each month. For every three cases brought to court, only two are disposed of. At the current rate it would take two and a half years to clear the calendars, assuming no new arrests were made.

Each backlog case represents at least one criminal suspect for whom the court has not had time to reach a verdict. For reasons more often practical than humane, 99% of those defendants are free on bail or pretrial parole.

New York City jails have a planned capacity of under 8,000. Yet last week the census of those squalid pens was over 14,000. More than 8,000 of these prisoners had not been convicted of anything at all but were simply awaiting court appearances. A recent sample showed that more than a quarter of these pretrial inmates had been behind bars for more than three months; nearly a thousand had been there for more than six months, and 143 for more than a year. Among them were 546 awaiting trial for murder.

Many defendants, after long detention, hear the charges against them dropped for lack of evidence. Others finally plead guilty and are freed, their sentence being the time they have already served. Thus for many, not only has the presumption of innocence disappeared from the courts, but the sentence is served before the case is even judged.

The criminal justice system is hinged on the theory of a speedy trial. It is from the court's hopeless inability to compel prompt trials that every other failure of the city's system has followed. Ironically, it is only to the innocent that the Sixth Amendment's promise of a speedy trial means anything. To the guilty, delay is the most effective ally, the surest obstruction to the judgment they fear.

A prosecution is a fragile thing. A case that is strong a month after the arrest may be no case at all by the time it is finally called for trial. "Evidence grows stale or is lost. Witnesses die or simply disappear. The memories of police officers and witnesses fade, often just enough to raise the reasonable doubt that requires a jury to acquit rather than convict. An assistant district attorney, inheriting a case weakened by long delay, must weigh the chances of conviction. When they favor the defendant, he either dismisses the charge altogether to save the state the expense of a futile trial, or he tries to strike a bargain in which the severity of the charge is reduced in return for a plea of guilty. In legal jargon this practice is known as "plea bargaining." It has become such a flagrant part of New York City justice that another metaphor has evolved: "giving the courthouse away." Yet it is the only way, under the current system, that the courts keep moving at all. Thus it has many defenders, including the Chief Justice of the United States (*page 26*).

With the calendars of many courts regularly listing 70 or 80 cases a day, the average judge is buried under tons of paperwork. He no longer has enough time for listening to testimony and for deciding guilt or innocence Instead, judges have been relegated by the system to the function of clerks. They are paid $30,000 a year, privileged to wear judicial robes and occupy elevated seats under the words "In God We Trust." But for most of them, a court day consists of overseeing a roll call of cases, adjourning most of them to new dates in other court sections, waiting for defendants, attorneys and witnesses to appear, and occasionally rubber-stamping a bartered guilty plea and sentencing the defendant.

Much of the power once held by the judge has fallen to the prosecutor. Frank Silverstein, 29, graduated from Brooklyn Law School only a year ago. Now, at a salary of $11,000, he is a criminal court assistant to the Bronx District Attorney. To the hundreds of people who each day cross the obscenely scribbled threshold of the Bronx Criminal Courthouse, young Frank Silverstein is the fulcrum of justice; he is the law.

Through his hands—and those of 14 other young lawyers like him—passes virtually every criminal prosecution in a county of 1.5 million people. With each case come human problems that must be answered immediately. A detective who has made an arrest presses Silverstein to decide whether the suspect should be charged with a felony or a misdemeanor. The exasperated victim of an assault and robbery, her testimony still not taken after half a dozen futile, all-day trips to court, wants to drop the charges.

XUM

Silverstein tries to dissuade her. A youth charged with a penitentiary offense of burglary hopes the prosecutor will accept a guilty plea to petty larceny, a misdemeanor. A women claims to have been raped and the suspect swears it never happened; Silverstein must decide whether or not there is enough evidence to prosecute the man.

Most of a prosecutor's decisions are made in hurried, whispered conferences with defense attorneys, after only a few seconds of flipping through case papers and police reports. Yet his are the judgments that will alter the lives not only of the defendants but of their families, of the victims, policemen and witnesses.

"The power of this job is incredible," says Silverstein. "It's more than any one man should have. Do you know what it's like to face a defendant in court and know that if he is convicted, or even if he is held in jail for trial because he can't make bail, he is going to lose his job and his family will have to go on welfare? It wouldn't be so bad if you had all day to study the facts. But there you are in court with maybe 30 cases yet to go, and the judge wants to get on to the next one. You have to say something and say it fast."

Of his negotiating power, Silverstein rationalizes that in a case weakened by delay "it's better that a guilty defendant be convicted of *something* without a trial than turned loose by a jury because the evidence has become too weak to get a conviction. Even when you drop charges entirely, you figure that at least you've disposed of a case." And disposition of cases, far more than careful justice, has become the bench mark by which the city's criminal courts are measured.

"In the year I've been here, I've learned to be pretty practical about this business," says Silverstein. "Now I know how the system functions and, even if it is screwed up, as long as I have this job I've got to try to make it work for those people out there." A hitch of his thumb takes in the entire Bronx. "When I get a case, I try to look at it objectively, to figure out what the eventual disposition would be considering all the delays and everything else.

"If I get a burglary, for example, that I think would have to be disposed of as a misdemeanor after a string of adjournments, I figure it's better to get it out of the way at the first or second appearance than have it kicked from one judge to another for maybe a year. So if I've had time to look at the case at all, at the first appearance I'll try to get a discussion going with the defense lawyer—please, don't call it 'giving the courthouse away.'"

DISMANTLING OF MEDICARE NURSING HOME PROGRAM

Mr. MOSS. Mr. President, on April 10 I addressed the Senate describing the step-by-step dismantling of the medicare nursing home program and the reprehensible practice of retroactive denial of claims.

On May 7 my Subcommittee on Long-Term Care, of the Special Committee on Aging, held hearings to look into these important questions. One of our witnesses at that time was Dr. Frederick W. Offenkrantz, medical director of the Cranford Health and Extended Care Facility. His effective and important testimony has been summarized in a recent column by Mr. Theodor Schuchat, retirement editor for the North American Newspaper Alliance.

I ask unanimous consent that Mr. Schuchat's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Medicare Hits Clerical Snag

(By Theodor Schuchat)

There is a bit of bureaucratic jargon that is becoming fearsomely familiar to thousands of Medicare patients and their families—"retroactive denial."

The phrase applies to all too many Medicare patients who are transferred to skilled nursing homes for extended care after a spell in the hospital. It means that patients have to pay bills they thought would be covered by Medicare.

Extended care is supposed to reduce Medicare costs by moving patients who no longer need the costly full range of hospital services. In general, Medicare pays most costs for the first 20 days of extended care and all but $5 per day for the next 80 days.

Each patient's need for extended care is checked three times. Every Medicare hospital has a utilization review committee to see that patients do not linger when they could be healing elsewhere at lower cost.

Nursing homes, too, make Medicare utilization reviews. So do the insurance companies and Blue Cross organizations that pay Medicare bills, acting as Uncle Sam's fiscal intermediaries.

As Medicare's costs have soared beyond expectations, the fiscal agents have been instructed to deny more payments for extended care, despite protests by doctors and patients.

The Health and Extended Care Center in Cranford, N.J., for example, was recently notified of retroactive denial of Medicare payments for 18 patients—all in one day. The nonprofit center's medical director, Dr. Frederick W. Offenkrantz, protested to Sen. Frank E. Moss, D-Utah, who is chairman of the subcommittee on long-term care of the Senate Special Committee on Aging.

"In many cases, no portion of the patient's chart, except for an initial checklist, was requested or reviewed by the individual making these cutoffs, which, of course, should be medical judgments," Dr. Offenkrantz noted.

"In every instance, the cutoff was made retroactive up to as much as seven weeks from the date of our notification," he continued. "Sometimes this was to the date of the patient's admission to this facility. In several instances, the date of cutoff was actually after the death of the patient."

Often the physician familiar with these cases flatly refused to order them out of the nursing home, according to Dr. Offenkrantz. "Because of the severity of the patient's illnesses, these physicians felt strongly that discharge would constitute malpractice.

"I must call to your attention," he told the Senate subcommittee, "that if this constitutes malpractice on the part of the attending physician, it constitutes malpractice on the part of the intermediary in so ordering, contrary to our combined medical advice.

"Since many of these victims come from poor areas—many being inner-city ghetto residents from Newark and Elizabeth—they cannot afford the charges," Dr. Offenkrantz pointed out, "and as a nonprofit facility, we are deeply in debt because of those denials which are made long after we, in all good faith and honesty, have rendered the service."

Dr. Offenkrantz is not unfamiliar with bureaucracy, having spent 6 years as an Army medical officer in World War II. Once he declared the water supply of Townesville, Australia, unfit for our soldiers to drink. Called on the carpet by Gen. Douglas MacArthur personally, Dr. Offenkrantz stood his ground and his medical judgment prevailed.

Displaying comparable courage, he told the Senators, "Judgments on the part of the government and its agent are being made by incompetent, unskilled, disinterested, uninformed, or misguided personnel in the Medicare program.

"Nowhere in government or public services does the question of human life and well-being become a matter of large numbers and special concern as it does with the Medicare admission to hospitals and extended care facilities," Dr. Offenkrantz reminded the subcommittee.

"The citizens affected here are not young people with tremendous powers of recovery," he said. "They are geriatric patients in whom errors of judgment can well be fatal.

"How can all of this be discredited at the whim of a clerk or young nurse functioning in Baltimore or Newark for the thousands of extended care patients in New Jersey and elsewhere?"

LEAGUE OF FAMILIES PROPOSES JOINT SESSION

Mr. DOLE. Mr. President, the National League of Families of Prisoners of War in Southeast Asia has played a leading role in efforts to publicize the situation of more than 1,500 American servicemen who are prisoners of war or missing in action in Indochina. Working alone, with civic organizations, veterans groups, and Members of Congress, these brave and tireless family members have helped generate substantial publicity within our country and throughout the world on behalf of their husbands, sons, and brothers.

The League of Families feels that the force of world opinion is the single most important influence for fair treatment and eventual release of their men. They feel that if Hanoi can be shown the American people sincerely care about POW's and MIA's that they will be forced to live up to the obligations of international law and human decency.

One idea proposed by the League of Families for publicizing the depth of American concern on this issue is that the Congress meet in joint session to discuss prisoners of war and to hear their story from Government officials, concerned citizens, and family members.

I believe this proposal deserves serious consideration and attention by all members of this body. I ask unanimous consent that a statement of the League of Families outlining their proposal for a joint session be printed in the Record, so that Senators may familiarize themselves with the details of this suggestion.

There being no objection, the proposed was ordered to be printed in the Record, as follows:

Statement

The members of the National League of Families of American Prisoners and Missing in Southeast Asia are becoming increasingly concerned about the welfare of our men who have now been held captive by the communist forces for periods ranging up to six years.

Time may very well be running out for some of these men—more than 400 U.S. servicemen who have been identified as captives and some 1100 who are missing and believed to be captives. Of course, we are equally concerned about all other Americans—military and civilian—who share this fate.

The United States cannot afford to forget these men, even for a single day. And we believe that all agencies of the executive branch of the government, as well as all of the leaders of our national legislature must continuously exert new pressures to see that these prisoners are accorded humane treatment, and that they are set free at the earliest possible moment.

These objectives, which are the main objectives of the National League of Families, cannot be achieved, however, unless the spotlight of concern is maintained week after week, month after month, until the prisoner-issue is resolved.

The families of these men are deeply grateful for those actions the Congress has taken on behalf of the prisoners. We are fully aware of every effort that has been made by members of both Houses.

But, we believe it is essential that Congress not allow itself to be satisfied with the efforts of the recent past. Although these efforts were meaningful, the fact is that the men are still prisoners. And that we have no assurance (other than a slightly larger trickle of mail from those held in North Vietnam) that their lot has been improved.

Under the conditions in which these men are held captive (many in isolation, many incommunicado, all ill-fed, ill-treated, and ill-cared for) they cannot be expected to endure forever. Many have now been prisoners for four, five and six years.

Therefore, the Congress must miss no opportunity to aid them.

We strongly feel that the prisoner-issue must be presented to the American public in a forum that will capture imagination and the attention not only of our own citizens but those of the entire world. Our men desperately need such a forum.

That forum can only be provided by a joint meeting of the U.S. Congress, with the ambassadors, ministers and representatives of the foreign nations in attendance.

We recognize that some in the Congress possibly might feel that a joint meeting for such purpose would raise questions of precedent. But we cannot escape the feeling that precedent is a shallow concern compared with the lives of these brave Americans who have sacrificed so much for our nation.

And, too, there has already been established the precedent of convening joint meetings of the Congress to applaud the successes of our space teams. Surely these achievements, magnificent thought they have been, cannot be more important than our commitment as a nation to the freedom and liberty of man. This, after all, is the very bedrock on which our democracy stands.

There could be no more stirring evidence of our national concern for man's humanity to man than a joint meeting of the Congress focused on the forgotten Americans of the Vietnam War.

When these men are released, they will want to know that their Government left no stone unturned in its efforts to help them.

It could very well be that a joint meeting of the Congress is the *very stone* under which the solution to the prisoner issue lies—waiting to be exposed to the sunlight.

Details of the meeting would have to be carefully worked out, of course, but as we envision it, we would hope that it could open with an address by the Secretary of State, who would review the overall prisoner-issue and highlight the unsuccessful efforts that have been made to obtain adherence to the prisoner-of-war regulations detailed in the Geneva Conventions. This could be followed by the appearance of three or four former prisoners who have escaped or been released from communist prisons in Laos, South Vietnam and North Vietnam and who could relate their experience. And, we would hope, that three or four wives and parents (particularly some of those who have traveled abroad and confronted the enemy only to receive broken promises) also would have an opportunity to briefly detail their plight. The families of men taken prisoner in the South have endured a particularly distressing circumstance, inasmuch as none of these men has ever been allowed to write a single letter.

If the House and Senate leadership in both parties would spark the drive for a joint meeting, we feel there would be little chance that it would fail to materialize.

On behalf of our imprisoned and missing men, their wives, children and sorrowing parents, we urgently beseech you, therefore, to take whatever steps are necessary to bring about a joint meeting of the Congress so that the representatives of the people, and the people themselves, may be permitted to see the problem with new eyes and open hearts, and be encouraged to raise their voices and their hands in a national outpouring of sympathy and assistance for those who are held or believed to be held captive by the communist forces in Southeast Asia.

4–H CLUBS IN THE INNER CITY

Mr. TYDINGS. Mr. President, for the past 50 years 4–H clubs have helped youngsters in rural communities learn valuable skills and provided opportunities for community service. It is a fine development, however, that today's total 4–H club membership of 3.5 million includes about 1 million urban young people from ages 9 to 19.

In an excellent article published in the Wall Street Journal of July 27, Leanne McLaughlin documents the flexibility of 4–H clubs in adapting to the needs of these newest urban recruits. Obviously the skill needed to raise a prize-winning steer and other exercises in animal husbandry are not particularly interesting to inner city youth. Instead, projects have included organizing residents of a public housing project to clean up the litter that had resulted in several elevator fires, or getting the city of Washington, D.C., to install crosswalks and playground signs in a neighborhood.

I ask unanimous consent that this very interesting article about 4–H expansion into urban areas be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

4–H CLUBS OPEN UNITS IN GHETTOS TO TEACH KIDS HOW TO "SURVIVE"

(By Leanne McLaughlin)

Ollie Saunders hardly fits the stereotype of a 4–H Club member. He is 11 years old, black and lives with his mother and three brothers in a two-room apartment near Cleveland's run-down Hough section.

Yet every Saturday Ollie attends the meetings of the Eager Beaver 4–H Club in a community center near his home. His latest project was a shoeshine box that he built and that he uses to earn money after school. "4–H is like school, but better," he says. "You learn things to help you now, not just for when you graduate."

As Ollie's experience illustrates, 4–H clubs, once limited almost exclusively to farms and small cities, have taken hold in many large cities. The move is a recent one—most city 4–H clubs are less than five years old—yet today's total 4–H membership of 3.5 million includes about one million urban young people from nine to 19, many of them black.

Rural 4–H'ers still spend a lot of time raising prize steers, much as they did 50 years ago when the organization began. Urban branches of the organization don't go in for animal husbandry, of course, but they have adapted the group's traditional, intensely practical approach.

"Our kids don't have to know how to make Indian head bands; they need to know how to survive in the city," says John Thompson, a former Boston Celtics' basketball player who directs the Washington, D.C., 4–H program. "We teach them how to make their own dinner, sew their own clothes and budget their bus money so they can get to school. We figure these skills will help pull them through the impossible odds they face in their neighborhoods each day."

"SURVIVAL" COURSES

4–H is just one of many youth groups that have taken up residence in poor city neighborhoods in recent years. Its program, however, is significantly different from those of other such organizations. For one thing its program is financed through local county governments and the Department of Agriculture and staffed by workers on the payrolls of local land grant colleges. This backing makes it possible for 4–H to have a professional staff, instead of depending on volunteers.

Like its farm program, city 4–H puts a good deal of stress on competition, believing that blue ribbons can bring much needed recognition to children who often receive little of it.

Almost 60% of city 4–H club members are girls. Girls tend to be overlooked by other groups at work in the central city, but 4–H officials believe that young girls are an especially important group because many of them are put in charge of running their households at very young ages. The club teaches them basic housekeeping skills plus such "survival" courses as how to use food stamps, feed six people nutritiously on $20 a week and obtain a good credit rating.

Critics contend this program seems to be aimed at teaching a whole new generation of girls how to live on welfare and like it, but 4–H says that isn't the intention at all. "Sure our programs teach girls how to make the best of a bad situation, but what we're really trying to do is stabilize the girls' homelives so they can give more attention to real careers when they're older," explains a black 4–H worker in Oakland, Calif.

TOO SQUARE?

4–H clubs have faced some obstacles in establishing themselves in central city areas. Many potential members view the organization as "square" because of its farm antecedents. Thus, to atract new members, some city organizations avoid the use of the 4–H name. "We let members call themselves the Green Buccaneers or whatever, but club activities still stress the old 4–H approach of learn by doing," says R. O. Monosmith, California's 4–H director.

Even so, some individual 4–H'ers must put up with some ridicule from their peers. "The other guys laughed at first; they thought I was going to be some kind of farmer," admits Lee Fenner, 13, a member of the Washington Imperial Drum Corps 4–H Club, which specializes in playing military marches. But he proudly adds: "Now they envy me. My club goes neat places to play, and we've been on television."

Urban 4-H'ers are allowed to tailor some of their own programs, picking projects that appeal to them. Young people in Long Island clubs learn how to make and fire their own miniature space rockets. Teen members in Rochester, N.Y., hold seminars on drugs, alcohol and sex. And 4-H'ers in Syracuse, N.Y., and Oakland, Calif., study judo and karate.

Once the youngsters gain confidence, 4-H leaders encourage them to do projects in their communities. One Washington group is credited with putting pressure on the city to install crosswalks and playground signs in a neighborhood. Another Washington group organized residents of a public housing project to clean up the litter that had resulted in several elevator fires.

Serving the community has long been a goal of 4-H clubs. The four Hs stand for head, heart, hands and health, and the club's pledge reads: "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service and my health to

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better living for my club, my community and my country."

Whether urban 4-H helps slum kids to any appreciable degree remains to be seen. Most programs in low income areas are less than two years old, and leaders admit those they reach may not be the type of youngster likely to get in trouble anyway.

Nonetheless, there have been some notable examples of young people who have been helped.

"I saw a seven-year-old boy, whose only diversion was smoking marijuana on the street corner, join our Clover Buds pre-4-H program for younger children and become enthusiastic about nutrition, instead of drugs," says Mrs. Nancy Smith, a Camden, N.J., leader. "Now when his parents fight and send him out alone on the street, he knows he can come to the club and talk to an understanding adult. However, small, that's progress."

POLLUTION AND ITS CONTROL

Mr. TOWER. Mr. President, I invite the attention of Senators to an editorial in the Western Livestock Journal dealing with the need for a certain amount of perspective in the current campaign against pollution. The essence of the article is that we need to examine and act on the facts of pollution and its control, rather than on emotional responses to the visible degradation of our environment. This will be the only long-run method for solving pollution problems which will succeed. I ask unanimous consent that the editorial, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE EDITOR COMMENTS

Hysteria over pollution, poverty and quality of life is a current communications-fanned phenomenon which could bring regrettable actions.

Suddenly "pollution" has become the dirtiest and one of our most-used words. Suddenly "poverty" is something just discovered. Suddenly "quality of life" in these United States is rapidly deteriorating.

Suddenly people with questionable qualifications are quoted unequivocally on the individual and life-on-this-planet-shortening effects of everything from the pill to cigarettes to saturated fats to hydrocarbons to nitrogen in the soil.

Intensity and volume of the bombardment upon the auditory and ocular senses have rarely been equaled. Suddenly columnists, commentators, demonstrators and people in public life are on the bandwagon. The situation is "red alert." A single day's delay in massive corrective measures will be fatal.

Problems? Yes, pollution, poverty and quality of life are problems. They require action. But it should be action based upon facts not hysteria. Action with full realization that each of the three problems can be lessened but not completely erased. Action based upon the greatest good for all, not the possible ill effects for the few.

Sprayed herbicides can be detrimental but think of the watershed improvement they can bring through eliminating water-hogging brush in favor of grass cover which slows erosion, increases and makes more uniform the yield of water and, incidentally, provides added grazing for livestock.

For a moment let's look at the quality of life business and its purported deterioration. For whom? Was there ever a time when as high a percentage of U.S. people was living as well as today? Was there ever a time when so many people had access to so many recreational facilities . . . fishing, skiing, water sport, hunting, vacationing, zoos, parks, museums, art galleries, theaters, not to mention television and radio? Was there ever a time when so many people had so many niceties for comfortable living . . . transportation, comfortable homes including regulated heat, air-conditioning, modern lighting and appliances, in-home entertainment? Was there ever a time when so many people had as much time for the enjoyment of material and spiritual things due to the fact that less hours of each day, week, month and year are required to produce a livelihood? Was there ever a time when so many people were so well informed? Was there ever a time when so many people were so widely traveled? Was there ever a time when so many people had the needed purchasing power and the variety quality and quantity of tasty, healthful foods for "the good life?"

Quality of life? Just where is it deteriorating? From the material aspect, today it is the most advanced in all the history of mankind. This doesn't necessarily mean that people are any happier, though certainly life today is easier, doesn't have the drudgeries of the past.

Poverty? The problem is real, it is pressing. But it should be remembered that poverty is a matter of degree and of viewpoint. We might consider a particular person, family or community poverty-stricken whereas the subjects might not so view their plight.

Regardless of income level, there are few of us who do not have additional wants. As the whole level of living advances, the relative spread between stratas may not lessen. The well-to-do level of today may be the poverty level of tomorrow. So we will always have poverty with us. Which fact does not lessen society's responsibility to see that, regardless of reason for their state of affairs, children, who have no control over that state, are fed, clothed and educated. Humanitarian motives dictate this, but materialistic considerations are served since the end cost can be much less in seeing that these grow up to be contributors to society rather than drags upon it.

Pollution? Nowhere in agriculture does this problem focus more than upon the feedlot industry. And that industry is taking gigantic strides for control of both the air and stream contamination.

Meanwhile, perhaps the "silent majority" in agriculture better act as a safety valve on the boiler that today is about to explode from the pressure of current hysteria over pollution, poverty and quality of life.

CAMPUS UNREST

Mr. ALLEN. Mr. President, the Montgomery Advertiser-Journal of July 26, 1970, contains an interesting and timely editorial entitled "Should Student Mobs Rule?"

Feeling that this excellent editorial will be of interest to the Senate and to the public generally, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHOULD STUDENT MOBS RULE?

The amazing report released Thursday by Dr. Alexander Heard, President Nixon's special consultant on campus problems from May 8 to June 30, suggests that Nixon should give the highest priority to student attitudes when formulating foreign and domestic policies.

Heard, Chancellor of Vanderbilt University, and Dr. James E. Cheek of Howard University, summarized their findings which, in the main, seem to suggest that the only wisdom in the country is that possessed by students, who regard "the whole social order as being in a state of erosion." They deeply resent "repression" (translation: Agnew's criticism of their disruptions and riots), and are the embodiment of integrity, idealism and passion which should be given paramount consideration.

How much integrity, idealism and wisdom are required to close universities, burn and bomb buildings, and wreck the educational opportunities of serious students does not appear to be answered by Heard and Cheek.

Nor have they paid any evident attention to the warnings of other educators and leaders about the New Left McCarthyism on campus. It was assailed by Senator Margaret Chase Smith, Presidents Nathan Pusey of Harvard (who saw Nazi parallels) and Kenneth Pitzer of Stanford, among others.

Heard and Cheek had ears only for students, not the general public. According to a recent Gallup Poll, an overwhelming ratio of Americans (5 to 1) opposed the recent student strikes focused on the Cambodian expedition.

This decisive majority of the population is to be ignored, as we read Heard and Cheek, who have answered the question of Prof. K. Ross Toole of the University of Montana. Toole asked some time ago:

"By virtue of what right, by what accomplishment, should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?"

Although not directly addressing their report to this question, Heard and Cheek answered: By virtue of every right. That is at least a forthright advocacy of an adolescent autocracy.

Considering the time-span of the Heard study, we are left to conclude that he believes campus turmoil began with Cambodia. It didn't. It began, for all practical purposes, six years ago at Berkeley with the filthy speech movement.

Since then it has spread, usually with violence in one degree or another, to hundreds of institutions with almost as many issues—black studies, "irrelevant" curricula, war, retructuring universities, academic discipline, the high cost of off-campus rent—any issue at all. Or none.

And what has been the result? Before the Heard summary was released, educational specialist Fred M. Hechinger, a member of the New York Times editorial board, released his study.

In 1964, he wrote, optimists saw Berkeley as the beginning of sweeping educational reforms and reaffirmation of academic freedom. Pessimists were concerned over a movement that "justified questionable means in the pursuit of only vaguely conceived idealist ends."

The pessimists were worried about the political radicalization of campuses. Hechinger concluded from the hearings by the President's Commission on Campus Unrest (a study separate from the Heard inquiry) and from his interviews with 11 university presidents, that "the pessimists were more nearly right."

Universities have grown weaker. Many are in a state of economic crisis and "their influence in the nation at large has been diminished."

Following are some excerpts from Hechinger's report:

"What emerges is a tug-of-war between the views of those who want to believe that the students know everything (Heard and Cheek, for example?) and those who insist that the students know nothing. Neither view is realistic . . .

"Students are capable judges of many flaws in their education and the collegiate environment. But their knowledge about the relationship between the universities and national policies and the eventual reform of society and the world is shallow and immature."

"Their interpretation of the power and the politics that motivate and move rival forces is as unrealistic as their judgment of the actual attitudes and aspirations of many of the people whom they would like to help. Their lack of economic realism is destructive, and the universities bear the brunt of this. . . .

"Political radicals have no interest in (real) reforms because they would strengthen institutions which they would love to topple. Faculty members, who tend to be more activist about the flaws of society than about the deficiencies in their own departments, tend to give in to the students' political demands more eagerly than to a reappraisal of education . . .

"The politicizing of the campus, even under such grave provocations as the Indochina war, has moved the universities to the brink of disaster. In the days of the right-wing McCarthyite onslaught on academic freedom, the universities' defense was that, contrary to the Know-Nothing charge, they were not engaged in political indoctrination; they were rather the free testing ground of ideas."

If it can be shown, Hechinger continued, that "universities today are in fact becoming places of political partisanship where radical students and their faculty allies suppress other views, then the universities will render themselves defenseless because their actions would be indefensible."

Stereotyped ideological demands and the rhetoric of power have contributed little to rational thought, Hechinger found:

"The students, in ignoring cause and effect, have been blind to the devastating consequences of declining financial suport, perhaps because the radical movement is led by the sons and daughters of the rich who never had to worry about who pays for their own needs.

". . . Donors and taxpayers will be increasingly reluctant to pay for universities which they regard as political rather than academic enclaves. Insensitivity to this danger will hurt those most whom the concerned students want to help—the poor, who will be frozen out by any fiscal retrenchment."

Finally this, which is a direct answer, in advance, to Heard's urging that Nixon pay more attention to students than millions of voters and taxpayers:

"It is highly doubtful that the universities could effectively force political policy decisions on the American people, no matter how hard they might try. It would be tragic if in their inability to know what they cannot and should not do, the universities were to undermine their capacity to accomplish what they can and ought to do in the service of scholarship and society."

Heard said that events of this summer—presumably the Nixon Administration's surrender to college radicals—"would determine which colleges and universities open this fall, and under what conditions."

No. The radicals and their co-conspirators on the faculties will determine that. No president or other leader can be ruled by a mob, however elite and omniscient it considers itself.

LT. CHARLES HEMINGWAY

Mr. DOLE. Mr. President, I recently received a very warm and inspiring letter from Mr. W. E. Hemmingway, of Dodge City, Kans. Mr. Hemmingway told of a journey he and Mrs. Hemmingway had made to West Point to attend Memorial Day ceremonies and visit the grave of their son, Lt. Charles Hemmingway.

Lt. Chuck Hemmingway was extremely popular and well-liked especially by his colleagues in the Vietnamese army. After his death, a Vietnamese army major composed a poem in memory of Chuck, and it has been displayed at the West Point library at the request of his parents. Some idea of the type of young man Chuck Hemmingway was is contained in some words he wrote to a cousin after graduation from West Point.

Mr. Hemmingway shared these words with me in his letter:

> I'll say one more thing then I must close. This I say to you as a soldier. Remember there are men fighting and dying every day so you can walk into a free classroom and learn the facts, so you can walk into church and worship, so you can watch that television and laugh. Don't let yourself down and don't let the memory of those men down. Remember these men for what they could have done in peace, whether it be clear a country field or write a book. Since they have died for us, we are going to have to do that much more. That is the challenge with which I leave you.

The full story of the Hemmingways' visit to West Point was reported by Chris Farlekas in the Middletown, N.Y., Times Herald Record of June 1, 1970. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

In '65, a Graduation; in '70, a Wreath for a Grave

(By Chris Farlekas)

West Point.—Five years ago, Mr. and Mrs. William Hemmingway came to West Point from their home in Dodge City, Kan., to see their son graduate.

Five years later, they made the journey again, but this time it was to place flowers on his grave and to participate in a special ceremony on Memorial Day.

The ceremony also marked the next-to-last step of a 12,000-mile odyssey of a poem about their son, Lt. Charles Hemmingway.

Hemmingway graduated from high school as "the person most likely to succeed." At West Point, he was one of the most popular cadets.

He grew to love the Hudson River Valley. He did volunteer work with migrants and underprivileged children.

He married after graduation and was sent to Vietnam, where he died June 13, 1967. Four months later his son was born.

He is buried in a neat, orderly row with other men from the class of 1965 who were killed in Vietnam.

His parents treasure letters about their son, one, from a fellow officer, reads: "A pall of gloom hangs over the barracks. We all liked him more than we should have liked anyone in a combat theater . . .

"I ran into an old American first sergeant from the Quang Tri area, one of the roughest men in the Army. When he heard about Chuck, he broke down and cried."

The Vietnamese soldiers, to whom Hemmingway was an adviser, also loved him. Once during a monsoon he carried the men across a river, one at a time, on his back. These and other kind acts caused Vietnamese Maj. Tran Quoc-Lich to write his poem: "Memory of a Friend."

The 20-line poem was kept in Vietnamese Army headquarters.

Last summer, Maj. Sava Stepanovitch was in Vietnam on a temporary duty tour. He is a Frenchman and an old Vietnamese hand. He parachuted into Dien Bien Phu for that last climatic battle in 1954 before the French retreated from Indochina.

He joined the American Army five years ago and is currently teaching French at the academy.

He was with Hemmingway in Vietnam.

Last autumn he brought back the scroll with the poem. It was placed in the library foyer.

When he found that the Hemmingways were coming to West Point for Memorial Day, he arranged Saturday's ceremony. Officially, the scroll was presented to them. They are leaving it at the library on display for the summer.

In the autumn, it will be taken to Dodge City.

After the ceremony, the Hemmingways talked of their son. They tried to keep the remembered incidents light and joyous, but pain betrayed their thoughts as they spoke.

Hemmingway's grandmother, who took her first plane ride at 72 to come, kept remembering "a little boy who crawled way underneath the bed so he wouldn't have to leave the farm."

Hemmingway's life will be a feature in the autumn edition of the West Point alumni magazine.

So when the leaves turn, the scroll will complete its journey and be at home in Dodge City.

Part of the poem reads: "You lost your life. Why did it end? I will remember you my friend. I'll write your name in our history; 'A courageous soldier died for liberty.'

"One day, the war will be over in our country. I'll go to the United States to see your grave, on which I'll place flowers with much regret and affection."

THE 1925 GENEVA PROTOCOL MUST BE RATIFIED

Mr. PROXMIRE. Mr. President, the continuing fight for human rights requires vigilance and intense commitment from all of us. I draw the Senate's attention to the laudable initiative for peace taken by President Nixon last November when he announced his decision to recommend the 1925 Geneva Protocol, outlawing chemical and biological weapons, to the Senate for expeditious ratification. This initiative certainly came at a propitious time and with considerable flourishes of publicity. This move was viewed by many observers as a dramatic, statement of commitment on a vital international human rights and disarmament issue.

Since the furor of November, the dust has been allowed to settle on this treaty to the point that many Americans have just assumed that the Geneva Protocol has come down to us for ratification. I wish to remind my colleagues that this is not the case.

I do not doubt President Nixon's sincerity and commitment on this issue. He has been a strong supporter of many human rights measures, such as the Genocide Convention. Thus I hope that the Geneva Protocol will be submitted to the Senate in the very near future.

The pursuit of peace often rests on a delicate balance. A large part of the initiative and dynamic leadership in disarmament must now come from the United States as the world anxiously watches. This is not the time for hesitancy. An editorial published in the St. Louis Post-Dispatch of July 25 makes this point. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editori-

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al was ordered to be printed in the RECORD, as follows:

MORE THAN AN EMBARRASSMENT

In one of those moments of unctuous piety which so often substitute for action, President Nixon announced he would, as "an initiative toward peace," send to the Senate for ratification the 1925 Geneva Protocol outlawing the use of chemical and bacteriological weapons. That was back in November and Mr. Nixon's hesitancy to submit the treaty, as Ambassador to the United Nations Yost delicately but pointedly reminded his chief the other day, is becoming a matter of some embarrassment.

It is, after all, hardly a matter for national pride that 84 other countries have signed the protocol, leaving the United States as the only power of any size which has not. Our failure to ratify has been made even more conspicuous by the fact that, with the exception of Germany in World War I, the United States is the only country ever to have engaged in wide-spread chemical warfare. So far in Vietnam, American troops have used more than 14,000,000 pounds of CS, an incapacitating gas, and have sprayed millions of acres with 2,4,5-T, a defoliant which has been shown to cause birth defects.

The United States has argued that these agents are not covered by the protocol. The language, which refers to the use "in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices," is open to other interpretations. In any case, there is little doubt that America has violated the spirit of the treaty in the way these supposedly nonlethal agents have been used. Gas is routinely laid down to flush out the enemy before artillery attacks and the purpose of defoliants is to strip away protective vegetation and thereby expose hostile soldiers to fire.

The use and spread of chemical and biological weapons has been principally deterred by worldwide revulsion against the German gas attacks. But as the Harvard biologist Matthew S. Messelson has pointed out, these restraints are being endangered by the continued use of chemical agents by the United States. To use gas on a large scale in conjunction with ordinary military operations can only stimulate other nations to invest in gas warfare training and to acquire their own chemical weapons.

It would be unfortunate if the continued American refusal to ratify the protocol were to be responsible for a general recruitment of the biological and chemical sciences to serve a new dimension in warfare. Such a development can best be forestalled if the United States takes an unambiguous position on the protocol and renounces the use of all chemical weapons. To submit the treaty to the Senate can scarcely be considered a political risk by Mr. Nixon. It would only be a matter of keeping his word.

SELF-DETERMINATION AND THE NATIONAL CAPITAL

Mr. TYDINGS. Mr. President, the League of Women Voters has made a great effort in support of home rule for the District of Columbia. The League has collected nearly one and one quarter million signatures all across the country in the name of full congressional representation for the citizens of the National Capital.

I have received league petitions containing more than 40,000 signatures from my own State of Maryland. This clearly demonstrates the vital concern of millions of Americans who recognize the obvious need for enfranchisement of the citizens of this city.

Mr. President, my committee on the District of Columbia has at this session reported and the Senate has passed two bills in support of home rule. Neither bill has been considered so far by the House of Representatives.

Our latest attempt for self-determination in the National Capital has been the introduction of legislation for a constitutional amendment to give home rule to District citizens. I have worked very hard with the distinguished Senator from Indiana (Mr. BAYH) to bring this amendment to a vote in the Constitutional Amendments Subcommittee of the Committee on the Judiciary. I have been bitterly disappointed that we have been unable to get a quorum in the subcommittee to consider this legislation and that finally, when a quorum was achieved, we were not able to succeed in bringing it to a vote.

I intend to continue my fight to change the status of National Capital citizens who are taxed and conscripted and from whom are demanded all the duties of citizenship without the privilege of representation.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement I recently made before the Constitutional Amendments Subcommittee of the Senate Committee on the Judiciary in full support of home rule and congressional representation for the District of Columbia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. Chairman, I support complete home rule and full Congressional representation for the District of Columbia. The Senate District Committee, of which I am Chairman, has already reported a home rule bill in this Congress. The Senate passed it last year. That bill did not go far as I had hoped, but did go far as the President would support.

On April 28, 1969, the President of the United States sent to Congress his recommendations on representation for the citizens of the District of Columbia. The President's message contained recommendations relating to home rule, adequate financing of the National Capital and congressional representation for the District of Columbia.

The subject of today's hearing, the congressional representation, should be viewed within the larger context of the long struggle for full self determination for the citizens of the District of Columbia.

Last year, the President proposed the creation of a home rule study commission to submit to Congress and the President a comprehensive plan for self-government in the District. Although I was severely disappointed that the President did not support the bi-partisan "home rule now" proposals the Committee was already considering, I scheduled a Senate hearing on the President's proposal in less than 48 hours of its receipt. The proposal was thereafter reported to and passed by the Senate without opposition.

As passed by the Senate, the Commission on Government for the District of Columbia is authorized to study and make proposals with respect to the basic structure of the District Government, its legislative and executive authority, its financial and taxing powers, and election of its officials by residents of the District. In addition, this body will perform a Hoover Commission function to discover means for improving governmental economy, efficiency, and quality of services. The Commission is charged with submitting a final report on an expedited basis no later than 18 months after its selection.

ADEQUATE REVENUE

Also, the Senate District Committee has recommended urgently needed increased Federal funding for the National Capital, beyond the Presidential proposal formula of 30 percent of local revenues. The 30 percent formula is the minimum level of support the Federal treasury should provide for essential governmental services in the Federal capital.

CONGRESSIONAL REPRESENTATION

Today, we are concerned with the third prong for responsive government in the National Capital, the provisions by way of constitutional amendment for a meaningful voice in the halls of Congress. The President's Message called for an amendment to the Constitution to provide at least one representative in the House of Representatives and such additional representatives as Congress shall approve, and to provide for the possibility of two Senators from the District of Columbia. On an interim basis, until such an amendment is finally adopted, the President called for a non-voting House delegate for the District.

The Senate District Committee and the Senate itself approved a non-voting delegate bill last year. It is essential to emphasize the interim nature of the non-voting delegate provision, however. The nonvoting delegate is at best a vehicle for opening lines of communication to the Congress for District citizens; it is not the final goal. Absent swift action to achieve full representation in Congress, including two Senators and the number of representatives to which the District would be entitled by apportionment, the nonvoting delegate provision would rightly be regarded as totally inadequate.

I believe that progress toward self-government for the National Capital, including a full voice in the national legislature, is as inevitable as the ideal of democracy is cherished. A first step was taken in 1961 with the adoption of the 23rd Amendment providing for local voting in the District of Columbia in Presidential elections. We stood on the threshold of home rule in 1965 only to see the hopes of Washingtonians dashed by unresponsiveness in the House of Representatives.

I shall not pause to recount for you the sorry record the Congress has had over the years on the issues of District self-government and congressional representation, except to emphasize that the Senate has met its responsibilities by approving home rule legislation. Nor shall I engage in the usual rhetoric to justify the obvious need for the enfranchisement of the citizens of this metropolis into the rights and privileges of full citizenship. The right to vote for national and local representatives is simply a premise upon which democracy is founded.

The citizens of the District, and I believe all the citizens of the nation, are weary of failures in this regard, and are equally weary of words without action. Recently, the League of Women Voters presented Congress with nearly one and a quarter million signatures collected all across the country on petitions for full congressional representation of the National Capital.

No doubt the subcommittee will hear today comparison made between the status of District citizens, who are taxed, who are conscripted, and from whom are demanded all of the duties of citizenship without the privilege of representation, and the all too similar status of the American colonists at the time of the American Revolution. We will hear of the irony that the principal cause of the Revolution persists in this country only in the Nation's Capital. We will be told

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that there are eleven states with populations smaller than that of the District and that by virtue of being states enjoy full representation. And we will hear of the incongruity of fighting wars thousands of miles away to establish democracy on foreign shores, while the central privilege of democracy, the right to voice in the Government, is still being withheld from a sizable segment of the American public.

The Senate has already acted on the local self-government issue and on the interim nonvoting delegate to Congress. I now urge as Senate business of the highest priority the prompt approval of full participation by this city's 800,000 citizens in our American form of government.

ADEQUATE APPROPRIATIONS FOR RURAL ELECTRIFICATION ADMINISTRATION

Mr. SMITH of Illinois. Mr. President, I agree with the administration on the great majority of its programs and positions on issues and the steps it is taking to implement them. On some issues, however, I find myself in disagreement with it. The appropriations recommended by the administration for loans to the Rural Electrification Administration for the 1971 fiscal year are such an issue.

I served in the Illinois General Assembly for 15 years where I gave as much attention to, and assistance with, the problems of the electric cooperatives as any member of that body. I am, therefore, extremely interested in and concerned with their problems.

There are 29 electric cooperatives in Illinois. Because of them, central station electric service is available to every person and business in the entire State, including even the most sparsely populated areas. Rural Illinois, and rural America in general, cannot continue to grow and develop without adequate electric power.

Rural electric systems in the United States have received loans from the Rural Electrification Administration since 1935 at a favorable rate of interest. These loans are used only for capital improvements such as the construction of electric lines and facilities. They are not used for operating costs. Since 1944 electric cooperatives have received loans from the REA, amortized over a period of 35 years at an interest rate of 2 percent.

It should be emphasized that these are loans—not grants. During the history of the Rural Electrification Administration it has only been necessary to foreclose loans amounting to $37,237. This is an outstanding record in view of the fact that the REA has made loans amounting to about $7 billion since it came into existence.

I would also like to point out, Mr. President, that there is a condition attached to these loans. In order to receive these loans rural electric systems had to agree to, and, in fact, provide area coverage. This means that they had to provide electric service to any individual or business in their service area regardless of whether the service could be provided at a profit or a loss. The electric supplier act, enacted by the Illinois General Assembly in 1965, gave all electric cooperatives in Illinois a utility responsibility for service. If an electric cooperative refuses to provide service, the Illinois Commerce Commission can direct it to do so under provisions of the Electric Supplier Act.

The long-range goal of the electric cooperatives is to reach the place where they can obtain financing for capital improvements from sources other than the U.S. Government. As a step in this direction, the rural electric systems in the United States have established a bank known as the National Rural Utilities Cooperative Finance Corporation—hereafter referred to as the CFC. The bank will be financially underwritten by the purchase of stock by rural electric systems and their member-owners. It is estimated that the bank will be able to loan only $40 million during its first year in operation. In our opinion it will take at least 15 to 20 years for the bank to reach the place where it can meet most of the financial requirements for loans to rural electric systems. In the interim it will be necessary for the electric cooperatives to receive loans for capital improvements from the Rural Electrification Administration.

It is not possible for electric cooperatives to receive sizable loans from any other source because the Rural Electrification Administration has a first mortgage on all of their real and personal property. Because of the shortage of money for capital improvements and because, at the request of the Federal Government, the rural electric systems in the United States have made advance payments on their loans, they have and will be required to continue to deplete their reserves in order to provide capital improvements. These reserves are required so that the electric cooperatives can take care of their financial problems and emergencies when it is necessary to rebuild part or all of their distribution electric system.

For example, a few years ago a severe ice storm occurred in the area served by Illini Electric Cooperative at Champaign, Ill. It was necessary for the cooperative to rebuild the entire system so they could continue to serve 3,700 customers in Champaign, Douglas, Edgar, Ford, McLean, Piatt, Vermillion, and Moultrie counties. The cost for this emergency was nearly a million dollars.

Clearly, if electric cooperatives do not receive adequate loans from the Rural Electrification Administration, they must continue to use reserves for capital improvements. This means they will have less money to invest in the CFC, and may keep the bank from accomplishing the long-range objectives for which it was established.

The CFC will be originally underwritten by investments from rural electric systems. This will require sizable investment. Rural electric systems will, in general, obtain money for this investment from reserves.

The rural electrification program has developed to a point where there is a golden opportunity for practically all of the rural electric systems in the United States ultimately to depend on CFC for loans and for the Congress, in due course, to reduce or eliminate substantially the appropriations to the Rural Electrification Administration for loans to a great number of rural electric systems.

We should not let this golden opportunity pass us by being "penny wise and pound foolish." The practical approach is to provide adequate appropriations for loans to the rural electric systems during the transition from Government to private financing so that they will be able to underwrite the CFC and move forthwith toward financial independence. The administration and the Congress can deter or prevent this very desirable transition by failing to provide adequate appropriations.

Mr. President, the administration has recommended appropriations in the amount of $345 million to the REA for the 1971 fiscal year. Carryover applications alone up to July 1, 1970, amounted to $289 million and projected applications for the whole of fiscal 1971 are estimated at $464 million, bringing to a total of $753 million the amount required nationally for loans.

In Illinois alone, there may be a need for over $14 million by July 30, 1970. The appropriation recommended by the administration for loans cannot make this amount available to the electric cooperatives in Illinois.

The House of Representatives has appropriated $345 million in loans for fiscal 1971, plus $20 million in contingency for use by both electric and telephone programs. When the matter came before the Senate, we appropriated $375 million outright for use as loans for rural electric cooperatives. I strongly urge the conferees to adopt the Senate figure.

Failure to provide adequate appropriations not only could cause rural electric systems to fail, not only in their efforts to establish CFC, but also in their duty to provide adequate power in rural America. Reserves of rural electric systems will only last so long. When they are gone, rural electric systems simply cannot provide adequate power to their customers. I do not look forward to explaining to the people of Illinois why a "brown out" or "black out" has occurred in rural areas, particularly if it is attributable to the failure of this administration and this Congress to provide adequate loan funds to the REA.

THE VALUE OF A GOOD COP

Mr. PELL. Mr. President, there are few matters of public policy that have evoked as much irrational reaction and as little perspective as the issue of police-community relations.

Egged on by one element of society to be more brutal in their dealings with dissident groups, and criticized by another element of society for being too brutal, the task of a professional policeman has become increasingly more difficult.

Recently, the Providence Journal published a column in which the dimensions of heroism required of police were deftly outlined. The District of Columbia's own police chief, Jerry Wilson, was rightly cited as a meritorious example.

The value of good policemen was put into a perspective which I believe important for us to keep in mind in our de-

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liberations on so-called questions of "law and order."

Mr. President, I ask unanimous consent that the article, written by Garry Wills, and published in the Providence Journal of July 27, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOWN THESE MEAN STREETS A MAN MUST GO

Two very good cops—James Severin, Anthony Rizzato—died recently in Chicago, men who volunteered to go into the toughest neighborhood, hear its gripes, convey a desire to help, play ball with its kids. The two men were on their way to such a ballgame when snipers got them.

"It seems senseless," I heard one lady say, reading the headline. That depends on what the killers wanted. Their act makes very good sense if the goal was trouble. The greatest threat to troublemakers is a good cop. If the death of Severin and Rizzato can scare other cops away from community projects of their sort, can harden lines on both sides and prevent communication, then the forces of darkness will have scored a great victory. But if more good cops fill their place, pick up their work, Severin's and Rizzato's deaths will give life to others.

The good cop is an extraordinary mixture of savvy, guts, and insight. He has looked at the seamiest side of human life without becoming cynical. He remains compassionate without going soft or unrealistic. He lives with a more constant pressure of danger, over longer periods at a time, than most men who serve in Vietnam—yet he must protect the rights of those he grapples with. And the honor given him is not nearly as great as that we give to soldiers, many of them forced into their work by the draft. The police force is a volunteer army. The individual cop faces, night after night, the challenge Raymond Chandler put to his fictional hero, Philip Marlowe—"Down these mean streets a man must go."

"Support Your Local Police" said the old John Birch bumper sticker. But Birchers did not support them. They undercut the good cop by crying for retaliation, for some deaths when there is looting, for mass arrests in the midst of rioting. The good cop knows that arrests at such a time just tie his own men up, take them off the street when he needs them most, to protect his own life as well as civilians' lives. The police policy of "containment," which prevented the mistakes of 1967 from happening last summer, or the summer before, has protected the suburbs in which men can chew a "Shoot em!" around their cigars while dreaming, in safety, of support for their local police state.

There are many cops who want to retaliate. Supporting them is a way of letting the good cop down, making his role difficult or impossible. At the giant July 4 rally, when kids at the Washington Monument "smoke-in" moved down toward Bob Hope on his stage, D.C. Chief Jerry Wilson threw a detachment of his men between the two groups. Soon pop bottles were flying, and riot helmets had to be run in for the cops. "Wilson's crazy," one policeman muttered, "sending us in here with soft hats."

"Where is Wilson?" I asked. "Big Jer? Up front, grandstanding, I guess." He knew where he would be—where the bottles were thickest. Wilson, tall, and easy target, walked around calmly, sticking his bullhorn up to fend off an occasional bottle, still in his officer's soft hat. He came on a group of cops griping at how heavy the barrage had become. "This? This is nothing," he said. "Not nearly so bad as I expected." He passed on, sipping coffee, but I stayed to listen to the cops' reaction. "It's ok," one young policeman said to the others, "we'll get 'em when the show is over and the lights go out." But they did not, by and large, "get 'em." Wilson saw to that.

The Jerry Wilsons are men who can create pride, discipline, and morale—and thus improve the performance of police. If we let them. Those who cry for blood are sending the police into civil strife and slaughter, making them die for a bunch of loudmouths, for the politicians who pander to loudmouths. The classic instance is Mayor Daley, attacking his own police after the April riot of 1968 for not shooting enough looters. Before that time, Chicago police were thought of as one of the nation's best forces, perhaps the best. It had been trained by Orlando Wilson, the noted reformer. But Daley egged on its men to become the nation's shame in August of 1968, at the Democratic Convention. (It would be interesting to know what a professional like Frank Rizzo of Philadelphia would do if a Mayor criticized his men after they performed with cool restraint, risking their lives.)

The way to support police is with better pay, better education, higher respect for the idealists (which means tougher standards on corruption). The whitewash approach of the Birchers, which simply denies there is any police corruption or brutality, weakens the position of those cops who resist the temptation to go on the take or to go out later and "get 'em."

It is extraordinary how many good cops there are, given the job, given its dangers, its poor rewards, the benighted public attitude. They are there—even when Daley works the force over, an officer Rizzato or a Sergeant Severin proves that some of Orlando Wilson's ideals live on.

Many of our problems cannot be instantly solved, only survived. The survival itself will make a problem more tractable, later on. But we cannot survive unless the front line defenders of civil order are heroic. And we have no right to ask heroism of them without massive improvements in pay, in education, in work conditions, in the civil honor accorded them. Until we face up to this—and to how much it will cost—all our talk of law and order is a trivial game of Let's Pretend.

CHRONOLOGY OF CAMPUS DEMONSTRATIONS

Mr. WILLIAMS of Delaware. Mr. President, the Wall Street Journal of August contains an interesting editorial outlining the chronology of the campus demonstrations, beginning with 1964 and extending through 1970.

This editorial points up the utter ridiculousness of the efforts of certain groups to blame the Nixon administration for their present campus unrests, and it places the responsibility where it belongs.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW'S THAT AGAIN?

A short and not very inclusive chronology:

1964: "Free speech" demonstrations over rules about political speeches break out at the University of California at Berkeley. Sit-in demonstrators occupy the Administration building, Governor Edmund Brown orders their removal and 796 students are arrested.

Two-time political loser Richard Nixon emerges from somewhere to stump for Barry Goldwater. Spiro Agnew completes his third year as chief executive of Baltimore county.

1965: Berkeley's "free speech" movement becomes the "filthy speech movement," as demonstrators back the free use of obscenity. Demonstrations, on a smaller scale, appear at other campuses, and the press and public bodies start to analyze the "new student revolt" and "new student left."

Richard Nixon practices law in New York, and Spiro Agnew finishes another year as Baltimore County executive.

1966: Student strike at Berkeley proves abortive, but anti-draft demonstrators hold the University of Chicago administration building for three days. Anti-war Harvard students surround and stop a car carrying Secretary of Defense McNamara, shout him down when he tries to answer their questions.

Richard Nixon stumps successful for Republican Congressional candidates. Spiro Agnew is elected governor of Maryland.

1967: Disruptive demonstrations occur at California, Columbia, Harvard, Illinois, Iowa, Johns Hopkins, Michigan, Minnesota, Oberlin, Princeton, Stanford, Wisconsin and others.

Richard Nixon tours Europe, Asia and Latin America; Spiro Agnew inaugurated in Maryland.

1968: Columbia University erupts as blacks and the Students for a Democratic Society occupy several buildings to protest a proposed gymnasium location; police are called and a student strike closes most classes. A study by the National Student Association counts 221 major demonstrations at 101 colleges and universities between January 1 and June 15. S. I. Hayakawa pulls the plug on the demonstrators' sound truck at San Francisco State College.

Richard Nixon and Spiro Agnew win the November election.

1969: Order is restored at the University of Wisconsin by 1,900 National Guardsmen. Swarthmore President Courtney Smith dies of a heart attack while awaiting a faculty committee studying demands of students occupying the admissions office. Harvard deans are dragged out of the administration building by students opposing retention of ROTC on the proposed noncredit basis. Students at Cornell University demand a fully autonomous "Afro-American College," occupy the student union building and, feeling threatened, arm themselves with guns.

Richard Nixon and Spiro Agnew are inaugurated in January. The new President announces a policy of withdrawing troops from Vietnam.

1970: Yale University suffers a student strike over the torture-murder trial of Black Panthers in New Haven. Hundreds of campuses erupt to protest the American attack on Communist sanctuaries in Cambodia. After three nights of violence at Kent State University, National Guardsmen open fire and kill four students. Two students are also killed at Jackson State College.

President Nixon appoints a special commission to probe into the basic causes of campus unrest. The drift of testimony is that it's caused by Richard Nixon's policies and Spiro Agnew's rhetoric.

CRIME PROBLEM

Mr. TYDINGS. Mr. President, street crime across the Nation continues to rise. Here in the National Capital, during the first 3 months of this year, crime increased twice as rapidly as the national average.

Last week, the Senate passed a sound and constitutional anticrime bill that will become an effective tool for law enforcement officers in finally defeating the crime problem.

The Senate debate naturally centered

on the bill's more controversial provisions. Too little was said about the enormous task that law enforcement officers have on the street everyday in carrying out their responsibilities.

Recently, Time magazine did an interesting story about the efforts made by Police Chief Jerry Wilson to deal with the crime crisis in the National Capital.

The National Capital is indeed fortunate to have Jerry Wilson as its Chief of Police. In the year since he assumed that position, Chief Wilson has exhibited the ability and the leadership that have made the Police Department in the National Capital one of the outstanding departments in the country. The police in Washington are faced with many problems—like almost continuous demonstrations—that police in other cities are not. Under Chief Wilson, the Washington Department has handled those problems with the mark of unparalleled police professionalism.

I ask unanimous consent that the Time magazine article about Chief Wilson be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT THE POLICE CAN—AND CANNOT—DO ABOUT CRIME

Millions of Americans in 1970 are gripped by an anxiety that is not caused by war, inflation or recession—important as those issues are. Across the U.S., the universal fear of violent crime and vicious strangers—armed robbers, packs of muggers, addict burglars ready to trade a life for heroin—is a constant companion of the populace. It is the cold fear of dying at random in a brief spasm of senseless violence—for a few pennies, for nothing.

Last fall the National Commission on the Causes and Prevention of Violence painted an eerie picture of the urban future: downtown areas deserted after dark save for police patrols, apartment buildings ringed by private guards, whole cities terrified of strangers and infused with a fortress mentality. From Baltimore to Los Angeles, that future is closer at hand than anyone imagined. Banks and department stores are building inside parking garages to reduce muggings of nighttime workers. Downtown restaurants and theaters are closing early for lack of business. Vigilante groups and private security agencies are flourishing. Half the nation's 60 million households contain at least one gun.

To be sure, Americans are several times more likely to be hurt in auto accidents or household mishaps than to be raped, robbed or murdered. Only about 10% of robbery victims are badly injured; fewer than 1% are killed. The nation's well-being is far more insidiously undermined by embezzlers, price fixers and organized racketeers than by muggers or car thieves. But that is cold comfort. The "war on crime" is beginning to look as unwinnable as the one in Indochina. The latest FBI statistics show a 13% rise in serious crimes during the first three months of 1970. Worse, the most crime-prone segment of the population—poor urban youths aged 15 to 24—will increase disproportionately at least until 1975. Sheer demography adds a racial factor: half the nation's blacks are under 21. Though victims of black crime are overwhelmingly black, it is chiefly young black males who commit the most common interracial crime; armed robbery.

FRUSTRATED MINORITY

After a decade of assorted riots, the nation's 400,000 policemen are armed with more lethal weapons than some of history's major wars required plus Mace and Pepper Fog, undercover agents, computers and helicopters. The best cops have also learned new techniques for cooling crowds instead of using those weapons. Yet street crime—the worst problem—is so rampant that police are fast becoming the nation's most frustrated minority. In fact, roughly half of all serious crimes are never reported, often because numbed victims expect no help from overburdened police. Between 70% and 80% of police effort is spent not on crime but on hushing blaring radios, rescuing cats and administering first aid. Countless additional police hours are wasted on crimes without true victims, like drunkenness and gambling. Even the best police work is undone by clogged courts and punitive prisons that breed more crime. Of all reported major offenses, the experts say, only 12% lead to arrests, only 6% to convictions and only 1% to prison. Thus, in the U.S. today, the chances of being punished for a serious crime are three in 100. Moreover, one-third of the inmates released from the nation's so-called correctional system later commit other crimes.

To help meet these challenges, the Federal Government is funneling a record $268 million to local lawmen this year—four times last year's outlay. More controversially, Congress and state legislatures are considering measures that would allow police to expand wiretapping and enter suspicious dwellings without knocking. In most areas, public opinion has seldom been so pro-cop. A recent Gallup poll revealed that a majority of Americans view crime control as their No. 1 priority, and even long-time dissenters are beginning to have second thoughts. Though many radicals still think of police as "pigs"—with some justification in a number of cities—liberals who used to minimize crime are now recognizing that police have a serious task on their hands. Large numbers of blacks, realizing that crime victimizes them more often than any other group, are clamoring for more protection. Here and there, voters are even giving police political power. Ex-cops are now city councilmen in Los Angeles, New York and Seattle. In Minneapolis last fall, Detective Charles Stenvig was elected mayor by a landslide. And in city after city, police associations are winning ever-larger voices in municipal management.

All the law-and-order clamor has yet to do much for police morale—and is unlikely to. Criminologists lawyers and thoughtful police officials are gradually recognizing that police problems go deeper than Supreme Court decisions that allegedly handcuff cops, and beyond the constant risk of sudden death in defense of unappreciative citizens. Nor is the real trouble the continuing emergence of new social abrasions—the mushrooming growth of hard-drug addiction, the bombings of urban buildings (four embassies in Washington were blasted last week), the crescendo of riots and demonstrations unmatched since the 1930s.

These days the malaise is deeper. The realization is growing that even the best police work, as it is currently set up in the U.S., is little more than a symbolic response to crime. Police can do little to prevent the creation of criminals. The dark reservoirs of anger and disappointment besetting the nation inevitably erupt into violence; a society flush with consumer goods multiplies crime incentives and opportunities. In short, crime has taken on a chronic quality that seems beyond the power of the present police system to change.

All these pressures are compounded in Washington, D.C., one of the world's most crime-ridden seats of government. No major American city has a larger share (73%) of black residents; few cities live in greater fear or ask more of their police. In an average week last year, the nation's seventh largest city recorded five homicides, six rapes, 200 auto thefts, 238 robberies and 442 burglaries. In the first quarter of 1970, crime in the capital rose 21.7%, far faster than it did in the nation as a whole. Churches have hired guards to protect ushers from being robbed after taking the Sunday collection. Tourists are advised not to leave their hotels alone after dark. Throughout the city the victims of crime range from presidential aides and foreign diplomats to black merchants and mothers on welfare.

Whatever their rank or race, all share a common demand: better police protection. In fact, they are slowly getting it—thanks mainly to the tireless efforts of Jerry Vernon Wilson, chief of the D.C. Metropolitan Police Department. In many ways, Wilson has the toughest police job in the U.S. Under intense political pressure, he must not only use a predominantly white force to curb crime in a black city but also cope with Washington's frequent mass demonstrations, such as last weekend's Honor America Day (*see* THE NATION). A tall North Carolinian of 42, Wilson is a self-educated man with a slow drawl, a quick mind, limitless cool—and a brutal candor that is almost unique among the nation's defensive bluecoats. His men often feel so dejected, he admits, that "there's a tendency to say, 'Oh well, just another robbery,' and not respond as we should."

The hot summer for which Wilson is bracing threatens to be enflamed by mob violence as well as street crime. Keeping mass demonstrations from turning into ugly rampages is Wilson's specialty. His method is not blind force but simple astuteness. At first, his approach made Attorney General Mitchell and his staff skeptical. But when the Justice Department briefed police forces around the country last month on the subject of summer demonstrations, it distributed a detailed description of Wilson's "model" methods.

DISCIPLINED RANKS

Instead of restricting mass functions like the May 9 antiwar protest, Wilson begins his work by aiding them. He considers it part of his job to uphold the constitutional rights of free speech, petition and assembly. His staff participates in negotiations with march leaders that help coordinate city-provided toilet facilities, first-aid stations and speakers' platforms. Demonstrators are encouraged to train their own marshals to take the brunt of the policing. When the actions starts, busloads of special riot-control squads are parked out of sight; visible officers usually wear no riot equipment. Though all officers avoid arrests as far as possible, minor violators are occasionally photographed, tracked down and arrested later.

For major events, Wilson takes command on the streets himself. When a few antiwar extremists refused to leave the Justice Department steps last November, he hurled the first canister of tear gas, then led his men in disciplined ranks down Constitution Avenue behind the fleeing protesters. Later, after Wilson used his bullhorn to order an unruly crowd from DuPont Circle, a middle-aged woman who lived near by asked why he did not use more force. Said Wilson: "Madam, before I answer your question, let me ask you one: Are you prepared to be arrested? I just ordered this area cleared." The woman scuttled off.

"The use of violence," Wilson says drily, "is not the job of police officers." Blacks, whites and Congressmen of both parties are pleased by Wilson's aplomb. As one young longhair put it: "He's very definitely a non-neurotic pig."

Street crime, Wilson concedes, is less tractable. His basic approach is to flood difficult areas with highly qualified, tightly supervised patrolmen. His force is still 500 men short of its authorized strength of 5,100, but Wilson has intensified recruiting—in part by using a Pentagon program that releases servicemen five months early if they sign up to be cops. Thanks to his extensive lobbying before Congress, starting salaries have been raised to $8,500 (his own salary is $28,500).

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Wilson also lacks the usual police reluctance to use brainy officers: this fall he expects to have 50 recent graduates of Ivy League colleges on the streets, including the Harvard-educated son of Writer Ring Lardner. Most of them were recruited by one of the nation's first such cops, David Durk.

Wilson hopes to have a full force by the end of this month. Meantime, he has increased the number of men on the beat by paying his officers to work an average 14 hours' overtime each week. He has made each of his six district supervisors personally responsible for cutting crime in his own area; two have been transferred in the past two months. Since fast response produces fast arrests—one of the few workable crime deterrents—Wilson has installed an elaborate computer system that pinpoints high-crime blocks for more efficient patrolling. In the most turbulent areas, he has increased the saturation of foot patrolmen. Using two-way radios ($875 each), officers can question the computers about a suspects record and get an answer in one minute. Wilson pays radio dispatchers bonuses for instant action; one man recently got $350 for particularly fast descriptions that snagged five fleeing robbers. He also monitors the traffic on his own police radio and curtly demands written reports when he hears dispatchers or patrolmen responding too slowly.

To keep lines open to the city's blacks, Wilson attends community meetings about three evenings a week. He has increased the number of black patrolmen on his force from 25% two years ago to 35% now—including two deputy chiefs. Nearly half his rookies in training are black. But, unlike other police chiefs, he has downplayed mere public relations. He knows only too well that a chief's lectures to community groups can be quickly undercut by incidents like one last year in which a white policeman fatally shot a black robbery suspect. The victim turned out to be an undercover cop.

So far, Wilson's white officers have been trained to treat blacks decently mainly as a matter of self-protection. A mistreated kid, for example, may hurt a cop when he gets big and dangerous. But ultimately, as Wilson sees it, every man on the beat must go beyond self-interest and somehow learn to see himself as a servant of all citizens—blacks as well as whites. Fast police response in the ghetto, Wilson thinks, is the best contribution that police can make to racial peace in his city.

Wilson's stress on service and sensitivity is not always translated into better behavior on the beat. Julius Hobson, a local black militant, claims that many D.C. cops are as harsh as ever to the black and the poor—except that "they are more clever than they used to be and usually hold back if there are cameras around." Though most of Wilson's men admire his brains and courage, subordinates have been known to blunt his directives. His order to avoid minor arrests during the November demonstrations was never announced to the cops in one district—they read about it in the newspapers. When he publicly criticized his men for overreacting to unruly demonstrators recently, the Washington Patrolmen's Association passed a resolution suggesting that he was not backing them.

"Well, now," he wrote in a seven-page reply, "I don't stand behind my men. I stand in front of them. You know very well that I have had as many invectives and rocks thrown in my proximity as any 20 of those 200 men who unanimously voted to deplore my actions. I have done this so that I will know what goes on. I sincerely believe that if a chief of police wants to have the credibility in the government and the community to effectively support his men, then he must have the guts to recognize when things are done imperfectly and to stand up and say: 'We must improve.'"

Wilson is one of a new breed of top cops who have risen to command through administration instead of traditional detective work. "He's not a cop's cop, but a community cop," says one longtime observer of U.S. police departments. Yet Wilson's earliest thirst was for rough-and-tumble action. The son of a baker in Belmont, N.C., he dropped out of ninth grade, lied about his age and served for three years on a Navy minesweeper in World War II. Before his 17th birthday, he was a gunner's mate with five battle stars for preinvasion sweeps from Anzio to Okinawa.

He was bored by his first 15 months as a cop—in the Marine Corps military police. After returning to Belmont to finish high school, he recalls, "I thought about being a lawyer until the school superintendent told me that lawyers were a dime a dozen." Instead, he joined the D.C. police in 1949. For six months he walked a somnolent beat in Georgetown, quietly arresting occasional drunks. Then, transferred to a clerk's job in the station house, Wilson taught himself a rare police skill: typing. Sixteen years, five promotions and numerous training courses later, he was working as head of the understaffed planning division—and chafing at the department's shortcomings.

When Lyndon Johnson set up a commission to probe D.C. crime, Wilson became the department's liaison man. The commission's members included Attorney William Rogers, now Secretary of State. They ranked the D.C. police as one of the worst managed in the nation, but were pleased with Wilson's receptivity to fresh ideas. Soon commission members began using their influence on Wilson's behalf. Over the objections of then Police Chief John Layton, Wilson became assistant chief in charge of field operations in 1968. Last summer, Layton was pressured to step aside, and Wilson became chief. "I am for change," he announced, "not the status quo."

CHALLENGING ASSIGNMENTS

More like a Cabinet member than a cop, Wilson heads for work each morning at 7:15 in a car chauffered by a police cadet. He speed-reads memos on the way. His office is furnished in Danish modern and hung with paintings on loan from the National Gallery of Art. He spends most days meeting subordinates and staging occasional unannounced inspection tours. At night, the officer on duty alerts him to emergencies; he is called four or five times a month.

His social life consists of playing with his two sons, Brian, 9, and Kevin, 4, mowing his lawn and reading Kipling, textbooks on sociology, psychology and oil drilling—a subject that fascinates his precise mind. Occasionally he attends embassy parties with his wife Leone, a former police stenographer. "She gets a kick out of it," Wilson allows. Before driving off in their black 1970 Ford, the Wilsons carefully lock the doors and windows of their house in Northwest Washington. They have yet to be robbed.

For a while this winter, Wilson thought that other citizens might soon enjoy the same good luck. The growth rate of Washington crime dipped for five straight months. Unfortunately, the growth resumed in May, when crime jumped 5%. Such is the baffling cycle of success followed by failure that police chiefs face across the country.

O. ROY CHALK'S INCOME FROM D.C. TRANSIT SYSTEM

Mr. WILLIAMS of Delaware. Mr. President, the Washington Post of August 5 contains an article entitled "D.C. Transit Salary for Chalk: $95,012."

The article points out that Roy Chalk's income last year from the D.C. Transit System and affiliates was $95,012, representing an increase of $40,100 over his pay from those same sources in 1968. According to the article, the manner in which Mr. Chalk's salary had been increased was not known to the Transit Commission when the recent fare increase was being considered.

Furthermore, during the recent Senate consideration of a bill, the purpose of which was to authorize the Government to buy this transit system, the threat was made that if Congress did not bail out the company it would go into bankruptcy.

At the time I was joined by other Senators in opposing this proposal, and we insisted that the Senate did not have adequate knowledge of Mr. Chalk's financial arrangements. We were unable to get a copy of his company's financial statements, nor could we get any information as to the manner in which he was bleeding the company with high salaries.

The manner in which this individual has been pampered by the District Commission and the Congress is a disgrace, and I repeat my recommendation of the earlier occasion, that before Congress or the District government advances any more money to Roy Chalk's enterprise a thorough congressional investigation be made with the first step being to subpena his books and records.

The commuters using this transit system over the years have been victimized long enough.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA TRANSIT SALARY FOR CHALK: $95,012

(By Jack Eisen)

O. Roy Chalk's income last year from his D.C. Transit System and affiliates in the Washington area was $95,012, an increase of $40,100 over his pay from those sources in 1968, a corporate document disclosed yesterday.

In addition, the Civil Aeronautics Board reported, Chalk received $29,999 from Trans Caribbean Airways.

That brought Chalk's total publicly disclosed compensation in 1969 to $125,011. The comparable 1968 figure was $85,612.

Chalk's increase in personal pay came during a troubled year for his various enterprises.

Trans Caribbean sought a still-pending merger with American Airlines to avert financial collapse. D.C. Transit sold off real estate, raised fares and borrowed funds to meet obligations. The tabloid D.C. Examiner was on the brink of insolvency (and folded early in 1970).

D.C. Transit recently raised its city fare to 40 cents after convincing the Washington Metropolitan Area Transit Commission that this was necessary to maintain service.

The full extent of Chalk's higher pay was not known to the commission when the fare increase was being considered. The commission knew only that he had raised his salary by $10,000, to $75,000, and it criticized even that.

The $40,000 increase from Chalk's Washington activities was disclosed in D.C. Transit's annual proxy statement to stockholders, dated Monday and signed by his wife, Claire, who is secretary of the corporation. The annual stockholders' meeting will be held Aug. 13 in New York.

Of the increase, the proxy statement said, $25,000 was a "nonrecurring payment . . .

for serving as a consultant and president and chairman of the board of Chalk House West, Inc." from 1965 to 1969.

Chalk House West, a new apartment complex on the Maine Avenue waterfront in Southwest Washington, was sold last December to S. Finley Thomas of Middleburg, Va., for a reported $1.6-million profit. The project was renamed Finley House.

In the Chalk-controlled corporate structure, Chalk House West, Inc., is a subsidiary of the D.C. Transit System (Delaware), a holding company. The D.C. Transit System (D.C.), which actually operates the bus system and pays Chalk his basic salary as president and board chairman, is likewise a subsidiary of the Delaware firm.

The transit commission, under an interstate compact, regulates D.C. Transit and the area's other bus-operating firms. But it says it lacks legal power to control salaries paid their executives, other than to refuse to permit the amounts to be included as expenses in setting fares.

It also disclaims control over holding companies such as the Delaware firm, or its direct realty subsidiaries, such as Chalk House West, Inc.

Another $5,000 of Chalk's additional pay was listed as salary for serving as board chairman of the WV&M Coach Co., the Arlington-based Virginia subsidiary of D.C. Transit. Until last year the job was unsalaried, the proxy statement said.

WV&M won a 15-cent fare increase earlier this year after telling the Washington Metropolitan Area Transit Commission in its application that it was "insolvent."

During a public hearing, one creditor warned that it was prepared to foreclose and take possession of much of the firm's bus fleet to satisfy a debt.

Transit commission records showed yesterday that Chalk's salary of $5,000 from WV&M was not disclosed either in the fare case or in the firm's annual report to the commission. (The report must show only executive salaries above $20,000.)

In granting the controversial 40-cent fare to D.C. Transit in June, the commission criticized the previously publicized $10,000 salary increase for Chalk and the lesser increases granted to other officials.

". . . To give such increases at a time when the company is undergoing (such) financial problems . . . is not an action which we can condone nor which we can ask the riding public to pay for," Commission Chairman George A. Avery wrote in a formal order.

The commission said it must "disavow" the salary increases by requiring the company to absorb the higher cost out of funds belonging to its stockholders.

Avery, on vacation, could not be reached for comment yesterday.

The proxy statement said Chalk's earnings from the bus companies in 1970 would be about the same as the $80,000 basic pay for 1969.

ECONOMIC DISASTER: AN INFLATIONARY RECESSION

Mr. TYDINGS. Mr. President, today, the Nation's No. 1 problem is the economy.

Current administration policies have thrown the American economy into reverse. Everything that should go down—prices, interest rates, unemployment—is going up. And everything that should go up—real income, the stock market, business profits, new housing starts—is going down. This economic mess is the result of the unrelenting pursuit of a narrow policy of high interest rates.

Not only has this policy of high-interest rates failed to halt inflation, but also it has thrown us into a recession as well—a recession threatening the jobs of thousands of Marylanders and the economic vitality of this Nation. For the first time in many years we find ourselves caught in an absurd economic squeeze, an inflationary recession. This combines the worst of inflation and recession: runaway prices, unemployment, and declining business activity.

Yet despite this disastrous upsetting of the U.S. economy over the past 18 months, the administration still clings stubbornly to its policy of high interest rates.

Despite the continuing assurances of the administration that the economic situation is improving, the cold, hard facts show that this is not true. This week's figures reported that the consumer price index rose another four-tenths of a percent in June; this is the same percentage increase as in May. The index of food prices in the Washington area rose seven-tenths of a percent—making a whopping total increase of over 6 percent in the last 12 months. Maybe the policy makers feel that the situation now looks good, but I cannot believe that a housewife whose food-buying dollar of last year is only worth 91 cents this year feels the same way.

Even worse are the unemployment figures for this month. In the past 4 weeks over 9,000 Marylanders lost their jobs. The rate of unemployment in the State jumped by one-half of 1 percent from 4.2 to 4.7 percent. The January–June 1970 unemployent in Maryland is up 28 percent from the same period last year. This is totally unacceptable; this smacks of a major recession. For every four Marylanders unemployed at this time last year, there are now five without jobs.

This month's figures reveal the total ineffectiveness of our present policies not their success. And if the present rate of inflation is slowed significantly in the coming months, it will be at the prohibitive cost of thousands of more jobs.

One does not have to be an economist to see that everyone is paying the price for this economic mismanagement. Let us take a look at the entire record:

For 8 straight years of Democratic administrations, unemployment—as high as 7½ percent during the 1960's—declined steadily. At the end of 1968, unemployment in this country was at the lowest point since Harry Truman left the White House—3.8 percent.

During the past 18 months, unemployment has increased 50 percent to a level of 5 percent—and many economists predict it will hit 6 percent before the year is out. In Maryland alone, more than 63,000 men and women today want to work but cannot find jobs. In Baltimore alone, the number of unemployed has nearly doubled since the new administration has come to office, from 24,000 to 44,000 men.

While far too many Marylanders are looking for jobs, all Marylanders are paying prices that continue to rise and squeeze our incomes. In the past year the price of hamburger is up 9 percent; hot dogs are up 13.5 percent; potatoes are up 15.4 percent. As every family knows, it costs more to live today than 18 months ago. Raises and gains in union contracts—all these have been wiped out by an economic policy that ignores the American family budget.

There is more to our economic crisis:

For 8 full years—starting at the end of 1960—we had uninterrupted economic growth in this country. Since 1969 the first real decline of the decade hit. And during the first half of 1970 the Nation's GNP dropped at even a faster rate than during our last recession.

For 98 consecutive months—more than 8 full years starting at the beginning of 1961—the average American's real take-home pay went up.

Today, the buying power of the weekly after-tax earnings of the average workingman is less than last year and even below 1965. The dollar you had when Nixon came to office now buys only 91 cents worth of goods.

For the last 7 years of the Kennedy-Johnson administrations the stock market registered steady growth and expansion.

This year, the Dow Jones industrial index dipped below 700 for the first time since April 1963—a loss of 300 points off its 1968 high water mark. For both large and small investors across the Nation, this drastic decline in the market has meant losing close to a third of their invested savings. Stockholders have lost roughly $160 billion since President Nixon took office, and this includes over 700,000 shareholders who live in Maryland.

Nor are these the only recordbreaking achievements of this administration.

Today, interest rates are higher than at any time in the last 100 years. This means the average citizen cannot buy a house because he cannot afford a mortgage.

A family that bought a $20,000 house the month President Johnson left office has to pay an additional $5,000 in interest alone.

In sum—the cost of living is increasing 33 percent faster than it did during the most inflationary of the Kennedy-Johnson years—and over 400 percent faster than in the best of those years.

Why have our economic policies failed so miserably?

They have brought us inflation and recession because they utilize only one tool—high interest rates. This slow and ineffective way of controlling the economy has blunted growth enough to raise unemployment, but not enough to stop inflation. We have all the burdens without any of the benefits.

It is a spineless economic policy, one that does not offend the special interest friends of the administration or the Pentagon bureaucrats who are jealously guarding their swollen budgets.

It is a policy that hurts only the average American, the family man, the wage earner, and the home buyer.

We must recognize this state of the economy as our greatest problem and attack on all fronts:

First, we must reduce the wasted spending in the Federal budget. Last year I voted with the Democratic Congress to cut the Nixon budget by $5.6 billion. This year we should cut $15 billion that is slated to go to obsolete programs and bureaucratic fumbling.

One of the worst drains on the econ-

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omy results from the country's unnecessary overseas commitments.

This year Americans will turn over to Uncle Sam between $43 and $50 billion—more than $100 million a day—to finance these commitments, many of which are no longer vital to American security. We are currently supporting 1.2 million U.S. military personnel and 350,000 of their dependents stationed abroad on 2,270 bases in 33 foreign countries. What is worse, we also are footing the bill for more than a quarter-of-a-million foreign nationals in defense jobs overseas while unemployment grows in this country and the Government closes military bases in Maryland.

Since 1945, we have shipped more than $135 billion in economic and military aid to other nations. And most of it has been money down the rat hole, neither helping the people of the recipient countries nor strengthening American security.

Both our economy and our national security demand more conservative and prudent foreign and military policies which do not squander our limited financial resources around the globe.

Second, the President's policies have also failed because of his refusal to establish the voluntary wage-price guidelines of his predecessors.

Seven days after his inauguration, the President announced that the Government would not attempt to influence price and wage decisions. And we have all been paying for that Republican "hands-off"—"be nice to special interests"—policy in the form of higher prices ever since:

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In 1969, copper prices went up five separate times for an unbelievable total increase of 24 percent.

In 1969, the price of rolled steel increased during the first 9 months alone by an amount equal to the percentage increase during the entire 8-year period from 1961 through 1968. And rolled steel goes into every automobile and virtually every appliance Americans buy.

It is little wonder that inflation continues to hit each of us in the pocket book with no end in sight. When the solutions offered for a problem fail to deal with the causes, it hardly comes as a surprise when they do not succeed. We cannot halt inflation until we cut the fat in the budget and hold the line on price increases.

The only inexpensive item left in America is talk. But we have had enough rhetoric about our ailing economy. What we need now is action.

CONGRATULATIONS TO PRESIDENT NIXON ON SUBMISSION OF DRAFT TREATY ON THE SEABEDS

Mr. PELL. Mr. President, for nearly 3 years I have been urging the U.S. Government to provide leadership in the formulation of new international agreements to govern the activities of nations in ocean space, including those areas of the world seabeds that lie beyond national jurisdictions.

On Monday of this week, the United States took a major and most welcome step toward providing the needed international leadership by submitting a draft treaty on the seabeds to the United Nations Committee on Peaceful Uses of the Seabeds in Geneva.

The importance of this proposal cannot, I believe, be overstated. On Monday, I issued a statement to the press expressing my delight at the submission of the draft treaty by the United States, and extending to President Nixon my congratulations on his decision to undertake diplomatic initiative despite the strong pressures brought to bear by the very powerful U.S. petroleum industry. I ask unanimous consent that the text of my statement and an excellent editorial on the same subject, published in the Washington Post of Wednesday, August 5, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Pell Congratulates President Nixon on Submission of Draft Seabeds Treaty

Senator Claiborne Pell, Chairman of the Ocean Space Subcommittee of the Senate Foreign Relations Committee, today issued the following statement regarding the submission by the United States of a draft seabeds treaty to the United Nations Seabeds Committee meeting in Geneva:

"The submission by the United States of a draft treaty governing seabed mineral exploitation is one of those rare occasions that can be described as truly historic.

"I am more than delighted—I am exhillirated—that the Government of the United States has, with this draft treaty, assumed world leadership toward establishing a regime for the seabeds—an area covering 70 percent of our earth.

"I congratulate President Nixon on his decision to submit this draft treaty. I think it should be known that the decision to submit this excellent proposal to the United Nations Seabeds Committee was made despite strong opposition from the oil companies, one of the strongest and most powerful industrial lobbies in the United States. That the President resisted those pressures is much to his credit.

"I speak as one who has labored intensely for three years toward the goal of international negotiations on a world seabeds treaty. The submission of this draft treaty by the United States is gratifying to me, particularly because of the similarity between the Administration's proposal and the draft treaty which I introduced as a Senate resolution.

"I very much hope that other members of the United Nations Seabeds Committee will give the United States draft treaty their earnest consideration and will judge it on its merits and in terms of its potential to underwrite international community objectives.

"Once again, I wish to express my heartfelt congratulations to President Nixon and those within the Administration who shared in making this diplomatic initiative possible."

A Fine Seabed Proposal Is Launched

The Nixon administration can be proud of the draft of a proposed international seabed treaty which it submitted at Geneva Monday. The draft bears out, and in some respect embellishes, the imaginative and generous prospect the President opened up last May when he first proposed a treaty. His promise then was to protect and regulate the immense spaces—three fourths of the world's total area—at the bottom of the seas, which are now unprotected and unregulated; and also to provide for exploiting their economic resources and for sharing the expected billions of dollars in seabed revenues among all the peoples of the world.

The essence of the administration proposal—and the main source of domestic opposition to it—is to limit each state's coastal-shelf sovereignty to waters no deeper than 200 meters. Beyond, the coastal state would act as an international trustee, administering the seabed and keeping for itself a third to a half of the revenues from exploitation while turning over the rest to a new international authority which would manage the resources (pollution control, marine parks, etc.) and finance economic development in developing countries.

It was courageous as well as enlightened for Mr. Nixon to fix a narrow national shelf, knowing that American oil companies favor a far wider shelf and that they regard a narrow one as a "giveaway." But the United States has many oceanic interests—navigation, defense, research, fishing and so on—which it pursues not only off its own coast but off the coasts of a hundred other countries. Since seabed claims tend to harden into claims on the water and air "columns" above, an American assertion of a wide shelf would inevitably inspire similar if not broader claims by other coastal states. The result would be a net loss of the freedom of the seas which this country's varied interests require. Indeed, a leading independent expert, Columbia Law School Professor Louis Henkin, believes that a narrow shelf—far from hurting American companies—"may even give them access to more minerals than would a system in which the coastal nations of the world can grab large areas of seabed."

The companies' real objection, Mr. Henkin suggested to Congress last year, is that oil and gas taken from area beyond 200 meters might receive unfavorable tariff and tax treatment. "Surely the legitimate needs of the oil companies can be attended to by Congress, within the national family," he argued. "Surely such considerations should not determine the national policy in regard to mineral resources of the seabed; even less should they enjoin a national policy that would jeopardize other interests in the seabed and in the sea as a whole." This is the appropriate perspective in which to view the President's seabed proposal, and the opposition to it.

ADMINISTRATION'S REVENUE-SHARING PROPOSALS

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the Record the breakdown of figures from the Treasury Department on the distribution of Federal funds to the State of Texas under the administration's revenue-sharing proposal. I hope to see this major reform of our federally heavy governmental system considered again early next session, if not before the end of the current session. I know that my own State could make excellent use of these funds to upgrade local law enforcement programs, school systems, water and sewer systems, and all other State and local governmental functions which are close to the people and essential to their real health and well-being. Congress has been usurping the funds and prerogatives of State and local governments for years, and it has now become so bureaucratically vast that huge amounts of the taxpayers funds are siphoned off in administrative costs and never returned to the States to serve the people who work to pay those taxes.

There is even greater reason than this to enact a revenue-sharing proposal; that is the infringement of federally determined policies and priorities on the right of our citizens to determine their own community goals, policies, and priorities.

It is not my concept of true federalism that the Federal Government should usurp the decisionmaking power of State and local governments. I have cities and schools in my State which will not even accept free property and facilities from Federal surpluses through HEW disposal channels because they are forced to accept various odious Federal requirements on operating policies in order to receive the property. They would rather pay for the surplus property in a regular property disposal through GSA. Does not that tell us something about the extent to which the Federal Government has encroached upon the prerogatives of self-government, when a city or school chooses to tax its own constituents in order to avoid the strings attached to donated Federal property?

The only feasible method that we have to break the continuing trend toward greater Federal control of our local affairs is to start channeling Federal tax revenue back to the States. This loss of revenue to support Federal expenditures will cause a retrenchment in Federal programs, and Congress will have to ration the limited funds it can raise with a great deal more care and reason. Unwise and unnecessary programs would either be dropped or reformed, and Congress will be much more interested in getting a full dollar's worth of productivity out of each scarce dollar it receives in taxes.

I think this would be a most desirable turn of events, and would greatly strengthen true federalism in our country and greatly increase citizen support for our Government.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ADMINISTRATION'S REVENUE SHARING PROPOSAL—TEXAS

Total annual amount to Texas	$248,193,838
State government share	185,844,727
Local government share	62,349,111
To cities	40,174,918
To counties	22,174,193
Local share to cities:	
Abilene	439,787
Amarillo	894,510
Arlington	225,238
Austin	1,178,427
Baytown	199,007
Beaumont	813,315
Brownsville	182,859
Bryan	178,614
Corpus Christi	1,253,936
Dallas	5,654,386
El Paso	1,398,586
Fort Worth	2,495,135
Galveston	693,834
Garland	220,841
Grand Prairie	165,119
Houston	6,937,737
Irving	267,769
Laredo	206,058
Longview	153,520
Lubbock	635,610
McAllen	314,166
Mesquite	160,495
Midland	333,271
Odessa	374,134
Pasadena	325,538
Port Arthur	392,025
Richardson	194,686
San Angelo	$259,581
San Antonio	2,509,312
Texas City	198,477
Tyler	271,711
Victoria	188,848
Waco	489,672
Wichita Falls	713,773
All other cities	9,254,941
Total to cities	40,174,918
Local share to counties:	
Andrews	164,437
Bexar	623,784
Brazoria	358,971
Cameron	236,080
Collin	164,816
Dallas	1,588,420
Duval	231,303
Ector	475,722
El Paso	278,762
Galveston	530,080
Gray	157,917
Gregg	163,300
Harris	2,881,020
Hidalgo	281,340
Jefferson	502,257
Johnson	154,506
Lubbock	195,293
McClennan	210,000
Montgomery	159,130
Navarro	161,632
Nueces	525,379
Scurry	162,087
Smith	151,700
Tarraut	772,300
Travis	324,022
Victoria	210,986
Wharton	162,466
Wichita	279,368
All other counties	10,067,115
Total to counties	22,174,193

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 12:30 p.m. today.

The motion was agreed to, and at 11:23 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12:22 p.m., when called to order by the Presiding Officer (Mr. HUGHES).

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, notwithstanding the fact that the morning hour has expired, I ask unanimous consent that the period for the transaction of routine morning business continue, with statements therein limited to 3 minutes, upon the conclusion of which the unfinished business then be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESENTATION OF MEDAL OF HONOR TO LT. COL. WILLIAM A. JONES III, AND 1ST LT. GARY L. MILLER

Mr. BYRD of Virginia. Mr. President, this afternoon the President of the United States will present, in the name of the Congress, the Medal of Honor to two Virginians who lost their lives in Vietnam: Lt. Col. William A. Jones III, U.S. Air Force, and First Lt. Gary L. Miller, U.S. Army.

Mr. President, both of these gallant Virginians gave their lives for their country and did so in an heroic way. They are being cited by the President of the United States for conspicuous gallantry in action. Both of these officers acted above and beyond the call of duty in serving their Nation and their fellow citizens.

Mr. President, Lt. Col. William A. Jones III, has a distinguished connection with Congress. His grandfather, William A. Jones, represented Virginia in the House of Representatives for many years. Representative Jones was regarded during his congressional days as an outstanding Congressman and a valuable contributor to the Congress.

His grandson inherited the many fine qualities of Representative Jones. I invite the attention of the Senate today to the gallantry of Lieutenant Colonel Jones, whose bravery and courage are being cited by the President this afternoon. At the White House ceremony, his widow, Mrs. Jones, will be accompanied by her three daughters and the mother of Colonel Jones.

First Lt. Gary L. Miller is from Covington, Va. The Medal of Honor will be presented today to his widow for his combat actions above and beyond the call of duty.

Both of these men, Colonel Jones and Lieutenant Miller, deserve the appreciation of our Nation for their devotion and sacrifice to their country. I shall be present this afternoon when the Medal of Honor is presented to their widows. I take this occasion to cite the heroism of these two men.

I ask unanimous consent that the citation in regard to Colonel Jones and the citation in regard to Lieutenant Miller be printed at this point in the RECORD.

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Lieutenant Colonel William A. Jones, III, United States Air Force, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty.

On 1 September 1968, Colonel Jones distinguished himself as the pilot of an A-1H Skyraider aircraft near Dong Hoi, North

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Vietnam. On that date, as the on-scene commander in the attempted rescue of a downed United States pilot, Colonel Jones' aircraft was repeatedly hit by heavy and accurate antiaircraft fire. On one of his low passes, Colonel Jones felt an explosion beneath his aircraft and his cockpit rapidly filled with smoke. With complete disregard of the possibility that his aircraft might still be burning, he unhesitatingly continued his search for the downed pilot. On this pass, he sighted the survivor and a multiple-barrel gun position firing at him from near the top of a karst formation. He could not attack the gun position on that pass for fear he would endanger the downed pilot. Leaving himself exposed to the gun position, Colonel Jones attacked the position with cannon and rocket fire on two successive passes. On his second pass, the aircraft was hit with multiple rounds of automatic weapons fire. One round impacted the Yankee Extraction System rocket mounted directly behind his headrest, igniting the rocket. His aircraft was observed to burst into flames in the center fuselage section, with flames engulfing the cockpit area. He pulled the extraction handle, jettisoning the canopy. The influx of fresh air made the fire burn with greater intensity for a few moments, but since the rocket motor had already burned, the extraction system did not pull Colonel Jones from the aircraft. Despite searing pain from severe burns sustained on his arms, hands, neck, shoulders, and face, Colonel Jones pulled his aircraft into a climb and attempted to transmit the location of the downed pilot and the enemy gun position to the other aircraft in the area. His calls were blocked by other aircraft transmissions repeatedly directing him to to bail out and within seconds his transmitters were disabled and he could receive only on one channel. Completely disregarding his injuries, he elected to fly his crippled aircraft back to his base and pass on essential information for the rescue rather than bail out. Colonel Jones successfully landed his heavily damaged aircraft and passed the information to a debriefing officer while on the operating table. As a result of his heroic actions and complete disregard for his personal safety, the downed pilot was rescued later in the day. Colonel Jones' conspicuous gallantry, his profound concern for his fellowman, and his intrepidity at the risk of his life, above and beyond the call of duty, are in keeping with the highest traditions of the United States Air Force and reflect great credit upon himself and the Armed Forces of his country.

CITATION

The President of the United States of America authorized by Act of Congress, March 3, 1863, has posthumously awarded in the name of The Congress the Medal of Honor to First Lieutenant Gary L. Miller, United States Army, for conspicuous intrepidity and gallantry in action at the risk of his life above and beyond the call of duty.

First Lieutenant Gary L. Miller, Infantry, Company A, 1st Battalion, 28th Infantry, 1st Infantry Division, was serving as a platoon leader on the night of 16 February 1969, in Binh Duong Province, Republic of Vietnam, when his company ambushed a hostile force infiltrating from Cambodian sanctuaries. After contact with the enemy was broken, Lieutenant Miller led a reconnaissance patrol from their prepared positions through the early evening darkness and dense tropical growth to search the area for enemy casualties. As the group advanced they were suddenly attacked. Lieutenant Miller was seriously wounded, however the group fought back with telling effect on the hostile force. An enemy grenade was thrown into the midst of the friendly patrol group and all took cover except Lieutenant Miller, who in the dim light located the grenade and threw himself on it, absorbing the force of the explosion with his body. His action saved nearby members of his patrol from almost certain serious injury. The extraordinary courage and selfishness displayed by this officer were an inspiration to his comrades and are in the highest traditions of the United States Army.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1076. An act to establish a pilot program in the Departments of Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes; and

H.R. 16915. An act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1971, and for other purposes.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 1 p.m. today.

The motion was agreed to; and at 12:33 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1 p.m., when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 679) authorizing the printing of additional copies of "Education in Israel" for use of the Select Subcommittee on Education, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 679) authorizing the printing of additional copies of "Education in Israel'" for use of the Select Subcommittee on Education, was referred to the Committee in Rules and Administration.

SPANISH BASES

Mr. FULBRIGHT. Mr. President, it is because of my grave concern for the overall relationship between the executive and legislative branches in the sensitive area of foreign policy that I speak today of the manner—not the substance—in which the Givernment of the United States is about to enter into an important agreement with Spain. The foreign policy implications of the agreement spread far beyond Spain. But the domestic implications are even broader. They go first to the administration's respect for the commitments resolution—a sense of the Senate resolution that was approved last June 25 by a vote of 70 to 16.

They go second to the administration's sense of the public's role in understanding and thus supporting foreign commitments.

Finally, events of the past 2 weeks go to the serious question as to the accuracy of representations made by Department of State officials to the Foreign Relations Committee with respect to the timing of the signing of the Spanish agreement.

In my speech of Monday, I said:

> If the Senate and through it the people of the United States are to regain for themselves their responsible role in the making of commitments with foreign countries, action must be taken within the next two weeks with regard to the proposed agreement with Spain.

That time limit was set advisedly because I was aware the State Department wished to sign the agreement prior to September 26, the date on which the current extension runs out. I hoped for some Senate action well before that date and thus before Congress was presented with a fait accompli in the form of a signed agreement.

It was with some surprise, therefore, that I received the information yesterday afternoon from Secretary Rogers that the signing was to take place tomorrow.

Prior to that notification, all the information I had received had indicated the signing would await a response to my request for some form of public discussion if not specific Senate approval in terms of a treaty.

That point was made a number of times during the discussion of the agreement before the committee on July 24 with Under Secretary of State U. Alexis Johnson and Deputy Defense Secretary David Packard.

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I do not think there is any security regulation violated by my recalling the statements made to the committee by those two gentlemen 11 days ago.

Secretary Packard at one point said:

> I do not disagree with the idea that there ought to be free discussion and we ought to talk about whether this is a good or not a good agreement.

He later added:

> I think we ought to consider this suggestion (for an open hearing). We will give it consideration.

In response to a suggestion that—in order to guarantee congressional and public understanding of the implications of the agreement—it be submitted as a tragedy or that public hearings be held, Under Secretary Johnson asked whether publication of a sanitized version of that day's hearing would serve the same purpose.

I said it was doubtful that such an arrangement would adequately meet the need for public discussion and based my decision partially on the delays encountered by the Symington subcommittee in getting its transcripts cleared for publication.

Under Secretary Johnson had noted that time was a problem, but only in that the present extension ran until September 26.

The situation was left, as of July 24, that Under Secretary Johnson would consult the Secretary on whether the agreement would be submitted to the Congress as a treaty or, if not, whether the Under Secretary would agree to come in open session and discuss its significance and the interpretations given to it by the administration.

The Department's decision was to be delivered to the committee the following Monday or Tuesday—July 27 or 28. On Tuesday, Assistant Secretary of State David Abshire informed the Chief of Staff, Mr. Marcy, that plans for an early signing were being put off and, therefore, there was no rush in the Department replying to the committee request for a treaty or a hearing.

Without hearing from the Department, but realizing that time to discuss the matter was limited by the September 26 deadline, I decided to review the agreement against past testimony on Spain given the committee. Some questions occurred to me that were not apparent in the few hours I had to study the agreement during the committee session. My statement of August 3 was designed to raise some of these questions and present my views to the Senate. It must be remembered that although this matter was undergoing debate in Spain both in its legislative body, the Cortes, and in the press, nothing was being discussed in this country thanks to the security classifications attached by the administration.

When a meeting with Secretary Rogers was set for yesterday, I expected it would represent an answer to my request for some form of public discussion. I was not only disappointed that the decision was made against submitting a treaty, but surprised that a signing date was set for tomorrow which would totally eliminate the opportunity for any rational public discussion before the administration went ahead.

Such a step not only represents continuation of the questionable past policy of making alliances without congressional approval; it also violates the inherent necessity for officials of the executive and legislative branches to respect the position of the other, even in matters over which they disagree.

The administration may gain a tactical advantage on the Senate floor in debate over the Spanish agreement by having already signed it and thus committed the prestige of this Nation toward fulfillment of its terms. But due to the manner in which some officials acted in order to keep secret the terms of the agreement prior to that signing, I believe something has been lost in terms of credibility both here in the Senate and with the Nation as a whole.

I have great respect for the Secretary of State and therefore doubt that this type of maneuvering represents his views.

It appears more likely that in this matter—which is not at the center of his interest these days—the bureaucracy has taken over control of policy. The drive of the bureaucrats to continue past practices by keeping the Spanish agreement in its present, primarily secret form is understandable. Many of the same State Department personnel are involved in today's negotiations that were involved in the agreements of 1963 and 1968. For them, to depart from a past course would be tantamount to admitting that they were wrong before.

Despite the fact that the agreement has been signed, I will press for my proposed amendment to the defense authorization bill. That will guarantee some debate—even if part must be in closed Senate session—if the Department continues to refuse to submit this agreement as a treaty or fails to present witnesses in public hearing so that the details and implications of this matter can be understood.

Far more than base rights in Spain are involved. And it is no answer for any Senator to give that a reassessment of commitments should take place, but that it should start with some country other than Spain.

Spain is where it should start.

A LETTER TO PRESIDENT NIXON

Mr. FULBRIGHT. Mr. President, a courageous and sensitive doctor from Florida, Dr. John J. Fisher, wrote a remarkable letter to President Nixon which was printed in the Miami Herald of August 3, 1970.

This letter is remarkable because Dr. Fisher is a Republican, a member of the Florida State Senate, the father of 10 children and sufficiently concerned about the future, indeed the present, of our country to take the trouble to write his President protesting the barbarous conduct of certain over-zealous representatives of the Government.

This letter is a moving account of one citizen's experience with the growing mood of intolerance in our land, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DR. FISHER'S LETTER TO NIXON

DEAR MR. PRESIDENT: I am forty-seven years of age and, although a practicing physician, have twice been elected to the Florida Senate as a member of the Republican Party.

This summer I rented a large camper and my wife and I took off with seven of our children for a month's tour of this nation. We believed that such a trip would provide an excellent opportunity for all to see our great land from coast to coast, and would allow us to discuss together, against such a background some of the problems which seem to be besetting it today. We hoped also to develop a better understanding between our generation and theirs . . . with many of our campfire and after dinner discussions concerning the state of law and order in our country.

Time and again we older have tried to explain to our children that laws are to be upheld until, if they are unfair, they are repealed. We pointed out that there are acceptable means embodied within our Constitution to effect the correction of any wrong within our system. We argued that law enforcement officers exist for their protection and benefit, and that the alternative to law and order is lawlessness and anarchy. Truly, Mr. President, the relation of the police to our younger generation is, to use one of their own expressions, one of their biggest "hangups."

We stopped to spend a week at Yosemite National Park. . . . Since it happened to be the week preceding the Fourth of July weekend, the choice of camping sites was limited. I admit I was dismayed to find ourselves assigned to one in which we were surrounded by those youth whom we have, in our American way, labelled "hippies."

Such apprehension was soon dispelled, however, as we found these long-haired, oddly-dressed children to be more polite than most of my youngsters' college friends who visit our home. The campground was neat and orderly, and altogether one of the most friendly and pleasant that we visited. Curfew was observed, and we were very impressed indeed by the spirit of brotherhood that abounded . . .

We were at the extreme end, bordering a large meadow that stretched beyond. The grassy clearing was surrounded on all sides in the near distance by Yosemite's granite mountains and provided a beautiful natural gathering place for the youngsters, whose transportation and entertainment resources are necessarily limited. In the evenings before supper I would take my two-year-old son over to the meadow and we would watch them throw Frisbees, run foot races, and sing songs.

One afternoon two of my sons, aged sixteen and thirteen, and I took a playball to kick around, and subsequently found ourselves engaged in a pick-up soccer game with some of the oddest looking players on any athletic field. I have never seen the game played more cleanly or in a more friendly spirit, however, and was indeed sorry to see it end.

On Friday July 3 I heard that the meadow was to be closed at 7 p.m., two hours before darkness comes at Yosemite, and three before park curfew. No reason for such action was given, but there were rumors that the concessioneers at the Park, such as the Curry Company, were fearful of the young people congregating. This held some ring of plausibility to me since I had observed that the stores employ uniformed guards to keep barefoot children out of their establishments.

At 7 p.m. I was taking a predinner stroll with my twenty-one-year-old married daughter, who had joined us in San Francisco, when it happened. First came the trucks from one side, with bullhorns ordering all off the meadow and back to their campsites. Before one could comply with this order, mounted troops wearing helmets and brandishing clubs, some twelve to fifteen in number, rode in from the other direction.

Before my very eyes we watched these children stampeded, several being clubbed, and two thrown to the ground, handcuffed, and led off to jail. Their crime I could not see, except that one, a David Vassar, who was at Yosemite making a documentary, had a camera. This was knocked from his grasp as he was beaten.

Can this be America, I thought, the America we were telling our children still existed? Where have I been? What must my teenagers think?

My daughter, who had become separated from me in the attack was led up to me roughly held by a ranger who said, "This girl has no identification on her but claims she's your daughter." If I hadn't been there, it would have been off to the enclosure with her. . . .

The children were driven to the edge of the campground by the rangers, who stood menacingly on their mounts, flanked by the ground troops. The harsh expletives that resulted from the charge soon turned to song as surprisingly cooler heads among them began to prevail.

"Come along people now,
Smile on your brother
Everybody get together,
Try to love one another,
Right now!"

I asked a nearby ranger how I might contact the superintendent of the park, since I felt a riot threatened, one which could be averted by action on his part: either a satisfactory explanation to all of us for the early curfew on the meadow, or a rescinding of his order for such. I was told that he was unavailable until Monday morning at 8:30 a.m., almost three days later.

I finally met the assistant superintendent, a Mr. Russ Olsen, as he arrived on the scene. When I asked him the reason for the police action I had witnessed, he said the hippies were littering the meadow. When I volunteered that I had been at Yosemite five days and never even seen a candy wrapper in the field, he replied that the hippies disturbed the peace. When I answered that I had camped next to this area for five days and heard no disturbance until the rangers came, and that I had elicited similar opinions from other older ones in the campground, he said it was bad for the hippies to congregate. Would he limit the size of our church edifices, Mr. President, on such reasoning?

Despite the urging, subconscious or not on their part, of the rangers for the youth to riot by such announcements over their loudspeakers as "You are a disorderly mob," the youngsters slowly returned to their campsites, the more radical ones being quieted by their friends.

The next day many of the long-haired jean-clad cult quietly departed. . . .

When we returned to our campsite late that afternoon from our daily hike, the usual meadow games were in progress, but with a few changes. There seemed to be more concern with the hour as seven approached, and a national television crew was on hand. A small new sign stating the new curfew hour for the meadow had been placed by the rangers, and a curious crowd was already lining the highway that bordered the meadow.

Promptly at seven the public address warning sounded. Helmeted rangers grouped at one side, clubs and Mace at the ready. A string of armed horsemen filed in from a new direction, into the area between the meadow and the campground. . . . They took a position where they were relatively screened from view by those standing at the edge of the field. The young people in the meadow did not see them. Moreover, they had decided that their intentions would appear more peaceful if they sat, and had formed a huge circle of several hundred on the grass.

Even the veteran news crew was unprepared for what happened next. Without any warning, the horsemen suddenly burst forth in a pack, riding their iron-shod steeds directly into the midst of the seated assembly, at full gallop, scattering those who were fortunate enough not to be run over. . . . The foot troops then moved in with their clubs, while the horsemen circled about and returned swinging lariats and belts. In one moment the peaceful meadow had been changed into a sickening spectacle by these "peace" officers.

I wonder, Mr. President, if you have ever been charged by a horseman? I can tell you now by experience that it makes you want to pick up anything you can, stick or stone, to ward off his charge. I threw my cigar, the only thing I had at hand, at the one that came directly at me, his horse already out of control. Through no effort on his part, he narrowly brushed me and went riding down into the campsites before he was able to rein in. If my infant son had been playing outside the camper, he might have been trampled to death.

Their escape route purposely cut off, the young people did the only thing they could, they fought back. I found myself cheering as with their bare hands and the few missiles they were able to find in the field, they drove the rangers from the meadow. One girl planted a hastily lettered sign "People's Park" in the place of the one announcing the new curfew, and they rushed to the intersection and put up a road block at that point from which reinforcements might be expected. The park service and its rangers had the riot they wanted at last.

Even so, the large and noisy crowd refrained from taking the large store that stood unprotected nearby. The only violence I witnessed at the intersection was when a sheriff attempted to drive his car into the crowd and almost ran down a middle-aged woman on her bicycle as she tried to get out of his way. Fireworks were set off and a celebration party ensued. We noted no rangers in the campgrounds that evening as we sat eating supper. The young people had won their park, at least for the evening.

I was awakened in the middle of the night, sometime between three and four o'clock, by the blood-chilling screams of a human being beaten. I slipped out of bed and into the cab of the camper to see what was happening. At first all was quiet again, and then another shout of agony, this time nearer by. A short time later the nearest raiding party came into view.

Flashing strong electric beams, they moved quietly from campsite to campsite, waking the sleeping occupants up, thrusting them against trees for search, scattering their belongings. If any objected, even verbally, he was beaten. I subsequently learned there were ten to fifteen in these patrols, some rangers, some highway patrolmen, and some United States marshals. They carried riot guns, sidearms, and clubs. Now they enjoyed superiority in numbers as well as weapons, as they singled out each campsite.

They would have spared our camper as they were limiting their efforts to the children, except they saw me watching them. The raiding party came up to my open window, six lights in my face. I was ordered by a voice behind one of these to produce my registration. I asked if I might see their credentials, and received the reply, "I don't need credentials."

I replied that it was the middle of a black night, they had come up to my camper, on my campsite, and they should identify themselves at least. "We can take him in for delaying a peace officer," another flashlight holder growled.

Recognizing their brand of law and order, I pointed out my registration, taped to the lower left windshield as recommended.

I learned from a newspaper account later forwarded me that over one hundred of these young people were arrested "for resisting a law officer." The following morning as we left the park after a shorter stay than we had planned, I heard two rangers bragging about beating up some of their prisoners.

Imagine, over a hundred of our next generation now carry permanent emotional scars against our type of law enforcement. . . . And let's go further, if this came about in the peace of one of our national parks, how soon shall we dread the middle-of-the-night knock on the door at home?

President Nixon, tell me what words I can find to tell my own children now that will counteract the spectacle of law and order which they have personally witnessed on federal property.

Please explain to me how this, which now seems like an awful dream, can happen in our place, in our time. And tell me how you and I can make this nation the America you say it is, and until now, I thought it was.

Until you can do this, I shall be ashamed to be a Republican, and for the first time in my life, be less proud of being an American.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE O'NEILL REPORT

Mr. FULBRIGHT. Mr. President, in considering the wisest course of action to take with regard to the Safeguard system, we are asked to take so much on faith because we are dealing with a complicated weapons system whose technical virtues and defects we laymen cannot possibly understand. But we can understand what those who do know about such things say. And we can understand all too plainly when we are told half truths or even less than half the truth.

As my colleagues in the Senate may remember, when the Safeguard system was first proposed by the administration last year, Deputy Secretary of Defense Packard appeared before a subcommittee of the Foreign Relations Committee to explain how the system would work. In the course of his opening statement on March 26, 1969, which appears on page 260 of the hearings on "Strategic and Foreign Policy Implications of ABM Systems," Mr. Packard said:

> There must be continuous review of the growing Soviet nuclear forces and continuing efforts to insure that our deterrent cannot be eroded. This was a concern of the past Administration. It was my concern when I started my review of our strategic nuclear posture.

I then said to Mr. Packard:

> I think it would be very interesting to have before this Subcommittee just who participated in this review and how and in what depth it was made. The reason that particu-

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> larly appeals to me is that this Committee has done some reviewing, too, with some of the leading authorities in the field of nuclear warfare. . . . I think we and the public ought to be able to compare the nature of this review. . . . In your review, did you go outside and employ any independent people to analyze the feasibility and advisability, the wisdom, of this program? . . . I would like to know what was the nature of the review and who participated in it.

Mr. Packard replied:

> One of the men that I talked to, I have a very high regard for, is Professor Panofsky.

Two days later, Dr. Panofsky appeared before the subcommittee and began his testimony by saying:

> To clarify the record, I would like to state that I did not participate in any advisory capacity to any branch of the Government in reviewing the decision to deploy the current modified Sentinel or Safeguard system—I appreciate having had the opportunity of an informal discussion with Mr. David Packard, Deputy Secretary of Defense, several weeks ago prior to the modified Sentinel decision.

The chairman of the subcommittee then asked Dr. Panofsky whether he had held an extended conversation with Mr. Packard and whether he had called on Mr. Packard or whether Mr. Packard had called on him. Dr. Panofsky replied that they had talked for about half an hour and that:

> We happened to accidentally meet at the airport.

Dr. Panofsky then went on to testify in detail on the Safeguard system and concluded by saying that he considered the deployment of Safeguard "an unwise decision from many points of view, from the point of view of sound engineering judgment, economy, and stopping of the arms race."

This year those who attended the hearings held by the Subcommittee on Arms Control, International Law, and Organization had a similar experience, one might almost say an identical experience, in the loose citing of authority by the Defense Department. The story begins on June 4, when Dr. John S. Foster, Jr., Director of Defense Research and Engineering, appeared as a witness before the subcommittee. In the course of the questioning, I said to Dr. Foster:

> You know, of course, Mr. Foster, that this country has spent over a thousand billion dollars on military affairs since World War II. You also know that every former Presidential science adviser is opposed to expanding Safeguard at this time. We have hud most of them testifying before this Committee. In view of this record, I don't see how you can be so confident of your judgment about these matters.

Dr. Foster replied:

> Well, Mr. Chairman, let me just simply point out that I asked a group of scientists to come together as an ad hoc committee and, before the Secretary of Defense made his recommendation to the President, review the program. I deliberately chose scientists who opposed the deployment of Safeguard as well as those who favored it. In fact, as I recall, when they met there were more against it than for it. I had, however, one very simple instruction for them—to put politics aside and just ask the question: Will this deployment, would these components, do the job that the Department of Defense is trying to do? And I gave them a range of possible deployments, since the Secretary had not yet made up his mind. There was considerable concern about this move, but the report sent to the Secretary of Defense said that this equipment will do the job that the Department of Defense wants to do.

I then asked Dr. Foster for the names of the scientists on this ad hoc committee. Dr. Foster said that the panel had been chaired by Prof. Lawrence H. O'Neill of Columbia University and had included among its seven members Dr. Sidney D. Drell, deputy director of the Stanford Linear Accelerator Center, and Dr. Marvin L. Goldberger of Princeton University. This testimony appears on pages 441 and 442 of the subcommittee hearings on "ABM, MIRV, SALT, and the Nuclear Arms Race."

So much for chapter I of the O'Neill report story. Now to proceed to chapter II. Dr. Drell and Dr. Goldberger apparently felt that Dr. Foster had misrepresented the conclusions of the O'Neill panel for they subsequently wrote the subcommittee chairman. Their letters appear on pages 522 and 523 of the hearings. In his letter, Dr. Drell said:

> Dr. Foster remarked during his testimony that '. . . the report was sent to the Secretary of Defense, and what it said was that this equipment will do the job that the Department of Defense wants to do.' *That is an incorrect statement* since the report contains no such far-reaching conclusion.

Dr. Drell then repeated statements made before a House subcommittee which included these assertions italicized by Dr. Drell for emphasis:

> There have been extensive studies, and I believe it is fair to say that all now recognize that Safeguard, even working perfectly, and with a full nationwide Phase II deployment costing about $10 billion can be effective in preserving 300 Minuteman missiles, which is deemed adequate as a retaliatory force, against only a very narrow band of models of an assumed Soviet strike. . . . All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified.

Dr. Goldberger's letter said:

> Although I have not seen Dr. Foster's testimony, I have been informed that I was named as a member of a panel chaired by Dr. Lawrence O'Neill whose report was described by Dr. Foster as follows: '. . . the report was sent to the Secretary of Defense, and what it said was that this equipment will do the job the Department of Defense wants to do.'
>
> I can only presume that the implication here is that our panel supported the arguments presented by Dr. Foster and the Department of Defense in justifying the next phase of Safeguard to your Committee. *The report took no such position.*

Dr. Drell and Dr. Goldberger then testified before the subcommittee on June 29. Both witnesses repeated the statements made in their letters. In the course of his testimony, Dr. Goldberger also said:

> I have studied much of the testimony presented to this and other Committees of the House and Senate and am struck by two things. The experts who testified against Safeguard emphasized the technical shortcomings of the system in tremendous detail, got into hair-splitting arguments over whether it took 1,001 or 1,234 Soviet SS-9 missiles to knock out Minuteman, whether the system would or would not work when needed, et cetera, and in general conveyed an unfortunate impression of complexity and controversy that seemed to be beyond the grasp of all but the technical sophisticates. In addition, they failed on occasion to distinguish sufficiently clearly between opposition to ABM in general as compared to opposition to Safeguard in particular. The civilian proponents of ABM presented by the Department of Defense to the various Committees, in spite of explicit classified briefings which I knew took place in certain cases, almost to a man avoid talking about the actual Safeguard system. The more charitable interpretation one can put on this remarkable fact is that they could not, as men of scientific integrity, defend the system that was being proposed. They concentrated instead on the Soviet threat, the intransigence of the Chinese, national determination, the virtues of defensive weapons as extolled by Mr. Kosygin, et cetera, but never, never on the relation of Safeguard performance to the actual or projected threat.

Subsequently, in the course of the hearing, the chairman of the subcommittee asked the witnesses:

> Do you know of any advisory group with which you have served whose majority opinion supports the proposal to deploy Phase II of Safeguard?

Dr. Goldberger replied: I do not, and Dr. Drell agreed.

The third chapter in this story begins with a letter from Dr. Foster on July 24 saying that he had considered the subcommittee's request that most of the report be declassified and had concluded that it could be. He attached a copy of the original classified version of the report marked with brackets indicating portions of the report which were to remain classified. I ask unanimous consent that Dr. Foster's letter of July 24 to the chairman of the subcommittee and the O'Neill report, with certain sections deleted for security reasons at the request of the Defense Department, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, on Sunday, July 26, there appeared in various newspapers an Associated Press story, dateline Washington July 25, about the O'Neill report. The Associated Press could only have obtained the O'Neill report in the Pentagon because the declassified report was received by the committee staff only late in the afternoon on July 24 and was not shown to anyone, including committee members, over the weekend. The Associated Press story stated in its lead paragraph that:

> A report censored for security reasons on the Safeguard antimissile defense system says the full Phase II program would provide protection against a limited Red Chinese missile attack and some defense of U.S. Minuteman missiles from a Russian blow.

The Associated Press story continued:

> It provides thin area coverage and some defense of Minuteman, said the report by

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seven civilian scientists to Melvin R. Laird, Secretary of Defense.

The story, as it appeared in the Baltimore Sun on July 26, was inserted in the Congressional Record on July 28 by the senior Senator from Colorado (Mr. Allott).

The Associated Press story also appeared in the San Diego Union where it was seen by Dr. Drell and Dr. Goldberger. They thereupon wrote me saying that the O'Neill report "differs from the misleading implications in this story." Among other things, their letter said:

> We in no way endorsed full Phase II as a thin area defense against China.
>
> . . . as the report states, there was no consensus that Phase II would provide effective protection against a limited Chinese attack. Against these remarks our full statement in the O'Neill report must be read in context: "Safeguard full Phase II is a system embodying compromise *intended* to enable the system to achieve, *to some extent*, the three objectives stated by the President. It provides thin area coverage and some defense of Minuteman . . ." (Italic added for emphasis).
>
> Concerning the defense of Minuteman missiles from the Russian blow, we recommended that "if the only purpose of Safeguard is defined to be to protect Minuteman, Phase II–A, as defined in March 1969, should not proceed."
>
> Therefore we stand by the following statement in our testimony before the Subcommittee on Arms Control, International Law and Organizaion, chaired by Senator Gore, on June 29: "All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified."

I ask unanimous consent that the text of the letter to me from Dr. Drell and Dr. Goldberger of July 29, together with a copy of the Associated Press story from the July 26 issue of the San Diego Union, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. FULBRIGHT. Mr. President, I urge my colleagues to read the O'Neill report, which will be found at the conclusion of my remarks, carefully. Dr. Foster, in his letter of July 24 to Senator Gore, said that he was encouraged by the technical judgment expressed in the group's report that "Safeguard full phase II is a system embodying compromises intended to enable the system to achieve, to some extent, the three objectives stated by the President." Dr. Foster may be searching desperately for some encouragement. In the first place, he is talking about full phase II, as was the Associated Press story in its lead paragraph, while the proposal submitted by the administration was for phase II–A and not the full phase II. In the second place, it seems to me that a report which states that—

> A more cost effective system for the active terminal defense of Minuteman than Phase II–A of Safeguard can be devised.
>
> If the only purpose of Safeguard is defined to be to protect Minuteman, Phase II–A as defined in March 1969 should not proceed.

is not a ringing endorsement of the Safeguard system.

We have had, in the past, a missile gap. More recently, we have experienced a credibility gap. We seem now to be combining the two in a missile credibility gap which emerges clearly from the record of the Defense Department in attempting to support claims that it has submitted the Safeguard system to independent outside review. The missile credibility gap was opened last year by Mr. Packard's implication that Dr. Panofsky had supported the Safeguard system. It was widened this year by Dr. Foster's assertion that the O'Neill panel had concluded that Safeguard could meet certain objectives. Two members of the O'Neill panel do not agree and surely they must know what they decided and recommended. One of the members of the O'Neill panel, Dr. Drell, went even further and said:

> All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified.

For we who must rely on the informed judgments of others, as far as technical matters are concerned, Dr. Drell's statement stands as a severe indictment of the Safeguard system and calls into question the tactics employed by the Defense Department in seeking to make it appear that the scientific community supports the Safeguard system as an effective defense of our deterrent missile force.

Exhibit 1

July 24, 1970.

Hon. Albert Gore,
Chairman, Subcommittee on Arms Control, International Law and Organization, U.S. Senate, Washington, D.C.

Dear Senator Gore: I received your letter of July 1 in which you asked if most of the report of the Ad Hoc Group on Safeguard for FY 1971 (the O'Neill Report) could be declassified. I have reviewed the classification within the report. I believe that the report classification was correct at the time of writing when the Administration was still in the process of selecting a recommended course of action for Safeguard deployment in FY 71. However the situation today is different—the Administration's recommendation has been announced and is public information. Therefore, I conclude that most, but not quite all, of the O'Neill report can now be declassified. Attached hereto is a copy of the original classified version of the report which has been marked with brackets to indicate the remaining classified portions. When the bracketed portions are deleted the remainder is unclassified and, as you can see, most of the report has been declassified. We have included with the report the letter of transmittal, which lists the members of the Group.

I feel it is important that I point out to you that the report may not be an easy one for the public to read and understand in proper context. The report, as you know, is highly technical and was written by an ad hoc group of technical experts for key people in the Department of Defense whose daily work on ABM gives them a thorough background in the subject. In other words, the style of the report is based on the assumption that the reader is very well informed in some detail about ABM.

I hope that the way the Group worked is clear from the report. At the time the Group met, the Administration (and the Department of Defense) had not yet arrived at a decision on what to recommend as the next step in Safeguard beyond Phase 1. Consequently the Group was reminded of President Nixon's objectives for ABM as he stated them publicly on March 14, 1969. The Group was given (but not restricted to) a range of possible steps which might be initiated in FY 1971. The reason for this approach—and I think this was understood by the Group—was that we wanted technical opinions on the adequacy of ABM components, not political opinions on the need for or desirability of proceeding with ABM deployment.

The Group chose to explore the use of Safeguard components for defense of Minuteman only, for area defense only, and for a composite system having both objectives. The Group made valuable technical observations and technical recommendations that were a most helpful ingredient in our review of Safeguard and our later selection of a recommended FY 1971 course of action to meet national needs. I can best describe the usefulness of the Group's work by citing a few examples. The Group recommended that we appraise the use of existing air defense systems for interim defense of Minuteman. We have done this and we have concluded that conversion of our existing air defense systems would be expensive and would probably have a very short useful life because they could be negated with relative ease by simple tactics. The Group also advised us to examine the desirability of using MSR's in a dedicated system. We did this and found that the "mix" has technical as well as schedule advantages. Consequently we propose that Safeguard defense of Minuteman should proceed with the addition of another Safeguard site, Whiteman, which could be operational in 1975. Concurrently we are developing a new hard site radar to augment Safeguard defense of Minuteman, should the threat require it. Another observation of the Group was that the number of Sprints at the two Phase I sites could be increased to achieve an early improvement in defense capability. This increase is, as you know, part of the Administration's request for FY 1971 funding.

We were aware that all members of the Group did not agree on the need for ballistic missile defense to meet all of President Nixon's objectives and that the Group did not wish to express advocacy for or opposition to any specific step in Safeguard deployment. However, I was encouraged by the technical judgment expressed in the Group's report that "Safeguard full Phase II is a system embodying compromises intended to enable the system to achieve, to some extent, the three objectives stated by the President. It provides thin area coverage and some defense of Minuteman. It retains the possibility of including Safeguard technology in a dedicated system for Minuteman defense."

I hope that the unclassified report will be useful in clarifying ABM issues and expediting the Senate's consideration of the Administration's request for Fiscal 1971 Safeguard funds.

Sincerely yours,

John S. Foster, Jr.

New York, N.Y.,
January 27, 1970.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Secretary Laird: Enclosed are three copies of the report of the Ad Hoc Group on Safeguard for FY 1971. This report has been reviewed and approved by all members of the group. The members of the group were: Louis M. Branscomb, Director, National Bureau of Standards; Sidney D. Drell, Professor and Deputy Director, Stanford Linear Ac-

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celerator Center; Marvin L. Goldberger, Professor of Physics, Princeton University; William G. McMillan, Professor of Chemistry, University of California at Los Angeles; W. S. Melahn, President, Systems Development Corporation; Lawrence H. O'Neill, President, Riverside Research Institute, Professor of Electrical Engineering, Columbia University (on leave of absence); Allen M. Peterson, Professor of Electrical Engineering, Stanford University, Senior Scientific Adviser, Stanford Research Institute.

A number of comments designed to clarify the report have been suggested by individual group members. I am including these in this letter, rather than in the report itself, in order to avoid the need to take the time required to submit the report to the group for another review. In my opinion these comments do not materially affect the advice offered in the report. The additional comments follow:

1. The material referred to on page 4 but omitted to avoid higher classification was taken from the Top Secret versions of the Fall 1969 N.I.E.'s concerning Soviet and Chinese Communist capabilities.

2. In the next to last line on page 4, the word "missiles" should be understood to mean "operational missiles."

3. In numbered paragraph (2) on page 13 the statement concerning the need for a policy decision is not intended to imply that such a decision has not previously been made. Rather it is intended to suggest the need to review policy and update it if necessary as a prelude to particular decisions to be made for FY 1971.

The group respectfully submits its report in the hope that it may be helpful to you and to other responsible officers of the Government.

Sincerely,

LAWRENCE H. O'NEIL,

REPORT OF THE AD HOC GROUP ON SAFEGUARD FOR FY 1971 (U)—SUBMITTED TO THE SECRETARY OF DEFENSE

I. INTRODUCTION (U)

(U) The group was asked to offer advice to DOD concerning the pursuit of a BMD capability by the United States. Its advice was to be based upon the scientific and technical qualifications of its members. Although members of the group hold a range of views concerning the desirability of a BMD deployment and concerning the interactions between a deployment and diplomatic, strategic and political factors, it was not asked for and did not offer advice based on assessment of such things. The members are anxious that their participation in the work of the group not be taken to imply advocacy or opposition to the deployment of ballistic missile defense.

(U) A full day was devoted to attendance at briefings by the SAFEGUARD Systems Command, the Advanced Ballistic Missile Defense Agency, and representatives of DDR&E. The material covered in these briefings included: a threat assessment at the top secret level; a Safeguard status report; Safeguard schedules and budgets for various possible deployment programs; ABMDA advanced study and development programs; a joint Safeguard/ABMDA study of active defense of Minuteman; and a description of possible alternatives to active defense for improving the survivability of Minuteman. (C)

(U) A second full day was devoted to discussion within the group, the definition of points of agreement, and an identification of differences in technical judgments.

(U) A final day was devoted to the preparation of working notes for the group's report and for presentation of its advice to the Deputy Secretary of Defense, the Secretary of the Army, the Director of Defense Research and Engineering, the Principal Deputy Director of Defense Research and Engineering, and the Deputy Director (Strategic and Space Systems) ODDR & E.

(U) A set of possible programs for proceeding with further steps toward the deployment of BMD which had been considered in DOD was described to the group. No proposed program was offered for criticism or assessment by the group. Instead the group was invited to present its opinion in any way which, in its judgment, would be appropriate. It was assured that it was under no obligation to arrive at recommendations concurred in by all members.

(U) The President's statement of March 14, 1969, was provided to the group for guidance. The group was advised that the three purposes* of Safeguard defined by the President were not "weighted," that no one could be considered more important or desirable than any other. The President's statement also expressed his concern that a limited BMD deployment not be subject to misinterpretation as a first step toward the emplacement of a heavy BMD system. The group took note of this concern and was influenced by it during its work. (U)

(U) Advice pertinent to funding action in FY 1971 and FY 1972 was described to the group as being of particular interest.

(U) On the basis of the guidance described above, the group attempted to formulate advice based on scientific, technical, schedule and budgetary considerations, and on the assumption that the President and Congress, after review, decided to continue to approve the obligating of additional funds for BMD. It was not the purpose of the group to judge the wisdom of such an assumed decision.

(U) In the hope that the procedure will improve exposition of the group's reasoning, the results of this review are presented in three parts:

(U) 1. Those pertinent actions that might be taken in FY 1971 if BMD were solely for the defense of Minuteman.

(U) 2. Those pertinent actions that might be taken in FY 1971 if BMD were intended only to provide thin area coverage of the country.

(U) 3. Those pertinent actions that might be taken in FY 1971 if BMD is intended to evolve into a system capable of meeting simultaneously the three objectives defined by the President.

II. MINUTEMAN SURVIVABILITY (U)

(U) The comments offered in this section should be understood to be based upon the assumption that the *only* purpose of deploying BMD is to improve the survivability of the Minuteman force.

(S) On the basis of the size of the Soviet land-based force estimated for mid 1971 as composed of the following weapons: (omitted to avoid higher classification) and of the estimated growth rate of this force, full use of the Soviet land-based force to attack Minuteman could reduce the expected number of surviving U.S. land-based missiles to below ——— by ——— ———. This would require that by that time improvements in delivery accuracy (c.e.p.) be achieved which make each delivered Soviet R/V from an SS11 or SS9 highly effective ——— against a Minuteman silo. The group believes such accuracy improvements are technically possible but, of course, might not occur. Intelligence information provided to the group was not sufficient for it to reach a judgment about the likelihood that Soviet operational missiles would exhibit such accuracy in the next three to five years.

(u) Some members of the group believe it might be possible to eliminate or shorten the period in which the Minuteman force could be very vulnerable to a heavy attack by Soviet SS11's and SS9's by adapting some existing U.S. air defense systems for temporary use as Minuteman defenses. The group was not briefed on this subject, and opinions among its members differ concerning the feasibility and practicality of such a program.

(u) The group believes that techniques other than active defense may be practical and may reduce the vulnerability of Minuteman described above. It believes that alternate basing techniques that increase the number or the hardness of the aim points that a Soviet attack would have to target to achieve high assurance of destroying Minuteman merit careful study and may be practical as replacements for or adjuncts to active defense.

(u) The group believes that a more cost effective system for the active terminal defense of Minuteman than Phase IIA of Safeguard can be devised. Such a system, termed a "dedicated" system, would feature less costly and less technically formidable radars than the MSR and each such radar would cover fewer silos than would be covered by an MSR. The system might, or might not, include some MSR's in addition to the smaller radars. The desirability and cost effectiveness of such a mix cannot be reliably judged at this time. The system's advantage over one featuring a proliferation of MSR's would be particularly important if the size of the Soviet anti-Minuteman force became very large.(u)

(U) The date on which a dedicated system for active defense of Minuteman could be complete depends upon its funding level. It seems unlikely that it could be deployed any earlier than one year or more after the system using only SAFEGUARD components could be deployed. However, it should be realized that if the Soviet missile force suitable for attacking Minuteman grows very large (e.g.* R/V's), the level of protection given the Minuteman force by a dedicated system substantially exceeds that achievable by proliferating SAFEGUARD components, with equal investment in either system.

(U) Against the background of these observations, the group advises that if the President and Congress direct a deployment of an active defense system exclusively designed to protect Minuteman:

(U) 1. If there is a foreseeable termination of BMD deployment at completion of Safeguard Phase I, funds (estimated at $1 B) in FY 1971 should not be obligated for this purpose. Phase I alone is not worth its cost. Obligation of FY 1971 funds for completion of Phase I is justified only if there is a need, or possible need, to continue beyond Phase I.

(U) 2. It is necessary to proceed vigorously with the design of a dedicated HPD system and with advanced development of the radar and other technical components to be used in such a system.

(U) 3. The desirability of using some MSR's in a dedicated system should be resolved as quickly as possible. There are two ways to "hedge" the uncertainty about the need for MSR's in a dedicated system:

(U) a) Continue production of MSR's at minimum pace, accepting the possibility that a conclusion that they were not needed would be reached, say six months into FY 1971. Cancellation of MSR procurement at that point would result in a loss estimated at $250 million to $300 million.

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*These three purposes are: protection of our land-based retaliatory forces against a direct attack by the Soviet Union; defense of the American people against the kind of nuclear attack which Communist China is likely to be able to mount within the decade; protection against the possibility of accidental attacks from any source. (U)

*Omitted to avoid higher classification. (U)

(U) b) Cancel production of MSR's at once, accepting the possibility that procurement might be re-initiated twelve months after that decision. This would delay the date of defense system availability at least twelve and possibly twenty-four months. Some "re-start" costs would be involved in restoring the production facilities, but these were not estimated.

(U) 4. If the only purpose of Safeguard is defined to be to protect Minuteman, Phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minuteman should replace or, if the need for the MSR is proved, augment, Phase IIA. As a minimum step, the complement of Sprints at Grand Forks and Malmstrom could be increased.

(U) 5. In view of the possibility that the expected number of surviving Minutemen may be low for several years, techniques other than active defense should be vigorously pursued and necessary advanced developments related to such techniques should be undertaken. Among the techniques that should be considered are those of alternate basing, including techniques for increasing the number of aim points at which Minutemen might be placed. Techniques other than active defense should be evaluated for cost effectiveness when used to replace active defense and when used in combination with active defense.

(U) 6. The practicality and effectiveness of an interim active defense system for Minuteman, derived from existing air defense systems, should be appraised by a thorough review of analyses completed in the past by such new work as may be warranted.

(U) 7. Study, research and advanced development funds for the Army's Hard Point Defense Program should be protected from budget cuts because of the great importance of this work with respect to Minuteman survivability.

III. AREA DEFENSE (U)

(U) Comments offered in this section should be understood to be based upon the assumption that the *only* purpose of a continued deployment of BMD is to provide a "thin" area coverage of the country to:

(U) 1. provide protection against a limited attack by the Chinese.

(U) 2. provide against an accidental or unauthorized launch from any source, including submarines.

(U) 3. protect alert SAC bombers, particularly against SLBM's on depressed trajectories.

(U) It is important to recognize an essential difference between a phased deployment of an area defense and a phased deployment of a terminal defense of Minuteman. The latter can, in principle, provide useful protection after partial deployment at a few sites. An incomplete area system provides no protection from "blackmail" by an opponent (e.g., C. P. R.) with a small ICBM force or from an unauthorized attack. It provides only limited protection against accidental launches.

(U) Therefore, initiation of an area defense system is justified only if there is an expectation that it will prove to be necessary or desirable to cover the entire country with such a system.

(U) Againt the preceding background, the group offers the following comments:

(U) 1. If a start on area defense were uninfluenced by work already completed and if deployment at three sites were possible within budget limits, the logical selection of sites for protection against Chinese ICBM attack would be Safeguard sites designated Northwest, Northeast, and Washington, D.C.

(U) 2. Budget limits and schedule advantages resulting from survey and other time-consuming actions authorized under Phase I suggest that a practical start on area defense would involve obligating funds in FY 1971 to establish sites at Whiteman (with an MSR but no PAR) and either N.E. or N.W. (with an MSR and a PAR). Whiteman affords coverage for a substantial population. It can be established relatively early because of survey work already completed. It is relatively inexpensive because it has no PAR.

(S) 3. ———

(U) 4. Area defense, even of the thin kind furnished by SAFEGUARD Phase II, has some effect on Soviet estimates of the adequacy of their deterrent because such a defense provides a large number of defensive weapons. Careful assessment of the consequences of the deployment of area defense components on the U.S. relationship with the Soviet Union should be undertaken, especially in the light of the President's expressed concern in this matter.

(U) 5. Some members of the group suggest the need to estimate the "virtual cost" of area defense. The term refers to the cost of assuring that U.S. missiles could penetrate a Soviet area defense. Such a Soviet defense might be deployed in response to a U.S. deployment or as a result of a U.S.-Soviet agreement.

(U) 6. Estimates within the group of the effectiveness of a feasible thin area defense against C.P.R. ICBM attacks vary.* The range of opinions was between the following bounds:

(U) (a) A belief that the probability is high that a thin area defense will be highly effective, possibly achieving damage denial for as much as a decade.

(U) (b) A belief that the C.P.R. would respond to the presence of a U.S. area defense and materially reduce its effectiveness by the use of penetration aids or bypass it entirely by other measures (e.g., clandestine weapons).

IV. THREE OBJECTIVE SYSTEM (U)

(U) Comments offered in this section are based on the assumption that the President and Congress direct DOD to proceed with a BMD system intended to place comparable emphasis on each of the three objectives defined by the President in his statement of March 14, 1969.

(u) Studies conducted by the Army indicate that a system based at seven sites could afford thin area coverage against limited ICBM attacks for all of the contiguous 48 states. The seven sites are among the twelve included in the Safeguard Phase II deployment which the Army has described. The seven site system is more vulnerable to a sophisticated attack than the Phase II system because effective radar coverage is reduced by such an attack. However, it does afford nearly complete defensive coverage against simple ICBM (not SLBM) attack at the lowest cost and earliest date achievable with Safeguard components. It is, therefore, a sensible "way station" to pass through on the way to a complete Phase II deployment. (u)

(u) It is of interest to ascertain which of the Safeguard sites provide terminal defense for Minuteman, contribute to area coverage, and are included in the seven site system. These sites are placed in evidence by the following table:

Site	Contributes to area coverage	Contributes to terminal defense for Minuteman	Is part of 7-site system
Grand Forks	X	X	X
Malmstrom	X	X	X
Northwest	X	-----------	X
Michigan/Ohio	X	-----------	X
Northeast	X	-----------	X
District of Columbia	X	-----------	X
Central California	X	-----------	
Warren	X	X	
Whiteman	X	X	X
Southern California	X	-----------	
Texas	X	-----------	
Georgia/Florida	X	-----------	

(u) Three sites (Grand Forks, Malmstrom, and Whiteman) have all three features mentioned above. The first two have been authorized, and funding has been obligated in Safeguard Phase I.

(U) Against the preceding background, the group offers the following comments:

(u) 1. Safeguard full Phase II is a system embodying compromises intended to enable the system to achieve, to some extent, the three objectives stated by the President. It provides thin area coverage and some defense of Minuteman. It retains the possibility of including Safeguard technology in a dedicated system for Minuteman defense.

(u) 2. There is a need for a policy decision on whether to give emphasis to Minuteman terminal defense or to divide effort between Minuteman defense and area defense in the next step taken toward Safeguard Phase II.

(u) 3. Obligation of FY 1971 funds for the Safeguard sites at Whiteman and Warren would emphasize protection of Minuteman. Expenditures for these sites would contribute to the growth of a Minuteman defense based on Safeguard technology or on a mixture of the technology of Safeguard and that of a dedicated system.

(U)4. Obligation of FY 1971 funds for Whiteman would contribute to the evolution of both Minuteman terminal defense and thin area defense.

(U)5. FY 1971 funding obligations for either N.W. or N.E. would allow continued progress in the evolution of area defense. There is no significant difference between the two with respect to attack from Communist China. Either provides some coverage against SLBM attacks. However, for this latter capability, the PAR used at the site selected (N.E. or N.W.) should have two faces. (U)

(U)6. It is estimated that FY 1971 funding obligations for Whiteman and either N.E. or N.W. would be within a budget allowance of $1.5 B. It is estimated that obligations looking toward a third site would exceed the $1.5 B allowed in FY 1971.

EXHIBIT 2

JULY 29, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We noted with considerable interest the enclosed article in the San Diego Union of Sunday, July 26th. We understand from James Lowenstein, consultant to the Foreign Relations Committee, that the O'Neill Report, mentioned in this article and on which we testified before the Subcommittee on Arms Control, International Law and Organization on June 29th, has been largely declassified. We are writing, therefore, to reiterate the unclassified conclusions and actual emphasis given in this report, and thus to indicate how the report differs from the misleading implications of this story.

According to the *Union* article, the report says that the "full Phase II program would provide protection against the Red Chinese missile attack and some defense against the U.S. Minuteman missiles from the Russian blow." This statement is taken totally out of context. First of all the O'Neill panel was instructed to base its considerations "on the assumption that the President and Congress, after review, decided to continue to approve the obligating of additional funds for BMD." We were specifically not asked to assess or criticize any one proposed program. We were also told that "it was not the purpose of the group to judge the wisdom of such an assumed decision". Therefore we in no way endorsed full Phase II as a thin area defense against China. Indeed it was explicitly stated in the O'Neill report that there was a broad range of opinions among members of the group as to the effectiveness of the feasible thin area defense against Chinese ICBM attacks. In particular, some of us were recorded as believing that the Chinese could (and would) respond to any area defense and materially reduce its effectiveness by use of penetration aids, or bypass it entirely by other measures. It was on precisely this issue that there was a very broad range of views on the O'Neill panel and, as the report states, there was no consensus that Phase II would provide effective protection against a limited Chinese attack. Against these remarks our full statement in the O'Neill report must be read in context: "Safeguard full Phase II is a system embodying compromises *intended* to enable the system to achieve, *to some extent*, the three objectives stated by the President. It provides thin area coverage and some defense of Minuteman . . ." (Underline added for emphasis).

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*Some members of the group feel it important to recognize that ICBM's are not the only and possibly not the "best" way for the C.P.R. to attack or threaten to attack. The use of clandestine weapons is possible, for example. Some members also question the reliance that the President would be willing to rest on an untried complex system in the face of a threatened attack.

Concerning the defense of Minuteman missiles from the Russian blow, we recommended that "if the only purpose of Safeguard is defined to be to protect Minuteman, Phase II–A as defined in March 1969 should not proceed." We recommended rather that a dedicated hardpoint defense system should replace Phase II–A for active defense of Minuteman, or, if the need for the MSR is proved, augment it. However, as we noted above as well as in our testimony, the committe was not asked to recommend whether or not to go ahead with ABM in FY '71, but only to advise "on the assumption that the President and Congress, after review, decided to continue to approve the obligating of additional funds for ballistic missile defense." Therefore the above statement is in no way a recommendation to deploy an active ABM for Minuteman. It is a statement to the effect that if it has already been decided to go ahead with additional expenditures for Minuteman defense, then one should not proceed with Safeguard but with a dedicated system instead. At the time of the report there was no analysis proving the need for the MSR as part of the Minuteman dedicated defense, and we are aware of no analysis at this time which does so.

Therefore we stand by the following statement in our testimony before the Subcommittee on Arms Control, International Law and Organization, chaired by Senator Gore on June 29th: *"All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified."*

It is clear from the above that Dr. Foster had no basis for his claim that the O'Neill "report was sent to the Secretary of Defense, and what it said was that this equipment will do the job that the Department of Defense wants to do."

We hope you will find these remarks useful.

Sincerely yours,

SIDNEY D. DRELL,
Deputy Director, Stanford Linear Accelerator Center.

M.L. GOLDBERGER,
Professor of Physics, Princeton University.

[From the San Diego (Calif.) Union, July 26, 1970]

SAFEGUARD WILL DO JOB, REPORT SAYS—PHASE II PLAN WILL PROVIDE LIMITED PROTECTION, PENTAGON PANEL ASSERTS

WASHINGTON.—A security-censored report on the Safeguard antimissile system says the full Phase II program would provide protection against a limited Red Chinese missile attack and some defense of U.S. Minuteman missiles from a Russian blow.

"It provides thin area coverage and some defense of Minuteman," said the report by several civilian scientists to Secretary of Defense Melvin R. Laird.

The January report, secret until now, was the center of a dispute before the Senate disarmament subcommittee last month.

Dr. John S. Foster, the Pentagon's research and engineering director, told the subcommittee the report said equipment proposed for the Safeguard system "will do the job the Department of Defense wants to do."

FOSTER DISPUTED

Two members of the panel—Prof. Sidney D. Drell of the Stanford Linear Accelerator Center, and physics Prof. Marvin L. Goldberger, of Princeton—disputed Foster.

They testified the report's conclusions were misstated.

The 14-page report resulted from a study requested by Foster who, Pentagon officials said, wanted expert technical opinion on the Safeguard before President Nixon made a decision to go ahead with a second phase of the project.

The censored version of the report contained no explicit criticism of any of the Safeguard's components. Defense officials said no criticisms were contained in the sections kept from public view.

The group did say it believes a more cost-effective system can be devised for terminal defense of the Minuteman and urged an approach featuring smaller, less costly and "less technically formidable" radars.

The advisory committee seemed to imply that there are not enough short-range Sprint missiles in the first phase of Safeguard, which was limited to protecting two Minuteman ICBM bases in Montana and North Dakota. Pentagon officials noted this year's Safeguard proposals put more Sprints at these sites.

The report, signifying it was approved by all members, was dated Jan. 27. Nearly a month later, on Feb. 24, the Nixon administration came up with its modified Phase II program.

Falling short of the 12-site plan, it calls for one additional Safeguard site at Whiteman Air Force Base in Missouri to protect more Minuteman missiles, and preliminary work on five additional sites as the administration once again took account of prospects that the Red Chinese may deploy an ICBM system in the 1970's.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FULBRIGHT). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Under the previous order the Chair now lays before the Senate the unfinished business which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending amendment is amendment No. 819.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

CHEYENNE—A NEED FOR AN END NOW

Mr. McINTYRE. Mr. President, I would like to review at this time another of the actions recommended by the R. & D. Subcommittee and accepted by the full Armed Services Committee. I have in mind the deletion of all funds requested for the Cheyenne helicopter, an action of the committee which I believe will save the taxpayers of the country over $1.5 billion in unnecessary procurement costs.

The committee's decision was not unanimous and was reached only after a very thorough discussion of the issues involved. A great deal of credit for the quality of the debate within the committee must go to the Tactical Air Power Subcommittee and its able and distinguished chairman, the Senator from Nevada (Mr. CANNON).

Senator CANNON's arguments against the decision ultimately reached were ably presented and well thought through. I sincerely regret that their strengths are of necessity inadequately captured in this brief review of my own subcommittee's position.

THE PROBLEM IN CONTEXT

The fiscal 1971 R.D.T. & E. budget requested funds for the development of two different close support tactical aircraft. The Air Force requested $27.9 million for work on the fixed wing AX, while the Army sought $17.6 million to continue the development of the Cheyenne.

From the outset of its investigation, the subcommittee was troubled by the fact that funding was requested for two different aircraft designed to perform essentially the same function. Such duplication seemed inconsistent on its face with our need to eliminate unessential defense spending.

The subcommittee soon learned that the same issue was causing some concern inside the defense establishment itself. Deputy Secretary Packard, it learned, had directed the Secretaries of the Air Force and the Army to study whether both systems were, in fact, needed.

The results of the study were rather interesting. On the one hand, the two Secretaries concluded—not surprisingly—that the systems were more complementary than competitive. At the same time, in a policy recommendation which undercut the force of their primary conclusion, they urged funding of both systems at least through the prototype phase.

What this implied, of course, was a postponement of any hard decisions until further R. & D. dollars had been expended on both systems. One of the prime objectives of the subcommittee's investigation was a determination as to whether such postponement was justified.

Ultimately, the subcommittee decided to recommend a termination of the Cheyenne program. Its decision was based both on a concern over duplication and on inherent doubts regarding the Cheyenne.

THE COMPETITIVE MERITS OF THE AX AND CHEYENNE

The subcommittee's investigation led it to the conclusion that the AX was, in several key respects, far superior to the Cheyenne.

First. It seemed by far the more survivable of the two aircraft, a point which Director of Defense Research and Engineering John S. Foster, Jr. as much as admitted in his testimony before the full committee. As Dr. Foster stated:

> There is no question in my mind about the ability of a fixed-wing aircraft in a close support role to be able to endure a much higher intensity of ground threat than a helicopter.

There are several factors which make the AX, specifically, more survivable than the Cheyenne. One is its greater maneuverability. Others are its selective use not only of armor plate, but also of engine and fuel placement and system redundancy to improve survivability.

The success of Army helicopters in Southeast Asia, the subcommittee felt, had to be placed in its proper context. Southeast Asia has been a far more benign environment than are the prospective battlefields of Europe, where the Cheyenne primarily was to be deployed.

Whatever the Cheyenne's survivability against machinegun fire and SAM's, there was no evidence at all that it could defend itself against enemy interceptors such as it would face in Europe. The AX, at least, would stand a fighting chance.

Second. The AX also seemed a considerably more reliable aircraft than the Cheyenne, an important consideration since both were programed to operate from unimproved air strips for quite some time without overhauls and major repairs.

There seemed several reasons why maintenance requirements were more likely to be small with the AX than the Cheyenne. The Cheyenne was indisputably a very complicated machine. It was scheduled to go into production over a year ago, but serious rotor control problems it experienced—and which are still not completely solved—led to a termination of the original production contract. In addition, the missile system and night vision equipment programed for the Cheyenne were also extremely sophisticated.

The AX, on the other hand, struck the subcommittee as a welcome departure from recent aircraft systems. Rather than incorporate every conceivable useful gadget inside or outside the state of the art, it emphasized the use of proven, off-the-shelf technology to insure that its systems will be reliable.

Third. The AX also appeared to have an advantage on the Cheyenne in its lethality. As far as a capability against tanks was concerned, the subcommittee had grave doubts whether the Cheyenne's complicated TOW missile offered any advantage over the simple 40-millimeter gun as programed for the AX.

With regard to capability against other targets, the AX can carry the full inventory of Air Force weapons—bombs, rockets, missiles, guns, special-purpose weapons—and it has the growth potential for many of the special sensors/fire control systems incorporated in the Cheyenne from the start. The Cheyenne would have been unable to carry the full spectrum of weapons usable by the AX. Its maximum ordnance load would have been less than half that of the AX.

Fourth. A further weakness of the Cheyenne was its far greater cost per copy. According to the most reliable estimate the subcommittee could obtain, the AX was projected to cost about $1.2 million per aircraft, as compared with almost $4 million for the Cheyenne.

A major contributing factor to this price differential was the Cheyenne's greater complexity. Sophisticated and expensive night/bad weather sensors and a complicated fire control system were programed for every aircraft.

The AX, in all honesty, has room to accommodate these devices, and if they are incorporated, its price, too, will grow. But there is no need to incorporate them unless and until they are shown necessary and feasible and then they could be limited to only a fraction of the AX force. After all, granted that a night vision capability could be useful, there is no need for all our close support aircraft to be able to fight at night.

Not only is the AX more favorably priced at present. Given that its technology is well within the state of the art, it is also unlikely to experience the cost growth associated with many recent aircraft development programs. The fact that the AX is being developed under a competitive prototype flyoff approach should also help keep its costs down. Of course some cost growth, due to inflation, will inevitably occur.

Fifth. The cost differentials between the Cheyenne and the AX also had important force structure implications in the subcommittee's judgment. If defense spending does indeed decline over the foreseeable future, it will be very difficult for the services to keep anything like a constant force structure as they phase in new equipment. This task will be made more manageable, however, if emphasis is put on proven, low cost replacements such as the AX.

This emphasis on low cost is a welcome new departure in designing aircraft. Both it, and a prototype flyoff approach, should be encouraged whenever possible in future weapons systems procurement.

These, then, were the reasons for the subcommittee's determination that the AX was the superior aircraft. While the Cheyenne did have some things in its favor, most of the points in question were capable of being answered. Weighted against the arguments just considered, they did not appear to justify either full-scale procurement of both systems or the procurement of a mixed full-scale procurement of both systems or the procurement of a mixed AX-Cheyenne force.

First. The one point significantly in the Cheyenne's favor was the fact that it did possess certain attributes not possessed by fixed-wing aircraft—an ability to operate in more severe weather conditions, an ability to take off vertically from extremely austere landing strips, and the possibility of greater accuracy inherent in its slower speed. The subcommittee felt, however, that the AX will have capabilities in these particular areas far surpassing those of previous fixed-wing aircraft.

It was influenced also by the fact that many of these capabilities are already available to the Army in the Huey Cobra, an attack helicopter now in use in Vietnam.

Incidentally, I saw the Cobra in action during my recent trip to Vietnam. It is, I can assure you, a rather impressive bird. And the Cheyenne missile system could be integrated with the Cobra for only a minor cost.

Second. A second consideration in favor of the Cheyenne was the possibility of its availability for introduction into the inventory 2 to 3 years earlier than the AX. There is no severe shortage at present, however, of aircraft capable of performing the close support role. In addition to the Army's Huey Cobra, the Air Force has the A–1, the A–37, and the A–7, as well as several different gunships.

The subcommittee also felt, incidentally, that the availability of the two aircraft at substantially different times was a further argument against proceeding with both of them through the prototype stage, as the Defense Department had suggested.

Third. Finally, there was the fact that over $168 million had been invested to date in the Cheyenne, money which arguably would go down the drain with a cancellation of the Cheyenne contract.

The subcommittee felt, however, that this $168 million had to be weighed against the over $70 million of remaining R. & D. expenditures, plus more than $1.5 billion of production funds, which continuing with the Cheyenne would have entailed. In view of its doubts regarding the need for the Cheyenne, the additional expenditures did not seem justified.

The subcommittee also felt that termination of the Cheyenne contract could be effected in such a way as not to lose the value of our previous investment.

It noted that there were eight developmental Cheyenne helicopters already in existence—three flying regularly, one in hot mockup to test equipment, one being prepared for wind tunnel testing, one being used for ground tests, and one serving as a spare for possible use to install equipment for later operational testing.

These aircraft, it felt, could be utilized by the Army in its advanced helicopter development program, for which additional funds had already been requested.

This approach, the subcommittee felt, would remove the constraints of the Cheyenne design, which had been straining technology to the point where requirements under the Cheyenne contract had to be relaxed to accommodate the limitations of Cheyenne performance. At the same time, knowledge gained through the Cheyenne program would be available to solve problems, such as the rotor control mechanism, and perhaps ultimately lead to a cost effective, high performance follow-on helicopter at some later date.

THE LOCKHEED IMPLICATIONS

Throughout its review of the Cheyenne program, the subcommittee was cognizant of the fact that Lockheed Aircraft Corp. held the contract for development work on the helicopter. While its decision to direct a termination of work on the program was made for the reasons indicated above, I feel that it would be useful to speak briefly at this time about the relationship of the Cheyenne program to Lockheed's overall difficulties.

The history of the Cheyenne program is one of continuous cost escalation, as evidenced by the fact that the per unit cost has increased from a preliminary estimate of about $1 million to an admitted present estimate of almost $4 million. Part of this increase, in all fairness, has been due to the incorporation of equipment and capabilities not contemplated in arriving at the preliminary estimate. Even since June, 1967, however, by which time the system was fully defined in its present form, there has been cost growth from a figure of $2.7 million per copy to the current level.

This history of cost growth has been accompanied by a history of technical difficulties. Over 2 years ago—on January 8, 1968—the Army exercised its production option under the original Lockheed contract for 375 Cheyenne. Subsequently, the aircraft did not meet its specs in weight, drag, and performance, and an accident on March 12, 1969, involving the "half-p-hop" phenomenon—a vertical bounce of the helicopter every two revolutions of the rotor—raised doubts as to Lockheed's ability to ever resolve the technical problems. A "show cause" notice was issued on April 10, 1969 and on May 19, 1969, the production contract with Lockheed was terminated for default by the Government, with work on the development program itself continuing. Some time thereafter, Lockheed instituted legal action against the Government as a result of the termination.

With its cost growth and its recurrent technical difficulties, the Cheyenne program has had a history similar to—indeed worse than—that of the C-5A transport.

There is another similarity between the two systems also—both represent programs which Lockheed won only by bidding in low to get the contract. It won the C-5A contract with a bid of $1.8 billion, nearly a quarter-billion less than the bid submitted by Boeing. And its bid in Cheyenne—notwithstanding the fact that it had never built a helicopter—was $77 million, as compared with Sikorsky's $114 million.

At present, the Cheyenne and the C-5A, along with the SRAM missile and various ship claims, are the programs on which a legal dispute exists between Lockheed and the Government.

Ordinarily, work on a program subject to such dispute could continue independently of any resolution of the dispute itself. What makes the present situation unique is Lockheed's financial difficulties.

These difficulties have led already to a request by the Defense Department for a $200 million contingency fund to permit continuation of work on the C-5A. This $200 million is in excess of the money owed Lockheed under the Air Force interpretation of the C-5A contract. But this $200 million—and additional such funding in future years as well—is essential, the Department contends, if the Government is to receive an adequate number of an aircraft essential to our future national security.

I deeply regret that the request for this contingency fund has been made. I fear that the "bail out" it envisages might establish a precedent which would be very unfortunate in the years ahead.

At the same time, I agree with those who contend that the C-5A itself is a badly needed system. I believe that the ability it will afford us to establish a presence quickly in remote corners of the world will permit a sizable reduction in the base costs we would otherwise have to incur. And I see no way in which we can obtain an adequate number of C-5A's without making additional funds in some way available to Lockheed at this time.

Under the circumstances, my major concern is to prevent a recurrence of the type of problem in which we now find ourselves with the C-5A. While a bailout of the C-5A itself appears essential, we must not permit this to become a precedent for the routine bailing out of companies who find themselves unable to live up to their contractual obligations.

It is my fear that the Cheyenne program, if allowed to continue, could give rise to funding difficulties of its own which could lead in turn to just such a precedent.

It is unclear just how expensive it would be to complete development of the Cheyenne. The Army estimates at present that it would require $70.7 million of research and development funds between fiscal 1971 and fiscal 1973, including the cost of work on the TOW missile/night vision system to be installed in the aircraft. The fiscal 1971 request of $17.6 million includes no funds for the TOW/night vision system, but the Army indicated in testimony before the subcommittee that it would like to reprogram another $17 million of its fiscal 1971 funds for this purpose.

In view of the still unsolved technical problems associated with the Cheyenne, there can be no assurance, however, that this $70.7 million estimate is not significantly understated. For some time now, Lockheed has already been spending approximately $3 million per month of its own funds in an attempted resolution of these problems. Should these problems persist, it is highly unlikely that Lockheed itself could continue to bear whatever costs are incurred over and above those provided for in the Cheyenne development contract. The most likely course would be an attempt by the Government—either through a renegotiation of the development contract or the establishment of an inflated production price—to reimburse Lockheed for the costs incurred. The necessity of such a course of action, if the program were to continue, was in fact hinted at by the Army in its testimony before the subcommittee.

In light of the subcommittee's independent conclusion as to our need for the Cheyenne, there would seem to be no need to incur such prospects. The out-of-pocket funds already being spent by Lockheed on the Cheyenne could be better directed now to a partial resolution of the company's financial plight.

FURTHER IMPLICATIONS OF THE AX-CHEYENNE DISPUTE

The fiscal 1971 request for funds for two alternative close support aircraft raises issues which actually transcend the Ax-Cheyenne dispute itself.

One such issue concerns the allocation of roles and missions between the services.

Ever since World War II the provision of close air support to our ground forces has been the responsibility of the Air Force, not the Army. This situation has not been accepted with equanimity by the Army, which would clearly prefer to protect Army ground troops with Army aircraft. On several occasions in testimony before the subcommitte, the Army stressed the importance of having available "organic" fire support for its troops in the field.

The subcommittee questions whether the Army's desire to expand and upgrade its helicopter capabilities would be so great if it had itself the close support mission. Inasmuch as this interservice rivalry is likely to persist, and since the assignment of the close support mission has not been reviewed for over 20 years, the committee report states that the matter warrants further consideration by the Secretary of Defense.

Irrespective of how the mission assignment question is resolved, the Ax-Cheyenne dispute also has implications for the role of the Secretary of Defense in reviewing the program proposals of the military services.

Under the previous administration, considerable emphasis was placed on

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providing, within the Office of the Secretary, a detailed analysis of all systems proposed. This centralized control provoked considerable criticism from the higher three services. No doubt it did lead in some instances to unwarranted intrusion into matters which could have been better resolved by the services themselves.

Under the present administration, a policy has been developed under which greater responsibility has been lodged in the services. The AX-Cheyenne controversy, however, highlights the importance of at least some central control.

What the controversy represents is one particular instance of a recurring phenomenon—a situation in which the interests of the individual services may not coincide with the broader demands of our national security itself.

Both the Army and the Air Force could rationally conclude, within their respective budget guidelines, that the Cheyenne and the AX were sufficiently high on their respective lists of priorities to justify continued funding at this time.

Nonetheless, for the long series of reasons which entered the subcommittee's decision to terminate the Cheyenne program, the perspective of national security compels a different judgment.

Centralized review of the services' program proposals is vitally needed if future such situations are not to arise. What is at stake is more than mere size of our overall defense expenditures. It is the need to insure that we get the best value per dollar for whatever level of expenditures we undertake.

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Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield.

Mr. STENNIS. First, I want to join wholeheartedly in what the Senator has said about the overall problem of cover support for the soldier on the ground. Whatever weapon is used, whether it is a helicopter, or the AX, or whatever, there is nothing more essential, nothing more important; and during my years on the Armed Services Committee I have had the feeling that at times it has been neglected.

There is no easy answer for the service, but, at the same time, it has not had the emphasis and the priority that I think it deserves.

Out of all the matter that the Senator has so ably discussed, I believe the primary contribution we can make is to insure adequacy of that support; and in order to do that, it has got to be given the very highest priority, in my opinion.

I commend the Senator very highly for his concern about this matter and for the work that he has done to that end.

Further, the speech the Senator from New Hampshire has made here today represents further strong evidence of his very fine knowledge of the subject matter of research and development involved here. His commanding knowledge of various items, large and small, is invaluable to the committee and to the Senate.

I have followed closely his cogent reasoning with respect to the missions and comparisons of the functions of these two highly important weapons, the AX, the new plane, and the helicopter that has been giving trouble.

My conclusions rested with the committee on this question. It is a question of which one shall be used, or whether they both shall be used, or if only one. There is another question of when the decision shall be made. Our committee has made that decision as of now.

I wanted the Senator from New Hampshire, as a part of the picture, to enlarge his speech now as to the advanced helicopter of the future, because if Cheyenne is to be abandoned, thought has to be given to the future. The Senator is versed in that subject.

Just what did the subcommittee do with that money? If the Senator mentioned it, I did not catch it, because I was diverted here once.

Mr. McINTYRE. First of all, Mr. President, let me say to the chairman of the committee that I appreciate his tremendous cooperation with and assistance to the subcommittee.

I discussed in my speech the essence of the dispute within the committee. As the Senator knows, we argued the question of the Cheyenne helicopter back and forth for a considerable time before voting on it.

Mr. STENNIS. Most thoroughly.

Mr. McINTYRE. But to answer the Senator's question directly. What the committee did was to make sure that our advanced development program for helicopters will have sufficent funds to permit a continuation of work on the problems that have tied Lockheed up, especially the rigid rotor, to make sure that the knowledge gained to date on these problems is not lost. I am sure the Senator realizes that we have to look also into the problems of greater speed, maneuverability, and heavier lift. So it is important that there be funds in the bill to continue this research, even though we are recommending to the Senate that the Cheyenne development program be canceled, along with the procurement program that was canceled last year.

So I believe that there is about $17 million that will be available for this work.

Mr. STENNIS. Yes.

Mr. McINTYRE. And I think we ought to stress to the Senate and for the RECORD that this was a very close decision, and it was a decision that the distinguished chairman of our Subcommittee on Tactical Air, in his speech, said that he still disagrees with.

But I think the significance of the decision that the full committee has taken should be recognized. It was a hard-nosed decision, in which less emphasis was placed on the $168 million invested to date than on the $1.5 billion of unnecessary expenditures which continuing with the program would have entailed.

Mr. STENNIS. Yes.

Mr. McINTYRE. So I think the decision was a good one. I think it is a significant one, and I hope not only that the Senate will adopt it, but that we can hold it in conference.

Mr. STENNIS. Mr. President, I thank the Senator again for his very fine remarks, his long efforts on this subject matter, and his speech today.

I see now, from the Senator's added remarks, that the subcommittee has provided this advance development money, a relatively small amount, that still is going forward on this problem of the helicopter of the future.

Mr. McINTYRE. It will be zeroed in right on the problem.

That has plagued Lockheed, and that is the rigid rotor.

Mr. STENNIS. Yes. And we will have the benefit of all the research that has already been done on this very problem of the rigid rotor.

Mr. McINTYRE. Yes.

Mr. STENNIS. That is one of the great blessings of research; and even if you call it waste or failure, either term is incorrect, because the advance research is bottomed upon the deficiency of the present situation.

Mr. McINTYRE. That is true. The knowledge we gain will be there to be built upon.

Mr. STENNIS. One thing moves to another.

I trust the Senate will sustain the position of the subcommittee and the committee on this matter. Frankly, I feel that it will.

I think also, Mr. President, this represents a case where research has to continue. For example, on the ABM, we have a situation where almost everyone agrees that if these SS–9's are going to continue, we have to keep trying to do something. What are we doing? We have the Safeguard system, but in addition to that, we are looking at the problem even farther on over the horizon, with a relatively modest amount of money put in for research on more advanced possibilities. I believe that $158 million was requested.

Mr. McINTYRE. On this advance research on ABM, I think we are recommending $138 million this year for the ABMDA budget. So it is not just a drop in the bucket.

Mr. STENNIS. Yes.

Mr. McINTYRE. This is beyond Safeguard.

Mr. STENNIS. That is beyond the Safeguard; yes.

I thank the Senator again, and I appreciate his yielding to me.

Mr. McINTYRE. I thank my distinguished chairman.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I regret that I was not present in the Chamber when the distinguished Senator from New Hampshire made his remarks relative to the Research and Development Subcommittee which he heads, working under the Armed Services Committee. I would like to have pointed out something at that time which I shall point out now, which is that one of the major problems I think we find in this whole field of tactical air support is that the services seem to be overlapping again. Where we once had decided upon a tactical air doctrine, where, in effect, the Air Force would supply tactical air support, we now have, in my opinion, a very expensive experience going on, with the Marines using the Harrier, which is a vertical takeoff and landing aircraft being made in England; we have the Navy with their A–7; we have the Army wanting to develop the Cheyenne helicopter, which has run into difficulties, as was pointed out this morning; and we have the Air Force using several aircraft in tactical air support, but seeking funds, which we are going to give them, for the development of the AX, which will be another tactical support aircraft.

We have discussed this matter in the committee, and I wanted to emphasize here on the Senate floor the importance that I attach to an immediate study by either the Joint Chiefs of Staff, the National Security Council, or the committees of Congress, into this whole matter of who is to supply tactical air support for the ground troops.

Tactical air support means just that. It means giving the ground troops the same type of support that the artillery used to give—support that can hit accurately as close as 50 feet in front of the lines, and be able to interdict roads, railroads, and so forth, which supply material to the front line troops.

If we are going to continue with this very expensive procedure we are now engaged in, I am afraid we are going to have more and more difficulty each year in providing the four services with tactical air support, where we could have one service doing the whole thing. That would mean, I think, ultimately one aircraft. I think as good an example of tactical support as we can find in air history was in the Luftwaffe of World War II, when they used the Stuka dive bomber, as they called it. They had one aircraft to do one job, and they did a superb job of it.

I think we can achieve the same results, but to do that, Mr. President, I feel that we have to reestablish a tactical air doctrine. We have one, but it is not being followed.

I have been assured by the chairman of the Armed Services Committee, the distinguished Senator from Mississippi (Mr. STENNIS), that we in the committee will pursue this question, and I am hopeful that when we meet next year for the authorization bill, we will be able to report to the Senate and to Congress that we have studied the matter, that we have suggestions to make, and even hopefully that the Services themselves will have arrived at a combined role that one or not more than two Services can provide in this important field.

I say again, I regret that I was not here, because I would have enjoyed discussing this matter with the chairman of the subcommittee.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. STENNIS. I am certainly pleased that the Senator from Arizona could come to the Chamber in time to make his very timely remarks, especially at this time, when they go right along in the RECORD with the remarks made on the subject by the Senator from New Hampshire.

I do not believe that anyone in public life is more qualified than the Senator from Arizona to speak on this subject. I have heard him many times express his concern about the proper ground support for the Army, for the Marines—for whatever branch of the service is fighting on the ground. Because the Senator from Arizona has a distinguished career in the Air Force, he is sometimes thought of as being the "Air Force." But it is not that way at all. This is another illustration of it. He takes a very broad view of the matter, and he makes quite a contribution to the committee on this point as well as others.

I commend the Senator as well as thank him. There will be a future to our activity in the committee, and the Senator will have a major part in it, as I see it, and we will work this thing out.

The Senator gave his opinion, as I understood, that this matter could be worked out on the basis that only two of the services could be prepared to do this job. I wish he would develop that a little more.

Mr. GOLDWATER. A discussion on tactical air doctrine could prove that the Navy has a role. I think that as long as the Navy has carriers, as long as they can prove the need for carriers, there could be a tactical role, where they would supply close tactical support for amphibious landings or for marine operations on land. I must say that the Marines developed with the Navy a very, very fine tactical support in the Second World War and in Korea.

I would think, though, with all charity toward the Army—I have to admit that my first love was the Army; I belonged to it for a long time—that the Air Force should have the dominant role in air support of ground troops. I am thinking of the infantry.

If the Army itself is going to have the Cheyenne or some other type of support aircraft and the Air Force is going to have a different type of aircraft, if we have this duplication on the ground, I see an increasingly expensive role. The A–7 is coming into the inventory; but we have been using the F–100—we have been using all our aircraft, in fact, the fighter types—for close support, and some are better than others.

We are no longer talking about aircraft that sold at prices we had during World War II. I can think of a good tactical support aircraft in World War II, the P–47, which I believe I am correct in saying never cost more than $50,000, and we think today of developing a new tactical support aircraft that we hope can be kept under $3 million. We run into the real problems that we are faced with on the committee and that we are faced with throughout the Military Establishment—the tremendously increased cost of building the things we need.

When we think back in history to World War I—my figures may be off a small percentage—when we contracted and passed appropriations for 22,000 aircraft that were to cost $243 million, and we appropriated and authorized the purchase of 43,000 or 44,000 aircraft engines at a cost of $245 million, we begin to realize what we are running into. We see, for example, one shell, such as the proposed 30-millimeter shell, that will cost more than $5 apiece, and the comparable ones used to be produced at a greatly reduced cost.

This is the reason why I have asked the chairman—and the chairman and I have discussed this in committee, along with other members of the committee—that we ask the Joint Chiefs of Staff to go into this matter and to come up with a tactical air doctrine that will make sense and will provide the support that has to be provided but will get away from all four services having their own tactical support aircraft. That is my thinking on it at the present time.

I thank the chairman for his very generous remarks about me. I appreciate it very much.

Mr. STENNIS. I thank the Senator.

Mr. GOLDWATER. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, notified the Senate that, pursuant to the provisions of section 2 (a), Public Law 91–332, the Speaker had appointed Mr. ROGERS of Colorado, Mr. OLSEN, Mr. SAYLOR, and Mr. SKUBITZ as members of the National Parks Centennial Commission.

The message also notified the Senate that, pursuant to the provisions of 14 U.S.C. 194(a), the Speaker had appointed Mr. MONAGAN as a member of the Board of Visitors to the U.S. Coast Guard Academy, to fill the existing vacancy thereon.

The message announced that the House insisted upon its amendments to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, disagreed to by the Sen-

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ate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Rogers of Florida, Mr. Springer, and Mr. Nelsen were appointed managers on the part of the House at the conference.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, but not later than 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 1:55 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:52 p.m. when called to order by the Presiding Officer (Mr. Tower).

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

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PHASE I OF THE SAFEGUARD ANTI-BALLISTIC MISSILE SYSTEM

Mr. HUGHES. Mr. President, 1 year ago today, phase I of the Safeguard antiballistic-missile system was approved. This year—and $800 million later—we are being asked to approve the next installment of more than $1 billion.

As Senator Hart pointed out yesterday, we are not only considering the expenditure of certain funds, we are making a decision on whether or not to accelerate the momentum of a weapon system that is, in the minds of many, ineffectual and dangerously provocative, as well as quite costly.

I wish to express my deep appreciation to the majority leader and the minority leader for making it possible for me to express a viewpoint here that is shared by million of Americans.

I do not pose as an expert on weapons systems. I address myself, rather, to the commonsense judgment regarding this dubious and enormously expensive enterprise and to its relation to the progress of the SALT talks and to the acceleration of the arms race.

It should be recognized, I believe, that all of us in this Chamber share common objectives—the full protection of our national security, and peace among nations.

In the course of this debate, the esteemed minority leader, the Senator from Pennsylvania (Mr. Scott), the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. Stennis), and others, such as the Senator from Washington (Mr. Jackson) and the Senator from Kansas (Mr. Dole), have given us a lucid and informed exposition of the administration's viewpoint regarding the expansion of the Safeguard deployment and development.

My esteemed colleagues, the Senator from Kentucky (Mr. Cooper) and the Senator from Michigan (Mr. Hart), have done an equally impressive job of outlining a middle-ground position on behalf of a bipartisan group of Senators who have severe misgivings about proceeding with the expansion of the ABM at this time.

Many of that group, I believe, would prefer the full halting of everything except the research and development phases.

However, they have presented, in the interest of arriving at a tenable common ground, an amendment which represents what Senator Hart has termed a "modest but important effort to help stem the ever-escalating arms race and, specifically, to stop the momentum of this particular weapons system." I share this view.

While the Cooper-Hart amendment has much to recommend it and would receive my support as a second choice, it does leave one important and widely held conviction unrepresented in this debate—the conviction that all deployment of the ABM should be arrested at this time.

I therefore plan to offer, later in the course of this debate, an amendment that will eliminate all funding for the ABM except for the research and development funds.

I recognize that the Senate decided last year by the narrowest of margins to proceed with deployment of phase 1 of the Safeguard program. But no significant major construction has been completed.

The reasons that moved 50 Senators to vote against deployment last year are still valid. For many of us, events of the past year have only served to reinforce our conviction that to proceed with this dubious weapon system is not in the national interest.

Consideration of the ABM issue would not be complete without an opportunity for a vote on this devout conviction.

I am convinced that, basically, those who believe that the interests of national security and world peace are best served by deescalation of the arms race are united.

This is perhaps the most important fact to be remembered on this day, which is the 25th anniversary of Hiroshima.

Mr. President, it is our intention to offer this amendment later in the debate. It is our hope that as all the sides of this great issue are explained to the American people, we can show that nothing in the last year has changed to the extent that it should change the minds of the 50 Senators who voted against the initial phase of ABM. In the interest of informing the American public, it is absolutely essential that we take the opportunity to make sure that there is a clear understanding among the Members of this body that the conditions that existed last year have only been reinforced by activities of the last year.

We intend, in the debate of the next few days, to explain that position, and we look forward to the opportunity to work, hopefully, so that a total enlightened decision can be made by this body on the basis of the information presented.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 3:30 p.m. today.

The motion was agreed to, and at 3:04 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 3:14 p.m. when called to order by the Presiding Officer (Mr. Saxbe).

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. It is so ordered.

CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLORADO

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3547.

The PRESIDING OFFICER (Mr. Saxbe) laid before the Senate the amendment of the House of Representatives to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the Narrows unit, heretofore authorized as an integral part of the Missouri

River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose: *Provided*, That all identifiable return flows of water from any of the project purposes, features, necessary works and facilities, authorized herein shall be treated for the purpose of abating pollution and improving water quality, in such manner as determined by the Secretary of the Interior.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented: *Provided*, That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further*, That the terms of such contracts shall not exceed 50 years.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 6. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I move that the Senate disagree to the amendment of the House on S. 3547 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. ANDERSON, Mr. CHURCH, Mr. BURDICK, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ANNOUNCEMENT BY DEPARTMENT OF DEFENSE RELATING TO POLICY OF ANNOUNCEMENTS ON CONTRACT AWARDS

Mr. WILLIAMS of Delaware. Mr. President, earlier this week the Senate unanimously approved an amendment to the pending bill, the purpose of which was to stop the practice of announcing awards for defense contracts to Members of Congress in advance of making the public announcement. I pointed out the danger of this policy and the fact that the procedure would lend the impression that there was some influence being exercised.

I was very much encouraged that the Blue Ribbon Panel studying the Defense Department took the same position and recommended that the practice be stopped.

I offered the amendment, which was cosponsored by the majority leader (Mr. MANSFIELD) and the Senator from Kansas (Mr. DOLE) and which was unanimously adopted by the Senate.

I have just been informed that the Defense Department is implementing this policy this afternoon by Executive order.

I have a copy of the order, which I would like to read to the Senate. I congratulate Secretary Laird on his prompt implementation. The order reads as follows:

> The Blue Ribbon Panel has commented on the adverse effect of giving notice of contract awards to Members of Congress in advance to public announcement.
>
> I would like for you to revise the Defense policies and procedures with respect to announcements of contract awards to insure that there is no premature notification prior to public announcement.
>
> It is recognized that there is a legitimate requirement to advise interested Members of Congress of significant Defense action which affects their constituencies. The awards of large contracts to business firms located in their states or districts fall within this category.
>
> It has been the standing policy of the Department of Defense to release major contract award announcements in the late afternoon, normally at four o'clock P.M. It is my desire that this policy continue and in the absence of unusual circumstances major Defense contract announcements be made at that time. As recommended by the Blue Ribbon Panel, appropriate Members of Congress should be notified concurrently with such public contract award announcements.
>
> MELVIN R. LAIRD,
> *Secretary of Defense.*

With the announcement of the implementation of the order, there will, in the future, be no premature notification to Members of Congress or anyone else connected therewith before public announcement.

Again I compliment the Secretary of Defense on his prompt action in recognizing the sentiment of the Senate in taking this step. At the same time, I express the hope every agency of the Government will adopt the same procedure as their general practice.

The old practice of giving advance notice of these contracts to Members of Congress and letting them announce it first gives the impression that congressional influence may have been a factor in making the award. This is wrong, and I am glad that the practice will now be stopped.

Mr. MANSFIELD. Mr. President, may I join the distinguished Senator from Delaware in commending our former colleague, the Secretary of Defense, for issuing this order. We think it is long overdue. We are delighted that the unanimous position of the Senate has thus been reinforced and that this particular practice will henceforth be done away with.

Mr. WILLIAMS of Delaware. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a proposed unanimous-consent agreement, and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will read the proposed unanimous-consent agreement.

The legislative clerk read as follows:

> *Ordered*, That the vote on adoption of the pending Hart-Cooper amendment occur at 3:30 p.m. on Wednesday, August 12, 1970, and that on that date immediately following the disposition of the Journal the time on said amendment be equally divided and controlled by the Senators from Kentucky (Mr. COOPER) or Michigan (Mr. HART) for the proponents and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), for the opponents; provided, however,
>
> That any amendment to the Hart-Cooper amendment pending on that date which may be offered prior to 3:30 p.m. on that date shall be subject to a limitation of debate of one hour except the amendments, to be offered by the Senator from Iowa (Mr. HUGHES), and the Senator from Massachusetts (Mr. BROOKE), on which there shall be two hours allocated, the time to be equally divided and controlled by the sponsor and the manager of the bill, except
>
> That if the manager of the bill supports any such amendment, the time in opposition will be controlled by the Senators from Kentucky or Michigan (Mr. COOPER or Mr. HART); provided further,
>
> That if any amendment to the Hart-Coo-

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per amendment is offered subsequent to 2:30 p.m. on said date, the time on that amendment shall be equally divided as aforesaid but limited to the time remaining prior to 3:30 p.m., if any; provided further;

That the vote on the adoption of the Cooper-Hart amendment shall occur at 3:30 p.m. on August 12 or immediately after the disposition of any amendment thereto pending at that time as provided in this agreement.

Mr. JAVITS. Mr. President, will the Senator yield for a question? I shall not object, of course.

Mr. MANSFIELD. I yield.

Mr. JAVITS. I thoroughly agree with the proposal, but I did not hear the part which relates to the right to offer any amendment upon the Cooper-Hart amendment even though it precedes 2:30 on Wednesday.

Mr. MANSFIELD. That is in there.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUGHES. Is the offering of a substitute amendment included as an amendment in that proposal?

Mr. MANSFIELD. Yes, it is.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. STENNIS. Mr. President, reserving the right to object, I make one point. I do not intend to object. Does this proposal add up to the fact that all amendments will have to be disposed of by 3:30 Wednesday and we will have to vote on the Cooper-Hart amendment in its present form?

Mr. MANSFIELD. Yes, that is correct, an amendment must be offered by 3:30 p.m. to be considered. If one is pending at 3:30 p.m. it will then be voted on and then immediately a vote on the Cooper-Hart.

Mr. HUGHES. So what does the time on the Hughes amendment and the Brooke amendment contemplate? They would have to come in by a certain time, as I understand.

Mr. MANSFIELD. They would have to come in before the hour of 3:30 on Wednesday next. On the Brooke and Hughes amendments there would be a limitation of 2 hours, and there would be a limitation of 1 hour on all other amendments.

Mr. STENNIS. Of course, if the Hughes amendment or the Brooke amendment were not called up early enough prior to 3:30 p.m., they could not get their time in.

Mr. MANSFIELD. I am sure the Senators concerned will make it quite clear that they will call up their amendments in plenty of time. That will be understood.

Mr. STENNIS. I thought so.

Mr. JAVITS. Mr. President, if the majority leader will yield, is it his intention that all votes on amendments, substitutes, and so forth, take place at one time?

Mr. MANSFIELD. No. Whenever they want to.

Mr. JAVITS. Fine.

Mr. ALLOTT. I think my question was similar; whether these votes would all occur at 3:30 on Wednesday.

Mr. MANSFIELD. No, I would hope not.

Mr. ALLOTT. The votes are to occur on the amendments as they are brought up?

Mr. MANSFIELD. Yes.

Mr. JAVITS. Mr. President, could I ask the Senator from Montana one further question on the time of voting? That may present a little problem, not to me, but to others. Votes may come at any time on amendments or substitutes; they might come Monday, Tuesday, or Wednesday morning?

Mr. MANSFIELD. That is right, but the big vote will be at 3:30 on Wednesday.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Is it the majority leader's plan to recess on Tuesday evening, and if so, until what time on Wednesday?

Mr. MANSFIELD. Yes, it is the plan of the joint leadership to recess on Tuesday and come in at 10 o'clock on Wednesday, and the time after the Journal has been disposed of will be equally divided on the basis of the situation which exists at that time for the rest of the day. When we dispose of the Hart-Cooper amendment, we will have a period for the transaction of morning business.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUGHES. It is my intention to call up the Hughes amendment at whatever time is convenient, early enough on Wednesday that it can be disposed of and voted on Wednesday. So the Senator from Montana will understand, I do not intend to call it up on Monday or Tuesday.

Mr. MANSFIELD. That is fine. We will have five and a half hours on Wednesday, and hopefully some of the other amendments may be disposed of before that time.

Mr. STENNIS. Mr. President, reserving the right to object, if everyone is going to wait until Wednesday with all these prospective amendments, there certainly will not be time to vote on all of them by 3:30.

Mr. MANSFIELD. As far as I know, there will be only two amendments. There may be others. But those two are 2-hour amendments, and even if they are called up on Wednesday, there will be plenty of time to vote on them before 3:30, because we will already have had enough time to vote on that double amendment.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Reserving the right to object, and I shall not object, the Senator has said there will be no morning hour on Wednesday until after the vote is taken; therefore, we will have 5½ hours to dispose of these amendments?

Mr. MANSFIELD. Exactly.

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement proposed by the Senator from Montana? Without objection, the order is entered.

Mr. STENNIS. Mr. President, I thank the Senator from Montana and the leadership of the minority, and Senator Cooper, Senator Hart, Senator Hughes, as well as all the other Senators who have been concerned. I think they have been very reasonable indeed in reaching an agreement which will move this bill along.

I think the majority leader knows also that I think there is a good prospect for this to be followed by a very reasonable agreement with reference to the McGovern amendment, and if that can be worked out as we hope it can—and I have conferred with the Senator from South Dakota—that will move this important bill along in a very fine way.

I have plenty of time, myself, but the Appropriations Committee cannot act on these matters until this measure goes on to conference and is at least partly worked out there. So that is another point. I know the Senator from Montana has that in mind, but it certainly will mean a big part of the picture is out of the way for the rest of the session.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if no Senators wish to speak on the pending business, I ask unanimous consent that the pending business be temporarily laid aside, so that further morning business may be transacted, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, if no Senators wish to transact further routine business, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, the Senate will proceed to the consideration of the unfinished business, which the clerk will state.

The Legislative Clerk. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Friday, August 7, 1970, at 10 a.m.

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EXTENSIONS OF REMARKS

TO CONFER AUTOMATIC U.S. CITIZENSHIP UPON CERTAIN ALIEN, FOREIGN-BORN CHILDREN OF PARENTS WHO DIE DURING HONORABLE SERVICE IN U.S. ARMED FORCES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. MIKVA. Mr. Speaker, I am today introducing a bill which will correct a long-standing inequity in this country's nationality laws. Under the present provisions of the Immigration and Nationality Act, certain children of parents who die while serving honorably in the Armed Forces of the United States are denied citizenship merely because they or their parents have not resided for a sufficiently long period in the United States itself. Thus, these children may be denied the benefits and privileges of citizenship of the country which their parent was honorably serving on military duty at the time of his death.

The inequity of this situation is immediately apparent in cases where the child's parent is killed in combat. But even where the parent dies of natural causes while on honorable active duty with the Armed Forces, the hardship which may be worked on alien, foreign-born children who do not qualify for automatic citizenship under present law may be very great. To alleviate this hardship, I am introducing a bill which will close the loopholes in existing law and insure that whenever the parent of an alien, foreign-born child dies during a period of that parent's honorable service in our Armed Forces, the child automatically becomes a citizen of our country.

A few words of explanation about existing law and its effects on certain children of members of the U.S. Armed Forces will be helpful in demonstrating the need for this bill.

The children involved fall within two classes—those born before the deceased serviceman became a U.S. citizen, and those born after such acquisition. Under existing law, birth abroad of a U.S. citizen parent does not, of itself, automatically vest the child with U.S. citizenship. To have that effect, the parent must have been resident or physically present in the United States for periods not less than 10 years prior to the birth of the child, 5 years of which are after age 14 years—honorable service in U.S. forces is computable.

Where the parent acquired U.S. citizenship after the birth of the child, citizenship descends to the child under existing law only if statutory conditions as to the child's immigration status, the citizenship of the other parent, and the marital status of the parents, are met—section 320 of the Immigration and Nationality Act.

The following amendments are intended to confer citizenship upon the foreign-born children of U.S. citizen servicemen who would not meet the conditions for automatic acquisition of citizenship through the parent under existing law. The benefits are limited to those children whose parents died while serving honorably in the Armed Forces of the United States.

With respect to a child whose parent was a citizen at the time of birth of the child, the following new section should be added to section 301(a):

> (8) A person born outside the United States, whether before or after the effective date of this paragraph of a United States parent who dies during a period of honorable service in an active-duty status in the Armed Forces of the United States under any other provision of law.

This amendment would apply only to a child who had not already become a citizen, for example, through naturalization, or derivation by naturalization of the alien parent. Consequently, where the citizen parent dies in service, but the child had theretofore acquired U.S. citizenship at birth under section 301(a) (7), the child could not take under proposed paragraph (8) and would be required to comply with the retention provisions of section 301(b). Where paragraph (8) does apply, the effect thereof would be to waive the residence or physical presence requirements otherwise required under sections 301(a) (3), (4), (5), and (7), as well as the retention requirements of section 301(b). The amendment would be applicable also to a case in which citizenship is conferred upon the serviceman, as of the date of death, by private legislation.

With respect to a child whose serviceman parent became a citizen after the birth of the child, but who could not meet existing statutory condition for derivation of citizenship through the naturalization of such parent, the following amendment would confer citizenship upon the child, as of a date subsequent to birth, provided the child had not theretofore become a citizen under another law.

> A child born outside the United States of alien parents or of an alien parent and a citizen parent shall, if one of the alien parents becomes naturalized and the child is not a citizen of the United States under any other law, become a citizen of the United States, upon the death of the naturalized parent during a period of honorable service in an active-duty status in the Armed Forces of the United States.

This amendment would, by reason of the definition of the term "child" in section 101(c) (1), be applicable only to unmarried children under 21 years of age. It would confer citizenship on the child, without regard to existing requirements of section 320 and section 321, as of the date of death of the parent, even though the child may never have been in the United States. It would operate also in favor of children whose parent was granted citizenship as of the date of death by private legislation, such grant constituting a naturalization within the meaning of the amendment.

Mr. Speaker, citizenship is one of the most precious gifts which a country can bestow. My belief is that if anyone deserves to receive this gift, it is the children of men and women who die while honorably serving this country in its Armed Forces.

THIS IS MY COUNTRY—SERMON BY REV. CHARLES STANLEY, ATLANTA, GA.

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 6, 1970

Mr. TALMADGE. Mr. President, my attention has been called to an excellent sermon delivered Sunday, July 5 by the Reverend Charles Stanley, pastor of the First Baptist Church in Atlanta.

The Reverend Mr. Stanley issues strong warning against the doctrine of the so-called "new morality" and the radical new left, and the threat that they post to the American heritage. I believe that his sermon reflects the deep concern that is felt by an overwhelming majority of American people. I ask unanimous consent that the sermon be printed in the Extensions of Remarks.

There being no objection, the sermon was ordered to be printed in the RECORD as follows:

THIS IS MY COUNTRY

(Sermon by Charles Stanley)

INTRODUCTION

Nineteen of the twenty-one world's civilizations died not from an outside enemy, but from internal decay. In six years the United States will be two hundred years old. The average age of the world's great civilizations has been 200 years. These nations progressed through this sequence:

From *Bondage* to Spiritual faith.
From *Spiritual* faith to great courage.
From *Great Courage* to liberty.
From *Liberty* to abundance.
From *Abundance* to selfishness.
From *Selfishness* to complacency.
From *Complacency* to apathy.
From *Apathy* to dependency.
From *Dependency* back again to bondage.

On this the 194th birthday of our country we would do well to evaluate our present position. "Those who refuse to learn from history are condemned to repeat it." According to one time table we should already have collapsed as a nation. According to another we have only two years. There is a major fallacy in such calculations—the sovereign will of Almighty God has been excluded. In Psalms 75.5–7 we read, "Lift up your horn on high: speak not with a stiff neck. For promotion cometh neither from the East, nor from the West, nor from the South. But God is the judge. He pulleth down one and setteth up another." Psalm 33.12 reads, "Blessed is the nation whose God is the Lord."

America's future is not in the hands of her enemies but in the hands of God. Our destiny will not be determined by the might of our would-be conquerors but by our relationship to the living God. It is with this faith and confidence that we can celebrate the birth of our nation and proudly say of these United States. "This is my Country."

I. MY COUNTRY HAS A GLORIOUS HISTORY

It was settled by bold adventurers who were motivated not only by a desire for material gain, but also by a yearning for freedom and liberty, both political and religious.

This nation was established by strong, determined, believing men and women who were committed even to death to accomplish their purpose. Out of an Indian infested wilderness our forefathers carved an empire that would become a symbol of freedom to the whole world. Sweat, blood, tears, and death was the price they willingly paid. I'm proud to say this is my country.

Our form of government was constructed by honorable men, men of faith and sound judgment. It was their purpose to have the rights of all people assured. Ours was to be a nation governed by the people and for the people. Neither their form of government nor their execution of it was perfect; but it was progress and a ray of light and hope to mankind of their day.

God fearing, Bible believing statesmen were influential in giving direction to our nation in its formative years. Upon one occasion Benjamin Franklin stood before his fellow statesmen in 1787 and said, "Gentlemen, I have lived a long time and am convinced that God governs the affairs of man. If a sparrow cannot fall to the ground without His notice, is it probable that an empire cannot rise without His aid? I therefore move that prayer imploring the assistance of heaven be held every morning before we proceed to business."

This country we call "The land of the free and the home of the brave" has been forced many times to defend its borders.

1. The Revolutionary War of 1775
2. The War of 1812
3. The Mexican War of 1846
4. The Civil War of 1861
5. The Spanish American War of 1898
6. World War I 1914
7. World War II 1941
8. The Korean War 1950
9. The War in Viet Nam 1960

Brave, gallant, heroic young men have fought willingly and fearlessly to defend America, and when called upon have aided other nations in their struggle for freedom.

This brief account of our history is not to imply that we have not had our weaknesses and failures. This is not to say we have not had our blemishes, or that we are perfect. But it is to assert unapologetically that our strength far outweighs our weaknesses; that our right has far exceeded our wrong; that the good in our land has greatly overshadowed the evil.

Progress is always accompanied by pains and pitfalls. Our progress has been rapid and remarkable. It was just 56 years ago that a young Serbian nationalist emptied his revolver at Archduke Ferdinand of Austria which set up a chain of events that led to the first World War. At that time we were a country of 99 million people, half of whom lived on farms and in small towns. America seemed insignificant amidst the world leaders. That was an era of great empires: Great Britain, France, Germany, the Netherlands, Turkey, Belgium, Italy; all were imperial powers. Almost all of Africa, much of the middle east and Asia were controlled by these powers.

The kings and emperors of 50 years ago along with their empires are all gone. No one would have dreamed 50 years ago that struggling America would so quickly become a world leader.

Twice in the last 50 years America has saved England and France from an expanding Germany; once from an ambitious Kaiser; and again from a fanatical Hitler. Today Western Europe's freedom is assured by American troops. Freedom for all people the world over is inherent in our heritage. Therefore Korea and now Viet Nam. We have always had compassion on the oppressed and needy. This is evident by our quick and overwhelming response to national disaster in other countries, sometimes a flood, an earthquake, or the outbreak of a dread disease. Americans are always on the scene giving of themselves to aid the needy regardless of their color or their creed. It cannot be denied that we are a benevolent nation at heart. Again, this is not to say that the motives of all the politicians have always been pure. But people of this nation have been willing to give, and give, and give when often it was unappreciated and misused. We must admit that we have often given to those at great distance, while our own were in need. Some of our mistakes have been the result of selfishness, some ignorance. But as I recall the history of this great nation I am proud to say, "This is my Country."

II. MY COUNTRY TODAY IS IN THE MIDST OF A REVOLUTION AND FIGHTING FOR ITS LIFE

We are in a life and death struggle with revolutionaries in our nation who are publicly committed to the overthrow and destruction of the democratic form of government, free enterprise, and personal freedom. Some are open and avowed Communist; others are merely puppets and tools of the party; while still others have their own personal motives in mind, but are using Marxist-Lenin tactics.

There are many who deny that Communism has any part in today's turmoil. They are either blind or do not know the facts, and often refuse to listen lest it disturb their apathy and move them to action.

In May of 1919 at Dusseldorf, Germany, a copy of "The Communist Rules for Revolution" were discovered. As you read them do you see the similarity between what is happening in America and the Communist blueprint for Revolution:

A. Corrupt the young: get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby:

1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their national leaders by holding the latter up to contempt, ridicule and disgrace.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit; produce fear of inflation with rising prices and general discontent.

6. Incite unnecessary strikes in vital industries, encourage civil disorders and foster a soft and lenient attitude on the part of government to such disorders.

7. By specious argument, cause the breakdown of the old moral virtues—honesty, sobriety, self-restraint, faith in the pledged word, ruggedness.

C. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the populace helpless.

When Hitler wrote "Mein Kampf," his blueprint for world conquest, almost nobody believed him; but the whole world watched that blueprint unfold with bloodshed and destruction.

We are watching a repeat performance. The tragedy is that there are thousands of innocent people who are being lured into activities which to them seem to be merely an expression of freedom. But listen to the prophets who promote today's revolution:

1. Herbert Marcuse in his book entitled, *Eros and Civilization* said, "No civilization can co-exist with a sexual revolution."

2. The professor at one of our leading universities, an avowed Communist said, "We will destroy this present society with song, sex, and drugs."

We are watching the alarming successes of our would be destroyers. Some hard rock musical groups are openly promoting revolution and using their music to incite riots. An able spokesman for the Communist cause in the United States, editor of *Sing Out* which publishes such pieces as "Ballad of Ho Chi Minh," "Ballad of Che Guevera," and "Have a Marijuana," remarks that the great strength of rock'n'roll lies in its beat, and that it is a music which is basically sexual, un-Puritan (i.e., un-Christian . . . and a threat to established patterns and values.")

A sexual revolution has brought to the nation open promiscuity, the pornographic bookshop and the topless tavern. In yesterday morning's Constitution (July 4, 1970) it was reported rock fans at the Pop Festival at Byron, Georgia, were swimming in a nearby creek, and that at one point about fifty of them were in the nude; the numerous teenaged girls walked about bare-breasted. Someone has said, "Great civilizations and animal standards of behavior coexist only for short periods."

The drug traffic has become a major national problem, wrecking lives of thousands of young people and adults alike. When the Japanese invaded Manchuria their shock troops were not tanks, planes, and bayoneted infantrymen, but trained drug pushers. The Communist used the same tactics in China; and it is happening in America. The drug traffic in our country is not merely youth wanting another new thrill, though that may be part of it; it is planned strategy. I want to say to our high school and college students, before you hop on anybody's bandwagon, ask the one whose driving, "where is this wagon going?" That is the crucial question.

When I see on the mortarboards of hundreds of graduating seniors the new peace symbol. the broken cross, a symbol of anti-Christ. I must ask the student world, "would you knowingly promote an anti-Christian society? Do you desire to live in a godless land? Or have you been caught up in a spirit which you do not understand and with which you do not agree?"

I want to hasten to say that in spite of the noise, the havoc, the bloodshed and destruction engineered by a small minority of campus rebels the vast majority of the seven million college students in America are pursuing their education faithfully, energetically, honestly and with faith to believe that the American way of life is still the greatest on earth.

In Ann Arbor, Michigan a group of students painted obscene words on a bridge. That night another group of students who call themselves, "Guerrillas of Good" repainted the entire bridge.

Amidst the shadows falling across our land there is still plenty of sunlight. Sixty million Americans every year give of their time, their talent, and their money to benevolent causes. For thirty-one consecutive years we have increased the billions of dollars given personally to benevolent causes, from aiding the poor to religion.

Of course we have problems, what nation doesn't? We have some poverty, but we are working to eliminate it. Half the families in America have a yearly income of $9,750. We are facing a terrific problem with pollution, but don't forget there are many nations in the world that would like to have the kind of industrialization that would produce a little pollution. Our government, along with industry is working to clean up "America the Beautiful."

Our educational system is plagued with difficulties, but these too will work out. There are many more problems, but I believe we have the will and determination, the faith and courage to overcome these one by one and to demonstrate to the world what a na-

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tion can do when it is committed to progress and victory.

The question we face on this our birthday is this: What can we do as citizens? As a Christian, I can live the kind of Christian life that in itself will make a contribution to my country, as I act toward my fellowman in a Christ-like manner: in my home, in my business, in my pleasure. To neglect the spiritual is to work against my country. When people turn their back on God, emptying the churches and filling the taverns, promoting promiscuity, the drug traffic, dishonesty in business, we are condemning ourselves and eating away at the very heart of our nation.

The hope of our nation will not be found at the "peace table." They end in nothing but chaos and confusion. But listen to the Word of Almighty God: "If my people which are called by my name will humble themselves and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land." (II Chronicles 7:14) Today America needs forgiveness and healing. We need that spirit of cohesiveness that makes us one again; we must have it. This is my country, and I have confidence to believe that with that spirit we will overcome and outlast the revolution. God Bless America!

POLICE: VILLAINS OR VICTIMS?

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. LANGEN. Mr. Speaker, we have heard a great deal about police brutality and overreaction. We have heard a great deal about injuries to protesters, dissenters, innocent bystanders, demonstrators, and the like. We have heard a great deal about the terrible suppression of individuals who are merely exercising their rights of expression by burning American flags, smashing windows, getting "stoned," and the like. When a policeman strikes a demonstrator it is excessive force and appears on page 1 in the press; when a demonstrator smashes a policeman's head with a brick or crushes his kneecap with a heavy wrench it is too bad and makes page 9. When a riot gets out of hand, blame the police; when the rioters are controlled, it is a police state. When a criminal suspect is not properly advised of his rights his arrest becomes invalid. When a cautious patrolman is shot by this suspect, he dies in the line of duty.

Exaggerations? Think about it for awhile. Perhaps the article appearing recently in Police Times which I include at this time may provide some food for thought:

"Soft" Policy Fatal to Police—Police Deaths and Injuries Shoot Up as "Soft" Policy Makes Lawmen Easy Targets

(By Col. N. Lee Tucker, National President)

Figures released by the FBI and gathered by the American Federation of Police over the last three years prove that the line of duty injuries and line of duty death rate has increased to epidemic proportions. During the month of May 1970, at least five police officers were shot and killed in running gun battles with militant groups or ambushed in what appear to be organized "terrorist" operations.

"SOFT" POLICY IS SOFT IN THE HEAD!

In this permissive era the policy directed by some city, state and federal administrative officials, elected to office is to "go soft". "Go soft" on those who kill policemen, "go soft" on people who throw fire-bombs, riot, burn, loot. Retreat in the face of any mob. Hold your fire and run. The law breakers KNOW this is the order sent down from headquarters and the man on the beat . . . the patrolman is the victim of a "soft" policy. This policy must be reversed by action of united police organizations! The danger is not only to the law enforcement officer but to the public as well. If a police officer can be killed or ambushed at will, with hardly a wink, then what chance has the businessman or citizen?

CASES CITED

In Seattle, Washington a police officer was charged by a coroners jury with a ruling that he used "criminal means" when he shot and killed a 22-year-old Vietnam veteran, a Negro. He was shot by Officer John Hannah, May 15th (Police Memorial Day) after the victim was seen placing a bundle of dynamite sticks at the door of a realty firm! He ordered the suspect to halt three times and when he did not halt fired warning shots and finally the fatal shot. Now, we ask ourselves, why didn't this officer get a medal for his work. Here we have a man with dynamite endangering many, many lives who failed to stop when ordered. This police officer risked his life and his payment was an indictment! Can you believe this in America today!

In Brooklyn, N.Y., an off-duty police officer, Leonard Johnson was in critical condition when attacked by a gang of men in what may have been a robbery attempt. Only a few hours before a fellow officer was slain while off duty and trying to thwart a hold up attempt. In St. Paul, Minnesota, Patrolman James T. Sackett died from a rifle wound when he was ambushed after being called to a home to assist in a child-birth. This was a phony call to set these officers up. In Miami, Florida, a rookie Patrolman died in a hail of gun fire when an alleged member of the Black Panthers was being stopped for questioning. Patrolman Rolland Lane II was 21. Local police blamed the "go soft" policy of the police department.

COURTS FAILING THE PEOPLE

In California, Justices of the Supreme Court upset the conviction of the co-founder of the Black Panther organization, Huey Newton on a technicality. This was a case in which Oakland Police were killed in a furious gun battle. Most recently, Vice President Spiro Agnew, stated this in regards to the Courts. (In an interview with the Miami Herald) "And a lot more of them (criminals) would be prosecuted if the Supreme Court would reverse some of its trends and emphasis on the absolute requirement of individual constitutional protection and balance that against, to some extent, the needs of the whole citizenry."

Time after time criminals have been let free on highly irrelevant technicalities and these same criminals have killed and robbed again and again with immunity.

CODDLING MUST BE STOPPED

Much of this coddling of criminals is caused by politicans in major cities and state and federal agencies who have no idea what it is to deal with the criminals or have they seen the victims of criminal outrages. These men sit in well protected offices and in estates and have no conception of the human garbage that the police sweep clean each day and night and the risks that are taken. They expect too much in the way of technical observation of the Constitution when police officers are doing all they can just to stay alive. J. Edgar Hoover said this month in the FBI Bulletin that "police watchers and self styled law enforcement reformers" have no place in American society and "that their altruistic mouthings are a front and a sham . . .

The American Federation of Police will continue to fight for the rights of its members to defend themselves against the criminal elements of this nation; to alert the public of the dangers of permissive government and to put pressure on the courts to protect the majority by its rulings and not the individual criminal by technical application of the niceties of the law. A hard line policy must be adopted to swiftly punish the offenders of the law. Softness is a sign of weakness.

AMERICAN BAR ASSOCIATION SUPPORT FOR STRENGTHENING OF ANTITRUST PROVISIONS OF S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. STEIGER of Arizona. Mr. Speaker, on June 17 I submitted testimony regarding title IX of S. 30, the Organized Crime Control Act of 1969, which prohibits the use of illegally acquired income to infiltrate legitimate businesses, to Subcommittee No. 5 of the House Judiciary Committee. In my testimony, I suggested that, desirable as it presently is, title IX could be improved by amending that provision to allow private antitrust type remedies to deal with organized crime. These new remedies would parallel antitrust remedies now available to private persons.

Since my testimony before the subcommittee, the American Bar Association has announced its support of S. 30, and has recommended the adoption of the same improvement to title IX that I recommended. In the ABA's resolution supporting S. 30, the organization suggested the addition to title IX of "a provision authorizing private damage suits based upon the concept of section 4 of the Clayton Antitrust Act."

Mr. Speaker, because S. 30 is of such great importance to our society's struggle against organized crime and because my suggested amendment, now supported in principle by the American Bar Association, would significantly expand remedies available to individuals and businesses targeted by the Mafia, I wish to insert in the Record at this point the full text of my testimony before the subcommittee and the draft of my proposed amendment with letter of transmittal to Representative McCulloch, the ranking minority member of the subcommittee:

Congress of the United States,
Washington, D.C., June 30, 1970.

Hon. William M. McCulloch,
House Judiciary Committee,
U.S. House of Representatives,
Washigton, D.C.

Dear Bill: In the testimony on S 30, the Organized Crime Control Bill of 1969, that I submitted on June 17, I suggested that title IX of S 30 should be amended to make applicable those provisions granting antitrust type remedies to deal with organized crime, the parallel private anti-trust type remedies available now to private persons under the anti-trust law.

Enclosed is draft language which would realize this objective. I hope that the committee will consider this amendment in its processing of this important measure.

Best wishes.

Sincerely,

SAM STEIGER.

AMENDMENT

On page 49, after "1968. Investigative demand." insert "1969. Immunity."

On page 56, line 3, after "jurisdiction" insert ", without regard to the amount in controversy,".

In line 15, after "this", insert "subsection (a) of this".

In line 16, strike "this section" and insert "subsection (a) of this section".

Between lines 21 and 22, insert the following:

"(c) Any person may institute proceeding under subsection (a) of this section. In any action brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, it may bring a civil cause of action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual amount of the damages sustained, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil cause of action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) Whenever an action has been commenced in any court of the United States under this section seeking relief from a violation of this chapter, the Attorney General, for or in the name of the United States, may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action, the United States shall be entitled to the same relief as if it had instituted the action."

In line 22, strike "(c)" and insert "(g)".

In line 23, after "criminal", insert "or civil action or".

In line 25, after "offense", insert "or civil cause of action".

On page 57, line 2, between "states" and the final period, insert "or any person in which such defendant is a party".

Between lines 2 and 3, insert the following:

"(h) Except as hereinafter provided, any cause of action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any action, other than an action under subsection (d) of this section, is brought by the United States to prevent, restrain, or punish any violation of section 1862 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action by the United States, shall be suspended during the pendency of such action by the United States and for two years thereafter."

In line 16, after "states", insert "or any person".

On page 66, between lines 5 and 6, insert the following:

"§ 1969. Immunity.

"(a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or to produce other evidence in an action or other proceeding under this chapter in and before or ancillary to a district court of the United States and the court orders the witness upon request made pursuant to this section to give testimony or to produce other evidence, the witness may not refuse to comply with the order upon the basis of his privilege against self-incrimination. No testimony given or other evidence produced in compliance with the order or any information obtained by the exploitation of such testimony or other evidence may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

"(b) In the case of any individual who has been or may be called to testify or provide other information in any action or proceeding under this chapter, the United States district court for the judicial district in which such action or proceeding is pending, shall issue, upon the written approval of the United States attorney for such district, an order requiring such individual to give any testimony or produce any other evidence which he refuses to give or produce on the basis of his privilege against self-incrimination.

"(c)(1) A United States attorney may, with the approval of the Attorney General, or the Deputy Attorney General, or any Assistant Attorney General designated by the Attorney General, request an order under this section in any action brought under this part when in his judgment—

"(A) the disclosure of the testimony or other evidence sought from such individual may be necessary to the public interest; and

"(B) such individual has refused or is likely to refuse to testify or produce other evidence on the basis of his privilege against self-incrimination.

"(2) Upon the written approval of the United States attorney for the district in which an action or proceeding under this part is brought, the plaintiff or the defendant in such action or proceeding may request an order under this section with respect to any individual who has been or may be called to testify or to produce other evidence in such action or proceeding when such individual has refused or is likely to refuse to testify or produce other evidence on the basis of his privilege against self-incrimination."

STATEMENT OF REPRESENTATIVE SAM STEIGER ON S. 30

Mr. Chairman, the time is past when the threat to America posed by organized crime could be minimized. Today, I think every person present at these hearings can agree that organized crime is a menacing blight on our economy, our institutions, the fundamental values to which America is dedicated, and the personal liberty and safety of every citizen. The menace, moreover, is so grave that it rivals every other domestic concern in importance. It is growing in its severity and urgency, and will continue to grow unless and until decisive action is taken by state and federal governments.

I hope that all can agree, as well, that the legislative tools and methods now available to the Executive Branch of the Federal Government have been proved by bitter experience not to be adequate to the task of curbing and destroying organized crime. Strong new legislation is necessary in order to improve the Federal Government's capacity to obtain admissible and persuasive evidence against organized crime leaders, obtain their convictions, and protect society by confining those criminals.

I have concluded, and I hope, Mr. Chairman, that your subcommittee will determine as well, that the "Organized Crime Control Act of 1969," is a sound and important contribution to making such improvements in our laws.

As the Subcommittee examines S. 30, Mr. Chairman, it is fortunate to be able to draw upon the full study and development which each of the proposals brought together in the bill has already received. Many of the bill's provisions are based, of course, upon recommendations made by highly qualified and prestigious organizations, such as the American Bar Association, the American Law Institute, the National Council on Crime and Delinquency, the President's Crime Commission, and the National Commission on Reform of the Federal Criminal Laws. The proposals of those groups reflected in S. 30 have been made over a period of nearly two decades, beginning in the early 1950's with certain A.B.A. recommendations made as a consequence of the Kefauver study of organized crime, and extending through the 1950's and 1960's to A.B.A. and Penal Reform Commission recommendations made in 1969 and 1970. Each proposal has been based upon a competent and thorough study of organized crime and the deficiencies in existing law. Those decades of studies and recommendations form an impressive basis for the various proposals now presented to the Congress in S. 30.

The introduction of S. 30 in the Senate led, of course, to comprehensive hearings by a Senate subcommittee, exploring the pros and cons of each title of the bill, and culminating in a long and scholarly committee report on the bill. After extended debate on the Senate floor, the bill passed the Senate by a vote of 73 to 1.

The implications of S. 30 for civil liberties and the Bill of Rights, in particular, have been focused clearly and explored to unusual depth. After S. 30 was put in substantially its present form, comprehensive and detailed criticisms of the bill were published on two occasions by the American Civil Liberties Union (CONGRESSIONAL RECORD, p. 852, and the present hearings) and on one occasion by the Association of the Bar of the City of New York. (Committee on Federal Legislation, *The Proposed Organized Crime Control Act of 1969* (*S. 30*) (1970).) The arguments, on the other hand, in support of the consistency of S. 30 with fundamental civil liberties and constitutional provisions have been presented address on the Senate floor. (CONGRESSIONAL RECORD, p. 18912).

I am convinced that each of the major proposals found in S. 30 now has weathered well the rigorous test of this unusually comprehensive and searching analysis by proponents and opponents of the legislation. Each title of S. 30 has been shown, to my satisfaction, to be consistent with the rights of individuals and to promise a great strengthening and improving of the Federal effort against organized crime.

I am especially enthusiastic about title IX, on "Racketeer Influenced and Corrupt Organizations," which is designed to prevent and reverse the corrupt infiltration of legitimate commercial activities by ruthless organized criminals.

The extent of that infiltration, and the corrosive influence it has on the rights of innocent businessmen and consumers, are illustrated by the history of Emprise, the Buffalo, N.Y. firm whose activities I have described at some length on the floor of the House of Representatives. (CONGRESSIONAL RECORD, p. 5887; *id.* at p. 7423; *id.* at p. 7933.

That company controls, or owns completely, over 450 separate corporate entities in at least 23 states, the District of Columbia, Canada, Puerto Rico, and England. It has an annual cash flow of between 60 and 160 million dollars.

Emprise is connected with a variety of businesses, including racetracks and racetrack concessions, and has a number of close associations with members of the underworld. The company has, for example, a 12% participation in Hazel Park Raceway in Michigan, and is the largest single stockholder in the raceway, one of the operators of Emprise having loaned members of the board of directors of the raceway the money to buy their stock in it. Among the members of the board of directors of the raceway are Anthony J. E. Zerelli, Giacomo W. Tocco, and, until July 25, 1969, Dominick P. "Fats" Corrado. On July 24, 1969, Mr. Corrado was indicted by a New York Grand Jury for extortion. The next day, he resigned from the board of directors, but presumably he kept his 33,424 shares of voting stock. All three of those raceway board members have been identified as members "capodicina" of the Detroit La Cosa Nostra "family."

While the case of Emprise is an apt illustration of the depth of penetration by organized crime into legitimate business, it hardly is an isolated case. Internal Revenue sources have revealed that some 98 of the 113 major organized crime figures in America are involved in 159 "legitimate" businesses. Those businesses include controlling interests in one of the largest hotel chains in the country, a bank having 70 to 90 million dollars in assets, and a laundry business with an annual gross of some 20 million dollars. Clearly, existing laws have placed little or no restraint upon infiltration of legitimate business by organized crime.

Title IX of S. 30 would greatly improve the capacity of the Federal government to deter such infiltration and, where it has occurred, to reverse it. First, the title establishes stiff criminal penalties for anyone convicted of using a pattern of specified serious felonies to gain or exercise control over an interstate business, and adds the unusual criminal sanction of forfeiture. Criminal forfeiture, which was used extensively in England and to a limited degree in the colonies but has found virtually no application in the United States, would punish an criminal found to have violated title IX appropriately by forfeiting his ill-acquired business interests, and it would directly aid the business community by expelling the racketeers from the legitimate business he had abused.

More important, title IX takes the innovative step of applying the civil procedures and remedies developed in anti-trust cases to the problem of organized crime. The primary procedure borrowed from anti-trust experience is the civil investigative demand, a most effective investigative tool for examining business transactions and records. The civil remedies borrowed include divestiture, injunction, and dissolution.

Using title IX's civil provisions, the government, by proving by a preponderance of the evidence that a racketeer had used a pattern of specified felonies to acquire or operate an interstate business, or had rendered his controlling interest with the proceeds of his pattern of felonies, could obtain a court order requiring the racketeer to sell his interest in the business and refrain from reentering the enterprise either directly or through nominees.

Title IX's civil provisions promise to be far more effective than any existing authority as a means of protecting legitimate businessmen from the ruthless and oppressive methods used by organized crime in its business dealings, and as a means of guarding the American principle of free competition in the market place.

I am sure that this Committee and the House of Representatives will lend their experience, knowledge and creative skill to improve and strengthen S. 30 in any respect in which such action is necessary. One possible amendment, for example, which I would raise for your consideration, would add a private civil damage remedy to title IX, similar to the private damage remedy found in the anti-trust laws. Not every businessman, of course, will wish to take advantage of such a remedy, but those who have been wronged by organized crime should at least be given access to a legal remedy. In addition, the availability of such a remedy would enhance the effectiveness of title XI's prohibitions. Every member of the House of Repersentatives must, of course, remain alert for other ways in which S. 30 could be strengthened or made more effective.

Most important, though, is the need for our swift passage of this well considered, important legislation. The merits of S. 30, and the thorough consideration it has received and is receiving, provide a sound basis on which the committee and the House itself can promptly proceed to pass the bill. I hope, therefore, Mr. Chairman, that I will have the opportunity early this year to join with an overwhelming majority of the House of Representatives in voting to approve the "Organized Crime Control Act of 1969."

SUPPORT FOR NORTHERN MAINE'S DICKEY-LINCOLN HYDROELECTRIC PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. HATHAWAY. Mr. Speaker, the experiences of the summer have made clear how regrettable it is that the House rejected my amendment to the public works bill advocating the reinclusion of $807,000 in preconstruction funds for northern Maine's Dickey-Lincoln Hydroelectric project. Dickey's potential contribution to the Northeast's economy and power reliability is evident, and I have advanced evidence amply corroborating this assertion.

Because of Dickey's advantageous character, I am confident that the Senate Appropriations Committee will reinsert the funds and that this action will receive the endorsement of the entire Senate. In conference, however, Dickey will inevitably encounter the long-standing opposition of the private power companies. In the past, I have submitted evidence negating both private power's major and minor contentions. I have directed my severest skepticism to private power's reliance upon nuclear power as a solution to our Nation's power problems. I have supported hydro power as the most economical and only nonpolluting source of electric power; I believe that both the general and specific characteristics of hydro-electric facilities far outweigh those of any other type of facility.

Maine's Governor, Kenneth M. Curtis, recently released a report on a study conducted for the New England Regional Commission on the current power situation in New England and the outlook for the future. The report notes that: First, the New England consumer will pay far and away the highest regional power costs in the Nation—New England power costs run 45 percent higher than the average costs for the rest of the Nation; second, the fragmentation within New England's power network indicates the industry's past failure to work for the common benefit of everyone; third, New England's public power development is insignificant; fourth, New England's power supply cannot continue to be handled in the haphazard manner which has characterized the past and that the New England power industry acting alone is unlikely to meet those challenges successfully. Most importantly, the report continues that Dickey-Lincoln would provide "a pollution-free source of energy" which would "fit admirably into a bulk power system operated by an Interstate Compact Agency" or which should, at the very least, be tied into the long awaited NEPOOL arrangement.

I hope the Governor's report will induce my colleagues to reconsider Dickey's merit.

The report follows:

THE POWER SITUATION IN NEW ENGLAND

(Report by Gov. Kenneth M. Curtis)

At a time when, despite growing power shortages and warnings of outright failures, the Dickey-Lincoln proposal has once again been shelved by Congress and by the lobbying efforts of the private power companies, I think that the people of Maine should be aware of some of the conclusions of a recently completed New England Regional Commission study of the power situation in our region. This study is the first exhaustive, unbiased review of the New England power situation, and, while I do not agree with all the conclusions, I feel that the report deserves wide attention.

The single most important conclusion is that the New England consumer still pays far and away the highest regional power costs in the nation. When figures for all customers are used, New England costs run 45% higher than the average costs for the rest of the nation. The study further highlights the unsatisfactory nature of conditions in our region by comparing our costs to three states most similar in character to New England. New England's costs are 22% higher than Wisconsin's, 30% higher than Michigan's, and 36% higher than New York's.

For residential service, the average New England homeowner pays costs 30% higher than the rest of the country as a whole, 13% higher than New York, 19% higher than Michigan, and 27% higher than Wisconsin. Furthermore, the Maine homeowner pays slightly higher costs than the New England average.

The power companies have noted that New England's costs are closer to the national average than they were ten years ago, but the study indicates that this is primarily the result of the fact that residual fuel oil prices have fallen faster in New England than elsewhere and of the fact that companies have naturally converted from expensive coal to cheaper oil. This change, therefore, results from changes in the oil import program rather than from increased efficiency. Furthermore, recent developments indicate that residual fuel prices, after falling for five years, have begun to rise sharply, so no further relief can be expected from this source.

New England bears higher power rates than the rest of the country because of higher power production costs. These production costs have been partly unavoidable because of our distance from fuel sources. However, the study makes clear that the differences between our costs and those of similar consuming regions result also from the inefficiency of New England's power network. Specifically, New England has more small plants than other regions. This fragmentation is attributable to the past failure of the industry in all six states to cooperate for the common benefit of everyone, including themselves. The result of the fragmentation is that we all buy power from high cost small units instead of the lower cost large units which generate 37% of the power elsewhere in the country but none of the power in New England.

Lastly, a conclusion which is implicit is several facets of the study, but which is never drawn overtly, is that New England pays higher power rates because our region lacks significantly public power development. This conclusion follows inevitably from the recommendations of the study which all suggest a more active role for the public sector in the future of New England power generation and transmission; it follows also from the inclusion of the Dickey-Lincoln project in the recommended network for 1990; and it follows from the fact that the neighboring state of New York pays rates 36% lower than ours despite conditions which are virtually identical except for the fact that New York State has two major public power projects.

In looking to the future, the study makes clear that power supply in New England cannot continue to be handled in the haphazard manner which has characterized the past. Not only will our power demand quadruple in the next twenty years, but we are now showing a long overdue concern for the environmental effect of power plant and transmission facilities.

Put another way, we simply cannot sacrifice our environment here in Maine to produce the power which air conditions other areas to the temperatures and climate which we enjoy most of the summer. At the same time, however, we must recognize that power must be provided to consuming regions, that we have an abundance of open space which contains some desirable plant locations, that power plants need not pose uncontrollable environmental hazards, and that we ourselves need the power, the jobs, and the tax base generated by this essential industry.

In looking to the challenges of the next twenty years, the study is basically optimistic as long as past mistakes are not repeated. It notes that New England has an opportunity to revamp its entire generation system to more nearly conform to the large, efficient units in use elsewhere. It suggests that careful planning can achieve this growth without substantial environmental damage and that thermal discharge, properly utilized, may even be of some benefit.

However, it also notes that the New England power industry acting alone is unlikely to meet these challenges successfully. Specifically, the study concludes that the New England Power Pool (NEPOOL), first proposed in 1966 but to date a reality only to planners and public relations men, "can only be an interim solution." This is because NEPOOL (1) "provides no assurance that the decisions of its Management Committee will be based on what is best for New England as a whole", (2) lacks sufficient control over its individual members to compel action in the regional public interest, (3) lacks the power to achieve some necessary legislative changes, (4) will be unable to administer the complex intercompany relationships which must come into being, and (5) would be subject to possibly paralyzing regulation by many local jurisdictions.

As a result, the study recommends a series of alternatives including governmental takeover of all transmission and generation functions, or a regionally controlled interstate compact authority, or regionalization of certain functions such as site acquisition. The study notes that Dickey-Lincoln would provide "a pollution free source of energy" which "would fit admirably into a bulk power system operated by an Interstate Compact Agency" or which should, at the very least, be tied into the long awaited NEPOOL arrangement.

In conclusion, this study, a result of positive cooperation between the six New England governors and the New England Regional Commission, confirms the arguments of those who have felt that power costs in this region have been too high. It goes on to point out that we have an opportunity which may never be available to us again to improve these conditions of high price and low supply by taking steps to increase the public role in the planning, generation, and transmission of New England's future power.

IMPACT AID AND PUBLIC HOUSING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. WALDIE. Mr. Speaker, it is apparent that there will be no funding of a program of impact aid for education based on the enrollment of children living in public housing.

I find this to be a most regrettable action and fear that it will have severe consequences to communities having public housing installations.

The executive director of the Contra Costa Housing Authority, Mr. Roger B. Spaulding, recently wrote his views on this matter to Senator THOMAS F. EAGLETON, sponsor of the legislation which would have provided this assistance.

I believe Mr. Spaulding's remarks and comments are of great interest to the Congress and I am inserting them in the CONGRESSIONAL RECORD.

These remarks follow:

HOUSING AUTHORITY OF THE
COUNTY OF CONTRA COSTA,
Martinez, Calif., July 28, 1970.

Hon. THOMAS F. EAGLETON,
Subcommittee on Education, New Senate Office Building, Washington, D.C.

DEAR SENATOR EAGLETON: The Board of Commissioners of the Housing Authority of the County of Contra Costa were most distressed to hear that the Senate had voted down your bill to provide funds to carry out approved legislation covering impacted school aid assistance based on enrollment of public housing children. It would now appear that since the House was not able to vote any funds for this new program, and the administration has not requested any, there will be no impacted aid funds for public housing children this year.

This blow has double significance to the communities since the Senate, in recently adopting the Brooke Amendment, reduced still further the meager amount of payments in lieu of taxes available from public housing to cover all municipal services communities are providing occupants of low-rent projects. In our case, the formula for payments in lieu of taxes set by Federal statute of 10% of shelter rent amounted to only approximately $54 a unit per year. While the full impact of the Brooke Amendment has still not been determined, since it has produced actual cases of minus rents, obviously the tax burden on the community will be substantially increased.

This sort of legislation by appropriation is not only most disillusioning but will tend to contravene the administrations announced policy of dispersing low-income housing to the suburbs. FHA is no longer judging all types of projects (including public housing) on the grounds of feasibility but has been directed to also consider racial overtones and impact on schools and other municipal services. Obviously the recent Senate action will bring more sharply into perspective the fact that all other subsidized housing programs (FHA 235, 236, Rent Supplement, and Section 23 Leased Housing) pay full real estate taxes and locally-owned public housing becomes a pariah. This situation will give the elected officials in our lily-white bedroom suburbs the only excuse they need to justify to their tax-conscious constituents the killing of public housing. The end result will be to confine public housing to the inner-city where things can't possibly get much worse.

In view of the dismal failure of existing legislation, could we respectfully suggest that the matter now be considered in its true perspective and the Housing Act of 1937 be currently amended to permit payment of the equivalent of full taxes on low-rent public housing projects where all municipal services are provided.

Sincerely yours,
ROGER B. SPAULDING,
Executive Director.

A COURAGEOUS YOUNG MAN FROM MARYLAND

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. LONG of Maryland. Mr. Speaker, CWO Russell Rowe, a courageous young man from Maryland, was killed recently in Vietnam. I should like to honor his memory by including the following article in the RECORD:

RUSSELL ROWE, DURING ACTION IN VIETNAM

An Army chief warrant officer from St. Mary's county has been killed in action in Vietnam, the Defense Department announced yesterday.

He was identified as CWO Russell A. Rowe, 24, the son of Mrs. Z. Ruth Rowe, the principal of a county elementary school.

Mr. Rowe was killed July 19 by what the Defense Department called "friendly artillery fire" at his base camp south of Hue, South Vietnam. The soldier was serving his second tour of duty in the war.

Mr. Rowe enlisted in the Army in 1965, several months after he was graduated from Great Mills High School. He was first sent to Vietnam in 1967 as a helicopter pilot.

Mr. Rowe returned to the United States in 1968 and served as an instructor at Fort Rucker, Ala. He took advanced training in order to fly reconnaissance aircraft and returned to Vietnam in January.

Mr. Rowe was born in Norfolk and moved to Southern Maryland with his family in 1954. His father, a former Navy officer, died five years ago.

Mr. Rowe was buried Wednesday at Arlington National Cemetery.

In addition to his mother, he is survived by a brother, Douglas Rowe, living at the family home in St. Mary's city.

XUM

INTEREST AND ACTIVITY IN THE HIGHWAY SAFETY FIELD

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. OLSEN. Mr. Speaker, like others interested in the cause of highway safety I am delighted and proud to note the increasing frequency with which we read and hear of the good results that continue to flow from the public hearings and other work by the Special Subcommittee on the Federal-aid highway program. It has been a great pleasure to serve as a member of the subcommittee, which is chaired by my friend and colleague, the gentleman from Minnesota, the Honorable John A. Blatnik, who has proved a tireless fighter in bringing about improvement and upgrading in various facets of highway design that affects the lives and safety of our millions of motorists.

Recognition for a job well done is often slow in coming about. Our committee, under Chairman Blatnik's leadership, investigated in great depth the subject of highway safety, design and operations, prior to holding the hearings. Although the results of our work brought about some immediate improvement, it takes time for the word to reach all the needful places.

However, today's Washington Post contained an editorial which makes reference to John Blatnik and the special subcommittee. It is a timely and thoughtful editorial, reflecting interest and activity in the highway safety field by the Federation of Insurance Counsel, an affiliate of the Insurance Institute for Highway Safety. I am delighted to call the editorial to the attention of my colleagues in the House:

Death Penalty Roadways

Sixty thousand is now the estimate for annual highway deaths in this country. Previously, American drivers were more peaceful, only killing themselves and each other in the 40,000 to 50,000 range. The car, the driver and the roadway are the three factors in this carnage; although research has provided only limited knowledge on corrective measures regarding cars and drivers, much is known about making roads and highways safe. But the information is not always applied. Roadside hazards continue to award the death penalty to thousands of drivers who suffer blowouts or are forced off the road or sideswiped.

According to the Federation of Insurance Counsel, recent single accident vehicle run-off-the-road accidents on certain sections of the intrastate system represented 57 per cent of the total fatal accidents; and of these, 78 per cent hit one or more fixed objects. Another study, of a state highway system, showed that 63 per cent of fatal one-car crashes were caused by hitting fixed objects.

What this means, to point out the obvious, is that we have been more concerned about the building of roads than their safe operation. Phone poles, light poles, exposed ends of guardrails, sign stanchions, concrete bridge abutments and trees are a few of the hazards that literally stop drivers dead.

Congressmen like John Blatnik and his special subcommittee on the federal aid highway program have long been aware of the untold accidents needlessly caused by booby-trapped highways. Fortunately, many state highway departments are correcting the hazards in existing roads and preventing new ones from being built without safety planning. For example, researchers at the Texas Transportation Institute at Texas A&M have developed roadside sign poles equipped with hinges that give way on impact, usually saving even the front end as well as the driver. Locally, guardrail endings along I-295 are now buried in the ground, not left exposed to impale an oncoming car.

All this research, technology and congressional concern means little unless the various state highway departments get the message. With some 105 million registered vehicles nationally (double the number since 1950 and half the projection for the year 2000), the roadside safety message, unlike the hazards, should be harder and harder to miss.

HORTON LAUDS ELMER B. MILLIMAN WHOSE "DOUBLE LIFE" IS AN INSPIRATION TO ALL

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. HORTON. Mr. Speaker, quite often we hear, and undoubtedly on occasion use ourselves, the expression "Somebody should do something about it." Consequently it is inspiring to know of an outstanding man who does something about the things he firmly believes need correcting in our society.

The man of whom I speak has long been a personal friend. He is board chairman of Central Trust Co. of Rochester, Elmer B. Milliman. When Elmer becomes aware of a situation or a condition in his community which he believes needs some attention and when he thinks his talents are such that he can be of assistance, he steps right in and takes action immediately.

This trait sets Elmer apart as a very special citizen of the area I represent in Congress. Too often, however, his accomplishments in behalf of others are done so swiftly and so unceremoniously that they go unnoticed except by a very few.

It is for this reason that I would like to share with my colleagues in the House of Representatives a feature story by Margaret Stolze which was the lead story on page 1 of a recent issue of the Brighton-Pittsford Post:

Elmer Milliman's Double Life: Banking, Housing Leader

Then because of professional management was needed, John Dale was brought from New York City to operate the housing developments.

"One thing leads to another," Milliman says, "Now we had a housing management team, and at a party (I must go to too many parties) I mentioned to Fred Parrish, who was then Monroe County Republican leader, that I thought the community owed something to older people, since inflation was eroding their savings and making their pensions inadequate. They deserve housing with no stigma of 'poorhouse' attached.

"No one was more surprised than me, when a couple of months later, Fred called and said 'I've got a place for you for your older people's housing.' "

This was the group of one-story buildings in Cobb's Hill Park—a most unlikely prospect for a trail-blazing housing concept.

Run-down barracks-like buildings, originally a fresh-air camp for children, had been used during the war years to house several hundred German and Italian prisoners of war. Rundown and surrounded by barbed wire, they hardly seemed suitable for housing for the aged.

"But the buildings are there," Milliman quotes Parrish as saying. "You might as well have a fling and see what you can do with them."

With the land leased by the city to Seniors Citizens Home Inc., a specially formed corporation, for $1 a year, reconstruction was begun early in 1953, and the first tenants occupied the units in June of that year.

"Strangely enough, we had a hard time at first renting the 27 units," Milliman says. "But then there was a little publicity on the radio and in the papers, and the floodgates opened. We've never since been without a waiting list at any of the projects for older people."

Initially skeptical, city officials greeted proposals for further developments with enthusiasm.

'Each one was different," Milliman says. "When we started Seth Green apartments, we were forced by the lay of the land to make it two floors, instead of the one-floor, motel-type dwellings that everyone thought the tenants would like. To our surprise, they loved it, and when we went to 12 stories at Plymouth Gardens, they loved it even more. The higher we go, the more they like it—Seneca Towers is 20 floors and had a waiting list long before its opening."

Three years ago, business leaders who felt the tight housing situation here was making it increasingly hard for them to hire the help they needed, formed Metropolitan Rochester Foundation to try to house young, low-income people. The concept they turned to was Milliman's "stepping-stone" housing.

MRF has built Westfall Heights, and expects to start construction on Gleason Estates in Pittsford shortly after June 23.

"Business must help with housing problems," Milliman says, or the city, state and federal governments will have to move.

I have been happy to be able to work at it—in fact, I feel I have gotten more pleasure out of it than I deserve."

Milliman's attitudes and activities have been good for business. He had joined the old Union Trust Co., now Marine Midland banks, after graduation from Harvard Business School, where he went "through the mill" all the way to a vice-presidency in 1937.

"When I was asked to become president of Central Trust in March, 1937, assets were only $18 million, and all we had to offer was personal service. That's why all Central Trust officers have always had their offices on the main floor of the bank—we want to be accessible to our clients, because what we were selling was personal attention."

Elmer Milliman's Double Life: Banking, Housing Leader

(By Margaret Stolze)

Elmer B. Milliman, board chairman of Central Trust Co., is a banker because he got mad.

"When I graduated from the University of Rochester in January 1919, says the tall, greying Milliman in his machine-gun staccato voice, "I was registered at Harvard Law School, but took a job at one of the local banks, just until school started in September. Well, I had a difference of opinion with my boss, and I either quit or was fired, depending on whom you asked. That made me so mad that I wanted to prove I could make it in banking, and I went to Harvard Business School instead of the Law School."

But, as John A. Dale, Central Trust Co. vice president and director of Metropolitan Rochester Foundation, of which Milliman is

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president, says, "Elmer really leads a double life."

The second side of Milliman's double life consists of his role in making Rochester a nation-wide leader in low-income housing—first for veterans, then older people, and most recently for young people in low to middle income brackets.

"Milliman firmly believes that banking can be a creative career. The quality of a person's life is made up of his spiritual life and material welfare," he says. "Perhaps I'm biased, but I feel banking can be of tremendous help to people in the latter."

He carries the same attitude over into his involvement in housing.

At the moment, he is most excited over the opening of Seneca Towers, high-rise housing for the aging on St. Paul St. near Memorial Bridge.

"Older people should be enabled to be independent, self-reliant, live their own lives in their own homes," he says. "With suitable housing, 10 years can be added to their independence, and they can live longer, fuller lives."

Milliman became interested in housing because of his willingness, as he puts it, to be the "George" of "Let George do it."

"I was at a party right after World War II with Charlie Marshall, then Central Trust's chief mortgage officer," he says, "and got talking about the fact that veterans were coming home, and because of the housing shortage, weren't finding places to live. 'Somebody,' we said, 'should do something about it,' and then we decided that 'somebody' should be us."

Milliman's idea was, basically, stepping-stone housing, in which veterans could live for a few years until they got on their feet.

Mobilizing the resources of the community, Milliman saw Fernwood Park, the area's first veteran's housing, started in January, 1946, and all 152 units completely occupied by the end of the year.

Three things made Fernwood Park possible—the city allowed use of its land, with the stipulation that it would return to city ownership when the mortgage on the buildings was paid off, taxes were abated, and local banks financed construction at special low interest rates.

In rapid succession, Norton Village and Ramona Park were built on the same basis.

When Central Trust Company merged with Charter New York bank holding company a few weeks ago, its assets were $250 million.

"The handwriting was on the wall," Milliman says. "Statewide banking is just over the horizon, and small community banks will be going the way of the corner grocery store. If nothing else, we would have found ourselves increasingly unable to meet the loan needs of our customers."

With the merger, Milliman relinquished his position as chief executive officer of the bank he headed for over 30 years, but remains as chairman of its board of directors.

"I wish I could be in on the tremendous developments that are going to take place in banking in the next few years," he says, "but I will continue to consult with the bank, and will continue to be active in housing. Outside of that, I hope to improve my golf game—I've been waiting for 15 years to get the spark—fuss a little with my garden, fish and read a lot."

What does he plan to read?

With a sidelong glance to guage the reaction, Milliman says, "Well, I'm really fascinated by pre-historic man, archeology, the Middle East, comparative religion—all that field."

The reaction must be acceptable, because he goes on with enthusiasm.

"I don't really study it—I just read everything I can get my hands on, and some of it sticks. My wife and I took a trip all through the Middle East—Turkey, Syria, Jordan, Lebanon, Israel, Greece—so I could actually see the places I had been reading about. We had a great deal of fun with the guide, because every once in a while some little fact would pop into my mind and I would floor him with it."

His next travel plans are for the Yucatan Peninsula, where he hopes to visit Mayan ruins.

"I'm intrigued by all the knowledge which the human race once had and which was subsequently lost. Prehistoric Crete had indoor plumbing, but the knowledge evaporated for thousands of years afterward, and the Mayas had a calendar that was much more accurate than that of the Greeks and Romans. I think what I like is just acquiring knowledge—I enjoy it."

His wife, Barbara, he says, is not particularly interested in his subject, "but she certainly enjoys the trips."

Milliman has bought a condominium in Juno Beach, Fla., and expects to spend Winters there, returning to his home at 15 Briar Patch Rd., Pittsford, for the balance of the year.

"Any kid with ambition and the desire to do something for the community should try banking," he says. "I have found it tremendously rewarding."

FOOD TRANSPORTATION, PREPARATION ADDS COST

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ZWACH. Mr. Speaker, almost every day, if we have the radio or television set turned on, we can hear someone commenting on the high price of food and leaving the impression that the farmer or the food store are profiteering.

We know that to be far from the truth. The prices the farmer receives for his products are lower today than they were 20 years ago. And the supermarket ends up with a profit of about a penny on a dollar of sales.

Mr. Speaker, with your permission, I would like to insert in the CONGRESSIONAL RECORD an editorial from the Brainerd Daily Dispatch, in our Minnesota Sixth Congressional District, which points out the part that transportation and preparation play in the final cost of our food.

There is a lesson here that all of us would do well to learn:

FOOD TRANSPORTATION, PREPARATION ADDS COST

The Economic Research Service of the U.S. Department of Agriculture has issued a leaflet, entitled "What Makes Food Prices?"

The leaflet attempts to explain why food prices appear to be so much higher than the prices received by the farmers.

It points out that there are many factors besides inflation which determine the relationship of pocketbooks and supermarkets.

"Today," the publication states, "we can buy more foods throughout the year than ever before, thanks to canning, freezing and other ways of keeping foods."

Seasons don't exist in food stores. Americans expect to buy lettuce, tomatoes, fresh fruit and other vegetables in January, the same as we do in August—even though they cost a little more. Many of the foods are brought thousands of miles from warmer climates during off seasons—because people want them.

Another factor in food prices is that more foods are pre-washed, pre-peeled, pre-cooked, pre-mixed and pre-packaged—preparation that costs more, but provides a convenience for which consumers are willing to pay.

It costs about $60 billion a year to prepare, transport and distribute food to local stores. About 45 per cent of this sum goes to pay the five million people employed by the food industry. The supermarket ends up with a profit of about a penny per dollar of sales.

The leaflet also points out, about one fifth of most people's grocery bill isn't groceries at all. It is something to wear, read, listen to or clean with.

The truth is that the U.S. mass distribution system in a free market has no equal for sheer economy and efficiency.

FEDERAL AND STATE ELECTION CHANGES

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 6, 1970

Mr. CRANSTON. Mr. President, the upcoming election in November is of vital concern to every American. I firmly believe that it is incumbent upon all Americans to be aware of the provisions pertaining to the franchise. It is important that Californians hear of Federal and State election changes. I ask unanimous consent that the text of a letter I shall be sending to some of my constituents be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR FRIEND: California and the Nation are faced with diverse and complex problems and I know you will want to be involved in their solution by voting for those candidates who best represent your point of view.

There have been changes in both Federal and California law which may affect your right to vote. A 1970 Amendment to the 1965 Federal Voting Rights Act prohibits the use of tests and devices as a condition of registration, a practice which has been common in some counties in California. Now under a new California law residents who have recently moved can re-register by completing and mailing the enclosed card before the September 10th deadline for registration.

I hope this information will be useful to you and that you will want to take advantage of the changes.

Sincerely,

ALAN CRANSTON.

"THE THREAT"

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BERRY. Mr. Speaker, on June 8, 1970, Mr. Leo A. Hoegh, ex-director of the Office of Civil and Defense Mobilization gave a hard-hitting talk on "The Threat" and, because his concern for the security of America is shared by all of us, I am taking the liberty of inserting it in the CONGRESSIONAL RECORD. I recommend it to all my colleagues, and his remarks follow:

"The Threat"

I wish to give you a layman's opinion as to the "Threat" today.

Hitler, in his "Mein Kampf" clearly challenged the free world, but only a few, yes, a very few believed him—and he came close to conquering the world.

The communists have been and are today just as bold. . . .

We will bury you

The Monroe Doctrine is dead

Cuba is a communist stronghold . . . keep hands off

We will help the Viet Cong defeat the American imperialists

We will conquer America from within

Make no mistake about it . . . Communism is dedicated to world conquest and the enslavement of all free people. Every communist leader from Marx to Mao is dedicated to this objective.

We are at war with this atheistic and sinister conspiracy . . . and all freedom-loving people had better wake up . . . before it is too late. Why oh why are we lulled to sleep . . . "They don't mean it . . . They want peace" . . . The uninformed pacificist and idealist cry out.

It was only after Hitler thrust the dagger into Poland and Czechoslovakia that we awakened to the danger . . . and recognized that Hitler meant what he had said.

Already the communists have proven their intentions:

The Korean War

The takeover of Cuba in 1961

The erection of the Berlin Wall in August 1961

The takeover of Laos in 1962

The stealing of our ships on the high seas

The increased activity of the communist party in U.S.A. and South and Central America

The takeover of Czechoslovakia in 1968.

Financing and Leading Guerrilla Warfare on Our Streets and Campuses; Supplying 85 Percent of All Armaments to the Viet Cong

What more proof do these idealists need????

You recall . . . When Truman and Acheson said in the spring of 1951 . . . That Korea meant nothing to us . . . The communists struck . . . And we became embroiled in a costly war. We didn't win it, because our political leaders would not permit the military leaders to penetrate the Yalu River and the enemy's sanctuaries.

In the fall of 1961 the communists again struck . . . This time Laos . . . and after they had taken ⅔'s of the country, they agreed to make Laos a neutral country. Neutrality to the communists means . . . It's their's to use . . . keep hands off.

Next they moved against South Viet Nam . . . Our response was tragic. Not because we rose to its defense, but because we failed to let the military win it. The doctrine of "Graduality" got us involved in a long bloody war.

It is interesting to note . . . That the congressional peaceniks who now decry the first bold military action in Viet Nam and Cambodia . . . are the same ones who demanded the graduality strategy. These armchair quarterbacks have never and could never win a war . . . let alone a football game. Actually, they could bring us defeat because of the aid and comfort which they inadvertently give the communists.

Let me quote Soviet Premier Kosygin . . . "American progressive forces are fighting against the war in Indochina, and we welcome this struggle." One of the North Vietnamese delegates to the Paris conference puts it this way . . . I quote . . . "We warmly welcome the many U.S. leaders and the majority of the American people who have stepped up their struggle to check the aggressive hand of the Nixon Administration."

To my amazement, two weeks ago, seven Anti-War Senators urged President Nixon to sell additional aircraft to Israel . . . arguing that the use of Soviet pilots and troops in Egypt threatens Israel and world peace . . . Don't they know Russia supplies 85% of all armaments and vital supplies to the Viet Cong? . . . That without such armaments being used against us, our fighting men would have been home long ago . . . and that now with us destroying these armaments and the communist sanctuaries in Cambodia, the effectiveness of the Viet Cong will be greatly reduced????

This is not to say I'm in favor of selling planes to Israel . . . but what I cannot understand is how can these Senators be so inconsistent . . . and get by with it.

It was common knowledge that the communists had occupied certain areas in Cambodia since 1965. That they used these areas to rest, regroup, and resupply their troops. It is no wonder that our fighting men have been bitter . . . As they put it . . . "One hand tied behind our backs" by orders from Washington against pursuing the Viet Cong into their so-called "Privileged sanctuaries" and destroying their bases.

The peaceniks charge . . . "This is an invasion of Cambodia" . . . . I ask . . . what is so sacred about enemy troops operating out of Cambodia against the desires of the Cambodian government? This is like denouncing the British for invading German-held Holland in WW II operations at Arnhem. Cambodia's neutrality was violated no less by the Viet Cong than was Holland's neutrality by the Germans.

The peaceniks charge . . . "This is an escalation of the war . . ." They ignore the fact that the North Vietnamese troops are in South Viet Nam . . . Not South Vietnamese in North Viet Nam: That the North Vietnamese troops have occupied the privileged sanctuaries in Cambodia and are now trying to take over Cambodia from these sanctuaries.

The peaceniks charge . . . "This is widening the war . . ."

It is difficult to understand how destroying the sanctuary bases, which have been prolonging the war and causing greater casualties, would constitute widening the war.

The difference, of course, is that the critics of Nixon in the Senate and on the inflamed campuses want no success at all in Indochina. They want defeat and admission of wrong. They want atonement and apology . . . Apology for the justifiable exercise of power to bring political stability to Southeast Asia, apology for helping small countries avoid external domination . . . Apology for upsetting the communist's plan . . .

The very success of the operations is cause for complaint . . . The destruction of the Cambodian sanctuaries reduces the ability of the communists to conduct the war, at least for the next 8 to 12 months while 15,000 American troops are coming home. It increases the time table for the South Vietnamese to become capable of resisting future attack . . . which is what Vietnamization is all about.

We have achieved great success with the Sanctuary operation . . . As of May 30 . . . the results were:

Individual weapons captured—15,000.

Large (crew type) weapons captured—2,000.

Rockets captured—27,000.

Mortar rounds captured—26,000.

Small ammunition captured—over 10 million rounds.

Rice captured—over 11 million lbs.

Bunkers destroyed—over 8,000.

Enemy killed—over 9,000.

Enemy captured—over 2,000.

We definitely have hurt the enemy . . . But more important we have shown him we finally mean business, and that we will no longer tolerate stopping at the "Yalu."

The war is unpopular . . . but where Americans are committed to action, they deserve our support. Loyalty does not come only with fair weather, but should be even stronger when the nation is in a storm. The New York construction workers have taken the lead . . . and it's time for all red-blooded Americans to speak up loud and clear.

What has caused this recent furor??? It certainly didn't come about instantaneously and without some long-range planning. In our country this communist international conspiracy is represented by a bold and defiant communist party. Its membership consists today of a small, hard core of revolutionary fanatics—100,000 strong—all subservient to the dictates of Moscow.

Their foremost target in the U.S. has been our young people. The shameful riots on our campuses are encouraged and many times led by communists. Most every campus has had a communist functionary appear before student groups. The communist purpose is to create confusion, raise questions and spread doubt among our young people concerning the American way of life. It is indeed ironic that communist speakers, whose minds and thoughts are in no manner free . . . should demand the opportunity to parrot the Moscow line under the guise of academic freedom. Academic freedom is not an agent of self-destruction—a freedom to destroy freedom. Academic freedom is not obligated to carry along the lies and distortions of known communists. It's difficult for me to understand why so many professors are permitted to advocate rioting and destruction on our campuses.

The peddling of their dishonest doctrine is not unlike the peddling of filth and dope in demoralizing effect. It undermines patriotism and creates doubt about our social and economic system.

Our intelligence has discovered that the revolutionaries who seek to dominate the anti-war movement are receiving instructions from Moscow and Hanoi. They aren't against the war at all . . . They merely are on the enemy's side. Their aim is to stir up "new wars of liberation," including Guerrilla warfare in the streets and on the campuses . . . to advance the communist cause. Their immediate instructions are to agitate in the U.S. for an unconditional withdrawal from Viet Nam. The Hanoi controlled South Vietnamese liberation student union, for example, maintains an underground liaison with U.S. leaders of the S.D.S. and the student's committee for the end of the Viet Nam war.

Too many educators . . . Yes, too many Americans consider the S.D.S. and riot leaders harmless and ineffective. J. Edgar Hoover, Director of F.B.I., puts the record straight in his September, 1969 report . . . and I quote: "The goal of the S.D.S. is the destruction of U.S. 'Imperialism,' and the achievement of a classless society through international communism. The S.D.S. considers the rebellious youth of our ocuntry as part of the international liberation army . . . Those who rally to the support of the new left do so under no illusion." Hoover continues, "The issues are now clear. The Marxist dogma is in full command. S.D.S. now calls for outright revolution."

Do you remember, this early spring, that 1,000 young Americans journeyed to Cuba to harvest sugar cane?? They didn't cut one stalk of cane . . . but instead they were indoctrinated and trained to attack and destroy our government and institutions. These militant revolutionists returned to the U.S. to implement the communist purpose of causing chaos, confusion and outright revolution in our institutions of higher learning and in the streets of our cities. They did a pretty fair job . . . over 50 universities and colleges were closed down the first week in May—4 weeks early.

It's time for our college presidents, regents and trustees to protect their institutions, and the rights of the majority of students, who would rather study than riot, rather than to forsake their responsibilities and give in to mob rule.

In 1968 over $3 million in damages were suffered by our universities because of these insurrectionists . . . In 1969 . . . over $5 million; and in 1970 . . . $2 million at K.U. alone, $1 million at CSU, with a total in excess of $20 million predicted. Nothing short of a concerted effort by an aroused public will stop this destructive movement. As a member of this patriotic organization . . . what have you personally done to stop it?

Have you any doubt what these young radicals have in mind for you? Listen to their words:

"We must make the university the home of the revolution." Ewart Brown, Student Body President of Howard University.

"What I mean by revolution is overthrowing the American Government." Devereaux Kennedy, S.D.S., Student Body President, Washington U.

"Eventually we seek to create a communist society in which everything will be decentralized, and there will be no formal educational institutions." Dave Gilbert, S.D.S.

"If students want to run the college, and if the administration won't go for it . . . then you control it with a gun." George Murray, Black Panther Officer.

Did you know that Jerry Rueben, one of the Chicago seven, was on the Kent State campus the night before the riot. Here is what he told 1,500 students:

"Quit being students. Become criminals. We have to disrupt every institution and break every law. The first part of the Yippie program, you know, is to kill your parents. And I mean that quite seriously, because until you're prepared to kill your parents, you're not really prepared to change the country, because our parents are our first oppressors . . . We have all got to become riot inciters. A riot is a party. A riot is four or more people having fun . . . There's gonna be riots everywhere."

Everyone was quick to condemn the National Guard for doing its duty . . . but they forgot to mention that Reuben and the revolutionaries actually were the cause of it all . . . Yes, everyone forgot to ask . . . who incited the riot?

Fortunately, the great majority of our students do not subscribe to these revolutionary tactics . . . but many naive students may eventually succumb unless our university leaders lead, instead of being led.

What is the threat? Very simply stated . . . our great nation is under assault from without and from within. There are forces at work which want to substitute atheism for Christianity, force and slavery for freedom, and the masterful state for dignity of the individual.

Because of the valiant efforts of our forefathers . . . we live in a nation which offers its citizens more equality, more justice, more freedom and a greater opportunity to pursue happiness than ever provided by any other system in recorded history. The voluntary return of 6 Americans who had hijacked airplanes to Cuba, points up a commendable reality . . . life in an American prison is preferable to life under a communist dictator. Unfortunately, many Americans today have become so accustomed to our inherited rights, that they take them for granted. They want and demand the privileges of a free society, but they do not want to be bothered with the attendant responsibilities. They shrink from duty and service.

ATTACKS ON ROTC

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. MOLLOHAN. Mr. Speaker, Mr. Harry Hamm, editor of the Wheeling News Register, has written an extremely interesting column about student demonstrations against Reserve Officers Training Corps facilities on college campuses.

He asks an important question which I feel we all must search for the answer, if law and justice is to prevail: "Why has so little been done to apprehend and punish those responsible, as well as those taking part?"

There is a strong law on the books which covers such demonstrations in which property is destroyed and persons are injured. It should be enforced; otherwise, students will grow into adulthood with little respect for the law.

But even of more dangerous consequence, as Mr. Hamm notes, is the fact that several colleges have capitulated to the demands of these not-so-nonviolent student demonstrators and have banned ROTC programs from the campus.

But as Mr. Hamm also points out, "Clean and neat appearing boys have always been the targets of the street corner hoodlums. But they have always lived through it." A demonstration is no reason to surrender for surrender's sake.

At this time I present the column and urge my colleagues to read it:

ATTACKS ON ROTC

In all the college uprisings in recent years, none has been more violent or vicious than those in which the ROTC (Reserve Officers Training Corps) has been the target. Army, Navy and Air Force records reveal that for the college year ended this past June there were more than 400 anti-ROTC incidents at many of the 364 schools embracing the ROTC program.

The number of such incidents alone, averaging more than one for each school, provides a shocking picture. But add to this the figures compiled by military instructors and sent to the Pentagon: ROTC units in 76 colleges were the objects of 145 attacks resulting in property damage or personal injury; 73 attempts were made to blow up or burn school buildings provided for ROTC use; military instructors were physically assaulted; the home of one instrutor was firebombed; shots were fired into the home of another; ROTC offices were vandalized, with records destroyed, weapons and ammunition stolen, walls covered with obscenities.

This is only a partial list of the formal reports; not included was the personal abuse heaped on serious minded cadets, nor disruptions of their classes by agitators.

In all of the college riots and lesser demonstrations one puzzling fact has stood out: Why has so little been done to apprehend and punish those responsible, as well as those taking part? Compared to the hundreds actively involved there have been precious few reports of punishment; and for the most part these were token in nature and hardly effective enough to act as a deterrent for future violence.

This has held true in the attacks on the ROTC, causing one Justice Department official to note that only three arrests were made. "If we could identify more, we would prosecute. We have some tough laws on the books." Indeed there are some tough laws. One passed in 1917, just about the time this country got into World War I, makes any attempt "to interfere with and obstruct the United States in preparing for and carrying on defense activities" an act of criminal sabotage, carrying a penalty of 30 years in prison and a $10,000 fine. Another act, covering destruction of government property, provides for 10 years in jail and also carries a $10,000 fine.

The three arrests noted above were made by federal officials. Two of the suspects are awaiting trial. Last February a student pleaded guilty to criminal sabotage in an attempt to bomb a ROTC building. He got five years in prison. Of hundreds of others arrested by local police officials a comparative few were brought to trial and for the most part paid small fines for misdemeanors.

The radicals' war on the ROTC has had its effects. Student enrollment has dropped and a few of the colleges have dropped the program, although the total number of units has risen, due to new ones being formed, and at last reports there were 42 applications from schools on file.

What is the reason for this vicious attitude toward the ROTC program. Various answers have been advanced, including the fact it is a reminder of the Vietnam war. No one can deny the uselessness, nor the disgrace, of that conflict; but why use the program and the students taking advantage of its as whipping boys?

We are inclined to agree with military officials who pointed out that ROTC cadets dressed in uniforms, with neat haircuts and shined shoes and possessing a general air of reliability, are the natural targets of radical agitators. The idea is not new. Clean and neat appearing boys have always been the targets of the street corner hoodlums. But they have always lived through it.

REPORT ON HEALTH AND SAFETY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, a recent comprehensive report by occupational health and safety expert, Jerome B. Gordon—see remarks of August 4, 1970, page 27345—has effectively emphasized the need for strong safety legislation.

The importance of this measure, and the validity of Mr. Gordon's report are affirmed by a recent release by the Press Associates, Inc., of Washington, D.C.

Because H.R. 16785, the Occupational Health and Safety Act, will soon undergo consideration in the House, I would like to recommend this release to the attention of my colleagues:

UNDERCUT ON JOB CASUALTIES

Most Americans have been horrified by the accepted figures of death and injuries on the job—14,500 killed annually and some 2.5 million suffering disability injuries each year.

These figures, however, could be far too small, a study undertaken for the U.S. Department of Labor has concluded.

The 700 page report has not been released by the Department but its chief author, Jerome B. Gordon, has disclosed the contents. And Gordon's own opinion is that the report will not see the light of day although the Labor Department has only had it for one month.

Gordon's study shows that some 25 million serious injuries and deaths in the nation's workplace go uncounted each year. He places the blame for the undercount in three areas:

Failure of many industries to file accurate reports on injuries;

Industry-dominated standards groups, and

Improperly run and underfunded programs operated by the Federal government and the National Safety Council.

Even if Gordon's conclusions are only partially correct it places an even more urgent label on organized labor's drive for effective occupational health and safety legislation.

The Daniels-Williams bill has the support of organized labor. It authorizes the Secretary of Labor to set safety standards. However, a substitute measure backed by the Chamber of Commerce of the United States and the Nixon Administration would place great standard-setting authority in the hands of such semi-public organizations as the American National Standards Institute.

Gordon says the ANSI is an industry-dominated organization whose general manager is an official of the Chamber.

In 1969 Gordon, an independent management consultant, received a $58,000 contract from the Labor Department to study the entire system of data collection in the area of occupational health and safety and make recommendations.

He found that the serious undercount in job-related deaths and injuries was perpetuated by industry dominance of private safety standards organizations which, he says, "literally allow most firms to compose their own records on industrial accidents and hide thousands of hazards on the job."

Gordon and his team of systems analysts also concluded that "job hazards are worsening." He compared reports made by firms to the State of California—which has a good reporting law—with the reports of the same firms to the U.S. Government. Gordon found that over 36 percent of the firms examined actually had "injuries" while reporting "no injuries" to Washington.

"On a national basis," Gordon said, "this means that aproximately 200,000 disabling injuries—that is accidents involving one day of lost time from the job beyond the date of injury—beyond the aproximately 2.5 million recorded annually are missed."

This is under the present yardsticks. However, he has concluded that if the "serious injury index" is made more accurate it would produce "dramatic increases in the number of industrial injuries and deaths."

He cites the case of the American Telephone and Telegraph Co. which left the National Safety Council competitions and reported over a 300 percent increase in its internal company work injury experience with just a modified version of the "serious injury index."

Gordon would include in the "serious injury index" all disabling eye injuries, all fractures, all injuries which require a visit to a physician for treatment and all injuries which cause a shift of job. He would include these whether they involve lost time or not.

In addition, Gordon believes that industrial diseases which often cause serious injury or death are greatly under-reported or unreported.

The American National Standards Institute, Gordon says, has completed a study for the Department of Labor which calls for a modified version of the "serious injury index." However, he reports, "they have been stymied by considerable industry and trade association pressure."

Another question mark surrounding the job accident survey is that the 16 states, which cooperate with the Labor Department, often "sabotage data collection by refusing to mail our survey schedules and follow-up on responses," Gordon says.

When he adds up all the deficiencies, Gordon reaches his final conclusion that there is a ratio of ten serious injuries for every disabling injury reported.

On this basis, he says that "this means that the current national level of injuries reported by the National Safety Council of 2.5 million disabling injuries should be more like 25 million 'serious injuries'."

And all this makes labor's case for the Daniels-Williams bill that much more urgent.

IRELAND, ISRAEL—ALIKE, YET DIFFERENT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, Ireland and Israel are two countries which are often referred to as "second homes" for many Americans because of strong ethnic, religious, or familial ties. Today these two great nations are facing critical times, one from internal dissent, the other from the pressure of an external war. I share the growing concern of many Americans for the future of these strife-torn countries. For this reason I am pleased to include the following article written by Elizabeth C. Winship of the Boston Globe entitled "Ireland, Israel—Alike, Yet Different."

This reporter vividly describes the unique beauty of each country as well as the striking parallels they share. The Emerald Isle of rolling hills and rosy cheeks attracts as many visitors as the birthplace of Judaism, Christianity, and Islam. Both nations have been oppressed and seen their people victims of persecution.

Elizabeth Winship illustrates in her excellent article the precious heritages of the two nations. Their land, their people, their customs enrich the world community and have contributed greatly to the richness of American life.

I commend this article to my colleagues:

Ireland, Israel—Alike, Yet Different

(By Elizabeth C. Winship)

Ireland and Israel are both very small countries. They are both very old countries.

Both were late under British rule, winning their respective independence only quite recently. There is still British evidence in either place—both countries use the pound as a monetary unit. Neither country is overloaded with Anglophiles.

Agriculture plays a large role in their economies. So do large hordes of roving tourists.

In both countries, religion is closely linked to government. They do not insist on separation of church and state as we do. Kosher food is served almost without exception in all public places in Israel. The whole country shuts down Friday afternoon to prepare for the Saturday Jewish Sabbath. In the Irish Free State, the public schools are Catholic.

Each country has its grand old man. Eamon de Valera is 88 and still president of his party, the Fianna Fail. He is a man revered and respected throughout the world. So is David Ben-Gurion. Now 84, Ben-Gurion has retired from the Knesset (the Israeli Parliament), and is writing his memoirs, but he is still the man that all important visitors want to see.

Both countries are neat. Both are orderly. Both have their wars. Both begin with "I".

So what do all these similarities lead up to? Two countries just about as different as they could possibly be.

Ireland is all greens and soft rain, and the enveloping kindness of the world's most hospitable people.

Israel is contrasts—hot sand here, lush green there with quick hot sun and the world's most determined people.

The tourists' predominant impression of Israel is new and bustling; of Ireland, ancient and resigned.

The climate hits you first. If only Israel could swap a little of her sun for some of Ireland's rain. But then, each country would lose something. Israel without its deserts and her people without their bronzed skins would not be half so attractive. The keynote of Ireland is her drenched green fields, and as for those rumors about the Irish complexions—they are true, and then some!

An early impression on a visitor to Ireland is the walls. The country is crisscrossed and crosshatched with them. In Israel there are none, to speak of. Both countries are richly endowed with stones, and the Irish have laid them up into neat grey walls, mile upon mile, separating the fierce green little fields. The Israeli, when clearing fields, simply dumps the stones around the edges in heaps. Lazy? No. There's no need for fences because their animals are not pastured but herded. Cheaper for a man to watch a flock than build a wall, and they are in a hurry, too, to get the earth producing food.

These walls say something about differences in the concept of property. Ireland has been subdividing her land among sons, and then redividing among grandsons for hundreds, thousands of years. Israel never had these divided fields. Bedouin-type grazing, where anything that grew that an animal could eat, was the fashion, and even when land was privately owned, little of it was tilled until this century when the Jews almost miraculously wrested arable land from desert and swamp.

The whole aspect of the farms today is still entirely different. The kibbutz or co-operative farm stresses joint ownership or co-operative action, which enables Israeli farmers to take advantage of modern agricultural methods and equipment. Israel's universities help develop the most efficient techniques to produce the fruits and vegetables and dairy products the country relies on for export.

Jaffa oranges come to our supermarkets from the neatest, best tended groves. Gladiolas bloom in the desert, for export. Baby olive trees are growing in nurseries that sprouted only boulders for thousands of years.

Irish farms seem unchanged over the centuries. One of the most charming sights is the countryside dotted with small thatch-roofed farms with their neat courtyards. These one-family privately owned farms cannot afford the machinery for modern day operations. The lovely whitewashed houses please the tourist's eye and add hugely to the serenity of the landscape, but will the farmer's wife and children want to continue a hard old-fashioned way of life?

In both countries history is visible everywhere, but the histories are very different.

Israel is ancient history, even pre-history. Civilization is thought to have dawned in the land between the Tigris and the Eu-

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phrates rivers, not very far northeast. And, of course, you live in the Bible from one end of the country to the other. Stand anywhere in the wasteland areas which cannot be cultivated, and you feel the presence of the past. You can see Abraham riding south towards Egypt, and all the hordes of peoples, Turks, Romans, Crusaders, Egyptians, who have rolled over the land. Stepping into old Jerusalem is a powerful experience, whether one is Jew, Christian or Moslem.

But, and this is a big but, step into modern Jerusalem, or any other part of new Israel, and history flees. You are in a thriving, bustling modern Western culture, and not likely to forget it.

In Ireland, too, antiquities are visible at every hand. Though the civilization may not have got underway as early as in Israel, there was a thriving society here in the Bronze Age making Irish gold ornaments so good they were popular in Britain, France and Luxembourg.

Ireland wasn't constantly overrun by other people as was Israel. The Romans, surprisingly enough, never crossed the channel from England. But Vikings came, and made their presence felt the length and breadth of the land. And later on the English and Normans.

Everywhere you go there is a church or castle, grey granite weathering, like as not falling down. Like the Jews, the Irish know their history, and delight in telling you who lived here, or what battles were fought.

These relics of the past are not so old as Nazareth or Bethlehem, but curiously, the general atmosphere in Ireland seems to be much more than one of age. People look more to the past. The cities and towns look old. They aren't full of cellar holes for new buildings, or edged with masses of steel and concrete, reaching skyward for highrise apartments.

Compare the Parliament buildings, for instance. The Dail, in Dublin, is traditional Gothic, venerable and dignified. Jerusalem's Knesset is brand new, the most modern of architecture.

The governments in these buildings are even more unlike. Israel is, or has been, unified under the pressure of the war from without. Ireland is fractionalized by the war from within—the Catholic-Protestant differences, and the division between Irish Free State in the South and the British oriented five counties in the North.

URGENT NEED FOR OCCUPATIONAL SAFETY BILL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, pending before the Rules Committee is the occupational safety and health bill, H.R. 16785, which I introduced in this body on April 7 of this year. On several previous occasions I have called to my colleagues' attention the tragic waste of life and limb occuring in this Nation's workplaces. A few days ago, Mr. Gerome B. Gordon of Delphic Systems and Research Corp., revealed the results of a study he completed for the Department of Labor showing tremendous undercounting of industrial deaths and injuries.

A summary of Mr. Gordon's report was printed recently in an article in the Washington Report, the weekly publication of the United Automobile, Aerospace, and Agricultural Implement Workers of America, UAW. I am incorporating this article in its entirety to focus on the urgent need for passage of H.R. 16785.

WASHINGTON REPORT

ON-THE-JOB INJURY—REAL COUNT IS 25 MILLION

Twenty-five million industrial deaths and injuries—not 2 million as frequently quoted—afflict American workers every year.

That's the amount of carnage, slaughter, and pollution which workers face on their jobs according to an independent study made for the U.S. Department of Labor, which the government was in danger of suppressing until it surfaced last week in a special press briefing arranged by the UAW in Washington.

Ten times as many workers are hurt on their jobs than official figures show, the report states. It called for many reforms in the statistic-counting business and condemned the use of industry reports which undercount the extent of American industrial accidents.

Workers hurt on the job one day, if they punch in the next day are not counted as injured. Sources at the Bureau of Labor Statistics admitted the report was "quite factual and true" but insisted that the Labor Department did not have the staff or funds to do a proper job of injury counting.

The whole thrust of business opposition to the occupational safety and health bill now before Congress is that "workers are safer on their jobs than at home or on the public highway."

Both supporters and opponents of a strong safety and health bill use the same set of figures—14,000 industrial deaths a year and 2.5 million injuries.

The report made by Jerome Gordon was launched over a year ago by David Swankin, a holdover Democratic appointee and former head of the Bureau of Labor Standards. The report was sent to the U.S. Department of Labor on June 30 of this year. Gordon released the findings of the report because he feared it would never see the light of day.

Gordon's study shows that if serious work injuries were reported, rather than just disabling injuries (those that cause a loss of at least a day's work), the number would be many times what it is now, or 25 million injuries a year, compared to the 2.5 million reported.

As part of the business campaign to kill a strong safety and health bill, General Motors has been circulating in its information racks a booklet which describes GM jobs as 99 percent safe. Based on the criteria used by the National Safety Council these figures are undoubtedly correct, but they are extremely misleading as both Gordon's reports and testimony before both House and Senate subcommittees showed this year.

If statistics were collected for all serious work injuries, and not just the disabling ones, the count would include the disabling injuries, all eye injuries, all fractures, all injuries requiring a visit to the doctor, and all those requiring a change in job but with no loss of time.

The pending Daniels safety bill (named for Dominick Daniels, chairman of the labor subcommittee who wrote the bill) provides that the Secretary of Labor in cooperation with the Secretary of Health, Education, and Welfare "shall make regulations requiring employers to keep records of all work-related injuries, diseases, and ailments which arise from conditions present in the working environment."

Such a legal requirement would throw out the present National Safety Council measurements which were exploded by worker testimony before the Senate labor subcommittee this year.

The House Labor Committee's report on the bill said that the bill's language "should be treated as a minimum floor which includes such conditions as work-related loss of consciousness, treatment by a physician (even if the treatment occurs only once and subsequent treatment is by a nurse or medical technician), and records of diseases which are incurred from work exposure (such as asbestosis and silicosis) and which may not be known to an employer until after this employee retires and applies for medical benefits under his retirement plan."

Gordon said that only $225,000 is available for counting injuries. Only two full-time professionals are involved in the work and far too much reliance on private standard setting agencies like the American National Standards Institute is made by the federal government. Gordon's recommendations call for a completely government program of counting injuries, with strong federal intervention to get improved reporting under state workmen's compensation laws, use of the "serious injury" concept, experiments in computer reporting, and adequate funding between $1.7 and $3 million annually.

The Department of Labor, in the face of this information, eliminated an extra $500,000 for job safety and health data. Most of the battles for more money for occupational safety and health are lost before they start—Labor Department officials do not even ask the Bureau of the Budget for the money to do what needs doing.

To illustrate how proper counting would show a more accurate count, Gordon cited the American Telephone and Telegraph Co. which adopted a modified version of his "serious injury" index, revealing a 300 percent increase in its internal company work injury experience.

The present government figures are based on reports from 16 states (Maine, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, Georgia, Florida, Alabama, Indiana, Michigan, Wisconsin, Iowa, Wyoming, and Arkansas) using the American National Standards Institute method of recording and measuring work injury experience. ANSI is not an official government agency and was told by the Federal Trade Commission to change its name because a previous title made it sound like an official government agency.

I know that my colleagues will agree that we must act now to end this slaughter. The most industrialized nation in the history of mankind cannot have on its conscience the needless deaths and injuries of its workers.

Unfortunately, our attention is often diverted to the achievements of our industrial might rather than focused on the loss of life which has been a concomitant of this progress. In this regard, Mr. Frank Wallick, editor of the UAW's Washington Report, wrote the editors of the Washington Post. I would like to include Mr. Wallick's letter at this point:

A LETTER TO THE WASHINGTON POST

JULY 29, 1970.

EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: May I respectfully suggest that the reason millions of Americans are alienated from the political process and mistrust the media, including such otherwise good publications as The Washington Post, is the offhand manner you and others in the press have ignored the carnage, trauma, and life-shortening effects of the work environment where 80 million Americans spend one-third of their lives on the job.

Last week, for starters, some 700 labor lobbyists came to Washington to plead for

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congressional action on the Daniels occupational safety and health bill. Not a word about their presence, nor of the impasse on the bill with the House Rules Committee. Then a press briefing was held by Jerome Gordon to explain how the dimensions of the job safety and health problem amounts to 25 million serious injuries and deaths a year, not 14,000 deaths and 2.2 million injuries as is commonly thought. Not a peep in The Washington Post.

Agreed that safety is not a sexy subject. But if The Post wants to know why millions of workers are frustrated and turn to the George Wallaces of our times, turn to the Senate labor subcommittee hearings in Jersey City, New Jersey, earlier this year and you will hear the outcries of real, live American workers asking for help from the suffocating noise and air they must contend with day after day on their jobs.

Surely the foul air workers breathe on their jobs is as much news as the smog over Tokyo.

Sincerely,

Frank Wallick,
Editor, UAW Washington Report.

Action can be delayed no longer. It is one of the great anomalies of our day that this society cannot provide its workers with a working environment which is safe and healthful. I urge my colleagues to join with me to secure prompt passage of H.R. 16785 as a vital initial step toward improving the workplaces of this Nation.

FURTHER EVIDENCE OF NEED FOR THE ORGANIZED CRIME CONTROL ACT IN LOUISIANA AND THE NATION

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. STEIGER of Arizona. Mr. Speaker, a distinguished American and expert on organized crime, Aaron M. Kohn of New Orleans, recently filed with Subcommittee No. 5 of the House Judiciary Committee a lengthy statement documenting again the gravity of the organized crime problem and the need for prompt enactment of S. 30, the Organized Crime Control Act of 1969. The statement supplements and elaborates oral testimony given by Mr. Kohn, who is managing director of the Metropolitan Crime Commission of New Orleans and a member of the National Chamber of Commerce's Advisory Panel on Crime Prevention and Control, in hearings held last month by the subcommittee. Since the subcommittee still is holding S. 30, Mr. Kohn's statement is timely and important.

In the statement, Mr. Kohn draws upon his legal background and, even more, upon a lifetime of concrete experience with the organized crime problem of Louisiana, a State which is victimized to an unusually great degree by La Cosa Nostra. He explains the reasons for his full support of every title of S. 30, and presents a number of illustrations of specific factual cases and situations in which the absence of laws such as those proposed in S. 30 caused major defeats to legitimate government efforts to curb crime and corruption by the underworld.

Mr. Kohn states conclusions which should be remembered by every member of the Judiciary Committee—indeed, every Member of the House of Representatives:

> After almost twenty years of involvement in the fight against organized crime, I am totally convinced that the ten titles of S. 30 are practical necessities for orderly suppression of organized crime as it really is. S. 30 does not, in my opinion, violate the fundamental Constitutional rights of an individual accused of crime. It does close some doors against abuse of those rights which has resulted in widespread victimization of our national safety and economy by the organized crime underworld.
>
> Carlos Marcello repeatedly has been identified in the records of Congressional hearings as Boss of the Mafia or Cosa Nostra in Louisiana, with his power extending to other states. In a recent news column, Victor Riesel identified Marcello as one of the two most powerful and influential underworld chiefs in America. That was not always so. Thirty years ago he was a twice-convicted felon and a pauper. Now he is the Boss of organized crime in Louisiana, directing a conglomeration of criminal, shady and legitimate enterprises. Currently, he is one of the State's wealthiest men, one of its most corrupting forces, relentlessly driving for greater power and control.
>
> Carlos Marcello's rise from "punk" and thug to his present power role would not have happened, in my opinion, if the authority being sought in S. 30 had been available long ago. And if made available in the near future, S. 30 can provide realistic legal tools necessary to disintegrate the large Marcello organization, its hard core Family and its extensive collusive alliances. . . .

Those opinions, especially since they are voiced by an expert with the standing, judgment, and experience of Mr. Kohn, deserve our ready and grateful acceptance. Mr. Kohn's call for enactment of this legislation is not only supported by his experience, and by the evidence of our years of futile struggling against organized crime, but also by the growing demand of the public for enactment of more effective legislation. I sincerely hope that we will move at the earliest date to join the Senate in approving the Organized Crime Control Act, and do our part to rescue the citizens of every State from the ruthless and greedy grip of organized crime.

The statement follows:

SUPPLEMENTAL STATEMENT OF AARON M. KOHN

Mr. Chairman, in conformance with your request, I am pleased to submit the following additional information upon which is based my position of support for S. 30.

First, I wish to reiterate my gratitude to Congress for their decisions in recent years to create a growing body of federal legislation to cope with inadequacy of past laws and the challenge of new crime problems. Especially valuable has been the Omnibus Crime Control Act of 1968 which has given great impetus to the correction of some traditional inequities in our criminal justice system. Federal initiative is bringing to an end the punishment of poverty in bail-bond practices, the lack of resources for professionalizing the police role, and is helping to tailor our correctional procedures to the individual offender and to reduce conditions which generate recidivism.

Congress has been using its law-making authority to enlarge the protections afforded the individual charged with, and convicted of, crime. This has brought us closer to our national aspirations for equal justice.

It has now become both reasonable and logical to enact S. 30 as another step towards the balance between individual rights and the protection of society through criminal laws and procedures.

It is a grimly unfortunate reality that a relatively small percentage of criminal offenders is not responsive to the humanities of legislative reform. These are the habitual career criminals, those who live by an underworld code of conduct, committed to defy and outwit what are, to them, the weaknesses of a just system of laws. Those who dominate, motivate, and are subjudgated by, organized crime syndicates are in that category. These are not the one-time or occasional law violators. They are perpetually engaged in scheming against, and outwitting, the laws and regulations reasonably adequate to control most antisocial conduct. This is the criminal element which abuses Constitutional guarantees and generates public uneasiness about the soundness and adequacy of those guarantees.

After almost twenty years of involvement in the fight against organized crime, I am totally convinced that the ten titles of S. 30 are practical necessities for orderly suppression of organized crime as it really is. S. 30 does not, in my opinion, violate the fundamental Constitutional rights of an individual accused of crime. It does close some doors against abuse of those rights which has resulted in widespread victimization of our national safety and economy by the organized crime underworld.

Although I am an attorney and member of the District of Columbia Bar, it is not my intention to burden the record of these proceedings by engaging in repetitious analysis and critique of the constitutionality of S. 30. For more than a year this Bill has been subjected to exhaustive legal analysis and modification by competent and respected counsel. To every reasonable degree, the Bill appears to be on sound ground and, upon passage, would be subject to judicial review. On that basis, it is my intention to relate from practical experience the important potentials of S. 30 as a legal counterforce against the growing power and destructiveness of syndicated or organized crime in our nation.

To illustrate the manner in which S. 30 has practical application to suppression of organized crime. I shall make reference to one underworld boss and his history.

Carlos Marcello repeatedly has been identified in the records of Congressional hearings as Boss of the Mafia or Cosa Nostra in Louisiana, with his power extending to other states. In a recent news column, Victor Riesel identified Marcello as one of the two most powerful and influential underworld chiefs in America. That was not always so. Thirty years ago he was a twice-convicted felon and a pauper. Now he is the Boss of organized crime in Louisiana, directing a conglomeration of criminal, shady and legitimate enterprises. Currently, he is one of the State's wealthiest men, one of its most corrupting forces, relentlessly driving for greater power and control.

Carlos Marcello's rise from "punk" and thug to his present power role would not have happened, in my opinion, if the authority being sought in S. 30 had been available long ago. And if made available in the near future, S. 30 can provide realistic legal tools necessary to disintegrate the large Marcello organization, its hard core Family and its extensive collusive alliances. From my more limited knowledge of the major crime syndicates elsewhere in the nation, which have grown through the years, S. 30 has similar potential impact against them.

TITLE I—SPECIAL GRAND JURIES

The impaneling of special grand juries to explore organized crime, and conditions which contribute to it, is of great value. The organized crime bosses are, in many in-

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stances, both smart and imaginative. They have proven their ability to take advantage of unwatchful law enforcement. They also can quickly shift their areas of operation when confronted with legal threats to their ongoing activities.

Fixed responsibility for regular organized crime evaluation by grand juries will also be valuable in detecting, and preventing the growth of, early stages of organized crime infiltration in metropolitan areas not now believed to contain serious proportions of the problem.

I would suggest changing the present recommendation to include judicial districts having one (1) million or more inhabitants for automatic impaneling of special grand juries. The New Orleans area, for example, has been identified repeatedly by Congress as a major center of organized crime. The population of the Eastern District of Louisiana is less than four million. This is true of other metropolitan areas now identified with serious organized crime problems.

Organized crime often is subtle and insidious. Because it black-markets popular illegalities, on the surface it does not appear offensive or threatening to many people. The law enforcement machinery usually is reactive to complaints of victims of ordinary crime, and its time and resources generally are consumed by such complaints. These characteristics have permitted organized crime to grow to its present massive proportions in our nation.

The concept of special Grand Juries convened to aggressively search for evidence of this insidious crime phenomena therefore is based upon the reality of experience. These special Grand Juries, convened at regular intervals, can be both preventive and corrective. They can identify and weed out organized crime developing in a community of increasing size and affluence. And they can be an effective counterforce where it has become firmly rooted.

The Federal Special Grand Jury also can provide a community or area with corrective capability when the State or local Grand Juries have been frustrated or defeated by nonfeasance or corrupt collusion of their legal advisers.

Example: For more than twenty years the Metropolitan New Orleans Area has been identified as one of the primary centers of organized crime in the United States. This has been repeatedly and extensively documented by federal examination in the legislative, executive and judicial processes.

To cite just a few of these documented records:

Attorney General's Conference on Organized Crime, February 1950.

Hearings Before the Special Committee to Investigate Organized Crime in Interstate Commerce, U.S. Senate, 82d Congress; January-February 1951; Part 8.

Hearings Before the Select Committee on Improper Activities in the Labor or Management Field; 86th Congress; March 1959; Part 48.

Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate; 87th Congress; Gambling and Organized Crime; August-September 1961; Parts 2 and 3.

President's Commission on Law Enforcement and Administration of Justice; Task Force Report: Organized Crime; 1967.

Despite the massive federal investment in examining and disclosing the organized crime problem, and implementing the findings with important new federal laws intended to assist local authorities, there was relatively little impairment of organized crime in Louisiana. Governors of the State continued to ignore or deny the organized crime problem. The Attorney General of Louisiana evaded his obligation to act. Since 1954 not one of the Parish (County) District Attorneys of the Metropolitan Area (Orleans, Jefferson and St. Bernard Parishes) has guided a Grand Jury towards meaningful exploration of the prosecutive potentials of State laws against organized crime.

A few Grand Juries have sought to explore the problem, but usually have been impaired or blocked by the prosecutors. There have been rare exceptions to this pattern.

Recent and current disclosures of organized crime in Louisiana, by knowledgeable citizen organizations and by some of the news media, are met with public ridicule, denunciation, and libel actions intended to intimidate and silence. Prosecutive abuses have been imposed on individuals seeking to inform local Grand Juries, or demanding probes by local legislative bodies.

The authority proposed for grand juries to investigate nonindictable conduct of public officials is an important addition to our checks and balances in government. It is generally agreed that collusion of public officials provides the soil in which organized crime roots and thrives. Such conduct may aid and abet organized crime, though it may not constitute a prosecutable offense.

Subject to the restrictions specified in Title I, the investigatory and reporting authority proposed for the grand jury would provide a presently missing procedure for correcting the abuses of reputation to which public officials are not infrequently subjected. Faith of the general public in our political system has long been corroded by our acceptance of indiscriminate accusations against public officials. This especially has been true during political campaigns when an incumbent official, or subordinate for whom he is responsible, become the target of allegations intended to discredit. We have had a tendency to accept this as "part of the game of politics." In the process, this practice has tended to generate cynicism among voters, to discourage qualified persons from seeking office, and to disillusion dedicated officeholders.

Title I would, for the first time, create a reliable process under judicial supervision by which grand juries could demand the accusers testify before them under oath, providing the accused an opportunity to rebut. If the accuser commits perjury he is subject to prosecution. If he admits that his previous statements were false or unsubstantiated, the grand jury report could make this a matter of public knowledge. This would resolve public doubts, exonerate those falsely accused and publicly reveal the false accuser. When such a grand jury process is in existence, it will deter unsupportable accusations in the campaign process, and increase public confidence in the legitimate contest between office seekers.

This would not only be a stop towards justice for public office holders. It would also provide constructive action against those who were accused, and for whom proof of the accusations is available. In addition, it would reduce another asset of organized crime—public cynicism about all officials which provides cover for those who are actually in corrupt collusion with gamblers and others.

Another recognition of the actual challenge of organized crime can be found in the proposal to authorize Special Grand Juries to secure, with judicial approval, specially qualified counsel to guide the probing of complex, conspiratorial, organized crime. Special training is needed for police officers who work in this area. Otherwise qualified prosecutors frequently lack preparation for comprehending, and guiding a jury of laymen towards, the evidence-gathering process for this specialized crime field.

There have been instances when a U.S. Attorney has been less than vigorous in tackling organized crime. At the present time, in the Eastern District of Louisiana, U.S. Attorney Gerald Gallinghouse is engaging in unprecedented leadership of Grand Jury examination of organized crime. This was not true of most of his predecessors. And the efforts of Mr. Gallinghouse would be granted far greater horizons for success if S. 30 is enacted.

The Special Grand Juries proposed by S. 30, Title I, could have in the past, and would in the future, end the scofflaw impunity with which racketeers have operated and officials have evaded responsibility to act against them. Especially if the Federal Grand Jury, prosecutor and court are armed also with the authority and resources proposed in the other titles of S. 30.

TITLE II—GENERAL IMMUNITY

Because the Subcommittee has already acted on this Title, I shall comment only that it provides positive authority for creating a meaningful incentive for lesser figures in organized crime to give information and evidence helpful for disclosing and prosecuting the underworld bosses. Too often past efforts have not reached beyond the easily replaceable minor functionary in organized crime. The broader immunity provision will help break down the layers of insulation surrounding key racketeer figures.

TITLE III—RECALCITRANT WITNESSES

This, like Title II, comes to grips with the real nature of organized crime. It is another important tool for breaking down resistance to giving information essential to success of efforts against the fear-dominated dynasty of organized crime.

Another escape hatch would be closed with recommended inclusion of "flight to avoid contempt proceedings" in the prohibitions of the Federal Fugitive Felony Act.

TITLE IV—FALSE DECLARATIONS

In the spirit of traditional perjury statutes, intended to assure that falsehoods shall not mislead a jury or court to unjust decisions this prohibition against conflicting material statements is fair.

The corrupt collusion of organized crime includes callous disregard for truth, which extends to the grand jury room and court, whenever syndicate legal planners believe the government cannot meet the present "two-witness rule" requirements.

Example: In September 1967, under pressure of national disclosure concerning the Mafia in Louisiana, and in response to public criticism by our Crime Commission, Orleans Parish District Attorney Jim Garrison and his First Assistant, Charles R. Ward, conducted a parody of a grand jury investigation into organized crime. Before doing so, however, both of these prosecutors denied the existence of organized crime in New Orleans. Those who alleged it to exist were publicly denounced as "professional liars", "witchdoctors", etc. Witnesses who sought to give information about organized crime were intimidated in and out of the grand jury room over extensive periods of time.

Of more direct relationship to Title IV was the experience of rackets figures called before that grand jury.

The Cosa Nostra Boss, Carlos Marcello, reported late in response to his subpoena, accompanied by one of his regular attorneys, G. Wray Gill, Sr. After Marcello's brief testimony in the grand jury room, his lawyer announced to the press that Marcello had waived immunity and had answered all questions freely. This was in amazing contrast to the intensive questioning to which Marcello had been subjected earlier by a Queens County, New York, Grand Jury, and the consistency with which Marcello had pleaded the Fifth Amendment when interrogated by Congressional Committees.

Frank Caracci announced as he entered the grand jury room in New Orleans that he knew nothing about organized crime and that the jury probe was "off base". Cosa Nostra-involved Caracci, gambler and strip-joint operator, is now under sentence for attempted bribery of an Internal Revenue agent. Marcello, an alien, has appealed from a two year sentence for assaulting an F.B.I. agent, and is awaiting trial for illegal presence in the United States.

Attorney G. Wray Gill is given to public pronouncements that Marcello is a "legitimate businessman".

Marcello has escaped conviction in two federal felony trials during which testimony on his behalf was believed perjured. However, proof of perjury was impossible within the evidentiary demands of the present federal rule. Title IV may have made the difference.

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

The mere fact that government has recognized through experience the need to remove and conceal individuals and their families, for protection from organized crime figures against whom they have given or will give testimony, is undoubtedly the single greatest argument in support of the need for the extraordinary tools described in S. 30.

Title V would fulfill an obvious obligation of government to afford protection against apparent danger to the lives of our citizens. Especially does this become a clear obligation when the danger arises out of the intention to assist government in the fulfillment of its legal duties.

Experience has reflected that potentially essential witnesses against mobsters sometimes have greater fear of recrimination against wife and children than of the hazards to their own lives.

On a haphazard, non-structured basis it is not now unusual for law enforcement agencies to contrive means of protecting endangered witnesses in individual cases. A major importance of Title V is that it will create statutory authority likely to encourage more people to cooperate against organized crime offenders, knowing that federal resources are available for survival.

Perception of practical needs is also reflected in the proposal that the federal facilities would be available for State witnesses and their families under certain conditions.

Example: In connection with a prosecution for embezzlement of union funds, based upon a Teamsters-Mafia alliance in Kansas City, key federal witness Robert Williams had to be preserved by shipping him to the Canal Zone in 1962.

In New Orleans, Rudolph Heitler was the principal witness against Carlos Marcello and Joseph "Baby" Matassa, tried in 1965 for bribery of a federal juror. For an extended period of time federal marshals had to live in the home of Heitler and his family, and placed them under such restraints of privacy and movement that it was destructive of morale.

Title V, in combination with Title VI, provides unprecedented reassurance against violent or deadly revenge as the likely price of cooperation in the prosecution of mobsters.

TITLE VI—DEPOSITIONS

Use of violent and intimidating tactics against persons known or suspected of being potential government witnesses in organized crime cases is a matter of repeated history. This provision for depositions to preserve the testimony of either defense or prosecutive witnesses long has been needed. Too often charges or indictments initiated against organized crime individuals and activities have failed at the prosecutive level because essential witnesses have been killed, bribed or intimidated into forgetfulness.

Example: At the present time there is pending in the Eastern District of Louisiana the federal prosecution of State Attorney General Jack P. F. Gremillion, State Representative Salvadore Anzelmo, and others. They are charged with fraudulent acts contributing to the bankruptcy of Louisiana Loan and Thrift Company, which resulted in hundreds of people losing their savings. About one-third of the deposits had been loaned to, or through, organized crime enterprises. An important witness in this matter, secretary of the corporation, has died. S. 30 would have perpetuated his evidence, now lost.

On the nite of December 16, 1967, Harry Bennett was murdered in Harrison County, Mississippi. Earlier that day he had indicated his intention of cooperating in a federal prosecution of various syndicate gamblers for interstate shipment of a crooked gambling device. Harry Bennett, a career professional gambler, was one of the codefendants. He could have testified about meetings of defendants and counsel with Carlos Marcello. His lips were sealed for all time. If S. 30 had existed, this might not have been true.

Christian Faser, Jr. was indicted by a federal grand jury in New Orleans on March 28, 1969, charged with conspiracy and mail fraud in a scheme by which millions in state funds were deposited in the First National Bank of Jefferson Parish, in return for bribes. At the time of these alleged acts Faser was Executive Secretary to the then Governor of Louisiana, Jimmie Davis. Named with Faser as co-conspirators, but not indicted, were Numa P. Himbert, a former high official in the State Highway Department and State Commissioner of Administration; also State Senator E. W. "Kelly" Gravolet, who died prior to the indictment. After Faser's indictment, and with his trial pending, Himbert, a potentially significant witness, has also died. Title VI would have preserved his testimony.

In the Orleans Parish Civil District Court there was sworn testimony by an official of the Crescent City River Pilot's Association that a $50,000 bribe was paid to Christian Faser in 1960 for his assistance in influencing legislation. No State prosecution of Faser was undertaken.

Faser is now a State Representative from the Baton Rouge area. As a member of the Louisiana House Judiciary Committee, in recent weeks Faser helped defeat an attempt to introduce strong anti-gambling laws in Louisiana, modeled after effective federal statutes.

In the Federal Kansas City Mafia-Teamsters case referred to under Title V, above, one of the codefendants was Floyd Hayes, who was convicted and then became a cooperative government witness. He made a series of statements to prosecutors about unsolved syndicate crimes which had extended over many years. Lacking the authority of Title VI, there was no incentive for preserving his testimony before his cooperation surfaced as a witness in a perjury trial. About six weeks later he was murdered. Five or more prosecutions died with him. S. 30 could have saved him—and them.

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

Only in relatively recent years have law enforcement agencies developed intelligence tactics to pierce the layers of deception, intimidation and corruption with which organized crime insulates itself from evidence gathering. Lawful authority for such detection processes has been slow in coming. Each time they are established by law and practice, they immediately create a threat to the continued security and life of organized crime. As a matter of instinct for survival, coupled with habitual ruthlessness, the mobsters and their lawyers seek to destroy the authority or effectiveness of every new legal deterrent.

For intelligence officers to accumulate information, leads and ultimate evidence against individuals involved in complex conspiratorial organized crime activity, they must have reasonable freedom for resourceful and long-term investigative activity. It is true that on some occasions investigators have resorted to unauthorized methods in an attempt to achieve what they believe to be good ends. And courts should discourage illegal police tactics, no matter how well intentioned.

However, Alderman vs. U.S. (1969), also well intentioned, opened wide a door through which the mobster element is provided a variety of opportunities for defeating lawful suppression of their activities.

Title VII is a perceptive proposal for closing that door, without denying the genuine rights of the defendant.

The merits of Title VII have been thoroughly explored in the Congressional record and in Committee hearings. Title VII is needed as law if we are to not lose some major advantages of electronic surveillance in the detection and reduction of organized crime.

TITLE VIII—SYNDICATED GAMBLING

A community is now virtually helpless against the scofflaw activities of organized gambling when public officials are providing the necessary protection for continuous and profitable operations. The Federal Government has been without authority to help that community restore protection of the people under law.

In January, 1951, a Senate Committee chaired by Mr. Estes Kefauver investigated, and conducted public hearings in the New Orleans area relative to, organized crime in interstate commerce. Some law enforcement officials took the witness stand and arrogantly admitted their wilful and deliberate failures to enforce gambling laws. Carlos Marcello and other top gambling racketeers refused to respond to hundreds of questions. The Boss and Underboss of the Mafia were convicted of contempt of the Senate, with reversal on appeal. Despite the disclosures, no significant action was taken by local or state agencies to correct the condition, and the Federal Government had no such authority. S. 30 would have provided it.

A similar dead end existed when a Committee chaired by Senator John McClellan conducted hearings in Washington during 1958–61. Extensive gambling operations in the metropolitan New Orleans area were documented. The record included sworn testimony about the aggressive manner in which Jefferson Parish Sheriff William Coci and his assistants exercised their arrest powers to force bars and restaurants to use gambling machines operated by Marcello-owned companies. When Sheriff Coci was invited to respond before the Senate Committee he refused and publicly denounced Senator McClellan. The Governor and District Attorney refused to act on sworn evidence extracted by the Senate Committee. The Federal Government lacked such authority. S. 30 would have provided it.

Because police action has become more forceful in New Orleans and Jefferson Parish, the area's major gamblers have moved their centers of operation to St. Bernard Parish, also in the metropolitan area. Subjected to only token action by Sheriff John Rowley, such career gambling figures as Jack Lewis and Donald Melancon have been able to maintain their sources of illicit income from the entire New Orleans area. Similarly, Cosa Nostra-allied gambler Frank Vuci operates in the Baton Rouge area. S. 30 would provide the basis for correcting these conditions.

Jefferson Parish District Attorney Frank Langridge and his office have consistently protected defendants arrested by Sheriff Alwynn Cronvich's deputies in connection with organized gambling. Repeated appeals to Governors and the Attorney General of Louisiana have failed to produce any action on the District Attorney's malfeasance. S. 30 would end the mockery of anti-gambling statutes and of the justice system.

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Almost ten years ago the Federal Government charged a number of notorious gambling racketeers in New Orleans. The defendants include Sam Di Piazza, Anthony Glorioso and numerous others who persisted in their huge gambling operations of national scope. They were federally prosecuted on the technicality of having cheated the Internal Revenue Service out of taxes imposed on long distance calls. They had accomplished this by bribing long distance operators to permit a huge volume of unrecorded toll calls in furtherance of their handbook and lay-off operations. One of the long and most costly criminal tax trials in history resulted in acquittal of all those who stood trial. S. 30, if it had been available, would have made possible more direct, less costly, and more successful means.

There are thousands of coin-operated gambling devices in the metropolitan New Orleans area and elsewhere in Louisiana. Major racketeering companies operate them in conspiracies to violate State gambling laws. Among the largest of these are New Orleans Novelty Co., TAC Amusement Co., Jefferson Music Co., Lucky Coin Machine Co. and State Novelty Co. Gambling machine racketeers employ public officials, finance political campaigns, block grand jury investigations, and defeat every legislative effort to ban their machines from the State. S. 30 could destroy their immunity and corrupting influence.

Federal agents are competent and watchful in Louisiana. They are knowledgeable about the conditions I have described. Existing federal authority leaves them almost helpless to act. They can only wait for one of the many people involved in syndicated gambling to make a slip with reference to some federal prohibition at the fringes of the criminal activity.

The excise tax laws pertaining to wagering and gaming devices were intended, but have failed, to suppress organized gambling.

Title VIII provides the long-awaited federal solution.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

If the movement of underworld figures into legitimate enterprise signaled their reform into constructive citizenship, then it should be encouraged. But the history of organized crime infiltration of business, services and industries, which we normally consider legitimate, has been entirely different.

As indicated earlier, Carlos Marcello was in his teens when convicted of his first felony, armed robbery. About ten years later he was sentenced to a federal penitentiary as a narcotics wholesaler. In or about 1940 he was turned loose again. On a pauper's plea, he settled the imposition of about $75,000 in fines and forfeitures for $400. Thereafter, Marcello and his growing organization developed their capital or bankroll through extensive gambling, including casinos, slot machines, pinball, handbooks, layoff, football pools, dice, card games, roulette and bingo; also narcotics, prostitution, extortion, clipjoint operations, B-drinking, marketing stolen goods, robberies, burglaries and thefts. Their criminal enterprise required, and had, corrupt collusion of public officials at every critical level including police, sheriffs, justices of peace, prosecutors, mayors, governors, judges, councilmen, licensing authorities, state legislators and at least one member of Congress.

The growth of Marcello's power during the 1940's made him the partner of such national underworld bosses as Frank Costello, Dandy "Phil" Kastel and Meyer Lansky. When Louisiana's Cosa Nostra Boss, Sylvestro Carollo, was deported in the late '40's, his successor to that dominant position was Carlos Marcello.

Relatively uninterrupted criminal activities produced capital which enabled Marcello and his syndicate associates to begin adding so-called legitimate businesses to their continuing criminal ventures. For the past 17 years or more, Marcello and his affiliates have proliferated this expansion process. Often the personal interests of Cosa Nostra principals have been concealed behind seemingly respectable fronts, including lawyers and accountants.

Not infrequently it has been possible to detect use of their legitimate businesses to further their criminal profits, and vice versa. Public officials, corrupted to protect their illicit activities, have naturally been available for cooperation in avoiding the burden of regulations applicable to their legal enterprises, to the disadvantage of ethical competitors. In these so-called legitimate businesses they have been able to secure tax advantages, avoidance of zoning and building regulations, of health standards, etc.

One of many examples of the manner in which racketeers operate legitimate business against the public interest can be traced in the history of the Town and Country Motel, 1225 Airline Highway, Jefferson Parish, Louisiana, the first of Marcello's motel acquisitions.

In 1953, while the many Marcello-controlled criminal activities were ongoing, the Town and Country Motel was built on the main highway between New Orleans and the airport. Ownership was equally divided among Carlos Marcello, his youngest brother, Salvadore, and Roy and Frank Occhipinti, brothers.

The Occhipinti brothers had previously operated a motel and restaurant housing considerable gambling, including Marcello-owned slot machines. In 1952 the place was badly damaged by fire, suspected but never proven to be arson.

The Town and Country Motel was constructed by building contractor James J. Culotta, who subsequently surfaced as the front for various Marcello realty ventures. For example, Culotta became the president of nine separate corporations, each totally owned by Carlos Marcello and members of his immediate family.

After the Town and Country Motel was opened for business, a restaurant and lounge was established to serve it, in a separate nearby building. This was placed in charge of Joseph Poretto and Nofio Pecora. In addition, Poretto continued to manage until 1964, as he had since 1946, the Nola News wireservice which provided race results to bookies throughout Louisiana and adjoining states, and which tied into the Mafia-owned national network. Other partners in Nola News included Joseph Marcello, Jr., (brother of Carlos), Anthony Carrollo (son of deported Mafia boss Sylvestro Carollo) and Ralph Emery alias Ammeratto (son of a prominent syndicate figure in the Chicago area). Part of Nola News profits were regularly channeled to Italy for Sylvestro Carollo and Francesco Coppollo, both deported after they had played major roles in organizing the Louisiana-based wireservice.

Nofio Pecora is an ex-convict, with extensive past history in the heroin traffic. From the Town and Country he and his wife directed a call-girl ring between Jefferson Parish, Louisiana, and Harrison County, Mississippi. In the late '50's Pecora and his wife took over operation of the Tropical Tourist Court and Trailer Camp, in the City of New Orleans, where they became politically powerful in concert with a State Senator, City Councilman and Tax Assessor. Mrs. Nofio Pecora, by appointment of Governor John J. McKeithen, since 1964 has been Chairman of the Fire Insurance Rating Division of the Louisiana Insurance Rating Commission.

The Town and Country Restaurant and Lounge, and the motel, quickly became a meeting place for corrupt officials as well as such top professional gamblers as Sam Saia and Sam Domino, suspected burglarly ring bosses, a member of the State Athletic Commission, and numerous other actors in the organized crime scene.

In the Town and Country Lounge gambling machines were operated and "B" girls hustled drinks and solicited for prostitution.

After this combined operation came into being in 1953, it created serious problems for residents of a nearby housing subdivision named Maple Ridge Park. Instead of installing a separate sewage line for the Town and Country, as required, Marcello and his partners decided to save about $9,000 by tapping their wastes into the line which served the homeowners of Maple Ridge Park. This overloaded the residential facility, causing a back-up of raw sewage, a foul and unhealthy condition for these families. For three years the complaints of residents to Jefferson Parish officials brought no correction of this dangerous and offensive situation. They were finally able to enlist the aid of the State Health Department.

Marcello decided to start a new business, Southern Sighteeing Tours, to operate out of the Town and Country. His brother, Anthony, was made one of the partners, along with Frank and Roy Occhipinti, and Basil Ingrassia, the manager. Prior to 1953, the many motels from central New Orleans to the airport had been served by a number of competing sighteeing services. Southern Tours wiped out its competition and soon became, as it is now, the only sightseeing service for the major motor hotels on this ten-mile strip of thoroughfare.

Furnishings for the Town and Country Restaurant and Lounge had been installed by the contract department of a major New Orleans department store. Joseph Poretto adamantly refused to meet the financial terms of the contract. An attorney for the department store threatened to secure judgment and have the Sheriff, William Coci, seize the furnishings. Poretto ridiculed the idea, stating that they owned the Sheriff. Obvious conditions in Jefferson Parish gave credence to Poretto's statement.

In 1956, New Orleans juvenile officers broke up a prostitution ring using teenage girls, some of whom played hooky from school on schedule. The Town and Country Motel was used as a place of assignation. The ring was run by a notorious brothel operator, Josephine Messina, ex-wife of Peter Hand, bail bondsman, gambler, former state legislator, who had been a partner of Carlos Marcello, Frank Costello, Meyer Lansky and others in the Beverly Club, a huge gambling casino publicized during the Kefauver hearings.

After the Town and Country opened, the Marcello mob continued to operate the entire spectrum of illegal gambling including such gambling casinos as the Old Southport Club, the New Southport Club and an unnamed establishment on the main street of Gretna, seat of government of Jefferson Parish.

Also from Gretna, Carlos Marcello and two of his brothers, Vincent and Salvadore (Sammy), operated the Jefferson Music Company which dominated supply of juke boxes, pinball machines and slot machines in the Parish. Carlos Marcello received half the profits. This become a corporation in or about 1960, with Vincent and Salvadore Marcello each owning 49% of the stock, on the record. Jefferson Music continues to extensively violate State gambling laws by operation of hundreds of payoff-type pinball machines. A Federal Communications Commission license authorized a two-way radio system to expedite service.

On January 29, 1959 Horace Perez died in the Town and Country. He had been a major gambling figure in the New Orleans area. During the abbreviated tenure of hard-hitting State Police Superintendent Francis Grevemberg, Perez had been convicted of attempting to bribe a state police official. He was pardoned by Governor Earl Long and immediately reactivated his gambling operations.

At the Town and Country Restaurant and Lounge, during March 1963, the General Manager of the Fair Grounds Racetrack, C. Ray Edmonds, was severely beaten by three thugs, none of whom was arrested. Edmonds suffered six lost teeth and three broken ribs. In 1961 he had testified before a Congressional Committee, describing the extensive illegal horse-betting in the area.

Later in 1963 Sheriff John Fitzgerald offered to arrange free weekend housing and food at the Town and Country Motel for out-of-town participants in a regional boys' clubs boxing tournament. His offer was refused.

Sheriff Fitzgerald was indicted by a Grand Jury for malfeasance, on the basis of detailed evidence supplied by the Metropolitan Crime Commission concerning his refusal to enforce vice and gambling laws. He was never brought to trial by District Attorney Frank Langridge.

On February 1, 1964 Carlos Marcello and his three partners sold the Town and Country Motel to a corporation formed for that purpose, Stevie Motel, Inc. Owners of this corporation are the three oldest children of Carlos, namely Joseph C. Marcello, Mrs. Louise M. Hampton and Mrs. Florence Robards. Louise's husband is the son of the now deceased Finance Director for Jefferson Parish. Son and son-in-law are active in various Marcello enterprises. Last year the son, Joseph C., testified in a Civil Court proceeding that his own personal net worth was $3,000,000.

In the late 1950's the Marcello organization also acquired the Town and County Motel Hotel outside Shreveport, Louisiana and two Holiday Inns in the metropolitan New Orleans area. Major ownership by Carlos Marcello in all motels was concealed from public knowledge through Roy and Frank Occhipinti. One of Marcello's attorneys, Michael Maroun of Shreveport, acted as president of the corporate-owned motel there. About 10 years later, during 1968 and 1969, federal tax court action publicly documented the true financial interests of Carlos Marcello in the three motor hotels.

Although the Town and County Motel in Jefferson Parish was valued considerably in excess of one million dollars, Roy and Frank Occhipinti sold each of their 25% interests for $50,000 to Carlos Marcello's three children in 1964.

Cosa Nostra Boss Carlos Marcello continues to maintain his headquarters office in a special building constructed at the Town and Country. In that building are two full-time lawyers, Philip B. Smith, a former public official, and Cecil Burglass. Behind his desk the Cosa Nostra Boss has a huge map of the area. He employs professional planners. From his offices, Carlos Marcello directs many enterprises, most of which are registered at that address. Included among them are, or have recently been, the following:

Southern Tours, Inc.
Stevie Motel, Inc.
Kel-Ham Construction Company, Inc. (affiliated with J. K. Builders, Inc.)
Gems, Inc.
Marsh Investment Corp.
Jacqueline, Inc.
Motels of Louisiana, Inc.
Churchill Farms, Inc.
Bayou Verret Land Company, Inc.
Imperial Meat Company, Inc. and various others.

Marcello controls many thousand acres of land. Marinas have been built and are in the planning. Plans also include a private airport and a seaway from Churchill Farms to the Gulf of Mexico. As part of the interstate highway system, an initial investment of one-half billion dollars is planned for the Dixie Freeway, from which the largest single beneficiary will be Marcello-owned lands.

But the underworld ethic persists. When top Kansas City Cosa Nostra figures visited this area in recent years, they paid tribute at the Town and Country, and were hosted by Joseph Poretto, Phil Rizzuto and others.

In late October 1968 police found Philip B. Smith driving a car registered to Leonard J. Cunning, a Kansas City hoodlum murdered in that city earlier that month. It was established the car had been bought by one of Marcello-land corporations from Charles Evans, another Kansas City character, who had been arrested in New Orleans. Evans' attorney was a mouthpiece for Carlos Marcello, G. Wray Gill, Sr.

On July 17, 1968 State Education Superintendent William J. Dodd admitted that his office received three phone calls from Carlos Marcello, seeking help to get a student admitted to the State University.

On July 9, 1968 deputy sheriffs made a gambling raid at the Town and Country Restaurant and Lounge, arrested Joseph Poretto, seized a Jefferson Music Company device.

On March 14, 1969 arrests were made for systematic thefts of cigarettes worth $35,000 from a National Food Stores warehouse. The ringleaders were Phil and Anthony Rizzuto, who did not reside at but used Town and Country Motel facilities as their center of operations.

Last year the Town and Country Motel filed a suit to enjoin Jefferson Parish Intelligence Officers from surveillance in or near the motel. When subpoenas were issued for Town and Country records, and it became known that Carlos Marcello would be placed on the witness stand under oath, the suit was withdrawn.

The preceding is but a superficial resume of the Town and Country history. Comparable records have been established for other "legitimate" enterprises of racketeers rooted in the economy of criminality.

Title IX provides a lawful and constructive authority to challenge and deter organized crime's degradation and abuse of competitive free enterprise; to eliminate the "legitimate" front as an obstruction to suppression of crime.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

In the past, our criminal justice system has tragically failed to fulfill its objectives of containing crime, protecting the victims of criminals and eliminating inhumane practices in dealing with offenders. Crime statistics and penal institutions attest to past failures.

To cut down on recidivism, we are learning that "let the punishment fit the crime" has been a futile correctional philosophy. Courts and penologists are now aware that the motives and other contributing factors which molded a convicted criminal must be evaluated for each individual if the rehabilitation processes are to be relevant and effective. When carefully and competently administered, the use of probation, half-way houses, out-of-prison work projects, and other in-society combinations of useful punishment, are proving their worth. We are becoming wiser in dealing with the first-time or occasional law violator.

Unfortunately, similar wisdom has not been exhibited in handling the career criminal, the dedicated law violator, the organized underworld peer group. We do not appear to have learned that the criminal justice system must equally apply to them the rule "let the penalty fit the criminal, not the crime."

State criminal statues provide for the imposition of heavier sentences on offenders with prior records of conviction. Title X would properly extend this necessary authority to the Federal system. Title X also proposes a brilliantly appropriate sentencing procedure for the organized crime racketeer, engaged in daily anti-social activity as a way of life, individually and as a part of an organization. Frequently, due to an underworld organization's corrupt capabilities, these criminal careers are almost, or entirely, free of conviction for felonies or other serious crimes. The occasional law violator is more likely to establish a record of multiple convictions, lacking syndicated organization to help him escape arrest and penalty, than is the professional racketeer involved in continuous crime.

To again use Carlos Marcello as an example, it is noted that despite his lifetime of crime, not since 1929 has he been prosecuted and sentenced under State or local laws for any offense.

In 1939 Marcello was sent to a Federal penitentiary, and released on parole within less than a year, for selling narcotics in wholesale quantity. As described above, in the years which followed he became a gun-thug, gambler, corrupter of public officials and the director of a crime syndicate. In December 1952 proceedings were initiated to deport Marcello as an undesirable alien. At great expense to the government, and to the people of this nation, he has continued to fight successfully against ouster from the country.

In recent years the Federal government has prosecuted Marcello unsuccessfully on two occasions. The first was based upon the bribery of Guatemalan officials to create false birth records in that country, thereafter used fraudulently in his deportation case. A second prosecution was for bribery of at least one juror in the preceding case. Both resulted in acquittals by jury.

On September 30, 1966 Marcello assaulted F.B.I. Agent Patrick Collins at the New Orleans International Airport. Trial in Laredo, Texas, resulted in a hung jury. There were substantial reasons to suspect jury tampering had occurred.

Retried and convicted in Houston, Texas on August 9, 1968, Marcello was sentenced to a 2-year prison term by U.S. District Judge John V. Singleton. Judge Singleton's decision was consistent with present practice and policy. He appropriately penalized Marcello for an isolated proven offense but could not, and would not, fulfill the need of society for being protected from a corporate boss criminal who has been described in the findings of Congressional Committees as ". . . one of the worst hoodlums in the country . . . recognized kingpin of Louisiana racketeering . . .", and by former Youngstown, Ohio, Police Chief Edward J. Allen as "the archtype of the devious pattern of the Mafiosi".

Among those who interceded, seeking clemency for Marcello and attesting to his "fine character", were scores of prestigious individuals, many having documentable records of corrupt collusion or mutual profit with the Cosa Nostra Family. They included:

One bank president.
Two bank vice presidents.
One sheriff.
One former sheriff.
One president of a waterfront labor union.
One chief juvenile probation officer.
One former assistant district attorney.
One state legislator.
Two former state legislators.
Two former state police commanders.
One former revenue agent.
One funeral director.
Six clergymen.
Five physicians.
Five realtors.
Three insurance agencies.

Marcello has fought his latest conviction unsuccessfully up to the U.S. Supreme Court. With the wealth available to him from his syndicate structure he continues to employ a variety of attorneys to generate technical

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obstructions to the execution of his sentence. I remind you that this tactic has succeeded for seventeen years in blocking his deportation.

Title X offers another meaningful contribution to the balance of criminal justice in our nation. It would help remove the tremendous burden placed on the manpower and dollars of law enforcement by that relatively small number of people who contribute a relatively large part of the crime and fear in our communities.

Title X seeks to create equity in criminal sentencing by authorizing the courts to recognize the different needs of society in dealing with the occasional law violator, in contrast to the career criminal.

CONCLUSION

For at least the past half-century, organized crime was permitted to establish octopus-like tenacles throughout this nation and its communities. It is now identified as our biggest industry in dollar volume. Through violence, corruption and deception the underworld established itself as a conglomerate industry and grew to proportions which now influence every aspect of American life: our mores, our economy, our political system, governmental processes and competitive free enterprise. The "permissive" posture of the "establishment" toward organized crime activity undoubtedly helped form the attitude of the young, who will be tomorrow's America, toward lawful processes as a means through which to achieve social fulfillment. To the extent we have tolerated organized crime, and necessarily therefore accepted official corruption, for decades we have been abandoning our aspiration for "government of laws, not of men".

We have reached a point in time when large segments of our population act out their belief that constitutional goals are achievable only through disorder and oppression of dissent. They accept the criminal philosophy for success. Disorder and oppression of dissent have been the fundamental methods by which organized crime achieved its power role in our society.

We now recognize that only 3,000 to 5,000 hard-core members of the Cosa Nostra have been permitted, through corrupt and devious means, to evolve into a facet of our nation which burdens, frightens and, in one way or another, victimizes everyone in the United States. There are students of the problem who believe the Mafia to have achieved so pervasive a power position that government is no longer able to cope with it, but must negotiate with. This I cannot believe, for it would mean that as a nation we have accepted the underworld ethic as our own.

The realities of organized crime are now documented adequately to create inescapable obligations for legal counterforces adequate to the task. S. 30 has been thoughtfully constructed, in each of the ten titles, to create authority for critically needed enlargement of the battle to suppress organized crime. It recognizes the true proportions of the problem. It provides necessary precautions against injustice as it seeks to bring to justice those who have been called "the barbarians in our midst".

THE INVESTIGATION OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. WYMAN. Mr. Speaker, supplementing my remarks made earlier on the floor of the House today, I include in the Record at this point, a copy of my letter of May 6, 1970, to Hon. Emanuel Celler, chairman of the Special Judiciary Subcommittee investigating the Jacobs impeachment resolution. This letter was submitted to Chairman Celler in response to his request, but for reasons best known to Mr. Celler, was omitted from the recently published report of his subcommittee of its proceedings to date.

The letter in the main recommends to the calling of witnesses and the taking of testimony under oath in the investigation in public hearing. Submitted more than 3 months ago, it is significant that the Celler subcommittee has failed to yet take a single word of testimony under oath or call a single witness.

If this investigation is to be truly meaningful, it is unavoidable that much testimony must be taken under oath and subject to the penalties of perjury. Indications are inescapable that to date the investigation of the Celler subcommittee has been less than adequate, pro or con.

The charges that have been made are quite serious and I believe it is the constitutional responsibility of the House of Representatives to act to see that a meaningful investigation is promptly undertaken by an objectively minded and, if necessary, firmly compulsive investigating committee.

The letter follows:

Congress of the United States,
House of Representatives,
Washington, D.C., May 6, 1970.

The Honorable Emanuel Celler,
Chairman, House Judiciary Committee, House of Representatives, Washington, D.C.

Dear Chairman Celler: In response to your request of last Friday, I am sending this letter to you for incorporation in the Committee proceedings at this point in the record. I appreciate the opportunity to make this comment and the following suggestions.

As you know, I am the principal sponsor of H. Res. 922 and companion resolutions, which have been joined in by 110 other Members of the House, to establish a Special Committee to investigate to determine whether or not Justice William O. Douglas should be impeached. It has been my feeling that an investigation under oath and subject to penalties of perjury is the fairest and most responsible way to look into this matter.

There have been demonstrably serious complaints concerning Justice Douglas' extra-judicial conduct. These have ranged from his allegedly practicing law while on the Bench to inciting or encouraging violence by published writings for pay.

Although counsel to Justice Douglas has publicly contended that such an investigation unconstitutionally makes a Justice's tenure conditioned upon congressional interpretation of "good behavior", it is undeniable that this is precisely what the Constitution provides. It is also highly probable that impeachment and removal for misbehavior, or for high misdemeanor, or for misdemeanor is not subject to appeal to the Supreme Court nor to review by that Court.

There has to be some medium for determining whether a Judge, whose Federal tenure on the Bench is constitutionally limited to tenure "during good behavior", is or is not "of good behavior". This medium is a majority of the House of Representatives, a quorum being present. At the risk of oversimplification, it would appear that "good behavior" is essentially the equivalent of "misdemeanor" as that term is used in the Constitution.

I am personally of the view that the deliberate writing and distribtuion throughout the United States for pay by Justice Douglas, to the effect that Congress no longer represents the people but rather the Establishment; that the Establishment is today the equivalent of George III of England; that revolution by force and violence to overthrow George III was in the glorious tradition of America; that if peaceable protest and dissent proves unavailing to restructure the Establishment (a phrase which Douglas plainly uses as a synonym for the American government) violence to overthrow it may also be glorious—is judicial misbehavior and sufficient cause for impeachment.

Wholly regardless of his personal political philosophy, or of any other alleged misconduct on the Bench, I do not believe that such incitation to or encouragement of violence in a Country sorely torn by violence at this very hour is "good behavior" for a Supreme Court Justice.

Justice William O. Douglas has deliberately prepared and caused statements to be printed in book form and sold throughout this Country and the World for profit that undeniably increase the tendency of many persons to resort to violence in the United States. He has written this when, to his personal knowledge, the United States is smouldering from violence within. I believe it can and should be found as a fact by your Committee that Justice William O. Douglas has deliberately sought to encourage violence in the United States and that for this, and independently from any other facts, he should be impeached and removed from office by the Senate.

However, there are other additional extra-judicial activities concerning which investigation is warranted. Not the least of these is the extent of his repeated public declarations of positions on issues coming or scheduled to come before the Court. Indicating how he would decide cases in litigation, and accordingly virtually requiring his disqualification from hearing them or sitting in judgment upon them. These have included sweeping and far-ranging written pronouncements on the latitude of individual license under the First Amendment, on the war, on the draft, and a host of other matters which in my opinion your Committee should document. It should also document the number of cases and issues identifying with these statements that have come before the Court in the periods subsequent to their publication and sitting in judgment on which Douglas has failed to disqualify himself.

In addition to the foregoing, there are matters specifically referred to in H. Res. 922 (a copy of which is appended hereto) that warrant detailed and extensive investigation of papers, documents, files, telephone calls, etc. for the purpose of determining whether Justice William O. Douglas has, contrary to law and ethical standards, practiced law for pay while on the Supreme Court of the United States; sat in judgment upon cases on appeal to the Supreme Court in which he had a financial relationship past, present or future with parties before the Court; and whether as Director and Executive Officer of political action organizations he has undertaken further encouragement to divisiveness, revolt, revolution, civil unrest and potential anarchy in America, also for pay.

I respectfully recommend that the following investigation be conducted by the Committee before Justice William O. Douglas is invited to appear and testify.

I believe it is of major importance that the results of this investigation and the testimony of separate witnesses be kept separate and apart from the testimony of other witnesses, and that the contents of the testimony of each be denied to others and to the Justice before he is invited to testify in his own behalf.

I believe that Justice Douglas should be placed under oath if he elects voluntarily to appear and I think it should be made clear to him at the time he is invited to appear that if he does appear and testify before the Subcommittee it must be under oath.

The range of cross-eximination of Douglas as a witness will be extensive, as will appear from the extent of the following subpoenas and subpoenas duces tecum. The matter of what questions to ask of witnesses and how they are to be asked, and the sequence in which they are to be asked, requires consummate skill and careful preparation lest relevant truths escape the Committee by palpable inadequacy of cross-examination.

More specifically, on the question of activities of Douglas while a member of the Supreme Court in connection with the alleged practice of law on the side for pay in regard to the Parvin Foundation there should be issued:

1. A subpoena duces tecum to Albert Parvin for all books, records and papers, including those originally connected with the establishment of the Foundation. All correspondence and all files should be reviewed with care, not only for correspondence to and from Douglas, but also for correspondence from any sources referring to Douglas and or advice or opinions from Douglas re policy, tax consequences, real estate acquisitions, etc.

The same subpoena duces tecum to those connected with the Parvin-Dohrman Corporation, with specific reference to the Aladdin Hotel transaction, including its Trustee in Bankruptcy, etc., in which it should be carefully checked to determine whether or not it was generally understood in the Las Vegas Community and by the Trustee of Aladdin that inasmuch as Parvin-Dohrman has a Supreme Court Justice as its attorney it was purchased at a $5 million reduction in price.

Witnesses connected with any of these transactions should be subpoenaed and questioned relative to their understanding and the significance of whether a Supreme Court Justice was of counsel or so affiliated with a corresponding interest as to affect the conduct of business transactions, and if so on what basis, etc.

Telephone company records should be subpoenaed and all calls checked as far back as these records exist to and from William O. Douglas, by number, party, etc.

2. Subpoenas duces tecum should issue to Harry Ashmore and others at the Center for Democratic Institutions and the Fund for the Republic for correspondence and records relating to the employment, retainer, consultative or other advices from or with William O. Douglas since 1960. From an examination of the foregoing it should be established specifically whether Douglas assisted in setting policy at the Center, whether he approved or was given the opportunity to disapprove of activities that have resulted in violence, any publications that have encouraged violence, etc.

3. Former Senate Secretary Robert Baker should be subpoenaed duces for all books, records and correspondence relating to communications with or advice from William O. Douglas since 1960 in policy or business ventures and these should be examined carefully for any and all business deals in which Douglas has been involved. When and as these are ascertained they should be followed up by similar subpoenas duces to persons involved insofar as they relate to conflicts of interest. Among the things to be specifically asked of Baker is why he was in the Dominican Republic with Douglas in 1963, on what kind of business venture, etc.

The same should apply to Edward Levinson, with particular reference to the Fremont Hotel and an Internal Revenue tax claim of $4.2 million with relation to alleged "skimming" off the top of its crap table. Levinson is reported to have stayed on at the Fremont after Parvin, with Douglas' knowledge, bought in. Levinson is also reported to have filed a no-contest plea to charges of bilking the hotel corporation and fraud, it being reported that he paid a $5,000 fine in 1967 when the government dropped its charges against him. This becomes further complicated by the allegations that Levinson had been a public partner of Bobby Baker, represented by Abe Fortas' law firm, and had filed a $2 million suit against the United States government alleging invasion of privacy by electronic surveillance. Reportedly, it was two days after the filing of this suit that IRS let Levinson off with the $5,000 fine and he dropped the suit!

Here again, it is important that the testimony of each witness be impounded until others have testified and that no witness be informed, directly or indirectly, concerning the testimony of a prior witness on relevant matters of major importance in respect to which prejury might reasonably be anticipated.

4. Publisher Ralph Ginzburg should be subpoenaed duces for all correspondence and business dealings with or relating to William O. Douglas since 1960. In particular, the extent of Douglas' connection with publications either adjudicated obscene or otherwise inferably pornographic, either as author, advisor, writer, etc. Here, the business succession of the magazine Avant Garde as successor to the magazine Fact should be established. When did Douglas agree to write for Ginzburg for pay? How much pay? What arrangements were made in respect to pay? When Douglas received it? etc. The chronology of Ginzburg's appeal to the Supreme Court and Douglas' opinions thereon should also be established for the record as well as the alleged failure to disqualify himself while passing on Ginzburg's appeal while allegedly being on retainer from Ginzburg.

5. The publisher of Evergreen magazine should be subpoenaed duces for all correspondence and information relative to contracts or arrangements concerning the article appearing in the April 1970 issue of Evergreen written by William O. Douglas. In particular, it should be determined whether or not from examination of Evergreen and Random House Publishers (who should also be subpoenaed duces) Douglas knew or was given an opportunity to see, or did in fact have notice of the format in Evergreen magazine in the context of which his written remarks appeared; i.e. preceded by pornography, a malevolent demeaning and libelous caricature of the President of the United States and punctuated by additional incitements to racial conflicts including substituting live bullets for blanks. Specifically, it should be determined under oath what contractual arrangement Douglas had with Random House and the latitude (granted by Douglas) which was available to them (if any) to put articles signed by Douglas as a Supreme Court Justice into any magazine with the imprimatur of the Supreme Court thereon. Specifically, questions should be directed to whether or not Douglas had any notice of forthcoming publication in Evergreen, whether or not he was shown a galley proof before the April issue was published, etc.

Tax returns of William O. Douglas should be examined from 1960 to 1970, followed up by appropriate field investigation, including the use of subpoenas whenever these returns are shown to relate to activities involving the practice of law or related to pornography or revolution.

Appropriate officials of the American Bar Association and the Judicial Conference, including the Chairman of the House of Delegates and the Standing Committee on Judicial Tenure, should be called to establish the various statutory limitations on extra-judicial activity and the Canons of Judicial Ethics applicable to the Federal Judiciary.

Complete and thorough examination should be made, after appropriate request, of all of the files of the Department of Justice relating to or having reference to William O. Douglas by a member or members of the Subcommittee accompanied by staff. This should be followed up by such additional field investigation and subpoenas as appear to be required to establish whether or not there has been extra-judicial activity by Douglas of a proscribed character.

When the investigation has been completed to the point of the ascertainment of the actual facts concerning the amounts paid to William O. Douglas by the Parvin Foundation and from other sources for extra-judicial employment, including the Center for Democratic Institutions, Ralph Ginzburg and others, the Justice should then be requested to appear and, as mentioned above, if he does appear he should be examined under oath just like any other witness.

No doubt, substantial additional informative procedures and alternatives will be developed in the course of the Committee's Investigation, but it is believed that the foregoing comprises a minimum of requirements for adequate investigation in this matter.

Sincerely,

LOUIS C. WYMAN,
Member of Congress.

HORTON ENDORSES THE TIMES-UNION SALUTE TO DR. GEORGE G. BERG

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. HORTON. Mr. Speaker, it is always most gratifying to be able to pay tribute to a man who gives of his time, knowledge, abilities, and efforts for the betterment of his fellowman.

Such a man is Dr. George G. Berg, of 109 Southern Parkway, in Rochester, N.Y. Dr. Berg is a scientist and a very busy one. He holds the distinction of being an associate professor of radiation biology and biophysics in the School of Medicine at the University of Rochester.

As busy as he is with his scientific career and with teaching, he is never too busy to help out in worthwhile civic causes. He helped pioneer the Committee for Scientific Information in Rochester. His group was considerably ahead of many others in warning against the devastating effects of phosphates in the pollution of our Great Lakes.

I am told that he preceded Rachel Carson's "Silent Spring" warnings in the area of damage done by pesticides.

Dr. Berg has also been in the forefront in campaigns to end polution of Irondequoit Creek in the Rochester area, and he has been a leader in the fight against the use of lead-based paints.

For his many efforts in behalf of the community, Dr. George G. Berg recently was honored by a feature story in the Rochester Times-Union. Authored by Jose Echaniz, Jr., this story was in the nature of a salute from all of Greater Rochester to the scientist who feels it

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his duty to use his knowledge to help his fellow man.

I would like to share this article with my colleagues in the House of Representatives.

TIMES-UNION SALUTES: DR. GEORGE G. BERG

(By Jose Echaniz, Jr.)

Dr. George G. Berg feels that community service is a scientist's civic duty.

Dr. Berg helped found the Rochester Committee for Scientific Information (originally the Rochester Committee for Radiation Information).

The group was the first to warn of the role of phosphates in the pollution of the Great Lakes. That was three years ago. More recently, the group cautioned against the use of cyclamates—more than a month before the federal crackdown.

It also pioneered in campaigns to clean up pollution of Irondequoit Creek and against the use of lead-based paints.

Dr. Berg's own warnings against indiscriminate use of pesticides preceded publication of Rachel Carson's "Silent Spring" which helped to spur the ecological movement in 1962.

The role of the scientist, Dr. Berg feels, is "to give people powerful solutions to important problems. This is the opposite of giving people fashionable solutions to advertising problems."

His intense concern for the environment is expressed in a directness and insight that is often enhanced by rare good humor.

"A hundred years ago," he said, "water carried typhoid, diphtheria and dysentery. We controlled that too well. We created the laundry addicts and the shower and bath addicts who have given us the problem of preserving fresh water from being killed by us."

Dr. Berg, 51, is a native of Poland and came to this country in 1938 just ahead of the Nazi takeover. He is a graduate of Temple University and has post graduate degrees in zoology from Columbia University.

He joined the University of Rochester in 1955 and is associate professor of radiation biology and biophysics in the School of Medicine. Last year he started a new course in the environmental problems of Monroe County, one of the first such courses in the country.

Dr. Berg's wife, Olga, also active in the war against pollution, teaches embryology and endocrinology in the UR University School. They have three children.

Their home is at 109 Southern Parkway, Brighton.

A TRAGEDY OF DRUG ABUSE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on July 23 I received a letter from one of my constituents. With the letter she enclosed a tragic and grievous story which demonstrated the immense damage that drugs are wreaking on our youth.

The subject of this story is Kim. She was 17 at the beginning of the story and 18 at the end when she was committed to a State mental institution in Texas by her family. The letter was written by her older sister to her grandmother. As my constituent implored me to read it, I implore you.

It was not the first time I was shocked by the horrors of drug abuse. I first had my eyes opened when I started hearing from different teachers, youth counselors, and young people themselves how readily available drugs are, even to the very young. Also I have heard that many of our children have not only tried drugs, but are actually regular users.

When I started reading this letter, it did not impress me at first. Kim was not the average child. She seems to have received more freedom than the offspring from the average home: an apartment at 17, an approval for abortion, and her parents seemed to have lost control at an early age. Hardly a situation with which the normal family could empathize.

Yet, I was shocked when I read that an 18-year-old girl was described as "hopeless" and "doomed," and that there was no help to be given this sick child except a place in a jail or a State hospital because she was unwilling to help herself.

The letter explains what needs to be done; all excellent proposals are offered. Kim is not one in a million. Ask any young person with whom you have contact—your children, nieces and nephews, neighbors, and you will find that they can readily relate stories of fellow students and maybe even of themselves, who are hooked on drugs.

Yet, should any of these need help desperately, as in medieval times, we place them in a jail or an institution without any aid for recovery. The reason given is insufficient money. Yet, we certainly have enough money for weapons in Vietnam, ABM, and other means of destruction. Should not the health and well-being of our Nation's children be first on the list of priorities with us.

I urge my colleagues to read this letter and to consider what is being done in your section of the country to help our drug abusers. I refuse to agree with our Chief Executive when he calls teenage addicts "hopeless people." I refuse to believe that an 18-year-old is hopeless. They are only hopeless if we do not provide some help.

The letter follows:

WEDNESDAY NIGHT, JULY 1.

DEAR NANNY: Now it is my turn to get on a band wagon and ask of you at least a letter to each of your senators. The issue is drugs and the nation is in a state of epidemic and the problem should be treated as an epidemic. Drugs are not only destroying our youth, but they are pulling down whole families. I'm right in the middle now of the worst week of hell that you can imagine. Although mine is a personal involvement, it becomes so much more intensely tragic because I know that there is a family suffering like mine in every block. It's Kim, Nanny, and I guess the other purpose of this letter is simply for the release of some of my anxiety. I hate to burden you with my problems, but you know that if you were here I would borrow your shoulder. I'll start at the beginning and try to extract some sense where I fear there is no sense to be found. You knew that we took Kim to live with us just a year ago because she was so unhappy in Beloit. I knew then that she was an emotionally disturbed girl—she has been all her life. I'm sure that part of my motive was then to patch up the barrier which had grown between us because of age—and because of a jealousy of me on her part. Things went fairly well last summer. She found herself a wonderful boyfriend, a good job in a dress shop which could continue during the school year, and was accepted to a very good fashion school in Miami for what would be this coming fall. By the end of the summer she had possessed the boy out of her life. Even then, all I could say about her was that she was deeply insecure and trusted and depended on others too much. Then, Labor Day weekend was the big pop festival. I do not mean to be writing an indictment of pop festivals, but this particular one was the beginning of her downfall. I'm fairly certain that she lost both her sexual virginity and her drug virginity in that weekend. Someone slipped some acid in her lemonade (which she told us about) and she met a new boyfriend—one of the biggest pushers in the area. At that point we set down an ultimatum—pot we won't say anything about except that you are responsible for the consequences of what can happen, but no acid while you are with us and we are responsible. It was so obvious then that she was fated for a bad trip. She promised—and that was the beginning of the lies, the lies which are only clear to us now almost a year later. We are so naive when it comes to drugs—the country is naive. We simply do not know how to handle it in our own homes. And if Donald and I can't handle it, no wonder the parents are doing a miserable job at it. It was only a few weeks with this new group of friends when she started saying that she really didn't know if she wanted to go to that fashion school—"it will be a bunch of snobby rich girls, not my type." And the long process of initiation into a sub-group had begun. Not "hippies" but "heads."

Soon we started getting concerned reports from the teachers that she was not doing well in school, was completely anti-social. Then she said she was fired from her job when we found out later that she quit. Then, one night she was gone altogether—the b.f. didn't even know where. She was back the next day afraid of being pregnant—"I was scared so I ran." She has been running from any situation of stress since she was little—always running away from home, from school. But she always comes back and assures you that everything is going to be alright, it won't happen again. You believe her only because you want to believe her, cannot face not believing her. I assured her that I was liberal as far as sex goes and would help her get the abortion that she wanted. Two days later I wake up and she is ill. I rush her to the doctor to find out that she has taken a whole bottle of allerest. "I was scared." I had assured her that I would help her through it but she couldn't trust me—or anyone. The pregnancy was still unknown to my parents so I agreed not to tell them if nothing serious happened again. Well, she got her period the next week and was high for about another week. Her fears about pregnancy had put a strain on her relationship with this "boyfriend" and they broke-up, and she was gone again. She had moved in with a girlfriend and talked my parents into letting her try it on her own. You must remember that we were all still quite naive of the drug scene—as far as your own family goes—and they agreed for lack of anything better. They knew she wouldn't last a week at home. We have lived with the hope that maybe "this time", maybe this is the time that she will develop some responsibility as far as her life goes. I didn't see her until the school called and said she had dropped out. I went to her apartment to find that she had been evicted for wild parties, and she herself was coming down from a bad trip. I didn't need to call my father because she did—"I'm going crazy, daddy, come and help me." By the time he got here she had changed her mind. I don't need help anymore, that was just one bad trip, I'm finished with acid, I have a chance to learn how to make leather goods, I'm going to put my life together. My father was already punishing himself for having let her

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stay as long as he did and knew he couldn't leave her one minute longer in that environment. "All my friends are here, this is my life, if you take me away you are taking my life away." The trip didn't wear off and she got violent with my father—her major threat—with me right there. Hitting him and threatening him—and, as you can imagine, breaking his heart. Nanny, I saw my father's heart break, I was there and I will never fully recover. He had to have her put in jail because she went off in such a tirade that we didn't know what she would do to herself or someone else. And that about finished him off. She was so violent in the jail that they had to put her in a padded cell. With no recourse but some sort of commitment to a hospital—the advice given by all doctors involved—we put her in a private hospital in Dallas with the plan of having her transferred to Mendota. We did that because the state hospitals here are so horrible. The three weeks that it tock to get her transferred bankrupt my father who was in financial difficulty anyway—winter is his bad season. When she left the hospital here the doctors said that she had at least a year of confinement ahead of her. Mendota released her in five days!

My parents couldn't hold her—you can't chain a girl in her room—and she was soon back in Denton—back to her "friends." By now you are probably catching on. If so, you were doing better than we were. She was 18 then, just had her birthday, so my parents had no legal control and just decided to let her go. The time that I saw her during those few months she would drop in for just a minute, usually very excited about some new plan for a job which was never followed through. She was living with a "family" of kids for a while who supported her and then that fell through. After a while she was just borrowing people's kitchen floors. About a month ago she decided to move to Austin to start her new life. Two days later she called my father (they are by this time moved to Miami) and said that she was destitute, had been walking the streets for two days, and wanted to go home. Home she went—spending more money which my father doesn't have—and within a week she had enlisted a "friend" to send her money so she could come back. By this time I was so angry and fed up that I decided to just ignore her. I did just that until two weeks ago I got a call at 3:30 in the morning from a narcotics agent in a town about 60 mile from here. "Mrs. —, I have your sister in jail here—she just came to us from the hospital where she almost died from a shot of dog vaccine!" She had been at a party where the kids had gone out and robbed a vet shop and had given her the wrong stuff by mistake. She was not involved in the actual robbery and when she was in the jail they asked her to sign a statement about the whereabouts of everybody else—and as a result her "friends" and her latest boyfriend were arrested. Well, Don's mother was in Dallas with his aunt and was planning to come stay with us the next day. We drove as far as Dallas to exchange cars with them because we have an MG. By the time we got there I was so physically ill that I couldn't go any further. I don't think I have ever been so close to a nervous breakdown—my body just would not co-operate and I was unable to cope. "Needle marks all up and down her arms and legs" the officer had said on the phone. My mother-in-law, wonderful woman that she is, and my husband who I can't say enough about went to get my sister from the jail not knowing what to expect. All I could envision was the last jail experience and I was scared ———. She was fine except for some abscessed veins and VD—real fine, huh? She told Donald all the way back that she had been roped into it, that the reason she had so many needle marks was because she couldn't get a vein to raise, that certainly after this close call she would never get near anything again, that she was scared my father was going to lock her up.

We believed her because we had to—we had to go on the slight hope that hard narcotics were not the case. This boyfriend of hers is an addict and she is trying to help him stay away from it—that's why she couldn't stay in Florida because he needed her. He was staying away from it real good until this—and now he is charged with burglary because of her statement. Goddamn, she was in a mess and the thing of it was that I liked this kid—he's just a young messed up kid and if she had been strong maybe she could have helped him, but instead he pulled her right in with him. My father didn't know what to do but was by this time suffering from guilt feelings that he never should have committed her at all—especially after Mendota released her. He couldn't "lock her up" again—all he could do was turn his back, the only thing millions of parents feel that they can do. Donald and I didn't exactly turn our back—she seemed so intent that she was done with drugs—we still had no idea that she was on them heavily—that we said she could stay with us until she got straightened around, at least she would have a place to come when she felt the need to get away from it all. That week Don's mother and sister were there so we were gone much of the time and she sort of came and went. Now the trial is looming and she is a state witness and her friends are out on bail and putting the pressure on. She shouldn't have signed the statement, they said—the code of the group is to never rat on anybody else—even if you almost die. One of the lawyers tried to get her to sign a conflicting statement and when we called him on it he denied it. But the pressure was there. The big organizer at the party of the burglary is an older fellow, a pusher with his foot in the door of the mafia. I just hope to god that I never have to lay eyes on him for fear of what I will do—he has no ethics whatsoever—when Kim and her b.f. are obviously so messed up he will make a buck on them until they are in their graves. Anyway, the pressure on her was increasing and she started to fear that they would say she was in on it too. Donald called the narcotics agent and he swore on his job that they would not press charges against her and we got the prosecutor to do the same. "You can't trust them" was her only reply. THEM—the authorities, the guys who make a living dragging half-dead teenagers off the streets.

The police are another matter—but this agent was sincere, he is doing what he can for the drug problem in the only way he knows how and at age 28 he looks like an old man. Anyway, I didn't know how scared Kim really was until last Friday night when I came home from work. I thought she was asleep so I just closed the door. Then a friend of hers came and I went to wake her up and couldn't. She was in a coma—her wrist swollen with needle marks. She had been there all day in a pool of sweat and urine. You would think that I could hardly go on writing but by now I am numb—one can only take so much and then numbness sets in. I got her to the hospital and she was in that coma for 24 more hours! We couldn't find out what she had taken, even, so they couldn't treat her positively except to put fluids in her system that would dilute whatever it was. Donald was at rehearsal in Dallas so I numbly went about getting kids to scour the town to find out what she may have taken, ransacked the bedroom and returned to the hospital to wait. They didn't think she had a chance in this world and when Donald got back we had to call my folks and tell them that. But Nanny, they are numb now too. Mother flew out—both are just starting new jobs to get back on their feet and *daddy just couldn't leave.* Four o'clock Saturday she started coming out of it. Barbituates—a definite overdose—suicide attempt. He (the pusher) threatened to kill me, she said as she came around. When she came around is when the hell really set in and is what we are still in now. This doctor suspects heroine and then Monday Daddy talks to a doctor in Florida who assures us that she is on heroine—he saw her when she was home in Florida that short time to treat her for pleurisy and said that she was at that time trying to go "cold turkey" by coming home. He didn't tell my folks because he felt she was hopeless—*he told my father Monday that the only advice he can give a family is to write her off—consider her doomed—before the family is destroyed along with her.* My father has died inside. It kills me to even talk with him on the phone. But—she is still in the hospital now, very sick.

She has developed double pnemonia(sp) and a possible chance of hepatitis along with swollen joints and general withdrawal effects. Mother is there nursing her as that is all she knows to do. It is actually kind of therapeutic for her so I let her stay there. At home she climbs the walls as I do—which is why I am writing to you.

And now a new paragraph and back to my plea. If she survives there is almost nowhere to turn next. Florida refused to commit anyone when drugs are involved and many states are the same. Nothing can be done for an addict until they volunteer for help and they can't afford to waste their space on those who don't want the help. The doctor says that besides the drugs she is a psychotic personality and dangerous to the society. He says that if we don't make some sort of arrangements for confinement that he will have to turn her over to the authorities. Private hospitals are out financially—and she is not willing to commit herself. I talked with her today with the hope that all the pain she is in now would do the trick and got nowhere—except angry. Lies, lies, lies. I'm not addicted—you don't think I'd ever do anything again after all this, do you. You can't lock me up—it will kill me. I'll never forgive mom and dad for putting me in that hospital. Forgive! Then I get mad and I tell her that she is Goddamn lucky her parents can forgive her and that she has a mother there nursing her. And let me tell you, she is completely dependent on my mother—hates for her to leave even to eat. Nanny, she is still just a little kid—I just can't stand it. A break in this tension has to come pretty soon. I spend my life on the phone with psychiatrists, social workers, ministers, and no one has an answer. Very little hope—none if she won't help herself. And definitely she must be confined. She won't even admit to the heroin so she is far from ready to help herself. And she wouldn't last a day on the outside. Her boyfriend is going to prison and what will that do to her. God, Nanny, when the most affluent country in the world has not only their streets full of teenage addicts but no facilities to treat them and then spends billions of dollars in Viet Nam—something is wrong. And then you turn on the TV to hear a statement by our President on the drug problem—"the drug problem lies within the minds of the users—people who cannot find challenge in this great country, hopeless people." I would be the first to say that to just blame society is a cop-out because kids like Kim have deeper problems than drugs—but on the other hand, they can get drugs in their jr. high school johns if they want. It is easier to get a fix now days than it was to get a beer when we were that age. Solutions? Initially, money can be spent on treatment centers in every community, counselling services free of charge, education programs starting in the grade schools. Next, large scale war should be declared on organized crime—every ounce of heroin in this country comes across the borders. Third, immediately reinvestigation of narcotics laws. But these do not treat the symptoms—only deal with the existing situation. What is behind the unrest in our youth is so complex that it boggles my mind to even try to sort it out. Help me sort it out, Nanny, write to me—I need your letter.

Love,

CANDY.

FOREIGN AFFAIRS: JAPAN'S SUN ALSO RISES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. COHELAN. Mr. Speaker, I have watched the development of Japan with a keen interest. The tremendous economic growth of Japan is one of the greatest successes of this past generation.

As we, through our foreign policy, attempt to establish a "low profile," we must realize that the United States will have to rely more heavily on other nations to assume part of the economic burdens we have borne these many years. Thus, there is little doubt that Japan will continue to be a crucial factor in the future political and economic arrangements of East Asia and, for that matter, the entire world.

It is for this reason, Mr. Speaker, that I view with alarm the myopic concern with certain trade agreements that bid fair to sour relations between our Nation and Japan.

I know that with a mutual "give and take" attitude these seemingly insurmountable barriers could be overcome. One factor should be constantly stressed: Japan is an emerging economic superpower. This fact must be constantly considered. C. L. Sulzberger's recent article in the New York Times entitled "Japan's Sun Also Rises" put this issue into perspective and I commend the reading of this article to my colleagues:

FOREIGN AFFAIRS: JAPAN'S SUN ALSO RISES

(By C. L. Sulzberger)

ASPEN, COLO.—The coming superpower is not China but Japan which, by late this century or early next one, will possess the largest gross national product in the world. Such is the considered opinion of Herman Kahn, futurologist and director of the Hudson Institute, in his forthcoming book, "The Emerging Japanese Superstate: Challenge and Response" (Prentice-Hall, publishers).

After several visits and a study of Japan's prospects as a nation, Kahn concludes that in less than two generations it will boast the greatest GNP. He forecasts that by the end of this year Japan will pass the Soviet Union in per capita output and that by 2000 it will overtake the most advanced Western countries.

NATURAL HINTERLAND

Right now, Kahn points out, Japan's GNP is "consistently growing at a rate twice that of the United States." He sees as a natural Japanese "hinterland" the 200 to 300 million people of non-Communist Pacific Asia, much of whose population the Japanese "will simply incorporate, by one device or another, into their economic superstate, even while not moving them geographically." He concludes:

[If] "Japan continues to grow at rates comparable to those it has achieved in the last twenty years—and does so for another decade—or for the rest of the century—Japan surely will deserve to be judged the third most important international power in the world. It should far surpass in national power—in influence and political significance—its giant neighbor, China."

SUPERPOWER STRIVINGS

These observations gain special importance against the background of Kahn's further prediction that Japan "is not unlikely eventually to strive to become a military superpower as well." He suspects the rise of Japan may prove comparable on the global scene to that of Prussia on the European scene a century ago. He says:

"I would predict that in a relatively short period of time during the early and mid-seventies we may find a number of crucial changes occurring in Japanese attitudes toward defense of the home islands (including nuclear weapons), in foreign policy, in self image and in national and international expectations."

Kahn believes the special structure of Japanese society, with what we in America might call an extraordinary team spirit, permits maximum application of the national talents. He also believes "Japan is very rich in the resources that count most—the right kind of people."

In applying to Japan the techniques of new analytical methods, Kahn stresses industrial production and military potential. He writes: "In recent years the Japanese have tended to save and invest about one third or more of their gross national product.

"This is the highest rate in the world (except for Kuwait's, which is technically higher—but that is a very special case indeed). Thus the Japanese today save proportionately about one and one-half to three times as much as the European and North American nations do."

If one recalls Tokyo's World War II dream of a Greater East Asia Co-Prosperity Sphere it is fascinating to contemplate the likelihood that such ambitions may now be exceeded by non-military means. Kahn concludes:

"It is a reasonable estimate that economically the Japanese today draw more from non-communist Pacific Asia (or NOCPA for short) than they could have reasonably expected to gain from the success of the old Japanese war goal of establishing a Japanese-dominated coprosperity sphere. In particular, Australia almost certainly will supply—if it does not already—more raw materials than Japan could have expected from a puppet China."

REASON FOR CONCERN

Kahn's profession of futurology deals more with capabilities than intentions. He writes: "On the technological level, just because of their nuclear electrical power industry alone the Japanese will be able, by 1975 or so, to produce several thousands of small nuclear weapons a year."

If one accepts this analysis in terms of postulating U.S. policy, Washington is worrying too much about China and not enough about Japan. Tokyo's requirements and desires must be fitted into Washington's with a view not only to contemporary political convenience but also to logical diplomatic and military needs during the next generation.

Against this background it becomes even more evident how counterproductive barriers against textile imports from Japan will be in terms of the over-all need for close U.S. ties with Tokyo during the uncertain future.

CIVIL RIGHTS FOR ITALIAN-AMERICANS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROSENTHAL. Mr. Speaker, recently, Columbus Circle in New York City was the scene of a rally by Italian-Americans to protest alleged civil rights violations against some of their numbers.

There was some public criticism of this event because the demonstration was in response to reported FBI harassment of a suspected Mafia family. Among those who were criticized for their participation was Paul O'Dwyer, until recently a candidate for the New York Democratic senatorial nomination.

Mr. O'Dwyer has a long record of championing the cause of civil rights. And I think his response to a letter questioning his appearance at the rally eloquently expresses a reverence for our democratic system of justice about which—unfortunately—we sometimes need to be reminded in this day and age. The text of the letter follows:

DEAR SIR: Thanks for writing to me about my appearance at the recent meeting of Italian Americans at Columbus Circle, called to protest violations of the civil rights of some of their numbers, but also to express their sense of indignation at the attempt to stigmatize them en masse.

I'm sure there were few, if any, of the 150,000 Italian fellow citizens who appeared at the rally who did not fall into the category of hardworking decent people, proud of their culture and traditions. They have become sick and tired of having Italians constantly and officially placed in the frame of reference of crime as if somehow they were responsible for the minuscule fraction of their people involved in underworld activities, a situation equally applicable to other Americans.

My sympathies go out to them because this has been the same kind of character assassination from which other ethnic groups have suffered over long periods of our history. The entertainment world discontinued exhibiting the "Stage Irishman" only after irate fellow countrymen threw garbage at the stage and on the offending actors and the Anti Defamation League of the B'nai B'rith is even now a highly respected but an extremely busy organization.

The day after the primary I received the enclosed telegram of invitation from Mr. Marcone. I was aware of and considered the position taken by Senator Marchi and decided nevertheless to appear and speak. I found myself on the platform with people of varying views. The speakers included Richard Aurelio, representing Mayor Lindsay, Bella Abzug, Allard Lowenstein, Richard Ottinger, Rocky Graziano, Barry Farber, Mr. Imperiale of Newark, Joseph Colombo, Mario Biaggi and Mario Procaccino, to name but a few. Whatever my difference of opinion may be with Senator Marchi, I hold him in high esteem, but if his prestigious position among Conservative Republicans has spared him from the cutting edge of slight, it is apparent that hundreds of thousands of other Italian Americans, not so sheltered, have not shared his good fortune. To charge as some reports have that these people were at Columbus Circle under duress is merely to ag-

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gravate the libel and since it carried with it no shred of proof, it was unjustified calumny.

The civil rights violation charge sprang from the complaints of the family of Joseph Colombo including wives, sisters and even in-laws, who claimed that agents of the Federal Bureau of Investigation had persisted in annoying them in public (even after they made it clear they did not wish to engage in conversation), had tapped their telephones and otherwise abused their right of privacy. The young women in question presented their charges to the public, through the medium of television and radio, and I saw and heard them and was impressed by their sincerity. If there were any doubts that things of this nature do occur, the attitude, behavior and public pronouncements of Attorney General Mitchell would be sufficient to eliminate any such misgivings.

One of the criticisms of civil rights advocates and lawyers has been that their sensitivities become apparent only when there is an interference with the rights of somebody whose ideology matches their own. I think there's a great deal of merit to that complaint. We are constantly talking about bridging gaps, but it seems clear that in order to do so, all of us must seek to understand the nature of the grievances on the other side of the chasm.

It has been suggested that it was a tactical error to have Joseph Colombo anywhere around the platform. I know what I know about Mr. Colombo from reading about him. But the issue is not Mr. Colombo. Speaker after speaker there made the position clear that if Mr. Colombo violated our laws, he should be prosecuted for it. Only a court and jury, however, have a right to make that determination and until such time as they do, our basic law demands that judgment be withheld and the public media is no substitute for orderly trial.

It requires little argument, however, that we must be just as concerned when the rights of anyone are invaded and the fact that a suspect is charged or about to be charged with a loathsome crime should be no deterrent to our commitment. We are indebted to Danny Escobedo and to the lawyers who fought his case for having the United States Supreme Court place appropriate limitations on what federal and state officers felt was their right to invade privacy and trample on some of the basic provisions of the Constitution. Nobody suggested that Danny Escobedo should be classified as an innocent.

In any event, there is no law which establishes prosecution, conviction and appeal as the only way in which constitutional rights are to be protected. There is something refreshing about a public demonstration of opposition to violation of those rights while they are happening. Besides, it is the method outlined for us by the honored men who framed our sacred documents.

Italian Americans have been saying that the media has been unfair to them, that the public is therefore affected, and as a result they and their children are caused to suffer shame. As an example of distortion, let me refer to a story which appeared in the papers within the past ten days concerning the apprehension of persons charged with relief chiseling. The story went on to link the occurrence with the "Mafia" without submitting a single item of proof.

Knowing what mischief these impressions create, it would appear that the media should exercise a bit more discretion in its reporting. Or maybe to show a balanced picture reference be made now and then to the life of the average Italian American; of people such as I knew when I was a young working student on the Brooklyn waterfront; like Sally, the dock boss, who would beckon me from the shape up for work with a "Hey Irish, go to work. You're never going to be a lawyer hanging around the gate"; or Bruno, who lately put some fancy tile together for me and so admired its beauty that he could not bring himself to set a price on his artistry; or Nick Rilletti, tailor and owner of the rooming house in which I lived in Borough Park, whose overtime money was set aside for tickets to the opera; or Vincent, who ceremoniously buried the fig tree each fall to save it from the severe frost of this climate so that in the spring, its blossoms could banish the drabness from the backyard of a crowded city.

I'm sure that you and I pray for the day when these evidences of ugliness shall disappear, and Italians, like the rest of us, will enjoy a joke based on their peculiarities or even their shortcomings. But until the atmosphere clears, we have no choice but to use every measure of persuasion on our fellow citizens to recognize that the Italian populace have shown commendable restraint; that they have at the recent meeting made their point publicly and that we, their fellow Americans, are required, by every rule of fair play, to lend a sympathetic ear to this quiet, humane and cultured people.

Prudence might suggest that as to my participation at the meeting I claim ignorance and confess error, and I'm sure from the tone of your letter I would be forgiven this one indiscretion, but I don't see it that way.

Again, thanks for letting me know how you feel. Had you kept your thoughts to yourself, I would never have had the opportunity of explaining mine.

Sincerely,

PAUL O'DWYER.

CHAOTIC WELFARISM

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROUSSELOT. Mr. Speaker, there has been a great deal of discussion about establishing appropriate incentives for those presently on Federal welfare payments to be encouraged to return to productive work and activity. An overwhelming majority of America's working people wish to see constructive action taken so that they, as individual taxpayers, are no longer asked to carry the fiscal burden of those who should really be gainfully employed or back at productive work.

W. Tog Ericson, editor and publisher of the South Pasadena Review, has always had a way of saying things succinctly and to the point. Mr. Ericson's editorial of Monday, July 27, 1970, entitled "Chaotic Welfarism," is an example of that type of commonsense and to-the-point commentary that I believe can be of benefit to my colleagues in this House. I recommend that my distinguished colleagues heed the voice of Mr. Ericson because I believe he speaks for a great number of our fellow countrymen.

The article follows:

CHAOTIC WELFARISM

Everywhere the taxpayer turns, he sees, rising on all sides, the specter of soaring government spending. Many government programs, at both the local and national level, are beyond administrative control. Schools, welfare, health care and other ostensibly worthy programs continue to multiply, often in an attempt to alleviate the very hardships which government spending, deficit financing and inflation created in the first place.

Illustrative of the trend is a bill in the U.S. Senate which guarantees a family of four a $3,600 annual income. This one measure would cost about $20 billion annually. Measures such as this brought a stern warning from Representative Mahon, chairman of the House Appropriations Committee. He said, ". . . Unless some way can be found to rectify this situation, we are . . . headed toward physical and economic chaos . . ." A colorful but deadly serious assessment of the situation was made by a publication of the Chamber of Commerce of the U.S. in its paraphrase of a famous remark of Winston Churchill, "Never have so few owed so much to so many."

PROBLEMS HAVE ROOTS: LOOK AT THEM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ASHBROOK. Mr. Speaker, during the recent hot, humid spell in July, New York City faced both a power and a pollution crisis. Residents were requested to cut back on electric consumption in order not to overload local power facilities. Consolidated Edison, the major source of electric power in the New York area, asked that air conditioners not be run at the maximum setting, for instance, and that other frugalities be practiced during the heat wave. It was hoped, of course, that the cumulative saving in power stemming from many small individual sacrifices would prevent overloading.

The appeal to the consumers in New York emphasized the importance of an extremely hard-to-sell product—individual responsibility. Admittedly, in some cases this virtue comes naturally; the motorist is of necessity cautious and responsible for the life he saves will be his own. It is the small, day-to-day sacrifices with the good of the community and Nation in mind that combine to insure the continuation of a responsible society.

With the problem of pollution the same individual prudence and caution in the interest of the general welfare are in order. It is so easy to search after simple solutions or convenient scapegoats, ignoring the complexities involved. How painless to blame it all on the field of industry, forgetting the contribution made by the car out in the garage.

The February issue of Power Engineering carried a statement of opinion by its senior editor, Fredric C. Olds, on the problems besetting the utility field and the necessity for a broad, systematic approach to effect corrective action. As in the case of Con Edison in New York—the hot, humid weather strained indirectly its normal operation—outside forces such as the economic, educational, and sociological fields have played their roles, past and present, in the utilities dilemma today. Mr. Olds would have us analyze the case comprehensively.

I insert at this point "Problems Have Roots: Look at Them" from the February issue of Power Engineering:

PROBLEMS HAVE ROOTS: LOOK AT THEM

(By F. C. Olds)

Alleged offenses of the power industry: air and water pollution, destruction of beauty, nuclear radiation, high rates, low reliability, monopoly and, tomorrow, brownouts. Valid or not, this is what the public hears.

What do you do if you think you have a big problem on your hands? Trouble-shoot—search for facts, identify causes. Then you can take logical action.

What is afoot today instead? Clarion warnings to the public are carefully disembodied from history. Roots of our problems are seldom mentioned, never exposed. One might gather from watching or listening that these plagues were suddenly upon us as of some recent date and were the almost exclusive fault of industry. Of course, neither premise is true.

The problems largely are the product of political and economic decisions, made on high, conveyed to the public and fixed in its mind by mass media. Production at lowest dollar cost was made God. Its prophets were given accolades and raised to undeserved eminence.

Now we must pay the piper. Pundit, prophet and politician alike cast themselves as blameless. How omniscient they appear today as they thunder warnings and call for action! They hold sway over public thinking, these men who speak of solutions. Yet they have been at the problem roots all along and apparently now will be obstacles to reasonable progress.

It is moot whether industry could have forced a saner course years back; it should have tried harder to do so. In another decade will we look back on today's challenge with the same regret?

OUTLOOK FOR SMALL BUSINESS IN 1970'S

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. CULVER. Mr. Speaker, there are over 8½ million small businesses in the United States, composed of men and women who personify the American ideal of individual initiative and who form one of the most important mainstays of our way of life.

Because of the central place they occupy in our national economy, we in the Congress and the public at large must be aware of the conditions they face and the ways in which they are going to be affected by broad economic trends.

Dr. W. J. Garvin of the Small Business Administration recently gave an address on the "Outlook for Small Business in the 1970's" which contains valuable information on this subject. He points out that the future holds bright opportunities for small businesses, but that it will also present many problems. Congress should be sensitive to these difficulties and be prepared to assist the small businessman when it is necessary.

A recent example of how Congress can be effective in this regard is the Senate committee study of the effects of crime on small businesses, mentioned by Dr. Garvin. Many of the recommendations the committee made are already in the process of being implemented, especially in the area of transportation losses.

I recommend Dr. Garvin's remarks to the attention of my colleagues and insert excerpts from his speech at this point in the RECORD:

OUTLOOK FOR SMALL BUSINESS IN THE 1970'S

(By Dr. W. J. Garvin)

To evaluate the position of small business over the next decade is indeed a tall order. There are, by the most conservative estimate, well over five million small businesses in this country. They are found in every industry and in every nook and cranny of our land. They are caught up in, and are abnormally susceptible to, the major problems of our times—from tight money to environmental pollution.

INDUSTRY PROSPECTS

Without doubt, the best single indicator of the health of the small business community is the rate of growth in the total business population. At least 95 percent of all businesses are small, by SBA standards. When the total business population grows, small concerns account for an even higher proportion of the growth; conversely, a decline in the total business sector.

We foresee a continued growth in the total business population in the years ahead—from 5½ million today to an estimated 6.1 million by 1976, a net growth rate on the order of 90,000 per year. The rate of growth varies widely among the major industry groups.

The fastest growth is expected in contract construction with a pent-up demand for housing buttressed by an ambitious national housing goal. The number of firms in this industry, currently at 550 thousand, should show a net increase of at least 100,000 by 1976, principally in the specialty trades.

On the other hand, we look for little, if any growth in the 340,000 firms in the manufacturing industry, with gains in the producer goods categories offset by losses among firms manufacturing consumer goods. The latter trend reflects the continuing virtual monopolization of television and radio networks by large corporations promoting trademarks and brand names.

The number of firms in the service industries will keep pace with increases in population and personal income. Now at 1.1 million, the business population in the industries is expected to gain an additional 150,000 firms by 1976. The most rapid growth will occur in the personal, professonal and business service industries.

The population of the huge retail and wholesale trade industries, now at 2.6 million firms, accounts for almost half the total business population. The competitive position of small firms in these industries, especially in retail trade, was undermined in the late 50's and early 60's by the growth of large chain and department stores. Their position has since improved with the increased public acceptance of specialty shops, affiliated independents, and franchises. Accordingly, we expect a moderate growth in the number of firms in these industries—to approximately 2.8 million by 1976.

The number of firms in other industries is expected to rise from the present 850,000 to more than one million by 1976. The most rapid growth should occur in transportation, real estate and finance.

REGIONAL PROSPECTS

Ironically, the prospects for development in the several geographic areas of the country, taking into account population movements, run directly counter to expressed national economic development goals. Growth will generally occur where it is least needed. While Federal programs will, in the end, exert a powerful influence to counter adverse trends, the outlook for the short-term future is that current trends will, at best, be abated but not reversed.

Some of the major anticipated developments are set forth below:

Urban growth will continue, but at a somewhat slower pace than prevailed in the 1960's.

Medium-sized metropolitan areas (in the 500,000 to 1,000,000 range) will experience the most rapid growth rates both in industry and population.

The shift of the more affluent middle class to suburban areas and outer-ring counties of large metropolitan areas will continue. These areas will also experience higher rates of growth of primary job-producing industries and of service and retail industries catering directly to the consumer.

The population of central cities of the large metropolitan areas (with a million or more total population) will experience a little net growth in many cases and declines in others, with even higher concentrations of poor persons. Major programs to revive industry in the central cities will be pursued. These will serve to arrest unfavorable trends, with stabilization the best near-term prospect, followed later—hopefully—by a reversal of industrial and commercial decay.

The outlook for some non-metropolitan areas (small urban and rural places) is somewhat more promising. Out-migration from these to larger urban areas fell off substantially in the 1960's, as compared with the preceding decade. Simultaneously, such measures of economic health as the rate of growth of personal income and manufacturers' earnings, which showed the non-metropolitan areas lagging behind the metropolitan areas in the 1950's found them drawing even in the 1960's. These trends should continue in the 1970's as additional growth centers emerge and opportunities for manufacturing and tourism expand. Small business, which has suffered severely as a result of stagnation or decline in small urban and rural places, should reap significant benefits from the expected revival there.

CHALLENGES AND OPPORTUNITIES

A number of significant challenges to and opportunities for small business are emerging in the wake of major Federal programs and other developments in the economy.

The years ahead will witness a major expansion of "consumerism." In addition to measure to insure an acceptable degree of product safety, increased attention will be given to insuring the purity and nutritional content of foods and minimum quality standards for a wide variety of other goods and services. The cost of compliance with minimum standards can place major burdens on small firms, as has already been demonstrated in the meat processing and distribution industry. Properly managed, however, quality standards can strengthen the competitive position of small businesses as has been experienced in Japan. A major expansion of anti-crime programs is clearly in the offing, including programs to ease the burden of crime on small business. The Senate Select Committee on Small Business, after hearings on SBA's study on *Crime Against Small Business*, has adopted recommendations for immediate action and proposes to undertake further studies to reach a more permanent solution. If small business annual losses to crime could be cut in half, this would leave in the pockets of the Nation's small businessmen more money than has been loaned to small concerns in any one year by all of SBA's financial and investment assistance programs combined. More important, a reduction in the toll of crime on small business in the inner city, and solution of the related insurance problems, may be one of the keys to the success of Operation Business Mainstream.

The announcement of the President's determination to reduce the mounting pollution of the Nation's environment presages a new commitment of major resources. While

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clearly essential, this too may pose critical problems for the small firm. Special taxes or requirements to install costly equipment would raise the cost of doing business, thus narrowing the advantage of relatively lower overhead costs upon which the competitive posture of numerous small firms is based.

Finally, we foresee a continuing increase in the need for more sophisticated management of small firms. Much of this stems from further urbanization with limited personal ties between small business managers and their customers and the growing selectivity of more affluent buyers. It will also come from a rapid spread of the computer into smaller and smaller firms. One aspect of this trend is already giving us reason for concern. Large manufacturers in the automotive, aerospace and other key industries are abandoning the traditional drawings and specifications in ordering pieces and parts from small suppliers. In their place, they are substituting magnetic tapes which contain instructions for machines to produce the desired product. This will affect literally tens of thousands of small manufacturers who will be required to have access to a computer and a numeric control capability within their plants as a condition for continuing as sources of supply. This, too, we are examining with a view to assisting these small firms to make the transition to computer-assisted manufacturing.

GRAPE HARVEST FESTIVAL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. O'HARA. Mr. Speaker, today I was privileged to be host to a Grape Harvest Festival in the Rayburn House Office Building—a festival which was called to celebrate the advent of union grapes in the marketplace.

This happy event marks the turning point in 3 years of bitter labor-management struggle in the vineyards of California—struggle between the United Farm Workers' Organizing Committee, led by Cesar Chavez, and the California grape growers. The strike is not over, the boycott has not ended, but the major growers have now signed the UFWOC contract, and what began 3 years ago as a seemingly hopeless struggle against overwhelming odds has now become an irreversible tide. Justice has taken root in the vineyards and cannot be eradicated.

Recently, Mr. William L. Kircher, director of organization of the AFL–CIO, was interviewed by Frank Swoboda, Washington correspondent for Business Week magazine, and Alex Uhl, editor of Press Associates, Inc. I include the full text of that interview at this point in the RECORD:

LABOR NEWS CONFERENCE

Subject: Union Label Grapes.

Guest: William L. Kircher, director, Department of Organization, AFL–CIO.

Reporters: Alex Uhl, editor for Press Associates, Incorporated; Frank Swoboda, Washington correspondent for Business Week magazine.

Moderator: Frank Harden.

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is William L. Kircher, director of the AFL–CIO's Department of Organization.

For more than three years, California farm workers have sustained a strike and boycott against grape growers aimed at winning recognition for their union, the United Farm Workers Organizing Committee, AFL–CIO. Late last Spring, the first union contract in table grapes was signed. In recent weeks, more than 30 growers—in Arizona, as well as California—have signed union contracts covering workers in grapes and other farm crops. Here to question Mr. Kircher about this sudden and major breakthrough for the Farm Workers Union, how it developed and what it holds for the future, are Frank Swoboda, Washington correspondent for Business Week magazine, and Alex Uhl, editor for Press Associates, Incorporated. Your moderator, Frank Harden.

And now, Mr. Uhl, I believe you have the first question?

UHL. Mr. Kircher, all of a sudden, a great many people who haven't been eating table grapes for some years, because of the strike and the boycott in the grape fields of California, are now eating union label grapes. What has happened to make this startling change?

KIRCHER. Mr. Uhl, I guess it's like all long, drawn-out battles.

Ultimately, there comes a breaking point. That occurred this year—it occurred April first, when the first major contract in table grapes was signed. And when other growers found that signing a union contract isn't a lethal maneuver, they started following suit.

We have now signed more than 30 contracts. Grapes are now being shipped out of California and Arizona under 82 different trade labels, all of which have the union label, in addition to the trade label.

SWOBODA. Does this mean that the grape strike has been won, or, are there more growers who have to be signed up?

KIRCHER. What it means, Mr. Swoboda, is that we have a substantial breakthrough. We are nearing the 33 percent mark, with respect to the fresh grape acreage in California and Arizona—33 percent of the total has now signed union contracts.

Also of great significance is that fact 33 percent is a very substantial part of the total industry, and it becomes very obvious to the public—nationally—that if 33 percent of an industry can live with a union contract, and pay reasonable wages, and provide decent working conditions, for the other 67 percent to hold out is nothing more than a manifestation of some pretty bitter recalcitrance.

That sort of thing just won't hold up. We feel that it is just a matter of time until the rest of the growers realize that it is 1970, and join the collective bargaining march into this modern era.

SWOBODA. Are these the major growers that you have signed up—this one-third?

KIRCHER. Some of them are major growers. As a matter of fact, some of the contracts that were signed a few weeks ago with the various divisions of the Tenneco Coporation represent, in total, 1½ million acres in the two states—California and Arizona.

This, of course, is not all grapes—it's not all productive land—it represents a lot of different crops.

We certainly consider this to be one of the major growers. One of the divisions, as a matter of fact—Heggblade-Marguleas Company—is the largest grower and shipper of soft tree fruit in the state of California. So these are major growers.

The H & L Ranches—the Roberts Ranches—that were signed—are owned and managed by a man who holds, altogether, 50,000 acres of productive land in various fruits and vegetables.

So, these are very, very significant and major contract breakthroughs.

UHL. Well, Mr. Kircher, you talk of contracts. Could you give us an idea of the meaning of the contracts that have been negotiated, in terms of the conditions that existed before?

KIRCHER. When this union started the organizational effort and the strike almost five years ago, Mr. Uhl, the wage levels ran from $1.05 to $1.15 an hour. This was about the size of the wage-expectancy of a worker.

Just dealing with that area for a minute, the contracts that have now been negotiated provide a minimum wage of $1.75 an hour, and for harvesters—in addition to the $1.75 an hour—a premium incentive of 25 cents for each box of grapes they pick and pack.

So, there has been a substantial upswing, in terms of wages alone.

But we think beyond that is the significance of the development of a broad health and welfare program. For the first time, farm workers are going to be covered—and their families will be covered—by a pre-paid clinical assistance, and medical and doctor care plan. We think this is very important.

In addition, the union has developed an economic development fund. Each grower is paying a minimum of 2 cents a box into this fund, which will be used to meet some of the unique problems of aging, family problems, cultural deprivation problems, and other various problems that the workers in that industry have.

One of the really critical elements that has been at least aided, if not overcome completely, is the uncertainty of the worker regarding the job he may have from year to year—where he may work.

Actually, the fact that the worker doesn't know from year to year where he may work contributes to the migrant nature of this work. Now he knows. The union contract provides that he has seniority at this ranch, or at that vineyard, or at that farm. So now he knows that when there is work at that particular place, he can expect to have a job.

This eliminates a great deal of the need for him to migrate. It gives him a chance to put down roots, and give his family some of the stability that other workers have built for themselves through the collective bargaining processes over the years.

SWOBODA. Mr. Kircher, the grape strike might not be over, but it now seems it will be just a matter of time. But grapes are only one crop. Where do you go next? Or have you not given that much thought at this point?

KIRCHER. Well, we certainly have given it a lot of thought, Mr. Swoboda.

The union has developed contracts for grape growers who are also diversified farmers. That means that even though they have signed contracts covering their vineyards and the grape workers, they have also put into those contracts, automatic procedures for the recognition of the union in other crops, at such time that the union demonstrates, through procedures that have been set up, that it represents a majority of the workers in those crops. So, almost as an appendage of the success of the union in the grape fields, is a procedure that we feel is going to be very helpful in leading to successful organization in other major crops—throughout the West, and ultimately, throughout the nation.

UHL. Well then, this will reduce the necessity for facing up to the problem of transient workers, who go from one end of the country to the other, whose children never have a chance to get a reasonably solid education, who very rarely get a chance to see doctors. Will this really open the way for them to become part of the American work force, instead of being outside it, as they have been in the past?

KIRSCHER. It will help—it is already helping. Mr. Uhl.

The extent to which you can completely eliminate the need for migration in agriculture is questionable—it is subject to many variables. But, I think that the important thing for us to recognize here is the manner in which the collective bargaining processes have permitted the workers involved to apply the machinery to the solution of their own problems. You see, for many years, those of us who have a concern for people have sat back and been concerned about the problems that flow for families of workers who must migrate. We have said it is a bad thing—and we wish something could be done about it.

But really, with all of the interest that there has been in the nation—and all of the legislation, all of the church groups—nothing really substantive was accomplished, until the workers themselves found a way to apply the collective bargaining machinery to their problems, and this is beginning to solve it.

It's something for all Americans, it seems to me, to understand and appreciate—the service—ability of the collective bargaining machinery, as it relates to our system.

SWOBODA. Mr. Kircher, do you think that the signing of contracts, particularly on the West Coast, in the vineyards, will provide an eye opener for farm employers in other sections of the country. I'm thinking particularly the Rio Grande Valley, where you've met pretty stiff resistance.

KIRCHER. Well, I certainly hope that it will. I don't like to be cynical, but I have lost much of my hope for large agricultural interests to act intelligently and do what is reasonable.

I'm no longer an optimist.

My experience over the past five years has shown me that the agricultural power structure in any section of the country will tend to respond to a demonstration of strength and the language of power.

I'm not saying that I'm happy with that. I don't think it should be that way.

But, if that is being cynical, it's simply because five years of very bitter struggle that did not have to be as bitter as it was, have conditioned me that way.

SWOBODA. You now have a demonstration of power—you now have a union, a very effective farm union, in at least one section of the country. Will this, perhaps, speed up the process, do you think?

KIRCHER. I would hope so.

UHL. Well, Mr. Kircher, in that connection the problems you have faced in helping to organize these workers with such sudden and really remarkable success, have been compounded, so far as I can see, by opposition, not only from the growers and the corporations involved, but, unfortunately, even from state and local governments. I noticed a story in the paper recently that Cesar Chavez, the director of the Farm Workers Organizing Committee, and the Committee, have filed an $8 million suit against the California State Table Grape Commission, on the grounds that the Commission actively interfered with the efforts of the workers to organize themselves. Did you see this in operation? Do you think that this suit can help correct such conditions?

KIRCHER. Yes, I think that it is a very valid suit, Mr. Uhl.

I saw some of the things that happened. If my memory serves me correctly, this very same Commission used some of its money to hire an outstanding national advertising agency to tell the "real story of the grape strike in California." I don't have to tell you what they considered the "real story" to have been.

It was not only the Table Grape Commission that involved itself and gave the kind of advice to growers that caused them to be more backward and more unwilling to talk to the union than they might have ordinarily have been. This same thing was true of the Farm Bureau and the Grape and Tree Fruit League of California. Virtually every agricultural grower organization advised growers on ways and means to effectively resist the union and rid themselves of any kind of responsibility to bargain collectively with their workers.

There was very deep involvement on the part of this portion of the agricultural power structure. I would imagine that today, there is a certain amount of bitterness on the part of growers who have suffered economically through a struggle that has taken several years, largely because of their recalcitrance, which was developed on the basis of the advice they got from these grower organizations and associations.

It is interesting to note that one of the more bitter resisters among the growers—one of the more articulate resisters—catapulted himself into the position of State Secretary of the California Right-to-Work Committee.

Now that gives you a pretty good indication of the theme and direction of those organizations.

SWOBODA. Mr. Kircher, it's been a five-year struggle to get this breakthrough. Is there any one aspect of this struggle that you feel was the strong point—the determination—the almost crusade aspect of the workers—or the boycott? Anything that you can point to that might have been a turning point?

KIRCHER. If I were to pick a single thing that has been a greater element of strength than any other, I would certainly have to say that it's the indigenous leadership of the union. This movement is really a movement of farm workers, for farm workers and by farm workers. And they are blessed with people like Cesar Chavez, Larry Itliong and others, who not only know the problems of farm workers—because they come from many years of farm labor themselves, and from families that were part of the farm labor scene over the years—but they have intelligence, they have courage, they have the ability to learn, they have the desire to understand, and they work tirelessly toward goals that they set for themselves, related to the kind of service they want to provide for farm workers of today, and those who will come tomorrow.

I would say that this, more than anything else, has been the greatest strength that this movement has had. And if you look back over the history of the organizational efforts of farm workers that have failed, the lack of such outstanding indigenous leadership becomes very dramatic.

SWOBODA. How big is the union now, and, what's the potential membership among farm workers?

KIRCHER. Well, measuring the membership of a farm workers union is a lot different from measuring the membership of a factory union, for example, where employment is relatively stable over a 12-month period.

The membership of the Farm Workers Union varies from a couple of thousand at the very lowest point of farm work—in the wintertime—to a high point of perhaps 15,000 or 20,000 during the peak harvest periods, when great masses of workers are used.

So, with that qualification, I would say that just the contracts that have been signed in the breakthrough in table grapes mean coverage of probably as many as 12,000 or 13,000 workers under union contracts.

UHL. Alright, now that you have made this dramatic breakthrough and have contracts with some one-third of the major growers of table grapes in California, what next? Are you pushing heavily on the other two-thirds?

KIRCHER. We certainly are. The organizational efforts continue.

Frankly, at this particular moment, there are growers who have indicated that they would like to sit down and examine the conditions of the contracts. It would be my guess that before very long, a substantial number of additional growers will probably have seen their way clear to sign union contracts.

But, of course, the answer to your question is that this is not going to happen, unless the union continues to push organizationally. And that's exactly what we are going to do.

SWOBODA. Does this mean that the boycott is over?

KIRCHER. No, far from it, Mr. Swoboda.

The boycott won't be over, really, until every major table grape grower has signed a union contract.

The boycott is over now for those growers who have signed union contracts. We are asking our friends all over the nation to determine whether or not the grapes they see in a market have been union-harvested. That is very easy to determine, because there is virtually no market in the country today that is not very sensitive to the problem of the boycott and the union label.

You can go into any market, ask any store manager, and he can very quickly not only tell you that those grapes are union harvested, but he can show you proof of it.

And, he indeed should be asked to show proof of it before the grapes are bought.

UHL. Would you think then, Mr. Kircher, that once a breakthrough was made, and the union grapes began to appear, and people who had not eaten grapes for a considerable number of years are now able to buy them, this convinced other supermarkets that they had better get on the train too.

KIRCHER. Well, there is no question about it.

We find that union label grapes are more marketable than the non-union label grapes.

There is almost a premium on them.

And I might say—if you'll forgive this sort of self-serving statement—that from all of the reports we get, the very presence of the union label on a box of grapes tends to make those grapes taste sweeter, and better, and more palatable—and the consumers are, therefore, more anxious to buy them.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was William L. Kircher, director of the AFL–CIO's Department of Organization. Representing the press were Alex Uhl, editor for Press Associates, Incorporated, and Frank Swoboda, Washington correspondent for Business Week magazine. This is your moderator, Frank Hardin, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

MUTUAL ANNOUNCER. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

MAYBE IT WOULD NOT MAKE GOOD HEADLINES

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. FOREMAN. Mr. Speaker, last Friday the junior Senator from Arkansas suggested that the tiger cages of Con Son prison be displayed alongside displays of cages American prisoners of war are kept in by the North Vietnamese Communists.

The purpose of his suggestion, apparently, was to show that he sympa-

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thizes as much with the convicted felons of South Vietnam as he does with those Americans held prisoner by the North Vietnamese, even though, in dealing with those Americans, the North Vietnamese violate the basic concepts of civilized treatment of prisoners of war as well as the Geneva Convention which sets standards for POW treatment.

I am pleased that the junior Senator from Arkansas sympathizes so deeply with the felons of South Vietnam. I am surprised though at his apparent lack of sympathy for the felons of Arkansas. I have not heard him urge a displaying depicting the treatment of prisoners on Arkansas' notorious prison farms.

FORCED UNIONISM VERSUS VOLUNTARY ASSOCIATION

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROUSSELOT. Mr. Speaker, our California Legislature is currently considering legislation which would force teachers to join a union as a major criterion of employment.

It is conceivable to me that this type of compulsion might well produce in such a highly regarded profession the same type of conditions and results that have evolved from our compulsory military draft program.

It appears to me that two recent editorials in the Los Angeles Herald Examiner and the Long Beach Reporter merit the thoughtful consideration of my fellow colleagues:

FORCED UNIONISM

Strong opposition is developing—and rightly so—against a bill introduced in the Legislature which could compel teachers to join a union as a condition of employment.

Had such a law been in effect during the teachers' strike in Los Angeles, some 12,000 dedicated teachers who continued to teach their pupils would have been subject to union fines.

A similar law in Michigan has resulted in rulings declaring that the requirement of union membership supersedes tenure and one teacher with 18 years tenure was fined because she refused to buckle under to union demands.

California schools have sufficient problems without adding the impossible burden of the closed shop. Teachers should continue to have their present right to refrain from union activities. The Legislature should waste no time in killing this measure, SB 1193 by Senator McCarthy of San Rafael.

COMPULSORY UNIONIZATION OF CALIFORNIA TEACHERS ATTACKED

In an open letter to Governor Reagan and the California Legislature, Californians for Right to Work called for the defeat of legislation opening the door to compulsory unionization of California school teachers.

The legislation under attack is Senate Bill 1193 by Senator John McCarthy, San Rafael, which strips California Teachers of their present right to refrain from union activities.

David Denholm, Legislative Director of Californians for Right to Work, charged "Enactment of Senator McCarthy's bill will result in dedicated teachers being forced to leave their chosen profession rather than pay tribute to union officials for the right to teach."

"Passage of legislation similar to this in Michigan has resulted in rulings declaring that the requirement of union membership supersedes tenure and one teacher with 18½ years tenure was fired because she refused to buckle under to the demands of the union.", the Right to Work official continued.

The pro-labor bill will face strong opposition in Sacramento. Teacher organizations, religious groups and Right to Work forces are generating massive opposition to the bill.

"Had legislation similar to this been in effect during the recent Los Angeles teachers strike and a union shop contract in force, some 12,000 teachers who continued to teach their pupils would have been subject to union fines.", Denholm stated.

"We believe California teachers' right to teach should be based on ability and dedication . . . not union membership.", Denholm concluded.

Californians for Right to Work is a statewide coalition of citizens from all walks of life, dedicated to the principle of voluntary unionism. The organization believes no employee should be fired because he does or does not belong to a labor unon.

SAFETY HAZARDS AT NATIONAL PARKS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. McCARTHY. Mr. Speaker, one indication of our Nation's prosperity is the growing amount of leisure time which our citizens now enjoy. Tens of millions of Americans now take well-deserved vacations and they are travelling to all parts of the country with their families and loved ones.

Of particular interest to these vacationers are our national parks. Enclaves against the incursions of unplanned commercial expansion and industrial blight, they offer what should be a peaceful and exciting venture into our Nation's natural monuments of mountains, lakes, and canyons.

One of the most popular is the magnificant Yellowstone Park. Last year alone over 2 million people entered this sanctuary in Wyoming, Montana, and Idaho. An estimated 2.2 million will tour its natural splendors this year.

This wilderness is of special attraction to citizens of urban east coast areas, where this kind of open space does not exist. Many of my constituents from western New York have marveled at their visits to Yellowstone, and have urged legislation which will assure adequate facilities for all visitors without destroying the natural beauty.

It was with anticipated joy that a close friend of mine, Mr. James Hecht, and his family left Buffalo earlier this summer to visit the Yellowstone Park. Arriving in late June he and his family toured the many points of interest in the Old Faithful area. These splendors were especially fascinating to the young 9-year-old son, Andrew Clark, who must have been overjoyed at the many and varied sights. One of these was the famous Crested Pool, a natural steam waterway which would naturally excite a young child.

Andrew was to have a fleeting memory of this natural wonder. As he walked along the unguarded boardwalk approaching the Crested Pool, the steam distracted him. Not seeing the edge of this crossway, he slipped suddenly and fell to his death.

Mr. Speaker, the tragedy that befell this family could have been avoided. An examination of this thermal pool shows how perilous it can be. While only one other fatal accident of this kind has been reported, it is clear that the unguarded boardwalk surrounding the pool is perilous to the unsuspecting visitor.

Mr. Speaker, this kind of tragedy must not be repeated. The 2.2 million visitors that will visit this historic park this year must not be exposed to unnecessary hazards.

Accordingly, I am writing to the Director of the National Park Service, Dr. George B. Hartzog, to bring this tragedy to his attention and requesting him to take immediate steps to provide a guard rail around the Crested Pool and all others like it.

I am also writing to the chairman of the House and Senate Committees on Interior and Insular Affairs requesting them to undertake an investigation into the safety hazards in our national parks.

A HUMANITARIAN APPEAL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROYBAL. Mr. Speaker, as a member of the House Foreign Affairs Subcommittee on Inter-American Affairs. I have been deeply concerned about the recent terrorist shooting and brutal kidnaping of Mr. Dan Mitrione, an American AID adviser to the Uruguayan Government, who was wounded and seized last Friday morning while on his way to work, unarmed and defenseless, in Montevideo.

The father of nine children, Dan Mitrione has served as an AID public safety adviser for the last 10 years, and his record of civic, social welfare, and church work in his hometown of Richmond, Ind., prior to joining AID does him great credit as an outstanding example of an American sincerely dedicated to the betterment of his community, his country, and the world in which he lives.

The latest information I have obtained from the State Department indicates that Mr. Mitrione's gunshot wound in the chest is of a potentially serious nature unless treated without delay.

But the notes received so far from the terrorist kidnapers—Tupamaros—leads U.S. officials to believe that little or no medical attention has been provided.

At the same time, these notes reveal that Mr. Mitrione has been subjected to severe questioning and rigorous interrogation by his dissident captors.

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The inhumanity of holding this wounded American official without hospitalization since July 31 and subjecting him to exhaustive interrogation is simply appalling.

Every American should take this opportunity to express his deepest indignation at this international outrage, and demand that Mr. Mitrione be given hospitalization immediately—and not continue to be held as a hostage for the release of convicted murderers, bank robbers, and kidnapers.

Certainly, no useful purpose can be served by endangering the life of this American citizen. And the revolutionary cause which the Tupamaros embrace can only be harmed by such wanton acts of violence.

Both humanitarian and political considerations join in urging Mr. Mitrione's immediate release. It is my earnest hope and prayer that his captors will recognize the force of these considerations.

NEW COMPREHENSIVE HIGHER EDUCATION BILL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. QUIE. Mr. Speaker, I am today introducing on behalf of myself, Mr. Ayres, Mr. Erlenborn, Mr. Esch, Mr. Dellenback, Mr. Scherle, and Mr. Steiger of Wisconsin, the Comprehensive Higher Education Act of 1970. Our Special Education Subcommittee has had about 40 days of hearings on higher education beginning last December 16. The President sent us his message and proposals for higher education last March 19. We have had testimony from representatives of all major interest groups in higher education. Administration witnesses have appeared on several occasions.

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Mr. Speaker, time is getting short to develop needed legislation this session in the field of higher education. Several of us felt we could wait no longer in drafting a bill which met the major concerns of the committee as expressed in our hearings. We were quite optimistic that this bill would provide the vehicle we have been waiting for; the one we could use to meet in executive session and amend in whatever ways necessary to finally gain majority support in our committee.

I might add that I left out of this bill certain provisions which I favor but was afraid they might give some Members so much of a problem that they could not cosponsor the bill. The main amendment which I intend to introduce will be new legislation to provide general financial assistance to institutions of higher education. On March 24, 1970, I introduced legislation in this area, H.R. 16622, the Higher Education General Assistance Act of 1970. It was our expectation that other members of the subcommittee would also have amendments to this bill which they would offer in committee.

This afternoon I am very sorry to report that the wide bipartisan support we expected has not come about. Some members on our subcommittee are so fearful of facing the issue of student unrest on this floor that they are not open to sponsoring any bill which might come before the House prior to elections.

I am in sympathy with some of these Members on the issue of student unrest. In fact, I have stated publicly on several occasions that I oppose any new Federal legislation in this area. The President opposes it. The Secretary of Health, Education, and Welfare is against it. And I believe the majority of the Members of both the House and the Senate now believe that student unrest should and must be dealt with primarily in the institutions themselves. Present Federal legislation which denies aid to those engaged in violent disruption is an expression of congressional concern and responsibility. That legislation is adequate.

I hope the Special Education Subcommittee will mark up and report legislation even though more than half of the Members refused to introduce this bill. Refusal to act on higher education legislation will be especially disappointing to those who are worried about the guaranteed student loan program. We are beginning to get indications that several lending institutions are not making loans because of their mounting liquidity problem. This bill not only opens up subsidized guaranteed loans to any student determined by his institution to have need, but it creates a new secondary market which will solve this liquidity problem. I feel that the provisions relating to the guaranteed loan program and the secondary market are absolutely necessary now. So necessary, in fact, that I would be happy to support legislation which would be limited to these areas if that would make it easier for our subcommittee to report out a bill this session.

I express the hope of all those who are joining in introducing this bill that it can still be helpful in bringing our subcommittee around to exercising its responsibility. I invite every Member to read the following summary of this bill and help convince other members of our subcommittee to overcome their fears about facing the issue of student unrest by stating that they will oppose additional amendments on that subject:

SUMMARY OF PROPOSED "COMPREHENSIVE HIGHER EDUCATION ACT OF 1970"

TITLE I—STUDENT ASSISTANCE

Part A—Extends EOG program for three years. Removes distinction between "initial year" and "renewal" grants. Prohibits discrimination against transfer students. Eliminates matching requirements. Requires Commissioner to develop guidelines to help institutions distribute aid so that students with similar financial circumstances receive similar aggregate amounts of financial assistance under this part and work study. Eliminates State allotment formulas. Allows institutions to transfer up to 20% of its EOG funds to work-study.

Part B—Extends the Guaranteed Student Loan Program and the Special Allowance provisions for three years. Increases the ceiling on total new loans which can be Federally insured each year from $1.4 billion to $1.8 billion. Requires that students eligible for interest subsidies (during school and grace periods) must be determined by their institutions to be in need of the amount of their insured loans. (The current income ceiling of $15,000 is removed.) Continues present 7% maximum interest rate for subsidized loans to students determined to have need. The Special Allowance would be paid only on such loans. Sets maximum rate of interest for non-subsidized loans (for which students with no need are eligible) at a maximum of 7% plus the most recently published rate for the Special Allowance. (Thus, the maximum interest rate on these loans would be 10%.) Increases aggregate ceiling of both subsidized and unsubsidized loans from $7500 to $10,000. Provides for Federal insurance of interest as well as principal.

Part C—Extends work-study for three years. Eliminates State allotment formulas. Allows institution to transfer up to 20% of its work-study funds to EOG. Requires Commissioner to develop guidelines to help institutions distribute aid so that students with similar financial circumstances receive similar aggregate amounts of financial assistance under this part and the EOG program.

Part D—Extends cooperative education for three years. Authorizes funds to explore new methods of cooperative education.

Part E—Amends general provisions to allow a carry-over of unused EOG and work-study funds. Does not require adherence to the Truth in Lending Act for Federal student loan programs.

Part F—Establishes a Government-sponsored private corporation, the Student Loan Marketing Association, to serve as a secondary market and warehousing facility for insured student loans.

Part G—Consolidates and broadens programs presently authorized under Section 408 of the Higher Education Act of 1965 (Talent Search, Upward Bound, and Special Services for Disadvantaged Students).

Part H—Extends NDEA loan program for three years. Eliminates State allotment formulas. Allows carry-over of unused funds. Terminates forgiveness features. Raises annual loan limit from $1000 to $1500. Allows institutions to turn over uncollectable notes to the Commissioner.

TITLE II—EXTENSION AND AMENDMENT OF EDUCATION PROFESSIONS DEVELOPMENT ACT

Part A—Extends Part A of EPDA for three years (National Advisory Council and program to attract qualified persons to the field of education).

Part B—Extends the Teacher Corps for three years.

Part C—Extends for three years and amends the program for attracting and qualifying teachers to meet critical teacher shortages. Encourages and provides compensation for volunteers. Increases amount available for administration of the State Plan from 3% to 5%. Eliminates provision requiring that no more than one-third of the funds under this section be used for teacher aides.

Part D—Extends for three years and amends the program for improving training opportunities for non-higher education personnel. Encourages volunteers to assist teachers, especially in classes for the educationally disadvantaged, and allows the volunteers to be compensated. Encourages new developments in undergraduate teacher education programs. Encourages parents, school board members, and selected community leaders to participate in training programs. Allows Commissioner to make payments to the Secretary of the Interior to carry out this program on Indian Reservations.

Part E—Extends for three years and amends programs of training for higher education personnel and broadens authority for granting fellowships to anyone preparing to serve as teachers, administrators or educational specialists in institutions of higher education. Increases authorizations to $90,-

000,000 in FY 72 and such sums as may be necessary for the two succeeding years.

Part F—Extends for three years programs for training vocational education personnel.

TITLE III—NATIONAL FOUNDATION FOR HIGHER EDUCATION

This title creates a new independent agency, the National Foundation for Higher Education, to encourage excellence, innovation, and reform in postsecondary education. Activities of the Foundation would come under a National Council for Higher Education, appointed by the President, representing the general public and all segments of postsecondary education. Provides for a Director (level III on the Executive Schedule), Deputy Director (level IV), and four Assistant Directors (level V). Authorizations for appropriations are set at $75,000,000 for FY 1972, $125,000,000 for FY 1973, $200,000,000 for FY 1974, and such sums as may be necessary thereafter.

TITLE IV—LIBRARIES

Extends for three years title II of the Higher Education Act of 1965. Increases the amount for Special Purpose Grants (Section 204) from 25% to 50% of the sums appropriated for Part A, College Library Resources.

TITLE V—DEVELOPING INSTITUTIONS

Extends for three years and amends title III of the Higher Education Act of 1965. Removes the five-year eligibility provision for institutions offering less than the bachelor's degree. Allows a Professor Emeritus to come from another developing institution.

TITLE VI—PROHIBITION OF CERTAIN DISCRIMINATION

Part A—Prohibits discrimination on the basis of sex in any program or activity (unless designed principally for the benefit of one sex) which receives financial assistance under a program administered by the Commissioner of Education or the Secretary of Labor.

Part B—Amends Part C of the Civil Rights Act to authorize the U.S. Civil Rights Commission to study and investigate discrimination on the basis of sex.

Part C—Amends Section 13(a) of the Fair Labor Standards Act of 1938 to remove the exemption of executive, administrative or professional employees from the provision requiring equal pay for equal work.

TITLE VII—HIGHER EDUCATION FACILITIES

Part A—Extends for three years the Higher Education Facilities Act of 1963.

Part B—Amends title III of the Higher Education Facilities Act of 1963 by adding a provision allowing the Commissioner to insure mortgages for academic facilities at private, non-profit institutions receiving annual interest grants under Section 306.

TITLE VIII—EXTENSION OF CERTAIN PROVISIONS OF EXISTING LAW

Extends for three years title VI of the National Defense Education Act (Language Development), title I of the Higher Education Act of 1965 (Community Service and Continuing Education), and title VI of the Higher Education Act of 1965 (Financial Assistance for the Improvement of Undergraduate Education).

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE OLD IN THE COUNTRY OF THE YOUNG

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BRADEMAS. Mr. Speaker, one of the most thoughtful and perceptive articles I have seen recently concerning the situation of older persons in our country is to be found in the August 3, 1970, issue of Time magazine.

The article, "The Old in the Country of the Young," follows:

THE OLD IN THE COUNTRY OF THE YOUNG

Edward Albee once wrote a play about a middle-aged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish. The play contains more truth than allegory. One of the poignant trends of U.S. life is the gradual devaluation of older people, along with their spectacular growth in numbers. Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5% of the nation's population in 1850 to 10% today.

SIMILARITIES OF YOUTH AND AGED

While the subculture of youth has been examined, psychoanalyzed, photographed, deplored and envied, few have wanted even to admit the existence of a subculture of the aged, with its implications of segregation and alienation. Strangely enough, the aged have a lot in common wtih youth: they are largely unemployed, introspective and often depressed; their bodies and psyches are in the process of change, and they are heavy users of drugs. If they want to marry, their families tend to disapprove. Both groups are obsessed with time. Youth, though, figures its passage from birth; the aged calculate backward from their death day. They sometimes shorten the wait: the suicide rate among elderly men is far higher than that of any other age group.

The two subcultures seldom intersect, for the young largely ignore the old or treat them with what Novelist Saul Bellow calls "a kind of totalitarian cruelty, like Hitler's attitude toward Jews." It is as though the aged were an alien race to which the young will never belong. Indeed, there is a distinct discrimination against the old that has been called age-ism. In its simplest form, says Psychiatrist Robert Butler of Washington, D.C., age-ism is just "not wanting to have all these ugly old people around." Butler believes that in 25 or 30 years, age-ism will be a problem equal to racism.

We have time to grow old—the air is full of our cries.—SAMUEL BECKETT.

ISOLATION OF THE ELDERLY

It is not just cruelty and indifference that cause age-ism and underscore the obsolescence of the old. It is also the nature of modern Western culture. In some societies, explains Anthropologist Margaret Mead, "the past of the adults is the future of each new generation," and therefore is taught and respected. Thus, primitive families stay together and cherish their elders. But in the modern U.S., family units are small, the generations live apart, and social changes are so rapid that to learn about the past is considered irrelevant. In this situation, new in history, says Miss Mead, the aged are "a strangely isolated generation," the carriers of a dying culture. Ironically, millions of these shunted-aside old people are remarkably able: medicine has kept them young at the same time that technology has made them obsolete.

Many are glad to end their working days. For people with money, good health, careful plans and lively interests, retirement can be a welcome time to do the things they always dreamed of doing. But for too many others, the harvest of "the golden years" is neglect, isolation, anomie and despair. One of every four Americans 65 or over lives at or below "the poverty line." Some of these 5,000,000 old people were poor to begin with, but most are bewildered and bitter *nouveaux pauvres,* their savings and fixed incomes devoured by spiraling property taxes and other forms of inflation. More than 2,000,000 of them subsist on Social Security alone.

Job discrimination against the aged, and increasingly against the middle-aged, is already a fact of U.S. life. While nearly 40% of the long-term unemployed are over 45, only 10% of federal retraining programs are devoted to men of that age. It is often difficult for older people to get bank loans, home mortgages or automobile insurance. When the car of a 68-year-old Brooklyn grocer was stolen last winter, he was unable to rent a substitute. Though his driving record was faultless and he needed a car for work, he was told falsely by two companies that to rent him one was "against the law."

Youth is everywhere in place
Age, like woman, requires fit surroundings.
—RALPH WALDO EMERSON.

SEPARATE COMMUNITIES

Treated like outsiders, the aged have increasingly clustered together for mutual support or simply to enjoy themselves. A now familiar but still amazing phenomenon has sprung up in the past decade: dozens of good-sized new towns that exclude people under 65. Built on cheap, outlying land, such communities offer two-bedroom houses starting at $18,000, plus a refuge from urban violence, the black problem (and in fact blacks), as well as generational pressures. "I'm glad to see my children come and I'm glad to see the back of their heads," is a commonly expressed sentiment. Says Dr. James Birren of the University of Southern California: "The older you get the more you want to live with people like yourself. You want, to put it bluntly, to die with your own."

Most important, friendships are easy to make. One relative newcomer to Laguna Hills Leisure World, Calif., received more than 200 get-well cards from her new neighbors when she went to a hospital in Los Angeles. There is an emphasis on good times: dancing, shuffleboard, outings on oversized tricycles and bowling (the Keen Agers v. the Hits and Mrs.). Clubs abound, including Bell Ringing, Stitch and Knit, Lapidary and "tepees" of the International Order of Old Bastards. The I.O.O.B. motto: "Anything for fun." There is, in a sense, a chance for a new start. "It doesn't matter what you used to be; all that counts is what you do here," said a resident of Sun City, Ariz.

To some residents the communities seem too homogeneous and confining. A 74-year-old Californian found that life was flavorless at his retirement village; he was just waiting for "the little black wagon." Having begun to paint seascapes and landscapes at 68, he moved near an artists' colony, where he now sells his landscapes and lives happily with a lady friend of 77.

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In silent synods, they play chess or cribbage . . .

—W. H. AUDEN.

In fact, less than 1% of the elderly leave their own states. The highest proportion of the aged outside Florida is in Arkansas, Iowa, Maine, Missouri, Nebraska and South Dakota—on farms and in communities from which youth has fled. In small towns, the able elderly turn abandoned buildings into "senior centers" for cards, pool, slide shows, lectures and pie socials. In Hebron, N. Dak. (pop. 1,137), grandmothers use the balcony of the former J.C. Penney store for their quilting. But there is little socializing among the rural aged, who often subsist on pittances of $60 a month, and become even more isolated as public buses disappear from the highways, cutting off their lifelines to clinics, stores and friends.

A third of the nation's aged live in the deteriorating cores of the big cities. On Manhattan's Upper West Side, thousands of penniless widows in dingy single-room-occupancy hotels bar their doors against the alcoholics and dope addicts with whom they share the bathroom, the padlocked refrigerator and the telephone down the hall. "Nine out of ten around here, there's something wrong with them," says a 72-year-old ex-housekeeper living on welfare in a hotel on West 94th Street. "I get disgusted and just sleep every afternoon. Everybody dying around you makes you kind of nervous." Terrified of muggings and speeding cars, the disabled and disoriented do not leave their blocks for years on end, tipping anyone they can find to get groceries for them when their welfare checks arrive.

Close to a million old people live in nursing homes or convalescent facilities provided by Medicare. A new growth industry, nursing homes now provide more beds than hospitals. They are badly needed. But in many of the "homes," the food and care are atrocious. Patients have even been confined to their beds merely because bed care entitles the owners to $2 or $3 more a day. Mrs. Ruby Elliott, 74, recalls her year in a California nursing home with fear and bitterness: "It's pitiful, but people are just out for the money. That whole time I was among the living dead."

Fewer than half of the country's 25,000 nursing homes actually offer skilled nursing. Arkansas Congressman David Pryor recently visited twelve nursing homes near Washington, D.C. "I found two where I would be willing to put my mother," he said. "But I don't think I could afford either one on my $42,500 congressional salary." Pryor is trying to set up a congressional committee to investigate long-term care for the aged.

How terrible strange
To be seventy.

—SIMON AND GARFUNKEL.

MEDICAL MOBLEYS OF THE AGED

Almost everyone hates to think about aging. Doctors and social scientists are no exception. "They think one shouldn't look at it too closely, as though it were the head of Medusa. It is considered a morbid preoccupation," says one anthropologist. But the acute problems and swelling ranks of the American aged have lately stimulated a number of new behavioral studies that are more scientific than any ever done before. They show among other things, that people age at very different speeds and that many changes formerly attributed to age are actually caused by other factors. The cliche that a man is as old as his arteries, for example, has been found to be misleading. It is probably more accurate to say that a man is as sick as his arteries, and that such sickness is caused by diet and stress rather than by age.

The ability of elderly people to memorize and recall new information has been exhaustively tested at the Duke University Center for the Study of Aging and Human Development. They can do it, but they need more time than younger people. Their responses are apparently slowed down by anxiety; an older person's goal is less to achieve success than to avoid failure. Changes in the blood of elderly pupils showed that they were undergoing the physiological equivalent of anxiety without being aware of it. Drugs that changed this physiological happening helped them, and their performances improved. Dr. Carl Eisdorfer, who conducted the experiments, suggests that what initially slowed down his subjects was not so much of their age as their attitude toward their age.

BETTER TO FIGHT GETTING OLD

Old people may be ridiculed when they try to act young, but according to San Francisco Psychologist Frances Carp, it is better to fight age than to accept it. In America today, "acceptance of old age holds out few if any rewards," she says. Those who surrender often become debilitated by a devastating "elderly mystique"—and victims of self-fulfilling prophecies. For example, doctors at the University of Illinois studied 900 old people living at home and found many so sick that they could not walk to the door. They had lived for months without medical attention because they felt that they were old and therefore were supposed to be sick.

Actually, the overwhelming majority of the aged can fend very well for themselves. Only 5% of aged Americans live in institutions; perhaps another 5% remain bedridden at home. True, four out of five older people have a chronic condition. "But chronic diseases must be redefined," says Duke's Dr. Eisdorfer. "I've seen too many depressed people leaving their doctor's office saying, 'My God. I've got an incurable disease.' Chronic illness gets confused with fatal illness. Life itself is fatal, of course, but as far as most chronic illnesses go, we simply don't know what they do to advance death. The role of the doctor has to change. Now that infectious diseases are on their way out, the doctor must stop thinking about cures and start teaching people how to live with what they have."

New findings show that hypochondria, or "high body concern," one of the most common neuroses of the elderly, can often be cured. According to Dr. Ewald Busse, director of the Duke study center, if a man's family "keeps criticizing him unjustly, makes him feel uncomfortable, unwanted, he may retreat into an imaginary illness as a way of saying 'Don't make things harder for me. I'm sick and you should respect me and take care of me.' It is clear from our studies that if the older hypochondriac's environment changes for the better, he will too. He will again become a reasonable, normal person. This is quite different from the reaction of the younger hypochondriac, who is much sicker psychologically and much less likely to respond to a favorable change in environment."

Recent studies bear out Sex Researchers Masters and Johnson's findings that men who enjoyed sex earlier in life can, if all else goes well, continue to enjoy it. Questionnaires over a ten-year period at Duke showed that the same men's interest in sex changed little from age 67 to 77, although there was a slight drop in activity. Result: a gradual widening in what the researchers coolly call the "interest-activity gap." A much lower proportion of women continued to be interested in sex after 67, but they managed to keep their interest-activity graph lines close together. "It depends on the individual," an elderly San Franciscan points out. "All ages have sexy people."

People expect old men to die,
They . . . look
At them with eyes that wonder when.

—OGDEN NASH.

MISCONCEPTIONS ABOUT SENILITY

A common and unfortunate diagnosis of many aged people is that they are senile, a catchword for a number of conditions. There may be organic brain damage—for example, the brain may run short of oxygen because of impaired blood flow. But many of the "senile" actually have psychological problems. One 70-year-old retired financier, who insisted on calling his successor at the company all the time and had all sorts of paranoid suspicions, was diagnosed as having organic brain disease. A combination of psychotherapy and a new job as treasurer of a charitable organization helped the man to recover completely. Other "senile" patients actually suffer from malnutrition, or have simply broken down out of loneliness, perhaps caused by a temporary overload. As one old man put it: "There is no one still alive who can call me John." Explains Harvard Psychoanalyst Martin Berezin: "The one thing which neither grows old nor diminishes is the need for love and affection. These drives, these wishes never change."

Actually, senile traits are not peculiar to the aged. A group of college students and a group of the elderly were recently rated according to the characteristics of senility, and the students were found to be the more neurotic, negative, dissatisfied, socially inept and unrealistic. The students, in sum, were more senile than their elders. Other studies have shown that the percentage of psychiatric impairment of old persons is no greater than that for younger groups.

But younger people are usually treated if their psychological problems are severe. Says New York Psychologist Muriel Oberleder: "If we encounter unusual nervousness, irritability, depression, unaccountable anger, personality change, apathy or withdrawal in a young person, we make sure that he is seen by a physician. But when those symptoms appear in elderly people, they are considered par for the course of old age. We rarely consider the possibility that elderly people who have had a breakdown can recover." Dr. Berezin successfully treated a 70-year-old woman who had a severe breakdown, her first. She had been picked up for drinking, setting fire to her home and other bizarre behavior, including chalking off a section of the sidewalk and claiming it as her own. In therapy, she revealed that she had yearned all her life for marriage and children. Eventually, she mastered her grief and regrets, settled down and began to enjoy the people around her.

PSYCHOTHERAPY HARD TO GET FOR OLD

Psychotherapy has never been easily available to the aged. Since it demands so much time and effort, it is considered better to expand it on those who have a long life ahead. There is also the still-powerful influence of Freud. If one's behavior is believed to be programmed in the first years of life, one cannot hope to change that program substantially during old age. (Freud, who contributed to age-ism, was also its victim. At 81, discussing "the many free hours with which my dwindling analytical practice has presented me," he added: "It is understandable that patients don't surge toward an analyst of such an unreliable age.")

. . . I reach my center.
my algebra and my key,
my mirror.
Soon I shall know who I am.

—JORGE LUIS BORGES.

LIFE-CYCLE PSYCHOLOGY

Most psychologists have simply ignored the process of aging. Says Harvard's Erik Erikson: "It is astonishing to behold how (until quite recently and with a few notable exceptions) Western psychology has avoided looking at the whole of life. As our world image is a one-way street to never-ending progress, interrupted only by small and big catastrophes, our lives are to be one-way streets to

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success—and sudden oblivion." But lately Erikson and other psychiatrists have become interested in all stages of man's development, and the "aging" that goes on at every stage.

One practitioner of "life-cycle psychiatry," Washington's 43-year-old Dr. Butler, believes that the possibilities for psychic change may be greater in old age than at any other period of life. "Little attention has been paid to the wish to change identity, to preserve and exercise the sense of possibility and incompleteness against a sense of closure and completeness." When a person's identity is maintained throughout old age, "I find it an ominous sign rather than the other way around. If the term needs to be used at all, I suggest that a continuing, life-long identity crisis is a sign of good health."

Though many believe that age accentuates personality characteristics, Dr. Butler notes that "certain personality features mellow or entirely disappear. Others prove insulating and protective, although they might formerly have been impairing, such as a schizoid disposition." Some doctors suggest that neuroses and some psychoses burn themselves out with age, and note that the rate of mental disorders declines after the age of 70.

Carl Jung, who lived with great vigor until the age of 85, saw aging as a process of continuous inward development ("individuation"), with important psychic changes occurring right up to the time of death. "Anyone who fails to go along with life remains suspended, stiff and rigid in mid-air," Jung wrote. "That is why so many people get wooden in old age; they look back and cling to the past with a secret fear of death in their hearts. From the middle of life onward, only he remains vitally alive who is ready to die with life, for in the secret hour of life's midday the parabola is reversed, death is born. We grant goal and purpose to the ascent of life, why not to the descent?" Erik Erikson agrees: "Any span of the cycle lived without vigorous meaning, at the beginning, in the middle, or at the end, endangers the sense of life and the meaning of death in all whose life stages are intertwined."

Better to go down dignified
With boughten friendship at your side
Than none at all. Provide, provide!
—ROBERT FROST.

MIDDLE AGED V. OLD AGED

The problems of the aged are not their concern alone. Since reaching the age of 70 or 80 is becoming the norm rather than the exception, more and more of the middle-aged—even when they retire—have elderly parents and other relatives to care for. For the "command generation" there are two generation gaps, and the decisions to be made about their parents are often more difficult than those concerning their children. Various community agencies sometimes help, and in Manhattan a private referral service is kept busy helping distraught people find the right place for parents who can no longer live at home. One 81-year-old woman was persuaded to go to a nursing home when her daughter, with whom she had always lived, married late in life. To her own surprise, she is happier than she was before, taking great pride in reading to and helping her older roommate. A difficult decision of the middle-aged is how to allot their resources between children and parents and still provide for their own years of retirement, which may well extend for two decades.

ORGANIZED LOBBYING

The next generation of the aged may be healthier, certainly better educated and perhaps more politically aware. Those over 65 are now a rather silent minority, but in number they are almost exactly equal to the nation's blacks. Since none are below voting age, the aged control a high percentage of the vote—15%. More and more are banding together. The American Association of Retired Persons, for example, helps its nearly 2,000,000 members get automobile insurance, cheaper drugs and cut-rate travel. A more politically oriented group, the 2,500,000-member National Council of Senior Citizens, played a major role in pushing through Medicare. Now the group is lobbying to improve Medicare, which helps the sick but does not provide checkups, by including some sort of Preventicare.

Aside from health, money is the most pervasive worry of the aged; income maintenance is a major need. Private pension plans need attention too. According to one informed estimate, only 10% of the people who work under pension plans actually receive any benefits, usually because they do not stay long enough to qualify. As presently arranged, pensions also tend to lock older workers into their jobs and, if they become unemployed, to lock them out. They are then denied jobs because it is too expensive to let them join a pension plan.

Come, my friends,
'Tis not too late to seek a newer world.
—TENNYSON.

PROBLEMS OF FETIREMENT

Will able 70-year-olds have more opportunities to work in the future? Probably not. Instead of raising the age of mandatory retirement, business and labor may lower it, perhaps to 50 or below—making workers eligible even earlier for social insecurity. Aside from those fortunate few in the professions—law, medicine, dentistry, architecture—most of the people over 65 who are still at work today are farmers, craftsmen and self-employed tradesmen, all categories whose numbers are shrinking. Of course, people cannot work hard forever. Each manages according to his own clock, but at long last he is likely to lose much of his strength, his drive and adaptability. Witness the gerontocracy that slows down Congress and the businesses that have failed because of rigid leadership. But there are still many areas where the aged can serve and should, for aside from humane consideration, they can provide skill and wisdom that otherwise would be wasted.

New plans to recruit, train and deploy older workers to provide much needed help in hospitals, special schools and elsewhere will be discussed at the White House Conference on Aging scheduled for November 1971. Meanwhile, a few small-scale programs point the way. One is Operation Green Thumb, which hires retired farmers for landscaping and gardening. Another is the International Executive Service Corps, which arranges for retired executives to lend their management skills to developing countries. Hastings College of Law in San Francisco is staffed by law professors who have retired from other schools. A federally financed program called Foster Grandparents pays 4,000 low-income "grandparents" to care for 8,000 underprivileged youngsters. Although they have numbered only in the hundreds, most elderly volunteers in Vista and the Peace Corps have been great assets. "We know about outhouses and can remember when there weren't any refrigerators," says Nora Hodges, 71, who spent two years in Tunisia and is now associate Peace Corps director in the Ivory Coast. "People in underdeveloped countries rate age very highly. When we meet with this appreciative attitude, we outdo ourselves."

Begin the preparation for your death
And from the fortieth winter by that
thought
Test every work of intellect or faith.
W. B. YEATS.

MID-CAREER CLINICS

Life would be richer, students of aging agree, if a wider repertory of activities were encouraged throughout life. Almost everyone now marches together in a sort of lockstep. They spend years in school, years at work and years in retirement. Youth might well work more, the middle-aged play more, and the older person go back to school. Former HEW Secretary John Gardner wants to see "mid-career clinics to which men and women can go to re-examine the goals of their working lives and consider changes of direction. I would like to see people visit such clinics with as little self-consciousness as they visit their dentist." As Psychiatrist Robert Butler puts it: "Perhaps, the greatest danger in life is being frozen into a role that limits one's self-expression and development. We need Middle Starts and Late Starts as well as Head Starts."

To get a late start does not necessarily require a federal program. Many an enterprising individual has done it on his own. Mrs. Florida Scott-Maxwell, who at the age of 50 began training to become a psychotherapist, recently wrote down her reflection about aging in *The Measure of My Days*. "My seventies were interesting and fairly serene," she noted, "but my eighties are passionate. I am so disturbed by the outer world, and by human quality in general, that I want to put things right as though I still owed a debt to life. I must calm down."

Old age should burn and
rave at close of day.
—DYLAN THOMAS.

SOCIAL INVOLVEMENT

How socially involved older people should be is a question in hot dispute among students of aging. Some believe in the "theory of disengagement," which holds that aging is accompanied by an inner process that makes loosening of social ties a natural process, and a desirable one. Others disagree. Says Harvard Sociologist Chad Gordon: "Disengagement theory is a rationale for the fact that old people haven't a damn thing to do and nothing to do it with."

After analyzing lengthy interviews with 600 aged San Franciscans, Anthropologist Margaret Clark found that engagement with life, rather than disengagement, contributed most to their psychological well-being. But not when that engagement included acquisitiveness, aggressiveness or a drive to achievement, super-competence and control. To cling to these stereotypical traits of the successful American seems to invite trouble, even geriatric psychiatry. The healthiest and happiest of the aged people in the survey were interested in conserving and enjoying rather than acquiring and exploiting, in concern for others rather than control of others, in "just being" rather than doing. They embraced, Dr. Clark points out, many of the values of today's saner hippies. Similarly, religion often teaches the aged in spite of their physical diminishment, to accept each day as a gift.

The ranker injustices of age-ism can be alleviated by governmental action and familiar concern, but the basic problem can be solved only by a fundamental and unlikely reordering of the values of society. Social obsolescence will probably be the chronic condition of the aged, like the other deficits and disabilities they learn to live with. But even in a society that has no role for them, aging individuals can try to carve out their own various niches. The noblest role, of course, is an affirmative one—quite simply to demonstrate how to live and how to die. If the aged have any responsibility, it is to show the next generation how to face the ultimate concerns. As Octogenarian Scott-Maxwell puts it: "Age is an intense and varied experience, almost beyond our capacity at times, but something to be carried high. If it is a long defeat, it is also a victory, meaningful for the initiates of time, if not for those who have come less far."

THE PROSPFCTS FOR LIVING EVEN LONGER

The biology of aging is no better understood today than was the circulation of the blood before William Harvey. "We probably age because we run out of evolutionary program," according to Dr. Alexander Comfort, director of the Medical Research Council Group on Aging at University College, London. "In this we resemble a space probe that has been 'designed' by selection to pass Mars, but that has no further built-in instruction once it has done so, and no components specifically produced to last longer than that. It will travel on, but the failure rate in its guidance and control mechanisms will steadily increase—and the failure of homeostasis, or self-righting, is exactly what we see in the aging organism."

Until recently, Dr. Comfort doubted that these built-in instructions could soon he altered, or the components made to last longer. Because of advances in genetics and molecular biology, however, he now believes that some method to reduce the rate of aging and to extend vigorous life by at least 15 years will be discovered within the next two decades. This extension would be in addition to the roughly five-to-seven-year increase in average life expectancy that will take place when medicine conquers cancer and vascular diseases.

More than 20 different highly speculative theories of aging are now being tested in scientific laboratories round the world. The method or methods by which the human life-span will be extended depend on which of these theories turns out to be correct. Some of them have to do with genetic engineering—attempts to alter the program of the cell by changing the coding on the DNA molecule. But nongenetic theories will probably pay off sooner. One current favorite holds that aging occurs because certain giant molecules in human cells eventually get bound together.These immobile aggregations clog the cells, reduce their efficiency and eventually cause them to die. In Wisconsin, Dr. Johan Bjorksten is trying to find suitable enzymes, most likely from soil bacteria, that will reduce these massed molecules to small fragments that could be excreted from the cells. Such enzymes would probably be injected daily into the body with a hypodermic syringe; if the injections were begun early enough, the result might increase a man's life-span by 30 years.

The "free radical" theory of aging, if proved correct, would probably lead to a simpler method of rejuvenation. Free radicals are fragments of molecules with a high electrical charge—which by their oxidizing properties can cause changes in the body such as hardening of the arteries. An antioxidant, which can be produced cheaply and taken in pills, is supposed to deactivate the free radicals, thereby retarding the aging process. One such antioxidant, BHT, has already dramatically increased the life-span of mice by 50%.

Even today the population over 75 in the U.S. is increasing at two and a half times the rate of the general population. If the average life-span is significantly further increased, the population would indeed become aged, a trend which would be accelerated by a drop in the birth rate. As to vigor, when the breakthrough comes in aging research, people in their 70s and 80s should have the energy of those in their 50s and 60s today. Ideally this would produce a greater number of selfless, highly educated wise men who could undertake complex new projects for the benefit of mankind. But few believe that it would work this way. Most observers suggest that increased longevity would only magnify today's ambiguities and uncertainties in defining the role of the elderly.

Would vigorous octogenarians keep the reins of politics, business and family finances, frustrating the powerless younger generations? Or would they be pushed out of power and wander around, bitter and disgruntled, unable even to talk the same language as their juniors, like Swift's awful immortals, the struldbrugs? Would conflict between generations supersede hostility between classes and races? How could insurance and pension plans continue payments for decades longer? Will aging control become as vital an issue as birth control? In short, the changes resulting from a drastic extension of the life-span, or even from a series of life-extending bonuses, may eventually exceed those brought about by splitting the atom or man's voyages to the moon.

A NOT-SO-NEW FARM PROGRAM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ASHBROOK. Mr. Speaker, it was hoped that finally a new approach would be taken to our perennial farm problem, but, when all was said and done in the House last week, we were saddled with more of the same shopworn legislation.

I insert at this point the text of my Washington Report of August 12 which comments on this disappointing action:

A NOT-SO-NEW FARM PROGRAM

One of the most persistent criticisms I have expressed about the Congress during the years I have served here has been its tendency to avoid confronting problems directly and, instead, dishing up more of the same unworkable "solutions" and adding program on top of program.

Rarely do we go to the root of any problem. Rarely does Congress consider scrapping a program and starting over. Rarely do we really overhaul programs that truly need changing. In most areas—tax structure, trade programs, welfare, foreign aid, to name a few—the tendency is to add one more layer on the existing jerry-built structure, make minor revisions, but never come to real grips with the problem. For example, our tax laws are a hodgepodge of exemptions, concessions, preferences and contradictions, yet no reform is in sight. No better example of this tendency can be cited than the farm program which passed the House last week, 212-171. The vote itself indicates the lack of popularity of the bill. The Agriculture Committee worked on this legislation for 18 months and yet, when it brought the bill up for debate, virtually every supporter told all of the reasons he didn't like the bill but that it was "necessary to pass it anyway." The rarest person was a fervent supporter of this compromise legislation.

Politics is the art of compromise. Don't get me wrong—I recognize that opposing points of view must be forged into legislation which is often the amalgam of many ideas. In this case, however, we knew we were dealing with a failure, but we voted to continue it. I say "we" in the sense of the House of Representatives because I did not support the bill.

There was some compromise on the bill, but it was at the expense of the Midwest farmer. If you ever doubted that cotton were king, the new farm program should prove it once and for all. Cotton farmers will have 400,000 additional acres to plant next spring, courtesy of this legislation. What about our farmers? Stripped of the verbiage, the legislation continues the expensive failures of the past and virtually assures the concept of low market prices for wheat and feed grains. What has happened under these farm programs of the past? Consider these figures:

	1950 (July)	1970 (July)
Corn (per bushel)	$1.44	$1.24
Wheat (per bushel)	$1.99	$1.23
Oats (per bushel)	$0.76	$0.58
Cotton (cents per pound)	39.11	22.65
Soybeans (per bushel)	$2.93	$2.72
Cottonseed (per ton)	$52	(1)
Beef cattle (per hundredweight)	$24.40	$27.90
Hogs (per hundredweight)	$20.90	$23.90
Soybean oil (cents per pound)	13.10	11.40
Cottonseed (cents per pound)	15.20	14.20

[1] No quote (March, $47.10 per ton).

The bill was virtually a carbon copy of the 1965 act which is an admitted failure and will hold out little hope to the farmer that this slide in farm prices will be reversed. A fact of life for the farmer is the consumer-orientation of politicians who have made the farmer the scapegoat in the laudable effort to keep prices down. Many of you will recall former Secretary of Agriculture Freeman bragging to the housewives that he had "kept farm prices down." He periodically dumped farm products into the market to accomplish these goals. Our new Secretary of Agriculture has not been that cynical to the farmer but he doesn't deserve any credit for helping him either.

Politically, there is the tendency to promise the impossible. Secretary Freeman said in 1965 that his farm program would do three things: reduce the cost to the taxpayer, increase the income of the farmer and hold prices down for the consumer. We have become so accustomed to accept the rhetoric of our leaders that no amount of political doubletalk seems to offend us any more. Clearly, no program can accomplish these inconsistent goals. The farmer deserves a fair shake, he isn't getting it. Congress didn't even try to improve his lot.

By continuing the patchwork of crop controls and subsidies that have become imbedded in the farm program, Congress once more missed a fine opportunity to meaningfully bring about long-overdue reform of our agriculture program. It is little wonder that the public has lost much of its respect for the United States Congress as an institution. I find it harder to defend it each and every year.

JIM LUCAS IS BURIED IN HIS HOMETOWN

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. EDMONDSON. Mr. Speaker, during the last few days I have placed in the CONGRESSIONAL RECORD a series of tributes to war correspondent Jim G. Lucas, who recently died in Washington.

Today I want to conclude this series, as it should be concluded, with the tributes paid to Jim in his hometown, Checotah, Okla., where he was buried.

An eloquent account of Jim's funeral from the July 27, 1970, edition of the McIntosh County Democrat, published in Checotah, tells better than I can of the esteem Jim's hometown held for him.

A tribute even more special appeared in the same edition of the Democrat. It is in the form of a letter to Jim, written by Mrs. Rubye Buford, who was one of Jim's high school classmates.

In this letter, Mrs. Buford clearly portrays the genuine character and gentleness which made Jim a great writer and a great man.

Mr. Speaker, I insert these two articles in the RECORD:

FINAL TRIBUTES PAID JIM LUCAS

Last rites were held at the United Methodist Church in Checotah at 2:30 p.m. Saturday for Jim Lucas, famous Pulitzer prize winning war correspondent, who died last week in Washington after a long battle with cancer.

Reverend Paul Caskey read the 10th verse of the 46th Psalm, which he said was Jim's favorite quotation, "Be still and know that I am God." Reverend Caskey used the verse often in speaking of Jim's steadfast faith during a lifetime of service in the Marine Corps and in the field of journalism.

Reverend Caskey said, "The life cycle for every man comes to its completeness, whether it be early or late. This man enjoyed life. His writings became a part of our lives."

The choir with Mrs. R. J. Koch, at the organ, sang two of Jim's favorite hymns, "Come Ye Disconsolate," and "Day is Dying in the West."

The flag draped casket leaving the church, passed between two rows of an honor guard composed of members of the Veterans of Foreign Wars of Tulsa, led by Nevin Black, post commander.

Pallbearers included: Britton Tabor, Lee Stidham, John Stone Young, Allen Matthews of Pitcher, Bob Foresman of Tulsa, and R. J. Koch.

Seated with the family were Earl Richert, editor-in-chief of the Scripps-Howard newspapers and Colonel Tom Fields, representative of General Lewis W. Walt, commandant of the Marine Corps. Both men, who flew in Saturday from Washington to attend the funeral rites, were long time close friends of Jim's.

Jim was buried beside his father and mother in the family plot in Greenlawn Cemetery. A Marine honor guard from the base at McAlester met the cortege of mourners. The men in dress blues fired a gun salute. Two Marines standing at either end of the casket slowly folded the flag and presented it to Colonel Fields, who in turn presented the flag to Bob Lucas.

Amos Lewis, bugler of the Tulsa V.F.W. post, sounded taps before Rev. Caskey conducted the final graveside rites.

Bob Lucas recently found an old paper that Jim had written when he was 18 years old. Bob said the philosophy of life expressed by his brother never changed during his life time and the paragraphs were read at both of Jim's services.

Bob says, "To place these two paragraphs in proper perspective, it's necessary to know that they were written only three or four years after our parents had died suddenly within 15 months of each other.

They also were written at the rock-bottom of the great depression, a period of real (not imaginary) difficulty which crumpled the fortunes of many families, including our own, and drastically changed their ways of living.

Jim and I were living with Grandmother Lucas, in that old gray house, across the street from the Baptist Church. Although a teen-ager, Jim had known tragedy and troubles, but his faith had not weakened.

In today's age of affluence, many teenagers don't understand the meaning of the word "depression." Many of us do understand.

Although he had lived elsewhere 28 years, Checotah, and eastern Oklahoma, always was "back home" to Jim.

Jim's paragraphs read:

"At the outset, let me make it plain that this autobiography is not a protest against life, for while I may become bitter as I reflect over the past, it is not mine to question the judgment of the Lord. I do not scorn life. (Does any boy at the age of 18 scorn to live?) While it has given me much grief, much pain, many sorrows, it has also given me many pleasures, has been kind to me, and I have shared generously in the good things of life. It is for the Shelleys and Byrons to rise to new heights of revolutionary fury in futile, vain protest. I am neither a Shelley nor a Byron, not even a Coleridge. Life is God's Supreme Work—all of God's works are good.

I shall not attempt to paint life as a sordid picture. Though I have seen the sordid, I know the beautiful. I have seen what is often referred to as the true nature of man's baseness. I have seen the beauty of pure character. Many there are who have endured more than I have, many there are who will go through more in the future."

A LETTER TO JIM

(By Rubye Buford)

DEAR JIM: I meant to write a letter to you when I first heard that you were ill. But I didn't. I did lots of other things, not nearly so important. In his sermon Rev. Paul Caskey said. "If Jim is happy, he is reporting. Reporting the good news." So maybe it is not too late. Perhaps in some way you will know about this letter.

I just wanted to tell you how much your friendship has meant to me through the years and how much I have admired you. I was impressed back in high school when you first said you were going to be a foreign correspondent. It sounded like an exciting impossible dream. But you had the courage to make that schoolboy dream come true. You had a remarkable talent but I realize it took lots of work and dedication to stand so tall in a fraternity of great writers.

You were always important to us here at home. But somehow we just didn't realize how important you were to your country. Oh, we knew you had been commissioned on the battlefield, had won the Pulitzer prize, and the Ernie Pyle award not once but twice. We knew you were the only reporter ever called upon to brief the president of the United States and one hundred governmental leaders on the status of a war, had received the Bronze Star, had been wounded in Viet Nam, had written three books, and many other things.

But you came home from time to time, bringing the world to our door and you were just Jim Lucas, happy to be back for a visit. You were modest and quiet and you never mentioned that last week you lunched with a movie or TV celebrity or dined with a general. You didn't tell us about the vast audiences to which you spoke or the vital conferences when your opinion was sought. You moved casually among us with the same old smile, asking about children and grand children, delighting in eating home cooked food, specially fried chicken. Often as you walked your lips moved perfecting your speeches as you did when you were on the high school debate team.

We were so proud of your accomplishments and we realize now that this high esteem was shared by thousands of others across the land. A Washington newspaper devoted all but a few inches of its front page to your life and death and the banner headline read, "America's most famous war correspondent dies." There were editorials, eulogies in papers from New York to Chicago, San Francisco, Madison, Wisconsin. The news was brought to T.V. audiences on every network. President Nixon and Vice-President Agnew wrote letters of condolence to the family. General Lewis W. Walt, commandant of the Marine Corps, presented a eulogy at the memorial service in Washington. Hundreds of good friends, including some of the most prominent journalists, military men, and government figures of our time, gathered to pay homage. Calls and telegrams came from around the globe.

And then you came home, Jim, for the last time.

We entered the church and saw the red, white and blue flowers your family had chosen and the casket draped with the flag you loved so well and we understood that we had the privilege of attending a final rite for a really great American.

A young man from Tulsa came in, distressed at being late. He didn't know any of the family. Had never been in Checotah. You were once his Sunday school teacher and Boy Scout leader and he said, "I just wanted to be here. He made such a tremendous impact on my life." And what more meaningful epitah can a man have than that?

You made an impact on many lives, Jim. You had this wonderful ability to see and to hear. You saw the faces of men in battle, heard the cries of anguish, saw the pain, the glory, and told the world about it. With your simple, carefully chosen words you painted a true picture that every man could understand.

You called yourself a hawk. But you were a hawk who hated war. You learned to hate it in three terrible wars in which this country has fought. You were a member of the Marine Press Corps in World War II and a famous war correspondent in the Korean and Viet Nam campaigns. You covered these wars from the fox hole, from the beach raked with heavy fire, from the hospital tent, the jungle and the rice paddy. You probably knew more about war first hand than most anyone could and you told me how you hated it and how proud you were of American fighting men. You said, "They are the finest."

It is amazing, Jim, that through all this you never became cynical and your faith in God and in man's integral dignity never wavered. After the battle of Saipan with its terrific toll, you wrote in our paper, "There have been moments when I did not expect to survive but the Lord has been good to me." You still have the same philosophy of life you wrote about at 18. Actually your spirit never changed at all. In your heart you have been forever young, forever enthusiastic, sure of man's worth.

And now in the quiet hush of a small town cemetery you lie at peace beside the pioneer ancestors that helped establish a new state. The cortege of cars that traveled slowly from the church was met by an honor guard of marines in full dress uniform. After the men fired a gun salute, the ceremoniously folded flag was presented by Colonel Tom Fields of Washington to your brother, Bob.

Then on this still summer day, from a short distance away, a bugler sounded the taps. As the poignant sadness of the notes reminded us of many men and many battles and the tears rolled unheeded down our cheeks, we knew that the tones of the bugle were saying farewell to another hero. Farewell, Jim. Goodbye, dear friend. And thank you.

RUBYE.

A TRIBUTE TO A YOUTH GROUP STRUCK BY TRAGEDY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. MATSUNAGA. Mr. Speaker, over the last few years we have all seen instances where a violent incident has provoked an even more violent and regrettable reaction. Although this lawless reaction can never be condoned, we can nevertheless understand how flagrant injustice can often set off a conflagration.

Recently in Chicago such a violent in-

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cident occurred during the convention of the Japanese-American Citizens League. Two young girls had been brutally knifed in their hotel room; one was dead. Under different circumstances, the Junior JACL'ers might have erupted in righteous rage.

But they did not.

These young men and women instead fashioned themselves into an extension of the authorities who were investigating the tragedy. As the article from a recent issue of the Pacific Citizen relates, they conducted themselves in a remarkably poised manner.

I commend the members of the Junior JACL for their responsible actions in the wake of tragedy. They have set an example for the Nation's youth to emulate. In the hope that it may be given the wide readership it deserves, I include the article from the Pacific Citizen into the CONGRESSIONAL RECORD:

MURDER STUNS CONVENTION; YOUTH MAINTAIN CALM, ORDER

(By Edison Uno and Raymond Okamura)

CHICAGO.—Total bedlam could have erupted among the many Junior JACLers who were in the Palmer House last week (July 16) when the brutal murder of Evelynn Okubo, 18, was discovered around 10:30 p.m. However, the young people reacted in a calm manner and took immediate action to control the situation.

Young adult JACLers and Jr. JACLers on the scene immediately assessed the emergency, gave first-aid to the surviving victim, notified police and hotel security, sealed off the 7th floor, searched the hallways for the suspect, stationed guards at the murder room, and stationed guards at all of the entrances to the hotel.

Most of the senior JACLers were attending the Mike Masaoka Testimonial Dinner six blocks away and were not aware of the tragedy until they began coming back to the Palmer House at 11 p.m. Remaining at the Palmer House were a number of young adults and students who were busy preparing materials for the next day of the convention.

YOUTH MOBILIZES

The youth took all precautions and mobilized their forces to care for the victims and conduct an intensive search of the building. "They acted like adults," commented a national JACL officer who was one of the first to return to the Palmer House.

No one panicked under the emotional stress of the gruesome discovery. Within moments the situation at the Palmer House was under control. After the ambulance arrived to take the injured victim, Carol Ranko Yamada, 17, to the nearest Henrotin Hospital, the young adults went to the hospital to protect the only eye-witness to the murder. The JACL young adults maintained a rotating 24-hour guard until the Chicago Police arrived to take over the guarding duties.

The senior JACL delegates upon returning to the Palmer House were notified of the tragedy by monitors stationed at all entrances to the hotel, and were asked to assemble on the 6th floor. The impact and emotional shock dampened the convention atmosphere, however, the senior JACLers took immediate steps to assist the youth who skillfully had the situation under control.

By 11:30 p.m. both the police and the senior JACL officers arrived and took over the investigation and arrangements. The officers, delegates and staff all helped make arrangements for the Jr. JACLers who were beginning to react with emotional outbursts upon realizing the magnitude of this tragic event.

All the Junior JACL delegates were removed from their 7th floor rooms and placed in a large conference room on the 6th floor where security, blankets and pillows were provided for the night.

The Junior JACL Convention was cancelled, and the next day, arrangements were made to send the youth home. The JACL officers, Jr. JACL advisers, and conference officials worked with the hotel management and airlines to expedite the departure of Jr. JACLers to their homes.

Veteran police inspectors and news reporters who swarmed into the hotel shortly after midnight expressed their commendation for the mature and adult manner of all of the young people under very adverse emotional circumstances.

The tragic death of Evelynn Okubo was an incident that could have happened anywhere to any one. But when it did happen, the young people displayed remarkable poise and the ability to move into action.

THE EQUAL RIGHTS AMENDMENT

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mrs. DWYER. Mr. Speaker, in anticipation of the motion which will be offered next Monday, August 10, to discharge the Committee on the Judiciary from further consideration of the proposed equal rights amendment to the Constitution, I include in the RECORD two items which may be of interest to our colleagues: The text of the letter from Virginia R. Allan, chairman of the President's Task Force on Women's Rights and Responsibilities, transmitting the Task Force report to the President, dated December 15, 1969, and the text of my testimony in support of the equal rights amendment before the Senate Judiciary Committee's Subcommittee on Constitutional Amendments this past May.

I hope both items will help communicate to our colleagues the broad range of discriminations which continue to inhibit women's access to full equality under the law and a sense of the importance of taking early remedial action by approving the resolution proposing the equal rights amendment. They follow:

PRESIDENTIAL TASK FORCE ON
WOMEN'S RIGHTS AND RESPONSIBILITIES,
Washington, D.C., December 15, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As President of the United States, committed to the principle of equal rights for all, your leadership can be crucial to the more than half our citizens who are women and who are now denied their full constitutional and legal rights.

The quality of life to which we aspire and the questioning at home and abroad of our commitment to the democratic ideal make it imperative that our nation utilize to the fullest the potential of all citizens.

Yet the research and deliberations of this Task Force reveal that the United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

American women are increasingly aware and restive over the denial of equal opportunity, equal responsibility, even equal protection of the law. An abiding concern for home and children should not, in their view, cut them off from the freedom to choose the role in society to which their interest, education, and training entitle them.

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities.

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential of denying fulfillment as human beings to any segment of our society.

What this Task Force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social, and economic growth of our society.

The leader who makes possible a fairer and fuller contribution by women to the nation's destiny will reap dividends of productivity measurable in billions of dollars. He will command respect and loyalty beyond measure from those freed from second-class citizenship. He will reaffirm, at a time of renewed worldwide emphasis on human rights, America's fitness for leadership in the community of nations.

His task will not be easy, for he must inspire and persuade government and the private sector to abandon outmoded attitudes based on false premises.

Without such leadership there is danger of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity.

Therefore this Task Force recommends that the President:

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discriminations against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment of Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

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e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amount paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned with sex discrimination as with race discrimination, and with women in poverty as with men in poverty. Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibitions against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Respectfully submitted,
VIRGINIA R. ALLAN,
Chairman.

Elizabeth Athanasakos, Ann R. Blackham, P. Dee Boersma, Evelyn Cunningham, Ann Ida Gannon, B.V.M., Vera Glaser, Dorothy Haener, Patricia Hutar, Katherine B. Massenburg, William C. Mercer, Alan Simpson, Evelyn E. Whitlow.

STATEMENT OF REPRESENTATIVE FLORENCE P. DWYER

Mr. Chairman. History shows that it took approximately 50 years to secure the adoption of the 19th Amendment to the Constitution of the United States guaranteeing to women the right to vote.

History also shows that the Equal Rights Amendment to the Constitution has been pending before Congress for the past 47 years.

I conclude, therefore, that these hearings—for which I want to express my deep appreciation—are both timely and long overdue.

This is not meant to suggest that hearings have not been held before on the Equal Rights Amendment. They have—twice. Nor do I mean to suggest that we still have three more years to meet the 50-year deadline for action. We don't.

Never before have women's demands for equal rights and responsibilities been so strong or so widely broadcast. Never before has the fundamental justice of these demands been so manifestly apparent and so generally acknowledged. And the Equal Rights Amendment is an essential objective of these demands.

Gentlemen, *now* is the time for action.

The immediate nature of the need for action has been well summed up by Miss Virginia Allan, chairman of the Presidential Task Force on Women's Rights and Responsibilities. In her letter to President Nixon last December transmitting the Task Force report, Miss Allan warned of the "danger"—and I quote—"of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity," unless the leadership necessary to stimulate action is forthcoming.

Since I believe this to be true, it is a fair question to ask why we've waited so long. The same question could be asked about the 50 years it took to adopt the 19th Amendment. And I suggest the answer is the same to both questions: fear and uncertainty about the consequences of treating women as responsible citizens coupled with an archaic attitude about the role of women in our society.

Just as it was true, however, of the 19th Amendment, so it is true of the Equal Rights Amendment: women want only what is their due. They want to be treated as whole citizens. They want to be recognized as having a full stake in the life of our nation. Consequently, they also want the means necessary to fulfill this role: the right to earn a living and obtain an education, to make a contribution equal to their talent, to receive the job and promotional opportunities commensurate with that talent, to provide an equal measure of security for themselves and their families, and not only to vote but to participate fully and equitably in the public and political life of their community and country.

To a surprising extent, women do not today enjoy access to these rights and to the related legal protections on which the rights depend. I will not take the committee's time to catalog exhaustively the legal and extra-legal disabilities which women still face today. They range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs, to laws which restrict the rights of married women and which carry heavier criminal penalties for women than for men. The documentation is extensive, and one of the most recent studies is also one of the best. I refer to the memorandum report on the Equal Rights Amendment by the Citizens' Advisory Council on the Status of Women published in March of this year, a report that the Committee may want to incorporate as a part of this hearing record.

Most assuredly, Mr. Chairman, adoption of the Equal Rights Amendment will not revolutionize our society. It will not even, by itself, solve the whole problem—no more than did the 19th Amendment. What it will do—and this is of fundamental importance—is to remove the ambiguities and repeal the remaining legal discrimination which, together, have placed so many women's rights in a position akin to that of a ping-pong ball being bounced between the courts and the Congress. Legislative remedies could correct this condition, it is true, just as court interpretations of the 5th and 14th Amendments could be extended to prohibit all legal distinctions based on sex. But nothing in this Equal Rights Amendment would preclude any of this from occurring and certainly there is no more valid a way to protect fundamental rights than by an appropriate appeal to the Constitution itself.

With an issue of this kind, so colored by misunderstanding and misinformation, it may be more important to see what adoption of the amendment will not do, rather than what it will do. No more than was true of the 19th Amendment, adoption of the Equal Rights Amendment will not destroy the difference between the sexes. It will not require an equal number of women members of the House and Senate. It will not separate women from their time-honored roles as wives and mothers and homemakers.

On a more serious level, other objections to the amendment seem equally unfounded. I do not believe the courts will be flooded by litigation arising from this amendment, but if it happens it will only be because the worst fears of women are borne out and there is massive resistance to compliance. Nor will it impose new burdens or deny new benefits to any group, but rather it will assure that all are protected in the same way and all are held to the same responsibilities. In every respect, the rule of reason and appropriateness and common sense will apply as they do today when, for instance, some men are drafted and some are exempted for a variety of appropriate reasons.

In other words, Mr. Chairman, adoption of the amendment can only add to the nation's resources since it will help to remove inhibitions which have denied to the country the talents and interests and commitment of millions of citizens who happen to be female.

Not all at once and not automatically—let me add—since women, like other minorities whom they resemble at least in spirit, will require time and experience and confidence in order to utilize fully the new opportunities which adoption of the amendment will open to them. But it will be a new beginning and the country can only profit from it.

I say this in full awareness that a great many women do not now care very much, one way or the other, about the Equal Rights Amendment or about the wider struggle to obtain equal opportunity for women, nor would they use the opportunities once they became available. But this has been historically true of all peoples denied equality, just as it is true that all men do not equaly concern themselves with their own rights and responsibilities.

The important thing, I suggest, is that no American—regardless of sex, race, religion or nationality—should be arbitrarily denied rights and opportunities which are essential components of his humanity and citizenship whether or not anyone else values them or cares to use them. They belong to the person, as a person.

I also acknowledge, Mr. Chairman, that many people—women as well as men—would deny that women are deprived or discriminated against. The mere fact, however, that they do not feel or see in their own lives and experience a pattern of discrimination which has been thoroughly documented over and over again should not blind or deafen us to

the claims and rights of those who have, in fact, experienced discrimination.

I am reminded, in this respect, of a story told about the late Senator from New York, Robert Wagner. A leader in the fight for progressive social legislation in the 'thirties, Senator Wagner was challenged one day by a friend who pointed out that Wagner was living proof that the country didn't need such legislation since he, Wagner, had risen from his position as a poor immigrant boy on the streets of New York to one of the most prominent and powerful places in America.

"If you can do it," the friend said, "so can others."

Senator Wagner replied instantly.

"Make no mistake about it," he said, "I was lucky."

We shouldn't, Mr. Chairman, have to depend on luck when it comes to the fundamental rights and responsibilities of American citizenship.

Thank you.

VETERANS' PROGRAMS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. REID of New York. Mr. Speaker, I introduced yesterday six bills which are necessary to make our veterans' programs more responsive to the needs of our veterans and servicemen.

The first of these bills would authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war. These women, who frequently have children and who must assume the full responsibility of continuing family life in their husbands' prolonged absence, often pass many years in which they are not eligible for widow's benefits yet have to provide a home for their dependents.

This legislation would also extend educational assistance to the children of POW's and MIA's. A POW or MIA's entitlement for home loan benefits shall be reduced by the amount of entitlement used by his wife should he return home to the United States.

The second and third bills I am introducing today have to do with easing credit for veterans who wish to obtain home loans. One of these bills would establish a statutory maximum interest rate at 6 percent for VA guaranteed and direct loans and expand authority to make direct loans to veterans where private capital is unavailable at this rate; the other would raise the allowable limit on the amount of each direct housing loan made by the VA from $21,000 to $27,000.

Passage of this legislation, would, in my opinion, be effective in lowering home interest rates by private institutions inasmuch as it would symbolize a positive commitment on the part of our Government to do so. Even at a lower rate of return, the safety of a Government guaranteed home loan could make it preferable to investors in the private sector.

As an alternative, in certain metropolitan areas where it is impossible to borrow money at the 6-percent rate, a veteran could obtain a direct home loan from the Veterans' Administration. We in the House of Representatives on July 20 passed legislation to help facilitate this by providing that $5 billion be transferred from the national service life insurance fund to purchase these home loans.

At this time, the allowable amount for a VA direct home loan is $21,000. This is a totally unrealistic figure, particularly in metropolitan areas, often forcing our veterans to obtain substandard or insufficient housing for their families.

In 1969, the median price of new homes sold with conventional mortgages ranged from $30,300 to $30,700. The $27,000 figure for direct VA home loans that I propose here today, when coupled with an approximate 10 percent downpayment, would allow a veteran to purchase such a home for him and his family without paying the exorbitant rates that are prevalent at this time. We must remember that these veterans have given from 2 to 4 years to the service of their country—some even 10 to 20 years—years where they have not been increasing their salaries at the rates civilian salaries are advancing today.

The final three bills I am introducing today would improve the quality of medical care available to our country's veterans and their families. The financial difficulties of the Veterans' Administration are well known particularly with regard to hospital services and construction, and I am pleased by the efforts of the Congress to increase VA funding for fiscal year 1971. However, having the funds available is only half the battle: Arrangements must be made to insure that this money is utilized to the best advantage of each individual veteran and to all our veterans in need of care.

The purpose of the first of these three bills is to improve medical care in veterans' hospitals, to provide hospital and medical care to certain dependents and survivors, and to update the methods of recruitment and retention of career personnel in the Department of Medicine and Surgery. I feel this bill is a necessity, particularly in light of conditions and inadequate staffing in VA hospitals as depicted recently in the news media.

Through enactment of this legislation, the VA Administrator would be advised to take appropriate measures to establish a minimum ratio of two full-time employees to each patient in general hospitals, and one full-time employee to each patient in neuropsychiatric hospitals. At this moment, VA hospitals normally maintain a 2½ or 3 to 1 staff patient ratio. The need to lower this ratio to a minimum of 2 to 1 becomes more apparent when we take into account the fact that the present ratio includes not only the doctors, nurses, vocational nurses and other medical people on the staff, but also the clerks, cooks, dishwashers, typists, laundry workers, and general maintenance people.

This bill would also allow our veterans' hospitals to furnish, on a limited basis and only when not interfering with the immediate needs of the veteran patients themselves, hospital care to the dependents of veterans who are totally disabled; widows and children of some veterans; and the non-service-connected disabilities of veterans who also have service-connected disabilities.

Provision is also made for overtime pay for nurses and licensed vocational nurses in VA hospitals, which will put the VA on a more equal basis with private and community hospitals when recruiting staff. These nurses work under very trying conditions; having to contend with supply shortages as well as overwork due to the high vacancy rate in many hospitals. The enactment of provisions providing overtime and holiday pay differentials is a necessity if the VA is to enjoy a competitive position when vying for our Nation's limited supply of nursing personnel.

Salaries for physicians would also be improved by this legislation, and the retirement plan for physicians is clarified.

The second medical care bill I am introducing today would provide veterans residing 100 miles or more from VA facilities the option to receive hospital care in other than VA hospitals. The passage of such legislation would have a twofold advantage: it would help relieve the crowded conditions in some of our veterans' hospitals—such as the Bronx VA hospital—and also would allow a veteran in need of hospitalization to receive medical care at the hospital nearest his home. Having a loved one hospitalized works enough of an emotional hardship on both the veteran and his family; having him hospitalized a great distance away works a physical hardship as well.

Legislation is also needed, in my opinion, to authorize the Administrator of the Veterans' Administration to set aside, out of the 125,000 beds he is authorized to establish, 8,000 beds for the treatment of eligible veterans who are afflicted with alcoholism or drug addiction. My third medical care bill also states that the care given these veterans shall be provided by staff personnel with specialized training in the cure and prevention of alcoholism and drug addiction, and that these beds shall be activated within specialized units of a design which the Administrator considers to be most efficient for providing inpatient and outpatient care with respect to alcoholics and drug addicts.

In the past few years, incidents of drug abuse by members of the armed services have begun to equal, if not overtake, the number of such known incidents of alcohol abuse. The Veterans' Administration hopes that by January 1971 it will have limited facilities available in four hospitals for the treatment of drug addiction and the complications resulting therefrom.

It is estimated at this time that alcoholism or drug addiction are factors in at least one out of five of the psychiatric cases treated by the Veterans' Administration. Those veterans whose alcoholism or drug addiction is related to or a catalyst of a psychiatric disorder receive help and treatment. However, many veterans with no noticeable mental disorders who are victims of alcoholism or drug addiction have to be turned away from VA hospitals because the facilities to treat them effectively are not available.

This bill would provide for the necessary facilities and the intensive training

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necessary in order to provide qualified staffing. Frequently, alcoholism and drug addiction profit from group therapy with other afflicted persons, as well as from individualized attention and care, and by setting up specialized care units this would be possible.

All these bills, Mr. Speaker, are necessary because we have an obligation to those who have served their country to provide them with the best possible treatment and care.

SOUTH KOREA—BASTION OF ASIAN LIBERTY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. DORN. Mr. Speaker, I believe that before one-third of the U.S. troops in Korea withdraw, South Korea's air defense power should be increased. In addition, she also needs assurances of modernization of present defense facilities to compensate for the planned withdrawal. In general, South Korea seeks three types of military modernization—more firepower, better mobility, and improved communication. Most South Koreans are reacting strongly against the U.S. troop reduction. South Korea's military establishment is not adequate to cope with Communist air forces in the North because, South Korea has only about one-third the capability of the North Korean air force. Of a 900-unit North Korean air force, more than half are supersonic jets, including four squadrons of Mig-21's. The gaps between South Korean and North Korean air forces was temporarily filled by reinforcements of United States aircraft since the *Pueblo* incident in 1968. Since that incident, the United States has provided almost $100 million in additional assistance for the South Korean armed forces, including a squadron of 18 Phantom jets. However, because of present budgetary reasons, the number of U.S. Air Force planes that have been provided has declined.

Young, developing South Korea has made tremendous progress in the last decade under the patriotic and strong leadership of President Park Chung Hi despite an overburdened defense budget. It is a most important outpost for the defense of Japan and the Pacific. In addition, it must be remembered that Korea has dispatched a larger percentage of troops to Vietnam than any other Asian nation to protect South Vietnam from Communist aggression. The South Korean people have manifested a courage, gallantry, and devotion to freedom seldom witnessed in world history. I am proud of her armed forces and proud of her devoted people.

Mr. Speaker, we are in Asia. What we do there will decide the future of that continent. When one sees what Americans are doing to help Korean development and security, his faith is reaffirmed that there is nothing the United States cannot do when its resolution equals its capacity. The easy course is to ask Americans to ignore what is happening in Asia, especially in Korea. If we take the wrong course now and get out, then assuredly in 10 years or less, circumstances will force our return. Some Americans have not recognized the responsibilities that our world position forces us to bear. America stands as the champion of freedom, the only country powerful enough to bring hope to those who fight for their liberty. We cannot escape the responsibilities this entails.

Mr. Speaker, it has been my pleasure to have working in my office for the past 3 months Mr. Park Yung Moo of Korea. Mr. Park is a congressional fellow, sponsored by the American Political Science Association, and is also a student at Georgetown University. In Korea he is with the Armed Services Committee of the National Assembly. Since being in America, Mr. Park has been an outstanding ambassador of good will and has contributed much to a better relation between America and Korea.

Mr. Speaker, the following splendid editorial concerning South Korea appeared recently in the Columbia, S.C., State. I commend this outstanding article to the attention of my colleagues in the Congress and to the American people:

SOUTH KOREA MUST REMAIN BASTION OF ASIAN LIBERTY

One danger (among many) of a too-hasty withdrawal of United States forces from South Vietnam is the possibility that something of a psychological momentum may develop in Washington to withdraw U.S. forces from South Korea as well.

The inclination to do so already is evident in congressional and executive circles alike, but, thus far, steps in that direction have been tentative and cautious. And well they should be, for the American stake in the independence and security of South Korea is even more important than that of South Vietnam.

South Korea is the northern anchor of what is hoped ultimately to become an armed ring around the eastern rim of Asia—a ring aimed at containing Communist aggression within the present Bamboo curtain.

It is the aim, not only of the Nixon administration but of the free nations of Asia as well, that the Pacific countries eventually will be able to provide their own defenses against encroachment or threat from the Chinese Communists and their allies. But this is a goal, not a reality, and the U.S. presence in South Korea is essential for reasons of morale as well as military security.

Last week's conference between U.S. and South Korean officials at Honolulu left undetermined, or at least unannounced, any timetable for reducing the U.S. contingent of more than 60,000 troops now in Korea. Constructive agreements were disclosed which contemplate beefing up South Korean defense capabilities (including production of defense hardware) and the stationing of additional U.S. aircraft on the peninsula.

South Koreans have strong ties with the United States, for it was U.S. military strength which really made possible the salvation of their land from Communist domination and U.S. fiscal aid which underwrote the development of much of their steadily growing economy.

And Americans should never forget that, of all the Asian friends and pseudo-friends of the United States, only Korea provided armed assistance of any consequence to the U.S. effort in South Vietnam. Some 50,000 South Korean troops have performed valiantly and well in South Vietnam for the last several years.

But gestures of mutual appreciation are overshadowed by practical considerations of maintaining an effective U.S. presence in Asia until free Asians can insure their own safety.

South Korea is all the more important as a bastion of U.S. strategy in the Far East now that Okinawa is to revert to Japanese control. And since Japan shows little inclination to develop a defense capability equal to task of deterring further Chi-Com aggression, it is questionable just how much reliance the U.S. can place upon the Japanese in terms of defending the North Pacific

No such doubt exists with respect to the South Koreans. They have lived through the trial and torment of Communist domination and know how hard and sacrificial a struggle must be made to oust Red invaders. Furthermore, they know that Premier Kim II Sung stands ready to "re-unify" all of Korea by force and under Communist dictation once he sees a chance of success.

As one of the few footholds of freedom on the continent of Asia, South Korea deserves the continuing support of the United States—and of free men everywhere.

BIAGGI BACKS GUARDSMEN'S RIOT TRAINING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BIAGGI. Mr. Speaker, I recently inspected the New York Army National Guard summer training camp to determine how well these men were being prepared to handle any outbreak of civil disorders. It would be an understatement to say I was greatly impressed with their proficiency.

I have made several inspections of Army operations in the past; and unfortunately, in too many cases the conditions that I saw were not satisfactory. Also, my personal investigations of deaths of members of the Armed Forces have revealed several cases of improper procedure and possibly irregular causes of death. However, such was not the case in my inspection of the New York National Guard unit.

This country has seen much violence in its streets, on its campuses, and in public and private buildings of late. Bombings and terror attacks are becoming the custom rather than the exception. Riots have replaced rhetoric in the realm of political radicalism. The recent outbreaks at Kent State that led to the unfortunate deaths of four students must not be repeated again.

There appears to be no immediate end in sight to these apopletic fits of passion that explode in the streets of our cities and towns. Those that must defend the lives and property of innocent citizens, therefore, must be as capable and well-prepared as possible to meet all contingencies.

I am convinced that the training the New York National Guardsmen are receiving will develop a riot control unit with no equal in these United States. The very real staging of riots is the best preparation for the guardsman. To the observer of one of these simulated situations, it appeared that bloodshed would occur at any moment, but these repetitive exercises condition the men so that they

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remain calm and in control, thus avoiding unnecessary loss of life and injury.

This same rigorous training and preparation should be extended to our police departments, also. In most cases the policeman or the State trooper is the first line of defense against the rioter or disrupter. These men, while well qualified in the area of criminal apprehension, are sometimes unprepared to act against the mob of rioters bent on destruction.

Moreover, for all those who must deal with riot control problems, the training must go beyond simple street tactics and handling of weapons. There must be a real psychological preparation for the abuse that the policeman or guardsman receives and the tension that develops under these extreme conditions. Those charged with enforcement of the law and maintenance of order must also be taught to guard against letting personal prejudices and feelings interfere with the objective and proper execution of their duty.

The National Guard riot control training program in New York is a good one. I would hope that the other States are developing such a top quality program for their own National Guard. Likewise, such training should be extended to all law enforcement agents who face the difficult task of dealing with a destructive and dangerous crowd of rioting persons. I am including a press report of my visit to the New York National Guard camp at this point in the RECORD for the information of my colleagues:

BIAGGI BACKS GUARDSMEN'S RIOT TRAINING

"Eggs were pelted at the soldiers. Someone threw a dead cat at a guardsman and protesters charged the air with ethnic and racial epithets, but the men stayed calm. Nobody would have been killed if it had been a real civil disorder." That is how Rep. Mario Biaggi (D-Bronx) described a simulated riot experienced by New York Army National Guardsmen during summer training.

The congressman is preparing a report based on an inspection of riot control courses given New York Army National Guardsmen during part of the two-week summer training program of the famed 42d Infantry (Rainbow) Division.

Biaggi plans to testify before the presidential commission on campus violence about what he found during a tour this week of Camp Drum, the reserve's summer training ground in Watertown, N.Y.

The panel was formed to study student unrest after the fatal shooting by Ohio State National Guardsmen of four students at Kent State University in May.

The congressman met with Maj. Gen. Martin H. Foery, commanding general of the Rainbow Division, checked instruction given to Bronx enlisted men about quelling civil unrest, and observed the field training of troops.

Biaggi, who visited the base to check reports that enlisted men were being subjected to indignities in the program of training to control civil disturbances, called Foery "cooperative."

"The men are exposed to very realistic conditions of insult, abuse and indignities, conditions which simulate those encountered during a civil disorder," he said.

"REALISTIC TRAINING"

"It's part of realistic training and they should be required to endure it, because in the end it will serve their purpose well, the guard's purpose better—but more important, it will serve our community and prevent a repetition of the Kent State disaster," Biaggi added.

"I can understand why some feel they shouldn't be subjected to this kind of riot training. It doesn't fit their initial concept of the National Guard, but these are changing times and the men must learn to fill new roles."

Biaggi noted that guardsmen had pitched in to handle mail until the dispute that tied up the nation's mail was settled. They're also expected to cope with the new American phenomenon of campus unrest," he said.

Biaggi talked with officers and men from the Bronx. He asked Lt. Arnold Trezza of 4056 Pratt Ave. how the food was.

OKS THE COOKING

"Considering it's military chow," said Trezza, "they do a fantastic job. We've got a bunch of cooks here who might well be professionals."

Biaggi said that morale, unlike that at many of the military bases he had visited, "is good despite outdated equipment".

"The regular Army could learn a lot from the Guard's Rainbow Division. We've got to stop treating the National Guard like a stepchild. It's the military unit closest to the people and should be better supported with modern equipment," he said.

REBUTTAL BY NORTH AMERICAN ROCKWELL TO CRITICISM OF THE "MILITARY-INDUSTRIAL COMPLEX"

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, we are all aware of criticism being leveled at Defense Department contracting procedures and also at defense contractors for various reasons and with differing motivations. Constructive criticism is an essential element necessary to maintain any viable system. Unfounded criticism for the sake of sensationalism or gathering publicity without regard to the consequences that the publicity will cause is, of course, to be decried. The question of what is valid criticism is often difficult to determine and such a determination will naturally reflect the position of the parties involved.

I personally feel the situation with which we are faced today has largely resulted from our tragic involvement in the war in Indochina. The huge cost in terms of loss of life which is incalculable and in terms of adverse effects on our economy which is reflected by our soaring inflation rate accompanied by a recession, has cast a spotlight on the defense industry and the military establishment. Our continuing involvement in Southeast Asia, an involvement that I advocate we withdraw from as rapidly as possible, has brought about this close scrutiny of defense industry practices and procedures.

For my colleagues' information, I am inserting into the RECORD the text of a speech delivered by Robert Anderson, president and chief operating officer of North American Rockwell, before the Commonwealth Club in San Francisco on July 10, 1970. Mr. Anderson's subject was "The Assault on American Industry" and I feel he sets forth many of the problems confronting industry and what must be done to insure the proper defense of our Nation. He obviously is speaking as a representative of a corporation that is quite involved in the defense industry which he so states in his remarks. His statements, however, deserve the widest possible circulation, for all too often we tend to become inundated with only one point of view and lose our objectivity.

It is my opinion that the Vietnam war has caused us to not fund research and development on certain weapons systems that are needed to properly safeguard this country. An end to the war in Asia, with the withdrawal of all our troops, is a drastically needed step in the direction of improving and protecting the American society in which we live. Constructive criticism leading to an elimination of inefficient contracting and production methods is another step in the right direction. However, let us be very wary of the harm that can be brought about by overzealous charges and blind attacks on an industry vital to our survival, an industry staffed by sincere, competent, patriotic citizens whom I feel have been maligned by those who wish to destroy rather than build and use rhetoric rather than reason.

I will continue in my efforts to eliminate waste in defense contracting and to funnel additional money into deserving domestic programs which unfortunately are underfunded. I also will continue to support the members of the aerospace industry who play a vital role which I feel allows us the opportunity to turn to domestic issues and gives us the chance to try to solve those problems.

The speech now follows and I commend it to my colleagues' attention:

THE ASSAULT ON AMERICAN INDUSTRY

(Remarks by Robert Anderson)

Gentlemen: The military/industrial relationship that we hear so much about in this country was not invented in 1968 or 1969.

It's existed for nearly two hundred years, but it's only become a significant factor with the advent of sophisticated weapons systems which demand the closest teamwork between industry and the government.

That teamwork has meant much to this nation's security.

Yet, despite the high priority we all place on national survival, the defense industry today is being subjected to incredible denunciation. The attack has a violence unparalleled in American history.

Although some of the provocative headlines would have us believe otherwise, most Americans do *not* believe that large corporations are inherently evil, or that preparation for defense is *of itself* immoral.

Yet so vehement have been the attacks, that many sincere people are troubled when they read of excessive profits, cost overruns, lack of government control over expenditures, and so on.

We have a two-fold danger facing us in the continued harangue by those who oppose this relationship. The first is the undermining of public confidence in the integrity of defense procurement. The other is the destruction of morale of the dedicated men and women who are part of the defense establishment—whether in government or industry.

The critics have had the field to themselves, confident that there would be no vigorous opposition, and hoping that there would be just silent acceptance of the charges.

To refute that thought is the reason I'm here today. This is the right time and the right audience—American businessmen who can form a serious judgment, not on what is spectacular, but on what is factual.

I can't be entirely objective in my approach, for North American Rockwell is one of the nation's major aerospace contractors and was recently awarded the very large Air Force B–1 weapons system contract.

However, I do believe there are two factors that enable me to take a broad view of the entire controversy. First, North American Rockwell is one of the major aerospace companies that is substantially engaged in both commercial and government activities. Also, in my own case, because I came from the automotive industry less than three years ago, I believe I can view the matter with a new perspective.

Aerospace represents a great portion American industry. There are one million, two hundred thousand people employed in building this country's military and commercial aircraft, its defense missiles, its space vehicles, its advanced guidance systems and its rocket engines. It's the largest manufacturing employer in the nation.

Aerospace in 1969 had sales of more than 28 billion dollars. Its export sales of more than 3.1 billion dollars made it the biggest industrial contributor to our balance of payments.

The opponents of this business, which has contributed so much to the military security and the economic growth of the country, have rallied around the phrase, "the military-industrial complex," giving the words an accusatory ring.

It was General Eisenhower, as you know, who originated the phrase when he urged the nation to guard against "the acquisition of unwarranted influence by this complex," and he has been quoted out of context ever since.

Completely lost in the sound and fury created by those who picked up only the partial statement is the full meaning of his remarks. "A vital element in keeping the peace," General Eisenhower continued, "is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction . . . We can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions." End Eisenhower quote.

It is essential to keep in mind that the role of the military/industrial complex is not in *making* public policy, but in carrying it out. Viewed in that respect, industry and government must work together toward common goals. It would be a national disgrace *if they did not*.

Fortunately, the two have always worked together and practically all of us in this room have been witness to the results.

You remember the morning of April 12, 1942, when Jimmy Doolittle lifted the first of his B–25 bomber squadron from the decks of the carrier *Hornet* and headed for Tokyo. How do you assess the value of Doolittle's bravery combined with the military-industrial effort that placed those bombers at the right place, at the right time?

Perhaps some of you were in the B–17 bombers flying over Germany when the first of the P–51 Mustang long-range fighters drew alongside to afford protection. Who can correctly assess the contribution of the industry that developed the aircraft which helped turn the tide of the air war?

We do not confine our security contributions to aircraft alone. Many of you remember the strident urgency of 1954, 1955, and 1956 when it became known that this nation could very well be on the receiving end of Russian nuclear intercontinental ballistic missiles.

We had the Atlas ICBM propulsion system ready—on time; we had the Thor intermediate ballistic missile propulsion system ready—on time.

These achievements and events are fresh in our minds yet we are witnessing today, with these continuous unwarranted attacks on our defense industry, a gradual erosion, a weakening of this nation's defense posture. That, gentlemen, is a matter of grave concern.

John Kennedy, in his inimitable manner, could alert the nation with a ringing statement.

"There can be only one possible defense policy for the United States.

"It can be expressed in one word.

"The word is *first*.

"I do not mean *first*, but.

"I do not mean *first*, when.

"I do not mean *first*, if.

"I mean *first—period*."

End of Kennedy quote.

To the critics, however, the words of Eisenhower and Kennedy are nothing more than rhetoric, and rhetoric which they twist to other ends.

Let's look at some of the charges.

One of these pertains to the size of the defense and aerospace industry. "Most of the big military contractors," they say, "could not survive without weapons business."—with the implication that corporations are influencing defense expenditures.

True, there are a handful of major aerospace companies almost entirely devoted to government work. However, according to Moody's Industrials, the defense portion of the 25 largest prime defense producers in 1969 accounted for *less than one-seventh* of their total business. Most aerospace companies are becoming increasingly diversified, with a wide range of commercial and industrial endeavors. Typically, they subcontract half of their prime contracts.

Let me assure you that American industry *can* survive without the so-called "crutch" of defense spending. Nevertheless, the defense industry *is* being hurt badly by the ceaseless attack on the integrity of its highly skilled employees who see years of dedicated effort being dismissed as of no importance or as of outright moral harm.

Another belief propagated is that spending for aerospace and defense needs has grown during the past five or six years at the expense of providing for health, income security, aid to the poor, education, and other social programs.

First, let me emphasize that it is the elected representatives of the people, and not industry, who rightfully set national priorities.

The significance of Congressional-established national priorities was stated with great clarity last December by Dr. Arthur Burns, now chairman of the Federal Reserve Board, who said, "The explosive increase of federal spending during (the decade of the '60s) is commonly attributed to the defense establishment, or more simply to the war in Viet Nam."

"The fact is, however," Dr. Burns continued, "that civilian programs are the preponderant cause of the growth of the federal budget. When we compare the budget of 1964 with the estimates for this fiscal year, we find that total federal spending shows a rise of $74 billion, while defense outlays are larger by only $23 billion. . . . Thus, the basic fiscal fact is that spending for social programs now dominates our public budgets."

Dr. Burns' comments are underscored by the fact that in this current fiscal year, we will spend less on defense as a percentage of our gross national product—7 percent—than in any one year in the past 20 years.

Today, an estimated 36 percent of the Federal budget is allocated for defense—this is in contrast with the 61 percent in 1952.

More than half of the defense budget of 77 billion dollars is for personnel and operating costs. Military personnel costs this year are around $23 billion. Another $22 billion goes to operations and maintenance. Less than half is used to procure equipment and services from industry.

Moreover, in those declining percentages there is a hidden fact that could spell acute danger for this nation.

This country is in second place behind the Soviet Union in the development of new weapons system. Let me repeat, *we are behind* the Russians at this moment.

The Soviet Union has invested the equivalent of $16 billion this year in defense-related research, development and applications. What has the United States allocated? $13 billion dollars—three billion less than the Soviet Union.

Those figures, by the way, are taken from statements by Dr. John S. Foster, Director of DOD's Defense Research and Engineering.

Continuation of that downward trend, spurred by these relentless attacks, is a direct threat to America's long-time confidence that it can meet any challenge in defense, in atomic energy, or in space.

What adds to the seriousness of this lagging research and development effort is the certainty that never again will we have the luxury of time to catch up if an enemy attacks. Never again will we have the nearly two years between the invasion of Belgium and the sinking of the Lusitania. Never again will we have a year and more between the Battle of Britain and the disaster at Pearl Harbor.

Defense-related research and development is a vital activity.

However, the critics are suspicious of any activity, including research and development, because of what they contend are the "fat profits" in aerospace participation.

What IS the profit picture?

The most penetrating and exhaustive analysis of corporate profits was a study by the Logistics Management Institute, a non-profit organization, which compared the profits of 40 companies substantially engaged in defense production, with 3,500 companies not engaged in defense.

The results of this broad-based analysis showed that profit on sales for the commercial and industrial companies was almost double that for defense-related works, and profit on investment in non-defense efforts, since 1963, was 40 percent to 74 percent greater.

Last November, Congress authorized the General Accounting Office to undertake a study and review, on a selected basis, the profits made by contractors and subcontractors where there is no formally advertised competition.

The results of that study will be available at the end of this year, and I am convinced they will support the previous LMI study.

At North American Rockwell, we've had a striking demonstration of this disparity in percentage of profits. Our Commercial Products Group, last year, had sales which amounted to only 40 percent of the $2.6 billion corporate total—yet that group contributed over 75 percent of our entire corporate earnings.

What could be more graphic than those percentage figures?

Related to this matter of profits is another popular myth about the supposedly low risk involved in aerospace programs. The critics would have the public believe there is no risk in advancing the frontiers of technology; or to the extent there *is* risk, that the Federal Government underwrites all the risk involved in space and defense programs.

Again, the facts just do not support this belief.

Until recently, when there was a change in

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the contract ground rules, financial risk had shifted so heavily to the industry side that a company could be betting its corporate existence that it would be able to remain afloat while producing the goods or services required by the Government.

As an automotive man, I was amazed by my first encounter with the Total Package Procurement Concept.

The fixed-price total package procurement process embraces the entire span of a program from concept through development, into production. The concept was supposed to eliminate both schedule slips and unpredictable cost increases. Further, it was intended to balance the contractor's commitment along the thin line between appropriate financial risk, on the one hand, and catastrophic corporate loss on the other.

In practice, the concept not only delayed the procurement of many needed systems and equipment, but it also fostered an utterly unrealistic budgeting process.

The Harvard Business Review referred to this concept as "being at war with reality." It simply did not recognize the facts of life as known by American industry.

Can you imagine an automobile manufacturer contracting at a fixed price to deliver a model 1977 automobile six years from now? And an automobile, let me add, is infinitely less complicated than a modern weapons system.

That's exactly what was asked of the aerospace industry.

Those much-publicized cost overruns were not synonymous with waste; neither were they a symbol of excessive profits. Rather they were the surface reflection of the cost uncertainties inherent in developing and manufacturing advance systems.

No business is ever perfect, of course, but what is never captured in the blazing headlines of cost overruns is the reality of endless changes, of inflation, of the costly impact of solving problems which could not be foreseen. These are the realities which accompany the advancement of technological frontiers.

It was thought in the last decade that these cost risks could be contained by the magic formula of the fixed-price contract. Many companies—and many procurement specialists within the Department of Defense—knew better. Even the procurement policies which were established—carefully read—recognized the distinction between producing an advanced system and producing a system which had been fully developed and engineered.

Unfortunately the distinction was lost sight of and the policies were applied unrealistically.

Despite all this, if a company wanted to stay in the business, it had to go along. It was like walking blindfolded in a mine field—and we've seen some of the results.

I do not need to recount the story of the many companies which have suffered a severe contraction of profits, and in some cases very large losses.

It is encouraging to note that the unrealistic policies of the past have been recognized by the Department of Defense as just that: unrealistic.

Under Deputy Secretary of Defense David Packard we have new, positive, realistic thinking on this contract question. Recently, he issued a milestone directive that talks common sense regarding improvement in the management of programs, the necessity for practical trade-offs between operating requirements and engineering design, risk assessment, and sensible program scheduling.

The Secretary placed his finger on the solution when he said, and I quote, "When risks have been reduced to the extent that realistic pricing can take place, fixed-price type contracts should be used." End quote.

With the major contracts now being let by the Department of Defense, industry will be able to fulfill its responsibilities more effectively and efficiently than in the past. They allow the latitude necessary in developing these highly complex, highly sophisticated weapons systems, while at the same time giving the Government its full dollar's worth.

The critics who err about the size and influence of defense procurement also err in assuming defense spending is out of control. In fact, one Senator's own words contradict his assertion that, quote "Military spending in the United States is out of control," unquote. The Senator also says, "A great many gimmicks should be done away with. The services should reduce or stop, because of their obvious ineffectiveness, such programs as PERT, PEP, Value Engineering, Human Engineering, and the Zero Defects concept." End of quote.

Encompassed by these terms, PERT, PEP, and so on, is a tremendous achievement by both industry and the Department of Defense—the establishment of a systematic methodology to carry out extremely complex tasks. Without these techniques of program control and employee motivation this country would have been unable to field the Minuteman missile, or to land men on the moon, or to carry out a host of other difficult projects.

Let me stress that the very purpose of these advanced management concepts is to save time and money and to produce the best possible product. Their effectiveness is demonstrated by the fact that they are being adopted on almost every complex project in civil construction, and in commercial and industrial fields.

We're not trying to stamp out constructive criticism. We expect it; we can learn from it. But we are entirely opposed to the extremists who aim, not at correction, but at destruction. They want to disband our military establishment, and abandon our defense-related capacity.

John Kenneth Galbraith, for example, has stated that the solution of all our ills is nationalization of the defense industry.

What would be the consequences of nationalization? Another post office operation? In July 1969 Fortune Magazine said: "There is some danger that the generally competent and innovative American aerospace industry could become simply a job shop to government." "The Companies," Fortune said, "Could end up in the situation of the old-fashioned American shipyards, which relegated the design function to the Navy's former Bureau of Ships or to outside naval architects, and thereby lost the production efficiences that accrue when designs are drawn with productibility in mind."

To me, nationalization would be national disaster, and I believe the best answer to Mr. Galbraith was the silence that greeted his proposal.

In this troubled world beset by man-made problems in population, in transportation, in housing, in communications, and in pollution, there is need for exactly the type of expertise demonstrated by the aerospace industry during this past year in America.

The problems facing us are gigantic, nation-wide, even world-wide in scope. Their solution will require technical skill and management skill of the highest order. The best management, in terms of inventiveness is in the industry that has built the world's foremost supersonic, trisonic, and hypersonic aircraft; the industry that has developed "miracle" guidance systems; the industry that has ringed this nation with defensive ICBM's, and bridged the gap to the moon.

But I do not want to leave you with the mistaken impression that we stand now as pillars of strength ready to take on all adversaries. We have been hurt by this endless tirade of abuse, and all of us in business must act vigorously to overcome this constant erosion of American defense capability.

We are determined to resist that erosion.

Our positive refutation to the strident, uninformed voices will be our continuing effort to furnish the most efficient and effective systems required for the defense of this nation.

This nation *must* continue its technological leadership. To default, to let that leadership slip away to Russia without further protest, means the passive acceptance of major risks in our national security.

And without security all else is fruitless.

America's defense shield must not be shaped by harangue and denunciation and newspaper headlines.

It must continue to be forged in the councils of the Presidency, within the Joint Chiefs of Staff, and in the Congress of the United States.

The need for a strong industrial base, for a strong, free American industry to help carry out their decisions, is self evident.

In this technological age, let us continue to answer the world-wide technological challenge.

Let the industry that has responded so many times before get on with the job.

Gentlemen, thank you.

LOCAL CORRECTIONAL INSTITUTIONS REQUIRE FEDERAL STANDARDS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. KOCH. Mr. Speaker, all too frequently the conditions under which the prisoners in our local jails live are forgotten because, after all, prisoners do not vote. But it is in the interest of society at large to consider the effect of permitting jails to operate as they do, where the conditions too often harden and embitter the prisoners. The failure to provide at least decent minimum physical standards and rehabilitation services for the prisoner is responsible in great part for the large rate of recidivism.

The city of New York is no less delinquent than many other cities in this country. An outstanding report on the condition of the Male Detention Center in New York City known as the "Tombs" which contains a prison population made up for the most part of those awaiting trial was recently published in the New York Daily News authored by Donald Singleton. The conditions depicted and my own personal observations of that facility and others in the city of New York make it even more urgent that we consider Federal legislation on this subject. Our colleague, ABNER MIKVA, has introduced H.R. 16794, the Correctional Service Improvement Act. I urge our colleagues to press for hearings on that bill.

The articles by Donald Singleton follow:

PRISONS ONLY CORRUPT; THEY DO NOT CORRECT

(By Donald Singleton)

What kind of a place is it where innocent people are stripped of their civil rights and locked away in crowded, fetid cells for long months and years?

What kind of a place is it where the government feeds and houses its animals better than the human prisoners locked behind its bars? Where people who have only been accused of crimes are treated the same as—or worse than—convicts serving prison sentences?

What kind of a place is it where freedom is a commodity with a price tag? Where one man goes free, simply because he has a certain amount of money; and another is locked up, simply because he is poor?

What kind of a place is it where officials operate behind locked doors, unobserved by a public or a free press?

Is that place Russia? Or Cuba? Or Red China? Is it some cynical and corrupt South American dictatorship, or an African nation in the throes of birth?

Perhaps.

But, as difficult as it may be to believe, New York City is also that kind of a place. The people who have seen our prison system in operation pray that they may never be unlucky enough to be caught up in the crude, slow-grinding cogs of the medieval machine called the New York City Department of Correction.

Right now, more than 8,000 men and women are being held in the department's severely overcrowded detention facilities to await trials. The conditions of their confinement are inhumane, unsanitary, even barbaric. Most of the rights of citizenship are taken from them.

Yet it is one of the most basic concepts of our system of justice that every man is innocent until he has been proved guilty. That is not merely rhetoric, but the spirit of our law. So the 8,000 detainees in our prisons are legally innocent people.

Jails Only Corrupt; They Don't Correct

Every night, dozens of detention prisoners in the Manhattan House of Detention for Men (The Tombs) are forced to sleep in a cell, with the third man on the cement floor. The cells were built for one man; they are 6 feet wide and 7 feet, 9 inches long, or a total of 46½ square feet of floor space—15⅓ square feet per man.

Yet the Bronx Zoo's male spotted hyena is given a cage which is 18 feet wide and 22 feet long, or 396 square feet of floor space—396 square feet for a hyena, 15½ square feet for a man.

We boast that our system of justice is fair and unbiased. We like to think that no one is penalized unfairly for any reason.

Yet, take a look in any cellblock of any city prison and you will see a sea of black faces—unofficial estimates are that the prison population is 60% black, 20% Puerto Rican and 20% white.

This may stem from complex causes. It is surely a manifestation of society's broader racism, the racism which leaves blacks at the bottom of the economic heap, possibly more involved in crime, certainly less able to afford high-quality legal counsel or bail. Whatever the causes, city prisons reflect at least de facto segregation.

Ask City Correction Commissioner George F. McGrath for the cause of his problems, and he will cite, among other factors, a lack of public interest in the prison system, and a correspondingly low priority in allocation of city funds.

Yet the city's correction institutions are, by McGrath's own orders, practically off-limits to the public. The official policy is that "responsible individuals and groups" are invited to visit prisons; but the security checks, personal interviews and other clearance procedures set up by the department stand as effective barriers to visits. Only a relative handful of people actually do enter the prisons.

Even representatives of the news media are not given truly free access to these public buildings. Prior to my tour of the institutions, I expressed concern that since my schedule was known to the wardens, giving them time to prepare for my visit, I might not see a true picture of what goes on. McGrath assured me that no special preparations would be made.

Yet, after the visit, I obtained a copy of an official confidential memo to one of the wardens, informing him of my impending inspection tour and warning him: "As warden of the institution, you are the only person permitted to be interviewed by Mr. Singleton. No correctional personnel nor inmates are to be interviewed."

I made a written, formal request for permission to interview inmates, on the ground that this was a journalistic necessity.

McGrath denied the request, saying that there were plenty of ex-prisoners around to interview, and adding: "On the negative side, the intrusion you request could and probably would be considered by the inmates as a solicitation to come up with stories, the more imaginative the better, to satisfy a newsman who wants to sell papers, and might even precipitate disturbances depending upon the extent of provocation which became engendered in such discussions."

Furthermore, McGrath has gone out of his way on more than one occasion to suppress criticism of him or his prison system.

In 1969, for example, a Brooklyn grand jury reportedly issued a presentment which is believed to have documented, in scathing terms, a number of scandalous conditions in the Brooklyn House of Detention.

McGrath, together with the office of the city medical examiner, reportedly went to State Supreme Court, then to the Second Department of the Appellate Division, where an order to suppress the document was granted. To this day, the presentment has not been released.

Ask McGrath what his job is, and he will say it is primarily to control people. But second, he says, it is also to correct people—to straighten out their attitudes, to uplift them, to rehabilitate them, to teach them trades, to give them basic education, to break their cycles of crime.

Yet, the number of prisoners involved in real rehabilitation or training programs on any given day is only 200 or 300—a mere fraction of the total sentenced population of 6,000 (more than 2,000 of whom have been transferred to bleak, state-operated institutions upstate because of crowding problems in city prisons).

There are a few training programs; but far too few to treat every inmate. There are a few academic classes; but there are empty classrooms that are unused because of shortages of teachers. There are vocational courses; but in many of the trades taught, ex-convicts are not eligible for employment in the outside world.

In the shortest, bluntest of terms, our correction system is a failure, a flop. It doesn't work.

This failure is a tragedy from the viewpoint of those who are caught up in the system, because it makes their prison time pure punishment, sheer torture. In place of rehabilitation, there is boredom. In place of scholastic lessons, there are the lessons given freely by experienced criminals of all kinds.

Furthermore, the people behind bars usually feel powerless to protect themselves against brutal, criminal treatment at the hands of other inmates or of the guards. There are stories of hemosexual gang-rapes, of beatings by guards or other prisoners, of all manner of harassment.

The actual extent of this brutality, however, cannot really be ascertained. Because of their feelings of helplessness, inmates are reluctant to report such incidents. If an inmate complains about a brutal guard, that same guard may be back in the same post in a week, with a new grudge; if an inmate complains about a fellow prisoner, one of the man's buddies may slide a shank (a knife-like weapon made from a spoon handle) into the complainer's back some afternoon in the day room.

The result is a calm sea of silence on the surface, and a wrenching undercurrent of stories too convincing, too probable to be scoffed at.

McGrath's official position is that every serious complaint is turned over to the appropriate district attorney for investigation and prosecution. But it is obvious that the official position doesn't solve the problem. Because the vast majority of complaints are never even made, except possibly in silent prayers after the cellblock lights have been switched off for the night.

The prisoners are not the only ones who suffer, however. Because of the failure of our city's Department of Correction—and for that matter the failure of most correction efforts throughout the nation—society is the real victim.

The injury to society can be measured in the statistics compiled by police departments, courts and prison systems from one end of the country to the other, statistics which show that up to 70% of those convicted of crimes are repeaters. If they had been "corrected" the first time around, they would not have been back.

Think of it this way: If we could truly correct every person convicted of a crime, our crime rate would show an immediate drop of up to 70%. Up to 70% fewer stolen cars. Up to 70% fewer burglaries. Up to 70% fewer robberies and muggings and assaults. Up to 70% fewer men behind bars.

Making changes in our correction system would be difficult and expensive; but how expensive is the alternative? As the President's Commission on Law Enforcement and Administration of Justice wrote in its Task Force Report in 1967:

"The costs of action are substantial. The costs of inaction are immensely greater. Inaction would mean, in effect, that the nation would continue to avoid, rather than confront, one of its most critical social problems; that it would accept for the next generation a huge, if not immeasurable, burden of wasted and destructive lives. Decisive action, on the other hand, could make a difference that would really matter within our time."

A Case of Death and Noonday Devil

(By Donald Singleton)

It is not easy to work up a strong case of sympathy for James Overstreet, who died on Dec. 22, 1967, in a cell in the reception area of the Tombs, Manhattan's house of detention for men.

Overstreet's official records contain little except negative information about the 40-year-old ex-con. He was arrested on Oct. 18, 1967, on the sidewalk at Eighth Ave. and 41st St., where, according to police, he was seen standing over a fallen victim, brandishing a knife and screaming. The victim struggled to his feet, staggered to the curb and fell dead.

Overstreet was booked on a murder charge and remanded to the Tombs without bail. A short time later the murder charges were dropped, however, as police had come up with a new suspect who they said actually struck the fatal blow. But Overstreet was still held on parole violation.

There are only two other unusual entries in the prisoner's records. The first is a notation that on Dec. 22, 1967, he went berserk outside his seventh-floor cell in the Tombs, attacking Correction Officer Lawrence Watson and biting off Watson's ear.

The second entry, on the same day, in Overstreet's autopsy report—he was brutally gang-beaten to death following his attack on the guard.

Although the case was presented to a grand jury, which returned a no-bill finding, the details of the murder never have been fully reported to any news medium.

My investigation of Overstreet's death involved many hours of tape-recording interviews with public officials who took part in the formal probe. I spoke at length with one eyewitness who had never been questioned in the case. And I obtained several documents which never have been released to the press before.

What emerged from all of this was two distinct and conflicting versions of the last few minutes in the life of James Overstreet.

The first version—the official one—is that Overstreet was beaten to death by his fellow inmates, who jumped on him and attempted to restrain him from attacking the guard. According to this version, the inmates were too vigorous in their restraining of Overstreet, and injured him fatally.

The essence of this official story can be found in the autopsy report by Associate Medical Examiner Elliott M. Gross.

The report shows that Gross talked to five "Witnesses or Informants:" Assistant District Attorney Gina Gallina and Mel Ruskin; Pasquale Cafaro, deputy warden of The Tombs; Albert Nenna, warden of The Tombs; and Dr. Nicholas Saliani, attending surgeon of the Department of Correction.

Death and the Noonday Devil

After interviewing those officials, Gross wrote the following:

"Deceased was in a common passageway on seventh floor of prison where he had been incarcerated since Oct., 1967, awating disposition on a homicide charge. While Correction Officer Lawrence Watson was in the process of locking in inmates after the lunch period, deceased, unprovoked and from behind, assaulted Officer Watson and bit off his ear.

"Other inmates attempted to restrain the deceased while Correction Officer Arthur Hodges, the second officer on the floor, sounded an alarm. This was recorded as 11:55 a.m.

"Eight officers, including a superior, responded and assisted in the restraint of the deceased, placing his hands behind his back and handcuffing him; his legs were bound in a straightjacket.

"The officers then took the deceased into an elevator, at which time he was described by Officer Wilds as 'somewhat limp,' and he was brought down to the reception area on the first floor.

"Dr. Saliani attempted resuscitation with a positive displacement respirator without response, and deceased was pronounced dead at 12:10 p.m. by him. The clinic record of the deceased shows that he reported for sick calls almost daily and was given tedral and benadryl for asthma.

"Body of the deceased is examined while it is lying on its back in detention cell No. 1 of the reception area. The body is fully clad in a blue sweater, gray trousers, white undershirt, and green boxer shorts. Traumatic injuries of the scalp, face and left chest are evident."

The report goes on to list as "Cause of Death:"

"Contusions of face and neck; fractures of skull, hyoid bone and larynx; contusions of brain; shock; (Contributory)—granlomatous inflammation of liver, spleen, lungs and kidneys. History of assault while being subdued after unprovoked assault on prison guard. Homicidal."

When I talked to Dr. Gross, I asked him whether the asthma could have been a contributory factor in the death. "It might have made him die a second or two earlier, I can't say," Gross replied. "But the beating would have caused the death in any event."

This version of the murder is backed up in Warden Nenna's report to Correction Commissioner George McGrath:

"With the sounding of the emergency alarm, Captain Hugo Hansen and a number of correction officers responded (and) found Overstreet, still being held from furthering his attack upon the two officers, who were, at this time, both incapacitated.

"The emergency squad officer thereupon removed Overstreet from the 'D' section to the bridge, and placed handcuffs upon him and bound his legs with a restraining cloth . . . Overstreet was removed from the seventh floor to the receiving room. Dr. N. Saliani began to examine Overstreet. The inmate lapsed into unconsciousness and ultimate death."

"It seemed clear to me at the time that the prisoners had injured Overstreet fatally in restraining him," said Ruskin, the former assistant district attorney who is now in private law practice on Long Island.

But there was a second version of the affair, and neither Ruskin nor, possibly, the grand jury, ever heard it.

I got the second version from a man who was incarcerated on the seventh floor of The Tombs on the day of Overstreet's death. He is reluctant to have his name published, or to testify, although he did not rule out the possibility of testifying. He gave me the names of several men who allegedly witnessed the incidents he described. This information is available to the District Attorney upon request.

Here is my interview with this former inmate:

Q: "What happened that day?"

A: "Overstreet he went crazy, berserk, and he bit the officer's ear off. I was looking at the whole thing. About four or five inmates grabbed him off the officer. They just restrained him—didn't one inmate hit him. They held him back, and then the officers came.

"When the officers came up on the floor, the inmates were just holding him, over on the side, there. You know, his eyes were real wild, like, and he wasn't hurt. And they handcuffed him behind. "They put his hands behind him and handcuffed him, and they marched him to the elevator. He was alive when he got on that elevator—common sense tells you if the man was dead, they wouldn't handcuff him.

They got on the elevator and closed the door, but we ran up like to go to the barbershop. There's a cat-walk, and you can look flat down into the elevator. The elevator started down and then it stopped, between floors, like. We could see down through the top of the elevator, you know, the little glass door.

"Then this big black officer, the one I recalled his name to you, he got in front of the boy and he started beating him all in his stomach, all in his body. He weighed two-something, and he was just throwing them up into the boy's midsection and all, and we seen the boy go down.

"I imagine there were eight or nine of us watching in the elevator, because we were all looking down from the catwalk, then the officer hollered, 'All clear the catwalk,' but at first there were eight or nine of us looking down there.

"And then the elevator went on down, and a few fellows in the receiving room, inmates, you know, coming back from court and all, said he was dead when they got him off the elevator. And we didn't believe that he was dead, you know, until later that night the report was confirmed by officers changing shifts. But he was definitely alive when he left the floor . . . those guards beat the man to death."

Q: "Were you called to testify before the grand jury?"

A: "No, I didn't want nothing to do with it. Like the captains came around and asked who saw it, you know, what happened. I saw it all but I didn't want to be involved. The inmates who went to help restrain Overstreet, they went to testify, you know. I think they took them and gave them a special meal or something in the officers' dining hall and all."

Q. "Did they lie?"

A. "Well, you see, all those guys that gave statements, they had heavy charges, you know, and they was looking for a way out. And they was like drowning men grabbing for a straw."

Q. "Why didn't you and some of the others testify truthfully as to what you really say happened, then?"

A. "You know why? Because if I was to go and give a statement as to the true facts, as I gave you, I would receive the short end of the stick as long as I would be there.

"I would be the object of punishment—go to the bing (punitive segregation) for every little thing. I didn't want to be on their list, and no one else would, either.

"Because it's all to your disadvantage. You know your mail would be misplaced. Just little things. You'd get shook down (searched) for nothing at all, and you'd go to the bing for every little thing, like talking to somebody in the commissary line or in the movie, you know. And one of the sick police (guards) might try to discipline you physically, you know. . . ."

Those are the two versions. You can believe either one. Or, you can believe that both are partly true—perhaps Overstreet was beaten both by the inmates and by the guards.

The grand jury made it clear which version it believed. In its one-paragraph finding, it wrote:

"The Grand Jury of the County of New York, after hearing witnesses who testified in the death of James Overstreet, who was killed on Dec. 22, 1967, by the concerted actions of several inmates of the Manhattan House of Detention for Men, in attempting to prevent the deceased from killing a correction officer, dismissed the proceedings and made an entry upon its record."

You can believe what you want.

I know that I would not be surprised if a group of prison guards beat up an inmate who had just bitten off the ear of a fellow officer.

I know that I would not be surprised to learn that several men accused of murder had lied under oath in the hope that their action would buy them some favored treatment.

I know the man who told me about the assault in the elevator. I spent a lot of time with him. And I do not believe he is a liar.

But, most of all, I know that if I were a prisoner in The Tombs, or any other jail, for that matter I would think twice or three times before I testified against a brutal guard. And, after thinking it over, I just might decide that the best course of action was to keep my mouth shut.

Who knows what really happened? Perhaps the real truth lies buried with Overstreet.

(Next: An insider's report on The Tombs.)

The Tombs and Living Dead

(By Donald Singleton)

"The name of it, the Tombs, that's the best name in the world for it. You couldn't think of a better name because that's just what it is: A big old tomb full of mummies. Just sitting there. You walk in and look at the guys, see them sitting at tables, staring into open space, some of them playing cards like dead people.

"You ever picture dead people playing cards? You know, they don't even care if they win or lose: 'By me,' they say, 'by me.' You know, being an amateur writer, I observe these things a little more closer than the average guy. So I looked, and said to myself that this just like a real tomb full of mummies, everybody in a daze, day after day, every day the same. You just come out of the cell and sit at the table. Flop down. Every day like every other day."

His name is Avery, Junius Ellis Avery, and he's from Baltimore. He's 36 years old. He has children, but no wife.

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He's sitting in the very gloomy parlor of his home, actually his mother's home, one of those little row houses in North Baltimore with the white marble stoops. They don't look like slums on the outside, but on the inside they are old, crumbling slums, with thick layers of damp, worn linoleum on the floors, and extension cords snaking through the pink roach powder along the baseboards. The parlor is tiny, but Avery sits, bunched up, on a corner of the sofa, hugging his knee like a security blanket. Because to Avery, this room is terrifyingly huge. This is his first full day home since he became the World's Greatest Living Expert on the Tombs.

"When I first came there they didn't have no mattresses. For 18 months, I slept on the springs. I used to get blankets, I guess I had 20 blankets, and I'd put them on the springs. Every time they had a shakedown they'd take them but when they'd leave I'd go and get 20 more. I'd steal them off the big hand truck in the hallway. Now they got mattresses and they don't even clean them. You know, a bum will come in, a skid, and he'll lay down on it and wet himself and everything, and after he's gone they'll just put the mattress over in the corner and give it to the next guy. . . ."

Junius Avery arrived in The Tombs on April 4, 1967, as a fugitive from justice, on a warrant charging him with breaking into a house in Baltimore. At his arraignment that day in Criminal Court, it was explained to him that if he wished he could sign papers and waive his rights to extradition proceeding. He did not wish. Bail was set at $5,000. It might as well have been $5 million.

Dean of the Tombs

"The worst part of being there, I guess, is being around those police that are fools, that come in with attitudes. That's the hardest thing about it. It's hard against the inmates. They come in there, they might have domestic problems, or, you know, you don't know what happened to them on the street, but they take it out on certain inmates. I've seen them, man, just unnecessarily take things away from inmates.

"Each time the shift changes, you know, if you don't know what guard is coming on, you say to yourself, well, what if one of those fools is coming on, you know. That means a hard way to go. They're not going to turn the TV on, or the radio on, or they make you wait to get out the mail. You know, just a hard way to go. It's a mental strain, a lot of mental strain. The guards that are fools, I just stayed away from them. I didn't go anywhere near them. If there was something I needed or wanted, and they were the only ones around, I'd just do without it, that's all."

Avery is wearing a new sport shirt, slacks and loafers. The first thing he did when he got out of jail was to buy new clothes. They don't let you buy clothes in The Tombs—no new clothes, no Playboy magazines, no midnight snacks. None of that, even if the law does say you are an innocent man, as those who are in The Tombs are. For The Tombs is a detention house for those who have not been tried, and people are still innocent until it's proved otherwise.

"One thing they could do would be to give a man more decent food. The food's rotten. It's nothing. They don't prepare it correct. They just don't care. Like the rice; they give you a lot of rice. The rice is dry, it don't have no taste. Like the Spanish rice, it's dry like paper, and it has some kind of dry meat cut up in it. Chicken, some of the chicken you bite into is so half-raw that blood runs out.

"I used to hate powdered eggs. It made me sick. I could smell it when it came up on the floor. Powdered eggs. They give you powdered eggs, string beans, white potatoes. The potatoes have lumps in 'em, the eggs have lumps in 'em, the string beans are cold and hard. I used to hate that meal."

Avery says he fought extradition for one simple reason: Innocence. He admits he's done plenty of wrong in his life, but not the wrong he was accused of doing. So he fought stubbornly, represented by a succession of Legal Aid Society lawyers, against extradition. In his hearings and appeals, he says, his case was postponed time and time again, usually because the district attorney was not able to proceed. Avery said he stopped counting after the 50th postponement. He was finally extradited to Baltimore on May 19, 1970, after three years, one month and two weeks in The Tombs, a facility for temporary detention. Although he did not receive a certificate, that made Avery The World's Greatest Living Expert on The Tombs—no one had ever been there that long before. The bitter irony in Avery's story is the twist at the ending: When the housebreaking charge came up in court in Baltimore the day after his extradition from The Tombs, it was dismissed for lack of prosecution.

Q: How did you pass the time in jail?

A: When I first went there, I studied law books a lot. I wanted to know everything I could about extradition, you know? And I guess for my first 15 months, that's mostly what I did, I stayed in those law books all the time. I read.

Q: How about recreation, exercise?

A: Recreation is poor. Actually, the only recreation you have, you have the movies, from around October to May. Our cell block used to go to the movies every Monday at 1 o'clock. And when the movies isn't in process, you go up on the roof, up on the top of The Tombs. They have a square place with wire net over the top. It used to be that if it was sunshine, you'd just go up there and walk around, walk around in a circle. But last year, Mr. Green, the library official, he started to bring the band up there, you know, the band from the prisoners that's doin' time. That was nice.

Q: Did you ever have three men in your cell?

A: Yeah, but each time I complained about it so much they took the third man out. Because it's too crowded, you know. I realize that they did it because they had to do it, because everybody has three men in his cell. But I always told them, you know, I've been there so long, and I'd say I had a nervous condition or something, and they'd take the third man out.

Q: What did you miss most?

A: Well, first of all, my family, my mother. Then, I tell you, a lot of times I wish I could just buy one decent meal, you know, a medium rare steak, candied sweets, green peas, maybe a little cole slaw. And maybe a tall glass of orange juice. I love orange juice.

Q: What about sex?

A: Well, that's something you just have to adjust your mind to, say you can't have, that you have to do without. Face it, you know.

Q: Did you have many visitors?

A: No, well, see, like, people . . . you know, the only thing, I didn't like them to come all the way there to see me.

Q: Well, did you have any visits at all in three years?

A: No.

If anything, Junius Avery's story is a searing indictment of our judicial system. No legal procedure should take longer than eight or nine months, from arrest to final appeal, according to the President's Crime Commission and other study groups. A three-year extradition proceeding is a monstrosity by anybody's definition.

But Avery's story is also an indictment of our city's detention facilities. Why should a legally innocent man be forced to share a small, dirty, locked cell with one or two other men, with dirt, with roaches and lice and mice? Why should he be deprived of recreation, exercise, of contact with his family? Why should he be given less humane treatment than sentenced convicts?

What might three years of this do to a man?

"My writing was the most important thing to me, I guess. It was a means of escape. Actually, I would write so much I would escape reality, you know, get away from it for days and days at a time. Just write, write, write, and actually get away from that place. I'd write letters, and then I'd write stories and send them to magazines and things."

I asked the Department of Correction to comment on Avery's case. This was the official statement: "Junius Avery was incarcerated on April 4, 1967, and discharged from the Manhattan House of Detention on May 19, 1970. He was held on an extradition charge to the State of Maryland. This unusual delay was caused almost entirely by the activity of Mr. Avery and his counsel in resisting extradition." In other words, it was Avery's own fault. I asked him about this reaction when I spoke with him in Baltimore:

"Well, you see, that's unfair," he answered. "Because that's what extradition is, to not be taken bodily across a state line. This is what the extradition law is for, so if you just sign, you're not getting your privileges. What would be the purpose of having the extradition laws, if you had to waive them? I just wanted to know that was happening against me."

All Junius Avery wanted from New York City was the item that is written down in the Fourteenth Amendment to our Constitution. The item is called due process.

Q. How did it feel when you walked out of the court in Baltimore?

A: Oh, man, I can't even describe it. Too good to be true. One of the best feelings I ever had in my life. Better than I had even imagined. Better. Fresh air, nobody holding onto you, no handcuffs. Oh, man. It was being born again . . ."

The Department of Correction Could Stand Some

(By Donald Singleton)

The branch of city government which operates our prisons is called the Department of Correction. Considering the amount of the department's energy and resources which go into the business of correcting people, that is a generous title.

For Correction Commissioner McGrath is only able to spend $3.5 million—out of a $61.3 million budget in 1969–70—on pure rehabilitation.

Even with funds coming from outside, McGrath's department manages to make rehabilitative training available to only a relative handful of the 6,000 sentenced prisoners who have been placed in his custody.

Worse yet, many of the programs which pass for rehabilitation actually have the potential for doing more harm than good. Consider a few examples:

One of the most popular vocational training courses on Rikers Island is the barber school in the New York City Reformatory, a part of the Board of Education's PS 189. The instructor, well liked by the boys, has had remarkable success in turning out students who are highly skilled in hair styling. Indeed, most of his graduates could go to work in any barber shop in the city. There is a hitch, however—New York State often delays or denies applications for an apprentice barber's license when the applicant has a prison record.

The by-laws of the New York City Board of Education state that a public school education must be provided for every child between the ages of 6 and 17. There are an estimated 600 boys in this age group housed in the Adolescent Remand Shelter on Rikers Island, charged with crimes, awaiting trial.

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Four hundred of the boys are getting schooling. Another 200 boys have requested schooling, but there are not enough teachers. For the past two years, Warden James Thomas has had several additional classrooms available, and has made repeated requests to the school board for another eight teachers. The requests have never been filled, and the 200 boys spend their long days with the rest of the 2,000 inmates of the shelter, slouched in front of day room television sets.

More than half of the juvenile offenders who complete serving their sentences are discharged with no followup services in the community. They are taken in a green Department of Correction bus to the Astoria Blvd. station of the BMT subway and dropped off.

Hundreds of prisoners have been trained as truck drivers, plumbers, electricians and bakery workers during their prison terms. Yet, the Department of Motor Vehicles sometimes denies licenses to ex-cons for long waiting periods. And many of the unions representing plumbers, electricians and bakery workers exclude ex-cons.

There is no way to measure the harm done by any of the above examples, but it is certain that harm is done.

Most prisoners are people who have been beaten down so hard, and for so long, that they are practically without hope. To raise their hopes by teaching them a useful, valuable trade and then to dash those hopes on the rocks by making it difficult for them to work at that trade, can only breed bitterness.

Much of what passes for rehabilitation, of course, is not capable of raising the hopes of even the most uncrushable Pollyanna. Many of the programs are little more than charades which seem designed strictly for the sake of appearance.

Examples of this type of program are the typing class and the sewing factory in the Women's House of Detention.

The typing class consists of a tiny room with a few tiny desks, a chartboard and a half-dozen brokendown, beat-up looking typewriters. The sewing factory is a big room with a lot of big tables and sewing machines, where inmates' uniforms are manufactured.

On the day I toured through the house, the six students in the typing class, tapping the keys disconsolately, looked bored half to death; the 12 women in the sewing factory stitching drab swatches of gray cloth together, looked worked half to death.

These examples only cover a small minority of prisoners, those fortunate enough to receive even a smidge of rehabilitation. For the rest, the vast majority, there is nothing but the boredom and the kind of make-believe training to be found in the many "work gangs" which paint, cook, clean and otherwise simply keep people busy.

Here is what the President's Commission on Law Enforcement and the Administration of Justice had to say about such programs in its 1967 report:

"When labor is forced and unrewarded either in money or in pride of accomplishment, there is little motivation to strive for diligence or skill."

"These features have characterized much of the drudgery to which prisoners have been subjected. When the period in which assigned work is expected to be done is several times the period really needed to complete it, there is little motivation to work diligently.

"When 'work' involves only the most menial tasks or is carried out with antiquated equipment and methods, it is of little help in training offenders for later employment."

That, then, is the state of correction within the New York City Department of Correction. There is education, but not enough for everyone who is legally entitled to receive it; there is job training, but for jobs which sometimes are not open to ex-convicts; there is work, which ranges from menial to meaningless. And then there is boredom.

The single best-selling item in most prison commissaries is Pall Mall cigarets. These are popular for two reasons. First, because they are long and unfiltered, they can be cut in half—this, in effect, doubles one's supply of smokes. But second, the cigarets are prized for their red-and-white patterned packages. Inmates save the packages and pass the endless hours folding them into intricate, checkered picture frames, chains and crosses to decorate their cells. The decorative value is second to the therapeutic.

Does the Department of Correction frequently fail? Perhaps. But no more so than practically every other correctional system in the world. Most prison systems are short of money, facilities and ideas. Most fail.

And perhaps the failure is a human one—perhaps there simply is no way to take a human being off the wrong track and put him on the right track.

This is the possibility raised by Warden Raymond McOlonan of the New York City Reformatory. McAlonan likes to tell this true story to illustrate his point:

In 1966; prior to McGrath's arrival, the manager of a well-known Park Avenue hotel became interested in the problems of rehabilitating prisoners, and he decided to do something about it. So he went to Rikers Island and obtained special permission to start a training program for select inmates.

The warden assisted the man in selecting eight inmates who seemed to be the best-motivated, most willing and most intelligent available. The hotel manager then set about teaching the inmates all he knew about salad-making and pastry-baking, which was considerable.

For the next four months the man spent one or two evenings a week with his students, working in the prison's kitchen. At the end of this time, he was satisfied that the boys were all qualified enough to hold down jobs in any fine hotel kitchen.

The man told the boys that when they were released, there were jobs begging to be filled. All they had to do, he said, was call him at the hotel the day they were released, and he would either hire them himself or make arrangements for them to be hired in a competitor's hotel. The pay would be at least $135 a week.

That would seem to be a near-perfect rehab program: the training was thorough; the job was meaningful; the pay was good; there was a certainty of employment.

How many of the boys called upon their release?

None.

The story may not really prove anything. But it does give some idea of how easily these rehabilitation programs can break down without full aftercare services—who knows, if someone had simply driven the boys directly to the hotel, they might all be employed regularly today.

McGrath is well aware of the difficulties, but he insists that, despite evidence to the contrary, progress is being made. He points with pride, for example, to the community-based work-release program in Brooklyn, where a small group of prisoners are allowed to go to work outside by day and return to custody by night.

But that program involves only a maximum of 60 men, and it is totally dependent upon federal Model Cities funds. If the federal funding is cut, the city's program goes down the drain. There is another work release program, too, operated by McGrath's department on Rikers Island. But it involves only 28 men out of the more than 4,000 on the island.

There are other federal possibilities, like the progressive bill sponsored by Rep. Edward I. Koch, the Manhattan Democrat-Liberal. This, if adopted, would pump hundreds of millions of dollars into the effort to upgrade state and local prison systems. But Congress has never given any indication that it is willing to spend large sums of money on the problems of correction. The future of Koch's bill is far from certain.

Finally, McGrath says this:

"When you come right down to it, you can take 10 psychiatrists, 10 psychologists, 10 social workers, 10 teachers, 10 guidance counselors and 10 parole officers, and give the 60 of them just one convict to correct, and you can't be sure that they'd correct even that one person.

"There are no easy answers in this business. No easy answers and certainly no guarantees."

McGrath on Prisons and the Press

(In researching his articles on "Crime and the Prisons" Don Singleton asked Commissioner of Correction George F. McGrath for a written statement of his department's policy against permitting in-depth reporter interviews with inmates. The following is substantially the commissioner's reply:)

I have made it clear that you have complete access to each and every facility and to every part of each institution and operation, day and night, seven days a week, so that nothing has been hidden from your view. This was not, as you know, a special dispensation to you personally, but is and has been the policy of the Department since I have been Commissioner for all of the news media. . . . The media in this city have taken full advantage of this policy and our operations are very fully covered. . . .

Based on many years of experience in the prison field and on my knowledge of what goes on in the rest of the country, I believe we are very liberal in this regard.

With respect to the rights of inmates to communicate with persons beyond their immediate supervisors, we also maintain a liberal attitude. Inmates can without restriction, and frequently do write to myself, the courts, the district attorneys, the Mayor, Governor, Senators, Congressmen, state and city legislators as well as family and friends are free to state whatever they wish.

Complaints which are brought to the attention of the commanding officers of any installation, to me or to my office, are carefully investigated, in each case, and appropriate action is taken. District Attorneys and the City Department of Investigation are promptly notified of any matters which suggest criminal wrongdoing. . . .

This administration encourages visits from responsible persons and groups, other than newsmen. Many people in political life, grand juries, educators, clergy and social agency personnel visit our institutions and talk freely with inmates. You are aware of the fact that we recently distributed some 1900 questionnaires to inmates of the Manhattan House of Detention for Men and returned their sealed and uncensored replies to a Congressman who desired to get this kind of probing information.

We do have one limitation of which you complain. That is, that interviews of inmates by newsmen are restrained to their reaction to entertainment events, their feelings upon graduating from some of our programs, their thoughts on special occasions. We do not permit in-depth, private interviews with newsmen. To make up for this, however, we offer, as I did to you, to assist in making arrangements for interviews immediately upon release from the institutions when, of course, the ex-inmate is totally free from all restrictions. Many reporters, television interviewers, and others, have utilized this means to obtain first-hand accounts for men and women within minutes after their release.

In your letter of May 27th you state that you will not follow this procedure indicating that such interviews would be unreliable because the newly discharged ex-inmates would be "in a euphoric state and certainly would not be in any condition to comment objectively on anything." On the basis of my experience and observation and the comments I have received from your colleagues who have done such interviews, I believe you are badly mistaken. As a matter of fact, I believe that comments at that time would be far more objective and informative.

You request that you be permitted "to spend an afternoon and evening with the inmates of any randomly selected quadrant in the New York City Reformatory—(and) the Manhattan House of Detention for Men—to talk openly with the inmates of these institutions about any and all matters."

My decision is to deny your request for reasons that are both positive and negative. On the positive side, to accomplish what you want, i.e. information that is factual, honest and objective about what goes on in our institutions and in the minds of our inmates, you have available to you, with our cooperation, limitless numbers of ex-inmates who are departing our custody and control and who can speak to you with a freedom that cannot be duplicated "on the inside" and with an honesty and fairness that would be superior to views expressed while still confined.

On the negative side, the intrusion you request could and probably would be considered by the inmates as a solicitation to come up with stories, the more imaginative the better, to satisfy a newsman who wants to sell papers, and might even precipitate disturbances depending upon the extent of provocation which became engendered in such discussions. As a reporter interested in reporting what goes on in a truthful fashion, I am sure you can see how prone this procedure would be to error and bias.

In addition, to permit all newsmen and writers the kind of interviewing conditions requested by you would be an unbearable burden upon our staff, facilities and time in these days of extreme overcrowding with the problems this presents. We would be literally swamped with requests we could not deny.

In summary, I believe you are making a request which is, under all the circumstances, not important to the subject of your inquiry and which attacks a long established and carefully considered policy which is a most liberal one in terms of the inmates' right to air grievances and be in touch with the outside world, the right of the public to know in detail about what goes on in our correctional and detention institutions and the right of the press to have maximum access to evaluate and report on our prison communities.

Does Jail Have To Be Like This?

(By Donald Singleton)

(Last of a series)

When George McGrath came to take over New York City's correctional programs five years ago, he had a grand plan in his briefcase, a plan to establish an organization worthy of the name Department of Correction.

Both five years have passed, five years of the tough realities of life in New York City, and McGrath has been forced to lower his sights and watch helplessly as many of his goals fade further into the distance.

"I came here to be Administrator of Correctional Services," he said in a recent interview. "I was supposed to head up the prisons, parole and probation—the whole ball of wax. That was the way it was supposed to be."

Most experts believe that this is the way it *should* be—no correction system can really function properly if it includes nothing but locks and bars. There should be a continuum of care, from the instant that a person is arrested to the instant of his release.

There should be humane, comfortable detention facilities for those unable to post bail and for the minority—the few hundred accused murderers—not eligible for release on bail. Those who are detained, those who are innocent until found guilty, should have minimum restrictions on their civil rights.

There should be probation, a sort of controlled, monitored release, for guilty persons deemed not in need of imprisonment.

There should be the correctional institution—the prison—for those considered to be in need of vigorous handling. This institution should be capable of performing the seemingly impossible task given it by society of rehabilitating people while punishing them.

And finally, there should be parole, an aftercare operation to assist the prisoner in making the difficult transition from the totally controlled world of prison to the chaotic world outside the bars; from his role as prisoner to his role as productive citizen.

This was not to be in New York, however:

Instead of such a single, centralized system, the administration of the city's correctional affairs has been divided—chiefly to cut the city's costs—between state and municipal governments. But at the price, unfortunately, of bureaucratic entanglements.

"As it turned out, there was so much opposition to control of probation being taken away from the courts—and there still is such opposition—that they decided to leave probation out," McGrath said. "Then, we did have parole, but about a year after I got here the state expressed a willingness to take over parole, at their expense.

"Now, it was an agonizing decision to make. The mayor relied on me very heavily. But I have to say that the State Parole Commission is one of the best in the nation, standards-wise, program-wise, etc. Now, looking at the city's financial situation, I could not see beefing up our parole system to those standards. So, reluctantly, I joined in the dissolution of the empire here, and I let the state take over parole.

"So I am left with prisons."

The problem goes beyond centralization. When McGrath arrived on the scene on March 30, 1966, his institutions held two-thirds sentenced prisoners, those in need of "correction," and only one-third detention prisoners, those awaiting trials and unable to post bail. At that point, McGrath's main job was correction.

But now the ratio has reversed itself—of the 14,000 prisoners in McGrath's care, more than 8,000 are awaiting trial and less than 6,000 are under sentence. Subtract the 2,000 sentenced prisoners who have been transferred to state institutions, and that leaves McGrath with only 4,000 of his 14,000 prisoners to be corrected. Thus most of McGrath's energies necessarily must be devoted to what he calls "warehousing people" instead of rehabilitating them.

By far the most significant result of this reality has been the squeeze which has been placed on the detention prisoners. The Tombs almost always has three men sleeping in cells designed for one. The Adolescent Remand Shelter on Rikers Island is perpetually crowded above its optimum capacity.

This crush will be eased when a new Rikers Island facility for 1,000 adolescents is completed in 1971. There also is a scheme—backed so far by $200,000 for planning purposes—to build an addition to the Tombs.

The newest building under construction within the system, a new Women's House of Detention on Rikers Island, could provide some obviously needed relief. When the new women's facility opens, within the next few months, this will empty the present house in Greenwich Village. Hundreds of male prisoners could be moved from their overcrowded quarters in The Tombs to this building, which is more modern than most prisons in the state, which is structurally sound, which is more aesthetic than most prisons and which would cost untold millions of dollars to replace.

But political considerations being what they are, this partial solution may never occur. Community groups in the chic Village area have long made unpleasant noises about having all those unsavory prostitutes and their visitors in the area. And the site of the building at 10 Greenwich Ave. would be worth millions of dollars as an office or apartment building site. Thus, pressure has been applied on City Hall.

Should the Women's House be taken away from McGrath's department, a new building would be needed. That would cost huge quantities of money. But money is in short supply in the department.

Indeed, most U.S. correction departments are hampered by a lack of money in their attempts to develop good systems.

McGrath has schemes for improved detention methods. For example, he is eager to expand work-release programs to include detention prisoners. "That three-in-a-cell business is just horrifying, it's a crime," he says. But, always, a shortage of money prevents plans from becoming realities.

What is a good system? There are as many answers to that question as there are experts.

Mel Rivers, president of the Fortune Society, an organization of ex-convicts striving for prison reform, says the key to correction work is attitudes—the attitudes of the wardens, correction officers and others working within the system. If correction officers are guards, and if the prisons are primarily for punishment, then there can be no real rehabilitation, Rivers says.

The attitudes among some guards are clearly evident. As I toured through the various prisons in the company of a warden or other high-ranking officer, many correction officers we encountered snapped a military salute. "We are a quasi-military operation," one officer said.

"As long as they come on like cops or soldiers, they're not going to be giving off positive vibrations," Rivers comments.

There is one prison in the nation where most of the very latest theories have been put on trial. This institution, which could become a model for all future prison development, is the Robert F. Kennedy Youth Center in Morgantown, W. Va., operated by the Federal Bureau of Prisons.

At Morgantown, there are no bars. The 250 inmates are called students; and the correction officers are called counselors. The students wear civilian clothes (except for newcomers, who wear khakis for a short while after arrival), and counselors wear slacks and blazers.

While the Kennedy center has only been in operation for a couple of years—too short a time to measure its success or failure—federal officials are optimistic that the results will be measurably better than the results of traditional approaches.

The Youth Center is expensive—the daily cost per inmate is $25, as compared with a daily per-inmate cost of $9.02 for the New York City Reformatory on Rikers Island. But if boys are corrected in Morgantown and only housed on Rikers Island, who is to say which system costs society the most in the long run?

And that brings us to the final question in the matter of corrections: Can you rehabilitate criminals without rehabilitating the society that breeds criminals? Can you stop a boy from stealing by teaching him a trade, and then send him into a society which stops him from getting a job because he is an ex-con, or because he is black, or poor, or on welfare, or without a high school diploma?

This is how Warden James Thomas of the Adolescent Remand Shelter on Rikers Island summed it up one recent afternoon:

"Rehabilitation? I'll tell you what. If you'll take all these boys, and give each one of them a nice house, and two cars, and

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a pretty wife and a few beautiful kids, and a good, challenging job at $10,000 a year—give them all that, and then I'll promise to rehabilitate at least 80% of them.

"But give them a few classes here, and a little vocational training, and a prison record, and send them back out into the slums of the city, and I'm not making any predictions at all about rehabilitation."

INCREASED FUNDS FOR URBAN MASS TRANSIT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. EILBERG. Mr. Speaker, Mayor James H. Tate of the city of Philadelphia and president of the U.S. Conference of Mayors, has written to me with his concern over the necessity of providing increased funds for long-term financing of expanded urban mass transit programs and changing of the highway trust fund into a broader and more inclusive transportation trust fund.

Because the issue is so important and so timely, I wish to enter correspondence received from him on the RECORD. The following is a letter from Gov. Francis W. Sargent of Massachusetts to Mayor Tate, after which appears Mayor Tate's response to Governor Sargent. I am certain that my colleagues will be impressed with the information provided. I am also including Governor Sargent's letter to Senator RANDOLPH:

STATE HOUSE,
BOSTON, MASS., *July 23, 1970.*

Hon. JAMES H. TATE,
Philadelphia, Pa.

DEAR MAYOR TATE: I am writing to you in an urgent appeal for your help and support.

On February 11, 1970, I announced to the people of Massachusetts that I was reconsidering much of the proposed interstate highway construction in the Metropolitan Boston area. I did this in order to institute a new era of balanced transportation policy in Massachusetts. It is my conviction that transportation planning must become responsive to the unique needs of each state and not remain rigidly restrictive as some of our present planning has become.

A transportation system performs a critical function in our society; it is woven into the very fabric of our social economic, and even political life. In urban areas, transportation choices significantly influence land use patterns. The survival of many of our viable urban communities depends on transportation decisions. Our environment, in many diverse ways, has also been deeply affected by our present policies. Of great concern to me, in light of our highway-oriented policies and the resulting decay of our urban mass transit systems, is the plight of the poor, the young, the elderly, and other disadvantaged groups. Almost fifty per cent of families earning less than $3,000 have no car at all; they and many others must rely heavily for their mobility and economic opportunity on the quality and diversity of a region's mass transportation alternatives.

However, all citizens benefit from mass transportation facilities—either rail or bus. Mass transportation service has many environmental benefits; it not only takes less land than highways, but produces less air pollution. Even those who still drive their own cars benefit from reduced congestion.

Unfortunately, our present transportation funding policies do not provide adequate financial support for mass transportation facilities. And we should not be misled into thinking that this is a problem simply for our large urban areas. Out of the 258 transit systems that have been abandoned since 1954, 208 were in communities of 50,000 population or less. Thus, the problem is national in scope. I feel it is imperative, therefore, that we begin to create a responsive, thoughtful, and balanced national transportation policy.

One solution for our present transportation dilemma is to increase the funds available for long-term financing of expanded urban mass transit programs. Congressional approval of the Mass Transportation Assistance Act of 1969 would be an important step in this direction. This Act has already passed the Senate. The Senate version (S. 3154) provides, among other things, for an appropriation of $3.1 billion to be allocated over a five-year period. The House Banking and Currency Committee, however, has proposed an increase in the actual appropriations to $5 billion over five years. The Bill (H.R. 18185) has been reported out favorably by the House Banking and Currency Committee and will now go to the House floor for debate. I strongly urge you to give the House Banking and Currency Committee's version (H.R. 18185) vigorous support in the House of Representatives.

However, passage of this legislation is only a beginning. It has been estimated by the Department of Transportation that 28 to 34 billion dollars will be needed to begin to meet the nation's mass transportation requirements. A significant long-term commitment must be made. The Senate Public Works Committee is now considering legislation to redirect our transportation priorities. I enclose a copy of a statement that I submitted to that Committee.

It is essential that we work for the introduction of greater flexibility into our national transportation policy. Therefore, I appeal to you to help change the Highway Trust Fund into a Transportation Trust Fund. A Transportation Trust Fund will allow funds, heretofore restricted to use only for interstate highway construction, to be employed for highways, mass transit, airports, and railroads. In view of the serious distortion of the nation's transportation development created by the restrictive nature of the present Highway Trust Fund, passage of the Transportation Trust Fund should introduce a new era of responsible and flexible transportation planning.

I know you realize the seriousness of our present transportation problems. Therefore, we must work together and urge other interested individuals and groups to develop, with us, a meaningful solution to this crisis. I hope I will have the opportunity to work with you on these very important matters.

With best wishes,

Sincerely,

FRANCIS W. SARGENT.

PHILADELPHIA, PA.,
August 3, 1970.

Hon. FRANCIS W. SARGENT,
Boston, Mass.

DEAR GOVERNOR SARGENT: Thank you for advising me with respect to the efforts to change the Highway Trust Fund into a broader and more inclusive Transportation Trust Fund.

We in the National League of Cities and the U.S. Conference of Mayors, have been working in this direction for some time.

I certainly appreciate your support at the Governor's level.

You may be sure that I will bring this to the attention of our Congressional representatives as well as the staff of the National League of Cities—U.S. Conference of Mayors.

With all good wishes and kindest personal regards, I remain

Sincerely yours,

JAMES H. J. TATE,
Mayor.

STATE HOUSE,
Boston, July 28, 1970.

Hon. JENNINGS RANDOLPH,
Chairman, Senate Committee on Public Works, Washington, D.C.

DEAR MR. CHAIRMAN: Your distinguished Committee is now considering a subject of vital concern to the citizens of Massachusetts: the need for a single Transportation Trust Fund. In May of this year, I personally appeared before the Public Works Committee of the House of Representatives to testify on this important matter. May I commend you and your Committee for holding public hearings on this subject, and may I take this opportunity to present some thoughts on the need for a Transportation Trust Fund.

We have tremendous inadequacies in our transportation system today—inadequacies which have resulted from short-sightedness in planning for our future needs. To date, highways have dominated our transportation thinking because the Highway Trust Fund has been the dominant form of financial support for transportation. Federal funding policies have restricted Governors and Mayors, in many cases, to the construction of roads. We cannot have a balanced transportation system unless we have balanced funding of transportation programs.

In Massachusetts, we are moving to correct the existing imbalance. I have already submitted to the Massachusetts Legislature an amendment to the state constitution that will permit state highway trust funds to be used for transportation purposes in general. The principle behind this move is simple: funds should be allocated for a particular transportation purpose, not for a particular transportation mode. Funding policies should be flexible, so as to permit state and local governments to select the best option available to them; real decision making should be as close to the local residents as possible. In the past it has been the prevailing practice to limit the expenditure of highway tax revenues to further highway construction. The cost of construction is only part of the overall expense to communities and regions. It should be our obligation to include in any future planning the social costs of these roads as well, including the costs of air and noise pollution, community disruption, housing shortages, and subsequent loss of real estate taxes. General funding for all related transportation purposes is the only answer.

State and local governments should be permitted to incorporate the values and ideas of the citizens of the region when designing transportation facilities and networks. The transportation planning process is one that requires constant experimentation and reevaluation, thus making it desirable that different regions attempt to develop networks that mix and integrate different modes of transportation. For example, if it is governmental policy to support intercity transportation, there should not be separate support for various modes—such as airlines, railroads, and highways. A general intercity transportation funding mechanism should be designed to permit a specific determination of which form is most appropriate in each individual case.

More flexible funding policies on the federal level are essential to permit the construction of transportation facilities to match the unique local transportation needs.

Therefore, I feel that a major element of the Federal Aid Highway Act of 1970 should be increased flexibility. In order to meet the demands of the future, we must recognize the enormity of our transportation problem. We can then begin to meet these demands by liberalizing our funding policies, by integrating modes of transportation, and by recognizing transportation as a public right—inherent in the national character of the American people. Congress can start on this task now, by enacting legislation combining now separate transportation funds into a single Transportation Trust Fund.

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Thank you again, Mr. Chairman, for the opportunity to present these views to your Committee.

With best wishes,
Sincerely,
FRANCIS W. SARGENT.

CONGRESSIONAL MEDAL OF HONOR AWARDED TO MARINE CPL. WILLIAM D. MORGAN OF PITTSBURGH

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, we in our congressional district are proud of the honor given Marine Cpl. William D. Morgan for his dedication and devotion to his country, the American people, and his fellow Marines.

William Morgan was born in Pittsburgh, Pa., and attended the Mount Lebanon Elementary, Junior High, and High Schools. In 1966 William Morgan enlisted in the U.S. Marine Corps Reserves. He was discharged from the Reserves in 1967 to enlist in the Regular Marine Corps. In 1968 Corporal Morgan was transferred to Vietnam where he served as rifleman, fire team leader, and squad leader with Company "H," 2d Battalion, 9th Marines, 3d Marine Division. It was during operations in Vietnam that Corporal Morgan lost his life.

In addition to the Congressional Medal of Honor, Corporal Morgan's medals and decorations include: the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal with two bronze stars, and the Republic of Vietnam Campaign Medal.

I am including in my remarks the public statement on the presentation of the Congressional Medal of Honor to William D. Morgan, the citation accompanying the medal, and the background of the Congressional Medal of Honor.

The American people should be proud indeed of Cpl. William Morgan for his gallantry and heroism and devotion to country.

MARINE CPL. WILLIAM D. MORGAN

WASHINGTON, D.C., August 6, 1970 (USMC).—Marine Corporal William D. Morgan was posthumously awarded the Medal of Honor for gallantry in action in Vietnam by President Nixon in a ceremony today.

Corporal Morgan was honored for heroism while serving as a squad leader with Company H, Second Battalion, Ninth Marines, Third Marine Division. He was the 42nd Marine to earn the Medal of Honor in Vietnam.

On February 25, 1969, while participating in Operation Dewey Canyon, one of the squads of Corporal Morgan's platoon was temporarily pinned down and sustained several casualties while attacking a North Vietnamese bunker.

Observing that two of the wounded Marines had fallen in a position dangerously exposed to enemy fire, he initiated an aggressive assault against the hostile bunker. While charging across an open road, hostile fire mortally wounded him, but his diversionary tactics enabled the remainder of his squad to rescue their casualties and overrun the enemy position.

The 22-year-old corporal joined the Marine Corps in Pittsburgh, November 18, 1966, and went through recruit training at Parris Island, S.C.

Prior to his assignment with the Third Marine Division, Corporal Morgan served a one year tour of sea duty with the Marine Detachment aboard the USS Newport News.

In Vietnam he also earned the Purple Heart and the Vietnam Service Medal with two bronze stars.

Corporal Morgan is the son of Mrs. Helen L. Morgan of 427 Serrano Drive, Mount Lebanon, Pa.

PRESENTATION OF MEDAL OF HONOR

The President of the United States in the name of The Congress takes pride in presenting the Medal of Honor posthumously to Corporal William D. Morgan, United States Marine Corps for service as set forth in the following Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Squad Leader with Company H, Second Battalion, Ninth Marines, Third Marine Division in operations against the enemy in the Quang Tri Province, Republic of Vietnam. On 25 February 1969, while participating in Operation Dewey Canyon southeast of Vandegrift Combat Base, one of the squads of Corporal Morgan's platoon was temporarily pinned down and sustained several casualties while attacking a North Vietnamese Army force occupying a heavily-fortified bunker complex. Observing that two of the wounded marines had fallen in a position dangerously exposed to the enemy fire and that all attempts to evacuate them were halted by a heavy volume of automatic weapons fire and rocket-propelled grenades, Corporal Morgan unhesitatingly maneuvered through the dense jungle undergrowth to a road that passed in front of a hostile emplacement which was the principal source of enemy fire. Fully aware of the possible consequences of his valiant action, but thinking only of the welfare of his injured companions, Corporal Morgan shouted words of encouragement to them as he initiated an aggressive assault against the hostile bunker. While charging across the open road, he was clearly visible to the hostile soldiers who turned their fire in his direction and mortally wounded him, but his diversionary tactic enabled the remainder of his squad to retrieve their casualties and overrun the North Vietnamese Army position. His heroic and determined actions saved the lives of two fellow marines and were instrumental in the subsequent defeat of the enemy. Corporal Morgan's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the Marine Corps and of the United States Naval Service. He gallantly gave his life for his country.

MEDAL OF HONOR

The Medal of Honor is the highest award for bravery that can be given to any individual in the United States. In judging men for receipt of the medal, each service has established its own regulations. The deed must be proved by incontestable evidence of at least two eyewitnesses; it must be so outstanding that it clearly distinguishes the recipient's gallantry beyond the call of duty from lesser forms of bravery; it must involve the risk of his life; and it must be the type of deed which, if he had not done it, would not subject him to any justified criticism.

The idea for the Medal of Honor was born during the Civil War as men fought gallantly and oftentimes displayed great heroism. George Washington originated the Purple Heart in 1782 to honor brave soldiers, sailors and marines. From that time until the Civil War, Certificates of Merit and a "brevet" system of promotions were used as military awards. The first military decoration formally authorized by the American Government as a badge of valor was the Medal of Honor for enlisted men of the Navy and Marine Corps. It was authorized by Congress, and approved by President Abraham Lincoln on December 21, 1861. The medal for the Army and Voluntary Forces was authorized on July 12, 1862.

The medal is awarded "in the name of the Congress of the United States" and for this reason, it is often called the Congressional Medal of Honor. It is only on rare occasions, however, that Congress awards special Medals of Honor. An Executive Order, signed by the President Theodore Roosevelt on September 20, 1905, directed that ceremonies of award "will always be made with formal and impressive ceremonial" and that the recipient "will, when practicable, be ordered to Washington, D.C., and the presentation will be made by the President, as Commander in Chief, or by such representative as the President may designate."

The Navy Medal of Honor is made of bronze, suspended by an anchor from a bright blue ribbon, and is worn about the neck. The ribbon is spangled with a cluster of 13 white stars representing the original States. Each ray of the five pointed star contains sprays of laurel and oak and is tipped with a trefoil. Standing in bas-relief, circled by 34 stars representing the 34 States in 1861, is Minerva who personifies the Union. She holds in her left hand the fasces, an ax bound in staves of wood, which is the ancient Roman symbol of authority. With the shield in her right hand, she repulses the serpents held by the crouching figure of Discord. The reverse of the medal is left blank allowing for the engraving of the recipient's name and the date and place of his deed.

MIDDLE EAST TALKS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. DERWINSKI. Mr. Speaker, the President's persistence may finally produce Middle East peace talks which, if successful, would be a major diplomatic accomplishment.

This point is very effectively discussed in a WBBM radio (Chicago) editorial Tuesday, July 28, which I place into the RECORD:

MIDDLE EAST TALKS

President Nixon is on the edge of accomplishing what seemed like an impossible task only a short time ago. It appears that his quiet efforts will bring about potential peace talks between Israel, Egypt and Jordan.

This has not been a simple job. The President first had to convince the Russians that it was in their best interests not to try and prevent such talks. Convincing the Russians of almost anything is a tough proposition.

Once that was done, the President and his aides had to convince Egypt's President Nasser that he should agree to a cease-fire and one way or another meet with Israel. The same process had to be applied to Jordan and once again to Israel.

All of this does not mean that peace is just around the corner in the Middle East. It involves plenty of risks. Syria and Iraq have refused to recognize a cease-fire. The Palestine guerrilla movement likewise will not accept a cease-fire. Israel is being asked to overlook potential attacks and not strike back at this sensitive moment in history.

It seems to us that there is a germ of a chance that some kind of peace can be produced in the Middle East. We believe that President Nixon is on the right track in his quiet, diplomatic steps toward getting

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peace talks started. If those talks should prove fruitless however, it won't be because the President has not tried to accomplish the task.

NATIONAL ECONOMY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, on Monday, the executive council of the AFL–CIO began it's midsummer meeting in Chicago. At this time the council released a very interesting statement relating to the state of the national economy. I feel that this penetrating analysis clearly describes the economic crisis which confronts us. It offers, I believe, several constructive measures which can and should be implements to help alleviate the pressures that Mr. Nixon's recessive economic policies have created. I am placing this statement in the RECORD for my colleagues' attention:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY

The worst combination of economic trends continues to plague the American people. Unemployment is rising, the cost of living continues to climb, and interest rates remain close to record levels.

After more than one and one-half years, the Administration's policies have produced an economic recession and extortionate interest rates, while inflation is still not under control.

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All Americans are being squeezed by the accelerated rise of living costs—from 4.2% in 1968 to 5.4% in 1969 and about 6% since December. Wage and salary earners are being pressed further by cuts in working hours which reduce take-home pay, and by layoffs.

In June, real spendable weekly earnings of non-supervisory workers in private non-farm employment—over 47 million wage and salary earners—were below year-ago levels for the fifteenth consecutive month. Moreover, the buying power of weekly earnings, after federal taxes, was less than in 1965. Most workers have had little if any gain in the buying power of their earnings in the past five years, after only modest improvements in 1960-1965.

Unemployment started its upward trend in the spring of 1969, as the Administration's tight squeeze on the economy began to choke off economic activities. Between last December and June, unemployment jumped 1.1 million—to 3.9 million or 4.7% of the labor force. While the growing numbers of unemployed are concentrated among unskilled and semi-skilled workers, there have also been increasing layoffs of skilled, technical and professional workers. Twenty metropolitan areas are now classified by the Labor Department as "areas of substantial unemployment"—up from six early last year.

Residential construction has been set back drastically, both by a lack of available funds and by extortionate interest rates. Housing shortages are spreading and the decay of central-city areas continues. Even the pick-up of housing starts, reported in June, leaves the nation only about half-way to the 2.6 million yearly level needed to meet the Congressional goal of 26 million dwelling units in 10 years.

The modest easing of the Federal Reserve monetary policy, after practically no growth in the money supply during most of 1969, has been utterly inadequate to spark a decisive economic upturn. Moreover, the Administration's hold-down on federal expenditures curbs the needed expansion of sales, production and employment.

Cutbacks of business plans for plant and machinery outlays, in the coming weeks—with accompanying cuts of inventories—can deepen the recessionary trend.

But even if the decline should bottom out during the next several months, as the Administration predicts, unemployment is expected to continue to rise through the remainder of 1970 and into 1971. Moreover, high unemployment is expected to remain into 1972, on the basis of the Administration's own forecast. A major and growing share of the burden of the Administration's economic policies is being borne by wage and salary earners.

There is no substantial rise of economic activities in sight.

A small increase of sales and production, in the year ahead, will be far from sufficient to create the large and growing number of job opportunities that are needed. Productivity is rising and reducing manpower requirements per unit of output. And military production is heading down, without government reconversion plans. At the same time, the normal growth of the labor force of about 1½ million a year is being augmented by returning GIs. Only a decisive and sustained rise of economic activity can create enough jobs for the unemployed and the growing labor force.

The AFL–CIO has repeatedly urged the government to adopt selective, pinpointed measures to curb the specific causes of inflation, without creating a recession and rising unemployment. We have also repeatedly urged the government to plan for a swift and socially useful conversion from military production. If the government had followed such policies, it would have curbed the amount of credit going to the blue-chip corporations for mergers, conglomerate take-overs, gambling casinos and investments in foreign subsidiaries. It would have provided the means for the needed flow of money into housing. It would have provided offsets to declining defense production. And there would have been no tight-money, high-interest rate squeeze on the economy.

But the Administration chose to choke off economic expansion. Instead of selective measures to aid the economy, the Federal Reserve and the Administration chose severe economic restraint. But the Federal Reserve used selective measures to reduce margin requirements for purchases of stock to encourage stock market speculation and to remove the interest rate ceiling on 30-to-90 day bank deposits of at least $100,000—to aid the banks, the blue chips and the wealthy.

So layoffs and production cutbacks are spreading, while living costs continue to climb. The price structure, as a whole, is now set, so that when sales start to move up, profits will shoot through the roof, as they did from 1961 into 1969.

Last December, Congress granted the President broad authority to curb the specific causes of credit inflation, to impose interest rate ceilings and to expand credit for needed housing, public facilities and regular business operations.

Confronted by the President's failure to use this authority, we urge the Congress, again, to direct the Federal Reserve System to establish selective credit controls, to establish maximum interest rates on specific types of loans and the allocation of credit to where it will do the most good for America. We believe this is a matter of great urgency—to direct the flow of available credit, at reasonable interest rates, into housing, public facilities and the regular operations of business.

We urge the Congress to adopt the legislation needed to require that a portion of such tax-exempt funds as pension, college endowment and foundation funds—as well as bank reserves—be invested in government-guaranteed mortgages to help meet the goal of 26 million housing units in 10 years.

Government action is needed to curb the price-raising ability of the dominant corporations and to curtail the greatly increasing concentration of economic power in a narrowing group of huge corporations and banks. In pursuit of this objective, a thorough investigation by the Congress of the structure of the American economy is long overdue.

The specific causes of soaring pressures on living costs, such as physicians' fees, hospital charges, housing costs and auto insurance, should be examined and practical, sensible measures to dampen these pressures should be developed.

Above all, policies are needed to revitalize the economy—to get America on the road to full employment as rapidly as possible.

If the President determines that the situation requires overall stabilization measures—after the establishment of selective credit controls—the AFL–CIO will cooperate. But such mandatory controls must be equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees wages and salaries.

The House has already given these powers—with the exception of profit controls—to the President on a stand-by basis. Obviously profit freezes would have to be included to achieve equity if controls are ever imposed.

We need an expanding supply of money and credit, at reasonable interest rates, to stimulate the required expansion of economic activity.

We need the full funding of federal appropriations for such socially vital requirements as housing, education, health care, community facilities and hospitals—and the federal government must establish a public-service employment program to create jobs for the long-term unemployed and seriously under-employed in providing badly needed public services. The soundest way to balance the federal budget is to balance the American economy.

We urge the Administration and the Congress to move immediately to measures that can quickly get America on the road to full employment—with job opportunities, at decent wages, for all those who are able to work and seeking employment.

CORPORATIONS THAT EXPLOIT TAXPAYERS WITH THE CROP PAYMENT PROGRAM WILL BE BUSY CHANGING FINANCIAL STRUCTURE

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. WIDNALL. Mr. Speaker, with faint hope that "a half a loaf is better than none" will come true, I plan to observe the effectiveness of the new crop subsidy limit in the Agriculture Act of 1970, which the House passed August 5.

The $55,000 limit per crop per year on cotton, wheat, and feed grains is supposed to cut the crop payment program by some $50 million, but I doubt it. For this estimate presupposes there will be no evasion whatever by the recipients.

The defeated proposal of $20,000 per producer per year which I voted for, would have cut the program by $171 million, period.

The bill as passed gives this definition in section 101:

> The Secretary shall issue regulations defining the term 'person' and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided*, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such land are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

This section 3 of title I is fraught with loopholes. Contrast it with the provision of the defeated Conte-Findley substitute which I supported:

> The Secretary shall issue regulations defining the term "person" and prescribing such rules and further limitations as he determines necessary to assure a fair and reasonable application of such limitation and to prevent the circumvention or evasion of such limitation, whether the circumvention or evasion be attempted by means of the subdivision of farms, production allotments or bases thereof through sale or lease, or by other means; *Provided*, That the provisions of this Act which limit payments to any person shall be applicable to lands owned and operated by States, political subdivisions or agencies thereof.

The approved version pales by comparison to the defeated.

I visualize those corporations that are each taking taxpayers for half-million dollars and more a year will shift lands to wholly owned subcorporations or divisions, claim feed grain would be grown where they claimed wheat once would have been grown and perform all manner of financial legerdemain. Then where one company came to our Department of Agriculture for a $4.4 million welfare handout, now 27 entities will come to the Department and ask for about $165,000 each. The 27 will channel their windfall into one conduit and the one company's coffers will again bulge with a $4.4 million bonanza.

My expectations for side steps such as this are so great and my hopes for cutbacks in the payment program are so faint, that I voted against the Agriculture Act of 1970.

DDT CAUSES MUTATIONS IN RATS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. OBEY. Mr. Speaker, a recent article in the New York Times indicates that FDA geneticists have found that DDT causes mutations in rats. With little comfort we also learn that scientists consider this discovery "predictable" in light of earlier research which has shown that DDT causes cancerous tumors in animals.

The question remains, Mr. Speaker, do we have the will to do something to prevent the environmental disaster which is also predictable if we continue to allow the release of toxic substances such as DDT and mercury into our air and our waterways.

The article appears below:

[From the New York Times, Aug. 4, 1970]

DDT Found To Cause Mutations in Rats

(By Nancy Hicks)

The insecticide DDT causes mutations in rat genes, a Food and Drug Administration geneticist has reported. This is the first time that DDT has been found to cause mutations in an intact mammalian system.

The research, conducted by Dr. Marvin Legator, chief of the F.D.A.'s cell biology division was termed "predictable" by the geneticist in light of earlier reports showing that DDT causes cancerous tumors in animals.

All cancer-causing substances in mammals have so far been shown to cause mutations too, and this conclusive finding is a "logical extension" to the body of knowledge on DDT, he said.

Dr. Legator, who performed much of the early research on the cancer-producing potential of cyclamates, reported his current findings last week at a private biological seminar at the Brookhaven National Laboratory on Long Island. A transcript of the session was made available to the press yesterday.

In his research, Dr. Legator used the Dominat Lethal Test, a recently perfected method of detecting mutation-producing agents in mammals.

TESTING PROCEDURE

Each week for eight weeks, he took a new group of at least 10 rats and gave them one relatively large dose of DDT, either orally or by injection. The maximum dosage—80 kilograms for each milogram of rat—should be equivalent to a heaping teaspoon for a 22-pound man.

Once a week for the next eight weeks after treatment, each group was mated with an equal number of females. A few weeks later, the uterus of each female rat was inspected.

If all were well, there would be a fetus present in eight out of 10 cases. In some, there would be scars on the uterus, indicating that a baby had been growing, but that something had interrupted its development and caused it to reabsorb into womb.

Approximately 4 per cent of the fetuses of female rats mated with untreated male rats, used as a control group, reabsorbed. This figure jumped to 13.3 per cent of the fetuses of female rats who had been mated with males treated two weeks before conception.

The two-week period, Dr. Legator said later in a telephone interview, represents the period of time it takes a sperm cell to grow from immature germ tissue to a mature reproductive cell. It was the only week after treatment that showed a significant difference.

The fact that the change—the reabsorption—is seen in the untreated female shows that some change in the genetic structure in the cells of the male took place. Dr. Legator said.

FINDING DISPUTED

Dr. Samuel S. Epstein of Children's Center Research Foundation in Boston, has performed the same dominant lethal test on mice but found that DDT had no mutagenic effects. This species differentiation is quite common he said.

Critics of this method of testing complain that massive doses of any substance will cause ill effects in an animal, but this is not the question, Dr. Legator said.

About 250 substances have been tested using the dominant lethal procedure, and only 4 per cent have been shown to cause mutations in animals, he said. This is true even when the dose is almost strong enough to cause death; either a substance causes mutations, or it does not, he said.

While DDT has been shown to cause mutations in rats but not in human beings, it should be considered "guilty until proven innocent," Dr. Legator contended.

"If we must err, let us err on the side of the angels. Every known cancer-producing substance, with the possible exception of arsenic, could have been picked up with animal studies," he said.

The use of DDT in this country had been on the decline over the last few years until last fall when studies showing that it caused cancerous tumors in animals caused the Federal Government to severely limit its use.

Since that time, several states have banned it, and several conservation groups have petitioned the F.D.A. and the Department of Agriculture to remove it from the market.

When this failed, the groups filed suit in the United States Court of Appeals in Washington, and the Secretary of Agriculture was ordered to suspend its registration for interstate shipment within 30 days or show cause for not doing so. The case is still in litigation.

ASTRONAUT RECEIVES FRENCH AWARD

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. MILLER of California. Mr. Speaker, I had the high privilege and honor of being present at the French Embassy when the Honorable Charles Lucet, Ambassador of France to the United States, presented the medal of the "Chevalier de la Legion d'Honneur" to Astronaut James A. Lovell, Jr.

The world acclaimed Astronaut Lovell's feat of landing on the moon. It was a "feat" for all the world, and it has had a great effect on the people of the world, unconsciously drawing them closer together.

I commend the excellent speech made by His Excellency, the French Ambassador, on this occasion and I make it part of this RECORD:

Astronaut Receives French Award

It is a great and signal honor for me to present to you, in compliance with instructions I received from the President of the French Republic, the insignia of the "Chevalier de la Legion d'Honneur" and accordingly induct you into our foremost national order.

You know, Commander, that the French people and all French citizens have followed with great admiration, great concern and passionate attention your exploits as well as those of all the astronauts before you.

As the pilot of Gemini VII you and Colonel Borman succeeded in December 1965 in achieving the first space rendezvous. You did even better in November 1966 aboard the Gemini XII when you succeeded in taking the first pictures of a solar eclipse from space.

Then came the period of the Apollo missions. Allow me to tell you very humbly that on December 21, 1968, I was on the Cape where I watched the launching of Apollo VIII, the first manned-space vehicle launched by a Saturn V rocket. I will never forget the spectacular sight of this majestic flight into space. As a regular visitor to Cape Kennedy, I was there again in July 1969, at the launching of Apollo XI, an historical date for men who were to set foot on the moon for the first time in history. Armstrong, Aldrin and Collins are likewise "Chevaliers de la Legion d'Honneur."

To you, my dear Commander Lovell, I wish to say that I and all Frenchmen believe that the flight of Apollo XIII which you commanded was likewise remarkable and admirable.

You as well as Haise and Swigert, who accompanied you, knew how to face the greatest difficulty men could ever encounter after the two oxygen tanks exploded halfway between the earth and the moon.

We have always admired American achievements and the unbelievable precision of American technique in all occasions. Here, however, something entirely different was involved. The crucial point was not machines, but courage, self-control and presence of mind.

With the help of the Houston Control Center and all NASA services and thanks to its chief administrator, Dr. Thomas Paine, to whom I wish to pay homage, you succeeded in bringing the capsule and its passengers at the right time to the right place under unbelievably dangerous conditions. We were extremely concerned but your calmness and success were incomparable. Half-failures are sometimes greater than victories. You have given us an unforgettable lesson. Even in the exploration of space with the aid of machines, which produced by our industries can nevertheless fail, even as we humans, you have shown that in every situation success is determined by man, his courage and his self-control.

Thanks to your example and the examples of the astronauts who preceded you and of those who will come after you, we know that space can be conquered and explored and that the moon, a planet about which poets have been dreaming, will also be the earth's great suburb and soon the starting point for further adventures.

You have opened to us unprecedented prospects that will arouse our imagination and you have spurred our age-old desire to cross new frontiers. Thanks to you this frontier is now the starry sky.

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We must not forget that these stupendous conquests have not changed men's dispositions and infirmities overnight. Conflicts, wars and violence will always be with us. But we know, and let us state unreservedly, that we have only to look to the sky in order to know where our future fate lies, and where final reconciliation among mankind can be effectuated. Space with all its perils now appears to us as the illimitable area for true international cooperation.

You have shown us the way and you have shown greatness in adversity. We thank you from the bottom of our hearts.

Therefore, on behalf of the people and the government of France, whose admiration for you and your colleagues is boundless, I will now utter these time-honored words.

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. SCOTT. Mr. Speaker, I would like to insert my August newsletter in the RECORD at this point. Since coming to Congress I have attempted to keep constituents informed by monthly newsletters, and the current issue may also be of interest to the membership:

YOUR CONGRESSMAN BILL SCOTT REPORTS

Congressional Recess: Congressional sessions are reaching a point where they are almost continuous but it is expected the House will recess this year for approximately three weeks beginning on August 14 and continuing through September 8. Because it is an election year, it is also anticipated that we will recess about the middle of October and resume the session after the November election. The House seems to be able to transact business faster than the Senate and this may be because of its far more stringent limitation on debate. A number of House passed appropriations bills remain in the Senate for consideration and this is the primary obstacle to final adjournment. Of course, decisions on scheduling of legislation and the length of sessions of the Congress are made by the leadership of the majority party.

Washington Staff: Mrs. Flo Ellen Hart of Falls Church is another valued staff member in the Washington office. Flo studied English and journalism at West Virginia University and was with the Joint Congressional Committee on Internal Revenue Taxation before joining our staff in 1967. She primarily handles correspondence and research relating to legislation and is knowledgeable about all phases of the office work. Inasmuch as she is married to an attorney, her interest in law and legislation understandably goes beyond her daily chores.

Veterans' Hospitals: The Veterans Administration operates hospitals at Richmond, Hampton and Salem, Virginia. There has been some discussion of the possibility of rebuilding and relocating the Richmond facility known as McGuire Veterans Hospital. The Virginia Department of the American Legion by resolution adopted at its last State Convention expressed some reservation about moving the Richmond facility from its present 183 acre site to a downtown location adjacent to the Medical College of Virginia. I visited both the Richmond and the Hampton facilities a few weeks ago, talked with both members of the staffs and patients and inspected existing buildings. Patients indicated that they were receiving excellent treatment at both facilities and while the staff at Hampton did seem to feel that some modernization was desired, they appeared generally satisfied with this facility. The contrary, however, appears to be true at Richmond's McGuire Hospital and the staff indicated that they were limited in serving the patients by inadequate hospital facilities. The basic question in my mind is whether new facilities should be constructed at the present site; whether a hospital facility for acutely ill patients should be constructed adjacent to the Medical College with the present facility retained for other patients; or whether the entire facility should be moved to downtown Richmond. The Administrator of Veterans Affairs has been advised of the views of The American Legion and my own observations, as has the Chairman of the House Committee on Veterans' Affairs. There is no doubt that more modern facilities do need to be constructed in the Richmond area.

D.C. Crime Bill: It is hoped that the comprehensive Crime Bill, recently signed by the President, will lay the foundation for a substantial reduction in crime within the District of Columbia. The bill changes many other aspects of criminal law and procedures in the city of Washington even though emphasis has been given to such features as pretrial detention and the no-knock provision. The bill establishes a new Superior Court, provides for additional judges and court personnel and is expected to speed up the trial of accused individuals. Wire tapping authority is also expanded and defendants over the age of 16 may now be tried as adults for serious crimes.

Although a co-sponsor of the entire bill, the title relating to the transfer of the administration of Lorton Correctional Institution from the District of Columbia government to the U.S. Bureau of Prisons was of special interest. This title was included in the version passed by the House but was eliminated in conference at the insistence of the Senate conferees. Members of the House District of Columbia Committee, however, have indicated that the Lorton measure will be included in a subsequent bill favored by the Senate, with the thought that the House can exert more influence for its retention.

The 213-page Crime Bill is not a panacea for every problem confronting our capital but, in my opinion, is a reasoned response to a continuous increase in lawlessness. It is expected that state legislatures will examine its contents and adopt a number of its provisions. The House Judiciary Committee has under consideration proposals to extend some of the provisions of this local bill to crimes committed on federal reservations throughout the country and to other instances where federal criminal law prevails.

Airport Policemen's Salaries: Events of recent months have made us all aware of the importance of qualified and well-trained police at our airports. However, at the present time a personnel shortage exists in the police forces at both National and Dulles Airports which could jeopardize the safety of airline passengers and the public alike. This shortage, which results in part from a low pay scale, is critical and must be eliminated. I have, therefore, joined with Congressman Broyhill in sponsoring a bill which would increase these salaries to a scale slightly below that of the metropolitan police.

Quantico: The Department of the Navy has advised that the construction of utilities and barracks buildings at the Quantico Marine Base, having an estimated total cost of $1,711,000, has been released from the 75% deferral of direct federal construction programs established by the President and it is planned to award construction contracts on these items by next January.

Academy Appointments: Any young men interested in filing an application for the Military, Naval, Air Force and Merchant Marine Academies should contact our office promptly so that an application form may be furnished for completion and filing prior to September 1, 1970, for the academy classes beginning in June, 1971. Applicants must have attained the age of 17 and not have reached their 22nd birthday at time of admission.

The Coast Guard has advised our office that the deadline for submitting applications for the next nationwide competition is December 15, 1970. Appointments to the Coast Guard Academy are tendered solely on the basis of an annual nationwide competition. The age requirements are the same as for the other academies and requests concerning admissions should be addressed to the Director of Admissions, U.S. Coast Guard Academy, New London, Connecticut.

Census Enumeration: We have received a number of complaints from local officials who feel that the preliminary census figures are below their expectations. These have been referred to the Bureau of the Census for consideration. However, as this is being written, we have a letter from one constituent indicating her forms had not been picked up and asking what action she should take. Of course, this may be an exception, but if you know of anyone whose census form has not been collected, please advise them to send it to the Chief, Field Division, Bureau of the Census, Washington, D.C. 20233, in order that it may be checked against the enumeration records. Certainly we would like the census to be as complete as possible.

Equal Rights for Women: The House will soon consider a constitutional amendment guaranteeing equal rights for women. The majority of Members of the House (218) have signed a discharge petition to take the proposal away from the Committee on the Judiciary to which it had been originally referred. On August 10 it will be in order for the House to vote to discharge the Committee, debate the proposed constitutional amendment and then take a vote. While I have doubt as to the wisdom of this legislation, many women's groups favor it and a vote against it might well be considered a vote against womanhood. I intend to support the measure.

Travel To Communist Countries: Last fall legislation was co-sponsored to give the Secretary of State authority to restrict travel to a foreign country or area by our citizens if the Secretary decided that the country is at war with the U.S., at war with any country, or where insurrection is in progress or where the travel would impair the conduct of U.S. foreign policy. No hearings had been scheduled by the Judiciary Committee to which this bill was referred. I have recently urged the Chairman of this Committee to hold hearings. The need for legislation of this type has been shown by the recent permission given to one of the convicted Chicago Seven who has been allowed to go to Cuba.

Housing Shortage: In order to help ease the critical housing shortage in the country, I have joined in sponsoring legislation which would insure that barriers to efficient construction will be eliminated from local building codes in those instances where homes are being built with Federal money. By eliminating such restrictions on the use of advanced techniques, production of the needed volume of good homes at a lower cost can be realized. This bill, of course, contains safeguards which will make certain that new technology is practical and will provide safe housing.

Publications Available: The following bulletins are available for distribution. Please check the ones you would like to receive and return this slip.

—Guide to Budgeting for the Family
—Apples in Appealing Ways
—Clothing Repairs
—Freezing Combination Main Dishes
—Home Canning of Meat and Poultry
—How to Buy Fresh Fruits
—Keeping Food Safe to Eat
—How to Buy Meats for Your Freezer
—Nuts in Family Meals
—How to Tailor a Woman's Suit
—Part-Time Farming
—Storing Vegetables and Fruits
Name__________________________________
Address ________________________________

A COMPREHENSIVE VIEW OF THE ENVIRONMENTAL CRISIS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BURTON of Utah. Mr. Speaker, I believe that my colleagues will find the following finely detailed article by Theodore H. White of great interest because it affects us all. The article documents the past history of conservation movements and describes the intensity of interest presently directed toward improving the quality of the environment. Unfortunately, much of this effort is uncoordinated, complex, overlapping, and underlapping. But the awesome corrective problem faced by the Government in attempting to deal with abuses to the environment remains. I believe Mr. White's article, which appeared in the June 26, 1970, Life magazine, needs no further comment:

How Do We Get From Here to There

(By Theodore H. White)

In the dream, it works something like this: The huge hall of Environment Control is lit from above. Operators below press controls and the translucent dome glows with jet streams slashing the Upper Atmosphere, shaping the world's weather. Other controls are pressed and the glow changes color. Now it illuminates the Middle Atmosphere over America, showing regional smog-bearing inversions that may lock over cities within hours. In and out of walls glide panels on which river basins shine with flood-crest warnings or change hue to show rise-and-fall of pollution. Central Energy Control occupies an adjoining hall where lights wink on a giant map as gas, coal, water power and nuclear fission pour their energy into the national electricity grid, swinging from midnight lull to morning peak. At planning sessions Energy Control's panels slide back to show the same grid five, 10 or 20 years hence, marking future power plants designed for maximum efficiency and safety. Nearby, in the Surveillance Center of Environmental Health Services, pesticides, oxides, nitrates, adulterants, all 30,000 chemicals used by industry or everyday life are indexed, cross-referenced, computerized for interactions and contaminations. Over in the Office of Land Use maps show America today and America in 1980, 1990, 2000—open spaces preserved in a system of planned new cities, new industries, new transport nets and free shorelines that must hold the 100,000,000 Americans to be added in the next generation.

In Washington today men who nurse such dreams believe that some day this ultimate National Center for Environment Control will be larger than the Pentagon. The Pentagon protects America from foreign enemies; Environment Control must protect America from Americans, which is more difficult.

But between Dream and Reality falls Politics. No one in Washington opposes the Dream—it is only that no one agrees on how to get here from here. For over a year congressmen and senators, clubwomen and fishermen, flower-children and commuters, students and professors, editorialists and TV commentators have joined to make environment the No. 1 issue on the political fashion parade. The last defenders of smog, sewage, smoke, pollution and noise have hushed. All that remains is for someone to give government to the movement—which is most difficult of all.

"Gouverner," say the French, *"c'est choisir"*—to govern is to choose. And what Richard Nixon has chosen in the past two months out of the cascade of papers, reports and options before him are the emergency first steps in a master plan for the American environment. What he is about to offer the nation for debate is a program which will raise hard questions: Which committees of Congress must be outraged, which departments of government ripped apart; how much of the political debris of the past is to be discarded immediately? What traditional liberties of initiative and enterprise must be given up to preserve the larger liberty of life for the Americans of tomorrow?

There come rare moments in a President's term when politics and history coincide. For Nixon, in mid-passage of his troubled presidency, such a moment is now. Politically, the last issue of fashion on which he still holds people, Congress and media with him lies in the Great Environment Crusade. Historically, he must seize this moment before it goes the way of the Cause of the Cities, the Crusade for Civil Rights, the War on Poverty. For if he does not make the most of this crest of concern for America's ravaged environment, then time and space may have closed over the nation for good before the next wave comes. Time and space had been shrinking for almost three centuries before the first ripple of concern began to make a wave in American politics. "Conservation" was the phrase that Theodore Roosevelt used to call American attention to the new condition. In 1890, the census had declared America was entirely settled, it no longer had a frontier. Thus, on coming to the Presidency in 1901, Roosevelt brought politics to bear to preserve for tomorrow the wilderness wonders he had known in his youth. He would preserve, "conserve" it all—unspoiled skies, clear streams, the wildlife resources that were vanishing, from pigeon to buffalo. To this day the Department of the Interior, Roosevelt's chosen agency for the job, bears as its emblem the buffalo.

It was more than saving buffaloes that stirred the next wave of concern a generation later—it was man's own plight. When Franklin Roosevelt became President, the winds of the mid-'30s were scouring the dust bowl, while the Mississippi valley, stripped of trees and sod, was flooding uncontrollably. Tree-belt windbreaks, Soil Conservation Service, TVA and CCC all followed in response—to be interrupted by war.

Then, with the war over, the cause of environment was stilled for another generation, and in a spasm of unplanned growth, Americans added half as much again to their population, and as much new production to what they already had as total Russian and German production combined. As automobiles tripled in number, a cocoon of poison fumes began to shimmer over new highways. Cities draped their towers in acrid shawls of smog, lakes bobbed with organic sewage and plastic refuse, blue-claw crabs were vanishing from the coves of the Chesapeake to the Great South Bay, scientists packaged chemicals in foods and poisons in spray cans. And the two natural containers of the environment, the air and the water, finally vomited back on Americans the filth they could no longer absorb. Man, said some concerned observers, was beginning to emulate the gorilla, an animal which defecates in its own sleeping place; but such people were dismissed as kooks.

"When we came in, in 1960," says Stewart Udall, former Secretary of the Interior and the leading environmentalist of the Kennedy-Johnson Cabinet, "not a single new national park had been set aside since 1947, and all but five percent of the country's free coastline was shut off. The Eisenhower administration," continues Udall, "had thought pollution was a local matter. So we all sat there like spectators and watched Los Angeles wrestling with smog—it was *their* problem. I came in as a classic conservationist—you know, preservation of nature and seashores, of birdlife and wildlife, of endangered species. Then gradually it came over me that man himself was an endangered species, that we were part of the same chain of life as the birds. Only in the last three years I was in office did I see it as a whole piece. We'd erred in thinking environment was simply a matter of managing natural resources. What had to be managed was man himself. We had to have a concept that considers *man* as the significant focus. We brought the country to an awareness of the problem: Nixon's job is to give it management."

A JUMBLE OF LOBBIES AND FEUDS

In his first week in office Richard Nixon talked of a new environmental agency he planned to set up to think about the lakes, the mountains, the seas." A small-town boy, he had seen Southern California overrun and fouled by people, industry, cities. Now, he insisted, he would come to grips with the problem.

But whenever any President tries to grip a problem, he must come to grips first with the stubborn instruments of the govern-

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ment he inherits. Trying to find an overview of this problem, Nixon first deputized White House Aide John Whitaker, a geologist, to come up with an environmental program by early fall. But Whitaker could find general answers nowhere. "I finally had to call up every Cabinet officer," says Whitaker, "and ask them to detach one young man from their office to work with me as a task force to get any kind of picture of what was going on." By fall Nixon had instructed the Ash Council on Government Reorganization to unravel the tangle of overlapping, contradictory agencies and bureaus dealing with environmental action—and the Ash Council came up with a list of 44 major agencies in five major departments inextricably deadlocked in something called the Environment Game. In a few more months the Library of Congress, consulting its indexes, expanded that list to 84 bureaus. And by fall, as politicians rushed to join the environment crusade of 1969, as students clamored for answers, it was quite obvious that there were no simple answers for their two great questions: Why don't they do something about the environment? How did we get in such a mess?

To answer such questions, investigators would have required a three-dimensional chart, with at least seven different kinds of colored ribbons and a stereoscopic viewer to make clear even the simpler relationships of the players in the Environment Game. Beyond this, there was the tangle of lobbies, committees, pressure groups, ambitions and bureaucratic feuds which had to be sorted before one could begin to see the mess clearly.

Almost each of the 80-odd agencies which shared management of the American environment had a history of its own, crusted over with an entrenched lobby, an entrenched congressional committee, an entrenched bureaucracy, each ferociously defending its own prerogatives. Such bureaus had been born variously of a national crisis, a public outrage, a scientist's insight or a President's dream—but all reflected that hoary first principle of American government: when something itches, scratch it.

Some of the scratch marks were over a century old: the Coast and Geodetic Survey dated back to Thomas Jefferson, the Coast Guard to Alexander Hamilton. Each successive wave of concern had left behind, like flotsam on a beach, a tidemark of new bureaus or expanded older bureaus. The Department of Interior, Theodore Roosevelt's favorite tool, clustered the Geological Survey, the Bureau of Land Management, the Bureaus of Mines, Fisheries, Reclamation and still others. To the Department of Agriculture, with all its traditional bureaus, Franklin D. Roosevelt had added Soil Conservation, Rural Electrification Administration and others. Eisenhower had set up the Department of Health, Education and Welfare. It now held the Public Health Service, the National Institutes of Health, Bureau of Radiological Health, Occupational Safety, others. The Department of Army controlled the Corps of Engineers. Beyond, freewheeling on their own, were, among others, TVA, the Atomic Energy Commission, the Interstate Commerce Commission, the Federal Power Commission, the Federal Communications Commission.

On top of all these were even newer bureaus. It had been Congress, rather than the press or the Executive, that had first rung the alarm in the 1960s. A trio of outstanding senators—Muskie, Jackson, Nelson—had lobbed the environment ball at the White House and the White House had reacted. Chief among the newer agencies were the Air Pollution Control Administration (located in HEW), and the Water Quality Administration (located in Interior). A perhaps apocryphal story illustrates how the pattern was shaped. Lyndon Johnson, so the story runs, had tried to reach Stewart Udall on the telephone to talk about a water-pollution problem. Udall doesn't control water, he was told. "Well, he should," said Johnson after a moment's reflection. "Get water transferred to Stu."

Even while Richard Nixon, all through 1969 and early 1970, tried to make sense of the apparatus he was trying to grip, it grew more complicated. As the Environmental Crusade accelerated, politicians wildly tried to stay abreast. Congress, for example, told the Department of Health, Education and Welfare to protect everyday life from the radiation of TV sets, microwave ovens or X-rays—but then it neglected to appropriate money for the task. Environment was a Klondike of gilt-edged, risk-free political issues, and any legislator could score by tacking his name on a bill. At one point, at the end of 1969, an official of the Office of Economic Opportunity telephoned a White House staffer to ask, "Can we get more money for our buget if we prove poverty causes pollution?"

Without clear direction from the top the bureaucracies clashed as they had for years, only more so. The National Park Service (Interior) feuded with the Forest Service (Agriculture). The latter's job was to serve timber and grazing interests while the former sought to keep forests inviolate as nature created them. Health experts at HEW were convinced that hard pesticides like DDT were dangerous not only to birds and fish but also to man. Experts of the Department of Agriculture, however, spoke for the interests of farmers whom pesticides promised high crop yields. A dam the Federal Power Commission might approve was, in the eyes of the Fish and Wildlife Service, an atrocity. Federal agencies clashed not only in Washington with each other, but with mayors, governors, city planners.

THERE'S PLAIN GOLD IN GARBAGE

Where agencies did not clash they overlapped or worse, underlapped. "You can't say all problems fell between two stools," said an investigator of the Ash Council. "Some fell between six stools." Rats, for example, are a menace to slum dwellers in congested cities. Everyone hates rats, including the United States government. But trying to locate command of the Federal Rodent Control program is as difficult as locating COSVN in Cambodia. The war on rats involves Interior (Fish and Wildlife Service), Agriculture (Agricultural Research), Health, Education and Welfare (NIMH and FDA), the White House (Office of Economic Opportunity) and, at last count, no less than six other agencies.

Other larger problems fell nowhere. As early as 1950, government scientists knew Lake Erie was dying. Yet no one was responsible—not the fringe of cities from Toledo through Cleveland to Buffalo which dumped sewage in the water, not the steel industries which poured in acid pollution, not the farmers whose manures and high-nitrate fertilizers drained off into streams that, ultimately, eutrophied the lake. So Lake Erie died because, for 20 years, while all watched and mourned, no controlling branch of government was responsible for averting tragedy.

A traditional government bureau, charged with a specific problem, might attack it with good will and then find itself trapped in the revolving doors of administration. The Bureau of Mines is usually cartooned as the tool of the "interests." In actual fact it swings from decade to decade in response to pressure, with no philosophical guidance whatsoever. BuMines was born in 1910 in response to public horror; almost 3,000 miners a year were being killed by a brutal industry, and the bureau was created, initially, to protect them. In World War II, however, as mineral after mineral became critically short, BuMines became a prospecting agency to find uranium, molybdenum, copper, nickel. After the war, with a glut of minerals, the bureau became an outright marketing agent for the mining interests seeking new outlets and uses for surplus metal. In the past three years Congress has plunged it into the Environment Game to become involved in smoke control, pollution of mountain streams by strip mines in Appalachia, junk automobile disposal and garbage recycling. But each of these adventures tangles the bureau with many other players. In Madison, Wis., for example, the bureau jointly operates with the Forest Service and HEW an experimental garbage disposal plant. The three agencies are trying to separate refuse: paper (a forest product), from organic garbage (a health and rodent threat), from scrap metals (which the bureau sees as treasure trove). Bureau specialists feel cities can make an actual profit out of refuse disposal. "There's just plain gold in this garbage business," said one specialist. "Gold from lost jewelry, silver by the ton from photographic products, metallic iron and aluminum. Even tin cans are useful; we need them for copper processing." But, he continued, even three agencies cooperating are not enough. The real problem of garbage recycling begins with picking it up in city streets, and that is the responsibility of HUD and HEW—who do not want it. "We'd take it gladly, if someone told us to," he continued.

Until this summer, therefore, despite all public, philosophical and political outcry, there has been no one overall managerial plan in America's much-touted effort to pass on a livable environment to her children.

What is about to happen now is a first step in that direction.

"You have to take it step by step," says a White House aide, "and you have to balance the dangers. If we don't do something *now*, the country is going to hell. And if you try to do too much all at once, the whole apparatus could break down. We could make super-super Department of Environment and Natural Resources, but that would have to absorb Agriculture *and* Interior, as well as HEW, HUD, and DOT. It would wind up as the Department-of-Practically-Everything. Then there's politics—not only what Congress and the Committees will stand for, but the reaction of business and farming and scientific interest groups. Everyone thinks he can get hurt, or at least squeezed, in a reorganization. So we're doing the maximum we think we can manage, or get away with without throwing Congress into convulsion."

Thus, the first step on the White House drawing boards, after nine months of study, is a new master body tentatively called the Environmental Protection Authority, or EPA. Here will be gathered Water Control and Air Control, Solid Wastes, Pesticides, Radiation Hazards, all torn from present departments or congressional committees and united as a national environmental police force. "You can't separate these agencies," said Amory Bradford, former general manager of the New York *Times*, who formulated the first recommendations for the Ash Council. "They have to function together. We found that if Air Pollution Control tells a power plant to get fly-ash out of the air, the plant dumps fly-ash in the water; and if Water Quality Control tells us to get the fly-ash out of the water, the plant collects it and makes it a solid waste problem." How effective the new agency will be depends on its chief, for whom a quiet search has begun. The new chief, who will report to the President directly, would have almost dictatorial powers to set continental standards and regulations, vertically and horizontally, conduct common research, bring industries and cities to trial. A weakling could make the new agency another reshuffle of paper boxes; and overbearing chief could aggravate to shock the normal trauma of political surgery.

Bolder in imagination is NOAA, National Oceanic and Atmospheric Agency, which will be set up simultaneously with EPA. Under NOAA's roof, in the Department of Commerce, will be gathered the master sciences to explore the entire fluid envelope of the globe, the throbbing, interacting drivewheels of energy in ocean and atmosphere, which charge and recharge the fundamental batteries of life for all organisms from plankton and pupae to man and mountain goat. Ripped away from the Navy would be its Oceanographic Data and Instrument Centers; from Interior its Marine Mining, Commercial Fisheries and Anadromous Fish; from the Army's Corps of Engineers its Great Lakes Survey; from the National Science Foundation its Sea Grant program of research. These would be joined to Commerce's ESSA (Environmental Science Services Administration) which already clusters the U.S. Weather Bureau, the Coast and Geodetic Survey, and Radio Propagation labs. The surveillance of NOAA's scientists would run from the interior Great Lakes, through the vast continental shelves with their minerals and oil, probably as far as Antarctica.

The first of the new master bodies, the Environmental Protection Authority, would monitor and regulate man's everyday life within the thin membrane of activity scratched by our smokestacks and smirched by our leavings. The second, NOAA, would monitor the global container, the entire hollow of sky and inelastic surface of earth which holds us all from outer space to ocean depths. It would try to learn how man's pollution has already harmed the oceans and affected its life down to bottom ooze, or affected its atmosphere up to the emptiness where NASA and the astronauts take over. EPA would tell men how they must live within the weather and climate; NOAA's function would be to explore, to predict long-range and short-range, what is happening to that environment—and then go on to actually try to change that climate and its weather.

Already in place on the Administration's master plan is, of course, a third body, the Council on Environmental Quality. Up to now the understaffed, 6-month-old council has been a fire brigade, rushed in to pass judgment on a project like the cross-Florida canal, or invited to give quick opinion on the noise effects of the supersonic plane. In the new thinking the council would be the President's eyes and ears for his entire government. Every department and bureau of government—Defense and Transportation, Agriculture, Interior, Housing and Urban Development, and all the others—would have to send their plans to the council to be cleared for environmental impact as they now send such plans to the Budget for clearance on costs.

Beyond these three organs are yet other fancies, not yet programmed on paper: a suggestion that America have a National Energy Council which would absorb the Atomic Energy Commission, the Federal Power Commission and other agencies dealing with total energy needs; a suggestion that America have a National Land Use Board which would absorb the Army's Corps of Engineers, the Forest Service, the National Parks and all others who plan or regulate the use of land for parks, industries, towns or expansion. There is, finally, a suggestion from the Ash Council—rejected for the moment by the White House—that all such resource-oriented agencies be combined for long-range planning in a new Department of Natural Resources. Thus, on the far horizon, would be a system where four major voices replace the present cacophony of 84 bureaus.

For the moment, however, it appears that the Administration will be content if it can master the managerial and political questions its immediate proposals raise. How, for example, can one be sure that one is breaking off "the bureaucratic joints" along the proper cleavage line: Will the farm lobby let all pesticide control be transferred from the friendly Department of Agriculture to the austere new EPA? Can one satisfy the sports fishermen by leaving trout under Fish and Wildlife in Interior and giving all other fish to NOAA? Or another set of questions: How can one find or train the proper people to staff even present schemes? By 1974 we will need 28,000 air-quality analysts to man planned controls, and today we count only 2,700. Money can be found for training, but training cannot be speeded. "We can get money," says John Ehrlichman, Nixon's chief domestic counsellor, "but making the money useful is like squeezing bread through a keyhole."

NIXON WANTS TO BITE THE NAIL NOW

Beyond, rise questions of law and philosophy: Should the Department of Justice create a new division, like its present Anti-Trust Division, to prosecute the environmental offenders brought to court by the EPA? Or do we need an entirely new system of courts, like the Tax Court of the Internal Revenue Service, specializing in the jurisprudence of environment? Or in the name of the safety of a larger mass of citiezns, an entirely new philosophy of law, curtailing men's right to move, build, discard as they will.

No one, not even the architects of the present planning, are satisfied with what they must present and debate in the next few months. "In the business of government," says Murray Comarow of the Ash Council, "any movement from hideous to bad is progress, from hideous to fair is spectacular. Some of the ideas we've served up could move things from hideous to somewhere between bad and fair." John Whitaker, the President's man on environment, puts it more bluntly: "We could sit here for three more years and still not come up with a perfect plan. But the job of government is to act. This is our chance to line up the silent majority and the underprivileged on the same side. Nixon wants to bite on the nail now. Politically, this is the time to go."

This Administration is faced with the most difficult problem of domestic government since the New Deal reorganized the economy 40 years ago. No one then could tell what might happen as the bureaucratic gamesmen of that time doodled boxes on paper, drew lines between them, talked "trade-offs," lopped off agencies and added bureaus in a contraption no one was ever quite sure would work. What was at stake was too important for simple administrative patterns to solve: it depended on the politics and spirit with which Franklin Roosevelt could infuse a revolution.

Since then, Americans have seen some great patterns of government thrive and others wither, their vitality dependent always on their connection with the politics and forward thinking of the times. Many once-powerful regulatory agencies of government have been strangled by the simple technical narrowness of their thinking. Divorced from the wellsprings of science or public philosophy, they have become anachronisms or become prisoners of interests they were supposed to control.

Emergency agencies, however, masterpieces of American administrative genius, have flourished. Over and over again, when faced with a national crisis, American government has been able to spawn single-purpose agencies which override all bureaucratic entrapments. The Marshall Plan, which revived Europe, was one such agency; NASA, which reached the moon in its allotted decade, was another; the Atomic Energy Commission was a third spectacular of this genre. But such crisis agencies operate best over a limited time span, reaching a peak of brilliance when the best civilian talent of the nation is recruited by the urgency. Then they fade as the best men depart, and urgency degenerates into housekeeping.

Now, American politics must entertain Richard Nixon's first major original approach to government in an adventure that must combine both emergency action and long-range housekeeping. Promising to decentralize Washington and return power to local government, he will now propose a system that will enlarge the authority of the Federal Government even more than did Roosevelt's New Deal. Over the long run, if this new system is to be effective, it must control not only General Motors, but the local garage men who spill crankcase oil in sewers. It must control not only ocean-going tankers and offshore drilling, but beach buggies that ravage sand dunes and pleasure boats that flush toilets in lakes.

The echoes in the White House give one the sense of a politically buffeted President, gingerly but stubbornly balancing inevitable political controversy against options that define real needs. One senses a firming of presidential thinking—his recognition of the inescapable need to impose absolute national standards of control so that no industry can escape its costs by shifting plants and jobs from stern states to lenient states. One senses a groping as he attempts to strike a balance between the zero-limit fanatics on the one hand, those who advocate zero radiation, zero smog, zero pollution, zero population increase in a static future America and, on the other hand, what remains valid in the robust older tradition of growth. There is also the increasing echo of his favorite, personal idea, the new cities program. "You have to see Nixon," said one of his closest aides, "as a man who knows that villages like Whittier, where he grew up, are dead. And as a man who lived in New York for five years, traveling between Wall Street and Fifth Avenue in his limousine, and not liking what he saw. Somewhere in between he has this dream of spreading America out and planting it with entirely new medium-sized cities, not suburbs but planned cities. But that gets you to a national land-use policy, which is a whole other can of worms."

No cool rearrangement of bureaucratic boxes on paper will solve the problem by itself; only a presidential presence and sense of direction can translate today's concern into tomorrow's reality. The game being played is being played on a world scene; in Europe, in Asia, in Russia, men wrestle with the same problem of man's growth in limited space. What must emerge in the next few weeks is not only the first large glimpse of this President's feeling for the nation's future, but also his resiliency in offering the world a style of American leadership it has forgotten.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black Representatives or consideration to the problems of black America. We await the President's reply and hope that he will see fit to invite audience with representatives and elected officials of black America.

In our letter to the President, we stated:

Since you assumed office, you have traveled to all corners of the earth emphasizing your concern for many problems and pledging

American efforts towards solutions. But you have not come to black America. Race relations have not improved since the request of black Members of Congress to bring their concerns to you, but have advanced to a more critical state. If this country is to enjoy internal domestic tranquility, it is imperative that you have an audience with the legitimate and representative leaders of black America to discuss the grievances of 25 million black citizens. The request and invitation should come from you.

Mr. Speaker, in the July 26 Sunday edition of the New York Times, Mr. Robert B. Semple, Jr. documented the domestic trips of the President. As he follows the President over the country these past 2 years, Mr. Semple points up that the visits of the President do not include any scenes with the black, the poor, or with the students. The allegation that this President is in conscious pursuit of a political strategy which excludes the interests and welfare of black Americans is supported—even in this account of his U.S. travels. It is regrettable that the President's trip to St. Louis did not include even a 10-minute detour through the notorious Pruitt-Igoe public housing project—that it did not take him through the streets of poverty which plague our inner city, like others across the Nation.

I submit for the attention of my colleagues Mr. Semple's account of the way Mr. Nixon goes about seeing the "people" and the motives which do and do not play a part in his itinerary:

Nixon: Many Motives Behind All Those Trips

(By Robert B. Semple, Jr.)

San Clemente, Calif.—When Richard Nixon arrived at El Toro Marine Air Base near here a few weeks ago, reporters were astounded to hear him lecture his Senate critics on the virtues of sampling the public pulse. "I think that sometimes the Senate would do better to do what the House does, to get out throughout the country and see what the country is thinking . . . There is sort of an intellectual incest [in Washington] which really reduces the level of the dialogue, and you have to go to the country now and then to get a real feeling of what people are thinking."

What bemused the assembled writers was the fact that these unchallengable assertions were coming from a man who had been accused of isolating himself from some of the crucial intellectual currents of his time, and whose sampling of the public pulse, that day, had consisted of a speech to 15,000 true-blue members of the Junior Chamber of Commerce in St. Louis and a few chats with servicemen at scattered military bases.

* * * * *

The President's peripatetic ways have become more pronounced in recent weeks, but the two-fold rationale advanced by his associates when he first started traveling last year remains the same. First, they say, these trips give him a good reading of the public temperament. Meanwhile the people themselves get to see government in action on a first-hand basis, an argument that has also been used to justify the creation of the Western White House itself.

"Government is not an exclusively Eastern institution." Herb Klein, the President's director of communications, once told a reporter. "The San Clemente operation gives Westerners a symbolic share in the business of government, pulling West closer to East and unifying the nation."

SOME SKEPTICISM

All this is now part of the litany of the White House, and while nobody in his right mind faults the President for traveling or for roosting in such a lovely place as San Clemente, there are a few skeptical souls who wonder whether the official litany is (A) nothing short of ridiculous and (B) really necessary to justify what should by all rights be an incontestable Presidential prerogative.

It is not, for example, unfair to ask whether it is possible to grasp what "the country" is thinking when the country, insofar as the President has seen it in the past six months, has consisted of the cream of Philadelphia society gathered for a tribute to Eugene Ormandy; 10 city mayors gathered for a symbolic Urban Affairs Council meeting in Indianapolis; the employes of the Hanover sewage treatment facility near Chicago; 50,000 folks gathered for the Billy Graham Crusade in Knoxville; 15,000 Jaycees in St. Louis; the members of the Appalachian Regional Commission in Louisville; and the crowd packed into Cincinnati's Riverfront Stadium for baseball's All-Star Game.

One could not find in any of these peaceful, deferential, and sober assemblies much evidence of the blacks, the poor, the students or, for that matter, the wealthy and the powerful.

A FEW HANDSHAKES

When pressed, White House aides will concede that the President really doesn't do much talking to the "folks" and the security situation and the demands of his schedule in fact make it impossible for him to do more than shake a few hands. They contend with some justification that the conferences with the mayors and governors are useful exercises.

What they will not concede, however, is that there is anything even remotely political about the President's travels, not to mention the places he travels to. Yet there are many who believe that what he is really trying to do is consolidate his grip on "Middle America," and when one examines his recent itinerary this is hardly an unreasonable conclusion.

With the exception of the Ormandy concert in Philadelphia, an unscheduled New York City dinner to mollify disgruntled French President Pompidou, and a quick trip to Houston to decorate the Apollo 13 ground crew, all the places he has seen since January were winners for Mr. Nixon in 1968: Indiana, Tennessee, Missouri, Kentucky, Ohio, North Dakota, Utah and, of course, California, where he clearly hopes to reestablish his identity as a Californian—a sometime thing in the past—and improve on the slim margin by which he carried the state two years ago.

Mr. Nixon himself revealed more than his aides are willing to admit in a wholly honest admission of political motives during his arrival remarks in Louisville week before last: "I remember my many visits all over this state," he said. "I am also well aware of the many warm receptions we have received, and although this is not a political visit, every time I have been on the ticket Kentucky has come through for us and I have appreciated that."

There have been other indications that Mr. Nixon is not merely flying around the country for his health or intellectual enrichment; and, given the political quotient of his itinerary, there has been occasional grumbling about costs. It is not cheap to ferry about half the Cabinet in a Boeing-707, and it is an admitted fact that the Western White House alone costs taxpayers about $250,000 in fixed installation expenses, and well over $100,000 in annual operational costs.

PRESIDENTIAL RIGHT

The irony, of course, is that the grumbling would be less intense if the White House did not claim so much for its voyages or tell so little about their true purposes. There are many good and simple things accomplished when the President hits the road. People appreciate the fact that the Government is coming to them, even if it is only a small slice of the Government and their exposure to it fleeting indeed. The President can unlimber his rhetorical muscles—to wit, his plea in St. Louis for national reconciliation. He learns something, and he usually gets a well-earned rest.

Beyond this, the President was quite right when he observed that Washington breeds a kind of "intellectual incest" worth escaping from. But the point is that the means of escape are not provided by the canned and docile audiences of servicemen and Nixon voters which are routinely served up to him. The President escapes and educates himself through the simple physical fact to getting away from it all.

One example will suffice. Herb Klein once argued to a reporter—his claims were corroborated by subsequent inquiry—that the President really got excited about the pollution issue during a San Clemente trip last August when he and Bebe Rebozo, his longtime friend, took a leisurely, unplanned automobile ride down the California coast and suddenly discovered the terrible ecological damage that human beings had done to their environment since Dick Nixon was a boy in Yorba Linda.

A revelation of this sort is what getting out of Washington it all about—more important to the nation and probably to the President himself than all the rhetoric about unifying the nation with a portable Presidency, which his aides eagerly claim, and the political benefits of his travels, which they do not acknowledge.

The following is a list of the principal trips President Nixon has made around the country since taking office, exclusive of those to Key Biscayne and San Clemente, (although some of the stops were made en route to and from those vacation retreats).

1969

Kansas City, Mo., March 21, to see Harry Truman.

Abilene, Kan., April 12, for funeral of Dwight Eisenhower.

Norfolk, Va., April 26, to crown Tricia queen of the Azalea Festival.

Columbia, S.C., May 3, to see former Gov. James Burns, Louisville, Ky., for the Kentucky Derby.

Madison, S.D., June 3, for dedication of Karl E. Mundt Library at General Beadle College.

Colorado Springs, Col., June 4, for commencement address at Air Force Academy.

San Francisco, Aug. 21–22, for meeting with South Korean President Park.

Colorado Springs, Sept. 1, for National Governors Conference.

U.S.-Mexican border, Sept. 8, for Amistad Dam dedication; Gulfport, Miss., to view Hurricane Camille damage.

New York City, Sept. 18, to address U.N. General Assembly.

Roanoke, Va., Oct. 28, to campaign for Republican candidates.

Morristown and Hackensack, N.J., Oct. 29, to campaign for Republican candidates.

Cape Kennedy, Nov. 14, for Apollo 12 launch.

Fayetteville, Ark., Dec. 6, for Texas-Arkansas football game.

New York City, Dec. 9, for Football Hall of Fame dinner.

1970

Northampton, Mass., Jan. 9, for birthday party with Julie and David.

Philadelphia, Jan. 24, for party for Philadelphia Orchestra and conductor Eugene Ormandy.

Indianapolis, Ind., Feb. 5, for urban affairs meeting with small city mayors; Chicago for reception by Mayor Daley.

Chicago, Feb. 6, to view new water purification plant.

Houston, April 8, to congratulate NASA workers; Honolulu to greet returning Apollo 13 astronauts.

Knoxville, Tenn., May 28, for Billy Graham crusade.

St. Louis, June 25, for Junior Chamber of Commerce convention.

Louisville, Ky., July 14, for Appalachian regional meeting; Cincinnati for All-Star baseball game.

Fargo, N.D., July 24, for meeting with North Plains Governors; Salt Lake City for Pioneer Days Rodeo and meeting with Mormon leaders.

PUBLIC DEMAND FOR CONSUMER PROTECTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROSENTHAL. Mr. Speaker, the public demand for more effective consumer protection from the Federal Government is growing. It is imperative that Congress enact significant consumer legislation this session to reduce the inequities of the marketplace that are plaguing the general public and making the present inflation even more onerous. The following August 5 New York Post editorial is one of many which recently have directed themselves to the issue and recognized the importance of congressional action:

SHOPPER'S SPECIAL

Perhaps the only good thing about inflation and rising prices is that shoppers are now more insistent on quality and performance in the products they buy than ever before. This new public awareness has not been lost on members of Congress in this election year, and suddenly there appears a solid chance to obtain strong conumer protection legislation.

A bill sponsored by Reps. Rosenthal (D-Queens) and Dwyer (R-N. J.) has been reported out of the House Committee on Government Operations and should reach the floor sometime early next month. It provides for an independent Consumer Protection Agency in the Executive Branch and an Office of Consumer Affairs in the White House. Consumer crusader Ralph Nader calls the measure "the most important consumer legislation ever considered by the U.S. Congress."

Over in the Senate, the outlook is also encouraging though a little less certain. Liberal Republicans on the Senate Government Operations Committee—Sens. Javits (N.Y.), Percy (Ill.) and Mathias (Md.)—have been hedging on a bill similar to the House measure. Apparently sensing an opportunity to clean up their spotty report cards from the White House, these Senators have tried to shape the bill more to the form of the Administration's original consumer protection legislation, denounced by most consumer advocates as a sell-out.

In their defense, the GOP liberals argue that they are striving to produce a bill which will not be so objectionable to the White House that Administration officials will hamper its effectiveness once it is law. Sentiment in the Senate is overwhelmingly in favor of a forceful consumer bill, so the committee has become the key theater of action in the overall battle. This is no time to be timid in pressing for the toughest measure possible to protect shoppers from untested products and marketplace malpractices.

THE STORY OF STANLEY LADD

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BRADEMAS. Mr. Speaker, one of the leading figures in the congressional district I have the honor to represent is Stanley J. Ladd, who has served as president of the St. Joseph County, Ind., AFL–CIO Council.

Although Stanley Ladd is a dedicated member of the American labor movement, he has been equally dedicated to the principle that the men and women of organized labor must demonstrate their concern for other community and national problems beyond those that directly affect working men and women.

Mr. Ladd has, therefore, won a position of respect in his home community on the part of every segment of the citizenry.

I recall with particular vividness my own work with Mr. Ladd in the difficult weeks and months immediately following the shutdown in late 1963 of the Studebaker automotive plant in South Bend. Mr. Ladd joined other area leaders in coming to Washington to meet with officials of the executive branch of the Federal Government and those of us in Congress who were working to help meet some of the problems posed by this event.

Mr. Speaker, I am pleased to pay this tribute to Mr. Ladd and to insert at this point in the RECORD the text of an article by Ray Gregg, business writer for the South Bend Tribune, "The Story of Stanley Ladd," published in the South Bend Tribune of Sunday, August 2, 1970:

THE STORY OF STANLEY LADD

(By Ray Gregg)

For 30 years or so, Stanley J. Ladd has devoted his time, of which there is not enough, and his talents, of which there are many, to organized labor and to community service.

And to set the record straight, there is no division of loyalty in these endeavors, which at times may appear to give Ladd a kind of split personality.

"My position has been," he explains, "that what is good for the community is good for labor."

This is a refreshing paraphrasing of the statement of a well-known automotive executive who asserted some time back that what was good for his company was good for the rest of the country.

For Ladd, a good community is his primary concern, and organized labor thereby is the beneficiary.

For the automotive executive, big business and its well-being was of primary concern if the nation were to realize its growth potential.

THE EARLY YEARS

While the 1970 Ladd is much like the 1960 Ladd, there is a distinct difference from the 1950 Ladd and a much wider gap from the Ladd in 1940 who was beginning to show an interest in the affairs of Bendix Local 9, of which he was an early member.

There is no comparison between the 1970 Ladd and the 1930 Ladd. He has made the best possible use of the intervening years to know himself, educate himself, apply his abilities to the best advantage and express sincerely his concern for his fellow man.

But Ladd, even with the unique aspects of his personality, is only one of many labor leaders who have matured with the labor movement since the 1930s, when the Great Depression and impossible working conditions gave birth to industrial unionization.

As president of the St. Joseph County AFL–CIO Council, Ladd observes with pride, "We've got the smartest group of local union presidents we've ever had."

"The big majority of them is fully aware, as am I that what's good for the community is good for labor. For years, the big international unions, like the United Auto Workers, of which I've always been a member, have sought through continually expanding educational programs to instill the concept of community service."

REUTHER LINK

Ladd's thinking reflects much of the philosophy of Walter P. Reuther, longtime president of the United Auto Workers, who recently was killed in an airplane crash.

Closely associated with and a personal friend of both Walter and May Reuther, who met death with her husband, Ladd led the Bendix Local 9 delegation at the 1947 UAW international convention in all-out support of the Reuther ticket and Reuther's election to the presidency.

Ladd, with Reuther, remembered the breadlines of the 1930's, the meager wages, . . . if a man were fortunate enough to get a job . . . the times when a worker might get his fingers severed in a machine and be fired without workmen's compensation.

There could be little surprise that the emerging unions were militant. In reflection, who now could oppose Reuther's desire to want workers to have something to show for their years on the job—security when it was time to retire, good education for their children, medical services when they were ill?

Ladd attended every UAW international convention when Reuther was president. But a time came when Reuther made a decision with which Ladd could not agree: the withdrawal of the UAW from the AFL–CIO.

"I think it was one of the greatest disappointments of my life when this happened," recalls Ladd. "I believe that the house of labor should have remained unified. The withdrawal of the UAW not only was costly in terms of financial support but also it tended to weaken labor."

With the departure of the United Auto Workers from the AFL–CIO, Ladd might have been forced to give up the presidency of the St. Joseph County AFL–CIO Council, which he had held since the merger of the American Federation of Labor and the Congress of Industrial Organizations became effective in Indiana in 1958.

However, he previously had become a member of Local 1686, Federal Labor Union for Office Workers, and the affiliation enabled him to retain his AFL–CIO membership and his county leadership in labor. Before his election as AFL–CIO president, he had served as president of the St. Joseph County CIO Council since 1951.

"I was as militant and aggressive as the rest when I first got into the labor movement," Ladd remembers. "But management had the same ideas, too.

"In the old days, the only way labor and management knew how to bargain was with a ball bat. We still have our differences—and big ones at times—but we've found we can do a lot more with words than with clubs."

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1949 STRIKE

Even as late as 1949, Ladd was not too reluctant to look the other way when clubs appeared. That was the year when, as president of Bendix Local 9, he led 7,500 employees of the Bendix Products Division on a 72-day strike. Feelings were bitter, and the Bendix plant premises were like a tinderbox.

But words, not ball bats, finally resolved the issues. From South Bend, the scene of negotiations shifted to Indianapolis, where Gov. Henry F. Schricker tried to mediate the differences between Ladd's bargaining committee and Millard E. Stone, Bendix Products director of industrial relations, and his team.

After Gov. Schricker's attempts failed, a call came from Washington, interested because of Bendix's defense contracts. An Air Force plane took the negotiators to Washington, picking up Reuther in Detroit on the way.

The issues were resolved and the agreement was ratified by the union membership after 18 hours of down-to-earth bargaining in the Pentagon offices of Air Force Secretary W. Stuart Symington.

But out of the 1949 strike, Ladd gained a new appreciation of community co-operation. Two years later, he and his erstwhile opponent, Stone, lined up on the same side of the fence and undertook to help in rewriting the constitution and bylaws of the United Fund.

"Our work together on this project enabled both Mr. Stone and me to gain a better understanding of each other as well as to gain a deeper insight into the community as a whole," says Ladd.

"It was one of the outstanding experiences of my life, and I shall never forget it."

COMMUNITY SERVICE

Ladd never has forgotten it. He was a charter member of the United Fund and has been a director of it and its parent organization, United Community Services, since 1951. In 1960, he was elected president of the United Fund, the fifth labor leader in the country to be awarded such a distinction.

The United Fund and United Community Services has not been a one-year or even a few years' job for Ladd. Every year since 1952, he has received a United Fund Award for Outstanding Services to the Community. He has been a campaign chairman, labor participation chairman, a member of the executive board and a vice-president.

Born in Detroit in 1910, Ladd moved to South Bend with his parents as a child, attending grade school here and graduating from South Bend High School, phased out this year as Central High School.

This was the extent of his formal educational, although he has attended AFL-CIO and UAW summer courses at Purdue University and Indiana University on union activities, community service and political action. He also attended the UAW Time Study and Engineering School in Detroit.

But what Ladd has lacked in formal education, he has made up in his ability to assimilate knowledge and his boundless energy. His working day can begin with a telephone call any time after he arises at 5 o'clock. He usually is at his office in the Marycrest Bldg. by 6. The day ends when the work is done, most of the time late at night.

ONE-MAN OFFICE

Because of the limited finances available, Ladd has no office staff. He answers the telephone himself and writes his own letters. When he is off to a meeting, which can be at any time of the day or night, the office is unattended.

"If it wasn't for the fine co-operation I get from international unions as well as from the national and state organizations of the AFL-CIO, there are many things that wouldn't get accomplished," notes Ladd.

Ladd says that an understanding wife helps, too. His understanding wife and volunteer helper in many projects is the former Zelma (Sally) Vaerewyck, whom he married in 1940. They have two children, Mrs. Marion Louise Hess, and Thomas Lee Ladd, and two grandchildren.

"My wife and children keep telling me to slow down, and I try to, but there always seems to be something to take care of or a meeting to attend.

"Mostly I'm able to grab a little rest at odd times during the day. If nothing is too urgent, we sometimes can spend a little time at our cottage at Indian Lake. But there's no time for long vacations."

The St. Joseph County AFL–CIO Council, like all other AFL–CIO central bodies throughout the country, is supposed to have a staff of paid workers to give "service to the membership of the AFL–CIO over and above the service a local union can give."

Ladd adds, "Unfortunately, the St. Joseph County AFL–CIO Council has only one full-time staff member. That's me."

As the only one of the staff, he is expected to:

Answer all telephone calls, regardless of time, day or night.

Receive and answer all communications.

Do all the typing of letters, plus stencils.

Operate the mimeograph and the address machines.

Prepare and turn out all meeting and special bulletins, as well as those requested by local unions, especially small locals that are short on funds.

Answer "all questions asked of you," from pollution, to taxes to community needs. "If you don't have the answers, find them."

In this regard, many hours of research at times are required, either by writing to the state or national AFL–CIO, going through the files of public and newspaper libraries, checking with local, state or national government agencies, or inspecting the council's files.

"After questions are answered," Ladd points out, "many times a solution may be needed for the problem that exists. Again, it is the duty of the staff to find the solution."

ADDITIONAL RESPONSIBILITIES

If the foregoing agenda isn't enough to keep Ladd busy, here are a few other items to be taken care of:

The Council must be prepared at all times, if called on, to sit down and not only help draw up a local union agreement but also help negotiate it, as well as draw up a local union's constitution and bylaws.

The Council, through its president, must keep abreast of every movement in the community and be ready to take labor's position on any issue.

The president must be, in effect, a lawyer, a counselor, a time study expert, a physician, a research director, a politician an analyst, a Social Security adviser, a parole sponsor for some member or some member's child who may have gotten into trouble, a character witness, a typist, a bookkeeper, an office worker and a machine operator.

Would you want to take over Ladd's job now? There's more to it:

The president must accept all speaking engagements. Since the Council does not have a speech writer, the president writes his own. He must speak to some 20 high school classes a year, plus Junior Achievement, plus social functions, plus union meetings, ad infinitum.

The Council must provide grade, high school and college students with union material, as requested, besides having a staff member available for interviews by students working on such projects as these on labor.

The president must work with all agencies trying to induce industry to move to the area.

NEW INDUSTRY

In this field, Ladd was a staunch supporter of the original Committee of 100 in its efforts to attract new business to the South Bend-Mishawaka community.

Later, he expressed disagreement with the organization's program as not aggressive enough and not oriented in the right direction. The Committee's functions, with additional projects, now are conducted by the Industrial Council and the Council for Economic Progress of the South Bend-Mishawaka Area Chamber of Commerce.

Despite the continuing efforts to bring new industry to South Bend, Ladd, with other labor and civic leaders, has noted reluctance on the part of several major companies to establish operations here.

"However hard we try, our endeavors seem to reach a dead end eventually with the persistence of a so-called bad labor-management relations image in the community," comments Ladd.

"Somebody—and I wish I could find out who he is—apparently is responsible for spreading these reports for his own particular purpose.

"Sure, South Bend was the scene of the first sitdown strike (Bendix in the 1930s), but that's long past. There've been other bitter labor-management disputes, too, but no more than the average, and perhaps less, in other cities of our population group."

Ladd says that the next time the Chamber of Commerce has a good industrial prospect, he'd like very much to be able to talk privately with representatives of the company and let them know of the concern that organized labor has for the future of the community.

To continue with Ladd's list of duties:

The president must attend all U.S. House or Senate committee hearings in the area or even outside the area, if requested by the AFL–CIO state or national organization.

The president must appear before the State Legislature and its committees when they are considering labor legislation.

The president is expected to lead all legitimate fund-raising drives in the labor community, such as the United Fund or hospital development.

If asked by the AFL–CIO director, the president must help to organize any unorganized plant or shop in the area.

The president must help in all AFL–CIO strikes on call by the international union involved.

This last mandate brings to mind Ladd's role in settling a two-year strike a few years ago by members of a local union of the International Union of Electrical Workers employed by Lock-Joint Tube Co. here.

After the dispute had dragged out endlessly with no apparent moves toward settlement, international officers of the IUE asked Ladd to intervene. He went to the bargaining table with local union representatives and the late Joseph Woodka, Lock-Joint president. With the help of attorney Nathan Levy, an agreement was hammered out in a 20-hour session.

COMMUNITY SERVANT

There is one more order which the national AFL–CIO directs to its county presidents. They must serve on as many community agencies, committees and commissions as possible.

So, Ladd not only is a member but also is active in at least 30 groups on national and local levels, ranging from the St. Joseph Valley Regional Institute of the Indiana Vocational Technical College Board to the Labor-Management Commission of South Bend-Mishawaka and the board of Michiana Public Educational Broadcasting Corp.

Ladd's business and volunteer work takes

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him everywhere and at about any time. For example, he was a member of the delegation that went to Milwaukee to present South Bend's All-America City application. His presentation to the jury was credited with being substantially instrumental in bringing the award to South Bend.

"I believe it's a great community and that South Bend and Mishawaka have great community leaders," declares Ladd. "I believe these things deep in my heart, and I want other people to know about them." Again, Ladd was among the community leaders who worked long and hard hours after Studebaker Corp. shut down its automobile manufacturing plant here at the end of 1963.

"My feeling is that the community leadership is tops," says Ladd. "There always are people available who want to do something.

"This probably was best demonstrated in the Studebaker closing, when we all worked together—business and labor—without asking or caring about anyone's identification."

Ladd remembers the occasion when he, with Louis Tiedge, area industrial relations director for Bendix, and Eli D. Miller, general manager of the South Bend-Mishawaka Chamber of Commerce, went to Washington to attend a national conference of the Federal Mediation and Conciliation Service. The three made up the only combined labor-business delegation at the meeting.

"After we had explained the purpose of the Labor-Management Commission of South Bend-Mishawaka and our co-operative efforts to improve labor-management relations," observes Ladd, "a labor delegate from Alabama appeared to think I was doing labor a disservice by working with management to solve communtiy problems.

"I told him that Eli Miller or Louis Tiedge had no intention of joining a labor union and that I certainly had no intention of joining the Chamber of Commerce or becoming a Bendix executive.

"Further, I told him that any South Bend-Mishawaka community problem is just as much labor's problem as management's and that we worked together as people who shared an interest in total community development."

Ladd almost, but not quite, got back to his baseball bat days before winding up his indictment of the Alabaman in a few well chosen words.

He recalls declaring. "Don't ever come to South Bend or Mishawaka with your biased views, or Mr. Miller, Mr. Tiedge and I will take great pleasure in joining forces to run you out of town."

CRITIC OF COMMUNISM

Ladd is no witch hunter, like a late senator from Wisconsin, but any intimation that Communists are trying to infiltrate labor's ranks can arouse his anger much more quickly than a bullheaded management negotiator at the bargaining table.

The latest object of his wrath was a pamphlet directed to labor union members, which called for a "National Rank-and-File Action Conference" in Chicago.

"It's not the statements made in the pamphlet so much, although I disagree with some of the intent, but it's the names of the so-called sponsors," noted Ladd. "I know many of them to be out-and-out Reds."

The pamphlet proclaims that the conference proposes "to defend trade unions against attacks from government and corporations . . . to defend the right to bargain and strike . . . to defend the membership right to ratify contracts . . . to defend and advance the rights of black and all minority workers . . . to build rank-and-file power . . . to get labor moving . . . to take the offensive against racism, inflation and corporation attack, for economic well being for all . . . to end the war—to get out of Asia."

HONORED CITIZEN

There hardly has been a local civic project of any consequence in the last 25 years or so in which Ladd has failed to play an active role or express either his personal views or those of his constituents. It began when he was serving his apprenticeship as a steward in Bendix Local 9 in union and community affairs.

It has continued more strongly than ever since the night of April 5, 1956, when Ladd was invited to the Indiana Club by Elmer Wiseman, general secretary of the YMCA, on the pretext he was to attend a community service meeting.

It was a surprise party, instead. When Ladd walked into the hall, he received a standing ovation from the 300 persons present—union members, executives in business and industry, civic leaders, governmental officials.

To climax the ceremonies, Paul D. Gilbert, a civic leader himself, presented Ladd with a clock on which was engraved, "In Appreciation to Stanley Ladd, Honored Citizen of South Bend."

Gilbert, then president of the Committee of 100 of South Bend and Mishawaka, organized to bring new industry here and help existing industry, told the guests that Ladd "has won a lot of things for labor but in return he has seen to it that labor has fulfilled its obligation to the community."

And Gilbert added, "Today, because of his vision, there are leaders of organized labor participating in every worthwhile civic activity.

"United Fund goals are met, hospitals are built, other drives are successful and many things are happening to prove that here in South Bend and Mishawaka labor and management are partners in progress."

IMPORTANCE OF THE NIXON-DIAZ ORDAZ-ECHEVERRIA MEETING

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROYBAL. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD at this point a very thoughtful editorial entitled, "Importance of the Nixon-Diaz Ordaz-Echeverria Meeting," which appeared in the Sunday, August 2, edition of the newspaper Diario Las Americas.

The editorial stresses the vital importance of continued good relations with our sister American Republics to the south, and particularly with Mexico, our immediate neighbor, with whom we share a common border.

I was especially happy to read such a forward-looking editorial appearing in a newspaper of the stature of Diario Las Americas, since it is the only inter-American newspaper printed in Spanish in the United States with national and international circulation. It is published daily in Miami, Fla., by two brothers, Francisco and Horacio Aguirre.

The editorial follows:

IMPORTANCE OF THE NIXON-DIAZ ORDAZ-ECHEVERRIA MEETING

Recently, following a visit to the President of the United States by the Mexican Ambassador in Washington, Licenciado Hugo B. Margain, the White House announced President Nixon's decision to go to that neighboring country accompanied by his wife. Undoubtedly, this presidential announcement has significant importance for Latin America inasmuch as it points out the personal desire of the American Chief of State to travel to a country of that important region of today's troubled world. As it happens whenever a Chief of State travels, his presence will provide the opportunity, in this case an excepitonal one, for an exchange of views not only with the current President, Licenciado Gustavo Diaz Ordaz, but also with the President-elect, Licenciado Luis Echeverria.

The United States-Mexico border is, as we have said at other times in this same editorial column, the number one border of this great country in relation to two hundred forty million inhabitants who in Latin America follow whatever happens there as reflection of what can be expected in the practical relations of the United States with the rest of the Hemisphere. We mention the border because in it there exist latent problems that have recently been worsened by the dissolution of the Mexico-United States Friendship Commission by the latter nation, for the way in which the operation "Intercept" is applied, and for the investigation that, upon President Nixon's request, has conducted the Tariff Commission of the United States Congress, that has threatened to revoke "Sections 806.30" and "807.00" of the import tariffs of this country. Such revocation would affect one hundred sixty-five assembling plants existing along the border and which employ nineteen thousand Mexican workers, whose wages mean for them an income of approximately seventeen million dollars annually.

Against the possible negative impact of the preceding, we must point out as a definitively positive fact on the part of President Nixon's Administration, the appointments of Messrs. Hilary Sandoval, Jr., as Administrator of the Small Business Administration; Martin Castillo, Chairman of the Cabinet Committee on Opportunities for the Spanish-Speaking; Antonio F. Rodriquez, Coordinator, Special Activities of the White House for the Spanish-Speaking; and Carlos Villarreal, Administrator, U.S. Urban Mass Transportation. All these high and influential officials are of direct Mexican descent and surely will advise President Nixon on the plans of his visit to Mexico.

President Nixon will have the opportunity to discuss some important matters bearing on the relations between the United States and Mexico, and certainly on the inter-American relations also, with the present and the already elected future President, from which it is to be expected there will be good results for the friendship between the two bordering nations.

SENATE DEBATE ON SAFEGUARD HAS IMPLICATIONS FOR MANKIND

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. COHELAN. Mr. Speaker, the rationality on the current debate on the ABM is hard to fathom. We are receiving indications that the SALT talks will limit the ABM systems. Reports suggest that the ABM will be limited to Moscow and Washington.

Yet we have high ranking administration spokesmen saying that there is a need for additional site deployments as "a barganing chip"—a costly one at that.

On top of this most people who are knowledgeable about the system are not convinced that it will work. Most technical analysis from competent scientists testify that the integrated systems of missiles, radars, and computers will not be operational.

I do not want to go into technical arguments here but it seems to me that the leading indicator of uncertainty has to be the shifting opponent to which the ABM was directed. We all remember that the Secretary of Defense himself admitted this year that the ABM would not impede a Soviet first strike capability.

Yet all this leads to the new rationale of "bargaining chip," a bargaining chip that requires additional sites. Although I do not acceed to this level of logic, I am willing to use anything to achieve a meaningful arms limitation. But I submit, Mr. Speaker, that the use of this bargaining chip would be just as valuable if we remain at the two sites under construction because only testing can go on in the Pacific Islands.

The entire debate with its irrational overtones bespeaks the logic that goes to the entire arms race. Marquis Childs eleborates on this point in his perceptive article entitled "Senate Debate on Safeguard Has Implications for Mankind." I commend the reading of this article to my colleagues and insert it at this point in the RECORD:

SENATE DEBATE ON SAFEGUARD HAS IMPLICATIONS FOR MANKIND

(By Marquis Childs)

The talks going on in Vienna, looking to a limitation on strategic arms (SALT) in agreement with the Soviet Union, could conclude in late summer with a bold and yet limited gesture on defensive missiles. This would be a demonstration—a demonstration of brutal political power—calculated to enhance the Nixon administration on the eve of the congressional elections.

But if those presently masterminding the Vienna talks have their way it will not turn out like that. The brutal political demonstration will be put aside in the hope of eventually achieving a more comprehensive agreement, including offensive as well as defensive missiles.

The Vienna round will close, if events go as currently foreseen, with a broad statement that the two sides are on the verge of agreeing to agree, with no specifics written out. Then when the talks resume some time in the late fall in Helsinki the tough task of bargaining on numbers of offensive missiles will begin, just before Christmas and this is a remoter hope—a comprehensive agreement could adorn the world's Christmas tree.

Now, in this administration events do not always go as the masterminds wish. The matters being dealt with are incredibly complex, the hope for agreement infinitely more difficult and far-reaching than the limited test ban or the nuclear nonproliferation treaties. The stratosphere in which the scientific-technical-political debate goes on—in Vienna, Washington and undoubtedly Moscow as well—is far above the comprehension of all but a few scientists and specialists in nuclear arms.

But one thing should be clear to the most elementary mind. If the SALT talks end in failure, the cost of the arms burden will grow by many billions of dollars, with less and less of the federal budget left for the desperate domestic needs of a society in bad trouble.

Just ahead is a profound political split with an important bearing on the negotiations in Vienna. The military appropriations bill up before the Senate contains $19.2 billion for Safeguard Phase II of the antiballistic missile system. The masterminds say this must be approved because it is a bargaining counter on the table at Vienna.

A powerful bloc in the Senate made up of both Democrats and Republicans is determined to knock it out. The reason is put in the most rudimentary form by Majority Leader Mike Mansfield: Because it won't work.

A large body of scientific opinion, including the science advisors to both Democratic and Republican presidents, holds that as presently conceived, based on a giant warning radar of dubious reliability, Safeguard simply could not function against incoming missiles and the decoys meant to baffle the radar. Since the Russians have access to this scientific opinion, what is the good of a bargaining chip that doesn't work?

The administration has its own witnesses insisting to the contrary. The case for keeping Safeguard Phase II, adding four other missile sites to the two presently being developed, is roughtly as follows:

We are close to an agreement on defensive missiles in Vienna—a limitation to the protection of Moscow and Washington—but if the Senate eliminates Safeguard, the Soviets will have no reason to sign up for a standstill. They will have been given a free ride regardless of the argument over whether Safeguard provides a guaranteed functional defense against incoming missiles.

The decision to hold off on ABM agreement, if indeed it is a firm decision, is not wholly related to forgoing the advantages of a 10 stroke on election eve. The conviction of the master-minds is that without a comprehensive agreement, covering offensive, as well as defensive missiles, both sides would begin to beef up the offensive. The pace of Soviet development of the blockbuster 25-megaton SS–9s has been repeatedly cited as cause for an expanded Safeguard system.

The Senate debate is likely to go on longer than anyone has anticipated. The administration is currently confident that the votes are there for approval and by a wider margin than last year when Phase I sneaked through by a single vote. But at the same time those who express this confidence add wryly that they were also confident that they had the votes for confirmation of G. Harrold Carswell to the Supreme Court.

The cycle is a curious one on this quiescent season when most people are thinking about beaches, mountains, vacations. At one periphery is the conference table at Vienna, where week after week the dialogue continues behind a curtain of secrecy with only the most generalized hints about progress and businesslike exchanges. At the other extreme is the Senate of the United States, where honest men contend pro and con in debate open to the world over Safeguard.

The outcome will say a lot about the fate not of one nation or the other, but of mankind itself. That is the far reach of a contest fought out half in darkness, half in light.

MR. HORTON SALUTES CHARLES O'BRIEN, NEWSPAPER PUBLISHER ON HIS RETIREMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. HORTON. Mr. Speaker, it is difficult, sometimes, to put feelings into words when an old friend retires. I suppose retirement is a happy moment for many, while it is somewhat sad for others.

In the case of my old friend Charlie O'Brien, of the Wayne County Herald-Eagle weekly newspaper, I suspect retirement is a combination of both happy and sad emotions. Knowing Charlie as I do, however, I have a strong feeling that even though he is selling his business, he will not really retire from activity in the publishing and printing business, but will probably just cut down somewhat on his participation.

In fact, Charlie was quoted as saying that he would still be in there helping one of the new owners, when the changeover is actually made.

Charles Leslie O'Brien is a real oldtimer in the publishing and printing field. For almost half a century he has been a small town newspaper publisher and job printer. It would not be easy for a man like that suddenly and abruptly to stop all work in the business he has so loved and in which he has been so successful.

Charlie and his wife Marietta have been so prominent a part of life, and practically all activities, in and around Clyde, N.Y., that I am sure the other good citizens in the area just will not let them fade away. There will always be a demand on them for their time and energies and for their participation in the things that are good for the community.

Recently, another newspaper, the Geneva Times, did a feature story on Charlie O'Brien's retirement. Anne Maloy, the reporter, did an excellent job of telling the story of Charlie's background and qualifications, as well as describing the situation which will see two gentlemen take over the jobs that Charlie has been doing.

He has sold the printing business to Wayne Morrison of Clymer, in Chautauqua County, and he sold the weekly newspaper to Ray Kenyon of Lyons.

I congratulate both of these men for their wisdom in wanting to carry on the splendid work that Charles O'Brien has been doing. I wish them well and continued success.

As for Charlie, I can only say I hope he continues to enjoy life in his new status as much as he has enjoyed his activities and hard work in the past.

May I share with my colleagues in the House of Representatives the feature story by Anne Maloy, which appeared in the Geneva Times and which saluted Charlie O'Brien upon his retirement:

NEWSMAN WILL RETIRE—45 YEARS PRINTER AND PUBLISHER

(By Anne Maloy)

CLYDE.—Surrounded by tools of the trade and with the smell of printer's ink heavy in the air, "Charlie" O'Brien puffed on the stump of his cigar and reminisced about 45 years as job printer and small-town newspaper publisher. Word was out that he is selling the job printing business to Wayne Morrison of Clymer, having sold his Wayne County Herald-Eagle weekly newspaper some six weeks ago to Ray Kenyon of Lyons.

"I'll still be in here helping Wayne, though," he disclosed and said also that Mr. Morrison will not actually take over until early September. The new owner is purchasing the entire block on Glasgow St. including

XUM

an apartment on the second floor. Included in the equipment are three job presses, three linotype machines, saws, folder, cutter, Heidelberg printing press and other miscellaneous photographic and publishing implements. His job printing includes labels, billheads and letterheads.

Charles Leslie O'Brien was born in Newark and received his early education there, later attending the Empire State School of Printing in Ithaca which was later to become part of the Rochester Institute of Technology. During these years he played semi-pro baseball. He served his apprenticeship on the Newark Courier and came to Clyde in 1936 to be associated with the Clyde Herald. His early affiliations with Clyde newspapers were with Harold Nichols and Clara Lux, and he bought his business block from the former Citizens' Bank.

A rousing Democrat by politics, Charlie has never been afraid to stand up and be counted either on political issues or municipal affairs. His front office is lined with pictures of such figures as Al Smith, James Farley, Lyndon Johnson, Dan Carey, Peter Crotty, William McKeon and Republican Congressman Frank Horton whom he considers "a swell fellow and a good friend." He added that he would take these pictures with him when he leaves for good.

Mrs. O'Brien, the former Marietta Vandenbosch, has been associated with her husband in the publication of their newspaper. Mr. O'Brien is Democratic commissioner with the Wayne County Civil Service.

Wayne E. Morrison, Sr., who is to become the new owner, published The Clyde Independent from Nov. 14, 1956 to May 25, 1960 when he moved to Clymer. Morrison, historian and antique collector, compiled and published a History of Clyde in June 1955, issuing a revised and enlarged edition last year. For a time, he published a weekly paper in Clymer but sold it a year ago. He is engaged in custom printing in Clymer where he does a mail order business all over the country, specializing in work for antique dealers.

Among his personal collection of artifacts are a Washington hand-press, buggies, cutters and a surrey. Mr. and Mrs. Morrison, the former Patricia Wright from French Creek, will live in the apartment in the building they are buying. There are three children, Katherine 15, Wayne Jr. 13, and Andy, 11.

SENATE—*Friday, August 7, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Dr. Karl B. Justus, executive director, Military Chaplains Association, Washington, D.C., offered the following prayer:

Almighty and eternal God, ruler of men and nations, who yet in Thy fatherly compassion careth for each of us with a tender love and concern that is even mindful of a sparrow's fall, extend Thy hand of blessing, guidance, and benediction to each Senator of this august body of our Government.

May the decisions made, and laws passed, in this distinguished Chamber, be those that shall issue in peace and domestic tranquillity for our great, but troubled, land. Inspire these men with vision that will help to solve our pressing problems, ever endowing them with wisdom, courage, integrity, and loyalty.

Bless our President, Richard Nixon, our Vice President, and the members of the Cabinet, all of whom are faced daily with weighty decisions.

Bless the men and women of our Armed Forces today wherever they may be, and particularly in Vietnam—and hasten the day when peace shall reign throughout the earth, when the kingdom of God will be fully established so that Thy will may be done on earth as it is in heaven. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 7, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 5, 1970, the President had approved and signed the act (S. 3279) to extend the boundaries of the Goiyabe National Forest in Nevada, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Richard H. Zorn II, of Illinois, to be a Foreign Service officer of class 7, a consular officer, and a secretary in the diplomatic service, which nominating messages were referred to the appropriations committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and it was signed by the Acting President pro tempore (Mr. ALLEN).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 6, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Indiana (Mr. BAYH) is now recognized for 30 minutes.

Mr. MANSFIELD. With the concurrence of the distinguished Senator from Indiana (Mr. BAYH), and without taking any of his time, will he yield to me for a few unanimous-consent requests?

Mr. BAYH. It is always a privilege to yield to my distinguished colleague from Montana. Hopefully, I shall not use all of the 30 minutes allotted to me.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 30 minutes, after the disposition of the Journal of proceedings and subsequent to the 15 minutes which I believe has been allocated to the distinguished Senator from Missouri (Mr. EAGLETON).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT OF THE TWO HOUSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 689.

The ACTING PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 689, which was read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Friday August 14, 1970, it shall stand adjourned until 12 o'clock meridian on Wednesday, September 9, 1970, or until 12 o'clock meridian on the third day after Members are notified to reassemble pursuant to provisions of section 2 of this concurrent resolution, whichever occurs first.
>
> Sec. 2. At any time during this adjournment of the House, whenever the Speaker of the House determines that legislative expediency so warrants, he shall notify the Members of the House to reassemble.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I offer an amendment to the concurrent resolution, and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The amendment was stated, as follows:

> On page 1, line 7, strike the period and insert a comma in lieu thereof and the following: "and that when the Senate adjourns on Wednesday, September 2, 1970, it shall stand adjourned until 12 o'clock noon on Tuesday, September 8, 1970."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished Republican leader.

Mr. SCOTT. This, of course, is the resolution that permits the other body to recess during August. The Senate is not taking a recess other than the short part of the week over Labor Day.

I mention this only to indicate that the old saying is still true, that the other body springs from the people. I think it is only proper that the people be given the opportunity, occasionally, to spring back at them.

I thank the distinguished Senator.

Mr. MANSFIELD. Some of us want to spring back at, to, and with the people but, unfortunately, the House is way ahead of us in the matter of appropriation bills. This, of course, is attributable in great part to the fact that these appropriations bills by custom only originate in the House. The Members of the House must be given credit, although, I think, in all candor, we should point out that the Senate is way ahead of the House insofar as crime, drug, and pornographic legislation is concerned.

Mr. SCOTT. We are, indeed, ahead of them in substantive legislation. I would say with great respect that the other body should have acted on the crime bills, particularly because the need is great and the opportunity exists to do something about coping with the high incidence of crime. Perhaps, when Members of the other body go back to the people, they will find that the people are worried about the fear with which people walk the streets these days. One survey shows that about one-half of the women in this country are afraid to walk the streets of America today.

Perhaps, when our colleagues go home, they will discover that this fear is real, that the need is great, and the necessity is urgent; so that, perhaps, they will give us the crime bills which the Senate has already sent over to them.

The concurrent resolution (H. Con. Res. 689), as amended, was agreed to, as follows:

> H. Con. Res. 689
>
> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Friday, August 14, 1970, it shall stand adjourned until 12 o'clock meridian on Wednesday, September 9, 1970, or until 12 o'clock meridian on the third day after Members are notified to reassemble pursuant to provisions of section 2 of this concurrent resolution whichever occurs first, and that when the Senate adjourns on Wednesday, September 2, 1970, it shall stand adjourned until 12 o'clock noon on Tuesday, September 8, 1970.
>
> Sec. 2. At any time during this adjournment of the House, whenever the Speaker of the House determines that legislative expediency so warrants, he shall notify the Members of the House to reassemble.

The title was appropriately amended.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 1080.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 432) to provide additional funds for the Committee on Appropriations, was considered and agreed to, as follows:

> S. Res. 432
>
> *Resolved*, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $35,000, in addition to the amounts and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 204, agreed to June 16, 1969, and S. Res. 315, agreed to February 2, 1970.

MANPOWER AND TRAINING NEEDS FOR AIR POLLUTION CONTROL

The resolution (S. Res. 431) to print as a Senate document the report "Manpower and Training Needs for Air Pollution Control," was considered and agreed to, as follows:

> S. Res. 431
>
> *Resolved*, That there be printed as a Senate document, with illustrations, a report of the Secretary of Health, Education, and Welfare, entitled "Manpower and Training Needs for Air Pollution Control", submitted to the Congress in accordance with section 305(b), Public Law 90–148, the Clean Air Act, as amended, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1073), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> Senate Resolution 431 would provide (1) that there be printed as a Senate document, with illustrations, a report of the Secretary of Health, Education, and Welfare entitled "Manpower and Training Needs for Air Pollution Control", submitted to the Congress in accordance with section 305(b), Public Law 90–143, the Clean Air Act, as amended; and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,777.59
2,500 additional copies, at $128.35 per thousand	320.86
Total estimated cost, S. Res. 431	2,098.45

CONSUMER PROTECTION

The resolution (S. Res. 437) authorizing the printing of additional copies of part 1 of hearings by the Committee on Commerce on "Consumer Protection," was considered and agreed to, as follows:

> S. Res. 437
>
> *Resolved*, That there be printed for the use of the Committee on Commerce one thousand additional copies of part 1 of the hearings before its Consumer Subcommittee during the Ninety-first Congress on "Consumer Protection" (S. 2246, S. 3092, and S. 3201).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1074), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> Senate Resolution 437 would provide that there be printed for the use of the Committee on Commerce 1,000 additional copies of part 1 of the hearings before its Consumer Subcommittee during the 91st Congress on "Consumer Protection" (S. 2246, S. 3092, and S. 3201).
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:

Back to press, 1,000 copies	$1,200

CONSUMER PROTECTION

The resolution (S. Res. 438) authorizing the printing of additional copies of part 2 of hearings by the Committee on Commerce on "Consumer Protection," was considered and agreed to, as follows:

> *Resolved*, That there be printed for the use of the Committee on Commerce one thousand seven hundred additional copies of part 2 of the hearings before its Consumer Subcommittee during the Ninety-first Congress on "Consumer Protection" (S. 2246, S. 3092, and S. 3201).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1075), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 438 would provide that there be printed for the use of the Committee on Commerce 1,700 additional copies of part 2 of the hearings before its Consumer Subcommittee during the 91st Congress on "Consumer Protection" (S. 2246, S. 3092, and S. 3201).

The printing-cost estimate, supplied by the Public Printer, is as follows:

1,700 additional copies, at $672 per thousand -------------------- $1, 142. 40

AUBREY P. WILKERSON, JOHN P. WILKERSON, DANIEL S. WILKERSON, DAVID J. WILKERSON, AND OLVIN H. WILKERSON

The resolution (S. Res. 439) to pay a gratuity to Aubrey P. Wilkerson, John P. Wilkerson, Daniel S. Wilkerson, David J. Wilkerson, and Olvin H. Wilkerson, was considered and agreed to, as follows:

S. RES. 439

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Aubrey P. Wilkerson, John P. Wilkerson, Daniel S. Wilkerson, and David J. Wilkerson, sons; and to Olvin H. Wilkerson, stepson of Eleanora V. Wilkerson, an employee of the Senate at the time of her death, a sum to each equal to one-fifth of one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

NATIONAL MUSEUM OF THE SMITHSONIAN INSTITUTION

The Senate proceeded to consider the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act which had been reported from the Committee on Rules and Administration with amendments, on page 1, line 3, after the word "the", strike out "Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a)" and insert "National Museum Act of 1966 (80 Stat. 953)"; in line 2, after the word "read", insert "as follows:"; after line 5, strike out:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $1,000,000 shall be appropriated annually through fiscal year 1974."

and, in lieu thereof, insert:

"(b) (1) There are hereby authorized to be appropriated to the Smithsonian Institution for the purposes of this Act $1,000,000 for the fiscal year ending June 30, 1972, and the same amount for each succeeding fiscal year ending prior to July 1, 1974, and in each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law.

"(2) In addition to the sums authorized in paragraph (1) there are hereby authorized to be appropriated $300,000 for the fiscal year ending June 30, 1972, and the same amount for each succeeding fiscal year ending prior to July 1, 1974, to be allocated and used as follows:

"(A) of the sums appropriated pursuant to this paragraph (2), 33⅓ per centum shall be available for the purposes of clause (2) of subsection (a);

"(B) of such sums, 33⅓ per centum shall be available for the transfer to the National Foundation on the Arts for assistance to museums under section 5(c) of the National Foundation on the Arts and Humanities Act of 1965; and

"(C) of such sums, 33⅓ per centum shall be available for transfer to the National Foundation on the Humanities for assistance to museums under section 7(c) of the National Foundation on the Arts and Humanities Act of 1965.".

And on page 3, after line 2, insert a new section, as follows:

ADDITIONAL MUSEUM ACTIVITIES

SEC. 2. (a) Section 2(a)(2) of the National Museum Act of 1966 (20 U.S.C. 65a (2)) is amended to read as follows:

"(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institution;".

(b) So much of that part of subsection (a) of section 2 of the National Museum Act of 1966 as precedes clause (1) is amended by striking out everything preceding "Secretary" and inserting in lieu thereof "The".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1072), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

The National Museum Act of 1966 reaffirmed the Smithsonian Institution's traditional role in providing technical training, and advisory assistance to museums of the United States. The act directed the Institution to engage in a continuing study of museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The act authorized to be appropriated $200,000 for fiscal year 1969, $250,000 for fiscal year 1969, $250,000 for fiscal year 1970, and $300,000 for fiscal year 1971.

Additional authorizations are required for the continuation of these museum assistance programs beyond the fiscal year ending June 30, 1971. S. 704, as referred to the Committee on Rules and Administration would have authorized appropriation of such sums as Congress deems necessary, with a limitation of $1 million for each fiscal year through fiscal 1974.

COMMITTEE CONSIDERATION

The Subcommittee on the Smithsonian Institution of the Committee on Rules and Administration conducted a joint hearing on the bill S. 704 on September 23, 1969, together with the Subcommittee on Library and Memorials of the Committee on House Administration.

The committee heard testimony from officials of the Smithsonian Institution on the need for continuation of National Museum Act programs. It was estimated that the Smithsonian receives yearly about 2,000 requests from museums and their staffs for consultation, advice, or training on problems confronted by museums.

Although no funds had been appropriated specifically for the purposes of the National Museum Act through fiscal 1970, the Smithsonian has devoted resources estimated to be in excess of $50,000 a year to respond to requests for assistance from museums.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized today for not to exceed 15 minutes after the distinguished Senator from Indiana (Mr. BAYH) has completed his remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Indiana very much for his usual courtesy and graciousness.

S. 4201—INTRODUCTION OF THE JUDICIAL DISQUALIFICATION ACT OF 1970 AND S. 4202—INTRODUCTION OF THE OMNIBUS DISCLOSURE ACT

Mr. BAYH. Mr. President, this morning I would like to address myself to a problem which, in one way or another, has been called to the attention of the Senate over the last year far more often than over the previous 20 years.

With the confirmation of Judge Blackmun, the Senate ended a troubling year of controversy over the qualifications of Supreme Court Justices. These difficult and unfortunate disputes are now behind us, and I for one see no purpose to be served by a lengthy post mortem.

But I hope we have learned a valuable lesson in ethics in the course of these debates. And I believe we have established new standards of conduct for all public officials. Today I introduce legislation designed to write these lessons, these higher standards into the law of the land.

The legislation is based upon three conclusions I reached in the course of our recent debates, three principles which should govern any major reform of the standards of ethics required of public officials.

First, the standards of judicial conduct demanded by the American people have improved substantially in recent times. Some Federal judges, intentionally isolated from the need to face the voters, have not been consistent in adhering to this new, more rigorous, sense of propriety. Particularly where financial interests are involved, we need a major revision in our statutory provisions governing judicial disqualification.

I want to say here, as I did during the rather trying debates on the two Supreme Court nominees, that I do not suggest that the great majority of our Federal judges overlook the need to be infinitely careful in exercising financial and judicial responsibility. Out of these harrowing disputes—and I think it can be described as harrowing to some of us—we learned that most of our judges lean over backward to try to avoid not only impropriety, but also the appearance of impropriety.

Second, even more important than articulating standards of conduct is the need to assure an effective check on

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official impropriety. No mechanism better provides for personal awareness and self-policing, no mechanism offers the public more evidence of the impartiality of judicial action, then complete public disclosure of financial interests and activities.

Third, such measures must not be limited to federal judges alone. All of us who do the public's business—judicial, legislative and executive—must also recognize the public's legitimate interest in our possible financial conflicts. I realize that this is not the most popular stand to take in this august body. I mean to cast no derogation on any of our colleagues. But I think the time has come to look at the real facts of life.

It is not only difficult, it is patently unfair for us to suggest that one individual, one branch of the Government, or one group of individuals be given minute scrutiny, while others need not live up to the same standards.

Out of these principles, I have formulated two bills which I introduce today: the Judicial Disqualification Act of 1970 and the Omnibus Disclosure Act.

Mr. President, I send the bills to the desk and ask that they be appropriately referred.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills were received, read twice by their titles, and referred, as follows:

By Mr. BAYH (for himself and Mr. TYDINGS):

S. 4201. A bill to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH:

S. 4202. A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

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Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MANSFIELD. Mr. President, I was impressed by what the distinguished Senator from Indiana said, that others should not be judged by a criterion by which we do not judge ourselves.

I would hope that instead of a bill being considered which lays down certain guidelines and requires certain explanations and exposures on the part of the judiciary, that we would give the most serious consideration in this body to a bill introduced by the distinguished Senator from New Jersey (Mr. CASE) which would place the members of the legislative branch—including ourselves—and the executive branch, those drawing $18,000 a year or more, on the same basis insofar as the matter of disclosures and the like are concerned.

Furthermore, I think that we ought to do something about the type of restrictions and limitations in the laying down of presidential appointees, because the present system seems to imply or to indicate that these men are guilty before they are proven innocent, rather than that they are innocent before they are proven guilty.

So I would plead with the distinguished Senator—and I am sure this fits in with what he has been advocating—that we do put into effect a disclosure act which applies to all equally and to which there are no exceptions except for those who receive below $18,000 a year, and that in all branches of the Government, and hopefully set out the type of power which would make it mandatory for Federal judges, from the Supreme Court on down, to work on the basis of 11 months a year, rather than on the basis of 8 or 9 months a year, as is the case at the present time.

Mr. BAYH. Mr. President, I appreciate the words of our distinguished leader. I point out, as he has pointed out, that our distinguished colleague, the Senator from New Jersey, has introduced far-reaching legislation in this area. One of the bills which I am introducing this morning has a great deal in common with the bill introduced by the Senator from New Jersey. It goes a bit farther in some areas, particularly with reference to the practice of law. As the Senator from Montana knows, that area is a loophole big enough to drive a 10-ton truck through, as far as true disclosure of potential conflicts is concerned.

We also deal with the thorny problem that arose during the recent consideration of nominees for the Supreme Court, the problem concerning 28 United States Code 455. We find it difficult under this provision to describe when a judge should disqualify himself, because of the leeway permitted in the interpretation of the words "substantial interest."

What we try to do is to state specifically when and how judges should disqualify themselves.

We are dealing with that matter on the one hand and with the disclosure of assets and income on the other, disclosure not only for judges, but for all officials. I think this legislation is exactly along the lines of the suggestion of the majority leader.

THE JUDICIAL DISQUALIFICATION ACT OF 1970

The Judicial Disqualification Act amends sections 455 and 144 of title 28 of the United States Code. Both of these revisions reflect the testimony of John Frank, one of our foremost authorities on judicial disqualification, at the hearings before the Senate Judiciary Committee on the nomination of Judge Clement Haynsworth. They were drafted and revised with the continuing advice and invaluable assistance of Mr. Frank.

The draft revisions were circulated to a number of distinguished lawyers, judges, and professors across the country. Nearly 50 thoughtful and interesting responses were received and a number of these suggestions have been incorporated in the proposed legislation. I am pleased that this measure is cosponsored by my colleague from Maryland, Senator TYDINGS, who has very substantial experience in these matters through his Subcommittee on Improvements in Judicial Machinery.

There are a number of defects in section 455. The central provision of section 455—as I specified a moment ago in response to our distinguished leader—requires a judge to disqualify himself in any case in which he has a "substantial interest." Those are the crucial words "substantial interest." Unfortunately the words, "substantial interest" have at least three interpretations in the Federal courts. In the majority of circuits, any pecuniary interest requires disqualification. But the fifth circuit—and apparently the eighth circuit as well, according to Judge Blackmun's recent testimony—has interpreted the statute to mean that a judge may sit regardless of interest, unless the decision will have a significant effect upon the value of the judge's interest. And the fourth circuit interprets the statute as permitting "disclosure and waiver," in which the judge discloses his interest in the case and may hear it if the parties waive their objection. Such waivers are often made because counsel dare not jeopardize their relationship with a judge before whom they appear regularly by seeming to question his impartiality. A further problem with Section 455 is that although judges are prohibited from sitting in cases where they have been of counsel, or witnesses, or where they are related to a party or counsel, the statute fails to remind the judges of their obligation to "avoid the appearance of impropriety" as required by the American Bar Association's Canons of Judicial Ethics, Canon 4.

The Judicial Disqualification Act which I have introduced today is intended to correct many of these problems. The proposed revision of section 455 eliminates the "substantial interest" language and clarifies the type of interest requiring disqualification. It precludes participation by a judge in a case if he holds any stock in a corporate party, or any corporation substantially related to a corporate party. It also precludes sitting if the judge is a director or holds any other office in such a corporation. The bill deliberately precludes the device of disclosure and waiver, and imposes mandatory disqualification in cases where the provisions of the statute are met. The revision also requires the judge to disqualify for appearance of impropriety, thereby codifying the requirement of canon 4. Finally, the bill relaxes the so-called duty to sit in cases where the judge is not disqualified by the provisions of the statute, and gives him fair latitude to disqualify himself in other instances where "in his opinion, it would be improper for him to sit."

This revision of section 455 would be very similar to the judicial disqualification standard recently recommended in the interim report of the Special Committee on Standards of Judicial Conduct of the American Bar Association. This very distinguished group, chaired by the Honorable Roger Trayner, former chief justice of the California Supreme Court, believes that:

> A judge should disqualify himself in any proceeding in his court in which he knows or should know that he, individually or as a fiduciary, or any member of his family residing in his household, has an interest in the matter in controversy or the affairs of a party to the proceeding.

An "interest" according to their standard would include any legal or equitable interest no matter how small in a party or thing involved in the litigation or any directorial or active participation in any organization involved in the litigation.

The other major provision covered by the Judicial Disqualification Act is section 144 of title 28, dealing with disqualification for bias or prejudice. When a motion to disqualify for prejudice or bias is made, a party is often dismayed to learn that under section 144, the judge himself determines whether the allegations are sufficient. Surely litigants who believe that they cannot get a fair trial before a particular judge should not have to convince the very same judge of his bias.

This result disturbs me because it contributes to the lack of confidence in our courts. This lack of confidence does not, in my opinion, reflect some basic defect in our political system or our judicial procedures. The problem is not so much one of fundamental injustice as the appearance of injustice. No statute creates more distrust than does the section 144 procedure for disqualification for prejudice.

One possible change in section 144 would require some other judge to rule on the question of a trial judge's alleged bias. However, this still puts undue pressure on counsel, and it ignores the possibility of embarrassment and tension created when one man must rule on the impartiality of his colleague—and often, his friend.

The Judicial Disqualification Act of 1970 takes a different approach to changing section 144. It would create a right in a litigant to one preemptory challenge of a trial judge assigned to hear his case, adopting a disqualification provision now employed in California and a number of other States. Under such a provision a judge is disqualified upon the filing of an affidavit alleging bias or prejudice and signed by one or the other of the parties. The disqualified judge is left with no option except to determine whether the application has been timely made. The affidavit must be filed before any discretionary matter has been presented to the judge. Each side is restricted to one challenge, in order to avoid abuse in cases where one of the parties simply wants to create delays or to avoid trial altogether.

During the debate over Judge Haynsworth, we received a letter from Professor Mellinkoff of the University of California at Los Angeles Law School. This letter deals with the question of impropriety—and the appearance of impropriety. I do not believe the majority of judges—or even a large minority—are guilty of either of these kinds of misconduct. And I suggest that most of those who do, do so inadvertently, because they do not realize that what is insignificant to them is significant to one of the parties or to a citizen on the street.

Professor Mellinkoff, more clearly than anyone else I have heard, succinctly pointed out the facts of one of the cases before us in the earlier controversy. In that case, a seaman had allegedly been scalded in the performance of his duties, and had sued the shipping line company. I believe he sued for $30,000, and he was awarded a $50 judgment. He appealed, and the appellate court ruled against him.

Perhaps the appellate court was correct in its ruling, and I suggest that it was. It was not appealed further, and it is the law of the land. I am confident the court made the right decision in light of all the circumstances.

However, it does not do much to maintain confidence in our system of jurisprudence when the litigant later finds that the judge who ruled against him owned stock in the corporation he was suing, I believe it was about $18,000 worth of stock. I am sure that $18,000 is not a significant amount in the corporate world, but that is a significant amount of money to the Senator from Indiana, and it probably meant even more to the seaman. That is the type thing we are trying to avoid by clearing up the appearance of impropriety.

I ask unanimous consent to have printed in the RECORD the letter received from Professor Mellinkoff of the University of California Law School.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
Los Angeles, Calif., October 20, 1969.

Hon. JAMES O. EASTLAND,
U.S. Senate, Chairman, Senate Judiciary Committee, Washington, D.C.

MY DEAR SENATOR EASTLAND: As a professor of law teaching legal ethics to future lawyers, I write to invite your further attention to what I believe to be the central issue in the consideration of the fitness of Mr. Justice Haynsworth for appointment to the Supreme Court of the United States.

Three instances of apparent conflict of interest have been given prominence in the press: the Justice's purchase of Brunswick Corporation stock before announcement of his Court's decision in favor of Brunswick; his substantial ownership of Carolina Vend-O-Matic, a company having a valuable business relationship with a successful litigant before the Court; and his small stock holdings in the W. R. Grace Co. at the time of a decision favorable to its subsidiary Grace Lines. According to report, Justice Haynsworth has explained that the Brunswick case had been decided and forgotten before he bought any Brunswick stock and that financial interest did not influence his vote in any of these cases. As a member of the bar for 30 years I accept Justice Haynsworth's explanation.

At the same time I cannot but observe that to the unsuccessful litigant in Justice Haynsworth's Court the explanation would ring hollow. At best losing a lawsuit is a disheartening, at worst a crushing experience to anyone convinced rightly or wrongly of the justice of his cause. The disappointment is endurable only under a system of justice in which the loser knows that the process by which he lost was a fair one.

In a grosser age, when the brilliant Francis Bacon was forced from office and forced to acknowledge that as Lord Chancellor of England he had been taking gifts from litigants, he was still able to assert, ". . . I am as innocent as any born upon St. Innocent's day: I never had a bribe or reward in my eye or thought when pronouncing sentence or order." It may have been true, but it was hardly satisfying, least of all to the man who lost his case in the Lord Chancellor's court.

In a United States district court a jury awards an injured seaman $50.00 on a claim against Grace Lines he thought worth $30,000.00. Saddened, he takes his case to the United States Circuit Court of Appeals. It is not difficult to imagine the bitterness in the heart of the injured seaman when he learns that one of the judges to whom he appealed in vain to right the supposed wrong of the Grace Lines was even a small owner of the company that owns Grace Lines. By the standard of the marketplace Justice Haynsworth's stockholding was trifling. It looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scale of justice against him.

To avoid such avoidable strains on the legal system, it has long been a maxim of the law that courts shall not only do justice but that they shall seem to do justice. This ancient wisdom finds expression in the Canons of Judicial Ethics of the American Bar Association providing that a judge's conduct should not only be "free from impropriety" but from "the appearance of impropriety." (Canon 4). The importance of the appearance of things is stressed again and again (Canons 13, 24, 26, 33), culminating in the injunction that "In every particular his conduct should be above reproach." (Canon 34).

These Canons apply to judges at every level. They apply most stringently to the men who are to grace the court which sets an example of right to the rest of the nation. I hope, Senator, that you will consider the nomination of Mr. Justice Haynsworth in this light. If you do, I believe you will come to share my conclusion that his confirmation would not promote that necessary public respect for our system of justice which each of us in his own way seeks to preserve.

DAVID MELLINKOFF,
Professor of Law.

THE OMNIBUS DISCLOSURE ACT

Mr. BAYH. Mr. President, the other major piece of legislation I introduce today is the Omnibus Disclosure Act. This bill is based in large part upon the recently published study entitled "Congress and the Public Trust," the report of the Association of the Bar of the City of New York's Special Committee on Congressional Ethics. The executive director of the committee, and the author of its report, is James C. Kirby, Jr., a former chief counsel of the Senate Subcommittee on Constitutional Amendments and dean-designate of the Ohio State University Law School. The bill also draws upon the pioneering work in this area by my distinguished colleague from New Jersey (Mr. CASE), the author of S. 1993, to which our distinguished majority leader referred.

The disclosure provisions of this bill are based upon the premise that the source of all governmental power is in the consent of the governed. This legislation presumes that if the people are supplied with sufficient information about their elected officials and appointees, the people themselves will fashion the most workable standards of conduct in the voting booth.

At this time it is impossible for the public to gain access to this information. A patchwork of congressional rules, judicial conference resolutions, and Executive orders compose the present financial disclosure laws. None of the disclosure provisions are sufficiently comprehensive in the type of financial information required to be disclosed or in the individuals required to file reports. Furthermore, none of the provisions allow for significant public disclosure of financial interests.

The Federal judiciary is presently subject to a resolution passed by the Judicial Conference of the United States on March 18, 1970. This resolution retreats considerably from the comprehensive public disclosure adopted at the behest of former Chief Justice Warren in June of 1969. The most recent resolution requires all Federal judges, except Supreme Court Justices, to file a confidential financial disclosure report with a special committee of the Judicial Conference, the conference of their circuit, and the clerk of their court. Each judge must disclose his total income for extrajudicial services such as lecturing, teaching, and serving as executor of an estate. He must itemize sources of income and gifts of over $100. Each judge must also report whether he has knowingly participated in any decision in which he or any member of his household had a financial interest, or if he has engaged in any transaction involving securities or property of a party to a case pending before him. Finally, he must report any positions held in any organization whether or not compensation is received therefor.

Members of Congress are subject to provisions of the House and Senate rules. Rule 44 of the rules of the House requires Members and officers of the House, their principal assistants, and professional staff members of House committees to file confidential disclosure reports with the Committee on Standards of Official Conduct. The reports require an individual to disclose sources of over $5,000; capital gains of over $5,000 from a single source—other than sale of a residence; nongovernment reimbursements of over $1,000; interest and position in businesses from which he received $1,000 or more and which deal with the Government and are subject to its regulation; and the names of professional organizations with which he is associated and which account for over $1,000 of his income. The House does provide for limited public disclosure, except that the amount of professional and service income, and the market value of business interests, reported under the act remain confidential. Furthermore, an individual is informed of each request to examine his public report.

Members and employees of the Senate are required to make financial disclosure by rules 41, 43, and 44 of the Standing Rules of the Senate. These rules are quite similar to the rules of the House except that they cover candidates as well as Members of the Senate and staff personnel and officers of the Senate who are paid over $15,000. The procedures differ in that the individuals must send to the Comptroller General a confidential disclosure report, which can only be examined by the Select Committee on Standards and Conduct. The reports require considerably more information, such as interests in real estate, debts over $5,000, the individual's income tax form, and the amount and source of legal fees of over $1,000. However, the only public disclosure provided for in the Senate rules is of the source and disposition of campaign contributions of $50 or more, and the amount and source of honoraria of over $300.

Members of the executive branch are required to file disclosure reports pursuant to Executive Order No. 11222, of May 1965. The order applies to all Federal executives over GS–13. Federal executives are required to report basically the same information as Members and employees of the Senate, except that Federal executives are exempt from reports of outside legal activity and from detailed reports of outside income. The Executive order and the civil service rules promulgated pursuant thereto also are more relaxed for members of the President's staff and for consultants, who serve throughout the Government. There is no provision for public disclosure.

The Omnibus Disclosure Act would correct at least six substantial failings in the existing pattern of regulation. First, the existing provisions are completely lacking in uniformity. My proposal would bring order to this area. The Omnibus Disclosure Act requires members of all three branches of Government to file the same disclosure report with the Comptroller General by May 1 of each year.

Second, the existing provisions do not require disclosure from all who should be covered. For example, the House rules do not cover candidates. The Judicial Conference rules do not cover Federal judicial employees other than judges, nor do they apply to Supreme Court Justices. The Executive order does not cover the President and Vice President. The legislation I propose covers all of these individuals, including employees of any branch of Government paid more than $18,000 per year and candidates for Congress, the Presidency, and the Vice-Presidency.

The third problem with existing provisions is that they do not require sufficient information to be presented. For example, the Senate rules require disclosure only of debts of over $5,000 and interests in real estate of over $10,000. The Omnibus Disclosure Act requires disclosure of debts of over $1,000 and creates no exception for residential mortgages; it requires disclosure of real estate valued at more than $500 and goes beyond most of the existing provisions to require disclosure of income over $100. The act also requires disclosure of any dealing in securities and commodities or transactions in real property, and it requires disclosure of gifts worth more than $100 and any contribution to defray campaign and office expenses.

Fourth, the Omnibus Disclosure Act would eliminate many of the loopholes in existing law by the use of detailed attribution rules. Under most existing provisions, an individual can receive benefits through some unknown third party and not be required to disclose. My proposal attributes to any individual the assets, liabilities, receipts, transactions and gifts of persons acting on his behalf, members of his family, corporations of which he owns half the stock, and shares of partnerships and trusts, depending upon his interest therein.

Fifth, the Omnibus Disclosure Act, if enacted, would finally deal with the problem of outside law practice by public servants. The act requires all individuals except nonincumbent candidates to list all law firm clients who paid more than $1,000 in fees. It further requires an explanation of whether the client requested the service of his law firm before or after he entered Government service. Moreover, the individual must identify any administrative or judicial action in which the United States was a party and the client was represented by that firm. This portion of the act is modeled directly after a recommendation of the special committee on ethics of the Association of the Bar of the City of New York.

Sixth, and most important of all, the act would require complete public disclosure of all of the above information. No existing provision requires full disclosure to the public, and in this respect the current law is fatally deficient. I propose that the information required by the act be filed by the Comptroller General and made readily available to the general public.

In conclusion, I believe that passage of this legislation would be a major step toward making our Government more accountable to the people. In a time when the integrity of all of our institutions is under attack, we can no longer settle for only self-regulation, nor for the suspicions inherent in private disclosure. I hope the Senate will move quickly to consider and then to enact these badly needed reforms.

Mr. President, I ask unanimous consent that the complete text of the Judicial Disclosure Act of 1970 and the Omnibus Disclosure Act be printed in the RECORD, together with a section-by-section summary of each bill and a comparison of the provisions of the Financial Disclosure Act with existing laws and regulations.

There being no objection, the texts of the bills and the other material were ordered to be printed in the RECORD, as follows:

S. 4201

A bill to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Disqualification Act of 1970'.

SEC. 2. Section 455 of title 28, United States Code, is amended to read as follows:

"§ 455. Interest of justice or judge

"Any justice or judge of the United States shall disqualify himself, and shall not accept waiver of disqualification, (1) in any case in which he has an interest, which shall include any stockholding in a corporate party, any stockholding in a corporation which holds 10 percent or more of the stock of a corporate party, any stockholding in a corporation of which 10 percent or more of the stock is held by a corporate party, and the holding of any office of a corporation described in this section; (2) in any case in which he has been of counsel; (3) in any case in which he is or has been a material witness; (4) in any case in which he is so related to or connected with any party or attorney as to create a conflict of interest or otherwise render it improper for him to sit on the trial, appeal, or other proceedings; (5) in any case in which his participation in the case will create an appearance of impropriety; and (6) in any other case in which, in his opinion, it would be improper for him to sit."

SEC. 3. Section 144 of title 28, United States Code, is amended to read as follows:

"§ 144. Bias or prejudice of judge

"Whenever a party to any proceding in a district court makes and files a timely affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall be timely if filed (a) twenty or more days before the time first set for trial or (b) within ten days after the filing party is first given notice of the identity of the trial judge or (c) when good cause is shown for failure to file the affidavit within such times. A party may file only one such affidavit in any case, and only one affidavit may be filed on a side. A party waives his right to file an affidavit by participating in a hearing or submission of any motion or other matter requiring the judge to exercise discretion as to any aspect of the case or by beginning trial proceedings before the judge."

S. 4202

A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Disclosure Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Federal officer or employee" means any Member of Congress, Congressional employee, Federal executive officer, Federal executive employee, candidate, Federal judicial officer, or Federal judicial employee.

(2) The term "Member of Congress" means any Member or Member elect of the Senate or House of Representatives, and each Resident Commissioner or Resident Commissioner elect of the House of Representatives.

(3) The term "Congressional employee" means any individual (other than a Member of Congress) who is an elected officer of the Senate or House of Representatives or an employee of the Vice President, the Congress, either House of the Congress, or any Member or committee of the Congress and who receives compensation disbursed by the Secretary of the Senate or the Clerk of the House of Representatives at the rate of $18,000 or more per annum.

(4) The term "Federal executive officer" means the President of the United States, the Vice President of the United States, any civilian officer of the United States (other than a Federal judicial officer) appointed by the President by and with the advice and consent of the Senate or serving under a recess appointment made by the President, and any commissioned officer of any of the armed forces serving on active duty for a period of more than 30 days (as such terms are defined by section 101, title 10, United States Code) who receives basic pay at the rate of $18,000 or more per annum.

(5) The term "Federal executive employee" means any civilian officer or employee of any executive or military department, agency, or office of the United States, or any independent agency, corporation, or other instrumentality of the United States, who receives compensation disbursed by the United States, or by such department, agency, office, corporation, or other instrumentality, at the rate of $18,000 or more per annum and who is not included within any of the classes of individuals described in paragraphs (2), (3), (4), (7), and (8) of this section.

(6) The term "candidate" means any individual who has voluntarily qualified as a candidate in any primary election to be conducted within any State for nomination as a candidate for election as the President of the United States, the Vice President of the United States, or a Member of Congress, or who has qualified as a candidate in any general or special election to be conducted within any State for election to any such position.

(7) The term "Federal judicial officer" means any justice or judge of a court of the United States (as defined by section 451, title 28, United States Code), the Tax Court of the United States, the United States Court of Military Appeals, the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, or the District Court of Guam, and any full-time United States magistrate.

(8) The term "Federal judicial employee" means any officer or employee of any court named in paragraph (7) other than a justice or judge of that court, and any officer or employee of the Administrative Office of the United States Courts, who receives from appropriated funds of the United States compensation at the rate of $18,000 or more per annum.

(9) The term "income" means each item of income from whatever source, whether or not taken into account for purposes of computing the tax imposed by chapter 1 of the Internal Revenue Code of 1954.

(10) The term "security" means any security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(11) The term "commodity" means any commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(12) The term "dealing in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(13) the term "political campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any candidate.

(14) The term "Congressional office expense", when used with respect to a Member of Congress, includes, but is not limited to, expense incurred by such Member for any of the following objects: travel to, from, and within the State or Congressional district of the Member; printing and other expenses in connection with the mailing of speeches, newsletters, and reports to constituents of the Members; expenses of radio, television, and news media methods of reporting to constituents of the Member; telephone, telegraph, postage and stationery expenses in excess of allowances proved by law; subscriptions to newspapers and other periodicals published within the State or Congressional district of the Member; and staff compensation and travel in excess of allowances provided by law.

FINANCIAL DISCLOSURE REQUIREMENT

SEC. 3. (a) On or before May 1 of each calendar year, each individual who has served at any time during the preceding calendar year as a Federal officer or employee other than a candidate shall file with the Comptroller General a financial disclosure report, conforming to the reqirements of this Act, for such preceding year.

(b) Within thirty days after the date on which any individual not otherwise a Federal officer or employee becomes a candidate, such individual shall file with the Comptroller General a financial disclosure report, conforming to the requirements of this Act, for the calendar year preceding the date on which he became a candidate.

(c) Service rendered by an individual as a Congressional employee, Federal executive employee, or Federal judicial employee for a period not exceeding thirty days in the aggregate during any calendar year shall not be considered to be such service during that year for the purposes of this section.

(d) No individual shall be required by this section to file more than one financial disclosure report for any calendar year.

CONTENTS OF REPORT

SEC. 4. (a) Each financial disclosure report required to be filed by any individual under this Act for any calendar year shall contain a full and complete statement of—

(1) the identity and value of each interest in real or personal property having a value in excess of $500 of which such individual was the owner at any time during that year;

(2) the identity of each creditor to whom such individual at any time during that year owed one or more legally enforceable financial obligations aggregating $1,000 or more, and the nature and amount of each such obligation;

(3) the value and source of each item of income, including honoraria and each item of reimbursement for expenditure, other than the exact cost of transportation, exceeding $100 in value received by such individual during that year;

(4) each dealing in securities or commodities by such individual during that year;

(5) each purchase and sale of real property or any interest therein by such individual during that year;

(6) the nature, source, and value of each gift of money or property received by such individual during that year from each source, other than his parents, spouse, and children, from whom such individual during that year received one or more such gifts having an aggregate value of $100 or more;

(7) the amount and source of each contribution received during that year by him, or to his knowledge by any other individual, political committee, or other organization on his behalf or for his account, to defray any political campaign expense or any Congressional office expense of such individual; and

(8) the identity of each client who, during that year and while such individual was a Federal officer or employee other than a candidate, paid to any law firm of which such individual is or then was a partner, or with which such individual is or then was otherwise associated professionally, one or more fees in an aggregate amount exceeding $1,000, provided, that this provision shall not apply to any individual who is a Federal officer or employee solely by virtue of being a candidate.

(b) Whenever during any calendar year any individual while serving as a Congressional employee receives any contribution to defray any political campaign expense or any Congressional office expense on behalf of or for the account of a Member of Congress, without knowledge by such Member as to the source or amount of such contribution. such Congressional employee shall file with the Comptroller General on or before May 1 of the next succeeding calendar year on behalf of such Member a financial disclosure re-Member would have been required by sub-port containing the information which such section (a) to report if such information had been disclosed to him.

LAW FIRM CLIENTS

SEC. 5. Whenever any Federal officer or employee other than a candidate reports pursuant to paragraph (8) of section 4(a) with respect to any year the identity of any client of a law firm of which such individual is or then was a partner, or with which he is or then was otherwise associated professionally, such report shall—

(1) state whether the client so identified was a client of that firm before the date on which the individual submitting that report became a Federal officer or employee; and

(2) identify any legal or administrative action or proceeding in which the United States or any department or agency thereof was an interested party and with regard to which that client was represented by that firm during that year.

ATTRIBUTION RULES

SEC. 6. (a) For the purpose of this Act, there shall be attributed to any individual required to file a financial disclosure report the assets, liabilities, receipts and transactions of, and gifts to—

(1) any person acting on behalf of or for the account of such individual;

(2) the spouse and minor children of such individual;

(3) any corporation of which such individual owns 50 per centum or more of the outstanding capital stock;

(4) a share of any partnership of which such individual is a partner, or with which he is associated, determined in accordance with the extent of his partnership or other interest therein;

(5) any revocable trust of which such individual was a settlor; and

(6) a share of any trust or estate of which such individual is a beneficiary, determined in accordance with the present actual or actuarial value of his beneficial interest therein.

(b) Paragraph (5) and paragraph (6) of subsection (a) shall not require the disclosure by any individual of any information which he does not possess and which he is precluded by the terms of a trust from acquiring.

FORMS AND REGULATIONS

SEC. 7. The Comptroller General shall prepare, and supply to individuals obligated by this Act to file financial disclosure reports, appropriate forms for such reports, and shall prescribe regulations governing the preparation of such reports. Such regulations shall (1) specify the detail in which each category of information shall be stated in financial disclosure reports filed under this Act, (2) specify the method by which the value of property and interests therein shall be ascertained for the purposes of this Act, and (3) contain such other requirements as the Comptroller General may determine to be necessary to carry out the purposes of this Act.

PUBLIC INSPECTION OF REPORTS

SEC. 8. (a) Each financial disclosure report filed under this Act shall be placed in a file which shall be established by the General Accounting Office. The Comptroller General shall prepare an appropriate index to that file to facilitate the identification of and access to all reports filed by or on behalf of each individual which are contained at any time in that file.

(b) Except as otherwise provided by this subsection, each such report so filed by or on behalf of any individual who is serving as a Federal officer or employee at the time of the filing of that report shall be maintained in such file as long as such individual serves continuously as a Federal officer or employee, and for five years after the end of such service. Each such report filed by any individual who is a candidate, or who is not a Federal officer or employee at the time of the filing of that report, shall be maintained in such file for a period of five years after the date on which that report is filed.

(c) Under such reasonable regulations as the Comptroller General shall prescribe, reports contained in that file and the index thereto shall be made available for inspection by members of the public during business hours of the General Accounting Office.

(d) The Comptroller General shall furnish to the Attorney General upon request a true and correct copy of any financial disclosure report contained in that file.

PENALTY

SEC. 9. Whoever, being an individual required by this Act to file any financial disclosure report—

(1) willfully fails to file such report within the period of time prescribed by this Act;

(2) files any such report containing any information which is false or misleading, with knowledge or with reason to believe that such information is false or misleading; or

(3) files any such report from which there has been omitted any information required by this Act or by regulations promulgated thereunder to be contained therein, with intent to conceal such information, shall be fined not more than $20,000, or imprisoned not more than five years, or both.

CONGRESSIONAL RULES

SEC. 10. (a) This section is enacted by the Congress:

(1) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and this section shall supersede other rules of each such House only to the extent that it is inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the provisions of this section (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) Rule XLIV of the Standing Rules of the Senate and Rule XLIV of the Rules of the House of Representatives are hereby repealed.

EFFECTIVE DATE

SEC. 11. This Act shall take effect on the first day of the second calendar year beginning after the date of enactment of this Act.

SECTION-BY-SECTION SUMMARY OF THE "JUDICIAL DISQUALIFICATION ACT OF 1970"

Section 1—The act may be referred to as the "Judicial Disqualification Act of 1970".

Section 2—This section revises Section 455 of Title 28 of the United States Code.

Present Law: The present section 455 requires a judge to disqualify himself in any case in which he has a "substantial interest", has been counsel, has been a material witness, or is so related or connected with a party or attorney as to render it improper for him to sit in judgment. Federal courts have had considerable difficulty with the words "substantial interest" and disagree about the size and type of financial holding which should disqualify judges from a particular case. The section also permits the procedure of disclosure and waiver whereby the judge discloses his interest in the case and the attorney waives his objection daring not to question the judge's impartiality. Finally, judges feel that they have a duty to sit in a case unless they are disqualified by a specific provision of section 455.

Proposal: This section clarifies the type of interest requiring disqualification. It precludes a judge's participation in any case in which he has an interest which includes any stockholding in a corporate party, stockholdings in a corporation owning more than 10% of a corporate party, and stockholdings in a corporation of which a party owns more than 10% of the stock, and the holding of any office in any of the above named corporations. It also explicitly prohibits "disclosure and waiver". The act adds to section 455 Canon 4 of the Canons of Judicial Ethics of the American Bar Association requiring a judge to disqualify for "appearance of impropriety." Finally, it relaxes the so-called "duty to sit" by giving a judge the latitude to disqualify himself at any time when "in his opinion, it would be improper for him to sit."

Section 3—This section revises Section 144 of Title 28 of the United States Code.

Present law: Section 144 deals with disqualification of a judge for bias or prejudice. Under this law a party may file an affidavit challenging the impartiality of a judge before whom his case is pending. The judge himself determines whether the allegations are sufficient for this purpose.

Proposal: This section creates a right in a litigant to one peremptory challenge of a Judge assigned to hear his case. This revision essentially adopts the liberal disqualification practice of California and other states. Under such a provision, a judge can be disqualified at the option of one or the other of the parties and the disqualified judge is left with no option except to determine whether the application is timely. A party is limited to one challenge in order to avoid the possibility of abuse.

SECTION-BY-SECTION SUMMARY OF "THE OMNIBUS DISCLOSURE ACT"

Section 1—The act may be referred to as the "Omnibus Disclosure Act"

DEFINITIONS

Section 2—This section defines fifteen terms which are used in the act.

FINANCIAL DISCLOSURE REQUIREMENT

Section 3—This section requires members of all three branches of government to file a financial disclosure report with the Comptroller General on or before May 1 of each year. The disclosure requirement applies to all Federal judges and justices, the President and Vice President and all Members of Congress. The provision also applies to Federal officials and to those employees of Members of Congress, Congress itself, the judiciary, and the executive branch who receive more than $18,000 a year and have served for more than 30 days. Candidates for Congress, the presidency and vice-presidency are also required to file disclosure reports within 30 days of becoming a candidate.

CONTENTS OF REPORTS

Section 4—The disclosure reports required must contain the following information: (1) the identity and value of interests in real or personal property worth more than $500, (2) creditors to whom more than $1,000 is owed and the amount of each such debt, (3) sources and amount of income greater than $100, (4) dealings in securities or commodities, (5) transactions in real property, (6) nature, source and value of each non-family gift of more than $100, (7) the amount and source of each contribution to defray campaign or office expenses, and (8) except in the case of non-incumbent candidates, the identity of each client who pays more than $1,000 to a low firm with which an individual obligated under the act is associated.

LAW FIRM CLIENTS

Section 5—Those who list law firm clients under section 4 must state whether the client sought the services of the individuals law firm before or after he entered government. The individual must also list any administrative or judicial action in which the United States was a party and in which the client was represented by that firm.

ATTRIBUTION RULES

Section 6—This section attributes to any individual required to file under section 3 the assets, liabilities, receipts, transactions and gifts of: (1) any person acting on the individual's behalf, (2) his immediate family, (3) any corporation of which he owns more than one half of the stock, (4) a proportionate share of any partnership of which he is a partner, and (5) certain trusts and estates depending on his knowledge and interest.

FORMS AND REGULATIONS

Section 7—The Comptroller General shall supply forms for reports required under the act and shall prescribe regulations governing the preparation of such reports.

PUBLIC INSPECTION OF REPORTS

Section 8—The General Accounting Office shall keep a file of financial disclosure reports, open to public inspection, for a period of five years after each individual leaves government service.

PENALTY

Section 9—Any individual who fails to file within the time period, files false or misleading information or omits information is subject to a $20,000 fine, or 5 years imprisonment or both.

CONGRESSIONAL RULES

Section 10—Congress exercises its rule-making power to repeal inconsistent rules of each house and to explicitly repeal Rule XLIV of the Standing Rules of the Senate and Rule XLIV of the Rules of the House of Representatives.

EFFECTIVE DATE

Section 11—The act takes effect on the first day of the second calendar year after enactment.

THE OMNIBUS DISCLOSURE ACT COMPARED WITH EXISTING LAW AND OTHER PROPOSED LEGISLATION

I. WHO MUST FILE AND WHEN

(a) *The Omnibus Disclosure Act*

Members of all three branches of government would file a financial disclosure report with the Comptroller General on or before May 1 of each year. The disclosure requirement would apply to all Federal judges and justices, the President and Vice-President and all Members of Congress. The provision also would apply to Federal officers and to those employees of the executive, judiciary, Congress and Members of Congress who receive more than $18,000 a year and have served for more than 30 days. Candidates for Congress, the presidency and vice-presidency would also be required to file disclosure reports within 30 days of becoming a candidate.

(b) *Rules of the House of Representatives* (*Rule XLIV*)

Members of the House of Representatives (including the Resident Commissioner of Puerto Rico), officers, principal assistants to members and officers and professional staff members of committees must file a financial disclosure report by April 30 of each year with the Committee on Standards of Official Conduct. The provision only applies to the House and does not define "principal assistant" or "professional staff member". The disclosure requirement does not apply to candidates.

(c) *Standing Rules of the Senate* (*Rules XLI, XLIII, & XLIV*)

Senate Rule 44 requires Senators, candidates for the Senate and officers and employees of the Senate paid more than $15,000 per year to file personal financial disclosure reports with the Comptroller General by May 15 of each year. Every Senator who has appointed an assistant to solicit or receive campaign contributions and who pays such an individual more than $10,000 per year must file that designation with the Secretary of the Senate for public inspection. Officers and employees of the Senate must report the nature of all business or professional activity or employment to his superior to determine conflict of interest.

(d) *Rules of the Judicial Conference* (*adopted June 10 and Nov. 1, 1969*)

The rules apply to all Federal judges except members of the Supreme Court. Every six months Federal judges must file financial disclosure reports with a special committee of the Judicial Conference, with the Judicial Council of their Circuit, and in the Office of the Clerk of Court of which the judge making the report is a member.

(e) *Executive Order No. 11222 and civil service rules promulgated pursuant thereto*

Each presidential appointee in the Executive Office of the President not subordinate to the head of an agency and each full-time member of a committee, board, or commission appointed by the President shall submit a financial disclosure report to the Chairman of the Civil Service Commission. All of the above individuals must file within 30 days upon assuming office and must update their statements quarterly.

General employees paid according to the executive schedule as defined by 5 USC 5311–5317 and those on the general schedule above GS–13 or employees at a comparable pay level under another authority who are responsible for contracting or procurement, administering or monitoring grants of subsidies, regulating or auditing private or other non-Federal enterprises or other activity which has an economic impact on non-Federal enterprises must file reports with their agency head.

Special employees as defined by 18 USC 202 (consultants and advisors) shall submit financial disclosure reports at the time of employment.

An agency may decide to exempt an employee where the chance of conflict of interest is remote or alternative methods of supervision are available. An employee must file a report within 30 days of employment and by June 30 each year he must update his report.

(*f*) *Interim report of the Special Committee on Standards of Judicial Conduct of the American Bar Association*

Each full-time judge would file a financial disclosure report of gifts and compensation within 6 months of receipt with the clerk of his court or by some other method designated by rule of court.

(*g*) *Other proposed legislation*

1. Proposals of the Association of the Bar of the City of New York

On or before May 1 of each year every Representative/Senator and every officer and employee of the House/Senate compensated at a gross rate in excess of $18,000 per year would file with the House/Senate Ethics Committee a disclosure statement.

This proposal would not apply to the executive and judiciary or employees of those branches or to candidates.

2. S. 1993 (Case)

This bill covers the same individuals as the Omnibus Disclosure Act except that it applies only to individuals who have served for more than six months instead of 30 days. It also does not cover full-time U.S. Magistrates.

3. S. 1510 (Tydings)

Each judge and justice of the Federal Judiciary would file annually a financial disclosure report with the Judicial Conference. Not applicable to executive or legislative branches.

II. CONTENTS OF REPORTS

(a) *The Omnibus Disclosure Act*

The disclosure reports would contain the following information: (1) the identity and value of interests in real or personal property worth more than $500, (2) creditors to whom more than $1,000 is owed and the amount of such debts, (3) sources of income greater than $100, (4) dealings in securities or commodities, (5) transactions in real property, (6) nature, source and value of each non-family gift of more than $100, (7) the amount and source of each contribution to defray campaign or office expenses, and (8) except in the case of non-incumbent candidates, the identity of each client who pays more than $1,000 to a law firm with which an individual obligated under the act is associated.

(b) *Rules of the House of Representatives*

Disclosure reports contain the following information: (1) source of income over $5,000 for services rendered, (2) capital gains from a single source of over $5,000, except from sale of a residence, (3) reimbursement for expenditure of over $1,000 (other than from the government), (4) name, position, and interest in any business entity doing substantial business with the U.S. or subject to Federal regulation in which an individual's ownership is over $5,000 or from which he receives more than $1,000, (5) the name, address and type of practice of any professional organization from which he receives more than $1,000 per year and to which he or his spouse is a consultant or of which he is an officer or partner, (6) honorariums from a single source aggregating $300, and (7) each creditor to whom the person reporting was indebted without collateral for more than 90 days and for over $10,000.

(c) *Standing rules of the Senate*

Rule 44 requires confidential disclosure reports containing the following information: (1) the identity of interests in real or personal property worth $10,000 or more, (2) the identity of liabilities of $5,000 or more owed by him and his wife, (3) Federal income tax returns, (4) source and value of gifts of $50 or more, (5) the amount and source of fees of more than $1,000 from a client, and (6) the name and address of each business or professional group with which he was associated from which he received compensation during the last year plus the amount of such compensation.

Rule 44 also requires disclosure for public inspection to the Secretary of the Senate: (1) the source and disposition of campaign contributions to the individual (but not necessarily including contributions to others, or to committees, on his behalf) of $50 or more, and (2) the amount and source of honorariums of over $300.

Under Rule 43 any Senator who designates an assistant to solicit and collect contributions and pays him in excess of $10,000 per year must file that designation with the Secretary of the Senate who in turn must disclose the designation to the public.

(d) *Rules of the Judicial Conference*

The disclosure reports contain the following information: 1) A statement of total income for all extra-judicial services (lecturing, teaching, writing, serving as trustee, executor or director, etc.), 2) an itemized list of extra-judicial income from a single source in excess of $100 with a description of the services rendered, 3) a list of gifts worth more than $100 with the name of the donor and value of the gift, 4) the name of any case in which a judge participated in which he knew that he or his spouse or member of his immediate family had a financial interest, 5) any transaction in which he participated involving the securities or other property of a party to a case while it was pending before him (the nature and amount of transaction and any explanation), 6) the name of any case in which he participated and knew at the time that a member of his immediate family was an officer or employee of a party, 7) a list of all positions held in any organization, business or charitable and 8) a list of all fiduciary positions.

XUM

e) Executive Order No. 11222 and civil service rules

Presidential appointees in the Executive Office of the President not subordinate to the head of an agency and each full-time member of a Committee, board or commission appointed by the President shall file a financial disclosure report containing the following information: 1) his interests in real property, other than his personal residence, 2) the names of creditors, except to whom he is indebted by reason of a mortgage on a personal residence or for current and ordinary household and living expenses and 3) a list of all business organizations (profit and nonprofit) and educational or other institutions with which he is connected (as an employee, officer, consultant or trustee) and in which he has a continuing financial interest (through pension plan or by present or prior employment or in which he has any financial interest through ownership of securities.) General employees (over GS 13 and in certain policy making positions) and special employees (consultants and advisors) may be required to file the information asked for in a format in the Federal Personnel Manual and no agency can go beyond that format without Civil Service Commission approval.

Furthermore, special employees shall file with their agency a statement of outside employment including all financial, research or governmental groups in which he serves as an employee, officer, director or consultant.

Presidential appointees are not required to disclose information relating to an organization (religious, political or educational) which is not engaged in a "business enterprise." Although general and and special employees are subject to the same regulation, research and educational groups which receive grants and contract with the government are considered "business enterprises."

f) Interim report of the Special Committee on Standards of Judicial Conduct of the American Bar Association

The disclosure report would contain the following information: 1) the source and value of non-family gifts of over $100, 2) the source, purpose and amount of compensation other than salary for judicial duties, and 3) source and amount of reimbursement to the judge or his spouse for expenses and the actual cost to the judge. Except in connection with a disqualification proceeding, a judge would not be required to disclose the identity or extent of his investments or his income therefrom.

g) Other proposed legislation

1. Proposals of the Association of the Bar of the City of New York

The disclosure report would contain the following information: 1) the identity of each property interest of $5,000 or more except bank deposits, insurance policies, household furnishings, personal effects and principal residence, 2) the identity of any creditor to whom the individual owes more than $5,000, except a mortgage on his home, 3) sources of income of $1,000 or more, 4) non-family gifts of $25 or more, 5) contributions to defray campaign or office expenses, and 6) the identity of each client who paid more than $1,000 in fees to a law firm with which the individual is associated.

This proposal does not cover dealings in securities or commodities and transactions in real property.

2. S. 1993 (Case)

Disclosure reports would contain the following information: 1) the value of each asset or piece of property regardless of value, 2) the value of any debt, 3) the amount and sources of income greater than $100, 4) dealings in securities, 5) transactions in real property, 6) non-family gifts of more than $100, 7) contributions to defray campaign or office expenses. Individuals would not be required to disclose law firm clients.

3. S. 1510 (Tydings)

Disclosure reports would contain the following information: 1) income to the individual and his immediate family, 2) the name of each business or professional organization with which he or a member of his immediate family is associated, 3) the identity of debts of over $5,000 owed by him or a member of his immediate family, 5) the name of each business or foundation (profit or non-profit) in which he or a member of his immediate family or an organization with which he is associated holds an interest and the value of that interest, 6) identity of interests in real or personal property worth more than $10,000 in which he or his immediate family, or an organization with which he is associated had an interest and the value of that interest, and 7) the value and source of each honorarium of more than $300.

III. LAW FIRM CLIENTS

a) The Omnibus Disclosure Act

Those who list law firm clients in their disclosure reports would have to state whether the client sought the services of the individual's law firm before or after he entered government. The individual must also list any administrative or judicial action in which the United States was a party and in which the client was represented by that firm.

b) Rules of the House of Representatives

No requirement.

c) Standing Rules of the Senate

No requirement.

d) Rules of the Judicial Conference

No requirement.

e) Executive Order Number 11222 and Civil Service Rules

No requirement.

f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association

No requirement.

g) Other Proposed Legislation

1. Proposals of the Association of the Bar of the City of New York

This proposal would require disclosure of the same information as the Omnibus Disclosure Act.

2. S. 1993 (Case)

No requirement.

3. S. 1510 (Tydings)

No requirement.

IV. ATTRIBUTION RULES

a) Omnibus Disclosure Act

The Act would attribute to any individual required to make a disclosure report, the assets, liabilities, receipts, transactions and gifts of: 1) any person acting on the individual's behalf, 2) the individual's immediate family, 3) any corporation of which he owns more than half of the stock, 4) a proportionate share of any partnership of which he is a partner and 5) certain trusts and estates depending on his knowledge and interest.

b) Rules of the House of Representatives

There are no general attribution rules except that the interest of a spouse or any persons constructively controlled by the person reporting is considered the same as the interest of the reporting individual.

c) Standing Rules of the Senate

There are no general attribution rules. However, under Rule 44, an individual is required to report liabilities over $5,000 owed by him and his wife jointly and the identity of certain trusts or fiduciary relations in which he holds a beneficial interest of over $10,000. If the individual does not know the identity of fiduciary interests he must request the fiduciary to disclose to the Comptroller General.

d) Rules of the Judicial Conference

There are no attribution rules except that most disclosure requirements apply to an individual's spouse and immediate family. Also "participation" in a case in which the judge has a financial stake is intended to mean "knowing participation." The Judicial Conference recognizes that there might be cases in which the judge or a member of his household own securities in a corporation through a mutual fund for example and are unaware of such an interest. In such cases a judge's action is not suspect.

e) Executive Order No. 11222 and Civil Service Rules

There are no specific attribution rules except that the interest of a spouse, minor child or member of an individual's household is considered an interest of the person required to report. Where information required to be disclosed is not known to a general or special employee or presidential appointee but is known by another person, the employee shall request that person to submit information on his behalf.

f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association

No comparable provisions.

g) Other Legislative Proposals

1. Proposals of the Association of the Bar of the City of New York

This proposal would attribute to an individual the assets but not the income, liabilities, receipts, transactions and gifts of 1) any corporation of which he owns more than half of the stock, 2) a proportionate share of any partnership of which he is a partner and 3) certain trusts depending on his knowledge and interest.

2. S. 1993 (Case)

There would be no specific attribution rules although several sections would attribute specific types of income and assets to the individual. For example, the bill would attribute to an individual the income, assets, dealings in securities, and purchases and sales of real property of his spouse and of him and his spouse jointly.

3. S. 1510 (Tydings)

There would be no specific attribution rules except that individuals would be required to report financial information about immediate family and about organizations with which they were associated.

V. FORMS AND REGULATIONS

a) Omnibus Disclosure Act

The Comptroller General would supply forms for reports required under the act and would prescribe regulations governing the preparation of such reports.

b) Rules of the House of Representatives

The Committee on Standards of Official Conduct administers filing of financial disclosure reports.

c) Standing Rules of the Senate

The Comptroller General and the Secretary of the Senate administer different sections of the rules. They are given no explicit authority to prepare and distribute forms or to prescribe regulations.

d) Rules of the Judicial Conference

Each judge files disclosure forms with a special committee of the Judicial Conference, with the Judicial Conference of his circuit, and in the office of the Clerk of the Court of which the judge making the report is a member. Judges disclose their financial information on forms adopted by the Judicial Conference in March of this year and actually send the reports to a Receiving Officer (appointed by the Chief Justice), who in turn forwards the reports to a panel of three judges appointed by the Chief Justice.

e) Executive Order No. 11222 and Civil Service Rules

The Civil Service Commission administers the general provisions of the executive order and has in turn promulgated general outlines for disclosure rules leaving discretion in the separate agencies for more specific regulations relating to general and special employees.

f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association

Not clear in the present draft.

g) Other legislative proposals

1. Proposals of the Association of the Bar of the City of New York

Disclosure reports would be filed with the Senate and House Ethics Committees and would be filed with the Clerk of the United States District Court of the judicial district in which the individual's home is located.

2. S. 1993 (Case)

This aspect of S. 1993 is substantially the same as the Omnibus Disclosure Act, except that it leaves more discretion in the Comptroller General to group assets, liabilities, and other items on the disclosure form.

3. S. 1510 (Tydings)

While the act is not explicit on this point, it would apparently be administered by the Judicial Conference.

VI. PUBLIC INSPECTION OF REPORTS

a) Omnibus Disclosure Act

The General Accounting Office would keep a file of financial disclosure reports, open to public inspection from the time of filing until five years after the individual leaves government service.

b) Rules of the House of Representatives

Disclosure reports are available for "reasonable public inquiry" subject to the following exceptions and regulations set up by the Committee on Standards of Official Conduct: 1) the value of any income or debts reported under the act or market value of interest in a business is confidential unless the committee decides otherwise; 2) all requests by a member of the public are reported to the individual whose report is viewed and the member of the House to whom he is responsible.

After an individual is no longer required to file his reports they are returned to him.

c) Standing Rules of the Senate

The confidential financial disclosure report is filed with the Comptroller General in a sealed envelope which is returned after seven years, or one year after death. However, a majority of the Select Committee on Standards and Conduct can vote to examine the contents of an envelope after warning the individual concerned. After examination, if the Committee so decides, the contents may be used for any purpose by any member of the Committee or his staff. Reports of contributions and honoria filed with the Secretary of the Senate pursuant to Rule 44 are available to the public and are kept for at least three years. Designations by Senators of assistants to solicit and collect contributions filed with the Secretary of the Senate pursuant to Rule 43 are public. Reports of outside business or professional activity to superiors pursuant to Rule 41 are not made public.

d) Rules of the Judicial Conference

Reports are confidential except to the extent that the special panel of Federal judges decides that a possible conflict of interest should be disclosed to the Executive Committee of the Judicial Conference.

e) Executive Order Number 11222 and Civil Service Rules

Presidential appointees file reports with the Chairman of the Civil Service Commission and General and special employees file reports with their agency head. In neither case are the reports available to the public, except where the Chairman of the Commission or the respective agency head shows that good cause exists for public disclosure.

f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association

All reports would be public documents filed with the Clerk of Court or by some means prescribed by court rules.

g) Other proposed legislation

1. Proposals of the Association of the Bar of the City of New York

The reports would be public documents except for the dollar value of interests in real or personal property. It is not explicit, but apparently the monetary values of other items required to be disclosed under the act would be available to the public.

2. S. 1993 (Case)

Would require the same public disclosure as the Omnibus Disclosure Act.

3. S. 1510 (Tydings)

The Judicial Conference would be authorized to insure confidentiality of the reports, except that the Judiciary Committee of the House of Representatives would have access to any information needed in investigating allegations of misconduct leading to an impeachment proceeding.

VII. PENALTY

a) Omnibus Disclosure Act

Any individual who failed to file within the time period, filed false or misleading information or omitted information would be subject to a $20,000 fine, or 5 years imprisonment or both.

b) Rules of the House of Representatives

The House Committee on Standards of Official Conduct can investigate on the basis of complaints and recommend to the House by resolution other such action as the Committee may deem appropriate in the circumstances and with approval of the House, to report evidence of a violation of law disclosed in investigation to federal or state authorities. The Committee can also issue upon request advisory opinions on conflicts of interest questions.

The rules do not provide explicit penalties for omitting information from reports or for falsifying reports.

c) Standing rules of the Senate

Confidential and public disclosure reports filed pursuant to Rule 44 can be the subject of action by the Select Committee on Standards and Conduct or by the whole Senate. Reports of outside employment to superiors filed pursuant to Rule 41 can be acted upon where they think the activity presents a conflict of interest.

The rules do not provide explicit penalties for omitting information from reports or for falsifying reports.

d) Rules of the Judicial Conference

There is no penalty for failure to report or for misrepresentation. By implication the reports can be the subject of appropriate action by the Judicial Conference.

e) Executive Order No. 11222 and Civil Service Rules

There is no specific penalty for refusal to disclose or for misrepresentation. However, once disclosure has been made, the Chairman of the Civil Service Commission determines and reports conflicts of interests to the President, and agency heads are informed of conflicts of interest in their department.

f) Interim report of the Special Committee on Standards of Judicial Conduct of the American Bar Association

No penalty in the present draft.

g) Other legislative proposals

1. Proposals of the Association of the Bar of the City of New York

This proposal contains no penalty provisions.

2. S. 1993 (Case)

Any individual who failed to file within the time period, filed false or misleading information or omitted information would be subject to a $2,000 fine or 5 years imprisonment or both.

3. S. 1510 (Tydings)

This proposal contains no penalty provisions.

Mr. BAYH. Mr. President, in order to indicate my good faith and my concern about the need for voters to have access to detailed information on the financial affairs of Members of the House and the Senate, I hereby submit the following disclosure of my current assets and liabilities as of July 1, 1970, and my income for 1969, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Personal financial disclosure of Senator and Mrs. Birch Bayh[1]

ASSETS	
Cash in hand and in savings and checking accounts (approx.)	$4,500.00
340-acre farm, Vigo County, Ind. (at market value)	68,000.00
Residence, Washington, D.C.:	
Lot	25,000.00
House	75,000.00
Less mortgage	57,697.00
Net	42,303.00
Securities placed in blind trust in May 1970, with Terre Haute First National Bank (based on May 14, 1970, market value)	45,655.00
1,000 shares Int'l Chemical & Nuclear.	
300 shares Netgo.	
200 shares American Regitel.	
300 shares Blasius Industries.	
200 shares Bonanza International.	
300 shares Boston Digital.	
100 shares Gerber Scientific.	
200 shares Grass Valley Group.	
90 shares Systems Engineering Labs.	
MISCELLANEOUS ASSETS	
348 shares Vigo County, Ind., Farm Bureau Cooperative Association, Inc. Patron Account No. 21880	1,740.00
Farm Producers Marketing Association	250.00
Tangible personal property in home in Washington, D.C. (estimated)	6,500.00

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Cash value of life insurance (approx.)	$8,000.00
Buick sedan (1970):	
Cost	2,650.00
Encumbrance	2,350.00
Net	300.00
Total assets	177,248.00
LIABILITIES	
Personal liabilities:	
Merchants National Bank, Indianapolis (personal note)	9,000.00
Terre Haute First National Bank, Terre Haute (personal note)	4,000.00
Total personal liabilities	13,000.00
Deficit remaining on obligations incurred in 1968 campaign	15,000.00
Total liabilities	28,000.00
1969 INCOME	
Salary as U.S. Senator	40,416.67
Honoraria	42,000.00
Farm income	12,289.33
Dividends and interests	212.00
Royalties on book	10,728.00
Total income	105,646.00

[1] Does not include property devolving upon Mrs. Bayh as a result of the death of her father, Mr. Delbert Hern, in March 1970. Mr. Hern's estate is still in probate.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order the Chair now recognizes the Senator from Montana (Mr. MANSFIELD) for not to exceed 15 minutes.

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WHY NOT ABOLISH THE INTERSTATE COMMERCE COMMISSION?

Mr. MANSFIELD. Mr. President, the role of the regulatory agency in the Federal system is an important one in that it was conceived as the protector of the public interest and regulator of commerce, communications, and utilities. Unfortunately, and in my estimation, the independence of these agencies is somewhat in doubt. Their public service role has given way to cumbersome bureaucratic processes. As a Senator from the State of Montana, I am deeply concerned about the lack of concern given to rural, sparsely populated States. This criticism is directed largely at the Interstate Commerce Commission. In short, I believe that, and I say this most reluctantly, that the ICC should be abolished. Some of its activities can be discontinued and others incorporated into an agency within and under the jurisdiction of the Department of Transportation.

Passenger trains service is deteriorating rapidly—it is becoming almost nonexistent—railroad corporations are ignoring their public responsibilities; the consumer is receiving no consideration in freight rate proceedings—and especially so, in the State of Montana, which I believe has the highest freight rates in the Nation—the regulation of rail car orders and the boxcar shortage—again, most especially in Montana—are completely out of hand.

The railroads of our Nation for many years provided excellent passenger service to our citizens. In face of modern methods, the need for new equipment and modernized management, the ICC has allowed the railroad giants to retreat from their position of responsibility in this area and to concentrate on hauling freight.

Why? That is where the money is. That is where the profits are.

The boxcar shortage has plagued the shippers of Montana for almost as long as I have served in the Congress. What was once a seasonal situation is now with us constantly, and the western railroads are unable to give service at peak periods to the grain and lumber industries. The eastern rails are taking advantage of the western rails by using borrowed boxcars which cost them less money than owning their own. The action taken by the ICC has not been sufficient to materially change the situation. The Congress is giving the Commission funds for some 140 additional personnel under the car division. I hope these inspectors will be put in the field where they can report and act on shortages and in places to determine which lines are violating orders to return cars and act accordingly.

The repeated approval of freight rate increases is disturbing; producer, shipper, and consumer protests have been to no avail. In Montana, the grain farmers are always hard hit by these increases. They bear the burden of increasing freight costs out of a declining income that has put many out of business. Blanket increases of freight rates work the hardest on the States with the highest freight rates—and that includes Montana—even though the railroads serving them are not those with the greatest financial problems. Freight rates have historically been a major deterrent to economic expansion of the Big Sky Country, and the position taken by the Commission has only compounded the problem.

Mr. President, I read from an Associated Press dispatch dated August 6, 1970—yesterday, that is—

FREIGHT RATES

WASHINGTON (AP).—The Interstate Commerce Commission today made permanent—

Made permanent—

an across-the-board 6 per cent increase in railroad freight rates it had granted on an interim basis last Nov. 17.

The permanent 6 per cent rate increase applies to all shipped products except western grains and grain products and fresh fruits and vegetables, which the Commission tentatively said could go up to five per cent.

What a break.

Commission Vice Chairman Dale Hardin, in a dissent to the Commission's order, criticized his colleagues for what he called "rubber stamping" the railroads' request for a flat six per cent hike rather than allowing the increase only on selected commodities.

In addition to the six per cent hike sought last November and granted today, the railroads last March sought a second six per cent increase. On May 27, the ICC granted a temporary five per cent increase in rates for most products, giving the railroads an effective 11 per cent hike in freight revenues.

The time has come when we should be concentrating on the consumer; the Interstate Commerce Commission seemingly has been far too industry-oriented.

I do not believe the hands of the ICC are tied; I believe that their authority is flexible and if so disposed, it could act in behalf of the general public.

The regulatory process in the Interstate Commerce Commission has become so cumbersome I am convinced that the only way out is to abolish the Commission and incorporate the necessary activities within the Department of Transportation. The Department, under the guidance of the previous Secretary, Alan Boyd, and the present Secretary, John Volpe, has done a remarkable job of bringing together and administering a very complex situation in all fields of transportation. Policy matter governing freight rates, boxcars, and passenger train service can best be administered within the Department of Transportation, a logical extension of executive reorganization, in my estimation. The antiquated ratemaking procedure now in effect at the Commission is in need of immediate attention.

While I believe that the ICC, as it now is constituted, has outlasted its usefulness, there is a continuing need for a Federal office to represent the consumers of the Nation in various proceedings. My able colleague, the junior Senator from Montana (Mr. METCALF), is now in the process of preparing a legislative proposal to be known as the Transportation Consumers' Counsel Act of 1970. This new office would have the necessary power to represent the interests of the transportation consumers before any Federal agency or Federal court.

The frustration created by the present regulatory process must be broken. We are living in a new age. Our citizens are aware, and they know that their interests in the transportation and shipping areas are not necessarily being given the attention they deserve.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from an old friend of mine, Viggo Andersen of Great Falls, Mont., addressed to my distinguished colleague (Mr. METCALF), under date of April 28, 1970, and a letter by Mr. Andersen addressed to George M. Stafford, Chairman of the Interstate Commerce Commission, under date April 27, 1970.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GREAT FALLS, MONT.,
April 28, 1970.

Senator LEE METCALF,
U. S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of March 12 concerning legislation to establish an office of consumer counsel for rail users. It certainly seems that something needs to be done about the way the ICC operates.

The Montana Grain Growers and the Montana Wheat Commission are filing a joint protest against the further 6% increase in rail rates proposed in Ex Parte 265. The Citizens Freight Rate Commission is also filing a protest. The arguments in these protests sound very convincing to me, but in the light of past ICC decisions it is difficult to be optimistic.

I have written George Stafford, chairman of the ICC, to try to get a more complete picture of what we are up against and I enclose a copy of the letter. I will keep you informed of any reply. Thank you for your interest in this matter.

Sincerely,

VIGGO ANDERSEN,
Chairman, Transportation Committee, Montana Grain Growers Association.

GREAT FALLS, MONT.,
April 27, 1970.

GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. STAFFORD: I am a wheat farmer in Montana and transportation committee chairman of the Montana Grain Growers Organization. I am very concerned about the detrimental effect of Ex Parte 265 on the western states and Montana in particular.

We and other similar organizations have submitted individual and/or joint statements opposing past freight increases and most particularly the last 6% blanket increase. These have had no apparent effect. Accordingly, one can only assume that there must have been more telling arguments in favor of the increases. Would it be possible to learn, in general, the necessity for a blanket increase?

Concerning the decisions the ICC must make on Incentive Per Diem Charges and the second blanket increase in Ex Parte 265, the situation appears to the Grain Growers as follows:

Eastern rails are in general in poorer financial condition than the western rails. However, the eastern rails take advantage of the western rails by using borrowed boxcars wihch costs them less money than owning their own. So, in effect the western lines subsidize the eastern lines. One result is that the western lines are unable to give service at the peak grain hauling periods.

Profits on grain shipments going out of Montana by rail are very high and seem excessive. According to figures obtained from the USDA, the profit on the average carload of grain shipped out of Montana ranged around 246% of actual cost even before the 6% increase last fall. The grain farmers bear the burden of increasing freight costs out of a declining income that has put many out of business.

Blanket increases of freight rates work the hardest on the states with the highest freight rates, even though the railroads serving them are not those with the greatest financial problems.

The effect of these things seems to be that we grain producers are indirectly subsidizing the eastern roads. If Per Diem Charges in the future are to be based partly on mileage, this will make even less of an incentive for eastern rails to reduce western boxcars.

Perhaps this is not a true picture, and if you feel it is not I would certainly appreciate it if you would 'put us straight'. Or, does the ICC consider the present situation a necessary evil?

Sincerely,

VIGGO ANDERSEN.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona be permitted to proceed for 30 minutes.

Mr. GOLDWATER. I believe 30 minutes will be sufficient. If not, I shall ask for more.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that, after the Senator from Arizona completes his remarks, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Arizona (Mr. GOLDWATER) for not to exceed 30 minutes.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT

Mr. GOLDWATER. Mr. President, earlier in the debate on the military authorization bill I indicated that from time to time I would speak on various aspects of the paper prepared by the Peace Through Law Committee, because I want to keep the record straight, just as I have felt it was necessary to do during the last year. I do not wish to be overly critical of this committee's work, because it shows diligent work and good research, but it does show a rather complete lack of understanding of the application of military principles to our problems today, as we discuss weaponry.

I have already spoken of the inadequacies and mistakes of the economic part of that report. I shall address myself further to that aspect next week. I have also spoken of the mistakes made in the C–5A program. Today I wish to cover three or four more matters as they relate to various weapons asked for or used by the Air Force.

First, Mr. President, I wish to comment on the F–15 portion of the report on military spending by Members of Congress for peace through law, which was released July 15, 1970.

There are three issues relative to the F–15, raised in this report that warrant comment. They are:

First. The number and performance of enemy aircraft and combat situations expected in the post-1975 period.

Second. Design features needed to operate effectively in the post-1975 combat environment.

Third. The relative cost of the F–15 and the F–4.

The report foresees the principal Warsaw Pact Air Force effort to any European conflict as being devoted primarily to air defense. This is not consistent with known Soviet employment doctrine which assigns large numbers of tactical aircraft directly to air-to-ground tasks, nor is it consistent with the post-1975 projection of Soviet and Warsaw Pact Tactical Air Forces. These new aircraft are expected to have range capability completely adequate for the European theater and early models are flying today. Some of the models are already in the operational forces in large numbers.

The Soviet aircraft modernization program is considerably more aggressive than the U.S. program. Our current modification programs tend to concentrate on improving avionics and correcting engineering deficiencies. This was the case with the F–100 A, B, C, and D series, the F–105 B and D series and the F–4 B, C, and D series. Only the F–4 E and J represent any significant improvement in performance or armament. In contrast, the Soviet program emphasizes improvement of performance and armament so that there is little resemblance in the armament and performance of the Mig–21, or Fishbed D and the later Mig–21, or Fishbed J. Consequently, from our frame of reference, "modified" Soviet aircraft are more like new designs than modifications.

A second assertion in the report is that we do not understand those factors which most influence air-to-air combat. Certainly air-to-air combat is a complex matter but this statement is not valid in the context used in the report. Given a specific threat and a specific conflict scenario, we can define the contribution of most factors. The real problem facing military planners, on the other hand, is that it is difficult to predict the nature of the future threat or the nature of future conflict. If experience has taught us anything, it is that the adversary never conforms exactly to our expectations. In addition, our aircraft have seldom been employed in exactly the roles and situation envisioned during design. For this reason, an investment in a force structure designed to operate only within a very narrow spectrum of future conflict possibilities is not likely to provide the options and flexibility required for an effective future force. Therefore, narrowly conceived designs promise to be a very poor investment in the best sense of the failure of the maginot line under the unexpected German attack around its flank.

OSD and the USAF have conducted extensive and continuous studies since 1965 to define the air superiority fighter that we believe can provide air superiority against the spectrum of probable future threat aircraft and conflict situations.

It is likely that maneuvering visual air-to-air combat will dominate post-1975 air-to-air combat.

I might say, Mr. President, that the experience in Vietnam has taught us that we are rapidly getting back to visual air-to-air combat in air superiority fighting. The great majority of the young pilots I have talked with in Vietnam, and those who have returned home, have said, in effect:

> Get rid of the black boxes. Get rid of the rockets. They are great, but they will not work over a two or three G pull. And give us back an optical sight and some cannon.

And it is interesting to note that we are looking into this matter very thoroughly at the present time, because we feel that air-to-air fighting in the future will not be the highly sophisticated thing that many people have envisioned it to be; namely, depending upon black boxes to find the enemy and hit it. A man's eyes, fingers, and judgment, I think, are far superior.

For the reasons I have discussed, major design emphasis in the F–15 is on those factors that contribute most of that capability—that is, low-wing loading, high thrust-to-weight, good handling qualities, good visibility from the cockpit, and reliable close-in weapons. If, in fact, all important future air-to-air combat is of this nature, then the

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F-15 could be somewhat simplified. However, it is not prudent to base our plans on so restricted a view of future combat.

The committee report contains the argument that Southeast Asia experience shows that a standoff capability is not a useful counter to an opponent's standoff capability. The claim is made that the Mig-21, by using maneuverability and tactics, was able to force us to close-in engagements. This argument lacks validity on several counts. First, the enemy did not employ a standoff capability. Second, we were forced into close-in combat by factors totally unrelated to maneuverability and tactics of the Mig-21. These factors are related to rules of engagement and support facilities available over North Vietnam.

The charge is made that the Air Force has not imposed design discipline on the F-15 and that the design includes items that are "nice to have" but not necessary. Contrary to the implications of the report, many designs for the F-15 were examined that ranged from simple single-engined day fighters to multipurpose, heavily equipped aircraft. The F-15 design choice is well toward the bottom of this spectrum and the design has undergone extensive review for elimination of "nice to have" features.

The only evidence included to substantiate this charge is that the F-15 cost is four times that of the F-4E. This is shown by assuming a constant budget that will only provide for 320 F-15 aircraft if the aircraft are purchased at contract ceiling price in post-1975 dollars. In contrast, the F-4 unit cost is based on a production of over 4,000 F-4 aircraft and is based on 1960-70 dollars. This is grossly misleading.

Relatively small production runs lead to higher aircraft cost. This effect is known as the "manufacturing learning curve." Based on experience with many programs, the cumulative average cost/aircraft will be reduced about 15 percent each time the number of production aircraft is doubled. This is called an 85 percent learning curve. The large disparity in the numbers used by the members' report in their comparison; 4,000-plus F-4's versus 320 F-15's; leads to a misleading comparison. Ignoring post-1970 inflation—as in the case of the F-4 cost figures used—the cumulative average cost of 4,000 F-15 aircraft based on contract ceiling price would be about $4.3 million compared to the $3 million figure used for the F-4—table 1.

Another, more valid comparison can be made by comparing the projected cost of three wings of F-4E aircraft with delivery beginning in 1975 to the current contract target price of three wings of F-15 aircraft, also with delivery beginning in 1975, as shown in table 1.

As shown, when viewed on a comparable basis, the F-15 cost per aircraft is only about 30 percent more than the F-4 rather than 400 percent more as claimed in the report. For this 30-percent increase in cost the F-15 has a wing loading considerably lower than the F-4E, a thrust-to-weight ratio significantly higher than the F-4E, a range or combat staying power much greater, much improved cockpit visibility, greatly improved handling characteristics, and better maintainability. The size of these improvements in performance have been shown through simulation, flight test, and actual combat to lead to vast improvement in air-to-air combat effectiveness.

The vast improvement in F-15 capability over that of the F-4E for a modest increase in cost is due to the very rigid design discipline imposed by both weight limitations and continuous USAF initiated cost reduction efforts. The F-15 remains the most promising system, and the overall lowest cost system to deal with the range of future combat situations.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table entitled "Table 1—F-15, F-4 Cost Comparison."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—F-15, F-4 COST COMPARISON

	Production run (aircraft)		Dollar basis		Cost/aircraft (millions)	
	F-15	F-4E	F-15	F-4E	F-15	F-4E
Production cost—Contract ceiling price	320	4,000+	1975+	Pre-1970	$12.0	$3.0
	4,000		(1)	(1)	4.3	3.0
Flyaway cost—Contract target price	3 wings		(2)	(2)	7.3	5.6

[1] Pre-1970.

[2] Post-1975.

I—U.S. POLICY FOR STRATEGIC FORCES

Mr. GOLDWATER. Mr. President (Mr. SPONG), going into another phase of the report, I will comment on a discussion of the Minuteman III in the report on military spending by Members of Congress for peace through law.

Any meaningful dialog as to the size, characteristics, and the quality of our future strategic forces in general, and of the ICBM force in particular, must be preceded by a clear delineation of the basic national strategy these forces are intended to support. The keystone of our national posture, political, economic, and military, is to deter all wars, if possible, but most essentially large-scale wars either nuclear or conventional. The two potential aggressions of most serious concern to the United States are: First, general nuclear attack by the Soviets on the United States; and second, both nuclear attack and large-scale conventional attack by the Soviets against our NATO allies. An additional concern, of course, is aggression by the Soviets or others against our allies in Asia. The fundamental national strategy in each case is to deter such aggressions.

We deter a general nuclear attack on the United States by maintaining strategic forces of sufficient size and diversity of characteristic that we can inflict serious damage on the Soviet Union with a certainty approaching a confidence level of 100 percent, even if the initial Soviet attack should be a surprise against our force on a day-to-day alert status. This is the "assured destruction" scenario in which all of our possible strategic postures are tested against varying levels of Soviet forces. The definition of the level of damage required for assured destruction has varied over the years from as high as 40 percent of the Soviet urban population to as low as 20 to 25 percent with a corresponding range of the industrial capacity. The lower levels are sometimes invoked by those who wish to cut budgets; the higher ones more often by those who recall from World War II the Soviet capacity to absorb punishment and still rebound with strength.

It has long been the policy of the United States to maintain each member of our triad of offensive forces—land-based missiles, sea-based missiles and bombers—at a level of capability such that each can make a significant contribution toward accomplishing the assured destruction task. Maintaining the triad viable has required a regular force modernization program over the years to respond to the growth in Soviet military capability. One result of the policy is that, if all of our forces were to work as advertised and if all forces were applied to the assured destruction task, then we would have a capability to inflict damage levels over 40 percent.

The origin of the allegedly excessive strategic forces, excessive with regard to minimum capabilities for assured destruction, lies then in the prudent policy of the triad. The policy's goal, clearly, is not excessive expenditures but rather to insure that the Soviet planners will not be able to perceive any combination of tactics and technical advances that would negate our capabilities to respond with overwhelming force. Currently, our land-based missile force, because of the high day-to-day alert rates, carries nearly half of the nuclear warheads which could be used by the National Command Authority to retaliate immediately to a Soviet attack. The remainder of the warheads available are carried by strategic bombers and sea-based forces.

Our commitments to NATO—both in terms of treaties and deployments of tactical forces to Europe—help to underwrite the strategy of deterrence of Soviet attack on NATO. The tactical forces with their capability for the initial defense of NATO and the threat of use of nuclear weapons by NATO SLBM forces and our tactical forces, raise the threshold of aggression so high that the Soviets cannot clearly perceive the outcome. By launching an attack on NATO, the Soviets would run a serious risk of escalation to general nuclear war; that is, nuclear weapons detonating on Soviet sovereign territory.

Likewise, it is hoped that the commitments made to our Asian allies, by treaty and unilateral policy statements (for example, extending our nuclear shield to Asia), will deter aggression against them.

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Deterrence is an essential requirement that our strategic forces must meet—this requirement establishes the absolute minimum for our force levels. We must be able to respond under any circumstances to a Soviet massive attack with sufficient force to insure the destruction of the Soviet Union as a viable, modern nation. But we also rely on our strategic forces to deter other actions that affect our vital national interests. When the Soviets tried to base nuclear missiles in Cuba, we risked a face-to-face confrontation with all of our nuclear arms. This, of course, was in a day when we had an overwhelming superiority in numbers and quality of nuclear delivery systems. However, the Soviets, with their massive buildup since then, have insured that if another confrontation occurs, the United States will not have superiority. In view of their massive buildup of strategic forces, what if the Soviets confront us in a way that our vital national interests are threatened or our sovereignty is involved? We cannot enforce deterrence, it is the Soviets' choice to be deterred. The Soviets might decide in a moment of crisis that their best option for enforcing their will on us would be to make a small scale attack on some of our military forces. What are our options to respond?

If our force posture is such that we have only the minimum forces required to do assured destruction, our options are extremely limited. We can destroy a city, or two, or several—recall that our assured destruction forces need only to be able to shoot at cities—knowing that the Soviets will respond in kind. Obviously, this is an unsatisfactory situation. In speaking of our strategic posture the President has stated:

> Our review took full account of two factors that have not existed in the past.
>
> First, the Soviets' present build-up of strategic forces, together with what we know about their development and test programs, raises serious questions about where they are headed and the potential threats we and our allies face. These questions must be faced soberly and realistically.
>
> Second, the growing strategic forces on both sides pose new and disturbing problems. Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?
>
> Our review produced general agreement that the overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe.[1]

II—ASSESSMENT OF THE CAPABILITIES OF CURRENTLY PLANNED STRATEGIC FORCES

We can calculate with relative precision the force levels required for assured destruction. But what levels of forces are required to provide the capability for alternative responses plus assured destruction? Our current forces, when generated to advanced alert status—or fully generated—can carry about 4,000 warheads, most of which have a yield of about one megaton but many are smaller. The number of weapons on day-to-day alert is slightly over 2,000 weapons, nearly half of which are contained in the land-based missiles force. These are numbers of warheads, the number of equivalent one-megaton warheads is somewhat less. When our forces are fully generated, they can adequately target most of the Soviet military structure and all of the larger Soviet cities, together with some forces reserved to attack China. Options are available to the National Command Authority to attack with the whole force or options thereof against selected targets.

The effect of introducing MIRV's on Minuteman III and Poseidon is to increase the number of warheads but, contrary to the implication in the report, there will be an insignificant increase in the deployment of equivalent megatons, a much more correct measure of the potential for assured destruction than the number of warheads. What will be increased is our assurance that the missiles will continue to be able to deliver their warheads in spite of the present and potential Soviet ABM deployment. In 1965 the United States made a conscious and deliberate choice to limit deployment of additional ICBM's, SLBM's and strategic bombers. Rather, a force modernization program was instituted which consists of Minuteman III, Poseidon, the FB-111—as an interim step—and the B-1. These programs respond to the known and projected buildup of Soviet strategic forces—both offense and defense—in many ways, some of them quite technical and complex. However, the major thrust of the modernization is to provide specific counters to the problem of penetration of Soviet defenses.

Among the wide variety of technical approaches to penetrating Soviet ballistic missiles defenses, the United States made a deliberate choice to rely primarily upon multiple warheads. This choice is the most certain method and the one least likely to be misinterpreted by the Soviets. Since deterrence is our strategy we want the Soviet military planner to be under no illusions as to our capability. As it turns out, from technical considerations, the mechanisms for effective deployment of multiple warheads to penetrate Soviet defenses have, as a fallout, the ability to independently target these warheads to groups of nearby targets. However, because of the number of warheads required to have high confidence of destroying a Soviet silo—because of the low yield of U.S. system—there is essentially no payoff from using MIRV's over single payloads—that is, Minuteman III—for this purpose. Therefore, MIRV capability is a consequence and not the driving factor in deciding to put multiple warheads on Minuteman III and Poseidon.

The problem with MIRV, from the standpoint of strategic stability, is that it can, under some circumstances—larger yields and high accuracy—markedly improve the capability of a missile to destroy enemy ICBM's in their silos. The worry is that MIRV, thereby, provides an incentive for a first-strike, counterforce attack. But in the case of Minuteman III and Poseidon the size of the missiles in turn leads to such small yields for the multiple warheads that the killing potential, per missile, against Soviet ICBM's is actually reduced by going to the MIRV configuration. On the other hand, the Soviet SS-9, a much larger missile, presents a much more capable threat to the Minuteman with MIRV than without.

At present, the number of SS-9's, their configuration and their technical performance do not constitute a serious danger to the survivability of Minuteman. The trend, however, in the buildup has led the United States to begin deployment of the Safeguard system to defend Minuteman and to commence a vigorous and rewarding research and development program for further measures to maintain the currently high levels of Minuteman survivability.

III—BALANCE OF STRATEGIC FORCES

Who is to say that our current force posture has been unsuccessful? Certainly, we have had no nuclear wars nor even a serious threat of one. Could we have achieved the same results with less forces? Perhaps so. But the situation of our forces vis-a-vis the Soviets has changed drastically over the decade of the 1960's. Our relative capabilities have degraded from a posture of overwhelming superiority in the early 1960's—at the time of the Cuban crisis—to virtual parity at present. What happens next is not entirely under our control. The Soviet buildup in offensive forces—ICBM's and SLBM's—over the recent years has exceeded our highest estimates.

Mr. President, I repeat that they have exceeded our highest intelligence estimates. These figures are going higher and higher as the intelligence becomes more and more acute. The growth of defensive forces—ABM, bomber defenses, and antisubmarine warfare forces—has been equally significant. With a commitment of resources far less in size than our commitment to Southeast Asia, they could build additional offensive forces and achieve overwhelming superiority without slowing the pace of their defensive system buildup. That is what they can do. Now, what is economically and technically feasible? What the Soviets will do with or without an agreement in the current strategic arms limitation talks may be another matter. But to rest too much of our strategic planning on our estimates of Soviet intentions, and too little on what they are capable of doing, could lead to a grievous error in our calculations from which there might not be time to recover.

Our current plans for strategic forces, if carried out, would lead to a viable force "in-being" at near current levels of capability vis-a-vis the Soviets throughout the 1970's and provide a modernized force at the beginning of the 1980's. The thrust of these plans is to maintain relative capabilities, not to escalate to higher levels. A careful scrutiny of our current plans will reveal no arms

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[1] U.S. Foreign Policy for the 1970's; A Report to the Congress by Richard Nixon; February 18, 1970.

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spiral, but rather a dogged determination to maintain adequate capability in the face of very large buildups by the Soviets. Admittedly, our projections of Soviet force levels and capabilities are more uncertain for the far years. But we plan our hedges—with R. & D. on new systems—against the worst case threats, modify the system design as hard intelligence data becomes available and make our hard choices for production on more certain appraisals of quantitative needs over shorter leadtimes.

IV—THE VALUE OF CONTINUING MINUTEMAN III

Those who criticize the plans to deploy new strategic systems have focused their attention on the costs and what they consider to be unnecessary additions to our capabilities to attack Soviet urban-industrial targets. In the case of the Minuteman III, for example, most comments have been critical of our decision to deploy a system capable of delivering multiple warheads—MIRV—when apparently the system which is being replaced, the Minuteman I, already provides more capability than is required. Such comments overlook several key points:

First. The multiple warheads on Minuteman III, and Poseidon, do not increase the deployed capability for assured destruction. On the contrary, the multiple warheads give us greater assurance that these missiles can be effective against known and future Soviet defenses.

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Second. The Minuteman III post-boost system for dispersing multiple warheads is also essential for dispersing effective penetration aids against Soviet defenses.

Third. The Minuteman III missiles incorporate important, technical improvements that would have been required whether or not the missile was equipped with multiple warheads, in particular, greater hardness against the effects of nuclear weapons.

Fourth. The older Minuteman I missiles will have to be replaced eventually. With time the propellant ages and various electrical and control systems exceed their reliable lifetime—Minuteman missiles stand almost continuous alert.

Fifth. The program acquisition cost—as reflected in selected acquisition report—SAR—of March 31, 1970—to deploy the Minuteman III during fiscal year 1971 through fiscal year 1975 is about $3,000 million. The draft congressionel report gives the impression that the cost to complete is $5,400 million, but that is the total program acquisition cost, of which approximately $2,400 million have been programed in fiscal year 1970 and prior years.

Sixth. The Minuteman currently is estimated to enjoy a high level of prelaunch survivability against attack by Soviet ICBM's. Safeguard has been initiated as a counter to future increases in this threat. Beyond Safeguard there are several measures for assuring the continued high prelaunch survivability of Minuteman. These include upgrading of the current silos to increased resistance to nuclear explosions, a close in, slio-to-silo active defense that could be complementary to Safeguard and a limited form of land mobility that would conceal the exact location of each Minuteman missile.

COMMENTS ON SECTIONS ENTITLED "MOBILE MINUTEMAN, ADVANCED ICBM AND SUPER-HARDENING" IN THE REPORT ON MILITARY SPENDING BY MEMBERS OF CONGRESS FOR PEACE THROUGH LAW, RELEASED JULY 15, 1970

The research and development activities discussed in the report under these headings have undergone considerable alteration of direction and technical content over the last several years. This has been the result primarily of changed perceptions of the Soviet strategic buildup and of increased knowledge of system costs and performance gained through the research and development programs themselves. Such program changes are normal and quite proper—indeed, to not change in the face of new information is highly improper.

As a result of these changes, however, the treatment of these programs in the report is quite confusing and, in places, misleading. In order to clarify matters the following points should be held firmly in mind:

First. The fiscal year 1971 R.D.T. & E. authorization request contains two line items entitled "Minuteman Rebasing" and "Advanced ICBM Technology" for which $77 million and $6 million is requested, respectively.

Second. Activities funded under the Minuteman rebasing line item include the determination of costs and performance of promising concept for maintaining the current high levels of Minuteman prelaunch survivability in response to various future Soviet deployments. Other activities include certain improvements in the electrical and mechanical subsystems in the present Minuteman silos.

Third. Activities funded under the advanced ICBM technology line item relate primarily to the development of addvanced subsystems concepts for ICBM missiles. These also respond to various possible Soviet developments. The subsystem concepts developed in this program would have application to Minuteman, Poseidon, or any future long-range missile, be it based on land or sea.

Fourth. The Department of Defense has no intention in the foreseeable future of requesting development of a new, large payload ICBM. Design work on such a large payload missile was undertaken several years ago as a cost effective hedge against the possibility of a massive Soviet ABM defense. The work was terminated after completion of preliminary design when the emphasis on offense in the Soviet buildup became apparent. The Minuteman III and Poseidon MIRV programs are the most cost effective counter to handle the currently projected Soviet ABM defense levels.

Fifth. The prelaunch survivability of Minuteman is currently very high and can only be reduced significantly when subject to the coordinated attack of many accurate, high yield reentry vehicles such as an SS–9 MIRV. The Soviet forces are not now estimated to have the capability for such an attack nor is it believed that they will have it in the next year or so. The Soviet trend, however, particularly in SS–9 deployment, points the way to a growing capability several years from now. There is also some potential that SS–9 is already a MIRV system. Accordingly, the Safeguard ABM defense has been requested and the siting of its defense elements chosen so as to maximize its utility to defend Minuteman.

Sixth. No major relocation of Minuteman to railroads or to hard rock silos is anticipated. However, several other systems or changes are being studied and may prove necessary to insure the continued high prelaunch survivability of Minuteman.

The Air Force has devised several new options for further actions to respond to various possible Soviet threats to Minuteman. These include upgrading of the current silos to increased resistance to nuclear explosions and a close-in, silos to-silo active defense that could be complementary to Safeguard and a limited form of land mobility that would conceal the exact location of each Minuteman missile. The costs to implement these measures, should they prove necessary, would be comparable to the current budget levels for ICBM force modernization. The purpose of the fiscal year 1971 R.D.T. & E. budget request for the Minuteman rebasing line item is to provide funds for timely design and development work on these promising concepts. By doing the development now we would be in a better position to incorporate changes, if desired, as we deploy Minuteman III, thus reducing overall costs.

To return to more general matters, the report implies, erroneously, that the Department of Defense has not considered seriously the possibility "simply to abandon our land-based deterrent system, and depend instead on submarine-launched missiles as our principal deterrent." On the contrary the Department has considered such a proposal in depth, on several occasions, and has rejected it in each instance. The principal reason is that we wish to preserve a mixed deterrent force, posing maximum difficulty to the Soviets to counter. SLBM's like ICBM's, have their own potential vulnerabilities—however, these are of an essentially different character and so require a different set of reactions for a successful counter by the Soviets. This is the basis of the trilateral strategic force structure, bombers, SLBM's and land-based strategic missiles.

The basic problem with which SLBM's must cope is that the United States cannot, by exercise of its sovereignty, keep Soviet antisubmarine forces from entering, during peacetime, those areas of international waters in which our submarines normally patrol.

Mr. President, I might say that in the last week Soviet submarines have been patrolling off the southern coast of Florida, off Key West, and off the Cuban coast. Large-scale Russian naval maneuvers were held in the North Atlantic a few weeks ago. Their submarines are as completely aware of the bottom characteristics of the Mediterranean as we are.

The very danger stemming from the increased threat of their building as many as 12 nuclear submarines a year means our nuclear submarine force probably will be outnumbered by the end of next year.

The degree of invulnerability of our Polaris and Poseidon submarines depends, therefore, on how well our submarines can do against the Soviet antisubmarine warfare forces. In response to the recent increase and projected buildup in the capability of these Soviet ASW forces, the fiscal year 1971 R.D.T. & E. budget request includes a line item to fund technical improvements in our counter-ASW capability as well as a line item to fund design work for a completely new system, the undersea long-range missile system—ULMS. This system responds to the Soviet ASW buildup by going to a longer range missile than Poseidon so that the patrol areas can be larger and further from Soviet home ports. It was for this same reason that Poseidon itself has a longer range missile than the early model Polaris missile.

Thus we see that the United States has, through the years, pursued prudent programs in R.D.T. & E. to insure the continued high prelaunch survivability of both its ICBM and SLBM forces. Similarly, programs relating to bomber prelaunch survivability have been pursued.

The point is that the three elements of the strategic triad—ICBM's, SLBM's, and bombers—together with Safeguard, ASW and bomber defense form a balanced and mutually reinforcing strategic posture. Neglect of any one element can be shown to open up the flank of the other elements, to various direct and indirect attacks, with untoward consequences.

Our strategy is deterrence; we seek to underwrite this strategy with a mutually reinforcing strategic posture of diverse systems so that no Soviet military planner can find any way to counter all of them at one time.

Finally, the report is guilty of proposing a self-fulfilling prophecy when it implies the following: Since ICBM's will or may be vulnerable if the Soviets should do such and such, we should not spend R.D.T. & E. funds to develop the means to insure survivability in the face of these possible Soviet actions. The report is erroneous in concluding that the Minuteman force cannot usefully survive a first strike threat. With the planned development programs to improve its survivability and penetration effectiveness it will continue to provide a useful part of our overall strategic deterrent capability. If, however, the advice of the report is followed and all R.D.T. & E., funds denied, the system will be condemned to remain in its present state and its ultimate vulnerability to Soviet attack would be assured by this very action.

Mr. President, instead of completing my comments this morning on the bulk of the Air Force section of the report on military spending submitted to the Congress on July 15 by the Committee on Peace Through Law, I would like to reserve my comments until we get into an actual discussion of the subject because this pertains to the FB–111. I will discuss this at some greater length. Before I do, I want the benefit of having another flight in the FB–111, which I intend to do in Fort Worth next Monday.

Mr. President, I have to assure you, the people in the galleries, and the people who read my remarks that this is distasteful for me, but I have to do it. I wish it were possible for me to join those dreamers who think we have no problems in this world. I wish it were possible for me to join those Members of Congress who want to cut the military budget to nothing because in their vague minds they see no threat from the Soviets or China. But I am old enough to have lived through this same thing before. It is not difficult at all for me to transport myself back in time to the 1920's and the 1930's when, as a young man, I can remember this country as an isolated country, and I can remember this country being called a "Fortress America." I can remember when our troops drilled with wooden guns and paper tanks, when we did not have enough airplanes in our Air Corps to even hold maneuvers, when our Navy was weak, all because we were going through the very same kind of thing we hear expressed on this floor and the floor of the other Chamber, and on radio, television, and in newspapers throughout this country today.

We have an understandable desire—many Americans have an understandable desire—to be at peace. Lord knows, I do not want another war. One is enough. One is par for the course in my book. I do not want my grandchildren to have to suffer war, but neither do I want my children or grandchildren or the children of any American to be subjected to the dangerous, serious threat that our country was faced with in the late 1930's, when we knew we were going to have to go to war and we knew that we were not equipped.

Thank God, in those days our weapons systems were such that the oceans that separated us allowed us time to build up an overwhelming Air Force, to build up an overwhelming Navy, to build and equip the best Army in the world, to build and equip the best Marines and Coast Guard that we have ever had.

I suggest to you, Mr. President, and to those people hearing my remarks, that it is a different situation in the 1970's. We punch a button and in 15 minutes one of the largest countries in the world disappears. They punch a button and in 15 minutes the United States of America is practically destroyed.

What is going to prevent this from happening? I hate to say this because I know it shakes people, it hurts people, it makes them mad. They call me a hawk and a warmonger and all of that. But we are peacemongers because we have lived through it. We are not daydreamers, we are not flying around on cloud nine, saying there is no threat of war, there is no trouble in this world, that we need not worry any more. We realize that force is the only kind of thing the Communists respect. I suggest that we have not had a nuclear war because of the threat of the massive deterents ability that we have maintained throughout the years, which the Soviet is now in the process of exceeding.

So I repeat again, I do not make my remarks in defense of a highly defensive weapons system with any degree of satisfaction, unless that satisfaction might come to me in my older years as I sit on my hill in the desert and think that possibly the warning a few of us are trying to give to the American people were heeded and that I could sit in peace on that hill and talk with my grandchildren about the desert, about the flowers, and life in general.

I would hate to live to be an old man and think that something I did not have the guts to say brought on the destruction of my country; and I hope that my remarks are understood, because I feel them deeply, and I speak, I am sure, for many young people in this country, for middle-aged people, and for older people, all of whom, while they abhor war, know that unless we are ready for it, we are going to get into it, just as surely as tomorrow is Saturday or today is Friday.

SAFEGUARD AND SALT

Mr. GOLDWATER. Mr. President, the U.S. Safeguard ABM program and its ongoing momentum are the most important leverage the United States has in persuading the Soviet Union to enter a SALT agreement. This leverage is critical for getting Soviet agreement to limit the buildup of Soviet offensive systems, as well as limits on defensive systems. Continuation of Safeguard which has as one major purpose the defense of Minuteman is in no way inconsistent with our pursuit of a SALT agreement which might provide for a more limited ABM system with a different focus.

SAFEGUARD AS LEVERAGE IN SALT

Safeguard is the one major ongoing U.S. program which the Soviets have to bargain to put under control. Their discussion of why ABM should be controlled was carefully thought out in advance and sophisticated. They responded quickly and positively to the U.S. suggestion that ABM's be limited to low levels. Any congressional action to cut back the momentum of Safeguard would carry with it a serious risk of adverse impact on chances of a successful SALT negotiation.

SAFEGUARD AND RESTRAINING SOVIET OFFENSIVE SYSTEMS

Safeguard constitutes our principal leverage to obtain a halt in the buildup of Soviet offensive missiles. Safeguard is the major ongoing U.S. strategic program which the Soviets are interested in restricting. They recognize that a SALT agreement must cover both offensive and defensive systems. Their own statements have expressed clearly the interrelationship between strategic offensive and defensive systems, and the U.S.-Soviet agreement to begin SALT negotiations specified that SALT would deal with both offensive and defensive systems. In the hard bargaining as to what specific offensive systems shall be covered, and particularly in achieving our objective of stopping the construction of large SS–9 missiles, Safeguard is our principal bargaining card.

CONSISTENCY OF SAFEGUARD AND SALT ABM PROVISIONS

Safeguard is designed to achieve a number of U.S. strategic objectives in the absence of a SALT agreement. Until

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agreement is reached, we must go ahead with such essential strategic programs, as the Soviets are doing. Cutting back Safeguard would mean interruption of the orderly and timely prosecution of the program, which includes several elements which have very long leadtimes. It would also signal to the Soviets the prospect of further delaying or blocking the program by protracted negotiation—while their own missile construction and testing continue apace.

The specific design of Safeguard and particularly the defense of Minuteman are intended to deal with the threat of continued buildup of a potential Soviet first-strike capability. In the absence of a SALT agreement, this protection would be essential. A SALT agreement, if reached, would deal with the Soviet first-strike threat in a different way—by stopping construction of SS–9's and also limiting the number of other Soviet missiles such as the SS–11 which, through increased accuracy, might contribute to a first-strike capability. If the Soviet offensive first-strike capability is constrained by a sound SALT agreement, we will have made a significant contribution to the survivability of Minuteman as well as our bombers. Under these circumstances we could forgo Minuteman defense and accept a limit on ABM's to low levels and to a geographically restricted area. If SALT is not successful—which no one can assure—we will need Safeguard and perhaps other measures to insure survivability of Minuteman.

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TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the consideration of routine morning business, with a time limitation of 3 minutes on statements made therein.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 11:45 o'clock this morning.

The motion was agreed to; and (at 11:34 a.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:40 a.m., when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF AIR FORCE ON SEMIANNUAL EXPERIMENTAL, DEVELOPMENT, TEST AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on semi-annual experimental, development, test and research procurement action of the Air Force for the period January 1, 1970, through June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF THE INTERIOR ON GRANTS MADE TO NONPROFIT INSTITUTIONS AND ORGANIZATIONS FOR SUPPORT OF SCIENTIFIC RESEARCH PROGRAMS

A letter from the Secretary of Interior, transmitting, pursuant to law, a report for the Department covering grants made during the calendar year 1969 to nonprofit institutions and organizations for support of scientific research programs (with an accompanying report); to the Committee on Government Operations.

REPORT ON ACTIVITIES OF THE GEOLOGICAL SURVEY IN AREAS OUTSIDE THE NATIONAL DOMAIN

A letter from the Secretary of the Interior, reporting, pursuant to law, on activities carried on by the Geological Survey of the Department outside the national domain for the period January 1 through June 30, 1970; to the Committee on Interior and Insular Affairs.

FOREIGN AGENTS REGISTRATION ACT

A letter from the Assistant Attorney General, transmitting, for the information of the Senate, provision of the Foreign Agents Registration Act which have particular relevance to the work of the Congress (with an accompanying paper); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUPPLEMENT TO NATIONAL HIGHWAY NEEDS REPORT FOR 1970

A letter from the Secretary of Transportation, transmitting, pursuant to law, a supplement to the 1970 National Highway Needs Report, dated April 1970 (with an accompanying report); to the Committee on Public Works.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 7, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1076. An act to establish a pilot program in the Departments of Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes; and

H.R. 16915. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 4199. A bill for the relief of Josefina Gonzales Batoon; to the Committee on the Judiciary.

By Mr. PROXMIRE.

S. 4200. A bill for the relief of Concetta Fazio; to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. TYDINGS):

S. 4201. A bill to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. BAYH when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. BAYH:

S. 4202. A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. BAYH when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 828

Mr. BAYH submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve or each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 7, 1970, he presented to the President of the United States the enrolled bill (S. 1076) to establish a pilot program in the Departments of Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

ADDITIONAL COSPONSOR OF A BILL

S. 4188

Mr. BYRD of West Virginia. Mr President, at the request of the Senator from Alaska (Mr. STEVENS) I ask unanimous consent that his name be added as a cosponsor of S. 4188, offered by the able Senator from Alaska (Mr. GRAVEL) to amend title 23, United States Code, relating to highways, in order to authorize the construction of marine highway facilities as part of the Federal-aid primary or secondary system.

The PRESIDING OFFICER (Mr CHURCH). Without objection, it is so ordered.

Mr. TOWER. Mr. President, are we in the morning hour?

The PRESIDING OFFICER. The Senate is continuing to conduct morning business, with statements therein limited to 3 minutes.

Mr. TOWER. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 20 minutes.

Mr. TOWER. Mr. President, for the information of the Senate, I shall talk this morning about the ABM, but first I have some other remarks to make.

HANOI IS LISTENING

Mr. TOWER. Mr. President, sometime this week—or by the latest, next week—someone in the North Vietnamese Government will read these words.

We have ample evidence that Hanoi watches the deliberations in this body very carefully. It is not uncommon for it to respond to remarks made in this Chamber within 24 hours. It appears to pay careful attention to American press reports as well. No time has been wasted in congratulating violent pro-Hanoi demonstrations in this country.

Since we know Hanoi follows American public opinion, why has it not responded to our inquiries concerning the Americans it holds prisoners?

Hanoi must know of the deep concern felt by all Americans, regardless of political persuasion, for the welfare of our men it has captured.

Hanoi must realize this is the one issue in the whole Indochina question on which there is little dissension among Americans. It cannot hope to win approval from any rational group by this callous breach of the Geneva conventions.

Hanoi is listening.

Why will it not respond? Can it be that it dare not?

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT

Mr. TOWER. Mr. President, approximately 1 year ago, this body approved the initial Safeguard ABM system. It did so after a very lengthy and sometimes bitter debate. The margin by which we approved Safeguard was narrow.

Now we are again faced with a decision on the Safeguard system. It is my contention that the reasons which the proponents of Safeguard advanced in support of Senate approval have proven to be sound ones. Conversely, I feel that the reasons which were given for opposing approval of the system have proven to be unsound.

The primary reasons for implementing the Safeguard ABM system was to protect our land based retaliatory forces from Soviet attack. Clearly, the validity of that reason is dependent upon two factors: The existence of a Soviet threat of sufficient magnitude to endanger the land based deterrent and the ability of the system to protect that deterrent. The validity of the reason varies directly according to the magnitude of the threat and the effectiveness with which the Safeguard system can cope with it. To put it simply, those of us who support the Safeguard system must answer two questions: Do we need it and will it work?

One year ago, the answers to both these questions were positive.

First, the Soviet threat to our land based deterrent was clearly materializing. As we debated the ABM last year, we knew that the Soviets had approximately 700 SS–11 and SS–13 ICBM's operational or under construction. The SS–11 and SS–13, while smaller than the infamous SS–9, are fully capable of destroying soft targets in the United States.

Second, the Soviets were actively pursuing deployment and construction of Polaris-type missile submarines and attack submarines. The Soviet Y class submarines is roughly equivalent to our Polaris submarines in that each is capable of carrying 16 missiles. These missiles, if launched from off our shores in relatively flat trajectories, could present a very clear danger to our land-based bombers.

Finally, the Soviets had deployed or initiated construction on about 230 of the huge SS–9 missiles. This missile is capable of carrying a huge warhead of up to 25 megatons. In addition, it is believed to be sufficiently accurate to attack hard targets. The SS–9 is an inefficient vehicle for purposes of soft target attacks which would be associated with retaliatory strikes. It is, however, superbly suited for hard target attacks. Consequently, we must ask ourselves just why the Soviets allocate so much of their strategic resources on a weapon suited for hard target attacks.

The only conclusion which can be drawn is that the Soviets greatly desire to have the capability to destroy hard targets. Since our Minuteman missile fields in the Midwestern United States contain the only large concentration of hard targets in the world outside of the Soviet Union, we are forced to conclude that the Soviet Union desires to possess the capability to destroy our Minuteman missiles.

Let me emphasize the significance of this, Mr. President. Our nuclear force is a deterrent one, a second strike force. We do not have the capability to destroy large numbers of hard site targets. We cannot destroy the Russian nuclear force. Instead we base our security upon our ability to completely destroy the Soviet Union in response to a nuclear attack by that nation.

That, then, is the difference between the Soviet nuclear missile force and our own. While we have gone to relatively small missiles capable of carrying only warheads sufficiently powerful enough to destroy soft targets, the Soviets have chosen the far more expensive policy of developing and deploying huge missiles capable of carrying sufficiently large warheads to destroy hard targets. And, Mr. President, no one pretends that a second strike would be aimed at hard sites, at enemy missile sites. A second strike or retaliatory strike would not be aimed at hard missile sites because, by definition, those missiles will have already been used to initiate the holocaust. But a first strike, in order to succeed, must eliminate the victim's ability to retaliate. If a nation wanted to initiate a first strike, it would develop weapons capable of destroying hard missile sites.

To put it quite simply, Mr. President, the Soviet Union has invested a great deal of its resources in an effort to be capable of attacking hard missile sites. They could have done as we have done; developed only the capability to retaliate. Furthermore, they could have done it with much cheaper weapons systems than the SS–9. But they have not. So we as rational human beings living in the real world must conclude one of two things. Either the Soviets are stupid and have chosen an absurdly expensive way of "protecting" themselves, or they desire the capability to launch a first strike against this country. If they are stupid, Mr. President, we probably have nothing to worry about. If they are not, I suggest that we should proceed as rapidly as prudently possible to protect ourselves.

One year ago then, the existence of a developing Soviet threat to our land-based deterrent was clearly evident. What has happened to this threat in the intervening year?

Now the Soviets have over 800 SS–11 and SS–13's, a Minuteman type ICBM. This is an increase of approximately 100 or 14 percent.

Now, the Soviet have under construction or deployed 24 Y-class submarines, the Soviet equivalent of our Polaris submarine. A year ago the equivalent figure was 16. Consequently, we have seen a 50 percent increase in the Soviet nuclear submarine effort.

Now the Soviets have approximately 300 of the SS–9s deployed or in preparation. While we had hoped that the deployment and development of this fearsome weapon would level off, it has not. Not only have the Soviets increased the number of the force by more than 30 percent, they have also expended considerable effort to improve its ability to attack hard targets. Our intelligence has furnished us with dramatic pictures which indicate that the Soviets have successfully tested a triple warhead on the SS–9. Consequently, the capability of the Soviet Union to launch a first strike against the United States is becoming a reality.

Mr. President, I have been able to find only one explanation for the Soviet SS–9 development—the desire to possess a first-strike capability. If there is another explanation, I hope that those who feel we do not need to proceed with Safeguard will share it with me.

One year ago, many opponents of the Safeguard expressed doubt that a Soviet threat to our land-based retaliatory force was developing. That doubt, while reasonable, has proven to be unfounded. The answer, then, to the first question, "Do we need Safeguard?" remains affirmative.

This year, as last year, we are faced with multitudes of scientists, all claiming to be "the" expert on anti-ballistic missile system technology. For convenience, I divided them up into two groups a year ago, the "yes" scientists and the "no" scientists. Refusal to proceed with Safeguard would amount to accepting the position of the "no" scientists who insist that the system will not work. Proceeding with the system, however, does

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not amount to accepting completely the position of the "yes" scientists. Rather, we would proceed according to the best evidence available, keeping our options to proceed as developing technology dictates.

Since last year, substantial technical progress has been made on the Safeguard system. My able colleague from Washington, Senator JACKSON, outlined it in his recent speech. Since this progress is important, I should like to reiterate it.

First, excellent progress has been made on the two radars employed by the system, the perimeter acquisition radar—PAR—and the missile site radar—MSR. A test model of the PAR, a large, powerful radar, has been brought into operation at the manufacturer's facilities. I am informed that 95 percent of the components for the PAR will be released for production early this fall.

The missile site radar—MSR—a phased array radar with a phenomenal ability to locate and attack reentry vehicles, has, in the last year, met or bettered most of its design specifications. This is a remarkable achievement for as advanced a piece of equipment as the MSR.

Development of the missiles to be used in the system, the Spartan and Sprint, is also proceeding satisfactorily. Since January of 1969, there have been 15 tests of the Sprint missile of which 10 have been complete successes and three partial successes. Of the eight tests of the Spartan missile in that time frame, there have been six total and partial successes.

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Technical progress has indeed been satisfactory. There is every reason to believe that the Safeguard System will preserve our land-based deterrent. If the Soviets develop their first-strike capability to the fullest extent possible, the system can be augmented. If on the other hand the Soviets recognize that the cost of pursuing a first-strike capability in the face of Safeguard is overwhelming, this will not be necessary.

To the extent that history is a guide, Mr. President, we must believe that the Soviets respond more favorably to a demonstration of strength and determination than to appeals to reason and justice. Any limitation of deployment and development of the Safeguard system beyond what the Armed Services Committee has proposed would, in my opinion, greatly lessen the showing of determination and strength which our Safeguard program presents to the Soviets.

Mr. President, there has been considerable effort to discredit the technical concept of Safeguard. Some critics of Safeguard have suggested that we should go to a strictly hard-point defense instead of Safeguard because Safeguard will be overwhelmed by the Soviet nuclear threat.

It is interesting to note that one such group of critics, the American Federation of Scientists, is composed of men who refused to believe the emerging Soviet threat last year and do not believe it presents a danger this year. They say on the one hand "there is no Soviet threat to worry about" and then turn right around and argue that the Soviet missile strength will be so great by the time that Safeguard is deployed fully in the Minuteman fields that the Soviets will easily overwhelm it.

While having one's cake and eating it too is a pleasant thought, it is not a logical one.

In the event that the Soviet threat develops far beyond what we now anticipate, a system of dedicated hard-point defense would be one possible response.

Mr. President, I am struck by the inconsistency of those who object to Safeguard on the grounds that it has not been fully tested, but urge that rather than pursue this technology with its working components we base our security on the hope that a new and untried system—still in the conceptual stage—can be designed, built, tested and deployed in time to offset a real and growing threat.

The precise design of such a system is as yet unknown. The costs are yet unknown. The schedules on which it can be built are as yet unknown. There are certain to be technical uncertainties, only some of which have been clearly identified. When I consider this proposal in light of the "fly before you buy" doctrine, I am struck by the fact that Sprint missiles are flying; Spartan missiles are flying; the MSR is undergoing advanced testing. And yet we are being urged to abandon Safeguard for a program that has not even been defined.

If a realistic hard-point system can be developed, and I think it is essential that we continue efforts to do so, there is no reason why it cannot be used to augment Safeguard if the Soviet threat develops into the so-called "worst case" phase. A form of hard-point defense is in no way incompatible with Safeguard. It would, however, be folly to abandon Safeguard in favor of a concept not yet defined.

In conclusion, the answer to the second question, "Will it work?" remains affirmative.

Because the events of the year since the Senate first approved Safeguard have reinforced the reasoning behind the deployment of that system, they dictate that we proceed with the program proposed by the Armed Services Committee.

But what of the arguments raised against Safeguard 1 year ago? How have the events of the intervening year affected the logic behind them?

I have already dealt with two of the major reasons presented by opponents of Safeguard last year. The existence of an emerging Soviet threat to our land based deterrent cannot be seriously challenged after the events of the past year. Soviet offensive capability has expanded in every possible manner. Most concerning is the continued development and deployment of the SS–9.

We have already examined the proposition that Safeguard will not work and found that the technical development of the past year gives us every reason to believe that the system will perform as planned.

One argument presented last year, but somewhat modified this year, was that our deployment of Safeguard would eliminate the possibility of having Strategic Arms Limitation Talks with the Soviet Union. It has become apparent that a decision to proceed with the Safeguard system has provided a most valuable tool to our negotiators at the talks. While 1 year ago reasonable men could argue about the relation between Safeguard and SALT, that relation is clearly a positive one now. In fact, it is my belief that failure to proceed with the Safeguard program would seriously damage the chances of success at the SALT talks.

We must remember that the history of United States-Soviet relations has demonstrated that the Soviets respond to U.S. peace initiatives only when it is clearly in their interest to do so. To the extent that we decrease the motivation the Soviets have to negotiate, we decrease the probability that successful agreements will be reached. As the Soviets are vitally interested in our Safeguard system, it would be folly to unilaterally abandon it.

Let us not ask the Soviets to love us, although we would welcome some display of brotherhood with open arms. Let us rather only ask the Soviets to act in their own best interests. Then let us proceed to make it in the best interests of the Soviet Union to make peace. Let us never become so weak as to allow the Soviets to even think that it is in their interest to make war.

The path to international peace is not an easy one, I fear; nor is it a short one. We will not arrive at the end of it simply by asking, hoping, and dreaming. We must do more. We must have the courage and perseverance to be realistic. If we combine our peaceful overtures to the Soviet Union with solid evidence that it is in the interest of the Soviet Union as well as the United States to limit the possibility of war, our hopes and dreams will not be in vain.

Our decision to further the Safeguard ABM system will be clear evidence to the Soviet Union and the world of our commitment to realism. Our history is replete with ample evidence of our good will. We should and will continue to add to it. If we do so from the position of strength that Safeguard helps provide, I am confident that we shall succeed.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the expiration of the morning hour today, the unfinished business not be laid down and that the period for the transaction of routine morning business be extended, with a limitation of 3 minutes on statements therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to be allowed to proceed for 10 minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION FAILS TO ACT ON INFLATIONARY AUTO PRICE INCREASES

Mr. PROXMIRE. Mr. President, the Ford Motor Co. has indicated it is planning an across-the-board price increase ranging from 5 to 6 percent, more than $125 on its 1971 model cars and trucks. Not only that, but it is proposing to cut back warranty coverage by discontinuing the 5-year—50,000-mile guarantee. This, in itself, represents a further price increase insofar as it is diminishing the value received by the consumer.

The proposed price increase would perhaps be the biggest auto price increase in any year in history.

It is a major blow to hopes for easing the inflation that has been causing injury to the economy, particularly to the beleaguered consumer.

It is disturbing to note that this Ford decision follows in the wake of the Chrysler Corp. announcement that it plans to raise truck prices more than 5 percent on its 1971 models and cut back its warranty coverage on trucks. The plain import of this is that the next announcement will be higher car prices. These two actions are much too close together for comfort. If these actions stand, we will surely hear from the other manufacturers, thus insuring the continuance of the upward price-wage spiral.

This price hike is not only shocking but incomprehensible coming at this time. The economy is stagnating.

Total output has fallen at an annual rate of 1.2 percent since last summer—the first such decline since the recession of 1961. In June we had 4.7 million persons unemployed, 1¼ million more than a year ago. Experts have been predicting as high as 6 percent before the end of the year, compared with about 5 percent in recent months.

And what has happened to inflation? About the only thing the administration can claim is that it has stopped the acceleration. What a pyrrhic victory. The annual rate of increase in the consumer price index went up by 6.1 percent in the spring quarter, compared with 5.9 percent in the first 3 months of the year and 6.1 percent over all of 1969. This is an unbearable rate of inflation.

The Ford price increase makes a mockery of the administration's contention. Ever since the present administration came into office they have resisted the urgings of the Joint Economic Committee to establish wage-price standards and use the persuasive power of the presidency to make them effective. For a long period, the administration simply washed its hands of such matters, thereby opening the gate to inflationary pressures. Relatedly, the President has set up a National Commission on Productivity for the announced purpose of "finding ways of restoring growth to productivity and thus achieve price stability, healthy growth and a rising standard of living." Significantly, the Commission has no power to set standards, and whether or not it is expected to call attention to excesses is in doubt at the moment.

I understand that the Commission is to receive its first factual report on wage-price developments from the Council of Economic Advisers today and that presumably sometime thereafter the Council will issue its commentary on the subject. This is a clear case of fiddling while Rome burns. We cannot afford the rate of inflation we now have, and the auto increase will worsen it.

The Joint Economic Committee held 3 weeks of intensive hearings during which inflation combined with rising unemployment loomed as the biggest economic fear and the biggest economic problem facing the American public. In the course of those hearings, the administration witnesses tried to assure us that the worst was over and that price and wage stability were on the way. I wonder how they reconcile this with the recent Ford announcement?

I am today sending the following letter to Chairman McCracken asking for an analysis of the relation between cost factors and the Ford price action, as well as an analysis of the repercussion of this action on the economy generally. I can think of no more urgent problem in the field of economic policy at the present time.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I wrote to Paul McCracken, Chairman of the Council of Economic Advisers.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 6, 1970.

Hon. PAUL MCCRACKEN,
Chairman, Council of Economic Advisers,
Washington, D.C.

DEAR MR. CHAIRMAN: This morning's paper indicates that the Ford Motor Company is planning an across-the-board price increase ranging from 5 to 6 percent, somewhere between $125 and $150 on its 1971 model cars and trucks, and a cut back in its warranty coverage which in itself obviously represents further price increase. This would be perhaps the biggest auto price increase in any year in history. Coming so close upon the reassurances that you and other Administration leaders gave us in the course of the recent Joint Economic Committee hearings, to the effect that wage price increase would abate in the second half, this price increase is most disturbing. I consider it a severe blow to any hopes we may have entertained for more wage-price stability.

In the circumstances, I urge you to investigate this matter at once. Would you provide me with: 1. The cost factors in auto production related to this increase, and your judgment as to whether it is justified; and 2. The effects of this action on the cost of living, and the economy generally.

Among other things, it seems obvious that this increase provides a green light go-ahead to auto workers in their current wage negotiations. It strikes me as a clear cut attempt to resolve a labor-management difference by taking it out on the consumer's hide.

I hope that you and your staff will direct your attention to this crucial problem immediately and give us your analysis as soon as possible. I might add that our need is accentuated by the fact that we in the Joint Economic Committee are now in the process of formulating our views on the state of the economy as a sequel to our extensive July hearings.

Sincerely,

WILLIAM PROXMIRE,
Vice Chairman.

Mr. PROXMIRE. Mr. President, it is quite a coincidence that the day after the Ford Motor Co. announced its sharpest increase in the history of the automobile industry, coinciding with the Chrysler announcement, at almost the same level, the Department of Labor releases statistics showing unemployment is at 5 percent—and that unemployment among the manufacturing workers is the highest in 6 years. Furthermore earnings during the past year, the average weekly earnings throughout the American economy, after the adjustment for the rise in prices, dropped—went down—declined—by 1.7 percent.

It is clear that the economic game plan of the administration to conquer inflation, without substantially increasing unemployment, is failing and failing dismally. It is obvious that we need an effective program, and a vigorous program by the President, to call attention to price increases which are unusual, and attempt to roll them back.

Certainly, when the automobile industry, which is noted for its great productivity and efficiency, which for years has been able to provide improved vehicles at prices which are stable or declining, when they, under present circumstances, announce the kind of sharp increase that they have—as I say, what appears to be the sharpest increase ever in automobile prices—it is clear that the administration's policy, which simply tries to cope with inflation by slowing down the economy, is not doing the job.

Mr. President, I ask unanimous consent to have printed in the RECORD the press release from the Department of Labor on the employment situation for July 1970.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

THE EMPLOYMENT SITUATION: JULY 1970

Unemployment declined less than it usually does in July, and the overall unemployment rate rose from 4.7 percent to 5.0 percent, the same as in May. At the same time, seasonally adjusted nonfarm payroll employment dropped for the fourth consecutive month, the U.S. Department of Labor's Bureau of Labor Statistics reported today.

The July increase in unemployment occurred almost entirely among adult women and young adult men. Jobless rates declined for workers covered by State unemployment insurance programs.

Nonfarm payroll employment declined by 145,000 in July, after seasonal adjustment. Employment declines were widespread among the major industries, although the largest drop occurred in manufacturing. The average workweek edged up slightly for the second month, after reaching its low point in May.

UNEMPLOYMENT

The number of unemployed persons totaled 4.5 million in July, down 160,000 from June. However, unemployment typically drops more sharply in July, and, as a result, joblessness was up 275,000 over the month after seasonal adjustment. The increase in joblessness occurred mainly among adult women and men 20-to-24 years old. Since last July, unemployment has risen by 1.3 million—725,000 adult men, 400,000 adult women, and 200,000 teenagers.

The unemployment rate for adult women (20 years and over) rose from 4.5 to 5.0 percent in July, a return to the May level. The increase primarily reflected rising joblessness among women 25 years old and over, whose

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rate moved up to 4.5 percent, its highest level since early 1965.

Unemployment rates for all adult men (3.7 percent) and for married men (2.7 percent) rose over the month, continuing the upward trends in evidence since last winter. However, the rise for adult men occurred almost entirely among those 20-24 years of age, whose rate increased from 7.2 to 9.1 percent.

Jobless rates for both full-time workers (4.6 percent) and part-time workers (7.4 percent) moved up in July. Nearly all of the recent rise in total joblessness has occurred among full-time workers.

White workers accounted for all of the July increase in joblessness, as their rate moved up to 4.7 percent, the highest in 6 years. The unemployment rate for Negroes, at 8.3 percent, was about the same as in June. The ratio of Negro-to-white unemployment rates in July was less than 2 to 1, the ninth month out of the last 11 in which this has occurred.

Among occupational groups, there was a substantial increase in the jobless rate for white-collar workers. Their rate rose from 2.6 to 3.1 percent in July, due primarily to increased unemployment among professional and clerical workers. The jobless rate for blue-collar workers—craftsmen, operatives, and nonfarm laborers—was 6.6 percent in July compared with 4.3 percent in December 1969.

The jobless rate for workers who last worked in manufacturing continued to climb in July and, at 6.0 percent, was at its highest point since late 1963. The jobless rate in the finance and service industries also edged up in July and contributed to the rise in unemployment among adult women.

Unlike the developments in recent months when most of the increased joblessness occurred among persons who had lost their last jobs, the increase in July was almost entirely among workers who had just reentered the labor force, mostly adult women and 20-24 year-old men.

The unemployment rate for workers covered by State unemployment insurance programs, which relates primarily to adult experienced workers who had lost their last jobs, fell from 3.7 to 3.5 percent in July. This was the first decline in the State-insured rate since it first began to edge up last winter.

The number of persons on part-time work for economic reasons—such as slack work, material shortages, availability of only part-time work, or started or stopped a job within the survey week—rose substantially in July to 2.3 million. The percent of labor force time lost by persons who were working part time involuntarily and those who were unemployed rose from 4.9 to 5.4 percent. This was a return to the May level, which was the highest recorded since April 1965. (Labor force time lost is a measure of man-hours lost to the economy as a percent of total man-hours available from those in the labor force.)

INDUSTRY PAYROLL EMPLOYMENT

Nonfarm payroll employment was 70.5 million in July, down 900,000 over the month, a larger than usual decline for this time of year. As a result, payroll employment was down by 145,000 after seasonal adjustment, the fourth straight monthly reduction. The decline would have been even greater except for the net return to payrolls of about 50,000 striking workers. (Workers on strike are not counted as employed in the payroll series but are classified as "employed—with a job but not at work" in the household series.)

Employment cutbacks in July were widespread among the major industry divisions, with the largest seasonally adjusted decline taking place in manufacturing. Factory payroll employment dropped by 75,000, continuing the persistent downward trend that began last fall. Since last September, employment in manufacturing has declined by 850,000.

Nearly all of the July decline in manufacturing occurred in the durable goods industries. Although job losses in durables were widespread, especially large declines were posted in the lumber and wood products, transportation equipment, and electrical equipment industries. Small but pervasive declines in employment were also registered in the nondurable goods industries, which were largely offset by employment advances in the rubber and plastics (primarily the result of a strike return) and apparel industries.

Employment in contract construction edged down 15,000 on a seasonally adjusted basis in July, despite the net return of a nearly equal number who had been on strike. Compared to July 1969, employment in contract construction was down by 140,000, although part of the decline reflected increased strike activity this July.

Seasonally adjusted employment declines also occurred in services (30,000), trade (20,000), and government (15,000). In government, a gain in State and local government (15,000) was more than offset by a cutback of 30,000 workers in Federal government, about half of whom were temporary 1970 census workers.

AVERAGE MONTHLY CHANGES IN NONAGRICULTURAL PAYROLL EMPLOYMENT, SEASONALLY ADJUSTED

[In thousands]

Industry	July 1970	Average monthly change: March 1970 to July 1970	July 1969 to March 1970	July 1968 to July 1969
Total nonagricultural payroll employment	70,455	−200	107	203
Goods-producing industries	23,328	−181	−32	52
Mining	617	−2	1	0
Contract construction	3,311	−43	5	14
Manufacturing	19,400	−136	−38	38
Service-producing industries	47,127	−20	139	151
Transportation and public utilities	4,507	1	6	12
Trade	14,922	−16	39	48
Finance, insurance, and real estate	3,676	3	12	16
Service and miscellaneous	11,484	−13	42	49
Government	12,538	5	40	26

The declines in total nonagricultural payroll employment in the past 4 months have reflected job losses in nearly all industry sectors. Since March, nonagricultural payroll employment has fallen by 800,000 (seasonally adjusted), an average of 200,000 a month. (See table.) This contrasts with an average monthly gain of 110,000 in the July 1969–March 1970 period and 200,000 a month in the July 1968–July 1969 period, when all major industries registered substantial employment increases. In both of these earlier periods, the total payroll employment gains were dominated by increases in service-producing industries; however, in the most recent period (March–July 1970), employment has declined even in the services sector, thus providing no offset to the accelerated cutbacks in manufacturing.

HOURS OF WORK

The average workweek for rank-and-file workers on private nonfarm payrolls inched up by 0.1 hour (seasonally adjusted) in July to 37.3 hours. In the past 2 months, hours of work have risen by 0.2 hour from the May low of 37.1 hours. The seasonally adjusted workweek edged up in all major industry divisions with the exception of contract construction and transportation and public utilities.

In manufacturing, the workweek was up 0.1 hour from June to 39.9 hours, only slightly higher than the 9-year lows of May and June. The nondurable goods industries accounted for all of the over-the-month rise in factory hours.

Factory overtime was down 0.1 hour on a seasonally adjusted basis, although remaining in the narrow range (2.9–3.1 hours) which has prevailed since April. Overtime was down in both durable and nondurable goods.

EARNINGS

Average hourly earnings of production and nonsupervisory workers on private payrolls edged up 1 cent in July to $3.22. Compared with a year ago, hourly earnings were up by 17 cents, or 5.6 percent.

Average weekly earnings rose by $1.02 over the month to $121.07, increasing in all major industries except manufacturing and mining. Compared with July 1969, weekly earnings were up by $5.17, or 4.5 percent.

Over the year ending in June 1970, average weekly earnings rose by 4.2 percent; after adjustment for changes in consumer prices, however, earnings were down by 1.7 percent.

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force increased by 750,000 over the month to 84.8 million; it normally remains about unchanged in July. The increase returned the civilian labor force to the March–April level (seasonally adjusted). The July labor force was 2.0 million above a year ago, with nearly all of the increase divided about evenly among adult men and women. Part of the over-the-year increase for men reflects the entry into the civilian labor force of returning veterans.

Total employment was 80.3 million in July, up about 400,000 more than seasonally. Compared to July 1969, total employment was up by 675,000, with more than two-thirds of the employment gain among part-time workers, mostly women.

This release presents and analyzes statistics from two major surveys. Data on labor force, total employment, and unemployment are derived from the sample surveys of households conducted and tabulated by the Bureau of the Census for the Bureau of Labor Statistics. Statistics on industry employment, hours, and earnings are collected by State agencies from payroll records of employers and are tabulated by the Bureau of Labor Statistics. A description of the two surveys appears in the BLS publication *Employment and Earnings*.

TABLE A-1.—EMPLOYMENT STATUS OF THE NONINSTITUTIONAL POPULATION BY SEX AND AGE

[In thousands]

Employment status, age, and sex	July 1970	June 1970	July 1969	Seasonally adjusted				
				July 1970	June 1970	May 1970	Apr. 1970	Mar. 1970
TOTAL								
Total labor force	87,955	87,230	86,318	85,967	85,304	85,783	86,143	86,087
Civilian labor force	84,801	84,050	82,797	82,813	82,125	82,555	82,872	82,769
Employed	80,291	79,382	79,616	78,638	78,225	78,449	78,924	79,112
Agriculture	4,118	4,208	4,155	3,519	3,554	3,613	3,586	3,550
Nonagricultural industries	76,173	75,174	75,460	75,119	74,671	74,836	75,338	75,562
On part time for economic reasons	2,763	2,571	2,156	2,326	2,105	2,249	2,360	1,936
Usually work full time	1,204	1,321	862	1,240	1,126	1,253	1,400	1,093
Usually work part time	1,559	1,250	1,294	1,086	979	996	960	843
Unemployed	4,510	4,669	3,182	4,175	3,900	4,106	3,948	3,657
MEN, 20 YEARS AND OVER								
Civilian labor force	47,700	47,602	46,791	47,294	47,154	47,226	47,199	47,060
Employed	46,033	46,018	45,846	45,524	45,521	45,593	45,667	45,709
Agriculture	2,759	2,801	2,815	2,593	2,603	2,625	2,602	2,537
Nonagricultural industries	43,274	43,218	43,031	42,931	42,918	42,968	43,065	43,172
Unemployed	1,667	1,584	945	1,770	1,633	1,633	1,532	1,351
WOMEN, 20 YEARS AND OVER								
Civilian labor force	27,730	27,826	26,784	28,500	28,026	27,885	28,274	28,295
Employed	26,339	26,524	25,798	27,073	26,772	26,476	27,022	27,016
Agriculture	713	770	715	545	573	567	571	583
Nonagricultural industries	25,626	25,754	25,082	26,528	26,199	25,909	26,451	26,433
Unemployed	1,391	1,302	987	1,427	1,254	1,409	1,252	1,279
BOTH SEXES, 16–19 YEARS								
Civilian labor force	9,370	8,622	9,222	7,019	6,945	7,444	7,399	7,414
Employed	7,919	6,840	7,972	6,041	5,932	6,380	6,235	6,387
Agriculture	646	637	625	381	378	421	413	430
Nonagricultural industries	7,273	6,203	7,346	5,660	5,554	5,959	5,822	5,957
Unemployed	1,451	1,783	1,250	978	1,013	1,064	1,164	1,027

TABLE A-2.—FULL- AND PART-TIME STATUS OF THE CIVILIAN LABOR FORCE BY SEX AND AGE

[Numbers in thousands]

Full- and part-time employment status, sex, and age	July 1970	July 1969	Seasonally adjusted					
			July 1970	June 1970	May 1970	April 1970	March 1970	July 1969
FULL TIME								
Total, 16 years and over:								
Civilian labor force	74,884	73,514	71,132	70,653	71,116	70,810	70,557	69,735
Employed	71,132	70,927	67,855	67,585	67,742	67,720	67,707	67,572
Unemployed	3,753	2,587	3,277	3,068	3,374	3,090	2,850	2,163
Unemployment rate	5.0	3.5	4.6	4.3	4.7	4.4	4.0	3.1
Men, 20 years and over:								
Civilian labor force	45,644	44,819	45,042	44,966	45,061	44,898	44,715	44,177
Employed	44,097	43,971	43,403	43,476	43,554	43,487	43,460	43,279
Unemployed	1,547	848	1,639	1,490	1,507	1,411	1,255	898
Unemployment rate	3.4	1.9	3.6	3.3	3.3	3.1	2.8	2.0
Women, 20 years and over:								
Civilian labor force	22,224	21,666	22,295	22,050	21,937	22,054	21,982	21,752
Employed	21,084	20,830	21,211	21,046	20,736	21,042	20,982	20,956
Unemployed	1,140	837	1,084	1,004	1,201	1,012	1,000	796
Unemployment rate	5.1	3.9	4.9	4.6	5.5	4.6	4.5	3.7
PART TIME								
Total, 16 years and over:								
Civilian labor force	9,917	9,283	11,640	11,455	11,425	11,949	11,958	10,883
Employed	9,159	8,688	10,775	10,685	10,689	11,064	11,109	10,212
Unemployed	757	594	865	770	736	885	849	671
Unemployment rate	7.6	6.4	7.4	6.7	6.4	7.4	7.1	6.2

Note: Persons on part-time schedules for economic reasons are included in the full-time employed category; unemployed persons are allocated by whether seeking full- or part-time work.

TABLE A-3.—MAJOR UNEMPLOYMENT INDICATORS (PERSONS 16 YEARS AND OVER)

Selected categories	Thousands of persons unemployed		Seasonally adjusted rates of unemployment					
	July 1970	July 1969	July 1970	June 1970	May 1970	April 1970	March 1970	July 1969
Total (all civilian workers)	4,510	3,182	5.0	4.7	5.0	4.8	4.4	3.5
Men, 20 years and over	1,667	945	3.7	3.5	3.5	3.2	2.9	2.2
Women, 20 years and over	1,391	987	5.0	4.5	5.1	4.4	4.5	3.7
Both sexes, 16–19 years	1,451	1,250	13.9	14.6	14.3	15.7	13.9	12.2
White	3,615	2,487	4.7	4.2	4.6	4.3	4.1	3.2
Negro and other races	895	695	8.3	8.7	8.0	8.7	7.1	6.5
Married men	959	551	2.7	2.5	2.6	2.4	2.2	1.6
Full-time workers	2,753	2,587	4.6	4.3	4.7	4.4	4.0	3.1
Part-time workers	757	594	7.4	6.7	6.4	7.4	7.1	6.2
Unemployed 15 weeks and over [1]	599	337	.9	.8	.7	.7	.7	.5
State insured [2]	1,774	1,033	3.5	3.7	3.6	3.1	2.7	2.1
Labor force time lost [3]			5.4	4.9	5.4	5.1	4.8	4.0
OCCUPATION [4]								
White-collar workers	1,195	800	3.1	2.6	2.8	2.9	2.7	2.2
Professional and technical	280	170	2.2	1.5	2.1	2.1	2.3	1.4
Managers, officials, and proprietors	114	57	1.7	1.5	1.1	1.2	1.2	.9
Clerical workers	611	426	4.4	4.0	3.9	4.0	3.6	3.2
Sales workers	191	148	4.0	3.4	4.4	4.1	3.5	3.2
Blue-collar workers	1,915	1,112	6.6	6.3	6.2	5.7	5.2	3.8
Craftsmen and foremen	357	156	4.4	4.0	4.2	3.5	3.1	1.9
Operatives	1,138	675	7.2	6.8	6.7	6.3	6.2	4.2
Nonfarm laborers	420	281	9.9	10.4	9.1	8.8	7.4	7.1
Service workers	559	442	5.3	5.0	4.9	5.0	4.9	4.3
Farm workers	85	93	2.7	2.0	3.5	2.1	2.3	2.9

Footnotes at end of table.

Selected categories	Thousands of persons unemployed		Seasonally adjusted rates of unemployment					
	July 1970	July 1969	July 1970	June 1970	May 1970	April 1970	March 1970	July 1969
INDUSTRY[4]								
Nonagricultural private wage and salary workers[5]	3,319	2,041	5.6	5.2	5.2	4.8	4.6	3.5
Construction	323	163	11.0	10.9	11.9	8.1	8.1	5.9
Manufacturing	1,302	697	6.0	5.3	5.2	4.7	4.7	3.2
Durable goods	780	420	5.9	5.1	4.9	4.9	4.8	3.1
Nondurable goods	522	278	6.2	5.6	5.7	4.5	4.6	3.3
Transportation and public utilities	162	90	3.3	3.3	3.3	3.9	3.1	2.0
Wholesale and retail trade	752	551	5.3	5.4	5.1	5.5	4.7	4.1
Finance and service industries	773	536	4.8	4.1	4.2	3.9	4.0	3.6
Government wage and salary workers	279	253	2.0	1.9	2.2	2.2	2.1	1.8
Agricultural wage and salary workers	104	106	8.6	5.5	9.3	5.9	6.4	8.9

[1] Unemployment rate calculated as a percent of civilian labor force.

[2] Insured unemployment under State programs—unemployment rate calculated as a percent of average covered employment.

[3] Man-hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force man-hours.

[4] Unemployment by occupation includes all experienced unemployed persons, whereas that by industry covers only unemployed wage and salary workers.

[5] Includes mining, not shown separately.

TABLE A-4.—UNEMPLOYED PERSONS 16 YEARS AND OVER BY DURATION OF UNEMPLOYMENT

[In thousands]

Duration of unemployment	July 1970	July 1969	Seasonally adjusted					
			July 1970	June 1970	May 1970	April 1970	March 1970	July 1969
Less than 5 weeks	2,313	1,858	2,061	1,961	2,219	2,295	1,995	1,656
5 to 14 weeks	1,597	986	1,334	1,303	1,214	1,075	1,154	824
15 weeks and over	599	337	711	685	612	569	545	400
15 to 26 weeks	341	159	470	450	352	372	363	233
27 weeks and over	258	179	241	235	260	197	182	167
Average (mean) duration, in weeks	8.4	7.4	9.3	9.5	9.0	8.2	8.4	8.2

TABLE A-5.—UNEMPLOYED PERSONS BY REASON FOR UNEMPLOYMENT

[Numbers in thousands]

Reason for unemployment	July 1970	July 1969	Seasonally adjusted					
			July 1970	June 1970	May 1970	April 1970	March 1970	July 1969
NUMBER OF UNEMPLOYED								
Lost last job	1,778	979	1,833	1,928	1,912	1,613	1,503	1,009
Left last job	635	459	600	569	550	573	466	434
Reentered labor force	1,342	1,010	1,284	1,036	1,168	1,207	1,225	967
Never worked before	756	734	439	468	464	550	479	426
PERCENT DISTRIBUTION								
Total unemployed	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Lost last job	39.5	30.8	44.1	48.2	46.7	40.9	40.9	35.6
Left last job	14.1	14.4	14.4	14.2	13.4	14.5	12.7	15.3
Reentered labor force	29.8	31.7	30.9	25.9	28.5	30.6	33.4	34.1
Never worked before	16.8	23.1	10.6	11.7	11.3	13.9	13.0	15.0
UNEMPLOYED AS A PERCENT OF THE CIVILIAN LABOR FORCE								
Lost last job	2.1	1.1	2.1	2.3	2.3	1.9	1.8	1.2
Left last job	.7	.6	.8	.7	.7	.7	.6	.5
Reentered labor force	1.6	1.2	1.6	1.3	1.4	1.5	1.5	1.2
Never worked before	.9	.9	.9	.6	.6	.7	.6	.5

TABLE A-6.—UNEMPLOYED PERSONS BY AGE AND SEX

Age and sex	Thousands of persons		Percent looking for full-time work	Seasonally adjusted unemployment rates					
	July 1970	July 1969	July 1970	July 1970	June 1970	May 1970	April 1970	March 1970	July 1969
Total, 16 years and over	4,510	3,182	83.2	5.0	4.7	5.0	4.8	4.4	3.5
16 to 19 years	1,415	1,250	75.3	13.9	14.6	14.3	15.7	13.9	12.2
16 and 17 years	741	704	63.6	15.2	16.0	15.6	18.7	15.7	14.6
18 and 19 years	710	546	83.8	13.2	13.3	13.8	13.8	12.4	10.3
20 to 24 years	950	594	88.9	8.6	7.4	8.1	7.7	6.8	5.8
25 years and over	2,109	1,338	87.3	3.5	3.2	3.3	3.1	3.0	2.3
25 to 54 years	1,726	1,067	89.5	3.7	3.3	3.4	3.2	3.1	2.3
55 years and over	383	270	77.8	2.9	3.0	3.3	2.8	2.7	2.0
Males, 16 years and over	2,475	1,608	86.0	4.5	4.3	4.4	4.2	3.6	2.9
16 to 19 years	807	663	72.0	14.1	14.8	15.0	15.2	12.5	11.8
16 and 17 years	418	394	63.6	15.2	16.6	16.4	17.2	14.6	14.4
18 and 19 years	389	268	81.0	13.6	13.2	14.6	13.9	10.8	9.7
20 to 24 years	528	285	91.5	9.1	7.2	7.7	7.9	6.4	5.3
25 years and over	1,140	660	93.3	3.0	2.9	2.9	2.6	2.4	1.7
25 to 54 years	907	500	95.7	3.0	2.9	2.8	2.6	2.3	1.7
55 years and over	233	159	83.7	2.8	2.8	3.1	2.8	2.8	1.9
Females, 16 years and over	2,035	1,574	79.9	5.9	5.5	5.9	5.7	5.7	4.6
16 to 19 years	644	587	75.3	13.7	14.3	13.4	16.4	15.6	12.7
16 and 17 years	323	310	63.5	15.1	15.3	14.6	20.6	17.0	14.8
18 and 19 years	321	277	87.2	12.7	13.4	12.9	13.7	14.3	11.0
20 to 24 years	422	309	85.8	8.1	7.7	8.7	7.5	7.2	6.3
25 years and over	969	678	80.4	4.5	3.8	4.2	3.8	4.0	3.5
25 to 54 years	819	566	82.5	4.8	4.1	4.3	4.2	4.4	3.2
55 years and over	150	111	68.0	3.1	3.2	3.6	2.7	2.5	2.3

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TABLE B-1.—EMPLOYEES ON NONAGRICULTURAL PAYROLLS, BY INDUSTRY

[In thousands]

Industry	July 1970[1]	June 1970[1]	May 1970	July 1969	Change from		Seasonally adjusted			
					June 1970	July 1969	July 1970[1]	June 1970[1]	May 1970	Change from June 1970
Total	70,486.0	71,378.0	70,780.0	70,481.0	−892.0	5.0	70,455	70,598	70,852	−143
Mining	634.0	634.0	620.0	635.0	0.0	−1.	617	619	620	−2
Contract construction	3,569.0	3,506.0	3,344.0	3,707.0	63.0	−138.0	3,311	3,326	3,351	−15
Manufacturing	19.296.0	19,622.0	19,432.0	20,164.0	−326.0	−868.0	19,400	19,473	19,572	−73
Production workers	13,948.0	14,253.0	14,061.0	14,700.0	−305.0	−752.0	14,100	14,135	14,180	−35
Durable goods	11,137.0	11,399.0	11,352.0	11,889.0	−262.0	−752.0	11,226	11,295	11,386	−69
Production workers	7,989.0	8,229.0	8,164.0	8,612.0	−240.0	−623.0	8,099	8,136	8,186	−37
Ordnance and accessories	242.8	250.0	254.1	322.1	−7.2	−79.3	243	250	256	−7
Lumber and wood products	584.1	605.9	579.2	627.5	−21.8	−43.4	565	584	582	−19
Furniture and fixtures	441.5	452.7	451.4	476.2	−11.2	−34.7	449	452	456	−3
Stone, clay, and glass products	643.6	649.9	638.0	670.9	−6.3	−27.3	628	636	638	−8
Primary metal industries	1,318.5	1,329.0	1,319.4	1,374.3	−10.5	−55.8	1,303	1,303	1,309	0
Fabricated metal products	1,381.6	1,401.1	1,385.6	1,428.9	−19.5	−47.3	1,398	1,389	1,394	9
Machinery, except electrical	1,976.4	1,998.8	2,006.4	2,032.1	−22.4	−55.7	1,976	1,983	2,004	−7
Electrical equipment	1,902.0	1,930.9	1,932.5	2,022.7	−28.9	−120.7	1,923	1,935	1,956	−12
Transportation equipment	1,776.5	1,890.0	1,897.2	2,022.9	−113.5	−246.4	1,863	1,877	1,897	−14
Instruments and related products	459.6	465.0	465.5	477.4	−5.4	−17.8	460	463	468	−3
Miscellaneous manufacturing	410.7	425.6	422.4	433.7	−14.9	−23.0	418	423	426	−5
Nondurable goods	8,159.0	8,223.0	8,080.0	8,275.0	−64.0	−116.0	8,174	8.178	8,186	−4
Production workers	5,959.0	6,024.0	5,897.0	6,088.0	−65.0	−129.0	6,001	5,999	5,994	2
Food and kindred products	1,828.7	1,793.4	1,736.7	1,832.6	35.3	−3.9	1,791	1,797	1,805	−6
Tobacco manufactures	72.1	71.4	70.8	71.9	.7	.2	81	81	81	0
Textile mill products	949.3	970.4	967.4	992.0	−21.1	−42.7	956	958	971	−2
Apparel and other textile products	1,344.2	1,400.7	1,372.4	1,369.2	−56.5	−25.0	1,390	1,385	1,375	5
Paper and allied products	709.7	720.7	707.8	715.7	−11.0	−6.0	706	711	714	−5
Printing and publishing	1,098.6	1,103.7	1,102.3	1,092.5	−5.1	6.1	1,099	1,101	1,108	−2
Chemicals and allied products	1,064.6	1,064.9	1,058.3	1,076.1	−.3	−11.5	1,053	1,056	1,060	−3
Petroleum and coal products	197.4	196.8	191.9	195.3	.6	2.1	191	193	192	−2
Rubber and plastics products, nec	569.0	566.4	543.2	588.8	2.6	−19.8	577	564	548	13
Leather and leather products	325.3	334.5	329.2	341.2	−9.2	−15.9	330	332	332	−2
Transportation and public utilities	4,561.0	4,547.0	4,469.0	4,507.0	14.0	54.0	4,507	4,498	4,478	9
Wholesale and retail trade	14,913.0	15,009.0	14,878.0	14,663.0	−96.0	250.0	14.922	14,941	14,968	−19
Wholesale trade	3,886.0	3,878.0	3,813.0	3,787.0	8.0	99.0	3,840	3,854	3,859	−14
Retail trade	11,027.0	11,131.0	11,065.0	10,876.0	−104.0	151.0	11,082	11,087	11,109	−5
Finance, insurance, and real estate	3,738.0	3,701.0	3,670.0	3,628.0	37.0	110.0	3,676	3.672	3.677	4
Services	11,668.0	11,700.0	11,641.0	11,384.0	−32.0	284.0	11,484	11,516	11,572	−32
Government	12,107.0	12,659.0	12,726.0	11,793.0	−552.0	314.0	12,538	12,553	12,614	−15
Federal	2,707.0	2,710.0	2,765.0	2,842.0	−3.0	−135.0	2,633	2,663	2,781	−30
State and local	9,400.0	9,949.0	9,961.0	8,951.0	549.0	449.0	9,905	9,890	9,833	15

[1] Preliminary.

TABLE B-2.—AVERAGE WEEKLY HOURS OF PRODUCTION OR NONSUPERVISORY WORKERS[1] ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY

[In thousands]

Industry	July 1970[2]	June 1970[2]	May 1970	July 1969	Change from		Seasonally adjusted			
					June 1970	July 1969	July 1970[2]	June 1970[2]	May 1970	Change from June 1970
Total private	37.6	37.4	37.0	38.0	0.2	−0.4	37.3	37.2	37.1	0.1
Mining	42.8	42.8	42.7	43.0	0	−.2	42.4	42.3	42.6	.1
Contract construction	38.7	38.5	38.1	38.7	.2	0	37.6	37.7	38.1	−.1
Manufacturing	39.7	40.0	39.8	40.4	−.3	−.7	39.9	39.8	39.8	.1
Overtime hours	2.9	3.1	2.9	3.5	−.2	−.6	3.0	3.1	2.9	−.1
Durable goods	40.1	40.7	40.3	40.9	−.6	−.8	40.5	40.5	40.3	0
Overtime hours	2.8	3.2	2.9	3.6	−.4	−.8	3.0	3.2	3.0	−.2
Ordnance and accessories	40.0	40.7	40.8	39.8	−.7	.2	40.5	40.6	40.8	−.1
Lumber and wood products	39.3	39.9	40.1	39.7	−.6	−.4	39.4	39.7	39.7	0
Furniture and fixtures	37.9	39.0	38.5	39.7	−1.1	−1.8	38.4	38.8	38.8	−.4
Stone, clay, and glass products	41.6	41.6	41.5	41.8	0	−.2	41.5	41.2	41.3	.3
Primary metal industries	40.3	40.7	40.4	41.6	−.4	−1.3	40.4	40.4	40.2	0
Fabricated metal products	40.6	41.1	40.7	41.2	−.5	−.6	41.0	40.9	40.6	.1
Machinery, except electrical	40.7	41.2	41.1	41.8	−.5	−1.1	41.2	41.1	41.1	.1
Electrical equipment	39.1	39.8	39.6	39.8	−.7	−.7	39.7	39.7	39.7	0
Transportation equipment	40.5	41.6	40.4	41.6	−1.1	−1.1	41.0	41.6	40.3	−.6
Instruments and related products	39.5	40.0	40.0	40.5	−.5	−1.0	39.9	39.9	40.1	0
Miscellaneous manufacturing	38.2	38.7	38.6	38.5	−.5	−.3	38.9	38.6	38.7	.3
Nondurable goods	39.2	39.2	39.0	39.8	0	−.6	39.2	39.0	39.1	.2
Overtime hours	2.9	3.0	2.9	3.4	−.1	−.5	2.9	3.0	3.0	−.1
Food and kindred products	40.7	40.5	40.5	41.2	.2	−.5	40.2	40.3	40.7	−.1
Tobacco manufactures	37.7	38.1	36.8	37.6	−.4	.1	38.1	37.5	37.1	.6
Textile mill products	40.0	40.2	39.7	40.7	−.2	−.7	40.4	39.9	39.8	.5
Apparel and other textile products	35.5	35.4	35.1	35.9	.1	−.4	35.6	35.2	35.1	.4
Paper and allied products	41.7	41.8	41.8	43.0	−.1	−1.3	41.7	41.7	41.8	0
Printing and publishing	37.7	37.7	37.6	38.4	0	−.7	37.8	37.7	37.7	.1
Chemicals and allied products	41.3	41.4	41.6	41.7	−.1	−.4	41.4	41.4	41.5	0
Petroleum and coal products	43.5	42.8	42.8	43.6	.7	−.1	42.7	42.6	42.5	.1
Rubber and plastics products, nec	40.3	40.2	39.9	40.8	.1	−.5	40.7	40.2	40.0	.5
Leather and leather products	37.6	37.9	37.5	37.4	−.3	.2	37.3	37.5	37.7	−.2
Transportation and public utilities	41.0	40.7	40.4	41.1	.3	−.1	40.6	40.6	40.6	0
Wholesale and retail trade	36.3	35.6	35.0	36.5	.7	−.2	35.5	35.4	35.4	.1
Wholesale trade	40.3	40.1	39.9	40.3	.2	0	40.0	40.0	40.1	0
Retail trade	35.0	34.2	33.5	35.2	.8	−.2	34.0	33.9	33.9	.1
Finance, insurance, and real estate	36.9	36.7	36.7	37.1	.2	−.2	36.9	36.7	36.8	.2
Services	34.9	34.5	34.3	35.3	.4	−.4	34.6	34.4	34.5	.2

[1] Data relate to production workers in mining and manufacturing; to construction workers in contract construction; and to nonsupervisory workers in transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for approximately four-fifths of the total employment on private nonagricultural payrolls.

[2] Preliminary.

TABLE B-3.—AVERAGE HOURLY AND WEEKLY EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS[1] ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY

Industry	Average hourly earnings						Average weekly earnings					
					Change from						Change from	
	July 1970[2]	June 1970[2]	May 1970	July 1969	June 1970	July 1969	July 1970[2]	June 1970[2]	May 1970	July 1969	June 1970	July 1966
Total private	$3.22	$3.21	$3.20	$3.05	$0.01	$0.17	$121.07	$120.05	$118.40	$115.90	$1.02	$5.17
Mining	3.80	3.82	3.80	3.59	−.02	.21	162.64	163.50	162.26	154.37	−.86	8.27
Contract construction	5.17	5.11	5.10	4.76	.06	.41	200.08	196.74	194.31	184.21	3.34	15.87
Manufacturing	3.36	3.36	3.34	3.19	0	.17	133.39	134.40	132.93	128.88	−1.01	4.51
Durable goods	3.56	3.57	3.55	3.38	−.01	.18	142.76	145.30	143.07	138.24	−2.54	4.52
Ordnance and accessories	3.62	3.58	3.59	3.41	.04	.21	144.80	145.71	146.47	135.72	−.91	9.08
Lumber and wood products	2.92	2.98	2.92	2.75	−.06	.17	114.76	118.90	117.09	109.18	−4.14	5.58
Furniture and fixtures	2.76	2.76	2.75	2.62	0	.14	104.60	107.64	105.88	104.01	−3.04	.59
Stone, clay, and glass products	3.41	3.40	3.38	3.19	.01	.22	141.86	141.44	140.27	133.34	.42	8.52
Primary metal industries	3.90	3.92	3.90	3.79	−.02	.11	157.17	159.54	157.56	157.66	−2.37	−.49
Fabricated metal products	3.54	3.54	3.52	3.33	0	.21	143.72	145.49	143.26	137.20	−1.77	6.52
Machinery, except electrical	3.76	3.76	3.77	3.56	0	.20	153.03	154.91	154.95	148.81	−1.88	4.22
Electrical equipment	3.33	3.30	3.27	3.09	.03	.24	130.20	131.34	129.49	122.98	−1.14	7.22
Transportation equipment	4.07	4.11	4.06	3.90	−.04	.17	164.84	170.98	164.02	162.24	−6.14	2.60
Instruments and related products	3.34	3.31	3.30	3.13	.03	.21	131.93	132.40	122.00	126.77	−.47	5.16
Miscellaneous manufacturing	2.80	2.82	2.81	2.64	−.02	.16	106.96	109.13	108.47	101.64	−2.17	5.32
Nondurable goods	3.09	3.06	3.05	2.92	.03	.17	121.13	119.95	118.95	116.22	1.18	4.91
Food and kindred products	3.17	3.15	3.16	2.97	.02	.20	129.02	127.58	127.98	122.36	1.44	6.66
Tobacco manufactures	3.01	3.02	2.99	2.77	−.01	.24	113.48	115.06	110.03	104.15	−1.58	9.33
Textile mill products	2.43	2.44	2.43	2.35	−.01	.08	97.20	98.09	96.47	95.65	−.89	1.55
Apparel and other textile products	2.38	2.38	2.36	2.28	0	.10	84.49	84.25	82.84	81.85	.24	2.64
Paper and allied products	3.46	3.42	3.40	3.27	.04	.19	144.28	142.96	142.12	140.61	1.32	3.67
Printing and publishing	3.90	3.90	3.88	3.68	0	.22	147.03	147.03	145.89	141.31	0	5.72
Chemicals and allied products	3.73	3.68	3.64	3.49	.05	.24	154.05	152.35	151.42	145.53	1.70	8.52
Petroleum and coal products	4.28	4.22	4.25	4.03	.06	.25	186.18	180.62	181.90	175.71	5.56	10.47
Rubber and plastics products, nec	3.20	3.13	3.09	3.09	.07	.11	128.96	125.83	123.29	126.07	3.13	2.89
Leather and leather products	2.48	2.49	2.49	2.34	−.01	.14	93.25	94.37	93.38	87.52	−1.12	5.73
Transportation and public utilities	3.85	3.83	3.79	3.65	.02	.20	157.85	155.88	153.12	150.02	1.97	7.83
Wholesale and retail trade	2.70	2.70	2.70	2.55	0	.15	98.01	96.12	94.50	93.08	1.89	4.93
Wholesale trade	3.41	3.40	3.41	3.23	.01	.18	137.42	136.34	136.06	130.17	1.08	7.25
Retail trade	2.44	2.43	2.43	2.30	.01	.14	85.40	83.11	81.41	80.96	2.29	4.44
Finance, insurance, and real estate	3.05	3.04	3.04	2.91	.01	.14	112.55	111.57	111.57	107.96	.98	4.59
Services	2.81	2.81	2.80	2.63	0	.18	98.07	96.95	96.04	92.84	1.12	5.23

[1] Data relate to production workers in mining and manufacturing: to construction workers in contract construction: and to nonsupervisory workers in transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for approximately four-fifths of the total employment on private nonagricultural payrolls.

[2] Preliminary.

THE USE OF INTERSTATE HIGHWAY FUNDS TO SUBSIDIZE JONES & LAUGHLIN

Mr. PROXMIRE. Mr. President, I want to call to the attention of the Senate a recently released GAO report entitled "Questionable Basis for Approving Certain Segments of the Interstate Highway System." I want first to commend the GAO for their masterful use of understatement in the title of this report. The basis on which certain highway funds have been allocated is not just "questionable," it is shocking and scandalous.

This GAO report reveals that $39 million taken from the Federal highway trust fund has been used to construct 13 miles of four-lane highway which is, in essence, nothing but a private driveway for the Jones & Laughlin steel plant in Hennepin, Ill. What this boils down to is a subsidy, pure and simple—a $39 million Federal subsidy to the Jones & Laughlin Steel Co.

I will grant that, by some standards, $39 million is a modest sum. The Defense Department undoubtedly wastes almost that much every day in the week. However, since the highway trust fund was created in 1956, we have been exceedingly jealous of the uses to which it could be put. We could not spare anything from this trust fund to spend on highway maintenance, on highway beautification, on mass transit, on housing, or on any of the other things we need so badly, yet we could spare $39 million to build a private road for Jones & Laughlin. I think it is worth taking a few minutes to inquire how this particular highway came to be built with Interstate funds.

The normal procedure of the Highway Administration, in reviewing requests for additions to the Interstate System, is to evaluate them on a point system, using four basic factors: national defense, system integration, industry, and population as the basis for assigning points. Now, this is far from constituting the kind of comprehensive social cost and benefit analysis which should be applied to the highway program. I have frequently stressed the need for better economic analysis of the highway program. However, at least this point system does represent some attempt to give uniform consideration to proposals for additions to the Interstate System.

In the case of certain auxiliary routes which have been added to the Interstate System from time to time, the Highway Administration has chosen to skip this evaluation in terms of a point system and to approve applications on a case-by-case basis. The GAO concludes that this procedure was "contrary to [the Federal Highway Administration's] previously established practice of approving interstate mileage allocations only after systematically rating, evaluating, and comparing the relative merits and needs of all State requests."

Let me continue to quote from the GAO report:

> For the most part, the segments that were approved on a case-by-case basis are located in populous areas or furnish access to such areas from nearby through routes and, therefore, appear to provide general benefits within the concept of the Interstate System. However, one segment—Spur Route I–180—a 13.2-mile, four-lane highway—was approved for construction during this period and cannot, in our opinion, be considered to provide the general benefits normally associated with interstate highways because it will primarily benefit a steel plant located near the small rural community of Hennepin, Illinois. FHWA estimates that the total cost of this spur route will be $47.1 million—the Federal share of which is $39 million. The approval of this spur route is particularly significant when taking into consideration the fact that, at various times prior to its approval of I–180, FHWA refused to approve auxiliary routes for urban areas such as Tucson, Arizona; Greensboro, North Carolina; and Tacoma, Washington, apparently on the basis that the then available mileage was being held in reserve for adjustments to previously approved routes.

Tucson, Ariz., has a population of over 2,000,000. It was denied a 1.5-mile interstate spur route. Asheville, N.C., Tacoma, Wash., and other good-sized cities have also been denied spur routes. I do not necessarily criticize the decisions not to build these routes with Interstate funds. The Interstate System was intended to provide transportation between cities, not to meet all local transportation needs. What I do question is why Hennepin, Ill., with a population of less than 1,000 is entitled to a spur route, when Asheville, Tacoma, and Tucson were not.

The Department of Transportation's answer is that, although Hennepin is presently rural in character, it is a rapidly changing area. There will be more traffic volume in the future. This, however, is not the real story. The GAO points out:

> No other auxiliary route has been approved on the basis that the area which it was to serve had the *potential* to become an industrial center.

The real story is very clear from the GAO report. The Jones & Laughlin Steel Co. informed the State of Illinois that it would locate at Hennepin only if good highway access were provided. The State agreed to seek funds to construct the needed road. Instead of seeking its funds from the State legislature, however, the State submitted its request to the Federal Highway Administration. What is more incredible is that the Highway Administration approved this request. This highway was built with 90 percent Federal funds.

This particular highway has been built. But we must not allow this type of thing to reoccur. We must insist that Federal aid highways projects are fully analyzed in terms of their social costs and benefits before they are built. This analysis must be made available to Congress, and funds must be denied where the expenditure cannot be justified in terms of public benefits.

The Congress is considering highway legislation this year. I hope we will take a lesson from experience and introduce into the law the safeguards necessary to insure that highway funds will be expended in the public interest.

ADDITIONAL STATEMENTS OF SENATORS

PROPOSAL TO AMEND GUN CONTROL ACT OF 1968

Mr. PEARSON. Mr. President, I voted for the passage of the Gun Control Act of 1968 when it passed the Senate by a vote of 70 yeas to 17 nays on September 18, 1968. That bill was passed in the heat of national passion and under sorrow caused by a rash of fatal shootings of national import.

Since that time, I have had second thoughts about some of its provisions which I now feel are too restrictive. In retrospect, I now believe that insufficient attention was paid to the workings of the act and its implications, a fact that subsequent events have borne out quite clearly.

Because I am realistic in my knowledge that Congress will probably not repeal the Gun Control Act—and, in fact, because I do not feel that all of it should be repealed—I believe a productive approach to changing this law is to move on the most objectionable portions, a piece at a time. Last year, I cosponsored with the Senator from Utah (Mr. BENNETT) and other Senators legislation which passed the Congress eliminating recordkeeping requirements under the act with respect to shotgun and rifle ammunition.

On June 26 of this year, I joined with the Senator from Wyoming (Mr. MCGEE) and other Senators in the sponsorship of S. 3724. The bill, if enacted, will eliminate the recordkeeping requirements of the Gun Control Act as they pertain to .22-caliber rimfire ammunition. I, along with the other cosponsors, am hopeful that this legislation will also pass Congress before the end of this session.

To a lesser degree, we are now faced with a similar situation as the one in 1968 which brought forth the Gun Control Act. Earlier this year, the country was subjected to a rising tide of terrorism. In Washington, D.C., the Nation's Capital, on one day in early March there were 28 bomb threats. On the same day in New York City, there were 161 bomb threats. That same night, a building in Buffalo, N.Y., was seriously damaged by an explosion. During the first 3 months of this year, more than a score of bombs exploded in more than a dozen different cities, killing and injuring people and causing property damage well into the millions of dollars.

President Nixon made a commitment to the American people to deal with this rash of bombings, as he rightfully should have. The result was proposed legislation sent to Congress to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto. In the Senate, the administration bill is S. 3650, with similar bills pending in the House of Representatives.

Basically, I am in full accord with President Nixon's efforts to crack down on the distressing increase of violence in this country, and I am shocked by the use of bombs and explosives which can kill and injure innocent and helpless citizens. We must have effective tools to fight crime, and we must have legislation with severe penalties to deter these vicious criminals.

But the broad scope of some of these "explosive control" bills—like the Gun Control Act of 1968—would result in needlessly penalizing law-abiding sportsmen who hand load their own shells to be used for legitimate sporting purposes. I do not believe that this bill should cover this type of sporting activity.

Therefore, I was pleased to join with the Senators from Pennsylvania (Messrs. SCHWEIKER and SCOTT) and other Senators in the cosponsorship of amendment No. 728 to S. 3650, the administration bill. The amendment would eliminate from that bill any restrictions on the possession of up to 24 pounds of smokeless powder and up to 6 pounds of black powder for use for lawful sporting purposes. Many sportsmen hand load their own shells for legitimate sporting activities, and I see no reason why they should be put under the broad scope of the administration bill. We should not have to go through with the gradual repeal of these explosive bills as we have done and are doing on the Gun Control Act.

Last week, a constituent of mine from Kansas sent me a copy of a statement made by Mr. Neal Knox, editor of the Handloader magazine and the Rifle magazine, before Subcommittee 5 of the House Judiciary Committee. Because this testimony has quite a bit of bearing on amendment No. 728, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NEAL KNOX

Mr. Chairman, members of the committee, I greatly appreciate the opportunity to represent what I, as editor, believe to be the views and interests of the readers of The Handloader and The Rifle magazines. The Handloader is the only mazagine devoted exclusively to the rapidly growing hobby of ammunition reloading. The Rifle Magazine is also highly specialized, designed to interest and inform technically advanced rifle shooters, hunters and amateur ballisticians, almost all of whom reload their own ammunition. The Rifle was adopted last year as the official publication of the National Bench Rest Shooters Association, which I also represent.

In addition, I have been asked by the National Reloading Manufacturers Association, a trade association composed principally of small businesses, to state that NRMA is in substantial agreement with my views and wishes to be associated with the comments in my prepared statement.

The combined circulation of the magazines is more than 50,000, with an estimated readership of more than 150,000, yet we know that we reach only a fraction of the nation's handloaders, estimated to number more than 1,000,000. Handloading is a safe, simple, but fascinating subject. Although most handloaders begin reloading as an adjunct to shooting, it frequently becomes a separate hobby with an investment of several hundred dollars in equipment. By reloading his own ammunition, a shooter is able to improve his performance by precisely tailoring his ammunition to his gun and the conditions under which he shoots.

The resulting ammunition, whether for rifle, shotgun or handgun, is often considerably superior to that which is produced by ammunition manufacturers, and, if the investment in time and equipment is not considered, often less expensive. But improved performance, not economy, is the principal reason that our readers handload, according to a survey taken last year. That survey also showed that 52% of our readers are college-educated, 35% are professional people, and the median income is more than $14,000 per year. As these figures would indicate, our readers are substantial, law abiding citizens.

These citizens are quite concerned about the bills before this committee, for without exception the proposed laws would place the same controls upon smokeless propellents that are being considered for high explosives—yet an endless list of substances equally hazardous or more hazardous than smokeless propellents would not be similarly regulated. We consider any such legislation unjust and discriminatory.

There are two general classifications of explosives—detonating or "high" explosives, such as dynamite, TNT and nitroglycerin, and deflagrating (burning) or "low" explosives, such as black powder, smokeless propellant, ammonium nitrate and a virtually endless list of other chemicals and susbtances. Because of the terrorist bombs and incendiary devices are made with chemical compounds detailed in high school and college chemistry textbooks, we directed our research toward standard chemistry encyclopedias, such as those by Clark & Hawley and Kirk-Othmer. Government publications deal principally with standard commercial explosives and often do not agree as to what substances are explosive, due to differing criteria. For instance, the Department of Transportation classifies pure ammonium nitrate, such as that used as a fertilizer, as an oxidizer, not an explosive, on the basis of its relative safety in transportation, while the Department of Defense classifies it as an explosive and uses it as an explosive (see TM 9–1910/TO Military Explosives and various U.S. Army demolition manuals).

Chemistry reference works usually classify "high explosives" as substances designed to detonate with a burning rate of more than 1,000 meters per second while unconfined, while those which simply burn, are difficult to detonate, or undergo "low order detonation" at a rate of less than 1,000 meters per second are classified as "low explosives." Low explosives are also often referred to as propellants, for their rates of burning are both predictable and controllable. As they burn they produce large quantities of gases which push against any restraining object, which allows them to be used as rocket fuels and in firearms. The Army uses pure ammonium nitrate, detonated by a large charge of TNT, as a cratering charge, for it literally shoves rocks and soil from a hole.

Although it is generally assumed that the crack of a rifle shot indicates an explosition within the barrel, that is not the case. Modern smokeless propellent, principally a form of nitrated cellulose, burns at a controlled rate within a gun's barrel. As it burns, the gases build up pressure which forces the bullet out of the bore, in much the same manner that gasoline within a car engine burns and releases gases which force the piston downward during the firing stroke. A substance which detonates, that is, releases all of its energy almost instanteously, such as nitroglycerin, cannot be used in either a gun or a car engine, for instead of exerting controlled pressures upon either a bullet or piston, the detonation would shatter the gun or engine.

If a gun barrel were plugged by a firm obstruction, such as mud or snow, the bullet would not get out of the bore and gas pressures within the barrel would become so high that it would burst, much like a boiler explosion. Although such an incident could seriously injure the shooter or someone nearby due to flying bits of metal, the gun would not have actually detonated in the sense of the detonation of a high explosive.

A similar situation would exist if smokeless propellent were confined in a steel pipe and rapid burning initiated with the aid of a proper priming charge, which might be only a firecracker. As with a plugged gun barrel, the pressure in the pipe would increase beyond the strength of the steel, causing the pipe to burst and sending fragments in all directions. This is precisely how a pipe bomb is made. The fragments are certainly hazardous to anyone nearby, but the effect is far less than the building-destroying destruction caused by the detonation of a high explosive.

XUM

Since it is my intention to convince the committee that smokeless propellent should not be included in anti-bombing legislation, it might seem strange I have outlined the method for making a hazardous pipe bomb from smokeless propellent. My reason is simple: you have already been told, or will be told, that pipe bombs have been and can be made out of smokeless propellent. However, I intend to prove that many other substances which are not included in the legislation you are considering are widely known to have equal or far greater explosive power. There are so many such substances that it would be impossible to control them all by any type of point of sale legislation.

Smokeless propellent is nitrated cellulose and any form of nitrated cellulose can be used to produce a pipe bomb similar to the bomb I have just described. Celluloid shirt collars were made of nitrated cellulose. Certain types of photographic film were also nitrated cellulose. Dry model airplane cement is nitrated cellulose. The amber handles of certain better quality screwdrivers and chisels are nitrated cellulose. Any of these substances, if shaved and chipped into small particles and used in the same type pipe bomb are capable of producing essentially the same result. For that matter, a similar hazardous bomb may be made of nothing but the heads of wooden matches. Of course, if one has access to college chemical storerooms, or has the address of a chemical supply house, the prospects are endless.

During my research on this subject I was constantly amazed by the number of common materials which can be used to produce explosive and incendiary devices—and I will only mention a few. Although this research was conducted with the assistance of a graduate chemical engineer who holds a key post with one of the largest manufacturers in the nation, and with a member of our editorial staff who holds a Ph.D. in chemistry and is also an attorney, we studied no material other than standard chemistry reference works available at almost any high school, college or public library, military training manuals and reprints, and other standard references. To insure the accuracy of our findings, this prepared statement also has been checked by explosives experts employed by the largest manufacturers of explosives and propellents in the nation.

Bear in mind that the principal target of this anti-bombing legislation is not the common uneducated criminal, but the well-educated militant radical who is quite accustomed to the use of libraries. Many are apparently skilled in chemistry—reportedly making their own LSD. In addition, radical organizations are believed to be selecting, publishing and distributing information concerning the manufacture of explosive and incendiary devices from common substances, such as found in reference works, U.S. and foreign guerilla warfare manuals and explosives patent papers.

As evidence that standard sources of information are being used, and as indication of the impossibility of controlling such use, note that a few days ago the American Library Association issued a strong protest because federal agents in at least two cities had asked for lists of people who had been checking out and reading books dealing with explosives.

At this point I would like to request that some of the examples that I am about to give be off the record, and I further request that the members of the press refrain from taking notes on, publishing or otherwise disseminating the specific formulas and techniques which I shall use as examples. Information which I would prefer not to be published, even in the record of these hearings, is set off by dots in the written statement. I don't wish to give the terrorists any help.

Because of the very real problem of informing you without publicizing information that would be hazardous in the wrong hands, I have refrained from discussing some of the formulas I have seen. I can think of no better way for you to be properly informed on the subject of home-made explosives and incendiaries than for the committee to arrange a demonstration for members of Congress only. The U.S. Army Special Forces has formulated and tested many such devastating devices and could undoubtedly prepare a demonstration at Aberdeen Proving Grounds which would be of great value to you and other members of Congress.

Explosives depend upon an oxidizing agent and a reducing agent, or fuel. Many oxidizing agents which are readily available because of their peaceful uses include ammonium nitrate, sodium or potassium nitrates, chlorates, perchlorates, chromates, peroxides and permanganates. Fuels may be anything combustible: petroleum products powdered charcoal from briquets, sulphur and some powdered metals. The uses of these chemicals and their variations, are almost endless—and *the knowledge cannot be repealed*.

We are all too-familiar with the Molotov cocktail, a gasoline-filled bottle with a rag wick. But more refined versions are known. For instance, before the 1968 Democratic convention in Chicago, I received a clipping, reportedly from an "underground" newspaper, with explicit directions for a simple modification which would ignite when the bottle broke, eliminating the need for a wick and lighting the device before throwing it. The clipping was signed off: "See you in Chicago."

A routine college chemistry experiment is the mixing of ammonium nitrate and . . . zinc dust . . . in equal volume, with a touch of . . . ammonium chloride . . . blended in. A drop of water will set it off, producing an intense flame with large volumes of gas. A gelatin cap, such as used for administering medicines, filled with water and left on the mixture would produce a hazardous incendiary time bomb, or could be used as a delay igniter for certain explosive devices.

In militant publications we saw frequent references to easily made incendiary devices, which statistics recently released by the Administration indicate are the favorite weapon of terrorists. Many of these formulas called for the addition of chemistry set chemicals to household sugar. One of the U.S. Army training manuals described in precise detail how to construct a building-destroying bomb in which one of the principal ingredients is common wheat flour.

Perhaps the best example of a commonly available explosive is ammonium nitrate, the cause of at least four of the ten largest accidental explosions in modern history, including the blast which almost destroyed Texas City, Texas in the late 1940's. Ammonium nitrate is one of the most popular dry fertilizers. It is available, no questions asked, for about $2.30 per 50-pound bag or $62.00 a ton. Like smokeless propellent, ammonium nitrate is technically classified as a low explosive. However, the addition of a fuel, which may be diesel oil, sawdust, wax or many other substances, converts ammonium nitrate into a high explosive. It is common knowledge that ammonium nitrate, mixed with No. 2 diesel fuel, is regularly used as a commercial explosive, particularly in quarrying and mining operations. In this mix it is relatively insensitive and requires a powerful initiating charge, usually a few sticks of dynamite, to make it detonate. But by varying the mixture, the resulting explosive can be made to detonate more easily.

Transportation regulations for "blasting agents" require that pre-mixed ammonium nitrate/fuel oil not be detonatable by a blasting cap when unconfined. However, the **Kirk-Othmer** *Encyclopedia of Chemical Technology* states: "under the confinement of a steel pipe it (ammonium nitrate-fuel oil mix) can be detonated with a No. 8 blasting cap. Its explosive strength is 120 percent of that of TNT as judged by the ballistic pendulum test, and it detonates at a rate of 2,100 meters per second when confined in a steel pipe." That is essentially the same treatment that must be given to smokeless propellent in order to make a pipe bomb, but this easily prepared ammonium nitrate explosive will have one-fifth more power than TNT.

If ammonium nitrate is mixed with a substance which is itself an explosive, unlike the mild diesel fuel, the mixture becomes both extremely powerful and quite easily detonated. Many chemicals have the necessary characteristics, including . . . gasoline . . . but perhaps one of the most powerful mixtures is 90 percent ammonium nitrate . . . five percent coal and five percent nitromethane, the "speed fuel" used by auto racers and available at any hotrod shop. . . . At one time, Hercules Powder Co. made such a mixture and observed that it was cap-sensitive, meaning that it could be detonated with nothing more than a blasting cap, which might be substituted by a firecracker in a pipe bomb. The power of this mixture is approximately equivalent to nitroglycerin powder, according to Hercules.

"Fertilizer grade" ammonium nitrate is essentially the same as the ammonium nitrate used as an explosive, and can be made into a high explosive by the same techniques. The U. S. Army field manual FM31–20 *Special Forces Operational Techniques*, gives two formulas for converting standard 33⅓ percent nitrogen fertilizer into a high explosive with a detonating velocity of 3,000 to 4,000 meters per second.

Yet ammonium nitrate is not specifically included in the legislation before you, while smokeless propellent is included. I have no desire to see Congress require explosive dealer licenses of all feed stores and fertilizer dealers, nor do I have any desire to see special requirements on the purchase and possession of this fertilizer. But neither do I wish to see such requirements placed upon dealers and users of smokeless propellents.

In light of the evidence I have presented, *I fail to see how Congress can justify special controls upon smokeless propellents unless similar controls are enacted for all other substances of equal or greater hazard*, including not only ammonium nitrate fertilizer, but gasoline, propane, and the potentially violent chemicals used in the manufacture of plastics and other materials.

Obviously, as now written, *every bill before you and before the other body is inequitable and discriminatory* against those of us who use smokeless propellents for peaceful purposes. Therefore, on those grounds, all of the legislation you are considering is unconstitutional.

If Congress desires to enact additional controls and restrictions upon the interstate shipment and sale of high explosives only, I would have no objection except to observe that it would work a hardship upon the legitimate dealers and users of high explosives through radically increased costs without meeting the objectives of the legislation—a decrease in the number of terrorist bombings. In my state of Illinois a recently enacted explosives control law requires serial numbering of all sticks and cases of dynamite, which is expected to result in an increase in cost of at least 5 percent. The cost will ultimately be borne by the consumer, including we taxpayers since road-builders are among the principal user of explosives. Yet an Illinois explosives dealer told me of a dud bomb discovered at Quincy, Illinois composed of recent manufacture serial-numbered dynamite. The serial number had neatly been cut away from each stick.

If Congress desires to enact additional controls upon high explosives, *such legislation should apply only to high explosives and the blasting caps and other materials designed to detonate them*. Low explosives and potential explosives are too numerous and too common to specifically regulate, *but should be included when they are used as an ingredient in an explosive device*.

It is difficult to define the dividing line between high and low explosives, since various substance perform in radically different ways under differing conditions. But in general it may be said that high explosives are of themselves hazardous and may be made to detonate in a variety of ways. Low explosives may be made to detonate only by special treatment or under certain limited conditions, and even then usually with relatively limited power. In other words, a stick of dynamite is hazardous, no matter what; *a can of propellent or sack of ammonium nitrate fertilizer must deliberately be made hazardous*.

In drafting legislation, Congress should bear in mind that smokless propellants, small arms primers and bombs and incendiary devices are already regulated under the provisions of the Gun Control Act of 1968, Chapter 44 of Title 18, United States Code.

I propose the following definition be submitted for the existing definition in any legislation enacted:

"As used in this title, the term 'explosive' means substances classified in standard reference works as high or detonating explosives such as dynamite TNT or nitroglycerin, and the substances and devices intended to be used to detonate such high explosives; the term 'explosive' shall not include small arms ammunition primers regulated by Chapter 44, Title 18 United States Code, nor chemical substances classified in standard reference works as low or deflagrating explosives or propellants such as ammonium nitrate, smokeless propellants or gasoline unless such substances are contained in a chemical or mechanical mixture, packing or device which upon ignition by fire, by friction, by concussion, by percussion, or by detonation will create, or is designed to create, an explosion or incendiary effect."

This definition, by grouping materials according to effect, would eliminate the possibility of inadvertently exempting certain types of bombs and incendiaries. At the same time it effectively includes difficult-to-define Molotov cocktails, which are made with the low explosive gasoline. It would eliminate special controls over ammonium nitrate, smokeless propellent, black powder and other substances which are primarily used for non-explosive purposes, yet would include all bombs and incendiary devices made from those or any other substance, even the simple incendiary made by laying a burning cigarette across a book of paper matches.

The fact that this definition would exempt from special controls our oldest explosive, black powder, requires some comment: black powder, though easily ignited, has far less power than easily made more modern explosives and is itself quite easy to make. I, along with some other youngsters, made the stuff while I was in seventh grade. The grade we produced was of poor quality, but would be almost as effective as commercial grades in a bomb or as an igniter. However, black powder suitable for use in muzzle loading firearms, as used by the North-South Skirmish Association and the National Muzzle Loading Rifle Association, cannot be home-made. Black powder is seldom used for commercial blasting, but it is regulated by existing state and federal controls, including the Gun Control Act of 1968. In my opinion, the elimination of additional special controls upon black powder would not materially affect the effectiveness of any new law, in fact would make it possible to write a more restrictive law since all explosives of equivalent power would be given equal treatment.

As I have outlined, it is impossible to repeal the wide-spread knowledge concerning easily made explosive and incendiary devices, and it is equally impossible to regulate all of the materials which may be made into such explosives. By regulating materials designed and used as high explosives and placing similar restrictions upon the manufacture and possession of all incendiary and explosive devices, whatever their ingredients, Congress will achieve the maximum effect of any law designed to control sales, interstate transportation or possession of explosive or incendiary devices. But such a law would not unfairly discriminate against users of substances such as propellents and ammonium nitrate fertilizers.

However, even such a law is unlikely to curtail terrorist bombings unless severe penalties are promised for violation of the law, or for the unlawful destruction of property and the injury of persons by the use of explosive or incendiary devices. Any other form of explosives control legislation may have the appearance of positive action but is unlikely to successfully reduce bombings. As evidence, note the testimony of New York City Police before the Senate. Although they stated that high explosives are "extremely well controlled" in the state, I note that most of New York's major blasts have involved those "well-controlled" high explosives. Also, they testified that information on how to make bombs is being distributed in the schools, yet they urged the adoption of federal controls which emulate their own stringent but ineffective control laws. Does anyone honestly believe that federal controls can accomplish what tough state and local laws have failed to accomplish? I think the key to New York's bombing problems is that some bombing cases have been pending in the courts for as much as five years.

Severe penalties are included in both the bill introduced by the Chairman, Mr. Celler, and by Mr. McCulloch. Of the two bills, I feel the Administration bill introduced by Mr. McCulloch offers the greater likelihood of achieving its objectives, provided the definition were changed as I have proposed. I find the bill introduced by Mr. Celler unworkable for several reasons, principally because it copies the provisions of a law structured to control the sale of firearms and ammunition. The bulk of Mr. Celler's bill consists of the wording of the 1968 Gun Control Act with the word "explosives" substituted for "firearms," except in one place where "firearm" was inadvertently left in the bill.

Applying the provisions of the Gun Control Act to explosives would work many hardships upon the lawful users of high explosives—for instance, highway contractors who could not bid on out-of-state jobs for it would be unlawful for them to obtain explosives outside their state of residence. At the same time, the Celler bill would work a hardship upon firearms dealers who sell smokeless propellents, for due to the identical provisions of two separate laws they would be required to buy two separate licenses and maintain two separate record books to record each sale of a single product. At the very least, the Celler bill should be amended to not include the small arms ammunition components regulated by the Gun Control Act.

Gentlemen, until the bills before you were introduced I knew absolutely nothing about explosives other than the characteristics and uses of propellents used in firearms. I have never taken a chemistry course in my life, but from what I have learned in the past three months from books available in any public library I assure you that, if I were inclined to do so, I would have not the slightest difficulty in damaging or destroying any number of private and public buildings and/or people with a wide variety of explosive and incendiary devices. And whether or not you pass any of the legislation before you would not make the slightest difference.

Any radical with the ability to read and the will to carry it out could do the same thing. The only possible way to deter him would be to enact legislation promising such severe punishment that he would be afraid to take the risk.

I thank you for being allowed to appear before the committee.

BLACK MARKET AREA IN SAIGON

Mr. FULBRIGHT. Mr. President, the Chicago Daily News of August 3 contained an article entitled "Free Enterprise a la Vietnam," written by Mr. Raymond R. Coffey, relating his inspection of a flourishing black market area in Saigon. Mr. Coffey wrote:

> Rich Vietnamese now can buy American steak in the black market cheaper than they can buy water buffalo beef in Saigon's central market. They can also buy scotch whisky, towels, bed linens, and other U.S. goods in the black market at prices lower than GIs and American civilian officials have to pay in the PX.

Mr. Coffey's article describes but the tip of the iceberg of the havoc this war has wreaked on Vietnam's economy and its society. I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Free Enterprise a la Vietnam—Black Marketeers Stock Goods That Never Get to the PX at Prices Often Lower Than GIs Would Pay There

(By Raymond R. Coffey)

Saigon.—Rich Vietnamese now can buy American steak in the black market cheaper than they can buy water buffalo beef in Saigon's central market.

They also can buy scotch whisky, towels, bed linens and other U.S. goods in the black market at prices lower than GIs and American civilian officials have to pay in the PX.

The black market is doing so well and is so well organized, operators can advertise their bargains in advance.

Frozen American steaks—stolen somewhere along the line between the ship they arrived on and the commissary they never got to—were going like hotcakes the other day when I walked through the black market with a Vietnamese.

And the people selling them were urging their customers to return next day when a shipment of lamb—a meat almost nonexistent in the Vietnamese economy—would be available.

There has been a black market in Vietnam almost since the first Americans got here. Most of what has been said and written about it has dealt with a collection of sidewalk stalls around the tax building, a shopping complex, in downtown Saigon.

The black market deals mostly in stolen cameras, film, ballpoint pens, cigarets, toilet articles and the like.

But a much larger black market—practically a supermarket full of popular U.S. brand names—operates along both sides of Nguyen Thong St., more than a mile from downtown. It stretches for about 1½ blocks and operates daily from about 3:30 p.m. to 6 p.m.

Occasionally, very occasionally, the Vietnamese police raid it. But mostly it is ignored.

As I walked through it, two Vietnamese policemen were sitting at a sidewalk soup kitchen drinking tea and paying no attention to the black market merchants.

On sale, along with the frozen steaks, were U.S. chicken, pork, huge canned hams, shrimp, canned corned beef, long loaves of baked ham and bacon.

There were also neatly piled pyramids of fresh red apples—something not even grown in Vietnam—and of oranges and grapefruit.

There were also butter, cooking oil, and orange, apple and tomato juices, laundry detergents, bath soap, mustard, olives, pickles, peanut butter, jelly, canned chili, spaghetti mix, crackers, cookies, candies and paper plates, cups and napkins.

There were cases of canned beer and soft drinks, bottles of champagne, scotch, bourbon, brandy, cigars, cigarets and after-dinner mints.

There were T-shirts, sport shirts, undershorts and swimming trunks, bedsheets and pillow cases, toothbrushes, shampoos, raincoats and flashlight batteries, blue jeans and bath talcum.

The PX itself is almost eternally out of some of the items. Recently, for example, it had shelves full of bourbon but no scotch. The black market, though, had plenty of both.

Apart from the PX and commissary system, some of the black market goods also are diverted from the U.S. Aid program. Thus some of the butter and cooking oil is marked with the clasped-hands symbol of the Food for Peace Program and marked "donated by the American people" and "not to be sold."

THE PRICES

What is most striking about it all is the prices. Vietnamese buy and sell food generally in kilogram weights—a kilo equalling 2.2 pounds. They deal in piasters, the official exchange rate being 118 piasters to the dollar and the black market rate being about 375 to the dollar.

In the legitimate central market in Saigon, a kilo of Vietnamese beef costs about 700 piasters. In the black market a kilo of American beef costs 550 piasters. Chicken and pork are also cheaper in the black market.

A Vietnamese grapefruit in the central market costs 100 to 110 piasters. An American grapefruit in the black market costs 35 to 40 piasters.

Some of the items are possibly cheaper in the black market here, in fact, than they are in supermarkets back home. A kilo, or 2.2 pounds, of apples for example, costs 350 piasters on the black market, and at the black market rate of exchange, that is less than $1.

Likewise, well-off Vietnamese are able to buy goods in the black market cheaper than GIs and those in the U.S. mission can buy them at the PX—when the stuff actually gets to the PX.

A bottle of scotch costs a GI $3.40. In the black market it goes for 1,200 piasters which, at the black market exchange rate, comes to less than $3.25.

NO USE TO MANY

The black market, of course, is of little or no use to the ordinary Vietnamese who cannot afford much in the way of fresh meat and fruits at either black market or central market prices. The ordinary Vietnamese lives mostly on rice and fish.

A soldier fighting the war is paid only about 4,300 piasters a month and the low-ranking civil servant gets about 5,500 piasters a month.

The black market principally serves the rich Vietnamese who have profited from the war and managed to stay ahead of the country's galloping inflation.

Inflation and the growing gulf between rich and poor has become South Vietnam's most urgent problem—and its touchiest political issue.

This year the country is headed for an inflation gain of about 50 per cent. And poor people are finding it almost impossible keeping themselves and their families fed.

A 100-kilo bag of rice, enough to feed a typically large family for about six weeks, now costs about 5,500 piasters—a whole month's salary for the bottom-rung civil servant. A year ago it cost about 3,500 piasters. The price of beef is up about 40 per cent and fish, 30 per cent in the last six months, according to U.S. economists.

In a letter to a Saigon newspaper, a civil servant complained recently that "civil servants and military men are living in very bad conditions.

"Our daily meals consist only of vegetables, sesame seed and salt or soya cakes. Only the small children eat breakfast. Our families, although not in a hunger situation, are wearing rags and are hungry for ordinary food such as meat and fish."

The grievance at the heart of many of Saigon's almost daily anti-government demonstrations, particularly by disabled war veterans, is the soaring cost of living.

And Vice President Nguyen Cao Ky, obviously setting the stage to run against President Thieu in next year's election, is playing heavily on the pocketbook issue.

He stirred things up again recently with a speech about war profiteers and the idle rich who make as much as 1 million piasters a day without really doing anything, while nothing is done about social reform and the plight of the poor.

GETTING WORSE

And as President Nixon's "Vietnamization" program goes on, Vietnam's economic crisis is likely to grow even worse. Troop withdrawals will mean less U.S. spending for rents and goods and the services of the tens of thousands of Vietnamese now working in U.S. installations.

The United States will spend nearly $300 million in Vietnam this year and put another $550 million in aid programs into the country.

The Saigon government already is hurting for money, and it wants an extra $200 million a year in U.S. aid to offset the U.S. withdrawals under the "Vietnamization" program.

The Americans, so far at least, are insisting that the Vietnamese are also going to have to make some moves of their own—to introduce a little austerity, to get tougher on taxes and so on.

President Thieu now has pending in the National Assembly a "decree law" that would give his government authority to regulate the economy by edict.

But those Vietnamese who have done well in recent years and have gotten used to television, motorbikes and other luxuries are not going to take kindly to belt tightening now.

And it is extremely doubtful, anyhow, that the government bureaucracy is capable of enforcing an effective tax collection system. It certainly is not capable of enforcing wage and price controls, which some Americans have suggested.

It seems entirely possible the economy may give the government more trouble than the Viet Cong in the months immediately ahead. And on this front the Vietnamese are becoming frightened at the prospect the United States is becoming less enthusiastic about bailing them out than it has been in the past.

Nguyen Ba Luong, chairman of the National Assembly's House of Deputies, warned that when the government takes strong steps on its own, the United States may reduce economic aid and the piaster will become so valueless "people will have to pay cases of money for one kilo of beef."

He noted that at one time before the coup d'etat of 1963, the government of late President Diem had become "stubborn" and the Americans cut off aid to the point where Diem "could not even pay the armed forces for two or three months."

SEVENTY-ONE SENATORS SEND LETTER TO PRESIDENT NIXON ON THE MIDEAST

Mr. DOLE. Mr. President, recent acceptance of the Nixon administration's initiatives toward peace in the Mideast by Israel and the principal Arab States can be a major step toward reducing the risks of explained warfare and a superpower confrontation.

The President has taken significant steps to assure Israel that we will not sacrifice that country's security in our efforts to formulate a peaceful settlement. Those assurances played a major part in the Israel Government's acceptance of our proposals.

Prior to the breakthrough on this peace initiative, a letter signed by 71 Senators was sent to President Nixon on July 30. It expressed support for our Government's policy in the Mideast and, furthermore, urged continuation of efforts to insure the integrity of every country in the region.

The letter was felt to be an appropriate expression of senatorial concern and interest and a clear message to the world of the strong backing the administration's policy has within the legislative branch.

A just and secure Mideast peace is the goal we all share and one which recent events indicate may be attainable given the cooperation and dedication of all concerned parties.

Mr. President, the United States has done and will do its utmost to achieve a lasting peace, but continued vigilance is demanded until peace becomes a reality. I ask unanimous consent that the July

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30 letter to the President and the list of Senators signing it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As you will recall, eight weeks ago, more than three-fourths of the Senate joined in a letter to Secretary Rogers to express our "sense of urgency respecting the deteriorating situation in the Middle East." We maintained that the United States, for the protection of its own interests, should provide Israel with the aircraft needed for its defense.

That letter has now been overtaken by events, especially by the increasingly overt intervention of the Soviet Union on behalf of the United Arab Republic—in an area you have so aptly described as "the hinge of NATO." These events place the situation in a more grave and even broader context than before. Now strategic interests of the United States and its allies are being challenged.

Under these circumstances, we believe that your television statements on July 1 were important expressions of United States policy intentions with respect to the Middle East—which we support. You took account of Israel's urgent need for aircraft and other assistance in stating that, "once the balance of power shifts where Israel is weaker than its neighbors, there will be war."

Because of the danger of confrontation between our country and the Soviet Union in the Mideast, to which you referred, peace efforts by the United States should be pursued with all possible vigor, so that the integrity of every country in the area within mutually recognized and secure borders may be realized.

Our attempts to find peaceful solutions, however, should not be misinterpreted by the Soviet Union. A superpower confrontation in the Middle East should be avoided and we believe the Soviet Union could be deterred from bringing about such a confrontation as the result of a clearly expressed policy on the part of the United States to protect and defend its interests in the Middle East and Southern Europe. You may be assured of our support to this end.

SENATORS SIGNING LETTER

James B. Allen of Alabama.
Gordon Allott of Colorado.
Howard H. Baker, Jr., of Tennessee.
Birch Bayh of Indiana.
Wallace F. Bennett of Utah.
J. Caleb Boggs of Delaware.
Edward W. Brooke of Massachusetts.
Quentin N. Burdick of North Dakota.
Harry F. Byrd, Jr., of Virginia.
Robert C. Byrd of West Virginia.
Howard W. Cannon of Nevada.
Clifford P. Case of New Jersey.
Marlow W. Cook of Kentucky.
Norris Cotton of New Hampshire.
Alan Cranston of California.
Thomas J. Dodd of Connecticut.
Robert Dole of Kansas.
Peter H. Dominick of Colorado.
Thomas F. Eagleton of Missouri.
Paul J. Fannin of Arizona.
Hiram L. Fong of Hawaii.
Charles E. Goodell of New York.
Albert Gore of Tennessee.
Mike Gravel of Alaska.
Edward J. Gurney of Florida.
Clifford P. Hansen of Wyoming.
Fred R. Harris of Oklahoma.
Philip A. Hart of Michigan.
Vance Hartke of Indiana.
Spessard L. Holland of Florida.
Roman L. Hruska of Nebraska.
Daniel K. Inouye of Hawaii.
Henry M. Jackson of Washington.
Jacob K. Javits of New York.
Edward M. Kennedy of Massachusetts.
Warren G. Magnuson of Washington.
Charles McC. Mathias, Jr., of Maryland.
Gale W. McGee of Wyoming.
George McGovern of South Dakota.
Thomas J. McIntyre of New Hampshire.
Lee Metcalf of Montana.
Walter F. Mondale of Minnesota.
Joseph M. Montoya of New Mexico.
Frank E. Moss of Utah.
George Murphy of California.
Edmund S. Muskie of Maine.
Gaylord Nelson of Wisconsin.
Robert W. Packwood of Oregon.
John O. Pastore of Rhode Island.
James B. Pearson of Kansas.
Claiborne Pell of Rhode Island.
Charles H. Percy of Illinois.
Winston L. Prouty of Vermont.
William Proxmire of Wisconsin.
Jennings Randolph of West Virginia.
Abraham Ribicoff of Connecticut.
Richard S. Schweiker of Pennsylvania.
Hugh Scott of Pennsylvania.
Ralph T. Smith of Illinois.
John Sparkman of Alabama.
William B. Spong, Jr., of Virginia.
John C. Stennis of Mississippi.
Ted Stevens of Alaska.
Stuart Symington of Missouri.
Herman E. Talmadge of Georgia.
Strom Thurmond of South Carolina.
John G. Tower of Texas.
Joseph D. Tydings of Maryland.
Harrison A. Williams, Jr., of New Jersey.
Ralph Yarborough of Texas.
Stephen M. Young of Ohio.

THE URBAN COALITION'S REPORT: "LAW AND DISORDER II"

Mr. HARTKE. Mr. President, the study by the Urban Coalition confirms my statements of months ago that the battle against crime in the streets is being lost because of a failure of leadership at every level of government.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 could be the greatest single device at the disposal of the Federal Government to check the crime which is engulfing our cities in fear. Under title I, $63 million was made available to the States in 1969 for the creation of State planning agencies and action programs to upgrade both State and local criminal justice agencies. The appropriations under the act were increased in 1970 to $286 million and much larger expenditures are slated for the next year.

Despite these large expenditures, the program has operated far below its potential. The Urban Coalition's report, "Law and Disorder II," documents the lack of leadership at both the Federal and State levels which now jeopardizes the war against crime. Contrasted to its fierce rhetoric, the executive administration of the major crime bill passed by Congress has been less than satisfactory. The Law Enforcement Assistance Administration has not actively sought to encourage excellence in programing at the local level, although even the Attorney General has acknowledged that the LEAA was "designed to provide leadership and technical assistance to help the States and cities." If the LEAA is to have an effective leadership role, the very least it can do would be to abandon the policy of granting 50 percent of the aid without requiring the States to show where the action money would be spent geographically and for what purposes.

Even more serious than these shortcomings at the Federal level is the neglect and apathy in some States—Indiana is a sorry example of what has gone wrong in administering title I of the Safe Streets Act. The Urban Coalition report flatly states:

> The State (Indiana) commitment has been minimal, and the State planning agency is said to be operating without strong support from the Governor.

In 1969, the Governor in what was billed as an economy drive, provided only two staff professionals to administer a Federal grant of over $716,000.

This is false economy. Today the agency remains understaffed though three more professionals who were able to meet the Governor's political tests were added.

Indiana has been slow in distributing its funds and in obtaining applications.

Indiana has not made an effort to coordinate the State agency's efforts at planning with the many private and public agencies involved in the area of crime prevention. Obviously, business, labor, and social service agencies can play an important part in the rehabilitation process and crime prevention, but the resources are not being used in the statewide crime fighting effort.

The Indiana Criminal Justice Planning Commission is composed of eight members representing the present system of criminal justice and four members representing State and local government. One lonely member represents citizens and community interests. In addition to the commission, there is a 13-member advisory committee. Gary, one of the highest crime areas in the State is not represented on either body. Nor is there a representation of inner-city residents, even though the effects of crime are most severe in the inner city.

Besides administrative ineptness there has been a geographic dissipation of funds. The urban coalition cites the highly political focus in the distribution of action funds, as one explanation for this inbalance. Funds have been squandered on piecemeal projects, instead of coming to grips with the crime problem by creating a few well funded innovative programs. The funds have been used as political rewards. In the attempt to do something for everybody, many grants were so small as to have insignificant effect on crime. I believe that the war against crime should be above such political considerations.

Funds allocated under title I have often been misspent in low crime areas. To correct the inadequacies of title I, I have introduced amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

My legislation would change section 306 of title I so that no more than 50 percent of the funds appropriated by Congress, rather than the 85 percent now provided, would go to the States as block grants. Attached to this amendment is the proviso that a State's block grant allocation will be increased by 20 percent from funds allocated at the discretion of LEAA, where it finds that the comprehensive State plan, required under the act, adequately deal with the special needs and particular problems of its major urban areas, and other areas of high crime incidence within the State.

This legislation further provides that a State's block grant will be increased by an additional 20 percent from LEAA discretionary funds where the State contributes at least 50 percent of the non-Federal share of the cost for programs of local government.

Thus, if LEAA finds that a State has adequately dealt with the pressing problems of its urban areas and if that State is also willing to accept at least half of the matching cost burden now placed on units of local government, the State's block grant award will actually be larger than under the current formula. That is, a State which complies with the two provisos in this legislation will receive a 90-percent block grant allocation rather than the 85 percent currently provided.

Let me emphasize that it is not the purpose of the first proviso to weaken the effective control that the States now exert over title I funds. Rather it is an effort to increase the sensitivity of State governments to the needs of their major urban areas. As things stand now, all too many State planning agencies have failed to take sufficient account of the aggravated crime problems of their urban areas where high population density and low median income combine to breed massive lawlessness.

Similarly the second proviso is not meant to strengthen the position of the urban areas at the expense of the States, but is an attempt to better recognize fiscal realities. At a time when our cities, and other units of local government, find it increasingly difficult to generate revenue to adequately perform even the most basic services, the matching requirements of title I place an unfair burden on our already overextended cities. Even now many cities are finding it difficult to furnish matching funds under a program which is still relatively modest in scope. What then will be their position when title I grows into a billion-dollar program. I strongly believe that if the block grant approach to Federal assistance is to work, there must exist a partnership between not only the Federal Government and the States, but also between the States and the units of local government. It is my belief that this partnership can best be established by requiring a more equitable sharing of costs.

XUM

Certain objections have been raised to my legislation. Chief among these is the contention that it is too soon to tell if grant money is being misallocated by the States. I believe the study of the urban coalition, a nonpartisan independent organization, adequately demonstrates that the grant money is being misallocated.

That this was its finding should not be surprising in light of what I view as the inherent pressures on the block grant approach to Federal assistance. Unless sufficient safeguards are built into a block-grant program, it is completely predictable that States will be compelled to utilize a "buckshot" method of grant distribution. Why? Because politics dictate that no important part of a statewide constituency be ignored during the distribution process. This is so even though any objective listing of priorities would not include small, rural jurisdictions where crime does not constitute a clear and present danger.

It is my view that my legislation would serve to encourage the States to put objective crime-fighting considerations above considerations of political expediency. As it is now, objective crime-fighting considerations are not being allowed to take precedence over political ones.

Another charge which has been raised against my legislation is that the States would prefer to compete with the units of local government for discretionary funding rather than comply with either of the two provisos mentioned above. According to this argument, the States, if my legislation became law, would not choose to deal adequately with the special crime problems of its major urban areas and would not opt to contribute at least 50 percent of the non-Federal share of the cost for programs of local government, But rather would enter into active competion with the cities for discretionary grant money. In this regard Mr. Richard Velde, Associate Administrator of LEAA had the following to say during the House hearings on my bill:

> On the basis of our experience, we would feel that these state agencies would be very vigorous and effective competitors. They are staffed, they have the expertise, they have gone through these comprehensive planning exercises, so they would be very capable competitors. The net effect of the Hartke amendment may well be the additional funds would not go to the cities. We would have to consider these applications on their merits and on the ability to provide a sound, well thought out proposal for funding. We just can't give money to a city because it is a city. (See page 669 of House Hearings).

After giving careful attention to this objection I find that I cannot accept it. It is my considered opinion that the States generally would prefer to comply with the two provisos in question and thereby receive a 90-percent block grant award—as compared with the 85-percent award now provided under the statute—than attempt to compete for the additional discretionary funds. Mr. Velde's contention that the State planning agencies have staffs, expertise and planning experience superior to that of the urban areas is at best problematical. The studies done by the National League of Cities and the Advisory Commission on Intergovernmental Relations have concluded that SPA's are generally understaffed and suffer from an obvious lack of expertise.

For a State to consciously not comply with my two provisos would constitute a calculated risk which I believe few States would care to take.

Yet another objection to the Hartke legislation is that it would concentrate the crime-fighting effort in the area of law enforcement to the exclusion of programs in the area of courts and corrections. This objection I must also take exception to. I believe it critically important that appropriate emphasis be given to each of the three components in the criminal justice system. Clearly, any fight against crime must aim at strengthening our courts and correctional systems as well as the first line of defense against street crime, the police.

The imbalance in favor of the police and against courts and corrections should be eliminated and I trust it will be. It can be righted, however, without compromising the law-enforcement efforts of our urban areas if the SPA's are willing to abandon the "Buckshot" method of funding distribution. But absent intelligent modification of title I, I am not confident this will occur. In short, it is not the purpose of the Hartke legislation to shortchange the effort in courts or corrections, nor would this be its effect. What it does attempt to do is put funds for law-enforcement purposes where the need is and that is in the urban areas of this country.

I would suggest that the fear of crime—lawlessness' worst legacy—will not be diminished until real progress is made to check crime in our cities. It should be emphasized that, although nonurban crime is on the rise, and cannot be ignored, it still represents only one-twelfth of the overall incidence of crime in this country.

If the war against crime is to be won, it must be won in our cities for it is our cities that the fear of crime is born, grows, and spreads itself into the countryside. If real substantial progress is made in our cities, I am confident that all areas of the country, both urban and nonurban, will profit.

"SANCTUARIES"—A COUPLET BY ROBERT L. SPEER, FORT SMITH, ARK.

Mr. FULBRIGHT. Mr. President, Mr. Robert L. Speer, of Fort Smith, Ark., has written a remarkable couplet on the tragic conflict in Indochina.

In a few succinct phrases, Mr. Speer describes the profound human degradation resulting from the war. I commend it to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the couplet was ordered to be printed in the RECORD, as follows:

SANCTUARIES

(By Robert L. Speer)

Endlessly rocking, the mindless ones
Endlessly staring, the sightless ones
Endlessly feeling, the faceless ones
Endlessly dying, the limbless ones
Refuse of endless wars
ordered by soulless men,
who have—
minds
eyes
faces
limbs
and the sanctuaries
of high office.

ECONOMIC OPPORTUNITY DIRECTOR DONALD RUMSFELD

Mr. DOMINICK. Mr. President, an article published recently in the Chicago Tribune discusses Office of Economic Opportunity Director Donald Rumsfeld and his decision to give up his congressional seat to take that position.

Mr. Rumsfeld recently appeared before the Senate Appropriations Subcommittee on the Departments of Labor, and Health, Education, and Welfare and related agencies, and the Tribune took that occasion to comment on Mr. Rumsfeld's 14-month tenure in the executive branch and his attempts to reform the Office of Economic Opportunity.

In view of the fact that we will soon be considering the OEO appropriation bill, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAPITOL VIEWS: DON RUMSFELD HAS NO REGRETS

(By Willard Edwards)

WASHINGTON, July 21.—After 14 months of hacking his way thru the federal jungle, Don Rumsfeld is not visibly scarred, altho he has suffered some wounds in the bureaucratic warfare that never flags in the executive branch of the government.

He has no regrets about cutting short a promising congressional career in May, 1969, to occupy, at President Nixon's request, one of the most politically hazardous posts in the administration.

He has gained, he says, a new perspective about the Civil Service System which he lacked when he was a member of Congress from the 13th [North Shore] District of Illinois. He sees clearly the need for changes designed to make nonelected federal employes more responsive to the people.

The 38-year-old director of the Office of Economic Opportunity [OEO] also serves as a Presidential adviser with Cabinet rank. The latter role is increasing in stature.

In his first appearance before a congressional committee a year ago, he was appalled by what he had found in his first days in office. There was literally no knowledge, he reported, on whether the spending of $9 billion in four years by the antipoverty agency had helped the poor.

It had, by wide agreement, proved a bonanza for payrollers who collected handsome salaries for supervising a wide variety of programs aimed at improving the health, economy and living conditions of the poor.

Now Rumsfeld was back, this time before a Senate appropriations subcommittee headed by Sen. Warren G. Magnuson [D., Wash.], to report on his experiences. Rumsfeld was the first high administration official to feel the heat generated by President Nixon's sharp attack last weekend on excessive spending by Congress. Magnuson was obviously resentful of the charge that the legislative branch was driving the nation into deficits which would fan the fires of inflation.

For those who delight in political inconsistencies, the questioning of Rumsfeld furnished entertainment. Magnuson and Sen. Clifford P. Case [R., N.J.], both responsible leaders in the last decade in creation of an impenetrable bureaucratic maze, belabored the antipoverty director for "duplications" in spending programs.

When Magnuson proposed elimination of duplicating manpower training programs in OEO and the Labor Department, thereby saving $2 million, Rumsfeld quietly noted that Nixon had proposed such a reform to Congress more than a year ago. It has been ignored.

"Our big problem," Rumsfeld told the subcommittee, "was to stop measuring results by the number of dollars put into the pipe line. We are now looking at what comes out at the other end of the line.

"We are consolidating programs so that more dollars reach the poor. We have shifted to competitive bidding on contracts, virtually eliminated cost overruns, and closed 45 community action agencies because they didn't serve the poor."

The magnitude of the task still facing him was apparent. An eight-month delay by Congress in giving him operating funds complicated his reforms last year. There'll be another delay before he gets his appropriation for this fiscal year.

Would he advise others to do as he did—forsake the sure rewards of congressional service in a safe seat to cope with a bureaucracy which has frustrated many idealists?

"It depends upon what you want out of life," he said. "For me, it's been such a stimulating and educational experience that I wouldn't trade it for anything you could offer."

CON SON PRISON

Mr. PEARSON. Mr. President, all reasonable men agree that although we have great influence with the South Vietnamese Government we cannot properly be held responsible for everything that that Government does. However, it would seem to me that too often American officials feel compelled to defend the practices of the South Vietnamese Government, even when a particular practice may be antidemocratic, in conflict with our overall policy, or otherwise generally objectionable. There are at least two likely adverse consequences to this type of behavior.

First, official attempts to obscure or defend an objectionable practice of the South Vietnamese Government almost always generates more heated reaction in American and world press and political circles once that practice is revealed than would otherwise be the case. Thus the embarrassment to the United States is unnecessarily magnified and our credibility further eroded.

Second, American officials may get caught up so with this defensive posture that they expend more energy in shielding a particular practice than in trying to induce the South Vietnamese to modify it. Thus, failing to make a public record of encouraging reform, they find themselves in a situation where they come to believe that it is in their self-interest to shield the objectionable practice from the public scrutiny.

The recent events related to the visit to Con Son prison by American Congressmen is a case in point. American officials have been unnecessarily defensive, even deceptive, in their remarks about the conditions at the Con Son prison. For example, the AID mission's briefing paper on Con Son prepared for the visiting Congressmen is not only inadequate, but, indeed, deliberately misleading. Moreover, it is now quite clear that American officials have known of poor conditions at Con Son for some time.

More significantly, Col. Nguyen Van Ve, Commandant at Con Son prison, according to the Saigon Daily News of January 24, 1969, told a group of the South Vietnamese lower house representatives that an average of five Con-Son inmates died every month for lack of proper nutrition and medical care. According to the Saigon Daily News, Colonel Ve went on to say:

> The prisoners have been fed with nearly rotten dried fish and powdered salted shrimps mixed with broken gravel and sand supplied by contractors of Saigon.

Further evidence confirming the lack of proper medical facilities and inadequate food services at Con Son and the awareness of these conditions by responsible South Vietnamese and American officials has been provided me by Dr. W. G. Parker of Garden City, Kans. Dr. Parker was in Vietnam from September 1968, to August 1969, serving in an ex officio capacity as Deputy Assistant Director of Public Health for CORDS, region III.

Dr. Parker reports that he and other AID officials were invited to inspect Con Son prison by South Vietnam prison officials who asked for American assistance in the way of medicines, food, clothing, and other supplies for the prison population. Dr. Parker reports that the medical facilities and services at the time of his visits in October 1968 were totally inadequate. At the time of his first visit there was only one doctor to serve the entire island population, both staff and prisoners. By the time of his second visit 2 weeks later the doctor had been transferred. He reports that there had been no immunization program in recent years. Due to the inadequate diet beriberi was quite common.

Dr. Parker reports that both regional AID officials and regional South Vietnamese officials agreed to a program of American aid to Con Son. However, before such a program could be instituted they were instructed by AID Public Health officials in Saigon to discontinue any further such efforts to provide aid to Con Son.

These reports by Dr. Parker confirm that medical services and food and clothing supplies at Con Son were wholly inadequate at the time of his visits in October 1968. But it is also worth noting that Dr. Parker is of the belief that at that time prisoners were not being deliberately abused by the prison authorities and that, given the meager supplies and facilities made available by the Saigon government, the prison was probably being run as efficiently as possible.

However, there is no questioning the fact that conditions at Con Son were harsh. And most certainly it never was the model prison described in the July 2, 1970, fact sheet by Frank E. Walton, AID's Public Safety Director in Vietnam.

In the absence of a full-scale public investigation, it is not possible to know precisely the conditions at Con Son but we do know that the information provided by Mr. Walton to the visiting congressional delegation was inadequate and misleading. Statements like this confuse the entire issue. Thus, once again our credibility has been questioned. And our intentions in South Vietnam have been tainted.

Thus, Mr. President, it would seem to me that this episode serves to again illustrate the need for greater honesty by responsible American officials in reporting on conditions in South Vietnam and our involvement in those conditions. Had such a policy been pursued in regard to Con Son prison, it is quite likely that reforms now being carried out there would have been initiated much sooner. The United States would have been credited with supporting a worthwhile reform rather than being discredited for trying to hide an objectionable practice.

XUM

THE HISTORY OF POLICYMAKING IN THE VIETNAM WAR

Mr. FULBRIGHT. Mr. President, last November I received information that the Department of Defense had prepared a 17-volume history of the decisionmaking process on Vietnam policy, covering the period from 1940 through a part of 1968.

In view of the long efforts of the Committee on Foreign Relations to establish the facts concerning our Nation's involvement in Vietnam, I thought that this series would be of much value in the committee's work, particularly in learning to avoid repeating the errors of the past. I wrote to Secretary Laird on November 11, 1969, and asked that he supply the committee with a copy of the history. On December 20th, the Secretary replied and refused to make the study available, stating that:

> It would clearly be contrary to the national interest to disseminate it more widely.

I then asked the Secretary to reconsider his decision. My letter of January 19, 1970, said:

> The issue involved here is not merely that of allowing Committee members access to the documents but is far more fundamental, going to the heart of the continuing problem of striking the proper Constitutional balance between the Legislative and Executive branches, particularly on foreign policy matters. If the Senate is to carry out effectively its Constitutional responsibilities in the making of foreign policy, the Committee on Foreign Relations must be allowed greater access to background information which is available only within the Executive Branch than has been the case over the last few years.
>
> The history of the decisionmaking on Vietnam policy would be of great value to the Committee in appraising the policy-making machinery of our government and in studying ways to insure that the mistakes of the past are not repeated. Since this study was not initiated by President Nixon but by former Secretary McNamara and the doctrine of Executive Privilege has not been invoked, I again urge that you provide the Committee with these materials.

The letter was acknowledged on February 18. After several weeks and no reply, I wrote to the Secretary on April 20 and reminded him of the matter. No answer. Finally, on July 10 I wrote to the Secretary again and this, at last, resulted in a substantive reply—"No." I asked unanimous consent to have this exchange of correspondence printed in the Record following my remarks.

Mr. President, I regret that the Defense Department has refused to share this historical data with the Committee on Foreign Relations. Both the executive and the legislative branches have much to learn from the history of the U.S. involvement in this disastrous war. But instead of an openminded cooperative approach which would help both branches profit from the mistakes of the past, the executive branch—in what has become a reflex action—has again slammed the door on the Congress. But, as the old saw goes: "Nothing is secret for long in Washington."

I hope that the first enterprising reporter who obtains a copy of this history will share it with the committee.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

November 11, 1969.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: It is my understanding that the Department of Defense prepared a seventeen-volume history of the decision-making process on Vietnam policy covering the period from 1940 to April 1968. The project, I was informed, began under Secretary McNamara and was completed under Secretary Clifford and was confined to a study of written data. It appears that this study would be of significant value to the Committee in its review of Vietnam policy issues, and I would appreciate your making it, as well as any later studies of a similar nature, available to the Committee.

Sincerely yours,
J. W. Fulbright,
Chairman.

Office of the Secretary of Defense,
Washington, D.C., November 14, 1969.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Secretary Laird has asked that I acknowledge receipt of your letter of November 11 regarding a study of the decision-making process on Vietnam policy.

We are looking into this matter and will be in further touch with you as soon as possible.

Sincerely,
Jack L. Stempler,
Assistant to the Secretary,
(Legislative Affairs).

The Secretary of Defense,
Washington, D.C., Dec. 20, 1969.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This will acknowledge receipt of your letter with respect to the "history of the decision-making process" in connection with Vietnam.

In 1967, Secretary McNamara initiated a detailed history of the evolution of the present-day situation in Vietnam. It was conceived as a compilation of raw materials to be used at some unspecified, but distant, future date. On the basis of the understanding that access and use would be restricted, the documents were designed to contain an accumulation of data of the most delicate sensitivity, including NSC papers and other Presidential communications which have always been considered privileged. In addition, the papers included a variety of internal advice and comments central to the decision-making process. Many of the contributions to this total document were provided on the basis of an expressed guarantee of confidentiality.

As intended from the start, access to and use of this document has been extremely limited. It would clearly be contrary to the national interest to disseminate it more widely. However, the Department of Defense is naturally prepared to provide the Committee information with respect to Executive Branch activities in Vietnam for any portion of the period covered by this compendium.

I hope you will appreciate the reasons why we are unable to comply literally with your request.

Sincerely,
————————.

January 19, 1970.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: I wish to acknowledge your letter of December 20 refusing the Committee's request for a copy of the history of the decision-making process on Vietnam policy.

I regret that the Department has taken this position and I urge that it be reconsidered. I had hoped that the solution to the problem about access to the Thai contingency plan marked the beginning of a more cooperative attitude within the Executive Branch on problems of this nature.

The issue involved here is not merely that of allowing Committee members access to the documents but is far more fundamental, going to the heart of the continuing problem of striking the proper Constitutional balance between the Legislative and Executive branches, particularly on foreign policy matters. If the Senate is to carry out effectively its Constitutional responsibilities in the making of foreign policy, the Committee on Foreign Relations must be allowed greater access to background information which is available only within the Executive Branch than has been the case over the last few years.

The history of the decision making on Vietnam policy would be of great value to the Committee in appraising the policy-making machinery of our government and in studying ways to insure that the mistakes of the past are not repeated. Since this study was not initiated by President Nixon but by former Secretary McNamara and the doctrine of Executive Privilege has not been invoked, I again urge that you provide the Committee with these materials.

Sincerely yours,
J. W. Fulbright,
Chairman.

The Secretary of Defense,
Washington, D.C., February 18, 1970.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have received your letter of January 19, 1970 asking that I reconsider the position taken in my letter of December 20, 1969 regarding the request of your Committee for a copy of the history of the decision-making process on Vietnam policy.

I will be back in touch with you on this matter as soon as practicable.

Sincerely,
Mel.

April 20, 1970.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: On January 19, I asked that you reconsider the Committee's request for a copy of the Department of Defense prepared history of the decision-making process on United States policy toward Vietnam. Thus far, I have not received a reply and I hope that it will be possible for a decision to be reached on this soon.

Sincerely yours,
J. W. Fulbright,
Chairman.

July 10, 1970.

Hon. Melvin Laird,
Secretary of Defense,
Washintgon, D.C.

Dear Mr. Secretary: I have not received a reply to the Committee's request of January 19 that you review the decision to deny the Committee a copy of the Department of Defense prepared history on United States policy toward Vietnam, or to the follow-up letter of April 20. It seems to me that the Department has had ample time to consider this matter and I would appreciate your advising the Committee as to whether these materials will be made available.

Sincerely yours,
J. W. Fulbright,
Chairman.

XUM

The Secretary of Defense,
Washington, D.C., July 21, 1970.
Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have received your letter of July 10, 1970, reiterating your request for a decision regarding the request of your committee for a copy of the history of the decision-making process on Vietnam policy. As noted in my 18 February acknowledgment, your request for reconsideration of the Department's earlier position on this matter has also been received.

My letter of December 20, 1969, indicated that access to and use of this document, as intended from the start, has been and remains extremely limited. For the reasons expressed in that letter, I have again concluded that it would be clearly contrary to the national interest to disseminate the compendium more widely.

May I again express the hope that you will appreciate the reasons why we are unable to comply with your request and reiterate that the Department of Defense is prepared to provide the committee information with request to Executive Branch activities in Vietnam for any portion of the period covered by this compendium.

Sincerely,

Melvin M. Laird.

ANOTHER EXAMPLE OF IMPLEMENTING LEGISLATION FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the time is drawing ever nearer for a decision on the Genocide Convention. Yet, in conjunction with this action, another task remains ahead that will be just as important as the ratification of the treaty itself; this is the need to develop and investigate adequate and comprehensive implementing legislation that will make this treaty, so desperately needed to fill a large gap in our commitment to human rights, work for all of us and protect us at the same time. The implementing legislation must have the capacity to guard over our constitutional rights while stating, in no uncertain terms, this Nation's commitment to a basic tenet of human rights for all the world's people. This is a difficult task, Mr. President, insofar as the subject is a delicate one and the overtones of the term "genocide" are not often clear.

Recently I was fortunate to obtain from the British Embassy a copy of the implementing legislation as passed into law by Parliament as support and protection for the Genocide Convention. This piece of legislation should not necessarily be construed to be an example for us to follow, but rather another example of what is conceivable in scope and comprehensiveness.

I ask unanimous consent that this act of Parliament be printed in the Record.

There being no objection, the act was ordered to be printed in the Record, as follows:

Genocide Act 1969

(An Act to give effect to the Convention on the Prevention and Punishment of the Crime of Genocide. [27th March 1969])

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A person commits an offence of genocide if he commits any act falling within the definition of "genocide" in Article II of the Genocide Convention as set out in the Schedule to this Act.

(2) A person guilty of an offence of genocide shall on conviction on indictment—

(*a*) If the offence consists of the killing of any person, be sentenced to imprisonment for life:

(*b*) in any other case, be liable to imprisonment for a term not exceeding fourteen years.

(3) Proceedings for an offence of genocide shall not be instituted in England or Wales except by or with the consent of the Attorney General and shall not be instituted in Northern Ireland except by or with the consent of the Attorney General for Northern Ireland.

(4) In Schedule 1 to the Criminal Law Act of 1967 the following paragraph shall be added at the end of List B (offences outside the jurisdiction of quarter sessions):—

"20. Offences of genocide and any attempt, conspiracy or incitement to commit such an offense."

(5) At the end of section 40(1) of the County Courts Act (Northern Ireland) 1959 as amended by section 8 of the Criminal Law Act (Northern Ireland) 1967 (original criminal jurisdiction of county courts in Northern Ireland) the following paragraph shall be added:—

"(*h*) any offence of genocide and any attempt, conspiracy or incitement to commit such an offence".

(6) Section 70 of the Army Act 1955 and section 70 of the Air Force Act 1955 (civil offenses) shall each be amended by inserting:—

(*a*) in subsection (3), the following paragraph (before paragraph (*b*)):—

"(*ab*) if the corresponding civil offence is an offence of genocide consisting of the killing of any person, be liable to imprisonment for life;"

(*b*) in subsection (4), after the words "or rape" the words "or an offence of genocide"; and

(*c*) in subsection (5), after the words "or manslaughter" the words "or an offence of genocide consisting of the killing of any person".

(7) In the Naval Discipline Act 1957:—

(*a*) in section 42(1)(*b*) (punishment of murder) after the words "offence of murder" there shall be inserted the words "or of genocide consisting of the killing of any person"; and

(*b*) in section 48(2) (exclusion of jurisdiction of courts-martial) after the words "or rape" there shall be inserted the words "or genocide" and after the words "or manslaughter" there shall be inserted the words "or an offence of genocide consisting of the killing of any person".

2.—(1) There shall be deemed to be included—

(*a*) in the list of extradition crimes contained in Schedule 1 of the Extradition Act 1870; and

(*b*) among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967,

any offence of genocide and (so far as not so included by virtue of the foregoing) any attempt or conspiracy to commit such an offence and any direct and public incitement to commit such an offence.

(2) For the purposes of the Acts mentioned in subsection (1) of this section, the Extradition Act 1873 and the Backing of Warrants (Republic of Ireland) Act 1965, no offence which, if committed in the United Kingdom, would be punishable as an offence of genocide or as an attempt, conspiracy or incitement to commit such an offence shall be regarded as an offence of a political character, and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.

(3) It shall not be an objection to any proceedings taken against a person by virtue of the preceding provisions of this section that under the law in force at the time when and in the place where he is alleged to have committed the act of which he is accused or of which he was convicted he could not have been punished therefor.

3.—(1) Sections 17 and 22 of the Extradition Act 1870 (which Application also apply to the Extradition Act 1873), section 12 of the Backing of Warrants (Republic of Ireland) Act 1965 and sections 16 and 17 of the Fugitive Offenders Act 1967 (application to Channel Islands, Isle of Man and United Kingdom dependencies) shall extend respectively to the provisions of this Act amending those Acts.

(2) Her Majesty may by Order in Council make provision for extending the other provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man or any colony, other than the United Kingdom is responsible.

(3) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

4.—(1) This Act may be cited as the Genocide Act 1969.

(2) In this Act "the Genocide Convention" means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9th December 1948.

SCHEDULE

Article II of genocide convention

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

RETIREMENT OF HORACE L. FLURRY, MONTGOMERY, ALA.

Mr. ALLEN. Mr. President, I wish to pay tribute to a fellow Alabamian, who has just retired from employment of the U.S. Senate, after a long and very distinguished career as a public servant to his State and his country.

Horace L. Flurry, of Montgomery, Ala., general counsel of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, retired last month after 29 years with the Federal Government, and 8 years as chief of the Alabama Division of Weights and Measures and 4 years as special assistant attorney general of Alabama and legal adviser to the commissioner and State board of agriculture and industries.

Mr. Flurry was born and reared in Camp Hill, Ala., and educated in the public schools of Tallapoosa County, Ala. He received his bachelor of arts degree and his LL.B. degree from the University of Alabama. After being discharged from the military, he entered in private business as vice president and executive officer of a retail hardware and farm supply corporation.

In January 1924, Mr. Flurry was appointed chief of the division of weights and measures of the Alabama Department of Agriculture and Industries, where he served for almost 8 years. He organized the first complete inspection and supervision of weights and measures, and weighing and measuring devices used in trade which were created in the Southern States. This service saved farmers and consumers millions of dollars per year in eliminating short weights and measures of commodities and inaccurate devices, and protected honest merchants against losses from defective weighing and measuring devices.

Mr. Flurry coauthored the Alabama Code of Agricultural and Industrial Laws which was enacted in the 1927 session of the State legislature. He authored all of the revisions and additions to that code which were passed by the legislature prior to 1940.

In 1932, Mr. Flurry became active in the private practice of law and practiced in all of the Montgomery city and county courts, all State courts, and the U.S. district and bankruptcy courts. He is a member of the Alabama and Montgomery County Bars, the bars of the Alabama Supreme Court and the U.S. Supreme Court. He has been admitted specially in more than 30 U.S. district courts and four U.S. courts of appeals.

While engaged in private law practice, Mr. Flurry was a special assistant attorney general of Alabama and was legal adviser to the commissioner and State board of agriculture and industries; a loan attorney for the Federal Home Owners Loan Corporation, passing upon and closing several hundred home loans; organized and set in operation a division of public warehouse supervision under the State code of laws on agriculture and industry; and, in 1939, was appointed as adviser to the Disaster Loan Corporation of the Reconstruction Finance Corporation on State law involved in more than 9,000 disaster loans to farmers to enable them to remain in farming and to escape bankruptcy due to several successive crop failures.

Following his work with the Reconstruction Finance Corporation, he became interested in full-time Federal legal work and was employed in 1941 by the Department of Justice and assigned as a trial attorney in the Antitrust Division. He served as a senior trial attorney and as Special Assistant to the Attorney General for 16 years. He was in charge of the national investigation of fresh fruit marketing which resulted in successful civil and criminal antitrust cases against numerous defendants under the direction of Mr. Justice Tom Clark who was then Chief of the West Coast Antitrust Field Office in San Francisco, Calif. After that, he was appointed Assistant Chief of the Antitrust Field Office in New York City for the nationwide investigation of the five largest national food chains. He soon was made chief of those investigations.

In 1942, he was appointed Chief of the Joint Field Office for the Southwest United States of the Antitrust Division and the Criminal Division of the Department of Justice with headquarters in Dallas, Tex. In that office he was in charge of the enforcement of the antitrust laws—continuing his investigation of the food chains—the War Production Board orders, laws against war frauds, and War Food Administration orders.

The food chain investigations resulted in indictments of the three largest national chains, their subsidiaries and many officers. He was chief of the grand jury investigations and the trials. The case against the largest chain consumed 90 actual court days of evidence in the U.S. District Court for the Southern District of Illinois. There were over 35,000 pages of the transcript of evidence and additional large volumes of accounting records which were in evidence but omitted from the transcript by stipulation approved by the court. This was probably one of the largest records in the history of antitrust cases. The defendants were convicted under both sections 1 and 2 of the Sherman Act. The Associated Press reported in the Washington Star on the date of the conviction of the defendants on September 21, 1946, that the judgment of the court "climaxed one of the longest and most complicated Federal court trials on record." The U.S. Court of Appeals for the Seventh Circuit affirmed the convictions in the District Court for the Southern District of Illinois. The defendants did not appeal to the Supreme Court. The second and third largest food chains filed pleas in their cases cases after the decision in the seventh circuit court.

In 1948, Mr. Flurry organized and was chief of a new field office of the Antitrust Division, the Southwest Field Office, located in Kansas City, Mo., which embraced from the Dakotas to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains. In 1952 he was transferred to the Washington office where he made complete reviews of the Division's past work in the liquor and oil industries and recommended future actions in those industries.

During his 16 years with the Antitrust Division and Criminal Division of the Department of Justice, Mr. Flurry was in charge of numerous grand jury investigations and criminal and civil cases in many industries in many U.S. district courts and several courts of appeals. He served under six Attorney Generals and eight Assistant Attorney Generals. His record and his work in the Department is its own witness to his fairness, ability, and accomplishments. In the 16 years Horace Flurry never lost a case entrusted to his direction. Mr. President, this is a trial-practice record no trial lawyer can excel and, I am sure, few have equaled.

Horace Flurry's standing in the courts is indicated by the welcome of Mr. Judge Albert L. Reeves, U.S. District Court for the Western District of Missouri, upon his first appearance before Judge Reeves. The judge said he had not met Mr. Flurry, but he knew Mr. Flurry's reputation. He added:

> It is a pleasure and an honor to have a lawyer of your reputation appear in this Court.

In 1957, Mr. Flurry resigned from the Department of Justice and in September joined the staff of the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary under the chairmanship of the Honorable Estes Kefauver.

In the subcommittee he has served as assistant staff director and chief counsel, staff director and chief counsel, and general counsel. He has actively participated in many of the most important antitrust investigations and hearings of the subcommittee. Examples are pricing methods and practices in the automobile, steel, baking, milk, drug and electrical equipment industries. He has done much in the development of the antitrust legal implications of the facts in those and other industries.

Perhaps the most important ingredient, other than hard work of Mr. Flurry's successful career has been his belief, as practiced by him, that a person or an industry should not be tarnished with the stain of possible antitrust violations by a grand jury or a congressional committee investigation, unless there are convincing facts showing that a substantial antitrust violation or problem exists. As a prosecutor he holds the protection of the innocent just as important as conviction of the guilty.

He has drawn most of the important bills which have been offered by the chairman of the Antitrust Subcommittee. Included have been the revision of the Food and Drug Act, passed in 1962, the antitrust civil demands bill for obtaining evidence in civil antitrust cases passed in 1962, the consumer department bills, and many others.

Mr. President, Horace Flurry has served his country ably and well. He enters a well-deserved retirement with the best wishes of his many friends and with our sincere hope that he will enjoy many years of good health and happiness.

GROWING POLARIZATION BETWEEN YOUNG PEOPLE AND THEIR ELDERS

Mr. FULBRIGHT. Mr. President, Mr. Louis B. Lundborg, chairman of the board of the Bank of America, spoke recently before the Seattle Rotary Club on the growing polarization between young people and their elders. In speaking of the root cause of the problem, Mr. Lundborg put great emphasis on the impact of the war on young people. He said:

> Having once been aroused by the war, having felt trapped into it by their elders, and impotent and frustrated in all their attempts to make themselves heard, these young people have begun to question everything their elders were doing, and to question everything about the society their elders have created.

Mr. Lundborg saw "cooling it" and "communication" as the keys to mutual understanding between the generations. He said:

> There is a need in this period of tension to use a soft voice—a collective soft voice. We were promised that from certain high places and we were promised a national effort to bring us closer together again. Instead, we have been hearing too many angry words, too much namecalling that can only be inflammatory. There are times when anger

is productive; but just as you don't throw gasoline on a fire, we should not be inflaming our national tensions with verbal gasoline.

His speech is one of the most thoughtful and incisive commentaries on the problems that deeply trouble so many of our young people that I have read. I commend it to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE LESSONS OF ISLA VISTA

(An address by Louis B. Lundborg)

On February 25, 1970, a rampaging mob of demonstrators—some students, some nonstudents—set fire to the Bank of America branch at Isla Vista, California, and totally destroyed it. The demonstration originally was not aimed at the bank at all, but was an angry attack on "the capitalist establishment". Since the bank was the most conspicuous example of the "establishment"—almost the only one in this small college community—it became a convenient target; and it has remained a symbolic one ever since. The bank reopened in temporary quarters two weeks later, and in spite of recurring attacks of violence, has continued to operate in more or less normal fashion ever since.

The remainder of this story is not about Bank of America; because just as we were only one victim of the violence of Isla Vista, so are we only one element in any disturbances that have followed, or in any of the issues that may be involved from here on.

More important is the question: have we learned anything from our experience at Isla Vista? Can we see through and behind the burning of a bank there and behind all the continuing disturbances that keep flaring up there and elsewhere, to find any lesson in it, any consistent thread of principle to guide us?

Despite the complexities of the issues involved, I think we can.

What are the lessons of Isla Vista, viewed in retrospect after three months?

They are several, they are subtle, they are complex. If they are viewed literally as lessons, they are like many other lessons of life—easier to say in words than to follow in practice. But also like many other lessons of life, they are ignored at our peril. What are they?

1. While destruction may have been committed by a violent few, and may have been led by even fewer, the underlying feelings that gave rise to the violence are much more pervasive.

2. Although unrest over Vietnam is the most obvious cause of the activism, there are many other issues that will not go away even after Vietnam. We are facing a real, honest-to-God disenchantment—not just a passing, momentary flare-up, that will go away if we can just keep it cool for a while.

3. We still have to cool it—and that won't be easy.

4. The violence must be rejected but the dissent and protest must not be.

5. There is a new value system emerging in America, starting with the youth but becoming one of the new facts of life for the rest of us to deal with.

6. Our dealing with it will jar us out of most of the comfortable assumptions that we have grown up with all of our lives.

Let's look at these one at a time, and then see what they add up to for each of us.

Perhaps one of the greatest errors many of us have been guilty of has been the tendency to assume that all the airing of grievances, all the resultant disturbances, can be laid at the door of an extremely small fanatically militant hard core minority of students or even nonstudents. That such an assumption is comfortable in no way influences the fact that it is also grossly inaccurate.

While the actual burning of our Isla Vista branch may have been perpetrated by a violent few, there is no question that there was widespread agreement among the students on the Santa Barbara campus that the causes leading to the protest were both serious and legitimate. Apparently a substantial majority of the campus community deplored the use of violent action. But an almost equally substantial majority sympathized with and shared in the frustrations leading to that violence.

This phenomenon has been observed elsewhere. Following the student takeover of Cornell's Willard Straight Hall in April, 1969, the University retained an opinion research firm to study, underlying campus attitudes about the incident. The findings are both illuminating and disturbing.

In response to a question concerning how widespread campus dissatisfaction was, there was substantial agreement that the incident reflected a "ground swell" of unrest among the majority of students.

The basic attitudes and leanings underlying these incidents were reflected in a recent Gallup Poll, in which students and adults across the country were asked to classify themselves as "liberal" or "conservative". The students overwhelmingly—by a ratio of more than 2–1—labeled themselves as liberal; while the adults were 3–2 conservative.

Any doubt that was left on this score disappeared after the tragedy at Kent State and the entry into Cambodia, when the dissension became virtually unanimous on campus after campus all over America.

Whether any such activism would eventually have developed in America even if there had been no Vietnam, we shall never know. But it is quite clear to me that it was our switch that put it into motion, and that each passing year and each additional degree of entanglement have increased the bitterness and intensity of the feeling. Students who might otherwise have been quite passive about other issues have been inflamed over this one.

Having once been aroused by the war, having felt trapped into it by their elders, and impotent and frustrated in all their attempts to make themselves heard, these young people have begun to question everything about the society their elders have created.

It is a little like the Internal Revenue man who finds one little flaw in your income tax return, and then begins to dig in and question everything about the whole return.

In part, of course, this is the rebellion of youth against parental authority, which has gone on everywhere since the beginning of time, and is a necessary part of the growing-up process. That is part of it, and that at least makes the emotional climate right for what follows: But I am convinced that it goes far, far beyond that. Whatever caused Pandora's Box to be opened—whether the eternal rebellion of youth or the special problem of Vietnam—the things that have come spilling out of Pandora's Box are not going to be stuffed back in.

Some new ingredients have been added that change even the mechanics and logistics of revolt: communication between campuses, for example, would put to shame any grapevine that any of us have known. We all have observed that the unofficial grapevine centered around our watercoolers is more efficient than our official channels; but this one beats even our fastest grapevine.

One young man has boasted to one of my associates that he can get a message to New York faster than we could get it there by air mail—and without using any normal means of communications; simply by using their grapevine.

We hear charges that part of the activism on all the campuses is connected with some kind of command staff of communist radicals financed out of Russia or China. That may be so, and I have no doubt that any foreign agents who may be at work would take full advantage of the situation; but the hometown boys have plenty of steam and are well-enough organized that they don't need much help from the outside.

With so many involved, and feeling so deeply, this activist movement is not something fleeting that will go away if we can just keep it cool for a while.

And yet to keep it cool we must, unless we want bloodshed.

I know there are many people who would say "Maybe we should let some blood flow. We are never going to settle this thing until we have it out and show who's really running things around here." If we ever do, it will be the end of America as we have known it. It will be the end of the American Dream.

I am not afraid the left-wing radicals will win. I am only afraid of how they will be defeated. The natural sequel to left-wing radical rebellion is right-wing reaction and repression. History shows only too plainly that repression doesn't repress only the bad guys; it ends by controlling and repressing everyone—particularly everyone who disagrees with the party in power.

The line of reasoning underlying this point of view might go something as follows, and I quote:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting.

"Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes, danger from within and without.

"We need law and order."

The words, gentlemen, are attributed to Adolph Hitler in the year 1932. The quote has recently come under a cloud of suspicion as to its authenticity; but to anyone familiar with the Germany of 1932, there is no doubt that this sentiment was part and parcel of the Hitler platform and of the Hitler appeal.

It won't be easy to cool it because we've already begun to choose up sides in ways that typically lead to trouble. We can see the polarizing taking shape with people on both sides tending to lump whole segments of the population together as "we" and "they". It is dangerous enough to pin labels on people at any time, but this is being done in an atmosphere of name-calling that does nothing to cool off the temperature.

It is reminiscent in many ways of the early days of labor conflicts; but confrontation between labor and management was easy compared with this. The issues here are fuzzier, they are more complex and they are more subtle. In a labor dispute you usually know what the other side wants, although even in labor problems as here, the real causes aren't always visible in the stated demands. But in this case even the demands can't be stated in terms as simple as dollars, hours, fringe benefits and the like. We hear words like "human dignity", "slavery", that may sound utterly meaningless to some of us but yet mean a great deal to the people who are using them. We could do as some are prone to do and brush all this off with one of the obscenities currently in vogue but that won't make it go away.

It has to be cooled because the root causes are so subtle and complex that they can't be settled except in a climate of thinking and honest evaluation. The causes cannot even be identified, let alone understood or dealt with, in an atmosphere of "slap 'em down" or in any such open-and-shut kind of spirit.

It is a pity that we so often seem to have to get angry before we get enough adrenalin in our systems to get going and do anything about critical problems.

I say "a pity"—because the angry response is so often an over-response. It sets

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the stage for the next angry counter-response—and so on through a stormy eternity.

There is need, in this period of tension, to use a soft voice—a collective soft voice. We were promised that from certain high places and we were promised a national effort to bring us closer together again. Instead, we have been hearing too many angry words, too much name-calling that can only be inflammatory. There are times when anger is productive; but just as you don't throw gasoline on a fire, we should not be inflaming our national tensions with verbal gasoline.

The job of cooling it off is not made any easier by the fact that violence must be rejected and completely controlled—yet dissent and protest must not be rejected. Just to complicate things still further, ways have to be found that will protect the right of dissent, the right of free speech, the right of assembly, which are basic to our hard won freedoms in this country—yet not let the right of assembly be abused in ways that interfere with other rights of other people. Further, that the right of assembly not be allowed to operate in ways that are certain to lead to mob action. All of that takes more wisdom, more patience, more sensitivity than most people have. To make the necessary distinctions, to find the right lines—and above all to do it under pressure—calls for almost super-human qualities and in large numbers of people holding down strategic responsibilities. So you see why I say that the job is not easy.

But it must be done, because we all lose by violence, whether we be young, old, liberal, conservative, hippie or square. As a nation, we are wounded by such acts, whenever they occur; and as individuals, we lose one of the foundation stones of all our freedom to live our lives. As we said in one of our published statements:

"Every American has a right to walk the streets in safety. No polemic should be allowed to obscure this right. Your wife or husband, son or daughter ought to be safe in visiting a supermarket, a filling station or a bank—regardless of whether another may choose to reject that institution as an onerous symbol."

Sometimes I could weep for the young who have condoned violence in the name of liberal goals, because I know that they and their causes will be the first casualties if the violent trend were to continue to its ultimate end. I have tried to persuade those I could reach, of something that I think we all should try to remember: that there can be no true civilization without liberty, there can be no liberty without order—and there can be no order without justice.

It's a lot more comfortable to have a ready-made simplistic set of ideas as to just what is right and what is wrong—to know just what each person and each group should do. There is even a satisfaction and a sense of security in joining in a crusade that has simple and plain objectives, to force people to do what is right. But before you do, ask yourself: do we really have the right to tell people any more than this: "You may do anything that does not interfere with my rights, my freedom, my safety"?

We can say, and I have said, that violence can be stopped by simple law and order methods—that orderly process can stop it. That is true as to violence, at least as we have known it up to now. We can keep any one campus, and perhaps all campuses, open and operating by strict traditional law and order methods. But those methods alone will not eliminate the seething that in the long run can cause us more difficulty than we have known up to now.

And along with that, let us ask ourselves, "Are we mistaking form for substance?" We have worked up some near-attacks of apoplexy over the long hair and the beards, for example. But when I sit in my customary seat in the board room of the Los Angeles Clearing House, I see on the wall facing me the portraits of all the presidents of the Clearing House. The early half of them all had beards!

The young people may be upsetting us with their external appearance, but they are concerning themselves with more than the externals. And this is one of the basic reasons that the unrest won't soon go away. There is a new value system emerging in this country, starting with the youth but not limited to them. It is becoming one of the new facts of life for the rest of us to deal with. It challenges basic assumptions that we not only have taken for granted, but have virtually dominated our national life for most of our lives.

When Calvin Coolidge in 1925 said, "The business of America is business", a thoughtful people nodded "Why yes—that's right." Today's young people are saying, "That's not enough." Some are going further and saying, "Business is ruining America. Business is destroying our natural resources—polluting our air and our water—and why? To produce garbage—things we don't need—and must throw away to keep the economy going. It's a garbage economy, and we don't need it."

The people who talk that way are not all hippies and not all young. An increasing number of older people are raising questions like that; and a few of them have been doing it for a long time. Twenty-five years ago, when I ran the Chamber of Commerce, there were thoughtful people who said, "You are ruining San Francisco and the Bay Area, bringing in industry and attracting more people." Now, in a few major cities, that kind of thinking is finding expression in organized movements: one started in Seattle, where the Chamber of Commerce is the Greater Seattle Chamber of Commerce—the new organziation is called "Lesser Seattle"—and it is dedicated to keeping Seattle from growing. The idea has been picked up in Los Angeles, where we now have "Lesser Los Angeles".

Most of that thinking, even if it grew to the proportions of any kind of "movement", is aimed only at protecting *that area* from growth. "Don't bring it here—take it somewhere else" is the theme song.

But there is a rising sentiment against growth per se—the feeling that "bigger is better is bunk." The agitation for Zero Population Growth is one expression of that feeling.

Because we have a human tendency to want to find devils for everything we don't like—to find someone to blame—the young people have come to regard the "system" quote unquote as some kind of conspiracy—that some group of people have deliberately connived to do all these things they now regard as hateful.

Without either defending or apologizing for all its end results, I have tried to put it into perspective for them. I think it is a useful exercise even for ourselves, if we want to understand the terms of the debate we're engaged in. Let's think about it:

For centuries—for thousands of years—men struggled just to produce enough to eat, and to produce shelter and clothing. The struggle for just the bare necessities dominated men's lives through most of history. Then, all of a sudden, just within one lifetime, have come all the technological breakthroughs that change all that. It was not surprising that we should all get swept up in the excitement of producing—and in the excitement of the whole game of producing things. Because there had been such need, here and all over the world, production had become the goal, and those who could produce were heroes. Small wonder that there was little thought of what else was happening—if people needed lumber for houses, you cut down trees; and if you needed tractors to get the lumber out, you built factories to build the tractors; and if you needed fuel, you drilled oil wells and built refineries; and you used whatever land was needed, and did whatever you had to do to that land. You not only weren't deliberately doing anything bad, you not only were doing what had to be done, but you felt quite virtuous about it—you were a great achiever. In fact, through most of history, the concept was that it was a struggle of man against nature; man was trying to conquer nature and the elements, to harness them; so as man acquired mechanical means to do that, he had quite naturally a great sense of triumph. The ones who could do the most of that were the greatest heroes.

Now we wake up to realize that in the process of "conquering" nature, we were in fact destroying it—and destroying part of our own lives with it.

For generations we have been mouthing the cliché, "You can't stand in the way of progress." Now there is a new generation that is saying, "The hell you can't." That generation—and an increasing number of its elders—are saying, "Prove to us that it really is progress." In a sense, that is the essence of everything that is stirring and boiling and seething: thoughtful people in increasing numbers are asking about one thing after another, "Is it really progress—progress for the human condition?"

They are saying, in effect, "I have only one life to live on this earth—will it be a better life for me if the stream where I used to fish is polluted by industrial wastes? Will it be a better life for me if the beach where I used to swim is polluted by sewage? Will it be a better life for me if my ears are shocked and my windows rattled every few minutes by sonic booms? Will it be a better life for me if I have no clean air to breathe?" They will ask, "Is this really progress? If it is, I don't need it."

And we shouldn't have to wait for them to ask the question—because these should be our questions, too. This deterioration of the quality of life isn't something that just happens to other people; when it happens, it happens to us, too.

Someone has said. "There is no way that the private enterprise system or the market system can provide you with your own cubic foot of clean air." If ever we doubted the words of John Donne that "No man is an island," we find proof in the whole concept of the environment.

The youth of America are seeing that; and in the words of the old fable, they are telling us: "The emperor has no clothes on."

And because they think we are blind, or are refusing to see all these things that seem so plain to them, they are increasingly turning their backs on the things that we have said were important. If we say to them, "Come in to our company—keep your head down—work hard—in thirty years you can be president or chairman of the board," they say the 1970 version of "So what?" (It probably takes only four letters to say it.) They don't all know what they want—that's part of why they are so confused and mixed up—but they know they don't want that. They don't relish the prospect of being a faceless person, a cog in a great big machine. What they say they want doesn't sound so different, you know, from what our Founding Fathers said they wanted—the men who wrote our Declaration of Independence, our Mayflower Compact, the Bill of Rights, the other early documents that laid the foundation for the American Dream. They said they wanted the freedom to be their own man, the freedom for self-realization. We have lost sight of that a bit in this century—but the young people are prodding us and saying, "Look, Dad—this is what it's all about."

Some of the young people who are already working for us—the better ones of them—are saying the same thing. And I suspect that unless we are able to offer a chance within our system for that kind of self-realization, we will neither attract nor hold the kind of people that will hold our system together.

I told you at the outset that these lessons would be easier to express in words than to live by. That is truest of all in the final lesson—what to do about it.

I would not be so presumptuous as to stand here and say that I know all the answers to that—if indeed I know any answers at all, except one or maybe two.

The first one is *communicate;* and that really calls for a second; *open our minds and keep them open.*

Many organizations—YMCA, Boy Scouts—Rotary Club—have Father and Son Day. There are organizations like the Big Brothers in which men informally adopt a fatherless boy. I would suggest that we take a leaf from their book—that each of us find a college-age youth—student or not—and spend some time with him, to find out what's going on in that world that is crowding in on our heels.

And if you do—remember that God gave you two ears and only one tongue—use them in that proportion. You're going to be tempted to tell him all about it—straighten him out on all his goofy ideas. I don't say you shouldn't—I just say "listen to him first." One of the imperatives of communication has always been: "Don't confuse a man's rhetoric with what he is really saying." So listen to what he means, which may be hidden in what he says. Then see if you can straighten him out, in words that *he* will understand and will buy. You may not win—but as one who has tried it, let me say that it will be a sobering and maybe even a humbling experience.

When I say communicate, I don't mean only with the young—I mean also with the old and with those in between. In other words, I mean "get involved."

If we do these two things—communicating and opening our minds—we may be taking the first steps toward wisdom. But let me warn you again—if you really do it—if you consider and think about what you hear, it will shock the pants off you. It will jar and shake most of the assumptions we all have grown up with.

Take Zero Population Growth for example—it is a growing movement and one which we must consider in our plans—is there any part of our economy that isn't dedicated to the Great God Growth? Has anyone calculated what would happen if growth suddenly stopped? We'd better do some calculating, because it just *could* happen. And, in my judgment, it won't necessarily be fatal if it does.

It would compel us to shift from preoccupation with quantity to more concern with quality.

I would hope that we would not approach our involvement in the frame of mind that "We'll do what is expected of us"—and no more. Too many of us—and I'm sure that several of you that I see in this audience will join me in this—have taken on our assignment in the United Crusade or the Red Cross or the Urban Coalition on that kind of basis . . . "It is my turn—so I'll do it and get it over with."

That isn't enough—not even enough for our own mental health and therapy. These aren't things that *other* people need, that *other* people want, that *other* people expect of us. These are for us—we need the clean air, the safety on the streets—for ourselves and our families.

They should be part of our value system.

If we would recognize that, we would have taken a big step toward understanding some of the things that are bugging our young people.

Let me leave no doubt about it—there are some real, hard-core radicals bent on the destruction of what they call "the system." I know, because I have talked to a few of them. At the other end of the spectrum there is another group (and I have no way of knowing how many there are in either group) there is another group that is as committed to the system as any one in this audience. But in between is the great, great majority of students and other young people, troubled, disturbed, questioning—but uncommitted.

What we are talking about is a struggle for their minds. I write off the two groups at the two extremes; from my own experience in trying, I doubt that I could change the ones on the extreme left, and we don't have to worry for the moment about the ones that are committed to our system. But that big mass, that big universe of the uncommitted—they are waiting to be pulled either way. We can win them, if we are willing to work at it—if we are really willing to revolutionize the system from within—in order to make it conform more closely with the value systems and needs of today—rather than the value systems and needs of yesterday. In fact, we will be halfway home if they are convinced that we are really, sincerely willing to work at it. Because part of what lies at the root of their dissatisfaction is the feeling that our generation just doesn't care about theirs.

We have two choices as to which way we can go. We can divide into camps and shoot it out; or we can try to find common grounds so that we can grow together again. One course is easy, but is blind; the other course is hard, and slow, but is the path of wisdom. One course leaves all the thinking to someone else; the other requires deep, painful thought in a never-ending search for answers. One course will bring bloodshed, destruction and ultimate crushing of freedom—the crushing of the human spirit; the other course can bring peace and with it, a hope for the rekindling of the American Dream.

The hour is late; there isn't much time. But the choice is still ours.

SEVENTY-TWO SENATORS SIGN LETTER TO THE PRESIDENT ON THE MIDDLE EAST

Mr. BAYH. Mr. President, 9 weeks ago I joined 75 other Senators in expressing to the Secretary of State our "sense of urgency respecting the deteriorating situation in the Middle East." For the protection of America's own vital interests in the Middle East, therefore, we urged the administration to provide Israel with the aircraft needed for its defense.

On July 30, I was pleased to join with about an equal number of Senators in a followup message to the President of the United States expressing our support for his Middle East statement of July 1. At that time, the President wisely pointed to the need for a strong and secure Israel as the best deterrent to aggression in the Middle East.

We are all pleased, of course, that the American attempt to secure a cease-fire appears to be succeeding. A negotiated political settlement agreed to by the parties directly involved is, to my mind, the only true hope for a lasting peace in the Middle East. I am mindful of the fact, however, that until such an agreement is reached, the United States must take into account Israel's urgent need for aircraft and economic assistance.

I ask unanimous consent that the letter to Secretary Rogers and the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C., July 30, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As you will recall, eight weeks ago, more than three-fourths of the Senate joined in a letter to Secretary Rogers to express our "sense of urgency respecting the deteriorating situation in the Middle East." We maintained that the United States, for the protection of its own interests, should provide Israel with the aircraft needed for its defense.

That letter has now been overtaken by events, especially by the increasingly overt intervention of the Soviet Union on behalf of the United Arab Republic—in an area you have so aptly described as "the hinge of NATO". These events place the situation in a more grave and even broader context than before. Now strategic interests of the United States and its allies are being challenged.

Under these circumstances, we believe that your television statements on July 1 were important expressions of United States' policy intentions with respect to the Middle East—which we support. You took account of Israel's urgent need for aircraft and other assistance in stating that, "once the balance of power shifts where Israel is weaker than its neighbors, there will be war".

Because of the danger of confrontation between our country and the Soviet Union in the Mideast, to which you referred, peace efforts by the United States should be pursued with all possible vigor, so that the integrity of every country in the area within mutually recognized and secure borders may be realized.

Our attempts to find peaceful solutions, however, should not be misinterpreted by the Soviet Union. A super-power confrontation in the Middle East should be avoided and we believe the Soviet Union could be deterred from bringing about such a confrontation as the result of a clearly expressed policy on the part of the United States to protect and defend its interests in the Middle East and Southern Europe. You may be assured of our support to this end.

SIGNERS OF THE LETTER

James B. Allen, Democrat, of Alabama.

Gordon Allott, Republican, of Colorado.

Howard H. Baker, Jr., Republican, of Tennessee.

Birch Bayh Democrat, of Indiana.

Wallace F. Bennett, Republican, of Utah.

J. Caleb Boggs, Republican, of Delaware.

Edward W. Brooke, Republican, of Massachusetts.

Quentin N. Burdick, Democrat, of North Dakota.

Harry F. Byrd, Jr., Democrat, of Virginia.

Robert C. Byrd, Democrat, of West Virginia.

Howard W. Cannon, Democrat, of Nevada.

Clifford P. Case, Republican, of New Jersey.

Marlow W. Cook, Republican of Kentucky.

Norris Cotton, Republican, of New Hampshire.

Alan Cranston, Democrat, of California.

Thomas J. Dodd, Democrat, of Connecticut.

Robert Dole, Republican, of Kansas.

Peter H. Dominick, Republican, of Colorado.

Thomas F. Eagleton, Democrat, of Missouri.

Paul J. Fannin, Republican, of Arizona.

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Hiram L. Fong, Republican, of Hawaii.

Charles E. Goodell, Republican, of New York.

Albert Gore, Democrat of Tennessee.

Mike Gravel, Democrat, of Alaska.

Edward J. Gurney, Republican, of Florida.

Clifford P. Hansen, Republican, of Wyoming.

Fred R. Harris, Democrat, of Oklahoma.

Philip A. Hart, Democrat, of Michigan.

Vance Hartke, Democrat, of Indiana.

Spessard L. Holland, Democrat, of Florida.

Roman L. Hruska, Republican, of Nebraska.

Daniel K. Inouye, Democrat, of Hawaii.

Henry M. Jackson, Democrat of Washington.

Jacob K. Javits, Republican, of New York.

B. Everett Jordan, Democrat, of North Carolina.

Edward M. Kennedy, Democrat, of Massachusetts.

Warren G. Magnuson, Democrat, of Washington.

Charles McC. Mathias, Jr., Republican of Maryland.

Gale W. McGee, Democrat of Wyoming.

George S. McGovern, Democrat of South Dakota.

Thomas J. McIntyre, Democrat of New Hampshire.

Lee Metcalf, Democrat of Montana.

Walter F. Mondale, Democrat of Minnesota.

Joseph M. Montoya, Democrat of New Mexico.

Frank E. Moss, Democrat of Utah.

George Murphy, Republican of California.

Edmund S. Muskie, Democrat of Maine.

Gaylord Nelson, Democrat of Wisconsin.

Robert W. Packwood, Republican of Oregon.

John O. Pastore, Democrat of Rhode Island.

James B. Pearson, Republican of Kansas.

Charles H. Percy, Republican of Illinois.

Winston L. Prouty, Republican of Vermont.

William Proxmire, Democrat of Wisconsin.

Abraham Ribicoff, Democrat of Connecticut.

Jennings Randolph, Democrat of West Virginia.

Richard S. Schweiker, Republican of Pennsylvania.

Hugh Scott, Republican of Pennsylvania.

Ralph T. Smith, Republican of Illinois.

John Sparkman, Democrat of Alabama.

William B. Spong, Democrat of Virginia.

John Stennis, Democrat of Mississippi.

Ted Stevens, Republican of Alaska.

Stuart Symington, Democrat of Missouri.

Herman Talmadge, Democrat of Georgia.

Strom Thurmond, Republican of South Carolina.

John G. Tower, Republican of Texas.

Joseph D. Tydings, Democrat of Maryland.

Harrison A. Williams, Democrat of New Jersey.

Ralph Yarborough, Democrat of Texas.

Stephen M. Young, Democrat of Ohio.

May 26, 1970.

Dear Mr. Secretary: We feel compelled to express our sense of urgency respecting the deteriorating situation in the Middle East. The decision by the Soviet Union to undertake a direct military role in the Arab-Israel conflict by flying combat planes over Egypt represents, in our judgment, a significant change and a challenge to American strategic interests and a growing threat to world peace. Recent Soviet moves have encouraged Arab belligerence, and are creating a growing military imbalance in favor of the Arab states.

Your decision in March to hold in abeyance the sale of additional jet combat aircraft to Israel under the then prevailing conditions has failed to induce the Soviet Union to exercise reciprocal restraint with respect to the arming of the UAR and the other Arab states. In addition, the Soviet Union has taken the unprecedented step of overtly involving an increasing number of its own military personnel in a state far from its own borders.

We believe, Mr. Secretary, that the United States should now announce its intention to provide Israel with the aircraft so urgently needed for its defense. Such action will serve as a significant element of a credible response to the reckless Soviet escalation of the Mideast conflict. We feel that the strengthening of Israel's military posture at this time is the best guarantee against the outbreak of major hostilities.

We also suggest prompt consultations with our NATO allies because of the dangers posed to their own security and economies by the Soviet build-up in the Middle East. We urge the United States to redouble its efforts to reestablish the cease fire as a preliminary step to eventual peace negotiations.

We would be grateful for an early opportunity to meet with you at your convenience, so that we may have a full exchange of views on all aspects of the issue which we believe is warranted by the critical situation that has now developed.

Sincerely,

SIGNERS OF THE LETTER

James B. Allen (Democrat of Alabama).

Howard H. Baker, Jr. (Republican of Tennessee).

Birch Bayh (Democrat of Indiana).

Wallace F. Bennett (Republican of Utah).

Alan Bible (Democrat of Nevada).

J. Caleb Boggs (Republican of Delaware).

Edward Brooke (Republican of Massachusetts).

Quentin N. Burdick (Democrat of North Dakota).

Harry F. Byrd, Jr. (Democrat of Virginia).

Howard W. Cannon (Democrat of Nevada).

Clifford P. Case (Republican of New Jersey).

Frank Church (Democrat of Idaho).

Marlow W. Cook (Republican of Kentucky).

Norris Cotton (Republican of New Hampshire).

Alan Cranson (Democrat of California).

Carl T. Curtis (Republican of Nebraska).

Thomas J. Dodd (Democrat of Connecticut).

Robert Dole (Republican of Kansas).

Thomas F. Eagleton (Democrat of Missouri).

Sam J. Ervin, Jr. (Democrat of North Carolina).

Paul J. Fannin (Republican of Arizona).

Hiram L. Fong (Republican of Hawaii).

Barry M. Goldwater (Republican of Arizona).

Charles E. Goodell (Republican of New York).

Mike Gravel (Democrat of Alasaka).

Edward J. Gurney (Republican of Florida).

Clifford P. Hansen (Republican of Wyoming).

Fred R. Harris (Democrat of Oklahoma).

Philip A. Hart (Democrat of Michigan).

Vance Hartke (Democrat of Indiana).

Spessard L. Holland (Democrat of Florida).

Ernest F. Hollings (Democrat of South Carolina).

Roman L. Hruska (Republican of Nebraska).

Harold E. Hughes (Democrat of Iowa).

Daniel K. Inouye (Democrat of Hawaii).

Henry M. Jackson (Democrat of Washington).

Jacob K. Javits (Republican of New York).

Everett B. Jordan, Democrat, of North Carolina.

Edward M. Kennedy, Democrat, of Massachusetts.

Warren G. Magnuson, Democrat, of Washington.

Charles McC. Mathias, Republican, of Maryland.

Gale McGee, Democrat, of Wyoming.

George S. McGovern, Democrat, of South Dakota.

Thomas J. McIntyre, Democrat, of New Hampshire.

Lee Metcalf, Democrat, of Montana.

Jack Miller, Republican, of Iowa.

Walter F. Mondale, Democrat, of Minnesota.

Joseph M. Montoya, Democrat, of New Mexico.

Frank E. Moss, Democrat, of Utah.

George Murphy, Republican, of California.

Edmund S. Muskie, Democrat, of Maine.

Gaylord Nelson, Democrat, of Wisconsin.

Robert W. Packwood, Republican, of Oregon.

John O. Pastore, Democrat, of Rhode Island.

Claiborne Pell, Democrat, of Rhode Island.

Charles H. Percy, Republican, of Illinois.

Winston L. Prouty, Republican, of Vermont.

William Proxmire, Democrat, of Wisconsin.

Jennings Randolph, Democrat, of West Virginia.

Abraham Ribicoff, Democrat, of Connecticut.

William B. Saxbe, Republican, of Ohio.

Hugh Scott, Republican, of Pennsylvania.

Richard S. Schweiker, Republican, of Pennsylvania.

Ralph T. Smith, Republican, of Illinois.

John Sparkman, Democrat, of Alabama.

William B. Spong, Democrat, of Virginia.

Ted Stevens, Republican, of Alaska.

John Stennis, Democrat, of Mississippi.

Stuart Symington, Democrat, of Missouri.

Strom Thurmond, Republican, of South Carolina.

John G. Tower, Republican, of Texas.

Joseph D. Tydings, Democrat, of Maryland.

Harrison A. Williams, Jr., Democrat, of New Jersey.

Ralph Yarborough, Democrat, of Texas.

Stephen M. Young, Democrat, of Ohio.

WHAT CAN NIXON PRODUCTIVITY COMMISSION DO TO STEM INFLATION?

Mr. PROXMIRE. Mr. President, the latest data on productivity just released by the Bureau of Labor Statistics shows that output per man-hour in the private economy in the second quarter of this year increased at a rate of 3.1 percent per year, close to the average of 3.2 percent per year since 1947. This looks much more encouraging than the first quarter report of a decline at a rate of 2.5 percent per year. But, the second quarter estimate was only about 0.4 percent above the fourth quarter of 1968. Indeed, output per man-hour in the private economy has declined in three out of the last six quarters.

Mr. President, I ask unanimous consent that the release of August 4, 1970, from the Bureau of Labor Statistics be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, it was doubtless this lackluster performance of the productivity data that led the President to appoint a National Commission

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on Productivity. In his television address of June 17, the President described this Commission's task in the following words:

> In order to achieve price stability, healthy growth and a rising standard of living, we must find ways of restoring growth to productivity.
>
> This Commission's task will be to point the way toward this growth in 1970 and in the years ahead. I shall direct the Commission to give first priority to the problems we face now; we must achieve a balance between costs and productivity that will lead to more stable prices.

The importance the President attaches to this Commission is indicated by the distinguished character of the 23 members from business, labor, the public, and Government. Business members include James M. Roche, chairman of General Motors; Walter B. Wriston, chairman of the First National City Bank; R. Heath Larry, vice chairman of United States Steel; George E. Keck, president of the United Air Lines; Edward W. Carter, president of Broadway-Hale Stores; and Harllee Branch, Jr., chairman of Southern Co. Those representing labor are George Meany, president, AFL–CIO; Leonard Woodstock, president, United Auto Workers; Floyd E. Smith, president, International Association of Machinists; John H. Lyons, president, the Iron Workers; I. W. Abel, president, United Steelworkers; and Joseph A. Beirne, president, Communications Workers of America. Members representing the public are Howard W. Johnson of MIT; Edward H. Levi of the University of Chicago; W. Allen Wallis of the University of Rochester; John T. Dunlop, labor economist at Harvard; Arjay Miller, former president of Ford Motor Co., now heading the Stanford Graduate School of Business; and Philadelphia lawyer William T. Coleman, Jr. Government members are CEA Chairman Paul W. McCracken; George P. Shultz, Director of the Office of Management and Budget; Treasury Secretary David M. Kennedy; Commerce Secretary Maurice Stans; and Labor Secretary James Hodgson.

What can these distinguished citizens do about productivity? In asking this I am not questioning their talents. Rather I am asking whether it is likely that any such body can now produce new insights beyond the extensive record already brought before this Congress over the last two decades by the Joint Economic Committee on which I have the honor to serve as vice chairman. The economics and statistics professions have not ignored questions of productivity measurement and analysis. Indeed, the record of research in this field is so voluminous that I could not begin to review it in these brief remarks today. But that record does reveal a few facts and analytic conclusions that can be briefly summarized and these cause me to ask whether the President's new Commission is not the wrong kind of organization for what needs doing and if what needs doing is not quite different from the Commission's assignment.

WHAT DO WE KNOW ABOUT PRODUCTIVITY?

The new Presidential Commission will have a large body of knowledge to draw upon for much is known about productivity after over a half a century of extensive research. In part, the research has been conducted by such private organizations as the famed National Bureau of Economic Research in New York City. In part, has been conducted by the Bureau of Labor Statistics in the Department of Labor. In addition, here in Congress the Joint Economic Committee has held extensive hearings and has produced staff studies as well as compendia of papers by scholars in the field. These have concerned themselves not merely with the measurement of productivity, but also with the analysis of its relationship to changes in output, capacity, prices, and incomes.

It is quite clear from those many studies that while everyone agrees that productivity is important, there are a wide variety of meanings attached to the word itself. This results in some confusion. In general terms productivity is a measure of the efficiency with which productive resources are converted into the commodities and services that we human beings want. The higher the level of productivity the higher the level of economic well-being and national strength which it is possible to attain. Increases in productivity is the source of the annual increments in real income. Furthermore, changes in productivity affect unit costs, prices, profits, output, employment, investment in plant and equipment—in fact, every aspect of economic life.

Commonly when productivity is mentioned, it is likely that reference is being made to the amount of real output of goods and services that can be produced per man-hour of work performed. On this basis of measurement, for the private economy as a whole productivity has risen over the last three-quarters of a century at an average annual rate of about 2½ percent. But the increase in productivity comes not merely from increases in labor efficiency, but also from the contributions of capital, education, and other factors. If we compute a measure of productivity for the private economy that compares output not only with labor input as just mentioned but also with tangible capital, such as plants and equipment, then we find that the rate of advance over the last three quarters of a century is only 1½ to 2 percent per year. These are both quite modest numbers but significantly different from one another.

Suppose we confine our attention to the more commonly used measure of productivity, namely output per man-hour and confine attention to the period since World War II. For the total private economy the annual rate of advance since 1947 has been about 3.2 percent, but for shorter periods the rate varies much more widely. Over the last six quarters, for example, the annual rate of change is varied between a gain of 3.1 percent per year and a decline of about 2.5 percent per year. Indeed, output per man-hour in the private economy is very little different apparently in the second quarter of 1970 from what it had been in the fourth quarter of 1968. Why these variations? Has recent experience been much different from the more remote past?

Actually, experts have found that the rate of increase in output per man-hour, while varying widely from quarter to quarter, does so according to very well defined patterns and for sound reasons. When demand is inadequate, or falling, or is rising less rapidly than capacity is increasing, then productivity performance is poor. For example, in 1953 the rate of use of industrial capacity was 94.2 percent, and indeed in the first half of the year 96.7 percent. Seven years later our growth had been so poor that the rate of use of capacity was down to 80.6 percent in 1960. Over these 7 years, output per man-hour rose only 2.6 percent per hour compared to the postwar average of 3.2 percent.

On the other hand, between 1960 and 1966 output rose more rapidly than capacity was increased so that the rate of capacity utilization rose from 80.6 percent in 1960 to 90.5 percent by 1966. Over these 6 years the advance in output per man-hour for the private economy averaged 3.6 percent per year, well above the long term average. In the subsequent 4 years the rate of use of capacity has fallen and in the first half of this year averaged slightly under 79 percent. In the face of this falling rate of use of capacity, output per man-hour suffered, and as pointed out earlier, was little different in the second quarter of this year from the fourth quarter of 1968.

Commonsense and observation of numerous economic activities suggests that differing amounts of labor and capital will be required to produce a unit of output in one industry than would be required to produce one unit in another. Or to put it another way, differing amounts of labor and capital will be required per dollar of output in different industries. Research confirms this commonsense idea but develops some rather interesting and important further conclusions from it. First, the amount of labor and capital that will be required per unit in a given industry depends on the state of technology, the character of the product or service being produced, and very likely on the ratio of output to capacity over time in the industry. Research also suggests that the difference between the industries in the amount of labor and capital that may be required per unit of output are not small. They are very significant differences.

Hence, if demand changes so that more of the products and services are required from industries which need less labor or capital per unit, then productivity rises from this shift in demand alone—even if productivity did not go up in any individual industry. In fact, the technicians say that over the postwar period since 1947 the change in the mixture of demand has been favorable on the average so that about three-tenths of 1 percent per year has been added to the annual increase in output per man-hour in the United States.

It may be noted that there is nothing that foreordains that such shifts in demand will always be favorable. They have been, but they also can be unfavorable. Indeed the Bureau of Labor Statistics in

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a recent publication devoted to making projections of the labor force, economic growth, and employment by industry and occupation for the next 10 years commented as follows on productivity:

> However, as the service sector expands in importance, it may become increasingly difficult to maintain the high level of productivity gains for the economy that have prevailed since World War II. The service industries are unlikely to experience large increases in output per worker, because they are less subject to mechanization and many of them depend for their value upon personal or individual attention. Thus, particular attention will be required to find means of applying cost-saving techniques to the service industries if the Nation's productivity is not to fall below the 3-percent level.

Thus, if in the future the mixture of demand favors the service industries, as seems likely, or other industries where productivity is lower or advances more slowly, then the new National Commission will have its work cut out for it. What can it do? Is it prepared to suggest that we should use fewer services and more manufactured products merely to raise productivity, even if people do not want this mix? Are we to limit consumer choice so that they can be allowed to buy only the products of industries which have a high and rapidly increasing productivity? Certainly this would raise productivity for the economy as a whole, but would this be socially desirable? It seems that attempts to raise productivity may have more than the usual amount of difficulty in years immediately ahead.

Another related aspect has been revealed by some studies in the early post-World War II era by the Bureau of Labor Statistics of the Department of Labor. It seems that there are wide variations in the productivity between different plants within the same industry. These were uncovered when the Bureau of Labor Statistics made direct collection of data on output and employment in individual plants so that it could compare the efficiency of different plants producing the same product. All of the plants in a given industry were grouped in classes from the most productive to the least productive. A spread of as great as of 3 or 4 to 1 and higher showed up between the efficiency of the best and poorest plants in an industry. That is, the least efficient group of plants in an industry might require as much as four times as many man-hours per unit of output as the most efficient group. This probably understates the actual differences since the conclusion is reached from grouped data. Some plants in the best group obviously did better or worse than the average for their group and some in the least efficient group obviously did worse than their class average. Therefore, much of the variation in output per man-hour comes from changes in the mix of output between different plants and managements. The skill with which production is managed makes a great deal of difference to productivity.

WHAT CAN WE DO ABOUT PRODUCTIVITY?

What then can the President's new National Commission on Productivity do about productivity? First, it is obvious that the most important task of public policy is to achieve continuous full employment. If we do not attain this objective of the Employment Act then productivity will suffer. The low productivity performance of the last year and a half is due to the fact that demand has been inadequate. If we restore the economy to full employment, productivity performance will improve. Indeed, the mere halting of the decline in output in the second quarter produced a sharp rise in output per man-hour to the long-term average. We do not need a National Commission of 23 distinguished citizens to tell us this. The Employment Act tells us what to do and extensive analysis indicates that this will produce the correct productivity performance. We ought to get on with the job, not study.

Second, we can be concerned about changes in the mix of demand which may raise or lower the average rate of gain in productivity. The probability that anything we can do to influence the mix will have a great effect appears to be quite low. The technicians do not offer much hope. Besides, most of what we could do would involve interfering with the right of consumers to make choices as to the mix of products and services they wish to purchase and consume. A free society can hardly limit consumer choice. Part of the improvement in the quality of life is to improve the range of alternatives open to consumers.

The third thing that could be done is to bring about an improvement in the quality of management in American enterprise by spreading knowledge of the best practices to those in the less efficient establishments by means of an extension or training service. In this connection, I call to your attention an article by a distinguished retired Government economist who is now a consultant who writes a regular column for the publication, Purchasing Week, published by the McGraw-Hill Publishing Co. In the issue of July 13, Dr. Louis J. Paradiso suggested that the way to increase productivity is to provide tax incentives in the form of an efficiency tax credit each year which would depend on the company's performance in improving their productivity. Whether such an efficiency tax credit would be effective or could be designed so as to be administratively feasible is not clear to me at this point. But at least the idea points in the right direction; namely, to encourage management to decrease the range of variation between the most efficient and least efficient operations. I ask unanimous consent that Dr. Paradiso's article entitled "Productivity: Antidote to Inflation" be published in the RECORD at the end of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

WHAT ELSE SHOULD BE DONE?

Mr. **PROXMIRE**. Mr. President, from what I have said it is readily apparent that if the President's new National Commission on Productivity contributes to restoring the growth in productivity as he has asked it to do, then it will first and foremost be engaged in duplicating the work of the Council of Economic Advisers in telling the President how to comply with section 2 of the Employment Act. It will be telling him how to promote public and private policies aimed at achieving simultaneously full employment, economic growth, and stable prices.

This is what the Council should have been telling the President all along if it carries out section 4 of the Employment Act. It is obvious from the regular reports from the various agencies of Government that we are far from attaining these objectives. And it is that which has impaired productivity in the economy as a whole. To restore it we will have to restore compliance with the objectives and standards set forth in the Employment Act and for this we hardly need a National Commission on Productivity. We need to have the machinery of Government comply with the act's long-established principles and recommendations of the Joint Economic Committee.

The committee has recommended that the Council in consultation with labor and business develop and publish promptly specific quantitative standards for price and income changes. We have recommended that these standards should be such that voluntary compliance with them by business and labor will contribute to the restoration of price stability and, of course, full employment. It is notable that there is no mention of such standards in the announcements concerning either the "Inflation Alert" to be prepared by the Council of Economic Advisers or the activities of the new National Commission on Productivity.

We on the Joint Economic Committee have also recommended that there should be established outside of the Executive Office of the President a Federal Office on Productivity, Prices, and Incomes. We believe that this office should have the following responsibilities: First, to collect, analyze, and publish the information on productivity, prices, and incomes needed to evaluate the extent of compliance with the prices and incomes standards set by the Council of Economic Advisors; second, to identify and bring to public attention actual and potential economic inefficiencies in both the public and private sectors of the economy which keep prices and incomes in particular markets at artificially high levels. This function should include, but should not be limited to, reviews of Government procurement policies, regulatory policies, restrictions on international trade, stockpile policy, and both Government and private policies which create artificial barriers to entry into particular occupations; and, third, to identify and bring to public attention potential shortages either of specific materials or of specific labor skills which can be expected to create inflationary pressures.

It would appear that the first of these functions may be partly performed by the combination of the "Inflation Alert" and such publication of them as may be done by the National Commission on Productivity. But this is not entirely clear. Certainly there is no indication there will be specific price and income standards set up by the Council of Economic Advisers or by the Commission, which would allow the public to judge whether behavior in various industries is in accordance with standards that would lead to stable prices.

It must be noted that a separate organization has been created to carry out, in part at least, the second function we suggested for the Office of Productivity, Prices, and Incomes. This is a Regulations and Purchasing Review Board which will review all Government action to determine whether Federal purchasing and regulations drive up costs and prices. It may be that this division of labor is justified in the case of reviewing Government actions but it is notable that the Joint Economic Committee called for review in both public and private sectors. We still believe this is desirable.

I, therefore, conclude from all this that to the extent that the National Commission on Productivity succeeds in doing what needs to be done, mainly guide the President to policies that would restore this economy to continuous full employment and hence, to a high rate of gain in productivity, it will be duplicating the work that should be done by the Council of Economic Advisers. It may be able to make some other recommendations for increasing productivity in the very long run—these changes are likely to be of modest magnitude in their results and difficult to execute. I further conclude that if the Commission is to have any significant impact on the problems of inflation with which we are currently plagued, it finally will have to get around to complying with oft-repeated recommendations of the Joint Economic Committee to establish specific quantitative standards of price and income behavior for both public and private sectors and to publish regularly reports as to how specific actions comply or fail to comply with these standards. Such voluntary guideline formulation and policing is the only way to supplement fiscal and monetary policy and to provide a more rapid transition to full employment and rapid economic growth without inflation. I personally hope that regardless of the advance publicity, the final actions of this new National Commission on Productivity combined with those of the Council of Economic Advisers and the Regulations and Purchasing Review Board finally will come down to setting these kinds of wage incomes and price standards and policing them. If so, it will be a welcome contribution to public policy and the achievement of the objectives of the Employment Act.

EXHIBIT 1

PRODUCTIVITY, WAGES, AND PRICES: SECOND QUARTER, 1970

Productivity, as measured by output per man-hour in the private economy, improved markedly in the second quarter, after five quarters of little gain or actual declines, the Labor Department's Bureau of Labor Statistics reported today.

The BLS report—Review of Productivity, Wages, and Prices—shows that output per man-hour increased at an annual rate of 3 percent during the second quarter. Productivity rose because man-hours of work continued to drop sharply, while output leveled off after a decline.

The gain in productivity meant a lessening of the pressure of rising wages on costs. The increase in unit labor costs was about 2 percent at an annual rate, or less than one-third of the average rise last year. The uptrend in hourly compensation also slowed somewhat, reflecting such factors as reduced overtime.

The average size of union contract settlements increased markedly in the second quarter in nonmanufacturing industries, but in manufacturing there was little change from recent quarters.

The rate of rise in prices slowed somewhat in the second quarter, chiefly in agricultural items and industrial crude materials.

SUMMARY

Productivity growth improved markedly in the second quarter, thereby tending to lessen the pressure of rising wages on costs; the increase in unit labor costs was substantially less than in recent quarters. Increases in prices slowed somewhat in the second quarter, although the slackening was much more in agricultural items and industrial crude materials than in manufactured products.

The gain in output per man-hour in the private economy was 3.1 percent at an annual rate in the second quarter—about equal to the postwar average—after five quarters of little change or actual declines. It reflected a leveling off in output while cutbacks in man-hours of work continued sharp. The rate of advance in unit labor costs was 2 percent, or less than one-third of the average increase last year.

Average hourly compensation of persons in the private economy gained by 5.1 percent in the second quarter, somewhat less than in any of the previous five quarters. Rising basic pay scales were offset to a degree of such factors as cutbacks in overtime work and disproportionately heavy layoffs of workers in higher-paid industries. Partly as a result, weekly earnings in the private sector declined rather sharply in terms of real purchasing power in the first two quarters of this year.

The size of union contract settlements increased markedly in the second quarter, but these settlements, of course, affect only a fraction of the work force.

Price rises slackened somewhat in the second quarter. The increase in wholesale prices, seasonally-adjusted, was at an annual rate of only 1 percent, for the smallest advance in two years. Slackening was chiefly in livestock and meats and in industrial crude materials. However, industrial commodities as a whole rose more than in the first quarter because of sharper advances in intermediate materials, particularly steel mill products. The consumer price rise was a little slower than in three of the previous four quarters, mostly in food. The increase in the GNP implicit price deflator was also somewhat smaller than for several quarters past.

PRODUCTIVITY AND UNIT LABOR COSTS

Private economy

Output per man-hour in the private economy increased at an annual rate of 3.1 percent in the second quarter—about in line with the postwar average—after five quarters of very small gains or actual declines. (Table 1.) The sharp recovery resulted from a leveling off in output after two quarters of declines, and an unusually large reduction in man-hours of work, at an annual rate of 2.9 percent. This cutback was primarily in employment rather than hours of work.

The rise in unit labor costs slackened in the second quarter to an annual rate of 1.9 percent, compared with increases of 6 to 10 percent for several quarters past. The slowing mostly reflected the marked improvement in productivity; in addition, there was some moderation in the strong uptrend in hourly compensation.

Two additional statistical series related to cost and price movements are presented in this report—the GNP implicit price deflator of the Department of Commerce and unit non-labor payments. (Nonlabor payments include profits, depreciation, interest, and indirect taxes—those elements of the price deflator other than labor costs). In the second quarter, the rate of rise in the price deflator slackened only slightly, while the increase in unit labor costs lessened markedly, so that a sizeable rise occurred in unit nonlabor payments, after two quarters of decline. (Tables 1 and 2.)

Manufacturing

Output per man-hour in manufacturing increased at an annual rate of 5.2 percent in the second quarter—the largest gain in more than a year. (Table 3.) Although output again declined at a 4 percent rate, the cutback in man-hours of work was more than 8 percent. Most of the reduction of man-hours in the private economy took place in manufacturing.

With productivity improving sharply and hourly compensation rising at about the same rate as in recent quarters, the increase in unit labor costs in manufacturing slowed sharply to 1.7 percent in the second quarter. This was the smallest advance in several years.

WAGES, SALARIES, AND BENEFITS

Both average hourly compensation including fringe benefits of persons in the private economy and average hourly earnings of employees in the private nonfarm sector increased somewhat less in the second quarter than they did in any quarter last year. (Table 4.) Two factors were important in this slowing down: The cutbacks in overtime work at premium rates of pay; and the relatively heavier layoffs of workers and cutbacks in working hours in high-paying durable goods lines, thereby reducing the proportion of high-wage hours of work and employment in the total.

Weekly earnings in the private nonfarm economy rose 3.1 percent in the second quarter—about the same as in the first quarter, but less than half the average quarterly rise last year. The slackening reflected both a reduction in hours of work and the slower gain in hourly pay. Weekly earnings in real terms—adjusted for price increases—have declined for the past three quarters.

Major union collective bargaining settlements were markedly higher in the second quarter. For wages and benefits combined, they averaged 10.9 percent annually over the life of the contract and 17.1 percent in the first year. The increase in size of settlements was mostly in the nonmanufacturing sector. In manufacturing, on the other hand, the size of wage settlements did not increase much from recent quarters. (Table 6.) Current wage agreements, of course, cover only a small proportion of all working people.

PRICES

Prices, on a seasonally-adjusted basis, rose a little less on the average in the second quarter this year than in the first, particularly in farm products and foods. The wholesale price rise slowed from an annual rate of 4 percent in the first quarter to 1 percent in the second, the smallest rise in two years.

The consumer price rise slackened to a 5.7 percent annual rate in the second quarter, from 6.3 percent in the preceding two quarters. (In July, wholesale price increases of farm products and foods accelerated, but industrial commodity prices rose at about the same rate as in June.)

The slackening in the wholesale rise came largely in crude industrial materials, in addition to farm products and foods. (Table 9.) Some slowing also occurred in producer finished goods and consumer durables. Industrial commodity prices as a whole, however, rose somewhat more in the second quarter than in the first, because of a sharper advance in intermediate materials.

Farm product and food prices actually declined in the second quarter, after seasonal adjustment, mainly in livestock, meats, and poultry and eggs. The drop reflected an increase of supplies, combined with rather slack demand because of a slow growth of wage income. The trend in meat prices this year contrasts sharply with the second quarter a year ago, when a steep rise occurred.

The slowing in crude materials was largely in metals, where supplies have been growing and demand from industry lessening. Rapidly advancing metal prices were a major factor in the industrial price rise last fall and winter. In June, nonferrous metal prices declined for the first time in two years.

In prices of intermediate materials, the acceleration in the second quarter chiefly reflected a significant rise in steel mill products. Other factors included an upturn in industrial chemicals, leather, and plywood, which had declined through most of last year; and a smaller decrease for lumber than in the four preceding quarters. At the end of the second quarter, the industrial price rise appeared to be slackening again.

In consumer prices, the slowing was chiefly in meats, poultry, and eggs. (Table 8) Services also rose significantly less sharply than in the first quarter, largely in public transportation charges and mortgage interest rates. On the other hand, commodities other than food rose more on the average than in the first quarter, mainly in used cars, gasoline, and cigarettes. Used car prices often rise sharply in a period of economic slack, when many buyers purchase used cars instead of new ones.

TABLE 1.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, UNIT COSTS, AND PRICES IN THE PRIVATE ECONOMY, SEASONALLY ADJUSTED

[Indexes 1957–59=100]

Year and quarter	Output	Man-hours	Output per man-hour	Compensation per man-hour [1]	Real compensation per man-hour [2]	Unit labor costs	Unit nonlabor payments [3]	Implicit price deflator [4]
1969:								
1st	159.0	114.2	139.3	170.0	136.3	122.1	122.8	122.4
2d	159.8	115.1	138.9	172.4	136.0	124.2	123.2	123.8
3d	160.9	115.3	139.5	175.9	136.8	126.1	123.6	125.2
4th	160.4	114.8	139.7	179.6	137.8	128.6	123.3	126.6
Annual average	160.0	114.9	139.3	174.5	136.8	125.3	123.2	124.5
1970:								
1st	159.2	114.7	138.9	182.6	138.0	131.5	122.7	128.3
2d	159.3	113.8	139.9	184.9	137.5	132.2	125.2	129.5
	Percent change over previous quarter at annual rate [5]							
1969:								
1st	2.8	3.4	−0.5	6.2	1.2	6.7	1.4	4.7
2d	2.1	3.3	−1.1	5.9	−1.0	7.1	1.5	4.9
3d	2.5	.9	1.6	8.2	2.3	6.5	1.1	4.5
4th	−1.0	−1.8	.8	8.8	3.0	7.9	−.8	4.7
Annual average [6]	2.9	2.2	.7	7.2	1.8	6.5	1.2	4.5
1970:								
1st	−3.0	−.5	−2.5	6.8	.5	9.6	−2.0	5.3
2d	.1	−2.9	3.1	5.1	−1.3	1.9	8.2	4.1
	Percent change over previous year							
1970: 2d quarter [7]	−0.3	−1.1	0.8	7.2	1.1	6.4	1.6	4.6

[1] Wages and salaries of employees plus employers' contributions for social insurance and private benefits plans. Also includes an estimate of wages, salaries, and supplemental payments for the self-employed.

[2] Compensation per man-hour adjusted for changes in the Consumer Price Index.

[3] Nonlabor payments include profits, depreciation, interest, rental income and indirect taxes.

[4] Current dollar gross product divided by constant dollar gross product.

[5] Percent change compounded at annual rate from original data.

[6] Percentage change of annual average.

[7] Current quarter divided by comparable quarter a year ago.

Note: Data have been revised to reflect new benchmarks. Revisions of earlier data are shown on appendix table 10.

Source: Output data from the Office of Business Economics, U.S. Department of Commerce and the Federal Reserve Board. Compensation and man-hours data from the Bureau of Labor Statistics, U.S. Department of Labor and the Office of Business Economics.

TABLE 2.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, UNIT COSTS, AND PRICES IN THE PRIVATE NONFARM SECTOR, SEASONALLY ADJUSTED

[Indexes 1957–59=100]

Year and quarter	Output	Man-hours	Output per man-hour	Compensation per man-hour [1]	Real compensation per man-hour [2]	Unit labor costs	Unit nonlabor payments [3]	Implicit price deflator [4]
1969:								
1st	161.1	120.1	134.1	163.1	131.5	122.2	123.0	122.5
2d	162.4	121.2	134.0	166.2	131.1	124.1	123.0	123.7
3d	163.4	121.7	134.2	169.2	131.6	126.1	123.5	125.1
4th	163.1	121.4	134.3	172.4	132.2	128.4	123.2	126.4
Annual average	162.5	121.1	134.2	167.9	131.6	125.2	123.2	124.5
1970:								
1st	161.9	121.4	133.3	175.1	132.3	131.4	122.0	127.9
2d	161.9	120.4	134.4	177.5	132.0	132.1	124.7	129.4
	Percent change over previous quarter at annual rate [5]							
1969:								
1st	2.6	4.2	−1.5	5.5	0.5	7.1	1.1	4.8
2d	3.1	3.6	−.4	5.8	−1.0	6.3	.0	3.9
3d	2.5	1.9	.6	7.3	1.4	6.6	1.5	4.7
4th	−.6	−1.0	.3	7.7	1.9	7.3	−1.0	4.3
Annual average [6]	3.0	2.7	.3	6.7	1.3	6.4	.8	4.3
1970:								
1st	−2.9	−.1	−2.9	6.6	.3	9.8	−3.8	4.8
2d	−.1	−3.3	3.3	5.6	−.9	2.2	9.3	4.6
	Percent change over previous year							
1970: 2d quarter [1]	−0.3	−0.6	0.3	6.8	0.7	6.5	1.4	4.6

[1] Wages and salaries of employees plus employers' contributions for social insurance and private benefits plans. Also includes an estimate of wages, salaries, and supplemental payments for the self-employed.

[2] Compensation per man-hour adjusted for changes in the Consumer Price Index.

[3] Nonlabor payments include profits, depreciation, interest, rental income and indirect taxes.

[4] Current dollar gross product divided by constant dollar gross product.

[5] Percent change compounded at annual rate from original data.

[6] Percentage change of annual average.

[7] Current quarter divided by comparable quarter a year ago.

Note: Data have been revised to reflect new benchmarks. Revisions of earlier data are shown on appendix table 10.

Source: Output data from the Office of Business Economics, U.S. Department of Commerce and the Federal Reserve Board. Compensation and man-hours data from the Bureau of Labor Statistics, U.S. Department of Labor and the Office of Business Economics.

TABLE 3.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION AND UNIT LABOR COSTS IN THE MANUFACTURING SECTOR, SEASONALLY ADJUSTED

[Indexes 1957-59=100]

Year and quarter	Output [1]	Man-hours [2]	Output per man-hour [2]	Compensation per man-hour [2]	Real compensation per man-hour [2 3]	Unit labor costs
1969:						
1st	170.8	122.2	139.8	157.8	126.5	112.9
2d	172.8	123.4	140.0	159.5	125.8	113.9
3d	173.9	123.4	140.9	162.8	126.6	115.6
4th	170.8	122.5	139.4	165.2	126.7	118.5
Annual average	172.1	122.9	140.0	161.4	126.5	115.2
1970:						
1st	168.9	120.6	140.0	167.9	126.8	119.9
2d	167.2	117.9	141.8	170.7	126.9	120.4

Year and quarter	Output [1]	Man-hours [2]	Output per man-hour [2]	Compensation per man-hour [2]	Real compensation per man-hour [2 3]	Unit labor costs
	Percent change over previous quarter at annual rate [4]					
1969:						
1st	1.9	.9	1.4	6.2	1.2	4.7
2d	4.8	3.8	.6	4.6	−2.2	3.6
3d	2.6	.1	2.6	8.5	2.5	6.1
4th	−6.9	−2.8	−4.2	5.8	.1	10.4
Annual average [6]	3.9	1.8	2.1	6.4	.9	4.2
1970:						
1st	−4.4	−6.1	1.7	6.7	.4	4.8
2d	−4.0	−8.7	5.2	7.0	.4	1.7
	Percent change over previous year					
1970: 2d quarter [5]	−3.2	−4.4	1.3	7.0	0.9	5.7

[1] Quarterly measures adjusted to annual estimates of output (gross product originating) from the Office of Business Economics, U.S. Department of Commerce.

[2] Employees only.

[3] Compensation per man-hour adjusted for changes in the Consumer Price Index.

Percent change compounded at annual rate from original data.

[5] Current quarter divided by comparable quarter a year ago.

Note: Data have been revised to reflect new benchmarks. Revisions of earlier data are shown on appendix table 10.

Source: Output data from the Office of Business Economics, U.S. Department of Commerce and the Federal Reserve Board. Compensation and man-hours data from the Bureau of Labor Statistics, U.S. Department of Labor and the Office of Business Economics.

TABLE 4.—QUARTERLY TRENDS IN COMPENSATION, 1968-70

[Computed from seasonally adjusted quarterly data]

Measure	Percent change over previous quarter at annual rate								
	1968			1969				1970	
	June	September	December	March	June	September	December	March	June
Average hourly compensation:									
All persons, total private economy	5.9	8.5	8.5	6.1	5.8	8.4	8.7	6.9	5.1
All employees, private nonfarm economy	5.7	7.0	8.7	5.5	5.8	7.3	7.7	6.6	5.6
Average hourly earnings, private nonfarm economy [1, 2]	6.9	6.2	6.7	6.5	7.9	6.8	7.1	3.9	6.1
Mining	4.1	6.2	6.9	11.3	5.4	7.3	7.6	7.3	4.3
Contract construction	5.1	7.2	7.8	6.3	12.8	9.0	10.9	8.0	7.7
Manufacturing	6.5	5.5	7.2	4.9	6.0	7.8	5.1	3.4	6.2
Excluding effects of overtime and interindustry employment shifts	6.0	5.6	6.4	5.4	5.7	6.7	6.0	5.7	(3)
Wholesale and retail trade	7.6	6.9	6.2	5.5	5.6	8.2	7.3	5.3	4.6
Finance, insurance, and real estate	8.8	9.1	6.9	7.7	1.8	5.2	7.0	5.9	(4)
Average hourly earnings, all Federal executive branch employees [5]	.4	2.0	4.5	1.0	2.6	4.7	3.8	1.9	(3)
Average union scales, building construction:									
Wages and selected benefits	10.7	12.0	10.9	7.0	14.8	10.0	5.8	5.7	25.6
Hourly wage rates	7.4	9.8	10.4	7.0	12.4	8.9	5.8	5.7	22.8
Wage rates, hired farm labor	11.8	20.8	2.7	5.3	8.0	10.5	2.5	−2.5	10.2
Average weekly earnings, private nonfarm economy: [1]									
Current dollars	6.1	7.4	4.7	6.4	8.3	6.1	5.4	2.9	3.1
1957-59 dollars	2.2	2.8	−.6	1.0	1.5	.8	−.5	−4.1	−2.6
Real spendable earnings (worker and 3 dependents 1957-59 dollars)	.5	2.0	−1.7	−1.4	−.6	(4)	−1.3	−1.0	−2.7

[1] Production and nonsupervisory workers.

[2] Includes industries not shown separately.

[3] Not available.

[4] Less than 0.05 percent.

[5] Computed from data that are not seasonally adjusted. Actual percent change rather than annual rate of change is shown where change is affected by a general salary adjustment.

Note: Data for most recent quarter are preliminary.

TABLE 5.—ANNUAL TRENDS IN COMPENSATION, 1968-70

[Computed from seasonally adjusted quarterly data]

Measure	Percent change over 4-quarter period [1] ending in—								
	1968			1969				1970	
	June	September	December	March	June	September	December	March	June
Average hourly compensation:									
All persons, total private economy	6.9	7.7	8.6	7.3	7.2	7.2	7.2	7.4	7.3
All employees, private nonfarm economy	7.0	7.2	8.0	6.7	6.7	6.8	6.6	6.8	6.8
Average hourly earnings, private nonfarm economy [2 3]	6.4	6.4	7.0	6.6	6.8	7.0	7.1	6.4	6.0
Mining	4.6	4.8	6.4	7.1	7.4	7.7	7.9	6.9	6.6
Contract construction	7.3	6.9	7.1	6.5	8.5	9.0	9.7	10.2	8.9
Manufacturing	6.4	6.5	7.1	6.0	5.9	6.5	5.9	5.6	5.6
Excluding effects of overtime and interindustry employment shifts	6.0	6.2	6.5	5.9	5.8	6.1	6.0	6.0	(4)
Wholesale and retail trade	6.9	7.2	7.4	6.5	6.0	6.4	6.6	6.6	6.3
Finance, insurance, and real estate	6.0	6.9	7.2	8.1	6.4	5.4	5.4	5.0	4.5
Average hourly earnings, all Federal executive branch employees [5]	6.3	9.1	6.2	6.9	7.5	10.4	9.6	9.9	(4)
Average union scales building construction:									
Wages and selected benefits	5.9	7.5	9.7	10.1	11.1	10.6	9.3	9.0	11.8
Hourly wage rates	4.8	6.1	7.9	8.7	9.9	9.7	8.5	8.1	10.8
Wage rates, hired farm labor	6.6	9.4	10.9	9.9	9.0	6.6	6.5	4.5	5.1
Average weekly earnings, private nonfarm economy: [2]									
Current dollars	6.1	6.1	6.3	6.2	6.7	6.4	6.6	5.7	4.4
1957-59 dollars	1.8	1.7	1.6	1.3	1.2	.7	.7	−.6	−1.6
Real spendable earnings (worker and 3 dependents 1957-59 dollars)	.9	.7	.4	−.2	−.2	−.7	−.6	−.4	−1.3

[1] Current quarter divided by comparable quarter a year earlier.

[2] Production and nonsupervisory workers.

[3] Includes industries not shown separately.

[4] Not available.

[5] Computed from data that are not seasonally adjusted.

Note: Data for June 1970 are preliminary.

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TABLE 6.—WAGE AND BENEFIT DECISIONS INDIVIDUAL QUARTERS, 1968–70[1]

[Mean adjustments]

Measure	Average percent change at annual rate in decisions during quarter ending in—									
	1968				1969				1970	
	March	June	September	December	March	June	September	December	March	June
Major collective bargaining situations:[2]										
Wage and benefit changes:										
Over life of contract	6.1	6.8	6.5	6.4	6.7	10.3	7.8	9.0	8.0	10.9
1st-year adjustment	9.0	8.5	8.5	9.0	8.9	12.9	11.6	13.3	10.9	17.1
Wage-rate changes in—										
All industries:										
Over life of contract	5.6	6.0	5.8	6.1	6.1	8.7	7.8	7.5	7.7	10.6
1st-year adjustment	7.1	7.4	7.4	7.5	7.6	9.8	9.9	10.3	10.2	15.4
Manufacturing:										
Over life of contract	5.1	5.7	5.0	5.4	5.3	6.2	6.5	6.8	5.5	6.6
1st-year adjustment	6.7	7.6	7.0	6.7	6.4	8.4	8.7	8.2	8.2	8.4
Nonmanufacturing:										
Over life of contract	6.3	6.2	6.9	7.1	7.1	10.6	9.8	8.5	10.7	11.8
1st-year adjustment	7.6	7.3	8.1	8.9	9.2	10.7	11.8	12.8	12.8	17.4
Construction:										
Over life of contract	7.3	8.1	10.2	9.0	6.1	13.4	13.9	11.7	13.1	14.6
1st-year adjustment	8.6	8.2	10.0	9.3	7.6	12.8	14.8	13.2	15.5	18.2
Wage increases in manufacturing:[3]										
All establishments	(4)	(4)	(4)	(4)	6.2	6.9	7.1	7.4	6.6	(4)
Union establishments	(4)	(4)	(4)	(4)	6.7	7.6	7.9	7.5	7.6	(4)
Nonunion establishments	(4)	(4)	(4)	(4)	5.5	5.8	6.2	7.2	5.2	(4)

[1] Data exclude possible adjustments in wages under cost-of-living escalator clauses (except increases guaranteed by the contract).

[2] Limited to private industry settlements affecting 1,000 workers or more (5,000 for wages and benefits combined).

[3] Averages are limited to establishments in which there were decisions to make general wage rate increases. Averages for major collective bargaining situations include, in addition to unit deciding on general wagei ncreases, units agreeing to reduce wages or to leave wages unchanged

[4] Not available.

Note: Data for 1970 are preliminary.

TABLE 7.—WAGE AND BENEFIT DECISIONS, ANNUAL PERIODS, 1968–70[1]

[Mean adjustments]

Measure	Average percent change at annual rate in decisions during 4 quarters ending in—									
	1968				1969				1970	
	March	June	September	December	March	June	September	December	March	June
Major collective bargaining situations[2]—										
Wage and benefit changes:										
Over life of contract	5.3	6.0	6.2	6.5	6.6	7.2	7.8	8.2	8.8	9.4
1st-year adjustment	8.0	8.7	8.7	8.7	8.6	9.5	10.4	10.9	11.8	14.0
Wage-rate changes in—										
All industries:										
Over life of contract	(3)	(3)	(3)	5.9	6.0	6.6	7.3	7.6	8.1	8.9
1st-year adjustment	(3)	(3)	(3)	7.4	7.5	8.1	8.8	9.2	10.0	12.3
Manufacturing:										
Over life of contract	(3)	(3)	(3)	5.2	5.3	5.4	5.8	6.0	6.2	6.3
1st-year adjustment	(3)	(3)	(3)	7.0	7.0	7.1	7.5	7.9	8.4	8.4
Nonmanufacturing:										
Over life of contract	(3)	(3)	(3)	6.5	6.6	8.2	9.0	9.3	10.2	11.0
1st-year adjustment	(3)	(3)	(3)	7.8	8.0	9.3	10.2	10.8	11.6	15.2
Construction:										
Over life of contract	(3)	(3)	(3)	8.6	8.6	12.1	13.1	13.1	13.4	13.9
1st-year adjustment	(3)	(3)	(3)	8.7	8.7	11.8	12.9	13.1	13.8	16.5
Wage increases in manufacturing:[3]										
All establishments	(3)	(3)	(3)	6.2	(3)	(3)	(3)	6.8	7.0	(3)
Union establishments	(3)	(3)	(3)	6.5	(3)	(3)	(3)	7.4	7.7	(3)
Nonunion establishments	(3)	(3)	(3)	5.8	(3)	(3)	(3)	6.1	6.3	(3)

[1] Data exclude possible adjustments in wages under cost-of-living escalator clauses (except increases guaranteed by the contract).

[2] Limited to private industry settlements affecting 1,000 workers or more (5,000 for wages and benefits combined).

[3] Not available.

[4] Averages are limited to establishments in which there were decisions to make general wage rate increases. Average for major collective bargaining situations include, in addition to unit deciding on general wage increases, units agreeing to reduce wages or to leave wages unchanged

Note: Data for 1970 are preliminary.

TABLE 8.—CONSUMER PRICE INDEXES FOR SELECTED COMMODITIES AND SERVICES QUARTERLY PERCENT CHANGES

Consumer price indexes	Quarter ending—					June 1969 to June 1970
	1969			1970		
	June	September	December	March	June	
Seasonally adjusted:						
All items	1.5	1.3	1.5	1.5	1.4	6.0
All commodities	1.4	1.0	1.5	.9	1.3	8.2
Food	2.0	1.5	2.5	1.3	.3	4.7
Nondurables less food	1.2	.9	1.0	.6	1.2	5.7
Durables	.2	.5	1.2	.7	2.0	8.1
Not seasonally adjusted:						
All items	1.6	1.3	1.5	1.4	1.5	6.0
Services	1.7	1.9	1.6	2.7	1.8	8.2
All commodities	1.5	1.0	1.6	.7	1.4	4.7
Food	2.5	1.6	1.9	1.3	.8	5.7
Food away from home	1.7	2.1	2.2	1.7	1.9	8.1
Food at home	2.8	1.5	1.8	1.3	.5	5.1
Meats	8.7	2.8	−1.4	2.6	−.2	3.9
Beef and veal	10.9	.3	−3.3	2.3	1.3	.5
Pork	8.3	6.0	−.3	3.5	−2.5	6.6
Chicken, frying	3.8	4.6	−5.7	−1.2	−.8	−3.3
All dairy products	.8	1.2	1.7	1.4	.6	5.0
Milk, grocery	.5	1.2	1.8	1.4	−.4	4.1
Cheese	2.9	1.6	2.4	2.6	.6	7.4
Fruits and vegetables	2.5	−3.1	4.2	.8	4.7	6.6
Fresh fruits and vegetables	3.8	−5.3	6.8	1.1	7.0	9.5
Processed fruits and vegetables	.4	.5	.2	.2	1.1	2.0
Cereals and bakery products	.7	.8	1.5	1.7	.9	5.1
Bread, white	−.2	1.3	1.8	1.8	0	4.9
Eggs	−14.7	23.0	23.6	−12.8	−25.0	−.6
Nonalcoholic beverages	.9	.3	3.6	4.6	3.6	12.7
Durable commodities	.5	−.1	1.8	.4	2.3	4.5
New cars	−.6	−2.3	5.4	−.5	−.6	2.0
Household durables	1.3	.4	.3	.8	.7	2.3
Nondurables less food	1.3	1.1	1.0	.3	1.3	3.8
Apparel less footwear	1.7	1.3	1.8	−.6	1.3	3.7
Women's and girls'	1.7	1.5	2.1	−1.5	1.2	3.3
Men's and boys'	1.7	1.2	1.5	.2	1.4	4.4
Footwear	1.8	1.6	1.5	1.3	1.0	5.4
Fuel oil and coal	.3	.5	.9	1.3	.3	3.1
Services	1.7	1.9	1.6	2.7	1.8	8.2
Rent	.9	1.0	1.1	1.1	.9	4.1
Insurance and finance	2.6	2.9	3.0	5.1	2.4	13.9
Utilities and public transportation	.7	.6	1.3	2.7	.8	5.5
Housekeeping and home maintenance	2.3	2.7	2.0	1.7	1.7	8.4
Medical care	2.0	1.8	.3	2.4	2.0	6.8

TABLE 9.—WHOLESALE PRICE INDEXES FOR SELECTED INDUSTRIAL COMMODITIES QUARTERLY PERCENT CHANGES

Wholesale price indexes	Quarter ending—					June 1969 to June 1970
	1969			1970		
	June	September	December	March	June	
Seasonally adjusted:						
WPI, All commodities	1.2	0.6	1.5	1.0	0.2	3.4
Farm products	3.0	−.3	3.2	1.2	−4.0	.1
Processed food and feeds	2.7	.2	2.1	2.1	−1.6	2.8
Industrial commodities	.5	1.0	1.0	.8	1.1	4.0
Crude materials except food	3.6	3.6	3.2	2.8	1.5	8.4
Intermediate materials except food	.2	.9	1.1	.5	1.6	4.2
Finished goods:						
Consumer nondurables except food	.6	1.1	.9	.5	.7	3.1
Consumer durables	.5	.3	.8	.8	.6	2.4
Producers' goods	.8	1.3	1.4	1.1	.8	4.7
Not seasonally adjusted:						
WPI, all commodities	1.3	.4	1.3	1.3	.3	3.4
Industrial commodities	.2	.9	1.2	1.0	.8	4.0
Textile products and apparel	.1	1.7	.2	.3	−.2	2.0
Cotton products	−.3	1.3	.2	−.3	.1	1.3
Wool products	.8	0	−.6	.1	−1.5	−2.1
Manmade fiber products	.7	.7	.1	−.8	−1.5	−4.0
Apparel	.4	2.6	.6	.9	.4	4.5
Hides, skins, leather, and products	1.9	2.0	−1.4	.2	.4	1.3
Hides and skins	7.6	9.6	−15.4	−8.7	−5.5	−20.1
Leather	4.4	.2	−1.7	−1.3	1.3	−1.4
Footwear	.6	2.0	.1	1.4	.7	4.2
Fuels, related products, and power	.8	−.3	1.4	.2	2.2	3.4
Crude petroleum	.8	0	0	0	0	0
Refined petroleum	1.6	−1.5	.4	−1.4	1.4	−1.1
Chemicals and allied products	.2	.6	−.1	1.2	.5	2.2
Industrial chemicals	−.9	1.2	−.4	−.5	.7	1.0
Agricultural chemicals and products	−.3	−5.1	−.8	6.1	−.2	−.3
Rubber and rubber products	.3	1.5	1.7	−.1	−.3	2.9
Crude rubber	.9	1.0	−2.8	−.6	−.9	−3.2
Tires and tubes	0	3.0	2.5	0	0	5.6
Lumber and wood products	−13.2	−5.1	−.6	−2.4	.6	−7.4
Lumber	−13.5	−9.0	−1.0	−3.8	−.3	−13.6
Millwork	5.6	−1.2	−2.0	−.8	.3	−3.6
Plywood	−35.9	.2	2.6	−2.5	4.2	4.6
Pulp, paper, and products	.8	.5	.6	2.4	.1	3.7
Paper	.8	−.4	.8	3.6	.1	4.0
Converted paper and paperboard	1.0	1.0	.8	2.0	.6	4.5
Metal and metal products	1.8	3.2	1.7	2.6	1.7	9.5
Iron and steel	1.4	2.6	.7	3.3	2.1	9.0
Nonferrous metals	4.3	5.9	4.6	2.2	1.0	14.4
Machinery and equipment	.7	1.1	1.7	1.0	.8	4.6
Nonelectrical machinery	.9	1.2	2.2	1.1	.8	5.3
Electrical machinery	.5	.7	.8	.9	.9	3.4
Furniture and household durables	.2	.5	.8	.8	.5	2.5
Household furnitute	.8	.6	.5	1.4	.6	3.1
Floor covering	−1.8	−.6	−.1	.3	−.9	−1.4
Household appliances	.1	.1	.6	1.2	.2	2.1
Nonmetallic mineral products	.8	.6	.9	2.4	.5	4.5
Concrete ingredients	.3	.5	.2	3.5	1.2	5.5
Concrete products	.4	1.4	.9	2.5	1.0	5.8
Transportation equipment	.3	−.3	2.7	.5	.1	3.0
Passenger cars, new	0	−1.0	3.2	0	.5	2.1
Railroad equipment	1.5	2.3	1.1	2.6	.5	6.7
Miscellaneous products	2.3	1.1	.5	.7	2.8	5.1
Tobacco products	5.6	.5	.2	.1	6.6	7.4

APPENDIX TABLE 10.—REVISED INDEXES OF OUTPUT PER MAN-HOUR, HOURLY COMPENSATION AND UNIT LABOR COSTS, 1969 (INDEXES 1957–59=100) (SEASONALLY ADJUSTED)

Year and quarter	Output	Man-hours	Output per man-hour	Compensation per man-hour[1]	Real compensation per man-hour[2]	Unit labor costs
TOTAL PRIVATE						
1968:						
1st	152.4	111.3	136.9	158.5	133.3	115.8
2d	155.1	112.3	138.1	160.8	133.7	116.5
3d	156.7	112.9	138.8	164.1	134.7	118.2
4th	157.9	113.2	139.5	167.5	135.9	120.1
Annual average	155.5	112.4	138.3	162.8	134.4	117.7
1969:						
1st	159.0	114.2	139.3	170.0	136.3	122.1
2d	159.8	115.1	138.9	172.4	136.0	124.2
3d	160.9	115.3	139.5	175.9	136.8	126.1
4th	160.4	114.8	139.7	179.6	137.8	128.6
Annual average	160.0	114.9	139.3	174.5	136.8	125.3
PRIVATE NONFARM						
1968:						
1st	154.3	116.5	132.4	153.6	129.2	116.0
2d	157.4	117.7	133.7	155.7	129.5	116.5
3d	159.0	118.5	134.2	158.4	130.1	118.1
4th	160.1	118.9	134.6	161.7	131.3	120.2
Annual average	157.7	117.9	133.7	157.4	130.0	117.7
1969:						
1st	161.1	120.1	134.1	163.9	131.5	122.2
2d	162.4	121.2	134.0	166.2	131.1	124.1
3d	163.4	121.7	134.2	169.2	131.6	126.1
4th	163.1	121.4	134.3	172.4	132.2	128.4
Annual average	162.5	121.1	134.2	167.9	131.6	125.2
MANUFACTURING[3][4]						
1968:						
1st	161.2	119.4	135.0	148.3	124.8	109.9
2d	164.5	120.4	136.6	150.3	125.0	110.0
3d	166.6	121.2	137.5	152.7	125.4	111.1
4th	170.0	122.0	139.3	155.4	126.2	111.6
Annual average	165.6	120.7	137.1	151.7	125.3	110.6
1969:						
1st	170.8	122.2	139.8	157.8	126.5	112.9
2d	172.8	123.4	140.0	159.5	125.8	113.9
3d	173.9	123.4	140.9	162.8	126.6	115.6
4th	170.8	122.5	139.4	165.2	126.7	118.5
Annual average	172.1	122.9	140.0	161.4	126.5	115.2

[1] Wages and salaries of employees plus employers' contributions for social insurance and private benefits plans. Also includes an estimate of wages, salaries, and supplemental payments for the self-employed.

[2] Compensation per man-hour adjusted for changes in the Consumer Price Index.

[3] Quarterly measures adjusted to annual estimates of output (gross product originating) from the Office of Business Economics, U.S. Department of Commerce.

[4] Employees only.

EXHIBIT 2

PRODUCTIVITY: ANTIDOTE TO INFLATION

ANALYSIS BY THE VETERAN ECONOMIST AND CONSULTANT TO GOVERNMENT AND INDUSTRY

(By Louis J. Paradiso)

You don't have to be much more knowledgeable than the average man in the street to realize that:

We aren't cooling inflation by putting a lid on economic growth. To the contrary, prices are soaring and unemployment is beginning to.

A continuation of present policies likely will continue to produce the same adverse results.

What's becoming perfectly obvious, of course, is that inflationary pressures aren't going to be cooled at all until costs are put on ice. But unemployment isn't the answer, because that cuts demand and actually may raise unit costs.

So you have to look for a solution to inflation which has these parameters. (1) It must brake costs, (2) but it cannot brake the rate of economic growth, because that (3) would create unemployment and a restless, stagnant market.

The place to begin your search for the grail is in the area of productivity. And right away you can see that you're on the right track.

The productivity performance of American industry since the escalation of the war in Vietnam, especially in 1969, has been most disappointing.

In the 10 years prior to 1965, factory output per manhour grew at an annual rate of 3½%. In the next four years the increase has averaged less than 2¼% per year. For nonmanufacturing industries the comparison is nearly 3% in the earlier period, as against 1½% from 1965 to 1969.

The slowdown occurred even though from 1961 to 1966 the physical volume of capital goods purchases increased sharply—at an average rate of 10%/year—and a further expansion has occurred since then. A number of factors have accounted for this untoward development—at times industry has hoarded labor, hired a disproportionate number of inexperienced workers, or faced a slowdown in sales and therefore output.

Plainly, poor productivity magnifies costs and contributes materially to upward price pressures.

PRODUCTIVITY IS THE ANSWER

Conversely, note how high productivity would satisfy the parameters of our inflation solution. Take this example:

If private output were to increase 5%, and the productivity gain were 3%, the implied increase in employment would be 2%—enough to absorb the normal growth in the labor force and guarantee a thriving market.

Meanwhile a 3% productivity gain (we had only 1% in 1969) would help ease price pressures. And as productivity continues to improve, inflation gradually would cool off—in short, price stability eventually would be achieved.

So far, so good. But there's a problem inherent in productivity: Like most good intentions it's hard to sustain. Increased efficiency can be a short-lived objective when a surge of new business puts corporations into a relaxed mood.

So a permanent device to promote increased productivity is needed sorely.

Actually we have a striking precedent for it: In 1962, the government provided an incentive to investment by allowing firms a tax credit on purchases of new equipment. This contributed greatly to the upsurge in investment outlays after that year.

Why not do the same for productivity?

EFFICIENCY INCENTIVES NEEDED

Secifically companies would receive an efficiency tax credit each year, depending on their actual productivity performances. Any number of formulas can be devised to implement such a program. One formula would be to allow a firm to deduct 1% from its tax liability for each ½% gain in productivity over and above the annual average of the preceding 10 years. If, for the private economy, this incentive were to result in a productivity increase of 2% more than the average gain of the past 10 years—from roughly 3% to 5%—it would cost the Treasury Dept. $2-billion, or about the same amount involved in the investment tax credit. Obviously the formula can be modified, depending on the degree of business stimulation needed.

An efficiency tax credit would have many advantages. It would affect all firms—in contrast to the investment tax credit which applied only to firms buying equipment. It would be completely voluntary. It would have a double-barreled effect—prevent demand-pull inflation and progressively reduce cost-push pressure on prices ultimately to bring about price stability. It basically is the answer to how we may be able to sustain strong economic growth and a low rate of unemployment under conditions of relative price stability. Increased productivity could result from actions taken on many fronts—through managerial efforts, cooperation by workers, more R&D, and replacement of older machines by more efficient ones.

Questions may be raised as to problems of measuring productivity in certain areas, particularly in an economy that is white-collar/service-oriented.

The measurement problem should pose no serious obstacle, as many consulting firms specializing in enhancing efficiency and its measurement will attest.

Also there may be a measurement problem where productivity increases are reflected in a better-quality product at the same or lower price. Here again the measurement of output is not insurmountable, because many firms have been successful in quantifying the enhanced quality performance of their products.

In all, quantifying productivity gains should not be much more difficult than the present calculations of depreciation allowances.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M., MONDAY, AUGUST 10, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, this request is without prejudice to the rights of the able Senator from Missouri (Mr. EAGLETON), who was to have been, and is to be, recognized shortly after 11 o'clock Monday morning next.

The purpose of coming in a half hour earlier on Monday morning is that we might proceed to the consideration at that time—and before the Senator from Missouri (Mr. EAGLETON) speaks—of Calendar No. 1077, S. 3835, which has been introduced by the able Senator from Iowa (Mr. HUGHES) and other Senators.

There will be a discussion of that measure plus any other measures which the majority leader might wish to lay before the Senate at that time.

ORDER FOR PLACING ADDITIONAL INSERTIONS IN THE RECORD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the CONGRESSIONAL RECORD be kept open until 3 p.m. today for additional insertions by Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. MONDAY, AUGUST 10, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 Monday morning next.

The motion was agreed to; and (at 12 o'clock and 16 minutes p.m.) the Senate adjourned until Monday, August 10, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 7, 1970:

DIPLOMATIC AND FOREIGN SERVICE

L. Dean Brown, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

DEPARTMENT OF TRANSPORTATION

Willard J. Smith, of Michigan, to be an Assistant Secretary of Transportation, vice Walter L. Mazan, resigned.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be lieutenants

Edward M. Gelb
Gregory Holloway
James C. Bishop, Jr.
Robert C. Husted, Jr.
Kenneth E. Lilly, Jr.
Charles R. Condon
Richard D. Olson
Richard S. Moody, Jr.
Gerald J. Cinpinski
Lloyd K. Thomas
Richard L. Baker

To be ensigns

Gary M. Adair
Keith G. Baldwin
Max M. Ethridge
Michael R. Johnson
Frederick J. Jones
David B. MacFarland, Jr.
Jan W. McCabe
David B. McLean
Robert H. Qualset
Denis A. Redwine
Gary L. Sundin
Carl V. Ullman
Alan P. Vonderohe
Stephen L. Wood

IN THE MARINE CORPS

The following-named Army Reserve Officer Training Corps graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualification therefor as provided by law:

King, James H., Jr.

IN THE NAVY

Joel H. Ross (Naval Reserve Officers Training Corps candidate) to be permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named enlisted personnel to be permanent ensigns in the Medical Service Corps of the Navy, subject to the qualification therefor as provided by law:

Mike VanRollins
Charles M. Grill
Kermit J. Fendler
Robert W. Kapp

The following-named chief warrant officers to be ensigns in the Navy, limited duty for temporary service in the classification indicated as a permanent warrant and/or permanent and temporary warrant subject to the qualification therefor as provided by law:

Engineering

Maurice C. Hollon

Electronics

Frederick W. Borgmann
James F. Parsons

Electrician

Darrell E. Johnston
Donald E. Tuttle

The following-named (Naval Reserve officers) to be permanent lieutenant (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Bruce L. Bosworth
Richard L. Delong
Dennis R. Hardin
Richard H. Harper
James T. Mellonig
Robert F. Provencher
Richard A. Riemann
Russell C. Tontz, Jr.

The following-named (Naval Reserve officers) to be permanent lieutenant and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Mark O. Abbott
Hasan A. Benler
James W. Bethel
John W. Branch
John A. Dryfuss, Jr.
Loys E. Williams

The following-named (Naval Reserve officers) to be permanent lieutenant (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Keenan F. Barber
George H. Barbier
James W. Bethel
Marvin A. Blanton III
DuWayne H. Bobert
Robert H. Broomall
Jay H. J. Brown
James L. Chandler
William A. Combs
Robert P. Cronin
Richard G. Daly
Arthur B. Davis
Douglas D. DiBona
Igor Z. Drobocky
Robert M. Ellsworth
Henry J. Fisk
Richard L. Fraioli
Arnold E. Gellman
Jon W. Harms
Albert D. Jacobson
John R. Janovich
Joseph A. Kaufman
Jan M. Kadyk
William R. Kendrick
Lawrence W. Mahalak, Jr.
Michael R. Malinovsky
Lawrence R. Morris
Joseph P. Murray
David G. Nielsen
Gerald J. Nowak
David J. O'Patry
John A. Pinkston
Carol G. Reinert
Cyrus M. Robinson
James A. Sebastian
Roscoe F. Suitor
Frank W. Walker
Thomas E. Walsh, Jr.
Thomas M. Williams III
Harold P. Wittcoff
Lewis E. Wright

Joseph P. Virostko, U.S. Navy, retired, to be reappointed from the temporary disability retired list as a permanent chief warrant officer W–4, in the Navy, subject to the qualification therefor as provided by law.

Donald E. LeDuc, U.S. Navy, retired, to be reappointed from the temporary disability retired list as a permanent chief warrant officer W–2, in the Navy, subject to the qualification therefor as provided by law.

Bruce E. Nolin (naval enlisted scientific education program candidate) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Robert M. Valko (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenant (junior grade) and temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Roderick W. Butlin
Michael S. Lucas
Van D. Henson
Jerry E. Young
William Shao-Ru Hwang

The following-named (Naval Reserve Officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

"M" Dan Morris
Robert C. Wisser

WITHDRAWAL

Executive nomination withdrawn from the Senate August 7, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Richard H. Zorn II, of Illinois, to be a Foreign Service officer of class 7, a consular officer, and a secretary in the Diplomatic Service of the United States of America, which was sent to the Senate on July 27, 1970.

EXTENSIONS OF REMARKS

ASSESSMENT OF UNITED STATES-RUSSIAN POWER BALANCE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 7, 1970

Mr. BYRD of Virginia. Mr. President, on Sunday, August 2, the Richmond Times-Dispatch published a comprehensive article entitled "Naval Strength." It provides an assessment of United States-Russian power balance by Rear Adm. G. E. Miller.

I know Admiral Miller personally and hold him in high regard. He is Assistant Deputy Chief of Naval Operations for Air.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAVAL STRENGTH: ADMIRAL PROVIDES AN ASSESSMENT OF U.S.-RUSSIA POWER BALANCE

(By Rear Adm. G. E. Miller)

(NOTE.—What is the naval preparedness of the United States? To help answer this question, now being debated in Congress, staff specialists of Media General newspapers questioned Rear Adm. Gerald E. Miller, assistant deputy chief, naval operations for air. Participating in the taped interview at the Pentagon were James P. Berry, special projects writer and editor for The Times-Dispatch, Bill Connelly of the Washington bureau of the Winston-Salem (N.C.) Journal and Sentinel, John Steen of the Washington bureau of the Tampa Tribune and Warren H. Kennet, military affairs writer for the Evening News of Newark, N.J.)

QUESTION. It has been said that the Russians are more willing to innovate than the United States and consequently are ahead of us in various types of surface craft and compulsion systems. What is our Navy doing to close this gap?

MILLER. I would not admit they are more willing to innovate, but the evidence shows they have exercised their will more than we have any way. I think that is a pretty significant statement.

Let me show you why I think so and see if you arrive at the same conclusion. Let us start off with some of the smaller ships that they have. Let us talk about the surface-to-surface missile-launching patrol craft, small ships.

The Komar boat with two surface-to-surface missiles on it, the OAS with four surface-to-surface missiles, a missile that will go theoretically 22 nautical miles and never get more than a thousand feet in the air. We know it works because this is the one that sank the Israeli destroyer from about 12 miles away. We do not have any ships like that in our Navy, but they have got quite a few of them and they have given a lot of them to their friends. They have not stopped with that. They have developed a follow-on to that called a Nunuchka, 800 patrol craft and launchers surface-to-surface missile launchers. They put a new type. We find six of a new type.

QUESTION. Triple pot?

MILLER. Yes, one on each side of the bow. So they are moving on in that area and we have not seen many of these yet, but this shows that they are developing in that area, in an area where we do not have any weapons system of that nature at all.

Let us move to a larger type ship—the patrol craft, the MERKA class patrol craft, gas turbine and diesel power combination. There are a lot of those. They have the Petka class, Petka-1 and Petka-2, and they have tried various combinations of power plants on those, but again it is a combination gas turbine and diesel-powered ship.

We do have some diesel and gas turbine-powered patrol craft of varying capabilities, not in the numbers that they have.

But let us go to the next larger size. Let us get up to the destroyer, Cashin class, DLG. This has a surface-to-surface launcher, torpedo tubes in the stern, sonar in it, good air search radar. The most significant is four stacks and completely gas-turbined power. It has been operational. They started with them about 1963 but it has really been operational since '67. And they are active today . . . and we see them around all the time. High speed, maneuverable, a good all-weather ship, about 4,600 tons. We do not have a gas turbine capital ship of that size in this country, not in our Navy.

The new contract that was just let to Litton for 30, what we call the DD–963 class, will be our first all-gas turbine powered ship of capital ship size and it will not be operational for four or five years.

So in that regard they are considerably ahead of us. However, if that 963 works out well, and we have every reason to believe it will, that will be a significant step forward for us because that class ship is about a 7,000 tonner, whereas this is only 24,600 tonner. But right today this is what they are operating.

QUESTION. What about the continuing demands from Mr. Rivers [Rep. L. Mendel Rivers, chairman of the House Armed Services Committee] to build the nuclear frigate, fighting at times people in the administration and people over here? Is there any chance that this dispute is going to be settled and we are going to get nuclear-powered frigates?

MILLER. We are hoping we would get the nuclear-powered frigate and we are working in that direction; but at this stage with the budget cut and the emphasis, we would like to be optimistic but we really are very concerned about getting approval of that ship. We certainly thank Mr. Rivers for his support, I will tell you that.

QUESTION. Do you consider the gas turbine route the compromise rather than going to full nuclear-powered for your capitol ships?

MILLER. I would say the answer to that is yes.

QUESTION. A cheaper compromise, and still maintain some superiority?

MILLER. There would be a point in size of ship where you would want to hesitate about putting in a nuclear power plant. The big advantage being range applying more to a ship of large size. So if you were down to a 4,600-ton ship. I do not know whether you would want to go to a nuclear-powered plant or not. But each type of power plant has its place in the size. The significant thing about the Russians is that they are the world leaders in the production of gas turbine-powered ships. They have built more than all of the rest of the countries put together.

QUESTION. How many do they have altogether.

MILLER. About 150.

QUESTION. How many do we have?

MILLER. I do not know the exact number, but it is considerably less. They are doing a lot in this area.

Cruisers, staying or with the surface ships. They have moved and are moving away from their bird loft class, we call it, the conventional gunships, although they have kept up with guns and done very well in the gun business. They have moved into surface missile launching cruisers that are also multipurpose. They have surface-to-air missiles with them and here is the Kresta class, which has a surface-to-air launcher and surface-to-air missiles are down in this area and the surface-to-air launcher down here.

Then we went to Kresta-2, which is a modification of the other, and the launchers are up here, two on each side of the bridge. So this is a pretty nice ship. This is about a 7,000-ton crusier with good speed, good range, steam-powered, two twin SAMS and two QUAD surface-to-surface missiles. These are quadruple launchers. There are eight surface-to-surface missiles on this ship. A very fine cruiser. Remember, we could not have a surface-to-surface missile in any of our cruisers. We still have surface-to-surface missiles in some of ours and guns.

QUESTION. Where does this leave us?

MILLER. Let us take a look at another cruiser.

This is the Kynda class, a little smaller, a 5,600 tonner, and here we have two QUAD surface-to-surface missile launchers . . . Again a multipurpose ship. A couple of guns here and torpedo tubes. Pretty nice.

XUM

Then we get the Moskva, with its Hormone helicopters. About 14 of those. We have seen as many as ten of them flying simultaneously . . .

QUESTION. They are basically helicopter carriers?

MILLER. Yes. But it looks like the primary mission is antisubmarine warfare, because they have ASW rocket launchers here on the bow. They have, we think a new type of ASW weapon and this is the launcher for it here. We believe they have a new surface-to-air missile launcher. We are quite sure of that and these are two new control radars that go with these two launchers. Then they have the three dimensional radar, which we find is going to be quite sophisticated and a very excellent system. We have three dimensional radars in our Navy and have had for years. This is a very good one that they have. The torpedo tubes you saw in the movie and sonar you can lower below the surface and sonar in the hull and helicopters aboard. Really a very fine symbol of a first-class Navy.

We have, of course, our ASW helicopter ships which category both fixed wing and S2 and SH3 helicopters, and we hope to put the S3 on those.

What our final carrier force is going to be out of the current budget is a big question, but we like the concept we have had in the past, which is if you are going to operate aircraft at sea you buy a great big flat piece of real estate, and we have gone to that and we have been very successful with it. This would be a very nice ship to have.

When you take those ships and put them altogether you begin to see that they have a pretty good arsenal and then you ask about the people, the quality of the individuals themselves, and we are kind of impressed with the Russian sailor. Originally, five years ago, they were the harassing type and kind of rude and crude and arrogant. They have now gotten to be very professional, and as I indicated . . . they will fly the international flag hoist.

If you send them a signal you are too close, please open up, they do it right away. They are very good about it. But for anybody to get the idea that they are a bunch of Johnny-come-latelies. Here is a Russian destroyer coming up to take a look at you. And we do not see this any more. This is in the Med.

QUESTION. In the Med?

MILLER. In the Med. The crew is standing right there. We really got close. Here is an American sailor saluting him. And that is just about as close a look as you want to get. And he pulls away and everybody waves to everybody and away you go. But they are pros. They go out on the deployment and they stay on the ships and they go to the anchorages in the Med and there have not been any big liberty parties. We do not know what their retention problem is or morale.

QUESTION. Their retention system has to be better than ours.

MILLER. I think their retention system is better than ours.

QUESTION. On a little different scale?

MILLER. Yes. Again remembering in their country that their defense establishment, their military brass, is a very, very significant part of their whole world and their politicians get along with the brass. Khrushchev had to, Brezhnev had to. If you look at the pictures of their views of May Day reviews of their faces you always see the big colleagues of brass up there and then you see the big colleagues of politicians.

In this country, in our country, that would probably be with the Chairman of the Joint Chiefs, but it is symbolic of the difference the two countries have taken to military preparedness. But there is not any question that they have developed now a pretty fine arsenal, as you can see.

Let us take a look at numbers to finish up on this, by types of ships. Starting off with our attack carriers and nuclear attack carriers where we have, as I stated to you, 15. They have none that we can really put in that category. In the ASW carriers, we have four and they have really none. But when we get into the helicopter, straight helicopter carrier, where we have some landing amphibious ships, putting all of those together we have 18 ships of that category, and they could use the Moskva and Leningrad for amphibious purposes. But we have only seen it so far in ASW role. So in the whole area this is where our big spread is.

Now, when we get down into the conventional heavy cruisers and the light cruisers and then our guided-missile cruisers that we have of various categories, we run about ten ships of that category and they run 19 or 21. So they have got quite a few more in that vein there and then you get into the destroyers of all kinds and destroyer escorts and patrol craft. If you put all of this together here we have more in some vein until you get down in the patrol craft business, and they have a big border and they have an awful lot of area to patrol, so they have a lot more in this category here.

We have more in this category but these are primarily old World War II ships.

So then you get down in the submarine business and here is your nuclear Polaris type where we have the 41 we discussed before and they have 21 of that category, not all Yankees, but 21 nuclear boats of that category. And then in other types of ballistic missile launchers they have quite a few. They have diesel-powered jobs that have shorter-range deployment in their inventory.

QUESTION. We have some more than the 41, do we not?

MILLER. Yes, of nuclear power. . . . We have quite a few. In total nuclear-powered ships at the moment we have a slight edge on them. Submarines, rather, we have a slight edge. But they are building some which I will discuss in a minute which are considerably different.

If you take all of their submarines and put them together, and they run about 350 as opposed to about 455 for us, and that is the margin, we will talk about that in a little bit more. Taking their amphibious ships, mine warfare and all the other staff and put it together they have an awful lot of that stuff and we have quite a bit too.

If you add up numbers of ships today, we run about 749–750 ships and they run about 1,600 or 1,700.

NAVY ARSENAL IN BRIEF

In capsule form, this is the current arsenal of weapons as provided by Adm. Miller's office:

Type ship	United States	Soviet
CVA attack carrier	15	0
Antisubmarine carrier	4	0
Major amphibian ships	18	2
Cruisers	10	21
Destroyers	176	78
Destroyer escorts	61	107
Patrol boats	8	407
Ballistic missile submarines	41	46
Guided missile submarines	0	62
Attack subs	113	239

Addenda: Of the 41 U.S. ballistic missile submarines, all are nuclear; of the 46 Soviet ballistic missile submarines, 21 are nuclear, and 35 of the 62 Soviet guided missile submarines are nuclear. In the attack submarine listing, 44 of the 113 United States are nuclear powered and 22 of the 239 Soviets. The patrol boats and destroyer escorts sometimes both carry medium range (up to 50 miles) surface-to-surface missiles.

Now, this I would ask you to be a little careful with in exact numbers because this is juggled every day around here. But what we have grease-pencilled on here is the way it looks like we are going in the '72 budget. We are coming down. We have to come down and we are talking about five attack carriers until the '72 budget is in front of the President.

But to give you an indicator by way of background so you will recollect what our concern is, we are talking in terms of cutting out of here and coming out with five and getting down to ten and two of the ASW for a total of 12. We had 19 about two years ago. The cruisers, we will probably take about four of these out and this does not take a hell of a lot away from us. About 100 of these destroyers, all the World War II types, are up for grabs right now.

Then we get down in the submarines, conventional-powered. A good many of those come out and a lot of this stuff here. So we are talking in terms of a 500, 550-ship Navy as opposed to what they have.

So if you put it on straight numbers, there isn't any question they have more ships than we have. They need more in a lot of ways for their size. But when you look then of more significance is the quality and the type of ship because that starts to give you an indicator of what they are trying to do and you can see they are moving out. When I show you some of the worldwide operation you will see they are starting to move out and get global. They are no longer a coastal defense operation and they are building ships which are in this category right here, which are multipurpose, which are different against our Navy. The surface-to-surface missile program, surface-to-air missile program and emphasis on ASW.

QUESTION. You are replacing a lot of these you are taking out with new vessels?

MILLER. Well, not a lot. That is what Mr. Rivers (Rep. L. Mendell Rivers, Chairman, House Armed Services Committee) is trying to do, you see, is get more to replace a lot of old stuff here. And the only thing we have got when we contract in recent years is the 30–963s. That is it.

QUESTION. Can you give us some evaluation of the significance of the fact that we have the carrier strength and they do not? They may outclass us in some other ship types but—

MILLER. The carrier program that we have is the big equalizer, and it is the one thing that still enables us to maintain a good control of the seas. In the decision-making process after the war of what kind of weapons systems are we going to go for, how are we going to get a long-range gun than the other guy, we relied heavily on tactical air, on aircraft carriers at sea.

We learned a lot about it in World War II. We were convinced it was the way to go. We deemphasized battleships and guns and conventional type and we decided to put our weapons on airplanes and that is how we get the additional distance.

The Soviets have seen that as a threat and they have developed the surface-to-surface missile as their extended gun to go against our carriers and our surface Navy. And so you have the two guns that are now in opposition are their surface-to-surface missile and our tactical air. And the way that we avoided their surface-to-surface missile system is to stay outside of the range. Theoretically 450 nautical miles, as I indicated earlier, probably realistically is not much over 225–250 we would have to worry about. Our tactical aircraft that we built to carry the weapons, like the A7E and A6, and things of that nature, have a much longer range than their surface-to-surface missile, and this is the gun that we built. And this is the one that we have concentrated on and we have developed the capability with bigger carriers and nuclear-powered carriers, longer range aircraft and day and night operations and all weather operations with an early warning system to go with it. This is the weapons system that we have that we have put out that enables us to maintain superiority in that area.

So the significance of the carrier is that it is the gun that we have that enables us to stay on the seas and the opposition to it is their surface-to-surface missile. So that is the threat. So we are concerned how do you knock out the platform? How do you detect it in a submarine? How do you kill it before it launches? That is where we have the program for more carrier, more carrier airrcaft and more ASW forces to go after their submarines.

Question. We have one Nimitz class carrier about to be launched within the next——

Miller. We have one under construction and we have the second one funded with the keel hopefully to be authorized for laying very soon and the third one is the CVA 70, which is there, so is much debate on the Hill.

Question. Why do we need another carrier of that class?

Miller. We need them to replace the old ones is the primary reason. A lot of people say you need it to extend the range. Sure we do need that. We need more capability. We need more space. We need more speed with it. We need the advantages of the nuclear power we have been able to develop in the last 20 years. But the real thing we need it for is to replace the aging inventory of old carriers that we have.

Question. What is the length of the flight deck on them?

Miller. About a thousand feet.

Question. That would be longer than the Essex?

Miller. The Essex class, yes. We actually are out of the Essex and into the Hancock class now. But it is basically the same type.

Question. Now, are these type of carriers necessary because of the new type and longer range aircraft that you are getting?

Miller. Correct. We are operating with heavier aircraft that carry bigger loads. We burn more gasoline. We can carry more ammunition. So we can expend more ammunition we need the storage space in the ships and we operate in rougher weather and under all weather conditions and so we need the extra length and extra size to do that.

On the concept of a lot of smaller aircraft carriers. I think you have got about as excellent a lesson as we can ever give you in the one movie where you saw the 600-foot 18,000-ton ship rolling around at sea. That is a piece of cake to take on with those conditions with the Enterprise today.

Question. Isn't it the Navy's argument that these floating airfields are much better than the land-based airfield which can be knocked out or we lose them as we did in Spain?

Miller. As we did in Libya. We just moved out of Wheelus, which was such a valuable field, we're all through, and you saw in the paper yesterday they just moved in a bunch of Russian tanks in to Wheelus.

Question. In other words, the carriers they cannot take away from us?

Miller. You own real estate. It is a piece of America and the country of Turkey would not allow you to operate combat aircraft out of their fields. If Greece is in a sensitive situation and people will not let you operate out of there and North African continent will not let you come aboard there, how else are you going to get aircraft into the Middle East? And it is going to be a pretty good fight to do that with all of those countries being pro-Arab. There just is not any other way to do it.

Question. The carrier, particularly the third nuclear that we talked about, is obviously a vital element in our future Navy's capacity?

Miller. We think so given all of the evidence you are seeing here, very definitely.

Question. What about the cost?

Miller. The cost is high. There is no question about it.

Question. The last figure was $640 million that I saw.

Miller. It will run, depending on how much you include in it and how much of the aircraft aboard and so forth, the estimates will run anywhere in the 550–650 category.

Question. 640 did not include—

Miller. That is about right. I am used to thinking in terms of starting at about 425 and I have gone up over the years to 525 and 550 and 600. But it depends on how much they are including in it. But that is about the right figure.

Question. Any chance of it going up in view of present-day costs of shipbuilding, from that statement?

Miller. It is kept up. It has been going up ever since we laid out the design of it and got to talking about it. I think this is all a function of the economy of the country, labor costs and things of that nature. But we have to rely on the economists over on the Hill and around the country to give us an indicator on that. But we have put an awful lot of attention on keeping the cost down because we recognize that is a very vulnerable point in getting the thing approved. But we do not want to buy off on something that is really less capable. There is absolutely no sense in buying a smaller ship. You might as well go to some other kind of weapons systems.

Question. What is your opposition to the CVA70?

Miller. The opposition, primary opposition that we have to it right now is centered in certain sections in the Senate, certain numbers of Senators. They are the primary opposition to it.

Question. Senator Case and Senator—

Miller. Mondale. They are the principal opponents who lead a group in the Senate against the carrier.

Question. Why are they opposed to it?

Miller. They are opposed to it for cost purposes, and they have some concern about vulnerability.

Question. How vulnerable is the carrier?

Miller. Well, again, that is a question that is always hard to answer because it depends so much on the circumstances under which you want to address the particular operation in which the carrier is involved. It must be vulnerable to some degree because we put lifejackets on it.

So it has got to have some kind of vulnerability. But most of the cases used against the carrier when they address vulnerability they start off with the carrier in a fixed body of water in a known position and they launch a pretty formidable armada against it and under that kind of a situation if the enemy knew where I was and it was a good weather program, and I was somewhat confined in what I could do. I think I would go get my lifejacket when I went up to the bridge.

Question. The aircraft's own planes are some protection from the air?

Miller. I want to start back. If I am running a carrier task force or the commanding officer of the carrier and I am getting ready to engage the opposition, I want to have the ability to employ all of the military tricks that I have been taught over the years. I want to capitalize on surprise, I want to capitalize on silence and things of that nature to improve my vulnerability.

Question. How about submarines?

Miller. The submarine problem is most difficult to handle. After I exploited surprise and silence, which since the French and Indian War, those have been good military tactics and you do the same thing when you are operating your aircraft carrier, that is one reason why this aircraft is important. It enables you to stay silent and exploit surprise. But after I have lost those advantages, and I am now exposed, then I have to go in and fight myself, fight for awhile against the threat, against the air that would be coming overhead. We have our own interceptors and own missile in the force to combat that.

As I indicated before, we will take care of the Bear and Badgers, that doesn't particularly bother us, and their tactical air. They don't have sufficient capability and range to get near us if we stay far enough over their shores. We have to worry about the surface ships with the surface missile. We have the range with the tactical air to keep them inactive. We do not have to sink them. All we have to do is destroy the top-side control system and missile batteries themselves.

That gets us to the submarine, the real threat, which we worry about the most, and that is why you will find us concentrating a great deal on ASW forces and the need for ASW capability to detect those submarines and be able to knock them out. But to fire a surface-to-surface missile they must surface, to get the big one out, the long-range one out, and we have some capability in that regard.

Question. You are talking about their submarine?

Miller. Yes. We have some capability to detect them and stay with them and then even after the missile is airborne we have the capability to defend against that. But while it is in flight after launch, and as it arrives close to the target, so we have some capabilities against them. But make no mistake that there is a real threat there and we are not running around and saying it is a piece of cake, it is not, by any means, but compare it to other weapons systems that can be employed . . . it is really relatively far less vulnerable and that is what we always try to put forward . . . If that carrier cannot hack it, we can hang it up right there.

Question. What do you think our chances are of getting the CV70?

Miller. Well, we do not count ourselves out ever on this program. I think our ability to get useful needed weapon system——

Question. You have a hang-up on the 69, haven't you?

Miller. Not really, not anymore. Our ability to get through on a lot of these systems depends an awful lot on the understanding of people involved and on the funding problems and the degree of the threat and also on the national policy, which way are we going to go. If we have a big reversal in national policy where we decided that we do not need the seas anymore and we are going to back-off, then it would be in tough shape. But I do not really see that. I think the leaders of this country and even the college students who study history these days are well aware of the fact the economy of most countries of the world have been based on trading and going to sea, and if you are going to do that you need a merchant marine; and if you are going to have a merchant marine to guarantee it is there, you have to have troops to protect.

And if you are going to have commitments overseas you have to be able to guarantee and they have to have a force to go to sea to do that. And if we do not get the CAA in '70, this year, we will get it some time. There is bound to come a time when the aircraft carrier will be replaced. There has never been a weapons system yet developed that has not been replaced. But to think that it is going to stop with CAA–69, I do not see that at all. It is too early in history yet for that.

A TRUE AMERICAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks in the RECORD I include a letter addressed to an editor from a student attending Texas A. & I. University in Kingsville, Tex. This letter presents a viewpoint concerning the military action in Cambodia. It is my understanding that following the incident referred to in the student's letter, a petition commending the President's Cambodian action was signed by 3,000 students and sent to Mr. Nixon.

The letter follows:

A TRUE AMERICAN

(By Roger O. Jarvis)

EDITOR: As an interested Student on this campus and as a person who believes in the American way of life, I would like to inform my fellow students on an event that took place last Monday night at the regularly scheduled Student Council meeting.

A member of the Student Council, Mr. Chuck Orr, stood up at the close of the meeting and read a motion that condemned our United States President for his ordering American troops into Cambodia, he further stated that we the council feel this is to be a crime and that we the council should stand with all the other Universities in the country in saying that we are against Nixon's actions! The motion passed by a vote of 13 to 11. It just so happens that this motion was kept until the end of the three hour meeting when several council members had left the meeting and then presented the motion and it passed! Does this passed motion represent your full views? Are these your feelings?

These are not my feelings at all. Some of us have stayed in the background too long. I'm sick of seeing black arm bands and demonstrators, and posters which degrade our country and its leaders. There were even two ROTC cadets present at the meeting and their two votes were in favor of the motion! These two men will soon be wearing the uniform of an American officer and I sure wouldn't want to be anywhere near them when their men find out what type of guys they really are. How do the rest of you ROTC men feel about this? Would you like to serve in an outfit with these two "Americans?"

Well, as it stands students, you all have been branded as anti-American and propeace by 13 members of a one sided student council. I sat through this meeting and heard our country degraded to an extent that it made me sick to my stomach! When are we going to stand up and let these long-haired, radical, hypocrites know where we stand! The motion that passed will be looked upon as our views, not the council's. I personally commend President Nixon on his decision and it will no doubt save many American lives.

I also commend our ROTC dept. here at A&I and say that I am proud of these men for what they are doing and for what they stand for. It is alright for a person to voice his opinion but when he goes to the extent to degrade our country and her leaders, that's where I draw the line. Be it as it may, the motion was passed and I want everyone to know that it was passed by 13 of your fellow students. I am against this type of representation and I sincerely hope that someone else besides me raises hell about it! ! !

We elected these individuals to represent our views and so far this semester only a small minority of the student council has truly done this. Still, these idiotic and stupid bills continue to be passed by a group of persons who would tear down everything that the United States has ever done if they could. As for myself, I love my country, and I will continue to stand up for her and fight if necessary to keep our way of life as it is. So you silent majority who for so long have laid silent, awaken to a new day—voice your opinion so others may profit. Someone will listen.

SOUTH KOREA MUST REMAIN BASTION OF ASIAN LIBERTY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 7, 1970

Mr. THURMOND. Mr. President, it is disturbing to note proposals being made to reduce U.S. Armed Forces in South Korea. I am inclined to doubt the wisdom of such proposals at this time in view of the expanding Communist threat and increasing provocations throughout the world. Such proposals must be considered with great caution.

It is agreed that our allies must carry a larger share of the load to help maintain their own security. However, I am not convinced the timing is right since the 48,000 South Korean troops fighting in South Vietnam will be needed there for some time. It is my understanding the timetable for the withdrawal of any of our troops from South Korea is negotiable, which is good to know. In my judgment, the proposal probably should not receive serious consideration until South Vietnam is capable of holding its own and South Korea's forces can be released for the defense of their own country.

Mr. President, North Korean aggressiveness has increased in recent years. North Korea's Soviet-supplied air force is considered stronger than that of the South. A reduction of U.S. forces at this time would be interpreted by the Communists as a weakening of the American commitment to defend South Korea.

It is not immediately evident where a quick reinforcement from the United States would come from since Japan and Okinawa are doubtful staging areas for political reasons. Then too, the C–5A, if it survives the current controversy, is still not in sufficient production for rapid overseas reinforcement. For these reasons, I suggest consideration be given to the deferment of any firm plans to withdraw one of the two U.S. infantry divisions from South Korea until a later date.

Mr. President, it is worthwhile for my distinguished colleagues to note a similar evaluation of the Korean withdrawal proposal. In this regard, I invite attention to an editorial entitled, "South Korea Must Remain Bastion of Asian Liberty," published in the State newspaper of Columbia, S.C., on July 28, 1970. I congratulate the State for its astute editorial.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOUTH KOREA MUST REMAIN BASTION OF ASIAN LIBERTY

One danger (among many) of a too-hasty withdrawal of United States forces from South Vietnam is the possibility that something of a psychological momentum may develop in Washington to withdraw U.S. forces from South Korea as well.

The inclination to do so already is evident in congressional and executive circles alike, but, thus far, steps in that direction have been tentative and cautious. And well they should be, for the American stake in the independence and security of South Korea is even more important than that of South Vietnam.

South Korea is the northern anchor of what is hoped ultimately to become an armed ring around the eastern rim of Asia—a ring aimed at containing Communist aggression within the present Bamboo curtain.

It is the aim, not only of the Nixon administration but of the free nations of Asia as well, that the Pacific countries eventually will be able to provide their own defenses against encroachment of threat from the allies. But this is a goal, not a reality, and the U.S., presence in South Korea is essential for reasons of morale as well as military security.

Last week's conference between U.S. and South Korean officials at Honolulu left undetermined, or at least unannounced, any timetable for reducing the U.S. contingent of more than 60,000 troops now in Korea. Constructive agreements were disclosed which contemplate beefing up South Korean defense capabilities (including production of defense hardware) and the stationing of additional U.S. aircraft on the peninsula.

South Koreans have strong ties with the United States, for it was U.S. military strength which really made possible the salvation of their land from Communist domination and U.S. fiscal aid which underwrote the development of much of their steadily growing economy.

And Americans should never forget that, of all the Asian friends and pseudo-friends of the United States, only Korea provided armed assistance of any consequence to the U.S. effort in South Vietnam. Some 50,000 South Korean troops have performed valiantly and well in South Vietnam for the last several years.

But gestures of mutual appreciation are overshadowed by practical considerations at maintaining an effective U.S. presence in Asia until free Asians can insure their own safety.

South Korea is all the more important as a bastion of U.S. strategy in the Far East now that Okinawa is to revert to Japanese control. And since Japan shows little inclination to develop a defense capability equal to task of deterring further Chi-Com aggression, it is questionable just how much reliance the U.S. can place upon the Japanese in terms of defending the North Pacific.

No such doubt exists with respect to the South Koreans. They have lived through the trial and torment of Communist domination and know how hard and sacrificial a struggle must be made to oust Red invaders. Furthermore, they know that Premier Kim Il Sung stands ready to "re-unify" all of Korea by force and under Communist dictation once he sees a chance of success.

As one of the few footholds of freedom on the continent of Asia, South Korea deserves the continuing support of the United States—and of free men everywhere.

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TOWARD A THEORY OF MULTIPLE USE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BURTON of Utah. Mr. Speaker, in response to the growing need for reliable criteria for deciding among alternative patterns of resource use, this is the fourth in the series of articles I am calling to the attention of my colleagues. The article follows:

TOWARD A THEORY OF MULTIPLE USE: THE CASE OF RECREATION VERSUS AGRICULTURE

(By Peter H. Pearset, associate professor of economics, University of British Columbia, Vancouver, Canada)

I. INTRODUCTION

Multiple use is often extolled as a means of mitigating growing pressures on our natural resources. Any principle of management that has this potential deserves careful study, for it is certain that demands on our resource base will continue to increase, and that conflicts between uses will become ever more frequent and intense.

The idea of multiple use has great appeal. It is perhaps not surprising that it is accepted and expounded by so many harried resource managers and public spokesmen as a panacea for their problems. But any attempt to interpret or apply the concept where uses are more or less conflicting is met with great difficulty. Should two or more uses of a resource be served simply because it is *technically possible* to do so? Under what circumstances can we say it is *desirable* to accommodate one group of users when this necessitates a compromise in the resource's capacity to serve others? And when multiple use is desirable, *how much* of one use should be sacrificed for another?

William Howard Taft is reported to have said that there are a great many people in favor of conservation, no matter what it means. Perhaps the same can be said today of multiple use. A perusal of some of the basic literature in the natural resource sciences reveals that multiple use (like "conservation") while frequently alluded to, is a conspicuously vague idea. Standard texts on the management of forests, wildlife and ranges stress full use in terms of maximum physical yields. They also stress the necessity of accommodating all possible uses, given the imperative of preserving the resource base. But the critical issue of compromising conflicting demands is not rigorously dealt with. Economics, concerned as it is with social choices among products and alternative ways of producing them, probably comes closest to providing the required analytical concepts in the established theory of the multi-product firm. However, that problem is not strictly analogous because the resource inputs are all assumed to be variable and are dealt with entirely in terms of their total costs.[1] Economists have also demonstrated the mechanics of dealing with multiple demands in the context of benefit-cost analysis as it applies to the planning and evaluation of water resource projects.[2]

At another level, modern mathematical techniques and large-scale computers have greatly facilitated the development and use of systems analysis and the construction of complex models to investigate complicated interrelationships. Ecologists have employed these tools to study population dynamics, interrelationships among species in an ecosystem, predator-prey relationships and other phenomena.[3] Economists are using them in problems of resource planning.[4] These techniques can help to demonstrate the implications of various processes within fixed constraints, and hence offer promise for analyzing multiple simultaneous demands on a fixed resource base at a highly sophisticated level. Such developments intensify the need for a basic theoretical demonstration of the factors underlying the optimum combination of users of a resource base.

In response to this growing need for reliable criteria for deciding among alternative patterns of resource use, a small number of articles have recently appeared in journals of quite different disciplines, all of which have employed the same basic concepts of production theory to analyze the multiple-use problem.[5] This article is an extension of that discussion. It begins by demonstrating the economic principles underlying the optimum combination of two (or more) competitive uses of a fixed resource. In order to provide some context for the discussion, we choose the example of competing demands of deer and cattle on a parcel of rangeland, although the principles are general enough to apply to a wide range of situations. This particular example permits a subsequent discussion of the nature of recreational values in contrast to commercially valued products.

II. OPTIMIZING THE INTENSITY OF COMPETITIVE USES

Let us consider a hypothetical parcel of rangeland capable of supporting domestic livestock (henceforth "cattle") or a species of big game animal (henceforth "deer") or various combinations of the two. The area is such that it encloses a range which provides the limiting constraint on the size of identifiable populations of deer or cattle.[6] The assumed objective is to maximize the value generated by the range under either or both of the two products.

Use of rangeland by deer and cattle conflict in various ways. The degree of conflict depends on the intensity of use of the range by each.[7] While the two typically have different preference patterns for forage, they will utilize the same vegetation at high intensities of use. They also have different requirements with respect to continuity of habitat, cover, topographical features, and the works of man.

Considering first the range in its natural state, it will have an average long-run capacity to support a population of deer of a particular size in the absence of any competition from cattle. In Figure 1, this population is depicted by the distance OB on the horizontal axis. Conversely, in the absence of any competition from deer, the maximum population of cattle that could be continuously supported is represented by the distance OA on the vertical axis.

Between these two extremes, various combinations of cattle and deer can be supported. Each combination is depicted by a point in the quadrant. Joining all the points which represent combinations that will fully utilize the capacity of the range will yield a curve in the form AB.[8] This boundary of attainable combinations is the "production possibilities" curve (or transformation curve) of economic theory. Several features of the curve should be noted:

1. Its curvature reflects the degree of competition between the two populations. If they were perfectly competitive, in the sense that they had precisely the same requirements, OA would take the form of a straight line. This would indicate that more of one could be carried at the cost of less of the other in constant proportion (such would be the case, for example, if the two populations were very similar species of cattle). At the other extreme, if they were in no way competitive, the curve would take the form of a right angle with projections to the axes.[9]

2. Any point inside the curve represents a possible combination, but one which will not fully utilize the range.

3. Any improvements to the range will shift the curve, but probably not symmetrically. A change that increases the carrying capacity for cattle will increase the distance OA, but this might increase or decrease its ability to support deer. On the other hand, any deterioration of the range will shift the curve inward toward the origin.

The technical relationships underlying the production-possibilities curve provide the necessary information relating to the potentialities of the resource base, but they do not offer a criterion for choosing the best combination. For this purpose we need additional information relating to the value of the two outputs. Assume that the value of both a head of cattle and of deer is known (we return to the problem of evaluation below), and that there are no costs involved in producing either, other than providing range capacity.[10] We can then depict the relative value of deer and cattle in Figure 1 [not printed in the RECORD] by the slope of an exchange line. The base P_g, of the small triangle, represents the number of deer that is equal in value to a quantity of cattle measured by P_c. The slope of the hypotenuse and its projection—the line MN—indicates the rate of exchange (more precisely the social marginal rate of substitution) between cattle and deer.[11]

We now adjust the vertical position of the exchange line to discover the point at which the production-possibilities curve is parallel to it—the point of tangency E. This is the point on the production-possibilities curve that represents the optimum combination—OY cattle and OX deer—since no other point will yield so high a total value. To the left of E, the production-possibilities curve has a more gradual slope than the exchange line, which means that additional increments of deer are worth more than the associated sacrifice in cattle. To the right of E, total value can be increased by sacrificing game for cattle. Thus, on the logic that more of one product should be produced as long as it is worth more than the value sacrificed in terms of the other product, the best use of the resource is represented by the point at which the trade-off in physical possibilities is just equal to the trade-off in value between the two products. It is therefore impossible to increase the value of total output by any shift away from the point at which the two curves are parallel—at E.

III. SOME EXTENSIONS OF THE THEORETICAL SOLUTION

Because the slope of the exchange line reflects the relative value of the two products, its intercepts indicate the value of the combined output in terms of the equivalent value of each product separately. Thus the optimum combination of OY cattle and OX deer is equal to the value of A cattle (or of BN deer), because this is the excess over the maximum quantity (OA) of cattle that could be produced alone (or the maximum quantity, OB, of deer).

If the potentialities for multiple use involved three products, we would require another axis, at right angles to the other two in Figure 1. The production-possibilities curve would become a three-dimensional curved surface, and the exchange line a sloping plane. Again the point of tangency would depict the optimum combination of outputs. For four or more products the expositor must have recourse to simultaneous equations.[12]

This presentation also permits an illustration of situations in which multiple use is possible but not advantageous. The technical possibility of producing two products is indicated by any production-possibilities curve that extends outward from both axes. But the slope of this relationship might not be

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Footnotes at end of article.

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equal to that of the exchange line at any point within the quadrant. The curves will touch at one of the axes (at whichever end of the production-possibilities curve that has a slope nearest that of the exchange line), indicating that the highest use of the resource is the production of the product measured on that axis alone. To take an extreme example, if the value of deer above was zero, the exchange line would be horizontal, and the optimum output would be OA cattle.

IV. INVESTMENT IN RESOURCE IMPROVEMENT

We have hitherto discussed technical production possibilities assuming that the resource base is in a fixed state of development, namely in its unimproved natural condition. Various kinds of investment in the range (drift-fencing, vegetation control, fertilization, etc.) might be undertaken to improve its capabilities, and any such improvement will result in a new production-possibilities curve. An investment in resource improvement is justified whenever its cost is less than the increase in value of the combined products produced.

In the right hand quadrant of Figure 2 [not printed in the RECORD] the earlier production-possibilites curve AB and exchange line MN are reproduced. The value of the optimum combination of products is converted to dollars in the left hand quadrant with the aid of a "cattle price line," the slope of which reflects the value of cattle. This line relates any quantity of cattle (or combinations of deer and cattle measured in cattle-equivalents) on the vertical axis with its dollar value on the horizontal axis. The optimum combination of cattle and game identified at point E is equivalent in value to OM cattle which is shown in the left hand quadrant to be equal to OV dollars (the conversion could alternatively be made, of course, from the deer-equivalents measured on the horizontal axis).

Now consider an investment that will improve the range for cattle but reduce its quality for deer. This would yield a new production-possibilities curve of the form A'B'. The curve is now tangent to the exchange line M'N' at a point further away from the origin. This indicates that the total value of output is increased even though the quantity of deer produced at the new optimum combination is reduced (i.e. E' is to the left of E). The increase in total value produced is equivalent to MM' cattle, which is VV' dollars. This gain, and information relating to the cost of the change, provide the data for a benefit-cost evaluation of the investment in range improvement. The investment is justified if its cost is less than VV'.[13]

Not all changes that increase the resource's capacity to produce one product will increase the value of the total output (let alone pass the test of economic feasibility). An improvement to increase the capacity for deer might produce a production-possibilities curve such as A''B''. Although more deer can be produced with this change, the maximum value of total output is below that which can be attained in the original situation. The reduction in maximum potential output is indicated by the tangency of the new curve with a lower exchange line (not drawn in the diagram), the projection of which would indicate a value for the combined product of less than OV. It should be noted that if deer were valued more highly, the exchange line would be steeper and this improvement would then yield greater values.

Various other results from improvements can be illustrated, such as an increase in carrying capacity for both products resulting in an outward shift in the frontier of attainable combinations over the whole range, and a reduction in competition between the two outputs which increases the curvation of the frontier. These results can be expressed in terms of their total economic effect in the left hand quadrant. This in turn permits an evaluation of the efficiency of alternative forms of investment in resource improvement.[14]

V. DATA REQUIREMENTS

Application of the above analysis to real situations of competitive demands on a resource raises formidable problems for data collection. Nevertheless, the theoretical solution serves the useful purpose of concentrating attention on the kinds of data that are necessary for dealing with these problems.

The solution obviously involves marginal analysis. The determination of the optimum combination of outputs depends not on the total potenital quantity or value of each product that can be produced, but on the implications of having a little more of one at the expense of another. It is a confrontation of the trade-off in physical quantities at the margin with their relative values on the other that enables the analyst to prescribe the appropriate direction of adjustment.

The data required consist of the purely technical relationships which lie behind the production-possibilities curve, and the economic information which lies behind the exchange line. Much biological research appears to have been done on the food requirements of different animal species. However, this research is of limited usefulness for the purposes of the present problem because it concentrates on forage preferences and protein intake rather than on the nature and degree of inter-species competition at different intensities of use of the range. Determination of the production-possibilities relationship described above for any particular type of range requires experimental control of the species mix on specific areas of land to determine the various combinations that will fully utilize its carrying capacity, allowing each species to adjust its forage intake and behaviour in the face of competition.

The economic data required consist of the value of each of the products. The two products in the example chosen above yield benefits in different forms. Competitive market prices are typically available to provide a guide to the value of cattle.[15] The evaluation of deer is a much more complex problem. It is not the game *per se* that is valued by consumers, but rather the recreation that it provides for hunters. The relationship between the available game and the quantity and quality of recreation it affords is largely an unexplored area of enquiry.

In attempting to develop a theoretical approach to the evaluation of a recreational resource such as deer, we should first recognize two quite separate issues. One issue is the evaluation of a unit of nonmarketed recreation, and the other issue is the relationship between the physical availability of a recreational resource and the amount of recreation it generates. The evaluation of free outdoor recreation is discussed further below. In order to proceed with an examination of the relationship between recreation and the capacity of recreational resources, let us simply assume that we can ascribe reliable values to units of recreational experience, which in the present example are measured in hunter-days (hereinafter "hunts").[16]

VI. RECREATIONAL BENEFITS AND THE CAPACITY OF RECREATIONAL RESOURCES

An increment of deer population can increase the value of recreation produced in either or both of two ways. First, the game can accommodate more hunters and if the quality of hunting remains the same, the total value of hunting is raised in the same proportion as the increase in the number of hunts. Secondly, if the number of deer is increased but the number of hunters remains the same, the quality of hunting (and hence the value of a hunt) is raised. Both effects might be felt, in which case the increase in hunting activity would partly offset the rise in hunting quality.

Let us characterize hunting quality in terms of hunting success. There are many possible definitions of hunting success. Indeed, there are many factors that can contribute to a hunter's evaluation of the "success" of his hunt. But here, we are interested in the implications of different quantities of deer, and the most relevant measure of hunting success (S) is the number of animals killed (K) expressed as a ratio of the number of hunts (N). We can expect, other things remaining constant, that the index of hunting success will be directly related to the quantity of game available (G), and inversely related to the number of hunts. In summary,

$$S = \frac{K}{N}$$

$$= f\left(G, \frac{1}{N}\right)$$

In the right quadrant of Figure 3 [not printed in the RECORD] the curve S_h represents a "high" level of hunting success. It traces the relationship between the quantity of deer and the number of hunters that can be accommodated at that level of success. Curve S_l traces the same relationship for a "low" index of success. S_l is higher at all points than S_h, because for any quantity of deer, more hunters can be accommodated at a lower level of success. Of course, in reality, there are more than two symmetrical success curves, each relating to a higher level of success than the one above it. The shape of these curves in Figure 3 is based on a guess as to their real form.

In the left quadrant the number of hunts is related to the total value generated by the game resource. Consistent with the assumption that hunting quality is a function of hunting success, the value of a hunt is assumed to depend on hunting success. Thus hunts with a certain level of hunting success are worth a specific amount; and the more hunts, the greater the total value generated in constant proportion. The straight line S_h in this way shows the relationship between total value and number of hunts for our "high" level of success. Since "low" success means a lower value per hunt, S_l lies above S_h so that total value increases at a slower rate relative to the number of hunts.

According to Figure 3, a given number of deer (Q') could accommodate N_h' hunts at the "high" level of success, and these would be worth in total V_h'. If, on the other hand, a "low level of success" was maintained, the same amount of game would permit N_l' hunts. But these low-quality hunts are worth sufficiently less so that their lower individual value offsets their larger number, and their total value V_l' is less than V_h'. Maintenance of the higher level of success therefore, makes more valuable use of the game in this case. This result, of course, depends upon the shape of the curves.

We can now examine the effect on deer values of a change in the quantity of deer from Q' to Q''. At the same "high" level of success the number of hunts can increase to N_h'' and the total value will rise from V_h' to V_h''. This is the value of an increment of deer which, with the value of cattle, provides the data for establishing the exchange line for the two products.[17]

It should be noted that if the relationships are similar to those drawn in Figure 3, we experience diminishing returns from game.

Footnotes at end of article.

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As successive equal increments are added, the associated increases in both hunts and value get smaller.[18]

Again, we are dealing with technical relationships on the one hand and economic relationships on the other. The relation between game and hunting success is a technical one, and can be determined by careful statistical observations and controlled experiments. The curve for a particular level of hunting success might be shifted upward by measures designed to make the game more accessible or obtain a better distribution of hunting activity.

The left quadrant in Figure 3 involves a simple economic relationship between the number of hunts (N) sold at a specified value per hunt (v) and total value (V), where

$$V = v(N).$$

The value of a hunt therefore becomes the critical economic variable, and deserves further analysis.

VII. EVALUATION OF RECREATION

Sometimes hunting opportunities are purchased on a normal market basis, and the prices paid for these opportunities indicate their value. This analytically simple case is unfortunately rare in North America: the usual situation being one of free access to any hunting area within a given public jurisdiction on payment of a nominal license fee. When hunting is not marketed, the nature of the benefits accruing to the people of the jurisdiction on payment of a nominal license fee. When hunting is not marketed, the nature of the benefits accruing to the people of the jurisdiction in whose interests the resources is managed depends upon whether the users are part of this same political group. Insofar as the users are not members of the population in whose interests the resources are managed, the benefits take the form of any direct or indirect enhancement of incomes enjoyed by the resource-owning group as a result of the recreational activity of outsiders. Measurement of this benefit involves, in large part, estimating the purchases of outsiders from the resource-owning group, and subtracting the costs the latter incur in supplying the visitors with the goods and services they buy.[19] The net benefits typically take the form of private profits to entrepreneurs serving the visiting recreationists, government revenues from license sales and taxes, and economic rents.

When the recreationists are members of the community for whom the resources are managed, there is an additional benefit to be considered, namely the unpaid-for satisfaction which accrues to the consumer as "consumer surplus." This is the amount that consumers would be prepared to pay for something in excess of what they do pay, rather than go without it.[20]

The measurement of consumer surplus has attracted a good deal of attention from economists recently, especially in connection with outdoor recreation.[21] This is not the place to review or analyze the different methods of evaluation that are being developed. But it is probably not inaccurate to say that the increasing sophistication in techniques of evaluating non-priced resources already permits estimates of value that are as precise as those used regularly in other kinds of investment decisions.

We have hitherto ignored all benefits of game that accrue to nonhunters. First, there are the less consumptive users of the resource—photographers and tourists—whose benefits involve an evaluation problem similar to those of hunters, though the "product" they consume differs. Secondly, the wild resources may have scientific value which is not reflected in any form of observable human behaviour.[22] Finally, individuals may value wild resources even though they never seek them out, but merely derive satisfaction from the knowledge that they are there. This explains the real concern of nature groups about the despoliation of natural phenomena that they have never seen nor are likely to see. A related kind of value has been termed "option value." This term refers to the willingness of some people to pay something to retain the option of enjoying some activity even though they might not foresee actually doing so.[23] These latter values are exceedingly difficult to measure. They become important when the resources under consideration are unique, and where decisions affecting them may be irreversible.

VIII. CONCLUDING SUMMARY

This article has addressed the problem of simultaneous and conflicting uses of a natural resource. The assumed objective has been one of maximizing the contribution of the resource to the welfare of the social group in whose interest it is managed.

The highest value is found to be derived by a combination of uses specified by the confrontation of a set of purely technical relationships on the one hand with economic relationships on the other. The most valuable combination of cattle and deer is arrived at by sacrificing deer for cattle as long as the value lost in deer is exceeded by the corresponding marginal value gained in cattle and vice versa.

The particular geometric solution of the problem presented here also enables a demonstration of the relationships underlying an examination of the efficiency of investments in resource improvement by illustrating the relevance of changes in the value of combined output to benefit-cost criteria.

There are many difficult problems in determining both the technical and economic relationships required for the application of this theory. But while few studies have been made to establish the technically-possible combinations of different species on a range, the problems they raise do not appear more difficult than those encountered in more customary forage studies.

The most formidable economic problem lies in establishing the value of resources provided free to users. In these cases the market is prevented from supplying the usual indicators of consumer evaluations, and the unpaid-for benefits must be estimated from indirect evidence. Where unique phenomena of nature are being considered, additional and more difficult analytical problems are involved.

One of the purposes of this article has been to demonstrate the kind of information required to fix the socially-optimum combination of conflicting uses of a resource. As increasing demands are placed on rural resources, there will be more and more cases in which the most efficient management regime will involve providing for two or more uses at once. There appears, therefore, to be an urgent need to clarify the criteria for establishing optimum combinations of uses. This article has attempted to throw some light on the conceptual problems involved. These problems suggest a wide scope for interesting research bringing together the combined expertise of biologists and economists.

FOOTNOTES

[1] *Set, e.g.* G. Stigler, The Theory of Price 162–65 (3 ed. 1966).

[2] *See, e.g.,* J. Krutilla & O. Eckstein, Multiple Purpose River Development (1958).

[3] These innovations are well illustrated by the contributors in Systems Analysis in Ecology (Kenneth E. F. Watt ed. 1966).

[4] *See e.g.,* A. Maass, M. Hufschmidt, R. Dorfman, H. Thomas Jr., S. Marglin, & G. Fair, Design of Water Resource Systems (1966).

[5] The nature of competition between domestic and wild animals on a range was investigated by Cook, *Common Use of Summer Range by Sheep and Cattle,* 7 J. Range Mgt. 10–13 (1954); and the economic interpretation of Cook's findings appeared in Hopkin, *Economic Criteria for Determining Optimum Use of Summer Range by Sheep and Cattle,* 7 J. Range Mgt. 170–175 (1954). Hopkin's *Use of Economics in Making Decisions Relating to Range Use,* 48 J. Farm Econ. 1594–603 (1956), prompted Hall, *Product Quality and Public Land Management,* Land Econ. 59–66 (February 1964): *See also* Gregory, *An Economic Approach to Multiple Use,* 1 Forest Sci. 6–13 (1955); and Pearse, *An Economic Approach to the Problem of Range Competition Between Cattle and Game,* 33 E. African Forestry & Agric. J. Special Issue: Proceedings of the Wildlife Use Symposium, Nairobi, 1967, at 84–88 (1968).

[6] But the range under consideration need not encompass the entire areas used by the two species. A common example is a winter range for game. While the game depends on the range only for a few critical winter months, its capacity is the major constraint on the wild populations, which often have surplus range for the rest of the year in adjoining (often high-elevation) areas. Similarly, cattle might use the range only for a few summer months, depending upon the regime of the farm enterprise.

[7] There have been many scientific studies on the inter-relationships between wild and domestic animals. Particularly relevant examples include Julander, *Deer and Cattle Range Relations in Utah,* 1 Forest Sci. 130–139 (1955); Dasmann, *Deer-Livestock Forage Studies on the Interstate Winter Deer Range in California,* 2 J. Range Mgt. 206–212 (1949) Morris, *Elk and Livestock Competition,* 9 J. Range Mgt. 11–14 (1956); Pickford & Reid, *Competition of Elk and Domestic Livestock for Summer Range Forage,* 7 J. Wildlife Mgt. 328–38 (1954).

[8] The author is aware of the considerable technical difficulties in identifying the points on this curve in any real situation. Cyclical fluctuations in wildlife populations change the relationship between population size and range capability over time. Weather conditions change the capacity of the range from year to year and affect different grazing species in different ways. Many ranges are in a state of long-run serial succession and so on.

[9] Near the intercepts, the curve is drawn almost at right angles to the axes, suggesting that at low levels of use by one species that species can be increased at small sacrifice in terms of the other. Several investigators suggest that a *little* cattle grazing will sometimes improve the range for deer, and the converse is also possible. This would cause the curve to curl inward toward the intercepts. Moreover beneficial interactions may occur at other intensities of use, causing irregularities in the curve.

[10] If there are non-range costs involved, the term "value," where it is used below, should be changed to read "value net of non-range costs." This point seems to have been neglected by Hall, Hopkin and Gregory who refer simply to product prices, *supra* note 5.

[11] The exchange line is straight providing only that the quantities of the two products that this range can produce are insufficient to affect their relative values.

[12] For an exposition of the mathematical counterpart of this geometric presentation, see Gregory, *supra* note 5.

[13] The implications for evaluation of the time-pattern of costs and benefits will not be explored here. If the costs and resulting benefits are not incurred in the same immediate period, the appropriate comparison is between the discounted present worth of each.

[14] Gregory, *supra* note 5, suggests that successive levels of management costs would

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produce concentric contours of production-possibilities. From this he develops an expansion path of optimum output combinations (similar to that in traditional production theory) which is then translated into total cost and revenue curves to determine the level of management for maximum profit. In view of the indivisibility of most resource management activities and their varying effects on the different products involved, it seems unlikely that production-possibilities curves will be symmetrical and hence the expansion path smooth. This approach is probably less appropriate for this problem than for the traditional production problem of the firm facing opportunities to adjust inputs or outputs in a continuous way.

[15] But any non-range costs involved in rearing and marketing must be subtracted to yield the measure of value required for this analysis. *Supra* note 10. In some cases, subsidies and market imperfections may prevent the real value of the product from being reflected in its price, which must therefore be corrected for these influences.

[16] There may, of course, be benefits from the existence of game other than the recreation generated in the form of hunting; this sole benefit is assumed here for simplicity.

[17] Depending on the shape of the curves, an increase in the quantity of game might change the level of success which maximizes value. With a change in game, therefore, a new analysis would be necessary to determine the value-maximizing level of hunting success.

[18] Hopkin, *supra* note 5, attempts to deal with quality differences by changing the relative value of the two products (and hence the slope of the exchange line) for each production combination. This enables a neat general mathematical solution, but is likely to prove operationally cumbersome.

[19] *See* Pearse, *An Economic Evaluation of Non-Resident Hunting and Guiding in the East Kootenay,* 16 Can. J. of Agric. Econ. 100–11 (1968).

[20] At least, this is one definition of consumer surplus. *See* J. R. Hicks, A Revision of Demand Theory (1956).

[21] *See, e.g.,* M. Clawson & J. Knetsch, Economics of Outdoor Recreation (1966); Crutchfield, *Valuation of Fishery Resources,* 38 Land Econ. 145–54 (1962); Davis, *The Value of Big Game Hunting in a Private Forest,* Transactions of the 29th North American Wildlife and Natural Resources Conference, Wildlife Management Institute, Washington, D.C. 393–403 (1964); Pearse, *A New Approach to the Evaluation of Non-Priced Recreational Resources,* 44 Land Econ. 87–99 (1968); and Outdoor Recreation Resources Review Commission, Economics Studies of Outdoor Recreation, Report No. 24 (1962).

[22] Krutilla, *Some Environmental Effects of Economic Development,* Daedalus 1058–70 (Fall, 1967).

[23] *See* Kahn, *The Tyranny of Small Decisions: Market Failures, Imperfections, and the Limits of Economics,* 19 Kyklos 23–46 (1966); and Krutilla, *Conservation Reconsidered,* 57 Am. Econ. Rev. 777–86 (1967).

VOTER REGISTRATION 1970

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. ROYBAL. Mr. Speaker, I believe that the California League of Women Voters and the California Jaycees deserve the highest commendation from active citizens everywhere for the outstanding joint public service project they are sponsoring this year called Voter Registration 1970.

These two fine civic-minded organizations have joined together in Voter Registration 1970 to help promote the very same basic objective that we here in the U.S. House of Representatives, and our colleagues in the Senate, supported overwhelmingly when we adopted the historic new Federal Voting Rights Act of 1970—to allow 18-, 19-, and 20-year-old American citizens to vote in all elections after January 1, 1971.

By striving toward the congressional objective of expanding the voting electorate to include the largest number and broadest range of the citizenry possible, the California League of Women Voters and the California Jaycees, in their Voter Registration 1970 project, are making a significant contribution toward the achievement in the United States of a genuine participatory democracy—as a working reality, and not just a nice sounding slogan.

Our Nation takes pride in having created the idea of a modern democracy. Yet, every year millions of our citizens fail to exercise their right and obligation to vote.

In the United States the people are sovereign and hold the ultimate power and authority, and make the decisions which affect their lives. While they elect Presidents, Governors, and Congressmen to exercise a part of their power and to make some of their decisions, the people remain the final source of power.

In 1968, however, some 47 million Americans did not vote. Thus, 39 percent of our adult population had no voice, whatsoever, in their government. And these are not merely numbers, but people who live, work, and pay taxes, and have a vital stake in what happens to this country.

In my home State of California, alone, experts now estimate that some 3.5 million residents, who are otherwise eligible to vote, will not be able to exercise their franchise in 1970 because they are not registered to vote.

In fact, preliminary census information on California indicates that the percentage of unregistered adults in the Golden State is greater than at anytime since 1944—more than a quarter of a century.

Because of this appalling situation, the good work of the California League of Women Voters and the California Jaycees in Voter Registration 1970—in offering their statewide assistance in facilitating the effort to seek out and register more California residents—is doubly important, and in fact, absolutely vital to the proper functioning of our American system of government.

As a specific example, Mr. Speaker, of how Voter Registration 1970 is working in the public interest, in a thoroughly nonpartisan and nonpolitical fashion, I would like to include in the CONGRESSIONAL RECORD at this point the verbatim text of a postal patron mailing I am sending to the residents of my 30th District in California, advising them of the valuable assistance they may obtain from officials of Voter Registration 1970 in helping them register to vote this year—so that they will be able to qualify to exercise the great privilege and duty of all citizens: to cast their ballot for the candidates of their choice in the important general elections this coming November.

The text follows:

POSTAL PATRON—LOCAL, 30TH CONGRESSIONAL DISTRICT, CALIFORNIA

DEAR CONSTITUENT: The act of voting is fundamental to a Democracy. But *you can't vote, unless you are registered*. If you, or anyone in your household are eligible to vote but are unregistered at this address, I urge you to register *before* September 10, so that you may vote in November.

To help you in this process, I am providing the attached card. If you are currently unregistered, please fill it out and return it to Voter Registration '70, a joint public service project of the California League of Women Voters and the California Jaycees. Voter Registration '70 officals will give it to an appropriate Deputy Registrar (guided by whichever party preference you may choose to indicate on the return card), and every effort will be made to register you to vote.

You are *eligible* to register to vote if by November 3; *you will be 21 years of age, and have lived in California for 1 year and the County for 90 days.*

If you have any questions, please call the County Registrar of Voters at 628–9211, ext. 63231, or the League of Women Voters at 938–3251, or Voter Registration '70 at 478–9701.

Sincerely,

EDWARD R. ROYBAL,
Your Congressman.

VOTER REGISTRATION 1970

(Sponsored by: California League of Women Voters and California Jaycees, Post Office Box #1765, Santa Monica, California.)

If you are not now registered to vote fill in and return.

(Note: filling out and returning this card does not register you to vote, but every effort will be made to have a Deputy Registrar contact you.)

To: Voter Registration '70

We are presently not registered to vote: (Please print)

Names: ________________________________
Address: ______________________________
City: _________________________________
Phone: ________________________________
Best time to contact:
In the Evening.
During the Day.
Call First.
Party preference:
Democratic.
Republican.
Peace and Freedom.
American Independent.
Other.
Decline To State.
Registration closes September 10.

Of course, Mr. Speaker, I am urging all California residents, if they have a chance to register personally, to by all means take advantage of the opportunity, and not wait for a deputy registrar to call on them.

In addition, I am also reminding citizens of the very timely warning adopted by Voter Registration 1970 for their public service advertising campaign: "You Can't Vote, if You Aren't Registered."

LUNAR SAMPLES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the National Aeronautics and Space Administration has, over the last year, made available to a large cross section of the American public the results of our initial lunar exploration. One of the major results of this exploration has been the public display of lunar samples. The demands for exhibits of this type have far exceeded NASA's capability to furnish such samples, but an outstanding job has been done and NASA is increasing the number of exhibits which are available. I am including in the RECORD a letter to me from Dr. George M. Low, deputy administrator of NASA, which outlines in some detail the subject of public exhibition of lunar samples and how NASA is attempting to meet all of the demands for this type of exhibit. The letter follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., July 24, 1970.

HON. OLIN E. TEAGUE,
Chairman, Special Ad Hoc Subcommittee, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The recent hearing on H.R. 10771 of the Ad Hoc Subcommittee of the Committee on Science and Astronautics touched briefly on some aspects of the subject of public exhibit of lunar samples. I would like to take this opportunity to supplement my answers and attempt to give the subcommittee a more complete picture of what NASA has done and is doing to assure that as many Americans as possible have an opportunity to view the materials brought back from the moon by our astronauts and, hopefully, gain some appreciation of their significance.

The attached table indicates the samples that have been available for public display and how many people have seen them in the first year since the first lunar landing. Even with a reasonable allowance for overlap in our attendance figures for individuals who may have seen exhibits more than once, these figures indicate that over six and a half million people in the United States have seen a lunar sample. As a matter of policy—which we have adhered to with only a few unavoidable exceptions—every public display has been accompanied by an exhibit and supporting material which has sought to convey the significance of the sample and the values of lunar exploration so that the viewers do not regard the lunar material merely as a novelty but come away from the exhibit with some appreciation of its broader meaning. In this regard, we believe that the exhibits at 15 major science museums to date, with 41 more planned for the coming year, in addition to the exhibit accompanying the Apollo 11 capsule to all 50 state capitals and the Smithsonian exhibit are especially effective.

The area that has been most difficult for us has been the tremendous number of individual requests we have received for display of lunar samples at particular occasions. During the past year we have received over 1,300 such requests from individuals and organizations all over the country and have been able to fill 74 of them to date. Obviously we cannot meet all of them. Many requests do not qualify under the basic criteria which we have to set as a responsible agency of the government. For example, we have had to reject requests associated with advertising, commercial, or fund-raising activities. We have also had to turn down requests where the sponsors were unable to provide adequate arrangements for the transfer, security, display, and return of samples. In some cases, of course, the scheduling of available samples and exhibits has made it impossible to have a sample available for a particular place on a particular date. Within these necessary constraints we have done our best to give favorable consideration to all requests received.

The question of occasions such as state and county fairs is especially difficult. In spite of good intentions, unacceptable commercial overtones are hard to avoid and the stringent security that must be provided to protect the samples is hard to maintain. Perhaps most importantly, it is our view that the samples should be presented so that the viewer receives full information on the scientific and engineering enterprise that is involved in lunar exploration, and does not regard the samples simply as curiosities. For these reasons, I believe we must consider each proposal of this nature on a case-by-case basis.

Several weeks ago, based on an assessment of our experience to date and the prospective availability for display of Apollo 12 samples, we decided to augment by six the number of samples and associated exhibits available. More recently we have decided on a further increase of two. Thus, as indicated in the attached table, the total number of samples with exhibits available for programmed and individual requests for displays will increase from 10 to 18 by about October 1.

I want to assure you and the Subcommittee that NASA fully appreciates the importance of making lunar samples available for display at every appropriate opportunity and that we will continue to make every effort to respond favorably to Congressional and other special requests.

Sincerely yours,

GEORGE M. LOW,
Deputy Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PUBLIC DISPLAY OF LUNAR SAMPLES[1]

	Number of samples	Number of viewers to July 1970
1. Programed exhibits:		
Major U.S. museums	5	2,660,000
Smithsonian Institution	1	1,905,000
Apollo 11 spacecraft tour to 50 State capitals	1	800,000
United Nations, New York	1	(²)
2. Presented by President to Governors	50	Unknown
3. Other:		
Samples and exhibits available for meeting approved individual requests for scientific meetings and public displays	[3] 2+8	1,440,000
Samples assigned to scientists at institutions throughout the United States which may from time to time be available for local public display	[4] 154	

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[1] Excludes USIA exhibits overseas and samples presented by President to foreign heads of state.

[2] Presented July 20, 1970.

[3] 8 additional samples and exhibits will become available about Oct. 1, 1970.

[4] Number of principal investigators.

READ AND COMPARE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mrs. SULLIVAN. Mr. Speaker, the St. Louis public schools have lost an outstanding leader in the field of education when its superintendent, Dr. William A. Kottmeyer, resigned after 35 years with the public school system. Dr. Kottmeyer has chosen to spend his days in the future writing and in revising some of the 200 textbooks he has authored in the past.

The St. Louis Post-Dispatch has carried a series of two articles, based on an interview with Dr. Kottmeyer, in which he discusses the role of education in the past, the present, and what he anticipates for the future. I want to share his thoughts with my colleagues and to urge that they read and compare the changing patterns as Dr. Kottmeyer presents them:

KOTTMEYER MOURNS AN ALLIANCE'S END

(By Dana L. Spitzer)

William A. Kottmeyer, whose brilliant 35-year public schools career here ended in June when he resigned as superintendent of schools, never has believed that schools alone are the most important institutions in the education of a child.

In Kottmeyer's view schools rarely were effective except as part of a triangle that included the church and the family. When any part of the triangle collapsed, the effectiveness of schools diminished.

There was a time, Kottmeyer said, when that triangle was as solid as the face of a pyramid. But technology and urbanization have crippled the church and have torn the family, leaving the school, still operating as it did 50 years ago, all too often unsupported in the task of educating.

Almost everything that is wrong with urban schools stems from the breakdown of the triangle, Kottmeyer believes.

In St. Louis, as in many other major cities, the average intelligence score of school children is 93, seven points below the national average of 100. In reading, language and arithmetic, children in the city's schools average six months behind national norms.

For three hours on a recent afternoon in a quiet corner of the employes cafeteria at McGraw-Hill, Inc., a publishing firm in west St. Louis County where he is revising the textbooks he has written, Kottmeyer discussed the schools of St. Louis.

He dwelt on why, in his opinion, they probably would never again be as good as they once were. He touched on many education problems: finances, race, teachers, decentralization, curriculum. But, to Kottmeyer, none of these was so threatening to the future of public education as the disintegration of that alliance of church, home and school.

When Kottmeyer speaks about schools, the past is very much with him, lighting the way to a yesterday that he clearly wishes could be tomorrow.

"We must seriously consider the future of public education," he said. "What do we want from our schools? How can we get it and are we prepared to make the necessary commitments?"

Unfortunately, in his estimation, schools no longer command the respect they once

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did from the home. That has meant a disinclination to support them financially, but probably just as important, less co-operation from parents and others.

Kottmeyer discussed the new problems confronting the schools when the massive Negro migration to the North began in the 1940s.

Using City Plan Commission statistics, the School Board says that from 1950 to 1970 the number of whites in the city decreased at the rate of 16,300 a year, while the numbers of blacks increased at the rate of 6800 annually.

A byproduct was two problems detrimental to schools, Kottmeyer said. They were higher divorce rates and lower family incomes.

Traditionally, Kottmeyer said, public schools "took the children of the European immigrants and made the Horatio Alger success story come true for many of them.

"In that little school down on Seventh street, those kids learned what it took to make it in the world. Respect. Hard work. Nose clean. Opportunity waited.

"Who do you think is living today out in Ladue?"

For blacks, he said, the success formula never worked, or at least it did not work as effectively as it had for those who had preceded them in the city schools. Discrimination in jobs and housing erased opportunity from the equation.

Thus alienated, blacks never gave in their homes or their churches the kind of support to schools that European immigrants had given, Kottmeyer said.

Kottmeyer's own German Lutheran background fits well into his scenario of ethnic sons and daughters rising through the system through discipline and hard work. He is a native St. Louisan, Jesuit educated at St. Louis University, where he earned his doctor of philosophy degree.

As a college student, he says, he found most courses boring and took to reading library books when at dry lectures.

"Six a day was my usual quota," he said. "I learned more from those books than in any college course. Most learning is like that. It comes from interest."

Today, his reading pace continues. He devours pamphlets, books and journals at a rate of 900 words a minute.

Starting as a teacher in 1935, Kottmeyer advanced to assistant principal, principal, director of research, assistant superintendent, deputy superintendent, and in 1963 acting superintendent of instruction. He was named superintendent of schools in 1967.

He is regarded nationally as an authority on reading and spelling instruction and has written or coauthored about 200 textbooks and supplementary teaching manuals, some of which are in use here. He receives no royalties from those used here.

Kottmeyer is quick to concede that the old days, when he and other members of the St. Louis Philosophic Society sought to make the city the cultural center of the world, may not have been the best of times.

The important thing is that people thought they were, he said. The propaganda of home, church and school was so closely entwined, and so rarely challenged, that for most people illusion was reality.

"The church told Sonny to honor his mother and father. It told Papa to forget about chasing his neighbor's wife. Nobody pays any attention today. But they did then. They knew they would burn in hell, by God, if they didn't.

"You had the father then not separated from his family by divorce or business obligations, as is too often the case today. He gave stability to his home and earned the respect of his children.

"'You listen to the teacher, son,' Papa would say. 'I don't want to hear about trouble. Teacher knows what is good for you. You listen.'

"Parents don't care like that any more. Or if they do, it's usually on the side of the kids, rather than the teacher."

It was the teacher, preferably in Kottmeyer's mind the stereotypical spinster, who amalgamated the church, home and school. Through her, the dark-eyed little Italian boy and the freckled Irish lass learned that reading and writing and arithemetic had an auxiliary purpose; to create good American citizens. Schools transmitted society's political and social values to the young, thus preserving stability and consensus in the adult community.

A good American knew that as long as he operated within the bounds of patriotism and the Ten Commandments, things would work out. They had to. All that he had learned, through teacher and priest, mother and father, said they would.

The system worked, Kottmeyer believes, and perpetuated itself because, unlike today, few teachers questioned the precepts they had inherited. Their commitment was to their children, not to reforming the system.

"There is no one like her today," he remarked wistfully of that teacher of yesteryear.

"That stern-faced Irish gal went into a crummy school down on Pestalozzi and taught those little immigrant children how to learn.

"No husband to attend to. No children of her own. She loved those children in her classroom. Night and day, she cared about them, helping them to do well. You can do it, Tony, she would say. You're a smart boy, Tony. You can do it."

When Tony made it, his success was the teacher's consecration. It is what hooks every good teacher, Kottmeyer believes.

"There is no greater inspiration on the face of this earth than to take the raw mind of a child and teach it how to learn."

The teacher Kottmeyer refers to "took $100 a month for her job and was glad to get it. Those kids and their parents were her life. Devoted. How many teachers today have that kind of commitment?

"Today they try to do the job in six hours a day and want a larger pay check every year."

Skill Emphasized by Kottmeyer

(By Dana L. Spitzer)

William A. Kottmeyer concedes that he knows neither the full significance of some current trends in education nor the answers to some of the problems they create.

But in a recent interview Kottmeyer, who resigned as superintendent of schools in June, discussed some of these trends casting the light of his 35 years' experience on the shadow that haunts schools here.

Foremost, he believes, is the demand by teachers for a greater voice in school policy. Justified as they are, he says, teachers probably are alienating themselves even more from the community.

Teachers, he says, have not convinced others that they are as concerned with school children as they are with their own pay checks.

"School people wonder why taxpayers don't love them. But what have teachers ever done to show that they love those kids?

"We as educators have been most to blame for not opening contact with parents," he said.

This, he said, has created a latent hostility among parents that has been fueled by the laziness of bad teachers and, most unfortunately, the arrogance of good ones.

Kottmeyer has only lately come to appreciate what John Dewey suggested about 75 years ago, that is that "genius among teachers is as rare as genius in other realms of human activity. Education is, and forever will be, in the hands of ordinary men and women."

He remarks that "teachers have never been the brightest people in the world," citing studies showing the performance scores of education students to be among the lowest of all college students.

That view has been modified somewhat in the few short weeks since he retired, by his exposure to persons outside professional education.

"I was really quite appalled by some of them. So I suppose you could say that teachers are no dumber than most people."

The quality of teachers concerns Kottmeyer because he believes fervidly that "there are no good schools or bad schools. Only good teachers and bad teachers."

There is little difference between Roosevelt High School and Country Day School, between Harvard and St. Louis University he says, except in the quality of students. Good teachers and bad teachers will be found in like numbers at all of them.

He ranks first among teachers' skills the ability to teach reading, which he defines as the skill of taking information from a printed page with pleasure. That should be the first learning objective of every child. All else stems from it, he said.

"Most of our education comes from our own reading," he noted, "and most of that is outside the classroom."

Unfortunately, too many teachers, maybe more than half, do not know how to teach reading effectively, Kottmeyer said. He would like to see more in-service training by experienced teachers to improve their ability to teach reading.

Remedial courses and smaller classrooms (such as his own brain child, Rooms of 20), can only help correct damage that should not have been inflicted in the first place, he said.

Kottmeyer aligns himself with a growing number of authorities, including psychologist Kenneth Clark, who contend that such labels as "culturally deprived" or "disadvantaged" for lower-class youngsters have been used too often by educators to hide their own incompetence.

Some children come to school better prepared than others, but he believes that if a teacher knows how to teach, has the right materials and believes the child can learn, then a so-called "disadvantaged" black child probably can be taught as effectively as anyone else.

Kottmeyer believes that teachers ultimately will come to have a powerful voice in school policy. It is an unfortunate fact of the American education system, he says, that policy-makers—principals and superintendents—have usually been the worst teachers.

"A guy found he didn't like the classroom and the pay was better as a principal, so he trotted off to summer school and picked up the necessary credits to become a principal," he said.

It is understandable that good teachers, left behind in the classrooms, have become fed up with many of the decisions of such administrators, he said.

The drive by teachers, however, is bound eventually to conflict with the decentralization or community-control movements by parents, Kottmeyer predicts.

"Both of them want to run the show and they are headed on a collision course. We've already seen it happen in New York City."

The effort to reduce the authority of central boards of education here and in other

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cities is probably healthy, Kottmeyer says. He sees it as "a groping for a common purpose between home and school," thus a reoccurrence of an alliance that he says has been absent from schools here for several years.

He says, however, that decentralization probably will cost more money because it reduces the efficiency of the centralized bureaucracy now in charge of schools.

Likewise, the demand by teachers for more freedom with curriculums will cost more, he said. And he is not so sanguine about its worth.

"Think of the migrant, mobile population of St. Louis," he said, noting that many ghetto children move to as many as six schools in one year.

Individual curriculums in each of those schools would be baffling to such children, he said. There probably would be little systematic progression of learning.

Kottmeyer believes that there is a better alternative to decentralizing the city's schools from within. It is reorganizing them from without.

In 1968, Kottmeyer proposed to the Missouri School District Reorganization Commission a reorganization of all school districts in the city and county.

He recommended that all present school districts be abolished and replaced with a metropolitan board of education. The board would draw the boundaries of 10 school districts, each governed by a local board and each relatively equal in wealth and racial composition.

Such a system would insure that all children in the area receive an equal educational opportunity, he said.

In the absence of massive inputs of state and federal aid for city schools, reorganization along those lines could improve the quality of education for city children, he believes.

Kottmeyer has been an adherent of neighborhood schools, a position that has subjected him to criticism from desegregation forces.

The racial composition of schools here has followed that of the neighborhoods where they are situated. Busing has been used rarely except to reduce overcrowding.

In a system that is 65 per cent black, busing to achieve racial balance does not make sense, he says. Not only would it probably drive whites out of the city even faster but, more important in his view, it places the schools of black children farther from their homes.

Distant schools mean little parental interest and only accent the breach between home and school in many black families.

"The poorer people are, the less likely they are to travel across town for a school meeting."

Which brings Kottmeyer to perhaps his most controversial educational position, one that has seen him at odds with the integration movement in education policy, but one for which he may ultimately be vindicated.

It is not that he is against integration. He is not. When it is practicable, for example, in integrated neighborhoods, he thinks it is desirable.

But integration per se is not so important as effective teaching and healthy attitudes about learning by parents, children and teachers, he said.

"The social value of having a black kid sitting next to a white kid, although beneficial, is little, compared to the benefits from effective teaching."

As city school systems become more and more black, making integration passe, Kottmeyer sees better teaching as the only practical way of providing blacks with equal educational opportunities.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

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